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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, SECOND SESSION

## SENATE—Thursday, June 10, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

### PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Dr. Joseph Castleberry, president of Northwest University, in Kirkland, WA.

The guest Chaplain offered the following prayer:

Let us pray.

"Our Father who art in heaven, hallowed be Thy Name. Thy Kingdom come, Thy will be done, on Earth as it is in heaven." As our founding mothers and fathers prayed before us, we ask again that You would make America a shining city on a hill. Make our land a beacon to all the world of the sacred values Your Kingly rule has taught us. Turn our hearts anew toward You, and let righteousness exalt our Nation. Pour out Your Spirit upon us, and hasten the day when peace will reign in the Kingdom.

Protect our military personnel around the world with Your strong hand and heal those who are wounded. Bless their families with the soothing touch of Your presence.

Bless these Senators and their staffs today with love and friendship, health and strength, wisdom and prudence, holiness and hope. Let them feel Your presence in the godly work of justice with which we have charged them. Let the cherished ideals of our Nation rule their deliberations this day and always.

We pray these things in the Name of the King of Kings and Lord of Lords. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 10, 2010.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that the Senator from Washington, Mrs. MURRAY, be recognized for whatever time she may take. Following that, I will announce the schedule for today and give an opening statement. We will see if at that time Senator MCCONNELL will be here to give a statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Washington.

### THE GUEST CHAPLAIN

Mrs. MURRAY. Madam President, I am delighted to be here today to welcome our guest Chaplain, Dr. Joseph Castleberry, to the Senate. Dr. Castleberry is president of Northwest University in Kirkland, a town not far from where I grew up in Bothell, WA.

Northwest is a Christian university comprised of six schools and colleges,

including arts and sciences, business education, nursing, social and behavioral sciences, and ministry. The university offers about 50 undergraduate programs, eight master's degree programs, and a doctor of psychology program.

The school prides itself on its three core values of spiritual vitality, academic excellence, and empowered engagement.

Dr. Castleberry is an ordained minister in the Assemblies of God, the university's sponsoring denomination. His distinguished career has focused on both faith and education. He earned a bachelor of arts degree from Evangel University in 1983, a master of divinity degree from Princeton Theological Seminary in 1988, and a doctor of education degree in international educational development from Teachers College, Columbia University, in 1999.

In addition to that impressive background, Dr. Castleberry has a wide array of experience as a missionary, educator, and pastor. For over two decades, in fact, he served communities throughout Central and South America where he was involved in education, church planning, and community development.

Dr. Castleberry is the founder of the Freedom Valley Project. It is a community development ministry among African-American people of Ecuador's Chota Valley region. He is active in a number of academic and cultural programs devoted to furthering interreligious understanding and dialog.

Dr. Castleberry and his wife Kathleen have three daughters—Jessica, Jodie, and Sophie. I was also very amazed to learn that he speaks a remarkable 10 languages.

I am very pleased Dr. Castleberry could join us in the Senate today. I thank him for his service to the students and faculty at Northwest University, as well as his dedication to helping communities around the world.

I also thank Senate Chaplain Dr. Black for inviting Dr. Castleberry to deliver the opening prayer for the Senate this morning.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

## SCHEDULE

Mr. REID. Madam President, today at a quarter to 10, the Republican leader or his designee will make a motion to proceed to S.J. Res. 26, which is a joint resolution of disapproval of a rule submitted by EPA relating to the endangerment findings and the cause or contributing findings for greenhouse gases. There will be up to 6 hours of debate equally divided between Senators MURKOWSKI and BOXER or their designees, with the controlled time alternating in 30-minute blocks, with Senator MURKOWSKI controlling the first 30 minutes. If all time is used, the vote on the motion to proceed will occur at 3:45 p.m. If the motion to proceed is agreed to, there will be an additional 1 hour of debate on the joint resolution prior to a vote on passage of the joint resolution.

As I indicated yesterday, there will be no rollcall votes tomorrow or Monday, June 14.

## EPA RULE

Mr. REID. Madam President, the Murkowski resolution, which we will take up soon, will increase pollution, increase our dependence on foreign oil, and stall our efforts to create jobs and, in so doing, stall our efforts to move to a clean energy economy.

This resolution does nothing to create jobs in Nevada or anyplace else in our country. It does create jobs in places from where we are importing oil—the Middle East, Venezuela, places such as that—but not in our country.

In fact, this resolution will damage the certainty and clarity that businesses want to invest in innovative and job-creating technologies that reduce pollution. This includes clean renewable power using the Sun, the wind, and geothermal energy.

This resolution is not going to help bring us closer to providing more incentives for the production or use of clean-burning natural gas. This resolution is not going to help provide funding for Nevadans or Alaskans or any other State to cope with and adapt to a changing and increasingly unfriendly climate.

Forcing this vote seems to be a largely partisan political ploy designed to divide Democrats and Republicans and to pander to the dirty, just-say-no crowd. They want business as usual with no limits on their ability to pollute.

The White House has made it clear that the Murkowski resolution would be vetoed if it passes. We all know, in fact, if it does pass and a veto is made, that it would be sustained.

We also know that this resolution is a great big gift to big oil, at least 455 million more barrels of oil would be used, making at least \$50 billion extra for the oil companies, and billions more if this resolution were to become

law. And most of that oil will come from overseas. We know that.

Is this the kind of business as usual the American people want? Of course not. No, the public wants companies to give them choices of cars, products, and fuels that are less polluting, affordable, and made in America, not from the Persian Gulf, China, or other places.

This resolution is very much a choice about the future of our country. Do we want to return to the days when big oil and their friends, with OPEC's help, decided America's economic destiny or are we going to work together to solve the incredibly difficult problems posed by the way we produce and use energy? Are we going to work together to reduce pollution?

I am convinced that we can pass strong, bipartisan legislation to create jobs, protect the environment, and make a safer and more secure future. But that would require the help of everyone in the Senate to be involved in a constructive engagement, and only a few have stepped forward. I hope that changes soon.

Will the Chair announce the business before the Senate?

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## RESOLUTION OF OPPOSITION

Mr. MCCONNELL. Madam President, later today, the Senate will vote on an issue of vital importance to every American family and business, and that is whether the Environmental Protection Agency should be allowed to impose a backdoor national energy tax on the American people.

This vote is needed because of the administration's insistence on advancing its goals by any means possible, in this case by going around the legislative branch and imposing this massive, job-killing tax on Americans through an unaccountable Federal agency.

Ironically, just last year, President Obama and EPA Administrator Lisa Jackson took the position that on an issue of this magnitude, which touches every corner of our economy, Congress, not the EPA, should determine how to reduce greenhouse gas emissions. But now that it is clear Congress will not pass this new national energy tax this year, the administration has shifted course and is now trying to get done through the backdoor what they have

not been able to get through the front door.

Like the cap-and-trade legislation they would replace, these EPA regulations would raise the price of everything from electricity to gasoline to fertilizer to food on our supermarket shelves. That is why groups representing farmers, builders, manufacturers, small business owners, and the U.S. Chamber of Commerce are so strongly opposed to these EPA regulations and so supportive of the Murkowski resolution to stop them.

These groups know these backdoor moves by EPA will deal a devastating blow to an economy already in rough shape. And so does the President. He said himself that his plan would cause electricity prices for consumers to "necessarily skyrocket." The President himself said this plan would cause prices for consumers to "necessarily skyrocket."

At a time of nearly 10-percent unemployment, these new regulations would kill U.S. jobs. According to one estimate, the House cap-and-trade bill would kill more than 2 million U.S. jobs and put American businesses at a disadvantage to their competitors overseas.

Closer to home, these regulations would be especially devastating for States such as Kentucky and other Midwestern coal States. EPA regulations resulting in dramatic energy price increases would jeopardize the livelihoods of the 17,000 miners in our State and an additional 51,000 jobs that depend on coal production and the low cost of electricity that Kentuckians enjoy. That is why in the last few days alone, my office has received more than 1,000 letters, e-mails, and phone calls from Kentuckians opposed to this effort from EPA.

A lot of Kentuckians work hard to ensure that our State has the lowest industrial electricity rate in the Nation, and that is something we are proud of at home.

This bill would lead to a dramatic increase in these electricity rates, punishing businesses both large and small.

But the job losses would not stop there. As I indicated, this backdoor energy tax would be felt on farms as well, where increased energy and fertilizer prices would drive up costs for farmers and livestock producers who do not have the ability to pass on these increases. This would be an especially painful blow to them, and that is why the Farm Bureau and many other farm groups oppose what the EPA is trying to do.

There are many different views in this body on how to reduce greenhouse gas emissions. Some favor the Kerry-Lieberman cap-and-trade bill, a significant portion of which, by the way, has been pushed by the oil company BP. Many Members on this side of the aisle have proposals they support as well.

One thing we should be able to agree on is that the worst possible outcome is for the unelected bureaucrats at the EPA to unilaterally impose these job-killing regulations. That is why it is my hope that later this afternoon we will vote to stop this blatant power grab by the administration and EPA and pass Senator MURKOWSKI's legislation to stop this backdoor national energy tax dead in its tracks.

This effort by the EPA would be devastating for jobs and an economy that needs them desperately. It is bad for the economy and bad for representative democracy. It should be stopped.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

#### RESOLUTION OF DISAPPROVAL OF EPA RULE—MOTION TO PROCEED

Ms. MURKOWSKI. Madam President, during the Memorial Day recess, we received two pieces of alarming news that should inform the work of every Member in this Chamber. First, we learned the national debt has surpassed \$13 trillion in total, and then shortly after that, we learned that nearly all the jobs that were added in May came from temporary census positions. The private sector created just 41,000 jobs last month—many fewer than expected and certainly a far cry from the pace that will allow us to dig out from under this economic recession.

I think we all recognize there is no question that our recovery is still fragile—very much in doubt. It is also quite clear it will take some time for millions of unemployed Americans to find their jobs and get back on their feet again. These tough facts should encourage us to focus on these policies that create jobs, that reduce our debt, and at the same time should encourage us to guard against policies that fail in either or both of those areas.

Madam President, we are here today to debate a policy that works against both of those goals—the Environmental Protection Agency's effort to impose economy-wide climate regulations under the Clean Air Act. The sweeping powers being pursued by the EPA are the worst possible option for reducing greenhouse gas emissions, and there is broad bipartisan agreement that this approach would forgo all of the benefits, all of the protections that are possible through legislation. It would reduce emissions at an unreasonably high cost and through an unnecessarily bureaucratic process. It would amount to an unprecedented power grab, ceding Congress's responsibilities to unelected bureaucrats, and move a very important debate, a critical debate, from our open halls to behind an agency's closed doors.

This approach should have been, could have been taken off the table long ago. Yet because the EPA is deter-

mined to move forward aggressively and because neither Congress nor the administration has acted to stop them, it is now in the process of becoming our Nation's de facto energy and climate policy.

Because this is our worst option to reduce emissions and Congress needs time to develop a more appropriate solution, I have introduced a resolution of disapproval—I introduced this back in January—to halt the EPA's regulations. My resolution does not affect the science behind the endangerment finding, but it will prevent the finding from being enforced through economy-wide regulations.

Forty other Senators here in this body have joined me and are cosponsors of this effort. Our resolution has garnered significant support among the American people, and from the day it was introduced, we have had individuals and we have had groups and organizations from all across the country that have expressed their support and their appreciation. It really is a tremendous coalition, a significant coalition from farmers and manufacturers, to small business owners, to fish processors. There are more than 530 stakeholder groups that have endorsed our resolution's passage, and I will tell you, when you look at some of those groups, you would not put them in a category where you would say: Well, this is an entity that is standing up to fight, to push back against the EPA. But I will suggest to you that the broad range of stakeholders is really quite impressive.

Despite that support, I will still be the first to admit that we face an uphill battle. We oppose the EPA's regulations because of their costs, most definitely. But, unfortunately, that seems to be precisely why some Senators have gone out front to support them, hoping these economic costs will be so onerous that it will force us here in the Congress, here in the Senate, to adopt legislation we otherwise wouldn't move to do.

This has been an interesting, sometimes difficult and contentious several months as we have moved forward with this resolution of disapproval. Personal attacks have been directed at supporters of this resolution in an effort, I think, to intimidate others from adding their names.

The EPA Administrator has, somewhat incredibly, suggested our resolution was somehow related to the oil spill that is ongoing in the gulf. Some have even claimed the resolution is a bailout for the oil companies and are trying to make sure we don't let another crisis go to waste—in other individuals' terms—in their efforts to pass sweeping cap-and-trade measures. I would suggest that the only similarity I see between the spill in the Gulf of Mexico and the EPA's regulations is that both of these are unmitigated dis-

asters. One is happening now; the other one is waiting in the wings if Congress fails to adopt this resolution.

This decision—where we are today here in the Senate debating this resolution of disapproval—ultimately boils down to four substantive factors. The first one is the inappropriateness of the Clean Air Act for reducing greenhouse gas emissions. The second is the likelihood that the courts will strike down the tailoring rule. Then we also have the lack of economic analysis from the EPA, which is stunning—that we do not have a better sense in terms of what the economic impact of these regulations will be. Then finally and certainly above all else is the undisputed fact that climate policy should be written here in Congress. It is not just LISA MURKOWSKI who says that, and it is not just the other 40 Senators who have signed on as cosponsors to this resolution of disapproval; it is everyone from the President, to the Administrator of the EPA, to colleagues on the House side who have said time and time again that it should be the Congress, it should be those of us who are elected Members of this body who set the policy of this country and not the unelected bureaucrats within an agency.

I would like to speak to each of these four factors in a little greater detail, so I will start by examining why the Clean Air Act is such an awful choice for reducing these emissions. I have explained this many times before, so I will reiterate two main points here—first is the way these regulations are carried out.

You have command-and-control directives that are issued by the government that affect every aspect of our lives, rather than market-based decisions made by consumers and businesses. I wish to reinforce that, the fact that these are directives that will impact every aspect of our lives.

When we were debating health care reform here on this floor not too many months ago, it was repeated time and time again that it was so important we get this right because health care reform will impact one-sixth of our economy. Well, I would suggest to you that when we are talking about climate policy, that is something which is going to impact every aspect—100 percent—of our economy.

The system imposed by the EPA will entail millions of permit decisions—millions of permit decisions—by mid-level EPA employees, without effective recourse, and it will leave regulated entities with very little flexibility to comply.

Another reason the Clean Air Act is extremely complicated for reducing greenhouse gas emissions: the Clean Air Act's explicit regulatory thresholds. They absolutely put an exclamation mark on why this law is such a poor choice for addressing climate change.

Under the Clean Air Act, if you emit more than 100 or 250 tons of a pollutant each year, you must acquire a Federal air permit. These relatively low limits make sense for conventional air pollutants that are emitted in small quantities, but they become wildly problematic when dealing with a substance emitted in huge volumes through nearly every form of commerce, such as carbon dioxide is.

So the question needs to be asked, then, how big is this new regulatory act we are talking about? The EPA recently projected that some 6.1 million sources could be required to obtain new title V operating permits. Under the current regulations, the EPA is dealing with about 15,000. So the EPA would now be charged with moving up dramatically from regulating and issuing about 15,000 title V operating permits to some 6.1 million permits. Whom does this include? It would include millions of residential buildings, small businesses, schools, hospitals, and restaurants found in every town in America.

Over time, the EPA's approach would increase their regulation by an order of magnitude, and the consequences would be just as enormous. And no one is more aware of this very uncomfortable fact than the EPA itself. They know they can't go from the 15,000 permits they currently deal with on an annual basis up to 6.1 million permits. That is why the Agency has attempted to very dramatically increase the threshold for greenhouse gases in its tailoring rule. They are unhappy with the plain language, the very direct language of the Clean Air Act. The Agency plans to lift its limits up to 1,000 times higher than Congress has directed.

So what you have is a situation where the EPA has simply not accepted that the Clean Air Act is not structured for this task, and instead they have attempted to make it so by ignoring the plain language—the plain language that says you have to regulate at 100 or 250 tons per year. They are effectively unilaterally amending the Clean Air Act.

Equally astounding is that by temporarily relieving part of a permitting burden, the EPA is claiming that consumers and businesses—the people who purchase and the people who use the energy—will face no economic impact, which is incredible to believe.

I ask my colleagues to think about the logic behind the tailoring rule. The EPA is asking us to accept that while greenhouse gases are not in the Clean Air Act, the Congress clearly intended them to be regulated under it. At the same time, we are expected to believe that while explicit regulatory thresholds are in the act, Congress meant for the EPA to ignore them. Well, Madam President, I would suggest to you that is a pretty thin read, and it becomes even thinner when you consider the

changes that are made between the tailoring rule that was proposed just last year and then the final rulemaking that was issued just last month.

In last year's draft, what you saw was the EPA planning to ratchet down to the Clean Air Act's actual threshold levels—to get down to the 250 tons per year—and to put that into effect over the course of the next 5 years. Now the EPA is suggesting that it may exempt entire sectors and never even reach the statutory limits. Think about it. What happens then? That is when the lawsuits pop up. This is not going to provide the level of certainty I think those in business are seeking. What you will see is lawsuits as some sectors and some sources are regulated while others are not. And I would suggest that difference between the tailoring proposal from last year and where we are now is driven not by the law but by fear of the political backlash out there—the outrage from people all over the country in terms of the negative economic impact to them and their families and their communities.

That is why it is tough to find an impartial legal expert who believes this tailoring rule will actually hold up in court. Consider a speech given last year by Judge David Tatel of the DC Circuit Court of Appeals. This was a speech on how the EPA can avoid being sued over its rulemakings. Judge Tatel said:

... whether or not agencies value neutral principles of administrative law, courts do, and they will strike down agency action that violates those principles—whatever the President's party, however popular the administration, and no matter how advisable the initiative.

Those were the comments from a DC Circuit judge specifically on this issue as to how the EPA avoids lawsuits.

Let me move to the third area of concern I have with EPA moving to regulate in the area of greenhouse gas emissions—the economic consequences of EPA regulation. We have to ask the question: What exactly are those consequences? Believe it or not, at this point in time we still do not know because the EPA has refused to provide projections of the economic impacts. In the various rulemakings out there, the Agency has engaged in something of a shell game. They are either hiding or they are simply not considering the economic cost.

The EPA has also ignored requests from Members of Congress. I have asked them, and other Members of Congress have asked, to conduct this very important analysis, but to this day the Agency still has not provided anything close to a full projection of the economic impact its economy-wide climate regulations will have.

I guess there were a couple of reasons. The EPA either has no cost estimates or they know they are too astronomical to calculate, and they do not

want them released. My staff has had numerous briefings with EPA officials, and they have been told essentially that we will not know how much these regulations cost until the best available control technologies are imposed on the regulated entities; that is, until the EPA figures out how to deal with what it signed itself up for.

The problem is, the best available control technologies remain completely undefined at this point. It could mean efficiency improvements, expensive add-on technologies, or even fuel-switching requirements. Over time, the EPA would have very little choice but to impose all of those requirements and more, regardless of the consequences.

Again, it is not hard to find this quite amazing and alarming. We need to be growing our economy not paralyzing it. Everything we do right now within this body should be focused on how we grow our economy, how we grow the jobs from Maine to Alaska and points in between. We know the national unemployment rate remains at almost 10 percent. Private sector job growth is anemic. Yet as millions of Americans are doing everything they can just to find work, bureaucrats in Washington, DC, are contemplating regulations that would destroy these opportunities.

Worse still, the people of our States have no voice in this bureaucratic process. They are on the verge of being subjected to rules, subjected to regulations that will directly impact their lives, their livelihoods, their economic opportunities, without ever having an opportunity to express their concerns through their Representatives in Congress.

That brings me to my final point. Politically accountable Members of the House and the Senate, not unelected bureaucrats, must develop our Nation's energy and climate policies. It is as direct as that. Those policies must be able to pass on their own merits instead of serving as a defense against ill-considered regulations.

I have said this before, but it bears repeating: Congress will not pass—should not pass—bad legislation in order to stave off bad regulations. We are neither incapable nor unwilling to legislate on energy and environmental policy. We have demonstrated this in the past. We did this with landmark environmental legislation such as the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act. We can, we should, and we will deal with these environmental challenges that face us. But forgoing legislation in favor of regulation would sacrifice the priorities and protections that are sought by just about every Member of the Senate.

The things that are being considered when we talk about climate legislation are worker training, funding for clean

technologies, energy security enhancements, border adjustments, manufacturing concessions—these would all go by the wayside if climate policy is directed through regulation as opposed to legislation. There will be no agricultural offsets, no free allowances, no banking, and no borrowing under the Clean Air Act. There will be no funding for climate research or adaptation, no protection for consumers, and no assistance for businesses or workers.

I do understand some Members say they will only support climate legislation that puts a price on emissions. They are frustrated that we in the Senate have not done that—have not agreed to do that yet. But I do not believe that mandating higher energy costs and imposing regulations on consumers and businesses is the only way to solve this challenge.

Some have likened the EPA regulation as the gun to the head of Congress that will force us somehow to act more quickly on climate legislation than we otherwise would. I think, sadly, a few Members of the Senate have actually bought into this coercive strategy. Throughout the yearlong debate on this issue—and it has been just about a year. It was last September that I attempted to introduce legislation that would put the EPA in a 1-year timeout. I was not allowed to bring that measure to the Senate floor. But throughout this yearlong debate on the issue, opponents have refused to discuss the actual impacts of EPA regulation. So I want my colleagues to listen today, listen to the debate. See if any opponents actually defend such regulation as being good for America.

Instead, we are going to hear red herrings about science, about fuel standards, about the oilspill. But as much as some would want it to be, this debate is not about the science of climate change. It is not a referendum on any other legislation that is pending in the Senate, nor is it about fuel efficiency. The Department of Transportation is and has been in charge for 35 years now, and we do not need another agency and another standard thrown into the mix to do the same job.

We updated our Nation's CAFE standards less than 3 years ago to at least 35 miles per gallon, and we left DOT in charge of their administration. We also outlined a very rational process for standards for medium- and heavy-duty trucks. Every target set by this administration can be met with existing authorities. As the Department of Transportation has admitted, our resolution does not directly impact their ability to regulate the efficiency and thus the greenhouse gas emissions of motor vehicles.

There is one very small potential exception and that is air-conditioning, but I have very little doubt that we would gladly provide EPA with the specific authority to regulate those sys-

tems instead of broad powers over our entire economy.

The EPA does not need to take over this process, and it should not be allowed to do so under a law that was never intended to regulate fuel economy. I understand concerns about a patchwork of standards and how difficult it would be for the industry to comply. But while we had one national standard at the start of 2009, we now have two national standards set by two Federal agencies driven by California's standards. I have a letter from the National Automobile Dealers Association dated just yesterday that spells this out quite clearly. They indicate that it in no way helps us to have, again, two national standards set by two Federal agencies. The best way to avoid a messy patchwork would be to pass our disapproval resolution, revoke California's waiver, and allow one Federal agency to set one standard that works for all 50 States.

Bringing climate science, the oilspill, and fuel economy into this debate are attempts at misdirection. They are red herrings that are intended to convince Members to oppose the resolution of disapproval. But this debate has nothing to do with those topics. It is about finding the best approach to reduce emissions and defending against policies that fail to strike an adequate balance between the environment and our economy. It is about maintaining the separation of powers between the legislative and the executive branches as our Founding Fathers intended and rejecting an unprecedented overreach by the EPA into the affairs of Congress. At its core, this is a debate about jobs, about whether we should seek conditions that will lead to their creation or enable policies that will destroy them.

This is our chance to make sure that Federal bureaucrats do not place a new burden on millions of hard-working Americans at a time that they cannot afford it and in a way they cannot reject. The time has come to take the worst option for regulating greenhouse gases off the table once and for all.

Under the procedures of the Congressional Review Act, I accordingly move to proceed to the consideration of S.J. Res. 26. I encourage Members of this Chamber to support debate on this measure and to vote in favor of both the motion to proceed and final passage.

I know under the unanimous consent agreement, this morning and throughout the day it is 30 minutes per side. I am not certain how much time I have consumed this morning, if the chair can instruct me?

The ACTING PRESIDENT pro tempore. The Senator has 2 minutes remaining.

Ms. MURKOWSKI. I know Senator LINCOLN was hoping to come over this morning. What I will do at this point in time, if I may reserve those 2 minutes,

seeing that Senator LINCOLN is not yet here, we can move to the Democratic side of the aisle, if Senator BOXER is ready to proceed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The motion having been made, under the previous order there will now be up to 5½ hours of debate on the motion to proceed with the time divided and controlled, in alternating 30-minute blocks, by the Senator from California and Senator from Alaska.

Mrs. BOXER. Madam President, this is a very important debate. The Murkowski resolution we are considering today would overturn the endangerment finding developed by scientists and health experts in both the Bush and Obama administrations that too much carbon pollution in the air is dangerous—dangerous for our families, dangerous for our environment. Imagine, 100 Senators—not scientists, not health experts—deciding what pollutant is dangerous and what pollutant is not. Personally, I believe it is ridiculous for politicians, elected Senators, to make this scientific decision. It is not our expertise; it is not our purview.

The Murkowski resolution threatens jobs, jobs that we need, that are made in America for America.

Our hearts break every day that we look at what is happening in the Gulf. It seems to me more than ironic that Senator MURKOWSKI is advocating repealing the scientific finding that too much carbon pollution in the air is dangerous, at the same time every American sees graphic evidence on television every single day of the deadly carbon pollution in the Gulf of Mexico.

We see here in the saddest pictures what too much carbon-based pollution does in water, what it does to our shorelines, what it does to our beaches, what it does to our wetlands. I will show a couple of other photographs. They are almost too painful.

But what we do here has consequences. And for someone to come to this floor and say too much carbon is not dangerous, then I am sorry, we are going to have to look at these pictures even though we do not want to. We know the devastation this causes. Our eyes do not deceive us.

This horrific spill in the gulf has disrupted the lives of hundreds of thousands of people employed by fishing industries, tourism industries, recreation industries along the gulf coast. So, yes, this resolution, this Murkowski resolution, is about jobs.

Yesterday, Madam President, in your committee on which you serve—and I am so proud to have you as a member of the committee, the Environment and Public Works Committee—we heard from Captain Michael Frenette. He owns the Redfish Lodge in Venice, LA. He shared with us the terrible pain, both personal and economic, that

the people of the gulf region are living through.

This is what he said:

The possibility truly exists for many livelihoods to cease; livelihoods that have existed for generations and now are on the brink of financial disaster because of poor decisions by a supercorporate entity that has created the worst oilspill in history off the coast of Louisiana.

This spill is threatening the \$18 billion in economic activity generated by fishing, tourism, and recreation on the gulf coast. The economic damage in the gulf could last for years to come, although we will, of course, do everything in our power to mitigate that damage.

I want to show you the pictures of the unspoiled California coastline and talk a moment about our coastal economy. Ever since I have been elected to public life—I was a county official, then a House Member, and then the greatest privilege of all, to serve in this body—I have fought to protect our coasts. I have fought to protect our coasts because I believe they are a gift from God. I believe it is our responsibility to protect that gift and to leave that gift for future generations. I have fought to protect that coast and I have fought to protect those businesses, the businesses that depend on it.

There are so many other beautiful areas such as this along our Pacific coastline—spectacular rocky islands, sandy beaches, estuaries. We must preserve these treasures.

Now \$23 billion is the economic activity that supports 388,000 jobs off the coast in California. In my home State, our 19 coastal counties account for 86 percent of the State's annual activity, for more than \$1 trillion. We must move to clean energy, to protect our environment, to protect our jobs. We have to move away from the old ways.

No one can tell the American people that carbon is not a danger, because they have seen it every day of this spill. To say there is no danger, and that is what we would be saying today, is absolutely contrary to everything people are seeing every day, and do it for big oil. That is what this is about. Big oil backs the Murkowski resolution.

So whose side are we on? Are we on the side of the people? Are we on the side of clean energy jobs? Are we on the side of the lobbyists and special interests that are behind this resolution?

How does the Murkowski resolution threaten clean energy jobs? We know that to move forward with smart regulation of this pollutant, you have to have the endangerment finding. It is the predicate for moving forward. Therefore, it is the predicate for the incentives that will come for clean energy technology.

We must transition away from those old polluting sources of energy. We must look toward the future with opti-

mism. And, again, all you have to do is look at the gulf. That is the irony of the timing of this Murkowski resolution.

I think when the timing was set, it was before the gulf spill. But the gulf spill tells us why the Murkowski resolution is so wrong. To repeal an endangerment finding, straightforward, made by health experts in the Bush administration, scientists in the Bush administration, health experts in the Obama administration, scientists in the Obama administration, for 100 elected people, with no expertise to say, we know more than the scientists in the Bush and Obama administrations, we know more than the health experts in the Bush and Obama administrations is the height of hubris. It is wrong. I know we all feel that we have powerful positions here. We have no right to do this. What is next? What are we going to do next, repeal the laws of gravity? If we start down this path, there is no end in sight. Any Senator can decide that she or he knows more than the scientists. Maybe we will say the Earth is flat and come down here and argue that one too.

Everyone knows we are not going to move away from the old energies overnight. We need to work together to make sure we do it right. But we need to move, move toward a clean energy economy, and the good jobs that come with it. This will set us back on purpose. On purpose. Because the very people who are bringing you this have not come forward with any bill to move us away from these old energies. They are stopping us from doing it. They admit it.

Let's hear what John Doerr, who is one of the leading venture capitalists in this country and in the world—he helped launch Google, he helped launch Amazon. He tells me that more private capital moves through the economy in a day than all of the governments of the world in a year. This is where we are going to get the stimulus money to grow jobs.

He told us that clean energy legislation is the spark we need to restore America's leadership. He predicted that the investments that flow into clean energy would dwarf the amount invested in high-tech and biotech combined.

Mr. Doerr said:

Going green may be the largest economic opportunity of the 21st century. It is the mother of all markets.

We can either believe the oil lobbyists or we can believe the people on the ground who have shown that they know where the economic opportunities are. If we go this route, and we repeal this endangerment finding, you are moving away from clean energy. You are moving away from these opportunities. You are moving away from these technologies that will be made in America for America and, frankly, the technologies the whole world wants.

A recent report by the Pew Charitable Trust found that 125,000 jobs were generated during the period of 1998 to 2007 in my home State. Those jobs, those clean energy jobs, were generated 15 percent faster than the economy as a whole, and 10,000 new clean energy businesses were launched in that period. So when we look back at California, what do we see? We see the greatest area of job growth and new businesses is clean energy. What a tragedy. If we pass this today, and it were to become law—which I doubt, but it could, and that is its purpose—we would completely walk away from America's leadership in clean technology, turning our backs on the leading venture capitalists in our Nation who are telling us, do not do this.

Nationwide, Pew found that jobs in the clean energy economy grew much faster than traditional jobs. Clean energy jobs grew at a national rate of 9.1 percent, compared to 3.7 percent for traditional jobs between 1998 and 2007. So if you do not want to believe John Doerr—but I suggest you do, because he founded Amazon and Google, he funded them—let's listen to Thomas Friedman. His book is, "Hot, Flat and Crowded." Here is what the central theme is:

The ability to develop clean power and energy efficient technology is going to become the defining measure of a country's economic standing, environmental health, energy security, and national security over the next 50 years.

As I said, the EPA finding that too much carbon pollution is dangerous for our people and our environment is the key incentive to moving forward toward our clean energy economy. It is the basis upon which we move forward. It is the basis upon which we see their incentives then in place for clean energy technologies.

If this finding were eliminated under the Murkowski resolution, not only would it be, I believe, a worldwide embarrassment that the Senate is now taking to repealing health findings and scientific findings, but it would stop in its tracks the economic opportunities that come from clean energy technology.

We cannot ignore the basic finding that is made in this endangerment finding that carbon pollution in the air presents a very serious danger, threatening the health of our families, our quality of life, and our natural resources. I guess if we pass the Murkowski resolution, there would not be any danger anymore because we said so. I mean, you know, we can pass a resolution that says there should not be any more rain, and I guess then there would not be any more rain. We cannot ignore the basic scientific conclusion in that endangerment finding. If we were to do this, it would be extraordinary and unprecedented.

In 2007, the Supreme Court was clear when it ruled that carbon pollution and

other greenhouse gas emissions are air pollutants, and they directed the EPA to determine whether this pollution endangers our health. So EPA, the Environmental Protection Agency—and I want to say to my colleagues, it is not the Environmental Pollution Agency. If you want to create an Environmental Pollution Agency, let's have a vote on that. It is the Environmental Protection Agency.

They are not supposed to be influenced by the politics of the day, as you know. They are charged with protecting the health of the kids, of our families, of our senior citizens, whether they are in Alaska, California, New York, or anyplace else in America. They are not the Environmental Pollution Agency. As much as big oil would like to dictate to them, they are not going to be dictated to by big oil.

By the way, the EPA was set up by Richard Nixon. Let's be clear here. Some of the officials from these States, Republicans, have weighed in against the Murkowski resolution and we will show that in a bit here.

EPA did what they were directed to do by the court. They had to do what the scientists and the health experts told them to do. Again, the Murkowski resolution would overturn these findings. Leading scientists, physicians, and many others agree with the finding and have told us how much damage carbon pollution in the atmosphere can do. That is why they have stated their strong opposition to the Murkowski resolution.

Less than a month ago, the National Research Council, which is an arm of the National Academy of Sciences comprised of America's leading scientists, concluded that climate change is occurring. It is caused largely by human activities, and it poses significant risks for and is already affecting a broad range of human and natural systems. The National Research Council further concluded that changes in climate pose risks for a wide range of human and environmental systems, including freshwater resources, the coastal environment, ecosystems, agriculture, fisheries, human health, and national security.

EPA Administrators under Presidents Nixon, Ford, and Reagan oppose the Murkowski resolution. Let's be clear. This should not be a partisan issue. It may wind up being that, but it should not.

Russell Train, EPA Administrator under Presidents Nixon and Ford, writes: I urge the Senate to reject this and any other legislation that would weaken the Clean Air Act or curtail the authority of the Environmental Protection Agency to implement its provisions.

William Ruckelshaus, EPA Administrator under Presidents Nixon and Reagan, said: Thanks to the 2007 Supreme Court decision on global warm-

ing, EPA clearly has the right to regulate carbon. Anyone who would take away that power—it is a terrible idea.

William Ruckelshaus, EPA Administrator under Nixon and Reagan, said the Murkowski resolution is a terrible idea because this is the way we are going to address the problem of climate change.

Eighteen hundred scientists wrote to us opposing efforts to overturn this endangerment finding. In a letter to us, these scientists wrote: We the undersigned urge you to oppose an imminent attack on the Clean Air Act which would undermine public health and prevent action on global warming.

They go on to say: EPA's finding is based on solid science. This amendment represents a rejection of that science.

I ask unanimous consent to have printed in the RECORD the letter signed by 1800 scientists.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### PROTECT THE CLEAN AIR ACT

(A letter signed by 1,806 U.S. Scientists)

DEAR CONGRESS: We the undersigned urge you to oppose an imminent attack on the Clean Air Act (CAA) that would undermine public health and prevent action on global warming. This attack comes in the form of House and Senate binding resolutions that would reverse the Environmental Protection Agency's (EPA) finding that global warming endangers public health and welfare. Because the EPA's finding is based on solid science, this legislation also represents a rejection of that science.

The EPA's "endangerment finding" is based on an exhaustive review of the massive body of scientific research showing a clear threat from climate change. The 2007 Fourth Assessment Report of the Intergovernmental Panel on Climate Change found that global warming will cause water shortages, loss of species, hazards to coasts from sea level rise, and an increase in the severity of extreme weather events. The most recent science includes findings that sea level rise may be more pronounced than the IPCC report predicted and that oceans will absorb less of our future emissions. Recently, 18 American scientific societies sent a letter to the U.S. Senate confirming the consensus view on climate science and calling for action to reduce greenhouse gases "if we are to avoid the most severe impacts of climate change." The U.S. National Academy of Sciences and 10 international scientific academies have also released such statements. Unfortunately, the Murkowski amendment would force the EPA to ignore these scientific findings and statements.

The CAA is a law with a nearly 40-year track record of protecting public health and the environment and spurring innovation by cutting dangerous pollution. This effective policy can help address the threat of climate change—but only if the EPA retains its ability to respond to scientific findings. Instead of standing in the way of climate action, the Senate should move quickly to enact climate and energy legislation that will curb global warming, save consumers money, and create jobs. In the meantime, I urge you to respect the scientific integrity of the EPA's endangerment finding by opposing Senator Murkowski's attack on the Clean Air Act.

Mrs. BOXER. I also wish to display the public health organizations that oppose the Murkowski resolution.

We have to decide whom we want to listen to. Do we want to listen to big oil or politicians or do we want to listen to public health organizations that oppose the Murkowski resolution? I ask the American people to determine which side they are on—the American Academy of Pediatrics, the Children's Environmental Health Network, the American Nurses Association, the American Lung Association, the American Public Health Association, the National Association of County and City Health Officials, Trust for America's Health, Physicians for Social Responsibility, National Environmental Health Association, American College of Preventative Medicine, American Thoracic Society, the Association of Public Health Laboratories, the Association of Schools of Public Health, the Hepatitis Foundation International, the Union of Concerned Scientists. Again, we have included for the record the scientists, 1,800 of whom signed a letter to us opposing this.

I ask unanimous consent to have printed in the RECORD a letter signed by these entities as well as a separate letter from the American Lung Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 23, 2010.

U.S. SENATE,  
Washington, DC.

DEAR SENATOR: The undersigned national organizations, with a strong commitment to environmental public health issues, write in opposition to a potential amendment or "Resolution of Disapproval" by Senator Lisa Murkowski that would overturn or temporarily block the U.S. Environmental Protection Agency (EPA) endangerment finding for six greenhouse gases that contribute to climate change.

On December 7, 2009, EPA issued final findings that the greenhouse gases that contribute to climate change constitute a danger to public health and welfare. Some of the public health effects of climate change cited in EPA's announcement include: increased likelihood of more frequent and intense heat waves, more wildfires, degraded air quality, more flooding, increased drought, more intense storms, harm to water resources and harm to agriculture. Given the serious public health implications of increasing greenhouse gas concentrations, we believe overturning EPA's endangerment finding is bad public health policy.

We strongly urge you to oppose any amendment or Resolution of Disapproval to overturn or restrict EPA's greenhouse gas endangerment finding.

Sincerely,

American Academy of Pediatrics; American College of Preventive Medicine; American Public Health Association; American Thoracic Society; Association of Public Health Laboratories; Association of Schools of Public Health; Children's Environmental Health Network; Hepatitis Foundation International; National Association of

County and City Health Officials; National Environmental Health Association; Physicians for Social Responsibility; Trust for America's Health.

AMERICAN LUNG ASSOCIATION,  
January 26, 2010.

DEAR SENATOR: On behalf of the American Lung Association, I write in support of the Clean Air Act and the implementation of the law by the U.S. Environmental Protection Agency. The American Lung Association urges the Senate to reject Senator Lisa Murkowski's Resolution of Disapproval (S.J. Res 26).

The resolution would block the U.S. Environmental Protection Agency's Supreme Court-directed endangerment finding that is required under Clean Air Act. EPA made this endangerment finding after a careful review of science and an extensive public comment process.

Specifically EPA concluded: "Pursuant to CAA section 202(a), the Administrator finds that greenhouse gases in the atmosphere may reasonably be anticipated both to endanger public health and to endanger public welfare." (emphasis added)

The Senate must not vote to ignore the scientific evidence and reject its clear conclusions. The Clean Air Act mandates that the Environmental Protection Agency follow the science and then implement the law accordingly. The Resolution of Disapproval is a cynical attempt to disregard the science and block the enforcement of the Clean Air Act.

Since its passage in 1970, the Clean Air Act has been the nation's premier public health and environmental protection statute. The Clean Air Act is predicated on the protection of public health. Its implementation is grounded in sound science. The American Lung Association is a staunch supporter of this public health statute because of the enormous impact that air pollution has on public health and the tremendous improvements in the nation's air quality that have resulted from this law.

The protection of public health is critically important. EPA has found that climate change will make attainment and maintenance of national ambient air quality standards more difficult as well as more frequent and more intense heat waves and other events that adversely impact respiratory health. The American Lung Association urges the Senate to support the Clean Air Act and reject S.J. Res 26.

Sincerely,

CHARLES D. CONNOR,  
President & CEO.

Mrs. BOXER. These are the experts. These are the people we rely on when our children get sick. They don't take them, with all due respect, to Senator BOXER for a checkup or Senator MURKOWSKI for a checkup. They go to the pediatrician. The pediatricians oppose the Murkowski resolution. They are afraid of it because they know who is behind it. They know it is the special polluting interests, the big polluters who give big money to politicians. They know that. They are smart.

Let's be clear. We have on our side the people who are responsible for taking care of our kids, taking care of families, looking out for their health. They don't have any political skin in this game. They don't have any special interest in this game. They have one concern—the health of our families.

Overtaking a scientific finding that states that carbon pollution is a threat to the health and well-being of the American public is a dangerous step. It would lead us down a perilous road that sets a precedent for appealing other scientific findings. I talked a little bit about that.

I want to talk specifically about two other findings that maybe one day any Senator, on either side of the aisle, could seek to repeal. Imagine if we had done this on lead, lead and children.

In 1973, EPA did what it had to do and issued an endangerment finding for lead in gasoline. At the time, the lead endangerment decision was controversial. This was the EPA under Richard Nixon. They said there was too much lead in gasoline. They said it was a danger to our kids. They said it would cause harm to the brains of our children. So the Administrator under Richard Nixon, William Ruckelshaus—who opposes the Murkowski resolution today—reached the conclusion that lead presented a significant risk of harm to the health of our population, particularly our children. What if a Member of Congress came down and said: We are going to overturn that. We don't like that rule. We don't like that finding. We disagree. We don't think it causes a problem. Can my colleagues imagine what would have happened? We would have seen the phase down of lead in gasoline delayed for a decade or more, leaving another generation of Americans exposed to serious health threats. We would have seen hundreds of thousands more children with impaired mental function. That is a fact. It may be a fact the other side doesn't want to hear, but it is a fact. That is why we have former members of the Nixon administration opposing the Murkowski resolution.

Let's look at the science behind the dangers of smoking. What would have happened if people didn't agree with Surgeon General Everett Koop—another Republican administration—and they came down and said: Well, we are going to speak for the tobacco companies here. Let's repeal that. Nicotine isn't a problem, not a problem at all. Let's just overturn that health finding.

Again, I ask my colleagues do they want to stand with the health experts, the lung association, the pediatricians, the nurses, or do they want to stand with the powerful special interests? It is a simple question. Every Member has to answer that.

We have to stop this attack on science and health. We have to stop this attack on the safety of our citizens. Our families come first.

I think it is important to note that overturning this endangerment finding—supporting the Murkowski resolution—is opposed by the auto industry and the autoworkers. This is what they tell us. We are spending \$1 billion a day importing foreign oil. Do Members like

that? Then vote for the Murkowski resolution. It is going to set us back. We won't get off foreign oil if we go down this path.

This is why we have the automakers opposing Murkowski: On behalf of the Alliance of Automobile Manufacturers and its 11 member companies, I am writing to express concern over the proposed resolutions of disapproval. If these resolutions are enacted, the historic agreement creating the one national program for regulating vehicle fuel economy and greenhouse gas emissions would collapse.

The autoworkers are asking us not to do this. Let's see what they say: The UAW is deeply concerned that overturning EPA's endangerment finding would unravel the historic agreement on one national standard for fuel economy. And they go on.

Clearly, we are at a point where we are finally seeing the auto industry come back to life. Let's not pass the Murkowski resolution and get them off track. After all the debate and all the arguments, I know the Senators from Michigan care deeply about what is happening to their autoworkers and their auto companies. We are very clear here what side they are on.

In summary, the Murkowski resolution would upend a historic agreement between auto companies, autoworkers, environmental groups, leading States such as California that formed the foundation of the recent EPA and DOT standards.

I am going to include for the RECORD a host of quotes from our national security experts who tell us that carbon pollution leading to climate change will be, over the next 20 years, the leading cause of conflict putting our troops in harm's way. That is why we have so many returning veterans who want us to move forward and address this issue so we can create the new technologies that get us off this foreign oil. Every time we import oil, we hurt ourselves. We have to get off these old energy sources. It is a transition. It is not going to happen overnight. But if we do things such as the Murkowski resolution, we will create chaos. We are going to see jobs lost. We are going to see us continue in an economic situation that has no new paradigm for economic growth, as we have learned from our venture capitalists, as we have learned from analysts, such as Thomas Friedman, who are so clear on this point.

The question before us is this: Will we protect the people we represent from dangerous pollution or will we choose to reject science? Will we choose to ignore the findings of the scientific community, the public health officials, and national security experts?

If we care about jobs—I know the Presiding Officer does—if we care about moving to a clean energy economy, if Members care about health, if

they care about our environment and our natural resources, then they should vote no on proceeding to this resolution.

I hope we will carry the day. I know it will be close. But I have to tell my colleagues, this is a significant moment for the Senate because if we move down this path, "Katy, bar the door." Any resolution, any health finding, any scientific finding is subject to politics. I would have thought that in the Senate, we might disagree with how to deal with the scientific finding—in other words, what kinds of rules and regulations should come out of it—but not to repeal the scientific finding itself. That would be unprecedented in the worst of ways.

I have used my time, the first half hour; am I correct?

The ACTING PRESIDENT pro tempore. The Senator has 10 seconds remaining.

Mrs. BOXER. Madam President, I have a number of fantastic speakers we will hear from in the next ensuing time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, at this time on the Republican side, I ask unanimous consent that for this next half hour, the order be Senator LINCOLN for 7 minutes, followed by Senator INHOFE at 13 minutes, Senator VOINOVICH for 7, and Senator GRAHAM for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Arkansas is recognized.

Mrs. LINCOLN. Madam President, I rise today in support of S.J. Res. 26, Senator MURKOWSKI's resolution of disapproval.

First, I would like to thank my friend and colleague, Senator MURKOWSKI, for her leadership to prevent this heavy-handed EPA regulation of carbon emissions. I am proud to be part of a bipartisan group of Senators co-sponsoring the resolution because I do believe EPA's regulatory approach is the wrong way to promote renewable energy and clean energy jobs in Arkansas and the rest of the country.

Allowing the courts and EPA to use the Clean Air Act to regulate greenhouse gases is truly misguided. It would threaten valuable jobs during an economic downturn, and it has the potential of actually discouraging the use of clean, renewable energy that is already helping to keep people working today.

But, first, let me say a few words on the energy challenges facing our Nation. We have committed to ambitious renewable fuel goals, and I have supported efforts to set a national renewable energy standard.

Just last June we passed a bipartisan energy bill out of the Senate Energy

Committee, and I was very proud of that bill and hoped we would move forward on it.

In order to meet these goals and prosper in the 21st century, we must develop clean domestic energy supplies. This means developing all sources of energy—everything from wind, to natural gas, to, of course, biofuels.

My home State of Arkansas is already leading in this effort. Wind turbines and blades are manufactured in my home State of Arkansas, providing hundreds of green jobs to Arkansans. These include Nordex, LM Wind Power, Polymarin Composites, and Mitsubishi.

Arkansas is also home to the Fayetteville Shale, where clean burning natural gas has provided an enormous boost to the economy of central and north central Arkansas, producing jobs in a huge part of what has been positive for our economy.

Arkansas companies such as Future Fuel in Batesville, AR, are producing huge amounts of biodiesel, helping our Nation to meet the renewable fuel targets set forth in the 2007 Energy bill, not to mention their advanced battery technologies that they are researching and building upon.

Our wood and paper industry produces about two-thirds of the energy it needs from renewable forest biomass, providing and sustaining tens of thousands of jobs in the process. Facilities that range from small sawmills such as Bean Lumber in Glenwood and huge paper mills such as Domtar in Ashdown have taken steps to increase their use of renewable energy in recent years, saving thousands of critical jobs in the process.

These efforts in Arkansas, and similar efforts all around our country, are leading the way toward a clean energy future—one that reduces our emissions, reduces our dependency on foreign oil, and provides economic opportunity and jobs to so many of our citizens.

Unfortunately, EPA regulation of greenhouse gases does not move us any closer to a clean energy future or to reducing our dependency on foreign oil. Furthermore, it is simply the wrong tool for addressing greenhouse gas emissions.

Congress, the elected representatives of the people of this Nation—not unelected bureaucrats—should be making the complicated, multifaceted decisions on energy and climate policy. Furthermore, it is a widely shared view that the Clean Air Act, with its command-and-control approach to regulating air emissions, is the wrong fit for addressing greenhouse gas emissions.

One example of the way the EPA's approach to regulating carbon emissions does wrong is the way the proposed tailoring rule treats emissions from biomass energy. The tailoring rule equates carbon emissions from re-

newable energy with fossil fuel emissions. This is not consistent with years of internationally accepted policy, and it could penalize important industries and cost thousands of jobs, including some 10,000 direct and thousands of additional indirect jobs in our State of Arkansas.

As chairman of the Committee on Agriculture, Nutrition, and Forestry, I am also concerned about the effects EPA's regulation of greenhouse gases will have on production agriculture and domestic food security.

The hard-working farm families of this great Nation produce the safest, most abundant, affordable supply of food and fiber in the world, and they do it with greater respect to the environment than any other growers across the globe. For every one American mouth we feed, we feed 20 mouths globally, and it is critical we make sure we maintain the ability to do that.

According to a recent University of Tennessee economic analysis, EPA regulation will result in billions of dollars in losses in net returns for agriculture from 2010 to 2015, with the largest declines occurring in crops grown in our State of Arkansas, such as soybeans, cotton, and rice. These figures are frightening for agriculture in our State, particularly during a time of recession.

Furthermore, over 100 agricultural groups have expressed their concerns with EPA regulation of carbon and expressed their support of the Murkowski resolution. These groups include national associations for wheat, dairy, corn, cotton, rice, poultry, beef, pork, and eggs. These groups also include many specialty crop growers as well.

I also want to speak for a moment about what this resolution does not do. Some think this resolution weakens the Clean Air Act. It would not amend or otherwise affect the plain language of the Clean Air Act. It would not change or in any other way alter the words within the existing statute.

My colleagues and I are concerned about what will follow EPA's decision to release the endangerment finding—a unilaterally imposed all-sticks-no-carrot policy that actually discourages renewable energy use and penalizes those industries that have acted early to adopt clean energy technologies.

That is not the direction in which we want to go. We know, desperately, that we want to lower our carbon emissions, lessen our dependence on foreign oil, and create good, green jobs. This attempt, overreach, and this action by unelected bureaucrats at EPA is not going to help us achieve those goals.

Lastly, let me address a criticism heard in recent days: that a vote for the Murkowski resolution is a bailout or somehow a boon for big oil in the wake of the tragic oilspill in the Gulf of Mexico. Nothing could be further from the truth.

These critics would like the public to believe that opposing EPA regulation of greenhouse gas emissions is somehow related to the oilspill. Nothing could be further from the truth. We all know the British Petroleum spill in the Gulf of Mexico needs to be addressed through legislation that ensures the safety, effectiveness, and sustainability of oil and other resource extractions—as we will very soon. We are all concerned about what has happened in the gulf.

I certainly know, as a neighbor to the north of Louisiana, and one whose economic livelihood depends on the Port of New Orleans—not to mention the wonderful natural resources that we partner with the State of Louisiana in trying to preserve—this is a horrific circumstance that exists there, and we are all going to do everything we can not only to provide the cleanup but to ensure this kind of catastrophe never happens again.

But this issue is separate from the EPA regulation of greenhouse gases. I do not know, in my recent election if people had listened to what was on the TV, they would have thought I single-handedly was responsible for what happened in the Gulf of Mexico. This is not where we solve that problem. We have much to do there and we should do it and I am all about getting about that business.

What would EPA regulations affect? I think that is the question we have before us. In Arkansas, it would affect manufacturers and their employees.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mrs. LINCOLN. Madam President, I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. In Arkansas, it would affect manufacturers and their employees: facilities such as Great Lakes Chemicals in El Dorado, Green Bay Packing in Morrilton, Nucor Steel in Blytheville, Georgia Pacific in Crossett, FutureFuel Chemical Company in Batesville, and Riceland Foods in Stuttgart.

These Arkansas facilities, employing several thousand people, supporting families with good-paying jobs, would be threatened by EPA regulation of greenhouse gases. That is why I encourage my Senate colleagues, with similar consequences facing their States, to vote for this resolution.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Madam President, it is my understanding I have 13 minutes. I would like to have the Acting President pro tempore tell me when I have 1 minute left.

The ACTING PRESIDENT pro tempore. Of course.

Mr. INHOFE. That is kind of interesting because I have probably talked

on this subject over the last 7 years for 200 or 300 hours, and I never had any trouble before getting time. It lets you know there is an awakening in the people who are looking at this particular vote that we are going to have today. Many of them believe in their hearts that anthropogenic gases cause global warming. I do not believe that. And there is everyone in between. The point is not that. It is, do we really want to have this bureaucracy?

Let me just comment. I was here when my good friend, Senator BOXER, was making her comments. That was very interesting because she spent three-fourths of her time talking about the oilspill. Let me say, there is no relationship between this and the oilspill. There is no reason to talk about them in the same speech.

When they talk about big oil—as she said, “big oil has all this control”—well, big oil is BP. The last I checked, BP is very much involved with the majority, with the White House. In fact, I went and checked. I found out in my last Senate race, I was given \$2,000 by BP. And I checked, in the last Senate race, which was the first Senate race by then-Senator Obama, he got three times as much money as I did. Now we find out that during the Kerry-Lieberman bill that has been talked about quite a bit, BP has been behind closed doors with them. Everybody knows this.

Now, it is not big oil behind this bill. Behind this bill you have the American Association of Housing Services for the Aging, Family Dairies USA, the Farm Bureau, the National Federation of Independent Business, the Brick Industry Association—all of these organizations, wholesome American organizations that are behind this issue because they do not want us to give up all the freedoms we would have to give up.

When Senator LINCOLN was talking about the tailoring rule, I know there has been a problem with those who are pushing for the endangerment finding, trying to make everybody believe that somehow it was not going to happen to anyone except some of the big industries, the refiners, the big manufacturers. No, the tailoring rule they are talking about is something that unilaterally they thought they would be able to get by with without anyone even noticing it, when, in fact, the Clean Air Act very simply says the emission of 250 tons in a period of a year.

Now, 250 tons, that is every farm in my State of Oklahoma. That is every church. So it covers everyone. But let me go back in this brief period of time and try to put this in perspective. Eleven years ago we had the Kyoto Treaty. This is the big treaty then-Vice President Gore wanted the American people to have to ratify. They wanted to bring it to the Senate for ratification. They did sign that treaty, but it never came up for ratification.

Do you want to know why? It did not come up because at that time it was so objectionable that we had a resolution that passed on the floor of this Senate 95 to 0—not one dissenting vote—saying: We do not want to be part of any movement or bill or treaty that treats developing nations differently than developed nations. That is exactly what it did. That resolution also said we do not want to ratify any treaty or pass anything that is going to be an economic hardship for the United States of America. Obviously, this was the case.

So we set the stage 11 years ago. Now we are facing this same thing again. I have to say that when Republicans were a majority, I chaired the Environment and Public Works Committee, which had the jurisdiction over most of this stuff we are talking about today. I have to also say, back then I honestly, in my heart, believed the anthropogenic gases, the CO<sub>2</sub>, the methane, caused global warming because everyone said it did—catastrophic global warming. Now they do not call it that anymore since we are in the eighth year of a cooling period. They say “climate change.” That sounds a little bit more palatable.

But I can remember when I did believe that, until we started looking at the various bills that came up. We have voted in this Chamber five times on cap-and-trade bills, starting right about 2002 and up to the present day, and there is one pending today. During that period of time, we started looking at it and realizing what it would cost. The first analysis of what cap and trade would cost—and the same thing goes for the EPA under their regulations—would have been somewhere between \$300 billion and \$400 billion.

When we calculate that, in my State of Oklahoma—I always do the math—if we take the number of families who file tax returns, that would have been \$3,100—not once but every year. So with that type of thing, looking at it, I thought: Well, as chairman of this committee, maybe we ought to look and be sure the science is accurate, the science is there. So we started looking at it and finding out this whole thing started—let's keep in mind, it started with the United Nations, the IPCC. That is the Intergovernmental Panel on Climate Change. They then were joined by all these Hollywood elites—moveon.org, George Soros, Michael Moore, and all these groups—until we realized they were pushing this, but the science was flawed.

I first made my statement on the Senate floor in 2002 that created some doubt in a lot of people's minds as to the accuracy of the science that the IPCC was putting together. There had been inquiries by many quality scientists who had said they rejected our input. We don't have any kind of an input in this issue, unless you agree

with the United Nations and the IPCC, that categorically it is causing catastrophic global warming. Then they didn't let the scientists have their input.

So we started gathering all of this information. People were coming to me saying: This is a fraud. I gathered enough material that 7 years ago this month, I made a speech and I said the notion that anthropogenic gases, that CO<sub>2</sub> causes catastrophic global warming is the greatest hoax ever perpetrated on the American people. Then the scientists started coming in with their stuff. I would suggest that a lot of people don't agree with what I just said, so they ought to look at my Web site.

Five years ago I made a speech and I talked about all the scientists who were coming forward. As it turned out, when climategate came, essentially it was the same thing I said 5 years ago. The scare tactics we hear from Senator BOXER that this is all about the gulf, the oilspill, and all of that stuff, this is what they have been using. If we take Al Gore's science fiction movie and the IPCC and look at all of the assertions they made in this movie and the IPCC has made, every one has been refuted.

I can't find one assertion that has now not been refuted: melt Himalayan glaciers by 2035, not true; endanger 40 percent of the Amazon rain forests, not true; melt mountain ice in the Alps, Andes, and Africa, not true; deplete water resources for 4.5 billion people by 2085, totally refuted; slash crop production by 50 percent in North Africa by 2020; 55 percent of the Netherlands lies below sea level.

I can remember when Vice President Gore—no, it was after he was Vice President—we had a hearing in our committee, and we had several of the parents of young kids coming to us and saying: You know, my young child, my elementary age child is forced to watch this movie once a month, and they have been having nightmares and all of this stuff. So a lot of damage was done at that time.

But when we get back to what we are faced with today, we are faced with something they tried to pass. This administration has tried ever since they came in to pass cap-and-trade. A cap-and-trade, logically, you would say: Well, if you want to cut down on greenhouse gases, why not put a tax on CO<sub>2</sub>?

The reason they don't do that is because then people would know what it is costing them. So there were all of these cap-and-trade bills that came up, and they were not able to pass them. So this administration said, I am sure—I wasn't in the meeting; I am not invited to those meetings of the President—but they said: We can't get it passed in Congress. We can't get it passed in the House or the Senate, so let's go ahead and do it. We will just run over them with the administration.

So they said: We are going to have an endangerment finding.

This is kind of interesting because right before going to Copenhagen—and for those of you who don't know this, once a year the U.N. throws a great big party and everybody goes to some exotic place and they try to sell the idea that we need to have this international treaty and, of course, it hasn't happened. Before Copenhagen—that was in December of this past year I can remember that we had—I suspected they would have an endangerment finding right while we were in Copenhagen to make it sound as though we were going to do something in the United States. In fact, I went over as a one-man truth squad and had a pretty good time.

Anyway, on the endangerment finding, Lisa Jackson, who is the Administrator of the EPA, an appointee of Obama, testified. I said to her: You know, Madam Administrator, this is live on TV. I suspect what is going to happen is that you are going to have an endangerment finding and try to take this over and do all of these punitive things to America under the Clean Air Act. If there is an endangerment finding, it has to be based on science. What science would you use if you are going to have an endangerment finding?

The answer was, It is going to be the IPCC, primarily, and that is the very science that climategate used when it came along, and it has been pretty much debunked. In fact, it was characterized in Great Britain as the greatest political scandal in the history of our country.

So, anyway, the endangerment finding was all based on that, and that is where we find ourselves today. So I would say this: I only talk about the science. I don't like to talk about the science because I know people don't understand it. But I did it because if you are one of those—and I say this to the Chair; I say this to anyone who might be listening at this time—if you believe that anthropogenic gas causes catastrophic global warming and climate change, then what would this do to remedy that? Well, the answer is nothing because the same Lisa Jackson who testified before our committee when I asked her this question—

The ACTING PRESIDENT pro tempore. The Senator has 1 minute remaining.

Mr. INHOFE. Thank you, Madam President.

I said: If we were to pass this, any of these cap-and-trade bills, or if we were to do this through the Clean Air Act through the Environmental Protection Agency, how much would that reduce the worldwide CO<sub>2</sub> emissions?

Her answer was, Well, it wouldn't reduce it because this would only apply to the United States.

What I am saying is, if you want to invoke all of this money spent, all of this cost on the American people, on

every farmer in America, even if you believe the concept is there, it still wouldn't reduce the emissions. You could argue it could increase the emissions because our manufacturing base would have to go to places such as China, India, Mexico, places that didn't have the standards we have, and it would have the effect of increasing—actually increasing—CO<sub>2</sub>.

So I just hope those individuals will realize if they think the problem is real, this isn't going to solve it.

I yield back.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. VOINOVICH. Madam President, I rise to speak in support of the bipartisan resolution to disapprove EPA's endangerment finding, S.J. Res. 26.

First of all, I am not here as a climate skeptic. I believe we should reduce emissions, but the steps we take must balance our Nation's energy and economic needs.

Climate change is a global environmental issue that cannot be solved by America acting alone. EPA's own data shows us that unless the rapidly expanding economies of China and India reduce emissions, U.S. action will have no impact on global temperatures.

It is widely acknowledged that regulations that flow from EPA's endangerment finding will jeopardize job creation, our economic recovery, and American competitiveness. That has been made very clear by those who have spoken before me. This was openly acknowledged by the Obama administration last year when the White House Office of Management and Budget cautioned:

Making the decision to regulate CO<sub>2</sub> under the [Clean Air Act] for the first time is likely to have serious economic consequences for regulated entities throughout the U.S. economy, including small businesses and small communities.

This is far from incidental. The endangerment finding is the centerpiece of a coercive strategy designed to force Congress into passing cap-and-trade legislation. This was confirmed by a senior White House economic official late last year who was quoted as saying:

If you don't pass this legislation, then . . . [EPA] is going to have to regulate in a command-and-control way, which will probably generate even more uncertainty.

Time magazine likened this approach to "putting a gun to Congress' head."

But this is a false dichotomy. Senators have before them a number of policy options to address climate change, including the power to remove the threat of EPA regulation. That the Senate has not yet embraced a bill speaks more to the flaws contained in those policies than to this body's willingness to act. In fact, economic analysis of every major piece of climate change legislation shows they would result in net job losses and retard economic growth with little or no impact

on global temperatures. Why would the Senate choose to enact economically damaging legislation in order to stave off economically damaging regulations? This Senator certainly will not.

In their efforts to gain leverage over the legislative branch, administrative officials claim the resolution to disapprove EPA's endangerment findings would prevent fuel efficiency in vehicles through new EPA regulations. More recently, claims have been made that the resolution is a way to protect big oil in the wake of the gulf disaster. These claims are disingenuous on their face.

First, EPA's endangerment finding does nothing to clean up the Gulf of Mexico or prevent future spills. To suggest otherwise is an opportunistic bait and switch and an insult to the people of the gulf, the intelligence of the American people, and the Senate.

Second, EPA's endangerment finding has nothing to do with fuel savings. The National Highway Traffic Safety Administration has had authority to increase corporate average fuel economy—CAFE—standards for over 30 years. Indeed, NHTSA was required by law to raise light-duty vehicle standards to at least 35 miles per gallon when Congress passed the Energy Independence and Security Act in 2007.

In a February 19 letter, NHTSA's general counsel stated:

The Murkowski resolution does not directly impact NHTSA's statutory authority to set fuel economy standards.

Indeed, in its own rule, EPA confirms that "the CAFE standards address most, but not all, of the real world CO<sub>2</sub> emissions" from automobiles.

In reality, EPA's rules are the "camel's nose" under the regulatory tent.

In spite of the Supreme Court's ruling in *Massachusetts v. EPA*, only the most tortured—tortured—reading of the act allows one to conclude that the Clean Air Act was intended to address global climate change. The act contains no express authorization to regulate, and there are no provisions recognizing the international dimension of the issue. I know this for a fact. I have been on the Environment and Public Works Committee for almost 12 years, and during those 12 years attempts have been made every 2 years to amend the Clean Air Act to include CO<sub>2</sub>. In every instance, it has been turned down.

As a matter of fact, this issue has been dealt with over and over by the Senate. In fact, starting back in 1997, the Senate spoke directly to this issue where, by a vote of 95 to 0, it passed the Byrd-Hagel resolution. The resolution specifically stated that the United States should not commit itself to limits or reduce greenhouse gas emissions unless developing countries embrace specific commitments to reduce greenhouse gases. The overarching concern was the serious harm that would be in-

flicted on the U.S. economy by unilateral action.

In other words, for us to go ahead and let the EPA regulate this and do it on our own, in effect what we are doing is we are unilaterally disarming the U.S. economy for absolutely no environmental gain.

Copenhagen showed us that the developing world will continue to resist binding reduction targets, and while China continues to build two coal-powered plants a week—in other words, while China puts up two coal-fired plants a week, the Sierra Club and other environmental groups in this country are shutting down any opportunity for us to use coal in terms of generating energy.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. VOINOVICH. I ask unanimous consent to speak for 1 more minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. VOINOVICH. Despite the fragile state of the economy and the futility of the effort in environmental terms, this administration presses forward.

In the final analysis, the Clean Air Act does not recognize the international nature of climate change and is not suited to regulate greenhouse gas emissions. The administration's attempt to use it to force Congress to adopt economically damaging climate policy is a reckless stunt, especially when one considers the very real challenges America faces today.

I am hoping that the Senate supports S.J. Res. 26, removes the gun from its head and gets on with the business of debating a sound energy policy. I suggest that the best way we can start to do this is by looking at the bipartisan bill—the Bingaman bill—which came out of the Energy Committee. That is where we should start if we want to be constructive in dealing with greenhouse gas emissions.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. How much time remains on the Republican side?

The ACTING PRESIDENT pro tempore. Five minutes.

Mrs. BOXER. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. GRAHAM. Madam President, I appreciate what Senator MURKOWSKI is trying to do. Maybe this is a balance-of-power issue. The court ruled, I think in 2007, that greenhouse gases could be regulated under the Clean Air Act. Senator VOINOVICH is right. Congress has never made that decision. There have been efforts in the past to get carbon pollution regulation by the Clean Air Act, but it was never passed legislatively. The courts have spoken.

The tool being used today is a legislative tool available to the Congress to

basically put regulatory powers in check, and what we are doing by passing this amendment is basically stopping the EPA from regulating carbon. And here is the real rub: If we stop them, are we going to do anything?

My view is that we need to do several things to replace the EPA. The EPA regulation of carbon cannot provide transition assistance to businesses. They don't have the flexibility or the tools necessary to create rational energy policy. That would create an economic burden at a time we need to create economic opportunity. So I think the regulatory system of dealing with carbon pollution is the wrong way to go, but to do nothing would be equally bad. To do nothing means China is going to develop the green energy technology that is coming in the 21st century.

What I propose is that the Congress, once we stop the EPA, create a rational way forward on energy policy that includes clean air and regulation of carbon.

No. 1, the trust fund that is used to build roads and bridges is tremendously underfunded. Senator INHOFE and others have challenged the Congress time and time again to do something about shortfalls in the highway trust fund.

To the transportation community, if you are listening out there, you have a chance, as a broader package, to be part of a broader deal to get money for the highway trust fund. But you will never do it standing alone. We are not going to raise taxes to put money in the transportation trust fund and that is all we do.

I think the transportation sector needs to be looked at anew. How can we lower emissions on the transportation side, reduce our dependency on foreign oil, and replenish the trust fund? I would argue that Congress could come up with policies that would dramatically reduce CO<sub>2</sub> emissions coming from cars and trucks without a cap on carbon; that we could have incentives on the transportation side to develop alternative vehicles—battery-powered cars, hydrogen-powered cars, hybrid cars in different fashions that would break our dependency on foreign oil.

If you take this debate and separate it from our dependency on foreign oil, you have made a huge mistake. Madam President, \$439 billion was sent overseas by the United States last year to buy oil from countries that don't like us very much. When you talk about controlling carbon, you ought to be talking about energy independence.

I suggest that Congress look at the transportation sector with a comprehensive approach that will reduce our dependency on foreign oil, that will create vehicles that are more energy efficient and produce less carbon to clean up the air, and you can do all

that without a cap and put money into the trust fund to rebuild bridges and roads that are falling apart as America grows. These are jobs that will never go to China. We need to have a vision on transportation that needs to be part of our broader vision.

When it comes to breaking our dependency on foreign oil, we need to use less oil in general. The President is right. A low-carbon economy is a safer America, a cleaner environment and I think a more prosperous America. But we have natural fossil fuel assets in this country. We have oil and gas.

The gulf oilspill is a tremendously catastrophic environmental disaster, but if we overreact and say we are going to stop exploring for domestic oil and gas—9 million barrels a day comes from domestic exploration, and we use 21 million barrels a day—the people in the Mideast would cheer that policy. The biggest winner in stopping domestic exploration for oil and gas would be OPEC nations. So it is not in our national security interest, not in our economic interest to make a rash decision on oil and gas exploration.

I encourage the Congress to slow down, find ways to safely explore for oil and gas, and make it part of an overall energy vision that will allow us to break our dependency on foreign oil.

When it comes to job creation, wind, solar, battery, and nuclear power—all of the energy efficiency green technology that will come in this century is going to come from China if we don't get our act together. We need a rational energy policy that would incentivize alternative energy to be developed in America before the world takes over this emerging market. That means incentives for wind, solar, and, yes, nuclear power. Twenty percent of our power comes from the nuclear industry, and 82 percent of the French economy's power comes from the nuclear industry. Surely we can be as bold as the French. If you had a renaissance of nuclear power in this country, you could create millions of jobs. We could come up with ways to treat the waste.

President Obama has been very good on nuclear power. His administration, with Secretary Chu, has been excellent in trying to develop incentives to expand nuclear power in a safe fashion.

Carbon is bad. Let's do something about it in a commonsense way. You don't have to believe in global warming to want clean air. This idea about what to do with carbon—you don't have to believe the planet is going to melt tomorrow, but this idea that what comes out of cars and trucks and coal-fired plants is good for us makes no sense to me. If we can clean up the air in America, we would be doing the next generation and the world a great service. The key is, can you clean up the air and make it good business? I believe you can. Let's pursue both things: good business and clean air.

Mrs. BOXER. Madam President, I ask unanimous consent that whatever extra time was given to the other side be added to our time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Madam President, at this point, we are going to hear arguments against the Murkowski resolution from Senator DURBIN for 6 minutes, followed by Senator REED of Rhode Island for 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, the Murkowski resolution gives the Senate a choice between real science and political science. That is what it comes down to.

The EPA went to the scientists across America and asked them the basic question: Do greenhouse gas emissions endanger life and the planet on which we live? After months and thousands of comments and 380,000 scientific comments, they concluded that it does. They said that we have a responsibility under the Clean Air Act to protect the people in the United States and the people on Earth. We are going to move forward with a gradual, systematic way of reducing greenhouse gas emissions because we know they are causing damage.

Twenty-one years ago, I went to Alaska, to Prince William Sound, after the Exxon Valdez ran aground. I saw the thousands of barrels of black, sludgy oil covering that pristine and beautiful part of America in Alaska.

I have spoken to the Senator who is the sponsor of this resolution. Twenty-one years later, we still know that ecology, that environment has not recovered from that spill. But that was very obvious. You could see it. It was filthy. There are changes in the environment that are hurting Alaska today that are hard to see.

We know greenhouse gas emissions and air pollution are changing Alaska, with the loss of sea ice; the melting permafrost; coastal erosion in villages, such as Shismaref, that have been falling into the ocean; ocean acidification. The Arctic icecap, which is a key ecological component of Alaska's ecology, has a record-low amount of Arctic sea ice.

Are we to ignore this? You will ignore it if you vote yes for the Murkowski resolution. You will choose political science over the real science that tells us that unless we come to grips with the air pollution that threatens us, it will not only endanger our lungs and our lives, it will endanger the planet on which we live.

In 1970, we created the EPA, under President Richard Nixon. In those days, 40 years ago, the environmental issues were bipartisan issues. People came together and said: We can address the challenges facing us in the United

States and around the world on a bipartisan basis.

Well, bipartisanship is still alive when it comes to important environmental issues. There is bipartisan opposition to the Murkowski resolution. It turns out those who headed the EPA under Presidents Nixon, Ford, and Reagan all oppose the Murkowski resolution. They believe, as scientists do, that we have a once-in-a-lifetime opportunity to seize this moment and find a way to save this planet we live on and make it healthier for all of us and for our children.

We have had great success with the Clean Air Act. We have reduced pollution. We are moving forward. But the Murkowski resolution says stop—stop taking those actions that have been proposed by the EPA to reduce pollution; ignore the scientific findings and accept the political science.

What do I mean by that? There are political forces strongly in support of the Murkowski resolution. Big oil is one of them. Energy companies agree we should stop this EPA regulation. Of course, they have a vested interest. They have money on the table. How credible is big oil today on the floor of the Senate when we have witnessed the disaster in the Gulf of Mexico? Are we going to criticize them in the morning in speeches and then reward them by passing this resolution in the afternoon? I hope not.

I hope we will take an honest look at the environment we live in and understand that to give away basic scientific findings, walk away from them, and embrace political science is something we will never be able to explain to future generations.

The United States should join in leading the world to clean up the planet on which we live. Passage of the Murkowski resolution is a step backward. It will say to the world that the United States is in complete denial; that the Senate is rejecting the findings of scientists all across the world; and that we don't need to address climate change and the impact of air pollution on our lives.

This is a singular historic moment. I sincerely hope my colleagues on both sides of the aisle—and I hope it is bipartisan again—will join in standing up for science, for clean air, for an approach to the environment that says our kids will have a fighting chance to live on a planet that can sustain life and do it in a healthy way.

I reserve the remainder of my time on this side and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Today, in the midst of the biggest oil spill in our Nation's history, we are debating a joint resolution, supported by the oil industry, among others, that effectively says that the Senate, with its extensive expertise, believes the Environmental Protection

Agency was wrong to conclude that greenhouse gases are pollutants despite the preponderance of the evidence, scientific evidence, that shows this to be an accurate and correct assessment. The Senate can pass a resolution saying practically anything, but it does not change reality. The fact is, the best science tells us that climate change is real and that greenhouse gas emissions contribute significantly to it.

It is also true that our continuing reliance on fossil fuel undermines not only our environmental quality but our national and economic security. We have seen the environmental effects played out dramatically and catastrophically in the Gulf of Mexico with the BP disaster. But if we do nothing, we will continue to see our economy held hostage by our need for fossil fuels and the billions of dollars a year we send overseas to buy oil. We will see our national security imperiled by our over-reliance on these fossil fuels and our continuing inability to take effective, measured action based on science to control these greenhouse gases.

This resolution is more than just our opinion; it would effectively and permanently block the EPA from taking concrete steps today to deal with this problem. For example, it would prevent the EPA from collaborating with the National Highway Traffic Safety Administration on new vehicle efficiency and emission standards. These are commonsense, doable achievements, and, in fact, we are seeing even the automobile industry support this. It is estimated that if the EPA and the highway traffic safety administration move forward, they could save consumers more than \$3,000 in fuel costs over the lifetime of their vehicles. Think of that. If we were talking about a \$3,000 tax rebate to Americans, everybody would be jumping up and down saying that is great.

By improving the efficiency of automobiles and doing it in a thoughtful way, we can provide consumers, families, over the lifetime of a vehicle—several years—\$3,000 in benefits rather than shipping that \$3,000 overseas to buy petroleum. That is a pretty good deal. This resolution would effectively prevent that.

The proponents of the resolution say: Congress has to act on this. That is true, but I would be more encouraged with that line of argument if it were matched by effective action to deal with the serious problems that face this country today. Indeed, we have spent months and weeks laboring over the extension of unemployment benefits. Every significant bill that has come to this floor has been filibustered time and time again. To suggest disingenuously that we will pass this resolution and get on to a climate change bill, pass it within several weeks or months is, I think, not borne out by the evidence of what we have seen in

this Chamber over the last several months.

We have to move forward. As I said, this is not only an economic issue. It is a national security issue. The Quadrennial Defense Review in February 2010 noted—this is the review that is done periodically to assess the strategic position of the United States:

Assessments conducted by the intelligence community indicate climate change could have significant geopolitical impacts around the world, contributing to poverty, environmental degradation, and the further weakening of fragile governments. Climate change will contribute to food and water scarcity, will increase the spread of disease, and may spur or exacerbate mass migration.

In effect, what this review suggested is that it is very likely climate change will be an accelerant of instability. At this moment in time, the last thing we need is to accelerate instability in the world.

One of the challenges we face is that this is not the Cold War where we are facing a monolithic Soviet Union and its allies in a strategic conflict that can be managed through deterrence. This is a situation where our greatest danger today is in unstable parts of the world, and that instability is going to be accelerated if we do not take steps. This is not just an issue of the economy, environmental rules, whether Congress should act or the agencies act. This is whether we are going to deal with the forces that are causing turmoil and instability in the world.

For these reasons and many others, I urge rejection of this resolution.

I reserve the remainder of our time, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from New York.

Mr. SCHUMER. Madam President, my esteemed colleague from New York, I first thank our Chair, the Senator from California, who does a great job on all of these issues. I thank the Senator from Rhode Island for his, as usual, excellent and prescient words.

I join my colleagues in strong opposition to S.J. Res. 26. This is a joint resolution disapproving of the rules submitted by EPA which finds that greenhouse gases threaten the public health and our environment. This resolution, if enacted, would turn back the clock on years of scientific research that tells us greenhouse gases are damaging to our environment and our public health.

This resolution could not be coming at a more meaningful moment in our Nation's history. As we speak, thousands and thousands of barrels of oil continue to pour into the gulf, disrupting lives, posing enormous risk to our shorelines, and costing our economy billions of dollars. Now is certainly not the time to tie the Federal Government's hands when it comes to weaning our Nation off unclean fuels. Now would be the last time to allow

business as usual for the oil companies who always, as the BP incident shows, prioritize profits over clean energy production and safety and pollution reduction.

The most enthusiastic supporters of this resolution we are debating today are BP, its fellow oil companies, and their lobbyists in Washington. Why should we let BP and their lobbyists take the driver's seat? Why should we allow them to tell us how to achieve energy independence, how to keep American people safe from greenhouse gases? They are certainly not good about telling us how to keep safe from oil spills.

We are witnessing firsthand what happens when industry is allowed to do what is best for industry. There are 37 million reasons why we cannot let this resolution pass today: 37 million barrels today have bled into the gulf on the industry's watch.

I urge my colleagues to put aside their ideological positions on government regulation and instead work together to rewrite energy policy in this country. We need to focus all of our efforts on a comprehensive solution to a complicated problem and pass legislation to jump-start clean energy, cap greenhouse gases, and improve our energy security. It is critical that we join together in a national commitment to reduce our dependence on fossil fuels.

We have come too far to reverse the tide on investment in American technology to reduce pollution and to produce cleaner energy. And we still have miles to go.

Even my colleagues who argue about the science of global warming agree that energy independence is also a national security issue. We send \$1 billion a day overseas to buy foreign oil in large part from unstable and dangerous companies such as Iran, and unfriendly countries such as Venezuela. Our brave men and women fighting in Iraq and Afghanistan suffer significant casualties during the transportation of fuel and fuel-related supplies which are prime targets for our enemies.

Because we have failed to break this dangerous cycle of dependence, we are more reliant on foreign oil today than in the days after 9/11. We certainly can do better. This resolution is a step back.

We also all agree that America should have the cleanest air and the cleanest water of any place on Earth. We all know a cleaner America is a stronger America. Placing a cap on carbon emissions is the simplest way to achieve this collective goal while creating more U.S. jobs and reducing our dependence on foreign oil. And, it works.

Two decades ago, President Bush implemented an air pollution cap as a way to address the problem of airborne sulfur dioxide, known as acid rain, greatly affecting my State. The Bush

plan worked. Today it is considered one of the most effective environmental initiatives in U.S. history. Lakes in upstate New York, in the Adirondacks and elsewhere, that once were dead are now coming alive.

We are at a crossroads right now, and the decisions we make will have great impacts on our economy, our air quality, and our Nation's energy security. We can choose to deny the science and continue to pollute the air, fall behind in the energy race, and let big oil run roughshod over our economy and environment or we can say no.

Or we can learn the lessons from our past, carefully weigh the facts and forge a new clean energy future to put America back on the road to prosperity.

We need to put ideology aside and pass comprehensive energy reform this year. Majority Leader REID has indicated that we will make an energy bill a top priority this summer. I look forward to working with my colleagues to do just that.

Once again, I want to voice my opposition to S.J. Res. 26 and urge my colleagues to vote against this attempt to undermine America's nearly 40-year effort to cut dangerous pollution, protect our air quality, and spur innovation.

The ACTING PRESIDENT pro tempore. The Senator has consumed 5 minutes.

Mr. SCHUMER. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, our speakers at this time will be Senator SHAHEEN for 5 minutes, Senator SANDERS for 5 minutes, and Senator CANTWELL for 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I am pleased to be here to join my colleagues and Senator BOXER—and I thank her for her leadership in this effort—to keep from turning back the clock on our air quality. We desperately need to reform our country's energy policies.

Our reliance on fossil fuels means polluting our air, it results in an enormous transfer of wealth to other countries—\$1 billion a day—and it compromises our national security. We are currently sending \$150 billion a year to countries that the State Department deems dangerous and unsafe.

There are tremendous costs domestically associated with this reliance on fossil fuels. We saw it in 1989 with the Exxon Valdez spill in Prince William Sound, and we are seeing it now as the largest environmental disaster in our country's history plays out before our very eyes in the gulf—the loss of life and the tragedy to the environment. The way of life that so many people in the gulf have enjoyed for generations is unfortunately, we think, going to be

gone. We pay a very heavy price for our dependence on fossil fuels. Now is the time to work together to get America running on clean energy.

Reforming our Nation's energy policies will help us take control of our future in America, a future that will be built on clean energy and American power.

To those who say we should not be reducing carbon pollution, I simply disagree. We have heard the same tired stories from big oil and big polluters again and again. They tell us reducing carbon pollution will kill jobs and wreck our economy. Time and time again, we have heard these same arguments, and we know they are not true.

Since we passed the Clean Air Act in 1970, we have dramatically reduced emissions of dozens of pollutants, we have improved air quality, and we have improved public health. The EPA estimates that this year, the Clean Air Act prevented an estimated 20,000 deaths, more than 23,000 cases of chronic bronchitis and asthma, and 59,000 hospitalizations.

Yet during this same period, despite the current recession that has set us back, with the Clean Air Act, we have been able to grow our economy. Our gross domestic product has more than tripled, and average household income grew more than 45 percent.

We know we can protect the public health, save our environment, and grow our economy.

The resolution we are debating today will unravel the only ability we have right now to address carbon pollution. For those who say Congress should make a decision about how to address carbon, they are absolutely right. But instead of debating efforts to protect big polluters, we should be using this time to debate how to position our country to lead in the global clean energy economy.

I have no doubt that the American people have the ingenuity and the competitive spirit to solve our energy challenges. What they need is some leadership from us in Washington. Now is the time to get America running on clean energy.

I urge my colleagues to reject this resolution and for all of us to work together to craft energy policies that will help us transition to a clean energy economy that will stop carbon pollution and our reliance on fossil fuels.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. SANDERS. Madam President, I rise in strong opposition to the Murkowski resolution which, sadly, is sponsored by virtually the entire Republican caucus, which would overturn EPA's endangerment finding under the Clean Air Act that greenhouse gas emissions pose a threat to the public health and welfare.

This resolution is not about whether EPA or Congress should regulate

greenhouse gas emissions. What this resolution is about is whether we go forward in public policy based on science or based on politics. That is what this resolution is about.

I have a very hard time understanding where all of this antiscience sentiment is coming from. If an American gets sick and goes to a doctor, she does not worry about whether that doctor is a Republican or a Democrat, whether the doctor is conservative or progressive. The concern is that the physician is well trained by a certified academic institution and has the scientific knowledge needed to treat the ailment. That is what Americans go to doctors for. It is not a political issue. It is a matter of science and biology, of the best medical treatment available.

But somehow when we talk about global warming, we do not have to worry about the science, we do not have to worry about what the leading experts and scientific institutions all over the world are telling us. For whatever reason, this discussion about global warming is now political, not scientific.

This is absurd. It should be no more political than the best cancer treatment available or how we deal with a broken leg. Let's look at the science. Let's look at the leading scientists all over the world.

Scientists at the following world-renowned American institutions have all found that human-caused greenhouse gas emissions are causing global warming. Here they are: NASA, National Science Foundation, Departments of Defense, Agriculture, Energy, Interior, Transportation, Health and Human Services, State, Commerce, the Smithsonian Institute, the National Academies of Science, the American Meteorological Society, the American Association for the Advancement of Science. The CIA believes global warming presents one of the major security risks facing our country. If all of these scientific institutions are wrong, why do we continue funding them?

But this is not an issue just for the American scientific community or governmental agencies. This is the consensus that exists in virtually every country in the world.

It is ironic this resolution against the science of global warming comes from the Republican Senator from Alaska, a State clearly experiencing the impacts of global warming. The Alaska State government Web site says:

Global warming is currently impacting Alaska and will continue to impact it in a number of ways. These impacts include melting polar ice, the retreat of glaciers, increasing storm intensity, wildfires, coastal flooding, droughts, crop failures, loss of habitat and threatened plant and animal species.

Three Alaskan villages have begun relocation plans, and the U.S. Army of Corps of Engineers says over 160 more

rural communities are threatened by erosion from global warming impacts. This is going on in Alaska.

The evidence of global warming is overwhelming. NASA has reported that the previous decade was the warmest on record—90 percent of observed glaciers are shrinking. Glacier National Park had 150 glaciers in 1910 and now has just 30. Arctic sea ice is covering smaller areas every summer. Sea levels have risen as much as 9 inches in some areas, causing the island nation of Maldives to divert revenues to purchase a new homeland for its people. Harmful insects are migrating for higher altitudes and causing forest destruction, including 70,000 square miles of American and Canadian forests since 2000.

So with all of this evidence, who is arguing against global warming? Who is saying it is not real? Well, the well-known climate expert Glen Beck has suggested climate scientists should commit suicide and compared Al Gore to Adolf Hitler. There you go. Rush Limbaugh, another scientist of outstanding repute, says global warming is “bogus” and is the work of “pseudoscientists.”

Well, from where are these rightwing media commentators getting their talking points? In many cases from precisely those corporations that want us to remain dependent on fossil fuel, that want us to continue importing hundreds of billions of dollars a year of foreign oil, that want to continue making record-breaking billions and billions of dollars in profit as they charge us \$3 per gallon of gas.

During the 1990s, big oil companies such as Exxon and BP funded an industry front group called the Global Climate Coalition.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. SANDERS. I ask unanimous consent for an additional 30 seconds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SANDERS. These oil companies used tobacco industry lobbyists and tactics to cast doubt on global warming science.

What this is about is, if our Nation is to prosper, if we are to create the millions of jobs we desperately need, we have to have science-based public policy and not politically based. I would hope that we will reject, very strongly, the Murkowski resolution.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Ms. CANTWELL. Madam President, I thank Senator BOXER for her passionate leadership in defense of the Clean Air Act and the pollution protections this bedrock law provides every American. I appreciate her yielding me time to speak in opposition to the Resolution of Disapproval introduced by Senator MURKOWSKI.

Madam President, I don't think any of my colleagues would disagree that the Clean Air Act has been one of the most effective environmental laws ever passed in our Nation. It has literally saved the lives of thousands of children who would otherwise have suffered terribly from the effects of air pollution.

The economic benefits of the Clean Air Act are immense, and it has been credited with turning around a dire acid rain problem that was threatening the natural heritage of all of New England. The critically important 1970 amendments to the Act were a bipartisan bill. Those improvements—really called the Muskie Act, in honor of the key role played by the former Senator from Maine, Ed Muskie—were, of course, signed into law by a Republican President, Richard Nixon.

The next major revisions came 20 years later, in 1990, and those improvements cracked down on acid rain and lead in our gasoline supply.

But today we are talking about a Resolution that would undermine the Clean Air Act, rather than strengthen it. We are actually debating whether to overturn the science-based determination that greenhouse gases pose a threat to the public health and welfare to the current and future generations of Americans.

Madam President, the Supreme Court ruled in 2007 that greenhouse gases are pollutants and are covered by the Clean Air Act. Consequently, the court held that the Environmental Protection Agency must make a determination, based on the available science, about whether greenhouse gases pose a threat to the public. EPA engaged in a thorough public process, assessed the available scientific evidence, and ultimately determined that greenhouse gases do pose a threat to public health and welfare.

The reason I recount all this history, Madam President, is to show that these findings are not the casual or capricious action of a small group of bureaucrats. Rather, they are the result of a long and transparent process prescribed by statute and the highest court in the land.

In announcing her resolution last January, my colleague, Senator MURKOWSKI, said:

We should continue our work to pass meaningful energy and climate legislation, but in the meantime, we cannot turn a blind eye to the EPA's efforts to impose back-door climate regulations.

While I fully agree with my colleague on the first point—we do need to work together on meaningful energy and climate legislation—I have to say I disagree on the second point, about the back-door regulations. Though Congress may not have specifically anticipated greenhouse gas emissions when the Clean Air Act was originally passed, the same can be said of many pollutants. Indeed, when the 1970 law

passed, only five pollutants were initially listed. Since then, dozens of additional pollutants have been listed and the air we breathe is better for it. This is not an example of an agency overreaching, it is the way the Clean Air Act was designed to work.

The drafters of the Clean Air Act never claimed they could predict all of the pollutants that might someday fall under its jurisdiction. That is why they established a framework and a public process that could be used to regulate any pollutant that science—science—ultimately identified as a threat to public health and welfare.

Today, 40 years later, we have come to the point where thousands of scientists, working throughout the Federal Government and around the world over the course of decades, have identified a serious risk associated with the emissions of greenhouse gases. Given these scientific findings, the legal mandate from the United States Supreme Court, and the statutory requirements spelled out in the Clean Air Act, the EPA has a responsibility to act.

For Congress now to undermine this process would be—

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Ms. CANTWELL. I ask unanimous consent for an additional 15 seconds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. CANTWELL. For Congress now to undermine that process would be to undermine the Clean Air Act itself and the sanctity of science-based policymaking. It would be a very bad precedent, and it would be a threat to our children and to the environment in which we want them to grow up.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, for this next 30 minutes, we will be allocating the block in a 20-minute segment that will be under the control of Senator BARRASSO to engage in a colloquy with several of our Republican colleagues, and following that 20 minutes there will be 10 minutes under the control of Senator NELSON of Nebraska.

We have a lot of Members who wish to speak in support of this resolution, so we are trying to accommodate as many as possible. With that, I yield to my friend, the Senator from Wyoming.

Mr. BARRASSO. Madam President, I thank my colleague for allowing me to conduct this colloquy with other colleagues who are here as part of the Senate Western Caucus. We are here to speak in favor of the Murkowski resolution in opposing what the Environmental Protection Agency is trying to do in terms of its efforts to regulate climate change because we know that is a job killer for all Americans.

I see my colleague, Senator HATCH from Utah, and I understand he has some new information he would like to

share with the people of America and the Senate.

Mr. HATCH. Madam President, I thank my colleague, and I appreciate being here with my two colleagues from Wyoming and also Idaho. Let me start by applauding Senator MURKOWSKI for her strong leadership on this issue, and I stand squarely behind her effort.

To summarize what has already been laid out, the EPA has released findings that, No. 1, human carbon emissions contribute in a significant way to global warming, and, No. 2, global warming, which has been going on for about 10,000 years now, is an endangerment to humans.

The EPA's foundation for its proposal relies on the assumption that both of these findings are the truth.

Madam President, I was sorely disappointed but not too surprised when I learned the EPA based its "findings" almost entirely on the work done by the United Nations Intergovernmental Panel on Climate Change—or the IPCC. I have no problem with much of the science produced by the IPCC scientists, but I have a real problem with the way that science is summarized by the political leaders at the IPCC and by the conclusions drawn by those same political leaders in the IPCC's Summary for Policymakers, which is not a science document.

It becomes immediately evident that the EPA relies heavily on these political summaries and conclusions rather than actual science produced by the IPCC because we now have abundant proof that a wide gulf exists between what the science indicates and what the political leaders of the IPCC pretend that it indicates.

But I am not asking anyone to take my word for this. Instead, let's listen to what the IPCC scientists are saying about the conclusions that politicians at the IPCC have been selling to policymakers. Here is what Dr. John T. Everett has to say. He was an IPCC lead author and expert reviewer and a former National Oceanic and Atmospheric Administration senior manager. He says:

It is time for a reality check. Warming is not a big deal and is not a bad thing. The oceans and coastal zones have been far warmer and colder than is projected in the present scenarios of climate change.

Well, there is one of the IPCC's top scientists saying that the warming we are experiencing is not an endangerment.

Let's hear another scientist, Dr. Richard Tol. He was the author of three full U.N. IPCC working groups and the Director of the Center for Marine and Atmospheric Science. He says:

There is no risk of damage [from global warming] that would force us to act injudiciously.

As an illustration, he explains:

Warming temperatures will mean that in 2050 there will be about 40,000 fewer deaths in

Germany attributable to cold-related illnesses like the flu.

What is that, Madam President? Here we have another top scientist at the IPCC telling us that warming will actually save lives, not endanger them?

Dr. Oliver W. Frauenfeld, a contributing author to the U.N. IPCC Working Group 1 Fourth Assessment Report, sends those of us who are policymakers a serious warning. He says:

Only after we identify these factors and determine how they affect one another, can we begin to produce accurate models. And only then should we rely on those models to shape policy.

I hope my colleagues in the Senate are listening today because these U.N. IPCC scientists are speaking directly to us. I wonder at what cost to our economy and our competitiveness will we as policymakers continue to ignore the actual scientists at the IPCC? There is nowhere near a scientific consensus on either one of the EPA's "findings" that humans are causing warming or that warming is necessarily bad for the environment or for humankind.

MIT climate scientist, Dr. Richard Lindzen, another IPCC lead author and expert reviewer, dispels the notion there is a scientific consensus in favor of drastic climate policy. He explains:

One of the things the scientific community is pretty agreed on is those things will have virtually no impact on climate no matter what the models say. So the question is do you spend trillions of dollars to have no impact? And that seems like a no-brainer.

Another top IPCC scientist and lead author was Dr. John Christy. He explained that the U.N. IPCC process had become corrupted by politics. He says:

I was at the table with three Europeans, and we were having lunch. And they were talking about their role as lead authors. And they were talking about how they were trying to make the report so dramatic that the United States would just have to sign that Kyoto Protocol.

The politicization at the U.N. was so egregious that Dr. Christopher W. Landsea, U.N. IPCC author and reviewer and expert scientist with NOAA's National Hurricane Center, pronounced:

I personally cannot in good faith continue to contribute to a process that I view as both being motivated by pre-conceived agendas and being scientifically unsound.

Now, Madam President, there are many more U.N. and government scientists who have publicly expressed their professional opinions that the IPCC political projections are overblown and not supported by the science. I have put together a sampling of their quotations in a report called the "UN Climate Scientists Speak Out on Global Warming." It is available for download on my Climate 101 link on my Web page. I ask unanimous consent to have printed in the RECORD two documents relating to climate change.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

(See Exhibit 1.)

Mr. HATCH. Madam President, I would like to address an issue that has been very carefully ignored by the EPA; that is, the—get this word—"benefit" Americans can expect from the EPA's actions.

As Senators, not many of us are scientists, but each of us is a policymaker. As policymakers, we are expected to fully analyze the costs and benefits of any proposal that comes before us.

The endangerment the EPA points to is the warming we are supposedly causing. If warming is the endangerment, then the benefit is the amount of warming the regulations would avoid. Thanks to the IPCC, we have all the numbers and assumptions we need to be able to determine just how much warming we could avoid for the amount of carbon emissions the EPA can stop.

Let's go on the assumption that the EPA will successfully reduce human CO<sub>2</sub> emissions in this country by 83 percent over the next century. According to the alarmist and some would say overblown assumptions at the U.N. IPCC, Americans can expect a cooling benefit of somewhere between 0.07 and 0.2 degrees Celsius after a full 100 years of effort. That is right, we are being asked to give up trillions of dollars in economic activity, send all manufacturing activity overseas, give up millions of jobs, and put basic human activities under the control of the EPA, all for a benefit that cannot be measured on a household thermometer after 100 years of sacrifice and pain.

The EPA tells us our human carbon emissions are leading to a general catastrophe, but then we find out that if we do what they say, it will make no real difference. So I ask the EPA Administrator this question: Have you done a real risk-benefit analysis of these proposed carbon emission regulations? I don't want to hear all the scary scenarios about general global warming; I want to know the actual risk associated with an 0.07 to 0.2 degree decrease in temperature over 100 years because that is what we are talking about here. That is the analysis I want to see because when you stack up the astounding costs on the scale against such a tiny benefit, you have the most lopsided and obvious failure of a cost-benefit analysis I have ever seen.

I notice my other two colleagues are here. I have gone on a little longer than I wanted to.

## EXHIBIT 1

[From National Geographic News, July 31, 2009]

## SAHARA DESERT GREENING DUE TO CLIMATE CHANGE?

(By James Owen)

Desertification, drought, and despair—that's what global warming has in store for much of Africa. Or so we hear.

Emerging evidence is painting a very different scenario, one in which rising temperatures could benefit millions of Africans in the driest parts of the continent.

Scientists are now seeing signals that the Sahara desert and surrounding regions are greening due to increasing rainfall.

If sustained, these rains could revitalize drought-ravaged regions, reclaiming them for farming communities.

This desert-shrinking trend is supported by climate models, which predict a return to conditions that turned the Sahara into a lush savanna some 12,000 years ago.

## GREEN SHOOTS

The green shoots of recovery are showing up on satellite images of regions including the Sahel, a semi-desert zone bordering the Sahara to the south that stretches some 2,400 miles (3,860 kilometers).

Images taken between 1982 and 2002 revealed extensive regreening throughout the Sahel, according to a new study in the journal *Biogeosciences*.

The study suggests huge increases in vegetation in areas including central Chad and western Sudan.

The transition may be occurring because hotter air has more capacity to hold moisture, which in turn creates more rain, said Martin Claussen of the Max Planck Institute for Meteorology in Hamburg, Germany, who was not involved in the new study.

"The water-holding capacity of the air is the main driving force," Claussen said.

## NOT A SINGLE SCORPION

While satellite images can't distinguish temporary plants like grasses that come and go with the rains, ground surveys suggest recent vegetation change is firmly rooted.

In the eastern Sahara area of southwestern Egypt and northern Sudan, new trees—such as acacias—are flourishing, according to Stefan Kröpelin, a climate scientist at the University of Cologne's Africa Research Unit in Germany.

Shrubs are coming up and growing into big shrubs. This is completely different from having a bit more tiny grass," said Kröpelin, who has studied the region for two decades.

In 2008 Kröpelin—not involved in the new satellite research—visited Western Sahara, a disputed territory controlled by Morocco.

"The nomads there told me there was never as much rainfall as in the past few years," Kröpelin said. "They have never seen so much grazing land."

"Before, there was not a single scorpion, not a single blade of grass," he said.

"Now you have people grazing their camels in areas which may not have been used for hundreds or even thousands of years. You see birds, ostriches, gazelles coming back, even sorts of amphibians coming back," he said.

"The trend has continued for more than 20 years. It is indisputable."

## UNCERTAIN FUTURE

An explosion in plant growth has been predicted by some climate models.

For instance, in 2005 a team led by Reindert Haarsma of the Royal Netherlands Meteorological Institute in De Bilt, the Netherlands, forecast significantly more future rainfall in the Sahel.

The study in *Geophysical Research Letters* predicated that rainfall in the July to September wet season would rise by up to two millimeters a day by 2080.

Satellite data shows "that indeed during the last decade, the Sahel is becoming more green," Haarsma said.

Even so, climate scientists don't agree on how future climate change will affect the Sahel: Some studies simulate a decrease in rainfall.

"This issue is still rather uncertain," Haarsma said.

Max Planck's Claussen said North Africa is the area of greatest disagreement among climate change modelers.

Forecasting how global warming will affect the region is complicated by its vast size and the unpredictable influence of high-altitude winds that disperse monsoon rains, Claussen added.

"Half the models follow a wetter trend, and half a drier."

## SAMPLE OF SCIENTIFIC STUDIES SHOWING REAL-WORLD BENEFITS OF WARMING FOR SPECIES AND HABITAT

## IPCC GLOBAL WARMING-INDUCED EXTINCTION HYPOTHESIS BASED ON COMPUTER MODELS

1. Woodwell (1989) wrote that "the climatic changes expected are rapid enough to exceed the capacity of forests to migrate or otherwise adapt."

[Woodwell, G.M. 1989. The warming of the industrialized middle latitudes 1985-2050: Causes and consequences. *Climatic Change* 15: 31-50.]

2. Davis (1989) said that "trees may not be able to disperse rapidly enough to track climate."

[Davis, M.B. 1989. Lags in vegetation response to greenhouse warming. *Climatic Change* 15: 75-89. Gear, A.J. and Huntley, B. 1991. Rapid changes in the range limits of Scots pine 4000 years ago. *Science* 251: 544-547. Root, T.L. and Schneider, S.H. 1993. Can large-scale climatic models be linked with multi scale ecological studies? *Conservation Biology* 7: 256-270.]

3. Malcolm and Markham (2000) agreed that "rapid rates of extinction [since] many species may be unable to shift their ranges fast enough to keep up with global warming."

[Malcolm, J.R. and Markham, A. 2000. *Global Warming and Terrestrial Biodiversity Decline*. World Wide Fund for Nature, Gland, Switzerland.]

4. Thomas et al. (2004) developed computer models predicting future habitat distributions. These models were used by the IPCC to make estimates of species extinction.

[Malcolm, J.R., Liu, C., Miller, L.B., Allnutt, T. and Hansen, L. 2002. *Habitats at Risk: Global Warming and Species Loss in Globally Significant Terrestrial Ecosystems*. World Wide Fund for Nature, Gland, Switzerland.]

## SCIENTIFIC REBUTTALS TO THOMAS' COMPUTER MODELS

1. Stockwell (2000) observes that the Thomas models, due to lack of any observed extinction data, are not 'tried and true,' and their doctrine of 'massive extinction' is actually a case of 'massive extinction bias.'

[Stockwell, D.R.B. 2004. *Biased Toward Extinction*, Guest Editorial, *CO2 Science* 7 (19): <http://www.co2science.org/articles/V7/N19/EDIT.php>]

2. Dormann (2007) concludes that shortcomings associated with climate alarmist analyses "are so numerous and fundamental that common ecological sense should caution us against putting much faith in relying on their findings for further extrapolations."

[Dormann, C.F. 2007. Promising the future? Global change projections of species distributions. *Basic and Applied Ecology* 8: 387-397.]

## PLANTS' ABILITY TO AVOID EXTINCTION WITH THE HELP OF CO2

1. Idso and Idso (1994) found that high levels of CO2 have many positive effects on plants.

[Idso, K.E. and Idso, S.B. 1994. Plant responses to atmospheric CO2 enrichment in the face of environmental constraints: A review of the past 10 years' research. *Agricultural and Forest Meteorology* 69: 153-203.]

2. Idso and Idso (1994) also showed that the positive effects of CO2 on plants were amplified as temperatures increase.

[Idso, K.E. and Idso, S.B. 1994. Plant responses to atmospheric CO2 enrichment in the face of environmental constraints: A review of the past 10 years' research. *Agricultural and Forest Meteorology* 69: 153-203.]

3. Wittwer (1988) asserts that even the most extreme global warming envisioned by the IPCC would probably not affect the majority of Earth's plants, because 95% of all plants can naturally adapt to high levels of CO2 while remaining in their current habitat.

[Wittwer, S.H. 1988. *The greenhouse effect*. Carolina Biological Supply, Burlington, NC.]

4. Drake (1992) shows that increases in atmospheric CO2 can actually raise the optimum growth temperature of plants.

[Drake, B.G. 1992. Global warming: The positive impact of rising carbon dioxide levels. *Eco-Logic* 1(3): 20-22.]

## REAL-WORLD EXAMPLES OF PLANTS ADAPTING TO CLIMATE CHANGE

1. Allen et al. (1999) discovered that the vegetation naturally responds to rapid changes in climate. Warmer was always better in terms of vegetation production.

[Allen, J.R.M., Brandt, U., Brauer, A., Hubberten, H.-W., Huntley, B., Nowacyk, N.R., Oberhansli, H., Watts, W.A., Wulf, S. and Zolitschka, B. 1999. Rapid environmental changes in southern Europe during the last glacial period. *Nature* 400: 740-743.]

2. Kullman (2002), in a long-term study of the Swiss Alps, similarly shows that the Earth's vegetation can rapidly respond to climate warming. Warming does not result in species extinction, but actually leads to a greater number of species.

[Kullman, L. 2002. Rapid recent range-margin rise of tree and shrub species in the Swedish Scandes. *Journal of Ecology* 90: 68-77.]

## PLANTS DO NOT NEED TO MIGRATE TO ADAPT

1. An international team of 33 researchers found that, with warming, "when species were rare in a local area, they had a higher survival rate than when they were common, resulting in enrichment for rare species and increasing diversity with age and size class in these complex ecosystems."

[Wills, C., Harms, K.E., Condit, R., King, D., Thompson, J., He, F., Muller-Landau, H.C., P., Losos, E., Cmita, L., Hubbell, S., LaFrankie, J., Bunyavejchewin, S., Dattaraja, H.S., Davies, S., Esufali, S., Foster, R., Gunatilleke, N., Gunatilleke, S., Hall, P., Itoh, A., John, R., Kiratiprayoon, S., de Lao, S.L., Massa, M., Nath, C., Noor, M.N.S., Kassim, A.R., Sukumar, R., Suresch, H.S., Sun, I.-F., Tan, S., Yamakura, T. and Zimmerman, J. 2006. Nonrandom processes maintain diversity in tropical forests. *Science* 311: 527-531.]

## EVOLUTIONARY RESPONSES TO CLIMATIC STRESSES

1. Franks et al., 2007 showed that disease incidence was lower in environments with elevated CO2 levels.

[Franks, S.J., and Weis, A.E. 2008. A change in climate causes rapid evolution of multiple life-history traits and their interactions in an annual plant. *Journal of Evolutionary Biology* 21: 1321-1334.]

2. Sage and Coleman (2001) concluded that species are continually evolving and have high capacity for further evolving as CO<sub>2</sub> content continues to rise.

[Sage, R.F. and Coleman, J.R. 2001. Effects of low atmospheric CO<sub>2</sub> on plants: more than a thing of the past. *TRENDS in Plant Science* 6: 18-24.]

#### ANIMALS AVOIDING EXTINCTION—BIRDS

1. Thomas and Lennon (1999) showed that both British birds and European butterflies have expanded their ranges in the face of global warming. This is a positive response that decreases the likelihood of extinction to a lower possibility than it was before the warming.

[Thomas, C.D. and Lennon, J.J. 1999. Birds extend their ranges northwards. *Nature* 399: 213.]

2. In a similar study (1999) Brown et al. showed that the warming trend leads to an earlier abundance of food for the Mexican jay. This, in turn, leads to the jay laying eggs earlier in the season, and thus increasing the chances of survival for young jays.

[Brown, J.L., Shou-Hsien, L. And Bhagabati, N. 1999. Long-term trend toward earlier breeding in an American bird: A response to global warming? *Proceedings of the National Academy of Science, U.S.A.* 96: 5565-5569.]

3. Brommer (2004) demonstrates that the range of birds in a warming world will likely increase in size, which decreases the likelihood of extinction.

[Brommer, J.E. 2004. The range margins of northern birds shift polewards. *Annales Zoologici Fennici* 41: 391-397.]

4. Lemoine et al. concludes that "increase in temperature appear to have allowed increases in abundance of species whose range centers were located in southern Europe and that may have been limited by low winter or spring temperature." In addition they found that, "the impact of climate change on bird populations increased in importance between 1990 and 2000 and is now more significant than any other tested factor," because warming has tremendously benefited European birds and helped buffer them against extinction.

[Lemoine, N., Bauer, H.-G., Peintinger, M. And Bohning-Gaese, K. 2007. Effects of climate and land-use change on species abundance in a central European bird community. *Conservation Biology* 21: 495-503.]

5. Hapulka and Barowiec (2008) observed that increasing temperatures over a 36-year period led to an increase in the length of the egg-laying period. For several reasons, these temperature increases resulted in birds having significantly more offspring.

[Halpuka, L., Dyrce, A. And Borowiec, M. 2008. Climate change affects breeding of reed warblers *Acrocephalus scirpaceus*. *Journal of Avian Biology* 39: 95-100.]

6. UN Modeler Jensen et al (2008) stated, "global climate change is expected to shift species ranges polewards, with a risk of range contractions and population declines of especially high-Arctic species."

[Jensen, R.A., Madsen, J., O'Connell, M., Wisz, M.S., Tommervick, H. And Mehlum, F. 2008. Prediction of the distribution of Arctic-nesting pink-footed geese under a warmer climate scenario.]

7. When this theory was actually tested, the same researchers, Jensen et al (2008) discovered that global warming "will have a

positive effect on the suitability of Svalbard for nesting geese in terms of range expansion into the northern and eastern parts of Svalbard which are currently unsuitable."

[Jensen, R.A., Madsen, J., O'Connell, M., Wisz, M.S., Tommervick, H. And Mehlum, F. 2008. Prediction of the distribution of Arctic-nesting pink-footed geese under a warmer climate scenario. *Global Change Biology* 14: 1-10.]

#### OTHER CLIMATE WARMING BIRD POPULATION STUDIES

1. UN modelers Seoane and Carrascal (2008) wrote that "it has been hypothesized that species preferring low environmental temperatures which inhabit cooler habitats or areas, would be negatively affected by temperature during the last two decades." After an intense study of 57 species between 1996 and 2004, they discovered that, "one-half of the study species showed significant increasing [italics added] recent trends despite the public concern that bird populations are generally decreasing," while "only one-tenth showed a significant decrease."

[Seoane, J. And Carrascal, L.M. 2008. Inter-specific differences in population trends of Spanish birds are related to habitat and climatic preferences. *Global Ecology and Biogeography* 17: 111-121.]

Mr. BARRASSO. I think the Senator from Utah has made a clear point. The costs are real. The costs of doing this are very real. The benefits, however, are theoretical.

I see my colleague and friend from Idaho here. I ask him, who elected the Environmental Protection Agency? Because we sure know the American people are against these increased costs for energy and these job-killing regulations.

Mr. RISCH. I thank my colleague, Senator BARRASSO. You were cheating, looking at my notes over my shoulder. A well made point.

I come at this whole proposition from a little different way than perhaps a lot of my colleagues do. All of this debate has been about global warming and about whether we should regulate carbon and how we should do that and what have you. But that is not really the issue on this resolution. This resolution is about the separation of powers. The Constitution of this great land that we all took an oath to uphold is very specific in separating the powers of the executive branch, the legislative branch, and the judicial branch. The Founding Fathers wisely separated the different branches so that none could overpower the other. What are we doing here? The movement by the administration and by the Environmental Protection Agency is to take from the legislative branch the power that belongs to the legislative branch.

It is obvious in the debate that is going on here that we have deep differences, which we should have, because this is a major policy decision that will affect every single American. It has profound effects on the economy. It has profound effects on the movement of jobs overseas. These are things that should be debated and are things that should be decided by elected per-

sons—not by the people at the EPA, who are not elected and who are not answerable to the electorate.

When this happens, what you get is a deterioration of the Constitution of this great country. Each of the branches is constantly tugging at the other, attempting to pull power away from the other and attempting to consolidate power within itself. This movement by the EPA to effect policy is one of those power struggles. Every single Member of this body should be concerned about the shift of power from the legislative branch to the administrative branch.

What has happened here, as everyone can see, is this has become polarized. Again, it has become a partisan argument that we should allow the EPA to do this because we can't seem to get it through the legislative branch as quickly or as efficiently or leaning to the left as we want. That is wrong. It is just plain wrong. It should be decided right here. Those policy decisions should be debated here. Those policy decisions should be made on the floor of this body and on the floor of the House of Representatives. This is not a job for nonelected persons. It is a job for the people who have been elected and who have to go home again and face reelection and listen to the voters say: You did a great job controlling global warming or, you doofus, what are you doing? You can't possibly do it the way you want to do it.

That is a debate which should be held here. Why has this become so partisan? At the end of the day, we all know how this is going to come out. There are going to be 55 votes, give or take a couple, to defeat Senator MURKOWSKI's resolution. It is going to be generally on a party-line basis. At the end, the administration will claim a great and glorious victory again. But it will not be a great and glorious victory for the American people; it will be a defeat for the American people. And more important, it will be a defeat and another erosion of the Constitution of this great country and movement of power from the legislative branch where it belongs to the administrative branch, to the bureaucrats, to the people who are not elected. That is a wrong way to do this. It should stay right here in the legislative body.

I yield the floor back to my good friend, Senator BARRASSO.

Mr. BARRASSO. I think my colleague makes a key point. My colleague from Idaho has been discussing what has been described as the worst disaster in American history, and it is what is happening right today in the Gulf of Mexico. Should the Environmental Protection Agency maybe be focusing its efforts there, where we know there is a real problem, a real job to be done, real concerns, and the American people are looking or should the Environmental Protection Agency

spend its time and spend our resources driving up the cost of energy and doing it with the idea that perhaps 100 years from now it might make a difference? The efforts ought to be placed today where the efforts are needed most. The Environmental Protection Agency ought to be focused on the gulf, not on something that theoretically may make a difference 100 years from now.

At a time when emissions are going up in China and going up in India and going up in Russia, going up all around the world, the Environmental Protection Agency says: I want to handcuff the American economy, handcuff the small businesses of this country. At a time with 9.7 percent unemployment, let's make it tougher on Americans—that is what the Environmental Protection Agency wants to do. If this Senate goes ahead and defeats the Murkowski amendment, they will be saying exactly the same thing. We are going to make it tougher on small businesses.

For the small businesses in the western part of the country, we have our small refiners, we have our agricultural folks, tourism folks—all of the different people as part of the Western Caucus. What is this impact going to do to you? What is your position? We contacted agricultural groups all around the West. Look at this map of the United States. More than half of the square miles of the United States included in here support the Murkowski resolution because they know it is key to their economy. It is key to those parts of the country. It is key to agriculture. It is key to energy production. And it is key to families who are trying to balance their budgets, live within their means. They do not want to see an increase in taxes, which is what this is—an increase in energy costs at a time of 9.7 percent unemployment.

I tell you, I am here to support the Murkowski resolution of disapproval. The EPA's endangerment finding starts the process of taxing everything Americans do: driving cars, heating homes, powering small businesses. This will cost millions of Americans their jobs.

It is fascinating. The Small Business Administration wrote to the EPA a couple of times reminding the Environmental Protection Agency to stop the endangerment finding and look at its impact on small businesses, on small communities. The SBA basically said: Comply with the Regulatory Flexibility Act, the law meant to protect small businesses from excessive regulation from Washington.

I will tell you, when you talk about excessive regulations from Washington, we have seen them in the last year and a half. This bedrock law was meant to protect the ranchers, the small refiners around the States, restaurant owners in Utah, dairy farm—

ment hovering at about 9.7 percent, it is unacceptable that the Environmental Protection Agency has failed to evaluate the impact of greenhouse gas regulations on the small businesses and the communities across America. Who grows jobs in America? Small businesses. In the last 15 years, small business owners have been responsible for 64 percent of all job creation in America. But additional regulations, additional rules, additional taxes make it that much harder.

Is it going to actually have an impact on the global environment? No, not at all, not when you take a look at what is happening in China, where their emissions are going to go up every year all the way through 2050. India's emissions are going up; more and more energy is being used. If you want to use energy well, the United States does the best job in using it efficiently.

It just seems that when I go home on weekends to Wyoming—and I will be there again tomorrow—and I talk to people in various parts of the State, they say: What are they thinking back in Washington? Why are they going to make it harder for us to compete? Why are they going to make it harder for us economically?

The food producers in our Nation compete globally to sell food products, and they do it in a way where we need to use energy. Agriculture is a hugely energy-intensive operation, and anything that increases the costs of producing that food is going to get passed on to consumers in this country and consumers in other nations as we go ahead and try to compete and sell our products overseas.

It does seem that this EPA endangerment rule will ruin the small business engine that drives the economy on jobs.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BARRASSO. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, today I rise to speak in support of the bipartisan resolution of disapproval offered by my colleague and friend, Senator MURKOWSKI from Alaska, and out of concern as well about a serious, harmful impact on Nebraska's economy that could result if the Environmental Protection Agency moves ahead with its plans to regulate carbon emissions in our country.

While I will outline some of that impact in a moment, I wish to first explain why I am supporting the resolution. I am supporting it to protect the Nebraska economy and our Nation's economy from EPA overreach. It is that simple. I want to send a clear message: Nebraska's farmers, ranchers, business owners, cities, towns, and hundreds of thousands of electricity consumers should not have their economic fortunes determined by

unelected bureaucrats in Washington, DC.

Finding a national consensus on how to control the levels of carbon emissions is the job of elected Members of Congress. Reducing carbon emissions will have a substantial economic impact on our country but in different ways for different States. Congress should take the lead in determining the rules that will apply.

American people may not support. It does not change the Clean Air Act. It says Congress should write the new rules curbing carbon emissions.

The reason this is important can be found in what I have heard from many Nebraskans about the impact of the EPA's proposed carbon emissions regulations.

For nearly 2 years, since the EPA's initial Proposed Rulemaking for Regulating Greenhouse Gas Emissions under the Clean Air Act in July 2008, I have heard from Nebraskans.

Many agricultural, industrial and energy-related businesses and organizations in my State have warned that the EPA regulations will impose substantial new costs on farmers, ranchers, small businesses, communities and users of electricity. EPA regulations would impose a top-down government-directed regime that would raise the price of energy in Nebraska, add greatly to administrative costs, and create new layers of bureaucracy.

While no one can say how much, because even the EPA does not know yet what requirements will be imposed on power suppliers, the cost in Nebraska will be significant.

Regulated entities such as Nebraska's two Public Power companies, which provide electricity directly to 1.34 million Nebraskans in a State of 1.7 million residents, would be subject to an inflexible regulatory process. It would require new permits to be acquired before facilities are built or modified, and before Best Available Control Technology is purchased, installed, and operated.

The application process for a single EPA permit for a new or modified source could cost the applicant hundreds of thousands of dollars and require more than 300 person-hours for a regulatory agency.

In Nebraska today, coal serves as our primary fuel source to produce electricity. We also have a great potential to move to renewable energy resources such as wind. But the EPA's regulation of greenhouse gas emissions would force a move to other fuel alternatives at rates that would substantially increase the cost of electricity for consumers in our State. This is incontrovertible.

Soaring electricity rates would have a detrimental impact on many businesses and manufacturers. One of them is Nucor Steel in Norfolk, one of the largest users of electricity in Nebraska.

If you couple the electricity rate increase with new regulations and review processes for companies like Nucor to make major modifications to an existing facility or build a new facility, you have a recipe for trouble. EPA regulation of greenhouse gases would have chilling effects on new investment in our Nation's manufacturing sector that we are just beginning to see come around from the economic downturn.

Further, these new regulatory costs are not limited to our utility consumers and manufacturers. They could devastate Nebraska's No. 1 industry: Agriculture.

According to the Nebraska Farm Bureau, were the EPA's tailoring rule not to work, an estimated 37,000 farms nationwide would emit more greenhouse gas emissions than the Clean Air Act threshold levels allow. Permits generally cost more than \$23,000, so the regulations could add \$886 million in costs to our farmers.

Not only will our farms bear additional bureaucratic costs, but they will be put at a disadvantage in the global marketplace.

The Nebraska Soybean Association notes that every other row of our State's soybean crop is exported. The EPA's new regulations will put commodities such as Nebraska-produced soybeans at a disadvantage to our foreign competitors who are not subject to similar burdensome regulations.

Earlier this year, in his State of the Union Address, the President called for doubling our exports over the next 5 years to create more jobs in America. That goal is at cross purposes with allowing new regulations to go forward that will hamstring our producers as they try to compete in the global marketplace.

Additionally, the Nebraska Corn Growers point out that the increase in the bureaucratic costs to farms will boost agriculture input costs. With that, our Nation's farms will not even be competitive with foreign producers here at home. That, then, in turn will lead to more foreign dependence and less security for the U.S. food and fuels supply.

This strikes me as possibly the biggest negative consequence of the EPA getting out ahead of Congress. As I pointed out time and time again during debate on the 2008 farm bill:

If you love that we are dependent on other nations for our energy needs, you'll love even more relying on other nations for our food.

I am aware that some have argued that support of this resolution is an attack on the Clean Air Act. Some say that if the resolution passes it would lead to an even greater reliance on oil leading to more situations like the spill in the Gulf of Mexico.

I am not going to go for a smoke-screen argument against the Murkowski resolution.

The resolution would only prevent an unwarranted and ill-advised expansion of the Clean Air Act's implementation. Every current standard and control for air pollution would be preserved exactly intact, as written and authorized by Congress.

Now, I have no doubt that carbon emissions should be reduced in the U.S. But not through excessively costly EPA regulations or a complicated cap and trade proposal that could spur speculation that enriches Wall Street, while not cleaning the air above Main Street.

In my view greenhouse gas emissions should be reduced through a comprehensive energy bill. One that promotes efficiency, innovation, new technology, and renewable energy such as wind and biofuels that can be produced in Nebraska's fields. An energy bill should help, not harm, Nebraska and the American economy as it cleans up the air.

By pursuing that kind of a sound energy policy we will take important steps toward ending our reliance on energy from areas that can be unstable such as the Middle East, South America and Africa. Instead, we can create our own American energy from the Sun, the wind and the biofuels available throughout the Midwest, and across our great land.

I believe there is bipartisan support for this type of comprehensive energy bill. I hope we can turn our attention to it soon.

We should work together on legislation that enables our agricultural and manufacturing industries to grow, rather than wilt under layers of unilateral and bureaucratic EPA directives.

When Congress takes the lead in that manner, Nebraska families, farmers and businesses will prosper, and so will America.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, at this time I yield 10 minutes to Senator FEINSTEIN, followed by 10 minutes to Senator CARPER.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I just learned, by looking at one of the boards out here, that we have something called a Western Caucus, and the largest State in the Union that is bigger than all of the States in population in the caucus has not been invited to join the Western Caucus. Well, so be it. We will have to suffer along.

This measure, I believe, sets a dangerous precedent by invalidating the endangerment finding on greenhouse gas pollution. I strongly oppose it. I wish to make the public health argument.

What is an "endangerment finding"? Simply put, it is a scientific determination made by the EPA that an air

pollutant endangers the health and welfare of the American people and, therefore, it must be regulated under the Clean Air Act.

This came about because of a 2007 case, *Massachusetts v. EPA*. What the Supreme Court said was that the EPA has an obligation to study the impact of global warming. Specifically, the majority opinion found that "greenhouse gases fit well within the Clean Air Act's definition of an air pollutant." It ordered the EPA to comply with the Clean Air Act and make a determination about whether greenhouse gases could "reasonably endanger public health or welfare."

In December 2009, the EPA issued the required final endangerment finding, and that final finding said:

The emission of six greenhouse gasses, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, threaten the public health and welfare of current and future generations.

Accordingly, the Administrator has initiated action to curb these emissions in order to protect the health and safety. Many argue, and I happen to concur, that a national cap-and-trade system on these gases might be more efficient and less costly than having to regulate them under the Clean Air Act. Yet, the Senate has failed time and again to approve climate change legislation. We have dithered while the Earth heats.

That means right now, EPA is the only Federal agency with the statutory authority to protect the American public's health and safety from greenhouse gas pollution.

The Murkowski resolution, however, would throw out this endangerment finding. It would stop EPA dead in its tracks. This would have some real and very serious consequences. First, it would put the Senate on record rejecting scientific analysis of EPA experts. Second, it would block the implementation of a new Federal fuel economy program. Third, it would put the Senate at odds with a coalition of 115 nations that signed the Copenhagen summit agreement. The President has threatened to veto this resolution if it passes, and I would support that veto.

Now, health effects. The EPA's endangerment finding says that global warming will have four significant detrimental human health effects. One, more heat waves will mean more heat-related deaths, which is already the leading cause of weather-related deaths in our country. Two, increased extreme weather events, such as hurricanes, put human lives at risk. Katrina demonstrated that in tragic fashion. And, three, a warmer climate will likely result in an increase in the spread of several food and waterborne pathogens, including tropical diseases.

Finally, and most important to the Chair's State and my State, EPA's endangerment finding states:

Climate change is expected to increase regional ozone pollution with associated risks in respiratory illnesses and premature death.

California has two of the worst non-attainment regions in the country: the South Coast Basin, including Los Angeles, and the San Joaquin Valley. Experts tell us combined ozone and particulate matter contribute to up to 14,000 deaths and \$71 billion in health care costs every year.

Roughly 2.5 million Californians—that is bigger than most of these States in the Western Caucus—2.5 million Californians suffer from asthma, and it is increasing, and other air-pollution-related illnesses.

This is a matter of saving lives. It is a matter of major health concern and welfare, and it should be looked at that way. If temperatures rise as projected, these two regions of our country could see 75 to 85 percent more days with warming-related smog and ozone pollution. Fact. This means more asthma, more lung-related disease, more premature deaths from air pollution. These scientific observations are not political statements. They are fact established by scientific study after study. Yet the resolution offered today would reject this evidence.

The EPA is legally charged with protecting the public's health and welfare from air pollution. Not to do so, in my opinion, is malfeasance.

Additionally, the Murkowski resolution would invalidate the Federal fuel economy program. On April 1, the administration finalized joint standards issued by EPA and the National Highway Traffic Safety Administration, more fondly known as NHTSA, in coordination with the State of California to require automakers to increase fleetwide fuel efficiency from the 2008 average of 27 miles per gallon to the equivalent of 35.5 miles per gallon in 2016. This is important. It is based on the enacted Ten-in-Ten Fuel Economy Act which I authored with Senator OLYMPIA SNOWE and others. That law requires automakers to increase fleetwide fuel economy to the maximum feasible rate beginning with 2011 vehicle models. I have been proud and encouraged to see the administration aggressively implement this program. Yet if EPA's endangerment finding is invalidated by Congress and thrown out, it would mean that the Federal fuel economy program would collapse.

If that happens, California and 14 other States are required to enforce their respective State law, regulating tailpipe greenhouse gas emission standards. According to the auto industry, this would reimpose the very patchwork of regulation they have argued against for many years. This would be a major setback. EPA Administrator Jackson has written that Senator MURKOWSKI's resolution:

would undo the historic agreement among states, automakers, the federal government,

and other stakeholders . . . leaving the automobile industry without explicit nationwide uniformity that it has described as important to its business.

State environment commissioners from nine States have written to Congress to explain that they prefer a national approach, but they will enforce their State statutes as long as the Federal Government refuses to act. So the effect of the Murkowski resolution will be to encourage a State-by-State variation of regulation. Not good. The EPA is the agency we have charged to protect our children and our environment from harmful air pollution. EPA is moving forward slowly and carefully to address this issue. Its proposed rules would apply only to the very largest sources until 2016, 6 years from now. If we in the Senate don't like EPA's proposal, we should pass a climate change bill. But the one thing we should absolutely not do is deny the existence of a problem that science says is severely dangerous to our planet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. I wish to begin by saying some nice words about the Senator from Alaska. When she ran for the Senate the first time, she ran against one of my dearest friends, former Governor Tony Knowles, whom I tried very hard to elect to the Senate. When he lost, I said: You are here. I want to work with you. I want to be your partner on a whole lot of things.

This is one we cannot be partners and colleagues on. I want her to know, though, there will be other opportunities, and I look forward to those opportunities. Today I am compelled to oppose what she is attempting to do.

As my colleagues are aware, I go back and forth on the train every day and night. Usually before I catch the 7:15 train in Wilmington, I go to the YMCA and work out. Sometimes people talk to me and say: Hi, how are you? Sometimes they try to raise issues. This week a fellow came up to me and said: What is this all about? "This" being today's debate on the proposal of the Senator from Alaska. I didn't have time to explore it in detail in order to make my train, but I want to answer his question today.

This is about are we going to be guided by decades of science from thousands of respected scientists or not. This is about are we going to seize the opportunity that is inherent in the adversity we face at home and around the world or not. This is about are we going to get serious about ending our addiction to oil, a lot of which in our country is in places like the Gulf of Mexico, some thousands of feet below the surface of the water or not. This is about are we going to stop sending literally maybe hundreds of billions of dollars every year to places around the world that are unstable, nondemo-

cratic, propping up tyrants who lead countries such as Iran and Venezuela or not. This is about are we going to continue sending troops to places such as Iraq or other places where they happen to have a lot of oil and we want to make sure there is access to the oil or not. This is about whether we are going to jump-start our economy at a time in our history when millions of young people are graduating from colleges, universities, and high schools wondering if they will have the kind of opportunity to find a job and provide for themselves and their families some day, to provide a good life, better than the one they have inherited from their parents. That is what this is about.

We have heard—and I know my colleagues have heard—from thousands of scientists from all over the country who give us their advice. What are they telling us? Among the things they are telling us is that the Earth is growing warmer. They are telling us that we are part of the cause. They are telling us to do something about it. They are saying to us if we won't do something about it, at least let EPA do the job they have been told by the Supreme Court they have to do under the Clean Air Act. Among the things they have had to do under the Clean Air Act is to provide for ratcheting up the fuel efficiency of cars, trucks, and vans up to about 34 miles per gallon by 2016. The effect of doing that will take something like 50 million cars, trucks, and vans off the road by 2030. That is the kind of thing EPA needs to do, if we will let them.

Who are the scientists we are hearing from? I don't know them all. We have heard from a couple thousand. I know a couple of them well. Their names are Lonnie and Ellen Thompson, professors at Ohio State University, my undergraduate alma mater. They spent a lot of the last 20, 25 years running the polar research center at Ohio State. They have also spent a lot of the last 25 years going around the world climbing up some of the tallest mountains, a lot of them along the equator, where the snow caps give them the opportunity to take ice core samples. Those snow caps over time have actually begun to largely disappear. The ice core samples they still have frozen on the campus at Ohio State give us an opportunity to go back in time and, as we go back in time, to look back as much as a million years. What do we see then? We see over that million years different levels of carbon in the air. Sometimes it is high, sometimes it is low. They have correlated—the Drs. Thompson; I call them the Thompson twins—the increases in carbon with increases in temperature over time and the decreases in carbon with the decreases in temperature. They are correlated. They are positively correlated. Drs. Thompson say we ought to do something about it. We ought to act on that science.

I believe they are absolutely right. We have also heard from scientists that the 10 hottest years in all the years we have been around as a country keeping records are the last 20 years. In an effort to compel the government to take action, all kinds of campaigns have been launched. I heard one from Senator FEINSTEIN talking about drought, fertile farmland turning into desert. Polar bears don't have ice to float on. We see endangered species disappear. Movies are made about extreme weather that is going to flow out of climate change. I am going to leave it to others to pursue those particular agendas or examples. I want to focus on a couple I am more familiar with. One is Delaware, where I live. The other is Florida, where my parents lived for the last 30 years of their lives.

This is Delaware, outlined here in black. If the melting that is going on in Greenland and the west Antarctic ice sheets continues, if it continues over the next 100 years or more, this will no longer be Delaware. The green area right here will be Delaware. People won't go to Rehoboth Beach anymore or Bethany or Dewey Beach. They will be looking for a beach up here in Dover. They won't be going to NASCAR races in Dover. They will be going to a sailboat regatta in Dover. Ocean View, which doesn't have an ocean view, will be under the ocean.

Let's take a look at Florida with about a 1-meter rise in sea level. My parents lived in Clearwater just around here in St. Petersburg and Tampa. The place where they used to live will be largely under water. They lived about a half mile from the gulf. It will be pretty much under water. Look at south Florida, go to South Beach. When we have 1 meter of sea rise, we won't find it. It will be under water. What happens with 6 meters of sea rise? The red part is the parts of Florida that are basically under water. Most of the people who live in Florida live in the parts in red. Where are they going to live? I guess they can come inland a little bit, but they won't be living in the area that turns red because they would otherwise be under water.

There is a saying that all politics is local. That has been true for a long time, and it is still true. The highest point of land in Delaware is a bridge. When we get a couple feet of sea level rise, the outline of our State changes dramatically. The quality of life in a State that is under water changes dramatically as well. The same is true of Florida and a bunch of other coastal States.

What do we need to do? We need to unleash market forces, put millions of people to work building new nuclear powerplants, finding ways to take carbon dioxide coming out of coal-fired plants, turning it into a concrete aggregate to build roads, bridges, finding ways to take the CO<sub>2</sub> coming off coal-

fired plants and turning it into biofuels. We need to deploy off of our shores windmill farms. We need to deploy windmill farms from North Carolina all the way up to Maine. We need to take that electricity we are generating from the wind and use that to power vehicles such as the Chevrolet Volt that will be launched this fall or the Fisker Karma cars of Project Nina that are going to be launched in a year or so, built in Delaware. They get 100 miles per gallon. We need to make sure that the cars, trucks, and vans that GM and Chrysler are prepared to build, 44 miles per gallon, that when they build them, somebody will be there to buy them.

Let me conclude with the words of a friend of Senator BOXER, an eminent climatologist named Stephen Stills. He wrote a great song that says: "Something's happening here; what it is ain't exactly clear."

It is clear to me. Our planet is getting warmer. It is clear to me the great challenges that poses for all of us. But inherent in those challenges are great opportunities. The thing we have to do is seize those opportunities, to seize the day.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I yield 5 minutes to Senator MENENDEZ, followed by 5 minutes to Senator CARDIN.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I thank the distinguished chairman for yielding. I come to the floor in strong opposition to the Murkowski resolution because it means we will needlessly use more oil. That is why the oil industry supports this resolution, because this resolution would increase demand for their products. In turn that is why so many of my Republican friends support this resolution, because whenever big oil wants something, it seems they line up to support it. When the Republicans were in charge of MMS, they stripped the government's ability to regulate oil drilling. Anyone who has turned on the news in the last 52 days can see exactly what the policy of allowing industry to police itself has gotten us. Now they want to go further and strip the government's ability to reduce our oil consumption and regulate pollution. This is simply a wrong-headed approach at the wrong time.

This is not the time to increase oil consumption by more than 450 million barrels, which this resolution would ultimately do. This is not the time to prop up big oil, make ourselves less energy secure, and put our coastlines in further peril.

The events unfolding in the gulf have vividly shown us we should not be doubling down on 19th-century dirty fuels but, instead, moving to clean technologies of the 21st century that will

reinvigorate our economy, allow our businesses to compete internationally, improve our energy security, and preserve the environment.

The resolution is regressive on its face. For my home State of New Jersey, it would increase dependence on oil by more than 14 million barrels in 2016 and cost New Jerseyans an additional \$39 million at the gas pump in 2016.

The Federal Government gives big oil tax breaks. It gives big oil subsidies. The government even gives big oil, so far, a cap on damages stemming from oil spills. The resolution is just one more windfall for big oil at the expense of American taxpayers.

So the choice is clear: We can keep protecting big oil from regulation or we can do what reason, common sense, and good governance dictate. In light of the facts—in light of the need to reduce pollution; in light of the need to move toward new, smarter, greener energy for the future; in light of what we are seeing happen every day in the gulf—over the last 52 days—in light of the fact that this resolution would cost consumers as much as \$47 billion in additional fuels costs, I hope the Senate soundly defeats the Murkowski resolution.

This is a choice between polluting our environment—and stopping the government from ensuring we do not pollute our environment—and moving toward a cleaner, greener future. This is a choice between a quality of life that ultimately reduces respiratory ailments and cancer versus one that continues to perpetuate it. The choice could not be clearer. I certainly hope my colleagues will ultimately vote for a choice that is greener, that has a future of promise and hope and opportunity, not one that continues to help big oil at the expense of the American taxpayer.

With that, I yield back any time I may have to the chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, as the world is looking at the worst oil spill in America's history—it may yet become the worst oil spill ever—everyone is saying: Well, what are we going to do about this? What is our response? Our response needs to be, first, to stop the oil from spilling into the Gulf of Mexico; second, to make sure we clean up this mess and hold BP and its related companies fully responsible for all damages, whether to the businesses that have been put out of business, literally, by what has happened in the Gulf of Mexico or the property owners or the taxpayers. BP has to be held fully accountable.

They are looking forward to us making sure that future drilling in this country is done in a safe way; that we have a regulatory system in place that

protects the public, that is independent, and that will protect environmentally sensitive areas where there is currently no drilling, such as the Mid-Atlantic, from any drilling. But they are also looking for us to have an energy policy—an energy policy that makes sense for America; that we invest in alternative and renewable energy sources; that we conserve energy; and that, yes, we manage our mineral resources as best we can and use less oil.

Well, the Murkowski resolution does just the opposite. It is very strange, the timing of this resolution, that we are taking up what would prevent the EPA regulations and would require us to use more oil rather than less oil. That makes no sense at all. It stops dead in its tracks efforts to cut the oil consumption of cars and trucks sold in America. You may ask why this resolution is being considered. Well, it is clearly supported by big oil. But whose side are we on? Are we on the side of the American consumers or on the side of big oil?

On April 1, the Environmental Protection Agency and the Department of Transportation completed standards to decrease the oil consumption in model years 2012 through 2016 cars and light trucks sold in the United States. Those standards will result in vehicles that will use almost 2 billion barrels less than current models. That is what we should be doing: using less oil. That needs to be part of our future.

On May 21, President Obama directed EPA and DOT to follow up over the next 2 years with standards for trucks and buses starting with model year 2014 and for cars and light trucks starting with model year 2017. Those follow-on standards will further reduce U.S. oil consumption by billions of barrels.

But the Murkowski resolution would compel EPA to rescind its portion of the completed standard and prevent the Agency from taking part in the follow-on ones—in other words, stopping us from improving the efficiency of our fleets, causing us to use more oil.

Not surprisingly, big oil is trying to disguise their resolution as something other than what it is. They claim it is necessary to prevent EPA from regulating the greenhouse gas emissions of small businesses and even homes and farms. Nothing could be further from the truth. As every Senator knows, EPA has already issued a final rule to shield small businesses, to shield homes, to shield farms, and to shield all other small sources from regulation for at least the next 6 years. Six years is more than enough time to pass a law making the exemption for small sources permanent.

The resolution of disapproval has just one certain outcome: that America's dangerous dependence on oil will continue. We cannot allow this resolution to be approved. It would eliminate

the legal foundation of the EPA oil-savings standards that are essential to breaking our addiction to oil.

It is time to decide whose side you are on. I choose the side of the American consumer, and I ask my colleagues to stand with me and reject the Murkowski resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Madam President, I ask that the time in this block be allocated as follows: Senator BOND, 6 minutes; Senator COLLINS, 7 minutes; Senator ENZI, 6 minutes; Senator CHAMBLISS, 6 minutes; Senator BROWBACK, 5 minutes.

Mrs. BOXER. Madam President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Do we have 2 unused minutes?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. I would ask if we could carry that time to the next segment, please.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

Mr. BOND. Madam President, I rise in support of the Murkowski EPA disapproval resolution. We must prevent the U.S. Environmental Protection Agency from imposing a backdoor energy tax on suffering families and workers. This is our chance to stand with American families and workers and stand against unelected bureaucrats at EPA trying to expand government's reach.

Missouri families and workers do not want the higher energy costs and lost jobs that would come from allowing EPA's big government carbon regulations to go forward. Missouri manufacturing workers, like those in States across the Midwest, are dependent on affordable energy. Missouri workers would suffer terribly when EPA's carbon regulations drive up the cost of their energy and raw materials. Allowing the regulations to go forward would allow India, China, and other countries to take those energy-intensive jobs away from American workers. Missouri families, like those in States across the Midwest, are struggling to pay their power, heating, and cooling bills. Missouri families would suffer even more when EPA carbon regulations drive up the cost of their electricity, gas, and gasoline bills. Allowing EPA carbon regulations to go forward would punish Missouri families with higher energy prices.

Like all families and workers in the Midwest, Missourians wonder why we would allow EPA to impose this punishing pain for no environmental benefits. Let me make it clear: For those who want to talk about what this vote means for the science of global emis-

sions, EPA itself admits that unilateral U.S. actions, without China and India, which have clearly indicated they will not take action, will have no measurable impact on world temperatures. So if you actually believe the climate science and want world temperatures to stop rising, these EPA regulations will do nothing to address your concerns. You are basically telling us you want to impose trillions of dollars in costs, hundreds of billions of dollars in new taxes, and hundreds of billions of dollars in new government spending for no environmental gain.

Some also try to hide behind the auto deal between EPA, the State of California, and automakers. We should not punish Midwestern families and workers with a new energy tax in order to uphold some backroom deal between EPA, the automakers, and the State of California.

Even so, these EPA regulations are totally unnecessary for those who care about reducing carbon emissions from vehicles. Let me be clear: Congress has already authorized the Department of Transportation to impose new, stricter auto emissions standards, and the Obama administration announced recently they were going to do so.

So, again, opponents want to punish American families and workers with job-killing energy taxes for no net environmental gain.

Some also say this issue is linked to the gulf oil spill and we should respond by allowing EPA's new backdoor energy taxes. For the life of me, I do not see how imposing a new national energy tax is the right response to the gulf oil spill. It will not stop the oil from flowing, it will not mitigate the environmental damage, and it will not compensate the workers and others for lost wages and revenue. We should be punishing British Petroleum, not the American people with new taxes. And do not be misled about the empty rhetoric against big oil. Big oil just passes along the cost of these taxes to us in higher prices for the gas and oil we must buy and we must use.

But some, as they say, never want to let a crisis go to waste. Unfortunately, many of my Democratic colleagues seek any opportunity to expand the reach of government and impose new taxes. They admit it, too, although they use fancy ways to say it. This week, President Obama repeated his call for "putting a price" on carbon. These are code words for imposing a carbon tax.

We also need to stop and think about what the majority leader has said. He and others have said that if EPA is allowed to move forward with their carbon regulations, it will cut oil usage. The reason is because this new energy tax will punish American consumers with so much pain at the pump, they will use less gasoline because they cannot afford it. It is like saying we need

another recession because in a recession people drive less. We want recessions? That is hardly the way to make the economy thrive and make the progress we need.

We must stop this policy of pain. We must stop EPA from moving forward with job-killing, energy cost-raising regulation. The choice is stark: Stand with EPA bureaucrats imposing a backdoor tax or stand with American families and workers. I urge my colleagues to stand with American families and workers and support the Murkowski amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I rise to speak in support of the resolution offered by the Senator from Alaska disapproving a rule submitted by the Environmental Protection Agency concerning the regulation of greenhouse gas emissions under the Clean Air Act.

Our country must develop reasonable policies to spur the creation of green energy jobs, lessen our dangerous dependence on foreign oil, and reduce greenhouse gas emissions. We face an international race to lead the world in alternative energy technologies, and we can win that race if Congress enacts legislation to put a price on carbon and thus encourage investment here in the United States.

I have, however, serious concerns about unelected government officials at the EPA taking on this complicated issue instead of Congress. It is Congress that should establish the framework for regulation of greenhouse gas emissions. And it surely is significant that the House-passed climate bill, as well as the Kerry-Lieberman bill, recognized that fact by preempting some of the EPA's rules in this area.

The Agency's early rules on this topic give me cause for concern. They could affect some 34 businesses in my State that employ nearly 8,800 people. Incredibly, the EPA proposes to ignore the carbon neutrality of biomass and would place onerous permitting requirements on businesses, such as Maine's biomass plants and paper mills, which use biomass to provide energy for their operations. This reverses years of EPA considering biomass as carbon-neutral.

EPA's decisions could well result in the loss of jobs, leading to mill and plant closures and discouraging employers from investing. We simply cannot afford that result, particularly not in this tough economic climate. The EPA's apparent stunning reversal in its view of biomass potentially would affect 14 biomass facilities in Maine in small rural towns such as Ashland, Fort Fairfield, and Livermore Falls.

A better way forward is for Congress to finally tackle this issue and pass comprehensive clean energy legisla-

tion. In December, I joined with my colleague, Senator MARIA CANTWELL, in introducing the bipartisan Carbon Limits and Energy for American Renewal Act, what we call the CLEAR Act. Our legislation would set up a mechanism for selling "carbon shares" to the few thousand fossil fuel producers and importers through monthly auctions. Under our bill, 75 percent of the auction's revenues would be returned directly to every citizen of the United States through rebate checks. The average family of four in Maine would stand to gain almost \$400 each year. Our bill represents the right approach, a much more thoughtful approach than EPA's, and it would spur the development of green energy and the creation of green energy jobs.

I look forward to working with my colleagues to advance the practical concepts that are embodied in the CLEAR Act.

Let me be clear because there are diverse views on this issue in this Chamber. I believe global climate change and the development of alternatives to fossil fuels are significant and urgent priorities for our country. We must meet these economic and environmental challenges. The scientific evidence demonstrates the human contribution to climate change, and we must act to mitigate that impact. But we must proceed with care, and we should not allow the Federal EPA to charge ahead on a problem that affects every aspect of our already fragile economy. The preliminary steps the EPA has taken, including its decision to revisit the carbon neutrality of biomass, undermine my confidence in having the EPA proceed. It is Congress's job, not the EPA's, to decide how best to regulate greenhouse gas emissions.

So for this reason, I will vote for the Murkowski resolution.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I rise in support of Senator MURKOWSKI's resolution that would ensure this Congress keeps its responsibility to establish our Nation's environmental regulations. The Environmental Protection Agency's move to regulate carbon dioxide under the Clean Air Act is an economic and bureaucratic nightmare in the making that is going to have a devastating effect on our economy and put a regulatory stranglehold on businesses and individuals across the country.

The Congressional Review Act was passed in 1996 to make sure Congress could step in when Federal agencies got off track. It was a bipartisan bill because Senators and Representatives recognized we should not hand off our responsibility for setting Federal policy to Federal agencies. So when Federal agencies get off track, we have a way to bring them back to reality. We need to bring the EPA back to reality

on the catastrophe that regulating greenhouse gases under the Clean Air Act would create because if we don't, it will be consumers and businesses—both small business and big business in every sector of our economy—that will end up paying more than they can afford for these regulations.

The consequences of allowing the EPA to regulate carbon dioxide under the Clean Air Act are tremendous. The EPA's rule that will go into effect if Senator MURKOWSKI's resolution is not adopted would not just apply to big powerplants or industrial factories. More than 6 million businesses and residences will come under these new regulations at a cost of billions of dollars to our economy. The EPA is going to regulate small business and family farms, and those who can't afford to comply will go out of business. They will regulate office buildings and warehouses, and if you rent space in an office building or store your inventory in a warehouse, your costs will rise. Grocery stores, restaurants, hotels, residential buildings, and even individual homes will face complicated and expensive regulations.

It is not just Members on my side of the aisle who believe the EPA is taking a disastrous approach. The White House and members of the President's party have said EPA's move to impose "command and control" regulation on greenhouse gases would be a step in the wrong direction.

Where would the regulations stop? No one knows for sure. Cattle produce a lot of carbon dioxide and methane, so it is hard to imagine how the agricultural industry would not be impacted. What about people? In a big city, people are breathing out carbon dioxide all day long. Could that be subject to regulation under the Clean Air Act? Could breathing become a fineable violation or would there be a new tax as breathing isn't an option?

There will be many unintended consequences if the EPA is allowed to move forward, and we have a chance to stop that from happening today by supporting Senator MURKOWSKI's resolution disapproving the EPA's action.

Our economy has lost 8 million jobs over the past 2 years, and unemployment is still almost 10 percent. Businesses that had to lay people off are still hurting. The last thing our economy needs and the last thing businesses can afford is an EPA choke hold. According to the EPA, the average cost of compliance for stationary sources that would be regulated is more than \$125,000. That is an average cost. Some will be less, but many will be more than \$125,000. It is just an average. That is \$125,000 that could be used to hire new employees. It is \$125,000 that will not be spent on business expansion. Right now, with our economy struggling, we need to be working to encourage businesses to hire more employees and to grow, but unless we stop

the EPA's overreach, businesses across this country will be facing the harshest and most expensive regulations they have ever seen.

Some people have suggested that EPA's decision to move forward with greenhouse gas regulation will pressure Congress into implementing a cap-and-tax proposal. They say: We don't want EPA to regulate, but we have to keep pressure on Congress or Congress would not act. I don't buy that argument because, as the old saying goes, "two wrongs don't make a right."

Senators are faced with a choice. If it is wrong for the EPA to regulate, they should stop it from happening, and supporting Senator MURKOWSKI's resolution is the clearest way to do it. My colleagues who oppose this resolution are voting in favor of EPA action. They are voting to allow the EPA to set up complex regulations that will strangle our economy, kill economic recovery, and further squeeze consumers and businesses across the country. It is the start of a slippery slope. How much control will the EPA reach for after this if it isn't stopped now?

The Clean Air Act is not the EPA's regulatory Swiss Army knife.

Even EPA Administrator Lisa Jackson has said that the Clean Air Act was not written to apply to greenhouse gases. Greenhouse gas is not one of the six categories of pollutants that the Clean Air Act covers and the list of 188 specific pollutants that are regulated under the Clean Air Act does not include carbon dioxide or methane. Even if Congress did decide that carbon dioxide and other greenhouse gases should be regulated, the Clean Air Act would be the wrong tool for the job. Greenhouse gases come from large and small sources, from major manufacturers and industrial plants and from community hospitals and small-town businesses. And yes, they come from animals, and yes, from people breathing in and out. Applying the Clean Air Act across the board to sources that emit a small amount of carbon dioxide—as the law requires—would be clumsy and harmful, and ultimately do tremendous economic harm to America's businesses and consumers.

The Congressional Review Act was passed so that Congress could step in and prevent federal agencies like the EPA from implementing rules or regulations that don't make sense. I hope my colleagues will recognize the tremendous harm that allowing the EPA to regulate greenhouse gases under the Clean Air Act would do to our economy. While there are many disagreements about climate change legislation, we should all be able to recognize that the course the EPA is on now is the worst of all worlds. Their approach would stymie our chances of recovering from the recession and stifle economic development for businesses and consumers who are already struggling to make ends meet.

Is there no end to the administration's approach of believing that any situation can be saved with more red-tape, more regulations, and more fines? Is there any end to the power grabs of this administration, which has thrown every obstacle it can think of in the path of our small businesses? Supporting the Murkowski resolution would check the EPA and give our small businesses that make up the most important part of our economy a fighting chance.

This is the last chance to stop the EPA's carbon overreach and the slippery slope that will ensue if we allow them to move forward with these harmful regulations. Please vote yes on the motion to proceed and yes on the motion for disapproval.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise today in support of S.J. Res. 26, the resolution disapproving a rule submitted by the Environmental Protection Agency, EPA, relating to the endangerment for greenhouse gases under the Clean Air Act.

Today's debate and this resolution are about whether this Congress will allow an executive branch agency—EPA—to unleash a regulatory onslaught that within a few years will capture homes, small businesses, farms, hospitals, and apartment buildings in an expensive, intrusive, and bureaucratic regulatory program. The consideration of this resolution is about preserving the traditional and constitutional role of Congress as the elected representatives of the citizens of this country to make necessary and proper laws for the Nation.

Congress is the appropriate branch of the Federal Government to debate and design a climate change policy. Many have complained that the Senate is taking too long to do this, but that doesn't mean EPA should go ahead and regulate on its own. It is also highly cynical for administration officials to suggest that the specter of EPA regulations should force Congress to act. I don't appreciate the implied threat that if Congress doesn't go along with EPA then the agency will impose costly regulations.

Many argue that passage of the resolution would prevent increases in the vehicle fuel economy and undo the "historic" agreement among the Federal Government, several states, labor unions, and the auto industry. It doesn't. The National Highway Traffic Safety Administration—NHTSA—has had authority to regulate and increase Corporate Average Fuel Economy—CAFE—standards for more than 30 years. In fact, Congress directed the agency to increase the standards to at least 35 miles per gallon by 2020 in the 2007 Energy Independence and Security Act. And these new standards will re-

duce greenhouse gas emissions. EPA's activities on fuel economy through its so-called tailpipe rule are unnecessary to achieve the desired results, given the authorities already held by NHTSA.

Many also argue that passage of the resolution is contrary to the science of climate change. A letter generated by the Union of Concerned Scientists claims the resolution "ignores" the scientific findings of EPA and the Intergovernmental Panel on Climate Change, and that the resolution is an "attack" on the Clean Air Act. They must not have read the resolution as even a cursory review of it will dispel this notion.

The resolution states, "That Congress disapproves the rule submitted by the Environmental Protection Agency relating to the endangerment finding . . . and such rule shall have no force or effect." This means the agency cannot use the Clean Air Act to control greenhouse gas emissions. This does not speak to the issue of whether climate change is happening or what is causing it. Those who claim the resolution ignores science appear to be avoiding the debate over the economic consequences and legal validity of EPA's approach. I also believe that they are attempting an end-run around a skeptical Congress. I am sorry, but that is not how the American system of government works.

I know the climate is changing. In 2006, I visited Greenland. I toured the Kangia Ice Fjord and took a boat tour of Disko Bay to view the world's largest glaciers and icebergs floating in the bay. These glaciers were formed more than 1,000 years ago. I saw the glaciers melting and the remains of a 4,000-year-old village. Obviously, it was warm enough in the past for humans to live and thrive in that part of the world, even though in recent memory we only think of Greenland as covered in ice. I talked to the scientists who have studied Greenland's glaciers for decades. They told me that while the climate is changing they don't know with any certainty if the changes are natural or caused by human activity or a combination of the two. I found it interesting that while some glaciers are melting, some are increasing in size. We just don't see what is happening on the back side.

The President and the Administrator of EPA, Lisa Jackson, have said their preference is for Congress to act. They know the Clean Air Act was not designed for controlling greenhouse gases. Yet they are swiftly moving ahead. Last week, EPA issued a final rule for regulating greenhouse gas emissions from stationary sources under the Clean Air Act's permitting programs. The so-called tailoring rule is the fourth significant action taken by the administration to regulate greenhouse gas emissions.

The first major action was EPA's determination—the Endangerment Finding—that greenhouse gas emissions from cars and light-duty trucks endanger human health and welfare. On April 1, 2010, EPA finalized the light duty vehicle rule controlling greenhouse gas emissions. Under the Clean Air Act, when a pollutant becomes subject to regulation by one provision of the Act, it then becomes subject to regulation under other provisions. Hence, greenhouse gas emissions are now subject to regulation under the Prevention of Significant Deterioration—PSD—and title V operating permit programs. It is only a matter of time before greenhouse gases are subject to other provisions in the law, such as national ambient air quality standards.

Under current law, the title V program permitting requirements are triggered when a facility releases 100 tons per year of a regulated pollutant. For the PSD program, the threshold is 250 tons per year. In the final rule, EPA "tailors" the application of the programs to significantly higher threshold levels. Without the tailoring rule, EPA estimates that about 6 million sources, including 37,000 farms and 3.9 million single family homes, will be required to obtain Clean Air Act permits.

EPA's own documents call the tailoring rule a commonsense approach to addressing greenhouse gas emissions from stationary sources under the Clean Air Act permitting programs. But I don't follow the agency's logic. The rule states emissions from small farms, restaurants, and all but the very largest commercial facilities will not be covered by these programs at this time. The rule establishes a schedule that will initially focus the permitting programs on the largest sources and without this tailoring rule the lower emissions thresholds would take effect automatically for greenhouse gases on January 2, 2011.

The agency, in its proposed rule, recognized the inherent problems with using the Clean Air Act. The proposed rule states, "This extraordinary increase in the scope of the permitting programs coupled with the resulting burdens on the small sources and on the permitting authorities was not contemplated by Congress in enacting the PSD and Title V programs." It further states that, "The new rules would apply Title V to millions of sources Congress did not intend to be covered and would impede the issuance of permits to the thousands of sources that Congress did intend to be covered."

It is cold comfort that the smallest sources will not be regulated until 2016. We have a rule now that says it is not if but when hospitals, farms, small businesses, and apartment buildings can expect to have to apply for a clean air permit. We can only imagine what will happen to the economy if EPA is successful and its plans to fully regu-

late greenhouse gas emissions under all of the authorities of the Clean Air Act come to fruition.

One of the most troubling aspects about the tailoring rule and EPA's approach to its suite of greenhouse gas regulations is that there is no economic analysis. The agency hasn't even attempted to quantify the economic costs and regulatory burdens it will impose on American businesses and consumers. We have no idea what it will mean for jobs, economic growth or small businesses. Even though we can't quantify it or point to a document, it is not hard to imagine the significant costs it will impose.

While EPA isn't worried about this, States, businesses, unions, and individuals are. For example, in March, 20 Governors, including Governor Sunny Purdue of Georgia, wrote House and Senate leadership expressing grave concern about EPA's efforts to impose greenhouse gas regulations. They believe EPA's actions will place heavy administrative burdens on State environmental quality agencies just as States are expected to face their worst financial situations over the next 2 years. The Governors also are concerned that the regulations will be costly to consumers and could be devastating to the economy and jobs. The Governors believe that complex energy and environmental policy initiatives should be developed by elected representatives at the State and national level but not by a single Federal agency.

While Georgia believes the final rule is an improvement over the proposed one, there are still significant concerns. Most notably is its legal vulnerability. I quote from the Georgia Department of Natural Resources, Environmental Protection Division, Air Protection Branch comments on the proposed rule:

The GHG Tailoring Rule appears to be legally vulnerable and may not provide intended relief from the statutory permitting thresholds for PSD and Title V. If the Tailoring Rule is vacated, the workload for permitting authorities will increase exponentially at a time when State and Local governments are experiencing severe budgetary challenges due to the current economic climate. Vacatur of the GHG Tailoring Rule seems to be a very real possibility.

The letter further states:

We also believe that EPA has failed to take into account the length of time that it will take for permitting authorities . . . to go through rulemaking, . . . hiring, and training in order to implement the mandate of regulating GHG emissions under the Title V and PSD permitting programs. In Georgia, rulemaking will be required in order to insert the new GHG emission thresholds. Rulemaking will also be required in order to increase Title V fees consistent with the Clean Air Act requirement that permitting programs collect enough revenue to implement the program requirements. Given the current state of the economic situation in our state and country, this issue should not be taken

lightly. Then, permitting authorities must hire and train staff to issue these complicated permits. This could take up to two years after the requirement is triggered. Raising the regulatory threshold will not abate the predicted permitting backlog if additional permitting personnel are not in place at the time the additional workload occurs.

EPA is moving ahead despite these concerns and the economic consequences of its plans. They will increase energy prices, add to administrative costs for companies, decrease job creation, and create a large new government bureaucracy, which will endanger economic recovery and limit future growth. While the final rule with its phased-in implementation is a small step in the right direction, the Clean Air Act continues to be the wrong tool for the job, and EPA's timeline and its shaky legal foundation will continue to create significant uncertainty for the State permitting agencies and businesses community.

At this time, there is no other option to stop EPA from moving ahead. Some of our colleagues have introduced measures to provide for a time out; others are looking at ways to codify the tailoring rule and provide permanent exemptions for small businesses. However, there are no plans for the Senate to consider these measures. If there were another option, I would be open to it.

The Congressional Review Act was designed for the purpose of reviewing agency actions. The majority leader understands this and recognizes that, "overburdensome and unnecessary federal regulation can choke the life out of small businesses by imposing costly and often-ineffectual remedies to problems that may not exist." No description could be more accurate about EPA's greenhouse gas regulatory plans.

Some argue that it would be a dangerous precedent for Congress to stop EPA's endangerment finding. However, it is far more dangerous for the Nation if Congress allows an agency to impose these regulations under a law that was not designed for the purpose. By issuing the tailoring rule, the administration has again reminded us that if Congress won't legislate, EPA will regulate. I believe my colleague from Alaska was correct when she called this a highly coercive strategy. I am appalled by the actions of EPA.

There is a reason why the U.S. Senate hasn't acted on a cap and trade bill. This is because analyses of these bills shows they cause significant economic harm—job losses, higher energy prices, higher gas taxes, less economic growth. It makes no sense for Congress to pass job-killing legislation in order to stave off costly regulation.

The House and Senate cap and trade bills are truly bad for agriculture. They would dramatically increase energy and other input costs and, according to EPA, would cause the shift of 59

million acres out of production into trees. With a growing world population to feed, our farmers and ranchers will need to produce more food in the future, not less. If enacted as written today, cap and trade legislation would only push agriculture production overseas, raising many of the same concerns that have been expressed about the loss of manufacturing jobs.

Rather than driving American agriculture offshore, a more sensible approach would be to increase food, fuel, and fiber production right here at home. In this Nation, we have an abundant natural resource base, an economy built on open and transparent markets, and sufficient protections for consumers and the environment.

Last fall, Texas A&M University released a study on the House cap and trade bill. I mention it again today because it is most instructive of what we can expect to see in the agricultural sector under a cap and trade regime.

Texas A&M University used its representative farm database to study the effects of the House bill at the farmgate level. This database was developed to help Congress better understand the effects of legislation at the individual producer level. The study shows that 71 out of 98 farms in the database will be worse off under the House bill. The 27 farms that benefit do so because other producers go out of business they benefit because there are fewer acres in production, thus crop prices rise.

Some producers will see increased revenue from an offset program, but it is not a significant factor in the profitability of farms in the analysis. The study also dramatically shows the regional disparities of the House bill. Only some cornbelt farmers benefit. It's hard to imagine that members of the Senate Agriculture Committee will be able to endorse a policy that disproportionately favors certain commodities, few producers and one part of the country at the expense of others.

In January, 150 agriculture organizations sent a letter to my colleague from Alaska supporting the introduction of the resolution. These groups wrote that, "Such regulatory actions will carry severe consequences for the U.S. economy, including America's farmers and ranchers, through increased input costs and international market disparities." They also believe that, "EPA's finding puts the agricultural economy at grave risk based on allegations of a weak, indirect link to public health and welfare and despite the lack of any environmental benefit."

On May 18, I received another letter from 49 different agriculture groups. They state:

Without relief from Congress, we fully expect the application of these programs to have severe economic impacts on agriculture. Not only will producers likely incur

increased costs as a result of the regulatory impacts on other economic sectors, but agricultural producers will eventually be directly regulated. The final EPA tailoring rule estimates the average cost for these permits is \$23,200 per permit. For the 37,000 farms identified by EPA as likely to require permits this would cost them more than \$866 million just to obtain the permit.

In contrast to the campaign slogans and feel-good messages of hope and change for farmers, ranchers and rural America, this administration is causing great pain through its actions, especially its economic policies and far-reaching regulatory programs and goals. The endangerment finding and related regulations are only one set—albeit a very significant set—of regulatory actions facing producers and rural America. By themselves, these will impose higher energy costs on rural residents and businesses. Higher costs in rural areas mean fewer jobs and opportunities for those who live there.

Another immense expansion of Federal regulatory authority that will have severe consequences for producers and rural landowners is the administration's support for legislation to grant EPA and the U.S. Corps of Engineers—Corps—nearly unlimited regulatory control over all "intrastate waters," including all wet areas within a State, such as groundwater, ditches, pipes, streets, gutters, and desert features. The administration supports giving EPA and the Corps unrestricted authority to regulate all private and public activities that may affect intrastate waters, regardless of whether the activity is occurring in or may impact water at all. Unbelievably, the administration supports eliminating the existing regulatory limitations that allow commonsense uses such as those allowed with a prior converted cropland designation. I strongly oppose this effort to expand EPA's and the Corps' regulatory control. I do not believe the Federal Government should regulate all wet areas within a State.

The administration also is attempting to circumvent one of the most highly regarded environmental statutes—the Federal Insecticide, Fungicide and Rodenticide Act, that governs the licensing and use of pesticides. This is a well-crafted law that balances the risks and benefits of pesticide use. EPA has an excellent staff of scientists and experts working in this area. However, the agency's political leadership is trying to implement by regulatory fiat a precautionary approach, which is contradictory to current law.

For example, last fall, EPA proposed to add language to pesticide product labels that will forbid pesticide applications that result in drift that could cause harm or adverse effects. For many years, EPA and state pesticide regulators recognized that a small amount of drift inevitably will occur, and that when pesticides are applied

according to their label instructions, this small amount of drift does not cause an unreasonable adverse effect. If an unreasonable adverse effect is likely to be caused by a certain use of a pesticide, FIFRA requires, and Congress expects, the label to reflect that information and appropriate mitigation be required.

In April, I wrote to EPA, along with the chairman of the Senate Agriculture Committee and other colleagues, about the need for greater clarity in pesticide drift policy and noted that such clarity would benefit the agency, pesticide users and State regulatory agencies. However, we noted that the proposal set forth vague standards and would not have clarified pesticide drift policy. It also exceeded the authority granted to the agency by FIFRA. We asked the proposed policy to be reconsidered. I am pleased to note that recently EPA made the right decision to do so.

One other issue I raise reflects the administration's willingness to cast aside rational, science-based policy when given the opportunity to impose additional regulation. In January 2009, the Sixth Circuit Court of Appeals issued an opinion in *National Cotton Council v. U.S. Environmental Protection Agency* that would require pesticide applications to be permitted under the Clean Water Act's National Pollutant Discharge Elimination System—NPDES. The permit would be in addition to any label requirements or restrictions already placed on the use of the pesticide under FIFRA.

Unfortunately, the administration refused to appeal the decision even though it admitted in a filing with the U.S. Supreme Court this year that the Sixth Circuit Court reached the wrong decision. Pesticides are not pollutants under the Clean Water Act and have never been. Instead, EPA, for political reasons, has been working to develop a NPDES general permit for discharges from the application of pesticides. EPA released the draft permit last week for public comment and will issue a final permit in December 2010. Pesticides applications must be covered by a permit by April 9, 2011. Is your State ready to issue these permits? Are your producers and applicators ready to apply for them?

This has been a particular concern for State and public health officials as it has the potential to seriously affect their ability to control mosquitoes, especially those carrying the West Nile Virus. According to the Centers for Disease Control and Prevention, there were 720 cases, including 32 deaths, attributed to the virus in 2009. This is better than 2008, in which there were 1,370 cases, including 37 deaths. In 2009, two of those deaths were in my home State of Georgia.

Talk about overburdensome, unnecessary regulation! Requiring producers,

pest control agencies and other users to obtain NPDES permits will do nothing to enhance the environment. It only doubles the number of permitted entities and creates new requirements for monitoring, surveillance, planning, recordkeeping, and reporting that only will create significant delays, costs, reporting burdens and legal risks from citizen suits. These permits will provide absolutely benefit only cost.

All issues regarding water and pesticides are addressed by EPA as part of the pesticide registration process. If there are concerns, mitigation is required. We are fortunate we have a strong law that requires rigorous science and careful balancing of risks and benefits.

The Endangerment Finding and related rules, along with the other environmental regulations planned by the administration will hurt the productivity of American farmers and ranchers and make the future for U.S. agriculture far less bright than it should be. These actions are basically a backdoor tax on every American family and business by unelected bureaucrats. Federal regulation is not the key to success or jobs in rural areas or in any other part of this Nation.

Some claim that EPA's actions should scare Congress into passing a cap and trade bill, but I disagree. Congress should not be bullied into passing bad legislation and neither should it stand for an agency that is vastly overreaching. The choice is clear to me—do Senators want EPA to impose a regulatory regime that it has tenuous authority to create or do you want Congress to make the laws of the land? If you believe Congress should develop laws and set policy, then vote in support of the resolution. I strongly oppose EPA's actions and plan to vote yes on the Murkowski resolution.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I thank my colleagues for this discussion we are having. I was here when the Congressional Review Act was put into place for the very purpose it is being used for, which is when we have a Federal agency that overreaches and seeks to put in place a regulation that will cost tens of billions of dollars, without any legislative action taking place, the Congress should step in. That is what the Congress is seeking to do with this—step in on something that has enormous economic consequences, enormous costs across society, and yet has not been voted on by this legislative body.

Clearly, if we are going to do something of this nature, it should pass the Senate. It should come up in front of this body.

Toward that end, I tell my colleagues we have a bipartisan energy bill that passed through the Senate Energy and Natural Resources Committee, the

American Clean Energy Leadership Act of 2009, which Chairman BINGAMAN worked through his committee over a month's period of time, that has a number of issues regarding renewable energy, regarding nuclear technology, to reduce CO<sub>2</sub> emissions. Lots of things are in it. It passed in a bipartisan way through committee.

That is what we ought to bring up on the Senate floor. We should pass the Murkowski disapproval resolution so that EPA doesn't act prematurely before the Congress acts. We should bring up the bipartisan American Clean Energy Leadership Act of 2009, consider it, and use that as the route forward for us as a legislative body to act on a major issue facing our country, without having it done by fiat by an unelected bureaucracy, which is going to make people mad, and it will have a lot of costs.

In my State, Kansas City has a board of public utilities. If we put these costs on their electric generation, which is mostly out of coal, they are going to see their utility rates go up from the mid-20 percent to 50-some percent in less than a decade's period of time. Is that going to happen without any vote of this legislative body? We are going to see people's utilities rates go up possibly 50 percent with no vote taking place?

I think people would say we need to have a clear deliberation of this body. Also on this point, the way we have solved problems of this nature and magnitude in the past is through investment and innovation, not through taxes and regulation. It is us saying let's figure different ways forward to deal with this rather than let's tax people and regulate people more and drive up their costs.

A year and a half ago, we had the first hydrogen fuel cell locomotive roll down the tracks in Topeka, KS, done by BNSF, the Army, and several other groups. It is replacing a diesel. It is a test unit. But that investment and innovation by BNSF, which uses 5 percent of the diesel fuel in the country, that is the way you move forward rather than raise utility rates for people in Kansas City by 50 percent.

It is also a way that we as the American people have been most successful—investment and innovation—when people look at a better way for us to move forward, which is cost effective, and the American people embrace it if it works well. If it is, people will embrace it. They are delighted to do that. If we go the other route and say we are not going to do that through investment and innovation, we are going to do it through taxes and regulation and raise utility rates 50 percent, people are going to be flaming mad about that, and it is being done by an unelected bureaucracy to pursue that.

It would not work and it would not be accepted by the American public. It

is not the way we have moved forward as a society. It would not be us leading in the world. It will be us following on, yet again—when somebody says you have to go by taxes and regulation, we say, OK, we will do it. That is not the American way. It is through investment and innovation. We have done it in the past. We can do it now, and we can have Congress's role in this on supporting a renewable energy standard, which is one way, where we get more energy from wind, nuclear, and a bipartisan bill that has already been produced. That is an acceptable way, the way the American public can embrace—not this route which raises taxes and regulation and will not be accepted by the American public.

I urge my colleagues to support the Murkowski resolution of disapproval and reject the EPA's endangerment finding and take up the bipartisan Energy bill that is cleared through the Bingaman committee for us to consider on renewable energy.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico is recognized.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that our 30-minute block, which is coming up now, be divided in the following manner: Senator WHITEHOUSE for 10 minutes, Senator WEBB for 5 minutes, Senator MURRAY for 5 minutes, Senator LEAHY for 5 minutes, and I will close with 5 minutes. With that, I yield to my good friend from Rhode Island, Senator WHITEHOUSE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I stand in opposition to the resolution offered by the Senator from Alaska. The text of the resolution asks Senators to second-guess scientists and public health officials by voiding the scientific finding that carbon pollution may endanger public health or welfare—like there is any legitimate dispute about that question. The text of this resolution would halt all efforts by EPA to address carbon pollution, including the necessary and long-overdue fuel efficiency standards that EPA negotiated with States and the automobile industry, to everyone's satisfaction.

Mr. President, that is the text of the resolution. But the point of the resolution is far simpler: to delay—delay action on energy legislation, delay action by EPA to protect public health and, more importantly, to delay action in this Congress on energy reform and to preserve the status quo by taking off the pressure of facts and science and law that is now driving the process. They want to trump that with pure politics.

What you will hear from many colleagues who support this resolution is

that they want Congress to act to address carbon pollution and not the EPA. But with all due respect, many of the resolution's supporters want nothing to do with comprehensive clean energy and climate legislation. What they want is for EPA to go away. If they can delay EPA's work to address carbon pollution or stop it in its tracks altogether, they take the pressure off of anybody to do anything serious about a new energy policy or our addiction to fossil fuel. This is about delay on change in our energy policy.

Congress could be spending its time now setting the country on a new energy course by placing a price on carbon and investing in low-energy and clean-energy alternatives. Transforming our energy base will not happen overnight, but the longer we delay, the harder it will be.

That is what Congress could be doing. Instead, we are spending time arguing about whether the Clean Air Act should be used to fight air pollution. Outside these walls, in the real world, this question has to seem absurd. What else would the Clean Air Act be used for?

This issue has been all the way to the Supreme Court, and it is established law that the Clean Air Act applies. Then why are we debating this legislation? We are debating this because the big polluters—the same industries that brought us the April 5, 2010, mine disaster in West Virginia and the explosion on the rig in the Gulf of Mexico—like things the way they are. They like the status quo.

Under the status quo, while the rest of America was struggling to pull out of a recession earlier this year, big oil raked in record profits—\$23 billion in just the first quarter of 2010. Under the status quo, when workers pay the costs of mining and drilling with their lives, when our environment pays for devastating oil spills, when our children pay the cost of dirty air with childhood asthma, big polluters don't have to pay the full cost of the pollution they have caused. That is the status quo they want to preserve.

In 2009, the polluters spent \$290 million lobbying Congress or 10 times what the clean energy companies spent. This year, they have lobbied Members of the Senate to support this Murkowski resolution. They will keep on lobbying for delay and against energy reform, that is clear.

The question is, How will we respond to that big oil industry pressure? Will we fold before these big companies and their corporate lobbyists and delay again action on energy and climate change or will we stand up to the special interests and work to enact comprehensive climate and clean energy legislation?

This is not the first time I have spoken on the Senate floor in opposition to an effort to delay EPA action. But it

is the first time I have done so against the backdrop of an environmental catastrophe.

This time, when I say polluters want to delay action on climate change and energy reform, we understand in a very real way the risk that delay poses. Despite the multimillion-dollar ad campaign by BP telling us not to worry because they are "beyond petroleum," hundreds of thousands of gallons of crude oil now pour into the Gulf of Mexico from a BP well that exploded 2 months ago because they were big polluters and badly prepared.

Polluters have a powerful voice in Congress. Make no mistake about it; if they are successful in getting Congress to keep EPA from addressing carbon pollution, they will take all the pressure off for clean energy jobs legislation. But the tragedy along the gulf coast makes clear that we must do something. Today's vote will make clear who in this Chamber is on the side of delaying action on real energy reform and who is fighting for the American people, for jobs, and for the environment.

America is already years, if not decades, behind in the race to lead the global clean energy revolution. As far back as the 1890s, scientists documented the "greenhouse effect" of increased carbon dioxide in our atmosphere. The first congressional hearings on climate change were held three decades ago.

In 1994, the U.N. Framework Convention on Climate Change recognized human-caused climate change. The issue has been out there for decades, and now it is time to take action. We have to move swiftly to address climate change and to have America in front in the global race for clean energy jobs.

In the meantime, we have to allow EPA to use its legal authority to reduce carbon pollution and encourage the deployment of clean energy. The EPA isn't just inventing this authority, it is following the law of the land. Congress enacted the Clean Air Act in 1970 under a Republican President. For four decades, EPA has used the Clean Air Act to make our air safer to breathe. Over that same time, guess what. Our economy grew—many times over.

Some argue that the Clean Air Act isn't meant to clean up carbon pollution. Well, the Supreme Court disagreed. Congress wrote a very broad definition of "air pollutant" and specifically, in 1990, defined carbon dioxide as a pollutant in the Clean Air Act amendments.

Despite this broad authority, EPA was indeed idle for many years, but not of its own accord, and not when it was sued. In fact, the Bush EPA fought the application of the Clean Air Act to carbon dioxide every step of the way and to the bitter end, right up to the doors

of the Supreme Court, where they lost. Despite the heavy hand of the Bush administration holding EPA back from doing its legal duty, the Supreme Court—one of the most conservative Supreme Courts in generations—ruled in 2007 that carbon dioxide and other greenhouse gas emissions were "pollutants" under the Clean Air Act. The Supreme Court held that if the Agency thought this pollutant could "reasonably be anticipated" to endanger public health or welfare, the EPA had to act.

Yet here we are, and some Senators still want delay. For delay, they are willing to vote for a resolution that disregards science. For delay, they are willing to vote for a resolution that undermines the Clean Air Act. For delay, they are willing to vote for a resolution that tosses aside a Supreme Court decision. And for delay, they are willing to vote for a resolution that ignores the will of the American people, largely for the benefit of big oil and other corporate polluters.

Should we have a national discussion on how to control carbon? Yes. Should we debate how to move to cleaner sources of energy? Absolutely. But rather than have an honest discussion about how to do this, supporters of this resolution want to delay doing anything at all.

The attorney general of my State of Rhode Island, Patrick Lynch, with 10 other attorneys general and the corporation counsel of New York City, sent a letter to the Senate leadership yesterday urging us not to vote for the Murkowski resolution because it "would be a step backwards undoing the settled expectations of States, industry, and environmentalists alike."

In closing, that is exactly the point of this resolution. It is a deliberate step backward. It is a delay tactic. It is a last attempt by polluters to hold onto the dirty energy economy that has treated them so well—\$23 billion well so far this year.

Under this dirty energy economy, we spend \$1 billion a day on foreign oil from countries that do not wish us well. Companies such as BP can cut corners on worker safety and the environment and then expect the government to come in and clean up their \$30 billion mess. Twelve percent of our children in New England downwind from the polluters suffer from asthma and pulmonary disease. These kids matter. This issue matters. We can delay no longer.

I urge my colleagues to say no to delay, say no to taking all the pressure off the polluters, and vote against the Murkowski resolution so we can get to work to forge clean energy reform in America.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I yield 5 minutes to the Senator from Virginia, Mr. WEBB.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I rise today in somewhat regrettable opposition to the resolution offered by the Senior Senator from Alaska.

I do not believe this is about big oil. This is not about oil spills. It is not about people who like dirty air. It is about the extent to which the executive branch in our government can act without the clear expression of intent from this Congress. I appreciate Senator MURKOWSKI's efforts to illuminate this issue further in front of our body.

Like Senator MURKOWSKI, I have expressed deep reservations about the consequences of the endangerment finding on carbon dioxide and five other greenhouse gases that the Environmental Protection Agency issued on December 7, 2009. As many of us in this body well know, without proper boundaries, this finding could be the first step in a long and expensive regulatory process that could inevitably lead to overly stringent and very costly controls on carbon dioxide and other greenhouse gas emissions. This regulatory framework is so broad and potentially far reaching that it could eventually touch nearly every facet of this nation's economy, putting unnecessary burdens on our industries and driving many businesses overseas purely at the discretion of the executive branch and absent the clearly stated intent of the Congress.

Our farms and factories, our transportation system, and our power generating capacity would all be subject to these new regulations. This unprecedented, sweeping authority over our economy at the hands of the EPA is at the heart of Senator MURKOWSKI's concern, and ultimately, whichever way one votes on her amendment, it is what this debate is all about.

At a time when the economy continues to struggle under the burdens of the worst recession since the Great Depression, I do not believe that Congress should cede its authority over an issue as important as climate change to unelected officials of the executive branch. Congress—and not the EPA—should make important policies, and be accountable to the American people for them.

This is not a new concern for me. When this administration declared last November that the President would sign a “politically binding” agreement at the United Nations Framework on Climate Change in Copenhagen, I objected. I was the only Member of Congress to send the President a letter stating clearly that “only specific legislation agreed upon in the Congress, or a treaty ratified by the Senate, could actually create such a commitment on behalf of our country.”

I have also expressed on several occasions my belief that this administration appears to be erecting new regu-

latory barriers to the safe and legal mining of coal resources in my state and others. My consistent message to the EPA is that good intentions do not in and of themselves equal the clear and unambiguous guidance from the Congress.

In examining this issue, I have also reviewed carefully the Supreme Court's holding in *Massachusetts v. EPA*. My opposition to EPA's regulation of carbon dioxide for stationary sources stems in part from my reading of the case. I do not believe that prior EPA Administrators acted arbitrarily and capriciously in declining to regulate carbon dioxide and other greenhouse gases. Nor am I convinced that the Clean Air Act was ever intended to regulate—or to classify as a dangerous pollutant—something as basic and ubiquitous in our atmosphere as carbon dioxide.

Notwithstanding these serious concerns with the endangerment finding and what I view as EPA's potentially unchecked regulation of carbon dioxide, I have decided to vote no on the resolution before the Senate. I have done so for two principal reasons.

First, Senator MURKOWSKI's resolution would reverse significant progress that this administration has made in forging a consensus on motor vehicle fuel economy and emissions standards. A little more than one year ago, the Obama administration brokered an agreement to establish the One National Program for fuel economy and greenhouse gas standards. This agreement means that our beleaguered automotive industry will not face a patchwork quilt of varying State and Federal emission standards. Significantly, this agreement is directly in line with the holding in *Massachusetts v. EPA*, which dealt with motor vehicle emissions. Both in the Clean Air Act and in subsequent legislation enacted by the Congress, there has been a far greater consensus on regulation of motor vehicle emissions than on stationary sources with respect to greenhouse gas emissions.

It has been estimated that these new rules, which are to apply to vehicles of model years 2012 to 2016, would save 1.8 billion barrels of oil and millions of dollars in consumer savings. The agreement, however, and the regulations that will effectuate it, both rest upon the same endangerment finding that would be overturned by this resolution. In this sense, the Murkowski resolution goes too far. And it is for this reason that the Alliance of Automotive Manufacturers and the United Auto Workers, UAW, have publicly stated their opposition to the legislation before us.

Second, I have concluded that an alternative, equally effective mechanism exists to ensure that Congress—and not unelected Federal officials—can formulate our policies on climate change and

energy legislation. Senator ROCKEFELLER has proposed legislation to suspend EPA's regulation of greenhouse gases from stationary sources for 2 years. I am a cosponsor of Senator ROCKEFELLER's bill. His approach would give Congress the time it needs to address our legitimate concerns with climate change, and not disrupt or reverse the important progress that has been made on motor vehicle fuel and emission standards. I note that, to her credit, this was an approach that the senior Senator from Alaska originally proposed, and I am hopeful that we can take this approach in the future.

I am also pleased that in my discussions with the majority leader, he has assured me of his willingness to bring the Rockefeller bill to a vote this year.

Finally, let me say I share the hope of many Members of this body from both sides of the aisle that we can enact some form of energy legislation this year. I have consistently outlined key elements that I would like to see in any energy package. The centerpiece of any climate policy must be to encourage the development of clean energy sources and carbon-mitigating technologies. We should explore mechanisms that will incentivize factory owners, manufacturers, and consumers to become more energy efficient. We should also fund research and development for technologies that will enable the safe and clean use of this country's vast fossil fuel resources.

In November 2009, I introduced the Clean Energy Act of 2009, S. 2776, with Senator LAMAR ALEXANDER. This bipartisan bill will promote further investment in clean energy technologies, including nuclear power and renewable sources of energy. Specifically, the Clean Energy Act of 2009 authorizes \$20 billion over the next 10 years to fund loan guarantees, nuclear education and workforce training, nuclear reactor lifetime-extension, and incentives for the development of solar power, biofuels, and alternative power technologies. I believe it is a practical approach toward moving our country toward providing clean, carbon-free sources of energy, helping to invigorate the economy, and strengthening our workforce with educational opportunities and high-paying jobs here at home.

This legislation by itself is not intended to solve all of our climate change challenges. It is, however, a measurable and achievable beginning and will place the Nation on a path to a cleaner energy future. In addition, through investment in lower emission transportation fuels, incentives to electrify the transportation sector, and support for technologies that will eventually enable the burning of fossil fuels in a carbon-free fashion, it provides a framework for technologies that will eventually enable a more effective response to climate change.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WEBB. Mr. President, I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Is there objection?

Mr. UDALL of New Mexico. My understanding is all the time is allocated in this 30-minute block. Senators are lined up to speak, I say to Senator WEBB.

Mr. WEBB. I was told last night that I would have 10 minutes. I got down here and discovered I have 5. Let me just say Senator ROCKEFELLER's bill can do the job. I hope my colleagues will look at it.

Mr. UDALL of New Mexico. I yield an additional minute.

Mr. WEBB. I appreciate that.

Ms. MURKOWSKI. Mr. President, before Senator WEBB continues, may I ask a question? If an additional minute is to be yielded to the opposition, I request that we also have additional time added to our side.

Mr. UDALL of New Mexico. I have yielded 1 minute from my time out of the 30-minute block. It is not additional time.

Ms. MURKOWSKI. I rescind that request if it is coming out of the Senator's time.

Mr. WEBB. Let me make this a lot simpler. I will take 15 seconds and say I am a cosponsor of Senator ROCKEFELLER's bill. I believe it is an effective approach. To Senator MURKOWSKI's credit, it is an approach she originally proposed, before she was shut off from getting a vote on that type of a procedure. I am going to vote against Senator MURKOWSKI's resolution, but I think she is on the right track.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I yield 5 minutes to the Senator from Vermont, Mr. LEAHY.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. LEAHY. Mr. President, I will oppose the resolution. The resolution of disapproval before us reminds me of a skills competition for young people that has been promoted by the National Football League. It is called Punt, Pass, and Kick. The resolution is an engraved invitation for the Senate to make a big league handoff of a basketful of illness, economic stalemate, and environmental pollution to our children and grandchildren.

It would punt away constructive action to begin addressing many threats that each and every American faces from climate change, and the threats we face every day to our national security.

It would pass on opportunities to foster cleaner air and water for us and for the generations that will follow us. It would kick away the progress already

negotiated by the Obama administration and key industries, such as automobile and truck manufacturers, to usher in new products that would pollute less while creating good American jobs—jobs that cannot be sent overseas, jobs we need in America.

Many on the other side of the aisle have been adamant in trying to wish these problems away and to forfeit the economic opportunities at our fingertips to lead the world in these new energy technologies. Powerful corporate interests are more than glad to contribute to these efforts to stalemate any progress.

What we are debating today is whether business as usual is good enough for the environmental challenges and economic opportunities that are already before us. We are being asked to overturn with a political veto the strong scientific evidence that points to a healthier future. We are being asked to undermine America's ability to clean up our air and our waters.

The science is clear that greenhouse gases are a danger, and they are a clear and present health and economic threat to the American people.

At a time when our Nation is responding to our worst environmental catastrophe of all time and oil continues to gush into the Gulf of Mexico, passing this resolution would be the Senate's way of saying: Nothing has changed; nothing should change. I disagree. It is a declaration of our intent to keep relying on the outdated, dirty, and inefficient technologies of the past, and to let every other industrialized country create jobs in their countries, leap ahead of us in developing and selling these new technologies. I disagree with that. This is another proposed bailout of big polluters.

I do not think this is the path we want to chart for our children and our Nation. A decade from now, will we be able to look back at this vote and not be ashamed of ourselves? EPA's findings are based on sound science and an exhaustive review of scientific research. Let's not the 100 of us cast a political vote to overturn that.

Much of what the special interests and big oil and their lobbyists have been saying in favor of this resolution is steeped in politics and mistruths, not in science. What we have here is the Environmental Protection Agency focused on protecting the American people, whether it is arsenic in our drinking water, smog in the air, mercury in the fish we eat, or greenhouse gases. Overturning these findings would be like trying to overturn science. You don't do it.

If we pass this resolution, it is not a case of hurting the economy. Quite the opposite. The resolution will hurt the economy by causing the American people to forfeit a third of the greenhouse gas emissions reductions that are pro-

jected to come from last year's historic agreement.

Do not overturn the EPA findings. Do not force our Nation's already struggling automakers to spend even more money to produce more fuel-efficient cars because a dozen States, such as Vermont and California, could then go forward, each with their own rules and standards.

Let us not be known as the Congress to continue to punt, pass, and kick on these crucial issues about which the American people are looking for solutions.

Mr. UDALL of New Mexico. Mr. President, I yield 5 minutes to the Senator from Washington, Mrs. MURRAY.

The PRESIDING OFFICER. The Senator from Washington State is recognized for 5 minutes.

Mrs. MURRAY. Mr. President, I rise today to express my strong opposition to the resolution before us that would block the EPA from regulating greenhouse gas emissions and protecting our families and the environment.

This resolution is not based on science, and I feel strongly it would be a step in the wrong direction for our country. We know greenhouse gas emissions are dangerous for our environment and to our families' health.

The science on this issue is clear, and it is something people in my home State of Washington take very seriously. Climate change would wreak havoc on much of what our families treasure—our forests, our coastlines, our salmon habitats, and our farmland.

The debate we should be having today ought to be how we move forward on that issue, not how to obstruct and stall and maintain the status quo. What we should be discussing is how to pass a comprehensive climate and energy bill that would reduce our dependence on foreign oil, support our national security objectives, and unshackle this economy; that would tap the creative energy of our Nation's workers and create millions of good, family-wage jobs here in this country and make sure our workers continue leading the way in the 21st-century economy.

I know there are several proposals that have been put on the table on this issue, but we can't just simply block EPA's endangerment findings and expect our greenhouse gas emission problem to resolve itself. I know there are industries that have concerns about being regulated. I understand they would prefer a legislative solution. I would too. But we have to keep moving forward so we can address this critical issue, and blocking the EPA's endangerment finding is a step backward toward the failed environmental policies of the past.

The law on this is clear. The Supreme Court has ruled that the EPA has the authority to regulate greenhouse gas emissions. A lengthy process

was conducted to determine this endangerment finding, and the public, as well as the business community, has been fully engaged throughout. In fact, as has been said, the auto industry opposes this resolution because it would put them right back into a state of regulatory uncertainty.

If we look at vehicles alone, the national clean car standards as proposed under the Clean Air Act will cut carbon pollution from vehicles by 30 percent. In my home State, the transportation sector accounts for more than 50 percent of greenhouse gas emissions. And increased fuel efficiency standards will save our families money at the pump and it will cut demand for oil by an estimated 450 million barrels over the life of this program. All of that is threatened by this resolution.

It is especially disappointing to see this on the floor while images of oil gushing into the Gulf of Mexico and devastating the local environment and economy continue to be shown on every news channel in this Nation.

The resolution we are debating today is going to take us back to the failed old policies that have made us more and more dependent on oil. If the big oil companies and their lobbyists get their way on this vote, our families will continue to spend more on fuel, and it will be a lot harder for our economy to make the shift to cleaner and more efficient sources of energy.

The longer we put off dealing with greenhouse gas emissions, the more it will cost our economy, our environment, and our health. So I strongly oppose this resolution that prioritizes big oil companies over our families and our small business owners. I hope that after this, we can work together to find real solutions.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. UDALL of New Mexico. Mr. President, I thank the Senator from Washington for her comments, and I yield myself any remaining time in our 30-minute block.

Today, America faces an energy crisis. The Senate owes the American people solutions. But this resolution is an attempt to bury our heads in the sand and ignore reality.

The oilspill in the Gulf of Mexico is only the most visible aspect of our energy crisis. The true consequences of our energy policy are spread even wider than the spill and the costs, even more deadly.

First, our dependence on imported oil is a threat to our national security. Imported oil fuels dictators and terrorists, and the CIA believes climate change will make the world more unstable. If we block the clean energy transition with this resolution, we will be forced to use an additional 450 million barrels of oil, most of which will be imported. Instead, the Senate

should reject this resolution and recognize that the transition to a clean energy economy is a national security priority. Americans want our national security out of the quagmire of foreign oil dependency. This resolution puts us in deeper.

Here at home, this dependence is also a threat to the pocketbooks of American families and businesses.

In 2008, American families and businesses sent \$475 billion overseas to pay for foreign oil. Last year, we sent over \$300 billion overseas. By the end of this year, we will have sent over \$1 trillion outside the U.S. for imported oil in the last 3 years.

That is a massive transfer of wealth from families in New Mexico and the other 49 States to the treasuries of foreign nations.

If this resolution succeeds, we will import millions more barrels of oil and send billions more of our hard-earned money overseas.

If the Senate fails to act, the administration must take up the slack. This resolution would paralyze the Federal Government.

The administration is already making progress with new vehicle fuel efficiency rules, which will save 450 million barrels of oil. This resolution would jeopardize that effort, taking us backwards.

Further administration efforts will improve efficiency at power plants and major factories and reduce pollution.

Small businesses, farmers, and ranchers need not worry. They will not be subject to any EPA regulations on greenhouse gases.

Our dependence on dirty fossil fuels is also a threat to the global climate system—the air we breathe and the water we drink—in New Mexico and around the world. This resolution specifically rejects the EPA's scientific finding, conducted by nonpartisan scientists, that greenhouse gas pollution is a threat to public health and to the environment. There are no climate scientists in the Senate. This body has no business injecting political bias into scientific deliberations. The resolution should be rejected for this reason alone.

It is revealing that this resolution is supported by dozens of special interests that have worked for years to discredit strong science. The vast majority of the evidence tells us that global warming is real. Strong scientific evidence shows that unless we transition to clean energy sources, our home States will pay a heavy price.

Many supporters of this resolution doubt climate science. In response, I point to the scientists of Los Alamos National Lab. The scientists and supercomputers there keep America's nuclear arsenal safe, secure, and reliable. They have no margin for error. Los Alamos also runs some of the most sophisticated global climate models used

by scientists around the United States and the world. These models indicate a serious risk to our landscapes and water supplies. Many scientific studies in the field confirm those risks.

In New Mexico, scientific evidence indicates devastating forest fires, droughts, and invasive species will be worsened by global warming. According to the Nature Conservancy, over 95 percent of New Mexico has seen temperature increases due to global warming. Ninety-three percent of our watersheds have become dried, and snowpack has decreased over the last 30 years.

Making matters worse, this same reliance on fossil fuels pollutes our atmosphere with toxic compounds such as sulfur dioxide, soot, and mercury, alongside greenhouse gases such as carbon dioxide.

Luckily, we have numerous cost-effective solutions at hand to address the energy and climate crisis. New Mexico and many other States across the Nation are rich in much cleaner domestic sources of energy, sources such as wind, solar, geothermal, and natural gas.

Last week, a uranium enrichment plant opened in New Mexico to provide emission-free fuel for American nuclear powerplants. Several years ago, wind energy was unusual, but now it is increasingly common, especially in the American West. Offshore wind has the potential to provide 30 percent of the east coast's power as well. The United States is now installing over a gigawatt of solar power each year. And there are another six gigawatts of concentrated solar power projects planned nationally, particularly in the Southwest. U.S. natural gas reserves have also increased by 35 percent in just 1 year. We now have a century's worth of supply. While natural gas is a fossil fuel, it is significantly cleaner than either coal or oil, and it is more abundant. The clean energy transition does not just mean renewable energy; it also means a renewed focus on natural gas and nuclear power.

Ironically, this resolution would also eliminate the incentive to invest in carbon capture technologies which are the future of coal.

Even worse, this resolution undercuts the push for energy efficiency. Without rules to reduce pollution, powerplants lack the right incentives to save energy. Both government and industry studies have found that the right efficiency investments could save energy and more than \$1 trillion at the same time. Energy efficiency does not mean turning down the heater in the winter or the air-conditioner in the summer.

Mr. President, at its core, this resolution is about delay. The House is not going to take up this resolution. The sponsor of this resolution knows the President does not support this. There are not the votes. And really what is going on here is delay.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, at this time, the 30 minutes under Republican control will be allocated as follows: Senator WICKER will have 5 minutes; Senator THUNE, 10 minutes; Senator JOHANNES, 5 minutes; Senator KYL, 5 minutes; and Senator SESSIONS, 5 minutes. Senator THUNE will lead off this block.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Dakota is recognized for 10 minutes.

Mr. THUNE. Mr. President, I wish to thank the Senator from Alaska for her leadership on this issue. This is an important debate to have, and I wish to remind my colleagues what this debate is about because I have heard lots of discussion on the floor today about how this is somehow about the science of climate change.

This isn't about the science of climate change. Maybe we ought to have that debate. Perhaps that is something we should debate, but that is not what this debate is about. This debate is also not about some of the other issues that have been thrown out here—that this is about big oil or this is about the Republicans wanting to delay or protect somehow the status quo. That is not what this debate is about. This is a very simple, straightforward question. That question is, Do we, the U.S. Senate, want to be on the record with regard to the issue of whether the EPA ought to move forward and try to regulate CO<sub>2</sub> emissions under the Clean Air Act or should we wait until Congress takes up and deals with that issue?

What is ironic about what my colleagues on the other side are suggesting is that a lot of people have said that Republicans just want to delay; they want to delay because they do not believe in the science. Well, we don't control the agenda; the Democratic leader controls the agenda. They have a climate change bill they could bring to the floor and we could debate it. They do not want to do that because they don't want to put a lot of their Democrats on record on that vote. So what do they do instead? We allow the EPA—a bunch of unelected bureaucrats—to move forward and do something that would have tremendous consequence to the American economy without hearing from the Congress.

I think that, in a very simple, straightforward manner, is what this debate is about. It is about, do we want the EPA to move forward with the regulation of greenhouse gas emissions absent direction from the Congress—the people's representatives—or do the voices of the people need to be heard through the debate we ought to be having here in the Congress?

I will say that irrespective of what you believe about the science behind

climate change and whether or not human activity is contributing to it, one thing we know with great certainty is that it will have profound economic impacts on the American economy.

Mr. KERRY. Will the Senator yield for a question?

Mr. THUNE. I will yield at the conclusion of my remarks to the Senator from Massachusetts, but I have some things to get to before that.

Mr. President, what is important is that everyone acknowledges, including the Obama administration, that moving forward with the EPA regulating CO<sub>2</sub> emissions under the Clean Air Act would cause the economy to suffer.

I want to quote something the Office of Management and Budget put out last August in a document. It says:

Regulating CO<sub>2</sub> under the Clean Air Act for the time is likely to have serious economic consequences for regulated entities throughout the U.S. economy, including small businesses and small communities.

If you look at the impact on small businesses, farms, and ranches, the proponents are going to say: Well, the EPA is not intending to regulate smaller entities like that; we just want to get the big polluters. OK. We start at 100,000 tons. Well, in 2012, we move to 50,000 tons.

I would argue—and it is supported by statements made by folks in the administration—the EPA Administrator has indicated that by 2016, they intend to regulate smaller emitters, if we get to 2016, because what will happen is this so-called tailoring rule will get challenged in the courts and it will likely get overturned because the Clean Air Act said the threshold for regulation is 250 tons.

At 250 tons, you don't get just the big emitters. You don't get the large polluters. You get over 6 million entities, to include farms, ranches, small businesses, churches, hospitals, and you can go right down the list. That is what happens when you regulate at the 250-ton level. As I said, they are saying that is not going to happen, that we have this tailoring rule. Well, the law is very clear. If we are going to use the Clean Air Act as the authority to do this, the Clean Air Act stipulates 250 tons. That captures a whole lot of entities that strike at the very heart of the American economy.

The cap-and-trade legislation that was passed by the House last summer has yet to be voted on here in the Senate, but there has been a lot of analysis of that done in my State of South Dakota. The public utilities commission in my State suggested that, if passed, that would increase power rates in States such as South Dakota by 50 percent.

If you look at what the actual impacts are going to be on small businesses across this country—not only because of the cost of the original con-

struction permits that would be included in this but also operating permits—the Wall Street Journal said in a May 2009 story that in 2007 the Clean Air Act cost those who had to apply for permits \$125,000 per permit and 866 hours to obtain it.

So whether you subscribe to the notion that this is only going to apply to large entities or whether you subscribe, as I do, to the belief that this is ultimately going to cover a lot more smaller entities that are going to be adversely impacted and deal with much higher power rates, I think it is pretty clear that whoever is covered by these new regulations is going to be faced with a lot higher costs when it comes to permits, a lot higher costs when it comes to the implementation of best available technology, and therefore a lot higher cost to the American consumer who will deal with the burden of that when it is passed on by these various emitting entities.

My State of South Dakota, of course, is composed of a lot of farmers and ranchers. Agriculture is a 45-percent energy-intensive business, if you look at the inputs that are necessary to make a living in a farm or ranch operation. That means 45 percent of a farmer or rancher's costs are going to be increased by this backdoor energy tax imposed by the EPA. The fees and fines that are placed upon machinery manufacturers, energy companies, and fertilizer companies starting in 2011 and 2012 will be immediately passed down to the farm and ranch families who are going to be impacted by this.

If the EPA is forced to regulate at the statutory 250-ton threshold—which, as I said, once this is litigated I believe that is what the courts are going to find—farms with as few as 25 dairy cattle would be forced to apply for a title 5 permit and pay a fee for each ton of greenhouse gases emitted by their cattle: the cow tax. That is what this is about. This is not, as I said, about the science of climate change. It is not about Republicans wanting to delay. We don't control the agenda around here. It is not about big oil. It is about small businesses, family farms, and ranches trying to make a living, trying to create jobs in the economy and constantly having Washington stand in the way and throw new hurdles and impediments and obstacles and barriers in their way.

What the Murkowski resolution does, very simply, is it forces us to answer a fundamental question and that is should Congress be acting on legislation that would direct these activities or do we allow a bunch of unelected bureaucrats at an agency downtown to move forward with regulations that would impose massive new costs on the American economy at a time when we are trying to create jobs and get this economy on its feet. That is the straightforward, simple question put

forward by the resolution from the Senator from Alaska.

I hope my colleagues here realize, irrespective of what they think about the science of climate change, irrespective of all the other arguments that are being used as a distraction here on big oil and Republicans delaying this debate, when you get down to the fundamental question, that is what the issue is, whether this Senate wants to be on record about allowing a bunch of unelected bureaucrats to move forward with the regulations that would impose massive new costs on our economy, not just on big polluters, large polluters—who, by the way, are going to pass those costs on—but directly hitting the small businesses, farms, the ranches that are the very backbone of the American economy.

This is not, by the way, just a Republican issue. There are lots of Democrats who have weighed in on this and there are lots of Democrats I believe here in the Senate today who I hope will be willing to support this resolution. But I want to read for you very quickly here, because I know my time is running out, a couple of things that have been said by Democrats in the House of Representatives. COLLIN PETERSON, a Congressman from Minnesota, has said:

The Clean Air Act was never meant to be used for this but they're trying to do it anyway. . . . Most everyone I've heard from about this thinks that elected officials—not EPA bureaucrats—should decide how to address our energy problems.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. THUNE. JOHN DINGELL called this a “glorious mess,” if the EPA moves forward with this. I have other statements from the Democratic Members of the House of Representatives which I will be happy to submit for the RECORD, as well as a letter from a bunch of Representatives in my State supporting the Murkowski resolution.

I yield my time and hope my colleagues will support this resolution.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, at this time I yield 5 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. JOHANN. Mr. President, let me, if I might, start out and say how much I appreciated the comments by the Senator from South Dakota. Many months ago I did a roundtable with a great company in Nebraska, Nucor Steel. Nucor Steel is one of those companies you hope takes a look at your State and creates the jobs that they have in your State—and they have. They employ about a thousand people. They do everything right. They are very pro-America. They are a well-managed company. They are a com-

pany that pays well. On average across the Nucor system, their wages are about \$70,000 a year. For that area of any rural State, that is huge. That is huge.

We sat down in this roundtable. As the Senator from South Dakota points out, the impact on our businesses—the first thing I asked the folks of Nucor Steel, I said to them, Where is your competition? Who are you competing with?

They said: The Chinese.

I said: The Chinese?

They said: Absolutely. When we go out and fight for a contract to keep these people employed, we are fighting with the Chinese.

I said: Let me ask you, talk to me about the impact of all of this legislation and various proposals on climate change on your company and that competitive relationship.

They were very blunt and straightforward. They said: Very simply, MIKE, here is what happens. We go in a situation where we cannot compete. Already, this is a very tough business. If you pile onto us these additional requirements, we are in trouble immediately.

Here is what I want to say about the Murkowski amendment, to get started here today. I respect the Senator from Alaska for bringing this forward because this is the kind of debate we should be having on this very important issue on the Senate floor and on the House floor. This should not be a situation where we have relegated or allowed the responsibility to be taken over by bureaucrats here in Washington, DC.

I rise today to offer my support for Senator MURKOWSKI's resolution of disapproval. At the end of last year, as we all know, EPA announced that greenhouse gas emissions would be regulated under the Clean Air Act. But Congress never designed the law to do that. Yet this administration seems absolutely bent on this overreaching, regardless of, congressional intent. That is why I am one of the cosponsors on this resolution.

The resolution is very simply our way of saying, here in Congress, the Clean Air Act was never designed to allow you, the EPA, to regulate greenhouse gases. This endangerment finding is simply bad for everybody. It is bad for Nucor Steel, it is bad for business, and it is bad for every American out there who flips on a light switch.

EPA tells us over 6 million entities will be captured by these new permitting requirements. Who are they? They are commercial buildings, they are hospitals, they are ethanol plants. You can keep naming business after business that will get caught up in this. Thousands of business owners would now have to go to the EPA if they plan to expand through new construction or modifications. One Nebraska manufac-

turer recently wrote to me, concerned with this very stark reality, and said: “These regulations will certainly influence our future decisionmaking regarding acquisitions, expansions, and new plants.”

So at a time where our economy is struggling, where everybody is trying to figure out the best pathway to create jobs—

The PRESIDING OFFICER. The time of the Senator has expired. The Senator's 5 minutes has expired.

Mr. JOHANN. Let me wrap up and ask my colleagues to support this very important effort by Senator MURKOWSKI.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. SESSIONS. Mr. President, I want to first say how much I support the Murkowski resolution, and I will be voting for it. But I want to point out, as ranking Republican on the Judiciary Committee, how it is we got into this circumstance and why it is not justified. Why it should never have happened, and why it is a product of the worst kind of judicial activism. And finally, why we need to see how we can work our way out of it.

In 1970, the Congress passed the Clean Air Act, and they allowed EPA to regulate pollutants. Rather than try to specifically define pollutants, they said it would be defined by the Director of the EPA, and he would have that decision-making authority. That is the way it was for many years.

Then years went by and people began to talk about global warming. Global warming developed a certain momentum and a number of scientists signed onto this idea. Even though CO<sub>2</sub> is a plant food and the more CO<sub>2</sub> that is in the atmosphere the better plants grow. And even though we breathe out CO<sub>2</sub> and plants breathe in CO<sub>2</sub> which produces the oxygen that we breathe in this wonderful system that we are a part of. They concluded that CO<sub>2</sub> was increasing because we were taking carbon fuels mostly from our soils, burning it, and that was increasing the percentage of CO<sub>2</sub> in the atmosphere. Presumably it had at one time been in the atmosphere and had been sucked up by plants.

So this argument arose that it would create global warming. In 1997 Congress had a vote on the Kyoto accord, to deal with whether we wanted to take these firm, aggressive steps to reduce CO<sub>2</sub>. By a vote of 97 to 0 we voted not to do that. We were not prepared to do that.

Someone filed a lawsuit. In 2007, it came before the U.S. Supreme Court. The Supreme Court was asked to decide on the prohibition of air pollutants, which passed in 1970 when nobody was thinking about global warming, instead they were thinking about particulate matter, NO<sub>x</sub> and SO<sub>x</sub>, acid rain, and those kinds of pollutants that go

into the atmosphere. The question was, did that word "pollutant" include CO<sub>2</sub>?

To me, a responsible court would have said Congress had all these years to pass a law and specifically add CO<sub>2</sub> as a pollutant if they wanted to. In fact, we have amended the law and never added it. They would have asked, Is this a big economic issue we are deciding? It is a huge economic issue, because it would give the Environmental Protection Agency the right to regulate every single emission of CO<sub>2</sub>—every automobile, every factory, every home, every hospital, every steel mill; everybody who emits CO<sub>2</sub> would be under the regulation of the EPA.

They voted and by a 5-to-4 margin the Supreme Court of the United States just declared—just by dictate declared—that Congress intended to cover CO<sub>2</sub> when they passed the Clean Air Act of 1970.

It is a stunning thing. It is a huge activist decision. In my opinion, it shows how dangerous judges are who are not committed to restraint and responsible action—how dangerous it can be when you give them the power to pass something Congress would not have passed. They didn't pass it then. And in my opinion, they would not pass it today. But the Supreme Court said so.

I support the Murkowski resolution.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Arizona is recognized for 5 minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. KYL. Mr. President, I too support strongly the Murkowski amendment. There has been a lot of misinformation spread about this. Let me clear up a couple of things. First, this resolution is not about the science of climate change. It has nothing to do whatsoever with greenhouse gases or the Earth's temperature.

It would not prevent the Senate from considering climate legislation if that is what the Senate chooses to do. Nor does this resolution have anything to do with the spill in the gulf coast, although some have tried to make it appear that way. Let's remember this resolution was introduced months before that spill even began. It has nothing to do with the disaster. We should not exploit this serious crisis for political gain, as the White House has tried to do.

So what is the resolution about? Well, it boils down to a simple question: Should the Environmental Protection Agency be allowed to act unilaterally to set climate and energy policy through new Clean Air Act regulations without the delegation or approval of Congress. And the answer is no. It is wrong for the administration to try to achieve its goals by any means possible, in this case by going around the legislative branch and by

using the EPA to enact sweeping economic and energy regulation.

In order to stop that, we need to approve this resolution. Let me provide a bit of context for how we got to this point. In December of 2009, the EPA finalized so-called endangerment findings for six greenhouse gases, allowing it to establish greenhouse gas emission standards for a few new motor vehicles.

Once those standards go into effect, under the law EPA has no choice but to follow through and issue regulations for stationary sources of greenhouse gas emissions. In fact, the EPA has estimated that about 6 million of these stationary sources: buildings, and facilities, including hospitals, nursing homes, schools, farms, and so on, will be subject to regulation.

There will also be a new regulation of homes and RVs and cars and tractors and so on. The new regulation will touch every corner of our economy and necessarily lead to higher energy costs, increasing the cost of nearly everything, and in the process killing jobs.

President Obama himself said that under the plan he favors, electricity prices "would necessarily skyrocket." Well, the Murkowski disapproval resolution would nullify the legal effect and force of the EPA's endangerment finding. It would prevent the EPA from using the Clean Air Act to set up a regulatory regime to impose backdoor climate regulations that would lead to a job-killing national energy tax.

Americans have made it very clear that they do not like the idea of legislation that will increase their energy bills and raise their taxes. They want Congress and the administration to focus on strengthening the economy and providing incentives to job creators rather than burdening them with new regulations. They deserve to be heard. If they say through their representatives they do not want a national energy tax in the form of cap-and-trade legislation to pass Congress, then the administration should not be able to circumvent their will by simply having the EPA do it.

This is a clear up-or-down vote to stop a power grab by unelected officials at the Environmental Protection Agency, and to force any climate and energy regulation to go through a democratic process conducted by Congress.

I urge my colleagues to support the Murkowski resolution.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, under the unanimous consent agreement, we had reserved 5 minutes for Senator WICKER, but I am going to yield those 5 minutes to Senator HUTCHISON.

The PRESIDING OFFICER. The Senator from Texas is recognized for 5 minutes.

Mrs. HUTCHISON. I thank the Senator from Alaska for her great leader-

ship in bringing this to the floor. I support this resolution. While cap-and-trade legislation has stalled in the Senate, the administration is pursuing a backdoor approach to implement new regulations. The EPA's use of the Clean Air Act as a vehicle to expand its authority is a political maneuver that will allow the agency to bypass Congress and regulate greenhouse gases.

This is the prerogative of Congress and Congress has not acted because it would be a mistake to act. So here comes the regulatory agency to bypass Congress because they cannot get congressional approval to do what they are trying to do.

This vote has nothing to do with the oil spill in the Gulf of Mexico. It is unfortunate that some are trying to use this tragedy in the Gulf of Mexico as some sort of leverage against this resolution. We all agree that we need a responsible energy policy that strikes a critical balance between the protection of our environment, natural resources, and the preservation of American jobs. It is the responsibility of Congress to implement such a balanced policy.

It is also the responsibility of Congress to consider the economic impact that regulations will have on Americans throughout our country. Here is how these regulations will affect my home State of Texas. In Texas, more than 30,000 businesses will be in industries that will now be newly subject to the EPA regulations.

Texas' agriculture industry, which accounts for \$106 billion, or 9.5 percent of Texas' total gross State product, would be disproportionately damaged by the proposed regulations because of their use of fertilizers which are already regulated.

Across the country, small businesses, which are the backbone of our economy, and farmers and ranchers, which are the backbone of our economy, will be devastated by these regulations. According to the U.S. Small Business Administration's Office of Advocacy, the smallest businesses bear a 45-percent greater burden than their larger competitors.

The annual cost per employee for firms with fewer than 20 employees is over \$7,000 to comply with their regulatory burden. Actions from the EPA are going to give foreign competitors an advantage over American businesses. While our businesses will become burdened with these new regulations, companies in China and India will have free rein in U.S. markets.

As our economy begins to recover, the last thing families and small businesses need is a backdoor energy tax that is going to raise their costs across the board. Rather than imposing invasive regulations, we need a responsible energy policy that focuses on making alternative sources of energy, such as nuclear, wind, and solar commercially available. We all agree on

that. That would be a balanced approach to an energy policy, which is what elected representatives should be making.

This vote is to prevent a federal bureaucracy from doing the work of the elected representatives of the people. I am alarmed by this further attempt of the administration to circumvent congressional authority. I am sorry to say but this is becoming a hallmark of this administration, more regulation. And if Congress does not agree, let the agencies do it.

I am dealing in the Commerce Committee right now with the FCC that is doing exactly the same thing. They are going to impose net neutrality rules when Congress has not authorized the regulation of the Internet in that way. It is a pattern that is beginning to show itself and it is wrong for our country.

I am going to stand strong against cap and trade. I will certainly oppose the audacious attempt by this administration to bypass Congress and implement new regulations without the authority of Congress.

As a solution to climate change, we need to work together to promote the use of clean and renewable sources of energy. We need to work on creating jobs, not tax small business to keep us from being able to create the new jobs.

It is important that we work together. We are the elected representatives of the people. The EPA is not. And this is overreach. If we do not stop it, who will? Who will stop bureaucracy and agencies that are not authorized by Congress to take on more and more regulatory responsibility that is not theirs, and that is going to cost jobs in our country?

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. HUTCHISON. The growth of government is breathtaking in this country. I urge my colleagues to think about this and support the Murkowski resolution.

I yield the floor.

Ms. MURKOWSKI. Mr. President, has all time expired?

The PRESIDING OFFICER. All time has expired.

The Senator from California.

Mrs. BOXER. Mr. President, I yield 15 minutes to Senator KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 15 minutes.

Mr. KERRY. Mr. President, we have heard the arguments on both sides of this debate. But for all the discussion and all the rhetoric, the choice before us is really stark and simple. This is a vote and choice between recognizing the greatest environmental risk of our time or legitimizing the deniers. It is a choice between protecting the health of our families and the air we breathe or continuing a pattern of pollution that threatens our children and our commu-

nities. It is a choice between getting serious about policies that will put America on a real path to energy independence or increasing our Nation's oil dependency by 450 million barrels.

The stakes for our country are enormous. And if you have any doubt about that, any doubt at all, look no further than what is happening in the Gulf of Mexico even as we debate this choice. Every hour on our television screens we are watching another tragic and costly reminder of the hazards of our oil addiction, all that from only a single accident at a single offshore oil well.

In April 2007, the Supreme Court for the first time issued a ruling on the issue of climate change. The Roberts Court was asked to consider the Bush administration's refusal to issue greenhouse gas standards for cars and trucks. The case hinged on two key issues: (1) does the Clean Air Act authorize regulation of greenhouse gases and (2) if so, should EPA set emissions standards for motor vehicles. The decision by the majority in the landmark *Massachusetts v. EPA* case was conclusive on both fronts. The justices determined that "the harms associated with climate change are serious and well recognized," and they firmly and positively identified greenhouse gas emissions as the cause of those harms. In light of that assessment, they found that greenhouse gases "fit well within the Clean Air Act's capacious definition of 'air pollutant.'" In light of that, the justices directed EPA to fulfill its obligation under the Clean Air Act to determine, based on scientific evidence alone, whether greenhouse gas emissions from cars and trucks pose a threat to human health or welfare. This "endangerment finding" was finalized in December of last year.

The resolution under consideration today, S.J. Res. 26, seeks to overturn this finding and permanently prohibit EPA from ever issuing a similar determination, regardless of the strength of the science and the urgency of action.

This resolution is not based in substance or in fact. We know that the threats of climate change are widespread, compelling and urgent.

In fact, on May 19, the National Research Council, our Nation's leading scientific body, declared in its most comprehensive study to date that the evidence of climate change is "overwhelming." They urged "early, aggressive, and concerted actions to reduce emissions of greenhouse gases."

However, the resolution we are debating today would achieve precisely the opposite goal. We are being asked to literally vote down the science, squander billions of barrels of oil savings, and shirk our responsibility to address the greatest energy, national security, and environmental challenge of our time.

By invalidating the scientific finding that greenhouse gases pose a threat to

human health and welfare, this resolution would remove the legal basis for the landmark agreement that was reached last year to regulate greenhouse gas emissions from cars and trucks. According to the Union of Concerned Scientists, this agreement is on track to save American consumers a total of \$34 billion and create 263,000 American jobs in 2020. This agreement also takes a tremendous step toward energy independence by reducing our oil consumption by 1.8 billion barrels. By removing EPA's authority to jointly implement these regulations with the Department of Transportation, this resolution comes at the very steep cost of 450 million barrels, almost one quarter of these oil savings.

And, that is just the minimum amount by which this dangerous resolution will increase our oil dependence. In light of President Obama's recent announcement that the administration plans to extend the vehicles standards beyond 2016, the prohibition on EPA action will eliminate significant additional opportunities in the future to reduce our Nation's oil consumption, increase our energy security, and draw a bright line between ourselves and those nations that would do us harm.

So why are we being asked to affirmatively reject a scientific finding based on "overwhelming evidence" and potentially billions of barrels of oil savings? Congress, we are told, needs more time to develop energy and climate legislation and the Federal Government must be stopped from making any progress in the interim.

As someone has been meeting with my colleagues now for over a year, sitting down with all the stakeholders, I am struck by the irony that many of the proponents of this argument are the very same people who at every opportunity have avoided engaging in a serious legislative effort to tackle these issues. On the one hand, they say it is a job for Congress not the EPA, then they stand in the way of Congress doing the job in the first place. And they stand in the way even at a time when we have brought together an unprecedented coalition of industry and environmental support for action in this Congress. If you do not want the EPA to act, but you will not let Congress lead, when are we going to solve this challenge?

Here is how Ron Brownstein, one of the keenest observers of Washington, summed it up: "It's reasonable to argue that Congress, not EPA, should decide how to regulate carbon. But most of those Senators who endorsed Murkowski's resolution also oppose the most plausible remaining vehicle for legislating carbon limits: The comprehensive energy plan that Senators John Kerry, D-Mass., and Joe Lieberman, ID-Conn., recently released. Together, those twin positions effectively amount to a vote for the energy status quo."

Let's not kid ourselves. The Senate has never solved a problem by delaying. And on the issue of climate change, we have delayed action too long, for two decades we have stood still. We have stood still while other countries race ahead, while we lose market share in a global market, and while China and India create jobs and profits racing ahead with technology that Americans invented.

Mike Splinter, the CEO of Applied Materials, crystallized our choice in his May 25 op-ed. He said, "Our failure to act has consequences. Ten years ago, the U.S. accounted for 40 percent of worldwide solar manufacturing. Today that figure is less than 10 percent. Meanwhile, China has gone from producing five percent of the world's solar panels in 2007 to nearly half last year . . . Over the next five years, China, India and Japan will out-invest the US in energy technology by at least three-to-one."

And still here we are debating the science itself, still distracted by campaigns to foster the idea that climate change was "theory rather than fact." That is the same campaign the tobacco industry waged for decades, arguing that the link between cigarettes and lung cancer was "theory rather than fact."

Well, you can delay the inevitable only so long. If you put science on trial, as they did in the famous Scopes Monkey trial in 1925, the truth will win out. And I will tell you the science on climate change is more definitive than ever and more troubling than ever.

Globally, temperatures are at an all-time high, with the first decade of this century conclusively establishing as the hottest decade on record. Man-made pollution is acidifying our oceans at a rate at least 10 times faster than previously thought, creating inhospitable physical conditions for shell-building animals that serve as the basis of our ocean food chain. Sea level rise is threatening cities like Boston, where city officials are actively planning for how to manage 100-year floods that are now becoming 20-year floods, in the face of global sea level rise of three to six feet by 2100. Worsening drought conditions will create persistent drought in the Southwest and sharply increase Western wildfire burn area. And the National Academy of Sciences has confirmed that these damages may be irreversible for 1,000 years.

Those who say we are not ready, we need more time, miss the fact that we know what we have to do and we know how to do it in a way that makes economic sense. We have debated bipartisan energy and climate legislation in the Senate for years, beginning in earnest with the McCain-Lieberman bill of 2005. The House of Representatives passed a comprehensive energy and climate bill nearly 1 year ago, and the

Senate Environment and Public Works Committee reported out a similar bill last fall. Over the last several months, Senator LIEBERMAN and I, with the help of Senator GRAHAM, built on these efforts to develop the American Power Act.

Our legislation adopts the formula originally developed by Republicans and implemented by President George H.W. Bush, that environmental goals should be achieved at the lowest possible cost to American consumers and businesses. In fact, the nonpartisan Peterson Institute for International Economics just completed the first independent analysis of the American Power Act, and found that the bill would generate a decade of multi-million-dollar investments, creating 200,000 new jobs a year and reducing foreign oil imports by 40 percent. The study also says that because of the strong consumer protection provisions in the bill, American families will see a \$35 net decrease in energy costs annually through 2030.

The Senate can and must take action this year, and the American Power Act provides the foundation for getting the job done. I urge my colleagues who recognize the threats caused by our oil dependence to close the gap between words and action and join us in passing a bill this year. We have collectively kicked the can down the road long enough, and the Nation is less secure as a result. It is time to stand with 75 percent of the American people and pass energy and climate legislation that makes a meaningful and lasting difference.

Before I yield the floor, I would like to make one final point. While many members have come to the floor today to eviscerate the EPA and create a caricature, the reality is that the Agency is taking a thoughtful, measured, step-wise approach to regulating greenhouse gas emissions. Administrator Jackson has logically committed to addressing the largest sources first: new power plants or factories that emit over 100,000 tons of greenhouse gas emissions, or existing plants that undergo significant expansions representing over 75,000 tons, and they won't go into effect until over a year from now. Contrary to the wild claims you have heard today, these regulations will not impact small businesses or family farmers, and will remain focused on only the largest polluters for at least the next 6 years.

Mr. President, protecting our environment does not have to be a partisan issue. On the first Earth Day in 1970, more than 20 million Americans, Republicans, Democrats, Independents, all turned out to protest the pollution of our environment. And later that year, President Nixon signed the EPA law because Republicans recognized as much as Democrats that we had to put an end to rivers catching on fire, Great

Lakes dying, and air pollution so great that on some days here in Washington you could barely see the Capitol from Arlington Cemetery.

It has been 40 years since we put the EPA in charge of cleaning up our water and air, and its track record is indisputable. Russell Train, the EPA Administrator during the Nixon and Ford administrations, emphasized in a recent letter opposing the Murkowski resolution that the economic benefits of the Clean Air Act have exceeded its costs 10 to 100-fold. But the resolution under consideration today would stop the EPA in its tracks, without any sort of alternative plan for addressing the greatest environmental threat of our time. Let's stop the demonizing and get to work.

Today we should be debating how to craft comprehensive energy and climate legislation, not how to reverse the important progress that is underway. This amendment is a distraction. It is an excuse. It is time for the Senate to do what this institution was meant to do, and provide leadership on an issue that is crying out for it.

I have been listening carefully to a whole bunch of our colleagues on the other side of the aisle come to the floor and talk about what this is not about. Every single one of them has laid out a rationale for doing away with something as if it were a regulation. They come to the floor and, frankly, there have been very few facts here, because I keep hearing about the tailoring rule of the EPA, that does not take effect until 2016, which lays out a whole process by which we normally do things.

But we keep hearing our folks on the other side of the aisle say this is not something that Congress intended, or this is not something we should leave to the bureaucracy. Neither could be further from the truth.

We created the law on which this is based. The Congress passed the Clean Air Act, and the Supreme Court of the United States, not a bureaucracy, made a fundamental health finding decision that, in fact, global climate change is happening, and that the pollutants of greenhouse gases are, in fact, included in what the Clean Air Act envisioned.

The Supreme Court has dictated this policy, and they dictated it as a matter of health, not as a matter of some bureaucratic rule. We do not have a rule in front of us right now. We have a process by which the EPA is going to go through, determine what they may or may not do.

I heard my colleague from South Dakota come to the floor and say: Well, all we are trying to do is delay this so Congress can act. This is going to be the great hypocrisy test resolution. We are going to see how many of those folks who are here on the floor saying: We need to leave it to Congress, how many of them are actually going to

show up and vote to do what we need to do in order to change things. How many of them are going to be on the front lines trying to, in fact, make the things happen that have to happen in order to restrain greenhouse gases?

We heard him say: We are just delaying this. No, they are not just delaying it. That is not true. Because under the Administrative rule act, when you reject a resolution, have a resolution of rejection, as this is, you are specifically not allowed to come back with the rule or anything like it.

Let me read specifically from there. It says:

A rule shall not take effect if the Congress enacts a joint resolution of disapproval.

That is what this is.

(2) A rule that does not take effect under paragraph 1 may not be reissued in substantially the same form, and the new rule that is substantially the same as such rule may not be issued.

There it is, plain and simple, folks. That is what is happening here. This is an effort to permanently prevent the EPA from ever taking up the question of greenhouse gases and their right to restrain them.

Let me read exactly what the Supreme Court said. This is the Supreme Court. And let me put a little politics history behind this. In 1999, under the Bush administration, the first Bush administration, they did not want to do this, for all of the same reasons people do not want to do it now. So people went to court to get them to do what they are supposed to do in the public interest. But it was challenged. It went all the way to the Supreme Court, and here is what the Supreme Court of the United States said. Greenhouse gases "fit well within the Clean Air Act's capacious definition of air pollutant."

So the Supreme Court of the United States, not a bureaucracy, found that the intent of Congress was properly being fulfilled in the effort to restrain greenhouse gases. What Senator MURKOWSKI and colleagues are trying to do here is undermine the health finding. This, in fact, is represented by the Supreme Court.

The Court found that climate science has already indicated that rising levels of greenhouse gases were warming and harming the Earth. They go through that reasoning. The Court then said they reviewed the history of the Clean Air Act and found that in 1970, Congress added a broad definition of "wellfare," including "effects on climate."

Finally, the Court found that the Clean Air Act's sweeping definition of "air pollutant" unambiguously includes greenhouse gases. That is why we are here today.

What our colleagues are trying to do is prevent this from happening. They are repealing an entire health finding.

It is kind of interesting. Look at the people who represent health in the United States: the American Academy

of Pediatrics, Children's Environmental Health Network, American Nurses Association, American Lung Association, American Public Health Association, National Association of County and City Health Officials, Trust for America's Health, Physicians for Social Responsibility, National Environment Health Association, American College of Preventative Medicine, and on it goes. All of them are opposed to what Senator MURKOWSKI is doing because it does not represent the health interests of the country.

We have heard a lot of arguments, but for all the discussion and rhetoric, the choice before us is stark and simple. This is not a simple delay. This is brought to us by some of the same people who have resisted doing anything about many of these things for ages. Why is it that the United States is more dependent today on foreign oil than we were before September 11? It is because we haven't done anything to reduce our dependence on foreign oil. We have an opportunity to do it now. This is about that.

The same people have resisted changes through the years—resisted CAFE standards, resisted changing where and how we produce oil, a long list of things that have been prevented from happening. The American people today are paying \$100 million a day to Ahmadinejad and Iran in order to buy oil because we haven't reduced it.

The option is whether we are going to get serious about those other things. This is a vote between whether we recognize the greatest environmental risk of our time or whether we legitimize deniers of that. It is a choice between protecting the health of our families and the air we breathe or whether we continue a pattern of pollution that threatens our children and communities. That is what the EPA was set up to protect. It has protected that through the years. This is a question of whether we are going to get serious about policies that will put America on a path to energy independence or increase our Nation's oil dependence by another 450 million barrels.

The stakes for our country are enormous. If Members have any doubt about that, every day on television everybody is seeing what is happening in the gulf, the result of one single accident, one single offshore oil well.

In April of 2007, the Supreme Court, for the first time, issued a ruling on the issue of climate change. Some people don't like it. The Roberts Court was asked to consider the Bush administration's refusal to issue greenhouse gas standards for cars and trucks. The case hinged on just two things: Does the Clean Air Act authorize the regulation of greenhouse gases, and, if so, should the EPA set emission standards for motor vehicles?

The decision by the majority was conclusive on both fronts. In light of

that, the Justices directed the EPA to fulfill its obligation under the Clean Air Act to determine—I emphasize—based on scientific evidence whether greenhouse gas emissions for cars and trucks pose a threat to human health.

On May 19, the National Research Council, which is our Nation's leading scientific body, declared in its most comprehensive study to date that the evidence of climate change is overwhelming. They urged early, aggressive, and concerted actions to reduce emissions of greenhouse gases. The resolution we are debating today would achieve absolutely the opposite goal. We are being asked to vote down the science, to squander billions of barrels of oil savings, and shirk our responsibility to address the greatest national security and environmental challenge of our time.

Some may say, no; they are just trying to restrict the bureaucrats from doing this. Everybody understands what this battle is all about. By invalidating the fundamental scientific finding that greenhouse gases, in fact, pose a threat to human health and welfare, this resolution would remove the legal basis, the legal foundation for the agreement that was reached last year to regulate greenhouse gas emissions from cars and trucks.

According to the Union of Concerned Scientists, this agreement, the agreement to which I am referring, is on track to save American consumers a total of \$34 billion and to create 263,000 American jobs in 2020. The agreement also takes a huge step forward toward energy independence by reducing our oil consumption by 1.8 billion barrels. If we remove the EPA's authority to jointly implement those regulations with the Department of Transportation, then we lose the foundation for proceeding forward with that benefit. That is the minimum amount by which this resolution would increase our oil dependence.

In light of President Obama's recent announcement that the administration plans to extend the vehicle standards beyond 2016, the prohibition on the EPA action would eliminate significant additional opportunities in the future to reduce our Nation's oil consumption, increase our energy security, and draw a bright line between ourselves and those nations that want to do us harm.

Why are we being asked to affirmatively reject a scientific finding that has been based on overwhelming evidence, and why would we be asked to reject potentially billions of barrels of oil savings? We are told Congress needs more time to develop energy and climate legislation. The Federal Government has to be stopped from making progress in the interim.

I have been meeting with my colleagues now for over a year at least, over 20 years that I have been working

on this issue. The distinguished chairwoman of the Environment and Public Works Committee, similarly, and others, have been at this for a long time. I am struck by the irony that many of the proponents of this argument are the very same people who, at every opportunity, have avoided engaging in a serious legislative effort to try to reduce greenhouse gas emissions or deal with climate change.

On the one hand they say it is the job of Congress, not the EPA. Then they stand in the way of Congress doing its job in the first place. They stand in the way even at a time when we have built an unprecedented coalition of industry—the faith-based community, the national security community, businesses small and large, environmentalists, all of whom believe we now have a method by which we can grow jobs in our country, increase energy independence, and reduce pollution all at the same time.

Let me share with colleagues what Ron Brownstein, one of the keenest observers of Washington, summed up in writing the following:

It's reasonable to argue that Congress, not EPA, should decide how to regulate carbon. But most of those Senators who endorsed Murkowski's resolution also opposed the most plausible remaining vehicle for legislating carbon limits.

I want to make sure we understand something as we do this. A lot of people have come to the Senate floor to eviscerate the EPA and create a caricature of that Agency, when that Agency, frankly, is taking a thoughtful, measured, stepwise approach to regulate greenhouse gas emissions.

Administrator Jackson has said she is committed to addressing the largest sources first, new powerplants or factories emitting more than 100,000 tons of greenhouse gas emissions, and then going to those over 75,000 tons. None of that will even go into effect until a year from now through the normal administrative public process that we have set up for our agencies to represent us.

It is astonishing to me that this has become a partisan issue. In 1970, 20 million Americans came out of their homes to march in the streets because they saw the Cuyahoga River in Ohio light on fire. They wanted to stop the pollution. We passed the Clean Air Act, Clean Water Act, Safe Drinking Water Act, marine mammal protection, coastal zone management. The history of the implementation of those acts has been to clean up rivers, clean up lakes, and see fish swim again where they didn't, to be caught again by kids who go fishing with their parents. We brought that back. Now we are trying to undermine the ability to continue that job, to make the health and welfare of our citizens better, and to lead the world with respect to these technologies. The United States is not lead-

ing in one of these technologies today. It is time for us to understand, we need to get our act together.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I thank Senator KERRY. We now turn to Senator LIEBERMAN for 5 minutes, followed by Senator MERKLEY for 5 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 5 minutes.

Mr. LIEBERMAN. Mr. President, I thank Senator BOXER for her leadership in this matter.

I rise to oppose the resolution offered by my friend from Alaska, and she is my friend. I rise to say that I think, though I oppose the resolution, that debate on the resolution has clarified the choices Members of the Senate have on this matter. I think it has illuminated the scientific consensus, and in the end, the defeat of this resolution, which I hope for and support, will actually increase momentum to adopt comprehensive energy and climate legislation this year which is the real alternative to executive action by EPA next January.

I know several of my colleagues have argued today that this resolution is about stopping EPA from regulating greenhouse gas emissions and preserving that role for Congress. But the resolution does, of course, much more than just offer an opinion about who should regulate greenhouse gas emissions. It rejects EPA's finding that "six greenhouse gases taken in combination endanger both the public health and the public welfare of current and future generations" of Americans. It would also prevent EPA from reaching a similar conclusion in the future.

To me, that means this resolution looks an awful lot like an attempt to impose political judgments on scientific judgments. That is wrong.

There has been a lot of talk over the years of basing what we do on sound science. This resolution would lead us in exactly the opposite direction. Should the resolution become law, Congress would in effect be saying EPA was wrong when it reached its conclusion that global warming emissions harmed public health. Since that finding was the basis for EPA's tailpipe emissions standards, the Murkowski resolution would send EPA back to the drawing board on those rules, which are broadly supported by the business and environmental communities and significantly increase both our dependence on foreign oil and air pollution.

Regardless of whether my colleagues believe Congress or the EPA should determine our national strategy for addressing the threat of global warming, I hope they can agree that unchecked carbon dioxide emissions endanger human health and welfare. Frankly, I thought that debate was over. Climate change is happening. The science is

convincing. The current pattern of energy consumption is just making a bad problem worse. It is time to move past the debate about climate science and engage in an honest, productive, bipartisan conversation about what we can do as a nation, as a people privileged to be leaders of this Nation, to combat the problem, the challenge that science tells us is happening.

The solution we come up with can and will create good jobs. It can and will ensure our role as a leader in the global clean energy economy. It can and will safeguard our national security by safeguarding our energy security. Last month, Senator KERRY and I presented the American Power Act, which I think achieves all of those goals I have stated and more. It is the product of months of discussions with Republicans and Democrats, the business community, and the environmental community. Together I think we came up with an innovative approach to addressing both our energy and climate challenges. It enjoys broader support than any similar proposal I have ever been involved in from the business and environmental communities. It is a coming together of the work of the Environment and Public Works Committee under Chairman BOXER and the Energy Committee under Chairman BINGAMAN.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LIEBERMAN. I would say, finally, there is a path forward that allows Congress to act but does not reject the science of climate change. That path forward is a "no" vote on the resolution and a "yes" vote on comprehensive energy and climate legislation like the American Power Act.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, before we hear from Senator MERKLEY, I want to note that immediately following him, Senator BINGAMAN will have 5 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

Mr. MERKLEY. Mr. President, today I rise in opposition to the resolution before us from my colleague from Alaska.

Since 1970, the Environmental Protection Agency has been charged with responding to and identifying threats to our atmosphere, threats that affect public health, threats that affect weather, threats that affect climate.

During this time, the EPA has identified and responded to many threats: sulfur dioxide; nitrogen dioxide; mercury, a potent neurotoxin; lead, lead that was poisoning the air our children breathed and affecting their mental development. In each of these cases, we had a force that said: We must respond.

Now, today, we have before us a resolution which says: It does not matter

that our public health is being affected. We are going to overturn the finding. We are going to call the science invalid. We are going to say politics, not science, should be the foundation of our policy.

This, of course, is the attitude that was put forward year after year during the Bush administration: Take the scientific papers and shred them. Take the scientists and set their views aside. Today, we have a continuation of that Bush strategy of burying science. It is the wrong foundation for public policy to bury science. We should take and respond responsibly.

We have now before us a finding that was developed actually by the scientists in the Bush administration. You might recall, it was the Bush administration scientists who first developed the finding related to changing the atmosphere with the global warming gases of methane and carbon dioxide and other gases that are changing the chemistry of the environment, and that we have to respond to protect the health of our citizens—a straightforward concept, supported by the scientists of the last administration and by the scientists of this administration.

Not only that, but we are proposing in this resolution to undo the tailpipe emissions rules that reduce our demand on foreign oil. This resolution will increase our demand for foreign oil by 455 million barrels per year. That is a lot. Let me translate that. That is not equivalent to the amount of gasoline to drive around the Equator once. No. That is not equal to the amount of gas to drive around the Equator 10 times. Not at all. It is not even equal to the amount of gas to drive around the Equator 1,000 times. This is an increase in our dependence on foreign oil equal to the amount of gasoline that would propel a car around the Equator 10 million times.

This means far more money in the hands of foreign governments that do not share our national interests. This means a compromised national security. This means a lot of additional carbon dioxide being put into the air. And this means a lot more harm to the citizens of the United States.

Burying science is wrong. This resolution that challenges our national security, diminishes our economy, and threatens the atmosphere and our public health is also wrong. It must be defeated in this Chamber.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. BINGAMAN. Mr. President, I will vote “no” on the Murkowski resolution of disapproval. Senator MURKOWSKI and I have worked together on a comprehensive energy bill this Congress and also on a cap-and-trade bill in the last Congress. She has been very con-

sistent in her view that we need to act on the issue of global warming but that we need to be sensitive to the impacts of such legislation on our economy.

I appreciate the concerns she has voiced with respect to the need to protect industry from onerous regulation. I firmly believe those views are sincere. I disagree, however, with the substance of this resolution, in that, regardless of overall intent, it is asking Congress to overturn a scientific finding made by some of our best scientists. In my view, the EPA should not be prevented from continuing its work to reduce greenhouse gas emissions until Congress is able to prescribe a more permanent fix.

For the past several Congresses, we in Congress have been engaged in a dialog on how best to provide a permanent fix. There have been many bills introduced on the topic. We have had several votes on specific legislation. Each time, though, we have fallen short of actually enacting legislation. Now, as a result of the Supreme Court ruling, we are in a situation where the EPA is required by law to take action to regulate greenhouse gas emissions.

There is a near universal agreement among Members of the Senate that it would be better for Congress, rather than the EPA, to take action and to prescribe the means of regulating greenhouse gases. Congress has the ability to consider the whole economy and the global scope of the problem in a way that is not available to the Administrator of the EPA under the Clean Air Act. Congress can design and enact policy that would be mindful of the wide range of stakeholders and minimize its economic impacts, and ensure a smooth transition to a clean energy economy.

I continue to support action by the Congress to regulate greenhouse gases instead of direct regulation by the EPA under the Clean Air Act. However, the resolution before us is not about whether the EPA should be regulating greenhouse gases or how they should go about it. We are, instead, being asked to vote on whether the EPA was correct in its finding that “current and increasing levels of greenhouse gases threaten the public health and welfare of current and future generations.”

Frankly, there is nothing controversial in this fundamental scientific finding. It has survived intense scrutiny by thousands of scientists and interested parties the world over in the past decades. Just last month, in a report delivered by the National Academies of Science at the request of Congress, this finding was further supported by our Nation’s top scientists. So this vote would amount to a congressional rejection of the most basic findings of climate science, and how we vote today will be looked on by many, including the international community, as they evaluate America’s commitment to address this global problem.

Finally, I have reviewed the EPA’s actions on greenhouse gas emissions and their recent tailoring rule that would ensure that only the very largest sources would be subject to any kind of regulation. Of these very large sources, only those that are new or are pursuing major modifications will be required to implement new control technologies.

As EPA considers what technologies must be implemented, the economic viability of the technology is taken into account as well. I believe it is important that EPA continue with its work and that we in Congress get on with taking the steps we need to take. For these reasons, I urge a “no” vote on this resolution.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I am assuming that time on the Democratic side has expired.

The PRESIDING OFFICER. The time has expired.

Ms. MURKOWSKI. I thank the Chair.

At this time, in our remaining 30 minutes, it shall be allocated as follows: Senator COBURN for 5 minutes, Senator ROCKEFELLER for 10 minutes, followed by Senator MCCAIN for 5 minutes, and then I will conclude with 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized for 5 minutes.

Mr. COBURN. Mr. President, I have listened to a great deal of the debate. I have heard it claimed that the EPA has scientists; that none of us are—except that is not accurate. There are about four or five trained scientists in the Senate, and I happen to be one of them. But the whole predicate that we heard from the Senator from Massachusetts was: The basis was the Supreme Court. They are certainly not scientists.

The other thing I would reject is what the Senator from New Mexico said. As a scientist—and if you read the minority opinions on all the reports they have cited—this is not settled science. Even if it were, this is one Senator who would say this is not the time to do this. Our economy is still on its back, and it is going to be that way for the next 4 years. We have massive problems in front of us. And we are going to add a ruling—not a congressional ruling, a bureaucratic ruling—that is going to kill jobs, that is going to increase the cost of everything we produce in this country because it all starts with energy. It is going to mandate changes in behavior that will affect every family in this country. So even if it were absolutely true, I would tell you we should not be doing it now.

The second thing is to say that the EPA is going to do this. Do you realize the EPA cannot even train 250,000 contractors for lead paint? They blew it. They totally blew it. They were incompetent, and, consequently, we have

hundreds of thousands of people who today still are not working on older homes because of the EPA's incompetence.

So for us to claim we have to do this now, and we should not reject this now, is like cutting off our nose to spite our face. No matter what anybody says, it is going to have a major impact on our economy at the time when we cannot afford to have another negative drag on our economy.

Even if it is true—it is not; but even if it is—it would be stupid for us to do this now, especially when the rest of the world is not coming along at all and the footprint we might minimize will not have any impact on the health of Americans. So we are going to have a certain amount of CO<sub>2</sub> no matter what because the Chinese certainly are not doing it, the Indians certainly are not doing it, and they are building one smokestack a day in China right now.

So for us to take this action—in light of the incompetency at the EPA, in light of our economic situation we find ourselves in—I find it highly ironic, even if it is the right thing to do, now is not the right time to do it, given the place where we find ourselves economically in this country.

Then, finally, I have been in this body for 5 years, and I have heard, time and time again, the people opposing this motion to disagree complain about an administration taking away our rightful legislative duty. This is not something that should come from a bureaucracy. This has way too big of an impact.

If we cannot get it through Congress, it should not happen. That is what our country is set up on. Instead, by default, we are going to allow a bureaucracy to take over what we are supposed to be doing? The way this country works is, if we do not do it, it should not be happening because there is not a consensus in the body to get a clean energy program out of the Senate. So you cannot have it both ways. You cannot complain about it when you are seeing it in things you like and not complain about it when it is things you do not like.

I will finish with this one point: We better be very careful in this body about what we are doing. We are playing with the future of 200 million Americans that is extremely precarious at this point in time from an economic standpoint. We can claim all the long-term negative health consequences, but as a physician, if you do not have an economy or you have an economy that crumbles, no matter what you have done on that, you have not helped anybody.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COBURN. Mr. President, I yield back and thank the Senator from Alaska for the time.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 10 minutes.

Mr. ROCKEFELLER. I thank the Presiding Officer.

I rise today to lend my support to the Murkowski Resolution of Disapproval for one simple but enormously important reason: because I believe we must send this strong and urgent message that the fate of our economy, our manufacturing industries, and our workers, including our coal workers, should never be placed solely in the hands of the federal Environmental Protection Agency. I have long maintained this in Congress. I have been around here for a while. I was a Governor for 8 years. I think the elected people, and not the unelected EPA, have a constitutional responsibility here and on an issue which is so totally important. We are accountable to those people.

Some here seem to talk about other aspects of this. I tend to focus, as a VISTA volunteer who went to West Virginia and lived among coal miners, on people and all the problems, including the problem of climate change, that attend to their future.

I am not here to deny or bicker fruitlessly about the science, as some would suggest. In fact, I would suggest that I think the science is correct. However, it doesn't one iota deter from my support of the Murkowski resolution.

I care deeply about this Earth and resent anybody who suggests otherwise about either me or the people of my State. I care about the fundamental human commitment—the higher calling we all have—to be a steward. Greenhouse gas emissions are not healthy for the Earth or her people, and we must take significant action to reduce them. We must develop and deploy clean energy, period. I accept all of that. But EPA regulation is not the answer. EPA has little or no authority to address economic needs. They say they do, but they don't. They have no ability to incentivize and deploy new technologies. They have no obligation to protect the hard-working people I represent with deep and abiding passion—people who changed my life. I was born anew in the coalfields of West Virginia at the age of 26. So I fight for my people. I understand I am a Senator, but I am a Senator from West Virginia, and I have a right to fight for them, and I do, and I support Senator MURKOWSKI's amendment because of that. Their jobs matter. Their people, their work matters. Their lives matter. Any regulatory solution that creates more problems than it fixes and causes more harm than good in the real lives of real people, if they are affected badly, is no solution at all. I won't accept it. It is not something I will be a part of.

We are capable of tackling this great challenge in a way that supports rather than undermines our economy and our

future. But the process has to work. It has to be open. It has to be not the property of a couple of people, but it has to be something the Congress comes to understand. I have always felt that if you went to more than 10 percent of the Congress, House and Senate, and asked them to explain what cap and trade means, they would have no idea. That was one of our problems with the health bill. It is fairly important that people understand what it means on this bill—not on this bill but the bill that is being talked about.

I am willing to work with people on a solution, but it has to be legislative because on this, above all, the Congress must decide. I don't care about the Supreme Court. I don't care about EPA in the sense of them being the final voice on the future of my people in the State that has some of the most carbon of any in the country. I know people laugh at coal. We don't. You can't run this country without coal. I am for all alternative fuels, even nuclear, to my surprise. I am for all of them. But when you add them all up, nobody can make the point that you can do any of this without coal. Does it have to be cleaner? Absolutely. Is there any excuse for not making it cleaner? No, there is not. But you can take 90 to 95 percent of the carbon out of it. That is a solution for our people, and we mine coal. We mine coal and send it to the States of people who are drawing up this bill. I just wish they knew us a little better.

I asked Administrator Jackson to clarify the EPA timetable as well as the impact of EPA regulations on industrial facilities. She responded quickly to my letter. She was nice about it. She showed some willingness to set a timetable, moved it up about a year, and I appreciate that. But she also made clear that the EPA's regulations will go forward regardless of whether Congress has acted on a comprehensive energy policy and regardless of whether Congress has given the EPA a direction in law about how and when and upon whom those regulations should be imposed.

So I introduced my own legislation to suspend EPA action for 2 years. It is a little different from the Murkowski legislation, but it makes the same point. The EPA can't decide. We have to. Some can ridicule that. I don't. I am elected to protect my people and my country, but first comes my people and especially on this issue.

I support legislation to prevent any future catastrophe like the oil spill, which is, to my mind, a totally separate issue and has no business being discussed at the same time this is being discussed. I also support legislation to advance new clean energy and clean coal technologies.

West Virginia is poised to lead a major part in the effort on clean technology because we know energy. We have lived with it for the last 150 years.

We know coal. We know natural gas. We are coming to know CCS as few others do. It is a triumph when one of our power plants reduces 90 percent of the carbon emissions from the flue stream that it treats. That is a triumph to us—maybe to nobody else, but to us it is because it happened and it came from the stimulus package and we were a part of that.

The fact is, we in West Virginia know and embrace what too many others either don't understand or will not choose to see, which is that our Nation is dependent on coal for more than 50 percent of its electricity today, and nothing is going to change that fact. All the renewables in the world will not change that fact.

So I close. Even if the country achieves maximum success for all of the new ideas on the table for new green energy, our American quality of life and the rapid rise of energy needs around the globe will drive the same or greater need for coal for many generations to come. So we better do coal correctly. It is going to be coal that solves it.

Coal mining is hard. It is dangerous. Most people have never been down a mine. A few people who have discussed this don't know what they talk about when they talk about it. And it is not the fault of a coal miner. He just mines or she mines the coal that is out there. That has to be handled at the stationary source.

I don't want EPA making all those rules. I don't want EPA turning out the lights on America. As I said, coal can be cleaner. But the responsibility for putting in place laws and policies that spur new technologies and new ideas and the responsibility for any major energy and environmental policy change lies not with the Federal regulatory agency acting in isolation—I don't even know where EPA is located—but with the Congress, with the people who are elected—us—to be included in a process which has not been well managed to do the right thing.

I proudly support the Murkowski resolution, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. MCCAIN. Mr. President, I am here to speak on the Murkowski resolution before us.

The American people deserve to fully understand what this vote is really about and what is at stake for them if Congress fails to prevent EPA from unilaterally imposing massive regulations that will damage our economy and destroy jobs.

I wish to be clear to my colleagues and to the American people. This vote is not about the science of climate change. It is not about whether Congress should or should not create policies to limit carbon emissions. It is not about protecting oil companies or, as

the White House has absurdly claimed, the oilspill in the Gulf of Mexico. What this resolution is really about is whether the American people, through their elected representatives, get a say in our Nation's energy policy through their elected representatives or if they will be bound by the whims of the unelected bureaucrats at the Environmental Protection Agency. More importantly, it is about protecting the American people from a crippling backdoor energy tax that we, and small businesses and large, cannot afford.

I wish I could provide my colleagues and the American people with a detailed assessment of the impact EPA's proposed regulations would have on our economy, but the EPA has refused to provide Congress a comprehensive analysis of the potential economic impact. To paraphrase Speaker PELOSI's comment that we have to pass ObamaCare so we can find out what is in it, I guess EPA will need to impose new regulations on 6 million buildings, facilities, farms, and other "stationary sources" before we find out how much it will cost or what impact it will have on the economy.

There is one thing we can all agree on: Allowing the EPA to be turned loose on the American people is a terrible idea that will be extremely expensive. A spokesman from the Edison Electric Institute, which, to their shame, supports congressional efforts to pass a cap-and-trade bill, stated that the only certainty is that EPA regulations to limit carbon emissions would be far more expensive than if done by Congress.

Let's not forget what we now know about the legislation that was passed in the other body. That would cost families upwards—every family—of \$1,000 a year. In fact, the Office of Management and Budget warned that:

Making the decision to regulate CO<sub>2</sub> under the Clean Air Act for the first time is likely to have serious economic consequences for regulated entities throughout the U.S. economy, including small business and small communities.

Even some bureaucrats at the EPA must have realized how crippling these regulations would be to small businesses and farmers, which is why they proposed a tailoring rule to delay the effect these regulations would have on the American public. Unfortunately for the American people, the tailoring rule stands on shaky legal ground.

This is really an Orwellian kind of experience. Demonstrating an unparalleled disregard for congressional intent, the EPA is attempting to make a case that Congress intended to regulate greenhouse gas emissions under the Clean Air Act, even though greenhouse gas emissions were not formally addressed by the act. Conversely, EPA claims that the tons-per-year threshold set by Congress in the Clean Air Act should not apply to greenhouse gases.

In simpler terms, EPA believes that although Congress didn't cover greenhouse gases under the Clean Air Act, it really did, and although Congress set thresholds for covered pollutants, it really didn't.

Finally, for those who claim this is somehow about protecting oil companies, I suggest we listen to what over 425 companies and organizations are saying about these regulations. Small business men and women across the country are telling us that EPA's proposed greenhouse gas requirements will stifle economic growth and disadvantage them in the global marketplace. I suggest we listen.

So here we are. Here we are. Last Tuesday, we had a vote where people turned out in massive numbers against what is going on in Washington. They believe their Constitution is being taken away from them. They believe they no longer have a voice in what we do here. What this EPA decision would do is deprive the Congress, our Nation's elected representatives, of a role in profound decisions that would have tremendous effects on the economy of this country.

I strongly suggest that no matter how you stand on the issue of greenhouse gas emissions or climate change, you reject this government, unelected bureaucrat takeover of a significant portion of the U.S. economy.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Alaska.

Ms. MURKOWSKI. How much time remains on the Republican side?

The PRESIDING OFFICER. There is 10 minutes remaining.

Ms. MURKOWSKI. Mr. President, as we conclude the day's debate on this resolution of disapproval, I will say that the debate has been good. Many points have been raised, and I appreciate that. I will say, though, as I have listened throughout the course of the 6 hours, I have heard consistently on the side of those who support this resolution of disapproval—I have heard consistently that this is about jobs, it is about the health of our economy, it is about the strength of the economy as a whole and about really ensuring, again, that our Nation remains strong while at the same time we take care of our environment. These are not mutually exclusive goals—never have been and never will be.

I want to address some of the statements that have been made here and made very clearly.

First is the issue of overreach—overreach by the EPA into the domain of the legislative branch. This has been spoken to so many times as we have discussed this resolution of disapproval—that the overlapping triggers that are contained in the Clean Air Act effectively give the EPA control of our Nation's energy and climate policy. I do not think that is a sane and rational

policy when we cede our authority in the legislative branch to effectively allow our energy and climate policy to be developed and implemented by an agency, that being the EPA. This has huge implications for the separation of powers and our constitutional system of checks and balances, not to mention what I said at the outset—the jobs and the recovery from this economic recession.

This is not a debate about the science. Science has been discussed a lot. Really, this is about how we respond to the science. We are not here to decide whether greenhouse gas emissions should be reduced. We are here to decide if we are going to allow them to be reduced under the structures of the Clean Air Act. Unlike what some of my colleagues have said, this resolution doesn't gut the Clean Air Act at all. It doesn't address it. It does not change the text in any way. It only prevents a massive expansion of its authority.

It has been suggested that somehow or other this resolution is a bailout; somehow or other this is tied to the disaster in the gulf; somehow or other this is all tied to the oil industry. Again, this is absolutely not anything that has to do with the disaster in the gulf, in no way, shape, or form.

The suggestions that somehow or other this is all about big oil belies the coalition of support that has been built across this country, from Maine to Alaska and all the points in between—530 organizations, different stakeholders all over the board, in terms of why they feel EPA should not be setting climate policy for this country.

You cannot see this chart because the print is so small. I apologize for that. But there are 530 organizations, businesses, stakeholders, and advocacy groups that have endorsed this bipartisan resolution. So you look through here and you say: OK, are these all the oil and gas organizations that are in this country? But I will just direct you to some of the ones from, for instance, Texas. Texas is an oil- and gas-producing State.

Look at Texas. There is the Texas Agricultural Cooperative Council, the Texas and Southwestern Cattle Raisers Association, Texas Aromatics, Texas Association of Agricultural Consultants, Texas Association of Dairymen, Texas Cattle Feeders Association, Texas Citrus Mutual, Texas Cotton Ginners' Association, Texas Independent Ginners Association, Texas Food Processors Association, Texas Forestry Association, Grain and Feeders Association, Nursery and Landscape Association—and I am only halfway through the Texas organizations that support our resolution of disapproval.

So the suggestion that somehow this is all tied into the oil industry, again, just simply does not comport with what has been happening. Why are

these organizations standing up and speaking out and saying this is not the path we should be taking with climate? It goes back to the jobs. It goes back to the issue of where we are as an economy. It goes back to the level of bureaucratic overlay that will be imposed on the California Citrus Mutual or the California Cotton Growers Association or the Carpet and Rug Institute or the pizza company from Ohio.

This is absolutely about how we as a Nation determine those policies that will, in fact, allow us to have the clean air we all want. But we can achieve those goals in a way that isn't going to kick our timing in the head. Who can do that? Is it the EPA, whose mission is solely and exclusively that we have to follow the letter of the law here? The letter of the law says to not only go after the big polluters but all the way down to the small emitters, which emit 250 tons of carbon per year. And every effort EPA may want to make in terms of tailoring, all it is going to take is one lawsuit that challenges that tailoring to inject the uncertainty back into the market, back into the business place. So once again we have an economy that just can not get back on its feet.

This is not a referendum on any other bill that is pending in Congress, but it is a check on EPA's regulatory ambition. It presents an opportunity for us to stop the worst option for regulating greenhouse gases from moving forward, while we work on a more responsible solution.

I want to take a moment to thank my colleague from West Virginia, who spoke very passionately about why he supports this resolution—because of the people he represents. I ask all of us to look to the people we represent. Look at your small businesses, your farmers, your ranchers, your pizza manufacturers. Look to them. Look to the health of their families and their communities.

I have a packet here that outlines the broad support for this resolution among the Alaska stakeholders. It is everything from our Alaska State Legislature to our Governor, our seafood processors, our small business refiners, those who are trying to get an Alaska gas line in place, our native corporations, the assembly from Anchorage, letters from local mayors. I am listening to what the people of Alaska are saying. They are making very clear that they want to ensure that when we develop climate policy, the "we" is "we the people," we the elected Members of Congress, and not those unelected bureaucrats within an agency who will not only develop that policy but then in turn implement that policy. The Alaskans I am hearing from are saying: Make sure that as we as a State try to build our economy, we can do so in a manner that allows us time.

The PRESIDING OFFICER. The Senator's time is up.

Ms. MURKOWSKI. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the remaining time on our side be divided as follows: myself, 2 minutes; Senator UDALL of Colorado, 5 minutes; Senator LAUTENBERG, 5 minutes; and Senator BOXER for the remainder of the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, this debate is not about the overreach of an agency because indeed this Congress charged EPA with responding to threats to our atmosphere that endanger the public health of our citizens. We asked them to do that because we know that if it was decided on this floor piece by piece, it would be politics over policy. So we gave them the responsibility to respond to lead, to respond to mercury, to respond to global warming gases, and they are exercising that responsibility in a very moderate fashion.

Second, this is about science because this resolution does not say we accept the science but we are going to change the way we respond to it. It doesn't say that. It says we reject the science. It says we reject the endangerment findings to the public health of our citizens.

Third, this is about big oil. Have no doubt, this resolution increases our dependence on the Middle East and Venezuela to the tune of an enormous amount, so much that you would have to drive a car around the Equator 10 million times to consume that oil. It is wrong for our national security and wrong for our economy, and if you have any doubt, take a look at the impassioned plea from the oil industry, saying: Please, don't pass this. Why do they not want us to pass this? They want to sell us that gas from the Middle East and Venezuela and drive a car around the Equator 10 million times or the equivalent across America.

So for our national security and for our economy to create jobs, we must reject this resolution.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I yield 5 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. Mr. President, I thank the Senator from California for her leadership on this crucial resolution before us.

I rise in opposition to the resolution offered by my good friend, the Senator from Alaska.

Recent events have given us pause. If there has ever been a wake-up call, then surely the images of oiled pelicans, docked charter boats, and the sickening plume of oil cascading into the blue waters of the gulf should provide it.

Time and time again, we have seen opportunities to seize our energy future passed up because of our addiction to fossil fuels, our tendency to put off difficult choices or our habit of letting partisanship get in the way. This unsustainable path has led us to a complacent sense of security, and now look at where we are—caught off guard by a tragic set of events in the Gulf of Mexico.

As the gulf disaster has made clear, our existing sources of energy come at a cost greater than just the price at the pump. They can be catastrophically damaging to our economy, our national security, and our environment. I don't have any illusions about our need for traditional energy sources, and on that I agree with the Senator from Alaska. The more quickly we transition to cleaner energy, the sooner we secure a strong and vibrant future for America.

Every year, we send nearly \$800 billion overseas to buy oil from foreign countries, some of which clearly don't have our interests at heart. But I believe the resolution we are debating today would help continue this reliance.

Let's not be fooled. We are in a race against foreign competitors in the European Union and in Asia to meet the world's demand for clean energy. Advanced and entrepreneurial countries like ours should do well in such a race. Instead, over the last 5 years, as clean energy started to boom, the U.S. renewable energy and trade deficit ballooned by 1,400 percent. China, South Korea, and Europe are all pulling ahead of us in this crucial race.

I just returned from China, along with Senators FEINSTEIN and HAGAN. My impression, quite simply, is that China appears to be taking bolder actions than the United States.

For example, the largest wind farms and solar farms in the world are being built in China. Moreover, China is investing heavily in safe nuclear powerplants and clean coal technology.

Perhaps, though, most troubling is their development of clean energy is in part financed by Americans who see more stable support and a better investing climate for clean energy abroad.

I believe the resolution from the Senator from Alaska, however well intended, signals to investors that our country is not ready to fully support these investments in clean energy.

While there is a compelling economic and national security case to be made for transitioning to a clean energy portfolio, that is not the only reason. Scientists, industry, and State and local officials all agree that climate change is a challenge our society must address.

In my home State in Colorado, we are already witnessing the effects of climate change. Increased threats from

drought, wildfire, and the bark beetle infestation are not theoretical, they are real. Come to my State and see those effects.

I firmly believe to fully jump-start this inevitable revolution we must put a price on carbon. Some have suggested this would lead to job loss. I disagree. Our experience in Colorado tells a different story. By setting renewable targets, we have helped create an exciting, vibrant, growing clean energy economy in Colorado that has delivered thousands of new jobs. Those jobs have remained in this economic downturn because they are real jobs, they are future jobs, they provide the energy we need.

Our financial markets and our energy markets have been waiting for years for leadership from the Congress on this issue. Despite the economic, the environmental, and the national security interests at stake, some of my colleagues seem to be dead set on throwing up barriers in front of investors. This is in part why I am opposing this resolution. It sends a message that the status quo is acceptable. It is not. We need a clear path forward, we need a price on carbon, and we need to set achievable standards for renewable energy to create a positive environment for private investment.

This resolution would block that path. No less than our safety and our security is at stake. I urge my colleagues to vote against this resolution.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator UDALL for his remarks.

I turn to a real leader on clean air, clean water, a real fighter for the health and safety of our children and our families, Senator LAUTENBERG, for 7 minutes.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from California and commend her for the struggle we have had with this issue when, in fact, there should not be any struggle.

This is not an issue, in my view, that ought to be debated. To reduce the protection we want to offer our families to me sounds silly, and I believe to the American public it is going to sound silly as well. I do not ascribe any evil intent on the part of the Senator from Alaska, but I think it is absolutely mistaken.

The question before us today is simply, Whose side are you on? Do you want to afford your children and your grandchildren the most protection they can have against foul air, against contamination, against pollution generally, or are you worried about the oil companies? We should not have to worry about them. As a matter of fact, they ought to worry a little more about us—a heck of a lot more about us.

Taking nothing away from the experience and the knowledge the Senator from Alaska brings, I was in Alaska the second day after the Exxon Valdez ran aground. I saw the casual attitude that prevailed with Exxon. It told me something about the thinking of these companies. There it was, the ship was foundering. We had people already up there. There were heroic efforts by people from Fish and Wildlife, by people from the Park Service, Interior, up there caressing little seals, trying to get the oil off them so they could survive, eagles and all kinds of animals.

What happened there—and I use this as an example—what happened there is that Exxon was assessed a penalty. They paid the compensatory damages, but they were assigned a penalty for their behavior. They were fined \$5 billion. Instead of paying at that time when they made \$3 billion—equivalent to \$6 billion in today's currency—when they spent all their time in court on lawyers, the \$5 billion that was owed to the American people was cut down to \$500 million. That is the attitude. We see it with BP—all kinds of disguises, all kinds of fabrications, all kinds of lies, wanting to talk about: This is not such a bad thing; we will take care of it.

First they offered to take care of it. Then they said they will pay the claims and then legitimate claims. Always modifying.

The question is, Whose side are we on? The side of big oil, the people who are right now responsible for much of the destruction in the Gulf of Mexico or are you on the side of your own children, your own grandchildren?

I have experienced it, as most families have, with a child who has asthma and another one who has diabetes. We are not sure of the source of these conditions, but if my colleagues vote for this resolution they are voting to allow a clear and present danger to the health of their own families. How can they do that?

The American Academy of Pediatrics, 60,000 members, all of them well trained in science and medicine, has been clear in the warning that climate change will have the most dramatic effect on children.

What is our responsibility? To me, the responsibility is to take care of our kids however we can do it, protect them from all kinds of dangers. Here is one that will just increase it if we permit this resolution to go through.

Think about your grandchildren coughing and gagging on foul air in the future. I see it in my own family. My oldest grandchild is 16. He has asthma. When the atmosphere is bad, he is in terrible shape. When my daughter takes him—he is a good athlete—to play baseball or otherwise, the first thing she checks is where is the nearest clinic so if he starts to wheeze, she can get there in a hurry.

We have seen a troubling increase of asthma. The rate of asthma in children has doubled, and we know carbon pollution causes increased asthma attacks.

More global warming means increases in malaria and food and water shortages that will devastate children around the globe. Global warming is upon us. We have to solve the problem and with that the pollution of the air.

Put simply, this resolution is an attack—unintentionally I am sure—on children's health but that is going to be the result. That is why the groups that support children and health are opposed to Senator MURKOWSKI's resolution.

The resolution puts politics—politics—ahead of science. The science is clear: Emissions from burning coal and oil are sickening children all around the world, and if we can help them—I don't care what country they are in—we should help them. But we want to take care of those in our country.

The resolution asks Senators to say to the scientists: You are wrong, scientists. I say leave the science to the scientists and not to the politicians.

At the same time, big oil and their lobbyists will stop at nothing to keep our country's dependence on oil, to have us victimized by people who are not our friends, taking our money and at the same time fouling our air. For too long, they have had our country by the barrel and by the throat.

This resolution is a gift to BP. I don't think BP deserves any contributions from the U.S. Congress or from the American taxpayers right now.

This resolution is a direct attack on the Clean Air Act. For the last 40 years, the Clean Air Act has led to cleaner skies and healthier children. When we strengthened the Clean Air Act, big oil rang an alarm that the changes would cost too much and shut down businesses and put Americans out of work. The actual costs were less than one-fifth of the estimates that were projected.

I ask my colleagues to vote for their family, vote for science, which means to vote against the Murkowski resolution. We have to meet our obligations to future generations, and we have to get serious and solve our Nation's problems and move toward a clean energy future and not more carbon pollution and oil.

I urge my colleagues to please vote for their children, vote for their families, vote no on this resolution and keep the future clean for the sake of our children and grandchildren. Don't worry about the oil companies. They will take care of themselves.

I yield the floor.

Mr. BYRD. Mr. President, anyone who has opened a newspaper or turned on a radio in West Virginia recently is aware of the ongoing discussion about the future of the coal and manufacturing industries. There is no doubt

that the West Virginia coal industry and many West Virginia workers have been dealt a difficult hand over the past ten years, and are indeed facing some uncertainty about their futures. Such uncertainty is a pressing public concern for our State—and for many other States—and Senator MURKOWSKI has sought to propose a resolution that she evidently feels would respond to those concerns. However, we need to do something other than hold a political vote on the Murkowski resolution, which has zero prospect of enactment, and which would not alleviate uncertainty about the future even if it did pass the Senate. The Murkowski resolution would only foster confusion. I believe that the best and most practical course of action is for the Senate to pass a bill that provides certainty and real answers for West Virginians and all Americans—a bill that will be passed by the Congress and signed by the President before new requirements that would broadly affect our economy are imposed by regulation.

I understand that the Senate Democratic leadership is willing to move forward on a bill that pre-empts EPA action, and can win 60 votes in the Senate, be approved by the House, and be signed by the President into law. Senator ROCKEFELLER recently proposed legislation to provide a temporary pre-emption of EPA. I know that I am joined by many others in West Virginia in my belief that the Senate find a way to accomplish that objective—an objective that I know Senator ROCKEFELLER and I both share.

I have recently secured commitments from my fellow Senators to provide on the order of \$2 billion for each major power plant that installs clean coal technology during the coming decades—with additional funding available to larger projects. I am also negotiating a commitment to provide the West Virginia region with billions more annually to strengthen new and existing regional businesses, to complete the construction of better highways, and to provide other critical investments to ensure that the next generation of West Virginians will have a bright future at home in the Mountain State. President Obama has also assured me of his ongoing support for these priorities of mine.

The way to ensure that we make these transformative new investments in the future of West Virginia, and in the Appalachian coal industry, is for Congress to do the difficult work of enacting the necessary policies. The Murkowski resolution does not accomplish that objective, and it may even undercut our ability to achieve it. The resolution is an open-ended denunciation of many leading scientific studies and regulatory initiatives. Were it to be enacted, the resolution could actually hamper important Federal initiatives—including rules that will assist in the

deployment of clean coal technologies like carbon capture and storage. I also note that the Murkowski resolution is being considered by the Senate via an unusual legislative process that constrains debate and prohibits Senators from offering amendments.

As I have said before, to deny the mounting science of climate change is to stick our heads in the sand and say “deal me out” of the future. But we have also allowed ourselves to ignore other realities. It is a simple fact that the costs of producing and consuming Central Appalachian coal continue to rise rapidly. Older coal-fired powerplants are being closed down, and they appear unlikely to be replaced by new coal plants unless we very soon adopt several major changes in federal energy policy. In 2009, American power companies generated less of their electricity from coal than they have at any other time in recent memory. In the last month alone, two major power companies have reportedly announced that they will idle or permanently close over a dozen coal-fired powerplant units that have consumed millions of tons of West Virginia coal in recent years. Moreover, an even larger portion of America's aging fleet of coal-fired powerplants could be at risk of being permanently closed in the coming years—and the ability to sell coal in those markets could be lost for an indefinite period, if there is no new Federal energy policy to support the construction of new coal plants.

Some companies may feel that it is helpful for Congress to go on denouncing a new energy policy that makes it once more attractive to build new coal plants. But those companies are taking this opportunity to invest in natural gas, or other types of investments. They are not thinking about fighting for the longer term future of coal jobs and other jobs in West Virginia. I am. In the meantime, what happens to the miners, other workers, local governments, and many West Virginia citizens during the course of further delay on a new energy bill? They continue to be laid off, and to struggle with insufficient revenue, and to remain frustrated about their uncertain future.

So, there is a long list of compelling reasons to oppose this resolution, and a rather short list of reasons to support it. For the sake of West Virginia's best interests, and the vital longer-term interests of our Nation and our world, the Senate must now move promptly to take responsible, decisive, and effective action on a moderate but major new energy policy.

Mrs. MCCASKILL. Mr. President, today, we are going to be voting on a significant yet controversial resolution introduced by Senator MURKOWSKI. This resolution, S.J. Res. 26, squarely confronts the issue of how the United States will address the issue of climate

change and the regulation of greenhouse gases. The resolution speaks directly to whether or not the Environmental Protection Agency should be allowed to regulate sources of greenhouse gases. This is an important issue for the U.S. Senate to address.

In short, the Murkowski resolution disapproves of EPA's recent endangerment finding that greenhouse gases are a threat to public health. This rule is a result of a 2007 Supreme Court ruling directing EPA to make a determination as to whether or not greenhouse gases are a public endangerment. After 2 years of consideration of the scientific evidence, the EPA found that six greenhouse gases are a threat to public health. Senator MURKOWSKI's resolution would nullify this decision.

While I am sympathetic to the concerns raised by Senator MURKOWSKI, the impact of her resolution would be, among other things, to negate the significant progress the EPA has made in increasing fuel economy standards for vehicles. For that reason I am unable to support it.

Instead, I am working with my colleague, Senator ROCKEFELLER, to pass his bill, S. 3072, of which I am a cosponsor, to preserve the EPA's ability to regulate emissions from vehicles but allow the Congress an additional 2 years to address the regulation of all other sources of greenhouse gases.

Like, Senator MURKOWSKI, I believe that the best way to address climate change is to allow Congress time to pass comprehensive legislation, not rely on regulations handed down by the EPA. A legislative approach would allow us to mitigate what likely would result from EPA regulation of stationary sources: unfair cost increases that will be borne by millions of Americans who have no choice but to rely on energy produced from coal. This is my biggest concern, as eighty-five percent of the energy produced in Missouri comes from coal.

I have long stated that I cannot support an approach to greenhouse gases regulation that will unfairly impact Missourians or unduly harm Missouri's small businesses just because they happen to be in a state that is largely reliant on coal energy. Unfortunately, while the resolution offered by Senator MURKOWSKI is an attempt to give Congress greater time to address these types of concerns in any climate regulation, it also negates a historic agreement between the EPA and the auto industry. This goes too far.

Last year, in an unprecedented announcement, the auto industry agreed to allow the federal government to set new standards for vehicle emissions and worked in concert with the government to set these new standards. This was a model of effective, reasonable negotiated rulemaking and should be embraced, not negated. These new stand-

ards will reduce U.S. dependence on foreign oil by a projected 1.8 billion barrels, while providing real benefits for consumers. Compared with today's vehicles, a family purchasing a vehicle under the new standards will save, on average, more than \$3,000 on fuel costs over the life of that vehicle. If the Congress passes Senator MURKOWSKI's resolution, it will effectively eliminate these new standards. I believe it would be a mistake to jeopardize the progress we have made with the auto industry, lose the consumer benefits of increased fuel economy and lose the benefit to our national security of reducing our dependence on foreign oil.

This is why I am working with Senator ROCKEFELLER to pass his alternative approach to delay EPA regulation of all other sources of greenhouse gases for 2 years. I believe this is a better option that will not unfairly penalize Missourians. I look forward to working with Senator ROCKEFELLER, as well as Leaders REID and MCCONNELL to secure a vote on this very important legislation.

Ms. MIKULSKI. Mr. President, I rise in opposition to the resolution of disapproval offered by Senator MURKOWSKI. This resolution is a stunning departure from the science of climate change. It jeopardizes our ability to address a continuing threat to our national security and public health by overturning EPA's science-based finding that global warming pollution endangers the public health and welfare. The United States is making progress—in solar, wind and other alternative energy sources—job creators that will sustain our future. We are also making progress in reducing the harmful pollutants in our air which threaten future generations. But this resolution would not continue this progress—it would take us back by weakening the Clean Air Act, a proven tool in addressing air pollution.

But what would taking away EPA's ability to protect the health and welfare of Americans from greenhouse gas pollution mean in our day to day lives? For the people of Maryland, who are particularly vulnerable to the effects of climate change because of the state's expansive coastline, it would mean our coasts would be eroded at an accelerated pace—many areas losing more than 260 acres a year. It would also mean steadily rising sea levels in Ocean City, which could lose billions of dollars in tourism. And, it would lead to a rise in asthma and lung disease rates, which already disproportionately hits our urban areas, like Baltimore. With these clear threats to our livelihoods, now is not the time to take a major tool out of the toolbox that could help combat the prevalence of greenhouse gases in our daily lives. This is politics as usual in a time where we need solutions.

The resolution being considered today sends the wrong message to the

American public, to our businesses and to the world. It sends the message that the U.S. Congress is not taking the threats to our environment seriously. It sends the message to our businesses that it is okay to continue with the status quo. And in a time where we need the innovation, the technology, and the workforce that is committed to transitioning the United States to a clean energy society, this is not the message that we want to send. The message that we need to send is that we are committed to a national energy policy that protects our families, protects the quality of our air and water, and creates jobs for the 21st century.

The timing of this resolution is also very concerning. In recent weeks, due to the crisis in the gulf, we have seen what our unhealthy addiction to oil can do. This resolution will prevent progress that we have made in breaking this. Without these regulations in place, Americans will use 455 million more barrels of oil, which equals the amount of oil that would be in the gulf if the spill raged on for 65 years. We must break this cycle.

The U.S. Senate must make it clear how we will deal with the reality of climate change. Stripping the authority of the EPA to address the issue is not the way to make progress. Instead it is a serious and counterproductive step backwards. I urge my colleagues to join me in opposing this resolution.

Mr. BUNNING. Mr. President, I rise today to strongly support the senior Senator from Alaska's resolution of disapproval over the Environmental Protection Agency's regulation of greenhouse gas emissions under the Clean Air Act. The EPA has completely overstepped its bounds with this action and I am proud to support Senator MURKOWSKI's effort to undo this harmful regulation.

A colleague of mine, currently serving here in the Senate, once remarked that: "Overburdensome and unnecessary Federal regulations can choke the life out of small businesses by imposing costly and often ineffectual remedies to problems that may not exist."

This statement was made by the majority leader and I could not agree more with it, especially when staring such a problem in the face as we have here with EPA's draconian new rules. The majority leader's statement was made in 1996 shortly after passage of the Congressional Review Act. This important tool, designed to rein in out of control Federal bureaucracies, is the same tool that we are using today in this disapproval resolution currently being debated.

Make no mistake—the Congressional Review Act was designed to take on this exact sort of executive overreach. The Obama administration's EPA is making a huge power grab by twisting the principles of the landmark Clean Air Act and declaring greenhouse gas

emissions a danger to public health and welfare. Now, I will not use this time today to debate the science of greenhouse gas effects on climate change, nor the effects of climate change on the planet. However, greenhouse gases are found naturally in abundance in our atmosphere. In fact, the most famous greenhouse gas, carbon dioxide, is emitted whenever we exhale. The purpose of the Clean Air Act was to reduce substances toxic to humans, not substances that are not directly harmful to us.

Because the Clean Air Act was not designed for this kind of regulation, the actions EPA has taken will not work and will have a devastating effect on the economy and business in the United States. Carbon dioxide will be considered a "regulated air pollutant" under these regulations, thus requiring EPA to massively increase the number of entities it will regulate. In fact, the number of permits for new or modified construction will soar from 280 to 41,000. The additional Title V permits, which are required to begin these operations, will explode from 14,700 to 6.1 million applications. This would seem to me to be a regulatory burden on an agency that cannot possibly be met without a massive infusion of taxpayer dollars.

Thus, we know that an enormous amount of new entities will come under the regulation of the Clean Air Act. Who will be newly roped into this government regulation? Essentially anyone, such as office buildings, apartment complexes, large retail stores, small businesses, farms, hospitals, power plants, and schools. It is difficult to fathom just how massively intrusive this Federal expansion will be.

This action by EPA also represents a rule by fiat of government bureaucrats. The Clean Air Act as written makes no mention of addressing global warming. To change this, the elected representatives of the people, Congress, should be the ones making the decision, not unelected bureaucrats in Washington. When Congress considers legislation, the people who elected them expect that they will consider all the effects of what is being debated. The EPA does not have this consideration, which is obvious by the way they have completely disregarded any and all of the economic consequences of their actions. Congress does, though, and has to weigh the effects of policies upon those that they will be implemented on. Elected officials need to be responsive to legislation such as this that will prevent the strengthening and recovery of the American economy. For instance, Congress can factor in the extremely poor timing of this as our economy is trying to drag itself out of recession. However, proponents of this regulation in the Obama administration know it will not pass Congress, so they are trying to do it by bureau-

cratic fiat instead of letting the elected representatives of the people work out a reasonable compromise to the problem.

It is for these reasons that I strongly support the Murkowski resolution of disapproval over EPA's actions. I hope the majority leader remembers what he said almost 15 years ago about the burdens of unnecessary regulation and the use of these sorts of resolutions. I hope our other colleagues heed his advice, as I intend to, and vote to support this resolution.

Mr. DODD. Mr. President, I rise today to express my strong opposition to S.J. Res. 26, which would invalidate the EPA's endangerment finding for greenhouse gas emissions issued last December. This disapproval resolution is the absolute wrong approach to energy and climate policy in this country. Not only does it fly in the face of the science currently available on this issue, but it also ties our hands at a critical moment when we should be exploring every option available to us for mitigating the potentially disastrous environmental, economic, and national security-related effects of climate change.

The scientific evidence currently surrounding our planet's changing climate could not be clearer, or the need to address it more urgent. There is broad consensus in the scientific community that most of the rise in global average temperatures since the mid-twentieth century is due to human activity and that this warming trend could have potentially far-reaching consequences for the environment, agriculture, and public health. The EPA's endangerment and cause or contribute findings, which state that greenhouse gas emissions threaten public health and that emissions from new motor vehicles regulated under the Clean Air Act contribute to climate change, unequivocally reflect this longstanding scientific consensus. Indeed, the EPA's conclusions are based on empirical assessments from such highly respected, nonpartisan institutions as the U.S. Global Climate Research Program and the National Research Council.

Nevertheless, in spite of the veritable mountain of evidence demonstrating that we need to immediately begin addressing this challenge, my colleagues on the other side of the aisle have chosen to ignore the available science and bury their heads in the sand by supporting this ill-conceived disapproval resolution. They are, in effect, voting to continue the failed policies of the Bush administration, which for 8 long years ignored sound science, ridiculed good policy, and relegated the U.S. to the back bench in the race to develop and deploy clean, renewable sources of energy.

This is not a path on which we can afford to continue. As the ongoing tragedy in the Gulf of Mexico clearly

shows, our Nation's failure to comprehensively address climate change and free our country from its addiction to oil and other fossil fuels poses a serious threat to our economy and the public's well-being. It is now time for the United States to take a leading role in this effort—to reach into the deep well of technical expertise and ingenuity of its citizens—and build a new, clean energy economy that will create new jobs and help rescue the planet from some of the most deleterious impacts of climate change.

Today we are presented with a choice. Do we acknowledge the scientific near-certainty of climate change and the critical role the EPA must play in addressing it? Or do we hamstring our Nation's environmental experts, gut a national oil savings program, and reject sound science? We must send a strong message to the American people and the rest of the world that the United States is fully committed to robustly confronting climate change and pioneering new, innovative approaches to energy policy that move our country away from its dangerous overreliance on fossil fuels. I urge my colleagues to reject this misguided legislation.

Mr. LEVIN. Mr. President, our Nation is not lacking in complex challenges. But among the most complex and difficult is this: How can we deal with the reality of climate change while also strengthening an economy that has depended for so long on fossil fuels? There is no denying the difficulty of meeting those often conflicting goals. The resolution before us purports to respond to this challenge, but I cannot support the approach that Senator MURKOWSKI offers. Let me explain why.

Senator MURKOWSKI offers a resolution of disapproval of the Environmental Protection Agency's endangerment finding regarding the harmful effects of greenhouse gas emissions. This resolution's impact would be to block EPA from implementing that rule.

First, I believe we all should understand that the subject of this resolution—EPA's endangerment finding—is a product of scientific review of the facts regarding climate change. Current law, and a decision by the U.S. Supreme Court, require EPA to act in the face of these facts. If you believe in the science, as I do, then you must either acknowledge EPA's responsibility to act or seek to change the law that imposes that responsibility.

Second, as a practical matter, I am afraid this resolution, if enacted, would have an effect quite different from its sponsors' stated intent. The argument in favor of the resolution is that EPA regulation of greenhouse gases would unwisely harm our economy. In fact, for my State, passage of this resolution more likely would produce economic

harm. That is because it would undo a carefully crafted agreement among the Federal Government, auto manufacturers, environmental groups and others, reached more than a year ago, relating to national greenhouse gas emissions standards for vehicles. This agreement resulted in a single, national standard for such emissions, binding on all States through 2016. The certainty and predictability of a binding national standard is vital for vehicle manufacturers. To help them pursue the path to a clean-energy future, that path must be clearly marked, and not confused by the myriad of different turns they would face if individual states are allowed to set their own standards.

EPA at one point granted California a waiver permitting that State to separately regulate greenhouse gas emissions from mobile sources. California officials have agreed, for 2010 to 2016, to a joint NHTSA-EPA process for regulating carbon emissions from vehicles. If the Murkowski resolution is enacted, California would presumably act to use its waiver, and other States would follow. The economic impact of varying State regulation would harm manufacturers that are the economic backbone of many States and communities across this Nation. Auto manufacturers and auto workers have made clear, in letters to the Congress, their concerns that the result of this resolution's passage would be to upend a clear national standard binding on all States. While the supporters of this resolution may not intend such a consequence, it is surely there, and that is why I cannot support this resolution.

Let me also take this opportunity to point out that my commitment to a single national emissions standard that is binding on all States also leads me to oppose the Kerry-Lieberman climate change bill in its current form. Why? Because carbon dioxide is a global problem. The threat of greenhouse gas emissions is not unique to any State. There is an urgent need for government action to confront the problem of carbon dioxide, but the need is for strong national and international action. To suggest that the need is different from one side of a State line to the other actually undermines the argument that carbon dioxide is a global threat that knows no boundaries.

Just as vehicle manufacturers and workers have made clear their concerns that the Murkowski resolution threatens a single, binding national standard, they have also made clear their concerns about the effects of the Kerry-Lieberman bill as currently written. As the United Auto Workers Union has pointed out in a letter to Senators, that proposal "fails to provide regulatory predictability for the automotive sector because it does not require continuation of the Obama administration's historic achievement in promulgating one national standard for

greenhouse gas emissions and fuel economy for light duty vehicles." The UAW is right. The Kerry-Lieberman bill, while hinting that there should be a single national standard, does not commit the Nation to such a standard. In order to gain my support, it must include such a commitment.

So, let no one misunderstand my vote today. I oppose the Murkowski resolution because it will unravel the agreement on a single national carbon standard for mobile sources binding on all States through 2016. I also oppose the Kerry-Lieberman bill as currently drafted because it does not ensure such a standard beyond 2016.

I ask unanimous consent that several letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALLIANCE OF  
AUTOMOBILE MANUFACTURERS,  
Washington, DC, March 17, 2010.

Hon. NANCY PELOSI,  
*Speaker, House of Representatives,*  
Washington, DC.

Hon. HARRY REID,  
*Majority Leader, U.S. Senate,*  
Washington, DC.

Hon. JOHN BOEHNER,  
*Minority Leader, House of Representatives,*  
Washington, DC.

Hon. MITCH MCCONNELL,  
*Minority Leader, U.S. Senate,*  
Washington, DC.

DEAR SPEAKER PELOSI, LEADER REID, LEADER BOEHNER, AND LEADER MCCONNELL: On behalf of the Alliance of Automobile Manufacturers and its 11 member companies, I am writing to express concern over proposed Resolutions of Disapproval that would overturn the Environmental Protection Agency's Endangerment Finding on greenhouse gas emissions. Automakers agree with the fundamental premise that Congress should determine how best to reduce greenhouse gas emissions. However, if these resolutions are enacted into law, the historic agreement creating the One National Program for regulating vehicle fuel economy and greenhouse gas emissions would collapse.

At this time last year, the auto industry faced the alarming possibility of having to comply with multiple sets of inconsistent fuel economy standards. First, NHTSA was in the process of promulgating new fuel economy standards as required by Congress under the Energy Independence and Security Act of 2007. Second, EPA was preparing to propose greenhouse gas standards under the Clean Air Act, in the wake of the Supreme Court's decision in *Massachusetts v. EPA*. Finally, California and 13 other states were planning to enforce their own state-specific greenhouse gas standards. (As a practical matter, greenhouse gas standards are the functional equivalent of fuel economy standards, since the amount of greenhouse gases emitted by a vehicle is proportional to the amount of fuel consumed.) These multiple standards would not have been aligned with each other, presenting all automakers with a compliance nightmare across the country. The state-by-state standards were especially problematic for the industry, as manufacturers generally faced the likely prospect of having to implement product restrictions in some states, but not others, in order to comply. Clearly, the industry wanted—then and

now—a "one regulation fits all" resolution to this problem.

To achieve that result, the Obama Administration brokered a historic agreement in May 2009 to create the One National Program for fuel economy and greenhouse gas standards. Under that agreement, NHTSA and EPA committed to coordinate their rule-making processes and promulgate a joint regulation establishing consistent fuel economy and greenhouse gas standards for the 2012-2016 model years. California agreed that manufacturers who complied with the federal greenhouse gas rules would be deemed to be in compliance with the state standards for model years 2012-2016. The auto industry agreed to suspend litigation seeking to overturn the state standards, and ultimately to dismiss such litigation once the conditions agreed to by the manufacturers have been met.

In a letter to Senator Rockefeller dated February 22, 2010, Administrator Jackson stated that the disapproval resolutions would have the unintended effect of "prevent[ing] EPA from issuing its greenhouse gas standard for light-duty vehicles, because the endangerment finding is a legal prerequisite of that standard." This, in turn, would likely result in the disintegration of the One National Program agreement. It is our understanding that California would not abide by the agreement if EPA is unable to regulate greenhouse gases. If the One National Program agreement were dissolved, the manufacturers would be back where they started last May with a NHTSA regulation coupled with a patchwork of states adopting regulations inconsistent with NHTSA's. As we stated in a letter to Senator Feinstein on September 24, 2009, this would present a myriad of problems for the auto industry in terms of product planning, vehicle distribution, adverse economic impacts and, most importantly, adverse consequences for their dealers and customers.

The Alliance believes that the One National Program resolution fostered by the Obama Administration is critical to the efficient regulation of motor vehicle greenhouse gas emissions and related fuel economy in the United States, not only for the 2012-2016 model years, but also for the 2017 model year and beyond. The ongoing existence of a national program for motor vehicle fuel economy and greenhouse gas standards for all future model years should be the shared goal of not only the Administration and the industry, but also Congress and the States, for the benefit of the environment, the public, and the ability of the industry to create and maintain high quality jobs.

It is time for Congress and the Administration to enact and implement measures to make a national program permanent for 2017 and beyond. However, given what appears to be the inevitable consequence of the proposed Resolutions of Disapproval, we do not believe they are the proper vehicles for Members of Congress to express their legitimate concern that Congress, and not EPA or the states, design the national response to climate change. Instead we urge Congress to move quickly to ensure that the national program does not end in 2016, and we stand ready to work with members to develop a federally-led process to achieve a permanent national program.

Thank you for the opportunity to explain the impact of these resolutions on the auto industry. Please feel free to contact me if you have any questions or need additional information.

Sincerely,

DAVE MCCURDY.

INTERNATIONAL UNION, UNITED  
AUTOMOBILE, AEROSPACE & AGRICULTURAL  
IMPLEMENT WORKERS  
OF AMERICA,

*Washington, DC, June 7, 2010.*

DEAR SENATOR: This week the Senate may take up Senator Murkowski's disapproval resolution that would overturn the EPA's endangerment finding on greenhouse gas emissions. The UAW opposes this misguided effort and urges you to vote against this disapproval resolution.

In our judgment, Congress should move forward to enact comprehensive climate change legislation that will reduce greenhouse gas emissions. Although we recognize the difficulties involved in this effort, we believe that legislation can be crafted that will reduce global warming pollution while at the same time creating jobs and providing a boost to our economy. In particular, we believe such legislation can help to provide significant investment in domestic production of advanced technology vehicles and their key components, as well as other energy saving technologies. But such progress would be undermined if a disapproval resolution were to overturn EPA's endangerment finding.

The UAW understands the concerns that have been expressed about EPA attempting to use its authority under the Clean Air Act to regulate greenhouse gas emissions from various industries. However, we believe the best way to address these concerns is for Congress to move forward with comprehensive climate change legislation that properly balances concerns of various regions and sectors, and establishes a new coherent national program to combat climate change.

The UAW also is deeply concerned that overturning EPA's endangerment finding would unravel the historic agreement on one national standard for fuel economy and greenhouse gas emissions for light duty vehicles that was negotiated by the Obama administration last year. As a result of this agreement among all stakeholders, NHTSA and EPA engaged in a joint rulemaking effort that will result in significant reductions in fuel consumption and greenhouse gas emissions by 2016. At the same time, these joint rules retain the structural components that Congress enacted in the 2007 energy legislation, thereby providing important flexibility to full line manufacturers and a backstop for the domestic car fleet. Most importantly, California and other states have agreed to forgo state-level regulation of tailpipe emissions and abide by the new national standard that has been created by these NHTSA and EPA rules. This will avoid the burdens that would have been placed on automakers if they had been forced to comply with a multitude of federal and state standards. The UAW is very pleased that all stakeholders recently agreed to continue efforts to extend this national standard from 2016 to 2025.

However, the critically important progress that has been achieved with these historic agreements will be undermined if EPA's endangerment finding is overturned. Without this finding, EPA may not be able to implement the current rule on light duty vehicles. In the absence of the EPA standard, California and other states could move forward with their standards, thereby subjecting auto manufacturers to all of the burdens that the one national standard was designed to avoid.

For all of these reasons, the UAW opposes Senator Murkowski's disapproval resolution that seeks to overturn EPA's endangerment finding. We urge you to vote against this

measure. Thank you for considering our views on this important issue.

Sincerely,

ALAN REUTHER,  
*Legislative Director.*

INTERNATIONAL UNION, UNITED  
AUTOMOBILE, AEROSPACE & AGRICULTURAL  
IMPLEMENT WORKERS  
OF AMERICA,

*Washington, DC, May 19, 2010.*

DEAR SENATOR: Last week Senators Kerry and Lieberman released a discussion draft of far reaching climate change legislation entitled the "American Power Act." The UAW supports the enactment of an economy-wide program to reduce greenhouse gas emissions. However, we were deeply disappointed with the Kerry-Lieberman proposal. In our judgment, the Senate should insist that a number of significant problems in this proposal must be corrected before it moves forward.

First, although the American Power Act contains a program to encourage investment in the domestic production of clean vehicles and their key components, it fails to provide adequate funding for this program. Significantly, the funding (through the allocation of carbon allowances) is lower than the funding that was provided for similar programs in the original Boxer-Kerry bill and the Waxman-Markey bill that passed the House. Thus, the American Power Act represents a step backwards on this important issue.

The UAW believes that substantially higher funding levels are justified, both by the enormous contribution that clean vehicles will be making to the reduction in greenhouse gas emissions, and by the much higher costs associated with these emission reductions compared to costs in other sectors. We also believe that higher funding levels are needed to ensure that the vehicles of the future will be produced in this country by American workers by building on the success of the existing manufacturers' incentive program.

Second, the American Power Act fails to provide regulatory predictability for the automotive sector because it does not require continuation of the Obama administration's historic achievement in promulgating one national standard for greenhouse gas emissions and fuel economy for light duty vehicles. Instead, it would allow auto manufacturers to be subjected to conflicting federal and state standards. The UAW believes that this also represents a step backwards.

Third, the American Power Act fails to provide regulatory predictability for businesses in general because it would allow states to require companies to surrender federal carbon allowances. This represents a back door means of allowing individual states to de facto lower the federal cap on carbon emissions, and to shift the burdens imposed on different regions and sectors under the federal climate change program. In addition to introducing an enormous element of uncertainty, the UAW is deeply concerned that this will lead to economic warfare between the states.

Fourth, the American Power Act fails to protect American businesses and workers from unfair foreign competition because the border adjustment provisions allow for too much discretion, and thus may never be invoked. Furthermore, the border adjustment provisions do not apply to finished products that contain large amounts of energy-intensive materials, such as motor vehicles and their parts, and hence would not provide any protection for the domestic auto industry.

Fifth, the American Power Act does not contain any program to provide assistance to

dislocated workers and communities. The transition to a clean-energy economy will inevitably cause some dislocation. In our judgment, a portion of the revenues generated by the climate change program should be earmarked to assure that adequate assistance is made available to workers and communities that are adversely impacted by this transition.

The UAW strongly urges the Senate to insist that the foregoing defects in the American Power Act must be fixed before this legislation moves forward. Thank you for considering our views on these important issues.

Sincerely,

ALAN REUTHER,  
*Legislative Director.*

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleague. How much time remains on our side?

The PRESIDING OFFICER. There are 14½ minutes remaining.

Mrs. BOXER. Mr. President, I am going to wrap it up in about 10 minutes and then go to the vote.

Before the Senator from New Jersey leaves the floor, if I may have his attention, I thank him so much. He put this whole vote in the exact right perspective. Big oil supports the Murkowski resolution. That is a fact. They have sent a letter saying they support the Murkowski resolution.

Why do you think they support the Murkowski resolution? The reason is, this resolution would repeal, overturn, do away with the endangerment finding made by the Environmental Protection Agency that says that carbon pollution is a danger to our families, to their health.

Senator LAUTENBERG just said it from the heart. If ever there was a vote to find out whose side you are on, this is it. What could be clearer?

Let's put up a chart. Let's look at some of the public health organizations that are opposing the Murkowski resolution. I will only list a couple of them: The American Academy of Pediatrics—they know that carbon is a danger to our children—the Children's Environmental Health Network; the American Nurses Association; the American Lung Association; the American Public Health Association.

Whose side do you want to be on? We had a letter from 1,800 U.S. scientists, from the Union of Concerned Scientists. Do you want to be on the side of the special interests or do you want to be on the side of the children and the families and the people who gave their whole professional careers to protecting the health of our families?

This is one of those votes. This is what we call a turning-point vote in everyone's career. When we look back at this vote, our grandchildren will want to know: Where was the Senate on this important vote?

We know this resolution is opposed by America's leading public health experts. They do not want us to repeal a health finding. What is next? Somebody else will have a brilliant idea to

repeal a scientific finding that nicotine causes cancer. Oh, we can debate that. What is next?

Someone else will say: Lead is no problem in paint. Let's repeal that finding. Think of all the children who would be adversely impacted with brain damage if we did that.

The choice is with Senators: Stand with big oil or stand with the children, the families, the doctors, the public health people. This is a moment in time.

There may not be bipartisan opposition on this floor. I think the vast majority of my Republican friends are going to support Senator MURKOWSKI. But look at the outside world where we are getting support for our side.

EPA Administrators under Nixon, Ford, and Reagan oppose the Murkowski resolution. People forget, the environment used to be an issue that was bipartisan. The EPA—that has been so criticized by my Republican friends—was created by Richard Nixon, was supported by Gerald Ford and Ronald Reagan. What has happened? How did this happen? I think it goes back to politics and special interests and the money that flows in here.

But that is another debate for another time. Today, we have a very simple proposition before us in the Murkowski resolution: Should we repeal the health finding and the scientific finding that is the basis for regulating greenhouse gas emissions?

Ronald Reagan's EPA Administrator, Richard Nixon's EPA Administrator, Ford's—Russell Train, William Ruckelshaus—very strongly opposed. They urge the Senate to reject this and any other legislation that would weaken the Clean Air Act or curtail the authority of the Environmental Protection Agency to implement its provisions.

It is the Environmental Protection Agency—the EPA—not the environmental pollution agency. If somebody wants to turn it into that, they ought to come here and make that proposal. We can debate it.

There is enough pollution in the gulf to teach us a lesson today. How ironic that this is coming before us.

How about jobs? The people on the other side say supporting the Murkowski resolution is supporting jobs. That is false. The U.S. automakers oppose the Murkowski amendment. They say it will lose jobs. If these resolutions are enacted, the historic agreement creating the one national program for regulating vehicle fuel economy would collapse.

We are finally getting the U.S. auto industry on its feet. With the Murkowski resolution, if it became law, that is all over and our auto industry will falter again.

The auto workers also come out against the Murkowski resolution. They are deeply concerned that over-

turning this endangerment finding would unravel the historic agreement on one national standard for fuel economy and greenhouse gas emissions.

If you haven't been convinced on the jobs question in the auto industry, if you are not convinced on the health argument, let's look at a statement made by 33 U.S. generals and admirals. Climate change is making the world a dangerous place, threatening our security.

I don't have time to read every word, but it says the State Department, the National Intelligence Council, the CIA, all agree and are all planning for future climate-based threats. America's billion-dollar-a-day dependence on oil makes us vulnerable to unstable and unfriendly regimes.

We have a list of the people who signed onto that. I will just read a few, and I ask unanimous consent to have printed in the RECORD this document.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLIMATE CHANGE IS MAKING THE WORLD A  
MORE DANGEROUS PLACE

It's threatening America's security. The Pentagon and security leaders of both parties consider climate disruption to be a "threat multiplier"—it exacerbates existing problems by decreasing stability, increasing conflict, and incubating the socioeconomic conditions that foster terrorist recruitment. The State Department, the National Intelligence Council and the CIA all agree, and all are planning for future climate-based threats.

America's billion-dollar-a-day dependence on oil makes us vulnerable to unstable and unfriendly regimes. A substantial amount of that oil money ends up in the hands of terrorists. Consequently, our military is forced to operate in hostile territory, and our troops are attacked by terrorists funded by U.S. oil dollars, while rogue regimes profit off of our dependence. As long as the American public is beholden to global energy prices, we will be at the mercy of these rogue regimes. Taking control of our energy future means preventing future conflicts around the world and protecting Americans here at home.

It is time to secure America with clean energy. We can create millions of jobs in a clean energy economy while mitigating the effects of climate change across the globe. We call on Congress and the administration to enact strong, comprehensive climate and energy legislation to reduce carbon pollution and lead the world in clean energy technology.

Lieutenant General Joseph Ballard, US Army (Ret.); Lieutenant General John Castellaw, USMC (Ret.); Lieutenant General Robert Gard, Jr., Army (Ret.); Lieutenant General Claudia Kennedy, US Army (Ret.); Lieutenant General Don Kerrick, US Army (Ret.); Lieutenant General Frank Petersen, USMC (Ret.); Lieutenant General Norman Seip, USAF (Ret.); Vice Admiral Donald Arthur, US Navy (Ret.); Vice Admiral Kevin Green, US Navy (Ret.); Vice Admiral Lee Gunn, US Navy (Ret.); Major General Roger Blunt, US Army (Ret.); Major General George Buskirk, US Army (Ret.); Major General Paul Eaton, US Army (Ret.); Major General Donald Edwards, US Army (Ret.); Major General Paul Monroe, US Army (Ret.); Major General Tony Taguba, US Army (Ret.); Rear

Admiral John Hutson, JAGC, US Navy (Ret.); Rear Admiral Stuart Platt US Navy (Ret.); Rear Admiral Alan Steinman, US Coast Guard (Ret.); Brigadier General John Adams, US Army (Ret.); Brigadier General Stephen Cheney, USMC (Ret.); Brigadier General John Douglass, US Air Force (Ret.); Brigadier General Michael Dunn, US Army (Ret.); Brigadier General Pat Foote, US Army (Ret.); Brigadier General Larry Gillespie, US Army (Ret.); Brigadier General Keith Kerr, US Army (Ret.); Brigadier General Phil Leventis, USAF (Ret.); Brigadier General George Patrick, III, USAF (Ret.); Brigadier General Virgil Richard, US Army (Ret.); Brigadier General Murray Sagsveen, US Army (Ret.); Brigadier General Ted Vander Els, US Army (Ret.); Brigadier General John Watkins, US Army (Ret.); Brigadier General Steve Xenakis, US Army (Ret.).

Mrs. BOXER. Mr. President, this is a list of lieutenant generals, vice admirals, major generals, rear admirals, brigadier generals—and all of them real patriots—saying to us: We cannot become more dependent on oil, and as a result of this Murkowski resolution, that is what would happen.

How much more do we want to spend on importing foreign oil? We are up to a billion dollars a day, and it is going to people who don't care for us very much, in case you didn't notice that. We want to get off foreign oil. We want to unleash the capital in our own country. And our own businesses are telling us this—that those dollars would come in if in fact we move forward and enact legislation that makes sense. The Murkowski resolution would simply stop us in our tracks.

More than a thousand businesses have weighed in against the Murkowski resolution—a thousand businesses. The resolution would eliminate incentives for innovations that could drive a clean energy economy. The Murkowski resolution would send the wrong signal to the American business community. That is signed by an organization representing 850 business leaders. The resolution will jeopardize and hinder progress. That is signed by Business for Innovative Climate and Energy Policy. Then the Silicon Valley Leadership Group, on behalf of 320 member companies, opposes the resolution from Senator MURKOWSKI. The member companies in the leadership group provide nearly 250,000 local jobs or one out of every four private-sector jobs in Silicon Valley.

So whether you are voting on this on the basis of the health of our children, whether you care about the auto companies, whether you care about jobs and the rest of the economy and the ability of this economy to create good jobs or because you feel we need to get off our billion-dollar-a-day habit of importing oil, you have a lot of important issues to think about.

I want to close with looking at something no one wants to look at—no one can bear to look at. If anyone thought that carbon isn't a danger, look at what carbon pollution is doing on the

ground in the gulf region—in the water, on the beaches, in the marshlands. Do you think that a pollutant like this, when it goes in the air, causes no problem?

There was a cartoon in today's paper that showed a cap going over the well—which we all hope is going to succeed—and out of that well is escaping some of the carbon pollution. It is going into the air and under it, it says: Now it is no problem.

My colleagues of the Senate, this is a point in time we have to make a decision. We are not experts in public health here. We chose as our career to say that we want to be on the side of the people who send us here. This is the moment. Choose sides: It is big oil and all that comes with it and all the polluters or it is protecting our families.

I urge a no vote to proceed to this resolution, and I ask that the regular order occur on the vote at this time.

I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to proceed to S.J. Res. 26.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 184 Leg.]

#### YEAS—47

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bayh	Enzi	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Pryor
Brown (MA)	Gregg	Risch
Brownback	Hatch	Roberts
Bunning	Hutchison	Rockefeller
Burr	Inhofe	Sessions
Chambliss	Isakson	Shelby
Coburn	Johanns	Snowe
Cochran	Kyl	Thune
Collins	Landrieu	Vitter
Corker	LeMieux	Voinovich
Cornyn	Lincoln	Wicker
Crapo	Lugar	

#### NAYS—53

Akaka	Feinstein	Mikulski
Baucus	Franken	Murray
Begich	Gillibrand	Nelson (FL)
Bennet	Hagan	Reed
Bingaman	Harkin	Reid
Boxer	Inouye	Sanders
Brown (OH)	Johnson	Schumer
Burris	Kaufman	Shaheen
Byrd	Kerry	Specter
Cantwell	Klobuchar	Stabenow
Cardin	Kohl	Tester
Carper	Lautenberg	Udall (CO)
Casey	Leahy	Udall (NM)
Conrad	Levin	Warner
Dodd	Lieberman	Webb
Dorgan	McCaskey	Whitehouse
Durbin	Menendez	Wyden
Feingold	Merkley	

The motion was rejected.

Mrs. BOXER. Madam President, I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

#### MORNING BUSINESS

Mrs. BOXER. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each, and that I be recognized to make some remarks after this very historic vote.

The PRESIDING OFFICER (Mrs. SHAHEEN.) Without objection, it is so ordered.

#### RESOLUTION OF DISAPPROVAL

Mrs. BOXER. Madam President, I wish to thank my colleagues from the bottom of my heart for this vote. This was, in many ways, a turning point for the Senate, because what was before us was unprecedented, the first time we had ever been asked to repeal a health finding, a scientific finding, a finding that was made by scientists and health officials in the Bush administration and the Obama administration.

That finding, as we know, is the predicate, is the basis for curbing pollution, carbon pollution, that we know is harmful to our families. We see what carbon pollution is doing in the gulf, to the wildlife. We know what it is doing to an entire way of life. We know what it is doing to the fishermen, to the people who rely on recreation for jobs, to the people who rely on tourism.

Tonight we had a choice. We could have decided to stand with the polluters, big oil mostly, who were behind the Murkowski resolution, or we could have decided, which we did, to stand with those who are looking out for our kids, the doctors, the physicians who treat them, the pediatricians, the Lung Association, the public health agencies in all of our States.

We did the right thing, and this was important. It also means we are going to move to alternative energy. We are going to move to the millions of jobs that will come about when we have technologies made in America for America. I want to see the words "Made in America" again. So we are on that path right now.

I want to thank the extraordinary leadership of our leaders, Senators REID and DURBIN. They went that extra mile. I want to thank the staff of the Environment and Public Works Committee, headed by Bettina Poirier, extraordinary staff. I want to thank the cloakroom here and all the people here who helped us make sure that every Senator was able to be heard.

Senator MURKOWSKI and I worked very well together debating this in a civil manner. I want to say, as I note Senator LAUTENBERG standing here, I felt the moment this debate came together was when he came to the floor to make a statement, brief though it was. He talked to us not from his notes but from his heart, about what it means to him as a grandparent to watch a grandchild suffer and struggle

through asthma, and as he has noted on this floor on more than one occasion, his family making sure that when this child plays in an athletic tournament or goes somewhere, how close is the emergency room.

This is what we are dealing with today, pollution. And today we said: We stand with the physicians, we stand with the scientists, and we are going to move forward toward a clean energy economy and all of the jobs that will come with it, and all of the technologies that will make America a leader in the world.

At this time I yield the floor to my friend Senator DURBIN.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DURBIN pertaining to the submission of S. Res. 549 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

#### THE NATIONAL DEBT

Mr. BROWN of Massachusetts. I want to shift gears and kind of get back to business a little bit. Today, I rise to discuss the extension bill we are considering on the floor of the Senate. I will be brief.

As you know, this week our national debt crossed the \$13 trillion mark and is on pace to reach almost \$20 trillion by the year 2015. That is \$20 trillion with a T.

Let's stop for a minute and take note of that amazing number. I know I am the new guy around here, and I will probably be racing you home in a little bit to get back to Massachusetts and New Hampshire, Madam President. But in my short time in Washington, it has been a little unsettling to hear the words like "billion" and "trillion" thrown with little regard to the impact these incredible numbers have on our economy, both now and in years to come.

For example, yesterday the Federal Reserve Chairman warned us that the federal budget is on an unsustainable path. In 1987, when the national debt was approaching \$1 trillion, then-President Ronald Reagan called it "out of control." One can only imagine what he would be saying today.

Some on the other side of the aisle argued that voting against the debt extenders is about partisan politics and that borrowing another \$80 billion from China to pay for these programs is somehow just another drop in the bucket.

I have to respectfully disagree. That could not be further from the truth. When, if not now, when our Nation's debt is growing at a record pace with no end in sight, will we as elected officials start standing up and making the

hard decisions we were sent here to make? Today I am saying to my colleagues: Please start to tear down the terrible prison of debt we are building for our children, our grandchildren, and our great-grandchildren. We need to start finding ways to pay for things and stop spending so much, stop treating everything as an emergency to try to get around the pay-go rules put in place before I got here.

If we continue down this path of reckless spending and borrowing, I believe—and others do throughout the country—the consequences are dire. To be blunt, the push for higher taxes and more dependence on government debt threatens American leadership in the world as well as our national and economic security. As we continue to borrow more and more from countries that are not necessarily friendly to us, it leads us down a path similar to what we are seeing with the European model as it is decaying before our very eyes.

Look at Greece right now, where unchecked government spending has threatened the financial stability of the entire European Union. We are at a point where soon our excessive level of debt will start to hinder the economic growth we so desperately need to get the economic engine moving and continue to create jobs and be competitive.

Make no mistake, I believe we should temporarily extend unemployment benefits and other measures such as the summer jobs program and address the critical issue of lack of jobs for American citizens. We can and should provide temporary relief for the neediest among us, but we need to find a way to pay for it without taxing or resorting to borrowing more money. The fact is, we could easily pay for these extensions by cutting unnecessary spending such as the nearly \$50 billion of unused, unallocated, or unobligated stimulus funds. Instead we are raising permanent taxes by more than \$50 billion extra, including taxes on entrepreneurial businesses and investors, the venture capitalists that hope to be the economic engine and job creators of tomorrow.

The administration and the majority party say these taxes are necessary to help to partially offset this extension, but these taxes are necessary because of our reckless spending habits. During the last 18 months, this administration and the Congress have spent more money than the previous administration spent on Iraq, Afghanistan, and the Katrina recovery combined. It was with straight faces they promised to usher in a new era of fiscal responsibility.

Last year the President and the Congress pushed through an Omnibus appropriations bill that included an 8-percent increase in discretionary spending. This was followed by the infamous, nearly trillion-dollar stimulus bill that

has not created one new net job. In fact, the unemployment rate in Massachusetts alone since its passage has increased. The President signed another omnibus spending bill with a 12-percent annual increase and jammed through the trillion-dollar, government-run health care bill that was at great cost and clearly was opposed by the American people.

The problem is on both sides of the aisle. The President has said he would like to go through the Federal budget line by line and identify wasteful programs. By golly, let's do it. Let's do a top-to-bottom review of every Federal program, weed out the waste and fraud and put what is left over to help with these needed programs. In his budget, the President has identified programs to terminate and cuts that would save nearly \$25 billion next year. Let's do it. This could help pay for some of these emergency extensions.

Yet year after year, Congress continues to earmark their special pet projects within the budget without any hope for any type of termination of that practice.

In addition, we need to do a top-to-bottom review of all Federal programs, including the military, and we must get aggressive about reining in waste, fraud, and abuse and demand a clawback of some of the billions in overpayments made to Federal contractors that have been owed to us for many years. Let's use that money to help offset the amount we are trying to pay in the extenders bill. Fraud in Medicare and Medicaid costs the taxpayers more than \$60 billion annually, and the GAO has investigated numerous programs that are failing to fulfill their missions. Yet more money from Congress is given to them each year, year after year. No respectable business would be run this way, not in Massachusetts, not in New Hampshire, not anywhere.

There is no shortage of ways Washington can rein in its excessive spending habits while also funding these worthwhile programs. But it is going to require elected officials to make hard and even sometimes unpopular choices. If we begin using common-sense steps to get our fiscal house in order, we can absolutely put our country back on a path to fiscal security, get back to fiscal sanity, and get our appetite for spending and borrowing under control. Both are crucial for the fiscal and economic stability of our country.

We can start down the path today by saying no to the extender bill that would add close to \$80 billion to our over \$13 trillion national debt right now, an amount we cannot afford and something our children, grandchildren, and great-grandchildren will be forced to pay back.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. FRANKEN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CALL TO ACTION

Mr. FRANKEN. Madam President, I rise to speak about the BP Deepwater Horizon oilspill and the need for comprehensive energy legislation.

We just defeated a resolution that was an attempt to take our country backward in our energy policy at a time when moving forward could not be more critical. We are in the midst of the worst environmental catastrophe in our Nation's history. This oilspill is a tragedy—a tragedy for our environment; our wildlife, which is dying in a coat of crude; a tragedy for the people of the gulf whose land and livelihood have been destroyed and threatened; and a tragedy for the workers on that oil rig who were killed or injured and their families.

My constituents are furious, and so am I. I have gotten over 5,000 calls and letters from Minnesotans demanding action and accountability for this disaster.

Well, let there be no question: BP, British Petroleum, will be held responsible for all costs incurred as a result of this oilspill. The company had no viable plan in place to deal with a spill of this magnitude. It is an outrage, and the taxpayers must not be left holding the bag for BP's failure.

But some losses can never be recovered. Fragile ocean and coastal ecosystems have suffered irreparable harm, with massive losses of birds and fish and damages to wetlands that provide a critical buffer against gulf hurricanes. Fishermen will have no way to support their families in these tough times. And kids will go to the beach only to find sand and water drowned by oil. Worst of all, we can never replace the 11 workers who lost their lives in this tragedy, nor can we hope to fully compensate the families of the victims for their losses—losses that were entirely preventable.

While we do not yet know all of the technical details of why this spill occurred, one thing is clear: BP blatantly neglected to invest in safety, and the Federal Government did not do a thing to hold the company accountable.

BP knew about safety concerns on the Deepwater Horizon long before the explosion occurred in April. The New York Times reports that BP knew 11 months ago that there were potential safety problems with the well casing and the blowout preventer. The casing BP installed last summer was never proven to withstand the water pressure

of deepwater drilling. Shortly before the explosion in April, the company installed a risky, cheap casing—to save money.

And then there is the blowout preventer, which is supposed to close off the well in the case of a disaster. The blowout preventer was malfunctioning and leaking fluid a month before the explosion, and BP knew this, but BP chose profits over safety.

Where was the Federal Minerals Management Service during all of this? Where was the body charged with regulating safety in the oil industry? This was a dismal failure of Federal oversight, with exemption after exemption granted to BP by an ineffective agency overridden with conflicts of interest. The ineffectiveness of MMS is inexcusable. Just earlier this week, I asked MMS for a list of all of BP's deepwater projects in the gulf—a seemingly simple task. Instead of getting me a list, MMS told my staff they did not know how many deepwater projects BP has in the gulf. This is unconscionable.

BP's poor safety record is not new. OSHA data compiled by the Center for Public Integrity shows that the company accounted for 829 of the 851 willful safety violations industry-wide at oil refineries cited by OSHA in the last 3 years. Those numbers speak for themselves.

It is not that BP could not afford to invest in safety. This recession, which has been devastating to so many families in Minnesota, in New Hampshire, and across the country, has been a lucrative time for BP. The company's first-quarter profits this year amounted to over \$6 billion—\$6 billion. That is more than double their first-quarter profits from last year. And we found out recently that BP has spent \$50 million on advertising to manage its image after the oilspill and plans to pay over \$10 billion in dividends to its shareholders this week. I would suggest they hold off on that.

So this is not a company that could not afford to invest in safety. They just chose not to. Let me repeat that. This is not a company that could not afford to invest in safety. They just chose not to. And if they had, those 11 workers would be alive today and their families would have them.

But we cannot only look back. We have to look forward. If there was ever a moment in our history when it has become obvious we cannot drill ourselves to energy independence, it is now. We are not just talking about caring for the environment or worker safety. This spill is a call to action to secure the future of our country. It is time to kick our addiction to oil. We need to face our energy challenge head-on and enact bold, comprehensive energy and climate legislation, and we need to do it now.

We know it can be done. Minnesota is a national leader in renewable energy

policies. My State produces 9.4 percent of its electricity from wind power—the second highest in the country. We are well on our way to meeting our State renewable energy standard of 25 percent renewable energy by 2025, and we have passed a law to increase our ethanol blend to 20 percent starting in 2013. Minnesota shows us what is possible as a country.

There are still Members of this body who argue that comprehensive energy and climate legislation can wait, that we can continue with business as usual. Well, that argument simply does not hold. What will it take—what will it take—beyond the biggest oilspill in our country's history to convince skeptics it is time to wean our country off of oil? How many more oilspills will it take?

Today, we face a choice. We can choose not to enact comprehensive legislation that puts a price on carbon and watch as the clean energy jobs and innovation of the 21st century go overseas to China and Japan and India and South Korea and Germany—you name it—because those countries definitely are not waiting to act. China is now the largest manufacturer of wind turbines and solar panels in the world. It is adding 100,000 new clean energy jobs every year. Those are jobs that should be here in America. Our other choice is to spur American innovation and create jobs to build a new economy based on clean energy. I can guarantee you that you are never going to see a 60-day ethanol spill threaten the livelihoods of shrimpers and oystermen and fishermen. And you are never going to see a wind turbine blow up and pollute the ocean and threaten all manner of wildlife and the coastline of America or kill 11 men. So the choice is obvious to me, and it is obvious to the rest of the world too.

Earlier this week, I was in a meeting, and I heard a story about German Chancellor Angela Merkel. When someone asked the Chancellor about encouraging U.S. companies to support a price on carbon, she said: No, I don't want to do that; I don't want to wake the sleeping economic giant that is the United States. She and the rest of the world know that if we do not put a price on greenhouse gas emissions, America stands to lose. We stand to lose our jobs to other countries, and we stand to lose the essence of what has made America great all throughout history—our ability to innovate, to create, to solve the world's problems through new technologies that make the world a better place to live. Well, we just cannot let that happen.

It is not going to be easy to transition away from oil. But running away from challenges has never been the American way. The American way is to face our problems and to innovate ourselves out of them. That is what has made us the global economic leader.

So now is our time to lead again. If we do not act on comprehensive energy and climate legislation, even after this catastrophe in the gulf, our children and our grandchildren are going to look back on this and on us with complete bewilderment: What were they waiting for? That is what they are going to ask. What were you waiting for?

This moment and this oilspill remind me of the fable of the man stuck on the roof during a flood. Someone comes up to him with a ladder, as the waters rise, but he waves them away, saying: No, no, no, go save others. I know God will save me.

The water gets higher, and a man in a rescue boat comes along to help him.

He said: No. Fine. Fine. God will save me.

Then a helicopter comes, and the man yells up: No, no, leave me. God will save me.

Finally, the waters rise to the roof and the man drowns, and in heaven, he asks God: Why didn't you save me?

And God says: What do you mean? I sent you a ladder, a boat, and a helicopter. What else does it take?

Right now, the United States is the man on the roof, waiting, as our energy problems get worse and opportunities pass us by one by one. Well, I am not willing to let that happen. In the coming months, we in this great body are going to have to work together, make compromises, and craft a long-term energy and climate policy that serves our country for the betterment of future generations. I want to be able to look my grandchildren in the eye, I want to be able to look my great-grandchildren in the eye, too, and tell them that we did everything we could to leave this world a better place than the one we were born into. The stakes are too high not to act, and not to act now. So let's work to craft a comprehensive energy policy.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SWIPE FEES

Mr. DURBIN. Mr. President, 2 weeks ago, we considered the Wall Street reform bill, and the occupant of the chair was a key player in the activities of the Banking Committee that led up to the floor consideration.

I offered an amendment during the course of that debate on the Wall Street reform bill. I knew that the basic reason for Wall Street reform was twofold: holding big banks accountable for how they operate and empowering consumers to make good financial choices.

The bill Senator DODD and the committee brought to the floor was a strong one. In the process of taking up and voting on amendments, in many ways the Senate made the bill even stronger. Now a conference with the House is underway, and I look forward to seeing the best Wall Street reform bill possible signed into law by President Obama.

During the course of that debate, I offered an amendment to the bill that attracted a lot of attention—more than I anticipated. My amendment sought to give small businesses and merchants and their customers across America a real chance in the fight against the outrageously high swipe fees charged by Visa and MasterCard credit card companies.

Nearly \$50 billion in credit and debit card interchange fees are collected each year, and this interchange system is entirely unregulated.

To explain the process, if I go to my favorite restaurant in Chicago tomorrow night with my wife and receive my bill and hand over my credit card to that restaurant—and let's say the bill is for \$100—the credit card company will honor the bill, pay it to the restaurant, but then charge the restaurant as much as 3 percent of the bill for the use of my credit card, and that is known as a swipe or interchange fee.

You might say, well, doesn't the restaurant negotiate with the credit card company about whether it is 3 percent, 2 percent, or 1 percent? The answer is no. Those fees are dictated by the credit card companies. Merchants and businesses have little power in even challenging, let alone changing, the so-called interchange and swipe fees.

Other than my credit card, I could present something known as a debit card, which more and more people use every day. A debit card, instead of allowing the Visa company to pay my bill, and then I pay them, actually would deduct the money from my checking account, so the money moves directly from my bank through to the bank of the restaurant to pay the bill.

In that situation, the credit card company is not on the hook very much because the money is moved directly from the checking account to the account of the restaurant. It is not a question of whether I pay my monthly bill or whether I pay the interest on that bill; there is very little risk associated with the so-called debit card.

Yet what we are finding is that the credit card companies are charging the same fees for debit cards they are charging for credit cards. Merchants

and businesses across America say there is not as much risk associated with them, so why are they charging more? That is the basic mechanism that I approached with my amendment, which was adopted on the floor with 64 Senators voting in favor.

Visa and MasterCard dominate the credit and debit card industry in America. They establish the interchange rates that all merchants—and by extension, their customers—pay to banks whenever a card is swiped or used. There is no one watching out in the process for businesses and consumers. There is no agency of government with the authority to ensure that these fees charged by the credit card companies are reasonable. Visa and MasterCard just set the fees as they see fit and tell the merchants to take it or leave it. But how easy would it be to run a restaurant or major business in America today if you didn't accept credit and debit cards?

Visa and MasterCard envision an American economy where ultimately all sales are conducted electronically across their networks, where they and the card-issuing banks receive a cut of every sale and transaction in America.

It is no surprise they want as big a cut as possible. They want to maximize their profits. Right now, they have the market power to make that happen. They can raise their fees whenever they want.

Who ends up paying the highest interchange fees charged by these credit card companies such as Visa and MasterCard? Small businesses. Many of them are literally driven out of business by these high fees they cannot control and cannot negotiate. They don't have the market power to do it. Those who stay in business have to raise the prices on customers to pay the fees.

My amendment requires debit card fees to be reasonable, and it cleans up some of the worst abuses by Visa and MasterCard.

Yesterday, we had a hearing in the Senate Judiciary Committee and present was an Under Secretary in the Department of Justice, Christine Varney. She is in charge of the antitrust section. I asked her whether the recent reports that had been published in many newspapers across America that the major credit card companies are being investigated by the antitrust division were true. She said she could not comment on the case other than to say they have verified the fact that an antitrust investigation is underway against Visa and MasterCard.

I applaud that. I understand why she could not go into detail. I applaud that investigation. These major credit card companies have become so big and powerful and coordinate their activities so much that I think such an investigation is long overdue.

My amendment requires that debit card fees be reasonable, and it cleans

up some of the worst abuses. The amendment was adopted with 64 Senators voting in favor, including 17 Republicans. It was a major victory for small business and merchants and consumers across America. It will help small businesses grow and create jobs, which we definitely need in this economy, and it will put us back on sound economic footing. It will help American families, each of whom pays an estimated \$427 a year, to subsidize this \$50 billion interchange fee system for Visa and MasterCard.

I thank each of my colleagues who joined me in that vote, including the Presiding Officer.

I know my amendment has earned me the wrath of Wall Street, the wrath of the big banks, and the wrath of Visa and MasterCard. Even before the last votes were counted on my amendment, Visa and MasterCard and lobbyists for the big banks were already plotting a way to kill this amendment. Financial industry lobbyists are swarming the Halls of Congress as we speak. You can hear the stampede of the Gucci loafers around every corner. They are arguing that reducing debit card interchange fees to a reasonable level, as my amendment would require, is unacceptable. In their view, there is absolutely nothing wrong with charging unreasonably high fees in a business where there is virtually no competition.

I urge my colleagues to consider the enormous benefits of the amendment that was adopted. Our language will help every single Main Street business that accepts debit cards keep more of their money, which is a savings they can pass on to their consumers. Every grocery store, convenience store, flower shop, and every restaurant will be able to reduce the fees they paid to the big banks for debit card transactions.

This is a real boost for that industry and, believe me, they know it. They are fighting hard to convince Members of the House now that what we did in the Senate is the right thing for small business across America. It has led the Merchants Payments Coalition, this group that came together in support of my amendment—2.7 million merchants, representing 50 million American employees—to endorse this bill—the overall bill—and to work for its passage because of this amendment.

It is not just businesses that benefit from the amendment. Charities will benefit. Think about that. Charities that accept donations by debit cards will see a savings. Universities will save money on card fees, and so will public agencies, such as your local motor vehicle commission in your home State, public transit agencies, and even the U.S. Postal Service.

Also, under my amendment fewer taxpayer dollars will be spent by local, State, and Federal Government agencies for the payment of these interchange fees.

I am going to hold a hearing next week in my appropriations subcommittee about the amount of money paid by American taxpayers each year to Visa and MasterCard for interchange fees. It is an enormous amount of money. It is an amount that I think is unwarranted because, basically, the Federal Government is going to pay these bills. No question about it. Yet some of the interchange fees charged to our government are much higher than the fees charged to businesses.

Last year, the city of Chicago paid \$7.5 million in interchange fees. The Illinois Tollway authority paid \$11.6 million in interchange fees. Our cities' transit agencies and units of government could put this money to better use than paying Visa and MasterCard.

Next week, this hearing will bring out the amount of money paid by the Federal Government. Consumers will benefit from the amendment as well. Debit interchange fee reductions will lead to lower consumer prices at grocery stores, convenience stores, and other retailers that, unlike Visa and MasterCard, have to vigorously compete with one another on price. They will have an incentive to pass the savings on to their consumers.

My amendment explicitly allows merchants to provide discounts when a customer pays by cash, check, or debit, instead of credit.

I told a story on the Senate floor before, and I think it illustrates perfectly what we are up against. When you go to the airport to leave town, there are places where you can buy magazines, newspapers, chewing gum, and the like. I was standing in line at a register while somebody in front of me took a package of chewing gum, put it on the counter, and handed over a credit card.

I noticed as she rang up the \$1.50—whatever it was—and started running the credit card through that the cashier was doing this routinely. I asked her afterward, when I was next up: Is that the lowest amount anyone put on a credit card while you have worked here?

She said: No. Thirty-five cents is the lowest amount.

I guarantee that merchant lost business, probably on the \$1.50, certainly on the 35 cents, because they have to pay the credit card company regardless of the amount of the purchase, and the credit card company forbids, prohibits the merchant, the business from saying: You can't use a credit card for something, for example, that is under \$5. They cannot do it.

What we are trying to do is create some sense where we do not penalize merchants and small businesses. I know Visa and MasterCard are throwing a lot of money into their campaign against my amendment. It is one of the most fiercely lobbied provisions I have seen since I have served in the Congress. I have heard their arguments, and they just do not hold water.

They argue that there have been no hearings in Congress on the issue of interchange fees prior to my amendment. Actually, in the last 5 years, there have been six congressional hearings specifically on interchange fees, plus two reports from the General Accountability Office.

The second myth they have been pushing is that my amendment will hurt small banks and credit unions. Mr. President, we discussed this after the amendment passed, when you were on the floor. As a result of my amendment, which I changed at the last moment, it says that any institution issuing a credit card with less than \$10 billion in assets is not covered by the provisions of my amendment—\$10 billion. That means that out of 8,000 credit unions across America, exactly 3 would be governed by my amendment. Yet the credit union industry and all of their representatives are roaming all over Capitol Hill saying: This is going to kill us. In fact, they are specifically exempted from this amendment.

When it comes to banks, the \$10 billion asset threshold would mean that out of about 8,000 banks in America, only about 90 will end up being covered by this amendment.

You say to yourself: DURBIN, why did you go through all this trouble for 90 banks and 3 credit unions? It turns out that these 90 banks and 3 credit unions do 65 percent of the credit card business in America. The big boys are the ones who will be touched by this amendment, as they should be.

I heard this line from the Independent Community Bankers of America and the Credit Union National Association, that they are the ones who are going to be hurt. Three credit unions, 80 banks, or 90 at the most, will be affected by it.

I just sent a letter to these organizations telling them what I have been telling small banks and credit unions in my home State of Illinois—that my amendment will not disadvantage them. In fact, we went to great lengths to protect them. We exempt 99 percent of the banks and 99 percent of the credit unions.

Visa and MasterCard cannot come here and lobby and expect anybody to believe them because we know what credit card companies do to you. They do not have a lot of friends on Capitol Hill. The big banks, the ones that issue the credit cards, cannot come around either, basically because the Wall Street reform bill was focused on these banks and some of their nefarious activities, at least questionable activities. Whom do they have fronting for their arguments? The little credit unions that come in and say this is going to be terrible. What they do not tell Members of Congress is that the Durbin amendment specifically exempts them from any coverage of this amendment.

My amendment does not allow merchants to discriminate against cards issued by small banks or credit unions. That is another argument they make: If the Durbin amendment goes through, a lot of businesses and restaurants will not take the credit cards issued by the small institutions. There are specific provisions now that prohibit discrimination against the issuer of the credit card. Those are not changed by the Durbin amendment.

Credit unions fear the card networks will reduce their fees if this provision is enacted. Imagine—think this through. Since the Durbin amendment will not change the fees small banks issuing credit cards will receive, they are afraid that out of spite Visa and MasterCard will unilaterally cut their fees. I have news for them: Visa and MasterCard can do that today even without the Durbin amendment. They have the power to dictate these interchange fees to small banks and credit unions alike. That is what is fundamentally unfair, and that is the situation facing merchants and businesses across America today.

I hear small banks say that even though the Durbin amendment reduces the interchange fee rates, Visa and MasterCard are threatening that if the amendment becomes law, they are going to go ahead and reduce the rates they set for small banks. That is certainly in their power today, but it is certainly against the economic interests of Visa and MasterCard.

Small banks have to understand—credit unions as well—that Visa and MasterCard want more credit cards out there, more people using them. Discouraging the use of credit cards is certainly not in their business model. Visa and MasterCard only get paid if the card is actually swiped or the interchange fee is charged. They would lose that revenue if they cut small bank interchange fees so much so that the banks would stop issuing credit cards.

The only reason Visa and MasterCard might decide to reduce small bank debit interchange rates is if the big banks told Visa and MasterCard not to let the small banks get more interchange revenue than they do. Big banks hate the thought of small banks getting higher interchange rates because the small banks could use that money to eat into the big banks' share of the debit card issuer market.

Many have long suspected that Visa and MasterCard operate primarily to serve the big banks. We are certainly going to find out.

I say to those who have come to lobby me for over 25 years from the credit union industry, I am really troubled by the pattern of conduct I have seen on this legislation. I saw it before when we were dealing with the issues of bankruptcy and foreclosure, when we specifically exempted the credit unions, and yet they refused to break

from the biggest bankers—the American Bankers Association—in their position on this issue. We are seeing it again today. We specifically exempt all but three credit unions, and the credit unions are doing the bidding of the big banks and the credit card companies.

I think of the origin of credit unions, which came to be when people across America decided they wanted to have a fighting chance against banks, that they would come together, pool their savings, and loan to one another with reasonable interest rates. We rewarded this credit union model by saying we would not consider them for-profit banks. We would exempt them from certain Federal taxation because they were different—different in their goals, different in their principles, different in their business models.

But the more I watch them on issue after issue, there is not a dime's worth of difference between the big banks and the credit unions when it comes down to the really tough issues. As soon as the big banks snap, the Credit Union Association jumps. That is what is going on here. It is unfair to those who honor the credit union movement and what it stands for, and it is unfair that their leaders do not have at least the vision to understand that this kind of approach is at the long-term expense of the reputation of a fine association which has served so many millions of Americans, including my family, for a generation.

The banks also argue that because my amendment requires debit fees to be reasonable and proportional to the cost of processing a transaction, they will not be able to cover the possible risk of fraud. That is a pretty bold argument for them to make.

Visa, MasterCard, and the banks for years have been urging consumers to use payment methods that run higher fraud rates. On April 21, an article ran in the American Banker entitled "Counterintuitive Pitch for Higher-Fee Debit Category." The article discusses how JPMorgan Chase, one of the Nation's largest debit card issuers, has urged all its customers to sign for its debit transactions rather than enter a PIN number. As the article points out, entering a PIN number greatly reduces the risk of fraud. The reason JPMorgan Chase urged its cardholders to use signature debit cards is the interchange fees for signature cards are higher. They make more money when you sign than when you use a PIN number. They are willing to absorb the possibility of fraud in a signature rather than in a PIN number, which is more secure. The banks do not appear to be nearly as concerned about lower fraud as they are about higher fees.

Visa, MasterCard, and the banks have also been blocking the introduction of fraud-proof card technology in the United States, again because they want to keep interchange rates high.

For example, many countries have chip and PIN cards where a card has a microchip that can only be activated by the use of a PIN number. The banks and card companies in this country have stifled that technology.

When debit fraud does happen today, the big banks usually try to charge back the fraud loss to the merchants on the grounds that the merchants somehow violated Visa's and MasterCard's operating rules.

As long as big banks are guaranteed the same interchange revenue no matter how much or how little fraud they have, the banks have no incentive to keep fraud costs low. My amendment will give big banks a real incentive to reduce fraud.

Finally, I hear the banks argue that by reducing debit interchange fees, my amendment would force the banks and card companies to raise fees on customers. I try not to laugh when I hear this one because when were the banks and card companies not raising fees on their customers? Didn't we just see them fall all over themselves to gouge cardholders before last year's Credit CARD Act took effect? I cannot tell you how many letters I received in the mail during the grace period before the law went into effect announcing higher interest rates on the credit cards my family uses. It is not as if banks and card companies were reducing fees to cardholders as interchange rates were being hiked over the last few years. Rather, they ratcheted up fees on both the cardholder side and on the merchant side. They try to take advantage of both sides whenever they can.

We need to ensure that this system works fairly both for consumers and for small businesses. And last year's Credit CARD Act and my amendment will work together to do so.

In conclusion, I call on my colleagues to stand up for the merchants and small businesses across America, to push this amendment across the finish line in the conference committee on Wall Street reform. This amendment represents one of the biggest wins for small businesses and consumers in years. It will help small businesses grow and create more jobs. Do not let the Wall Street lobbyists and the friends of the credit unions who are working for them fool you. This is all about big bank profits. Do not let them kill this amendment. Do not let them bring down this broad, bipartisan effort to give small businesses a fighting chance against Visa and MasterCard.

Mr. President, I yield the floor. I see my colleague from North Dakota is with us.

The PRESIDING OFFICER. The Senator from North Dakota.

#### BP'S RESPONSIBILITY

Mr. DORGAN. Mr. President, I come to the floor to speak about the START

treaty briefly. Before I do, let me mention, as I have previously, that I have been sending messages to the Justice Department and others. I was pleased with the Attorney General's comments today about the oilspill in the gulf, the gusher of oil that continues in the gulf, and about BP's responsibility.

There is no question that BP has said they pledged to cover legitimate costs as a result of this oilspill. The question I have is, Is that a binding agreement? And the answer from the Justice Department at a hearing recently was, no, it is not binding. If that is the case, if it is not binding—and I believe it is not—we need to move to take steps to make that pledge binding.

There are people today who are trying to figure out how on Earth do they get through this situation. In addition to oil spilling out into the gulf—and it has been doing that I think for 52, 53 days—there are people on a dock in a small town somewhere who are fishermen and women. They have a boat and they fish for a living. But their boat is idle at the end of the dock because they cannot fish. Yet they have to make a payment on that boat at the end of the month. Up and down the gulf, there are significant consequences of this situation. The question is, Who is going to reach out to help those folks? They did not cause these problems.

I think it is important for BP to be asked to put a significant amount of money into a fund, a recovery fund of sorts, and that fund be handled by a special master and perhaps by a counselor from BP.

In any event, it is important to turn this from a pledge into a binding commitment and to do so soon so that money begins flowing to those who are substantially disadvantaged by what has happened and this disaster that has occurred in the Gulf of Mexico.

#### START TREATY

Mr. DORGAN. Mr. President, let me speak for a moment with respect to the New START treaty. Strategic arms reductions are very important. We do not think about them very much. We deal with big issues and small issues in the Senate. Sometimes the small issues get much more attention than the big issues. But one is coming for sure to the floor of the Senate that is a very big issue; that is, the Strategic Arms Reduction Treaty that was negotiated with the Russians. This is really a big issue and very important. I want to describe why and describe why I feel so strongly about it. I have spoken on the floor previously about this, but I want to do it again, describing a Time magazine article from March 11, 2002. The March 11, 2002, Time magazine article referred back to 2001, right after 9/11—It said this:

For a few harrowing weeks last fall, a group of U.S. officials believed that the

worst nightmare of their lives—something even more horrific than 9/11—was about to come true. In October, an intelligence alert went out to a small number of government agencies, including the Energy Department's top-secret Nuclear Emergency Research Team, based in Nevada. The report said that terrorists were thought to have obtained a 10-kiloton nuclear weapon from the Russian arsenal and planned to smuggle it into New York City. "It was brutal," a U.S. official told Time. It was also highly classified and closely guarded. Under the aegis of the Whitehouse's Counterterrorism Security Group . . . the suspected nuke was kept secret so as not to panic the people of New York. Senior FBI officials were not in the loop.

Some while later, Graham Allison, who is an expert on nuclear proliferation wrote about this incident in a book titled "Nuclear Terrorism: The Ultimate Preventable Catastrophe." In his book, he points out:

One month to the day after the attacks of 9/11, a CIA agent codenamed Dragonfire reported that al-Qaida terrorists had stolen a ten kiloton Russian nuclear bomb from the Russian arsenal and may have smuggled it into New York City. Vice President Cheney moved to a secret mountain facility along with several hundred government employees. They were the core of an alternative government that would operate if Washington, DC were destroyed. President Bush dispatched Nuclear Emergency Support Teams to New York to search for the suspected nuclear weapon. To not cause panic, no one in New York City was informed of the threat, not even Mayor Giuliani. After a few weeks, the intelligence community determined that Dragonfire's report was a false alarm.

But as they did the postmortem on this, they understood that no one claimed it could have been impossible that a nuclear weapon could have been stolen from the Russian arsenal. No one claimed it would have been impossible—having stolen a Russian nuclear weapon—to smuggle it into New York City or a major American city. No one claimed it would have been impossible for a terrorist group—who wanted to kill several hundred thousand people with a nuclear weapon—to have been able to detonate that nuclear weapon.

Now, as I indicated, I describe that as it was described in Time magazine in 2002, and as it was written about in the book by Graham Allison, a former Clinton administration official, in his book titled, "Nuclear Terrorism: The Ultimate Preventable Catastrophe." I describe that and the apoplectic seizure that existed in parts of the U.S. government when it was thought that 1 month after 9/11 al-Qaida had stolen a nuclear weapon and was prepared to detonate it in an American city. And on that day, we wouldn't have had 3,000-plus Americans murdered, we would have had hundreds of thousands of Americans losing their lives. Yet that was about one nuclear weapon—one, just one. The loss of one nuclear weapon.

Now, it turns out it Dragonfire's report wasn't true. The FBI agent

codenamed Dragonfire heard it, passed it along, but it turned out it was not accurate. But that was just one nuclear weapon. There are about 25,000 nuclear weapons on this planet. This chart shows the Union of Concerned Scientists' estimate for 2010 estimate that Russia has 15,100 nuclear weapons, the United States has 9,400, China about 240, France 300, Britain 200, and Israel, India, Pakistan, and North Korea each have some. So 25,000 nuclear weapons, and I have described the terror of having just one end up in the hands of a terrorist group. If it ever happens—when it ever happens, God forbid—and hundreds of thousands of people are killed, life on this planet will be changed forever.

Now, Mr. President, we have a lot of nuclear weapons on this planet of ours, and we understand the consequences of their use. These pictures from August of 1945 show the consequences of the dropping of two nuclear weapons—one in Hiroshima and one in Nagasaki. Those pictures are, all these years later, still very hard to look at. That is the consequence of two nuclear weapons.

I was recently in Russia visiting a site that we fund in the Congress under the Nunn-Lugar program. I want to show some photographs about what we have been doing to try to back away from the nuclear threat, to try to see if we can reduce the number of nuclear weapons and the number of delivery vehicles to deliver those nuclear weapons.

This is a photograph of the dismantlement of a Blackjack bomber. This Blackjack bomber was a Russian bomber—a Soviet Union bomber prior to Russia—that would carry a nuclear weapon that would potentially be dropped on the United States, then an adversary during the Cold War. You can see that we dismantled that Russian Blackjack bomber, and this is a piece of a wing strut.

I ask unanimous consent to show a couple of samples.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. This is a piece of a wing strut of a Russian bomber. We didn't shoot it down. We cut the wing off. I happen to have a piece of it. This was happening because our colleagues, Senators NUNN and LUGAR, put together a program by which we actually paid for the dismantlement of Russian bombers.

I also have copper wiring from the ground-up copper of the electrical wires of a Russian submarine. We didn't sink that submarine. We paid money to have that submarine destroyed, as part of our agreement with Russia to reduce that country's nuclear weapons.

This is a hinge from a silo in the Ukraine that previously housed a missile with warheads aimed at the United

States. There is now planted on that ground sunflowers, not missiles, because we paid the cost of reducing delivery vehicles and reducing nuclear weapons in the stockpile of the former Soviet Union.

This is a program that works—a program that is unbelievably important. And as I and some others viewed these programs in Russia, we understood again the importance of what we have been doing under the Nunn-Lugar program: The Ukraine, Kazakhstan, and Belarus are now nuclear weapons free. That didn't used to be the case. There are no nuclear weapons in those three countries. Albania is chemical weapons free. We have deactivated, under the Nunn-Lugar program, 7,500 former Soviet nuclear warheads. And the numbers of weapons of mass destruction that have been eliminated, and their delivery vehicles, are 32 ballistic missile submarines—gone, eliminated; 1,419 long-range nuclear missiles; 906 nuclear air-to-surface missiles, and 155 nuclear bombers. All of this has been done under a program that very few people know about—the Nunn-Lugar program. It works. It is a great program.

But, as I have indicated, there are still thousands and thousands and thousands—it is estimated this year 25,000—of nuclear weapons on this planet. So what do we do about that? This administration engaged with the Russians for a new treaty because the old START treaty had expired. This new treaty—the New Strategic Arms Reduction Treaty—was negotiated over a lengthy period of time. It required a lot of patience, a great deal of effort, but this administration stuck with it. They negotiated, completed, and signed this treaty.

The President of Russia and our President met in Prague, the Czech Republic, and signed this treaty. Now it needs to be ratified by the Senate.

I want to talk just a bit about the need to do that. I think all of us understand the urgency. There are some who feel strongly that perhaps we should begin the testing of nuclear weapons. I don't support that. I don't think we should. I think we need to be world leaders on these issues. We have stopped nuclear testing. Others have stopped nuclear testing as well, and we ought to continue that posture.

There are some who feel we should begin building new nuclear weapons. I don't believe we should. That doesn't make any sense. That is the wrong signal for us to send to the world.

There are some who believe that we need to make additional investments in the area of life extension programs and investments in making certain that the nuclear weapons that do exist in the stockpile are weapons in which we have the required confidence that those weapons are available, if needed. The President has asked that funding to do that be made available.

I chair the subcommittee that funds those programs, and I believe we will make available what the President requests. It is reasonable, it seems to me, to not only proceed—hopefully, on a bipartisan basis—to address something as important as the START treaty, but at the same time make sure that the programs that we have always had—the life extension programs and the programs that make sure that we have sufficient confidence in the weapons that exist—are funded appropriately. That is what the President has recommended in the budget that he has sent to the Congress.

It just seems to me there is so much to commend to this Congress the need to ratify an arms control treaty here. Mr. Linton Brooks, the NNSA Administrator under George W. Bush, said this, talking about the newly negotiated treaty and the President's budget request:

START, as I now understand it, is a good idea on its own merits, but I think for those who think it's only a good idea if you have a strong weapons program, I think this budget ought to take care of that. Coupled with the out-year projections, it takes care of the concerns about the complex and it does very good things about the stockpile and it should keep the labs healthy.

I don't quote Henry Kissinger very often, but Henry Kissinger says it pretty well when he says:

It should be noted I come from the hawkish side of this debate, so I'm not here advocating these measures in the abstract. I try to build them into my perception of the national interest. I recommend ratification of this treaty.

Henry Kissinger says he recommends ratification of this treaty. And, finally, the Chairman of the Joint Chiefs of Staff, Admiral Mullen:

I, the Vice Chairman, and the Joint Chiefs, as well as our combatant commanders around the world, stand solidly behind this new treaty, having had the opportunity to provide our counsel, to make our recommendations, and to help shape the final agreements.

It is not just us, but it is our children and their children that have a lot at stake with respect to reducing the number of nuclear weapons, reducing the delivery vehicles. It is the case that the amount of plutonium that will fit in a soda can, the amount of highly enriched uranium the size of a couple of grapefruits will produce a nuclear weapon that will have devastating consequences. So one of our obligations is to try to make sure nuclear material—the material with which those who wish to make nuclear weapons can make those weapons—stays out of the hands of terrorists. That is one of our jobs. We are working very hard on that. We have programs that work on that constantly.

Second is to stop the proliferation of nuclear weapons. I described the countries that we know have nuclear weapons. Now we have to stop the prolifera-

tion and stop other countries from getting nuclear weapons. That is our responsibility. We have to be a world leader to do that.

As I said, if, God forbid, somehow in the future—5 years, 10 years, or 20 years from now—a nuclear weapon is exploded in a major city, and hundreds of thousands are killed, life on this planet is not going to be the same. That is why it seems to me that a very important start—and this is just a start, not a finish—is to take this treaty that has been negotiated, bring it to the floor of the Senate, and have this discussion. I would expect there will be Republicans and Democrats who will come down on the same side of this issue—that it is a better world, a safer world when we meet our responsibility to lead on the issues of nonproliferation, when we meet our responsibilities to lead on the matter of reducing nuclear weapons and reducing delivery vehicles.

That is what this New START treaty does. It does it in a very responsible way. So my hope will be that in the coming 2 months or so that we will have a robust discussion of the START treaty and have the celebration of having had the debate and had the vote and then exclaiming to the world that this was a success—that this treaty was a success. Yes, a first step but a success.

Beyond this treaty, there will be other negotiations that will take us to other areas in reductions. I think, as a result, if we do what we should be expected to do, this can be a safer world.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

#### RECOGNIZING THE DAILY SPARKS TRIBUNE

Mr. REID. Mr. President, I rise today to extend my warmest congratulation to the Daily Sparks Tribune of Sparks, NV, on their historic milestone.

The Daily Sparks Tribune is celebrated throughout Nevada for its first-class journalism, which continues this week for the 100th consecutive year.

The Tribune has been in circulation since 1910, representing news of both Sparks, NV, and the greater State. In 1901, Senator Thomas A. Kearns bought the newspaper, along with three other regional papers. The newspaper now circulates to over 5,000 businesses and homes in Nevada.

The Nevada Press Association has honored the work of the Daily Sparks

Tribune on many occasions for their outstanding investigatory, editorial, journalistic, photographic, and philanthropic accomplishments. In 2009 alone, the newspaper received 17 awards in the annual Nevada Press Association awards.

Not only has the Daily Sparks Tribune provided Nevadans with a spectacular news source, but it has also become a central part of our community.

I join with Nevadans throughout the Silver State to honor the Daily Sparks Tribune for its 100 years of circulation. It is one of Nevada's oldest community newspapers, and we wish it many more decades of success and readership.

#### HONORING OUR ARMED FORCES

MAJOR RONALD W. CULVER, JR.

Mrs. LINCOLN. Mr. President, today I honor MAJ Ronald W. Culver, Jr., 44, of El Dorado. Major Culver was killed May 24 in Numaniyah, Iraq, in support of Operation Iraqi Freedom. According to initial reports, Major Culver died of injuries sustained when an improvised explosive device detonated near his vehicle. Major Culver was assigned to the 2nd Squadron, 108th Cavalry, Army National Guard, Shreveport, LA.

My heart goes out to the family of Major Culver, who made the ultimate sacrifice on behalf of our Nation. Major Culver's wife and children reside in El Dorado. His mother and father live in Shreveport, LA.

As a member of the Louisiana National Guard, Major Culver served three tours of duty in Iraq. During his military career, he was awarded numerous service medals and was posthumously awarded two Bronze Stars and a Purple Heart, as well as a Combat Action Badge from the State of Louisiana.

Culver was an active member of the El Dorado community, serving in various capacities with Boy Scouts, Campfire Girls, Union County 4-H Foundation board, Saddle Club, Main Street El Dorado, and the John C. Carroll VFW Post 2413, where he was the post commander at the time of his death.

Along with all Arkansans, I am grateful for the service and sacrifice of all of our military servicemembers and their families. More than 11,000 Arkansans on Active Duty and more than 10,000 Arkansas reservists have served in Iraq or Afghanistan since September 11, 2001.

It is the responsibility of our Nation to provide the tools necessary to care for our country's returning servicemembers and honor the commitment our Nation made when we sent them into harm's way. Our grateful Nation will not forget them when their military service is complete. It is the least we can do for those whom we owe so much.

## HEALTH CARE REFORM

Mr. BARRASSO. Mr. President, I rise today to address comments made on the floor of the U.S. Senate on June 8, 2010. The senior Senator from Montana accused me of slandering an individual. That individual is President Obama's nominee to be the next Centers for Medicare and Medicaid Services, CMS, Administrator, Dr. Donald Berwick.

The Senator from Montana is incorrect. I want the record to accurately reflect the foundation on which I made my comments on the floor. I told the Senate that the nominee to be the next CMS Administrator "loves the British health care system and says we are going to need to ration care. The new Director of Medicare is planning to ration care."

I based my comments solely on historic statements made and articles written by the nominee about the British health care system and rationing care. These statements include:

1. "The decision is not whether or not we will ration care—the decision is whether we will ration with our eyes open." You can find this statement in: "Rethinking Comparative Effectiveness Research," An Interview with Dr. Donald Berwick, *Biotechnology Healthcare*, June 2009.

2. "I fell in love with the NHS to an American observer, the NHS . . . is such a seductress." You can find this statement in: "Celebrating Quality 1998–2008" by Donald Berwick, M.D., speech at London Science Museum, September 30, 2008.

3. "The NHS is not just a national treasure; it is a global treasure. As unabashed fans, we urge a dialogue on possible forms of stabilization to better provide the NHS with the time, space, and constancy of purpose to realize its enormous promise." You can find this statement in: "Steadying the NHS" by Donald Berwick, M.D. and Sheila Leatherman, *BMJ*, July 29, 2006, p. 255.

4. "Cynics beware: I am romantic about the National Health Service; I love it. All I need to do to rediscover the romance is to look at health care in my own country." You can find this statement in: "A Transatlantic Review of the NHS at 60" by Donald Berwick, M.D., *BMJ*, July 26, 2008, p. 213.

5. "Here [in Britain], you choose the harder path. You plan the supply; you aim a bit low; you prefer slightly too little of a technology or a service to too much; then you search for care bottlenecks and try to relieve them." You can find this statement in: "A Transatlantic Review of the NHS at 60" by Donald Berwick, M.D., *BMJ*, July 26, 2008, p. 213.

## REQUEST FOR CONSULTATION

Mr. COBURN. I ask unanimous consent that my letter to Senator McConnell dated June 9, 2010, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, June 9, 2010.

Hon. MITCH MCCONNELL,

*Senate Minority Leader,*

*U.S. Senate, Washington, DC.*

DEAR SENATOR MCCONNELL: I am requesting that I be consulted before the Senate enters into any unanimous-consent agreements or time limitations regarding S. 3019/H.R. 3695, Billy's Law.

I support the goals of this legislation and believe that information regarding missing persons and unidentified remains should be accurate and properly maintained. However, I believe that we can and must do so in a fiscally responsible manner. My concerns are included in, but not limited to, those outlined in this letter.

While this bill is well-intentioned, it costs the American people over \$64 million. This legislation has received no process in the Senate Judiciary Committee, as it was only recently introduced on February 23, 2010. As a member of the Judiciary Committee, I believe, prior to floor consideration, legislation under the committee's jurisdiction should be processed in regular order. Appropriate hearings and debate in committee markup are essential to all legislation, especially legislation like Billy's Law, which spends significant federal dollars, authorizes new programs and requires the sharing of personally identifiable information between government databases.

Although additional resources may be necessary, we should act responsibly by reviewing current operations, evaluating their effectiveness, and then determining the best strategy for addressing the areas with the most need. That cannot be accomplished with constant use of the hotline process. The Congressional Research Service estimates that 94% of all measures passed by the Senate do not receive a roll call vote. The hotline process is even more detrimental to transparency and oversight when legislation, like Billy's Law, is hotlined without going through regular committee order.

Moreover, it is irresponsible for Congress to jeopardize the future standard of living of our children by borrowing from future generations. The U.S. national debt is now \$13 trillion. That means over \$42,000 in debt for each man, woman and child in the United States. A year ago, the national debt was \$11.2 trillion. Despite pledges to control spending, Washington adds \$4.6 billion to the national debt every single day—that is \$3.2 million every single minute.

In addition to the above, there are several specific problems with this legislation. First, Billy's Law seeks to authorize the National Missing and Unidentified Persons System (NamUs), an online repository for information about missing persons and unidentified remains. However, this database has been in operation, without Congressional authorization, since 2007. Before we seek to condone an existing program by providing a Congressional authorization, we should perform rigorous oversight of NamUs to determine whether there is existing waste, fraud and abuse or ways to increase its efficiency. Without the opportunity to conduct hearings and committee markup, it is impossible to effectively examine and evaluate the current operation of NamUs.

Second, merely to maintain NamUs, Billy's Law authorizes \$2.4 million per year for fiscal years 2011 through 2016, totaling \$14.4 million, without corresponding offsets. This

authorization exceeds the yearly sum of \$1.3 million the Department of Justice indicates is necessary to maintain the database. Furthermore, according to the Congressional Research Service, Congress already provides funding for NamUs via the National Institute of Justice and the Community Oriented Policing Service. I am concerned that this bill will enable NamUs to double dip into multiple sources of funding for the same purposes.

Third, the bill requires the National Crime Information Center (NCIC) database and NamUs to share information on missing persons and unidentified remains. While the bill requires the Attorney General and Director of the Federal Bureau of Investigation (FBI) to establish rules on confidentiality of this information, I remain concerned about the protection of this personally identifiable information.

NamUs is accessible not only by law enforcement, but also the public. NamUs is comprised of two smaller databases—the Missing Persons Database and the Unidentified Remains Database. While the Unidentified Remains Database does not allow the public to enter information and restricts certain information from being accessed by the public, the Missing Persons Database allows both the public and law enforcement to submit information about missing persons. There is no way to guarantee the consistency and accuracy of publicly entered information. The ability of NamUs and NCIC to share information via this legislation magnifies these concerns.

Fourth, the bill also establishes an Incentive Grants Program to provide law enforcement, coroners, medical examiners and other authorized agencies with grants to facilitate reporting information to both NCIC and NamUs. These grants can be used for very broad purposes, including hiring, contracting and "other purposes consistent with the goals of this section." I believe that state and local law enforcement and other state or locally-run agencies should bear the burden of reporting state and local information. If these databases are, in fact, effective and further the investigations carried out by state and local law enforcement, they should be willing to prioritize funding in their own budgets to utilize the databases accordingly.

Furthermore, the task of investigating missing person and unidentified remains cases often falls primarily on state and local law enforcement. As a result, the federal government should not bear the entire cost for either the Incentive Grants Program or the operation of the NamUs database. For the Incentive Grants Program, the bill authorizes \$10 million per year for fiscal years 2011 through 2015, totaling \$50 million that is not offset by reductions in real spending elsewhere in the federal budget. In addition, there is no limit on the amount that the Attorney General may award for each grant. Rather, the Attorney General has the discretion to determine how much each grantee receives.

In addition to offsets for federal spending on these programs, I believe all funding in this legislation should be borne at least equally between the states and the federal government. It is clear that state and local law enforcement will be utilizing NamUs often. In fact, the Incentive Grants Program authorized in this bill is specifically to help state and local entities "facilitate the process of reporting information regarding missing persons and unidentified remains to the NCIC database and NamUs databases. . . ."

While there is no question that law enforcement should endeavor to quickly locate

missing persons and return them to their families, the federal government is already making efforts to facilitate this process. Congress should, like many American individuals and companies do with their own resources, evaluate current programs, determine any needs that may exist and prioritize those needs for funding by cutting from the federal budget programs fraught with waste, fraud, abuse and duplication.

Sincerely,

TOM A. COBURN, M.D.,  
United States Senator.

#### REMEMBERING DOROTHY KAMENSHEK

Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of Dorothy Kamenshek who passed away on May 17 at her home in Palm Desert, CA. She was 84 years old.

Dorothy Kamenshek was born in Norwood, OH, on December 21, 1925. Her gifts on the diamond were evident from the time she attended the tryouts for an all women's baseball league in Cincinnati while she was a high school senior. Her performance at the tryouts earned her an invitation to participate in the final tryouts that were held at Wrigley Field in Chicago. From the Wrigley Field tryouts, Ms. Kamenshek would emerge as one of two women from Cincinnati who were selected to play in the fledgling All-American Girls Professional Baseball League.

The All-American Girls Professional Baseball League was the brainchild of Chicago Cubs owner, Phillip Wrigley, who sought to fill the void that had been created by the disbanding of many minor league teams as a result of young men who were drafted into the armed services during World War II. The existence of the All-American Girls Professional Baseball League nearly paralleled the span of Ms. Kamenshek's playing career from 1943-1954. During her career, Ms. Kamenshek all-around excellence on and off the field earned her the admiration of many fans and the respect of her peers.

Ms. Kamenshek was undoubtedly one of the finest players in the All-American Girls Professional Baseball League. The league's all-time batting leader with a .292 average, she had a smooth left-handed swing that earned her consecutive batting titles in 1946 and 1947. The leadoff hitter for the Rockford Peaches, she used her speed on the base paths to create havoc for her opponents as she compiled 657 stolen bases during her career. An all-around baseball player, Ms. Kamenshek's work with the glove once prompted former New York Yankees first baseman Wally Pipp to observe that she was "the fanciest fielding first baseman that I've ever seen, man or woman."

Ms. Kamenshek would lead her team, the Rockford Peaches, to four championships before her career was cur-

tailed by a back injury. A driven person who was not going to rest on her laurels, she earned a bachelor's degree in physical therapy from Marquette University after her baseball career. In 1961, she moved to California where she worked as a staff physical therapist, supervisor and chief of therapy services for the Los Angeles County disabled children's services agency. After her retirement from Los Angeles County in 1980, she continued to treat patients in acute care on a part-time basis for the next 6 years.

In 1992, the story of Ms. Kamenshek and the other women who played in the All-American Girls Professional Baseball League was introduced to a new generation of Americans by the popular movie "A League of Their Own." In the movie, the character of Dottie Hinson, played by Geena Davis, was presented as the best player in the league and was named Dottie as a tribute to Ms. Kamenshek, who was affectionately known as Dottie to her friends. In 1999, Sports Illustrated named Ms. Kamenshek one of its top 100 female athletes of the 20th century.

On the field, Dorothy Kamenshek is widely regarded as the greatest female baseball player ever. Off the field, her legacy will be one of a pioneer who, through sheer talent and determination, achieved excellence in a sport that was once deemed to be beyond the physical capacity of females. Dorothy Kamenshek inspired generations of Americans to chip away at the glass ceiling to follow their dreams and pursue endeavors and careers of their own choosing.

She will be dearly missed.

#### ADDITIONAL STATEMENTS

##### 100TH ANNIVERSARY OF THE FOUNDING OF DANTE, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I pay tribute to the 100th anniversary of the founding of Dante, SD. Small towns like Dante embody South Dakota values, and are the cornerstone of our State.

Dante was founded as a railroad town when a group of farmers were concerned with their ability to haul grain between Wagner and Avon. The farmers approached the Chicago, Milwaukee, and St. Paul Railroad to set up a depot between the towns. After getting a petition signed, the railroad expanded to the newly formed town. Planted in 1907, Dante was incorporated in 1912. Originally called Mayo after H.T. Mayo who donated the land to the town, the railroad company objected to the name. Mr. Mayo was asked for a name to which he reportedly said, "Call it Dante's Inferno for all I care!" In 1911, Dante had flourished enough to support the Dante Bowling Alley and Pool Hall.

The school was opened in 1912 and stayed open until 1971.

To celebrate the town's anniversary, Dante will be having music, a softball tournament, games and more. With something for everyone, this weekend's celebration is sure to be an enjoyable experience as Dante comes together to celebrate this historic anniversary. I would like to congratulate the people of Dante on reaching this historic milestone, and offer them best wishes on the years to come.●

#### TRIBUTE TO DR. ANN SOUTHERLAND

• Mr. LEMIEUX. Mr. President, today I wish to bring special recognition to Dr. Ann Marie Phillips Southerland.

Dr. Southerland has elected to retire from Pensacola Junior College after 42 years of distinguished service. She first joined the faculty of the PJC home economics department in 1975 and was promoted as an assistant professor in 1978, an associate professor in 1981, a full professor in 1984 and department head in 1985.

Recognizing her devotion to student success and years of excellence in teaching, Dr. Southerland was appointed to the position of district director of vocational education in 1988 and district dean of vocational education in 1990. In this capacity, Dr. Southerland spearheaded efforts and initiatives to improve curriculum, instruction and assessment. She challenged her colleagues to empower students and ensure they would enter the world with the skills to compete and succeed in the increasingly competitive global marketplace.

The success of Dr. Southerland's contributions to Pensacola Junior College were measurable, and the college appointed her to assistant vice president for academic affairs and career education in 2005. Yet Dr. Southerland's reach has been felt far beyond the academic corridors of northwest Florida. She has selflessly dedicated her time, experience and energy to causes throughout the State of Florida—serving as a member of the Council of Occupational Deans and working arm in arm with her counterparts in all 28 institutions in the Florida College System. What's more, her extensive body of academic literature has been published in numerous scholarly journals and periodicals.

I wish to take this opportunity to commend Dr. Southerland for her service and professionalism. She has been a role model and mentor for many faculty, staff and students at Pensacola Junior College. She has my sincere and heartfelt thanks for her devotion to educating tomorrow's leaders.●

DO THE WRITE THING WRITING  
CHALLENGE FINALISTS

• Mr. LEVIN. Mr. President, the Do the Write Thing Challenge, or DtWT, is a national program that provides middle school students across the country with the opportunity to examine some of the most pressing issues facing their community. It encourages students to examine and confront the causes and the effects of youth violence through classroom discussions and writings. The focus is on preventative measures with an emphasis on personal responsibility. Since the program's founding in 1994, hundreds of thousands of students have reaped benefits from this community-based approach to addressing these complex and tragic issues.

Middle school students from cities across the Nation participated in DtWT. These students submitted creative and poignant essays, poems, plays, or songs about their personal experiences with youth violence. They wrote about the effect of violence in their lives and about how they can contribute to efforts to eradicate it. Students also pledged to carry out their ideas in their daily lives. This strategy, which empowers young people to make positive changes in their lives and communities, has surely had a positive impact on the communities in which these students reside.

Each year, a DtWT Committee made up of business, community, and government leaders from each participating jurisdiction reviews the writing samples and selects two national finalists. I am pleased to recognize this year's national finalists from Detroit, Karan Patrick and KeJaun Williams. Their creative pieces about youth violence are heart-wrenching and timely. Karan and KeJaun wrote personal pieces about the profound impact violence has had on their young lives and about the lasting consequences of their choices. They conveyed a deep understanding of the result of youth violence. I am impressed by the maturity they displayed in confronting this topic and congratulate them on being selected as national finalists.

This summer, they will join other DtWT national finalists in Washington, DC, for National Recognition Week. While here, they will attend a ceremony in their honor. Their work also will be placed permanently in the Library of Congress.

I invite my colleagues to join me in celebrating the work of the DtWT finalists and the many organizers across the country who facilitated open discussions in schools about youth violence. Their work is an essential element in the development of local solutions to youth violence in Michigan and across the Nation, and I applaud their efforts.●

150TH ANNIVERSARY OF THE CITY  
OF MANISTIQUE

• Mr. LEVIN. Mr. President, the small towns and cities that dot this great Nation are at the core of our country's character and cultural fabric. These communities, and the legacy they embody, fashion the great American story through their unique chapters in this ongoing narrative. It is in this spirit that I recognize the sesquicentennial anniversary of the founding of the city of Manistique, MI. The residents of this great city will come together to celebrate this significant milestone with a summer of festivities.

This community in the upper peninsula was first named in 1860 by Charles Harvey, a businessman who sought to build a small dam on the Manistique River. He would first name the area Epsport, after his wife's family name. In 1879, Epsport was named county seat of Schoolcraft county, and a few years later, it was renamed Manistique Township. This area experienced a period of rapid development, beginning in 1872 with the relocation of Weston Lumber Company to Manistique by its founder, Abijah Weston. The rise of the timber industry spurred the creation of other industries, such as limestone, shingles, cooperage, a box factory, a charcoal iron company and a handle factory.

Like many small towns and cities in the upper peninsula, Manistique has navigated major shifts in its core economy. The timber industry peaked in this region around 1920 and, along with it, the city's population, boasting close to 10,000 residents, aided also by the expansion of the Soo Line Railroad to the area. As the timber industry declined, it was replaced by farming, limestone production and a paper mill, and after World War II, tourism emerged as a major industry. Nestled along the northern shore of Lake Michigan where the lake meets the Manistique River, this region offers tourists considerable natural beauty and countless opportunities to experience the outdoors in its natural state, from the shores of Lake Michigan, to the Seney National Wildlife Refuge, to Hiawatha National Forest, to name a few.

Manistique's sesquicentennial anniversary is a tribute to the strength and perseverance of its citizens and to the many that have played a role in the formation and evolution of this city from its inception. I invite my colleagues in the Senate to join me in recognizing this milestone, and I wish the residents of this city another century and a half of achievement and success.●

## REMEMBERING DAVID CURLING

• Mrs. LINCOLN. Mr. President, today I pay tribute to firefighter David Curling of Pine Bluff who made the ultimate sacrifice while working to keep his fellow Arkansans safe.

In late May, David lost his life after a 4-month battle with injuries he sustained when a wall fell on him during a January fire. A 14-year firefighting veteran, he was a lieutenant assigned to Station 3 at 30th Avenue and Ash Street in Pine Bluff.

I extend my heartfelt condolences to David's family, who mourn the loss of their loved one. David bravely and courageously fought to protect the lives of those under his watch.

Along with all Arkansans, I recognize the courage, bravery, and dedication of our Arkansas emergency responders, who risk their lives each day to keep our citizens safe. We must do all we can to honor and remember those who make the ultimate sacrifice, as well as the family members, friends, and fellow officers they left behind. I thank these public servants for their service and sacrifice.●

100TH ANNIVERSARY OF EUREKA  
SPRINGS CARNEGIE PUBLIC LIBRARY

• Mrs. LINCOLN. Mr. President, today I join residents of Eureka Springs in my home State of Arkansas to celebrate the 100th anniversary of the founding of the Eureka Springs Carnegie Public Library. Throughout the majority of the town's history, the library has served as a vital resource for children and adults of all ages.

Eureka Springs Carnegie Public Library is one of four Arkansas library buildings built with funding by Andrew Carnegie. The building itself was constructed of locally quarried stone and is listed on the National Register of Historic Places.

Libraries help build strong communities by promoting the joy of reading, the love of knowledge, and the excitement of discovery. As the mother of twin boys, I know that reading is the foundation for success in the classroom, and I encourage my boys to read not only at school but also at home. We must do everything we can to ensure that our Arkansas children have the books and technology they need to develop critical literacy skills and reach their full potential.

Mr. President, I commend the librarians, staff, and board members of Eureka Springs Carnegie Library for their success in informing and inspiring their community. I encourage all Arkansans to make a stop at their public library today to share in the joy of learning and knowledge.●

RECOGNIZING THE EL DORADO  
SCHOOL DISTRICT

• Mrs. LINCOLN. Mr. President, today I salute the students, faculty, and staff of the El Dorado School District for their outstanding efforts to maintain the health and well-being of their school community. The district was recently named the Gold Award Winner

of the 2010 Arkansas Healthy School Board, in addition to being named the 2010 International PRIDE Team of the Year for their efforts to prevent youth drug abuse and violence.

El Dorado was named to the Arkansas Healthy School Board for their efforts to offer healthier school lunches and healthy food in vending machines. As the mother of two boys, I understand how important it is for parents to make healthy choices for their kids and help them learn to make healthy choices for themselves. Obesity is a growing problem across our Nation, and if kids learn good eating habits while they are young, that knowledge will stay with them throughout their entire lives. In addition, kids who are healthy and feel good perform better at school and in all areas of their lives.

Unfortunately, many families in our country are unable to provide healthy, nutritious meals. More than ever, families are looking to programs like the National School Lunch Program to ensure children's nutritional needs are met. My Healthy, Hunger-Free Kids Act of 2010 invests \$4.5 billion in new child nutrition program funding over the next 10 years, the most historic investment in child nutrition programs since their inception. This investment is fully paid for and will not add to the national debt.

I also commend the El Dorado PRIDE Youth Team, which was named the 2010 International PRIDE Team of the Year. PRIDE Youth Programs, formerly Parents Resource Institute for Drug Education, is the Nation's oldest and largest organization devoted to drug abuse and violence prevention through education. The mission of PRIDE is to educate, promote, and support drug-free youth.

For the past 4 years, the El Dorado PRIDE team has been nominated as one of the top three teams in the Nation. There are also 30 PRIDE members named each year to the National Team from all over the country. This year, three El Dorado students—Allison George, Tylor Ritz and Amanda York—were named to the national team.

Mr. President, I salute the entire El Dorado community for their efforts to keep their schools healthy and safe.●

#### TRIBUTE TO PHILIP LANDER

● Ms. SNOWE. Mr. President, last Monday, our Nation paused to remember the sacrifices that the men and women of our Armed Forces have made over the past 235 years. Indeed, Memorial Day is a time to reflect on the freedoms and liberties we enjoy because of the heroic deeds of these brave service members. For those who made it back, many seek to continue giving back to the nation they love. Today I wish to recognize one such veteran, Philip Lander, who is the owner of Atlantic Defense Company, a small, service-dis-

abled veteran-owned construction firm in my home State of Maine that provides other veterans with an opportunity to find meaningful employment upon their return. For his efforts, Mr. Lander has been named the Small Business Administration's 2010 Maine Veteran Small Business Champion, a truly prestigious honor that only begins to highlight his incredible work to help America's veterans.

Indeed, Mr. Lander can lay claim to a distinguished record of service to our Nation dating back to 1970, when he enlisted in the U.S. Army during his time at the University of Maine. After 2 years of service, he returned to Maine to complete a degree in agricultural engineering during which time he joined the Air National Guard. Mr. Lander was called up to active duty during several notable conflicts, including Operations Desert Shield and Desert Storm and the Bosnian war in the 1990s, and was recalled to duty after the tragic events of September 11, 2001.

Mr. Lander founded Atlantic Defense Company in 2005, after retiring from the U.S. Air Force the year before. Atlantic Defense immediately got to work upon its inception, renovating the well-known Jordan Pond House in Maine's Acadia National Park, as well as taking on a contract for the New Jersey Air National Guard rebuilding ground support equipment. Shortly after the scandal at Walter Reed Army Medical Center, Atlantic Defense sought to help America's veterans receive the care they are entitled to by assisting in the rehabilitation of the Nation's VA hospital system. The company performed work at several hospitals across New England, including Togus in Maine and Westhaven in Connecticut.

Always seeking to give back to those who have served, Mr. Lander is involved in the Helmets to Hardhats program, which has the goal of helping veterans of the military, Reserves, and Guard transition from active duty to jobs in the construction industry. His company also transports a medical van to remote spots throughout the northwest portion of Maine, to ensure that veterans living in those areas are able to receive care from the Togus VA system. Mr. Lander also seeks to employ veterans in his company, which currently has 15 to 20 year-round employees, as well as through subcontracting opportunities with similar service-disabled veteran-owned firms.

It has been said of the members of our Nation's Armed Forces that some gave all, but all gave some, and clearly, Philip Lander continues to give back even after his longtime career of service to our nation. His generous and selfless efforts to employ fellow veterans and provide them with critical opportunities back home is admirable. I congratulate him on his recognition

as the 2010 Maine Veteran Small Business Champion, and wish everyone at Atlantic Defense Company success in future projects.●

#### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 9:58 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5026. An act to amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States against cybersecurity and other threats and vulnerabilities.

H.R. 5133. An act to designate the facility of the United States Postal Service located at 331 1st Street in Carlstadt, New Jersey, as the "Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building".

H.R. 5278. An act to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the "President Ronald W. Reagan Post Office Building".

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 4173) entitled "An Act to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes" and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as managers of the conference on the part of the House:

From the Committee on Financial Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. FRANK of Massachusetts, KANJORSKI, Ms. WATERS, Mrs. MALONEY, Messrs. GUTIERREZ, WATT, MEEKS of New York, MOORE of Kansas, Ms. KILROY, Messrs. PETERS, BACHUS, ROYCE, Mrs. BIGGERT, Mrs. CAPITO, Messrs. HENSARLING, and GARRETT of New Jersey.

From the Committee on Agriculture, for consideration of subtitles A and B

of title I, sections 1303, 1609, 1702, 1703, title III (except sections 3301 and 3302), sections 4205(c), 4804(b)(8)(B), 5008, and 7509 of the House bill, and section 102, subtitle A of title I, sections 406, 604(h), title VII, title VIII, sections 983, 989E, 1027(j), 1088(a)(8), 1098, and 1099 of the Senate amendment, and modifications committed to conference: Messrs. PETERSON, BOSWELL; and LUCAS.

From the Committee on Energy and Commerce, for consideration of sections 3009, 3102(a)(2), 4001, 4002, 4101–4114, 4201, 4202, 4204–4210, 4301–4311, 4314, 4401–4403, 4410, 4501–4509, 4601–4606, 4815, 4901, and that portion of section 8002(a)(3) which adds a new section 313(d) to title 31, United States Code, of the House bill, and that portion of section 502(a)(3) which adds a new section 313(d) to title 31, United States Code, sections 722(e), 1001, 1002, 1011–1018, 1021–1024, 1027–1029, 1031–1034, 1036, 1037, 1041, 1042, 1048, 1051–1058, 1061–1067, 1101, and 1105 of the Senate amendment, and modifications committed to conference: Messrs. WAXMAN, RUSH, and BARTON of Texas.

From the Committee on the Judiciary, for consideration of sections 1101(e)(2), 1103(e)(2), 1104(i)(5) and (i)(6), 1105(h) and (i), 1110(c) and (d), 1601, 1605, 1607, 1609, 1610, 1612(a), 3002(c)(3) and (c)(4), 3006, 3119, 3206, 4205(n), 4306(b), 4501–4509, 4603, 4804(b)(8)(A), 4901(c)(8)(D) and (e), 6003, 7203(a), 7205, 7207, 7209, 7210, 7213–7216, 7220, 7302, 7507, 7508, 9004, 9104, 9105, 9106(a), 9110(b), 9111, 9118, 9203(c), and 9403(b) of the House bill, and sections 112(b)(5)(B), 113(h), 153(f), 201, 202, 205, 208–210, 211(a) and (b), 316, 502(a)(3), 712(c), 718(b), 723(a)(3), 724(b), 725(c), 728, 731, 733, 735(b), 744, 748, 753, 763(a), (c) and (i), 764, 767, 809(f), 922, 924, 929B, 932, 991(b)(5), (c)(2)(G) and (c)(3)(H), 1023(c)(7) and (c)(8), 1024(c)(3)(B), 1027(e), 1042, 1044(a), 1046(a), 1047, 1051–1058, 1063, 1088(a)(7)(A), 1090, 1095, 1096, 1098, 1104, 1151(b), and 1156(c) of the Senate amendment, and modifications committed to conference: Messrs. CONYERS, BERMAN, and SMITH of Texas.

From the Committee on Oversight and Government Reform, for consideration of sections 1000A, 1007, 1101(e)(3), 1203(d), 1212, 1217, 1254(c), 1609(h)(8)(B), 1611(d), 3301, 3302, 3304, 4106(b)(2) and (g)(4)(D), 4604, 4801, 4802, 5004, 7203(a), 7409, and 8002(a)(3) of the House bill, and sections 111(g), (i) and (j), 152(d)(2), (g) and (k), 210(h)(8), 319, 322, 404, 502(a)(3), 723(a)(3), 748, 763(a), 809(g), 922(a), 988, 989B, 989C, 989D, 989E, 1013(a), 1022(c)(6), 1064, 1152, and 1159(a) and (b) of the Senate amendment, and modifications committed to conference: Messrs. TOWNS, CUMMINGS, and ISSA.

From the Committee on Small Business, for consideration of sections 1071 and 1104 of the Senate amendment, and modifications committed to conference: Ms. VELÁZQUEZ, Messrs. SHULER, and GRAVES.

At 5:05 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5072. An act to improve the financial safety and soundness of the FHA mortgage insurance program.

The message also announced that the House has passed the following bill, without amendment:

S. 3473. An act to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill.

### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5026. An act to amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States against cybersecurity and other threats and vulnerabilities; to the Committee on Energy and Natural Resources.

H.R. 5072. An act to improve the financial safety and soundness of the FHA mortgage insurance program; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5133. An act to designate the facility of the United States Postal Service located at 331 1st Street in Carlstadt, New Jersey, as the "Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5278. An act to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the "President Ronald W. Reagan Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6147. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (5) officers authorized to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-6148. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the restructured Advanced Threat Infrared Countermeasures/Common Missile Warning System (ATIRCM/CMWS) program; to the Committee on Armed Services.

EC-6149. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the restructured F-35 Joint Strike Fighter (JSF) program; to the Committee on Armed Services.

EC-6150. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the restructured Apache Block III (AB3) program; to the Committee on Armed Services.

EC-6151. A communication from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Atlanta, transmitting, pursuant to law, the Bank's management reports and statements on system of internal controls for fiscal year 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-6152. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0080–2010-0088); to the Committee on Foreign Relations.

EC-6153. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, including, technical data, and defense services to King Abdullah II Design and Development Bureau (KADDB) in Jordan for the assembly and distribution of JAWS (Jordan Arms and Weapons Systems) Viper multi-caliber semi-automatic handguns to various countries in the amount of \$1,000,000 or more; to the Committee on Foreign Relations.

EC-6154. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the status of the Government of Cuba's compliance with the United States-Cuba September 1994 "Joint Communiqué" and on the treatment of persons returned to Cuba in accordance with the United States-Cuba May 1995 "Joint Statement"; to the Committee on Foreign Relations.

EC-6155. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report on the Secretary's recommendation to continue a waiver of application of a section of the Trade Act of 1974 with respect to Belarus; to the Committee on Foreign Relations.

EC-6156. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of waiver authority for Turkmenistan; to the Committee on Foreign Relations.

EC-6157. A communication from the Director, Office of Labor-Management Standards, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Notification of Employee Rights Under Federal Labor Laws" (RIN1215-AB70; RIN1245-AA00) received in the Office of the President of the Senate on June 8, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-6158. A communication from the Secretary of Labor, transmitting, pursuant to law, the Semiannual Report of the Office of Inspector General of the Department of Labor for the period from October 1, 2009, through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6159. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2009, to March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6160. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Annual Privacy Activity Report for 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-6161. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's Federal Equal Opportunity Recruitment Program Report for Fiscal Year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-6162. A communication from the Chief Executive Officer, Millennium Challenge Corporation, transmitting, pursuant to law, the Semiannual Report of the Corporation's Inspector General for the six-month period from October 1, 2009, to March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6163. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-414, "Job Growth Incentive Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6164. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-415, "Health Insurance for Dependents Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6165. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-420, "Adoption and Guardianship Subsidy Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6166. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-428, "Healthy Schools Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6167. A communication from the Program Manager, Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Decision-Making Authority Regarding the Denial, Suspension, or Revocation of a Federal Firearms License, or Imposition of a Civil Fine" (Docket No. ATF 17F) received in the Office of the President of the Senate on June 7, 2010; to the Committee on the Judiciary.

EC-6168. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Colorado Advisory Committee; to the Committee on the Judiciary.

EC-6169. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Louisiana Advisory Committee; to the Committee on the Judiciary.

EC-6170. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Oregon Advisory Committee; to the Committee on the Judiciary.

EC-6171. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Copayment for Medications" (RIN2900-AN50) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Veterans' Affairs.

EC-6172. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled

"Copayment for Medications After June 30, 2010" (RIN2900-AN65) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Veterans' Affairs.

EC-6173. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Chehalis River, Aberdeen, WA, Schedule Change" ((RIN1625-AA09) (Docket No. USG-2009-0959)) received in the Office of the President of the Senate on June 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6174. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Port of Coos Bay Railroad Bridge, Coos Bay, North Bend, OR" ((RIN1625-AA09) (Docket No. USG-2009-0840)) received in the Office of the President of the Senate on June 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6175. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Lower Grand River, Iberville Parish, LA" ((RIN1625-AA09) (Docket No. USG-2009-0686)) received in the Office of the President of the Senate on June 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6176. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; CSX Railroad, Trout River, mile 0.9, Jacksonville, FL" ((RIN1625-AA09) (Docket No. USG-2009-0249)) received in the Office of the President of the Senate on June 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6177. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Red River, MN" ((RIN1625-AA00) (Docket No. USG-2010-0198)) received in the Office of the President of the Senate on June 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6178. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones; Blasting Operations and Movement of Explosives, St. Marys River, Sault Sainte Marie, MI" ((RIN1625-AA00) (Docket No. USG-2010-0290)) received in the Office of the President of the Senate on June 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6179. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; St. Louis River, Tallas Island, Duluth, MN" ((RIN1625-AA00) (Docket No. USG-2010-0124)) received in the Office of the President of the Senate on June 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6180. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Desert Storm, Lake Havasu, AZ" ((RIN1625-AA00) (Docket No. USG-2009-0809)) received in the Office of the President of the Senate on June 8, 2010; to the Com-

mittee on Commerce, Science, and Transportation.

EC-6181. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; United Portuguese SES Centennial Festa, San Diego Bay, San Diego, CA" ((RIN1625-AA00) (Docket No. USG-2010-0065)) received in the Office of the President of the Senate on June 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6182. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; BW PIONEER at Walker Ridge 249, Outer Continental Shelf FPSO, Gulf of Mexico" ((RIN1625-AA00) (Docket No. USG-2009-0571)) received in the Office of the President of the Senate on June 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6183. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; APBA National Tour, Parker, AZ" ((RIN1625-AA00) (Docket No. USG-2009-1110)) received in the Office of the President of the Senate on June 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6184. A communication from the Administrator of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, a report relative to The National Initiative for Increasing Seat Belt Use: Buckle Up America campaign; to the Committee on Commerce, Science, and Transportation.

EC-6185. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Annual Report for Fiscal Year 2009 of the Department of Commerce's Bureau of Industry and Security; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

S. 1388. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes (Rept. No. 111-204).

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 3087. A bill to support revitalization and reform of the Organization of American States, and for other purposes (Rept. No. 111-205).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DORGAN for the Committee on Indian Affairs.

\*Cynthia Chavez Lamar, of New Mexico, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2010.

\*JoAnn Lynn Balzer, of New Mexico, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2012.

\*Tracie Stevens, of Washington, to be Chairman of the National Indian Gaming Commission for the term of three years.

By Mr. LEAHY for the Committee on the Judiciary.

Robert Neil Chatigny, of Connecticut, to be United States Circuit Judge for the Second Circuit.

Scott M. Matheson, Jr., of Utah, to be United States Circuit Judge for the Tenth Circuit.

James Kelleher Bredar, of Maryland, to be United States District Judge for the District of Maryland.

Ellen Lipton Hollander, of Maryland, to be United States District Judge for the District of Maryland.

Susan Richard Nelson, of Minnesota, to be United States District Judge for the District of Minnesota.

Thomas Edward Delahanty II, of Maine, to be United States Attorney for the District of Maine for the term of four years.

Wendy J. Olson, of Idaho, to be United States Attorney for the District of Idaho for the term of four years.

James A. Lewis, of Illinois, to be United States Attorney for the Central District of Illinois for the term of four years.

Donald J. Cazayoux, Jr., of Louisiana, to be United States Attorney for the Middle District of Louisiana for the term of four years.

Henry Lee Whitehorn, Sr., of Louisiana, to be United States Attorney for the Western District of Louisiana for the term of four years.

Kevin Charles Harrison, of Louisiana, to be United States Marshal for the Middle District of Louisiana for the term of four years.

Charles Gillen Dunne, of New York, to be United States Marshal for the Eastern District of New York for the term of four years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BENNET:

S. 3475. A bill to provide tighter control over and additional public disclosure of earmarks; to the Committee on Rules and Administration.

By Mr. CASEY (for himself and Mr. SPECTER):

S. 3476. A bill to direct the Secretary of Homeland Security to establish national emergency centers on military installations; to the Committee on Armed Services.

By Mr. WEBB (for himself, Mr. WARNER, Mrs. McCASKILL, Mr. BURRIS, Mr. BAYH, Mr. NELSON of Nebraska, Mr. TESTER, Mr. MCCAIN, Mr. BROWN of Massachusetts, and Mr. INHOFE):

S. 3477. A bill to ensure that the right of an individual to display the Service Flag on res-

idential property not be abridged; to the Committee on Armed Services.

By Mr. SCHUMER (for himself, Mr. LEAHY, and Mr. WHITEHOUSE):

S. 3478. A bill to amend title 46, United States Code, to repeal certain limitations of liability and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. HAGAN (for herself, Mr. CASEY, and Ms. LANDRIEU):

S. 3479. A bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARPER):

S. 3480. A bill to amend the Homeland Security Act of 2002 and other laws to enhance the security and resiliency of the cyber and communications infrastructure of the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN:

S. 3481. A bill to amend the Federal Water Pollution Control Act to clarify Federal responsibility for stormwater pollution; to the Committee on Environment and Public Works.

By Mr. REID:

S. 3482. A bill to provide for the development of solar pilot project areas on public land in Lincoln County, Nevada; to the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself and Mr. BURRIS):

S. Res. 549. A resolution congratulating the Chicago Blackhawks on winning the 2010 Stanley Cup; to the Committee on the Judiciary.

By Ms. STABENOW (for herself and Ms. SNOWE):

S. Res. 550. A resolution designating the week beginning on June 14, 2010, and ending on June 18, 2010, as "National Health Information Technology Week" to recognize the value of health information technology to improving health quality; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 260

At the request of Mr. DORGAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 260, a bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity

Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1011

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1011, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1090

At the request of Mr. WYDEN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1090, a bill to amend the Internal Revenue Code of 1986 to provide tax credit parity for electricity produced from renewable resources.

S. 1091

At the request of Mr. WYDEN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1091, a bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes.

S. 1345

At the request of Mr. REED, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1345, a bill to aid and support pediatric involvement in reading and education.

S. 1352

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1352, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1548

At the request of Mr. CARDIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1548, a bill to improve research, diagnosis, and treatment of musculoskeletal diseases, conditions, and injuries, to conduct a longitudinal study on aging, and for other purposes.

S. 1619

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor

of S. 1619, a bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes.

S. 1620

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1620, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives and fees for increasing motor vehicle fuel economy, and for other purposes.

S. 1674

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1674, a bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. 2899

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2899, a bill to amend the American Recovery and Reinvestment Act of 2009 and the Internal Revenue Code of 1986 to provide incentives for the development of solar energy.

S. 3036

At the request of Mr. BAYH, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3072

At the request of Mr. ROCKEFELLER, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 3072, a bill to suspend, during the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions, and for other purposes.

S. 3122

At the request of Mr. ENSIGN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 3122, a bill to require the Attorney General of the United States to compile, and make publicly available, certain data relating to the Equal Access to Justice Act, and for other purposes.

S. 3238

At the request of Mr. SCHUMER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3238, a bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001, and to the

memorials established at the 3 sites that were attacked on that day.

S. 3324

At the request of Mr. BROWN of Ohio, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3324, a bill to amend the Internal Revenue Code of 1986 to extend the qualifying advanced energy project credit.

S. 3335

At the request of Mr. COBURN, the names of the Senator from Delaware (Mr. KAUFMAN), the Senator from Maine (Ms. SNOWE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 3335, a bill to require Congress to establish a unified and searchable database on a public website for congressional earmarks as called for by the President in his 2010 State of the Union Address to Congress.

S. 3411

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3411, a bill to provide for the adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010.

S. 3434

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3434, a bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes.

S. 3447

At the request of Mr. AKAKA, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3447, a bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3461

At the request of Mr. VITTER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3461, a bill to create a fair and efficient system to resolve claims of victims for economic injury caused by the Deepwater Horizon incident, and to direct the Secretary of the Interior to renegotiate the terms of the lease known as "Mississippi Canyon 252" with respect to claims relating to the Deepwater Horizon explosion and oil spill that exceed existing applicable economic liability limitations.

S. 3462

At the request of Mrs. SHAHEEN, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 3462, a bill to provide subpoena power to the National Commission on the British Petroleum Oil Spill in the Gulf of Mexico, and for other purposes.

S.J. RES. 29

At the request of Mr. MCCONNELL, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S.J. Res. 29, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 519

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 548

At the request of Mr. CORNYN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. Res. 548, a resolution to express the sense of the Senate that Israel has an undeniable right to self-defense, and to condemn the recent destabilizing actions by extremists aboard the ship Mavi Marmara.

AMENDMENT NO. 4312

At the request of Mr. VITTER, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 4312 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4321

At the request of Mr. CASEY, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Hawaii (Mr. AKAKA), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Oregon (Mr. MERKLEY), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Delaware (Mr. KAUFMAN), the Senator from New York (Mr. SCHUMER), the Senator from Illinois (Mr. DURBIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 4321 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4324

At the request of Mr. WHITEHOUSE, the names of the Senator from Massachusetts (Mr. BROWN), the Senator

from Vermont (Mr. LEAHY) and the Senator from Missouri (Mrs. McCASKILL) were added as cosponsors of amendment No. 4324 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4327

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 4327 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4332

At the request of Mr. KOHL, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 4332 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4333

At the request of Mr. THUNE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 4333 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

At the request of Mr. MCCONNELL, his name was added as a cosponsor of amendment No. 4333 intended to be proposed to H.R. 4213, *supra*.

STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS

By Mrs. HAGAN (for herself, Mr. CASEY, and Ms. LANDRIEU):

3479. A bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program; to the Committee on Health, Education, Labor, and Pensions.

Mrs. HAGAN. Mr. President, today I am proud to introduce the Birth Defects Prevention, Risk Reduction, and Awareness Act. This bill would ensure that women of childbearing age and health care professionals have access to clinical and evidence based information about the risks and benefits of drug, chemical, and nutritional exposures during pregnancy and while a woman is breastfeeding.

Women who are pregnant or breastfeeding and taking medication for chronic diseases such as asthma, hypertension, and epilepsy often have questions about the risks and benefits. Most pregnant women, as we witnessed last year, really want to know what the science indicates on whether they should get vaccinated against H1N1 or the seasonal flu.

Oftentimes, women will seek answers to these important questions from an established pregnancy and breastfeeding information service. In fact, each year over 70,000 women and health care providers contact these information services across the country. These information services provide valuable information that empowers women. In fact, one study indicated that 78 percent of women who were considering terminating otherwise wanted pregnancies due to fears about exposing their fetus to a medication changed their mind after receiving appropriate counseling from a teratology information service.

It is not just women who use these services; health care providers, including physicians and pharmacists, also utilize these pregnancy and breastfeeding information services. A 2009 study found that over 90 percent of physicians who use these services indicated that the service provides high quality information that has a significant impact on clinical care.

In North Carolina, we have the North Carolina Pregnancy Exposure Riskline, run out of Mission Health System in Asheville. The North Carolina Pregnancy Exposure Riskline fields calls from a variety of constituents, including health care providers, pregnant women, preconception women, potential adoptive parents, and others. Each year, trained genetic counselors answer questions from over 300 callers, who want information on the impact of maternal exposures during pregnancy and while breastfeeding.

The North Carolina Pregnancy Exposure Riskline provides detailed, factual information to callers on the current available data, and makes referrals to pregnancy registries that are continuing to gather information so that researchers and health care providers can have the best information for future women. If needed and requested, counselors will refer women to pregnancy resources such as substances treatment facilities or the NC Family Health Resource line, which has led North Carolina in information campaigns on the benefits of folic acid and "Back to Sleep."

The North Carolina Pregnancy Exposure Riskline also supports the North Carolina Teratology Information Specialists program to provide outreach and education about fetal alcohol syndrome.

Although this is an invaluable service for many women, physicians, and other health care providers, pregnancy and breastfeeding information services across the country have been forced to close due to insufficient funding.

The bill I am introducing today would require the Secretary of Health and Human Services, through the Centers for Disease Control and Prevention, to implement a birth defects prevention and public awareness grant

program. Specifically, CDC would initiate a national media campaign to increase awareness among health care providers and at risk populations about pregnancy and breast feeding information services. Experienced organizations would be eligible to apply for grants: to provide information; and to conduct surveillance and research of pregnancy exposures that may cause birth defects, prematurity or other adverse pregnancy outcomes, and maternal exposures that may cause harm to a breast-fed infant.

I am so pleased that the American Academy of Pediatrics, the American Congress of Obstetricians and Gynecologists, the March of Dimes, the Organization of Teratology Information Specialists, and the American Academy of Asthma & Immunology are in support of this worthwhile bill.

I urge my other colleagues to join me in supporting this important bill to provide valuable information about maternal exposures during pregnancy and while breastfeeding.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARPER):

S. 3480. A bill to amend the Homeland Security Act of 2002 And other laws to enhance the security and resiliency of the cyber and communications infrastructure of the United States; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today to introduce the Protecting Cyberspace as a National Asset Act of 2010, which I believe would help secure the Nation's cyber networks against attack.

The Internet may have started out as a communications oddity some 40 years ago but it is now a necessity of modern life and, sadly, one that is under constant attack. Today, Senators COLLINS, CARPER, and I are introducing legislation which we believe would help secure the most critical cyber networks and therefore all Americans.

For all of its "user-friendly" allure, the Internet can also be a dangerous place with electronic pipelines that run directly into everything from our personal bank accounts to key infrastructure to government and industrial secrets. Our economic security, national security and public safety are now all at risk from new kinds of enemies—cyber-warriors, cyber-spies, cyberterrorists and cyber-criminals. That risk may be as serious to our homeland security as anything we face today.

Computer networks at the Departments of Defense are being probed hundreds of thousands of times a day, and networks at the Departments of State, Homeland Security and Commerce, as well as NASA and the National Defense University, have all suffered "major intrusions by unknown foreign entities," according to reports.

Key networks that control vital infrastructure, like the electric grid, have been probed, possibly giving our enemies information that could be used to plunge us into darkness at the press of a button from across an ocean. Banks have had millions and millions of dollars stolen from accounts by cyber-bandits who have never been anywhere near the banks themselves.

In a report by McAfee—a computer security company, about 54 percent of the executives of critical infrastructure companies surveyed said their companies had been the victims of denial of service attacks or network infiltration by organized crime groups, terrorists, and other nation-states. The downtime to recover from these attacks can cost \$6 million to \$8 million a day.

Our present efforts at securing these vital but sprawling government and private sector networks have been disjointed, understaffed and underfinanced. We have not operated with the sense of urgency that is necessary to protect Americans' cyberspace, which the President has correctly described as a "strategic national asset."

Our bill would bring these disjointed efforts together so that the federal government and the private sector can coordinate their activities and work off the same playbook.

While President Obama's creation of a cyber-security coordinator inside the White House was a step in the right direction, we need to make that position permanent, transparent and accountable to Congress and the American people.

So, our proposal would create a Senate-confirmed White House cyber-security coordinator whose job would be to lead all federal cyber-security efforts; develop a national strategy—that incorporates all elements of cyberspace policy, including military, law enforcement, intelligence, and diplomatic; give policy advice to the President; and resolve interagency disputes.

The Director of the Office of Cyberspace Policy would oversee all related federal cyberspace activities to ensure efficiency and coordination and would report regularly to Congress to ensure transparency and oversight.

Our legislation also would create a National Center for Cybersecurity and Communications, NCCC, within the Department of Homeland Security, DHS, to elevate and strengthen the Department's cyber security capabilities and authorities. The NCCC would be run by a Senate-confirmed Director who would have the authority and resources to work with the rest of the Federal Government to protect public and private sector cyber networks.

DHS has shown that vulnerabilities in key private sector networks—like utilities and communications systems—could bring our economy to its knees if attacked or commandeered by

a foreign power or cyber-terrorists. But other than pointing out a vulnerability, DHS has lacked the power to do anything about it. Our legislation would give DHS the authority to ensure that our nation's most critical infrastructure is protected from cyber attack.

Defense of our cyber networks will only be successful if industry and government work together, so this legislation sets up a collaborative process where the best ideas of the private sector and the government can be used to meet a baseline set of security requirements that DHS would oversee.

Specifically, the NCCC would work with the private sector to establish risk-based security requirements that strengthen the cyber security for the nation's most critical infrastructure, such as vital components of the electric grid, telecommunications networks, and financial sector that, if disrupted, would result in a national or regional catastrophe. Owners and operators of critical infrastructure covered under the act could choose which security measures to implement to meet these risk-based performance requirements. The act would provide some liability protections to owners/operators who demonstrate compliance with the new risk-based security requirements.

Covered critical infrastructure must also report significant breaches to the NCCC to ensure the federal government has a complete picture of the security of these networks. In return, the NCCC would share information, including threat analysis, with owners and operators regarding risks to their networks. The NCCC would also produce and share useful warning, analysis, and threat information with other Federal agencies, State and local governments, and international partners.

To increase security across the private sector more broadly, the NCCC would collaborate with the private sector to develop best practices for cyber security. By promoting best practices and providing voluntary technical assistance as resources permit, the NCCC would help improve cyber security across the Nation. Information the private sector shares with the NCCC would be protected from public disclosure, and private sector owners and operators may obtain security clearances to access information necessary to protect the IT networks the American people depend upon.

Thanks to great work by Senator CARPER, our legislation would update the Federal Information Security Management Act—or FISMA—to require continuous monitoring and protection of our federal networks and do away with the paper-based reporting system that currently exists. The act also would codify and strengthen DHS authorities to establish a complete situational awareness for Federal networks and develop tools to improve resilience

of Federal Government systems and networks.

In the event of an attack—or threat of an attack—that could have catastrophic consequences to our economy, national security or public safety, our bill would give the President the authority to impose emergency measures on a select group of the most critical infrastructure to preserve their cyber networks and assets and protect our country and the American people. These emergency measures would automatically expire within 30 days unless the President ordered an extension.

These measures would be developed in consultation with the private sector and would apply if the President has credible evidence a cyber vulnerability is being exploited or is about to be exploited. If possible, the President must notify Congress in advance about the threat and the emergency measures that would be taken to mitigate it. Any emergency measures imposed must be the least disruptive necessary to respond to the threat. The bill does not authorize any new surveillance authorities, or permit the government to "take over" private networks.

Of course, DHS would need a lot of talented people to accomplish these missions, and our bill gives it the flexibility to recruit, hire, and retain the experts it would need to be successful. Our bill would require the Office of Personnel Management to reform the way cyber security personnel are recruited, hired, and trained and would provide DHS with temporary hiring and pay flexibilities to assist in the quick establishment of the NCCC.

Finally, our legislation would require the Federal Government to develop and implement a strategy to ensure that almost \$80 billion of the information technology products and services it purchases each year are secure and do not provide our adversaries with a backdoor into our networks.

More specifically, the act would require development of a comprehensive supply chain risk management strategy to address risks and threats to the information technology products and services the federal government relies upon. This strategy would allow agencies to make informed decisions when purchasing IT products and services. This provision would be implemented through the Federal Acquisition Regulation, requiring contracting officers to consider the security risks inherent in agency IT procurements. The value of this approach is that once security features are developed to protect federal networks, private sector customers may be able to purchase that same level of security in the products they buy.

The need for this legislation is both obvious and urgent.

A report by the bipartisan Center for Strategic and International Studies, CSIS, concluded that "we face a long-

term challenge in cyberspace from foreign intelligence agencies and militaries, criminals and others, and losing this struggle would wreak serious damage on the economic health and national security of the United States.”

Given these stakes, Senators COLLINS, CARPER, and I are confident our colleagues will join with us and pass the “Protecting Cyberspace as a National Asset Act” in the 110th Congress.

Ms. COLLINS. Mr. President, I rise to join Senators LIEBERMAN and CARPER in introducing the Protecting Cyberspace as a National Asset Act of 2010. This vital legislation would fortify the government's efforts to safeguard America's cyber networks from attack. It would build a public/private partnership to promote national cyber security priorities. It would strengthen the government's ability to set, monitor compliance with, and enforce standards and policies for securing Federal civilian systems and the sensitive information they contain.

The marriage of increasingly robust computer technology to expanding and nearly instantaneous global telecommunications networks is a truly seismic event in human history. This information revolution touches everything, from personal relationships and entertainment to commerce, scientific research, and the most sensitive national security information. Cyberspace is a place of great, even unparalleled, power.

But, to tweak the familiar saying, with great power comes great vulnerability. Cyberspace is under increasing assault on all fronts: cyber vandalism, cyber crime, cyber sabotage, and cyber espionage. Across the world at this moment, computer networks are being hacked, probed, and infiltrated relentlessly. The purpose of these cyber exploits ranges from simple mischief and massive theft to societal mayhem and geopolitical advantage.

In February, Dennis Blair, the former Director of National Intelligence, gave this chilling assessment before the Senate Select Committee on Intelligence:

“Malicious cyber activity is occurring on an unprecedented scale with extraordinary sophistication. While both the threats and technologies associated with cyberspace are dynamic, the existing balance in network technology favors malicious actors, and is likely to continue to do so for the foreseeable future.”

Consider these sobering facts:

Cyber crime costs our national economy nearly \$8 billion annually.

Hackers can operate in relative safety and anonymity from a laptop or desktop anywhere in the world. The expanding capabilities of wireless handheld devices strengthen this cloak of cyber invisibility.

As our national and global economies become ever more intertwined, cyber

terrorists have greater potential to attack high-value targets. From anywhere in the world, they could disrupt telecommunications systems, shut down electric power grids, or freeze financial markets. With sufficient know-how and a few keystrokes, they could cause billions of dollars in damage and put thousands of lives in jeopardy.

As the hackers' techniques advance, the number of hacking attempts is exploding. Just this March, the Senate's Sergeant at Arms reported that the computer systems of Congress and Executive Branch agencies now are under cyber attack an average of 1.8 billion times per month.

Recent examples of cyber attacks are myriad and disturbing:

Press reports a year ago stated that China and Russia had penetrated the computer systems of America's electrical grid. The hackers allegedly left behind malicious hidden software that could be activated later to disrupt the grid during a war or other national crisis.

At about the same time, we learned that, beginning in 2007 and continuing well into 2008, hackers repeatedly broke into the computer systems of the Pentagon's \$300-billion Joint Strike Fighter project. They stole crucial information about the Defense Department's costliest weapons program ever.

In 2007, the country of Estonia was attacked in cyberspace. A 3-week onslaught of botnets overwhelmed the computer systems of the nation's parliament, government ministries, banks, telecommunications networks, and news organizations. This attack on Estonia is a wake-up call that has yet to be sufficiently heeded.

The private sector is also under attack. In January, Google announced that attacks originating in China had targeted its systems as well as the networks of more than 30 other companies. The attacks on Google sought to access the email accounts of Chinese human rights activists. For the other companies, lucrative information, such as critical corporate data and software source codes, were targeted.

Last year, cyber thieves secretly implanted circuitry into keypads sold to British supermarkets, which were then used to steal account information and PIN numbers. This same tactic was used against a large supermarket chain in Maine, compromising more than 4 million credit cards.

Nor are small businesses immune. Last summer, a small Maine construction firm found that cyber crooks had stolen nearly \$600,000 through an elaborate scheme involving dozens of co-conspirators throughout the United States.

These attacks, and the hundreds like them that are occurring at any given time whether on our government or private sector systems, have ushered us into a new age of cyber crime and, in-

deed, cyber warfare. They underscore the high priority we must give to the security of our information technology systems.

The terrorist attacks of September 11, 2001, exposed the vulnerability of our nation to catastrophic attacks. Since that terrible day, we have done much to protect potential targets such as ports, chemical facilities, transportation systems, water supplies, government buildings, and other vital assets. We cannot afford to wait for a “cyber 9/11” before our government finally realizes the importance of protecting our digital resources, limiting our vulnerabilities, and mitigating the consequences of penetrations of our networks.

Chairman LIEBERMAN and I have held a number of hearings on cyber security in the Senate Homeland Security and Governmental Affairs Committee. Senator CARPER has been similarly active, particularly on exploring modifications to the Federal Information Security Management Act that are designed to enhance protections of Federal networks and information.

From our examinations of this issue, we know that there are threats to and vulnerabilities in our cyber networks. We also know that the tactics used to exploit these vulnerabilities are constantly evolving and growing increasingly dangerous. Now, it is time to take action. A strong and sustained Federal effort to promote cyber security is a key component of effective deterrence.

For too long, our approach to cyber security has been disjointed and uncoordinated. This cannot continue. The United States requires a comprehensive cyber security strategy backed by aggressive implementation of effective security measures. There must be strong coordination among law enforcement, intelligence agencies, the military, and the private owners and operators of critical infrastructure.

This bill would establish the essential point of coordination. The Office of Cyberspace Policy in the Executive Office of the President would be run by a Senate-confirmed Director who would advise the President on all cyber security matters. The Director would lead and harmonize Federal efforts to secure cyberspace and would develop a national strategy that incorporates all elements of cyber security policy, including military, law enforcement, intelligence, and diplomacy. The Director would oversee all Federal activities related to the national strategy to ensure efficiency and coordination. The Director would report regularly to Congress to ensure transparency and oversight.

To be clear, the White House official would not be another unaccountable czar. The Cyber Director would be a Senate-confirmed position and thus would testify before Congress. The important responsibilities given to the

Director of the Office of Cyberspace Policy related to cybersecurity are similar to the responsibilities of the current Director of the Office of Science and Technology Policy.

The Cyber Director would advise the President and coordinate efforts across the Executive Branch to protect and improve our cybersecurity posture and communications networks. By working with a strong operational and tactical partner at the Department of Homeland Security, the Director would help improve the security of Federal and private sector networks.

This strong DHS partner would be the National Center for Cybersecurity and Communications, or Cyber Center. It would be located within the Department of Homeland Security to elevate and strengthen the Department's cyber security capabilities and authorities. This Center also would be led by a Senate-confirmed Director.

The Cyber Center, anchored at DHS, with a strong and empowered leader, will close the coordination gaps that currently exist in our disjointed federal cyber security efforts. For day-to-day operations, the Center would use the resources of DHS, and the Center Director would report directly to the Secretary of Homeland Security. On inter-agency matters related to the security of federal networks, the Director would regularly advise the President—a relationship similar to the Director of the NCTC on counterterrorism matters or the Chairman of the Joint Chiefs of Staff on military issues. These dual relationships would give the Center Director sufficient rank and stature to interact effectively with the heads of other departments and agencies, and with the private sector.

Congress has dealt with complex challenges involving the need for inter-agency coordination in the past with a similar construct. We have established strong leaders with supporting organizational structures to coordinate and implement action across agencies, while recognizing and respecting disparate agency missions.

The establishment of the National Counterterrorism Center within the Office of the Director of National Intelligence is a prime example of a successful reorganization that fused the missions of multiple agencies. The Director of NCTC is responsible for the strategic planning of joint counterterrorism operations, and in this role reports to the President. When implementing the information analysis, integration, and sharing mission of the Center, the Director reports to the Director of National Intelligence. These dual roles provide access to the President on strategic, interagency matters, yet provide NCTC with the structural support and resources of the office of the DNI to complete the day-to-day work of the NCTC. The DHS Cyber Center would replicate this successful model for cyber security.

As we have seen repeatedly, from the financial crisis to the environmental catastrophe in the Gulf of Mexico, what happens in the private sector does not always affect just the private sector. The ramifications for government and for the taxpayers often are enormous.

This bill would establish a public/private partnership to improve cyber security. Working collaboratively with the private sector, the Center would produce and share useful warning, analysis, and threat information with the private sector, other Federal agencies, international partners, and state and local governments. By developing and promoting best practices and providing voluntary technical assistance to the private sector, the Center would improve cyber security across the nation. Best practices developed by the Center would be based on collaboration and information sharing with the private sector. Information shared with the Center by the private sector would be protected.

With respect to the owners and operators of our most critical systems and assets, the bill would mandate compliance with certain risk-based performance requirements to close security gaps. These requirements would apply to vital components of the electric grid, telecommunications networks, financial systems, or other critical infrastructure systems that could cause a national or regional catastrophe if disrupted.

This approach would be similar to the current model that DHS employs with the chemical industry. Rather than setting specific standards, DHS would employ a risk-based approach to evaluating cyber vulnerabilities, and the owners and operators of covered critical infrastructure would develop a plan for protecting those vulnerabilities and mitigating the consequences of an attack.

These owners and operators would be able to choose which security measures to implement to meet applicable risk-based performance requirements. The bill does not authorize any new surveillance authorities or permit the government to “take over” private networks. This model would allow for continued innovation and dynamism that are fundamental to the success of the IT sector.

The bill would provide limited liability protections to the owners and operators of covered critical infrastructure that comply with the new risk-based performance requirements. Covered critical infrastructure also would be required to report certain significant breaches affecting vital system functions to the center. These reports would help ensure that the Federal Government has comprehensive awareness of the security risks facing these critical networks.

If a cyber attack is imminent or occurring, the bill would provide a re-

sponsible framework, developed in coordination with the private sector, for the President to authorize emergency measures to protect the Nation's most critical infrastructure. The President would be required to notify Congress in advance of the declaration of a national cyber emergency, or as soon thereafter as possible. This notice would include the nature of the threat, the reason existing protective measures are insufficient to respond to the threat, and the emergency actions necessary to mitigate the threat. The emergency measures would be limited in duration and scope.

Any emergency actions directed by the President during the 30-day period covered by the declaration must be the least disruptive means feasible to respond to the threat. Liability protections would apply to owners and operators required to implement these measures, and if other mitigation options were available, owners and operators could propose those alternative measures to the Director and, once approved, implement those in lieu of the mandatory emergency measures.

The center also would share information, including threat analysis, with owners and operators of critical infrastructure regarding risks affecting the security of their sectors. The center would work with sector-specific agencies and other Federal agencies with existing regulatory authority to avoid duplication of requirements, to use existing expertise, and to ensure government resources are employed in the most efficient and effective manner.

With regard to Federal networks, the Federal Information Security Management Act—known as FISMA—gives the Office of Management and Budget broad authority to oversee agency information security measures. In practice, however, FISMA is frequently criticized as a “paperwork exercise” that offers little real security and leads to a disjointed cyber security regime in which each Federal agency haphazardly implements its own security measures.

The bill we introduce today would transform FISMA from paper-based to real-time responses. It would codify and strengthen DHS authorities to establish complete situational awareness for Federal networks and develop tools to improve resilience of Federal Government systems and networks.

The legislation also would take advantage of the Federal Government's massive purchasing power to help bring heightened cyber security standards to the marketplace. Specifically, the Director of the Center would be charged with developing a supply chain risk management strategy applicable to Federal procurements. This strategy would emphasize the security of information systems from development to acquisition and throughout their operational life cycle.

While the Director should not be responsible for micromanaging individual procurements or directing investments, we have seen far too often that security is not a primary concern when agencies procure their IT systems. Recommending security investments to OMB and providing strategic guidance on security enhancements early in the development and acquisition process will help “bake in” security. Cyber security can no longer be an afterthought in our government agencies.

These improvements in Federal acquisition policy should have beneficial ripple effects in the larger commercial market. As a large customer, the Federal Government can contract with companies to innovate and improve the security of their IT services and products. With the Government’s vast purchasing power, these innovations can establish new security baselines for services and products offered to the private sector and the general public.

Finally, the legislation would direct the Office of Personnel Management to reform the way cyber security personnel are recruited, hired, and trained to ensure that the Federal Government and the private sector have the talent necessary to lead this national effort and protect its own networks. The bill would also provide DHS with temporary hiring and pay flexibilities to assist in the establishment of the center.

Some have suggested that this effort can be led from the White House alone—why create a new center at DHS and two Senate-confirmed Director positions? One of the great lessons of 9/11 is that true security demands aggressive oversight, expert evaluation, and thorough testing of systems. There must be constant, real-time monitoring of security and analysis of threats. This task requires much more than a cyber czar. It requires strong civilian counterparts to the Secretary of Defense and the Director of National Intelligence. These Directors, at the White House and at DHS, would serve as those counterparts.

The National Security Agency and other intelligence agencies possess enormous skills and resources, but privacy and civil liberties demands preclude these agencies from shouldering a leadership role in the security of our civilian information technology systems. The intelligence community must play a critical part in providing threat information, but it cannot lead the cyber security effort.

We are all acutely aware that there are those who seek to do harm to this country and to our people. If hackers can nearly bring Estonia to its knees through cyber attacks, infiltrate our military’s most closely-guarded project, and, in the case of Google, hack the computers owned and operated by some of the world’s most suc-

cessful computer experts, we must assume even more spectacular and potentially devastating attacks lie ahead.

We must be ready. It is vitally important that we build a strong public-private partnership to protect cyberspace. It is a vital engine of our economy, our government, our country and our future. I urge my colleagues to support this crucial legislation.

By Mr. CARDIN:

S. 3481. A bill to amend the Federal Water Pollution Control Act to clarify Federal responsibility for stormwater pollution; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, in recent weeks the issue of polluted stormwater runoff from federal properties has again gained significant attention. I continue to have grave concerns about the failure of the Federal Government to pay localities for reasonable costs associated with the control and abatement of pollution that is originating on its properties. At stake is a fundamental issue of equity: polluters should be financially responsible for the pollution that they cause. That includes the Federal Government.

Today I am introducing legislation that makes it clear. Uncle Sam must pay his bills just like every other American.

Annually hundreds of thousands of pounds of pollutants wash off the hardened surfaces in urban areas and into local rivers and streams, threatening the health of our citizens and causing significant environmental degradation. A one-acre parking lot produces about 16 times the volume of runoff that comes from a one-acre meadow. These pollutants include heavy metals, nitrogen and phosphorous, oil and grease, pesticides, bacteria, including deadly *e. coli*, sediment, toxic chemicals, and debris. Indeed, stormwater runoff is the largest source sector for many imperiled bodies of water across the country. According to the Environmental Protection Agency, stormwater pollution affects all types of water bodies including in order of severity; ocean shoreline, estuaries such as the Chesapeake Bay, Great Lakes shorelines, lakes and rivers. Degraded aquatic habitats are found everywhere that stormwater enters local waterways.

On October 5, 2009, President Obama issued a Federal Executive order on sustainability which set goals for Federal agencies and focused on making improvements in their environmental, energy and economic performance. Among other requirements, the order specifically requires the implementation of the stormwater provisions of the Energy Independence and Security Act of 2007, section 438.

I am the author of that provision, which requires the Federal Government to maintain the predevelopment hydrology “to the maximum extent

practicable” of all new building sites or major renovations. This requirement echoed the provision in the President’s Chesapeake Bay Protection and Restoration Executive Order issued on May 12, 2009. In the final Strategy for Protecting and Restoring the Chesapeake Bay Watershed, issued on the one-year anniversary of the Executive Order, each Federal agency is being called upon to implement “the stormwater requirements for new development and redevelopment in Section 438 of the Energy Independence and Security Act. . .” (pp. 33-34). These parallel Federal stormwater management requirements are explicit recognition of the importance of controlling and managing stormwater pollution from Federal properties.

As EPA requires more communities to address stormwater pollution through Clean Water Act required Municipal Separate Storm Sewer System permits, these communities are responding with a variety of fee-based management systems that will allow them to mitigate, manage and prevent this type of pollution.

The EPA requires National Pollution Discharge Elimination Permits for large communities. The President has issued two Executive Orders that directly note the need to address this type of pollution “to the maximum extent practicable.” Clearly, these actions demonstrate that the administration recognizes the importance of dealing adequately with stormwater pollution.

I believe that this administration recognizes its responsibility to manage the stormwater pollution that comes off Federal properties. But that responsibility needs to translate into payments to the local governments that are forced to deal with this pollution. That commitment needs to be more than an Executive order. Adopting the legislation that I am introducing today will remove all ambiguity about the responsibility of the Federal Government to pay these normal and customary stormwater fees.

This is a matter of basic equity. I call upon all of my colleagues to join me in supporting this simple legislative remedy.

Mr. President, I ask unanimous consent that the text of the bill he printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3481

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. FEDERAL RESPONSIBILITY FOR STORMWATER POLLUTION.**

Section 313 of the Federal Water Pollution Control Act (33 U.S.C. 1323) is amended by adding at the end the following:

“(c) **FEDERAL RESPONSIBILITY FOR STORMWATER POLLUTION.**—Reasonable service charges described in subsection (a) include reasonable fees or assessments made

for the purpose of stormwater management in the same manner and to the same extent as any nongovernmental entity.

“(d) NO TREATMENT AS TAX OR LEVY.—A fee or assessment described in this section—

“(1) shall not be considered to be a tax or other levy subject to an assertion of sovereign immunity; and

“(2) may be paid using appropriated funds.”.

By Mr. REID:

S. 3482. A bill to provide for the development of solar pilot project areas on public land in Lincoln County, Nevada; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, today I rise to introduce the American Solar Energy Pilot Leasing Act of 2010. Solar energy development is a critical factor in creating jobs and making the United States energy independent. This legislation will provide a pilot program for the Department of the Interior to develop a solar leasing program in Nevada.

The Secretary of the Interior, though the Bureau of Land Management, BLM, is currently developing a west wide solar energy program based on existing laws and regulations. The BLM, however, does not currently have the legal authority to lease public lands for solar development. This bill will establish, in Lincoln County, the first Federal solar leasing program in the U.S., which will serve as a pilot project for the Department of the Interior in order to guide development of solar leasing throughout the west in the years to come.

The American Solar Energy Pilot Leasing Act designates two solar development zones in Lincoln County for commercial solar energy development. The 10,945 acre Dry Lake zone and the 2,845 acre Delamar Valley zone are within high solar potential areas identified by the BLM and were selected by Lincoln County based on extensive public input. Since the solar zones border the Southwest Intertie Project, SWIP, transmission corridor, these projects will create the opportunity for southern Nevada and California to tap directly into Lincoln County's abundant renewable power resources.

Our bill directs the agency to consult with the County and local stakeholders before offering both parcels for lease not more than 60 days after the bill becomes law. In order to ensure efficient and wise development throughout the west, the BLM is also directed to establish diligent development requirements to ensure leased areas are efficiently developed and to promulgate regulations to guide development of the burgeoning solar leasing program.

The act directs the BLM to set a royalty rate at a level that will encourage efficient production of solar energy and ensure a fair return to the public for the necessary development of the public lands. As part of this program, the

BLM is given the flexibility to charge a lower royalty, or even no royalty, for up to five years after energy generation begins as an incentive to promote the maximum generation of solar energy.

Royalties and fees from these solar leasing pilot projects will be disbursed into four accounts. Thirty-five percent will be deposited into the Renewable Energy Mitigation Fish and Wildlife Fund—established by this act to protect and restore wildlife and their habitat and to implement the Land and Water Conservation Fund in Nevada. The State of Nevada and Lincoln County will each receive 25 percent of the collected royalties and fees. The last 15 percent will be directed to the BLM to fund renewable energy permit processing over the next 10 years. At the end of that 10-year period, this 15 percent will be directed to the Renewable Energy Mitigation Fish and Wildlife Fund, in addition to the 35 percent initially set aside for this account.

As you know, I have been a longtime champion for the development of clean, renewable energy resources. Nevada has unparalleled potential for solar energy development and is poised to lead our Nation in clean energy development and innovation. This is a significant step toward moving our country away from dirty fossil fuels and creating a new job market in the west. The model established by this legislation will also reinvest a responsible portion of the royalties and fees from solar energy development into the states and rural communities whose land is being used to power our Nation.

I would like to thank Lincoln County and a great number of sportsmen, ranchers, and conservationists who have helped us shape this legislation. I am pleased to bring this bill to the committee and I look forward to working with Chairman BINGAMAN, Ranking Member MURKOWSKI and the other distinguished members to move this bill through the legislative process.

Mr. President, I ask for unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3482

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “American Solar Energy Pilot Leasing Act of 2010”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) COUNTY.—The term “County” means Lincoln County, Nevada.

(2) FEDERAL LAND.—The term “Federal land” means any of the Federal land in the State under the administrative jurisdiction of the Bureau of Land Management that is identified as a “solar development zone” on the maps.

(3) FUND.—The term “Fund” means the Renewable Energy Mitigation and Fish and

Wildlife Fund established by section 3(d)(5)(A).

(4) MAP.—The term “map” means each of—  
(A) the map entitled “Dry Lake Valley Solar Development Zone” and dated May 25, 2010; and

(B) the map entitled “Delamar Valley Solar Development Zone” and dated May 25, 2010.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(6) STATE.—The term “State” means the State of Nevada.

#### SEC. 3. DEVELOPMENT OF SOLAR PILOT PROJECT AREAS ON PUBLIC LAND IN LINCOLN COUNTY, NEVADA.

(a) DESIGNATION.—In accordance with sections 201 and 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711, 1712) and subject to valid existing rights, the Secretary shall designate the Federal land as a solar pilot project area.

(b) APPLICABLE LAW.—The designation of the solar pilot project area under subsection (a) shall be subject to the requirements of—

- (1) this Act;
- (2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and
- (3) any other applicable law (including regulations).

(c) SOLAR LEASE SALES.—

(1) IN GENERAL.—The Secretary shall conduct lease sales and issue leases for commercial solar energy development on the Federal land, in accordance with this subsection.

(2) DEADLINE FOR LEASE SALES.—Not later than 60 days after the date of enactment of this Act, the Secretary, after consulting with affected governments and other stakeholders, shall conduct lease sales for the Federal land.

(3) EASEMENTS, SPECIAL-USE PERMITS, AND RIGHTS-OF-WAY.—Except for the temporary placement and operation of testing or data collection devices, as the Secretary determines to be appropriate, and the rights-of-way granted under section 301(b)(1) of the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108-424; 118 Stat. 2413) and BLM Case File N-78803, no new easements, special-use permits, or rights-of-way shall be allowed on the Federal land during the period beginning on the date of enactment of this Act and ending on the date of the issuance of a lease for the Federal land.

(4) DILIGENT DEVELOPMENT REQUIREMENTS.—In issuing a lease under this subsection, the Secretary shall include work requirements and mandatory milestones—

(A) to ensure that diligent development is carried out under the lease; and

(B) to reduce speculative behavior.

(5) LAND MANAGEMENT.—The Secretary shall—

(A) establish the duration of leases issued under this subsection;

(B) include provisions in the lease requiring the holder of a lease granted under this subsection—

(i) to furnish a reclamation bond or other form of security determined to be appropriate by the Secretary;

(ii) on completion of the activities authorized by the lease—

(I) to restore the Federal land that is subject to the lease to the condition in which the Federal land existed before the lease was granted; or

(II) to conduct mitigation activities if restoration of the land to the condition described in subclause (I) is impracticable; and

(iii) to comply with such other requirements as the Secretary considers necessary to protect the interests of the public and the United States; and

(C)(i) establish best management practices to ensure the sound, efficient, and environmentally responsible development of solar resources on the Federal land in a manner that would avoid, minimize, and mitigate actual and anticipated impacts to habitat and ecosystem function resulting from the development; and

(ii) include provisions in the lease requiring renewable energy operators to comply with the practices established under clause (i).

(D) ROYALTIES.—

(1) IN GENERAL.—The Secretary shall establish royalties, fees, rentals, bonuses, and any other payments the Secretary determines to be appropriate to ensure a fair return to the United States for any lease issued under this section.

(2) RATE.—Any lease issued under this section shall require the payment of a royalty established by the Secretary by regulation in an amount that is equal to a percentage of the gross proceeds from the sale of electricity at a rate that—

(A) encourages production of solar energy;

(B) ensures a fair return to the public comparable to the return that would be obtained on State and private land; and

(C) encourages the maximum energy generation practicable using the least amount of land and other natural resources, including water.

(3) ROYALTY RELIEF.—To promote the maximum generation of renewable energy, the Secretary may provide that no royalty or a reduced royalty is required under a lease for a period not to exceed 5 years beginning on the date on which generation is initially commenced on the Federal land subject to the lease.

(4) DISPOSITION OF PROCEEDS.—

(A) IN GENERAL.—Of the amounts collected as royalties, fees, rentals, bonuses, or other payments under a lease issued under this section—

(i) 25 percent shall be paid by the Secretary of the Treasury to the State within the boundaries of which the income is derived;

(ii) 25 percent shall be paid by the Secretary of the Treasury to the 1 or more counties within the boundaries of which the income is derived;

(iii) 15 percent shall—

(I) for the period beginning on the date of enactment of this Act and ending on the date specified in subclause (II), be deposited in the Treasury of the United States to help facilitate the processing of renewable energy permits by the Bureau of Land Management in the State, subject to subparagraph (B)(i)(I); and

(II) beginning on the date that is 10 years after the date of enactment of this Act, be deposited in the Fund; and

(iv) 35 percent shall be deposited in the Fund.

(B) LIMITATIONS.—

(1) RENEWABLE ENERGY PERMITS.—For purposes of subclause (I) of subparagraph (A)(iii)—

(I) not more than \$10,000,000 shall be deposited in the Treasury at any 1 time under that subclause; and

(II) the following shall be deposited in the Fund:

(aa) Any amounts collected under that subclause that are not obligated by the date specified in subparagraph (A)(iii)(II).

(bb) Any amounts that exceed the \$10,000,000 deposit limit under subclause (I).

(ii) FUND.—Any amounts deposited in the Fund under clause (i)(II) or subparagraph (A)(iii)(II) shall be in addition to amounts deposited in the Fund under subparagraph (A)(iv).

(5) RENEWABLE ENERGY MITIGATION AND FISH AND WILDLIFE FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the “Renewable Energy Mitigation and Fish and Wildlife Fund”, to be administered by the Secretary, for use in the State.

(B) USE OF FUNDS.—Amounts in the Fund shall be available to the Secretary, who may make the amounts available to the State or other interested parties for the purposes of—

(i) mitigating impacts of renewable energy on public land, with priority given to land affected by the solar development zones designated under this Act, including—

(I) protecting wildlife corridors and other sensitive land; and

(II) fish and wildlife habitat restoration; and

(ii) carrying out activities authorized under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.) in the State.

(C) AVAILABILITY OF AMOUNTS.—Amounts in the Fund shall be available for expenditure, in accordance with this paragraph, without further appropriation, and without fiscal year limitation.

(D) INVESTMENT OF FUND.—

(i) IN GENERAL.—Any amounts deposited in the Fund shall earn interest in an amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities.

(ii) USE.—Any interest earned under clause (i) may be expended in accordance with this paragraph.

(e) PRIORITY DEVELOPMENT.—

(1) IN GENERAL.—Within the County, the Secretary shall give highest priority consideration to implementation of the solar lease sales provided for under this Act.

(2) EVALUATION.—The Secretary shall evaluate other solar development proposals in the County not provided for under this Act in consultation with the State, County, and other interested stakeholders.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 549—CONGRATULATING THE CHICAGO BLACKHAWKS ON WINNING THE 2010 STANLEY CUP

Mr. DURBIN (for himself and Mr. BURRIS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 549

Whereas, on June 9, 2010, the Chicago Blackhawks hockey team won the Stanley Cup;

Whereas the 2010 Stanley Cup win is the first Stanley Cup win for the Blackhawks since 1961, when John F. Kennedy was president and the Peace Corps was first established;

Whereas the Blackhawks joined the National Hockey League in 1926 and have a rich history in the League;

Whereas the Blackhawks were 1 of the original 6 teams in the National Hockey League;

Whereas, during a very difficult period for the National Hockey League, the Blackhawks remained a strong and competitive team, winning the Stanley Cup in 1934, 1938, and 1961;

Whereas the Stanley Cup championship appearance in 2010 is the first for the Blackhawks since 1992;

Whereas the Blackhawks posted a regular season record of 52-22-8, and the team dominated opponents during the playoffs, with 12 wins and only 4 losses, including a sweep of the number 1-seeded San Jose Sharks to win the Western Conference championship and advance to the Stanley Cup finals;

Whereas General Manager Stan Bowman, Head Coach Joel Quenneville, President John F. McDonough, and owner Rocky Wirtz have put together and led a great organization;

Whereas several Blackhawks players competed in the Olympic games and faithfully returned to the Blackhawks to help secure a championship, including—

(1) Patrick Kane, who played for the United States;

(2) Jonathan Toews, Brent Seabrook, and Duncan Keith, who played for Canada; and

(3) Tomas Kopecky and Marian Hossa, who played for Slovakia;

Whereas all 34 active players, whose shared goal was to end the 49-year championship drought, collectively contributed to a victorious season, including Kyle Beach, Bryan Bickell, Dave Bolland, Nick Boynton, Troy Brouwer, Adam Burish, Dustin Byfuglien, Brian Campbell, Brian Connelly, Corey Crawford, Jassen Cullimore, Jake Dowell, Ben Eager, Colin Fraser, Jordan Hendry, Niklas Hjalmarsson, Marian Hossa, Cristobal Huet, Kim Johnsson, Patrick Kane, Duncan Keith, Tomas Kopecky, Andrew Ladd, Shawn Lalonde, John Madden, Antti Niemi, Danny Richmond, Brent Seabrook, Patrick Sharp, Jack Skille, Brent Sopel, Jonathan Toews, Hannu Toivonen, and Kris Versteeg;

Whereas the 2010 Blackhawks players follow in the giant footsteps of the great players in Blackhawk history who have had their numbers retired, including Glenn Hall (#1), Keith Magnuson (#3), Pierre Pilote (#3), Bobby Hull (#9), Denis Savard (#18), Stan Mikita (#21), and Tony Esposito (#35);

Whereas the city of Chicago welcomes the first championship in the city in 5 years with open arms;

Whereas a new generation of young fans in Chicago and around the State of Illinois are discovering the joy of championship hockey; and

Whereas the Nashville Predators, Vancouver Canucks, San Jose Sharks, and the Philadelphia Flyers proved to be worthy and honorable adversaries and also deserve recognition: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Chicago Blackhawks on winning the 2010 Stanley Cup;

(2) commends the fans, players, and management of the Philadelphia Flyers for allowing the Chicago Blackhawks and the many supporters of the Chicago Blackhawks to celebrate the first Stanley Cup win for the team in 49 years at the Wachovia Center, the arena of the Philadelphia Flyers; and

(3) respectfully directs the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the 2010 Chicago Blackhawks hockey organization; and

(B) the Blackhawks owner Rocky Wirtz.

Mr. DURBIN. Mr. President, Chicago has its cold days, and icy sidewalks in the winter. But this year's winter proved to be the right opportunity for

the perfect conditions for Illinois' most recently acclaimed sons and daughters, the Chicago Blackhawks hockey team, which won the Stanley Cup last night in Philadelphia.

The city of Chicago and State of Illinois have some of the best sports fans in America, particularly when it comes to hockey. Last night the fans received their reward as they watched Towes, the youngest captain in the National Hockey League at age 22, hoist the Stanley Cup over his head as the team ended a 49-year drought and again became the National Hockey League champions; 49 years, and now champions again.

It gives us Cubs fans hope. The fight song of the team begins, "Here come the hawks, the mighty Blackhawks." The team lived up to that song last night as they defeated the Philadelphia Flyers and in a hard-fought game in overtime in the sixth game of the series. An amazing end to a great season. Just over 4 minutes and 6 seconds into the overtime, 2010 Olympian Patrick Kane scored with an amazing shot you have to see to believe. His efforts were matched by goals from teammates Dustin Byfuglien, Patrick Sharp, Andrew Ladd, and 21 saves by the fabulous goal tender Antti Niemi.

The last time the Blackhawks won the Stanley Cup was 1961. John Kennedy was President. They also won that cup in six games with the assistance of hockey legends Bobby Hull, Stan Mikita, and Murray Balfour. Who can forget those legendary players?

This is the fourth Stanley Cup win for a team with a rich hockey history that began in 1926. Today we celebrate the players who will be tomorrow's legends. This achievement was not achieved without the hard work and determination on the part of the team, the front office, and those incredible players.

I congratulate their coach, Joel Quenneville, on his unbelievable 2-year run in leading the team to victory; also to team president John McDonough who brought new life to the Chicago Blackhawks, and the city of Chicago, and owner Rocky Wirtz, maybe the only major sports owner in America who is cheered wildly whenever his name is mentioned at a game. He assembled a strong office team that developed the Blackhawks into champions. This victory was the result of the exceptional gamesmanship of all of the players and all of the work from the staff and the assistance and encouragement from owners and fans.

I congratulate all of them for this remarkable achievement. I am proud to have the Blackhawks in my State of Illinois. Illinois sports fans have developed patience when it comes to their teams, and truly great things can come to those who wait.

With two Illinois teams earning national championships in 5 years—that

is the Chicago White Sox and the Chicago Blackhawks—our fans can celebrate the recent triumphs and hope for many years to come.

Now I have a resolution that I have sent to the desk. It is working its way through the Senate, and we are hopeful that before the end of this session, with the bipartisan cooperation of cheering for these new Stanley Cup champions, we will be able to enact this resolution and send it off so tomorrow's victory parade and rally will be complete. I know they are waiting anxiously for the receipt of the Senate resolution. So I hope we can get this done this evening.

Mr. BURRIS. Last night, and well into this morning, the sounds of celebration rang through the streets of Chicago.

Throughout the city, a proud anthem was sung, an anthem which begins:

Here come the Hawks—the mighty Blackhawks.

Many consider the Stanley Cup to be the most difficult trophy to win in all of professional sports.

But last night, thanks to an extraordinary Blackhawks team, the historic Stanley Cup has returned to Chicago for the first time in nearly half a century.

This incredible season caps an impressive renaissance for one of the National Hockey League's oldest and most storied franchises.

When Rocky Wirtz took the helm of this organization following the loss of his father, longtime Blackhawks owner Bill Wirtz, he moved aggressively to restore his team to excellence.

He reached out to the Chicago community, which comprises some of the greatest sports fans in the world.

He brought fresh talent to the team's roster and coaching staff, and partnered with Chicago institutions like WGN-TV to bring hockey to a wider audience.

As a result, he was able to catch lightning in a bottle, and set his team on the path to a truly historic season.

From the very beginning of this year, every Hawks fan could tell that this team showed some real promise.

Time and again, they battled adversity and overcame it.

Time and again they were tested, but in each successive game, they laced up their skates and took to the ice with growing confidence and a fiery will to win.

Finally, after a dominant regular season and an outstanding showing against playoff opponents, only the Philadelphia Flyers stood between them and their first national title in 49 years.

There is no question that both of these teams deserved to be in contention for the Stanley Cup.

There is little doubt that these fine athletes, from Philadelphia and Chicago, are among the very best in the sport of hockey.

So it was no surprise that this year's Stanley Cup Finals proved to be an exciting and hard-fought series of games.

I congratulate the Flyers and their fans on an outstanding season, and I applaud their sportsmanship throughout the year. They played with grit and determination, right up to the very last moment.

But in the end, there can be only one champion.

And last night, in a thrilling overtime performance that brought the city of Philadelphia to a standstill and the City of Chicago to its feet, the Blackhawks indisputably won the Stanley Cup.

That is why I am proud to join my good friend Senator DURBIN to introduce a Senate Resolution in honor of this team.

And I ask my colleagues to join with us in celebrating this remarkable achievement.

I congratulate the owners, the entire coaching staff, and every member of the Blackhawks organization.

And I applaud each and every athlete who took part in this incredible victory.

Their names are etched forever into Chicago sports history, just as they will soon be etched into the Stanley Cup Trophy itself.

Finally, I would like to congratulate the people of Chicago, and Blackhawks fans all over the country, who have kept the faith for 49 years, never doubting that greatness would one day return to their hockey team.

I got married in 1961. That is the last time they won the Stanley cup.

Their day has finally come, and this championship belongs to them.

I am proud to join them in celebration, and I am eager to see the Stanley Cup on display back home in Chicago, right where it belongs.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. I certainly want to offer my congratulations to the city of Chicago. Being from Massachusetts, having the World Champion Red Sox, Celtics, New England Patriots, Bruins, New England Revolution, I can certainly appreciate the victory that was brought to the city of Chicago. Certainly when the President has them to the White House, I am hoping he will offer the same courtesy to the NCAA Champion Boston College mens' hockey team as well.

SENATE RESOLUTION 550—DESIGNATING THE WEEK BEGINNING ON JUNE 14, 2010, AND ENDING ON JUNE 18, 2010, AS “NATIONAL HEALTH INFORMATION TECHNOLOGY WEEK” TO RECOGNIZE THE VALUE OF HEALTH INFORMATION TECHNOLOGY TO IMPROVING HEALTH QUALITY

Ms. STABENOW (for herself and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 550

Whereas the Healthcare Information and Management Systems Society has collaborated with more than 5 dozen healthcare organizations for almost 50 years to transform health care by improving information technology and management systems;

Whereas the Center for Information Technology Leadership estimates that the implementation of national standards for interoperability and the exchange of health information would save the United States approximately \$77,000,000,000 in expenses relating to health care each year;

Whereas health care information technology and management systems have been recognized as essential tools for improving the quality and cost efficiency of the health care system;

Whereas Congress has made a commitment to leveraging the benefits of the health care information technology and management systems, including through the adoption of electronic medical records that will help to reduce costs and improve quality while ensuring privacy of patients and codification of the Office of the National Coordinator for Health Information Technology;

Whereas Congress has emphasized improving the quality and safety of delivery of health care in the United States; and

Whereas since 2006, organizations across the United States have united to support National Health Information Technology Week to improve public awareness of the benefits of improved quality and cost efficiency of the health care system that the implementation of health information technology could achieve: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning on June 14, 2010, and ending on June 18, 2010, as “National Health Information Technology Week”;

(2) recognizes the value of information technology and management systems in transforming health care for the people of the United States; and

(3) calls on all interested parties to promote the use of information technology and management systems to transform the health care system in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4334. Mr. ISAKSON (for himself, Mr. DODD, and Mr. REID) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 4335. Mr. NELSON of Florida (for himself, Ms. LANDRIEU, Mr. LEMIEUX, Mr. VITTER, Mr. SHELBY, Mr. WICKER, Mr. COCHRAN, and Mr. SCHUMER) submitted an amendment

intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4336. Mr. GRASSLEY (for himself, Mr. ROBERTS, Mr. CRAPO, Mr. NELSON of Nebraska, Mr. HATCH, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4337. Ms. KLOBUCHAR (for herself and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4338. Mr. WICKER (for himself, Ms. LANDRIEU, Mr. COCHRAN, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4339. Mr. DORGAN (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 3360, to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes.

SA 4340. Mr. LEVIN (for himself, Mr. KAUFMAN, Mr. NELSON of Florida, Mrs. SHAHEEN, Mrs. MCCASKILL, Mr. WHITEHOUSE, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 4341. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4342. Ms. SNOWE (for herself, Mr. ENZI, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4334. Mr. ISAKSON (for himself, Mr. DODD, and Mr. REID) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle B of title II, insert the following:

SEC. —. FIRST-TIME HOMEBUYER CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 36(h) is amended by striking “paragraph (1) shall be applied by substituting ‘July 1, 2010’” and inserting “and who purchases such residence before October 1, 2010, paragraph (1) shall be applied by substituting ‘October 1, 2010’”.

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 36(h)(3) is amended by inserting “and for ‘October 1, 2010’” after “for ‘July 1, 2010’”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to residences purchased after June 30, 2010.

SA 4335. Mr. NELSON of Florida (for himself, Ms. LANDRIEU, Mr. LEMIEUX, Mr. VITTER, Mr. SHELBY, Mr. WICKER, Mr. COCHRAN, and Mr. SCHUMER) submitted an amendment intended to be

proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. —. 5-YEAR NET OPERATING LOSS CARRYBACK FOR CERTAIN OIL SPILL-RELATED LOSSES.

(a) EXTENSION OF NET OPERATING LOSS CARRYBACK PERIOD.—Paragraph (1) of section 172(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(K) CERTAIN OIL SPILL-RELATED LOSSES.—In the case of a taxpayer which has a qualified oil spill loss (as defined in subsection (k)) for a taxable year, such qualified oil spill loss shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss.”.

(b) QUALIFIED OIL SPILL LOSS.—Section 172 of the Internal Revenue Code of 1986 is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

“(k) RULES RELATING TO QUALIFIED OIL SPILL LOSSES.—For purposes of this section—

“(1) QUALIFIED OIL SPILL LOSSES.—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term ‘qualified oil spill loss’ means the lesser of—

“(i) the excess of—

“(I) the amount of losses in a taxable year ending after April 20, 2010, and before October 1, 2011, incurred by a commercial or charter fishing business operating in the Gulf of Mexico or a Gulf of Mexico tourism-related business attributable to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, over

“(II) amounts received during such taxable year as payments for lost profits and earning capacity under section 1002(b)(2)(E) of the Oil Pollution Act of 1990 (33 U.S.C. 2702(b)(2)(E)), or

“(ii) the amount of the net operating loss for such taxable year.

“(B) SAFE HARBOR FOR CERTAIN SMALL BUSINESSES.—In the case of—

“(i) any commercial or charter fishing business operating in the Gulf of Mexico, or

“(ii) any Gulf of Mexico tourism-related business,

the gross revenues of which for any taxable year ending after April 20, 2010, and before October 1, 2011, do not exceed \$5,000,000, such term means the amount of the net operating loss of such business for such taxable year.

“(C) COORDINATION WITH QUALIFIED DISASTER LOSSES.—Such term shall not include any qualified disaster loss (as defined in subsection (j)).

“(2) COORDINATION WITH SUBSECTION (b)(2).—

For purposes of applying subsection (b)(2), a qualified oil spill loss for any taxable year shall be treated in a manner similar to the manner in which a specified liability loss is treated.

“(3) ELECTION.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(K) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(K). Such election shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer’s return for the taxable year of the

net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.

“(4) GULF OF MEXICO TOURISM-RELATED BUSINESS.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘Gulf of Mexico tourism-related business’ means a hotel, lodging, recreation, entertainment, or restaurant business located in a Gulf Coast community.

“(B) GULF COAST COMMUNITY.—The term ‘Gulf Coast community’ means any county or parish in the States of Louisiana, Mississippi, Alabama, or Florida which borders the Gulf of Mexico.”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to net operating losses arising in taxable years ending after April 20, 2010.

(2) TRANSITION RULE.—In the case of a net operating loss for a taxable year ending before the date of the enactment of this Act—

(A) notwithstanding section 172(b)(1)(H)(iii)(II), any election made under subsection (b)(1)(H) or 172(b)(3) of section 172 of such Code with respect to such loss may (notwithstanding such section) be revoked before the applicable date,

(B) any election made under section 172(b)(1)(K) of such Code with respect to such loss shall (notwithstanding such section) be treated as timely made if made before the applicable date, and

(C) any application under section 6411(a) of such Code with respect to such loss shall be treated as timely filed if filed before the applicable date.

For purposes of this paragraph, the term “applicable date” means the date which is 60 days after the date of the enactment of this Act.

**SA 4336.** Mr. GRASSLEY (for himself, Mr. ROBERTS, Mr. CRAPO, Mr. NELSON of Nebraska, Mr. HATCH, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **TITLE VIII—SMALL BUSINESS PENALTY FAIRNESS**

##### **SEC. 801. LIMITATION ON PENALTY FOR FAILURE TO DISCLOSE REPORTABLE TRANSACTIONS BASED ON RESULTING TAX BENEFITS.**

(a) IN GENERAL.—Subsection (b) of section 6707A of the Internal Revenue Code of 1986 is amended to read as follows:

“(b) AMOUNT OF PENALTY.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, the amount of the penalty under subsection (a) with respect to any reportable transaction shall be 75 percent of the decrease in tax shown on the return as a result of such transaction (or which would have resulted from such transaction if such transaction were respected for Federal tax purposes).

“(2) MAXIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any reportable transaction shall not exceed—

“(A) in the case of a listed transaction, \$200,000 (\$100,000 in the case of a natural person),

“(B) in the case of any other reportable transaction, \$50,000 (\$10,000 in the case of a natural person).

“(3) MINIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any transaction shall not be less than \$10,000 (\$5,000 in the case of a natural person).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to penalties assessed after December 31, 2006.

##### **SEC. 802. REPORT ON TAX SHELTER PENALTIES AND CERTAIN OTHER ENFORCEMENT ACTIONS.**

(a) IN GENERAL.—The Commissioner of Internal Revenue, in consultation with the Secretary of the Treasury, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual report on the penalties assessed by the Internal Revenue Service during the preceding year under each of the following provisions of the Internal Revenue Code of 1986:

(1) Section 6662A (relating to accuracy-related penalty on understatements with respect to reportable transactions).

(2) Section 6700(a) (relating to promoting abusive tax shelters).

(3) Section 6707 (relating to failure to furnish information regarding reportable transactions).

(4) Section 6707A (relating to failure to include reportable transaction information with return).

(5) Section 6708 (relating to failure to maintain lists of advisees with respect to reportable transactions).

(b) ADDITIONAL INFORMATION.—The report required under subsection (a) shall also include information on the following with respect to each year:

(1) Any action taken under section 330(b) of title 31, United States Code, with respect to any reportable transaction (as defined in section 6707A(c) of the Internal Revenue Code of 1986).

(2) Any extension of the time for assessment of tax enforced, or assessment of any amount under such an extension, under paragraph (10) of section 6501(c) of the Internal Revenue Code of 1986.

(c) DATE OF REPORT.—The first report required under subsection (a) shall be submitted not later than December 31, 2010.

##### **SEC. 803. APPLICATION OF BAD CHECKS PENALTY TO ELECTRONIC PAYMENTS.**

(a) IN GENERAL.—Section 6657 of the Internal Revenue Code of 1986 is amended—

(1) by striking “If any check or money order in payment of any amount” and inserting “If any instrument in payment, by any commercially acceptable means, of any amount”, and

(2) by striking “such check” each place it appears and inserting “such instrument”.

(b) EFFECTIVE DATES.—The amendments made by this section shall apply to instruments tendered after the date of the enactment of this Act.

##### **SEC. 804. APPLICATION OF LEVY TO PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.**

(a) IN GENERAL.—Section 6331(h)(3) of the Internal Revenue Code of 1986 is amended by striking “goods or services” and inserting “property, goods, or services”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies approved after the date of the enactment of this Act.

**SA 4337.** Ms. KLOBUCHAR (for herself and Mr. DORGAN) submitted an amendment intended to be proposed to

amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 363, between lines 3 and 4, insert the following:

(c) PROGRAM AUDITS.—Subsection (b)(8)(D) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(b)(8)(D)) is amended by striking “2 years after the date of enactment of this section,” and inserting “3 years after the date of enactment of the Travel Promotion Act of 2009.”.

(d) RESEARCH PROGRAM.—Section 203(b) of the International Travel Act of 1961 (22 U.S.C. 2123a(b)) is amended by striking “2010 through 2014” and inserting “2010 through 2015”.

(e) CORRECTION OF CROSS-REFERENCE.—Section 202(c)(1) of the International Travel Act of 1961 (22 U.S.C. 2123(c)(1)) is amended by striking “subsection (b) of section 11 of the Travel Promotion Act of 2009” and inserting “subsection (b) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(b))”.

**SA 4338.** Mr. WICKER (for himself, Ms. LANDRIEU, Mr. COCHRAN, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subpart B of part II of subtitle D of title II, add the following:

##### **SEC. \_\_\_\_ . SPECIAL DEPRECIATION ALLOWANCE.**

(a) IN GENERAL.—Paragraph (6) of section 1400N(d)(6) is amended by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SA 4339.** Mr. DORGAN (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 3360, to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes, as follows:

Strike out all after the enacting clause and insert the following:

##### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the “Cruise Vessel Security and Safety Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Cruise vessel security and safety requirements.

Sec. 4. Offset of administrative costs.

##### **SEC. 2. FINDINGS.**

The Congress makes the following findings:

(1) There are approximately 200 overnight ocean-going cruise vessels worldwide. The average ocean-going cruise vessel carries 2,000 passengers with a crew of 950 people.

(2) In 2007 alone, approximately 12,000,000 passengers were projected to take a cruise worldwide.

(3) Passengers on cruise vessels have an inadequate appreciation of their potential vulnerability to crime while on ocean voyages,

and those who may be victimized lack the information they need to understand their legal rights or to know whom to contact for help in the immediate aftermath of the crime.

(4) Sexual violence, the disappearance of passengers from vessels on the high seas, and other serious crimes have occurred during luxury cruises.

(5) Over the last 5 years, sexual assault and physical assaults on cruise vessels were the leading crimes investigated by the Federal Bureau of Investigation with regard to cruise vessel incidents.

(6) These crimes at sea can involve attacks both by passengers and crewmembers on other passengers and crewmembers.

(7) Except for United States flagged vessels, or foreign flagged vessels operating in an area subject to the direct jurisdiction of the United States, there are no Federal statutes or regulations that explicitly require cruise lines to report alleged crimes to United States Government officials.

(8) It is not known precisely how often crimes occur on cruise vessels or exactly how many people have disappeared during ocean voyages because cruise line companies do not make comprehensive, crime-related data readily available to the public.

(9) Obtaining reliable crime-related cruise data from governmental sources can be difficult, because multiple countries may be involved when a crime occurs on the high seas, including the flag country for the vessel, the country of citizenship of particular passengers, and any countries having special or maritime jurisdiction.

(10) It can be difficult for professional crime investigators to immediately secure an alleged crime scene on a cruise vessel, recover evidence of an onboard offense, and identify or interview potential witnesses to the alleged crime.

(11) Most cruise vessels that operate into and out of United States ports are registered under the laws of another country, and investigations and prosecutions of crimes against passengers and crewmembers may involve the laws and authorities of multiple nations.

(12) The Department of Homeland Security has found it necessary to establish 500-yard security zones around cruise vessels to limit the risk of terrorist attack. Recently piracy has dramatically increased throughout the world.

(13) To enhance the safety of cruise passengers, the owners of cruise vessels could upgrade, modernize, and retrofit the safety and security infrastructure on such vessels by installing peep holes in passenger room doors, installing security video cameras in targeted areas, limiting access to passenger rooms to select staff during specific times, and installing acoustic hailing and warning devices capable of communicating over distances.

### SEC. 3. CRUISE VESSEL SECURITY AND SAFETY REQUIREMENTS.

(a) IN GENERAL.—Chapter 35 of title 46, United States Code, is amended by adding at the end the following:

#### “§ 3507. Passenger vessel security and safety requirements

“(a) VESSEL DESIGN, EQUIPMENT, CONSTRUCTION, AND RETROFITTING REQUIREMENTS.—

“(1) IN GENERAL.—Each vessel to which this subsection applies shall comply with the following design and construction standards:

“(A) The vessel shall be equipped with ship rails that are located not less than 42 inches above the cabin deck.

“(B) Each passenger stateroom and crew cabin shall be equipped with entry doors that include peep holes or other means of visual identification.

“(C) For any vessel the keel of which is laid after the date of enactment of the Cruise Vessel Security and Safety Act of 2010, each passenger stateroom and crew cabin shall be equipped with—

“(i) security latches; and

“(ii) time-sensitive key technology.

“(D) The vessel shall integrate technology that can be used for capturing images of passengers or detecting passengers who have fallen overboard, to the extent that such technology is available.

“(E) The vessel shall be equipped with a sufficient number of operable acoustic hailing or other such warning devices to provide communication capability around the entire vessel when operating in high risk areas (as defined by the United States Coast Guard).

“(2) FIRE SAFETY CODES.—In administering the requirements of paragraph (1)(C), the Secretary shall take into consideration fire safety and other applicable emergency requirements established by the U. S. Coast Guard and under international law, as appropriate.

“(3) EFFECTIVE DATE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the requirements of paragraph (1) shall take effect 18 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2010.

“(B) LATCH AND KEY REQUIREMENTS.—The requirements of paragraph (1)(C) take effect on the date of enactment of the Cruise Vessel Security and Safety Act of 2010.

“(b) VIDEO RECORDING.—

“(1) REQUIREMENT TO MAINTAIN SURVEILLANCE.—The owner of a vessel to which this section applies shall maintain a video surveillance system to assist in documenting crimes on the vessel and in providing evidence for the prosecution of such crimes, as determined by the Secretary.

“(2) ACCESS TO VIDEO RECORDS.—The owner of a vessel to which this section applies shall provide to any law enforcement official performing official duties in the course and scope of an investigation, upon request, a copy of all records of video surveillance that the official believes may provide evidence of a crime reported to law enforcement officials.

“(c) SAFETY INFORMATION.—

“(1) CRIMINAL ACTIVITY PREVENTION AND RESPONSE GUIDE.—The owner of a vessel to which this section applies (or the owner's designee) shall—

“(A) have available for each passenger a guide (referred to in this subsection as the ‘security guide’), written in commonly understood English, which—

“(i) provides a description of medical and security personnel designated on board to prevent and respond to criminal and medical situations with 24 hour contact instructions;

(ii) describes the jurisdictional authority applicable, and the law enforcement processes available, with respect to the reporting of homicide, suspicious death, a missing United States national, kidnapping, assault with serious bodily injury, any offense to which section 2241, 2242, 2243, or 2244(a) or (c) of title 18 applies, firing or tampering with the vessel, or theft of money or property in excess of \$10,000, together with contact information for the appropriate law enforcement authorities for missing persons or reportable crimes which arise—

“(I) in the territorial waters of the United States;

“(II) on the high seas; or

“(III) in any country to be visited on the voyage;

“(B) provide a copy of the security guide to the Federal Bureau of Investigation for comment; and

“(C) publicize the security guide on the website of the vessel owner.

“(2) EMBASSY AND CONSULATE LOCATIONS.—The owner of a vessel to which this section applies shall provide in each passenger stateroom, and post in a location readily accessible to all crew and in other places specified by the Secretary, information regarding the locations of the United States embassy and each consulate of the United States for each country the vessel will visit during the course of the voyage.

“(d) SEXUAL ASSAULT.—The owner of a vessel to which this section applies shall—

“(1) maintain on the vessel adequate, in-date supplies of anti-retroviral medications and other medications designed to prevent sexually transmitted diseases after a sexual assault;

“(2) maintain on the vessel equipment and materials for performing a medical examination in sexual assault cases to evaluate the patient for trauma, provide medical care, and preserve relevant medical evidence;

“(3) make available on the vessel at all times medical staff who have undergone a credentialing process to verify that he or she—

“(A) possesses a current physician's or registered nurse's license and—

“(i) has at least 3 years of post-graduate or post-registration clinical practice in general and emergency medicine; or

“(ii) holds board certification in emergency medicine, family practice medicine, or internal medicine;

“(B) is able to provide assistance in the event of an alleged sexual assault, has received training in conducting forensic sexual assault examination, and is able to promptly perform such an examination upon request and provide proper medical treatment of a victim, including administration of anti-retroviral medications and other medications that may prevent the transmission of human immunodeficiency virus and other sexually transmitted diseases; and

“(C) meets guidelines established by the American College of Emergency Physicians relating to the treatment and care of victims of sexual assault;

“(4) prepare, provide to the patient, and maintain written documentation of the findings of such examination that is signed by the patient; and

“(5) provide the patient free and immediate access to—

“(A) contact information for local law enforcement, the Federal Bureau of Investigation, the United States Coast Guard, the nearest United States consulate or embassy, and the National Sexual Assault Hotline program or other third party victim advocacy hotline service; and

“(B) a private telephone line and Internet-accessible computer terminal by which the individual may confidentially access law enforcement officials, an attorney, and the information and support services available through the National Sexual Assault Hotline program or other third party victim advocacy hotline service.

“(e) CONFIDENTIALITY OF SEXUAL ASSAULT EXAMINATION AND SUPPORT INFORMATION.—The master or other individual in charge of a vessel to which this section applies shall—

“(1) treat all information concerning an examination under subsection (d) confidential, so that no medical information may be

released to the cruise line or other owner of the vessel or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin, except that nothing in this paragraph prohibits the release of—

“(A) information, other than medical findings, necessary for the owner or master of the vessel to comply with the provisions of subsection (g) or other applicable incident reporting laws;

“(B) information to secure the safety of passengers or crew on board the vessel; or

“(C) any information to law enforcement officials performing official duties in the course and scope of an investigation; and

“(2) treat any information derived from, or obtained in connection with, post-assault counseling or other supportive services confidential, so no such information may be released to the cruise line or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin.

“(f) CREW ACCESS TO PASSENGER STATE-ROOMS.—The owner of a vessel to which this section applies shall—

“(1) establish and implement procedures and restrictions concerning—

“(A) which crewmembers have access to passenger staterooms; and

“(B) the periods during which they have that access; and

“(2) ensure that the procedures and restrictions are fully and properly implemented and periodically reviewed.

“(g) LOG BOOK AND REPORTING REQUIREMENTS.—

“(1) IN GENERAL.—The owner of a vessel to which this section applies shall—

“(A) record in a log book, either electronically or otherwise, in a centralized location readily accessible to law enforcement personnel, a report on—

“(i) all complaints of crimes described in paragraph (3)(A)(i),

“(ii) all complaints of theft of property valued in excess of \$1,000, and

“(iii) all complaints of other crimes, committed on any voyage that embarks or disembarks passengers in the United States; and

“(B) make such log book available upon request to any agent of the Federal Bureau of Investigation, any member of the United States Coast Guard, and any law enforcement officer performing official duties in the course and scope of an investigation.

“(2) DETAILS REQUIRED.—The information recorded under paragraph (1) shall include, at a minimum—

“(A) the vessel operator;

“(B) the name of the cruise line;

“(C) the flag under which the vessel was operating at the time the reported incident occurred;

“(D) the age and gender of the victim and the accused assailant;

“(E) the nature of the alleged crime or complaint, as applicable, including whether the alleged perpetrator was a passenger or a crewmember;

“(F) the vessel's position at the time of the incident, if known, or the position of the vessel at the time of the initial report;

“(G) the time, date, and method of the initial report and the law enforcement authority to which the initial report was made;

“(H) the time and date the incident occurred, if known;

“(I) the total number of passengers and the total number of crew members on the voyage; and

“(J) the case number or other identifier provided by the law enforcement authority to which the initial report was made.

“(3) REQUIREMENT TO REPORT CRIMES AND OTHER INFORMATION.—

“(A) IN GENERAL.—The owner of a vessel to which this section applies (or the owner's designee)—

“(i) shall contact the nearest Federal Bureau of Investigation Field Office or Legal Attache by telephone as soon as possible after the occurrence on board the vessel of an incident involving homicide, suspicious death, a missing United States national, kidnapping, assault with serious bodily injury, any offense to which section 2241, 2242, 2243, or 2244(a) or (c) of title 18 applies, firing or tampering with the vessel, or theft of money or property in excess of \$10,000 to report the incident;

“(ii) shall furnish a written report of the incident to an Internet based portal maintained by the Secretary;

“(iii) may report any serious incident that does not meet the reporting requirements of clause (i) and that does not require immediate attention by the Federal Bureau of Investigation via the Internet based portal maintained by the Secretary; and

“(iv) may report any other criminal incident involving passengers or crewmembers, or both, to the proper State or local government law enforcement authority.

“(B) INCIDENTS TO WHICH SUBPARAGRAPH (A) APPLIES.—Subparagraph (A) applies to an incident involving criminal activity if—

“(i) the vessel, regardless of registry, is owned, in whole or in part, by a United States person, regardless of the nationality of the victim or perpetrator, and the incident occurs when the vessel is within the admiralty and maritime jurisdiction of the United States and outside the jurisdiction of any State;

“(ii) the incident concerns an offense by or against a United States national committed outside the jurisdiction of any nation;

“(iii) the incident occurs in the Territorial Sea of the United States, regardless of the nationality of the vessel, the victim, or the perpetrator; or

“(iv) the incident concerns a victim or perpetrator who is a United States national on a vessel during a voyage that departed from or will arrive at a United States port.

“(4) AVAILABILITY OF INCIDENT DATA VIA INTERNET.—

“(A) WEBSITE.—The Secretary shall maintain a statistical compilation of all incidents described in paragraph (3)(A)(i) on an Internet site that provides a numerical accounting of the missing persons and alleged crimes recorded in each report filed under paragraph (3)(A)(i) that are no longer under investigation by the Federal Bureau of Investigation. The data shall be updated no less frequently than quarterly, aggregated by cruise line, each cruise line shall be identified by name, and each crime shall be identified as to whether it was committed by a passenger or a crew member.

“(B) ACCESS TO WEBSITE.—Each cruise line taking on or discharging passengers in the United States shall include a link on its Internet website to the website maintained by the Secretary under subparagraph (A).

“(h) ENFORCEMENT.—

“(1) PENALTIES.—

“(A) CIVIL PENALTY.—Any person that violates this section or a regulation under this section shall be liable for a civil penalty of not more than \$25,000 for each day during which the violation continues, except that the maximum penalty for a continuing violation is \$50,000.

“(B) CRIMINAL PENALTY.—Any person that willfully violates this section or a regulation under this section shall be fined not more than \$250,000 or imprisoned not more than 1 year, or both.

“(2) DENIAL OF ENTRY.—The Secretary may deny entry into the United States to a vessel to which this section applies if the owner of the vessel—

“(A) commits an act or omission for which a penalty may be imposed under this subsection; or

“(B) fails to pay a penalty imposed on the owner under this subsection.

“(i) PROCEDURES.—Within 6 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2010, the Secretary shall issue guidelines, training curricula, and inspection and certification procedures necessary to carry out the requirements of this section.

“(j) REGULATIONS.—The Secretary and the Commandant shall each issue such regulations as are necessary to implement this section.

“(k) APPLICATION.—

“(1) IN GENERAL.—This section and section 3508 apply to a passenger vessel (as defined in section 2101(22)) that—

“(A) is authorized to carry at least 250 passengers;

“(B) has onboard sleeping facilities for each passenger;

“(C) is on a voyage that embarks or disembarks passengers in the United States; and

“(D) is not engaged on a coastwise voyage.

“(2) FEDERAL AND STATE VESSELS.—This section and section 3508 do not apply to a vessel of the United States operated by the Federal Government or a vessel owned and operated by a State.

“(1) DEFINITIONS.—In this section and section 3508:

“(1) COMMANDANT.—The term ‘Commandant’ means the Commandant of the Coast Guard.

“(2) OWNER.—The term ‘owner’ means the owner, charterer, managing operator, master, or other individual in charge of a vessel.

#### “§ 3508. Crime scene preservation training for passenger vessel crewmembers

“(a) IN GENERAL.—Within 1 year after the date of enactment of the Cruise Vessel Security and Safety Act of 2010, the Secretary, in consultation with the Director of the Federal Bureau of Investigation and the Maritime Administration, shall develop training standards and curricula to allow for the certification of passenger vessel security personnel, crewmembers, and law enforcement officials on the appropriate methods for prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment. The Administrator of the Maritime Administration may certify organizations in the United States and abroad that offer the curriculum for training and certification under subsection (c).

“(b) MINIMUM STANDARDS.—The standards established by the Secretary under subsection (a) shall include—

“(1) the training and certification of vessel security personnel, crewmembers, and law enforcement officials in accordance with accepted law enforcement and security guidelines, policies, and procedures, including recommendations for incorporating a background check process for personnel trained and certified in foreign ports;

“(2) the training of students and instructors in all aspects of prevention, detection, evidence preservation, and reporting of

criminal activities in the international maritime environment; and

“(3) the provision or recognition of off-site training and certification courses in the United States and foreign countries to develop and provide the required training and certification described in subsection (a) and to enhance security awareness and security practices related to the preservation of evidence in response to crimes on board passenger vessels.

“(c) CERTIFICATION REQUIREMENT.—Beginning 2 years after the standards are established under subsection (b), no vessel to which this section applies may enter a United States port on a voyage (or voyage segment) on which a United States citizen is a passenger unless there is at least 1 crewmember onboard who is certified as having successfully completed training in the prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment on passenger vessels under subsection (a).

“(d) INTERIM TRAINING REQUIREMENT.—No vessel to which this section applies may enter a United States port on a voyage (or voyage segment) on which a United States citizen is a passenger unless there is at least 1 crewmember onboard who has been properly trained in the prevention detection, evidence preservation and the reporting requirements of criminal activities in the international maritime environment. The owner of a such a vessel shall maintain certification or other documentation, as prescribed by the Secretary, verifying the training of such individual and provide such documentation upon request for inspection in connection with enforcement of the provisions of this section. This subsection shall take effect 1 year after the date of enactment of the Cruise Vessel Safety and Security Act of 2010 and shall remain in effect until superseded by the requirements of subsection (c).

“(e) CIVIL PENALTY.—Any person that violates this section or a regulation under this section shall be liable for a civil penalty of not more than \$50,000.

“(f) DENIAL OF ENTRY.—The Secretary may deny entry into the United States to a vessel to which this section applies if the owner of the vessel—

“(1) commits an act or omission for which a penalty may be imposed under subsection (e); or

“(2) fails to pay a penalty imposed on the owner under subsection (e).”.

(b) CLERICAL AMENDMENT.—The table of contents for such chapter is amended by adding at the end the following:

“3507. Passenger vessel security and safety requirements

“3508. Crime scene preservation training for passenger vessel crewmembers”.

#### SEC. 4. OFFSET OF ADMINISTRATIVE COSTS.

(a) REPEAL OF CERTAIN REPORT REQUIREMENTS.—

(1) Section 1130 of the Coast Guard Authorization Act of 1996 (33 U.S.C. 2720 note) is amended by striking subsection (b).

(2) Section 112 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note) is repealed.

(3) Section 676 of title 14, United States Code, is amended by striking subsection (d).

(4) Section 355 of title 37, United States Code, is amended by striking subsection (h) and redesignating subsection (i) as subsection (h).

(5) Section 205 of the Coast Guard and Maritime Transportation Act of 2004 (14 U.S.C. 637 note) is amended by striking subsection (d).

(b) COMBINATION OF FISHERIES ENFORCEMENT PLANS AND FOREIGN FISHING INCURSION REPORTS.—The Secretary of the department in which the Coast Guard is operating shall combine the reports required under section 224 of the Coast Guard and Maritime Transportation Act of 2004 (16 U.S.C. 1861b) and section 804 of the Coast Guard and Maritime Transportation Act of 2004 (16 U.S.C. 1828) into a single annual report for fiscal years beginning after fiscal year 2010.

#### SEC. 5. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

**SA 4340.** Mr. LEVIN (for himself, Mr. KAUFMAN, Mr. NELSON of Florida, Mrs. SHAHEEN, Mrs. MCCASKILL, Mr. WHITEHOUSE, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

#### **TITLE —AUTHORIZING SPECIAL MEASURES FOR JURISDICTIONS, FINANCIAL INSTITUTIONS, INTERNATIONAL TRANSACTIONS, OR TYPES OF ACCOUNTS THAT ARE OF PRIMARY MONEY LAUNDERING CONCERN OR IMPEDE UNITED STATES TAX ENFORCEMENT**

#### **SEC. —. AUTHORIZING SPECIAL MEASURES FOR JURISDICTIONS, FINANCIAL INSTITUTIONS, INTERNATIONAL TRANSACTIONS, OR TYPES OF ACCOUNTS THAT ARE OF PRIMARY MONEY LAUNDERING CONCERN OR IMPEDE UNITED STATES TAX ENFORCEMENT.**

Section 5318A of title 31, United States Code, is amended—

(1) by striking the section heading and inserting the following:

**“§ 5318A. Special measures for jurisdictions, financial institutions, or international transactions that are of primary money laundering concern or impede United States tax enforcement”;**

(2) in subsection (a), by striking the subsection heading and inserting the following:

**“(a) SPECIAL MEASURES TO COUNTER MONEY LAUNDERING AND EFFORTS TO IMPEDE UNITED STATES TAX ENFORCEMENT.—”;**

(3) in subsection (c), by striking the subsection heading and inserting the following:

**“(c) CONSULTATIONS AND INFORMATION TO BE CONSIDERED IN FINDING JURISDICTIONS, INSTITUTIONS, TYPES OF ACCOUNTS, OR TRANSACTIONS TO BE OF PRIMARY MONEY LAUNDERING CONCERN OR TO BE IMPEDING UNITED STATES TAX ENFORCEMENT.—”;**

(4) in subsection (a)(1), by inserting “or is impeding United States tax enforcement” after “primary money laundering concern”;

(5) in subsection (a)(4)—

(A) in subparagraph (A)—

(i) by inserting “in matters involving money laundering,” before “shall consult”; and

(ii) by striking “and” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

“(B) in matters involving United States tax enforcement, shall consult with the Commissioner of the Internal Revenue, the Secretary of State, the Attorney General of the United States, and in the sole discretion of the Secretary, such other agencies and interested parties as the Secretary may find to be appropriate; and”;

(6) in each of paragraphs (1)(A), (2), (3), and (4) of subsection (b), by inserting “or to be impeding United States tax enforcement” after “primary money laundering concern” each place that term appears;

(7) in subsection (b), by striking paragraph (5) and inserting the following:

**“(5) PROHIBITIONS OR CONDITIONS ON OPENING OR MAINTAINING CERTAIN CORRESPONDENT OR PAYABLE-THROUGH ACCOUNTS OR AUTHORIZING CERTAIN PAYMENT CARDS.—**If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within or involving a jurisdiction outside of the United States to be of primary money laundering concern or to be impeding United States tax enforcement, the Secretary, in consultation with the Secretary of State, the Attorney General of the United States, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit, or impose conditions upon—

“(A) the opening or maintaining in the United States of a correspondent account or payable-through account; or

“(B) the authorization, approval, or use in the United States of a credit card, charge card, debit card, or similar credit or debit financial instrument by any domestic financial institution, financial agency, or credit card company or association, for or on behalf of a foreign banking institution, if such correspondent account, payable-through account, credit card, charge card, debit card, or similar credit or debit financial instrument, involves any such jurisdiction or institution, or if any such transaction may be conducted through such correspondent account, payable-through account, credit card, charge card, debit card, or similar credit or debit financial instrument.”; and

(8) in subsection (c)(1), by inserting “or is impeding United States tax enforcement” after “primary money laundering concern”;

(9) in subsection (c)(2)(A)—

(A) in clause (ii), by striking “bank secrecy or special regulatory advantages” and inserting “bank, tax, corporate, trust, or financial secrecy or regulatory advantages”;

(B) in clause (iii), by striking “supervisory and counter-money” and inserting “supervisory, international tax enforcement, and counter-money”;

(C) in clause (v), by striking “banking or secrecy” and inserting “banking, tax, or secrecy”; and

(D) in clause (vi), by inserting “, tax treaty, or tax information exchange agreement” after “treaty”;

(10) in subsection (c)(2)(B)—

(A) in clause (i), by inserting “or tax evasion” after “money laundering”; and

(B) in clause (iii), by inserting “, tax evasion,” after “money laundering”; and

(11) in subsection (d), by inserting “involving money laundering, and shall notify, in writing, the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of any such action involving United States tax enforcement” after “such action”.

**SA 4341.** Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IV, add the following:

**SEC. \_\_\_\_ TAXATION OF INCOME OF CONTROLLED FOREIGN CORPORATIONS ATTRIBUTABLE TO IMPORTED PROPERTY.**

(a) **GENERAL RULE.**—Subsection (a) of section 954 (defining foreign base company income) is amended by striking the period at the end of paragraph (5) and inserting “, and”, by redesignating paragraph (5) as paragraph (4), and by adding at the end the following new paragraph:

“(5) imported property income for the taxable year (determined under subsection (j)) and reduced as provided in subsection (b)(5)).”

(b) **DEFINITION OF IMPORTED PROPERTY INCOME.**—Section 954 is amended by adding at the end the following new subsection:

“(j) **IMPORTED PROPERTY INCOME.**—

“(1) **IN GENERAL.**—For purposes of subsection (a)(5), the term ‘imported property income’ means income (whether in the form of profits, commissions, fees, or otherwise) derived in connection with—

“(A) manufacturing, producing, growing, or extracting imported property;

“(B) the sale, exchange, or other disposition of imported property; or

“(C) the lease, rental, or licensing of imported property.

Such term shall not include any foreign oil and gas extraction income (within the meaning of section 907(c)) or any foreign oil related income (within the meaning of section 907(c)).

“(2) **IMPORTED PROPERTY.**—For purposes of this subsection—

“(A) **IN GENERAL.**—Except as otherwise provided in this paragraph, the term ‘imported property’ means property which is imported into the United States by the controlled foreign corporation or a related person.

“(B) **IMPORTED PROPERTY INCLUDES CERTAIN PROPERTY IMPORTED BY UNRELATED PERSONS.**—The term ‘imported property’ includes any property imported into the United States by an unrelated person if, when such property was sold to the unrelated person by the controlled foreign corporation (or a related person), it was reasonable to expect that—

“(i) such property would be imported into the United States; or

“(ii) such property would be used as a component in other property which would be imported into the United States.

“(C) **EXCEPTION FOR PROPERTY SUBSEQUENTLY EXPORTED.**—The term ‘imported property’ does not include any property which is imported into the United States and which—

“(i) before substantial use in the United States, is sold, leased, or rented by the controlled foreign corporation or a related person for direct use, consumption, or disposition outside the United States; or

“(ii) is used by the controlled foreign corporation or a related person as a component in other property which is so sold, leased, or rented.

“(D) **EXCEPTION FOR CERTAIN AGRICULTURAL COMMODITIES.**—The term ‘imported property’ does not include any agricultural commodity which is not grown in the United States in commercially marketable quantities.

“(3) **DEFINITIONS AND SPECIAL RULES.**—

“(A) **IMPORT.**—For purposes of this subsection, the term ‘import’ means entering, or withdrawal from warehouse, for consumption or use. Such term includes any grant of the right to use intangible property (as defined in section 936(h)(3)(B)) in the United States.

“(B) **UNITED STATES.**—For purposes of this subsection, the term ‘United States’ includes the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(C) **UNRELATED PERSON.**—For purposes of this subsection, the term ‘unrelated person’ means any person who is not a related person with respect to the controlled foreign corporation.

“(D) **COORDINATION WITH FOREIGN BASE COMPANY SALES INCOME.**—For purposes of this section, the term ‘foreign base company sales income’ shall not include any imported property income.”

(c) **SEPARATE APPLICATION OF LIMITATIONS ON FOREIGN TAX CREDIT FOR IMPORTED PROPERTY INCOME.**—

(1) **IN GENERAL.**—Paragraph (1) of section 904(d) (relating to separate application of section with respect to certain categories of income) is amended by striking “and” at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

“(B) imported property income, and”.

(2) **IMPORTED PROPERTY INCOME DEFINED.**—Paragraph (2) of section 904(d) is amended by redesignating subparagraphs (I), (J), and (K) as subparagraphs (J), (K), and (L), respectively, and by inserting after subparagraph (H) the following new subparagraph:

“(I) **IMPORTED PROPERTY INCOME.**—The term ‘imported property income’ means any income received or accrued by any person which is of a kind which would be imported property income (as defined in section 954(j)).”

(3) **CONFORMING AMENDMENT.**—Clause (ii) of section 904(d)(2)(A) is amended by inserting “or imported property income” after “passive category income”.

(d) **TECHNICAL AMENDMENTS.**—

(1) Clause (iii) of section 952(c)(1)(B) (relating to certain prior year deficits may be taken into account) is amended—

(A) by redesignating subclauses (II), (III), (IV), and (V) as subclauses (III), (IV), (V), and (VI), and

(B) by inserting after subclause (I) the following new subclause:

“(II) imported property income.”

(2) The last sentence of paragraph (4) of section 954(b) (relating to exception for certain income subject to high foreign taxes) is amended by striking “subsection (a)(5)” and inserting “subsection (a)(4)”.

(3) Paragraph (5) of section 954(b) (relating to deductions to be taken into account) is amended by striking “and the foreign base company oil related income” and inserting “the foreign base company oil related income, and the imported property income”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

**SA 4342.** Ms. SNOWE (for herself, Mr. ENZI, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr.

BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 413.

**AUTHORITY FOR COMMITTEES TO MEET**

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 10, 2010, at 10 a.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 10, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “The U.S.-China Economic Relationship: A New Approach for a New China.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 10, 2010, at 10 a.m., to hold a hearing entitled “Strategic Arms Control and National Security (Treaty Doc. 111-5).”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, to conduct a hearing entitled “Production over Protections: A Review of Process Safety Management in the Oil and Gas Industry” on June 10, 2010. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 10, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on June 10, 2010, at 3 p.m. in room

628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 10, 2010, at 10 a.m. in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 10, 2010, at 10 a.m. to conduct a hearing entitled, "Deep Impact: Assessing the Effects of the Deepwater Horizon Oil Spill on States, Localities and the Private Sector."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SELECT COMMITTEE ON INTELLIGENCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 10, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mrs. BOXER. Mr. President, I ask unanimous consent that Julie DeMeester, a fellow in Senator DURBIN's office, be granted the privilege of the floor for the duration of the Murkowski resolution debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent, on behalf of Senator BAUCUS, that a fellow, Andrew Erickson, be granted the privileges of the floor during the consideration of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. DORGAN. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider Calendar No. 932 and all nominations on the Secretary's desk in the Coast Guard and NOAA; that the nominations be confirmed en bloc, and the mo-

tions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD, and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### IN THE COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under section 271, title 14, U.S.C.:

#### To be rear admiral

Rear Adm. (1h) Joseph R. Castillo  
Rear Adm. (1h) Daniel R. May  
Rear Adm. (1h) Roy A. Nash  
Rear Adm. (1h) Peter F. Neffenger  
Rear Adm. (1h) Charles W. Ray  
Rear Adm. (1h) Keith A. Taylor

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK

#### IN THE COAST GUARD

PN1771 COAST GUARD nominations (4) beginning Emily S. McIntyre, and ending Scott J. McCann, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2010.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN1622 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (20) beginning REBECCA J. ALMEIDA, and ending OLIVER E. BROWN, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2010.

PN1732 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (16) beginning TIMOTHY C. SINQUEFIELD, and ending LARRY V. THOMAS JR., which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2010.

Mr. DORGAN. I ask unanimous consent that on Tuesday, June 15, at 11:30 a.m., the Senate proceed to executive session and debate concurrently the following nominations on the Executive Calendar for a total of 20 minutes, with the time equally divided and controlled between Senators LEAHY and SESSIONS or their designees: Calendar No. 732, Tanya Pratt; Calendar No. 775, Brian Jackson; and Calendar No. 776, Elizabeth Foote; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nominations in the order listed, and that after the first vote, the succeeding votes be limited to 10 minutes each; that upon confirmation, the motions to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

#### CRUISE VESSEL SECURITY AND SAFETY ACT OF 2010

Mr. DORGAN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 211, H.R. 3360.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3360) to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased to support the Cruise Vessel Security and Safety Act of 2010 and glad to join the full Senate today in passing this important bill. This legislation will improve the safety of Americans traveling on cruise ships by increasing security and crime reporting regulations.

Far too many incidents of sexual assault and other serious crimes continue to occur on board cruise ships despite ongoing media and Congressional attention to this problem. I have long worked to improve protections for crime victims through landmark legislation including the Victims of Crime Act and the Violence Against Women Act. I applaud Senator KERRY for his leadership in ensuring those protections extend to Americans traveling aboard cruise ships.

This important legislation will require the cruise industry to comply with a number of commonsense security provisions, such as providing peep holes and locks in sleeping cabins, and it mandates cruise vessel personnel to contact both the FBI and the U.S. Coast Guard as soon as a serious crime is reported.

I am particularly pleased to see that the legislation will improve the treatment and protections victims receive on board a cruise ship following a crime. For example, a licensed medical practitioner will be required on board all ships to provide immediate treatment, including medications to prevent sexually transmitted diseases after an assault and to conduct forensic examinations to help collect critical evidence for later prosecution. I have worked hard to ensure that these kinds of services to assist victims and to facilitate successful prosecution of those who commit terrible crimes are available throughout the country. I am glad that this bill will help ensure that Americans traveling at sea receive these same vital services.

These important commonsense provisions will help prevent further crimes from happening by improving security measures on our country's cruise ships, while also improving our ability to hold the perpetrators of these serious crimes accountable. I am pleased to support this important legislation.

Mr. DORGAN. Mr. President, I ask unanimous consent the Rockefeller substitute amendment which is at the desk be agreed to, the bill, as amended, be read a third time, the bill be passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. CONRAD. Mr. President, this is the Statement of Budgetary Effects of PAYGO Legislation for H.R. 3360, the Cruise Vessel Security and Safety Act of 2010, as amended. This statement has been prepared pursuant to Section 4 of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139), and is being submitted for printing in the Congressional Record prior to passage of H.R. 3360, as amended, by the Senate.

Total Budgetary Effects of H.R. 3360, as amended, for the 5-year Statutory PAYGO Scorecard: \$0.

Total Budgetary Effects of H.R. 3360, as amended, for the 10-year Statutory PAYGO Scorecard: \$0.

Also submitted for the Record as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 3360, THE CRUISE VESSEL SECURITY AND SAFETY ACT OF 2010, AS PROVIDED TO CBO BY THE SENATE BUDGET COMMITTEE ON JUNE 9, 2010

(Version: June 8, 2010 4:53 pm)

By fiscal year, in millions of dollars—													
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (–) in the Deficit													
Statutory Pay-As-You-Go Impact .....	0	0	0	0	0	0	0	0	0	0	0	0	0

Note: H.R. 3360 would address the safety of passengers and crew members on vessels. The bill would establish new criminal and civil penalties, but CBO estimates that any new revenues or direct spending would be less than \$500,000 annually.

The amendment (No. 4339) was agreed to.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 3360), as amended, was read the third time and passed.

NATIONAL HEALTH INFORMATION TECHNOLOGY WEEK

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 550 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 550) designating the week beginning on June 14, 2010, ending on June 18, 2010, as "National Health Information Technology Week" to recognize the value of health information technology to improving health quality.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 550) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 550

Whereas the Healthcare Information and Management Systems Society has collaborated with more than 5 dozen healthcare organizations for almost 50 years to transform

health care by improving information technology and management systems;

Whereas the Center for Information Technology Leadership estimates that the implementation of national standards for interoperability and the exchange of health information would save the United States approximately \$77,000,000,000 in expenses relating to health care each year;

Whereas health care information technology and management systems have been recognized as essential tools for improving the quality and cost efficiency of the health care system;

Whereas Congress has made a commitment to leveraging the benefits of the health care information technology and management systems, including through the adoption of electronic medical records that will help to reduce costs and improve quality while ensuring privacy of patients and codification of the Office of the National Coordinator for Health Information Technology;

Whereas Congress has emphasized improving the quality and safety of delivery of health care in the United States; and

Whereas since 2006, organizations across the United States have united to support National Health Information Technology Week to improve public awareness of the benefits of improved quality and cost efficiency of the health care system that the implementation of health information technology could achieve: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on June 14, 2010, and ending on June 18, 2010, as "National Health Information Technology Week";

(2) recognizes the value of information technology and management systems in transforming health care for the people of the United States; and

(3) calls on all interested parties to promote the use of information technology and management systems to transform the health care system in the United States.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, upon the recommendation of the Republican leader, pursuant to Public Law 105-292, as amended by Public Law 106-55, and as further amended

by Public Law 107-228, appoints the following individual to the United States Commission on International Religious Freedom: Leonard A. Leo of Virginia Vice Preeta D. Bansal.

ORDERS FOR MONDAY, JUNE 14, 2010

Mr. DORGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m. Monday, June 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees. I further ask that following morning business the Senate resume consideration of the House message to accompany H.R. 4213, the extenders package.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DORGAN. As a reminder, there will be no rollcall votes during Monday's session. However, the bill manager will be here in the Chamber of the Senate to continue working through amendments on the extenders bill. The next rollcall votes will occur around 11:50 a.m. Tuesday, June 15, on the confirmation of several judicial nominations.

ADJOURNMENT UNTIL MONDAY, JUNE 14, 2010, AT 2 P.M.

Mr. DORGAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent

that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:05 p.m., adjourned until Monday, June 14, 2010, at 2 p.m.

### NOMINATIONS

Executive nomination received by the Senate:

#### THE JUDICIARY

JAMES E. GRAVES, JR., OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE RHESA H. BARKSDALE, RETIRED.

### CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, June 10, 2010:

#### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER SECTION 271, TITLE 14, U.S.C.:

#### *To be rear admiral*

REAR ADM. (LH) JOSEPH R. CASTILLO  
REAR ADM. (LH) DANIEL R. MAY  
REAR ADM. (LH) ROY A. NASH  
REAR ADM. (LH) PETER F. NEFFENGER  
REAR ADM. (LH) CHARLES W. RAY  
REAR ADM. (LH) KEITH A. TAYLOR

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

COAST GUARD NOMINATIONS BEGINNING WITH EMILY S. MCINTYRE AND ENDING WITH SCOTT J. MCCANN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2010.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH REBECCA J. ALMEIDA AND ENDING WITH OLIVER E. BROWN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2010.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH TIMOTHY C. SINQUEFIELD AND ENDING WITH LARRY V. THOMAS, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2010.

## HOUSE OF REPRESENTATIVES—Thursday, June 10, 2010

The House met at 10 a.m. and was called to order by the Speaker.

### PRAYER

Bishop Miles Fowler, Big Miller Grove Missionary Baptist Church, Lithonia, Georgia, offered the following prayer:

God of all creation, we humbly approach Thy throne asking that You bless this august body of men and women as they endeavor to create legislation that will impact the lives of Your people.

Lord, help these leaders to lean not to their own understanding but to acknowledge You and seek Your guidance, that You may direct their paths.

We pray, Lord, that You give them the wisdom of Solomon, the strength of Sampson, the courage of Esther, and let these be tempered with Your grace.

Finally, Lord, bless President Obama, his family, and all of the leaders of this great Nation, in the matchless name of Your Son, Jesus, the Christ. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### WELCOMING BISHOP MILES E. FOWLER

The SPEAKER. Without objection, the gentleman from Georgia (Mr. JOHNSON) is recognized for 1 minute.

There was no objection.

Mr. JOHNSON of Georgia. Madam Speaker, it is my great honor to welcome our guest chaplain, Bishop Miles E. Fowler, to the House of Representatives, and I thank him for offering his beautiful and thoughtful prayer to us this morning.

Bishop Miles E. Fowler joins us today from Lithonia, Georgia, where he is the

pastor of Big Miller Grove Missionary Baptist Church, a position he has proudly held for the past 33 years.

Having served our Nation in the Air Force Reserve from 1957 to 1965, Bishop Fowler has since committed his life to the betterment of our country and its citizens through his ministry. As a pastor to more than 1,500 parishioners and a spiritual leader to more than 30 ministers under the auspices of Refuge Churches, his aim, personally and through his ministry, has always been to provide aid, assistance, and spiritual support in every aspect of our community.

As a committed husband, father, and grandfather—and his wife and some relatives are seated up in the gallery—Bishop Fowler recognizes the importance of family and has published two insightful works providing spiritual guidance for married couples.

Madam Speaker, I am pleased Bishop Fowler was able to share some of his words of wisdom and grace with us today. We recognize him for his continued commitment to his faith and community.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 further requests for 1-minute speeches on each side of the aisle.

### CONGRATULATING CHICAGO BLACKHAWKS ON WINNING THE STANLEY CUP

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Madam Speaker, you have no idea how much I'm going to enjoy this, but sometime late last night, Patrick Kane put the puck past a Philadelphia goaltender in overtime, and the Chicago Blackhawks became the Stanley Cup champions. Congratulations to the team for their great season. Many of these players have played over 120 games this season, including the Olympics, to achieve their one goal.

A special thanks to the owner of the Blackhawks, Rocky Wirtz—while hockey never left Chicago, he brought it back—the management team of John McDonough, Jay Blunk, Stan and Scotty Bowman, Coach Quenneville, and Dale Tallon.

Madam Speaker, today for all of us, with apology, Chicago is my kind of town.

### TIME FOR A BUDGET THAT PUTS TAXPAYERS FIRST

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, the 2010 Federal budget deficit will hit \$1 trillion this month, and we've also recently learned that the Federal debt will reach \$19.5 trillion by 2015. You'd think this would be a case for some real careful examination of the Federal budget. You'd think Congress would be looking everywhere for areas to trim and programs to cut. But that is not the case. It's been almost 2 months since the deadline to introduce a budget resolution passed, and House Democrats still haven't produced a budget. How are we going to get spending under control and bring down the deficit if Congress won't even consider a budget? Madam Speaker, it's time for Congress to consider a budget, one that puts taxpayers, not big government, first.

### CHECK THE DEBT

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, I share the concerns many Americans have about our country's financial future. I often hear from Ohioans who are worried about the financial burden we are leaving for the next generation. They want to know if there's anything they can do to help. That is why yesterday I introduced the Check the Debt Act.

This bill would add a "check the debt" box to our annual tax forms. This would allow individuals to contribute \$3 to help pay down the national debt, without adding to their tax bill. This option would be similar to the public financing of campaigns check, where a check the box is already available on tax forms. Nearly 33 million people each year respond to public campaign financing without adding to their tax bill. This raises nearly \$100 million annually for campaign financing.

That kind of money is a step in the right direction. It will enable and encourage Americans to lend a hand in paying down our debt. The \$13 trillion debt our country has built up over the last several decades will not go away overnight, but we must start somewhere.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

### BULGARIA'S HISTORIC ANNIVERSARY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, 20 years ago today, I served as an election observer in Bulgaria on behalf of the International Republican Institute, IRI. It was a life-changing dream come true for me to experience firsthand the birth of liberty in a captive nation which had been subjected for decades to Nazism and Communism. As a lifelong Cold Warrior, I always promoted victory over Communism.

On June 10, 1990, the people of Bulgaria participated in the first free elections since the 1930s. It was inspiring to visit polling places in the Plovdiv region and witness the young and old participating freely. The talented people of Bulgaria were unshackled. People did not want to be a slavish Soviet satellite.

Since then, Bulgaria has evolved from the antiquated, frozen-in-time nation of the 1930s to being a vibrant free market democracy of today. It is now a valued member of NATO, with troops having served in Iraq and Afghanistan. It is a dynamic member of the European Union.

In conclusion, God bless our troops, and we will never forget September 11th in the Global War on Terrorism. God bless Bulgaria.

### \$250 CHECKS FOR SENIORS

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Mr. Speaker, today, checks will go in the mail to 189,000 seniors across Pennsylvania, including thousands in my district in Western Pennsylvania. This will help them pay for prescription drugs. These \$250 checks are on the way to seniors who fell victim to the prescription drug donut hole in Medicare. The \$250 checks are just the first step in reducing prescription drug prices for seniors under the new health care reform. Next year, seniors in the donut hole will get a 50 percent discount on name-brand prescription drugs and a 75 percent discount on generics. The average Pennsylvania senior will save \$700 next year on prescription drugs because of the health care reform bill. This is a down payment on reducing prescription drug costs for seniors and eventually closing the donut hole altogether. I am proud that our health care reform legislation is helping seniors during this difficult time.

□ 1015

### DOING NOTHING

(Mr. PITTS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, once again the complete lack of leadership demonstrated by the administration on budget issues is extremely disappointing.

When the President introduced his budget earlier this year, he projected trillion dollar deficits for years to come. To fix the problem, he passed the buck to a new debt commission. This week, when Budget Director Peter Orszag was asked about whether the administration would send a package of budget cuts to Congress, he said that it would be a "fruitless exercise."

Certainly Congress controls the purse, but the President plays a critical role in providing leadership on spending issues. I know that House Republicans would support a substantial package of budget cuts. We are not going to wait for the President, however. We are going to keep introducing sensible measures to reduce spending, and we are going to let the American people have their say on the YouCut Web site.

Our national debt has reached the level where it is holding back our economic growth. We shouldn't wait any longer to put the stops on government spending and borrowing, which is out of control.

### HEALTH CARE REFORM

(Mr. WALZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ. Mr. Speaker, last week I had the opportunity to welcome Health and Human Services Secretary Kathleen Sebelius to my district and to the city of Rochester, Minnesota, home to the Mayo Clinic, to talk about the positive influence that the health care reform bill will have on Medicare reform, paying for value over volume and continuing to provide the highest quality care to our citizens at the lowest possible cost.

I also went over with my friend RON KIND into La Crosse, Wisconsin, to talk to seniors. We heard a lot about the Medicare part D doughnut hole. As my colleague from Pennsylvania said, this week \$250 rebate checks will be going to them to allow those seniors who have worked their entire life to build this Nation and to prepare for a prosperous and comfortable retirement to be able to pay for that expensive doughnut hole as it was crafted under the previous law. There are 63,000 Minnesotans who will see that 3 weeks in advance.

This is just one of the many benefits that will come to them. It's absolutely critical our seniors in this country hear the facts, the real facts about health care reform, how it will end up bringing higher quality of care and

lower costs paying down the national debt. I am proud that the Secretary could see that at the world-famous Mayo Clinic.

### ISRAEL'S BLOCKADE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the Israelis check cargo for hidden weapons that is shipped into Gaza. Last week, six ships ran the security blockade and were boarded. People on one ship attacked and stabbed the Israeli soldiers and beat them with pipes. It was seen on televisions throughout the world. Ten Israeli soldiers were injured as they defended themselves, and, of course, they have the legal and moral right of self-defense.

But the hate Israel at any price crowd denounced the Israelis, and now our administration is telling Israel they shouldn't be so security conscious. "Back off a little on the blockades," the White House says. And just so we don't hurt anybody's feelings, the administration is sending \$400 million to Gaza. Why? What are the Palestinians going to do with that money. Buy more rockets to shoot into Israel? Who knows.

Who are we to tell our ally, Israel, how to secure its borders? We are giving advice to a country on smuggling security when we can't even keep the smuggling contraband out of our own country.

And that's just the way it is.

### IN MEMORY OF GEORGE TILLER

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Mr. Speaker, in 1970, Dr. Jack Tiller traveled to a convention in Canada with his wife and daughter. Tragically, their plane crashed, leaving behind his children, George and Diana.

George went to Wichita. He cared for a sick grandmother and orphaned nephew when they didn't have anyone else. He planned to be a dermatologist. Instead, he took over his father's general practice when he saw that local patients didn't have anyone else. Soon after, women asked him if he would do what his father did. They were desperate women who needed reproductive control over their lives. George said yes.

Now you know why George Tiller began the career that cost him his life, because he decided he would be there for women facing a crisis when they didn't have anyone else.

### SPEAKING OUT FOR AMERICA'S FUTURE

(Mr. SMITH of Texas asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the American people demand real change in Washington. From record deficit spending to the passage of a health care bill most Americans don't want, there is a serious disconnect between the congressional agenda and the desires of the American people.

America Speaking Out is a timely initiative designed to start an honest discussion between Americans and their representatives. Through this innovative new forum, the American people can give us their priorities and offer their ideas for a new agenda to solve the problems that confront our Nation.

There is a deficit of trust in Congress, and it is only by listening to the American people that we can earn back their trust and turn the country in the right direction.

Check out the Web site, America Speaking Out.

#### HEALTH CARE REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, the historic health reform passed earlier this year is already having a positive impact on millions of American seniors.

Starting today, Medicare will begin mailing out \$250 rebate checks to assist those who fall into the prescription drug doughnut hole. In my home State of California, over 382,000 seniors will now find it a little bit easier to afford lifesaving medicine they need, no longer making the decision of paying for medicine, paying for mortgages, or putting food on the table, but getting the service they need.

Starting next year, seniors in the doughnut hole will receive an additional 50 percent discount on all brand-name drugs. By the year 2020, the new law will totally close the doughnut hole.

But the benefits don't stop there. Health reform will provide free preventive care services to all Medicare recipients, and that extends Medicare solvency by an additional 12 years to the year 2029.

Those who continue to call for repeal of reform want to move us back to the era of higher drug costs and less security for seniors. Democrats will continue to fight to protect our most vulnerable Americans.

#### MR. PRESIDENT, WHOSE SIDE ARE YOU ON?

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. We all agree the loss of life that occurred last week when a flo-

tilla designed to challenge Israel's effective blockade of Gaza ended in military confrontation, but Israel has a right to defend itself.

The history is clear in that region. Gaza is controlled by a terrorist organization known as Hamas. Hamas used Gaza as a launching pad for thousands of rockets that killed innocent civilians in Israel. Israel responded with military force and has instituted a blockade that has saved lives in Gaza and in Israel.

There's no humanitarian crisis. Ten thousand tons of food and medical supplies are transferred into Gaza every single week.

Remarkably, yesterday, the President said it was time for Israel to sharply limit its effective blockade in Gaza saying, "The situation in Gaza is unsustainable." The truth is, Mr. President, your policy in Israel is unsustainable. The American people are on the side of Israel and Israel's right to defend herself.

Mr. President, whose side are you on?

#### FILLING THE DOUGHNUT HOLE

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, starting this week, tax-free rebate checks of \$250 will be sent to seniors who have already hit the part D doughnut hole. This \$250 rebate is a key improvement to Medicare and the first Medicare benefit of the new health care reform law to take effect.

These rebates are being sent out 3 months ahead of schedule, and the first round of checks will reach nearly 80,000 seniors who are already in the doughnut hole. Following this initial round of rebate checks, additional checks will be sent to seniors as they hit the doughnut hole. It's estimated that 4 million seniors across the country will receive a \$250 rebate check this year.

This is just a first phase of relief for seniors from prescription drug costs. Next year, seniors in the doughnut hole will see a 50 percent discount on brand-name drugs.

While the Medicare part D prescription drug program has helped millions of seniors obtain prescription drug coverage, seniors who fall into the doughnut hole and receive no financial assistance with their prescription drugs are often forced to put their health in danger by splitting pills or skipping treatments altogether to save on costs.

Despite the clear benefits to seniors from the health care reform legislation, Republican leaders have now made it a priority to repeal this landmark law, which will take away these prescription drug cost savings and other benefits for seniors and millions of Americans. It is now time that we implement further reform.

#### FARM BILL ENERGY TITLE

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, one of the most difficult challenges facing our Nation's future is providing clean, affordable, and reliable energy. The 2008 Farm Bill Energy Title provided a commitment to farm-based energy.

While the intent of this agenda was to expand biofuels in a timely manner, many of my constituents have expressed frustration with the slow pace of USDA's implementation. Nebraska's Third Congressional District is a leader in biofuels, and I remain committed to advancing the critical, timely development of our Nation's biofuels industry while decreasing our Nation's dependence on foreign oil.

I am confident that we can provide a cleaner environment and alleviate some of the economic pain Americans continue to experience. However, without a strong commitment, our advanced biofuels industry faces massive uncertainties, jeopardizing our Nation's path to energy independence.

#### HEALTH CARE REFORM

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of New York. Mr. Speaker, today we see the first benefits from the new health care reform law that was passed earlier by this Congress and signed into law by the President.

Eighty thousand seniors across America will be receiving checks that are being sent out, starting today, for \$250 to help pay the costs of their prescription drug coverage while they are in the doughnut hole. Other seniors that reach the doughnut hole through the rest of this year will also receive \$250 checks to help them afford the prescription drugs they need to live their lives safely and happily.

Over the next 10 years, this health care reform will eliminate the doughnut hole completely for our seniors. That's a step in the right direction, providing security and safety in the health care that our seniors need.

Amazingly, though, some on the other side of the aisle are continuing to call, not to change the health care reform bill but to repeal it entirely, to cut up the checks, take them away from our seniors and stop the help that they need to pay for their prescription drugs.

We will always be working to make our health care system better, but repealing this positive step forward makes no sense to me.

**\$250 CHECKS TO SENIORS**

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, in 2003, Republicans said they were overhauling Medicare, but all they succeeded in doing was creating a prescription drug doughnut hole that, in 2009 alone, forced 63,000 Maryland seniors to pay thousands of dollars out of pocket, forcing many to choose between buying the prescription drugs they need or purchasing food.

The Nation's seniors shouldn't be forced to make such a choice. That's why, under the new health care law, we are dedicated to closing the doughnut hole once and for all.

Today, June 10, \$250 checks are being mailed out to 80,000 eligible seniors as a first step to reducing the financial burden faced by seniors. Then next year there will be a 50 percent discount on prescription drugs in the doughnut hole.

Mr. Speaker, the first of many benefits under the health law that my Republican colleagues opposed and now hope to repeal is on the way. Our seniors and the rest of the country can't afford to go back to a broken system controlled by insurance companies with coverage gaps, denied care, and skyrocketing costs.

**\$250 FOR SENIORS**

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Mr. Speaker, today is a very important day for seniors in south Florida.

Today, more than 3 weeks ahead of schedule, checks to help cover the costs of prescription medication will be mailed to seniors who have fallen into the dreaded Medicare part D doughnut hole.

I have talked to many seniors in West Palm Beach and other parts of my district who had to make the wrenching choice between food and medicine. This should not happen in the America that I know, and that's why I personally have fought so hard to make sure that health care reform included reducing the cost of medicine for our seniors.

Starting today, payments of \$250 will be mailed to every senior who falls in the doughnut hole to help cover their costs. This is an important step, but it's just the beginning, because starting next year, seniors will see a 50 percent discount on brand-name drugs and we will begin to close the doughnut hole for good.

Fighting for our seniors in south Florida is one of my top priorities, and today's checks will make a real difference for seniors who have worked

hard and paid into the system. I look forward to continuing to work together to strengthen and protect Medicare.

**ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE**

The SPEAKER pro tempore (Mr. PASTOR of Arizona). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

**OIL SPILL LIABILITY TRUST FUND**

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3473) to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3473

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ADVANCES FROM OIL SPILL LIABILITY TRUST FUND FOR DEEPWATER HORIZON OIL SPILL.**

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended in the second sentence—

(1) by inserting “(1)” after “Coast Guard”; and

(2) by inserting before the period at the end the following: “and (2) in the case of the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain 1 or more advances from the Fund as needed, up to a maximum of \$100,000,000 for each advance, with the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986, and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance”.

**SEC. 2. BUDGETARY EFFECTS.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

□ 1030

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

**GENERAL LEAVE**

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on S. 3473.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

First, I am grateful for the indulgence of our colleague on the committee, our ranking member and senior Republican, Mr. MICA, for responding so quickly to the action of the other body.

We are unaccustomed to such prompt unanimous action in the other body, but they did pass, by unanimous consent, the bill before us now, S. 3473, in response to requests of the Department of Homeland Security, Secretary Napolitano, and Admiral Thad Allen, the National Incident Commander, following up on the May 12 request of the administration for legislative changes to, quote, “speed assistance to people in need,” close quote, in response to the BP-Deepwater Horizon tragedy.

The request further asks the Congress to, quote, “act immediately on return from recess,” close quote. And that is exactly what we are doing, but preceded by a hearing the committee held yesterday on the many aspects of the Oil Spill Liability Trust Fund and payment from responsible parties and the need for future legislation.

And the gentleman from Florida had several instructive and thoughtful suggestions that we in the committee will be acting upon per our previous agreement.

I want to lay out the specifics.

First of all, the request: Quoting again from the Homeland Security Department letter, “Congress needs to act now to permit movement of monies from the principal fund to the emergency fund. At the current pace of BP-Deepwater Horizon response operations, funding available in the emergency fund will be insufficient to sustain Federal response operations within 2 weeks.” That's from June 4.

“At that point, the Federal on-scene coordinator would not be able to commit sufficient funds to the agencies involved in the Federal response, including National Guard, Department of Defense, National Oceanic and Atmospheric Administration, Environmental Protection Agency, Department of Interior, and Department of Agriculture, to continue to provide critical response services, including logistical support, such as moving boom from Alaska and California to Louisiana; scientific support, such as evaluating the environmental impact of the spill and the response; and public health support, such as ensuring seafood from the gulf region is safe and monitoring fumes that might be a public health issue.

“Additional transfers from the Oil Spill Liability Trust Fund principal

fund to the emergency fund are needed to fulfill the President's order to bring all available and appropriate resources to bear in response to this disaster. Furthermore, depleting all currently available funds puts at risk the Nation's ability to address any new spills unrelated to the BP-Deepwater Horizon."

Second, I must note and affirm, as was done in our hearing yesterday, that any moneys advanced from the trust fund will be repaid by the responsible party—in this case, BP.

I was part of crafting OPA 90 and its predecessors in my previous service on the now-dissolved Merchant Marine Fisheries Committee, which jurisdiction transfers to our Committee on Transportation and Infrastructure. The whole concept of the Oil Spill Liability Trust Fund was from previous experience that there needed to be an immediate response by government agencies on scene to lay out funds, as was already spelled out in the letter from Homeland Security, without having to wait for negotiations with the responsible party.

In those years, up through the 1990s, all the attention was turned to spills from tankers, oceangoing vessels, bulk carriage of crude oil, principally, but other product as well.

The requirement was to get on the scene quickly, corral the oil, and contain the spill. The government needed to act quickly. The Coast Guard had the capability to do that. But we didn't want—and we had experience with Torrey Canyon and the Amoco Cadiz that there were long waits for the responsible party to make payments to government agencies responding in the case of France and the U.K. and in the case of U.S. Government agencies.

So the Oil Spill Liability Trust Fund was established to have a financial resource for government agencies to respond quickly and then bill the responsible party. That has been done in the case of the Deepwater Horizon spill.

At our hearing yesterday, Craig Bennett, director of the National Pollution Funds Center, said, "All funds expended will be billed to BP and ultimately recovered. These funds are deposited into the principal fund, not the emergency fund. As of June 1, 2010, obligations against the emergency fund for Federal response efforts totaled \$93 million."

That figure has now grown to \$114 million. So it's bumping up against the limit of \$150 million—the \$100 million, plus the baseline \$50 million for emergency response.

"At the current pace of operations, funding available," continuing with Director Bennett, "in the emergency fund will be insufficient to sustain Federal response operations within 2 weeks." And we're very close to that number now.

The Coast Guard has, according to information supplied by the Coast

Guard, billed BP \$69 million. That billing, when responded to by BP, will be deposited in the general fund of the Oil Spill Liability Trust Fund to replenish the fund. And additional expenditures will be billed against BP for deposit in the fund.

I further note that the Senate's bill amends section 6002 of the Oil Pollution Act of 1990 and provides for, quote, "one or more advances from the fund, as needed, up to a maximum of \$100 million for each advance, with the total amount of all advances not to exceed amounts available in section 9509(c)(2) of the Internal Revenue Code of 1986"—that deals with the Oil Spill Liability Trust Fund—"and within 7 days of each advance"—7 days' notice—"shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance."

Now, that language will come after the end of the period of section 6002(b) and will supplement, but not displace, the 30-day notice requirement of the basic law.

Congress will be notified when the Coast Guard needs to borrow from the trust fund up to the maximum of \$100 million for each advance it requests within 7 days. And we will receive all the information: the amount they're requesting, the facts, and the circumstances justifying the request for an advance.

I think this language parallels language that the House has included in our supplemental appropriations bill but not yet passed. It's important to take this action now.

This language clearly needs refinement, as was evident in the hearing we held yesterday, and I think the gentleman from Florida will agree. He has some very thoughtful ideas. We will merge those with other testimony submitted at yesterday's hearing and proceed with a legislative package in the coming 2 weeks.

Again, I thank the gentleman from Florida for participating in yesterday's hearing and for a response today.

I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and my colleagues, this is an emergency situation, and it requires emergency action by the House of Representatives.

The United States Senate, the other body, has acted and sent us S. 3743, which will allow us to expand some of the use of the funds that have been accumulated in the national Oil Spill Liability Trust Fund on an emergency basis. I am pleased that the other body acted. This is a unique and very difficult situation dealing with a very unique and difficult national disaster.

First, I would be remiss if I didn't remember today those families who will be in Washington visiting with President Obama. Eleven individuals lost

their lives when the oil rig, the Horizon, exploded in April. I know the President will be meeting with them. And, on behalf of all the Members of Congress, we extend our condolences for that loss of life.

Right now we are dealing with the results of that disaster. This disaster and explosion, sinking of the rig and the uncontrolled oil spill—fortunately, there has been some progress in that regard, but incredible amounts of oil have spilt into the gulf and now endangers the shores of at least four of our States.

In 1990, we set up an Oil Spill Liability Trust Fund, and that was after the *Exxon Valdez*. That fund has in it \$1.6 billion, a substantial amount of money.

Now, that fund was not set up to relieve anyone of responsibility if they are negligent, and it was also not a fund to pay for cleanup costs that are clearly assigned, clearly identifiable. A lot of it was intended for what they call an "orphan spill," or a spill where you don't know where the oil came from, the polluting substance came from.

Within that \$1.6 billion trust fund for oil spills that we created, we have an emergency fund of \$150 million that can be expended immediately. Now, what has taken place is that fund, the 150 million emergency dollars that can be spent—right now Thad Allen is doing a great job in leading the effort for the United States—and, as you know, he just retired from the Coast Guard—doing a wonderful job, but he has the responsibility of reacting now and immediately.

It took some time for the administration to get him in place and also to declare this a spill of national significance, but he is on the job and he needs the resources.

Now, the resources are running out. We do have a letter, which I will submit for the RECORD and to the Congress at this time. This is to the Speaker of the House, and it is from the Director of the Office of Management and Budget.

And he says, "All the costs of this fund also that are being expended at this point must be repaid. But, at this current time, in just a matter of days, the emergency fund will run out." So we have documentation of the need from OMB.

And just a few minutes ago, we received from the Federal on-scene coordinator the statement that their requirements to support the continuing ongoing effort will bring the emergency fund to a critically low level over the next 7 days.

□ 1045

So we can't have the cleanup efforts come to a halt. We must act. Now, I saw the need for this yesterday and met with colleagues on my side of the aisle. We had a hearing in the Transportation and Infrastructure Committee. Mr. OBERSTAR and I agreed

that we must act. The Senate has acted.

We have before us S. 3473. This morning, myself and other colleagues in Congress introduced H.R. 5499. That's mirror legislation. So both the Republican and Democrat House and Senate agree on the provisions of this legislation, which will allow in \$100 million increments the expansion of the emergency fund.

Now let me make this very clear: the Oil Spill Liability Trust Fund is not going to be a piggy bank for BP or for other responsible parties. This money must, should, and will be repaid. This is only a temporary measure. It is only a temporary measure, too, because the money that they are repaying goes back into that larger fund, not into the emergency fund. This legislation will correct, again, the inability of accessing a larger amount of money on a needed basis.

So we have introduced mirror legislation today. This is a cooperative and bipartisan effort. However, this is a terrible disaster, and questions need to be raised about what has caused us to get to this situation. Quite frankly, I'm quite baffled about some of the administration's positions on deepwater offshore drilling.

In the beginning of this year, in February, we received the budget from the President of the United States and the administration. In this budget, they proposed cuts to the Coast Guard of more than 1,000 positions. They also proposed cuts to and proposed the decommissioning of some of the ships, the helicopters and the planes that we see now involved in this very important mission. Not only did they propose cuts to the Coast Guard, our first responder, but in February they also proposed cuts to the Department of the Interior—and look this up, if you will—and to the Minerals Management Service, which is responsible for environmental reviews. This is what they proposed in February.

Then in March they proposed the expansion of drilling in the gulf. I remember I and FRANK LOBIONDO, the ranking member, sent out a press release when we read about these cuts within the Coast Guard, and we said that this was a recipe for disaster. Fortunately, those cuts have not been enacted; and I believe, even before this oil spill, there was bipartisan support not to enact those cuts that were recommended.

In light of the administration's policy to expand drilling in the gulf, some people say I've been too tough on the Obama administration. I think the Obama administration does have a responsibility in this. They did issue the permit that allowed the drilling, and I have the 1-page permit.

Here is the 1-page approval: April 6, 2009, approval for deepwater drilling at 5,000 feet.

I have what I call the "deficient plan" that they approved that was submitted by BP in March. So in less days than it took in some instances to approve now of a cleanup of proposals, they rubber-stamped and gave carte blanche approval.

Let me say that I also criticized the Bush administration, but I went back and looked at what the Bush administration did with the agency that was responsible for issuing these permits. This is a memorandum from the Office of Inspector General, and it is dated September 9, 2008, which was during the Bush administration. This is what the Bush administration did in that agency that issued this permit under this new administration.

This memo conveys the results of three separate Office of Inspector General investigations into allegations against more than a dozen current and former Minerals Management Service employees. I went on to read what else the Bush administration did with regard to this agency that was responsible for issuing these permits.

Listen to this: Collectively, our recent work in the Minerals Management Service has taken well over 2 years. They investigated these folks. It also involved the OIG, Office of Inspector General, and Human Resources. There was an expenditure of nearly \$5.3 million in OIG funds. There were 233 witnesses and subjects who were interviewed, many of them multiple times. Roughly 470,000 pages of documents were reviewed, and people were prosecuted, under the former administration, in this agency.

Now, the latest reports I have, which I discussed yesterday at the hearing, were that, in fact, we have reports of inspections by this agency, the Minerals Management Service, which were supposed to be done by these officers of that Federal agency. They were actually penciled in, we believe, and those are the reports we have by oil workers, which were then inked over by these folks. It is nice for this administration to have spent time rewarding BP with safety awards in the prior year. It is nice for them to have a good working relationship with those folks who are responsible for issuing the permits, but I think we need to take a closer look at how we got ourselves into this situation.

What brings us to this day when we've expended the emergency fund for cleanup that we have to take an emergency step like this?

Now, I support this measure, but I'm telling you that every penny needs to be paid back. This fund, this Oil Spill Liability Trust Fund that was put in place, shall not and cannot be used, as I said before, as a piggy bank for BP or for any responsible parties.

Where is the money? Where is the billing?

In the private sector, if you have a bill due, you pay it. As of yesterday,

the staff told me that BP has been billed \$69 million. As of yesterday, the information that we had is that they hadn't paid the bill. If they paid the bill, we still probably would have to be here because of the terms of the current legislation to allow access to additional money, but that money needs to go back into the trust fund, and it needs to be paid for by the responsible parties.

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF MANAGEMENT  
AND BUDGET,

Washington, DC, June 7, 2010.

Hon. NANCY PELOSI,  
Speaker of the House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: I am writing to urge the Congress to move quickly in enacting the FY 2010 Supplemental request. On June 4, 2010, Secretary Napolitano announced that the Coast Guard believes that within the next two weeks funding levels in the Oil Spill Liability Trust Fund's expenditure account will drop to levels that will force the Federal On-Scene Coordinator to begin to cut back Federal Deepwater Horizon response activities. We cannot allow the lack of funding to hamstring our Federal response to this national catastrophe.

On May 12, the Administration proposed legislation to support the BP/Deepwater Horizon response and speed assistance to people in need. Included in this package was a provision that would permit the Coast Guard and its National Pollution Funds Center to move funds from the Oil Spill Liability Trust Fund to the Emergency Fund so that the Federal response effort can continue without interruption. Specifically, the legislative changes would permit the Coast Guard to obtain additional advances in tranches of \$100 million up to the incident cap for the Oil Spill Liability Trust Fund. All of these costs are being billed to the responsible parties and the receipts will be deposited in the Trust Fund.

The President has ordered Federal agencies to bring all available and appropriate resources to bear in response to this disaster. Without legislative authorization, however, the Coast Guard cannot access the additional emergency fund resources necessary to pay for the Federal agencies' response to this tragic oil spill.

We appreciate your support in moving this critical legislation forward in the coming days.

Sincerely,

PETER R. ORSZAG,  
Director.

I reserve the balance of my time.

Mr. OBERSTAR. I yield myself 1 minute.

I completely agree with the gentleman. As the gentleman from Florida and I discussed in our hearing yesterday, the purpose of the trust fund is not to relieve anyone of responsibility.

I was part of crafting that legislation in 1990 and its predecessors. It was clearly our intent that this should be a fund to give the government the authority to move quickly, to get on the scene, to begin cleanup before industry responds, to bill the industry in order to make them pay into the trust fund, and to keep the industry responsible.

Secondly, the gentleman included orphan sites in his commentary. The legislation is not exclusively limited to orphan sites.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBERSTAR. I yield myself an additional minute.

An orphan site is one of the issues to be addressed, as we do under the Superfund Act. Yet the order of priority for response under the law, its first responsibility, is for the responsible party to act to the limit of its liability under the Oil Spill Act. We have to address that limit of liability. The hearing yesterday explored the range of dollar amounts of liability from the current \$75 million to some greater number, including unlimited liability. That is something we are going to have to discuss in committee.

So far, BP has, as the responsible party, spent \$1 billion, and they are responding. Yesterday, when I made the announcement at our committee hearing that the Coast Guard had billed BP for \$69 million, we still do not have a response on what the status is of repayment by BP into the trust fund, but we will have that information.

Thirdly, I agree with the gentleman that the trust fund is not a piggy bank for BP.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. OBERSTAR. I yield myself an additional minute.

We are going to hold them accountable. The Coast Guard will hold them accountable. I do want to point out that the emergency fund is an account within the Oil Spill Liability Trust Fund. It is not a separate fund of its own.

Further, as the gentleman was critical of the administration's budget and properly said this is bipartisan criticism, our committee budget, in response to that of the administration, rejected their proposed cuts for the Coast Guard. We understand there is no daylight between us.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. OBERSTAR. I yield myself an additional 30 seconds.

I would also point out that the previous administration of 2005, six, seven, and eight approved 4,120 offshore leases, including for this particular MMS lease sale—or 206—an exemption from a “blow-out scenario requirement” for Outer Continental Shelf actions in the gulf. BP's exploration plan for Deepwater Horizon did not therefore include an analysis or a response plan for a blow-out at the wellhead.

Now I yield 3 minutes to the chair of the Coast Guard Subcommittee, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Thank you for yielding, Mr. Chairman.

Mr. Speaker, first of all, in following up on what the chairman just spoke about, we just got an email from the Coast Guard saying that BP has assured them that the near \$70 million for which they have been billed will be paid by the end of next week, and we will hold their feet to the fire.

As chairman of the Subcommittee on the Coast Guard and Maritime Transportation, I rise today in strong support of S. 3473, legislation to amend the Oil Pollution Act of 1990 to authorize advances from the Oil Spill Liability Trust Fund for the response to the Deepwater Horizon oil spill.

The Oil Spill Liability Trust Fund consists of two funds—the principal fund and an emergency fund. As was described yesterday by Mr. Craig Bennett, director of the National Pollution Funds Center, the emergency fund is, in essence, the operating fund from which we take the money necessary to pay for the operations of the 27 Federal entities that are responding to the Deepwater Horizon crisis. On May 3, the emergency fund received an authorized advance of \$100 million. There is currently no statutory authority for any more advances to be made. Furthermore, as of June 1, obligations from the fund totaled \$93 million.

We cannot allow the fund to go dry. This legislation simply authorizes additional advances of up to \$100 million per advance. Nothing in this legislation relieves BP of its responsibility to cover all of the costs which have and which will continue to result from this tragedy.

I emphasize to our distinguished ranking member that I don't think there is one person in this body, either on your side or on this side, who is not adamant about making sure that BP pays every single penny—not dime—but every single penny that is due to the American people. However, based on the way the fund is currently established, it is necessary to authorize additional funds today in order to ensure that Federal response efforts are not interrupted.

I have already made two trips to the gulf coast, and I hope to make another one. I have seen firsthand the devastation caused by this spill. We cannot allow anything to threaten our ongoing cleanup efforts. Therefore, I urge my colleagues to join us in the passing of S. 3473.

I also would note, Mr. Speaker, that this allows us to act with the urgency of now to address these issues. We have windows of opportunity within which we can act and can get things done. We can get them done. We will get our money back, but the fact is that we have got to act now because there are people suffering, not only in Louisiana, but, certainly, in the ranking member's State and in so many other places.

□ 1100

And so, with that, I want to thank the chairman and the ranking member for expeditiously getting this bill to the floor so that we can address the needs of our people.

Mr. MICA. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. CAO), also a member of the Transportation and Infrastructure Committee.

Mr. CAO. Mr. Speaker, right after the oil spill, I had the opportunity to fly over the spill at ground zero, and as I flew over the gulf, I saw thousands of square miles of our beautiful waters being covered by this brown sludge and additional thousands of square miles of our beautiful gulf was covered by this oily slick.

I also toured by boat just a couple of weeks ago with the officials of Plaquemines Parish as well as Jefferson Parish, and as I was traveling through Barataria Bay, I saw patches of brown oil infringing on the oyster beds that are so integral to the seafood industry of Louisiana. And as I saw the oil as it encroaches upon the marshes and the wetlands, my heart dropped for the State of Louisiana as well as for the many fishermen and the many small businesses that are impacted by this catastrophe.

I also spent much of my time visiting businesses and talking to small business owners who are being impacted by this oil spill. I visited a seafood open market in Westwego and saw half of the businesses closed, and the parking lot remained empty. And I spoke to the business owners, and they informed me that their business has declined by more than half since the oil spill. And instead of being open for 5 days out of the week, 6 days out of the week, they are only open now 2 days out of the week.

So we see that the oil spill has had a devastating impact on the many people of the gulf coast and the many small businesses of the people of my district. Therefore, I believe that it is integral that we allow the money from the trust fund to be transferred to allow the Coast Guard the necessary resources to address the cleaning up of this oil spill.

We saw an absence of Federal Government post-Katrina. We saw how thousands of people struggled post-Katrina because of the absence of government, and I do not want the same problem to occur here with respect to this disaster caused by this oil spill. Therefore, I ask all of the Members to support this position.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the chairman, the distinguished gentleman from Minnesota, for the time and also for dealing promptly with this legislation.

There is a more than \$1.5 billion today in the trust fund, but the Coast Guard and the other government agencies cannot access that because of existing limits on the per incident expenses and because of the cap on using this for natural resources and economic damages.

The trust fund exists so that we can get on with the work at hand, and I'm pleased that the chairman and the ranking member are moving promptly to give the administration the tools that they need to deal with this. There is work to be done, and it must be done quickly. This will take care of immediate expenditures.

We have also dealt with, here in the House, increasing the total capacity of the trust fund, and we must rapidly build up those collections from the oil companies in that trust fund. And then, of course, we must recover from BP and the other responsible parties the money that is used from the trust fund.

So spending this money now, and I hope the chairman has been clear for our colleagues, spending that money now does not absolve BP of any responsibility. It just allows the work to get on, and the funds will be collected from BP.

Also, because this only deals with the immediate incident, there is still a need to, I would argue, pass the Big Oil Bailout Prevention Act, or something of the sort that I've introduced along with a number of cosponsors, to deal with this long term, to raise the liability limit so that we can collect everything that is necessary from oil companies.

Mr. MICA. I yield 2½ minutes to the distinguished gentleman from North Carolina (Mr. COBLE), also a senior member of the T and I Committee.

Mr. COBLE. Mr. Speaker, I rise in support of S. 3473. This legislation is absolutely critical to continue our oil spill response efforts in the Gulf of Mexico.

The Coast Guard and other agencies involved in the response to the Deepwater Horizon oil spill are spending tremendous amounts of time and effort ensuring every tangible resource is available to meet this response. By passing this legislation, we ensure that the Coast Guard can maintain these valiant efforts, while simultaneously ensuring other important missions are met, including maritime safety, security, defense, search and rescue efforts, mobility, and preparedness. As America's maritime guardian. The Coast Guard is always ready, and this legislation ensures this goal can continue to be met.

Finally, Mr. Speaker, it is important to note that the oil spill trust fund is funded by the petroleum industry and not the taxpayers.

I urge passage.

Mr. OBERSTAR. I reserve the balance of my time.

Mr. MICA. Well, Mr. Speaker, I will summarize for our side.

First of all, again, this is an emergency situation. We have to act, we must act, and we will act. Let me make it clear, and I'm glad everyone on the other side has made it very clear, that BP's feet will be held to the fire to repay this money.

Now, it's good to come out here and hear that BP has called the other side and told them that they're going to pay, the check is in the mail, and that's all well, fine, and good. But I'd be glad to send somebody down to OMB and show them how they can send a rapid request for payment to BP as this thing moved forward because, again, the taxpayer shouldn't be left on the hook nor should this fund be left on the hook in any way for responsibility for this cleanup.

Finally, just a couple of points. It was mentioned that the Bush administration gave 4,200 leases—I think that was the figure—and that is true. It's also true, and the Democrat staff did an excellent job—I complimented them yesterday—in getting a list of the current drilling and production activities in the Gulf of Mexico, and I'll submit this to the RECORD. But if you look, there are about 3,500, 3,492 wells in relatively shallow water, 200 meters, about 600 feet up to the surface. There are only 25 a thousand meters below.

The Obama administration, coming into office, issued—these are deepwater, 1,000 feet to 8,000 feet—more than two dozen. We'll also submit that to the RECORD.

Now, if they knew this was a management problem in the Minerals Management Service, and I just cited the Bush administration investigated that agency for 2 years and conducted a very thorough review of what was going on, they must have known there was a management problem when they inherited it.

Instead, what did they do? Faster than BP can pay their bill, they took the proposal from BP in deepwater, some of the deepest water drill—here are the number of ones that the committee found that there's deepwater drilling in—and they carte blanche, rubber-stamped approval of this outline that BP gave them. One page, April 6. Those are the facts.

#### DRILLING AND PRODUCTION ACTIVITIES IN THE GULF OF MEXICO

Water depth in meters	Active leases	Approved applications to drill	Active platforms
0-200 .....	2,279	33,590	3,492
201-400 .....	143	1,099	21
401-800 .....	330	835	9
801-1,000 .....	412	506	7
1,000 and above .....	3,454	1,634	25
Total .....	6,618	37,664	3,554

Source: MMS, current as of June 1, 2010

I yield back the balance of my time.  
Mr. OBERSTAR. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. OBERSTAR, thank you for your leadership. Chairman CUMMINGS, as well, thank you for your leadership.

The Coast Guard is poised in the gulf working overtime, waiting for this drawdown, which is a reimbursable drawdown. But we have to do something now. We have to do something for the shrimpers, the fishermen, the oystermen, the restaurants. We have to do something for the people who are bleeding and need our help.

This is a BP problem, but it is an oil industry problem. We have to see them rise to the occasion, to develop a better claims system, to develop a recovery plan. But right now, the Coast Guard, as told to us in a meeting with them last week with Chairman CUMMINGS and Chairwoman BROWN, they need the money now. This is an important step.

We can go back and look at the noes, but we've got to say yes today. Vote for this legislation.

I also wish to thank Senator REID for introducing this very important piece of legislation in such a timely manner. Today, I rise in support of S. 3473, an amendment that would authorize advances from the Oil Spill Liability Trust Fund as created by the Oil Pollution Act of 1990.

BP is dragging its heels on the oil spill cleanup. The sooner we can get the wheels turning on the cleanup, the sooner we can make families whole again and ensure a safe environment for the Americans that had to bear the brunt of this disaster of mammoth proportions. Releasing some of the funds from the aforementioned trust will allow individuals to be able to support themselves in their Gulf-based industry. Just yesterday I testified before the House Transportation and Infrastructure Committee and proposed legislation that would allow for the release of 100 million dollars from the Oil Spill Liability Trust Fund.

The sooner we address the problem, the more likely we are to prevent more extensive damage. It has been well noted that BP's efforts alone will not suffice. As members of Congress, we must do everything we can to address and resolve this crisis in the most expedient manner, and releasing these funds will allow for a more efficient response.

This amendment would provide a much-needed source of recourse and restitution for those victimized by this environmental disaster of massive proportions, caused by the April 20, 2010 explosion on the Deepwater Horizon oil vessel. It will also provide an avenue for accountability, which should be assigned, appropriately, to the parties responsible for imposing such suffering on the residents of the Gulf Coast area.

We are all very much aware of the hardship that has been inflicted upon the people in the Gulf Coast region. The oil, gushing at a rate of at least 12,000 to 19,000 barrels a day, has now spread over 42 miles beyond the spill site, 3,300 miles beneath the surface of the ocean. In its most concentrated areas, oil plumes created by the spill are sometimes over 15 miles long and 1,500 feet thick, depths below the water. This does not even account for the immense volume of oil which

is less concentrated, but still very much diluted with the water of the Gulf Coast.

The immediate effects of the spill are being felt as far west as Houma, Louisiana, and as far east as the Apalachicola Bay in Florida. Not only have there been serious environmental effects, but marine wildlife has been seriously impeded by the developments. Fishermen and workers in related industries are being deprived of their very source of income and livelihood. Even further, there are health effects resulting from the disaster that are increasing in number, daily.

According to a recent CNN article, there have been 71 reported cases of oil disaster related health problems ranging anywhere from headaches and coughing to more serious ailments. Additionally, the oil has reached shorelines across the coast, and is affecting beaches and their patrons.

It is imperative not only that the victims and potential claimants be afforded a source of recourse for the significant interruption of their way of life, but that the remedy process be made available in a timely fashion, as the effects of the oil spill are being compounded every day.

The Oil Pollution Act of 1990, adopted in response to the *Exxon Valdez* Alaska oil spill in 1989, governs the claims process associated with the British Petroleum disaster. According to the Act, any party liable for any threat or actual discharge of oil from a vessel or facility to navigable waters, adjoining shorelines, or the exclusive economic zone of the United States, is responsible for all cleanup costs incurred. Additionally, claimants may recover damages for injury to natural resources, loss of personal property, economic losses, and loss of subsistence use of natural resources. However, the Act caps economic damages at \$75 million from the party or parties responsible for an oil spill.

Seventy five million dollars is simply insufficient to compensate the victims of such a massive disaster. The law was passed in light of the *Exxon Valdez* oil spill. That spill was considered to be one of the largest environmental disasters in history, and involved the disgorgement of at least 10.8 million gallons of crude oil into Alaska waters.

I urge my colleagues to support this bill.

Mr. OBERSTAR. I yield myself the balance of my time.

Again, I'm greatly appreciative of the partnership in our committee with the gentleman from Florida and for working so expeditiously under minimal notice that both of us had to bring this unexpected but welcome legislation from the other body so quickly to the floor. I would hope that this and other measures that we will enact will be seen as a testimonial to the victims of that explosion on the Deepwater Horizon.

And as the gentleman from Florida said, I join him in commending the President for welcoming the families and consoling with them, and join in assurances to those families that Congress will continue to do everything right so that their lives will not have been lost in vain.

Madam Speaker, I ask unanimous consent to extend the debate time by 5 minutes on each side.

The SPEAKER pro tempore (Ms. JACKSON LEE of Texas). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. The purpose for this request is that we may resolve a technical problem that the Senate notified us of in the drafting of the language of the bill and in the reference to the appropriate section of the Internal Revenue Code, and we need to spend just a few minutes and get the parliamentary language correct, and that will take a few more minutes to resolve.

I ask the gentleman from Florida to designate his staff to participate with ours and with the Parliamentarian in assuring that we have the language properly crafted.

□ 1115

Mr. MICA. Will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Florida.

Mr. MICA. Well, maybe you could explain, for the benefit of this side of the aisle in the House, what the changes would be.

I did have several changes that I would have liked to have addressed. I believe this particular legislation just deals with this spill. I would have hoped that we could have modified this so that, in the future, we wouldn't have to come back on an individual-spill basis to do what we are doing here today.

And also, because this is a unique circumstance, we have not found ourselves in this situation before, we could make some additional changes to the measure that would, in fact, sort of, clean up the statute.

But, again, I am not sure what particular parliamentary or minor technical changes the majority is prepared to make in the legislation at this time. We do want to be agreeable and move the process forward. Maybe, now, with those questions, you might respond.

Mr. OBERSTAR. Certainly. And I thank the gentleman. And I share that concern.

In the hearing yesterday, I made it very clear that the committee would move forward with the broader changes that the gentleman just discussed, Madam Speaker, so that the Coast Guard will have authority to draw larger sums, in hundred-million-dollar increments, with proper notification to Congress, without having to come back and legislate each time.

But that is beyond the scope of the pending bill. And the technical changes notified to us are of a truly technical nature. Expanding into the broader question that we are now discussing would require new legislation.

And I commit to the gentleman that that will be part of our bipartisan work in committee, and we will craft the appropriate language.

Mr. MICA. I thank the gentleman.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentleman from Florida (Mr. BOYD).

Mr. BOYD. Madam Speaker, I thank my friend, the gentleman from Minnesota.

Madam Speaker, BP's failure to have a responsible plan in place to deal with the effects of this oil spill obviously has caused untold harm to our coastal communities and the men and women on our gulf coast, many of which I represent.

More needs to be done at every level to respond to this crisis. But one thing we will not tolerate is for there to be any disruption to the ongoing cleanup and containment efforts currently under way in the gulf, which is why I stand before you today in full support of S. 3473.

This bill ensures that the men and women fighting to contain this disaster have all the resources they need to continue their important work. Under this bill, the Federal Government will provide advance funding to sustain and support the cleanup and containment efforts currently under way.

But make no mistake: BP will be the ultimate financier. And they can count on receiving a bill once the total cost is in.

At the same time, while we are working to contain this crisis, we also must take steps to ensure this terrible situation does not become worse. Last week, Madam Speaker, I sent a letter to the President, urging his administration to develop a plan in case a tropical storm or hurricane hits the gulf coast, and it will.

The gulf region has weathered hurricanes in the past, but the presence of oil in our waters creates a number of unknown circumstances. And we need to be proactive in our efforts to protect our communities from a storm.

That is why next week I will convene the Joint Oil Spill-Hurricane Planning Conference to develop a comprehensive hurricane preparedness and recovery plan for north Florida. The conference will bring together local, State, and Federal officials and key stakeholders to develop a comprehensive and coordinated plan that identifies what actions need to be taken before, during, and after a possible storm.

We are clearly in uncharted waters, Madam Speaker, but that is no excuse for us failing to take action now against a threat that we know will strike sooner or later. We must begin planning now for this possibility.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBERSTAR. I yield the gentleman an additional 20 seconds.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. MICA. I yield the gentleman from Florida, my colleague from Florida, 30 seconds of my time.

Mr. BOYD. I thank my colleague, Mr. MICA, for yielding.

Madam Speaker, we must begin planning now for this possibility of a hurricane hitting the gulf coast and what effect the oil spill, what additional damage that will cause. We must ensure the current cleanup and containment efforts under way are able to continue unabated.

Madam Speaker, I urge support for S. 3473.

Mr. MICA. Madam Speaker, I guess as we conclude the extended time of debate on this measure to again revise some of the provisions of the emergency portion, \$150 million emergency fund within the \$1.6 billion Oil Liability Trust Fund, I understand that there has been identified a minor technical glitch in the legislation as it came from the other body.

As a great American, former United States Senator Bob Dole, he used to say that his body, the U.S. Senate, is a great place if you like to see paint dry and grass grow, as far as the speed in which things are done.

However, here they have acted with due diligence and great speed and, in that speed, have made a minor technical error. And I am not going to tell anyone about it. And because this is a situation in which we must proceed on an emergency basis, I am going to overlook it, in fairness.

I would also like to yield to the gentleman, our honorable chairman of the T&I Committee, my partner, Mr. OBERSTAR.

Mr. OBERSTAR. Madam Speaker, I thank the distinguished gentleman for yielding.

We have agreed that the technical issue raised by representatives of the other body is of a nature that can be resolved by the administration upon passage of this bill. It is better for us to pass this bill now to address the substantive issue, release of funds from the Oil Spill Liability Trust Fund, and not delay progress in cleanup.

For that reason, we will pass the bill intact and let the administration deal with whatever issue comes up. Should any additional change be necessary of a technical nature, it can be dealt with at a later time.

I thank the gentleman for his understanding, for his patience, and for yielding me the time.

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF MANAGEMENT  
AND BUDGET,

Washington, DC, June 7, 2010.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: I am writing to urge the Congress to move quickly in enacting the FY 2010 Supplemental request. On June 4, 2010, Secretary Napolitano announced that the Coast Guard believes that within the next two weeks funding levels in the Oil Spill Liability Trust Fund's expenditure account will drop to levels that will force the Federal On-Scene Coordinator to

begin to cut back Federal Deepwater Horizon response activities. We cannot allow the lack of funding to hamstring our Federal response to this national catastrophe.

On May 12, the Administration proposed legislation to support the BP/Deepwater Horizon response and speed assistance to people in need. Included in this package was a provision that would permit the Coast Guard and its National Pollution Funds Center to move funds from the Oil Spill Liability Trust Fund to the Emergency Fund so that the Federal response effort can continue without interruption. Specifically, the legislative changes would permit the Coast Guard to obtain additional advances in tranches of \$100 million up to the incident cap for the Oil Spill Liability Trust Fund. All of these costs are being billed to the responsible parties and the receipts will be deposited in the Trust Fund.

The President has ordered Federal agencies to bring all available and appropriate resources to bear in response to this disaster. Without legislative authorization, however, the Coast Guard cannot access the additional emergency fund resources necessary to pay for the Federal agencies' response to this tragic oil spill.

We appreciate your support in moving this critical legislation forward in the coming days.

Sincerely,

PETER R. ORSZAG,  
Director.

#### TIMELINE FOR APPROVALS OF DEEPWATER HORIZON LEASE

1986: MMS issues a list of categories of activities excluded from further review under NEPA within the Department of the Interior's "Department Manual."

May 27, 2004: The Bush Administration extends process by which MMS manages the NEPA process for offshore lease sales, including issuance of "categorical exclusions."

April 2007: MMS issues a Multistate environmental impact statement (EIS) for a proposed 5-year lease on the Outer Continental Shelf (OCS) that estimated a likelihood of 3 spills from platform drilling in deepwater that would produce approximately 1,500 barrels for each spill. As a result, the assessed impacts from oil spills under the 5-year lease were described as minimal. No extrapolation or hypothesis for what would happen if the spill were larger.

October 22, 2007: MMS issues its Environmental Assessment of the Proposed Gulf of Mexico OCS Oil and Gas Lease Sale 206, Central Planning Area. MMS estimated, based on historical data, that the probability of an offshore oil spill greater than 1,000 barrels reaching an environmentally sensitive resource was small. Accordingly, MMS finds that a supplemental EIS is not required and issues a FONNSI (Finding of No New Significant Impact)—over that assessed in the Multistate EIS for the 5-year lease on the OCS.

March 2008: BP purchased rights to drill for oil at MMS lease sale 206.

May 2008: MMS issues an exemption from a "blowout scenario requirement": for OCS actions in the Gulf (Notice to Lessee 2008). Accordingly, BP's exploration plan for the Deepwater Horizon site did not include an analysis or response plan for a blowout of the wellhead.

March 10, 2009: BP filed a 52-page exploration and environmental impact plan for the Macondo well, located in the Mississippi Canyon Block 252 of the Gulf, with MMS. This plan stated that it was "unlikely that

an accidental surface or subsurface oil spill would occur from the proposed activities." In the plan, the company further asserted that if there was a spill, "due to the distance to shore (48 miles) and the response capabilities that would be implemented, no significant adverse impacts are expected." Pursuant to 43 U.S.C. §1340, MMS is required to approve the BP exploration plan within 30 days of submission.

April 6, 2009: MMS approves BP exploration plan, with a categorical exclusion from NEPA, because the falls within the 2004 list of potential "categorical exclusions." Because of the categorical exclusion, the additional environmental impacts for a worst case scenario were not evaluated.

Mr. MICA. Reclaiming the time, also keep in mind the time that I yielded to the other side when they ran out of time, Madam Speaker.

The SPEAKER pro tempore. The gentleman has 2 minutes remaining.

Mr. MICA. But to conclude debate, again, I thank everyone for this bipartisan effort. Even though, again, we have a minor technical glitch, we want to move the legislation forward; so I urge my colleagues to pass the measure.

Mr. MCMAHON. I rise today in strong support of S. 3473. Since Day 1 of this disaster the Administration has brought all resources to bear to address ensure that damage to the environment, wildlife, and public health of the Gulf Region was as limited as possible.

In particular the United States Coast Guard has done outstanding work. As Vice Chair of the Coast Guard Subcommittee I know how hard the men and women of the Coast Guard have been working to contain this disaster. Led by Admiral Thad Allen, who has taken charge of federal on-the-ground response as National Incident Commander, the men and women of the Coast Guard are on the frontlines and deserve our gratitude and support.

This legislation is critical to maintaining continuity in the federal government's response. It amends current law to allow the administration to take multiple advances of up to \$100 million from the Oil Spill Liability Trust Fund. Without passage of S. 3473, the Coast Guard could run out of funding for cleanup and prevention as early as next week. This cannot be allowed to happen. I urge all of my colleagues to support this straightforward, common-sense legislation. It is the least we can do at the moment to help ongoing efforts to help the people of the Gulf region.

Mr. MICA. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, S. 3473.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CUMMINGS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this motion will be postponed.

#### FHA REFORM ACT OF 2010

The SPEAKER pro tempore. Pursuant to House Resolution 1424 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5072.

□ 1125

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5072) to improve the financial safety and soundness of the FHA mortgage insurance program, with Mr. PASTOR of Arizona in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday June 9, 2010, all time for general debate had expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 5072

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “FHA Reform Act of 2010”.

#### SEC. 2. MORTGAGE INSURANCE PREMIUMS.

Subparagraph (B) of section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)(B)) is amended—

(1) in the matter preceding clause (i)—  
(A) by striking “shall” and inserting “may”; and

(B) by striking “0.50 percent” and inserting “1.5 percent”; and

(2) in clause (ii), by striking “shall be in an amount not exceeding 0.55 percent” and inserting “may be in an amount not exceeding 1.55 percent”.

#### SEC. 3. INDEMNIFICATION BY MORTGAGEES.

Section 202 of the National Housing Act (12 U.S.C. 1708) is amended by adding at the end the following new subsection:

“(i) INDEMNIFICATION BY MORTGAGEES.—

“(1) IN GENERAL.—If the Secretary determines that a mortgage executed by a mortgagee approved by the Secretary under the direct endorsement program or insured by a mortgagee pursuant to the delegation of authority under section 256 was not originated or underwritten in accordance with the requirements established by the Secretary, and the Secretary pays an insurance claim with respect to the mortgage within a reasonable period specified by the Secretary, the Secretary may require the mortgagee approved by the Secretary under the direct endorsement program or the mortgagee delegated authority under section 256 to indemnify the Secretary for the loss.

“(2) FRAUD OR MISREPRESENTATION.—If fraud or misrepresentation was involved in connection

with the origination or underwriting, the Secretary may require the mortgagee approved by the Secretary under the direct endorsement program or the mortgagee delegated authority under section 256 to indemnify the Secretary for the loss regardless of when an insurance claim is paid.

“(3) REQUIREMENTS AND PROCEDURES.—The Secretary shall issue regulations establishing appropriate requirements and procedures governing the indemnification of the Secretary by the mortgagee.”.

#### SEC. 4. DELEGATION OF INSURING AUTHORITY.

Section 256 of the National Housing Act (12 U.S.C. 1715e–21) is amended—

(1) by striking subsection (c);  
(2) in subsection (e), by striking “, including” and all that follows through “by the mortgagee”; and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

#### SEC. 5. AUTHORITY TO TERMINATE MORTGAGEE ORIGINATION AND UNDERWRITING APPROVAL.

Section 533 of the National Housing Act (12 U.S.C. 1735f–11) is amended—

(1) in the first sentence of subsection (b), by inserting “or areas or on a nationwide basis” after “area” each place such term appears; and

(2) in subsection (c), by striking “(c)” and all that follows through “The Secretary” in the first sentence of paragraph (2) and inserting the following:

“(c) TERMINATION OF MORTGAGEE ORIGINATION AND UNDERWRITING APPROVAL.—

“(1) TERMINATION AUTHORITY.—If the Secretary determines, under the comparison provided in subsection (b), that a mortgagee has a rate of early defaults and claims that is excessive, the Secretary may terminate the approval of the mortgagee to originate or underwrite single family mortgages for any area, or areas, or on a nationwide basis, notwithstanding section 202(c) of this Act.

“(2) PROCEDURE.—The Secretary”.

#### SEC. 6. DEPUTY ASSISTANT SECRETARY OF FHA FOR RISK MANAGEMENT AND REGULATORY AFFAIRS.

(a) ESTABLISHMENT OF POSITION.—Subsection (b) of section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533(b)) is amended—

(1) by inserting “(1)” after “(b)”; and  
(2) by adding at the end the following new paragraph:

“(2) There shall be in the Department, within the Federal Housing Administration, a Deputy Assistant Secretary for Risk Management and Regulatory Affairs, who shall be appointed by the Secretary and shall be responsible to the Federal Housing Commissioner for all matters relating to managing and mitigating risk to the mortgage insurance funds of the Department and ensuring the performance of mortgages insured by the Department.”.

(b) TERMINATION.—Upon the appointment and confirmation of the initial Deputy Assistant Secretary for Risk Management and Regulatory Affairs pursuant to section 4(b)(2) of the Department of Housing and Urban Development Act, as amended by subsection (a) of this section, the position of chief risk officer within the Federal Housing Administration, filled by appointment by the Federal Housing Commissioner, is abolished.

#### SEC. 7. USE OF OUTSIDE CREDIT RISK ANALYSIS SOURCES.

Section 202 of the National Housing Act (12 U.S.C. 1708), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(j) USE OF OUTSIDE CREDIT RISK ANALYSIS SOURCES.—The Secretary may obtain the services of, and enter into contracts with, private

and other entities outside of the Department in—

“(1) analyzing credit risk models and practices employed by the Department in connection with such mortgages;

“(2) evaluating underwriting standards applicable to such mortgages insured by the Department; and

“(3) analyzing the performance of lenders in complying with, and the Department in enforcing, such underwriting standards.”.

#### SEC. 8. REVIEW OF MORTGAGEE PERFORMANCE.

Section 533 of the National Housing Act (12 U.S.C. 1735f–11) is amended—

(1) in subsection (a), by inserting after the period at the end the following: “For purposes of this subsection, the term ‘early default’ means a default that occurs within 24 months after a mortgage is originated or such alternative appropriate period as the Secretary shall establish.”;

(2) in subsection (b), by inserting after the period at the end of the first sentence the following: “The Secretary shall also identify which mortgagees have had a significant or rapid increase, as determined by the Secretary, in the number or percentage of early defaults and claims on such mortgages, with respect to all mortgages originated by the mortgagee or mortgages on housing located in any particular geographic area or areas.”; and

(3) by adding at the end the following new subsections:

“(d) SUFFICIENT RESOURCES.—There is authorized to be appropriated to the Secretary for each of fiscal years 2010 through 2014 the amount necessary to provide additional full-time equivalent positions for the Department, or for entering into such contracts as are necessary, to conduct reviews in accordance with the requirements of this section and to carry out other responsibilities relating to ensuring the safety and soundness of the Mutual Mortgage Insurance Fund.

“(e) REPORTING TO CONGRESS.—Not later than 90 days after the date of enactment of the FHA Reform Act of 2010 and not less often than annually thereafter, the Secretary shall make available to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate any information and conclusions pursuant to the reviews required under subsection (a). Such report shall not include detailed information on the performance of individual mortgagees.”.

#### SEC. 9. USE OF NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY.

(a) USE BY MORTGAGEES, OFFICERS, AND OWNERS; USE FOR INSURED MORTGAGES.—

(1) MORTGAGEES, OFFICERS, AND OWNERS.—Section 202 of the National Housing Act (12 U.S.C. 1708), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsections:

“(k) USE OF NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY FOR MORTGAGEES, OFFICERS, AND OWNERS.—The Secretary may require, as a condition for approval of a mortgagee by the Secretary to originate or underwrite mortgages on single family that are insured by the Secretary, that the mortgagee—

“(1) obtain and maintain a unique company identifier assigned by the Nationwide Mortgage Licensing System and Registry, as established by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators; and

“(2) obtain and maintain, as relates to any and all officers or owners of the mortgagee who are subject to the requirements of the S.A.F.E. Mortgage Licensing Act of 2008, or are otherwise required to register with the Nationwide Mortgage Licensing System and Registry, the unique

identifier assigned by the Nationwide Mortgage Licensing System and Registry, as established by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators.”.

(2) **INSURED MORTGAGES.**—Section 203 of the National Housing Act (12 U.S.C. 1709) is amended by adding at the end the following new subsection:

“(y) **USE OF NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY FOR INSURED LOANS.**—The Secretary may require each mortgage insured under this section to include the unique identifier (as such term is defined in section 1503 of the S.A.F.E. Mortgage Licensing act of 2008 (12 U.S.C. 5102)) and any unique company identifier assigned by the Nationwide Mortgage Licensing System and Registry, as established by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators.”.

(b) **COORDINATION WITH STATE REGULATORY AGENCIES.**—Section 202 of the National Housing Act (12 U.S.C. 1708), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(l) **INFORMATION SHARING WITH STATE REGULATORY AGENCIES.**—

“(1) **JOINT PROTOCOL ON INFORMATION SHARING.**—The Secretary shall, through consultation with State regulatory agencies, pursue protocols for information sharing, including the appropriate treatment of confidential or otherwise restricted information, regarding either actions described in subsection (c)(3) of this section or disciplinary or enforcement actions by a State regulatory agency or agencies against a mortgagee (as such term is defined in subsection (c)(7)).

“(2) **COORDINATION.**—To the greatest extent possible, the Secretary and appropriate State regulatory agencies shall coordinate disciplinary and enforcement actions involving mortgagees (as such term is defined in subsection (c)(7)).”.

**SEC. 10. REPORTING OF MORTGAGEE ACTIONS TAKEN AGAINST OTHER MORTGAGEES.**

Section 202 of the National Housing Act (12 U.S.C. 1708(e)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(m) **NOTIFICATION OF MORTGAGEE ACTIONS.**—The Secretary shall require each mortgagee, as a condition for approval by the Secretary to originate or underwrite mortgages on single family or multifamily housing that are insured by the Secretary, if such mortgagee engages in the purchase of mortgages insured by the Secretary and originated by other mortgagees or in the purchase of the servicing rights to such mortgages, and such mortgagee at any time takes action to terminate or discontinue such purchases from another mortgagee based on any determination, evidence, or report of fraud or material misrepresentation in connection with the origination of such mortgages, the mortgagee shall, not later than 15 days after taking such action, shall notify the Secretary of the action taken and the reasons for such action.”.

**SEC. 11. ANNUAL ACTUARIAL STUDY AND QUARTERLY REPORTS ON MUTUAL MORTGAGE INSURANCE FUND.**

Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended—

(1) in the second sentence of paragraph (4), by inserting before the period at the end the following: “, any changes to the current or projected safety and soundness of the Fund since the most recent report under this paragraph or paragraph (5), and any risks to the Fund”; and

(2) in paragraph (5)—

(A) in subparagraph (D), by striking “and” at the end;

(B) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(F) any other factors that are likely to have an impact on the financial status of the Fund or cause any material changes to the current or projected safety and soundness of the Fund since the most recent report under paragraph (4).

The Secretary may include in the report under this paragraph any recommendations not made in the most recent report under paragraph (4) that may be needed to ensure that the Fund remains financially sound.”.

**SEC. 12. REVIEW OF DOWNPAYMENT REQUIREMENTS.**

Section 205 of the National Housing Act (12 U.S.C. 1711) is amended by adding at the end the following new subsection:

“(g) **REVIEW OF DOWNPAYMENT REQUIREMENTS.**—If, at any time when the capital ratio (as such term is defined in subsection (f)) of the Mutual Mortgage Insurance Fund does not comply with the requirement under subsection (f)(1), the Secretary establishes a cash investment requirement, for all mortgages or mortgagors or with respect to any group of mortgages or mortgagors, that exceeds the minimum percentage or amount required under section 203(b)(9), thereafter upon the capital ratio first complying with the requirement under subsection (f)(1) the Secretary shall review such cash investment requirement and, if the Secretary determines that such percentage or amount may be reduced while maintaining such compliance, the Secretary shall subsequently reduce such requirement by such percentage or amount as the Secretary considers appropriate.”.

**SEC. 13. DEFAULT AND ORIGIN INFORMATION BY LOAN SERVICER AND ORIGINATING DIRECT ENDORSEMENT LENDER.**

(a) **COLLECTION OF INFORMATION.**—Paragraph (2) of section 540(b) of the National Housing Act (12 U.S.C. 1712 U.S.C. 1735f–18(b)(2)) is amended by adding at the end the following new subparagraph:

“(C) For each entity that services insured mortgages, data on the performance of mortgages originated during each calendar quarter occurring during the applicable collection period, disaggregated by the direct endorsement mortgagee from whom such entity acquired such servicing.”.

(b) **APPLICABILITY.**—Information described in subparagraph (C) of section 540(b)(2) of the National Housing Act, as added by subsection (a) of this section, shall first be made available under such section 540 for the applicable collection period (as such term is defined in such section) relating to the first calendar quarter ending after the expiration of the 12-month period that begins on the date of the enactment of this Act.

**SEC. 14. THIRD PARTY SERVICER OUTREACH.**

(a) **AUTHORITY.**—The Secretary of Housing and Urban Development may, to the extent any amounts for fiscal year 2010 or 2011 are made available in advance in appropriation Acts for reimbursements under this section, provide reimbursement to servicers of covered mortgages (as such term is defined in subsection (e)) for costs of obtaining the services of independent third parties meeting the requirements under subsection (b) of this section to make in-person contact with mortgagors under covered mortgages whose payments under such mortgages are 60 or more days past due, solely for the purposes of providing information to such mortgagors regarding—

(1) available counseling by housing counseling agencies approved by the Secretary; and

(2) available mortgage loan modification, refinancing, and assistance programs.

(b) **QUALIFIED INDEPENDENT THIRD PARTIES.**—An independent third party meets the requirements of this subsection if the third party—

(1) is an entity, including a housing counseling agency approved by the Secretary, that meets standards, qualifications, and requirements (including regarding foreclosure prevention training, quality monitoring, safeguarding of non-public information) established by the Secretary for purposes of this section for in-person contact about available mortgage loan modification, refinancing, and assistance programs; and

(2) does not charge any fees or require other payments, directly or indirectly, from any mortgagor for making in-person contact and providing information and documents under this section.

(c) **TREATMENT OF PERSONAL, NON-PUBLIC, AND CONFIDENTIAL INFORMATION.**—An independent third party whose services are obtained using amounts made available for use under this section and the mortgage servicer obtaining such services shall not use, disclose, or distribute any personal, non-public, or confidential information about a mortgagor obtained during an in-person contact with the mortgagor, except for purposes of engaging in the process of modification or refinancing of the covered mortgage.

(d) **DATE OF CONTACT AND DISCLOSURES.**—Each independent third party whose services are obtained by a mortgage servicer using amounts made available for use under this section shall—

(1) initiate in-person contact with a mortgagor not later than 10 days after the date upon which payments under the covered mortgage of the mortgagor become 60 days past due; and

(2) upon making in-person contact with a mortgagor, provide the mortgagor with a written document that discloses—

(A) the name of, and contact information for, the independent third party and the mortgage servicer;

(B) that the independent third party has contracted with the mortgage servicer to provide the in-person contact at no charge to the mortgagor;

(C) that the independent third party is an agent of the mortgage servicer;

(D) that the in-person contact with the mortgagor consists of providing information about available counseling by a housing counseling agency approved by the Secretary and available mortgage loan modification, refinancing, and assistance programs;

(E) that the independent third party and the mortgage servicer are prohibited from the use, disclosure, or distribution of personal, non-public, and confidential information about the mortgagor, obtained during the in-person contact, except for purposes of engaging in the process of modification or refinancing of the covered mortgage;

(F) any other information that the Secretary determines should be disclosed.

(e) **DEFINITION OF COVERED MORTGAGE.**—For purposes of this section, the term “covered mortgage” means a mortgage on a 1- to 4-family residence insured under the provisions of subsection (b) or (k) of section 203, section 234(c), or 251 of the National Housing Act (12 U.S.C. 1709, 1715y, 1715z–16).

**SEC. 15. GAO REPORTS ON FHA AND GINNIE MAE.**

Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Congress the following reports:

(1) **FHA REPORT.**—A report on the single family mortgage insurance programs of the Secretary of Housing and Urban Development and the Mutual Mortgage Insurance Fund established under section 202(a) of the National Housing Act (12 U.S.C. 1708(a)) that—

(A) analyzes such Fund, the economic net worth, capital ratio, and unamortized insurance-in-force (as such terms are defined in section 205(f)(4) of such Act (12 U.S.C. 1711(f)(4))) of such Fund, the risks to the Fund, how the capital ratio of the Fund affects the mortgage insurance programs under the Fund and the broader housing market, the extent to which the housing markets are more dependent on mortgage insurance provided through the Fund since the financial crisis began in 2008, and the exposure of the taxpayers for obligations of the Fund;

(B) analyzes the methodology of the capital ratio for the Fund under section 205(f) of such Act and examines other alternative methodologies with respect to which methodology is most appropriate to meet the operational goals of the Fund under section 202(a)(7);

(C) analyzes the effects of the increases in the limits on the maximum principal obligation of mortgages made by the FHA Modernization Act of 2008 (title I of division B of Public Law 110-289), section 202 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 620), section 1202 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 225), and section 166 of the Continuing Appropriations Resolution, 2010 (as added by section 104 of division B of Public Law 111-88; 123 Stat. 29723) on—

(i) the risks to and safety and soundness of the Fund;

(ii) the impact on the affordability and availability of mortgage credit for borrowers for loans authorized under such higher loan limits;

(iii) the private market for residential mortgage loans that are not insured by the Secretary of Housing and Urban Development; and

(iv) the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation; and

(D) analyzes the impact on affordability to FHA borrowers, and the impact to the Fund, of seller concessions or contributions to a borrower purchasing a residence using a mortgage that is insured by the Secretary.

(2) GINNIE MAE.—A report on the Government National Mortgage Association that identifies—

(A) the volume and share of the residential mortgage market that consists of mortgages that back securities for which the payment for principal and interest is guaranteed by such Association and how the Association has been affected by the economic recession, credit crisis, and downturn in the housing markets occurring during 2008, 2009, and the 2010;

(B) the capacity of the Association to manage the volume of business it conducts and securities it guarantees, particularly with regard to the recent dramatic increase in such volume, including the ability of the Association to conduct appropriate oversight of contractors and issuers of securities for which the payment of principal and interest is guaranteed by the Association and to determine whether the characteristics of various mortgage products constitute appropriate collateral for the federally guaranteed securities for which payment of principal and interest is guaranteed by such Association;

(C) the impacts, if any, resulting from such increased volume of business conducted by the Association and securities it guarantees and the challenges such increased volume poses to the internal controls of the Association; and

(D) the existing capital net worth requirements for aggregators of mortgages that issue securities that are based on or backed by such mortgages and payment of principal and interest on which is guaranteed by such Association and recommends an appropriate required level of net worth for such aggregators and issuers to protect the financial interests of the Federal Government and the taxpayers.

The Acting CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111-503. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. WATERS

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-503.

Ms. WATERS. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. WATERS:

Page 9, line 19, after “single family” insert “residences”.

Page 18, line 24, strike “12-month” and insert “18-month”.

Page 14, after line 16, insert the following new section:

**SEC. 13. AUTHORIZATION TO PARTICIPATE IN THE ORIGINATION OF FHA-INSURED LOANS.**

(a) SINGLE FAMILY MORTGAGES.—Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended by striking paragraph (1) and inserting the following new paragraph:

“(1) Have been made to a mortgagee approved by the Secretary or to a person or entity authorized by the Secretary under section 202(d)(1) to participate in the origination of the mortgage, and be held by a mortgagee approved by the Secretary as responsible and able to service the mortgage properly.”.

(b) HOME EQUITY CONVERSION MORTGAGES.—Section 255(d) of the National Housing Act (12 U.S.C. 1715z-20(d)) is amended by striking paragraph (1) and inserting the following new paragraph:

“(1) have been originated by a mortgagee approved by, or by a person or entity authorized under section 202(d)(1) to participate in the origination by, the Secretary;”.

Page 14, line 17, strike “13” and insert “14”.

Page 15, line 14, strike “14” and insert “15”.

Strike line 23 on page 18 and all that follows through page 22, line 20, and insert the following:

**SEC. 16. GAO REPORT ON FHA.**

Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Congress a report on the single family mortgage insurance programs of the Secretary of Housing and Urban Development and the Mutual Mortgage Insurance Fund established under section 202(a) of the National Housing Act (12 U.S.C. 1708(a)) that—

(1) analyzes such Fund, the economic net worth, capital ratio, and unamortized insurance-in-force (as such terms are defined in section 205(f)(4) of such Act (12 U.S.C. 1711(f)(4))) of such Fund, the risks to the Fund, how the capital ratio of the Fund affects the mortgage insurance programs under the Fund and the broader housing

market, the extent to which the housing markets are more dependent on mortgage insurance provided through the Fund since the financial crisis began in 2008, and the exposure of the taxpayers for obligations of the Fund;

(2) analyzes the methodology for determining the Fund's capital ratio under section 205(f) of such Act and examines alternative methods for assessing the Fund's financial condition and their potential impacts on the Fund's ability to meet the operational goals under section 202(a)(7) of such Act;

(3) analyzes the potential effects of the increases in the limits on the maximum principal obligation of mortgages made by the FHA Modernization Act of 2008 (title I of division B of Public Law 110-289), section 202 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 620), section 1202 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 225), and section 166 of the Continuing Appropriations Resolution, 2010 (as added by section 104 of division B of Public Law 111-88; 123 Stat. 29723) on—

(A) the risks to and safety and soundness of the Fund;

(B) the impact on the affordability and availability of mortgage credit for borrowers for loans authorized under such higher loan limits;

(C) the private market for residential mortgage loans that are not insured by the Secretary of Housing and Urban Development; and

(D) the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation; and

(4) analyzes the impact on affordability to FHA borrowers, and the impact to the Fund, of seller concessions or contributions to a borrower purchasing a residence using a mortgage that is insured by the Secretary.

At the end of the bill, add the following new sections:

**SEC. 17. INCREASED LOAN LIMITS FOR DESIGNATED COUNTIES.**

(a) AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Housing and Urban Development (in this section referred to as the “Secretary”) may increase the dollar amount limitations on the principal obligation of mortgages otherwise determined under section 203(b)(2) of the National Housing Act for any county that is designated under this section.

(b) PROCEDURE.—

(1) FEDERAL REGISTER NOTICE.—Any designation of a county under this section shall be made only pursuant to application by the county for such designation, in accordance with procedures that the Secretary may establish. The Secretary may establish such procedures only by publication in the Federal Register not later than 60 days after the date of the enactment of this Act.

(2) FINAL DETERMINATION.—If the Secretary establishes procedures for applications under paragraph (1) and receives a completed application for designation under this section of a county in accordance with such procedures, the Secretary shall issue a final determination regarding such application for designation, based on the criteria under subsection (c), not later than 60 days after such receipt.

(c) DETERMINATION CRITERIA.—The Secretary may designate an applicant county under this section only if the county is located within a micropolitan area (as such term is defined by the Director of the Office of Management and Budget) and meets the following criteria:

(1) More than 70 percent of the border of the applicant county abuts two or more metropolitan statistical areas (as such term is defined by the Director of the Office of Management and Budget) for which each dollar amount limitation on the principal obligation of a mortgage that may be insured under section 203 of the National Housing Act, in effect at the time of such determination, is at least 40 percent greater than the dollar amount limitation for the same size residence for the applicant county. For purposes of such calculation, the dollar amount limitations of such abutting counties shall not include any increase attributable to the authority under this section.

(2) The applicant county has experienced significant population growth, as evidenced by an increase of 15 percent or more during the 10 years preceding the application, according to statistics of the United States Census Bureau or such other appropriate criteria as the Secretary shall establish.

(3) The dollar amount limitation on the principal obligation of a mortgage on housing in the applicant county that may be insured under section 203 of the National Housing Act, in effect at the time of such application, is the minimum such dollar amount limitation allowable under the matter that follows clause (ii) in section 203(b)(2)(A) of the National Housing Act.

(d) **ESTABLISHMENT OF LOAN LIMITS.**—For a county designated under this section, the Secretary may increase the maximum dollar amount limitations on the principal obligation of mortgages otherwise determined under section 203(b)(2) of the National Housing Act to such levels as are appropriate, taking into consideration the criteria established for such designation, but not to exceed the dollar amount limitations for the abutting metropolitan statistical area meeting the requirements of subsection (c)(1) that has the lowest such dollar amount limitations.

(e) **EFFECTIVE DATE AND TERM OF DESIGNATION OF NEW COUNTYWIDE LOAN LIMITS.**—A designation of a county under this section, and the maximum dollar amount limitations for such county pursuant to subsection (d), shall—

(1) take effect upon the expiration of the 60-day period that begins upon the final determination for the county referred to in subsection (b)(2); and

(2) remain in effect until the end of the calendar year in which such designation takes effect.

(f) **LOAN LIMITS FOR SUCCEEDING YEARS.**—With respect to each calendar year immediately following the calendar year in which a county is designated under this subsection, the Secretary may, notwithstanding any other provision of law, continue or adjust the dollar amount limitations in effect pursuant to this section for such designated county for such preceding year, as appropriate, consistent with the criteria under this section.

#### SEC. 18. IDENTIFICATION REQUIREMENTS FOR BORROWERS.

Section 203 of the National Housing Act (12 U.S.C. 1709), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(z) **IDENTIFICATION REQUIREMENTS FOR BORROWERS.**—No mortgage on a 1- to 4-family dwelling may be insured under this title unless the mortgagor under such mortgage—

“(1) provides a valid Social Security Number; and

“(2) is (A) a United States citizen, (B) a lawful permanent resident alien, or (C) a

non-permanent resident alien who legally resides in and is authorized to work in the United States.

The Secretary shall establish policies under which mortgagees verify compliance with the requirements under this subsection.”.

The Acting CHAIR. Pursuant to House Resolution 1424, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the manager's amendment would make technical corrections to the underlying FHA Reform Act of 2010 and would respond to a GAO request for more time to complete the mandated study on FHA.

This amendment would also facilitate HUD's implementation of a recently finalized rule whereby FHA will no longer directly approve loan correspondents or mortgage brokers but will require lenders to approve brokers.

Under the language proposed in this amendment, loan correspondents would be permitted to continue closing loans in their own name, a critical business function, and continue to utilize table funding arrangements.

This amendment also addresses eligibility for FHA loans by requiring FHA borrowers to have a valid Social Security number and limiting FHA loans to only U.S. citizens and legal immigrants. This language ensures that undocumented immigrants or other individuals who are in the country unlawfully cannot get FHA mortgages, while still providing that lawful immigrants can continue to stimulate demand in the U.S. housing market through the purchase of homes.

Finally, this amendment provides that the Secretary may increase loan limits for micropolitan counties surrounded by higher-cost areas that are experiencing significant growth.

Again, this amendment strengthens an already strong bill, and I urge my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

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Mrs. CAPITO. Mr. Chairman, I claim the time in opposition, but I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentlewoman from West Virginia is recognized for 5 minutes.

There was no objection.

Mrs. CAPITO. I would like to thank the chairwoman of the Housing Subcommittee for her good work on this bill and for this manager's amendment. We have worked together on this amendment, as we have with the rest of the bill.

As she summarized in her statement, this provides provisions that drops out a few provisions that were problematic,

but it also increases the requirements for identification, for a valid Social Security number and to be a U.S. citizen to be able to have access to FHA programs. I think it goes to the core of a lot of discussion that we've had on this floor, and certainly we want to make certain that those who are eligible for programs are able to access them and those that are ineligible are unable to access them.

So as I said, we've worked together on this amendment, and I plan to support the manager's amendment.

With that, I yield back the balance of my time.

Ms. WATERS. Mr. Chairman, I have no further requests for time on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. WATERS. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. CARDOZA

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-503.

Mr. CARDOZA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CARDOZA: Page 15, line 20, strike “(e)” and insert “(f)”.

Page 18, after line 16, insert the following new subsection:

(e) **PRIORITY.**—In providing reimbursements under this section, the Secretary of Housing and Urban Development shall provide priority to independent third parties serving mortgagors under covered mortgages in areas experiencing a mortgage foreclosure rate and unemployment rate higher than the national average for the most recent 12-month period for which satisfactory data are available.

Page 18, line 17, strike “(e)” and insert “(f)”.

The Acting CHAIR. Pursuant to House Resolution 1424, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. I yield myself such time as I may consume.

In recent weeks we have seen a small but slow and steady improvement in the national housing market while other parts of the country, like my congressional district in the San Joaquin Valley, have continued to deteriorate. I have repeatedly explained to the

administration that their programs are not doing enough to stem the problems of the rising tide of foreclosures in areas like the Central Valley in California.

As this economic devastation continues, we must redouble our efforts to help our constituents as we work to improve the fundamentals of the economy and hopefully eventually pull ourselves out of this situation. We must ensure that we are doing everything that we can to help those who are suffering the most.

Counseling services are just one component of this comprehensive approach that we need to deal with this ongoing crisis. People must know their options when faced with foreclosure so that they can make informed decisions based on their own personal circumstances. Navigating these options is often difficult, stressful, and confusing to those who have never had to deal with such issues. Counseling can help some people find ways to stay in their homes while it offers others a path to resolve an impending foreclosure and get back on their feet.

If we are going to incentivize mortgage servicers to provide third-party counselors to borrowers who are behind on their mortgage payments, then we ought to make sure we give priority to those areas who are hurting the most. My amendment would prioritize foreclosure counseling services to areas of the country that have been the hardest hit by the housing crisis.

I urge my colleagues on both sides of the aisle to support this amendment and to refocus our efforts on those who need the help the most.

I reserve the balance of my time.

Mrs. CAPITO. I would like to claim the time in opposition, although I am unopposed to the amendment.

The Acting CHAIR. Without objection, the gentlewoman from West Virginia is recognized for 5 minutes.

There was no objection.

Mrs. CAPITO. I rise in support of the amendment offered by the gentleman from California.

As my colleague from California knows all too well, rising foreclosure and delinquency rates continue to affect all areas of the mortgage market. Secondary markets for mortgages have seen a significant drawback that has led to a reduction in the availability of credit. Lenders have tightened credit standards making it more difficult for delinquent borrowers to refinance.

At the same time, because of falling home prices and certainly in many parts of the country, like the gentleman's home district, borrowers are finding themselves unable to refinance into more affordable or fixed-rate products because their outstanding mortgage loan balances exceed their homes' values.

States such as California, Florida, Arizona, and Nevada continue to domi-

nate the national delinquency and foreclosure markets. The Cardoza amendment prioritizes assistance to the areas that have been hardest hit by foreclosure and unemployment compared to the rest of the country.

I am prepared to support the gentleman's amendment, and I would like to say that one area of the gentleman's amendment that I particularly am in favor of—because we kind of go through this discussion on a lot of different bills, where to put the greater emphasis, and I think the greater emphasis and the greater dollar assistance need to go to the places that are the hardest hit and do have the most difficult problems. And so I think this is well-intentioned, and I would support the amendment.

I reserve the balance of my time.

Mr. CARDOZA. Mr. Chairman, I thank the gentlelady for her comments and her support of my amendment. It is very important that we do move in this direction.

At this time, I yield 1 minute to the chairwoman of the subcommittee, a true champion for those who are trying to remain in their homes, and she's done so much to try to help us alleviate the challenges that we face in my district and throughout our State, the gentlewoman from California (Ms. WATERS).

Ms. WATERS. I would like to thank my colleague from California. I certainly support this amendment.

The gentleman from California has been one of the most active Members of this Congress in bringing attention to the economic fallout of the foreclosure crisis. I am well aware that his district located in my home State of California has one of the highest foreclosure rates in the country. California has the Nation's fourth highest foreclosure rate with one in every 192 housing units receiving a foreclosure filing last April.

Unfortunately, due to the economic impacts of foreclosures on communities, high foreclosure rates are sometimes accompanied by high unemployment rates. At 13 percent, California's unemployment rate is higher than the national unemployment rate of 9.5 percent. By prioritizing foreclosure counseling services to the hardest hit areas, this amendment would ensure that the homeowners most in need of these services would receive them, helping to stabilize communities that are already facing economic troubles.

I support this amendment, and I certainly thank the gentleman for offering it. I hope my colleagues will vote "yes."

Mrs. CAPITO. Again, I voice my support for the amendment, and I yield back the balance of my time.

Mr. CARDOZA. This amendment is straightforward and common sense. I believe that Congress must ensure that all efforts to provide assistance during these difficult times actually help those that need it the most.

I urge adoption of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. CAO

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-503.

Mr. CAO. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. CAO:

Page 16, line 4, strike "and".

Page 16, line 6, strike the period and insert "and".

Page 16, after line 6, insert the following:

(3) available counseling regarding financial management and credit risk.

The Acting CHAIR. Pursuant to House Resolution 1424, the gentleman from Louisiana (Mr. CAO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. CAO. Mr. Chairman, I rise today in support of my amendment to H.R. 5072, the FHA Reform Act of 2010. The bill we are considering today is a much-needed piece of legislation to help bolster the Federal Housing Administration and help prevent another housing crisis.

As someone from a district that is both in recovery and one with incredible housing needs, I especially appreciate this bill. I congratulate Chairman FRANK and Ranking Member BACHUS for bringing this important legislation to the floor.

I think the portion of the bill which provides information about loan modification and housing counseling to a mortgagor at risk of early default is important. The amendment that I propose slightly expands this requirement by including language that includes credit risk and financial management counseling information.

I know that many times, especially in the current economic downturn, people headed for foreclosure have many other debt issues. Low- and middle-income families, those most likely to have FHA loans, often don't know that there is counseling available to help them understand the credit risk associated with foreclosure and loan modification. Many do not have the skills to manage this risk. They don't know that there is often free or low-cost financial management information available to them for help. That is why I have drafted the additional language to help these families get information about the full range of services available to them. This is good policy from which any constituent in my district can benefit.

This is about giving people the information they need to be successful. As policymakers, we should not only aim to preserve homeownership but to encourage responsible homeownership. By empowering people, we are taking a proactive stance towards aborting another financial crisis.

I reserve the balance of my time.

Ms. WATERS. I rise to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WATERS. I thank the gentleman for this amendment which would ensure that FHA borrowers who are having difficulty paying their loans would receive counseling about credit risk and financial management in addition to information about loan modification assistance and the availability of housing counseling.

Financial literacy is an important tool for empowering consumers, especially those consumers who are having difficulty making mortgage payments. The gentleman's amendment would enhance the housing counseling resources provided by the bill. By allowing borrowers to learn about how to manage their non-mortgage debt, they could be helpful in ensuring that they are able to remain current in their mortgages after modification.

I support this amendment, and I urge an "aye" vote.

I yield back the balance of my time.

Mr. CAO. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. CAO).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MS. BEAN

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-503.

Ms. BEAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. BEAN:

At the end of the bill, add the following new section:

**SEC. 16. AUTHORITY TO ESTABLISH HIGHER MINIMUM CASH INVESTMENT REQUIREMENT.**

(a) **AUTHORITY.**—Paragraph (9) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(9)) is amended by adding at the end the following new subparagraph:

“(D) **AUTHORITY TO ESTABLISH HIGHER MINIMUM REQUIREMENT.**—The Secretary may establish a higher minimum cash investment requirement than the minimum requirement under subsection (a), for all mortgagors or a certain class or classes of mortgagors, which may be based on criteria related to borrowers’ credit scores or other industry standards related to borrowers’ financial soundness. In establishing such a higher minimum cash investment requirement, the Secretary

shall take into consideration the findings of the most recent annual report to the Congress on minimum cash investments pursuant to section 16(b) of the FHA Reform Act of 2010.”

(b) **REPORT.**—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act and annually thereafter, the Secretary of Housing and Urban Development shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report detailing the implementation of the minimum cash investment requirements under section 203(b)(9) of the National Housing Act (12 U.S.C. 1709(b)(9)) and discussing and analyzing options for proposed changes to such requirements, including changes that would take into account borrowers’ credit scores or other industry standards related to borrowers’ financial soundness. Such report shall—

(1) analyze the impacts that any actual or proposed such changes are projected to have on—

(A) the financial soundness of the Mutual Mortgage Insurance Fund;

(B) the housing finance market of the United States; and

(C) the number of borrowers served by the Federal Housing Administration;

(2) explain the reasons for any actual or proposed such changes in the such requirements made since the last report under this subsection;

(3) evaluate the impact of any actual or proposed such changes in such requirements on the Mutual Mortgage Insurance Fund;

(4) evaluate the impacts of any actual or proposed such changes on potential mortgagors under mortgages on one- to four-family dwellings insured by the Secretary under the National Housing Act; and

(5) evaluate the impact of any actual or proposed such changes on the soundness of the housing market in the United States.

The Acting CHAIR. Pursuant to House Resolution 1424, the gentlewoman from Illinois (Ms. BEAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Illinois.

Ms. BEAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment I am here to talk to my colleagues about today protects taxpayers and increases government accountability while preserving a critical program that has helped 37 million Americans become homeowners since 1934.

My amendment requires HUD and the FHA to conduct annual comprehensive assessments and considerations for increased minimum down payment requirements in the FHA mortgage guarantee program and grants the FHA greater authority to do so.

Currently, the minimum cash investment requirement, commonly referred to as the “down payment requirement,” is set at 3.5 percent. HUD has used its existing authority to propose a 10 percent down payment requirement for borrowers with credit scores below 580, and I applaud FHA Commissioner Stevens and HUD for this important step to protect taxpayer dollars.

However, it’s important for HUD to be given clear direction on evaluating future down payment increases as data suggests that the foreclosure crisis is not yet over.

According to core logic, approximately one in four borrowers are underwater in their mortgages, which means they owe more than their house is currently worth. As borrowers become increasingly underwater, they lose incentive to continue to pay their mortgage, which can lead to delinquency and further foreclosures.

While it is difficult for individual homeowners to guard against large swings in the housing market, one important tool for preventing negative equity is to require a meaningful down payment. To make sure HUD is setting down payment requirements for the FHA program that will sufficiently protect the Federal Government from excessive defaults, my amendment requires HUD to submit an annual report to Congress regarding proposed or actual increases. The report would require HUD to analyze the impacts that they would have on the financial soundness of the Mutual Mortgage Insurance Fund—which is the reserve fund referenced frequently in today’s debate—also the effect on the housing finance market of the United States and the number of borrowers served by the FHA program.

□ 1145

The amendment requires HUD to consider the findings of these annual reports in determining whether higher down payment requirements are warranted. In addition, it grants authority to HUD to establish requirements for all borrowers or a class or classes of borrowers, and it directs HUD to consider a borrower’s credit score when making these decisions.

Combined, this amendment will mandate HUD to evaluate resetting down payment requirements every year, and it will ensure the Federal Government is effectively protected from unnecessary risk. This amendment allows Congress to protect taxpayers without being overly prescriptive or handcuffing the FHA with specific terms. Instead, it provides the FHA the authority to make fact-based decisions based on the level of defaults and market conditions.

We learned from the current mortgage crisis that the FHA needs the data and the flexibility to address changes in today’s more dynamic and diverse mortgage market and to protect taxpayers. We also recognize the importance of preserving access to affordable mortgages for millions of American families. FHA has helped Americans attain home ownership and has provided crucial mortgage insurance at times when the private market has pulled back from the mortgage market.

This legislation well complements the consumer and taxpayer protections in the Wall Street reforms Congress is moving towards final passage.

I urge my colleagues to support the Bean amendment and the underlying bill.

I reserve the balance of my time.

Mrs. CAPITO. I rise to claim time in opposition, although I'm not opposed to the amendment.

The Acting CHAIR. Without objection, the gentlewoman from West Virginia is recognized for 5 minutes.

There was no objection.

Mrs. CAPITO. As the gentlewoman from Illinois stated, this gives HUD the authority to increase FHA down payments and would require an annual report. I'd like to ask the gentlelady, if I could, a question about her amendment, if she would be willing to help me out with some clarification.

You mentioned in your statement that HUD had already raised the down payment requirements with those of credit scores of 580 and below up to 10 percent. So my question is, it seems apparent to me that HUD already has the authority that you are granting in this amendment. HUD can already now go in and raise down payments. I would like to know what the distinction is or what the difference of the authority is that you're granting in your amendment from the authority that HUD already has.

I yield to the gentlewoman from Illinois.

Ms. BEAN. Well, first of all, it's mandating it. They have to evaluate the facts every year and then propose to Congress why they are or aren't making changes. So that's different than what they've been required to do in the past.

Mrs. CAPITO. But still, the authority they have to raise down payment requirements is already existing in current law.

Ms. BEAN. They do have the authority to make changes.

Mrs. CAPITO. Basically, the change is more in the annual report and the requirement that HUD has to look at those reports and make a statement to the committee and to Congress?

Ms. BEAN. That's correct.

Mrs. CAPITO. I thank the gentlelady for clarification, and as I said previously, I am prepared to support this amendment.

I don't believe I have any further requests for time; so I yield back the balance of my time.

Ms. BEAN. I yield such time as she may consume to Congresswoman WATERS.

Ms. WATERS. Mr. Chairman, this amendment reiterates the existing authority of the Secretary of Housing and Urban Development to raise down payment standards if he deems it necessary to ensure the financial health of FHA, and that is exactly what Sec-

retary Donovan, with the help of Commissioner Stevens is doing because data indicates it is the best thing to do for the current economic environment. In addition, the Secretary has the authority to reduce this down payment should economic conditions change and data indicates that it can be done while preserving the health of the capital reserves.

This amendment also calls for the Secretary to provide an annual report on the implementation of the minimum down payment requirement, the impact on FHA's capital reserves, the housing market generally, all the number of FHA borrowers, and the impact of any proposed changes on borrowers on the fund.

I believe this is a sensible amendment that increases transparency and accountability and should receive strong, bipartisan support, and I thank Congresswoman BEAN for all of the work that she's done on this committee and for this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Illinois (Ms. BEAN).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. GARRETT OF NEW JERSEY

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-503.

Mr. GARRETT of New Jersey. Mr. Chairman, I have an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. GARRETT of New Jersey:

Page 3, after line 16, insert the following new section:

**SEC. 3. DOWNPAYMENT REQUIREMENT OF 5 PERCENT AND PROHIBITION OF FINANCING OF CLOSING COSTS.**

Section 203 of the National Housing Act (12 U.S.C. 1709) is amended—

(1) in subsection (b)(9)(A), by striking "3.5 percent" and inserting "5.0 percent"; and

(2) in subsections (b)(2) and (k)(3)(A), by striking "(including such initial service charges, appraisal, inspection, and other fees as the Secretary shall approve)" each place such term appears and inserting "(which may not include any initial service charges, appraisal, inspection, or other fees or closing costs as the Secretary shall prohibit)".

The Acting CHAIR. Pursuant to House Resolution 1424, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. I yield myself 3 minutes.

I want to begin by restating the obvious, and that is, the FHA right now is in serious financial trouble. Their book of business during 2005 and 2006 and 2007 was really pretty small back then, and in 2008, FHA's lending took off to really high levels and currently is around 30 percent of the market. Typically,

the default from mortgages occurs not in the first couple of years but in three, four, five, six, and seven years.

So we've already seen a sharp increase in delinquency and defaults with the FHA book, and we've not even gotten into the typically bad areas, the problem years for 2008 and 2009 so we're probably going to see those numbers go off the track.

Some of my colleagues on the other side of the aisle may say that there isn't going to be a problem because underwriting standards have tightened up some and the average FICO score has gone up. If you think about it, that really misses the point. In the mortgage business, you make pennies and you lose dollars. Because of the tremendous increase in volume, the FHA has insured thousands of more loans from higher credit borrowers but they insured thousands of more loans from more credit risky borrowers, too. Those numbers just aren't going to balance out. So, when the FHA has to pay a claim on default, it costs significantly more than the proceeds, than the few extra pennies they get by issuing more loans. For example, the premiums from 10 additional good loans would not cover the losses from 10 additional riskier loans in default. In fact, I doubt it would cover even one.

This point also debunks the claim that if you raise the down payment you will hurt the FHA because the accompanying reduction in volume will not allow them to collect as many fees. Why is that? The more loans you insure, the more defaults you will experience and you will not be able to recoup the losses with those additional premiums.

A second point. Another argument they will make is that the FHA's LTV ratio, the loan-to-value ratio, above 95 percent are a lower percentage of the books today than they were just a few years ago, but this fails to acknowledge that it's because their book has grown so much over the last few years. So I would argue this, that of the total numbers, there are significantly more loans over there that are above 95 percent LTV and over 96.5 which is a critical number simply because of their ability to finance the up-front premiums now. And with more loans with higher LTVs means what? More riskier loans.

FHA's own actuarial report says this: "Based on previous econometric studies of mortgage behavior, a borrower's equity position in the mortgaged house is one of the most important drivers of default behavior. The larger the equity position a borrower has, the greater the incentive to avoid default on the loan."

So that's why I've come up with this amendment. It's not a 20 percent down payment or 15 percent or even a 10 percent, which many private lenders right

now require, but we go for the reasonable one, the compromise, 5 percent down payment. I support home owners as much as the next guy, and I want everybody to be able to afford their own home if they could. But we have to learn something from our past history, and we have to be responsible here in this House.

I find the debate over the problems with the FHA eerily similar to the debates we've had leading up to Fannie Mae and Freddie Mac. As taxpayers now are pumping hundreds of billions of dollars into Fannie and Freddie now, history has shown that we were on the right side of the debate then with Fannie and Freddie then, and I want to make sure that when this FHA bill goes through this House now, and at the conclusion of this debate as well, I want to make sure that myself and all of my colleagues are on the right side of this debate as well.

So I urge my colleagues to be all on the right side of this, this debate in history and to support my amendment.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. I yield myself 3 minutes.

Mr. Chairman, there were several aspects of the debate over housing during the period that led up to the crisis. Part of it was over Fannie Mae and Freddie Mac, but an even bigger part—because it involved Fannie Mae and Freddie Mac—was over sub-prime loans being made largely, although not entirely, on the unregulated banking system, and there were those who defended that. There were those who opposed efforts to rein it in.

In fact, with regard to Fannie Mae and Freddie Mac, I changed my own position with regard to them when in 2004 the administration, without congressional input, ordered Fannie Mae and Freddie Mac to buy more loans from people below the median income. We tried, many of us, during the period of 2004, 2005, and 2006 to get legislation adopted to ban sub-prime loans being granted imprudently. We had, the Congress, given the Federal Reserve the authority to do that in 1994, but Mr. Greenspan refused to do that. He since has apologized for that error.

So the question was not whether or not there was a general lack of discipline but whether there was a particular lack of discipline in containing sub-prime mortgages. The relevance of that is that the FHA doesn't do that. In fact, at a time of general ideological opposition of regulation of the mortgage market outside the banking system, there was very little regulation of sub-prime mortgages being granted to people who couldn't afford them, who made no down payment, who didn't

have to document their income. Because of all that, we ran into these problems, and the FHA's percentage went down. That's a major reason why the FHA went down. The FHA has never been guilty of that laxity of practice.

So, part of the reason for the increase in the FHA share is that we have been able finally to cut back on the sub-prime mortgages being granted imprudently, and the FHA has much stricter standards. Yet, I want to stress—and this is a major cause of the Fannie and Freddie problem is that they were pushed into buying sub-prime mortgages that never should have been given in the first place. That's not the FHA.

It's also the case that the FHA has stepped up in recent years, probably at congressional urging. The down payment has gone up. The up-front fee has gone up. The FHA has power now to go up to a 10 percent and has done this, a 10 percent down payment for people with a weak credit score. That's already part of the FHA's proposal.

The gentlewoman from Illinois' amendment just adopted makes it clear they can do even more, but to go beyond that, to the degree the gentleman from New Jersey wants to do, would undercut the ability of people who are capable of paying their mortgages from getting mortgage loans. That's why we have an unusual coalition opposing this amendment. It actually included a majority of the Republicans on the Committee on Financial Services who voted against this amendment, but it includes people on all sides of the housing market.

The Acting CHAIR. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. I yield myself an additional 30 seconds.

We have the Consumer Federation, the Center for Responsible Lending, the people who have distinguished themselves by being opposed to sub-prime lending when others in this Chamber didn't want any restriction, and the Realtors and the home builders, those who are in the business of providing housing, those who are advocates for consumers come together to say this goes too far and would go beyond what is needed for responsible lending.

I reserve the balance of my time.

Mr. GARRETT of New Jersey. I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

I rise in support of the amendment.

We can learn from history but we really can't revise it as much as we want to try. We're hearing the same arguments now that we heard about Fannie and Freddie, that there's no trouble, they're solvent, everything's fine. We're hearing the same thing with FHA now, but I can tell you, when FHA

insured simply, what was it one in fifty homes, now it's one in four, or guarantees the loan on that amount, we're going to face trouble here unless we make additional changes to the ones that are being proposed to this bill. This is a prudent amendment.

It would raise from 3.5 to 5 percent the minimum down payment. It gives more individuals more skin in the game for their home and fewer individuals will walk away. They will try to work it out and try to make their mortgages go on.

□ 1200

We cannot afford to ignore history, and if we reject this amendment, we are ignoring history.

Mr. FRANK of Massachusetts. Mr. Speaker, I have the right to close.

I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Speaker, to close, I take, to begin with, the words of the gentlewoman from Illinois who really makes my case in her amendment which, really, unfortunately, does not go far enough. She says, on the floor, that the FHA does need clear direction what to do in this area of downpayments. Unfortunately, they have not done the job up to this point in time, and now she says we have to give them that clear direction. That is what my amendment would do.

In no uncertain terms, we would say that those people who are not the best risks out there should have a minimum of 5 percent down. I also take from her very own words, she points out the fact that one out of four homes right now are under water. Well, do we want to find ourselves in this situation again 4 or 5 years from now from those very same people when one out of four homeowners are under water when they only have a few couple of percentage points down on their house that they are going to say, I can simply walk away from this house because there is really not much of an investment in it.

I don't think we want to rehash this argument again. I don't think we want to be in this situation again where the American taxpayer is put on the hook, just as it is now, to the tune of \$400 billion over the life of the GSAs. We don't want to have to come out and bail out FHAs.

Let's do the prudent thing right now. Let's be on the right side of history and make sure we have a prudent downpayment for FHA loans.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, may I inquire how much time remains?

The Acting CHAIR. The gentleman from Massachusetts has 1½ minutes.

Mr. FRANK of Massachusetts. First, Mr. Chairman, let me be clear, the FHA has gone beyond the gentleman from New Jersey with regard to borrowers who are risky. For borrowers

with a 580 or below credit score, the FHA has already used the authority we have given them to raise the downpayment to 10 percent, so we are talking about people above the 580 credit score.

Secondly, there was a total misreading of history with Fannie Mae and Freddie Mac. Yes, some of us thought earlier there wasn't a problem. After it was in order by the Bush administration in 2004 for them to get to more than 50 percent of purchases or mortgages for people below the median income, many of us changed our position and pushed for reform of Fannie Mae and Freddie Mac.

Unfortunately, that didn't happen, because of a dispute between the Republican House and the Republican Senate, until 2007, when this House took the lead and finally got it done in 2008. But the problem was that throughout that, we had ideological opposition from the deregulators against restricting subprime loans of the sort that led to trouble, and the FHA doesn't do that.

Mr. Speaker, I would submit for the RECORD letters from the Mortgage Bankers Association, National Association of Home Builders, National Association of REALTORS, Centers for Responsible Lending, the National Association of Consumer Advocates, the National Council of La Raza, Consumer Federation of America who point out not that we don't need restriction but that the FHA already has them. Again, to confuse this with the situation in which ideological opposition to sensible regulation allowed subprime loans to predominate outside the FHA is a confusion of the reality.

JUNE 9, 2010.

Hon. BARNEY FRANK,  
Chair, House Committee on Financial Services,  
Rayburn House Office Building, Wash-  
ington, DC.

DEAR CONGRESSMAN FRANK: The Federal Housing Administration's mortgage insurance program has never been more important to our housing markets than it is today. During this period of prolonged stress in our markets, Congress should avoid making any program changes that would further harm consumers and stall our economic recovery. The organizations listed below strongly oppose amendments to H.R. 5072, the FHA Reform Act, which would increase FHA's downpayment requirement, decrease FHA's loan limits, or otherwise limit FHA's ability to insure loans.

Raising FHA's downpayment requirement will do little to strengthen FHA's capital reserve ratio. Rather, it will put homeownership out of reach for many families and for others could deplete their cash reserves for home and other emergencies. Increasing FHA's downpayment could disenfranchise more than 300,000 responsible homeowners. We strongly oppose this amendment offered by Rep. Garrett (R-NJ).

We also oppose an amendment offered by Rep. Price (R-GA) that would limit FHA's market share to 10 percent of the housing finance market. We all welcome the return of private lending and corresponding reduction in FHA's market share, as that will indicate a return to a healthy housing market. But

today, FHA is appropriately serving its countercyclical role of providing credit and needed liquidity when the private market is not available to many homebuyers. Legislating an arbitrary reduction in market share in the midst of a housing downturn will have a negative impact on homeownership. We strongly oppose this amendment which will dramatically harm our nation's economic recovery.

Lastly, we ask you to oppose an amendment by Rep. Turner (R-OH) that would reduce the FHA loan limits. FHA's loan limits were temporarily increased in the Economic Stimulus Act of 2008. These higher limits allow American families in communities nationwide to obtain safe, affordable mortgage financing. Decreasing these limits would have a significant impact on the recovery of many housing markets and the overall liquidity of the mortgage industry. Today the private market for loans above the existing limits is small. Reducing the FHA limits will paralyze home sales above the cap, and hurt our housing recovery.

FHA is a critical part of our housing economy. Its programs offer borrowers access to prime-rate mortgages, require stringent underwriting, and will not insure a loan with a loan-to-value greater than 96.5 percent. We urge you to oppose these amendments that will only hamper this important program.

Sincerely,

MORTGAGE BANKERS  
ASSOCIATION.  
NATIONAL ASSOCIATION OF  
HOME BUILDERS.  
NATIONAL ASSOCIATION OF  
REALTORS®.

JUNE 7, 2010.

DEAR REPRESENTATIVE: We write in strong support of H.R. 5072, FHA Reform Act of 2010, scheduled for consideration by the House this week. The Federal Housing Administration (FHA) is playing its intended countercyclical role, providing borrowers with access to prime credit. Moreover, the FHA has already taken aggressive steps to manage credit risk and it has appropriate discretion to take additional action as necessary. H.R. 5072 provides the necessary tools to insure the financial stability of FHA and to protect taxpayers from risk.

We strongly oppose any amendments to further raise the FHA-required downpayment. Congress addressed this issue in 2008 with the passage of the Housing and Economic Recovery Act, which increased FHA's downpayment requirement from 3 percent to 3.5 percent. The current downpayment requirement represents a significant financial commitment and sufficient investment to insure a borrower's seriousness about homeownership. Increasing FHA's downpayment to 5 percent would, according to the U.S. Department of Housing and Urban Development, reduce the volume of loans endorsed by FHA by more than 40 percent, while only contributing \$500 million in additional budget receipts (as opposed to the expected \$4.1 billion from the other announced changes to the program).

The proposed change could have an especially harsh impact on African-American and Hispanic borrowers, who traditionally have much lower accumulated wealth and have benefited from the opportunities that fully documented, standard FHA loans with low down payments offer.

FHA is a critical part of our nation's economic recovery. Increasing the downpayment requirement will make homeownership more difficult for American families and dis-

enfranchise more than 300,000 responsible homebuyers. This is not the time to make unnecessary steps to a program that is serving such a vital function in our housing finance system. We urge you to oppose any amendments to increase FHA's downpayment requirement.

Sincerely,

CENTER FOR RESPONSIBLE  
LENDING.  
CONSUMER FEDERATION OF  
AMERICA.  
NATIONAL ASSOCIATION OF  
CONSUMER ADVOCATES.  
NATIONAL ASSOCIATION OF  
REALTORS®.  
NATIONAL COUNCIL OF LA  
RAZA.  
NATIONAL FAIR HOUSING  
ALLIANCE.

I yield back the balance of my time.  
The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. TIERNEY

The Acting CHAIR (Mr. CUELLAR). It is now in order to consider amendment No. 6 printed in House Report 111-503.

Mr. TIERNEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new section:

#### SEC. 16. MORTGAGE INSURANCE PREMIUM REFUNDS.

(a) AUTHORITY.—The Secretary of Housing and Urban Development shall, to the extent that amounts are made available pursuant to subsection (c), provide refunds of unearned premium charges paid at the time of insurance for mortgage insurance under title II of the National Housing Act (12 U.S.C. 1707 et seq.) to or on behalf of mortgagors under mortgages described in subsection (b).

(b) ELIGIBLE MORTGAGES.—A mortgage described in this section is a mortgage on a one- to four-family dwelling that—

(1) was insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.);

(2) is otherwise eligible, under the last sentence of subparagraph (A) of section 203(c)(2) of such Act (12 U.S.C. 1709(c)(2)(A)), for a refund of all unearned premium charges paid on the mortgage pursuant to such subparagraph, except that the mortgage—

(A) was closed before December 8, 2004; and

(B) was endorsed on or after such date.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each fiscal year such sums as may be necessary to provide refunds of unearned mortgage insurance premiums pursuant to this section.

The Acting CHAIR. Pursuant to House Resolution 1424, the gentleman from Massachusetts (Mr. TIERNEY) and

a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are instances when, after we have done all the research and completed all other options and exhausted them, a legislative remedy may still be required in order to help our constituents in our district offices with a particular problem. Those occasions give us the opportunity to evidence how Congress can work on their behalf, how Congress can help solve problems, and how Congress could have a direct and positive effect on people's lives. This is one of those times, and I appreciate the fact that the Rules Committee has made this amendment in order.

This amendment seeks to assist those people who, while they were in the process of pursuing their dream of homeownership, were unfairly impacted by a statutory change to HUD's upfront mortgage insurance premium refund policy. Now, under HUD's Upfront Mortgage Insurance Premium Refund policy, borrowers paid an upfront mortgage insurance of 1½ percent of their FHA loan amount, and if they prepaid their loans, the borrowers could be due refunds on that prepaid insurance amount.

However, in 2005, with the Consolidated Appropriations Act, Congress included language directing that the mortgages after the time of that date of enactment, which was December 8, 2004, that would no longer be true. Borrowers would no longer be eligible for refunds of their prepaid insurance.

So now there are about 15,000 people in this country who tried to do the right thing and play by the rules. They are constituents of all of ours who closed on their mortgage before that December 8, 2004, date in order to be able to get their refund. But, regrettably, they were prevented from receiving their refund because HUD didn't endorse their loan until after December 8, 2004. Now the constituents tell us they were never adequately informed by the lender of those potential provisions, and the lenders tell us they didn't do it because they weren't told by HUD until after the effective date, in fact, not until January of 2005.

I know of one particular family in my district from Gloucester, Massachusetts, who were harmed by that new provision in the law. They did everything right. They played by the rules. They closed their loan in November of 2004 without notice of the change of law, but they have been prevented from receiving their refund of some \$4,200 because HUD didn't do their mortgage until after December 10 of 2004. Certainly, that's an unintended consequence of the provisions in the Consolidated Appropriations Act of 2005.

This amendment makes a meaningful first step toward helping certain eligible homeowners and borrowers, many of whom are low-income families, as I say, who played by the rules. I say this is a first step because we later have to go to Appropriations to get money to fulfill this policy. But this clearly is the right policy. It is the fair thing to do. It is the right thing to do, and we have to discuss and argue about the money to appropriate in order to make whole these people at a later date.

But I suggest that if we all want to do the right thing by policy, I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mrs. CAPITO. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentlewoman from West Virginia is recognized for 5 minutes.

Mrs. CAPITO. I think the gentleman from Massachusetts brings forward an issue, and I have great sympathy for those who are caught basically, it sounds like, in a bureaucratic maze here, missed a date not really by their own doing but by maybe just because of the process they were involved in.

The question I have, and the reason I have skepticism on the gentleman's amendment, he began with, I think the number that the gentleman said, this may influence 15,000 folks.

Was that the number that you said in your statement?

I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Yes, 15,593, according to the Department.

Mrs. CAPITO. The other question I would ask the gentleman, and I know we would have to go to Appropriations to get the money allotted for this particular amendment: What would be the approximate cost of something like this? This is something where we are in this time of debt and deficit, and we need to cut our spending here. I think we need to be very vigilant on the bottom line. What is the bottom line of this amendment?

Mr. TIERNEY. I thank you for raising that point that this is a two-step process. This part of the process, in fact, talks about whether we will have a policy that will enable us at some appropriate time to appropriate the money.

Mrs. CAPITO. Right.

Mr. TIERNEY. We are not appropriating the money now, and I think that's a debate for another day and another time if we decide whether we want to be fair to these people or put it off for some other time, but the total for that 15,593 people, according to the Department, would be \$10,372,661.61, more or less.

Mrs. CAPITO. Thank you. Very precise. I appreciate that.

I still have skepticism even about 10 million, which in everyday dollars is

still quite a bit of money. And, as I said, we need to look at what we are doing on the bottom line here.

So, while I am very sympathetic and I think that the amendment has some merit, I would stand in opposition to the amendment.

I yield back the balance of my time.

Mr. TIERNEY. Mr. Chairman, I understand that \$10 million is \$10 million, and that's a lot of money to each one of us individually and, of course, we should be concerned. It's not proportionately a lot in our \$1.7 trillion budget.

But I think the real number to look at here is what does it mean to these individuals who are harmed by government policy on no doing of their own. So if it's \$4,200 to a family in my district or \$4,200 to a family in the gentleman's district, that's what's driving our economy right now.

For people to have every expectation of getting the return of that money and to play by the rules only to have the bureaucracy undercut them, I think that's the issue of fairness that we are dealing with here.

Now, we will have an issue later on about whether or not we think now is the appropriate time to put \$10 million on the floor to help people out, and that will be a day for them. But I think we should deal with the policy now and authorize that to be done at some date either this year or next year, or whenever we can make the argument in Congress that it's time to be fair.

I think we can all say in this amount, given the huge meaning this is to individuals, now is the time to be fair; 15,000 people wronged by government bureaucracy in amounts that are every bit as significant to them individually, the \$4,200, as \$10 million may be to all of us in the aggregate. It's an impact on their lives. It's whether or not their families are going to be able to make it through this crisis, whether or not they are going to be able to meet the everyday needs of food, health care, education, clothing and those things that are important to their family.

Again, in closing, I just reiterate, this is the authorization process. Let's set the policy of fairness. We can debate the other later. And let's keep in mind these people played by the rules, did what was right, and deserve to know, at least as a policy matter, Congress will stand with them.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-503.

Mr. PRICE of Georgia. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new section:

**SEC. 16. LIMITING ON FHA SHARE OF MORTGAGE MARKET.**

(a) 10 PERCENT LIMITATION.—Section 203 of the National Housing Act (12 U.S.C. 1709) is amended by inserting after subsection (h) the following new subsection:

“(i) LIMITATION ON FHA MARKET SHARE.—Notwithstanding any other provision of law, the aggregate number of mortgages secured by one- to four-family dwellings that are insured under this title in fiscal year 2012 or any fiscal year thereafter may not exceed 10 percent of the aggregate number of mortgages on such dwellings originated in the United States (but not including mortgages insured under this title), as determined by the Secretary after consultation with appropriate Federal financial regulatory agencies, during the preceding fiscal year.”.

(b) PLAN.—Not later than the expiration of the 90-day period beginning upon the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit to the Congress a plan setting forth a strategy and actions to be taken to ensure compliance with section 203(i) of the National Housing Act, as added by the amendment made by subsection (a) of this section.

The Acting CHAIR. Pursuant to House Resolution 1424, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. I want to commend the chairman of the committee and the ranking member for moving this particular piece of legislation. I particularly want to commend the gentlewoman from West Virginia (Mrs. CAPITO) for her great work in this area. She has been a dynamic and an excellent leader in this area and, indeed, she is to be commended.

Mr. Chairman, this bill incorporates some very positive moves. Clearly, the housing market has had significant challenges, and the question that we ought to be asking ourselves is how best to recover. Most experts would agree that, in order to move forward, we need to move toward less market distortion.

It might be helpful if we focus on the FHA's mission and the focus and the requirements that they have on them. We all support the FHA mission. The mission is to serve first-time homebuyers in underserved communities, but the FHA didn't get to a 30 percent market share, Mr. Chairman, by lending to first-time homebuyers and by serving underserved communities.

In terms of the requirements of the FHA, the requirements of the FHA are 3.5 percent downpayment. The private sector requires at least 10 percent. The FHA is required to hold a 2 percent capital reserve ratio, but its actual ratio is 0.53 percent. A bank is required to hold 10 percent capital reserve ratio.

A recent editorial in the Wall Street Journal said, According to Mortgage Bankers Association data, more than one in eight FHA loans is now delinquent, nearly triple the rate on conventional nonsubprime loan portfolios. Another 7.5 percent agreed that FHA loans are in serious delinquency, which means at least 3 months overdue. The FHA is almost certainly going to need a taxpayer bailout in the months ahead. The only debate will be about how much it will cost.

A former chief credit officer of Fannie and Freddie Mae, Edward Pinto, notes that “FHA's high-risk lending practices negatively impact the housing finance marketplace.” Mr. Chairman, you can translate that into being increasing taxpayer exposure.

□ 1215

So if we are honest with ourselves, when appropriately sized, the FHA does indeed do a wonderful job and is very helpful. But at this point, this is just another government program that is distorting the market. FHA's huge market share is a hindrance to regaining equity in the housing market. In addition, Fannie and Freddie's unlimited government lifeline is also a hindrance to the housing recovery.

My amendment would ensure that the FHA no longer crowds out the private market for home loans. The amendment is a modest first step to cap FHA new origination market share to no more than 10 percent of the private-market home loans each year, beginning in 2010 so there is significant time to adjust, so the American people are not further exposed to the next bailout. Mr. Chairman, that means the taxpayer is not exposed to greater liability.

The American people are sick and tired of bailouts. They see another one on the horizon. It is time for us to act. No more bailouts. What they are telling us across this country is to stop the madness. This amendment begins the process of stopping that madness.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. At best, we have a fragile recovery from a massive recession caused by a precipitous decline in home prices. Now, I know the gentleman is well-intentioned, but nothing is more likely to cause a double dip in this recession than the second precipitous drop in home prices that would be caused by pulling FHA and, as the gentleman argues, Fannie and Freddie out of the home lending market.

Right now, FHA is 30 percent of the home purchase finance market, about

over half of that market for African Americans, 45 percent for Hispanics. Are we going to tell one-third of American home buyers, almost half or over half Hispanics and African Americans seeking to buy homes, that they are not going to be able to buy those homes? Because, if they can't get FHA financing, the private sector may be there, but at much higher rates. And there is no way that these individuals will be able to afford to buy those homes.

With fewer buyers, you will see a precipitous decline in prices. That devastates communities further, devastates the American economy further.

FHA is actuarially sound. It charges fees for the services and the guarantees that it provides. And to cut its role in the market by a third as part of an overall policy designed to take FHA, Fannie Mae, and Freddie Mac out of the market ignores the fact that, in these troubled times, those three entities—FHA, Fannie, and Freddie—account for almost all of the home mortgages obtained by middle-class and working families.

So we should defeat the gentleman's amendment. And I want to point out it is opposed by the National Association of Realtors, the National Association of Home Builders, and the Mortgage Bankers Association.

Mr. PRICE of Georgia. Mr. Chairman, may I ask how much time remains on each side?

The Acting CHAIR. The gentleman from Georgia has 1½ minutes. The gentleman from Massachusetts has 3 minutes.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate the gentleman from California's comments. There is no doubt we are indeed in a fragile housing market, which is precisely why this policy would not take effect until 2012. It gives the Secretary significant flexibility in defining what that 10 percent is, but what it tries to do is to right-size the number of mortgages, the percent of the mortgages that the FHA insures.

I want to point out to all that 30 percent is a huge portion, historically, as it relates to what the FHA single-family insurance activity has comprised. From 2001 to 2007, the numbers were under 10 percent every single year for all FHA family insurance activity. So the amount of 10 percent is a responsible, a reasonable number.

What it tries to do, again, is to decrease the effect of intervention into the market that distorts the market. Remember, Mr. Chairman, that when the government distorts the market it makes it much more difficult for the market to recover and for us to make certain that we move in the direction of economic activity that we need.

Again, the taxpayers of this country are sick and tired of bailouts. This is another bailout in the making if we

allow the process that is currently in place to continue. We should limit the FHA exposure to 10 percent. We do it in a responsible way, by saying that it would begin in 2012. We provide significant flexibility for the Secretary so that the program will work well.

I urge my colleagues to adopt the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself the balance of my time.

First, I do note a certain irony. I am glad to see my colleagues, the gentleman from New Jersey, the gentleman from Georgia, praise the gentlewoman from West Virginia for a bill which they apparently found severely lacking.

I do note the gentlewoman from West Virginia voted against the prior amendment from the gentleman from New Jersey. I don't know where she is on this one, but it wasn't in the bill that I think she introduced, and for very good reason: A 10 percent cap is wholly arbitrary.

Now, the gentleman says it's going to crowd out the private market, but the leading participants in the private housing market oppose this amendment, including the Mortgage Bankers, as well as Realtors and Home Builders, as well as all consumer groups.

Beyond that, the reason the FHA went down so far from 2001 to 2007—interesting group of years; guess what was happening during that time?—was that there was a resistance to regulation of the subprime market.

The Federal Reserve was ignoring legislation Congress gave it in 1994 to regulate subprime lending. The Bush administration, in 2004, ordered Fannie Mae and Freddie Mac to increase the subprime loans they bought, which is one reason why I changed my position on the need to be tougher in the regulatory field. And the FHA lost out because these imprudent mortgages were being given without regulation. The FHA doesn't do the kind of mortgages that led to problems.

Beyond that, in recent years, towards the end of the Bush administration and with even greater force during the Obama administration, the FHA has been improving. The FHA has on its own said, if you've got a 580 credit score or below, it's a 10 percent downpayment. We mandated that they go from 3 to 3.5 percent downpayment and increase the upfront fees.

In this bill—and the gentlewoman from West Virginia deserves a great deal of credit, along with our colleague, the gentlewoman from California—the FHA is given credit to require lenders who get loans placed with the FHA in violation of the guidelines to take back those loans. So it wouldn't be the taxpayer that would be on the hook for those loans that shouldn't have been granted and that violated the good guidelines of the FHA; it will be the lender.

It also gives them the power to debar people who have a bad record, which is something they haven't had before.

So we are not talking about the old FHA; we are talking about an improved one. And we are talking about an FHA that stands in great contrast to the unregulated subprime market.

Finally, the gentleman says, "Well, it doesn't take effect until 2012." Neither he nor I knows what the housing market will look like in 2012. And if there's a reason not to do it now, that might also be there in 2012. No one can predict whether the housing—and maybe in 2015 it will be back again into trouble.

The housing market we don't believe is going to crash like it did before, but the basic point is this: The FHA has been the alternative to the kind of unregulated, irresponsible subprime mortgages that many of my friends on the other side protected, the kind of mortgages which they prevented us from regulating until 2007 when we were able to pass a bill in the House, over the objection of many of those who have spoken already, to regulate subprime mortgages. And because we did that, the Federal Reserve finally used its authority.

I hope the amendment is defeated.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. WEINER

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111-503.

Mr. WEINER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. WEINER:

At the end of the bill, add the following new section:

**SEC. 16. MAXIMUM MORTGAGE AMOUNT LIMITS FOR MULTIFAMILY HOUSING.**

(a) ELEVATOR-TYPE STRUCTURES.—

(1) AMENDMENTS.—The National Housing Act is amended in each of the provisions specified in paragraph (2)—

(A) by inserting "with sound standards of construction and design" after "elevator-type structures" the first place such term appears; and

(B) by striking "to not to exceed" and all that follows through "sound standards of construction and design" each place such terms appear and inserting "by not more than 50 percent of the amounts specified for each unit size".

(2) PROVISIONS AMENDED.—The provisions of the National Housing Act specified in this paragraph are as follows:

(A) Subparagraph (A) of section 207(c)(3) (12 U.S.C. 1713(c)(3)(A)).

(B) Subparagraph (A) of section 213(b)(2) (12 U.S.C. 1715e(b)(2)(A)).

(C) Subclause (I) of section 220(d)(3)(B)(iii) (12 U.S.C. 1715k(d)(3)(B)(iii)(I)).

(D) In section 221(d) (12 U.S.C. 1715l(d))—

(i) subclause (I) of paragraph (3)(ii); and

(ii) subclause (I) of paragraph (4)(ii).

(E) Subparagraph (A) of section 231(c)(2) (12 U.S.C. 1715v(c)(2)(A)).

(F) Subparagraph (A) of section 234(e)(3) (12 U.S.C. 1715y(e)(3)(A)).

(b) EXTREMELY HIGH-COST AREAS.—Section 214 of the National Housing Act (12 U.S.C. 1715d) is amended—

(1) in the first sentence—

(A) by inserting " , or with respect to projects consisting of more than four dwelling units located in an extremely high-cost area as determined by the Secretary" after "or the Virgin Islands" the first place such term appears;

(B) by inserting " , or to construct projects consisting of more than four dwelling units on property located in an extremely high-cost area as determined by the Secretary" after "or the Virgin Islands" the second place such term appears; and

(C) by inserting " , or with respect to projects consisting of more than four dwelling units located in an extremely high-cost area as determined by the Secretary" after "or the Virgin Islands" the third place such term appears;

(2) in the second sentence—

(A) by inserting " , or with respect to a project consisting of more than four dwelling units located in an extremely high-cost area as determined by the Secretary," after "or the Virgin Islands" the first place such term appears; and

(B) by inserting " , or in the case of a project consisting of more than four dwelling units in an extremely high-cost area as determined by the Secretary, in such extremely high-cost area," after "or the Virgin Islands" the second place such term appears; and

(3) in the section heading, by striking "AND THE VIRGIN ISLANDS" and inserting "THE VIRGIN ISLANDS, AND EXTREMELY HIGH-COST AREAS".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to mortgages insured under title II of the National Housing Act after September 30, 2010.

The Acting CHAIR. Pursuant to House Resolution 1424, the gentleman from New York (Mr. WEINER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. WEINER. Mr. Chairman, I appreciate the opportunity. I also want to thank my colleague, Mr. MILLER, with whom I offer this amendment.

This is a similar amendment—in fact, it is identical to one that was adopted by voice vote. There are problems with some FHA programs, and they are addressed in this bill. And there are some losing programs; there are some programs that simply haven't worked out very well.

One program that has been a consistent money-maker for the taxpayer and one that has driven the marketplace to do good things is the Multifamily Loan Program. However, in that

program, the limits set for how much the loan can be guaranteed for have not risen as fast as the cost in a lot of communities.

So what the Weiner-Miller amendment would do is simply raise the limits to keep up with the cost and create something called an "extreme high-cost area."

The way the program works is they essentially say, this is the limit to which we will underwrite, guarantee a loan for new construction or to modify a home. But if you have an apartment building—four, five, 10, 50, 100 units—obviously the costs wind up going up as you need things like elevators and HVAC going into big buildings. And what happens is, in places like Los Angeles and New York and Las Vegas and Miami, these costs have simply not been kept up with. The result has been that the loan program has not been very useful there.

What we do is we take a loan limit of \$183,000, almost \$184,000, create a new extreme high-cost area that the Secretary will be able to designate where the limits will be higher, \$377,000.

For those people who are concerned, well, are we going in the wrong direction and giving too much exposure to a program that we should be tightening up, this is a program that, unlike the single-family homes, where the program there has an extreme delinquency rate of about 8 percent, this one only has one of 0.3 percent.

Frankly, this is not a problem program, so we are just increasing the limits on one that really would encourage people to make loans to small businesses for developing.

I urge a "yes" vote.

I reserve the balance of my time.

Mr. GARY G. MILLER of California. Mr. Chairman, I claim time in opposition to the amendment, although I am not in opposition to the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. GARY G. MILLER of California. I yield myself such time as I may consume.

This amendment is exactly the same as the bill that passed this body by a voice vote last year, the FHA Multifamily Loan Limit Adjustment Act.

FHA's multifamily mortgage insurance programs enable qualified borrowers to obtain long-term, fixed-rate financing for a variety of multifamily properties that are affordable to low- and moderate-income families.

In the most expensive cites, it is very difficult for these workers, particularly those starting out in the workforce, to find affordable rental housing where they work. The FHA multifamily mortgage insurance program can help, but, due to its loan limits, there were only three FHA-insured multifamily loans for high-rise construction or rehabili-

tation approved in fiscal year 2007 and 2008—understand, just three—and that is a huge problem in this country. The loan limits in high-cost areas are simply too low.

According to the Mortgage Bankers Association, the lack of available loans is creating serious problems concentrated in major cities where high-rise construction is involved. In fact, their data shows that while elevator buildings cost 45 percent more than non-elevator structures, the current limit for these structures are less than 10 percent higher than non-elevator structures.

Developers are simply unable to provide affordable housing units in high-cost areas because the current statutory loan limits for FHA mortgage insurance are basically too low. I don't think we have ever seen a housing market that has been as impacted as the one we have faced in recent years. Low-income renters and moderate-income renters in these particular areas are really impacted by the loan limits that we have placed on developers.

We need to provide more housing stock, yet do it in a way that does not put taxpayers at risk. And that is what this does. The program makes money for the government, does not lose money for the government. I would absolutely support this amendment and ask all my colleagues to join us.

I reserve the balance of my time.

Mr. WEINER. I think my colleague states it very well, and I urge a "yes" vote as well.

I just want to point out, this is not a zero-sum game. There is nothing about the single-home market that is going to be impacted by this. There is nothing about the higher cost that is going to be impacted. This is just allowing this program to function in all quarters of the housing market and to take into accommodation the things that my colleague says, things like bigger buildings have very often higher costs.

As I said, this has an outstanding delinquency rate of 0.3 percent. If every housing program and every housing guarantee program, despite the very difficult downturn, had such a small delinquency rate as this, then I think we would all be very happy with it. So increasing these limits I don't believe would have any deleterious effect.

I urge a "yes" vote.

I yield back the balance of my time.

Mr. GARY G. MILLER of California. I agree with what my colleague said. When we passed this bill out last time, it had unanimous support. There is no impact on the Federal Government. We are taking areas that are high-cost, that have basically been discriminated against in the past from being able to participate in either a GSA loan or an FHA loan.

This is a good amendment. I ask for an "aye" vote.

□ 1230

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. TURNER

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111-503.

Mr. TURNER. Mr. Chairman, I have an amendment at the desk, and I ask for its immediate consideration.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. TURNER:

At the end of the bill, add the following new section:

**SEC. 16. FHA MAXIMUM LOAN LIMITS FOR 2010.**

Section 166 of the Continuing Appropriations Resolution, 2010 (as added by section 104 of Public Law 111-88; 123 Stat. 2972) is amended—

(1) in subsection (a), by striking "For" and inserting "Except as provided in subsection (c), for";

(2) in subsection (b), by inserting "the lesser of the applicable amount under subsection (c) of this section or" after "but in no case to an amount that exceeds"; and

(3) by adding at the end the following new subsection:

"(c) **ABSOLUTE CEILING LIMITS.**—Notwithstanding any other provision of this section, the maximum dollar amount limitation on the principal obligation of a mortgage determined under this section for any area or sub-area may not exceed, in the case of a one-family residence, \$500,000, and in the case of a 2-, 3-, or 4-family residence, the percentage of such amount that bears the same ratio to such amount as the dollar amount limitation determined under the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation determined under such section for a 1-family residence."

The Acting CHAIR. Pursuant to House Resolution 1424, the gentleman from Ohio (Mr. TURNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. TURNER. I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment that caps the temporary authority for the Federal Housing Administration to insure homes in high-cost areas at \$500,000. The current temporary authority has the FHA insuring mortgages as high as \$729,750.

Only in Washington would a government program insure a mortgage on a home worth \$750,000 for a low- and moderate-income program. Permitting FHA loans on a \$750,000 home puts American taxpayers at additional risk. Allowing FHA-backed loans on these expensive homes contributes to the overinflated housing values that contributed to the foreclosure crisis from the beginning.

The mortgage foreclosure crisis is not over, Mr. Chairman. There are still too many American families who are confronted every day with the risk

that they might lose their homes. Washington should not be in the role of enabling this crisis. We need to begin the process of reducing the dependence of these communities from artificial support, and we need to give the private sector the ability to step back into the market.

The best place to facilitate this is to lower the FHA loan limit to homes under \$500,000. The FHA has traditionally focused on low- to moderate-income families who are seeking to purchase homes—and for good reason—as these buyers need the greatest assistance in their home purchases. The FHA should, once again, focus their efforts on these buyers.

Permitting FHA loans to purchase a \$750,000 home also means fewer FHA-insured mortgages for Ohio families and for families across America who truly need them. In most of my congressional district in Ohio, the current FHA loan limit is \$271,000, which is in line with the loan limit for most of the U.S. I understand that there are high-cost urban areas in our Nation where some homes cost more than in Ohio, but the FHA was designed to help low and moderate homebuyers, and it should focus on more moderately priced homes. Permitting FHA loans for these high-priced homes only limits access to true moderately priced FHA loans for American families who need them.

My amendment seeks to start the process of removing higher income buyers off the government program designed for low to moderate buyers. The effect of this amendment is to limit it to the 179 counties in the country, but it does not reduce the assistance to the moderately priced homes that are the majority of the Nation.

The FHA was intended to assist Americans in achieving the American dream of homeownership. We need to work to ensure that their focus continues to be on those who truly need the help. My amendment would work to that purpose, and I urge my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. SHERMAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. SHERMAN. I yield 1½ minutes to the gentleman from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. I thank the gentleman for yielding.

I am in strong opposition to this amendment. Over the years, I think in about 2001, I started arguing to raise conforming loan limits in high-cost areas, and it has had a tremendous benefit across this Nation, but it seems like everybody who comes with amendments to oppose that does so when it does not impact their districts.

Now, my good friend Mr. TURNER—and he is a good friend of mine—if you had introduced an amendment and had said to accept conforming as it should be, if you applied the old principles, it would be \$417,000, but that would have had an impact on many counties in your State. So you introduced an amendment which said, well, let's pick an amount of \$500,000, which means there is zero impact on the State of Ohio. So \$500,000 is a great amount to pull out of the air when it doesn't impact you, personally.

In L.A. County, the loan limits are \$729,750. In Orange County, the limits are \$729,750. These are some of the best-performing loans FHA is making. When you look at GSE and FHA nationwide, they are making over 90 percent of the loans in this country. If they were not there today, people would not be able to sell loans in high-cost areas.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SHERMAN. I yield the gentleman an additional 30 seconds.

Mr. GARY G. MILLER of California. You would not be able to sell a home in a high-cost area, nor would you be able to buy a home in a high-cost area. Now, if this were in some way impacting the Federal Government or taxpayers, I would absolutely agree with my good friend.

I will say again to my good friend, Mr. TURNER, that I would agree with this, but this is not impacting taxpayers. It is not impacting FHA. It has some of the best-performing loans. Why should people who live in high-cost areas be basically penalized just because we want to pick a number of \$500,000 out of the air, which will have no benefit to anybody anywhere?

I absolutely think this is a wrong amendment. I oppose it, and I ask my colleagues to oppose this amendment.

Mr. TURNER. Well, I appreciate my good friend Mr. MILLER's statement.

There is one that I do want to correct, though, which is that all of Ohio would be under his suggested limit of 415. We certainly could have picked a lower number. My community is at 271.

The issue becomes one of, well, we're in a financial crisis, and we're having bailouts and mortgage foreclosures across the country. We look to this issue as one of basic math. The larger the loan amount, the more the risk. When there is fluctuation in the market, a percentage of a larger number is a larger loss, leading to, certainly, an issue of more increased incidences of a likelihood of foreclosure.

Also, the issue of larger loan amounts means fewer loans which could be provided assistance. There is a limited amount here, and with that limited amount, if it is carved up into \$750,000 home sales versus those that are going to more moderately priced homes, you certainly will have less resources with which to provide that assistance.

This is basic math. When we look across the country during this mortgage foreclosure crisis, we have to be very concerned about how we ensure that we are assisting home buyers, low and moderate buyers. At the same time, we have to ensure we are not overly inflating the market and that we are not putting the taxpayers at greater risk.

I reserve the balance of my time.

Mr. SHERMAN. A quick inquiry: Do I have the right to close, or does the gentleman from Ohio have the right to close?

The Acting CHAIR. The gentleman from California has the right to close.

Mr. SHERMAN. I reserve the balance of my time.

Mr. TURNER. Mr. Chairman, I urge all of my colleagues to support this measure, which makes good financial and fiscal sense. It would lower the amount, providing greater assistance because there would be a greater number of loans which could be provided assistance. At the same time, it would lower the risk to taxpayers, and it would lower the risk of bailouts by making these higher-cost areas, the more risky areas, conform to an amount that really would be more reflective of our goal of low and moderate home buyers who receive assistance from the FHA.

I yield back the balance of my time.

Mr. SHERMAN. I yield myself the remainder of the time.

Mr. Chairman, I think the gentleman's definition of "risk" and his arithmetic are a bit faulty. To say that \$1 billion of smaller loans carries less risk than \$1 billion of larger loans is not something one can determine except by looking at the performance of those loans.

As the gentleman from California (Mr. GARY G. MILLER) pointed out, those larger loans perform better. The FHA, therefore, has less insurance risk and, actually, usually, makes a profit on those loans. So to say that loans in Los Angeles take away from loans in Ohio and expose the Federal Government to more risk than loans in Ohio is simply false.

Mr. GARY G. MILLER of California. Will the gentleman yield?

Mr. SHERMAN. I will yield to the gentleman from California.

Mr. GARY G. MILLER of California. A question for you: there has been a perception created that somehow, by eliminating the high-cost areas, the FHA could insure more loans. Yet that is not real because the FHA can insure all of the loans they want irrespective of the volume of the loans. It does not have any impact on FHA's ability whatsoever. Am I correct on that?

Mr. SHERMAN. The gentleman is correct. This is not an anti-Ohio stance that the two gentlemen from California are taking.

The fact is there is this image that some have from other parts of the

country that, if a home sells for more than \$500,000, the people in it must be rich. That is not how things work in the 122 counties that are affected by this amendment. In my area, if a police officer is married to a teacher, they're in a home of over \$500,000. Now, that's very difficult for them to afford. That ends up tying up their retirement money for better or for worse, but that is how expensive it is to live in some parts of this country.

To say that, because people are buying a home of over \$500,000 that they are rich and do not deserve the same kind of help the gentleman from Ohio thinks middle class families in his district deserve, it is the same kind of help that middle class families in my district deserve.

Now, this amendment is opposed by the Mortgage Bankers Association, by the National Association of Home Builders and by the National Association of Realtors, not just the California divisions of those entities but entities that represent the entire country. I don't think that the Ohio Realtors would be here supporting this amendment. I don't think the Nebraska Realtors would be. And I don't think the National Association of Realtors would be here opposing this amendment if the amendment were going to help major swaths of this country.

The fact is that the FHA's current program helps California without hurting those other States. It helps the Washington area, the New York area, much of Virginia, et cetera. The worst thing we could do for this economy is to cause a precipitous decline in the price of homes in the major metropolitan areas of this country. Our recovery is fragile. The program, the way it works now, allows middle class families in both Los Angeles and in Ohio to be able to finance homes, and we ought to vote down this amendment.

So please join with Chairman FRANK, with Chairwoman WATERS, with the National Association of Realtors, Home Builders, and Mortgage Bankers in urging a "no" vote.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. TURNER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. TURNER. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 10 OFFERED BY MS. CLARKE

The Acting CHAIR (Mr. RAHALL). It is now in order to consider amendment No. 10 printed in House Report 111-503.

Ms. CLARKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Ms. CLARKE: Page 21, line 3, strike "and".

Page 21, line 8, strike the period and insert "and".

Page 21, after line 8, insert the following:

(E) analyzes the effectiveness of the loss mitigation home retention options of the Department of Housing and Urban Development in assisting individuals in avoiding home foreclosure for mortgages on 1- to 4-family residences insured under subsection (b) or (k) of section 203, section 234(c), or section 251 of the National Housing Act, particularly for low-income individuals (as such term is defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702)).

The Acting CHAIR. Pursuant to House Resolution 1424, the gentleman from New York (Ms. CLARKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Ms. CLARKE. Mr. Chairman, I thank my colleagues, Chair WATERS and Chairman FRANK, for bringing this important bill to the floor today and for supporting my amendment, which is cosponsored by Representative CUELLAR from Texas.

Before I speak about my amendment, I want to quickly recognize the significance of H.R. 5072. This bill will make essential reforms to strengthen the financial footing of the FHA, and it will enhance its authority to go after fraudulent lenders who have preyed on the most vulnerable of borrowers for far too long.

Mr. Chairman, many people have blamed this foreclosure crisis on the borrowers while some individuals, desperate to achieve the American Dream, may have sought to cut corners in the process. Fraudulent and unscrupulous lenders ultimately held the purse strings. These lenders bear a great deal of the burden for the foreclosure crisis, which continues to impact Americans and to devastate communities from coast to coast.

Last year, New York City saw a record 20,000 foreclosure filings. According to data compiled by the Furman Center for Real Estate and Urban Policy at New York University, in the first quarter of 2010, there were 4,226 foreclosures across New York City, up 16.3 percent from 2008. Brooklyn alone experienced 1,546 foreclosures in the first quarter of 2010.

Since the beginning of the FHA, Commissioner Stevens' tenure in 2009, the Commissioner and Deputy Assistant Secretary Bott have taken several steps to assess and to strengthen FHA's foreclosure mitigation capabilities, beginning with a thorough review of FHA and of private lender loss mitigation and foreclosure preventative activities. The FHA trained almost 2,000 staff lenders on how to better serve FHA borrowers to avoid foreclosure, to identify lenders which are underperforming

and to share best practices to improve foreclosure mitigation performance.

□ 1245

FHA assisted more than 450,000 borrowers in the past year to avoid foreclosure through a variety of loss mitigation programs, but my constituents are telling me that more can be done to support the foreclosure counseling efforts. We must determine if enough resources are being devoted to foreclosure mitigation, especially for low-income borrowers. That is why I proposed this amendment, along with Mr. CUELLAR, which would direct GAO to analyze the effectiveness of HUD's loss mitigation home retention efforts in helping distressed borrowers, especially low-income borrowers, hold on to their American Dream. While the FHA is working to strengthen its mitigation capabilities, resources for these efforts are likely insufficient for the massive size of the program.

I'd like to thank Representative CUELLAR for joining me in this effort. Low-income borrowers in rural areas such as Mr. CUELLAR's district in Texas are facing the same challenges as those in distressed urban areas such as parts of my district in Brooklyn.

I encourage my colleagues to support this amendment to assist our Nation to overcome our foreclosure crisis.

Mr. Chairman, I reserve the balance of my time.

Mrs. CAPITO. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from West Virginia is recognized for 5 minutes.

There was no objection.

Mrs. CAPITO. Mr. Chairman, just briefly, I would like to thank both the sponsors of the bill. Certainly the intent is for more information and certainly more accurate information to look at the programs that we're putting forth and that have been put forth to see if the loss mitigation efforts are working and in what ways we can improve them. So I congratulate you and I urge support of the amendment.

I yield back the balance of my time.

Ms. CLARKE. I want to thank my colleague on the other side of the aisle for seeing the usefulness in this amendment. I want to thank Mr. CUELLAR for being a partner and for bringing this amendment forward.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Ms. CLARKE).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. NYE

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111-503.

Mr. NYE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. NYE:

At the end of the bill, add the following new section:

**SEC. 16. SPECIAL FORBEARANCE FOR MORTGAGORS WITH CHINESE DRYWALL.**

The provisions of Mortgage Letter 2002-17 of the Secretary of Housing and Urban Development (regarding "Special Forbearance: Program Changes and Updates") relating to Type I Special Forbearance shall apply, until the conclusion of fiscal year 2011 and may not be revoked, annulled, repealed, or rescinded during such period, with respect to mortgagees of mortgages insured under title II of the National Housing Act that are secured by one- to four-family dwellings that have problem or damaging drywall products.

The Acting CHAIR (Mr. CUELLAR). Pursuant to House Resolution 1424, the gentleman from Virginia (Mr. NYE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. NYE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I stand here today to continue the fight for my constituents in Hampton Roads, Virginia, and for thousands of families across the United States against a nefarious adversary, toxic Chinese drywall.

Chinese drywall has serious health implications. The toxins released from the drywall reek of chemicals and rotten eggs. They corrode a home's electrical systems and can cause deep, hacking coughs, bloody noses, and eye irritation. However, the scariest fact is that we still do not know what long-term health effects Chinese drywall will have.

Since January of last year, more than 3,300 cases have been reported from 37 States and the District of Columbia. Families have been left with an impossible choice: live in a contaminated home or pay tens if not hundreds of thousands of dollars to rip out and replace their home's drywall.

In my district, I have visited these homes and I've spoken with the families. Many of them have been forced to move in with friends or relatives; many others are now living in rental housing, paying for both the cost of the mortgage and the cost of rent or, even worse, living in the home, unable to afford repairs. And still others have made the toughest decision: walking away from their homes. This is bad for our recovering housing market and bad for our economy, and it's bad for American families.

Mr. Chairman, my commonsense amendment will extend the Federal Housing Administration's special forbearance program for American homeowners by providing forbearances for those who suffer from toxic Chinese drywall through fiscal year 2011. This reprieve has allowed countless families

to get back on their feet and repair their homes.

As cochairman of the Congressional Contaminated Drywall Caucus, I commend the Federal Housing Administration for working with Congress and American homeowners. Providing temporary forbearances for those who suffer from Chinese drywall through no fault of their own is something the Federal Government must continue to support. I hope my colleagues will join me in supporting this amendment.

I reserve the balance of my time.

Mrs. CAPITO. I rise to claim the time in opposition, although I'm not opposed to the gentleman's amendment.

The Acting CHAIR. Without objection, the gentlewoman from West Virginia is recognized for 5 minutes.

There was no objection.

Mrs. CAPITO. As the Congressman has stated, his amendment merely ensures that HUD will take no action between now and the end of FY 2011 to bar the Chinese drywall victims from eligibility from HUD's special mitigation and forbearance program. Since this does not create a new program or new spending, it just ensures an existing effort by HUD to extend aid to Chinese drywall victims remains in place through FY 2011, I commend the gentleman on his amendment, and I support the gentleman's amendment.

I yield back the balance of my time.

Mr. NYE. I thank my colleague from West Virginia for her support of the amendment. I urge all of my colleagues to support this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. NYE).

The amendment was agreed to.

**AMENDMENT NO. 12 OFFERED BY MR. EDWARDS OF TEXAS**

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111-503.

Mr. EDWARDS of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. EDWARDS of Texas:

At the end of the bill, add the following new section:

**SEC. 16. REQUIRED CERTIFICATIONS.**

Section 203 of the National Housing Act (12 U.S.C. 1709), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(z) REQUIRED CERTIFICATIONS.—Notwithstanding any other provision of law, the Secretary may not insure any mortgage secured by a one- to four-family dwelling unless the mortgagor under such mortgage certifies, under penalty of perjury, that the mortgagor has not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911))."

The Acting CHAIR. Pursuant to House Resolution 1424, the gentleman from Texas (Mr. EDWARDS) and a Member opposed each will control 5 minutes.

The Chair now recognizes the gentleman from Texas.

Mr. EDWARDS of Texas. Mr. Chairman, Members, my amendment is a simple, commonsense protection for children and families. It requires anyone seeking to benefit from the terms of an FHA mortgage to certify under penalty of perjury that they have not been convicted of a sex offense against a minor. This amendment ensures that taxpayers will not be on the hook for loans made to convicted child sex offenders.

There are 704,000 registered sex offenders currently living in our communities, and experts estimate as many as 100,000 convicted sex offenders are lost in the system. Recent research has shown that there is a high repeat rate for sexual crimes, and even higher amongst those who commit these crimes against children. As a result, in the past 2 years, Congress has passed a series of laws adopting the use of sex offender registries and community notification systems for sexually violent offenders and those committing offenses against children.

While we cannot prevent registered child sex offenders from moving into our communities, we do not need to provide them the additional benefits offered by an FHA home loan if they try to do so. With an FHA home loan, taxpayers are liable if the loan defaults. I do not believe, I don't think most Members of this House believe, and I know most Americans do not believe that taxpayers should be on the hook for a home loan of someone who has committed a sex offense against a minor.

A quarter of a million children are sexually assaulted every year in my home State of Texas, according to the National Crime Victims Research and Treatment report. There are still private market alternatives to FHA loans, and we want to continue to discourage any kind of federally financed reward or taxpayer-backed benefit to sex offenders reentering our communities. For example, sex offenders are already banned from residing in section 8 public housing. My amendment continues that pro-family stance.

The certification requirement in this amendment is a strong enforcement mechanism which will not put additional burdens on small businesses.

And so, Mr. Chairman, I urge support of my amendment to protect our communities and to prohibit those who have committed a sex offense against a minor from benefiting from government-backed FHA loans.

I reserve the balance of my time.

Mrs. CAPITO. I would like to claim time in opposition, although I am not

opposed to the gentleman's amendment.

The Acting CHAIR. Without objection, the gentlewoman from West Virginia is recognized for 5 minutes.

There was no objection.

Mrs. CAPITO. The gentleman's amendment is similar to previous efforts by Republicans in past housing debates to ensure that convicted sex offenders are unable to receive the Federal aid to obtain housing through the FHA. I think the intent and the direction that the gentleman is going to absolutely appropriate. I support his amendment.

I yield back the balance of my time.

Mr. EDWARDS of Texas. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. EDWARDS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. EDWARDS of Texas. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

#### AMENDMENT NO. 13 OFFERED BY MR. MAFFEI

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 111-503.

Mr. MAFFEI. Mr. Chairman, I rise as the designee of Mr. ADLER to offer an amendment on behalf of Mr. ADLER and myself, and it is at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. MAFFEI:

At the end of the bill, add the following new section:

#### SEC. 16. PROHIBITION ON USE OF FUNDS FOR CERTAIN FEDERAL EMPLOYEES.

None of the funds authorized under this Act or any amendment made by this Act may be used to pay the salary of any individual engaged in activities related to title II of the National Housing Act who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

The Acting CHAIR. Pursuant to House Resolution 1424, the gentleman from New York (Mr. MAFFEI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. MAFFEI. Mr. Chairman, I want to thank Chairman FRANK and Chairwoman WATERS for bringing this bill and my amendment to the floor.

We were all outraged when we learned that dozens of employees at the Securities and Exchange Commission were found to have been using their

government-issued computers to view pornography. Some of these employees were senior staffers, earning as much as \$222,000 a year. One SEC attorney in Washington, D.C., spent up to 8 hours a day watching pornography. An accountant in a regional office was denied access by the government firewall 16,000 times when he tried to access Web pages containing sexually explicit material.

Mr. Chairman, this behavior, these abuses are not just an abuse of government resources but also of the public trust. It undermines confidence in our institutions. It subjects the thousands of SEC and other government employees who work hard every day to a diminishment, and, simply put, it is outrageous and unacceptable.

This amendment is very simple. It simply says that if you are an FHA employee who is officially disciplined for viewing, downloading, or exchanging pornography, including child pornography, you lose your job. No private business in America would tolerate this kind of behavior, and there's no reason our government institutions should either.

Again, very, very simple. If you're caught and officially disciplined for viewing, downloading, or exchanging pornography, you lose your job. It's that simple.

This should not be a partisan issue, and I urge swift passage of this amendment.

I reserve the balance of my time.

Mrs. CAPITO. I rise to claim the time in opposition, although I am not opposed to the gentleman's amendment.

The Acting CHAIR. Without objection, the gentlewoman from West Virginia is recognized for 5 minutes.

There was no objection.

Mrs. CAPITO. I would just reiterate that the Congressman's amendment seeks to ensure that the employees hired by FHA as a result of funds made available in this bill are in good standing and not guilty of viewing any previous pornography or any related disciplinary measures.

As the gentleman said, I think all of us, and certainly throughout the country, were stunned to learn some of the statistics of certain government employees not only viewing inappropriate material, but the absolute, incredible waste of government resources and waste of time that these employees have engaged in.

So, I think it's right and proper, as this amendment moves forward, to ensure that we protect against those abuses in the future. I support the gentleman's amendment.

I yield back the balance of my time.

□ 1300

Mr. MAFFEI. Mr. Chairman, I want to thank the gentlewoman from West Virginia for her support of this amendment.

I again want to reiterate that thousands and thousands of workers at the Securities and Exchange Commission and other government agencies are extraordinarily hardworking, would never engage in this kind of behavior. And, in fact, the reason why this amendment is so important is to protect their reputation for the important jobs they do.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. MAFFEI).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MAFFEI. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-503 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Ms. WATERS of California;

Amendment No. 5 by Mr. GARRETT of New Jersey;

Amendment No. 7 by Mr. PRICE of Georgia;

Amendment No. 9 by Mr. TURNER of Ohio;

Amendment No. 12 by Mr. EDWARDS of Texas;

Amendment No. 13 by Mr. MAFFEI of New York.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

#### AMENDMENT NO. 1 OFFERED BY MS. WATERS OF CALIFORNIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. WATERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 417, noes 3, not voting 17, as follows:

[Roll No. 347]

AYES—417

Ackerman	Arcuri	Barrow
Aderholt	Austria	Bartlett
Adler (NJ)	Baca	Barton (TX)
Akin	Bachmann	Bean
Alexander	Bachus	Becerra
Altmire	Baird	Berkley
Andrews	Baldwin	Berman

Berry	Duncan	Larsen (WA)	Polis (CO)	Schauer	Thompson (CA)
Biggert	Edwards (MD)	Larson (CT)	Pomeroy	Schiff	Thompson (MS)
Billbray	Edwards (TX)	Latham	Posey	Schmidt	Thompson (PA)
Bilirakis	Ehlers	LaTourette	Price (GA)	Schock	Thornberry
Bishop (GA)	Ellison	Latta	Price (NC)	Schrader	Tiahrt
Bishop (NY)	Ellsworth	Lee (CA)	Quigley	Schwartz	Tiberi
Bishop (UT)	Emerson	Lee (NY)	Radanovich	Scott (GA)	Tierney
Blackburn	Engel	Levin	Rahall	Scott (VA)	Titus
Blumenauer	Etheridge	Lewis (CA)	Rangel	Sensenbrenner	Tonko
Blunt	Fallin	Linder	Rehberg	Serrano	Towns
Boccieri	Farr	Lipinski	Reichert	Sessions	Tsongas
Boehner	Fattah	LoBiondo	Reyes	Sestak	Turner
Bonner	Filner	Loeb sack	Richardson	Shadegg	Upton
Bono Mack	Fleming	Lofgren, Zoe	Rodriguez	Shea-Porter	Van Hollen
Boozman	Forbes	Lowey	Roe (TN)	Sherman	Velázquez
Bordallo	Fortenberry	Lucas	Rogers (AL)	Shimkus	Visclosky
Boren	Foster	Luetkemeyer	Rogers (KY)	Shuler	Walden
Boswell	Fox	Lujan	Rogers (MI)	Simpson	Walz
Boucher	Frank (MA)	Lummis	Rohrabacher	Sires	Wamp
Boustany	Franks (AZ)	Lungren, Daniel	Rooney	Skelton	Wasserman
Boyd	Frelinghuysen	E.	Ros-Lehtinen	Slaughter	Schultz
Brady (PA)	Fudge	Lynch	Roskam	Smith (NE)	Waters
Brady (TX)	Gallegly	Mack	Ross	Smith (NJ)	Watson
Braley (IA)	Garamendi	Maffei	Rothman (NJ)	Smith (TX)	Watt
Bright	Garrett (NJ)	Maloney	Roybal-Allard	Smith (WA)	Waxman
Brown (SC)	Gerlach	Manzullo	Royce	Snyder	Weiner
Brown, Corrine	Giffords	Marchant	Ruppersberger	Space	Welch
Brown-Waite,	Gingrey (GA)	Markey (CO)	Rush	Speier	Westmoreland
Ginny	Gohmert	Markey (MA)	Ryan (OH)	Spratt	Whitfield
Buchanan	Gonzalez	Marshall	Ryan (WI)	Stark	Wilson (OH)
Burgess	Goodlatte	Matheson	Sablan	Stearns	Wilson (SC)
Burton (IN)	Gordon (TN)	Matsui	Salazar	Stupak	Wittman
Butterfield	Granger	McCarthy (CA)	Sánchez, Linda	Sullivan	Wolf
Buyer	Graves	McCarthy (NY)	T.	Sutton	Woolsey
Calvert	Grayson	McCaul	Sanchez, Loretta	Tanner	Wu
Camp	Green, Al	McClintock	Sarbanes	Taylor	Yarmuth
Campbell	Green, Gene	McCollum	Scalise	Teague	Young (AK)
Cantor	Griffith	McCotter	Schakowsky	Terry	Young (FL)
Cao	Grijalva	McDermott			
Capito	Guthrie	McGovern			
Capps	Gutierrez	McIntyre			
Capuano	Hall (NY)	McKeon			
Cardoza	Hall (TX)	McMahon			
Carnahan	Halvorson	McMorris			
Carney	Hare	Rodgers			
Carson (IN)	Harper	McNerney			
Carter	Hastings (FL)	Meek (FL)			
Cassidy	Hastings (WA)	Meeks (NY)			
Castle	Heinrich	Melancon			
Castor (FL)	Heller	Mica			
Chaffetz	Hensarling	Michaud			
Chandler	Herger	Miller (FL)			
Childers	Herseth Sandlin	Miller (MI)			
Christensen	Higgins	Miller (NC)			
Chu	Hill	Miller, Gary			
Clarke	Himes	Miller, George			
Clay	Hinche	Minnick			
Cleaver	Hirono	Mitchell			
Clyburn	Hodes	Mollohan			
Coble	Holden	Moore (KS)			
Coffman (CO)	Holt	Moore (WI)			
Cohen	Honda	Moran (KS)			
Cole	Hoyer	Moran (VA)			
Conaway	Hunter	Murphy (CT)			
Connolly (VA)	Inslee	Murphy (NY)			
Conyers	Israel	Murphy, Patrick			
Cooper	Issa	Murphy, Tim			
Costa	Jackson (IL)	Myrick			
Costello	Jackson Lee	Nadler (NY)			
Courtney	(TX)	Napolitano			
Crenshaw	Jenkins	Neal (MA)			
Critz	Johnson (IL)	Neugebauer			
Crowley	Johnson, E. B.	Norton			
Cuellar	Johnson, Sam	Nunes			
Culberson	Jones	Nye			
Cummings	Jordan (OH)	Oberstar			
Dahlkemper	Kagen	Obey			
Davis (AL)	Kanjorski	Olver			
Davis (KY)	Kaptur	Ortiz			
Davis (TN)	Kildee	Owens			
DeFazio	Kilroy	Pallone			
DeGette	Kind	Pascarell			
Delahunt	King (IA)	Pastor (AZ)			
DeLauro	King (NY)	Paulsen			
Dent	Kingston	Payne			
Deutch	Kirk	Pence			
Diaz-Balart, L.	Kirkpatrick (AZ)	Perlmutter			
Diaz-Balart, M.	Kissell	Perriello			
Dicks	Klein (FL)	Peters			
Dingell	Kline (MN)	Peterson			
Djou	Kosmas	Petri			
Doggett	Kratovil	Pierluisi			
Donnelly (IN)	Kucinich	Pingree (ME)			
Doyle	Lamborn	Pitts			
Dreier	Lance	Platts			
Driehaus	Langevin	Poe (TX)			

bility is to make certain things are in good shape for those who follow.

His philosophy is beautifully expressed in a short but unforgettable speech, "When the Land is Quiet Again," and I will add to the RECORD this speech. I commend it to each of you, for the words have timeless relevance and seem especially pertinent given the events of these days.

[Speech given October 11, 1973]

WHEN THE LANDSCAPE IS QUIET AGAIN

(By Governor Arthur A. Link)

We do not want to halt progress.

We do not plan to be selfish and say "North Dakota will not share its energy resource."

No, we simply want to insure the most efficient and environmentally sound method of utilizing our precious coal and water resources for the benefit of the broadest number of people possible.

And when we are through with that and the landscape is quiet again, when the draglines, the blasting rigs, the power shovels and the huge gondolas cease to rip and roar!

And when the last bulldozer has pushed the last spoil pile into place, and the last patch of barren earth has been seeded to grass or grain, let those who follow and repopulate the land be able to say, our grandparents did their job well.

The land is as good and, in some cases, better than before.

Only if they can say this will we be worthy of the rich heritage of our land and its resources.

I loved Art Link and can honestly say to each of you, this Chamber has never seen a more genuine, committed, and thoroughly decent Member.

Mr. Chairman, I ask the House to observe a moment of silence in honor of former Congressman and Governor Arthur A. Link.

The Acting CHAIR. Members will rise for a moment of silence.

AMENDMENT NO. 5 OFFERED BY MR. GARRETT OF NEW JERSEY

The Acting CHAIR. Without objection, 5-minute voting will continue.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 131, noes 289, not voting 17, as follows:

[Roll No. 348]

AYES—131

Akin	Bachmann	Barton (TX)
Alexander	Bachus	Bilirakis
Austria	Bartlett	Bishop (UT)

NOES—3

NOT VOTING—17

Broun (GA)	Flake	Paul
Barrett (SC)	Hinojosa	Lewis (GA)
Davis (CA)	Hoekstra	McHenry
Davis (IL)	Inglis	Olson
Eshoo	Johnson (GA)	Putnam
Faleomavaega	Kennedy	Shuster
Harman	Kilpatrick (MI)	

□ 1329

Mr. MACK changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. POMEROY was allowed to speak out of order.)

IN MEMORY OF CONGRESSMAN ARTHUR A. LINK

Mr. POMEROY. Mr. Chairman, last week, former Congressman Arthur A. Link who served in the 92nd Congress passed away. One week earlier, he celebrated his 96th birthday and 71st wedding anniversary with his beloved wife, Grace.

Mr. Link held elected office in North Dakota for 34 years, including the State legislature, in the Congress, and as Governor from 1973 to 1980. Not bad for someone with an 8th grade education who farmed and ranched in the sparsely populated northwestern part of our State. Art Link's importance to North Dakota is significant not just for his time in public office but for his 30 years of exemplary activity he and Grace spent after Governor, remaining deeply engaged in North Dakota activities.

He is remembered for his rock-solid values of integrity, decency, humility, and a deep sense that we are passing stewards of the land whose responsi-

Blackburn	Goodlatte	Olson	Lofgren, Zoe	Olver	Sestak
Blunt	Granger	Paul	Lowey	Ortiz	Shea-Porter
Boehner	Graves	Pence	Lujan	Owens	Sherman
Bonner	Griffith	Petri	Lungren, Daniel	Pallone	Shuler
Bono Mack	Hall (TX)	Pitts	E.	Pascrell	Simpson
Boozman	Halvorson	Platts	Lynch	Pastor (AZ)	Sires
Boustany	Harper	Poe (TX)	Maffei	Paulsen	Skelton
Brady (TX)	Hastings (WA)	Price (GA)	Maloney	Payne	Slaughter
Broun (GA)	Hensarling	Roe (TN)	Marchant	Perlmutter	Smith (NJ)
Brown (SC)	Herger	Rogers (AL)	Markey (CO)	Perriello	Snyder
Burgess	Hunter	Rogers (MI)	Markey (MA)	Peters	Space
Burton (IN)	Issa	Rohrabacher	Marshall	Peterson	Speier
Buyer	Jenkins	Rooney	Matheson	Pierluisi	Stark
Camp	Johnson (IL)	Ros-Lehtinen	Matsui	Pingree (ME)	Stupak
Campbell	Johnson, Sam	Roskam	McCarthy (CA)	Polis (CO)	Sutton
Cantor	Jones	Royce	McCarthy (NY)	Pomeroy	Tanner
Carter	Jordan (OH)	Ryan (WI)	McCollum	Posey	Taylor
Cassidy	Kagen	Scalise	McCotter	Price (NC)	Teague
Chaffetz	King (NY)	Schmidt	McDermott	Quigley	Terry
Coffman (CO)	Kingston	Schock	McIntyre	Rahall	Thompson (CA)
Cole	Kirk	Schrader	McKeon	Rangel	Thompson (MS)
Conaway	Lamborn	Sensenbrenner	McMahon	Rehberg	Tierney
Crenshaw	Latta	Sessions	McNerney	Reichert	Titus
Culberson	Linder	Shadegg	Meek (FL)	Reyes	Tonko
Davis (KY)	Lucas	Shimkus	Meeks (NY)	Richardson	Towns
Dent	Luetkemeyer	Smith (NE)	Melancon	Rodriguez	Tsongas
Diaz-Balart, L.	Lummis	Smith (TX)	Mitchell	Rogers (KY)	Turner
Diaz-Balart, M.	Mack	Smith (WA)	Miller (MI)	Ross	Van Hollen
Doggett	Manzullo	Stearns	Miller (NC)	Rothman (NJ)	Velázquez
Dreier	McCaul	Sullivan	Miller, Gary	Roybal-Allard	Visclosky
Duncan	McClintock	Thompson (PA)	Miller, George	Ruppersberger	Walz
Emerson	McMorris	Thornberry	Mollohan	Rush	Wasserman
Fallin	Rodgers	Tiahrt	Moore (KS)	Ryan (OH)	Schultz
Flake	Mica	Tiberi	Moore (WI)	Sablan	Waters
Forbes	Miller (FL)	Upton	Moran (VA)	Salazar	Watson
Fortenberry	Minnick	Walden	Murphy (CT)	Sánchez, Linda	Watt
Fox	Mitchell	Wamp	Murphy (NY)	T.	Waxman
Franks (AZ)	Moran (KS)	Westmoreland	Murphy, Patrick	Sanchez, Loretta	Weiner
Garrett (NJ)	Myrick	Whitfield	Murphy, Tim	Sarbanes	Welch
Gingrey (GA)	Neugebauer	Wilson (SC)	Nadler (NY)	Schakowsky	Wilson (OH)
Gohmert	Nunes	Wolf	Napolitano	Schauer	Wittman
			Neal (MA)	Schiff	Woolsey
			Norton	Schwartz	Wu
			Nye	Scott (GA)	Yarmuth
			Oberstar	Scott (VA)	Young (AK)
			Obey	Serrano	Young (FL)

## NOES—289

Ackerman	Cohen	Hall (NY)
Aderholt	Connolly (VA)	Hare
Adler (NJ)	Conyers	Harman
Altmire	Cooper	Hastings (FL)
Andrews	Costa	Heinrich
Arcuri	Costello	Heller
Baca	Courtney	Herseth Sandlin
Baird	Critz	Higgins
Baldwin	Crowley	Hill
Barrow	Cuellar	Himes
Bean	Cummings	Hinche
Becerra	Dahlkemper	Hirono
Berkley	Davis (AL)	Hodes
Berman	Davis (TN)	Holden
Berry	DeFazio	Holt
Biggert	DeGette	Honda
Bilbray	Delahunt	Hoyer
Bishop (GA)	DeLauro	Inslee
Bishop (NY)	Deutch	Israel
Boccieri	Dicks	Jackson (IL)
Bordallo	Dingell	Jackson Lee
Boren	Djou	(TX)
Boswell	Donnelly (IN)	Johnson (GA)
Boucher	Doyle	Johnson, E. B.
Boyd	Driehaus	Kanjorski
Brady (PA)	Edwards (MD)	Kaptur
Braley (IA)	Edwards (TX)	Kennedy
Bright	Ehlers	Kildee
Brown, Corrine	Ellison	Kilroy
Brown-Waite,	Ellsworth	Kind
Ginny	Engel	King (IA)
Buchanan	Etheridge	Kirkpatrick (AZ)
Calvert	Farr	Kissell
Cao	Fattah	Klein (FL)
Capito	Filner	Kline (MN)
Capps	Fleming	Kosmas
Capuano	Foster	Kratovil
Cardoza	Frank (MA)	Kucinich
Carnahan	Frelinghuysen	Lance
Carney	Fudge	Langevin
Carson (IN)	Gallegly	Larsen (WA)
Castle	Garamendi	Larson (CT)
Castor (FL)	Gerlach	Latham
Chandler	Giffords	LaTourette
Childers	Gonzalez	Lee (CA)
Christensen	Gordon (TN)	Lee (NY)
Chu	Grayson	Levin
Clarke	Green, Al	Lewis (CA)
Clay	Green, Gene	Lewis (GA)
Cleaver	Grijalva	Lipinski
Clyburn	Guthrie	LoBiondo
Coble	Gutierrez	Loeb

Barrett (SC)	Faleomavaega	McHenry
Blumenauer	Hinojosa	Putnam
Butterfield	Hoekstra	Radanovich
Davis (CA)	Inglis	Shuster
Davis (IL)	Kilpatrick (MI)	Spratt
Eshoo	McGovern	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining on this vote.

□ 1340

Messrs. DELAHUNT and MORAN of Virginia changed their vote from “aye” to “no.”

Messrs. FORBES and ROHR-ABACHER changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. WILSON of South Carolina was allowed to speak out of order.)

## IN HONOR OF REV. EDDIE LEE CARTER

Mr. WILSON of South Carolina. Today, I rise to recognize Rev. Eddie Lee Carter on the occasion of his retirement from serving here in the House where since 2004 Rev. Carter has been repairing and shining shoes.

Rev. Eddie Lee Carter and I have a shared heritage. He was born at Beech Island, South Carolina, and my grandfather was born at Beech Island, in Aiken County, South Carolina. At a very young age, his family moved to Augusta, Georgia, which was nearby,

and he attended elementary school with the world-famous musician James Brown, another great South Carolinian.

Rev. Carter first began to work on shoes as a young man, even before he joined the Army in 1953. Rev. Carter was stationed primarily in Germany while serving in the Army. A musician himself, he was renowned for singing and entertaining generals when they passed through the post. In 1955, Rev. Carter left the Army with the rank of corporal and later moved to Washington from Augusta to work at Stern Shoe Repair.

In 1992, he was ordained a Methodist minister. On June 7, 2004, Rev. Carter came to work at the U.S. Capitol repairing and shining shoes. He currently lives at Fort Washington, Maryland, with his wife, Molly Anthony Carter. They have been married for 28 years. He has a son, and Mrs. Carter has two sons. On Friday, he plans to retire to spend more time with the congregation.

Personally, I will always remember Rev. Carter's cheerfulness and encouragement, his quiet reading of the Bible, and his proud wearing of U.S.-South Carolina flag pin.

Godspeed, Rev. Carter.

AMENDMENT NO. 7 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIR. Without objection, 5-minute voting will continue.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 106, noes 316, not voting 15, as follows:

[Roll No. 349]

## AYES—106

Akin	Buyer	Flake
Alexander	Camp	Fleming
Austria	Cantor	Fortenberry
Bachmann	Capito	Fox
Bachus	Carter	Franks (AZ)
Bartlett	Cassidy	Garrett (NJ)
Barton (TX)	Castle	Gingrey (GA)
Billakis	Chaffetz	Gohmert
Bishop (UT)	Coffman (CO)	Granger
Blackburn	Conaway	Graves
Boehner	Crenshaw	Griffith
Bonner	Culberson	Hall (TX)
Boustany	Davis (KY)	Harper
Brady (TX)	Diaz-Balart, L.	Hastings (WA)
Broun (GA)	Diaz-Balart, M.	Hensarling
Burgess	Dreier	Herger
Burton (IN)	Emerson	Issa

Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Smith (NE)  
Smith (TX)  
Stearns  
Sullivan  
Sutton

Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Wamp  
Wilson (SC)  
Young (AK)

Hoyer  
Hunter  
Innslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilroy  
Kind  
King (NY)  
Kirk  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Lofgren, Zoe  
Lover

Kilpatrick (MI)  
Manzullo  
McHenry  
Putnam  
Shuster

So the amendment was rejected.  
The result of the vote was announced  
as above recorded.  
Stated against:  
Mr. MANZULLO. Madam Speaker, on  
Thursday, June 10, 2010, I inadvertently  
missed this vote. I would have recorded a  
"no" vote on rollcall No. 349.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. TURNER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 121, noes 301, not voting 15, as follows:

[Roll No. 350]

McCollum  
McDermott  
McGovern  
McIntyre  
McKeon  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Mica  
Michaud  
Miller (MI)

Miller (NC)	Rangel	Snyder	Baird	Diaz-Balart, L.	King (IA)	Paulsen	Ryan (WI)	Tanner
Miller, Gary	Reichert	Space	Baldwin	Diaz-Balart, M.	King (NY)	Payne	Sablan	Taylor
Miller, George	Reyes	Speier	Barrow	Dicks	Kingston	Pence	Salazar	Teague
Mitchell	Richardson	Spratt	Bartlett	Dingell	Kirk	Perlmutter	Sanchez, Linda	Terry
Mollohan	Rodriguez	Stark	Bartton (TX)	Djou	Kirkpatrick (AZ)	Perriello	T.	Thompson (CA)
Moore (KS)	Roe (TN)	Stupak	Bean	Doggett	Kissell	Peters	Sanchez, Loretta	Thompson (MS)
Moore (WI)	Rohrabacher	Tanner	Becerra	Donnelly (IN)	Klein (FL)	Peterson	Sarbanes	Thompson (PA)
Moran (VA)	Ros-Lehtinen	Taylor	Berkley	Doyle	Kline (MN)	Petri	Scalise	Thornberry
Murphy (CT)	Ross	Thompson (CA)	Berman	Dreier	Kosmas	Pierluisi	Schakowsky	Tiahrt
Murphy (NY)	Rothman (NJ)	Thompson (MS)	Berry	Driehaus	Kratovil	Pingree (ME)	Schauer	Tiberi
Murphy, Patrick	Roybal-Allard	Thompson (PA)	Biggert	Duncan	Kucinich	Pitts	Schiff	Tierney
Nadler (NY)	Ruppersberger	Tierney	Bilbray	Edwards (MD)	Lamborn	Platts	Schmidt	Titus
Napolitano	Rush	Titus	Bilirakis	Edwards (TX)	Lance	Poe (TX)	Schock	Tonko
Neal (MA)	Ryan (OH)	Tonko	Bishop (GA)	Ehlers	Langevin	Polis (CO)	Schrader	Towns
Norton	Sablan	Towns	Bishop (NY)	Ellison	Larsen (WA)	Pomeroy	Schwartz	Tsongas
Nunes	Salazar	Tsongas	Bishop (UT)	Ellsworth	Larson (CT)	Posey	Scott (GA)	Turner
Nye	Sanchez, Linda	Van Hollen	Blackburn	Emerson	Latham	Price (GA)	Sensenbrenner	Upton
Oberstar	T.	Velázquez	Blumenauer	Engel	LaTourette	Price (NC)	Serrano	Van Hollen
Obey	Sanchez, Loretta	Visclosky	Blunt	Etheridge	Latta	Quigley	Sessions	Velázquez
Olver	Sarbanes	Walden	Bocchieri	Faleomavaega	Lee (CA)	Radanovich	Sestak	Visclosky
Ortiz	Schakowsky	Walz	Boehner	Fallin	Lee (NY)	Rahall	Shadegg	Walden
Owens	Schauer	Wasserman	Bonner	Farr	Lewis (CA)	Rangel	Shea-Porter	Walz
Pallone	Schiff	Schultz	Bono Mack	Fattah	Lewis (GA)	Rehberg	Sherman	Wamp
Pascarell	Schmidt	Waters	Boozman	Flake	Lewis (GA)	Reichert	Shimkus	Wasserman
Pastor (AZ)	Schwartz	Watson	Bordallo	Fleming	Linder	Reyes	Shuler	Schultz
Payne	Scott (GA)	Watt	Boren	Forbes	Lipinski	Richardson	Simpson	Waters
Perlmutter	Scott (VA)	Waxman	Boswell	Fortenberry	LoBiondo	Rodriguez	Sires	Watson
Peters	Serrano	Weiner	Boucher	Foster	Loeback	Roe (TN)	Skelton	Watt
Peterson	Sestak	Welch	Boustany	Fox	Lowey	Rogers (AL)	Slaughter	Waxman
Pierluisi	Shea-Porter	Westmoreland	Boyd	Frank (MA)	Lucas	Rogers (KY)	Smith (NE)	Weiner
Pingree (ME)	Sherman	Whitfield	Brady (PA)	Frank (AZ)	Luetkemeyer	Rogers (MI)	Smith (NJ)	Welch
Platts	Shuler	Wilson (OH)	Brady (TX)	Frelinghuysen	Luján	Rohrabacher	Smith (TX)	Westmoreland
Polis (CO)	Simpson	Wittman	Braley (IA)	Fudge	Lummis	Rooney	Smith (WA)	Whitfield
Pomeroy	Sires	Wolf	Bright	Gallegly	Lungren, Daniel	Ros-Lehtinen	Snyder	Wilson (OH)
Price (NC)	Skelton	Woolsey	Broun (GA)	Garamendi	E.	Roskam	Space	Wilson (SC)
Quigley	Slaughter	Wu	Brown (SC)	Garrett (NJ)	Lynch	Ross	Speier	Wittman
Radanovich	Smith (NJ)	Yarmuth	Brown, Corrine	Gerlach	Mack	Rothman (NJ)	Spratt	Wolf
Rahall	Smith (WA)	Young (FL)	Brown-Waite,	Giffords	Maffei	Roybal-Allard	Stark	Woolsey
			Ginny	Buchanan	Maloney	Royce	Stearns	Wu
				Gohmert	Manzullo	Ruppersberger	Stupak	Yarmuth
				Gonzalez	Marchant	Rush	Sullivan	Young (AK)
				Goodlatte	Markey (CO)	Ryan (OH)	Sutton	Young (FL)
				Gordon (TN)	Markey (MA)			
				Granger	Marshall			
				Graves	Matheson			
				Grayson	Matsui			
				Green, Al	McCarthy (CA)			
				Green, Gene	McCaul			
				Griffith	McClintock			
				Grijalva	McColum			
				Guthrie	McCotter			
				Gutierrez	McDermott			
				Hall (NY)	McGovern			
				Hall (TX)	McIntyre			
				Halvorson	McKeon			
				Hare	McMahon			
				Harman	McMorris			
				Cassidy	Rodgers			
				Castle	Hastings (FL)			
				Castor (FL)	Hastings (WA)			
				Chaffetz	Heinrich			
				Chandler	Heller			
				Childers	Hensarling			
				Christensen	Herger			
				Chu	Herseth Sandlin			
				Clarke	Higgins			
				Clay	Hill			
				Cleaver	Himes			
				Clyburn	Hinchey			
				Coble	Hirono			
				Coffman (CO)	Hodes			
				Cohen	Holden			
				Cole	Holt			
				Conaway	Honda			
				Connolly (VA)	Hoyer			
				Conyers	Hunter			
				Cooper	Inslee			
				Costa	Israel			
				Costello	Issa			
				Courtney	Jackson (IL)			
				Crenshaw	Jackson Lee			
				Crisz	(TX)			
				Crowley	Jenkins			
				Cuellar	Johnson (GA)			
				Culberson	Johnson (IL)			
				Cummings	Johnson, E. B.			
				Dahlkemper	Johnson, Sam			
				Davis (AL)	Jones			
				Davis (KY)	Jordan (OH)			
				Davis (TN)	Kagen			
				DeFazio	Kanjorski			
				DeGette	Kaptur			
				Delahunt	Kennedy			
				DeLauro	Kildee			
				Dent	Kilroy			
				Deutch	Kind			

## NOT VOTING—15

Barrett (SC)	Garamendi	Kilpatrick (MI)
Carnahan	Gohmert	McHenry
Davis (CA)	Hinojosa	Putnam
Davis (IL)	Hoekstra	Schrader
Eshoo	Inglis	Shuster

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There are 2 minutes remaining in this vote.

□ 1357

Mr. HOYER changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 12 OFFERED BY MR. EDWARDS OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. EDWARDS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 420, noes 4, not voting 13, as follows:

[Roll No. 351]

AYES—420

Ackerman	Alexander	Austria
Aderholt	Baca	Bachmann
Adler (NJ)	Andrews	Bachus
Akin	Arcuri	

## NOES—4

Filner	Paul
Nadler (NY)	Scott (VA)

## NOT VOTING—13

Barrett (SC)	Hoekstra	McHenry
Davis (CA)	Inglis	Putnam
Davis (IL)	Kilpatrick (MI)	Shuster
Eshoo	Lofgren, Zoe	
Hinojosa	McCarthy (NY)	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There are 2 minutes remaining on this vote.

□ 1404

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 13 OFFERED BY MR. MAFFEI

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. MAFFEI) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 0, answered “present” 1, not voting 20, as follows:

[Roll No. 352]  
AYES—416

Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Bocciari  
Boehner  
Bonner  
Bono Mack  
Boozman  
Bordallo  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Christensen  
Chu  
Clarke  
Clay  
Cleave  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw

Critz  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
DeLauro  
Dent  
Deutch  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Djout  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Etheridge  
Faleomavaega  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Fox  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinche  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Insee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)

Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loebsack  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lunnen, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)

Murphy, Patrick  
Murphy, Tim  
Myrick  
Nadler (NY)  
Napollitano  
Neal (MA)  
Neugebauer  
Norton  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pierluisi  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sablan  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (WA)  
Snyder  
Space

Speier  
Spratt  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Yarmuth  
Young (AK)  
Young (FL)

## ANSWERED "PRESENT"—1

Edwards (MD)

## NOT VOTING—20

Barrett (SC)  
Davis (CA)  
Davis (IL)  
Delahunt  
Eshoo  
Giffords  
Gordon (TN)  
Gutierrez  
Hinojosa  
Hoekstra  
Inglis  
Kilpatrick (MI)  
Lofgren, Zoe  
McHenry  
Putnam  
Sessions  
Shuster  
Smith (TX)  
Stark  
Wu

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There are 2 minutes remaining on this vote.

□ 1410

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. CUELLAR, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5072) to improve the financial safety and soundness of the FHA mortgage insurance program, pursuant to House Resolution 1424, reported the bill back to the House with

an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

## MOTION TO RECOMMIT

Mr. LEE of New York. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEE of New York. In its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Lee of New York moves to recommit the bill, H.R. 5072, to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following new sections:

**SEC. 16. PROHIBITION OF MORTGAGE INSURANCE FOR BORROWERS WITH STRATEGIC DEFAULTS.**

Section 203 of the National Housing Act (12 U.S.C. 1709), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(z) PROHIBITION OF MORTGAGE INSURANCE FOR BORROWERS WITH STRATEGIC DEFAULTS.—

“(1) PROHIBITION.—The Secretary may not newly insure any mortgage under this title that is secured by a 1- to 4-family dwelling unless the mortgagee has determined, in accordance with such standards and requirements established by the Secretary, that the mortgagor under such mortgage has not previously engaged in any strategic default with respect to any residential mortgage loan.

“(2) STRATEGIC DEFAULT.—For purposes of this subsection, the term ‘strategic default’ means, with respect to a residential mortgage loan, an intentional default having such characteristics or under such circumstances as the Secretary shall, by regulation, provide.”.

**SEC. 17. PROHIBITION ON TAXPAYER BAILOUT OF FHA PROGRAM.**

Section 205 of the National Housing Act (12 U.S.C. 1711), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(h) TAXPAYER PROTECTION.—The Secretary shall use all available actions and methods authorized under law to ensure compliance with subsection (f)(2) and to protect the taxpayers of the United States from financial responsibility for any obligations of the Fund, including authority to increase insurance premiums charged under this title for mortgages that are obligations of the Fund, authority to establish more stringent underwriting standards for such mortgages, and authority to increase the amount of cash

or its equivalent required to be paid on account of the property subject to such a mortgage.”.

Mr. LEE of New York (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Ms. WATERS. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

□ 1415

The SPEAKER pro tempore. The gentleman from New York is recognized for 5 minutes.

Mr. LEE of New York. Mr. Speaker, the underlying bill that we have been considering today is an important one, and I support the provisions that are included in H.R. 5072, the FHA Reform Act of 2010. It gives HUD new tools that will allow the FHA to protect taxpayers against fraudulent or poorly underwritten and insured loans.

The goal of H.R. 5072 is for HUD to begin the process of putting FHA back on the road to a program that has adequate capital in reserve to weather whatever problems it encounters down the road. However, H.R. 5072 is not a cure-all. We can do more to ensure that American taxpayers are better protected.

During the past 2 years, FHA's market share has significantly increased from less than 5 percent to more than 30 percent. As FHA's market share has increased, taxpayer exposure has continued to grow day by day. That is why we must do everything we can to ensure that the program is being run in a safe and sound manner and that the taxpayers will not be asked to pay for yet another government bailout.

The motion does two important things. First, it prohibits the FHA from insuring loans from borrowers who have strategically defaulted on previous loans. Second, it prohibits a taxpayer bailout of the FHA program.

According to a study by Experian and management consulting firm Oliver Wyman, from 2007 to 2008, the number of strategic defaults more than doubled to 588,000, and a separate 2009 survey found that more than a quarter of all existing defaults were strategic.

Meanwhile, there are lawyers, scam artists and opportunists touting the financial benefits of walking away from a mortgage and offering to help you do that for a fee. Not a day goes by that we don't read another news article about folks who are making calculated decisions to stop paying their mortgages even though they still have the ability to pay. We are not talking about those families who have fallen on hard times or who simply can no longer afford to make their payments. We are talking about this new trend of people

who voluntarily choose to stop paying their mortgages even though they still have the ability to pay.

While these decisions should ultimately be left to the individual, we should put in place more stringent penalties to discourage this irresponsible behavior. If borrowers make decisions to strategically default on their loans, they certainly should not be allowed to benefit from a government-subsidized program.

This motion makes it clear: if you can afford to pay your mortgage and choose not to, you will no longer be eligible to secure an FHA mortgage. This motion calls on the Secretary of HUD to define strategic default and to work with lenders to identify and to prevent borrowers from participating in the FHA program.

This motion also prohibits a taxpayer bailout of the FHA program by requiring HUD to use all available methods at its disposal to ensure that the program is properly capitalized and that the taxpayer is protected, ensuring that mortgage applicants have truly enough skin in the game.

As Ranking Member BACHUS said in yesterday's motion to instruct conferees on the financial regulatory reform conference, it is time to end bailouts once and for all. Whether it is \$145 billion for Fannie and Freddie or another \$60 billion for AIG, Chrysler and GM, the American public has suffered enough from bailout fatigue.

This motion to recommit ensures that the FHA uses its existing authorities to ensure that the program does not need an appropriation and that taxpayers are protected.

While the underlying legislation makes significant improvements to the FHA program and goes a long way to providing HUD with the tools it will need to improve the financial condition of the FHA program, these additional prohibitions on strategic default borrowers and on taxpayer bailouts will ensure that the FHA program stays on a solid financial path and that American taxpayers will be protected from yet another bailout.

I urge the adoption of this motion, and I yield back the balance of my time.

Mr. FRANK of Massachusetts. I rise to speak on the motion.

The SPEAKER pro tempore. Is the gentleman opposed to the motion?

Mr. FRANK of Massachusetts. I don't know yet.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. FRANK of Massachusetts. Well, I was disappointed that my colleague on the Financial Services Committee wouldn't observe the tradition that we have of yielding to each other. If he had, I could have saved the Members a lot of time because I am going to urge people to vote for it.

I will say that it might need a word or two of improvement. If it had, in fact, been offered at the Financial Services Committee, either provision, we could have accepted it then, but then Members wouldn't have had a chance to make dramatic speeches on the floor, so I suppose that explains why we had to go through this.

I urge adoption of the amendment of the recommittal motion, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was agreed to.

Mr. FRANK of Massachusetts. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 5072, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FRANK of Massachusetts:

At the end of the bill, add the following new sections:

**SEC. 16. PROHIBITION OF MORTGAGE INSURANCE FOR BORROWERS WITH STRATEGIC DEFAULTS.**

Section 203 of the National Housing Act (12 U.S.C. 1709), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(z) PROHIBITION OF MORTGAGE INSURANCE FOR BORROWERS WITH STRATEGIC DEFAULTS.—

“(1) PROHIBITION.—The Secretary may not newly insure any mortgage under this title that is secured by a 1- to 4-family dwelling unless the mortgagee has determined, in accordance with such standards and requirements established by the Secretary, that the mortgagor under such mortgage has not previously engaged in any strategic default with respect to any residential mortgage loan.

“(2) STRATEGIC DEFAULT.—For purposes of this subsection, the term ‘strategic default’ means, with respect to a residential mortgage loan, an intentional default having such characteristics or under such circumstances as the Secretary shall, by regulation, provide.”.

**SEC. 17. PROHIBITION ON TAXPAYER BAILOUT OF FHA PROGRAM.**

Section 205 of the National Housing Act (12 U.S.C. 1711), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(h) TAXPAYER PROTECTION.—The Secretary shall use all available actions and methods authorized under law to ensure compliance with subsection (f)(2) and to protect the taxpayers of the United States from financial responsibility for any obligations of the Fund, including authority to increase insurance premiums charged under this title for mortgages that are obligations of the Fund, authority to establish more stringent underwriting standards for such mortgages, and authority to increase the amount of cash or its equivalent required to be paid on account of the property subject to such a mortgage.”.

Mr. FRANK of Massachusetts (during the reading). I ask unanimous consent that the reading be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage will be followed by a 5-minute vote on suspension of the rules with regard to S. 3473.

The vote was taken by electronic device, and there were—ayes 406, noes 4, not voting 21, as follows:

[Roll No. 353]

#### AYES—406

Ackerman	Burton (IN)	Dent
Aderholt	Butterfield	Deutch
Adler (NJ)	Buyer	Diaz-Balart, L.
Akin	Calvert	Diaz-Balart, M.
Alexander	Camp	Dicks
Altmire	Campbell	Dingell
Andrews	Cantor	Djou
Arcuri	Cao	Doggett
Austria	Capito	Donnelly (IN)
Baca	Capps	Doyle
Bachmann	Capuano	Dreier
Bachus	Cardoza	Driehaus
Baird	Carnahan	Duncan
Baldwin	Carney	Edwards (MD)
Barrow	Carson (IN)	Edwards (TX)
Bartlett	Carter	Ehlers
Barton (TX)	Cassidy	Ellison
Bean	Castle	Ellsworth
Becerra	Castor (FL)	Emerson
Berkley	Chaffetz	Engel
Berry	Chandler	Etheridge
Biggert	Childers	Fallin
Bilbray	Chu	Farr
Bilirakis	Clarke	Fattah
Bishop (GA)	Clay	Filner
Bishop (NY)	Cleaver	Fleming
Bishop (UT)	Clyburn	Forbes
Blackburn	Coble	Fortenberry
Blumenauer	Coffman (CO)	Foster
Blunt	Cohen	Fox
Bocciari	Cole	Frank (MA)
Boehner	Conaway	Franks (AZ)
Bonner	Connolly (VA)	Frelinghuysen
Bono Mack	Conyers	Fudge
Boozman	Cooper	Gallegly
Boren	Costello	Garamendi
Boswell	Courtney	Garrett (NJ)
Boucher	Crenshaw	Gerlach
Boustany	Critz	Giffords
Boyd	Crowley	Gingrey (GA)
Brady (PA)	Cuellar	Gohmert
Brady (TX)	Culberson	Gonzalez
Braley (IA)	Cummings	Goodlatte
Bright	Dahlkemper	Gordon (TN)
Brown (SC)	Davis (AL)	Granger
Brown, Corrine	Davis (KY)	Graves
Brown-Waite,	Davis (TN)	Grayson
Ginny	DeFazio	Green, Al
Buchanan	DeGette	Green, Gene
Burgess	DeLauro	Griffith

Grijalva	Matheson
Guthrie	Matsui
Gutierrez	McCarthy (CA)
Hall (NY)	McCarthy (NY)
Hall (TX)	McCauley
Halvorson	McClintock
Hare	McCollum
Harman	McCotter
Harper	McDermott
Hastings (FL)	McGovern
Hastings (WA)	McIntyre
Heinrich	McKeon
Heller	McMahon
Herger	McMorris
Hereth Sandlin	Rodgers
Higgins	McNerney
Hill	Meek (FL)
Himes	Meeks (NY)
Hinche	Melancon
Hirono	Mica
Hodes	Michaud
Holden	Miller (FL)
Holt	Miller (MI)
Hoyer	Miller (NC)
Hunter	Miller, Gary
Inlee	Miller, George
Israel	Minnick
Issa	Mitchell
Jackson (IL)	Mollohan
Jackson Lee	Moore (KS)
(TX)	Moore (WI)
Jenkins	Moran (KS)
Johnson (GA)	Moran (VA)
Johnson (IL)	Murphy (CT)
Johnson, E. B.	Murphy (NY)
Johnson, Sam	Murphy, Patrick
Jones	Murphy, Tim
Jordan (OH)	Myrick
Kagen	Nadler (NY)
Kanjorski	Napolitano
Kaptur	Neal (MA)
Kennedy	Neugebauer
Kildee	Nunes
Kilroy	Nye
Kind	Oberstar
King (IA)	Olson
King (NY)	Olver
Kingston	Ortiz
Kirk	Owens
Kirkpatrick (AZ)	Pallone
Kissell	Pascarella
Klein (FL)	Pastor (AZ)
Kline (MN)	Paulsen
Kosmas	Payne
Kratovil	Pence
Kucinich	Perlmutter
Lamborn	Perriello
Lance	Peters
Langevin	Petri
Larsen (WA)	Pingree (ME)
Larson (CT)	Pitts
Latham	Platts
LaTourette	Poe (TX)
Latta	Polis (CO)
Lee (CA)	Pomeroy
Lee (NY)	Posey
Levin	Price (GA)
Lewis (CA)	Price (NC)
Lewis (GA)	Quigley
Linder	Radanovich
Lipinski	Rahall
LoBiondo	Rangel
Loeb	Rehberg
Loeb, Zoe	Reichert
Lowe	Reyes
Lucas	Richardson
Luetkemeyer	Rodriguez
Lujan	Rogers (AL)
Lungren, Daniel	Rogers (KY)
E.	Rogers (MI)
Lynch	Rohrabacher
Mack	Rooney
Maffei	Ros-Lehtinen
Maloney	Roskam
Manzullo	Ross
Marshall	Rothman (NJ)
Markey (CO)	Roybal-Allard
Markey (MA)	Royce

#### NOES—4

Broun (GA)	Honda
Flake	Paul

Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Olson
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

#### NOT VOTING—21

Barrett (SC)	Hensarling	McHenry
Berman	Hinojosa	Obey
Costa	Hoekstra	Peterson
Davis (CA)	Inglis	Putnam
Davis (IL)	Kilpatrick (MI)	Roe (TN)
Delahunt	Lummis	Shuster
Eshoo	Marshall	Welch

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1439

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ROE of Tennessee. Mr. Speaker, on rollcall No. 353 I was unavoidably detained. Had I been present, I would have voted "yes."

Mr. COSTA. Mr. Speaker, on rollcall No. 353, had I been present, I would have voted "yes."

#### OIL SPILL LIABILITY TRUST FUND

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 3473) to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, answered "present" 1, not voting 20, as follows:

[Roll No. 354]

#### YEAS—410

Ackerman	Bonner	Carter
Aderholt	Bono Mack	Cassidy
Adler (NJ)	Boozman	Castle
Akin	Boren	Castor (FL)
Alexander	Boswell	Chaffetz
Altmire	Boucher	Chandler
Andrews	Boustany	Childers
Arcuri	Boyd	Chu
Austria	Brady (PA)	Clarke
Baca	Brady (TX)	Clay
Bachus	Braley (IA)	Cleaver
Baird	Bright	Clyburn
Baldwin	Broun (GA)	Coble
Barrow	Brown (SC)	Coffman (CO)
Bartlett	Brown, Corrine	Cohen
Barton (TX)	Brown-Waite,	Cole
Bean	Ginny	Conaway
Becerra	Burgess	Connolly (VA)
Berkley	Burton (IN)	Conyers
Berman	Butterfield	Cooper
Berry	Calvert	Costa
Biggert	Camp	Costello
Bilbray	Campbell	Courtney
Bilirakis	Cantor	Crenshaw
Bishop (GA)	Cao	Critz
Bishop (NY)	Capito	Crowley
Bishop (UT)	Capps	Cuellar
Blackburn	Capuano	Culberson
Blumenauer	Cardoza	Cummings
Blunt	Carnahan	Dahlkemper
Bocciari	Carney	Davis (AL)
Boehner	Carson (IN)	Davis (KY)

Davis (TN) Kanjorski Ortiz  
DeFazio Kaptur Owens  
DeGette Kennedy Pallone  
DeLauro Kildee Pascarell  
Dent Kilroy Pastor (AZ)  
Deutch Kind Paul  
Diaz-Balart, L. King (IA) Paulsen  
Diaz-Balart, M. King (NY) Payne  
Dicks Kingstons Pence  
Dingell Kirk Perlmutter  
Djou Kirkpatrick (AZ) Perriello  
Doggett Kissell Peters  
Donnelly (IN) Klein (FL) Peterson  
Doyle Kline (MN) Petri  
Dreier Kosmas Pingree (ME)  
Driehaus Kratochvil Pitts  
Duncan Kucinich Platts  
Edwards (MD) Lamborn Poe (TX)  
Edwards (TX) Lance Polis (CO)  
Ehlers Langevin Pomeroy  
Ellison Larsen (WA) Price (GA)  
Ellsworth Larson (CT) Price (NC)  
Emerson Latham Quigley  
Engel LaTourette Radanovich  
Etheridge Latta Rahall  
Fallin Lee (CA) Rangel  
Farr Lee (NY) Rehberg  
Fattah Levin Reichert  
Filner Lewis (CA) Reyes  
Flake Lewis (GA) Richardson  
Fleming Lipinski Rodriguez  
Forbes LoBiondo Roe (TN)  
Fortenberry Loebsock Rogers (AL)  
Foster Lofgren, Zoe Rogers (KY)  
Foxy Lowey Rogers (MI)  
Frank (MA) Lucas Rohrabacher  
Franks (AZ) Luetkemeyer Rooney  
Frelinghuysen Lujan Ros-Lehtinen  
Fudge Lummis Roskam  
Gallegly Lungren, Daniel Ross  
Garamendi E. Rothman (NJ)  
Garrett (NJ) Lynch Roybal-Allard  
Gerlach Mack Royce  
Giffords Maffei Ruppertsberger  
Gingrey (GA) Maloney Rush  
Gohmert Manzullo Ryan (OH)  
Gonzalez Marchant Ryan (WI)  
Goodlatte Markey (CO) Salazar  
Gordon (TN) Markey (MA) Sanchez, Linda  
Granger Marshall T.  
Graves Matheson Sanchez, Loretta  
Grayson Matsui Sarbanes  
Green, Al McCarthy (CA) Scalise  
Green, Gene McCarthy (NY) Schakowsky  
Griffith McCaul Schauer  
Grijalva McClintock Schiff  
Guthrie McCollum Schmidt  
Gutierrez McCotter Schock  
Hall (NY) McDermott Schrader  
Hall (TX) McGovern Schwartz  
Halvorson McIntyre Scott (GA)  
Hare McKeon Scott (VA)  
Harman McMahon Sensenbrenner  
Harper McMorris Serrano  
Hastings (FL) Rodgers Sessions  
Hastings (WA) McNerney Sestak  
Heinrich Meek (FL) Shadegg  
Heller Meeks (NY) Sherman  
Hensarling Melancon Shimkus  
Herger Mica Shuler  
Herseth Sandlin Michaud Simpson  
Higgins Miller (FL) Sires  
Hill Miller (MI) Skelton  
Himes Miller (NC) Slaughter  
Hinchey Miller, George Smith (NE)  
Hirono Minnick Smith (NJ)  
Hodes Mitchell Smith (TX)  
Holden Mollohan Smith (WA)  
Holt Moore (KS) Snyder  
Honda Moore (WI) Space  
Hoyer Moran (KS) Speier  
Hunter Moran (VA) Spratt  
Inlee Murphy (CT) Stark  
Israel Murphy (NY) Stearns  
Issa Murphy, Patrick Stupak  
Jackson (IL) Murphy, Tim Sullivan  
Jackson Lee Myrick Sutton  
(TX) Nadler (NY) Tanner  
Jenkins Napolitano Taylor  
Johnson (GA) Neal (MA) Teague  
Johnson (IL) Neugebauer Terry  
Johnson, E. B. Nunes Thompson (CA)  
Johnson, Sam Nye Thompson (MS)  
Jones Oberstar Thompson (PA)  
Jordan (OH) Olson Thornberry  
Kagen Oliver Tiahrt

Tiberi Walden Whitfield  
Tierney Walz Wilson (OH)  
Titus Wamp Wilson (SC)  
Tonko Wasserman Wittman  
Towns Schultz Wolf  
Tsongas Waters Woolsey  
Turner Watson Wu  
Upton Watt Yarmuth  
Van Hollen Weiner Young (AK)  
Velázquez Welch Young (FL)  
Visclosky Westmoreland

## ANSWERED "PRESENT"—1

Shea-Porter

## NOT VOTING—20

Bachmann Eshoo Miller, Gary  
Barrett (SC) Hinojosa Obey  
Buchanan Hoekstra Posey  
Buyer Inglis Putnam  
Davis (CA) Kilpatrick (MI) Shuster  
Davis (IL) Linder Waxman  
Delahunt McHenry

□ 1447

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mrs. DAVIS of California. Mr. Speaker, on Thursday, June 10, 2010, I was attending to a family matter and missed the following votes.

Had I been present, I would have voted: "yea" on rollcall No. 347; "no" on rollcall No. 348; "no" on rollcall No. 349; "no" on rollcall No. 350; "yea" on rollcall No. 351; "yea" on rollcall No. 352; "yea" on rollcall No. 353; "yea" on rollcall No. 354.

## PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, I was unable to attend to several votes today. Had I been present, I would have voted "aye" on rollcall 347; "nay" on rollcall 348; "nay" on rollcall 349; "nay" on rollcall 350; "aye" on rollcall 351; "aye" on rollcall 352; "aye" on rollcall 353 and "aye" on rollcall 354.

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5072, FHA REFORM ACT OF 2010

Ms. WATERS. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 5072, the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

## GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise

and extend their remarks and insert extraneous material on the subject of the passing of the Honorable Art Link.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

## CONGRATULATING CLINTON COUNTY, OHIO

The SPEAKER pro tempore (Mr. BRIGHT). The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1121) congratulating Clinton County and the county seat of Wilmington, Ohio, on the occasion of their bicentennial anniversaries.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, I yield to the gentleman from Maryland, the majority leader, for the purposes of announcing next week's schedule.

Mr. HOYER. I thank the gentleman for yielding.

On Monday, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business, with votes postponed until 6:30 p.m.

On Tuesday, the House will meet at 9 a.m. for morning-hour debate and 10 a.m. for legislative business and recess immediately for the Former Members Association annual meeting. The House will reconvene at approximately 11:30 a.m.

On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business.

On Friday, the House will meet at 9 a.m. for legislative business.

We will consider several bills under suspension of the rules. The complete list of all suspension bills will be announced, as is the custom, by the close of business tomorrow.

In addition, we will consider H.R. 5297, the Small Business Lending Fund Act of 2010; and possibly H.R. 5175, the DISCLOSE Act; and, again, possible action on H.R. 4899, the Supplemental Appropriations Act of 2010.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would ask the gentleman, in addition to next week's schedule, can the gentlemen tell us

what he expects to consider on the floor between now and the July 4 recess beyond next week?

Mr. HOYER. In addition to the legislation I have announced for next week—the Small Business Lending Act, the DISCLOSE Act, and the supplemental—we will also consider in the future a Wall Street reform conference report.

As the gentleman knows, the conference is having its first session today as an open conference, full participation. I expect that to hopefully conclude within the next few weeks, perhaps sooner. And I expect to have that bill on the floor and to the President by the July 4 break.

In addition to that, we have the American Jobs and Closing Tax Loopholes Act, which is being considered by the Senate now. We passed this bill, as you know, 2 weeks ago. The Senate, however, had left town, and they could not take action to extend unemployment benefits and to preclude cuts to Medicare payments to ensure seniors would get their doctors. I know the Senate is now working on this bill. And if they amend it, we will look at that and see what House action might be necessary.

In addition, we are looking at a budget resolution. We are still working with Chairman SPRATT on a budget resolution that shows we have cognizance of the concerns that all of our Members have, A, about the deficit and also about constraining spending. As the gentleman knows, the President has sent to us a budget that for nondefense, nonsecurity spending is frozen not only for this year but for 2 years to come. So we are considering that.

In addition, the gentleman and I have been working very hard on Iran sanctions. I was at the White House today. I congratulated the President on the administration's success in having passed through the Security Council the Iran sanctions legislation. It is good legislation. Hopefully, all nations will abide by it, have its impact.

On the other hand, I think the gentleman and I both agree there need to be additional efforts made. We urge the Europeans, who will be meeting shortly, to do the same and hopefully have an even stronger resolution.

And then it's my expectation—I have talked to Mr. BERMAN, and I know you have talked to Ms. ROS-LEHTINEN—my hope is that we will have—and my request, more than a hope, my request is that the conference report be brought to the floor the week of the 21st. And I have indicated that that is my expectation.

I want to also congratulate Ambassador Susan Rice for the job that she did in drafting the resolution that was adopted and successfully passing it yesterday. I am looking forward to working with the gentleman.

In addition to that, as you know, we have a supplemental that we want to

have considered. We need to fund our troops that are in harm's way and make sure they have the resources necessary to carry out the mission they have been given. And I expect the supplemental to be on the floor possibly as early as next week. I would hope that we could get it that early, but certainly I expect it to pass before we leave.

It is my understanding that funding is available into July so that we have some flexibility, but my view is that we will pass it. And I will be pushing very hard to pass the supplemental, make sure our troops are funded. And I would hope that we could work on that on a bipartisan basis.

That is not all that will be done, but those are the significant parts of what I expect the agenda to be for the next 3 weeks.

Mr. CANTOR. I thank the gentleman. I specifically, Mr. Speaker, want to thank the gentleman for his efforts on behalf of trying to get a resolution out of the conference committee on the Iran sanctions bill—again, as he says, Mr. Speaker, something that he and I have worked on for some time now. I thank him for his commitment to that and working on that.

I would also ask the gentleman if any of the reports that I have heard about a possible resolution having to do with the flotilla, in terms of the actions that occurred, that Israel undertook to defend itself in interdicting the ship on the alleged mission of aid that it was claiming to be on, and whether we can expect any resolution along those lines in support of our ally Israel.

Mr. HOYER. I thank the gentleman for his question.

As I am sure most people know, the gentleman and I agreed—I made a statement on the floor last night, and I made a statement immediately after—Israel, like any other nation in the world that is assaulted by a terrorist organization that wants its demise, wants to kill its people and push it from its country, any nation on Earth, including ours, would defend itself. That is what they did.

They gave 2 weeks' notice, of course, as the gentleman knows, to the Turks and to the individuals who were undertaking this so-called humanitarian mission.

And I might say that the gentleman and I share a humanitarian concern about the plight of the Palestinian people. Unfortunately, they are ill-served by some of those who have, by force, taken over their leadership in Gaza.

But Israel did what any nation would do. It gave notice and said, if you will deliver those to Ashdod, the port, we will offload the humanitarian material and make sure that it's delivered to its recipients, not to a terrorist organization that would use it for purposes of terror and attacks on civilians, but use it for the purposes of relieving those in some distress.

I would point out, as the gentleman well knows, international reports are that, in fact, there are sufficient food and medicine in Gaza today. It is my view that that mission, in effect, accomplished its objective, and its objective was to create confrontation and to put at risk the security of Israel and its people.

So that the answer to your question is that I have talked to Mr. BERMAN and I want to talk to you, as well, so that we can determine what is the best course of action for us to take.

Mr. CANTOR. Mr. Speaker, I thank the gentleman for his continued commitment and share with him the commitment to strengthen the alliance between ourselves in the United States and Israel in the continuing struggle that all of us have in terms of pushing back against the terrorist threat, state sponsors of terror and their proxies in the Middle East, and as they pose the existential threats to our ally Israel as well as U.S. interests in the region. So I look forward to working with him on that.

Mr. Speaker, I would go back to the gentleman's statements with regards to financial regulation and a conference report. I know there has been a lot of indication, especially on the part of Chairman FRANK, about the willingness to be open and make sure that C-SPAN cameras are there so the public can understand and have access.

I was somewhat alarmed, though, with the statements made by the chairman, as reported in the press, when he said, "Some negotiations will take place more publicly than others," and just wanted the gentleman to assure us that there will be no negotiations ongoing without having the light of cameras on and/or at least a fair hearing among Members of both parties.

□ 1500

Mr. HOYER. I thank the gentleman for his question.

None of us want to commit to not talking to one another privately, I think. I think that's what the chairman was referring to. I am sure he and Mr. DODD will speak. I am sure that he and the gentleman from Alabama, the ranking Republican, Mr. SHELBY, may be speaking. The chairman and I both served with Mr. SHELBY, and I am sure that there will be discussions with the ranking Republican from our side.

That may not be in the context of the conference itself where there will be cameras, where there will be an open opportunity to offer amendments and fully debate and discuss various options. Frankly, I've not been too pleased personally with the fact that we don't have a lot of conferences. I think conferences are good. I think they accomplish a worthy objective of bringing reconciliation between the two Houses and frankly giving an opportunity for each perspective that's

represented on the conference to be articulated. And I think this will be, from that standpoint, a model conference.

And I think Mr. FRANK does intend, as he has said, to have an open conference with full debate and voting in the light of day on various different proposals.

Mr. CANTOR. I thank the gentleman for that.

In that spirit, Mr. Speaker, of wanting to try to work together in a civil manner and to try to get the work of the people done, the gentleman mentioned the war supplemental for scheduling perhaps next week. And obviously we continue to be concerned, Mr. Speaker, on the part of our Members, their constituents, about the involvement, openness of discussion, debate around the issue of the spending in the supplemental bill to fund our troops.

And this is actually, Mr. Speaker, a bill we can work on together. And the gentleman indicates that that bill may be coming to the floor. And I would ask the gentleman should we expect that bill to go through the appropriations committee before it comes to the floor to allow for that open input, that collaboration to result in a better bill that would reflect the will of the American people?

And I yield.

Mr. HOYER. I thank the gentleman for yielding.

I have not discussed specifically what actions Mr. OBEY—Mr. OBEY is looking at the supplemental. It was sent over to us. And he's discussing it with the various subcommittee chairs, I know. I don't know whether he's discussed it with Mr. LEWIS at this point in time. But I do know that, as you know, he had a markup scheduled on our supplemental the week before we left. That was canceled, so it didn't go forward; and then the Senate passed its bill.

But I would certainly hope that your side has input on what they want, what you want, what you think ought to be in there. Obviously, we want to respond to some of the crisis not only offshore in Iraq—well, this is mainly Afghanistan and Pakistan as the gentleman knows, but my belief is Mr. OBEY will want to have input as well.

So I can't give you specifically because Mr. OBEY has not indicated to me at this point in time what his specific plans are. But I understand the gentleman's interest.

Mr. CANTOR. I thank the gentleman for that, Mr. Speaker, and I would indicate that having spoken with the appropriators that Mr. LEWIS has not heard from Mr. OBEY on that, and we will wait to hear, and I am sure he's anxiously awaiting.

Mr. Speaker, I would also like to ask the gentleman about the budget and what we can expect as far as the budget having now been in June, there having been no budget, and can we expect a

markup in the Budget Committee prior to our leaving for the July 4 recess?

I yield.

Mr. HOYER. I thank the gentleman for yielding.

As you know, Mr. SPRATT and I and others have been working on this for many months now to try to see if there is a budget that can garner majority support. There was some indication, I will tell the gentleman—he's usually at the White House with us. He wasn't with us today. But Mr. CANTOR is usually joining us at the White House in our meetings with the President.

But the fact is that the Senate Republican leader indicated he'd like to see some bipartisan agreement, at least on spending levels and observed that he thought the spending levels the President had sent down for our consideration were—he would like to see a lower number but he appreciated the fact that that number was sent down and was a constraint on spending, in fact, froze non-defense, non-security spending at last year's levels and did so for a number of years. So I made the observation at that point in time that I was hopeful that we in fact could perhaps reach some bipartisan agreement. I will be discussing with the gentleman probably early next week that possibility.

But I will tell you that Mr. SPRATT continues to work very, very hard at trying to see if he can come up with a budget resolution that reflects something that can get agreement.

I want to tell the gentleman that one of the problems we have, as the gentleman knows, is we have created a situation of where the budget will have some very tough numbers on it. They are realistic numbers. They are the numbers. They are what they are. We are where we are. As the gentleman knows, I believe that we need to work very, very hard to get back to the place where we were when we started in 2001 when we had a balanced budget and a surplus projected.

I would call attention to a statement of Doug Holtz-Eagen, as I am sure the gentleman knows, who was with the last administration and indicated that this budget would have occurred under Senator MCCAIN as well no matter what he did. We inherited an extraordinarily depressed economy, an exploding deficit and a substantial decrease in revenues. So we have an extraordinarily difficult situation that we've inherited that we're trying to deal with.

The President, as you know, has appointed a commission to try to deal with that. We put in place statutory PAYGO to try to constrain spending so that we can get back to where I said we were in 4 years before the Bush administration where we had 4 years of surplus. And, regrettably, we're not there now; but we're working on it.

Mr. CANTOR. I thank the gentleman for that. And he knows where I stand

on that issue and where our side is continuing to want to see a budget, just like most of the American people are having to do every day is come up with a budget of how they can make their businesses work and their families make it through the month. So I appreciate that spirit with which the gentleman offers that.

Mr. Speaker, I would say to the gentleman that I read an article in Roll Call this week that had to do with these colloquies that somehow indicated that the gentleman and I were unable to come to the floor and to "play nice together." I will say I know the gentleman doesn't take any of this personally, nor do I, because I enjoy coming to the floor to debate substance and policy in these colloquies, something that, frankly, is not done often enough in this House, but as it relates to the priorities that the majority has as reflected through its scheduling abilities.

And in fact, again, Mr. Speaker, this House doesn't do nearly enough of this kind of exchange of opinion to ferret out how we can come to some agreement.

So I know that the gentleman shares in that spirit as we engage, specifically as that article points to, over our differences, our differences about the priority of cutting spending now. And I know the gentleman does know, as I value, the opportunities to work with him on issues as we have just discussed having to do with the promotion of the U.S. security in the Middle East as it plays out through our ally Israel. I enjoy the working relationship that we have had on that issue; the issue around the Iran sanctions resolution, as well as he knows. As well we've worked together well on the issue of Puerto Rico statehood. So there is that history.

But I would say again there are going to be times where we do disagree. And there is, frankly, some disagreement that our side has with what the majority does in terms of scheduling, and that is its priorities on cutting spending.

We have become very frustrated that we have no other vehicle to speak out as to the priorities of the majority other than our response to the scheduling. And these colloquies are focused on priorities the majority has as far as how it schedules this floor.

We have become very frustrated as well, Mr. Speaker, that every time we begin even to hint at a desire to bring spending cuts to the floor, that somehow we need a lecture on the last couple decades as to what's happened in this country from a fiscal standpoint. As the gentleman knows, I'm the first one to offer up some contrition. Yes, our side is to blame as much as the other side for bringing us to this point.

But none of that has anything to do with scheduling for the next week or

the week thereafter. And what my aim is, and hopefully the gentleman knows, in engaging in these discussions is to say, please allow us to bring up some of the issues that the American people want us to do, which is to stop the spending now.

And as the gentleman knows, we have launched on the Republican side of the aisle a program called YouCut, and frankly we have seen some bipartisan support of programs under YouCut. We have seen the administration take on an announcement today a proposal in YouCut to sell excess Federal property.

We want this to be a bipartisan issue. And as the gentleman has reminded me, as he said in the article, this is a colloquy based on scheduling.

So, Mr. Speaker, I would say that the minority, the Republicans in this House, intend on bringing to the House floor another YouCut vote next week. And it will be one of five options that the public will be voting on and has begun already. And we are well over 700,000 votes in YouCut on a 3-week period. And, Mr. Speaker, I think that indicates some real intensity behind the public wanting this House to finally stop spending now.

So we will, Mr. Speaker, be bringing to the floor a vote either on the attempt to sell excess Federal property, which is a \$15 billion savings; a provision to terminate a Federal bike and walking program, that's another \$1.8 billion; terminate a Federal truck parking program, \$62.5 million; terminate a funding for private bus companies, \$120 million; or a proposal to terminate the Ready to Learn TV program at \$270 million of savings.

And I would say, Mr. Speaker, to the gentleman the purpose of our bringing these to the floor is, first of all, to reflect the will of the American people to cut now, to go forward, to admit we are in a real tough situation fiscally in this country. We're at a crossroads. We've got to start changing the culture here in Washington.

So I would say to the gentleman that is the purpose as well as, Mr. Speaker, we have no other alternative unless the majority would schedule actual spending cuts for this debate and vote on the House floor.

I would also say to the gentleman, Mr. Speaker, these votes will occur, and we will proffer these each week. This will begin to amass a record on which Member supports spending cuts now and which doesn't. We have already demonstrated a commitment on this side of the aisle, as well as some on the gentleman's side of the aisle, to cut \$85 billion over the last three votes in YouCut and will continue to do that each week.

And I would hope that the gentleman could join us in reflecting the priorities that our constituents are asking us to put forward, and that is to get the Federal deficit under control.

□ 1515

So with that, Mr. Speaker, I would thank the gentleman for his time and will yield to him for a response.

Mr. HOYER. I thank the gentleman for yielding.

I want to tell my friend that I don't seek contrition. I do seek reconsideration of policies that have not worked, of policies that were projected to grow the economy, bring the deficit down and make us a healthier, wealthier country. Frankly, the policies that we pursued in 2001 through 2006, and actually through 2009 because we couldn't change policy although we were in charge of the House and the Senate, we couldn't override a Presidential veto—again, not contrition, but recognition that the policies did not work.

Benjamin Franklin said, It's not a good thing to be penny wise and pound foolish. I tell my friend that he and his colleagues from 2001 and 2006—I think he voted for each one of these—voted for over \$2 trillion in unfunded spending. That is the real problem.

The gentleman is probably prepared to support, as I am—he and I will probably vote together, I hope, on a supplemental that provides for funding our troops. That won't be paid for. We will expect our children and grandchildren to pay for that. Mr. OBEY has suggested a tax to pay for this war. If it is worth fighting, if it's worth protecting this generation, it is worth paying for. I tend to agree with that.

As the gentleman knows, I'm a lot older than he is. I have three grandchildren, and I have a great-granddaughter. Tragically, history tells us that my grandchildren and my children are going to have their challenge from a security standpoint, from a health standpoint, from a natural disaster standpoint as we have today, and they're going to have to have resources to respond to that.

I don't criticize the gentleman and I applaud him for asking the American public what we all ought to ask the American public, what do you think we ought to cut. The fact of the matter is that your side, your ranking member, has prepared a budget. As I've told you before, I think it's a budget with a great deal of integrity, great deal of political courage, and the gentleman's indicated it's a 75-year budget. It's a budget that affects today, tomorrow, but yes, it has a vision. I applaud Mr. RYAN. As you know, I'm a big fan of Mr. RYAN's. I don't agree with Mr. RYAN, but I don't have to agree with somebody to have great respect for their intellect and their political courage and their willingness to be real, to put something on the table that really will make a difference.

My side, for the most part, doesn't agree with his treatment of Social Security, Medicare, and some other things. But I asked the gentleman last time if he wants me to put that budget

on the floor with whatever we put on the floor on our side so that both of those can be considered. We're prepared to do that.

But my friend, I will tell you, I'm not looking, as I said before, for contrition. I am looking for recognition that we need to work together and be honest. Be honest with those American people that you're asking questions to. The items you put on your list are worthy of consideration, but they will not get us to where we need to get.

As Mr. Eakin, who was one of MCCAIN's advisers, former Republican director for the OMB, as the CATO Institute indicates, the policies of the Bush administration dug a very deep hole. You have contrition about it but that doesn't solve it. What's got to solve it is us coming together and being honest with the American people. That's what the commission is hopefully going to do, and it's going to give us tough recommendations, and we will have to clasp hands together frankly if those recommendations are real, honest, and effective because they will be politically controversial because the medicine doesn't always go down very well.

But we have all dug a hole. I was not for most of the Bush policies that put us in those holes. I think giving up revenues—that's part of the \$2 trillion of spending that you made, YouCut revenues—but you did not pay for them. The thing to do if you're going to cut taxes is to cut spending. The American public understand that, but pay for what you're still going to buy. Don't expect the credit card to be used by us and paid for by our children.

So I tell my friend that the individual items which you have just outlined are worthy of consideration, and asking the American public their recommendations is absolutely the right thing for us to do as a democratic body, but let us not kid the people that we can deal with the budget hole that has been dug over the last 8 years from surplus to deep deficit, surplus in 2001, deep, deep deficit in 2009, January of 2009, is going to be solved by simply nibbling around the edges, no matter how big those figures may sound, and they are big. But in the magnitude of the problem that confronts us, they will not get us to where we need to be.

I thank the gentleman for yielding.

Mr. CANTOR. Mr. Speaker, I thank the gentleman and I would say I hear the gentleman, that he thinks that contrition is not enough. I hear the gentleman who says that he and his side is to blame as well, and I think enough is enough about going backwards.

The gentleman's heard me before on the floor in this colloquy quote Winston Churchill when he said, Of this I am quite sure, that if we open a quarrel between the past and present, we shall find that we have lost our future. And

I would say to the gentleman in the spirit of that quote, let's go forward. Both of us can differ on policy, but it seems that the gentleman is more interested in settling a score to have this side of the aisle admit that somehow our policies were failing.

I have said here—I think most of my colleagues on this side of the aisle would say—spending was too high. The gentleman indicates that we voted on \$2 trillion of spending while we were in the majority over the last several years.

Mr. HOYER. Will the gentleman yield just to clarify?

Mr. CANTOR. I yield.

Mr. HOYER. We all voted for more spending than that over that period of time, given the size of our budget. What I said was, to be precise, you voted for \$2 trillion of unpaid spending.

I thank the gentleman for yielding.

Mr. CANTOR. I thank the gentleman for that correction, and would say that with that \$2 trillion figure out there, we could also look to see how much spending is going on now, and the national debt has increased by \$4 trillion since the Democratic Party took control of this Congress, and we've added \$4.8 billion in debt per day under this President. So there is no side immune to blame for more spending, which is why we continue to plead that let's work together now. Let's not kick the can down the road.

The gentleman continues to say that the YouCut proposals are too small, though worthy, too small to even fix any problem. That is not true, Mr. Speaker. We are about trying to change the culture here in Washington. The gentleman shares with me concern about the life our kids, their kids and theirs will have in this country given the actions we are taking and those we're not on the floor of this House.

So I thank the gentleman, again, for his willingness to engage in these substantive discussions. We need more of these debates on substance in the workings of this House, and I appreciate, again, his time.

#### ADJOURNMENT TO MONDAY, JUNE 14, 2010

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

#### AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON TUESDAY, JUNE 15, 2010, FOR THE PURPOSE OF RECEIVING FORMER MEMBERS OF CONGRESS

Mr. HOYER. Mr. Speaker, I ask unanimous consent that it may be in

order on Tuesday, June 15, for the Speaker to declare a recess subject to the call of the Chair for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

#### BP REFUSING TO PROVIDE CRITICAL DATA AND SAMPLES

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, it's been more than 30 days since the Deepwater Horizon exploded in the Gulf of Mexico. In that time, at least 40 million gallons of oil have entered our oceans. To give you some idea what this means for the gulf coast, if the oil disaster was centered in my district, it would completely cover New York City, Long Island, Connecticut, and northern New Jersey, and far more in the east and the west.

With a disaster of this enormous magnitude, it's absolutely critical we know everything we can about the oil, its scope and its effect on the Gulf of Mexico. But according to recent reports, BP is refusing to provide critical samples and data to scientists studying the disaster. Scientists researching the vast underwater damage of the oil spill have been denied oil samples from BP. Other scientists studying the flow rate at the source of the oil haven't received high quality video they requested from BP's underwater robots. Still more researchers have asked for, but not received, access to much-needed data to study oil plumes beneath the surface of the ocean.

It is imperative for BP to give scientists inside and outside of government access to every sample, every data point, and every other resource they need to help us understand the truth about BP's oil disaster. The American people have a right to know.

#### HONORING LINDSAY POTTS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, I rise to pay tribute and deeply thank on her retirement from our congressional staff Ms. Lindsay Potts of Toledo, Ohio, who, for nearly 3 decades of exemplary and extraordinary patriotic service to the people of our district, State, and Nation has turned in her retirement papers.

I'd like to thank Lindsay publicly for her exceptional honesty and work ethic, her abiding kindness, her aptitude and inquiring mind, her patience, her fine writing skills, her insatiable intellectual curiosity. She truly is a renaissance woman.

Lindsay is also a devoted wife to David Beckwith, and they are parents to two marvelous young people, Schuyler and Judson, and she is sister to Leslie and to brothers near and far.

Lindsay's gifts are unmatched, her smile, her sparkle, her uncanny ability to connect to people from all walks of life and draw the best from them for community betterment, as well as empowerment of marginalized people in the days that she wrote "People Building Neighborhoods" for the National Neighborhood Commission.

I wish her well, as does our entire staff, in the coming days and years. She will always have a home in our congressional family and will be missed by all who value her precious life. From the bottom of my heart and our hearts, Lindsay, thank you always. God bless you, Lindsay Potts.

#### GREATEST ENVIRONMENTAL DISASTER

(Mr. CAO asked and was given permission to address the House for 1 minute.)

Mr. CAO. Mr. Speaker, the greatest environmental disaster in history is unfolding in the Gulf of Mexico. The oil spill has damaged the shoreline of the gulf coast and my home State of Louisiana.

Each day I receive from the State this report listing the affected shoreline. I have visited many of the places, and to Louisianans and my family, it reads like a list of old friends.

You can't really understand the impact of this disaster until you hear the names associated with the 103 miles of Louisiana shoreline that already have been affected.

This includes the Chandeleur Island, Breton Island, South Pass, South West Pass, Whiskey Island, Trinity Island, East Island, Raccoon Island, Port Fourchon, Grand Isle, Elmer's Island, Brush Island, Pass a Loutre, Marsh Island, Timbalier Islands, Lake Raccourci, Pilot Bayou, Isle Grande Terre, Devil's Bay, Lake Felicite, Cheniere au Tigre, Pilot Bay, Timbalier Bay, Bay Ronquille, Casse Tete, Vermillion Bay, Bay Batiste, Bay Long, Lake Barre, Blind Bay, Calumet Island, Barataria Bay, Bastian Island Grande Ecaille, Wilkinson Bay Marsh.

This disaster is bigger than anything we have ever seen before. I call upon my colleagues and the Nation to maintain our attention on swift response and recovery and to hold the responsible parties accountable.

□ 1530

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

UNITED STATES MARINE  
SERGEANT BRANDON BURY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, it is with great pride and a heavy heart that I speak today of a young marine from my district in Texas who gave his life while fighting the terrorists in Afghanistan.

Marine Sergeant Brandon Bury was killed on Sunday, June 6 during combat operations in Kabul. This is a photograph of this marvelous marine. He leaves behind his wife, Heather, and his two young sons, Cole, who is 3-years-old, and Cade, who is 1.

Brandon was on his third tour of duty. He previously served two deployments in Iraq, and he left for Afghanistan this April as part of a team training Afghan police.

He was 26 years of age and a 2002 graduate of Kingwood High School in Texas. In his 26 short years, Brandon lived a lifetime of service to other people.

I talked to Brandon's mom, Terri, this week. She told me that Brandon had just called her, and he had asked her to send him gifts for the local Afghanistan children in his next care package. Brandon, always thinking about ways to do something for somebody else.

I have been to Afghanistan and, let me tell you something, Mr. Speaker, those Afghani kids love American warriors. They love our troops, and I have seen how they react to those troops firsthand.

Marines like Brandon are the reason why. They are the best ambassadors for liberty and freedom that there are in the world because, you see, Americans never go to conquer. They go to liberate. They go to lands they have never seen, and they fight for people they have never known.

Brandon's mom and dad, Terri and Bryan Bury, now live in Dallas, Texas, with his two brothers. I met Brandon 2 years ago at a 4th of July celebration in Kingwood. He stood 6 foot 6 and he was all marine. He was an impressive individual, and his friends say even back in middle school Brandon knew what he wanted to do. He wanted to be a United States marine.

He volunteered for the Marine Corps. He could have been an officer, but he wanted to be an enlisted man so he could be on the ground with other such marines.

You know, Mr. Speaker, there is nothing like a U.S. marine. They go into the desert of the gun and the valley of the sun. They go where others fear to tread and the timid are not found.

These young warriors make great sacrifices today in the heat and the dust and the deserts and the rough,

rugged mountains of Afghanistan. They track down those terrorists wherever they try to hide.

There have been 10 Texas warriors killed this year in Afghanistan, four from the Houston area. In our congressional district in Texas, there have been a total of 29 warriors killed in Afghanistan and Iraq.

It has been said that wars may be fought by weapons, but they are won by warriors. Brandon Bury was an American warrior. He was a hero in the tradition of our great men and women who defend the flag and liberty. It is America's warriors who pay the price for our freedom.

In America's first war fighting for freedom, Patrick Henry said, "The battle, sir, is not to the strong alone; it is to the vigilant, the active, and to the brave." We are fortunate that these words still ring true today and that Americans like Brandon carry those values into battle.

While we mourn the loss of Brandon Bury, we should thank God that a man like him ever lived.

Killed with Sergeant Bury were Lance Corporal Derek Hernandez, 20, of Edinburg, Texas, and Corporal Donald Marler, 22, from St. Louis, part of the 3rd Battalion, 1st Marine Regiment, 1st Marine Division based at Camp Pendleton. These proud, young warriors were killed on the 66th anniversary of the D-day invasion of Europe.

Shakespeare wrote about such men in Henry V, when he said, "From this day to the ending of the world, we in it shall be remembered. We few, we happy few, we band of brothers; for he today that sheds his blood with me shall be my brother."

Mr. Speaker, we shall always remember Brandon and his fellow marine brothers and the lives they gave for freedom. So today I extend my prayers and condolences to Brandon's wife and two young boys, and his parents, his relatives, and his friends in the Kingwood community.

Mr. Speaker, when a warrior goes off to faraway lands, the family stands vigilant at home because they, too, have really gone off to war.

Brandon was a marine. He was the poster boy for what is best about America.

Where does America get such amazing breed, this rare breed like Brandon Bury? Mr. Speaker, there is nothing quite like a marine. It was said best by an Army general when he said there are only two groups that understand marines—marines and the enemy.

So Semper Fi, Brandon Bury, Semper Fi.

And that's just the way it is.

TRILLION WITH A "T"

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, a week ago Sunday, at approximately 10:06 a.m., after the House had adjourned for recess and Americans were enjoying their holiday weekend, the Nation reached a truly disturbing milestone. At about that moment, according to the National Priorities Project, the combined amount of taxpayer money spent on the wars in Iraq and Afghanistan reached a staggering \$1 trillion. That's trillion with a "T," Mr. Speaker.

That's a breathtaking amount of money to spend, even on something that works. But that kind of spending on two bloody wars that have taken thousands of American lives, destabilized other parts of the world, and done nothing to achieve national security goals, well, it's positively shameful.

That trillion dollars doesn't even include some bills that haven't yet come due, like future medical costs for returning Iraq and Afghanistan veterans, a commitment we absolutely must keep. Nor does it include interest our grandchildren will pay on the debt we have racked up to finance these wars.

What I can't help thinking, Mr. Speaker, is the lost opportunity costs that we should be taking into account. What could we be spending that kind of money on if we weren't wasting it on immoral wars?

The National Priorities Project did a few calculations that report what we could do with a trillion dollars. They say we could provide a year's worth of health care to 161 million low-income Americans, or we could pay for 137 million Head Start slots, or we could put 16 million more teachers in our elementary school classrooms.

But a funny thing happens whenever we try to make significant investments in the American people, especially those who find themselves struggling through no fault of their own. Suddenly, many of the same people who want to hand a blank check to the Pentagon become the strictest penny-pinchers. The priorities are completely distorted. We have to fight and scrap for every dime of spending designed to help our own people. But in the name of overseas invasion and conquest, money is no object and no expense is spared.

We don't need to spend a trillion dollars to combat terrorism and protect our people. Instead, we can implement a smart security strategy that rejects warfare for the kind of real power, moral authority, and humanitarian decency that is American. It is America at its very best.

It's time to replace the military surge with a civilian surge, Mr. Speaker. We need aid workers, diplomatic initiatives, civil society programs, teachers, democracy promotion specialists, agricultural experts and much more, which would and will make us safer at a fraction of the cost.

Mr. Speaker, these trillion dollar wars have to end. It's time to move to a smart security strategy. It's time to bring our troops home.

#### BP OIL SPILL DISASTER: DAY 52

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, today represents day 52 of the worst environmental disaster in U.S. history, and on this 52nd day, BP is no closer to finding a solution. As families and small businesses in the Florida Keys and across the gulf coast continue to suffer, BP has failed to come through on an effective strategy for plugging the gushing rig and for picking up the oil.

My office has been flooded with calls from constituents eager to offer their assistance in the cleanup effort. Commercial fishermen, charter boat captains stand ready to lay boom and skim oil before it reaches the shore. Community organizations like United Way and the Florida Keys Environment Coalition have gathered volunteers ready to patrol the shoreline searching for tar balls. Unfortunately, BP has not provided these groups with the necessary training to assist in the cleanup effort.

As many constituents have complained to me, BP is failing to utilize members of the Keys community. Instead, BP is waiting until oil washes ashore to take action.

Additionally, many residents have called to offer their suggestions on how to clean up this mess. I sincerely hope that BP is giving due consideration to all of these suggestions. Clearly, BP's plan has not worked. The cleanup plan in Louisiana is abysmal. It is time for BP to look elsewhere.

Yesterday, I met with BP executives to discuss the company's slow, uncoordinated, and half-baked response efforts in Florida. At this meeting, I relayed the frustrations of many south Florida small business owners who are going through the BP claims process. These individuals are required to go through a long, complicated, and belittling process in order to receive the compensation that they serve because, for their economic loss, they had a downturn in business as a result of the premature panic from the BP oil spill.

□ 1545

Let me be clear: These hardworking men and women are not looking for a handout, Mr. Speaker. They would much rather be working. Unfortunately, the disaster in the gulf has taken a tremendous toll on fishermen, on dive shops, on restaurants, on motels, and many tourist-related businesses in the Keys.

BP needs to completely revamp its claims process. In the Keys, two claims

offices opened by BP are virtually useless. Individuals seeking compensation leave these offices with stacks of complicated paperwork, legal documentation, and little guidance.

I have requested detailed information from BP on its claims process. We need to demand complete transparency in this process, including data on how claims are being evaluated, how payment sums are being determined, and how quickly claims are being processed. Complicated legal documents just will not do.

On a related note, the Federal agencies need to come up with a plan in the event of a tropical storm or hurricane in the gulf. Hurricane season has just started. Experts at the National Hurricane Center predict that the 2010 hurricane season could be one of the most active on record. Forecasters are predicting anywhere between 14 to 23 named storms this season. Of course, it only takes one. Just ask the Florida residents who suffered through Hurricane Andrew, or just ask those residents in New Orleans who are still recovering from Hurricane Katrina.

In addition to a predicted active storm season, our communities are now saddled with the uncertainty of an oil spill. The ruptured oil rig is located right in the middle of hurricane alley. Scientists have suggested that the sheer strength of a hurricane could turn the oil slick into a devastating black surf. I shudder to think of the long-term economic devastation and environmental damage caused by this toxic combination.

BP and, indeed, all of our Federal agencies must prepare now for a worst-case scenario later. BP cannot continue to sit idly by while communities are destroyed.

#### MAVI MARMARA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, the events that transpired in the Mediterranean off the coast of Israel on May 31st were profoundly unfortunate and the loss of life is deeply regrettable.

We await a full and credible account of what happened aboard the *Mavi Marmara*, yet we know that Israel has the right and obligation to protect her citizens and borders, in this case by enforcing a legal naval blockade to allow certification of peaceful end use of goods transported into Gaza.

In the days since the incident, Israel has released all people detained and has inspected and trucked the flotilla aid cargo to Gaza, where I understand it awaits permission from Hamas to cross.

Sadly, last week's confrontation could have been avoided. Israel offered the flotilla organizers the chance to

have their cargo inspected at the Port of Ashdod and transported to Gaza. Five of the six ships in the flotilla complied nonviolently, but the *Mavi Marmara*, loaded with over 500 people, refused.

The sequence of events that subsequently led to violence is disputed, but it is obvious, to me anyway, that the actions of the *Mavi Marmara* were needlessly provocative.

Israel should lead an impartial, transparent, and prompt examination of the incident. And inquiries may show how the interdiction could have been accomplished without loss of life.

It seems to me that the Israeli soldiers were right to defend themselves from the brutal assault. We saw this on video. It does not seem clear that the situation had to unfold as it did, however.

Israel announced yesterday that a highly respected team of experts will review the investigations that are now under way, with a report expected in about a month. The United States should assist our ally in this endeavor, and the world community should withhold judgment until a reliable inquiry is complete. Yet many around the world, once again, are rushing to blame Israel before fully examining all the facts.

The United States, correctly, voted against a United Nations Human Rights Council resolution that called for an independent fact-finding mission, while at the same time, prematurely condemning Israel's actions. This apparent bias cannot be allowed to inflame an already volatile situation.

I have called for increased humanitarian aid to the people of Gaza for more than a year now. Legitimate humanitarian needs cannot be ignored. However, continued interference and provocations by any nation or faction in the region are unhelpful and dangerous.

The United States, the Arab states, and others must continue to facilitate vigorous and sustained diplomacy until lasting peace is achieved. Ultimately, only a just, permanent, and peaceful settlement between Israelis and Palestinians can ensure the security and the welfare of all in the region.

#### FREE ENTERPRISE, FREE MARKET EQUALS RECOVERY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, in today's Washington Post, the very prominent columnist George Will has a column about how the very limited recovery that has gone on in this country over the last few months is a jobless recovery, a term that we are hearing from many, many experts throughout the country.

I can tell you that, all over this country, college graduates are having trouble finding jobs, and many are having to work as waiters and waitresses in restaurants or at other very low-paying jobs. In large part, that is because environmental radicals have forced us to send millions of good jobs to other countries for 30 years or more now, and that is the main cause of that problem. But another problem that is going on all over the country is the credit situation.

Yesterday, in the Washington Times, there was a lengthy article about the problem that is still going on, that the banks are not making loans to anyone who really needs a loan, and particularly small businesses are hurting.

Well, I can tell you exactly why the banks are not making loans to the people who need them. And that is because, while the President and the Secretary of the Treasury—and both President Bush and his administration did this and President Obama and his Secretary of the Treasury have been doing this—they are up here in Washington saying, loan, loan, loan, and the banks have all this money, but the examiners down on the local level are saying, no, no, no, and turning down what would be really good loans even in just recent times.

Unless the examiners start giving small businesses at least some flexibility, this economy is not really going to recover.

We know, for instance, that there have been almost no jobs created over the last few months in the private sector. And about the only jobs that have been created or the biggest number of jobs that have been created have been jobs in the census, which occurs only once every 10 years.

My main purpose in coming here today is to read into the RECORD a letter that I have received from one of my constituents, Mike Connor, who started with one restaurant in 1992 and now has a chain of 15 restaurants.

He wrote this letter to me recently. He said, quote, “We, the middle-sized business owners, are going to need a lot of help in the next couple of years. As I understand the current health care reform bill, Connor Concepts, as an employer of more than 50 people, will be required to provide health insurance for all full-time employees or face a \$3,000 fine per employee.

“We currently employ around 1,200 team members in five States. We do provide health insurance for around 100 full-time salaried management and upper-management staff. Of the remaining 1,100 team members, around 800 are full-time and are not provided with health insurance.

“If we are required to pay for their health insurance or pay the penalty, we would have to pay an additional \$2,400,000. If we are forced to pay this, the five States we operate in will have

an additional 1,200 unemployed. We would lose a lot of money!”

Mr. Connor continues, “Together with my team, I have built this company from one restaurant in 1992, providing jobs for 80 people, to 15 restaurants, employing 1,200. Right now we plan to continue opening one restaurant a year, employing 80 to 100 people. If something doesn’t change in the next year or 2 with this reform, we will have to stop growth.”

I want to repeat what he said here. This 15-restaurant chain, which is not a giant business, they will have to stop their growth if the health care reform bill goes fully into effect as it is now written.

Mr. Connor continues, “Though our team members are not provided health insurance because of the expense, they are provided with a good pay wage, excellent vacation benefits, meal privileges, and excellent working conditions. More than anything else, though, they are provided a good job, one that allows them to pay their bills, support their families, or pay for their school.

“We do provide an insurance plan team members can pay for themselves. It is an inexpensive plan that has limits on hospital stays but does take care of routine medical care.”

Mr. Connor ends this letter by saying, “I look forward to working with you in whatever way I can to change this law so that I can stay in business.”

Businesses, Mr. Speaker, all over this country are facing this same situation. And we have got to change this and allow the free-enterprise, free-market system to work in this country once again if we’re going to ever have the recovery that our people want.

I thank you.

#### TRIBUTE TO BILL HANDLEMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, award-winning journalist Bill Handleman, 62, of the Asbury Park Press, tragically passed away yesterday after a long bout with cancer.

A family man and a humanitarian with a great big heart and incisive wit, Bill is survived by his dear wife Judy, his three children, his mom, extended family, and a boatload of friends.

And allow me to extend our deepest condolences to the family and to let them know that our prayers are with them during this very, very difficult time.

Mr. Speaker, to know Bill Handleman in person or through his prolific pen is to respect and admire his innate goodness, his generosity, and good humor. For years, Bill’s news beat was sports, and he especially liked the ponies. He was a four-time sportswriter of the year, in 1992, 2002, 2003, and 2005.

Asbury Park Press staff writer Shannon Mullen writes in today’s edition, however, that “Bill soon discovered that he much preferred writing about everyday struggles of ordinary people rather than the coddled multimillionaire athletes he dealt with on the sports beat.”

Bill had an extraordinary penchant for finding compelling subject matter and consistently turned the seemingly mundane, especially those who were left out and left behind, into great human interest stories.

The Press’s Shannon Mullen again summed it up well: “Bill Handleman was a gifted storyteller. His writing style was direct, witty, and spare. A lifelong student of Hemingway, he used periods like an Impressionist painter uses a brush, preferring short, incisive sentences that packed a punch. And as a columnist, Handleman relished championing the underdog.”

Mr. Speaker, thank God he did.

Even as he battled cancer, Bill turned out one great story after another with intriguing titles like, “A Man With a Hole in His Heart (A Coach’s Story)”; “No Longer Homeless: A Former Mogul Envisions the Future”; “A Different Midlife Crisis: A Man Learns that He Is Adopted”; “During the Depression, the Poor Scramble for Work and Cash”; “A Father Leaves Behind a Secret”—it was a World War II veteran story.

His stories made us laugh and touched our hearts, and they moved us to action, like the case of David Goldman. To a large extent, David Goldman ceased being invisible in his heroic battle to reclaim his son, Sean, from a child abductor in Brazil because Bill Handleman made it his passion to effectively inform, inspire, and challenge the community, including and especially lawmakers, to join David’s struggle for justice.

□ 1600

“For 4 years, no one could hear him. He was shouting in the dark,” David’s father, Barry, told Mr. Handleman in one column. In the 16 months since Mr. Handleman began telling this story, David’s seemingly intractable plight went from near total obscurity to huge prominence. Public officials at every level responded to the call.

Each of Bill Handleman’s approximately 24 columns not only conveyed to readers timely and critically important information about the Goldman case, but Mr. Handleman went deep behind the scenes to flesh out details of uncommon courage, sacrifice and compassion. Bill Handleman gave the community rare insights into the raw emotion and the fleeting successes, followed by frustrating setbacks, the agony and ultimately the ecstasy of David and Sean’s permanent reunion.

In a candor and depth of reporting found nowhere else in the print media,

we got to know David in his own words as he was thinking it. Readers of the column were there with David on countless trips to Rio, to Brasilia, to Washington, and at home with him in Monmouth County. For more than a year, Bill Handleman allowed us to see it all as David did and to walk, to some extent, in this left-behind-parents' shoes. Through Bill Handleman's incisive pen, we also got to know much of David Goldman's family and close friends.

We will miss Bill Handleman. I, along with tens of thousands of others, read each and every column, often with tears and empathy and resolve to do more about David Goldman's case. David Goldman was, indeed, lucky that the columnist who embraced his quest turned out to be a consummate storyteller and the Handleman column a true game-changer. Bill Handleman did an exceptional job. We will miss him dearly.

Again, our prayers and our condolences go out to Judy and to the family.

#### UNDER DISCUSSION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GOHMERT. Thank you, Mr. Speaker.

There are three different issues that I am compelled to bring up and to discuss.

One, first of all, is with what is going on in the Gulf of Mexico. Being from Texas, we are particularly sensitive to what happens there. There have been so many days on the Gulf of Mexico coast, on the Texas coast—Louisiana, Alabama, Mississippi, Florida—in all of those areas, and to see what is happening is heartbreaking.

Two things need to be done. One is to immediately do everything we can to stop additional oil from flowing into the area. At the same time, we must clean up the area before we do any more devastation. Then the other thing is we need to find out what caused the spill and what could have been done better to prevent this kind of thing from ever happening.

You know, we find out that British Petroleum had been cited 750 times, apparently, on rigs for safety violations. Compare that to others. I believe Exxon and Shell may have had one during the same period. So I mean there were indicators that perhaps BP was hurrying, that perhaps there was a test that didn't work out. Well, we've heard those rumors. Yet they still continued. There is the rumor of someone's yelling on the phone after the explosion: I told you, I told you. Are you happy? I told you. It's something to

that effect. There are indications that perhaps people at BP knew that they were moving too fast and got careless. There was no reason for this. There was no reason for this. Proper measures had been taken.

One of the problems we find in America is when the government decides to get involved and to do everything itself rather than to have the supervisory, the regulatory role, that it is supposed to have. In other words, what the Federal Government is supposed to do is to make sure that everybody plays fair and to then let them play. If you have a company that is playing in Federal ocean areas, you've got to make sure they're not breaking the rules and jeopardizing your homeland.

When asking Director Birnbaum of the Minerals Management Service why the testing had not been disclosed, she said, Well, it's under investigation. So those reports are being utilized in the investigation. I publicly asked in our hearing for a copy of the reports because we know experts as well who can look at the reports and say, Well, it says right here that the test didn't work, that there were problems that arose. We don't need to wait months. Let's find out what the problem was so that we can see if we need to fix that on other BP rigs.

In the meantime, because of the problems there, thousands and thousands of American workers are being punished by this administration with the overreaction. We're not just stopping BP and double checking their work. We're going after everybody. The President said there would be a 6-month moratorium. He's going to hurt everybody because of what BP may have done or not done. That's no way to act. In the middle of a crisis, in the middle of a recession, you put other people out of work?

You know, we heard from the families here on Capitol Hill. Bless their hearts. They've been through so much with the loss of life out there on that rig. It's my understanding that, even since the hearing, they're not demanding that drilling stop. They've got too many friends who will be out of work. We need to find those who are responsible. Yet, in the meantime, what could be done?

We have heard the President very nobly say, I'm in control. The administration says they've been in control from day one.

Yet we see this week, according to this article by Loren Steffy, in the Houston Chronicle, posted on June 8, at 10:13 p.m.: "Three days after the explosion of the Deepwater Horizon in the Gulf of Mexico, the Dutch Government offered to help. It was willing to provide ships outfitted with oil-skimming booms, and it proposed a plan for building sand barriers to protect sensitive marshlands.

"The response from the Obama administration and British Petroleum,

BP, which are coordinating the clean-up, is, 'The Embassy got a nice letter from the administration that said, 'Thanks, but no thanks,' said Geert Visser, consul general for the Netherlands in Houston.'"

Well, wasn't that nice. The administration has been in control, we are told, from day one. We heard that before a lot of the people covering the event even noticed that this administration was down there in charge.

Apparently, within 3 days, their answer was to say we don't want help. These people are from the Netherlands. What do they know about dikes and sand barriers and dealing with ocean water? Oh, yeah. Their country has been reclaimed from the ocean, a good deal of it. Why would we want their help? These guys are experts on dealing with ocean water problems. They've been turned away. They were turned away. What sense does that make? Oh, we're in charge. We're in control. We're running things. Yet, in the response to the Dutch, who had the capability to come in and to immediately take action to protect the wildlife, the estuaries, these important marshlands, the beaches—and 3 days after the oil began gushing into the gulf—this administration basically put British Petroleum in charge. It said you take care of it. You know, we don't have your expertise. You take care of it.

We heard from Mr. Gibbs, who nicely said—or I believe it was, maybe, Secretary Salazar, but the administration was pointing out that we have our boot on their throat. In a hearing in our Natural Resources Committee, I asked, What does that mean? The Deputy Secretary of the Interior under Salazar and others there, I didn't really feel, gave appropriate answers. I don't know. I still don't know what that means. We've got our boot on their throat. You know, I'd rather you boot me down there to Louisiana and to Florida and make sure that the oil is not getting to the shore, but when in our hearing they were asked about Louisiana's wanting to set up little barrier islands out there so the oil wouldn't get into the sensitive areas and kill the wildlife and kill off the livings of so many thousands of people, we were told in that hearing, We have that under discussion. Oil was gushing and still is, and this administration has those things under discussion.

He went on to elaborate and explain.

You see, we think it's possible that, if they build these sand islands out there, it may actually draw more oil into the areas they are trying to protect. So we're still talking about it.

Good grief. How about checking with the Dutch? They offered to help 3 days after the explosion.

Well, this article goes on. It says: "Now, almost 7 weeks later, as the oil spewing from the battered well spreads

across the gulf and soils pristine beaches and coastline, BP and our government have reconsidered. U.S. ships are being outfitted this week with four pairs of skimming booms airlifted from the Netherlands and should be deployed within days. Each pair can process 5 million gallons of water a day, removing 20,000 tons of oil and sludge. At that rate, how much more oil could have been removed from the gulf during the past month?"

But we know who is in charge. They've made it clear from day one. They didn't want the Dutch help for 7 weeks, and now the administration says, You know what? Maybe we'll outfit our own ships and do what you offered to do when this first started.

The article says: "The uncoordinated response to an offer of assistance has become characteristic of this disaster's response. Too often, BP and the government don't seem to know what the other is doing, and the response has seemed too slow and too confused. Federal law has also hampered the assistance. The Jones Act, the maritime law that requires all goods be carried in U.S. waters by U.S.-flagged ships, has prevented Dutch ships with spill-fighting equipment from entering U.S. coastal areas.

"What's wrong with accepting outside help?" Visser asked." Again, Visser is the consul general for the Netherlands, who offered the assistance.

Visser said, "If there's a country that's experienced with building dikes and managing water, it's the Netherlands."

"Even if, 3 days after the rig exploded, it seemed as if the Dutch equipment and expertise wasn't needed, wouldn't it have been better to accept it, to err on the side of having too many resources available rather than not enough?"

"BP has been inundated with well-intentioned cleanup suggestions, but the Dutch offer was different. It came through official channels from a government offering to share its demonstrated expertise.

"Many in the U.S., including the President, have expressed frustration with the handling of the cleanup. In the Netherlands, the response would have been different, Visser said.

"There, the government owns the cleanup equipment, including the skimmers now being deployed in the gulf.

"If there's a spill in the Netherlands, we give the oil companies 12 hours to react, he said.

"If the response is inadequate or the companies are unprepared, the government takes over and sends the companies the bill.

"While the skimmers should soon be in use, the plan for building sand barriers remains more uncertain."

That is as was mentioned in our hearing. We were told in our hearing

that weeks after the explosion and the oil started gushing forward. Well, we have that under discussion. We're concerned that, if we build these little barrier islands that prevent the oil from getting into these sensitive areas, they could actually cause more oil to come into the sensitive areas. So we are still having it under discussion.

Excuse me? You've got people losing their livelihoods probably for the rest of their lives, and you want to come in and say, You know, we're discussing it.

Well, Louisiana Governor Bobby Jindal supports the idea, and the Coast Guard has tentatively approved the project. One of the proposals being considered was developed by the Dutch marine contractor Van Oord and Deltares, a Dutch research institute that specializes in environmental issues in deltas, coastal areas and rivers.

□ 1615

They have a strategy to begin building 60-mile-long sand dikes within 3 weeks. That proposal, like the offer for skimmers, was rebuffed but then later accepted by the government. BP has begun paying about \$360 million to cover the cost. Once again, though, the Jones Act may be getting in the way.

American dredging companies, which lack the dike building expertise of the Dutch want to do the work themselves, Visser said. We don't want to take over, but we have the equipment, he said. The Dutch have the equipment. They've offered it. While he battles the bureaucracy, the people of Louisiana suffer, their livelihoods in jeopardy from the onslaught of oil. Let's forget about politics. Let's get it done, was Visser's last comment in the article.

It makes no sense if somebody's going to be in charge and vote "present." You can't vote "present." We'll think about it. We'll talk about it. We don't want to commit, in an emergency. Err on the side of additional help. But, here again, we've got the Jones Act from the 1920s that stands in the way.

It's interesting, another posting on June 8. This is apparently in American Leadership. It mentions within days of the oil spill, several European nations and 13 countries in total apparently offered the Obama administration ships to assist in the cleanup of the gulf. When asked about this, a State Department press spokesman refused to identify any offers of assistance. Wouldn't want to identify who's offering to assist because some reporter might actually go ask them, What were you suggesting? What were you wanting to do? Then that might put pressure on the administration and might bring to light the fact that the administration had turned down help that would have saved the livelihoods and jobs for thousands and thousands of Americans. Because we've heard over and over, this

administration wants to save jobs. Not doing much to create them other than, as we heard, 411,000 of the 431,000 last month were created as temporary census workers. We can create new government jobs, but this would have saved jobs, and yet the response was dilatory.

According to one newspaper, European firms could complete the task in 4 months rather than an estimated 9 months if done by the United States. Working with the U.S., the cleanup could be accomplished in 3 months. The Belgium firm DEME contends it can clean up the oil with accuracy at a depth of 2,000 meters. Another European firm with capabilities is the Dutch firm Jan De Nul Group. Pardon me if I mispronounce it. The Dutch and Belgians are long-time NATO allies and, as such, partners in international security cooperation. To close the door on them while they're offering a helping hand in a time of national emergency simply makes no sense.

According to the article, no U.S. companies had the ships which can accomplish the task, because those ships would cost twice as much to build in the U.S. as they do outside the country. This is one adverse impact of the Jones Act which Congress passed in the 1920s. This piece of protectionism has only hampered an anemic American maritime industry. It also has prevented a quicker response to the oil spill.

European firms do have the expertise to clean up the spill. And again, this is from the posting in American Leadership on June 8 by James Dean. If other nations have the technologies to address this oil spill, then the administration does have the ability to accept their help.

The point's made in this article that in response to Hurricane Katrina, for example, Department of Homeland Security, Michael Chertoff, temporarily waived the Jones Act in order to facilitate much needed transport of oil throughout the country. The Jones Act, which is supposedly about protecting jobs, is actually killing jobs.

The jobs of fishermen, people working in tourism, and others who live along the gulf coast and earn a living there are being severely impacted. Those are also additional private-sector jobs which are not being created in the United States since the Jones Act effectively prices U.S.-based companies out of the ability to be competitive in the competitive global market.

The article says, as we strive to develop new technologies for a cleaner environment at sea, the Jones Act continues to hobble our own capabilities, sometimes with devastating results. The Jones Act needs to be waived now, in light of this catastrophe, and permit those whom we have helped and cooperated with in the past to assist us in our need. After waiving the Jones Act for the gulf cleanup effort, Congress and

the administration should repeal it altogether.

And that was coauthored by Claude Berube, and I was reading directly from that posting.

It sure makes sense. We say we want to help folks. Why not let people wanting to help us help us clean the mess up? It would not be that difficult.

But one of the other things we noticed in questioning Director Birnbaum, we find out, well, we're going to fix the problem of the Minerals Management Service. We're going to divide it into three parts. When I asked if she was aware that the only entity within MMS that was unionized was the offshore inspectors, she seemed surprised, wasn't sure if that was true.

When I asked if the union contract for offshore inspectors did as many union contracts do and limited travel, limited hours that someone could work, she didn't know. Nobody there at the hearing could help me, nobody could tell me whether our offshore inspectors that stand between our homeland and disaster by making people producing energy to help us play by the rules so we don't have an oil spill like this. They play by the rules. We do right. We make sure the testing's done accurately. We don't have a problem. That's why we hadn't had one like that in that area. That's why most of the oil spills are by tankers bringing in foreign oil, because, in the past, we made people like British Petroleum play by the rules, make sure things were working properly. But that didn't happen here.

But we couldn't get the information from the MMS. But it seems to me that allowing offshore inspectors that stand between disaster in our homeland to have a unionized contract, if it limits travel or limits the hours worked, would be like—and I guess this is where we're going next, based on what he saw a couple of weeks ago. The next move will be, That's right. We want the military to unionize as well. It makes as much sense.

You've got people standing between disaster in our homeland. Why not let the military unionize, and then we can have a limit on their travel and their hours. And so they'll be able to say, Well, Sergeant, I'd like to attack that hill, I'd like to take that bunker out for you, but I've already worked all the hours I can work today. You're going to have to go find somebody else. I can't do it.

Now, the reason the military has never been unionized is that it would be disastrous to our national security. The reason that offshore inspectors should not be unionized is because it has been disastrous to our national security. When we lose oil, cut off drilling that will produce oil at the same time that oil wells are playing out across the country and there's still the moratorium on so many areas to drill,

and we had Secretary Salazar, when he took office, return the checks for leases in other areas where drilling could commence in that 500-square mile area, as I understand it, including some of Colorado, Utah, and Wyoming. Secretary Salazar, if you recall, a year and a half ago, said, Well, these leases were let at the midnight hour. We've returned the checks. We're not going to let something the Bush administration did at the midnight hour take place.

So this administration has already hurt us dramatically and our ability to become energy free of countries that don't care for us.

And when you get behind Secretary Salazar's position that this was a midnight-hour lease, well, that's when the checks were accepted. It turns out it was a 7-year process; 7 years the oil companies have been working on examining the possibility, the potential for production so they could make their bids. You don't just come and make a bid at the midnight hour without having a chance to examine what it is you're bidding on. You don't write a check for something you've never examined, I guess, unless you're the government. But it was a 7-year process. It's a bit disingenuous to say that it was a midnight-hour lease. So we hurt the country there.

And now we've got a moratorium because of two things, apparently:

British Petroleum didn't do their job. They should have had their feet held to the fire where they played by the rules and we wouldn't have had the problem. And then second, we had a government whose feet were so busy being on the neck of British Petroleum, it didn't paddle its feet on down to the gulf and deal with the issue and let countries like the Netherlands help us that had the expertise to do it.

Now, I've got an entity, a fellow in my district, he's one of many that have offered help, offered solutions. And in east Texas, we have skimmers that are able to take in water, process the oil out here, process the freshwater out the other side. So you separate the oil from the water, but it's on such a small scale, it's not something that would be helpful in the gulf unless you do as this gentleman apparently did. He sent a friend to talk to me, to tell me about the problems he's run into with this administration since they've given British Petroleum and somehow, vaguely, their own selves control. This guy has basically built a barge that will do, on a big scale, what the small-scale skimmers, separators do in east Texas.

However, he sent word, wanted me to know he's got this barge ready to process thousands of gallons of oil, separate out thousands of gallons of oil a day. It's not as much as the Netherlands had offered. But from the message he sent to me, apparently the Coast Guard has indicated they want to be sure that

his barge is actually worthy to be out on the seas, because they're concerned, you know, that even though there are people losing their jobs, losing their livelihoods, birds, animals, water life is being killed off, just like the gentleman from the administration testifying before our committee is under discussions about whether or not to build barrier islands, apparently they're trying to decide if this barge should be allowed out on the water so that it can suck up and take out of the water thousands of gallons of oil a day.

□ 1630

It's just a mind-boggling thing. As Bo Pilgrim used to say, it's a mind-boggling thing to see what is being called an emergency effort.

Now, if this were some Internet game, well, it would be interesting, and we would see clearly which group was not very good at emergency management. But it's not a game. Eleven lives were lost. Aquatic life, waterfowl, life in these estuaries is being destroyed as I speak.

Now, it would be easy to say, "Well, you guys are just talking about it." But the thing is, and as I have talked about with my wife, should we continue to sacrifice from a personal family standpoint for me to stay in Congress? She said, "You know, it may be that one of the last places where there really is freedom of speech, other than calling somebody a liar, is on the House floor. You have got to stay there because you keep hammering the truth day after day, and eventually you may see something done about it." And that's why I'm here.

Some people wonder, why does anybody go to the trouble of talking on the House floor, Mr. Speaker? But the truth is, it is a way of getting a message out from here so that eventually people begin to notice.

Well, one other thing about the MMS splitting into three entities. I asked, well, are these three entities of the MMS, that MMS will be divided into, are they going to unionize? Apparently, they are talking about it. Well, if you let the most critical part of MMS, the offshore inspectors, unionize, then why not?

We heard 2 weeks ago people exulting and applauding because we were told we are actually providing civil rights to our military. Well, if you haven't been in the military, I am sure that makes sense, to some anyway. But if you have been in the military, you know the military doesn't have the civil rights that every other American does.

You don't have freedom of speech; you can't. When your sergeant, your superior commissioned officer gives you an order, you don't have the freedom to speak your mind.

And, in fact, when I was at Fort Benning, there were a lot of us that

were very upset with our Commander in Chief at the time, a man named President Carter. But if any of us said anything derogatory about President Carter, it was a crime for which we could be jailed, could have pay taken away, could be given extra duty, restrictions. You could not badmouth your Commander in Chief; you don't have that freedom of speech.

And as much as I have wanted to badmouth people, and especially when I was in the Army and had a commander that didn't seem to know what he should, you have got to have that discipline for the good order of the military. Because the military is not supposed to be a socially engineered experiment. It can't be. It is about protecting our homeland against all enemies, foreign and domestic. Of course, domestic, you got to make sure you don't violate Posse Comitatus, but that is another issue.

The fact is, the military is whom we owe so much for having the liberties protected we do. Yes, the Declaration of Independence says we are endowed by our Creator with certain inalienable rights. The question comes, if we are endowed by our Creator with certain inalienable rights, then why doesn't everybody have them? It's because everywhere people have not accepted the inheritance from our Creator, our Heavenly Father, from whom we inherited these inalienable rights.

When you do accept your inheritance, as this Nation did back in the 1770s—and, for many, it was an ongoing process through the 1800s and even up through the valiant work of Dr. Martin Luther King, Jr., a Christian minister. But this country has claimed those inherited rights.

But that is not enough. As any parent knows, if you leave an inheritance to your children and they don't accept it, then they won't have it. If they accept it and they are not willing to fight for it, to keep that inheritance with which they have been endowed, they won't keep it. Because there are evil people in this world that are glad to take away anything you have.

And as I pointed out 2 nights ago here on the floor, you know, we have the administration—for the first time in the modern history of Israel, this Nation has now turned on Israel and said, we want you to disclose all of the weaponry you have because of the nuclear proliferation thing we are pushing.

Well, if you go back to when King Hezekiah was king in the same location, same area Israel is now, because they did pre-date Mohammed by several centuries, but Hezekiah thought it would be a nice gesture to show all that he had to the Babylonians.

It's stupid to show enemies all of your armaments, all of your armory, and to show them the treasury they could get if they successfully attack

you. It is a stupid thing to do. And this country has done some of that. In the effort to be gracious and kind to people that hate us and want to see us wiped off the map and have said so, we show them what we have.

With a big superpower, you can get away with it for a while. But when you are a small country like Israel, your closest and strongest ally should never force you to show the defenses that you have, because then your enemies know how they can overcome you.

And just as Hezekiah was told by Isaiah—I mean, Isaiah knew he was a fool for doing it. And after Hezekiah admitted to Isaiah—Isaiah already knew; God had told him. But once Isaiah had it admitted from Hezekiah, "I showed him all our treasury, I showed him all of our armory, our armaments," and he said, "Everything you have shown them will be carried away." And it was. That's what happens.

The old saying is, those who refuse to learn from history are destined to repeat it. It's very true. Of course, there is a corollary that says, those that do learn from history will find new ways to screw up. I think that's true, too. But why repeat the same mistakes for thousands of years that have been committed when you can learn from their mistakes and not commit them?

And one of the other great dangers that we are creating in turning on our friend Israel—and, you know, basically, this country is still Israel's strongest ally. A family has disagreements within itself, but it gets very protective if attacked from the outside.

But the problem is, when you get outside Chicago and you are playing in the international arena and you want to get cute and kind of snub your close friends, their enemies are watching. They see that. And the message to them is, if we are ever going to attack, now is the time, when there is a strain and a problem between Israel and their strongest ally; let's go now.

That is the way it appeared to North Korea after Secretary Acheson said, you know, basically, Korea is outside our sphere of influence. They had already been massing soldiers to the border. And, obviously, it seems like a good time to attack your enemy when their closest, strongest ally says, we won't protect them.

You can't send those messages out there. You can't vote "present" when it comes to international dilemmas and the existence of an entire nation and all the people that have known genocide before and are fearful of having it repeat itself. Massive mistake.

I will come back to Israel again, but one of the issues that has arisen, as I understand it, Neil Armstrong, first man to put his foot on the moon, has said that if we abandon our manned space program it will be devastating to national security.

Wouldn't it be a good idea to listen to people who have more experience in

some areas than we do? Neil Armstrong can see the national security implications of us basically giving up what has taken us 50 years to develop: supremacy in space.

It has been very confusing to hear this administration, with the assistance of people in Congress, in saying, in this time of monetary problems, financial crises, this is a time to start cutting budgets, so we really can't afford to keep pursuing these ideas with NASA that have brought us more advancements not just in space—I mean, I take Sudafed.

It is the only thing that clears me up when I get clogged up, not that ridiculous Sudafed PE. It was developed by the space program. They were going to give it to astronauts. And when my doctor, when I was a kid, said, "There has been this wonderful decongestant developed called Sudafed; give it a try," it worked. Velcro—I mean, those are just tiny little things.

The advancement that has brought this country and kept this country to the forefront in technology has been from the space-type ventures. The Internet, it was a Department of Defense effort. And, lo and behold, look at where it has taken us in the private sector now.

But we cannot afford to give up the advances made through our space exploration to the rest of the world and let them take control. Those are the mistakes of a country on its way to the dustbin of history.

The thing is, when you know they are mistakes and you see they are mistakes and you see through history the things that have been done to avoid becoming an asterisk in international history, then why wouldn't you do them? Why wouldn't you take the steps to preserve your nation? Instead, what we get is more cronyism. How could that be? How could that be?

We were told that in this time of financial crisis NASA needs its budget cut. And yet, if you look at the appropriations, the budget increases. More money will be spent for space, but we are not going to give it to NASA.

Well, if we are not giving it to NASA, then why wouldn't the NASA budget reflect that it is being cut, as the administration said? Well, apparently it's because billions of dollars are intended for a private company that has never done this kind of space exploration. Nobody in our country has, because it's been the Federal Government and NASA.

I understand in meetings that it has been disclosed that, of course, we are giving all these billions of dollars to SpaceX to, kind of, take over the space program for us, a private company. And I feel sure it has nothing to do with how much money they donate to Democrats over Republicans. I am sure it has no relationship to the fact that they do.

But, nonetheless, SpaceX—and apparently they have been critical of Senator KAY BAILEY HUTCHISON down the hall, who has pointed out the problems to our country and our national security by gutting NASA and giving their jobs over to a private company that has never done these jobs. It will make some people very, very wealthy who give heavily to Democrats. But that is not the point.

Senator HUTCHISON was criticized by SpaceX, apparently back in Texas, saying, you know, “Somebody needs to let the Senator know she is criticizing a Texas company.” Well, on further checking, it turns out they have about 100 jobs in Texas, and they have already committed to someone else that they are going to move those jobs from Texas to where it is more politically convenient.

We are going to turn jobs over to them that are a matter, as Neil Armstrong said, of national security? Not a good idea.

□ 1645

Not a good idea. As someone mentioned in private meetings, let’s face it, though, if SpaceX ends up having problems in being able to effectuate space flight, there’s no question it will be so devastating that we’ll have to bail them out. We’re already setting up private companies that don’t—have never done what they are going to take away from a government entity that’s been the most successful in all of mankind, NASA, this effort, give it to this private company and already know that if they have a problem and they can’t get the space flight going, they’ll go broke and we’ll have to bail them out. We know that going in. Is that smart? My goodness, the things we’re doing at the worst possible time make no sense. It just makes no sense.

But as time runs out as allocated, I want to finish with one other thing going back to Israel.

The world needs to know, make no mistake about it, Israel is a close ally. They believe in the same type of human rights that we do in this country. And so why wouldn’t you be an ally with a country that believes in the rights of women, believes in the rights that we hold dear here, believes that there’s no such thing as an honor-killing of women who’ve been raped, that has the same kind of beliefs, Judeo-Christian beliefs, and the value of mankind that this country has always held so dear.

For that reason and because there’s been snubs by the administration overtly that are being misread around the world, we are not going to abandon our friend, Israel. There are too many people on both sides of the aisle that will not stand for that.

And I’ve been working privately behind the scenes. I’ve been told by people that I respect, the most knowledge-

able people, I think, on Israeli affairs, that it’s time to start pushing this publicly so people will publicly get on board.

So I’ve got a letter now, and it will be going out to all of my colleagues. And it will ask them to get on board because I would like them to sign on to a letter to Leader REID down the Hall—because both the House and Senate have to do this—and the letter simply says, Mr. Speaker, this letter is to simply state the obvious need for the Prime Minister of our dear friend Israel to address a joint session of Congress. He’s been here in Washington on numerous occasions but has not addressed a joint session of Congress since 1996.

In our Nation’s history, we have invited over a hundred leaders of 50 different countries to speak before joint sessions of Congress. At this time with the enemies of America and Israel looking for weaknesses in our close relationship, we can show them that Israel is our friend and will be our friend and that we want to hear from its leader, Prime Minister Netanyahu. With the magnitude of international events and the tensions swirling in recent years and the threat of nuclear proliferation in the Middle East, it is desperately important that we show the world the importance of our relationship with Israel by inviting Prime Minister Netanyahu to come address this body. The sooner we extend such an invitation, the more stabilizing it will be. And then signature lines from Members of Congress. I’ve got over 40. But we need most of this body to sign on. We need to send that message.

The letter to colleagues basically highlights the same things.

And with regard to the flotilla, it points out in this letter that we’ll send the “dear colleague” letter asking them to sign on the letter requesting Majority Leader REID and Speaker PELOSI invite Prime Minister Netanyahu, this letter says—and let me preface this by saying it was entirely predictable that there would be an effort to test our commitment to our ally Israel. It was entirely predictable. When you show that separation between your strongest ally to your enemies, then your enemies are going to think about testing to see if this may be a good time to attack. And that’s what the flotillas were doing. They were a test.

And what they saw was the United States, through this administration, being reluctant to jump out there and make it clear how inappropriate it was to send people to intentionally run the blockade when all Israel was trying to do was protect themselves.

So, Mr. Speaker, I’m hoping that people will encourage their Members of Congress to sign on so we can get the Prime Minister here as quickly as possible so that the world will see both sides of the aisle standing and applaud-

ing this great leader of this great nation.

And then there is a resolution. People keep talking sanctions, and it is beyond time to talk about sanctions. According to IAEA, Iran already has enough enriched uranium for two nuclear weapons. How many do you think it would take to wipe out the small nation of Israel?

And they made clear, Ahmadinejad’s made clear, we’re not going to stop with wiping out Israel. We want to wipe out the little Satan, Israel, and then the big Satan, the United States. And we saw on 9/11 how vulnerable we can be, and you begin to realize, man, you set off a nuclear weapon in New York, Houston, L.A., Chicago, other points that are critical to our protection, and with a handful of nuclear weapons, you could debilitate this country to an enormous extent.

And then we’re told a greater risk is if you can get an EMP, electromagnetic pulse, generated from a nuclear weapon a few hundred miles above the middle of the United States, it would fry every computer chip in the country. The power would go out indefinitely. Wal\*Mart says they wouldn’t be able to function if all of their computers are fried.

It’s time to act. We cannot wait. And this resolution goes through, points out quotes from Ahmadinejad, quotes from our great President in saying that as he said that bond is much more than a strategic alliance between us and Israel.

We have got to act, and I hope people will sign on this resolution when we come back next week because we’ve got to get this done. We need to show our support for Israel. We need to quit playing games with this critical ally in such a difficult area.

You want to talk about peace? Like Patrick Henry said, People talk peace, but there is no peace. And I can tell you there will not be peace in the Middle East of any nature until people know that this Nation, America, will go to war against anyone that breaches the peace or attempts to breach the peace as this flotilla did.

So, Mr. Speaker, I see the indication my time is expiring. And I appreciate the opportunity to be here and discuss these important issues.

And with that, I yield back my time.

#### GET A BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. DJOU) is recognized for 5 minutes.

Mr. DJOU. Mr. Speaker and colleagues, I’m rising to speak very briefly on the fiscal situation facing our Nation today.

Mr. Speaker and colleagues, I have the privilege of having won a special election in the State of Hawaii just a

couple weeks ago. I'm the junior-most Member, of course, right now in the U.S. House of Representatives. But I ran on a very simple platform: that we need to put our fiscal house in order, that our government is spending far too much money, and the mentality here in Congress today is that of spend, spend, and spend some more and if that doesn't fix the problem, throw more money at it. That is, I believe, a recipe for a fiscal disaster.

I pledged to my constituents in the State of Hawaii that I will never ever forget that every single dollar the government spends comes from a family like yours. And right now, we're spending far too much of that money.

Mr. Speaker and colleagues, I want to highlight what transpired yesterday in the Budget Committee in the hearing by Federal Reserve Chairman Ben Bernanke.

In that hearing, during which I had the privilege of questioning the Federal Reserve chair, I thought he highlighted some very important measures that our Nation should take note of and this Congress must take note of.

The Federal Reserve chairman pointed out that currently our budget deficit here in the U.S. Congress, in his words, is not sustainable. The Federal Reserve chairman clearly articulated that we need more fiscal restraint, and right now unless the Federal Government gets a control of its enormous budget deficit, major problems and consequences will occur to our national economy.

The Federal Reserve chair pointed out to all of us right now that although a Federal budget deficit of hundreds of billions of dollars—or in our case right now, trillions of dollars—might be okay in the short term if there is a fix, over the long term it will seriously damage our Nation's economic growth prospects.

The Federal Reserve chair, when I asked him, pointed out that perhaps a budget deficit of about \$300 billion could be sustained. We are, of course, looking today at a Federal budget deficit well in excess of \$1 trillion—with no end in sight. And what's even more troubling to me is the Federal Reserve chairman pointed out to this Congress that we have no fix in place.

Mr. Speaker and colleagues, I want to reiterate and further urge all of the Members of this Congress as we go through this budgeting process—and it is a tragedy that this Congress has still yet to pass a budget—we have to exercise greater fiscal restraint, reduce the amount of enormous spending going on in this government. If we do not take care of our Nation's budget deficit, this budget deficit will take care of us.

I remind all of the Members of this Chamber we do not have to look any further than what's happening in the nation of Greece right now and the fiscal and enormous financial problems

going on in Europe. If our Nation and our Congress do not restrain the spending, reduce taxes, and limit government, we will be in the same mess.

#### BP OIL SPILL DISASTER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Virginia (Mr. CONNOLLY) is recognized for 60 minutes as the designee of the majority leader.

Mr. CONNOLLY of Virginia. Mr. Speaker, in the United States right now we are experiencing an environmental catastrophe. We are experiencing with the BP oil rig the largest single oil spill in American history. It's a little hard to contemplate just how big this oil spill is; 21 million to 44 million gallons of oil—four times the oil spilled in the Exxon Valdez disaster—have so far spilled into the Gulf of Mexico. 12,000 to 25,000 barrels a day—that's a million gallons a day—are spilling, a rate 12 to 25 times higher than BP's original highest estimate of 4,600 gallons a day. The biggest oil spill in American history.

If we want to know just how big that is, this is the extent of the oil spill today in the Gulf of Mexico. It is the equivalent in terms of size of Delaware, Rhode Island, and Connecticut combined. Think of that geography. Hundreds of square miles. That's what this is.

Just recently it was announced that underwater plumes, not just the surface plume depicted here, have been detected 150 miles away in distance from the original site of the oil spill.

Locally what that means is essentially we have an oil spill, a surface oil spill that covers the territory that would be the equivalent of the distance between Washington, D.C., and New York City. That's as of today. In my 11th Congressional District of Virginia, that would mean starting in Dale City near Manassas in Prince William County and going as far as Wilmington, Delaware. That's the thick oil spill.

The broader oil spill, as I said, would go all the way to New York City. That's an extraordinary stretch in terms of this oil spill.

This oil spill could have been prevented.

In 1969, an oil well spilled 200,000 gallons of crude oil on the California coast. In response, like this and other environmental issues, like the burning of the Cuyahoga River, Congress passed the National Environmental Policy Act, known as NEPA, in 1969.

□ 1700

NEPA requires companies to plan to avoid environmental disasters like that 1969 Santa Barbara oil spill by conducting simple environmental impact statements. Ironically, the Minerals Management Service, known as the

MMS, granted the Deepwater Horizon rig a categorical exclusion from this process so it did not have to conduct an environmental impact statement based on research in 2007 in which the MMS, the regulator, decided that a deepwater spill would not exceed 4,600 barrels and would never reach the shoreline. What a tragic, ironic twist of fate. None of that turned out to be true.

Congressional Republican majorities and the Bush administration even directed agencies to use categorical exclusions for oil development. Action by the Secretary of the Interior in managing the public lands, it said, or the Secretary of Agriculture in managing national forest systems lands with respect to any of the activities described in subsection B shall be subject to a rebuttable presumption that the use of categorical exclusion under the NEPA of 1969 would apply if the activity is conducted pursuant to the Mineral Leasing Act for the purpose of exploration or development of oil or gas. An explicit exemption made for oil drilling in America by the previous administration. Just following the NEPA process could have led to a review that would have resulted in better safety equipment. Might have even resulted in an inspection that might have caught early the flaws in this design.

The 2009 Government Accountability Office report said that during the previous administration categorical exclusions were issued far too frequently and it could lead to serious problems. Well, indeed, it did. I find this particularly ironical because, in my district, we have been fighting for a long time to get rail to Dulles, an extension of the rail system here in metropolitan Washington to Dulles International Airport. We finally got that process approved last year, but that process required a NEPA review. This is a public transit project, but it had to go through a 2-year environmental review that cost millions of dollars of taxpayer-funded money for a public project. But ironically, a private oil rig in the Gulf of Mexico was excluded from that process. It didn't have to do it.

I see on the floor my friend from Oregon (Mr. BLUMENAUER). I yield to the gentleman.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, as I appreciate his leadership, and I think it is important for people to understand the genesis of the problem that we are facing here now.

We've heard some of our friends on the other side of the aisle come to the floor somehow trying to lay this at the feet of the President of the United States, but sadly, what has happened here in the gulf is a direct result of policies that we have seen implemented by our friends on the other side of the aisle when they were in charge, particularly under the watch of President Bush, where it was routine to

come to the floor repeatedly in efforts to undercut environmental protections, where agencies that were supposed to regulate the industry were stopped with refugees from the very industries, from lobbyists and association executives who are going back now and looking at from whence they had come.

We had situations that, by the end of the Bush administration, it was clear in the MMS that there were people in that critical agency tasked by law with the protection of the public interest who were not only avoiding that responsibility, they were literally in bed with the industry.

I look forward to an opportunity in the course of the next few minutes to discuss with you further the genesis of the problem that we face and approaches that we should be taking to make sure that we're no longer held hostage to what even President Bush referred to as our addiction to oil.

Mr. CONNOLLY of Virginia. I thank my colleague, and I think his point is a very cogent one, and it's even worse than we're discussing because not only did we consciously decide during the Bush administration and by previous Congresses, frankly controlled by our friends on the other side, consciously to exclude such oil drilling from the regular environmental review that could have detected problems, but it was worse than that.

Let me give an example in terms of what measures that at least could have mitigated the impact of this disaster. Canada, as my friend from Oregon knows, requires deepwater rigs to have contingency plans for offshore oil drilling, including the capability to drill relief wells soon after constructing primary wells. If this well, this Deepwater Horizon well, had predrilled such relief wells, it would have allowed the closing of the leak weeks ago, but they weren't required to do so.

Norway and Brazil require something called acoustic valves which are backup devices for closing the pipe of a blowout preventer. In 2003, under the Bush administration, the Minerals Management Service concluded that the \$550,000 acoustic system is not recommended because it tends to be very costly. I would say to my friend from Oregon, as he knows, as of June 7, the response to this oil spill cost \$1.25 billion and climbing. That \$550,000 investment in an acoustic valve could have saved billions of dollars and could have saved an ecosystem now at incredible jeopardy.

I yield again to my friend from Oregon.

Mr. BLUMENAUER. Thank you. As I am listening to your presentation, talking about what could have happened, what should have happened, and looking at the magnitude of the devastation that we are facing in an ongoing disaster, I was reflecting on my experience here in the House under Repub-

lican control and the Bush administration where their first instinct—the gentleman will recall because he was an important elected official just across the Potomac and had a front-row view of what was happening here—that the Vice President convened a secret energy consultation group, his energy task force, which to this day has not been revealed in terms of who were the members—although we're most certain that there were people from BP, for instance, that were there—that from the outset it was all about trying to cut through these red tape items, the environmental protection, things that got in the way of energy production, and not focusing on priorities that would have reduced our reliance on fossil fuels.

Indeed, there were 105 recommendations. Only 7 involved renewable energy. We watched, in the year that followed, the Bush administration actually propose cuts in the renewable energy budget and had tax breaks that they worked on with the Republican leadership to provide incentives for more dirty oil production and consistently fought against efforts that we brought to the floor, including in some instances bipartisan amendments to raise the fuel efficiency standards that hadn't been increased in a quarter century.

I'm reflecting on that and saddened that that was the thrust for most of the last decade, instead of putting us in a position where we would be less reliant and have better protection.

Mr. CONNOLLY of Virginia. Again, I agree with my friend from Oregon completely, and as he points out, this didn't happen by an act of God. This happened because of lax or no regulation, regulation we knew was necessary and we took a chance. We took a chance. And we took a chance, why? Because of the almighty dollar. We took a chance because of Big Oil money, making sure that it influenced the process and made sure that it was exempted from normal regulatory review. And you have to ask yourself in those kinds of circumstances, well, what could go wrong?

Let me enumerate a little bit what has gone wrong: 200,000 commercial fishing, processing, and retail jobs in the gulf for fishing and seafood on ice; \$659 million in annual value on 1.27 billion pounds of seafood caught in the gulf, the largest source of seafood in America, not including the value of fish processing or retail or people's salaries, in jeopardy; \$5.5 billion annual value of commercial fishing industry in the gulf coast, including the value of fish harvest processing and retail, in jeopardy; \$12 billion of expenditures for 25.4 million recreational trips in the Gulf of Mexico at risk; \$9 billion in wages for tourism-related industries in the Gulf of Mexico, employing 600,000 people.

That's what's at risk for a mindless, "drill, baby, drill" approach, instead of a thoughtful, careful approach that balances this kind of sourcing of oil with the readily available alternative energy sources that we should have, could have been investing in as well.

Since this oil spill, over 27,000 claims have been filed by people and businesses whose livelihoods have been harmed or lost entirely. They've filed claims for damages with BP. Through June, BP will have paid \$84 million in lost income claims to people whose jobs already have been lost in the gulf. Over 78,000 square miles of the gulf are closed to fishing today because of this spill because it's not safe. The University of Central Florida estimates that the oil spill could cut Florida tourism in half, the largest single source of revenue for the State of Florida, eliminating 195,000 tourism-related jobs and eliminating \$10.9 billion of tourist-generated economic activity in Florida alone.

I see our colleague from Colorado (Mr. POLIS) is on the floor, and I now yield to him.

Mr. POLIS. I thank the gentleman from Virginia.

This disaster of great proportion is indicative of the culture of deregulation and the influence of the special interests in the oil industry and the prevalence of those interests within the Bush administration, embedded into the regulatory structure. These interests within the Department of the Interior fought tooth and nail Secretary Salazar's attempts to bring balance back to the oil and gas industry. They fought with claims of severe economic hardship. Well, as the gentleman from Virginia talked about, I think the people of the gulf coast will be experiencing severe economic hardship, much worse than anything that these oil companies were worried about.

All actors involved with this unmitigated disaster have taken steps to try to limit their own liability. BP and Transocean have tried to spread their profits among shareholders. They've been giving dividends. They have been trying to decentralize their coffers, already scheming to get themselves off the hook and to put taxpayers on the hook. These oil companies are now trying to maneuver to get taxpayer bailouts for their own bad practices and their own failure to prevent what was a preventable disaster.

The use of highly toxic dispersants have exacerbated the damage, leading to underwater plumes of oil. It turns out that the emergency response plan of BP was riddled with errors, had fallacies. It even listed people who were no longer alive as points of contact in the event of a disaster.

We need, and I'm sure we will have, a full public accounting of the fallacies and the flaws in the planning process with BP and their contractors that

have led to this disaster, and it's critical for our Congress to make sure that these maneuvers to get off the hook for their own failure to prevent this catastrophe will not meet with success and that the responsibility will reside with BP and their contractors.

NEPA requires an assessment of environmental impact for any major project on Federal lands, but loopholes were placed in that policy in 2005, including a categorical exclusion, saying that oil drilling doesn't have any risk and, therefore, shouldn't need to do an environmental assessment.

□ 1715

The Deepwater Horizon was granted a categorical exclusion in 2007 under the Bush administration. Ironic, because NEPA was first initiated in 1968 as a response to an oil spill offshore, yes, off the coast of California, stripped of the very provisions that are one of the main reasons for its passage by the Bush administration.

We as a Congress need to address the statutory side, and I know that Secretary Salazar is working hard to fight the entrenched interests from the oil and gas industry that seek to influence the actions of the Department of the Interior.

I thank my colleague from Virginia for helping to raise this important issue.

Mr. CONNOLLY of Virginia. I thank my colleague from Colorado.

I yield again to our friend from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I do appreciate our friend from Colorado talking about the history here, because we hear people come to the floor to somehow lay this at the foot of President Obama, who has been busy since the moment he took office dealing with a series of disasters that he inherited.

But the approach that has been taken by the Republicans when they were in the majority actually set the stage for this. In 2003, they added an exemption for all oil and gas construction activities from the provisions of the Clean Water Act. They had a stipulation that the BLM had only 10 days to make drilling permit decisions. They had new authority for the Department of the Interior to permit new energy projects in the Outer Continental Shelf without adequate oversight or standards and then providing, on top of that, \$2 billion for already profitable companies to drill in ultradeep water.

It is absolutely scandalous that we have had this steady assault. Luckily, we stopped that in 2003 when the other body used the filibuster constructively. But we faced it in 2005, as they actually were able to put those provisions in place, which our friend from Colorado and you, sir, Mr. CONNOLLY, have pointed out. It continues to bedevil us.

Sadly, some of our friends on the other side of the aisle simply haven't

gotten the point. In this Congress, the gentlewoman from Minnesota, Mrs. BACHMANN, who has no shortage of opinions on this, introduced legislation that would have required, would have required that the Secretary of the Interior waive any application of Federal law that requires a permit under lease for drilling. It would require a waiver from all of those nagging little requirements any time oil got expensive, over \$100 a barrel, throw it all out the window, and yet has the audacity to try and shift responsibility under this.

I think it is something that we all need to be focusing on and not allow the people who helped create this problem to rewrite history.

Mr. CONNOLLY of Virginia. I, again, am in complete concurrence. This didn't happen somehow by happenstance. This happened by virtue of a conscious decision, by Congress' control, by our friends on the other side, and by the Bush administration to find all kinds of waivers and exemptions from normal regulatory review and from simple commonsense protections in the event something did go wrong, all at the altar of oil exploration and fossil fuel energy dependence, quite frankly. It could have been prevented and it could have been mitigated.

There was another one of our colleagues who, during the campaign of 2008, accused the Democratic Congress that came into power after the elections of 2006 of being the drill-nothing Congress, and she called on Mr. MCCAIN to open up ANWR and both the east and west coast to unrestrained oil drilling for the sake of energy independence, a worthy goal. But that's not the only answer, and we have to weigh the costs and the benefits when we open up unrestricted oil drilling on pristine coasts.

Let me talk, if I may, just about my own home State of Virginia, what could go wrong in Virginia. I am a member of the Virginia delegation who has opposed unrestricted opening up of our shores to oil drilling because of the feared consequences if something went wrong.

What's at stake? Tourism in Virginia Beach alone in Virginia generates \$1.4 billion annually in economic activity. Tourism in Virginia Beach alone supports 15,000 jobs. Virginia has the longest stretch of undeveloped barrier islands on the east coast, irreplaceable habitat for birds in the east coast flyaway.

All of these resources would be lost to an oil spill off Virginia's coast if it were comparable to the oil spill that has hit the gulf coast. In fact, closer to home, the entire Chesapeake Bay would be covered by a film of oil today if that oil spill had occurred here instead of occurring in the gulf coast.

In addition, unrestricted oil drilling threatens the presence of the United States Navy in Virginia, terribly im-

portant in terms of military investment in the Commonwealth of Virginia. The Deputy Secretary of Defense for Readiness issued a report in May that stated explicitly that offshore oil development would impair Navy operations in 78 percent of the area, in a recently proposed lease sale, to 20.

The Department of Defense said that all development could preclude live ordnance testing, aircraft carrier movement, shipping trials, and other surface and subsurface training. Offshore oil development could result in the Navy moving an aircraft carrier out of Norfolk, reducing job opportunities and contractors in Virginia.

We have a lot at stake economically in my State. There's the environmental consequences, but there is also the presence of the Navy that could be jeopardized if we moved to the "drill, baby, drill" philosophy of offshore oil drilling.

Mr. BLUMENAUER. I appreciate your putting in context not just the potential threat to your State of Virginia, but to all of us here who work and celebrate our capital region and the Chesapeake Bay, having those precious resources at risk.

I appreciate your exploring a dimension that I must admit I really hadn't thought through adequately: the threat unregulated, indiscriminate, offshore oil drilling could pose to military readiness. Your point about what could happen in terms of naval operations and training is one that I don't think has been given voice in this debate. I have been spending a lot of time working on it. This is new information to me, and I deeply appreciate your putting it out before the American public this evening.

I think this issue that we are wrestling with has many dimensions that require us to step back and expand the scope of inquiry, the need for our fixing a broken regulatory system.

We have referenced the fact that the administration, despite the previous administration talking about the addiction to foreign oil, did nothing about it, and, in fact, even after we regained control, worked against our efforts to try and increase efficiencies.

It's going to take time. I agree that the administration needs to move quickly to weed out the MMS. I wish they could have cleaned house earlier, but obviously these things take time. It's hard to undo 12 years of running roughshod over safety and environmental regulations in 17 months. But it is also a vivid call for a new energy future in which the deepest water is the last place we look, not the first, for new energy sources.

I would look forward to discussing that further, but I know you have, Mr. CONNOLLY, some specifics in terms of some of the legislative provisions that we have been working on as Democrats in Congress.

Mr. CONNOLLY of Virginia. Yes, we need to clean up the mess we inherited from previous Congresses and, frankly, from the previous administration. Today, for example, the House passed S. 3473, which increases advanced cleanup funding paid for by BP so that the Coast Guard can use those funds for oil cleanup.

I have introduced a bill just tonight that would prevent the evasion of the NEPA process; moving forward, no more categorical exclusions for deep-water oil drilling. They have to pass the NEPA review process, just like my transit system and rail to Dulles did in a public project.

H.R. 5214, the Big Oil Bailout Prevention Act, introduced by our colleague, Mr. HOLT from New Jersey, would raise the oil liability cap from \$75 million to \$10 billion so the taxpayers aren't left holding the bag because of an accident caused by the negligence of an oil company such as BP.

Our colleague from the State of Washington (Mr. INSLEE) is introducing legislation to require oil wells to use the best available safety technology, which might borrow from technology that's already available and being used by countries like Canada, Brazil, and Norway. Of course, you, Mr. BLUMENAUER, have or will soon introduce legislation to repeal the oil and gas tax loopholes and direct funds to clean energy.

The ultimate solution is to get off fossil fuel dependence and look to, in a meaningful way, those alternative sources of energy that could really help lessen our dependence, if not wean us entirely off, the dependence on foreign oil.

In my own home State of Virginia, the potential offshore wind power is enormous, dwarfing the potential for offshore oil.

For all of the sturm und drang in my State about whether we should drill, baby, drill off the shores of Virginia, the entire estimate of reserves, maximum, off the shore of Virginia, with the largest coastline, barrier island coastline on the east coast, is the equivalent of no more than 6 days of oil supply.

Do we really want to risk the tourism industry, our environment, perhaps permanently, and the presence of the Navy in a State that has always been home to the United States Navy for 6 days' worth of supply? I think not.

So the Democrats in this House have, in fact, introduced legislation that will address and remedy this situation and make sure that never again are American citizens put at risk by the negligent behavior and the unregulated behavior of Big Oil offshore oil drilling.

Mr. BLUMENAUER. I must say how much I appreciate the legislative approach that you bring to the job. I can see the experience and leadership that you demonstrated in years of actual

hands-on dealing with the public in a very direct and personal way in local government with some spectacular successes across the river from our Nation's Capitol, as evidenced in the simple, commonsense approach that you are taking here in terms of being practical, being direct, things that will make a difference. I really appreciate that spirit that you bring to the Capitol.

Mr. CONNOLLY of Virginia. I thank you for your courtesy and graciousness, but I would say that clearly my colleague from Oregon is a model for all of us, especially those of us new here to the Congress, for his environmental leadership and for his legislative legerdemain.

Mr. BLUMENAUER. I would like to pivot, if I could, just on the last point that you made, which I think, at the final analysis, is the most important.

It is important to understand history. It's important to not allow people who got us into this mess to rewrite it, to point fingers, to obscure, to try and get partisan advantage from something that they, sadly, helped create in the first place. That would be a tragedy in and of itself.

But it is where we go from here, what we learn from these lessons, what we understand is required. It is outrageous to me that the spill off the Santa Barbara coast that inspired the first Earth Day was fought with essentially the same technologies that we have available today.

□ 1730

All the time, all the energy, the resources that were thrown at it by the Federal Government was used basically by the industry to have more and more esoteric, sophisticated deep-drilling opportunities, not dealing with making sure that it was safe.

So we are trapped in time 40 years at the negative end of this equation, when the ultimate disaster, which was predictable, perhaps not avoidable, but is much worse because of the focus.

But it is the transition to clean energy technology that I would conclude my remarks. I see we've been joined by our friend we have referenced earlier, our colleague, Congressman HOLT, who has some great legislation moving.

But I would just conclude my observations that we don't want to be in a position where we continue to be tethered to the oil spigot, to have the United States consume 10 percent of the world's oil supply going back and forth to work every day, that it is past time for us to move forward.

I appreciate the leadership of both you gentlemen in our livable communities issues, where we provide more tools to local government and more choices to people so they don't have to burn a gallon of gas to get a gallon of milk, that there are more sensitive land uses, that we fight against mind-

less sprawl, that we give people an alternative to the automobile in case they don't want to drive or can't afford to drive or maybe there are some people that we all know who probably shouldn't drive—giving them choices to walk and use transit, cycles; be able to make a system that is more sustainable, that is complemented by a clean energy future with tidal, wind, solar, geothermal, and investment in making our facilities now more energy-efficient.

We have the capacity right now, with what we know how to do, things that we have off the shelf or almost ready for installation, we could be completely Kyoto-compliant, save consumers and taxpayers money, and preserve our national security.

I hope that this is one of the lessons we carry away, not just understanding history, not just taking some of this terrific legislation that will help a difficult situation be a little better and take the taxpayer off the hook, but make sure that we are not in this dependency in the future.

Thank you. And I really appreciate your leadership in presenting this today and your courtesy in permitting me to take part.

Mr. CONNOLLY of Virginia. I thank you so much.

I think our colleague from Oregon has done such an incredible job in this body on so many environmental fronts, not least of which, of course, the livable community initiative that he made reference to.

Thank you so much for joining us tonight.

I see our friend from New Jersey (Mr. HOLT) is here, and I now yield to Mr. HOLT.

Mr. HOLT. I thank my good friend from Virginia.

I, too, want to pay tribute to the work that our colleague from Oregon has done under the umbrella of liveability, having to do with transportation, housing, I mean, even such things as the location of post offices in town.

There are so many things over the years that Mr. BLUMENAUER has worked on to try to make communities livable and sustainable—sustainable in the way they produce and use energy, and livable in the sense of getting the best quality of life through our transportation decisions, our housing decisions.

What is so heartbreaking about the catastrophe that is under way in the Gulf of Mexico right now is that it did not have to be.

As I left to join you here on the floor, they were showing on one of the news networks fish flopping sadly, trying to get air, trying to get out of the oil, clearly doomed. We have seen the birds washing ashore.

It did not have to happen.

The oil spill is unprecedented in scale, but it is not unprecedented in

kind, in our experience. In fact, I was talking with the Administrator of the Environmental Protection Agency yesterday, and she said, do you know how many oil spills we're dealing with essentially daily? Not on this scale, but it should be expected, it can be expected, in fact it must be expected that, if you drill, you will spill.

As our colleague from Oregon was saying, for BP to go into this with no preparation whatsoever—I mean, they talk about they are a company that manages risk. Well, if they manage risk, they know, by definition, things can go wrong. That's what risk means: There is a down side. Well, what preparations, what plans, what studies, what research did they do for the down side? None.

Now, we are in the process of not only extending the liability limit—and today we removed the per-incident limit so that the Coast Guard is not constrained by the \$150 million limit, which they are already pushing up against—but we also must make sure that there is an enforcement of standards within the Minerals Management Agency separating those who grant the leases from those who collect the royalties on the leases from those who enforce the standards. We haven't done that. So we must do that, and we must do that soon, so that if any oil drilling is going to continue, that preparations are made for the down side.

I hope, in fact, that we wean ourselves from this archaic fuel as soon as possible. I mean, what does the word "fossil" mean to most people? That means out of date. What we are talking about here, what these companies have been developing ever-more-sophisticated technologies to do is to bind ourselves more strongly to an archaic way of powering our society and our economy. It is archaic. We should be moving away from it as rapidly as possible so that this won't happen again, because it need not happen again.

I thank my friend for drawing our colleagues' attention to this and talking about those things that we will be doing over the next couple of weeks, lifting the liability limits to put in place research programs and regulatory programs for the future.

Mr. CONNOLLY of Virginia. I thank our friend from New Jersey and thank him for his leadership as well.

Let me close by pointing out that there is a danger to bumper-sticker public policy making. Those who lived by "drill, baby, drill" now have to examine not only their consciences but the consequences of the actions that flowed from that strident call. "Drill, baby, drill" has now become "spill, baby, spill."

The Governor of Louisiana today, Bobby Jindal, when he was in this body in 2005 said the following: "We have a choice. Many of my colleagues do not want us drilling for oil off the coast of

Florida and do not want us to drill for oil off the coast of California. I would ask those colleagues to join with me in providing incentives so that we can drill for oil in the deep waters of the Gulf of Mexico. The people of Louisiana," he said, "welcome this production. We know it is good for our State, our country, and our economy."

I wonder if the Governor of Louisiana might pause today in calling for the government's assistance to clean up the worst oil spill, and arguably one of the worst environmental disasters ever to descend on our country, to consider whether that public policy statement made sense then and whether it makes sense now.

The consequences of that philosophy of unrestricted oil drilling, irrespective of the environmental concerns, irrespective of the need for reasonable and prudent regulatory oversight to protect the public from precisely this kind of unmitigated disaster, have now actually happened because a whole bunch of people in a position to know better put oil ahead of everything else, including the public interests.

I yield to my friend from New Jersey.

Mr. HOLT. I thank the gentleman.

You spoke earlier about the liability, a very important principle that has been to some extent and should be to the full extent of American law in this area, which is, "polluter pays." That has been the basis of the Superfund program. That should be the basis for the oil liability legislation.

BP has said they will pay reasonable costs and that sort of thing. We shouldn't have to take their word for it. We shouldn't have to take the word of a company that has flagrantly cut corners in the past at huge cost to life and natural environment, whether you're talking about the Texas City refinery, whether you're talking about the blowouts on the North Slope of Alaska, whether you're talking about the blowouts on the pipeline in Alaska, whether you're talking about failure to level with the American public and even with the Coast Guard and the experts on how much oil was escaping from this very well. The number keeps shifting, and the oil company, I think, has not been fully forthcoming.

So this company asks us to take their word for it that they will pay, that they will pay for the cleanup, that they will pay for the environmental damages, they will pay for the economic damages and dislocation. I want that established in law. The liability limit should be raised to many billions of dollars, if there is a limit at all.

Now, some here in the Congress, particularly from the other side, have said, "Well, but you'll drive out the mom-and-pop, you'll drive out the small independents." Well, you have to have the ability to prevent and repair and pay for any damages when you go into business.

The point of the oil liability legislation is not to protect small businesses; it's to protect our environment and the life of American citizens and the well being and economic opportunities for American citizens. And that means that the consideration should be how much damage can be done, and the liability limit should be large enough to cover the damage that can be done, not to ask whether this is going to put too much of a burden on a small company. The consideration should be, what is the damage? And there should be adequate liability to cover that.

I'm hopeful that, in the next week or so, we will raise this liability limit from the laughably small number of \$75 million to at least \$10 billion. And I thank the gentleman for joining me in this effort. The American public is crying for it. They want to know that in law and in fact BP will be held responsible for the damage they have done.

□ 1745

Mr. CONNOLLY of Virginia. I thank my colleague from New Jersey. Again, I thank him so much for his participation tonight and for his leadership, especially in leading us in a legislative remedy.

I want to end with this: on June 10, 2008, one of our colleagues actually said the following:

There are 3,200 oil rigs off the coast of Louisiana. During Katrina, not a single drop was spilled. Actually, 600,000 gallons were spilled, but more than 7 billion barrels have been pumped from these wells over the past quarter century. Yet only 1-1/1000th of 1 percent was spilled. We would suggest that JOHN MCCAIN revisit his reservations about ANWR and run against the "drill nothing" Congress. Energy development and the environment are not mutually exclusive. In fact, this Republican colleague said, we would suggest that the first joint town hall meeting with Barack Obama, proposed by MCCAIN, be held on one of those offshore Louisiana rigs.

Surely, I hope our colleague did not mean this rig, the one that blew up, caught on fire, cost a number of lives, and led to the largest environmental disaster in American history.

Mr. Speaker, I yield back.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. TOWNS, for 5 minutes, today.  
 Ms. WOOLSEY, for 5 minutes, today.  
 Mr. HOLT, for 5 minutes, today.  
 Ms. KAPTUR, for 5 minutes, today.  
 Mr. DEFAZIO, for 5 minutes, today.  
 Mrs. MALONEY, for 5 minutes, today.  
 (The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, June 17.  
 Mr. POE of Texas, for 5 minutes, June 17.  
 Mr. JONES, for 5 minutes, June 17.  
 Mr. BOOZMAN, for 5 minutes, today.  
 Mr. BURTON of Indiana, for 5 minutes, June 14, 15, 16, and 17.  
 Mr. SMITH of New Jersey, for 5 minutes, today.  
 Mr. DUNCAN, for 5 minutes, today.

## ADJOURNMENT

Mr. CONNOLLY of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 46 minutes p.m.), under its previous order, the House adjourned until Monday, June 14, 2010, at 12:30 p.m., for morning-hour debate.

## EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the third quarter of 2009 and the second quarter of 2010 pursuant to Public Law 95-384 are as follows:

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JENNIFER M. STEWART, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 29 AND MAY 4, 2010

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Jennifer M. Stewart .....	4/30	5/01	Qatar .....		164.00		8,578.00				8,742.00
	5/01	5/02	Afghanistan .....		78.00						78.00
	5/02	5/03	Pakistan .....		262.00						262.00
Committee total .....					504.00		8,578.00				9,082.00

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN A. BOEHNER, May 28, 2010.

## (AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Adam Schiff .....	6/27	6/30	Jordan .....		\$1,021.18						\$1,021.18
	6/30	7/1	Algeria .....		531.00						531.00
	7/1	7/3	Tunisia .....		501.74						501.74
Misc. Embassy Costs .....							( <sup>3</sup> )		1,570.44		1,570.44
Local Ground Transportation .....							573.18				573.18
John Blazey .....	6/27	6/30	Jordan .....		1,021.18						1,021.18
	6/30	7/1	Algeria .....		531.00						531.00
	7/1	7/3	Tunisia .....		501.74						501.74
Misc. Embassy Costs .....							( <sup>3</sup> )		1,570.44		1,570.44
Local Ground Transportation .....							573.18				573.18
Shalanda Young .....	6/27	6/30	Jordan .....		1,021.18						1,021.18
	6/30	7/1	Algeria .....		531.00						531.00
	7/1	7/3	Tunisia .....		501.74						501.74
Misc. Embassy Costs .....							( <sup>3</sup> )		1,570.44		1,570.44
Local Ground Transportation .....							573.18				573.18
Clelia Alvarado .....	6/27	6/30	Jordan .....		1,021.18						1,021.18
	6/30	7/1	Algeria .....		531.00						531.00
	7/1	7/3	Tunisia .....		501.74						501.74
Misc. Embassy Costs .....							( <sup>3</sup> )		1,570.44		1,570.44
Local Ground Transportation .....							573.18				573.18
Elizabeth C. Dawson .....	6/28	6/30	France .....		1,418.00						1,418.00
	6/30	7/3	Belgium .....		1,224.00						1,224.00
Commercial Airfare .....							7,367.48				7,367.48
Hon. David E. Price .....	8/1	8/3	Canada .....		704.29		( <sup>4</sup> )		( <sup>5</sup> )		704.29
Hon. Harold Rogers .....	8/1	8/3	Canada .....		704.29		( <sup>4</sup> )		( <sup>5</sup> )		704.29
Hon. Ciro Rodriguez .....	8/1	8/3	Canada .....		704.29		( <sup>4</sup> )		( <sup>5</sup> )		704.29
Hon. John Carter .....	8/1	8/3	Canada .....		704.29		( <sup>4</sup> )		( <sup>5</sup> )		704.29
Stephanie Gupta .....	8/1	8/3	Canada .....		704.29		( <sup>4</sup> )		( <sup>5</sup> )		704.29
Ben Nicholson .....	8/1	8/3	Canada .....		704.29		( <sup>4</sup> )		( <sup>5</sup> )		704.29
Kristi Mallard .....	8/16	8/17	Norway .....		539.23						539.23
	8/17	8/20	Germany .....		1,080.00						1,080.00
	8/20	8/24	Hungary .....		1,062.17						1,062.17
	8/24	8/26	Italy .....		1,270.00						1,270.00
Commercial Airfare .....							9,338.44				9,338.44
Misc. Transportation .....							<sup>3</sup> 62.00				62.00
BG Wright .....	8/16	8/17	Norway .....		539.23						539.23
	8/17	8/20	Germany .....		1,080.00						1,080.00
	8/20	8/24	Hungary .....		1,062.17						1,062.17
	8/24	8/26	Italy .....		1,270.00						1,270.00
Commercial Airfare .....							9,338.44				9,338.44
Misc. Transportation .....							<sup>3</sup> 120.00				120.00
	8/4	8/5	Kuwait .....		494.08						494.08
	8/5	8/7	United Arab Emirates .....		827.42						827.42
	8/7	8/9	Germany .....		722.56		( <sup>3</sup> )				722.56
Hon. Sanford Bishop .....	8/4	8/5	Kuwait .....		494.08						494.08
	8/5	8/7	United Arab Emirates .....		827.42						827.42
	8/7	8/9	Germany .....		722.56		( <sup>3</sup> )				722.56
Hon. Carolyn Kilpatrick .....	8/4	8/5	Kuwait .....		494.08						494.08
	8/5	8/7	United Arab Emirates .....		827.42						827.42
	8/7	8/9	Germany .....		722.56		( <sup>3</sup> )				722.56
Beverly Aimaro Pheo .....	8/4	8/5	Kuwait .....		494.08						494.08
	8/5	8/7	United Arab Emirates .....		827.42						827.42
Commercial Airfare .....							<sup>3</sup> 4,045.02				4,045.02
Adam Harris .....	8/4	8/5	Kuwait .....		494.08						494.08
	8/5	8/7	United Arab Emirates .....		827.42						827.42

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
John Blazey .....	8/7	8/9	Germany .....		722.56		( <sup>3</sup> )				722.56
	8/1	8/4	Poland .....		435.00						435.00
	8/4	8/7	Germany .....		837.00						837.00
Commercial Airfare .....							7,998.00				7,998.00
Misc. Transportation .....							83.30				83.30
Mike Ringler .....	8/1	8/4	Poland .....		564.00						564.00
	8/4	8/7	Germany .....		837.00						837.00
Commercial Airfare .....							8,027.50				8,027.50
Beverly Aimaro Pheto .....	8/11	8/12	Madrid, Spain .....		443.27						443.27
	8/12	8/13	Milan, Italy .....		451.80						451.80
	8/13	8/14	Florence, Italy .....		617.02						617.02
	8/14	8/15	Rome, Italy .....		600.15						600.15
Commercial Airfare .....							8,577.80				8,577.80
Kate Hallahan .....	8/9	8/10	Barcelona, Spain .....		445.75						445.75
	8/10	8/12	Madrid, Italy .....		886.54						886.54
	8/12	8/13	Milan, Italy .....		451.80						451.80
	8/13	8/14	Florence, Italy .....		617.02						617.02
	8/14	8/15	Rome, Italy .....		600.15						600.15
Commercial Airfare .....							8,264.80				8,264.80
Hon. Nita Lowey .....	8/4	8/6	Kenya .....		1,359.00						1,359.00
	8/6	8/9	South Africa .....		5,586.37						5,586.37
Misc. Embassy Costs .....									1,442.50		1,442.50
Commercial Airfare .....							6,226.00				6,226.00
Misc. Travel Expenses .....							235.00				235.50
Michele Sumilas .....	8/3	8/6	Kenya .....		494.08						494.08
	8/6	8/9	South Africa .....		827.42						827.42
Misc. Embassy Costs .....									1,442.50		1,442.50
Commercial Airfare .....							9,882.01				9,882.01
Misc. Travel Expenses .....							235.00				235.50
Hon. Kay Granger .....	8/30	9/2	Argentina .....		1,023.00						1,023.00
	9/2	9/5	Paraguay .....		780.00						780.00
Commercial Airfare .....							8,101.20				8,101.20
John Blazey .....	8/30	9/2	Argentina .....		1,023.00						1,023.00
	9/2	9/5	Paraguay .....		780.00						780.00
Commercial Airfare .....							9,763.20				9,763.20
Misc. Travel Expenses .....							132.00				132.00
Diana Simpson .....	8/30	9/2	Argentina .....		1,023.00						1,023.00
	9/2	9/5	Paraguay .....		780.00						780.00
Commercial Airfare .....							5,263.20				5,263.20
Mike Ringler .....	8/17	8/19	El Salvador .....		542.00						542.00
	8/19	8/21	Guatemala .....		554.00						554.00
Commercial Airfare .....							2,283.41				2,283.41
Misc. Travel Expenses .....									616.65		616.65
Anne Marie Chotvacs .....	8/17	8/19	El Salvador .....		542.00						542.00
	8/19	8/21	Guatemala .....		554.00						554.00
Commercial Airfare .....							2,207.70				2,207.70
Misc. Travel Expenses .....									616.65		616.65
	8/29	8/31	Pakistan .....		180.00						180.00
	8/31	9/4	Ukraine .....		1,710.64						1,710.64
Commercial Airfare .....							11,490.90				11,490.90
Craig Higgins .....	8/29	8/31	Pakistan .....		180.00						180.00
	8/31	9/4	Ukraine .....		1,710.64						1,710.64
	9/4	9/6	London .....		965.31						3,449.62
Commercial Airfare .....							11,629.80				11,629.80
Misc. Travel Expenses .....									335.17		335.17
Steve Marchese .....	8/29	8/31	Pakistan .....		180.00						180.00
	8/31	9/4	Ukraine .....		1,710.64						1,710.64
Misc. Travel Expenses .....									335.17		335.17
Commercial Airfare .....							11,490.90				11,490.90
Paula Juola .....	8/12	8/13	United Arab Emirates .....		463.00						463.00
	8/13	8/15	Afghanistan .....		162.00						162.00
	8/15	8/16	United Arab Emirates .....		463.00						463.00
	8/16	8/17	Italy .....		329.00						329.00
Commercial Airfare .....							10,391.00				10,391.00
Misc. Travel Expenses .....							70.00				70.00
Linda Pagelsen .....	8/12	8/13	United Arab Emirates .....		463.00						463.00
	8/13	8/15	Afghanistan .....		162.00						162.00
	8/15	8/16	United Arab Emirates .....		463.00						162.00
	8/16	8/17	Italy .....		329.00						329.00
Commercial Airfare .....							10,391.00				10,391.00
Misc. Travel Expenses .....							128.50				128.50
Christopher White .....	8/12	8/13	United Arab Emirates .....		463.00						463.00
	8/13	8/15	Afghanistan .....		162.00						162.00
	8/15	8/16	United Arab Emirates .....		463.00						463.00
	8/16	8/17	Italy .....		329.00						329.00
Commercial Airfare .....							10,391.00				10,391.00
Misc. Travel Expenses .....							70.00				70.00
Hon. Jack Kingston .....	8/27	8/30	Tunisia .....		725.75						725.75
	8/30	9/1	Rwanda .....		750.95						750.95
	9/2	9/3	Zimbabwe .....		142.00						142.00
	9/3	9/4	Senegal .....		561.96		( <sup>3</sup> )				561.96
	8/17	8/19	South Korea .....		798.88						798.88
	8/19	8/20	China .....		291.31						291.31
	8/20	8/22	Taiwan .....		661.26						661.26
	8/22	8/24	Hong Kong .....		1,055.10		( <sup>3</sup> )				1,055.10
	9/18	9/21	Guatemala .....		686.28						686.28
Commercial Airfare .....							1,657.70				1,657.70
Local Transportation .....							1,340.88				1,340.88
Misc. Embassy Costs .....									2,080.16		2,080.16
John Blazey .....	9/26	9/28	Chile .....		1,095.00						1,095.00
Commercial Airfare .....							7,860.70				7,860.70
Misc. Transportation Costs .....											36.00
Committee total .....					73,795.05		186,757.60		16,006.04		276,558.69

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.<sup>4</sup> Part foreign, part domestic travel.<sup>5</sup> Government aircraft.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7850. A letter from the Director of Legislative Affairs, Natural Resources Conservation Service, Department of Agriculture, transmitting the Department's "Major" final rule — Conservation Stewardship Program (RIN: 0578-AA43) received June 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7851. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

7852. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Modification of Jet Route J-3; Spokane, WA [Docket No.: FAA-2010-0008; Airspace Docket No. 09-ANM-21] received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7853. A letter from the Secretary, Department of Commerce, transmitting letter of certification, pursuant to Public Law 105-261, section 1512; to the Committee on Foreign Affairs.

7854. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Belarus that was declared in Executive Order 13405 of June 16, 2006; to the Committee on Foreign Affairs.

7855. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Ohio Advisory Committee; to the Committee on the Judiciary.

7856. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from the Canoga Avenue facility, Los Angeles County, California, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

7857. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30722; Amdt. No. 487] received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7858. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes [Docket No.: FAA-2010-0435; Directorate Identifier 2010-NM-084-AD; Amendment 39-16283; AD 2010-10-04] (RIN: 2120-AA64) received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7859. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Emmetsburg, IA [Docket No.: FAA-2009-1153; Airspace Docket No. 09-ACE-13] received May 24, 2010, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7860. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Mapleton, IA [Docket No.: FAA-2009-1155; Airspace Docket No. 09-ACE-14] received Paralegal Specialist, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PASCRELL (for himself, Mr. KING of New York, Mr. THOMPSON of Mississippi, Ms. CLARKE, and Mr. DANIEL E. LUNGREN of California):

H.R. 5498. A bill to enhance homeland security by improving efforts to prevent, deter, prepare for, detect, attribute, respond to, and recover from an attack with a weapon of mass destruction, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Energy and Commerce, Agriculture, Transportation and Infrastructure, Foreign Affairs, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA (for himself, Mr. YOUNG of Alaska, Mr. PETRI, Mr. COBLE, Mr. DUNCAN, Mr. EHLERS, Mrs. CAPITO, Mr. WESTMORELAND, Mrs. MILLER of Michigan, Mr. CAO, Mr. PUTNAM, Mr. GRAVES, Mr. SHUSTER, and Mr. FLEMING):

H.R. 5499. A bill to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOYLE:

H.R. 5500. A bill to establish the Steel Industry National Historic Site in the State of Pennsylvania; to the Committee on Natural Resources.

By Mr. KING of New York (for himself, Mr. PENCE, Mrs. MCMORRIS RODGERS, Mr. SMITH of Texas, Mr. MCKEON, Mr. SESSIONS, Mr. ROGERS of Alabama, Mr. GOHMERT, Mr. TIAHRT, Mr. FRANKS of Arizona, Mr. BUCHANAN, Mr. LATTI, Mr. CHAFFETZ, Mr. HUNTER, Mr. MILLER of Florida, Mr. CULBERSON, Mrs. BLACKBURN, Mrs. BACHMANN, Mr. ROSKAM, Mr. AUSTRIA, Mr. OLSON, Mr. BROUN of Georgia, Mr. POSEY, Mr. BILIRAKIS, Mr. CAMPBELL, Mrs. MILLER of Michigan, Mr. DANIEL E. LUNGREN of California, Mr. LEE of New York, Mr. CARTER, Mr. MCCLINTOCK, Mr. COBLE, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mr. LEWIS of California, Mr. CALVERT, Mr. GALLEGLY, Mr. TERRY, Mr. KIRK, and Mr. BISHOP of Utah):

H.R. 5501. A bill to prohibit United States participation on the United Nations Human Rights Council (UNHRC) and prohibit contributions to the United Nations for the purpose of paying for any United Nations invest-

igation into the flotilla incident; to the Committee on Foreign Affairs.

By Mr. MAFFEI (for himself, Mrs. MALONEY, and Mrs. MCCARTHY of New York):

H.R. 5502. A bill to amend the effective date of the gift card provisions of the Credit Card Accountability Responsibility and Disclosure Act of 2009; to the Committee on Financial Services.

By Mr. CONYERS (for himself, Mr. MELANCON, Mr. NADLER of New York, Ms. JACKSON LEE of Texas, Ms. WATERS, Mr. COHEN, Mr. JOHNSON of Georgia, Ms. CHU, Mr. DEUTCH, Mr. WEINER, Ms. LINDA T. SANCHEZ of California, and Mr. BRALEY of Iowa):

H.R. 5503. A bill to revise laws regarding liability in certain civil actions arising from maritime incidents, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mrs. MCCARTHY of New York, Mr. PLATTS, Mr. POLIS, Mr. COURTNEY, Ms. CHU, Mr. LOEBSACK, Mr. MCGOVERN, Mr. SESTAK, Ms. TITUS, Mr. HOLT, Mr. TONKO, Ms. FUDGE, Mr. WU, Mr. HINOJOSA, Mrs. CAPP, Mr. PIERLUISI, Mr. SABLON, Mr. KILDEE, Mrs. DAVIS of California, Mr. PAYNE, Mr. GRIJALVA, Mr. KUCINICH, Mr. ANDREWS, Mr. HARE, Ms. CLARKE, Ms. HIRONO, Mr. BISHOP of New York, Ms. SHEA-PORTER, Ms. WOOLSEY, and Mr. SCOTT of Virginia):

H.R. 5504. A bill to reauthorize child nutrition programs, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS:

H.R. 5505. A bill to authorize the Secretary of Energy to establish monetary prizes for achievements in designing and proposing nuclear energy used fuel alternatives; to the Committee on Science and Technology, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONNOLLY of Virginia (for himself and Mr. POLIS):

H.R. 5506. A bill to amend the Outer Continental Shelf Lands Act to require that treatment of the issuance of any exploration plans, development production plans, development operation coordination documents, and lease sales required under Federal law for offshore drilling activity on the outer Continental Shelf as a major Federal action significantly affecting the quality of the human environment for the purposes of the National Environmental Policy Act of 1969, and for other purposes; to the Committee on Natural Resources.

By Mr. HELLER:

H.R. 5507. A bill to require the Secretary of Defense to identify areas on military installations and certain other properties as acceptable, unacceptable, or unassessed regarding their suitability for placement of geothermal, wind, solar photovoltaic, or solar thermal trough systems, and for other purposes; to the Committee on Armed Services.

By Mr. HELLER:

H.R. 5508. A bill to provide for the development of solar pilot project areas on public land in Lincoln County, Nevada; to the Committee on Natural Resources.

By Mr. HOLDEN (for himself and Mr. GOODLATTE):

H.R. 5509. A bill to support efforts to reduce pollution of the Chesapeake Bay watershed and to verify that reductions in pollution have been achieved, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR:

H.R. 5510. A bill to amend the Emergency Economic Stabilization Act of 2008 to allow amounts under the Troubled Assets Relief Program to be used to provide legal assistance to homeowners to avoid foreclosure; to the Committee on Financial Services.

By Mr. MARSHALL:

H.R. 5511. A bill to amend the Federal Deposit Insurance Act to codify the Transaction Account Guarantee Program of the Federal Deposit Insurance Corporation; to the Committee on Financial Services.

By Mr. PERRIELLO:

H.R. 5512. A bill to expand the boundary of Booker T. Washington National Monument, and for other purposes; to the Committee on Natural Resources.

By Ms. PINGREE of Maine:

H.R. 5513. A bill to amend the Outer Continental Shelf Lands Act to require payment of royalty on all oil and gas saved, removed, sold, or discharged under a lease under that Act, and for other purposes; to the Committee on Natural Resources.

By Mr. POSEY:

H.R. 5514. A bill to require State governments to submit fiscal accounting reports as a condition to the receipt of Federal financial assistance, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. SENSENBRENNER:

H.R. 5515. A bill to amend the Federal Power Act to establish a regional transmission planning process, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STEARNS:

H.R. 5516. A bill to amend title 38, United States Code, to provide for certain requirements relating to the immunization of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STEARNS:

H.R. 5517. A bill to amend title 13, United States Code, to require that the questionnaire used in a decennial census of population shall include an inquiry regarding an individual's status as a veteran, a spouse of a veteran, or a dependent of a veteran, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. TITUS (for herself, Mr. HELLER, Mr. FRANKS of Arizona, Ms. GIFFORDS, and Ms. BERKLEY):

H.R. 5518. A bill to amend the Internal Revenue Code of 1986 to allow the energy investment tax credit and the credit for residential energy efficient property with respect to natural gas heat pumps; to the Committee on Ways and Means.

By Mrs. McMORRIS RODGERS (for herself, Mr. REICHERT, Mr. SMITH of Washington, Mr. LARSEN of Washington, and Mr. HASTINGS of Washington):

H. Con. Res. 285. Concurrent resolution recognizing the important role that fathers play in the lives of their children and families and supporting the goals and ideals of designating 2010 as the Year of the Father; to the Committee on Education and Labor.

By Mr. BACA:

H. Res. 1430. A resolution honoring and saluting golf legend Juan Antonio "Chi Chi" Rodriguez for his commitment to Latino youth programs of the Congressional Hispanic Caucus Institute; to the Committee on Education and Labor.

By Mr. FILNER (for himself, Ms. JACKSON LEE of Texas, and Mr. ROHR-ABACHER):

H. Res. 1431. A resolution calling for an end to the violence, unlawful arrests, torture, and ill treatment perpetrated against Iranian citizens, as well as the unconditional release of all political prisoners in Iran; to the Committee on Foreign Affairs.

By Mr. HEINRICH:

H. Res. 1432. A resolution honoring the State of New Mexico on the passage of the Hispanic Education Act; to the Committee on Education and Labor.

By Mr. JONES (for himself, Ms. MARKEY of Colorado, Mr. WHITFIELD, and Mr. LOEBSACK):

H. Res. 1433. A resolution expressing support for designation of September 2010 as Blood Cancer Awareness Month; to the Committee on Energy and Commerce.

By Mr. GARY G. MILLER of California (for himself, Mr. CHILDERS, Mr. BACA, Mr. CASTLE, Mr. HINOJOSA, Mr. DAVIS of Kentucky, Mr. CALVERT, and Mr. GERLACH):

H. Res. 1434. A resolution recognizing National Homeownership Month and the importance of homeownership in the United States; to the Committee on Financial Services.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

304. The SPEAKER presented a memorial of the House of Representatives of the State of Florida, relative to House Memorial 227 urging the Congress to preserve the authority of the Governor to retain command and control of the Florida National Guard; to the Committee on Armed Services.

305. Also, a memorial of the Senate of the State of Florida, relative to Senate Memorial 944 requesting that the United States Congress direct that one of the retiring space shuttle orbiters be preserved and placed on permanent display at the Kennedy Space Center; to the Committee on Science and Technology.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 179: Mr. GARAMENDI.  
H.R. 197: Mr. CRITZ.  
H.R. 213: Mr. HELLER.  
H.R. 275: Mr. TERRY.  
H.R. 442: Mr. PERRIELLO and Mr. CRITZ.  
H.R. 510: Mr. POMEROY.

H.R. 564: Mr. POLIS.  
H.R. 615: Mr. SRES.  
H.R. 758: Mr. KUCINICH.  
H.R. 775: Mr. ROGERS of Michigan.  
H.R. 816: Mr. CRITZ.  
H.R. 881: Mr. MCCLINTOCK and Mr. SCHOCK.  
H.R. 930: Mrs. BONO MACK.  
H.R. 1034: Mr. SABLAN.  
H.R. 1036: Ms. RICHARDSON.  
H.R. 1132: Mr. CRITZ.  
H.R. 1205: Mrs. DAVIS of California and Mr. NYE.

H.R. 1255: Mr. CALVERT and Mr. WESTMORELAND.  
H.R. 1351: Mr. ROGERS of Kentucky, Mr. GARAMENDI, Mr. TERRY, and Mr. STARK.

H.R. 1587: Mr. CRITZ.  
H.R. 1621: Mr. CALVERT.  
H.R. 1625: Ms. ESHOO and Mr. MORAN of Virginia.

H.R. 1751: Mr. PIERLUISI.  
H.R. 1829: Mrs. DAHLKEMPER.  
H.R. 2057: Mr. STARK.  
H.R. 2103: Mr. PERRIELLO.  
H.R. 2105: Mr. RUPPERSBERGER.  
H.R. 2106: Mr. RUPPERSBERGER.  
H.R. 2176: Ms. RICHARDSON and Mr. COHEN.  
H.R. 2275: Mr. ROTHMAN of New Jersey, Mr. MAFFEI, and Mr. BOUCHER.

H.R. 2287: Mr. UPTON.  
H.R. 2296: Mr. DREIER and Mr. CRITZ.  
H.R. 2298: Mr. HIGGINS.  
H.R. 2328: Mr. BLUMENAUER.  
H.R. 2363: Mr. GRAYSON.  
H.R. 2425: Mr. MCCOTTER, Ms. SCHAKOWSKY, and Mr. GORDON of Tennessee.

H.R. 2443: Mr. SCHOCK.  
H.R. 2492: Mr. HARE.  
H.R. 2534: Ms. HERSETH SANDLIN.  
H.R. 2575: Mr. COHEN.  
H.R. 2625: Mr. HINCHEY.  
H.R. 2782: Mr. DUNCAN.  
H.R. 2906: Mr. BOREN.  
H.R. 2979: Mr. KUCINICH and Mr. GRIJALVA.  
H.R. 3100: Ms. DEGETTE.  
H.R. 3116: Mr. SCHAUER.  
H.R. 3151: Mr. TERRY and Mr. SMITH of Washington.

H.R. 3286: Mr. ARCURI.  
H.R. 3301: Mr. OWENS, Mr. DONNELLY of Indiana, Mr. GRAVES, Mr. MARSHALL, and Ms. HERSETH SANDLIN.

H.R. 3355: Mr. TIM MURPHY of Pennsylvania and Mr. PRICE of North Carolina.

H.R. 3359: Mr. MOORE of Kansas, Mr. GONZALEZ, Mr. LUJAN, Mr. CUELLAR, Mr. WAXMAN, Ms. DEGETTE, Mr. KIND, Mr. AL GREEN of Texas, Mr. NADLER of New York, Mr. CAPUANO, Mrs. CAPPS, Mr. TOWNS, Mr. ANDREWS, Mr. STARK, Mr. VAN HOLLEN, Ms. KOSMAS, Ms. KAPTUR, Mr. ROTHMAN of New Jersey, Mr. KANJORSKI, Mr. BRADY of Pennsylvania, Mr. WEINER, Mr. HASTINGS of Florida, Ms. CORRINE BROWN of Florida, Mr. OBERSTAR, Ms. WATSON, Mr. JACKSON of Illinois, Mr. CARSON of Indiana, Mr. KENNEDY, Mr. GRAYSON, Mr. CUMMINGS, Mr. TONKO, Mr. SALAZAR, Mr. CARDOZA, Mr. SABLAN, and Mr. ORTIZ.

H.R. 3408: Mr. OBERSTAR and Mr. BOCCIERI.  
H.R. 3457: Mr. ORTIZ.  
H.R. 3668: Mr. GRAYSON, Ms. CHU, Mr. SHERMAN, Mr. YARMUTH, Mr. PUTNAM, Mr. CARNEY, Mr. BUTTERFIELD, Ms. SPEIER, and Mr. CHAFFETZ.

H.R. 3716: Mr. BOUCHER and Mr. GENE GREEN of Texas.

H.R. 3724: Mr. CARTER.  
H.R. 3790: Mr. BERRY.  
H.R. 3989: Mr. PRICE of North Carolina.  
H.R. 3995: Mr. LIPINSKI and Mr. PATRICK J. MURPHY of Pennsylvania.  
H.R. 4099: Mr. POLIS.  
H.R. 4128: Mr. WU and Ms. HIRONO.

H.R. 4195: Mr. MCNERNEY, Ms. RICHARDSON, and Mrs. MALONEY.  
 H.R. 4278: Mr. LUETKEMEYER.  
 H.R. 4302: Mr. ORTIZ.  
 H.R. 4329: Mr. CONNOLLY of Virginia.  
 H.R. 4343: Mr. PIERLUISI.  
 H.R. 4399: Mr. POLIS.  
 H.R. 4402: Mr. PIERLUISI.  
 H.R. 4555: Mr. COURTNEY and Mr. MURPHY of Connecticut.  
 H.R. 4568: Mr. TEAGUE.  
 H.R. 4594: Mr. BRALEY of Iowa, Mr. ACKERMAN, Mr. RAHALL, Mr. WAXMAN, and Mr. JOHNSON of Georgia.  
 H.R. 4682: Ms. LEE of California.  
 H.R. 4684: Mr. LUETKEMEYER, Mr. BLUNT, Ms. JENKINS, Mr. LEVIN, Mr. MCINTYRE, Mr. SHIMKUS, Mr. SMITH of Washington, and Mr. GALLEGLY.  
 H.R. 4709: Mr. COHEN.  
 H.R. 4751: Mr. RAHALL.  
 H.R. 4771: Mr. PAYNE, Mr. RANGEL, and Ms. HIRONO.  
 H.R. 4772: Mr. RYAN of Ohio.  
 H.R. 4785: Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, and Mr. MCINTYRE.  
 H.R. 4787: Mr. COLE and Mr. BLUMENAUER.  
 H.R. 4788: Mrs. NAPOLITANO and Mr. FOSTER.  
 H.R. 4796: Mr. COHEN.  
 H.R. 4879: Mr. COHEN, Ms. MATSUI, Mr. GEORGE MILLER of California, Mr. FATTAH, and Ms. HARMAN.  
 H.R. 4886: Mr. WALZ.  
 H.R. 4914: Mr. THOMPSON of California and Mr. SABLAN.  
 H.R. 4925: Ms. RICHARDSON and Mr. STARK.  
 H.R. 4926: Ms. CORRINE BROWN of Florida, Ms. ROS-LEHTINEN, Ms. CASTOR of Florida, Ms. RICHARDSON, Mr. BISHOP of Georgia, and Mr. MURPHY of Connecticut.  
 H.R. 4937: Mr. WU.  
 H.R. 4958: Ms. CHU.  
 H.R. 4959: Mr. PRICE of North Carolina and Mr. SMITH of Washington.  
 H.R. 4971: Mr. BLUMENAUER, Mr. CONYERS, Ms. WATERS, Ms. SLAUGHTER, Mr. CLYBURN, Mr. CAO, Mr. McDERMOTT, Mr. BUTTERFIELD, Ms. JACKSON LEE of Texas, Ms. RICHARDSON, Mr. LEWIS of Georgia, and Mr. SCOTT of Virginia.  
 H.R. 4993: Ms. MOORE of Wisconsin.  
 H.R. 4995: Mr. MCCAUL.  
 H.R. 5012: Mr. COHEN.  
 H.R. 5034: Mr. BOYD and Mr. KLEIN of Florida.  
 H.R. 5066: Mr. BROUN of Georgia.  
 H.R. 5078: Mr. PETERS.  
 H.R. 5081: Mr. MEEK of Florida.  
 H.R. 5111: Mr. BROUN of Georgia, Mr. TIM MURPHY of Pennsylvania, Mr. POSEY, and Mr. SKELTON.  
 H.R. 5117: Mr. HONDA, Mr. ROTHMAN of New Jersey, Mr. LEWIS of Georgia, Mr. WU, Ms. CLARKE, and Mr. NADLER of New York.

H.R. 5126: Mr. BROUN of Georgia.  
 H.R. 5141: Mr. LATOURETTE and Mrs. CAPITO.  
 H.R. 5142: Mr. YARMUTH.  
 H.R. 5143: Mrs. CHRISTENSEN.  
 H.R. 5156: Mr. POLIS.  
 H.R. 5157: Mr. DAVIS of Tennessee.  
 H.R. 5159: Ms. WOOLSEY.  
 H.R. 5177: Mr. BURGESS.  
 H.R. 5191: Mr. HONDA.  
 H.R. 5192: Mr. COFFMAN of Colorado.  
 H.R. 5214: Mr. PERLMUTTER, Mr. POLIS, and Mr. COURTNEY.  
 H.R. 5258: Mr. MAFFEI.  
 H.R. 5289: Mr. ELLISON, Ms. NORTON, Ms. ZOE LOFGREN of California, and Mr. POLIS.  
 H.R. 5313: Ms. GINNY BROWN-WAITE of Florida.  
 H.R. 5324: Mr. BERMAN and Mr. ELLISON.  
 H.R. 5355: Mr. HINCHEY and Mr. CARNAHAN.  
 H.R. 5358: Mr. HOLT.  
 H.R. 5400: Mr. NYE.  
 H.R. 5409: Mr. KISSELL.  
 H.R. 5412: Ms. GINNY BROWN-WAITE of Florida.  
 H.R. 5425: Mr. LAMBORN, Mrs. MCMORRIS RODGERS, and Mr. KINGSTON.  
 H.R. 5426: Mr. SKELTON.  
 H.R. 5430: Mr. GRIJALVA.  
 H.R. 5431: Mr. KIND.  
 H.R. 5434: Mr. HALL of New York.  
 H.R. 5449: Ms. SCHAKOWSKY.  
 H.R. 5457: Mr. TOWNS and Mr. SPACE.  
 H.R. 5481: Ms. WOOLSEY, Ms. DELAURO, Mr. LANGEVIN, and Mr. INSLEE.  
 H.R. 5487: Ms. MCCOLLUM and Ms. RICHARDSON.  
 H. Con. Res. 40: Mr. CRITZ.  
 H. Con. Res. 200: Mr. ROSKAM.  
 H. Con. Res. 259: Mr. ACKERMAN.  
 H. Con. Res. 266: Mr. SIMPSON and Ms. SPEIER.  
 H. Con. Res. 281: Mr. GINGREY of Georgia, Mr. BROWN of South Carolina, Mr. BRADY of Texas, and Mr. MARCHANT.  
 H. Con. Res. 283: Mr. OWENS.  
 H. Res. 173: Mrs. DAHLKEMPER, Mr. CRITZ, Mr. LIPINSKI, and Mr. MITCHELL.  
 H. Res. 363: Mr. PAYNE.  
 H. Res. 536: Mr. ISRAEL.  
 H. Res. 546: Mr. HASTINGS of Florida and Mr. COOPER.  
 H. Res. 633: Mr. RUSH and Ms. RICHARDSON.  
 H. Res. 771: Mr. ROGERS of Alabama, Mr. CALVERT, Mr. RUSH, Mr. PLATTS, Mr. BARTLETT, Mr. AKIN, Ms. SCHWARTZ, Ms. BALDWIN, and Ms. TITUS.  
 H. Res. 953: Ms. SCHAKOWSKY, Ms. BALDWIN, Mr. INGLIS, Mr. CAO, Mr. PITTS, Mr. ELLISON, and Mr. SHULER.  
 H. Res. 1035: Mr. TIERNEY.  
 H. Res. 1207: Mr. SABLAN, Mr. ORTIZ, Mr. BOSWELL, and Mr. BISHOP of Georgia.  
 H. Res. 1217: Mr. CARNEY.

H. Res. 1241: Mr. LEE of New York.  
 H. Res. 1302: Mr. SPACE.  
 H. Res. 1309: Mr. YOUNG of Florida.  
 H. Res. 1359: Mr. PETERS, Mr. HONDA, Mr. GRAYSON, Mr. ROTHMAN of New Jersey, Mr. POLIS, Mr. HOLT, Ms. SCHAKOWSKY, Ms. KILROY, Ms. HARMAN, Mr. MORAN of Virginia, Mr. INGLIS, and Mr. CONNOLLY of Virginia.  
 H. Res. 1374: Mr. SCHOCK.  
 H. Res. 1375: Ms. RICHARDSON, Ms. SUTTON, Mr. STARK, and Mr. GRIJALVA.  
 H. Res. 1379: Mr. POMEROY and Mr. DANIEL E. LUNGREN of California.  
 H. Res. 1390: Mr. MORAN of Virginia and Mr. STARK.  
 H. Res. 1393: Mr. KENNEDY and Mr. MCNERNEY.  
 H. Res. 1394: Mr. GALLEGLY and Mrs. MILLER of Michigan.  
 H. Res. 1398: Mr. STARK.  
 H. Res. 1401: Mr. TEAGUE and Ms. PINGREE of Maine.  
 H. Res. 1402: Mr. OBERSTAR, Mr. HARE, and Mr. LEE of New York.  
 H. Res. 1406: Mr. BROUN of Georgia and Mr. CHAFFETZ.  
 H. Res. 1407: Mr. LANCE, Mr. GERLACH, Mr. WAMP, Mrs. MYRICK, Ms. GINNY BROWN-WAITE of Florida, Mr. DENT, Mr. SHIMKUS, and Mr. CASTLE.  
 H. Res. 1414: Mr. GUTIERREZ.  
 H. Res. 1428: Ms. DELAURO.

#### PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

141. The SPEAKER presented a petition of City of Miami Beach, Florida, relative to Resolution No. 2010-27379 urging the President and the Congress of the United States to Adopt the Military Readiness Enhancement Act of 2009 (H.R. 1283); to the Committee on Armed Services.

142. Also, a petition of City and County of Honolulu, Hawaii, relative to Resolution 10-56, CD1 urging the United States Congress to support a final version of the Native Hawaiian Government Reorganization Act; to the Committee on Natural Resources.

143. Also, a petition of American Bar Association, Illinois, relative to Resolution 102E urging federal, state, territorial, and local governments to expand as appropriate in light of security and safety concerns, initiatives that facilitate contact and communication between parents in correctional custody and their children; jointly to the Committees on the Judiciary, Education and Labor, and Ways and Means.

## EXTENSIONS OF REMARKS

### STATEMENT ON EFFIE LEE MORRIS

#### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Ms. PELOSI. Madam Speaker, I rise to pay tribute to a longtime literary advocate and community leader, Effie Lee Morris, who died in San Francisco last November 10. On June 14, family, friends and San Francisco dignitaries will gather at the San Francisco Public Library to celebrate her lifetime of work as a librarian and advocate for underserved children and the visually impaired. They will pay tribute to her life as a visionary who recognized the power of literacy and education in overcoming racism, inequality and poverty.

Morris began her life's work as a literary activist as a public librarian in Cleveland, Ohio more than 60 years ago. Recognizing that education is the most important investment we can make in our future, she focused primarily on children's literacy in African American communities and low-income urban areas, and helped to establish the first Negro History Week. In 1955, she moved to New York City where she worked for the New York Public Library. There she continued to work with children and began advocating for the rights of the visually impaired, eventually becoming a children's specialist at the New York Public Library for the Blind from 1958 to 1963.

In 1963, San Francisco was blessed when Morris arrived in our city and became the first Coordinator of Children's Services at our Public Library, where she established the Children's Historical and Research Collection. It stands in tribute to her today. The children's literature section that she created is named in her honor.

In 1968, Morris helped found the San Francisco Chapter of the Women's National Book Association and served as the first African American president of the Public Library Association.

Upon retirement, Morris continued to serve the San Francisco Bay Area community, and taught courses on children's literature at Mills College and the University of San Francisco. Morris served as the first female chairperson of the Library of Congress as well as the President of the National Braille Association for two terms. She also served on the California State Library Board, and was a lifetime member of the San Francisco African American Historical and Cultural Society.

We grieve Effie Lee Morris' passing, but celebrate her legacy, which will live on in the many lives she touched.

### RECOGNIZING COLONEL STEVEN SMITH'S SERVICE TO FORT HAMILTON

#### HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. McMAHON. Madam Speaker, I rise today to pay tribute to Colonel Steven V. Smith, Installation Commander, at Fort Hamilton, located in my district of Brooklyn, New York. Fort Hamilton is the only active military base in New York City. Colonel Smith is leaving his post as Installation Commander to return to his alma mater, Norwich University in Northfield, Vermont to prepare the next generation of graduates and officers for the United States Military.

In 1984, Colonel Stephen V. Smith graduated from Norwich University where he earned a Bachelor of Science degree in Business Administration. Upon graduating, he was commissioned a Second Lieutenant in the U.S. Army Infantry. He went on to pursue a Master of Science from Rensselaer Polytechnic Institute, and a Master's of Strategic Studies from the U.S. Army War College.

Colonel Smith started his career at Fort Carson, Colorado, where he was a Rifle Platoon Leader, Executive Officer, and Mortar Platoon Leader, 2nd Battalion, 8th Infantry.

During his distinguished career, Colonel Smith was deployed to Bosnia as the 10th Mountain G4 Plans Officer. He also served as Executive Officer of the 10th Division Support Command, and the G4 (Logistics Officer) for the 10th Mountain Division where he was deployed in support of Operation Enduring Freedom in 2001.

In June of 2008, Colonel Smith became, Installation Commander at Fort Hamilton, Brooklyn, New York. During his time at his final Military assignment, he was instrumental in providing a location for a second National Guard Civil Support Team (Weapons of Mass Destruction) which gave New York City's first responders a vital resource to utilize in the event of a terrorist attack.

Colonel Smith's awards and decorations include the Legion of Merit, the Bronze Star, the Meritorious Service Medal (4th Oak Leaf Cluster), the Army Commendation Medal (1st Oak Leaf Cluster), the Army Achievement Medal, the National Defense Service Medal, Armed Forces Expeditionary Medal, Global War on Terror Expeditionary Medal, Korean Defense Service Medal, Humanitarian Service Medal, Army Service and Overseas Ribbons, NATO Medal, Air Assault and Airborne badges and the Ranger Tab.

Madam Speaker, I would like to take this opportunity to thank Colonel Smith for his service to New York City and the Fort Hamilton Community. Besides being an active base in America's largest city, Fort Hamilton is

also a community treasure for the neighborhoods and people of South Brooklyn. Under Colonel Smith's leadership many community organizations have been able to utilize the wonderful resources of this historic base and he has fostered a strong spirit of patriotism in support of our men and women in uniform throughout the broader community.

He has worked to upgrade housing on the base for active duty Members as well as rehabilitate the historic officers clubhouse which is a resource for not only the base but for many community organizations.

Colonel Smith truly represents the best and the brightest of the United States Army and he will continue to serve this Country with honors. I wish Colonel Smith, his wife Donna, daughters Elizabeth and Colleen and son Matthew the best of luck in his next pursuit. The students and faculty of Norwich University are incredibly lucky to gain the talent, dedication and leadership of my friend Colonel Stephen Smith.

### HONORING THE SERVICE AND SACRIFICE OF UNITED STATES ARMY SERGEANT RAY HICKS

#### HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Ms. GIFFORDS. Madam Speaker, I rise today to honor United States Army Sergeant Ray Hicks, who passed away on April 24, 2010.

Son of Jimmy and Aurelia Hicks of the Federated States of Micronesia, Ray was a Multi-channel Transmission Systems Operator-Maintainer who trained at Fort Jackson, South Carolina and Fort Gordon, Georgia before being assigned to Fort Huachuca, Arizona.

He joined the Army in June 2006 in my district in southern Arizona and is remembered fondly by his officers, NCOs and fellow soldiers.

According to his Battalion Commander, Sergeant Hicks was a devoted friend and soldier who would always lend a helping hand and who was greatly respected and admired by many.

We remember Sergeant Ray Hicks and offer our deepest condolences and sincerest prayers to his family. My words cannot effectively convey the feeling of great loss nor can they offer adequate consolation. However, it is my hope that in future days, his family may take some comfort in knowing that Ray made a difference in the lives of many others and serves as an example of a competent and caring leader and friend that will live on in the hearts and minds of all those he touched.

This body and this country owe Ray and his family a debt of gratitude and it is vital that we remember him and his service to his country.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Sergeant Ray Hicks leaves behind his beloved wife Tressia, his daughter Anana, his parents Jimmy and Aurelia and many aunts, uncles, cousins and friends.

#### PERSONAL EXPLANATION

#### HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. LATTA. Madam Speaker, on Friday, May 28, 2010, I missed a series of votes on account of traveling back to Ohio to attend my daughter's high school graduation. If I had been present, I would have voted "no" on Rollcall No. 324, "no" on Rollcall No. 325, "aye" on Rollcall No. 326, "aye" on Rollcall No. 327, "aye" on Rollcall No. 328, "aye" on Rollcall No. 329, "aye" on Rollcall No. 330, "aye" on Rollcall No. 331, "no" on Rollcall No. 332, "aye" on Rollcall No. 333, "no" on Rollcall No. 334, "aye" on Rollcall No. 335, and "no" on Rollcall No. 336.

#### IN RECOGNITION OF DR. CAROLYN GARVER

#### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. SESSIONS. Madam Speaker, I rise today to recognize Dr. Carolyn Garver for her hard work and dedication to advocating on behalf of children with autism.

Dr. Garver's lifelong passion of working with children with autism began in 1979 when she joined the Autism Treatment Center, where she currently serves as Program Director. In addition to her years of experience, she is a licensed Child Care Administrator and holds a Ph.D. in Health Studies. Dr. Garver is a recognized expert in autism and has presented at numerous national and international forums, most notably at the Indo-U.S. Science and Technology Forum in New Delhi, India in September 2006. She also presented at the 2008 Texas State Conference on Autism and the Texas State Head Start Association on Autism Spectrum Disorder. She also serves on the Advisory Task Force at Texas Tech University's Burkhardt Center's Autism Program and is a Board Member of the Dallas Chapter of the Autism Society of America.

Dr. Garver has devoted her life to this worthy cause, working closely with families, individuals, and agencies. She is a tireless advocate and a remarkable woman that possesses great compassion, patience, knowledge, and hope—hope for a brighter future for individuals with autism.

Madam Speaker, I ask my esteemed colleagues to join me in recognizing Dr. Carolyn Garver for her dedicated efforts to empowering individuals with autism and helping them reach their full potential.

#### HONORING THE 75TH ANNIVERSARY OF BOY SCOUT TROOP 58 OF PHOENIXVILLE

#### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. GERLACH. Madam Speaker, I rise today to honor Boy Scout Troop 58 of Phoenixville, Chester County as they celebrate their 75th anniversary.

Chartered by the Knights of Columbus #1374, Troop 58 is the oldest Scouting organization serving the youth of Phoenixville.

The Troop has enriched the lives of several generations of boys and young men through activities geared toward building character, developing leadership skills and instilling a commitment to serving others.

In 1955, the Troop established a Dive and Rescue Unit with the help of Friendship Fire Company in the Borough and Scouts have received training from members of the Philadelphia Police Harbor Patrol.

The success of the Troop can be attributed to the dedicated volunteers and Troop alumni who graciously commit countless hours to area youth and the organization. The outstanding effort has resulted in 37 scouts earning their Eagle Scout Badges.

Madam Speaker, I ask that my colleagues join me today in congratulating Boy Scout Troop 58 on reaching this very special milestone and offering best wishes for continued success in mentoring generations of local youth and building a stronger community and nation.

#### IN MEMORY OF DR. ROBERT MINTURN LOCKWOOD III OF DENTON, TEXAS

#### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. BURGESS. Madam Speaker, I proudly rise today to honor the memory of Dr. Robert Minturn Lockwood III, a respected, active, and beloved member of the North Texas community.

Known as "Doc Lock" to friends, employees, and patients, Dr. Lockwood provided exceptional radiological health care in Denton, Texas for 52 years, and his legacy will persevere for years to come.

Dr. Lockwood was born on August 28, 1922 in Philadelphia, PA. A lifelong learner, he attended Harvard, graduated from the University of Pennsylvania Medical School, and twice earned the Physician's Recognition Award in Continuing Education.

In 1956, Dr. Lockwood arrived in Denton, Texas, and co-founded the Family Radiology Clinic. Dr. Lockwood was active in the Denton County Medical Society, and served as the President of the society for a number of years starting in 1966. Dr. Lockwood also belonged to multiple medical societies, including the American Medical Association, Texas Medical Association, and the Texas Radiological Soci-

ety. After his first wife's death, Dr. Lockwood established Ann's Haven Hospice, which provides nonprofit home health care regardless of a patient's complex condition or ability to pay.

While Dr. Lockwood was a devoted medical professional, he also had many hobbies and interests. Described as a jolly man with an excellent sense of humor, Dr. Lockwood was an avid reader, fossil collector, gardener, bird-watcher, poet and playwright. He loved music, language and the arts, and was beloved by all who knew him.

Dr. Lockwood is survived by his wife, Sandy; his children, Ben Lockwood, Millie Lockwood, Rachel Cross and her husband John; and his granddaughter, Anna Morshedi and her husband Grant.

Madam Speaker, it is with great honor that I rise today to remember Dr. Robert Minturn Lockwood III, for his remarkable legacy and service to the community of North Texas. I am proud to represent such an outstanding citizen from the 26th District of Texas in the United States House of Representatives.

#### IN HONOR OF FEDERICO'S DRIVE IN SHOE SERVICE

#### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. FARR. Madam Speaker, I rise today to congratulate Federico's Drive In Shoe Service, a local icon in my Central Coast Congressional District, on its 70th anniversary. Since 1940, Federico's has served the Monterey Bay area with exemplary craftsmanship, the highest quality materials, and quick and efficient service.

Charles Federico began his career at the age of fourteen. The young apprentice was assigned to the shoe shine stand for his first two years, and then graduated to replacing heels. Within ten years he had purchased his first store, handling shoe repair in one corner and selling fishing gear in another.

His business, then called Franklin Shoe Repair, expanded quickly; in 1957 he added the extra convenience of a drive-up window to his Monterey store which greatly increased the volume of business, and he also opened a second shop on the former Fort Ord Army Base. He paid particular attention to shop appearance, workmanship, merchandising and shop management. In 1958 he won the National Leather and Shoe Finders Association National Silver Cup Contest, as being the best shoe repair store in America. Over the years he and his son, Henry, have won 27 local and regional industry awards.

Members of my family have patronized Federico's shop for decades, and many of their customers cite their outstanding product knowledge and customer service as reasons for their loyalty. Charles is now ninety-three and his son, Henry, runs the shop. They have branched out into engraving trophies and sewing logo merchandise. Their employees carry on the traditions that won them the Silver Cup so many years ago.

Madam Speaker, I know my colleagues join me in wishing Federico's a very happy 70th Anniversary, and many more to come.

RECOGNIZING THE LIFE OF MR.  
LEON HINOTE

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. MILLER of Florida. Madam Speaker, it is with a heavy heart, that I rise to recognize the life and deeds of one of Santa Rosa County's most respected residents, Mr. Leon Hinote. Throughout his 89 years, Mr. Hinote spent his days as a true patriot and committed public servant. In his passing, Madam Speaker, I am proud to honor his lifetime as a compassionate and inspirational leader.

Born the fourth of seven children, Mr. Hinote's strong character began to take root in the soils of Santa Rosa County; fully blooming into the virtues of patriotism, diligence, kindness and faithfulness which have impacted so many. To many, he was more than just a neighbor. He was a friend to the faint hearted, a sturdy back to the heavily burdened, and a kind voice to a weary companion.

Mr. Leon Hinote is a remarkably special man that belongs to a remarkably special group—America's Greatest Generation. In 1942, Mr. Hinote enlisted into the U.S. Army. Not wanting to wade in the spotlight or expecting to be honored, he was always willing to put others before himself. It was not until recently, that Mr. Hinote was awarded with many of the honors he earned while bravely defending our great nation and her ideals.

While his distinguished military record is more than enough to warrant praise and admiration, Mr. Hinote did not stop serving the others around him. After leaving the military, Mr. Hinote not only served on the Milton City Council for two terms, but he was also elected Santa Rosa County sheriff. Admired by many, Mr. Hinote is a role model for the entire community of Northwest Florida and a rare example of someone who truly understands what it means to lead by example.

While we shall greatly miss Mr. Hinote, his legacy and his memory shall remain. His life that spanned eight decades will serve as a mirror for us all to gaze upon and find the full measure of a man. Madam Speaker, on behalf of the United States Congress and a grateful community, it is the highest privilege and with great pride that I honor the life of Mr. Leon Hinote. My wife Vicki and I extend our deepest sympathies to his loved ones and children: Clifton, Janet, and Theresa.

TRIBUTE TO FORMER  
CONGRESSMAN FRANK EVANS

**HON. JOHN T. SALAZAR**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. SALAZAR. Madam Speaker, I wish to pay tribute to a dedicated public servant from the State of Colorado.

Former Congressman Frank Evans passed away on Tuesday, June 8, 2010.

Colorado and the city of Pueblo have lost a tremendously respected leader.

Congressman Evans led a remarkable life.

A Pueblo native, Congressman Evans served in the Navy, flying planes in the Pacific Theater of World War II.

He returned to Colorado to get his law degree from the University of Denver, before being elected to represent Pueblo in the State Assembly in 1960.

Named "Outstanding Freshman of the Year," his colleagues and constituents alike were inspired by his dedication to public service.

From 1964–1978, the Congressman represented Colorado's third district in the U.S. House of Representatives, the seat in which I currently serve.

The tremendous impact his leadership has had on our district can still be felt to this day.

Congressman Evans was responsible for bringing the Government Printing Office Distribution Center to Pueblo, and he was the mastermind behind the popular Payment in Lieu of Taxes program that has brought federal dollars for federal lands to states like ours.

When serving in Congress, Congressman Evans was a fervent advocate for the people and Western way of life in the 3rd district of Colorado.

Never losing sight of issues that were important to Coloradans, he was also a true gentleman.

In the often contentious atmosphere of today's politics, Congressman Evans was an example to those of us who strive to serve the public.

His close friend said of him "That was Frank. Always a gentleman. He wanted the facts. He wouldn't go after somebody just for partisan reasons."

Congressman Evans never forgot where he came from, and he lived to serve others so that they could have a brighter future.

I am proud to serve in his former seat, and grateful for his legacy.

My condolences go out to his family during this difficult time.

He will be missed but his memory will live on through all of the lives that he touched in western Colorado.

REINTRODUCTION OF THE NU-  
CLEAR USED FUEL PRIZE ACT  
OF 2010

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. BURGESS. Madam Speaker, I rise today to reintroduce legislation I first authored in the 110th Congress. As our country moves toward clean, reliable energy, a natural progression will be toward nuclear energy. Indeed, earlier this year, President Obama announced \$8 billion in new federal loan guarantees for two new nuclear power plants in Georgia.

However, as we inevitably move toward greater use of nuclear energy, we cannot hide our heads in the sand about the need for safe, reliable ways to store and dispose of the waste created by such energy production.

Nuclear power is praised for its zero carbon emissions, but it comes at a price—radioactive fuel rods that will continue to emit dangerous radiation and be the source of radioactive debris for thousands of years. Congress designated Yucca Mountain, Nevada, as the nation's sole candidate site for a permanent high-level nuclear waste repository in 1987. The unused Yucca Mountain site has cost taxpayers an estimated \$9 billion. Over \$1.2 billion has been spent on the seventy-one claims filed against the Department of Energy for the failure to abide by the 1987 contract to dispose of spent nuclear fuel.

There remain deep concerns that Yucca Mountain does not present a long-term solution to nuclear waste because of uncertainty about the long-term geologic stability of the site. The amount of existing nuclear waste already exceeds the storage capacity at the site; moreover, the state of Nevada adamantly opposes the site, and other locations have not been offered. President Obama and the Secretary of Energy Steven Chu have both stated their objections to the proposed repository at Yucca Mountain, and President Obama stripped further funding for Yucca Mountain in the FY2010 budget.

Delay in authorizing a nuclear waste site has wasted an enormous sum of taxpayer dollars and resources. One proposed alternative to Yucca Mountain has been to reprocess spent nuclear fuel in order to recover usable fuel and cut down on the volume of waste. The issue remains complicated; reprocessing carries the potential of creating weapons-grade nuclear material thus presenting a global proliferation risk as other nations employ the technology. As the United States continues to dissuade other nations, namely Iran and North Korea, from nuclear reprocessing, we take a dangerous political risk in engaging in the process ourselves.

The legislation I am reintroducing today would encourage the creation of an efficient and safe process to store nuclear waste. The Nuclear Used Fuel Prize Act of 2010 would set up a competition to design the best way to remove and store nuclear waste. I am a strong supporter of nuclear power and I look forward to working toward finding a solution to storing nuclear waste. I believe this legislation will provide the incentives to find permanent solutions to our energy needs.

CONGRATULATIONS TO PHIL  
DUDLEY

**HON. ADRIAN SMITH**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. SMITH of Nebraska. Madam Speaker, I rise today to recognize Hastings College President Phil Dudley for his exemplary service to Nebraska students and his community as a whole.

President Dudley has announced his retirement after nearly 40 years of dedication to Hastings College, including 10 years as President. His service is precluded by his doctoral education in economics and many leadership positions within Hastings College and the surrounding community.

As Hastings College President, President Dudley is credited for the construction of the Osborne Family Sports Complex, Barrett Family Alumni Center, Bronco Village Apartments, and the Morrison-Reeves Science Center.

President Dudley's embrace and promotion of service learning on the campus has led Hastings College students and faculty to dedicate 100,000 hours of their time to civic engagement. In recognition, Hastings College has been named to the President's Higher Education Community Service Honor Roll.

His dedication to students is further exemplified in the expansion of academic programs. This includes the addition of majors in biochemistry, biopsychology, wildlife biology, and a nursing dual degree with Creighton University and Mary Lanning Memorial Hospital.

President Dudley's passionate commitment to Hastings College and its students will be missed as he retires in July of 2011, but his support of the institution will continue after his retirement as President Dudley will work with the Hastings College Foundation to manage the college's fund-raising and alumni activities.

I congratulate Phil on his outstanding career in higher education and thank him for his contributions to Nebraska's educational reputation.

#### BULGARIA'S HISTORIC ANNIVERSARY

**HON. JOE WILSON**  
OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. WILSON of South Carolina. Madam Speaker, twenty years ago today, I served as an election observer in Bulgaria on behalf of the International Republican Institute (IRI)

It was a life changing dream come true for me to experience firsthand the birth of liberty in a captive nation, which had been subjected for decades to Nazism and Communism. As a lifelong Cold Warrior I always promoted victory over Communism. A strong American military developed by President Ronald Reagan produced peace through strength and veterans today can see with pride more countries than ever as free market democracies.

On June 10, 1990, the people of Bulgaria participated in the first free elections since the 1930s. It was inspiring to visit polling places in the Plovdiv region and witness the young and old participating freely. The talented people of Bulgaria were unshackled. People did not want to be a slavish Soviet satellite. I have developed a lifelong affection for the people of Bulgaria.

Since then, Bulgaria has evolved from the antiquated "frozen in time" nation of the 1930s to being a vibrant free market democracy of today. It is now a valued member of NATO with troops having served in Iraq and Afghanistan. It is a dynamic member of the European Union. On the evening before the election in Plovdiv I met a musician who explained how he was inspired by Armed Forces Radio out of Greece with his favorite composer John Philip Sousa—as he stated, "Stars and Stripes Forever." I responded, "Bulgaria Forever."

Two years ago I visited the training base at Novo Selo where young Bulgarian and Amer-

ican troops participate in joint training exercises. The American base was the first invited of foreign troops in Bulgaria's 1225 year history. I particularly appreciate Ambassador Elena Poptodrova for her promotion of the Bulgaria-America partnership. I am grateful for my first Bulgarian hosts Stefan Stoyanor, his wife Elizabeth and daughter Jana. Their warm Bulgarian welcome will never be forgotten.

In conclusion, God bless our troops, and we will never forget September 11th in the Global War on Terrorism. God Bless Bulgaria.

#### PERSONAL EXPLANATION

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. SMITH of Washington. Madam Speaker, on Tuesday, June 8, 2010, I was unable to be present for recorded votes. Had I been present, I would have voted "yes" on rollcall vote No. 337 (on passage of H.R. 1061, as amended), and "yes" on rollcall vote No. 338 (on the motion to suspend the rules and agree to H. Res. 518, as amended).

#### RECOGNIZING THE RETIREMENT OF PENSACOLA CITY POLICE CHIEF JOHN W. MATHIS

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. MILLER of Florida. Madam Speaker, it is the highest honor to recognize Chief of Police John W. Mathis, a dedicated public servant and community leader. His service to Pensacola and his commitment to law enforcement are truly remarkable. For that reason, Madam Speaker, I am proud to honor Chief Mathis for his distinguished work over the last three decades as a law enforcement officer at the Pensacola Police Department.

Sworn in to protect and to serve, Chief Mathis first put on the badge in 1978. Since that day he has dedicated his entire adult life to selflessly putting the needs of others before his own while in the line of duty. As Chief of Police, Mr. John Mathis held his officers and himself to the highest standards of courtesy, integrity, and professionalism. These core values have guided his philosophy and world view, while reducing crime and improving the quality of life of everyone in the Pensacola community.

Madam Speaker, there is no doubt that during his time in law enforcement, Chief Mathis has never betrayed the badge, his integrity, his character, or the public trust. On behalf of the United States Congress, I am honored to recognize the visionary leadership and outstanding service of a real American hero. I congratulate and thank Chief John W. Mathis for his 32 years of service. My wife Vicki and I wish him a happy retirement.

#### IN HONOR AND REMEMBRANCE OF CHARLES CRADDOCK, AN AMERICAN HERO

**HON. RODNEY ALEXANDER**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. ALEXANDER. Madam Speaker, I rise today to honor and remember Charles Craddock, a World War II Veteran and Prisoner of War. I offer most heartfelt thanks to Mr. Craddock for his selfless and heroic service to our nation and dedication to preserving our freedoms. It is with great appreciation that I share his story in hopes of inspiring today's generation of young men and women to live with the same sense of duty and purpose.

In April of 1943, Mr. Craddock was drafted and sent to Ft. Sill, OK, then to Fort Polk, LA, for basic training. From there, he was transferred into the Air Force Cadet program and took basic training and classification at Sheppard Field, Texas. After completing basic training, he was sent to pre-flight training at Butler University in Indianapolis, Ind. He was then sent to Fort Bragg, NC, for combat training in the infantry, then to Fort Meade, MD, and Fort Dix, NJ, for further training.

After D-Day, Mr. Craddock traveled to Omaha Beach and joined units of the 3rd Army near Nancy, France. Mr. Craddock was assigned to the 137th D Infantry Regiment of the 35th Division. The first two weeks his unit spent in a defensive position, and then began a drive to the German border.

After two months, his group made it to the border at Sarreguimins. They crossed the Bliss River at night to take some high ground. Five of the soldiers, including Mr. Craddock, in the company were picked to go on patrol to see what lay ahead. They were captured behind the German lines during this patrol.

It was hard getting to the POW camp near Stuttgart, as the Air Force was all around. Most of the distance was covered by walking at night. After spending about a month in Stuttgart, the American forces were driving into this area from southern France, so the prisoners were led into box cars for a miserable trip to the next POW camp at Luckenwald. This train trip lasted about four days and nights for the train would not move during the day for fear of the American Air Force.

During this trip, they never let the POWs out of the box cars and gave them very little food or water. After spending about two months in Luckenwald, the prisoners were broken up in small groups and marched for two days to a camp known as Altengrabow. Once again, in two months, they were told they had to move, and walked through the city of Berlin, which was in ruins from the American and British Air Force bombings.

The group was sent to a small camp west of Berlin, where every night they watched the bombings of the city. They were given no news, but sensed the war was coming to an end.

One morning, near the end of April 1945, they were told to move again. They marched about a day and then spent the night in a barn. During the night, the German guards

left. A Russian patrol came by the next day, and escorted them to the American lines on the Elbe River. That was on May 8, 1945, almost six months after being captured.

For his truly brave and fearless service, Mr. Craddock received the following decorations: Combat Infantry Badge, Bronze Star, European Theater with two Battle Stars, and Good Conduct.

Our country and many more around the world are the beneficiaries of his courage and vigilance. On May 16, 2010, America lost a hero with the passing of Mr. Craddock. Madam Speaker, I ask my colleagues to join me in paying tribute to Charles Craddock and extending thanks from a grateful nation.

RECOGNIZING DOUG STEINHARDT,  
2010 RECIPIENT OF THE WARREN  
COUNTY "GOOD SCOUT" AWARD

**HON. SCOTT GARRETT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. GARRETT of New Jersey. Madam Speaker, today, the Central New Jersey Council of the Boy Scouts of America is celebrating 100 years of Scouting at their Annual "Good Scout" Award dinner. The Good Scout Award is given to individuals who exemplify the true spirit of volunteerism and support the mission and purpose of the Scouting movement.

The 2010 recipient of the Warren County "Good Scout" Award is Doug Steinhart. A lifelong resident of Warren County, Doug has served the community in the tradition of the Boy Scouts of America and his work in the private and public sector is a testament to his dedication to the community. Some of the achievements and services Doug has provided to Warren County include being named to the governing body of the New Jersey State Bar, appointment to the Board of Directors of DARE, serving on the Legislative Committee of the New Jersey League of Municipalities and the Board of Directors of the Warren County Regional Chamber of Commerce. An Eagle Scout, Doug was also appointed to the Board of Directors of the Central New Jersey Council of the Boy Scouts of America in July 2008. Doug sets the highest standard of how to lead by example to residents of Warren County every day.

This year, Boy Scout Troop 141 from Belvidere, NJ is also being honored tonight with the "Boy Scouts of America's Centennial Award", which recognizes the troop for being the longest continuously operated Boy Scout Troop in the Central New Jersey Council at 98 years old. They were chartered in March of 1912 by the Belvidere Scout Home Association who still charters the Troop today. Troop 141 Scouts camp at least once per month, attend summer camp on an annual basis and participate in community activities such as the annual Christmas tree presentation to the town of Belvidere.

Today, I join the Boy Scouts of America in acknowledging Doug Steinhart and Belvidere Troop 141. I am proud to represent such selfless and dedicated residents in the United States House of Representatives.

PERSONAL EXPLANATION

**HON. PATRICK J. KENNEDY**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. KENNEDY. Madam Speaker, I regret that I was unable to participate in a series of votes on the floor of the House of Representatives today.

Had I been present to vote on rollcall No. 339, Motion on Ordering the Previous Question on the Rule for H.R. 5072—FHA Reform Act of 2010 (H. Res. 1424), I would have voted "aye" on the question.

Had I been present to vote on rollcall No. 340, on the Rule providing for consideration of H.R. 5072—FHA Reform Act of 2010, I would have voted "aye" on the question.

Had I been present to vote on rollcall No. 341, on the motion to suspend the rules and agree to H. Res. 989, expressing the sense of the House of Representatives that the United States would adopt national policies and pursue international agreements to prevent ocean acidification, to study the impacts of ocean acidification, and to address the effects of ocean acidification on marine ecosystems and coastal economies, I would have voted "aye" on the question.

Had I been present to vote on rollcall No. 342, on the motion to suspend the rules and pass H. Res. 1178, directing the Clerk of the House of Representatives to compile the cost estimates prepared by the Congressional Budget Office which are included in reports filed by committees of the House on approved legislation and post such estimates on the official public Internet site of the Office of the Clerk, I would have voted "aye" on the question.

Had I been present to vote on rollcall No. 343, on the Republican Motion to Instruct Conferees on H.R. 4173—Wall Street Reform and Consumer Protection Act, I would have voted "nay" on the question.

Had I been present to vote on rollcall No. 344, on the motion to suspend the rules and agree to H. Res. 1330, Recognizing June 8, 2010, as World Ocean Day, I would have voted "aye" on the question.

Had I been present to vote on rollcall No. 345, on the motion to suspend the rules and agree to H.R. 5278, to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the "President Ronald W. Reagan Post Office Building," I would have voted "aye" on the question.

Had I been present to vote on rollcall No. 346, on the motion to suspend the rules and agree to H.R. 5133, to designate the facility of the United States Postal Service located at 331 1st Street in Carlstadt, New Jersey, as the "Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building," I would have voted "aye" on the question.

CELEBRATING THE ACHIEVEMENTS OF THE WEST MONROE  
HIGH SCHOOL CHORAL PROGRAM

**HON. RODNEY ALEXANDER**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. ALEXANDER. Madam Speaker, I rise today with tremendous pride and pleasure to pay tribute to the achievements of the West Monroe High School Choral program.

Through the years, they have held numerous concerts at Carnegie Hall, performed Mozart's Coronation Mass in Salzburg and Vienna, Austria, and sang the mass at St. Peter's Basilica in Rome, Italy. The many recognitions they have received are the result of long hours of practice, and dedication to excellence by the students, faculty and their families.

The West Monroe High School Choir has once again been honored as they have been asked to represent Louisiana at the 2010 American Celebration of Music in France and Great Britain. This tour will provide an once-in-a-lifetime opportunity for our young students to perform at various venues throughout Europe. The trip's highlights include performances at The Jesuit Church in Lucerne, Switzerland, Notre Dame Cathedral in Paris, France, The American Cemetery in Normandy Beach, France, and St. Paul's Cathedral in London, England.

The European concert tour will take place from May 30, 2010 to June 10, 2010, and will include 82 singers and 40 chaperones. Under the leadership of Greg A. Oden, Director, and Vickie Freeman, Assistant Director, the students have passionately worked through the entire year to raise the necessary funds to achieve this aspiration.

Madam Speaker, I ask my colleagues to join me in celebrating the wonderful achievements of the West Monroe High School Choir. The many honors they have received are the result of long hours of practice, and dedication to excellence by the students, faculty and their families. They have truly made me and their community proud.

COMMEMORATING THE ONE YEAR  
ANNIVERSARY OF THE MURDER  
OF DR. TILLER

**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. QUIGLEY. Madam Speaker, I rise today to commemorate the one-year anniversary of the murder of Dr. Tiller.

Dr. Tiller was a respected physician who dedicated his life to providing women with safe access to abortion care, and who was shot and killed while attending his church in Kansas.

Sadly, the experience of Dr. Tiller is not unique—since 1993, eight clinic workers have been murdered in the U.S.

A physician in my district recently shared with me her own account of a scared 13-year-

old who came into the clinic with her mother. The girl had been sexually assaulted by a 19-year-old and needed an abortion.

The physician was able to help that young girl, but she confided her fear that someday she might not be able to aid young women who had no chance to prevent pregnancy.

In the end, she said it's her patients who reconfirm her "heartfelt desire to continue to provide."

As President Obama said, no one is pro-abortion, but when faced with such a gut-wrenching decision, a woman deserves to have a physician like Dr. Tiller to provide her with safe, quality care.

#### COMMEMORATING THE ONE-YEAR ANNIVERSARY OF THE MURDER OF DR. GEORGE TILLER

##### HON. LOUISE MCINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 2010

Ms. SLAUGHTER. Madam Speaker, I rise today to commemorate the one-year anniversary of the murder of Dr. George Tiller who was killed in his church in Wichita, Kansas on May 31, 2009. Dr. Tiller was a dedicated physician, and his murder was a deplorable act of violence that violated the sanctity of his place of worship. Dr. Tiller's shooting shattered the peace of his church, and added to an all too long list of past tragedies in places of worship. In the past ten years, there have been numerous instances of gun related violence in our places of worship which resulted in 32 deaths and 26 injuries. These sanctuaries are meant to be peaceful refuges for those who seek serenity in times of turmoil and safety in times of hostility. On this anniversary of Dr. Tiller's murder, we must remember and commit to our country's tradition of cooperation and understanding. We must reaffirm the American principle that tolerance must always be superior to intolerance, and that violence is never an appropriate response to a difference in beliefs.

#### TRIBUTE TO MATT SCHILLER, 2010 RIVERSIDE UNIFIED SCHOOL DISTRICT TEACHER OF THE YEAR

##### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 2010

Mr. CALVERT. Madam Speaker, I rise today to congratulate an individual from my Congressional District who was recently named the 2010 Riverside Unified School District Teacher of the Year. Matt Schiller, a teacher at Poly High School, was one of three teachers honored last month at an event in Riverside, California.

Matt graduated from U.C. San Diego in 1999 with a Bachelor of Science degree in biology and received his teaching credentials and a Master of Science degree in biochemistry from U.C. Riverside in 2002. While pursuing his master's degree, Matt became a teaching assistant and realized his passion for teaching science.

After graduating from U.C. Riverside, Matt completed his student teaching at A.B. Miller High School in Fontana, and taught physical science and biology at Westlake High School. He also taught chemistry through U.C. Riverside's Faststart summer program in 2008 and 2009. Matt has been teaching chemistry and earth science at Poly High School in Riverside since 2004.

Being recognized for his outstanding efforts is not new to Matt. In fact, he was awarded the Walton B. Sinclair Award in 2001 for being an outstanding student teacher at U.C. Riverside, and he also received the "Special Friend to Special Education" award from Conejo Valley Unified School District in 2003 for his work with the Information Technology Academy at Westlake High School. Additionally, he received special recognition for his collaboration with students in publishing a scientific article on protein structure.

True to his character of never settling for the status quo, Matt resurrected the Advanced Placement chemistry class which had not been available at Poly High School for several years. In his first year of teaching, more than 60 percent of his class passed the AP test. A 60 percent passing rate is still better than the national average, but that did not stop Matt from pushing himself to help even more of his students succeed. In 2009, that number grew to 92.3 percent, which is an incredible testament to Matt's dedication.

Matt has also taken the initiative to improve his contact with parents. He regularly emails the parents of his students with upcoming test information and packets of work, as well as routine grade checks so parents can stay in tune with their child's progress.

Matt has shown diversity in his non-science interests as well. In 2006 he started a photography club at Poly High School to share his interest in photography. The club has grown from a handful of students to nearly 100 students. And at the end of each year, the students display their work in a gallery in downtown Riverside.

Additionally, Matt coaches the Mock Trial club, and has led his team to the state competition two of the last six years.

Matt has said that the most important part of teaching is giving back to the community and his students; his actions have spoken much louder than his words. Matt has truly shown that he is an exemplary educator.

Matt Schiller's tireless passion for science and education has contributed immensely to the betterment of his students and the entire community of Riverside, California. I am proud to call Matt a fellow community member, American and friend. I know that many students, parents, and faculty members are grateful for his service and join me in congratulating Matt on receiving this prestigious award.

#### PERSONAL EXPLANATION

##### HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 2010

Mr. RYAN of Wisconsin. Madam Speaker, last week, due to a death in the family, I was

not present to vote on the House floor. Had I been present, I would have cast the following votes:

Rollcall 291: H. Con. Res. 278 On Motion to Suspend the Rules and Agree—"yes."

Rollcall 292: H.R. 1017 On Motion to Suspend the Rules and Pass as Amended—"yes."

Rollcall 293: H.R. 5330 On Motion to Suspend the Rules and Pass, as Amended—"yes."

Rollcall 294: H.R. 5145 On Motion to Suspend the Rules and Pass, as Amended—"yes."

Rollcall 295: H. Res. 1258 On Motion to Suspend the Rules and Agree, as Amended—"yes."

Rollcall 296: H. Res. 1382 On Motion to Suspend the Rules and Agree—"yes."

Rollcall 297: H. Res. 584 On Motion to Suspend the Rules and Agree—"yes."

Rollcall 298: H.R. 3885 On Motion to Suspend the Rules and Pass—"yes."

Rollcall 299: H.R. 2711 On Motion to Suspend the Rules and Concur in the Senate Amendments—"yes."

Rollcall 300: H. Res. 1189 On Motion to Suspend the Rules and Agree—"yes."

Rollcall 301: H. Res. 1172 On Motion to Suspend the Rules and Agree—"yes."

Rollcall 302: H. Res. 1347 On Motion to Suspend the Rules and Agree—"yes."

Rollcall 303: H. Res. 1385 On Motion to Suspend the Rules and Agree—"yes."

Rollcall 304: H. Res. 1316 On Motion to Suspend the Rules and Agree as Amended—"yes."

Rollcall 305: H. Res. 1169 On Motion to Suspend the Rules and Agree, as Amended—"yes."

Rollcall 306: H. Con. Res. 282 On Agreeing to the Resolution—"no."

Rollcall 307: H. Res. 1404 On Agreeing to the Resolution—"no."

Rollcall 308: H. Res. 1161 On Motion to Suspend the Rules and Agree—"yes."

Rollcall 309: H. Res. 1372 On Motion to Suspend the Rules and Agree—"yes."

Rollcall 310: H.R. 5136 On Agreeing to the Amendment—"yes."

Rollcall 311: H.R. 5136 On Agreeing to the Amendment—"yes."

Rollcall 312: H.R. 5136 On Agreeing to the Amendment—"no."

Rollcall 313: H.R. 5136 On Agreeing to the Amendment—"yes."

Rollcall 314: H.R. 5136 On Agreeing to the Amendment—"no."

Rollcall 315: H.R. 5136 On Agreeing to the Amendment—"no."

Rollcall 316: H.R. 5136 On Agreeing to the Amendment—"yes."

Rollcall 317: H.R. 5136 On Agreeing to the Amendment—"no."

Rollcall 318: H.R. 5136 On Agreeing to the Amendment—"yes."

Rollcall 319: H.R. 5136 On Approving the Journal—"no."

Rollcall 320: H. Res. 1391 On Motion to Suspend the Rules and Agree, as Amended—"yes."

Rollcall 321: H. Res. 1403 On Ordering the Previous Question—"no."

Rollcall 322: H. Res. 1403 On Agreeing to the Amendment—"no."

Rollcall 323: H. Res. 1403 On Agreeing to the Resolution, as Amended—"no."

Rollcall 324: H.R. 4213 On Concurring in the Senate amdt with amdt (except portion comprising section 532—"no."

Rollcall 325: H.R. 4123 On concurring in Senate amdt with portion of amdt comprising section 523—"no."

Rollcall 326: H.R. 5116 First Portion of the Divided Question—"yes."

Rollcall 327: H.R. 5116 Second Portion of the Divided Question—"yes."

Rollcall 328: H.R. 5116 Sixth Portion of the Divided Question—"yes."

Rollcall 329: H.R. 5116 Seventh Portion of the Divided Question—"yes."

Rollcall 330: H.R. 5116 Eighth Portion of the Divided Question—"yes."

Rollcall 331: H.R. 5116 Ninth Portion of the Divided Question—"yes."

Rollcall 332: H.R. 5116 On Passage—"no."

Rollcall 333: H.R. 5136 On Agreeing to the En Bloc Amendments, as Modified—"yes."

Rollcall 334: H.R. 5136 Table Appeal of the Ruling of the Chair—"no."

Rollcall 335: H.R. 5136 On Motion to Re-commit with Instructions—"yes."

Rollcall 336: H.R. 5136 On Passage—"no."

#### IN RECOGNITION OF THE 125TH ANNIVERSARY OF OLLIE GROVE BAPTIST CHURCH

#### HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 2010

Mr. ALEXANDER. Madam Speaker, I rise today to recognize the 125th anniversary of Ollie Grove Baptist Church in Choudrant, LA.

The church, which will celebrate this landmark anniversary on June 20, 2010, began in 1885 when a small group of men and women joined forces. These pioneers initially held services in a brush arbor until the first box-like frame building was constructed a year later. While the church building has changed many times over the past century, the church has continued to provide spiritual guidance to the Jackson Parish community since its inception.

Today, Ollie Grove Baptist Church is led by a dynamic young Pastor named Deric Chatman where he performs missionary outreach and works to increase the number of young men and women believing in the Holy Father and living a life in accordance to his word.

Madam Speaker, I ask my colleagues to join me in honoring Ollie Grove Baptist Church for its dedication to providing a steadfast place of worship. Countless Sunday morning services, baptisms, weddings have been held there, and I am confident it will continue to be a source of Christian love and fellowship well over the next 100 years.

#### BALANCING PUBLIC AND PRIVATE REMEDIES IN ENHANCED CARTEL PROSECUTION

#### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 2010

Mr. CONYERS. Madam Speaker, just before Congress left for the Memorial Day recess, we passed and sent to the President H.R. 5330, the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 Extension Act, and the President has just signed it into law. As Chairman of the House Judiciary Committee, and sponsor of this legislation, I would like to emphasize a few points about its importance.

The antitrust laws have been described as the Magna Carta of free enterprise. They are a safeguard that protects the vitality of the free market by preventing its becoming concentrated in too few hands. Just as importantly, they protect consumers from unscrupulous businesses that would conspire among themselves or illegally leverage market power to charge artificially high prices and deny meaningful choice.

The worst kinds of antitrust offenses, conspiracies by competitors to organize into cartels to cheat the marketplace of fair competition, are rightly condemned and subject to high criminal fines and prison sentences.

Treble damages in private rights of action are also an essential element of vigorous antitrust enforcement. They not only compensate consumers for harm they suffer from illegal anticompetitive activity, they also create a powerful incentive for other market participants to refrain from engaging in anticompetitive activity in the future.

The Department of Justice Antitrust Division's corporate leniency program has worked well in exposing illegal price-fixing cartels and bringing them to justice. Starting in 1993, the corporate leniency program created incentives for participants in illegal price-fixing cartels—provided that they weren't the ringleader—to come forward and expose the cartel, in exchange for amnesty from criminal prosecution. Although the program was achieving success, the Antitrust Division recognized that the treble damages, as well as the joint and several liability overall, to which amnesty applicants would be exposed in related private actions was limiting the effectiveness of the program. The party that was coming forward to expose the cartel could potentially even be left paying damages for the entire cartel.

The Antitrust Criminal Penalty Enhancement and Reform Act was passed in 2004 to address these concerns, by limiting the civil liability of amnesty applicants to their share of the legal responsibility, while leaving the other cartel participants subject to joint and several liability. In this way, Congress sought to balance the need for strong incentives to uncover harmful, sometimes multi-billion-dollar price-fixing cartels, without lessening the total amount of damages that would be available to the victims in private civil actions.

By some measures, the 2004 changes have been effective. Since those changes were made, the Antitrust Division has prosecuted

some of the biggest cartels ever detected, collecting more than \$5 billion in criminal fines.

However, concerns have arisen that some cartel members who have taken advantage of the leniency program may be abusing the civil liability relief by failing to cooperate fully and in a timely manner with the cartel's victims in their civil actions. In reauthorizing the Act for another 10 years, we are making some clarifying amendments to ensure that the benefits to the Department of Justice's criminal cartel enforcement program do not come at the expense of the victims.

One of the amendments revises the timely cooperation requirement. In the original Act, Section 213(c) signaled the importance of timely cooperation with civil claimants, but specifically required it only in a very narrow set of prosecutions. This legislation revises section 213(c) to make it clear that this timely cooperation requirement applies in all cases where amnesty is being sought under the leniency program.

The legislation also creates a new Section 213(d) that clarifies the necessary balance between public and private pursuit of price-fixing cartels. The Department of Justice will frequently ask the court to stay related civil claims in order to build its criminal case against the rest of the cartel. These stays can sometimes last a year, or even longer. As the Act makes clear, the judicious granting of these stays is, and remains, fully in keeping with the purposes of the Act. We have added a new section 213(d) to clarify that the obligation for timely cooperation with civil claimants does not take effect until after the stay is lifted, but that, once it is lifted, then the amnesty applicant must cooperate in a prompt and timely fashion.

Section 213(d) does not include a reference to the 213(b)(3) requirement to make available witnesses for deposition or testimony, in recognition of the fact that, even after the stay is lifted generally, there may be remaining sensitivities that, for a time, may make it problematic for certain witnesses to provide interviews, depositions, or trial testimony in connection with the private litigation without disrupting or harming the ongoing criminal investigation. The omission of this reference from section 213(d) is not intended to discount the importance of cooperation with civil claimants in this regard; rather, it reflects that these aspects of cooperation with civil claimants may be more disruptive to the ongoing criminal investigation. Subject to the additional temporary delays that the Antitrust Division may request on a case-by-case basis, the timely cooperation requirement also applies to witness availability. We expect that the Antitrust Division and the courts will be appropriately sensitive to the needs and rights of private claimants in this regard as well.

We are also commissioning a study by the Government Accountability Office to consider other possible ways to improve the efficacy of the Act, including, but not limited to, adding qui tam and whistleblower protection provisions.

We believe these improvements further promote vigorous antitrust enforcement for the protection of American consumers and free-market competition.

CONGRATULATING THE LADY SEA  
WARRIORS OF HAWAII PACIFIC  
UNIVERSITY ON WINNING THE  
NCAA DIVISION II SOFTBALL  
WORLD SERIES

**HON. MAZIE K. HIRONO**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Ms. HIRONO. Madam Speaker, I rise today to congratulate the Lady Sea Warriors of Hawaii Pacific University for winning their first NCAA Division II Softball World Series title. On May 31, 2010, the Lady Sea Warriors scored four runs in the fifth inning and held off Valdosta State to win the title game by a score of 4-3.

I take great pride in extending my congratulations to players Chante Tesoro, Kozy Toriano, Erin Fujita, Melissa Awa, Malia Killam, Chelsea Luckey, Ashley Valine, Ciera Senas, Breanne Patton, Pomaikai Kalakau, Casey Sugihara, Maile Kim, Ashley Fernandez, Nicole Morrow, Sherise Musquiz, Laine Shikuma, Celina Garces, and Caira Pires, many of whom hail from Hawaii's second congressional district. The hard work, perseverance, and outstanding performance of these young women led to a 50-8 season, the most successful season in their program's history.

I would like to extend special congratulations to Ms. Musquiz, who pitched every inning of the NCAA Division II tournament and amassed a 4-0 record, earning her Most Outstanding Player honors.

I would also like to commend head coach Bryan Nakasone and assistant coaches Howard Okita, Roger Javillo, Jon Correles, and Richard Nomura for their superb leadership throughout the Lady Sea Warriors' historic season.

This has been a great year for Hawaii softball, and the Lady Sea Warriors' victory on a national stage has generated much pride back home. I congratulate the Lady Sea Warriors on their outstanding season and wish the program continued success.

A BILL TO AMEND TITLE 38, U.S.C.,  
TO PROVIDE FOR CERTAIN RE-  
QUIREMENTS RELATING TO THE  
IMMUNIZATION OF VETERANS,  
AND FOR OTHER PURPOSES

**HON. CLIFF STEARNS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. STEARNS. Madam Speaker, today, I am introducing the "Access to Appropriate Immunizations for Veterans Act of 2010" which I believe would help advance the goal we all share of promoting lifelong health for the men and women who fought for our freedom.

While the Department of Veterans Affairs, VA, health care system is doing an admirable job of caring for those who bore the burden of combat, continual reform is needed to ensure the care veterans receive represents the most up-to-date practices and procedures.

According to statistics from the Centers for Disease Control, CDC, each year approximately 70,000 adult Americans die from vaccine-preventable diseases. Influenza alone is responsible for over one million ambulatory care visits, 200,000 hospitalizations and 30,000 deaths.

Many of our veterans who are in the "high-risk" category of contracting vaccine-preventable diseases—including those with HIV, Hepatitis C, and substance use disorder—are enrolled in the VA health care system and could particularly benefit from receiving vaccinations.

Commendably, the VA has protocols in place that recommend vaccines as protection against deadly viruses. However, VA only has established performance measures for two vaccines making it unclear if protocols are being routinely enforced for all CDC recommended vaccines.

The tremendous value performance measures have regarding the increased utilization and effectiveness of vaccination distribution is evidenced by VA's own application of performance measures for the influenza and pneumococcal vaccinations. When these performance measures were initially applied, VA saw vaccination rates rise respectively from 27 percent and 26 percent to 77 percent and 80 percent. It also resulted in a 50 percent decline in pneumonia hospitalization rates.

The legislation I am introducing today would expand VA performance measures to cover all vaccinations recommended by the VA and CDC and ensure that veterans receive appropriate immunizations at the time suggested by the CDC. It would also require VA to report to Congress on their progress in supporting vaccinations in the veteran population.

Madam Speaker, I urge my colleagues to join with me in cosponsoring the Access to Appropriate Immunizations for Veterans Act of 2010. This legislation would ensure that our veterans are receiving timely and suitable access to vaccines and prevent those under the care of the VA from being unnecessarily exposed to vaccine preventable diseases.

NORTH DAVIDSON WINS SOFTBALL  
TITLE WITH PERFECT SEASON

**HON. HOWARD COBLE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. COBLE. Madam Speaker, on behalf of the citizens of the Sixth District of North Carolina, we wish to extend our congratulations to the North Davidson softball team for its perfect season culminated by winning the North Carolina High School Athletic Association's 4-A state softball championship. North Davidson finished as the runner-up 3 out of the last 4 years, but this year they were able to win it all. The championship game concluded the Black Knight's 32-game perfect season.

As a result of the tremendous athleticism of the players, the outstanding direction of coach Mike Lambros, and the unyielding support of the community, the Black Knights had all the components necessary to clinch the State title. Furthermore, this was a particularly special season for coach Lambros who celebrated his

first championship after having coached the Black Knights for 30 years.

The Black Knight's star pitcher Hannah Alexander won most valuable player honors for her tremendous contribution to her team's success. She only allowed two runs during the entire playoffs. This championship game required tremendous amounts of teamwork and determination.

The championship team members included: Amelia Griffin, Allie Nicholson, Paige Wall, Kathy Choplin, Tess Swing, Nichole Tuttle, Jessica Plemmons, Shaundee Woosley, Lauren Grooms, Jordan Clodfelter, Lindy Yount, Hannah Alexander, Morgan Koontz, Tori Hedrick, Courtney Walker, Maggie McDowell, Mackenzie Hauser, Robyn Stanek, Missy Hunt, Eliza Davis, Kayla Harrell, Lauren Beaver, Katie Vick, Samantha Honeycutt, Lauren McNeerney. Assisting head coach Mike Lambros on his championship run were Lamar Powell, Billy Gerald, Thomas Vick, Ronnie Plemmons, Jason Martin, Keith Stanek, Ben Lookabill, Blythe Craver, Kendra Israel, Jerry Smith, Jason Israel, Jeff Pace, Charlie Nicholson, and Tim Martin.

Again, on behalf of the Sixth District of North Carolina, we would like to congratulate the North Davidson softball team, the faculty, staff, students and fans for an outstanding season.

TRIBUTE TO LATE TOM LARDNER

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it is with great sorrow that I recognize the life and passing of Tom Lardner. I have known this accomplished person for a long time. He was a visionary who was not afraid to take risks. We have lost a great businessman, an exceptional husband and terrific father.

Tom Lardner, born in Port Huron, Michigan earned his bachelor's degree in business from Michigan State University. Mr. Lardner earned a master's degree in education from Michigan State. Before beginning his real estate career he was a coach at St. Gabriel High School football team in East Lansing, Michigan where he also served as a history teacher.

While running his real estate investment firm, Lehnndorff USA, in Chicago he spotted the potential of the area just north of the central business district in Dallas, Texas. Eager to map out his plans he moved to Dallas. He then saw his dream transforming into reality after years of hard work with the construction of a luxury apartment building, which would be the earliest of many.

Lardner purchased a large amount of the land surrounded by McKinney Avenue, Pearl Street, Woodall Rodgers Freeway and North Central Expressway for development. He also worked alongside city officials to establish a tax increment financing district that would pay for street improvements as well as other infrastructure improvements.

Although Lardner was known for his keen eye in real estate with the development of the

Uptown area of Dallas, he was also concerned about the environment. Lardner's support for Texas Business for Clean Air, allowed him to oppose the fast-tracking of the coal-fired plants. Concerned that the electric generating plants would hurt the North Texas air quality the group strongly opposed the environmental abuse.

Madam Speaker, Tom Lardner's loss will be deeply felt among many, but his work will not be forgotten. His caring nature and the creative vision he possessed will live forever.

RECOGNIZING AGNES DILL FOR  
HER WORK ON BEHALF OF NA-  
TIVE AMERICANS

**HON. HARRY TEAGUE**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. TEAGUE. Madam Speaker, it is with great honor that I congratulate Agnes Dill for being awarded an honorary doctorate degree from the University of New Mexico for her many years of outstanding service and dedication to Indian Country.

Agnes earned her bachelor of arts degree in education in 1937 and then taught at BIA schools in Oklahoma for over a decade. Along with becoming an educator, Agnes devoted much of her time in the 1970's to serving as an advocate for Native American people, particularly Native American women. Agnes served as one of the founding members of the North American Indian Women's Association and served as its President in 1973.

All of her efforts led to Agnes being appointed by President Ford to the National Advisory Council on Women's Education in 1975.

Not being one to rest on her laurels, Agnes took all of her knowledge and traveled extensively through the country to set up job and talent banks that would encourage Native American women to seek careers that were thought of as "non-traditional" during the time. These efforts encouraged Native American women to seek jobs in the fields of medicine, law and business. All of her work was driven by one motivating factor that she described in her own words in a recent interview: "Anything a man was doing, I tried to get a woman to do."

Agnes continued to drive policy on these issues when she served on the board of directors of Indian Pueblo Marketing, Inc., which promotes and funds the Indian Pueblo Cultural Center. Agnes also served on the National Advisory Committee for the White House Conference on Aging and has extended her focus to Native American youth serving as President of the New Mexico chapter of NAIWA and Director of New Mexico Indian Council on Aging.

With such an amazing history as an advocate, I am very proud of her numerous accomplishments and I'm proud to represent and honor her today in the Congress. From her beginnings as an educator, to her national advocacy roles, she has demonstrated how commitment to public service for Native American communities can inspire us all to improve our own lives and get involved with these important issues.

Even at the youthful age of 96 years old, her unwavering commitment to advocating for improvements to Native American education and healthcare is a great example for all of us to look to and continue her work into the future.

REGARDING THE 90TH ANNIVER-  
SARY CELEBRATION OF THE NA-  
TIONAL AMERICAN LEGION AUX-  
ILIARY

**HON. DAN BOREN**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. BOREN. Madam Speaker, I rise today to recognize the service of the Vinita Post 40 unit of the American Legion Auxiliary in Oklahoma.

This year marks the 90th Anniversary Celebration of the National American Legion Auxiliary. Although not the first such organization of its kind, the National American Legion Auxiliary is the largest patriotic women's service organization in the world. Its nearly one million members are dedicated to promoting allegiance to God and Country, supporting veterans and youth through various community programs since 1919-1920.

The Vinita Post 40 unit was chartered on March 4, 1929 and has proudly served its Oklahoma community, sponsoring events that include the widely renowned Will Rogers Memorial Rodeo since its inception in 1935. I would like to congratulate the Vinita Post 40 unit and the American Legion Auxiliary for their outstanding patriotism and commitment to community, and today, I celebrate their achievement.

HONORING FLOYD CARSON  
FRISBEE FOR HIS SERVICE IN  
THE KOREAN WAR

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. SHULER. Madam Speaker, I rise today to honor Mr. Floyd Carson Frisbee of Iron Duff, North Carolina for his valiant service in the United States Army. From March 1951 to March 1953, Mr. Frisbee fought bravely on the Korean peninsula in order to protect the sovereignty of South Korea, and the freedom of its people.

Mr. Frisbee received numerous medals for his service in Korea, including the National Defense Service Medal, Korean Service Medal, CIB, Combat, Medal, Occupation Medal, and the 50th Anniversary Medal. These medals represent the courage and commitment that Mr. Frisbee exhibited during his service in the 1st Cavalry Division.

After his service in the military, Floyd Frisbee continued to display his strong personal character as well as a commitment to provide for his family through 19 years of hard work at the Dayton Rubber plant. Since his retirement Mr. Frisbee has maintained a strong

attachment to the Fruitland Baptist Bible Institute and has preached at various churches in the community.

Madam Speaker, Floyd Carson Frisbee provided an exemplary service for the people of our great country through his service in the Korean War. His dedication and commitment to the United States is truly a source of pride to Western North Carolina. I urge my colleagues to join me today in honoring Floyd Carson Frisbee for his valiant service in the military and the sacrifices he has made for our Nation.

CONGRATULATING THE CHICAGO  
BLACKHAWKS ON WINNING THE  
STANLEY CUP

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Ms. SCHAKOWSKY. Madam Speaker, I rise today to congratulate the Chicago Blackhawks on winning the 2010 Stanley Cup. After an incredible season, no team is more deserving.

The Blackhawks lightening-fast pace and tremendous skill level delivered the team the second-best league record in the regular season. Coach Joel Quenneville guided his team masterfully through the playoffs, where the Blackhawks defeated the Nashville Predators, Vancouver Canucks, and San Jose Sharks to win the Clarence S. Campbell Bowl as Western Conference champions.

Led by captain and Conn Smythe winner Jonathan Toews, who equaled the Blackhawks single-season playoff scoring record with 29 points, the team met the Philadelphia Flyers in the Stanley Cup finals. Each player on the team made significant contributions as they battled the Flyers until the overtime period of game six, where Patrick Kane notched the series-winning goal, earning Chicago its first Stanley Cup since 1961.

As a lifelong fan of the Chicago Blackhawks, I take great pride in congratulating the team on an incredibly thrilling season. I thank them for bringing the Stanley Cup back to the Madhouse on Madison.

**JOB CREATION**

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. TOWNS. Madam Speaker, I rise today to discuss a very important matter—job creation.

As I have previously mentioned, we have seen a lot of progress this year. Our economy has created over 500,000 new jobs in 2010 alone. The newest jobs numbers indicate that over 419,000 jobs were created last month. As a country we are getting stronger and stronger.

While these are great statistics, we still have a long way to go. Only 41,000 of these jobs were created in the private sector. Many of the remaining jobs are temporary census positions. While temporary work is better than no

work, our economy and my constituents need and demand permanent job creation.

Some of this can certainly be government jobs, but our economy thrives on job creation and development from the private sector. From the mom and pop shop in Brooklyn to the company that hires by the thousands—each contribute to the economy, to communities, and to families.

Congress needs to continue to work together to enact policies that create and encourage job creation. I urge my colleagues both in the House and the Senate to come together on this important goal—jobs.

IN CELEBRATION OF NEW BETHEL  
MISSIONARY BAPTIST CHURCH'S  
85TH ANNIVERSARY

**HON. GARY C. PETERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. PETERS. Madam Speaker, I rise today to recognize New Bethel Missionary Baptist Church on the occasion of its 85th Anniversary. As a Member of Congress it is both my honor and privilege to recognize and congratulate Reverend Keyon Payton and the congregation for reaching this most impressive milestone.

New Bethel Missionary Baptist Church was founded on June 21, 1925 as an institution rooted in spiritual fellowship and service to the Pontiac community. From its inception, with 27 founding families and under the leadership of Reverend J.W. Conyers, New Bethel found its first home at 175 Branch Street, and became a beacon on a hill shining down upon the Pontiac community as a symbol of faith and fellowship. The passion of New Bethel's leaders has forever been a core strength of the Church. According to New Bethel history, Reverend William Bell sold his own car and took the bus to deliver his sermons every week, so that the Church could repair and expand their aging facilities. This selfless act is one example of the deep devotion of New Bethel's congregation and leadership to the Church's mission. New Bethel's community-minded focus, first fully realized under the leadership of Reverend Amos Johnson, drove the Church to become a "Family Center," a pillar of charity and service in the Pontiac community.

Under New Bethel's current leader, Pastor Keyon Payton, the Church has continued to prosper and expand upon its goals to join the Pontiac community in spiritual fellowship and community service. Through execution of Pastor Payton's bold vision, New Bethel reached out to several of its neighboring congregations in collaboration to create Camp Hosanna, a day camp for youth that provides them with a safe and secure environment to explore all realms of education. Pastor Payton has also been the driving force behind many new community-based programs which New Bethel hopes to implement including an emergency shelter for women and children in need, a community development corporation to promote an economically vibrant and financially literate Pontiac community, and a youth development center to guide and nurture Pontiac's future leaders.

Madam Speaker, I ask my colleagues to join me today in celebrating New Bethel Missionary Baptist Church's 85th Anniversary of spiritual guidance and service to the Pontiac community. New Bethel's congregation and leadership have left a profound impact on the Pontiac community and have enriched the lives of many. I wish Pastor Payton, the New Bethel leadership and the entire congregation, many more years of vibrant spiritual fellowship and growth.

RETIREMENT FOR N. GARY  
ROOKE, FORMER CEO, GREATER  
SPRINGFIELD CREDIT UNION,  
SPRINGFIELD, MASSACHUSETTS

**HON. RICHARD E. NEAL**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. NEAL of Massachusetts. Madam Speaker, I rise today to celebrate the retirement of Gary Rooke from the Greater Springfield Credit Union. After 19 years of committed, dutiful and effective employment, I would like to acknowledge the significant contribution made to the lives of the credit union members and employees and would like to place this tribute into the official record.

Mr. N. Gary Rooke joined the Greater Springfield Credit Union on November 13, 1990, as manager/CEO and has significantly increased the health of the credit union since his arrival. Since his start in 1990, many services have been added to the Credit Union such as debit cards, Roth IRAs, prime checking, online banking, bill pay, youth accounts, overdraft protection, vacation/holiday/computer/energy loans, audio response, member wire transfers, credit cards and development of the East Longmeadow branch.

Mr. Rooke is also extremely involved in his community, serving 20 years at the Mountain View Baptist Church, in which he has participated in many different ways. Gary served as the commander of Awana Youth Program as well as a Sunday school teacher, treasurer, church building committee, trustee and deacon. He has also been an active volunteer at the Westfield Boys and Girls club. Mr. Rooke also serves on many different committees which benefit the community.

On Thursday, July 17, Gary's colleagues, friends and family will honor his legacy and thank him for his successful work on behalf of others and join him in celebrating his retirement from the Greater Springfield Credit Union.

Gary Rooke has been a tremendous CEO to the Greater Springfield Credit Union in Springfield. I am proud to congratulate him on his retirement.

PERSONAL EXPLANATION

**HON. KEN CALVERT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. CALVERT. Madam Speaker, June 8, 2010 was primary Election Day in my state of

California, which necessitated my remaining in my congressional district on Tuesday, June 8, 2010, through Wednesday, June 9, 2010. Consequently, I was unable to return in time for rollcall votes 337 through 346.

I ask the RECORD to reflect that had I been present I would have voted as follows:

1. On rollcall No. 337, I would have voted "aye" (June 8) (H.R. 1061, Hoh Indian Tribe Safe Homelands Act).

2. On rollcall No. 338, I would have voted "aye" (June 8) (H. Res. 518, Honoring the life of Jacques-Yves Cousteau, explorer, researcher, and pioneer in the field of marine conservation).

3. On rollcall No. 339, I would have voted "no" (June 9) (Motion on Ordering the Previous Question on the Rule for H.R. 5072—FHA Reform Act of 2010 (H. Res. 1424)).

4. On rollcall No. 340, I would have voted "no" (June 9) (On Agreeing to the Resolution Providing for the consideration of the bill H.R. 5072, the FHA Reform Act).

5. On rollcall No. 341, I would have voted "no" (June 9) (H. Res. 989—Expressing the sense of the House of Representatives that the United States should adopt national policies and pursue international agreements to prevent ocean acidification, to study the impacts of ocean acidification, and to address the effects of ocean acidification on marine ecosystems and coastal economies).

6. On rollcall No. 342, I would have voted "aye" (June 9) (H. Res. 1178—Directing the Clerk of the House of Representatives to compile the cost estimates prepared by the Congressional Budget Office which are included in reports filed by committees of the House on approved legislation and post such estimates on the official public Internet site of the Office of the Clerk).

7. On rollcall No. 343, I would have voted "aye" (June 9) (On the Motion to Instruct Conferees on H.R. 4173—Wall Street Reform and Consumer Protection Act of 2009 which instructs the House Conferees to end the culture of bailouts embedded in the bill).

8. On rollcall No. 344, I would have voted "aye" (June 9) (H. Res. 1330—Recognizing June 8, 2010, as World Ocean Day).

9. On rollcall No. 345, I would have voted "aye" (June 9) (H.R. 5278—To designate the "President Ronald W. Reagan Post Office Building" in Dixon, Illinois).

10. On rollcall No. 346, I would have voted "aye" (June 9) (H.R. 5133—To designate the "Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building" in Carlstadt, New Jersey).

STATEMENT ON BUSINESS  
LEADERS LETTER TO CONGRESS

**HON. AARON SCHOCK**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. SCHOCK. Madam Speaker, I was recently contacted by over 50 U.S. Business leaders who all support an appropriate Foreign Affairs budget which will help the U.S. stay competitive globally and ultimately produce more jobs domestically. I am pleased to see

that the business community has joined a number of non-profits who have come out in support of providing assistance abroad to help us reach our goals at home. Please see their letter below:

**BUSINESS LEADERS LETTER TO CONGRESS**

JUNE 8, 2010.

DEAR MEMBER OF CONGRESS: We are writing to urge your support for the International Affairs Budget and its important investments that help spur U.S. economic growth. The importance of the International Affairs Budget's development and diplomacy programs to U.S. national security and our moral leadership is well recognized. However, the vital role these programs play in creating American jobs and trade is not fully appreciated.

Now more than ever, America's economy is linked with global trade and economic growth. Over the past 40 years, trade has tripled as a share of our national economy. Today, 1 out of 5 American jobs are tied to international trade. America's fastest growing markets—representing roughly half of U.S. exports—are developing countries. Export promotion programs funded by the International Affairs Budget are essential to expanding U.S. trade in these emerging markets and are indispensable to reaching President Obama's goal of doubling exports within five years.

U.S. businesses and entrepreneurs benefit significantly from programs in the International Affairs Budget that provide technical assistance, identify business opportunities, and build stronger legal and economic policy regimes that help developing countries become more reliable trading partners. The International Affairs Budget is critical to promoting U.S. exports, protecting intellectual property rights, and advocating for American businesses abroad.

The International Affairs Budget is a fundamental tool for advancing U.S. economic and strategic interests around the world. That is why we urge you to support the President's FY 2011 request for the International Affairs Budget. Representing less than 1.5% of the total federal budget, it is a smart economic investment in a stronger and more prosperous future for American workers and businesses.

Sincerely,

Aerospace Industries Association (AIA); Amway Corporation; Amgen; ARD; Biotechnology Industry Organization; Boeing; Business Council for International Understanding; Business Roundtable; Campbell Soup Company; Cargill; Caterpillar; Chevron; Cisco Systems, Inc.; Citigroup; Coalition for Employment through Exports; Computer and Communications Industry Association; Corporate Council on Africa; Creative Associates International; DAI; DHL; DuPont; Eli Lilly and Company; FMC Corporation; General Electric Corporation; GlaxoSmithKline; Google; John Deere; Johnson & Johnson; Kraft Foods; Land O'Lakes; Lockheed Martin Corporation; Mars; Microsoft; Motorola; National Foreign Trade Council; National Retail Federation; Northrop Grumman Corporation; Pioneer Hi-Bred International; Pfizer; Procter & Gamble; PhRMA; Raytheon; RTI; Seaboard Corporation; Thales USA, Inc.; United Technologies Corporation; UPS; U.S. Chamber of Commerce; U.S.-Russia Business Council; Wal-Mart; Xerox.

**WHITE HOUSE HEALTH CARE  
PROPAGANDA CAMPAIGN**

**HON. TOM PRICE**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 2010

Mr. PRICE of Georgia. Madam Speaker, I rise to submit to the CONGRESSIONAL RECORD the following opinion piece by former Speaker of the House Newt Gingrich and Nancy Desmond, CEO at the Center for Health Transformation. Their piece focuses on the Obama administration's latest attempt to sell the recently enacted health care reform law to senior citizens. The administration has embarked on its public relations tour after numerous reports detailing that the new health care law will reduce quality, raise costs, and limit choices for America's seniors.

In the run-up to passing their government takeover of health care, Congressional Democrats and the Obama administration blatantly ignored the voices of the American people and rammed through a hyper-partisan piece of legislation that will have a disastrous effect on our nation's health care system. That they are now choosing to mount a propaganda campaign at taxpayer expense to convince Americans that they should embrace these new, unwelcome disruptions and government intrusions, the Democrats show how out-of-touch they continue to be with the majority of Americans.

I encourage my colleagues to read the following fact check on the administration's claims. Our senior citizens deserve to know the truth about the effects of ObamaCare.

[From the Investors Business Daily, June 8, 2010]

**SENIORS MUST SCRUTINIZE MEDICARE MAILER**

(By Newt Gingrich and Nancy Desmond)

As weeks turned to months during the Great Debate over what to do about health care this past year, President Obama made one solemn pledge to the nation and its seniors:

He said health care would not add one dime to the deficit. And if all of us liked our doctor, we would get to keep our doctor.

Fast-forward almost 90 days after the passage of ObamaCare and the attitude of most Americans to that pledge is: "Prove it."

In the past two weeks, the Obama administration has been trying to stem the tide of skepticism toward its health care law with a new mailer sent directly to the nation's seniors, titled "Medicare and the New Health Care Law—What It Means for You."

Problem is, for anyone who has paid attention during the past 12 months, the message about the biggest government expansion into health care in our lifetime just doesn't add up.

Let's contrast fact from fiction and the language used in the new flier:

"The Affordable Care Act passed by Congress and signed by President Obama this year will provide you and your family greater savings and increased quality of care."

Fact: Most Americans will pay higher insurance premiums, according to the Congressional Budget Office. And more than 10 million seniors will see reduced benefits under their private Medicare Advantage plans. Overall quality will decline as fewer doctors take on Medicare patients.

"Your guaranteed Medicare benefits won't change—whether you get them through Original Medicare or a Medicare Advantage plan."

Fact: Medicare Advantage, a private option in Medicare, will be cut by \$136 billion. On April 22, the chief actuary for the Centers for Medicare and Medicaid Services reported that half of all seniors enrolled in Medicare Advantage would lose their coverage under the new health care bill by 2017. The guarantee that benefits won't change isn't a guarantee at all for millions of seniors who prefer using private insurance companies that provide their Medicare coverage.

"Your choice of doctors will be preserved."

Fact: Cuts to Medicare will total nearly \$500 billion, hitting hospitals, home health providers, physicians and more. Doctors throughout the country have seen their Medicare payments reduced in recent years and expect more cuts in the future because of ObamaCare.

A February survey by three national neurosurgeon groups, for example, showed that 50% of neurosurgeons were reducing the number of Medicare patients they were accepting into their practice. The Mayo Clinic in Arizona has also started turning away Medicare patients. Other physicians are following suit. How is this preserving a senior's choice of doctors?

"If you're hospitalized, the new law also helps you return home successfully and avoid going back—by helping to coordinate your care and connecting you to services and supports in your community."

Fact: This is traditionally known as "home health care"—a program that helps treat patients at home for a short period. But in the ObamaCare plan, home health care will be cut by \$40 billion. Another contradiction in terms.

Last fall, the federal government launched an investigation into Humana for sending letters to seniors who were customers of the Medicare Advantage program during the health care debate.

It urged them to contact their congressman or senator because of the then-proposed cuts to the program. Under threat of shutting down the insurance company's contract with Medicare, Humana was told to stop sending such information out to its customers.

Yet today, we have the federal government offering its spin and fabrication on ObamaCare with no one holding it accountable. It is trying to convince seniors that despite almost half a trillion dollars in cuts, the new law "preserves and strengthens Medicare." Precious tax dollars are being spent on a public relations campaign to try to convince seniors that ObamaCare will keep "Medicare strong and solvent."

Nothing could be further from the truth.

Record numbers of baby boomers will start retiring this year and draw Social Security benefits and sign up for Medicare. They are smart enough to understand that ObamaCare is not a good deal for their golden years. A four-page brochure will not change their minds either. It will take more for this administration to "prove it" than a glossy, four-page pamphlet.

Gingrich, former speaker of the House, is founder of the Center for Health Transformation. Desmond is the center's CEO.

WORLD CANNOT TURN A BLIND  
EYE TO IRAN'S REPRESSION OF  
ITS OWN PEOPLE

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. WOLF. Madam Speaker, a recent Radio Free Europe/Radio Liberty (RFE/RL) article featured comments from Iranian-American journalist Roxana Saberi who spent 100 days in Iran's notorious Evin prison between February and May 2009 on espionage charges.

Saberi indicated that the day of her release was bittersweet, saying, "As they drove me away, I remember turning my head to the side and seeing the prison disappear behind me. And finally, I cried . . . I realized, however, that my tears were not just tears of joy, but they were also tears of sorrow for the many innocent prisoners I was leaving behind. Why was I freed while all these others are still there?"

Among those she was leaving behind were the two female Baha'i leaders who have been in jail for more than two years on baseless charges—Fariba Kamalabadi and Mahvash Sabet.

There are news reports that these two, in addition to the five male Baha'i leaders, are scheduled to have their fourth court session on Saturday, June 12—the same day as the anniversary of Iran's deeply flawed presidential election.

The RFE/RL article continues, "Saberi believes the media attention and international support she received during her ordeal led to her release."

Saberi's comments are consistent with the reflections of dissidents dating back to the Cold War. Time and again those who are unjustly languishing in prison have reported that their lives improved in captivity when President Reagan and others raised their cases by name. And in some instances, their freedom followed soon thereafter.

The U.S. and the rest of the free world must continue to speak with one voice about the deplorable human rights situation in Iran. We must continue to advocate for due process and a fair trial for these seven Baha'i leaders and for basic rights for the community as a whole which according to the recently released report of the U.S. Commission on International Religious Freedom, "has long been subject to particularly severe religious violations in Iran."

The world cannot turn a blind eye to this regime's brutal repression of its own people.

ENROLLED JOINT RESOLUTION 3  
OF THE SIXTIETH LEGISLATURE  
OF THE STATE OF WYOMING

**HON. CYNTHIA M. LUMMIS**

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mrs. LUMMIS. Madam Speaker, I rise to commend the State of Wyoming for enacting a resolution in support of the 10th Amendment

to the Constitution. Enrolled Joint Resolution 3 of the Sixtieth Legislature of the State of Wyoming demands that Congress cease and desist from enacting mandates that are beyond the enumerated powers granted to the Congress by the United States Constitution.

This resolution joins a groundswell of support across America for a return to the federalist principles in our Constitution. I am proud to insert this resolution into the CONGRESSIONAL RECORD on behalf of the people of Wyoming.

Citizens, businesses and States across the country are bracing for the impact of the heavy handed government mandates in President Obama's healthcare plan. Momentum persists among some in Congress for additional federal mandates, taxes, and regulations that will burden State budgets and put entrepreneurs in Main Street America out of business.

There is another way. Our nation's founders left us a recipe for freedom and opportunity in our Constitution, under which the people of the United States consented to a government with limited powers. As stated in the 10th Amendment, all powers not given to the federal government by the Constitution are reserved for the States and the people. I have co-founded in the House of Representatives a 10th Amendment Task Force to advance the principles of federalism and disperse power back to States, local governments and individuals.

Before coming to Washington, I spent my entire adult life dealing with State issues—as a rancher, as a State legislator, and as State Treasurer. I am now astounded by the kinds of issues Members of Congress feel are appropriate for federal intervention.

States know their people better. They know their issues better. Let's return to States what States do best and maintain a strong limited government in Washington to do what it does best—securing the freedom, strength and integrity of this country.

OUR UNCONSCIONABLE NATIONAL  
DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,046,148,615,770.79.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,407,722,869,476.99 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

A TRIBUTE TO CHIEF STEVEN  
FOSTER IN RECOGNITION OF HIS  
20 YEARS OF SERVICE

**HON. DANIEL E. LUNGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise today to recognize and honor Fire Chief Steven Foster for his 20 years of service to the Cosumnes Community Services District as he now retires.

The Cosumnes CSD serves an estimated 169,000 south Sacramento County residents in a 157-square mile area. Its award-winning parks and recreation services—including the operation of 83 CSD parks—operate exclusively within the Elk Grove community. It provides fire protection and emergency medical services for the cities of Elk Grove and Galt and unincorporated areas of south Sacramento County.

Foster, in addition to his duties as Cosumnes Fire Chief, has been an officer in the California Fire Chiefs Association and has been serving as chair of its legislative committee this year.

Over the years, Chief Foster became the Fire Marshal and ushered in new fire codes. Rising to the rank of Deputy Fire Chief, he was responsible for the Department budget and guided the purchase of numerous properties for future fire stations, managed the construction of Fire Station 72 in Franklin Reserve, and renovated and expanded Station 74 in Laguna.

Foster is a past President of the Sacramento County Fire Marshals and Fire Chiefs Associations. He also has been active in the Elk Grove Rotary Club.

Steven Foster is on the executive board for the Sacramento Area Fire Chaplaincy. He is a member of the Elk Grove Rotary Club, and is a past president for both the Sacramento County Fire Chiefs Association and Sacramento County Fire Marshals Association.

I am pleased to recognize and congratulate Steven Foster on his retirement for his dedication to our community.

IN RECOGNITION OF BUILDON'S  
COMMITMENT TO EMPOWERING  
YOUTH TO BECOME LOCAL AND  
GLOBAL LEADERS IN SERVICE  
TO THEIR COMMUNITIES

**HON. GARY C. PETERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. PETERS. Madam Speaker I rise today to recognize the Detroit Area Region chapter of buildOn, on the occasion of its 2010 recognition banquet. buildOn is a national organization dedicated to empowering youth to serve communities locally and globally. As a Member of Congress, it is both my honor and privilege to recognize the Detroit Area Region chapter of buildOn for its laudable contributions to my district, our state, and communities around the world.

The Detroit Area buildOn program, formerly known as "Building with Books," began in 1992 with the establishment of its first chapter at Jackson Lumen Christi High School. This school was chosen for buildOn's first program because it is the alma mater of Jim Ziolkowski, the founder and now President & CEO of buildOn. The region has grown over the years to host 14 programs in high schools across the Detroit metro area, including three chapters in my congressional district, transforming the lives of over two hundred students a year. The students of buildOn make a positive difference in our community and in the lives of people around the world.

This year, buildOn's students in the Detroit Area have committed to over twenty thousand hours of community service and raised over \$42,000 to build schools in developing nations. In fact, since the inception of the program in the Detroit Area, buildOn students have volunteered over one hundred and sixteen thousand hours and raised over \$147,000 for charitable causes. buildOn students volunteer across the metro area for organizations including the Detroit Veterans Center, the Detroit Zoo, Gleaners Food Bank, Boys and Girls Clubs, the Baldwin Center, and a host of other deserving charities. In addition to local volunteerism, the members of buildOn embark on global trips to places such as Nicaragua, Mali, India, Haiti, Malawi and Senegal to participate in cultural exchanges and live with host families, while they work with the local community to build new schools. Since 2001, over one thousand students have traveled to developing countries to help build over sixty schools. This global perspective and volunteerism exemplifies the values of the buildOn program and its mission of, "Enhancing education and empowering youth in the U.S. to make a positive difference in their communities while helping people of developing countries increase their self-reliance through education."

Madam Speaker, in these challenging times, it is the work of dedicated volunteers like the students and staff of buildOn that brings hope to my local community and communities around the world. I look forward to the continued success of the Detroit Area buildOn chapter in all of its future endeavors, as well as many more years of inspiring support for our community and communities around the world.

HONORING PHYLLIS WEBER

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Phyllis Weber upon her retirement as the Principal of El Portal School and Yosemite Park High School. After thirty-two years in education, Ms. Weber will be honored at a retirement party in El Portal, California on Thursday, June 10, 2010.

Ms. Weber received her Bachelor of Arts degree in psychology from the University of Dayton in Ohio and her Master of Arts degree in environmental and outdoor education from San Francisco State University. After three

years as an environmental investigator for the Environmental Protection Agency, she became an instructor for the Yosemite Institute starting in January 1976. The Yosemite Institute is one of the nation's leading environmental education organizations dedicated to bringing school age children to Yosemite where they have an opportunity to experience and learn about the majestic place. Ms. Weber became known as a dynamic naturalist and teacher who had an amazing ability to connect with her students, a trait that carried forward throughout her career. At the Yosemite Institute she also met Mr. Art Baggett, a fellow instructor, and now her husband of more than thirty years.

In 1978, Ms. Weber began teaching first, second and third grades at El Portal Elementary School. She has also taught courses for a wilderness program for the Saratoga/Los Gatos High School District, winter ecology for Antioch College, mountain ecology for the University of California at Santa Cruz, Yosemite Natural History for the College of Marin and various college courses for the Yosemite Institute.

As the principal of Yosemite National Park's El Portal School and Yosemite Park High School since 2000, Ms. Weber has gracefully inspired teachers, staff and students to perform at high levels, as confirmed annually by the high test scores at the El Portal School. She has an uncanny ability to see the potential in her students and to draw them out in a way that helps them fulfill their potential. She has also developed a very positive reputation for her community through her school's ability to communicate with, and educate, Spanish-speaking students while making them feel welcome and part of the community.

Ms. Weber's hallmark has been her enthusiasm to encourage new and innovative programs proposed by her teachers, students and parents and to actively seek creative ways to fund these programs. She has become a master at working within school district budgets and has diligently travelled with the district office to Mariposa, Sacramento and Washington, D.C. to support her budget, as well as working closely with parents and the local community on fundraising and support.

In addition to her professional endeavors, Ms. Weber has been very involved in public service and her family has been an integral part of the Yosemite community for several generations. As part of her public service, Ms. Weber was elected to the Board of Trustees for the Yosemite Natural History Association in November 1979 and she began her service on January 26, 1980. For the past thirty years she has served on the Board for the Yosemite Natural History Association, the Yosemite Association and now the Yosemite Conservancy, where she is currently the chair of the education and programs committee. In this role, Ms. Weber and her family share their deep passion for Yosemite and Mariposa County.

Madam Speaker, I rise today to commend and congratulate Principal Phyllis Weber upon her retirement from El Portal School and Yosemite Park High School. I invite my colleagues to join me in wishing Ms. Weber many years of continued success.

HONORING STURGIS, MICHIGAN

**HON. FRED UPTON**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. UPTON. Madam Speaker, I rise today to pay special tribute to the city of Sturgis, Michigan and its trademark patriotic summer festival that is currently under way. While the name of the festival has changed throughout the years, this year's inaugural "Sturgis Dam Days" will surely foster lasting memories for the multitude of generations that look forward to the annual festival.

The 6-day festival brings the entire community together to celebrate the city's rich history and pay special tribute to the Sturgis Dam, which will celebrate its 100th anniversary in 2011.

The hydroelectric dam transmits electricity 18 miles to the Sturgis Municipal Power Plant, giving Sturgis the moniker of the "Electric City." While the dam generates power for the town, ask most folks about it and they will highlight the postcard-perfect views of the dam: the flowing St. Joseph River and the surrounding scenes at the adjacent Covered Bridge Park.

This year's Sturgis Dam Days festival includes a variety of events throughout the week for all to enjoy. The Sturgis Chamber of Commerce kicked off the festival by welcoming the community for dinner and the St. Joseph Sheriff's Department transformed into the Pony Express in period clothing to give the official proclamation to commence the celebration. Events throughout the week include an art fair; the American Legion Hog Roast; "Experience Sturgis," a history walk through the city; a family picnic in Franks Park; a vintage Sturgis Biscuits baseball game; the Relay for Life at Sturgis High School; a parade down US-12; and the culminating event, the Sturgis Dam Rodeo.

The festival has been a beacon of economic activity and growth through the years, and continues to draw countless families to the region each year.

I congratulate the city of Sturgis and all of its residents for sharing such a wonderful community event. Through the years the annual festival has become woven into the fabric of the lives of so many folks throughout southwest Michigan. Sturgis has such a rich heritage and offers so much to the region's families. I look forward to the festival's continued success with many more Sturgis Dam Day celebrations for years to come.

HONORING CHARLOTTE "CHUCKIE" HOLSTEIN

**HON. DANIEL B. MAFFEI**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. MAFFEI. Madam Speaker, I stand today to congratulate Charlotte "Chuckie" Holstein on being honored as the First Annual F.O.C.U.S. Greater Syracuse Wisdom Keeper Award recipient. She has been an active

member of the Central New York community, and for that I am very thankful.

Chuckie is the founder of many organizations serving the people of Central New York, including F.O.C.U.S. Greater Syracuse, Leadership Greater Syracuse, Youth Leadership Greater Syracuse, the Syracuse/Onondaga County Citizens Academy, the Syracuse Commission for Women, Meals on Wheels, and the City/County Office of the Aging.

She has served the Central New York area as the Chair of Loretto, a Member of the Central New York District Board for Key Bank, a trustee of Cazenovia College and the Manlius Pebble Hill School, Chair of Advisory boards for the School of Social Work and College For Human Development of Syracuse University and a Member of the College at Brockport Foundation.

Chuckie has also served her state, her nation, her faith and the world in a number of initiatives dealing with social justice, world peace and women's issues.

In closing, I'd like to express my appreciation for all of the hard work she has done. Please join me in congratulating Charlotte "Chuckie" Holstein on being honored with the First Annual F.O.C.U.S. Greater Syracuse Wisdom Keeper Award.

#### INDIAN AMERICAN CULTURAL CENTER BHARATIYA TEMPLE GRAND OPENING

#### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 2010

Mr. VISCLOSKY. Madam Speaker, it is with great honor and pleasure that I stand before you today to recognize the Indian American Cultural Center of Northwest Indiana as they celebrate the grand opening of the Bharatiya Temple of Northwest Indiana. They will be commemorating the event with the religious and historic tradition of Maha Kumbhabhishekam. This event will take place over three days, from Friday, June 18, 2010 to Sunday, June 20, 2010, at the Bharatiya Temple of Northwest Indiana in Merrillville.

The Indian American Cultural Center of Northwest Indiana opened on March 9, 2002, and operates as "a place to preserve, nourish, and advance the Indian culture, heritage, religious values, and social values." In order to continue to advance the teachings and culture of the Indian American people and the Hindu religion, the members of the Indian American Cultural Center decided to expand the existing building and to give the community a legacy in the form of the truly glorious Bharatiya Temple of worship. The Indian American community will be celebrating Maha Kumbhabhishekam, which is a Hindu tradition performed when a new Temple is built and installed with new deities (Gods or Goddesses). Many religious rituals of the Hindu religion will be performed during the celebration which will sanctify the beloved Bharatiya Temple of Northwest Indiana. It is a Hindu belief that taking part and witnessing a Maha Kumbhabhishekam is a lifetime blessing.

Madam Speaker, I ask that you and my distinguished colleagues join me in honoring the

Indian American Cultural Society of Northwest Indiana and its congregation as they celebrate the opening of the Bharatiya Temple of Northwest Indiana and observe the religious and historic tradition of Maha Kumbhabhishekam. Through their words and teachings, this honorable organization shares with us the rich culture and tradition of the Indian American people as well as the traditions of the Hindu religion.

#### IN RECOGNITION ANNIE & AVERY GRANT

#### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 2010

Mr. PALLONE. Madam Speaker, I rise today to honor the 50th anniversary of the marriage of Annie and Avery Grant, both exemplary and active members of their community. A simple glance at their dedication to civil service in Monmouth County, New Jersey uncovers a long history of local works and an extraordinary drive to improve the state in all aspects of public life. On the day of their golden anniversary, Annie and Avery Grant are indisputably worthy of this body's recognition.

Annie Grant was born Annie Williams in New York City on October 27, 1935, and has been recognized as a New Jersey State Notary Public for her many years of tireless service in professional and public life. In 1991, Mrs. Grant was appointed Commissioner on the Monmouth County Board of Taxation, a position she held for 17 years until she retired in 2008. She was the first African-American to hold this position in Monmouth County. Mrs. Grant's accomplishments extend far beyond this office, however, as she has also led a long life of involvement in local politics. In addition to being the 1989 Democratic candidate for Monmouth County Clerk, Mrs. Grant has been the Long Branch Democratic Club's treasurer for 30 years, and was named Woman of the Year in Politics in 1992. Her intelligence and breadth of knowledge is what led me to invite her to speak about Social Security reform at the Democratic Congressional Roundtable in 2005.

Avery Grant was born on July 9, 1933 in Memphis, Tennessee, and has led a prolific life of public works. A Vietnam Veteran, Mr. Grant is a retired Lieutenant Colonel in the U.S. Army Signal Corps, as well as a Professional Engineer, formerly with East Orange and the New York Transit Authority. Additionally, he is tirelessly active in the community of Long Branch, from serving on the Board of Education for over 12 years running to co-founding and editing the Community Newspaper, a bi-weekly, Monmouth County African-American newspaper. He has also been involved in over eight Monmouth County organizations, including but not limited to the Red Cross, Habitat for Humanity, the NAACP, and EXODUS, a halfway house focusing on substance abuse. His avid dedication to the city of Long Branch and Monmouth County landed him a spot on The City News' list of "100 Most Influential in New Jersey."

These remarkable individuals married on June 12, 1960. They have two children,

Adrianne and Avery Jr., and seven grandchildren. Their ability to maintain a beautiful, loving family in concert with their incredible efforts in their community is an inspiration to us all. They are valued members of their communities and a credit to the state of New Jersey.

#### ANNIVERSARY OF IRAN'S PRESIDENTIAL ELECTIONS

#### HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 2010

Mr. KIRK. Madam Speaker, June 12th will mark the one-year anniversary of the fraudulent presidential elections in Iran. In the wake of street protests that followed, human rights in Iran have gravely deteriorated.

On this day, we must remember the dozens of courageous individuals murdered by this brutal regime and the hundreds of others detained without legal recourse. We must remember Neda Agha Soltan, the innocent young woman slain by the Basij militia.

The post-election crackdown fully exposed the Iranian regime's continuing oppression of political dissidents as well as religious and ethnic minorities.

In the spring of 2008, seven leaders of the Baha'i community were arrested and detained in Tehran's notorious Evin prison on charges of "spreading corruption on earth," among other outrageous falsehoods. They have been incarcerated for 20 months before a show trial can even commence. Moreover, according to the U.S. Commission on International Religious Freedom, as many as 45 members of the Baha'i community are currently imprisoned in Iran solely on the basis of their religious identity.

The fourth court appearance of the Baha'i leaders is scheduled for June 12 to coincide with the one-year anniversary of the stolen election.

The cynicism of the Iranian regime knows no bounds.

It is time that the United States and the international community hold Iran accountable for denying the fundamental freedoms to its people.

Yesterday, in commenting on the passed UN Security Council resolution on the Iranian nuclear program, the President stated that "whether it is threatening the nuclear non-proliferation regime, or the human rights of its own citizens, or the stability of its own neighbors by supporting terrorism, the Iranian government continues to demonstrate that its own unjust actions are a threat to justice everywhere."

I agree with the President. His words should now be followed with action. We must raise the stakes for the Iranian leadership to cease its human rights abuses and abide by the rules of the international community.

This Administration needs to prioritize human rights as a focal point of its Iran policy. American diplomats should continually raise the issue of human rights in Iran. We must urge our international allies to use their bilateral relationships and diplomatic missions in Tehran to call for the release of Iranian dissidents, religious minorities, and other prisoners of conscience.

Most importantly, the President should speak publicly and directly to the Iranian people that the United States will never abandon them in their struggle for freedom and fundamental human rights.

#### INTRODUCING THE CHESAPEAKE BAY PROGRAM REAUTHORIZATION AND IMPROVEMENT ACT

#### HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 2010

Mr. GOODLATTE. Madam Speaker, I rise today to join my colleague Rep. HOLDEN in introducing the Chesapeake Bay Program Reauthorization and Improvement Act.

The Chesapeake Bay, the largest estuary in the U.S., is an incredibly complex ecosystem that includes important habitats and is a cherished part of our American heritage. The Bay Watershed includes all types of land uses, from intensely urban areas, spread out suburban development and diverse agricultural practices. But unquestionably the Bay is in need and worthy of our attention and concern and I believe everyone has a role to play in restoring it.

I have long worked with my colleagues here in Congress to find ways to protect and restore the Bay. In fact, Mr. HOLDEN and I worked very hard with the other members of the Agriculture Committee to establish a mechanism and a funding source in the 2008 farm bill for addressing issues related to protecting the Chesapeake Bay Watershed. The farm bill provided unprecedented incentive-based funding to help farmers and ranchers improve management practices, which would directly result in improving water quality in the Bay. We must now continue in our efforts to restore and protect the Chesapeake Bay by reauthorizing the Chesapeake Bay Program.

There are other proposals to reauthorize the Bay Program. The goal of all involved is the same, the continued health and vitality of the Bay, but the map to that health and vitality is being strongly debated. Unfortunately, proposals like the Presidential Executive Order, and legislation that would codify this order, would force more mandates and overzealous regulations on all of those who live, work, and farm in the Chesapeake Bay Watershed. This strategy will limit economic growth and unfairly overregulate our local economies. My colleagues and I recognized that we must form a proposal that does not pit the health of the bay against the strength and vitality of our local communities and that is why we rise today to introduce the Chesapeake Bay Program Reauthorization and Improvement Act.

Instead of overregulation and intrusion into the lives and livelihoods of those who choose to make the Bay Watershed their home, our legislation allows States and communities more flexibility in meeting water quality goals so that we can help restore and protect our natural resources. Our bill sets up new programs to give farmers, homebuilders, and localities new ways to meet their water quality goals. This includes preserving current intrastate nutrient trading programs that many Bay

states already have in place, while also creating a voluntary interstate nutrient trading program. Additionally, this bill creates a voluntary assurance program for farmers. The program will deem farmers to be fully in compliance with their water quality requirements as long as they have undertaken appropriate conservation activities to comply with State and federal water quality standards.

Also, our bill makes sure that the agencies are using common sense when regulating water quality goals for localities. Our legislation requires the regulators to take into account the availability, cost, effectiveness, or appropriateness of practices, techniques, or methods in meeting water quality goals. This will ensure that localities are not being mandated to achieve a reduction in nutrient levels by a prescribed date, when no technology exists to achieve that reduction within that timeline.

While our bill does a lot to improve water quality, we also call for more oversight over the Chesapeake Bay Program. For over 3 decades Congress has been working to preserve and protect the Chesapeake Bay. Despite the efforts of the federal, State, and local governments, the health of the Bay is still in peril. The participants in restoring the Bay include 10 federal agencies, six states and the District of Columbia, over one thousand localities and multiple nongovernmental organizations. This legislation would fully implement two cutting-edge management techniques, crosscut budgeting and adaptive management, to enhance coordination, flexibility and efficiency of restoration efforts. Neither technique is currently required or fully utilized in the Bay restoration efforts, where results have lagged far behind the billions of dollars spent. Further, this bill calls for a review of the EPA's Bay model. We often hear complaints from those who make good faith efforts to restore the Bay that their efforts are not being recognized by EPA's Bay model. EPA's model does not account for any voluntary measures being undertaken on farms to control nitrogen and phosphorous nor does it even account for some of the nitrogen and phosphorous reductions that are being achieved through government programs like USDA's Environmental Quality Incentives Program. Effectively, EPA is ignoring nutrient reductions that have already been achieved. Our legislation requires that an independent evaluator assess and make recommendations to alter EPA's Bay model, so that we can develop a model that will capture all of the nutrient reductions that are happening in the Bay.

Madam Speaker, the people who call the Bay Watershed home are the ones who are the most concerned about protecting and restoring the Chesapeake Bay. Unfortunately, too often these hardworking individuals are cast as villains and placed in a position where restoring the Bay is pitted against the economic livelihoods of their communities. We can restore the Bay while also maintaining the economic livelihood of these communities. The Chesapeake Bay Program Reauthorization and Improvement Act is the way we can do both. I look forward to working with my colleagues in the Congress, so that we can pass this important legislation and work to restore the Chesapeake Bay.

#### RECOGNIZING THE FIFTY-THIRD NATIONAL PUERTO RICAN DAY PARADE

#### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 2010

Mr. SERRANO. Madam Speaker, it is with great pleasure that I rise today to pay tribute to the Fifty-Third National Puerto Rican Day Parade, which will be held on June 13, 2010, in New York City. A radiant and star-studded event, this parade proudly recognizes the heritage of Puerto Rican people here in the United States, and year upon year has proven to be one of our nation's largest outdoor festivities.

The National Puerto Rican Day Parade is the successor to the New York Puerto Rican Day Parade, which held its inaugural celebration on Sunday, April 12th, 1958, in "El Barrio," Manhattan. The impact of the first Puerto Rican Day Parade in New York was immediate and resounding. Thousands of New York Puerto Ricans flooded the streets in a very public, very proud demonstration of their emergence in the city as an important and growing ethnic group. For the next 38 years, the New York Puerto Rican Day Parade became a staple of New York's cultural life. In 1995, the overwhelming success of the parade prompted organizers to increase its size and transform it into the national and international affair that it is today.

On June 13 delegates representing over thirty states, including Alaska and Hawaii, will join the roughly 3 million parade goers every year who turn New York's Fifth Avenue into a sea of traditional red, white, and blue flags. It's a picture unlike anything you will see anywhere else in the country. Not only because New York is the most international city in the world, but also because of the relationship that exists between New York and the Puerto Rican community. It's an historic relationship essentially born of mutual benefit and respect. Puerto Ricans have helped transform New York into a dynamic, bilingual city that continues to welcome newcomers from all over the globe, and the city of New York, believed by many to be a place of opportunity, has enabled Puerto Ricans to flourish economically, culturally and politically.

The success that the parade enjoys each year is brought about in large measure by the continued efforts of a choice few individuals—women and men of able leadership who believe, as I do, in the unbound potential of people of Puerto Rican descent. The Parade's march up Fifth Avenue, while certainly the most visible aspect of the celebration, is hardly the only event associated with the National Puerto Rican Day Parade, Inc.'s activities. Each year more than 10,000 people attend a variety of award ceremonies, banquets and cultural events that strengthen the special relationship shared by Puerto Ricans and the city of New York.

Madam Speaker, the National Puerto Rican Day Parade is an experience unlike any other. It signals to all who witness it that the Puerto Rican community, both in New York and nationally, represents an exquisite tapestry of individuals. Its power can be seen on the faces

and heard in the streets, as millions come together to joyously proclaim their heritage. And so, Madam Speaker, as a Puerto Rican and a New Yorker, and as someone who participates in this parade annually, I stand before you and my colleagues in Congress with a full and proud heart to pay tribute to the sights and sounds and wonder that is the National Puerto Rican Day Parade.

TRIBUTE TO HAMPSHIRE COLLEGE  
ON ITS 40TH ANNIVERSARY

**HON. JOHN W. OLVER**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. OLVER. Madam Speaker, I rise today to celebrate Hampshire College for opening its doors and welcoming its first students 40 years ago tomorrow.

The Pioneer Valley of Western Massachusetts is home to the Five College Consortium, which includes three private liberal arts colleges, Amherst, Mount Holyoke and Smith; the state's flagship public university campus, the University of Massachusetts Amherst; and a progressive institution of higher education, Hampshire College. For 40 years now, the Consortium has served as a vehicle for collaboration and resource sharing across all five campuses, including broadening access to higher education and unsurpassed academic excellence. This structure encourages the use of a vast curriculum, faculty and resources, and presents each student with a richer and fuller educational experience.

Hampshire College was founded within this consorial setting to offer an original education in which students design their own course of study in close consultation with faculty mentors. Hampshire's educational approach emphasizes individual choice and development, and its pedagogical cornerstone is an inquiry-based mode of teaching and learning. Just as it attracts talented and intellectually ambitious students, Hampshire appeals to faculty who are excited to experiment with new methods of teaching, and are keen to co-teach with their colleagues.

Rather than being characterized by traditional, discipline-based departments, Hampshire College has five academic schools: the School of Cognitive Science; Interdisciplinary Arts; Humanities, Arts and Cultural Studies; Natural Science; and the School of Critical Social Inquiry. Each school develops an innovative curriculum, which is project-based and immediately challenges students with current problems in the research literature. Research and teaching at Hampshire tend to work across discipline-based boundaries, as faculty and students collaborate to grapple with problems from a range of perspectives, with an eye toward community impact, social justice, and the well-being of others. Team teaching and interdisciplinary research serve as the basis for collaboration and reflect a remarkable degree of creativity. A low student-faculty ratio (12:1) allows for an emphasis on individualized and small group training, where faculty research and artistic expression is fully integrated into coursework, inviting each class into

the process of intellectual and artistic discovery.

Within this mission—and wherever possible—Hampshire students ask questions that motivate their undergraduate years. Careful mentoring at Hampshire has shown to inspire and motivate students beyond the classroom, often resulting in students continuing their education at the graduate level, and indeed, culminating in rewarding careers.

I am honored to represent this fine institution of higher learning. Please join me in congratulating Hampshire College as it continues to define and communicate its extraordinary mission for the next generations of students, their families and the general public.

HONORING DR. JOSEPH W.  
BASCUAS, INTERIM PRESIDENT  
OF BECKER COLLEGE, WORCES-  
TER, MA

**HON. JAMES P. MCGOVERN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. MCGOVERN. Madam Speaker, I rise to recognize Dr. Joseph W. Bascuas for his accomplishments as Becker College interim president and for his dedication to quality higher education.

Becker College, located in Worcester and Leicester, Massachusetts, serves more than 1,700 students from 18 states and 12 countries, and offers over 25 diverse, first-quality bachelor degree programs in unique, high-demand career niches. Born in Cuba, he shares my dedication to improving relations with Latin America. Dr. Bascuas utilized his great volume of experience and passion for quality higher education and strong relationships in his role as Becker College interim president.

The Becker College Board of Trustees named Dr. Bascuas as interim president on September 26, 2008. Dr. Bascuas gave his leadership and support to the Becker College community in various ways during his tenure. He brought more than 25 years of experience in higher education to Becker College.

Prior to serving as interim president at Becker College, Dr. Bascuas served as president of Medaille College, Buffalo, NY, a private institution that offers undergraduate and graduate degrees, from 2002 through 2006. Dr. Bascuas successfully took Medaille through an accreditation and strategic planning; completed a \$2.4 million capital campaign; nearly doubled revenue and undergraduate freshman to sophomore retention; and increased overall and undergraduate enrollment as well as the number of resident students. As founding president Argosy University Atlanta, GA campus, Bascuas spent 12 years with the Argosy Education Group. During his tenure, the Argosy corporate entity grew from three to thirteen campuses, offering undergraduate and graduate programs in business, education, and psychology, two law schools, and one technology-focused school. Dr. Bascuas also increased enrollment at all campuses, introduced new programs at five campuses, and hired presidents at two campuses. Previously, Bascuas held administrative and

teaching positions at the Georgia School of Professional Psychology, Antioch University, Nova/Southeastern University and Salve Regina University. He has held a number of positions with professional boards and associations, most recently as site visit team chair for the Middle States Commission on Higher Education, and he has served on the National Collegiate Athletic Association Division III Presidents Council. Dr. Bascuas has written and co-authored numerous papers on psychological topics and has presented at symposia and conferences. He received a B.A. from LaSalle University and an M.A. and a Ph.D. from Temple University.

As interim president, Dr. Bascuas encouraged Becker to find ways to provide more aid to students who need it most, thus increasing retention among current students and giving access to new students. Dr. Bascuas was successful in communicating across audiences, promoting unity among Becker College's two campuses, forging relationships with faculty, and energizing the board of trustees. On a personal note, I appreciate his strong interest in promoting the College's nursing education program and his personal invitation to me to participate in the "Pinning" graduation ceremony for its nursing students.

Madam Speaker, I would like to commend Dr. Joseph W. Bascuas for his remarkable work as interim president. I ask my colleagues to join me in thanking Dr. Bascuas for his work and wishing him all the best in his future endeavors.

IN CELEBRATION OF DR. EDDIE  
GREEN'S RETIREMENT AS DI-  
RECTOR OF THE HORIZON-UP-  
WARD BOUND PROGRAM OF  
CRANBROOK SCHOOLS AFTER  
HIS TEN YEARS OF SERVICE

**HON. GARY C. PETERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. PETERS. Madam Speaker, I rise today to recognize Dr. Eddie Green on the occasion of his retirement as Director of the Horizons-Upward Bound, HUB, program at Cranbrook Schools, and to celebrate and honor his 10 years of service. As a Member of Congress it is both my honor and privilege to recognize and congratulate Dr. Green on this most auspicious occasion.

Dr. Green's dedication to educating and nurturing our youth long precedes his work with the Horizons-Upward Bound program. Prior to his current work with HUB, Dr. Green served for many years in the Detroit Public Schools. Dr. Green began his career as a teacher in the classroom and through unwavering commitment to his students, fellow educators and the community rose to become the Detroit Public Schools' General Superintendent and Chief Executive Officer. As the Schools' Chief Executive, Dr. Green carried out his vision of engaging all sectors of the Detroit community in the fight to increase student achievement by creating a confident, committed and supportive community.

Horizons-Upward Bound was founded in 1965 with the mission of preparing students of

limited opportunity in the Detroit metropolitan region to enter into and excel in post-secondary education opportunities and beyond. When Dr. Green began his work with HUB in May 2000, he brought with him the same passion and zeal which made him such a strong and effective leader for educating our youth. As its Director, Dr. Green implemented several new programs which furthered the mission of HUB, including financial literacy education for high school seniors, a comprehensive mentoring program for all HUB participants, an annual east coast college tour for high school sophomores, and the Weekend Wilderness Experience for summer HUB participants. In each case, the programs that Dr. Green designed furthered the educational enrichment of Detroit area youth, while exposing them to new opportunities and experiences.

Madam Speaker, I ask my colleagues to join me today in celebrating Dr. Eddie Green's retirement after 10 years of service as Director of the Horizons-Upward Bound program of Cranbrook Schools and for his lifetime of work in public education. The profound impact of Dr. Green's work is felt in the lives of so many of our youth in the Detroit metropolitan area and I wish him many healthy years in his retirement.

COMMEMORATING D-DAY AND  
HONORING THE VIRGINIA NA-  
TIONAL GUARD

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. WOLF. Madam Speaker, I was honored on June 5 to join in a salute to the Virginia National Guard and the role of its Third Battalion, 116th Infantry Regiment, 29th Infantry Division in the D-Day invasion.

The event was held at the National Guard Armory in Winchester and organized by the Honorable Jack Marsh, former Virginia congressman and counselor to President Ford, the longest serving secretary of the Army, and my long-time friend and mentor. Earlier this year Jack helped draft a resolution passed by the Virginia General Assembly which commemorated the Virginia National Guard's 29th Division for its part in storming Omaha Beach and invading Normandy on D-Day—June 6, 1944.

On Monday, May 31, Madam Speaker, we observed Memorial Day. We honored those who made the ultimate sacrifice in service to their country. I also took time last week to visit Gettysburg where President Lincoln so eloquently described that kind of sacrifice in his ringing words of the Gettysburg Address: They gave "the last full measure of devotion."

As we reflect this week on the 66th anniversary of D-Day, many people may not know that the only National Guard Division on the beach at Normandy was the 29th Division of Virginia, Maryland and District of Columbia National Guard. And only one Regiment of the 29th—Virginia's 116th Infantry, which includes the 3rd Battalion that calls the Winchester Armory home—was selected to be in the first wave at Omaha Beach.

There were 17 Virginia communities in the Infantry units of the 116th—from Winchester, Berryville and other places stretching up and down the Shenandoah Valley. This historic unit is the sixth oldest regiment of the Army and its predecessors served under our forebears—George Washington and Stonewall Jackson—giving it the name: "Stonewall Brigade."

The soldiers of the Stonewall Brigade stormed the beach with 3,100 officers and men. They had to cross over 300 yards of sand beach under heavy crossfire to reach the shore and fight their way up bluffs that towered to 100 feet. By the end of what is known as "the longest day," the 116th took over one thousand casualties. Military historians call the Omaha battle the most violent of World War II. Only a handful of those who crossed the beach, who Tom Brokaw has called, "the Greatest Generation," remain.

Once on shore the mission of the 29th Division was the capture of the city of St. Lo, a key transportation hub. It proved to be an arduous task. German defenses were formidable. Timetables were disrupted. Mid-July found the 3rd Battalion 116th Infantry at the edge of St. Lo. It had a new commander, Major Tom Howie of Staunton, Virginia, where he taught English, and coached football at Staunton Military Academy.

Howie was from South Carolina and a 1929 graduate of the Citadel where he was class president and an all-state half-back. Tom Howie became the role model for the character Captain Miller, played by Tom Hanks, in the film, "Saving Private Ryan."

The second battalion of the 116th became surrounded near St. Lo. Major Howie's 3rd Battalion in a night attack operation broke through German lines to relieve the 2nd Battalion. In the morning on July 17, Howie and his troops continued the attack on St. Lo. His last words were "see you in St Lo" before he was killed instantly by German mortar fire. Loved and respected by his men, his body was draped in an American flag and placed on the hood of a Jeep that led the victorious troops into the city. There on a pile of rubble of the Church of St. Croix it was placed to honor him.

A Life magazine photographer happened by, and took the famous picture. Because of censorship neither the soldier, nor unit could be identified. It was captioned only, "The Major of St. Lo," but it was seen round the world. The French have since built a monument to honor him. Today there is also a Howie Bell Tower near the Citadel Parade Ground at his alma mater.

When the 29th Division deployed to England in September 1942, Tom Howie bid his wife and small daughter Sally, not quite 4-years-old, goodbye. They would never see him again. His daughter, now Sally McDivitt, age 71, of Culpeper, Virginia, was an honored guest at the ceremony in Winchester and unveiled a portrait of her father, which will be displayed in a classroom at the armory bearing Major Howie's name.

Madam Speaker, Sally Howie McDivitt is a symbol of the sacrifice made by military families, then and now. The 116th made extraordinary contributions at Normandy and continues in that sacrifice of service today. The

spirit of the heroes of D-Day lives on in the men and women of the 116th of today. They call the same places in Virginia home and show the same dedication and courage by fighting for freedom and democracy in places which are continents away.

This same unit has now served two tours in Iraq and Afghanistan and has lost two members, Staff Sgt. Craig Cherry, 39, of Winchester, and Sgt. Bobby Beasley, 36, of Inwood, West Virginia. The Winchester Armory now bears their names. I have visited troops in Iraq and Afghanistan, including soldiers from Virginia. They deserve our support and gratitude for accepting the same responsibilities and hardship of those in the uniform of their country who have gone before them.

We must always remember that when we send men and women into harm's way, their families are also sacrificing for their country. Military families, then and now, bear a heavy burden. They have been willing to sacrifice their goods, their comforts, their husbands, sons, daughters, fathers, and brothers. They are willing, as words of the Declaration of Independence state: to pledge their lives, their fortunes and their sacred honor for their country.

In a speech given at Point du Hoc, France, commemorating D-Day in 1984, President Reagan said:

"The men of Normandy had faith that what they were doing was right, faith that they fought for all humanity, faith that a just God would grant them mercy on this beachhead or on the next. It was the deep knowledge—and pray God we have not lost it—that there is a profound moral difference between the use of force for liberation and the use of force for conquest."

We call on our colleagues and every citizen of America—the land of the free and home of the brave—to continue to strengthen the character of our nation, which has been built through hardships, and the freedom of our nation, which has been ensured through the lives of so many before us, including those brave souls from Winchester and the Shenandoah Valley who fought their way onto the shores and up the bluffs of Omaha Beach.

RECOGNIZING DR. JOSEPH W.  
BASCUAS, INTERIM PRESIDENT  
OF BECKER COLLEGE, LEICESTER,  
MASSACHUSETTS

**HON. RICHARD E. NEAL**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. NEAL of Massachusetts. Madam Speaker, I rise today to pay tribute to Dr. Joseph W. Bascuas for serving as Becker College's interim president and for his promotion of high academic standards.

The Becker College Board of Trustees named Dr. Bascuas as interim president on September 26, 2008. Dr. Bascuas gave his leadership and support to the Becker College community in various ways during his tenure. Specifically, he brought more than 25 years of experience in higher education to Becker College.

During his time at Becker College, Dr. Bascuas strengthened relations with the local community, encouraging the investment of college resources to the benefit of the local community. Specifically, he effectively emphasized new collaborations with the Town of Leicester Public Schools and championed the college's plans to transition part of the landmark Reverend Samuel May House into a visitor center for the town. On a personal note, I appreciate his interest in promoting civil rights and his personal invitation to address students on this important chapter of our nation's history and served as the commencement speaker for the graduating class of 2010.

Becker College is a unique New England college. The institution, which traces its history to 1784, is comprised of two separate campuses only six miles apart, one in Leicester and the other in Worcester, Massachusetts, each with its own dormitories, library, dining hall and academic facilities. The college serves more than 1,700 students from 18 states and 12 countries, and offers more than 25 diverse, quality bachelor degree programs in unique, high-demand career niches ranging from nursing and equine management to computer game design and a variety of adult learning options.

Prior to serving as interim president at Becker College, Dr. Bascuas served as president of Medaille College, Buffalo, NY, a private institution that offers undergraduate and graduate degrees, from 2002 through 2006. Dr. Bascuas successfully took Medaille through an accreditation and strategic planning; completed a \$2.4 million capital campaign; nearly doubled revenue and undergraduate freshman to sophomore retention; and increased overall and undergraduate enrollment as well as the number of resident students. As founding president of Argosy University Atlanta, GA campus, Bascuas spent 12 years with the Argosy Education Group. During his tenure, the Argosy corporate entity grew from 3 to 13 campuses, offering undergraduate and graduate programs in business, education, and psychology, two law schools, and one technology-focused school. Dr. Bascuas also increased enrollment and revenues at all campuses, introduced new programs at five campuses, and hired presidents

at two campuses. Previously, Bascuas has held administrative and teaching positions at the Georgia School of Professional Psychology, Antioch University, Nova/Southeastern University and Salve Regina University. He has held a number of positions with professional boards and associations, most recently as site visit team chair for the Middle States Commission on Higher Education, and he has served on the National Collegiate Athletic Association Division III Presidents Council. Dr. Bascuas has written and co-authored numerous papers on psychological topics and has presented at symposia and conferences. He received a B.A. from LaSalle University and an M.A. and a Ph.D. from Temple University.

Mr. President, I again thank Dr. Joseph W. Bascuas for his great contributions to Becker College and the Town of Leicester. I ask my colleagues to join me in wishing Dr. Joseph W. Bascuas all of the best in his future endeavors.

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### THIRD TIME IS A CHARM FOR SOUTHWEST RANDOLPH

#### HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. COBLE. Madam Speaker, on behalf of the citizens of the Sixth District of North Carolina, we wish to extend our congratulations to the Southwest Randolph High School softball team for winning the North Carolina High School Athletic Association State 3-A softball championship for the third time in four years.

The Southwest Randolph Cougars defeated Crest High School 6-1 on June 5, 2010, at Walnut Creek Softball Complex in Raleigh, North Carolina, to win the title.

The win did not come easily with the Cougars trailing 1-0 after the third inning. After readjusting to the Chargers' pitching style and hitting fewer pop-ups, the Cougars managed to score a run in the fourth inning.

Cougars' pitcher Julia Calicutt was able to stop the Chargers from scoring additional runs in the fifth and sixth innings. Having played

two seasons behind Southwest Randolph's four-year starter Anna Maness, Calicutt was finally given her chance to shine.

Calicutt's athleticism and hard work gave the Cougars the opportunity they needed to claim the state title. The Cougars ended the game tacking on three additional runs in the fifth inning and two in the sixth. "It's an awesome feeling," Calicutt told the Asheboro Courier-Tribune. "There were doubts at the beginning of the season. We had to do this to prove ourselves," added Calicutt.

The championship team members included: Cythnia Hayes, Hannah Hughes, Erin Billups, Olivia Hickman, Julia Calicutt, Kelsey Hoover, Victoria Hunt, Sydney Hyder, Sloane King, Ashia Nicholson, Kaylee King, Paige Parrish, Hayleigh Clapp, Brooke Hayes, Hagan Kiser, Felicia Brady, Braden Newlin, and Alexandria O'Connell. Assisting Head Coach Ricky Martinez were Brooke Smith, Robert Hayes and Wendell Seawell.

Again, we would like to congratulate Southwest Randolph High School's softball team, faculty, staff, students, and fans for an outstanding championship season.

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### PERSONAL EXPLANATION

#### HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. KENNEDY. Madam Speaker, I regret that I was unable to participate in a series of votes on the floor of the House of Representatives today.

Had I been present to vote on rollcall No. 337, on a motion to suspend the rules and pass the bill H.R. 1961, the Hoh Indian Tribe Safe Homelands Act, I would have voted "aye" on the question.

Had I been present to vote on rollcall No. 338, on a motion to suspend the rules and pass the bill H. Res. 518, Honoring the life of Jacques-Yves Cousteau, explorer, researcher, and pioneer in the field of marine conservation, I would have voted "aye" on the question.

## SENATE—Monday, June 14, 2010

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our heavenly Father, give us the courage to continue with hope when the days are difficult and our work is challenging. Stay near to our Senators, particularly when they are weary and when doubts and anxieties assail them. Give them the wisdom to do their best and leave the rest to Your loving care.

Lord, take their lips and speak through them; take their minds and think through them; take their hearts and love humanity through them.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 14, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business until 3 p.m. with Senators permitted to speak for up to 10 minutes each. Upon the conclusion of morning business, the Senate will resume consideration of the House message with respect to H.R. 4213, which is the tax extenders legislation.

There will be no rollcall votes today. Senators should expect the next votes to begin around 11:50 a.m. tomorrow. Those votes will be on confirmation of several District Court nominations: Tanya Pratt of Indiana, Brian Jackson of Louisiana, and Elizabeth Foote of Louisiana.

### FIXING AMERICA'S PROBLEMS

Mr. REID. Mr. President, we will learn a lot this week about who wants to fix problems and who wants to make excuses. This week will be the seventh week the emergency unemployment insurance bill has been on the Senate floor. It is another week the good families in Nevada and across the country have to struggle to make ends meet after their benefits have expired—to simply cover the basics while they look for full-time work.

If my friends on the other side of the aisle have their way, this week will be yet another week with no lifeline for the most needy—those willing to work and who are waiting to work. The other side has slowed and stalled almost every piece of legislation this year, just as they did last year and the year before. And that is not a secret. The numbers don't lie and the Republicans make no efforts to hide their strategy of delay. That is why today they are known as the party of no.

But that strategy has consequences. The first is unemployment insurance. Years of disastrous Republican policies led to the worst economic disaster in generations. That, in turn, led to layoffs in nearly every industry in every State. When millions of Americans lost their jobs, they lost their incomes, their homes, their savings, their gas money, their tuition payments, all through no fault of their own. Democrats aren't about to turn their backs on out-of-work Americans, which is why we are trying to help them keep

their heads above water in this emergency.

The second casualty is Medicaid funding, known as FMAP, so the poorest of the poor in our communities can see a doctor when they get sick. Many States, including the State of Nevada, have budgeted for this money and count on us to deliver it. Nevada is counting on more than \$100 million. Others are waiting on billions of dollars. If we don't deliver, we will leave huge holes in State budgets that will be filled with other deep and drastic cuts affecting the basic goodness of our country and directly the lives of millions. Critical services from coast to coast will bear the burden. We have to pass this bill on the FMAP legislation. We have to do it to protect those services and the jobs they create.

Third, this bill will fix an injustice to doctors who treat America's senior citizens—those on Medicare. More than a decade ago, a Republican-dominated Congress passed a flawed policy regarding how doctors are reimbursed for seeing patients on Medicare. Tomorrow, these doctors will see those payments drop 21 percent—that is more than one-fifth—and it will drop overnight. That is grossly unfair to doctors and it is dangerous for seniors, veterans, and others they may soon no longer be able to treat.

But that is not all. Many HMOs and other providers base their reimbursements on Medicare rates. So you don't have to be a senior citizen or a veteran to be affected by the sharp cut scheduled to take effect tomorrow.

Some on the other side are still trying again to stand in the way. As I said, the doctors payment problem came out of a Congress that was dominated by Republicans. The Democratic Congress is determined to fix this.

Let's say a word about the BP disaster. Next week will mark 2 months since millions of gallons of oil started gushing into the Gulf of Mexico. But this week will tell us a lot about who is fighting for the taxpayers and who is fighting for corporate America.

The cost of the BP disaster isn't limited to the devastated waters and wildlife along our gulf coast. The damage extends to the lives and livelihoods of so many in that region—such as small businesses that can't operate at full speed, and the workers whose jobs are threatened when these businesses slow. Whether it is fishermen, shrimpers, or tourism businesses whose workplace—the Gulf of Mexico—has been polluted on such a large scale, the damages would stretch clear across the State of Nevada, from our California border to

our Utah border. Understand how big that is. Nevada is the seventh largest State in the Union, areawise.

Another cost, of course, is the families forever changed when 11 men died in the explosion that caused the spill. Some estimate the pricetag for this disaster will climb to the tens of billions of dollars. But let's be honest: Someone is going to end up paying that bill eventually, but we are making sure it is not going to be the taxpayers. We are going to send the tab to BP.

That is why I sent a letter yesterday to Tony Hayward, BP's chief executive officer. I am pleased and encouraged that the vast majority of Democrats we could get hold of signed their names alongside mine. We told Hayward we are committed to ensuring BP is held fully responsible, and that we refuse to ask taxpayers to bail out one of the richest companies in the whole world. We asked our Republican colleagues to join us.

We are calling on BP to create a special accountability account—overseen by an independent trustee—to pay for the damages from their historic disaster and the cost of cleaning up their catastrophe. We are making these demands because we don't have a lot of reason to give BP the benefit of the doubt. Shortly after the explosion, we learned of the shortcuts that led to it. We saw it all over—including a very nice piece they did on "60 Minutes." We also recently learned BP vastly understated the extent and rate of the spill. And in past disasters, we have seen other oil companies spend millions on lawsuits and public relations campaigns, all designed not to compensate the businesses and families they hurt but to improve their profits.

Our message to BP is as simple as this: If you drill and you spill, we are going to make sure you pay the bill.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### FLAG DAY, HEALTH CARE AND EXTENDERS

Mr. McCONNELL. Mr. President, first, I would like to note a couple important anniversaries today. It was on this day in 1775 that the Continental Army was established and George Washington appointed to lead it. So June 14 has gone down in history not only as the beginning of America's defeat of the British Army but also as the birth of the greatest Army the world has ever known. The largest and oldest branch of the U.S. military, the Army is older than the United States itself. Its first leader became our first President. It continues to make Americans proud, and we are grateful on this day

and every day for the men and women of the U.S. Army.

Incidentally, 2 years to the day after the establishment of the Army, the Second Continental Congress officially established the flag under which our military has fought ever since. The resolution in Congress said that 13 stripes would represent the 13 States, and that 13 stars would represent the Union in the form of a new constellation. President Wilson officially established this day as Flag Day in 1916. Ever since, Americans everywhere have honored this great symbol of freedom every year on Flag Day, June 14. We honor those who have fought for it, and we are proud of all that the flag of the United States of America represents here and wherever it flies around the globe.

On another topic, the Obama administration announced new regulations today that will give Americans a better sense of how the health care bill will affect them. These new regulations outline the various ways in which existing health plans will be forced to change under the new law. According to the Obama administration report we saw on all this today, these regulations could result in nearly 7 out of 10 workers—and 80 percent of workers at small businesses—seeing changes in their plans. In other words, under the new health care bill, more than half of those who get insurance through their jobs may be forced to change their plans whether they want to or not.

This is not only bad news for the vast majority of Americans who like the plans they have. It also flatly contradicts the President's repeated promises to the contrary. A year ago this month, the President said the following on national television: "... Government is not going to make you change plans under health reform"

The implication here was that businesses might change your plans, but government won't. Today's regulations show that this isn't true. The government is about to change the plans most Americans have. Here's one more promise the administration has broken on health care and one more warning Republicans issued on this bill that's been vindicated.

Now onto the business on the floor. Since Democrats continue to argue among themselves about the extenders bill, I will be asking consent at the end of my remarks to pass a 30-day extension of the recently expired provisions in the bill that will give doctors and those looking for work the assurances they need to plan ahead. And rather than doing it in a way that simply adds to the deficit, this proposal would actually reduce the debt by \$2.5 billion. Moreover, later today Senator THUNE will offer an amendment that would provide for a long-term extension of these programs, plus the tax provisions which expired at the end of last year, without adding a dime to the deficit.

In fact, the Thune amendment would enable us to lower the deficit by \$55 billion by enacting the kinds of spending cuts Americans are demanding of lawmakers in Washington.

Many of these cuts have been proposed previously by Senator COBURN and received bipartisan support on the supplemental spending bill. We need to show the American people we are making serious efforts to cut spending. The Thune amendment gives us an opportunity to do just that today. I hope our Democrat friends join us in that effort.

As I indicated and mentioned to the majority leader when we were in private discussion a while ago, I will now propound the consent agreement to which I referred in my remarks.

UNANIMOUS-CONSENT REQUEST—S. 3421

Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 411, S. 3421; further, that the bill be read a third time and passed, and the motion to reconsider be laid upon the table; before the chair rules, for clarity, this is a paid for 30-day extension of the extenders bill, which includes unemployment insurance, doc fix, COBRA, flood insurance, and the extension of the small business loan guarantee program and the 2009 Federal poverty guidelines.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, reserving the right to object, it is my understanding, through the Chair to my distinguished friend, the senior Senator from Kentucky, that this is paid for out of stimulus money?

Mr. McCONNELL. Mr. President, I believe most of the pay-fors are. I would say to my friend, having consulted with staff, it is some stimulus money but largely what we believe to be noncontroversial pay-fors.

Mr. REID. Mr. President, a 30-day extension doesn't solve the problems we have. A 30-day extension of unemployment, 30-day FMAP, 30-day doc fix, is just kicking them all down the road. We have to have a legitimate program to extend these benefits into the future, and 30 days does not do it. It just kicks the ball down the road.

I would also say, with money being taken from the recovery moneys—this is one of the job-creating things we have left going on in this government. It is a good program, it creates jobs.

I look forward to working with my Republican colleagues to have a more long-term fix of this difficult problem, and therefore I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each, with the time divided or controlled by the two leaders or their designees.

The Senator from New Mexico.

## SUPPORTING DONALD BERWICK

Mr. BINGAMAN. Mr. President, I come to the floor to urge quick confirmation of President Obama's nominee, Dr. Donald Berwick, to become the Administrator for the Centers for Medicare and Medicaid Services, also known as CMS. He is highly qualified and capable. This is an extremely important position for which he has been nominated.

Unfortunately, according to recent press reports, it appears that some who oppose the new health reform law are hoping to use Dr. Berwick's confirmation process as a forum to debate the merits of this new health reform law which has now been enacted.

In my view, whether Senators favored or opposed the enactment of health care reform legislation, it is clearly in the interests of our country that we have a capable Administrator to implement the new law. Over the last year and a half, there has been an enormous focus in Congress on addressing the very serious problems facing our health care system. It is important the President's choice to head the CMS be confirmed so that he can take up the enormous challenge and the enormous opportunity that is presented by the enactment of this new legislation.

It is clear our Nation has urgent needs. This is not a time for the Senate to delay Dr. Berwick's nomination. I recently spent time with Dr. Berwick at the annual Health Policy Conference headed by the Commonwealth Fund this last January. I was impressed both with the depth of his understanding of the many issues facing the health care system as well as his passion for improving the quality of health care and his impressive successes in doing so.

Dr. Berwick has dedicated his career to finding ways to make our health care system work better for patients and cost less for taxpayers. These are core missions he will take on as our next CMS Administrator.

Don is the founder and CEO of the Institute for Health Care Improvement. He is a professor of health policy at the Harvard Medical School and the School of Public Health, and he is a practicing physician at some of our Nation's top hospitals. He has held numerous leadership roles at the institutions that ensure quality care in America, including service on the board of the American Hospital Association and as chair of the Advisory Council for the Agency for Healthcare Research and Quality.

Don's vast experience with our health care system, his award-winning career as an expert in health care quality, make him the ideal candidate to lead CMS at this critical time. The historic health reform legislation that President Obama signed into law this year takes significant steps to strengthen Medicare, reduce waste, fraud, and abuse in the system, and makes critical improvements in the way care is delivered. Implementing those changes in the smartest and most effective way is going to require an Administrator who has seen firsthand what it takes to make meaningful improvements in health care quality and efficiency. It is also going to take an Administrator with a passion to get the job done right.

Don Berwick has both. That is why he was chosen by President Obama to be the next CMS Administrator. His nomination has won praise from across the political and professional spectrum, including former CMS Administrators who served Republican Presidents. For example, Thomas A. Scully, who was CMS Administrator under President George W. Bush between 2001 and 2003, said:

Dr. Berwick is about as noncontroversial and well liked as you can get. You are not going to do any better.

Mark McClellan, CMS Administrator under George W. Bush from 2004 to 2006 said the following:

What happens at CMS over the next couple of years will determine whether the new legislation actually improves quality and lowers costs. Don has a unique background both in improving quality care on the ground and thinking about how our Nation's health care policies need to be reformed to help make that happen.

Dr. Nancy H. Nielsen, M.D., immediate past president of the American Medical Association, said:

We welcome President Obama's nomination of Dr. Donald Berwick to be administrator of the Centers for Medicare and Medicaid services. He is widely known and well respected for his visionary leadership efforts that focus on optimizing the quality and safety of patient care in hospitals and across health care settings.

Dr. John Rather, the executive vice president of AARP, said:

Dr. Berwick's expertise on healthcare innovation and his dedication to quality improvement and patient safety would benefit the millions of low-income and older Americans served by Medicare and Medicaid. His appointment is welcome news to Medicare beneficiaries, as it signals that quality and safety will be at the top of the agenda.

Finally, our former colleague, Dave Durenberger, a Republican from Minnesota, said:

President Obama let us know he means business on "bending the medical cost curve" by nominating Dr. Don Berwick as head of the Center for Medicare and Medicaid services. . . . This appointment will be taken as an indication that health policy and health system reform is likely to be this President's top priority in his first term. We

all know that Don Berwick has the ability to make both work.

There is broad consensus that the nomination of Dr. Berwick is an excellent choice by President Obama. Our country needs Dr. Berwick's remarkable talents now, and every day his confirmation stalls or is delayed is a missed opportunity to ensure his unparalleled leadership is directing our Nation's largest and most influential health care agency.

I urge my colleagues on both sides of the aisle to swiftly approve his nomination.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I might note to my colleague from New Mexico that there is a different point of view about this particular nominee. I would venture to say that since his hearing has not been scheduled yet, it may be a while before we are able to take up that nomination. In any event, there are many on our side of the aisle who have significant concerns about whether he should be put in charge of the CMS. But I appreciate the comments of my colleague, and I will turn to a different subject at this point.

## SPENDING

Mr. KYL. Mr. President, about the time I think Washington is beginning to get the message that the American people are fed up with runaway spending, my hopes are dashed by proposals to spend even more. I would like to refer to one here in just a moment.

First, there is no question that the American people are unhappy about the spending binge and soaring debt that have occurred under this administration and this Congress. In the last year and a half, there has been trillions in new spending, program after program, bailout after bailout. We are about to see another one.

Every time I return home to Arizona from Washington, my constituents remind me of their frustration with Washington's lack of restraint. They know the reckless spending and borrowing cannot go on forever. They are worried about how their kids and their grandkids will pay for all of President Obama's spending priorities and associated debt.

Now, \$260 of new debt has been added to each household every week of the Obama administration. Let me repeat. For every week of this administration, every household has another \$260 of debt. Our national debt has now reached \$13 trillion, much of which is held by countries such as China. More than \$1 trillion has been added to the debt since the majority adopted legislation they called pay-go. These are so-called budget controls which require Congress to pay for what it spends. But, unfortunately for the taxpayers,

the emergency designations and other budget gimmicks have been a convenient way for the majority to circumvent these pay-go rules.

Now the President is asking for some more money to spend for yet another bailout. This time it is \$23 billion for teachers' salaries and a total of \$50 billion to defray the cost of State employees' and local employees' salaries. No guarantee that the funding would be used in the case of the teachers necessarily to save jobs, or firefighters, the same. And this comes just 16 months after Congress poured \$100 billion for education into the so-called stimulus legislation, including \$48 billion in direct aid to the States. As for total Federal education spending, it has doubled since the year 2000 to 15 percent of the Federal budget now—not an inconsequential amount.

Besides more spending and debt, I see the continuation of two troubling patterns here. One is the refusal of this administration and the majority in this Congress to encourage State and local governments to economize to live within their means, just as families and private sector businesses must do. The President's latest proposal for this \$50 billion in so-called emergency funding simply bails the States out, the State and local governments that have obligations to their employees.

With regard to education, the Education Secretary, Arne Duncan, says the \$23 billion for teachers is an emergency. But, as George Will pointed out in a recent column, the private sector has lost 8.5 million jobs during the recession or 7.4 percent of workers, while local governments have only lost 141,000 workers or less than 1 percent of their workers. Will writes, "Now this supposed emergency, and states' dependency, may be becoming routine and perpetual." In other words, the Federal Government just becomes the payor for the salaries of people who work for State and local governments.

Spending \$23 billion is not going to help unemployed private sector workers find jobs; it may actually hurt them. And spending billions of stimulus dollars on State and local governments hasn't helped them to solve their financial problems thus far. How will spending billions remedy their underlying budget problems? It is just a temporary reprieve. But if they don't do anything to address the underlying cause of the problem, we will not have helped them at all.

Education spending has not been neglected during the recession, and at some point local governments have to figure out a way to make do with what they have. The debt and out-of-control spending are the real emergencies we should be dealing with.

The second pattern I would like to note is the administration's habit of supporting legislation that designates winners and losers, especially when it

comes to labor unions. They were the beneficiaries of \$85 billion in bailouts to the car companies and special tax treatment of the President's health spending law. Teachers unions are the winners if the President convinces Congress to spend another \$23 billion on teacher salaries. This is not the kind of change Americans had in mind when President Obama took office; that is, political allies getting special status and treatment.

President Obama pays lip service to fiscal responsibility but does so as long as his own priorities do not have to be put on hold; otherwise, he would not talk in the same breath about fiscal restraint on the one hand and another \$50 billion in Federal taxpayer money or borrowing from other countries in order to pay teachers' salaries, firefighters' salaries, and the like. At some point, I believe the President will have to match his rhetoric with action; otherwise, the United States will not be able to avoid unprecedented budgetary and economic crises. Is this really the legacy this administration and this Congress want to leave behind? I think not.

I think when I go home this week and I visit with constituents of mine, including another tea party group, I am going to hear an earful about how they thought Washington was beginning to get the message that we were not supposed to spend so much money we did not have; that they are tired of us going to borrow money from other countries such as China and putting it on the credit card for our kids and our grandkids to pay. I think I am going to have to tell them: Well, I thought folks were beginning to get the message, but now, with the President's new request, it appears we are going to have to deal with the problem again.

I hope that when the President's proposed legislation comes to the Congress, we are able to say to him: No, not this time, just as we are with the legislation that is on the floor of the Senate this week, the so-called emergency that continues certain tax policies in force, extends certain benefits such as unemployment insurance, but does a lot of other things that are not paid for, that are not offset by cuts in other spending.

I don't think we can continue to just keep piling on more and more spending without finding a way to offset it with savings elsewhere. It is not as if those savings can't be found, but we will never get there if we decide to take on the obligations of State and local governments to pay for all of the governmental workers who are on their payrolls. We have to start looking at the private sector and how to encourage the private sector to begin to put more of their folks back to work instead of taking money out of the private sector in order to keep these government workers employed.

I hope my colleagues will take the message I have heard loudly and clearly from home to heart and begin to apply some fiscal discipline to the spending policies this administration is proposing and will for once say: No, we can't afford this, and so we are not going to spend the money.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for such time as I consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CAP-AND-TRADE

Mr. INHOFE. Mr. President, today I wish to speak on where I think this climate change debate is headed after last Thursday's vote on the Murkowski resolution. We got a very clear signal in today's Politico, which reported that President Obama, in his Oval Office address tomorrow night, will seek, as a part of the response to the BP oil spill, to "put a price on carbon."

Let's keep in mind what "a price on carbon" is. That is a tax, a carbon tax, or what we call cap and trade. Quite often people have said: Well, if those individuals really want to charge for carbon, want to stop this economy, why don't they just put a carbon tax on it? The reason they do not is then people would know how much it is costing them. As it is now, with cap and trade, they would not.

But again, he is going to have an Oval Office address. I think this will be the first talk he will give from the Oval Office since he has been President. Of course, that is Washington-speak for cap and trade—a price on carbon.

This is remarkable. Here we have the most significant environmental disaster in our Nation's history, and the President decides now is the time for cap and trade—a massive new energy tax paid for by consumers, working families, farmers, and small businesses; a massive new energy tax that will destroy millions of jobs, in good measure by sending many of them to places such as China and India; a massive new energy tax that will make a gallon of gas more expensive; and a massive new energy tax that will not do anything to stop global warming but will increase the size of government and give more money to politicians to spend. Just how that will contain the oil spill, mitigate the environmental damage, or

help those immediately affected by it remains a mystery. Put simply, it will not do any of those things, but it will damage the economy and make it harder to deal with this crisis.

We have a serious incident on our hands. People died, people's economic livelihoods are at stake, and the environment is being harmed. But instead of Presidential leadership and clear direction, we are getting pure partisan politics. One glaring example is President Obama's moratorium on deep-water drilling—something environmental groups have been seeking for many years. This is an exercise in overreaching that will do far more harm than good. The Louisiana Department of Economic Development estimates that the President's moratorium would kill 3,000 to 6,000 jobs in the next few weeks and over 10,000 Louisiana jobs in the next few months. More than 20,000 jobs are at risk in the next 12 months. That is one example of just pure politics.

Today, in a letter to supporters—we just got this, Mr. President; you may not be aware of this—this is a letter that went out today to Obama supporters all across the Nation, and it says: We are going to have a big meeting at the White House, and we are going to talk about moving forward on legislation to promote a new economy powered by green jobs, combating climate change, and ending our dependence on foreign oil.

Down further in the letter, he says that the House of Representatives has already passed comprehensive energy legislation. Let's remember what that was. That was the Waxman-Markey bill. That was a cap-and-trade bill—one that was very expensive. He says there is currently a plan in the Senate to do the same thing. That is the Kerry-Lieberman bill he is talking about and we are going to talk about.

So the whole idea of this meeting—and I understand the speech that is going to take place tomorrow night is to try to promote an agenda, a very liberal agenda, an agenda that has been rejected. Cap and trade has been rejected by this legislative body since the Kyoto Treaty. That was way back in the late 1990s. Then, of course, the 2003 and 2005 bills by McCain and Lieberman that have been cap-and-trade bills were rejected and every one of them since then, including the Warner-Lieberman bill and the other bills we have had. The interesting thing is, every time a cap-and-trade bill comes up here, it is defeated by a larger margin. That is why I have been saying cap and trade is something that is dead in the Senate.

Instead of Presidential leadership, we are getting rhetoric of the worst kind. A case in point came last week. We heard that the Murkowski resolution is a "big oil bailout" that will allow oil companies such as BP to pollute the

air. That must be news to thousands of groups across the country because they certainly were very much in support of her resolution. I am talking about people such as the American Association of Housing Services for the Aging, Family Dairies USA, the Farm Bureau, the National Federation of Independent Business, the Brick Industry Association, the National Association of Manufacturers, the Associated Builders and Contractors—the list goes on and on of the people who realize they do not want to have this massive government takeover.

Let's keep in mind that when you talk about cap-and-trade legislation and then you talk about what the EPA is talking about doing under the Clean Air Act, it is essentially the same thing. It is just that since they could not get it passed legislatively, they are going to try to do it administratively. That is what the whole Murkowski resolution was about. It was about stopping that from taking place. Incidentally, it got 47 votes, and I am going to talk about those votes in a minute.

Well, do some Members really believe these groups have been duped, that what they are really supporting is nothing more than a sop to BP and big oil? This is simply insulting to the citizens across the country who supported the Murkowski resolution for one simple reason: It will stop the greatest bureaucratic intrusion into the lives of the American people in history.

I am confident we will keep hearing this refrain as we get closer to November. The story in today's Politico—and this is interesting; it just came out today—talks about a survey by a guy named Joe Benenson. He is President Obama's campaign pollster. He is an Obama guy. They are doing it for a very liberal group. Among other things, Mr. Benenson found that, based on his interpretation of the survey results, pushing for cap and trade and tying opposition to it to big oil is a "potent political weapon" for Democrats against Republicans this fall. Purely political. No one can argue that.

Well, it is my view that we should be capping that well and not the economy, but apparently the President sees it differently. I suppose some of this was driven by last week's 47-to-53 vote on overturning the EPA's endangerment finding. The motion to proceed to the Murkowski resolution failed, but the President should not let those numbers obscure the hard political reality: there is a bipartisan majority in the Senate that supports either a delay of or an outright ban on the Obama EPA's job-killing global warming agenda.

By preventing a debate on the Murkowski resolution, the Democrat-led Senate voted last week to expand the reach of government into our daily lives. But the reason this bureaucratic intrusion will continue is that a deal was cut just prior to the vote.

Now, listen to this. It was exposed in a front-page story in the Hill the day of the vote. I am going to read from that story, the Hill story:

Democratic leaders are scrambling to prevent the Senate from delivering a stinging slap to President Barack Obama on climate change. They have offered a vote on a bill they dislike in the hopes of avoiding a loss on legislation Obama hates. The president is threatening to veto a resolution from Sen. Lisa Murkowski that would ban the Environmental Protection Agency from regulating carbon emissions. But if the president were forced to use his veto to prevent legislation emerging from a Congress in which his own party enjoys substantial majorities, it would be a humiliation for him and for Democrats on Capitol Hill. So Senate Majority Leader Harry Reid and other Democratic leaders are doing what they can to stop it. They are floating the possibility of voting on an alternative measure from Sen. Jay Rockefeller, a Democrat from the coal state of West Virginia, which they previously refused to grant floor time. . . .

This is all quoted from the article.

It appears at least seven Democrats took the deal offered to them. What is the deal? The deal is: I know you guys want to vote for the Murkowski resolution. All your people back home want you to vote for it. It is a very popular resolution to stop this overwhelming takeover. Yet, in order to keep them from getting to 51 votes, you are going to have to vote against it.

These are seven Democrats. At the same time, those same seven Democrats could use the Rockefeller amendment for cover. The Rockefeller amendment is the same as the Murkowski resolution, except it just delays it 2 years. Frankly, it accomplishes the same thing. I am for either one of them. Either one would be good. The problem with that is the Rockefeller bill would take 60 votes. So it is saying we know they can get the 51 votes, but if you seven won't vote for Murkowski, we will let you go ahead and vote for the Rockefeller thing and they won't get it anyway because it would take 60 votes.

I know it is heavy lifting. It is complicated, but that is what is going on around here. In other words, for the Democrats to ensure that the EPA can micromanage farms and other institutions in America, they have to develop a scheme to give cover to Democratic Members who should oppose the EPA takeover. I wish to emphasize that I believe these Members are conflicted about what to do. I think they understand the economic harm and what an unfettered EPA bureaucracy could mean for their constituents—fewer jobs, more regulations, higher taxes, and a slower economy—but they were pressured by the President and the base of the Democratic Party. They were warned against defying the President on one of his top initiatives, so they turned to the Rockefeller bill as an alternative, which is a 2-year delay for implementation of this bill; in

other words, not allowing the EPA to micromanage our lives at least for 2 more years, giving us a little breathing time. But it is not the end of the road.

As I see it, the Rockefeller bill should not be used as political cover. It is merely an alternative means of achieving a similar goal sought by Senator MURKOWSKI to stop the EPA from deciding our Nation's energy policy. We ought to get a vote on Rockefeller one way or another, and if it happens, I trust these seven Members—and possibly others who voted no on Murkowski—will vote with their constituents for the Rockefeller bill and against EPA taking jobs, businesses, and energy out of our struggling economy.

Let me be blunt. EPA's growing regulatory regime will lead to one of the greatest bureaucratic intrusions into the lives of the American people. Peter Glaser, an attorney with Troutman Sanders and one of the foremost Clean Air Act attorneys—the Clean Air Act passed many decades ago—said that the EPA's endangerment finding will lead to Federal regulation of schools, hospitals, nursing homes, commercial buildings, churches, restaurants, homes, hotels, malls, colleges and universities, food processing facilities, farms, sports arenas—all of these things. That is virtually everybody—and it would be a very expensive proposition.

If you look at what happened throughout the history of this endangerment finding, the debate over the Murkowski resolution began even before the resolution was introduced in January. It began with the creation of the Intergovernmental Panel on Climate Change, the IPCC. That was at the United Nations back in 1989. That led to the Kyoto Protocol, and we voted on the intent of the Kyoto Protocol right in this Chamber 95 to nothing. The question was this: We will reject any treaty that comes from the Clinton-Gore White House to us if it either hurts our economy or doesn't treat the developing nations the same as the developed nations. Of course, that is exactly what we did. That was 95 to 0.

Then, later on, as I mentioned, we had all of these different bills, including the Lieberman-Warner bill, the McCain-Warner bill, and all of these were cap-and-trade bills and they all died. All of this led to the EPA's endangerment finding. What that said was—and this is the President: In the event that the House and the Senate refuse to vote in favor of some kind of a cap-and-trade bill, as has been mentioned, then we will go ahead and do it under the Clean Air Act. The Clean Air Act was set up to attack real pollutants such as SO<sub>x</sub>, NO<sub>x</sub>, and mercury. So they were saying we will go ahead and do it with this regulation.

Make no mistake. Despite testimony to the contrary by senior officials, the

Obama administration was not forced by the Supreme Court to choose endangerment. As I noted, they had a choice. They made the wrong choice. They could have either voted not to consider CO<sub>2</sub> as endangering to health or they could do it or ignore it altogether. They decided to do it, and it didn't surprise me a bit.

So the IPCC put together this thing and we now—I can remember so well when we had Lisa Jackson, who is the Administrator of the Environmental Protection Agency, before our committee. We talked about the fact that I thought—this is before the endangerment finding. I said: Administrator Jackson, I think you are going to have an endangerment finding, and when you do, you have to base that on science. What science are you going to base it on? The answer was: The IPCC or the United Nations.

We know what has happened to the credibility of that science since that time. It has been totally debunked.

The other defense people use in trying to justify voting against the resolution as expressed by a few Democrats was that overturning endangerment would mean removing the authority from the National Highway Traffic Safety Administration—that is the NHTSA—to set Corporate Average Fuel Economy standards, CAFE standards. More specifically, some argue it would undo the historic auto deal reached last May by the two auto companies, the White House, and the EPA, DOT, and California. The only problem with this argument is that it is wrong. Ask the Obama administration. According to a February 19 letter by Kevin Vincent—that is the NHTSA's general counsel:

As a strictly legal matter, the Murkowski resolution does not directly impact NHTSA's statutory authority to set fuel economy standards under the Energy Policy and Conservation Act, as amended by the Energy Independence and Security Act of 2007.

So we are hearing that this resolution will revoke the new CAFE standards and increase the amount of oil we consume. It is patently false to assert that NHTSA said they can't continue to work on, and then implement, as they are doing today, the CAFE standards. So that argument is a phony argument.

Cap and trade. During the debate last week, I spoke briefly about the collapse of the science behind manmade global warming. I said the vote last week was not based on the science but, rather, on stopping a liberal job-killing agenda. It is interesting because there are several people—all of the Republicans supported the Murkowski resolution. Yet there are some Republicans who actually believe that anthropogenic gas is a major cause of global warming. I am not one of those. I am at the other extreme. But there are some here who don't agree. So that

wasn't what the vote was about. It was about whether they should take over control of our lives as they are talking about doing. There is no doubt that there is a wide spectrum of beliefs about the science in the Republican Party, but I am pleased that last week we stood united for protecting American jobs. That is all 41 Republicans. That is very rare. They always say Democrats are much more disciplined than Republicans are. That is where the phrase "herding cats" came from. That is why you try to get Republicans all together. It is a very unusual thing, but we were. We were all together last week.

The Clean Air Act is a monumental mistake that will shackle the American economy with job-killing regulations and higher energy taxes.

Let me now take a little time to discuss both the current state of cap and trade in the Senate and the latest science behind global warming. First, let me state the obvious. Despite the best efforts by many in the more extreme liberal wing of the Democratic Party, global warming cap-and-trade legislation is dead. It is dead. I stated that 2 months ago, and there is no way they are going to be able to bring it back. We will have to wait and see. In fact, just the term "cap and trade" is so toxic these days in the Senate, my Democratic colleagues refuse to even use the term anymore. They don't use "cap and trade." Last week Majority Leader HARRY REID said:

We don't use the words "cap and trade" . . . That's something that's been deleted from my dictionary.

Further, RollCall reported last week that Democrats in the House had a similar response to cap and trade. RollCall reported:

Both Speaker Nancy Pelosi and House Majority Leader Steny Hoyer bristled at a question about Senate Minority Leader Mitch McConnell's declaration that the House's cap-and-trade energy proposal is dead. The House passed a bill that includes the proposal last year, but the issue has stalled in the Senate. "That's not the bill they have in the Senate," Pelosi told reporters. "They don't have a cap-and-trade bill. That's not the bill they have in the Senate."

That is the bill we have in the Senate. It is cap and trade. All of those are cap and trade. The current bill, the Kerry-Lieberman bill, is cap and trade. They may change the name of it, but it is still cap and trade. They cap emissions and then they start trading around and the government picks winners and losers and tries to convince everyone that he will be the winner.

It wasn't long ago that the author of the cap-and-trade bill in the Senate tried to suggest that his bill wasn't cap and trade either. He said:

I don't know what "cap and trade" means. I don't think the average American does. This is not a cap-and-trade bill, it's a pollution reduction bill.

It is a cap-and-trade bill.

In fact, when Senators KERRY and LIEBERMAN finally introduced their bill, we soon learned that it was worse than cap and trade because it was cap and trade, but it also included a gas tax increase.

No matter the word games employed or the extent to which the Democrats wish to hide the truth from the American people, cap and trade will mean more job losses, more pain at the pump, and higher food and electricity prices for consumers. Despite the postmodern denial of “the truth” in which words can mean whatever one chooses, the next version of “putting a price on carbon” will be cap and trade, pure and simple. And if the House Waxman-Markey bill is any guide, it will showcase massive expansion of government mandates, spending, taxes, and energy rationing for America.

Now let me turn to cover the flaws of the science on which the EPA’s endangerment is based. Lisa Jackson is President Obama’s EPA Administrator. She admitted publicly that the EPA’s finding of endangerment is in good measure a conclusion of the UN’s IPCC. She told me in a public forum live on TV that EPA accepted those findings without any serious independent analysis to see whether they were true.

After climategate and the admission of errors by IPCC, we now know that the process was flawed all along. In a Senate report I released earlier this year on climategate, the report found that some of the world’s leading climate scientists engaged in unethical behavior and possibly violated Federal laws. Many of those scientists appeared to have manipulated the data—this is what came out of the report—manipulated the data to fit preconceived conclusions. In other words, IPCC says, What do we have to show to come to the conclusion we have already come to 7, 8 years ago that anthropogenic gases are causing global warming. They obstructed Freedom of Information requests and dissemination of climate data—and by the way, they did show that was true in Great Britain, but the problem is the statute of limitations had already run and the IPCC had colluded to pressure journal editors against publishing scientific work contrary to their own.

The U.K. Government has already found that scientists from the Climate Research Unit, or CRU, who are at the center of this scandal, violated its Freedom of Information Act.

Importantly, the Senate report shows many of the scientists involved in this scandal worked for the UN’s IPCC, the Intergovernmental Panel on Climate Change. They helped compile the IPCC’s 2007 Fourth Assessment Report. That is important because that report is a primary basis for the EPA’s endangerment finding for greenhouse gases. The media has uncovered several errors and mistakes in the report

which undermine the credibility of the IPCC’s science.

The things I am going to list right here were found both in Al Gore’s movie as well as the IPCC report. They are all in this thing together. They said it would melt the Himalayan glaciers by 2035. That is just flat not true. They admit that is not true. They said it would destroy 40 percent of the Amazon’s rain forest. That is not true. They said it would melt the ice in the Andes, the Alps, and in Africa. That is not true. They said it would drastically increase the cost of climate-related natural disasters. That is not true. It would drive 20 to 30 percent of the species to extinction. That is not true. It would slash crop production by 50 percent in Africa by 2020. All of these things have been fabricated and since proven not to be true. Yet that is the science on which the endangerment finding has been based. Oh, yes. The IPCC said the Netherlands is 50 percent below sea level. That is not true, either, as we well know. There is even more, but I think we have made our point here.

The fact is that the EPA accepted the IPCC’s erroneous claims wholesale without doing its own independent review. So EPA’s endangerment finding rests on bad science. The EPA minority report provides further proof that EPA needs to scrap the endangerment finding and start all over again. By the way, anyone interested in this can look at my Web site where we cover all the details and all the documentation on everything I have been saying.

The Obama administration, however, is pressing ahead. We have been told that the science still stands. We have been told that IPCC’s mistakes are trivial. We have been told that climategate was just gossip e-mails between scientists. Yet global warming alarmism has been sold on the very notion that manmade greenhouse gases are causing environmental catastrophes, such as the Himalayan glaciers melting and all that stuff. So the science is certainly not so.

Further, the challenges to the integrity and credibility of the IPCC merit closer examination by the Congress. The ramifications of the IPCC spread far and wide, most notably to the endangerment finding.

The EPA’s finding rests on the IPCC’s conclusions, and the EPA has accepted them wholesale, without independent assessment.

Remember how the Telegraph of London referred to all this? That is one of their largest publications, the London Telegraph. They said climategate and the IPCC’s errors amount to “the greatest scientific scandal of our time.” That is a publication that was very favorable to the IPCC before climategate came along. Climategate—even though it happened this last December, if anybody wants to document

how far back this was first discovered, I made a speech at this podium on the Senate floor 4 or 5 years ago that documented all these scientists coming in and saying how they were rejected from the process of the IPCC because they would not verify their conclusions.

At this pivotal time, as the Obama EPA is preparing to enact policies potentially costing trillions of dollars and thousands of jobs, IPCC’s errors make plain that we need openness, transparency, and accountability in the scientific research financed by U.S. taxpayers.

Mr. President, let me conclude with this: As the most conservative Member of the Senate, as ranked by the National Journal, I have spent the past 2 years speaking out against the unprecedented liberal agenda coming out of Washington. I have stood up and spoken out about massive out-of-control spending in Washington, increased government intervention into our daily lives, the gutting of our national defense, and of the costly global warming agenda.

In the midst of these challenges, we also face an unprecedented environmental catastrophe in the gulf. Today, as the American people continue to face high unemployment and a struggling economy, we must remain focused on finding every opportunity to stand on the side of the American worker and create opportunities.

In the gulf, we all have to work together and stay focused on mitigating and containing the environmental impacts and providing assistance to the gulf’s affected commercial and recreational industries and investigating the causes so we can prevent a disaster of this kind from happening again. Staying focused will help us make prudent decisions.

The bottom line is, for the sake of our Nation, we must be willing to put aside the costly liberal agenda of the left and not allow them to use the gulf tragedy to advance their cap-and-trade energy tax, which is completely unrelated to stopping the spill and helping the people in the gulf. There is no relationship between cap and trade and the gulf disaster. There is no relationship between what the EPA endangerment finding would allow one bureaucrat to do and the gulf tragedy. By their own admission—to say they can parlay this into their own agenda is something we cannot let happen.

Twenty years ago, a very similar thing happened with the Exxon Valdez. It was tragic, and I went up there. The environmental extremists were up there celebrating and saying: We are going to parlay this into retarding the exploration and production on the North Slope. I made the statement there—it is all in writing—how can you figure this out? How can you stop oil production domestically in Alaska by using this issue?

Well, the issue was a transportation issue. It wasn't an oilspill or a production accident. It was a transportation accident.

I said: If you stop our production, we are going to be more dependent upon other countries for our ability to run this machine called America. They are going to have more transportation and a greater possibility of transportation accidents. That is what we are faced with now.

Clearly, I appreciate the two statements that were made by President Obama's old director of the EPA that the endangerment finding is based on the science that we now know is false science. By the way, even though it is not the end of the world that the Murkowski resolution failed, four key lawsuits are filed challenging the law on which they are basing this endangerment finding.

Even if we were to pass any of the cap-and-trade bills, it would not reduce worldwide emissions any. It would only affect the United States. I argue it would increase CO<sub>2</sub> emissions because as we lose jobs in the United States with cap and trade and force a lot of our manufacturers to other countries—they would go to countries such as China, India, and Mexico where they don't even have strong emissions standards.

With that, let's not politicize this any more. If they want to bring up cap and trade, let's do it, and we can defeat it like we have done over the past 10 years.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### OIL AND GAS PRODUCTION

Mr. INHOFE. Mr. President, there doesn't seem to be anybody else here, so I will make one comment about amendments coming up that are closely related to the subject we just discussed. It is Sanders amendment No. 4318. I knew this would happen—that the bill would be used to pass another agenda. Sure enough, that is what is happening.

The Sanders amendment is aimed at stopping oil production altogether. It does three things: It repeals expensing for tangible drilling costs, it repeals percentage depletion for marginal oil and gas wells, and it repeals the manufacturing deduction for oil and gas production.

I predicted the spill in the Gulf of Mexico would be used as an oppor-

tunity to shut down domestic oil and gas wells owned and operated by independent oil and gas producers throughout the country. That is what is happening with this amendment.

Repealing expensing of intangible drilling costs eliminates the ability to expense intangible drilling and development costs, called IDC, which would force at least a 25- to 30-percent reduction in drilling budgets, leading to lost jobs, lost production, and higher prices for consumers. We have not talked much about higher prices to the consumers.

With cap and trade—if they were successful in that—we would feel that in a matter of weeks. Despite the rhetoric, IDC expensing is firmly grounded in sound accounting practices and principles, and it has been in the Tax Code since 1913. IDC expensing is similar to expensing by other companies for technology, wages, and fuels which other industries expense for operations. So they are singling out the oil and gas industry, just willfully, to stop them and put them out of business.

Likewise, since 1926, small producers and millions of royalty owners have had the option to utilize percentage depletion to both simplify and account for the decline in the value of minerals produced from a property. It is complicated, but percentage depletion recognizes that oil and gas reservoirs are depleted by production, so it is the amount which small producers can expense to reinvest in production. Percentage depletion is particularly important for the production of America's over 600,000 low-volume marginal wells.

I am particularly interested in this because in my State of Oklahoma we have mostly marginal well production. Marginal wells produce less than 15 barrels a day. It is a smaller type of production. The average marginal well produces barely two barrels a day—we have been talking about millions of barrels in the gulf—yet, cumulatively, they account for nearly 28 percent of domestic production in the lower 48 States.

Since every on-shore natural gas and oil well eventually declines into marginal production, the economic lifespan and corresponding production of nearly all natural gas and oil wells would be reduced through the elimination of percentage depletion.

Finally, Congress has already frozen the manufacturers' tax deduction specifically for only oil and natural gas companies less than 2 years ago. All other domestic manufacturing can deduct income at a higher rate than oil and gas companies. Repealing the entire reduction for oil and gas companies is only targeting oil and gas production, and it shows what the motivation is.

We have to remember a couple of very important points when we seek to target certain industries for tax treat-

ment. First, oil and gas companies employ Americans and fund our communities. Oil and gas companies employ over 9 million people in the United States. Approximately 3 million land and mineral owners from coast to coast are the beneficiaries of monthly checks from the royalties produced on their properties. Many of these individuals are small property owners—very small—and some are just small family farms. In fact, just today the National Association of Royalty Owners ranked this as its No. 1 concern on its Web site. That was today.

They say the Sanders amendment is their No. 1 target. These are not rich people. They are small farm owners and landowners. States annually collect billions of dollars in oil and gas excise and severance taxes that furnish critical funding for roads, schools, and law enforcement. By punishing America's oil and gas industry, this amendment only puts unemployment and State and local funding in peril.

Secondly, punishing our oil and gas industry only makes us more dependent on foreign sources of energy. After President Jimmy Carter imposed a windfall profit tax on the oil and gas industry in 1980, the nonpartisan Congressional Research Service later determined that its results were hugely counterproductive, saying:

The windfall profit tax reduced domestic oil production between 3 and 6 percent, and increased oil imports from between 8 and 16 percent. . . . This made the U.S. more dependent upon imported oil.

America's natural gas and oil companies are already paying taxes at the highest rates. Figures from the Energy Information Agency indicate that America's major oil producers already pay, on average, more than a 40-percent income tax rate.

The EIA also reported in December of 2009 that, on average, 53 percent of the net incomes of oil and gas companies are paid in taxes compared to 32 percent from others in the manufacturing sector.

Now is not the time to group the entire oil and gas industry together for punishment. Punishing the entire industry in the sledge hammer approach this amendment uses only increases the cost of energy for all Americans, and it makes us more dependent upon foreign countries to run this machine called America, as I often say.

People say they don't want oil, gas, coal, or nuclear. Well, in the final analysis, how do you run the country without it? You can't. If we retard in any way the ability to produce oil and gas, it will make us more dependent upon foreign countries for us to drive this machine called America.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, would the Chair be kind enough to have the bill reported.

# CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 4213, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to concur in the House amendment to the Senate amendment to H.R. 4213, an act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Pending:

Baucus motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Baucus amendment No. 4301 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute.

Franken amendment No. 4311 (to amendment No. 4301), to establish the Office of the Homeowner Advocate for purposes of addressing problems with the Home Affordable Modification Program.

Sanders amendment No. 4318 (to amendment No. 4301), to amend the Internal Revenue Code of 1986 to eliminate big oil and gas company tax loopholes, and to use the resulting increase in revenues to reduce the deficit and to invest in energy efficiency and conservation.

Vitter amendment No. 4312 (to amendment No. 4301), to ensure that any new revenues to the Oil Spill Liability Trust Fund will be used for the purposes of the fund and not used as a budget gimmick to offset deficit spending.

AMENDMENT NO. 4344 TO AMENDMENT NO. 4301

Mr. REID. Mr. President, I have an amendment at the desk, and I ask unanimous consent that the pending amendment be set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4344 to Amendment No. 4301.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to extend the time for closing on a principal residence eligible for the first-time homebuyer credit)

At the end of part I of subtitle B of title II, insert the following:

### SEC. —. FIRST-TIME HOMEBUYER CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 36(h) is amended by striking “paragraph (1) shall be applied by substituting ‘July 1, 2010’” and inserting “and who purchases such residence before October 1, 2010, para-

graph (1) shall be applied by substituting ‘October 1, 2010’”.

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 36(h)(3) is amended by inserting “and for ‘October 1, 2010’” after “for ‘July 1, 2010’”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to residences purchased after June 30, 2010.

(d) OFFSET.—

(1) DISALLOWANCE OF DEDUCTION FOR PUNITIVE DAMAGES.—

(A) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(ii) by striking “If” and inserting:

“(1) TREBLE DAMAGES.—If”, and

(iii) by adding at the end the following new paragraph:

“(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).”.

(B) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting “OR PUNITIVE DAMAGES” after “LAWS”.

(2) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(A) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

### “SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

“Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer’s liability (or agreement) to pay punitive damages.”.

(B) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

“(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person’s liability (or agreement) to pay punitive damages.”.

(C) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

“Sec. 91. Punitive damages compensated by insurance or otherwise.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to damages paid or incurred after December 31, 2011.

Mr. REID. Mr. President, I will talk briefly on this amendment. It is an important amendment. Last year, in November, we passed the Worker, Home Ownership and Business Assistance Act containing a number of important provisions to support our economy.

First of all, let me say the idea for this came from the Senator from Georgia, JOHN ISAKSON.

It is a great idea. He was a businessman before he came here. This certainly indicates he must have been a good businessman. This credit has been so helpful to our economy, not only in Nevada but around the country.

As part of this bill we passed in November, we expanded and extended the home buyer tax credit. We made the

credit available to more individuals and families who purchase a home.

We also extended the credit through April 30 of this year and allowed anybody who signed a binding contract on a home and makes the purchase before July 1 to benefit from that credit.

When this provision became law last November, the housing market was just beginning to recover. But further support was necessary given the importance of the housing industry to the overall economy.

Now we are beginning to see more signs of recovery. Sales have increased since January. Median home prices have increased since November. Still, in States such as Nevada, the housing market is struggling. Across the State a significant percent of mortgages are underwater. That means the amount owed on the mortgage is greater than the value of the home.

The home buyer tax credit is helping to alleviate some of that pressure. Economists estimate that the home buyer tax credit increased demand by about 1 million buyers.

The stories I have been told about people being able to buy their first home are remarkable. Someone who worked for me had a girlfriend who wanted to buy a home. She was finally able to do that. She was so happy. She tried eight different times before she got one for which she qualified.

I was doing a tour of one of the hotels, the cafeteria in the Paris Hotel. It is actually two large rooms where they eat coming off their shifts. I was asked by one of the executives taking me around to come and talk to this man. He was so happy. He had come to this country. He was an immigrant. He had become a citizen. He was so excited because his son was able to buy a home because of this first-time home buyer tax credit. You could not have seen anyone happier than this man. He was proud of his son being able to buy a home.

This tax credit helps to increase the value of homes and, just as important, it adds jobs to the housing industry. This shows the credit is doing what it was designed to do—help stimulate the housing market in a tough economic climate.

There are some home buyers who entered into a binding sales contract by April 30 of this year expecting to receive a credit but will be unable to close by July 1, 2010, through no fault of theirs. There is a huge backlog of people wanting to buy these homes. They should not be prevented from doing this because of the paperwork.

These home buyers are doing everything they can to close by the deadline, but completion of the sale will take longer than some originally expected. One reason is because of the volume of work. The other reason is because some of the financial institutions are very

slow, for administrative reasons, especially on sales of bank-owned properties where paperwork can take an inordinate amount of time.

An extension of the date to close the transaction from July 1 of this year to October 1 of this year will give these home buyers who properly secured a binding contract for their new home before April 30 the ability to receive the credit. This will especially help States still struggling to recover from the troubled housing market. These States have higher levels of bank-owned properties.

To remind my colleagues, this extension only applies to those home buyers who are already under a binding contract. This amendment is not an extension of the time to enter into a contract.

To quote my friend, the Senator from Georgia, whose idea this is, this whole concept:

As I tell so many who call me, it is not going to be extended because credits such as that are designed to do what it has done; that is, to bring the marketplace back and hopefully stabilize values and move forward.

We must make sure those home buyers who are already under a binding contract or committed to the purchase of a new home are able to receive the home buyer tax credit. This amendment is necessary to ensure we follow through on the commitment to help the struggling housing market. This extension of time is fully paid for with an offset included in the President's tax compliance proposals. The offset would deny a tax deduction for payments made for punitive damages.

Punitive damages are intended to be just that—punitive. The American taxpayers should not be subsidizing payments intended to be punitive in nature through a tax deduction. These exemplary damages entered should not be something they can write off. This offset is good policy and will help pay for our Nation's ongoing economic recovery. I urge my colleagues to support this amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, could I ask my friend to yield?

Mr. THUNE. I will be happy to yield to the leader.

Mr. REID. He will have the floor right back. I told the Republican leader earlier today I would file cloture. I am going to do that right now, recognizing this is not in any way going to hinder people offering amendments, but I told the Republican leader I would do that

and, frankly, I want to do it now so I will not have to worry about it later.

#### CLOTURE MOTION

Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment on H.R. 4213, the American Workers, State, and Business Relief Act of 2010, with an amendment No. 4301.

Harry Reid, Max Baucus, Richard J. Durbin, Roland W. Burris, Benjamin L. Cardin, John D. Rockefeller IV, John F. Kerry, Thomas R. Carper, Jeff Bingaman, Bill Nelson, Tom Harkin, Jack Reed, Jeanne Shaheen, Byron L. Dorgan, Frank R. Lautenberg, Robert P. Casey, Jr., Tom Udall.

Mr. REID. I express my appreciation to my friend from South Dakota.

#### AMENDMENT NO. 4333 TO AMENDMENT NO. 4301

Mr. THUNE. Mr. President, I ask to call up amendment No. 4333, and ask it be made pending.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for himself, Mr. MCCAIN, Mr. MCCONNELL, Mr. BOND, Mr. COBURN, Mr. ISAKSON, and Mr. ROBERTS, proposes an amendment numbered 4333 to amendment No. 4301.

The amendment is as follows:

(The text of the amendment is printed in the RECORD of June 9, 2010, under "Amendments Submitted.")

Mr. THUNE. Mr. President, the amendment I offer is cosponsored by Senators MCCAIN, MCCONNELL, BOND, COBURN, ISAKSON, and ROBERTS. It is an alternative to the legislation that is under consideration by the Senate today. That is the tax extenders bill that was the subject of some debate last week, that we will continue to do this week, perhaps into next week. I am not sure exactly when it will conclude.

What my amendment does is present an alternative because the amendment under consideration that has been offered up by the Democratic majority here in the Senate adds almost \$80 billion to the Federal debt, it raises taxes by \$70 billion, and increases spending by \$126 billion.

To put that into proper context, it is important to remember that we have a current \$13 trillion debt. The amount of publicly held debt is \$8.6 trillion, but if you include the amount of debt owed between intergovernmental agencies, intergovernmental debt is \$13 trillion that our government owes and is in debt.

What has been proposed by the other side is in direct contradiction of some legislation that we passed here a few months ago that suggested everything we were going to do around here, or almost everything, was going to be paid for. It was called pay-go. We passed the pay-go rules. It was highly touted at the time. There was great fanfare associated with the passage of pay-go rules that would insist when there is new spending or tax cuts that those be offset by some spending cuts or some combination of tax increases that would make sure there was no net impact on the deficit.

What is happening here is the exact opposite of that because what we are seeing happen with the legislation that is before the Senate today is, if in fact this bill were enacted and became law, it ends up being about \$200 billion in new debt, debt we have added to the public debt since pay-go has been enacted.

I appreciate the Senator from Nevada, the majority leader, yielding back time so I can continue to speak about this amendment. I understand the process for consideration of this legislation will now be somewhat truncated if in fact cloture is invoked. I suspect it will not be long now we will be having a vote on that. But I hope my colleagues will defeat the motion to invoke cloture until such time as we have had an opportunity to debate many of these important amendments.

Clearly I believe the amendment I am discussing right now is one we need to vote on. I suspect there will be others of my colleagues who will want to offer amendments that I hope we will be able to debate and vote on before this legislation moves forward.

The point I wanted to make is this. Since the enactment of the pay-as-you-go rules here in the Senate, about \$200 billion, if the current legislation on the floor today is enacted, will have been added to the Federal debt. That is \$200 billion which we hand to our children and grandchildren to pay, notwithstanding what we have said publicly here in the Senate a few months ago, that all these things are going to be paid for and we are now going to be serious here in the Senate and in the Congress about making sure we are not piling more and more debt on future generations. That is completely contradicted by the legislation we will be voting on here in the near future on this tax extenders bill because it does increase the debt by almost \$80 billion and, as I said earlier, raises taxes by almost \$70 billion.

What I offer is an alternative to that approach. What this alternative does is, rather than increasing and raising taxes, it reduces taxes by \$26 billion, it cuts spending by \$100 billion, and it reduces the debt by \$55 billion. So instead of more spending, more taxes, and more debt in the middle of an economy that is trying to get back on its

feet and create jobs, my alternative and the one I will offer on behalf of my colleagues—who, as I mentioned earlier, are cosponsors of this amendment—will in fact reduce spending, reduce taxes, and reduce debt.

I think that is a good deal for the American taxpayer. I think it strikes at the very heart of what we ought to be focused on, which is job creation. We hear the other side talk a lot about job creation, but when it comes time to create jobs, you cannot find many policies coming out of Washington, DC, today that actually are additive when it comes to job creation. In fact, as I said earlier, it is just the opposite. You have a massive new health care entitlement that, when it is fully implemented, will cost \$2.5 trillion over 10 years, which in my view will add enormously to the Federal debt because of all the double counting that was used to understate the true cost of that legislation; you had a trillion-dollar stimulus bill passed a year ago which was totally put on the debt for America's future generations; you have now discussion of a new energy tax in the form of some cap-and-trade legislation that could come before the Senate in the next few months—and you just go down the list. At every turn, what this Congress has done in the last several months, in the last year and a half since the new administration came to office, is to increase taxes, to increase spending, to increase debt, and to increase the size and the scope of government. We continue to see this effort to expand government. When we expand government, obviously it takes more revenues to fund that government, create new bureaucracies—which is what we will see with regard to the health care legislation—and in the end takes more and more of those dollars out of the private economy where the real permanent job creation should be occurring.

Instead, what we should be focused on is creating incentives for small businesses to create jobs. Rather than creating more government, expanding the size of government here in Washington, DC, we ought to be looking at what we can do to provide incentives for the economic engine in our economy—and that is our small businesses—to go out there and do what they do best, which is create jobs.

But what you hear from small businesses not only in South Dakota but all across the country is there is so much policy uncertainty coming out of Washington and there is so much concern about the spending and the debt and the taxes, that a lot of the small businesses that might be making investments that would create jobs—hire new personnel, hire new people, buy a new piece of equipment, make capital investment—are sitting on that investment for fear the next policy to come out of Washington, DC, could be a new

energy tax, it could be higher taxes. We all know starting next year you are going to see higher taxes on dividends, higher taxes on capital gains, higher taxes on marginal income, unless Congress takes steps to extend some of these expiring tax provisions.

That being said, what we are doing here today is we are going to make matters that much worse. If you are a small business person in this country, if you are someone who is in this economy and is concerned about Federal debt, is concerned about Federal spending, is concerned about taxes, then the legislation that is before the Senate right now, if adopted, is going to add, as I said earlier, another almost \$80 billion to the Federal debt, will raise taxes by \$70 billion, and increase spending by \$126 billion.

There is a better way. That is why I offer this amendment. This amendment does a number of things. It reduces spending in a number of areas. It deals with some of the provisions of expiring tax law that everybody here agrees needs to be fixed. There are things both sides agree on. Both Democrats and Republicans here in the Senate believe it is important that we extend unemployment insurance for those people who have lost jobs in the economy. Both Republicans and Democrats think it is important that there are certain expiring tax provisions that need to be extended—a research and development tax credit, for example, is one thing that comes to mind. But there is a whole list of these expiring tax provisions that need to be extended that both sides agree should be done.

The difference in how we go about doing that is I think what is going to be the difference in the amendment that I offered versus the underlying legislation. Again, what I will do is reduce Federal spending and address the expiring tax law, the need to extend unemployment insurance in a way that does not raise taxes, add to the debt, and increase dramatically Federal spending in this country.

What does the amendment essentially do? Very briefly, it includes all the major priorities that both parties want to accomplish but it drops the spending that has been rejected by the Senate. It would eliminate the \$24 billion that is in the Senate bill that was not in the House bill that deals with the bailout for States around the country. It does offer, by the way, an additional year of the so-called doc fix. There has been a lot of discussion here about extending the doc fix into the future.

And the underlying bill the Democratic majority has put forward does extend the doc fix. The reimbursement physicians receive under Medicare would drop dramatically if nothing is done by Congress to address that, and both sides agree that needs to be addressed. Frankly, it should have been

done during the health care debate, but it was not. So the underlying bill, the majority Democratic bill before the Senate, would extend the doc fix through the end of 2011.

What my alternative amendment would do is extend the doc fix through the end of the year 2012. So you get an additional year for the doc fix. That is something physicians around the country are interested in, and I know for a fact that it is because my physicians in South Dakota—and I am sure most of my colleagues hear on a regular basis from their physicians around the country.

It drops all the tax increases in the bill, including carried interest, the tax on professional service S corps, the international provisions, and the increase in the per-barrel tax that funds the Oil Spill Liability Trust Fund that will raise gas prices for consumers around the country.

The alternative amendment I filed is fully paid for with spending cuts. It offers more than \$100 billion in savings by actually doing what the American people want; that is, reducing spending. Every American is dealing with a tough economy. A lot of Americans have lost jobs. A lot of Americans certainly have lost income. A lot of Americans have seen their net worth plummet as a result of the economic circumstances in which the country finds itself. So they are all making hard decisions. They are sitting around the kitchen table and they are having these discussions with their family about what part of their budget to cut or what they are going to have to do without. The only place where that hasn't been true is here in Washington, DC. Why shouldn't we, as the leaders of this country, be willing to make the hard decisions that every American family is having to make?

Well, this legislation does that. It takes \$37.5 billion of the \$50 billion in unobligated stimulus funds and uses that to extend existing tax and benefit provisions. It cuts money from the government by reducing congressional budgets right here close to home. We ought to have to do what every American family and what every American business is having to do right now; that is, make some hard decisions and reduce our own spending. So it does reduce congressional budgets.

It rescinds unspent Federal funds, those funds that have been appropriated but not spent. It requires the government to sell unused land and auction off unused equipment. So it generates some additional revenue that way.

It imposes a 1-year freeze on the salaries of Federal employees and eliminates their bonuses, and it caps the total number of Federal employees at current levels. In other words, the Federal Government can't continue to grow and expand at a time when we see

a lot of our businesses around this country having to lay workers off or cut back their hours. It collects \$3 billion in unpaid taxes from Federal employees.

It encourages responsibility and prioritizing by requiring a 5-percent across-the-board discretionary spending cut for all agencies except the VA and the Department of Defense. So 5 percent across the board for all agencies except VA and DOD. And we think, again, that is an important step to take if we are serious about getting our own spending under control and addressing what is a very serious problem for the future of this country; that is, the ballooning Federal debt, the continual growth of government and spending and taxes.

It saves \$5 billion by eliminating nonessential government travel, and it eliminates bonuses for poor-performing government contractors.

Finally, it adds a new deficit-reduction trust fund where rescinded balances and money saved through this amendment will be deposited for the purposes of paying down the Federal debt.

This amendment ought to be a no-brainer for all of our colleagues in the Senate because it reduces the deficit by over \$50 billion; it cuts spending by over \$100 billion; it extends the existing tax law, the provisions we have all talked about that both sides think are important; and it provides 6 more months of stimulus unemployment benefits for those who have lost jobs in our economy.

As I said earlier, that is the exact opposite of the approach taken by the Democratic majority, which is, as I said before, the way they finance all of these things is through \$70 billion in new taxes. Again, many of those taxes are going to hit squarely on our small businesses, which are the economic engine and the job creators in our economy and are going to hopefully lead us out of this economic malaise and get us on to times where we are growing and expanding and creating more and more jobs. And it adds \$80 billion to the Federal debt, which, as I mentioned earlier, is at \$13 trillion. If you include all of the Federal debt—that amount held by the public, held by foreign countries, held by people here in this country—and then you add in the government, the intergovernmental debt that is owed to various agencies of government, we are at \$13 trillion and counting.

In fact, if you look at the trajectory going into the future, we are talking about doubling and tripling that debt, doubling it in 5 years and tripling it in 10. And we are going to get to the point where over 4 percent of our entire economy is spent just paying interest on the debt.

Think about that. Over 4 percent of our entire economy—we have a \$14 tril-

lion economy—would be spent just paying for interest on our Federal debt. There is going to come a point, 10 years out from now, when the amount of money we have to spend to finance our debt, to pay for the interest on the debt, exceeds the amount we spend on our military. Think about that. We would spend more financing the debt we owe, spend more on interest payments on the debt we owe, than we actually spend on our national security. That is a staggering thought, if you think about it. That is what we have to try to avoid. The only way we do that is by getting serious and starting here and starting now.

My colleagues on the Democratic majority side have said that because they passed pay-go, now we are on a different path; it is a different set of rules, a new sheriff in town; we are going to deal with these issues differently. But unfortunately what we are seeing is the same pattern, the same old way of doing things, which is to declare everything an emergency, borrow the money from China, and hand the bill to our children and grandchildren. It is time that stopped. This amendment gives us an opportunity to do that.

To put things into perspective because I think sometimes these numbers get to be very abstract, and you listen to politicians get up and talk about debt and spending and deficits and that sort of thing, and it is hard to kind of comprehend, if you will, the dimensions we are talking about—I mean, \$13 trillion. It is hard to even contemplate what \$1 trillion is. So just to put that into proper perspective, if you were to equate a dollar to a second, how much is 1 trillion seconds?

I spoke at Boys State a week ago or a little over a week ago now, and I asked the Boys Staters to sit down and do the arithmetic and to figure out how much 1 trillion seconds is because I think it helps put into perspective how much \$1 trillion is. It is hard to even wrap your mind around what \$1 trillion represents. But if you equate that to 1 trillion seconds, 1 trillion seconds is 31,746 years—31,746 years. That is what 1 trillion seconds represents.

Well, we are not \$1 trillion in debt; we are \$13 trillion in debt. How much is 13 trillion seconds? Over 412,000 years. Over 412,000 years. If you were to help people understand and put it in a certain perspective, that is the amount of money—the \$13 trillion that we now owe, that is today. As I said before, if you look at the publicly held portion of that, we are expected to double that in 5 and triple it in 10 years.

It took us 200 years of American history to get to \$1 trillion, and we have exploded that. If you look at the trendlines and where we are headed as a nation, it is a very, very scary thought. It should be scary to all Americans, and I know it is. It cer-

tainly should be scary to the Members of this Chamber. That is why, every time we deal with a major piece of legislation, foremost in our mind ought to be, how is this going to impact the fiscal balance sheet of this country? How is this going to make the next generation—how is it going to improve their standard of living, their quality of life? What is it going to do to them? Are we going to be the first generation to bequeath to the next generation a lower standard of living and a lower quality of life because we haven't been willing to make the hard choices and to make the hard decisions that are so essential if we are going to get our country on a fiscal path?

This amendment does address the issues on which both sides agree. It addresses the issue of extending expiring tax provisions that many people on both sides care about. It extends unemployment insurance until the end of the year. It does extend the doc fix beyond what the base bill does. The base bill extends it through the end of the year 2011. What this amendment would do would be to extend it to end of the year 2012.

So we have an opportunity for Senators to take a vote and to let everybody know, let their constituents know whether they are serious about getting spending under control; about making sure we are doing everything we can to create the right economic conditions for job creation, and by that I mean keeping taxes low on small businesses, not raising taxes by \$70 billion, which is what this bill does; and whether we are serious here in Washington, DC, about listening to the American people and what they are saying with regard to spending. They want us to cut federal spending. They want us to do what they are having to do in their family budgets and in their small business budgets. What every American is now having to deal with is becoming more fiscally responsible, dealing with austere measures that will keep them from having to go deeply into hock or into bankruptcy. We are doing that here—we are going into bankruptcy. We just have the luxury here in Washington, DC, of being able to continue to borrow and borrow and put it on the credit card and hand the bill to our children and grandchildren. It is time for that to stop. It can stop with this amendment.

I hope that as we continue debate on the underlying bill and get votes on those amendments, my colleagues in the Senate will do the right thing for the future of this country and start to get spending under control and start to pay for what we continue to borrow for so that we are not piling more and more debt on future generations.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

### MORNING BUSINESS

Mr. REID. I now ask that we be allowed to proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

### BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Madam President, I rise to submit to the Senate the sixth budget scorekeeping report for the 2010 budget resolution. The report, which covers fiscal year 2010, was prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended.

The report shows the effects of congressional action through June 7, 2010, and includes the effects of legislation enacted since I filed my last report for fiscal year 2010 on April 15, 2010. The estimates of budget authority, outlays, and revenues are consistent with the

technical and economic assumptions of S. Con. Res. 13, the 2010 budget resolution.

The estimates show that for fiscal year 2010 current level spending is above the levels provided in the budget resolution by \$3.1 billion for budget authority and \$5.8 billion above for outlays. For revenues, current level shows that \$14.2 billion in room remains relative to the budget resolution level.

I ask unanimous consent that the letter and accompanying tables from CBO be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, June 10, 2010.

Hon. KENT CONRAD,  
Chairman, Committee on the Budget,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2010 budget and is current through June 7, 2010. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Since my last letter, dated April 15, 2010, the Congress has cleared and the President has signed the Continuing Extension Act of

2010 (Public Law 111-157). The entire act was designated as an emergency requirement pursuant to section 403 of S. Con. Res. 13. Provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes the budgetary effects of that act, as well as those of other emergency requirements (see footnote 2 of Table 2 of the report).

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JUNE 7, 2010

[In billions of dollars]			
	Budget resolution <sup>1</sup>	Current level <sup>2</sup>	Current level over under (—) resolution
<b>ON-BUDGET</b>			
Budget Authority .....	2,897.5	2,900.5	3.1
Outlays .....	3,010.1	3,015.9	5.8
Revenues .....	1,612.3	1,626.5	14.2
<b>OFF-BUDGET</b>			
Social Security Outlays <sup>3</sup> .....	544.1	544.1	0.0
Social Security Revenues .....	668.2	668.1	—0.1

<sup>1</sup> S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, includes \$10.4 billion in budget authority and \$5.4 billion in outlays as an allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts.

<sup>2</sup> Current level is the estimated effect on revenues and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of Table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

<sup>3</sup> Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JUNE 7, 2010

[In millions of dollars]			
	Budget authority	Outlays	Revenues
<b>Previously Enacted:<sup>1</sup></b>			
Revenues .....	n.a.	n.a.	1,633,385
Permanents and other spending legislation .....	1,656,952	1,651,725	n.a.
Appropriation legislation <sup>2</sup> .....	1,917,749	2,048,775	n.a.
Offsetting receipts .....	—690,252	—690,252	n.a.
<b>Total, previously enacted .....</b>	<b>2,884,449</b>	<b>3,010,248</b>	<b>1,633,385</b>
<b>Enacted this session:</b>			
An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti (P.L. 111-126) .....	0	0	—40
Emergency Aid to American Survivors of the Haiti Earthquake Act (P.L. 111-127) .....	50	50	0
Social Security Disability Applicants' Access to Professional Representation Act of 2010 (P.L. 111-142) .....	—4	—4	0
United States Capitol Police Administrative Technical Corrections Act of 2009 (P.L. 111-145) .....	10	6	0
Hiring Incentives to Restore Employment Act (P.L. 111-147) .....	20,903	141	—4,380
Patient Protection and Affordable Care Act (P.L. 111-148) .....	8,500	3,130	—580
Satellite Television Extension Act of 2010 (P.L. 111-151) .....	2	0	2
Health Care and Education Reconciliation Act of 2010 (P.L. 111-152) .....	1,130	220	—1,930
<b>Total, enacted this session .....</b>	<b>30,591</b>	<b>3,543</b>	<b>—6,928</b>
<b>Entitlements and mandates:</b>			
Budget resolution estimates of appropriated entitlements and other mandatory programs .....	—14,500	2,066	0
<b>Total Current Level<sup>2,3</sup> .....</b>	<b>2,900,540</b>	<b>3,015,857</b>	<b>1,626,457</b>
<b>Total Budget Resolution<sup>4</sup> .....</b>	<b>2,907,837</b>	<b>3,015,541</b>	<b>1,612,278</b>
Adjustment to the budget resolution for disaster allowance <sup>5</sup> .....	—10,350	—5,448	n.a.
<b>Adjusted Budget Resolution .....</b>	<b>2,897,487</b>	<b>3,010,093</b>	<b>1,612,278</b>
<b>Current Level Over Budget Resolution .....</b>	<b>3,053</b>	<b>5,764</b>	<b>14,179</b>
<b>Current Level Under Budget Resolution .....</b>	<b>n.a.</b>	<b>n.a.</b>	<b>n.a.</b>

<sup>1</sup> Includes legislation affecting budget authority, outlays, or revenues that was enacted in the first session of the 111th Congress.

<sup>2</sup> Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements (and rescissions of provisions previously designated as emergency requirements) are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2010, which are not included in the current level totals, are as follows:

	Budget authority	Outlays	Revenues
Previously Enacted (see footnote 1) .....	12,042	21,040	—4,475
Temporary Extension Act of 2010 (P.L. 111-144) .....	7,942	7,901	—704
Continuing Extension Act of 2010 (P.L. 111-157) .....	14,401	14,337	—1,292
<b>Total, amounts designated as emergency requirements .....</b>	<b>34,385</b>	<b>43,278</b>	<b>—6,471</b>

<sup>3</sup> For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

<sup>4</sup> Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution. Those revisions are as follows:

	Budget authority	Outlays	Revenues
Original Budget Resolution Totals .....	2,888,691	3,001,311	1,653,682
Revisions:			
For the Supplemental Appropriations Act, 2009 (section 401(c)(4)) .....	5	2,004	0

	Budget authority	Outlays	Revenues
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307) .....	0	0	40
For the Congressional Budget Office's reestimate of the President's request for discretionary appropriations (section 401(c)(5)) .....	3,766	2,355	0
For further revisions to a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307) .....	10	13	6
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4)) .....	6	-1,175	0
For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 303) .....	32	36	0
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4)) .....	-11	-11	0
For an amendment in the nature of substitute to H.R. 3548, the Unemployment Compensation Extension Act of 2009 (sections 306(f) and 306(b)) .....	5,708	5,708	-38,940
For the Patient Protection and Affordable Care Act of 2009 (section 301(a)) .....	12,500	11,500	9,100
For the Department of Defense Appropriations Act, 2010 (section 401(c)(4)) .....	0	1,950	0
For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a)) .....	-5,220	-6,670	-9,630
For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a)) .....	-7,280	-4,830	530
For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a)) .....	8,500	3,130	-580
For the Health Care and Education Reconciliation Act of 2010 (section 301(a)) .....	1,130	220	-1,930
Revised Budget Resolution Totals .....	2,907,837	3,015,541	1,612,278

<sup>5</sup> S. Con. Res. 13 includes \$10,350 million in budget authority and \$5,448 million in outlays as an allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts.  
Source: Congressional Budget Office.  
Note: n.a. = not applicable; P.L. = Public Law.

OBJECTION TO EXECUTIVE NOMINATIONS

Mr. GRASSLEY. Madam President, pursuant to a public letter to Secretary Sebelius dated September 24, 2009, there is a pending objection to unanimous consent requests for the following nominees: Jim Esquea, nominated for HHS Assistant Secretary for Legislation, and Richard Sorian, nominated for HHS Assistant Secretary for Public Affairs. I ask unanimous consent that a public letter dated September 24, 2009, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 24, 2009.

Hon. KATHLEEN SEBELIUS,  
*Secretary, Department of Health and Human Services, Washington, DC.*

DEAR SECRETARY SEBELIUS: America's 11 million seniors enrolled in the Medicare Advantage program deserve to be informed of any actions by the federal government that could affect this program and its broad implications. Medicare Advantage Plans and Prescription Drug Plans that provide services through the Medicare program have a constitutional right to provide information about these Medicare programs to their customers. Therefore, I hope you can understand our grave concern with the recent Centers for Medicare and Medicaid Services directive barring all such providers from any and all communications of this kind with America's seniors. This gag order must be immediately lifted.

As the Supreme Court has repeatedly recognized, our constitutional tradition is one of "a profound commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open." Health plans, of course, have the right to speak on matters of public concern—a fundamental principle that your Department, until recently, had recognized and respected. Specifically, the Department of Health and Human Services (HHS) previously noted that there was no legal authority to justify prohibiting a health plan "from informing its members of proposed legislation and exhorting them to express their opinions" about it. In fact, HHS had previously determined that shutting down communication of this sort "would violate basic freedom of speech and

other constitutional rights of the Medicare beneficiary as a citizen."

Now, the Obama administration has reversed this longstanding HHS decision—in the midst of a critical debate about the future of health care services in our country—to shut down communication between private companies and America's seniors on an issue that has a direct impact on their health care. And your Department has done so by imposing an industry-wide gag order without apparent justification or basis in law and completely contradictory to your past public guidance and the plain language and spirit of the First Amendment, among the most sacred tenets of our democracy.

America's seniors and the health plans that serve them deserve to have their free speech rights respected. Their rights should not be subject to the whims of any Administration, and the health plans that serve them should not be threatened with punishment if they speak out on a matter of public concern simply because the Administration disagrees with their position.

Until your Department rescinds its gag order and allows seniors to receive information about matters before Congress, we will not consent to time agreements on the confirmation of any nominees to your Department or associated agencies.

Thank you for your consideration of this matter of such great importance to America's seniors.

Signed,

MITCH MCCONNELL.  
JON KYL.  
LAMAR ALEXANDER.  
JOHN CORNYN.  
LISA MURKOWSKI.  
JOHN THUNE.  
MICHAEL B. ENZI.  
CHUCK GRASSLEY.

FREMONT COUNTY FLOODING

Mr. ENZI. Madam President, this past week, Fremont County in my home State of Wyoming has been hit hard by flooding. I want to take this opportunity to commend the communities in Wyoming that have come together and worked so hard to respond to the flooding, to help protect each other's homes, and whose willingness to step up and volunteer to help their neighbors really shows the true Wyoming spirit.

I want to thank the individuals who have been filling sandbags all week. Literally hundreds of thousands of sandbags have been filled to help hold back the floodwaters and protect homes and businesses. I am told that there are more sandbags if we need them and I know that people in my home State won't hesitate for a second to do the hard work that will help protect a neighbor's home or a community business. This truly is a community effort, and I am proud of the example that our small businesses, our community organizations, and Wyoming's volunteers are making.

Nearly 240 Wyoming National Guard members are in Fremont County right now. Their service is critical to our communities in times like these, and I want to recognize and thank them for their hard work. They are making a huge difference in helping make sure that communities like Lander, Ethete, Fort Washakie, and many other places have the help they need.

The extent of the damage from this disaster is still unclear, but our communities—both in Wyoming and in other States that have been hit by natural disasters—must have the resources to recover and put their towns and neighborhoods back together. For those agricultural producers affected by this flood, this is the very reason why I worked with my colleagues during the 2008 farm bill to enact a permanent disaster program—so funding would be available when it is most needed and would not require emergency congressional action.

I know Senator BARRASSO and Representative LUMMIS are working hard to make sure Fremont County can get the support it needs. Their energy and hard work have been critical to the teamwork that we do. Wyoming is a big State, so I am glad that we have always worked together to make sure we can get different jobs done in different places.

I want to thank everyone who has helped respond to this disaster for their

hard work and persistence. They have truly demonstrated what it means to part of the Wyoming community. Our prayers are with everyone at this difficult time.

#### FLAG DAY

Mr. CARDIN. Madam President, today I commemorate the 233rd Flag Day in the United States. On June 14, 1777, nearly a year after our Nation declared its independence, the Second Continental Congress approved the design of our national flag. The 13 stripes that alternate red and white and the white stars on a field of blue have proudly stood as a beacon of liberty and justice around the world ever since.

Flag Day—the anniversary of the Flag Resolution of 1777—was officially established by the Proclamation of President Woodrow Wilson in 1916. While Flag Day was celebrated in various communities for years after Wilson's proclamation, it was not until 1949 that President Truman signed an act of Congress designating June 14 of each year as National Flag Day and the corresponding week as National Flag Week.

My home State of Maryland plays an integral role in the rich history of our flag. The flag was the source of inspiration for Francis Scott Key's "Star Spangled Banner" which became our national anthem. That most famous of American flags flew over Fort McHenry in Baltimore Harbor. It bravely withstood the torrent of British buckshot and still hangs today in the Smithsonian Museum of American History. Each year the National Flag Day Foundation of Baltimore, MD, sponsors a moving ceremony at the Fort McHenry National Monument and Historic Shrine which brings our community together in celebration and remembrance of our glorious past.

America's flag graces classrooms, statehouses, courtrooms, and churches, serving as a daily reminder of this Nation's past accomplishments and ongoing dedication to safeguarding individual rights. The brave members of our Armed Forces carry "Old Glory" with them as they fulfill their mission to defend the blessings of democracy and peace across the globe; our banner flies from public buildings as a sign of our national community; and its folds drape the tombs of our distinguished dead. The flag is a badge of honor to all and a sign of our citizens' common purpose.

This week and throughout the year let us do all we can to teach younger generations the significance of our flag. Its 13 red and white stripes represent not only the original colonies but also the courage and purity of our Nation, while its 50 stars stand for the separate but United States of our Union. Let us pledge allegiance to this

flag to declare our patriotism and raise its colors high to express our pride and respect for the American way of life.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO PETER AND SUZIE ARNOLD

• Mr. KOHL. Madam President, the State of Wisconsin has a long and proud tradition of lands conservation. Wisconsin was home to John Muir and Aldo Leopold—two of our Nation's great conservationists. It is also home to Senator Gaylord Nelson who established the first Earth Day 40 years ago. At the first Earth Day, Senator Nelson noted that his goal was not just one of clean air and water, but also "an environment of decency, quality and mutual respect for all other human beings and all other living creatures." He knew that this goal was achievable through grassroots efforts by every day Americans.

Today I am pleased to congratulate Peter and Suzie Arnold for recently being named the Wisconsin Conservation Farmer of the Year Award Recipients by the Wisconsin Land and Water Conservation Association. Their leadership and dedication to land conservation over the last 11 years has been a model for grazing lands conservation. Through the years their farm near Edgar, WI, has served to educate other dairy farmers on the benefits of grazing lands conservation and served as a research site for the U.S. Department of Agriculture's Dairy Forage Research Center.

The Arnolds have adopted a number of conservation practices to improve soil, air, and water quality on their farm. Over the past several years the organic matter levels in their soils have increased from an average of 2.7 percent to 6 percent while attaining the highest Soil Quality Index score measured by the Natural Resource Conservation Service. This is a true testament to their commitment to conservation. I congratulate the Arnolds for their strong commitment to environmental stewardship and their willingness to continue Wisconsin's proud conservation legacy. The Arnolds are showing that Senator Nelson's vision of "an environment of decency, quality and mutual respect for all other human beings and all other living creatures" is achievable through grassroots efforts by every day Americans.●

##### RECOGNIZING AGAR, SD

• Mr. THUNE. Madam President, today I recognize Agar, SD. Founded in 1910, the town of Agar will celebrate its 100th anniversary this year.

Located in Sully County, Agar possesses the strong sense of community that makes South Dakota an out-

standing place to live and work. Agar is a little town with a big heart, and has continued to be a strong reflection of South Dakota's greatest values and traditions. The community of Agar has much to be proud of and I am confident that Agar's success will continue well into the future.

The town of Agar will commemorate the 100th anniversary of its founding with celebrations held June 11 through June 13. I would like to offer my congratulations to the citizens of Agar on this milestone anniversary and wish them continued prosperity in the years to come.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13466 OF JUNE 26, 2008, WITH RESPECT TO THE CURRENT EXISTENCE AND RISK OF THE PROLIFERATION OF WEAPON-USABLE FISSILE MATERIAL ON THE KOREAN PENINSULA—PM 62

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the national emergency declared in Executive Order 13466 of June 26, 2008, is to continue in effect beyond June 26, 2010.

The existence and the risk of proliferation of weapons-usable fissile material on the Korean Peninsula constitute a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency and maintain certain restrictions with respect to North Korea and North Korean nationals.

BARACK OBAMA,  
THE WHITE HOUSE, June 14, 2010.

#### MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

##### ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 2009, the Secretary of the Senate, on June 14, 2010, during the adjournment of the Senate, received a message from the House announcing that the Speaker has signed the following enrolled bill:

S. 3473. An act to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill.

##### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on June 14, 2010, she had presented to the President of the United States the following enrolled bill:

S. 3473. An act to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6186. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sodium 1,4-Dialkyl Sulfosuccinates; Exemption from the Requirement of a Tolerance" (FRL No. 8825-2) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6187. A communication from the Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Competitive and Noncompetitive Nonformula Federal Assistance Programs—Administrative Provisions and Subpart K for Biomass Research and Development Initiative" (RIN0524-AA61) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6188. A communication from the General Counsel of the Department of Defense, transmitting proposed legislation entitled "Procedures for Judicial Review of Certain Military Personnel Decisions"; to the Committee on Armed Services.

EC-6189. A communication from the General Counsel of the Department of Defense, transmitting proposed legislation relative to Extension of Maximum Age for Appointment to Service Academies for Limited Number of Exceptional Candidates; to the Committee on Armed Services.

EC-6190. A communication from the General Counsel of the Department of Defense, transmitting proposed legislation relative to Authority to Expedite Background Investigations for Hiring of Wounded Warriors and Spouses by Department of Defense and Defense Contractors; to the Committee on Armed Services.

EC-6191. A communication from the General Counsel of the Department of Defense, transmitting proposed legislation relative to Exception to Full and Open Competition to Permit Consideration of Supply Chain Risk in the Interest of National Security; to the Committee on Armed Services.

EC-6192. A communication from the General Counsel of the Department of Defense, transmitting proposed legislation relative to Expansion of Authority Relating to Phase II of Three-Phase Approach to Joint Professional Military Education; to the Committee on Armed Services.

EC-6193. A communication from the Secretary of Energy, transmitting proposed legislation relative to Elimination of Requirement for Annual Update and Report to Congress on Workforce Restructuring Plans; to the Committee on Armed Services.

EC-6194. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6195. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Final Rulemaking to Establish Take Prohibitions for the Threatened Southern Distinct Population Segment of North American Green Sturgeon" (RIN0648-AV94) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6196. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 10; Correction" (RIN0648-AY00) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6197. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico and South Atlantic; Revisions to Allowable Bycatch Reduction Devices" (RIN0648-AY58) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6198. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Depart-

ment of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Revisions to Framework Adjustment 44 to the Northeast Multispecies Fishery Management Plan and Sector Annual Catch Entitlements: Updated Annual Catch Limits for Sectors and the Common Pool for Fishing Year 2010" (RIN0648-AY29) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6199. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Reductions to Trip Limits for Five Groundfish Stocks" (RIN0648-AY52) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6200. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus A318, A319, A320, A321 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0129)) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6201. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF34-1A, -3A, -3A1, -3A2, -3B and -3B1 Turbofan Engines; Correction" ((RIN2120-AA64) (Docket No. FAA-2007-27687)) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6202. A communication from the Deputy Associate General Counsel for General Law, Office of the General Counsel, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the Department of Homeland Security in the position of Assistant Secretary/Administrator of the Transportation Security Administration, received in the Office of the President of the Senate on June 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6203. A communication from the Assistant General Counsel for Legislation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Weatherization Assistance for Low-Income Persons: Maintaining the Privacy of Applicants for and Recipients of Services" (RIN1904-AC16) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Energy and Natural Resources.

EC-6204. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of the Emission-Comparable Fuel Exclusion under RCRA" (FRL No. 9160-9) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Environment and Public Works.

EC-6205. A communication from the Director of the Regulatory Management Division,

Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Primary National Ambient Air Quality Standard for Sulfur Dioxide" (FRL No. 9160-4) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Environment and Public Works.

EC-6206. A communication from the Deputy Associate Commissioner, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Consultative Examination—Annual Onsite Review of Medical Providers" (RIN0960-AH17) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Finance.

EC-6207. A communication from the Deputy Associate Commissioner, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Revised Medical Criteria for Evaluating Hearing Loss—2862F" (RIN0960-AG20) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Finance.

EC-6208. A communication from the Secretary of Labor, transmitting proposed legislation entitled "Unemployment Compensation Program Integrity Act of 2010"; to the Committee on Finance.

EC-6209. A communication from the General Counsel of the Department of Defense, transmitting proposed legislation entitled "Consolidation and Modification of Semiannual Reports on Progress Toward Security and Stability in Afghanistan and Pakistan; to the Committee on Foreign Relations.

EC-6210. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Department's Office of Inspector General's Semiannual Report for the period of October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6211. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department of Health and Human Services Office of Inspector General's Semiannual Report for the period of October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6212. A communication from the Chairman, Postal Regulatory Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report to Congress for the period of October 1, 2009, through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6213. A communication from the Secretary of the Department of Education, transmitting, pursuant to law, the Semiannual Report from the Inspector General for the period from October 1, 2009, through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6214. A communication from the General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6215. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2009, through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6216. A communication from the General Counsel of the Department of Defense,

transmitting proposed legislation entitled "Enhanced Retirement Benefits for Certain Employees of the Pentagon Force Protection Agency"; to the Committee on Homeland Security and Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2852. A bill to establish, within the National Oceanic and Atmospheric Administration, an integrated and comprehensive ocean, coastal, Great Lakes, and atmospheric research, prediction, and environmental information program to support renewable energy (Rept. No. 111-206).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 3951. A bill to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the "Roy Rondenno, Sr. Post Office Building".

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE (for herself and Ms. KLOBUCHAR):

S. 3483. A bill to amend section 139 of title 49, United States Code, to increase the effectiveness of Federal oversight of motor carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MCCASKILL (for herself and Mr. BENNETT):

S. 3484. A bill to require the Director of the Office of Management and Budget to issue guidance on the use of peer-to-peer file sharing software to prohibit the personal use of such software by Government employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KAUFMAN (for himself, Mr. CASEY, Mr. LIEBERMAN, Mr. MCCAIN, Mrs. SHAHEEN, Mr. KYL, Mr. FEINGOLD, Mr. BROWNBACK, Mr. MENENDEZ, Mr. GRAHAM, and Mr. LEVIN):

S. Res. 551. A resolution marking the one year anniversary of the June 12, 2009, presidential election in Iran, and condemning ongoing human rights abuses in Iran; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 332

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 332, a bill to establish a

comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 616

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 616, a bill to amend the Public Health Service Act to authorize medical simulation enhancement programs, and for other purposes.

S. 686

At the request of Ms. MIKULSKI, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 686, a bill to establish the Social Work Reinvestment Commission to advise Congress and the Secretary of Health and Human Services on policy issues associated with the profession of social work, to authorize the Secretary to make grants to support recruitment for, and retention, research, and reinvestment in, the profession, and for other purposes.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1112

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1112, a bill to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products, and for other purposes.

S. 1335

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1335, a bill to require reports on the effectiveness and impacts of the implementation of the Western Hemisphere Travel Initiative, and for other purposes.

S. 1580

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1580, a bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes.

S. 3102

At the request of Mr. MERKLEY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3102, a bill to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and

investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use.

S. 3181

At the request of Mr. BROWNBAC, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3181, a bill to protect the rights of consumers to diagnose, service, maintain, and repair their motor vehicles, and for other purposes.

S. 3184

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3211

At the request of Mrs. SHAHEEN, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 3211, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by designating certain certified diabetes educators as certified providers for purposes of outpatient diabetes self-management training services under part B of the Medicare Program.

S. 3225

At the request of Mr. BEGICH, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3225, a bill to direct the Secretary of Commerce to establish a comprehensive grant program to promote domestic regional tourism.

S. 3276

At the request of Mr. WYDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3276, a bill to provide an election to terminate certain capital construction funds without penalties.

S. 3302

At the request of Mr. ROCKEFELLER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3302, a bill to amend title 49, United States Code, to establish new automobile safety standards, make better motor vehicle safety information available to the National Highway Traffic Safety Administration and the public, and for other purposes.

S. 3326

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3326, a bill to provide grants to States for low-income housing projects in lieu of low-income housing credits, and to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of the low-income housing credit, and for other purposes.

S. 3339

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3339, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 3345

At the request of Mr. WHITEHOUSE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3345, a bill to amend title 46, United States Code, to remove the cap on punitive damages established by the Supreme Court in *Exxon Shipping Company v. Baker*.

S. 3412

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3412, a bill to provide emergency operating funds for public transportation.

S. 3463

At the request of Mr. LEAHY, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 3463, a bill to amend chapter 303 of title 46, United States Code, to provide fair treatment for the families of those killed on the high seas.

S. 3478

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3478, a bill to amend title 46, United States Code, to repeal certain limitations of liability and for other purposes.

S.J. RES. 30

At the request of Mr. ISAKSON, the names of the Senator from Arizona (Mr. KYL) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S.J. Res. 30, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Mediation Board relating to representation election procedures.

S. RES. 519

At the request of Mr. DEMINT, the names of the Senator from Missouri (Mr. BOND) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child un-

dermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 548

At the request of Mr. CORNYN, the names of the Senator from Kansas (Mr. BROWNBAC) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Res. 548, a resolution to express the sense of the Senate that Israel has an undeniable right to self-defense, and to condemn the recent destabilizing actions by extremists aboard the ship *Mavi Marmara*.

AMENDMENT NO. 4318

At the request of Mr. SANDERS, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 4318 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4322

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 4322 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4324

At the request of Mr. WHITEHOUSE, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 4324 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4333

At the request of Mr. THUNE, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), the Senator from Missouri (Mr. BOND), the Senator from Oklahoma (Mr. COBURN), the Senator from Massachusetts (Mr. BROWN) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 4333 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4342

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 4342 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Ms. KLOBUCHAR):

S. 3483. A bill to amend section 139 of title 49, United States Code, to increase the effectiveness of Federal oversight of motor carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce legislation that I believe will ensure that our motor vehicle operators, particularly those smallest businesses who rely on only one or two vehicles, are no longer subject to the nefarious practices of unscrupulous logistic companies and brokers.

The Bureau of Transportation Statistics has indicated that by 2020, freight volume will double in this country. A critical component of moving that vast expansion of freight to distributors and retailers will be motor carriers—that is, trucks.

However, for years, trucking operators, particularly the smallest companies who not only perform the back-breaking work of transporting freight across the country, but simultaneously run their own businesses, have fallen victim to fly-by-night brokers and intermediaries who connect the truck operators with shippers who need goods moved, then defraud the operators of their payments before vanishing in the night, depriving the operator of any legal recourse in an effort to recover their losses.

How can they do this? Aren't these actions criminal? Unfortunately, the current regulations are long outdated. Beyond a prospective broker being required to pay a ten thousand dollar bond, there is little in the way of registration requirements or government oversight under present law. According to trucking experts, a broker can rake in revenues far in excess of that ten thousand dollar upfront payment in less than a month, allowing them to disappear in the night, losing their bond but more than making up for it in revenues stolen from hard-working truck operators who are left with nothing to show for their delivery, and no way to recoup those losses. The time has come to provide these operators that chance to defend themselves.

That is why I have taken this opportunity to introduce the Motor Carrier Protection Act. This legislation will bolster the rather meager framework of regulations now in place to guard against deceitful behavior from the handful of freight forwarders who engage in these criminal practices. The bond necessary to serve as a broker will no longer be a paltry 10,000, but will be elevated to 100,000, a more reasonable amount reflecting the reality of today's shipping environment. It will also expand the requirements to become a licensed broker, giving the Federal Motor Carrier Safety Administration to opportunity to collect licensing fees from brokers, intermediaries and freight forwarders—

using those fees to fund greater enforcement capabilities. As a result of this legislation, the Federal Government will be able to revoke operating licenses for those brokers that do not meet these revamped strictures. These new licenses must be renewed annually. With these improvements to existing regulation, motor vehicle operators will no longer wonder if they will receive payment for a job well done.

Why is this legislation necessary? We must be mindful that these scams are not easily discouraged. For example, in Georgia, one group of individuals operated twelve different freight broker companies over a period of 3 years—continuously evading law enforcement and the truckers they defrauded by changing the name and location of their business—while never paying the truck operators who actually moved the freight. In the end, this racketeering enterprise collected over \$500,000, most of which was due to the operators. In fact, it was the diligent efforts of Georgia law enforcement that broke up this operation, not the Federal Motor Carrier Safety Administration, who the government has charged with preventing these sorts of fraud.

We must update these regulations, and provide FMCSA with more tools to prevent these kinds of criminal activities. I urge my colleagues to support this legislation as we move forward.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 551—MARKING THE ONE YEAR ANNIVERSARY OF THE JUNE 12, 2009, PRESIDENTIAL ELECTION IN IRAN, AND CONDEMNING ONGOING HUMAN RIGHTS ABUSES IN IRAN

Mr. KAUFMAN (for himself, Mr. CASEY, Mr. LIEBERMAN, Mr. MCCAIN, Mrs. SHAHEEN, Mr. KYL, Mr. FEINGOLD, Mr. BROWNBACK, Mr. MENENDEZ, Mr. GRAHAM, and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 551

Whereas the Government of Iran has systematically undertaken a campaign of violence, persecution, and intimidation against Iranian citizens who have peacefully protested the results of the deeply flawed Iran presidential elections of June 12, 2009;

Whereas the 2009 Department of State Country Report on Human Rights Practices in Iran found that “[t]he government [of Iran] severely limited citizens’ right to peacefully change their government through free and fair elections” and “. . . severely restricted the right to privacy and civil liberties, including freedoms of speech and the press, assembly, association, and movement”;

Whereas hundreds of thousands of peaceful demonstrators gathered in the streets of Iran in the aftermath of the June 12, 2009, elections, and dozens of innocent Iranians were killed and more than 4,000 were arbitrarily

arrested by police and security forces and the Basij militia;

Whereas hundreds of Iranian citizens remain in detention and more than 250 prominent activists and demonstrators were tried in mass “show trials” that began in August 2009, and at least 50 of these defendants have received sentences ranging from six months imprisonment to death;

Whereas, on June 20, 2009, a member of the Basij militia reportedly shot and killed 27 year-old student Neda Agha-Soltan, whose murder was recorded on a mobile phone camera, disseminated via the Internet, and became a rallying cry for the political opposition and Green Movement;

Whereas, since the election, the Government of Iran has systemically restricted and suppressed free press, free expression, free assembly, and free access to the Internet and other forms of connective technology in order to limit the flow of information and silence political opposition and other forms of popular dissent;

Whereas the Government of Iran has a deplorable human rights record that includes severe restrictions on the freedom of religion or belief, denial of the freedom of assembly and the rights of civil society, systematic torture and ill-treatment, and judicial proceedings that lack due process;

Whereas the Government of Iran continues to operate with hostility and impunity toward journalists, reformers, ethnic and religious minorities, political opponents, human rights defenders, women’s rights groups, student activists, and others, including through unlawful and arbitrary detentions, arrests, politically motivated sentencing, physical assaults, and killings;

Whereas human rights activists, journalists, and ethnic and religious minorities have fled Iran for fear of persecution and are residing, some in dangerous circumstances, in neighboring countries seeking refugee status and asylum in the United States and other countries;

Whereas the Government of Iran has violated its obligations under the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, and the International Covenant on Economic, Social and Cultural Rights;

Whereas the 2010 Freedom House Freedom in the World Report finds that Iran leads the world in the number of jailed journalists;

Whereas, since the June 2009 election, the Government of Iran has restricted foreign press access, banned more than 60 international media outlets, and jammed international broadcasts, including those of Radio Free Europe/Radio Liberty’s Radio Farda, Voice of America’s Persian News Network, the British Broadcasting Corporation, and other non-Iranian news services;

Whereas, on December 18, 2009, the United Nations General Assembly passed a resolution condemning “serious, ongoing and recurring human rights violations in Iran” and calling on the Government of Iran to respect its human rights obligations;

Whereas, on December 27, 2009, the Ashura holiday, at least eight civilians were killed in confrontations with authorities, and police reportedly arrested approximately 300 civilians in relation to popular demonstrations;

Whereas, on February 11, 2010, the anniversary of the Islamic Revolution, the Government of Iran beat and arrested numerous protestors, jammed text messaging technology, slowed and restricted access to the

Internet, and blocked email and news websites, intentionally limiting the ability of Iranian citizens to communicate and freely access news and information;

Whereas, on April 19, 2010, the Government of Iran officially suspended prominent political parties, banned a reformist newspaper, and sentenced to prison leaders within the political opposition; and

Whereas activists connected to the 2009 election protests were recently re-arrested in an attempt to disrupt planned protests on the one-year anniversary of the election on June 12, 2010: Now, therefore, be it

*Resolved*, That the Senate—

(1) solemnly marks one year since the flawed June 12, 2009, presidential election in Iran, and honors Iranian citizens who have lost their lives in peaceful protest since the election;

(2) supports the people of Iran as they seek peaceful and free expression, free speech, free press, free assembly, unfettered access to the Internet, and freedom of religion despite a campaign of intimidation, repressions, and violence perpetrated by the Government of Iran;

(3) commends the people of Iran who have braved the persistent and pervasive threat of censorship, arrest, physical harassment, and death to have their voices heard and peacefully exercise fundamental human rights, as enshrined in the constitution of Iran and international human rights law, including the International Covenant on Civil and Political Rights, entered into force on March 23, 1976, and ratified by Iran;

(4) condemns the Government of Iran for perpetrating ongoing human rights abuses and for restricting, monitoring, and suppressing freedom of the press, expression, assembly, speech, and religion, as well as free access to the Internet and other forms of connective technology in order to limit the flow of information and silence political opposition and other forms of popular dissent;

(5) denounces the atmosphere of impunity for those who intimidate, harass, and commit violence against Iranian citizens, and calls for the unconditional release of all political and religious prisoners in Iran;

(6) urges the President and Secretary of State to mobilize resources to support freedom of assembly, freedom of expression, freedom of the press, freedom of religion, and freedom of speech in Iran, especially on the June 12 anniversary of the 2009 presidential election;

(7) encourages the President and Secretary of State to work with the United Nations Human Rights Council to condemn the ongoing human rights violations perpetrated by the Government of Iran and establish a monitoring mechanism by which the Council can monitor such violations;

(8) urges the Government of Iran to cooperate with and allow visits of the United Nations Special Rapporteurs for Human Rights and the United Nations Office of the High Commissioner for Human Rights;

(9) urges the President and Secretary of State to work with the international community to ensure that violations of human rights are part of all formal and informal multilateral or bilateral discussions with and regarding Iran; and

(10) calls for the immediate return of all missing and detained United States citizens in Iran.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 4343. Mr. WEBB (for himself, Mr. NELSON, of Florida, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 4344. Mr. REID proposed an amendment to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 4345. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4346. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4347. Mr. REID (for Ms. KLOBUCHAR) proposed an amendment to the bill S. 1660, to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

SA 4348. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 4349. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4350. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

SA 4343. Mr. WEBB (for himself, Mr. NELSON of Florida, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

### SEC. —. GUIDANCE ON TAX TREATMENT OF LOSSES RELATED TO TAINTED DRYWALL AS CASUALTY LOSS DEDUCTIONS.

Not later than the due date, including extension, for filing a return of tax for taxable year 2009, the Secretary of the Treasury shall issue guidance with respect to the availability of a casualty loss deduction under section 165(c)(3) of the Internal Revenue Code of 1986 for a taxpayer who has sustained a loss due to defective or tainted drywall, including drywall imported from China.

SA 4344. Mr. REID proposed an amendment to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the end of part I of subtitle B of title II, insert the following:

### SEC. —. FIRST-TIME HOMEBUYER CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 36(h) is amended by striking “paragraph (1) shall be applied by substituting ‘July 1, 2010’” and inserting “and who purchases such residence before October 1, 2010, paragraph (1) shall be applied by substituting ‘October 1, 2010’”.

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 36(h)(3) is amended by inserting “and for ‘October 1, 2010’” after “for ‘July 1, 2010’”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to residences purchased after June 30, 2010.

### (d) OFFSET.—

(1) DISALLOWANCE OF DEDUCTION FOR PUNITIVE DAMAGES.—

(A) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(ii) by striking “If” and inserting:

“(1) TREBLE DAMAGES.—If”, and

(iii) by adding at the end the following new paragraph:

“(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).”.

(B) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting “OR PUNITIVE DAMAGES” after “LAWS”.

(2) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(A) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

### “SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

“Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer’s liability (or agreement) to pay punitive damages.”.

(B) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

“(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person’s liability (or agreement) to pay punitive damages.”.

(C) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

“Sec. 91. Punitive damages compensated by insurance or otherwise.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to damages paid or incurred after December 31, 2011.

SA 4345. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 236, strike line 20 and all that follows through page 237, line 5.

**SA 4346.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 522.

**SA 4347.** Mr. REID (for Ms. KLOBUCHAR) proposed an amendment to the bill S. 1660, to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes, as follows:

In lieu of the matter proposed to be inserted, insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Formaldehyde Standards for Composite Wood Products Act”.

#### SEC. 2. FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS.

(a) AMENDMENT.—The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following:

##### “TITLE VI—FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS

##### “SEC. 601. FORMALDEHYDE STANDARDS.

“(a) DEFINITIONS.—In this section:

“(1) FINISHED GOOD.—

“(A) IN GENERAL.—The term ‘finished good’ means any good or product (other than a panel) containing—

“(i) hardwood plywood;

“(ii) particleboard; or

“(iii) medium-density fiberboard.

“(B) EXCLUSIONS.—The term ‘finished good’ does not include—

“(i) any component part or other part used in the assembly of a finished good; or

“(ii) any finished good that has previously been sold or supplied to an individual or entity that purchased or acquired the finished good in good faith for purposes other than resale, such as—

“(I) an antique; or

“(II) secondhand furniture.

“(2) HARDBOARD.—The term ‘hardboard’ has such meaning as the Administrator shall establish, by regulation, pursuant to subsection (d).

“(3) HARDWOOD PLYWOOD.—

“(A) IN GENERAL.—The term ‘hardwood plywood’ means a hardwood or decorative panel that is—

“(i) intended for interior use; and

“(ii) composed of (as determined under the standard numbered ANSI/HPVA HP-1-2009) an assembly of layers or plies of veneer, joined by an adhesive with—

“(I) lumber core;

“(II) particleboard core;

“(III) medium-density fiberboard core;

“(IV) hardboard core; or

“(V) any other special core or special back material.

“(B) EXCLUSIONS.—The term ‘hardwood plywood’ does not include—

“(i) military-specified plywood;

“(ii) curved plywood; or

“(iii) any other product specified in—

“(I) the standard entitled ‘Voluntary Product Standard—Structural Plywood’ and numbered PS 1-07; or

“(II) the standard entitled ‘Voluntary Product Standard—Performance Standard for Wood-Based Structural-Use Panels’ and numbered PS 2-04.

“(C) LAMINATED PRODUCTS.—

“(1) RULEMAKING.—

“(I) IN GENERAL.—The Administrator shall conduct a rulemaking process pursuant to subsection (d) that uses all available and relevant information from State authorities, industry, and other available sources of such information, and analyzes that information to determine, at the discretion of the Administrator, whether the definition of the term ‘hardwood plywood’ should exempt engineered veneer or any laminated product.

“(II) MODIFICATION.—The Administrator may modify any aspect of the definition contained in clause (ii) before including that definition in the regulations promulgated pursuant to subclause (I).

“(ii) LAMINATED PRODUCT.—The term ‘laminated product’ means a product—

“(I) in which a wood veneer is affixed to—

“(aa) a particleboard platform;

“(bb) a medium-density fiberboard platform; or

“(cc) a veneer-core platform; and

“(II) that is—

“(aa) a component part;

“(bb) used in the construction or assembly of a finished good; and

“(cc) produced by the manufacturer or fabricator of the finished good in which the product is incorporated.

“(4) MANUFACTURED HOME.—The term ‘manufactured home’ has the meaning given the term in section 3280.2 of title 24, Code of Federal Regulations (as in effect on the date of promulgation of regulations pursuant to subsection (d)).

“(5) MEDIUM-DENSITY FIBERBOARD.—The term ‘medium-density fiberboard’ means a panel composed of cellulosic fibers made by dry forming and pressing a resinated fiber mat (as determined under the standard numbered ANSI A208.2-2009).

“(6) MODULAR HOME.—The term ‘modular home’ means a home that is constructed in a factory in 1 or more modules—

“(A) each of which meet applicable State and local building codes of the area in which the home will be located; and

“(B) that are transported to the home building site, installed on foundations, and completed.

“(7) NO-ADDED FORMALDEHYDE-BASED RESIN.—

“(A) IN GENERAL.—(i) The term ‘no-added formaldehyde-based resin’ means a resin formulated with no added formaldehyde as part of the resin cross-linking structure in a composite wood product that meets the emission standards in subparagraph (C) as measured by—

“(I) one test conducted pursuant to test method ASTM E-1333-96 (2002) or, subject to clause (ii), ASTM D-6007-02; and

“(II) 3 months of routine quality control tests pursuant to ASTM D-6007-02 or ASTM D-5582 or such other routine quality control test methods as may be established by the Administrator through rulemaking.

“(ii) Test results obtained under clause (i)(I) or (II) by any test method other than ASTM E-1333-96 (2002) must include a showing of equivalence by means established by the Administrator through rulemaking.

“(B) INCLUSIONS.—The term ‘no-added formaldehyde-based resin’ may include any resin made from—

“(i) soy;

“(ii) polyvinyl acetate; or

“(iii) methylene diisocyanate.

“(C) EMISSION STANDARDS.—The following are the emission standards for composite wood products made with no-added formaldehyde-based resins under this paragraph:

“(i) No higher than 0.04 parts per million of formaldehyde for 90 percent of the 3 months of routine quality control testing data required under subparagraph (A)(ii).

“(ii) No test result higher than 0.05 parts per million of formaldehyde for hardwood plywood and 0.06 parts per million for particleboard, medium-density fiberboard, and thin medium-density fiberboard.

“(8) PARTICLEBOARD.—

“(A) IN GENERAL.—The term ‘particleboard’ means a panel composed of cellulosic material in the form of discrete particles (as distinguished from fibers, flakes, or strands) that are pressed together with resin (as determined under the standard numbered ANSI A208.1-2009).

“(B) EXCLUSIONS.—The term ‘particleboard’ does not include any product specified in the standard entitled ‘Voluntary Product Standard—Performance Standard for Wood-Based Structural-Use Panels’ and numbered PS 2-04.

“(9) RECREATIONAL VEHICLE.—The term ‘recreational vehicle’ has the meaning given the term in section 3282.8 of title 24, Code of Federal Regulations (as in effect on the date of promulgation of regulations pursuant to subsection (d)).

“(10) ULTRA LOW-EMITTING FORMALDEHYDE RESIN.—

“(A) IN GENERAL.—(i) The term ‘ultra low-emitting formaldehyde resin’ means a resin in a composite wood product that meets the emission standards in subparagraph (C) as measured by—

“(I) 2 quarterly tests conducted pursuant to test method ASTM E-1333-96 (2002) or, subject to clause (ii), ASTM D-6007-02; and

“(II) 6 months of routine quality control tests pursuant to ASTM D-6007-02 or ASTM D-5582 or such other routine quality control test methods as may be established by the Administrator through rulemaking.

“(ii) Test results obtained under clause (i)(I) or (II) by any test method other than ASTM E-1333-96 (2002) must include a showing of equivalence by means established by the Administrator through rulemaking.

“(B) INCLUSIONS.—The term ‘ultra low-emitting formaldehyde resin’ may include—

“(i) melamine-urea-formaldehyde resin;

“(ii) phenol formaldehyde resin; and

“(iii) resorcinol formaldehyde resin.

“(C) EMISSION STANDARDS.—

“(i) The Administrator may, pursuant to regulations issued under subsection (d), reduce the testing requirements for a manufacturer only if its product made with ultra low-emitting formaldehyde resin meets the following emission standards:

“(I) For hardwood plywood, no higher than 0.05 parts per million of formaldehyde.

“(II) For medium-density fiberboard—

“(aa) no higher than 0.06 parts per million of formaldehyde for 90 percent of 6 months of routine quality control testing data required under subparagraph (A)(ii); and

“(bb) no test result higher than 0.09 parts per million of formaldehyde.

“(III) For particleboard—

“(aa) no higher than 0.05 parts per million of formaldehyde for 90 percent of 6 months of routine quality control testing data required under subparagraph (A)(ii); and

“(bb) no test result higher than 0.08 parts per million of formaldehyde.

“(IV) For thin medium-density fiberboard—

“(aa) no higher than 0.08 parts per million of formaldehyde for 90 percent of 6 months of routine quality control testing data required under subparagraph (A)(ii); and

“(bb) no test result higher than 0.11 parts per million of formaldehyde.

“(ii) The Administrator may not, pursuant to regulations issued under subsection (d), exempt a manufacturer from third party certification requirements unless its product made with ultra low-emitting formaldehyde resin meets the following emission standards:

“(I) No higher than 0.04 parts per million of formaldehyde for 90 percent of 6 months of routine quality control testing data required under subparagraph (A)(ii).

“(II) No test result higher than 0.05 parts per million of formaldehyde for hardwood plywood and 0.06 parts per million for particleboard, medium-density fiberboard, and thin medium-density fiberboard.

“(b) REQUIREMENT.—

“(1) IN GENERAL.—Except as provided in an applicable sell-through regulation promulgated pursuant to subsection (d), effective beginning on the date that is 180 days after the date of promulgation of those regulations, the emission standards described in paragraph (2), shall apply to hardwood plywood, medium-density fiberboard, and particleboard sold, supplied, offered for sale, or manufactured in the United States.

“(2) EMISSION STANDARDS.—The emission standards referred to in paragraph (1), based on test method ASTM E-1333-96 (2002), are as follows:

“(A) For hardwood plywood with a veneer core, 0.05 parts per million of formaldehyde.

“(B) For hardwood plywood with a composite core—

“(i) 0.08 parts per million of formaldehyde for any period after the effective date described in paragraph (1) and before July 1, 2012; and

“(ii) 0.05 parts per million of formaldehyde, effective on the later of the effective date described in paragraph (1) or July 1, 2012.

“(C) For medium-density fiberboard—

“(i) 0.21 parts per million of formaldehyde for any period after the effective date described in paragraph (1) and before July 1, 2011; and

“(ii) 0.11 parts per million of formaldehyde, effective on the later of the effective date described in paragraph (1) or July 1, 2011.

“(D) For thin medium-density fiberboard—

“(i) 0.21 parts per million of formaldehyde for any period after the effective date described in paragraph (1) and before July 1, 2012; and

“(ii) 0.13 parts per million of formaldehyde, effective on the later of the effective date described in paragraph (1) or July 1, 2012.

“(E) For particleboard—

“(i) 0.18 parts per million of formaldehyde for any period after the effective date described in paragraph (1) and before July 1, 2011; and

“(ii) 0.09 parts per million of formaldehyde, effective on the later of the effective date described in paragraph (1) or July 1, 2011.

“(3) COMPLIANCE WITH EMISSION STANDARDS.—(A) Compliance with the emission standards described in paragraph (2) shall be measured by—

“(i) quarterly tests shall be conducted pursuant to test method ASTM E-1333-96 (2002) or, subject to subparagraph (B), ASTM D-6007-02; and

“(ii) quality control tests shall be conducted pursuant to ASTM D-6007-02, ASTM D-5582, or such other test methods as may be established by the Administrator through rulemaking.

“(B) Test results obtained under subparagraph (A)(i) or (ii) by any test method other than ASTM E-1333-96 (2002) must include a showing of equivalence by means established by the Administrator through rulemaking.

“(C) Except where otherwise specified, the Administrator shall establish through rulemaking the number and frequency of tests required to demonstrate compliance with the emission standards.

“(4) APPLICABILITY.—The formaldehyde emission standard referred to in paragraph (1) shall apply regardless of whether an applicable hardwood plywood, medium-density fiberboard, or particleboard is—

“(A) in the form of an unfinished panel; or

“(B) incorporated into a finished good.

“(c) EXEMPTIONS.—The formaldehyde emission standard referred to in subsection (b)(1) shall not apply to—

“(1) hardboard;

“(2) structural plywood, as specified in the standard entitled ‘Voluntary Product Standard—Structural Plywood’ and numbered PS 1-07;

“(3) structural panels, as specified in the standard entitled ‘Voluntary Product Standard—Performance Standard for Wood-Based Structural-Use Panels’ and numbered PS 2-04;

“(4) structural composite lumber, as specified in the standard entitled ‘Standard Specification for Evaluation of Structural Composite Lumber Products’ and numbered ASTM D 5456-06;

“(5) oriented strand board;

“(6) glued laminated lumber, as specified in the standard entitled ‘Structural Glued Laminated Timber’ and numbered ANSI A90.1-2002;

“(7) prefabricated wood I-joists, as specified in the standard entitled ‘Standard Specification for Establishing and Monitoring Structural Capacities of Prefabricated Wood I-Joists’ and numbered ASTM D 5055-05;

“(8) finger-jointed lumber;

“(9) wood packaging (including pallets, crates, spools, and dunnage);

“(10) composite wood products used inside a new—

“(A) vehicle (other than a recreational vehicle) constructed entirely from new parts that has never been—

“(i) the subject of a retail sale; or

“(ii) registered with the appropriate State agency or authority responsible for motor vehicles or with any foreign state, province, or country;

“(B) rail car;

“(C) boat;

“(D) aerospace craft; or

“(E) aircraft;

“(11) windows that contain composite wood products, if the window product contains less than 5 percent by volume of hardwood plywood, particleboard, or medium-density fiberboard, combined, in relation to the total volume of the finished window product; or

“(12) exterior doors and garage doors that contain composite wood products, if—

“(A) the doors are made from composite wood products manufactured with no-added formaldehyde-based resins or ultra low-emitting formaldehyde resins; or

“(B) the doors contain less than 3 percent by volume of hardwood plywood, particleboard, or medium-density fiberboard, combined, in relation to the total volume of the finished exterior door or garage door.

“(d) REGULATIONS.—

“(1) IN GENERAL.—Not later than January 1, 2013, the Administrator shall promulgate regulations to implement the standards required under subsection (b) in a manner that ensures compliance with the emission standards described in subsection (b)(2).

“(2) INCLUSIONS.—The regulations promulgated pursuant to paragraph (1) shall include provisions relating to—

“(A) labeling;

“(B) chain of custody requirements;

“(C) sell-through provisions;

“(D) ultra low-emitting formaldehyde resins;

“(E) no-added formaldehyde-based resins;

“(F) finished goods;

“(G) third-party testing and certification;

“(H) auditing and reporting of third-party certifiers;

“(I) recordkeeping;

“(J) enforcement;

“(K) laminated products; and

“(L) exceptions from the requirements of regulations promulgated pursuant to this subsection for products and components containing de minimis amounts of composite wood products.

The Administrator shall not provide under subparagraph (L) exceptions to the formaldehyde emission standard requirements in subsection (b).

“(3) SELL-THROUGH PROVISIONS.—

“(A) IN GENERAL.—Sell-through provisions established by the Administrator under this subsection, with respect to composite wood products and finished goods containing regulated composite wood products (including recreational vehicles, manufactured homes, and modular homes), shall—

“(i) be based on a designated date of manufacture (which shall be no earlier than the date 180 days following the promulgation of the regulations pursuant to this subsection) of the composite wood product or finished good, rather than date of sale of the composite wood product or finished good; and

“(ii) provide that any inventory of composite wood products or finished goods containing regulated composite wood products, manufactured before the designated date of manufacture of the composite wood products or finished goods, shall not be subject to the formaldehyde emission standard requirements under subsection (b)(1).

“(B) IMPLEMENTING REGULATIONS.—The regulations promulgated under this subsection shall—

“(i) prohibit the stockpiling of inventory to be sold after the designated date of manufacture; and

“(ii) not require any labeling or testing of composite wood products or finished goods containing regulated composite wood products manufactured before the designated date of manufacture.

“(C) DEFINITION.—For purposes of this paragraph, the term ‘stockpiling’ means manufacturing or purchasing a composite wood product or finished good containing a regulated composite wood product between the date of enactment of the Formaldehyde Standards for Composite Wood Products Act and the date 180 days following the promulgation of the regulations pursuant to this subsection at a rate which is significantly greater (as determined by the Administrator) than the rate at which such product or good was manufactured or purchased during a base period (as determined by the Administrator) ending before the date of enactment of the Formaldehyde Standards for Composite Wood Products Act.

“(4) IMPORT REGULATIONS.—Not later than July 1, 2013, the Administrator, in coordination with the Commissioner of Customs and Border Protection and other appropriate Federal departments and agencies, shall revise regulations promulgated pursuant to section 13 as the Administrator determines to be necessary to ensure compliance with this section.

“(5) SUCCESSOR STANDARDS AND TEST METHODS.—The Administrator may, after public

notice and opportunity for comment, substitute an industry standard or test method referenced in this section with its successor version.

“(e) PROHIBITED ACTS.—An individual or entity that violates any requirement under this section (including any regulation promulgated pursuant to subsection (d)) shall be considered to have committed a prohibited act under section 15.”.

(b) CONFORMING AMENDMENT.—The table of contents of the Toxic Substances Control Act (15 U.S.C. prec. 2601) is amended by adding at the end the following:

“TITLE VI—FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS

“Sec. 601. Formaldehyde standards.”.

### SEC. 3. REPORTS TO CONGRESS.

Not later than one year after the date of enactment of this Act, and annually thereafter through December 31, 2014, the Administrator of the Environmental Protection Agency shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing, with respect to the preceding year—

(1) the status of the measures carried out or planned to be carried out pursuant to title VI of the Toxic Substances Control Act; and

(2) the extent to which relevant industries have achieved compliance with the requirements under that title.

### SEC. 4. MODIFICATION OF REGULATION.

Not later than 180 days after the date of promulgation of regulations pursuant to section 601(d) of the Toxic Substances Control Act (as amended by section 2), the Secretary of Housing and Urban Development shall update the regulation contained in section 3280.308 of title 24, Code of Federal Regulations (as in effect on the date of enactment of this Act), to ensure that the regulation reflects the standards established by section 601 of the Toxic Substances Control Act.

**SA 4348.** Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

### SEC. \_\_\_\_ . APPLICATION OF GRANTS FOR SPECIFIED ENERGY PROPERTY TO CERTAIN REGULATED COMPANIES.

(a) IN GENERAL.—The first sentence of section 1603(f) of division B of the American Recovery and Reinvestment Act of 2009 is amended by inserting “(other than subsection (d)(2) thereof)” after “section 50 of the Internal Revenue Code of 1986”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 1603 of division B of the American Recovery and Reinvestment Act of 2009.

**SA 4349.** Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 255, strike line 14 and all that follows through line 18 on page 260 and insert the following:

“(i) IN GENERAL.—A covered entity shall not request payment under title XIX of the Social Security Act for medical assistance described in section 1905(a)(12) of such Act with respect to a covered inpatient drug that is subject to an agreement under this section if the drug is subject to the payment of a rebate to the State under section 1927 of such Act.

“(ii) ESTABLISHMENT OF MECHANISM.—The Secretary shall establish a mechanism to ensure that covered entities comply with clause (i). If the Secretary does not establish a mechanism under the previous sentence within 12 months of the enactment of this section, the requirements of section 1927(a)(5)(C) of the Social Security Act shall apply.

“(iii) PROHIBITING DISCLOSURE TO GROUP PURCHASING ORGANIZATIONS.—In the event that a covered entity is a member of a group purchasing organization, such entity shall not disclose the price or any other information pertaining to any purchases under this section directly or indirectly to such group purchasing organization.

“(B) PROHIBITING RESALE, DISPENSING, OR ADMINISTRATION OF DRUGS EXCEPT TO CERTAIN PATIENTS.—With respect to any covered inpatient drug that is subject to an agreement under this subsection, a covered entity shall not dispense, administer, resell, or otherwise transfer the covered inpatient drug to a person unless—

“(i) such person is an inpatient of the entity; and

“(ii) such person does not have health plan coverage (as defined in subsection (c)(3)) that provides prescription drug coverage in the inpatient setting with respect to such covered inpatient drug.

For purposes of clause (ii), a person shall be treated as having health plan coverage (as defined in subsection (c)(3)) with respect to a covered inpatient drug if benefits are not payable under such coverage with respect to such drug for reasons such as the application of a deductible or cost sharing or the use of utilization management.

“(C) AUDITING.—A covered entity shall permit the Secretary and the manufacturer of a covered inpatient drug that is subject to an agreement under this subsection with the entity (acting in accordance with procedures established by the Secretary relating to the number, duration, and scope of audits) to audit at the Secretary’s or the manufacturer’s expense the records of the entity that directly pertain to the entity’s compliance with the requirements described in subparagraph (A) or (B) with respect to drugs of the manufacturer. The use or disclosure of information for performance of such an audit shall be treated as a use or disclosure required by law for purposes of section 164.512(a) of title 45, Code of Federal Regulations.

“(D) ADDITIONAL SANCTION FOR NONCOMPLIANCE.—If the Secretary finds, after notice and hearing, that a covered entity is in violation of a requirement described in subparagraph (A) or (B), the covered entity shall be liable to the manufacturer of the covered inpatient drug that is the subject of the violation in an amount equal to the reduction in the price of the drug (as described in subparagraph (A)) provided under the agreement between the Secretary and the manufacturer under this subsection.

“(E) MAINTENANCE OF RECORDS.—

“(i) IN GENERAL.—A covered entity shall establish and maintain an effective record-keeping system to comply with this section and shall certify to the Secretary that such

entity is in compliance with subparagraphs (A) and (B). The Secretary shall require that hospitals that purchase covered inpatient drugs for inpatient dispensing or administration under this subsection appropriately segregate inventory of such covered inpatient drugs, either physically or electronically, from drugs for outpatient use, as well as from drugs for inpatient dispensing or administration to individuals who have (for purposes of subparagraph (B)) health plan coverage described in clause (ii) of such subparagraph.

“(ii) CERTIFICATION OF NO THIRD-PARTY PAYER.—A covered entity shall maintain records that contain certification by the covered entity that no third party payment was received for any covered inpatient drug that is subject to an agreement under this subsection and that was dispensed to an inpatient.

“(5) TREATMENT OF DISTINCT UNITS OF HOSPITALS.—In the case of a covered entity that is a distinct part of a hospital, the distinct part of the hospital shall not be considered a covered entity under this subsection unless the hospital is otherwise a covered entity under this subsection.

“(6) NOTICE TO MANUFACTURERS.—The Secretary shall notify manufacturers of covered inpatient drugs and single State agencies under section 1902(a)(5) of the Social Security Act of the identities of covered entities under this subsection, and of entities that no longer meet the requirements of paragraph (4), by means of timely updates of the Internet website supported by the Department of Health and Human Services relating to this section.

“(7) NO PROHIBITION ON LARGER DISCOUNT.—Nothing in this subsection shall prohibit a manufacturer from charging a price for a drug that is lower than the maximum price that may be charged under paragraph (1).

“(b) COVERED ENTITY DEFINED.—In this section, the term ‘covered entity’ means an entity that meets the requirements described in subsection (a)(4) that has applied for and enrolled in the program described under this section and is one of the following:

**SA 4350.** Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 255, line 18, strike “a drug” and insert “a covered inpatient drug”.

On page 256, line 24, strike “a patient” and insert “an inpatient”.

On page 260, line 17, after “subsection (a)(4)” insert the following: “that has applied for and enrolled in the program described under this section”.

### NOTICE OF HEARING

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before the Committee on Energy and Natural Resources. The business meeting will be held on Wednesday, June 16, 2010, at 11 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending legislation.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

## FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS ACT

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 352, S. 1660.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1660) to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Formaldehyde Standards for Composite Wood Products Act".

### SEC. 2. FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS.

(a) AMENDMENT.—The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following:

#### "TITLE VI—FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS

##### "SEC. 601. FORMALDEHYDE STANDARDS.

"(a) DEFINITIONS.—In this section:

"(1) FINISHED GOOD.—

"(A) IN GENERAL.—The term 'finished good' means any good or product (other than a panel) containing—

- "(i) hardwood plywood;
- "(ii) particleboard; or
- "(iii) medium-density fiberboard.

"(B) EXCLUSIONS.—The term 'finished good' does not include—

- "(i) any component part or other part used in the assembly of a finished good; or
- "(ii) any finished good that has previously been sold or supplied to an individual or entity that purchased or acquired the finished good in good faith for purposes other than resale, such as—

- "(I) an antique; or
- "(II) secondhand furniture.

"(2) HARDBOARD.—The term 'hardboard' means a composite panel composed of cellulosic fibers manufactured with a wet process using—

- "(A) no resins; or
- "(B) resins that have no added formaldehyde.

"(3) HARDWOOD PLYWOOD.—

"(A) IN GENERAL.—The term 'hardwood plywood' means a hardwood or decorative panel that is—

- "(i) intended for interior use; and
- "(ii) composed of (as determined under the standard numbered ANSI/HPVA HP-1-2004 (or a successor standard)) an assembly of layers or plies of veneer, joined by an adhesive with—

- "(I) lumber core;
- "(II) particleboard core;
- "(III) medium-density fiberboard core;
- "(IV) hardboard core; or
- "(V) any other special core or special back material.

"(B) EXCLUSIONS.—The term 'hardwood plywood' does not include—

- "(i) military-specified plywood;
- "(ii) curved plywood; or
- "(iii) any other product specified in—

"(I) the standard entitled 'Voluntary Product Standard—Structural Plywood' and numbered PS 1-07 (or a successor standard); or

"(II) the standard entitled 'Voluntary Product Standard—Performance Standard for Wood-Based Structural-Use Panels' and numbered PS 2-04 (or a successor standard).

"(C) LAMINATED PRODUCTS.—

"(i) IN GENERAL.—The Administrator shall conduct a rulemaking process pursuant to subsection (d) that uses all available and relevant information from State authorities (including the California Air Resources Board), industry, and other available sources of such information, and analyzes such information to determine, at the discretion of the Administrator, whether the definition of hardwood plywood should exempt any laminated product. The Administrator may also modify any aspect of the definition contained in clause (ii) before including it in such regulations.

"(ii) LAMINATED PRODUCT.—The term 'laminated product' means a product—

"(I) in which a wood veneer is affixed to—

- "(aa) a particleboard platform;
- "(bb) a medium-density fiberboard platform;

or

"(cc) a veneer-core platform; and

"(II) that is—

- "(aa) a component part;
- "(bb) used in the construction or assembly of a finished good; and
- "(cc) produced by the manufacturer or fabricator of the finished good in which the product is incorporated.

"(4) MEDIUM-DENSITY FIBERBOARD.—The term 'medium-density fiberboard' means a panel composed of cellulosic fibers made by dry forming and pressing a resinated fiber mat (as determined under the standard numbered ANSI A208.2-2009 (or a successor standard)).

"(5) NO-ADDED FORMALDEHYDE-BASED RESIN.—

"(A) IN GENERAL.—The term 'no-added formaldehyde-based resin' means a resin formulated with no added formaldehyde as part of the resin cross-linking structure that meets the performance standard contained in section 93120.3(c) of title 17, California Code of Regulations (as in effect on July 28, 2009).

"(B) INCLUSIONS.—The term 'no-added formaldehyde-based resin' may include any resin made from—

- "(i) soy;
- "(ii) polyvinyl acetate; or
- "(iii) methylene diisocyanate.

"(6) PARTICLEBOARD.—

"(A) IN GENERAL.—The term 'particleboard' means a panel composed of cellulosic material in the form of discrete particles (as distinguished from fibers, flakes, or strands) that are pressed together with resin (as determined under the standard numbered ANSI A208.1-2009 (or a successor standard)).

"(B) EXCLUSIONS.—The term 'particleboard' does not include any product specified in the standard entitled 'Voluntary Product Standard—Performance Standard for Wood-Based Structural-Use Panels' and numbered PS 2-04 (or a successor standard).

"(7) ULTRA LOW-EMITTING FORMALDEHYDE RESIN.—

"(A) IN GENERAL.—The term 'ultra low-emitting formaldehyde resin' means a resin formulated using a process the average formaldehyde emissions of which are consistently below the phase 2 emission standards contained in the airborne toxic control measure for composite wood products described in section 93120.3(d) of title 17, California Code of Regulations (as in effect on July 28, 2009).

"(B) INCLUSIONS.—The term 'ultra low-emitting formaldehyde resin' may include—

- "(i) melamine-urea-formaldehyde resin;

"(ii) phenol formaldehyde resin; and

"(iii) resorcinol formaldehyde resin.

"(b) REQUIREMENT.—

"(1) IN GENERAL.—Except as provided in an applicable sell-through regulation promulgated pursuant to subsection (d), effective beginning on the date that is 180 days after the date of promulgation of those regulations, the formaldehyde emission standard contained in table 1 of section 93120.2(a) of title 17, California Code of Regulations (relating to an airborne toxic control measure to reduce formaldehyde emissions from composite wood products) (as in effect on July 28, 2009), shall apply to hardwood plywood, medium-density fiberboard, and particleboard sold, supplied, offered for sale, or manufactured in the United States.

"(2) APPLICABILITY.—The formaldehyde emission standard referred to in paragraph (1) shall apply regardless of whether an applicable hardwood plywood, medium-density fiberboard, or particleboard is—

"(A) in the form of an unfinished panel; or

"(B) incorporated into a finished good.

"(c) EXEMPTIONS.—The formaldehyde emission standard referred to in subsection (b)(1) shall not apply to—

"(1) hardboard;

"(2) structural plywood, as specified in the standard entitled 'Voluntary Product Standard—Structural Plywood' and numbered PS 1-07 (or a successor standard);

"(3) structural panels, as specified in the standard entitled 'Voluntary Product Standard—Performance Standard for Wood-Based Structural-Use Panels' and numbered PS 2-04 (or a successor standard);

"(4) structural composite lumber, as specified in the standard entitled 'Standard Specification for Evaluation of Structural Composite Lumber Products' and numbered ASTM D 5456-06 (or a successor standard);

"(5) oriented strand board;

"(6) glued laminated lumber, as specified in the standard entitled 'Structural Glued Laminated Timber' and numbered ANSI A190.1-2002 (or a successor standard);

"(7) prefabricated wood I-joists, as specified in the standard entitled 'Standard Specification for Establishing and Monitoring Structural Capacities of Prefabricated Wood I-Joists' and numbered ASTM D 5055-05 (or a successor standard);

"(8) finger-jointed lumber;

"(9) wood packaging (including pallets, crates, spools, and dunnage); or

"(10) composite wood products used inside new vehicles (as defined in section 430 of the California Vehicle Code) (excluding recreational vehicles), rail cars, boats, aerospace craft, or aircraft.

"(d) REGULATIONS.—

"(1) IN GENERAL.—Not later than July 1, 2012, the Administrator shall promulgate regulations to implement the formaldehyde emission standard required under subsection (b) in a manner that ensures that compliance with the standard is equivalent to compliance with the standard contained in table 1 of section 93120.2(a) of title 17, California Code of Regulations (as in effect on July 28, 2009).

"(2) INCLUSIONS.—The regulations promulgated pursuant to paragraph (1) shall include provisions relating to—

- "(A) labeling;
- "(B) chain of custody requirements;
- "(C) sell-through provisions;
- "(D) ultra low-emitting formaldehyde resins;
- "(E) no-added formaldehyde-based resins;
- "(F) finished goods;
- "(G) third-party testing and certification;
- "(H) auditing and reporting of third-party certifiers;
- "(I) recordkeeping;

“(J) enforcement; and  
“(K) laminated products.”

“(3) **IMPORT REGULATIONS.**—Not later than July 1, 2012, the Administrator, in coordination with the Commissioner of Customs and Border Protection and other appropriate Federal departments and agencies, shall revise regulations promulgated pursuant to section 13 as the Administrator determines to be necessary to ensure compliance with this section.

“(4) **MODIFICATION OF STANDARDS.**—The Administrator may modify, by regulation, any reference to an industry standard contained in this subsection if the standard is subsequently updated.

“(e) **PROHIBITED ACTS.**—An individual or entity that violates any requirement under this section (including any regulation promulgated pursuant to subsection (d)) shall be considered to have committed a prohibited act under section 15.”.

(b) **CONFORMING AMENDMENT.**—The table of contents of the Toxic Substances Control Act (15 U.S.C. prec. 2601) is amended by adding at the end the following:

“**TITLE VI—FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS**

“**Sec. 601.** Formaldehyde standards.”.

**SEC. 3. REPORTS TO CONGRESS.**

Not later than December 31, 2010, and annually thereafter through December 31, 2014, the Administrator of the Environmental Protection Agency shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing, with respect to the preceding calendar year—

(1) the status of the measures carried out or planned to be carried out pursuant to title VI of the Toxic Substances Control Act; and

(2) the extent to which relevant industries have achieved compliance with the requirements under that title.

**SEC. 4. MODIFICATION OF REGULATION.**

Not later than 180 days after the date on which the Administrator of the Environmental Protection Agency promulgates regulations under section 601(d)(1) of the Toxic Substances Control Act (as added by section 2(a)), the Secretary of Housing and Urban Development shall update the regulation contained in section 3280.308 of title 24, Code of Federal Regulations (as in effect on the date of enactment of this Act), to ensure that the regulation reflects the standards established by section 601 of the Toxic Substances Control Act (as so added).

Mr. REID. Madam President, I ask unanimous consent that the committee-reported substitute amendment be considered; that a Klobuchar amendment at the desk be agreed to; the substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed; and that the motions to reconsider be laid on the table, with no intervening action or debate and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4347) was agreed to, as follows:

(The text of the amendment is printed in today's RECORD under “Text of Amendments.”)

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1660), as amended, was ordered to be engrossed for a third read-

ing, was read the third time, and passed.

**SUPPORTING NATIONAL MEN'S HEALTH WEEK**

Mr. REID. Madam President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 547 and that we now proceed to that matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 547) supporting National Men's Health week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 547) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 547**

Whereas, despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

Whereas 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas according to the Centers for Disease Control and Prevention, between ages 45 and 54, men are over 1½ times more likely than women to die of heart attacks;

Whereas according to the Centers for Disease Control and Prevention, men die of heart disease at 1½ times the rate of women;

Whereas men die of cancer at almost 1½ times the rate of women;

Whereas testicular cancer is one of the most common cancers in men aged 15 to 34, and, when detected early, has a 96 percent survival rate;

Whereas according to the American Cancer Society, the number of cases of colon cancer among men will reach almost 49,470 in 2010, and nearly 50 percent of men diagnosed with colon cancer will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas according to the American Cancer Society, the number of men developing prostate cancer in 2010 will reach more than 217,730 and an estimated 32,050 of those men will die from the disease;

Whereas African-American men in the United States have the highest incidence in the world of prostate cancer;

Whereas significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if men's awareness of these problems was more pervasive;

Whereas according to the Bureau of the Census, more than ½ of the elderly widows now living in poverty were not poor before

the death of their husbands, and by age 100, women outnumber men 4 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as prostate specific antigen (PSA) exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages and increase the survival rates to nearly 100 percent;

Whereas women are 2 times more likely than men to visit their doctor for annual examinations and preventive services;

Whereas men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas Congress established National Men's Health Week in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of over 45 States issue proclamations annually declaring Men's Health Week in their States;

Whereas, since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet Web site has been established at [www.menshealthweek.org](http://www.menshealthweek.org) and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas, June 13 through 20, 2010, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the annual National Men's Health Week; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

**ONE-YEAR ANNIVERSARY OF THE PRESIDENTIAL ELECTION AND CONDEMNING ONGOING HUMAN RIGHTS ABUSES IN IRAN**

Mr. REID. Madam President, I now ask unanimous consent that we proceed to S. Res. 551.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 551) marking the 1-year anniversary of the June 12, 2009 presidential election in Iran, and condemning ongoing human rights abuses in Iran.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 551) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 551

Whereas the Government of Iran has systematically undertaken a campaign of violence, persecution, and intimidation against Iranian citizens who have peacefully protested the results of the deeply flawed Iran presidential elections of June 12, 2009;

Whereas the 2009 Department of State Country Report on Human Rights Practices in Iran found that “[t]he government [of Iran] severely limited citizens’ right to peacefully change their government through free and fair elections” and “. . . severely restricted the right to privacy and civil liberties, including freedoms of speech and the press, assembly, association, and movement”;

Whereas hundreds of thousands of peaceful demonstrators gathered in the streets of Iran in the aftermath of the June 12, 2009, elections, and dozens of innocent Iranians were killed and more than 4,000 were arbitrarily arrested by police and security forces and the Basij militia;

Whereas hundreds of Iranian citizens remain in detention and more than 250 prominent activists and demonstrators were tried in mass “show trials” that began in August 2009, and at least 50 of these defendants have received sentences ranging from six months imprisonment to death;

Whereas, on June 20, 2009, a member of the Basij militia reportedly shot and killed 27 year-old student Neda Agha-Soltan, whose murder was recorded on a mobile phone camera, disseminated via the Internet, and became a rallying cry for the political opposition and Green Movement;

Whereas, since the election, the Government of Iran has systemically restricted and suppressed free press, free expression, free assembly, and free access to the Internet and other forms of connective technology in order to limit the flow of information and silence political opposition and other forms of popular dissent;

Whereas the Government of Iran has a deplorable human rights record that includes severe restrictions on the freedom of religion or belief, denial of the freedom of assembly and the rights of civil society, systematic torture and ill-treatment, and judicial proceedings that lack due process;

Whereas the Government of Iran continues to operate with hostility and impunity toward journalists, reformers, ethnic and religious minorities, political opponents, human rights defenders, women’s rights groups, student activists, and others, including through unlawful and arbitrary detentions, arrests, politically motivated sentencing, physical assaults, and killings;

Whereas human rights activists, journalists, and ethnic and religious minorities have

fled Iran for fear of persecution and are residing, some in dangerous circumstances, in neighboring countries seeking refugee status and asylum in the United States and other countries;

Whereas the Government of Iran has violated its obligations under the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, and the International Covenant on Economic, Social and Cultural Rights;

Whereas the 2010 Freedom House Freedom in the World Report finds that Iran leads the world in the number of jailed journalists;

Whereas, since the June 2009 election, the Government of Iran has restricted foreign press access, banned more than 60 international media outlets, and jammed international broadcasts, including those of Radio Free Europe/Radio Liberty’s Radio Farda, Voice of America’s Persian News Network, the British Broadcasting Corporation, and other non-Iranian news services;

Whereas, on December 18, 2009, the United Nations General Assembly passed a resolution condemning “serious, ongoing and recurring human rights violations in Iran” and calling on the Government of Iran to respect its human rights obligations;

Whereas, on December 27, 2009, the Ashura holiday, at least eight civilians were killed in confrontations with authorities, and police reportedly arrested approximately 300 civilians in relation to popular demonstrations;

Whereas, on February 11, 2010, the anniversary of the Islamic Revolution, the Government of Iran beat and arrested numerous protestors, jammed text messaging technology, slowed and restricted access to the Internet, and blocked email and news websites, intentionally limiting the ability of Iranian citizens to communicate and freely access news and information;

Whereas, on April 19, 2010, the Government of Iran officially suspended prominent political parties, banned a reformist newspaper, and sentenced to prison leaders within the political opposition; and

Whereas activists connected to the 2009 election protests were recently re-arrested in an attempt to disrupt planned protests on the one-year anniversary of the election on June 12, 2010: Now, therefore, be it

*Resolved*, That the Senate—

(1) solemnly marks one year since the flawed June 12, 2009, presidential election in Iran, and honors Iranian citizens who have lost their lives in peaceful protest since the election;

(2) supports the people of Iran as they seek peaceful and free expression, free speech, free press, free assembly, unfettered access to the Internet, and freedom of religion despite a campaign of intimidation, repressions, and violence perpetrated by the Government of Iran;

(3) commends the people of Iran who have braved the persistent and pervasive threat of censorship, arrest, physical harassment, and death to have their voices heard and peacefully exercise fundamental human rights, as enshrined in the constitution of Iran and international human rights law, including the International Covenant on Civil and Political Rights, entered into force on March 23, 1976, and ratified by Iran;

(4) condemns the Government of Iran for perpetrating ongoing human rights abuses and for restricting, monitoring, and suppressing freedom of the press, expression, assembly, speech, and religion, as well as free

access to the Internet and other forms of connective technology in order to limit the flow of information and silence political opposition and other forms of popular dissent;

(5) denounces the atmosphere of impunity for those who intimidate, harass, and commit violence against Iranian citizens, and calls for the unconditional release of all political and religious prisoners in Iran;

(6) urges the President and Secretary of State to mobilize resources to support freedom of assembly, freedom of expression, freedom of the press, freedom of religion, and freedom of speech in Iran, especially on the June 12 anniversary of the 2009 presidential election;

(7) encourages the President and Secretary of State to work with the United Nations Human Rights Council to condemn the ongoing human rights violations perpetrated by the Government of Iran and establish a monitoring mechanism by which the Council can monitor such violations;

(8) urges the Government of Iran to cooperate with and allow visits of the United Nations Special Rapporteurs for Human Rights and the United Nations Office of the High Commissioner for Human Rights;

(9) urges the President and Secretary of State to work with the international community to ensure that violations of human rights are part of all formal and informal multilateral or bilateral discussions with and regarding Iran; and

(10) calls for the immediate return of all missing and detained United States citizens in Iran.

ORDERS FOR TUESDAY, JUNE 15, 2010

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, June 15; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following leader remarks there be a period of morning business until 11:30 a.m. with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes; that following morning business, the Senate proceed to executive session as provided for under the previous order. Finally, I ask that following disposition of the nominations, the Senate recess until 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Under a previous order, at approximately 11:50 a.m. the Senate will proceed to a series of up to three rollcall votes. Those votes will be on the confirmation of the following district court nominations: Tanya Pratt of Indiana, Brian Jackson of Louisiana,

and Elizabeth Foote of Louisiana, all to be district court judges. There could be additional votes in relation to the amendments to the tax extenders throughout the day.

unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:27 p.m., adjourned until Tuesday, June 15, 2010, at 10 a.m.

PROLIFERATION, NATIONAL NUCLEAR SECURITY ADMINISTRATION, VICE WILLIAM H. TOBEY, RESIGNED.

NATIONAL TRANSPORTATION SAFETY BOARD

EARL F. WEENER, OF OREGON, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2015. (REAPPOINTMENT)

DEPARTMENT OF STATE

LAURENCE D. WOHLERS, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CENTRAL AFRICAN REPUBLIC.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF ENERGY

ANNE M. HARRINGTON, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NON-

ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask

## HOUSE OF REPRESENTATIVES—Monday, June 14, 2010

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. HINOJOSA).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
June 14, 2010.

I hereby appoint the Honorable RUBEN HINOJOSA to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TEAGUE) at 2 p.m.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal God, ever-present to the least in our midst, increase our awareness that You are with us as a Nation. Today we celebrate America's unity and purpose, symbolized by the flag of the United States of America.

Through all our wars, international misunderstandings, and natural disasters, over the dust and destruction, we rejoice when we see this flag wave in noble rescue and recovery.

On this Flag Day, we take pride as American women and men in military service hoist this flag on ships at sea, on national bases, or in campgrounds around the world.

We are humbled as senior citizens salute and children pledge with their hearts in classrooms or any citizen with hand over heart is moved by a parade of this flag.

Across this land this year, Lord, increase intelligent patriotism and honest dialogue, as You keep at bay fear, cynicism, and a lack of virtue.

With strong voice let America pledge itself anew to a oneness that builds a spirit-filled people committed to bring liberty to all and peace to the world both now and ever, we pray. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1 of rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Alabama (Mr. BRIGHT) come forward and lead the House in the Pledge of Allegiance.

Mr. BRIGHT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, June 11, 2010.

Hon. NANCY PELOSI,  
*The Speaker, U.S. Capitol, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 11, 2010 at 10:19 a.m.:

That the Senate passed with an amendment H.R. 3360.

Appointments:  
United States Commission on International Religious Freedom.

With best wishes, I am,  
Sincerely,

LORRAINE C. MILLER.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by the Speaker on Friday, June 11, 2010:

S. 3473, to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill.

### WHO IS THE WHITE HOUSE TO GIVE ADVICE ON BORDER SECURITY?

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Israel actually believes in and secures its border from criminals, terrorists and anyone else trying to illegally sneak into Israel for any purpose. Israel doesn't allow ships to go into the terrorist-run area of Gaza without first being searched for contraband.

However, in light of the recent unsuccessful attempt of six ships to run the Israeli blockade into Hamas-controlled Gaza and in an apparent attempt to placate the Palestinians, the White House is giving Israel advice on border security. "Don't be so tough," seems to be the message. If Israel followed America's border security plan, they would be crippled by terrorist attacks. If Israel followed America's border security plan, they would be overrun by rock-throwing illegals, drug smugglers, human traffickers, and increased border violence. Anyway, it's none of our business what Israel does. And who are we to give advice?

America needs to be more concerned about our own disastrous border security than giving anyone else bad advice about their border security.

And that's just the way it is.

### ADOPT A BUDGET, AND THEN KEEP IT

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, we are setting new records here in this Congress and in this government. We are now approaching, if we haven't already leaped over it, the \$14 trillion mark for the national debt.

Fourteen trillion dollars. It doesn't just kind of trip off your tongue. It's a huge number. It's a number that is difficult to contemplate. And yet we sit

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

here, working very diligently on suspension calendar bills, doing virtually nothing about the national debt except adding to it day after day after day.

If you were to have a household income, and you were trying to determine what to do with your debt, it seems to me the first thing you would do is you would adopt a budget. You would adopt a budget to try and figure out your income, your expenses, how much debt you could have. But we have been informed by the majority that we're not even going to start with that this year. We are going to forget about even coming up with a budget, I guess because we're so embarrassed about the numbers that would be in there.

Let's at least do what families do: adopt a budget and then keep it.

#### ADMINISTRATION AWOL ON OIL SPILL

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, it took President Obama 12 days to visit the gulf coast oil spill. In contrast, President Bush visited New Orleans just 4 days after Hurricane Katrina; yet the national media harshly criticized his response as being too slow.

For more than a month, the Obama administration said that BP was responsible for stopping the oil. Finally, during the President's first news conference in 10 months, he said, "I take responsibility. It is my job to make sure that everything is done to shut this down."

Tomorrow the President finally will address the country to discuss the oil spill. The national media should hold the Obama administration to the same standard they did the Bush administration. Anything less shows a partisan bias.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

#### NATIONAL DAIRY MONTH

Mr. BRIGHT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1368) supporting the goals of National Dairy Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1368

Whereas since 1939, June has been celebrated as National Dairy Month;

Whereas there are nearly 70,000 dairy farms throughout the United States, and approximately 99 percent of these farms are family owned;

Whereas the dairy industry in the United States produces more than 170 billion pounds of milk annually and contributes tens of billions of dollars to the economy;

Whereas dairy products are an important source of calcium and have been long recognized as an integral part of a healthy diet for both children and adults;

Whereas dairy farmers are significant contributors to efforts to preserve farmland and the rural character of communities across the country; and

Whereas the dairy industry has faced significant challenges recently due to high production costs and low retail prices, which has forced many farms to close: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals of National Dairy Month;

(2) encourages States and local governments to observe National Dairy Month with appropriate activities and events that promote the dairy industry;

(3) recognizes the important role that the dairy industry has played in the economic and nutritional well-being of Americans;

(4) commends dairy farmers for their continued hard work and commitment to the United States economy and to the preservation of open space; and

(5) encourages all Americans to show their continued support for the dairy industry and dairy farmers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BRIGHT) and the gentleman from Texas (Mr. NEUGEBAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama.

#### GENERAL LEAVE

Mr. BRIGHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 1368.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BRIGHT. Mr. Speaker, I yield myself such time as I may consume.

The resolution we are considering today supports the goals of National Dairy Month, recognizes the importance of our dairy industry and commends dairy farmers for their continued hard work. Our Nation's 57,000 dairy farms provide healthy, nutritious milk and dairy products to families across the country. The products produced by our Nation's dairy farmers provide the nutrients necessary to support a healthy lifestyle and ensure our children and grandchildren grow healthy and strong.

The U.S. dairy industry produces 189 billion pounds of milk annually and contributes tens of billions of dollars to our economy. The House Agriculture

Committee has recently held farm bill hearings across the country where Members have had the opportunity to hear from our Nation's dairy producers. Like too many in our Nation, dairy farmers are facing difficult times. Production costs remain high, but retail prices are low, and the credit farmers need to stay in business is difficult to find.

As we begin the process of writing a new farm bill, I am hopeful that we can work with our Nation's dairy farmers to develop new policies that will provide a better safety net that will ensure they can continue to meet our dairy needs and play a vital role in our Nation's economy. Mr. Speaker, I urge passage of this resolution today to support the goals of National Dairy Month.

I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Speaker, I rise in support of H. Res. 1368, supporting the goals of National Dairy Month, and I yield myself such time as I may consume.

Mr. Speaker, for more than 70 years, we have celebrated the month of June as National Dairy Month. Today it is particularly important to recognize the efforts of the hardworking men and women in the dairy industry.

The 19th Congressional District is one of the fastest growing dairy regions in the Nation, but many dairy producers from west Texas and the big country are concerned about low milk prices and rising production costs that are making it difficult for these operations to survive.

Dairy products, like milk, cheese and ice cream, contain essential nutrients, including calcium, and potassium. These products may help to reduce your risk for high blood pressure, osteoporosis, and certain cancers. National Dairy Month is a great opportunity to get together with friends and family and celebrate an industry that provides nutritional value to our lives and is an important part of many local economies.

I want to take a moment to acknowledge the efforts that are underway within the National Milk Producers Federation. They are working to develop policy proposals to address the current crisis that have affected the profitability of nearly every dairy farm in this country. While I may not agree with each of their policy recommendations, I do appreciate the forward thinking and innovative approach that they are taking.

However, despite these efforts, it is likely that whatever we do to "fix" the dairy policy will be negatively offset as a result of other policies advocated by this administration and the Democratic leadership in Congress. Whether we are talking about the cap-and-tax bill or the growing list of regulatory proposals being advanced at the EPA and other Federal agencies, there

doesn't seem to be any limit on the costs this administration is willing to impose on big businesses or small businesses around this country. We need to empower businesses large and small to create jobs and have long-term profitability instead of burdening them with new regulations and taxes that prevent long-term business planning.

As we celebrate the accomplishments of America's dairy industry this month, I am hopeful that my colleagues will agree that in order to sustain the long-term profitability of this or any other agricultural enterprise steps need to be taken to curb the efforts by this administration and the Democratic leadership that threaten our industry, our economy and our prosperity. I urge my colleagues to support this resolution.

Mr. SPACE. Mr. Speaker, I rise today in support of H. Res. 1368, Supporting the Goals of National Dairy Month. This resolution recognizes and honors America's dairy farmers who serve as a critical component of our economy—especially throughout my district in Southeastern and East Central Ohio. I commend Chairman PETERSON and Ranking Member LUCAS for their attention to this major and important industry in our country.

In recent years, our dairy farmers have struggled as the result of an economic downturn and price fluctuations in the market, and this is a problem that I have been working to address. To protect our farmers, we absolutely need to do everything we can to bring more stability to this crucial industry. In my District, dairy farmers are a keystone of our economy, and this Resolution highlights the need to recognize them as an industry that needs our assistance.

In rural Ohio—and rural America as a whole—the agricultural industry is a backbone of our culture, our society, and our economy; as such, we need to ensure that our local dairy farms are protected. I am proud to be a cosponsor of this Resolution that honors such an important element of our food supply and our economy.

Again, I wish to thank the Chairman and Ranking Member for their work on this legislation. I also want to thank Congressman COURTNEY for his introduction of the Resolution.

Mr. NUNES. Mr. Speaker, I rise today to recognize National Dairy Month and the hard working men and women who are involved in this great industry. As I grew up on a dairy farm, I have a very keen appreciation for those who work the extremely hard and long hours needed to produce milk products. The dairy industry is vital to the United States economy and an integral part of the economies of California and its 21st Congressional District, which I am privileged to represent.

In California alone, dairy is a \$47 billion industry employing over 400,000 people. The state is responsible for 21.3 percent of the U.S. milk supply, with my hometown of Tulare County leading the nation in milk production. In fact, it represents 5.3 percent of total U.S. production and generates \$1.69 billion in sales according to the 2007 Census of Agriculture. Together with Fresno County, which I also

represent, these two counties account for over 33.7 percent of California's milk production and generated just under 7 billion pounds of milk in the first six months of 2009.

The dairy industry has long played a crucial role in the economic and nutritional well-being of all Americans. My constituents are innovative agriculturists who are constantly looking for ways to further the growth and success of the industry. Moreover, the United States dairy industry is instrumental to the preservation of farmland and forms the backbone of many rural communities. Thus, I encourage my colleagues and all Americans to show their continued support for the dairy industry.

Mr. KIND. Mr. Speaker, I rise today in strong support of this resolution to support the goals of National Dairy Month. For more than 70 years now, we have been celebrating the importance of the dairy industry to our nation's health, economy, and national security.

If you were to come visit my home state of Wisconsin and travel through my congressional district, you would quickly understand why Wisconsin is called "America's Dairyland." Fields of corn, wheat, and straw are spotted with the large red barns, silos, and grazing cattle that have become the iconic images of dairy farming. It's not uncommon to learn that a family has been dairy farming for generations and that they hope their children will be able to carry on this tradition and way of life.

If you stop by one of those farms today, you'll hear firsthand just how difficult times are. Over the past couple of years, milk prices have been too low while the cost of feed and other inputs was too high. Our farmers today are really stretched thin, having drawn down so much equity in recent times that they're not sure that they'll earn enough to pay off their debts.

More families have been forced to close down their operations, rent out their land, and find another line of work. Not only are these people losing a way of life and imperiling our long-term ability to lead the world in agricultural production, we are also seeing local communities struggling to deal with a major shift in their economies.

This dairy crisis has demonstrated that our confusing and outdated subsidies and price supports simply don't provide the level of risk management that our farmers need. Major stakeholders in the dairy industry have united to put forward serious, creative proposals to reform our subsidy programs. We have an opportunity here to not only provide a strong safety net for our dairy farmers, but also to lead the way in reforming our commodity support programs.

While National Dairy Month is a great opportunity for families all across our country to remember the nutritious value of dairy products as a major source of vitamins and minerals, we cannot forget how difficult times are for our dairy farmers. Over the months and years to come, I look forward to working with my colleagues on a bipartisan basis to provide a workable safety net to our farmers, while supporting local foods and sustainable agricultural practices.

Mr. NEUGEBAUER. I yield back the balance of my time.

Mr. BRIGHT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BRIGHT) that the House suspend the rules and agree to the resolution, H. Res. 1368.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BRIGHT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1415

#### HONORING DR. LARRY CASE ON HIS RETIREMENT AS NATIONAL FFA ADVISOR

Mr. BRIGHT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1383) honoring Dr. Larry Case on his retirement as National FFA Advisor.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1383

Whereas, on May 3, 2010, the U.S. Department of Education announced the retirement of National FFA Advisor Dr. Larry Case, effective January 1, 2011, after 26 years of service in that capacity;

Whereas a former FFA member from Stet, Missouri, Dr. Case earned his bachelor's degree in agricultural education, master's degree in vocational education, and doctor of education from the University of Missouri;

Whereas Dr. Case began his career in 1966 as a high school agricultural education instructor in Mendon, Missouri;

Whereas Dr. Case served as the Missouri director of agricultural education for seven years;

Whereas in 1984, Dr. Case left Missouri for Washington, DC, where he became the senior program specialist and coordinator for agricultural and rural education;

Whereas in addition to serving as the National FFA Advisor, Dr. Case served as the Chief Executive Officer and Chairman of the Board of Directors of the National FFA organization and Board President of the National FFA Foundation Board of Trustees;

Whereas in addition to helping form the National Council for Agricultural Education, Dr. Case also served as National Advisor to the National Young Farmer Educational Association, National Advisor and Chairman of the Board for the National Postsecondary Student Organization, and Chairman of the National Council for Vocational and Technical Education in Agriculture;

Whereas during his tenure, FFA saw tremendous growth in membership and educational innovation, and was able to personally congratulate more than 50,000 young FFA leaders; and

Whereas Dr. Case has provided agricultural education and the FFA with strong leadership and a strategic vision for the future,

and agriculture owes him a debt of gratitude for his good work: Now, therefore, be it

*Resolved*, That the House of Representatives honors Dr. Larry Case on his retirement as National FFA Advisor.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BRIGHT) and the gentleman from Texas (Mr. NEUGEBAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama.

#### GENERAL LEAVE

Mr. BRIGHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution, H. Res. 1383.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BRIGHT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution now before us recognizes the outstanding service of Dr. Larry Case who has served as the National FFA Advisor for the past 26 years.

Since 1928, the National FFA Organization, which was known as the Future Farmers of America until 1988, has provided leadership, career development, and agriculture education programs to young Americans.

Under Dr. Case's leadership, the organization has evolved to continue meeting the diverse needs of young Americans through agricultural education. Throughout his career, Dr. Case has distinguished himself as a visionary in this area. As the organization now claims more than 500,000 members, Dr. Case has led FFA as it prepares the next generation of leaders who will guide our country by the FFA motto: Learning to Do, Doing to Learn, Earning to Live, Living to Serve.

We congratulate Dr. Case on the occasion of his retirement, we thank him for his service, and we wish him and his family all the best as he enters this new phase in his life.

Mr. Speaker, I urge passage of this resolution to honor Dr. Larry Case upon his retirement as National FFA Advisor.

I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1383, honoring the contributions and the retirement of National FFA Advisor Dr. Larry Case. This is the time of year when we see FFA members in our Nation's Capitol wearing the symbolic blue and gold jackets. These students are the future of American agriculture. We are grateful to Dr. Case, as well as local and State FFA advisors across the country, for educating and encouraging these students to develop lifelong skills in the field of agriculture. In fact, two of

my current staff members are former FFA chapter presidents.

With more than 500,000 members, the National FFA Organization is one of the largest youth organizations in the world. For 26 years, Dr. Case has served as the national advisor. The National FFA Organization mission statement is to make a positive difference in the lives of students by developing their potential for premier leadership, personal growth and career success through agricultural education.

During his tenure, Dr. Case has led this organization in tremendous membership growth, promoted the importance of agriculture education, and helped empower countless individuals to build a brighter future for agriculture.

Dr. Case's involvement with FFA began when he was a member in Stet, Missouri. He later chose to pursue his agriculture education degree at the University of Missouri. In 1966, he began his career as an agriculture education instructor. Since that time, he has taught numerous students valuable leadership skills while learning about the importance of the U.S. agriculture industry.

We appreciate Dr. Case's tireless dedication, service, and leadership, and we wish him well on his retirement in January. Mr. Speaker, I urge my colleagues to join me in supporting H. Res. 1383.

I yield back the balance of my time.

Mr. BRIGHT. Mr. Speaker, I encourage my colleagues to support H. Res. 1383, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BRIGHT) that the House suspend the rules and agree to the resolution, H. Res. 1383.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BRIGHT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### SUPPORTING DESIGNATION OF AMERICAN EAGLE DAY

Mr. HINOJOSA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1409) expressing support for designation of June 20, 2010, as "American Eagle Day", and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1409

Whereas, on June 20, 1782, the bald eagle was officially designated as the national emblem of the United States by the founding fathers at the Second Continental Congress;

Whereas the bald eagle is the central image of the Great Seal of the United States;

Whereas the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

- (1) the Office of the President;
- (2) the Office of the Vice President;
- (3) Congress;
- (4) the Supreme Court;
- (5) the Department of the Treasury;
- (6) the Department of Defense;
- (7) the Department of Justice;
- (8) the Department of State;
- (9) the Department of Commerce;
- (10) the Department of Homeland Security;
- (11) the Department of Veterans Affairs;
- (12) the Department of Labor;
- (13) the Department of Health and Human Services;
- (14) the Department of Energy;
- (15) the Department of Housing and Urban Development;
- (16) the Central Intelligence Agency; and
- (17) the Postal Service;

Whereas the bald eagle is an inspiring symbol of—

- (1) the spirit of freedom; and
- (2) the democracy of the United States;

Whereas, since the founding of the Nation, the image, meaning, and symbolism of the bald eagle have played a significant role in the art, music, history, commerce, literature, architecture, and culture of the United States;

Whereas the bald eagle is prominently featured on the stamps, currency, and coinage of the United States;

Whereas the habitat of bald eagles exists only in North America;

Whereas, by 1963, the population of bald eagles that nested in the lower 48 States had declined to approximately 417 nesting pairs;

Whereas, due to the dramatic decline in the population of bald eagles in the lower 48 States, the Secretary of the Interior listed the bald eagle as an endangered species on the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas caring and concerned individuals from the Federal, State, and private sectors banded together to save, and help ensure the recovery and protection of, bald eagles;

Whereas, on July 20, 1969, the first manned lunar landing occurred in the Apollo 11 Lunar Excursion Module, which was named "Eagle";

Whereas the "Eagle" played an integral role in achieving the goal of the United States of landing a man on the Moon and returning that man safely to Earth;

Whereas, in 1995, as a result of the efforts of those caring and concerned individuals, the Secretary of the Interior listed the bald eagle as a threatened species on the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas, by 2007, the population of bald eagles that nested in the lower 48 States had increased to approximately 10,000 nesting pairs, an increase of approximately 2,500 percent from the preceding 40 years;

Whereas, in 2007, the population of bald eagles that nested in the State of Alaska was approximately 50,000 to 70,000;

Whereas, on June 28, 2007, the Secretary of the Interior removed the bald eagle from the

list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas bald eagles remain protected in accordance with—

(1) the Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the “Bald Eagle Protection Act of 1940”); and

(2) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

Whereas, on January 15, 2008, the Secretary of the Treasury issued 3 limited edition bald eagle commemorative coins under the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108-486; 118 Stat. 3934);

Whereas the sale of the limited edition bald eagle commemorative coins issued by the Secretary of the Treasury has raised approximately \$7,800,000 for the nonprofit American Eagle Foundation of Pigeon Forge, Tennessee to support efforts to protect the bald eagle;

Whereas, if not for the vigilant conservation efforts of concerned Americans and the enactment of strict environmental protection laws (including regulations), the bald eagle would probably be extinct;

Whereas the American Eagle Foundation has brought substantial public attention to the cause of the protection and care of the bald eagle nationally;

Whereas November 4, 2010, marks the 25th anniversary of the American Eagle Foundation;

Whereas the dramatic recovery of the population of bald eagles—

(1) is an endangered species success story; and

(2) an inspirational example for other wildlife and natural resource conservation efforts around the world;

Whereas the initial recovery of the population of bald eagles was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals;

Whereas June 20, 2010, would be an appropriate date to designate as “American Eagle Day”; and

Whereas the continuation of recovery, management, and public awareness programs for bald eagles will be necessary to ensure—

(1) the continued progress of the recovery of bald eagles; and

(2) that the population and habitat of bald eagles will remain healthy and secure for future generations: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the designation of “American Eagle Day”; and

(2) applauds the issuance of bald eagle commemorative coins by the Secretary of the Treasury as a means by which to generate critical funds for the protection of bald eagles; and

(3) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate and develop educational tools for use in the public schools of the United States; and

(B) the people of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HINOJOSA) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. HINOJOSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HINOJOSA. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H. Res. 1409, expressing support for the designation of June 20, 2010, as “American Eagle Day” and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States.

The American bald eagle has been a part of American culture for hundreds of years. In 1782, the Second Continental Congress established that the bald eagle was the official emblem of the United States because of its uniqueness to North America. It can be seen on the United States seals in public buildings, in schools and even here in the House Chamber. Over the years, the bald eagle has become a living symbol of the United States spirit, freedom, and continual pursuit of excellence.

Mr. Speaker, the bald eagle was on the endangered species list a little more than 45 years ago with only 400 nesting pairs in the whole United States. Through conservation, education and careful planning, the American bald eagle has thrived. As a result, the Department of the Interior has taken the bald eagle off both the endangered and threatened species list. The bald eagle has been a national symbol, and its recovery has been a national success story.

House Resolution 1409 will not only honor the now-thriving American bald eagle, it will also encourage support of the United States Mint Bald Eagle Commemorative Coin program, which has been a success for the past few years.

I want to acknowledge all that the gentleman from Tennessee (Mr. ROE) and his staff, Matt Meyer, have done to bring attention to the American bald eagle and commend Congressman DAVID ROE for introducing this very important resolution.

Mr. Speaker, the American bald eagle is indeed an American icon. I ask that my colleagues join me in supporting H. Res. 1409.

Mr. Speaker, I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 1409, designating June 20, 2010, as “American Eagle Day” and celebrating the recovery and restoration of our Nation’s symbol, the bald eagle.

The Founding Fathers at the Second Continental Congress designated the bald eagle as our national emblem June 20, 1782, and its image has played a significant role in the culture of the United States ever since.

However, the bird’s survival was in question with only approximately 417 nesting pairs remaining in the continental U.S. in 1963. The Department of the Interior had them listed as an endangered species.

Concentrated efforts to save our symbol of freedom have been successful. The latest numbers estimate 10,000 nesting pairs in the lower 48 States and 50,000 to 70,000 bald eagles nesting in Alaska. The bird has been removed from the threatened species list and is thriving.

As we celebrate the eagle’s recovery, I want to take time to recognize the efforts of the American Eagle Foundation in Pigeon Forge, Tennessee. This group brings national attention to the cause of the protection and care of the bald eagle. The foundation has raised nearly \$8 million for protection efforts through the sale of commemorative coins issued by the U.S. Treasury and should be commended for their continued success.

Mr. Speaker, I remember as a young boy and as a youngster growing up in Tennessee, I never saw a bald eagle. And today, throughout the entire State you can go and people can visit and see bald eagles and it is really exhilarating to be on a lake or be out hiking in the woods and see these magnificent animals. I recall a trip I took some years ago fishing in Alaska, I looked up and I counted 12 bald eagles—and they were much better at fishing than I was. It is terrific what these folks have done in Tennessee to help maintain this wonderful animal. I thank the Congress for considering this resolution, and the gentleman from Texas for his kind words.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to express my support for H. Res. 1409, designating June 20, 2010 as “American Eagle Day,” in recognition of the recovery of the American bald eagle from near extinction in the 1960s. The bald eagle, our national bird, is a majestic animal and its symbolic importance in many aspects of United States history and government makes it richly deserving of celebration.

Although an estimated 500,000 bald eagles lived in North America in the 1700s, only 417 nesting pairs of bald eagles remained in the lower 48 states by 1963. This was an abhorrent environmental tragedy and a blow to the national psyche. Thankfully, due to dedicated conservation efforts over the last 40 years, the bald eagle was officially removed from the U.S. List of Endangered and Threatened Wildlife in 2007, and its total population is now more than 100,000.

The full recovery of the bald eagle from the threat of extinction in the U.S. is a source of inspiration to those who hope to conserve wildlife and save endangered species. Furthermore, I applaud the use of funds from the sale

of bald eagle commemorative coins to continue rebuilding the bald eagle population and raising awareness of the bald eagle. My hope is that, with the support of Congress, the bald eagle need never again face neglect, and will continue to be celebrated by future generations.

I urge my colleagues to support this important resolution.

Mr. ROE of Tennessee. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and agree to the resolution, H. Res. 1409.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. HINOJOSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### EXTENDING EFFECTIVE DATE OF GIFT CARD PROVISIONS OF CREDIT CARD LAW

Mr. HINOJOSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5502) to amend the effective date of the gift card provisions of the Credit Card Accountability Responsibility and Disclosure Act of 2009.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5502

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DELAY OF EFFECTIVE DATE.

Title IV of the Credit Card Accountability Responsibility and Disclosure Act, is amended by striking section 403 and inserting the following:

##### "SEC. 403. EFFECTIVE DATE.

"(a) IN GENERAL.—Except as provided under subsection (b) of this section, this title and the amendments made by this title shall become effective 15 months after the date of enactment of this Act.

"(b) EXCEPTION.—

"(1) IN GENERAL.—In the case of a gift certificate, store gift card, or general-use prepaid card that was produced prior to April 1, 2010, the effective date of the disclosure requirements described in sections 915(b)(3) and (c)(2)(B) of the Electronic Funds Transfer Act shall be January 31, 2011, provided that an issuer of such a certificate or card shall—

"(A) comply with paragraphs (1) and (2) of section 915(b) of such Act;

"(B) consider any such certificate or card for which funds expire to have no expiration date with respect to the underlying funds;

"(C) at a consumer's request, replace such certificate or card that has funds remaining at no cost to the consumer; and

"(D) comply with the disclosure requirements of paragraph (2) of this subsection.

"(2) DISCLOSURE REQUIREMENTS.—The disclosure requirements of this subsection are met by providing notice to consumers, via in-store signage, messages during customer service calls, Web sites, and general advertising, that—

"(A) any such certificate or card for which funds expire shall be deemed to have no expiration date with respect to the underlying funds;

"(B) consumers holding such certificate or card shall have a right to a free replacement certificate or card that includes the packaging and materials, typically associated with such a certificate or card; and

"(C) any dormancy fee, inactivity fee, or service fee for such certificates or cards that might otherwise be charged shall not be charged if such fees do not comply with section 915 of the Electronic Funds Transfer Act.

"(3) PERIOD FOR DISCLOSURE REQUIREMENTS.—The notice requirements in paragraph (2) of this subsection shall continue until January 31, 2013."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HINOJOSA) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

□ 1430

#### GENERAL LEAVE

Mr. HINOJOSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HINOJOSA. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 5502, legislation that extends the effective date of the gift card provisions of the Credit Card Act of 2009 to January 31, 2011, 15 months after enactment of the Credit Card Act.

On March 23, 2010, the Federal Reserve Board issued final rules implementing the gift card provisions of the Credit Card Act of 2009. These rules, which appropriately restrict gift card fees and expiration dates, offer important protections for consumers. The rules become effective on August 22, 2010, just prior to the start of the 2010 holiday season. Because of the timing of the effective date of the rules and the approaching holiday season, as well as the technical disclosure requirements set forth in the Credit Card Act of 2009, millions of gift cards currently in the stream of commerce will be out of compliance with this law's disclosure provisions unless we pass this bill.

The challenges presented to retailers who rely on the sales of gift cards would be significant, as they would likely be faced with empty gift card displays for a period of time while the

cards are removed, while they are destroyed and reproduced and redisplayed. And most importantly, Mr. Speaker, customers would be inconvenienced and dissatisfied.

Several of us here in Congress believe this is contrary to congressional intent contemplated when Congress passed the Credit Card Act of 2009 or when the Federal Reserve Board issued its final rules. Such waste and destruction is unnecessary, especially in light of the fact that there is an existing rule in place that the industry would be compliant with as it sold off existing inventory. A reasonable transition period is needed to sell through current card inventory and comply with the disclosure provisions in the final rules to serve consumers, to mitigate environmental impact, and reduce substantial costs incurred by the prepaid card industry and sellers, many of which are small businesses. Extending the gift card provisions by 15 months will address all of these concerns.

I want to take this opportunity to commend my colleague Congressman DAN MAFFEI of New York, as well as Jillian Martin on his staff, for authoring this important legislation and ensuring that it complies with all the other requirements in the Credit Card Act of 2009.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5502 is a common-sense change to the CARD Act, which passed last year. This bill would provide a short extension for certain disclosure requirements associated with gift certificates, store gift cards, and general-use prepaid cards produced prior to April 1, 2010. It is important to note that nothing in this bill rolls back or changes any of the underlying CARD Act protections.

The thrust behind H.R. 5502 is to avoid unnecessary waste, both in terms of time and the environment, which would occur if the implementation date for certain disclosure requirements is not shifted from August 2010 until January 2011. Without this sensible change, issuers would have to recall hundreds of millions of cards that they have already produced.

It is a virtually incomprehensible amount of waste. But to try to understand the amount of waste that would result without this change, picture eight football fields that are 12 feet deep full of unused and unusable cards. There is no reason to allow such a result. Insisting on such an unreasonable implementation date is just inappropriate, especially when there is something we can do about it.

I urge my colleagues to support the adoption of H.R. 5502, and thank the gentleman from Texas for bringing this to the floor.

Mrs. MALONEY. Mr. Speaker, I rise in support of H.R. 5502 and commend my colleague Representative DAN MAFFEI for his leadership on this bill.

The gift card provisions were part of the Credit Card Act that I sponsored and the President signed in May, 2009. The Fed was directed to promulgate rules associated with the provisions and I fully support the rules that the Fed adopted. However, many companies that issue cards whose funds do not expire will have to remove gift cards from store shelves that will be out of compliance starting August 22 when the provisions become effective.

Replacing these cards entails not only the production of sufficient new cards to replace in-store inventory, but the additional cost of restocking retailers and pulling all noncompliant cards off the shelf and destroying them.

A short transition period will allow the companies who issue cards with non-expiring funds to sell through their existing card stock on store shelves during the holiday season without having to discard and destroy 100 million cards. It is estimated that this volume would take up more than eight football fields buried 12 feet deep in such cards.

I wrote to the Fed, along with several of my colleagues, asking that they extend the compliance date to January of 2011. However, the Fed felt that since they had been directed to promulgate the rules, they did not want to preempt Congress's authority. This bill will codify the request I made to the Fed in my letter.

Mr. Speaker, I urge my colleagues to vote in favor of this bill so that it can become law before the August 22 implementation date.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to support H.R. 5502, a bill to amend the implementation date of the gift card provisions of the Credit Card Accountability Responsibility and Disclosure (CARD) Act of 2009. I would like to thank Rep. MAFFEI for introducing this bill to correct and improve H.R. 627.

This amendment would change certain parts of Title IV of H.R. 627 passed by Congress on May 22, 2009. Due to the timing of the date of implementation of new rules and those already preparing for the holiday season, as well as the technical disclosure requirements set forth in the CARD Act, lots of gift cards already made and distributed will be in violation of the CARD Act disclosure provisions. Instead of requiring that the disclosure provisions be implemented, in August, 2010, 15 months after the bill's passing, the amendment would extend this date to January 31, 2011. A reasonable transition period is necessary for small businesses to avoid high costs by re-issuing prepaid cards and destroying already-made and shelved cards.

This bill will help countless Americans, including many who live in the 4th Congressional District of Georgia, by preventing the implementation of burdensome rules which could disrupt the use of gift cards. Passing this bill will remove an unintended obstacle to the use of gift cards and will ensure that consumers have the ability to use their gift cards as they choose. I urge my colleagues to support this legislation.

Mr. MAFFEI. Mr. Speaker, I rise to introduce the Environmentally Conscious Option Gift

Card Act, or ECO-Gift Card Act. This bill gives gift card producers until January 31, 2011, to comply with several provisions of the Credit Card Accountability Responsibility and Disclosure, CARD, Act that we passed last year. The current deadline is August 22, 2010, and producers have found that the quick deadline presented many issues.

If the deadline remains the same, most gift cards on the shelves of stores and in warehouses, which were produced before the law passed, will have to be removed and destroyed, and issuers and merchants will have to produce new cards that comply with the Fed rules.

In addition to being an onerous burden on gift card issuers and merchants who sell the cards, the forced destruction of tens of millions of noncompliant cards would also result in needless environmental waste. The industry estimates that over 100 million gift cards would need to be destroyed and replaced, a waste volume that would take up more than eight football fields buried 12 feet deep in such cards.

This extension of the deadline will give issuers and merchants a more reasonable transition period, and prevent a significant amount of environmental waste.

I urge my colleagues to support this bill and look forward to its passage.

Mrs. McCARTHY of New York. Mr. Speaker, I rise in support of H.R. 5502, a bill I was proud to cosponsor. I commend Mr. MAFFEI for his leadership on this important bill, allowing for a short transition period for gift card issuers to comply with disclosure requirements that were part of the CARD Act that became law in May 2009.

This bill would provide a short extension for certain disclosure requirements associated with gift certificates, store gift cards, and general-use prepaid cards produced prior to April 1, 2010. The transition will allow the industry to continue to sell its pre-existing gift card inventory that is in compliance with the new CARD Act rules, as it becomes compliant with the disclosures that take effect August 22, 2010. This action will prevent a disruption to consumer access, as well as for large business in trying to remove the millions of gift cards currently in the stream of commerce.

I fully respect the time and work of the Federal Reserve Board in drafting the final rules governing the gift card industry. However, in moving towards compliance, we need to ensure consumers are not inconvenienced, and I believe this legislation achieves that appropriate balance.

Mr. ROE of Tennessee. I have no further requests for time, and I yield back the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I also have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and pass the bill, H.R. 5502.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HINOJOSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 2 o'clock and 35 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TONKO) at 6 o'clock and 30 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 1368, by the yeas and nays;

House Resolution 1409, by the yeas and nays;

H.R. 5502, by the yeas and nays.

Proceedings on House Resolution 1383 will resume later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## NATIONAL DAIRY MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1368) supporting the goals of National Dairy Month, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BRIGHT) that the House suspend the rules and agree to the resolution.

The vote was taken by electronic device, and there were—yeas 359, nays 0, not voting 72, as follows:

[Roll No. 355]

YEAS—359

Ackerman	Baca	Bean
Aderholt	Bachmann	Becerra
Adler (NJ)	Bachus	Berkley
Alexander	Baird	Berman
Altmire	Baldwin	Berry
Andrews	Barrow	Biggert
Arcuri	Bartlett	Billbray
Austria	Barton (TX)	Blirakis

Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Bocieri  
Boehner  
Bono Mack  
Boren  
Boswell  
Boucher  
Boustany  
Braley (IA)  
Bright  
Broun (GA)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Cantor  
Capito  
Capps  
Capuano  
Cardoza  
Carney  
Carson (IN)  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Courtney  
Crenshaw  
Critz  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (CA)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
DeLauro  
Dent  
Deutch  
Diaz-Balart, M.  
Dicks  
Dingell  
Djou  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Farr  
Filner  
Flake  
Fleming  
Foster  
Foxx  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly

Garamendi  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Granger  
Graves (MO)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Guthrie  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Holt  
Hoyer  
Hunter  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Mack  
Maffei  
Manzullo  
Marchant  
Markley (CO)  
Markley (MA)  
Marshall  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul

McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Mica  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Nadler (NY)  
Neal (MA)  
Neugebauer  
Nye  
Oberstar  
Obey  
Olson  
Olver  
Ortiz  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perrillo  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sánchez, Linda  
T.  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner

Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuster  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Space  
Speler  
Spratt  
Stearns  
Stupak

Sullivan  
Sutton  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez

Visclosky  
Walden  
Walz  
Wasserman  
Schultz  
Watson  
Watt  
Waxman  
Welch  
Westmoreland  
Whitfield  
Wilson (OH)  
Wittman  
Wolf  
Woolsey  
Wu  
Young (AK)

## NOT VOTING—72

Akin  
Barrett (SC)  
Bonner  
Bousman  
Boyd  
Brady (PA)  
Brady (TX)  
Brown (SC)  
Brown, Corrine  
Butterfield  
Campbell  
Cao  
Carnahan  
Carter  
Costa  
Costello  
Davis (AL)  
Davis (IL)  
Delahunt  
Diaz-Balart, L.  
Fallin  
Fattah  
Forbes  
Fortenberry

Garrett (NJ)  
Gerlach  
Gordon (TN)  
Grijalva  
Gutierrez  
Hill  
Hodes  
Hoekstra  
Holden  
Honda  
Inglis  
Inslee  
Issa  
Kilpatrick (MI)  
Kirk  
Lipinski  
Luetkemeyer  
Lynch  
Maloney  
Matheson  
Melancon  
Miller (FL)  
Moran (KS)  
Myrick

Napolitano  
Nunes  
Quigley  
Radanovich  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Salazar  
Sanchez, Loretta  
Shuler  
Simpson  
Sires  
Skelton  
Slaughter  
Stark  
Tanner  
Taylor  
Towns  
Wamp  
Waters  
Weiner  
Wilson (SC)  
Yarmuth  
Young (FL)

□ 1858

Mr. LOEBSACK and Ms. CLARKE changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, I was absent during rollcall vote No. 355. Had I been present, I would have voted “yea” on the motion to suspend the rules and pass H. Res. 1368, Supporting the Goals of National Dairy Month, which will commend dairy farmers for their hard work and commitment to the U.S. economy and preservation of open space.

Mr. COSTA. Mr. Speaker, on rollcall No. 355, had I been present, I would have voted “yea.”

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC., June 10, 2010.

Hon. NANCY PELOSI,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: I have the honor to transmit herewith a scanned copy of a letter received from Mr. Wesley B. Tailor, Director of Elections, Office of the Secretary of State, State of Georgia, indicating that, according

to the unofficial returns of the Special Election held June 8, 2010, the Honorable Tom Graves was elected Representative to Congress for the Ninth Congressional District, State of Georgia.

With best wishes, I am  
Sincerely,

LORRAINE C. MILLER,  
Clerk.

Enclosure.

THE OFFICE OF SECRETARY OF  
STATE,  
June 10, 2010.

LORRAINE C. MILLER,  
Clerk, *House of Representatives, H-154 U.S. Capitol, Washington, DC.*

DEAR MS. MILLER: This is to advise you that the unofficial results of the Special Election Runoff held on Tuesday, June 8, 2010, for U.S. Representative from the Ninth Congressional District of Georgia show that, as of today's date, Tom Graves received 22,684 votes or 56.5% of the total number of votes cast, and thus far counted, for that office.

It would appear from these unofficial results that Tom Graves was elected as the U.S. Representative from the Ninth Congressional District of Georgia.

At this time, we are not aware of any contest to this election. As soon as the official results are certified to this office by all counties involved, the official “Certificate of Election” will be prepared and forwarded to the Governor's Office for transmittal to you as required by Georgia law.

If we can assist you further, please let us know.

Sincerely,

WESLEY B. TAILOR.

#### SWEARING IN OF THE HONORABLE TOM GRAVES, OF GEORGIA, AS A MEMBER OF THE HOUSE

Mr. KINGSTON. Madam Speaker, I ask unanimous consent that the gentleman from Georgia, the Honorable TOM GRAVES, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER. Will Representative-elect GRAVES and the members of the Georgia delegation present themselves in the well.

Mr. GRAVES of Georgia appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 111th Congress.

# WELCOMING THE HONORABLE TOM GRAVES TO THE HOUSE OF REPRESENTATIVES

(Mr. KINGSTON asked and was given permission to address the House for 1 minute.)

Mr. KINGSTON. Madam Speaker, Members of the House, it's a great honor to introduce TOM GRAVES, the newest member of the Georgia delegation and, obviously, the newest Member of the United States Congress. TOM comes to us from the Ninth District of Georgia, the seat which was held by Nathan Deal. And we all miss Nathan. He was a leading voice on Medicaid and immigration issues. And I know that TOM will continue that fight for the people of the Ninth District of Georgia.

TOM comes from Ranger, Georgia. You may not know Ranger, Georgia, population 91, but it's a little bit down the road from Red Bud, Georgia, which isn't incorporated, and not too far from Fairmount, Georgia. The three of them collectively are near nothing at all. They are in Gordon County.

Now, TOM served for 7½ years in the Georgia General Assembly and was on the Transportation, Health and Human Services Committee and the Ways and Means Committee. He was a leader in job creation for the State of Georgia, and with his JOBS Act, introduced in 2009, he worked for pro-growth legislation—legislation that would phase out the corporate income tax and eliminate the burdensome inventory tax for Georgia businesses. For this, he was recognized by ALEC, the American Legislative Exchange Council, to which many of us once belonged. He was nominated and earned the title of Legislator of the Year.

TOM has also been recognized by the National Federation of Independent Businesses as the Guardian of Small Business and by the Georgia Retail Association for being Legislator of the Year, and was one of only two State legislators in the country to be selected by FreedomWorks Foundation to receive the Legislative Entrepreneurial Award.

TOM, we're very glad to have you. But we're also especially glad to have your wife, Julie, who's sitting up in the gallery. TOM also has his three children with him today: JoAnn, John, and Janey. And we're glad that you're going to share your daddy with us.

TOM is well known back home for having a beautiful family and a very ugly pickup truck. But he is committed to the truck. He's had it for 13 years—and he thought that was a long time. But I want to introduce you to GARY ACKERMAN, who will tell you how to really take care of a car, which I think now is going on 30 years old.

TOM, I also want to tell my friends CLIFF STEARNS and CORRINE BROWN, who come from a State that likes to pretend like they play football, that TOM Graves is a Georgia Bulldog. We

can always use one more in the world. So if any of you people from Florida want to convert, it would be a good time.

TOM, we welcome you to the greatest body, the greatest legislative body the world has ever seen: the United States Congress.

With that, I want to yield to my good friend, Mr. JOHN LEWIS, the dean of our delegation.

Mr. LEWIS of Georgia. Madam Speaker, I would like to thank my good friend, JACK KINGSTON, for yielding me time.

As the dean of the Georgia delegation, it is my great pleasure to welcome TOM GRAVES to the United States House of Representatives. Mr. GRAVES is not a stranger to Georgia politics. He served in the Georgia State House of Representatives for almost 8 years. TOM, I not only welcome you, but I am proud to welcome your beautiful wife, Julie, and your three lovely and beautiful children.

The SPEAKER. The gentleman from Georgia is recognized.

Mr. GRAVES of Georgia. Madam Speaker and Congressman LEWIS, Congressman KINGSTON, thank you.

As we recognize Flag Day today, it's also a reminder of the greatness of this young Republic, the foundations for which it rests, and the opportunity that awaits.

As one who didn't grow up in wealth or politics but, really, quite the opposite—very simple beginnings in a single-wide trailer on a tar and gravel road in the backwoods of north Georgia—I am here now able to pay tribute to my parents who couldn't give me the material things in life but, instead, they showed me love and they encouraged me to dream big, to work hard, and achieve much.

And while I am standing before you today as a freshman Member, I am the freshest voice from the campaign trail. And the message from the hills of north Georgia to the Hill of this great building is very clear, and that is that it's time to curb spending. It's time to balance the budget, and it's time to empower the people.

While the challenges are great in this Nation, the will and the Constitution of her people are greater. And, you know, my dad was right. If we, as Americans, dream big, work hard, we can achieve much as a Nation.

So on behalf of Georgia Nine, Madam Speaker, I am here to go to work.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from Georgia, the whole number of the House is 433.

## SUPPORTING DESIGNATION OF AMERICAN EAGLE DAY

The SPEAKER pro tempore (Mr. TONKO). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1409) expressing support for designation of June 20, 2010, as "American Eagle Day", and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 360, nays 0, not voting 72, as follows:

[Roll No. 356]

YEAS—360

Ackerman	Castor (FL)	Foster
Aderholt	Chaffetz	Fox
Adler (NJ)	Chandler	Frank (MA)
Akin	Childers	Franks (AZ)
Alexander	Chu	Frelinghuysen
Altmire	Clarke	Fudge
Andrews	Clay	Gallegly
Arcuri	Cleaver	Garamendi
Austria	Clyburn	Garrett (NJ)
Baca	Coble	Giffords
Bachmann	Coffman (CO)	Gingrey (GA)
Bachus	Cohen	Gonzalez
Baldwin	Cole	Goodlatte
Barrow	Conaway	Granger
Bartlett	Connolly (VA)	Graves (GA)
Barton (TX)	Conyers	Graves (MO)
Bean	Cooper	Grayson
Becerra	Costa	Green, Al
Berkley	Courtney	Green, Gene
Berry	Crenshaw	Griffith
Biggert	Critz	Guthrie
Bilbray	Crowley	Hall (NY)
Bilirakis	Cuellar	Hall (TX)
Bishop (GA)	Culberson	Halvorson
Bishop (NY)	Cummings	Hare
Bishop (UT)	Dahlkemper	Harman
Blackburn	Davis (CA)	Harper
Blumenauer	Davis (KY)	Hastings (FL)
Blunt	Davis (TN)	Hastings (WA)
Bocchieri	DeFazio	Heinrich
Boehner	DeGette	Heller
Bono Mack	DeLauro	Hensarling
Boren	Dent	Herger
Boswell	Deutch	Herseth Sandlin
Boucher	Diaz-Balart, M.	Higgins
Boustany	Dicks	Himes
Braley (IA)	Dingell	Hinche
Bright	Djou	Hinojosa
Brown (GA)	Doggett	Hirono
Brown-Waite,	Donnelly (IN)	Holt
Ginny	Doyle	Hoyer
Buchanan	Dreier	Hunter
Burgess	Driehaus	Israel
Burton (IN)	Duncan	Jackson (IL)
Buyer	Edwards (MD)	Jackson Lee
Calvert	Edwards (TX)	(TX)
Camp	Ehlers	Jenkins
Cantor	Ellison	Johnson (GA)
Capito	Ellsworth	Johnson (IL)
Capps	Emerson	Johnson, E. B.
Capuano	Engel	Johnson, Sam
Cardoza	Eshoo	Jones
Carnahan	Etheridge	Jordan (OH)
Carney	Farr	Kagen
Carson (IN)	Filner	Kanjorski
Cassidy	Flake	Kaptur
Castle	Fleming	Kennedy

Kildee	Miller (NC)	Sánchez, Linda
Kilroy	Miller, Gary	T.
Kind	Miller, George	Sarbanes
King (IA)	Minnick	Scalise
King (NY)	Mitchell	Schakowsky
Kingston	Mollohan	Schauer
Kirkpatrick (AZ)	Moore (KS)	Schiff
Kissell	Moore (WI)	Schmidt
Klein (FL)	Moran (VA)	Schock
Kline (MN)	Murphy (CT)	Schrader
Kosmas	Murphy (NY)	Schwartz
Kratovil	Murphy, Patrick	Scott (GA)
Kucinich	Murphy, Tim	Scott (VA)
Lamborn	Nadler (NY)	Sensenbrenner
Lance	Neal (MA)	Serrano
Langevin	Neugebauer	Sessions
Larsen (WA)	Nye	Sestak
Larson (CT)	Oberstar	Shadegg
Latham	Obey	Shea-Porter
LaTourette	Olson	Sherman
Latta	Olver	Shimkus
Lee (CA)	Ortiz	Shuster
Lee (NY)	Owens	Smith (NE)
Levin	Pallone	Smith (NJ)
Lewis (CA)	Pascarell	Smith (TX)
Lewis (GA)	Pastor (AZ)	Smith (WA)
Linder	Paul	Snyder
LoBiondo	Paulsen	Space
Loebuck	Payne	Spratt
Lofgren, Zoe	Pence	Stearns
Lowey	Perlmutter	Stupak
Lucas	Perriello	Sullivan
Luetkemeyer	Peters	Sutton
Lujan	Peterson	Teague
Lummis	Petri	Terry
Lungren, Daniel E.	Pingree (ME)	Thompson (CA)
	Pitts	Thompson (MS)
Mack	Platts	Thompson (PA)
Maffei	Poe (TX)	Thornberry
Manzullo	Polis (CO)	Tiahrt
Marchant	Pomeroy	Tiberi
Markey (CO)	Posey	Tierney
Markey (MA)	Price (GA)	Titus
Marshall	Price (NC)	Tonko
Matsui	Putnam	Tsongas
McCarthy (CA)	Rahall	Turner
McCarthy (NY)	Rangel	Upton
McCaul	Rehberg	Van Hollen
McClintock	Reichert	Velázquez
McCollum	Richardson	Visclosky
McCotter	Rodriguez	Walz
McDermott	Roe (TN)	Wasserman
McGovern	Rogers (AL)	Schultz
McHenry	Rogers (MI)	Watson
McIntyre	Rooney	Watt
McKeon	Ros-Lehtinen	Waxman
McMahon	Roskam	Welch
McMorris	Ross	Westmoreland
	Rothman (NJ)	Whitfield
	Roybal-Allard	Wilson (OH)
	Royce	Wittman
	Ruppersberger	Wolf
	Rush	Woolsey
	Ryan (OH)	Wu
	Ryan (WI)	Young (AK)

## NOT VOTING—72

Baird	Gohmert	Quigley
Barrett (SC)	Gordon (TN)	Radanovich
Berman	Grijalva	Reyes
Bonner	Gutierrez	Rogers (KY)
Boozman	Hill	Rohrabacher
Boyd	Hodes	Salazar
Brady (PA)	Hoekstra	Sanchez, Loretta
Brady (TX)	Holden	Shuler
Brown (SC)	Honda	Simpson
Brown, Corrine	Inglis	Sires
Butterfield	Inslee	Skelton
Campbell	Issa	Slaughter
Cao	Kilpatrick (MI)	Speier
Carter	Kirk	Stark
Costello	Lipinski	Tanner
Davis (AL)	Lynch	Taylor
Davis (IL)	Maloney	Towns
Delahunt	Matheson	Walden
Diaz-Balart, L.	Melancon	Wamp
Fallin	Miller (FL)	Waters
Fattah	Moran (KS)	Weiner
Forbes	Myrick	Wilson (SC)
Fortenberry	Napolitano	Yarmuth
Gerlach	Nunes	Young (FL)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1916

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, I was absent during rollcall vote No. 356. Had I been present, I would have voted “yea” on the motion to suspend the rules and pass H. Res. 1409, Expressing support for designation of June 20, 2010, as “American Eagle Day”, and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States.

## REMEMBERING FLASH FLOOD VICTIMS

(Mr. ROSS asked and was given permission to address the House for 1 minute.)

Mr. ROSS. Mr. Speaker, in the early morning hours of Friday, June 11, a sudden and devastating flash flood swept through the Albert Pike campground in southwest Arkansas. In just 4 short hours, the Little Missouri River along the Ouachita National Forest rose from 3 feet to 23 feet.

The flood swept away tents, RVs and homes, and, tragically, took 20 lives, including many children, making it one of Arkansas's deadliest flash floods in a generation. However, this tragedy's impact is far-reaching, as many of the victims were from surrounding States, including from Congressman HALL's district in Texas and from Congressman FLEMING's district in Louisiana. They join me here this evening as we remember those who died in this flood.

I also want to commend the outstanding work of our first responders—local, State, Federal—and fellow Arkansans who reacted without hesitation and rescued literally dozens of people from the debris and rushing waters. This weekend, I, along with Agriculture Secretary Tom Vilsack, U.S. Forest Service Chief Tom Tidwell and Senators BLANCHE LINCOLN and MARK PRYOR, saw the devastation firsthand and spoke with families who lost loved ones.

My deepest thoughts and prayers and those of all Arkansans and all Americans are with the families who lost loved ones in these destructive flash floods.

Mr. Speaker, I join Congressman HALL and Congressman FLEMING in asking that the House now observe a moment of silence in remembrance of each and every life we lost in this tragedy.

The SPEAKER pro tempore. Members will rise and observe a moment of silence.

## EXTENDING EFFECTIVE DATE OF GIFT CARD PROVISIONS OF CREDIT CARD LAW

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5502) to amend the effective date of the gift card provisions of the Credit Card Accountability Responsibility and Disclosure Act of 2009, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 357, nays 0, not voting 75, as follows:

[Roll No. 357]

## YEAS—357

Ackerman	Carson (IN)	Engel
Aderholt	Cassidy	Eshoo
Adler (NJ)	Castle	Etheridge
Akin	Castor (FL)	Farr
Alexander	Chaffetz	Filner
Altmire	Chandler	Flake
Andrews	Childers	Fleming
Arcuri	Chu	Foster
Austria	Clarke	Fox
Baca	Clay	Frank (MA)
Bachmann	Cleaver	Franks (AZ)
Bachus	Clyburn	Frelinghuysen
Baldwin	Coble	Fudge
Barrow	Coffman (CO)	Galleghy
Bartlett	Cohen	Garamendi
Barton (TX)	Cole	Garrett (NJ)
Bean	Conaway	Giffords
Becerra	Connolly (VA)	Gingrey (GA)
Berkley	Conyers	Gonzalez
Berry	Cooper	Goodlatte
Biggart	Costa	Granger
Bilbray	Courtney	Graves (GA)
Bilirakis	Crenshaw	Graves (MO)
Bishop (GA)	Critz	Grayson
Bishop (NY)	Crowley	Green, Al
Bishop (UT)	Cuellar	Green, Gene
Blackburn	Culberson	Griffith
Blumenauer	Cummings	Guthrie
Blunt	Dahlkemper	Hall (NY)
Bocchieri	Davis (CA)	Hall (TX)
Boehner	Davis (KY)	Halvorson
Bono Mack	Davis (TN)	Hare
Boren	DeFazio	Harman
Boswell	DeGette	Harper
Boucher	DeLauro	Hastings (FL)
Boustany	Dent	Hastings (WA)
Braley (IA)	Deutch	Heinrich
Bright	Diaz-Balart, M.	Heller
Broun (GA)	Dicks	Hensarling
Brown-Waite,	Dingell	Herger
	Djou	Herseth Sandlin
Buchanan	Doggett	Higgins
Burgess	Donnelly (IN)	Himes
Burton (IN)	Doyle	Hinche
Buyer	Dreier	Hinojosa
Calvert	Driehaus	Hirono
Camp	Duncan	Holt
Cantor	Edwards (MD)	Hoyer
Capito	Edwards (TX)	Hunter
Capps	Ehlers	Israel
Cardoza	Ellison	Jackson (IL)
Carnahan	Ellsworth	Jackson Lee
Carney	Emerson	(TX)

Jenkins	McNerney	Ryan (OH)
Johnson (GA)	Meek (FL)	Ryan (WI)
Johnson (IL)	Meeks (NY)	Sánchez, Linda T.
Johnson, E. B.	Mica	Scalise
Johnson, Sam	Michaud	Schakowsky
Jones	Miller (MI)	Schauer
Jordan (OH)	Miller (NC)	Schiff
Kagen	Miller, Gary	Schmidt
Kanjorski	Miller, George	Schock
Kaptur	Minnick	Schrader
Kennedy	Mitchell	Schwartz
Kildee	Mollohan	Scott (GA)
Kilroy	Moore (KS)	Scott (VA)
Kind	Moore (WI)	Serrano
King (IA)	Murphy (CT)	Sensenbrenner
King (NY)	Murphy (NY)	Serrano
Kingston	Murphy, Patrick	Sessions
Kirkpatrick (AZ)	Murphy, Tim	Sestak
Kissell	Nadler (NY)	Shadegg
Klein (FL)	Neal (MA)	Shea-Porter
Kline (MN)	Neugebauer	Sherman
Kosmas	Nye	Shimkus
Kratovil	Oberstar	Shuster
Kucinich	Obey	Smith (NE)
Lamborn	Olson	Smith (NJ)
Lance	Olver	Smith (TX)
Langevin	Ortiz	Smith (WA)
Larsen (WA)	Owens	Snyder
Larson (CT)	Pallone	Space
Latham	Pascarell	Speier
LaTourette	Pastor (AZ)	Spratt
Latta	Paul	Stearns
Lee (CA)	Paulsen	Stupak
Lee (NY)	Payne	Sullivan
Levin	Pence	Teague
Lewis (CA)	Perlmutter	Terry
Lewis (GA)	Perriello	Thompson (CA)
LoBiondo	Peters	Thompson (MS)
Loebuck	Peterson	Thompson (PA)
Lofgren, Zoe	Petri	Thornberry
Lowey	Pingree (ME)	Tiaht
Lucas	Pitts	Tiberi
Luetkemeyer	Platts	Tierney
Lujan	Poe (TX)	Titus
Lummis	Polis (CO)	Tonko
Lungren, Daniel E.	Pomeroy	Tsongas
Mack	Posey	Turner
Maffei	Price (GA)	Upton
Manzullo	Price (NC)	Van Hollen
Marchant	Putnam	Velázquez
Markey (CO)	Rahall	Visclosky
Markey (MA)	Rangel	Walz
Marshall	Rehberg	Wasserman
Matsui	Reichert	Schultz
McCarthy (CA)	Reyes	Watson
McCarthy (NY)	Richardson	Watt
McCaul	Rodriguez	Waxman
McClintock	Roe (TN)	Welch
McCollum	Rogers (AL)	Westmoreland
McCotter	Rogers (MI)	Whitfield
McDermott	Rooney	Wilson (OH)
McGovern	Ros-Lehtinen	Wittman
McHenry	Roskam	Wolf
McIntyre	Ross	Woolsey
McKeon	Rothman (NJ)	Wu
McMahon	Roybal-Allard	Young (AK)
McMorris	Royce	
Rodgers	Ruppersberger	
	Rush	

## NOT VOTING—75

Baird	Gerlach	Myrick
Barrett (SC)	Gohmert	Napolitano
Berman	Gordon (TN)	Nunes
Bonner	Grijalva	Quigley
Boozman	Gutiérrez	Radanovich
Boyd	Hill	Rogers (KY)
Brady (PA)	Hodes	Rohrabacher
Brady (TX)	Hoekstra	Salazar
Brown (SC)	Holden	Sanchez, Loretta
Brown, Corrine	Honda	Sarbanes
Butterfield	Inglis	Shuler
Campbell	Inslee	Simpson
Cao	Issa	Sires
Capuano	Kilpatrick (MI)	Skelton
Carter	Kirk	Slaughter
Costello	Linder	Stark
Davis (AL)	Lipinski	Sutton
Davis (IL)	Lynch	Tanner
Delahunt	Maloney	Taylor
Diaz-Balart, L.	Matheson	Towns
Fallin	Melancon	Walden
Fattah	Miller (FL)	
Forbes	Moran (KS)	
Fortenberry	Moran (VA)	

Wamp  
Waters

Weiner  
Wilson (SC)

Yarmuth  
Young (FL)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining to vote.

□ 1926

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, I was absent during rollcall vote No. 357. Had I been present, I would have voted "yea" on the motion to suspend the rules and pass H.R. 5502, the ECO-Gift Card Act, which amends the effective date of the gift card provisions of the Credit Card Accountability Responsibility and Disclosure Act of 2009.

## PERSONAL EXPLANATION

Mr. INSLEE. Mr. Speaker, today, in order to attend important meetings in my district, I was absent from votes on H. Res. 1368, Supporting the goals of National Dairy Month; H. Res. 1409, Expressing support for designation of June 20, 2010, as "American Eagle Day", and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States; and H.R. 5502, ECO-Gift Card Act. Should I have been present, I would have supported these resolutions.

## PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, I was unable to attend several votes today, June 14, 2010. Had I been present, I would have voted "aye" on final passage of H. Res. 1368, "aye" on final passage of H. Res. 1409 and "aye" on final passage of H.R. 5502.

## PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in the House Chamber today. Had I been present, I would have voted "yea" on rollcall votes 355, 356, and 357.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5486, SMALL BUSINESS JOBS TAX RELIEF ACT OF 2010; AND PROVIDING FOR CONSIDERATION OF H.R. 5297, SMALL BUSINESS LENDING FUND ACT OF 2010

Ms. PINGREE of Maine, from the Committee on Rules, submitted a privileged report (Rept. No. 111-506) on the resolution (H. Res. 1436) providing for consideration of the bill (H.R. 5486) to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; and providing for consideration of the bill (H.R. 5297) to create

the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## 2010 TONY AWARDS: "MEMPHIS" WINS BEST MUSICAL

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, yesterday evening in New York City, the Tony Awards were presented, and I was very proud that the play "Memphis" was awarded the best musical. It also received three other Tonys—for best book and best score and best orchestrations.

Mr. Bryan and Mr. DiPietro put a great play on Broadway that talks about racial reconciliation and a city that has a great deal of love and a great deal of music in it that comes to the screen and won a Tony. It's a great honor; but I encourage people even more so to come to Memphis to see the original cast, where a city that is alive and breathing with entertainment and great venues for fun and racial reconciliation exists. The music, the life, the spirit, the original production. Memphis, Tennessee.

Jump on an airplane.

Don't get a fast train.

Get your ticket for an airplane.

Come on home.

## LEAGUE AGAINST CANCER

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize La Liga Contra el Cancer, the League Against Cancer, a South Florida nonprofit group committed to providing free medical care and assistance to cancer patients who would otherwise not have the necessary financial resources to fight such a difficult battle.

Since 1975, La Liga has served more than 50,000 low-income individuals. The positive impact that this organization has had on our community is without question, and we should all be grateful for its efforts.

Just this month, the League hosted its premier event to raise cancer awareness and funding for care. Residents of our area certainly answered the call, pledging much needed help for cancer victims through La Liga. In fact, they pledged over \$4.5 million to the League.

South Floridians in general, and each and every member of the League in specific, are committed to fighting cancer in all forms.

Again, I congratulate the League Against Cancer for its successful event that results in saving lives in our community.

□ 1930

#### DISAPPOINTMENTS PILE UP

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, as we continue to find out what is in the health care bill, the disappointments pile up.

The publication "Politico" reported on June 8, "Part of the health care overall due to kick in this September could strip more than 1 million people of their insurance coverage, violating a key goal of President Barack Obama's reforms."

These limited benefit plans provide insurance to part-time workers and retail and restaurant employees. The plans are called mini-med plans. They are priced low to impose a maximum on insurance payouts in a year and to restrict the number of covered doctor visits, according to the article. The current health care reform would prohibit these plans because there is a ban in the law on annual caps.

Employer and trade associations, like 7-Eleven, the National Restaurant Association, and the U.S. Chamber of Commerce, have asked that these low-cost plans be allowed to continue despite the law. In their letter, these groups explain that if the ban is strictly implemented, this population would likely be left with no coverage until 2014. We are talking about 1.4 million people who will not be allowed to keep their present insurance.

So much for promises.

#### PAY DOWN NATIONAL DEBT

(Mr. ROONEY asked and was given permission to address the House for 1 minute.)

Mr. ROONEY. Mr. Speaker, instead of attempting to pay down the national debt, this Congress continues to spend taxpayer dollars into oblivion. Outside the Beltway, whether you are paying credit card bills or just paying your taxes, you are held accountable for your spending habits and for paying back the money you owe.

What I discovered during my first year in Congress is that those in power have no regard for the billions that they spend each day and are not interested in developing ways to pay back this borrowed money. Day after way day, the American people call for us to stop the out-of-control spending. This Congress ignored those pleas and charges full speed ahead, mounting a \$13 trillion national debt.

Americans rightly expect their government to pass a budget plan to get

this spending under control. But, instead, Congress has neglected to pass a budget resolution, and the future looks grim. I am incredibly frustrated with this Congress, and I know my constituents feel the same way.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC., June 14, 2010.

Hon. NANCY PELOSI,  
*The Speaker, H-232 U.S. Capitol, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Tuesday, June 14, 2010 at 2:55 p.m., and said to contain a message from the President whereby he notifies the Congress that he has extended the national emergency with respect to North Korea beyond June 26, 2010, by notice filed earlier with the Federal Register.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

#### CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO NORTH KOREA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-121)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13466 of June 26, 2008, is to continue in effect beyond June 26, 2010.

The existence and the risk of proliferation of weapons-usable fissile material on the Korean Peninsula constitute a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency and maintain certain restrictions with respect, to

North Korea and North Korean nationals.

BARACK OBAMA.  
THE WHITE HOUSE, June 14, 2010.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### RICKY DOBBS DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. SCOTT) is recognized for 5 minutes.

Mr. SCOTT of Georgia. Mr. Speaker, ladies and gentlemen of the House and the good people of America, I rise on a very special occasion, to pay tribute and to recognize the outstanding and excellent work of one of my constituents in Douglasville, Georgia, in Douglas County. This is an extraordinary story. This young individual, Mr. Ricky Dobbs, who is a native of Douglasville, Georgia, and a graduate of Douglas County High School has gone on to excellence and greatness in an extraordinary career of academic achievement as well as athletic achievement.

During his years as a Douglas County High School student, he portrayed such a commendable attribute that his teachers affectionately referred to him as "the Mayor." He was the recipient of the Faculty Cup at his commencement ceremony in 2006. Ricky Dobbs, who has demonstrated outstanding achievement in academics, was accepted into the United States Naval Academy in Annapolis. And in sports, he is leading Navy football as its quarterback. And what a quarterback he has become.

In the 2008 Navy football season, Ricky Dobbs rushed for 498 yards and eight touchdowns, and Navy was honored at the White House in April 2009 for winning a sixth straight Commander in Chief's Trophy by President Barack Obama. In his role as quarterback for the Navy Midshipmen in 2009, Ricky Dobbs broke the single season college record for the most rushing touchdowns by a quarterback. Yes, indeed, Ricky Dobbs finished with the NCAA record of 27 single-season rushing touchdowns and was named the game's most valuable player in the 2009 Texas Bowl.

Mr. Speaker and Members of Congress, Ricky has thrown just four interceptions in his entire career as quarterback for the Navy, or 0.033 percent, the lowest interception percentage in Naval football history. Ricky Dobbs has scored four or more rushing touchdowns on four different occasions. In other words, four touchdowns in four different games, including three times

in three games this past year. No other Navy player has more than one career four rushing touchdown day, and that includes the legendary Roger Staubach.

Ricky Dobbs comes from a humble beginning. He has a family, a loving family, and when you give credit and you recognize the achievements of a young man or a young lady, you certainly have to recognize the achievements of those parents. Barbara Cobb and Clarence Dobbs have done a remarkable job of rearing this young man. But we can't stop there, for when you recognize the achievement of Ricky Dobbs of Douglasville and Douglas County, you have got to recognize that entire community that has put its arms around and reared and nurtured this outstanding young man to soar in academics as well as perform excellently in record-shattering circumstances on the football field for the prestigious Navy Academy.

Mr. Speaker, when you look at this, one word comes to mind, and that word is "excellence." When that word was put to the great Greek philosopher Aristotle, when Aristotle was asked, What does it take to be an excellent person, Aristotle said, In order to be an excellent person, you must first of all know thyself. Well, Ricky Dobbs knows who he is, and that is, he is a child of God.

The question was later put to the great emperor and general, Marcus Aurelius of Rome: Marcus Aurelius, what does it take to be an excellent person? Marcus Aurelius replied, In order to be an excellent person, you must first of all discipline yourself.

What discipline it took to achieve academically at Douglas County High School and then to move up to the prestigious Navy Academy and set these astounding, record-shattering records on the football field.

And then, finally, the question was put to the Messiah, Jesus Christ, when he was asked, What does it take to be a great person, an excellent person? Jesus said, Sacrifice yourself.

As a military person, he is doing that for his country. Let's give this tribute to this outstanding young man and make this day, ladies and gentlemen, Ricky Dobbs Day in this United States of America.

#### PERMISSION FOR MEMBER TO INCLUDE EXTRANEEOUS MATERIAL

Mr. COHEN. Mr. Speaker, I would like to ask for unanimous consent to introduce an article into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

#### STAYING HOOKED ON A DIRTY FUEL: WHY CANADIAN TAR SANDS PIPELINES ARE A BAD BET FOR THE UNITED STATES

(From the National Wildlife Federation Report)

##### CONFRONTING GLOBAL WARMING—INTRODUCTION

"America is addicted to oil."

When President George W. Bush uttered these words in his 2006 State of the Union address, the former Texas oilman acknowledged an imperative as important as any we can imagine for the nation's future: breaking that crude addiction.

Our addiction to oil has come with an untenable cost: to our national security, to our air and water, and to the ability of our warming planet to support billions of human lives. The recent Gulf Coast crisis, stemming from an exploding offshore drilling rig, is just one more reason to kick our prodigious habit. The United States consumes about one quarter of the world's oil—around 20 million barrels a day, and imports nearly two-thirds of that—about 13 million barrels per day. For economic, political, military and ecological reasons, the United States needs to address this addiction—and beat it.

The burgeoning Canadian tar sands industry epitomizes the depths of our addiction. Tar sands are a combination of clay, sand, and bitumen found in great quantities under the boreal forest of Alberta. By employing massive mining operations or energy-intensive underground heating and production techniques, energy companies produce a sludge-like heavy oil that can be further refined into transportation fuels like gasoline or diesel. As this report explains, expanding the mining, processing and refining of these tar sands represents a tragic choice for Canada, the United States, and the world.

British Petroleum's Deepwater Horizon tragedy off the Louisiana coast, which killed 11 men and is an unfolding ecological disaster, is not an argument to expand Canadian tar sands development, as some have argued. The Gulf Coast catastrophe should instead propel us away from a future of diminishing returns and higher costs from "unconventional" fossil fuel extraction, which includes tar sands, oil shale and coal-to-liquids. Moving deeper into tar sands would be taking the country down the wrong path—one that leads to an inevitable dead-end.

The tar sands industry aims to create an extensive web of pipelines to deliver increasing amounts of this Canadian tar sands sludge to refineries in the United States. The U.S. federal government has already approved two dedicated tar sands pipelines and is poised to approve a third. The Canadian company Enbridge's Alberta Clipper pipeline, running from the U.S.-Canadian border in North Dakota, and across Minnesota to Wisconsin, has already been completed. TransCanada's Keystone I pipeline, which the State Department approved in 2009, runs from Alberta to Illinois and on to Oklahoma. TransCanada's proposed Keystone XL pipeline is the third pipeline whose permit application is currently being reviewed by the U.S. State Department. It would cut through America's heartland, running nearly 2,000 miles from Alberta down to Port Arthur, Texas, where the tar sands will be refined into transportation fuels. Other, shorter pipelines are envisioned to run to refineries around the country. This network of tar sands pipelines would deliver even more pollution to refineries where and the surrounding communities, which are already experiencing health effects.

The proposed Keystone XL pipeline will traverse rivers and carve across prairies, will

flow on top of vital aquifers, and threaten farmers, ranchers and wildlife when it leaks or breaks, as it unquestionably will. Building this new pipeline would institutionalize a demand for a product that we do not need—especially if we seize the initiative to wean ourselves from this a fuel that is sullyng our coasts, tearing up our heartland, and destroying the health and livelihoods of communities. Current projections are that the new pipeline would not even run close to capacity, raising the question of why the U.S. is even considering this project.

Promoting the growth of the Canadian tar sands industry is a dangerous and foolhardy development. This pipeline system would virtually assure the destruction of swaths of one of the world's most important forest ecosystems, produce lake-sized reservoirs of toxic waste, import a thick, tarlike fuel that will release vast quantities of toxic chemicals into our air when it is refined in the U.S., and emit significantly more global warming pollutants into the atmosphere than fuels made from conventional oil. Communities that live near the tar sands are already experiencing health problems linked to the pollution, and dozens of wildlife species are at risk, including millions of migrating cranes, swans, and songbirds. If Keystone XL crosses our border, it will cut through thousands of miles of sensitive habitat in America's heartland. When the tar sands are refined in U.S. facilities, the resulting pollution will foul our air and water.

We believe that the U.S. needs clean and renewable energy solutions as we make the inevitable and necessary transition to a post-oil world. Tar sands, as well as other inferior fossil fuels like oil shale, simply should not be part of the equation. Tar sands are a starkly inefficient, polluting, ecologically disastrous and expensive way to power our cars and trucks. Each tar sands pipeline our government approves further increases our dependence on this dirty fuel. These pipelines will become, in effect, a long-term, government-approved pollution delivery system.

If we allow all these pipelines to be built, we are essentially saying that we are willing to feed our oil habit, even if we know it will harm our air, water, health, prosperity and planet. Agreeing to increase our imports of Canadian tar sands represents the worst kind of addictive behavior: "persistent compulsive use of a substance known by the user to be physically, psychologically, or socially harmful."

Why then, we ask in this report, is the U.S. poised to allow this expanded pipeline network that will lock our country into an ongoing reliance on the dirtiest of fossil fuels?

It is time to apply every ounce of American ingenuity to finding a technological path to a future that relies far less on oil and other fossil fuels and far more on sources of fuel that are renewable, sustainable, and clean. By applying the talent and technology of America's best minds and businesses, this country can dramatically improve our environment and accelerate our move beyond a dirty energy economy.

We have arrived at a critical crossroads that will determine whether we can break free from this dependence—or lash ourselves tighter to it. Building new pipelines to import billions of barrels of dirty fuel from Canada is taking the wrong path into increasingly hazardous terrain. We should tell our elected leaders to reconsider.

# BIG OIL PUSHES FOR PIPELINES: TRANSPORTING A DIRTY FUEL THAT RAVAGES ALBERTA'S FORESTS AND WATERS

## TAR SANDS DEVELOPMENT

An aerial view of the area around Fort McMurray, Alberta, provides a stark portrait of an addiction. The Athabasca River, snaking through a region once marked by unending vistas of glowing green conifers and populated by woodland caribou, moose, bears and lynx, now demarcates ground zero for what is arguably the most destructive peacetime industrial activity in the history of mankind.

Tar sands development has transformed a landscape of boreal forest and peat lands into a vast oil sacrifice zone. On either side of the river, a series of giant open pit mines, belching processing facilities, and poisonous tailings ponds now line the floodplains and wetlands. The giant toxic tailings ponds have grown large enough to see from space.

Even more troubling, the industrial activity is poised to spread across the landscape like blight. If all the current Canadian tar sands leases are exploited, development is slated to encompass an area the size of New York and New Jersey combined.

The Canadian tar sands industry is, by almost any measure, one of the most wasteful and polluting industries humanity has ever invented. Over the past ten years, commercial tar sands production became increasingly profitable because of rising oil prices and massive infrastructure construction that accelerated the development's expanding reach. In pursuit of profits that increased with the scaled-up production, energy companies have torn up a province, released countless gallons of toxic sludge into waterways, emitted hundreds of millions of tons of global warming pollutants into the atmosphere, and produced billions of barrels of viscous, heavy oil that requires vast amounts of energy to transport and refine into a transportation fuel.

## EXTRACTING BITUMEN

Locked in underground pockets of sand, clay and water, tar sands contain bitumen, which is a heavy, black viscous oil that can be extracted, upgraded, refined, and turned into fuel. The Canadian Energy Research Institute estimates that these tar sands contain 1.7 trillion barrels of heavy crude, of which approximately 173 billion barrels are recoverable.

About 20 percent of Alberta's tar sands deposit is close enough to the surface to be dug up using conventional open pit mining techniques. Using this method, the forest is clear-cut and giant open pit mines carve the layers of tar sands from the earth. These tar sands are trucked to facilities where they are heated into a liquid, and the bitumen is separated from the sand and clay. This process requires substantial amounts of water and energy, and leaves behind a number of toxic byproducts.

Another technique, known as in situ production, will be used to target the other 80 percent of tar sands deposits, located deeper in the ground. In situ production requires companies to insert pipes into the ground, which are filled with steam to heat up the tar sands and liquify the bitumen. This liquid bitumen is then pumped to the surface much like conventional oil. Although this technique does not result in the same wholesale habitat destruction as strip mines, industry claims that in situ mining is a "solution" for tar sands environmental problems is overstated. This process requires substantially more energy than conventional min-

ing, leaving a much larger carbon footprint. In situ mining also fragments the landscape with roads and pumping stations, requires large amounts of water, and still leaves toxic tailings ponds during the upgrading process.

Both open pit mining and in situ processes require systems of roads, pads, industrial facilities and tailings ponds that all contribute to the fragmentation and destruction of the boreal forest. The tailings ponds—which are more like giant toxic lakes filled with pollutants like benzene, cyanide, and mercury—stretch across the landscape, threatening human health and wildlife.

## THREATENING DOWNRIVER COMMUNITIES

Scientists already have catalogued human health problems among the First Nations people who live downriver. Studies have raised alarms about increased cancer rates and autoimmune diseases. In the Fort Chipewyan First Nation, where subsistence hunting and fishing is still prevalent, hunters say they have noticed big changes in the game they harvest—including the fact that moose livers are enlarged and white-spotted. Water from the Athabasca River, their main water source, now leaves brown residue in the pot when they boil it. Fish they depend on are contaminated with high levels of mercury and toxic cancer-causing chemicals.

Because the communities in the vicinity of the mining sites are small, there has been relatively little monitoring of how much the industrial activity has affected human and wildlife health. What is clear is that the process of extracting, upgrading, and refining tar sands requires a suite of chemicals and produces toxic byproducts.

## DELIVERY TO THE U.S.

Much the tar sands upgrading to date has taken place in Alberta, but the refining capacity is not high enough for the projected increase in production. That is why the tar sands industry is proposing pipelines to the U.S.: to bring the unrefined heavy crude to refineries in the U.S.

Today, approximately 60 percent of Canadian tar sands fuel is exported to the U.S. Our nation currently imports about 800,000 barrels of this fuel a day, and some project that this could increase fivefold if all the planned pipelines are constructed, world oil supply from conventional oil dwindles, and global demand intensifies.

In Canada, concern and opposition has been rising as the ecological fallout from tar sands production becomes more visible. If the U.S. continues its voracious oil habit and builds these pipelines to support it, we will be contributing to this Canadian calamity for many years to come.

## POISONED HABITAT: WILDLIFE IN THE CROSSHAIRS

### A DESTRUCTIVE BUSINESS

The video footage is heartbreaking: a mallard drake, flapping its wings in muck and beak dripping black gunk, barely keeping afloat in oil sludge. No, not Alaska after the infamous Exxon Valdez spill, or the Gulf Coast wetlands after the BP explosion. It is the result of "normal" tar sands development in Alberta.

Scientists are only beginning to understand the extent of the impacts of Alberta tar sands production on the fish, waterfowl, and forest animals that live in the remote boreal forest that has become the hub of industrial tar sands production. Habitat destruction and fragmentation is expanding rapidly, and even energy companies acknowledge that they are effectively destroying habitat as they go. In a recent report by Cambridge Energy Research Associates, the

authors quote the energy giant Shell describing the impacts in an application for a mine expansion: "Effectively, a complete loss of soil and terrain, terrestrial vegetation, wetlands and forest resources, wildlife and biodiversity happens for this area for the period of operations."

This kind of large-scale habitat destruction raises even larger concerns, because there is so much at stake in this fecund northern wilderness.

The surrounding forest is home to the full complement of wildlife any sportsman would imagine living in the Canadian wilderness: bears, wolves, lynx, and important herds of woodland caribou. The Athabasca River is part of a vital nesting and staging ground for migratory waterfowl, many of which winter in the continental U.S. The Canadian boreal forest provides breeding, nesting or migration stops for more than 300 species of birds—including several species of cranes, shorebirds, and more than a million inland birds.

## FULL IMPACTS UNKNOWN

Scientists know very little about the cumulative impacts of tar sands development, says Canadian ecologist Kevin Timoney, because the Canadian government, provincial authorities, and energy companies have not conducted adequate monitoring and testing. Timoney however, has begun documenting a series of harmful effects to wildlife from habitat fragmentation, toxic exposures, and other threats to wildlife.

Some of these effects have gained public notice. In 2008, 1,600 ducks perished when they landed in a tar sands mine tailings pond operated by Syncrude. Originally, the company downplayed the numbers, and it took several years and a prosecution to bring the extent of the damage to light. A lawsuit is pending against Syncrude.

Timoney estimates that even 1,600 substantially underestimates bird mortality from this event—and many others that remain undocumented. In an article published in the *Open Conservation Biology Journal*, Timoney laid out a disturbing case that tar sands development has led to a permanent loss of at least 58,000 birds—and possibly as many as 400,000.

The Syncrude tailings pond deaths were the result of the birds becoming mired in oil, despite companies' efforts to shoo birds away from their toxic tailings ponds using noise cannons and scarecrows. The Cambridge Energy Research Report states that, "the surface layer of bitumen found on most tailings ponds is an acute threat to wildlife."

Timoney says there are other dangers as well. He and others have documented at least 43 other bird species—waterfowl and shore birds, birds of prey and gulls—that have died from tar sands-related development. Timoney also made a Freedom of Information and Protection of Privacy request of the Alberta Sustainable Resources Development, which disclosed that 27 black bears, 67 deer, 31 red foxes, 21 coyotes and unspecified numbers of moose, muskrats, beavers, voles, martens, wolves and bats had also perished on tar sands operations between 2000 and 2008.

Even more disturbing, Timoney discovered that those reported numbers came from the energy companies themselves, suggesting an under-reporting of some significance. "The numbers of dead animals reported to government," he wrote, "underestimated true mortality because they were derived from ad hoc reporting by companies rather than from a scientifically valid and statistically robust sampling design."

In another study, Timoney analyzed data from government and industry sources that revealed strong evidence of chemical contamination in the Athabasca River. Specifically, the levels of known cancer-causing chemicals were as high as in industrial zones in the United States. Elevated levels of mercury and other heavy metals were also present. A government report from the Regional Aquatics Monitoring Program determined that more than seven percent of river fish showed growth abnormalities, which Timoney says is "high."

#### AN EXPANDING THREAT

There is every reason to believe this problem will only worsen. According to Environmental Defense Canada, tar sands tailings ponds already have a surface area of 50 square miles, twice the size of Manhattan. These contaminated tailings ponds have already leaked into the nearby waterways, and projections are they will triple in size.

This spells more trouble for wildlife, especially migrating birds. According to Colleen Cassidy St. Clair and Robert Ronconi from the University of Alberta's Faculty of Science, "spring migration is a particular problem in northeastern Alberta, when the warm-water waste from oil sands mines are the only open water—the natural bodies are still frozen. When waterfowl land in these ponds, they may ingest oil and their plumage may become oiled with waste bitumen, potentially preventing birds from flying or leading to lost insulation and death from hypothermia."

Even though there has been very little study of the effects of tar sands development on wildlife, the indications are that this development is releasing a potentially devastating onslaught on Canadian and internationally-migrating animals. As ecologist Timoney put it: "The effects of these pollutants on ecosystem and public health deserve immediate and systematic study. Projected tripling of tar sands activities over the next decade may result in unacceptably large and unforeseen impacts on biodiversity, ecosystem function, and public health. The attention of the world's scientific community is urgently needed."

#### ADMINISTRATION MISSING IN ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the Federal Government is missing in action on American border security. Our ineffective border security plan seems to be one of compassionate disinterest or catch them if you can.

Last week there was not another violent incident at the border near El Paso, Texas. This time a lone Border Patrol agent spotted a group of Mexican nationals crossing the border illegally. The agent was able to apprehend one of the illegals, but four illegals began assaulting the sole law enforcement officer with rocks. His life was in danger, and he defended himself. One of the assailants was killed, however; an assailant with a long criminal history of smuggling.

Our law enforcement agents have the moral and legal right to defend them-

selves, and they have the right to defend the American border.

□ 1945

The Mexican military showed up at the scene, however. They pointed their rifles at the American law enforcement agents. So what did they do? Did they stand their ground? Did they protect the sovereignty of the United States of America? No. Our Border Patrol agents retreated. They fled. And why? Because the Federal Government doesn't back up the Border Patrol.

The government hangs them out to dry. Just ask Border Patrol agents Ramos and Comepan. Washington only gives lip service to securing the border. The government tells our Border Patrol to go down there on the border and kind of pretend to enforce the law. They don't receive the support they need to secure the border. They don't get the necessary manpower or the necessary equipment. They don't receive the necessary moral support from the government. The government doesn't back up their right to protect themselves when their lives are in danger. The Federal Government, Mr. Speaker, is missing in action.

But right on cue, Mexican President Calderon arrogantly demanded an apology for the shooting. But Calderon didn't apologize for the shooting of Robert Krentz, the Arizona rancher who was murdered in America on his own property by a Mexican criminal alien.

Calderon didn't apologize for the execution-style murder of Border Patrol agent Robert Rosas in Campo, California. Calderon didn't apologize when Senior Patrol Agent Luis Aguilar was murdered in America, run down and run over by a Mexican narcoterrorist drug smuggler in a Humvee.

Where's Calderon's outrage over the Americans being killed all the time in America by illegals from Mexico? Where's Calderon's apology for the criminal alien murderer of Houston Police Officer Rodney Johnson? Officer Johnson was a 12-year veteran of the Houston police force. He was married, had five kids, and Officer Johnson was shot four times execution-style by a Mexican illegal with a criminal record when he was stopped for speeding.

Where was Calderon when Houston Police Officer Gary Gryder was killed by an illegal in 2008? Or when Houston Police Officer Henry Canales was murdered by an illegal just last year? Americans are frequently killed in America by Mexican illegals. And why doesn't our government demand an apology about these homicides? Why doesn't our government demand compensation from Mexico for the homicides their illegals commit in the United States?

And where's the State Department? Where's the outrage, the concern when it's an American that loses their life,

cost their lives by the actions of illegals from Mexico? Where's that demand for an apology? And where's the administration? Missing in action, that's where.

Where's your outrage, Mr. President? The President should be on the American side of the border, doing what's best for America. And why don't we protect our own? How hard would it be for the President of the United States just to say, Don't cross the American border without permission? Why doesn't he say that? Doesn't he believe those words?

Mexican criminals think they can come over here and do as they please and nobody's going to really do anything about it. And they're right. Did we send our Attorney General out to demand answers when Border Patrol agent Rosas was shot execution-style last year? Where was the Attorney General? Missing in action.

And American citizens and peace officers are losing their lives because the government is missing in action. Seems like our government is more interested in what Mr. Calderon thinks than the American people. Mr. Calderon should take care of his own lawless country and Mr. Obama should take care of our borders. The administration, this administration, is not the first to be ineffective in border security, but it certainly should be the last.

And that's just the way it is.

#### THE LONGEST WAR IN AMERICAN HISTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the war in Afghanistan is now 104 months old, passing Vietnam, to make it the longest war in United States history. And as it reaches this dubious milestone, it's hard to imagine things going much worse. The much-hyped military campaign in Kandahar is now way behind schedule, with the Secretary of Defense saying it's more important to get it done right than to get it done quickly.

That kind of plea might have worked 80 months ago, Mr. Speaker, but do they not see the irony or the disconnect in preaching patience about a war that is now the longest the Nation has ever fought? Do they not see that the American people, who have given a thousand or more of their best young people and a quarter of a trillion dollars to this war, are long past the point where they are willing to cut some slack and take a wait-and-see approach?

And if that's not bad enough, it turns out the campaign we thought we had just finished in Marja never really took in the first place. What seemed to be a quick and decisive military triumph turned out to be an illusion. The

Taliban hadn't been crushed; they had gone into hiding, laying low for a while, taking part in the opium harvest, and regaining their bearings, so to speak. Now the Taliban is back, with a campaign of violence and intimidation, planting bombs, attacking marines, and terrorizing the population. As one report in *The Washington Post* put it, "They still own the night."

General McChrystal promised to have a ready-made so-called "government in a box" prepared to take over in Marja, but inside that box was a district governor considered hapless by most, who has been outfitted by the marines with a fancily furnished tent, who seems more fond of afternoon naps than in doing the hard work of governing.

And the national government that is supposed to be our partner, the repository of our hopes and confidence, the leader of the regime that is supposed to pick up where U.S. troops leave off in providing stability and security, well, his heart doesn't seem to be in the mission. Just a few weeks after being wine and dined by his American hosts during a state visit, President Karzai is wondering aloud whether the United States and NATO can get the job done.

My concern, Mr. Speaker, is that with each setback and each delay pressure will build to extend the timetable for troop deployment, our troops getting out of Afghanistan. This would be the wrong lesson to learn. What's needed is not more time, but a different policy. Every day that we continue this military campaign will contribute to the chaos in Afghanistan. More time and more troops can only exacerbate the problem. They cannot solve it.

I don't think I can describe the war any better than did New York Times columnist Bob Herbert. He said: "It's just a mind-numbing, soul-chilling, body-destroying slog, month after month, and year after pointless year."

Mr. Speaker, it's time to end the slog. It's time to end the longest war in American history. It's past time to bring our troops home.

#### DISMAY WITH DOD GENERAL COUNSEL REGARDING RENAMING THE DEPARTMENT OF THE NAVY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I rise tonight to express my sincere dismay with the letter from Jeh Johnson, general counsel of the Department of Defense, to Senator CARL LEVIN, declaring the DOD opposition to Senate bill 504, legislation to rename the Department of the Navy as the Department of Navy and Marine Corps. In his letter Mr. Johnson states: "The renaming of the Department is unnecessary and would incur additional expense of sev-

eral hundred thousand dollars a year over the next several years."

In response to my letter, the CBO report actually states that "the bill would have very little effect on most U.S. Naval or Marine Corps installations. The cost of implementing this bill would be less than \$500,000 a year over the next several years from appropriated funds. And enacting the bill would not affect direct spending or revenues." So therefore it would not have an impact, Mr. Speaker.

With that said, I would like to ask Mr. Johnson, Do you think that our men and women of the United States Marine Corps are worth this small monetary amount? Have they not earned the right to be recognized and respected?

Mr. Speaker, it is a joke for DOD to be concerned about such a small monetary amount considering the money that has been and is continuing to be wasted by the Department of Defense. An audit conducted by the Department of Defense IG revealed that the Federal Government failed to substantiate the disbursements of at least \$7.8 billion of \$8.2 billion spent for goods and services in Iraq. I would think Mr. Johnson should be more focused on serious money issues such as these instead of focusing his efforts on opposing the recognition that our marines truly deserve.

Our marines have fought alongside the Navy for many years, and if they are truly viewed as one fighting team, they should receive equal recognition. This bill is not meant to take anything away from the Navy. It does not demand any special concessions for the Marine Corps. It simply adds three words to the name. I am baffled as to why Mr. Johnson felt the need to interject into this matter now, when it has been ongoing for the past 10 years. We have the support of a record 425 Members of the House of Representatives and 80 Members of the Senate. The numbers alone should speak volumes.

And, Mr. Speaker, before I close, I want people to see this young marine who gave his life for this country. The family received posthumously the Silver Star medal that he earned by giving his life for this country. This is an official copy. And it says the Secretary of the Navy, Washington, D.C., with the Navy flag. That's all it has at the heading, Mr. Speaker. Nothing about the Marine Corps in the heading, but Navy.

If this bill should become law, what it would say is what you see now, Mr. Speaker, the Secretary of the Navy and Marine Corps, Navy flag, Marine flag, present the Silver Star posthumously to this man's family.

Mr. Speaker, with that I would like to close as I always do, because our men and women, as Ms. WOOLSEY said, they are over there fighting, giving their lives in Iraq and Afghanistan, and

I would ask God to please bless our men and women in uniform, please bless their families, and, God, please bless the House and Senate that we will do right in the eyes of God.

And, dear God, I ask three times, please God, continue to bless this country. And, God, please always remember that we care that you look after us so that we will do what's right for your people. God, continue to bless America.

#### RESPONSE TO LONG-TERM UNEMPLOYED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, we have a huge problem in our country that we haven't come to terms with, long-term unemployment. The number of Americans who have been jobless for over 6 months has hit the highest level ever recorded. I recently read an article that highlighted one of the long-term unemployed Americans. Her name is Cindy Paoletti. For 23 years she worked in the corporate accounting division of J.P. Morgan Chase in upstate New York. In December 2007, Ms. Paoletti was let go in a wave of layoffs that eventually shuttered the entire Syracuse operations center. Her job went to India.

She started collecting unemployment benefits and severance while searching for a job. In her own words, Cindy says, "I apply for everything out there." Now that she's about to run out of benefits, she has started taking money out of her IRA. She doesn't have health insurance, and she faces the daily fear of losing her home. I hear similar stories from all over the country. Jobless Americans are desperately looking for work, but there just aren't enough jobs to go around yet.

Last week, I conducted a hearing in my subcommittee to discuss long-term unemployment problems. Here are a few of the facts highlighted at the hearing: nearly 50 percent of the unemployed haven't been able to find a job for more than 6 months, the highest number ever recorded, which goes back to 1948. More than 10 million jobs must be created to restore the labor market to its pre-recession level.

This huge jobs hole, created by 8 years of gross economic mismanagement under the Bush administration, has left five unemployed workers competing for every available job. In responding to these record rates of long-term unemployment, our first priority must be to maintain the current emergency Federal unemployment programs that have lapsed 2 weeks ago. People have been waiting for 2 weeks.

The House passed an extension on these programs a long time ago, but the Senate has yet to clear the legislation. If the Senate fails to continue

Federal unemployment program, 5 million long-term unemployed Americans will lose their extended benefits before the end of this year, with 1.2 million of them losing their benefits by the end of this month, June. We need to face the fact that even with an extension of these Federal unemployment programs, more than 3 million people are projected to exhaust all benefits available before the end of the year.

□ 2000

We need to provide more help for these long-term displaced workers, which could range from additional extended unemployment benefits in high unemployment States, to federally funded jobs programs, to better training employment services.

A few months of employment gains, as welcome as they have been recently, have not suddenly eliminated the problem of long-term unemployment. We simply cannot abandon millions of Americans who have worked hard, played by the rules, and now find themselves with no jobs, no savings, and no support. We cannot let a huge section of the middle class go with nothing but food stamps.

At the end of the article, I mentioned earlier Cindy Paoletti said, "Out of all the people I know that got laid off the same time as me, I think only three have found jobs. The rest . . . have exhausted unemployment or they're getting close to the end of it. Someone's got to do something."

The Congress is faced with this. The Senate is dawdling. It is time, Mr. Speaker, that they act and we then move on to the next level while we deal with long-term unemployment in this country. We cannot close our eyes and believe it's going to go away. It will not go away. We have to help the process.

#### CONGRATULATING THE CALHOUN YELLOW JACKETS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY of Georgia. Mr. Speaker, I want to take this opportunity to congratulate the Calhoun Yellow Jackets for defeating Cook County High by a score of 8-2 in the deciding game to win the 2010 AA Georgia State baseball tournament. The Yellow Jackets clinched the series in game three with excellent pitching and three home runs.

I would especially like to recognize Manager Chip Henderson and the Calhoun coaching staff for leading the Yellow Jackets to a remarkable 35-1 record this season. Calhoun, Georgia, truly had a remarkable season, Mr. Speaker, dominating their opponents by scoring, believe this, 376 runs in just 33 games this season. That's an average of over 10 runs per game, Mr. Speaker.

I am extremely proud to represent Gordon County and Calhoun, Georgia, in the 11th Congressional District, and I couldn't be prouder of the Calhoun Yellow Jackets for capturing their fourth State championship title.

Congratulations, Calhoun. Best of luck to all of the seniors who are graduating this year.

#### HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. FUDGE) is recognized for 60 minutes as the designee of the majority leader.

#### GENERAL LEAVE

Ms. FUDGE. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks into the RECORD on this topic.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. FUDGE. Mr. Speaker, I appreciate the opportunity to anchor this Special Order hour on health care for the Congressional Black Caucus. Currently, the Congressional Black Caucus is chaired by the Honorable BARBARA LEE from the Ninth Congressional District of California.

I would now yield to our chair, the Honorable BARBARA LEE.

Ms. LEE of California. Thank you very much. First, let me thank my friend and colleague, Congresswoman MARCIA FUDGE of Ohio, for anchoring tonight's Congressional Black Caucus Special Order on the immediate benefits of health care reform. Also, let me just thank and salute Congresswoman FUDGE for her consistency and her commitment to hold these Special Orders so that we can bring attention to some of the most pressing issues confronting our country that often don't really make the headlines. So I would especially like to thank Congresswoman FUDGE for leading tonight's Special Order once again on the immediate benefits of health care reform and for continuing to keep our caucus focused on addressing the key issues facing our Nation. She has many, many of the same problems and issues in Ohio as I do in California, as all of the members of the Congressional Black Caucus have, whether we come from rural districts or urban districts. I just want to thank you very much for your leadership and for once again sounding the alarm.

As chair of the 42-member Congressional Black Caucus, I rise tonight to talk about the health care crisis in America and to inform the American people about our actions and agenda working with President Obama, Speaker PELOSI, Leader REID, and what we're doing to make us a healthier and stronger Nation.

Since Teddy Roosevelt almost a century ago, President after President has sought to deliver health care for the American people, but to no avail. This year, under the leadership of President Obama and Speaker PELOSI, the United States Congress took a major step toward delivering on the promise of health care for all Americans in a comprehensive and fiscally prudent way.

This is a very important investment in the health and wellness of all Americans. For too long, quality and affordable health care, which I believe is a fundamental human right, was way out of reach for far too many Americans and was really the province of the wealthy or those who were fortunate enough to have a job that provided health care benefits.

It was a very long and arduous struggle, but I am pleased that we continued to push to reform our health care system. It took clarity of purpose. It took moral authority. It took determination and commitment of President Obama, the brilliant and focused leadership of Speaker NANCY PELOSI and Senate Majority Leader HARRY REID, and the will of the majority of my colleagues in the House and the Senate, but most importantly, the will of the American people to make this a reality. Together, we fought against the insurance industry to say that we will no longer, no longer mind you, be held hostage to the denial of benefits for those who continue to pay their premiums. We won't be held hostage any longer to escalating health care costs.

Just as Social Security was in the 1930s and with the passage of Medicare and, of course, the civil rights and the voting rights acts of the 1960s, the passage of health care reform is a defining moment of our era, and I am so pleased that this happened on our watch.

As I cast my vote, I was thinking of all the people that I see in the emergency rooms and in the hospitals when I'm there with my 86-year-old mother or with my sister who has multiple sclerosis. They have health care, but I worry so much about the people that I see who don't have health care and who are just struggling to survive and who land in the emergency room because they don't have primary care.

As I cast my vote, I was thinking of all of those who died, mind you, because they didn't have preventive care and they couldn't see a doctor and they died an early death.

I was also thinking about my children and my grandchildren and future generations of Americans who will now live longer and will now live healthier lives because of the legislation we passed. I am so glad that this happened on our watch.

Members of the Congressional Black Caucus worked tirelessly to ensure that this bill holds insurance companies accountable and included a number of cost-saving provisions. We were

vocal advocates for provisions in the bill to combat health disparities, illnesses and diseases that disproportionately affect low-income and communities of color.

This bill is a win for all Americans because it makes us a stronger and healthier Nation. It contains many immediate benefits that Americans will begin to realize before the end of this year. In fact, just last week, thousands of senior citizens trapped into the doughnut hole prescription drug coverage, they began receiving a one-time, tax-free check for \$250. These checks will continue to be mailed over the next several months as seniors enter the coverage gap, with an estimated 4 million seniors receiving this relief. Beginning next year, seniors will get a 50 percent discount on prescription drugs if they are in this doughnut hole.

Additionally, if you are between the ages of 55 and 64 and thinking of taking an early retirement over the next few years—and many in, I know, my age group are thinking about this—but if you're in that age group and if your employer provides extended coverage, we create a temporary insurance program to help protect your coverage and to reduce premiums for you and your employer.

If you currently have private insurance, either purchased individually or through your employer, by September of this year all new plans will be prevented from denying coverage to children with preexisting conditions, dropping your health care coverage if you get sick—I mean, this is mind-boggling to think that you pay your premiums for health care and then the insurance companies can drop it if you get sick. My God, just for that reason alone everyone should have voted for this bill. It will take the lifetime cap on the amount of coverage you can receive away. Also, in addition, new plans will also be required to cover preventive services so that you don't have to pay a copay, and the cost of the service will be exempt from consideration as part of your deductible. This is a big deal.

It will set up an accountable and effective internal and external appeals process to allow you to challenge arbitrary decisions made by your health insurance company. I know my family, myself, my constituents, they get jerked around many, many times by insurance companies. They get put through so many changes. They have to jump through so many hoops just to find that their claims have been denied. Well, no more of that.

The plans on the individual market, we also tightly regulate the use of annual coverage limits and then move to full prohibition of such limits by 2014. 2014 seems like a long time, but it's really not, and so the steps that we're taking between now and 2014 I think are going to immediately help those who need this type of help.

Within one year of enactment, by next March, insurance companies will also have to ensure that they are spending at least 80 percent of the premiums that they collect from the individual market and 85 percent of premiums collected from large group market plans on actual health services. That would, for the first time, guarantee that insurance companies can't raise premiums just to provide huge salaries and bonuses to their CEOs. They actually need to ensure that they are being used to provide health care for people. Most people believe that that's what they're paying for, that's health care, not to provide these huge CEO salaries, and so finally we're going to begin to do the right thing.

If you're a small business owner, let me just say, with less than 50 employees, you will never have any obligation under this bill. You won't be required to buy health coverage for your workers, and you won't pay a penalty if you don't provide health care coverage, regardless of what you heard during the debate. This is a fact. But if you do provide health care and if you are a small business, you will get a tax credit this year up to 35 percent of the cost of your share of the insurance premium. If you continue to provide health care to your employees, then by 2014 you will receive a tax credit of up to 50 percent of your premium contribution. Believe you me, as a former small business owner, I know how important this is. Requirements on businesses that are larger than 50 people do not kick in until 2014.

That's plenty of time to get ready for this. That's when we will actually provide those subsidies to people that might not have coverage and when the national- and State-based health exchanges are officially launched. That's in 2014.

Now, if you're uninsured right now as a young person and maybe you're just looking for a job or between jobs, and if you are younger than 26 years of age and if your parents have insurance, then you will be, of course, added to their insurance plan, and it's like your parents won't have to drop you from their plan until you are 26.

If you are uninsured because you have a preexisting condition—and mind you, we learned during this debate that, unfortunately, victims of domestic violence—domestic violence was a preexisting condition. Can you believe that? Just being a woman had been a preexisting condition until now. That's shocking and pretty disgusting, really.

□ 2015

So, once again, if you have a preexisting condition, nobody, mind you, no company will be able to deny you your benefits, but you don't qualify for Medicare. If you don't qualify for Medicare or Medicaid, then you will be eligible to buy into a temporary high-risk

pool at the State level, which will price coverage at the average going rate in each State. These temporary high-risk pools will continue to offer coverage through 2014, until the subsidies and the exchanges kick in. So there are immediate benefits.

By no means is this a perfect bill—or a perfect law. We're so accustomed to saying "bill." This is a law, and we were working so hard on the legislation. Some people really think that it is hard to believe that this was signed into law, but this is a law now.

No doubt it has flaws. Many of us would have preferred—me personally, I would have preferred a single-payer system. I think my constituents would have preferred a single-payer system or at least a strong public option which we're going to continue to pay for because we have to have some kind of a competitive program so that insurance companies can begin to bring their costs down.

However, this bill offers virtually every important advance for health care that we could make at this point, making coverage more affordable and expanding access to much-needed services. This was a good bill. It is now a good law that will have real impact in the lives of millions of Americans. But it was a foundation. It was just the beginning, so we have to continue to fight and to make sure that any of the provisions that weren't included get included.

I just have to say this in closing: This law does not discriminate between Republicans who don't have any insurance, Democrats who have no insurance or who pay too much for their insurance coverage, or tea party activists, Independents; it does not discriminate against anyone with any political affiliation. Whether your Member of Congress voted for this bill or not, you will benefit from this bill.

Each and every American soon will learn that this is not a government takeover. It is not socialized medicine. And due to the hard work and commitment of Democrats, we will finally bring the United States of America into the column of industrialized nations, mind you, which provide affordable and accessible health care for all. This, my colleagues, I think is a remarkable step in the right direction. And so I have to just thank all of those who voted for the bill and thank President Obama for signing it into law. And I want to thank the Congressional Black Caucus, especially our Health Task Force, led by our physician, Congresswoman Dr. DONNA CHRISTENSEN, who really fought each and every day to make sure that we expanded community clinics, ensured that we begin to close these health disparities in communities of color, that our minority medical schools finally receive some equity in terms of the ability to train more minority medical professionals. So this was a big deal. It is

going to kick in over the years up until 2014, but I think that the American people will see why this was well worth fighting for.

Once again, it doesn't matter whether you're a Democrat or a Republican or a tea party activist or an Independent, or whomever, you will benefit from it whether your Member voted for it or not.

Thank you again, Congresswoman FUDGE, for your leadership. And thanks to the Congressional Black Caucus for being such strong advocates for health care reform.

Ms. FUDGE. Madam Chair, we would like to thank you.

Mr. Speaker, I think that there is probably no one in this caucus who fought harder to get this bill passed. Our Chair, Representative LEE, is one of the hardest working Members of this entire body. She has vision and leadership. And most of all, she has courage.

We want to thank you for being our leader. We thank you very much.

Mr. Speaker, I would now like to yield to my friend who has joined us and has always been a consistent voice for the people of this country, the gentlewoman from Texas, SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank my colleague from Ohio very much, and I am delighted to be able to join her, and as well my chairwoman of the Congressional Black Caucus and other Members who I know have a great interest in this area of reminding the American people of the great strides that we have made in the passing of this outstanding new attitude for health care in America. It is long overdue, and it was an enormous struggle.

I can remember that weekend of March 2010 and the week that led up to it and the days that we stayed over on Saturday to gather our resources and to continue to work and to push, working and ensuring that the Senate would bring the bill over to the House so on that Sunday, we could cast a vote for what has to be a monumental change in American life and will go down as a monumental move in American history.

Just a few minutes ago, I had the privilege of listening to our Secretary of Agriculture, Secretary Vilsack, and he reminded us of how diverse America is. Rural America, for example, with all of its needs and all of its specialness—of course, just on the floor of the House, we stood in silence to acknowledge the loss of lives in rural Arkansas in a terrible flooding. And then he expressed the inequity in terms of poverty in some of our rural communities and the need for investment in that community. And I would venture to say that alongside of that investment, this health care bill, which as our chairwoman just said, it is not respective of region or what party you're in or who represents your district; you

will have access to health care. That means that many of the rural Americans, some of whom scratch their survival out of the earth, some of whom are still tenant farmers, some may have small family farms, and many of them have sacrificed to invest in those farms and have probably ignored the need for health care because of the cost. Now we have that opportunity to ensure that those Americans, hard-working Americans who put bread on our table, have the ability to provide for their family.

The Secretary made mention of the fact of the First Lady's commitment to, in essence, stamping out obesity, particularly in our children. This health care bill provides for preventative measures, preventative care, and a focus on nutrition and an emphasis on helping children, something long overdue. And it compliments the First Lady's effort and the Secretary of Agriculture's acknowledging that we must have healthy foods, for example, in our school cafeterias to make healthy children. But at the same time, it is important to note that that child who may be obese as we speak should have access to some form of health care.

Now, with the passage of this health care bill, that child will have that opportunity to have a better life, a healthier life, to have a nutrition plan—we don't like to call plans for children diets, but a good healthy nutrition plan that can be governed by their family practitioner now or their pediatrician, to which they will have access, either through the National Exchange or through health care that now this family farm or their family can purchase.

Just a week or so ago, during Memorial Day week, I had the privilege of announcing a \$1 million grant that was to allow an inner city hospital—the only African American hospital in the State of Texas, and one of very few in the Nation—to receive a grant to servicemembers and their families, active duty servicemembers and their families for PTSD, post-traumatic stress disorder. We know that is a prominent and prevalent condition that many of our soldiers are coming back from Iraq and Afghanistan and have been impacted by that.

But what about mental health and the need for mental health care across America that people who have had mental health concerns have literally suffered because we never had parity in our health care insurance coverage? It has never been required federally until recently. The legislation, of course, shepherded by the late Senator Ted Kennedy, and our friend and colleague, his son, PATRICK KENNEDY. But for so many years, we did not have mental parity; insurance companies could ignore it. Just think if you would ignore the servicemen and their families who

are impacted by post-traumatic stress disorder.

Well, many Americans feel isolated with mental health concerns and not being able to access good care. This health care bill turns a corner on mental health care, and I want to say to the American public that physical illness has no position to be raised up over a mental health condition. There should be no stigma, and you should have access to as good a care for a physical ailment, a broken arm, an upset stomach, diabetes, kidney disease, terrible diseases, of course, but you should equally have access to mental health care. Well, this health care bill allows that to happen, and I think that that is a step forward for the American people.

It's good to note that families who have raised children who are now entering the work world or looking for work and coming out of college, used to be an enormous burden of, how do I care for my child when they have aged out of my insurance? Well, now we have the opportunity for them to remain on the insurance until 26. But let me give an admonition—and I think this is going to be important for the Congress to do. In the legislation, there are several oversight provisions in the bill—in fact, our own Congressional Black Caucus, working with Congresswoman EDWARDS and some others, were very insistent on making sure that the raising of the cost did not inappropriately or unfairly burden middle class, upper middle class Americans, just by the nature of who it falls on.

But the other aspect of it is, the rumor is that if insurance companies are required to keep children on until they're 26, that ugly word of "increased cost" is going to rise. What I would say is that we need to pay attention to the actuarial tables and the database that suggest how many times a 26-year-old or under utilizes health care and not let insurance companies just willy-nilly on their own regard, on their own basis make the determination, well, they're giving me something to do, I'm going to raise the cost, because that's what people are afraid of. We have to say to the American public, we're going to be your watchdog in the United States Congress and ensure that that doesn't happen.

Let me also take note of the federally qualified health care clinic. I'm excited about that. I debated this some years before when we were talking about trying to put more funding into the legislation to increase the number of federally qualified health clinics even before this health care bill because for a long time, these clinics were not even known about. But the idea to be able to walk out your front door and walk down your block and go to a health care facility that is not an emergency room will make an enormous difference on the healthiness of Americans, preventative care.

Right now I am, in my community, assessing different locations in my congressional district that a federally qualified health clinic would be suitable; the population, the partnership, 501(C)(3)s, and petitioners who would want that to be in their neighborhood. I'm excited about it. And I'm excited about the Martin Luther King Center. That is a health clinic that I helped fund so many years ago when their doors were about to close. They are not only open today, but they have sprung two more Federally qualified clinics in order to be able to serve the public. This is a good investment.

As was indicated earlier, our small businesses will finally be able to spell the word relief, r-e-l-i-e-f. They will be able to say, I will be able to not only pay for the owners, but my employees will be able to get insurance, and that is a great mechanism. And we should not let anyone, in essence, dump on our parade. We should not let anyone miscalculate or mischaracterize, if you will, how much of an impact the small business tax exemption will be for those small businesses to allow them to be able to provide health insurance for their employees.

□ 2030

Small businesses are the backbone of America. They are probably the largest employers of the American economy. They want to provide insurance for those mothers and fathers who work for them every day, who are committed and dedicated—sometimes they are mothers and fathers with family businesses—and now they will be able to do so, and I believe that is very important.

The doughnut hole was the most horrific vote that was taken here in the United States Congress some years ago, which was for Medicare part D. We lasted on the floor of the House until 6 o'clock because our friends on the other side of the aisle could not get a vote until they squeezed it out of some of our colleagues. It was horrific. For those who don't understand it, it means that you pay for your prescription drugs, which are going through the roof, until you, as a senior, fall in the hole because you've gotten a catastrophic illness, and they will wind up paying for you. What an atrocity. We're going to close that hole in the next 2 years.

As well, right now, seniors should be receiving \$250 checks in their hands. We recognize the undermining of your health care because of Medicare part D. First of all, it was unrealistically expensive, and certainly, it was a plan that we Democrats have indicated was a wrong-headed decision. Obviously, we have been proven right. Part of our deficit, which was spoken so loudly about by the other side of the aisle, was caused by Medicare part D, and the large majority of our party, our cau-

cus, voted against it. Really, it was a wrong-headed direction to take.

Here is another negative that the naysayers would say: well, you can hardly get into doctors' offices today. How are you going to get into their offices now? They're standing in line. I'm afraid that I'm not going to be able to see a doctor.

They were scaring seniors with that kind of information. Well, I think that when people are inclined to serve, there is a great deal of love and affection for the medical profession. Yet one of the reasons we don't have the numbers is that we have not been able to give people opportunities. It is very expensive training, so we will be engaged in providing resources to train nurses, nurse practitioners, and physicians. We will actually have resources to give young people who want to go into that profession.

I spoke at the High School for Health Professions in my district. They have a diverse student body, but many of them are not going into the health profession. Yet many are, and more would if they had the resources to do so. So we are excited about that.

As I focus on closing on some of these points, let me quickly bring something in that you might not think is related to the health care bill, but it is. The BP oil spill is plaguing the gulf coast. More importantly, there is human devastation, if you will. There is the devastation of not working in the shrimping, fishing and oyster industries. There are some energy industry workers who are now not working as well. All of those individuals were probably living off their salaries or off the revenue that they brought in day to day and month to month. I would imagine that some of those individuals did not have health insurance. They might have even been paying a fee for service because they made choices of putting money into businesses as opposed to into health care. Well, now we have an opportunity for these individuals, if they are at risk, to either go into a high-risk pool or to prospectively be able to go into a health exchange to be able to get the most cost-effective health insurance that they might be able to get.

With that in mind, I would like to indict, if you will, those States for refusing to get into the health exchange program, like my State, which has the highest number of uninsured, as evidenced by Dr. Oz, who came to Houston, but also as evidenced by the data that says that Texas needs opportunities for people to be insured. So I would hope that we would have the kind of energy and excitement around this idea of the health exchange so that States would have to engage in it because the people would rise up and would say that they wanted it.

Of course, under this bill, hospitals which have been facing increasing

costs with no compensation now will have the opportunity to be paid for uncompensated care. We hope those numbers will go down now because, obviously, if they go down, it will mean more people will have gotten their own insurance; but just in case, these hospitals will have that.

I want to close on these last two points which I think are unique to the Congressional Black Caucus. One is to express great applause to the CBC Health Care Task Force with Dr. DONNA CHRISTENSEN and to the Tri-Caucus health effort, because out of that effort came the very important language on disparities or on the continuing work on disparities that we see amongst our minority population, such as with regard to diabetes, kidney failure, heart failure, and such as with regard to devastating breast cancer. These are elements that are clearly as a result of disparities that were not addressed, and I think we will see more opportunities for clinicals where minorities will be used so we will be able to find causes and will begin to find cures for some of these devastating diseases in the minority community.

Lastly, our work is yet unfinished. I worked very hard on the issue of physician-owned hospitals. Many of us thought that the passage of the bill was worthy of our looking down the road and of our making sure that we would cure that problem. It is a serious problem because these hospitals were stigmatized as hospitals that were all for-profit and not for service. I know for a fact that the hospitals that are in the State of Texas which hire or which have at least 40,000-plus employees are serving their constituents with OB/GYN and with full service care. One of the hospitals in my district was the only hospital that had a wing dedicated to H1N1 when it was rampant here in the United States.

I am looking forward to the leaders of these hospitals having the opportunity to come back to Washington to sit down with our leadership and to talk about making sure that these hospitals are not discriminated against as it relates to Medicare reimbursement. Some language allows that to happen in the bill, but it is a very peculiar formula that may not match all of the needs of the constituents who need to be taken care of by these hospitals.

So I thank the distinguished gentleman from Ohio for her constant leadership. She has a great medical community in Cleveland, a community that certainly was engaged in this process of putting together this very, very strong health care reform bill, historic in its own efforts; and I thank her for her leadership.

My final words are: it is never easy to make hard decisions. We said that as we debated and as we compared this to the 1964 Civil Rights Act and to the 1965 Voting Rights Act. There were

many in their home districts who threatened them for taking that vote. Where would America be today if we had not taken the strides to break down the shackles of discrimination to allow all Americans to vote? I hope and I pray and I believe that we will have the same opportunity to look back on history in 2010 and will be able to say how we have changed the lives of Americans and how we have saved the lives of Americans.

With that, I yield back to the gentlelady, and I thank her again for her leadership.

Ms. FUDGE. I thank you.

Mr. Speaker, I just want to again thank my friend and colleague, Representative SHEILA JACKSON LEE, for her insight and for her knowledge, obviously, of the bill as well as for her ability to connect with the American people.

I thank you for joining me this evening. It is always my pleasure.

Mr. Speaker, again tonight, we are going to focus on the benefits of the health care reform that Americans are experiencing today. When it comes to health care reform, what is now called the Patient Protection and Affordable Care Act, I truly believe history will show those of us who supported it did the right thing, and we are already seeing evidence that our courageous act is positively impacting Americans.

I am extremely proud that Congress took the task of closing the doughnut hole for seniors. The doughnut hole has, in many instances, become the black hole because, for some seniors, the uncovered prescription costs never end. Fortunately, that is about to change. Beginning in 2011, seniors in the doughnut hole will receive a 50 percent discount on prescription drugs. By 2020, the doughnut hole will be completely closed. I know that many seniors cannot afford to wait. To ease the burden, Medicare recipients will automatically receive onetime \$250 checks to help them with prescription costs. Some of those checks have already been received. I know that this is a modest step, but it is the beginning of our commitment to improve Medicare for our seniors, and I am very happy to see that it has started helping some of the 97,000 seniors in my congressional district who receive Medicare. Making prescription drugs more affordable for seniors is only one of the many benefits for seniors included in the recently enacted health reform law.

Other benefits for seniors include free preventative care services. So, if you need screenings or if you want your physical examinations, all of those things become free, and all of those things become free under Medicare beginning in 2011. Extended funding for Medicare is going to be there through 2029. There is going to be increased access to doctors, and we will have expanded home- and community-based

services to keep seniors in their homes instead of in nursing homes.

I am also pleased that Americans without insurance and those who have been denied insurance due to pre-existing conditions can now sign up for immediate access to health coverage. This will be done through a temporary high-risk pool until the exchanges are up and running in 2014. This will be a great relief for Americans.

Small businesses are receiving tax credits to assist in providing employees with health coverage. As a result of the health care reform, the Federal Government now offers tax credits of up to 35 percent of the employer premium contributions for those small businesses that choose to offer coverage. Beginning in 2014, those tax credits will increase to up to 50 percent of employer premium contributions.

Beginning in September of this year, of 2010, just in time for the start of the fall semester for college, young adults will be able to remain on their parents' insurance plans until age 26. The best part is any young adult without employer-provided insurance will be able to remain on their parents' insurance plans up to age 26. The young adults need not be enrolled in college. He or she does not even have to live in the same State as his or her parents. Parents only need to contact their health insurance companies to enroll their children.

Also, our young adults, including former foster youth, will be able to pursue their educations and start their careers without the fear of unexpected medical bills hanging over their heads. Finally, these young people will have access to medical care without fear that they will have bills they cannot afford.

Further, Mr. Speaker, in September, we will also respond to the needs of younger children. Beginning on September 23, the unfair and discriminatory practice of denying children health care due to preexisting conditions will end. No more will insurance companies determine that children who face medical hardship don't deserve affordable health care. No more will private industry decide which children deserve care and which do not.

I held multiple town halls on health care prior to the passage of the bill, and I was moved by the many stories I heard. One in particular came from a father who was barely able to afford health care for his son who suffers from sickle cell anemia. The insurance company found sickle cell to be a pre-existing condition, and as such, the only insurance he could find was astronomical in price. He could not afford it. I am proud that this Congress remedied the situation for this father, who only wanted to give his son a shot at a healthy future.

On September 23, insurance companies will be banned from capping the

amount of money they will spend on a patient's care. One of my constituents, whom I will call Mary, is especially excited about this particular provision. Mary has been paying for health care insurance, as well as for catastrophic health care insurance, for many years. She does this in case she hits the lifetime limit. She saw her own brother, who has brain cancer and no health insurance, inundated with medical bills well in excess of \$60,000. She lived in fear that that might happen to her, so she wanted to be sure that she was prepared. Just out of fear that an unpreventable or unexpected illness will force her into financial hardship, she prefers to be safe rather than sorry. Mary has maintained a policy with a \$25,000 deductible—yes, I did say a \$25,000 deductible—just to be sure she doesn't fall into medical bankruptcy. For her, the countdown for September 23 can't come soon enough.

Beginning on October 1, there will be increases in funding for community health centers to allow for nearly doubling the number of patients served over the next 5 years. For those in Ohio, you can find a community health center near you just by calling 211. There will be scholarships for medical students. There will be new scholarships for loan repayment programs that will be available for doctors, for nurses and for other health care providers who work in underserved areas. To those listening in the 11th District at home, to find a scholarship, visit National Health Service Corps' Web site at [nhsc.hrsa.gov](http://nhsc.hrsa.gov). Again, that is [nhsc.hrsa.gov](http://nhsc.hrsa.gov).

□ 2045

Next year, in 2011, a public option for long-term care insurance will become available. Further, in 2011, insurance companies will be required to spend 80 to 85 percent of all premiums received on patient care or provide a rebate to customers. Insurance companies can no longer just take inordinate sums of money and put them in their pocket and have nothing to show for the care that they have given to the people who have paid these premiums. Now they must spend at least 80 to 85 percent on care. In 2011, Medicare patients will receive free preventive care.

As President Obama rightly noted, passing health care reform is just the first step. Implementing it in an effective, accountable way is now the challenge and our goal. I am honored and privileged to have voted for health care. We need to remind ourselves reform was necessary and why we fought so hard to insure all Americans.

I want to share the story of a constituent who was diagnosed with cancer when he was almost 15 years of age. This young man—we will call him Steve—should have been worrying about getting his driver's license or what he was going to wear to the

homecoming dance or excelling in school. Instead, he was concerned for his very basic survival. Steve and his family were told he only had a 15 percent chance of living because he had a softball-sized tumor which had grown in his ribcage and into his spine. Luckily for Steve, he lived in the Cleveland area. He was being treated at Rainbow Babies and Children's Hospital in Cleveland, which is one of the leading pediatric hospitals in the world. Rainbow Babies is a world-class facility and cares for patients around the world.

The doctors, nurses, and support staff at Rainbow worked miracles on this young man. He had intense chemotherapy and spine surgery, which shrank and ultimately removed the tumor. His bones, which had been eaten away by the aggressive cancer, were replaced with titanium rods. And he started on an 8-week path to learn how to walk again, a remarkable feat which, at 15 years of age, is something that few would have the emotional and mental maturity to handle, let alone the physical capacity.

Despite the expert care, continuing radiation, and chemotherapy, it was not enough to prevent the relapse that occurs to a majority of patients diagnosed with this cancer. Within 4 months, Steve had to repeat the process of removing yet another tumor. The tumor was removed by Rainbow Babies. Thankfully, this particular type of cancer did not return.

Steve would go on with his studies and graduate high school and stay close to home and go to John Carroll University in University Heights. His life was starting to get back on track, especially for an 18-year-old. He was still worrying about school but adjusting to college life and figuring out what it means to be a young adult. But just as Steve had started his new life, he received devastating news. He was diagnosed with a new and different type of cancer called acute myeloid leukemia, or AML. AML is a blood cancer that required him to have a bone marrow transplant. An anonymous donor and doctors at Rainbow saw him through a successful operation. And thanks to them and the resilience of his family, Steve is now a robust young adult, physically and mentally ready for the challenges that come to college students.

The story of Steve's resilience and his doctors' skill and persistence is a heroic one that can serve as inspiration to all of us. But what makes this story most notable was that much of it was done without the basic protections that should be guaranteed to minors by health insurance.

Steve had exceeded his lifetime insurance limit during his third bout of cancer and, as a full-time student, he was ineligible for his parents' insurance. Steve sums up his own feelings about health care reform with this

quote. He says, If you voted for the health reform bill, thank you, because for other kids, teens, and young adults like me, you solved two problems this year: one to prevent insurance companies from having lifetime maximums, and allowing young adults and teens to remain on their parents' coverage until age 26, even if they are not enrolled in postsecondary education.

A story like this, Mr. Speaker, will never need to be repeated again in this Chamber, and that's because of health care reform. I am, again, proud to have been one of the persons who voted in this House to save the lives of so many.

With that, Mr. Speaker, I yield back.

#### LESSONS FROM THE PAST

The SPEAKER pro tempore (Mr. MURPHY of New York). Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. It's a treat to be able to join my colleagues this evening as we take a look at, once again, some of the fundamental questions that we face as a Nation: the questions that center around our budget deficits, the world economy—particularly unemployment in America—and the various policies that are involved in some of these questions. These are things that have absorbed the attention of our Nation now for some period of time because the economy has been very tough. There are many Americans that are hard workers that are out of work, and the condition of our country overall, even particularly various States, is troubling at best, and dire probably would be more accurate.

I think that it's appropriate sometimes just to look back a few years to see where we have come from and also to develop a little wisdom from the past and the lessons that we can learn from the past. I have chosen just to jump in at a particular point, an interesting point in history that I think a lot of people don't know. This isn't really old history. This is things most of us have lived in our own day.

This was September 11, just 2 years after the attack on the Twin Towers, September 11, 2003, the situation chronicled by The New York Times, not exactly a conservative oracle, yet accurately reflecting a proposal, in fact, a plea, from President Bush. This is what the actual text of the article says: The Bush administration today recommended the most significant regulatory overhaul in the housing finance industry since the savings and loan crisis a decade ago.

This is 2003. This is not 2008, when the housing crisis came crashing down upon all of our ears and destroyed the stock market and our economy. It says here: Under the plan disclosed at the congressional hearing today, a new

agency would be created within the Treasury Department to assume supervision of Fannie Mae and Freddie Mac, the government-sponsored companies that are the two largest players in the mortgage lending industry.

Freddie and Fannie, for people who have just gotten a little hazy in their memory, of course, were quasi-governmental. They were really private companies, but they were created with almost the implicit assumption that if anything goes wrong, the Federal Government will step in. And what was going on was that going back even before 2003, you had Federal policies. This is closely tied up with the ACORN organization and our President. You had Federal policies that said that banks had to give loans to people who were a very poor risk. There were certain areas of the country where it was very hard to get mortgages and for individuals to buy a house. We felt that home ownership was a good thing, in general. And so the banks, the Congress decided that the banks should be required to make loans to people who may not be able to pay those loans.

So what you have here is social engineering. It reached its height almost under President Clinton in his last year. And he changed the percentage, saying that the banks have to up the percentage of loans which, by most other economic standards, would be just considered risky or poor loans. Well, what happened was the different bankers and other people who sold the loans took these loans and offered people money to buy houses, even though their credit or perhaps the job they had showed that they could not support that rate of mortgages and mortgage payments. So they sold all these things. But guess who picked up the tab? Well, it was Freddie and Fannie. And Freddie and Fannie got into a huge business of underwriting people's home mortgages, and this grew and grew and grew.

Well, by 2003, even while we were in the height of the real estate boom and it seemed like housing prices were doubling every few years, Freddie and Fannie lost a few billion dollars or so, or a lot of millions of dollars, and that reflected the fact that Freddie and Fannie, in the President's estimation, were in trouble. So the President wanted more authority from Congress to regulate Freddie and Fannie, who were largely private, and the President had no authority to do that. So he is requesting authority.

The response of the Democrats—in this case, particularly the top Democrat in the House at the time was Representative FRANK. He said these two entities, Fannie Mae and Freddie Mac, are not facing any kind of financial crisis. The more people exaggerate these problems, the more pressure there is on these companies, the less we will see in terms of affordable housing.

Now, of course, 20/20 hindsight, you look back and say, Well, yeah, this isn't a very smart thing to have said because Freddie and Fannie were in huge trouble. They continue to be in huge trouble. They're extended way beyond what they have any means to pay for. They've got lots of debt that they shouldn't have. So there is a huge problem with Freddie and Fannie. But Freddie and Fannie were very popular here in Washington, D.C., because they had hordes of lobbyists with many, many thousands and hundreds of thousands and millions of dollars which they gave out to political people in Washington, D.C. So Freddie and Fannie were very popular, and it was quite a number of people, particularly Democrats, said, No, there's no real problem with Freddie and Fannie.

As we know, Freddie and Fannie did have a problem and they're in a tremendous crisis. As that crisis developed, what happens is not only does ACORN and the social engineering threaten just the housing market, but it affected not only just our economy but the entire world economy and created this crisis which started in housing but, unfortunately, did not stay contained just to the housing market. So we see the beginning of the economic problems that we're experiencing now started with ACORN, started in the housing market.

Now, there are people who say sometimes that this is evidence of the failure of free enterprise. I bristle a little at that because this is not a failure of free enterprise. This is a failure of government social engineering. The loans that didn't work, I suppose that those loans were made in the name of compassion, although I don't know what is compassionate about asking somebody to take a loan and giving them a loan that they can't afford to pay and slowly they get farther and farther behind in debt and eventually get evicted from their house. That doesn't seem, to me, very compassionate.

Anyway, it was this social engineering that got us into trouble. People could not afford to make these loans. And for a while there it got to be a pretty good deal, because you could get a loan where you wouldn't have to make any payments for a couple of years. You could buy a house for \$300,000, make no payments for a couple of years, sell it just about the time you're going to have to make this huge, big mortgage payment, and double your money. That worked okay for a while until the bubble popped. Anyway, we start to get into serious economic problems.

Now, as that continued, it affected other parts of the economy. As people are aware, we had the great big TARP or the big bailout of \$700 billion, something that I did not vote for and many other conservatives did not vote for. We believed that that problem could

have been solved by changes in accounting rules, but I won't go into the details of that. Following that, then, is President Obama is elected, recognizing there were some difficulties in the economy. We had unemployment that was getting up there, 7 and 8 percent unemployment. At that time, the President came in and told us that we needed a big stimulus bill.

Now, I have to say that many conservatives are skeptical about "stimulus" bills. Just the premise of the whole idea is flawed.

□ 2100

The government cannot stimulate really the economy; the government can only just create an environment where the private sector can be productive, can produce jobs, can create wealth. But the government cannot create wealth, and it cannot really stimulate. It can only simply take money and spend it.

So this stimulus bill was put together at about, not \$700 billion like the big bailout for Wall Street; this was an even bigger bailout of about \$800 billion. This is what we were told before the bill was passed: Our stimulus plan, this is the Democrats speaking, will likely save or create 3 to 4 million jobs; 90 percent of these jobs will be created in the private sector, and the remaining 10 percent are mainly public sector jobs. This is President-elect Obama January 10, 2009. And then the Romer Report estimated unemployment without stimulus is 8.8 percent in 2010. So, in other words, we were told, If you don't pass this stimulus bill, what is going to happen is you are going to get unemployment that is going to go as high as 8 percent, so you need to hurry up and pass this big stimulus bill.

Now the stimulus bill was not a stimulus bill. It was an investment in big government. It was an investment in socialism, and it was never going to work. We stood on the floor, I and a number of other Republican colleagues, a year ago and said, This will not work. And it is not because we were geniuses that we knew it would not work; it is just because history shows that this approach is flawed. It doesn't work at all.

So, now as we take a look, the private sector has lost nearly 8 million jobs. They claimed it was going to create three to four in the positive. We have lost 8 million since 2008. The government has gained 656,000 jobs of government employees. A lot of these are temporary Census workers. And in May, only 5 percent of the job creation was in the private sector. In fact, the May unemployment rate was at 8.7 percent, approaching 10 percent. So this stimulus bill didn't work.

Now you could say, how is it you know it wasn't going to work. Well, we know because it has been tried before.

It was tried by FDR. In fact, his Secretary of Treasury, Henry Morgenthau, tried this same basic idea. And as a former engineer myself, it is like the concept of reaching down into the loops of your boots and lifting hard and attempting to fly around the room by lifting your own boots.

What they decided to do was, when the economy was having a hard time, with a little bit of coaching from dear little Lord Keynes from England, that what we would do is have the government spend a ton of money, and when the government spent this money, it would get the economy going. It would, quote, stimulate it, and get us back onto a sober track. Well, of course, that is pretty appealing to politicians because you get to be the guys to hand out all of other people's money in giveaways. That is what the stimulus bill included, a lot of handouts to various State governments so that their pensions could be propped up when the State governments had irresponsibly spent pension money that really wasn't there, and promising all kinds of retirees that they could have a much fatter pension than what the government can afford, that and a whole series of other things.

But this bill was not even a classic FDR kind of stimulus bill because that would have been lots of cubic yards of concrete and hydroelectric dams and also lots of roads and sort of public works projects. This stimulus bill was much longer in increasing sort of welfare-related type of giveaways, giveaways to various States and buttrressing and increasing various government handouts. And it was not as long and concrete in those types of jobs.

Be that as it may, we can learn from Henry Morgenthau, if the leading and liberal party in this Capitol can learn from history, but they didn't.

This is Henry Morgenthau going way back to 1939 after the Great Depression, and he appears before the House Ways and Means Committee and he says, We have tried spending money; we are spending more than we have ever spent before, and it does not work.

Now we have read this here on the floor many times, but people in politics don't want to hear it because they like dishing out other people's money.

He continued, I say, after 8 years of the administration, we have just as much unemployment as when we started, and an enormous debt to boot.

It sounds hauntingly familiar; doesn't it? We did the stimulus bill. We created that much more debt, spent \$800 billion, on top of the \$700 billion for the Wall Street bailout; the one was a bailout for big Wall Street firms, the other was a bailout for States and other individuals who spent more money than they should, and so we are supposed to bail them out. How well did it work? Well, Henry Morgenthau said it didn't work. And what do we

find? Oh, my goodness, it doesn't work. Our unemployment is higher now than when we spent the money.

So we are saying, okay, is this a failure of free enterprise? No, it is a failure of government to be able to straighten the economy out by taxing people a lot and spending all of their money. That just doesn't work. It may make you popular with the people you give the handouts to, but it does not get the government going. Unemployment, of course, skyrockets.

Now here is the logic of how this thing works. Here is a picture of it graphically. This white line is the private sector level of employment. You can see the drop in employment coming down here in terms of the number of jobs on this axis, and the red line is the increase in government employment. So, as private sector jobs are going down, which means that is where you get tax revenue by people who are making income in their jobs, as the private sector is flat on its back, you see the red line here is government spending for hiring all kinds of different people who work in government.

In fact, some statistics came out the other day saying people who work for the government now on the average are making twice as much as the people working in the private sector. That sounds hauntingly like what is going on in Europe. Obviously, you can't have a whole lot of people working for the government making more money per person than the people in the private sector because pretty soon, there just isn't going to be any more money in the private sector. Not only will you slow the businesses down that create the jobs, you will kill the businesses dead, and then we will really be going from a recession to more like a great depression.

So here we have the big government Democrat way. We see that this whole plan of stimulating the economy really is a failed scheme. You could say, well, you have your theories; everybody has their theories. But the fact of the matter, we just did this \$800 billion experiment with your money, the taxpayers' money, and it hasn't worked. And the economy has not responded. That shouldn't be anything surprising because in a few minutes, we will get into the logic of how that works and why it doesn't make any sense.

As we continue along after the big proposal for the stimulus plan, we have other major initiatives that the President and Speaker PELOSI and Senator REID have been proposing. The first was this cap-and-tax deal. We saw that last spring a year ago, and that, of course, was to deal with global warming. The theory was, of course, in that, that CO<sub>2</sub> was a very, very bad gas, and it is making the planet heat up at a terribly alarming rate, and we have to reduce the amount of CO<sub>2</sub> that is being created because that is actually going

through a feedback loop in our weather system. The CO<sub>2</sub> has a disproportionate amount of leverage and is creating global warming. That is the proposed idea anyway.

If you assume that is true, which as an engineer, I don't believe that is true, certainly the data does not support the radical claims of global warming that we have seen from that community. In fact, we have seen evidence in some of the e-mails of the cheating that was done, where the lab was being fudged and the facts were being skewed in order to make it look like global warming was a bigger problem.

But even if you believed that were true, if you really want to get rid of CO<sub>2</sub>, all you have to do is close down some coal-fired power plants and replace them with some nuclear plants. In fact, in America, if you just took 20 percent of our coal-fired plants and changed them to nuclear, it would get rid of the CO<sub>2</sub> produced by every passenger car in America.

Was that what this big old cap-and-tax bill did? No, this bill was huge amounts of government bureaucracy, and it was a huge taxation. It was a big taxation scheme. It was a big power grab by the Federal Government. Would it really reduce CO<sub>2</sub>? Probably not.

□ 2110

It just increases the power of Washington, increases taxes. It's of course breaking the President's promise. He said, I will not tax anybody who makes more than \$250,000; and yet this is a tax every time you flip your light switch. So this was one of his initiatives, and he has a whole bunch more. And every one of these initiatives is carefully crafted, whether they were done intentionally or not I am not saying, but every single one of these things has the effect of further destroying jobs and ruining our economy.

I am joined by a good friend of mine from down in Georgia, my good friend Dr. GINGREY, and we are going to talk a little bit about some of these problems. And then as we start to conclude this evening, we are going to talk about the positive things, the things that can be done to fix this problem. These problems are not things we haven't seen in America.

We have not seen this much gross uncontrolled Federal spending, this much lack of discipline, fiscal discipline in our country any time that I recall. It's been this bad, but that doesn't mean that there aren't solutions and there are things we can do. But we need to do them rapidly and soon.

I would now recognize my good friend, medical doctor and U.S. Congressman from Georgia, a good friend, and a very bright fellow, Dr. GINGREY.

Mr. GINGREY of Georgia. Mr. Speaker, I appreciate the gentleman from Missouri for recognizing me. And just

looking at some of the slides that he is presenting in regard to the one that's currently on the easel, Mr. Speaker, I encourage all of my colleagues on both sides of the aisle to pay close attention to that, the one entitled "Obama Plan Taxes." And the gentleman from Missouri has already explained the bullet points, cap-and-tax, the carbon taxation, health care taxes, employers' tax if they don't offer a government-approved plan, and medical device manufacturers taxed on the sales price of their products, and then of course the last two, the death tax, tax on inheritance, and capital gains tax.

One that's not on that particular slide, Mr. Speaker, that is really troublesome, of course, is raising the tax on dividends from 15 percent to whatever one's marginal rate might be. And with President Obama planning to let the Bush tax cuts expire, that means all the marginal rates will increase, and the highest rate will go up to 39.6 percent. So individuals in that income tax bracket will be paying not only 39 percent on their earned income, but 39.6 percent in fact on capital gains.

What a job killer, Mr. Speaker, to tell people, you know, you're going to have to pay this much to invest. The stock market is already struggling. Do we want to deal it a death blow? It makes no sense whatsoever.

I wanted to, if the gentleman would allow me, and I know we will engage in a colloquy back and forth, but Mr. Speaker, I did want to mention one thing. Maybe it's already been said this evening, but I don't think it can be said too much, and that is the President reneging on his promise to the American people in regard to health care: if you like your health care plan you can keep it, until you can't keep it.

Mr. AKIN. I don't think he added that little piece, did he, until you can't keep it? You can keep it. He didn't add, "until you can't keep it."

Mr. GINGREY of Georgia. Mr. Speaker, the gentleman was absolutely right. That was Phil Gingrey's addition to the quote, the President's quote. But what I mean by that, of course, is the fact that under the Medicare Advantage program in particular, a very popular way of receiving health care for our Medicare population, fully 20 percent of the 45 million people who are on Medicare in this country, 20 percent of them choose Medicare Advantage because the advantage is there, the advantage to be able to get an annual physical examination as part of their Medicare benefits, the advantage of being able to have a screening done for a lot of diseases—I am talking obviously about screening for breast cancer, screening for colon cancer—without any copay required. The coverage in many instances of prescription drugs for folks so that they don't have to buy supplemental at about \$130 a month, Mr. Speaker.

The President under ObamaCare and the Democratic majority have cut those programs 17 percent a year. And I know my colleague from Missouri knows this. It adds up in the aggregate over a 10-year period, Mr. Speaker, of a \$130 billion cut to the Medicare Advantage program, 17 percent a year.

Now, when we started this debate, it was implied, maybe correctly, that Medicare Advantage insurance companies that ran these programs for our seniors got reimbursed on average 14 percent more than traditional fee-for-service Medicare expenditures on an annualized basis. Well, why cut it 17 percent if they were getting 14 percent more? If your argument is let's cut the fat out of Medicare Advantage, you cut the fat. And then you are down into the muscle and the gristle and the cartilage, right down almost to the bone.

And in the final analysis, what it means, Mr. Speaker and my colleagues, is that Medicare Advantage cannot survive. There is no way. And that means that these people, these 20 percent, 11 million of them, many of them in my 11th Congressional District of Georgia, northwest Georgia, are on the Medicare Advantage program, they are going to lose that coverage. It's as simple as that.

And I yield back to my friend. I thank him for allowing me to join him this evening.

Mr. AKIN. I appreciate it, Doctor. Certainly as a medical doctor you have been looking very closely over the last year at one of a whole series of these taxes. These things effectively work as taxes. Let's just take, if you will, health care out of the equation, whether people are healthy or get good health coverage.

The point of the matter is that this cap-and-tax is a huge tax that the House passed on the use of energy, which affects anybody who uses energy. You don't have to be very well-to-do to have a pickup truck and have to drive a long way to a job, and you spend a lot of money in gas or some type of energy. So this is a big tax on energy. This is a big tax on health care.

There is going to be a huge, huge amount of taxes. They tried very hard to make it look like this is a trillion-dollar increase in taxes, and the numbers continue to come out that it's a lot more than that. So there's another tax. And then you have got the death tax, as you mentioned; you have got the capital gains dividend tax, which is one of the main things that helped get the economy going before.

All of these things are boomeranging around, and you finally, when you get done with the whole thing, you end up with a cartoon that some humorous fellow put together here: "Now give me one more good reason why you are not hiring." And you see these bulls coming into the china shop; and you have

got cap-and-tax, or cap-and-trade, the health care reform, which is, of course, the biggest, probably the worst, bill we have seen; and then of course the various other taxes that are coming into this. And he says: "Why are you not hiring?"

And of course what's happening is we are doing two things, basically, in the economy. It's very simple. We are spending a whole lot of money, and we are taxing a whole lot. And, historically, that's exactly the wrong thing for us to be doing. And you have all of these taxes, and of course people don't even begin to realize how much that socialized medicine program is going to cost. Other nations have tried it. It's a total budget buster, even though it ruins the quality of health care as well.

Mr. GINGREY of Georgia. If the gentleman would yield, Mr. Speaker. I thank the gentleman for yielding. If you would leave that cartoon up there just for a second longer. I love that cartoon. It really portrays what's been going on under this administration and the current majority party in Congress.

I mean, this bull in a china shop approach, as this cartoon so adequately depicts, it's like rushing into a situation in a clumsy, haphazard way when the situation that you are going into is very fragile. And it deserves wisdom, and judgment, and temperament, and a measured response so that you don't go in and break all this valuable, fragile china. And the analogy of course would be our economy.

And when you think about some of the bulls that came charging in, what comes to my mind, Mr. Speaker, my colleague from Missouri, would be something like the economic stimulus package of almost a trillion dollars that has grown a lot of government jobs, most of them census workers, but very few jobs in the private market. The charging in there with the TARP bailout, \$800 billion. We are going to buy up all these toxic assets, these credit default swaps and all of these things that none of us really understood when we first started discussing this and how fit Freddie and Fannie had packaged all these mortgages and a lot of them with their very poor credit and not worth a whole lot.

□ 2120

So we were going to buy the TARP. It stands for Toxic Asset Relief Program, and not one toxic asset to this day, and it's been a year and a half since that bill passed, has been purchased.

What we did, we started doling out the money to the nine largest in the country, said, Here, take these hundreds of billions of dollars even if you don't want it; and the poor community banks in my community and your community, the gentleman from Missouri (Mr. AKIN) and other colleagues, all 435

of us, you know, we see struggling, and yet nothing is done to this day to help them.

Again, I thought that slide was a very appropriate segue for me to show, you know, all of this bull-in-a-china-shop spending instead of cutting the deficit.

Mr. AKIN. I'm going to get to that, but one of the things when you do what you're talking about, that bull-in-the-china-shop mentality of just spending money out of control and it's a bailout for big businesses, bailout for Wall Street, bailout for various States, bailout for individuals that didn't save money and we're going to give this and this and this, when the government starts getting into the bailout business—of course it's choosing winners and losers—there are lot of people that are not getting any bailout. They're being expected to pick up the tab for other people's financial errors.

What happens is you start spending all this money, of course if you're running any kind of a responsible operation, you've got to have some sort of a budget saying, you know, how are we going to make this all work, because pretty soon you're going to start giving away more money than you have. In fact, I think somebody was quoted one time saying, the trouble with socialism is pretty soon you run out of other people's money.

So budgets are necessary, and some of our leaders here on the floor, some of the Democrats said they recognize the fact budgets are necessary. The Democrat whip, Congressman HOYER, said the most basic responsibility of governing was a budget. The most basic responsibility of governing. I have to agree with Congressman HOYER. Here's Congressman SPRATT, the head of the House Budget Committee, said, if you can't budget, you can't govern. Those are strong words and they're true words.

Mr. GINGREY of Georgia. Indeed. If the gentleman would yield for a second, and, Mr. Speaker, what the gentleman is talking about here, these quotes from the Democratic whip at the time but now Democratic majority leader, the Honorable, and distinguished I might add, STENY HOYER from Maryland and Representative JOHN SPRATT from my—well, I lived 20 years of my life, was born and raised in South Carolina, and I respect JOHN SPRATT and STENY HOYER. I think Members on both sides of the aisle—so you're talking about not a couple of freshmen Members sitting on the back bench. You're talking about the chairman of the Budget Committee, who has been in this body and served with distinction probably for—I'm going to guess JOHN SPRATT has been here 25 years or so, STENY HOYER as well, and we respect them. They're intelligent. They're thoughtful Members, without question. You know, we don't agree

with them, we Republicans, Mr. Speaker. A lot of times we will be voting opposite, many times we will be voting opposite.

But for these two gentlemen to have those quotes, this really says something, and the gentleman from Missouri is so right. When they say that—and then today it's like, well, we don't have a budget and, furthermore, we're not going to have one because, well, maybe the gentleman from Missouri would like to talk about that. But I think it needs to be discussed, because if you can't budget, I agree with Mr. HOYER and Mr. SPRATT, you cannot govern.

Mr. AKIN. You know, there's a certain point where if you spend too much money and you try and put a budget together, the train is going to come off the track. I think that's where we are, and that's, I think, the reason why the Democrats said, yeah, you have got to budget. We always had a budget when the Republicans were in the majority and we always had a budget here in the House. It didn't always get through the Senate necessarily, but we had a budget in the House.

We're also joined, as you can see, my friend, by another good friend of ours coming from the State of New Jersey, and that's Congressman GARRETT. And, you know, I have to say that the State of New Jersey has been refreshing in the last year or so with their new Governor showing some fiscal responsibility, just giving heartburn to all the big spending people that want to spend that State into oblivion. And Congressman GARRETT is a good friend of ours, a good, solid, fiscal thinker, and I'm just delighted that you've joined us in our discussion this evening.

I yield.

Mr. GARRETT of New Jersey. Thank you. I wasn't going to start off on that road, but it's probably a good one to talk about for just a moment. I commend the gentleman for his leadership on this general issue and being down on the floor bringing an educational point not just to the Members of the Congress who are here or watching back in their offices but the American public as well. So I commend the gentleman.

Yes, I am from the great State of New Jersey, and we have gone through phenomenally bad fiscal times for the last decade or so in our State that brings us to the brink of economic morass that we're in in the State right now. In one sense, you might say that New Jersey is sort of like a microcosm of the rest of the country, and that is spending beyond its means.

We hear a lot in the news with regard to the great State of California out on the West Coast, and that's simply because the State's so large and the economy is so large. But a lot of the economic funds and the debt limits, New Jersey is actually in a worse state than California is on a per capita basis.

Mr. AKIN. I don't know if that's good bragging rights or not. That's pretty scary.

Mr. GARRETT of New Jersey. New Jersey often says we're number one in a lot of things, and sometimes the things that we're number one in are great but at other times they're not so good, and the debt levels and the responsibilities of the taxpayers of New Jersey to pay them off are quite astounding. And the number that comes to head just as an aside right now is that per family, which is about four people, it's around a hundred thousand dollars, the debt level, if you add the State, counties, and local levels.

Mr. AKIN. So local spending, the average family of four, is a hundred thousand bucks of debt, per family of four?

Mr. GARRETT of New Jersey. Right. And if you translate that into if you wanted to go out and get a mortgage on your house right now for a hundred thousand dollars, at around 6 percent, I guess that would translate to around \$600 a month. So that's what we are all on the hook for in the State of New Jersey.

The Federal Government, of course, goes way beyond that, and I don't have to tell you that, but the Federal Government needs to simply do what New Jersey is doing right now and that is begin the process of living within its means. It's not an easy one by any means. That's why our Governor is making—

Mr. AKIN. What would be the first step in living within your means? Would it not be putting a realistic budget together, perhaps?

Mr. GARRETT of New Jersey. Well, there you go. It would be, and as a matter of fact, as you know, I serve on the Budget Committee and Chairman SPRATT is the chairman of that committee. We had just this past week the head of the Federal Reserve, Chairman Bernanke, before our committee, and we put that question to him. We asked him a two-step process: What are the financial markets of this country looking for today, and why do you have so much unrest in the financial market? And he basically said it is because of all the uncertainty out there—I'm paraphrasing, if you will. And then we said, well, is it a problem that creates uncertainty, then, if the Federal Government does not make transparent exactly what we are going to be spending, i.e., present a budget? And he basically says, well, that is one of the elements of uncertainty, absolutely.

Mr. AKIN. I guess he was being gentle at least, trying to give us a little nudge in the right direction.

Mr. GARRETT of New Jersey. He was, and I was being a little bit gentle in those areas. I put a chart on the screen showing where we've been over the last several years because, you know, the Democrat majority always says that they inherited this problem

and that all the problems that we're dealing with today are all President Bush's fault. And I put up a little chart on the wall showing going back, I guess it was, from 2000 and 2004 and showing what the budget deficits were, and that was the gray chart. I don't have the chart right here. So it was this big, then it got a little smaller and a little smaller, and then it went to the year 2007 and it got about this level, and 2007 and 2008 it goes basically off the chart.

Mr. AKIN. I think I've got that chart, gentleman. Maybe we'll proceed. I have one other chart here I think that's kind of interesting, because we've heard these statements now from the Democrat leadership saying budgets are critical, and as you know, you know the punch line, the decision is we're not going to have a budget. So here you have, this is *The Hill*, a newspaper. It says, Skipping a budget resolution this year would be unprecedented.

The House has never failed to pass an annual budget resolution since the current budget rules were put into place in 1974, according to Congressional Research Service.

□ 2130

Now, that's a fairly reliable report; at least they can get the history of whether we passed a budget in the House. They said we have always, since 1974, passed a budget, and yet we're not going to pass a budget this year. That's unprecedented.

Mr. GINGREY of Georgia. If the gentleman will yield.

Mr. AKIN. I do yield.

Mr. GINGREY of Georgia. Again, we are getting back to that issue, Mr. Speaker, of not even having an intention to pass a budget. And I thank the gentleman from Missouri for bringing that point out, that this is the first time at least since 1974. The Congressional Research Service is very accurate in the information they present the Members of Congress.

I was thinking about—it's been in the news so much, Mr. Speaker—the Euro zone. Those countries of the European Union, 27 of them—I guess maybe 23 or 24 are members of the Euro zone. They have that common currency. And the crisis that's going on there in regard to, the acronym is PIIGS, but it stands for the countries of Portugal, Italy, Greece and Spain. I'm forgetting one "I."

But in any regard, Greece got this massive bailout of something like \$140 billion, and the Euro zone from the International Monetary Fund with them pledged, I think, another \$750 billion worth of bailout because these countries that constitute that acronym PIIGS, their debt ratio to their gross domestic product is so high. Well, look in your own eye. Don't curse the speck in somebody else's eye when you have a plank in your own, as the Bible says.

But that's essentially what we are doing, the United States of America. That's what we are doing. Our debt to GDP is what, my colleagues? You can tell me. But it's close to 90 percent, and by 2020, it will be well over 100 percent, if not 150 percent.

I will yield back to let you all discuss that.

Mr. AKIN. I very much appreciate you bringing that up. Actually, I should pay you a few dollars for helping me get to the next slide because I've got a picture of where Greece and Italy and some of the European nations are relative to the U.S., but I will get to that in a minute.

But I think, just before you joined us, my good friend from New Jersey mentioned the level of this deficit spending. And I think it's important to take a look on a bar graph as to what we're looking at here.

I know that President Bush—and as a Republican, I heard this frequently—he was criticized for spending too much money. And I voted against some of those things and think, yeah, we did spend too much money because we had a deficit. But on the other hand, he argued that we had a couple of wars and a bad economy kicking things off. As you can see, the amount of deficit during the George Bush years here was coming down because of the things that they did by reducing taxes. They had the right formula for getting us going in the right direction.

Here was President Bush's worst spending year, his very far worst when Speaker PELOSI was in charge of Congress, so he wasn't getting any help from the Republicans in the House at that point. This was Bush's worst spending year.

And then you come to the first year of President Obama, and he triples the deficit. From about \$450 or so billion of deficit, we go to \$1.4 trillion of deficit right off the bat in the first year. I mean, this is absolutely skyrocket, smashing, incredible levels of spending.

Mr. GARRETT of New Jersey. If the gentleman will yield.

Mr. AKIN. I yield.

Mr. GARRETT of New Jersey. And you are setting the record straight, but just to elucidate a little bit more on the record as to the process here in the House.

As the gentleman well knows, all appropriation bills, all spending of taxpayers' money originates right here in the House. And who was the person holding the gavel at that time when those spending bills originated from here in the House? Well, it's the gentleman's name who was on the last chart, Chairman SPRATT.

So, on the 2007 year, right down there, that would have been when the Democrats would have been taking control of the Congress. They took control, and so they would have been having the appropriations process that

year going forward. And so, realistically, who was responsible for that immediate uptick in the red chart right after that? Well, we didn't have to wait for President Obama to come into office in order to see the control of Congress that changed; that was the Democrat majority. And so although President Bush was still in the White House, where was the spending coming from at that point?

Mr. AKIN. Originated in the House.

Mr. GARRETT of New Jersey. Right here in the House.

Mr. AKIN. So that was this one. But what happens when you put Chairman SPRATT together with President Obama?

Mr. GARRETT of New Jersey. Off the charts.

Mr. AKIN. Here we go, \$1.4 trillion.

Now, there are different ways of looking at this. When you talk about billions and trillions, for poor little people like me, those numbers are very hard to understand or make much sense out of it. But one way to take a look at it is this deficit as a percent of gross domestic product; that is, all of the goods made in America, what is the ratio? This one, the worst, was 3.1 percent of GDP. President Obama's first year here, where you have total Democrat control, one party rule, you've got \$1.4 trillion, which is, as I recall, 9.9 percent of GDP, which is the highest since World War II. So this stuff is unlike anything we've seen before. And this is part of the reason why the Democrat Party doesn't want to make a budget, because they're really proud of those numbers. If those were my numbers, I'd be scared to death. And I think the American public is concerned about that level of spending.

I was going to jump just to a little bit—I mean, we've been very critical of the fact that we're doing two things wrong in this one-party rule run by the Democrats, and that is too much spending and too much taxing. It shows a tremendous faith on their part of what the Federal Government can do in terms of solving problems. They believe that there isn't any problem that can't be fixed with more taxing and spending; that's where we seem to go.

But let's talk about some stuff that's just so basic that many, many Americans understand this, particularly kids in Georgia or New Jersey or Missouri that have ever run a lemonade stand, just to understand a little bit about how businesses go. And so I put together a list of some of the main things that are job killers because the result of too much spending and too much taxing is there is unemployment. So what is it that kills a job? What is the solution to this problem? I'm an engineer. You're a doctor. And gentlemen, I don't recall—

Mr. GARRETT of New Jersey. I'm a lawyer.

Mr. AKIN. A lawyer. This is almost like one of those jokes, you know.

But anyway, what is it that kills jobs? I've talked to my businessmen in my district, and I've heard this over and over: The first thing is excessive taxation. You take a look at the stimulus bill, huge amounts of Federal spending. You've got the socialized medicine bill. You've got the cap-and-tax bill, all those massive tax increases, capital gains, dividends, death taxes, all these, more and more taxation, heavy taxation. And what does that do? It kills jobs.

Well, why would that be the case? Well, if you're a businessman and you're going to get taxed a lot, it takes your money away from investing back in your own business. And 80 percent of the jobs in America are with companies with 500 or fewer employees, and so if that guy that owns the business, he looks like he's a rich guy. Maybe he's making more than \$250,000 a year. You say, let's tax that guy. But if you tax that guy, then he can't put the money back into building a wing in the business, putting new machine tools in it, or whatever the new technology is, and creating the jobs. And so this taxation inevitably works to create unemployment.

The funny thing is the Democrats can't have it both ways; they can't have a war on business and say they're worried about unemployment, because it's businesses that employ people. They act like there isn't a connection between businesses and the people who get hired by the businesses. So if you tax a business out of business, there won't be any jobs. It's not that complicated. So the solution to these things isn't that complicated. You can't hammer the guys that own the businesses with all these taxes.

Of course, the other problem that we've created economically is that the regulations on the banks are so tight that the small businesses are having trouble getting access to capital. There is a liquidity problem, and that's part of the regulation of the banks and the finance industry, which they've also managed to mess up.

□ 2140

Then, of course, economic uncertainty is a factor, which is where people don't know what's going to happen next. What crazy scheme are we going to do next? Well, it means you're going to hunker down, and you're not going to hire people. Then, of course, red tape and government mandates—all of these things—kill government jobs, and we're doing every one of these things. It's like we've declared war but not on radical Islam. We haven't declared war on Iran, on Iraq or on North Korea. We're declaring war on U.S. businesses.

Mr. GINGREY of Georgia. If the gentleman will yield, this slide, Mr. Speaker, the one that's currently on the easel, is labeled—for our colleagues

if you can't see that—"Close Job Killers," and it has the different bullet points.

I think, Mr. Speaker, that the third bullet point, "Economic Uncertainty," may be one of the most important reasons the situation is so bad in our country right now. The gentleman from Missouri referenced kids in New Jersey, in my State of Georgia, and in his State of Missouri who are creating lemonade stands, who are making lemonade. Certainly, the ingenuity of the American people is such that, over the 230-year history of this country, we have made a lot of lemonade—despite being hit with a lot of lemons. Yet that, too, has its limits. When you have excessive taxation, when you have insufficient liquidity, when you have, yes, economic uncertainty, like we have never had in probably 25 years, and when you have red tape and government mandates, you can just make so much lemonade. That's the problem, and it goes back to the slide earlier of the bull in the china shop approach.

Now here, this weekend, all of a sudden, after the President, Mr. Speaker, meets with our Republican leader, Leader BOEHNER, and with Leader HOYER, they're talking about what we can do to cut down on the excessive spending and on all these deficits, the debt. Lo and behold, on Saturday night, out of the blue, having not discussed that on Thursday in the presence of the leaders of this body, President Obama now says we want \$50 billion more, a mini-stimulus if you will, from this Congress in order to shovel it to the States on a temporary basis so we can keep teachers and public defenders and firefighters and all these folks on the job. Yet for how much longer? Then when you pull away and when you spend all of that \$50 billion, who is it on the backs of? Once again, it's on the backs of the States that have to balance their budgets. It is fiscally totally irresponsible.

Mr. GARRETT of New Jersey. If the gentleman will yield, first of all, isn't it amazing that we have gotten to the point where we would say that spending \$50 billion is a mini-stimulus proposal? I know you're doing that flippancy in light of the fact that we have \$700 billion here and \$700 billion there and trillions of dollars by the Federal Reserve, but that is amazing that we've gotten to this point. Perhaps there is so much lemonade that the American public has basically soured on all of this spending that has been going on here.

Not to play the puns any longer, you said earlier that this administration has waged war on business. I guess you could extrapolate that and say they're really waging war on job creation in this country. I think that's issue number one, job creation, because, by waging war against the expansion of businesses out there, that means we're not going to see job creation.

Part of that war is a battle that is going on right now, literally as we speak. It started on Thursday of last week. It will go on for the next 2 weeks. What I'm talking about, of course, is the conference committee between the House and the Senate on the financial service reform, which is definitely an attack on your second bullet point there—insufficient liquidity.

The bill that came out of the House and out of the Senate, under the majority party, will restrict liquidity; and it will restrict credit in the credit markets across this country. It will do so on a whole host of fronts whether it's through the Federal Reserve activities, whether it's through the CFPB, or whether it's through the regulations of the derivative markets; and I can just go down the list.

What does all that mean to you, to me, and to all the folks back home?

It means it will be harder to go out and get that auto loan. It will be harder to go out and get that home equity loan. It will be harder to go out and get that mortgage so you can buy a new house. It will be harder for that small business that wants to buy a new truck so it can hire one more person to drive that truck to do business. It will be harder for that small business to get a loan to expand its operation. All of those things—a lack of liquidity and the tightening of the credit markets—will hurt business, and it will hurt job creation. That is what is going to be rolling out, unfortunately, in the next couple of weeks here in Congress.

Mr. AKIN. Gentlemen, fortunately for you, or maybe unfortunately for you, you are on the committee that is dealing with that. To me—and just tell me if I'm confused about this because I work more of the Armed Services side of things and the national security and the national defense side, and we've got a lot of bad news over there, but I'm not going to share that tonight.

There is an irony here that the Federal Reserve has created this huge, massive liquidity. Yet it's like they've choked the funnel off so tightly that the liquidity can't drip down. The Democrats used to talk about trickle-down economics. I mean, this truly is kind of a trickle-down scheme. You have all this liquidity created by the Fed. Yet it can't get down to the small business guy because, I assume, that part of this is the banking regulators and the banking policies that are saying to the local banks, That's not a good enough amount of security on that loan. You've got to go back because that loan is upside down. Even though that business has been there for 100 years, even though you know the family, even though you know they're going to pay off, even though they always pay on time, it's not good enough. You've got to go get a whole bunch more cash from them to make your books look right for your bank.

Mr. GARRETT of New Jersey. I think, if a bank were standing here with us, it would say, Well, look at bullet point No. 3, "Economic Uncertainty." It would say, With so much coming out of Washington that is uncertain, we have no idea, A, what the rules are going to be tomorrow and, B, what the economy is going to be tomorrow. So they would argue that they're trying to do the prudent thing, the safe thing and say, We're not going to loan to that person who, under normal circumstances, we would loan to.

So you are absolutely right. The Fed theoretically is trying to provide liquidity, but the banks are saying, Whoa, not under this set of playing rules, which may change tomorrow or which may change next week. So the Federal Government is exacerbating the problem that they created in the first place.

Mr. AKIN. Well, I appreciate your perspective there, particularly with your working on that committee. That is very helpful.

Here are a couple of other charts that I thought were interesting. This gives a little bit of a sense of progress on a 20-year increment. This is 1970. The foreign holdings of our debt were 5 percent. This is who owns our debt. Foreign holdings were 5 percent in 1970. Jump forward 20 years to 1990. Foreign holdings were 19 percent. In 2010, foreign holdings are 47 percent. So not only are we being asked to pass another one of these stimulus bills to bail out these States that have been irresponsible in managing their pensions, but we are now asking foreign countries to come in and to underwrite our silly economic policies.

Now, after a while, these foreign countries are going to ask, Wait a minute. What's going on over there? What are you guys thinking?

Mr. GINGREY of Georgia. If the gentleman would yield, I know that time is short, but this is the whole point.

Once again, Mr. Speaker, I talked about the euro zone in Greece. The country of Greece has had their credit rating downgraded. So any country that would lend them money—buy their financial paper—will have to charge a higher rate of interest. I think the gentleman from Missouri and my colleague from New Jersey would probably agree with me that, pretty soon, that very same thing could happen to our country. They would agree that our debt is not as credit-worthy as it has been and that, all of a sudden, we are going to have to pay a higher rate of interest to borrow money.

I yield back.

Mr. AKIN. I promised the gentleman that we did have a chart that was taking a look at these foreign countries. We've taken a look at Greece, and Greece has been in the news because it has just created shock waves in Europe as to how it has been affecting their economic system.

This is the deficit as a percent of GDP. I mentioned that, as to where we are in the United States, which is at that \$1.4 trillion level that we just saw last year and at another even higher year this year, we are at about a 10.3 deficit as a percent of GDP. Greece is at 9.4. So our deficit, as a percent of GDP, is worse than that of Greece. Spain and the United Kingdom seem to be worse off than we are, but we are the next worse on this chart with regard to the deficit.

If you go to debt as a percent of GDP, you've got the United States here. Greece is ahead of us there, and Italy is ahead of us, but we're ahead of the other European countries as well. So this isn't exactly a cheery picture of the job we should be doing in terms of management.

We are coming close on time here, and I have one other chart here, which is that of our corporate tax rates. The green one over on the right is the second highest corporate tax of any nation in the country.

So what's the solution?

I promised we'd deal a little bit with solution. The solution is quite simply that you've got to cut spending and that you've got to cut taxes. If the Democrats could not learn from Ronald Reagan or from Bush when they cut taxes and restored the economy, they should learn from JFK, who did the very same thing. Here is an example of this. It's called the "Laffer curve." You can see that this red is the tax rate. As the tax rate comes down, the bar chart shows the total Federal savings in receipts, so we actually get more revenues in. When you drop taxes, you get more revenue.

So the solution has been demonstrated by JFK, by Ronald Reagan, and by Bush. They turned economies around. Instead of doing what FDR did, which is what Henry Morgenthau told us would not work, you can simply do this: what you do is you've got to drop the tax rate and drop government spending. The trouble with dropping government spending is you can't do giveaways to everybody and do bailouts to everybody.

So what's going to happen here?

America is in the cross-hairs of a choice. We're either going to choose to follow—because there are two U.S.s: one U.S. had the idea that government is going to provide health care and education and jobs and food and housing. The other U.S. said that we believe the job of government is to provide life, liberty and the pursuit of happiness. That is a very narrow description of government—just national defense and a level playing field. Those are the two U.S.s. The one is, of course, the USSR, and that system didn't work. The other is the one that has worked for hundreds of years.

We need to get back to that idea of a limited government, doing just what it

is supposed to do constitutionally and not try to be the bailout king of the entire world and of the entire country.

□ 2150

I thank my good friend, Congressman GINGREY from Georgia, for your insight, and not only your medical professionalism but the way that you've run your office. And the same thing for my good friend from New Jersey, Congressman GARRETT. Thank you so much for joining us tonight.

Good night, and God bless all of America.

#### IMMIGRATION REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker.

It's my privilege and honor to be recognized to address you here on the floor of the House tonight and to pick up on some subject matter. I think my colleagues that spoke on the previous hour covered that subject matter pretty clearly and very well, the matter of global finances and the broader picture that we're working with. For me, I come here tonight with a number of things on my mind and things that are fresh on my mind, Mr. Speaker. They have to do with the immigration situation here in the United States.

Having had a long history with this subject matter, when I first came to this Congress, I recall listening to Congressman Tom Tancredo here on the floor. I actually was in my office and watching on C-SPAN and I thought, Well, this is a piece of history in the making. And so I walked over here and into the Capitol Chamber and sat here to listen to him speak. Tom, knowing the rhythm of the place here, saw me in the Chamber and concluded I came over because I had some things to say. He recognized me to speak on the subject matter of immigration. I was not preparing to do so, although I happen to have been prepared because of the issues in mind. From those days on forward, I have been active on this issue in my time here in Congress.

I happen to have had the privilege of sharing the stage with Congressman Tancredo Saturday night in Phoenix. It was the same good man with a passion and a great heart; a man that understands America, the need to have a sovereign Nation, a need to control our borders, a need to have a network across this country of all levels of law enforcement working together to enforce the law, the rule of law—I should say, reestablish the rule of law here in the United States—and build a greater country than we are today, Mr. Speaker.

It was a refreshing thing for me to hear those words again come out of the

mouth of my good friend Congressman Tom Tancredo and to share some time on that microphone with Sheriff Joe Arpaio of Maricopa County in Arizona, who has a national reputation for enforcing immigration law, for establishing and building Tent City. And when Sheriff Joe, when he asked me if I had been to visit—and actually I had. He had sent a guide to take me to Tent City last year and presented me with a pair of his autographed underwear. When he found out I have that in my office in safekeeping, I was his good friend, Mr. Speaker. That tent city was built because a judge ordered that the prisons provide more space; and the choice was, apparently, to turn some people loose, spend a lot of millions of dollars to put up a structure, or set up a tent city. They did what they needed to do to enforce the law, especially down in that climate, Mr. Speaker.

I also was able to share a microphone with State Senator Russell Pearce, who is the principal author of Arizona immigration law S. 1070, and to spend several hours probing his intellect, his sense of history, and his patriotism that runs so deep for America, and his dedication to the United States of America, the rule of law, the State of Arizona. Put those pieces together, and I looked across at the faces that filled the park grounds there next to the State Capitol in Phoenix, Arizona. A lot of red, white, and blue. A lot of the yellow Gadsden flags; the Don't Tread on Me flags, flying in the light breeze that we had there.

It was an event to remember, with people just clear out to the outside edges of the park; a good, respectable crowd that was there. People came from many of the States of the Union. This time, I don't know that it's all the States but many of the States. A lot from Florida came all the way to Arizona to express their support for S. 1070, for the law that was principally drafted and pushed through into legislation by State Senator Russell Pearce. And he went out to bounce his legislation off of the best experts he could find in America.

And I do give great credit to Governor Jan Brewer for signing and supporting Arizona's immigration law. It is a law that has been misinterpreted, I think willfully, by people on the other side of the aisle. But here's what it is. It is a mirror of Federal legislation. It doesn't go beyond the limits of Federal legislation. It's written within the limits that are there. And it simply says that Arizona law enforcement is going to enforce Federal immigration law.

Now, if you remember, Mr. Speaker, there seemed to have been a grudge match or something going on between now Secretary of Homeland Security Janet Napolitano, former Governor of Arizona, and Sheriff Joe Arpaio, the sheriff of Maricopa County. But when

Janet Napolitano became the Secretary of the Department of Homeland Security, shortly after that she announced an initiative to look at how they were going to make some changes in the 287(g) law. The 287(g) law is the Federal law that provides Federal assistance to train local law enforcement officers so that they are well trained and certified to enforce Federal immigration law. And then it makes a commitment for ICE, Immigration and Customs Enforcement, to work in cooperation with the local law enforcement that has a memorandum of understanding that is the 287(g)—that's the section in the Federal code—that is an understanding that they now have reached an agreement where they're going to work and cooperate together.

There are a lot of jurisdictions in America that had 287(g) agreements. What it is, it's a commitment for the local law enforcement to enforce and support Federal immigration law. It's that simple.

Now, you don't have to have a 287(g) agreement in order to have local law enforcement enforce Federal immigration law. In fact, there's an Attorney General's opinion that was written under John Ashcroft that makes it clear that local law enforcement can enforce Federal immigration law. There are a number of pieces of Federal case law out there that address this. One of them would be a 2001 case, the 10th Circuit, and it's *U.S. v. Santana-Garcia*.

In case you want to look that up tonight, Mr. Speaker, if you're having trouble sleeping, I just will tell you simply what that says is that the Federal court, the 10th Circuit, has concluded that it is implicit that local law enforcement has the authority to enforce Federal immigration law, that it wasn't contemplated otherwise. And I would go further and say that if there's something implicit that local law enforcement can't enforce Federal law, does that mean then that if there is a Federal officer that's being assaulted or that is murdered by someone that we can't have local law enforcement pick them up, that it's a Federal crime so, therefore, only Federal officers can enforce Federal crime? If it's a national bank that would be robbed, could the county sheriffs pick up those bank robbers and support the violation of the Federal law against robbing Federal banks or would you have to wait until the FBI showed up to be able to pick up the robbers of the Federal banks?

By the same token, if it's a city ordinance that's being violated, can the State highway patrol enforce a city ordinance? I will suggest that yes, they should do that. They should do that when that becomes an obligation of their job. When there's a law being broken in front of them, they should enforce that law. If the speed limits are

written by either the State or the city or perhaps county on county roads, if those are the speed limits set, does that mean the county sheriffs and deputies and people can enforce speed limit laws only on county highways but they can't do so on city streets or State highways?

I mean, it borders on ludicrous to make the argument that immigration law has been, up until this time, Federal. Therefore, the only people that can enforce it are Federal officials, and they only would be the ones who were trained within ICE and Border Patrol and Customs and border protection to enforce immigration law. It's ludicrous to believe that. There has to be a network of law enforcement working in conjunction, from city police to county sheriffs to highway patrol, departments of criminal investigation, all of our Federal officers working in cooperation with each other with great profound respect for the Constitution of the United States, for the laws that are duly passed here in the United States Congress and those laws that are passed in the State legislatures, the ordinances that come from the cities, and the list goes on.

□ 2200

So it is a cooperative effort. It always has been a cooperative effort for law enforcement to work together, and it cannot be such a thing as we are going to separate statutes by the jurisdiction of the entity that passed the law. If we do that, then we will have law enforcement officers who watch crimes before their very eyes but don't enforce the law.

Mr. Speaker, that would be the circumstances that take place in sanctuary cities now, sanctuary cities across the country that number by name, places like Houston or Denver or San Francisco. Many other cities have established sanctuary city ordinances that would tell their local law enforcement, Do not work or cooperate in the Federal immigration law. And even though the 1996 Immigration Reform Act that was passed into law, and much of that work was done by now the ranking member of the Judiciary Committee, the gentleman from Texas (Mr. SMITH), who deserves a lot of credit for language that is there, there is language in that 1996 Immigration Reform Act that prohibits the cities from establishing sanctuary cities.

I don't have the language in front of me, Mr. Speaker, but it is language that says to the effect that you cannot prohibit your officers from enforcing Federal immigration law or working in cooperation with. But the problem is that those cities got together that wanted to have a sanctuary policy, and apparently, they found out the same lawyer or lawyers, or sent out a memo to the League of Cities or whatever ties these larger cities together. And they

found a way to write an ordinance around the Federal language, and they prohibited their officers from gathering information. And because they were prohibited from gathering, they didn't have any information to pass on and share with ICE and the other law enforcement officers when it came to immigration.

It created this thing called sanctuary cities. And so they have said that they are not going to enforce the immigration law within these cities. And what would happen? Of course, you create a magnet for illegals to go to those cities where they are sheltered by the sanctuary city language.

And we have, out of the House of Representatives, several times passed amendments on appropriations bills that prohibited any of those dollars coming out of those bills from being distributed to the cities that have jurisdictions where they passed sanctuary language and made sanctuary cities. But it never made it through the Senate, and it never made it into law.

So we have city after city that protects illegals within them because there is a political base already there for illegals. And in Arizona, what they have done is, S. 1070, in effect, it invalidates any city that wants to provide a sanctuary city, and simply requires them to enforce immigration law by their local law enforcement. And if they refuse or fail to do so, it allows a citizen to have standing to bring a lawsuit against that entity, against that city or county that is not enforcing the immigration law, not inquiring as to the legal status of the people that they encounter in the course of their normal law enforcement duties. I think that is a good thing.

Once 1070 is implemented into law, which I think will be on the last day of July of this year, then you will see the sanctuary cities that happen to exist in Arizona, that will shut down, and they will be compelled to enforce the law, or they are going to be brought into court by the people of Arizona.

But the uproar, the objection hasn't been about shutting off sanctuary cities in Arizona; it has been about whether there would be a boycott of Arizona because some claim that the Arizona law will bring about racial discrimination profiling.

Well, first, let me say, Mr. Speaker, that profiling has always been an important component of legitimate law enforcement. If you can't profile someone, you can't use those commonsense indicators that are before your very eyes.

Now, I think it is wrong to use racial profiling for the reasons of discriminating against people, but it is not wrong to use race or other indicators for the sake of identifying people that are violating the law.

Now we all get profiled. I had a moment of irony this morning when I

stepped out of the USDA building down here several blocks west of the Capitol. I was wearing a suit, and I had just stepped out to the sidewalk. I hadn't even looked for a cab. I started to walk down the street thinking I would go to the corner. There was a cab going the other direction on the opposite side of the street. He tapped his horn. I looked up, and he swung around the street and picked me up. I asked, How did you identify me as someone who needed a cab ride? I hadn't indicated I wanted one. I was walking down the street.

He said, Well, you were wearing a suit and you stepped out the USDA office. There wasn't a car there to pick you up; I knew you needed a cab. He profiled me. He said, I don't stop for people wearing shorts and sneakers because they are not looking for a ride. People in suits coming out of that building are. There I was, profiled because I was a guy in a suit at a time of day when it would be logical I would be looking for a ride somewhere.

It is just a commonsense thing. Law enforcement needs to use commonsense indicators. Those commonsense indicators are all kinds of things, from what kind of clothes people wear, the suit in my case, what kind of shoes people wear, what kind of accent they have, the type of grooming that they might have. There are all kinds of indicators there, and sometimes it is just a sixth sense, and they can't put their finger on it.

But these law enforcement officers, if they were going to be discriminating against people on the sole basis of race, singling people out, that would be going on already. And we would have already the files of the objections that are taking place.

But this is about a political argument. It is not about Arizona's law being unconstitutional or preempted by Federal law or somehow had stretched the bounds that have been set by case law that is out there. It is not about any of that. They would like to say it is; in fact, they have said that it is.

But what it is about, Mr. Speaker, is about making a political argument that would like to brand Republicans as being anti-people because of race.

Now, could this happen? Could anyone start an agenda here to try to brand people and try to scare the American people on the subject of race or the subject of immigration? My answer to that is, You bet. I have seen it happen. It started here on this floor right over here, in 2006, when in the early summer, if I remember my dates correctly, we passed immigration reform legislation out of here headed up by at that time chairman of the Judiciary Committee JIM SENSENBRENNER of Wisconsin. Of the things that it did, it was enforcement of immigration law. In the original bill, it made it a felony to cross into the United States ille-

gally. To sneak into the United States, it made it a felony. The gentleman from Wisconsin (Mr. SENSENBRENNER) sensed that that would be a highly contested issue if it became law, and so he offered an amendment to strike the language that made it a felony to enter the United States illegally.

Now, had Mr. SENSENBRENNER's amendment passed, then it would have eliminated the language that made it a felony to enter the United States illegally. JIM SENSENBRENNER argued vociferously in favor of his amendment. He didn't actually convince me, by the way, but he understood what was going on. And when the vote went up on the board, 194 Democrats voted "no" on the Sensenbrenner amendment, which can only be concluded that they wanted it to be a felony to enter the United States illegally. And it is a crime, but it is not a felony. So 194 Democrats voted to make it a felony when they voted "no" on the Sensenbrenner amendment. And that Sensenbrenner amendment failed. And when it failed, brought down by Democrats, the streets filled up with protesters protesting that Republicans wanted to make it a felony to enter the United States illegally; 194 Democrats wanted to, and almost all of them demagogued Republicans for the language that was in the bill when they had voted to keep the language in the bill.

It was completely cynical. They knew it. You all knew it, and there isn't anybody in this Congress that can challenge this statement. And I would be happy to yield to anybody who has a different perspective on this. I watched it happen. I was in the middle of it. And I watched the streets fill up with people that were storming in the streets, first with Mexican flags and then with white T-shirts and carrying American flags. And as they lined up for the protest, the organizers were taking their Mexican flags out of their hands, handing them an American flag, saying put on this white T-shirt, come out here and protest against these evil Republicans that want to make it a felony to enter the United States illegally.

□ 2210

It doesn't bother me that there is a little upset and turmoil in the streets if that's the case. We need tighter immigration laws. We need more tools to work with, not less. But my point, Mr. Speaker, is the very cynicism of voting one way and arguing the other way: 194 Democrats, and they turned and pointed their fingers at Republicans and said, You wanted to make it a felony. They brought down the amendment. It is a fact. It's a fact in the CONGRESSIONAL RECORD, Mr. Speaker.

So here we are now in 2010. No legislation of significance on immigration has been passed since then. It didn't happen in 2006 or 2007. The switch-

boards of the United States Senate were shut down at two different times during those years because the American people reject the idea of amnesty.

And I have watched immigration at the Federal level be enforced less with each administration since Ronald Reagan signed the 1986 amnesty act. But he was straight up and honest enough to declare it to be an amnesty act, Mr. Speaker. The 1986 amnesty act was the last amnesty. It was the amnesty to end all amnesties, and President Reagan signed it because he believed that there wouldn't be another amnesty.

It was supposed to be amnesty for about a million people. Turned out to be amnesty for about 3 million people by the time the system was gamed and the fraudulent documents and the people came out of the shadows. And 3 million people went through to receive the amnesty in '86, three times the number that they anticipated.

And we have had six lesser amnesties since then that aren't published very much. So we have had a continuous series of amnesties. And it's going to continue until such time as either nobody wants to come to the United States, or until such time as we simply give up on the idea that we can control our borders, or until we establish that we are going to enforce immigration law and we are going to stand by the rule of law and we are not going to equivocate and we are not going to compromise.

And that, Mr. Speaker, is where I stand. I refuse to equivocate, I refuse to compromise on the rule of law, I refuse to grant amnesty. And we should talk about what amnesty is. To grant amnesty is to pardon immigration law-breakers and reward them with the objective of their crimes.

Now, I don't know necessarily what their objectives are. It may be a path to citizenship. It might be a job. They might want to have access to the United States to do philanthropic good things. Or they might want to have access to the United States so they can travel back and forth into the United States hauling illegal drugs into America. And that happens a lot.

A couple of nights ago on Sean Hannity's program you could see the video that he ran, and you could see the backpackers coming into the United States with roughly 50 pounds of marijuana bound in a burlap bundle on their back with straps that might be woolen scarves used for straps, makeshift backpacks. And you might see 10 or 15 or 20 or more all in a row each carrying their 50 or more pounds of marijuana on their back. And this goes on night after night after night, Mr. Speaker. It goes on every night.

And I have gone down and sat on the border in the dark, sat there quietly, didn't have night vision equipment, and just listened, and just listened as

the vehicles came down, they let people off, they would set their pack out on the ground. You could hear the packs thump when they set them on the ground. They would get out of the vehicle. They would talk a little bit. Somebody would hush them up. They would close the doors on the vehicle. You could hear that. They would hoist their packs up, put them on their back, and they would march through the mesquite, come across the border.

And when you sit by a barbed wire fence that's got four or five barbs on it and a steel post, you can listen to the posts and you can hear the wire when it stretches. And you can tell each time somebody crosses the fence, and you can count them. And at night I never trust my eyes to be able to actually give an accurate count. I see the shadows, but shadows are not clear enough for me to tell you how many. I can tell you I have heard the noise, I have seen the shadows, I have listened to the same rhythm come over and over again.

I have gone up through the stream beds that are in the desert and there seen where they have dropped off many of their clothes that are unnecessary, empty water jugs. When they unload the packs, the burlap bags that they are in will be dropped there. There will be food that's dropped off, some that's been eaten, some that's been left partially eaten, and some of it left. The desert is full of smugglers' litter.

And if one would go down to the Organ Pipe Cactus National Monument down there where Kris Eggle was killed by an illegal, and he was a National Park Officer ranger, there is a monument to him at the headquarters at Organ Pipe Cactus, but there is a large percentage of Organ Pipe Cactus National Monument, and that's a national park called a monument that's off limits to Americans. And I am guessing at the area. I know it's the southern side of it. And it seems to me that as I looked at the map, about 40 percent of Organ Pipe Cactus is off limits to Americans because it's full of litter, it's full of drug smugglers' litter. It's drug smugglers gulch there. And it is too dangerous for people that are out just enjoying the desert to walk down into. And it's too full of litter. And we don't have the labor to go pick up the mess. And if we did, the mess is accumulating day by day, every day, every night.

And the numbers of people that have been crossing the border illegally, we could take the information that comes from Secretary Napolitano, I suppose, and accept it at face value. They would argue that their interdictions on the border have gone down significantly over the last year. And they claim that because they are arresting fewer people on the border that there is fewer border crossings. Now, that may be true. I don't know what's true.

But to use the data that shows that there are fewer interdictions of illegal border crossers to conclude that there are fewer crossing attempts isn't necessarily a logical or rational approach. It could also be that they are just simply not enforcing the law as aggressively as they were a couple of years ago when the numbers were higher. I don't know the answer to that question.

But when the Bush administration used the same argument, I had the same questions. Just because you arrest fewer people doesn't mean there are fewer people crossing. It might mean you are just not arresting as many people. But here are the numbers that came before the Immigration Subcommittee in testimony from witnesses that had represented our Federal Government. And I am including Border Patrol officers. The number of interdictions they believed turned out to be they were stopping about one out of four. Twenty-five percent of border crossing attempts were being stopped.

If you do the math on the stops that they had, that means that there were 11,000 a night on average every night. Not during the day so much. At night 11,000. And that turns out to be four million illegal border crossings a year. And when I go to the border and talk to the people that are enforcing the border and I tell them, so you are stopping about one out of four, you are getting 25 percent of those that attempt. And they look at me and laugh. It's not 25 percent. The most consistent number I get from the people that are hands-on is maybe they stop 10 percent.

If you go to some of the other officers there that are not quite as optimistic, they will take that number down to 2 to 3 percent. But I have never heard an officer that works the border regularly tell me that they stopped 25 percent. And I don't believe I have heard a number higher than 10. So I will tell you I think it's 10 percent that get stopped, not 25. That's still a whole lot that get through.

If it's 4 million attempts and we stop 25 percent, that means 3 million actually get through into the United States. And, yes, a lot of them go back to Mexico and flow back and forth. A lot of them are drug smugglers. They do that for a living.

The people that are working our law enforcement in the desert tell me that they will catch some of these drug smugglers and maybe they will have somebody that only weighs—young men, 15, 16, 18, and they get older—weighing 100 pounds, 105 pounds, not very big people, wiry, tough, with great big calves on them carrying half their body weight or more in marijuana on their back through the desert 70 or 100 miles. Tough people that can cover a lot of territory with a lot of weight on them. And this goes on night after night after night every night.

And does America know, Mr. Speaker, that in some of the sectors on our southern border the policy is that if we catch somebody that has less than 500 pounds of marijuana on them we just simply take the marijuana off their hands and turn them loose? That there is not a prosecution for the drug possession in many of the sectors on the southern border because they argue that they don't have the jail space, they don't have the prosecutorial time, and they don't have the judges to deal with this? And I am convinced that this is true, Mr. Speaker.

I hear this as not necessarily testimony before the committee, but I hear it come out of the people that have to live underneath it. And I was down there and watched an interdiction take place. And I helped unload the bundles of marijuana from underneath the false bed of a pickup truck, and this was down near Sells, Arizona. It was roughly 240 pounds of marijuana in there. And that would have been under the amount that they would be prosecuted for at the time. They have since raised that threshold. It was 250 at the time I was there. Now the threshold in some of those sectors has been raised to 500 pounds.

Now, where I come from, if it's an ounce or a half an ounce or any little particle, that's something to prosecute for. That's the rule of law. But the rule of law has been stretched to the point of ridiculous on our southern border, and the lawlessness from across the border in Mexico is flowing over into the United States.

□ 2220

The murders, the intimidation, the deaths are taking it out in the lives of our law enforcement officers, innocent American people who are being murdered, who are being raped, who are being targeted as victims to crime that makes Phoenix, Arizona, the No. 2 capital of kidnapping in the world. Phoenix, Arizona, the No. 2 capital of kidnapping in the world. Does anybody believe that if we could enforce our immigration at the border that Phoenix would be the No. 2 capital of kidnapping in the world?

Mr. Speaker, it's important to note that 90 percent of the illegal drugs consumed in America come from or through Mexico. That means across our southern border, 90 percent of the illegal drugs.

I pointed out that we have 4 million—the number is probably down a little bit from that, but I don't have any other data—4 million illegal border crossing attempts a year, and maybe we stop 10 percent. So that means that we still have a number that is about 3.6 million successful border crossings a year, a 10 percent interdiction rate, 3.6 million. Now, just the attempts, I did the math and I said it was 11,000 a night every night. One might take a

look, what was the size of Santa Anna's army? Well, 4,000 to 6,000. So we're looking at a number every single night that I will say is probably twice the size of Santa Anna's army, every single night pouring across our southern border, bringing in 90 percent of the illegal drugs in America. We are importing the violence and the death that goes with the illegal drug trade, and still, this President's heart is hardened.

So the President scares the American people by telling us that a mother and her daughter could be going out to get some ice cream and be pulled over and stopped and asked to produce their papers based upon a presumption of their skin color. Where is that in the Arizona law? It specifically prohibits such a thing, specifically prohibits.

Then, as the President of the United States had his shot or two shots at Arizona, he ordered the Attorney General of the United States to use the resources of the Department of Justice to seek to invalidate Arizona's immigration law. So when Attorney General Eric Holder came before the Judiciary Committee a couple of weeks ago, just before the Memorial Day break, to testify before the committee, he knew that Arizona's immigration law would come up before the committee, that that would be a subject matter that he would be questioned about. It was his job to be briefed on the subject matter so he could answer in an informed, intelligent way.

So as the subject came up, I asked the Attorney General if the President had ordered that he use the Justice Department to seek to invalidate Arizona's immigration law. I can't quote back into this RECORD his exact quote in the CONGRESSIONAL RECORD. I can tell you he didn't dispute that. So it was at least by assent that twice the Attorney General acknowledged that the President had directed him.

Now, this is supposed to be a Justice Department that's independent from politics, a Justice Department that makes its decisions based upon the law, an objective evaluation of the law, and, by the way, a Justice Department that has an obligation to enforce the law. These are not policy setters. The President of the United States, Mr. Speaker, is not to be a policy setter when it comes to areas where the Congress has legislated. That's what we do here. We set policy. We set policy here in the United States Congress. That's part of the separation of powers.

Just at the risk of being redundant, everybody in this Chamber, Mr. Speaker, should know this. I think it's getting harder and harder to teach government class in our schools today because of the conduct of especially our executive branch of government. The separation of powers, the judicial branch of government will take care of things that have to do with the courts. The legislative branch of government,

the House, down that hall, the Senate, we pass the legislation. We set the policy. We write the laws. The executive branch of government's job is to see that those laws are faithfully upheld, enforce the law, carry out the policy, the will of the people of the United States of America as expressed to the Republic, the constitutional Republic, the representatives that are elected by the people.

Yet, we have Members of the executive branch of government as high as the President, himself, who seem to not understand that simple concept. A President who taught Constitution law at the University of Chicago is still a President that would tell America that a mother taking her daughter to get some ice cream could have a problem and have to produce their papers. This is misinforming the American people. Is it willful? In his case, I don't know. I think when he said that he had not read the bill, and a week or so later he uttered a mitigating statement that indicated to me that either he was briefed or he might have read the bill.

But Eric Holder, the Attorney General, to come before the Judiciary Committee, and when I asked him the question, So you have directed the Justice Department to seek to invalidate the Arizona immigration law and to test it constitutionally or statutorily or by case law, could you point to me, General Holder, a place in the Constitution that gives you concern that Arizona's immigration law might be unconstitutional? No, he could not.

Could you, General Holder, point to a Federal statute that would preempt Arizona's immigration law? He could not.

Could you then, General, point to some case law that would be controlling and limit Arizona's ability to pass immigration enforcement law at the State level? He could not. The Attorney General of the United States could not point to even a potential constitutional violation or a statute that could preempt Arizona's immigration law or any case law that would control, none of it whatsoever. Yet he was still committed and still taking the resources of the taxpayers of the United States of America to seek to invalidate Arizona's immigration law and bring suit against Arizona. And that's what he seems to be doing.

There is a draft memo out there—it's not the exact word for it. It's a draft something, Mr. Speaker, that is a product of the Justice Department now that apparently lays out the parameters by which the Justice Department would bring suit against Arizona to invalidate their immigration law, and here's what I believe happened, and I don't think it can be proven otherwise.

The ACLU has already brought a lawsuit against Arizona, and the ACLU along with the SEIU, and just name your leftist organization in America.

They all joined in common cause. They have made these arguments. This is a lawsuit filed May 17, 2010. Here's what the ACLU and the Muslim group here in America and the SEIU and others have brought suit on, against Arizona's immigration law 1070.

It says that it violates the Supremacy Clause. That's the preemption component of this. I don't know where and the suit doesn't say where, not that I have found.

It says it also violates the Equal Protection Clause. It argues that plaintiffs who are racially and national origin minorities, including Latinos residing or traveling in Arizona, might be targeted. It does make targets out of them is what it says. I would argue that the bill says that you can't use racial profiling, and so if the targets are breaking the law, you have to enforce the law no matter what their skin color is, Mr. Speaker. That's the ACLU's argument.

Another is it violates the First Amendment. I don't know what the logic is on that, and I won't trouble this Congress with that part.

But this goes on and says that it violates the Fourth Amendment against unreasonable search and seizure. Well, on what basis? I don't think it goes very deep into that.

□ 2230

And then due process, privileges and immunities, right to travel—people breaking the law don't have a right to travel in the United States, and it violates 42 U.S.C. 1981, which is, prohibits discrimination under color of State law on the basis of alienage, national origin, or race. Well, no, the law prohibits such a thing.

But here's what I'll predict to you, Mr. Speaker: When we finally see the litigation that the Department of Justice is seeking to bring against Arizona, we will see that it has been copied and pasted right off of the ACLU's lawsuit. That's the work that I believe is being done. The outside groups, the left-wing groups play the tune—the tune is right here in this lawsuit from the ACLU—and then the Justice Department dances at the direction of the President of the United States, at the direction of the ACLU, the SEIU, and the rest of the left-wing organizations that have filed this lawsuit.

But this is not a rational approach. If the President can't articulate a problem, a constitutional violation—even though he taught constitutional law at the University of Chicago—the Attorney General, under oath, couldn't articulate a constitutional Federal statute or a case law violation by Arizona's immigration law, S. 1070, but yet, this radical case that I think is irrational and illogical that's brought by the ACLU—and this is just a summary, it's about that thick, and I've read a lot of it, actually—this will make sole theories of specious arguments, and I believe that the Justice Department—if

they come forward, and I think they will—will be making those same irrational speeches, arguments.

So, Mr. Speaker, I'm concerned about an unbiased Justice Department. It's hard for me to buy the idea that they are unbiased. When I look at this case, this all-out effort to focus on Arizona's immigration law and to invalidate it without a basis or a rationale, when I look at the many faces of the administration that have spoken against it that hadn't read the bill—Attorney General Holder, of course, would be the lead person that had admitted he hadn't read the bill. When Judge POE asked him that question shortly after my questions of the Attorney General that day, he admitted he hadn't read the bill. Seventeen pages, he hadn't read the bill.

He clearly had not been briefed by any objective person that had read the bill. He may have taken the MoveOn.org or the Huffington Post talking points and read them. It sounded to me like he had. It sounded to me like the President had as well. And then Janet Napolitano, the Secretary of the Department of Homeland Security, who is charged with heading up the office that enforces immigration law, the former Governor of Arizona, who should have focused on that bill—well, Governor Jan Brewer should have focused on that bill more; I know she did. Senator Russell Pearce focused on 1070 a lot more; I know he did. But Janet Napolitano, a former Arizona Governor and now Secretary of the Department of Homeland Security, had not read the bill, but still made public statements that implied, at a minimum, that it would bring about profiling of people in Arizona and disagreed with the law. And when JOHN MCCAIN point-blanked her before the Senate hearing, she had to admit she hadn't read the bill either.

The President didn't read the bill when he talked about the mother and her daughter going for ice cream; either that, or he willfully misinformed the American people. We know that Eric Holder didn't read the bill. He admitted to that under oath. We know that Janet Napolitano didn't read the bill. She admitted that under oath. We go further down the line.

Michael Posner, the Assistant Secretary of State, he was so outraged by Arizona copying Federal's immigration law that he took the argument to the Chinese. We brought it up early and often, he said, apparently to compare Arizona's immigration law with the brutality that goes on in that brutal regime in China.

I don't think I'm done yet, Mr. Speaker. Let's see, who am I forgetting? Assistant Secretary John Morton, who heads up ICE, Immigration and Customs Enforcement, who made the public statement that he wouldn't commit to cooperation with Arizona

when it came to picking up the illegals that would be arrested by Arizona under S. 1070.

Now, John Morton doesn't get to set policy, neither does Janet Napolitano, nor does Eric Holder, nor does Assistant Secretary of State Michael Posner, nor the President of the United States; they have to work within the laws that they get. Now, there are other policies that they do get to set within the framework, but they don't get to amend the policy. Congress sets that. The voice of the American people sets it.

If John Morton, the head of ICE, doesn't want to enforce the law, if he doesn't want to pick up the illegals that are arrested by Arizona's law enforcement officers, then John Morton should just simply find himself a job that his heart was in. He should go do something that he could do that he believed was right if he disagrees with the policy. You know, a general that thinks we're off on the wrong mission will just resign their commission if they don't think they're getting the support from the political people, and that's happened a number of times throughout our history. When they get an order that they can't carry out, generals have just resigned. At least they maintain their integrity that way.

Well, there is an order out there, and it is, Enforce the law. Cooperate, by the way, with Arizona, who has uttered this almost a primal scream of despair and frustration that they've had to take their resources in their State and pass an immigration law that, by the way, I hope and plead goes to every State in the Union. If they can find ways to toughen it up, tighten it up and make it more effective, do that, but start with that foundation of Arizona's law. It's rare when a State takes an initiative that it begins to set the policy for America. I would be very happy to see this happen, Mr. Speaker, when it comes to the case of Arizona.

So our Federal officials that got this wrong, that are trying to mirror, by the way, the President of the United States, but the President misinformed the American people. He hadn't read the bill. Janet Napolitano misinformed the American people. She hadn't read the bill. Eric Holder misinformed the American people. He hadn't read the bill. I don't know if John Morton read the bill, but he didn't want to enforce the law, you could tell that. Now I actually think he has made some mitigating statements, and he will be better to get along with. Michael Posner had no business sticking his nose in this whatsoever, and he carried it all the way to negotiations with the Chinese under the State Department.

And by the way, I can't stand here in this place on the floor of the House of Representatives, Mr. Speaker, without raising an issue of Felipe Calderon, back behind where I'm standing now

and before Memorial Day, spoke to a Joint Session of Congress, and he had to lecture us on how he strongly disagrees with Arizona's immigration law. Well, if he does, he also disagrees with the United States Federal Government's immigration law because that's what Arizona's law does; it mirrors it. It mirrors the Federal immigration law.

And so we're in an era where the administration, the highest ranking officials within the administration aren't compelled to check the facts before they misinform the American people. They might check a left-wing Web site, but they're not checking the facts. And the American people, who are they going to trust? Shouldn't they be able to trust the voice of the President of the United States? Who's briefing him? Who's telling him what's in the bill? Did they all decline to read the bill? Couldn't anyone have given him an objective analysis? What kind of a shop is being run at the White House in that regard? I think we're getting an indication.

And so, furthermore, while I talk about the immigration subject matter, there is another one out here that causes me reason to be concerned. It was reported in the news that President Obama's aunt was granted asylum—and I always have to check her name to make sure that I get it exactly right. Zeituni Onyango is President Obama's aunt, and she has lived in public housing—reported by the news, at least—in Boston for some time. I believe she came to the United States in the year 2000. We don't know necessarily how she got into the United States, whether it was on some type of a visa, whether it was a tourist or what it might have been, but she stayed. And along about the year 2002, she became the focus of the immigration law enforcement personnel. By 2004, his aunt, Zeituni Onyango, had been adjudicated for deportation by an immigration judge.

□ 2240

Well, she defied the deportation order. She stayed in the United States, purportedly on public benefits of a series of kinds. I don't know how she actually did that, but that's what the news has reported. Then not that long ago, after her nephew became President, she received asylum. Now, "asylum," in this case, is the equivalent of amnesty for an individual, Mr. Speaker. So Zeituni Onyango, who, if she had honored the deportation order, would have left the United States and would have gone back to Kenya, stuck around here, and couldn't be deported or was not forcibly taken out of the United States. She defied the order, and now she is rewarded with the objective of her crime.

Remember when I said that the definition of "amnesty" is to pardon immigration lawbreakers and to reward

them with the objectives of their crimes?

Well, it is a crime to come into the United States illegally. She may have overstayed a visa, in which case it puts her onto the civil side of this, but if her objective were to be able to stay in the United States, the asylum that she has been granted has come from a judge to whom she has argued that it is too dangerous for her to go back to Kenya because, now, the notoriety of being related to the President makes it too dangerous for her to go back and live there.

Well, if that's the case, if the President's aunt who lives in Kenya can't go back to Kenya because there is too much focus on her there, then I think there are a lot of the other relations of the President who are in Kenya who would be living under the same kind of fear. Wouldn't they get the same asylum if they came here to the United States? Is that something that the President is for, her getting asylum after the court had said "no," based on the fact that her nephew was elected President? Would that be a reason?

As I read that law, I have a lot of questions that come up, but one of them is: If his aunt gets asylum, then wouldn't all of the Obama relations get asylum if they just snuck into the United States? Maybe they can move onto the White House grounds. Then none of them can go back to Kenya anymore. I don't know. I think we should be concerned about whether there was favoritism involved. If a court would grant asylum with no greater basis than what I read here, then I think it is one that should be questioned.

Robert Gibbs said, no, there was nothing out of the ordinary, and there was no impropriety. No one from the White House had anything to say about that. They just let the court do what they did. Really? I would wonder if the administration would say the same thing about the bankruptcy court for General Motors and Chrysler. Yes, they have.

I happen to have thought about this to the point where I reached in, and I wanted to look at some of the testimony before the Judiciary Committee on hearings that took place some time back. I, actually, don't have this date in my record, but it is a matter of the CONGRESSIONAL RECORD. This would be testimony of the Indiana State Treasurer, Treasurer Mourdock, who gave some compelling testimony before the Judiciary Committee. I listened to a number of the witnesses testify on this similar theme. The theme was that the White House had dictated the terms of bankruptcy to the automakers. So I asked the question of Treasurer Mourdock:

Did any of that testimony that came before the bankruptcy court—"did any of that testimony alter the anticipated

result of chapter 11?" Well, this was for both Chrysler and General Motors. Did it alter it? In other words, did the evidence that was presented to the bankruptcy court change the terms that had been offered to it by the White House?

Here is what Treasurer Mourdock said: "No, it did not." Now, that's a quote. "No, it did not."

I'll just embellish that a little bit and say his answer was this—and this is how I interpret the answer, is more accurate: the White House dictated the terms of bankruptcy to the bankruptcy court. Now, whenever in the history of America has the President of the United States determined the terms of bankruptcy and told a bankruptcy court this is how it will be?

Furthermore, to go on with Treasurer Mourdock's testimony—and being from Indiana, he was in the middle of this, and he was speaking only of the Chrysler industry, I should make it clear. He said this: "You had the situation where one party was negotiating, setting values, determining which creditors would be in, which ones would be out, what they would be given, what would be liquidated, all to be set up for an auction sale for which there was only one bidder—the United States Government. It was on both sides of the table simultaneously. The impropriety of that in trying to establish value for a sale goes beyond plausible."

That entire string comes out of his testimony. It says to me, and my conclusion is that he was a witness of this, that the Federal Government set the terms of bankruptcy, and when the testimony went before the chapter 11 bankruptcy court, the court had to make a determination. The determination was already made and offered to them. He said there was only one party negotiating, only one party setting values, determining which creditors got paid, which ones were the winners and the losers. There was one party that was offering shares over to the unions—that didn't have an interest in but they walked out of there with an interest in General Motors at least—of 17.5 percent of the shares. Yet this quote is about Chrysler, determining what they would be given, what would be liquidated, all to be set up for an auction sale for which there was only one bidder. That means the Federal Government, the United States Government, on both sides of the table simultaneously, bidding and receiving and dictating the terms to the bankruptcy court.

An administration that could do this we are to believe wouldn't find a way to provide amnesty and asylum for the aunt, Aunt Zeituni Onyango, who lives still in the United States and whom I've invited to testify before the Judiciary Committee?

This is not an obscure aunt of President Obama's. I've read his book,

"Dreams from My Father," and this is the aunt who was his guide when he visited Kenya. I believe the year was 1988. President Obama writes extensively about his trip to Kenya. It was a transformative or at least it was a very enlightening experience for him, according to his book, which I take at face value. I know that it was fiction, at least in part, but it was based upon fact.

So I went through it the other night and searched to take a look as to when this subject matter came up. I thought, well, maybe he made just a light reference to his aunt in the book. So I went through and counted the references to his aunt, who now has received asylum in the United States after defying a deportation order. President Obama mentions Aunt Onyango 66 times in his book "Dreams from My Father"—66 times. She took him to place after place. Almost everywhere he went in Kenya, she was the one who took him there. His impressions of Kenya were delivered to him through her.

It is not conceivable to me that an aunt who is that close to him would have come to the United States without his knowledge, nor is it conceivable to me that an aunt who lived in the United States in public housing, presumably under public benefits—and I don't know how those terms were reached and how that could have happened—nor is it conceivable to me that an aunt could have gone to an immigration court and could have been adjudicated for deportation and could have escaped the knowledge or the awareness of Barack Obama. It's not conceivable.

It is not conceivable to me that a President can dictate the terms of bankruptcy to General Motors and to Chrysler and can take the shares away from the secured creditors, who are the people who should be first in line to receive the benefits or to receive any liquidation or any purchase or settlement of the automakers General Motors and Chrysler, and can ice them out, box them out, and give them nothing and hand shares of the automakers over to the unions that had no investment in and no collateral hold on those companies. It has mirrored the language exactly out of the Democratic Socialists of America, off the Socialist Web site.

If all of that can happen—and it has happened, and some of the evidence I've read into the RECORD here tonight, Mr. Speaker—it is not conceivable to me that this amnesty/asylum for President Obama's aunt happened independent from the influence of the White House. Perhaps show us the records. Let's open up the case. Let's see.

By the way, Attorney General Holder, let's see your draft complaint that you've prepared now to bring the suit

against Arizona. When that draft complaint is released—and I formally requested that as a document—I will take it myself and go into the ACLU's lawsuit, and I'll show you where the Attorney General's office copied and pasted right of the ACLU's lawsuit into their own. It will be what comes from that draft complaint.

I know it's coming. That's how they're operating. They're not operating independently within that operation. They've been politicized. They have canceled the most open-and-shut voter intimidation case in the history of America, which is the New Black Panthers' case in Philadelphia. It is on videotape. They had a conviction. All they needed to do was to follow through. They canceled the case. Loretta King did so inside the Justice Department. Her name rings back to me because she is the one who canceled the will of the people in Kinston, North Carolina, who voted that they wanted no more partisan elections in local elections. They wanted to take the "R" and the "D" off the names of the candidates; and with a 70 percent vote, Loretta King invalidated that because she said, Well, black people won't know to vote for another black person unless there is a "D" beside his name.

That is not equal protection. It is contempt for people's judgment. I think we need to have equal protection under the law. We need to uphold the Constitution, the rule of law and the separation of powers.

I am going to stand with the people of Arizona, who have done a great thing for America; and we are eventually going to get to the point where we establish this rule of law and enforce our immigration laws. When that becomes a practice in the United States of America, then we can talk about some of the other solutions when it comes to immigration.

Mr. Speaker, I appreciate your attention this evening, your indulgence and the opportunity to address you here on the floor of the House.

I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today.

Mr. FATTAH (at the request of Mr. HOYER) for today.

Mr. HILL (at the request of Mr. HOYER) for today on account of family business.

Mr. HONDA (at the request of Mr. HOYER) for today and until 5 p.m. on June 15 on account of illness.

Mr. INSLEE (at the request of Mr. HOYER) for today.

Ms. KILPATRICK of Michigan (at the request of Mr. HOYER) for today.

Mrs. NAPOLITANO (at the request of Mr. HOYER) for today.

Mr. GERLACH (at the request of Mr. BOEHNER) for today on account of attending his daughter's high school graduation.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. SCOTT of Georgia, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, June 18.

Mr. POE of Texas, for 5 minutes, June 18 and 21.

Mr. JONES, for 5 minutes, June 18 and 21.

Ms. ROS-LEHTINEN, for 5 minutes, June 15 and 17.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. GINGREY of Georgia, for 5 minutes, today.

#### SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 3473. An act to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill.

#### ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 15, 2010, at 9 a.m., for morning-hour debate.

#### OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 111th Congress, pursuant to the provisions of 2 U.S.C. 25:

TOM GRAVES, Georgia, Ninth.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7861. A letter from the Lead Regulatory Analyst, Department of Agriculture, transmitting the Department's final rule — Swine Contract Library (RIN: 0580-AB06) received May 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7862. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sodium 1,4-Dialkyl Sulfosuccinates; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0739; FRL-8825-2] received June 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7863. A letter from the Director, Office of Management and Budget, transmitting a letter regarding the clean energy goals of the administration; to the Committee on Appropriations.

7864. A letter from the Chair, Federal Reserve System, transmitting the System's 96th Annual Report covering operations for calendar year 2009; to the Committee on Financial Services.

7865. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Web-Based Compliance and Certification Management System [Docket No.: EERE-2010-BT-CRT-0017] (RIN: 1904-AC10) received May 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7866. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products: Determination Concerning the Potential for Energy Conservation Standards for Non-Class A External Power Supplies [Docket No.: EERE-2009-BT-DET-0005] (RIN: 1904-AB80) received May 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7867. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Withdrawal of the Emission-Comparable Fuel Exclusion under RCRA [EPA-HQ-RCRA-2005-0017; FRL-9160-9] (RIN:

2050-AG57) received June 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7868. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's "Major" final rule — Primary National Ambient Air Quality Standard for Sulfur Dioxide [EPA-HQ-OAR-2007-0352; FRL-9160-4] (RIN: 2060-A048) received June 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7869. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 09-141 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7870. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-039, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7871. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-014, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7872. A letter from the Chairman, Federal Trade Commission, transmitting the semi-annual report on the activities of the Office of Inspector General for the period from October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7873. A letter from the Assistant Chief Counsel for General Law, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Incorporation of Special Permits into Regulations [Docket No.: PHMSA-2009-0289 (HM-233A)] (RIN: 2137-AE39) received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7874. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2-1C, B2-203, B2K-3C, B4-103, B4-203, B4-2C Airplanes; Model A310 Series Airplanes; and Model A300 B4-601, B4-603, B4-605R, B4-620, B4-622, and B4-622R Airplanes [Docket No.: FAA-2009-0789; Directorate Identifier 2008-NM-185-AD; Amendment 39-16228; AD 2010-06-04] (RIN: 2120-AA64) received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7875. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives BAE SYSTEMS (Operations) Limited Model BAE 146-100A, -200A, and -300A Series Airplanes, and Model Avro 146-RJ70A, 146-RJ85A, and 146-RJ100A Airplanes [Docket No.: FAA-2009-1250; Directorate Identifier 2008-NM-169-AD; Amendment 39-16276; AD 2010-09-11] (RIN: 2120-AA64) received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7876. A letter from the Paralegal Specialist, Department of Transportation, trans-

mitting the Department's final rule — Airworthiness Directives; DASSAULT AVIATION Model FALCON 900EX and MYSTERE-FALCON 900 Airplanes [Docket No.: 2000-NM-418-AD; Amendment 39-12964; AD 2002-23-20] (RIN: 2120-AA64) received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7877. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Sections 7701(a) and 7805 — Definition of Foreign Partnership [Notice 2010-41] received May 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7878. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — James R. Thompson v. United States Court of Federal Claims No. 06-211T received May 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7879. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Tidewater Inc. and Subsidiaries and Tidewater Foreign Sales Corporation v. United States, 565 F. 3d 299 (5th Cir. 2009), affg No. 06-875, 2007 U.S. Dist. LEXIS 77147 (E.D. La. October 17, 2007) received May 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7880. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Qualified Nonpersonal Use Vehicles [TD 9483] (RIN: 1545-BH65) received May 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7881. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of Dividends received Deduction on Separate Accounts of Life Insurance Companies [LMSB-4-0510-015] received May 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7882. A letter from the Staff Director, Commission on Civil Rights, transmitting a report on "Wiretapping and the War on Terror"; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

7883. A letter from the Secretary, Department of Labor, transmitting a legislative proposal entitled, "Unemployment Compensation Program Integrity Act of 2010"; jointly to the Committees on Oversight and Government Reform, Ways and Means, and Education and Labor.

7884. A letter from the Principal Deputy General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2011; jointly to the Committees on Armed Services, the Judiciary, Oversight and Government Reform, the Budget, Financial Services, Small Business, Transportation and Infrastructure, Veterans' Affairs, Foreign Affairs, and Energy and Commerce.

7885. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2011; jointly to the Committees on Armed Services, Transportation and Infrastructure, Ways and Means, Energy and Commerce, Foreign Affairs, the Judiciary, Intelligence (Permanent Select), Oversight and Government Reform, and Education and Labor.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 2142. A bill to require the review of Government programs at least once every 5 years for purposes of assessing their performance and improving their operations, and to establish the Performance Improvement Council; with amendments (Rept. 111-504). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 4451. A bill to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects; with an amendment (Rept. 111-505). Referred to the Committee of the Whole House on the State of the Union.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 1436. Resolution providing for consideration of the bill (H.R. 5486) to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; and providing for consideration of the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes (Rept. 111-506). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CASSIDY (for himself, Mr. CAO, Mr. BOUSTANY, Mr. ALEXANDER, Mr. SCALISE, Mr. FLEMING, Mr. MELANCON, Mr. GRIFFITH, Mr. ROGERS of Alabama, Mr. SULLIVAN, Mr. COLE, Mr. BOREN, Mr. SHADEGG, Mr. PENCE, Mr. YOUNG of Alaska, Mr. CHAFFETZ, Mr. MARCHANT, Mr. CULBERSON, Mr. LUCAS, Mr. CUELLAR, Mr. GUTHRIE, Mr. MCCAUL, Mr. FRANKS of Arizona, Mrs. CAPITO, Mr. CONAWAY, Mr. HARPER, Mr. OLSON, Mr. HENSARLING, Mr. PRICE of Georgia, Mr. THOMPSON of Pennsylvania, Mr. POE of Texas, Mr. BURTON of Indiana, and Mr. HALL of Texas):

H.R. 5519. A bill to terminate the moratorium on deepwater drilling and to require the Secretary of the Interior to ensure the safety of deepwater drilling operations; to the Committee on Natural Resources.

By Mr. KAGEN (for himself, Mr. RUPERSBERGER, Mr. HALL of New York, Mr. BOSWELL, Mr. HARE, Ms. SUTTON, Mr. DEUTCH, Ms. VELÁZQUEZ, Mr. JOHNSON of Georgia, Mr. CONNOLLY of Virginia, Mr. LOEBBACH, Mr. MCGOVERN, Mr. SCHAUER, Mr. SPRATT, Ms. CASTOR of Florida, Mr. BACA, Ms. CLARKE, Ms. LEE of California, and Mr. COHEN):

H.R. 5520. A bill to require immediate payment by BP p.l.c. to the United States of an amount for use to compensate all affected persons for removal costs and damages arising from the explosion and sinking of the mobile offshore drilling unit Deepwater Horizon, to make that amount available to the

Secretary of the Interior to pay such compensation, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CASTLE (for himself, Mrs. DAHLKEMPER, and Mr. EHLERS):

H.R. 5521. A bill to extend credits related to the production of electricity from offshore wind, and for other purposes; to the Committee on Ways and Means.

By Mr. MORAN of Virginia (for himself, Mr. CONNOLLY of Virginia, and Mr. WOLF):

H.R. 5522. A bill to amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for certain training programs for supervisors of Federal employees; to the Committee on Oversight and Government Reform.

By Mr. EDWARDS of Texas (for himself, Mr. CARTER, Mr. AKIN, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. CONAWAY, Mr. CRENSHAW, Mr. ETHERIDGE, Mr. FALCOMA, Mr. FARR, Mr. GONZALEZ, Ms. GRANGER, Mr. GRAVES of Missouri, Mr. SAM JOHNSON of Texas, Mr. KILDEE, Mr. KISSELL, Mr. KRATOVIL, Mr. LUETKEMEYER, Mr. MORAN of Virginia, Mr. OWENS, Mr. REYES, Ms. SHEA-PORTER, Mr. SMITH of Washington, Mr. SMITH of Texas, Mr. TAYLOR, Mr. TEAGUE, Mr. THOMPSON of Pennsylvania, Mr. WILSON of South Carolina, Mr. REICHERT, Ms. SCHWARTZ, Mr. ISRAEL, Mr. DAVIS of Tennessee, Mr. STUPAK, Mr. RYAN of Ohio, Mr. MCGOVERN, Mr. HINOJOSA, Mr. LUJÁN, Mr. MEEKS of New York, Mr. SCALISE, Mr. BUTTERFIELD, Mr. DONNELLY of Indiana, Mr. MURPHY of New York, Mr. MEEK of Florida, Mr. CRITZ, Mr. CARNEY, Mrs. KIRKPATRICK of Arizona, Mr. HARE, Ms. HIRONO, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. ORTIZ, Mr. SESSIONS, Mr. SHUSTER, Mr. WESTMORELAND, Mr. GRIFFITH, Mr. JONES, Mr. CAO, Mr. ROHRBACHER, Mr. FRELINGHUYSEN, Mr. SHIMKUS, Mr. COLE, Mr. BURTON of Indiana, Mr. LINDER, Mr. KINGSTON, Mr. BROUN of Georgia, Mr. FLEMING, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CALVERT, Mr. KING of New York, Mr. EHLERS, Mr. MCCAUL, Mr. KING of Iowa, Mr. PENCE, Mr. WALDEN, Mr. ROE of Tennessee, Mr. DAVIS of Kentucky, Mr. CULBERSON, Mr. BUYER, Ms. GINNY BROWN-WAITE of Florida, Mr. GOHMERT, Mrs. MYRICK, Mr. BILBRAY, Mr. ROGERS of Kentucky, Mr. TIAHRT, Mr. CAMP, Mr. ELLSWORTH, Ms. JENKINS, Mr. LOEBSACK, Ms. RICHARDSON, Mr. MCMAHON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BARTON of Texas, Mr. BACHUS, Mr. MCCLINTOCK, Mr. BONNER, Mr. ROONEY, and Ms. NORTON):

H. Con. Res. 286. Concurrent resolution recognizing the 235th birthday of the United States Army; to the Committee on Armed Services.

By Mr. BOEHNER (for himself, Mr. KLINE of Minnesota, Mr. LUETKEMEYER, Mr. LEE of New York, Mr. JONES, Mr. KING of Iowa, Ms. ROSLEHTINEN, Mr. ROONEY, Mrs. MYRICK, Mr. COBLE, Mr. GUTHRIE, Mr. SULIVAN, Mr. POSEY, Mr. LATHAM, Mr. TERRY, Mr. ROE of Tennessee, Mr. AKIN, Mr. CONAWAY, Mr. HERGER, Mr. WILSON of South Carolina, Mr.

OLSON, Mr. MCHENRY, Mr. PAULSEN, Mr. ROGERS of Michigan, Mr. BROWN of South Carolina, and Mr. BARTON of Texas):

H. Con. Res. 287. Concurrent resolution recognizing Associated Builders and Contractors on the occasion of the 60th anniversary of its founding and for the many vital contributions merit shop commercial, industrial, and infrastructure construction contractors make to the quality of life of the people of the United States; to the Committee on Oversight and Government Reform.

By Mr. CUMMINGS (for himself, Mr. GALLEGLY, Mr. HOLT, Mr. ISSA, Mr. CASTLE, Mr. TIM MURPHY of Pennsylvania, Mrs. CHRISTENSEN, Mr. COHEN, Ms. BORDALLO, Ms. CLARKE, Mr. BISHOP of Georgia, Mr. TANNER, Mr. HINCHEY, Mr. SCOTT of Georgia, Mr. SMITH of New Jersey, Ms. NORTON, Mr. LOBIONDO, Mr. MORAN of Virginia, Mr. FATTAH, Mr. SERRANO, Mr. NEAL of Massachusetts, Ms. LEE of California, Mr. HILL, Ms. FUDGE, Mr. LYNCH, Mr. CRITZ, Mr. HOLDEN, Mr. MCGOVERN, Mr. GRIJALVA, Ms. RICHARDSON, Mr. GORDON of Tennessee, Mr. BURTON of Indiana, Mrs. DAVIS of California, Mr. SIRE, Mr. HINOJOSA, Mr. THOMPSON of Mississippi, Mr. ELLISON, Mr. FILNER, Mr. JACKSON of Illinois, Mr. GONZALEZ, Mr. BUTTERFIELD, Mr. BRADY of Pennsylvania, Mr. BOSWELL, Mr. BISHOP of New York, Mr. ROE of Tennessee, Ms. CORRINE BROWN of Florida, Mr. CLAY, Mr. MCINTYRE, Ms. KILPATRICK of Michigan, Ms. BERKLEY, Mr. SCOTT of Virginia, Mr. FRELINGHUYSEN, Mr. MEEKS of New York, Mr. DAVIS of Illinois, Mr. HARE, Mr. GUTIERREZ, Mr. CLEAVER, Mr. SARBANES, and Mr. FRANK of Massachusetts):

H. Con. Res. 288. Concurrent resolution supporting National Men's Health Week; to the Committee on Oversight and Government Reform.

By Mr. DJOU (for himself and Mr. DREIER):

H. Res. 1435. A resolution expressing the sense of the House of Representatives that the United States should initiate negotiations to enter into a free trade agreement with the Republic of the Philippines; to the Committee on Ways and Means.

By Mr. EDWARDS of Texas:

H. Res. 1437. A resolution congratulating the McLennan Community College Highlanders men's golf team for winning the 2010 NJCAA Division I Men's Golf Championship; to the Committee on Education and Labor.

By Mr. PAULSEN:

H. Res. 1438. A resolution promoting increased awareness and diagnosis of peripheral arterial disease (PAD) to address the high mortality rate of this treatable disease; to the Committee on Energy and Commerce.

By Mr. QUIGLEY (for himself, Mr. DAVIS of Illinois, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. HARE, Mr. ROSKAM, Mrs. BIGGERT, Mr. MANZULLO, Mr. HIGGINS, Mr. MINNICK, Mr. SCHOCK, Mr. JOHNSON of Illinois, Mr. TERRY, Mr. JACKSON of Illinois, Mr. KIRK, Mr. FOSTER, Mr. SHIMKUS, Ms. BEAN, Ms. BALDWIN, Mrs. HALVORSON, Ms. SCHAKOWSKY, Mr. RUSH, and Mr. COSTELLO):

H. Res. 1439. A resolution congratulating the Chicago Blackhawks on winning the 2010 Stanley Cup Championship; to the Committee on Oversight and Government Reform.

By Mr. WEINER:

H. Res. 1440. A resolution recognizing and supporting Israel's right to defend itself; to the Committee on Foreign Affairs.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

306. The SPEAKER presented a memorial of the House of Representatives of the State of Arizona, relative to House Concurrent Memorial 2009 urging the Congress to enact legislation that provides grant funding for states to conduct feasibility studies for the domestic production and research of medical isotopes; to the Committee on Energy and Commerce.

307. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 927 urging the Congress to pass the Social Security Fairness Act of 2009; to the Committee on Ways and Means.

308. Also, a memorial of the House of Representatives of the State of Arizona, relative to House Concurrent Memorial 2014 urging the Congress to support federal and state policy initiatives to spur a new wave of nuclear plant development; jointly to the Committees on Energy and Commerce, Ways and Means, and Science and Technology.

## ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 52: Mr. HONDA.

H.R. 211: Ms. LINDA T. SÁNCHEZ of California.

H.R. 235: Ms. SHEA-PORTER.

H.R. 248: Mr. HOLDEN.

H.R. 406: Ms. SPEIER and Mr. WALZ.

H.R. 503: Ms. BALDWIN.

H.R. 635: Ms. SUTTON.

H.R. 669: Mr. DEUTCH.

H.R. 707: Mr. CRITZ.

H.R. 948: Mr. RYAN of Ohio.

H.R. 1021: Mrs. BLACKBURN.

H.R. 1193: Mr. FRANK of Massachusetts, Mr. LOEBSACK, and Mr. PRICE of North Carolina.

H.R. 1210: Mrs. BLACKBURN.

H.R. 1230: Mr. COHEN.

H.R. 1240: Mr. LIPINSKI.

H.R. 1305: Mr. WALDEN.

H.R. 1324: Mr. THOMPSON of Mississippi.

H.R. 1351: Ms. EDWARDS of Maryland.

H.R. 1549: Ms. LORETTA SANCHEZ of California.

H.R. 1806: Mr. MCCOTTER.

H.R. 1826: Ms. CLARKE.

H.R. 1829: Ms. ROS-LEHTINEN.

H.R. 1927: Mr. DOGGETT.

H.R. 1956: Mr. COSTA.

H.R. 2246: Mr. BLUMENAUER.

H.R. 2626: Mr. WALDEN.

H.R. 2697: Ms. LORETTA SANCHEZ of California.

H.R. 2731: Mr. MICHAUD.

H.R. 2746: Mr. UPTON and Mr. KIRK.

H.R. 2811: Mr. DEUTCH.

H.R. 3164: Mr. CONNOLLY of Virginia.

H.R. 3212: Mr. JOHNSON of Georgia and Mr. LOEBSACK.

H.R. 3349: Mr. FALCOMA.

H.R. 3408: Ms. CLARKE, Mr. PAYNE, Ms. HIRONO, and Mr. BOSWELL.

H.R. 3441: Mr. NYE.

H.R. 3464: Mrs. SCHMIDT.

H.R. 3491: Ms. CHU.  
 H.R. 3554: Mr. HARE.  
 H.R. 3625: Mr. KUCINICH.  
 H.R. 3716: Mr. PAUL.  
 H.R. 3839: Mr. MCCOTTER.  
 H.R. 3974: Ms. PINGREE of Maine.  
 H.R. 4051: Mr. CRITZ.  
 H.R. 4080: Mr. LEWIS of Georgia.  
 H.R. 4116: Mr. PERRIELLO, Mr. BISHOP of Georgia, Ms. CASTOR of Florida, Mr. McDERMOTT, Mr. RYAN of Ohio, Mr. POE of Texas, and Mr. LUJÁN.  
 H.R. 4128: Ms. WATERS.  
 H.R. 4148: Mr. KUCINICH.  
 H.R. 4190: Mr. HODES.  
 H.R. 4195: Ms. HIRONO.  
 H.R. 4197: Mr. FRANK of Massachusetts.  
 H.R. 4296: Mr. PRICE of North Carolina.  
 H.R. 4322: Mr. PRICE of North Carolina and Mr. BISHOP of Georgia.  
 H.R. 4446: Mr. KUCINICH.  
 H.R. 4480: Mr. RYAN of Ohio, Ms. BERKLEY, and Mr. CASTLE.  
 H.R. 4530: Ms. TSONGAS.  
 H.R. 4544: Mr. PRICE of North Carolina and Mr. KUCINICH.  
 H.R. 4594: Mr. LANGEVIN.  
 H.R. 4638: Mr. FILNER.  
 H.R. 4671: Mr. POLIS and Mr. MOLLOHAN.  
 H.R. 4677: Mr. KUCINICH.  
 H.R. 4684: Mr. BAIRD, Ms. BALDWIN, Mr. BARROW, Mr. BILBRAY, Mr. CARDOZA, Mr. CARSON of Indiana, Mr. CHAFFETZ, Mr. COBLE, Mr. COOPER, Mr. MARIO DIAZ-BALART of Florida, Mr. DINGELL, Mr. ETHERIDGE, Mr. FRANKS of Arizona, Mr. HOYER, Mr. INSLEE, Mr. JORDAN of Ohio, Ms. KAPTUR, Mr. KILDEE, Mr. MINNICK, Mr. PASTOR of Arizona, Mr. PENCE, Mr. RUSH, Mr. SENSENBRENNER, Ms. SPEIER, Mr. TIERNEY, Mr. YARMUTH, Mr. YOUNG of Alaska, Mr. HASTINGS of Florida, Mr. CUELLAR, Mr. COFFMAN of Colorado, Ms. HERSETH SANDLIN, Mrs. HALVORSON, Mr. GUTIERREZ, Mr. SMITH of Texas, Mr. BOYD, and Mr. BACA.  
 H.R. 4710: Ms. PINGREE of Maine.  
 H.R. 4745: Mr. LAMBORN, Mr. PETERSON, and Mr. PLATTS.  
 H.R. 4796: Mr. FRANK of Massachusetts.  
 H.R. 4830: Ms. EDDIE BERNICE JOHNSON of Texas.  
 H.R. 4844: Mrs. MILLER of Michigan.  
 H.R. 4886: Mr. TURNER and Ms. CHU.  
 H.R. 4910: Mr. CASSIDY.  
 H.R. 4912: Mr. FILNER.  
 H.R. 4923: Mr. HINCHEY, Mr. STUPAK, Mr. THOMPSON of California, and Mr. MCNERNEY.  
 H.R. 4925: Ms. SCHAKOWSKY.  
 H.R. 4926: Ms. SCHAKOWSKY, Ms. HIRONO, Mr. STUPAK, and Mr. GRIJALVA.  
 H.R. 4995: Mr. GARY G. MILLER of California.  
 H.R. 5012: Mr. SCHIFF, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. FRANK of Massachusetts, and Mr. CONYERS.

H.R. 5032: Mr. DEUTCH.  
 H.R. 5034: Mr. ROTHMAN of New Jersey, Mr. COURTNEY, and Mr. HEINRICH.  
 H.R. 5040: Ms. DEGETTE, Mr. ENGEL, Mr. COHEN, and Mr. BOUCHER.  
 H.R. 5041: Mr. OWENS and Ms. DEGETTE.  
 H.R. 5081: Mr. LINDER and Mr. WEINER.  
 H.R. 5092: Mr. SPRATT.  
 H.R. 5119: Mr. POLIS and Ms. DEGETTE.  
 H.R. 5141: Mr. CULBERSON, Mr. NUNES, Mr. REHBERG, Mr. BLUNT, and Mr. DAVIS of Kentucky.  
 H.R. 5156: Ms. SPEIER and Ms. HIRONO.  
 H.R. 5162: Ms. HERSETH SANDLIN, Ms. GINNY BROWN-WAITE of Florida, and Mr. JORDAN of Ohio.  
 H.R. 5173: Mr. BACHUS.  
 H.R. 5211: Mr. PIERLUISI, Mr. KUCINICH, and Ms. TITUS.  
 H.R. 5232: Ms. WASSERMAN SCHULTZ.  
 H.R. 5339: Mr. MCCLINTOCK.  
 H.R. 5340: Mr. MCCLINTOCK.  
 H.R. 5354: Mr. SCOTT of Georgia.  
 H.R. 5355: Ms. WATERS and Mr. FRANK of Massachusetts.  
 H.R. 5382: Mr. SHADEGG.  
 H.R. 5426: Mr. ROGERS of Michigan.  
 H.R. 5434: Mr. ROTHMAN of New Jersey, Mr. MARKEY of Massachusetts, Mr. GEORGE MILLER of California, Mr. HONDA, and Ms. LINDA T. SANCHEZ of California.  
 H.R. 5441: Ms. MOORE of Wisconsin, Ms. SCHAKOWSKY, and Mr. MAFFEI.  
 H.R. 5470: Mr. SARBANES and Mr. MARCHANT.  
 H.R. 5478: Mr. BAIRD and Mr. ELLSWORTH.  
 H.R. 5480: Mr. CONYERS.  
 H.R. 5501: Mr. GARRETT of New Jersey, Mr. COFFMAN of Colorado, Mr. PRICE of Georgia, and Mr. CAO.  
 H.R. 5502: Mr. McMAHON, Mr. MCCARTHY of California, Ms. JENKINS, and Mr. MEEKS of New York.  
 H.R. 5510: Mr. DRIEHAUS.  
 H.J. Res. 47: Mr. BISHOP of Georgia and Mr. PERRIELLO.  
 H.J. Res. 81: Ms. CLARKE, Mr. FATTAH, Ms. WATSON, and Mr. WATT.  
 H. Con. Res. 242: Mr. MEEK of Florida.  
 H. Con. Res. 266: Mr. GARAMENDI.  
 H. Con. Res. 281: Mr. NEUGEBAUER and Mr. GARRETT of New Jersey.  
 H. Con. Res. 284: Mr. BARROW, Mr. TIAHRT, Mr. SMITH of Texas, Mr. EHLERS, Ms. KILROY, Mr. LAMBORN, Mr. FORTENBERRY, Mr. GRAVES of Missouri, Mr. HARPER, Mr. COBLE, and Mr. KENNEDY.  
 H. Res. 111: Mr. CASTLE and Mr. CRITZ.  
 H. Res. 173: Mrs. KIRKPATRICK of Arizona, Mr. RANGEL, and Ms. EDDIE BERNICE JOHNSON of Texas.  
 H. Res. 536: Mr. AKIN and Mr. HOLDEN.  
 H. Res. 764: Mr. JOHNSON of Georgia and Mr. COSTA.

H. Res. 820: Mr. MANZULLO.  
 H. Res. 913: Mr. FRANK of Massachusetts and Mr. MORAN of Virginia.  
 H. Res. 966: Mr. CALVERT.  
 H. Res. 1171: Mr. LIPINSKI.  
 H. Res. 1207: Mr. WILSON of South Carolina.  
 H. Res. 1219: Ms. MARKEY of Colorado.  
 H. Res. 1291: Mr. BOUCHER and Mr. MARSHALL.  
 H. Res. 1350: Mr. BURTON of Indiana and Mr. FLAKE.  
 H. Res. 1401: Mr. CARNEY, Mr. LOBIONDO, Mr. WEINER, Mr. MEEKS of New York, Mr. HOLDEN, Mr. FILNER, Mr. WU, Mr. DeFAZIO, Mr. KLEIN of Florida, Mr. CAO, and Mr. BOWELL.  
 H. Res. 1406: Mr. LAMBORN, Mr. REHBERG, and Mr. FLEMING.  
 H. Res. 1412: Mr. SCHIFF and Mr. SCHOCK.  
 H. Res. 1417: Mr. GORDON of Tennessee.  
 H. Res. 1429: Mrs. McMORRIS RODGERS, Mr. MCINTYRE, Mr. MANZULLO, Mr. THOMPSON of Pennsylvania, Mr. CALVERT, Mr. LANCE, Mr. LATOURETTE, Mr. CAO, Ms. GRANGER, Mr. POSEY, Mr. CONAWAY, Mrs. BACHMANN, Mr. LAMBORN, Mr. GUTHRIE, Mr. JORDAN of Ohio, Mr. CONNOLLY of Virginia, Mr. GRIFFITH, Mr. CHAFFETZ, Mr. MAFFEI, Mr. MCCAUL, Mr. ROE of Tennessee, Mr. TURNER, Mr. KLINE of Minnesota, Mr. BACHUS, Mr. PRICE of Georgia, Mr. SIMPSON, Ms. BORDALLO, Mr. BROUN of Georgia, Mrs. BLACKBURN, Mr. NEUGEBAUER, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mrs. HALVORSON, Mr. BUYER, and Mr. DUNCAN.  
 H. Res. 1430: Mr. SABLAN.

#### PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

144. The SPEAKER presented a petition of American Bar Association, Illinois, relative to Resolution 102G urging the President and the Attorney General to assure that lawyers in the Department of Justice do not make decisions concerning investigations or proceedings based upon partisan political interests; to the Committee on the Judiciary.

145. Also, a petition of American Bar Association, Illinois, relative to Resolution 102D urging federal, state, local, and territorial courts to adopt a procedure whereby a criminal trial court shall conduct a conference with the parties to ensure that they are fully aware of their respective disclosure obligations; to the Committee on the Judiciary.

## EXTENSIONS OF REMARKS

### A TRIBUTE TO DORIS TURNER KEYS

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Doris Turner Keys, a union leader who has demonstrated dedication to improving the lives of others.

Doris Turner Keys has been a member of District 1199, National Union of Hospital and Health Care Employees, Retail, Wholesale and Department Store Union (RWDSU), AFL-CIO for more than thirty years. She was a leader in the historic 1959 hospital workers strike which launched the union, and she joined the union staff as an organizer in 1960. She rose through the ranks, quickly becoming Vice President, Area Director. She became Executive Vice President in 1967 and served in that position for 15 years.

In May 1982, she was elected President of District 1199, and was re-elected in 1984. As a founding member and principal organizer she served as Secretary, and as an officer of the State AFL-CIO, and was the only African American woman and one of two women of the AFL-CIO to serve at that time.

Mrs. Keys served as a trustee of the union's Training and Upgrading program which provides over \$1 million dollars annually to 1199 members seeking upward mobility. She was a leader in the struggle to improve union services for members and their families, especially children and retirees, and was instrumental in expanding the union's civic, social, cultural, and political programs.

She has dedicated herself to national, local and community endeavors. Mrs. Keys was a New York State delegate to the National Women Founding Conference in Houston, Texas in 1975 and served as a New York City Commissioner of Human Rights for six years. She was also a member of the Committee International Year of the Woman and a Trustee of the Martin Luther King Jr. Center for Non-Violent Social Changes. She served as a delegate representing Westchester County at a Democratic Convention. Mrs. Keys has served on the New York State Hospital Review and Planning Council as well as many other health and labor related organizations.

Mrs. Keys has been honored by the NAACP, the NYC Council AFL-CIO, the Urban League, and the African Peoples Christian Organization, among others. She is the recipient of the Coalition of Black Trade Unionists Sojourner Truth Loyalty Award, New York State 33rd Assembly District's Service and Humanitarian Award, and the Letha Loggins Bradford Memorial Foundations' Woman of the Year Award. She has been recognized for her role in raising money for AIDS research and treatment. She has also been

listed in "Who's Who in Black America" and Who's Who in the Labor Movement".

Mrs. Keys makes her home in Mount Vernon, New York and she and her family are active members of the Bethesda Baptist Church of New Rochelle. For more than 12 years, she was the cook in the church's soup kitchen, Lad's Lunch, which fed approximately 100 men, women and children each week.

She is married to Willie D. Keys and is the mother of 2 daughters. She has 7 grandchildren and 5 great grandchildren. Her extended family includes several sisters, brothers, nieces, nephews and cousins. However, she says she is most of all a child of the King.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Doris Turner Keys.

### IN HONOR OF US NAVAL ARMED GUARD AND AIR FORCE VETERAN CHARLES ARTHUR ALESHIRE

#### HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mrs. HALVORSON. Madam Speaker, today I rise to recognize a Joliet citizen and hero of the Greatest Generation, Charles Arthur Aleshire. Due to its rapid disbandment and lack of proper records, the efforts of members of the Naval Armed Guard Service, such as Mr. Aleshire, have been largely overlooked by history. Mr. Aleshire served our country with courage and honor when the world turned to the United States to fight tyranny and oppression in World War II.

Mr. Aleshire volunteered when he was just 17 to join the U.S. Navy Armed Guard service and protect vital supplies and troops necessary for the war effort. His service took him around the world, to South America where he watched for German U-Boats, to the invasion of Okinawa, where he and his shipmates faced Japanese kamikaze attacks on their fleet. On February 18th, 1946, his 21st birthday, he was honorably discharged as a Coxswain at the Great Lakes Naval Training Center.

However, his service to our country did not end there. In 1948, Mr. Aleshire entered the Air Force, and was assigned to the 509th Bombardment Wing, as an Airframe Repair Specialist. This unit served as the core of the newly formed Strategic Air Command. Mr. Aleshire was on active duty during some of the most dangerous conflicts and crises of the 20th century, including the Korean War, the Berlin Airlift, and the Cuban Missile Crisis. He retired as a Staff Sergeant in 1966.

An indebted country cannot thank Mr. Aleshire and so many other brave men and women enough for their selfless sacrifice. His

admirable service to our country is in keeping with the highest traditions of honor and service displayed by our armed forces, and is an example to all Americans.

### HONORING DR. JOE E. ELLIS

#### HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mr. WHITFIELD. Madam Speaker, I rise today to recognize my good friend, Dr. Joe E. Ellis of Benton, Kentucky.

Dr. Ellis will soon be elected president of the American Optometric Association during their 113th annual meeting, where he will be installed as AOA's 89th president on Saturday, June 19th, 2010 in Orlando, Florida.

Dr. Ellis is a graduate of the Southern College of Optometry and has a private practice in Marshall County. He was named Kentucky Young Optometrist of the Year in 1992 and has also received three President's Awards from the Kentucky Optometric Association.

Dr. Ellis' particular area of interest is advocacy, especially as it relates to patients' access to optometric care. He has been active in legislative and government relations at the state and national levels and recently served as Chairman of the AOA's State Health Care Legislation Committee.

Dr. Ellis was instrumental in the passage of the first state law of its kind that requires that all Kentucky children entering public schools receive a diagnostic eye examination. The Kentucky General Assembly identified problems with vision as an important factor limiting children's abilities to learn and succeed. Through this, they recognized that the early diagnosis and treatment of children's vision problems is a necessary component to school readiness and academic learning and the enactment of this legislation in 2000 ensured that children in my state are able to meet their developmental potential.

Doctors of optometry serve patients in nearly 6,500 communities across the country, and in 3,500 of those, they are the only eye doctors. Optometrists provide two-thirds of all primary eye care in the United States. The American Optometric Association represents approximately 36,000 doctors of optometry, optometry students and paraoptometric assistants and technicians.

Dr. Ellis' enthusiasm for optometry and commitment to excellence in eye and vision care has earned him this prestigious national office and public recognition. I am confident that he will have a very successful term as the American Optometric Association's president. His election is a tribute to his years of service to the profession of optometry in Kentucky and throughout the nation. I join his family, friends and colleagues in congratulating him on this

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

achievement and wishing him the best of luck in this endeavor.

HONORING THE LIFE OF FRANK  
PELLEGRINI

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to recognize Frank Pellegrini, who passed away on March 25, 2010.

Frank touched the lives of people all over Long Island and he will be remembered as a man who showed grace and humility in all aspects of his life. For 40 years, he worked at Farmingdale State College where he served thousands of students and teachers through his roles as an Organic Chemistry teacher and then the Dean of the College of Arts and Sciences.

Frank also served for 35 years as the Chief and Commissioner of the Dix Hills Fire Department where his heroic efforts touched the lives of countless members of the community. Frank possessed extreme bravery and a passion for helping others.

Frank Pellegrini will be remembered by all who were fortunate enough to know him and his memory will remain a fixture in both institutions where he served for so long.

PERSONAL EXPLANATION

**HON. BILL SHUSTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mr. SHUSTER. Madam Speaker, on Thursday, June 10, I was not present in order to attend my son's high school graduation ceremony. Had I been present, I would have voted "yes" on rollcall 353, final passage of the FHA Reform Act of 2010, and "yes" on rollcall 354, passage of amendments to the Oil Pollution Act of 1990 to authorize advances from the Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill.

PERSONAL EXPLANATION

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Ms. ESHOO. Madam Speaker, I was not present during rollcall vote Nos. 347–354 on June 10th. I would have voted as follows: On rollcall vote No. 347 I would have voted "yes"; on rollcall vote No. 348 I would have voted "no"; on rollcall vote No. 349 I would have voted "no"; on rollcall vote No. 350 I would have voted "no"; on rollcall vote No. 351 I would have voted "yes"; on rollcall vote No. 352 I would have voted "yes"; on rollcall vote No. 353 I would have voted "yes"; on rollcall vote No. 354 I would have voted "yes."

HONORING MS. ELLA COHEN

**HON. NITA M. LOWEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mrs. LOWEY. Madam Speaker, today I rise to honor Ella Cohen and Rye Neck High School for her winning the Stephen J. Wemiel Best Oralist Award 2010 in the "We The Students" National High School Moot Court Competition in March.

This competition brings high school students from around the world together to compete and showcase their oral advocacy skills. Students are tested on their understanding of cutting edge legal questions and the applicability of current legal issues to the high school setting. Crucial to this competition is the understanding of the Constitution and our complex judiciary system. Ella demonstrated sharp legal reasoning, addressing difficult questions about the first amendment.

Ella's award as "Best Respondent" in this competition is a testament to the quality education she has received at Rye Neck High School and her commitment to her studies.

Madam Speaker, I urge my colleagues to join me in congratulating Ella and recognizing the teachers, the administrators and her family who have contributed to her academic success.

HONORING THE LIFE OF WALTER  
HESSLING

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to recognize Walter Hessling who passed away on November 27, 2009.

Walter was one of many courageous men who chose to serve his community as a firefighter. He was a Captain of the Dix Hills Volunteer Fire Department and served his community valiantly for 32 years.

To all of those who knew and loved him, his untimely death will forever be a reminder of his selflessness. His last heroic moment in the line of duty saved the lives of others who he never met. As time passes, the pain will fade, but the memory of Walter will always remain a shining example of truth and goodness to all of those whose lives he touched.

It is at this time we remember Walter Hessling for his bravery and kindness and for his dedication and service to the Dix Hills Fire Department.

IN MEMORY OF ZIA RAHMAN, BE-  
LOVED LEADER AND INTER-  
FAITH DIALOGUE ADVOCATE

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mr. ANDREWS. Madam Speaker, I rise today to honor the life and memory of Zia

Rahman of Voorhees, who passed away on June 9th, 2009 at the age of 64. He is survived by his wife of 38 years, Zahida, two sons, and five brothers. Mr. Rahman made a lasting mark on the Voorhees community for his religious passion and understanding.

Mr. Rahman was the Managing Director of the Muslim American Community Association (MACA), but many will remember him for building a mosque in Voorhees. Six years ago, while trying to find a site for the mosque, Mr. Rahman and the MACA faced many obstacles. To overcome these challenges, Mr. Rahman brought together leaders of different backgrounds to create the Coalition for Multi-Faith Democracy. The members worked together to encourage tolerance and tear down stereotypes within the South Jersey community. Mr. Rahman inspired others with his passion to unite and build understanding between members of different faiths.

Mr. Rahman was an advocate for peace and understanding. He spoke in front of community groups, churches, and synagogues to encourage a better understanding of Islam. One of his proudest achievements was creating an agreement of cooperation and understanding between his mosque and the Diocese of Camden. Mr. Rahman educated and connected many throughout his lifetime. He united many people of different faiths while breaking down stereotypes about Islam.

Madam Speaker, Zia Rahman's commitment to Voorhees and its citizens should not go unrecognized. I express my deepest condolences to his family for their loss and pay tribute to the memory of this outstanding individual.

RECOGNIZING COLONEL DAVID J.  
FURNESS TAKING COMMAND OF  
THE 1ST MARINE REGIMENT OF  
THE 1ST MARINE DIVISION

**HON. DARRELL E. ISSA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mr. ISSA. Madam Speaker, I rise today to honor Colonel David J. Furness on the occasion of his taking Command of the 1st Marine Regiment of the 1st Marine Division.

Colonel Furness was commissioned a Second Lieutenant on 16 May 1987 upon graduating from the Virginia Military Institute. After completing the Basic School and the Infantry Officer Course in Quantico, Virginia, he reported to the Second Marine Division where he served as a rifle platoon commander and 81mm mortar platoon commander with the 3d Battalion, 4th Marines and the 2d Battalion, 8th Marines from February 1988 to September 1991. During this period he participated in a contingency deployment to the Republic of Panama and two unit deployments to the Mediterranean Sea with the 26th and 24th Marine Expeditionary Unit (Special Operations Capable). From September 1991 to May 1995, he served on the staff of the Basic School as a Staff Platoon Commander and a Tactics Instructor for both the Basic Officer and Infantry Officer Course. In June 1995, he left the Basic School to attend the Infantry Officer Advanced Course (IOAC) at Fort Benning, Georgia.

Colonel Furness served as a Rifle Company Commander and Battalion Operations Officer with the 3d Battalion, 7th Marines in 29 Palms, California from November 1995 to November 1998.

In November 1998, he served as the Commanding Officer, Recruiting Station Sacramento, until July 2001. In August 2001, he reported to the Marine Corps Command and Staff College (CSC) where he graduated and earned a Masters of Military Science degree in June 2002. From July 2002 to January 2003 he attended the School of Advanced Warfighting (SAW).

While a student at SAW, he was ordered TAD to augment the G-3 section of the First Marine Division and participated in Operation Iraqi Freedom as the Assistant Plans Officer. During April 2003, he returned to SAW, graduated, and in June 2003 reported to the First Marine Division and returned to Iraq where he served as the Operations Officer of the First Marine Division. In October 2003 he was reassigned as the Deputy G3. In January 2004, he returned to Iraq as part of the Division's advance party to prepare for the relief-in-place with the 82d Airborne Division in support of OIF II. He returned to Camp Pendleton in April 2004 and assumed command of the 1st Battalion, 1st Marines.

From December 2004 to June 2005, he deployed to the CENTCOM AOR as the Commanding Officer of Battalion Landing Team 1/1, the Ground Combat Element of the 15th MEU (SOC) and participated in Operation Unified Assistance and OIF III in South Baghdad, Iraq. From 20 January to 18 August 2006 he deployed as Commanding Officer Task Force 1/1, RCT-5 in support of OIF 05-07.1 operating principally in the cities of Karmah and Western Baghdad, Iraq. In October 2006 he relinquished command and assumed the duties of Executive Officer, First Marine Regiment.

During July 2007, He reported to the National War College as a student and was promoted to his current rank. After graduating from the National War College in June 2008 he reported to Headquarters Marine Corps, Office of Legislative Affairs to serve as the Director, Marine Corps Legislative Liaison Office, U.S. House of Representatives.

He is married to the former Lynda Taylor of Richmond, Virginia. They have four children David Jacob (17), Elizabeth (12), Benjamin (8), and Zachary (6).

Madam Speaker, I ask that my colleagues please join me in recognizing the distinguished career of Colonel David J. Furness serving the United States Marine Corps and the People of the United States.

#### RECOGNITION OF MADISON TOWNSHIP ON ITS BICENTENNIAL

#### HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2010

Ms. KILROY. Madam Speaker, I rise today to honor the 200th anniversary of Madison Township. At this significant milestone in the township's history, we reflect on the region's

roots and acknowledge the hardworking families who call Madison Township home.

Madison Township, established as a part of the Northwest Ordinance of 1787, predates the state of Ohio by 16 years. However, it was not until March 4, 1810, that the township was officially organized as its population reached 500. From humble roots, the township has swelled to a population of more than 22,000.

Named for the United State's fourth president, James Madison, the township includes all or part of Canal Winchester, Columbus, Groveport, Obetz, Pickerington and surrounding unincorporated areas. Madison Township consists of 24 square miles of land in the southeast corner of Franklin County and rests quietly at the confluence of Blacklick Creek, Big Walnut Creek, and Alum Creek. The proud home of Robert M. Brobst Park and the Madison Township Community Center, Madison Township is the home of regular community gatherings and festivities.

For two hundred years, Madison Township and its residents have played a crucial role in the growth of central Ohio and particularly of Ohio's 15th Congressional District. I am proud to represent the residents of Madison Township and recognize them as they celebrate their rich two hundred year history.

#### IN HONOR OF MARION EMILY FORD'S 95TH BIRTHDAY

#### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2010

Mr. ANDREWS. Madam Speaker, I rise today to honor Marion Emily Ford for her 95th birthday. Mrs. Ford is a devoted mother, grandmother, and great grandmother, and for this she deserves great praise.

Mrs. Ford was born in Philadelphia, Pennsylvania, on February 12, 1915. During the Great Depression, she left school at age sixteen to help her parents who were raising eleven children. Her first job was as a saleswoman for Wanamaker's Department Store. While working at Wanamaker's, she was approached to be an understudy for Vivian Leigh, the famous star of *Gone with the Wind*. Mrs. Ford turned down the flattering offer. She moved to New Jersey in 1948, and settled in the Fairview section of Camden until 1975 when she moved into her daughter's home in Brooklawn.

Mrs. Ford has a deep appreciation for her heritage. She is a proud great-granddaughter of Pecan Wolf, a Native American from the Ottawa/Chippewa tribe. Mrs. Ford also has a passion for reading that continued even though her sight was taken by macular degeneration.

Madam Speaker, Marion Emily Ford's commitment to her family and community should not go unrecognized. I wish her a happy 95th birthday and all the best.

#### RECOGNIZING THE 150TH ANNIVERSARY OF THE NEVADA CITY FIRE DEPARTMENT

#### HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2010

Mr. McCLINTOCK. Madam Speaker, I rise today to recognize the Nevada City Fire Department (NCFD) on its 150th anniversary.

In the early history of Nevada City, the town was plagued by wide-reaching fires, which burned the central business district to the ground five times between 1851 and 1863. The need for a firefighting force was clearly evident, and in June of 1860 the Nevada Hose Company, No. 1, the Eureka Hose Company, No. 2, and the Protection Hook & Ladder Company, No. 1 were formed. These companies were constituted entirely of volunteers and over the months that followed all three were consolidated into the Nevada City Fire Department.

Today, in partnership with the Nevada County Consolidated Fire Department, the NCFD maintains a fully-staffed professional fire station that provides much-needed fire protection and emergency services in Nevada County. As our community gathers to celebrate this auspicious occasion, I am proud to recognize NCFD's 150 years of service and excellence.

#### IN RECOGNITION OF STUART ROSSMAN, OUTGOING PRESIDENT OF THE JEWISH COMMUNITY RELATIONS COUNCIL OF GREATER BOSTON

#### HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 14, 2010

Mr. LYNCH. Madam Speaker, I rise today to recognize Stuart Rossman who stepped down on June 9, 2010 as President of the Jewish Community Relations Council of Greater Boston.

An honors graduate of the University of Michigan and Harvard Law School, Mr. Rossman has dedicated himself to working for social justice, ensuring the well-being of the State of Israel and building a strong Jewish community in the greater Boston area. As an adjunct faculty member at both the Northeastern University School of Law and at the Suffolk University Law School, he trains and educates the next generation of lawyers and legal scholars.

Throughout his legal career, during which he served in the Massachusetts Attorney General's office and in his current post with the National Consumer Law Center, a national advocacy organization for low-income consumer justice, he has stood up for those whose voices are seldom heard. Mr. Rossman has brought together partners across ethnic and religious lines to speak out for what is right.

Mr. Rossman has also been a strong supporter of Israel and of the Jewish community. During his term as Chairman of the United

Jewish Appeal Young Leadership Cabinet from 1991 to 1992, he led a solidarity mission to Israel during the Persian Gulf War and led the 8th Annual UJA Young Leadership Conference in Washington, attended by the late Prime Minister Yitzhak Rabin and over 3,000 participants. In addition to his work with the Jewish Community Relations Council of Greater Boston, he has been actively involved in the Combined Jewish Philanthropies, where he has served on its Executive Committee and Board. He also served as President of the Bureau of Jewish Education, President of the Massachusetts Association of Jewish Federations and Chair of the Boston-Haifa Connection, a partnership that seeks to build economic and social bridges.

He is also is a member of the Advisory Committees for the South Area Solomon Schechter Day School and the American Society for the University of Haifa New England Region.

Madam Speaker, Stuart Rossman has spent a lifetime working for the betterment of his community and of Israel and the relationship between our two countries. It is my pleasure to join with Stuart's family, his wife Shelley and daughters Rina and Jessie, JCRC Executive Director Nancy K. Kaufman and their colleagues to recognize his achievements and to congratulate him as he concludes his tenure as President of the Jewish Community Relations Council of Greater Boston.

ON THE OCCASION OF CELEBRATING THE 100TH BIRTHDAY OF MRS. ESTELL ROUNTREE

**HON. G.K. BUTTERFIELD**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mr. BUTTERFIELD. Madam Speaker, on Saturday, June 19, 2010, friends and family will gather to celebrate the 100th birthday of Mrs. Estell Rountree. Mrs. Rountree is a strong and caring woman who believes that families should be bound by love, and that the families that pray together, stay together.

The proud grandmother of two, great-grandmother of four, and great great-grandmother to five, Mrs. Rountree is the oldest member of her community. Born in Nash County, North Carolina on June 15, 1910, she was the sixth of eight children born to William and Isabelle Ricks.

Mrs. Rountree attended Robin School in Nash County, and married Eddie Rountree from Pitt County, North Carolina. The couple had four children—Ernestine Rountree Porter, Gloria Rountree Williams, Barbara Rountree Petty and Deloris Rountree.

After the death of her husband in 1948, Mrs. Rountree took on the full responsibility of supporting the family as a full-time seamstress. She made clothes for herself, her children and people in the community. She also made uniforms for ushers of various churches, and continues to sew today. She also enjoys working in her flower garden whenever she gets the chance.

Mrs. Rountree is a dedicated member of the Little Hope Baptist Church. She served as an

usher for over seventy years, and she has served on the Hospitality Committee and as janitor of the church. She also served as a Deaconess of the Church and later became one of the Mothers of the Church.

Madam Speaker, I ask that my colleagues join me in recognizing Mrs. Estell Rountree. She is a truly remarkable person deserving of our deepest good wishes as she and her loved ones celebrate her 100th birthday.

IN HONOR OF LANCE CORPORAL  
RYAN M. WELCH

**HON. JOHN H. ADLER**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mr. ADLER of New Jersey. Madam Speaker, I rise today to honor LCpl Ryan M. Welch of Medford, New Jersey and to welcome him home from his recent tour of duty in Afghanistan.

After graduating from Shawnee High School in 2008, Ryan enlisted in the United States Marine Corp. He completed his basic training at Parris Island in South Carolina and went to Infantry Training at Camp Geiger, North Carolina. In 2009 he was assigned to MCB Hawaii Kaneohe Bay Oahu, Hawaii where he was meritoriously promoted to Lance Corporal. Lance Corporal Welch also received a Meritorious Mast during training exercises at Pohakuloa Training Area in July 2009 for demonstrating outstanding performance of duty during Exercise Lava Viper.

Lance Corporal Welch completed his first deployment to Afghanistan in support of Operation Enduring Freedom. During his deployment he served bravely in combat action during Operation Mosharak in Marjah Afghanistan. He served as an Infantry Rifleman in Jump Platoon, Headquarter and Service Company, 1st Battalion 3rd Regiment from Marine Corp Base Hawaii and as security for visiting dignitaries and performed general patrols and security for Nawa District, Hellmand Province in Afghanistan.

Madam Speaker, please join me and a grateful nation in welcoming home Lance Corporal Welch. We are eternally thankful to him for his service to our great country.

HONORING THE LIFE AND  
ACHIEVEMENTS OF WILL KOCH

**HON. BARON P. HILL**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mr. HILL. Madam Speaker, on June 13, 2010, the CEO of Koch Development Corporation, Will Koch, sadly passed away at the age of forty eight. As co-owner of Holiday World and Splashin' Safari Water Park, Koch initiated programs that led to the expansion and growth of the park, and worked diligently to provide families with the most enjoyable experience during his twenty-year tenure. Koch's dedication and passion for the park inspired everyone around him on a daily basis.

Born and raised in Santa Claus, Indiana, Will Koch graduated as valedictorian from Heritage Hills High School in 1979. From there, he went on to the University of Notre Dame, where he graduated in 1984 with honors and received a Bachelor's of Science degree in Electrical Engineering. He also received a Master's of Science in Computer Science degree from the University of Southern California in 1986.

Under Koch, Holiday World and Splashin' Safari received many international awards and had attendance figures topping one million per year. In 2004, Will Koch received the international Applause Award from the amusement industry for his "foresight and originality, as well as sound business development and profitability".

Koch was also an active member of his community, serving as the president of the Lincoln Boyhood Drama Association, which successfully reopened the Lincoln Amphitheatre in 2009. He also served on the Administrative Council of the Santa Claus United Methodist Church, where he and his family were active members.

Holiday World and Splashin' Safari is the cornerstone of the Spencer County community, and its success is in large part due to Will Koch's dedication and hard work. Survived by his wife, Lori, and three children, Will's legacy will continue to live on. We are grateful for his contributions to southern Indiana and our condolences go out to the Koch family.

THE FEDERAL SUPERVISOR  
TRAINING ACT OF 2010

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mr. MORAN of Virginia. Madam Speaker, I rise today to introduce the Federal Supervisor Training Act of 2010. This bill would establish a minimum training program for supervisors within federal government agencies.

Every year Congress passes laws that either create or modify programs that serve the American people. Yet, it is up to the men and women of the federal civil service to efficiently and effectively implement the programs this body approves. Competent managers are essential for a functioning civil service that can carry out the federal government's mission.

This bill will require each federal agency to develop and implement a training program that, among other things, teaches supervisors to develop and discuss employee goals and objectives, to foster an appropriate work environment, and to improve employee performance and productivity. The bill requires supervisors to receive initial training within one year of promotion, and once every three years thereafter.

In addition to supervisor training, the bill also requires agencies to establish mentoring programs so that new supervisors can learn from the experiences of more seasoned federal managers.

I believe that providing our federal supervisors adequate training will improve the delivery of government services, reduce costs associated with mitigating employee grievances

and improve morale throughout the entire civil service.

During today's tough budget climate I fear that federal agencies will cut supervisor training in order to reduce costs. I believe that would be a mistake. This bill would ensure that even through difficult economic times supervisors receive the training they need so that they can best serve our constituents.

#### PERSONAL EXPLANATION

### HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor the legislative week of Monday, May 24, 2010.

For Monday, May 24, 2010, had I been present I would have voted "aye" on rollcall vote No. 291 (on motion to suspend the rules and agree to H. Con. Res. 278), "aye" on rollcall vote No. 292 (on motion to suspend the rules and agree to H.R. 1017), "aye" on rollcall vote No. 293 (on motion to suspend the rules and agree to H.R. 1330).

For Tuesday, May 25, 2010, had I been present I would have voted "aye" on rollcall vote No. 294 (on motion to suspend the rules and agree to H.R. 5145), "aye" on rollcall vote No. 295 (on motion to suspend the rules and agree to H. Res. 1258), "aye" on rollcall vote No. 296 (on motion to suspend the rules and agree to H. Res. 1382), "aye" on rollcall vote No. 297 (on motion to suspend the rules and agree to H. Res. 584), "aye" on rollcall vote No. 298 (on motion to suspend the rules and agree to H.R. 3885), "aye" on rollcall vote No. 299 (on motion to suspend the rules and concur in the Senate amendments to H.R. 2711), "aye" on rollcall vote No. 300 (on motion to suspend the rules and agree to H. Res. 1189), "aye" on rollcall vote No. 301 (on motion to suspend the rules and agree to H. Res. 1172).

For Wednesday, May 26, 2010, had I been present I would have voted "aye" on rollcall vote No. 302 (on motion to suspend the rules and agree to H. Res. 1347), "aye" on rollcall vote No. 303 (on motion to suspend the rules and agree to H. Res. 1385), "aye" on rollcall vote No. 304 (on motion to suspend the rules and agree to H. Res. 1316), "aye" on rollcall vote No. 305 (on motion to suspend the rules and agree to H. Res. 1169).

For Thursday, May 27, 2010, had I been present I would have voted "no" on rollcall vote No. 306 (on agreeing to H. Con. Res. 282, providing for an adjournment or recess of the two Houses), "no" on rollcall vote No. 307 (on agreeing to H. Res. 1404, providing for consideration of H.R. 5136), "aye" on rollcall vote No. 308 (on motion to suspend the rules and agree to H. Res. 1161), "aye" on rollcall vote No. 309 (on motion to suspend the rules and agree to H. Res. 1372).

#### OUR UNCONSCIONABLE NATIONAL DEBT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,046,148,615,770.79.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,402,782,774,403.30 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

#### CONGRATULATING CATHERINE ROBERTS ON HER RETIREMENT AFTER 60 YEARS OF NURSING

### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Ms. ROS-LEHTINEN. I would like to recognize an outstanding constituent from South Florida:

Catherine Roberts has been a practicing nurse for over 60 years. This month Catherine will be retiring from the Lower Keys Medical Center. Catherine has devoted her life to ensuring the health and comfort of others. For over 30 years, Catherine has been a nurse at the Lower Keys Medical Center where she has had a positive impact on countless individuals.

Due to her generosity and commitment, the Lower Keys Medical Center has been able to continue to serve the people of the Lower Keys. Catherine, I would like to commend you for your service and support to our community. Thank you for your dedication and commitment to improving the lives of South Floridians and enjoy your well deserved retirement.

#### HONORING THE CENTENNIAL OF THE SECOND SAINT SILOAM MISSIONARY BAPTIST CHURCH, BREWTON, ALABAMA

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mr. BONNER. Madam Speaker, I rise to honor the congregation of the Second Saint Siloam Missionary Baptist Church of Brewton, Alabama which celebrated its centennial on June 13, 2010.

I the same year that the citizens of Brewton mark the 125th anniversary of the founding of their town, the worshippers of Second Saint Siloam Missionary Baptist Church point to their historic sanctuary which has provided inspiration and spiritual direction for many in that community for a century.

Founded on June 10, 1910 by its first congregation of approximately 150 people, the membership of Second Saint Siloam Missionary Baptist Church has grown to over 550 today.

The impressive brick structure, which is based on a two-story, cross design with a three-sided colonial balcony, is listed in the Alabama Registry of Historic Places.

On Sunday, the church centennial celebration included the dedication of a historic marker in commemoration of the event.

The church's first pastor, the Reverend William Franklin, led his new congregation into their beautiful house of worship where succeeding generations have reflected under the guiding hand of God.

I wish to extend my personal congratulations to Reverend Willie J. Blue and the congregation of Second Saint Siloam Missionary Baptist on this most special and historic occasion. May they continue to serve their community as they honor our Lord Jesus Christ.

#### SALUTING OUR WARRIORS OF TOMORROW

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise today to salute our warriors of tomorrow, the service academy-bound students of the Third District of Texas. This area is home to some of the best and brightest young people, and I always consider it an honor to recommend such fine students to our Nation's service academies.

Over the next four years, these men will study hard and excel in training. Upon graduation, each will join the premier military in the world, fighting to defend and uphold our Nation's belief in liberty. I am proud of each student's accomplishments and preserve this tremendous achievement for antiquity in the CONGRESSIONAL RECORD.

Texas' Third Congressional District's 13 appointees, their hometowns and schools are as follows:

#### UNITED STATES MILITARY ACADEMY

Michael Carr—Plano, Texas—Plano West Senior High School  
Jarvis Coburn—Dallas, Texas—Plano West Senior High School  
Steven Grim—McKinney, Texas—McKinney Boyd High School  
Michael Janowski—Murphy, Texas—Plano East Senior High School

#### UNITED STATES NAVAL ACADEMY

Aaron Dougherty—Garland, Texas—Garland High School  
Lyndon Moorehead—Murphy, Texas—Naval Academy Preparatory School

#### UNITED STATES AIR FORCE ACADEMY

Hunter Birdsong—Sachse, Texas—Sachse High School  
Austin Hayes—Garland, Texas—Sachse High School  
Brandon Ostert—Plano, Texas—Plano Senior High School  
Daniel Simpson—Plano, Texas—Liberty High School

UNITED STATES MERCHANT MARINE ACADEMY

Trevor Ball—Plano, Texas—Plano East Senior High School  
 Matthew Craft—Murphy, Texas—Plano East Senior High School  
 Nathan Ley—Plano, Texas—Plano Senior High School

Congratulations are in order for these 13 appointees. God bless you, God bless America, and I salute you.

## PERSONAL EXPLANATION

**HON. BILL POSEY**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mr. POSEY. Madam Speaker, on rollcall 354 my vote in support of S. 3474—To amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund—was not recorded by the House voting system. I fully supported this bill and should have been recorded as “yea.”

IN RECOGNITION OF EDWARD GEFNER, PRESIDENT AND CEO OF PROJECT RENEWAL, ON THE OCCASION OF HIS RETIREMENT

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mrs. MALONEY. Madam Speaker, I rise to acknowledge the achievements of Mr. Edward Geffner on the occasion of his retirement as the President and Chief Executive Officer of Project Renewal, a not-for-profit organization dedicated to serving the needs of homeless persons in New York City.

Edward Geffner began his work with Project Renewal in 1976. For the past third of a century, he has served the organization as its Executive Director, leading it with extraordinary compassion and commitment. Under his able management, Project Renewal has reached out to countless homeless men and women in need of support.

Under Mr. Geffner's leadership, Project Renewal has taken a comprehensive approach in providing critical assistance to its clients. The organization reaches out to homeless men and women on the streets of our nation's greatest city through mobile medical and psychiatric teams. Project Renewal helps provides essential services to those who are also coping with mental illness or drug addiction by linking residents to treatment programs that help them combat addiction or learn to manage their mental illness. Edward Geffner and the Project Renewal staff recognize that a good job is critical to independent living, and they have created a wide range of employment initiatives, including a culinary arts program that has successfully placed 85 percent of its graduates in jobs. I have seen the effectiveness of the programs that Project Renewal operates in the district that I represent.

Supported largely by private philanthropy and corporate sponsors, Edward Geffner and

Project Renewal have worked in collaboration with numerous public, private, and not-for-profit organizations and social service providers to help homeless and formerly homeless individuals and families find employment and housing. Trained social workers and staff members, many of whom were formerly homeless, visit and coordinate services for those in need of assistance in managing and in accessing benefits and medical and social services to which they are entitled. Project Renewal provides information, referral and ongoing monitoring and care management as well as providing some special services that are not offered by other service providers. The agency also collaborates with organizations at all levels to develop and improve coordination of services for the homeless and formerly homeless persons who need individualized community-based preventive protective services if they are to live safely in their own homes. Thanks in no small part to Edward Geffner's expert leadership, Project Renewal now provides dedicated and compassionate assistance to more than 10,000 New Yorkers every year.

Madam Speaker, in recognition of a lifetime of service to others, I request that my distinguished colleagues join me in paying tribute to Edward Geffner, a great New Yorker and a great American. Throughout a career of professional and voluntary activity, he has fought for and secured immeasurable improvements to the quality of life of his fellow New Yorkers. Edward Geffner's selfless and enduring dedication to public and community serves as an inspiration to us all.

## HONORING MR. CARL VILARDO

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. Carl Vilardo. Mr. Vilardo served his constituency faithfully and justly during his tenure as a member of the Westfield Town Council.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Vilardo served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Vilardo is one of those people and that is why, Madam Speaker, I rise in tribute to him today.

CONGRESSIONAL RECOGNITION  
 FOR ORA MAE HARN, THE FIRST  
 LADY OF MARANA

**HON. GABRIELLE GIFFORDS**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Ms. GIFFORDS. Madam Speaker, I rise today to recognize Ora Mae Harn, the First Lady of Marana, Arizona, who on June 10th will be honored at the Marana Council Chambers for her work to establish the Marana Heritage Conservancy.

Ora Mae Harn is the former mayor and current town historian of Marana, a fast-growing community in the northwestern corner of Arizona's 8th Congressional District. Those two titles, however, do not even come close to describing the extraordinary impact that Ora Mae has had on her hometown.

Ora Mae is one of the most prominent voices and faces of Marana. She is well-known as a tireless champion for the citizens of Marana and their interests. If any one person can embody the community spirit that defines Marana, it is Ora Mae Harn.

The residents of Marana acknowledge the contributions of Ora Mae every time they play a ball game, use a grill or go for a stroll at Ora Mae Harn Park. Having a park named after her is one way that her grateful community expresses appreciation for all she has done to implement the vision that has made Marana such a wonderful place to live, work and raise a family.

Ora Mae was a member of the Marana Town Council and served as mayor for eight years. As a public servant, her commitment and dedication to the betterment of Marana always were obvious. Under her wise leadership, the town grew from an agricultural community to the family-friendly town it is today.

When Ora Mae moved to Marana in 1961, she immediately became involved in civic life. Early on she worked for the Marana Unified School District driving a school bus and cooked in the school cafeteria. She helped found and worked at the Marana Health Center and she still helps the center with fundraising to this day. She also has served as the president of the Arizona Women in Municipal Government and as a representative to the Pima Association of Governments.

Ora Mae's activism went beyond the corridors of government. She applied her well-honed organizational skills to Marana's Founder's Day Committee, the Sister Cities Program, Yoem Pueblo Rehabilitation Project and the Lot Beautification Program. She also was instrumental in the formation of the Marana Food Bank.

Today, in addition to serving as the town historian, Ora Mae heads the Marana Heritage Conservancy, which aims to preserve and enhance the town's past. Given her longstanding association with and deep love for Marana, there is no better person for that important job.

Recently the Marana Town Council entered into an Intergovernmental Agreement with the Marana Heritage Conservancy. This unanimous decision affirmed the credibility of the Conservancy and Ora Mae's efforts to develop an organization that will ensure that the history

of Marana is preserved and shared with current and future residents of the Town.

Town Manager Gilbert Davidson summed up how much this decision by the Town Council is attributable to Ora Mae's leadership. He wrote: "Former Mayor Ora Mae Harn played a crucial role in getting the Conservancy to this point. She has been a Marana champion for many years, and it was her hard work that helped create the Conservancy. Ora Mae is one of a kind and a true inspiration. Her dedication to the Town's progress helped put Marana on the map and made us the outstanding community we are today."

On behalf of the citizens of Marana and myself, I commend Ora Mae Harn and thank her for the more than four decades she has devoted to the Town of Marana. There is no doubt that her legacy will endure, as her town continues to grow and prosper in the decades to come. Because of her work, Marana will always remember its rich history. She is truly Marana's Heritage Ambassador.

#### PERSONAL EXPLANATION

##### HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mrs. MCCARTHY of New York. Madam Speaker, on Thursday, I missed 1 vote. Had I been present, I would have voted as follows.

Rollcall No. 351, on Agreeing to the Edwards Amendment No. 12, I would have voted "yea."

#### WORLD DAY AGAINST CHILD LABOR

##### HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mr. HARE. Madam Speaker, I rise today in strong support and recognition of World Day Against Child Labor. I join with all of my colleagues in the House, and on both sides of the aisle, in condemning the horrendous practice of child labor. While great strides have been made in eradicating child labor in the United States, this Congress and our Nation must do more to end the practice across the world. Throughout the world, children are exploited and forced to work in often horrendous conditions. As a moral and just society, we can not continue to turn a blind eye.

According to the Child Rights Information Network, from 1997 to 2007, more than 35 percent of African children were subject to illegal child labor. Statistics from other regions are just as alarming. In the Caribbean, Latin America, East Asia and the Pacific, 11 percent of children are laborers, and in South Africa, 13 percent of children are in the workforce. It is clear that we, as leaders in the global economy, must do more to work with the governments in these regions to rid our world of the practice of child labor. However, as we tackle the challenges posed by child labor, we must realize that the primary culprit in the continu-

ation of this practice is global poverty. Unfortunately, many families are left with no other alternative than to send their children into the workforce to help support their family. In our capacity as a world leader, we have a responsibility to raise global standards in order to improve the global standard of living and thus eradicate the demand for child labor.

Madam Speaker, although the problem of child labor in the United States is less evident when compared to the labor issues of many other nations, there is still and always will be progress that can be made. The U.S. Department of Labor calculates that 4 percent of all 14-year-olds and 8 percent of 15-year-olds are working at "high intensity" in the United States. High intensity is defined as a child that works 15 or more hours per week, and more than half of all school year weeks. This may not seem like a difficult burden to carry, but in a Nation with a population of 17 million citizens between the ages of 14 and 17, these numbers are far too high. Like their international counterparts, many American families can not afford to have an able bodied member of the family sit out of the workforce regardless of their age. We all know that poverty in the United States is a major problem and I call on my colleagues to remember the indirect problems caused by it, such as child labor.

The recent Hague Global Conference Against Child Labour set a goal of completely eliminating the Worst Forms of Child Labor by 2016. Madam Speaker, I believe that the United States should display the same dedicated and unwavering leadership that was displayed at the 1999 ILO Conference Against Child Labor. If we are successful in eliminating child labor and unfair labor practices around the world, we will ensure that children, regardless of where they are born, are able to be just that, children.

#### TRIBUTE TO U.S. NAVY COMMANDER PETER J. CARTY

##### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose service to his country and family are exceptional. On December 17, 2009, U.S. Navy Commander Peter J. Carty passed away after a two-month battle with cancer. He will be deeply missed.

Commander Carty was born in September 29, 1965 in Portland, Oregon, to parents William and Janet Carty. He grew up in Williamsport, Pennsylvania with his siblings David, Jeanmarie, Robert, Timothy and Elizabeth. He graduated from high school in 1983 and attended the Virginia Military Institute. He graduated in 1987 with a Bachelor of Science degree in Mechanical Engineering. Following graduation, Peter was commissioned into the United States Navy as an officer and was assigned to the USS *Jarrett* (FFG-33) stationed at Naval Station Long Beach. Peter continued his career in the Reserves, eventually earning the rank of Commander.

In 1994, Peter received a Master of Business Administration from the University of

Southern California and went on to work as the Western Regional Manager for Parker Hannifin Corporation. Peter is survived by his wife, Carmina; his son, Andrew; stepdaughter, Lauren; parents, and siblings. Peter joins his older brother David who passed away in 2008 after a battle with cancer.

As we look at the incredibly rich military history of our country we realize that this history is comprised of men like Commander Carty who bravely fought for the ideals of freedom and democracy. Each story is unique and humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. Commander Carty was a true patriot who will be sorely missed by his family and friends, but his legacy and service to our great nation will always be remembered.

On behalf of all those who knew him, it is my honor to offer these remarks on June 14th, Flag Day, as a tribute to the life and legacy of Commander Peter Carty.

#### PERSONAL EXPLANATION

##### HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mr. PUTNAM. Madam Speaker, on Thursday, June 10, 2010, I was not present for eight recorded votes. Had I been present, I would have voted the following way:

Roll No. 347—yea; roll No. 348—yea; roll No. 349—nay; roll No. 350—yea; roll No. 351—yea; roll No. 352—yea; roll No. 353—yea; roll No. 354—yea.

#### McKEE FOODS/LITTLE DEBBIE— STUARTS DRAFT 20TH ANNIVERSARY

##### HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mr. GOODLATTE. Madam Speaker, it was two decades ago that the largest privately-held, family-owned bakery in the United States decided to make its newest home in Virginia's Shenandoah Valley, just miles from the Blue Ridge Mountains. I am delighted today to help mark the 20th anniversary of the arrival of McKee Foods in Stuarts Draft, Virginia. Based in Collegedale, Tennessee the company best known in all 50 states and in Canada and Mexico for its "Little Debbie" brand snacks has settled into its location in the Commonwealth over the last 20 years and become an integral part of the business community in Augusta County. The bakery is considered one of the industry's most cutting-edge facilities, and more than 1,000 folks are employed in the production of what I believe are among the country's best snack goods—they are standards in the cupboards of my home and countless others. There's nothing like their Snack Cakes, Fudge Rounds, Swiss Cake Rolls, Oatmeal Creme Pies—and more than 70 other Little Debbie products made from the highest

quality ingredients. The enjoyment that accompanies eating these goodies is endless.

In addition to marking the company's 20 years in Stuarts Draft, we're also noting a half-century of the Little Debbie brand. It was 50 years ago that the company's founders—O.D. and Ruth McKee—decided to use a likeness of their young granddaughter Debbie to mark the brand. All these years later, "Little Debbie" is the unmistakable trademark of a company that has been profitable every year since. That's quite a tribute for a company whose commitment to "total quality" is a daily endeavor. Having met hundreds of McKee employees over the years, I can attest that they constantly strive for integrity and to be innovative in their business.

McKee Foods is now one of the foundations of a region of my Congressional district that's long been known for its strong work ethic. The McKee family clearly recognized that attribute when it chose Stuarts Draft for its newest operation 20 years ago. I commend President and CEO Mike McKee and Vice President of Stuarts Draft Operations Randy Smith for making the Stuarts Draft facility a great place to continue the company's guiding values. It's been a true recipe for success since 1990 in Virginia. The Sixth District looks forward to much continued success for McKee Foods and "Little Debbie" for many decades to come.

—  
CAPTAIN BOB O'BRIEN

**HON. MICHAEL E. McMAHON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mr. McMAHON. Madam Speaker, I rise today to honor Captain Robert O'Brien on his retirement from the United States Coast Guard. Captain O'Brien has dedicated his time, energy, and resources to maintaining and defending our country's maritime borders.

Captain O'Brien was born in Savannah, Georgia, and raised in Ridgeland, South Carolina. He enlisted in the Coast Guard on April 6, 1970, and served his country for 40 years. He will officially retire on October 1, 2010. He started his career as a seaman, and he rose through the ranks to become commanding officer of the New York Coast Guard Sector.

Captain O'Brien had a diverse and honorable history in the Coast Guard. In 1976, he was assigned Officer-in-Charge of the USCGC *Blackberry* in North Carolina. He was then promoted to Chief Boatswain's Mate in 1979, and was promoted in June 1980 to the rank of Chief Warrant Officer.

He received his commission as a Lieutenant in 1983. He served in many different states, ranging from Texas to Virginia. In 2003, he was promoted to Captain and assumed command of MSO Hampton Roads. Captain O'Brien then assumed command of the USCG Sector New York on June 15, 2006.

Captain O'Brien served his country with great distinction during this 40 year period. He was given the difficult task of keeping New York's waterways safe and secure, and performed this task admirably. He has also received numerous awards from the Coast

Guard, including the Meritorious Service Medal, the Coast Guard Commendation Medal, and three Coast Guard Good Conduct Medals.

Ferries and oil liners share the harbor, and both are crucial to the economic value of the tristate area, and Captain O'Brien's efforts throughout his career have ensured a safe and sound commute for Staten Islanders, as well as many New Yorkers, who traverse the waters frequently.

Madam Speaker, I ask that my colleagues join me in commending Captain Robert O'Brien on his dedication to the citizens of New York.

—  
RECOGNIZING DR. LYNN WOLAVER

**HON. STEVE AUSTRIA**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mr. AUSTRIA. Madam Speaker, on behalf of the people of Ohio's Seventh Congressional District, I am honored to recognize Dr. Lynn Wolaver, who was inducted into the Ohio Senior Citizens Hall of Fame on May 24, 2010.

Dr. Wolaver's contributions to his country and the community are invaluable. A former member of the U.S. Army Air Corp and a World War II veteran, he flew in C-47 aircraft in the European Theater of Operations with the IX Troop Carrier Command Pathfinder Group. Following his military service, Lynn devoted himself to public service, holding positions as a member of the Fairborn City Planning Board, City Council, Deputy Mayor and Mayor of Fairborn. He has been an active member of the Fairborn Chamber of Commerce, Fairborn Rotary Club and the American Legion. He currently serves on numerous local boards and committees, applying his knowledge and expertise for the betterment of the region.

Along with his service to his country and civic engagement, Dr. Wolaver has an extensive academic background. He studied at the University of Illinois, The Ohio State University Extension at Wright Field and at the University of Michigan, where he received his doctoral degree. Dr. Wolaver spent nearly 40 years as an employee at Wright-Patterson Air Force Base in Fairborn, Ohio, holding various positions, including Dean for Research Emeritus at the Air Force Institute of Technology at Wright Patterson Air Force Base. During his time at Wright-Patterson, Dr. Wolaver conducted research in the areas of navigation, astrodynamics, bioengineering and systems analysis, and he has authored over 60 technical papers on these topics. His academic achievements have earned him induction into prestigious honorary societies, and various honors and awards, including the Fairborn Chamber of Commerce's Ed Duncan Distinguished Citizen Award, Fairborn Chamber of Commerce President's Award and University of Illinois Distinguished Alumnus Award.

Finally, as a husband, father of two and grandfather, Dr. Wolaver has demonstrated the importance of balancing various obligations and activities with the needs of family.

Thus, with great pride, I congratulate Dr. Lynn Wolaver for his lifetime of remarkable

achievements and his unparalleled contribution to our community.

—  
HONORING DR. GEORGE TILLER

**HON. DEBBIE WASSERMAN SCHULTZ**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today in remembrance of Dr. George Tiller, a brave and prominent physician who dedicated his life to providing women the ability to choose. Dr. Tiller was shot and killed while serving as an usher at his church in Wichita, Kansas, a year ago this past May. His story is tragic but he is not the only one who has been targeted by intimidation tactics and acts of violence.

Since 1993, eight clinic workers have been murdered in the United States and seventeen attempted murders have occurred since 1991. Opponents of the women's right to choose have directed more than 6,100 reported acts of violence against physicians since 1977, which does not include the 156,000 reported bomb threats and harassing phone calls.

Whether you are on the right or left side of the isle on this issue, I believe we can all come together and agree that violence as a solution is unacceptable and will not be tolerated. We should be able to work in unison to find common ground on the issue of female reproductive rights without putting anyone's life in danger.

The Freedom of Access to Clinic Entrances Act was enacted in 1994 to provide federal protection against the unlawful and often violent tactics used by opponents of abortion rights. While violence has declined since then, violence at reproductive-health centers and abortion clinics is far from being eradicated.

Dr. Tiller was respecting the women's right to choose and for that, his life was taken. We must all work to ensure that no more lives are destroyed and acts of harassment are stopped. If there is one thing we can all agree on, it is that violence is not the answer and I look forward to the day that all doctors and clinical workers can go to work, free from fear of violence.

—  
CONGRATULATING QUINCY NOTRE DAME HIGH SCHOOL STATE CHAMPIONSHIP

**HON. PHIL HARE**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 14, 2010*

Mr. HARE. Madam Speaker, I rise today to proudly recognize the Quincy Notre Dame High School girls' soccer team, the Lady Raiders, for winning the Class 1A state championship. On May 29, 2010, the Lady Raiders soundly defeated the Manteno High School Panthers 2-0 at North Central College's Benedetti-Wehrli Stadium in Naperville to win the state championship, capping their record at an impressive 24 wins and only 2 losses.

I extend my congratulations to all of these amazing athletes: goalkeepers Quentessa

Keating, Mackenzie Little, and Megan Rabe; defenders Alex Reis, Jamie Pyatt, Alyssa Klene, Leah Waterkotte, Hannah Witte, Kayla Struck, Claire Obert, and Paula Holm; midfielders McKenna Murphy, Lexi Dreyer, Kate Genenbacher, Katie Hancox, Brooke Dreyer, Brooke Burgess, Hilary Hoffman, and Lexi Niemann; and forwards Abby Grawe, Shannon Foley, Jordan Frericks, Samantha Hall, and Leigh McLaughlin. I would also like to commend their coaching team led by Mark Longo and assistant coaches Randy Struck, George McDonnell, Jason Keller, Anthony Longo, and Jay Zanger, and the rest of the Quincy community who provided tremendous support in their historic victory. I am honored to represent Quincy Notre Dame High School and pleased to be able to share their victory with my colleagues in the U.S. House of Representatives, and I wish the Lady Raiders the best of luck in their future academic careers and athletic ambitions.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 15, 2010 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

JUNE 16

9:30 a.m.

##### Foreign Relations

To continue hearings to examine Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol (Treaty Doc. 111-05), focusing on views from the Pentagon.

SD-419

##### Veterans' Affairs

To hold hearings to examine Veterans' Affairs health care in rural areas.

SR-418

10 a.m.

##### Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of John S. Pistole, of Virginia, to be Assistant Secretary of Homeland Security.

SD-342

##### Commission on Security and Cooperation in Europe

To hold hearings to examine global threats, European security and parliamentary cooperation, focusing on what parliamentarians can do to work together on some of the most significant challenges facing the world.

SVC-202/203

10:30 a.m.

##### Appropriations

##### Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Department of Defense.

SD-192

11 a.m.

##### Energy and Natural Resources

Business meeting to consider pending calendar business.

SD-366

2 p.m.

##### Aging

To hold hearings to examine the retirement challenge, focusing on making savings last a lifetime.

SD-562

2:30 p.m.

##### Appropriations

##### Financial Services and General Government Subcommittee

To hold an oversight hearing to examine Federal payment of interchange fees, focusing on how to save taxpayer dollars.

SD-192

##### Energy and Natural Resources

##### Public Lands and Forests Subcommittee

To hold hearings to examine S. 3294, to establish certain wilderness areas in central Idaho and to authorize various land conveyances involving National Forest System land and Bureau of Land Management land in central Idaho, S. 3310, to designate certain wilderness areas in the National Forest System in the State of South Dakota, and S. 3313, to withdraw certain land located in Clark County, Nevada from location, entry, and patent under the mining laws and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

SD-366

3 p.m.

##### Homeland Security and Governmental Affairs

##### Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine the Gulf of Mexico oil spill, focusing on ensuring a financially responsible recovery.

SD-342

JUNE 17

9:30 a.m.

##### Armed Services

To hold hearings to examine the New Strategic Arms Reduction Treaty (START) and the implications for national security programs.

SD-106

##### Agriculture, Nutrition, and Forestry

##### Energy, Science and Technology Subcommittee

To hold hearings to examine S. 3102, to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make

loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use.

SR-328A

10 a.m.

##### Commerce, Science, and Transportation

To hold hearings to examine the financial state of the airline industry and the implications of consolidation.

SR-253

##### Health, Education, Labor, and Pensions

To hold hearings to examine protecting workers and businesses affected by misclassification.

SD-430

##### Judiciary

Business meeting to consider H.R. 1933, to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, S. 3466, to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, H.R. 908, to amend the Violent Crime Control and Law Enforcement Act of 1994 to reauthorize the Missing Alzheimer's Disease Patient Alert Program, S. 258, to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors, and the nominations of John J. McConnell, Jr., to be United States District Judge for the District of Rhode Island, and Pamela Cothran Marsh, to be United States Attorney for the Northern District of Florida, Peter J. Smith, to be United States Attorney for the Middle District of Pennsylvania, and Kevin Anthony Carr, to be United States Marshal for the Eastern District of Wisconsin, all of the Department of Justice.

SD-226

##### Small Business and Entrepreneurship

To hold hearings to examine harnessing small business innovation, focusing on navigating the evaluation process for Gulf Coast oil cleanup proposals.

SD-G50

2:15 p.m.

##### Indian Affairs

To hold an oversight hearing to examine Indian education, focusing on the No Child Left Behind Act.

SD-628

2:30 p.m.

##### Intelligence

To hold closed hearings to consider certain intelligence matters.

SH-219

3:30 p.m.

##### Homeland Security and Governmental Affairs

##### Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine closing the language gap, focusing on improving the Federal government's foreign language capabilities.

SD-342

JUNE 23

10 a.m.

##### Judiciary

To hold an oversight hearing to examine the Office of the Intellectual Property Enforcement Coordinator.

SD-226

JUNE 24		JULY 1	POSTPONEMENTS
9:30 a.m.	Energy and Natural Resources	9:30 a.m.	JUNE 17
	To hold hearings to examine S. 3452, to designate the Valles Caldera National Preserve as a unit of the National Park System.	Veterans' Affairs	10 a.m.
		To hold hearings to examine veterans' claims processing, focusing on if current efforts are working.	Energy and Natural Resources
	SD-366		National Parks Subcommittee
			To hold hearings to examine the future of the National Park System and to consider the recommendations of the National Parks Second Century Commission in its report "Advancing the National Park Idea".
			SD-366
JUNE 30		JULY 21	
9:30 a.m.	Agriculture, Nutrition, and Forestry	9:30 a.m.	
	To hold hearings to examine farm bill reauthorization, focusing on maintaining our domestic food supply through a strong United States farm policy.	Veterans' Affairs	
	SR-328A	To hold hearings to examine improvements to the post-9/11 Government Issue (GI) Bill.	
			SR-418

## SENATE—Tuesday, June 15, 2010

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Spirit of God, descend on our hearts, for apart from You, life is sound and fury signifying nothing.

Make our lawmakers great enough for these momentous times. Deliver them from pride and prejudice as they seek to live worthy of Your great Name.

Lord, transform common days into transfiguring and redemptive moments because of the power of Your presence and the wisdom of Your words. Cleanse the fountains of our hearts from all that defiles and make us fit vessels for Your honor.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 15, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### SCHEDULE

Mr. REID. Madam President, following leader remarks, there will be a period of morning business until 11:30 a.m., with Senators permitted to speak for up to 10 minutes each. The majority will control the first 30 minutes, the Republicans will control the next 30 minutes, and the remaining time will be equally divided.

Upon the conclusion of morning business, the Senate will proceed to executive session to consider several district court nominations: Tanya Pratt, of Indiana; Brian Jackson, of Louisiana; and Elizabeth Foote, of Louisiana. There will be up to 20 minutes of debate equally divided and controlled between Senators LEAHY and SESSIONS or their designees prior to a series of roll-call votes, which could be as many as three.

Upon disposition of the nominations, the Senate will recess until 2:15 p.m. today for our weekly caucus meetings.

At 2:15 p.m., we will resume consideration of the House message with respect to H.R. 4213, the tax extenders legislation. We currently have six amendments pending. We hope to reach an agreement to dispose of several of the pending amendments today.

As a reminder, cloture was filed on the motion to concur with an amendment with respect to the tax extenders legislation. The only applicable filing deadline in this situation is for second-degree amendments. Under the rule, second-degree amendments must be filed 1 hour prior to the cloture vote tomorrow.

Madam President, I have spoken to the Republican leader on a number of occasions—the latest just a few minutes ago—to see if we can work out an orderly system to not have to have a vote on cloture tomorrow. We are working on that, and hopefully we can conclude that with an agreement sometime in the near future.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### GULF OILSPILL

Mr. MCCONNELL. Madam President, the President will speak to the American people from the Oval Office tonight about a crisis in the gulf that is now in its ninth week. If early reports are accurate, the President will use his remarks not as an occasion to unite the Nation in a common effort to solve the immediate problem but to make his case for a new national energy tax commonly known as cap and trade. If true, this means the President plans to use this justifiable public outrage over an explosion that killed 11 people and the oilspill that followed as a tool for pushing a divisive new climate change policy even as hundreds of thousands of gallons of oil continue to spill into the gulf each day.

Most Americans are baffled by all this. The crisis, as they see it, is a broken pipe at the bottom of the ocean, miles-long oil slicks, and threatened coastlines. The first thing they want to know is what the administration plans to do to plug the leak, clean up the oil, and mitigate the spill's effects on the livelihoods of those affected. Yet day after day, as the oil continues to flow, what we hear from the administration is how tough they plan to be with BP and now, apparently, how important it is that we institute a new tax which will raise energy costs for every single American but which will do absolutely nothing to plug the leak. Never has a mission statement fit an administration as perfectly as Rahm Emanuel's "never allow a crisis to go to waste." Climate change policy is important, but first things first.

Americans are saying two things at the moment: Stop this spill and clean it up. So with all due respect to the White House, the wetlands of the bayou, the beaches of the coast, and our waters in the gulf are far more important than the status of the Democrats' legislative agenda here in Washington. Americans want us to stop the oilspill first, and until this leak is plugged, they are not in any mood to hand over even more power in the form of a new national energy tax to a government that, so far at least, hasn't lived up to their expectations in its response to this crisis.

Republicans are happy to have an energy debate. Like most Americans, we support an all-of-the-above agenda that seeks to produce more American energy and use less. But while American livelihoods are in immediate danger and we watch oil gush into our waters and wash up on our beaches, now is not the time to push ideology; it is the time to fix the problem.

But if the White House insists on using this event as an opportunity to push the same kind of government-driven agenda that got us the health care bill, then they will need to answer some questions. Since the outset of this crisis, they have clearly been more focused on identifying a scapegoat than in taking charge. But questions persist about the administration's response. Here are just a few:

First, the administration acknowledges that it took BP at its word early on about its ability to respond to a crisis such as this. The question is, Why? Why? Why did the Minerals Management Service under this administration accept BP's word that it was prepared to deal with a worst-case spill such as the one we are now experiencing in the gulf?

Second, why were the inspections MMS performed on the Deepwater Horizon, and presumably on other rigs as well, unable to detect the problems that eventually became so apparent? What changes need to be made to make these inspections effective?

Third, the law requires the President to ensure the effective cleanup of an oilspill when it occurs. Specifically, it requires the President to have a national contingency plan in place, and that plan is supposed to provide for sufficient personnel and equipment to clean up a spill. Clearly, the administration's National Contingency Plan was not up to the task. Why not? Did it rely too much on the oil companies to perform the cleanup?

Also, why, as has been widely reported, has the administration been slow to accept offers of assistance from countries that have offered skimming vessels and other technologies to help clean up the spill? Since the cleanup is clearly not going as planned, shouldn't we be accepting legitimate offers of assistance wherever we can get them?

The first priority, as I have said, is plugging the leak. Then we must turn our attention to questions such as these and to a thorough investigation of what went wrong on the Deepwater Horizon and how we can prevent anything like it from ever, ever happening again. That will be a monumental, months-long job, as there were so many failures at so many levels. Once that process begins, perhaps the administration can work to unite the country in the aftermath of this crisis in a way that, frankly, it has failed to do up to now.

Legislation to respond to this oilspill should be an opportunity for genuine bipartisan cooperation of the kind the President so frequently says he wants and of the kind that has been sorely needed and sorely lacking in the midst of this calamity.

Madam President, I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business until 11:30 a.m., with Senators permitted to speak for up to 10 minutes each and with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

The Senator from Washington.

#### GULF OILSPILL

Mrs. MURRAY. Madam President, as we close in now on 2 months since the deep water explosion that set off the gulf oilspill, the toll of this disaster is continuing to mount—from the oil-soaked pelicans we see on the front cover of each newspaper everyday, to the tar balls that dot a previously pristine coastline, to the closed fishing grounds and half-empty hotels. The human impact is felt in Louisiana, Mississippi, Florida, throughout the gulf coast region. This disaster has reached into our economy, our environment, and the way we see our energy future. But there is one place it also threatens to reach and that is into our pocketbooks.

When it comes to BP's promises to cover all the costs associated with this disaster, I am sorry but I am not ready to take them for their word. That is because as a Senator from the Pacific Northwest, Washington State, I have seen firsthand what happens when big oil is allowed to make promises and not required to take action. When the *Exxon Valdez* oilspill happened in 1989—I remember it so well—that company assured the public that the economic and environmental damage would be paid for. Then I remember them fighting tooth and nail all the way to the Supreme Court, to deny fishermen and families from my home State the compensation they were due.

So I am not impressed by BP's promises and I am not ready to take the word of a company with a track record of pursuing profit over safety. Instead, I believe it is time for us to answer some very fundamental questions, such as who should be responsible to clean this up? Who is going to bear the burden of big oil's mistake? Should it be the taxpayers or families and small business owners who paid such a high price already or should it be the companies that are responsible for this spill, including BP, which, by the way, is a company that made a \$6.1 billion profit in the first 3 months of this year alone?

I cosponsored the Big Oil Bailout Prevention Act because the answer is clear. I believe BP needs to be held accountable for the environmental and economic damages of this spill and I am going to fight to make sure our taxpayers do not wind up losing a single dime to pay for this mess. To me, it is an issue of fairness. If an oil company causes a spill, they should be the one to clean it up, not our taxpayers. This bill eliminates the current \$75 million cap on oil company liability so taxpayers will never be left holding the bag for big oil's mistakes. This is straightforward, common sense, and fair.

I have to say, I am extremely disappointed that this commonsense bill continues to be blocked by the Republicans every time we have tried to bring it up. But I want everyone to know I am going to keep fighting for the Big Oil Bailout Prevention Act until we get it passed.

That alone is not enough in response. This week I also signed on to a letter to BP's CEO, asking them to back up the promises they are making to pay with action by requiring them to set up a \$20 billion fund to begin covering the damages we will see.

It is also why I am working to make sure this never happens in any other part of our country. I have always been opposed to drilling off the coast of my home State of Washington and this tragedy is just one more painful reminder of the potential consequences of opening the west coast to drilling. The economic and environmental devastation caused by the *Exxon Valdez* disaster is still impacting people and families and businesses in my State. Washington State's coastal region supports over 150,000 jobs and it generates almost \$10 billion in economic activity—all of which would be threatened if drilling were allowed to happen off our west coast.

I am going to keep fighting for legislation that bans drilling off the west coast and makes sure big oil companies are never allowed to roll the dice with Washington State's economy and environment.

We need to hold big oil accountable. We need to make sure that disasters such as this never happen again. We also need to remember the workers who were killed and injured in this horrific tragedy. We cannot forget that this is an issue that is larger than this one tragedy. The entire oil and gas industry has a deplorable record of worker and workplace safety. We have to make sure that every worker is treated properly and protected, and that companies that mistreat their workers are held accountable.

We know the oil industry is able to operate under stricter safety standards and regulations because they are already doing that—in Europe, in Australia, and even in Contra Costa County in California, where that county has

a set of stricter guidelines that have reduced their injuries and fatality rates for their workers.

But we also know worker safety should not be measured just by injury rates. We should be working at reducing the dangerous conditions that exist such as fires and hazardous spills and release of toxic gases. When accidents do happen, we have to record them, learn from them, and build on a program to prevent them from ever happening again. We have to make sure our workers are treated with respect and their rights are protected. Like a lot of people, I was appalled last week to read reports in the Washington Post about BP's history of worker safety violations and numerous reports of worker intimidation. No workers should ever believe that reporting safety violations could endanger their job and no company should ever pursue its bottom line in a way that endangers its workers.

The Senate deserves answers from BP on worker safety conditions and how suppressing worker complaints could have contributed, actually, to this disaster. So I was extremely disappointed last week when I held a hearing in my subcommittee to examine worker safety issues in the oil and gas industry and representatives of BP failed to show up—failed to even show up.

Workers everywhere have to feel confident that their employers are putting their safety first and companies that betray that trust have to be held accountable. I am going to keep working to make sure that happens. I look forward to having future hearings that I hope BP will come to in the coming weeks so we can get to the bottom of this. Meanwhile, I am going to continue fighting to keep drilling away from the Washington State coastline and I am going to keep pushing to make sure our taxpayers do not have to pay for the mistakes big oil makes. I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Illinois.

Mr. DURBIN. Madam President, would you please advise me when I have spoken for 9 minutes.

The ACTING PRESIDENT pro tempore, The Chair will so advise the Senator.

Mr. DURBIN. I thank the Senator from Washington because she brings back an experience that I had 21 years ago, when I went to Prince William Sound in the beautiful State of Alaska. It is one of the most beautiful places on Earth but at that moment it was a sad situation. The *Exxon Valdez* tanker had run aground and spilled literally thousands and thousands of barrels of black, sludgy, crude oil on this beautiful, pristine area. I went out in a Coast Guard cutter to one of the tiny little islands in the middle of Prince William Sound, which is otherwise as beautiful as God ever made this Earth,

and there, covered in oil, was this rock-strewn island, and men and women, dressed in yellow slickers, were taking big cotton cloths and trying to scoop up the oil and put these cloths into bags to be carted away. I asked one of the workers, after the television cameras were off, I said, Do you think we are doing any good? He said, If we didn't do anything it would take 10 years for God to clean up this mess. For all we are doing, it might take 9 years and 6 months.

It was a pretty cynical view, but I tell you, 21 years later Prince William Sound is paying the price for that one tanker that ran aground.

Senator MURKOWSKI of Alaska told us some species of fish have all but disappeared. Herring can't be found in this area anymore. Yes, some of it is recovering, but it is slow, painfully slow. It takes generations for that to happen.

We decided at that moment in history that we had to have an oilspill liability fund. In other words, we say to the oil companies, when you produce a barrel of oil we want 8 cents from each barrel to go into an oilspill liability fund so if there is another spill in the future and you cannot pay for it as a company, there will at least be this fund collected from your industry to try to repair the damage—8 cents a barrel.

Let me tell you what the price of oil is today according to the Wall Street Journal. It is over \$75 a barrel. So 8 cents represents about one-tenth of 1 percent of the cost of a barrel of oil. Keep that in mind because I want to tell you about an amendment that is coming to the floor this afternoon.

In the bill pending on the floor, we increased that 8 cents to 41 cents. The idea is to have enough money in this oilspill liability fund that if in some future crisis you do not have a deep-pocket, big-time oil company such as BP, we will at least have enough money collected from the industry to repair the environmental damage from tankers running aground or drilling in the gulf or other places that goes awry. We raise it from 8 cents to 41 cents. It is one-half of 1 percent of the cost of a barrel of oil.

Why do I bring this up? JOHN THUNE, Republican Senator from South Dakota, is going to offer an amendment this afternoon. Most people will not get a chance to read it in its entirety. It is 210 pages long. Let me tell you several features that are worth noting, particularly as President Obama speaks to the American people tonight about what is going on in the Gulf of Mexico, with this bill. JOHN THUNE offers the Republican substitute amendment, and what JOHN THUNE does for the Republicans is to eliminate the increase in this tax on a barrel of oil. Of course, big oil doesn't want to spend this money. They don't want to pay this

tax. They don't want to create this oil-spill liability fund. And the Republican substitute says they do not have to. Even though we know and see every single minute of every day the damage being done in the gulf, the Republican substitute amendment eliminates the increase in the tax on a barrel of oil.

That is not all. In our bill we also increased the liability for oilspills. Now it is at \$1 billion. We increase it to \$5 billion. Is there anyone who thinks that we can escape with only \$5 billion in damages from what is going on in the Gulf of Mexico? I don't. Sadly, I think it is going to be much more. We tried to change the underlying law to say in the future, for any for oilspills, there will be liability up to \$5 billion in our underlying bill. The Republican substitute eliminates the increase in liability for the big oil companies.

This is a dream come true for big oil, but it is not a dream come true for America, where we are so dependent on oil today and where we need to make certain if there is another environmental disaster tomorrow, we are prepared to take care of it.

What is the alternative if the Thune Republican substitute passes? If the damage occurs in Prince William Sound, in the Gulf of Mexico, who will be expected to bail out the damage? American taxpayers. So the Republican substitute takes the burden off the big oil companies and puts it on the taxpayers of this country. That is wrong. It is fundamentally wrong. If for no other reason I hope the Senate rejects the Republican substitute, that they would have the nerve to stand up in the Senate today, standing up for big oil under these circumstances. How can they possibly defend that? They will try, and you will hear it on the floor.

There is one other provision that ought to be noted in the Thune substitute and here is what it says. It eliminates the language in the underlying bill that creates incentives in America's Tax Code for American businesses to relocate their production facilities overseas. Think about it. We have incentives in our Tax Code rewarding American businesses that build production facilities overseas. Does that make any sense in this economy, with 8 million people out of work and 6 million who have given up looking for jobs, that we would eliminate the provisions that stop companies from moving overseas? We need to keep good-paying jobs right here in America.

The Republican substitute does not agree. The Republican substitute wants to continue to incentivize American companies so they will move production facilities overseas. We give them a break in the Tax Code now in terms of the taxes they pay on the income they earn overseas, but the bill before us eliminates it and the Republican substitute defends it.

How can they do this? In one amendment they defend big oil companies and stop us from collecting money to protect taxpayers if there is another environmental disaster. Then they turn around and try to protect the loopholes in the Tax Code so that American businesses can move their production facilities overseas. It is the clearest definition of the difference between the two political parties I have seen in a long time.

Earlier, the Senate Republican leader came forward, Senator MCCONNELL, and said we need more government in the Gulf of Mexico. I think we do have an important responsibility here as a government to make sure the damage that has been done by British Petroleum is in fact taken care of and repaired—and there will be a lot of it, unfortunately. It is interesting to hear these speeches from the Republican side of the aisle about how we need an expanded role of government. It seems as though some of my colleagues are suffering from political amnesia. It was not too long ago that they were coming here crying that government was too big and had too big a hand in our economy, but we have learned through the recession brought on through the greed of Wall Street, through this terrible environmental disaster in the Gulf of Mexico, there is a legitimate and important role of government.

Tonight the President of the United States will address the American people and tell us about what we are doing and what we need to do. It will go beyond this terrible environmental disaster and challenge us to look to the big picture, the picture about the future of energy and the American economy. There are some people who do not want to talk about this, but it is fundamental. We need to move our nation forward—with cleaner, renewable, sustainable sources of energy.

We need to have more efficient cars and trucks that burn less fuel for the same mileage. We need to have fewer emissions into the environment which damage our lungs and the Earth on which we live, and we need to have a policy that is forward looking. When I listen to the other side of the aisle, they are looking in the rearview mirror. We cannot afford to do that anymore. America can move forward together when we accept our responsibility to the environment and to provide clean, renewable energy for the growth of our economy.

I reserve the remainder of my time and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, there is no doubt that the vivid images we see every day of economic and environmental tragedy unfolding in the gulf are unprecedented, if not apocalyptic in nature. They have opened our eyes to the need for a fundamental re-

direction in our policy and the need for definitive action now to hold big oil accountable. The images are horrific, and they have made Americans realize the dirty fuels of our industrial past and the environmental and human toll they are taking in the gulf as we speak should now give way to a consensus on a real, meaningful investment in clean energy and increased oversight of corporate polluters.

The time has come for change and this Congress needs to stand up for all those families in the gulf, for the rich habitats of marshes and estuaries that are being destroyed. The time has come to make the big polluters pay. But the time has also come to look ahead and plan for a smarter, greener, safer, cleaner future.

No one—no one—can look at what is happening in the gulf and think we should not call big oil to task. No one can look at the images of brown pelicans drowning in a tide of crude oil and not wonder how to stop it and, at the same time, how to move to a comprehensive energy policy that will take us beyond our reliance on fossil fuels and toward clean energy independence. No one can look at Louisiana shrimpers and oystermen, fishing fleets idle, businesses closed, and not feel for those families wondering how they will get their lives back.

This is not the time to shield big oil from full responsibility, as our colleagues on the other side seem to favor. This is not the time for excuses. Two things are clear. Those who are at fault must be held accountable. We need to embrace this tragedy as an opportunity to formulate a new American energy policy that creates American jobs and ultimately invests billions of dollars that we spend on foreign oil at home on clean energy sources. Our friends on the other side of the aisle have said no to that approach. They have said no to energy reforms and favored big oil. They said no to every effort to hold big business accountable for its failures. They said no to Wall Street reform and favored big banks. They said no to environmental oversight and favored corporate polluters. They have said no to even commonsense economic recovery legislation to put people back to work and save the economy from the disaster 8 years of their policies have created. They said no to families denied health coverage and favored big insurance companies. They have also continuously blocked my Big Oil Bailout Prevention Act that would hold BP accountable for damages, lifting the liability cap from the ridiculous \$75 million worth of liability—less than 1 day's profit for BP—and lifting it to an unlimited liability since they have created unlimited damages in the gulf. No, they come up with proposals that basically are to protect big oil.

Let's index it to their profits regardless of how much damage they have

created. Let's worry about the "smaller driller" even if they cause unlimited consequences to our environment. Is there a difference between a \$100 billion company and a \$10 billion company when both of them create the same environmental damage that has been created in the gulf? I don't think so.

The question is, Whose side do we stand on. Do we stand with the taxpayers to make sure they don't reach into their pockets for big oil's consequences, or are we going to defend big oil? If we were to bring to the floor a bill to invest in a clean energy future and create clean energy American jobs, they would say no to that as well.

It seems to me it is time to say yes to American-made clean energy, yes to the millions of jobs it would create. It is time to also end tax loopholes for big oil companies, such as BP, that are avoiding paying billions of dollars in taxes. They are getting huge tax breaks for drilling activities and revenues, and they are concocting foreign tax schemes, all of which amount to more than \$20 billion over the next 10 years.

That is why I have introduced a bill to end tax loopholes for big oil. It seems to me the flow of revenues to the oil companies is like the gusher at the bottom of the Gulf of Mexico. It is pretty heavy and constant. There is no valid reason for these multibillion-dollar international corporations to short-change the American taxpayer. They certainly are not using the extra money they get from exploiting tax loopholes to bring down the price of a gallon of gasoline for New Jersey families.

Unlike the gusher in the gulf, we can topfill these loopholes and shut them down quickly and permanently, if we pass this legislation. But my colleagues on the other side continue to say no to commonsense reforms. We could use the billions of dollars and giveaways to big oil for an alternative fuel program. We need to look at the economic potential for modern, safe, renewable energy rather than to take the risk of another environmental and economic disaster. Instead of doubling down on 19th century fossil fuels, we should be investing the money we have been giving to big oil in the clean, limitless, 21st-century energy that would create thousands of new jobs, significantly reduce the burden of energy costs, and help clear the air we collectively breathe. It is time we close those loopholes and move forward on alternative fuels and embrace the future rather than cling to the ways of the past and pay the oil companies to continue those ways of the past.

Specifically, the legislation I have introduced recoups royalties that oil companies avoided paying for oil and gas production on public lands. It prevents big oil from manipulating the

rules on foreign taxes to avoid paying full corporate taxes in the United States. It ends tax deductions and giveaways to big oil such as deductions for classifying oil production as manufacturing, deductions for the depletion of oil and gas through drilling, and the deductions for the cost of preparing to drill. That is right. Big oil actually gets a deduction for preparing to drill.

Among other provisions, it recoups royalty revenue with an excise tax on oil and gas produced on Federal lands and on the Outer Continental Shelf to pay back taxpayers for contract loopholes. That would save an estimated \$5.3 billion. It ends big oil's abuse of foreign tax credits, saving another \$3 billion.

While the Close Big Oil Tax Loopholes Act stops giving big oil tax breaks, it protects refineries and oil companies with yearly revenues of less than \$100 million and lets them retain certain tax credits and deductions. It repeals big oil's expensing of drilling costs. In the President's budget, this saved \$10.9 billion, but we are exempting smaller companies that would lower that estimate. It repeals big oil's depletion allowance for oil and gas wells estimated to save \$9.6 billion. It is time to close these big tax oil loopholes, time to stem the flow of revenue to the oil companies, and invest in smart, alternative fuels for the future.

The fact is, oil companies make up 4 of the top 10 spots on the Fortune 100 list of the largest corporations. In the first 3 months of this year alone, in the first quarter of 2010, the top 5 oil companies made over \$23 billion in profits—not revenue, profits.

They can afford to do business without American taxpayers subsidizing them. It is time for action. Millions of Americans are out of work. Families are hurting. Communities are hurting. People everywhere are feeling the pinch, and big oil companies are raking in the profits.

At the same time, some of them, such as BP, are creating enormous environmental disasters in our country. That is why I am proud of my colleagues in the Senate Democratic caucus who sent a letter to BP saying: Put \$20 billion down in an escrow account administered independently so we can make sure those in the gulf begin to have the relief they so desperately need.

To my colleagues on the other side, it is time to stop saying no and do what is right, what makes sense, and what keeps us secure. It is time to stop saying no to commonsense policies that end tax loopholes that benefit big oil. It is time to protect American taxpayers by lifting the liability cap so big oil, which made the spill, messed up, should clean up, be responsible for it, instead of American taxpayers. It is time to use those tax breaks from big oil and close them to invest in clean

energy solutions that create greener, better, more secure American jobs for the 21st century. It is time to hold big oil accountable and invest in the future.

Those are the choices. I hope we will make the right ones.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. How much time remains?

The ACTING PRESIDENT pro tempore. There is 3 minutes 45 seconds remaining.

Mr. NELSON of Florida. Madam President, I just came back from Pensacola. I saw the oil not only out in the gulf, I saw the oil in Pensacola Bay. It is also in Perdido Bay. There are tar balls in the bay. They are slipping underneath the booms. Those tar balls are getting into the wetlands, into the marsh grass. But out there in the bay, there is this reddish orange gunk. Sometimes it is in streamers. Sometimes it is in hamburger-sized patties. Sometimes it is in quarter, dime-sized patties. It looks awful. That is what we are facing. We are going to face it for a long time, especially if the oil continues to gush into the gulf for the rest of the summer.

We have to have a command-and-control structure. After talking to all of our people in Pensacola at the emergency operations center, it is getting better. But it had to get better because when the oil entered Florida waters in Perdido Bay, the emergency operations center in Florida was not even informed by the EOC in Pensacola. So it has to be tightened up more, like a military chain-of-command structure, so when things need to get done they can get done immediately.

The problem in the past has been the Coast Guard is here. BP is there. BP is doing its thing. We can't do that for the long term, as much as we will be facing.

Secondly, we have to set up a trust fund because we are going to be in this for the long haul. Think of the restaurants and their livelihood that is at stake—not just the fishermen, the restaurants because people are not coming. What about the hotels? What about the lessened revenue for local governments and the school boards as a result of people not having the economic activity due to our fishing, our oystering, our beaches, our tourism, and all that? It is humongous. We need a trust fund.

Fifty-five of us sent a letter 2 days ago saying we want a trust fund set up by BP, operated by an independent group, that would be on the magnitude of \$20 billion. Let's get it now. I don't think BP is going to be going broke. But on the basis of the experience with the Exxon Valdez, a lot of those claims, there were questions about whether they ever got paid when there were legitimate claims.

Third, tonight is the time for the President to say: We are going to declare that this Nation is getting on a road rapidly to make our independence from our dependency on oil.

That is a report straight from the Gulf of Mexico on the Florida coastline.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I thank the Senator from Florida for his comments. All of us are deeply concerned about his State, the coast, and those others on the gulf coast. I know he is working hard to see that the Federal Government makes the appropriate response.

Tonight the President of the United States speaks to the Nation from the Oval Office about the oil spill. The oil spill is in its 57th day. I would like, with respect, to suggest what I hope the President does not do tonight and what I hope he does do, because the entire Nation's attention is focused on this tragic spill, the consequences for the people in the gulf, the consequences for the people of this country, and the consequences for our energy and economic future.

What I hope the President does not do tonight, No. 1, is use the oil spill as an excuse to pass a national energy tax, collecting hundreds of billions of dollars from Americans and driving jobs overseas looking for cheap energy. The so-called cap-and-trade national energy tax is not appropriate here because it has nothing to do with cleaning up this oil spill. Not only does it drive jobs overseas, it also does not work when applied to fuel. We have had plenty of testimony before the Environment and Public Works Committee. It would simply raise the gasoline tax but it is not going to change behavior enough to reduce the amount of gasoline consumed or carbon emitted. Finally, when applied to utilities, is premature because we have not yet found ways to recapture carbon from coal plants cost effectively or in a way that would enable coal plants to make money from the carbon rather than raising the price of everybody's electric bill.

So, No. 1, I hope the President stays focused and does not follow the advice of the White House Chief of Staff, who has been so often quoted: Never let a crisis go to waste. This is a crisis, but do not try to mislead the American people into thinking the cure for the oil spill is a new national energy tax that drives jobs overseas looking for cheap energy.

No. 2, I would hope the President—while helping us figure out what to do about the oil spill and making sure it never happens again—does not destroy the rest of the gulf coast economy in the meantime. The Senators from Louisiana, Ms. LANDRIEU and Mr. VITTER,

have both spoken eloquently on behalf of the livelihoods of so many in that area. We do not stop flying after a terrible airplane accident, and we are not going to stop offshore drilling after a tragic spill such as this one. What we need to do is to find out why it happened and to make sure it does not happen again.

Thirty percent of the oil and twenty-five percent of the natural gas we produce in the United States comes from thousands of wells in the Gulf of Mexico. If we were to shut them down, natural gas prices, home heating prices, and gasoline prices, all would skyrocket, and we would rely more on tankers from overseas that have a worse safety record than the offshore oil drillers.

No. 3, I hope the President will not recommend, as the current legislation pending in the Senate does, that we spend taxes collected for the Oil Spill Liability Trust Fund on something other than cleaning up oil spills. Let me say that again. I think Americans might be looking at Washington and wondering: What is this? You mean to say I am paying a higher gasoline tax, in effect, to go into a fund to clean up oil spills and the Congress is thinking about spending that money on something other than cleaning up oil spills? The answer is exactly right.

The proposal that is on the floor before the Senate today would raise from 8 cents to 41 cents the per-barrel fee on oil that is supposed to be used to clean up oil spills and spend it on more government. So that is another thing I hope the President does not do tonight. I hope he remembers it is called the Oil Spill Liability Trust Fund. If we want to re-earn the trust of the American people, we would spend the oil spill cleanup money on cleaning up oil spills.

Finally, I hope the President does not pretend that renewable electricity has anything to do with reducing our dependence on foreign oil. Already, I see the ads for the windmills that the big corporations are putting out. But let's think about renewable electricity for a minute. We are talking about oil in the gulf. We use oil for transportation, not to create electricity. Renewable electricity—wind, solar, and biomass—creates electricity, which we do not need more of for transportation because there is so much unused power at night. So a clean energy program that is a national windmill policy or a national solar energy policy or national biomass policy may be useful for the country in some ways, but it has nothing to do with reducing our dependence on foreign oil. I will say more in a minute on how we can do that.

But let me stop for a minute, if I may, to back up what I said. Solar energy, for example, is two-hundredths of 1 percent of the electricity we produce in the United States. We all hope some-

day we can reduce its cost by a factor of four and put it on rooftops as an intermittent supplement to our electricity needs. It has great potential for that. But the better way to spend money is on research and development to reduce its cost, not to pretend that somehow solar panels have anything to do with cleaning up the oil spill or reducing oil consumption.

Biomass, which is sort of a controlled bonfire, has the potential to help clean up our forests and generate electricity. We have in the forests of Tennessee, New Hampshire, and other places dead trees from the pine beetle or from other disease. Cleaning them up and burning them to create electricity is a good idea, and there is biomass is also an important source of energy for our industrial sector as well. But the idea of cutting down and burning trees to create large amounts of electricity is a preposterous idea in the United States.

As an example, one would have to continuously forest an area one-and-a-half times the size of the Great Smoky Mountain National Park in order to produce enough electricity to equal one nuclear reactor. And in foresting an area one-and-a-half times the size of the Great Smoky Mountain National Park, you would have hundreds of trucks every day running up and down the mountain, belching out fumes, carrying the wood to a place to burn it.

Finally, wind, which has become the "pet rock" of the 21st century energy policies. Wind can also be a useful supplement in our country. But it is important to know that it only produces 1.8 percent of our electricity, and wind turbines have nothing to do with reducing our country's dependence on oil. In addition, there are many other more efficient ways to produce clean, carbon-free electricity.

For example, I just mentioned that wind produces 1.8 percent of all of our electricity and about 6 percent of our carbon-free electricity. Nuclear power produces 20 percent of all of our electricity and 70 percent of our carbon-free, pollution-free electricity. To produce the 20 percent of our electricity that comes from about 100 nuclear reactors today would require 186,000 of these 50-story wind turbines covering an area the size of West Virginia. The Tennessee Valley Authority, in the region where I live says that it can depend on wind to be there when it needs it 12 percent of the time because, of course, you can only use it when the wind blows. This compares to the dependability of nuclear to be there 91 percent of the time when it is needed.

Then we have all seen and heard the awful stories of the pelicans immersed in oil. Well, that is not the only form of energy that causes a problem with birds. The American Bird Conservancy says the 25,000 wind turbines we have today can kill up to 275,000 birds a year, and one wind farm in California killed 79 Golden Eagles in one year.

So the point is, we need renewable energy. We need to advance it. We hope solar becomes cost competitive. Biomass can be useful. So can wind power. But it has nothing to do with reducing our dependence on foreign oil.

Now what do I hope the President does say tonight.

Well, No. 1, I hope the President stays focused on cleaning up the oil spill—cleaning up the oil spill and taking care of those who have been harmed. We need a plan to fix the problem. We need accountability in the regulation of energy production. We need to ask the question, Where is the President's plan? Where are the people and the equipment necessary to implement the President's plan to clean up an oil spill? This is not the first time we have had such a spill. After the Exxon Valdez tanker spill—that was different, but it was still a big spill of oil—the country was convulsed by that, and Congress acted and passed the Oil Pollution Act of 1990. It said the President shall ensure that he has a plan to clean up a worst-case oil spill and have the people and equipment to do it.

Effectively, the President has delegated that job to the spiller. Perhaps President Bush would have done the same. Perhaps President Clinton would have done the same. But if the only option the President has is to delegate the law to the spiller, perhaps he should amend his plan or we should change the law. We should discuss that, and perhaps the President will make a recommendation on that.

But tonight the first thing is: Clean up the oil. Get the job done. Plug the hole. No. 2, help people who are hurt. I come from a State where we have just had a thousand-year flood event, where we have had \$2 billion of damage in Nashville alone, and the flood damage went all the way to Memphis. We know what that kind of pain is, and people are busy helping each other and cleaning up and not looting and not complaining. But we feel deeply for the people on the gulf coast and we want to help them. We would like to help make sure BP pays for the cleanup and damages as they have promised. We would like to help raise the limits on liability and address the Oil Spill Liability Trust Fund. Congress might consider the nuclear energy model of insurance for the future because that model gets all of the nuclear companies involved in, No. 1, making the nuclear reactors safe, and in, No. 2, addressing any sort of accident they had.

I wish to see a similar sort of insurance fund for the oil well companies so you do not have just BP involved in cleaning it up, but you have every other oil company interested also in providing the technology, the expertise, the help and the advice to do the job.

The third and final thing I hope the President does is chart a way for our

clean energy future. I have heard a lot about that on the other side of the aisle, and there is a great deal of bipartisan cooperation in this area. Let me be specific. For fuel, I hope the President will renew his support for electric cars and trucks. Republican Senators—all 41 of us—have said we support the idea of electrifying half our cars and trucks. That is a very ambitious goal for our country. But we can do it. It is the single best way to reduce our dependence on foreign oil. If we were to electrify half our cars and trucks—which would take a while—we could reduce our dependence on oil by perhaps one-third. But we would still be using 12 million barrels of oil a day.

Senator DORGAN and I and Senator MERKLEY have introduced bipartisan legislation to create a better environment for electric cars and trucks in America. The President has strongly urged this idea, and Secretary Chu has worked hard to create support for batteries and for cars. There is room for bipartisan agreement on the single best way to reduce our dependence on oil, and that would be by encouraging electric cars and trucks; electrifying half of them.

No. 2, for electricity, the single best way to produce clean electricity is nuclear power. One hundred nuclear reactors produce 20 percent of our power, but 70 percent, as I said, of all of our carbon-free electricity. Senator WEBB and I have introduced legislation to create an environment in which we can build 100 more nuclear reactors.

We do not need these reactors in order to have electric cars and trucks. The Brookings Institution and Obama administration officials have said we do not need to build one new powerplant in order to electrify half our cars and trucks because we have so much extra electricity at night. If we plug them in when we sleep we can have electric cars and trucks and would need no new windmills, no new nuclear plants, no new coal plants for that purpose.

But if we need new green electricity, the best source for it is nuclear powerplants. They are the most useful. They are the most reliable, and they do the least damage to the environment. The number of deaths due to nuclear accidents at American commercial U.S. nuclear powerplants is zero. The number of deaths due to nuclear accidents in the Navy nuclear fleet is zero. There is a system of accountability, and as a result, a very good record.

So it is electric cars and trucks for fuel, nuclear power for electricity. The President has been very good in the last few months on nuclear power. He has appointed strong members to the Nuclear Regulatory Commission. He has appointed strong members to a commission to deal with used nuclear fuel. He has done a good job of beginning to get the loan guarantees going

for the first new plants. So electric cars and trucks and nuclear power are areas where we should be able to work in a bipartisan way in the future.

The third area is on energy research and development. The President has recommended and the Congress has approved more money for energy research and development. Republicans support doubling our energy research and development for a clean energy future. That would mean projects such as reducing the cost of solar power to one-fourth of today's cost. That would mean recapturing carbon from coal plants. It would mean developing a 500-mile battery, which would almost guarantee the electrification of half our cars and trucks over time. It would mean intensive research to find ways to recycle used nuclear fuel in a way that does not isolate plutonium. It would also mean research for making clean biofuels from crops we do not eat.

Making great advances in solar, carbon capture, electric batteries, nuclear recycling, and biofuels would be the third important part of our energy future. While we are at it, Congress should pass the clean air bill Senator CARPER and I have authored, and that 13 other Senators have cosponsored. It is cosponsored by eight Democrats, six Republicans, and one Independent. While we are figuring out what to do about carbon, we can go ahead and do what we know how to do, which is reduce pollution from mercury, sulphur, and nitrogen from our coal plants to improve our air quality, reduce health care costs, and save lives.

So there are many things I hope the President will talk about to have bipartisan support: fuel, electric cars and trucks, electricity, nuclear plants, energy R&D, solar, carbon capture, batteries, nuclear, clean fuels, and finally, the clean air bill Senator CARPER and I and others support.

This is an important time for our country. It is a time when we deserve bipartisan action. It is a time when we deserve to look to the future. It is a time when we need to focus on cleaning up the spill, helping the people who are hurt, planning for a future, and doing it in a realistic and bipartisan way.

Mr. President, I ask unanimous consent to have printed in the RECORD an op-ed I wrote and which was published in the Wall Street Journal on Friday and an address I gave yesterday in Knoxville to a group of scientists entitled "Nuclear Power is Green."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 11, 2010]

#### AN ENERGY STRATEGY FOR GROWN-UPS

(By Lamar Alexander)

The tragic Gulf oil spill has produced overreaction ("end offshore drilling"), demagoguery ("Obama's Katrina") and bad policy recommendations ("We must generate 20% of our electricity from windmills"). None of

this helps clean up and move forward. If we want both clean energy and a high standard of living, here are 10 steps for thoughtful grown-ups:

(1) Figure out what went wrong and make it unlikely to happen again. We don't stop flying after a terrible airplane crash, and we won't stop drilling offshore after this terrible spill. Thirty percent of U.S. oil production (and 25% of natural gas) comes from thousands of active wells in the Gulf of Mexico. Without it, gasoline prices would skyrocket and we would depend more on tankers from the Middle East with worse safety records than American offshore drillers.

(2) Learn a safety lesson from the U.S. nuclear industry: accountability. For 60 years, reactors on U.S. Navy ships have operated without killing one sailor. Why? The career of the ship's commander can be ended by a mistake. The number of deaths from nuclear accidents at U.S. commercial reactors is also zero.

(3) Determine what the president's cleanup plan was and where the people and the equipment were to implement it. In 1990, after the Exxon Valdez spill, a new law required that the president "ensure" the cleanup of a spill and have the people and equipment to do it. President Obama effectively delegated this job to the spiller. Is that a president's only real option today? If so, what should future presidents have on hand for backup if the spiller can't perform?

(4) Put back on the table more onshore resources for oil and natural gas. Drilling in a few thousand acres along the edge of the 19-million acre Alaska National Wildlife Refuge and at other onshore locations would produce vast oil supplies. A spill on land could be contained much more easily than one located a mile deep in water.

(5) Electrify half our cars and trucks. This is ambitious, but it is the best way to reduce U.S. oil consumption, cutting it by one-third to about 13 million barrels a day. A Brookings Institution study says we could electrify half our cars and trucks without building one new power plant if we plug in our cars at night.

(6) Invest in energy research and development. A cost-competitive, 500-mile-range battery would virtually guarantee electrification of half our cars and trucks. Reduce the cost of solar power by a factor of four. Find a way for utilities to make money from the CO<sub>2</sub> produced by their coal plants.

(7) Stop pretending wind power has anything to do with reducing America's dependence on oil. Windmills generate electricity—not transportation fuel. Wind has become the energy pet rock of the 21st century and a taxpayer rip-off. According to the Energy Information Administration, wind produces only 1.3% of U.S. electricity but receives federal taxpayer subsidies 25 times as much per megawatt hour as subsidies for all other forms of electricity production combined. Wind can be an energy supplement, but it has nothing to do with ending our dependence on oil.

(8) If we need more green electricity, build nuclear plants. The 100 commercial nuclear plants we already have produce 70% of our pollution-free, carbon-free electricity. Yet the U.S. has just broken ground on our first new reactor in 30 years, while China starts one every three months and France is 80% nuclear. We wouldn't mothball our nuclear Navy if we were going to war. We shouldn't mothball our nuclear plants if we want low-cost, reliable green energy.

(9) Focus on conservation. In the region where I live, the Tennessee Valley Authority

could close four of its dirtiest coal plants if we reduced our per capita use of electricity to the national average.

(10) Make sure liability limits are appropriate for spill damage. The Oil Spill Liability Trust Fund, funded by a per-barrel fee on industry, should be adjusted to pay for clean-up and to compensate those hurt by spills. An industry insurance program like that of the nuclear industry is also an attractive model to consider.

These 10 steps forward could help America grow stronger after this tragic event.

#### NUCLEAR POWER IS GREEN

Mr. ALEXANDER. Mr. President, hanging in my office in the Dirksen Senate Office Building in Washington, D.C., is a photograph taken forty years ago of President Nixon meeting with Republican congressional leaders in the White House Cabinet Room. Sitting over at the side are two young White House aides, Pat Buchanan and Lamar Alexander, both of us barely thirty years old. I was invited to the meeting because my job then was to help the president with congressional relations. I can distinctly remember the conversation that day.

President Nixon was attempting to persuade Republican leaders that a new environmental movement was coming fast. The members of Congress did not sense this as clearly as the president did. The president turned out to have better antennae than the congressmen did. Our big and complex country, like a big freight train, moves slowly when starting in a new direction, but once going, it moves rapidly and the momentum is hard to stop. This certainly was true of the modern environmental movement during the early 1970s.

We Americans suddenly were falling all over ourselves looking for ways to limit our impact on the planet, looking for cleaner and greener ways of living. 1970 was the year of the first Earth Day. Congress enacted Clean Air and Clean Water laws and created the Environmental Protection Agency. Recycling became as faddish as the hula hoop. All of this made sense to me because growing up in East Tennessee I was raised to appreciate the beauty of our natural environment and the importance of clean water and air. That is why I chaired the President's Commission on Americans Outdoors during the 1980s, and why I spend so much time as a United States Senator working on stronger clean air laws, on stopping mountaintop mining, and on introducing legislation to expand wilderness within the Cherokee National Forest. For me, it has been a lifelong moral imperative to treasure natural resources at the same time we use them responsibly to make our lives more productive.

That is why in a speech in Oak Ridge in May of 2009, I called for America to build 100 new nuclear plants during the next twenty years. Nuclear power produces 70 percent of our pollution-free, carbon-free electricity today. It is the most useful and reliable source of green electricity today because of its tremendous energy density and the small amount of waste that it produces. And because we are harnessing the heat and energy of the earth itself through the power of the atom, nuclear power is also natural.

Forty years ago, nuclear energy was actually regarded as something of a savior for our environmental dilemmas because it didn't pollute. And this was well before we were even thinking about global warming or climate change. It also didn't take up a great deal of space. You didn't have to drown all of Glen Canyon to produce 1,000 megawatts of

electricity. Four reactors would equal a row of wind turbines, each one three times as tall as Neyland Stadium skyboxes, strung along the entire length of the 2,178-mile Appalachian Trail. One reactor would produce the same amount of electricity that can be produced by continuously foresting an area one-and-a-half times the size of the Great Smoky Mountains National Park in order to create biomass. Producing electricity with a relatively small number of new reactors, many at the same sites where reactors are already located, would avoid the need to build thousands and thousands of miles of new transmission lines through scenic areas and suburban backyards.

While nuclear lost its green credentials with environmentalists somewhere along the way, some are re-thinking nuclear energy because of our new environmental paradigm—global climate change. Nuclear power produces 70 percent of our carbon-free electricity today. President Obama has endorsed it, proposing an expansion of the loan guarantee program from \$18 billion to \$54 billion and making the first award to the Vogtle Plant in Georgia. Nobel Prize-winning Secretary of Energy Steven Chu wrote recently in *The Wall Street Journal* about developing a generation of mini-reactors that I believe we can use to repower coal boilers, or more locally, to power the Department of Energy's site over in Oak Ridge. The president, his secretary of energy, and many environmentalists may be embracing nuclear because of the potential climate change benefits, but they are now also remembering the other positive benefits of nuclear power that made it an environmental savior some 40 years ago.

The Nature Conservancy took note of nuclear power's tremendous energy density last August when it put out a paper on "Energy Sprawl." The authors compared the amount of space you need to produce energy from different technologies—something no one had ever done before—and what they came up with was remarkable. Nuclear turns out to be the gold standard. You can produce a million megawatts of electricity a year from a nuclear reactor sitting on one square mile. That's enough electricity to power 90,000 homes. They even included uranium mining and the 230 square miles surrounding Yucca Mountain in this calculation and it still comes to only one square mile per million megawatt hours.

Coal-fired electricity needs four square miles, because you have to consider all the land required for mining and extraction. Solar thermal, where they use the big mirrors to heat a fluid, takes six square miles. Natural gas takes eight square miles and petroleum takes 18 square miles—once again, including all the land needed for drilling and refining and storing and sending it through pipelines. Solar photovoltaic cells that turn sunlight directly into electricity take 15 square miles and wind is even more dilute, taking 30 square miles to produce that same amount of electricity.

Now these are some pretty big numbers. When people say "we want to get our energy from wind," they tend to think of a nice windmill or two on the horizon, waving gently—maybe I'll put one in my back yard. They don't realize those nice, friendly windmills are now 50 stories high and have blades the length of football fields. We see awful pictures today of birds killed by the Gulf oil spill. But one wind farm in California killed 79 golden eagles in one year. The American Bird Conservancy says existing turbines can kill up to 275,000 birds a year. And for all

that, each turbine has the capacity to produce about one-and-a-half megawatts. You need three thousand of these 50-story structures to equal the output of one nuclear reactor. And even then, they only produce electricity about one-third of the time—that's how often the wind blows. At the only wind farm in the Southeast United States, at Buffalo Mountain, the Tennessee Valley Authority says that electricity is only being generated about 19 percent of the time. Based on the wind industry's own numbers, I have estimated that to provide 20 percent of our nation's electricity we would need 25,000 square miles of turbines. That's an area the size of the State of West Virginia. At some point, this stops being picturesque and begins to look like what good environmentalists and conservationists have always fought against—the invasion of precious natural landscapes by industrial civilization. Or, we are destroying the environment in the name of saving the environment.

Most comparisons of wind power to nuclear power are grossly misleading because nuclear is so much more reliable than wind. You'll notice that I said a few minutes ago that a wind turbine produces one-and-one-half megawatts. That would be true if the wind blew all of the time, but of course it blows about one-third of the time, and then only when it wants to, which is often at night when we don't need more electricity. And today, such large amounts of electricity can't be stored. So the Tennessee Valley Authority, whether it is producing wind from its 18 turbines on Buffalo Mountain or buying it from South Dakota, says wind in its portfolio has only a 10 to 15 percent dependable capacity—that is, wind power can be counted on to be there 10 to 15 percent of the time when you need it. TVA can count on nuclear power 91 percent of the time, coal, 60 percent of the time and natural gas about 50 percent of the time. This is why I believe it is a taxpayer rip-off for wind power to be subsidized per unit of electricity at a rate of 25 times the subsidy for all other forms of electricity combined.

Still, people who are genuinely concerned about landscapes and pollution and global warming have argued against nuclear power's green credentials because of the waste. Well, the "problem of nuclear waste" has been overstated because people just don't understand the scale or the risk. All the high-level nuclear waste that has ever been produced in this country would fit on a football field to a height of ten feet. That's everything. Compare that to the billion gallons of coal ash that slid out of the coal ash impoundment at the Kingston plant and into the Emory River a year and a half ago, just west of here. Or try the industrial wastes that would be produced if we try to build thousands of square miles of solar collectors or 50-story windmills. All technologies produce some kind of waste. What's unique about nuclear power is that there's so little of it.

Now this waste is highly radioactive, there's no doubt about that. But once again, we have to keep things in perspective. It's perfectly acceptable to isolate radioactive waste through storage. Three feet of water blocks all radiation. So does a couple of inches of lead and stainless steel or a foot of concrete. That's why we use dry cask storage, where you can load five years' worth of fuel rods into a single container and store them right on site. The Nuclear Regulatory Commission and Energy Secretary Steven Chu both say we can store spent fuel on site for 60 or 80 years before we have to worry

about a permanent repository like Yucca Mountain.

And then there's reprocessing. Remember, we're now the only major nuclear power nation in the world that is not reprocessing its fuel. While we gave up reprocessing in the 1970s, the French have all their high-level waste from 30 years of producing 80 percent of their electricity stored beneath the floor of one room at their recycling center in La Hague. That's right; it all fits into one room. And we don't have to copy the French. Just a few miles away at the Oak Ridge National Laboratory they're working to develop advanced reprocessing technologies that go well beyond what the French are doing, to produce a waste that's both smaller in volume and with a shorter radioactive life. Regardless of what technology we ultimately choose, the amount of material will be astonishingly small. And it's because of the amazing density of nuclear technology—something we can't even approach with any other form of energy.

So to answer the question, "Is Nuclear Green?" I believe the answer is "Yes." When you compare it with all the problems we face in discovering and mining and burning fossil fuels, when you think of the thousands of square miles of American landscape we're going to have to cover with windmills or solar collectors to get appreciable amounts of energy—when you compare that to the one square mile taken up by a nuclear reactor and comparatively small amount of spent fuel—well, I don't think there's any question about which technology is going to have the least impact on the environment.

And as a group of geophysicists and earth scientists, I know that you appreciate the fact that nothing can be more natural than harnessing the heat of the earth. As we know, energy cannot be created; it is transformed. Potential energy becomes kinetic energy and then the cycle starts over. Nearly all the energy on the earth comes from the sun. Plants and trees are stored solar energy. The energy to sustain animal and human life comes from plants and other animals. Fossil fuels are organic matter that was buried millions of years ago. Wind and hydropower are energy flows set in motion by the sun's heat. Capturing sunlight on your rooftop is the most direct way of tapping solar energy and converting it into electricity.

There is one form of energy, however, that has little to do with the sun. Deep within the earth the temperature rises to as much as 7,000 degrees Celsius. Much of that heat comes from the breakdown of two elements—Uranium and Thorium. We can tap into the earth's natural heat by using the steam that rises naturally out of the earth at geysers and fumaroles to create electricity. Dig deep enough anywhere on earth and you will encounter geothermal energy.

When we generate power with a nuclear reactor, we just replicate this naturally occurring process that already goes on deep within the earth. We just do it in an accelerated, controlled way and harness the heat that is produced for our own use. We gather through mining naturally occurring uranium, purify and concentrate and maybe enrich it, and then arrange it in such a way as to greatly speed up a process that would have happened anyway—which is the fissioning of Uranium 235. We can then use the heat to boil water and produce electricity.

But even this accelerated reaction is not entirely unique to our engineered nuclear reactors. Two billion years ago, in the country of Gabon in uranium deposits in the Oklo region, a lucky combination of hydrology and

bacteria converted some natural uranium deposits into a nuclear reactor that ran for what was probably hundreds of thousands of years. Scientific American reported a few years ago that these natural reactors probably released, over a period of thousands of years, the same energy that the Watts Bar reactor produces in a decade—which is to say a huge amount of power. It's interesting to note that two billion years after those reactors shut off, the world is still here and life still evolved, even though the waste from those reactors wasn't contained and Greenpeace wasn't there to picket.

So nuclear power is as natural as sunlight. It comes from the same source that heats the earth's core. It is a lot more efficient than converting sunlight into electricity or the process of converting sunlight into energy for plant life. The beauty of nuclear power is that we are able to increase the efficiency of this energy source in our reactors and ultimately create electricity that produces very little waste.

I believe nuclear is green. I believe it is natural. I believe it's the best thing that could have happened to the environment to provide the low-cost, reliable, green energy that America needs for the 21st Century.

Mr. ALEXANDER. Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Nebraska.

#### EXTENDER ALTERNATIVE

Mr. JOHANNIS. Mr. President, I rise today in support of an alternative approach to the extenders legislation. The Thune amendment is a very simple, if not a novel idea in Washington these days. The novel idea is that it would actually pay for the spending proposed in the bill—all of it. Furthermore, it doesn't raise harmful taxes on the job creators of this country to pay for temporary tax relief. It does not raise taxes temporarily, nor does it raise taxes permanently, as the underlying bill proposes to do.

To illustrate the difference between the Thune amendment and the Baucus substitute, I will share a USA TODAY editorial from May 25, 2010. I am quoting:

Now it's time to start making choices about what's vital, and for those programs that are paying the bills instead of borrowing.

I could not agree more with that editorial.

The alternative is a good first step on the road to fiscal responsibility. We all noted recently that our national debt has reached \$13 trillion, and as alarming as that milestone is, we are actually on pace to double that by 2020. For 2010 alone, the United States is expected to run an annual deficit of \$1.6 trillion—1 year. Next year isn't much better with a projected deficit of \$1.3 trillion. Total U.S. Government debt is near 100 percent of gross domestic product. Let me say that again. Our debt is near 100 percent of our entire gross domestic product. According to the Congressional Budget Office, net

interest on publicly held debt would more than quadruple between 2010 and 2020, rising from \$209 billion in 2010 to \$916 billion in 2020. These are sobering figures. We should be under no illusions that the road to fiscal responsibility will be anything but a hard job, but we have to start somewhere. It just isn't acceptable to kick the can down the road and continue to deem all of our spending as an emergency.

As the USA TODAY editorial noted:

None of these needs suddenly popped up yesterday. The dictionary defines emergency as: "a sudden, generally unexpected occurrence." In Congress-speak, though, an emergency is something you don't want to pay for.

The amendment fully offsets the spending and tax relief provisions by enacting a series of responsible initiatives such as rescinding unobligated stimulus funds; cutting \$100 million out of Congress's budget; cutting wasteful and duplicative government programs—640 different instances are identified in the amendment; freezing Federal Government salaries; capping the hiring of Federal employees; cutting the budgets of Federal agencies by 5 percent—something the President and OMB Director Peter Orszag outlined on Monday; and selling unused government property and real estate.

I wish to be clear about something. Even I support some of these programs that are targeted. However, we are in a dire fiscal situation that calls for significant contributions from everyone. Government cannot be all things to all people, and some reductions must be made because it is very clear by any economist's definition that this spending is not sustainable.

We must examine our government spending and weed out the lowest priorities. We must make hard choices. That is why we are sent here. But that means establishing priorities and having the courage to make those decisions. Just look at the recent study by the Bank for International Settlements. It ranks the United States of America fourth in general government debt among developed countries, ranking only behind Greece—which is getting a lot of attention these days—Italy, and Japan. Being ranked No. 1 is not a goal we should be working to achieve, but that is certainly where we are headed if we keep spending over 40 percent more than revenues are bringing in. If we want our children and our grandchildren to have any chance at a prosperous future, we must start to make tough decisions today.

As I mentioned, another reason to support the alternative is that it does not contain tax increases. Let's take a look at the tax increases contained in the Baucus substitute. We have higher taxes on carried interest, new taxes on S corporations, and harmful retroactive taxes on other parts of the economy.

Punishing job creators with tax increases that will only stifle growth, expansion, and investment is not the recipe for success. Nearly 10 percent unemployment is high enough. Congress should not be adopting policies that will push it higher. Yet, ironically, only here in Washington would this bill be titled a "jobs bill." Plus, only in Washington, DC, does it make sense to pay for temporary, short-term extensions of tax relief with permanent tax increases. Is it any wonder so many business groups that typically support tax relief are opposed to the Baucus bill? On one hand, they need the tax relief for the rest of the year, but at the high cost of paying more taxes permanently, many are saying: Thank you, but no thanks.

Finally, the bill increases the taxes oil companies are required to pay into the Oil Spill Liability Trust Fund from 8 cents to 41 cents—a fivefold increase. At first glance, this seems reasonable given the disastrous environmental mess that is occurring in the gulf. But in this bill, the money is being used to pay for new, unrelated, more government spending.

My friends on the other side of the aisle claim the money will stay in the fund, but you can't have it both ways. You can't claim to be using the money both for gulf cleanup and to finance other spending. To do both would add an additional \$15 billion to our national debt beyond what is being claimed. It is a lot like the health care bill which pays for new entitlement by siphoning  $\frac{1}{2}$  trillion in the Medicare trust fund. Its backers claim to be strengthening the trust fund, but they are double-counting the money. The extenders bill pays for new spending by siphoning \$15 billion from the oilspill cleanup funding.

This amendment offers Senators a choice between increasing our national debt when the country is crying out for fiscal responsibility versus paying for what we spend without increasing taxes or increasing the deficit—making hard choices.

I am fully aware some will come to the floor criticizing the amendment, making all sorts of claims, but I disagree. The amendment attempts to make tough choices, rational choices. We have to start somewhere.

I urge my colleagues to support the Thune amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

#### GULF VISIT

Mr. CARDIN. Mr. President, this past Friday I had the opportunity to travel to the Gulf of Mexico along with three of our colleagues, including Senator MIKULSKI, my colleague from Maryland, Senator VITTER from Louisiana, and Senator MERKLEY from Florida.

All of us know the importance of coasts. We represent coastal States, and we know how important it is to our economy, and we know how important it is to our way of life. I know Senator VITTER represents that area.

We wanted to visit and see firsthand the impact the BP oilspill is having on the communities in the Gulf of Mexico. I must tell my colleagues, seeing it firsthand, one can really start to understand the magnitude of this disaster. One can see the horrific impact it is having on the people of that region, and one can see the anger in their eyes and the desperation of people who are no longer working, and one can see the oil. You can see the oil all over. You can see it in the water. You see it in the marshes. You see it on the coast. It is a horrible thing to see.

We visited the area known as the Grand Isles. The Grand Isles is a beach area not too far from New Orleans. Grand Isles is a beach community. It is a city. It reminds me a little bit of Ocean City, MD. I was just thinking of how the people of Maryland would be responding if they knew Ocean City would not be open for the season. When we saw the area of Grand Isles, it was empty. No one was on the beaches. There were some people on the beaches working, cleaning up, but no tourists, no people, no children enjoying the water. You couldn't go into the water. The disaster is having a horrible impact on the economy of not just Grand Isles but the entire region.

We then had a chance to go by boat to see Queen Bess Island and Pelican or Bird Island, which are two of the major islands that are used by birds for nesting. We saw oil. We saw oil on the booms that had been deployed. We saw oil on the rocks on the island itself, and, more tragically, we saw birds that were covered with oil. This should never have happened.

I think it just strengthened our resolve about the priorities we must have in this Senate, the priorities that government must follow. The first, of course, is to stop the flow at the wellhead because oil is gushing out into the Gulf of Mexico. What we saw, of course, is oil that had been in the water for many days, had degraded but was still gunk and still deadly to birds and certainly deadly to the economy of the region. But oil is still coming out at the wellhead.

Let me remind my colleagues that BP has tried many ways of stopping that oil from coming into the gulf. Of course, as the Presiding Officer knows from the hearings we have had in the Environment and Public Works Committee, BP said they had proven technology to deal with any of these types of spills. Well, that proven technology doesn't exist. They are trying to on the fly determine how to deal with the oil.

So now they have a process of capturing the oil that will bring in 18,000

barrels a day. Remember, BP said originally it was a 1-barrel-a-day incident, and then they increased it to 5,000 barrels a day. We now know it is closer to 40,000 barrels a day. The technology they are deploying will recover about 18,000 barrels.

They hope to be able to increase that perhaps 5,000 to 10,000 barrels, still leaving tens of thousands of barrels gushing into the Gulf of Mexico, and it will continue for several months until the relief wells are drilled. That is the current status.

Our priority, of course, is to stop the wellhead but also to contain the damages. Oil appears sometimes unexpectedly at different locations. So the game plan has to use the best technologies we have with booms and skimmers to keep the oil from reaching sensitive areas.

Admiral Watson, the Coast Guard Command, reviewed the strategy with us. While we think it is important for the command to set performance standards for BP across the board, we also think we have to have the right organizational structure.

Let me just mention one point that was troubling to us. Yes, we saw booms that had been deployed, but they were not maintained. If they are not maintained, oil gets to the shore, killing birds and killing our environment. We have to make sure that is corrected. I thank Admiral Watson. He got back to me Saturday night. We had a conversation, along with Senator BOXER, and steps are being changed. That is why we have to have performance standards on BP oil. We have to make sure we are in control, as to making sure all technologies are deployed to protect our environment. Then, yes, we have to hold BP fully accountable for all of the damages.

We all talk about how they have to be fully accountable. But let's remind the public that BP, in getting the permit to drill, said they had proven technology to deal with any type of incident. They were not truthful on that statement. They didn't have that. So they have to be held fully accountable. We are talking about criminal investigations that will go where they may. But they clearly have to pay all of the economic and environmental damages. The economic damages are clear. We have talked to fishermen who aren't fishing this season, and they don't know if they will ever go back to fishing. We talked to one fisherman whose family has been in that business for generations. We talked to shop owners where there was nobody in the shop. We saw charter boat owners who cannot operate. BP has to be accountable to these small business owners and the property owners.

I strongly support the effort of our majority leader and the President to have BP put money into a trust fund, with independent trustees, so we can

expedite the process. It doesn't do a business owner any good if he has a long list of documents he has to fill out to get the help he needs in order to keep his business afloat. Those who were victimized need to be able to get relief as soon as possible. I think an escrow fund makes a lot of sense, and \$20 billion seems like a reasonable start. I hope we will move forward. I know the President is meeting with the CEO of BP Oil on Wednesday. Tomorrow, I hope that will lead to the resolution of that issue.

Let me point out that BP also has to be held responsible for the environmental damages that will go well beyond the Gulf of Mexico. The Loop Current is bringing the oil around the Keys and to the east coast of the United States. It will affect many regions, including mine in the Mid-Atlantic. Many of our migratory wildlife travel through the gulf. We don't know whether they will be returning to Maryland. We don't know the impact it will have on our wildlife population—those who enjoy hunting and bird watching on the Eastern Shore, those who understand the importance of the diversity of our wildlife—whether we will be endangering different species. We need to document that and mitigate it.

I have the honor of chairing the Water and Wildlife Subcommittee of the Environment and Public Works Committee. We are holding hearings, thanks to Senator BOXER, next month to start the accounting process, to make sure there is an independent, objective accounting as to the full damages that BP has caused and its related organization—economic damages and environmental damages. Then, going forward with drilling, we all understand mineral management is a critical part of our energy strategy. We cannot drill unless we have an independent agency issuing the permits. We have to make sure the public's interest is protected as new permits are granted.

Yes, there are areas where we don't drill today because they are environmentally too sensitive and there is not enough oil to make it worth the risk. I include in that the area I represent in the Mid-Atlantic, where there was a site they were going to move forward with drilling just 50 miles from Assateague Island, just 60 miles from the mouth of the Chesapeake. If we would have had a spill a fraction of the amount that occurred in the gulf, with the prevailing winds and currents, it would have a devastating impact on the Chesapeake Bay and the beaches of Maryland and also Delaware and Virginia. It is not worth the risk. The oil is not significant enough there for that.

Lastly, I hope we use this opportunity, as President Obama suggested, to move forward with a new energy policy for our country. We need to rely

less on oil and more on alternative and renewable energy sources. I agree we need to do more with nuclear power. We need to consume less energy and improve the way we operate our buildings and the way we manage our transportation systems. We need to become energy independent, and we can do that. But we cannot do it through drilling. We can do it through a comprehensive energy policy so we can protect our national security and create jobs in America rather than exporting those jobs overseas and, yes, so that we can protect our environment from the type of disaster that has occurred in the Gulf of Mexico. I hope that is how we respond.

My trip to the gulf reinforced my efforts, and I hope the efforts of all my colleagues, to say that we can do things better. Let's clean up this mess, let's hold BP responsible, and let's develop an energy policy that will protect America's security, help our economy, and protect our environment.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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#### EXECUTIVE SESSION

NOMINATION OF TANYA WALTON PRATT TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA

NOMINATION OF BRIAN ANTHONY JACKSON TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF LOUISIANA

NOMINATION OF ELIZABETH ERNY FOOTE TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of Tanya Walton Pratt, of Indiana, to be United States District Judge for the Southern District of Indiana; Brian Anthony Jack-

son, of Louisiana, to be United States District Judge for the Middle District of Louisiana; Elizabeth Erny Foote, of Louisiana, to be United States District Judge for the Western District of Louisiana.

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes for debate concurrently on the nominations, which will be equally divided and controlled between the Senator from Vermont, Mr. LEAHY, and the Senator from Alabama, Mr. SESSIONS, or their designees.

The Senator from Vermont is recognized.

Mr. LEAHY. I thank the distinguished Presiding Officer. Today, the Senate is being allowed to confirm only a few more of the 28 judicial nominations that have been reported by the Senate Judiciary Committee over the past several months, but which have been stalled by the Republican leadership. We have yet to be allowed to consider nominations reported last November. In addition to the three nominations being considered today, there are another 17 judicial nominations available that were all reported unanimously by the Judiciary Committee. There is no excuse and no reason for these months of delay. The Senate Republican leadership refuses to enter into time agreements on these nominations. This stalling and obstruction is unprecedented.

The Senate is well behind the pace I set for President Bush's judicial nominees in 2001 and 2002. By this date in President Bush's Presidency, the Senate had confirmed 57 of his judicial nominees. Despite the fact that President Obama began sending us judicial nominations 2 months earlier than did President Bush, the Senate has to date only confirmed 28 of his Federal circuit and district court nominees. After today's 3 confirmations, the comparison will stand at 31 to 57, which is barely half of what we were able to achieve by this date in 2002. Another useful comparison is that in 2002, the second year of the Bush administration, we confirmed 72 Federal circuit and district judges. In this second year of the Obama administration, we confirmed 16 so far. In fact, our Senate Republicans have allowed so few nominees to be considered that in 1 hour today, the Senate is going to have three confirmations. That will increase our judicial confirmations for the year by almost 20 percent. Meanwhile, Federal judicial vacancies around the country hover around 100.

This is the second year of the Obama administration. Although vacancies have been at historic highs, Senate Republicans last year refused to move forward on judicial nominees. The Senate confirmed the fewest in 50 years. The Senate Republican leadership allowed only 12 Federal circuit and district court nominees to be considered and

confirmed despite the availability of many more for final action. They have continued their obstruction throughout this year. Only 16 Federal circuit and district court nominees have been confirmed so far this year, although another 28 have been reported favorably by the Judiciary Committee.

About a week or so ago, three distinguished women were confirmed by virtually unanimous votes. These nominees were reported unanimously by the Senate Judiciary Committee back in March; all Democrats and Republicans voted for them. These three distinguished women put their lives on hold and were still held up for months before they were allowed to be confirmed.

To put these delays into historical perspective, consider this: In 1982, the second year of the Reagan administration, the Senate confirmed 47 judges. In 1990, the second year of the George H.W. Bush administration, the Senate confirmed 55 judges. In 1994, the second year of the Clinton administration, the Senate confirmed 99 judges. In 2002, the second year of the George W. Bush administration, the Senate confirmed 72 judges. The only year comparable to this year's record-setting low total of 16 was 1996, when the Republican Senate majority refused to consider President Clinton's judicial nominees and only 17 were confirmed all session.

Senate Democrats moved forward with judicial nominees whether the President was Democratic, as in 1994, or Republican, as in 1982, 1990, and 2002, and whether we were in the Senate majority, as we were in 1990, 1994, and 2002, or in the Senate minority as in 1982. Senate Republicans by contrast have shown an unwillingness to consider judicial nominees of Democratic Presidents. They did in 1996, 2009, and 2010.

Over the last recess, I sent a letter to Senator MCCONNELL and to the majority leader concerning these matters. In that letter, I urged, as I have since last December, the Senate to schedule votes on these nominations without further obstruction or delay. I called on the Republican leadership to work with the majority leader to schedule immediate votes on consensus nominations—many, like those finally being considered today, I expect will be confirmed unanimously—and consent to time agreements on those on which debate is requested. As I said in the letter, if there are judicial nominations that Republicans truly wish to filibuster—after arguing during the Bush administration that such action would be unconstitutional and wrong—then they should so indicate to allow the majority leader to seek cloture to end the filibuster.

The three nominees being considered today were all reported unanimously by the Judiciary Committee way back in March. They could have been confirmed, they should have been confirmed long before now.

They are supported by their home State Senators. I note that in all three cases, that means both a Democratic Senator and a Republican Senator.

Judge Tanya Walton Pratt has been nominated to serve as a Federal district court judge in the Southern District of Indiana. If confirmed, Judge Pratt will be the first African-American Federal judge in Indiana history. The Judiciary Committee reported her nomination favorably without dissent on March 4, more than 3 months ago. Judge Pratt is currently a Marion County Superior Court judge where she has served since 1997. The substantial majority of the ABA rated Judge Pratt “well qualified” to serve on the U.S. District Court Southern District of Indiana. She has 17 years of judicial experience and has the support of both home State Senators, Republican Senator LUGAR and Democratic Senator BAYH.

Brian Jackson's nomination to the U.S. District Court for the Middle District of Louisiana was reported by voice vote by the Judiciary Committee on March 18, nearly 3 months ago, and has the support of both home State Senators, Democratic Senator LANDRIEU and Republican Senator VITTER. The ABA Standing Committee on the Federal Judiciary unanimously rated Mr. Jackson well qualified to be a U.S. District Judge for the Middle District of Louisiana, its highest possible rating. If confirmed, Mr. Jackson will be the second African-American judge to serve on the district court in the Middle District of Louisiana.

The nomination of Elizabeth Erny Foote to a seat on the United States District Court for the Western District of Louisiana also has the support of Senator LANDRIEU and Senator VITTER. Ms. Foote has worked for the past 30 years in private practice at The Smith Foote Law Firm in Alexandria, LA, after clerking for Judge William Cullenburger of the Louisiana Third Circuit Court of Appeals. When she began her legal practice in Alexandria, she was only the fourth woman ever to do so. Her nomination was reported favorably by the Judiciary Committee by voice vote with no dissent on March 18 and has been awaiting Senate action ever since.

I congratulate the three of them and predict all three will be confirmed.

Mr. President, I ask unanimous consent that I be able to use my remaining time as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF ELENA KAGAN

Mr. LEAHY. Mr. President, our Nation recently celebrated Memorial Day, honoring the sacrifice and the service of our brave men and women in uniform. Yesterday was Flag Day, and before too long we will celebrate the Fourth of July.

I wish to speak about Solicitor General Elena Kagan's nomination to the

Supreme Court. I thought it might be good to set the record straight about some of the charges being leveled at President Obama's nominee to the Supreme Court, Solicitor General Elena Kagan. Those intent on opposing this nomination—just as they seem to undercut the President no matter what he does—have searched high and low to find a basis to oppose this intelligent and accomplished nominee.

I understand the partisanship, but I disagree with it. A Supreme Court nominee is there for all the country, not for one political party or the other, and most nominees will serve long after the Senators who voted for the nominee are gone.

I do not think it is good for the country to make it this partisan. After the American people elected President Obama, leaders of the Republicans urged massive resistance from the outset. They have talked about wanting him to fail and have done everything they could to undermine his efforts to rescue our economy from the worst downturn since the Great Depression, to reform health care for all Americans, to lower taxes for Americans making less than \$250,000 a year and to reform Wall Street so that we never again suffer the kind of greed and profiteering that put our economy at risk.

When the Senator from Alabama became the ranking Republican on the Senate Judiciary Committee last year, he lamented the way nominees were treated. He said:

What I found was that charges come flying in from right and left that are unsupported and false. It's very, very difficult for a nominee to push back. So I think we have a high responsibility to base any criticisms that we have on a fair and honest statement of the facts and that nominees should not be subjected to distortions of their record.

I agree with that statement and very much regret the distortion of Dean Elena Kagan's record as dean of the Harvard Law School. No one should have attacked her unfairly for following the law while seeking to honor Harvard's nondiscrimination policy. No one should be misrepresenting her views and smearing her character or questioning her commitment to our men and women in uniform. Yet that is what has been happening repeatedly since her nomination.

In fact, some of these same smears were considered last year in connection with her nomination to be Solicitor General. She received a bipartisan vote of approval then. I was hoping that would put it to rest. Instead, some continue to accuse her of an anti-military bias and violating the law. They say that she “barred the U.S. military from coming on the Harvard Law School campus,” that she “kicked the military off Harvard's campus,” that she “disregard[ed] the law . . . in order to obstruct military recruitment during a time of war,” that she was punishing and taking actions against our

military men and women, that she condemned the U.S. military, that she acted in a way that was “not lawful,” and that she “violated the law.” That is incorrect. I would have thought, and certainly had hoped, that since the facts are known, these misstatements would not be repeated. Regrettably, this has not been the case.

The unfair attacks that have been leveled at this nominee are all the more reason for her to have a chance to respond. Anyone who has a sense of fairness would not be raising questions and contending they still have concerns while at the same time seeking to delay her an opportunity to respond. Those who have been all too willing to attack this nominee during the last four weeks, and who purport to know her thoughts and her heart, should not be seeking to delay her opportunity to set the record straight and defend her character and good name. Those who unfairly characterize her as anti-military and, in effect, anti-American and unpatriotic, owe her the opportunity to respond. And she will this month when we have our hearings.

Let’s be clear on the facts. Dean Kagan did not ban the military from Harvard’s campus. Harvard’s students always had access to military recruiters. The facts are that military recruitment remained steady throughout Dean Kagan’s tenure, it even increased during the brief time that the military was restricted from using Harvard’s Office of Career Services, OCS. Unfortunately, these facts will not prevent some critics from claiming that she kicked military recruiters off campus when she did no such thing. This is not debatable.

What is debatable is the wisdom of the “Don’t Ask, Don’t Tell” policy. In my opinion, the “Don’t Ask Don’t Tell” policy forces good and capable people to choose between compromising their integrity and being barred from military service. At a time when we need a strong and skilled military more than ever, our existing policy makes the Armed Forces less effective. As Admiral Mullen, Chairman of the Joint Chiefs of Staff, recently said, “allowing gays and lesbians to serve openly would be the right thing to do.” I agree. The current policy needlessly robs our Armed Services of the talents and commitment of countless people, and it should be changed. Every member of our military should be judged solely on his or her contribution to the mission, without regard to sexual orientation. Rejecting the discrimination that results from the “Don’t Ask Don’t Tell” policy is long overdue.

Does this statement here on the floor of the Senate make me anti-military? Of course not. Does Admiral Mullen’s position on the policy make him anti-military? Of course not. He is a distinguished four-star admiral. Did Dean Kagan’s comments on the policy render

her anti-military? Not on your life. Anyone at all familiar with her record knows better. Veterans from Harvard Law School have come to her defense. They know and recall her support of them and their service to the country. They know of the dinners and meetings she held with veterans.

I am confident that a fair reading of her record will show she was supportive of our military, our veterans, and Harvard law students who wished to serve in the military. So let’s stop the misstatements and the overheated rhetoric. Let’s show her the respect she deserves.

In her speech at West Point 3 years ago, Dean Kagan spoke of being in awe of the courage and the dedication of those who were preparing for the military. She went on to speak directly to the issue, saying:

I have been grieved in recent years to find your world and mine, the U.S. military and U.S. law schools at odds, indeed, facing each other in court on one issue. That issue is the military’s “don’t ask, don’t tell” policy. Law schools, including mine, believe that employment opportunities should extend to all their students, regardless of their race or sex or sexual orientation. And I personally believe that the exclusion of gays and lesbians from the military is both unjust and unwise. I wish devoutly that these Americans could join this noblest of all professions and serve their country in this most important of all ways. But I would regret very much if anyone thought that the disagreement between American law schools and the U.S. military extended beyond this single issue. It does not. And I would regret still more if that disagreement created any broader chasm between law schools and the military. It must not because of what we, like all Americans, owe to you.

Hers were not the words of someone who is anti-military. There should be no place in America for discrimination. We ask our troops to protect freedom in places around the globe. It is time to protect the basic freedoms and equal rights at home.

I commend the House of Representatives for passing legislation just last month to end this discriminatory policy, and the Senate Armed Services Committee for doing so, as well. Congress is moving forward to adopt the policy of nondiscrimination that Harvard Law School had adopted and that Dean Kagan supported. I have long supported similar legislation in the Senate. I believe this is an important issue worthy of an up-or-down vote by the Senate. Regrettably, like so many steps forward in legislation to protect equality throughout our history, the repeal of this discriminatory policy will likely be filibustered by a recalcitrant minority.

I also find it ironic that those Republican Senators most critical of the nominee have filibustered and voted against funding for our troops and against services for our veterans. When the American people hear a Republican Senator criticizing Elena Kagan’s re-

spect and support for the military, they might ask whether that Senator filibustered the National Defense Authorization Act for fiscal year 2010. Led by the Republican leadership, more than 30 Republican Senators did. Even after their filibuster was defeated, most Republican Senators proceeded to vote against the bill and the authorities it provided our military. Likewise, when the Senate considered the consolidated appropriations bill to provide funding for veterans and military construction, again led by the Senate Republican leadership, more than 30 Republican Senators sought to filibuster and stall that funding. Even when their filibuster was broken, more than 30 Republican Senators voted against that bill to provide the necessary funding for services to our veterans.

Also obscured by the blinders worn by her critics are the following facts: Harvard Law School adopted its non-discrimination policy in 1979, long before Elena Kagan ever attended Harvard Law School as a student let alone before she became an acting professor and ultimately its Dean. Like almost every other law school in America, Harvard requires employers to sign a statement that they do not discriminate. Only after an employer confirms its nondiscrimination employment policy and hiring practice can the employer use the logistical assistance of the Harvard Law School’s Office of Career Services. This office merely facilitates recruitment by scheduling interviews and distributing student resumes to employers. It does not provide physical space on campus for employers to conduct interviews. In fact, private law firms typically conduct interviews off campus.

In 1994, Congress adopted the “Don’t Ask, Don’t Tell” policy as part of the National Defense Authorization Act. This law prohibited gays and lesbians from serving openly in our military. Two years later, in 1996, Congress passed the so-called “Solomon Amendment” as part of the National Defense Authorization Act. This statute allows Federal funds to be denied to universities that have “a policy or practice” that “prohibits, or in effect prevents” the military’s access to students on campuses for purposes of military recruiting. In order to deny Federal funds under the Solomon amendment, the Secretary of Defense must determine that a university has such a policy or practice, “transmit a notice [of such determination] . . . to Congress” and “publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the [university] for contracts and grants.”

The Solomon amendment did not directly prohibit a law school from applying its nondiscrimination policy to military recruiters. It did not make such an action a crime. The Solomon

amendment gave institutions a choice between satisfying the Secretary of Defense's requirements on military recruitment or risk foregoing certain Federal funds. Senator SESSIONS acknowledged this very point when he said last year, "well, let me say, that amendment didn't order any university to admit anybody or to allow anybody to come on campus." In fact, it is not a criminal statute but an attempt to use the threat of a Federal funding cut-off as leverage.

In 1998, the Air Force determined that Harvard's alternative arrangement for military recruitment facilitated by the HLS Veterans association, in lieu of OCS, complied with the Solomon amendment. In 2002, under the Bush administration, the Air Force reversed course and enter into a new and contradictory determination that the arrangement no longer satisfied the Solomon amendment. It threatened Dean Robert Clark, a Republican and Dean Kagan's predecessor, with a cut-off of millions of dollars. In response, Dean Clark "regrettably" allowed military recruiters to use OCS while continuing to emphasize his strong opposition to "Don't Ask, Don't Tell."

In 2003, Solicitor General Kagan became the first woman to serve as dean of the Harvard Law School when she succeeded Dean Clark. For the first few years in this position she maintained the law school's nondiscrimination policy that all employers, with the sole exception of the military, had to follow to use the Office of Career Services. She continued to allow the military access to OCS, despite the fact that it could not sign a nondiscrimination statement. However, she also repeatedly voiced her opposition to the "Don't Ask, Don't Tell" policy, as Dean Clark had, calling it "a moral injustice of the first order."

Also in 2003, the Forum for Academic and Institutional Rights, Inc., FAIR, an association of law schools, began a lawsuit challenging the Solomon amendment and seeking a preliminary injunction enjoining its enforcement. On November 5, 2003, the district court denied the injunction and FAIR appealed to the court of appeals for the Third Circuit. On January 12, 2004, in her capacity as a law professor, Dean Kagan joined more than 50 other Harvard law professors to support an amicus brief backing FAIR's appeal to the Third Circuit. Unlike FAIR, which argued that the Solomon amendment violated the first amendment, the brief she joined made the more modest argument that the Department of Defense had misinterpreted the law. The amicus brief argued: (1) that the Solomon amendment did not apply to generally applicable nondiscrimination policies, like Harvard's, that did not specifically target the military; and (2) it only required that schools give military recruiters "entry" and "access," not necessarily equal access.

Noting the confusion surrounding the legal requirements of eligibility for Federal funding under the Solomon amendment, Congress amended the statute in October, 2004. The effect of those changes was not settled until the Supreme Court decided the case in 2006.

On November 29, 2004, the Third Circuit concluded, 2-1, in an opinion joined by Reagan appointee Judge Walter Stapleton, that the "Solomon Amendment violates the First Amendment by impeding the law schools' rights of expressive association and by compelling them to assist in the expressive act of recruiting." The Third Circuit's opinion did not address the Harvard law professors' amicus brief.

From the beginning of her tenure until November 30, 2004, Dean Kagan had allowed the military to use OCS. Only after the Third Circuit concluded that the Solomon amendment was unconstitutional did Dean Kagan return to Harvard's prior policy of excluding the military from OCS. However, like her predecessors, Dean Kagan continued to allow military recruiters entry to the campus and facilitated interviews on campus through the HLS Veterans Association. This special arrangement was in place only for a few months in 2005.

In May 2005, the Supreme Court agreed to review the Third Circuit's decision. During that summer, while the government appeal was pending, the Pentagon informed Harvard University that its Federal funds were in jeopardy if it continued to restrict military recruiters from OCS services. The Pentagon never notified Congress nor published in the Federal Register that Harvard was not compliant with the Solomon amendment.

On September 20, 2005, Dean Kagan reinstated the military's exception from Harvard's nondiscrimination policy and again granted it access to OCS. Dean Kagan's decision to lift the military's restriction from OCS was long before the Supreme Court held oral argument on December 6, 2005, or decided the case.

The day after reinstating the military's use of OCS, Dean Kagan was one of 40 Harvard law professors to sign onto an amicus brief to the Supreme Court. As they did before the Third Circuit, the Harvard law professors argued that the Pentagon had misinterpreted the Solomon amendment and that properly read, the amendment "rules out policies that target military recruiters for disfavored treatment, but it does not touch evenhanded anti-discrimination rules that incidentally affect the military." The Supreme Court rejected their argument. On March 6, 2006, the Supreme Court also reversed the Third Circuit and upheld the constitutionality of the Solomon amendment.

Let's be clear. She did not break the law. She did not violate the law. She

did her best to follow the law, even a law that led to discriminatory consequences with which she strongly disagreed. She engaged in legal action and participated in a legal challenge to the interpretation and application of the law by the Bush administration and reversed an earlier interpretation by the Air Force. Yet this legal action is what some now claim amounted to illegal conduct. That is incorrect.

Recently there was an op-ed in the Washington Post by Walter Dellinger dated May 14, 2010, that discusses this issue. Mr. President, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 14, 2010]

HOW I KNOW KAGAN ISN'T ANTI-MILITARY

(By Walter Dellinger)

The nomination of an anti-military leftist to the Supreme Court would make for a riveting story. But in the case of Elena Kagan, it's just not true.

When Kagan became dean of Harvard Law School in 2003, Harvard, like virtually every other law school, had a long-standing policy that the assistance of its placement office was available only to employers that would interview and consider hiring any student. Employers that insisted on "pre-screening" students for high grades or other criteria were not eligible for the school's placement assistance, nor were recruiters who declined to hire students on the basis of race, sex, religion or sexual orientation. The placement office, in other words, is there to serve the career aspirations of all students.

Under Kagan's predecessor at Harvard, the highly respected corporate scholar Robert C. Clark, military recruiters acknowledged that they were not able to comply with the school's generally applicable anti-discrimination policy and could not use the placement office's services. In 2002, the Bush administration asserted that a federal provision called the Solomon Amendment required the law school to grant military recruiters an exemption from its anti-discrimination policy. Faced with a threatened cut-off of federal funds to the whole university, Clark announced that the placement office would begin assisting military recruiters. When Kagan became dean in 2003, she continued this practice.

In November 2003, the U.S. Court of Appeals for the 3rd Circuit held that the Solomon Amendment was unconstitutional, which meant there was no longer an enforceable, federally mandated exception to the law school's anti-discrimination policy. Kagan announced that military recruiters were once again ineligible for assistance from the school's placement office. In the fall of 2004, after the Justice Department challenged the 3rd Circuit decision and the Supreme Court agreed to review the lower court's ruling, Kagan announced that the school would once again comply with the government's demand for placement-office support for military recruiters.

On the basis of this unremarkable application of an established anti-discrimination policy, Kagan has been accused of harboring an "anti-military" animus. Some critics have falsely equated Harvard's anti-discrimination policy with the anti-military and anti-ROTC policies favored by some campus

leftists in the 1970s. Those policies, however, were categorically different: They were directed at the military. In contrast, the anti-discrimination policies applied before, during and after Kagan's tenure as dean were in no way intended to single out the military but were applied in an evenhanded way to all prospective employers.

It was also far from clear that Harvard even violated the Solomon Amendment. That law withheld federal funding from any school that has a policy of denying military recruiters access to the campus "in a manner equal in quality and scope" to other recruiters. Neither the text of the law nor its history (targeting anti-ROTC and anti-military rules) compelled the conclusion that the law was violated by an anti-discrimination policy applicable to all recruiters.

When some groups challenged the constitutionality of the Solomon Amendment, Kagan joined a majority of her faculty colleagues in a friend-of-the-court brief that I drafted as their counsel, urging the court to exercise judicial restraint and avoid ruling on the constitutional issue by simply holding that it was not clear that Congress intended to preclude the evenhanded application of anti-discrimination policies. There were no dissents from the chief justice's opinion dismissing this statutory argument. We knew that it would be a difficult sell for the court because the actual party to the case wanted to seek a constitutional ruling, a course we thought imprudent and unwise. As the oral argument showed, a number of justices thought the Harvard brief raised a very serious question. For today's debate, the key point about the brief that Kagan joined is that it urged a prudent course, arguing that "sound principles of judicial restraint counsel that this Court should resolve the question of statutory coverage before turning, only if necessary, to constitutionality."

No action Kagan took as dean remotely suggests anything but the greatest respect for the military. Even when the law school's anti-discrimination policy effectively precluded placement-office assistance to military recruiters, she permitted student veteran groups to use law-school premises to facilitate military recruitment of Harvard students. At no point were military recruiters ever barred from the campus or banned from recruiting Harvard law students. And military veterans who entered Harvard Law School when Kagan was dean have praised her efforts to ensure they were welcomed and respected for their service.

Separately, it is true that as dean, Kagan expressed strong personal opposition to the "don't ask, don't tell" restrictions on service by gays and lesbians in the military. But that is not an anti-military position. Rather, it is the position now shared by many senior military leaders and the commander in chief.

Mr. LEAHY. Finally, I find it ironic: Here is this very pro-military nominee who is being criticized as somehow being anti-military, being criticized by some of the same Republican Senators who have filibustered and voted against funding for our troops and against services for our veterans. I think most people see through that.

Mr. President, we are required to vote at what time?

The PRESIDING OFFICER. The Senate is voting at about 11:50 a.m. when all time is expired.

Mr. BAYH. Mr. President, I rise today to speak in favor of the nomina-

tion of Judge Tanya Walton Pratt. I joined together with Senator LUGAR to recommend Judge Walton Pratt because I know firsthand that she is a highly capable lawyer who understands the limited role of the Federal judiciary.

Before I speak to Judge Walton Pratt's qualifications, I would like to comment briefly on the state of the judicial confirmation process generally. In my view, this process has too often been consumed by ideological conflict and partisan acrimony. This is not, I believe, how the Framers intended us to exercise our responsibility to advise and consent.

During the last Congress, I was proud to work with Senator LUGAR to recommend Judge John Tindler as a bipartisan, consensus nominee for the Seventh Circuit Court of Appeals. Judge Tindler was nominated by President Bush and unanimously confirmed by the U.S. Senate by a vote of 93-0. It was my hope that Judge Tindler's confirmation would serve as an example of the benefits of nominating qualified, non-ideological jurists to the Federal bench.

In selecting Tanya Walton Pratt, President Obama has demonstrated that he also appreciates the benefits of this approach. I was proud to once again join with Senator LUGAR to recommend her to the President, and I hope that going forward other Senators will adopt what I call the "Hoosier approach" of working across party lines to select consensus nominees.

I would also like to personally thank Senator LUGAR for his extraordinary leadership and for the consultative and cooperative approach he has taken to judicial nominations. During my time in Congress, it has been my great privilege to forge a close working relationship with Senator LUGAR across many issues. This has been especially true on the issue of nominations—when a judicial nominee from Indiana comes before the Senate, our colleagues can be confident that the name is being put forward with bipartisan support, regardless of which political party is in the White House or controls a majority in the U.S. Senate.

I should also note that Judge Walton Pratt is a historic nominee. If confirmed, she will be our State's first African-American Federal judge. While this day is long overdue, I hope that her confirmation will inspire Hoosier children of all backgrounds to pursue their dreams and show them that, in America, anything is possible if you study hard and play by the rules.

On the merits, Tanya Walton Pratt is an accomplished jurist who is well-qualified for a lifetime appointment to the Federal judiciary. She has extensive trial experience, having served as a judge on the Marion Superior Court since 1997. For much of this time, she served in the criminal division, han-

dling major felonies and presiding over dozens of jury trials per year. More recently, she has played a critical role in the probate division, presiding over adoption cases and placing children in loving homes.

During this time, Judge Walton Pratt has been recognized as a leader among Indiana jurists. She has served as chair of the Marion County Bar Association and on the executive committee of the Marion Superior Court System. Among other accolades, she has been honored as "Outstanding Judge of the Year" by the Indiana Coalition Against Sexual Assault.

Judge Walton Pratt has shown that she is deserving of the public trust. She has demonstrated the highest ethical standards and a firm commitment to applying our country's laws fairly and faithfully. She understands that the appropriate role for a judge is to interpret our laws, not to write them.

Tanya Walton Pratt is also a recognized leader in our community. She has also been honored with numerous awards including the Career Achievement Award from the Archdiocese of Indianapolis and the Key to the City of Muncie.

I can say with confidence that Tanya Walton Pratt is the embodiment of good judicial temperament, intellect, and evenhandedness. If confirmed, she will be a superb and historic addition to the Federal bench. I am pleased to give her my highest recommendation.

I urge my colleagues to join me—and Senator LUGAR—in supporting this extremely well-qualified and deserving nominee.

Ms. LANDRIEU. Mr. President, Brian Jackson and Elizabeth Erny Foote are outstanding candidates for judgeships in Louisiana's Middle and Western Districts. I was honored to recommend Brian Jackson and Beth Foote to the President last year.

These two well-qualified, non-controversial nominees are sorely needed in the districts they have been nominated to serve, where courts are facing unacceptable backlogs and sitting judges are overwhelmed with unmanageable caseloads. Ms. Foote and Mr. Jackson have been eager for this body to let them get to work serving justice to the people of Louisiana since they were reported by the Judiciary Committee on March 18. I am relieved to see that their long journey toward confirmation is drawing to a close.

Brian Jackson is an exemplary public servant with a distinguished record as an attorney and prosecutor. He has extensive Federal experience, having worked for the Department of Justice for 16 years. From 1992 to 2002, he served as first assistant U.S. attorney and U.S. Attorney for the Middle District of Louisiana. As the first assistant U.S. attorney, he managed or litigated a variety of civil and criminal cases. Because of his leadership, he was

selected in 2001 to be the interim U.S. attorney for the Middle District pending the confirmation of President Bush's nominee.

Prior to becoming an assistant U.S. attorney, he served as an associate deputy attorney general in Washington, DC. In this role, he was as a principal adviser to the Attorney General and Deputy Attorney General on civil rights and criminal justice policies. In 1992 he was honored as the recipient of the Attorney General's Award for Equal Employment Opportunity for his leadership in this area.

Since 2002, he has distinguished himself in private practice in the firm Liskow and Lewis, where he is a shareholder. He is currently chair of the firm's government investigations and white collar crime groups and he is on Liskow and Lewis' board of directors and is the immediate past chair of the firm's diversity committee.

In addition to this distinguished career in private practice, Brian has also been extremely active in public service. He has graciously served on the boards of several nonprofit organizations, including Catholic Charities of New Orleans, The Pro Bono Project, Teach for America for the South Louisiana Region, and The Metropolitan Crime Commission, for which he served as vice chair. Additionally, he has given back to the legal community by serving on the board of directors for the New Orleans Chapter of the Federal Bar Association.

Finally, Brian's impressive academic credentials have also prepared him to serve Louisiana's Middle District. He received his bachelor of science, Xavier University in 1982. He received his J.D. from the Southern University School of Law in 1985 where he served as editor-in-chief of the Southern University Law Review and his master's of law with concentration in international and comparative law from Georgetown University Law Center in 2000.

With these credentials, firm roots Louisiana's Middle District, and a long and impressive career in the U.S. Department of Justice, Brian Jackson is truly ready to hit the ground running as district court judge.

Elizabeth Erny Foote is an experienced attorney with 30 years of experience in Federal litigation. She is a partner in the Smith Foote Law firm in Alexandria, LA, where she primarily practices civil litigation. She has had extensive experience in Federal court throughout her career, having litigated in all three Federal Court Districts of Louisiana, in addition to the Fifth Circuit Court of Appeal.

In addition to this outstanding private practice, Beth has proven her dedication to the legal profession through her service to the Louisiana State Bar Association.

In addition to this outstanding private practice, Beth has proven her

dedication to the legal profession through her service to the Louisiana State Bar Association, with which she has been actively involved since 1985 and is currently the immediate past president. In 1994, she became the first woman to serve as an officer in the Louisiana State Bar association when she was elected treasurer. The same year she received the President's Award for outstanding service.

Beth is truly a respected civic leader throughout Louisiana. In addition to her contributions to the legal field, she has demonstrated her commitment to justice and equality through a number of nonprofits and government initiatives. Her prestigious awards and honors include: the 2004 Alexandria Human Relations Commission Award for her efforts in promoting better understanding and quality of life in her community, the 2004 Louisiana Heroine Award presented by the Louisiana Association of Nonprofit Associations, the 2000 Central Louisiana Woman of the Century Award, and the 1996 Central Louisiana Women Business Owners' "Business Owner Woman of Excellence" Award.

Finally, Beth's impressive academic credentials have prepared her to serve Louisiana's Western District. She received a bachelor of arts from Louisiana State University in 1974, a master's of arts from Duke University in 1975, and a J.D. from Louisiana State University Law School in 1978. She has also been an adjunct professor at the Paul M. Hebert Law Center at LSU, teaching courses in appellate advocacy.

I believe Beth's principled commitment to the field of law, her impressive 30-year career as an attorney, her extensive Federal litigation experience, and her esteemed statewide reputation make her an excellent nominee for judge for Louisiana's Western District.

The time to confirm these two non-controversial nominees is far overdue. I urge my colleagues to confirm these nominees without further delay so that they may begin the important work the people of Louisiana need them to do.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the first nominee.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Tanya Walton Pratt, of Indiana, to be United States District Judge for the Southern District of Indiana?

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from West Virginia (Mr. BYRD), and the Senator from Missouri (Mrs. McCASKILL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Florida (Mr. LEMIEUX) and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 185 Ex.]

#### YEAS—95

Akaka	Ensign	Menendez
Alexander	Enzi	Merkley
Barrasso	Feingold	Mikulski
Baucus	Feinstein	Murkowski
Bayh	Franken	Murray
Begich	Gillibrand	Nelson (NE)
Bennet	Graham	Nelson (FL)
Bennett	Grassley	Pryor
Bingaman	Gregg	Reed
Bond	Hagan	Reid
Brown (MA)	Harkin	Risch
Brown (OH)	Hatch	Rockefeller
Brownback	Hutchison	Sanders
Bunning	Inhofe	Schumer
Burr	Inouye	Sessions
Burris	Isakson	Shaheen
Cantwell	Johanns	Shelby
Cardin	Johnson	Snowe
Carper	Kaufman	Specter
Casey	Kerry	Stabenow
Chambliss	Klobuchar	Tester
Coburn	Kohl	Thune
Cochran	Kyl	Udall (CO)
Collins	Landrieu	Udall (NM)
Conrad	Lautenberg	Vitter
Corker	Leahy	Voinovich
Cornyn	Levin	Warner
Crapo	Lieberman	Webb
DeMint	Lincoln	Whitehouse
Dodd	Lugar	Wicker
Dorgan	McCain	Wyden
Durbin	McConnell	

#### NOT VOTING—5

Boxer	LeMieux	Roberts
Byrd	McCaskill	

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Nevada, the majority leader, is recognized.

#### TRIBUTE TO SENATOR DAN INOUE

Mr. REID. Mr. President, there are not many lists on which Senator DAN INOUE ranks second. He was Hawaii's first Congressman, and he now is the longest serving Senator from that great State. He is the first Japanese American to serve in the House and first Japanese American to serve in the Senate. He was the first chairman of the Senate Select Committee on Intelligence. He has cast more votes than any other Senator west of the Mississippi. We have all heard the stories about his bravery, both legislatively and on the fields of war where, because of his gallantry, he was awarded the Congressional Medal of Honor.

But there is one place where he comes in No. 2, though it is a remarkable accomplishment nonetheless. This past Friday, Senator INOUE became the second longest serving U.S. Senator in this Nation's history, passing Senator Strom Thurmond of South Carolina. Every day since Hawaii has been a State, Senator INOUE has proudly represented its citizens in Congress. Every day since January 3, 1963, 46½ years ago, Hawaiians have been proud to call DAN INOUE their Senator. Every day I have had the privilege of knowing him and serving with him, I have been proud to call DAN INOUE my friend.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, last October, the Senate had an opportunity to call attention to one of our colleagues who so rarely calls attention to himself when Senator DANIEL INOUE became the third longest-serving Senator in U.S. history. This past Friday, Senator INOUE reached an even loftier milestone when he surpassed Strom Thurmond to become the second-longest serving Senator in history. So we honor him for this remarkable feat of longevity.

Senator INOUE's dedication to the people of Hawaii is legendary, and so is his story. He was only 17 when he heard the sirens over Honolulu and saw the gray planes overhead. But he was old enough to know that life would never be the same.

Sure enough, a few years later, he would be lying in a hospital bed at Percy Jones Army hospital recovering from wounds sustained in a grenade attack in the mountains of northern Italy. It was there that he first met his future colleague, Bob Dole, who evidently mentioned that after the war he planned to go to Congress.

As it turned out, Senator INOUE beat him by a few years, and he has survived him here in the Senate by many more.

For his heroic actions in World War II, Senator INOUE received our Nation's most prestigious award for military valor, and he has earned the admiration of all Americans. DAN INOUE became a member of one of the most decorated U.S. military units in American history and one of its longest-serving, and finest, Senators. So, Senator, thank you for your service, and congratulations on another remarkable achievement.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise to congratulate our senior Senator, my good friend and longtime colleague, Senator DAN INOUE, on his impressive milestone.

On Friday, Senator INOUE became the second-longest-serving Senator in the history of this storied institution.

DAN was sworn into the Senate in 1963, just a few years after Hawaii became a State. At the time, he was the first and only Japanese American to step foot in this room as a Member of this prestigious body. Today, he is the chairman of the Appropriations Committee. DAN INOUE did not just break barriers, he shattered them.

Of course, the Senate is only the most recent chapter in DAN INOUE's lifetime of service to our country, which includes his Medal of Honor service in the Army during World War II, and his service in the Hawaii Territorial Legislature and the U.S. House of Representatives.

Hawaii may be the youngest State in this great country, but as Senator INOUE's milestone demonstrates, our contributions continue to shape the United States of America.

From President Barack Obama, who grew up not far from Senator INOUE's childhood home on the island of Oahu, to each teacher, soldier, construction worker, and farmer, we are proud of the many accomplishments of Hawaii's people. We are proud to be the 50th State, and we are proud of Senator INOUE's long career serving our Nation.

Aloha and congratulations, DAN.

(Applause, Senators rising.)

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Brian Anthony Jackson, of Louisiana, to be U.S. District Judge for the Middle District of Louisiana?

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Florida (Mr. LEMIEUX) and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 186 Ex.]

YEAS—96

Akaka	Bunning	Crapo
Alexander	Burr	DeMint
Barrasso	Burriss	Dodd
Baucus	Cantwell	Dorgan
Bayh	Cardin	Durbin
Begich	Carper	Ensign
Bennet	Casey	Enzi
Bennett	Chambliss	Feingold
Bingaman	Coburn	Feinstein
Bond	Cochran	Franken
Boxer	Collins	Gillibrand
Brown (MA)	Conrad	Graham
Brown (OH)	Corker	Grassley
Brownback	Cornyn	Gregg

Hagan	Lieberman	Schumer
Harkin	Lincoln	Sessions
Hatch	Lugar	Shaheen
Hutchison	McCain	Shelby
Inhofe	McConnell	Snowe
Inouye	Menendez	Specter
Isakson	Merkley	Stabenow
Johanns	Mikulski	Tester
Johnson	Murkowski	Thune
Kaufman	Murray	Udall (CO)
Kerry	Nelson (NE)	Udall (NM)
Klobuchar	Nelson (FL)	Vitter
Kohl	Pryor	Voinovich
Kyl	Reed	Warner
Landrieu	Reid	Webb
Lautenberg	Risch	Whitehouse
Leahy	Rockefeller	Wicker
Levin	Sanders	Wyden

NOT VOTING—4

Byrd  
LeMieux  
McCaskill  
Roberts

The nomination was confirmed.

VOTE EXPLANATION

Mrs. BOXER. Mr. President, unfortunately I was unable to make this morning's vote on the nomination of Tanya Walton Pratt to be United States District Judge for the Southern District of Indiana. Had I been present for the vote, I would have voted aye on the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Elizabeth Erny Foote, of Louisiana, to be United States District Judge for the Western District of Louisiana?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from Vermont is recognized.

#### TAX BREAK REPEAL

Mr. SANDERS. Mr. President, I have a pending amendment to the tax extenders bill and want to say a few words on that.

At a time when we have a record-breaking \$13 trillion national debt and an unsustainable Federal deficit, at a time when two out of every three corporations in America paid no Federal income taxes between 1998 and 2005, at a time when ExxonMobil, the most profitable corporation in the history of the world, not only paid no Federal income taxes in 2009 but actually got a \$156 million refund from the IRS, at a time when we desperately need to end our dependence on fossil fuel and transform our energy system, the amendment I am offering, along with Senator WYDEN, Senator WHITEHOUSE, Senator MENENDEZ, and Senator LAUTENBERG, is simple and straightforward.

This amendment simply repeals over \$35 billion in tax breaks to the oil and

gas industry, all of which were recommended for elimination in President Obama's fiscal year 2011 budget, which the Joint Committee on Taxation has estimated would raise over \$35 billion in a 10-year period.

To put this in perspective, the taxpayer dollars saved by repealing these tax breaks represents about 1 percent of the total projected revenue of the oil and gas industry over this same time period. In other words, the cost of repealing these tax breaks for the oil and gas industry is negligible.

More than \$25 billion of the money saved under this amendment would be used to reduce the deficit. I hear my friends coming down every day, appropriately, talking about our record-breaking deficit and our huge national debt. Mr. President, \$25 billion in this amendment is used for deficit reduction.

Mr. President, \$10 billion would be invested in the highly successful Energy Efficiency and Conservation Block Grant Program over a 5-year period, which would go to 50 States in this country to help them move forward in terms of energy efficiency and sustainable energy.

This amendment has widespread support throughout this country from organizations representing millions of Americans, including the League of Conservation Voters, the Sierra Club, the American Council for an Energy Efficient Economy, Friends of the Earth, the Union of Concerned Scientists, Physicians for Social Responsibility, the American Public Health Association, [moveon.org](http://moveon.org), Environment America, Oceana, 1 Sky, Greenpeace, Public Citizen, the Center for Biological Diversity, the Conservation Law Foundation, and [350.org](http://350.org).

In addition, the Energy Efficiency and Conservation Block Grant funding this amendment would provide is strongly supported by the U.S. Conference of Mayors, the National League of Cities, the National Association of State Energy Officials, and the National Association of Development Organizations, and I am pleased to report that Taxpayers for Common Sense and the National Wildlife Federation strongly support repealing the oil and gas tax breaks this amendment would eliminate.

Let me briefly explain why this amendment needs to be included in this overall legislation. First, there is no debate; everybody here understands we have to address the deficit crisis and the \$13 trillion national debt we face. Well, I say to my friends: If you are serious about doing this and doing it in a way that doesn't decimate the middle class or working families, this amendment is a good step forward: \$25 billion in deficit reduction over a 10-year period is significant and it would help us address a major crisis.

Secondly, we all understand—or I hope we all understand—we have to re-

form the Tax Code, which is grossly unfair today. We must make the Tax Code fairer and more equitable for ordinary Americans and, in my view, that means ending the absurdity of seeing large corporations, enormously profitable corporations, not pay their fair share of taxes and, in some cases, not paying any taxes at all. Each and every year, large and profitable corporations all over this country are able to avoid paying billions of dollars in Federal income taxes through loopholes in the Tax Code and generous tax breaks. This is simply unacceptable, it is unfair especially with a record-breaking deficit, it is very poor public policy, and it has to be changed.

To highlight how absurd this situation has become, take a look at the August 2008 report on the subject by the Government Accountability Office or the GAO. According to this report—and I hope Americans hear this—two out of every three corporations in the United States paid no Federal income taxes from 1998 to 2005—two out of three. Amazingly these corporations had a combined \$2.5 trillion in sales but paid no income taxes to the IRS. This statistic includes one out of four large corporations. That is according to the GAO.

Further, according to a report from the Citizens for Tax Justice, 82 Fortune 500 companies in America paid:

zero or less in federal income taxes in at least one year from 2001 to 2003.

I am thinking now about working people in the State of Vermont and in the State of New Mexico or in Oklahoma, where people are making 10, 12 bucks an hour; people are working 40, 50, 60 hours a week; people who are paying their fair share of taxes. Yet we end up having these large multinational corporations making billions of dollars every year in profits and then they avoid paying their fair share of taxes. That is an issue we have to address.

This same report from Citizens for Tax Justice states:

In the years they paid no income tax, these companies earned \$102 billion in U.S. profits.

How is that? Not a bad deal: \$102 billion in profits, zero income taxes.

But instead of paying \$35.6 billion in income taxes as the statutory 35 percent corporate tax rate seems to require, these companies generated so many excess tax breaks that they received outright tax rebate checks from the U.S. Treasury, totaling \$12.6 billion.

How is that? They make huge amounts of money, don't pay any taxes, and then Uncle Sam gives them a rebate. That is quite the scam.

In other words, between 2001 and 2003, 82 of the largest, most profitable corporations in this country received a \$12.6 billion tax refund—tax refund—from the IRS when, if they were paying their 35 percent of corporate taxes as the law requires, they would have paid

over \$35 billion in taxes. That is a net loss to the U.S. Treasury of \$48 billion.

It is not just Bernie Sanders who has strong concerns about this issue. The issue of abusive corporate tax breaks has even gotten the attention of *Forbes Magazine*.

Mr. INHOFE. Mr. President, will the Senator yield?

Mr. SANDERS. I will yield in a few minutes and be happy to discuss this issue with my friend.

Mr. INHOFE. Just one short question. Is the Senator talking about amendment No. 4318?

Mr. SANDERS. I am, but not yet. I will get to that in a moment.

Mr. INHOFE. OK.

Mr. SANDERS. Mr. President, the issue of abusive corporate tax breaks has even gotten the attention of *Forbes Magazine*, which reported on April 1, 2010—this is *Forbes Magazine*—*Forbes* 500, dynamic capitalism, *Forbes Magazine*, and this is what they say on April 1, 2010:

As you work on your taxes this month, here's something to raise your hackles: Some of the world's biggest, most profitable corporations enjoy a far lower tax rate than you do—that is, if they pay taxes at all.

*Forbes Magazine*. This is not one of the more progressive journals in America.

So enough is enough. We can and must reduce the deficit in a way that does not harm the American middle class. Making sure that large and profitable corporations are not able to avoid paying taxes could significantly reduce the deficit. It is not the only thing we have to do, but it would be an important step forward.

As a first step in this direction, the amendment I am proposing today goes after the three most generous tax breaks enjoyed by the oil and gas industry and would raise over \$35 billion in revenue over a 10-year period—\$35 billion, 10 years. All of these tax breaks were recommended for elimination in President Obama's fiscal year 2011 budget request.

Specifically, this amendment eliminates the expensing of intangible drilling costs to raise over \$10.9 billion. It eliminates percentage depletion for oil and gas while saving over \$9.6 billion; and it eliminates the so-called manufacturing tax deduction for oil and gas production, saving over \$14.7 billion over the next decade, according to the Joint Committee on Taxation.

I want my colleagues to take a look at this chart, because what this chart tells us is that during the last 10 years, the five largest oil companies—ExxonMobil, Shell, BP, Chevron, Texaco, and ConocoPhillips—earned over \$750 billion in profits—10-year period, \$750 billion, the top five oil companies. During the first quarter of this year, big oil's profits increased by 85 percent. Providing tax breaks to this profitable industry at a time of record-breaking

deficits simply does not make sense. We can't afford to do it.

Let me give one example of the absurdity of continuing to provide tax breaks to the oil and gas industry. I want my colleagues to take a look at this chart right here. As we all know, ExxonMobil was the most profitable corporation in the history of the world from 2006 through 2008, making \$40 billion in profits in 2006, \$41 billion in 2007, and \$45 billion in 2008. Not bad. These profits, among other things, enabled Exxon to provide a \$398 million retirement package to its former CEO, Lee Raymond.

In 2009, one of the most economically difficult years since the Great Depression—millions of people losing their jobs, their homes, their savings—ExxonMobil was still able to make \$19 billion in profits in the midst of a severe recession.

I have a question for my friends on both sides of the aisle to consider: Out of that \$19 billion profit, how much did ExxonMobil pay in taxes to the IRS? How much did they pay? How many billions of dollars? How many hundreds of millions of dollars did they pay? Well, the answer is: Zero, not one red nickel.

So all over America, working families are struggling to keep their heads above water. They pay their taxes. Yet we have a corporation, the most profitable in the history of the country, that last year made \$19 billion in profit, and they didn't pay a nickel in taxes.

But that is not, as they say, the whole story. It gets worse than that.

As this chart right here on my right shows, ExxonMobil reported to the SEC that not only did it avoid paying any Federal income taxes, it actually received a \$156 million refund from the IRS. Twenty-two percent of the children in this country live in poverty. We have record-breaking deficits. We have a \$13 trillion national debt, and ExxonMobil receives \$156 million in a tax refund after making \$19 billion in profits. This has to stop.

This amendment I am offering would begin to make sure that ExxonMobil pays at least a minimal amount of their record-breaking profits in taxes to the Federal Government. That is the very least we can do.

But ExxonMobil is not the only corporation enjoying these tax breaks. Chevron, the fourth most profitable oil company in America, a company that made a \$10 billion profit last year when other companies were fighting to stay alive, reported to the SEC that it received a \$19 million refund from the IRS. This is Chevron. I know. It is not as much as ExxonMobil, but a \$19 million refund after you make \$10 billion in profits, that is not too shabby.

Valero Energy, the 25th largest company in America with \$68 billion in sales last year, received a \$157 million refund check from the IRS, and over the past 3 years it received a \$134 mil-

lion tax break from the oil and gas manufacturing tax deduction that this amendment seeks to eliminate. And on and on it goes. ConocoPhillips, et cetera, et cetera.

Let me very briefly turn to what this amendment would do with the revenues. In terms of deficit reduction, as I have indicated, the benefits are substantial. As we all know, the underlying bill we are debating today, which I support, would increase the deficit by about \$87 billion over 10 years. This amendment, my amendment, would cut that by about a third—\$25 billion over 10 years. This amendment importantly would also invest \$10 billion into the Energy Efficiency and Conservation Block Grant Program which, as I mentioned earlier, will create jobs, save people money on their fuel bills, and help transform our energy system away from fossil fuels.

I get a little bit tired of hearing my friends come to the floor of the Senate talking about the need to reduce our deficit. I get a little bit tired of people talking about the need for equity. If we cannot address a situation where some of the most profitable corporations in America pay zero Federal taxes and, in fact, get a tax rebate, then I am not quite sure what this institution is doing.

So we now have an opportunity to move forward, to address our deficit crisis. We have an opportunity to move forward to transform our energy system. We have an opportunity in this amendment to create jobs and break our dependency on fossil fuel.

I ask unanimous consent that the Senate now proceed to a debate on amendment No. 4318; that the time for such debate be limited to half an hour equally divided; that once the time has expired on this debate, the Senate proceed to a vote on amendment No. 4318.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SANDERS. Mr. President, I hear my friend's objection. I think that is unfortunate. The American people should be able to have a different vote and debate on this issue. But I hear what the Senator has said.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I think the regular order is to go out now. First, I suggest that I will want some time this afternoon to explain what this amendment really does and also to explain in some detail the marginal wells this would affect. The average marginal well in my State of Oklahoma is 2 barrels a day. We are not talking about giants here. This is a totally different situation. We will have an opportunity to pursue that after resuming the regular order.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:01 p.m., recessed, and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

The PRESIDING OFFICER. The Senator from Iowa.

## ALTERNATIVE MINIMUM TAX

Mr. GRASSLEY. Mr. President, I wish to bring to my colleagues' attention the fact that we have this problem we deal with too often called the alternative minimum tax. I bring it to my colleagues' attention.

Last week, I had an opportunity to address my colleagues on the unfinished tax legislative business. These four items are the unfinished business to which I was referring. The legislation before the Senate deals with only one but, of course, an important piece of the unfinished legislative business. These tax extenders are on their second legislative stop through the Senate.

As the chart shows, the tax extenders, which are overdue by almost half a year, are not alone in that unfinished business. There are three other major areas of unfinished business. As we can see from the chart, we have the death tax with which we have not dealt. Another area is the 2001 to 2003 tax rate cuts and family tax relief package. Then the third area is the AMT patch, the alternative minimum tax.

Over the past few years, the AMT is frequently a subject of many of my addresses to my colleagues. I intend to keep talking about the AMT until this Congress actually takes action on reforming the AMT.

Instead of taking action, Congress this session has done absolutely nothing, and the problem continues to get worse for at least 26 million American families—let me emphasize middle-class American families—who will be caught in this AMT trap and, as a matter of fact, are now already caught.

Those being caught or are caught are the families who make estimated tax payments and who will be making their second payment this very day.

Last year, in 2009, a bit over 4 million families were hit by the alternative minimum tax. I think this was 4 million families too many, but it is considerably better than the more than 26 million additional families who will be hit this year in 2010 if Congress does not take action.

The reason we are experiencing this large increase this year is that over the last 9 years Congress has passed legislation that would temporarily—and only temporarily—increase the amount of income exempt from the alternative minimum tax. These temporary exemption increases have prevented millions of middle-class American families from

falling prey to the alternative minimum tax until right now.

While I have always fought for these temporary exemptions, I believe the AMT ought to be permanently repealed. One reason I have previously given for permanent repeal is that it may be difficult for Congress to revisit the alternative minimum tax on a temporary basis every year. Of course, this current situation, now 6 months into this year, proves me right. Congress has yet to undertake any meaningful action on the alternative minimum tax.

The budget resolution, passed well over a year ago, provided revenue room for a short-term extension of the alternative minimum tax patch. That was a lot less than what President Obama's budget did, which made the patch permanent.

On this point, since too often people think I do not agree with President Obama enough, this is one point where I believe the tax policy of President Obama has it exactly right.

About 18 months ago, much to the criticism of some on the other side, I made the 2009 AMT patch an issue in the economic stimulus legislation. The reason I did is that 24 million middle-class families would have, on average, paid \$2,400 more in income taxes for 2009 if the patch had been abandoned. For those 24 million people, paying \$2,400 more into the Federal Treasury would have been a real hurt. My 2009 AMT patch amendment was adopted in the stimulus legislation by the Finance Committee. That was 18 months ago.

Despite assurances the AMT relief is an important issue, nothing has actually been put forward as a serious legislative solution this year. Again, we can see the checklist chart. There has been no House committee markup or floor action, no Senate committee markup or floor action. This year is almost half done. A theoretical discussion is not a substitute for real action, to which anyone making a quarterly payment today will attest.

I am hopeful I can get folks on Capitol Hill rethinking about the AMT and realize that it is a real problem right now. Everyone seems to agree that something needs to be done quickly, but the discussion does not go any further than just discussion.

The second quarterly payment is due today. Today taxpayers across the country are under a legal requirement to pay their estimated taxes, and with it the additional money that would be owed because the AMT has not been patched. They would use form 1040-ES. I bet I will be here September 15 when the third payment comes due saying largely the same thing.

Congress does not seem to be under any pressure to actually take action. Many on the other side insist that, unlike new spending proposals or extensions of existing programs, AMT re-

form should happen only if it is revenue neutral. That means any revenues—I want to put quotes around these words—any revenues “not collected” through reform or repeal of the AMT must be offset by new taxes from somewhere else.

Notice I said “collected,” and I did not say “lost.” This distinction is important for the simple reason that the revenues we do not collect as a result of AMT relief are not, in fact, lost to the Treasury. The AMT collects revenues it was never supposed to collect in the first place. In other words, middle-class income people were not supposed to pay this tax in the first place—that is that 24 million—because this AMT was originally conceived as a mechanism to ensure that high-income taxpayers were not able to completely eliminate their tax liability. From that standpoint, even the AMT has failed because in 2004, IRS Commissioner Everson told the Finance Committee the same percentage of taxpayers continue to pay no Federal income tax as they did back in 1969. Even I think, on raw numbers, it is a much larger number. Back then it was only 155 taxpayers.

Today, at least 24 million to 26 million middle-class families are in these alternative minimum tax crosshairs. That is quite a change from the 155 rich people in 1969 who were not paying any tax, the reason for the alternative minimum tax to be passed in the first place.

Finally, if we offset revenues not collected as a result of AMT repeal or reform, total Federal revenues over the long term are projected to push through the 30-year historical average and then keep going.

The AMT then is a completely failed policy that is projected to bring in future revenues that it was never designed to collect in the first place.

President Obama met those of us who favor repeal partway by staking out a position on AMT reform during his 2008 campaign. His position provided for a permanent AMT patch. His budgets have maintained that position.

While permanent repeal without offsetting is the best option, we absolutely must do something to protect taxpayers and do it now, even if it involves a temporary solution, such as an increase in the exemption amount.

Of course, if we do that, we are going to be in the same fix next year, and I will be making that same point again.

Today, Tuesday, June 15, 2010, taxpayers making quarterly payments are going to once again discover that the AMT is neither the subject of an academic seminar nor a future problem that we can put off dealing with. The AMT is a real problem right now, and if this Congress is serious about tax fairness, it needs to stand up and take action.

#### JOB CREATION

Mr. President, I wish to address the Senate for a minute on another issue about how many jobs the stimulus bill created.

In recent weeks, a number of my colleagues have come to the floor to proclaim the success of the massive \$862 billion stimulus bill Congress enacted in 2009. Although the number of private sector jobs has increased by only about half a million since 2009, they continue to insist the stimulus bill has created millions of new jobs. How do they justify these claims?

The stimulus bill requires certain recipients of stimulus funds to report the number of jobs they have created or saved or, more accurately, they report the number of jobs funded with the stimulus dollars.

The stimulus bill also requires the Congressional Budget Office to issue a quarterly report on these numbers. The Congressional Budget Office is careful to point out that the number of jobs being reported by stimulus recipients is not a comprehensive estimate of the economic impact of the stimulus bill. According to the Congressional Budget Office, the actual numbers could be higher or lower.

According to CBO “estimating the law’s overall effects on employment requires a more comprehensive analysis than the recipients’ reports provide.”

For this analysis, CBO relies on a computer model. In other words, CBO does not look at the actual jobs data. Instead, it looks at a model of the economy.

CBO is very upfront about all of this. CBO used a computer model to predict how many jobs the stimulus bill would create before it was enacted into law. Now the stimulus bill is, in fact, law, and CBO is using a computer model to tell us it did just what they said it would do—create jobs.

Why would CBO rely on a model instead of actual data? According to CBO—and I have a three- or four-sentence quote here:

Data on actual output and employment are not as helpful in determining the stimulus bill’s economic effects because isolating those effects would require knowing what path the economy would have taken in the absence of the law. Because that path cannot be observed, there is no way to be certain about how the economy would have performed if the legislation had not been enacted.

My judgment is that CBO is saying this: CBO doesn’t know how much better or worse the economy would have been if the stimulus bill had not been enacted. That means the Congressional Budget Office also doesn’t know how much better or worse the economy is now as a result of the stimulus bill. So basically CBO is saying: Trust us—or more specifically: Trust our model. But if the model was wrong to begin with, then wouldn’t it still be wrong? According to the Congressional Budget

Office, their model relies on historical relationships to determine estimated multipliers for each of several categories of spending and tax provisions in the stimulus bill. The problem is that there is no way to know whether these historical relationships remain constant over time or whether they change under different economic circumstances.

In short, the jobs numbers attributed to the stimulus bill are based on assumptions which may or may not have any basis in reality.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

#### AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

Mr. BAUCUS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

Motion to concur in the House amendment to the Senate amendment to H.R. 4213, an act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Pending:

Baucus motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Baucus amendment No. 4301 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute.

Franken amendment No. 4311 (to amendment No. 4301), to establish the Office of the Homeowner Advocate for purposes of addressing problems with the Home Affordable Modification Program.

Sanders amendment No. 4318 (to amendment No. 4301), to amend the Internal Revenue Code of 1986 to eliminate big oil and gas company tax loopholes and to use the resulting increase in revenues to reduce the deficit and to invest in energy efficiency and conservation.

Vitter amendment No. 4312 (to amendment No. 4301), to ensure that any new revenues to the Oil Spill Liability Trust Fund will be used for the purposes of the fund and not used as a budget gimmick to offset deficit spending.

Reid amendment No. 4344 (to amendment No. 4301), to amend the Internal Revenue Code of 1986 to extend the time for closing on a principal residence eligible for the first-time home buyer credit.

Thune/McConnell amendment No. 4333 (to amendment No. 4301), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, George Santayana wrote:

Those who cannot remember the past are condemned to repeat it.

Today, we must remember the past. We must learn from past mistakes, and we must do our best to avoid repeating them.

In its response to the Great Depression of the 1930s, the Federal Government made a serious mistake. It is important to remember this past so we are not condemned to repeat it. The

stock market crashed in 1929. By 1933, the unemployment rate reached a high of 25 percent. A few years later—4 years later, to be precise—in 1937, the economy was rebounding. The unemployment rate had fallen to 14 percent, gross domestic product was growing at an average rate, if you can believe it, of 9 percent a year, and the stock market had more than doubled over the past 4 years. That was 1937. The economy was on the road to recovery. But this exceptional economic growth did not just happen. It resulted from strong actions by the Federal Government. From 1933 to 1937, for example, the United States dramatically increased the money supply. Lower interest rates and greater credit availability helped to stimulate spending and economic growth. New Deal programs also helped. Spending was modest but significant compared to the magnitude of the Great Depression. But the response provided a notable boost to the economy, and it helped instill confidence in the Federal Government's ability to tackle the Depression.

But in 1937, after 4 years of growth, the government made a mistake. Concerned about short-term deficits, what did it do? It began to cut spending and it began to raise taxes. A bonus for World War I veterans, which provided a boost in consumer spending, was allowed to expire in 1937. Social security taxes were collected for the first time in 1937. And marginal tax rates increased dramatically. What happened? This premature attempt to reduce deficits pushed the economy back over the edge. It was premature. The jobless rate shot back up to 19 percent. In 1938, gross domestic product fell by 3 percent. Shortsighted policy decisions caused a double-dip. The mistaken desire to balance the budget too quickly effectively lengthened the Great Depression by 2 more years.

I understand the desire today to reduce deficits. I share that desire. We do need to put in place deficit reduction that will take effect after the recovery has kicked in. But we must also learn from the 1937 history. We must not repeat the mistake that led to the double-dip downturn of the late 1930s. If we were to dramatically cut spending or increase taxes to reduce the deficit in the short run, it would run the risk of causing a double-dip in this great recession.

Today, the economy remains too fragile to begin cutting back. Unemployment stands at 9.7 percent. The May jobs report was disappointing. The private sector created only 41,000 new jobs. In total, 15 million Americans still remain out of work, and half those unemployed have been unemployed for more than 6 months. Gross domestic product grew 3 percent in the first quarter of 2010, but this was down from 5.6 percent in the fourth quarter of 2009.

Just as in 1937, we are in a recovery period. That is true. And just as in 1937, it is a recovery that is showing signs of weakness. If we act recklessly today, we risk a double-dip recession. If we adopt a constrictive fiscal policy in the short run, we risk prolonging the great recession for years to come. We cannot act without regard to the consequences of our actions.

Make no mistake, we must tackle and should tackle our long-term deficits. That is clear. And that is why one of the goals of the President's Commission on Fiscal Responsibility and Reform is to "achieve fiscal sustainability over the long run." We do need to act aggressively to reduce our long-term deficits as the economy enters a phase of expansion. But first we must pull ourselves out of this great recession.

One of the best things we can do to facilitate the delicate recovery is to pass the American Jobs and Closing Tax Loopholes Act before us today. This bill extends tax cuts for families and businesses that will help them in these difficult times, and this bill sustains vital social safety net programs that will also help foster economic growth.

We have made the mistake of cutting back too soon once before, and we must not make it again. The Thune amendment, which will be before us in the not too distant future this week, will move in the wrong direction. Instead of helping to create economic demand, the Thune amendment would curtail aggregate demand by more than \$50 billion. Instead of continuing the good the Recovery Act has done, the Thune amendment would chop it off.

The Thune amendment would, among other things, cancel unspent and unallocated mandatory spending in the Recovery Act—stop it. That spending is working. The Recovery Act is working. The Federal Reserve and many independent economists have credited the Recovery Act with playing an important role in stabilizing the economy.

This is what the nonpartisan Congressional Budget Office said in its most recent report:

CBO estimates that in the first quarter of calendar year 2010, [the Recovery Act's] policies raised the level of real . . . gross domestic product . . . by between 1.7 percent and 4.2 percent, lowered the unemployment rate by between 0.7 percentage points and 1.5 percentage points, increased the number of people employed by between 1.2 million and 2.8 million, and increased the number of full-time equivalent jobs by 1.8 million to 4.1 million compared with what those amounts would have been otherwise.

That is what CBO says about the recovery. And the Congressional Budget Office projects that the Recovery Act will continue to create jobs. It projects that the Recovery Act will create the peak number of jobs in the third quarter of this year and then begin to taper

off. But we do not want to abruptly cut that job creation off. In this fragile economy, the last thing we should do is to cut back on this proven job creator. It works. It has been working.

We passed the Recovery Act to give a needed boost to our economy. The bill was designed to work over 2 years. That was the intent of it. We have successfully started down the road to recovery, but if we were to withdraw these critical funds, we would risk causing further damage to our fragile economy. Revoking the Recovery Act funds now would send exactly the wrong signal to the American economy and to unemployed Americans.

The Thune amendment would also cut other valuable spending programs. The Thune amendment's spending cuts are arbitrary and they are restrictive. For example, one provision in the Thune substitute amendment would freeze the salaries of all Federal employees except for Members of the armed services. But what about civilian defense workers? What about law enforcement? What about border protection?

Another provision would cap the total number of Federal employees at current levels. If an agency needed to hire a new employee, it would first need to find an existing employee to fire. This would dramatically reduce the flexibility of agencies to make hiring decisions.

The Thune substitute amendment would also cut discretionary spending by 5 percent across the board for all agencies except the Department of Veterans Affairs and the Department of Defense. Apparently, this 5-percent cut would apply to the Department of Homeland Security. It would apply to Immigration and Customs Enforcement. Apparently, it would apply to all the intelligence agencies, just to name a few.

The Thune amendment would also, by the way, rescind \$80 billion in appropriated but unspent Federal funds. But just because the funds have not yet been obligated does not mean they are superfluous. For example, when money is appropriated to build a battleship, it does not all get obligated in the first year. By cutting funds that have not yet been obligated, it would adversely affect the construction of that battleship.

I support finding ways to make our government more efficient, but these cuts are arbitrary. They are inappropriately restrictive.

The Thune amendment would also make changes to the new health care law that would leave more Americans without insurance. The Thune amendment does this by expanding the affordability exception to the individual mandate for purchasing health insurance. This expansion would eliminate coverage for millions of Americans. It would strike at the heart of health care

reform. And the Congressional Budget Office tells us it would also increase premiums for everybody else.

The Thune amendment, just to repeat, would increase premiums for millions of Americans who would have health insurance. The irony of this proposal in the Thune amendment is that it raises money for the government because the government would not provide as much in tax credits to Americans to help them buy insurance. That is the irony. But Congress has just enacted health care reform. Congress just expressed our Nation's commitment to helping all Americans to buy health insurance. We should let the new health care law take effect.

The Thune amendment would also propose changes to our medical liability system that the Senate has rejected many times over the years. The Thune amendment would cap damages and make other changes to State laws. This is not the solution to medical malpractice.

While the Congressional Budget Office says these kinds of ideas would generate savings, we should ask: What is the cost of those savings? What would be the cost to patients? What would be the cost to States?

The same studies upon which CBO relied in calculating its cost estimate point out that certain tort reform policies may also increase the number of risky procedures performed. And these policies may lead to more patient injuries and more patient deaths.

One study upon which CBO relied said that these policies would lead to a 0.2-percent increase in mortality.

That sounds an awfully high price to pay.

Imposing national tort reform standards flies in the face of our Nation's civil liability system. That system has always been forged at the State level. And national damage caps would put patient safety at risk.

The Thune amendment employs some of the offsets that it does because it drops the oilspill liability tax. Imagine that: The proponents of the Thune amendment would rather put the recovery at risk by cutting back the Recovery Act, they would rather cut health insurance coverage in health reform, and they would rather expose patients to greater risk. They would rather do all these things than raise taxes on big oil, to pay for oilspills.

And the Thune amendment employs some of the offsets that it does, because it drops some of the tax loophole closers in the underlying substitute amendment. The underlying substitute amendment closes loopholes in the Tax Code that unfairly benefit certain individuals.

One such loophole is carried interest. The underlying substitute removes an inequity of the Tax Code that allows investment managers who operate through partnerships to have the in-

come that they earn for their services taxed at half the tax rate of other working individuals.

Here's how the carried interest tax loophole works. An investment manager joins a partnership with some investors. But the investment manager does not provide any capital. The investment manager provides services.

The investment manager contracts to receive compensation not in the form of wage income, but in the form of a share of the partnership. That way, the investment manager gets to pay lower capital gains tax rates on the investment manager's income, rather than the higher wage tax rates that the rest of Americans pay.

The underlying substitute says: No longer should we allow investment managers to have a better tax rate than teachers or doctors or firefighters. Our amendment plugs this tax loophole. But the Thune amendment would strike that provision. The Thune amendment would allow that tax loophole to continue.

The underlying substitute also includes an important provision that closes another serious inequity in the Tax Code.

Lawyers, doctors, and other professionals who operate as partners or sole proprietors are currently subject to Social Security taxes on their service income up to \$106,800. And they are subject to Medicare taxes on all their service income. Everybody is. But some doctors and lawyers organize themselves as an S corporation and they can pay themselves an artificially low salary. That way, they can avoid paying Social Security or Medicare taxes on much of the income generated by their services. That is just not fair.

And what is more, it hurts the Social Security and Medicare trust funds.

The choice of entity should not affect an individual's tax liability for his or her services.

Unfortunately, Senator THUNE's amendment does not close this loophole. The Thune amendment would strike this loophole closer in the underlying substitute.

The underlying substitute would also close several foreign tax loopholes.

The Senate Finance Committee developed these loophole closers jointly with the House Ways and Means Committee, with the assistance of the Treasury Department.

These loophole-closers would shut down highly structured and complex transactions implemented by multinational corporations to avoid paying U.S. tax.

These tax benefits claimed by the multinational corporations were clearly not contemplated when Congress passed the tax law.

Closing these loopholes would preserve and create jobs here in America. Closing these loopholes would discourage U.S. multinational corporations from shipping American jobs overseas.

Permitting the continued exploitation of these loopholes would only encourage U.S. multinationals to invest additional capital overseas, rather than here in America. Allowing these loopholes to continue would result in the loss of American jobs.

The underlying substitute amendment tackles these loopholes. Senator THUNE's amendment, on the other hand, ignores them. By not addressing them, the Thune amendment would allow this irresponsibility to continue.

And so, the Thune amendment would put the recovery at risk by curtailing the Recovery Act. It would cut the number of Americans with health insurance and raise premiums. It would nationalize medical malpractice law, putting patients at risk. And it would protect big oil and multinational corporations that ship their jobs overseas.

I urge my colleagues to oppose the Thune amendment.

And I urge my colleagues to support the bill before us. Let us protect and strengthen this fragile economic recovery. Let us preserve and create jobs, here in America. And let us enact the American Jobs and Closing Tax Loopholes Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I know Senator THUNE will be here in a moment. I saw him just a while ago.

One of the things hurting our economy is that Congress is sending no message whatsoever that we are serious about reducing the uncontrollable debt that every economist says is unsustainable, and that this is a cloud over our economic recovery. The sooner we quit thinking we can make the economy rebound by just spending a few more billion dollars and increasing our debt, the better off we will be and we will get on a sound track to go forward.

I know good people can disagree, but I believe very strongly in this, and I just wanted to share that thought.

#### OILSPILL IN ALABAMA

I would like to make a few brief comments about the oilspill in the Gulf of Mexico, and my home State of Alabama. I was there Friday and visited Orange Beach, Gulf Shores, Dauphin Island, and Bayou La Batre, examined the beaches and talked with our good mayors and other officials who are there. There are a few things I would like to share that indicate we are not where we need to be.

I have not been one who wants to run out and blame the President for everything. But I do believe as we are now going into day 57 that we need to understand our response is not working well. It could be much better.

For example, I visited Mayor Tony Kennon and his team in Orange Beach. Perdido Pass has a very strong current. You would think you could put up

boom and stop oil from coming in. They told us oil was out there. They were expecting it to come in, maybe the biggest amount they had expected since the beginning of the spill. It was expected to hit the coast this past Saturday or Sunday, and it did indeed hit. The city is developing their own plan with their own engineer about how to deal with the currents and the flow of oil to keep it out of the estuaries that are inside of Perdido Pass.

It is complicated. They had a top engineer, Henry Seawell, one of Alabama's best. He was there working on it. I just happen to know him. But the Coast Guard was not there; BP was not there. The mayor said:

You know, we feel like we are not even at the table, we are not at the children's table. They are not talking to us. But we know more about how to deal with this pass than anybody else in the U.S. Government because we have been working on it, it is our area, and we are trying to protect it.

Sure enough, the oil came. We were behind schedule. They started late. Nobody had done anything until the city started, apparently a good bit of oil got in and that is not good. It also got on the beach. We can clean that up pretty quickly, however a lot hit the beach.

Then a little further down the beach, at Gulf Shores, we had a similar discussion. I went to Fort Morgan, across the mouth of the Mobile Bay where Admiral Farragut sailed in, and we went across to Dauphin Island. The mayor there, Jeff Collier, had some of the same concerns as Mayor Robert Craft in Gulf Shores. Then I went up and met with Mayor Stan Wright, the mayor of Bayou La Batre, himself a seafood processor. He noted to me, and has repeatedly stated, that Bayou La Batre probably represents the largest seafood processing on the entire gulf coast. They are basically being shut down, and a lot of people who work there are losing their jobs. They are low-income workers who do not have extra money to live on, and they are hurting, really hurting. If we are going to receive money from BP, they need to get it out there to the people right now, before they lose their homes or have their power cut off. The mayor told me how people are calling him about their electricity being cut off. It is not a little matter. The whole situation is a big deal.

I am glad the President has gone to the gulf coast. I am hopeful tonight we will hear some good ideas for progress. I just wanted to share one thing that struck me very vividly. Mayor Kennon's team in Orange Beach told us they had seen a strip of compact oil from the air and a boat about 6 miles offshore. It had the red color, thick process—a strip about 30 miles wide and 2 miles long. This was Friday morning. It was expected to hit Friday night or early Saturday morning. Nobody knew for sure. But it had been out there for a number of days.

So we are asking, Why don't we put a skimmer there? This is the only thing coming in that threatens the beaches. Apparently there were two strips of this offshore at some distance. It represents a significant threat. You could see that threat getting closer and closer. The obvious thought—Mr. President, having been from Alaska, you know the importance of these matters—if you had a good skimmer—where two boats pull the boom and direct the oil into a central location, then you can get it out and put it in a barge or tanker.

There was not any. It would have been rather easy, I suggest, with a good skimmer, to have gone out, with plenty of time to scoop up almost all of that oil or at least a big portion of it. That was not done. It kept coming in, and coming in, and basically by Saturday it was hitting the beaches.

You ask, where are they? We are not talking with one another enough, it seems to me. It does appear there are more skimmers, more boom, more vessels, equipment, and pumps available around the world that could be called on to assist, and we have not accepted all offers of assistance. Nor have we, apparently, sought to lease, buy or purchase the boom, pumps, and skimmers that might help us.

I was just looking at a press release today that stated, Admiral Allen, the national incident commander, Provides Guidance to Ensure Expedited Jones Act Waiver Processing Should It Be Needed."

He says he will process any requests for waivers of the Jones Act.

For some reason the admiral is still talking about waivers and offering to expedite them. Who is requesting them? Why doesn't he request it? If there is a ship that can skim, it can be brought down to the gulf coast, and it would make a big difference. In fact, I saw the admiral, I believe, the day before yesterday on the television say we need to do a better job. This would have been Monday. We need to do a better job of intercepting the oil between the spill site and the shore.

Good. I thought it might be harder to do. I thought it might be little splotches here and there, all over, and it would be impossible to scoop it all up. But if it is moving, and it tends to move in lines and fairly compact 30-foot strips, then with good equipment we can make a big dent and just stop it.

So I don't know what the problem is. But we do know 17 countries have offered to help, however we only have two skimmers, as I understand it, in the gulf, and those are from Mexico—which we are glad to have. Pumps have been offered. I do not believe we have taken advantage of that. It takes some pretty good pumping equipment to get this oil soaked up, and only 600,000 feet of boom have been received from abroad. The UK has also offered us dispersants, which we have not taken.

I don't know what all the details are, but it seems to me that we can and must do a better job of coordinating. We need to ensure people who need resources are paid now, and we need to understand that there is great potential for effective skimming to occur where the oil has formulated and configured in groups so it can be skimmed. That apparently is more feasible than a lot of people understand. We need to be focusing on that.

The people along the gulf coast are upset about it. One mayor told me: I am a man of good judgment. I am worried about BP's slow response. They talk about responding. They talk about paying, but not enough payment is actually getting out where we have clear cases of substantial losses. Of course, the economy is not where it has been and where we need to see it develop. The beach areas probably wouldn't have been as strong this year as previous years because of the economic downturn. But the testimony from people at public meetings I have attended is crystal clear that we have almost a 50-percent drop in reservations, a 50-percent drop in bookings, and this ripples through the entire community. We already have real estate problems. We already have a little decline in beach attendance. Now we have all this horrible news on the TV and large amounts of cancellations. Some people do need money now. This process needs to be accelerated, and I hope we will hear something in some of what the President tells us tonight. I think he has heard that. He has been down to the gulf coast. He has talked to people. He probably has a better understanding today, after we are 2 months into it, than he previously had.

Maybe we can make this system work a little better. I don't only want to complain. I am thankful the President is showing attention. I am thankful he has stepped out and is showing some leadership. But for some reason, there still seems to be a lack of connection between the talk up at the top and what is happening on the ground. I have been there. I have talked to people. People are not getting money. People are in serious crisis already, people who would be entitled to receive monies. I don't think BP should pay out money fraudulently. They don't need to pay those who don't deserve it. They ought to be careful in how they handle these payments. But for the most part, people are making legitimate claims. Some of them are desperate now. I don't think we have a unified effective plan to intercept as much of the oil as we could offshore. Nor have we had the kind of support from the Federal Government we would like to see, with scientifically determined processes, placing boom and skimming equipment to stop the flow of the oil, particularly into our estuaries, including Mobile Bay.

Mobile Bay is not that wide of an opening. People thought we could stop it. You could put boom across and stop it. The truth is, with the tides, it is a strong current. Anchors won't hold it. When water moves in, it will go over or under or even break the boom. It is not an easy thing. We need some sort of Chevron-like layers of boom outside the entrance to try to catch as much as we can before it comes in. A little, but I don't think enough, effort has been made. In fact, we now had a significant amount of oil that have gotten into that great estuary.

I wanted to share those thoughts. I believe we can do better. I believe oil production in the gulf is essential for the national interest. I believe this spill, this accident should not have happened. I believe if people had been exceedingly careful and competent in what they did, this would not have happened. I believe after this accident, there is going to be a complete review by every company out there. I think we will have an even lower possibility of accidents in the future. But we need more confidence that blowout preventers work, and that we have safety mechanisms in place. We need more confidence that this will happen. We need to understand there is always a possibility that some sort of blowout or spill will occur, but we can do better to prevent it. We can do better about plugging the leak or capturing the oil where it comes out of the pipe. I believe all of these are possible.

I am not happy. I am disappointed that we weren't better prepared in case such an accident did occur. Very disappointed. I believe the oil industry, in particular BP's plan, as the Mobile Press Register has pointed out, was not well thought out. Their plan talked about what to do with walruses and things such as that. We don't have any walruses on the gulf coast. This was not a well thought out plan. Criticism is justified in many different areas.

I thank the Chair for the opportunity to share my thoughts. Again, I appreciate the President visiting the gulf coast. Hopefully, they are breaking down some of these dysfunctional areas to get us to a higher level of response and effectiveness, and maybe they will also be able to continue to make progress in reducing the amount of flow coming out of this well. Obviously, that is the most critical point.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Madam President, the tax extenders bill includes a settle-

ment that involves a class action lawsuit that is known as Cobell v. Salazar. The total cost of this settlement is about \$3.4 billion. This settlement will affect hundreds of thousands of Indian people across the United States who are class members in this lawsuit. It was signed last December by the Obama administration with the lead plaintiffs and their attorneys. Part of the settlement provides \$1.4 billion to individual Indians whose trust assets have been mismanaged by the Federal Government for over 100 years. Another \$2 billion would be used by the Department of the Interior to consolidate Indian land ownership to prevent a repeat of these claims.

On Wednesday, June 9, 2010, Attorney General Holder and Secretary Salazar sent letters to the Senate leaders opposing an amendment I filed on Tuesday, June 8. My amendment corrects serious flaws in the settlement. I am going to respond to their letter as well as explain my amendment.

The Attorney General and the Secretary argue that the amendment makes material changes to the settlement that would render it void. To begin with, I must point out that the parties have changed their settlement in material ways several times—several times—since it was announced that the agreement had been reached. Whenever they deem fit, they change it. For the reasons I am about to go into, they should change it again. If they don't, then Congress should act.

In their letter to leadership, the Attorney General and Secretary Salazar say:

The nature of any settlement agreement is that no one gets everything they asked for.

I know the Cobell case has waged on and on in the courts for 14 years. It has been up and down on appeal many times—too many times. In fact, it is on appeal right now. So I support settling this case. I support providing fair compensation to people harmed by decades of Federal mismanagement. I support consolidating the fractionated ownership of land to prevent the recurrence of problems that led to this court case. But I cannot support the settlement as drafted by the administration. It has flaws, and I believe some of them are very serious. All of them can and should be fixed without making major changes to its overall structure. Leaders in Indian country agree.

I ask unanimous consent that a letter dated June 11, 2010, from the National Congress of American Indians to Senator DORGAN and to me be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BARRASSO. Madam President, the National Congress of American Indians' letter states that the changes in my amendment address legitimate concerns that have been raised by tribal

leaders and Indian people. The NCAI letter references resolutions passed by the Affiliated Tribes of Northwest Indians and the Great Plains Tribal Chairmen's Association supporting my amendment.

So what does my amendment do? It addresses five significant weaknesses in the settlement. The first issue is attorneys fees. This settlement was signed by the Department of Justice and two of the plaintiffs on December 7, 2009. Originally, the settlement said that Congress had to approve it in 24 days—by New Year's Eve. Well, supporters said there was no time for a hearing; Congress had to act immediately. I disagreed. Any \$3.4 billion settlement paid for by taxpayers that affects the lives of hundreds of thousands of people should have a hearing before Congress.

I requested that the Committee on Indian Affairs hold a hearing on the settlement. Chairman DORGAN scheduled one nearly 6 months ago and that hearing was December 17, 2009. During the hearing, it was disclosed that the parties had entered into a separate agreement covering attorneys fees. In the side agreement, the plaintiffs' lawyers agreed not to ask the court for more than \$99.9 million in presettlement attorneys' fees and costs, and the administration agreed not to argue that the attorneys should get anything less than \$50 million. So, in effect, the two parties quietly agreed that the plaintiffs' attorneys should be paid between \$50 million and \$100 million.

This separate agreement also provided that when attorneys asked the court for presettlement fees, the attorneys must provide contemporaneous time records, but they said only "where available." This is a very remarkable agreement, especially for a court case that was pretty much all about inadequate government record-keeping in the first place.

What the government has done is agreed not to demand contemporaneously prepared time records when the attorneys ask the court for their fees—fees that will be taken directly out of the funds that are supposed to be distributed to the class members in the suit. This settlement should be about compensating the individual Indians who were harmed by government mismanagement. My amendment requires production of contemporaneous records and it caps the fees at \$50 million. Fifty million dollars is an amount that both parties agreed would not be appealed. It is their number, so it must be fair.

Besides the issue of attorneys fees, there have been other concerns raised about the settlement—about the possibility of a multimillion dollar incentive award to named plaintiffs; about the qualification of the bank where the money will be deposited; about the role

of Indian tribes and the land consolidation aspect of the settlement; and about the formula for distributing the money. My amendment addresses each of these issues.

The amendment would also require that any "incentive awards" to named plaintiffs be justified by documented expenses. Leading the case of Indian landowners against the government for 14 years has undoubtedly been an exhausting burden and an expensive burden. The named plaintiffs should be allowed to ask the court to have those expenses reimbursed. My amendment would limit any such award to an aggregate amount of \$15 million and only for the expenses incurred by the class representatives. This is the amount the plaintiffs told us is their total estimated out-of-pocket expenses. The amendment would allow full reimbursement of these expenses.

My amendment also addresses the selection of the bank that will hold the \$1.4 billion in settlement funds. The settlement is especially lax in setting standards to ensure the safety of these funds—lax, I believe, to the point of being irresponsible. My amendment simply requires the court to consider certain factors when approving a proposed bank: experience, a history of regulatory compliance, plus competitive interest rates and fees. These factors are important because if anything happens to the money, then the class members bear the risk of the loss. I cannot fathom why asking the court to simply consider these commonsense protections will void the settlement.

The amendment I have offered will require the Secretary of the Interior to consult with Indian tribes on implementation of the Indian land consolidation program. In order for this \$2 billion consolidation program to succeed, the tribal governments should be partners in implementation. The amendment would require that to happen.

Finally, my amendment would provide relief for certain class members for whom the pro rata formula used in the settlement does not work. This formula is simple and will be easy to use. That is why the administration likes it. In many cases, the formula won't work and will lead to unfair results. It is necessary that we create a system for individual class members with unique circumstances to petition the court for a nonstandard settlement payment.

Under my amendment, the court would be provided with broad flexibility to make discretionary awards in appropriate cases.

In closing, I urge Members of the Senate to support this amendment to the Cobell settlement provisions in this measure. My amendment doesn't change the structure of the settlement. It does improve, however, the agreement for the hundreds of thousands of class members covered by the settlement.

What my amendment doesn't do is void the agreement. Let me repeat, my amendment does not void the agreement; it does not void the settlement. Plaintiffs have the ability to void the settlement if they don't believe the changes are in the best interests of the class members. The administration can void it if they don't believe there should be financial standards for selection of the bank that will hold and manage \$1.4 billion of settlement funds. By passing this amendment, we will not void the agreement.

Congress has the obligation to never rubberstamp an agreement and to not rubberstamp this agreement.

Adopting my amendment is the right thing to do.

I yield the floor.

#### EXHIBIT 1

NATIONAL CONGRESS  
OF AMERICAN INDIANS,  
Washington, DC, June 11, 2010.

Re Cobell Settlement and Senator Barrasso's Amendment 4313 to the American Jobs and Closing Tax Loopholes Act of 2010.

Hon. BYRON DORGAN,  
*Chair, Committee on Indian Affairs, U.S. Senate, Washington, DC.*

Hon. JOHN BARRASSO,  
*Vice Chair, Committee on Indian Affairs, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN DORGAN AND VICE CHAIRMAN BARRASSO: As you know, a very important vote may soon occur in the Senate. Currently the Senate is considering H.R. 4213, the American Jobs and Closing Tax Loopholes Act of 2010. For Indian people across the country the most important provision in the legislation is Section 607, which would authorize the settlement of the Cobell v. Salazar litigation over federal mismanagement of Indian trust funds. Senator Barrasso has proposed an amendment that would address some concerns about the settlement that have been raised by tribal leaders and Indian people. These are legitimate concerns that have come from the grassroots in Indian country, and it is our hope that the parties and the Senate try to find common ground on these concerns.

The National Congress of American Indians has long supported a settlement of this litigation because it is time to bring justice to Indian people and because the contentious litigation has distracted from efforts to address the many other issues that Indian country faces. When the settlement was first announced in December of 2009, there was a general feeling of elation and relief throughout Indian country. We are extremely grateful to the Administration and to Eloise Cobell and her team for working so hard on this settlement and bringing it to the brink of resolution.

However, we also believe that Ms. Cobell described it well when she said that this is a "bittersweet victory" for Indian country. There is no doubt that the injuries to Indian people have been much greater than the compensation they will receive. In addition, over the past several months, Indian tribes and Indian people have had an opportunity to more closely examine the details of the settlement. Hearings have been held in Congress, and meetings have taken place on reservations across the country. As might be expected with a class action settlement of this size and complexity, the details have generated considerable discussion and some disagreements.

Senator Barrasso has solicited the views of tribal leaders on the details of the settlement and has filed a proposed amendment. The Affiliated Tribes of Northwest Indians and the Great Plains Tribal Chairman's Association, two large and well respected regional tribal organizations, have both passed resolutions favoring Senator Barrasso's amendment. A similar resolution has been submitted to NCAI for consideration during our Midyear Session during the week of June 20. However, NCAI's consideration of the resolution may happen after Congress has voted.

As you know, both the Administration and the Cobell plaintiffs have raised concerns that any amendments to the Cobell settlement legislation would render the settlement null and void. We understand the need for the parties to a difficult settlement to adopt this posture. However, we have little doubt that if Congress were to make modest and reasonable adjustments, the parties will readily amend the settlement agreement to conform to the implementing legislation.

NCAI's interest is that Congress passes a settlement that is responsive to legitimate concerns raised by tribal leaders and members of the class, and that a contested floor vote on these issues may not be conducive to our shared goal of settling the litigation. I will briefly address the elements of Senator Barrasso's amendment. Amendment 4313 would:

1. Cap attorneys' fees at \$50 million and incentive awards at expenses up to \$15 million. The settlement was accompanied by a side agreement that the federal government would not contest an award of attorney's fees in a range between \$50 to \$100 million. These attorneys' fees have generated considerable discussion. Most account holders will receive an award in the range of \$1500, which is less than what was expected. Over the years, the Cobell plaintiffs have frequently estimated the size of the damages in the hundreds of billions, so disappointment at the size of the award has combined with views about the size of the attorneys' fees. This is a difficult issue because we also recognize that the Cobell attorneys have worked very hard on the litigation for the last 14 years, and class action attorneys in Indian law cases should be fairly compensated on a par with similar class actions. We suggest that the numbers are not far apart, and an accommodation could be reached.

2. Require that a special master select the bank that will handle the \$1.4 billion award. The settlement agreement indicates that the award will be deposited in a bank selected by the plaintiffs and approved by the court. Senator Barrasso's amendment would require that court should consider certain criteria for experience in the handling of large deposits, compliance with banking laws, and competitiveness of fees. This appears to be a reasonable provision to ensure competent and efficient management of the funds.

3. Allow tribes to participate in the land consolidation program that will occur on their reservations. NCAI strongly supports Senator Barrasso's proposal to permit tribes to participate in the land consolidation program that will be funded by the settlement. Land consolidation is critical for addressing trust management problems created by fractionation and preventing future mismanagement. However, Indian tribes have had concerns about the ability of the Bureau of Indian Affairs to administer the land consolidation program on the scale and in the timeframe required by the settlement. Since 1975,

Indian tribes have been able to contract with the BIA to manage BIA programs on their reservations. The Indian Land Consolidation Program is one of the few programs that does not allow tribal participation in this way. We believe that allowing tribal governments to participate in land consolidation will greatly benefit the program because tribes have the greatest interest in its success, and because tribes know the local conditions on their reservations much better than a centrally-located BIA.

4. Set aside a \$50 million fund for class members who may not be fairly compensated by the formula distribution. The inclusion of natural resource mismanagement claims within the settlement has been controversial within Indian country because it was not a part of the original Cobell claim, and because the formula would be unfair to some landowners. Although the resource mismanagement settlement allows an opt-out, it would be extraordinarily difficult for Indian landowners to pursue mismanagement claims on their own. Senator Barrasso's amendment would set-aside \$50 million out of the settlement to make equitable adjustments for certain landowners who would not be adequately compensated by the formula. So long as it does not substantially slow down the operation of the formula distribution, we believe it is reasonable to set aside a small portion of the settlement to smooth out some of the inequities of the formula system.

Thank you very much for considering our views on this important issue. We greatly appreciate the enormous efforts that all of you have put into resolving the Indian trust funds litigation.

Sincerely,

JEFFERSON KEEL,  
NCAI President.

Mr. BARRASSO. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARTHUR S. FLEMMING AWARDS 2009

Mr. KAUFMAN. Madam President, I rise today once again to recognize some of our Nation's great Federal employees.

This week, the Trachtenberg School at the George Washington University announced the winners of the annual Arthur S. Flemming Awards. These distinguished awards for public service have been bestowed upon outstanding Federal employees for the past 61 years. The Flemming Awards recognize career Federal employees, both civilian and military, who have served between 3 and 15 years in government. Nominees come from across the many departments, agencies, and service branches. Notable winners include former Senators Elizabeth Dole and

Daniel Patrick Moynihan, Defense Secretary Robert Gates, former Federal Reserve Chairman Paul Volcker, astronaut Neil Armstrong, among others.

The awards are named for Arthur S. Flemming, who had a long and exemplary career in public service which spanned from 1939 until his death in 1996. He served in a number of important roles, including Secretary of Health, Education, and Welfare under President Eisenhower.

Secretary Flemming also served on the U.S. Civil Service Commission under Presidents Roosevelt and Truman, the National Advisory Committee on the Peace Corps under Presidents Kennedy and Johnson, and as Chairman of the U.S. Commission on Civil Rights under Presidents Nixon, Ford, Carter, and Reagan. President Clinton awarded him the Medal of Freedom in 1994.

It is fitting that these awards, which were originally bestowed by the DC Jaycees, are named for Flemming. His lifetime of dedication to public service continues to inspire so many.

The Flemming Awards are divided into three categories: applied science, engineering, and mathematics; basic science; and managerial or legal achievement. These categories highlight some of the most outstanding and exciting accomplishments by our public servants who are helping to lead the way in scientific discovery, efficient public management, and upholding justice.

This year's medals in applied science, engineering, and mathematics were won by a trio of brilliant individuals who are keeping America at the forefront of STEM research.

Dr. Lynn Antonelli is leading the way in developing laser-based sensors for the Navy. The sensors she and her team created have found commercial and medical applications, in addition to providing our Navy vessels with extended optics and sensing underwater.

Dr. Steven Brown of the National Institute of Standards and Technology—or NIST—also works with light. He and his team have made great strides in the field of light measurement that have enabled more detailed environmental imaging of the Earth. His work is revolutionizing the ability to detect minute changes in the environment as a result of climate change.

Also winning the applied science, engineering, and mathematics award is Dr. John Kitching. John has been leading the world's top research program in atomic measurement. He and his team developed ultra-miniature devices that can improve the accuracy of GPS, telecommunications, and medical imaging. They even have important national security uses, including in the more accurate detection of chemical toxins.

The three Federal employees who won this year's award for basic science are pioneers on the cutting edge of science research.

Dr. Dietrich Leibfried is one of NIST's leading experts on quantum computing. This exciting field could lead to supercomputers faster and more powerful than the best ones we have today. Dietrich Leibfried is responsible for many innovations in quantum computing, including the successful demonstration of a simple, fully programmable quantum computer, the first step in a long-term effort to build supercomputers that can handle nationally important applications, such as weather prediction, secure data encryption, and developing new drugs.

The basic science award is also going to Dr. Shyam Sharan of the National Cancer Institute at the National Institutes of Health. He has developed a simple and reliable way to analyze genetic mutations that increase a patient's chances of developing breast cancer. This will help doctors identify those who have the highest risk of cancer and treat them preventively.

Sharing the award with them is Dr. Eite Tiesinga, who works at NIST on ultra-cold atoms. By manipulating these atoms, scientists can carefully tune the quantum gases that might one day power quantum computers. Eite is frequently asked by researchers around the world to consult on their measurements and findings, and his work on ultra-cold atoms has put the United States ahead in the race to achieve successful quantum computing.

Four outstanding public employees were chosen for this year's managerial and legal achievement medal.

Angela Clowers works at the Government Accountability Office, and she led the GAO's efforts to audit transportation investments made under the Recovery Act. Her careful analysis and testimony before Congress prompted the Department of Transportation to refocus some of its investments in order to stimulate additional job growth. Angela also led the GAO's audit of government assistance to the American auto industry under TARP.

Another who won this award is Dr. Marla Dowell of NIST's laboratory in Boulder, CO. Marla leads the world's most comprehensive research program in laser metrology. She won this award for outstanding management skills and for leading a team that is developing lasers for highly accurate measurement of manufacturing equipment. This will have profound and positive effects on both defense programs and high-tech businesses.

Kana Enomoto won the award for a distinguished career working on mental health access. She served as a leader in this area in the aftermath of Hurricane Katrina through her work at the Substance Abuse and Mental Health Services Administration. Kana also spearheaded efforts to improve the agency's operations, human resource management, and other critical functions as the Acting Deputy Administrator.

The fourth winner of this award is Natalie Harrop of the Air Force Global Logistics Center in Utah. Natalie distinguished herself as a lead budget analyst for the Air Force's 748th Supply Chain Management Group. She revolutionized the group's financial management, and her new system is being implemented across the 448th Supply Chain Management Wing. It is saving hundreds of work hours and over \$5 million.

These 10 men and women are not an exception, they are exemplary. They represent the norm of excellence of our civil service. They have achieved great things and now join the ranks of those who share the Arthur S. Flemming Award for their great contribution to our Nation.

I hope my colleagues will join me in congratulating the winners of the 2009 Arthur S. Flemming Awards and thanking them all for their service. They are all truly great Federal employees.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BEGICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. BEGICH. Mr. President, I ask unanimous consent that the following amendments be debated concurrently for the total time specified in this agreement: Sanders, 4318; Vitter, 4312; Franken, 4311; that the Franken amendment be modified with the changes at the desk; with the debate time divided as follows: 20 minutes equally divided between Senators SANDERS and INHOFE; 20 minutes equally divided between Senators BAUCUS and VITTER or their designees; and 20 minutes equally divided between Senators FRANKEN and VITTER or their designees, with no intervening amendments in order; that each of the listed amendments in this agreement be subject to an affirmative 60-vote threshold; and that if the amendment, as modified where applicable, achieves that threshold, then it be agreed to and the motion to reconsider be laid upon the table; that if the amendment does not achieve that threshold, then it be withdrawn; that prior to each vote, there be 2 minutes of debate, equally divided and controlled, and that after the first vote, the succeeding votes be limited to 10 minutes each; that upon the use or yielding back of the total time specified above, the Senate proceed to vote in relation to the amendments in the order listed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4311), as modified, is as follows:

At the appropriate place, insert the following:

**TITLE —OFFICE OF THE HOMEOWNER ADVOCATE**

**SEC. 01. OFFICE OF THE HOMEOWNER ADVOCATE.**

(a) ESTABLISHMENT.—There is established in the Department of the Treasury an office to be known as the "Office of the Homeowner Advocate" (in this subtitle referred to as the "Office").

(b) DIRECTOR.—

(1) IN GENERAL.—The Director of the Office of the Homeowner Advocate (in this subtitle referred to as the "Director") shall report directly to the Assistant Secretary of the Treasury for Financial Stability, and shall be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code.

(2) APPOINTMENT.—The Director shall be appointed by the Secretary, after consultation with the Secretary of the Department of Housing and Urban Development, and without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or the Senior Executive Service.

(3) QUALIFICATIONS.—An individual appointed under paragraph (2) shall have—

(A) experience as an advocate for homeowners; and

(B) experience dealing with mortgage servicers.

(4) RESTRICTION ON EMPLOYMENT.—An individual may be appointed as Director only if such individual was not an officer or employee of either a mortgage servicer or the Department of the Treasury during the 4-year period preceding the date of such appointment.

(5) HIRING AUTHORITY.—The Director shall have the authority to hire staff, obtain support by contract, and manage the budget of the Office of the Homeowner Advocate.

**SEC. 02. FUNCTIONS OF THE OFFICE.**

(a) IN GENERAL.—It shall be the function of the Office—

(1) to assist homeowners, housing counselors, and housing lawyers in resolving problems with the Home Affordable Modification Program of the Making Home Affordable initiative of the Secretary, authorized under the Emergency Economic Stabilization Act of 2008 (in this subtitle referred to as the "Home Affordable Modification Program")

(2) to identify areas, both individual and systematic, in which homeowners, housing counselors, and housing lawyers have problems in dealings with the Home Affordable Modification Program;

(3) to the extent possible, to propose changes in the administrative practices of the Home Affordable Modification Program, to mitigate problems identified under paragraph (2);

(4) to identify potential legislative changes which may be appropriate to mitigate such problems; and

(5) to implement other programs and initiatives that the Director deems important to assisting homeowners, housing counselors, and housing lawyers in resolving problems with the Home Affordable Modification Program, which may include—

(A) running a triage hotline for homeowners at risk of foreclosure;

(B) providing homeowners with access to housing counseling programs of the Department of Housing and Urban Development at no cost to the homeowner;

(C) developing Internet tools related to the Home Affordable Modification Program; and  
(D) developing training and educational materials.

(b) **AUTHORITY.**—

(1) **IN GENERAL.**—Staff designated by the Director shall have the authority to implement servicer remedies, on a case-by-case basis, subject to the approval of the Assistant Secretary of the Treasury for Financial Stability.

(2) **RESOLUTION OF HOMEOWNER CONCERNS.**—The Office shall, to the extent possible, resolve all homeowner concerns not later than 30 days after the opening of a case with such homeowner.

(c) **COMMENCEMENT OF OPERATIONS.**—The Office shall commence its operations, as required by this subtitle, not later than 3 months after the date of enactment of this Act.

(d) **SUNSET.**—The Office shall cease operations as of the date on which the Home Affordable Modification Program ceases to operate.

**SEC. 03. RELATIONSHIP WITH EXISTING ENTITIES.**

(a) **TRANSFER.**—The Office shall coordinate and centralize all complaint escalations relating to the Home Affordable Modification Program.

(b) **HOTLINE.**—The HOPE hotline (or any successor triage hotline) shall reroute all complaints relating to the Home Affordable Modification Program to the Office.

(c) **COORDINATION.**—The Office shall coordinate with the compliance office of the Office of Financial Stability of the Department of the Treasury and the Homeownership Preservation Office of the Department of the Treasury.

**SEC. 04. RULE OF CONSTRUCTION.**

Nothing in this section shall prohibit a mortgage servicer from evaluating a homeowner for eligibility under the Home Affordable Foreclosure Alternatives Program while a case is still open with the Office of the Homeowner Advocate. Nothing in this section may be construed to relieve any loan services from otherwise applicable rules, directives, or similar guidance under the Home Affordable Modification Program relating to the continuation or completion of foreclosure proceedings.

**SEC. 05. REPORTS TO CONGRESS.**

(a) **TESTIMONY.**—The Director shall be available to testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not less frequently than 4 times a year, or at any time at the request of the Chairs of either committee.

(b) **REPORTS.**—Once annually, the Director shall provide a detailed report to Congress on the Home Affordable Modification Program. Such report shall contain full and substantive analysis, in addition to statistical information, including, at a minimum—

(1) data and analysis of the types and volume of complaints received from homeowners, housing counselors, and housing lawyers, broken down by category of servicer, except that servicers may not be identified by name in the report;

(2) a summary of not fewer than 20 of the most serious problems encountered by Home Affordable Modification Program participants, including a description of the nature of such problems;

(3) to the extent known, identification of the 10 most litigated issues for Home Affordable Modification Program participants, including recommendations for mitigating such disputes;

(4) data and analysis on the resolutions of the complaints received from homeowners, housing counselors, and housing lawyers;

(5) identification of any programs or initiatives that the Office has taken to improve the Home Affordable Modification Program;

(6) recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by Home Affordable Modification Program participants; and

(7) such other information as the Director may deem advisable.

**SEC. 06. FUNDING.**

Amounts made available for the costs of administration of the Home Affordable Modification Program that are not otherwise obligated shall be available to carry out the duties of the Office. Funding shall be maintained at levels adequate to reasonably carry out the functions of the Office.

**SEC. 07. PROHIBITION ON PARTICIPATION IN MAKING HOME AFFORDABLE FOR BORROWERS WHO STRATEGICALLY DEFAULT.**

No mortgage may be modified under the Making Home Affordable Program, or with any funds from the Troubled Asset Relief Program, unless the servicer of the mortgage loan has determined, in accordance with standards and requirements established by the Secretary of the Treasury, that the mortgagor cannot afford to make payments under the terms of the existing mortgage loan. The Secretary of the Treasury, in consultation with the Secretary of Housing and Urban Development, shall issue rules to carry out this section not later than 90 days after the date of enactment of this Act.

**SEC. 08. PUBLIC AVAILABILITY OF INFORMATION.**

(a) **PUBLIC AVAILABILITY OF DATA.**—The Secretary of the Treasury shall revise the guidelines for the Home Affordable Modification Program of the Making Home Affordable initiative of the Secretary of the Treasury, authorized under the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), to establish that the data collected by the Secretary of the Treasury from each mortgage servicer and lender participating in the Program is made public in accordance with subsection (2).

(b) **CONTENT.**—Not more than 60 days after each monthly deadline for submission of data by mortgage servicers and lender participating in the program, the Treasury shall make all data tables available to the public at the individual record level. This data shall include but not be limited to—

(1) higher risk loans, including loans made in connection with any program to provide expanded loan approvals, shall be reported separately;

(2) disclose—

(A) the rate or pace at which such mortgages are becoming seriously delinquent;

(B) whether such rate or pace is increasing or decreasing;

(C) if there are certain subsets within the loans covered by this section that have greater or lesser rates or paces of delinquency; and

(D) if such subsets exist, the characteristics of such subset of mortgages;

(3) with respect to the loss mitigation efforts of the loan—

(A) the processes and practices that the reporter has in effect to minimize losses on mortgages covered by this section; and

(B) the manner and methods by which such processes and practices are being monitored for effectiveness;

(4) disclose, with respect to loans that are or become 60 or more days past due, (pro-

vided that for purposes of disclosure under this paragraph that each loan should have a unique number that is not the same as any loan number the borrower, originator, or servicer uses), the following attributes—

(A) the original loan amount;

(B) the current loan amount;

(C) the loan-to-value ratio and combined loan-to-value ratio, both at origination and currently, and the number of liens on the property;

(D) the property valuation at the time of origination of the loan, and all subsequent property valuations and the date of each valuation;

(E) each relevant credit score of each borrower obtained at any time in connection with the loan, with the date of the credit score, to the extent allowed by existing law;

(F) whether the loan has any mortgage or other credit insurance or guarantee;

(G) the current interest rate on such loan;

(H) any rate caps and floors if the loan is an adjustable rate mortgage loan;

(I) the adjustable rate mortgage index or indices for such loan;

(J) whether the loan is currently past due, and if so how many days such loan is past due;

(K) the total number of days the loan has been past due at any time;

(L) whether the loan is subject to a balloon payment;

(M) the date of each modification of the loan;

(N) whether any amounts of loan principal has been deferred or written off, and if so, the date and amount of each deferral and the date and amount of each writedown;

(O) whether the interest rate was changed from a rate that could adjust to a fixed rate, and if so, the period of time for which the rate will be fixed;

(P) the amount by which the interest rate on the loan was reduced, and for what period of time it was reduced;

(Q) if the interest rate was reduced or fixed for a period of time less than the remaining loan term, on what dates, and to what rates, could the rate potentially increase in the future;

(R) whether the loan term was modified, and if so, whether it was extended or shortened, and by what amount of time;

(S) whether the loan is in the process of foreclosure or similar procedure, whether judicial or otherwise; and

(T) whether a foreclosure or similar procedure, whether judicial or otherwise, has been completed.

(c) **GUIDELINES AND REGULATIONS.**—The Secretary of the Treasury shall establish guidelines and regulations necessary—

(1) to ensure that the privacy of individual consumers is appropriately protected in the reports under this section;

(2) to make the data reported under this subsection available on a public website with no cost to access the data, in a consistent format;

(3) to update the data no less frequently than monthly;

(4) to establish procedures for disclosing such data to the public on a public website with no cost to access the data; and

(5) to allow the Secretary to make such deletions as the Secretary may determine to be appropriate to protect any privacy interest of any loan modification applicant, including the deletion or alteration of the applicant's name and identification number.

(d) **EXCEPTION.**—No data shall have to be disclosed if it voids or violates existing contracts between the Secretary of Treasury

and mortgage servicers as part of the Making Home Affordable Program.

Mr. BEGICH. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, this country has a \$13 trillion national debt and a record-breaking deficit, and it is time we began to address that issue.

This country has the potential now to transform our energy system away from fossil fuel, away from offshore drilling into energy efficiency and sustainable energy, and when we do that, we create millions of good-paying jobs over a period of years. That is what this amendment does.

Over the last decade, the five largest oil companies in America—ExxonMobil, Chevron, ConocoPhillips, BP, and Shell—made over \$750 billion in profits. These profitable companies do not deserve to continue to have major tax breaks that in some cases not only prevent them from paying anything in taxes but enable them to get huge tax refunds from the IRS.

What the Sanders-Menendez-Whitehouse-Wyden-Lautenberg amendment would do is eliminate three major loopholes. It would bring \$35 billion into our coffers over a 10-year period. It would use \$25 billion of those \$35 billion for deficit reduction. It would use \$10 billion to fund energy conservation and sustainable energy and in the process create over 100,000 new jobs over a period of years.

It may make sense to somebody, but it does not make sense to me that we have a company such as ExxonMobil, which has been the most profitable company in the history of the world, making huge profits and last year not only paying nothing in taxes but getting a refund from the Treasury of \$156 million. Let me repeat that. ExxonMobil, the most profitable corporation in the history of the world—year after year, huge profits—last year not only paid nothing in taxes but received a \$156 million check from the taxpayers of this country to help them. That is absurd.

ExxonMobil is not the only company to enjoy that kind of outrageous tax treatment. Chevron received a \$19 million tax refund; Valero Energy, a \$157 million refund; and ConocoPhillips received over \$450 million in tax breaks from the oil and gas manufacturing deduction over the past 3 years.

I am going to yield the floor in a moment because I want to refute some of what my friend from Oklahoma will be saying.

Here is what the bottom line is. The bottom line is we have a huge deficit and huge tax breaks for profitable corporations. We have the opportunity now to do what President Obama put into his 2011 budget and eliminate those tax breaks, bring \$35 billion more into the Treasury—\$25 billion for def-

icit reduction and \$10 billion to create over 100,000 new jobs as we make our country more energy efficient and we move to sustainable energy.

With that, I yield the remainder of my time.

Mr. INHOFE. The Senator is yielding the remainder of is time?

Mr. SANDERS. I reserve the remainder of my time. I reserve the remainder of my time.

Mr. INHOFE. I thank my friend from Vermont. I know my friend from Vermont would not intentionally say something that is not true. Sometimes he does not have and sometimes I do not have the actual facts, so inadvertently we might misrepresent.

Let me just say as far as Exxon is concerned that from 2004 to 2008, they paid more than \$18 billion in U.S. Federal income taxes, and that is just some of the taxes they pay.

I have to say this, though. The whole discussion on this—the Sanders bill would effectively put the small and the marginal producers in America out of business. Before I go into that in any detail, let me just share this. It is interesting, when I listen to liberals talk about doing away with drilling, with oil and gas and coal and nuclear—if you do that, you cannot run this machine called America. Every time they talk about doing something to stop production, as they are doing right now in the gulf—a lot of these people are using and exploiting the tragedy in the gulf to try to retard or stop all production in America. Consequently, this is something where we would be in a position where we would be so rationed in oil and gas that we would have to be more dependent on many of these countries on which we do not want to be dependent.

We did a study. I think this would surprise the Chair. If we didn't have any political restrictions on what we could do in North America, we could completely eliminate our reliance upon the Middle East for any gas or oil within 4 years. That is pretty shocking. Our problem is not that we do not have enough oil and gas. We have more reserves than any other country. A CRS report came out with that just the other day.

What I want to do is give my honorable friend a chance to respond to my statement, and then I will reserve the remainder of my time to discuss in a little more detail how this affects the very small, marginal operators in America.

Mr. SANDERS. I will take just a few minutes now.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. I will reserve the remainder of my time. But let me say this to my friend from Oklahoma, who I know is an honest guy. We disagree. We have differences of opinion. It was not my suggestion that ExxonMobil did

not pay taxes over those years. That was not my suggestion. But let me say this. He mentioned that they do pay taxes, which is true. But let's understand that ExxonMobil was the most profitable corporation in the history of the world from 2006 through 2008, making \$40 billion in profits in 2006, \$41 billion in 2007, and \$45 billion in 2008. In the midst of a recession, my understanding is they made \$19 billion in profits last year.

Would my friend from Oklahoma deny that despite making these huge profits last year, \$19 billion, they received—they paid zero in 2009 and in fact received a \$156 million refund from the taxpayers of this country? I hope my friend from Oklahoma would comment on whether that is good public policy.

With that, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would say first of all, whether that is good policy—I think you have to have the accurate input before you make a policy determination. The oil and gas industry is very complicated. In order for them to go out and risk their capital, they have to plow this money back in. Frankly, most of it is plowed back into exploration.

What I wanted to get across, which I think is important, is that the Sanders amendment repeals three things—first of all, expensing for intangible drilling costs; that is IDC. It repeals percentage depletion for marginal oil and gas wells. It repeals the manufacturing deduction for oil and gas.

I predicted a long time ago, when the gulf spill took place, that people were going to try to parlay this into something to punish oil and gas. This is what they have been trying to do for a long time. It could very well be that tonight, when the President makes his big speech, he is going to talk about, now we are going to have to look at cap and trade, as if there is some relationship between what happened in the gulf and cap and trade.

Repealing expensing of intangible drilling costs eliminates the ability to expense intangible drilling and development costs, which would force at least a 25- to 30-percent reduction in drilling budgets, leading to lost jobs, lost production, and higher prices to consumers. On the floor of the Senate yesterday, I spent some time talking about how many jobs actually would be lost in the State of Louisiana. But the IDC is an expensing-out item that has been in our Tax Code since 1913. It really only applies to the smaller operators, so they are the ones who are singled out for oil and gas production.

Likewise, since 1926 small producers and millions of royalty owners have had the option to utilize percentage depletion to both simplify and account

for the decline in the value of minerals from a property. As you know, they do deplete as you produce minerals.

Who is going to pay the most for this? I will share with you who pays for this, but right now I will yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Let me say to my friend from Oklahoma, who talked about the oil companies plowing their money back into new wells, that the big five oil companies spent \$270 billion over the past decade buying back their own stock—about \$100 billion more than they spent on oil exploration.

My friend from Oklahoma talks about jobs. That is obviously an important issue. I would concede there may be some job loss here, but it is matched by an investment in sustainable energy that will create far more employment than the relatively small number of jobs that might be lost.

I would mention Dr. Krueger, the Chief Economist at the Treasury Department. He has estimated that repealing these tax breaks would lead to a decline in employment in oil and gas production of less than one-half of 1 percent at most. That translates into the potential loss of 1,650 jobs in the oil and gas industry. I do not mean to minimize that. One job lost is one job too many. But on the other hand, in this bill we put \$10 billion into the Energy Efficiency and Conservation Block Grant Program, where the estimate is we can create 140,000 jobs over the same period of time. On one hand, we might lose 1,600 jobs; on the other hand, we gain 140,000 jobs.

With that, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Let me mention one thing I want to make sure I get in here before we run out of time. We went through this class warfare once back in 1980. We had Jimmy Carter as President of the United States. He had the windfall profits tax. I am sure my friend from Vermont remembers that at that time. I remember it well. That is when they were going to have a windfall profits tax on the oil and gas industry. The results of that:

The WPT reduced domestic production between 3 and 6 percent and increased oil imports from 8 to 16 percent. . . . This made the United States more dependent upon imported oil.

That is the Congressional Research Service, which is nonpartisan.

That is a major issue here in terms of our dependence on other countries for our ability to run this machine called America.

Let's get back to the percentage depletion. The percentage depletion is particularly important for the production of America's over 600,000 low-volume marginal wells. The average marginal well produces 2 barrels a day.

Let me tell you what that is so my colleagues, when they get ready to vote, will really understand whom they are affecting. A marginal well is a well producing under 15 barrels per day. The average is 2 barrels a day. My friend is talking about all these big giants. I am not nearly as concerned about the big five and the majors as I am about my marginal operators in my State of Oklahoma. With an average of 2 barrels a day, the marginal producers actually account for 28 percent of all domestic production in the lower 48 States—28 percent. These are all small people.

If you are concerned also about whom you are affecting by this legislation, look at the royalty owners. There are literally millions of royalty owners. They have maybe a small piece of property, maybe their homestead. They are the ones who would be denied the use of their land. By putting the small ones out of business, they are the ones you are damaging.

I will reserve the remainder of my time.

Mr. SANDERS. Mr. President, how much time does Senator INHOFE have?

The PRESIDING OFFICER. The Senator from Oklahoma has 1½ minutes and the Senator from Vermont 3 minutes.

Mr. SANDERS. I have 3 minutes?

The PRESIDING OFFICER. Yes.

Mr. SANDERS. Mr. President, what we are talking about now is beginning to address the deficit issue in a significant way, and \$25 billion over a 10-year period is a good start. I think we cannot continue to have people coming down to the floor of the Senate and saying: Think about the legacy we are leaving our children and grandchildren. And then when it really comes to the point of doing something, of saying to ExxonMobil, which made \$19 billion in profit last year and got a \$156 million refund from the IRS, you can't have it both ways, this is a time to stand up and do the right thing. Again, it is not just ExxonMobil. It is Chevron, which received a \$19 million refund from the IRS. It is Valero Energy, the 25th largest company in America with \$68 billion of sales last year and received a \$157 million refund check.

What we have the opportunity to do now is to, in fact, address the deficit crisis—\$25 billion over a 10-year period; create over 100,000 new jobs over that period as we move into energy efficiency and sustainable energy.

With that, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Let me correct this again. I had already stated that the statement my good friend from Vermont made was a false statement, inadvertently, in terms of Exxon and what they had paid. I commented that they paid more than \$18 billion in the years between 2004 and 2008. He re-

turned and said in 2009 is when they have not paid any. They have already paid \$½ billion in 2009 in U.S. Federal income tax, and they will not know the final liability until they file a return later this year. So they are still doing it. The information that my good friend has is false.

Getting back to the bill and who this affects, it doesn't affect Exxon, BP, and all these giant companies. It is the small producers that will be driven out of business. Without being able to do the deduction of the expenses on manufacturing, if this bill passes, this is going to single out the oil and gas industry, the only industry that does not enjoy the same deductions. They are punitive to this industry because right now it is quite obvious they are trying to exploit the tragedy in the gulf.

It is my understanding I have a minute and a half remaining.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. INHOFE. I am timing it. It can't be expired.

The PRESIDING OFFICER. The Senator had a minute and a half when he started this segment.

Mr. INHOFE. Since my colleague has the last say, may I have 30 seconds to finish? I was going to respond to the comment about the deficit. We ought to be concerned. I am concerned about the deficit. What is interesting about this debate, I am ranked by the National Journal as the most conservative Member of the Senate. I suggest my proud liberal friend from Vermont is probably on the other end of the spectrum.

If we look at who is responsible for deficit spending, I think Members will find he would be more responsible than I would. I thank the Senator for the additional 30 seconds.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. I am not a liberal but a progressive. Sometime we will talk about the difference.

Mr. President, I did not vote for the \$3 trillion war in Iraq. I did not vote for the hundreds of billions of dollars in tax breaks. I did not vote for the Medicare Part D Program which drove up the deficit altogether as a matter of fact. I suspect my friend may have voted the other way on all of those issues which were not paid for.

In terms of ExxonMobil, let's be clear. I don't know what ExxonMobil told my colleague, but I ask unanimous consent to have printed in the RECORD what ExxonMobil told the Securities and Exchange Commission, the SEC. What is reported by the SEC for 2009 is they received a \$156 million refund. That is the SEC.

I ask unanimous consent to have this printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## UNITED STATES SECURITIES AND EXCHANGE COMMISSION

FORM 10-K—ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934

## NOTES TO CONSOLIDATED FINANCIAL STATEMENTS—18. INCOME, SALES-BASED AND OTHER TAXES

(Millions of dollars)

	2009			2008			2007		
	U.S.	Non-U.S.	Total	U.S.	Non-U.S.	Total	U.S.	Non-U.S.	Total
Income taxes:									
Federal and non-U.S.:									
Current .....	\$ (838)	\$15,830	\$14,992	\$3,005	\$31,377	\$34,382	\$4,666	\$24,329	\$28,955
Deferred—net .....	650	(665)	(15)	168	1,289	1,457	(439)	415	(24)
U.S. tax on non-U.S. operations .....	32	.....	32	230	.....	230	263	.....	263
Total federal and non-U.S. ....	(156)	15,165	15,009	3,403	32,666	36,069	4,490	24,744	29,234
State .....	110	.....	110	461	.....	461	630	.....	630
Total income taxes .....	(46)	15,165	15,119	3,864	32,666	36,530	5,120	24,744	29,864
Sales-based taxes .....	6,271	19,665	25,936	6,646	27,862	34,508	7,154	24,574	31,728
All other taxes and duties:									
Other taxes and duties .....	581	34,238	34,819	1,663	40,056	41,719	1,008	39,945	40,953
Included in production and manufacturing expenses .....	699	1,318	2,017	915	1,720	2,635	825	1,445	2,270
Included in SG&A expenses .....	197	538	735	209	660	869	215	653	868
Total other taxes and duties .....	1,477	36,094	37,571	2,787	42,436	45,223	2,048	42,043	44,091
Total .....	\$7,702	\$70,924	\$78,626	\$13,297	\$102,964	\$116,261	\$14,322	\$91,361	\$105,683

All other taxes and duties include taxes reported in production and manufacturing and selling, general and administrative (SG&A) expenses. The above provisions for deferred income taxes include net credits for the effect of changes in tax laws and rates of \$9 million in 2009, \$300 million in 2008 and \$258 million in 2007.

Mr. INHOFE. Will the Senator yield for a question?

Mr. SANDERS. Allow me to finish my remarks. This is where we are. Where we are right now is a moment at which we either go forward or not, be serious or not. We hear day after day concerns about the deficit. What we know is the oil industry, year after year, has been enormously profitable. We know in 2009 a number of oil companies, including ExxonMobil, did not pay any taxes. Let's do something about it. Let's pass this amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Louisiana.

AMENDMENT NO. 4312

Mr. VITTER. Mr. President, I stand in strong support of my amendment No. 4312. I urge all colleagues, Democrats and Republicans, to come together to pass this commonsense amendment.

What is this amendment about? It is about something that is of great concern to me, representing the State of Louisiana. It is about the Oil Spill Liability Trust Fund. It is about the ongoing crisis in the gulf. I am afraid what it is about is an example of that now famous quote of the White House Chief of Staff, Rahm Emanuel, who, around February 2009, said: We are not going to let a good crisis go to waste. He was talking about the financial crisis. I am afraid that same attitude, that same politicization of real crises is going on with the ongoing oil disaster in the gulf.

This is a real crisis, an ongoing crisis, an ongoing disaster. The flow continues. It is so significant—even subtracting out the amount of oil BP is capturing, it is so significant that it is like a whole new major oilspill each and every day. It goes on and on and on.

What is the provision in this bill in relation to that crisis? In this bill there is a dramatic increase in the tax to fund the Oil Spill Liability Trust Fund from 8 cents per barrel to 41

cents, over a fivefold increase. If that were going into that liability trust fund, and if it were staying there for oil cleanup, we could come together and probably support that effort in a bipartisan way. But instead, what has happened?

As soon as all of that new revenue goes into the trust fund, \$15 billion over 10 years, it is stolen. It is spent on unrelated spending. It isn't a true trust fund. It is spent on other government deficit spending. It is used essentially to hide deficit spending elsewhere. It is double counting, what I call Enron accounting. If a private company were doing this and putting this in their prospectus, putting this in their SEC reports, they would be prosecuted for criminal fraud.

My amendment is simple. It says two things: Anything that goes into the Oil Spill Liability Trust Fund can only be used to clean up oilspills. Pretty basic, pretty simple. Secondly, it cannot be double counted, used as an offset for other unrelated government deficit spending. That is pretty simple. I think it is a minimum requirement we should ask in the midst of this ongoing crisis in the gulf.

Again, are we going to treat that as a real crisis and address the challenge that is there or are we going to use and abuse that crisis in Washington to advance preexisting agendas such as big government spending, additional deficit, trying to mask and hide those? I suggest the only responsible thing to do is to treat the crisis for what it is, to respect the people of the gulf and to pass this Vitter amendment that says, No. 1, money into that trust fund can only be used to clean up oilspills; and, No. 2, it cannot be double counted to mask other deficit spending.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Minnesota.

AMENDMENT NO. 4311

Mr. FRANKEN. Mr. President, I rise to tell a very important story. Some of my colleagues have heard me talk pre-

viously about a woman named Tecora, a homeowner from south Minneapolis who is at risk of losing her home. Back in 2005, Tecora was looking for a mortgage and said she asked her bank for a conventional mortgage with fixed payments. Presented with a series of options, she unsurprisingly chose the cheapest one. Yet the simple option got her an exotic mortgage called an option ARM or an adjustable rate mortgage. Now her monthly payments have doubled over time and Tecora now owes \$317,000 on a \$288,000 loan.

During the housing bust and paying double what she was initially paying on her mortgage, Tecora started having trouble with her payments. Hoping to save her home, Tecora entered President Obama's HAMP program which is intended for people who want to avoid foreclosure.

One day, however, her mortgage servicer informed her that her file was closed because she "voluntarily left the HAMP program." Here is the problem. She didn't. She never did. Tecora never asked that her file be closed. She never tried to leave the program. Now every day she worries anew about losing her home simply because her servicer made a mistake. Tecora worked hard her whole life, but now she looks to the future in fear.

"I'm squeaking by," she told the Minneapolis Star Tribune, "by the plaque on my teeth."

As USA TODAY reported in March, these kinds of problems happen all too frequently. In an article entitled "Homes Can Be Lost by Mistake When Banks Miscommunicate"—a headline that says exactly what it sounds like: homes can be lost by mistake when banks miscommunicate—the author detailed a pattern of bank errors within HAMP that have led to people losing their homes or almost losing their homes. It should not have to be this way. That is why I have offered an amendment with Senators SNOWE and

MURRAY, amendment No. 4311, to create an Office of the Homeowner Advocate for people who are struggling with problems in the HAMP program.

This amendment is currently pending to the tax extenders bill. The tax extenders bill aims to help people who are suffering during this economic crisis. It includes extensions of unemployment insurance for people who have lost their job during the recession. It promotes American jobs by continuing the small business lending program which has helped create or retain over 650,000 jobs since its creation. It includes money for the national housing trust fund which will create jobs and help ensure people have affordable places to live.

Our Office of the Homeowner Advocate would continue this effort to provide a safety net to people who are struggling economically. In particular, it would help one of the groups of people who have suffered the most during the recession—homeowners. Our Office of the Homeowner Advocate is modeled after the very successful Office of the Taxpayer Advocate at the IRS. It would ensure that homeowners participating in the HAMP program know that someone is on their side, someone with the authority to actually fix the mistakes created by mortgage servicers participating in HAMP. When homeowners call this office with concerns, the office has two important powers. First, it can make sure servicers actually obey the rules of the program or suffer the consequences. Second, it ensures that the bank would not be able to sell people's homes right away, giving the homeowner advocate time to actually solve the problem. The office is temporary, lasting only as long as HAMP does. But while it lasts, it ensures that homeowners would not be losing their homes because of simple errors.

This amendment is supported by the Treasury Department. When we first filed the amendment to the Wall Street reform bill, the White House declared it one of the top 10 amendments that would improve the Wall Street reform bill. Unfortunately, the amendment didn't receive a vote. So we are bringing it to the Senate once again to ensure that homeowners in all of our States have the protections they need.

The amendment is supported by consumer groups from around the country, ranging from Americans for Financial Reform to Consumers Union, SEIU, and the National Council of La Raza. It is also supported by the superintendent of the New York State banking system, who calls it a big step forward for homeowners.

Significantly, Congress will not have to authorize any additional appropriations for this amendment. Let me say that again: Congress will not have to authorize any additional appropriations for this amendment. The office

would be funded entirely by existing HAMP administrative funds. I am going to say it again. We will be helping homeowners without authorizing any new money at all—nothing, zero, zip.

I was pleased to work with Senator VITTER, who just spoke, to make this amendment even stronger by ensuring that no homeowner can game the system and still participate in HAMP, and also by increasing the transparency of the program. These two changes are incorporated in this modification to our amendment, which also incorporates some changes suggested by Senator SHELBY to ensure that the Homeowner Advocate process does not overly delay appropriate foreclosures.

I hope my colleagues see that the Homeowner Advocate is an easy way to help homeowners in all our hometowns—in Minnesota, in Arkansas, all over this country—get the protections they need to keep their homes. Let's adopt this amendment and stand up for homeowners everywhere in this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

AMENDMENT NO. 4312

Mr. BAUCUS. Mr. President, I wish to speak in opposition to the Vitter amendment.

The Senator from Louisiana is essentially offering an amendment which has the effect of preventing the oilspill liability tax from going into effect. This is a head-scratching amendment. Why in the world would any Senator suggest there be no increase in the oilspill liability tax?

Right now, beginning in about—let's see, what year was it?—1990, Congress, in the wake of the *Exxon Valdez* oilspill, enacted an Oil Spill Liability Trust Fund and oilspill liability tax, obviously, to pay for potential or future oilspills. The tax was set at 5 cents a barrel. In the 20 years since that time, the tax has been increased just 3 cents to 8 cents a barrel. At the same time, the price of oil has increased, since 1990, from the neighborhood of \$20 a barrel to \$72 a barrel today. Within the last 2 years, oil has been as high as \$147 a barrel.

So with the increased evidence of the damage oilspills can create, and with the increased price of oil, we thought it was an appropriate time to raise the oilspill liability tax on oil companies to help pay for future spills. That is why we are doing this. In this bill, we propose to raise that tax to 41 cents a barrel. That is a very modest increase, where today oil in the market is roughly \$72 a barrel.

You hear this argument—it is not even an argument. It is like Alice in Wonderland stuff. I do not know where this stuff comes from. It is Alice in Wonderland stuff, that somehow we

should not do this because it is double counting or something like that. The money that is raised from the oilspill liability tax goes to the Oil Spill Liability Trust Fund. And our Federal Government has a cash flow system of accounting, so by definition we will start to lower the budget deficit. That is not double counting. That is just the way it works.

It sounds as though the Senator from Louisiana either does not want to lower the budget deficit or he does not want to increase the tax on oil companies from 8 cents a barrel, which is so small. The fact is, what he is doing is saying this: He is saying that the Budget Office, for budget purposes, cannot count the oilspill liability tax to reduce the budget deficit. So, in effect, what he is saying is, there is no oilspill liability tax. What he is saying is the taxpayers should pay for the cleanup, not the oil companies. That is basically what he is saying. He is basically saying—by putting the kibosh on the Oil Spill Liability Trust Fund and the revenue coming from it—that he wants to protect the oil companies, protect the oil companies from any increase in the taxes from 8 cents a barrel up to 41 cents a barrel and, rather, have the taxpayers pay for the cleanup, not the oil companies that would pay the increase in the oilspill liability tax but the taxpayers.

I do not think that is what the vast majority of Americans wish to see. I think that is over the top and I, therefore, urge my colleagues to roundly defeat the amendment from the Senator from Louisiana who, in effect, does not want the oilspill liability tax increased and, in effect, is saying, taxpayers, pay for the cleanup, not the oil companies.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes 43 seconds—all on this amendment.

Mr. VITTER. Mr. President, it is a little difficult to know where to start, since my good friend and colleague has said so many things that are flat out wrong.

No. 1, my amendment does not prevent the tax increase. That is absolutely and perfectly clear. Let me say it again. My amendment does not block and does not prevent the tax increase.

No. 2, my amendment does do two things. It says that any money in the Oil Spill Liability Trust Fund can only be used for oilspill cleanup and, secondly, that it cannot be used to offset other spending. That is exactly what is going on in this bill.

My colleague knows that the \$15 billion created by this tax increase is used as an offset in this bill. It masks spending in this bill of \$15 billion. If it were

not for that money, the "score" of this bill would be \$15 billion higher. It would go from \$79 billion to \$94 billion.

What I am saying is simple. We should not be grabbing, stealing that oilspill liability money to mask other spending, to double count it, to essentially steal it from the trust fund.

Again, my amendment does not prohibit the tax increase. By the way, if my colleague thinks the oil companies are paying that tax, not the consumer, I do not think he understands how the world works. But my amendment does not block that tax increase. It simply says money in the Oil Spill Liability Trust Fund has to be used for oilspill cleanup, and it cannot be used as an offset, cannot be double counted for other spending, as it is clearly in this bill.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. VITTER. Mr. President, if everyone else is amenable, I am prepared to yield back—if everyone else is yielding back.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I believe there is a Senator who might want to speak on this amendment. We are tracking him down right now. So I suggest we do not yield back the remainder of our time.

Mr. VITTER. Then, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I want to ensure that the quorum call does not run down my time.

The PRESIDING OFFICER. The Senator would like the time divided evenly?

Mr. VITTER. Yes, that would be my request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered, on this amendment.

Mr. VITTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I ask unanimous consent that all time on all amendments be yielded back. I believe that is amenable to everyone.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.  
The Senator from Louisiana.

VOTE ON AMENDMENT NO. 4318

Mr. VITTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the Sanders amendment No. 4318.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Florida (Mr. LEMIEUX) and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 61, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—35

Boxer	Harkin	Nelson (FL)
Brown (OH)	Kaufman	Reed
Burr	Klobuchar	Reid
Cantwell	Kohl	Rockefeller
Cardin	Lautenberg	Sanders
Carper	Leahy	Schumer
Casey	Levin	Shaheen
Durbin	McCaskill	Specter
Feingold	Menendez	Stabenow
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murray	

NAYS—61

Akaka	Crapo	Lugar
Alexander	DeMint	McCa
Barrasso	Dodd	McConnell
Baucus	Dorgan	Murkowski
Bayh	Ensign	Nelson (NE)
Begich	Enzi	Pryor
Bennet	Graham	Risch
Bennett	Grassley	Sessions
Bingaman	Gregg	Shelby
Bond	Hagan	Snowe
Brown (MA)	Hatch	Tester
Brownback	Hutchison	Thune
Bunning	Inhofe	Udall (CO)
Burr	Inouye	Udall (NM)
Chambliss	Isakson	Vitter
Coburn	Johanns	Voinovich
Cochran	Kerry	Warner
Collins	Kyl	Webb
Conrad	Landrieu	Wicker
Corker	Lieberman	
Cornyn	Lincoln	

NOT VOTING—4

Byrd	LeMieux
Johnson	Roberts

The PRESIDING OFFICER. On this vote, the yeas are 35, the nays are 61. Under the previous order, requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

Mr. SPECTER. Madam President, I voted for the Sanders amendment on tax incentives for oil and natural gas production to H.R. 4213, the Tax Extenders Act.

Pennsylvania is in the midst of a historic boom in natural gas production from the Marcellus Shale formation. This industry is on track to create

hundreds of thousands of jobs in the Commonwealth, and billions of dollars in revenue, both of which are badly needed in my home State. But the development of one natural resource must proceed with the utmost care for two others: water and land. I know that the natural gas industry desires to maintain the tax incentives which would be removed by the Sanders amendment. President Obama has also proposed removing these tax incentives in his fiscal year 2011 budget proposal. However, I cannot support further incentives for natural gas until that industry agrees to full public disclosure of the chemical composition of its hydraulic fracturing fluids, which are used to break apart the shale deep underground and initiate the gas flow. There is placeholder language to this effect in the discussion draft of the Kerry-Lieberman American Power Act, and I hope that natural gas companies large and small will support these provisions as the bill, or another energy bill, moves forward into law. There are many issues that the natural gas industry must cooperate with the Commonwealth of Pennsylvania on, including hydraulic fracturing disclosure, wastewater recycling, responsible well development, and a severance tax. My support for incentives for natural gas will remain contingent on that industry demonstrating its commitment to developing the Marcellus Shale in a manner that all Pennsylvanians will look back on, generations from now, with pride.

Mr. GRASSLEY. Madam President, I opposed the amendment of my friend from Vermont. Although I understand his frustration and his intentions, I could not agree with the effects of the amendment. Over the years, as chairman and ranking member of the Finance Committee, I have supported policy reforms in taxation of oil and gas income. Many times, the major oil firms have registered their objections. Also, in the area of corporate taxation, I pushed hard to curtail a practice that oil firms used to erode the U.S. tax base. That practice, known as corporate inversions, was curtailed in the 2004 FSC-ETI legislation.

I re-doubled my efforts to make the reform applicable to four oil service firms but was rebuffed by the House of Representatives' leadership in the years 2004–2007.

Chairman BAUCUS and I have been careful to not impair tax incentives for independent, smaller producer oil and gas production. We have differentiated the availability of these incentives for smaller producers and made clear that major oil and gas producers did not receive many of these incentives.

The amendment of my friend from Vermont blurs that line and would adversely affect domestic production. We need to ensure an adequate supply of domestic oil and gas to keep the price

at the pump down. Together with incentives for alternative fuels, line ethanol and biodiesel, and conservation, these small producer incentives with hopefully reduce our reliance on imported oil. Chairman BAUCUS joins me in this view.

For these reasons, I opposed the amendment of my friend from Vermont.

Mr. CONRAD. Madam President, section 302(a) of S. Con. Res. 13, the 2010 budget resolution, permits the chairman of the Senate Budget Committee to adjust the allocations of a committee or committees, aggregates, and other appropriate levels and limits in the resolution for legislation that invests in clean energy and preserves the environment, including legislation that encourages conservation and efficiency. This adjustment to S. Con. Res. 13 is contingent on the legislation not increasing the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

I find that Senate amendment No. 4318, an amendment offered by Senator SANDERS to Senate amendment No. 4301, an amendment in the nature of a substitute to H.R. 4213, fulfills the conditions of the deficit-neutral reserve fund to invest in clean energy and preserve the environment. Therefore, pursuant to section 302(a), I am adjusting the aggregates in the 2010 budget resolution, as well as the allocation to the Senate Finance Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 13 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 302(a) DEFICIT-NEUTRAL RESERVE FUND TO INVEST IN CLEAN ENERGY AND PRESERVE THE ENVIRONMENT**

[In billions of dollars]

*Section 101*

(1)(A) Federal Revenues:

FY 2009 .....	1,532.579
FY 2010 .....	1,612.278
FY 2011 .....	1,942.056
FY 2012 .....	2,146.937
FY 2013 .....	2,329.824
FY 2014 .....	2,579.743

(1)(B) Change in Federal Revenues:

FY 2009 .....	0.008
FY 2010 .....	-53.708
FY 2011 .....	-146.575
FY 2012 .....	-213.456
FY 2013 .....	-185.513
FY 2014 .....	-53.915

(2) New Budget Authority:

FY 2009 .....	3,675.736
FY 2010 .....	2,907.837
FY 2011 .....	2,860.866
FY 2012 .....	2,833.668
FY 2013 .....	2,993.128
FY 2014 .....	3,206.977

(3) Budget Outlays:

FY 2009 .....	3,358.952
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*Section 101*

FY 2010 .....	3,015.541
FY 2011 .....	2,976.851
FY 2012 .....	2,879.495
FY 2013 .....	2,993.782
FY 2014 .....	3,183.027

**CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 302(a) DEFICIT-NEUTRAL RESERVE FUND TO INVEST IN CLEAN ENERGY AND PRESERVE THE ENVIRONMENT**

[In millions of dollars]

**Current Allocation to Senate Finance Committee:**

FY 2009 Budget Authority .....	1,178,757
FY 2009 Outlays .....	1,166,970
FY 2010 Budget Authority .....	1,247,336
FY 2010 Outlays .....	1,241,472
FY 2010-2014 Budget Authority .....	6,865,787
FY 2010-2014 Outlays ....	6,840,905

**Adjustments:**

FY 2009 Budget Authority .....	0
FY 2009 Outlays .....	0
FY 2010 Budget Authority .....	0
FY 2010 Outlays .....	0
FY 2010-2014 Budget Authority .....	8,000
FY 2010-2014 Outlays ....	4,830

**Revised Allocation to Senate Finance Committee:**

FY 2009 Budget Authority .....	1,178,757
FY 2009 Outlays .....	1,166,970
FY 2010 Budget Authority .....	1,247,336
FY 2010 Outlays .....	1,241,472
FY 2010-2014 Budget Authority .....	6,873,787
FY 2010-2014 Outlays ....	6,845,735

**AMENDMENT NO. 4312**

The PRESIDING OFFICER. There is 2 minutes of debate, evenly divided, prior to a vote in relation to the Vitter amendment No. 4312. Who yields time?

The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I don't see the proponent of the amendment on the Senate floor.

There he comes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, I urge support for the Vitter amendment. It does two very simple things: It says any money coming into the Oil Spill Liability Trust Fund can only be used to clean up oilspills. It also says the money cannot be used as an offset for unrelated spending, as it is in this bill. It cannot be used to mask other deficit spending or as an offset for unrelated spending.

The amendment specifically does not negate or block the tax increase of funds into the Oil Spill Liability Trust Fund.

I reserve the reminder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, this amendment is sheer sophistry. The effect of his amendment will say that not oil companies but the taxpayers will pay for cleanups.

The effect of this amendment would mean no increase in oilspill liability tax from 8 cents a barrel today up to 41 cents. If there is no increase in the spill liability tax, oil companies aren't going to pay for future cleanups, the taxpayers will. He has this—I said “sophistry.” So it is a sophistry kind of argument. It is fog and double counting and bead counting. That is not what is going on here.

The bottom line is this amendment has the effect of taxpayers paying for the cleanup, not the oil companies. This will effectively repeal the increase up to 41 cents per barrel. I urge Senators to not support this amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, how much time remains?

The PRESIDING OFFICER. There is 21 seconds remaining.

Mr. VITTER. My good friend and colleague's argument is not sophistry, it is just statements that are not true. This amendment does not block the tax increase, period. It does not. It simply says the money has to be used to clean up oil spills, and it cannot be used as an offset for other spending. Please support this amendment.

The PRESIDING OFFICER. The time has expired on the amendment.

Mr. VITTER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN, I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Florida (Mr. LEMIEUX) and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 188 Leg.]

**YEAS—48**

Alexander	Cornyn	Kyl
Barrasso	Crapo	Landrieu
Begich	DeMint	Lieberman
Bennett	Dorgan	Lugar
Bond	Ensign	McCain
Brown (MA)	Enzi	McConnell
Brownback	Graham	Merkley
Bunning	Grassley	Murkowski
Burr	Gregg	Nelson (NE)
Chambliss	Hagan	Nelson (FL)
Coburn	Hatch	Risch
Cochran	Hutchison	Sessions
Collins	Inhofe	
Conrad	Isakson	
Corker	Johanns	

Shelby  
Snowe

Thune  
Vitter

Voinovich  
Wicker

# NAYS—49

Akaka  
Baucus  
Bayh  
Bennet  
Bingaman  
Boxer  
Brown (OH)  
Burris  
Cantwell  
Cardin  
Carper  
Casey  
Dodd  
Durbin  
Feingold  
Feinstein  
Franken

Gillibrand  
Harkin  
Inouye  
Johnson  
Kaufman  
Kerry  
Klobuchar  
Kohl  
Lautenberg  
Leahy  
Levin  
Lincoln  
McCaskill  
Menendez  
Mikulski  
Murray  
Pryor

Reed  
Reid  
Rockefeller  
Sanders  
Schumer  
Shaheen  
Specter  
Stabenow  
Tester  
Udall (CO)  
Udall (NM)  
Warner  
Webb  
Whitehouse  
Wyden

# NOT VOTING—3

Byrd

LeMieux

Roberts

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 49. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

# VOTE EXPLANATION

Mr. SPECTER. Madam President, I voted against the Vitter amendment on the Oil Spill Liability Trust Fund to H.R. 4213, the Tax Extenders Act, because no matter what the size of the trust fund, the party responsible for an oil spill must pay all costs of its cleanup, and is also responsible for economic damages caused by the spill. This amendment will not reduce in any way the available resources for combating the spill in the gulf, or any other future spill. The moneys in the Oil Spill Liability Trust Fund may be used to advance cleanup costs but that does not relieve British Petroleum as the primarily liable party for paying the full costs of the gulf spill cleanup which will reimburse the trust fund for any funds expended.

# AMENDMENT NO. 4311

The PRESIDING OFFICER. There will now be 2 minutes evenly divided prior to a vote in relation to the Franken amendment No. 4311.

Who yields time?

The Senator from Minnesota.

Mr. FRANKEN. Madam President, let me tell you about this amendment. It comes from me and Senator SNOWE, and it would create the Office of the Homeowner Advocate within HAMP. It is needed because people don't really have an advocate within HAMP. They get their questions answered from servicers who often make mistakes, and people have been losing their homes simply because of mistakes.

The White House called this one of the 10 best amendments for the Wall Street reform bill. It didn't get a vote then. It costs nothing. No new money. It costs absolutely nothing. Senator VITTER weighed in and made it better by having me put in something about people who can afford their mortgage can't participate in HAMP, and it removes language that would delay foreclosures.

I urge all my colleagues to vote—that was telling me I was out of time?

The PRESIDING OFFICER. Order in the Chamber.

Mr. FRANKEN. Oh, it was order in the Chamber.

In that case, I will also say that it will make data public. Also, Senator VITTER and Senator SHELBY weighed in on this and made it better. So it is safe for Members on both sides of the aisle to vote for this.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FRANKEN. Thank you.

The PRESIDING OFFICER. Who yields time in opposition.

Mr. SHELBY. I yield back time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from West Virginia (Mr. BYRD) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Florida (Mr. LEMIEUX) and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER (Mr. UDALL of Colorado). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 33, as follows:

# [Rollcall Vote No. 189 Leg.]

# YEAS—63

Akaka	Gillibrand	Murkowski
Baucus	Graham	Murray
Bayh	Grassley	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Brown (MA)	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burr	Kerry	Schumer
Burris	Klobuchar	Shaheen
Cantwell	Kohl	Snowe
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Vitter
Durbin	McCaskill	Warner
Feingold	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

# NAYS—33

Alexander	Cornyn	Kyl
Barrasso	Crapo	Lugar
Bennett	DeMint	McCa
Bond	Ensign	McConnell
Brownback	Enzi	Nelson (NE)
Bunning	Gregg	Risch
Chambliss	Hatch	Sessions
Coburn	Hutchison	Shelby
Cochran	Inhofe	Thune
Conrad	Isakson	Voinovich
Corker	Johanns	Wicker

# NOT VOTING—4

Boxer  
Byrd

LeMieux  
Roberts

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 33.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak 9 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

# NOMINATION OF ELENA KAGAN

Mr. GRASSLEY. Mr. President, I wish to address my colleagues about the upcoming judiciary hearing and the nomination of Solicitor Kagan to the Supreme Court. I have always been of the opinion that the Senate needs to conduct a comprehensive and careful review of Supreme Court nominees. It is important that the nominee be given a fair, respectful, and also deliberative process. This is a lifetime appointment to the highest Court in the land, so it is our duty to ensure that the Supreme Court of the United States candidate understands the proper role of the Supreme Court in our system of government, and would be true to the Constitution and the laws as written. We need to be certain that the nominee will not come with an agenda to impose his or her personal political feelings and preferences on the bench.

The Senate needs enough time to adequately review the nominee's record to make these determinations. But because Solicitor Kagan does not have the usual background of being a judge on the Federal or State bench, we have no concrete examples of her judicial philosophy in action. It is critical that we understand whether she has a proper judicial philosophy because Solicitor Kagan is being considered for the Supreme Court. So it is even more important for us to look at her entire record and to give particular weight to her statements and writings as well as the positions she has taken over the years.

In order for the Senate to fulfill its constitutional responsibility of advise and consent, we must get all of her documents from the Clinton Library and have enough time to analyze them so we can determine whether she should be a Justice. I share the concerns of the Judiciary Committee ranking member, Senator SESSIONS, that Solicitor Kagan's documents will not be fully produced in time for the committee to conduct a thorough review of the nominee's record.

I hope we will receive these materials in time before the Judiciary Committee holds the Kagan hearings. From the materials and documents that we received so far, and which the committee is still reviewing, Solicitor Kagan's record clearly shows she is a political lawyer. In fact, a recent Washington Post article said her papers in the Clinton Library "show a

flair for the political," and that she had "finely tuned . . . political antennae."

Solicitor Kagan was involved in a number of hot-button issues during President Clinton's second term, including gun rights, welfare reform, partial-birth abortion, and Whitewater. The documents we received from the Clinton Library show that Ms. Kagan promoted liberal positions and offered analyses and recommendations that often were more political than legal in nature.

Solicitor Kagan's memos from the Marshall papers also indicate a liberal and seemingly outcome-based approach to her legal analysis. So I look forward to asking Solicitor Kagan about her record and her judicial philosophy. But a judge needs to be an independent arbiter, not an advocate or a rubberstamp for a political agenda. We already know that Solicitor Kagan has held far left political views from a young age. She has been a long-time political lawyer, and she is a personal friend of the President.

As Solicitor General, she has been a prominent member of the Obama administration's team. As a nominee to the Supreme Court, Solicitor Kagan has the burden of showing that despite her record as a political lawyer, rather than as a sitting judge or practitioner, if she is confirmed she will apply the law impartially and not as a member of someone's team who is working to achieve their preferred political result.

Moreover, President Obama's standard for picking judicial nominees is one that places a premium on a judge's empathy for certain individuals or groups rather than on an even-handed reading of the law. As a Senator, President Obama lauded judicial nominees who would decide cases based on "one's deepest values, one's core concerns, one's broader perspectives on how the world works, and the depth and breadth of one's empathy."

As a Presidential candidate, President Obama said he would appoint judges who have empathy for certain groups. As President he said his judges would have "a keen understanding of how the law affects the daily lives of the American people."

The Obama "empathy" standard concerns me greatly because the inference is that an empathetic judge will pick winners and losers based on his or her personal preferences rather than the law blindly picking winners and losers.

When President Obama nominated Solicitor Kagan to the Supreme Court, Vice President BIDEN's chief of staff, who was involved in vetting the Supreme Court of the United States candidates, assured liberals they had nothing to worry about from her selection. In fact, he said Solicitor Kagan was "clearly a legal progressive." Thus, it is safe to assume that the President was true to his promise and picked

someone who embodied his empathy standard.

Because Solicitor Kagan does not have one of the best indicators of a Supreme Court nominee's judicial philosophy; that is, a judicial record on a State or Federal bench, then I believe she should be very forthcoming with the Judiciary Committee's inquiries into her judicial philosophy.

In fact, Ms. Kagan herself advocated that a nominee should respond to specific inquiries into the nominee's judicial philosophy and positions on constitutional issues.

Solicitor Kagan wrote in her University of Chicago Law Review article, "Confirmation Messes, Old and New:"

The kind of inquiry that would contribute most to understanding and evaluating a nomination is . . . discussion first, of the nominee's broad judicial philosophy and, second, of her views on particular constitutional issues. By "judicial philosophy" . . . I mean such things as the judge's understanding of the role of courts in our society, of the nature of and values embodied in our Constitution, and of the proper tools and techniques of interpretation, both constitutional and statutory.

She also wrote that a nominee could comment on "hypothetical cases" and on general issues such as "affirmative action or abortion," or "privacy rights, free speech, race and gender discrimination, and so forth."

Given the fact that Solicitor Kagan has been nominated to a lifetime position on the Nation's highest Court, the Senate must determine that if confirmed, she will interpret the Constitution with judicial restraint and without imposing her personal political policy preferences and biases.

The Senate must determine by examining the totality of her record that if confirmed, she would not be a rubberstamp for the President's political agenda. We will have to see whether Ms. Kagan will live up to her own standard for Supreme Court nominees and whether she will be as forthcoming as she argued Supreme Court of the United States nominees should be in the Senate confirmation process.

So I am going to be pursuing this for my people of Iowa because they are very concerned. I am getting a lot of phone calls both for and against her that have to be taken into consideration.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### INTERCHANGE FEES

Mr. DURBIN. Mr. President, a few weeks ago we considered a Wall Street reform bill which tried to address some of the underlying problems in our economy which led to the recession. It was an ambitious undertaking. The Senate Banking Committee, under Chairman DODD, led us through a very difficult and lengthy debate over the bill.

Part of the debate included an amendment which I offered relative to what is known as an interchange fee. An interchange fee is the amount of money charged to a business when a customer presents a credit card. So if I go to a restaurant in Chicago and pay for the bill with a credit card, the restaurant is going to have to pay a percentage of my bill to the credit card company or at least to the issuing bank of the credit card. And then I, of course, have to pay the bill when it comes in the mail.

This so-called interchange fee—the charge by the credit card company to the business I am patronizing—is a fee that turns out to be very large and expensive. Nearly \$50 billion in credit and debit card interchange fees is collected each year, primarily by the largest credit card companies and by the largest banks that issue those credit cards. This is virtually unregulated. There is no regulation as to the amount charged or collected from these businesses. Visa and MasterCard, which dominate the credit and debit card industries, establish the interchange rates that all merchants and, by extension, their customers pay to banks whenever a card is swiped. So if the restaurant I went to is charged 1 percent, 2 percent, or 3 percent because I presented a Visa card or a MasterCard, that is going to be reflected in the bill I pay. It certainly is going to come off of any profit margin the restaurant might realize as a result of my patronizing it.

Already more than half of the retail transactions in America are conducted by debit and credit cards. Every time someone uses a credit or debit card to make a donation to a charity, Visa and MasterCard require an interchange fee to be paid. There have been exceptions where they have said they will suspend the fees, but by and large, if one makes a donation to the charity of their choice using their credit or debit card, part of the money they think they donated is going to end up in the hands of these credit card companies.

According to a January 14 analysis by the Huffington Post, banks and card companies make an estimated \$250 million a year from their interchange or swipe fees on charitable donations. In other words, it turns out that Visa and MasterCard are declaring themselves part of this charitable contribution and taking millions of dollars out of it. I would like to see more of that money

go to the charitable purposes for which people donate their money.

The Huffington Post noted that charities such as Habitat for Humanity pay about 2.15 percent of their donation in card fees. St. Jude's Children's Research Hospital, well known and well respected, pays about 2.5 percent in card fees. Is it really necessary for Visa and MasterCard and the big banks to take a cut out of every charitable donation? We are not talking about the cost of the transaction. I will concede the fact that the regular proportional cost of a transaction of using the card is certainly fair for Visa and MasterCard to charge, but they raise that dramatically. There is no way that Visa and MasterCard could justify 2.5 percent if I use my debit card to try to make a donation to St. Jude's Children's Research Hospital. They are literally gaming the system and profit-taking from charities.

In the wake of the devastating earthquake in Haiti in January, Visa, MasterCard, and their member banks voluntarily suspended the collection of interchange fees for some charitable donations for earthquake relief. It seems these companies can survive without charging these fees for charitable donations. They have done it. One bank, Capital One, has decided not to collect interchange on donations made to charity by their cards. I salute them. It is the right thing to do. Why aren't they all taking this position? Why don't they exempt charitable institutions from these issuing bank and credit card fees? I wish other banks were as reasonable when it came to interchange fees and charitable causes as Capital One.

There is another group—universities. They pay a heavy cost in interchange fees. They lose a fortune in interchange when people use cards to pay for things such as tuition and housing.

After my amendment passed the Senate, I received a letter from the American Council on Education and eight other major university associations thanking me. The letter said:

As a result of your amendment, we believe that colleges and universities will see reduced debit card costs which they will be able to pass on to students and their families through lower costs as well as increased resources for institutional grant aid and student services.

The reach of credit cards is unlimited in our economy. So are the greedy hands of the credit card companies and their issuing banks when it comes to these interchange fees. When I said in this amendment that we really want those fees to reflect the reasonable and proportional cost of processing the transaction, they screamed bloody murder because there is a lot of money being made—some \$50 billion across the economy from these fees. Wouldn't it be great if we could enable colleges and universities to lower the cost students

have to pay and put more resources into financial aid?

The letter also said that under my amendment, "colleges and universities will be able to offer discounts to students and their families for payments made with checks and debit cards." That is another thing they don't like to talk about. These two major credit card giants, Visa and MasterCard, really have a sweet deal. They basically coordinate their policies. It is as if Coke and Pepsi reached an agreement and said to your local store: Don't you dare offer that other product at a discount. That is virtually what has happened with Visa and MasterCard. They tell the stores: You can't give any better treatment; you can't say this is a Visa store or a MasterCard store. No way. You have to say we accept all credit cards from these issuing agencies. And basically, you can't limit it to debit cards, limit it to check cards, give a discount, limit the amount in terms of the dollar amount you can charge on these cards.

I also want to say that governments are paying these credit card companies a lot as well. Think of all the ways in which people conduct transactions with Federal, State, and local governments. Every time somebody uses a card to pay for a driver's license or a parking sticker or a ride on public transit or to pay a ticket or to obtain a permit, there is an interchange fee. The city of Chicago paid \$7.5 million in interchange fees last year. The Chicago Transit Authority paid \$1.8 million per year in interchange fees. The Illinois Tollway paid \$11.6 million in interchange fees last year. In most cases, the government agencies have no bargaining power when it comes to the amount of the interchange fee. Every dollar spent on these fees is a dollar that could have been spent on jobs and services and a dollar that could have been spared from the taxpayer.

The American Association of Motor Vehicle Administrators represents DMVs across the country. They accept cards for payment of things such as driver's licenses, car registrations, and license plates. They wrote a letter. They said:

State motor vehicle agencies and other state agencies are experiencing unprecedented financial strain today, as we seek to control costs where possible. . . . While our customers certainly appreciate the convenience of electronic transactions, few understand that the costs of accepting credit and debit card payments for motor vehicle agencies are higher today than ever before, and that these fees compound the current budget crisis that many states face.

The cost of interchange fees affects every local government, every State, every Indian tribe, and even the Federal Government. Right now, even the Federal Government is as helpless as any small business when it comes to trying to reduce their interchange costs.

The amendment which I offered, which was adopted on the floor of the Senate by a vote of 64 to 33, requires debit interchange fees to be kept at a reasonable level, and it allows sellers to offer discounts to consumers without threat of punishment from Visa and MasterCard. The amendment was adopted in a broadly bipartisan vote, as 17 of my Republican colleagues joined me in passing it. The amendment is going to help American families, each of whom pays an estimated \$427 a year to subsidize the credit card companies and the banks issuing these cards.

Lobbyists for the financial industry have thrown the kitchen sink at my amendment in an effort to keep the \$50 billion interchange fee system completely unregulated. Imagine, here is DURBIN's amendment getting into \$50 billion worth of profit-taking these credit card companies and their banks, the biggest banks, are engaged in.

Incredibly, the card companies and banks have even argued that they need to preserve the \$50 billion interchange system in order to protect consumers. Give me a break. On the issue of consumers, they have no shame. Do my colleagues recall that we passed a credit card reform bill and the credit card companies said: We will need 6 months to really get all this stuff together, all these changes. Give us a little time.

Remember what happened in that 6-month period? Every time you would go to pick up the mail and there was something from the credit card company, you would open it and they would announce they were raising interest rates. So they ran the rates up as high as they could before the Credit Card Reform Act went into effect.

When have Visa and MasterCard and the big banks ever stood up for consumers? Didn't we just see them fall all over themselves to gouge cardholders before this last credit card act went into effect? Where do the banks and card companies think their \$50 billion in interchange fees comes from? It comes from consumers who subsidize the interchange system by paying higher retail prices. It is a massive hidden transfer of wealth from consumers to big banks.

The amendment represents one of the big wins for small businesses and consumers in years. It will help small businesses grow and create jobs.

Don't let the Wall Street lobbyists fool you. They will say anything to protect their big bank profits.

I have received some letters from Illinois small businesses supporting my interchange reform. From James Phillip, Jr., owner of Phillip's Flower Shops in Westmont, IL:

As an 87-year old family business, over one-third of our customer purchases are paid by credit and debit cards; yet we found that over the years our cost of clearing credit cards and complying with their rules has increased faster than the total amount

cleared—to the point that it is now extremely burdensome on the independent retailer. . . . I am writing to voice my support for legislation that would make credit card fees and rules for merchants more reasonable and competitive.

Mr. President, whether it is Colorado or Illinois, if we are coming out of this recession, it will be because small businesses are on the move, expanding their employment, expanding their efforts, expanding their businesses. This is a drag on small business.

From Robert Jones, president of the American Sale patio store in Tinley Park, IL:

I am a small businessman in Illinois. I want to thank and encourage you to push for credit card and debit card interchange reform. Being a small business we have absolutely no choice and no power to negotiate with the big credit card companies over their fees. They basically tell us “take it or leave it.” Since the vast majority of our customers now pay with credit cards due to all the points and perks they are getting for doing so, we have no alternative. They essentially have a monopoly on taking payments from our customers. I applaud your amendment to level this playing field.

From George LeDonne, owner of LeDonne Hardware in Berkeley, IL:

As the owner of a hardware store in Berkeley, IL, I am directly affected by these fees. Small businesses are closing every day as it becomes more of a struggle to stay profitable. Your help in recognizing and acting on this is appreciated.

Russ Peters, owner of Mobile Print, Inc., a printing company in Mount Prospect, IL:

I wish you to know I definitely support this reform. Credit cards are ubiquitous in today's marketplace and these common sense reforms will benefit a small business like mine.

Jim Dames, he owns the Snackers Cafe in Western Springs:

Please help small businesses, I can't fight the credit card companies alone.

And here is an old friend of mine, George Preckwinkle, president of Bishop Hardware and Supply. He has 10 locations in central Illinois. I have known George for 40 years. He wrote me a letter. And George is not of the same political faith that I am, so I accept this as being a genuine statement, not partial in any way. George writes:

It is very important to business, especially smaller business, to solve the problems retailers are having with exorbitant fees and contractual restrictions imposed by Visa and MasterCard. Senator DURBIN's amendment would be a huge help.

I cannot tell you how great it is to hear from my friend George, who probably has never voted for me but just sent me the nicest note about this effort.

I could go on with a long list, but I will not. But I will just tell you this: The information we are receiving is very clear. Whether the business is small or large, whether it is a private entity or a public entity, such as the city of Chicago, the city of Springfield,

IL, whether we are talking about universities that are trying to keep their costs down for students, whether we are talking about charities that literally are trying to raise enough money to do the good things that need to be done in our country and in our world, the credit card companies are always there with their hand out and their demands for these fees. For years, there has been virtually no competition. These small businesses do not have a fighting chance against these credit card companies.

Well, I can tell you, I have roused a sleeping giant, if it was ever asleep, in the giant credit card companies in what they are trying to do on Capitol Hill. They are smothering this place with lobbyists who are calling, and they realize they have almost no credibility whatsoever, so they are finding surrogates.

The latest group, which really saddens me, is the credit unions. Historically, I have always voted with the credit unions. I have thought they virtually represent the right way to loan money, and they get special treatment because of that approach. Their idea, of course, is they collect the money from their members in their savings, and they loan it out so that their members can buy cars and other things that are necessary. They keep their costs low because they are nonprofit. We do not tax them, so we give them special treatment. But they also issue credit cards, so we exempted them from my amendment. Virtually every credit union in America, but for three, is exempt. We put a \$10 billion threshold for any financial institution that would be affected by it. That eliminates almost 8,000 credit unions. Only three would be covered. They are huge. Yet the credit unions are roaming all over Capitol Hill saying the Durbin amendment is the end of the world.

Here is their logic: If we end up reducing the interchange fee on debit cards in the biggest banks, then Visa and MasterCard have said to the smaller banks and credit unions: We are going to reduce your interchange fee too. And they say they have to do that because they just cannot separate all these different banks and credit cards. Well, that is just a bunch of baloney, if I can say that on the floor of the Senate—and I just did—because Visa has 122 different categories of interchange fees today; MasterCard, over 100. So the argument that they cannot separate the little banks from the big banks—get out of here.

Secondly, they have the power today to lower interchange fees unilaterally. They can just call and say to these credit unions and community banks: We are going to lower the interchange fee that is being paid to you. They can do it, and these banks have no recourse whatsoever. If the banks and credit unions think that is an unfair propo-

sition, then they are standing in the shoes of small business—in exactly the same position.

These Visa and MasterCard credit card companies have reached the point where they have so much power and virtually no competition, that it was confirmed last week in a hearing of the Senate Judiciary Committee that they are currently being investigated by the Antitrust Division at the U.S. Department of Justice. No details were provided in terms of this investigation, but the person who spoke for the Department of Justice confirmed that fact. They have reached the point where they virtually have no competition. They can impose whatever they want.

Let me make one last point about that. If Visa and MasterCard make their money because more people own credit cards and more banks issue credit cards, does it make sense that they would create an environment where credit unions and smaller banks would not want to issue credit cards? Of course not. The profitability of Visa and MasterCard is when more people are using credit cards, more banks are issuing credit cards. So if they are going to make it more difficult for banks and credit unions to issue credit cards, they are really cutting off their nose to spite their face, and I think that is pretty obvious.

But it is interesting to me how fearful credit unions are of Visa and MasterCard. They are literally shivering in their boots. They do not understand that they are the victims as much as the small businesses are of these powerful credit card companies. I wish for once they would step back and take a look and not just automatically sign up whenever the largest banks in America say jump. It just should not be that the commercial banks, the community banks, the credit unions are doing this, and it really is a vast departure from where they have been historically.

So at this point, the bill is now in conference committee, and I know Senator DODD and Chairman BARNEY FRANK of the House Banking Committee are working hard to try to enact this bill. I know the strong bipartisan vote in the Senate is an indication of how we feel about it. I hope our friends in the House, though they do not have that provision in their bill, will consider making this part of the conference committee report.

It will be a positive day for us in America when the message is finally delivered to the credit card companies that they can no longer have this dictatorial grip over small businesses and the issuing banks they have today.

I hope we can see, in the next 2 weeks, a bill coming forward on Wall Street reform with many important provisions. This is one that is certainly important to me personally and I think

will be a way for us to help small businesses increase jobs and help this economy come out of this recession. I hope we can do that soon.

Mr. President, I see another colleague on the floor, and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. First of all, Mr. President, let me thank the distinguished assistant majority leader for his continuing work on this issue. It protects small businesses and consumers from gouging by the credit card companies and the monolithic monopoly power they bring to bear. I was pleased to vote for and support this amendment on the floor, and I wish the assistant majority leader much success in the conference committee to get that in the final bill.

Mr. DURBIN. I thank the Senator.

Mr. WHITEHOUSE. Mr. President, I rise today to speak about the Foreign Manufacturers Legal Accountability Act, which I have filed as amendment No. 4324 to the package currently under consideration by the Senate. This amendment would close a loophole in Federal law that allows foreign manufacturers to evade accountability when their products injure Americans here at home. It would do so by requiring foreign manufacturers to meet the same standards as domestic manufacturers. It is a simple reform. It is much needed. It will protect American industry against unfair competition or having to, in effect, subsidize dangerous foreign products. It will foster American jobs for that reason. It will keep American consumers safe, and it will help Americans who are injured make sure they get an adequate recovery for their injuries from the foreign manufacturer who caused them the harm.

What happens here in America when a foreign manufacturer is able to avoid responsibility for a defective product that causes an injury to an American? When they are able to avoid responsibility, one of two bad things happen. One or the other has to be. One is that the injured American gets no recovery. Their injury goes unredressed. They cannot find the accountable company, and they just have to suffer without compensation. The second alternative is that an American company, under the theory of joint and several liability, has to make good for the harm caused by the foreign company. It becomes a cost to the American company.

This actually came up in the hearing on the bill when an Alabama contractor explained how he had to make good on the claims of homeowners whose homes he built when, without knowing it, he had used defective Chinese wallboard in the homes and they emitted sulfur that was bad for the health of the home occupants, that corroded piping, and that caused an im-

mense amount of work that had to be redone to have his customers be satisfied customers. It became his problem when the Chinese wallboard company was nowhere to be found when their defective product caused all this harm down in Alabama. These are things that should not happen, and they are bipartisan concerns.

I want to say I am proud and grateful to have had the opportunity to work with Senator SESSIONS and Senator DURBIN to achieve these goals. Both Senator SESSIONS and Senator DURBIN were original cosponsors when I first introduced this bill on a stand-alone basis. Thirteen other bipartisan cosponsors have since signed on to that bill, and I am very grateful for all their support.

Let me describe for a few minutes the specifics of this particular amendment.

There are two legal hurdles that currently face an American harmed by one of these foreign manufacturers. As my lawyer colleagues know, someone who gets injured and brings a lawsuit must bring the responsible party into the proper court. This requires the injured party, one, to serve process on the defendant, to file the papers in the lawsuit with the defendant, and two, to establish personal jurisdiction over the defendant, consistent with the due process clause of the Constitution. No service of process, no jurisdiction, no lawsuit, no recovery, no assistance for the injured American.

The problem is that service of process on a foreign manufacturer is often extremely costly and extremely slow because it often must be done abroad rather than here in the United States. For instance, when an American seeks to serve a defendant in a country that is a signatory to what is called the Hague Convention on the Service Abroad of Judicial and Extra Judicial Documents in Civil and Commercial Matters, the complaint must be translated into the foreign language, transmitted to the central authority in the foreign country, and then delivered according to the rules of service in the home country of the defendant, which may not be hospitable to foreign litigants. Even more complex procedural hurdles face an American seeking to serve a defendant in a country that has not signed the Hague Convention.

But let's say you get through all that expense and all that hassle and all that delay. Even when an American does serve process successfully on a foreign manufacturer, personal jurisdiction then can prove an insurmountable hurdle. This is because Supreme Court decisions interpreting the due process clause make it hard to exercise jurisdiction over foreign companies, even those whose products have injured Americans.

So something clearly needs to be done to bring the way we treat foreign manufacturers into line with the liabil-

ity and responsibility of domestic manufacturers. They should not have this advantage over our domestic industry.

This amendment provides a simple solution to both of these problems. It requires a foreign manufacturer that wants to import products into the United States for our consumers to use to register an agent in the United States who will accept service of process for cases in the United States. By designating such an agent, the manufacturer would consent to the personal jurisdiction of the courts in the State where the agent is located, and no further complicated service of process would be required. This is not dissimilar, for example, to the way a corporation from outside my home State of Rhode Island must register to transact business in our State—a requirement that exists in many States around the country. I suspect it exists in the distinguished Presiding Officer's home State of Colorado.

Finally, let me make clear to whom this applies and how. The big foreign manufacturers that ship billions of dollars of products into the United States and whose names we would all instantly recognize already can be held accountable somewhere in the United States by virtue of their having American operations or by virtue of the size of their imports. They can usually be found. And for companies such as that, complying with the new law will be as simple as designating someone in their U.S. headquarters to be that agent for service process. It will be a 5-minute task to comply with this law.

For foreign companies that have set up manufacturing operations somewhere in the United States, they will get the same treatment as domestic companies under this bill. Their domestic operation will be a location where they can be served. It is the foreign manufacturers that take advantage of our marketplace, but when their defective product injures someone and can't be found, that are the real targets of this amendment, they don't want to be held responsible anywhere.

Who are they? Well, to give a few examples, they are the ones who make the drywall I talked about, full of sulfur, that corrodes wiring and makes the residents sick. They are the companies that make cheap toys with lead paint on them that is poisonous to children or metal plumbing fittings that rupture under routine use because they are so shoddy or those that contaminate medical supplies that are sold into the United States with unthinkable chemicals. These companies may look perfectly legitimate when they sell their products, but when you try to find them once you have been injured by them, it is like grasping smoke. They disappear, and they avoid all accountability when their products hurt our fellow Americans.

It is these companies that this amendment will fully bring within the scope of the American legal system. It is important that we do this, because they should play by the same rules our American companies do with respect to service of process and availability for redress.

The Foreign Manufacturers Legal Accountability Act applies to major product categories including consumer goods, drugs, cosmetics, and chemicals through the Federal agencies that already regulate those product categories and through the components of the Department of Homeland Security that oversee our Nation's imports. The amendment empowers those agencies to use their expertise in these fields to set appropriate thresholds; for instance, to exempt small foreign manufacturers from having to register an agent, and allows a working period to ensure that no disruptions in imports occur during the implementation period of this amendment.

I urge my colleagues to support this amendment. I think it is important. By leveling the economic playing field, it will allow American manufacturers to compete fairly with foreign manufacturers, thereby protecting American jobs. By holding foreign manufacturers to the same standards as American manufacturers, it will protect our consumers and American businesses without raising any trade issues. It will eliminate this terrible situation of a foreign product causing an injury to an American for which that American can get no relief or a foreign company causing an injury to an American but because they can't be found, having an American company that worked on the installation of the product, that sold the product, that is for some reason jointly and severally liable for that injury having to carry the cost that belongs on the foreign manufacturer and would be their cost if only they could be found and served and brought to account in an American court. Both of those things are rankly unfair, and this is the best solution to put an end to those two injustices.

I think it is an important and a much needed fix to a quirk in our laws. We should pass it as soon as possible. I hope very much it can become a part of the legislation to which it is now a pending amendment.

I thank you very much.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that on Wednesday,

June 16, following morning business, the Senate resume consideration of the House message with respect to H.R. 4213; that there then be 5 minutes of debate equally divided and controlled between Senators BAUCUS and GRASSLEY or their designees; that upon the use or yielding back of that time, Senator MCCONNELL or his designee be recognized to make a Budget Act point of order against the Baucus motion; that once the point of order is raised, Senator BAUCUS then be recognized to waive the applicable budget point of order; that if the waiver fails, then the Baucus motion to concur with an amendment be withdrawn, and Senator BAUCUS then be recognized to move to concur in the House amendment to the Senate amendment to the bill with an amendment; provided notwithstanding the withdrawal of the previous motion, the previously agreed-upon amendments Nos. 4302, as modified, 4326, and 4311, as modified, be incorporated into the new Baucus motion to concur; that the Reid amendment No. 4344 be reoffered with the same text; that on Thursday, June 17, beginning at 10 a.m., the Senate debate the Thune substitute amendment No. 4333, to be reoffered with the same text; that the amendment be debated for 2 hours, with the time equally divided and controlled between Senators BAUCUS and THUNE or their designees; that upon the use or yielding back of time, Senator BAUCUS be recognized to raise a budget point of order against the Thune amendment; that Senator THUNE, or his designee, then be recognized to move the applicable budget point of order; that if the waiver fails, then the Thune substitute amendment be withdrawn; further, that if the waivers for either Baucus or Thune amendments succeed, the amendments remain pending; finally, that the cloture motion be withdrawn.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CONRAD. Mr. President, pursuant to section 302(a) of S. Con. Res. 13, the 2010 budget resolution, I made adjustments to the 2010 budget resolution earlier today for Senate amendment No. 4318, an amendment offered by Senator SANDERS to S.A. 4301, an amendment in the nature of a substitute to H.R. 4213.

The Senate did not adopt Senate amendment No. 4318. Consequently, I am further revising the 2010 budget resolution to reverse the adjustments previously made pursuant to section 302(a) to the aggregates and to the allocation provided to the Senate Finance Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 13 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 302(a) DEFICIT-NEUTRAL RESERVE FUND TO INVEST IN CLEAN ENERGY AND PRESERVE THE ENVIRONMENT

[In billions of dollars]

Section 101

(1)(A) Federal Revenues:

FY 2009 .....	1,532.579
FY 2010 .....	1,612.278
FY 2011 .....	1,939.131
FY 2012 .....	2,142.415
FY 2013 .....	2,325.527
FY 2014 .....	2,575.718

(1)(B) Change in Federal Revenues:

FY 2009 .....	0.008
FY 2010 .....	- 53.708
FY 2011 .....	- 149.500
FY 2012 .....	- 217.978
FY 2013 .....	- 189.810
FY 2014 .....	- 57.940

(2) New Budget Authority:

FY 2009 .....	3,675.736
FY 2010 .....	2,907.837
FY 2011 .....	2,858.866
FY 2012 .....	2,831.668
FY 2013 .....	2,991.128
FY 2014 .....	3,204.977

(3) Budget Outlays:

FY 2009 .....	3,358.952
FY 2010 .....	3,015.541
FY 2011 .....	2,976.251
FY 2012 .....	2,878.305
FY 2013 .....	2,992.352
FY 2014 .....	3,181.417

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 302(a) DEFICIT-NEUTRAL RESERVE FUND TO INVEST IN CLEAN ENERGY AND PRESERVE THE ENVIRONMENT

[In millions of dollars]

Current Allocation to Senate Finance Committee:

FY 2009 Budget Authority .....	1,178,757
FY 2009 Outlays .....	1,166,970
FY 2010 Budget Authority .....	1,247,336
FY 2010 Outlays .....	1,241,472
FY 2010-2014 Budget Authority .....	6,873,787
FY 2010-2014 Outlays ....	6,845,735

Adjustments:

FY 2009 Budget Authority .....	0
FY 2009 Outlays .....	0
FY 2010 Budget Authority .....	0
FY 2010 Outlays .....	0
FY 2010-2014 Budget Authority .....	- 8,000
FY 2010-2014 Outlays ....	- 4,830

Revised Allocation to Senate Finance Committee:

FY 2009 Budget Authority .....	1,178,757
FY 2009 Outlays .....	1,166,970
FY 2010 Budget Authority .....	1,247,336
FY 2010 Outlays .....	1,241,472
FY 2010-2014 Budget Authority .....	6,865,787
FY 2010-2014 Outlays ....	6,840,905

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECOGNIZING HELP OF SOUTHERN NEVADA

Mr. REID. Mr. President, I rise today to celebrate the 40 year anniversary of HELP of Southern Nevada, a nonprofit organization providing Nevadans with housing, emergency services, life skills and prevention—the four cornerstones for which its name is an acronym. HELP has served as a vital resource to hundreds of thousands of Nevadans, and continues to provide unwavering support to our communities.

HELP was first created out of the Junior League of Las Vegas in 1969, and called the Voluntary Action Center. They incorporated a year later, in 1970, and became one of Nevada's premier resource centers for the disadvantaged. In that year, HELP provided its services to 300 people in southern Nevada. Today, they serve 55,000 distinct clients every year.

The services HELP offers range from financial assistance with rent and transportation costs, to providing meals to families during the holidays. A focus on providing practical assistance in gaining self-sufficiency makes HELP one of southern Nevada's greatest social service providers. Its services include seven different areas of support: Community Alternative Sentencing, Holiday Programs, Nevada 2-1-1, Social Services, Weatherization, Work Opportunities Readiness Center—W.O.R.C., and the Youth Center.

To highlight a few of the great contributions of HELP of Southern Nevada, let me tell you about the Community Alternative Sentencing programs and the Youth Center. The Community Alternative Sentencing Program offers hope to individuals facing incarceration and other sanctions. In lieu of these penalties, individuals give their times and services to aiding nonprofits in community service. In addition to the productive and illuminating experience this program offers its participants, it saves taxpayers the cost of incarceration, and directly increases the capacity of nonprofits to help in the community. The HELP of southern Nevada Youth Center provides training and assistance to Southern Nevada's youth to prevent homelessness and equip young people for success. Many are matched with volunteer mentors from the community, who work help them get the most out of classes they take at the center which help them develop work and personal skills. These programs only scratch the surface of HELP's vast offerings.

It brings me great joy to see Nevadans working so hard to make meaningful and lasting influences in our community. Over the course of four decades HELP and its devoted staff and volunteers have exemplified the ideals of selflessness and public service. I know that the hundreds of thousands of individuals whose lives have been touched by the work of HELP would share in my desire to express our gratitude. Furthermore, I would like to congratulate HELP. The positive changes they have made amongst the lives of individuals and within the community are truly remarkable achievements. I am grateful and honored to recognize the 40th anniversary of HELP of Southern Nevada today.

## BIG OIL

Mr. FEINGOLD. Mr. President, the explosion on the Deepwater Horizon oil rig in the Gulf of Mexico was a tragedy for the workers killed and their families. It has also become an economic disaster for the people of the gulf coast and an unparalleled environmental disaster for our Nation. As we work to stop and clean up the spill, we also need to end the coziness between big oil and the Federal agencies that regulate the industry. That chummy relationship has shielded big oil from being held accountable for years, and it is high time we make sure that government is cracking down on, not cozying up to, the oil companies.

As I discussed a few days ago at a Judiciary Committee hearing examining liability issues related to the BP oil spill, Congress should take action right away to deter wrongdoing and encourage the kind of responsible, careful drilling we need. One way to do that is to eliminate big oil's liability cap for natural resources and economic damage caused by oil spills, such as the loss of travel and tourism revenue that businesses across the gulf are experiencing. I am a cosponsor of Senator MENENDEZ's legislation to do just that. The oil spill in the gulf has made it painfully clear that this liability cap is far too low. The existing \$75 million liability cap is less than 1 day's worth of profits for BP, which earned almost \$6 billion in profits in the first quarter of this year.

But that must be just the beginning of a comprehensive effort to change the way government approaches big oil. For far too long, the oil industry has gotten special treatment, in large part because it is one of the wealthiest, most powerful special interests in Washington. The oil and gas industry gave \$35 million in political donations in the last Presidential election cycle, and \$¼ billion in donations over the last 20 years. One of the reasons I have worked to curb the influence of money in politics for so many years is because of the undue influence of big oil.

Those donations have contributed to the oil industry's access to Congress and to the agencies that are supposed to regulate oil exploration and production. It is no coincidence that the oil industry has received unjustified tax breaks and other favorable treatment for years. That has to change, and we can start by getting rid of taxpayer-funded giveaways for the oil and gas industry, as I have proposed in my Control Spending Now Act, legislation to cut the deficit by about \$½ trillion over 10 years. Part of that bill would end a taxpayer subsidy for the processing of oil company permits. I also support efforts to repeal over \$35 billion in oil and gas tax breaks targeted by President Obama for elimination. As we seek to rein in record deficits, it is time to end these unjustified giveaways to an industry that doesn't need taxpayer support.

Congress must also make sure that regulators aren't simply acting as rubberstamps for whatever the oil industry wants. Unfortunately, too often the Federal Government ends up listening more to the powerful industries it is supposed to be regulating than to the consumers it is supposed to be protecting. Whether it is Wall Street or big oil that is calling the shots, the result is rarely good for my constituents in Wisconsin.

Another critical way to hold big oil accountable is to pass my "Use It or Lose It" legislation to ensure oil companies are diligently exploring the Federal leases they currently have, and not sitting on those leases in an effort to drive up gas prices. We should also restore the Clean Water Act, CWA, to its full strength. The CWA is the main statute used to prosecute polluters who dump oil into waters of the United States, and it is never been more important to ensure that polluters are held accountable for the damage they do to our economy and our environment.

Congress has the responsibility to look ahead and do what it takes to prevent a disaster like the one in the gulf from happening again. We have to come at this issue from all sides to make sure that BP is held accountable for the current spill, that we work to prevent future spills with proper regulations, and that we upend the culture that provides tax breaks and special treatment for big oil in the first place. Working to stop and clean up the spill in the gulf is not enough. Congress has to clean up the cozy Washington culture that favors big corporations over the needs of American people, and over the protection of our economy and our air and water.

## GUINEA

Mr. FEINGOLD. Mr. President, Guinea is a fragile, resource-rich state in West Africa that has been plagued by

political uncertainty since the death of its longtime President, Lansana Conté, in December 2008. Much of this upheaval can be attributed to the fact that the President, in his 25 long years of rule, left little room for governance reform. His autocratic legacy included abusive security forces, a collapsed economy, a divided civil society, and a squabbling opposition. As a result, there was no clear successor and no viable path forward. President Conté's commitment to democracy was cosmetic, at best, and easily trumped by his dictatorial tendencies and unwillingness to relinquish power.

As many Guinea watchers expected, the day after President Conté died, a military junta calling itself the National Council for Democracy and Development, CNDD, seized power and dissolved the constitution and legislature. Given the deteriorated state of governance and widespread impunity, the junta was initially hailed by many as a safeguard against the endemic problems of corruption, insecurity, and rampant drug trafficking—all of which contribute to the lack of legitimate governance. Furthermore, the fact that the CNDD appointed a civilian prime minister and promised to hold Presidential and legislative elections gave many Guineans hope that the country was on the verge of a legitimate political transition.

But those elections were repeatedly postponed, despite repeated claims by the junta that a transition to civilian rule would occur. As the months passed, a number of signs, including the appointment of military officers to key government posts, indicated that CNDD was in fact not planning to relinquish power and was certainly not ready—or willing—to oversee an election process.

In fact, over the next few months the CNDD sought to tighten its hold on power severely, including an attempt in September 2009 by security forces to brutally crush a peaceful, prodemocracy rally. I joined many in the international community at that time in condemning such blatant and violent repression. A U.N. Commission was sent to investigate the atrocities while the CNDD crackdown cast a dark shadow on Guinea's prospects for peace and stability.

During this period, I was pleased to see the Obama administration engage proactively to help reverse Guinea's political crisis—particularly in the aftermath of the shooting of CNDD leader Captain Dadis Camara. In those fragile moments of uncertainty, the consistent diplomacy undertaken by our senior officials played an important role. Working with key regional actors and organizations, the State Department helped to broker an important political agreement, known as the Ouagadougou Declaration, which was widely welcomed as an end to the pro-

tracted political vacuum that had existed. The signing of this agreement ushered in a transitional united government that, while imperfect, has been actively supported by the Obama administration.

Unquestionably Guinea remains on delicate ground but the upcoming Presidential elections scheduled for June 27 create an opportunity for Guinea—and our bilateral relationship—to progress forward. Undoubtedly the process will be chaotic and messy, but there is a good chance we could see this beleaguered country bounce back from decades of mismanagement. Of course, in order for Guinea to truly progress, these elections must be the beginning of serious and sustained reform—a process which must also include accountability for the abuses committed in September 2009. Elections are only one component of the democratic process, but still they are a significant one and may give the people of Guinea their long deserved chance to finally turn the page on their troubled political history.

While there are plenty of factors that could lead to another election postponement including the will of the transitional government and the capacity and efficiency of the election commission, I remain optimistic that this will not occur. Certainly there are real challenges to fostering democracy given Guinea's history, but the recent commitment from the Acting President and Chief of the Army to remain neutral and ensure the elections are free, credible, and transparent should not go without notice. I have long said that promoting and supporting democratic institutions should be a key tenet of our engagement with Africa, as institution building is essential to Africa's stability and its prosperity. In the case of Guinea—a nation that has great potential to flourish and thrive—credible elections are an important first step on the road to better governance.

#### TRIBUTE TO RON GETTELFINGER

Mr. LEVIN. Mr. President, leaders demonstrate their talent and character not when life is easy but at times of crisis. During the greatest crisis in the history of the American auto industry, that industry's workers and the communities in which they live have benefited enormously from the leadership of a quiet Kentuckian whose devotion to working families cannot be overstated.

When Ron Gettelfinger took office as president of the United Auto Workers in 2002, I do not think anyone, and certainly not Ron, foresaw the turbulence ahead. As his 8 years as president of the UAW come to a close, it is time to congratulate and thank him for exceptional leadership in tough times.

Ron navigated those rough waters guided by two lights: a clear-eyed as-

essment of what was necessary to preserve America's auto industry, and the sure knowledge that millions of families depended on its preservation.

That knowledge came from Ron's days on the assembly line at Ford's Louisville assembly plant, from his days as his plant's local president, from his service as regional president for UAW members in Indiana and Kentucky, and from his time at Solidarity House in Detroit. He is a sharp, tough-minded negotiator, but underlying his talents and skills is a real emotional bond with the workers who have depended on his leadership. That bond with his members meant that when Ron Gettelfinger asked them to make sacrifices, they knew it was not because he was taking the easy way out, but because it was necessary.

The sacrifices have been great. Ron knows this better than anybody. But he also knows that in making those sacrifices, the workers of the UAW have set the stage for a renaissance in the U.S. auto industry, one that is already taking shape in the form of increased sales, more consumer confidence, and a commitment to the clean energy technologies that will shape our transportation future.

I have been proud to stand with Ron Gettelfinger in many of his battles. Members of the United Auto Workers honor the leaders who over nearly a century of progress and challenge have guided their union. I have no doubt that for generations yet to come, those workers will honor Ron's work in guiding their union through one of the most difficult periods in its history.

#### TRIBUTE TO NINA THOMAS

Mr. LEAHY. Mr. President, today I express my sincere congratulations and best wishes to Nina Thomas on her retirement as registrar at Vermont Law School. Since 1976, Nina has served that institution with dedication and a devotion to its students. As Ms. Thomas ends her many years of exceptional service to Vermont Law School and its students, I wish her the very best as she enters this new chapter of her life. I thank her for her service, and I know her commitment over the years has helped to make the school the special, unique place it is today.

Nina Thomas is a native of Vermont, having attended grade school in the same building that is now part of the Vermont Law School campus in South Royalton, VT. In 1976 she returned to be part of a fledgling institution where her care, her counsel, and her wisdom have made a difference in the lives of many law students who have passed through her office. Her dedication helped the school grow into a successful institution for legal education that is a source of pride for Vermont and Vermonters. Her career spanned from the early days of the school's beginnings to the present, where it stands as

a national leader in environmental legal thinking and learning.

As Nina Thomas enters her retirement, I hope she will take great comfort in knowing that the mark she left at Vermont Law School will be a lasting one and that her contributions are part of the school's strong foundation. I know she will be dearly missed by faculty and staff and most especially the students to whom she has given so much.

#### TRIBUTE TO TOM HOWARD

Mr. LEAHY. Mr. President, I would like to pay tribute today to a man who has provided immeasurable leadership and dedication to the lives of young people and families around the State of Vermont, Tom Howard of East Montpelier. After 31 years as executive director, Tom will be retiring this month from the Washington County Youth Service Bureau/Boys & Girls Club.

Tom is a native Vermonter who, while growing up, lived in the Philippines, Panama, Germany, and throughout the United States. He served in the U.S. Army in Korea between 1963 and 1966, and earned a B.A. from Johnson State College in history and international relations in 1970. Tom went on to earn a master's degree in executive development in public service at Ball State University in 1974, and wrote his master's thesis on youthful offenders.

Appointed as executive director of the bureau in 1979, Tom has built the agency into a diverse organization with statewide impact. Under his leadership, the organization developed cutting-edge programs, like the Return House in Barre, VT—a program operated by the Washington County Youth Service Bureau for 18- to 22-year-old young men who are returning to the community after being incarcerated. In addition to his commitment to working with young people and youthful offenders, Tom has secured millions of dollars in Federal, State, and foundation grants to bring sustainable services and opportunities to youth.

We are fortunate in Vermont. I am always impressed by the high level of collaboration on behalf of Vermont's communities to solve its problems. Over the years, I have brought the Senate Judiciary Committee to Vermont several times for field hearings to explore community efforts to counter drug-related crime in rural America. On each occasion, I have looked to Tom for testimony about the work he and his organization have done with youthful offenders. Tom not only offers his knowledge of work going on around the State, but provides the expertise of his organization, and personal stories about the lives of the young people he works with.

As a fellow photographer, I would be remiss if I failed to note that Tom's of-

fice documents a life full of adventure. His walls depict the bureau's accomplishments—such as when he was invited to represent Vermont's 21st Century Community Learning Center Programs at a White House Ceremony hosted by President Bill Clinton. They also capture the faces of those who inspire him, like the pupils for whom he served as a teacher and counselor at the Wittlich Prison in West Germany.

I believe Tom embodies the core principles of what it takes to serve Vermont's youth, from his skill as an administrator, to his contribution as a caring person. I thank Tom for all that he does, and I commend his work to the Senate as an example to others. We are grateful for his service to Vermont's young people and families for the past 31 years. Marcelle and I wish Tom and his family all the best.

#### ADDITIONAL STATEMENTS

##### LADY SEA WARRIORS SOFTBALL TEAM

• Mr. AKAKA. Mr. President, I heartily congratulate the Lady Sea Warriors of Hawaii Pacific University for winning the 2010 NCAA Division II Softball College World Series title. The team won the title on May 31, 2010, beating Valdosta State University, 4-3, at Heritage Park in St. Joseph, MO. This is the school's first national softball title.

I wish to congratulate the team members: Chante Tesoro, Kozy Toriano, Erin Fujita, Melissa Awa, Malia Killam, Chelsea Luckey, Ashley Valine, Ciera Senas, Breanne Patton, Pomaikai Kalakau, Casey Sugihara, Maile Kim, Ashley Fernandez, Nicole Morrow, Sherise Musquiz, Laine Shikuma, Celina Garces, and Caira Pires. A special congratulations goes to Casey Sugihara, Ciera Senas, Nicole Morrow, and Sherise Musquiz for being named to the All-Tournament Team. Musquiz was also named the Most Outstanding Player of the tournament.

The team's success is shared by their coaches: head coach Bryan Nakasone and assistants Howard Okita, Roger Javillo, Jon Correles, and Richard Nomura. A special thanks and congratulations goes to the coaches whose leadership inspired the team to succeed at the highest level. The team's success reflects their hard work and determination. It is a great honor for Hawaii to be represented by such fine athletes. I wish the Lady Sea Warriors and their coaches the best in their future endeavors. •

##### RAINBOW WAHINE SOFTBALL TEAM

• Mr. AKAKA. Mr. President, I wish to congratulate the University of Hawaii Women's softball team for its record-

breaking 2010 season. The Rainbow Wahine captured the Western Athletic Conference regular season and tournament titles and won all three games in the regional tournament.

In one of the most memorable games in University of Hawaii softball history, the Rainbow Wahine defeated the top-seeded University of Alabama team at the Tuscaloosa Super Regionals and secured their first appearance in the NCAA Women's College World Series. The team set numerous school records this season including most runs scored, 488, hits, 578, and home runs, 158. Team members Melissa Gonzalez and Kelly Majam also earned the honor of being named 2010 Louisville Slugger/National Fastpitch Coaches Association All-Americans.

It is with great pleasure that I commend the Rainbow Wahine for a job well done. The team's superb season serves as a reminder that hard work and dedication can lead to success. Congratulations to team members: Kelly Majam, Jessica Iwata, Mikalemi Tagab-Cruz, Rachel Paragas, Brynne Buchanan, Tara Anguiano, Dara Pagaduan, Sarah Robinson, Stephanie Ricketts, Tasha Pagdilao, Jori Jasper, Jenna Rodriguez, Alexandra Aquirre, Kaia Parnaby, Traci Yoshikawa, Kanani Pu'u-Warren, Katie Grimes, Jocelyn Enrique, Amanda Tauali'i, Makani Duhaylonsod-Kaleimamahu, and Melissa Gonzalez.

I also wish to acknowledge the coaches for their leadership and commitment to the players: head coach Bob Coolen, associate head coach Deirdre Wisneski, assistant coach Kaulana Williams, and volunteer coach Dickie Titcomb. I wish the Rainbow Wahine all the best in their future endeavors. •

##### REMEMBERING ROBERT LITTLE EBERT

• Mr. CARDIN. Mr. President, I ask my colleagues to join me in paying tribute to Robert Little Ebert, a respected and inspiring Maryland community leader and philanthropist who passed away at age 93 on May 9, 2010.

Mr. Ebert served as Allegany County commissioner from 1962 to 1970, and he continued to dedicate himself to the progress and prosperity of the area throughout his lifetime. Mr. Ebert was especially dedicated to eradicating poverty throughout his community, and he demonstrated a consistent willingness to help people through his involvement in various philanthropic and community organizations.

Mr. Ebert was born in Parkersburg, WV in 1916, and attended Marietta College in Ohio, graduating in 1938. He later worked as a radio newscaster in the Midwest and served as an Ensign in the U.S. Navy during World War II. Following the war, Mr. Ebert moved to Cumberland, MD, to join his mother in the S.T. Little Jewelry Company, a

family business founded by his great-grandfather in 1851. Mr. Ebert eventually became president and general manager of the company, and he devoted himself to the development and success of his business's locale in downtown Cumberland.

Mr. Ebert's leadership and business acumen helped shape downtown Cumberland. He served as chairman of the Downtown Cumberland Business Association and the Downtown Development Commission. He served as chairman of the Board of the Allegany County Department of Social Services and as chairman of the Allegany County Chapter of the American Red Cross and was involved with civic organizations such as the Cumberland Cultural Foundation and the Cumberland Rotary Club.

While Mr. Ebert often wished for his charitable contributions to remain anonymous and tried to stay behind-the-scenes, his philanthropic endeavors eventually inspired him to become the founding donor of the Community Trust Foundation. The Community Trust Foundation, established in 2006, serves Maryland's Allegany and Garrett Counties as well as West Virginia's Mineral County by providing the administrative services, sophisticated investment management, professional advice, and stewardship that help communities maximize their charitable giving and investing.

The Community Trust Foundation served as a stepping stone for Mr. Ebert to establish the Elta Mae and Robert Little Ebert Family Hope Fund. The Family Hope Fund is a leader in fostering cooperation and collaboration among the area's many philanthropic organizations that work to prevent poverty. The fund has made, and will continue to make, enormous achievements thanks to Mr. Ebert's leadership and dedication.

Mr. Ebert was immensely successful professionally, and he was also a loving husband, father, grandfather, and great-grandfather. He leaves behind three daughters, five granddaughters, and four great-grandchildren as well as countless friends and admirers.

I ask my colleagues to join me in remembering the many accomplishments of Mr. Robert Little Ebert and in recognizing him as a truly inspiring community leader and humanitarian.●

#### REGENT, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I recognize a community in North Dakota celebrating its 100th anniversary. On June 24 to 27, the residents of Regent will gather to celebrate their community's history and founding.

On the peaceful prairies of southwestern North Dakota, a city of just over 200 people will be joyfully celebrating 100 years of trials, tribulations, growth, and happiness. Regent was

founded on the railroad lines in 1910. Railroad officials gave it a regal-sounding name, thinking it would become the county seat. Early in its history, Regent was billed as "The Queen City" or "The Wonder City."

My good friend and colleague, a former North Dakota State tax commissioner and current U.S. Senator, BYRON DORGAN is from this great town. Senator DORGAN has never forgotten his roots, and that has helped make him into the highly respected and dedicated public servant that he is.

Today, the Enchanted Highway has brought a larger than life size example of the community's hard work and dedication to the State. The Enchanted Highway is off of Interstate 94 and is approximately 20 miles east of Dickinson, ND. It then extends for 32 miles south to Regent. The world's largest scrap metal sculptures portray part of the countryside's wonder and beauty from "Pheasants on the Prairie" to "Deer Crossing."

The community currently has the luxury of enjoying the finer aspects of life, such as fishing, participating in community activities, or spending time with family. The community's energy can be seen with this year's centennial celebration, filled with the zest and heart of the people. Over 4 days, Regent will be enjoying a watermelon feed, all-school reunion, a dance, parade, choral performances, and many more celebratory events.

Mr. President, I ask the Senate to join me in congratulating Regent, ND, and its residents on their first 100 years and in wishing them well in the future. By honoring Regent and all the other historic small towns of North Dakota, we keep the great tradition of the pioneering frontier spirit alive for future generations. It is places such as Regent that have helped to shape this country into what it is today, which is why this community is deserving of our recognition.

Regent has a proud past and a bright future.●

#### BRADLEY, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 125th anniversary of the founding of Bradley, SD. This small town has seen more than its fair share of hardships, but with strength and hard work, the citizens consistently band together to make the town an even better place to live and work.

As the Chicago, Milwaukee, and St. Paul Railroad expanded, the company decided to build a settlement for the workers to get mail delivered. They called it Prairie Hill. Once trains began running, businesses began forming 2 miles south of the original location. With land donated from the McKinney family, Bradley was eventually formed. This small town quickly became a popular location for homesteaders and de-

veloped into the largest primary wheat market in the country. In 1891, a fire nearly destroyed the town. Only a couple of buildings and homes withstood the fire. This strong community rallied together to rebuild their town. Another fire struck in 1916, but 800 volunteers came together, using a bucket brigade to again save the town.

Bradley acquired its name through an interesting turn of events. A group of laborers and a railroad official got in a brawl early one day. W.R. Bradley was visiting the town and saved the life of the chief engineer for construction. He was honored by having the town named after him.

Like a lot of small towns formed in South Dakota at this time, Bradley started as a railroad stop but quickly became more. Bradley is a caring community of people who work together when times get tough. They will honor their historical milestone with a weekend celebration, including craft booth and a food booth, a 5K race, and a softball tournament. I wish them the best for their weekend and their future.●

#### TRIBUTE TO WILLIAM A. RICHARDS

● Mr. REED. Mr. President, today I would like to recognize the accomplishments of William A. Richards—a friend, a colleague, and a dedicated public servant. Bill is retiring this month after nearly half a century of service to the U.S. Army and the Department of Defense. I had the privilege of working with Bill as an instructor at West Point. His lengthy career, as a soldier and as a civilian, truly exemplifies the motto of the Academy—"Duty, Honor, Country."

Bill graduated from West Point in 1967 and served as an infantry officer in Vietnam and Germany. He continued his education at the Woodrow Wilson School at Princeton, receiving a master's degree in public policy. He then returned to West Point to supervise the core curriculum in American Government.

Following his return to West Point, Bill was selected for the prestigious position of speechwriter and executive assistant to NATO's Supreme Allied Commander—Europe. His exceptional work in this position resulted in his next assignment as speechwriter to Defense Secretary Caspar Weinberger. Bill held this position until his retirement in 1989, after serving for 22 years in uniform.

Bill then started a second career as a budget analyst in the office of the Under Secretary of Defense, Comptroller, at the Pentagon. His military experience and speechwriting skills enabled him to analyze and translate the complexity of the annual defense budget. After 20 years of serving our Nation in this role, Bill retires as someone who is highly respected for his knowledge, experience, and dedication.

I congratulate him on a job well done. He leaves a proud and enduring legacy of public service. I wish Bill and his wife Donna the very best in the years to come.●

#### MONROE ROTARY CLUB

● Mr. VITTER. Mr. President, today I am proud to recognize the members of the Monroe, LA, Rotary Club who have served our country honorably during war.

I would like to thank Kent Anderson, Edward Cascio, Tom Dansby, Kitty Degee, Donnie Franklin, George Hutchison, John Morris, Walt Pierron, and Barney Tucker for their courageous military service during wartime and for continued civic service in the greater Monroe area.

With the motto "Service Above Self" it is no surprise that these men would be inclined to be a member of Rotary. Their lifetime of service is exhibited not only in service to their fellow citizens during a time of war but also in continued commitment to their community.

Rotary's four-way test asks four questions of all things members think, say, and do. These questions are: Is it the truth? Is it fair to all concerned? Will it build goodwill and better friendships? Will it be beneficial to all concerned? These four simple questions have proven to be excellent guidelines for a life of service. We thank these men for serving the Monroe community with these principles. The Monroe Rotary Club has sponsored many local projects, including Boy Scouts, Girl Scouts, youth baseball, the Food Bank of Northeast Louisiana, and the Salvation Army, to name just a few.

Thus, today, I honor these veterans for their distinguished service in the U.S. armed services during wartime, and for their continued service to the State of Louisiana in the Monroe Rotary Club.●

#### MESSAGE FROM THE HOUSE

At 2:45 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5502. An act to amend the effective date of the gift card provisions of the Credit Card Accountability Responsibility and Disclosure Act of 2009.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5502. An act to amend the effective date of the gift card provisions of the Credit Card Accountability Responsibility and Disclosure Act of 2009; to the Committee on Banking, Housing, and Urban Affairs.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6217. A communication from the General Counsel of the Department of Defense, transmitting legislative proposals relative to the National Defense Authorization Bill for fiscal year 2011; to the Committee on Armed Services.

EC-6218. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to South Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC-6219. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting a legislative proposal "To Amend the Federal Water Pollution Control Act to Disestablish the National Response Unit"; to the Committee on Environment and Public Works.

EC-6220. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of Section 469 to the Section 45D New Markets Tax Credit" (Rev. Rul. 2010-16) received in the Office of the President of the Senate on June 11, 2010; to the Committee on Finance.

EC-6221. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice No. 2010-47) received in the Office of the President of the Senate on June 11, 2010; to the Committee on Finance.

EC-6222. A communication from the Office Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Final Fiscal Year 2008, Revised Preliminary Fiscal Year 2009, and Preliminary Fiscal Year 2010 Disproportionate Share Hospital Allotments and Final Fiscal Year 2008, Revised Preliminary Fiscal Year 2009, and Preliminary Fiscal Year 2010 Disproportionate Share Hospital Institutions for Mental Disease Limits" (RIN0938-AP66) received in the Office of the President of the Senate on June 10, 2010; to the Committee on Finance.

EC-6223. A communication from the Department of State, transmitting, pursuant to law, a report relative to the classified annex to the Nuclear Proliferation Assessment Statement (OSS Control No. 2010-0734); to the Committee on Foreign Relations.

EC-6224. A communication from the Department of State, transmitting, pursuant to law, a report relative to U.S. Assistance for the Government of Kenya (OSS Control No. 2010-0906); to the Committee on Foreign Relations.

EC-6225. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including, technical data, and defense services for the upgrade of the Iraqi Ministry of Defense communication systems in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6226. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including, technical data, and defense services for the delivery, integration, and maintenance of the RF5800V-HH VHF Handheld, RF-5800V-MP VHF Manpack, RF-5800H-MP HF Manpack and the RF-7800S Secure Personnel Radio for end-use by the Sudan's People's Liberation Army Special Operations Command in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6227. A communication from the Chief Executive Officer, Millennium Challenge Corporation, transmitting proposed legislation relative to the Millennium Challenge Act of 2003; to the Committee on Foreign Relations.

EC-6228. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Long Term Care Insurance Program: Eligibility Changes" (RIN3206-AL92) received in the Office of the President of the Senate on June 10, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6229. A communication from the Director, Office of Personnel Management, transmitting proposed legislation relative to permitting certain General Schedule Department of the Navy employees to earn an overtime rate that exceeds the overtime hourly rate cap that is normally applicable; to the Committee on Homeland Security and Governmental Affairs.

EC-6230. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the Semiannual Report from the Office of the Inspector General for the period from October 1, 2009, through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6231. A communication from the Director, Peace Corps, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2009, through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6232. A communication from the Chairman, Board of Governors, U.S. Postal Service, transmitting, pursuant to law, the Semiannual Report on the Audit, Investigative, and Security Activities of the U.S. Postal Service for the period of October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6233. A communication from the Director of Regulations Policy and Management, National Cemetery Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "State Cemetery Grants" (RIN2900-AM96) received in the Office of the President of the Senate on June 10, 2010; to the Committee on Veterans' Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 4275. To designate the annex building under construction for the Elbert P. Tuttle

United States Court of Appeals Building in Atlanta, Georgia, as the "John C. Godbold Federal Building".

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

S. 1508. A bill to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BARRASSO (for himself, Mr. CONRAD, Mr. CRAPO, Mr. RISCH, Mr. JOHNSON, Mr. THUNE, Ms. MURKOWSKI, Mr. BEGICH, Mr. SANDERS, Mr. TESTER, Mr. DORGAN, Mr. ENZI, and Mrs. SHAHEEN):

S. 3485. A bill to amend title 23, United States Code, to improve highway mobility in rural States for the benefit of all States; to the Committee on Environment and Public Works.

By Mr. BROWN of Ohio (for himself, Mr. SANDERS, Mr. ROCKEFELLER, Mr. SPECTER, Mr. BEGICH, Mr. FRANKEN, and Ms. MIKULSKI):

S. 3486. A bill to amend title 38, United States Code, to repeal the prohibition on collective bargaining with respect to matters and questions regarding compensation of employees of the Department of Veterans Affairs other than rates of basic pay, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. UDALL of Colorado:

S. 3487. A bill to amend the Public Utility Regulatory Policies Act of 1978 to provide electric consumers the right to access certain electric energy information, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 3488. A bill to amend the Wild and Scenic Rivers Act to make technical corrections to the segment designations for the Chetco River, Oregon; to the Committee on Energy and Natural Resources.

By Mr. VITTER (for himself and Mr. WICKER):

S. 3489. A bill to terminate the moratorium on deepwater drilling issued by the Secretary of the Interior; to the Committee on Energy and Natural Resources.

By Mr. WARNER (for himself and Mr. WICKER):

S. 3490. A bill to clarify the rights and responsibilities of Federal entities in the spectrum relocation process, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUE:

S. 3491. A bill to amend title XVIII of the Social Security Act to provide for patient protection by establishing safe nurse staffing levels at certain Medicare providers, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3492. A bill to amend the Outer Continental Shelf Lands Act to require the drilling of emergency relief wells, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER (for himself, Ms. STABENOW, and Mr. MENENDEZ):

S. 3493. A bill to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND (for herself and Mr. KOHL):

S. 3494. A bill to prevent mail, telemarketing, and Internet fraud targeting seniors in the United States, to promote efforts to increase public awareness of the enormous impact that mail, telemarketing, and Internet fraud have on seniors, to educate the public, seniors, their families, and their caregivers about how to identify and combat fraudulent activity, and for other purposes; to the Committee on the Judiciary.

By Mr. DORGAN (for himself and Mr. MERKLEY):

S. 3495. A bill to promote the deployment of plug-in electric drive vehicles, and for other purposes; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BENNET (for himself, Mr. HATCH, Mr. ISAKSON, and Ms. KLOBUCHAR):

S. Res. 552. A resolution designating June 23, 2010, as "Olympic Day"; to the Committee on the Judiciary.

By Ms. STABENOW (for herself and Mr. LIEBERMAN):

S. Res. 553. A resolution expressing the sense of the Senate that Congress should unwaveringly uphold the dignity and independence of older Americans; to the Committee on Health, Education, Labor, and Pensions.

## ADDITIONAL COSPONSORS

S. 362

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 362, a bill to amend title 38, United States Code, to improve the collective bargaining rights and procedures for review of adverse actions of certain employees of the Department of Veterans Affairs, and for other purposes.

S. 384

At the request of Mr. LUGAR, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 384, a bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes.

S. 592

At the request of Ms. CANTWELL, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 592, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service.

S. 752

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 1158

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1158, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 1345

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1345, a bill to aid and support pediatric involvement in reading and education.

S. 1698

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1698, a bill to provide grants to the States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes.

S. 3033

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3033, a bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies.

S. 3084

At the request of Ms. KLOBUCHAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3084, a bill to increase the competitiveness of United States businesses, particularly small and medium-sized manufacturing firms, in interstate and global commerce, foster job creation in the United States, and assist United States businesses in developing or expanding commercial activities in interstate and global commerce by expanding the ambit of the Hollings Manufacturing Extension Partnership program and the Technology Innovation Program to include projects that have potential for commercial exploitation in nondomestic markets, providing for an increase in related resources of the Department of Commerce, and for other purposes.

S. 3295

At the request of Mr. SCHUMER, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 3295, a bill to amend the Federal

Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

S. 3311

At the request of Mr. KERRY, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 3311, a bill to improve and enhance the capabilities of the Department of Defense to prevent and respond to sexual assault in the Armed Forces, and for other purposes.

S. 3460

At the request of Mr. SANDERS, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 3460, a bill to require the Secretary of Energy to provide funds to States for rebates, loans, and other incentives to eligible individuals or entities for the purchase and installation of solar energy systems for properties located in the United States, and for other purposes.

S. 3466

At the request of Mr. LEAHY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3466, a bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

S. 3472

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3472, a bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full costs of oil spills, and for other purposes.

S.J. RES. 29

At the request of Mrs. FEINSTEIN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Washington (Ms. CANTWELL) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S.J. Res. 29, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 548

At the request of Mr. CORNYN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. Res. 548, a resolution to express the sense of the Senate that Israel has an undeniable right to self-defense, and to condemn the recent destabilizing actions by extremists aboard the ship *Mavi Marmara*.

AMENDMENT NO. 4310

At the request of Mr. SCHUMER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 4310 intended to be

proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4311

At the request of Mr. FRANKEN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 4311 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4318

At the request of Mr. SANDERS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 4318 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4321

At the request of Mr. CASEY, the names of the Senator from Connecticut (Mr. DODD), the Senator from Washington (Mrs. MURRAY), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 4321 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4333

At the request of Mr. THUNE, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of amendment No. 4333 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4344

At the request of Mr. REID, the names of the Senator from Connecticut (Mr. DODD) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 4344 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BARRASSO (for himself, Mr. CONRAD, Mr. CRAPO, Mr. RISCH, Mr. JOHNSON, Mr. THUNE, Ms. MURKOWSKI, Mr. BEGICH, Mr. SANDERS, Mr. TESTER, Mr. DORGAN, Mr. ENZI, and Mrs. SHAHEEN):

S. 3485. A bill to amend title 23, United States Code, to improve highway mobility in rural States for the benefit of all States; to the Committee on Environment and Public Works.

Mr. CONRAD. Mr. President, I am pleased to join my colleague Senator

BARRASSO in introducing the Rural Mobility and Access for America Act.

The transportation challenges in rural States are unique. In my State of North Dakota, we have more miles of road per capita than any State in the Nation. There are more than 11,000 miles of highway in North Dakota, which translates into approximately 166 miles of road for every 1,000 people in North Dakota. We have a very large road network with a small population base to support it. In fact, North Dakota only has 16 people supporting each lane mile of Federal-aid road. The national average is 129 people per lane mile.

Highways in North Dakota and other rural States connect the Nation and help ensure the effective movement of people and goods across the country. Today, the highways in the western part of my State are being impacted by a rise in truck traffic as a result of the oil boom occurring from the development of the Bakken formation. Our roads and highways are seeing a dramatic increase in trucks that are transporting supplies to the oil fields or oil to gathering lines.

The agriculture industry is also reliant on a strong, nationally connected road network to move products and services. Approximately 69 percent of the goods shipped annually from North Dakota are carried by truck. Significant and growing agricultural businesses throughout my state rely on the road network to receive raw goods and transport their finished products to market.

In addition, we have a large percentage of truck traffic that crosses our state. Sixty percent of the truck traffic does not originate or terminate within the state, but it still has an impact on our highways. In the next 10 years, commercial trucking in North Dakota is expected to increase by 42 percent.

Discussions surrounding the reauthorization of the highway bill have focused on congestion and the needs of large metropolitan areas. Some of the proposals being advanced shift money from the traditional highway formula programs to set-asides for large metro areas. However, maintaining a nationally connected system requires substantial investments in highways in and across rural areas as well.

It is important that our transportation policy continues to recognize the importance of investment in rural States, like North Dakota. The bill I am introducing with Senator BARRASSO makes certain rural States are not left behind. Under this proposal, if a metro mobility program is included in the highway reauthorization, a corresponding rural program would be funded at a level equal to 1/3 of the amount provided for the metro mobility program. The funds would be distributed evenly to the 18 States that qualify under our bill, and the States

could use the funds for any of the eligible uses under the Surface Transportation Program.

Our bill provides an important balance to make sure our roads, both urban and rural, get the support necessary to maintain a nationally connected system. I urge my colleagues to support it.

By Mr. UDALL of Colorado:

S. 3487. A bill to amend the Public Utility Regulatory Policies Act of 1978 to provide electric consumers the right to access certain electric energy information, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, I rise today to discuss a bill that I filed, called the Electric Consumer Right to Know Act. This bill takes a common-sense step toward broadening consumers' access to data about their electricity usage. On top of that, I am proud to say that this idea came directly from one of my Colorado constituents.

In today's marketplace, consumers have a clear understanding of the price of gasoline and what their car mileage means for their pocket books. They also have ready access to the number of minutes remaining on their cell phone. However, consumers lack clear, timely data about their electricity use and its price. Providing increased transparency will help consumers with their decisions about electricity usage in their home or business.

The bill I filed today would provide timely access to these data by establishing consumers' clear right to access data on their own electricity usage. This right is an important step toward a more effective, reliable and efficient electrical grid, and a step toward helping consumers use electricity more efficiently and save money on their electric bills.

For the past year I have been traveling across Colorado as part of a work force tour to talk directly to Coloradans and hear their innovative policy ideas to create jobs, including hosting an Energy Jobs Summit in Denver back in February. As part of this Summit, we asked experts in energy policy and business to join us for a conversation about how we can better position Colorado and the United States to lead in the 21st century clean energy economy.

We heard from Energy Secretary Steven Chu, Governor Bill Ritter, Senator MICHAEL BENNET, and Congressman ED PERLMUTTER. But, more importantly, we heard from Coloradans who came to share their views on what the Federal Government can do, or in some instances not do, to support job creation and transition to cleaner and more efficient energy use.

One consumer participant at the Summit noted that, even though he

had a smart meter at his home, his power company would not let him access his electrical meter readings to learn how he was using electricity. If he could access those readings, he could better understand his energy use, learn how to be more energy efficient and save money. That is why I am introducing the Electric Consumer Right to Know Act to improve communication between the consumers and their utility, spur innovation in developing creative technologies that will save energy, and provide clarity while these programs are being developed.

This bill has several important parts. First, it establishes a framework for the right to access information, defining specifically what that right means, and giving clarity to those who will further develop and enforce that right. This bill says that if you have a smart meter, or similar electronic device that reads electric energy usage, that you ought to have access to the utility company's data on your energy use.

How that access is granted is delineated in three ways in this bill:

If your meter communicates with your utility on an hourly or shorter time interval, my bill states that your meter readings should be available within 24 hours.

Second, if your smart meter is capable of communicating energy use data directly from your meter, under this bill, you have the right to access those data and use them directly at your home or business.

Third, for consumers who have standard meters, with this bill, there are no additional requirements except that your readings shall be available electronically in a timely manner.

Next, the bill directs the Federal Regulatory Energy Commission to convene an open, extensive and inclusive stakeholder process to work through the details of this measure to ensure that implementing the consumers' right to access their information also retains consumer privacy, and ensures the integrity and reliability of the grid.

The outcome of this process will be national guidelines establishing the right of consumers to access their electricity data, including minimum national standards that utilities must meet to ensure that right of access. In developing those minimum standards, the FERC will take into consideration the ongoing and important work at the National Institute of Standards and Technology in developing a smart grid roadmap, as well as the innovative state and local programs already being developed across the country to integrate smart meters into the electrical grid, including Colorado, California, Texas, Pennsylvania, and others.

In Colorado, Xcel Energy has been working with the City of Boulder on a pilot program called SmartGridCity to develop a community-scale smart grid

with over 20,000 residents participating. Not only are these consumers improving their understanding of their electricity use, Xcel notes that they have already avoided several blackouts due to the improved communication between consumers and the grid. Power interruptions cost the American economy roughly \$80 billion per year and ⅓ of those losses come from interruptions lasting less than five minutes. I am proud to see Coloradans and our state's utilities taking important steps together in learning how to make the grid more reliable, efficient, and help save everyone money.

Finally, part of ensuring the right to access your data includes the right to retain the privacy of your data. When consumers gain access to their data, they will also need to clearly understand how it will be used, especially when consumers grant third-party access to it. This is why this bill states that the FERC will establish, among other important measures, guidelines for consumer consent requirements. Retaining privacy is critical to building consumer trust in the smart grid and facilitating the transition to when the smart grid becomes a part of everyday life for every American family.

I look forward to working with my colleagues and all interested stakeholders in establishing this right, defining it in a way that eliminates unintended consequences, and enforcing this right in a way that improves the efficient use of electrical energy.

This bill is an important first step in implementing smart meters across the country, moving us toward an electrical grid that is more reliable and more efficient a smart grid if you will. There are several pieces of the puzzle that will be required to realize that future, and one critical part of that puzzle is the right of consumers to access their electricity data. I urge my colleagues of both parties to join me in supporting this important legislation.

Mr. SPECTER (for himself, Ms.

STABENOW, and Mr. MENENDEZ):  
S. 3493. A bill to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce The Gynecological Cancer Education and Awareness Act of 2010 also known as Johanna's Law.

Every year, over 80,000 women in the United States are newly diagnosed with some form of gynecologic cancer such as ovarian, uterine, or cervical cancer. In 2009, 28,000 American women are estimated to have died from these cancers.

Early detection of these cancers must be improved to decrease this tragic loss of life. Unfortunately, thousands of women in the U.S. each year

aren't diagnosed until their cancers have progressed to more advanced and far less treatable stages. In the case of ovarian cancer, which kills more women in the U.S. than all other gynecologic cancers combined, more than 40 percent of all new diagnoses take place after this cancer has progressed beyond its earliest and most survivable stage.

Women are often diagnosed many months, sometimes more than a year after they first experience symptoms due to a lack of knowledge of early warning signs of gynecological cancers. Adding to the challenge of a prompt and accurate diagnosis is the similarity of gynecological cancer symptoms to those of more common gastrointestinal conditions and benign gynecologic conditions such as perimenopause and menopause. Women too often receive diagnoses reflecting these benign conditions without their physicians having first considered gynecologic cancers as a possible cause of the symptoms.

The Gynecological Cancer Education and Awareness Act has improved early detection of gynecologic cancers by creating a national awareness and an education outreach campaign to inform physicians and individuals of the risk factors and symptoms of these diseases. When gynecological cancer is detected in its earliest stage, patients 5-year survival rates are greater than 90 percent and many go on to live normal, healthy lives.

The national awareness campaign has been carried out by the Department of Health and Human Services, HHS, to increase women's awareness and knowledge of gynecologic cancers. The campaign has maintained and distributed a supply of written materials that provide information to the public about gynecologic cancers. Further, the program has developed public service announcements encouraging women to discuss their risks for gynecologic cancers with their physicians, and inform the public about the availability of written materials and how to obtain them. The cost of continuing this awareness campaign is \$5.5 million per year from 2010-2012, totaling \$16.5 million.

The educational outreach campaign will be carried out through demonstration grants through HHS. These demonstration grants will go to local and national non-profits to test different outreach and education strategies, including those directed at providers, women, and their families. Groups with demonstrated expertise in gynecologic cancer education, treatment, or in working with groups of women who are at especially high risk will be given priority. Grant funding recipients will also be asked to work in cooperation with health providers, hospitals, and state health departments. The projected cost of the educational outreach

campaign is \$5 million per year from 2010-2012, totaling \$15 million.

This legislation was brought to my attention by my friend Fran Drescher, who was diagnosed with uterine cancer in 2000 and whose diagnosis was also delayed due to her lack of knowledge about symptoms of this disease. She has recovered from uterine cancer and is advocating on behalf of gynecological cancer awareness. She also brought to my attention one of the many victims of gynecological cancers, Johanna Silver Gordon, after whom this bill is named, who was diagnosed at an advanced stage of ovarian cancer.

Johanna, the daughter and sister of physicians, was extremely health conscious taking the appropriate measures to maintain a healthy lifestyle including exercising regularly, eating nutritiously, and receiving annual pap smears and pelvic exams. Johanna however did not have the information to know that the gastric symptoms she experienced in the fall of 1996 were common symptoms of ovarian cancer. She didn't learn these crucial facts until after she was diagnosed at an advanced stage of this cancer. Despite aggressive treatment that included four surgeries, various types of chemotherapy, and participation in two clinical trials, Johanna died from ovarian cancer 3 1/2 years after being diagnosed. Johanna is survived by her sister Sheryl Silver who has tirelessly worked to increase the information available regarding gynecological cancers.

As former Chairman and Ranking Member of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I led, along with Senator HARKIN, the effort to double funding for the National Institutes of Health, NIH, over 5 years. Funding for the NIH has increased from \$12 billion in fiscal year 1995 to \$27 billion in fiscal year 2003. In 2004, the NIH, through the National Cancer Institute provided \$243 million for gynecological cancer research. We must continue this growth to gain more information about gynecological cancers so that we can find a cure for this cancer.

I believe this bill can provide desperately needed information to physicians and individuals so that women can be diagnosed faster and more effectively. I urge my colleagues to move this legislation forward promptly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3493

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REAUTHORIZATION AND ENHANCEMENT OF JOHANNA'S LAW.**

(a) IN GENERAL.—Section 317P(d)(4) of the Public Health Service Act (42 U.S.C. 247b-

17(d)(4)) is amended by inserting after "2009" the following: " , \$16,500,000 for the period of fiscal years 2010 through 2012, and such sums as are necessary for each subsequent fiscal year".

(b) COLLABORATION WITH NONPROFIT GYNECOLOGIC CANCER ORGANIZATIONS.—Section 317P(d) of such Act (42 U.S.C. 247b-17(d)) is amended by adding at the end the following new paragraph:

"(5) COLLABORATION WITH NONPROFIT GYNECOLOGIC CANCER ORGANIZATIONS.—In carrying out the national campaign under this subsection, the Secretary shall collaborate with the leading nonprofit gynecologic cancer organizations, with a mission both to conquer ovarian cancer nationwide and to provide outreach to State and local governments and communities, for the purpose of determining the best practices for providing gynecologic cancer information and outreach services to varied populations."

**SEC. 2. DEMONSTRATION PROJECTS REGARDING OUTREACH AND EDUCATION STRATEGIES RELATING TO GYNECOLOGIC CANCER.**

(a) IN GENERAL.—Section 317P of the Public Health Service Act (42 U.S.C. 247b-17) is amended by adding at the end the following new subsection:

"(e) DEMONSTRATION PROJECTS REGARDING OUTREACH AND EDUCATION STRATEGIES.—

"(1) IN GENERAL.—The Secretary shall carry out a program to make grants to nonprofit private entities for the purpose of carrying out demonstration projects to test different outreach and education strategies to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers, including early warning signs, risk factors, prevention, screening, and treatment options. Such strategies shall include strategies directed at women and their families, physicians, nurses, and key health professionals.

"(2) PREFERENCES IN MAKING GRANTS.—In making grants under paragraph (1), the Secretary shall give preference to—

"(A) applicants with demonstrated expertise in gynecologic cancer education or treatment or in working with groups of women who are at especially high risk of gynecologic cancers; and

"(B) applicants that, in the demonstration project funded by the grant, will establish linkages between physicians, nurses, and key health professionals, hospitals, payers, and State health departments.

"(3) APPLICATION FOR GRANT.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this subsection.

"(4) CERTAIN REQUIREMENTS.—In making grants under paragraph (1)—

"(A) the Secretary shall make grants to not fewer than five applicants, subject to the extent of amounts made available in appropriations Acts; and

"(B) the Secretary shall ensure that information provided through demonstration projects under such grants is consistent with the best available medical information.

"(5) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this subsection and annually thereafter, the Secretary shall submit to the Congress a report that—

"(A) summarizes the activities of demonstration projects under paragraph (1);

"(B) evaluates the extent to which the projects were effective in increasing early

detection of gynecologic cancers and awareness of risk factors and early warning signs in the populations to which the projects were directed; and

“(C) identifies barriers to early detection and appropriate treatment of such cancers.

“(6) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—For purposes of carrying out this subsection, there is authorized to be appropriated in the aggregate \$15,000,000 for the period of fiscal years 2010 through 2012 and such sums as are necessary for each subsequent fiscal year.

“(B) ADMINISTRATION, TECHNICAL ASSISTANCE, AND EVALUATION.—Of the amounts appropriated under subparagraph (A), not more than 9 percent may be expended for the purpose of administering this subsection, providing technical assistance to grantees under this subsection, and preparing the report under paragraph (5).”.

(b) CONFORMING AMENDMENT.—Subsection (d)(3)(A) of such section is amended by inserting “(other than subsections (e))” after “this section”.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 552—DESIGNATING JUNE 23, 2010, AS “OLYMPIC DAY”

Mr. BENNET (for himself, Mr. HATCH, Mr. ISAKSON, and Ms. KLOBUCHAR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 552

Whereas Olympic Day celebrates the Olympic ideal of developing peace through sport;

Whereas June 23 marks the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the modern Olympics;

Whereas thousands of people in more than 170 countries will celebrate the ideals of the Olympic spirit on June 23, 2010;

Whereas for more than a century, the Olympic movement has built a more peaceful and better world by—

(1) educating young people through amateur athletics;

(2) bringing together athletes from many countries in friendly competition; and

(3) forging new relationships bound by friendship, solidarity, and fair play;

Whereas the United States Olympians and Paralympians continue to achieve competitive excellence, preserve the Olympic ideals, and inspire all people of the United States;

Whereas community celebrations of Olympic Day improve the communities of the United States and inspire the Olympic and Paralympic champions of tomorrow;

Whereas Olympic Day encourages the development of Olympic and Paralympic sport in the United States;

Whereas Olympic Day encourages the youth of the United States to participate in and support Olympic and Paralympic sport; and

Whereas, as of the date of approval of this resolution, enthusiasm for Olympic and Paralympic sport is at an all-time high: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 23, 2010, as “Olympic Day”;

(2) supports the goals and ideals of Olympic Day; and

(3) promotes—

(A) the fitness and well-being of all people of the United States; and

(B) the Olympic ideals of fair play, perseverance, respect, and sportsmanship.

#### SENATE RESOLUTION 553—EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD UNWAVERINGLY UPHOLD THE DIGNITY AND INDEPENDENCE OF OLDER AMERICANS

Ms. STABENOW (for herself and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 553

Whereas older Americans are a diverse group of men and women who have worked hard throughout their lives to provide for their families and defend the United States during critical periods in history;

Whereas older Americans deserve a dignified, secure, and independent retirement for the years of service they have provided to the United States;

Whereas the percentage of the United States population that is 65 years of age or older is rapidly expanding, particularly veterans;

Whereas many Americans are living longer, working longer, and enjoying healthier, more active lifestyles than past generations;

Whereas older Americans rely heavily on Federal programs such as Social Security, Medicare, Medicaid, and, for veterans, TRICARE, for financial security and high-quality, affordable health care;

Whereas the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) provides Federally-funded community-based social services and nutritional support programs to more than 10,000,000 older Americans each year;

Whereas notwithstanding Federal programs, older Americans experience greater financial losses during economic downturns and are subject to higher incidences of poverty, hunger, and homelessness;

Whereas older Americans seek to leave a legacy of a strong and stable economy to future generations that maintains a commitment to Social Security, Medicare, Medicaid, and the provision of benefits to veterans;

Whereas older Americans are increasingly the victims of fraud, scams, exploitation, and even physical abuse, actions that threaten the dignity, financial security, and access to quality health care of older Americans; and

Whereas the 111th Congress has passed legislation that—

(1) protects the dignity of older Americans by strengthening efforts to eliminate waste, fraud, and abuse in Medicare and Medicaid; and

(2) prevents irresponsible lending practices that target older Americans and threaten to erode the resources that older Americans have worked their entire lives to save: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that Congress should unwaveringly uphold the dignity and independence of older Americans by supporting efforts that guarantee for the older Americans—

(1) financial security;

(2) quality and affordable health and long-term care;

(3) protection from abuse, scams, and exploitation;

(4) a strong economy now and for future generations; and

(5) safe and livable communities with adequate housing and transportation options.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4351. Mr. ISAKSON (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 4352. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4353. Mr. BAYH (for himself, Mr. SHELBY, Mrs. LINCOLN, Mr. VITTER, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4354. Mr. INOUE submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4355. Ms. CANTWELL (for herself, Mr. VITTER, Mrs. MURRAY, Ms. STABENOW, and Mr. INOUE) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4356. Mr. BUNNING (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4357. Mr. BOND submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4358. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4359. Mr. PRYOR (for himself, Mr. COCHRAN, and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4360. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4361. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4362. Mr. LEVIN (for himself, Mr. KAUFMAN, Mr. NELSON of Florida, Mrs. SHAHEEN, Mrs. MCCASKILL, Mr. WHITEHOUSE, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4363. Ms. CANTWELL (for herself, Mr. LEMIEUX, Mrs. FEINSTEIN, Ms. STABENOW, Mr. MERKLEY, Mr. NELSON of Nebraska, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4364. Mr. WARNER submitted an amendment intended to be proposed to

amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4365. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 4351.** Mr. ISAKSON (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle B of title II, insert the following:

#### SEC. —. FIRST-TIME HOMEBUYER CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 36(h) is amended by striking “paragraph (1) shall be applied by substituting ‘July 1, 2010’” and inserting “and who purchases such residence before October 1, 2010, paragraph (1) shall be applied by substituting ‘October 1, 2010’”.

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 36(h)(3) is amended by inserting “and for ‘October 1, 2010’” after “for ‘July 1, 2010’”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to residences purchased after June 30, 2010.

(d) TRANSFER OF STIMULUS FUNDS.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009, from the amounts appropriated or made available and remaining unobligated under division A of such Act (other than under title X of such division A), the Director of the Office of Management and Budget shall transfer from time to time to the general fund of the Treasury an amount equal to the net decrease in revenues resulting from the enactment of subsections (a) and (b).

**SA 4352.** Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

#### SEC. 6 —. WAIVER OF EMPLOYER HEALTH SHARED RESPONSIBILITY PAYMENT IN CASE OF JOB LOSSES.

(a) IN GENERAL.—Section 4980H of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(e) WAIVER UPON CERTIFICATION OF JOB LOSSES.—Subsections (a) and (b) shall not apply to any employer who certifies to the Secretary and the Secretary of Labor, at such time and in such manner as such Secretaries require, that the imposition of an assessable payment would result in the employer reducing employees.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

**SA 4353.** Mr. BAYH (for himself, Mr. SHELBY, Mrs. LINCOLN, Mr. VITTER, and Ms. LANDRIEU) submitted an amend-

ment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 231 and insert the following:

#### SEC. 231. ELECTION FOR DIRECT PAYMENT OF LOW-INCOME HOUSING CREDIT FOR 2010.

(a) IN GENERAL.—Section 42 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) ELECTION FOR DIRECT PAYMENT OF CREDIT.—

“(1) IN GENERAL.—The housing credit agency of each State shall be allowed a credit in an amount equal to such State’s 2010 low-income housing refundable credit election amount, which shall be payable by the Secretary as provided in paragraph (5).

“(2) 2010 LOW-INCOME HOUSING REFUNDABLE CREDIT ELECTION AMOUNT.—For purposes of this subsection, the term ‘2010 low-income housing refundable credit election amount’ means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—

“(A) the sum of—

“(i) 100 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), plus any credits returned to the State attributable to section 1400N(c) (including credits made available under such section as applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008), and

“(ii) 40 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (ii) and (iv) of such subsection, plus any credits for 2010 attributable to the application of such section 702(d)(2) and 704(b), multiplied by

“(B) 10.

For purposes of subparagraph (A)(ii), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) shall be applied without regard to clause (i).

“(3) COORDINATION WITH NON-REFUNDABLE CREDIT.—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).

“(4) SPECIAL RULE FOR BASIS.—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.

“(5) PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.—The Secretary shall pay to the housing credit agency of each State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting ‘January 1, 2012’ for ‘January 1, 2011’.”.

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting “42(n),” after “36C,”.

#### SEC. 232. LOW-INCOME HOUSING GRANT ELECTION.

(a) CLARIFICATION OF ELIGIBILITY OF LOW-INCOME HOUSING CREDITS FOR LOW-INCOME HOUSING GRANT ELECTION.—Paragraph (1) of section 1602(b) of the American Recovery and Reinvestment Tax Act of 2009 is amended—

(1) by inserting “, plus any increase for 2009 or 2010 attributable to section 1400N(c) of such Code (including credits made available under such section as applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008)” after “1986” in subparagraph (A), and

(2) by inserting “, plus any credits for 2009 attributable to the application of such section 702(d)(2) and 704(b)” after “such section” in subparagraph (B).

(b) APPLICATION OF ADDITIONAL HOUSING CREDIT AMOUNT FOR PURPOSES OF 2009 GRANT ELECTION.—Subsection (b) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009, as amended by subsection (a), is amended by adding at the end the following flush sentence:

“For purposes of paragraph (1)(B), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) of such Code shall be applied without regard to clause (i).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of section 1602 of the American Recovery and Reinvestment Tax Act of 2009.

**SA 4354.** Mr. INOUE submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

#### SEC. —. MODIFICATION OF THE APPLICATION OF THE TONNAGE TAX ON VESSELS OPERATING IN THE DUAL UNITED STATES DOMESTIC AND FOREIGN TRADES.

(a) IN GENERAL.—Subsection (f) of section 1355 of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended to read as follows:

“(f) EFFECT OF OPERATING A QUALIFYING VESSEL IN THE DUAL UNITED STATES DOMESTIC AND FOREIGN TRADES.—For purposes of this subchapter—

“(1) an electing corporation shall be treated as continuing to use a qualifying vessel in the United States foreign trade during any period of use in the United States domestic trade, and

“(2) gross income from such United States domestic trade shall not be excluded under section 1357(a), but shall not be taken into account for purposes of section 1353(b)(1)(B) or for purposes of section 1356 in connection with the application of section 1357 or 1358.”.

(b) REGULATORY AUTHORITY FOR ALLOCATION OF CREDITS, INCOME, AND DEDUCTIONS.—Section 1358 of the Internal Revenue Code of 1986 (relating to allocation of credits, income, and deductions) is amended—

(1) by striking “in accordance with this subsection” in subsection (c) and inserting “to the extent provided in such regulations as may be prescribed by the Secretary”, and

(2) by adding at the end the following new subsection:

“(d) REGULATIONS.—The Secretary shall prescribe regulations consistent with the

provisions of this subchapter for the purpose of allocating gross income, deductions, and credits between or among qualifying shipping activities and other activities of a taxpayer.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 1355(a)(4) of the Internal Revenue Code of 1986 is amended by striking “exclusively”.

(2) Section 1355(b)(1)(B) of such Code is amended by striking “as a qualifying vessel” and inserting “in the transportation of goods or passengers”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SA 4355.** Ms. CANTWELL (for herself, Mr. VITTER, Mrs. MURRAY, Ms. STABENOW, and Mr. INOUE) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

**SEC. —. REPEAL OF QUALIFIED SHIPPING INVESTMENT WITHDRAWAL RULES.**

(a) IN GENERAL.—Section 955 is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 951(a)(1)(A) is amended by adding “and” at the end of clause (i) and by striking clause (iii).

(2) Section 951(a)(1)(A)(ii) is amended by striking “, and,” at the end and inserting “, except that in applying this clause amounts invested in less developed country corporations described in section 955(c)(2) (as so in effect) shall not be treated as investments in less developed countries.”.

(3) Section 951(a)(3) is hereby repealed.

(4) Section 964(b) of such Code is amended by striking “, 955.”.

(5) The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by striking the item relating to section 955.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of controlled foreign corporations ending on or after the date of the enactment of this Act, and to taxable years of United States shareholders in which or with which such taxable years of controlled foreign corporations end.

**SEC. —. TAX IMPOSED ON ELECTING UNITED STATES SHAREHOLDERS.**

(a) IN GENERAL.—In the case of a United States shareholder for which an election is in effect under this section, a tax is hereby imposed on such shareholder’s pro rata share (determined under the principles of paragraph (2) of subsection (a) of section 951 of the Internal Revenue Code of 1986) of the sum of—

(1) the foreign base company shipping income (determined under section 954(f) of the Internal Revenue Code of 1986 as in effect before the enactment of the American Jobs Creation Act of 2004) for all prior taxable years beginning after 1975 and before 1987, and

(2) income described in section 954(b)(2) of the Internal Revenue Code as in effect prior to the effective date of the Tax Reform Act of 1975, without regard to whether such income was not included in subpart F income under section 954(b)(2) or any other provision of such Code,

but only to the extent such income has not previously been included in the gross income of a United States person as a dividend or under any section of the Internal Revenue Code after 1962, or excluded from gross income pursuant to subsection (a) of section 959 of the Internal Revenue Code of 1986.

(b) AMOUNT OF TAX.—The amount of tax imposed by subsection (a) shall be 5.25 percent of the income described therein.

(c) INCOME NOT SUBJECT TO FURTHER TAX.—The income on which a tax is imposed by subsection (a) shall not (other than such tax) be included in the gross income of such United States shareholder (or any other United States person who acquires from any person any portion of the interest of such United States shareholder in such foreign corporation) and shall be treated for purposes of the Internal Revenue Code of 1986 as if such amounts are, or have been, included in the income of the United States shareholder under section 951(a)(1)(B).

(d) ADDITIONAL TAX IMPOSED FOR FAILURE TO MAINTAIN EMPLOYMENT LEVELS.—

(1) IN GENERAL.—If, during the period consisting of the calendar month in which the election under this section is made and the succeeding 23 calendar months, the taxpayer does not maintain an average employment level at least equal to the taxpayer’s prior average employment, an additional amount shall be taken into account as income by the taxpayer during the taxable year that includes the final day of such period, equal to \$25,000 multiplied by the number of employees by which the taxpayer’s average employment level during such period falls below the prior average employment.

(2) PRIOR AVERAGE EMPLOYMENT.—For purposes of this subsection, the taxpayer’s prior average employment is the average number of full time equivalent employees of the taxpayer during the period consisting of the 24 calendar months immediately preceding the calendar month in which the election under this section is made.

(3) AGGREGATION RULES.—In determining the taxpayer’s average employment level and prior average employment, all domestic members of a controlled group (as defined in section 264(e)(5)(B) of the Internal Revenue Code of 1986) shall be treated as a single taxpayer.

(e) ELECTION.—

(1) IN GENERAL.—A taxpayer may elect to apply this section to—

(A) the taxpayer’s last taxable year which begins before the date of the enactment of this Act, or

(B) the taxpayer’s first taxable year beginning on or after such date.

(2) TIMING OF ELECTION AND ONE-TIME ELECTION.—Such election may be made only once by any taxpayer, and only if made on or before the due date (including extensions) for filing the return of tax for the taxable year of such election.

(f) EFFECTIVE DATE.—This section shall apply to taxable years ending on or after the date of the enactment of this Act.

**SA 4356.** Mr. BUNNING (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, line 25, insert “(E),” after “(C),”.

**SA 4357.** Mr. BOND submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 170, line 6, strike all through page 225, line 4, and insert the following:

**SEC. 401. USE OF STIMULUS FUNDS TO OFFSET SPENDING.**

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded such that the aggregate amount of such rescissions equal \$39,860,000,000 in order to offset the net increase in spending resulting from the provisions of, and amendments made by, this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

**SA 4358.** Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

**Subtitle C—Drug Testing and Treatment Programs**

**SEC. —. DRUG TESTING AND TREATMENT PROGRAM FOR APPLICANTS FOR STATE TANF PROGRAMS.**

(a) STATE PLAN REQUIREMENT OF DRUG TESTING AND TREATMENT PROGRAM.—Section 402(a) of the Social Security Act (42 U.S.C. 602(a)) is amended by adding at the end the following new paragraph:

“(8) CERTIFICATION THAT THE STATE WILL OPERATE AN ILLEGAL DRUG USE TESTING AND TREATMENT PROGRAM.—

“(A) IN GENERAL.—A certification by the chief executive officer of the State that the State will operate a program to test all new applicants for assistance under the State program funded under this part for the use of illegal drugs (as defined in section 408(a)(12)(D)(i)), and (except as provided in subparagraph (B)) to deny assistance under such State program to individuals who test positive for illegal drug use, as required by such section.

“(B) ASSISTANCE AND REPEAT TESTING.—The program described in subparagraph (A) shall include a plan to make all reasonable effort to provide individuals who test positive for illegal drug use with services under State or federally funded drug treatment programs, and to allow individuals who test positive at the first test to repeat the drug test after 60 days upon request by the individual. If such an individual tests negative for illegal drug use at the second test, the State may provide assistance to such individual under the State program funded under this part.”.

(b) REQUIREMENT THAT APPLICANTS BE TESTED FOR ILLEGAL DRUG USE.—Section 408(a) of the Social Security Act (42 U.S.C. 608(a)) is amended by adding at the end the following new paragraph:

“(12) REQUIREMENT FOR DRUG TESTING.—

“(A) IN GENERAL.—A State to which a grant is made under section 403 shall not use

any part of the grant to provide assistance to any individual who applies for assistance on or after the effective date of the American Jobs and Closing Tax Loopholes Act of 2010, who has not been tested for illegal drug use under the program required under section 402(a)(8).

“(B) DENIAL OF ASSISTANCE FOR INDIVIDUALS WHO TEST POSITIVE FOR ILLEGAL DRUG USE.—In the case of an individual who tests positive for illegal drug use under the program described in subparagraph (A), the State shall not provide assistance to the individual under the State program funded under this part except as provided in section 402(a)(8)(B).

“(C) LIMITATION ON WAIVER AUTHORITY.—The Secretary may not waive the provisions of this paragraph under section 1115.

“(D) ILLEGAL DRUG.—For purposes of this paragraph, the term ‘illegal drug’ means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the 1st day of the 1st calendar quarter that begins on or after the date of the enactment of this Act.

**SEC. —. DRUG TESTING AND TREATMENT PROGRAM FOR APPLICANTS FOR UNEMPLOYMENT COMPENSATION.**

(a) IN GENERAL.—Section 3304(a) of the Internal Revenue Code of 1986 (relating to approval of State unemployment compensation laws) is amended—

(1) in paragraph (18), by striking “and” at the end;

(2) by redesignating paragraph (19) as paragraph (20); and

(3) by inserting after paragraph (18) the following new paragraph:

“(19) the State—

“(A) is required to operate a program to test all new applicants for unemployment compensation for the use of illegal drugs (as defined in section 408(a)(12)(D) of the Social Security Act);

“(B) makes all reasonable efforts to provide individuals who test positive for illegal drug use with services under State or federally funded drug treatment programs;

“(C) allows individuals who test positive at the first test to repeat the drug test after 60 days upon request by the individual;

“(D) denies unemployment compensation to individuals who test positive for illegal drug use or who have not been tested for illegal drug use under the program (except that in the case of an individual who tests positive for illegal drug use at the first test, compensation shall not be denied based on such test if the individual tests negative for illegal drug use at the second test under subparagraph (C); and”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the 1st day of the 1st calendar quarter that begins on or after the date of the enactment of this Act.

**SEC. —. REDUCTION OF HHS DISCRETIONARY FUNDING AND APPROPRIATION OF FUNDS.**

(a) IN GENERAL.—The budget authority provided for each discretionary account within the Department of Health and Human Services shall be reduced for fiscal year 2010 and each fiscal year thereafter by such account's pro rata share of the amount equal to the aggregate State administrative cost amounts for the fiscal year.

(b) APPROPRIATION OF FUNDS.—For each fiscal year beginning with fiscal year 2010, an amount equal to the total amount of the

budget authority reduction required under subsection (a) for such fiscal year is appropriated, and shall be transferred to the States, for the purpose of implementing the Federal benefit drug testing requirements in such fiscal year. The amount transferred to each State for a fiscal year shall be equal to the State administrative cost amount with respect to such State for such year.

(c) STATE ADMINISTRATIVE COST AMOUNT.—For purposes of this section, the State administrative cost amount is, with respect to each State and a fiscal year, the cost the State will incur to implement the Federal benefit drug testing requirements during the fiscal year, as estimated and reported by the State to the Secretary of the Treasury.

(d) FEDERAL BENEFIT DRUG TESTING REQUIREMENTS.—For purposes of this section, the term “Federal benefit drug testing requirements” means the requirements imposed by sections 402(a)(8) and 408(a)(12) of the Social Security Act (42 U.S.C. 602(a)(8) and 608(a)(12), respectively), and section 3304(a)(19) of the Internal Revenue Code of 1986.

**SA 4359.** Mr. PRYOR (for himself, Mr. COCHRAN, and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 363, between lines 3 and 4, insert the following:

**SEC. 621. FLOOD MAPPING.**

No revised, updated, or newly published flood insurance rate map issued on or after September 30, 2008, pursuant to the Flood Map Modernization Program authorized under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) shall take effect until such time as all of the following requirements are satisfied:

(1) ESTABLISHMENT AND IMPLEMENTATION OF A BASE FLOOD ELEVATION DETERMINATION AND SPECIAL FLOOD HAZARD AREA DETERMINATION ARBITRATION PANEL.—

(A) ESTABLISHMENT.—As allowed under section 1307(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104), and notwithstanding any other provision of law, not later than 90 days after the date of enactment of this section, the Administrator of the Federal Emergency Management Agency shall establish an arbitration panel—

(i) to efficiently and clearly resolve disputes between communities and the Federal Government regarding the Flood Map Modernization Program; and

(ii) to expedite the general acceptance of technically accurate base flood elevation determinations as reflected in Flood Insurance Rate Maps.

(B) ARBITRATION PANEL.—

(i) MEMBERSHIP.—The arbitration panel established under subparagraph (A) shall be comprised of 5 members.

(ii) ARMY CORPS OF ENGINEERS.—The United States Army Corps of Engineers shall compile a list of eligible experts to serve on the arbitration panel established under subparagraph (A). The community who has sought to have a dispute resolved by the arbitration panel shall select a majority of the panelists from such list. After a community has made its selections, the Administrator shall select the remaining members of the arbitration panel from such list.

(iii) NO FEMA EMPLOYEES.—No member of the arbitration panel established under sub-

paragraph (A) shall be an employee of the Federal Emergency Management Agency.

(iv) INDEPENDENCE.—Each member of the arbitration panel established under subparagraph (A) shall be independent and neutral.

(v) USE OF.—A community may choose to have a dispute resolved by the arbitration panel not later than 90 days after it has exhausted any applicable appeals period available under the National Flood Insurance Act.

(C) CONSIDERATIONS.—

(i) IN GENERAL.—The arbitration panel established under subparagraph (A) may consider historical flood data and other data outside the scope of scientific or technical data in carrying out the duties and responsibilities of the arbitration panel.

(ii) COORDINATION WITH CORPS OF ENGINEERS.—Upon request by the arbitration panel, the appropriate district office of jurisdiction of the United States Army Corps of Engineers shall fund and make available personnel or technical guidance to assist the arbitration panel in considering hydrological data, historical data, budgetary data, or other relevant information.

(D) COMMUNITY CHOICE.—A community may choose to have a dispute resolved by the arbitration panel only if the community has satisfied the following conditions:

(i) The community has appealed a base flood elevation determination or a determination of an area having special flood hazards and undergone a 60-day consultation period with the Administrator of the Federal Emergency Management Agency in an effort to resolve the dispute.

(ii) The 60-day consultation period described in clause (i) shall begin upon the Administrator's receipt of notice of intent of the community to enter arbitration.

(iii) In cases in which the appeal period described under clause (i) begins a sufficient time after the date of enactment of this section, the community has adequately notified the public 180 days prior to the beginning of the appeal period regarding the changes proposed by the Administrator. Such notification may include individual notification of affected households, public meetings, or publication of proposed changes in local media.

(E) BINDING AUTHORITY.—

(i) IN GENERAL.—Any determination of resolution of a dispute by the arbitration panel under this paragraph—

(I) shall be final and binding; and

(II) may not appeal or seek further relief for such dispute to any other administrative or judicial body.

(ii) PROCEEDINGS.—

(I) IN GENERAL.—The arbitration panel shall—

(aa) initiate proceedings to resolve any disputes brought before the arbitration panel;

(bb) consider all relevant information during the course of any such proceeding; and

(cc) issue a determination of resolution of the dispute, within a 150 days after the initiation of such proceeding.

(II) EFFECT PRIOR TO DETERMINATION.—Until such time as the arbitration panel issues a determination of resolution under subclause (I), the most current Flood Insurance Rate Maps shall remain in effect.

(iii) APPEAL DETERMINATION.—Following deliberations, the arbitration panel shall issue an appeal determination of resolution of a dispute setting forth the base flood elevation determination or the determination of an area having special flood hazards that shall be reflected in the Flood Insurance Rate Maps. The appeal determination of the arbitration panel shall not be limited to either acceptance or denial of the position of

Administrator of the Federal Emergency Management Agency or the position of the community.

(iv) WRITTEN OPINION.—Accompanying any appeal determination of resolution issued pursuant to clause (iii), the arbitration panel shall issue a written opinion fully explaining its decision, including all relevant information relied upon by the panel. The opinion issued under this paragraph shall provide communities seeking to mitigate their flood risk with available information to make informed future planning decisions in light of identified flood hazards.

(F) RULE OF CONSTRUCTION.—Nothing contained in this paragraph shall alter existing procedures for revision, update, or amendment of Flood Insurance Rate Maps, including Flood Insurance Rate Maps resulting from decisions of the arbitration panel.

(2) INDEPENDENT REVIEW AND ASSESSMENT OF FLOOD MAP MODERNIZATION PROGRAM.—

(A) INDEPENDENT REVIEW AND ASSESSMENT REQUIRED.—The Administrator of the Federal Emergency Management Agency shall select an appropriate entity outside the Federal Emergency Management Agency to conduct an independent review and assessment of the Flood Map Modernization Program established under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101).

(B) ELEMENTS.—The review and assessment required by this paragraph shall address the following:

(i) The engineering analysis used to prepare revised and updated Flood Insurance Rate Maps, including any engineering analysis related to determination of floodplain areas and flood-risk zones.

(ii) The definition of the term floodplain, area of special flood hazard, and other flood-related terms used by the Administrator of the Federal Emergency Management Agency in preparing revised and updated Flood Insurance Rate Maps.

(iii) Any watershed or water flow modeling, and other technical data used by the Administrator of the Federal Emergency Management Agency in preparing revised and updated Flood Insurance Rate Maps.

(C) CONSULTATION.—The entity selected by the Administrator of the Federal Emergency Management Agency to conduct the review and assessment required by this paragraph shall, in carrying out the elements required under subparagraph (B), consult with the General Accountability Office, the Army Corps of Engineers, the United States Geological Survey, the National Oceanic and Atmospheric Administration, and affected communities and their congressional representatives, as applicable.

(D) REPORT.—Not later than 9 months after the date of the enactment of this section, the entity conducting the review and assessment under this paragraph shall submit to the Administrator and the Congress a report containing the results of the review and assessment.

#### SEC. 622. BASE FLOOD ELEVATION DETERMINATION APPEAL PERIOD.

(a) IN GENERAL.—Notwithstanding any other provision of law, the appeal period for any base flood elevation determination or any determination of an area having special flood hazards shall be 90 days unless an extended appeal period is requested by a party affected by such determination, in which case the appeal period shall be 120 days.

(b) REENTRY OF APPEALS.—Effective for the 90-day period beginning on the date of enactment of this section, any community whose Flood Insurance Rate Maps were revised, updated, or otherwise altered after September

30, 2008, pursuant to the Flood Map Modernization Program established under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) shall be permitted to re-enter an appeal of such revision, update, or alteration and such appeal shall be subject to the time limitations established under subsection (a).

#### SEC. 623. DESIGNATION OF ECONOMIC IMPACT FOR PRELIMINARY BASE FLOOD ELEVATION DETERMINATIONS AND PRELIMINARY FLOOD INSURANCE RATE MAPS.

For purposes of section 605(b) of title 5, United States Code, the issuance by the Administrator of the Federal Emergency Management Agency of a proposed modified base flood elevation, proposed area having special flood hazards, preliminary flood insurance study, or preliminary Flood Insurance Rate Maps shall be deemed to have a significant economic impact on a substantial number of small entities.

#### SEC. 624. ELIGIBILITY FOR CERTAIN REIMBURSEMENTS FOR COMMUNITIES PARTICIPATING IN ARBITRATION.

For communities who enter arbitration pursuant to paragraph (1) of section 621, the Administrator may make available funds derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) to reimburse 50 percent of certain expenses incurred by communities related to successful appeals of the Flood Insurance Rate Maps that are the subject of a dispute for which the arbitration panel established under section 621 has been directed to resolve, as allowed for pursuant to section 1307(f) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(f)), if the community has not received a grant from or served as a cooperative technical partner with the Federal Emergency Management Agency in carrying out the study required pursuant to such section.

#### SEC. 625. 5-YEAR PHASE-IN OF CERTAIN PREMIUM COSTS.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended—

(1) in subsection (c), by inserting “and subsection (g)” before the first comma; and

(2) by adding at the end the following new subsection:

“(g) 5-YEAR PHASE-IN OF PREMIUM ADJUSTMENT TO REFLECT CURRENT RISK OF FLOOD.—Any increase or newly applicable risk premium rate charged for flood insurance on any property that is required to be covered by a flood insurance policy as a result of the updating or remapping required pursuant to section 1360 shall be phased in over a 5-year period as follows:

“(1) For the first year of such 5-year period, 20 percent of the chargeable risk premium rate otherwise applicable under this title to the property.

“(2) For the second year of such 5-year period, 40 percent of the chargeable risk premium rate otherwise applicable under this title to the property.

“(3) For the third year of such 5-year period, 60 percent of the chargeable risk premium rate otherwise applicable under this title to the property.

“(4) For the fourth year of such 5-year period, 80 percent of the chargeable risk premium rate otherwise applicable under this title to the property.

“(5) For the fifth year of such 5-year period, 100 percent of the chargeable risk premium rate otherwise applicable under this title to the property.”.

SA 4360. Mr. FEINGOLD submitted an amendment intended to be proposed

to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213 to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, which was ordered to lie on the table; as follows:

On page 296, after line 23, add the following:

(d) COORDINATION WITH DEPARTMENT OF AGRICULTURE.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by adding at the end the following:

“(o) COORDINATION WITH DEPARTMENT OF AGRICULTURE.—

“(1) IN GENERAL.—In coordination with the Administrator of the Farm Service Agency, the Under Secretary for Rural Development, and the head of any other appropriate Federal agency, the Administrator shall conduct outreach and provide technical assistance to farmers and other rural businesses with regard to programs of the Administration for which the farmers and rural businesses may be eligible.

“(2) AGREEMENT.—The coordination under this subsection shall include evaluating whether the Administrator should enter an agreement under which—

“(A) offices of the Department of Agriculture may assist in completing and accept applications for programs of the Administration; or

“(B) employees of the Administration periodically have office hours at offices of the Department of Agriculture.”.

SA 4361. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213 to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, which was ordered to lie on the table; as follows:

On page 363, between lines 3 and 4, insert the following:

#### SEC. 621. EXCLUSIVITY PERIOD.

(a) FIRST APPLICANT.—Section 505(j)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)) is amended—

(1) in subparagraph (B)(iv)—

(A) in subclause (II), by striking item (bb) and inserting the following:

“(bb) FIRST APPLICANT.—As used in this subsection, the term ‘first applicant’ means—

“(AA) an applicant that, on the first day on which a substantially complete application containing a certification described in paragraph (2)(A)(vii)(IV) is submitted for approval of a drug, submits a substantially complete application that contains and lawfully maintains a certification described in paragraph (2)(A)(vii)(IV) for the drug; or

“(BB) an applicant for the drug not described in item (AA) that satisfies the requirements of subclause (III).”; and

(B) by adding at the end the following:

“(III) An applicant described in subclause (II)(bb)(BB) shall—

“(aa) submit and lawfully maintain a certification described in paragraph (2)(A)(vii)(IV) or a statement described in paragraph (2)(A)(viii) for each unexpired patent for which a first applicant described in item (AA) had submitted a certification described in paragraph (2)(A)(vii)(IV) on the first day on which a substantially complete application containing such a certification was submitted;

“(bb) with regard to each such unexpired patent for which the applicant submitted a

certification described in paragraph (2)(A)(vii)(IV), no action for patent infringement was brought against the applicant within the 45-day period specified in paragraph (5)(B)(iii), or if an action was brought within such time period, the applicant has obtained the decision of a court (including a district court) that the patent is invalid or not infringed (including any substantive determination that there is no cause of action for patent infringement or invalidity, and including a settlement order or consent decree signed and entered by the court stating that the patent is invalid or not infringed); and

“(cc) but for the effective date of approval provisions in subparagraphs (B) and (F) and sections 505A and 527, be eligible to receive immediately effective approval at a time before any other applicant has begun commercial marketing.”; and

(2) in subparagraph (D)—

(A) in clause (i)(IV), by striking “The first applicant” and inserting “The first applicant, as defined in subparagraph (B)(iv)(II)(bb)(AA).”; and

(B) in clause (iii), in the matter preceding subclause (I)—

(i) by striking “If all first applicants forfeit the 180-day exclusivity period under clause (ii).”; and

(ii) by inserting “If all first applicants, as defined in subparagraph (B)(iv)(II)(bb)(AA), forfeit the 180-day exclusivity period under clause (ii) at a time at which no applicant has begun commercial marketing.”.

(b) EFFECTIVE DATE AND TRANSITIONAL PROVISION.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective only with respect to an application filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) to which the amendments made by section 1102(a) of the Medicare Prescription Drug Improvement and Modernization Act of 2003 (Public Law 108-173) apply.

(2) TRANSITIONAL PROVISION.—An application filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)), to which the 180-day exclusivity period described in paragraph (5)(iv) of such section does not apply, and that contains a certification under paragraph (2)(A)(vii)(IV) of such Act, shall be regarded as a previous application containing such a certification within the meaning of section 505(j)(5)(B)(iv) of such Act (as in effect before the amendments made by Medicare Prescription Drug Improvement and Modernization Act of 2003 (Public Law 108-173)) if—

(A) no action for infringement of the patent that is the subject of such certification was brought against the applicant within the 45-day period specified in section 505(j)(5)(B)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)(B)(iii)), or if an action was brought within such time period, the applicant has obtained the decision of a court (including a district court) that the patent is invalid or not infringed (including any substantive determination that there is no cause of action for patent infringement or invalidity, and including a settlement order or consent decree signed and entered by the court stating that the patent is invalid or not infringed);

(B) the application is eligible to receive immediately effective approval, but for the effective date of approval provisions in sections 505(j)(5)(B) (as in effect before the amendment made by Public Law 108-173), 505(j)(5)(F), 505A, and 527 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)(B), 355(j)(5)(F), 355a, 360cc); and

(C) no other applicant has begun commercial marketing.

**SA 4362.** Mr. LEVIN (for himself, Mr. KAUFMAN, Mr. NELSON of Florida, Mrs. SHAHEEN, Mrs. MCCASKILL, Mr. WHITEHOUSE, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213 to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

**TITLE —AUTHORIZING SPECIAL MEASURES FOR JURISDICTIONS, FINANCIAL INSTITUTIONS, INTERNATIONAL TRANSACTIONS, OR TYPES OF ACCOUNTS THAT ARE OF PRIMARY MONEY LAUNDERING CONCERN OR IMPEDE UNITED STATES TAX ENFORCEMENT**

**SEC. —. AUTHORIZING SPECIAL MEASURES FOR JURISDICTIONS, FINANCIAL INSTITUTIONS, INTERNATIONAL TRANSACTIONS, OR TYPES OF ACCOUNTS THAT ARE OF PRIMARY MONEY LAUNDERING CONCERN OR IMPEDE UNITED STATES TAX ENFORCEMENT.**

Section 5318A of title 31, United States Code, is amended—

(1) by striking the section heading and inserting the following:

**“§ 5318A. Special measures for jurisdictions, financial institutions, or international transactions that are of primary money laundering concern or impede United States tax enforcement”;**

(2) in subsection (a), by striking the subsection heading and inserting the following:

**“(a) SPECIAL MEASURES TO COUNTER MONEY LAUNDERING AND EFFORTS TO IMPEDE UNITED STATES TAX ENFORCEMENT.—”;**

(3) in subsection (c), by striking the subsection heading and inserting the following:

**“(c) CONSULTATIONS AND INFORMATION TO BE CONSIDERED IN FINDING JURISDICTIONS, INSTITUTIONS, TYPES OF ACCOUNTS, OR TRANSACTIONS TO BE OF PRIMARY MONEY LAUNDERING CONCERN OR TO BE IMPEDING UNITED STATES TAX ENFORCEMENT.—”;**

(4) in subsection (a)(1), by inserting “or is impeding United States tax enforcement” after “primary money laundering concern”;

(5) in subsection (a)(4)—

(A) in subparagraph (A)—

(i) by inserting “in matters involving money laundering,” before “shall consult”; and

(ii) by striking “and” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

**“(B) in matters involving United States tax enforcement, shall consult with the Commissioner of the Internal Revenue, the Secretary of State, the Attorney General of the United States, and in the sole discretion of the Secretary, such other agencies and interested parties as the Secretary may find to be appropriate; and”;**

(6) in each of paragraphs (1)(A), (2), (3), and (4) of subsection (b), by inserting “or to be impeding United States tax enforcement” after “primary money laundering concern” each place that term appears;

(7) in subsection (b), by striking paragraph (5) and inserting the following:

**“(5) PROHIBITIONS OR CONDITIONS ON OPENING OR MAINTAINING CERTAIN CORRESPONDENT**

**OR PAYABLE-THROUGH ACCOUNTS OR AUTHORIZING CERTAIN PAYMENT CARDS.—**If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within or involving a jurisdiction outside of the United States to be of primary money laundering concern or to be impeding United States tax enforcement, the Secretary, in consultation with the Secretary of State, the Attorney General of the United States, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit, or impose conditions upon—

“(A) the opening or maintaining in the United States of a correspondent account or payable-through account; or

“(B) the authorization, approval, or use in the United States of a credit card, charge card, debit card, or similar credit or debit financial instrument by any domestic financial institution, financial agency, or credit card company or association, for or on behalf of a foreign banking institution, if such correspondent account, payable-through account, credit card, charge card, debit card, or similar credit or debit financial instrument, involves any such jurisdiction or institution, or if any such transaction may be conducted through such correspondent account, payable-through account, credit card, charge card, debit card, or similar credit or debit financial instrument.”; and

(8) in subsection (c)(1), by inserting “or is impeding United States tax enforcement” after “primary money laundering concern”;

(9) in subsection (c)(2)(A)—

(A) in clause (ii), by striking “bank secrecy or special regulatory advantages” and inserting “bank, tax, corporate, trust, or financial secrecy or regulatory advantages”;

(B) in clause (iii), by striking “supervisory and counter-money” and inserting “supervisory, international tax enforcement, and counter-money”;

(C) in clause (v), by striking “banking or secrecy” and inserting “banking, tax, or secrecy”; and

(D) in clause (vi), by inserting “, tax treaty, or tax information exchange agreement” after “treaty”;

(10) in subsection (c)(2)(B)—

(A) in clause (i), by inserting “or tax evasion” after “money laundering”; and

(B) in clause (iii), by inserting “, tax evasion,” after “money laundering”; and

(11) in subsection (d), by inserting “involving money laundering, and shall notify, in writing, the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of any such action involving United States tax enforcement” after “such action”.

**SA 4363.** Ms. CANTWELL (for herself, Mr. LEMIEUX, Mrs. FEINSTEIN, Ms. STABENOW, Mr. MERKLEY, Mr. NELSON of Nebraska, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, insert the following:

**SEC. 2. —. EXTENSION AND EXPANSION OF GRANTS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS.**

(a) EXTENSION.—

(1) IN GENERAL.—Subsection (a) of section 1603 of division B of the American Recovery and Reinvestment Act of 2009 is amended—

(A) in paragraph (1), by striking “2009 or 2010” and inserting “2009, 2010, 2011, or 2012”, and

(B) in paragraph (2)—

(i) by striking “after 2010” and inserting “after 2012”, and

(ii) by striking “2009 or 2010” and inserting “2009, 2010, 2011, or 2012”.

(2) CONFORMING AMENDMENT.—Subsection (j) of section 1603 of division B of such Act is amended by striking “2011” and inserting “2013”.

(b) EXPANSION OF GRANTS TO CERTAIN GOVERNMENTAL UNITS AND CO-OPERATIVE ELECTRIC COMPANIES.—

(1) IN GENERAL.—

(A) EXPANSION.—Section 1603(g) of division B of the American Recovery and Reinvestment Act of 2009 is amended—

(i) in paragraph (1), by inserting “other than a governmental unit which is a State utility with a service obligation (as such terms are defined in section 217 of the Federal Power Act)” after “thereof”,

(ii) in paragraph (2), by inserting “other than a mutual or cooperative electric company described in section 501(c)(12) of such Code” after “such Code”, and

(iii) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(B) CONFORMING AMENDMENT.—Paragraph (3) of section 1603(g) of division B of such Act, as redesignated by subparagraph (A)(iii), is amended by striking “paragraph (1), (2), or (3)” and inserting “paragraph (1) or (2)”.

(2) SPECIAL RULE WITH RESPECT TO POWER MARKETING ADMINISTRATIONS AND TVA.—Section 1603 of division B of such Act, as amended by subsection (a), is amended by redesignating subsections (h), (i), and (j) as subsections (i), (j), and (k), respectively, and by inserting after subsection (g) the following new subsection:

“(h) CERTAIN PERSONS DEEMED ELIGIBLE.—Notwithstanding any other provision of this section—

“(1) the Tennessee Valley Authority shall be eligible for a grant under this subsection, and

“(2) no person shall be considered to be ineligible for a grant under this section on the basis that such person has a contract or other business arrangement relating to the specified energy property with a power marketing administration (within the meaning of section 2605(a)(2) of the Energy Policy Act of 1992) or the Tennessee Valley Authority, including any contract to sell or assign the rights to the output from such specified energy property or any other contract or business arrangement under which the specified energy property is considered to be used by the power marketing administration or the Tennessee Valley Authority.”.

(c) NO GRANTS FOR PROPERTY FOR WHICH CREBS HAVE BEEN ISSUED.—Section 1603 of division B of such Act, as amended by this section, is amended by redesignating subsections (h), (i), (j), and (k) as subsections (i), (j), (k) and (l), respectively, and by inserting after subsection (g) the following new subsection:

“(h) EXCEPTION FOR CERTAIN PROJECTS.—The Secretary of the Treasury shall not make any grant under this section to any governmental unit or cooperative electric company (as defined in section 54(j)(1)) with respect to any specified energy property described in subsection (d)(1) if such entity has issued any bond—

“(1) which is designated as a clean renewable energy bond under section 54 of the Internal Revenue Code of 1986 or as a new clean renewable energy bond under section 54C of such Code, and

“(2) the proceeds of which are used for expenditures in connection with the same qualified facility with respect to which such specified energy property is a part.”.

(d) TREATMENT OF GRANTS FOR COOPERATIVE ELECTRIC COMPANIES.—Section 501(c)(12) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(I) In the case of a mutual or cooperative electric company described in this paragraph or an organization described in section 1381(a)(2)(C), subparagraph (A) shall be applied without taking into account any grant received under section 1603 of division B of the American Recovery and Reinvestment Act of 2009.”.

(e) APPLICATION OF GRANTS FOR SPECIFIED ENERGY PROPERTY TO CERTAIN REGULATED COMPANIES.—The first sentence of section 1603(f) of division B of the American Recovery and Reinvestment Act of 2009 is amended by inserting “(other than paragraph (2) of subsection (d) thereof)” after “section 50 of the Internal Revenue Code of 1986”.

(f) APPLICATION OF GRANTS TO REITS.—The first sentence of section 1603(f) of division B of the American Recovery and Reinvestment Act of 2009, as amended by subsection (e), is amended by striking “paragraph (2)” and inserting “paragraphs (1) and (2)”.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

(2) APPLICATION TO CERTAIN REGULATED COMPANIES.—The amendment made by subsections (b)(1), (d), and (e) shall take effect as if included in section 1603 of division B of the American Recovery and Reinvestment Act of 2009.

#### SEC. 2. TAXES ATTRIBUTABLE TO OIL SPILL LIABILITY TRUST FUND FINANCING RATE NOT DEDUCTIBLE FOR CERTAIN TAXPAYERS.

(a) IN GENERAL.—Section 275 is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

“(b) TAXES ON PETROLEUM PAID BY CERTAIN TAXPAYERS.—

“(1) IN GENERAL.—In the case of any taxpayer who is a disqualified taxpayer for a taxable year, no deduction shall be allowed for such taxable year for so much of the taxes imposed under section 4611 as are attributable to the Oil Spill Liability trust Fund financing rate determined under section 4611(c)(2)(B).

“(2) DISQUALIFIED TAXPAYER.—For purposes of this subsection, the term ‘disqualified taxpayer’ means, with respect to any taxable year, any taxpayer who has gross revenues in excess of \$100,000,000 for such taxable year.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxes on crude oil received at a United States refinery and petroleum products entered into the United States after the date of the enactment of this Act.

**SA 4364.** Mr. WARNER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and

for other purposes; which was ordered to lie on the table; as follows:

#### At the end of title VI, insert the following: SEC. 621. HOMEOWNERS AFFECTED BY TOXIC DRYWALL.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by adding at the end the following:

“(10) HOMEOWNERS ADVERSELY AFFECTED BY TOXIC DRYWALL.—

“(A) DEFINITION.—In this paragraph, the term ‘toxic drywall’ means drywall that the Consumer Product Safety Commission determines is problem drywall.

“(B) IN GENERAL.—The Administrator may make a loan to an individual under this section, if the Administrator determines that the primary residence of the individual has been adversely affected by the installation of toxic drywall.

“(C) PERMISSIBLE USES OF LOANS.—A loan under this paragraph may be used by an individual only for the repair or replacement of toxic drywall in the primary residence of the individual, or of components of the primary residence that are directly affected by toxic drywall (including electrical wiring), in accordance with guidance issued by a member agency of the Federal Interagency Task Force on Problem Drywall.”.

**SA 4365.** Mr. WARNER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, strike lines 5 through 18, and insert the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘applicable percentage’ means 75 percent.

“(B) EXCEPTIONS FOR SALES OF ASSETS HELD AT LEAST 5 YEARS.—The applicable percentage shall be 50 percent with respect to any net income or net loss under subsection (a)(1), or any income or gain under subsection (e), which is properly allocable to gain or loss from the sale or exchange of any asset which is held at least 5 years.

#### NOTICE OF HEARING

##### COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN, Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 17, 2010, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled “Indian Education: Did the No Child Left Behind Act Leave Indian Students Behind?”

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. SANDERS, Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 15, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FOREIGN RELATION

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 15, 2010, at 2:30 p.m., to hold a hearing entitled "The New START Treaty (Treaty Doc. 111-5): The Negotiations."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Evaluating the Health Impacts of the Gulf of Mexico Oil Spill" on June 15, 2010. The hearing will commence at 2:30 p.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and governmental Affairs be authorized to meet during the session of the Senate on June 15, 2010, at 3 p.m. to conduct a hearing entitled "Protecting Cyberspace as a National Asset: Comprehensive Legislation for the 21st Century."

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 15, 2010, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Executive Nomination."

The PRESIDING OFFICER. Without objection, it is so ordered.

## SELECT COMMITTEE ON INTELLIGENCE

Mr. SANDERS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 15, 2010 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON ENERGY

Mr. SANDERS. Mr. President, I ask unanimous consent that the Sub-

committee on Energy be authorized to meet during the session of the Senate to conduct a hearing on June 15, 2010, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Steven Weinert of my Finance Committee staff be given the privilege of the floor for the month of June.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROY RONDENO, SR., POST OFFICE  
BUILDING

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 427, H.R. 3951.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant bill clerk read as follows:

A bill (H.R. 3951) to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the "Roy Rondeno, Sr., Post Office Building."

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, that the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3951) was ordered to be read a third time, was read the third time, and passed.

## APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican Leader, pursuant to Public Law 111-5, appoints the following individual to the Health Information Technology Policy Committee: Richard Chapman of Kentucky.

ORDERS FOR WEDNESDAY,  
JUNE 16, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, June 16; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for the transaction of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of the House message on H.R. 4213, the tax extenders, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Mr. President, Senators should expect the first vote of the day to begin around 10:40 a.m. That vote will be in relation to the Baucus amendment No. 4301 to the motion to concur with respect to the tax extenders bill.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:38 p.m., adjourned until Wednesday, June 16, 2010, at 9:30 a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate Tuesday, June 15, 2010:

## THE JUDICIARY

TANYA WALTON PRATT, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA.

BRIAN ANTHONY JACKSON, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF LOUISIANA.

ELIZABETH ERNY FOOTE, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA.

## HOUSE OF REPRESENTATIVES—Tuesday, June 15, 2010

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mrs. DAHLKEMPER).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
June 15, 2010.

I hereby appoint the Honorable KATHLEEN A. DAHLKEMPER to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair would now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 1 minute a.m.), the House stood in recess until 10 a.m.

□ 1000

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CLYBURN) at 10 a.m.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

This world was created by You, Almighty God. In You and through You, humanity has been freed and brought to a liberty that is powerful enough to enable us to learn from mistakes and resolve with firm determination to live with compassion for others and bring greater and equal justice to all peoples.

Help this Nation live up to its calling in these historic times. May all those who are committed to love others and pursue justice, work together, without illusion or deceit, and build a world of true and lasting peace.

This we ask calling upon Your Holy Name, with lasting faith. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1660. An act to amend the Toxic Substance Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

### RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, June 10, 2010, the House will stand in recess subject to the call of the Chair to receive the former Members of Congress.

Accordingly (at 10 o'clock and 4 minutes a.m.), the House stood in recess subject to the call of the Chair.

### RECEPTION OF FORMER MEMBERS OF CONGRESS

The Speaker pro tempore presided.

The SPEAKER pro tempore. On behalf of the House, I consider it a high honor and a distinct personal privilege to have the opportunity of welcoming so many of our former Members and colleagues as may be present here for this occasion. We all pause to welcome them.

The Chair now calls on the Honorable John J. Rhodes, president of the association, to take the chair.

Mr. RHODES (presiding). It is my pleasure at this point in time to yield the floor to the vice president of the association and my great friend, the gentleman from Michigan, Mr. Hertel, for the purpose of making a presentation.

Mr. HERTEL. I thank the gentleman from Arizona.

It is always a distinct privilege to be back in this revered Chamber, and we appreciate the opportunity to present today the annual report of the U.S. Association of Former Members of Congress.

Our association's president, Jay Rhodes of Arizona, along with some of our colleagues, will report on the activities and projects of our organization. Before we get to this report, however, it is my distinct honor and pleasure to present our 2010 Distinguished Service Award to William H. Gray of the great State of Pennsylvania.

Bestowing our association's highest award on Bill Gray was an easy decision and one that was long overdue. The reward recognizes distinguished service, and few Members have served their community and country with more distinction than Bill Gray did before, during and after his years here on Capitol Hill.

Majority Whip Gray embodies the spirit of our award, having spent his post-congressional career as an education leader, which he believes is his higher calling for our entire country. As president and CEO of the United Negro College Fund, he worked to elevate historically black colleges, and believes they provide vital educational bridges that need continued support. We are thrilled to honor him today. Bill, please join me here at the dais.

You know, Bill first of all had to have the political hard sense and experience to become the whip to be elected by the caucus. And then once he was the whip, on a daily and weekly basis he had to lead us and be able to count those votes in such a political way. So it is not just education and public service, it is being one of the greatest politicians that we have had in the history of our House. On behalf of the U.S. Association of Former Members of Congress, it is a great pleasure and honor for to me to present our 2010 Distinguished Service Award to William H. Gray of Pennsylvania.

The plaque is inscribed as followed:

The 2010 Distinguished Service Award is presented by the United States Association of Former Members of Congress to Chairman William Herbert Gray, III, for his lifetime of exceptional public service. Both in and out of Congress, Minister Bill Gray has demonstrated his tremendous dedication to civil rights, fairness and equality. Representing the State of Pennsylvania with great distinction, he served as the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

first African-American majority whip and the first African-American chairman of the House Budget Committee. His leadership helped young Americans obtain the dream of a college education, his perseverance contributed to the fall of apartheid, and his humanity brought relief to the people of Haiti. Congressman Bill Gray is an inspiration to us all, and his former colleagues from both sides of the political aisle salute him today.

Mr. GRAY. Thank you to the president, the distinguished gentleman from Arizona, to my former colleague from Michigan, to all of you who are here, those who I had the privilege of serving with, and those that I have known over the years through outstanding service since or before.

It is a real privilege and a pleasure to be here today and to receive this award because of the group that is making it, the former Members of Congress who gave service not only when they were elected officials, but continue to give service, inspiring fellow Americans to get involved in public service and understand that democracy must have participation by all of its citizens.

Sometimes the debate can get kind of tough. But one thing we all learned long ago, and that is that civility is the cement that holds the bricks of democracy together. And so we must always keep in mind in our public service that although we disagree, we can never have the point that we reach in our society where we think of each other as evil because of our disagreements. We are all fellow Americans fighting for the best.

I want to recognize one of our former Members, because in a way our partnership symbolizes that civility, that working together, even though we probably in the 10 or 12 years that we spent together here in the House of Representatives, he and I never voted alike on anything, not even the approval of the Journal, I don't think. He was from Texas, from San Antonio, and a rock-ribbed conservative, and I was from Philadelphia, a rock-ribbed progressive, and today we are partners in a firm. And that is Tom Loeffler, who came to the House about the same time as I did, and yet today we are working together.

So I want to thank all of the members of the Former Members Association for this outstanding award. I enjoyed immensely my years on this floor and in this body serving with so many of you. I have enjoyed immensely my work in education. But above all, I have enjoyed my work of 45 years as a Baptist preacher.

Today I thank you for this award, and continue to say what my father said to me years ago. He said, "Service is the rent you pay in the house of democracy." Thank you, and let us continue to work together to pay good rent for the next generation and broaden the house of democracy.

Thank you, Mr. President.

Mr. RHODES. Congressman Gray, thank you very much for being with us today, and for all that you have done for this institution, and this country, and for our God. Thanks, Bill. I appreciate it.

I am going to yield the chair in a moment to the gentleman from Michigan to preside over the balance of the meeting. I want to take a special moment—actually, I am going to take several special moments, because the majority leader has entered the Chamber, and it's my hope that he will have some comments and remarks to make for us.

Mr. HOYER. Good morning and welcome back.

Many of you, of course, visit on a relatively regular basis. Others of you we don't get to see as often. I now have been here long enough to know almost all of you, and have served with almost all of you. And I am always pleased to join here to welcome you back to the House.

I have my own Connie Morella from Maryland and Bev Byron. You know the story about Bev Byron. We met in 1962. She was wondering who this skinny kid was who had written to her husband, "Dear President Byron." He was president of the Young Democrats of Maryland. And I signed it "Steny Hamilton Hoyer," and she has not let me forget the officiousness of that letter.

But I am so pleased to be with all of you. I have lamented on numerous occasions welcoming you here that when I first came here it was 1981, and clearly the partisanship was starting to elevate.

All of you know, because I have said on so many different occasions, what respect and deep, deep affection I have for Bob Michel. Respect in the sense that I thought he brought the best of what the American people want and represented to the House of Representatives. He brought a philosophical judgment as to what policies we ought to support, direction the country ought to go, but he also brought a deep conviction that what the American public expected of us was to work together, respect one another, and try to do the best that we could for the American people.

Unfortunately, as all of you have seen, we are a deeply polarized Congress. That does not mean that we don't sit down together and talk about issues from time to time. Leader BOEHNER has just walked in. He and I are working on a joint enterprise that we think may have some real positive effect. And hopefully, we can win the day on that issue. But for the most part, we are not working together as collegially as I think the American public would like us to do.

The problems that confront our country, as all of you know, are very, very substantial. We have an immediate crisis, the oil crisis, which has given to

the American public a sense of almost helplessness that their government is not responding in a way that can stop this oil from leaking. Clearly, BP and the entire oil industry has extraordinary incentive to do that. They have been technically unable to do it. We are in deep water both figuratively and literally on this issue.

JOHN and I were on a television program on Sunday morning together on which we both agreed that, A, BP ought to be held responsible, and B, we need to do everything we possibly could to not only stop the oil, but to help those who have been hurt, which nobody can contemplate exactly how broad that will be.

The other issue that we are grappling with that I feel keenly about that has gotten cumulatively worse during the 30 years that I have been here, and that is the fiscal crisis that confronts our country. We are in deep debt. We are approaching or about at 90 percent of GDP in terms of our debt load. We are moving towards 100 percent. No country in the world can sustain that kind of debt load for very long and remain healthy, vibrant, and growing.

So we need your continued wisdom and counsel. Notwithstanding the fact you are not voting, you are all very, very influential people in this country and in your States and in your districts still. And your voice is needed, as we try to reach some bipartisan consensus on how to achieve a more positive fiscal picture confronting our country.

But notwithstanding those serious issues, as someone who just turned 71 yesterday, and I am sending the message to my constituents that I have no intention of retiring; I hope they have no intention of retiring me. I enjoy my service here. I continue. And I enjoyed serving with all of you on both sides of the aisle.

So on behalf of Speaker PELOSI, JOHN will speak for himself, obviously, but I know in a very bipartisan way we welcome all of you back here. We enjoy seeing you. We enjoy reminiscing about the good times, about the challenges, and about how we got things done, and how we might apply those lessons of the past to the solving of the problems that confront us today.

So thank you all very, very much. Enjoy this day, and make sure that you come back on a regular basis to give us, as I said, not only advice and counsel, but perhaps even encouragement. Not everybody in America, as you have noticed, is giving us encouragement.

You know, the bad news for Democrats is that we are very low down in the polls. The good news for Democrats is Republicans are there with us. They don't like any of us. They don't think any of us have got it. So working together, perhaps we can reinstate their confidence and reinstate a positive, more confident America as we move forward, as you have done when you

served America so well in this body. Thank you very much.

I now, if I might, the distinguished gentleman from Arizona, I know he wants to recognize him, but I would be pleased to yield to my friend with whom I from time to time have the opportunity to work together, but always try to have a cordial and positive relationship with, the Republican leader, Mr. BOEHNER.

Mr. RHODES. Mr. HOYER, my wife and I own a little piece of property in Calvert County which happens to be in a major part of your district, and one of the things that we constantly notice is between Prince Frederick and Solomon's Island, roughly every half mile there is a post office. Now, I know that you and everybody else thinks that earmarks are not good, but you are not going to be defeated as long as you keep building those post offices.

Mr. HOYER. I appreciate your confidence, Mr. Speaker.

Mr. RHODES. The Chair recognizes the Republican leader.

Mr. BOEHNER. Mr. Speaker, this is the first time in my 20 years here that I have seen the Speaker lobbying from the podium.

Let me welcome all of my colleagues here to the Capitol today. There are a good number of you. I would hope that some of you would work to get more of your colleagues to come back for what really is a very special day, and we, on a bipartisan basis, really do welcome you and glad to see many of you. Some of you, this is the only day of the year I get to see; others I get to see a little more often, like these two over here.

To Bill Gray, congratulations. Bill Gray has spent a lifetime of service to his country, whether it was the years that he spent here, the years that he spent with a number of organizations where he has provided exemplary service, and I am very pleased that Bill is being honored today by all of you. He and I had a chance to serve together. I was a young pup, he was one of the senior leaders in the other party, but we still always had an opportunity to talk to one another.

As all of you know, we continue, as STENY said, to face big challenges, and what is really of interest to me and I'm sure to Steny is the political rebellion that is going on in America today. I have never seen anything like this. When you look at what is happening, we've got people who have been driven off the couch, off their easy chair, away from their TV, and into the streets protesting what their government is doing. The result of this, we will see what happens in November, but it really is—there's nothing short of a political rebellion going on in the country, something like I have never seen in my lifetime. It is creating more challenges for the Members that are here and clearly will create challenges for candidates on both sides of the aisle as we get into November.

Let me just once again say thank you for being here. Anytime that we can be of service to all of you, we would certainly like to do that.

Mr. RHODES. Thank you, Mr. Leader.

I wasn't aware that I was lobbying, but if that's the way you take it, then that's fine.

I am going to yield the chair to the gentleman from Michigan, but before I do, I want to pay special recognition to my Republican leader, Bob Michel, and to three individuals who were elected at the same time that I was in 1986: Jack Buechner, Ernie Konnyu and Connie Morella. I appreciate you being here.

The Chair recognizes the gentleman from Michigan.

Mr. HERTEL. I thank the gentleman from Arizona.

I want to thank the majority leader who has always taken the time to participate with us and to welcome us here on the House floor but has always participated in our other activities, too, and encouraged us to continue in serving our country in the capacity of former Members. He reminds me of 30 years ago when he talked about Minority Leader Bob Michel, who we all looked to for advice, and those times of, as he said, really the beginning of increased partisanship.

But just as Majority Leader HOYER and Mr. BOEHNER were last year at our golf tournament for the wounded warriors playing golf and there were some press excerpts of them working together, the majority leader has always reached out to the other side because, while we have partisan differences, as I saw with him back 30 years ago with our esteemed Speaker Tip O'Neill and our revered minority leader, Bob Michel, they were able to show us how you fight for what you believe in, you fight for your partisan position, you fight for your party position, but in the end, you're elected by the people to serve this country and to reach the best accommodation and policy in the interest of the United States for the future and the people of our country.

In that light, the president of our association, Jay Rhodes, has set up a bipartisan day tomorrow where we have former Speakers of the House, Foley and Hastert, and Dick Gephardt and others coming forward, a full day over at the National Archives to talk about the need for bipartisanship and what it has meant in the past. I know of Tip O'Neill's great respect for Bob Michel; I know of Tip O'Neill's great love for Jerry Ford, who was minority leader and then President of the United States; and there was never anybody who would give an inch on an issue that he believed in than Speaker O'Neill and neither was there from President Ford from my State of Michigan. And yet as partisan as they were in their leadership, there is no

one in this country who doesn't know how their leadership really was embodied for the entire Nation and the people of this country, to serve them and to move things forward.

That's the example that we see, just as we saw yesterday Minority Leader BOEHNER coming out to our golf tournament again for the wounded warriors and showing his leadership again today by welcoming us with the majority leader and the comity that they have in working together on policy issues for our country.

Again, I am reminded of the foresight of our leader from Arizona, having this bipartisan day tomorrow, but not just a day. It's a yearlong program that he has established to talk about the need for bipartisanship and the examples of bipartisanship in our future.

So, today, I would like to ask President Jay Rhodes to step down here to the dais with me, and before you deliver our association's report to the Congress of what has been going on this last year under your leadership, I want to thank you for 2 years of outstanding leadership as president of this organization. Our membership and board of directors really appreciate all that you have done for the Former Member Association, and we really can't capture all the time that you've spent, all the hours, all the leadership, all of your iconic and ironic wit that you've demonstrated in this last year of leadership and also here on the House floor, but all the hard work you've done on our international issues, on our national issues, on the Congress to Campus program, Jay, and the way that you've taken time to listen to all the members of our association to implement their ideas and to involve all the different members of our association to move things forward.

So I would like you to come down here, Jay, because we have a special plaque for you.

Mr. RHODES. I don't think it's appropriate to leave the chair unattended.

Mr. HERTEL. Well, I will come up to you, then.

Let me read this, which is presented to the Honorable John J. Rhodes, III:

In recognition and appreciation of his strong leadership as President of the U.S. Association of Former Members of Congress. His tremendous enthusiasm and effectiveness will always be remembered by his very grateful colleagues.

Washington, D.C., June 15, 2010.

Jay, we want to thank you for all that you've done in your continued service with us as a past president, how much we appreciate it. And we are anxious to hear your report of our organization.

Mr. RHODES. Thank you, Mr. Soon-to-be-President Hertel. I have really enjoyed the time that you and I have

spent together, along with the members of the board and the executive committee. I look forward to continuing my relationship with the association, and I look forward to your presidency—which is not formal yet, so don't get too excited.

I now yield the chair to the Honorable Dennis Hertel.

Mr. HERTEL (presiding). The Chair recognizes the gentleman from Indiana, MIKE PENCE, the Republican Conference Chair. Thank you for coming.

Mr. PENCE. Thank you, Mr. President. Thank you all.

Those of you that don't watch C-SPAN incessantly may not know I serve as the House Republican Conference Chairman now, and I am just honored to be here with our former leader, a man deeply admired, and to see so many familiar faces back on the floor, back in the people's House. To Congressman Rhodes, it is wonderful to see you. Congratulations on a great tenure in leadership.

Thank you all for being here. We just adjourned the House Republican Conference, and I think you will see former colleagues and current Members coming over to say hello. We just appreciate your continued leadership. I appreciated what JOHN BOEHNER said about your continued role in the leadership of this country. So many of you have gone on from Congress and played an even greater role in the life of this Nation in various industry and philanthropic ways, and I want to commend you for that.

But let me also say I want to commend Congressman Rhodes and our new president for the call for bipartisanship. In the 9 years that I have served on Capitol Hill, I remain convinced that we could learn an awful lot from those who have gone before on this floor in this current time. As we think about the extraordinary challenges facing this country at home and abroad, the hard choices that we are going to have to be making that can only be made if we act as Americans first and not on a partisan basis, please know that we're going to continue to turn to the men and women who have served in this place before.

We will have a competitive election, I expect, this fall. The American people will decide what the composition of this place looks like. I want to tell you as I came onto the floor and I saw a lot more people on this side than on that side, it's kind of how it feels for us Republicans right now, but whatever the American people decide. I want to thank you for being here today. Thank you for your involvement in the former Members group; some men and women that I have had the privilege of serving with are here.

But I also want to challenge you, the extraordinary and intractable problems—rising deficits and debts, a difficult economy—we need to turn to the

wisdom of the men and women who have been here before. We need to turn to you to facilitate an environment of good will where we can solve these problems for this and future generations of Americans, and I know that we will. When I see where we have come from, the part of this national life that you've been a part of, I know that we will meet these challenges and make this the next great American century.

Thank you all for your involvement. God bless you all. It's an honor to speak to you this morning.

Mr. HERTEL. Thank you very much for taking the time. We appreciate the gentleman from Indiana for coming today.

I was reminded of—well, two things. I see Mike Barnes here joining the two gentlewomen from Maryland; I wish every State had the same representation as Maryland does here at our meeting today. But I am reminded to tell about the victory of the Democrats yesterday at the golf tournament for the wounded warriors. I think it's the second year in a row that Democrats have been successful. Marty Russo reminded me of that today.

And now, I will call on our president, the gentleman from Arizona, for his annual report on the association's work under his leadership.

Mr. RHODES. Thank you, Mr. Speaker. I hope that the Democrats enjoyed their victory yesterday, and I trust that that will be just about the end of it.

We are very constrained in terms of the time that we have available to us; we have to vacate the floor by 11 o'clock.

There are three of our association members who have reports to deliver about some of the activities of the association over the course of the past year.

I would first like to recognize the gentleman from New York, Mr. McHugh, distinguished former president of the association and a tremendous asset to the association, for his report on the Congress to Campus program.

Mr. MCHUGH. Thank you very much, Jay. It's a great privilege, as always, to report again on this outstanding program.

As you have indicated in the past, this Congress to Campus program has been administered by our association now for 3 years in cooperation with the Stennis Center. During that time, the program has experienced marked growth and has expanded to include a number of community colleges as well as traditional universities.

As most of you know, this is the association's flagship program. It sends bipartisan teams of former Members to colleges, universities, and high schools across the country to educate the next generation of leaders on the importance of civic engagement. The partici-

pating students benefit from the interaction with our association members, whose knowledge and experience clearly are a unique resource. Our members at the same time benefit through their continued involvement in public service and the ability to engage young people on issues of real importance to them.

During each visit, our bipartisan team conducts classes, meets individually with students and faculty, speaks to campus media, participates in both campus and community forums, and meets with local citizens. The program has made both domestic and international visits this academic year, including two separate visits to campuses in the United Kingdom. During the 2009–2010 academic year, the program has made a total of 22 campus visits. More than 35 former Members participated, and I want to thank all of you who took the time from your busy schedules to do so. I also want to encourage those who have not yet had the opportunity to seriously consider doing so. It's a great way to continue our public service after Congress.

I also want to thank the faculty, staff members and students who worked so diligently on each of these visits. Without the hard work of these folks, these visits would not have been possible at all.

We have continued our relationship with the Stennis Center for Public Service in the administration of the program, and we owe a special debt of gratitude, I think, to Tracy Fine of our staff and to Brother Rogers of the Stennis Center for their fine work throughout the year. Our staffs work very closely together to make the program such a success and we also appreciate the continuing financial support from the Stennis Center. We look forward to our continuing association in the years ahead.

In addition to the expansion of the program to community colleges, and with the help of a grant from the U.S. Department of Education, the program has also commenced a concerted effort in partnership with the University of Central Florida and the Lou Frey Institute of Politics and Government to reach out to high school students through a series of webcasts. These programs focus on specific topics related to Congress and the legislative process and are designed as a tool for teachers to showcase these topics and encourage involvement in government. During the fall and the spring, the program was piloted to high schools in Florida and around the country. The broadcasts were taped and streamed live with an in-studio audience of high school students in Washington as part of the Congressional Youth Leadership Council.

We have also continued our working relationship with the People to People Ambassador Program that brings

young people to our Nation's capital for a week of events centered on the concepts of character and leadership. This year, the association sent former Members to 30 different speaking engagements in this area and reached hundreds of students through these appearances. These students are younger than those who participate in Congress to Campus activities, but they have already demonstrated a commitment to the ideals that Congress to Campus seeks to promote. The association's involvement in this program allows our members living in the Washington area to speak to these younger students on the importance of public service and to answer their many questions about our country and its government. A number of our members continue to work full-time, and the People to People engagements allow them to continue their public service in this way. The events are typically held in the early morning at suburban locations. Again, I want to thank my colleagues, especially Orval Hansen, Jack Buechner and Martin Frost, who have participated in this program regularly over the past year.

Finally, Jay, I want to say again how grateful we are to those who have made the Congress to Campus program such a great success, and I strongly encourage all of my friends and colleagues to participate in this program either by making a visit to a school or by recommending a school to host the program. As you know, a democracy can prosper only if its citizens are both informed and engaged. As former legislators, we have a particular opportunity and responsibility to encourage such involvement. This program gives us the chance to do so, particularly with our young people.

Again, many thanks to you for your leadership. My congratulations to our friend and colleague, Bill Gray, on this award, and it is great to see all of you back again.

Mr. RHODES. Thank you, Matt. Your continued association and your continued leadership in this organization is unparalleled, and we appreciate it extremely much.

Speaking of unparalleled service, I would like to recognize a former Member, the former president of the association, the Honorable Lou Frey from Florida. I am not going to ask you to make a speech because that would take up the rest of the time.

Lou and I, a month or so ago, were privileged to go to China together, and we had a very, very fascinating trip. He has written eloquently in his Lou Frey reports about that trip, and I hope that you will have an opportunity to review those reports because he has encapsulated, basically, what we did and what we saw.

I would now like to recognize my friend from Maryland, Connie Morella, who will discuss the activities of our various study groups.

Ms. MORELLA. Thank you, Mr. President, and thank you for your exemplary service as president.

Congratulations also to Bill Gray, a great statesman of the year. It is nice to see Bob Michel in this great reunion. I'm Connie Morella and I approved this message.

My message is to give you a little synopsis of the Congressional Study Groups for which the former Members are so noted. The association is pleased to oversee and to administer the Congressional Study Groups on Germany, Turkey and Japan, which create invaluable opportunities for current Members of Congress to engage with their counterparts in the legislative branches of those countries.

The Congressional Study Group on Germany is the association's flagship international program, and it is the largest, most active parliamentary exchange program involving the U.S. Congress and the legislature of another country. Since its inception, which was almost 30 years ago, the study group has offered lawmakers a unique forum to discuss potential avenues of cooperation on issues ranging from the current economic global crisis to NATO's role in Afghanistan. A group of current Members of Congress chair the study group in a bipartisan manner. In the House of Representatives, Congressman RUSS CARNAHAN of Missouri serves as the chairman, and Congressman PHIL GINGREY of Georgia serves as the vice chairman. In the Senate, Senators EVAN BAYH (D-IN) and JEFF SESSIONS (R-AL) serve as co-chairs.

The study group on Germany's programming consists of three pillars: the Distinguished Visitors Program, which offers monthly roundtable discussions on Capitol Hill for Members of Congress, featuring visiting dignitaries from Germany; annual seminars, which meet in Germany and in the United States on a rotating basis; and a senior congressional staff study tour to Germany. Recent Capitol Hill discussion partners include the German Federal Minister of Economy and Technology, the Minister-President of Hessen, and the Minister-President of Lower Saxony.

The highlight of each programming year is the annual Congress-Bundestag seminar, which brings together Members of the U.S. Congress with their counterparts in the German Bundestag for in-depth discussions about issues that affect the transatlantic relationship. In addition to current and former lawmakers from the United States and Germany, representatives from the State Department, the German Foreign Ministry and the business and academic community also participate. Discussion topics are dictated by current events and issues influencing U.S.-German relations. The 27th Annual Congress-Bundestag took place the second week of May in Washington, DC

and St. Louis, Missouri. Seminar sessions examined prospects for peace in the Middle East, mutual national security risks, as well as outlook on the 2010 mid term elections. The 2010 Senior Congressional Staff Study Tour to Germany took place at the end of March, bringing 10 House chiefs of staff to Berlin and Cologne.

Since its inception, the Congressional Study Group on Germany has received generous grants from the German Marshall Fund of the United States. The association would like to thank the German Marshall Fund's president, Craig Kennedy, for his support and trust in the study group.

Additional funding to assist with administrative expenses is received from a group of organizations that make up the study group's Business Advisory Council. This council is chaired by former Member of Congress Tom Coleman of Missouri, who served as the chairman of the Congressional Study Group on Germany in the House in 1989. Current Business Advisory Council Members are Airbus, Allianz, BASF, Daimler, Deutsche Telekom, DHL, Eli Lilly, Fresenius, Inc., Lufthansa, RGIT, and Volkswagen.

The Congressional Study Group on Turkey, the second study group, was established in 2005, and it quickly has become a major focus for the Former Members Association, obviously. The study group offers lawmakers a unique educational forum to examine issues ranging from the current economic global crisis to cooperation in the Middle East peace process.

Taking the successful and long-running Congressional Study Group on Germany as a model, the Congressional Study Group on Turkey has grown into a highly relevant and productive program for American and Turkish legislators. The study group is currently active in the House of Representatives, and is co-chaired by Congressman STEVE COHEN of Tennessee and Congresswoman VIRGINIA FOXX of North Carolina. Congressman ED WHITFIELD of Kentucky remains active in the study group as immediate past chair.

Similar to the study group on Germany, the Congressional Study Group on Turkey hosts roundtable discussions on Capitol Hill for Members of Congress featuring visiting dignitaries from Turkey and U.S. administration officials as part of its distinguished visitors program. The study group has recently hosted the Turkish Minister of Foreign Affairs and the Chairman of the Foreign Affairs Committee of the Turkish Grand National Assembly, among others.

The Congressional Study Group on Turkey also conducts an annual U.S.-Turkey seminar, which brings together American and Turkish lawmakers to discuss current issues pertinent to the bilateral relationship. The fifth annual U.S.-Turkey seminar took place at the

end of August 2009 in Ankara and Istanbul, Turkey, and the 2010 annual U.S.-Turkey seminar is slated to take place this summer in Washington and in Chicago. Discussion topics will examine current issues in Turkish-American relations, such as the Strategic Cooperation Framework on Trade, the Middle East peace process, and energy security. The study group will also take this opportunity to inform the visiting parliamentarians about the 2010 mid term elections in the United States via meetings with journalists, think-tank representatives, and policymakers.

In the past, the Congressional Study Group on Turkey continued to receive a generous funding boost from the German Marshall Fund of the United States and a group of corporate sponsors making up its Business Advisory Council. The Study Group's current Business Advisory Council members include Eli Lilly and the Turkish-American Business Council.

The Association also organizes and administers the Congressional Study Group on Japan. Founded in 1993 in cooperation with the East-West Center in Hawaii, the Congressional Study Group on Japan brings together Members of the U.S. Congress and members of the Japanese Diet for a series of discussions covering issues of mutual concern. A group of current Members of Congress chair the study group in a bipartisan manner. In the House of Representatives, Congressman JIM McDERMOTT of Washington and Congresswoman SHELLEY MOORE CAPITO of West Virginia serve as co-chairs. In the Senate, Senators JIM WEBB of Virginia and LISA MURKOWSKI of Alaska take an active role in study group programming. The Congressional Study Group on Japan is funded by the Japan-U.S. Friendship Commission.

Finally, last year the association launched a new program called the Trilateral Renewable Energy Roundtable for legislators from Germany, India and the United States. Together with the Alliance for U.S. India Business, the Bertelsmann Foundation, the Robert Bosch Foundation and TERI North America, we brought together German, Indian and American lawmakers in Washington, DC, for a series of discussions on renewable energy solutions and ways of cooperation in a trilateral framework. We aim to replicate this successful dialogue in the near future, possibly involving Japanese lawmakers in the project.

The Congressional Study Groups on Germany, Turkey, and Japan, as well as the Trilateral Roundtable, demonstrate the significant role that the U.S. Association of Former Members of Congress plays in assisting current Members in maintaining a strong dialogue and personal relationships with their counterparts around the globe. We are very proud of the work that is

done by the association to keep these study groups as vital programs in the association, and I hope that all of you will look forward to further participation in them.

Mr. RHODES. Thank you, Connie.

The Study Groups are very important and they are very enjoyable. Congress to Campus is a very viable program and I hope more of you will take advantage of it. The gentleman from Kansas and I are living proof that a bipartisan approach to Congress to Campus can be survived.

Mr. Slattery is going to deliver a report on our election monitoring expedition to Iraq. Mr. Slattery is within 2 weeks of losing his exalted position as the immediate past president of this association, but I hope that that does not mean you're going to diminish your activities.

Mr. SLATTERY. Thank you, President Rhodes, for the opportunity to report on the International Election Monitors Institute and its March mission to Iraq. I also want to thank you, Jay, for your dedicated service as president of this association. You have done a terrific job and we all appreciate it. We know the time commitment that you have made to making this association more vital and more actively involved in all the projects we're involved in.

I also want to congratulate my chairman, Bill Gray. It was always an honor and a pleasure to serve with you on the Budget Committee. As I look back on those days, I can't help but recall with some fondness our intense debates around deficits at that time that we were trying to get under \$200 billion. Chairman Gray, you did a great job and it was an honor to serve with you.

I want to also join those who have already previously recognized our friend, former Leader Bob Michel, who is really one of the true patriots to have served in this body. What an honor to have known and worked with you during those years and to continue our friendship. Bob Michel, terrific. It's great to see you here today.

It was an honor to travel to Iraq and participate in this project. As you have mentioned, Jay, the International Election Monitors Institute was created in 2005, under the leadership of our good friend, Jack Buechner, when he was president of the association. It is a joint project of the U.S. Association of Former Members of Congress, the Association of Former Members of the European Parliament, and the Canadian Association of Former Parliamentarians. In addition to conducting annual workshops for former legislators to train them for election monitoring missions, the International Election Monitors Institute has sent delegations to places like Morocco and Ukraine. Our most recent mission was our most ambitious. We sent six former legislators to observe the March parliamentary elections in Iraq.

Our team was invited to monitor this election by the Independent High Electoral Commission of Iraq. Six former legislators from the United States, Canada, Sweden, and the United Kingdom, including former Congressman Scott Klug and myself, traveled to Iraq to witness these elections.

On March 7, 2010, the brave people of Iraq gave the world another inspirational example of their commitment to freedom and democracy. This was a pivotal election, with more than 300 accredited political entities, more than 80 having candidates competing in the election. There were 6,292 candidates competing for 325 seats. Nearly 300,000 poll workers staffed 52,000 polling stations in 8,600 polling centers. In addition, there were 314 out-of-country voting precincts located in 16 countries.

To get an overall idea of what was happening during the elections, we met with people from all sides of the political spectrum. We spoke to people from several election-oriented NGOs, members of the international community, the Iraqi High Election Commission staff, political parties, and people at special needs polling stations.

With the world's attention on Iraq for these elections, many Iraqi people were ready, inspired, and really excited to go to the polls. To me and our team's amazement, Iraqi citizens made it to the polls even with the explosion of nearly 50 bombs in Baghdad by noon on election day. I have monitored elections in other troubled countries, including the Nicaraguan election in 1990 and the Orange Revolution in Ukraine in 2004, but I have never seen security at the level it was in Iraq. My two-person team was accompanied by a group of 16 armed guards in five armored vehicles provided by the U.S. Government.

On election day, we visited 25 polling stations. We were welcomed by each person we met. They were obviously happy to see neutral officials monitoring their election. The Iraqis working the polls were passionate about the election. The staffers were well trained in voting policies as well as the fact that an adequate amount of supplies were provided for each voter at the polling stations. There was also a sense of pride and camaraderie among the Iraqis who voted that day. We were happy to see that there was no discrimination based on age, ethnicity, religion, or political parties at the polling stations we visited. In addition, both the Shia and Sunni sects were encouraged to vote by their leaders, rather than boycott the election as they had been instructed to do in previous elections.

Let there be no mistake. Iraq has a long way to go in developing a western style democracy where the threat of death is not associated with active political participation. And while there was no conclusive outcome on election

day with no one party winning more than 40 percent of the vote, we believe that this election was a giant step forward. Nearly 60 percent of registered voters voted in a free, democratic election, in spite of the violence. There were, of course, some problems with this election, just like there are issues with every election. But in the final analysis, all of us who observed this election were confident that it mechanically went off as good as could be expected. We are confident that it was a great improvement over the last election, and we are confident that it's a giant step toward that day when America's incredible military personnel can withdraw from this troubled land, which likes to think of itself as the "cradle of civilization," and leave the people of Iraq in the hands of a stable democracy.

Thank you again for the opportunity to serve on this mission and to report on its outcome today.

Mr. RHODES. Thank you, Jim. I appreciate that very, very much. The interesting thing to me about giving people the vote is that they hunger for it, and they are willing to take all kinds of risks to exercise it. My first experience with something like that was in 1970 in Vietnam. Like Jim, I saw what happened in Nicaragua, I saw what happened in Ukraine, I saw what happened in Afghanistan, and when people are given the opportunity to express themselves, they jump at it, and they are excited about it.

I would like to include my formal remarks in the CONGRESSIONAL RECORD at this point. I want just simply to put in a pitch for our bipartisan programs of tomorrow. I'm not sure I know what bipartisanship is, but I do know what civility is. And I do know that when we were first elected and when Mr. Mitchell was the leader and Mr. O'Neill was the Speaker, civility was the rule. I would hope that we can return to the days when the Members of this body are civil to each other, even if they do not agree. And so if bipartisanship is not a definable term, I know that we know what civility is.

THE U.S. ASSOCIATION OF FORMER MEMBERS OF CONGRESS, 2010 ANNUAL REPORT TO CONGRESS, JUNE 15, 2010

#### I. INTRODUCTION

This report outlines the activities of the U.S. Association of Former Members of Congress for the period June 2009 through June 2010. Pursuant to the Association's Congressional charter requirement, the Association's President, former Member of Congress John J. Rhodes, III, delivered this report to the Congress on June 15, 2010. The report was preceded by the presentation of the Association's 2010 Distinguished Service Award to former Member of Congress William H. Gray. The inscription read:

The 2010 Distinguished Service Award is presented by the United States Association of Former Members of Congress to Chairman William Herbert Gray, III for his lifetime of exceptional public service. Both in and out of Congress, Minister Bill Gray has dem-

onstrated his tremendous dedication to civil rights, fairness and equality. Representing the State of Pennsylvania with great distinction, he served as the first African-American Majority Whip and the first African-American Chairman of the House Budget Committee. His leadership helped young Americans obtain the dream of a college education, his perseverance contributed to the fall of Apartheid, and his humanity brought relief to the people of Haiti. Congressman Bill Gray is an inspiration to us all and his former colleagues from both sides of the political aisle salute him.—WASHINGTON, DC June 15, 2010.

The Association also presented to its outgoing President the following plaque in appreciation for his 2 years of service: Presented to The Honorable John J. Rhodes, III in recognition and appreciation of his strong leadership as President of the U.S. Association of Former Members of Congress. His tremendous enthusiasm and effectiveness will always be remembered by his grateful colleagues.—Washington DC, June 15, 2010.

#### II. GENERAL OVERVIEW ABOUT ASSOCIATION

Mr. Rhodes: Let me take this opportunity to also congratulate Bill Gray on this well-deserved honor. You are an inspiration to us all and we thank you for your many years of distinguished public service.

As President of this organization, it is now my duty to report to the Congress about the activities of the U.S. Association of Former Members of Congress since our last annual meeting in June of 2009.

Our Association is nonpartisan. It was chartered by Congress in 1983. The purpose of the U.S. Association of Former Members of Congress is to promote public service and strengthen democracy, abroad and in the United States. About 600 former Senators and Representatives belong to the Association. Republicans, Democrats and Independents are united in this organization in their desire to teach about Congress and the importance of representative democracy. We receive no funding from the Congress. All the activities which we are about to describe are financed either via membership dues, program-specific grants and sponsors, or via our fundraising dinner. Our finances are sound, our projects fully funded, and our 2009 audit by an outside accountant came back with a clean bill of financial health.

We again have had a very successful, active, and rewarding year. We have continued our work serving as a liaison between the current Congress and legislatures overseas; we have created partnerships with highly respected institutions in the area of democracy building and election monitoring; we have developed new projects, which we are in the process of expanding, including our webcasting civics education program, and we again sent dozens of bipartisan teams of former Members of Congress to university campuses here in the United States and abroad as part of our Congress to Campus Program.

#### III. ASSOCIATION DOMESTIC PROGRAMS

##### a. Conference on Bipartisanship

We were incorporated on June 18th, 1970, almost 40 years ago to the day. Let me quote from our original by-laws as they describe the purpose for which the Association was created: purposes include the promotion of the cause of good government at the national and international level by strengthening and improving representative government, by teaching about our system of government, and by sending delegations to help countries as they develop democratic systems of government.

You will find that all the programs we have initiated meet one or more of the goals outlined in our bylaws. For example, tomorrow we will host a one-day conference focused on the issue of bipartisanship. The conference is a joint project with the National Archives and the Bipartisan Policy Center. Three different panels will examine our current political discourse, how bipartisanship—or the lack thereof—has influenced our political decision making, the way our media influences this nation's political climate, and what concrete steps we might be able to take to foster a more civil relationship across the aisle. Panelists and speakers include current Members such as Senator Ron Wyden, and former Members such as Speaker Tom Foley. The media is represented, for example by Judy Woodruff and Jackie Calmes. This will be an outstanding conference and it is a good example of the type of contribution former Members can make to the issues that affect us all.

Our founders 40 years ago envisioned former Members teaching about Congress and encouraging public service. They were hoping that former Members could inspire the next generation of America's leaders. No program of ours does a better job implementing that vision than the Congress to Campus Program. Established many years ago as a way to reach college students, it has since grown to also bring former Members into the high school civic education classroom as well as connecting with students as young as middle school age.

We continue to work with the Stennis Center for Public Service, but all administration of this great program is now done in-house by Association staff. I will now yield to a former President of our Association, Matt McHugh of New York, who co-chairs the Congress to Campus Program.

##### b. Congress to Campus Program

Mr. McHugh: Thank you, Jay, for the opportunity to report on this outstanding program. As you indicated, the Congress to Campus Program has been administered entirely by the Association in cooperation with the Stennis Center for three years now. During that time, the program has experienced marked growth and has expanded to include community colleges. As most of you know, this is the Association's flagship program for its members. It sends bipartisan teams of former Members to colleges, universities and high schools across the country to educate the next generation of leaders on the importance of civic engagement. The participating students benefit from the interaction with our Association members, whose knowledge and experience are a unique resource. Our members also benefit through their continued involvement in public service, and the ability to engage young people on issues that are important to them.

During each visit, our bipartisan team conducts classes, meets individually with students and faculty, speaks to campus media, participates in both campus and community forums, and meets with local citizens. Institutions are encouraged to market the visit to the entire campus community, not just to those students majoring in political science, history or government. Over the course of two and a half days, hundreds of students are exposed to the former Members' message regarding the significance of public service.

The program has made both domestic and international visits this academic year, including two separate visits to campuses in the United Kingdom. During the 2009-2010 academic year, the program has made 22 campus visits, including visits to the United

States Naval Academy, Boise State University in Idaho, Waubesa Community College in Sugar Grove, Illinois, Cabrini College in Radnor, Pennsylvania, and Miami University Hamilton in Ohio.

More than 35 former Members participated, and I want to thank all of you who took time from your busy schedules to do so. I also want to encourage those who have not yet had the opportunity to seriously consider doing so. It is truly a great way to continue your public service after Congress.

I would also like to extend our thanks to the faculty, staff members and students who worked so diligently on each visit. Without their hard work, these visits would not have been possible. We rely heavily on the universities to take the lead in coordinating logistics related to each visit, and appreciate the time they devote to ensuring that their students receive the full benefit of the program.

We have continued our relationship with the Stennis Center for Public Service in the administration of the program, and we owe a special debt of gratitude to Tracy Fine of our staff and to Brother Rogers of the Stennis Center for their fine work. Our staffs work very closely together to make the program such a success and we also appreciate the continuing financial support we receive from the Stennis Center. We look forward to our continuing association in the years ahead.

In addition to the expansion of the program to community colleges, and with the help of a grant from the U.S. Department of Education, the program has also commenced a concerted effort in partnership with the University of Central Florida and the Lou Frey Institute of Politics and Government, to reach out to high school students via a series of webcasts. These programs focus on specific topics related to Congress and the legislative process, and are designed as a tool for teachers to showcase these topics and encourage involvement in government. During the fall and spring, the program was piloted to high schools in Florida and around the country. The broadcasts were taped and streamed live with an in-studio audience of high schools students in Washington as part of the Congressional Youth Leadership Council. We want to thank the U.S. Department of Education, the University of Central Florida, the Lou Frey Institute of Politics and Government, George Washington University School of Media and Public Affairs, and the Congressional Youth Leadership Council for their support of this great program. In the 2010–2011 academic year, the project will continue to reach out to high school students. While these “virtual” visits cannot replace the person-to-person experience of a traditional Congress to Campus visit, they can play an important supplemental role in teaching about representative democracy at the high school level.

We have also continued our working relationship with the People to People Ambassador Program that brings young people to our nation’s capital for a week of events centered on the concepts of character and leadership. This year the Association sent Former Members to 30 different speaking engagements in this area and reached hundreds of students via these appearances. These students are younger than those who participate in Congress to Campus activities, but they have already demonstrated a commitment to the ideals that Congress to Campus seeks to promote. The Association’s involvement in this program allows our members living in the Washington area to speak to these younger students on the importance of public service and to answer their many

questions about our country and its government. A number of our members continue to work full time, and the People to People engagements allow them to continue their public service in this way. The events are typically held in the early morning at suburban locations, and I want to thank my colleagues, especially Orval Hansen, Jack Buechner, and Martin Frost who have participated in this program regularly over the past year.

Finally, I want to say again how grateful we are to all of those who have made the Congress to Campus Program such a success and to strongly encourage all of my friends and colleagues to participate in the program, either by making a visit to a school, or by recommending a school to host the program. As you know, a democracy can prosper only if its citizens are both informed and engaged, and as former legislators we have a particular opportunity and responsibility to encourage such involvement. This program gives us the chance to do so, particularly with our young people. Thank you.

#### *c. Political Rules of the Road*

Mr. Rhodes: One of the lessons we have learned from interacting with America’s college students, is that there is a void of real-life experience and advice when it comes to civic education textbooks. To fill that void former Member of Congress Lou Frey of Florida collected the words of wisdom our membership had to offer and edited two books we have since published. The first, *Inside the House—Former Members reveal how Congress really works*—was published several years ago and is being used by political science professors across the country. This past summer, we published a follow-up volume entitled *Political Rules of the Road*. This book focuses on some of the rules of the road we all have learned during our political lives, and I thank the many former Members who took the time and submitted contributions for this terrific collection. We have over 500 rules by almost 200 former and current Members as well as several U.S. Presidents! The book has received quite some attention; as a matter of fact Lou Frey did a call-in show on C-Span late last year. Please visit our website at [www.usafmc.org](http://www.usafmc.org) for more information about ordering either one of these publications.

#### *d. Statesmanship Award Dinner*

None of these projects would be possible without funding. We do not receive a single taxpayer dollar from the Congress for our organization. All programs are self-financed via membership dues, grants, contributions and our annual fundraising dinner. We have taken the occasion of the fundraiser to recognize former or current Members of Congress who have inspired others through their leadership or statesmanship. Our 2010 Statesmanship Award Honoree was Secretary of Transportation Ray LaHood. Early on we decided to dedicate our 40th anniversary year to the theme of bipartisanship. It was therefore a very easy decision to recognize Secretary LaHood for his many years in the Congress and in the current administration as a public servant who strives to reach across the aisle, create dialogue, and work with others regardless of their political persuasion. The dinner was a rousing success and we are so pleased that we had a chance to recognize Secretary LaHood for the good work he did in the Congress and the good work he is doing as Secretary of Transportation.

#### *e. Charitable Golf Tournament*

Two years ago we took a 35-year-old tradition—our annual golf tournament which pits

Republicans against Democrats—and gave it a new and much bigger mission: we converted it into a charitable golf tournament to aid severely wounded vets returning from Afghanistan and Iraq. Our beneficiary, the Wounded Warrior Project of Disabled Sports USA, is as impressive and remarkable an organization as you are likely to find anywhere in this country. They use sports to help our wounded veterans readjust to life after a severe injury, they involve the entire family in the sport, and they take care of all the equipment and training. We held the third golf tournament yesterday and between the three tournaments we have raised almost \$200,000 for this outstanding organization. We are very proud of this new focus for our organization and hope to be able to support our wounded heroes for many years to come.

#### *IV. ASSOCIATION INTERNATIONAL PROGRAMS*

##### *a. China Delegation*

According to our bylaws and articles of incorporation, we are tasked with promoting representative democracy at home and abroad. We therefore have created a number of programs with an international outreach.

For example, earlier this year I was privileged to lead a delegation of former Members of Congress to China. Our bipartisan group had a number of meetings in Beijing as well as in Shanghai. The purpose of the trip was to learn about China firsthand, engage Chinese officials in a frank dialogue, shed some light on current U.S. politics and foreign policy, and gain knowledge about U.S.-Chinese trade relations from U.S. corporate representatives in Asia. To conduct this mission we partnered with the China Association For International Friendly Contact and the China U.S. Exchange Foundation. Our discussion partners included the Vice Chairman of the NPC Standing Committee, the Assistant Minister of Commerce, and the Deputy Minister of Foreign Affairs. In addition, we met with a number of Chinese university students, Chinese cultural representatives, and the Deputy Governor of China’s central bank. Our talks were frank and productive, we learned an awful lot and were able to dispel some myths. Most importantly, we established an avenue for an exchange of views and ideas. This was a very successful trip and we are planning a followup in the fall.

Another example of our international outreach is the work we do via the International Election Monitors Institute. Created in 2005 under the leadership of our then-President Jack Buechner, the IEMI is a collaborative effort administered in conjunction with our Canadian and European Union sister organizations. IEMI takes former legislators from the United States, Canada and Europe and trains them in proper election monitoring techniques and a code of conduct. To this end we have been able to put together a two-day training course which we’ve now administered numerous times in Ottawa. The course, as well as a host of other achievements for the Institute, was made possible via a three-year grant from the Canadian International Development Agency. Dozens of U.S., Canadian, and European former legislators have gone through the training and are now well versed in the actual set of responsibilities and challenges that come with election observation. Our most recent mission was also our most ambitious undertaking: we were one of only two organizations with U.S. election monitors in Iraq for that country’s March parliamentary elections. Former Member of Congress Jim Slatery was in Baghdad as an IEMI election observer and will report on this project.

*b. IEMI Iraq Election Monitoring Mission*

Mr. Slattery: Thank you, Jay, for the opportunity to report on the International Election Monitors Institute and its March mission to Iraq. It was an honor to be able to travel to Iraq and participate in this endeavor and to be part of such an important moment for democracies around the world.

As you mentioned, the IEMI was created in 2005 under the leadership of our good friend Jack Buechner, when he was President of our Association. It is a joint project of the U.S. Association of Former Members of Congress, the Association of Former Members of the European Parliament, and the Canadian Association of Former Parliamentarians. In addition to conducting multiple annual workshops for former legislators to train them for election monitoring missions, IEMI has sent delegations to places such as Morocco and Ukraine. Our most recent mission was arguable our most ambitious, when we sent six former legislators to observe the March parliamentary elections in Iraq.

A team from the IEMI was invited to visit Iraq and monitor the 2010 elections by the Independent High Electoral Commission of Iraq. Six former legislators from the United States, Canada, Sweden, and the United Kingdom, including myself, traveled to Iraq to witness the elections.

On March 7, 2010, I had the opportunity to observe the elections in Iraq and see how the brave people of that country gave the world another inspirational example of their commitment to democracy. This year was a pivotal election year with over 300 accredited political entities, more than 80 having candidates competing in this election. There were 6,292 candidates competing for 325 seats. Nearly 300,000 poll workers staffed 52,000 polling stations in 8,600 polling centers. In addition, there were 314 out-of-country voting precincts located in 16 countries.

In order to get an overall idea of what exactly was happening during the elections, we met with people from all sides of the spectrum. We spoke to people from several election-oriented NGOs, members of the international community, IHEC staff, political parties, and people at special needs polling stations.

With the world's attention on Iraq for these elections, many Iraqi people were ready, inspired and excited to go to the polls. To me and my team's amazement, Iraqi citizens still made it to the polls even with the explosion of nearly 50 bombs in Baghdad by noon on Election Day. I have monitored elections in other troubled countries, including the Nicaraguan election in 1990 and the Ukrainian election in 2004, but I have never seen security at the level it was in Iraq. My two-person team was accompanied by a group of 16 armed guards in 5 armored vehicles, provided by the U.S. Government.

On Election Day, we visited 25 polling stations. We were welcomed by each person we met. They were happy to know that there were neutral officials coming to monitor the elections. The Iraqis working the polls were passionate about these elections. All of the staffers were well trained in voting policies and procedures. Instructions on the voting process as well as an adequate amount of supplies were provided for each voter at the polling stations. There was also a sense of pride and camaraderie amongst the Iraqis who voted that day. People sat in voting centers sharing food and drink, celebrating this noteworthy day. We were happy to see that there was no discrimination between age, ethnicity, religion, or political parties at the polling stations we visited. In addition, both

the Shia and Sunni sects were encouraged to vote by their leaders, rather than boycott the election as they had been instructed to do in previous elections.

Let there be no mistake. Iraq has a long way to go in developing a Western style democracy where the threat of death is not associated with active political participation. And while there was no conclusive outcome on Election Day with no one party winning more than 40 percent of the vote, we believe that this election was a big step forward. Nearly 60 percent of registered voters voted in a legitimate, democratic election. There were, of course, some problems with this election—just like there are issues with every other election that takes place in any country on this planet. For example, we found that there is a need for a definite voter list. The lack thereof continues to adversely affect citizens' attitudes toward democracy and their belief in the legitimacy of the process. Another issue was that the Council of Representatives did not complete the revisions to the electoral law until December 6, 2009, barely three months before election day. However, domestic monitoring organizations and nearly all Iraqi officials with whom we met believed the March election was a major improvement on the 2005 election.

We hope this election is another giant step toward that day when America's incredible military personnel can withdraw from this troubled land, which likes to think of itself as the "Cradle of Civilization", and leave the people of Iraq in the hands of a stable democracy. Thank you for giving me the opportunity to serve on this mission and to report on its outcome today.

*c. House Democracy Partnership project*

Mr. Rhodes: For the past year, we have been working in conjunction with current Members on democracy building and legislative strengthening projects abroad. Specifically, the U.S. Association of Former Members of Congress has had the privilege to support the important work of the House Democracy Partnership.

HDP is an undertaking by the House of Representatives to strengthen democratic institutions by assisting parliaments in emerging democracies. One of the objectives of HDP is to provide expert advice to members and staff of the parliaments of partner countries. HDP is chaired by David Price of North Carolina and David Dreier of California. It is an extension of the great work begun by Martin Frost and Gerry Solomon as part of the Frost-Solomon Task Force. We are very pleased to be able to play an important role in this outstanding project.

Via a grant by the U.S. Agency for International Development, bipartisan teams of former Members have travelled to Kenya, Georgia, and Poland. In addition, we have assisted with the work of a team of former Congressional Staff in Haiti. The missions are issue-specific, have an intense and active program, and give former Members the opportunity to share some of their experiences with current legislators in parliaments overseas. The Georgia mission, for example, had the very specific focus of talking about effective civilian control of the military and an appropriate role for Parliament in the setting, funding and oversight of defense policy. This mission was led by former Member Martin Lancaster and included former Members Heather Wilson, Joel Hefley and Pete Geren. The Kenya mission was led by former Member Martin Frost and included former Members Barbara Kennelly, Connie Morella and Phil English. The delegation had meetings

with the Ministers of Foreign Affairs, Justice, Agriculture, and Water; the Speaker of Parliament; the Parliamentary Reform Caucus; Former Members of Parliament; and leaders of the major political parties. They discussed challenges and coalition building with Civil Society leaders, including Transparency International, the Law Society of Kenya, SUNY, and Youth movement organizations. The mission to Poland included former Member Martin Frost and coincided with the 20th anniversary commemoration of the Frost-Solomon Task Force working with the Polish legislature. During this mission, the delegation focused on organizing a training program for legislative staff. Clearly former Members can play an important and productive role in this type of legislative strengthening project. We thank David Price and David Dreier for including us in their work and we hope that we will be allowed to contribute further in the future.

In addition to the international work which I just highlighted, our Association also focuses on creating a dialogue involving current Members of Congress and their colleagues in legislatures abroad. Mainly we achieve this objective via several Congressional Study Groups involving Germany, Turkey, and Japan. We have arranged over 500 special events at the U.S. Capitol for international delegations from over 80 countries and the European Parliament, hosted meetings for individual legislators and for parliamentary staff, and organized over 50 foreign policy seminars in about a dozen countries involving more than 1,500 former and current legislators. Former Member of Congress Connie Morella will report on the activities of our Congressional Study Groups.

*d. Congressional Study Groups*

Ms. Morella: Thank you, Jay. The U.S. Association of Former Members of Congress is pleased to oversee and administer the Congressional Study Groups on Germany, Turkey and Japan, which create invaluable opportunities for current Members of Congress to engage with their counterparts in the legislative branches of those countries.

The Congressional Study Group on Germany is the Association's flagship international program, and is the largest and most active parliamentary exchange program involving the U.S. Congress and the legislature of another country. Since its inception almost 30 years ago, the Study Group has offered lawmakers a unique forum to discuss potential avenues of cooperation on issues ranging from the current economic global crisis to NATO's role in Afghanistan. A group of current Members of Congress chair the Study Group in a bipartisan manner. In the House of Representatives, Congressman Russ Carnahan of Missouri serves as the Chairman and Congressman Phil Gingrey of Georgia serves as the Vice Chairman. In the Senate, Senators Evan Bayh (D-IN) and Jeff Sessions (R-AL) serve as Co-Chairs.

The Study Group on Germany's programming consists of three pillars: the Distinguished Visitors Program, which offers monthly roundtable discussions on Capitol Hill for Members of Congress featuring visiting dignitaries from Germany; Annual Seminars which meet in Germany and the United States on a rotating basis; and a senior Congressional Staff Study Tour to Germany. Recent Capitol Hill discussion partners include: the German Federal Minister of Economy and Technology, Rainer Brudele; Minister-President of Hessen, Roland Koch; and Minister-President of Lower Saxony, Christian Wulff.

The highlight of each programming year is the Annual Congress-Bundestag Seminar, which brings together Members of the U.S. Congress with their counterparts in the German Bundestag for in-depth discussions about issues that affect the transatlantic relationship. In addition to current and former lawmakers from the United States and Germany, representatives from the U.S. State Department, the German Foreign Ministry, and the business and academic community also participate. Discussion topics are dictated by current events and issues influencing U.S.-German relations. The 27th Annual Congress-Bundestag took place the second week of May in Washington, DC and St. Louis, MO. Seminar sessions examined prospects for peace in the Middle East, mutual national security risks as well as outlook on the 2010 Mid-term elections. The 2010 Senior Congressional Staff Study Tour to Germany took place at the end of March bringing ten House Chiefs of Staff to Berlin and Cologne.

Since its creation, the Congressional Study Group on Germany has received generous grants from the German Marshall Fund of the United States. The Association would like to thank GMF's President, Craig Kennedy, for his support and trust in the Study Group. Additional funding to assist with administrative expenses is received from a group of organizations that make up the Study Group's Business Advisory Council. This council is chaired by former Member of Congress Tom Coleman of Missouri, who served as the Chairman of the Congressional Study Group on Germany in the House in 1989. Current Business Advisory Council Members are: Airbus, Allianz, BASF, Daimler, Deutsche Telekom, DHL, Eli Lilly, Fresenius Inc., Lufthansa, RGIT and Volkswagen.

The Congressional Study Group on Turkey was established in 2005, and it has quickly become a major focus for the Former Members Association. The Study Group offers lawmakers a unique educational forum to examine issues ranging from the current economic global crisis to cooperation in the Middle East peace process. Taking the successful and long-running Congressional Study Group on Germany as a model, the Congressional Study Group on Turkey has grown into a highly relevant and productive program for American and Turkish legislators. The Study Group is currently active in the House of Representatives, and is co-chaired by Congressman Steve Cohen of Tennessee and Congresswoman Virginia Foxx of North Carolina. Congressman Ed Whitfield of Kentucky remains active in the Study Group as Immediate Past Chair.

Similar to the Study Group on Germany, the Congressional Study Group on Turkey hosts roundtable discussions on Capitol Hill for Members of Congress featuring visiting dignitaries from Turkey and U.S. Administration officials as part of its Distinguished Visitors Program. The Study Group has recently hosted: the Turkish Minister of Foreign Affairs, Ambassador Ahmet Davutoglu; and Chairman of the Foreign Affairs Committee of the Turkish Grand National Assembly, MP Murat Mercan.

The Congressional Study Group on Turkey also conducts an annual U.S.-Turkey Seminar, which brings together American and Turkish lawmakers to discuss current issues pertinent to the bilateral relationship. The 5th Annual U.S.-Turkey Seminar took place at the end of August 2009 in Ankara and Istanbul, Turkey, and the 2010 Annual U.S.-Turkey Seminar is slated to take place this summer in Washington, DC and Chicago, IL.

Discussion topics will examine current issues in Turkish-American relations, such as the Strategic Cooperation Framework on Trade, the Middle East peace process and energy security. The Study Group will also take this opportunity to inform the visiting parliamentarians about the 2010 mid-term elections in the United States via meetings with journalists, think-tank representatives and policy makers. In the past year, the Congressional Study Group on Turkey continued to receive a generous funding from the German Marshall Fund of the United States, and a group of corporate sponsors making up its Business Advisory Council. The Study Group's current Business Advisory Council members include Eli Lilly and the Turkish-American Business Council.

The Association also organizes and administers the Congressional Study Group on Japan. Founded in 1993 in cooperation with the East-West Center in Hawaii, the Congressional Study Group on Japan brings together Members of the U.S. Congress and Members of the Japanese Diet for a series of discussions covering issues of mutual concern. A group of current Members of Congress chair the Study Group in a bipartisan manner. In the House of Representatives, Congressman Jim McDermott of Washington and Congresswoman Shelley Moore Capito of West Virginia serve as co-Chairs. In the Senate, Senators Jim Webb of Virginia and Lisa Murkowski of Alaska take an active role in Study Group programming. The Congressional Study Group on Japan is funded by the Japan-U.S. Friendship Commission.

Last year, the Association launched a new program called the Trilateral Renewable Energy Roundtable for legislators from Germany, India and the United States. Together with the Alliance for U.S. India Business, the Bertelsmann Foundation, the Robert Bosch Foundation and TERI North America, we brought together German, Indian and American lawmakers in Washington, DC for a series of discussions on renewable energy solutions and ways of cooperation in a trilateral framework. We aim to replicate this highly successful dialogue in the near future, possibly involving Japanese lawmakers in the project.

The Congressional Study Groups on Germany, Turkey and Japan, as well as the Trilateral Roundtable demonstrate the significant role that the U.S. Association of Former Members of Congress plays in assisting current Members in maintaining a strong dialogue and personal relationships with their counterparts around the globe. We are very proud of the work we do to keep these Study Groups as vital programs in the Association, and I look forward to being an active participant in Study Group activities for many more years to come. Thank you.

#### *e. Middle East Fellows Program*

Mr. Rhodes: The Study Groups do important work and are another example of how former Members can assist current Members in their international outreach.

I wish to highlight one more international project which we initiated this year and hope to replicate in the future. Just last month our Association hosted six Legislative Fellows from the Middle East here in DC. In partnership with an organization called Legacy International, we implemented a small grant from the U.S. Department of State. Via this program we brought a group of young professionals from the Middle East to Washington for one month. The group came from Kuwait and Oman and included lawyers, journalists and government employees. Each fellow—and I should highlight that

there were two female fellows—was paired up with a former Member of Congress to serve as a mentor. I thank our six colleagues who went above and beyond in terms of taking their visitor under their wings. In addition to the time spent with the former Members, each fellow spent three weeks on Capitol Hill as a visiting fellow in Congressional offices. Let me also thank the six current Members of Congress who participated in this project. We are hoping to bring a second and larger group of Middle East Fellows to DC in the fall, and then possibly send a former Members delegation to the Middle East as a follow up visit. This program clearly falls within our goal of strengthening ties via people-to-people interaction and dialogue.

#### V. CONCLUSION

##### *a. In Memoriam*

It is now my sad duty to inform the House of those former and current Members who passed away since our last report. We honored them via a memorial breakfast for which Speaker Pelosi joined us earlier today. It was a fitting commemoration of the service these Members gave to our country. They are:

Ike Andrews of North Carolina  
William Avery of Kansas  
Henry Bellmon of Oklahoma  
James Bromwell of Iowa  
Frank Coffin of Maine  
Bob Davis of Michigan  
Paul Fino of New York  
Robert Franks of New Jersey  
Thomas Gill of Hawaii  
Clifford Hansen of Wyoming  
Cecil Heftel of Hawaii  
Bill Hefner of North Carolina  
Jay Johnson of Wisconsin  
Ted Kennedy of Massachusetts  
Don Lukens of Ohio  
Charles "Mac" Mathias of Maryland  
John Murtha of Pennsylvania  
Stanford Parris of Virginia  
John Rarick of Louisiana  
David Treen of Louisiana  
Stewart Udall of Arizona  
Charlie Wilson of Texas

I ask all of you, including the visitors in the gallery, to rise for a moment of silence as we pay our respects to their memory.

Before we conclude, let me welcome to Washington several former Members of the Canadian Parliament who have joined us as our guests. Leo Duguay is my counterpart in the Canadian Association of Former Parliamentarians and is leading a delegation of his colleagues as part of our continued excellent relations with our neighbors from the north. Also with us are four former Members of the Ontario legislature, led by Steven Gilchrist. To you also a warm welcome and our thanks for joining us again this year. Last, but certainly not least, we are so pleased that an old friend of this Association has again made the long trip from the UK to join us. Richard Balfe serves in the Executive of the European Union Former Members Association and it is always wonderful to see you! We are honored that you have joined us for our annual meeting.

I would be remiss if I did not thank the other members of our Association's Executive Committee: our Vice President, Dennis Hertel; our Treasurer, Connie Morella; our Secretary, Barbara Kennelly, and our Immediate Past President, Jim Slattery. You all have made this Association a stronger and better organization than it has ever been and I thank you for all your time and energy. Your counsel was invaluable to me during these two years as President.

Former Member Dennis Hertel will succeed me as President starting July 1st. He will

have a great group of former Members to work with on the Executive Committee level and we are pleased to announce that former Member of Congress Jim Kolbe will become a new officer with the Former Members Association. In addition, I wish to thank our Board of Directors and our counselors for their commitment to our Association. Your service is valued and appreciated! As of July 1st our newest board member will be former Member of Congress Scott Klug.

To administer all these programs takes a staff of dedicated and enthusiastic professionals. We have five full-time employees and we appreciate their hard work. They are:

Esra Alemdar, Program Officer  
Bryan Corder, Member Services Manager  
Tracy Fine, Democracy Officer  
Sudha David-Wilp, International Programs Director

Pete Weichlein, Executive Director

*Closing Remarks.* That concludes the 40th Report to Congress by the U.S. Association of Former Members of Congress. We thank the Congress, Majority Leader Hoyer, and Minority Leader Boehner for giving us the opportunity to report again this year on the activities of our organization and we look forward to another active and productive year. Thank you.

Mr. HERTEL. I thank the gentleman from Arizona and the president of our association for all his service. I think it could be summarized best by Speaker PELOSI, coming this morning to our memorial service for those Members who have died in this last year in talking about Jay Rhodes and how much she respected him and how she hopes he will continue in service of this organization and in service of our country. Those were the remarks of Speaker PELOSI this morning.

I want to thank Lorraine Miller, the Clerk of the House, for being with us again and for hosting us and for spending all this time with us. We are honored to have you here. Thank you very much, Madam Clerk. I want to thank all of the guests of our whip and Budget chairman, Bill Gray, who received our Distinguished Service Award. We are very honored that you all took the time to come. You are just as proud of him as we are. You know how much time it took from his community but especially his family.

I want to recognize his wife, Andrea; their three sons, Bill, Justin and Andrew, up in the gallery; their daughter-in-law, Jennifer; and two grandchildren, Sabrina and Aidan, here today. Thank you very much for coming. We are so proud of him and for all the time he gave on behalf of us taken from you.

Finally, I want to thank Richard Balfe from the European Union Association of Former Members; Steven Gilchrist who is leading a delegation of the Ontario legislature; and lastly Leo Duguay, my counterpart and the president of the Canadian Association of Former Parliamentarians, and Don Boudria and Francis LeBlanc for taking the time to join with us. All of the public service that all of you are accomplishing for us on the international

level, we very much appreciate; and I want to thank all of our Members here for all their service.

We are adjourned.

Accordingly (at 11 o'clock and 3 minutes a.m.), the House continued in recess.

□ 1130

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at 11 o'clock and 30 minutes a.m.

#### PRINTING OF PROCEEDINGS HAD DURING RECESS

Ms. BERKLEY. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the CONGRESSIONAL RECORD and that all Members and former Members who spoke during the recess have the privilege of revising and extending their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

#### JOBS

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to discuss the importance of putting Americans back to work. You know, we cannot overturn and change 8 years of Republican rule with simply a snap of a finger. However, the Democratic Caucus is on its way to restoring this country's economic well-being.

The House passed the Small Business and Infrastructure Jobs Tax Act. The legislation will create 160,000 jobs and extends successful Build America Bonds for schools, roads and bridges. We also passed the Summer Jobs Act which creates 300,000 summer job opportunities for our youth. We have seen an increase in GDP, and we've seen an increase in manufacturing, and we've seen a significant increase in economic indicators. As President Obama said, this is the Nation where anyone with a good idea and the will to work hard can succeed. Dallas, my hometown, is no stranger to good ideas, hard work, or small businesses.

I commend Dallas' small businesses which have created hundreds of jobs, provide valuable goods and services, and help drive our local economy.

I encourage my colleagues in the House and in the Senate to work together to enact policies that creates and saves jobs.

House Democrats are committed to create good American jobs, build a strong foundation for the economy, and work to turn around our Nation's economy.

#### RECOGNIZING COLLIERVILLE AND HOUSTON HIGH SCHOOLS FROM SHELBY COUNTY, TENNESSEE

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, today I rise to praise two outstanding high schools in Tennessee's Seventh Congressional District. Collierville High and Houston High Schools, both in Shelby County, Tennessee, have been named by Newsweek magazine among America's top high schools. Only 6 percent of America's high schools make this list. This is an important accomplishment that comes because of hard and diligent work not just from students but faculty, staff, principals, from parents and from lots of participation from the community.

I congratulate Principals Leisa Justus of Houston and Tim Setterlund of Collierville, along with the faculty and most importantly the students of both schools for all the hard work that has led them to this important achievement.

#### FLAG BURNING

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, yesterday folks across America gathered together to celebrate our national flag. For 233 years now, the Stars and Stripes have been a unique symbol of freedom and democracy across the globe, the representation of all we are and all that we stand for. Millions of young men and women fought and died for their country under that flag, and every day our servicemembers risk their lives in Afghanistan, Iraq and around the world to protect the ideals it represents.

To burn or desecrate it is an insult to those who have made the ultimate sacrifice to keep us safe and to those who helped build our great Nation. It should be illegal, and this Congress should make it illegal by finally passing a constitutional amendment to ban the burning of a U.S. flag. Every day this House begins its work by pledging allegiance to the flag of the United States of America. We need to live up to that pledge.

#### HAPPY BIRTHDAY, U.S. ARMY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday the United States Army celebrated its 235th birthday. Since the Continental Congress first created the Continental Army to protect and secure our new Nation, men

and women have continued to make the ultimate sacrifice in the name of freedom and independence. For three centuries, from the Revolutionary War to D-day and the current global war on terrorism and every day in between, America's soldiers have performed bravely. The American military has achieved the largest number of countries living today in freedom and democracy in the history of the world.

I appreciate firsthand the Army as a 31-year veteran of the Army Reserve and Army Guard myself. Also, my father served in the Army Air Corps as a Flying Tiger in China and India. But more meaningful to me is that I have three sons today serving in the Army National Guard, with my oldest son an Iraq veteran of the field artillery. On this 235th birthday, I extend my appreciation to those who have served or are currently serving and especially to those family and friends of soldiers who paid the ultimate sacrifice in the defense of liberty.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism. Happy birthday, U.S. Army.

#### INTRODUCING THE TEEN PARENTS GRADUATION AND COLLEGE ACT

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. The author Robin Cook wrote that "education is more than a luxury. It is a responsibility that society owes to itself." Our country far too often neglects this duty. Every year, nearly 750,000 American teens become pregnant. Every year, 70 percent of these new teen mothers drop out of school. Every year, the lack of services to keep low-income parents in school focuses this problem on our Nation's most underprivileged communities.

That's why I have introduced the Teen Parents Graduation and College Act. This bill would fund grants to help teen parents finish high school and college. It would provide tutoring and child care and counseling to help them succeed. It would let teen parents and their children lead better, fuller lives. This basic support is the least we owe our young people. Together we will ensure that the beginning of a new life doesn't mark the end of an education.

#### ALIX KLEIN'S BAT MITZVAH

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I am delighted to wish a happy bat mitzvah to a wonderful young lady in my congressional district, Alix Klein. She recently celebrated her bat mitzvah surrounded by family and friends and chose to mark the occasion with more

than just a party, but with a concert to benefit those less privileged than she is. Alix's kindness and generosity has made a difference in the lives of the young patients of Alyn Hospital and Rehabilitation Center in Israel. These patients have physical disabilities.

Alix has demonstrated a maturity beyond her years, and she serves as a role model for her fellow teenagers. Alix's selfless contributions will provide much-needed support for these patients and their families in Israel.

#### MEDICARE PART D DOUGHNUT HOLE IS BEGINNING TO CLOSE

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, today I would like to deliver some good news to Medicare participants around the country. This week, seniors who fall into the Medicare part D doughnut hole will begin receiving \$250 checks in their mailboxes to help them cover their prescription drug costs. This is one of many benefits for Medicare participants included in the health care reform law that Democrats passed earlier this year.

Across the country, nearly 4 million seniors will be helped by these checks. In my district alone in Ohio, over 9,000 people will receive this benefit. While the doughnut hole will soon be closed completely, seniors will continue to see lower prescription drug costs. Next year, those experiencing a coverage gap will receive a 50 percent discount on their brand-name drugs. I am proud to work hard to improve Medicare for all seniors.

#### NO NEW ENERGY TAX

(Mr. POSEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POSEY. Mr. Speaker, I rise to echo the concerns that I have heard from thousands of my constituents. They tell me that Washington has failed to focus on economic recovery; and you know what, they are right. Last year, the House passed a massive national energy tax known as cap-and-trade, and it's similar to legislation passed in Europe in the 1990s. It cost Europe hundreds of thousands of jobs and made virtually no change or effect whatsoever on their environment. Estimates are that if Washington forces this bill on the American public, it will kill more than 2.5 million more American jobs.

Fortunately, the national energy tax is now stalled in the Senate, and I sure hope it stays there. With unemployment near 10 percent, the last thing America needs is more job-killing legislation and more taxes. America does need to know that Congress is listening to them.

#### PAY THE DOCTORS FOR TREATING PATIENTS ON MEDICARE

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. The Republicans in the Senate are once again doing everything they can to destroy Medicare for millions of seniors by blocking legislation that will stop the 21 percent cut in payments to doctors who care for our elderly citizens. They say they are worried about the deficit, and paying the docs will add to the deficit. Excuse me, we're fighting two wars not paid for. We have homeland security needs not paid for. Medicare part D, not paid for.

Not a word from the Senate Republicans. But they are drawing a line on paying the doctors who treat Medicare patients. This is going to add to the deficit. Let's stop playing politics with Medicare, pay the doctors, and provide health care for millions and millions of our senior citizens.

#### THE U.S. NEEDS A BUDGET

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, at its most fundamental level, the duty of Congress is to steward the tax revenue. Lately, all Congress has been doing is spending it. Through the first 8 months of the current fiscal year, the Federal Government amassed \$941 billion in deficit spending. Every penny of debt accumulated must be paid for by our children and grandchildren. Without a budget, the only spending rule is, there are no rules.

The deadline for the House of Representatives to pass an actual budget has come and passed, and we still have nothing to show the American people. The budget process can be frustrating, but that's what we're here to do, to make the tough decisions. Families, small businesses, cities and States have to put together a budget. Congress must do the same for our country. We need a practical, workable Federal budget which restrains spending and puts us on a path to solvency, economic growth and prosperity.

#### PAYMENTS TO MEDICARE BENEFICIARIES

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of New York. Today we're seeing the implementation of one of the things in the health care reform bill: payments of \$250 to help our seniors with the doughnut hole coverage. One of the things that's also going on that most Americans don't know about is fundamental reforms with respect to

waste and fraud in the Medicare system. Our efforts on that front have been dramatically improved by things that were in the health care bill that was passed earlier this year, giving Medicare the power to do commonsense things that any small business in America would do, do a better job of checking new providers as they come into Medicare, do a better job of putting people on probation and checking up on them in that first year to make sure they are not abusing our system.

There is a rampant problem with waste, fraud and abuse in our Medicare system. The health care bill we passed earlier this year is making steps to bring that into check. Today we had a hearing here in Congress about other things that we can do. And I testified about my legislation to put more tools in the hands of our law enforcement professionals and CMS to cut down on the waste and fraud in Medicare. I look forward to continuing to work on this and making sure that we use the dollars in Medicare to provide health benefits to our seniors, not allow criminals to run rampant.

#### GEERT WILDERS—CHAMPION OF THE PUBLIC LIBERTY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, free speech is under assault from Islamic terrorists worldwide. They use threats and political correctness to silence anybody who speaks out about their violent beliefs. Dutch lawmaker Geert Wilders made a movie about these Islamic clerics who incite violence in the name of religion. But the Dutch Government is putting Wilders on trial for incitement to hatred. The oppressive Dutch Government says it's irrelevant that the speech in the movie may be true.

You see, there is no freedom of speech in the Netherlands if a person is critical of radical Islam. Freedom of speech is a basic human right. Political speech and religious speech are the most controversial types of all speech. That is why these types of speech should be protected the most. Benjamin Franklin said, "There can be no such thing as public liberty without freedom of speech." Geert Wilders is a champion of the public liberty and the free speech that guarantees that liberty.

And that's just the way it is.

□ 1145

#### PASS ANNUAL BUDGET

(Mr. DJOU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DJOU. Mr. Speaker, last month I left the Honolulu City Council for the

great honor of entering this Chamber as a Member of the United State House of Representatives. Last week, my former chamber, the Honolulu City Council, passed its annual budget. The budget was \$3.5 billion. My position is that the Honolulu City Council budget is too big, increased taxes by too much, and increased government size by far more than the citizens of the city and county of Honolulu could afford. But at least the city and county of Honolulu passed a budget. It was \$3.5 billion. The Federal Government will spend that money in about 5 minutes.

Here today in mid-June, the United States Congress still has yet to pass a budget. If the Honolulu City Council, which I just departed, can pass a budget for \$3.5 billion, which the Federal Government will spend in just a few minutes, it is the responsibility of our government here in the United States Congress to pass a budget. We are spending far too much money. Even worse than that, we are spending far too much money on programs that are not working. Even worse than that, we have no plans to pay it back. Let us get to work and pass a budget.

#### ECONOMIC TURNAROUND

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, I would ask my friends to take a walk down memory lane and consider where our economy was at the beginning of last year compared to where it is today: 2009 had the biggest single year turnaround this Nation has seen in more than 30 years, going from negative 6 GDP in the first quarter of last year to plus 6 GDP in the last quarter. And we are currently in the midst of our fourth consecutive quarter of strong GDP growth.

We have had positive job growth for six of the past 7 months, and the stock market, which bottomed out at 6500 just before we passed the stimulus, is over 10,000 today. Housing starts are up, consumer confidence is on the rise, the auto industry is coming back, and manufacturers are increasing orders and hiring back thousands of workers.

No, everything is not where we want it to be or even where we need it to be, but things have gotten better, and there can be no doubt that the bold action of this Congress is the reason why.

#### TWO MONTHS LATE ON PASSING BUDGET

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, the House is 2 months late in passing a budget. In that time, unemployment has remained nearly 10 percent, and the national debt has now exceeded \$13

trillion. Last week, I gave the President a letter signed by more than 100 top economists from around the country that urges both parties to cut spending now in order to create jobs and boost our economy. Less spending, more jobs, it really is just that simple.

But the President responded Saturday night with a letter asking for another \$50 billion in stimulus bailout money. Without specifying where this money would come from, the President asked us to be patient with his administration for its continuing job-killing spending spree.

This money comes from our kids and grandkids who this year are going to get stuck with 43 cents out of every dollar the Federal Government spends. The debt is going to be laid on them.

The American people are shouting at the top of their lungs: Stop, and stop now. They are making their voices heard through YouCut, where more than 830,000 votes have already been cast to cut spending.

And today, on America Speaking Out, PAUL RYAN has posted a plan to cut spending now and to reduce the budget deficit. You can visit AmericaSpeakingOut.com right now and check out these ideas and vote on them in order to cut spending quickly.

#### FILLING THE DOUGHNUT HOLE

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Good news, Mr. Speaker, the first \$250 checks have been sent out, 3 weeks ahead of schedule, to about 80,000 people who are already in the doughnut hole. The rest will be mailed at monthly intervals through the year as more part D enrollees, about 4 million in all, hit that gap. The one-time rebate will be sent directly to anyone who falls into the Medicare part D doughnut hole during 2010.

Health care reform will eventually close the doughnut hole completely. Additional checks will be sent to seniors who fall into the doughnut hole every month or so after that, with a total of 4 million seniors receiving these \$250 checks in the mail. While the Medicare part D program has helped millions of seniors obtain prescription drug coverage, there will be more.

#### CONGRESS ISN'T LISTENING

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Mr. Speaker, the American people know when they are being ignored. Congress just isn't listening. Unemployment is nearly 10 percent. The national debt is skyrocketing past \$13 trillion; and even more spending is coming down the pipe this week. Dependency on the Federal Government is rising at an alarming rate, and

the Democrats have failed to even propose a budget.

Our Founding Fathers would not be pleased with this situation, and neither are the American people. That is why I am launching The Empowerment Project. To get America back on track, we must restore our founders' principles of empowerment by having more limited government, increasing personal freedom and responsibility, and having greater choices and opportunity. The Empowerment Project will work to highlight Member initiatives that empower the American people to prosper.

Our Nation cannot thrive if it is built on government dependency. It is time to put America back on the path of empowerment. To learn more about The Empowerment Project, go to my Web site at [Randy.house.gov](http://Randy.house.gov).

#### CONSUMER CONFIDENCE ON RISE

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute.)

Mrs. DAHLKEMPER. Mr. Speaker, each month the numbers come in, and the signs are clear: Our economy is growing in the United States.

Consumers agree. Consumer confidence rose to the highest level in more than 2 years this month. I believe our economy is on the rebound largely because we are making the move back to a manufacturing and production economy and away from the paper economy of Wall Street.

Our manufacturing sector is up for the 10th month in a row. Manufacturing has added more than 125,000 jobs this year. Companies like Acutec in Crawford County, a manufacturer of aerospace parts, have been performing well and hiring new employees despite the recession.

A strong economy is one that makes things, produces goods and products that people want to buy here and all over the world. American can-do attitude and entrepreneurship will continue to lead us out of this recession. I am proud to support our American manufacturers, and I urge my colleagues to do the same.

#### GUN RIGHTS

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Mr. Speaker, too many people in Washington, D.C. are under the dangerous impression that the Second Amendment is obsolete and unnecessary. If they had their way, only criminals and agents of the State would be armed, while law-abiding Americans would be at their mercy.

While we can stop gun control in Congress, progressives and Washington, D.C. bureaucrats will use every tactic at their disposal to disarm the Amer-

ican public, including banning firearms on public lands.

That is why I have sponsored the Firearms Freedom on Federal Lands Act with Representatives Rob Bishop and Paul Broun. This legislation creates a statutory protection of gun rights, preventing land management agencies from restricting firearms on public lands, as they have done in the past.

The NRA has endorsed this measure, and I hope my colleagues will follow their lead and cosponsor this legislation.

#### CELEBRATING LIFE OF BARBARA GREENSPUN

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, I rise today to celebrate the life of Barbara Greenspun whose recent death marks the end of an era in Nevada. With her sad passing, we have lost a remarkable individual who gave so much of herself to our community.

Together, Hank and Barbara Greenspun poured their heart and soul into the Las Vegas Sun, showing a dedication and commitment that would turn the paper into a leading publication. Then moving from behind the scenes to publisher after Hank's death, Barbara built upon his legacy as the paper earned journalism's most prestigious award, the Pulitzer Prize.

Known for her grace and generous spirit, Barbara also committed herself to a number of important causes, including higher education and women's health that touched the lives of so many. While she will be truly missed, her legacy will live on through her remarkable family, the landmark Greenspun building at UNLV, and the continued excellence of the Las Vegas Sun.

#### CONGRESS IS NOT LISTENING

(Mr. CONAWAY asked and was given permission to address the House for 1 minute.)

Mr. CONAWAY. Mr. Speaker, an oft-forgotten dictum in Washington is that to govern is to choose. It is to choose between the dizzying array of wants, wishes, and needs of the American people, while constrained by the Constitution, fiscal, and political realities of the day.

Sadly, the leadership of the majority of this House have punted on choosing anything. They have ignored fiscal realities, our present condition, and the constitutional limits on our authority, and simply enacted whatever they could twist enough arms to pass. This majority has made promises it cannot keep with money it does not have. It has not made hard choices; it has not

governed. No place is this more evident than in the Speaker's refusal to pass a budget this year, the most basic fiscal document our Nation has.

The budget is the foundation of all the taxing and spending that the Federal Government does. It constrains the appropriators and sets the boundaries for the spending debate. In choosing not to pass a budget, the Speaker is failing in her responsibility to govern this House and our Nation.

The American people, though, are not standing idly by. They are suggesting difficult choices for the Speaker through the YouCut program. To date, the American people have voiced support for over \$60 billion in hard choices.

Mr. Speaker, we are a Nation governed by the people; the people are not being heard. This Congress is not listening.

#### AMERICAN JOBS

(Mr. DAVIS of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. DAVIS of Tennessee. Mr. Speaker, I want to talk about jobs: where we were, where we are, and where I hope that we will be in the next 10 years.

In the last 3 months of 2008, we lost an average of approximately 650,000 jobs per month. The first quarter of 2009 saw us lose over 700,000 jobs per month. In the first quarter of 2009, our economy shrunk by 6.4 percent.

We have stopped the bleeding. We have added jobs in six of the last 7 months, averaging almost 200,000 jobs, the majority originating in the private sector. If this pace continues, this administration will have added more jobs in 1 year than the previous Bush administration did in 8 years. I repeat, 1 year compared to 8 years. Our economy grew by 3 percent for 3 straight quarters of economic growth, 9 percent in 12 months. After February of 2009, household wealth grew for 10 straight months, regaining nearly 30 percent, \$5 trillion of the \$17.5 trillion of household wealth wiped out during the former Bush administration in its final 18 months.

We have stopped the bleeding. The economic policies of this Congress is investing in America. There is no snap-your-finger fix to our economy.

□ 1200

#### PASS A BUDGET

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, the House of Representatives has passed a budget every year since the Congressional Budget Act took effect in fiscal year 1976. To be

completely accurate, there have been times under both Democrats and Republicans when a finished budget was not passed by both Houses. But this is the first time the House of Representatives has simply decided there is too much peril for the American public to see the numbers that they are pursuing, so they are going to stop the game before the coin is even tossed.

We have more than \$13 trillion in debt and a Presidential budget that puts the deficit at \$1.6 trillion and spends \$3.8 trillion. Even Fed Chairman Ben Bernanke says this budget is, quote, "unsustainable."

Faced with similar challenges in your personal budget, there would be a talk around the kitchen table and the children's allowances would be cut, along with many other luxuries. It is that discussion that the majority seems unwilling to have under the theory that if they ignore it, it might go away. Unfortunately, the debt will not go away. The pain will be transferred to our children and grandchildren in the hopes that they will have the guts to face reality.

#### WALL STREET REFORM

(Ms. FUDGE asked and was given permission to address the House for 1 minute.)

Ms. FUDGE. Mr. Speaker, Congress must decide whether to protect the interests of a few deceptive bankers who ruined the industry for others or to protect the hardworking Americans of this Nation.

House Democrats have already decided. We have decided to choose Main Street over Wall Street. We have decided to choose parents who want to provide for their children and for people who are saving for retirement. We have decided, Mr. Speaker, that the American people are more important than the overzealous bankers.

Maintaining the status quo is not the answer. Look at what the current situation has done to America. Eight million jobs were lost without the safeguards to protect Main Street. Millions of homes were taken in foreclosure due to subprime mortgage schemes.

American people deserve and want better. A CNN poll shows 6 out of 10 Americans support Wall Street reform. Republicans have blocked efforts to protect Americans. House Republicans voted unanimously against the Wall Street Reform and Consumer Protection Act. This act would reform Wall Street, reform executive pay, end taxpayer-funded bailouts, and hold banks and financial firms accountable to the American taxpayers.

Congressional Republicans are making backroom deals with the bankers. It is time for us to protect Main Street.

The same Republicans who deregulated the industry, and opposed reforms, now claim the Wall Street reform bill "allows bailouts." This is false.

Let's give Americans what they deserve—fairness in the financial system.

#### PASS A BUDGET

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, at this time last year, we, for the first time in the 221-year history of our Republic, saw the appropriations process shut down, completely shut down. Never before had that happened. It was difficult to imagine that anything could be done to jeopardize and undermine openness, transparency, and accountability than shutting down the appropriations process.

Well, Mr. Speaker, it's hard to believe, but this Democratic majority has gone one step further. Incomprehensible, but they have now decided not to pass a budget at all. Now, in the last 17 months, we have witnessed an 84 percent increase in nondefense discretionary spending. And we all know that a budget is a blueprint and absolutely essential if a majority is going to make any attempt whatsoever to govern.

Well, Mr. Speaker, they have failed in the appropriations process, and now they have failed to come forward with even a budget. Our children and our grandchildren deserve better.

#### PASS A BUDGET

(Mr. CARTER asked and was given permission to address the House for 1 minute.)

Mr. CARTER. Mr. Speaker, a recent Gallup Poll tells us that the American people rank the growing debt in this country as the single most threatening issue to the future of our country's well-being.

When the American public in their homes face a debt crisis, the first thing they do is prepare a budget so they can live within their means and start to reduce their debt burden. But this House, under the Democratic leadership, has chosen to prepare no budget. In fact, for the first time in modern budgetary history, they are telling us there will be no budget here in this House this year.

Mr. Speaker, the American people are crying out for us to get control of our spending. How can we control our spending without a budget? It's a crying shame there is no budget. No wonder we've got issues with jobs.

And by the way, when you're trying to create jobs, why do you shut down a major industry in the gulf and kill tens of thousands of jobs up and down the gulf coast, stopping drilling in the Gulf of Mexico?

#### PASS A BUDGET

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, today Republicans are on the floor of the House of Representatives speaking out on behalf of the American people that we believe that the leadership of this House of Representatives should bring forth a budget, a budget that would give the American people more confidence in this body. We are at record low numbers of people who have confidence in the leadership of the House of Representatives, the ability to lead this country in a direction that will bring us closer to jobs and addressing the issues of this Nation.

We just got the budget numbers that come in from May, and through May of this year, we have a \$936 billion deficit. Mr. Speaker, the American people understand that we must have a road map, a road map to lead America back to where we become an employer Nation again. Taxing, spending, and unemployment will not lead us that way.

I urge this House leadership, the Democrats, please bring forward a budget where the American people can be part of this debate.

#### RECOGNIZING THE NEED FOR JOB CREATION POLICIES

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, sales are suffering, the economy remains stagnant, and millions of hardworking Americans are looking for work. Arkansans believe that the recent Obama-Pelosi health care bill, cap-and-trade, and other job-killing tax increases will hurt, not help, our struggling economy.

We should take action to help businesses get on their feet by focusing on job creation as opposed to some of the misplaced priorities. New taxes and health care mandates are harming smaller firms and businesses. The so-called stimulus bill is not creating long-term jobs but is increasing the budget deficit and sending the bill, plus interest, to tomorrow's taxpayers.

Congress must stop growing the tax burden and creating job-killing policies. Tax relief and incentives for small businesses would help all Americans, especially the middle class, and get our economy back on track. The key to this will be fiscal discipline. Now is the time to put a cap on Washington spending and to focus on the economic issues that matter instead of further inflating the national debt.

#### PUT PEOPLE TO WORK

(Mr. GARAMENDI asked and was given permission to address the House for 1 minute.)

Mr. GARAMENDI. Mr. Speaker, we just heard a very interesting 1-minute presentation that didn't make much

sense. We have a world of hurt. People are unemployed. People are going to lose their jobs in local governments and State governments, and teachers are going to be laid off across this Nation. And to simply say we need fiscal discipline doesn't solve this problem.

The Democrats put out, without one Republican vote, an American Recovery Act a little more than a year ago, and it really worked. People did get jobs. Things were done. Infrastructure was built. We need to continue that, and we need to keep people working.

Yes, we need fiscal discipline, and I would be welcoming any idea from the Republicans on how they are going to do that other than simply say there ought to be. Yes, there ought to be, but we need right now to put people to work.

There is a program that's available that will be coming up that will stimulate small businesses. It puts forward major programs for the Small Business Administration to support loans. We also need to support the local governments. Yes, it's going to cost us some money in the short term, but we have a choice: We are either going to put people to work or we are going to have welfare. I want people to work. I want them to be taxpayers.

#### THE GULF OIL SPILL TRAGEDY

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. The oil spill in the gulf is a widening tragedy of epic proportions. BP must be held accountable for every dime of cost that will affect the families and the environment and the communities of our gulf region. And this administration must be held responsible, responsible for failing to provide the kind of energetic leadership that the American people expect and the law demands.

What's obvious to Americans across the political spectrum is this administration has been a day late since day one. Unable to make this crisis a national priority, we now hear that the President is poised tonight to go to the Oval Office in the midst of explaining the Federal response to this crisis and use it as an opportunity to press for a climate change bill.

The American people don't want this administration to exploit the disaster in the gulf to advance their disastrous energy policies. America needs a new energy policy. But cap-and-trade won't cap that well. This administration should work the problem in the gulf instead of working their liberal environmental agenda.

#### THE U.S.-MEXICO PARLIAMENTARY EXCHANGE

(Mr. POLIS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. POLIS. This last weekend, I was part of a delegation to Campeche, Mexico, as part of the U.S.-Mexico parliamentary exchange. This was the 49th annual U.S.-Mexico parliamentary exchange, and I rise today to emphasize the importance of the U.S.-Mexico relationship.

Our topics included three major areas:

We talked about border security, what we need to do on both sides of the border to improve security, to reduce the flow of drugs from Mexico into the United States, and reduce the flow of weapons from the United States into Mexico;

We talked about how to expand our economic partnership to create jobs in both nations. Mexico, depending upon how you measure it, is our second or third largest trade partner, and we continue to grow our trade;

And finally, we talked about immigration. However frustrating it is for the United States to deal with this issue, it's even more frustrating for Mexico to see many of their best and brightest fleeing northward. And the Mexican Government resolves to take action on this issue. Likewise, it's critical for our country to replace our broken immigration system with one that works for the United States.

#### PASS A BUDGET

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, we have heard today some comments from our friends on the other side of the aisle about fiscal responsibility and about creating jobs, but the one thing we haven't heard from them is anything about the budget.

If they were from Hollywood, they would be up here saying, "We don't need no stinkin' budget." If they were involved in, oh, Presidential politics a few years ago, they would say, "Where's the beef? Where's the budget?"

Fiscal responsibility starts with knowing where you are and where you are going. Every family in America adopts a budget, but I guess we are too big to fail. We are too big to create budgets because we can just print money after money after money. The fundamental proposition is, as stated by the chairman of the Budget Committee a couple years ago, if you can't budget, you can't govern.

They've told us they can't budget. They're proving to us they can't govern. The problem is this is not a game; this is not a Hollywood movie; this is real life, and real people are hurting.

Let's get down to the business of helping people by being responsible

here, and let's start with a budget. Everybody understands that, perhaps, except the Democratic leadership.

#### PASS WALL STREET REFORM

(Mr. SNYDER asked and was given permission to address the House for 1 minute.)

Mr. SNYDER. Mr. Speaker, Americans deserve a financial system that protects their savings and their money. Until this Congress passes the Wall Street reform package, America's families and small businesses are at risk. By supporting reform, we support the kind of financial stability that supports job creation.

Regulation, effective regulation, is the unbiased referee that protects us as we compete. Everyone benefits when Americans' savings are protected and small businesses can get loans. Yesterday's laws do not protect us today.

I commend Chairman FRANK and Senator BAUCUS for their hard work going on right now to get a final version of Wall Street reform before this Congress for the American people.

#### AMERICANS WILL BE FORCED TO CHANGE THEIR HEALTH CARE PLAN

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, the selling of ObamaCare to the American public has been trademarked by one empty promise after another. On September 9, 2009, President Obama infamously promised Americans, and I quote, "If you are among the hundreds of millions of Americans who already have health insurance through your job, nothing in this plan will require you or your employer to change the coverage or the doctor you have." Yet yesterday, in an ironic twist, the Obama administration released draft regulations indicating that up to 69 percent of employer-provided plans may be forced to change their health plans when the new health care law's mandates and requirements begin.

Speaker PELOSI was quoted as saying that we will have to pass this bill to find out what's in it. As the fine print is being placed, we are learning bad news daily about this unpopular law.

Mr. Speaker, I again ask: How many promises will ObamaCare have to break with the American people before we repeal this disastrous legislation?

□ 1215

#### PRESCRIPTION DRUG DOUGHNUT HOLE

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. About 80,000 senior citizens and people with disabilities have already fallen into what we call the doughnut hole. What is that? That is a gap in Medicare prescription drug coverage and is a result of—you know, we just heard criticism of so-called ObamaCare—but the Republicans passed a bill called Medicare part D.

But what it says is that Mrs. Jones, after a certain amount of money that has been spent on her prescription drugs stands in line at the drugstore and says, I'm ordering a refill of my prescriptions.

And the druggist says, Well, Mrs. Jones, that will be \$100.

She says, What do you mean, I thought I was insured?

They say, Oh, no, you've gone over the amount of money that the government will give you, and now you're going to have to pay \$3,000-plus out of pocket in order to get covered again.

Well, we finally have done something about that, and checks are going to start going out this week to people, the 80,000 that have fallen into the doughnut hole, of \$250 to try and help them pay for that, and we're going to ease out the prescription drug doughnut hole.

#### LEADERSHIP REQUIRES MAKING TOUGH DECISIONS

(Mrs. McMORRIS RODGERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McMORRIS RODGERS. Mr. Speaker, you know, America is broke, and it's time for us to start making tough decisions. Continuing debt spending is actually the easy choice. Leadership requires making tough decisions, and yet we stand here today as Members of Congress with the majority not even sending up a budget.

Now, the Obama administration did propose a budget. It was \$3.8 trillion funded with revenue that totaled \$2.2 trillion. The majority doesn't even seem to want to address the budget. Now, when we were in the majority, JOHN SPRATT said, If you can't forward a budget, you can't govern, and yet today we don't see a budget.

All across this country, American families have had to readdress their budget, make tough decisions in their family households. That's what you do during difficult times. Businesses have had to make tough decisions, and yet this Congress is refusing to make the tough choices. Instead we continue the deficit spending, tacking on debt to the next generation.

America deserves better. Our children and our grandchildren deserve better than continued deficit spending.

#### STAND UP FOR HARDWORKING AMERICANS

(Mr. WALZ asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. WALZ. Mr. Speaker, I rise today to call on Members of Congress and the Wall Street reform conference committee to stand up for hardworking Americans and send us a strong bill that protects the interests of those on Main Street who have been continuing and will continue to pay the price for Wall Street excesses.

Over the past few weeks, I've been meeting with small business owners, like Joe Lorentz of Myles Lorentz Trucking Company in Mankato, Minnesota. Community leaders, like Owatonna Mayor Tom Kuntz, Waseca Mayor Roy Srp, and New Ulm Mayor Joel Albrecht, and all of them have delivered a very simple message: We must end too big to fail by ensuring large financial firms are allowed to fail without burdening the taxpayer. We must protect Main Street businesses and consumers from the negative effects of greed run amuck. And we must not penalize Main Street institutions that work, community banks, credit unions and auto dealerships.

So on behalf of Main Street Minnesota, I urge my colleagues to send us a tough bill that restores transparency and accountability to America.

#### FISCAL YEAR 2010 EMERGENCY SUPPLEMENTAL AND FISCAL YEAR 2011 BUDGET

(Mr. ROGERS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Kentucky. Mr. Speaker, the American people deserve better from their elected leaders. Vital funds to protect our troops are being held hostage, and serious proposals to deal with our soaring national debt aren't even being discussed in this body.

The brave men and women fighting our enemies overseas have been waiting for Congress to approve an emergency funding bill critical to their operations since February. Over 4 months later, still nothing. Only broken promises and missed opportunities for bipartisanship. Not only has the majority party repeatedly failed to deliver funds for our troops in harm's way, they've bypassed regular order to tack on billions more in unnecessary deficit spending. No committee deliberations, no markups, no offer of amendments, and no input from the minority. It's a national disgrace.

I urge the Congress to act to support our troops.

#### SMALL BUSINESS LENDING FUND ACT

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. This week, the Chamber will consider H.R. 5297, the Small Business Lending Fund Act. This bill will create a small business loan fund and provide capital to American small businesses. This bill also includes a boost to State lending programs, providing \$2 billion in funding to new and existing programs across the country.

Small businesses are the backbone of the American economy and create two out of three jobs in this country. Our economy has begun to show signs of growth and recovery, and our largest financial institutions are stabilized, but it's time to assist local and community banks that provide the bulk of the capital to small businesses.

Job creation needs to be the number one priority forward, and legislation like this will help accomplish our goals and restore the public faith in our economy.

I urge my colleagues to vote "yes" on H.R. 5297 when it comes before us.

#### WE MUST HAVE A BUDGET RESOLUTION

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute.)

Mr. FRELINGHUYSEN. Mr. Speaker, it's now official. We're now a full 2 months behind the congressional deadline with no budget resolution in sight. In the past, this would be just another failure by the majority to meet a technical responsibility. But this year is different.

This administration's enormous government spending increases have driven our annual budget shortfall to \$1.4 trillion. That's the deficit. We're spending \$1.4 trillion more than we're bringing in. The accumulation of all our past budget deficits, the national debt, last month rocketed past \$13 trillion, and media reports last week predicted that it would balloon over \$15 trillion by 2015.

And how do we finance this debt? When American families and businesses find themselves short of cash, they cut their spending. When the Federal Government finds itself with a record deficit, we borrow money. From whom? The Chinese, the Japanese, from the Saudis, and we pay interest on that debt, hundreds of billions of dollars each year.

We can do better. We must do better. We must have a budget resolution. We must cut spending.

#### MONEY IN THE STIMULUS BILL WENT TO THE RIGHT PEOPLE

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of Connecticut. Mr. Speaker, I ran for Congress 4 years ago because I had watched the Republicans

use the power that they had accrued here to turn our government over to their friends in the oil industry and the insurance industry, the drug industry and the banking industry, and so I wonder what kind of stimulus bill they would have written last year were they still in charge.

It would have been very different than the one that's on the ground today in Connecticut, one that has put funds in a small solar company in Bethel, Connecticut, Apollo Solar, creating jobs in renewable energy; a stimulus bill that just opened up a new early Head Start program in Danbury, Connecticut, employing 20 people immediately and creating a lot of job opportunities for the parents who now have child care. It would have been very different than the bill that gave millions and millions in tax credits to middle- and lower-income individuals in Connecticut that have allowed them to go out and start to create a retail resurgence.

The stimulus bill would have been done very differently under the Republicans. Democrats in charge, the money went to the right people.

#### KYRGYZSTAN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, this week, violence flared up in Kyrgyzstan, prompting tens of thousands of Uzbeks to flee their homes and places of birth to seek refuge in neighboring countries. Innocent people, including women, children and the elderly, are suffering with over 100 killed.

Just 2 months ago, the people deposed the authoritarian President Bakiyev, who promptly fled to Belarus and the protection of the Lukashenko government. Approval of a new constitution and general elections were proceeding smoothly until the recent violence, which was prompted by forces supportive of the deposed president and other lawless elements.

Even with the present chaos, the interim Kurdish government is insisting that the date of elections will remain unchanged. For many years, I've worked with the nations along the old Silk Road in central Asia, and it pains me to see the Kyrgyz fleeing violence in their homeland.

The U.S. wants to keep our Air Force base in Kyrgyzstan, but we have shown little interest in helping the people of this nation build a republic that respects human rights free of corruption. Even China and Russia are lending their support with humanitarian aid flights. We need the State Department and President Obama to offer the support of America to a nation struggling to create democracy and freedom to strengthen their independence and sovereignty.

Without action on the part of the U.S., violence will continue, and then more than just a military base will be lost.

#### DON'T LET AN OIL SPILL RUIN YOUR VACATION

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. Mr. Speaker, I rise today as co-chair of the Congressional Tourism Caucus to remind this Nation that we should not let an oil spill ruin our vacation. Disasters drive people away from wherever there is a disastrous incident. In the Gulf States, local tourism is suffering from it. It's suffering from the greatest oil spill in American history.

Mr. President, when you address the Nation tonight, I hope you will urge them to visit the Gulf States to shore up the local economy and have BP pay for that tourism promotion. I urge you to have the coastal State Governors support a regional tourism plan for the Gulf States for this summer, for now, immediately.

A disaster of this proportion is a disaster of national significance. It's time that we as a Nation respond by spending our money and our time in those communities most affected. God bless America. Let's promote tourism.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair requests that Members observe decorum by addressing comments through the Chair.

#### THE BUDGET

(Mrs. LUMMIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LUMMIS. Mr. Speaker, when you and I and the American people want to start a business and we want to borrow money to do it, we go to a bank, and we have to present a business plan with income projections and where we are going to get the money to pay the debt we're requesting back.

When my State of Wyoming is doing a budget, it projects its revenue, and every month we see how much money we have collected pursuant to those projections. And if we don't have enough money, we cut our budget.

In Washington, we don't even have a budget. For the first time since 1974, this House does not have a budget, isn't going to pass one. That's irresponsible. That's not leadership.

Mr. SPRATT was right: If you can't budget, you can't govern. And this is a perfect example, Mr. Speaker.

#### WE HAVE TO HOLD BP ACCOUNTABLE FOR THE AMERICAN PEOPLE

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute.)

Mr. BRALEY of Iowa. Mr. Speaker, a week ago I was in Chalmette, Louisiana, for a field hearing on the BP Deepwater Horizon oil disaster. We heard compelling testimony from people whose lives have been devastated, including two of the widows who lost their husbands on that explosion on the rig. We also flew out over the site of that disaster, and as they opened up the rear hatch on the plane, you could see the burn-off from the relief wells being drilled, and you could smell the overpowering stench of oil coming off the water.

Well, our friends on the other side like to take a position that government should be hands off when it comes to business development, and BP is teaching us that we can't afford to let businesses misrepresent to this country what they're planning to do the way BP did when they knew that there was a 99 percent chance of a blowout during the 40-year period of this lease and still got a waiver from any deep, intensive environmental impact analysis before that well was explored.

We have to hold this company accountable for the American people, the American taxpayers.

They created this problem. This is what happens when we stay hands off and don't keep people accountable for their conduct.

#### SPENDING IS OUT OF CONTROL

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, spending is out of control. In April, the U.S. Government ran a record monthly deficit of \$82.7 billion. That's almost \$83 billion in just one month.

Unfortunately, the Democratic majority has done nothing to reduce spending. Overall, spending has only gone up since they've been in power. Perhaps the most outrageous thing is that the majority is not even trying to pass a budget, which would give us a framework to rein in runaway spending.

Budgeting is the most basic duty of government. Yet here we are 2 months beyond the deadline to produce a Federal budget, and it doesn't appear this House will produce one. This will be the first time since 1974 we haven't produced a budget. Failing to consider a budget doesn't make the problems go away. It simply provides more proof that the current leadership in Congress has no plans for dealing with the debt and deficits that continue to rise.

We cannot keep laying the current financial burdens on our children and our grandchildren. They can't afford it, and we can't afford it. Let's pass a budget. Reduce spending, rein in, and get ourselves back in control.

□ 1230

#### SECOND ANNIVERSARY OF THE DEVASTATING FLOODS OF 2008

(Mr. LOEBSACK asked and was given permission to address the House for 1 minute.)

Mr. LOEBSACK. Mr. Speaker, 2 years ago, Iowa experienced the worst natural disaster in our State's history as a result of the great flood of 2008. We have made amazing progress, but 2 years later there is still damage in small and large communities like Oakville, Columbus Junction, Palo, Cedar Rapids, and Iowa City. Many homeowners are struggling to recover still, and many small businesses have been unable to access relief programs because of red tape, all this on top of an economic downturn. Government-wide, we need to cut down on red tape and approve efficiency. I think we can all agree with that. With disaster relief, this is even more important because effective assistance is absolutely critical to communities' ability to recover.

Communities are also trying to mitigate future flooding through a variety of structural and nonstructural means. I will continue to work with city leaders, homeowners, and businesses to ensure that we reduce inefficiency and the chances of another devastating flood like the one we experienced in Iowa 2 years ago.

#### PARTIAL DRILLING IN LOUISIANA

(Mr. CAO asked and was given permission to address the House for 1 minute.)

Mr. CAO. Mr. Speaker, the oil disaster in the Gulf of Mexico has caused great economic impact to my district. Hundreds of businesses have closed and thousands of people are out of work. The moratorium imposed by the administration potentially can also cost Louisiana thousands of jobs, yet there is a very simple solution to allow the administration the time that it needs to review the safety and to implement procedures for the deep oil industry and at the same time preserve the jobs in Louisiana: Allow the oil companies to do partial drilling; allow them to drill, but do not allow them to tap into the reservoir.

Modern technology allows companies to know exactly where the oil is. What this partial drilling does is preserve the jobs in Louisiana during a time when we need the amount of revenue that the State needs to sustain its economy to help the people to bring about the livelihood.

#### RECORD-BREAKING DEFICITS MEAN CONGRESS SHOULD PASS A BUDGET

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, someone once said, If you can't budget, you can't govern. Those words came from my distinguished colleague from South Carolina, the current chairman of the Budget Committee. He uttered them in 2006 as ranking member of the committee. The question is, What does that mean for this Congress?

Today, we face a budget deficit five times larger than the one that Congress faced in 2006 of \$1.4 trillion, and here we are 2 months past the budget deadline and there is no budget. Unprecedented spending, unprecedented debt, and no budget.

It is only 8 months into the current fiscal year and the Federal Government has racked up close to \$1 trillion in new debt. Mr. Speaker, it's time for this Congress to prove it can govern and debate a budget. If today's record-breaking deficits aren't reason enough to debate a budget, then I don't know what is.

#### WHERE'S THE BUDGET?

(Mr. MCCLINTOCK asked and was given permission to address the House for 1 minute.)

Mr. MCCLINTOCK. Mr. Speaker, suppose your family is deeply in debt, bills are piling up, your credit card interest is eating you alive, and finally you seek the help of a financial counselor. What's the first thing that debt counselor is going to say? He's going to say, the first thing we've got to do is sit down and sketch out a family budget. We all know that. It's hard work, it's painful, but it's absolutely necessary if you're going to get your finances back under control.

Mr. Speaker, our national debt is fast approaching the size of our entire economy, yet while this House has all the time in the world to consider the most trivial matters, it can't spare the time to develop a national budget at the very moment in the life of our Nation when we need one the most, before we bury our children in debt.

Churchill once spoke of a locust generation. I wonder if that's what we've become.

#### DOES THE ADMINISTRATION FAVOR GOVERNMENT WORKERS?

(Mr. BISHOP of Utah asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of Utah. Mr. Speaker, with no budget or overall spending plan, the administration apparently wants at least another \$25 billion to save the jobs of local government

workers; yet at the same time, the administration's space plan would destroy 30,000 jobs, many of them scientists and engineers who are working in the private sector who would cost this government nine times less. Is there any kind of wonder why so many people watching what we're doing in Washington suffer from policy whiplash? It's almost as if this administration is saying, If you are a government worker, we'll bend over backwards to help you, but if you're in the private sector, especially a scientist or engineer, you'd better be hoping that Wal-Mart is hiring.

#### BUDGET

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute.)

Mr. BROUN of Georgia. Mr. Speaker, Congress received a surprise Saturday night. Late in the evening, President Obama sent a letter to Republicans and Democrats requesting an additional \$50 billion in emergency stimulus funds. After justifying his new spending request, President Obama expressed a newfound interest in fiscal responsibility. He urged Washington to "establish a fiscally responsible budget path, discipline the budget process, and ensure a sustainable and responsible long-term budget." I have just one question: What budget?

For the first time since 1974, Democrats in the House have failed to even outline a budget. Similar to the family budget, a Federal budget provides guidance and transparency for how the government spends the American people's hard-earned money. With the U.S. national debt at \$13 trillion—and rising—I agree that Congress needs to discipline the budget process. Unfortunately, President Obama's spending request does not reflect his rhetoric.

#### SPILLED OIL ROYALTY COLLECTION ACT

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute.)

Ms. PINGREE of Maine. Mr. Speaker, last week I introduced legislation to make sure that BP pays royalties on all of the oil from the Deepwater Horizon disaster. The Spilled Oil Royalty Collection Act, H.R. 5513, will ensure that BP pays royalties on every gallon of oil spilled without the administration having to determine whether BP was negligent or violating MMS regulations. Royalties on oil drilled at offshore locations are paid to the Minerals Management Service, MMS, in an effort to compensate taxpayers for the use of publicly owned resources. Under current regulations, leaseholders like BP are only obligated to pay royalties on gallons of oil sold. This legislation is part of responding to the disaster in the gulf and holding BP accountable.

We need to clean up and repair the gulf, holding BP accountable for its oil spill, enact stronger environmental, technological and spill response standards, and invest in an American clean-energy future.

BP CEO was on television saying that his company will "make it right," but we should have more than just a television commercial to go on. We need the force of law to make sure they pay every penny they owe to us. I hope you will join me in supporting this important piece of legislation.

#### AMERICANS DEMAND A BUDGET

(Mr. WITTMAN asked and was given permission to address the House for 1 minute.)

Mr. WITTMAN. Mr. Speaker, as I travel around America's First District, I hear unanimously from folks out there, and they ask this question: ROB, what's happening in Washington about our budget? Why do we continue to deficit spend? We are on an unsustainable path. When are we going to reduce the national debt?

I was just in Heathsville, Virginia, on Sunday. There folks asked, ROB, when is Congress going to adopt a budget? Why aren't you adopting a budget? We, as family members, have to adopt a budget. We have to make sure that we're responsible in spending. Why isn't Washington doing the same thing? Well, I ask the majority the same question, Why aren't we adopting a budget? Why aren't we on a path of sustainable spending, reducing this deficit and addressing this national debt?

Folks, it's incumbent for this country to do that; it's a responsibility of this Congress to do that. I challenge the majority to do their duty, put a budget on the table. Let us get to work for the American people.

#### BUDGET

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Mr. Speaker, I rise today on behalf of the American people who deserve an answer about the out-of-control spending policies coming out of Washington. For the first time, the House has failed to produce a budget. There is no plan for how the majority will spend the American taxpayers' hard-earned money for fiscal year 2011.

For American families, if they don't get a budget and pay the bills, there are real consequences. Unfortunately, the majority continues to turn a blind eye to future consequences as they push spending to a record \$3.8 trillion in fiscal year 2011 and widen the deficit to a record \$1.5 trillion this year.

House Republicans stand ready to make tough choices in order to rein in spending. Recently, we introduced a

measure on the House floor to freeze Federal civilian pay, which will save about \$30 billion over 10 years. The program was selected by the American people through the innovate YouCut initiative. The American people have spoken: stop the spending frenzy, budget for the future, and return fiscal sanity to Washington.

#### WHERE'S THE BUDGET?

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, each and every year since passage of the Budget Reform Act of 1974, this House has managed to produce a budget resolution, a document necessary for responsible governing—each and every year except this one.

What's the problem? In addition to outlining spending for the year ahead, budget resolutions include plans for multiple years, laying out anticipated spending and revenue and calculating anticipated deficits and surpluses. If the House were to pass a 2011 budget resolution, it would establish as official House policy that we will run enormous deficits for as far as the eye can see, but several Democrats here are reluctant to associate themselves with such an irresponsible document. Of course it's theoretically possible that the current House majority could propose a budget resolution mapping a path back to balanced budgets. But no. Substantial numbers of the Democrats here think we should be spending more, not less.

With Members in the majority party pulling in opposite directions, the majority leadership appears to have given up on finding the votes necessary to pass an official budget whether big spending or responsible. This is a failure of mammoth proportions.

□ 1245

#### DISASTER RECOVERY IN THE GULF

(Mr. SCALISE asked and was given permission to address the House for 1 minute.)

Mr. SCALISE. Mr. Speaker, I spent this last Friday on Grand Isle, South Louisiana, which is at the epicenter right now of this battle against the oil which is coming into our marsh. The anger and frustration I heard from official after official on the ground was that they are spending more time fighting the Federal Government and BP than they are fighting the oil. This is unacceptable.

It still goes on day after day, 57 days in, and the President continues to refuse to lead on this crisis. He has let BP be the gatekeeper for our local officials who have plans to protect our

marsh. Yet they now have to go through BP instead of having the President have a real command structure that holds people accountable.

The latest plan by the President is to actually have this ban on offshore drilling that actually punishes everybody—people who haven't done anything wrong and who have much safer records than BP. Now, over 40,000 people are going to be put out of work by the President's arbitrary ban, which actually goes against the recommendations of his own scientific panel. So now he is placing politics in front of science.

When is the President going to meet his obligations under the law to lead and to be responsible for the disaster recovery with BP's paying the bill instead of allowing BP to call the shots on the ground?

#### WHERE IS THE BUDGET?

(Mr. MARCHANT asked and was given permission to address the House for 1 minute.)

Mr. MARCHANT. Mr. Speaker, for some time now, my colleagues have come to the floor to ask the question: Where are the jobs? Now, in addition to asking that question, I am also asking: Where is the budget?

With our national debt standing at over \$13 trillion, we must enact a plan to curb wasteful and reckless spending. Although Democrats in this House have not undertaken the hard work of compiling a budget plan, House Republicans have.

Under the Republican plan, we reduce the 10-year deficit by \$3.3 trillion. The Democrats have no plan to do this.

Under the Republican plan, we borrow 3.6 trillion fewer dollars than the administration does. Congressional Democrats have no plan.

Under the Republican plan, we spend \$4.8 trillion less than the President's bloated budget. Once again, congressional Democrats have no plan.

I call on the majority today to produce a budget so that we can have a debate on improving our fiscal condition.

#### DAY 57 OF THE DEEPWATER HORIZON OIL SPILL

(Mr. PUTNAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUTNAM. Mr. Speaker, today marks the 57th day of the BP Deepwater Horizon oil spill. It is estimated that up to 40,000 barrels of oil may be flowing into the Gulf of Mexico each and every day.

At this point, it is nearly impossible to even calculate the impact this spill will have on Florida's economy as well as on the other Gulf States. Oystermen, charter captains, restaurants, and

hoteliers are already suffering, along with those who depend on them. The gulf fishing industry alone supports 200,000 jobs.

It is important to note that Florida remains open for business. Our beaches and restaurants continue to welcome guests from throughout the Nation and from around the world, but we must eliminate the bureaucracy that is causing delays in this recovery, from sideline volunteers to unused skimmers, to ensure that Florida's economy and vital tourism remain vibrant.

Tonight, the President will address the Nation. After 2 months of delayed promises, failures, and finger-pointing, it is time for leadership. It is time for action that addresses this crisis.

#### STOP THE LEAK AND PASS A BUDGET

(Mr. TURNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TURNER. Mr. Speaker, today is the 57th day of one of the largest oil disasters in history. Today is also the 166th day this year that this Congress has failed to produce a budget.

Each day, oil continues to flow into the gulf, increasing the catastrophic damage. Also each day, this Congress continues to produce red ink, damaging the American economy. The administration was caught flatfooted, repeatedly underestimating the severity of the oil leak and slowly allocating critical Federal resources to the gulf.

While red ink is flowing out of Washington and while oil is flowing into the gulf, this administration has no plan, and this Congress has no budget. How are we going to stop the oil leak, and how are we going to stop the red ink?

Just as the President has no plan, this Congress has no budget. For the first time since 1974, when the Budget Act was enacted, this House has failed to pass a budget resolution. This is a catastrophic disaster.

Mr. President, stop the leak.

Mr. Speaker, pass a budget.

#### ECONOMIC RECOVERY

(Mr. RYAN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Ohio. Mr. Speaker, I think it's time for a little bit of a history lesson.

Before President Obama even got into office, that first January, we were losing almost 800,000 jobs a month; the stock market was at 6,000, and the Republican policies had all been implemented on energy, on health care, on budget, on foreign policy, with tax cuts for the wealthiest, with borrowing the money, and with running our country and our economy off the cliff.

We are turning the country around. We now have positive job growth. The stock market went up to 11,000 and now up past 10,000. 401(k)s are returning. Jobs are coming back. We do not need to go backwards with the Republican economic policies that drove us off the cliff in the first place.

I ask my friends on the other side, Mr. Speaker:

What are you going to tell the police officers, the firefighters, and the teachers who will get laid off if this country doesn't step up to bat and reinvest back in America? What are you going to tell them? What are you going to tell them?

We have enough money for the wealthiest to get tax breaks, but we don't have enough money for police, for firefighters, and for road projects in the United States.

Good luck.

#### REFORMING THE EARMARK PROCESS

(Mr. LAMBORN asked and was given permission to address the House for 1 minute.)

Mr. LAMBORN. Mr. Speaker, I rise today to ask my Democrat colleagues: Where is the budget?

House Democrats haven't passed a budget for next year, something that hasn't happened in the modern era. This shows that they plan to spend without any restraint or accountability. If they can't budget, can they really govern?

However, one thing we can and must do is control runaway spending by reforming the earmark process. I have agreed to ban all earmarks for 1 year while we consider meaningful reform. I cosponsored the resolution, along with Leader JOHN BOEHNER and most of my Republican colleagues, calling for an earmark ban. I followed that up with a letter to the Democratic leadership, asking that House Democrats join me in this 1-year ban with other Republicans. I have also called for the creation of a joint select committee to come up with proposals to reform earmarks.

The American people are demanding that we get our fiscal house in order. They, too, want to know: Where is the budget?

#### HEALTH CARE REFORM IS LAW

(Ms. BALDWIN asked and was given permission to address the House for 1 minute.)

Ms. BALDWIN. Mr. Speaker, since we have passed health care reform into law, I have received a flood of gratitude from my constituents.

Edith of Madison assures me "the plan will bring real benefits to many people in Wisconsin."

Beth of Verona also thanked me, saying that, for the first time, she believes

someday every woman diagnosed with cancer won't have to worry about being buried by the bills.

Patrick of Madison wrote, "Don't let negativity and fear-mongering ever lead you to question your decision," which was to vote "yes."

Mr. Speaker, since I entered public service, I have worked to enact comprehensive health care reform. Now, just 2 months after this bill has become law, we are already seeing the expansion of insurance to young adults across the country. In just a few weeks, the Federal high-risk pool will be open to individuals who have been denied medical coverage because of pre-existing conditions, and seniors are already getting extra help with their prescription drugs.

With each milestone, I can feel hope grow across America.

#### JOBS AND THE ECONOMY

(Mr. WU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WU. Mr. Speaker, inside the beltway, Republicans threaten to take us back to the failed policies that created this economic crisis in the first place. They are siding with the special interests, with credit card companies, with Big Oil, and with insurance companies. These failed economic and fiscal policies created the George Bush recession—the worst financial crisis since the Great Depression, with job losses of nearly 800,000 per month.

This Congress passed the American Recovery and Reinvestment Act, which is responsible for 2.8 million jobs saved or created, including jobs for teachers, police, and firefighters. More than a third of the bill was for tax cuts for 98 percent of Americans and for small businesses—the very people who suffered through 8 years of George W. Bush.

This act is also rebuilding America with clean tech, clean energy, and 21st century jobs. Our passage of health insurance reform will create not only 4 million new jobs over the next decade, primarily in small businesses, but it will also unleash the potential of the American economy.

#### STEADY ECONOMIC GROWTH IN AMERICA

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I am happy to report that we continue to see steady economic growth in our country. The work that we have done here in this very Chamber and the work that our President has done to ensure our economic turnaround is making a real and positive difference for America's families.

To put this statement into real numbers, here are some statistics that indicate undeniable growth and recovery: An average of 200,000 jobs have been created each month over the last 7 months. Stocks have risen across the board since the passage of the Recovery Act. We have now seen three quarters of economic growth. There are 98 percent of families who are seeing their taxes decrease for tax year 2009. Average refunds are up 10 percent, which is around \$3,000. Since January of 2009, we have restored \$5 trillion of household wealth.

In my own State of Florida, I am proud to report that, for the first time in nearly 4 years, we have seen improvement in the jobs report, with the unemployment rate dropping in May.

With these numbers as proof, I can say with confidence that America is on the road to recovery.

**PROVIDING FOR CONSIDERATION OF H.R. 5486, SMALL BUSINESS JOBS TAX RELIEF ACT OF 2010; AND PROVIDING FOR CONSIDERATION OF H.R. 5297, SMALL BUSINESS LENDING FUND ACT OF 2010**

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1436 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

**H. RES. 1436**

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5486) to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 2. (a) At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and amendments specified in this subsection and shall not exceed one hour, with 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services and 30 minutes equally divided and controlled by

the chair and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution modified by the amendment printed in part B of the report of the Committee on Rules. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in part C of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(b) The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Financial Services or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

(c) In the engrossment of H.R. 5297, the Clerk is authorized to make technical and conforming changes to amendatory instructions.

SEC. 3. (a) In the engrossment of H.R. 5297, the Clerk shall—

(1) add the text of H.R. 5486, as passed by the House, as new matter at the end of H.R. 5297;

(2) conform the title of H.R. 5297 to reflect the addition to the engrossment of H.R. 5486;

(3) assign appropriate designations to provisions within the engrossment; and

(4) conform provisions for short titles within the engrossment.

(b) Upon the addition of the text of H.R. 5486 to the engrossment of H.R. 5297, H.R. 5486 shall be laid on the table.

SEC. 4. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of June 18, 2010, providing for consideration or disposition of any Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

SEC. 5. It shall be in order at any time through the legislative day of June 18, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or

her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

□ 1300

The SPEAKER pro tempore. The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina (Ms. FOXX). All time yielded during consideration of the rule is for debate only.

**GENERAL LEAVE**

Ms. PINGREE of Maine. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

Ms. PINGREE of Maine. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1436 provides for consideration of H.R. 5297, the Small Business Lending Fund Act of 2010, under a structured rule, with 1 hour of general debate with 30 minutes controlled by the Committee on Financial Services and 30 minutes controlled by the Committee on Small Business.

The rule makes in order an amendment in the nature of a substitute consisting of the text of H.R. 5297, as reported by the Committee on Financial Services, with the addition of Title 3, which would establish at the Small Business Administration a program to provide equity financing to support early-stage and high-growth small businesses. It also includes a manager's amendment which makes a number of important changes to the base text.

The rule makes in order 17 amendments, which are printed in part C of the Rules Committee report accompanying the rule. The amendments are each debatable for 10 minutes. The rule provides one motion to recommit H.R. 5297, with or without instructions.

The rule also provides for consideration of H.R. 5486, the Small Business Jobs Tax Relief Act of 2010, under a closed rule. The rule provides 1 hour of debate controlled by the Committee on Ways and Means.

In addition to paying for the cost of the Small Business Lending Fund Act, it will provide a number of important tax breaks to our Nation's struggling small businesses.

The rule also provides one motion to recommit H.R. 5486, with or without instructions. The rule then provides that these two bills will be combined upon adoption before being sent to the Senate.

Additionally, the rule waives clause 6(a) of rule XIII, which would allow for

same-day consideration through Friday, June 18, of a rule providing for consideration of any Senate amendment to H.R. 4213, the Americans Jobs and Closing Tax Loopholes Act of 2010.

Finally, the rule also allows the Speaker to entertain motions to suspend the rules through June 18.

Mr. Speaker, today, the House will take up two very important pieces of legislation that will directly help small businesses around the country. These bills will provide much needed support for the small businesses that make up our communities and are the backbone of our economy and our economic recovery. These bills will help small entrepreneurs grow and create jobs. As President Obama said last fall, supporting small businesses needs to be our highest priority because “when small businesses are succeeding, America succeeds.”

In order for small businesses to succeed, we must give them the tools they need to grow. One of these tools is the ability to access capital.

When I go back to Maine each week, I hear often the same story from business owners across the State. When the credit market dried up, they were hit hard. Now as the economy has started to make a recovery, they are still unable to access the credit they need to expand, rehire, and grow. About a year ago, I hosted an event focusing on helping connect small businesses with capital. The response was overwhelming. Hundreds of small business owners showed up, in fact, so many that we need an overflow room to accommodate the demand. There were businesses of all types and sizes, and many of these small business owners had driven hours to come to the workshop. They came to this meeting because they felt they had nowhere else to turn.

As a small business owner myself, I know what a challenge it can be to make ends meet. When I started my last business before the credit crunch, I was fortunate that I had a small community bank to work with that gave me access to capital I needed to start my business. But for many who have tried to get the money necessary to start, operate, and expand a business over the past few years, it hasn't been so easy. Today, we have an opportunity to make credit available to millions of small businesses across the country.

Today, we can assist the small lenders who know firsthand the difference those businesses make to a community. Today, we can make it easier for companies to get access to the financing that will help them grow, expand, and create jobs. The Congressional Research Service estimates that the investments made by this bill will stimulate \$300 billion of lending to small businesses.

Small business owners and bankers alike have told me they think this bill

is a good idea. As the economy recovers, it will help increase lending by our local financial institutions in Maine. As the owner of Rumery's boatyard, a small boatyard in Saco, Maine, told me, it is imperative that we support our small businesses and ensure that they are “ready to go once the economy fully recovers.” The folks at Rumery's make a good point.

Although we are now seeing signs of economic recovery, economists tell us that we could still face a double-dip recession if we aren't careful. Without access to capital, I'm afraid the recovery will be limited to Wall Street and not Main Street. By investing in small businesses, we can keep the momentum going and make sure the economic recovery turns into jobs for people in my State and across the country.

Mr. Speaker, let me tell you a little bit more about what I've heard from the people who live in my State. One person in my district who helps small business owners told me recently that he is “convinced that the inability of small businesses to access capital is the number one impediment to economic growth for our Nation.” He also said that he works with “successful entrepreneurs who survived the recession but are having a difficult time reestablishing their credit lines or accessing money for growth even when they have real, profitable opportunities. The banks are not necessarily lending unless you have hard collateral, and they are shutting down credit lines to customers who pay their bills on time.”

For example, over the past 17 years, one small manufacturing company in Cornish, Maine, has grown from a sole proprietorship to employing 17 people. They have borrowed money to invest heavily in the machinery and technology necessary to produce a high-quality product. But as the economy stalled out, they were facing a shortfall in receipts and needed to refinance, but have been struggling to find the capital they need. They are continuing to provide jobs and ship product all over the world and pay for their operating costs of doing their business. If they had access to capital, they could also continue to make innovative new designs. Demand for their product is increasing daily, and without financing, they are unable to grow their company and provide new jobs.

Small businesses are desperate for credit to expand and to grow. And that's why this bill is so important. As the economy picks up, small businesses in Maine and elsewhere in this country need to have the capital to expand and grow their businesses. Without access to capital, these businesses will not be able to grow. I look forward to supporting this important legislation later today.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I thank my colleague from Maine for yielding

time, and I yield myself such time as I may consume.

I will urge my colleagues on this side of the aisle to vote “no” on the rule and “no” on this bill, and I believe that my colleagues and I will be able to explain why.

In case there are some folks still listening to what my colleagues on the other side of the aisle were talking about in the last of the 1-minutes that were spoken a while ago, I need to say that they have very selective memories. They talked about what the economy was like when President Obama took office, and they blame everything on our former President Bush. But they failed to mention ever, ever, ever that they were in charge of the Congress the last 2 years of President Bush's administration, and they were the ones in charge of what was happening in terms of spending money and why our economy was in such an unfortunate situation. It's very easy to blame President Bush because he was President, but they were in charge of the Congress.

Mr. Speaker, it's unfortunate that I, again, find myself before this body amazed by the stunning arrogance of the liberal Democrats responsible for bringing this rule before us today which provides for consideration of H.R. 5297, the Small Business Lending Act, and accompanying legislation, H.R. 5486, a bill intended to offset the immense cost of H.R. 5297. Consideration of this legislation, which will cost taxpayers another \$32 billion, comes at a time when the Democrats have demonstrated a complete paralysis in presenting the annual budget resolution necessary for guiding congressional spending decisions.

We all know that many small businesses have not been able to get available credit. However, the Democrat response is, unfortunately, too predictable: Borrow more money from foreign lenders in future generations and spend it on yet another in a long string of bailouts; create a lot of Federal Government jobs; and do nothing to really help small businesses.

The way we can help all businesses in this country is to lower taxes across the board and not continue to create unnecessary, inefficient government programs which don't deliver what they need to deliver.

With that, Mr. Speaker, I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I would now like to yield 5 minutes to my distinguished colleague from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentlelady for yielding.

Mr. Speaker, the supporters of this bill tell us it's going to increase lending to small businesses. To do so, they're creating a \$30 billion slush fund to make loans to smaller banks, therefore encouraging smaller banks to

make loans to small businesses, or so they say. I believe it is a splendid example of what I like to call McClintock's Second Law of Political Physics: The more we invest in our mistakes, the less willing we are to correct them. It has apparently escaped the supporters' attention that we are already doing precisely what the proposed new Small Business Lending Fund would do through the existing TARP Capital Purchase Program.

Now that's not just my conclusion. That's the conclusion of the Special Inspector General of TARP, Neil Barofsky. He wrote to the Financial Services Committee on May 17, and observed, "In terms of its basic design, its participants, its application process, and perhaps its funding source, from an oversight perspective, the Small Business Lending Fund would essentially be an extension of TARP's Capital Purchase Program."

So if this scheme actually worked, we wouldn't need this bill, would we? Banks would already be lending like crazy.

The only problem is, it doesn't work. But some Members can't bear to face the American people and admit that they have squandered billions of dollars of working families' hard-earned money. So, instead, they bring us more of the same.

Now this places an additional \$30 billion of taxpayer money at risk. We're told, Don't worry; we'll get that money back.

When have we heard this song before? Oh, yes. When they bailed out Fannie Mae and Freddie Mac. And according to the Congressional Budget Office, taxpayers have now lost \$145 billion, heading to \$400 billion.

Don't worry; it'll be paid back.

What is likely to happen to the \$30 billion put at risk by this bill? Those banks with sound finances won't touch this money. They don't need it, and they don't need the Federal entanglements that come with it. Only those banks whose finances are unsound will accept these moneys, with little chance that they will actually be paid back. In fact, by removing the Special Inspector General from oversight of these funds, that risk is further aggravated.

□ 1315

And just to be clear, there's no guarantee that a dime of this money will actually be lent to small businesses in the first place. In fact, any commercial or industrial loan will count toward the requirements of this bill, not necessarily just loans to small businesses.

Now, after a failed \$700 billion TARP, \$30 billion might not sound like a lot of money. But let's put it in perspective. The combined cleanup and economic costs of the gulf oil spill are currently estimated around \$17 billion. So in terms of economic damage, this bill could actually cost more than cleaning

up the entire mess in the gulf. It's true that small businesses are having great difficulty getting loans. So are home buyers. Why is that? I suspect one of the principal reasons is that unprecedented public sector borrowing has crowded out the capital pool that would otherwise have been available to make private sector loans to small businesses and home buyers and consumers.

Under this administration and this Congress, the government is running a \$1.5 trillion annual deficit. That's roughly \$20,000 for every family of four in America. Well, where does that money come from? Well, we borrow it. From whom do we borrow it? We borrow it from the same capital pool that would otherwise have been available to loan to small businesses and other employers seeking to add jobs or loan to home buyers seeking to reenter the housing market or loan to consumers seeking to afford consumer purchases. And remember, two-thirds of economic growth directly depends upon those consumer purchases. But that money now is not available to loan to employers and to home buyers and to consumers to expand the economy because government has now borrowed it in order to expand government. That is the core of the problem.

Now, I've offered an amendment to forbid the use of this TARP III money in the presence of a deficit for a very simple reason: if the government borrows that money to loan to one business, that same money won't be available to loan to another business. Government cannot inject a single dollar into the economy until it has first taken that same dollar out of that same economy. But of course this amendment was forbidden under the rule we are now considering. Therefore, I oppose the rule, and I oppose the underlying bill.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

I rise in strong support of this rule and the underlying legislation that provides relief to small businesses by expanding lending opportunities and offering tax incentives to help them grow. Small businesses are absolutely the backbone of the American economy, and they are especially important in my home State of Rhode Island, where they make up 97 percent of our employers.

Now more than ever, we are pursuing every possible avenue to create a job that gets this economy back on track. None of us can be satisfied that our economy is performing where it should be, especially in my home State where we now have the fourth highest unemployment rate in the Nation of 12.5 percent. None of us can accept that status quo right now, and Congress absolutely

must support the growth of these small businesses and help stimulate the real engine of our Nation's economy.

American prosperity absolutely depends upon the success of small businesses and the innovative spirit of the American people, but they need the right support. I'm committed to bringing relief to the small businesses that are struggling in our States.

I urge my colleagues to support this bill, and let's give our small businesses what they need to create the jobs that will get America back on track.

Ms. FOXX. Mr. Speaker, you know, this bill is being promoted as necessary to increase the availability for small businesses. But as my colleague from California so eloquently pointed out, it's really a bailout for banks that are in shaky positions. And what nobody has pointed out yet is, incredibly, this money doesn't have to be available for 2 years and probably will not be available for 2 years. So what is that going to do, again, to help small businesses that need help right now?

Again, as my colleague pointed out, it creates a \$30 billion lending fund for banks with less than \$10 billion in assets. It also is going to appropriate \$2 billion to States to shore up their small business lending and guarantee programs. But we shouldn't be doing that either. We have no business going in and shoring up programs that the States have when they haven't been responsible with the use of their money. But what this bill is going to do is deepen our debt problems, duplicate the goal of the original \$700 billion TARP program, as Mr. MCCLINTOCK pointed out.

We have nearly 10 percent unemployment, and the so-called economic leadership of the ruling liberal Democrats has proven to be a failure. This is TARP III, and its \$32 billion price tag is not going to be any different from the previous mechanisms that they've used to try to stimulate the economy. Rather than proposing sound economic policies, like lowering taxes and reducing regulatory burdens, the Democrats continue to advocate misguided policies that expand the government's control and increase the Nation's debt. The simple truth is that taxpayers can't afford another bank bailout.

The original bailout bill, TARP I, was \$700 billion. In 2009, our colleagues on the other side of the aisle rammed through a so-called stimulus bill costing \$1.138 trillion—part of that is the cost of the interest—a \$410 billion omnibus appropriations bill for FY09, a \$3.6 trillion fiscal year 2010 budget. They increased the debt ceiling by \$1.9 trillion. The national debt now stands above \$13 trillion. The taxpayers lost \$145 billion by bailing out Fannie and Freddie, and the CBO expects that to approach \$400 billion overall.

Recently, the European Union and the International Monetary Fund

pledged \$145 billion to bail out the bankrupt nation of Greece. American taxpayers are on the hook for \$6.8 billion in loan guarantees for the IMF. The European Union and the IMF have also announced a \$1 trillion bailout plan that could put American taxpayers on the hook for \$50 billion in additional loan guarantees to bail out other financially irresponsible members of the European Union. And the news today is that Spain is almost ready to go bankrupt and expects our support. Yet the ruling liberal Democrats continue to spend our Nation into a financial abyss.

I've just gone over a lot of numbers, and I want to go over them one more time to make sure the American people fully understand what these people in charge of the agenda of this Congress are doing. They have been in charge, by the way, Mr. Speaker, since January 2007, which is when most of our problems began happening. So let me go over it again: a \$700 billion bailout for the megabanks, a \$1.138 trillion spending bill, a \$410 billion omnibus spending bill, a \$3.6 trillion fiscal year 2010 budget, a \$1.9 trillion debt ceiling increase, \$6.8 billion to the International Monetary Fund loan guarantee program for countries in Europe—not even helping people in the United States—and an additional \$50 billion in loan guarantees for bailing out other financially irresponsible members of the European Union.

Again, this bill is going to create unnecessary programs. Already under TARP I, the megabank bailout, Treasury created these programs, as Mr. MCCLINTOCK pointed out. So it's a clear indication that TARP I was a failure if the Democrats have to bring this back and create \$32 billion more to do what the \$700 billion TARP wasn't able to do. So what we're seeing is our friends on the other side of the aisle creating more taxpayer-funded jobs at the Federal level, not jobs for average Americans, and not money for small businesses. And yet our unemployment rate continues to stay almost at 10 percent when they have promised with the first stimulus bill that it would never go above 8 percent.

Albert Einstein is credited with defining insanity as doing the same thing over and over again and expecting different results. The American people have a right to question why our friends on the other side of the aisle are doing the same things over and over again and expecting different results from what they've gotten in the past.

With that, I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, my colleague from North Carolina has talked a little bit about the content of this bill, and I know it will be debated at great length after we have finished the debate on this rule. But I just want

to mention a couple of points from my perspective, why I am here supporting this bill today, and why I somewhat disagree on her notion that we're just doing the same thing over and over again. I am not actually doing the same thing over and over again. I am a freshman Member of Congress. Unlike my colleague, I wasn't here last year.

When the President from the former administration, President Bush, proposed the TARP to Congress, many of my colleagues on the other side of the aisle actually voted in favor of that bailout of Wall Street. Many believed it was critical to reviving our economy, just as I believed it was critical to support the Recovery Act to make sure that we did, yes, in fact, send a considerable amount of money back into our home districts, whether it was for infrastructure construction or to shore up the jobs of our teachers and firefighters, to make sure that we were continuing to build projects in our own districts, continuing to make sure that we supported our education system.

I am pleased to see that the economy is making some improvement. Now, I would be the first to say it's not improving fast enough, the jobs aren't growing fast enough in my home district. We have lost too much in our manufacturing segment. We have given too many jobs away in offshoring, and we have done so many things over the last two decades, I believe, in this country that has hurt our fundamental economy.

But I will say that what I think is different about what we are doing today and what made me very pleased when I first heard the President announce this is we are finally looking after some of our small businesses. For my year and a half in Congress, as I mentioned before, I have been meeting with small businesses, meeting with the bankers that loaned them money, holding a workshop, as I did around access to capital. I was floored with the number of people who came to that workshop, with people who drove from all over my State, even outside of my district, because they were so desperate to make sure they got more information about how to access that difficult capital, whether it was someone who was ready to start a small business, even in a tough economy; or it was someone who said to me, You know, I want to do a little expansion. I want to build my own infrastructure here while I have the opportunity, or I am just trying to survive long enough until the economy improves so my business can still be there when, I hope, things get better.

Well, I desperately hope things get better. In my home State of Maine, frankly, we hope for a very sunny summer. We hope that the tourists will be busy in our State, that the lobster fishermen will harvest a lot of lobster, that all of you will come and stay in

our hotels, eat our wonderful seafood, and spend a little bit of time, maybe even purchase some real estate and build a new home. For us, that is critical. For many of our small businesses, who I hear from regularly, they still can't find the capital that they need.

We have a huge boat-building industry in our State, and we have met with the boat builders who say, The floor plan lending proposal and what we are able to access through the Small Business Administration isn't enough. Our banks aren't able to access enough capital. We sit down and meet with those very bankers that you mentioned. We meet with those bankers, many of whom are on solid footing, who give good loans to people with good credit, but they say to me, You know, we wish the SBA had a little bit more.

When you talk about the sort of government programs that don't do us any good, I just want to remind us, we are talking about the Small Business Administration. My guess is that there are a lot of my colleagues on the other side of the aisle who are very happy to go to the ribbon-cutting when a new business is opening, backed by a loan guarantee from the Small Business Administration. I am very confident that many of you meet with your bankers, and you hear your bankers say, I wish we could just access a little bit more of that support from the SBA. My guess is that many of you, while you are proclaiming that this is some kind of Democratic left-wing liberal agenda, are happy to go back to your districts and say, We want a little more SBA lending. We want to make it a little bit easier for businesses to thrive and flourish.

□ 1330

And somehow you get down here and this turns into a left-wing Democratic agenda because you are not interested in voting for it today. I have to say, sometimes I am completely confounded about exactly which party I am in. I feel pretty much like I am in the party of common sense. Like we are listening to our constituents, our small businesses, who everybody proudly proclaims is the backbone of the American economy. In my State, it is the backbone of our economy. We listen to them, and they say, We are still having a little trouble accessing the capital.

The President comes before us and he says, let us make sure that \$30 billion goes to small business, not just Wall Street and big business, let's not just bail out the big banks, as was done under the Bush administration, let's direct this very money to our small businesses who have been asking for this for a year and a half.

I, frankly, am confounded about why anyone would vote against this, why anyone would say "no" to small businesses, why anybody would believe that this economic recession is over,

that it is okay to just walk away and use all kinds of excuses about why you don't feel like voting for something anymore, why you don't want to continue helping our struggling businesses, why you don't want to continue to build jobs in this country. That is what people are desperately asking us to do, and it is my belief if we stop too soon, if we don't help our small businesses, frankly if we don't help our States that are struggling, that have loan guarantee programs themselves who have done an excellent job supporting businesses and economic growth, if we are not there to say to those entrepreneurs who have a good idea today, or who are already in business and want to expand with a creative new idea, we shouldn't be surprised that so many other economies are starting to move ahead of us in this difficult time.

Frankly, I cannot understand why anybody would not support this rule or the underlying bill. I hope that Members change their minds, think about the Small Business Administration and the small businesses we can help today, and the great good we can do to help support jobs in this country.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I realize that my colleagues on the other side of the aisle sometimes can't understand why Republicans vote against their ill-conceived legislation, but it is really because we have a very different philosophy about what makes this country successful. We believe that we should adhere to the capitalistic society that has always made us successful. It isn't the government that makes us successful. It isn't taking money from hardworking taxpayers, sending it through government bureaucracies, and then giving a small portion of that money back to the taxpayers that has made this country successful. And this bill is very misnamed. It isn't a small business bill, it is a bailout of banks, smaller banks than the megabanks that were bailed out by the Democrats primarily, with the help of President Bush. This is not a small business bill but a bank bailout bill.

I would now like to yield 3 minutes to the gentleman from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. Mr. Speaker, I also rise today in opposition to the rule, and here is why. I offered three amendments before the Rules Committee and cosponsored a fourth. Sadly, none of them were made in order for today's bill.

My top concern and the concern of my constituents continues to be jobs. I believe everything Congress does should be looked at through the prism of is it helping or hurting job growth, and is it going to put Americans back to work. Unfortunately, Washington has not pursued a pro-jobs agenda over the last few years. In fact, since the

stimulus was signed, we have lost about 3 million jobs, and we continue to spend and grow our Nation's debt to a larger and larger percentage of our GDP.

Mr. Speaker, small businesses have created about two of every three net new jobs in the United States since the early 1970s. Small businesses are also responsible for roughly half of the privately generated GDP in the United States. This is where our jobs are going to come from in the future. This is where our recovery is going to come from in the future. But what has Congress done in terms of focusing on small business? Unfortunately, not much.

That is why I offered a specific amendment in the nature of a substitute which would have allowed subchapter-S and LLCs to defer their income tax on any money that is reinvested in their company or their business. Instead, they would have to pay the tax only once on the money that is withdrawn from the company. If small businesses receive tax relief and they could reinvest that money in their company to hire workers, that would be a true economic stimulus to put people back to work.

More than two-thirds of all small business income is taxed at the top two individual tax rates, and now the majority party is going to let those rates rise at the end of this year, forcing small businesses to shoulder an even higher tax burden. So this amendment would have provided real incentives for small businesses to grow without creating another bailout-style fund of borrowing and spending even more government money.

I also offered an amendment that would have stricken the section of the legislation that would treat S-corporations differently. Why should a small business or a small business corporation be targeted for higher interest rates? A study that was sponsored by the SBA demonstrated that they already shoulder the highest effective tax burden of any business structure. If anything, they should be offered lower rates.

Finally, I cosponsored an amendment with the gentlewoman from Illinois (Mrs. BIGGERT), and it was also not made in order, and that amendment would have prevented any provisions of this legislation, the underlying bill, from taking effect until certain tax provisions that benefit small businesses are extended until 2012.

Mr. Speaker, the number one issue I really hear about is jobs, it is small business help, and how can we help them, and the uncertainty small businesses face right now coming from Congress. The Biggert amendment is a much better approach because it would have addressed that level of uncertainty, focusing time and attention on the needs and concerns of small busi-

nesses, and making sure that they know with certainty what they can do in terms of providing, where they are going to deploy their capital.

Mr. Speaker, these are the amendments that I think would have provided more direction to Congress to focus on true small business growth. It would be a targeted approach. It would have been smart. It would have been strategic. I urge a "no" vote on the rule because these amendments were not included as an option.

Ms. PINGREE of Maine. Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, there are other reasons why this rule and this bill deserve "no" votes. The bill lacks proper oversight for the TARP III program because it would not be subject to the effective oversight of the Special Inspector General for TARP, otherwise known as SIGTARP. I believe my colleague, the gentleman from California (Mr. MCCLINTOCK), pointed out some of these concerns in his remarks.

On February 19 of this year, SIGTARP's watchdog, Neil Barofsky, sent a letter to Treasury's Assistant Secretary For Financial Stability, Herb Allison. In the letter, Barofsky expressed concern regarding Treasury's decision to remove TARP III from SIGTARP's oversight and warned that such a move would be terribly wasteful and could lead to a significant exposure to waste, fraud and abuse.

If all of this weren't enough, Americans should know that TARP III creates more uncertainty. Like the original TARP megabank bailout, the Federal Government will once again, at its discretion, be able to reach into the board rooms and pocketbooks of private sectors firms and employees. The use of the original TARP by some banks begets the use of the Obama administration's pay czar and auto task force, which closed thousands of dealerships. Also, the use of the original TARP inspired the Democrats to pursue a "responsibility fee," another tax on financial firms. Through TARP III, many small and mid-sized banks may soon find the Federal Government as their new senior partner.

This approach is particularly disturbing given availability of sensible, cost-free alternatives, some of them offered by our Democratic colleagues such as Mr. KANJORSKI's bill, H.R. 3380, the Promoting Lending to America's Small Business Act which hosts a bipartisan list of 123 cosponsors, including myself.

Fortunately, the American people have a choice between the same old, tired liberal agenda or new, innovative solutions being offered by members of the GOP.

Some of the no-cost proposals offered by House Republican leadership to President Obama last December include: halting any proposed mandate or regulation expected to have an economic cost, result in job loss, or have a

disparate impact on small business; eliminating job killing Federal tax increases; freezing domestic discretionary spending at last year's levels; removing unnecessary barriers to domestic energy production; providing an incentive for companies to repatriate earnings back to the United States; and increasing exports through trade agreements beneficial to domestic job creation. To that list I would add a few more items such as rescinding unspent stimulus funds, reforming the tort system to lower cost and uncertainties facing small businesses, suspending the job killing Davis-Bacon Act, and shrinking the cost of the Federal minimum wage, particularly for young and inexperienced workers seeking entry-level jobs.

Basically, Mr. Speaker, there are alternatives to the bad legislation being proposed by our colleagues on the other side of the aisle. Again, I urge my colleagues to vote "no" on the rule and "no" on the underlying bill.

I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I have to say, my colleague continues to act as though we don't have a problem out there with our economy. That somehow, as happened in the last administration, we can just take this laissez-faire attitude; we can just say it will get better on its own, we don't need to do anything or somehow this recovery has already been good enough. Well, I don't hear anybody saying it is good enough, that there is enough jobs and enough support.

I want to quote from a couple of things I recently read that reinforce this issue that there isn't enough credit and lending going on, particularly to help our small businesses who are, as I have said before, are one of the important engines to drive this economy.

A report by the U.S. Congressional Joint Economic Committee that was released in May found that small businesses have been severely hurt by the tighter lending standards that resulted from the 2008 financial crisis. I want to quote a couple of sentences from that report: The tightened credit conditions experienced by small businesses have curtailed their ability to meet payroll or produce the products and services that are in demand. In 2009, small business hiring was 20 percent below its 2001–2007 average.

As further evidence of the impact that tight credit markets are having on small businesses, hiring in mid sized and larger establishments has been increasing since the middle of 2009 while small business hiring continues to decline. I don't know how much more evidence we need than what we hear every weekend, but it is clear small businesses in our districts are still struggling.

There was some question about whether or not the bankers even wanted this to happen, whether banks al-

ready had plenty of money to lend, people were just not showing up to take it. I want to read a letter from the Independent Community Bankers of America. They say: This act would offer capital to interested community banks to use to increase small business credit. It goes on to say: Notably, leveraging the \$30 billion in funds with community banks would potentially support many times that in loan volume to small businesses, as much as \$300 billion in additional lending.

Well, I don't know anyone who analyzes our businesses out there who says it wouldn't be good to have more credit, more availability, more lending, more growth in our businesses. We haven't been going on that path, we haven't been growing fast enough, and we haven't done a sufficient amount to support availability of credit and growth in our small businesses.

□ 1345

Now we have done, according to this report, a fair amount for some of our bigger or mid-sized businesses, but yet we are always the ones who say, and now I am going to quote from Professor Campbell Harvey of Duke University, his quote, "Small and medium-sized firms are the drivers of employment growth in the economy, and they are being squeezed." He went on to say, "Results show an extraordinary 44 percent of small businesses restricted their capital spending below desired levels because of borrowing difficulties. These capital projects create jobs both today and over the longer term." He concludes by saying, "Analysis suggests we need to refocus our efforts on the root of the problem. Businesses are not spending on capital projects because of borrowing difficulties. Fixing the credit problem goes a long way toward creating the conditions for robust employment growth."

We can talk around this all we want, but it's a relatively simple problem that we have all known about ever since this economy started going bad. Banks tightened up on their lending. There hasn't been enough credit availability. Businesses have been struggling. Many of them just want to hang on. Some of them actually want to grow.

And here is Professor Harvey telling us, "Results show an extraordinary 44 percent of small businesses restricted their capital spending below desired levels because of borrowing difficulties." Borrowing difficulties, that's almost half of small business reporting this, borrowing difficulties mean they can't get enough money to borrow. They want to borrow money. These are legitimate businesses, many with good credit ratings, who just can't get enough out there.

And here are the bankers saying to us, yeah, this would put potentially \$300 billion in additional lending into

our economy at a time when we are just starting to chug forward, where people are just starting to feel a little bit hopeful, where consumer credit is going up just a little bit, but we are not doing enough.

It's easy to stand back and say, oh, no, no, this isn't the government's job. But remember what happened before we started assisting in this terrible recession. We were going nowhere. We were losing a tremendous amount of jobs.

I don't like spending this money any more than anybody else, no matter what my colleagues on the other side of the aisle may say. Nobody likes to increase the deficit or feel we are spending more money. But are we really going to turn our backs on our small businesses and on our community banks when they are saying to us, Almost half of us are having trouble accessing the credit we need? Couldn't you just give us a helping hand?

We helped out Wall Street. We helped out the big financial institutions. Now, we finally have a bill before us to help the backbone of our businesses and we are going to say "no."

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, what we need, again, are across-the-board tax cuts. We don't need more government control. It's interesting to me that our colleagues have two different tacks. One is blame everything on the previous administration. But the next to the last Democrat who spoke during 1-minute made a speech telling us about how everything was great and how much better everything is going. So it's a little hard, I am sure, for the American people to wonder what is the policy of this group that's in charge of the Congress.

I now would like to yield 2 minutes to my distinguished colleague from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentlelady from North Carolina for yielding me this time. I don't think I will take that much time.

Each workday every Member of Congress receives a publication called Congress Daily. A few months ago, the Congress Daily had a cartoon which showed the President and his Secretary of the Treasury hollering out, "Loan, loan, loan." And then it showed the banks with huge bags full of money, and then local examiners pulling back saying, "No, no, no." And that is the crux of the problem. The banks have plenty of money to loan, but they have got the examiners at the local level saying, "No, no, no."

And this is something that both administrations have agreed on, because President Bush and his Secretary of the Treasury started this back before President Obama even came into office, urging the banks to make more loans to small businesses. But they can't do it because the examiners have turned

down almost every kind of loan that they wanted to make except to people who didn't need loans.

Just the weekend before last I had a banker in east Tennessee tell me that they had turned down a \$5.5 million loan. They have plenty of money to loan, but they knew the examiners would turn this down. A few months ago, the chairman of the BB&T banking chain, one of the most respected banks in this country, told a group of us that it was breaking his heart because they had plenty of money to loan, but they were having to destroy people's businesses, turning down loans that at any other time they would have made.

So we will never really correct this problem until we get the top banking regulators to get on their examiners on the local level to start giving some businesses some flexibility and start making some loans. Not only do the banks tell me this, they are in a catch-22 position. They can't complain publicly because then the examiners would come down even harder on them. But they are telling me this, and then all the small business people from all types of businesses are telling me they can't get the loans because the examiners are saying, "No, no, no."

Ms. PINGREE of Maine. I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, as my colleague has pointed out, there are lots of different perspectives from our folks on the other side of the aisle. They change the line of talking to depend on what it is they want to point out.

I want to say again that we have major problems with our economy. We have a problem with spending. Not a problem with revenue, but a problem with spending. And I want to point out some comments and contrast positions from when our colleagues were in the minority to now.

In May of 2006, then-Minority Leader PELOSI declared, quote, "Our national debt is a national security issue. Countries that own our debt will not only be making our toys, our clothes, and our computers, pretty soon they will be making our foreign policy. They have far too much leverage over us." Keep in mind that, at the time she said this, the total public debt outstanding was \$8.351 trillion. Now, when they have created a debt of over \$13 trillion, suddenly it's not a problem.

Or in December 2005 when she declared, quote, "Democrats support pay-as-you-go. No deficit spending. If something is important to you, figure out how to pay for it, but do not make my grandchildren and children have to pay for it, or anybody's children and grandchildren have to pay for it." Again, keep in mind that, at the time she said this, the debt was \$8.107 trillion. Now, when they've created a debt of over \$13 trillion, they seem not to be concerned about their children and grandchildren.

The ruling liberal Democrats' pride in their fiscal irresponsibility is also a far cry from March 2005, when Minority Whip HOYER expressed outrage, declaring that, quote, "On the Republican Party's watch, the Federal Government recorded the worst budget deficit in American history, \$412 billion in fiscal year 2004. \$412 billion of deficit spending . . . We ought to be ashamed of that. We ought to be ashamed to tell our children that that's what we have done to them. We ought to be ashamed to tell our grandchildren, of which I have three, that that is what we have done to them and their generation. That is the height of fiscal irresponsibility, and I suggest it is also a fiscally immoral act and is the abuse of our children and grandchildren and generations yet to come, who in their time will face a challenge perhaps like Iraq, perhaps like AIDS, perhaps a tsunami or other natural disaster, and they will look around for resources to respond to their crisis in their time and say, oh, my goodness, the resources were spent by this Congress and by the previous Congress. What a shame."

So, apparently under Republican rule, a \$412 billion deficit was considered a threat to our descendants, but a \$1.42 trillion deficit under Democrats is somehow excused for some reason. What a shame indeed.

Mr. Speaker, when the liberal Democrats seized control of Congress in January of 2007, the number of unemployed persons stood at 7 million and the unemployment rate was 4.6 percent. Oh, how times have changed. Today, the numbers are more than double. Fifteen million Americans unemployed, resulting in a staggering 9.7 percent unemployment rate.

Strange how these immutable numbers from the same nonpartisan official government source tell a different story than the liberal Democrats in desperate search of a scapegoat would have you to believe.

Mr. Speaker, we do not need to continue to borrow money and put our children and grandchildren into greater debt. The evidence is in. The liberal Democrat agenda has failed. They need to go back to the drawing board and come back to the American people with real solutions to their real problems.

And do we hear from small business people? Do we hear from people who are out of work? Absolutely. Every weekend. This isn't the time to dither and blame the Republican minority for the disappointing collapse of governance we've seen since the liberal majority seized control in 2007.

I yield back the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I wish to say a few things in conclusion.

We have debated a little bit today about whether or not this bill is important, and I just want to say this is a

critical need that we are fulfilling today. This bill will support small businesses when they need it most—access to the financing they need to survive, to grow, to expand and create the jobs that will drive our economic recovery.

I don't really know how anyone could oppose this. I know this is essential because I hear it from businesses throughout the 125 towns in my district, and I know this is essential because I have owned a business myself for much of my adult life. For many years, I owned a knitting company that sold our products around the country.

I grew the business, and eventually employed 10 people in a town of just 350 year-round residents. And like many women who start their own businesses, I know what it is to argue with a banker to get more access to credit, to start your business or expand your business on a credit card, or to have to go to your husband to cosign on a loan.

Now I own an inn and a restaurant that uses vegetables grown on our island and locally caught seafood, and I still know what it is to meet a payroll and argue with the bank about borrowing the money to expand.

Mr. Speaker, I have been lucky to own a business that's been an important part of my own community, but it never would have been able to survive without cooperative bankers in my community or access to the investment that the business needed to grow.

When businesses are coming to us and saying this is their problem, how could we possibly tell them no? And when facing a tough economic crisis like this one, it is vital that we do everything in our power to support the small businesses that create 64 percent of new jobs in this country, that comprise more than 99 percent of all employer companies, and that are the backbone of the communities that most of us live in.

This bill is an important step in supporting those small businesses, ensuring that they have the necessary capital to stay in business and to expand as the economy recovers. This bill is more than just simply an investment in small business. Frankly, it is an investment in American job growth. And what could be more important at this moment in time?

I urge a "yes" vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. DOYLE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

□ 1400

#### RECOGNIZING CONTRIBUTIONS OF FATHERS

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1389) recognizing the immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1389

Whereas fathers factor significantly in the lives of children;

Whereas fathers play an important role in teaching their children life lessons and preparing them to succeed in school and in life;

Whereas children with involved fathers are more likely to do well in school, have a better sense of well-being, and have fewer behavioral problems;

Whereas supportive fathers promote the positive physical, social, emotional, moral, and mental development of children;

Whereas promoting responsible fatherhood can help increase the chances that children will grow up with two caring parents;

Whereas, when fathers are actively involved in the upbringing of children, the children demonstrate greater self-control and a greater ability to take initiative;

Whereas responsible fatherhood can help reduce child poverty;

Whereas responsible fatherhood strengthens families and communities; and

Whereas Father's Day is the third Sunday in June: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the millions of fathers who serve as a wonderful, caring parent for their children;

(2) calls on fathers across the United States to use Father's Day to reconnect and rededicate themselves to their children's lives, to spend Father's Day with their children, and to express their love and support for their children;

(3) urges men to understand the level of responsibility fathering a child requires, especially in the encouragement of the mental, moral, social, academic, emotional, physical, and spiritual development of children; and

(4) encourages active involvement of fathers in the rearing and development of their children, including the devotion of time, energy, and resources.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1389 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1389, to honor and celebrate Father's Day this Sunday and to recognize the involvement of our Nation's fathers in their children's lives. This resolution recognizes the special bond between father and child by celebrating the significant and positive impacts a present, supportive, and involved father has on their child and the entire family.

Every year on the third Sunday in June, families across the country take time out to celebrate the dad in the family. New fathers and experienced fathers alike are honored for the hard work and deep love it takes to be a supportive father. Whether it be through a home-cooked meal, a card, or even a simple phone call, we stop once a year to thank fathers for everything they do in our lives.

Unfortunately, 25 million children in America today are living apart from their biological fathers. This means that one out of every three children grow up without their biological father present in their lives.

Fathers play a significant and influential role in their child's development. When supportive fathers are involved in their children's lives, their children are more likely to enjoy learning, earn better grades, and participate in extracurricular activities. We celebrate the fathers who are positive role models for their children.

By commemorating the hard work and dedication of fathers on Father's Day, we encourage responsible fatherhood and happy, successful, and stronger families and communities.

With that, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the resolution before us, House Resolution 1389, recognizing the immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater in-

volvement of fathers in the lives of their children, especially on Father's Day, and really on every day.

Children with involved, caring fathers have improved educational outcomes compared with children whose fathers are absent. A number of studies suggest that fathers who are involved, nurturing, and playful with their infants have children with higher IQs, as well as better linguistic and cognitive capacities. Toddlers with involved fathers go on to start school with higher levels of academic readiness. They are more patient and can handle the stresses and frustrations associated with schooling more readily than children with less involved fathers.

The influence of a father's involvement on academic achievement extends into adolescence and young adulthood. For instance, a U.S. Department of Education study found that highly involved biological fathers had children who were 43 percent more likely than other children to earn mostly As and 33 percent less likely than other children to repeat a grade.

Fathers play a significant role in shaping the character of their children. By spending time with their sons and daughters, being stern yet fair disciplinarians, and listening to their experiences, fathers mold and shape children into the men and women they will become. They instill important values and prepare their children for the challenges and opportunities ahead by demonstrating true leadership.

On Father's Day and every day, we honor our fathers and celebrate the special bond between a father and a child. I rise today in support of this resolution and ask my colleagues to do the same.

I yield such time as he may consume to my colleague from east Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me this time.

I come in support of this resolution because of a very meaningful time that I spent as a judge in Tennessee. I spent 7 and a half years as a criminal court judge before coming to Congress, trying the felony criminal cases, the most serious cases. I've never forgotten that the first day I was a judge, Gary Tullock, the chief probation counselor for 16 counties in east Tennessee, told me that 98 percent of the defendants in felony cases came from what he referred to as broken homes. He was not exactly right on that. It was not quite 98 percent, but it was well over 90 percent that came from father-absent households, and that's the key.

I went through over 10,000 cases in the time that I was judge because 97 or 98 percent of the people in felony cases in criminal court plead guilty and then apply for probation, and I would get 8- or 10- or 12-page reports into their family and work background and so forth.

And every day for 7 and a half years, I would read, Defendant's father left home when defendant was 2 and never returned; defendant's father left home to get a pack of cigarettes and never came back. When you read that thousands of times over several years, it really makes an impression.

I know that many wonderful and many outstanding people have come from broken homes and even from father-absent households, but it's an amazing statistic that the gentlewoman from California gave a few minutes ago when she said that one out of every three children in America are living apart from their biological fathers now.

We need to get a message across some way, especially to the young men of this country, that marriage is very, very important and that the role of fatherhood is very, very important and that it is harmful to a great many young people when a father leaves and removes himself from the raising of a child. A child is really blessed to have two loving parents, and certainly we all know and appreciate the very, very important role of mothers, but the role of fathers is important as well and not just for young men.

I have read in the past that many prostitutes and many women who get in trouble have had abusive or very negative or bad relationships with their fathers. So it's important to young girls as well, but it is especially important to young boys.

The root of the crime problem in this country is father-absent households. Drugs and alcohol are involved in most crimes, but they are secondary to the problem of father-absent households. Where fathers have left the lives, we need to encourage mothers to get boys into Boy Scouts or find other good male role models within the family or within the neighborhood, and we need to encourage more men to teach in elementary schools and lead Boy Scout troops and do things like that because, unfortunately, millions of young boys are growing up without a good male role model in their lives.

I remember several years ago driving to the airport one Friday afternoon after we had finished our session, and there had been a school shooting out in I think Oregon. They had the national head of the YMCA on the national CBS news, and he said children are being neglected in this country like never before. I hope that's not true, but that is what he said. And it is a growing problem, and this resolution I hope will call attention to the great importance of fathers in the lives of their children, especially as we approach Father's Day.

Ms. WOOLSEY. I continue to reserve the balance of my time.

Mr. PETRI. I yield such time as he may consume to my colleague from Pennsylvania, JOE PITTS.

Mr. PITTS. Mr. Speaker, I rise in support of H. Res. 1389, and I commend my colleague Mr. MCINTYRE for sponsoring this resolution.

We often hear about deadbeat and delinquent dads. So it's easy to forget that millions of dads across America are striving to be good husbands and positive role models for their kids. It is important for us to recognize those dads and the tremendous importance of promoting fatherhood in America.

There's no denying the invaluable role that a father plays in a child's life. We all know that children with involved and loving fathers have a significant advantage. They tend to perform better in school, to have a healthy self-esteem, to exhibit positive social behavior, and avoid drug use and other criminal activity. But this kind of statistical research really just affirms what we already know to be true: Fatherhood is important. A loving father plays an integral role in the family, and healthy families are the foundation for a healthy society.

This is not a partisan issue, and I'm glad that Republicans and Democrats are joining together on this bipartisan effort to honor responsible fatherhood. Small communities across our country rely on the work of families to keep our neighborhoods strong. Churches, community service clubs, and school boards should remember how critical fathers are in creating stable families and, therefore, stable communities.

I urge my colleagues to recognize the importance of fatherhood and to support this resolution, H. Res. 1389, today.

Mr. PETRI. Mr. Speaker, I urge support for the resolution before us, have no further requests for time, and I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I personally have the great privilege to have raised two sons, Ed Critchett and Michael Woolsey, and I have a son-in-law, Mark Pauline, who are the most wonderful fathers on this earth. I am so proud of them, and I just thought I'd take this moment right now to be able to express that.

Their children, my grandchildren, Teddy and Julia, Jake-Eddie, Carlo and Luca are great kids, but they are all the better because they have such great dads.

So, Mr. Speaker, I urge my colleagues to support H. Res. 1389, honoring and celebrating Father's Day and recognizing the involvement of our Nation's fathers in their children's lives.

With that, I yield such time as he may consume to the gentleman from North Carolina (Mr. MCINTYRE).

Mr. MCINTYRE. Mr. Speaker, I rise in strong support of H. Res. 1389, a resolution that recognizes the immeasurable contributions of fathers in the healthy development of children, supports responsible fatherhood, and encourages greater involvement of fa-

thers in the lives of their children, especially with the celebration of Father's Day coming up this weekend.

On June 20, our Nation will celebrate the special place that fathers have in our country. From helping with homework to playing ball to reading a book to offering advice and support or to just listening and spending time with children, each and every day fathers of all ages contribute to the mental, moral, spiritual, and physical development of children, teenagers and, yes, adults.

According to the National Fatherhood Initiative, children with involved, loving fathers are significantly more likely to do well in school, have a healthy self-esteem, exhibit empathy and good behavior, and avoid high-risk activities, such as drug use and even criminal activity.

H. Res. 1389 recognizes the commitment of fathers and the wonderful work that both parents do on behalf of their kids, and I encourage my colleagues to join us as we all recommit ourselves to being the best fathers that we can be and honoring our fathers and grandfathers everywhere.

In conclusion, I would like to publicly thank my own father, Dr. Douglas C. McIntyre, for the great example he has been to me throughout my life and for the dedication and support he has shown in my every endeavor. Indeed, may we all intend and exemplify the type of example that we would want our own children to one day exhibit when they may have that opportunity to be a father.

Mr. Speaker, I ask for a "yes" vote on this important bill.

Mr. TIAHRT. Mr. Speaker, I rise today to offer my support for H. Res. 1389, and for fathers across the Nation. Nearly 50 years ago, Daniel Patrick Moynihan warned that, "... A community that allows a large number of young men to grow up in broken families ... never acquiring any stable relationship to male authority, never acquiring any rational expectations about the future—that community asks for and gets chaos." Moynihan's words hold a prophetic ring as we look at society today.

Fathers play a critical role in the development of their children, positively influencing everything from academic performance to mental and physical health. Children who do not live with both parents are more likely to repeat a grade, have lower grades, be diagnosed with a mental illness, experience drug or alcohol abuse problems, and commit violent crimes.

I do not mean to imply that those who grow up without both parents are doomed to failure, nor am I suggesting that children from two-parent homes are guaranteed success. But the presence of fathers in the lives of their children does have benefits that cannot be denied. This Congress, and America as a whole, are right to take time to honor the men who took responsibility for their actions, who invest in the lives of their children, who sacrifice their own wants and desires for the sake of future generations. So I urge my colleagues to join

me in supporting H. Res. 1389 as it is considered today.

I would also like to take this opportunity to express my appreciation for the sacrifices made by my own father, Wilbur Tiaht. His sacrificial leadership, during his service in the Army Air Corps during World War II, and as a father and husband has provided a tremendous example for me and my siblings. I am grateful for the blessing that he has been to me and my family, and each Father's Day, I am reminded of how fortunate I am to still have him with me.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1389, "Recognizing the immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day."

This resolution commends the millions of fathers who serve as wonderful, caring parents for their children. It simultaneously calls on fathers across the United States (1) reconnect and rededicate themselves to their children's lives; and (2) express their love and support for their children, not only on Father's Day, but everyday.

Fathers all over the United States are involved in their children's lives in multitude ways that go beyond the traditional roles of economic provider. Fathers are also involved by having direct contact with their children, engagement; making themselves available to their children even when they are not in physical contact, accessibility; and taking responsibility for their children's care and welfare, again regardless of physical proximity, responsibility. For this reason and many others, I salute the millions of fathers who have embraced the attributes of fatherhood.

However, this piece of legislation also recognizes the need for fathers to take their place in their children's lives and become more involved. The statistics on children without an active father in their lives are alarming:

63 percent of youth suicides are from fatherless homes (U.S. Department Of Health/Census)—5 times the average

90 percent of all homeless and runaway children are from fatherless homes—32 times the average

85 percent of all children who show behavior disorders come from fatherless homes—20 times the average. (Center for Disease Control)

80 percent of rapists with anger problems come from fatherless homes—14 times the average. (Justice & Behavior, Vol 14, p. 403–26)

71 percent of all high school dropouts come from fatherless homes—9 times the average. (National Principals Association Report)

75 percent of all adolescent patients in chemical abuse centers come from fatherless homes—10 times the average. (Rainbows for All God's Children)

70 percent of youths in State-operated institutions come from fatherless homes—9 times the average. (U.S. Department of Justice, Sept. 1988)

85 percent of all youths in prison come from fatherless homes—20 times the average. (Fulton Co. Georgia, Texas Department of Correction)

Clearly, fathers represent a lot more than just a paycheck to a child; they represent safety, protection, guidance, friendship, and someone to look up to. This resolution urges men to understand the level of responsibility fathering a child requires, especially in the encouragement of the mental, moral, social, academic, emotional, physical, and spiritual development of children.

In conclusion, not only is this issue imperative to the development of the future of America's youth, but also to the prosperity of the country as a whole. I am diligently seeking ways to bring families back together and this resolution can be the catalyze to promote such unity; by promoting fathers who already exemplify these qualities.

I must pay tribute to my own father Ezra C. Jackson. I thank him for being a father to my brother Michael and me. For also being a grandfather to our children. He was God-fearing, funny and a great mentor to young men who were not his children. Thank you Dad for being in my life, although you are no longer with us—your guidance will always be appreciated.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H. Res. 1389, which recognizes the important role that fathers play in the lives of their children. While Father's Day is celebrated once a year, the responsibility of being a father never ceases.

According to U.S. Census Bureau data from 2009, over 24 million children live apart from their biological fathers. That is 1 out of every 3 children in the United States. Nearly 2 out of every 3 African American children live apart from their biological fathers. While we honor biological fathers, we should also remember the many men that serve as father figures in the lives of children across the country. These truly special individuals consist of grandfathers, uncles, adoptive fathers, step-fathers, and anyone else who provides a parenting role. No one requires them to assume this responsibility, but they do so selflessly and without complaint.

Children with involved fathers are less likely to have behavioral problems, abuse drugs, and live in poverty. A child with an involved father is more likely to stay in school, go to college, and be successful later in life. Clearly, the presence of father figures in homes across the country is absolutely critical to the healthy development of our young people.

We also owe special recognition to the single fathers in California's 37th District and across the country. These fathers work longer and harder to ensure that their children have the resources and care they need to experience a fulfilling childhood and to grow into well-rounded adults. Many of these single fathers work extra hours just to put food on the table and meet their children's needs.

Lastly, Mr. Speaker, we should pay tribute to the fathers who are unable to be with their children this Father's Day. These individuals include the men serving overseas in our military, fathers that are working to provide for their families, fathers that are incarcerated, and fathers that live far away from their children.

Will Rogers, Jr. once said that his "heritage to his children wasn't words or possessions, but an unspoken treasure, the treasure of his

example as a man and a father." This sentiment perfectly sums up the importance of fathers and their role in the lives of our nation's youth.

Mr. Speaker, I urge my colleagues to join me in supporting H. Res. 1389 and recognizing the important role that fathers play in their children's lives.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to express my support for H. Res. 1389, which recognizes the importance of fathers to the development of children, support responsible fatherhood, and encourage fathers to be involved in the lives of their children.

This Father's Day, we should all contemplate the great value of conscientious fatherhood. Healthy relationships with their fathers help children to grow into confident, successful adults. Thus, the actions of each of America's millions of fathers have a direct impact on the future of our nation.

Aside from all of the intangible benefits to children of strong connections with their fathers or father figures, there is also significant evidence that shows the much-improved likelihood of success in school and society of those children whose fathers actively support them and provide a positive example for them.

I want to read a quote from author Kent Nerburn, who wrote that there is a certain "sense of honor that makes a man want to be more than he is and to pass something good and hopeful into the hands of his son." I encourage all American fathers to take this charge into their hearts, on this Father's Day and every day.

I urge my colleagues to support this important resolution.

Ms. WOOLSEY. Mr. Speaker, I would just like to congratulate Congressman MCINTYRE as the author of this piece of legislation.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1389.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. WOOLSEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1415

CONGRATULATING URBAN PREP CHARTER ACADEMY—ENGLEWOOD CAMPUS

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1414) congratulating Urban Prep Charter Academy for Young Men—Englewood Campus, the Nation's first all-male charter high

school, for achieving a 100 percent college acceptance rate for all 107 members of its first graduating class of 2010, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1414

Whereas in a 2009 study by the Education Research Center found that in the 50 largest cities in the United States, which have significantly higher rates of poor and minority children, only 53 percent of students graduate on time;

Whereas African-American males are dropping out of high school in the Chicago Public School district, and in cities around the country, at a rate of over 50 percent and only one in 40 Black Chicago Public School males are graduating from college;

Whereas a University of Chicago study published in 2006 reported that only one in 40 African-American boys in Chicago Public Schools eventually graduate from a 4-year university;

Whereas a 2009 report by the American Council on Education found that only 28 percent of African-American males who have graduated from high school have gone on to enroll in college, compared to 41 percent of all students;

Whereas in 2002, a group of motivated African-American civic, business, and education leaders, organized by Tim King, determined to establish a new high school in Chicago focused on providing a strong college-preparatory high school option for boys in under-served African-American communities;

Whereas Urban Prep Academies is a non-profit organization that operates a network of all-boys public schools including the Nation's first, and the State of Illinois only, charter high school for boys;

Whereas the mission of Urban Prep Academies is to provide a comprehensive, high-quality college-preparatory education to young men that results in graduates succeeding in college;

Whereas Urban Prep Charter Academy for Young Men—Englewood Campus was founded in 2002;

Whereas Urban Prep Charter Academy has a student population that is 100 percent African-American male and 85 percent low-income, has shattered stereotypes about the ability and willingness of African-American males to meet high expectations and serves as a national example that all students can succeed and achieve academically;

Whereas Urban Prep's extended school day, rigorous curriculum, and extracurricular "arcs", which includes the Academic Arc, Service Arc, Activity Arc, and Professional Arc, have been acknowledged as national models for other schools serving low-income communities by a variety of educational organizations and media outlets including the Chicago Public Schools, the American School Board Journal, the Urban School Improvement Network, the Illinois Policy Institute, Education Week, the Washington Post, and the Milwaukee Wisconsin Journal Sentinel;

Whereas Urban Prep Charter Academy for Young Men—Englewood Campus, achieving a 100 percent college acceptance rate for its June 12, 2010, first ever graduating class, will convene an Inaugural "Signing Day" event where each senior student will stand to publicly announce the college or university he has chosen to attend and commit to that

school by signing the Urban Prep "100 Percent to College" board and the "Credimus Book";

Whereas to date, more than 80 colleges and universities have admitted Urban Prep seniors to their incoming freshmen classes and these seniors will receive nearly \$4,000,000 in college scholarships and grants; and

Whereas Urban Prep has been recognized in the United States and internationally for its success in improving the academic, social, and emotional development of urban young men: Now, therefore, be it

*Resolved*, That the House of Representatives congratulates Principal Tim King and all of the students, teachers, administrators, and support personnel at Urban Prep Charter Academy for Young Men—Englewood Campus for achieving a 100 percent college acceptance rate for its first graduating class of 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous materials on H. Res. 1414 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1414, which honors and congratulates Urban Prep Charter Academy for Young Men in Englewood, Illinois and all 107 members of its first graduating class for achieving a 100 percent college acceptance rate.

Students in America often face extraordinary challenges to completing high school. In our Nation's 50 largest cities, only 53 percent of students are graduating from high school on time. In the Chicago Public School District in particular, African American males are dropping out at a rate of over 50 percent, and only one in 40 of those who finish high school are graduating from college.

The students at the Englewood campus of the Urban Prep Charter Academy for Young Men have bucked these national and local trends, Mr. Speaker. Their very first graduating class achieved a 100 percent college acceptance rate and will enroll in more than 80 different colleges and universities this fall. The graduates of Urban Prep displayed remarkable academic achievement and community engagement and received nearly \$4 million in college scholarships and grants.

When nationally only 28 percent of African American male high school graduates are enrolling in college, the 100 percent acceptance rate at Urban Prep-Englewood is a remarkable accomplishment for these students, their

families, and the community, as well as for the faculty and staff of Urban Prep-Englewood. The graduates serve as role models for their community and remind us that we must do more to increase America's college attendance if we are to succeed in a 21st-century economy.

Mr. Speaker, once again, I express my support for H. Res. 1414 and congratulate the seniors of the Urban Prep Charter Academy for Young Men for their academic achievement and college acceptance. I want to thank Representative BOBBY RUSH for bringing this resolution to the floor, and I urge my colleagues to pass the resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I want to thank the gentlewoman from California (Ms. WOOLSEY) for yielding time.

I also want to thank Chairman MILLER, Ranking Member KLINE, and Majority Leader HOYER for working with my office in order to bring this important resolution to the floor today.

Mr. Speaker, today, we have the chance to vote on a very important congressional resolution, congratulating Urban Prep Charter Academy for Young Men-Englewood Campus, which is the Nation's first all-male charter high school, for achieving a 100 percent college acceptance rate for all 107 members of its first graduating class of 2010. There have been over \$4 million in grants and scholarships awarded to this one class, which is the first of its kind in the Nation.

At a time when only 50 percent of African American males are graduating from high school in most large, urban, predominantly black school districts, the young graduates of Urban Prep are not only shattering the stereotypes that have surrounded the issue of black male dropouts, but they are also setting a standard and are establishing a model that we hope will be replicated in other school districts all around this Nation. The accomplishments that these students, teachers, administrators, and families of this esteemed high school, Urban Prep, have achieved are extremely important, not only to my district and to the African American community, but to the Nation at large.

The Englewood district, where Urban Prep is located, has been better known for its high rates of unemployment and for its lack of opportunity, which has led to an infestation of drugs, violence, and gang activity in recent years. Today, Urban Prep stands as a national symbol of academic excellence, and within the Englewood community, the school represents pride, hope, and inspiration.

There are countless hardworking and resilient Englewood families who have the same aspirations and desires for their children that you and I and the rest of the Members of this body carry,

which is to obtain quality educations and to have the opportunity to build better lives for themselves.

Mr. Speaker, as a former member of the Englewood High School Transition Advisory Council, I can recall working with Tim King, the founder, president and CEO of Urban Prep Academy, back in 2005, trying to get the Urban Prep charter approved through the Chicago Public Schools. I believed so strongly in Tim King and in his vision for building a strong, successful school in the Englewood community which would serve as a model for outstanding academic achievement and which would establish a solid foundation in the community that would make us all proud.

We received a lot of pushback from the Chicago Board of Education and even from the community as they did not believe that we could be successful in teaching our young African American males on a level rivaling any rich, affluent district in the Nation. Well, Mr. Speaker, the first graduating class has shown, beyond a shadow of a doubt, that Urban Prep is for real, that black males will learn, and that nothing is impossible if you are willing to dream and to work to make that dream come true.

A 2009 study by the American Council on Education reported that only 28 percent of African American males who graduate from high school go on to enroll in college, compared with 41 percent of all other students. Well, again, Urban Prep graduates have shattered both of those records. With their hard work, with their commitment, with their dedication, and with their expectation of high standards among their parents, teachers and overall community, they are proving again that nothing is impossible.

I am extremely proud of what Urban Prep has been able to accomplish over the last 5 years. That includes not only the students but also their families, teachers, staff, and of course, the leadership of Tim King, who is an outstanding young man and whose father I know quite well. For the sake of a strong national economy as well as for a more stabilized community around the world, we need more educated, strong, black male role models and black male leaders.

All of the students, all of their parents, all of their supporters, and all of their friends who are watching this debate today, I say to you: Congratulations on all of your hard work. You have been an inspiration to your country. May God continue to guide you and to bless you in all of your future endeavors.

The motto of Urban Prep is “We Believe.”

Mr. Speaker, I attended their graduation last Saturday. I saw all of these young men in their graduation regalia, young men who were coming from different backgrounds—backgrounds of

depravation and poverty—who have been able to transform and to transcend those barriers. I saw them walk across the stage to receive their diplomas. Not only, Mr. Speaker, are they graduating with high school diplomas, but every last one of them has a scholarship to a 4-year college in America—to Georgetown, to Howard, to Morehouse, to the University of Illinois. All across this Nation, Urban Prep is sending its graduates to represent my community, this community, and this Nation. Some of them—most of them—will be successful. They are the leaders of tomorrow.

I would like to submit the commencement program book “The First Commencement Exercises” for the Urban Prep Charter Academy for Young Men—Englewood Campus, for the CONGRESSIONAL RECORD to be added to my remarks on the same given previously.

#### URBAN PREP ACADEMIES—THE FIRST COMMENCEMENT EXERCISES

##### URBAN PREP CHARTER ACADEMY FOR YOUNG MEN ENGLEWOOD CAMPUS

(Saturday, June 12, 2010, University of Illinois at Chicago Forum)

#### THE URBAN PREP CREED

We believe.

We are the young men of Urban Prep.

We are college bound.

We are exceptional—not because we say it, but because we work hard at it.

We will not falter in the face of any obstacle placed before us.

We are dedicated, committed and focused.

We never succumb to mediocrity, uncertainty or fear.

We never fail because we never give-up.

We make no excuses.

We choose to live honestly, nonviolently, and honorably.

We respect ourselves and in doing so, respect all people.

We have a future for which we are accountable.

We have a responsibility to our families, community, and world.

We are our brothers’ keepers.

We believe in ourselves.

We believe in each other.

We believe in Urban Prep.

WE BELIEVE.

#### THE HISTORY OF URBAN PREP

Urban Prep Academies is a nonprofit organization founded in 2002 by Tim King and a group of African-American education, business, and civic leaders. Urban Prep’s mission is to provide a comprehensive, high-quality college preparatory education to young men that results in graduates succeeding in college. We opened our first school, Urban Prep Charter Academy for Young Men—Englewood Campus, in 2006. Urban Prep’s Englewood Campus is the country’s first public charter high school for boys. In 2009, we opened our second school, Urban Prep Charter Academy for Young Men—East Garfield Park. Our third school, Urban Prep Charter Academy for Young Men—South Shore opens in the fall of 2010. The Urban Prep motto is “We Believe.” Our motto is a constant reminder that Urban Prep students will not fall into the trap of negative stereotypes and low expectations. Instead, Urban Prep students believe in their potential and believe in their ability to exceed that potential. The Urban Prep family (teachers, administrators, staff, board of directors, community mem-

bers and donors) also believes in these young men, and in our important and lasting role in their lives. At Urban Prep, We Believe.

#### URBAN PREP TRADITIONS, RELICS, & RITUALS

##### *Urban Prep Mace*

The tradition of a ceremonial mace began in Britain as early as the 14th century. In the U.S., a mace has been used in the House of Representatives since our country’s founding. Today, almost all colleges and universities have a mace, which is carried at important institutional ceremonies. The Urban Prep mace was designed by Paul King III of Chicago, Illinois and carved from mahogany by architectural wood-turner Tom Boley of Red Oak Hollow in Purcellville, Virginia. It stands almost four feet tall, and is topped by a walnut medallion engraved with the Urban Prep Crest. Walnut collars, engraved with the school name, motto and founding date, also adorn the mace.

##### *Urban Prep Creed*

The Urban Prep Creed, developed by the faculty, administration and staff, articulates the schools’ values, ideals and the goals we expect our students to meet and exceed; including going to college, taking responsibility for their actions, achieving academically, persevering, and living honorably. Students collectively recite the Creed daily during Community and at all Urban Prep formal events. The Creed starts and ends with the Urban Prep motto, “We Believe.”

##### *Credimus Book*

The Credimus Book contains the register of Urban Prep graduates and the colleges they will attend. Seniors sign their names into the book as a pledge of their intention to succeed in college during a ceremony at Urban Prep’s College Signing Day event. At Commencement, the book is passed from the graduating class to representatives from the rising senior class. Passing on the relic symbolizes how the graduates’ success will inspire future generations to work diligently that they may one day too etch their names unto its pages.

##### *The Passing of the Book Ceremony*

At Commencement, the Credimus Book is passed from the graduating class to representatives of the Junior class. Once the book has been passed, the graduating class recites a pledge of support to the rising seniors: We are the graduates of Urban Prep, and We Believe. We Believe that our present lays the pathway for your future. We Believe that in action and in word, we are our brothers’ keepers. We Believe that you will carry-on the tradition of excellence we pass to you today. We Believe that one year from now, you will reunite with us in college. We Believe that you are now the leaders of Urban Prep. We are the graduates of Urban Prep, and We Believe in you. Both the spoken pledge and the book-passing symbolize the perpetual bonds of brotherhood that unite all Urban Prep students and alumni.

##### *Urban Prep Crest, Colors & Mascot*

Like the heraldic coats-of-arms that inspired it, Urban Prep’s crest is rife with symbolism. The lions, Urban Prep’s mascot, evoke leadership and strength. The crowned lions face outward, independently focused on the future; but their tails entwine, illustrating brotherhood and solidarity. An open book is shown beneath them, symbolizing our foundation in academics. The eight-pointed star between the lions signifies Urban Prep’s eight core values. The eight points’ circular arrangement represents how Urban Prep’s four ‘arc’ programs encircle students in a caring school community. The

Crest also contains our name, founding date, and motto—Credimus, the Latin for We Believe. The crest is styled in our school colors, red and gold. Red symbolizes the shared blood of brothers. Gold symbolizes the material riches available to college graduates, as well as the personal and spiritual reward of enlightenment through education. The Urban Prep Crest was designed by Nick Zembruski of Chicago, Illinois in 2006.

#### URBAN PREP COMMENCEMENT AWARDS

##### *The Medal for Academic Excellence*

Awarded to the student who has achieved the highest cumulative grade point average during his enrollment at Urban Prep.

##### *The Pride Medal*

Awarded to the Pride whose members collectively demonstrated the greatest commitment to exemplifying the Urban Prep Core Values over four years at Urban Prep.

##### *The Medal for Greatest Improvement*

Awarded to the student who has improved the most academically and socially over the course of his enrollment at Urban Prep.

##### *The Team UP Medal*

Awarded to the employee (teacher, administrator, or staff) who, as selected by the students, has demonstrated excellence in their job and extraordinary commitment to Urban Prep's mission.

##### *The Medal for Attendance*

Awarded to the student who has had the fewest absences during his enrollment at Urban Prep.

##### *The Award for Outstanding Service by a Parent or Guardian*

Awarded to the parent/guardian of an Urban Prep senior who has demonstrated outstanding service to the school during the time his/her student was enrolled.

##### *The Medal for Outstanding Participation in Athletics*

Awarded to the student who has demonstrated the most significant and consistent leadership and participation in Urban Prep sports teams.

##### *The Founder's Medal*

Awarded to the individual or organization that has shown exceptional support of Urban Prep Academies.

##### *The Medal for Outstanding Participation in Activities*

Awarded to the student who has demonstrated the most significant and consistent leadership and participation in Urban Prep clubs and activities.

##### *The Credimus Medal*

Urban Prep's highest student honor, this medal is awarded to the student who has best exemplified the ideals of Urban Prep's mission, Core Values and Creed during his time at Urban Prep.

Bryant Christopher Alexander, Jr.—Magna Cum Laude

DePauw University/Alabama A&M University/Eastern Illinois University/Florida A&M University/Grambling State University/Kentucky State University/Mississippi Valley State University/North Carolina State University/Northern Illinois University/University of Arkansas—Pine Bluff/University of Louisville

Darrelle Marshawn Banks—Cum Laude

Pennsylvania State University—Hazleton/Indiana State University/Lake Forest College/Miami University (Ohio)/Philander Smith College/Southern Illinois University—Carbondale/Tougaloo College

Freeman Banks

East-West University

Cameron M. Barnes—Cum Laude

University of Illinois—Urbana Champaign/Dillard University/Kentucky State University/Mississippi State University/Southern Illinois University—Carbondale/University of Arkansas—Pine Bluff/Virginia State University

Marcus Bass

Jackson State University/Philander Smith College/University of Arkansas—Pine Bluff

Devante T. Bates

Southern Illinois University—Carbondale/Alabama A&M University/Culver-Stockton College/Indiana State University/Jackson State University/Lincoln University/Mississippi Valley State University/Roosevelt University

Tyler Beck—Summa Cum Laude

Trinity College/Arkansas State University/Clark Atlanta University/Culver-Stockton College/Dillard University/Lewis University/Lincoln University/Mississippi Valley State University/Norfolk State University/Philander Smith College/South Carolina State University/Texas Southern University/University of Arkansas—Pine Bluff

Anthony A. Bell

Chowan University/Lane College/Lincoln University/Mississippi Valley State University/Philander Smith College/Saint Augustine College

Sherman Ben

Indiana State University/East West University

Jamil Boldian—Cum Laude

Benedictine University/Kentucky State University/North Park College/University of Arkansas—Pine Bluff

Phillip Boswell

Alabama A&M University/Elizabeth City University/Lane College

Krishawn Curtis Branch

Fisk University/Kentucky State University/University of Arkansas—Pine Bluff

James Brisbon

Morehouse College/Dillard University/Fisk University/Indiana State University/Lane College/Miles College/Philander Smith College/St. Cloud State University/Tougaloo College/University of Arkansas—Pine Bluff

Jonathan Dwayne Brown, Jr.

Lincoln University/Parkland College

Nathaniel Brown

University of Arkansas—Pine Bluff/Indiana State University/Lincoln University/Philander Smith College

Justin Bryant-Warner—Cum Laude

Western Michigan University/Concordia University—Chicago/Southern Illinois University—Edwardsville/University of Arkansas—Pine Bluff/University of Central Arkansas

Shane Bryant—Magna Cum Laude

Morehouse College/Culver-Stockton College

Eugene Najee Butler—Cum Laude

Southern Illinois University—Edwardsville/Philander Smith College/DePauw University/Indiana State University/Mississippi Valley State University/Morehouse College/University of Arkansas—Pine Bluff

Milan Jarrett Byrdwell—Cum Laude

University of Rochester/Indiana State University/Kentucky State University/Northern

Illinois University/Philander Smith College/Southern Illinois University—Edwardsville

Byron Lamont Caulton, Jr.—Cum Laude

Dillard University/Central State University/Eastern Illinois University/George Mason University/Indiana State University/Kentucky State University/Morgan State University/Norfolk State University/North Carolina Central University/Philander Smith College/South Carolina State University/Southern Illinois University—Carbondale/University of Arkansas—Pine Bluff University of Memphis/University of Missouri

Curtis Coleman

Chicago State University/Philander Smith College/University of Arkansas—Pine Bluff

Daniel Connell

Northern Illinois University/Mississippi Valley State University/University of Arkansas—Pine Bluff/Lincoln University

Javon Cooper

Southern Illinois University—Carbondale/Fisk University/Indiana State University/Kentucky State University/Lincoln University/Tuskegee University/University of Arkansas—Pine Bluff

Marquis D. Crawford

Denison University/Columbia College/Southern Illinois University—Edwardsville/Truman State University/University of Arkansas—Pine Bluff

Jermaine Devon Davis, Jr.

University of Arkansas—Pine Bluff

Quinton Jarmall Davis

DePaul University/Lane College/Lewis University/Northern Illinois University/Southern Illinois University—Edwardsville/Trinity Christian College/University of Arkansas—Pine Bluff

Devanté Davison

Vincennes University/East-West University/Kentucky State University/Philander Smith College/Wilberforce University

Donnell Apri Fields

Columbia College/Chicago State University/Lincoln University/Philander Smith College/Tougaloo University/University of Arkansas—Pine Bluff

Smith Joseph Francois

Oakwood University/Allen University/Benedict College/East-West University/Philander Smith College/Texas Southern University/Wilberforce University

Jermaine B. Gamble

Saint Augustine College/Miles College/Wiley College

Andrew N. Gantt

Miles College/Chicago State University

D'Angelo Gardner

Northern Illinois University/East-West University

Travon B. George—Cum Laude

Denison University/Kentucky State University/Purdue University

Marquinn Gibson

Howard University/Fisk University/Morehouse College/Saint Xavier University/Southern Illinois University—Edwardsville/University of Arkansas—Pine Bluff

Brandon Jerome Gray

Culver-Stockton College

Kijuanis Gray

Lincoln University/Allen University/Lane College/Miles University/Philander Smith College

Edward Aric Green—Cum Laude

Eastern Illinois University/Central State University/Indiana State University/Jackson

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Southern Illinois University—Carbondale

Lawrence Hall—Cum Laude

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Timothy Hankins

University of Arkansas—Pine Bluff/Fisk University/Lincoln University/Philander Smith College

Malcolm E. Harlan

DePaul University/Loyola University—Ohio/Seton Hall University/University of Loyola—New Orleans/University of Tampa

Robert Lee Henderson, III—Magna Cum Laude

Lake Forest College/Livingstone College/St. Cloud State University/University of Arkansas—Pine Bluff/Upper Iowa University/Winston Salem State University

Jerry N. Hinds, Jr.—Cum Laude

University of Illinois—Urbana Champaign/Illinois State University/Michigan State University/Northern Illinois University/University of Rochester

Rayvaughn Hines—Summa Cum Laude

University of Virginia/Denison University/Howard University/Kentucky State University/Morehouse College/South Carolina State University/Southern Illinois University—Edwardsville/Tougaloo College/Tuskegee University/University of Memphis/University of Wisconsin—Madison

Darius M. Q. Hollings

Lewis University/Miles College/Nichols College/Southern Vermont College

Anthony L. Hubbard, Jr.

Lindsey Wilson College/Indiana Tech University/Kentucky State University/University of Arkansas—Pine Bluff

Fredrick Huddleston

Miles College

Gerald Jackson, Jr.—Cum Laude

Howard University/DePaul University/Dillard University/Indiana State University/Missouri University/North Carolina A&T University/Philander Smith College/Southern Illinois University—Edwardsville/St. John's University/Tuskegee University/Uni-

versity of Arkansas—Pine Bluff/University of Memphis/Xavier University—Louisiana/Xavier University—Ohio

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DeAndre Ricardo Jones

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Justin Anthony McNeal

Indiana State University/Mississippi Valley State University/Southern Illinois University—Carbondale/Tougaloo College/University of Arkansas—Pine Bluff

Cum Laude: Cumulative GPA of 3.0 to 3.49/Magna Cum Laude: Cumulative GPA of 3.5 to 3.74/Summa Cum Laude: Cumulative GPA of 3.75 & Above

Andrew Dominic Mesadieu

Parsons The New School for Design/Columbia College/Milwaukee Institute of Art and Design/Otis College of Design

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Lincoln University/Allen University/Miles College/University of Arkansas—Pine Bluff

Jamal Minor

Jackson State University/Indiana State University/Mississippi Valley State University/University of Arkansas—Pine Bluff

Devon M. Montgomery—Magna Cum Laude

Denison University/Hampton University/Indiana State University/Mississippi Valley

State University/Morehouse College/South Carolina State University/Southern Illinois University—Edwardsville/Tougaloo College/Tuskegee University/University of Arkansas—Pine Bluff

Brandon Moore

Indiana State University/Philander Smith College

Deontae Moore—Summa Cum Laude

Northwestern University/Arkansas State University/Columbia College/DePaul University/Kentucky State University/Livingstone College/Marquette University/South Carolina State University/Southern Illinois University—Edwardsville/Trinity Christian College/University of Illinois—Chicago/University of Missouri

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Malik Wali Muhammad—Cum Laude

Northern Illinois University/Culver-Stockton College/Livingstone College/Philander Smith College/Southern Illinois University—Edwardsville/Tuskegee University/University of Arkansas—Pine Bluff

Andrew Murphy—Summa Cum Laude

Connecticut College/Kentucky State University/Lincoln University/South Carolina State University/Southern Illinois University—Edwardsville/St. John's University/Tougaloo College/University of Arkansas—Pine Bluff/University of Illinois—Urbana Champaign

(Taiwo) Tajudeen Oshun—Cum Laude

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Dontaye Kawamayne Mailo Polk

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Anthony Ponder—Cum Laude

Illinois State University/Culver-Stockton College

Kevin Randell

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Gregory Ladell Sashington—Cum Laude

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Timothy Sayers, II

Savannah State University/Miles College/Mississippi Valley State University

Quentin A. Smith

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Lane College/University of Arkansas—Pine Bluff

Maurice D. Taylor

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Anthony Thomas

Saint Xavier University/Northern Illinois University/Southern Illinois University—Edwardsville/Tougaloo College

Robert C. Thomas, Jr.

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Columbia College/Tuskegee University

Lorenzo A. Williams

Southern Illinois University—Edwardsville/Iowa Wesleyan University/Kentucky State University/Lincoln University/Philander Smith College

Paris Williams—Summa Cum Laude

Georgetown University/Arkansas State University/Bradley University/Chapman University/Columbia College/Fisk University/Kentucky State University/Lincoln University/Livingstone College/Northern Illinois University/Saint Augustine College/Southern Illinois University—Edwardsville/Tougaloo College/University of Arkansas—Pine Bluff/University of Missouri/University of Santa Clara/Virginia State University

Israel Stephan John Wilson—Summa Cum Laude

Morehouse College/Northern Illinois University/University of Arkansas—Pine Bluff/Lincoln University/Norfolk State University

Christopher Winters

Indiana State University/East-West University

Rafael D. Wordlaw—Cum Laude

Indiana State University/Iowa State University/Kansas State University/Philander Smith College/Tougaloo College

Ahmad Rishawn Wright—Magna Cum Laude

Purdue University/Alabama A&M University/Bradley University/Culver-Stockton College/Indiana Tech University/Kansas State University/Kentucky State University/Lincoln University/Rutgers University

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University of Arkansas—Pine Bluff/Indiana State University/Lincoln University/Virginia State University

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Dionte Young

University of Arkansas—Pine Bluff/Trinity Christian College

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Jaclyn Smith, Counselor-EGP; Juanita Smith, Faculty-ENG; Latreese Smith, Office Assistant-ENG; John Steele, Jr., Faculty-ENG; Corey Stewart, Faculty-ENG; Martha Stewart, Faculty-ENG; Tammie Tatum, Personal Counselor-ENG; Melissa Tribue, Faculty-ENG; Beverly Turner, Assistant Dean of Students-EGP; Jessica Vande-Vusse, Faculty-ENG; Henry Velarde, Faculty-ENG; Deshon Weaver, Dean of Students-ENG; Jacob Wertz, Manager of New Initiatives-UPA; E'Toyare Williams, Faculty-EGP; Jamen Williams, Faculty-ENG; Terry Williams, Office Manager-EGP; David Woo, Faculty-ENG; Tyler Yarbrough, College Counselor-EGP; Fidal Young, Faculty-ENG; Juan Carlos Zayas, Faculty-EGP.

EGP—East Garfield Park Campus  
ENG—Englewood Campus  
UPA—Urban Prep Academies

We are unable to list all of the people who have helped Urban Prep and our students make this day a reality. You have our sincerest gratitude for supporting us and for understanding that this is what happens when We Believe.

Thank You!

Mr. PETRI. Mr. Speaker, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS of Maryland. I thank the gentlewoman for yielding.

Mr. Speaker, I rise today in support of this resolution to congratulate the Urban Prep Charter Academy on the wonderful accomplishment of sending every one of their 107 graduates on to college this year. For some students, getting an education is a simple feat, but for many students in our urban centers, that is not true, and this is the focus community, the population, that is served by Urban Prep.

Now, I knew Urban Prep some time ago. Their motto is "We Believe." I want to say here that I believe in Urban Prep and in the phenomenal work that they do to reverse troubling graduation and completion rates among African American men in Chicago's urban centers. We can learn many lessons from the Urban Prep experiment, and indeed, that experiment is being looked at across the country, even in communities like the one I represent in Maryland's Fourth Congressional District.

I know firsthand that the caliber of educators at Urban Prep plays an important role in the lives of their students. I want to speak today about one of those educators because in no one is this more prevalent than in Urban Prep's Dr. Derrick Brooms.

Dr. Brooms is an amazing and dynamic educator, mentor, and high school teacher who makes history come alive. He is a Ph.D. recipient from the University of Chicago, the director of athletics at Urban Prep, and he was a mentor to my son and to one of my staff members when he lived right here in Prince George's County, in Maryland, when he taught and coached at the Field School.

Dr. Brooms was excited to join the start-up Urban Prep because he wanted to mentor African American men to their fullest potential. He is just one of the many reasons Urban Prep is able to create an environment that not only educates but that also teaches students the importance of striving for success and in contributing to our communities.

Mr. Speaker, I join Mr. RUSH in wholeheartedly supporting this resolution and in the shared belief that this country needs more educators like those at Urban Prep, educators like Dr. Derrick Brooms, and that the country needs more schools like the Urban Prep Charter Academy.

Now, for some of our young people, for some of our young African American men, education can come from a charter school or it can come from a private school. For the overwhelming majority of them, it can come from a regular public school. Yet the fact is, if we are to succeed as a nation, we have to begin to educate some of our most vulnerable and most challenging communities, and that is exactly what Urban Prep does. It doesn't matter what the school is. It matters that it educates our young people.

So I salute the 107 graduates of Urban Prep who aren't going to just finish high school but who are going to go on to college and who are going to make a contribution to their communities in the way that so many of their mentors have made contributions to them.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of the resolution before us, House Resolution 1414,

congratulating Urban Prep Charter Academy for Young Men-Englewood campus for achieving 100 percent college acceptance rate for all 107 members of its first graduating class of 2010.

In 2002, a group of motivated African American civic, business, and educational leaders, organized by former Hales Franciscan High School president Tim King, determined to establish a new high school in Chicago focused on providing a strong college-preparatory high school option for boys in underserved African American communities. African American males have been and continue to be the lowest performing demographic in Chicago's public schools. A recent University of Chicago study published in 2006 reported that only one in 40 African American boys in Chicago public schools eventually graduates from a 4-year university.

The Chicago Board of Education approved Urban Prep Academy's charter application in 2005, and Urban Prep opened its first school, Urban Prep Charter Academy for Young Men-Englewood campus, the subsequent September. It is the first charter high school for boys in the country and currently enrolls 550 students in grades nine through 12. Urban Prep's second school opened in the East Garfield Park community in 2009, and the third will open this fall in the South Shore community.

The mission at Urban Prep Academies is to provide a comprehensive, high-quality, college-preparatory education to young men that results in graduates succeeding in college. Urban Prep's first graduating class, the class of 2010, is well on its way to fulfilling the school's mission. The entire graduating class has been accepted to more than 80 colleges and universities and will receive nearly \$4 million in scholarships and grants.

The students' 8-hour day consists of a heavy math and science course load, an emphasis on studying a foreign language, plus two periods of English every day. In addition, students spend more than an hour a day with a mentor. The school fosters an environment where students can thrive. Failure is not an option.

A 100 percent college acceptance rate is clearly phenomenal. The Urban Prep Academy students should be commended for all their hard work and ability to beat the odds.

In addition, today we recognize Tim King, the president and CEO, the faculty and staff for providing these students with the support and encouragement they needed to succeed. I support this resolution and ask my colleagues to do the same.

Mr. Speaker, I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I urge my colleagues to support H. Res. 1414, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1414, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. WOOLSEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### CELEBRATING 20TH ANNIVERSARY OF ALBERT EINSTEIN DISTINGUISHED EDUCATOR FELLOWSHIP PROGRAM

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1322) celebrating the 20th anniversary of the Albert Einstein Distinguished Educator Fellowship Program and recognizing the significant contributions of Albert Einstein Fellows.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1322

Whereas the Albert Einstein Distinguished Educator Fellowship Program was established in 1990, and formalized by law in 1994;

Whereas Einstein Fellows are selected through a highly competitive process from among the best science, technology, engineering, and mathematics teachers in the field, and represent diverse geographic regions and communities;

Whereas the Albert Einstein Distinguished Educator Fellowship Program places these exceptional teachers in positions within Federal agencies and on Capitol Hill where they contribute to advancing the fields of education, science, technology, engineering, mathematics, and public policy;

Whereas the Department of Energy through its Office of Workforce Development for Teachers and Scientists, and the Triangle Coalition for Science and Technology Education have nurtured and grown the Einstein Fellowship Program;

Whereas over 190 Einstein Fellows have served professionally at the Department of Education, the Department of Energy, the National Aeronautics and Space Administration (NASA), the National Institutes of Health (NIH), the National Institute of Standards and Technology (NIST), the National Oceanic and Atmospheric Administration (NOAA), the National Science Foundation (NSF), the President's Office of Science and Technology Policy (OSTP), the U.S. Senate, and the U.S. House of Representatives;

Whereas the Einstein Fellowship Program fosters a spirit of cooperation between Federal agencies by placing a network of fellows at these different agencies;

Whereas Einstein Fellows provide practical perspectives on the application and impact of education policy;

Whereas Einstein Fellows have made invaluable contributions to the formulation of educational policy with their advice to Members of Congress and officials in Federal agencies, by developing legislation, and by creating innovative educational programs and interventions;

Whereas Einstein Fellows have experienced unique opportunities for professional growth and development, expanding their skills and knowledge;

Whereas Einstein Fellows learn valuable leadership skills to advance the fields of education, science, technology, engineering, mathematics, and public policy; and

Whereas the contributions of the Einstein Fellows during their service and later upon the continuation of their professional careers, serve as role models and examples of dedication and commitment for past, current, and future generations of educators and public servants: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the significance of the 20th anniversary of the Albert Einstein Distinguished Educator Fellowship Program;

(2) recognizes the value of having current science, technology, engineering, and mathematics teachers directly engaged in the policymaking process;

(3) recognizes the sacrifices made by teachers who interrupt their careers to serve as Einstein Fellows;

(4) supports continuation of the Einstein Fellowship program;

(5) encourages Federal Agencies and congressional offices to host Einstein Fellows, and to leverage the expertise of former Einstein Fellows; and

(6) recognizes the contributions of Einstein Fellows, past, present, and future.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1322 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in recognition of the important role of science, technology, engineering and math—known as STEM—educators in our schools and in our country. The Albert Einstein Distinguished Educator Fellowship Program recognizes kindergarten through 12th grade teachers as critical voices in the national conversation on education policy. The program acknowledges excellence in teaching and the value of a teacher's service to the community.

This program brings outstanding teachers to the Washington, D.C. area so they can be immersed in and help

shape Federal policy. Fellows combine their teaching and their fellowship experience for the betterment of students across the country. This year commemorates the 20th anniversary of the Einstein Fellowship Program.

Over the course of the past 20 years, 173 fellows have served in this important program. This year, there are 24 fellows representing math, science, technology, career and technical education, special education, and engineering teachers. They have come from 47 States, the District of Columbia, and Puerto Rico with a diverse range of experience and background.

The Einstein Distinguished Educator Fellowship provides Congress direct access to teachers who come straight from their classrooms and bring with them a firsthand understanding of how school works. Einstein fellows have also served in most of the Federal agencies, including the Department of Energy, the Department of Education, the National Institutes of Health, National Aeronautics and Space Administration, National Oceanic and Atmospheric Administration, National Science Foundation, National Institute of Standards and Technology, and Office of Science and Technology Policy.

In these agencies, fellows are directly involved with educational outreach activities, curriculum development, teacher training, grant proposal review, program analysis and improvement, and other activities where the experience of a STEM educator provides practical insight and vital input.

These teachers serving in our Nation's Capital lend another important voice for the students who will be tomorrow's leaders. These students are entering a world that requires the concrete skills, creative thinking, and innovation that STEM education provides. Alumni of the program maintain leadership roles in STEM education, which amplifies the value of the fellowship.

Einstein fellows who return to their classrooms and communities bring a wealth of new skills, knowledge, and an enhanced perspective for how their teaching fits into the larger picture of our country's education policy. These teachers renew their efforts to inspire their students and encourage them to pursue STEM pathways. Einstein fellows have also gone on to teach and mentor teachers in university programs, coordinate statewide efforts on STEM curriculum initiatives, and continue serving in the administration and in Congress.

Congressman HONDA, who is not here today, wanted me to express his strong support for the Einstein fellowship program, but he is feeling under the weather and can't be here. So I will submit a statement by Congressman HONDA in support of the resolution into the RECORD.

Mr. Speaker, once again I express my support for the 20th anniversary of the

Albert Einstein Distinguished Educator Fellowship Program. I want to thank Representative HONDA for bringing this resolution to the floor, and I urge my colleagues to pass the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the resolution, H. Res. 1322, celebrating the 20th anniversary of the Albert Einstein Distinguished Educator Fellowship Program, recognizing the significant contributions made by Albert Einstein fellows.

The Albert Einstein Distinguished Educator Fellowship Program offers current public or private elementary and secondary mathematics, technology and science classroom teachers who have demonstrated excellence in teaching an opportunity to serve in the national public policy arena.

□ 1430

Einstein fellows are selected, through a competitive selection process, to spend a school year in a congressional office or in one of a number of Federal executive branch departments. Einstein fellows provide policymakers and Federal agencies with a real-world perspective. Their invaluable contributions help to provide practical insight and a unique knowledge base in the formulation, application, and implementation of Federal policy. Some of the contributions of Einstein fellows include creating Web-based science education programs and establishing and evaluating national and regional programs on school reform and teacher preparation.

As educators who are working to provide the Nation's students with a high-quality education, Einstein fellows enrich students' educations in a twofold manner: by educating them in the classrooms and by guiding the policy that will direct their educations in the future.

I encourage my colleagues to support this resolution.

Mr. HONDA. Mr. Speaker, I rise today in support of House Resolution 1322, celebrating the 20th anniversary of the Albert Einstein Distinguished Educator Program and recognizing the significant contributions of Albert Einstein Fellows.

For 20 years, Albert Einstein Distinguished Educator Fellows have worked in the Senate and House, and Federal agencies, drafting legislation and creating innovative educational programs and interventions. Einstein Fellows are selected through a highly competitive process from among the best science, technology, engineering, and mathematics teachers in the field, and represent diverse geographic regions, backgrounds and communities.

Over 190 Einstein Fellows have played a critical role in helping to advance the fields of education, science, technology, engineering,

mathematics in the United States by applying their classroom experience to shape public policy. Their deep understanding of both science and pedagogy has provided practical insights and “real world” perspectives to policy makers and program administrators.

Teachers who are chosen to be Albert Einstein Fellows demonstrate exceptional expertise in teaching in elementary or secondary schools and have an interest and willingness to be involved in public policy. Many are recognized for excellence through the Presidential Awards for Excellence in Mathematics or Science Teaching and other prestigious awards. These dedicated teachers interrupt their careers and leave their homes and classrooms behind to spend a school year in a Congressional Office, the Department of Education, the Department of Energy, NASA, NIH, NIST, NOAA, NSF, OSTP, applying their classroom experience to shape public policy while expanding their valuable skills.

The Einstein Fellows, during their service and later upon the continuation of their professional careers, serve as role models and example of dedication and commitment for past, current and future generations of educators and public servants:

I have had the benefit of having Einstein Fellows in my office for the past four years and I can personally attest to the tremendous contributions they have made to science education throughout the nation. For example, Luke Laurie, a middle school science teacher from California, worked on Global Warming Education legislation and an effort to congratulate Vice President Al Gore on his Nobel Prize; Ed Potosnak, a secondary school science teacher from New Jersey, who developed the Enhancing Science, Technology, Engineering, and Mathematics Education Act and the Educational Opportunity and Equity Commission Act; and Eduardo Guevara, a secondary school science teacher from Texas, who is working on the One America, Many Voices Act, which would appropriately compensate Federal workers with multilingual skills, on legislation to establish prizes for educational technology innovation, and on equity in educational opportunities for Bilingual Learners (ELLS).

President Obama himself experienced the benefits of having an Einstein Fellow in his office when he was a freshman Senator.

In conjunction with the 20th Anniversary of the program, on June 28th and 29th the Einstein Fellowship Summit will be held here in Washington, where former and current fellows will address issues related to STEM education. Members have been invited to the Congressional reception to be held at the Rayburn Gold Room, and I encourage my colleagues to attend that event to meet current and former fellows and celebrate the 20th Anniversary of the Albert Einstein Distinguished Educator Fellowship Program.

I urge my colleagues to support this resolution and the Einstein Distinguished Educator Fellowship Program.

Mr. PETRI. I have no further requests for time, and I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I urge my colleagues to support this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1322.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. WOOLSEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### WORK-LIFE BALANCE AWARD ACT

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4855) to establish the Work-Life Balance Award for employers that have developed and implemented work-life balance policies, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4855

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Work-Life Balance Award Act”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) EMPLOYER.—The term “employer”—

(A) means any person (as defined in section 3(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 202(a))) engaged in commerce or in any industry or activity affecting commerce; and

(B) includes any agency of a State, or political subdivision thereof.

The term does not include the Government of the United States or any agency thereof.

(2) WORK-LIFE BALANCE POLICY.—The term “work-life balance policy” means a workplace practice which supports the ability of employees to balance their work and family lives.

(3) SECRETARY.—The term “Secretary” means the Secretary of Labor.

#### SEC. 3. ESTABLISHMENT OF AWARD.

(a) IN GENERAL.—There is established in the Department of Labor an annual award to be known as the Work-Life Balance Award (hereinafter referred to as the “Award”) for employers that have developed and implemented work-life balance policies.

(b) PLAQUE.—The Award shall be evidenced by a plaque bearing the title “Work-Life Balance Award”.

(c) APPLICATION.—

(1) IN GENERAL.—An employer desiring consideration for an Award shall submit an application to the Work-Life Balance Advisory Board established under section 4, at such time, in such manner, and containing such information as such Board may require.

(2) REAPPLICATION.—An employer may reapply for an Award, regardless of whether the employer has been a previous recipient of such Award.

(d) DISPLAY ON WEB SITE.—The Secretary shall make publically available on its Web site the names of each recipient of the Award.

(e) PRESENTATION OF AWARD.—After receiving recommendations from the Board established under section 4, the Secretary (or the Secretary's designee) shall present annually the Award to employers that meet the criteria developed under section 4(b)(1).

(f) ANNUAL REPORT.—The Secretary shall submit annually to Congress and the public a report describing the type of work-life balance policies being offered to and utilized by employees, as evidenced by data collected through the award process.

#### SEC. 4. WORK-LIFE BALANCE ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established within the Department of Labor a Work-Life Balance Advisory Board (hereinafter referred to as the “Board”).

(b) DUTIES.—The Board shall—

(1) subject to the approval by the Secretary, not later than 180 days after the initial meeting described under subsection (f)(1)(B), develop criteria to determine recipients of the Award. In developing such criteria, such Board may—

(A) consider those work-life balance policies which—

(i) provide employees access to a variety of flexible work arrangements and other work-life balance policies of the employer, regardless of wage levels, job positions, or number of hours worked;

(ii) ensure that employees can avail themselves of such policies without risk of being penalized or losing opportunities for advancement; and

(iii) allow employees to exercise these policies with regard to a broad range of family members;

(B) evaluate other factors affecting the quality of the workplace, including other benefits and policies for employees of the employer, and the compliance with State and Federal labor and safety and health laws; and

(C) seek input from all interested parties, including input from stakeholders;

(2) develop a process for receiving and processing applications;

(3) recommend recipients of the Award from among those applications submitted to the Board in accordance with section 3(c);

(4) present to the Secretary the names of the employers that the Board recommends as recipients of the Award in accordance with the criteria developed under paragraph (1); and

(5) set an annual timetable for fulfilling the duties described under this subsection.

(c) REVISIONS.—The Board, subject to the approval of the Secretary, may make revisions, as appropriate, to the criteria developed under subsection (b)(1) from time to time.

(d) MEMBERSHIP.—

(1) NUMBERS AND APPOINTMENT.—Subject to paragraphs (2) through (5), the Board shall be composed of 9 members appointed by the Secretary as follows:

(A) 1 member, who shall serve as Chairperson of the Board, representing the public.

(B) 1 member representing a State or local government.

(C) 1 member representing a nonprofit employer.

(D) 2 members representing private industry or industry organizations.

(E) 2 members representing labor organizations.

(F) 2 members representing families and children.

(2) RECOMMENDATIONS.—In appointing any member of the Board under paragraph (1) who is not the chairperson of such Board, the Speaker and the minority leader of the

House of Representatives, and the majority leader and minority leader of the Senate, each shall submit to the Secretary recommendations with the names of proposed members of the Board, and from such submissions the Secretary shall appoint the members of the Board in accordance with such paragraph.

(3) **LIMITATION.**—The Secretary may not appoint any Member of Congress to the Board.

(4) **POLITICAL AFFILIATION.**—Not more than 4 members of the Board appointed under paragraph (1) may be of the same political party.

(5) **QUALIFICATIONS.**—Members of the Board shall be individuals with knowledge of and experience with work-life balance policies.

(e) **TERMS.**—

(1) **IN GENERAL.**—Except as provided under paragraphs (2) and (3), each member of the Board shall be appointed for 2 years and may be reappointed for one additional term.

(2) **TERMS OF INITIAL APPOINTEES.**—As designated by the Secretary at the time of appointment, of the members of the Board first appointed, 4 shall each be appointed for a 2-year term and the remainder shall each be appointed for a 3-year term.

(3) **VACANCIES.**—Any member of the Board appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

(f) **OPERATIONS.**—

(1) **MEETINGS.**—

(A) **IN GENERAL.**—Except for the initial meeting of the Board under subparagraph (B), the Board shall meet at the call of the Chairperson or a majority of its members.

(B) **INITIAL MEETING.**—The Board shall conduct its first meeting not later than 90 days after the appointment of all of its members.

(2) **VOTING AND RULES.**—A majority of members of the Board shall constitute a quorum to conduct business. The Board may establish by majority vote any other rules for the conduct of the business of the Board, if such rules are not inconsistent with this section or other applicable law.

#### SEC. 5. REGULATIONS.

The Secretary may prescribe regulations to carry out the purposes of this Act.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 4855, as amended, into the RECORD.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. I yield myself such time as I may consume.

Mr. Speaker, I rise today to support the passage of H.R. 4855, as amended, the Work-Life Balance Award Act, a bill introduced with Chairman MILLER.

I thank Chairman MILLER for his hard work in bringing this legislation forward.

I also want to thank my Republican colleagues—Ranking Member KLINE and Representative CATHY MCMORRIS RODGERS, who is the ranking member of the Workforce Protections Subcommittee—for their support and for their hard work.

H.R. 4855, as amended, establishes an award at the Department of Labor to be presented annually to employers of any size which have exemplary work-life policies. The bill also sets up an independent board, appointed by the Secretary of Labor, based on recommendations from Congress, to develop the application process and to establish criteria for evaluating the work-life balance policies of applicants. The board is also charged with providing awardee recommendations to the Secretary. The board will consist of representatives from children and families' groups, from State and local governments, from business or business organizations, and from labor.

The Workforce Protections Subcommittee held a hearing on the introduced bill in April. Our witnesses testified that the bill could be improved by establishing broad guidelines for the board to consider in establishing its criteria.

As a result, H.R. 4855, as amended, provides, in determining the criteria, that the board may consider those work-life policies which provide access to employees regardless of wage level, job position, or the number of hours worked; two, which ensure that workers can use the policies without risk of penalty; three, which allow workers to exercise the policy with regard to a broad range of family members. In addition, the board may also evaluate other factors affecting the quality of the workplace, including employee benefits and compliance with labor and health and safety laws.

Finally, the bill requires the Secretary to collect data from the application process. This data is important because it will tell us not only what policies are being offered but also what policies are actually being utilized by workers and employers.

Working Mother Magazine and the Alfred P. Sloan Foundation, Mr. Speaker, also give out awards to companies with outstanding work-life balance policies. They are great programs, and this award is not intended to supplant these or other awards but to complement ongoing efforts. Creating an award at the U.S. Department of Labor is important for a number of reasons.

□ 1445

Outside of the Family and Medical Leave Act, which provides unpaid leave for qualifying employees, there is no national policy to support work-life balance. This award will send a strong message that the Federal Government supports and encourages work-life balance.

With that, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4855, the Work-Life Balance Award Act, establishes an annual award within the Department of Labor to recognize employers with exemplary work-life balance policies. This bill represents a bipartisan effort to highlight the positive policies currently being used by employers to help their employees meet the competing demands of family and work. H.R. 4855 would highlight best practices by employers and encourage innovation in the adoption of work-life balance policies, which we hope will encourage other companies to adopt similar programs.

It's important to note that the bill does not create any mandates or new requirements. Many employers accommodate employee requests for greater workplace flexibility without the use of government mandates, which can increase the cost of employment and stifle creative arrangements. If employers want to pursue this award, they will do so voluntarily and with no penalty if they choose not to do so, nor will this award confer any specific government procurement or tax advantage on the recipients. The only advantage will be related to the employer being able to market themselves as winning this award and providing these types of flexibility in their workplaces.

It's appropriate that the bill sets out a process by which the criteria for receiving this award will be determined. For us in Congress to claim that we know best about what constitutes appropriate flexibility in the workplace and to lock that in so that it could not be changed without another act of Congress would be, frankly, presumptuous and ensure that this award would lose its relevancy over time as new concepts of flexibility emerge and employers respond to employee needs in new ways.

This award would complement similar private-sector awards and showcase public and private organizations that maintain and utilize policies to help their employees to find ways to maintain productivity, while providing workplace flexibility. The award program would be housed at the U.S. Department of Labor, and funding for the program would come out of existing funds at the Labor Department.

I'd like to thank the sponsors of the bill, particularly the main sponsor, Congresswoman WOOLSEY, for working to craft this bill in a bipartisan manner and for maintaining an open dialogue with interested parties throughout this process.

Mr. Speaker, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I am pleased to yield such time as he may

consume to the chairman of the Education and Labor Committee, the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentlewoman for yielding.

I would like to commend Congresswoman WOOLSEY for her leadership on the work-life balance issues in her capacity as Chair of the Workforce Protection Subcommittee. Her commitment on these important issues is a great asset to the Education and Labor Committee in this Congress. I am pleased to serve with her and support her legislation before us today to recognize family-friendly workplaces. The Work-Life Balance Act will recognize employers of any size for their exemplary work-life balance policies. Not only will the award set a standard for best practices, it will shine a much-needed light on the concerns of working families.

Over the past 40 years, America's working families have changed dramatically. While once a single breadwinner could support a middle-class family, today that situation appears to be a relic of the past. Women now make up half of the workforce and share a greater responsibility for financially supporting the family. While women now are full partners in providing for families, many remain the primary caregiver for their children and other family members. Balancing the career and family responsibilities can seem impossible at times. But in today's economy, achieving balance is necessary.

Women are not doing this alone. Increasingly, men are becoming more involved with child care and elder care responsibilities. Good employers recognize this and understand the importance of providing flexibility to their employees. They have rightly revamped family leave policies to attract and retain best workers. Employers understand that family-friendly policies not only help workers balance work and family, but also improve employers' bottom line. These policies increase retention rates, decrease absenteeism, improve productivity and morale.

What's good for the modern family is good for business. Businesses that are doing the right things to promote a better work-life balance should be recognized. It goes to the heart of our Nation's competitiveness and how we value our Nation's families.

Parents should never have to choose between their paycheck and taking a day off because their child needs to see a doctor. This is precisely why I am a strong supporter of the bill before us today, the Work-Life Balance Award Act. This award will serve as a benchmark for companies who wish to improve their current policies so that they can be more accommodating to the needs of their workers. It will also

give prospective employees a leg up when they're looking for family-friendly workplaces to go to work.

The proof will be in the results. When employers choose to implement pro-family policies, they reap the benefits of a healthier, more productive workforce. I urge my fellow colleagues to vote "yes" with me today on this important and necessary bill. Thank you very much, again, to the author of this legislation, Congresswoman WOOLSEY.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, many years ago, when my children were not parents themselves, I was working full time outside of the home, with four children. It was a struggle to meet both the needs of my family as well as the responsibilities of my job. And as the human resources manager of a startup electronics company about 30 years ago, I was aware that many of my employees were going through the very same struggles that I was. Unfortunately, some 30 years later, nearly every single parent is under these pressures—men as well as women. And they are desperate for work-life balance.

One of the main reasons I ran for Congress over 18 years ago was to fight for working families. I was a new Member when we passed the Family and Medical Leave Act, and I knew what an important step we were taking, particularly for working women, to provide job-protected family and medical leave for certain workers, even though it was unpaid.

But the benefits provided by FMLA are not sufficient. While more than 100 million leaves have been taken under the Family and Medical Leave Act, nearly two in three workers are not covered by the Act. And even if they are, most can't take advantage of its provisions because they simply cannot afford to take unpaid leave.

Sadly, the United States lags far behind the rest of the world in providing work-life benefits to their employees. It is unacceptable that our country, which is the number one economy in the world, can barely compete with developing nations in this arena. Workers should not have to choose between work and family, and ultimately we in Congress need to do much more.

However, the effort for work-life balance must be waged on all fronts, and currently, many in the business world are leading the way. These companies know that providing work-life benefits increases retention, decreases absenteeism, and increases productivity and loyalty.

The award created by H.R. 4855, as amended, will recognize these employers for their efforts and create an incentive for others. It will also set standards for best practices and shine a light on the needs of working families.

Mr. Speaker, I hope we will vote for the second step after the Family and

Medical Leave Act that this Congress will take to support working Americans, men and women, and help them balance the challenges they meet in doing a good job for their families and a good job for their employer, because it must be possible. And we can help make that happen.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in support of H.R. 4855, the Work-Life Balance Award Act." Thank you to my colleagues: Congresswoman WOOLSEY and Congressman MILLER for introducing this important legislation that establishes, in the Department of Labor, an annual Work-Life Balance Award for employers that have developed and implemented work-life balance policies.

We are all aware of the benefits of holding a job, but too little attention has been paid to the dangers associated with stressful working conditions. Long hours have a significantly negative impact on life satisfaction and time-related stress, which in turn have a negative effect on wellbeing.

Non-standard work hours, and stressful workplace environments cause health problems, higher levels of stress, psychological distress, greater relationship conflicts for dual-income couples, less time spent with children and lower life satisfaction.

A peer-reviewed study of 10,000 Londoners tracked since 1985, published in the *European Heart Journal*, found that rates of angina, nonfatal heart attacks and death from heart-related conditions were 60 percent higher in people who worked at least three hours beyond "the normal, seven-hour day" compared with those who didn't work that amount of overtime. The study notes that overtime work "has increased in recent years" and that the U.S. is one of the countries that is well above average in percentage of people working overtime.

A Canadian study found that "people experiencing time pressure have lower levels of satisfaction, higher levels of stress, lower self-reported physical and emotional wellbeing, and greater insomnia. Work-life conflicts can lead to higher levels of anxiety and depression; sleep disturbances and a host of other ailments."

The World Health Organization (WHO) highlights recent research in the domain of occupational health psychology shows that many stressful experiences are linked to being offended—for instance, by being offended or ridiculed, by social exclusion, by social conflict, by illegitimate tasks. According to the WHO, "Such experiences of being treated in an unfair manner constitute an 'Offence to Self,' and this may have quite far reaching consequences in terms of health and wellbeing."

In the United States, the Centers for Disease Control (CDC) is greatly concerned with the health effects of workplace stress. According to the CDC, "evidence is rapidly accumulating to suggest that stress plays an important role in several types of chronic health problems—especially cardiovascular disease, musculoskeletal disorders, and psychological disorders."

Mr. Speaker, although some employers create unhealthy work environments, other employers now recognize that staff who feel able

to balance the demands of work and home are more engaged, productive and motivated. These trendsetters deserve to be recognized for their compassion and leadership. This is why I support the Work-Life Balance Award Act.

Research has identified organizational characteristics associated with both healthy, low-stress work and high levels of productivity. According to the National Institute of Occupational Safety and Health (NIOSH), examples of these characteristics include: recognition of employees for good work performance, opportunities for career development, an organizational culture that values the individual worker, and management actions that are consistent with organizational values.

Mr. Speaker, widespread workplace stress is costly to our citizens and our nation. Stressful work environments ruin lives and are costly to our healthcare system. It is often said that prevention is the best medicine; establishing a balance between work and life is a vital disease prevention measure.

Once again, I urge my colleagues to support this important legislation.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield myself as much time as I may consume. I rise in support for H.R. 4855, the Work-Life Balance Award Act, a bill that would establish an annual award in the Department of Labor recognizing the efforts of employers to implement exemplary work-life balance policies in the work place.

I would like to take this opportunity to thank the Chairwoman for her ongoing efforts in this area.

It's clear that the biggest concern for workers in this struggling economy is job security. And without a doubt, work-life balance issues play into these concerns—particularly as the needs of families are changing.

I know firsthand, being a wife and the mom of a three year old, that one of the biggest struggles working parents face is how to balance work and family responsibilities. Employees need flexibility to get their jobs done while still making the school play, staying home with a sick child, or supporting an aging parent.

At the same time, employers are finding that they have to meet these needs in innovative ways in order to remain productive and profitable.

The good news is that employers are rising to the challenge—recognizing that flexible work policies are effective and necessary. The bill that we are considering today will highlight those employers who are already creatively meeting the needs of their workers.

In addition, it is my hope that this award will continue the national discussion that has been started on the benefits of flexible work arrangements and will encourage more employers to invest in them.

Again, I would like to thank the Chairwoman for her efforts on this important area and urge my colleagues to support this bill.

Ms. WOOLSEY. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and pass the bill, H.R. 4855, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Suspending the rules with regard to House Resolution 1383;

Adopting House Resolution 1436; and

Suspending the rules with regard to H.R. 4855.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### HONORING DR. LARRY CASE ON HIS RETIREMENT AS NATIONAL FFA ADVISOR

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1383) honoring Dr. Larry Case on his retirement as National FFA Advisor, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BRIGHT) that the House suspend the rules and agree to the resolution.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 23, as follows:

[Roll No. 358]

YEAS—409

Ackerman	Bishop (NY)	Calvert	Coffman (CO)	Holden	Mollohan
Aderholt	Bishop (UT)	Camp	Cohen	Holt	Moore (KS)
Adler (NJ)	Blackburn	Campbell	Cole	Hoyer	Moore (WI)
Akin	Blumenauer	Cao	Conaway	Inslee	Moran (KS)
Alexander	Blunt	Capito	Connolly (VA)	Israel	Moran (VA)
Altmire	Boccieri	Capps	Conyers	Issa	Murphy (CT)
Andrews	Boehner	Capuano	Cooper	Jackson (IL)	Murphy (NY)
Arcuri	Bonner	Cardoza	Costa	Jackson Lee	Murphy, Patrick
Austria	Bono Mack	Carnahan	Costello	(TX)	Murphy, Tim
Baca	Boozman	Carney	Courtney	Jenkins	Nadler (NY)
Bachmann	Boren	Carson (IN)	Crenshaw	Johnson (GA)	Napolitano
Bachus	Boswell	Carter	Critz	Johnson (IL)	Neal (MA)
Baird	Boucher	Cassidy	Crowley	Johnson, E. B.	Neugebauer
Baldwin	Boustany	Castle	Cuellar	Johnson, Sam	Nunes
Barrow	Boyd	Castor (FL)	Culberson	Jones	Nye
Bartlett	Brady (PA)	Chaffetz	Cummings	Jordan (OH)	Oberstar
Barton (TX)	Brady (TX)	Chandler	Dahlkemper	Kagen	Obey
Bean	Braley (IA)	Childers	Davis (AL)	Kanjorski	Olson
Becerra	Bright	Chu	Davis (CA)	Kaptur	Oliver
Berkley	Broun (GA)	Clarke	Davis (KY)	Kennedy	Ortiz
Berry	Buchanan	Clay	Davis (TN)	Kildee	Owens
Biggert	Burgess	Cleaver	DeFazio	Kilpatrick (MI)	Pascarell
Bilbray	Burton (IN)	Clyburn	DeGette	Kilroy	Pastor (AZ)
Bishop (GA)	Butterfield	Coble	DeLauro	Kind	Paul
			Dent	King (IA)	Paulsen
			Diaz-Balart, L.	King (NY)	Payne
			Diaz-Balart, M.	Kingston	Pence
			Dicks	Kirk	Perlmutter
			Dingell	Kirkpatrick (AZ)	Perriello
			Djou	Kissell	Peters
			Doggett	Klein (FL)	Peterson
			Donnelly (IN)	Kline (MN)	Petri
			Doyle	Kosmas	Pingree (ME)
			Dreier	Kratovil	Pitts
			Driehaus	Kucinich	Platts
			Duncan	Lamborn	Poe (TX)
			Edwards (MD)	Lance	Polis (CO)
			Edwards (TX)	Langevin	Pomeroy
			Ehlers	Larsen (WA)	Posey
			Ellsworth	Larson (CT)	Price (GA)
			Emerson	Latham	Price (NC)
			Engel	LaTourette	Putnam
			Eshoo	Latta	Quigley
			Etheridge	Lee (CA)	Radanovich
			Farr	Lee (NY)	Rahall
			Fattah	Levin	Rangel
			Filner	Lewis (CA)	Rehberg
			Flake	Lewis (GA)	Reichert
			Fleming	Linder	Reyes
			Forbes	Lipinski	Richardson
			Fortenberry	LoBlando	Rodriguez
			Foster	Loebach	Roe (TN)
			Fox	Lofgren, Zoe	Rogers (AL)
			Frank (MA)	Lowey	Rogers (KY)
			Franks (AZ)	Lucas	Rogers (MI)
			Frelinghuysen	Luetkemeyer	Rohrabacher
			Fudge	Lujan	Rooney
			Gallegly	Lummis	Ros-Lehtinen
			Garamendi	Lungren, Daniel	Roskam
			Garrett (NJ)	E.	Ross
			Gerlach	Mack	Rothman (NJ)
			Giffords	Maffei	Roybal-Allard
			Gingrey (GA)	Maloney	Sarbanes
			Gonzalez	Manzullo	Scalise
			Goodlatte	Marchant	Schakowsky
			Gordon (TN)	Markey (CO)	Schauer
			Granger	Markey (MA)	Schiff
			Graves (GA)	Marshall	Schmidt
			Graves (MO)	Matheson	Schock
			Grayson	Matsui	Schrader
			Green, Al	McCarthy (CA)	Schwartz
			Green, Gene	McCarthy (NY)	Scott (GA)
			Griffith	McCaul	Scott (VA)
			Grijalva	McClintock	Sensenbrenner
			Guthrie	McCollum	Serrano
			Gutierrez	McCotter	Sessions
			Hall (NY)	McDermott	Sestak
			Hall (TX)	McGovern	Shadegg
			Halvorson	McHenry	Shea-Porter
			Hare	McIntyre	Sherman
			Harman	McKeon	Shimkus
			Harper	McMahon	Shuler
			Hastings (FL)	McMorris	Shuster
			Hastings (WA)	Rodgers	Simpson
			Heinrich	McNerney	Sires
			Heller	Meek (FL)	Skelton
			Hensarling	Meeks (NY)	Slaughter
			Herger	Melancon	
			Herseth Sandlin	Mica	
			Higgins	Michaud	
			Hill	Miller (MI)	
			Himes	Miller (NC)	
			Hinchey	Miller, Gary	
			Hinojosa	Miller, George	
			Hirono	Minnick	
				Mitchell	

Smith (NE)	Thompson (PA)	Watson
Smith (NJ)	Thornberry	Watt
Smith (TX)	Tiahrt	Waxman
Smith (WA)	Tiberi	Weiner
Snyder	Tierney	Welch
Space	Titus	Westmoreland
Speier	Tonko	Whitfield
Spratt	Towns	Wilson (OH)
Stark	Tsongas	Wilson (SC)
Stearns	Turner	Wittman
Stupak	Upton	Wolf
Sullivan	Van Hollen	Woolsey
Sutton	Velázquez	Wu
Tanner	Visclosky	Yarmuth
Taylor	Walden	Young (AK)
Teague	Walz	Young (FL)
Terry	Wasserman	
Thompson (CA)	Schultz	
Thompson (MS)	Waters	

## NOT VOTING—23

Barrett (SC)	Cantor	Honda
Berman	Davis (IL)	Hunter
Bilirakis	Deutch	Inglis
Brown (SC)	Ellison	Lynch
Brown, Corrine	Fallin	Miller (FL)
Brown-Waite,	Gohmert	Myrick
Ginny	Hodes	Pallone
Buyer	Hoekstra	Wamp

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1523

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, on rollcall No. 358 I was unavoidably detained. Had I been present, I would have voted "yes."

## MOMENT OF SILENCE IN MEMORY OF FORMER REPRESENTATIVE FRANK EVANS OF COLORADO

(Mr. SALAZAR asked and was given permission to address the House for 1 minute.)

Mr. SALAZAR. Mr. Speaker, on behalf of the entire Colorado delegation, I request a moment of silence today to pay tribute to a dedicated public servant from the State of Colorado.

Former Congressman Frank Evans passed away on Tuesday, June 8, 2010. Colorado and the city of the Pueblo have lost a tremendously respected leader.

Congressman Evans led a remarkable life. A Pueblo native, Congressman Evans served in the Navy, flying planes in the Pacific theater of World War II. He returned to Colorado to get his law degree from the University of Denver, before being elected to represent Pueblo in the State Assembly in 1960. Named "Outstanding Freshman of the Year," his colleagues and constituents alike were inspired by his dedication to public service.

The tremendous impact his leadership has had on our district can still be felt to this day. Congressman Evans was responsible for bringing in the Government Printing Office Distribu-

tion Center to Pueblo, and he was the mastermind behind the popular Payment in Lieu of Taxes program that has brought Federal dollars for Federal lands to States like ours.

When serving in Congress, Congressman Evans was a fervent advocate for the people and western way of life in the Third District of Colorado. Never losing sight of issues important to Coloradans, he was also a true gentleman.

In the often contentious atmosphere of today's politics, Congressman Evans was an example to those of us who strive to serve the public. His close friend said of him: That was Frank, always a gentleman. He wanted the facts. He wouldn't go after somebody just for partisan reasons.

Congressman Evans never forgot where he came from and he lived to serve others so that they could have a brighter future. I am proud to serve in his former seat, and grateful for his legacy.

Our condolences go out to his family during this difficult time. He will be missed, but his memory will live on through all the lives he touched in western Colorado.

The SPEAKER pro tempore. Members will rise and observe a moment of silence.

## PROVIDING FOR CONSIDERATION OF H.R. 5486, SMALL BUSINESS JOBS TAX RELIEF ACT OF 2010; AND PROVIDING FOR CONSIDERATION OF H.R. 5297, SMALL BUSINESS LENDING FUND ACT OF 2010

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 1436, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 228, nays 186, not voting 18, as follows:

[Roll No. 359]

YEAS—228

Ackerman	Bocieri	Clay
Adler (NJ)	Boren	Cleaver
Altmire	Boswell	Clyburn
Andrews	Boucher	Cohen
Arcuri	Brady (PA)	Connolly (VA)
Baca	Braley (IA)	Conyers
Baird	Butterfield	Cooper
Baldwin	Capps	Costello
Barrow	Capuano	Courtney
Becerra	Carnahan	Critz
Berkley	Carney	Crowley
Berman	Carson (IN)	Cuellar
Berry	Castor (FL)	Cummings
Bishop (GA)	Chandler	Davis (AL)
Bishop (NY)	Chu	Davis (CA)
Blumenauer	Clarke	Davis (TN)

DeFazio	Kosmas	Rangel
DeGette	Kucinich	Reyes
Delahunt	Langevin	Richardson
DeLauro	Larsen (WA)	Rodriguez
Dicks	Larson (CT)	Ross
Dingell	Lee (CA)	Rothman (NJ)
Doggett	Levin	Roybal-Allard
Donnelly (IN)	Lewis (GA)	Ruppersberger
Doyle	Lipinski	Rush
Driehaus	Loeb sack	Ryan (OH)
Edwards (MD)	Lofgren, Zoe	Salazar
Edwards (TX)	Lowe y	Sánchez, Linda T.
Ellison	Luján	Sanchez, Loretta
Ellsworth	Lynch	Sarbanes
Engel	Maffei	Schakowsky
Eshoo	Maloney	Schauer
Etheridge	Markey (CO)	Schiff
Farr	Markey (MA)	Schrader
Fattah	Marshall	Schwartz
Filner	Matheson	Scott (GA)
Foster	Matsui	Scott (VA)
Frank (MA)	McCarthy (NY)	Serrano
Fudge	McCollum	Sestak
Garamendi	McDermott	Shea-Porter
Gonzalez	McGovern	Sherman
Gordon (TN)	McMahon	Sires
Grayson	McNerney	Skelton
Green, Al	Meek (FL)	Slaughter
Green, Gene	Meeks (NY)	Smith (WA)
Grijalva	Michaud	Snyder
Gutierrez	Miller (NC)	Speier
Hall (NY)	Miller, George	Spratt
Hare	Minnick	Stark
Harman	Mollohan	Stupak
Hastings (FL)	Moore (KS)	Sutton
Heinrich	Moore (WI)	Tanner
Higgins	Moran (VA)	Teague
Himes	Murphy (CT)	Thompson (CA)
Hinchey	Murphy, Patrick	Thompson (MS)
Hinojosa	Nadler (NY)	Tierney
Hirono	Napolitano	Titus
Holden	Neal (MA)	Tonko
Holt	Nye	Towns
Hoyer	Oberstar	Tsongas
Inslee	Obey	Van Hollen
Israel	Olver	Velázquez
Jackson (IL)	Ortiz	Visclosky
Jackson Lee	Owens	Wasserman
(TX)	Pascarell	Walz
Johnson (GA)	Pastor (AZ)	Schultz
Johnson, E. B.	Payne	Waters
Kagen	Perlmutter	Watson
Kanjorski	Perriello	Watt
Kaptur	Peters	Waxman
Kennedy	Peterson	Weiner
Kildee	Pingree (ME)	Welch
Kilpatrick (MI)	Polis (CO)	Wilson (OH)
Kilroy	Pomeroy	Woolsey
Kind	Price (NC)	Wu
Kissell	Quigley	Yarmuth
Klein (FL)	Rahall	

## NAYS—186

Aderholt	Cardoza	Gerlach
Akin	Carter	Giffords
Alexander	Cassidy	Gingrey (GA)
Austria	Castle	Goodlatte
Bachmann	Chaffetz	Granger
Bachus	Childers	Graves (GA)
Bartlett	Coble	Graves (MO)
Barton (TX)	Coffman (CO)	Griffith
Bean	Cole	Guthrie
Biggert	Conaway	Hall (TX)
Billray	Costa	Halvorson
Bilirakis	Crenshaw	Harper
Bishop (UT)	Culberson	Hastings (WA)
Blackburn	Dahlkemper	Heller
Blunt	Davis (KY)	Hensarling
Boehner	Dent	Herger
Bonner	Diaz-Balart, L.	Herseth Sandlin
Bono Mack	Diaz-Balart, M.	Hill
Boozman	Djou	Hunter
Boustany	Dreier	Issa
Boyd	Duncan	Jenkins
Brady (TX)	Ehlers	Johnson (IL)
Bright	Emerson	Johnson, Sam
Broun (GA)	Flake	Jones
Buchanan	Fleming	Jordan (OH)
Burgess	Forbes	King (IA)
Burton (IN)	Fortenberry	King (NY)
Calvert	Fox	Kingston
Camp	Franks (AZ)	Kirk
Campbell	Frelinghuysen	Kirkpatrick (AZ)
Cao	Gallely	Kline (MN)
Capito	Garrett (NJ)	Kratovil

Lamborn	Moran (KS)	Schock	Butterfield	Holden	Pascrell	Forbes	Lucas	Rogers (KY)
Lance	Murphy (NY)	Sensenbrenner	Cao	Holt	Pastor (AZ)	Fortenberry	Luetkemeyer	Rogers (MI)
Latham	Murphy, Tim	Sessions	Capito	Hoyer	Payne	Fox	Lungren, Daniel	Rohrabacher
LaTourette	Neugebauer	Shadegg	Capps	Inslee	Perlmutter	Franks (AZ)	E.	Rooney
Latta	Nunes	Shimkus	Capuano	Israel	Perriello	Garrett (NJ)	Mack	Roskam
Lee (NY)	Olson	Shuler	Carnahan	Jackson (IL)	Peters	Gerlach	Maffei	Royce
Lewis (CA)	Paul	Shuster	Carney	Jackson Lee	Pingree (ME)	Gingrey (GA)	Manzullo	Ryan (WI)
Linder	Paulsen	Simpson	Carson (IN)	(TX)	Polis (CO)	Goodlatte	Marchant	Scalise
LoBiondo	Pence	Smith (NE)	Cassidy	Johnson (GA)	Pomeroy	Granger	McCarthy (CA)	Schmidt
Lucas	Petri	Smith (NJ)	Castle	Johnson (IL)	Price (NC)	Graves (GA)	McCaul	Schock
Luetkemeyer	Pitts	Smith (TX)	Chandler	Johnson, E. B.	Quigley	Graves (MO)	McClintock	Sensenbrenner
Lummis	Platts	Space	Chu	Jones	Rangel	Griffith	McCotter	Sessions
Lungren, Daniel	Poe (TX)	Stearns	Clarke	Kagen	Reichert	Guthrie	McIntyre	Shadegg
E.	Posey	Sullivan	Clay	Kanjorski	Reyes	Hall (TX)	McKeon	Shimkus
Mack	Price (GA)	Taylor	Cleaver	Kaptur	Richardson	Harper	Melancon	Shuler
Manzullo	Putnam	Terry	Clyburn	Kennedy	Rodriguez	Hastings (WA)	Mica	Shuster
Marchant	Radanovich	Thompson (PA)	Cohen	Kildee	Ros-Lehtinen	Heller	Miller (MI)	Simpson
McCarthy (CA)	Rehberg	Thornberry	Connolly (VA)	Kilpatrick (MI)	Ross	Hensarling	Miller, Gary	Smith (NE)
McCaul	Reichert	Tiahrt	Conyers	Kilroy	Rothman (NJ)	Herger	Moran (KS)	Smith (NJ)
McClintock	Roe (TN)	Tiberi	Costello	Kind	Roybal-Allard	Hill	Murphy, Tim	Smith (TX)
McCotter	Rogers (AL)	Turner	Courtney	Kirk	Ruppersberger	Himes	Neugebauer	Stearns
McHenry	Rogers (KY)	Upton	Critz	Kirkpatrick (AZ)	Rush	Hunter	Nunes	Sullivan
McIntyre	Rogers (MI)	Walden	Crowley	Kissell	Ryan (OH)	Issa	Owens	Tanner
McKeon	Rohrabacher	Westmoreland	Cuellar	Klein (FL)	Salazar	Jenkins	Paul	Taylor
McMorris	Rooney	Whitfield	Cummings	Kosmas	Sánchez, Linda	Johnson, Sam	Paulsen	Terry
Rodgers	Ros-Lehtinen	Wilson (SC)	Dahlkemper	Kratovil	T.	Jordan (OH)	Pence	Thompson (PA)
Melancon	Roskam	Wittman	Davis (AL)	Kucinich	Sanchez, Loretta	King (IA)	Peterson	Thornberry
Mica	Royce	Wolf	Davis (CA)	Langevin	Sarbanes	King (NY)	Petri	Tiahrt
Miller (MI)	Ryan (WI)	Young (AK)	Davis (TN)	Larsen (WA)	Schakowsky	Kingston	Pitts	Tiberi
Miller, Gary	Scalise	Young (FL)	DeFazio	Larson (CT)	Schauer	Kline (MN)	Platts	Turner
Mitchell	Schmidt		DeGette	Lee (CA)	Schiff	Lamborn	Poe (TX)	Upton
			Delahunt	Levin	Schrader	Lance	Posey	Walden
			DeLauro	Lewis (GA)	Schwartz	Latham	Price (GA)	Westmoreland
			Dent	Lipinski	Scott (GA)	LaTourette	Putnam	Whitfield
			Dicks	Loebsack	Scott (VA)	Latta	Radanovich	Wilson (SC)
			Dingell	Lofgren, Zoe	Serrano	Lee (NY)	Rehberg	Wittman
			Djou	Lowe	Sestak	Lewis (CA)	Roe (TN)	Wolf
			Doggett	Lujan	Shea-Porter	Linder	Rogers (AL)	Young (FL)
			Donnelly (IN)	Lummis	Sherman	LoBiondo		
			Doyle	Lynch	Sires			
			Driehaus	Maloney	Skelton			
			Edwards (MD)	Markey (CO)	Slaughter			
			Edwards (TX)	Markey (MA)	Smith (WA)			
			Ellison	Marshall	Snyder			
			Ellsworth	Matheson	Space			
			Engel	Matsui	Speier			
			Eshoo	McCarthy (NY)	Spratt			
			Etheridge	McCollum	Stark			
			Farr	McDermott	Stupak			
			Fattah	McGovern	Sutton			
			Filner	McHenry	Teague			
			Foster	McMahon	Thompson (CA)			
			Frank (MA)	McMorris	Thompson (MS)			
			Frelinghuysen	Rodgers				
			Fudge	McNerney				
			Gallegly	Meek (FL)				
			Garamendi	Meeks (NY)				
			Giffords	Michaud				
			Gonzalez	Miller (NC)				
			Gordon (TN)	Miller, George				
			Grayson	Minnick				
			Green, Al	Mitchell				
			Green, Gene	Mollohan				
			Grijalva	Moore (KS)				
			Gutierrez	Moore (WI)				
			Hall (NY)	Moran (VA)				
			Halvorson	Murphy (CT)				
			Hare	Murphy (NY)				
			Harman	Murphy, Patrick				
			Hastings (FL)	Nadler (NY)				
			Heinrich	Napolitano				
			Herseth Sandlin	Neal (MA)				
			Higgins	Nye				
			Hinchev	Oberstar				
			Hinojosa	Obey				
			Hirono	Olver				
				Ortiz				

## NOT VOTING—18

Barrett (SC)	Davis (IL)	Inglis
Brown (SC)	Deutch	Miller (FL)
Brown, Corrine	Fallin	Myrick
Brown-Waite,	Gohmert	Pallone
Ginny	Hodes	Wamp
Buyer	Hoekstra	
Cantor	Honda	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1536

Mr. MCINTYRE changed his vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## WORK-LIFE BALANCE AWARD ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4855) to establish the Work-Life Balance Award for employers that have developed and implemented work-life balance policies, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 249, nays 163, not voting 20, as follows:

[Roll No. 360]

YEAS—249

Ackerman	Becerra	Bono Mack
Altmire	Berkley	Boswell
Andrews	Berman	Boucher
Baca	Berry	Boyd
Baird	Bishop (GA)	Brady (PA)
Baldwin	Bishop (NY)	Braley (IA)
Barrow	Blumenauer	Bright
Bean	Boccheri	Buchanan

Aderholt	Boehner	Coble
Adler (NJ)	Bonner	Coffman (CO)
Akin	Boozman	Cole
Alexander	Boren	Conaway
Arcuri	Boustany	Costa
Austria	Brady (TX)	Crenshaw
Bachmann	Broun (GA)	Culberson
Bachus	Burgess	Davis (KY)
Bartlett	Burton (IN)	Diaz-Balart, L.
Barton (TX)	Calvert	Diaz-Balart, M.
Biggart	Camp	Dreier
Bilbray	Campbell	Duncan
Bilirakis	Cardoza	Ehlers
Bishop (UT)	Carter	Emerson
Blackburn	Chaffetz	Flake
Blunt	Childers	Fleming

## NAYS—163

## NOT VOTING—20

Barrett (SC)	Castor (FL)	Honda
Brown (SC)	Davis (IL)	Inglis
Brown, Corrine	Deutch	Miller (FL)
Brown-Waite,	Fallin	Myrick
Ginny	Gohmert	Pallone
Buyer	Hodes	Rahall
Cantor	Hoekstra	Wamp

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 1 minute remaining.

□ 1544

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

□ 1545

## SMALL BUSINESS JOBS TAX RELIEF ACT OF 2010

Mr. LEVIN. Mr. Speaker, pursuant to H. Res. 1436, I call up the bill (H.R. 5486) to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1436, the bill is considered read.

The text of the bill is as follows:

H.R. 5486

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## TITLE V—TAX PROVISIONS

## SEC. 500. SHORT TITLE; ETC.

(a) SHORT TITLE.—This title may be cited as the “Small Business Jobs Tax Relief Act of 2010”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in

this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—The table of contents for this title is as follows:

Sec. 500. Short title; etc.

Subtitle A—Small Business Tax Incentives

#### PART 1—GENERAL PROVISIONS

Sec. 501. Temporary exclusion of 100 percent of gain on certain small business stock.

#### PART 2—LIMITATIONS AND REPORTING ON CERTAIN PENALTIES

Sec. 511. Limitation on penalty for failure to disclose certain information.

Sec. 512. Annual reports on penalties and certain other enforcement actions.

#### PART 3—OTHER PROVISIONS

Sec. 521. Increase in amount allowed as deduction for start-up expenditures.

Sec. 522. Nonrecourse small business investment company loans from the Small Business Administration treated as amounts at risk.

Sec. 523. Benefits under the Small Business Borrower Assistance Program excluded from gross income.

Subtitle B—Revenue Provisions

Sec. 531. Required minimum 10-year term, etc., for grantor retained annuity trusts.

Sec. 532. Crude oil ineligible for cellulosic biofuel producer credit.

Sec. 533. Time for payment of corporate estimated taxes.

**Subtitle A—Small Business Tax Incentives**

#### PART 1—GENERAL PROVISIONS

#### SEC. 501. TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) **IN GENERAL.**—Subsection (a) of section 1202 is amended by adding at the end the following new paragraph:

“(4) **SPECIAL 100 PERCENT EXCLUSION.**—In the case of qualified small business stock acquired after March 15, 2010, and before January 1, 2012—

“(A) paragraph (1) shall be applied by substituting ‘100 percent’ for ‘50 percent’,

“(B) paragraph (2) shall not apply, and

“(C) paragraph (7) of section 57(a) shall not apply.”.

(b) **CONFORMING AMENDMENTS.**—Paragraph (3) of section 1202(a) is amended—

(1) by striking “after the date of the enactment of this paragraph and before January 1, 2011” and inserting “after February 17, 2009, and before March 16, 2010”; and

(2) by striking “SPECIAL RULES FOR 2009 AND 2010” in the heading and inserting “SPECIAL 75 PERCENT EXCLUSION”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to stock acquired after March 15, 2010.

#### PART 2—LIMITATIONS AND REPORTING ON CERTAIN PENALTIES

#### SEC. 511. LIMITATION ON PENALTY FOR FAILURE TO DISCLOSE CERTAIN INFORMATION.

(a) **IN GENERAL.**—Subsection (b) of section 6707A is amended to read as follows:

“(b) **AMOUNT OF PENALTY.**—

“(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amount of the penalty under subsection (a) with respect to any reportable transaction shall be 75 per-

cent of the decrease in tax shown on the return as a result of such transaction (or which would have resulted from such transaction if such transaction were respected for Federal tax purposes).

“(2) **MAXIMUM PENALTY.**—The amount of the penalty under subsection (a) with respect to any reportable transaction for any taxable year shall not exceed—

“(A) in the case of a listed transaction, \$200,000 (\$100,000 in the case of a natural person), or

“(B) in the case of any other reportable transaction, \$50,000 (\$10,000 in the case of a natural person).

“(3) **MINIMUM PENALTY.**—The amount of the penalty under subsection (a) with respect to any transaction for any taxable year shall not be less than \$10,000 (\$5,000 in the case of a natural person).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to penalties assessed after December 31, 2006.

#### SEC. 512. ANNUAL REPORTS ON PENALTIES AND CERTAIN OTHER ENFORCEMENT ACTIONS.

(a) **IN GENERAL.**—The Commissioner of Internal Revenue, in consultation with the Secretary of the Treasury, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual report on the penalties assessed by the Internal Revenue Service during the preceding year under each of the following provisions of the Internal Revenue Code of 1986:

(1) Section 6662A (relating to accuracy-related penalty on understatements with respect to reportable transactions).

(2) Section 6700(a) (relating to promoting abusive tax shelters).

(3) Section 6707 (relating to failure to furnish information regarding reportable transactions).

(4) Section 6707A (relating to failure to include reportable transaction information with return).

(5) Section 6708 (relating to failure to maintain lists of advisees with respect to reportable transactions).

(b) **ADDITIONAL INFORMATION.**—The report required under subsection (a) shall also include information on the following with respect to each year:

(1) Any action taken under section 330(b) of title 31, United States Code, with respect to any reportable transaction (as defined in section 6707A(c) of the Internal Revenue Code of 1986).

(2) Any extension of the time for assessment of tax enforced, or assessment of any amount under such an extension, under paragraph (10) of section 6501(c) of the Internal Revenue Code of 1986.

(c) **DATE OF REPORT.**—The first report required under subsection (a) shall be submitted not later than December 31, 2010.

#### PART 3—OTHER PROVISIONS

#### SEC. 521. INCREASE IN AMOUNT ALLOWED AS DEDUCTION FOR START-UP EXPENDITURES.

(a) **IN GENERAL.**—Subsection (b) of section 195 is amended by adding at the end the following new paragraph:

“(3) **INCREASED LIMITATION FOR TAXABLE YEARS BEGINNING IN 2010 OR 2011.**—In the case of any taxable year beginning in 2010 or 2011, paragraph (1)(A)(ii) shall be applied—

“(A) by substituting ‘\$20,000’ for ‘\$5,000’, and

“(B) by substituting ‘\$75,000’ for ‘\$50,000’.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

#### SEC. 522. NONRECOURSE SMALL BUSINESS INVESTMENT COMPANY LOANS FROM THE SMALL BUSINESS ADMINISTRATION TREATED AS AMOUNTS AT RISK.

(a) **IN GENERAL.**—Subparagraph (B) of section 465(b)(6) is amended to read as follows:

“(B) **QUALIFIED NONRECOURSE FINANCING.**—For purposes of this paragraph—

“(i) **IN GENERAL.**—The term ‘qualified nonrecourse financing’ means any financing—

“(I) which is qualified real property financing or qualified SBIC financing,

“(II) except to the extent provided in regulations, with respect to which no person is personally liable for repayment, and

“(III) which is not convertible debt.

“(ii) **QUALIFIED REAL PROPERTY FINANCING.**—The term ‘qualified real property financing’ means any financing which—

“(I) is borrowed by the taxpayer with respect to the activity of holding real property,

“(II) is secured by real property used in such activity, and

“(III) is borrowed by the taxpayer from a qualified person or represents a loan from any Federal, State, or local government or instrumentality thereof, or is guaranteed by any Federal, State, or local government.

“(iii) **QUALIFIED SBIC FINANCING.**—The term ‘qualified SBIC financing’ means any financing which—

“(I) is borrowed by a small business investment company (within the meaning of section 301 of the Small Business Investment Act of 1958), and

“(II) is borrowed from, or guaranteed by, the Small Business Administration under the authority of section 303(b) of such Act.”.

(b) **CONFORMING AMENDMENTS.**—Subparagraph (A) of section 465(b)(6) is amended—

(1) by striking “in the case of an activity of holding real property,”; and

(2) by striking “which is secured by real property used in such activity”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to loans and guarantees made after the date of the enactment of this Act.

#### SEC. 523. BENEFITS UNDER THE SMALL BUSINESS BORROWER ASSISTANCE PROGRAM EXCLUDED FROM GROSS INCOME.

(a) **IN GENERAL.**—Part III of subchapter B of chapter 1 is amended by adding at the end the following new section:

#### “SEC. 139F. BENEFITS UNDER THE SMALL BUSINESS BORROWER ASSISTANCE PROGRAM.

“(a) **IN GENERAL.**—Gross income shall not include any amount paid on behalf of a borrower by the Administrator of the Small Business Administration under the Small Business Borrower Assistance program established under section 402 of the Small Business Assistance Fund Act of 2010 (as in effect immediately after the date of the enactment of such Act).

“(b) **DENIAL OF DOUBLE BENEFIT.**—Notwithstanding any other provision of this subtitle, with respect to the person for whose benefit a payment described in subsection (a) is made—

“(1) **INTEREST.**—No deduction shall be allowed for interest to the extent the liability for such interest is covered by such payment.

“(2) **PAYMENTS OF PRINCIPAL.**—If any payment is applied to reduce the principal of the loan to which such payment relates—

“(A) **ALLOCATION AMONG FINANCED EXPENDITURES.**—Such payment shall be allocated pro rata among the expenditures financed with such loan.

“(B) **CREDITS AND DEDUCTIBLE EXPENSES.**—No deduction or credit shall be allowed for,

or by reason of, any such expenditure to the extent of the amount of the payment allocated to such expenditure under subparagraph (A).

“(C) ADJUSTMENT OF BASIS.—The adjusted basis of any property acquired with such expenditure shall be reduced to the extent of the amount of the payment allocated to such expenditure under subparagraph (A).”

(b) CLERICAL AMENDMENTS.—The table of sections for part III of subchapter B of chapter 1 is amended by adding at the end the following new item:

“Sec. 139F. Benefits under the Small Business Borrower Assistance Program.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

#### Subtitle B—Revenue Provisions

#### SEC. 531. REQUIRED MINIMUM 10-YEAR TERM, ETC., FOR GRANTOR RETAINED ANNUITY TRUSTS.

(a) IN GENERAL.—Subsection (b) of section 2702 is amended—

(1) by redesignating paragraphs (1), (2) and (3) as subparagraphs (A), (B), and (C), respectively, and by moving such subparagraphs (as so redesignated) 2 ems to the right;

(2) by striking “For purposes of” and inserting the following:

“(1) IN GENERAL.—For purposes of”;

(3) by striking “paragraph (1) or (2)” in paragraph (1)(C) (as so redesignated) and inserting “subparagraph (A) or (B)”; and

(4) by adding at the end the following new paragraph:

“(2) ADDITIONAL REQUIREMENTS WITH RESPECT TO GRANTOR RETAINED ANNUITIES.—For purposes of subsection (a), in the case of an interest described in paragraph (1)(A) (determined without regard to this paragraph) which is retained by the transferor, such interest shall be treated as described in such paragraph only if—

“(A) the right to receive the fixed amounts referred to in such paragraph is for a term of not less than 10 years,

“(B) such fixed amounts, when determined on an annual basis, do not decrease relative to any prior year during the first 10 years of the term referred to in subparagraph (A), and

“(C) the remainder interest has a value greater than zero determined as of the time of the transfer.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers made after the date of the enactment of this Act.

#### SEC. 532. CRUDE TALL OIL INELIGIBLE FOR CELLULOSE BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Clause (iii) of section 40(b)(6)(E) is amended—

(1) by striking “or” at the end of subclause (I),

(2) by striking the period at the end of subclause (II) and inserting “, or”,

(3) by adding at the end the following new subclause:

“(III) such fuel has an acid number greater than 25.”, and

(4) by striking “UNPROCESSED” in the heading and inserting “CERTAIN”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used on or after January 1, 2010.

#### SEC. 533. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 7.75 percentage points.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) and the gentleman from Michigan (Mr. CAMP) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. I yield myself such time as I may consume.

This bill, H.R. 5486, the Small Business Jobs Tax Relief Act of 2010, is, in a few words, a continuation of our work to spur job creation and to really improve the quality of life in all of our communities. Since the beginning of this year, our economy has created 982,000 jobs. That is a reversal of 22 straight months of job losses, a very long stretch indeed. But we all know that far too many people today are out of work and the unemployment rate remains at a very unacceptably high 9.7 percent. So something considerable has been done, but we have to do more.

According to the SBA—and I think we all know this—small firms created 64 percent of the net new jobs between 1993 and the third quarter of 2008. So small businesses help lead job creation in a recovery, but today, small firms are having difficulty accessing capital.

So what does this bill do? It provides a total of \$3.588 billion in tax cuts to help American small businesses. It is part of the partnership between the public and the private sector, relying on the private sector to do the job creation. And I want to emphasize, this bill does not add a dime to our deficit. It doesn't even add a penny to our deficit.

So let me explain the provisions in H.R. 5486. First of all, relating to business stock, small business stock, and capital gains, presently there's an exclusion of 75 percent because of the Recovery Act, and I emphasize that. This would increase the exclusion to 100 percent. It provides relief for small businesses from tax penalties when that is indeed appropriate. It also increases the deduction for startup costs for expenses not related to capital or equipment. It increases it from \$5,000 to \$20,000. So these are important stimuli for small business to help them create more jobs.

As I said earlier, this is offset. It will not add a dime or, indeed, a penny to the Federal deficit. It includes two provisions that have already passed this House. One relates to what is sometimes called a grandchild of black liquor. It relates to essentially a byproduct. What this does, building on the work that we did in earlier bills, is to

prevent people from receiving a windfall from unintended application of renewable fuel credits.

The second part relates to what are called grantor retained annuity trusts, and I want to just say a quick word about this. This is clearly a loophole. This is clearly an abuse. Here's what happens, to try to put it in the simplest terms: A short-term trust usually is created by someone for a child. Then the person who created the trust takes back the value, let's say, in a few annual payments. So there's no gift tax for the grantor. The way it works today, all of the increase in the value of the stock is also outside of the gift tax.

So, essentially, what is happening here is a paper transaction that leads to escape of taxation, and this provides in our bill that there has to be a 10-year term for the trust to be sure that the trust has actual substance. This change raises \$5.297 billion over 10 years. So what this means, breaking it down in simple terms, is that about \$500 million per year from taxpayers is lost today through paper transactions, and we close the loophole. So, again, because of this, there is not any added cost.

We also, if I might say so and will be discussing this I guess tomorrow, it provides money for the small business lending package, H.R. 5297. So that is also budget neutral, and that provides some additional important small business loan help so badly needed. It's hard to understand why people would vote against this. Plus, a provision that is \$2 billion worth, and it goes to States and local governments, and they have written us, urging that we provide some assistance so that they can increase the flow of loans to small businesses in their States.

So, in a word, we have a bill that is essentially a two-fer. It provides needed assistance for job creation by small business, and it's paid for. So I urge very much that somehow the other side can cross the bridge and join together instead of creating obstacles and vote for this bill and then its partner bill tomorrow.

I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill contains many positive features but also some negative ones, and thus, I reluctantly plan to oppose it.

Like my friend on the other side of the aisle, I'm pleased to see that it does include some tax relief, albeit limited, for small businesses, including provisions championed by both Republicans and Democrats. I'm also pleased, unlike earlier versions of this legislation, the most objectionable revenue raiser, a provision that could provoke retaliation by other countries and that even the Obama administration officials warned would violate our international treaty obligations, has been

dropped from this bill. But despite those positive features, I will be voting against this bill for several important reasons.

First, while the tax relief in here is welcome, it's not enough and won't actually help small businesses create the jobs we need to reduce our stubbornly high unemployment rate. While I would certainly support further lowering taxes on small businesses, the last thing they need is higher taxes, which is exactly what they are facing from this Congress.

Just last month, the majority pushed through an \$11.2 billion tax hike on certain small businesses that would subject their profits to employment taxes, and at the end of 2010, all individual income tax rates, as well as taxes on dividends and capital gains, are scheduled to rise dramatically. Because so many small businesses pay taxes at the individual level, the fear of these increases is chilling expansion and hiring and, therefore, job creation. So the majority's record on tax policy affecting small businesses is spotty at best.

Second, this bill, like others before it, provides a stark reminder of the majority's view of the Ways and Means Committee as an ATM machine to fund other spending. Here, the majority is seeking to generate \$7.1 billion in additional tax revenue but would only provide \$3.6 billion in tax relief over the next decade. The rest of the money raised will be used to offset the cost of another bill, H.R. 4297, which was reported by the Financial Services Committee, that creates another TARP-like program. Some might call it TARP III.

While I'm glad the majority found offsets that are less economically damaging than some that have previously passed the House, the practice of using permanent changes in tax receipts to fund temporary spending is disappointing and portends further and larger tax hikes in the future, perhaps as soon as the end of this month when the majority hopes to complete action on a financial system reform bill.

Mr. Speaker, especially with the unemployment rate continuing to hover near 10 percent, our small businesses, the engine of economic growth and job creation, need help, but this bill isn't enough, and it takes us further down the dangerous road of higher spending our Nation cannot afford.

I reserve the balance of my time.

Mr. LEVIN. Before I yield, I just want to say to Mr. CAMP, I listened intently, and I can't understand your opposition. You like the provisions. You don't like what we once passed. If you don't like what we passed before—and I disagree with you—it's even more of a reason to vote for this bill.

You complain about permanent changes. We're closing a loophole permanently. You want us to close it tem-

porarily? And we're preventing a provision coming into effect that should never come into effect.

So I just urge people to listen to the quality of this discussion, and I think, so far, it all points to everybody on both sides of the aisle voting for this bill. It helps small business. That's been acknowledged, and you don't challenge the tax cuts in terms of their merits. You talk about another tax cut in another bill you didn't like. I think you find it hard to find anything you like.

I now yield 2 minutes to another member of our committee, our distinguished colleague from Massachusetts (Mr. NEAL).

Mr. NEAL. I thank Mr. LEVIN for yielding.

Mr. Speaker, I stand in support of this small business bill before us today. In addition to the several tax breaks that Mr. LEVIN has pointed out, the bill will create a lending fund for our community banks to crop into. That's perhaps the most salient part of this proposal, to get capital flowing, to get capital back into the marketplace so that there's an opportunity for small businesses across the country to take advantage of what heretofore has become a dried up resource, and that is the availability of capital.

□ 1600

While the data tells us the economy is improving, our small businesses back home are still struggling, and much of that is due to the fact that lines of credit have tightened up or in many instances simply gone away. Now, those businesses are doing their best to keep everyone on the payroll even though sales are slow in an attempt to climb back, but the regulators have kept a strong hand and hold on banks that otherwise might be lending.

Now, conceptually, I don't know how you can be opposed to this legislation. Community banks provide more than half of the small business loans in America that are less than \$100,000. In Massachusetts alone, commercial bank lending to small businesses through the SBA guarantee program has doubled over the last year. This legislation will help even more.

If you really care about small businesses and entrepreneurship and growing the economy, the essential argument here is how do we get these small business people back on their feet. The proposal here is to provide some tax relief. Greater lending possibilities with the prospect of encouraging small businesses to grow and invest is a very important part of what's incorporated in this very piece of legislation.

Now, always we would find amongst the 435 of us in this institution a different way to do it, but that's not the proposal in front of us.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

I just want to respond to my friend from Michigan, the chairman, and say it's really about the reality of this legislation, not just the rhetoric. And while excluding capital gains on the sale of small business stock is a great provision, the problem is this is drafted so narrowly that the small businesses have to be C corporations. And as we know, only a fraction of small businesses will be considered qualified small businesses to take advantage of this provision. This is the largest piece of this so-called "small business relief" bill. And while it's great to talk about, the reality of it is going to be very limited.

As I said in my statement, there are some positive things in this bill. Obviously, closing the Black Liquor 3 loophole is something I support, but on balance, because the bill isn't really going to do anything to create jobs, A, and, B, because there are, again, going to be temporary provisions that are paid for with permanent tax increases, and, third, the revenue raiser on the estate tax area on the Grantor Retained Annuity Trust is really one that ought to be reserved for when we have to deal with estate tax reform. As you know, the law has expired. There are bills moving through the Congress to reinstate the estate tax. This really is appropriate to that area.

I think it is absolutely unconscionable that we've gone all this time with no estate tax, with everyone understanding that the majority is going to create a retroactive death tax bill that's going to try to come back through the beginning of the year. This is where that provision should be.

So, again, I reluctantly oppose this bill. I think there are some good things in it; unfortunately, they don't go far enough.

I now yield 2 minutes to the distinguished member of the Ways and Means Committee, the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. I thank Mr. CAMP for yielding.

Chairman LEVIN said a minute ago that it's hard to find anything that the minority likes. I'll tell you a few things, Mr. Speaker, that we would like. We would have liked a stimulus that worked. We would have liked a stimulus where unemployment actually peaked at 8 percent as long as our children and grandchildren were being foisted with a \$1 trillion obligation. We would have liked it if last month's unemployment numbers weren't goosed up by simply census employees joining the ranks. We would have liked it, Mr. Speaker, if during the health care debate a thoughtful approach had been put forward that wasn't going to cost employers like Caterpillar in my home State \$100 million in the first year or John Deere \$150 million in the first year. We would have like those things, Mr. Speaker.

I think what the majority is laying out is kind of a happy life of low expectations. That's not a bad way to go through life, but I think that we can do so much more than this. And to Mr. CAMP's point, there are some things that are here that are decent and that are marginally okay and slightly better, but is that how dim the lights are in this Chamber that that's our expectation, that something is just sort of okay? I mean, this is an increase in government spending, after all, so I think we can do so much better. Why is it, Mr. Speaker, that we are halfway through the tax year and the research and development tax credit isn't resolved by this majority in this Congress? Why is it that the death tax is a complete ambiguity?

So in answer to the chairman, I have a lot of respect for him and for his work and his sincerity, but I think I want to echo Mr. CAMP's observation, that this is so narrowly crafted and so de minimus and being proclaimed by the same folks that promised us great things in the stimulus that I think we can do better.

Mr. LEVIN. You say do better; you won't vote for anything.

I yield 2 minutes to the distinguished gentleman from New York (Mr. RANGEL) to explain why this is more than de minimus, a bill that needs to be voted on on a bipartisan basis.

Mr. RANGEL. Mr. Speaker, sometimes when life gets rough for me, I try to put myself in the shoes of the other guy. What a rough time to be in the minority. We have so many people whose hopes and dreams have been shattered, they're out of work, they're angry, the economy has been blown wide open, and we find that the order of the day with the opposition is that they just have to say no. It must be awkward to say what I would do if this bill was defeated. It must be terrible to talk about the past things that haven't worked when someone has just lost their home or can't pay their rent or put food on the table or get clothes for their kids.

It's a rough time for all Americans, and anybody who believes that Democrats always get it right, well, it's difficult to do, but for crying out loud, we have to do something. The \$787 billion we voted on trying to get us out of this economic mess, and all the money just floated on the top for the big banks. Now we're trying to see what really works. Listening to the calls of small business people, trying to make certain they have capital to get the inventory, to provide the goods and services, to hire people, and as everyone admits, this is where the major jobs come.

For crying out loud, sometimes the late John Kennedy said, The party just asks too much of you. These people are out of work. They're not Democrats and Republicans; they're American people. They work hard for their dig-

nity. They're the ones that supported our country during good times. And now that times are rough, they've got to listen to debates between Republicans and Democrats as to, gee, this is what I would do if I was in charge? I don't think that's fair. And I really believe that the voters are not going to believe that all we can do is come up with ideas, have them ridiculed, and then just say no.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman 1 additional minute.

Mr. RANGEL. Thank you so much, Mr. Chairman.

I know from time to time when my party asked me to carry too much weight that morally I don't believe I can do it, that somehow there are people on our side of the aisle that take the risk and being able to say I did it not because my party asked me to do it, I did it not to be opposed, I did it because it's the right thing to do.

Now you have to find the issue; if it's not health care, if it's not education, if it's not national security, how about the opportunity to work, to make a living, to have the dignity, to have the pride, to raise your family, and indeed to pay taxes?

This is going to be our last opportunity for this year. Maybe next year there will be a change in the philosophy—if you want to call it that—of the minority and they will work together; but I do hope this idea that on everything we come up with to improve the quality of life for the people of this great Nation, that the opposition can come up with something except “just say no.”

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

This bill is going to spend taxpayers' money. I believe we have an obligation, if we're going to spend taxpayers' money, that we do it effectively. On Friday night, the Treasury released a report that in 2015 our debt will exceed the gross domestic product of this country. We've had expert testimony before the Debt Commission that said when your debt gets to 90 percent of GDP, you lose 1 percent off economic growth, which translates into 1 million jobs.

This bill, because of how narrowly focused it is, how narrowly drafted it is, virtually no small businesses will take advantage of the exclusion of capital gains because they have to be C corporations. And if there is one trend we've seen, it's that businesses are being organized as passed-through entities now. That's how America, particularly small business America, is being organized. So while this is great rhetoric, this bill isn't going to be effective in doing anything.

And let me just say, I heard the former chairman say that Republicans just say no. On the health care bill, we

had a viable alternative. In fact, I will say the vote on the health care bill was bipartisan opposition, only majority partisanship support for that legislation. Whether it's been stimulus or health care or energy, we have had viable alternatives on the floor that we have brought forward. On this particular bill, I think that better work could have been done, more effective work could have been done. And, frankly, in this era of the highest debt ever this country has seen, I think we have an obligation that if we're going to spend taxpayers' dollars, it's done in an effective way and a way that gets results, and this bill falls short.

I reserve the balance of my time.

Mr. LEVIN. I yield 2 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER), member of the Ways and Means Committee.

Mr. BLUMENAUER. Mr. Speaker, this legislation is personal for me. We've watched our country come back from the brink in the fall of 2008. In my State of Oregon, helped by Recovery Act funds of about \$6 billion, we've been able to stabilize and make some progress. Is it enough? Absolutely not. But I've had a steady parade of people coming to my office thanking me for the investment that was made in terms of infrastructure, in terms of health care, in terms of making sure that we didn't have layoffs of public employees.

Now we have a provision here that is an opportunity to focus on small business. It is a package, as the chairman mentioned, with two pieces. It's ironic that our friends are telling us that it's just not enough. These are small pieces, yet they were saying, on the other hand, the legislation we had that CBO has scored over 1.2 million jobs to as much as 2.8 million saved or created was too big. Well, we ought to be chipping away as we can on this. Having \$30 billion for a small business lending fund, being able to provide a couple billion dollars of tax exclusion for small business capital formation are positive items.

□ 1615

You know, one of the things that strikes me as ironic is that our friends on the other side of the aisle ignore the fact that the Recovery Act legislation that we had previously, 42 percent of it, was for tax cuts and for preventing the impact of the alternative minimum tax from hitting middle and upper middle-income families. Every family in America which made under \$250,000 a year got tax cuts last year, and they are getting tax cuts this year. We have tried tax cuts to help move things forward. Now, this is small business lending.

The SPEAKER pro tempore (Mr. SERRANO). The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 2 minutes.

Mr. BLUMENAUER. This is part of an ongoing effort which is making a difference. The job losses peaked the month that President Obama took office—not his fault. They had been building for 22 months. Now we are making some progress. Is it enough? All of us agree that it is not, but I would suggest that dismissing this because they think it doesn't solve everything would be, I'm afraid, disingenuous. I don't think it's helpful.

I strongly urge the support of this legislation and then for us to continue with the task of rebuilding and renewing America, of reforming the Tax Code, and of coaxing the most out of these investments.

Mr. CAMP. At this time, I yield the customary 1 minute to the distinguished minority leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. I want to thank my colleague for yielding.

Mr. Speaker, the bill before us today is supposed to be about helping small businesses. We do need to help small businesses as they are the engines of economic growth in our country. When you look at the jobs report that came out last month, there were only 41,000 private-sector jobs created.

Yet, if we really want this bill to work and if we really want small businesses to be able to begin hiring once again, what we really need to do is to repeal the job-killing health care law that was passed in this Chamber on March 21. The heart of that law is something that is called the "individual mandate." The individual mandate forces Americans to buy health insurance whether they want to or not, whether they can afford it or not. For small businesses, if they don't provide health insurance, guess what? The government is going to tax you. This is preventing small businesses from hiring additional people.

Twenty States and the Nation's leading small business organization agree that this law is unconstitutional, and they are fighting to overturn it. The Federal Government shouldn't be in the business of forcing you to buy health insurance and of taxing you if you don't.

If we really want to help small businesses get back to creating jobs, we should repeal the job-killing health care law, and we should replace it with reforms that will lower the cost of health insurance and that will help protect American jobs.

My colleague from Michigan will be offering a proposal tonight to repeal the unconstitutional individual mandate, which is at the heart of this new law. His idea is posted right now on [AmericaSpeakingOut.com](http://AmericaSpeakingOut.com). Americans are speaking out on it, and I hope my colleagues will get engaged and will see what the American people have to say about this individual mandate and about the taxes associated with it, but it is pretty clear.

When we get to the motion to recommend, we will offer a motion that will eliminate the individual mandate, and every Member of this House will have an opportunity to stand up for their constituents or to look the other way.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to a member of our committee, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I rise in strong support of H.R. 5486.

That is exactly correct. We should stop looking away. Let's focus on what the subject really is.

The gentleman just left the floor, but in the final months of the last administration, on average, we had a loss of 725,000 jobs. This is the first increase that we have had in the private sector in over 2 years. So you are the party of "no." There are no two ways about it. Ever since we hit 750,000 in January of 2009, we have had an improvement every month, and now we are finally in the plus area. It took us 8 years to get into the mess. It is going to take us more than a year and a half to get out of it.

This legislation is incredibly important because it will help this country's small businesses, both new and already existing, by making the Tax Code work for them. After years of misguided tax policies from the previous administration, which only helped extraordinarily wealthy individuals, the Ways and Means Committee is focusing its efforts on the real engine of the American economy: one-third tax cuts in the stimulus, one-third investment in the infrastructure, one-third investment in informational technology, energy jobs, and tax credits. That record is unparalleled. The tax cuts of this year and last year are the largest in the history of this country for any 2-year period because we help the middle class. That is what our party is all about.

According to the Small Business Administration, small businesses have generated 64 percent of the new jobs over the past 15 years, and they must be at the forefront of the economic recovery today.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield an additional 1 minute to the distinguished gentleman.

Mr. PASCRELL. How dare someone come before this body and talk about their alternative to the health bill. Their alternative to our health bill would have started the dismantling of Medicare. Read the language of their alternative.

While our economy is growing stronger, unemployment is still too high, which is why we are directing aid to our small businesses. The bill assists already established small businesses by building on the Recovery Act's exclusion of 75 percent of business capital gains to now temporarily exclude 100 percent of capital gains from quali-

fying stocks, thereby encouraging investment in small businesses, which create jobs but which are encountering problems with restricted access to credit. The bill also helps people who want to start new businesses by quadrupling deductions and by increasing the cap for start-up expenses.

This legislation is imperative in recovery. I ask that we all vote for it.

Mr. CAMP. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. I yield 2 minutes to the distinguished gentlewoman from Pennsylvania, ALLYSON SCHWARTZ.

Ms. SCHWARTZ. I thank the chairman for his good work on small business and on the economic recovery.

Mr. Speaker, I rise in support of the Small Business Jobs Tax Relief Act, which, when merged with the Small Business Jobs Credit Act, will increase lending to small businesses, will expand entrepreneurship, and will put Americans to work.

The bill offers small businesses additional capital through capital gains tax cuts, relief from onerous tax penalties, and expanded deductions for start-up costs. It provides funding to create a small business lending pool which will make loans available to small businesses through our smaller community banks. This pool will provide small business access to much needed capital to acquire new equipment, to renovate, to make energy-efficiency improvements or for other business growth opportunities. It is hard to overstate how important access to capital is for small business, so this action is critically important.

Last week, during a Budget Committee hearing, Ben Bernanke responded to me when I outlined our actions to help our small businesses. He said he was "glad the Congress is exploring these different programs for making credit available to small businesses." He talked additionally about the need to be particularly attentive to new and start-up companies, all critical to our economic recovery and job growth.

All of these comments demonstrate the wisdom of the action that we are taking today to support small business growth. I urge my colleagues to vote "yes" on this latest initiative to work with business owners in the private sector to strengthen our economy, to spur innovation, and to create jobs.

Mr. CAMP. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the very distinguished Member from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the chairman for yielding.

Mr. Speaker, it is axiomatic in American politics and on this floor that Members come to the floor and praise small business to the heights. People frequently cite statistics which state

that small businesses create most of the new private-sector jobs. They're right. They praise small business men and business women, and they are right to praise them. Though, I think, after all the words, it is time that we took some action that actually benefits small business people in the country. This bill provides such action.

It provides access to credit for small businesses which desperately need it. I think Americans are frustrated—and small business people share in the frustration—that, after advancing hundreds of billions of dollars to banks, many of those dollars haven't seemed to find their way into loans to small businesses. The underlying bill begins to address that problem in a very significant way. It extends a practice that this chairman and his predecessor began of extending tax cuts to small businesses. A small business that buys a laptop or a truck or some other piece of equipment can expense that. Businesses can, in effect, cut their taxes by investing their businesses in the economy.

Then we have the ironic statement by the minority leader that, in order to help small businesses, he wants to repeal a law that helps small businesses, for the first time, buy health care. What the new health care law says is that a person running a small software company or a restaurant or a delicatessen should be able to buy health insurance with the same volume discount that Lockheed Martin or General Electric gets. Small business people have been asking for that opportunity for a very long time. The law the President signed provides that.

It is very important to understand that, with all due respect, the minority leader did not correctly state the impact of the bill on small business, so let the record correctly reflect the state of the new law.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional minute.

Mr. ANDREWS. If a small business person has 50 or fewer full-time employees, there is no mandate on that business to do anything. Businesses which choose to provide health insurance to their employees will have the same abilities that huge companies have to buy health insurance at a discount if they choose. Companies with fewer than 50 full-time employees don't have to do anything. Many of the small businesses which do choose to insure their employees will get significant tax cuts to help them do that.

After all of these words, isn't it time we had some loans for small business? Isn't it time we had some tax cuts for small business and some affordable health care for small business? If you want words, take the minority's approach. If you want action, support this bill.

Mr. CAMP. Mr. Speaker, I continue to reserve the balance of my time.

The SPEAKER pro tempore. The Chair will note the gentleman from Michigan has 10 minutes remaining, and the gentleman from Michigan has 6 minutes remaining.

Mr. LEVIN. I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

□ 1630

Ms. JACKSON LEE of Texas. I thank the gentleman for his leadership, and I thank the full Committee on Ways and Means for being a lifeline for small businesses. And I ask my colleagues on the floor of the House to join them.

Without this effort, small business doors across America will close. And, frankly, I believe it is important. As my colleague just said, let us walk the walk and talk the talk. For it is now time to invest in small businesses, which, in actuality, create the backbone of the economy of America and provide for employment in our rural and urban areas across this Nation. In fact, I think it is important to note this bill is paid for. By closing the black liquor loophole and the gift loophole, it will create \$8 billion to ensure that we can do the right thing for our small businesses.

I come from an area that is now being impacted by a major oil spill. I visit businesses whose doors are closing for lack of assistance. And I'm glad that we have a President who realizes who is important and is ready to sign this bill.

Small businesses are in need. And so what we have here is an opportunity for banks to refocus their lending policies and give startup credit and access to dollars to help build these small businesses.

Many of us heard of the redirection of the moneys that we lent to big banks in order to help them help America. Well, unfortunately, they couldn't find the doors of small businesses, many of my constituents. And so I am eager to have this legislation passed that's paid for to provide startup costs for small businesses that always have had a major impediment in getting in the door of these banks. Therefore, any relief for small startups is a plus by increasing the amount allowed to be deducted from the bottom line. And the capital gains issues as well that will be very important.

I believe, finally, we need to hold these banks accountable by asking them to provide a plan to ensure that they are providing lending to these businesses. I ask for support of this legislation.

I rise in support of the Small Business Jobs Tax Relief Act of 2010, H.R. 5486. I also want to thank Chairman SANDY LEVIN and the members of the Committee on Ways and Means for their hard work on this legislation. The bill amends the Internal Revenue Code of 1986 to

provide tax incentives for small business job creation, and for other purposes.

This bill provides targeted relief for the Nation's small businesses. Without this relief, many small businesses will close, adding to the U.S. unemployment rate, still historically high at 9.7 percent. The tax relief in this bill will begin to address a number of issues confronting the owners of small businesses:

(1) Start-up costs for small businesses have always been a major impediment to their success. Therefore, any relief for small businesses start-ups is a plus. By increasing the amount allowed to be deducted from the bottom line, a small business can then use the additional resources to grow and to expand his or her business. The bill would increase the deductible amount for start-up costs from the current \$5000.00 to \$20,000.00 for 2010 and 2011.

(2) The bill also eases restrictions on real estate holdings where qualified Small Business Investment Company (SBIC) loans are involved.

(3) This bill will increase, from 50 percent to 100 percent, the exclusion from gross income of the gain from the sale or exchange of qualified small business stock acquired after March 15, 2010, and before January 1, 2012. By reducing the tax liability related to gains on the sale of small business stock, this will free resources to be used for other business purposes in this tight economy.

(4) Another important provision in the bill will exclude from gross income any amount paid under the small business borrower assistance program. Again, tax relief in any shape or form for small businesses is critical to sustained economic growth and economic recovery.

In addition to these tax reliefs, the bill also requires the Commissioner of the Internal Revenue to provide annual reports to Congress on penalties relating to tax shelters and other transactions. Any additional measure designed to promote transparency and accountability must be supported. Again, this bill is a timely measure that will grant relief to a major segment of the Nation's business sector, suffering from the lasting effects of the worst recession in our history. I urge my colleagues to support H.R. 5486.

Mr. CAMP. I yield myself such time as I may consume, Mr. Speaker.

I agree with much of what some of the speakers have said today about the importance of small business and the job creation that small business has been responsible for. You can see statistics where 80 percent of the job creation in recent years has been because of small business. Certainly, if we're going to recover as an economy, small business will lead the way, and needs to recover. And we've seen over the past few years the way small business has been organized. Increasingly, they're pass-through entities. The vast majority of small businesses are pass-through entities.

So what does the majority do? They pass a small business bill that doesn't apply to the majority of small businesses. This provision here, which is the bulk of the bill that excludes capital gains on the sale of certain small

business stocks, only applies to qualified small businesses. Well, what is a qualified small business? A C corporation. That's how most large businesses are organized. So this bill won't do anything.

Again, while we have record debt, the largest in the history of this country, well over \$13 trillion and an estimate from the Treasury Department that, in 2015, the debt will exceed the size of the entire economy of the United States for the first time in history—before we spend taxpayer dollars, we ought to do it in a way that's effective.

There are things that we could do for small business. I will say the majority has made this bill better than it was the first time by dropping some of the controversial provisions that would have potentially caused our trading partners to retaliate against us. Obviously, closing the black liquor provision is something that I think every Republican supports as well. That's a good thing. But the fact that this legislation is not where it should be doesn't mean that we should just look the other way and pass it, because it doesn't meet the standard that this Congress should be meeting in this difficult economic time.

I yield 1 minute to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I thank the gentleman for yielding.

I know that our leader was just down here speaking a moment ago with regard to what is going to be coming shortly, which is the MTR, and I just want to take a moment in regard to that as well, a motion to recommit that will reduce the uncertainty and reduce the regulatory burdens facing who? The small businesses, by repealing the so-called individual mandate from the recently passed health care bill.

Why do we talk about that now? Well, I have a bill that basically does the exact same thing. I introduced H.R. 4999, the Reclaiming Individual Liberty Act, which would also repeal that mandate. Because as we come to the floor right now, it's granted the authority to regulate various aspects of our economy is broad but is not that broad to be able to impose an individual mandate on what we know is, by doing so, we will hurt not only the individual and the family but also the economy of this country as well.

So I commend the gentleman for his work in this regard. I commend the gentleman for the MTR that we're about to see in a few moments. Because in that MTR, just as in the Reclaiming Individual Liberty Act, we recognize that the Constitution prohibits the expansion of government authority in those areas. If we had that ability to do that here, wouldn't we have already done that last year with regard to the auto industry and said, we can mandate people to buy automobiles in that

area? We can't do it in that area. We can't do it in this area. And I commend the gentleman for it.

Mr. CAMP. I thank the gentleman for those comments. He makes a very important point.

In closing, I just want to say that we look at the costs that the individual mandate particularly is going to hit hard on small businesses and how difficult that's going to make it for them to continue to be able to expand and hire workers. And we know that the small business health care tax credit is virtually a fraud; that 90 percent of small businesses won't be able to qualify for that because, again, that's so narrowly drafted that there's the rhetoric of being able to say, Aren't we doing all these great things? But the reality is there's nothing there.

Let me just say that at the end of 2010, when all the individual income tax rates increase, as well as on dividends and capital gains, that's going to hit small business particularly hard because most small businesses file as individuals. And that's going to make it much more difficult for them to expand. It's going to make it much more difficult for them to hire and much more difficult for job creation to occur.

Also, I would say that another difficult problem is that this bill, while it generates \$7 billion in tax revenue, it only provides about \$3.5 billion in tax relief. So, again, taxes are being raised permanently for temporary spending in other parts of our economy, and it's my understanding that most of that extra revenue will be used to help pay for another TARP-like program—TARP III as some call it—that's going to be coming our way.

So, again, with our unemployment rate continuing to be at a lingering 10 percent, the difficulty our small business, the engines of economic growth and job creation are facing, the help they need, this bill is not enough. Again, it takes us down a road of higher spending that our Nation cannot afford at this time.

With that, I yield back the balance of my time.

Mr. LEVIN. I think anybody who has listened to this debate, if they're at all objective, will be completely puzzled by the arguments of the minority. They say this bill won't do anything. But then they say there are tax increases to pay for it that are permanent. That's worse than a lame argument. It's completely without merit and is vacuous. The bill is scored for small business in terms of the exclusion from capital gains tax over 10 years at almost \$2 billion. That's nothing. It provides relief from penalties. Over \$175 million to small business. That's nothing. It provides an increased deduction for startup expenditures that provides over half a billion dollars, as scored. That's nothing.

Now what's nothing are your arguments. And so you come here, I think,

afraid to vote "yes" because it will blur your political message. You say you agree with these provisions, but then you're going to vote "no." You just don't apparently want to be caught being bipartisan. It's going to blur a political message.

I don't understand your argument that the tax provisions are permanent. You don't argue these aren't loopholes. They're loopholes. And you criticize us for closing a loophole permanently, and then you say it's for spending, but you don't really challenge the validity of the spending. We do pay for some monies for the second bill that's coming up because it provides loans to small businesses, and it also provides States that have written us supporting this bill, including your State, Mr. CAMP, saying that they will use this money well to help collateral support for small businesses.

So it's worse than puzzling. I think it's a pathetic effort to find an excuse to vote "no." So then you come up with the argument you have a motion to recommit.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their comments to the Chair and not to other Members.

Mr. LEVIN. I'll be glad to do that, Mr. Speaker.

So then there's a motion to recommit to repeal an individual mandate. All I can say is that the individual mandate was the basis of the Republican health care proposal in 1993 and 1994. And now you come up and say you want to eliminate it. This is another entangled position of yours. You're tying yourselves into knots trying to oppose a bill that will provide help for small business. Maybe it's useless to appeal for bipartisanship to the other side.

I close asking for support.

Mr. Speaker, in conjunction with today's consideration in the U.S. House of Representatives of H.R. 5486, the "Small Business Jobs Tax Relief Act of 2010," I have asked the non-partisan Joint Committee on Taxation to make available to the public a technical explanation of the provisions included H.R. 5486. This technical explanation reflects the Ways and Means Committee's understanding and legislative intent behind those provisions. It is available on the Joint Committee on Taxation website at [www.jct.gov](http://www.jct.gov) and is listed under document number JCX-31-10.

Mr. DAVIS of Illinois. Mr. Speaker, as we rebound from the greatest recession that has ever plagued this nation, it is important that we continue to support legislation that creates jobs and refurbishes the economic stability of American families—supporting small businesses, taxpayers and building a solid foundation for economic recovery.

Small businesses are the life blood of American communities, creating two-thirds of the new jobs over the last 15 years. However, these entrepreneurs are stifled in their efforts to boost the American economy in that they

are frequently denied loans and face tight lending standards. Some of the most impoverished citizens in this nation live in the 7th Congressional District of IL. While the national unemployment rate in October 2009 rose to 9.8 percent, these communities experienced unemployment rates of up to 40 percent. We must do all that we can to provide jobs for American citizens and boost the economic stability of this nation. For this reason, I strongly support H.R. 5486—spurring investment in small business, providing for small business penalty relief, and increasing the deduction for business start-up expenses.

These provisions are critical. They provide performance-based incentives to make sure that banks lend to small businesses and avoid what happened in 2009 when 45 percent of small businesses seeking loans were denied credit. Most importantly, as the nation continues its effort to create jobs and overcome high rates of unemployment, these provisions increase the deduction for start-up expenditures and allow entrepreneurs to focus on hiring workers and strengthening the economic stability of their businesses.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 5486, Small Business Jobs Tax Relief Act. Small businesses form the backbone of our economy, and this bill helps them grow and create jobs.

H.R. 5486 incentivizes people to invest in small business by increasing the capital gains tax cut. In addition, this bill would make it easier for entrepreneurs looking to start their own small business. H.R. 5486 would quadruple the tax deduction for your start-up and allow more businesses to qualify for the maximum deduction. These entrepreneurs can recover more startup expenses, and then work towards growing, expanding, and hiring new workers.

I have always been a supporter of budget discipline, and the investments we make in this bill are fully paid for. These small business tax measures are paid for by tightening rules for claiming the biofuels tax credit and the estate and gift tax rules. I am pleased that we are able to help grow our economy and reduce the national budget deficit.

While there is solid evidence that the economy is beginning to rebound, the recovery is on shaky footing. Across North Carolina, unemployment is still in the double digits and some counties in the Second District still have unemployment rates of up to 13 percent. Helping private industry create jobs needs to be our top priority, and small businesses are responsible for as many as two out of every three jobs created in our country. This bill provides tax relief to help small businesses create the jobs that we desperately need, and helps them help Main Street America.

As a Member of the House Committee on Ways and Means, I support tax cuts that help small businesses contribute to our economic recovery. This should be a bipartisan effort, and I urge my colleagues to join me in voting for its passage.

Mr. VAN HOLLEN. Mr. Speaker, for every American seeking a job, and every small business trying to expand so they can hire them, I rise in strong support of the Small Business Jobs and Credit Act of 2010 and the Small Business Jobs Tax Relief Act of 2010. These

two pro-growth initiatives illustrate very clearly that jobs continue to be job one in the 111th Congress.

Small businesses are the engines of our economy, and timely, affordable credit is very often the fuel that helps them grow. Since 45 percent of small businesses currently report inadequate credit to support their needs, the Small Business Jobs and Credit Act establishes a new \$30 billion fund for community banks, which will leverage up to \$300 billion in new private sector lending to small businesses. Importantly, this new lending facility includes performance-based incentives to encourage near term lending by reducing borrowing costs to participating banks that increase their lending over 2009 levels and increasing borrowing costs when lending activity is reduced. The result will be a timely infusion of fresh credit to cash-strapped small businesses looking to create jobs in our growing economy.

To make it easier for entrepreneurs to attract capital and launch new companies, today's legislation also provides a zero capital gains rate on equity investments in qualifying small businesses made between March 15, 2010 and the end of the year—and it quadruples from \$5,000 to \$20,000 the deduction small businesses can take for start-up expenditures in their first year of operation.

Mr. Speaker, this legislation is broadly supported by the National Small Business Association, the Small Business Majority, the Conference of State Bank Supervisors, the Independent Community Bankers of America, the American Bankers Association and the National Bankers Association. It is fully paid for and deserves my colleagues' support.

Mr. BLUMENAUER. Mr. Speaker, I rise today in support of H.R. 5486, the Small Business Jobs Tax Relief Act and H.R. 5297, the Small Business Lending Fund Act of 2010. These bills will help small businesses grow, create wealth in our communities, and create new jobs. As we often hear, small businesses drive our economy and create the most jobs.

I have heard from businesses across my district that have had trouble accessing capital to expand their businesses, to weather this economic storm that Oregon faces, and to add to their workforces. Thousands of jobs have been lost, millions of dollars of savings have evaporated, and dreams have been cast aside or deferred for far too many Oregon families.

The legislation that we will pass today will ease these challenges. The legislation establishes a \$30 billion fund to boost lending to small businesses by community banks. To ensure that the additional funding is deployed, the recipient community banks will owe the US Treasury a variable dividend. The more they lend to small businesses, the less they will owe to the Treasury. If they fail to lend, then the dividend obligation increases.

The legislation also makes important tax changes that will benefit the small business community.

The legislation reduces capital gains taxes on the small business community. Under the Recovery Act, Congress excluded seventy-five percent of capital gains tax on the sale of small business stock during 2009 and 2010. This legislation continues and expands that policy by increasing the exclusion to one hundred percent for 2010 to 2012.

The legislation also improves the ability of small businesses to deduct start up costs. Under current law, a start up may deduct \$5,000 of start up costs; this legislation will expand that deduction to \$20,000. These costs include market surveys, initial advertisements, training costs and other costs associated with starting up a business.

Oregon is still struggling with a near record unemployment rate of 10.6 percent, a percentage point above the national average. In April 2010, over two hundred thousand Oregonians remained unemployed. It is imperative that we do all that we can to improve the economy and to put Oregonians back to work.

Mr. LEVIN. I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 1436, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 5486 is postponed.

#### RECOGNIZING CONTRIBUTIONS OF FATHERS

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on a motion to suspend the rules previously postponed.

The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1389) recognizing the immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 16, as follows:

[Roll No. 361]

YEAS—416

Ackerman	Berkley	Boucher
Aderholt	Berman	Boustany
Adler (NJ)	Berry	Boyd
Akin	Biggert	Brady (PA)
Alexander	Bilbray	Brady (TX)
Altmire	Bilirakis	Braley (IA)
Andrews	Bishop (GA)	Bright
Arcuri	Bishop (NY)	Brown (GA)
Austria	Bishop (UT)	Brown-Waite,
Baca	Blackburn	Ginny
Bachmann	Blumenauer	Buchanan
Bachus	Blunt	Burgess
Baird	Boccheri	Burton (IN)
Baldwin	Boehner	Butterfield
Barrow	Bonner	Buyer
Bartlett	Bono Mack	Calvert
Barton (TX)	Boozman	Camp
Bean	Boren	Campbell
Becerra	Boswell	Cao

Capito	Grijalva	McClintock	Schakowsky	Smith (WA)	Upton
Capps	Guthrie	McCollum	Schauer	Snyder	Van Hollen
Capuano	Gutierrez	McCotter	Schiff	Space	Velázquez
Cardoza	Hall (NY)	McDermott	Schmidt	Speier	Visclosky
Carnahan	Hall (TX)	McGovern	Schock	Spratt	Walden
Carney	Halvorson	McHenry	Schrader	Stark	Walz
Carson (IN)	Hare	McIntyre	Schwartz	Stearns	Wasserman
Carter	Harman	McKeon	Scott (GA)	Stupak	Schultz
Cassidy	Harper	McMahon	Scott (VA)	Sullivan	Waters
Castle	Hastings (FL)	McMorris	Sensenbrenner	Sutton	Watson
Castor (FL)	Hastings (WA)	Rodgers	Serrano	Tanner	Watt
Chaffetz	Heinrich	McNerney	Sessions	Taylor	Waxman
Chandler	Heller	Meek (FL)	Sestak	Teague	Weiner
Childers	Hensarling	Meeks (NY)	Shadegg	Terry	Welch
Chu	Henger	Melancon	Shea-Porter	Thompson (CA)	Westmoreland
Clarke	Herseth Sandlin	Mica	Sherman	Thompson (MS)	Whitfield
Clay	Higgins	Michaud	Shinkus	Thompson (PA)	Wilson (OH)
Cleaver	Hill	Miller (MI)	Shuler	Thornberry	Wilson (SC)
Clyburn	Himes	Miller (NC)	Shuster	Tiaht	Wittman
Coble	Hinchey	Miller, Gary	Simpson	Tiberi	Wolf
Coffman (CO)	Hinojosa	Miller, George	Sires	Tierney	Woolsey
Cohen	Hirono	Minnick	Skelton	Titus	Wu
Cole	Holden	Mitchell	Slaughter	Tonko	Yarmuth
Conaway	Holt	Mollohan	Smith (NE)	Townes	Young (AK)
Connolly (VA)	Honda	Moore (KS)	Smith (NJ)	Tsongas	Young (FL)
Conyers	Hoyer	Moore (WI)	Smith (TX)	Turner	
Cooper	Hunter	Moran (KS)			
Costa	Inslee	Moran (VA)			
Costello	Israel	Murphy (CT)	Barrett (SC)	Gohmert	Miller (FL)
Courtney	Issa	Murphy (NY)	Brown (SC)	Hodes	Myrick
Crenshaw	Jackson (IL)	Murphy, Patrick	Brown, Corrine	Hoekstra	Pallone
Critz	Jackson Lee	Murphy, Tim	Cantor	Inglis	Wamp
Crowley	(TX)	Nadler (NY)	Deutch	Linder	
Cuellar	Jenkins	Napolitano	Fallin	Lynch	
Culberson	Johnson (GA)	Neal (MA)			
Cummings	Johnson (IL)	Neugebauer			
Dahlkemper	Johnson, E. B.	Nunes			
Davis (AL)	Johnson, Sam	Nye			
Davis (CA)	Jones	Oberstar			
Davis (IL)	Jordan (OH)	Obey			
Davis (KY)	Kagen	Olson			
Davis (TN)	Kanjorski	Olver			
DeFazio	Kaptur	Ortiz			
DeGette	Kennedy	Owens			
Delahunt	Kildee	Pascarell			
DeLauro	Kilpatrick (MI)	Pastor (AZ)			
Dent	Kilroy	Paul			
Diaz-Balart, L.	Kind	Paulsen			
Diaz-Balart, M.	King (IA)	Payne			
Dicks	King (NY)	Pence			
Dingell	Kingston	Perlmutter			
Djou	Kirk	Perriello			
Doggett	Kirkpatrick (AZ)	Peters			
Donnelly (IN)	Kissell	Peterson			
Doyle	Klein (FL)	Petri			
Dreier	Kline (MN)	Pingree (ME)			
Driehaus	Kosmas	Pitts			
Duncan	Kratovil	Platts			
Edwards (MD)	Kucinich	Poe (TX)			
Edwards (TX)	Lamborn	Polis (CO)			
Ehlers	Lance	Pomeroy			
Ellison	Langevin	Posey			
Ellsworth	Larsen (WA)	Price (GA)			
Emerson	Larson (CT)	Price (NC)			
Engel	Latham	Putnam			
Eshoo	LaTourette	Quigley			
Etheridge	Latta	Radanovich			
Farr	Lee (CA)	Rahall			
Fattah	Lee (NY)	Rangel			
Filner	Levin	Rehberg			
Flake	Lewis (CA)	Reichert			
Fleming	Lewis (GA)	Reyes			
Forbes	Lipinski	Richardson			
Fortenberry	LoBiondo	Rodriguez			
Foster	Loeback	Roe (TN)			
Fox	Lofgren, Zoe	Rogers (AL)			
Frank (MA)	Lowey	Rogers (KY)			
Franks (AZ)	Lucas	Rogers (MI)			
Frelinghuysen	Luetkemeyer	Rohrabacher			
Fudge	Luján	Rooney			
Gallely	Lummis	Ros-Lehtinen			
Garamendi	Lungren, Daniel	Roskam			
Garrett (NJ)	E.	Ross			
Gerlach	Mack	Rothman (NJ)			
Giffords	Maffei	Roybal-Allard			
Gingrey (GA)	Maloney	Royce			
Gonzalez	Manzullo	Ruppersberger			
Goodlatte	Marchant	Rush			
Gordon (TN)	Markey (CO)	Ryan (OH)			
Granger	Markey (MA)	Ryan (WI)			
Graves (GA)	Marshall	Salazar			
Graves (MO)	Matheson	Sánchez, Linda			
Grayson	Matsui	T.			
Green, Al	McCarthy (CA)	Sanchez, Loretta			
Green, Gene	McCarthy (NY)	Sarbanes			
Griffith	McCaul	Scalise			

## NOT VOTING—16

□ 1714

Messrs. KRATOVIL and HUNTER changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1715

# SMALL BUSINESS JOBS TAX RELIEF ACT OF 2010

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will now resume on the bill (H.R. 5486) to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

The Clerk read the title of the bill.

## MOTION TO RECOMMIT

Mr. CAMP. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CAMP. I am, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Camp moves to recommit the bill H.R. 5486 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

At the end, add the following:

## Subtitle C—Health Provisions

### SEC. 541. REPEAL OF INDIVIDUAL HEALTH INSURANCE MANDATE.

Section 5000A is amended by adding at the end the following new subsection:

“(h) TERMINATION.—Subsections (a) and (b) shall not apply with respect to any month

beginning after the date of the enactment of this subsection.”.

Mr. CAMP (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

Mr. LEVIN. I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan is recognized for 5 minutes in support of his motion.

Mr. CAMP. Mr. Speaker, with the unemployment rate stuck at nearly 10 percent, far too many Americans and small businesses are struggling to get by. While the bill before us contains some very limited benefits, it does little to help small businesses create the jobs so many Americans desperately need.

The motion to recommit the underlying bill keeps the underlying bill intact and provides real help to Americans by repealing one of the most onerous provisions of the new health care law, the individual mandate that, while exempting illegal immigrants, forces Americans to buy government-approved health insurance or pay a tax if they don't.

The Federal Government has never required its citizens to purchase a particular product before, and doing so with health insurance violates the basic principles of freedom and individual choice. No American should be forced to buy or purchase health insurance they don't want or can't afford.

This provision is so controversial that 20 States and the Nation's leading small business organization, the National Federation of Independent Business, have filed a lawsuit questioning its constitutionality. While legal experts will soon start arguing that case, we already know that the individual mandate tax penalty will fall hardest on middle- and low-income Americans.

According to the Congressional Budget Office, in 2016, nearly 75 percent of the Americans who pay this tax will have household incomes below 500 percent of the Federal poverty level. That's roughly \$73,000 for a married couple with no children. CBO also tells us that the Democrats' health care law will increase premiums for millions of Americans by up to 13 percent. That's a premium increase of about \$2,100.

As the Democrats' health care bill drives up the costs of health care premiums even higher, it will become more and more unaffordable for American families to comply with the mandate. Repealing this mandate will directly benefit millions of Americans and uphold the freedoms upon which this Nation was founded. It has the added benefit of eliminating the need for the IRS to hire thousands of additional employees, possibly as many as

16,000, just to enforce the new health care law.

The recently enacted health care law is bad for workers, bad for employers, and bad for America. Clearly, we need to repeal and replace this law with commonsense reforms that will actually lower health care costs and let Americans keep the plan they have and like.

And let me remind my colleagues of a quote from then-Presidential candidate Barack Obama. And I quote, "A mandate means that in some fashion everybody will be forced to buy health insurance. . . . But I believe the problem is not that folks are trying to avoid getting health care. The problem is they can't afford it."

This health care law increases premiums by \$2,100 for millions of American families and requires them to buy this government-approved insurance that they cannot afford.

I urge my colleagues to stand with the American people and vote for the motion to recommit.

I yield back the balance of my time.

Mr. LEVIN. Mr. Speaker, I withdraw my reservation of the point of order, and I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Michigan withdraws his reservation.

The gentleman is recognized for 5 minutes.

Mr. LEVIN. Colleagues, individual responsibility is a cornerstone of health reform to ensure that every American has affordable health insurance coverage, and that's why it was included in the GOP 1994 reform. So this is nothing more, nothing more than a disingenuous political stunt to undermine health reform.

Without individual responsibility, it would mean that we could not eliminate exclusions for preexisting conditions. We could not prohibit insurers from refusing to cover someone when they apply. We could not prohibit insurance companies from charging more when you get sick. And according to the CBO, if this were to pass, it would result in the loss of coverage for more than 16 million Americans: 6 million of the most needy among us, 5 million who would lose their insurance from their employers, 5 million who would lose individual insurance. It would raise health insurance premiums for every American buying coverage through the exchange by nearly 20 percent.

This is a small business bill, and it would hurt small business. It would reduce assistance to them to provide health care to their workers, and it would increase taxes on individuals and employers who failed to cover their workers. This is misguided, period. We should defeat this in a round fashion.

Now I yield to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, this amendment, this motion is a guaran-

teed increase in middle class health insurance premiums for all Americans. If that's what you want, you should vote for it. But you know, when a person goes to the emergency room and is uninsured, doesn't have health insurance, they get health care. The question is who pays the bill.

The provision that is before us from the minority party says that insured middle class Americans should pay the bill. The law the President signed in March says something very different. It says that everyone has the responsibility to earn and pay for, at a reasonable price, their own health insurance.

The question is not whether uninsured people get care; the question is whether insured middle class people pay for it or not. The question is whether when someone has breast cancer or asthma and is turned away because of a preexisting condition that we will be able to insure that person at regular premiums. If you don't have nearly everyone insured, you can't do that.

So if you think that middle class people paying other people's bills is the right way to go, this is your motion. If you think that we should no longer provide health insurance coverage for those with a preexisting condition, then "yes" is your vote.

Our opponents talk of freedom. I think it's time that middle class Americans were free from paying other people's bills and paying for the insurance company mandates. So if that's your version of health care reform, and I believe that's the majority of Americans, then your vote is "no."

Mr. LEVIN. I urge a resounding "no" vote, and therefore I happily yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. CAMP. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 5486, if ordered, and suspension of the rules with regard to House Resolution 1322.

The vote was taken by electronic device, and there were—ayes 187, noes 230, not voting 15, as follows:

[Roll No. 362]

#### AYES—187

Aderholt  
Akin  
Alexander  
Altmire  
Austria  
Bachmann

Bachus  
Bartlett  
Barton (TX)  
Biggert  
Bilbray  
Bilirakis

Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack

Boozman  
Boren  
Boucher  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Chandler  
Childers  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Critz  
Culberson  
Davis (KY)  
Davis (TN)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Djou  
Dreier  
Duncan  
Edwards (TX)  
Ehlers  
Emerson  
Flake  
Fleming  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Goodlatte  
Granger  
Graves (GA)  
Graves (MO)  
Griffith  
Guthrie

Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Holden  
Hunter  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marshall  
McCarthy (CA)  
McCauley  
McClintock  
McCotter  
McHenry  
McIntyre  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (MI)  
Miller, Gary  
Minnick  
Moran (KS)  
Murphy, Tim  
Neugebauer  
Nunes  
Nye  
Olson  
Paul  
Paulsen  
Pence

Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Radanovich  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuler  
Shuster  
Simpson  
Skelton  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Stearns  
Sullivan  
Tanner  
Taylor  
Teague  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

#### NOES—230

Ackerman  
Adler (NJ)  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bocchieri  
Boswell  
Boyd  
Brady (PA)  
Braley (IA)  
Butterfield  
Cao  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn

Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Driehaus  
Edwards (MD)  
Ellison  
Ellsworth  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Foster  
Frank (MA)

Fudge  
Garamendi  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski

Kaptur	Mollohan	Schiff	Cao	Honda	Payne	Ehlers	Latta	Reichert
Kennedy	Moore (KS)	Schrader	Capps	Hoyer	Perlmutter	Emerson	Lee (NY)	Roe (TN)
Kildee	Moore (WI)	Schwartz	Capuano	Inslee	Perriello	Flake	Lewis (CA)	Rogers (AL)
Kilpatrick (MI)	Moran (VA)	Scott (GA)	Cardoza	Israel	Peters	Fleming	Linder	Rogers (KY)
Kilroy	Murphy (CT)	Scott (VA)	Carnahan	Jackson (IL)	Pingree (ME)	Forbes	LoBiondo	Rogers (MI)
Kind	Murphy (NY)	Serrano	Carney	Jackson Lee	Polis (CO)	Fortenberry	Lucas	Rohrabacher
Kirkpatrick (AZ)	Murphy, Patrick	Sestak	Carson (IN)	(TX)	Pomeroy	Fox	Luetkemeyer	Rooney
Kissell	Nadler (NY)	Shea-Porter	Castle	Johnson (GA)	Price (NC)	Franks (AZ)	Lummis	Ros-Lehtinen
Klein (FL)	Napolitano	Sherman	Castor (FL)	Johnson, E. B.	Quigley	Frelinghuysen	Lungren, Daniel	Roskam
Kosmas	Neal (MA)	Sires	Chandler	Kagen	Rahall	Gallegly	E.	Royce
Kratovil	Oberstar	Slaughter	Childers	Kanjorski	Rangel	Garrett (NJ)	Mack	Ryan (WI)
Kucinich	Obey	Smith (WA)	Chu	Kaptur	Reyes	Gerlach	Manzullo	Scalise
Langevin	Oliver	Snyder	Clarke	Kennedy	Richardson	Gingrey (GA)	Marchant	Schmidt
Larsen (WA)	Ortiz	Space	Clay	Kildee	Rodriguez	Goodlatte	McCarthy (CA)	Schock
Larson (CT)	Owens	Speier	Cleaver	Kilpatrick (MI)	Ross	Granger	McCauley	Sensenbrenner
Lee (CA)	Pascarell	Spratt	Clyburn	Kilroy	Rothman (NJ)	Graves (GA)	McClintock	Sessions
Levin	Pastor (AZ)	Stark	Cohen	Kind	Roybal-Allard	Graves (MO)	McCotter	Shadegg
Lewis (GA)	Payne	Stupak	Connolly (VA)	Kirk	Ruppel	Griffith	McHenry	Shimkus
Lipinski	Perlmutter	Sutton	Conyers	Kirkpatrick (AZ)	Rush	Guthrie	McKeon	Shuster
Loebach	Perriello	Thompson (CA)	Costello	Kissell	Ryan (OH)	Hall (TX)	McMorris	Simpson
Lofgren, Zoe	Peters	Thompson (MS)	Courtney	Klein (FL)	Salazar	Harper	Rodgers	Smith (NE)
Lowe	Pingree (ME)	Tierney	Critz	Kosmas	Sánchez, Linda	Hastings (WA)	Mica	Smith (NJ)
Lujan	Polis (CO)	Titus	Crowley	Kucich	T.	Heller	Miller (MI)	Smith (TX)
Lynch	Pomeroy	Tonko	Cuellar	Langevin	Sanchez, Loretta	Hensarling	Miller, Gary	Stearns
Maffei	Price (NC)	Towns	Cummings	Larsen (WA)	Sarbanes	Herger	Mitchell	Sullivan
Maloney	Quigley	Tsongas	Dahlkemper	Larson (CT)	Schakowsky	Herseth Sandlin	Moran (KS)	Terry
Markey (CO)	Rahall	Van Hollen	Davis (AL)	Lee (CA)	Schaffer	Hunter	Murphy, Tim	Thompson (PA)
Markey (MA)	Rangel	Velázquez	Davis (CA)	Levin	Schiff	Issa	Neugebauer	Thornberry
Matheson	Reyes	Visclosky	Davis (IL)	Lewis (GA)	Schrader	Jenkins	Nunes	Tiahrt
Matsui	Richardson	Walz	Davis (TN)	Lipinski	Schwartz	Johnson (IL)	Olson	Tiberi
McCarthy (NY)	Rodriguez	Wasserman	DeFazio	Loebach	Scott (GA)	Johnson, Sam	Paulsen	Turner
McCollum	Rothman (NJ)	Schultz	DeGette	Lofgren, Zoe	Scott (VA)	Jones	Pence	Upton
McDermott	Roybal-Allard	Waters	Delahunt	Lowe	Serrano	Jordan (OH)	Peterson	Walden
McGovern	Ruppel	Watson	DeLauro	Lujan	Sestak	King (IA)	Petri	Westmoreland
McMahon	Rush	Watt	Dent	Lynch	Shea-Porter	King (NY)	Pitts	Whitfield
McNerney	Ryan (OH)	Waxman	Dicks	Maffei	Sherman	Kingston	Platts	Wilson (SC)
Meek (FL)	Salazar	Weiner	Dingell	Maloney	Shuler	Kline (MN)	Poe (TX)	Wittman
Meeks (NY)	Sánchez, Linda	Welch	Doggett	Markey (CO)	Sires	Lamborn	Posey	Wolf
Melancon	T.	Wilson (OH)	Donnelly (IN)	Markey (MA)	Skelton	Lance	Price (GA)	Young (AK)
Michaud	Sanchez, Loretta	Woolsey	Doyle	Marshall	Slaughter	Latham	Radanovich	Young (FL)
Miller (NC)	Sarbanes	Wu	Driehaus	Matheson	Smith (WA)	LaTourette	Rehberg	
Miller, George	Schakowsky	Yarmuth	Edwards (MD)	Matsui	Snyder			
Mitchell	Schauer		Ellison	McCarthy (NY)	Space			

## NOT VOTING—15

Barrett (SC)	Fallin	Linder
Brown (SC)	Gohmert	Miller (FL)
Brown, Corrine	Hodes	Myrick
Cantor	Hoekstra	Pallone
Deutch	Inglis	Wamp

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1744

Messrs. SHERMAN and OBEY changed their vote from “aye” to “no.” So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. LEVIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 247, noes 170, not voting 15, as follows:

[Roll No. 363]

## AYES—247

Ackerman	Barrow	Bocieri
Adler (NJ)	Bean	Boren
Altmire	Becerra	Boswell
Andrews	Berkley	Boucher
Arcuri	Berman	Brady (PA)
Baca	Bishop (GA)	Braley (IA)
Baird	Bishop (NY)	Bright
Baldwin	Blumenauer	Butterfield

## NOES—170

Aderholt	Bono Mack	Cassidy
Akin	Boozman	Chaffetz
Alexander	Boustany	Coble
Austria	Boyd	Coffman (CO)
Bachmann	Brady (TX)	Cole
Bachus	Brown (GA)	Conaway
Bartlett	Brown-Waite,	Cooper
Barton (TX)	Ginny	Costa
Berry	Buchanan	Crenshaw
Biggart	Burgess	Culberson
Bilbray	Burton (IN)	Davis (KY)
Bilirakis	Buyer	Diaz-Balart, L.
Bishop (UT)	Calvert	Diaz-Balart, M.
Blackburn	Camp	Djou
Blunt	Campbell	Dreier
Boehner	Capito	Duncan
Bonner	Carter	Edwards (TX)

## NOT VOTING—15

Barrett (SC)	Fallin	Miller (FL)
Brown (SC)	Gohmert	Myrick
Brown, Corrine	Hodes	Pallone
Cantor	Hoekstra	Putnam
Deutch	Inglis	Wamp

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1751

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## CELEBRATING 20TH ANNIVERSARY OF ALBERT EINSTEIN DISTINGUISHED EDUCATOR FELLOWSHIP PROGRAM

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1322) celebrating the 20th anniversary of the Albert Einstein Distinguished Educator Fellowship Program and recognizing the significant contributions of Albert Einstein Fellows, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 5, not voting 22, as follows:

[Roll No. 364]  
YEAS—405

Ackerman	DeFazio	Kanjorski
Aderholt	DeGette	Kaptur
Adler (NJ)	Delahunt	Kennedy
Akin	DeLauro	Kildee
Alexander	Dent	Kilpatrick (MI)
Altmire	Diaz-Balart, L.	Kilroy
Andrews	Diaz-Balart, M.	Kind
Arcuri	Dingell	King (IA)
Austria	Djou	King (NY)
Baca	Doggett	Kirk
Bachmann	Donnelly (IN)	Kirkpatrick (AZ)
Bachus	Doyle	Kissell
Baird	Dreier	Klein (FL)
Baldwin	Driehaus	Kline (MN)
Barrow	Duncan	Kosmas
Bartlett	Edwards (MD)	Kratovil
Barton (TX)	Edwards (TX)	Kucinich
Bean	Ehlers	Lamborn
Becerra	Ellison	Lance
Berkley	Ellsworth	Langevin
Berman	Emerson	Larsen (WA)
Berry	Engel	Larson (CT)
Biggert	Eshoo	Latham
Billirakis	Etheridge	LaTourette
Bishop (NY)	Farr	Latta
Bishop (UT)	Fattah	Lee (CA)
Blackburn	Filner	Lee (NY)
Blumenauer	Fleming	Levin
Blunt	Forbes	Lewis (CA)
Boccheri	Fortenberry	Lewis (GA)
Bonner	Foster	Linder
Bono Mack	Fox	Lipinski
Boozman	Frank (MA)	LoBiondo
Boren	Franks (AZ)	Loeb
Boswell	Frelinghuysen	Lofgren, Zoe
Boucher	Fudge	Lowey
Boustany	Gallely	Lucas
Boyd	Garamendi	Luetkemeyer
Brady (PA)	Garrett (NJ)	Lujan
Brady (TX)	Gerlach	Lungren, Daniel
Braley (IA)	Giffords	E.
Bright	Gingrey (GA)	Lynch
Broun (GA)	Gonzalez	Mack
Brown-Waite,	Goodlatte	Maffei
Ginny	Gordon (TN)	Maloney
Buchanan	Granger	Manzullo
Burgess	Graves (GA)	Marchant
Burton (IN)	Graves (MO)	Markey (CO)
Butterfield	Grayson	Markey (MA)
Buyer	Green, Al	Marshall
Calvert	Green, Gene	Matheson
Camp	Griffith	Matsui
Cao	Grijalva	McCarthy (CA)
Capito	Guthrie	McCarthy (NY)
Capuano	Gutierrez	McCauley
Cardoza	Hall (NY)	McClintock
Carnahan	Hall (TX)	McCollum
Carney	Halvorson	McCotter
Carson (IN)	Hare	McDermott
Carter	Harman	McGovern
Cassidy	Harper	McHenry
Castle	Hastings (FL)	McIntyre
Castor (FL)	Hastings (WA)	McKeon
Chaffetz	Heinrich	McMahon
Chandler	Heller	McMorris
Childers	Hensarling	Rodgers
Chu	Herger	McNerney
Clarke	Herseth Sandlin	Meek (FL)
Clay	Higgins	Meeks (NY)
Cleaver	Hill	Melancon
Clyburn	Himes	Mica
Coble	Hinche	Michaud
Coffman (CO)	Hinojosa	Miller (MI)
Cohen	Hirono	Miller (NC)
Cole	Holden	Miller, Gary
Connolly (VA)	Holt	Miller, George
Conyers	Honda	Minnick
Cooper	Hoyer	Mitchell
Costa	Hunter	Mollohan
Costello	Inslee	Moore (KS)
Courtney	Israel	Moore (WI)
Crenshaw	Issa	Moran (KS)
Critz	Jackson (IL)	Moran (VA)
Crowley	Jackson Lee	Murphy (CT)
Cuellar	(TX)	Murphy (NY)
Culberson	Jenkins	Murphy, Patrick
Cummings	Johnson (GA)	Murphy, Tim
Dahlkemper	Johnson (IL)	Nadler (NY)
Davis (AL)	Johnson, E. B.	Napolitano
Davis (CA)	Johnson, Sam	Neal (MA)
Davis (IL)	Jones	Nunes
Davis (KY)	Jordan (OH)	Nye
Davis (TN)	Kagen	Oberstar

Obey	Roybal-Allard	Stearns
Olson	Royce	Stupak
Oliver	Ruppersberger	Sullivan
Ortiz	Rush	Sutton
Owens	Ryan (OH)	Tanner
Pascarella	Ryan (WI)	Taylor
Pastor (AZ)	Salazar	Teague
Paul	Sánchez, Linda	Terry
Paulsen	T.	Thompson (CA)
Payne	Sanchez, Loretta	Thompson (MS)
Pence	Sarbanes	Thompson (PA)
Perlmutter	Scalise	Thornberry
Perriello	Schakowsky	Tiahrt
Peters	Schauer	Tiberi
Peterson	Schiff	Tierney
Petri	Schmidt	Titus
Pingree (ME)	Schock	Tonko
Pitts	Schrader	Towns
Platts	Schwartz	Tsongas
Poe (TX)	Scott (GA)	Turner
Polis (CO)	Scott (VA)	Upton
Pomerooy	Sensenbrenner	Van Hollen
Posey	Serrano	Velázquez
Price (GA)	Sessions	Visclosky
Price (NC)	Sestak	Walden
Quigley	Shadegg	Walz
Radanovich	Shea-Porter	Wasserman
Rahall	Sherman	Schultz
Rangel	Shimkus	Watson
Rehberg	Shuler	Watt
Reichert	Shuster	Waxman
Reyes	Simpson	Weiner
Richardson	Sires	Welch
Rodriguez	Skelton	Westmoreland
Roe (TN)	Slaughter	Whitfield
Rogers (AL)	Smith (NE)	Wilson (OH)
Rogers (KY)	Smith (NJ)	Wilson (SC)
Rogers (MI)	Smith (TX)	Wittman
Rohrabacher	Smith (WA)	Wolf
Rooney	Snyder	Woolsey
Ros-Lehtinen	Space	Wu
Roskam	Speier	Yarmuth
Ross	Spratt	Young (AK)
Rothman (NJ)	Stark	Young (FL)

NAYS—5

Campbell	Flake	Neugebauer
Conaway	Lummis	

NOT VOTING—22

Barrett (SC)	Deutch	Miller (FL)
Bilbray	Dicks	Myrick
Bishop (GA)	Fallin	Pallone
Boehner	Gohmert	Putnam
Brown (SC)	Hodes	Wamp
Brown, Corrine	Hoekstra	Waters
Cantor	Inglis	
Capps	Kingston	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are less than 2 minutes remaining in this vote.

□ 1759

Mr. POE of Texas changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. CAPPS. Mr. Speaker, on rollcall No. 364, had I been present, I would have voted “yea.”

#### PERSONAL EXPLANATION

Mrs. FALLIN. Mr. Speaker, I was unavoidably detained and missed the following votes. I would have voted the following ways: For rollcall vote 361 I would have voted “yea.” For rollcall vote 362 I would have voted “yea.” For rollcall vote 363 I would have voted “nay.” For rollcall vote 364 I would have voted “yea.”

□ 1800

#### HARRISON HIGH SCHOOL

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, I want to offer my congratulations to Cobb County, Georgia's Harrison High School baseball team, managed by Mark Elkins, who defeated Lassiter in the Class AAAAA State championship series. Harrison triumphed over Lassiter with a 3-1 victory in the title-clinching game of a very exciting and well-played series. Harrison's remarkable defense was on display throughout the entire series, with their fielding skills pacing them to the title.

A few highlights included a diving catch by outfielder Michael Hodorowski to save a run in the opening game. In game two, outfielders Preston Neely and Matthew Allen gunned down runners at home, preventing Lassiter from scoring go-ahead runs. Harrison also pulled off three double plays in the last game, ensuring their pivotal victory.

This is Harrison's first State title since 1998, making this a very special achievement. They are one of two schools from Georgia's 11th Congressional District to win State baseball championships this year, and I am very proud of their accomplishments.

Congratulations, Harrison.

#### ROLL BACK THE SIZE OF GOVERNMENT NOW

(Mr. GRAVES of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAVES of Georgia. Mr. Speaker, this administration has borrowed more money than all other administrations in the Nation's history combined, and they've only been at this for just over a year. The change we were promised has not turned out to be what all had hoped for.

The unemployment rate is nearly 2 percent higher than what the Democrats promised with their first stimulus package. America's debt is at \$13 trillion now. Now we learn that the administration wants another \$50 billion bailout. When will it end? Washington cannot create jobs no matter how much money is thrown out there. We know that jobs can only be created when you expand the private sector and not expand the government.

So, as we look forward to getting Americans back to work, I stand here today to say it is time for Washington to get about the business of expanding the private sector and of promoting sustainable job creation, which will come from that, and not of expanding government.

I know Georgians are tired of what is going on here in Washington, and I

know most Americans are, too. Let's end the bailouts, the buyouts, and the stimulus bills.

#### COMMEMORATING TROOPER FIRST CLASS WESLEY BROWN

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute.)

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today with a heavy heart to commemorate the life of Maryland State Trooper First Class Wesley Brown. Just 24 years old, Trooper Brown of Seat Pleasant, Maryland, was fatally shot last Friday. Trooper Brown was a brave Maryland State police officer, and a rising leader in our community.

The youngest of nine children, Trooper Brown overcame a challenging childhood to serve Maryland and better the lives of the youth in Prince George's County through a mentoring program he founded, Young Men Enlightening Younger Men. In his own words, Trooper Brown wrote that he founded the program to "show the young men in the community that there is a bigger and brighter future ahead of them with unlimited potential."

Indeed, he had unlimited potential. A son of Prince George's County, a graduate of Crossland High School and an accomplished student of criminal justice, he was a testament to his own words, and a shining light to all whom he encountered.

I join the Maryland State Police family and all those with whom he served in grieving the loss of Trooper Brown. He exemplified the best in our communities and, having spoken with his family, I know he was a wonderful son, brother and soon-to-be husband. His death is a tragic reminder of the perils our law enforcement officers face every day, and the bravery they show to ensure our safety.

I honor the life and memory of Trooper First Class Brown, and our thought and prayers are with his family and friends.

#### YOUNG MEN ENLIGHTENING YOUNGER MEN ABOUT OUR ORGANIZATION

Welcome,

My name is Wesley Brown and I am the founder of Young Men Enlightening Younger Men (YMEYM). In September, 2007, my friends and family and I came together to show the young men in the community that there is a bigger and brighter future ahead of them with unlimited possibilities. YMEYM meets together as a group at least once a month to take a field trip somewhere outside of our community and spend time bonding and mentoring. Between field trips, the mentors stay in touch with the young men and encourage them to stay in school, do the best they can in school and in extracurricular activities, respect themselves and each other, and to talk out any conflicts instead of resorting to violence.

All of the mentors have committed much of their personal time and finances during this formation period. YMEYM's meeting lo-

cation was my residence, where we would sit back and talk about whatever was on the boys' mind. Our goal is to listen and understand their problems and issues. Then we talk together to reach positive solutions to solve the problems. This way, the young men can think before they act, which sometimes results in unjustified punishment.

So, what we created is more than a mentoring program, a tutoring program, or a community service program. This is now a brotherhood of more than 20 young males with distinct personalities and different goals in life who are coming together to be a part of something positive. After researching some of these issues, we found that the majority of today's young men just want to be a part of something and that is why gang violence in the neighborhood is growing so rapidly.

The school system requires that students have a 2.0 GPA in order to play sports. What happens to those who try, but who just don't make it because of poor school systems or a lack of support from home? Where does he go? Who can he turn to? We believe that if a young man is trying to make himself a better man and a productive member of society, then we are PROUD of him—and we tell our young men that. We are proud of them and are here to push them to reach their full potential.

As a young man myself, some may wonder why I am trying so hard to reach these young men, as if I am their parent. Well, I believe that if the community is not encouraging our youth to stand tall and become someone special, what makes us think that the outside world will? After they are exposed to the world outside of their immediate community, reality hits them. They must be prepared and they must be shown the importance of responsibility and accountability and then they will go far in life.

During these teenage stages is when young men develop different characteristics which will continue to live within him during his entire adult life. Too often young men underestimate their own capabilities and greatness. It is our responsibility to step up to the plate and make a positive change. One young man at a time.

WESLEY BROWN,  
*Founder Young Men  
Enlightening Younger Men, Inc.*

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BOCIERI). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### THE OFFICE OF CONGRESSIONAL ETHICS AND THE DIGNITY OF THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, recent press reports indicate that the House leadership is considering a rules change which would diminish the scope and authority of the Office of Congressional Ethics, or OCE. This is an apparent response to the OCE's decision to forward

information gathered during its investigation of the PMA Group to the Justice Department, bypassing the Committee on Standards of Official Conduct in the process. The narrative seems to be that this is just another example of the OCE's succumbing to mission creep or of its growing beyond its intended purpose.

In the interest of full disclosure, I voted against the creation of the OCE in 2007. I felt at the time that the House should be able to establish appropriate standards and to police its behavior through the Standards Committee. I still believe that we should be able to do so, but this controversy over the OCE has effectively shown that, when it comes to removing the cloud that hangs over this body relating to earmarks and to campaign contributions, this body is unwilling, through the Standards Committee, to take the necessary action to uphold the dignity of the institution.

After an investigation lasting more than a year, during which some 200,000 pages of documentation were accumulated, the OCE concluded "there is evidence that some of the commercial entities seeking earmarks from Members of Congress believe that a political donation to the Member has an impact on the Member's decision to author an earmark for that donor."

This information was forwarded to the Standards Committee, which agreed with the conclusion drawn by the OCE. The Standards Committee summarized the OCE's findings as follows: "There is a widespread perception among corporations and lobbyists that campaign contributions provided enhanced access to Members or a greater chance of obtaining earmarks."

Then, quite inexplicably, the Standards Committee dropped the matter, stating that to address the problem is "not within the jurisdiction of the committee." Let me state that again. The Standards Committee said that it lacks the authority to establish a standard that will address what they conclude is a widespread perception of a link between earmarks and campaign contributions. This defies reason.

At the beginning of the 110th Congress, the House adopted rules requiring Members of Congress to certify that they have no "financial interest" in an earmark's being sponsored. "Financial interest" has been defined by the Standards Committee to include a direct or a foreseeable effect on the pecuniary interest for the Member or his or her spouse. The relevant section of the House Ethics Manual then states, "Campaign contributions do not necessarily constitute financial interest."

How can the Standards Committee lack the authority to set standards or to interpret rules? This is particularly confusing when one considers that the Standards Committee can address the

issue by simply amending the interpretation of "financial interest" it has already promulgated in the House Ethics Manual.

One need not read very far into the Standards Committee's summary of the OCE's PMA investigation before realizing that Members, through their campaign committees, derive significant benefit from the "widespread perception" of a link between earmarks and campaign contributions. To pretend that this benefit does not constitute "financial interest" is no longer a viable option. We are no longer acting in ignorance. The "wink-wink-nod-nod" game, which we have all known to exist with regard to earmarks and campaign contributions, is now well documented, and the Standards Committee's definition of "financial interest" needs to be updated to reflect these findings.

So where do we go from here?

We can shoot the messenger, as press reports indicate many Members are inclined to do, but the problem with this approach is that the message about the link between earmarks and campaign contributions has already been delivered.

What we do with the OCE at this point is very much beside the point. It's little more than a sideshow. We need to concern ourselves with the dignity of the House. That is our collective responsibility. It does not fall outside of our jurisdiction.

As I have said many times before, Mr. Speaker, the PMA cloud that hangs over this body rains on Democrats and Republicans alike. We are in this swamp together, but we can't grab a shovel while we are covering our eyes and plugging our ears.

#### IMMEDIATE NEEDS FUNDING FOR FEMA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Ms. BALDWIN) is recognized for 5 minutes.

Ms. BALDWIN. Mr. Speaker, I rise today to bring the voices of my constituents in Jefferson County, Wisconsin, to the floor of the people's House.

In 2008, homes along the northern shore of Lake Koshkonong and within the surrounding community were absolutely devastated by a record-setting flood. This was a 500-year flood event. It is the same one that ravaged much of the upper Midwest and, in particular, Wisconsin and Iowa.

During that storm, I knew that the damage was going to be devastating and that many of the houses in our community would be beyond repair. What I didn't know was that, almost 2 years after the floods, the agency upon which they relied would be leaving these hardworking Americans behind. You see, in February of this year,

FEMA instituted what it calls "immediate needs funding." Basically, they are freezing already approved funds to folks in Wisconsin and in other disaster areas across the country.

A couple of weekends ago, I had the chance to visit with property owners from my district, of whom I have the privilege of representing, who have been affected. They are survivors of the 2008 floods. I wanted to hear their stories. Many brought photos and letters. They brought their own unique stories. They brought their anger and their frustrations.

I met with Gene and Marie Harris at their home on Lamp Road, one of the most extensively damaged neighborhoods in this flood. The damage was so extensive that their house was absolutely uninhabitable and has been since the flood. They showed me photos of before, during, and after, and we talked about the tangle of bureaucratic red tape that they waded through in order to get approved for the FEMA dollars. They were approved for the FEMA money, but they haven't received a penny because of the funding freeze. When I asked Marie to recall what they had gone through back in June of 2008, not surprisingly, she welled up with tears.

Mr. Speaker, our hearts go out to the victims of the recent floods and of natural disasters. Yet I fear we suffer from that old adage, "Out of sight, out of mind." Once the cameras are packed away and the news crews leave for the next breaking story, what happens to the victims and survivors of these natural disasters? Will the families in Tennessee or in Arkansas suffer the same fate as Wisconsinites and Iowans? Will they see their funding from FEMA freeze even after it has been approved?

One would hope that the system of emergency response would keep on plugging away, assisting the families in need across this country, but we have seen that system completely break down. This is unacceptable.

It has been 2 years since their homes were devastated, and my neighbors are still living in temporary housing, and they are enduring financial chaos. One man is homeless. Another family is on the verge of bankruptcy because of the situation that FEMA has left them in.

I know this is wrong. My constituents know this is wrong. The Federal Government has to do better.

□ 1815

#### ENERGY INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, this Nation has sent millions of good jobs to other countries over the last 30 or 40 years because of environmental rules,

regulations, and red tape. This has hurt millions of poor and lower-income and working people by destroying jobs and driving up prices on everything.

The BP oil spill in the Gulf is a terrible thing, and we need to do all we reasonably can to see that something like this does not happen again. However, some extremists want us to stop offshore oil production entirely. Talk about wrecking our economy. Talk about killing countless numbers of jobs. And all this at a time when our unemployment is far too high and underemployment is even higher.

John Engler, the former Governor of Michigan, wrote a column 5 days ago in the Washington Times under the headline, "Drilling Moratorium is a Jobs Moratorium." Governor Engler wrote, "Our country cannot afford to use this accident as an excuse for an overbroad moratorium that stops progress to the detriment of our economic and national security. We do not need to choose between energy security and environmental safety. We need to continue to strive for both."

Charles Krauthammer, the TV commentator and columnist, is respected even by people with whom he disagrees as one of the smartest men in this city. He recently wrote a column asking why we were drilling in 5,000 feet of water in the first place. He wrote, "Environmental chic has driven us out there. Environmentalists have succeeded in rendering the Pacific and nearly all the Atlantic Coast off limits to oil production. And, of course, in the safest of all places, on land, we've had a 30-year ban on drilling in the Arctic National Wildlife Refuge."

Mr. Krauthammer is right. For many years, we have tried to allow drilling on about 2,000 or 3,000 acres of the Arctic Wildlife Refuge. ANWR is 19.8 million acres, some 35 times the size of the Great Smoky Mountains National Park. The Smokies get over 9 million visitors a year, and people think it is huge. They cannot humanly comprehend how big ANWR is, yet it is home to only a couple hundred people in the village of Kaktovik and gets a couple of hundred visitors each year. Yet radical environmentalists, who almost always come from very wealthy or upper-income families, oppose oil production almost everywhere. They want gas to double or triple in cost so people will drive less. They can't relate to people who cannot afford gas that costs \$7 or \$8 or \$10 a gallon like it does in some other countries.

Not only would shooting the cost of gas way up cause the loss of huge numbers of jobs, it would put the final nail in the coffins of many small towns and rural areas. People in rural areas generally have to drive longer distances to get to their jobs. Already, two-thirds of the counties in the U.S. are losing population. Yet, once again, radical environmentalists see nothing wrong with

this. Most of them are city people, anyway. They probably think it would be good if everyone was forced to live in 25 or 30 urban areas, with the rest of the country left totally empty and people could be bused to a national park or wilderness area every couple of months, under government supervision, of course, so they would not harm the land.

Everyone pays lip service to energy independence, but we already had 84 percent of our U.S. oil off limits even before the President imposed this latest moratorium. Environmental radicals will say they, too, want energy independence. But, then, environmental groups oppose drilling for oil, cutting any trees, digging for any coal, or producing any natural gas because of the pipelines and the refineries. And, heaven forbid, they certainly don't want more nuclear power.

The opposition varies from group to group and geographic location, but the environmentalists are always there to fight any kind of energy production except for solar and wind. But then some oppose the windmills, too. And solar energy, despite mega billions in government subsidies over the last 30 years, only produces one-seventh of 1 percent of our energy, and adding wind power only brings it up about 1 percent more.

If we limit this Nation to wind and solar, we might as well just shut the country down economically. And all these young people with degrees who are working as waiters and waitresses or in other low-paying jobs can thank the environmentalists. I told my wife as we were eating out last Saturday night, the American people used to work in factories and eat out just occasionally. Now, most of the factories have gone to other countries and restaurants have replaced the factories as our biggest employers other than government.

Now, a slight majority of our people get most of their income from Federal, State, or local government. When a country passes that threshold, it is on the way down. We need to wake up and realize that the worst polluters in the world have been the socialist and communist countries. And we need to realize that only a free market, free enterprise system can generate the money to do the good things for the environment that everybody wants done.

Charles Krauthammer wrote in another column a few months ago that, "socialism having failed so spectacularly, the left was adrift until it struck on a brilliant gambit: metamorphosis from red to green. The cultural elites went straight from the memorial service for socialism to the altar of the environment. The objective is the same: highly centralized power."

Once again, Mr. Krauthammer is right.

We certainly need to clean up the BP oil spill, but we should not let mis-

guided radicals shut down our economy and hurt many lower- and middle-income people in the process.

#### PROSPECTS FOR PEACE IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GARAMENDI) is recognized for 5 minutes.

Mr. GARAMENDI. I was going to speak on a subject, and I will, but after listening to the previous speaker, I think a few comments are in order.

I think it was that great socialist, Richard Nixon, that happened to sign the Environmental Protection Act and the Clean Air Act. So maybe that's what you're talking about.

But to make the argument that somehow the environmental movement is responsible for the demise of American industries is just fallacious. It's a stretch of the imagination. In fact, there are many, many things involved, including free trade acts and international competition that's coming our way.

And if my colleague on the Republican side was so interested in this, he would have voted on the bill last week that would have brought back foreign earnings and closed the tax loopholes on those American corporations that have gone offshore—instead, bringing those back. I think, if I recall correctly, we didn't get one Republican vote on closing those loopholes that have allowed American corporations to offshore jobs. But I really wanted to take up another issue, and I will do so now.

I rise today to express my support for the right that all nations have to secure their borders in self-defense. Our close ally, Israel, shares a border with Gaza, a region controlled by the terrorist organization Hamas. Since 2001, thousands of rockets have been launched from Gaza into Israel, killing more than a dozen Israelis and wounding hundreds and terrifying that nation. We also know that Hamas receives material support from Iran, an international pariah that oppresses its own citizens while funding terrorist organizations throughout the region. For all these reasons, Israel has chosen to restrict imports to the Gaza Strip, insisting that all deliveries must be inspected to make sure that weapons are not smuggled into the territory.

Today, I call on Hamas leadership to reject their past support for terrorism, renounce violence, and embrace the two-state solution so that Israelis and Palestinians can live their lives freely, in peace, and security.

I also call on all powers in the Middle East to value human life and to do everything to avoid bloodshed. The loss of life in the flotilla incident was tragic, and I look forward to the findings of

the recently formed Independent Public Commission, which will examine such issues as the naval blockade of Gaza, actions taken by the commandos during the flotilla incident, and the identities and conduct of the organizers and participants in the flotilla.

In the meantime, we must focus on avoiding escalation, preventing more violence, and continuing the peace process. The greatest tragedy would be to allow the flotilla incident to end the region's prospects for peace.

#### SUPPORT FOR ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Speaker, in Genesis, chapter 12, verses 1 through 3, God tells Abraham that he will bless the nation that blesses his people, and curse the nation who curses his people.

God says in that verse, starting at verse 1, The Lord had said to Abraham, "Leave your country, your people, and your father's household and go to the land I will show you. I will make you into a great nation, and I will bless you. I will make your name great, and you will be a blessing. I will bless those who bless you, and whoever curses you, I will curse. And all people's on Earth will be blessed through you."

Mr. Speaker, God gave the land in Israel to the Israelites, to the Jewish people. They're a sovereign nation. They have a sovereign right to protect their borders, to protect their lives, to protect their country, to protect their valid claim to the land that God gave them.

Mr. Speaker, our Nation has supported Israel since it was reestablished in 1947 by an act of the United Nations. This country has supported Israel ever since then. We've been blessed as a Nation since then. But I'm very fearful that this administration is turning its back upon Israel. I'm very fearful that God's blessing that has been on this land, as promised in Genesis, chapter 12, verses 1 through 3, will cease if we cease supporting the nation of Israel.

Israel is a sovereign nation that's protecting itself. It has an absolute right to do so. Mr. Speaker, if we turn our back upon Israel, as I'm fearful that we're doing as a Nation through this administration, not only will we cease to have God's blessings, but we will also start receiving the curses from God that he promised in Genesis, chapter 12.

Mr. Speaker, if we don't support Israel, and just by being silent, just by turning our back upon Israel, then we're supporting Hamas. We're supporting Hezbollah. We're supporting Iran. President Ahmadinejad has stressed over and over again that he wants to annihilate Israel from the face of the Earth. We have to support

Israel, Mr. Speaker. The consequences for our Nation are too dire not to.

God has put his blessings upon this country. And I think a big part of that is because this country was founded on the Judeo-Christian principles that have made this country so powerful, so rich, and so successful as a political experiment. But that blessing will cease if we ever turn our back upon Israel. We must not. We cannot. America must support Israel. Our administration must support Israel. And I call upon our country to continue to do so.

#### A TRIBUTE TO GOOD BREAD AND A FAMILY OF ENTREPRENEURS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the Northern Mariana Islands (Mr. SABLAN) is recognized for 5 minutes.

Mr. SABLAN. The people of the Northern Mariana Islands love rice. Pre-contact with the West, the Marianas were the easternmost extent of the cultivation of rice. For us, a meal without rice is no meal.

Yet, ironically, one of our most cherished local businesses processes that great competitor of rice: Wheat bread. Pan mami and Pan toasta. These baked goods bring back mouthwatering memories for all of us in the Marianas. And the source of this goodness we most recall is Herman's Modern Bakery.

Perhaps, our devotion to Herman's has to do with the roots of that business in the ashes of war. Like the people of Israel beset by the Babylonians, as the people of the Marianas emerged from the trauma of World War II, "the famine was sore, so that there was no bread." We were starving and stored together in an internment camp in the days and months following the U.S. victory over the Japanese in 1944.

But the U.S. forces quickly began reorganizing society and reestablishing the ability of our community to care for itself. The occupying forces tapped the young Herman Reyes Guerrero to bake. Herman had previously apprenticed as a baker during the Japanese administration of the Northern Marianas, and he quickly agreed to return to this calling. He began baking bread for the U.S. troops, for Japanese prisoners of war, and for the Chamorro and Carolinian people of Saipan housed by the military in Camp Susupe.

As often happens after war, much materiel is left behind, cheaper to abandon than to return home. So it was at the close of World War II in the Pacific that the United States Navy simply gave Herman Guerrero the baking equipment the military had supplied for him to use.

□ 1830

With those ovens and mixers and the customer base he had already estab-

lished, Herman opened Herman's Bakery. Not only was this the first bakery, this was the very first company founded in our postwar economy.

As the years went by, from that base of bread and baked goods, Herman's business grew. He opened the first hotel on the island of Saipan, a retail store, a laundromat, and a travel agency. In the early 1980s, following extensive expansion and upgrading, the bakery became known as Herman's Modern Bakery, and its products became ubiquitous throughout Micronesia. Today, the company's distribution chain includes several international franchises. You can even find Herman's cookies for sale on the Internet.

One of Herman Guerrero's fondest memories of his early baking career was a visit to the shop by Admiral Chester Nimitz, and throughout the following 65-plus years of growth, the close relationship between the United States military and the bakery continued. Today, as the U.S. build-up commences on Guam, Herman's has contracted as an authorized supplier, opening up a distribution facility and considering a bakery there. Herman's also regularly supplies the U.S. naval vessels that dock in Saipan for R&R. For just as many residents like to make Herman's our last stop on the drive to the airport—to take pan mami, guzuria and crocks of cookies away as gifts and comfort foods from home—so, too, the sailors of the U.S. fleet enjoy pulling away from the dock with Herman's sweets stocked in the galley.

From a humble one-man beginning, today, Herman provides jobs for over 110 individuals. A leading corporate citizen, Herman's is a strong supporter of civic, charitable, educational, and religious organizations, including the American Red Cross, the Commonwealth Health Center, the Rotary Club, the Northern Marianas College Foundation, the Saipan Chamber of Commerce, and nearly every school, church, and village fiesta on the islands of Saipan, Tinian, and Rota. The company piloted our school lunch program and has provided technical expertise to individuals on other islands in Micronesia who are opening or improving their own bakeries. With the recent establishment of the distribution center on Guam, the company has begun to expand its charitable support to that island, too.

Always, the bakery remains the heart of the family of companies and of the family of Herman Guerrero himself. All of the surviving children of Herman and his wife, Maria Tenorio Guerrero—Jesus, Agnes, Herman Jr., Juan, Florencio, Margarita, Anna, Rudolfo, Joseph, and Leonora—have worked at the bakery during significant portions of their adult lives. Herman was so identified with the bakery business that he came to be called by the nickname "Pan," which in the

Chamorro language means "bread." Indeed, to this day, many of his children carry the "Pan" honorific as part of their own everyday names. For most of us in the Northern Mariana Islands, when we hear the word "pan," it's a tossup which comes first to mind: Herman Reyes Guerrero—Herman "Pan"—and his wonderful bakery, or just the wonderful baked goods that "Pan" produced.

Dangkulo na si yu'us ma'ase.

#### PLEADING THE 10TH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, I rise today to plead the Tenth. Earlier today, this body voted on H.R. 4855 that would establish in the Department of Labor an annual work/life balance award for employers that have developed and implemented work/life balance policies. The bill would also establish an advisory board to administer the award. Now although I oppose this legislation, I want to make clear that I actually think that the ultimate goals of this bill are good ones. The sponsors had the best intentions. I want to repeat that. The goals and objectives of this bill are respectable, even noble ideas. No one questions that a proper work/life balance is extremely important. But just because something is important doesn't mean Washington has to write a law to protect it, or create a bureau to encourage it, or really have anything else to do with it. In fact, it's simply not the job of the Federal Government to promote good work/life balance.

Now there will be many more egregious bills in the future that will mandate by the Federal Government to States and locals and to the people behavior in certain circumstances, but not the incredibly worse bills that are out there withstanding. This Constitution makes the principle very clear: the Constitution gives Congress here in Washington certain powers that are limited. And in case we weren't clear on the concept or we didn't get it, it includes the Tenth Amendment which states: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." In other words, if a power is not assigned to the Federal Government in the Constitution, then it must be automatically assumed to be assigned to States, localities or to no government entity at all.

So just imagine that, Mr. Speaker. A problem in America not being solved with the involvement of the Federal Government. Some in this Chamber cannot envision such a world, but it can exist.

So I rise today to say that I do believe in the Constitution and the Tenth

Amendment. I remain hopeful that the Congress will remember our limitations, begin to return the consideration of life's most important elements back to the States and local governments and churches and private groups and families where they really should be handled. Therefore, Mr. Speaker, on this particular issue, I plead the Tenth.

#### REPUBLICAN CONFERENCE BILLS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Wyoming (Mrs. LUMMIS) is recognized for 60 minutes as the designee of the minority leader.

Mrs. LUMMIS. Mr. Speaker, tonight's discussion will be about bills that Members of the Republican Conference have sponsored that have not yet gotten a hearing that we still think are very good ideas for our country at this time of high debt, high deficits, and when regulation is being heaped on businesses that actually need the chains to be broken so they can pursue the American Dream of hiring people, creating jobs and fulfilling our role in the country and the world, which is to feed people, clothe people, create jobs, create wealth, create opportunity and so that all Americans have the opportunity to do so without being shackled by the Federal Government.

With me this evening is BOB LATTA, who is from one of the most diverse districts in the entire United States. It has everything from agriculture to manufacturing, and it has experienced every up and down that is possible for one district to experience. During the course of this evening, Mr. LATTA and I hope that we will have the opportunity to refer you frequently to [www.americanroadmap.org](http://www.americanroadmap.org), which is a draft of the Budget Committee on which we both serve, an opportunity that provides Americans the chance to get out of debt and to eliminate the deficit, and to comprehensively do so without raising taxes.

It takes a long time, but it creates a very smooth landing for our country. And we also want to refer you to [www.americaspeakingout.com](http://www.americaspeakingout.com).

Americaspeakingout.com is an official function of the Republican Conference here in the U.S. House which allows you to weigh in on ideas that you have for our country that will make it stronger, safer, more efficient, more cost effective and will unshackle this Nation's economy in a way that will allow us to once again pursue our role as a global leader in terms of innovation and jobs.

So at this time I would like to yield to my colleague, the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I would like to thank the gentlelady for yielding. This is a very important issue that we are talking about: jobs, small busi-

nesses, and how we can get this country moving. I rise tonight to discuss a bill that I have sponsored, H.R. 1763, which is the Responsible Reinvestment Act of 2009. But before I do, I would just like to make a couple of comments, as the gentlelady just said, about the uniqueness of my district.

I have the number one manufacturing district in the State of Ohio. I also have the number one agricultural district in the State of Ohio. And about 2 years of this time, according to the National Manufacturers Association, I had the ninth largest number of manufacturing jobs in the United States House of Representatives. But because of the recession that we've seen happen across the country, I have dropped to about 20th, which is totally unacceptable because last summer we had unemployment rates raging across our district and across the State and the country. Two of my counties had over 18 percent unemployment. I had four others over 16 percent. So we have to do something in this country to get this country moving.

It's kind of interesting. We talk about having a district that's number one in manufacturing and also a district that's number one in agriculture. So how did that work? Well, I have so many of my farmers that work full time off the farm, but they work full time on the farm. So like my relatives who also live in my district, you know, they're working a lot more than 40-hour weeks, and they are making sure that the American economy keeps moving, they are making sure that Americans are fed, but they are also making sure that we don't have to rely on foreign countries for our food, like we have to do when it comes to oil, relying on foreign countries for our needs.

So we need jobs. We need jobs that are created by the private sector. We don't need any government jobs that are really just make-work jobs out there. Small businesses continue to bear the burden of this economic slowdown, and they need relief to be able to survive and continue to remain in business. Currently, small businesses employ over half the private sector workers in America. To assist small business owners, I introduced the Responsible Reinvestment Act. Specifically, this bill focuses on the following areas that I believe will not only help small businesses grow throughout the country but also help put our neighbors back to work.

The bill does the following: a 20 percent tax cut for small business is equal to 20 percent of the total income of the business. It permanently repeals the estate tax, or the death tax. You know, we have to do something in this Congress because if we do not act by the end of this session, the death tax will revert to where it was 10 years ago without any adjustment to inflation,

and that will hit small businesses and farmers alike. So, again, this bill repeals the death tax; it increases the expensing for small businesses to \$500,000; a full first-year expensing for farm and manufacturing equipment; and the full deductibility for the self-employment tax in relation to health premiums, which is extremely important for small businesses across this country.

The items in this bill will also be very beneficial to small business owners by freeing up capital for them to use to reinvest in their business. And through doing that, it will bring stability back to the communities in which they exist.

The future of our country depends on a proactive approach to creating viable solutions for small business owners to exceed and remain profitable. Small businesses are the lifeline and the heartbeat of our Nation's economy, as these are the companies that we rely on for products and services. As a Congress, we must absolutely stop passing legislation that contains massive spending and, instead, pass legislation like H.R. 1763 that will help small businesses rather than hurt them.

President Obama submitted his administration's fiscal year 2011 budget proposal with a record-breaking cost of \$3.8 trillion. This budget proposal includes a \$2 trillion tax increase over the next 10 years and projected record deficits. This proposal will double our Nation's debt in 5 years and triple it in 10 years from fiscal year 2008 levels.

The Congressional Budget Office has stated that under current spending levels, by 2020 American taxpayers will be paying \$2 billion a day in interest on the national debt alone. And, again, let me reiterate that—\$2 billion a day. I think we have to understand what this is going to do. It hasn't been all that long ago that we look back to the late seventies and early eighties when we had 21.5 percent interest rates in this country. And it wasn't very long ago I was talking with some small business owners in my district, and they said, Well, we even had problems getting a loan at over 26 percent interest.

Now, if the Federal Government is borrowing over \$2 billion a day—and you know, when you are talking about that, you are looking at the Federal deficit or, I should say, the debt going to \$20.3 trillion by the year 2020, and now the U.S. Treasury is coming out and saying that that could be at least \$26 trillion, that \$2 billion a day is going to be much higher, and businesses out there are going to have to do one thing—compete against government to borrow. That means the interest rates are going to skyrocket again, and how are we going to get small businesses moving again in this country?

Mrs. LUMMIS. Will the gentleman yield briefly?

Mr. LATTA. Absolutely. I yield to the lady.

Mrs. LUMMIS. That \$2 billion a day you just mentioned, that would only take either 3 or 4 days for the entire budget of the State of Wyoming for 2 years. That covers our whole budget. It's a stunning number. That's how much money we're talking about.

And I yield back.

Mr. LATTA. I thank the lady for yielding back. Because again, you know, when you are looking at these staggering numbers—I'm sure Wyoming, like the State of Ohio, in our Constitution we have to balance our budget. I was a county commissioner for 6 years when I was first elected to public service. We went through the '91-'92 downturn at that time. And what did we have to do? Well, we had to cut back. We didn't just say we have to spend more. We had to cut.

Mrs. LUMMIS. Will the gentleman yield?

Mr. LATTA. I yield to the lady.

Mrs. LUMMIS. How did you cut?

□ 1845

Mr. LATTA. Well, what we had to do was when we did our budget for the year, there are certain things in Ohio that the commissioners are responsible for. You looked at things. You thought, we have to budget for things like bad weather because you have to have more overtime.

One of the things that we always hoped we never have happen was a capital murder case because we know how much that would cost. We had to sit down with all of the other elected officials and say, We have to make cuts across the board and scale back. If we didn't, we were going to be in trouble. Again, our Constitution says you shall balance your budget.

Mrs. LUMMIS. Are you aware of any circumstance since you have been in Congress where the Members of Congress in the leadership have been called to the White House to sit down and talk about how we are going to cut spending?

Mr. LATTA. Again, this is a problem we are facing. Instead of saying we are going to increase certain budgets by 12 percent over the year before, we have to go back maybe a budget before that and say that is where we need to start the cuts. One of the things that is happening with small businesses across the country, or large businesses, when I go across my district and when I have the opportunity, I try to go to as many factories and businesses as I can. And when I am talking to these individuals, I like to find out what is happening to them.

But they like to ask this one question: We have cut way back to keep our doors open; what have you done in the Federal Government to help along these lines?

I think one of the interesting trips I was in was at a factory in my district. I went into the plant and they had to

scale back. They had to unfortunately cut employees. But at the same time they were in there saying we had to reduce the number of hours people were working. So maybe it was not 40-plus hours, but it was a 32-hour work week. Then they said we have to make sure that management does their share. They were cut 10–20 percent in their salary. And management was cleaning the restrooms in the factory to try to help do anything to scale back on costs that they would pay someone else to do.

Mrs. LUMMIS. Is there any instance where the Federal Government has done the same thing? Has the Federal Government gone to its employees and said, We need to cut you back to 32-hour weeks so we can keep you employed, keep you on your benefits so you don't lose your health care, but we need to save some money. Are you aware of that?

Mr. LATTA. Again, I think we would have heard it if something like that would have happened. But at this stage of the game, the Federal Government has a trump card some people think, and that we control the printing presses for putting out money. The big problem is we watch dollars being put out, but at the same time the United States Treasury is out there at an auction, and at that auction you have the Federal Reserve buying it, and all of a sudden we are monetizing our debt. We are moving one IOU from one pocket to the other. We are not accomplishing anything. We are not cutting anything. And we watch expenses keep rolling up.

The American people understand that what we do at home when we sit around our kitchen tables and you get out the family budget and say these are the things that we are going to have to pay for. It is the question of wants and needs. There is a big difference between what I want and what I absolutely need. I think the Federal Government has got to go to what is needed, and we are going to have to start scaling back immediately.

I am sure you have students and constituents who come here. When I had a group of students here today on the Capitol steps, and I look at these kids, juniors or seniors in high school, I look at what their future is for the next 10 years, and I don't care if it is \$20.3 trillion in debt or \$26 trillion in debt, according to the Treasury, we are in trouble.

Mrs. LUMMIS. What do you hear from your constituents? Do they believe that they are ready for the kind of reforms that you believe are necessary to save our country?

Mr. LATTA. I thank the gentlelady. I think what you are looking at is from the small business owners. They understand right off the bat that something has to be done. They understand that they have had to make deep, deep cuts.

Until recently, I served on the Budget Committee, and you are still a mem-

ber. Sitting through those hearings with the Congressional Budget Office director or the Office of Management and Budget director or Secretary Geithner or when we heard from Mr. Bernanke, we heard the same thing: we are on an unsustainable growth of spending in this country. It has got to be stopped. They don't offer a solution, but it is a very simple solution: you don't spend what you don't have.

I was one of 19 grandkids on my maternal side. I will never forget my grandmother, the good German farm woman she was, she had a simple saying, that he who goes a borrowing goes a sorrowing. She pretty much made sure that all 19 of us understood that. Again, you don't spend what you don't have because we cannot spend our way out of this mess. If we are going to be doing that, all we are doing right now, and have been doing, is mortgaging the future of the next generation of Americans.

You know, the question when you talk to parents out there and say are your kids going to be better off than you are, most parents don't believe it. They think that their kids are going to have a harder time of it than they have, and that is a bad sign for America's future.

Mrs. LUMMIS. The chart I have to my left, the viewer's right, is exactly illustrating what the gentleman has just been discussing. If you look at the spread between spending and taxes that occurs on the far side of the dotted line, that shows you what is projected into the future. That spread between spending and taxes going into the future is enormous and consistent. And if you look at what that produces in terms of deficits, look at the bottom line, the red line again on the far side away from me from the dotted line, and you can see that deficits are projected into the future. When we say unsustainable, that's what we mean. The long-term consequences to this country is that our children and grandchildren will inherit the consequences of our reckless behavior. How do we resolve this?

Mr. LATTA. Well, when you look at these budget projections, you have to have people working. When we are looking at an unemployment rate of 9.7 percent in this country and a little under 11 percent unemployment in the State of Ohio, and we all know what is going to happen later this summer when all of those people who were hired to be census takers, working for the census are going to be back on unemployment, these numbers are going to go right back up because it kind of is a false data time that we are in right now when we are looking at these numbers.

Of course we saw what happened when the unemployment numbers came out and only 41,000 jobs had been created in the private sector, what Wall

Street thought of that. They are looking at things are not going well for this economy.

I know you heard these same statements that were projections from the Congressional Budget Office director when he was before the Budget Committee. We are looking at probably 2014 or 2015 before we get back to, and I don't care if you want to say normal employment or normal unemployment in this country. The question is for areas that are hard hit like a lot of parts of Ohio and a lot of parts of the Midwest where manufacturing takes place, what are we going to do in our areas for the next 4 or 5 years with these high unemployment rates? Where are people going to go?

Mrs. LUMMIS. This chart illustrates exactly what the gentleman is discussing. If you look at the blue line, that is private sector employment. That is employment in the entrepreneurial economy. This is employment that comes from the employer class of Americans. If you look at the red line, the skyrocketing government employment, that is just that. It is the Federal Government attempting to replace the private sector with public sector jobs. The only problem is a public sector employee pays the same taxes that a private sector employee does. However, the public sector employee's salary comes entirely from private sector employment and the taxes generated by it. There is no way that we can sustain an economy of totally government employees when we have lost the private sector jobs, the kinds of jobs that Mr. LATTA has been referring to this evening in his district.

Mr. LATTA. One of the things that we are talking about, those jobs, and it goes back years ago when I was a county commissioner. You wanted to make sure you had as broad a tax base as possible in your county or State or country. It is like a pyramid. You want as big a base on that as possible. But the thing we were worried about, what happens if? We were losing jobs and we had fewer and fewer people. All of a sudden that starts shifting that base, and pretty soon you have a very small tax base out there of individuals, and you have a lot of other people up on top. It doesn't work.

What we can't have in this country is killing the entrepreneurs. When you look at all of these different scenarios out there, the bills that have come before this Congress, and these are the same people that I talk to in my district. And again, when you are dealing with the largest manufacturing district in the State, 20th largest in the Nation, they are concerned. I hear all the time about the issues out there that will help bring them down, is about the best way to say it.

You know, we have the second highest corporate tax rate in the world. What are we doing about that here?

When we talk about the health care costs, a lot of them are saying when they hit that certain magical number, when they get above it, they are asking why do I want to expand if I will be paying more. It won't work. Folks in business understand it. It gets to the point of economics 101 from your first year of college which is the law of diminishing returns. It is the more I work, the more I get taxed, and the less I have; why do it? People aren't going to do that. It is against human nature to do something like that.

Mrs. LUMMIS. Would you recommend reducing the corporate tax rate?

Mr. LATTA. We have to go across the board. If we are going to compete against our foreign competitors, and that is who is out there today. Because when we look at a lot of these regulations that are coming down on businesses, you look at the corporate tax rate and you look at what has happened here with health care, we have seen these numbers coming out today of what is going to happen on the health care side. They are saying you get to keep what you want; well, that is not going to happen for a lot of individuals.

When you look at the regulations, companies are saying we don't have to worry about that if we are someplace else. I have had companies that are located in a village or city, and when the EPA puts a mandate in for water or sewer, but the parent company is some place outside the State, and they are told if their rates go up to a certain amount and they are no longer profitable in their area, well that company is going to be moved. When you are looking at losing 300 jobs or 400 jobs or 600 jobs, that is totally unacceptable.

Mrs. LUMMIS. Are you aware of any employers in your manufacturing district that have pulled up stakes and moved their businesses elsewhere?

Mr. LATTA. That happens all of the time, unfortunately. We have situations where we are competing. I know years ago when I was a county commissioner, we were competing against many other parts of the State of Ohio or maybe someplace in southern Michigan or eastern Indiana. In a short 20-year period, now we are competing with somebody 8,000, 12,000 miles away. If they are in a situation where they have lower labor cost, and if they have lower cost for their electricity or other fuel costs, and we are all for clean air and clean water, but if they are in certain areas where there is no concern for that, and we have heard under the cap-and-trade legislation, if we did everything that was asked for under this piece of legislation that passed out of the House, in 8 years there would be absolutely no difference in CO<sub>2</sub> emissions. Why, because China and India would be making that amount up. But at the same time, we would have lost

all of those jobs in this country. Those jobs would have moved someplace else.

□ 1900

Mrs. LUMMIS. Are you aware of any manufacturer that has moved into your district from a foreign country, saying this is a better place to do business? It's more economical here? I can make a better profit here?

Mr. LATTA. I thank the lady for yielding.

This is the problem you run into. In my opinion, I truly believe that the United States has the greatest workforce in the world. We have the best trained workforce. We have the best educated workforce, but we just need to be put on an equal footing. And when companies understand that—you know, it's just like with that small entrepreneur.

If they toil day after day—I knew somebody that, to get their company started, they had a small bed that could roll up in their office. And his wife would come in and help work, and she slept on the couch. But, you know, they put hours and hours and hours into that business, first of all, to get it off the ground, to grow it, and then to make it successful.

But if you put the roadblocks in front of these people, you know, some folks aren't going to be as steadfast as they were, and they are going to say, You know what? It's just not worth it. Why kill myself? And I think that, again, it's the spirit of entrepreneurship in this country that makes this country work.

It's like when I talk to these kids on the Capitol steps. You know, why did a lot of our relatives ever get on—some people's relatives came on the Mayflower. Most of ours came on the Poorflower. And when people got off that boat, and my relatives came down by barge on the Ohio River, and they came up the canal system, and they cleared the land, and they started farming in Putnam County in Ohio. They had a desire. They wanted land. They wanted to grow that land. They wanted to make sure that they had something not only for themselves but for their kids. They wanted a future. And I think that's what we are losing track of in this body and in this Congress, that what's happened is that it's no longer about the future, but too many are thinking, "It's about me." And the problem with "me" is we are not growing it. And we have to grow the "we" and the "us" to make this country successful.

Mrs. LUMMIS. My daughter did a study for an economics professor about externalities, meaning decisions you don't necessarily see in black and white on a business plan, that might affect a Wyoming rancher's decision to stay in agriculture or leave agriculture. Because we know that in Wyoming agriculture, especially beef production agriculture—of course, there

are no subsidies in beef production agriculture in Wyoming, and other States as well.

So the largest group in Wyoming are those that make from 0 to 4 percent profit. The second largest group are those that make from 0 to minus 4 percent profit. And after looking at many factors of what would motivate a person to stay in a business where the profit margin is that low, the answer for especially second, third, and fourth generation ranchers was the ability to pass it on to my children, to give my children a better life, to give my kids the ranch.

Now, Mr. LATTA has mentioned two things that are of concern if a person's motivation is to give their children a better standard of living, a better life, an opportunity, a shot that maybe they didn't have or that they have enjoyed and they just want their children to have as well. You mentioned that next year the estate tax is going to go back up to a maximum amount of 55 percent of the value of the estate, with only a \$1 million exemption; whereas, this year there is no estate tax whatsoever.

Think about that and how that will affect you if you have spent your entire life building something with the one motivation of giving that to your children or your grandchildren. That is going to be devastating. Many people I know would accept a smaller estate tax with a higher exemption, but no one I know is going to be satisfied that a 55 percent tax on your life's work that you wish to pass on to your children is anything but a taking. And takings are unconstitutional under our Fifth Amendment. I mean, that's how people look at it.

And, you know, if you worked your whole life for something 7 days a week, not 5 days a week, not 40-hour weeks, but every minute of every day that you are awake, growing your family, growing your business, growing their opportunities, creating a community, creating the kind of American Dream that so many people came here with nothing and then built over their lifetimes or their parents built over their lifetimes and want to pass on to their children.

The other point you made that I think is going to affect that American Dream is our debt, is these running deficits that are unsustainable over time. Because if we mount our children and our grandchildren with debt, it will crowd out private investment. If we are spending the entire Federal budget, all of our tax dollars on the combination of entitlement programs and interest on the national debt, we have crowded out the opportunity for private investment as well as for discretionary spending within our economy.

I yield back to the gentleman to tell us more about the consequences of these bad policies and the kinds of bills that he has proposed to change all that.

Mr. LATTA. Well, you have touched on something when you are talking about the death tax, the estate tax. And, you know, when you are talking about something going from having zero death tax this year, which won't ever happen because, you know, there will be a retroactive clause put in somewhere saying that they are never going to let people off the hook, and they are going to say anybody that passed away this year, somehow they will try to bring them back up, and I am sure the lawsuits will begin.

But you are right about a couple things right off the bat. You know, family businesses, family farms, I know it's difficult for some folks when you are only looking at a very small percentage of about less than 2 percent of Americans now that make their livelihoods from the farm. And when you go to your local county fairs and you go to look at these implements and the costs, and when you are talking about a \$425,000 combine with one head, or you are looking at a couple hundred thousand dollars for a tractor, and you start adding all these pieces of machinery up. People say, well, if you have got a couple million dollars you are rich. Well, most farmers that I know are land rich and cash poor.

And what happens in a lot of cases or a small business, what do they have to do? Well, number one, okay, they have to start doing estate planning early on. And I am an attorney by trade. But when you start talking about that we have to tell the American people they have to expend millions and billions of dollars when it comes to estate planning or doing the taxes every year, we should simplify this. But, also, we shouldn't be taking what they have worked hard for. And when people are out there thinking, Is it going to be worth it in the end?

Because this will be—you know, if we get to a point in this country, people are going to say, You know what? If the government's going to take it in the end and I can't pass it on, what are they going to do? Either, A, I am not going to work that hard, or, B, I am just going to spend it. And if they spend it, what's going to be the result of that? They are going to say, Government, you take care of me now. I am not going to worry about my livelihood or I am not going to worry about down the road when it's time for me to retire. Just have the government take care of me. And that's not going to work.

So, you know, we have got to keep this entrepreneurship. We have got to make sure that people in this country have the ability and the thought that they can succeed. You know, a lot of people sometimes are jealous of people that come here as new immigrants to this country, but the thing that they know is they come to this country like a lot of our ancestors did. They want to

make something of themselves. They want to make something of their future. They want to have something for their kids. But when you kill that entrepreneurial spirit, that's when the beginning of the end becomes.

And you know, it's kind of interesting. There used to be a saying years ago before the fall of the Soviet Union that the people pretended to work and the government pretended to pay them. And we never want to have that happen in this country, where people get to the thought that there is this hopelessness, that there is no reason to do it. We want to make sure that the people have the ability in this country to get ahead.

And I yield to the lady.

Mrs. LUMMIS. The gentleman has mentioned a couple of things that are important to recreating a vibrant economy and to taking the shackles off of American business, and tax policy is high on the list. The fact that we could have an estate tax that is much smaller in terms of its impact on a family, and the American people would accept that is in fact the case. I hear it over and over in this country. We have also heard that it would be helpful in terms of American competitiveness for us to reduce our corporate tax so we are more globally competitive.

Among the provisions that anyone can read about is in [americanroadmap.org](http://americanroadmap.org), and that is the proposal to create a flat income tax. That would be a rate, such as 10 or 11 percent, that you would pay on all of your income, regardless of source, regardless of whether it's active or passive, whether it is capital or income from a job, whether it is rental income, royalty income, or, again, active income. All sources of income would be taxed at 10 or 11 percent.

So you take all your income annually times 10 percent or 11 percent. Maybe you have a deduction of \$20,000, so your first \$20,000 worth of income isn't taxed. And then whatever that amounts to, you just write a check and send it in to the IRS. You don't need to have CPAs help you fill out your tax returns. And I can tell you, if we did that, it would save the American people a lot of money. We would garner a lot of tax revenue that we aren't collecting now because of the efforts and machinations that people go through to try to protect as much of their income as they can from being taxable because, A, there is no way to avoid it, whether you are rich or poor; and, B, it's predictable. You know that the person across the aisle from you at work or at church is also paying 10 or 11 percent, whatever it is, of their paycheck.

That sounds so fair to me. It sounds so logical. And yet that is something that is so hard to change with all of the interest groups that affect the appearance and shape of our Tax Code.

I do want to encourage, as we go along, everyone to go into AmericaSpeakingOut.com and weigh in on ideas that we have proposed to reduce the Federal debt and deficit and stimulate the economy and take the shackles off the American entrepreneur. And also to just weigh in and give your own thoughts about how we might do it.

I would like to talk about one of the bills that I have sponsored, and it's a way to reduce the number of Federal employees without firing anybody. It is a bill that would provide that if you look at the curve off here to my left, your right, you will see Federal employment in the year 2010, which is the farthest bar away from me, has absolutely skyrocketed. And this is Federal Government employment full-time equivalents excluding the Postal Service. So it has just grown leaps and bounds.

Now, how do we soften the landing for those people that were hired in a way that will allow our economy to return to normal so we can begin to reduce all this deficit spending? And the answer is for every person who retires or voluntarily vacates a position, that vacated position, that vacant position would be moved into a position pool, and only half of the positions would be moved in the position pool. Then the executive branch of government, run out of the President's office, would have to determine whether that position was essential to that agency and needed to be placed back in that agency and then filled with an employee, or whether that position should be moved to another agency that had a more impactful mission on our American economy and on our government regulatory needs.

So it's a way over a 10-year period to reduce the number of Federal employees through attrition. They leave. Their position becomes vacant. Half of those positions go away. That saves about \$70 billion. Not a small amount of money.

Some of the other ideas that Republicans have filed go way back to the stimulus package. We sponsored a bill that would have stimulated economic growth; in fact, it would have created twice as many jobs at half the cost of the majority party's \$787 billion stimulus package. How did we do it? We did it by investing in infrastructure instead of earmarks and by cutting taxes. This is something I believe, Mr. LATTA, that you and I both supported.

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Mr. LATTA. Thank you very much for yielding, and again, you go back to the Responsibility Investment Act again, you were talking about cutting taxes here and what we can do to really get things moving. Again, if you get rid of and make permanent the repeal of the death tax, well, what happens? Peo-

ple are going to say, now I can invest that money back into the business instead of going out saying, how am I going to try to soften the blow when the taxes finally come, you know, through buying insurance or, you know, going to multiple years of tax planning on how you're going to get this thing done?

And I'm sure everybody this year is going crazy with the thought that the death tax comes screaming back at the \$1 million level at the end of this year, and you have a lot of folks with their A and their B trusts already funded where they're supposed to be, and they're going to say, now what am I supposed to do? So it's right back doing what? You know, it's not just the money that people invest, it is also the time. If you think how much time is invested by businesses to try to figure out how they have to cope with all these taxes and regulations out there, I think that that's one of the important things out there.

Again, in a piece of legislation that I have on the Responsibility Investment Act, again, repealing that death tax, we're talking about what we can do on the small business side. You know, if we're doing a 20 percent cut for small businesses and 20 percent tax cut for businesses, that's going to allow those businesses to take up to a 20 percent deduction equal to their income. And it's regardless of whether they're paying corporate or personal income tax.

So those are things we have to do to try to make sure that we get businesses back moving in this country again, and again, we just can't expect folks out there to say, you know what, I'm going to work like a dog 24 hours a day, 7 days a week for X number of years to try to get this off the ground and then have to watch it all be taken away from me.

Mrs. LUMMIS. You know, among the other pieces of legislation that Republicans have sponsored includes reducing our salaries or freezing our salaries, freezing government salaries, reducing spending across the board. There have been Republican proposals, anything from 1 percent to 5 percent to 10 percent. There have been Republican proposals that would take spending, as Mr. LATTA referred to earlier, back to 2008 levels or even 2006 levels. You know, we had enough government then. There were not a lot of complaints that, my gosh, we don't have enough government; we need to spend more on government.

So we could take spending back to 2006 or 2008 levels, and I don't believe the American people, other than those who have benefited specifically by being employed by those Federal agencies and Federal programs, would notice the absence of that money, and in fact, they'd probably benefit mightily because it would save so much money that interest payments on the debt and

the deficit would be reduced, and we would not have to borrow so much money.

A couple weeks ago here in Washington, some U.S. Treasuries were issued. They are issued every day that we are working, Monday through Friday. There's a sale of U.S. Treasury bonds because we are going into debt so much we have to sell Treasuries every day. This particular issue was under-subscribed. That means there were not enough buyers for the money that we attempted to sell, and the reason is that for the risk that the buyers were taking, they wanted a higher rate of interest. They wanted a better return. When you take more risk on an investment you're purchasing, you want a higher rate of return.

As soon as we have to start paying higher interest in order to attract buyers to our debt, we are ensuring that our children and grandchildren are going to be saddled with higher interest payments once again, crowding out other investments in our economy. These are the kinds of things that absolutely stifle economic growth in our country and encourage some businesspeople, as was mentioned by Mr. LATTA, to move their businesses elsewhere.

We do know that, for example, in the Gulf of Mexico right now, with the moratorium on drilling and no end in sight to when it might be lifted, that there are drill rigs that are considering moving to that tremendous oil and gas find off the coast of Brazil. If one of those enormous rigs is moved off to the coast of Brazil, it will be 5 years before it comes back. It's not going to move back at a moment's notice. That takes so many thousands of jobs away from workers in Louisiana. So they're doubly punished. They're punished because their shores are polluted by oil from the Deepwater Horizon rig which exploded, destroying the fishing industry and retarding the tourism industry. And then they're adding insult to injury; the oil and gas employees lose their jobs in areas where you could drill at a shallower depth or a medium depth in a much more safe and well-understood manner. This is the wrong reaction.

You know, the President is speaking later this evening about the situation in the Gulf, and what I would note about that is, we can't legislate our way out of the damage and the devastation to the Gulf. We have to clean it up, and we have to make BP pay for it. Those are our alternatives: Clean it up; make BP pay for it.

The President, if he had had executive experience, would likely have called the head of BP within 48 or 72 hours of that oil spill and said, I want you on a conversation with me every single day at a specific time. I want you and me and the Coast Guard and the Governors of the affected States

and anyone else who is able to help us clean up this mess, and they could get on the call every day at the same time. The President could have opened a call, and he could have said, I'm not going to stay on this call for more than a minute, but I'm going to tell you that the people on this call are responsible to the people of this Nation to make sure that that oil does not get to our shores, and I want you to do everything possible. BP has said they will pay for it. BP is on this call, and are you assuring us you will pay for it? I mean, under which circumstances, they would have said, yes. And it could have proceeded that way every day with the President's full support for the Governors' requests, for the Coast Guard's requests, for repealing the effects of the Jones Law, which inhibited our ability of getting other countries to help us in the response. All of that could have been handled if it would have begun earlier enough.

But the fact that there was an effort to run away and avoid the problem and deal with it not until it was just completely out of control is, I believe, an indication of someone who had legislative skills and not executive skills. There is such a difference. We cannot legislate our way out of the situation, and we should not have a cap-and-tax bill as a response to a devastating accident that may be the worst ecological disaster we've ever had, because taxes are not going to change it.

BP has said they're going to pay the bill. To do otherwise would be to impose taxation on the people in this country who can least afford it, those of low and moderate income who are trying to make ends meet at a time when unemployment is still 9.7 percent, at a time when we should be helping them find jobs, not imposing a moratorium on safe drilling, that takes jobs away from them. The Gulf is just one example of where that's true.

And I yield back.

Mr. LATTA. I thank the gentlelady for yielding and a couple of your earlier points, you know, you were talking about pay here in Washington. I've got a bill that hasn't had any hearings, and what that bill says is that there are no COLAs anymore for Congress. If you think you deserve a pay raise, then you should introduce a piece of legislation saying that, and what this bill would do is say no more COLAs, period. We wouldn't have a 1-year freeze or a 2-year freeze; this bill would say no more COLAs.

Again, going back to what you said on that interest on that debt, and I mentioned a little bit earlier about going back to the early 1980s, with that 21.5 percent interest rate that people experienced. I was first starting to practice law that year, and I'll never forget, we had to do land contracts. And what a land contract, of course, is, say you want to buy my house, well,

you couldn't go to the bank and get a loan because you couldn't borrow any money. So I would have to, as the owner of the home, would sell you the house. We would have a contract that you pay me the principal and interest over about a 3-year period of time, and hopefully, at the end of that 3 years, then you would find a bank that you could go out to and get a loan from.

We don't want to see this go back, like I said, to where we had 21.5 percent interest. We don't want to go back to have some businesses out there at over 26 percent. When the Federal Government is out there, as you said, you know, if they have to start raising the interest rates to make it more profitable or for either the country—of course, right now, we know \$3.7 trillion of our debt is owned by foreign countries, and you know, we're only seeing that only grow, where they will control more of our public debt than anybody else.

So it's important that we get this under control because we cannot have interest rates that high into future. Businesses will stagnate. Businesses will not have the ability to go out and borrow money. And that's what we're going to be looking at. We'll be staring that in the face in a very short period of time, and what we need to make sure is that businesses can go down to that local bank on the corner, that people can go down to that bank on the corner and draw money and also loan money from that bank because, again, if we're in a situation that we were, you know, having learned that a lifetime ago already, not too many years, but back in a situation that we would be in where we were before, we can't compete.

And something else I guess we're kind of forgetting, when you look back on some of these statistics, maybe 10, 20, or 30 years ago, the United States was pretty much at the top of the heap. We could make some odd, dumb mistakes along the line, but we could correct them pretty quick because we controlled about everything. Not anymore. When you're looking where the Chinese want to be in the next 10 to 15 years and where other global competitors are, we're not going to be there. So that's why the United States and this Congress cannot misstep at any time, from now or into the future, because our future, not only for this generation but the generations to follow, are at stake.

Mrs. LUMMIS. Mr. LATTA has announced a call to action for all Americans, and we are attempting as a Republican Conference to solicit ideas and priorities from all Americans, regardless of party affiliation.

Please visit [americaspeakingout.com](http://americaspeakingout.com).

This will provide an innovative online forum for policy debate and idea generation. It gets us outside of Wash-

ington to talk about policy solutions at town hall meetings across the Nation. It allows us to discuss how our principles of freedom and smaller government could be applied to the priorities of the American people.

In time, we will produce a new governing agenda for America guided by this open process and built on our conservative principles, and we want to demonstrate that Congress should pursue different policies and operate this House more responsibly than both Democrats and previous Republican majorities. And if I hear something all the time on the Republican side of this room, it is that we don't want to treat the Democrats the way we used to treat them, and we don't want to be treated the way the Democrats have treated us.

I really believe that the 112th Congress that begins in January could be a new beginning for our country. It will only be so if the American people say it will be so because the American people are the ultimate governors of this country, and they govern with their vote, and they will have an opportunity in November to vote.

So please visit [americaspeakingout.com](http://americaspeakingout.com). Give us your ideas. We want to know. We want to build a working, bipartisan majority with the American people so we are legislating what the American people want, not what liberals want, not what conservatives want, what the American people want.

So [americaspeakingout.com](http://americaspeakingout.com) is a state-of-the-art Web site that allows individuals to suggest ideas of their own or weigh in on ideas offered by others. Everyone can see the ideas that are on the table, make comments on them, and register their approval or disapproval.

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This Web site brings the Halls of Congress into American homes and uses the best of social media to allow America's many voices to be heard.

And we would conclude by saying, to change the way Washington works and the policies it pursues, it will require Washington to listen when America speaks out, and we hope all Americans will join us in this unprecedented process of engagement.

For concluding remarks, I yield back to the gentleman from Ohio.

Mr. LATTA. I would just like to conclude on a statement that was made as you talk about Americans getting reinvolved.

Again, when I speak to the students on our steps here at the United States Capitol, I can't think of a better place to tell kids what they have to do. But one of the interesting things, especially when I have seniors in high school and I say, how many of you are registered to vote, I remember one day we had about 100 students out there,

and I probably had maybe 20 percent of the kids sheepishly start trying to raise their hands. They were going to put them down and I said, wait a minute, leave your hands up. I said, I want everyone to look at who has their hands up because they're going to be making the decisions for you. I said, if you want to participate in this great experiment, you have got to be registered, you have got to be involved.

It kind of goes back to what Benjamin Franklin said. It was reported when he left the Constitutional Convention—it was very contentious—a lot of people think it was just fine and dandy. They showed up in Philadelphia starting in May of 1787 and they wrote this great document. But it was hard-pressed, hard work, and they got it done. And when Franklin left, a woman asked him as he left, she said, Mr. Franklin, what have you given us? And he said, “A republic if you can keep it.”

I yield back.

Mrs. LUMMIS. I thank the gentleman from Ohio for joining me this evening.

I look forward to hearing the remarks of the next group. They are our Democratic colleagues from across the aisle. This group will be led by Representative WASSERMAN SCHULTZ, who I had the privilege of visiting Israel with earlier this year. She led a congressional delegation to Israel. And for this neophyte in international policy, it was a fabulous experience. We had the opportunity to meet Israeli President Shimon Peres. We visited with Benjamin Netanyahu, with the minority leader, Tzipi Livni, and also with Palestinian Authority leaders. We visited Jerusalem, the Golan Heights, and some of the fabulous farming communities near the Sea of Galilee.

For someone who had never visited Israel—in fact, I had never seen the Mediterranean Sea in my entire life, and to get to visit it with people who are steeped in the history, the politics, and the worldwide consequences of our relationship with Israel, it was a tremendous experience. So I want to thank the gentlewoman from Florida, Representative WASSERMAN SCHULTZ, for including me on the congressional delegation that she led to Israel.

Mr. Speaker, I yield back the balance of my time.

#### THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes as the designee of the majority leader.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, first, before she departs the Chamber, let me just say what an absolute pleasure it was to travel to the Middle East with the gentlelady from

Wyoming. Mrs. LUMMIS was a pleasure to have as a companion. She was inquisitive. The purpose of that trip was particularly to bring Members who had not been to Israel before so that we could learn about the importance, not just strategically, the importance of Israel in terms of its relative location to its neighbors so that Members like Mrs. LUMMIS could see and understand just how important it is that we continue to be supportive of Israel as a Jewish and democratic state.

Everyone I know that travels to Israel comes back a stronger supporter and a stronger pro-Israel advocate; and I commend you, Mrs. LUMMIS, for doing just that. It was an absolute pleasure. We began a friendship that I know will continue many years into the future, so thank you very much.

With that, Mr. Speaker, I am thrilled to be joined by my colleague, the gentleman from New York (Mr. TONKO), this evening. We're going to spend some time talking about our economy and talking about the evolution of our economy. There certainly has been some ebb and flow in that regard, but we are here tonight to talk about the success that we have had in turning the economy around and beginning to see progress. Inch by inch, month after month, there is more and more progress as we move forward.

This evening I want to highlight, Mr. TONKO, the fact that if you look back—and I know we have a chart on this which I would love to go get in a minute—but if you look back to just before President Obama took office in January, at that point, for the months leading up to his inauguration, we were bleeding, the United States was bleeding 700,000-plus jobs a month, and we weren't able to stanch those losses. The Bush administration handed President Obama the largest deficit in history, and one which they created after being handed a significant surplus from President Clinton.

And to have to deal with the amount of problems that our economy was facing when President Obama was inaugurated was astonishing and appalling, Mr. TONKO, because to have been left a mess and to have the economy driven off a cliff as it was was just absolutely irresponsible and it was avoidable.

It was avoidable because during the Bush administration, instead of focusing exclusively on the wealthy and having a tax-cutting policy that was focused exclusively and irresponsibly on the wealthiest 1 percent of Americans, instead what should have been done is there should have been a focus like there has been every single month since President Obama took office; there should have been a focus on broadening that tax-cutting policy and focusing on targeting tax cuts for the middle class. That wasn't done, and so the economy essentially was careening out of control.

Now you fast forward to a year and a half after he first took office, you fast forward to a little more than a year after we passed the American Recovery and Reinvestment Act, which invested \$787 billion into our economy to jumpstart the economy, to create jobs, to provide 98 percent of taxpayers in this country a tax cut. Where you had the wealthiest 1 percent get tax cuts under the previous administration, 98 percent of Americans got a tax cut last year. And we actually have the lowest tax rate now that we've ever had. It is just really amazing the way things have been turned around, and we should be very proud of that.

Today, in terms of job creation, from bleeding 700,000-plus jobs, we are now adding an average of 200,000 jobs a month since the beginning of this year. That is a really incredible accomplishment. I'm going to toss it to you in a second and go get those charts so we can have an illustration of what we're talking about, but we have a lot to be proud of. We have a long way to go. I mean, granted, we certainly aren't out of the woods yet, but we have turned things around and are beginning to see that in the economic indicators that I know we will talk about tonight. So it is a pleasure to be with you this evening.

Mr. TONKO. Thank you, Representative WASSERMAN SCHULTZ. And thank you for bringing us together for this Special Order which obviously will speak to the wisdom of sound policy that breaks from the failed policies of the past.

What is startling is that we should have learned from decades ago that the trickle-down theory simply does not work. It does not work because there wasn't a benefit felt by the working middle class, a large group of people across this country who in many situations live paycheck to paycheck, putting aside money for their mortgage payment, putting aside savings for college for their children, putting aside some reserves for unexpected expenses. That kind of situation must be responded to. And I think the fact that you talk about 98 percent of Americans getting what was now recorded to be historically the largest middle income tax cut in this Nation's history was a big part of the Recovery Act. It is what started to circulate the dollars.

When we look at the economic advice that we got, not only as the House of Representatives, but the United States Senate and the White House, with President Obama and Congress being advised by a team of economists that ranged over the broad spectrum of philosophy in the world of economics, and from the far-right thinking to the far-left thinking, from more conservative viewpoints to the more liberal viewpoints, there were recommendations made by this panel of economists who spoke to the priorities that needed to

be embraced by this Nation. The time had more than passed to invest in the recovery for America, and the results are astounding.

When we look at the Recovery Act, we can witness that the bleeding has stopped. The telltale indicators suggest in many cases that there is slow and steady progress, that the bleeding has stopped, and the Recovery Act can be credited for that.

The investments that were made were in three categories: tax cuts, as the representative, the gentlewoman from Florida indicated, a historically large impact, a historic largest middle income tax cut for this Nation. That was shared with the middle income community, the working families of this country.

Next, an effort made for issues like FMAP and education aid that went to States. I know that my home State of New York did extremely well with the Medicaid relief monies, did extremely well with the education investments so that we are able to keep some of the public sector employment situations, from educators to public safety, alive and well, and to allow for those families who were in need of assistance to receive some of the Recovery Act monies. And the unanimity with which the economists spoke in this situation simply was driven by the very forceful thinking that these entitlement situations—the need for food and clothing and shelter in tough times where people were finding themselves without a job through no fault of their own were allowed then to, with dignity, continue forward in these tough times; and they reinvested in the local regional economies. That got the local economies circulating and began the work, the progress of pulling ourselves out of this recession, which was, again, a historic situation as was witnessed by the previous speaker.

And then finally, investments, investments in a way that went to projects that were back-burnered, investments in technology, technology and education, in energy situations, in health care, in all sorts of activities, in transportation and infrastructure, utilizing technology in a way that could take those issues that were displaced, put onto the back burners were now brought forward by the Obama administration and by the leadership of this House with Speaker PELOSI and others leading us in the votes for recovery. And what happened was that, for instance, in the area of energy, we're creating jobs.

Now, the Representative from Florida, Representative WASSERMAN SCHULTZ, told us that we're now seeing hundreds of thousands of jobs this year added to the recovery, 84 percent of which, I would point out, are private sector. So that's the way we want to grow the jobs. But how is it happening? It's happening with investment in tech-

nology, investment in smart meters, smart thermostats, smart grids that enable to us have more control over our destiny as energy consumers.

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That is not only job growth, private-sector job growth, but it is also investing in a way that allows us to be cutting-edge competitive and to provide for a stronger quality of life and for a more competitive edge for our business community.

We also invest in health care with technology, making certain that duplication and mistakes and inefficiencies in the health care system are avoided, and we can go forward with a stronger outcome—a savings, again, for consumers who would have to pay for this duplication and for these mistakes.

Then there is the investment in education so that students are now able to have a stretching of the education resources in the classroom and where they can have a first-class opportunity to think outside their neighborhoods in which they live, where they can be more worldly in the classroom, through technology, in order to witness some of the great things that are happening out there.

This is a great opportunity for us to, this evening, talk about the differences, to contrast the differences out there—the failed policies of the past, Representative WASSERMAN SCHULTZ, that brought about 8 million jobs lost in a recession. That outdoes the Great Depression. Many of my constituents out there will tell me that they recall the Great Depression, and 8 million jobs surpass that situation.

So we started out in a very difficult situation, and I know that, with the Recovery Act, we are beginning to make progress. We are going to continue to stay on this slow and steady course that will enable us to come back from what was a very deep hole.

Representative WASSERMAN SCHULTZ, I know that we are joined now by our friend and colleague from the State of Pennsylvania, Representative KATHY DAHLKEMPER, who, like me, is a member of the freshman class here in this great House of Representatives, who is one of those great additions to the House and who is an enjoyable force with whom to work.

So, Representative DAHLKEMPER, I know that you wanted to jump in and share your thoughts on our recovery here.

Mrs. DAHLKEMPER. Well, thank you. I thank the gentleman from New York, a fellow freshman who has been a good friend of mine since I came to this House.

I also want to thank Congresswoman DEBBIE WASSERMAN SCHULTZ for bringing us all together tonight. It is a great opportunity to talk about the progress we have made and about the progress that we are continuing to make. We

know we are in a recession, that we are digging out of a very, very deep recession, but the signs are positive.

You know, as is Mr. TONKO, I am very much from a manufacturing-based economy, and I look at those manufacturing numbers always with great interest to see exactly where we are going from my district. What I find, actually, to be very encouraging is that our American manufacturing base has grown not just in the last month, not just in the last 3 months, not just in the last 5 months, but for 10 straight months the manufacturing base has grown in this country, and that pretty well correlates with the passing of the American Recovery and Reinvestment Act. We have created more than 125,000 manufacturing jobs over the last 5 months.

Now, I know people back home talk to me about how we can move our country forward. They say we've got to get back to making things, and I completely agree with that. For so many years, our economy has become an economy of paper, and we have been more concerned about what has gone on with Wall Street than what has gone on in the factories throughout our great Nation. As I say, particularly for those of us in the Northeast, we've seen many manufacturing jobs go. So what I find very encouraging is that we are getting back to making things in this country.

With that, we have seen a couple of things. One is consumer confidence, which is another great indicator. It rose in June to the highest level in more than 2 years. That is from the University of Michigan, a consumer confidence survey. That's not from us here in the House. That comes from an outside source, which was just on the 11th of this month, just a few days ago. Consumer confidence is rising for the third straight month and to its highest level in more than 2 years. This was way before Mr. TONKO and I were in Congress, so that is very, very encouraging news, along with retail sales rising for the seventh straight increase and the 12th gain in 13 months. So there are a lot of very encouraging signs.

Now, I know this is still a problem for those who are out of jobs, and obviously we are still very, very concerned about that, but we have some signs that this economy is recovering. It really has had to do with what we have done here in the House, with so many of the good policies that we have passed here which have helped move this economy forward.

Here we will show you retail sales, which are on the rebound. When people start buying again, they have confidence, confidence that we are recovering. So here is what happened in the red during the Bush administration:

As you can see, we were going along pretty well until the recession began,

which was going into 2008. Then, of course, it takes a very big dip right before I and Mr. TONKO took office. That was in November–December of 2008. Then you can see what happened after we passed the Recovery Act back here in March of 2009, and the numbers continued to steadily go up. Here we are in April of 2010, and we are getting almost back up to where we were, well, about 4 years ago, actually. So great news in terms of the retail sales on the rebound. Great news on consumer confidence going up. Great news on the manufacturing.

Of course, we want even better news. We want to continue to work on this economy and to help businesses create jobs. We are providing, as Mr. TONKO said, so many of the, I think, road maps that need to be there to create those new jobs. Whether we're talking clean energy, whether we're talking broadband, whether we're talking health care, you know, we need to move into this new century. We're doing that, and we did many of those investments through the American and Recovery Act, and I always like to talk about the recovery and reinvestment side. The reinvestment is what we don't talk enough about, and I know Mr. TONKO loves to talk about that, too. We are talking about where we are today, and so these are just some of the numbers that, I think, need to be brought out, and the American people are feeling that confidence level going up.

I now yield back to the gentlelady from Florida.

Ms. WASSERMAN SCHULTZ. Thank you very much.

First of all, let me just say that it has been such a breath of fresh air. I know Speaker PELOSI likes to say that each new Congress breathes in new life from the trenches, new people who have just come from having their fingers on the pulses of their communities. Both of you, Mrs. DAHLKEMPER and Mr. TONKO, reflect that statement really to a T. I know that you're in your districts, constantly working hard to make sure you can come up here and can fight for the things that the people in your districts care about.

Particularly, I know I never tire of hearing you talk over and over about how important it is that we restore that manufacturing base and that we be supportive of an economy that makes sure that we can make things again. I have heard that refrain from you and from your industrial, you know, rust belt colleagues for many months now, and now we are seeing the fruits of that effort with the increase in manufacturing.

Also, it is really exciting that you can actually point back, Mr. TONKO, to a point in time and to a policy decision that we made, to a vote that we cast, which made a difference. I mean it's hard, you know, to gauge sometimes

whether or not what we are doing is working, you know, whether a policy decision has had the desired outcome, but you can see. I mean the proof is in the pudding. I mean here are retail sales that Mrs. DAHLKEMPER just talked about. Now let's just look at consumer confidence in general, because the consumer confidence numbers did just come out, as you talked about.

Every month for, I think, the last 7 months, we have had consumer confidence on the rise. We have had another jump in consumer confidence. This is a chart that talks about the increase in household wealth and how American household wealth is beginning to recover. \$17.5 trillion of household wealth was wiped out under President Bush. Under President Obama, we have already recovered \$5 trillion of that household wealth.

When people have their wealth restored, when they have resources again, they start spending money. That's why those retail sale numbers are going up. When you have your wealth restored, you gain more confidence in your ability to make some spending decisions that you might not have made. So, ultimately, we are going in the right direction.

Really, I have to laugh at some of our friends on the other side of the aisle. You know, with the expression "your glass is half full or your glass is half empty," that's sort of the determining factor of whether someone is an optimist or a pessimist. I don't even think it's half. I think their glass is just empty. I think they broke the glass, because, to be honest with you, it's really shocking how they can see only gloom and doom with positive economic numbers like this. I mean what is so sad is sometimes I think they wish that this were not the direction that our economy was moving in because, sadly, for so many of our colleagues on the other side of the aisle, it's about regaining power rather than about seeing the American people regain some power, some power in the purse. So I just thought I would point that out.

Before I flip it to you, Mr. TONKO, some really exciting and interesting poll numbers came out this week. In these hours, we like to make sure that we don't just have people taking it from us. I mean, you know, obviously, I'm a Democrat. I'm, you know, supportive of my party's agenda, of our leadership's agenda and of moving the country in a new direction, so we try to talk about third party validators on the House floor.

The ABC News/Washington Post poll was released just this past week, and it showed that Democrats are favored over Republicans to handle the Nation's biggest problems. Six in 10 who were polled are dissatisfied with congressional Republicans' ideas. In terms

of the individuals polled, we were supported by a 12-point margin. By a 12-point margin, Americans trust Democrats over Republicans to handle our Nation's biggest problems 44 to 32 percent. That is a pretty significant indicator that Americans are happy with the direction that we are going.

I think no matter what district you go to, whether it's to a progressive district like mine or to a moderate district like Mrs. DAHLKEMPER's—and you're probably halfway in between Mrs. DAHLKEMPER's and mine, Mr. TONKO, as far as the philosophical spectrum in your district—our constituents would tell us we are cautiously optimistic, that things are moving in the right direction but that we're not out of the woods yet. You need to keep pushing. You need to keep innovating. You need to keep passing legislation that is going to jump-start and spark this economy and be an engine of job creation. That's what we're keeping our nose to the grindstone on.

Mrs. DAHLKEMPER. Will the gentlelady yield?

Ms. WASSERMAN SCHULTZ. I'd be happy to yield.

Mrs. DAHLKEMPER. You talked about other people weighing in with some of these surveys, and I just wanted to mention a few things that have been in the news just in the last week.

We have Melanie Holmes, the vice president of Manpower, Incorporated, who knows a lot about whether people are working or not. A very interesting thing about this result is that the positive trend is very broad-based. That was out of CNNMoney, again, just a few days ago.

Mark Zandi, the chief economist for Moody's, just a few days ago, said that nearly two-thirds of metro areas are flashing signs of growth. He said a tracking tool that is forecasting firms is showing this upturn, and it is the best showing since mid-2008.

Then we have from CNNMoney.com the title of "Bosses More Bullish on Hiring." For the third straight quarter, more U.S. employers said that they will add jobs instead of cut them, according to a survey released Tuesday. The survey found that 18 percent of employers intend to increase staff, up from 16 percent the previous quarter.

These are people who are not associated with us here in the House of Representatives. These are independent groups out there, media outlets, who are seeing what we're seeing in these numbers here, and they're telling the American people the true story of what is going on in the economy.

I yield back.

Mr. TONKO. If the gentlewomen will yield, it's interesting. You know, you talk about these observations that have been shared in publications, but as early as April 16, I believe, Fortune Magazine talked about the Recovery Act's working, that the President's

policies were having their presence felt. They talked about it as a sharp turn.

Interestingly, if we see the pattern of the retail sales that you presented in chart format, the household wealth recovery chart and this GDP scaling, they all had that same graphic. It's this sharp V formation, that precipitous dive, straight-line dive, from early 2008 into the beginning of 2009. Here is another one on the path to economic recovery and then that slow and steady straight line of recovery.

So, to me, it's blatantly obvious there was this continuation of decline, and you can't help but wonder what would have happened if we had allowed the failed policies of the past to continue or if this President and if this Congress had not stepped up to the plate.

Ms. WASSERMAN SCHULTZ. Will the gentleman yield?

Mr. TONKO. Absolutely.

Ms. WASSERMAN SCHULTZ. Since you asked the question rhetorically, I'll actually jump in and answer it with an answer from Mark Zandi, Moody's economist who Mrs. DAHLKEMPER just referred to.

As to what would have happened without the Recovery Act, without the TARP legislation, and without making sure that we grabbed a hold of the tiller of this economy, what he says would have happened is we absolutely would have sunk into a depression, that literally the policies of President Obama and of the Democratic leadership in the House and the Senate steered our ship of fate away from a depression.

□ 2000

Mr. TONKO. So we can see these V formations; that downward straight line impact that could have kept going, but we changed directions. And now, we're told by our colleagues in the House on the other side, it's not quick enough. We've made a wonderful recovery here. We have stopped the bleeding, and we're climbing upward. The analogy used by the President, where they drove the car into the ditch, and then it took a tough bit of effort to pull that car out of the ditch, and they're saying, Give us back the keys.

Well, I think the public is now understanding that very failed policies were governing our economy. It brought America to her knees. And we saw the lack of regulation with big business, big banks, Wall Street, credit card companies, big oil. Gosh, we see what is happening in the Gulf. All sorts of big special interests that had a heyday. No regulation. No watchdog in the equation. Let us run free. Let us be in a situation of laissez-faire. Government is bad. No restriction. Let it just run free.

Well, capitalism works, but you also need guidance. You need some sort of measurement, some sort of discipline

that errs on the side of the consumer, the taxpayer, whomever, the small business. And the recovery here is about smart policy. It's about progressive policy. It's about taking what was broken and fixing it.

And, you know, don't stand on the sidelines and say, We're watching you mop; you're not mopping quick enough.

No. Pick up a mop and help us clean up what has been messed up here.

I think the public now is understanding. They're seeing this big oil company that got us into trouble now, is harming the environment, is impacting the economy of the Gulf States. They're understanding now that regulation for certain big groups out there is essential. Regulation for Wall Street was essential. Our work, to make certain that we help the small business community by assisting them with loan opportunities, working with community banks to open up the credit lines; the backbone of our economy, the springboard to our recovery is through small business.

And this was an era that preceded us that was about special interest, big companies, big industries getting all sorts of favorable review and treatment while small business and middle-income America struggled. Struggled to live paycheck to paycheck while greed—greed—predominated on the scene and really brought this economy to its knees and caused undue hardship, unnecessary hardship to folks, ranging from those in their senior years, who had retirement accounts destroyed.

And what do our folks say here on the other side? Privatize Medicare. Privatize the situation for Social Security.

This is a choice here. It's a contrast. It's a difference. Big oil companies, big banks, Wall Street, special interests, give them free rein; or assist the small business community, work for incentives and relief, tax relief for middle-income Americans. There's a contrast here. And it's that V formation. Just as that line went precipitously south, we're now going north. So is the contrast. Sharp and clear. And I think, more and more, the general public is saying, No, you don't get back the keys. You don't deserve to get back the keys to the car.

Ms. WASSERMAN SCHULTZ. You're absolutely right. And I want to jump off what you just talked about, related to the choice that Americans will have. Over the next few months, we are going to get closer and closer to an election, and in November, I think Americans will have a very clear choice. They can go back to the failed policies of the past. They can backslide toward the Bush era, in which we will be in a situation where we will be led by people who think that we should exclusively focus on big business, big corporations, the wealthiest Americans, and that

tax-cutting policies should only be targeted towards that group of people and use the whole trickle-down notion that has been proven time and again not to be effective, in fact, proven to be detrimental to the economy.

Or we can continue to move in the direction that the Obama administration and Democratic leaders in the House and Senate have been taking us, which is slow and steady progress so that we can reestablish the balance that we need in our economy, particularly, as you mentioned, the balance in terms of regulation. We allowed the fox to guard the henhouse for 8 long years in industry, particularly in the financial services area, which we're debating and discussing this week. And it's high time that we reestablish some order and balance.

Mr. TONKO. Well, I don't get to watch TV too much. All of us know we're out in the districts working all the time. But I do understand the concept of a show called, "Are You Smarter than a Fifth-Grader?" So we will put it out to the fifth-graders and say, Would you prefer 8 million jobs lost, or would you prefer over a half million, over perhaps three-quarters of a million jobs returned, 84 percent in the private sector category? I think the fifth-grader would say, Give me the job growth, not the job loss. And you go down that list, and I think the fifth-grader is going to tell us that this is pretty clear. It's a contrast that I understand. And it's important. I think it's about choices.

Is it fast enough? We would all love instant response. We would love millions of jobs in one quarter. But after we witnessed \$18.5 trillion lost to household incomes over an 18-month span during the Bush recession—that's about a trillion dollars per month lost to household income—to now recover \$6 trillion, a 30 percent recovery of that loss, is a move in the right direction. Again, a fifth-grader would say, I'd rather take a \$6 trillion gain than an \$18.5 trillion loss for households.

So it becomes more and more apparent that the Recovery Act isn't working; that it's about small business incentives, tax relief for small businesses investing in basic research, research and development, embracing science and technology, building a clean energy economy, growing an innovation economy, supporting emerging technologies. These are all dynamics of strength. And the confluence of these dynamics of strength mean a growing economy and one that can base itself on cutting edge in design and format. I think it's a strong comeback, and we need to maintain the course of recovery.

Ms. WASSERMAN SCHULTZ. Mr. TONKO, as the parent of twin fifth-graders, I can tell you that my fifth-graders often scratch their heads and wonder, Mom, what the heck are your colleagues on the other side of the aisle

doing? They wonder why they only focus on the most narrow view.

Mr. TONKO. I, by the way, had lunch with one of those.

Ms. WASSERMAN SCHULTZ. Yes, you did. You did, as a matter of fact. And my fifth-graders and first-grader will be back tomorrow. I'm looking forward to that. Maybe we can send them over to the other side of the Chamber, and they can shake things up a little bit.

With that, we've been joined by our colleague from Ohio (Mr. BOCCIERI) who is doing a fantastic job representing his community and is a real fighter for the values of the Midwest.

Mr. BOCCIERI. Well, thank you, Congresswoman DEBBIE WASSERMAN SCHULTZ of Florida and PAUL TONKO, for setting up the challenge of setting the record straight.

Just as an aside, a few years ago, as a State legislator, I remember sitting in my room watching C-SPAN, and you and Congressman RYAN were speaking a few years ago. And I thought, Wow, how neat would it be to stand next to them and talk about the same things we're talking about today.

Well, here we are. So it's an honor to share this stage with you to talk about how we get our country back on track and we get our economy moving again.

I agree with so much that has been said here tonight; that America has to be the producers of wealth, not just the movers of wealth. We have to build things here in this country. We have to invest in our workforce. We have to invest in things that are going to make us different than the rest of the world. And we have that here.

You look at the computer. You look at our space program. You look at things that have been invented here. Things don't happen by accident in America. Things happen because we have some of the greatest entrepreneurs. We have the great entrepreneurial spirit, we have great mind, great thinkers. We also have a great form of government that works on behalf of the American people.

However, what we hear from the other side, Mr. Speaker, what we hear from our colleagues on the Republican side, is that "no" has been the standard answer here for the last year and a half. The party of "no." The "just say no" crowd. Say, No ideas. No solutions. No interest in helping America move back and move to higher places.

Look, we're elected to do things, not just to win elections but to do things and put the country back on track. When you run for office, you make all these promises. But when you govern, it's about choices. And we have to a choice to make. Do we work together as Democrats and Republicans to put America first, to put America back on track, and to put our country moving forward? Or do we participate in this partisan exercise here where all we get is stiff arms?

We have worked very hard to try to bring our colleagues on the other side, Mr. Speaker, to the middle and to govern from the middle and to work hard to make sure that we incorporate some of their ideas. In fact, in the health care debate, there were over 150 Republican amendments. The final version of the bill reflected the version that was introduced in 1993 by Senator Bob Dole. So while it had a lot of Republican ideas, it had zero Republican votes.

And that is not leadership, Mr. Speaker. Because leadership is about action, not just position. Not just position.

And what we hear is this constant drumbeat about how they want the keys back, as you said, Congressman TONKO. They want the keys back.

Well, the American people remember that they drove us into this ditch by bending over to Big Oil, by bending over for credit card companies and big Wall Street banks and the big insurance companies.

Our political philosophy is this—I know all of us share this—that the government should set the out-of-bounds markers. They should set the goal posts, and let the free market operate in between. But be a good referee. When someone goes out of bounds, you throw the flag. When big oil companies don't have redundancy built into their systems, the referee should be throwing the flag. When private insurance companies are dumping people because they paid their insurance but committed the sin of getting sick, we should throw the flag. Now we could have a debate all day about where those markers and where those out-of-bounds markers are set and where those goal posts are set. But make no question, the government should be the referee.

Mr. TONKO. If the gentleman from Ohio would yield.

Mr. BOCCIERI, you struck something in me when you talked about the party of "no." Even the party of "no," it was not good enough to say "no" to an issue like America COMPETES. On this very floor, we had the opportunity to create millions of jobs through an investment in manufacturing; an investment in STEM, science, technology, engineering and math, for our students out there to train the workforce of the future; to invest in basic research; R&D; to do all sorts of incentives for business. Not only was it not enough to say "no," because we had the votes with the "no" votes from the other side. We still had many more votes favorable. But then it was a game of politics to just drop the progress, kill the progress of America COMPETES to the point where the issue had to be resolved through all sorts of negotiations over a couple of weeks. So it held back progress.

Ms. WASSERMAN SCHULTZ. Would the gentleman yield on that example?

Because let's tell them how they slowed that process down. It's not only that they were not voting for the America COMPETES Act, which by any measure will create literally millions, potentially, of new jobs and definitely tens of thousands of jobs. They added an unrelated, irrelevant pornography amendment to that legislation to try to catch Members on our side of the aisle in a vote for or against pornography. And what they did was they ran an amendment that said that we would vote on whether or not Federal employees would be able to be paid if they viewed pornography on work hours.

Mr. TONKO. It was an intentional game of "gotcha." Here sat in the balcony representatives of labor and representatives from the United States Chamber of Commerce, a broad spectrum of support for a bill that takes America to the cutting edge, allows her to invest in smart manufacturing, and to compete effectively in a global marketplace, to invest in science and technology, to make certain that we're state-of-the-art, that we're investing in research and development, which translates into jobs. All of that activity thwarted by a game of politics on this floor.

It didn't matter—it didn't matter—that nearly 2 million jobs could be created; that we could become a more competitive Nation. That didn't matter. And "no" wasn't enough of a force to stop it. So we resort to political games. That's the sort of record that the public will scrutinize, and they will say, Look, we see the slow and steady progress. We believe in this.

To your point, Representative BOCCIERI, about setting up the goalposts, setting up the parameters for this program, yes, allowing the capitalist model to work but making certain that there's discipline, discipline in the situation and the scenario, so that we go forward and invest and know that we recover with lucrative dividends.

Mr. BOCCIERI. Well, what do we invest in, Congressman TONKO? We invest in our greatest asset in America, and that's our people. We want to invest in our people, workforce retraining, investing in jobs in our economy, putting people back to work.

Putting the private interests of our citizens over public interests is what we see, Mr. Speaker, from the other side. They want to put private interests ahead of our good public interest.

We've seen the unregulated greed. We've seen what happens when things go unchecked on Wall Street. What we've seen when we've taken office just in the 111th Congress, I mean you and I are both freshmen, and we were handed a \$3.5 trillion deficit. The record is very clear.

Look at this chart here, Congressman TONKO and Congresswoman WASSERMAN SCHULTZ. I mean, the last

three Republican Presidents have given us tremendous debt to our Nation. And what we have heard, Mr. Speaker, from the previous speakers on the other side just a short time ago was how the government is out of control and we're spending. Well, look, it was Republican Presidents who were doing the spending.

□ 2015

The last surplus that America had was a \$5.6 trillion surplus handed over to us by President Clinton. So, you know, for them to come over here and lecture Democrats about spending is pretty ironic, considering the facts here that this chart shows.

Now look, we have got to get our spending under control in Washington. Democrats and Republicans both agree on that point. We've got to make sure that we can pay for the wars that we're paying for, these two undeclared wars that we find ourselves in. We need to make sure that we live within our means like working people have to. But let's be clear, a \$3.5 trillion deficit handed to us day one when Congressman TONKO and Congressman BOCCIERI walked through the doors is almost insurmountable in an economy that was on such downward spirals, as you had talked about.

So let's get this straight. This is the deficit that was handed over to us with a trillion-dollar tax cut to the wealthiest Americans, another trillion-dollar tax cut to the top 1 percent of our country, a prescription drug plan that left a huge doughnut hole for our seniors that was \$500 billion, and two undeclared, unfunded wars in Iraq and Afghanistan. Those are the facts.

Ms. WASSERMAN SCHULTZ. And add to that, on top of that, the Republicans allowing the PAYGO statute and the PAYGO rules to expire. A big part of the reason—under the budget that was passed by President Clinton, we adopted under a Democratic administration, Democratic leadership a pay-as-you-go rule that said that we're not going to spend more than we take in. I mean, just like people have to do in their own households. And when we came back into the majority, we re-adopted those rules. And now we have the PAYGO statutes reestablished. And what we need to make sure we continue to do—except for emergency spending, which in an economy that's as dire as this one, we've had a number of different emergency situations.

But making sure that other than emergency situations, we pay for the legislation that we're passing, whether it's including the war costs in the budget and actually having it be real numbers instead of pretending that we don't have an ongoing obligation when it comes to war funding. We included the costs of the Iraq war in the Appropriations Act, in the budget, unlike the Republicans who just pretended year to

year that we weren't going to actually have that expense.

So we have been trying to be responsible. We have been trying to make sure that we can get things back on track, and that, like you said, we can establish some parameters. Unfortunately, our colleagues on the other side of the aisle think that government is always an obstacle; government can never be a solution. I don't think government is the be all and end all solution to all of our world's problems either. But government certainly can be part of the solution. Governments can help make sure that we can establish some fairness and some balance and also make sure that there is someone minding the store, that there is not an unchecked industry. We have about 60,000 barrels a day gushing out of the ocean floor right now because no one was paying attention.

Mr. TONKO. I think mismanagement and bad government are totally unacceptable.

Ms. WASSERMAN SCHULTZ. Absolutely.

Mr. TONKO. But effective government, sound government where you're investing in a way that will grow back the economy, where you're creating the discipline that was so essential. Just looking at the gulf today, understanding that all of this heartache could have been avoided had there been some sort of discipline where you weren't taking shortcuts to perhaps grow that profit column, where you weren't—as the 97 percent report required, you weren't investing in technology.

And so all across the board we see these situations where it was just, like, run on your own. Don't let anybody control you or discipline you. We will be there. We'll be your friend. You are a big special interest. Now it's like bringing it back, reining it in, and saying, My gosh, look at that \$11.5 trillion deficit. That red bar goes so deep on that chart. When we look at that chart, it's so obvious to the naked eye that something had to be done differently. You couldn't continue the failed policies of the past. We would have been in such a deep hole. Again, it was tough pulling that car out of the ditch, but we got it out of that ditch, and I think the contrast now is, Do you give back the keys to the people who drove the car in the ditch? Or do you allow them to go forward and continue the progress? I think that it's a very stark contrast.

Mr. BOCCIERI. Instead of giving the keys back, we should revoke the license, quite frankly, because these numbers are stark. And I have children who are going to have to pay for this. You have children who are going to have to pay for this. Let's revisit this, a \$1.4 trillion deficit under President Reagan, a \$3.3 trillion deficit under President H.W. Bush, a \$5.6 trillion sur-

plus under President Clinton, an \$11.5 trillion deficit under George W. Bush.

I mean, the numbers are stark, and every answer or every solution that they tried to come up with is about giving more tax breaks to the wealthiest Americans and taking the stripes off the referee. This is not the answer. We need to come together as a country to address this. But certainly the facts are presented here, and that is why it is so important that we have got to invest in the greatest asset in our country, and that's our people. And you know, by doing that with the Recovery Act, investing in workforce investment, retraining workers—because some of these trade deals have been good for the Ports of Galveston and California and the Port of New York, but they haven't been good for the Midwest. Congresswoman WASSERMAN SCHULTZ and I understand that by reinvesting in our workforce, helping those workers transition from manufacturing jobs that have left is very important to me.

And while I'm encouraged that we've seen now 10 consecutive months of manufacturing increase in our country, we have got to be the producers of wealth in this Nation, not just the movers of wealth.

I'm happy to report that small businesses in my community are beginning to grow again. The NuEarth Corporation in Alliance, they have just created 60 new jobs in our small town. Medline Industries, a manufacturer and distributor of medical products, has just created dozens of jobs and will be adding jobs over the next 3 years, they have announced. Nationwide Insurance just announced another 600 new jobs in Ohio. They have a facility in my district, an office building in my district. One of the best news reports that we have heard was that Rolls-Royce, who has invested in fuel cell technology, an alternative energy source that even our military is beginning to use, just announced that they're moving their research headquarters from Singapore to Stark County, Ohio, in the 16th Congressional District. They're going to invest \$3 million in equipment and are creating up to 60 new jobs and are retaining 32 that are there already. And it goes on and on.

The statistics are showing that we are improving this economy. We're growing—certainly not fast enough for the million of jobs that have been lost under the previous administration and what we were handed day one when we walked in the office, but we are doing our best to turn this economy around and invest in our people.

Ms. WASSERMAN SCHULTZ. And we're doing it without our friends on the other side of the aisle, which is really just so incredibly disappointing. I mean, I have seen our leadership reach across the aisle time and again and ask our Republican colleagues to

come to the table, sit down. We're not going to agree on everything, but let's sit down and try to hammer out areas of agreement where we can find some common ground. Let's try to pass bipartisan legislation. As you said, we passed health care reform with over 150 amendments that were offered by Republicans, accepted and included into the bill. We had a bipartisan bill without a bipartisan outcome, and that's been their choice repeatedly. They have made a choice, whether to either sit with us and try to work something out—and you know there's times where you have to—look, politics can be a contact sport.

This is a situation where they have different ideas than we do, but I've been in office for 18 years. I spent 12 years in my legislative body. You were in your legislature as well. I have never been in a situation—and I come from a State that is controlled by Republicans for the majority of the time that I have served in office. But I was always able to reach across the aisle and find some common ground. And we were always able to, on many things, pass bipartisan legislation. They have no interest in that.

So the choices that they are making are, I think, going to result in the American people being presented with a choice to either embrace hyperpartisanship, embrace individuals who are bent on power and bent on controlling the direction that this country moves, and only doing it their way, or Members like our Members who have their fingers on the pulse of their communities, who understand intuitively what the needs are in their district, and who aren't reflexively just voting with their party.

I mean, just look at the diversity of our caucus. We have been able to pass some significant legislation: the Recovery Act, the health care reform legislation. We've passed the Credit Cardholders' Bill of Rights. We have some significant pro-consumer economic recovery legislation, and we haven't passed it unanimously out of our caucus. We have a diversity of ideas, but our ideas and our diversity reflect America because some Members are able to be supportive and some Members aren't.

You would think that there would have to be some people on the other side of the aisle that would have the nerve, that would have the backbone to step up and say, You know, I'm going to put aside my quest for power, and I'm going to sit down, and I know we can work something out. And each of us has had private conversations with other colleagues on the other side of the aisle, and they whisper, Debbie, I really wish we could be with you on this. I really agree with you, but you know, my hands are tied. Really? Your hands are tied? I don't see any rope actually binding your hands or a gag binding your mouth. It's sad.

Mr. BOCCIERI. Well, leadership is about action, not just political position, as I have said before. And we can win elections by taking comfortable votes and maneuver, but that's not real leadership. We come here to get things done. The American people want leadership. They want us to do things. They don't want us to just have a career. They want us to invest in the country. They want us to serve. They want us to do the right thing, do what we think is right, and move the country forward.

You know, I think that at least our Democratic majority has attempted to reach across the aisle and pull people in and say, Give us some ideas. I have sponsored legislation with Members. CHRIS LEE from New York and I have sponsored an investment tax credit so that we can keep our research and development here in America instead of outsourcing it and giving folks an extra bonus if they manufacture their products in America. This is the type of leadership we're asking for. The HIRE Act that I reached across the aisle and worked on with Congressman ROONEY from Florida, this just became a law.

So we have good ideas, and we can share them together; but on the big issues that confound our Nation, we need their leadership as well as ours. A stiff arm is not the solution to any of these big problems our Nation is facing. So the question becomes, Are we going to invest in America? Are we going to invest in the working middle class and champion the values of the middle class here in legislation that we pass? You know, in just simple votes that we have taken for people who have lost their jobs under no fault of their own, to give them an unemployment check, to make sure that they have COBRA insurance so that they can keep their family going to the dentist or the doctor, keep bread on their table. I mean, these are simple things. Investing in the future of our kids, like the COMPETES Act.

I mean, I just don't understand. I share the collective value with you and others, and I know that there are some of my Republican colleagues over there who want to invest in small families and strong communities, but their hands are tied because of partisan politics. And the American people are watching, and I think the poll numbers that you read earlier are very true.

Ms. WASSERMAN SCHULTZ. That is the choice they are making.

Mr. BOCCIERI. The choice that they are making is not to lead. So I think that when it comes to the matter of the economy, we are trying to put our country back on track, and I think we have passed some very good measures here. So setting the fair rules of the road, making sure that we understand that we are going to invest and expand our economy, grow our economy by

manufacturing, and becoming the producers of wealth is very important.

You know, nearly 87 percent of the world's economic growth over the next 5 years is going to take place out of the United States. We have a tremendous opportunity with Ohio to export our goods, to invest in our workforce and our manufacturing sector to export some of not just our jobs, but export our goods. We don't want to see any more jobs exported out of this country. And that's what we've seen with some of these trade deals that have been championed by previous administrations.

But certainly when we invest in our economy, and we invest in a big opportunity for us like energy, when you build a new nuclear reactor, you can't outsource it. When you build a new solar array, you can't outsource those jobs. When you build a wind turbine that has 8,000 manufactured parts, 200 tons of steel, the roller bearings are made of Timken, a manufacturer in my congressional district. Those are real jobs. You can't outsource that wind turbine. So we can invest in our future and help us become energy independent in the long run. And that's what we've done with taking these big steps and investing in energy policy that makes sense.

Now, you will hear from my friends on the other side of the aisle who want to identify our legislation, our national energy policy and our legislation that's going to end our dependence on foreign oil in the Middle East, make our economy more secure in the long run because \$1 billion leaves America every day and goes over to the Middle East where we are funding Ahmadinejad and so many others. We're funding both sides of this war just by our consumption habits.

□ 2030

So investing in our workforce, creating jobs that can't be outsourced, ending our dependence on foreign oil, these are traditional values, American values that we should all champion. But what are they talking about? Cap-and-trade. Well, come up with a better free market idea, because it was a Republican idea. JOHN MCCAIN has three times introduced a cap-and-trade bill.

Because in 2007, AEP and Connecticut were in this court battle, and the Supreme Court said that the EPA was allowed to curb pollution under the Clean Air Act. Well, we decided to have a free market approach, one that's proven. Because cap-and-trade's been in existence since the 1990s. It curbed acid rain, reduced sulfuric acid, and drove innovation and creativity in that market. So it's a free market approach, a proven one. So if you have a better idea, let's hear one. But it was your idea. So by championing your idea, now they are demagoguing our energy policy as cap-and-trade.

Ms. WASSERMAN SCHULTZ. And using that free market base for innovation and investment in alternative energy is going to take us right through the 21st century. We are risking, without passing that legislation and making sure that we can spark those significant corporate investments in those technologies, we are risking giving over our leadership in this area to China and India. I mean, because that's what's going to happen. They are certainly not sitting around waiting for us to decide whether or not to pass alternative energy and climate change legislation. They are focused on making sure that they can be leaders in innovation and technology in the area of alternative energy.

We have so many opportunities to create tax incentives and to help create jobs through that legislation. Again, it would be nice if we weren't being stiff-armed.

And, Mr. Speaker, I see you rising and wanted to thank my colleague from Ohio for joining me tonight. Mr. Speaker, we among House Democrats really spend quite a bit of time interacting with our constituents. We do it in many ways. We do it in live town hall meetings, in telephone town hall meetings, as well as through social media networking and interaction. And I know that I really encourage people who are listening to this and encourage our colleagues to reach out to me and provide me with feedback on my Facebook page, which is RepDebbieWassermanSchultz. So anyone interested in giving us some feedback on our Facebook page, that's welcome.

And Mr. BOCCIERI, I don't know if you want to promote your own. We do have a contest going on in the House Democratic Caucus, and so we are all interested in adding folks to our Facebook and Twitter accounts.

Mr. BOCCIERI. Absolutely. And our Web site is [Bocchieri.house.gov](http://Bocchieri.house.gov). That's [Bocchieri.house.gov](http://Bocchieri.house.gov). Please join our Facebook there and leave us your comments as well.

I enjoyed this conversation and dialogue we had. Let's work together to put America back on track. We can do this. America has played second place to no one. And we can invest in our future, invest in our greatest asset, our workforce, and we can do it together.

Ms. WASSERMAN SCHULTZ. That's exactly right. We look forward to repeatedly inviting our colleagues on the other side of the aisle to join us in moving this country in a new direction, continuing to jump-start the economy, create jobs, and aggressively restoring the prosperity that Americans have enjoyed for our entire history.

With that, Mr. Speaker, I yield back the balance of my time.

#### NATIONALIZING THE ECONOMY

The SPEAKER pro tempore (Mr. MAFFEI). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege of being recognized to address you here on the floor of the House, and I have only a short privilege to look at some of the data that's been presented by my colleagues on the other side of the aisle in the previous hour.

I did look at the poster that says here's the economy as we know it in a very short snapshot in billions of chain GDP dollars. I don't know what chain dollars is. I have never discussed an economy within chain dollars. But I have also not discussed it within trends that are compressed down within the very few quarters that are presented in this graph that's been presented here before us on the floor of the House tonight, Mr. Speaker.

Here is what I would present. Let's just back up a little bit. Let's back up all the way to October of 1929 and think about what's really happened. This Nation has been challenged over and over again to come forward and determine where we are with our economy.

What kind of an economy are we? Are we the managed economy proposed by the Democrats on the other side of the aisle that believe that the President of the United States, the Cabinet, and the Pelosi Congress and the Harry Reid Senate should be the ones to make these economic decisions to manage the nationalized economy? Are we the kind of people that should be nationalizing even more of our economy? And I have gone through this list so many times I can almost recite it by rote in my sleep.

This Federal Government, albeit started under President Bush, with the support of Barack Obama all the way through and most of it picked up by him, has nationalized—and when I say “nationalized,” I mean owned, managed, or controlled—sectors of the economy that have to do with three large investment banks, and that's Citigroup, Bank of America, and Bear Stearns. Those three have been taken over by the Federal Government. AIG nationalized by the Federal Government, the insurance company. Fannie Mae and Freddie Mac. The entities that the chairman of the Financial Services Committee, BARNEY FRANK, said he would never support a Federal bailout of Fannie and Freddie. No, he supported the takeover, the Federal takeover of Fannie Mae and Freddie Mac.

We have also watched General Motors and Chrysler be taken over by the Federal Government, and a bankruptcy proposal pitched by the administration to the chapter 11 bankruptcy court that dictated the terms of bankruptcy,

and among those terms were: Hand over shares of the automakers to the automakers union. And while that was going on, the only bidder before the chapter 11 bankruptcy court with the case of Chrysler, where I actually have the data and probably have it in my hand here, the only bidder was the Federal Government. The structure of it going into chapter 11 was the Federal Government, set up for a bidder. The only bidder was the Federal Government. It was the Federal Government on both sides of that equation. Unprecedented.

A Federal takeover dictating to the bankruptcy court the terms of the resolution of Chrysler and handing over, in the case of General Motors, 17.5 percent of the shares in General Motors over to the automakers union, to the United Auto Workers. That's all taken place, including the takeover of the student loan program in the United States by the Federal Government.

Now, if we add this up, three large investment banks, AIG, Fannie Mae, Freddie Mac, General Motors, and Chrysler, according to Professor Boyle of Arizona State University, that's one-third of the private-sector activity of America swallowed up over the ownership, management, or control of the Federal Government.

Then you add to that the student loan program, and then you add to that the financial services that are being regulated right now that are being negotiated in the conference committee that's been named between the House and the Senate, that would put the Federal Government in the position to regulate every single credit transaction in America.

Now, I don't just mean one of the large bailed out, federally owned investment banks is doing business with one of the other large federally owned investment banks, that the Federal Government regulates that. I don't just mean that when a small community bank is doing transactions with people that are coming in to borrow money for operating capital or for a mortgage that the Federal Government regulates that. I will take it right on down to this question that was posed by the dentists. Would their transactions that are set up where they set up monthly payments for the parents to pay for the braces on the teeth of their children be regulated by the Federal Government and by the White House? Answer, yes.

Under this bill that's coming at us under the language we are dealing with, yes, the Federal Government would regulate the transaction, the credit transaction between the dentist and the parents who would want to finance the braces on their children's teeth. Uncle Sam injects himself into that equation.

Do you think that's to the point, Mr. Speaker, where we can't tolerate Federal intrusion any deeper? I think it's

gone beyond where we can tolerate Federal intrusion any deeper. But it goes deeper yet. Not just into the cavities into our children's teeth or the braces on them, but right down into a neighborhood, friendly poker game.

And I had them analyze the language for this purpose. I just asked the question: Where does this stop? What are the restraints? What are the constraints on the legislation that would give the Federal Government the authority to regulate every credit transaction in America? And I asked specifically: Will you analyze the language in the bill and tell me could the Federal Government, if they chose to do so, regulate the credit transaction that's embodied in an IOU that could be put in the middle of the pot in a poker game in a neighborhood or a friendly or a family poker game? It might even be an IOU for toothpicks. Yes, the language allows the Federal Government to inject themselves into every credit transaction in America.

So we have the nationalization of one-third of the private-sector activity in the form of three large investment banks taken over by the Federal Government, AIG, the insurance company taken over by the Federal Government, Fannie Mae and Freddie Mac, and General Motors and Chrysler. That's eight. That's one-third of the private sector activity according to the Arizona State professor, Boyle. One-third. And you add to that student loans, which I don't know what percentage of the overall economy that that is, and I don't want to speculate without some basis of knowledge on that.

But we have got 33 percent of the former private sector activity nationalized, taken over by the Federal Government, by the Obama administration now in control and the management or ownership or control of these private sector entities. And now we are at 33 percent. ObamaCare has passed. That's, by a consensus of accounts, right at 17.5 percent of the overall economy that goes into health care under the ownership, management, or control of the Federal Government; 17.5 percent. Where do you round that to, anybody in sixth grade math? Up to 18. Eighteen percent plus 33 percent is 51 percent of the former private sector activity under the ownership, management, or control of the Federal Government; 51 percent.

And what did Alexander Tytler tell us out of Scotland back as a contemporary of Adam Smith? And in summary terms, when the public understands that they can vote themselves benefits from the public treasury, on that day democracy ceases to exist. That was Alexander Tytler in about the year 1776, a long time back.

Here we are. We are seeing data that shows that only 47 percent of the households don't pay taxes; 47 percent. We don't have a number that shows us

the percentage of individuals. But if 47 percent of the households don't pay income tax, and that means Federal income tax, that tells us that we are only 3.0001 percent away from the majority of American households that don't pay income tax. Now, we are within the margin of error.

Who could think that the public hasn't figured out, with the tutelage of President Obama, that they should game the system? Because if you are a marginal employee individual, are you better off to game the system and put yourself on the public dole and tap into a myriad of the 72 different Federal welfare programs that are out there or are you better off to go to work every day?

If we default back to the statement made by Jimmy Carter back in 1976 in Iowa as he campaigned for President of the United States, impressed me—I didn't support him, Mr. Speaker; I want that to be clear in the CONGRESSIONAL RECORD—but he did impress me with a statement that he made. He said the people that work should live better than those that don't. I don't think Jimmy Carter lived by that, but he said that. And that impressed me that it was a simple, clear logic, the logic of clarity that should be delivered in this floor more often than it actually is.

Of course the people that work should live better than those that don't. But Jimmy Carter had a lot of trouble following through on that. But by today's standards, no, he wasn't. He was a piker by today's standards. Anybody that doesn't live up to an average standard of living can go to the public welfare rolls and expect that they are going to have their rent subsidized, their heat subsidized. They are going to have food stamps. They are going to have 69 other Federal programs that they can have access to.

We have become a welfare state. And that works pretty good for the people that want to create a dependency class in America. And that is clearly what's going on with the Obama administration, establishing and expanding the dependency class in America, because they understand that people who are dependent want to make sure that they go vote for the people who require them to be dependent before they will send more benefits their way.

Independent people say, I want less government. I want less taxes. I want a smaller role in our Federal Government. I want the States to have their constitutional right to all the powers that are not enumerated to the Federal Government devolve back to the States or the people, respectively. That's what I want.

Because I know that when people are responsible for their own activities and they are rewarded for positive behavior and the markets and the conditions of a just society provide disincentives for people who are lazy, who are not indus-

trious, who don't take care of their families, who are dishonest, who might be indulging in substance abuse, those negative indicators for a society are punished in a just society, and positive behavior is rewarded in a just society.

□ 2045

You don't have to rule or regulate a just society if you have the financial structures in place, the moral foundation in place and if you're not afraid to stigmatize negative behavior.

But this administration has capped off the effort so far of previous, shall I be nice and call them progressives, their effort, their effort to expand the dependency class in America. And whenever that happens, if this Congress expands the dependency class, it is the equivalent of taking a jackhammer and chiseling away at those beautiful marble pillars of American exceptionalism, chiseling them away, breaking down the very foundation that created American exceptionalism.

We're not a Nation that's created for greatness built upon dependency. The dependency class is anathema to the American people and the American spirit.

Independence is our spirit. Self-reliance is our spirit. Our vigor, our unique vigor is our spirit. Our liberty, our freedom is our spirit. That's who we are.

And how do we get to be in this great Nation? What are these pillars of American exceptionalism that are under assault by the active left in this Congress every single day, jackhammering away at those beautiful marble pillars of American exceptionalism? What are they?

Well, they're easy to find. You look in the Constitution of the United States, take a look into the Bill of Rights. Go right down through the list: freedom of speech, religion, and the press; the freedom of assembly; to petition the government for redress of grievances. Boy, that is beautiful.

Are those marble pillars, Mr. Speaker? Of course, they are.

Freedom of speech, to speak outward and openly of the things that we believe in without restraint or punishment, knowing that the State can't come in and crush us for our opinions, the freedom with a full-throated objection to our government if they're going down a path that we object to or a full-throated support for a President or a Congress or a judiciary branch of government or any of the agencies within the government that's serving our people in a Constitution and a just fashion. That's freedom of speech.

Freedom of religion. Freedom of religion, to worship in the church of our choice or not to worship or worship in our home or under a tree or out in the pasture or while we're in the traffic jam and any way we choose. Freedom of religion. Freedom for a pastor or

anyone in the congregation whom he might accept to come up and step behind the podium to preach to the Word and preach the law of God and do so without fear, without fear that the IRS might come in and rule that these words were somehow political or partisan and to take away the 501(c)(3) not-for-profit status that exists for our churches within this country.

The IRS has intimidated pastor after pastor, congregation after congregation. The core of our faith in this country has been eroded because of IRS intimidation of our preaches and our pastors. Even though that speech is guaranteed in the Constitution, it doesn't guarantee that you get a tax deduction if you speak out too openly. So I tell my pastors, preach the Word, preach the law, preach your convictions and your faith to your congregation in a full-throated way, and if the IRS comes in and threatens to take away your 501(c)(3) status, tell them STEVE KING stands with you. I stand with you figuratively. If you need me to stand next to you literally, I will do so, and if you still don't have the courage to preach the Word and stand next to me, then I will come and I will preach the Word.

And if that doesn't give you enough conviction, remember this: Not in the history of this country has any church lost its 501(c)(3) status because a pastor spoke from his faithful religious heart and preached the Word, the gospel of the Lord to the congregation that has gathered together to hear that message. Not once, not ever, not in the history of America has a church lost its 501(c)(3) not-for-profit status because of preaching the Word from the pulpit.

The threat goes out continually, and when a conservative Christian takes a position that has impact, then you hear from the people like, well, let me see—to avoid controversy, let me just say liberal United States Senators who would like to use the IRS to intimidate their opposition. They aren't all alive today, but there's a history of these liberal United States Senators who have done so. None have been successful in removing the 501(c)(3) status. But the truth needs to be preached.

That's just the First Amendment. Freedom of speech, religion, and the press; freedom to peaceably assemble; and petition the government for redress of grievances, first amendment.

Second Amendment, the right to keep and bear arms, the right to own and control our guns and not have the Federal Government take them away or confiscate our guns. Now, I've been a Second Amendment defender for a long time, and I will be for as long as the Lord grants me breath in this life, but Mr. Speaker, many of the people that defend the Second Amendment seem to think that it's about owning and keeping firearms so we can target shoot, recreational shooting, hunt, or for self-defense. And I will take the po-

sition here, Mr. Speaker, that those three things that I've talked about, hunting, self-defense, target shooting, are all residual benefits, kind of like extra benefits that come with the Second Amendment.

We would have the Second Amendment whether or not there was target shooting, whether or not there ever was hunting, and whether or not there was self-defense because our Founding Fathers understood that we needed to have an armed populace to defend against tyranny. They understood that a tyrant would come and confiscate our guns and subjugate us to his armed forces, and we would have to knuckle under, and thereby would go our freedom. That was understood by our Founding Fathers, and they put the Second Amendment in so we could defend our freedom and our liberty and be an armed populace to defend against the tyrant.

And the good stuff that comes from that is we get to also hunt, target shoot and defend ourselves. Pretty simple concept. But you look around the world, I don't know of a country or a civilization that has registered firearms that has not confiscated them. When a Nation has confiscated firearms, that suppresses our freedom of speech, that suppresses our freedom of religion, that suppresses our ability to assemble and peaceably petition our government for redress of grievances because we would be intimidated by an all-powerful state. We need a state intimidated by the people.

That's what this country is about. The power in our government comes from God. Our rights come from God. They're vested in the people, and the people confer that authority into their elected Representatives. That is the very definition of a constitutional republic.

And so we have these rights: freedom of speech, religion, and the press; freedom of assembly; and Second Amendment, right to keep and bear arms, because that is a deterrent for tyrants that might want to subjugate us as a people, that might want to take away our God-given rights that we have vested in our elected Representatives. That's just the First and Second Amendment.

Those are all pillars of American exceptionalism. No other country has these kind of rights. They have politically correct laws in places like Canada and Great Britain, and those places are freer than many other places in the world, but we provide a full-throated defense of whatever our particular position happens to be.

We're American. We aren't people that cower. We don't shrink from conflict. We don't shrink from disagreement. I had a lady approach me on the street a couple of months ago, about the time when ObamaCare passed, and she said to me, you have to find a way

to get along. It's kind of a Rodney King statement: Can't we all get along? Can't we compromise? Can't we get away from all of this friction and this tension that's going on here over ObamaCare?

And I listened to her. I'd seen the lady on the Hill for several years, actually, and I'd never had a conversation with her. And she impressed me with her deep conviction and commitment to following what was honest, especially in Judiciary Committee. I don't know her name. Only time I ever talked to her.

But I said to her, you know, we have these arguments here, we have this tension, we have this disagreement, and I think we do so because we're called to come to Washington to have these debates, to have these arguments, to have the disagreements so we don't have to come to blows in the streets of America, so we don't have to clash with each other. All the way across from sea to sea, we bring our conflict here. We have these debates here. We test each other in this battle of ideas here, and it's even more effective, and I will say significantly more effective, than it was in the era of the Founding Fathers because we have real-time communications.

Mr. Speaker, we have C-SPAN. We have live radio. We have Internet. We have podcasts. We can have real-time interactive town hall meetings that interact all the way across America. We can carry this message all across this country. This constitutional republic is more effective today from a communications standpoint than it was in the era of our Founding Fathers, and we should be grateful for that. It's our job to use it and utilize it and to continue to build upon this.

So let's have the debate. Let's have a nationwide debate. Let's get after this, and we're doing it, and come November, the American people will decide whether this path of the Federal takeover of first one-third of the former private sector activity of our economy; then adding ObamaCare to this, another 18 percent of our economy going to 51 percent; then, sitting in conference committee right now being deliberated and debated by the conferee, another 15 percent of our economy, the financial sector of our economy, roughly 15 percent by some estimates, you add that onto the 51 percent, and we get up there to 66 percent of our economy; and then we have the cap-and-trade argument, roughly around 8 or 9 percent of our economy.

Now, if cap-and-trade is 8 percent of our economy, then that means, in case anybody wonders, cap-and-trade is about this: It's about capping carbon emissions and trading the carbon credits that you get. So if you are an electrical generating plant and you're burning coal like crazy in 2005, that's the measure, capping at 2005 levels of

CO<sub>2</sub> emission, and you're burning all kinds of coal and you're belching this CO<sub>2</sub> out into the atmosphere, which doesn't alarm me, by the way, Mr. Speaker—I still don't think there's a scientific foundation for their hypothesis—but that's going on; the measurement of the emissions of the CO<sub>2</sub> will be capped at 2005.

Now, let's presume that that same electrical generator takes half of his coal consumption down, replaces it with a nuclear generating plant—actually a new plant that will come online in 2017 in South Carolina. It will be the first one in probably 30 years by then. So you get carbon credits for taking the coal generation, the burning of the coal off line, that CO<sub>2</sub> that's not emitted, and replaced it with the nuclear, just the tool that reduced the CO<sub>2</sub> emissions. Now that coal-fired generating operation, which might be an entire utility network, will have half their CO<sub>2</sub> emissions that have been cut now because of the replacement of nuclear become their carbon credits. Carbon credits that, what do they have now? They have something that has value.

They can take their carbon credits, and they can sell them through an exchange on the board in Chicago—there are two exchanges that exist as far as I know right now—and any organization, any entity, any utility that has to burn let's say more coal or more natural gas or more diesel fuel and emit more CO<sub>2</sub> than they did before to supply more demand for electricity would have to buy the carbon credits from the entity that had created them by replacing the CO<sub>2</sub> emissions with say nuclear or wind or solar or some other source. So these exchanges go on.

Carbon credits are expensive when they start, and as they dial this down, the idea is to reduce the CO<sub>2</sub> emissions from the standard, the cap, that's the cap at 2005 emission levels, and trade the carbon credits, dial them down by 17 percent by a certain year, which seems to me is 2013, way too soon. And then from two thousand and whatever that year is, a 17 percent reduction, on out to 2050, reduce the CO<sub>2</sub> emissions by 83 percent.

The vision is, by the time we get to 2050, we'd only be emitting 17 percent of the CO<sub>2</sub> that we're doing today. I'm going to expect we're going to use the same amount of energy, and do you expect, Mr. Speaker, that these carbon credits are going to be worth more or less as the cap gets dialed down year by year, until the year 2050, where 83 percent of the CO<sub>2</sub> emissions are shut down by the economics of this?

□ 2100

Now, it doesn't just shut down the CO<sub>2</sub> emissions and give us the same amount of kilowatt hours, or some other type of energy for that matter, or consumption, that could be diesel

fuel or gas or anything. No, Mr. Speaker, it doesn't do that. What it does is it shuts down some of the emissions, but the economics of it require that the cost of power goes up. As the cost of power goes up, the consumption of power goes down. That means we use less energy between now and 2013 or 2017 and 2050.

If we use less energy, why? Do we turn the air conditioner, set it on 80 degrees—reminds me of Jimmy Carter when he said set your thermostat at 60. Remember? Dial the thermostat down to 60, buy a cardigan sweater, button that sweater up and sit in your living room and put a shawl over yourself and sit there and shiver because, after all, we have an American malaise, and we will never be the Nation that we were before, and we will never be the Nation again that we are today. That was Jimmy Carter's message. It also fits pretty close to Barack Obama's message, who, Mr. Speaker, has said that electricity costs would “necessarily skyrocket” under his plan of cap-and-trade.

So what are we doing? We have an administration, and the opportunists in the Senate and the House that are looking at the oil slick over the gulf coast, which is an environmental tragedy, and seeking to capitalize on that environmental tragedy by pushing cap-and-trade legislation which will cripple American industry. For example—and I don't think, Mr. Speaker, that I can give the data on this, but I would just suggest that those that are interested should take a look at the American kiln industry and understand that where we have kilns, it might be a really simple thing, it might be like a dryer where you heat up asphalt and you crank it through a barrel that's got heat in it and it brings it through the other side, kind of like a cement truck cylinder, and comes out the other side hot mix asphalt. It takes a lot of heat to do that, takes a lot of energy; there's a lot of CO<sub>2</sub> emissions.

There are a number of other processes that are far more energy-intensive, including the production of aluminum. We have a lot of aluminum in America, but it takes a lot of energy and emits a lot of CO<sub>2</sub>. This would about take the aluminum industry out of America to look at the cap-and-trade proposals that are out there.

Industry after industry in America would be crippled by cap-and-trade legislation. The cost of our electricity would “necessarily skyrocket,” to quote the President. The cost of our gas would go up, our diesel fuel, our kerosene, our jet fuel; I said our electricity. All energy gets more expensive. It just changes the proportionality of the cost per Btu from energy source to energy source. So we would, as a Nation, then make our energy more costly.

Now, what the cap-and-trade legislation does is it taxes everything that

moves. It takes energy to move anything. Just moving my hand back and forth, you can count that in calories how much energy is consumed by that—not a lot, but it's some. If you would take a 200-pound man and run him up the stairs to the top of the dome in the Capitol and back down again—we have people that could calculate how many calories would be consumed by that effort to go up and down—you could turn that into and calculate it back down through Btus of energy. How could you replace that energy with gasoline or electricity with a motor that would take them up and down? This is energy. Anything that moves takes energy. You can't get something done without energy.

So this administration is for taxing everything that moves and a cap-and-trade scheme that would cripple America's economy and put us at a significant disadvantage from the developing countries in the world, in particular India and China—other developing countries, but India and China in particular—it chases our industry over there. And then what would we do? They produce things in countries where they have cheaper energy and cheaper labor. They ship it back to us and we buy it. Well, what do we buy it with? Right now we're buying it with credit, and we are running up the debt against the Chinese. Their holdings of U.S. currency—or U.S. debt, excuse me—are approaching \$1 trillion in U.S. debt today.

We lament the cost when a young person finishes their college education, receiving their degree—and there's a number out there, this is not a survey number, it's a general ballpark number that has a consensus to it—roughly a \$40,000 debt for a young adult that receives a college degree, \$40,000 to move into adulthood to pay off that student loan. Now, whatever that real number is, I'm working with 40, which I think is in the ballpark, and we worry about that student loan being paid off by that young person that has a college degree and is entering into the job market.

I'm not so worried about that \$40,000 student loan, Mr. Speaker, because the baby born in America today owes Uncle Sam, the Federal Government, their share of the national debt, \$44,000. You can go into the nursery and be there when they bring a new little baby out and put them in the nursery in the hospital. There might be one or two or six or 10 of these new little miracles laying there wrapped up in blue or pink, with their parents proudly looking through the glass or going in to hold their babies. These little babies, every one of them laying in the nursery today, their share of the national debt—not their student loan, which when they get a degree that helps them earn the money to retire that debt, but these little babies' share of the national debt, \$44,000. \$44,000, Mr. Speaker, for the privilege

of being born in the United States of America.

Well, I guess it's probably not the case for an anchor baby that gets citizenship along with it, at least that's an extra bargain that goes along—and I disagree with that. But that same little baby that's born today and owes the Federal Government \$44,000, by the time that little baby goes on and learns to tie their shoes and goes off to kindergarten, works their way up through elementary school and walks into their fifth grade class—now, I pick that because that's 10 years, we have 10-year budgets here and we have 10-year budget windows and we calculate our costs over a 10-year period of time.

\$44,000 in debt, welcome to America. This is the gift of life for being born in America, and you owe \$44,000. A lot of them aren't going to pay their share, so if it's half of them, those other babies are going to owe \$88,000. But the share for everyone who walks into fifth grade, according to this President's budget, by the time those \$44,000 indebted children start fifth grade, they will owe Uncle Sam \$88,000. That's the number, Mr. Speaker.

We should be very worried about a country that can't pass a budget, that for the first time since there have been budget requirements put into the rules here in the Congress itself, since 1974 when this began, this Congress doesn't have the will or the conviction to pass a budget because it is so abysmal, because the overspending is so atrocious, because the spending that they are conducting cannot be defended and they can't defend and vote against the amendments that would surely be attempted to be brought against a budget.

Now, there is a legitimate debate going on in this Congress and there is a legitimate amendment process going on in this Congress, but we don't have a budget and we're not going to have a budget. This Congress doesn't want to take responsibility for a budget.

We're going to see them package up a continuing resolution of some kind, a modified continuing resolution that pays off the political favoritism that they will need in order to go on in November, and we're going to get to the other side of the elections in November, kick the can down the road, and we'll be here on the floor of Congress sometime after election day in November; and this Congress will, by order of the Speaker, bring a huge omnibus spending bill to the floor.

If it's like the last one, 3,600 pages, several hundred billion dollars issued the night before, dropped on the floor with roughly 60 minutes to debate the issue, no amendments, voted up or down, and the government shuts down if we voted down. I will vote "no." I would love to shut the government down for that kind of irresponsibility. It's unlikely that that will happen,

however, because the Speaker has the votes and can do what she will.

So here we are, Mr. Speaker. This is a country that is built upon the rights that come from God, our liberty and our freedom. It's built upon this foundation that I declare to be the pillars of American exceptionalism. We are the unchallenged greatest Nation in the world, and we derive our strength from these pillars of exceptionalism, from free enterprise capitalism, from the rights that come from God, from our religious faith and foundation, this core of Judeo-Christianity that is America, and yet we're afraid to say so. We shy away and we shrink away from basic, simple utter truths.

I happen to have just heard a speech from, in town, the president of the NRA, Wayne LaPierre. He doesn't know I'm coming here to say this, but I was listening as he delivered his speech, and I wrote this down. He said, If you know the truth is on your side, say it and shout it as long as you can—excuse me. It might be say it and shout it as loud as you can. Stand up, shout them down, and don't you back down. Wayne LaPierre, president of the NRA, a man who has for a lifetime defended our Second Amendment and many of our other rights and freedoms, impressed me with the depth of his conviction and the clarity of his delivery tonight.

And now I take us to a subject matter that is on my mind to some degree, Mr. Speaker, and it has to do with what's going on from the White House and the Presidency through the Justice Department.

Now, the Attorney General, Eric Holder, came before the Judiciary Committee sometime in late May, right before we broke for the Memorial Day period of time, and he testified under oath that the Justice Department is not a partisan agency, that they don't operate on a partisan basis, that they are driven by the law. Well, I look at the President and the Attorney General and a number of the other representatives of this administration, it's hard for me to accept that statement on face value as being truthful because here's what I see and what I know: the President of the United States spoke out openly and plainly about the Arizona immigration law and made a case that in his view there was a built-in prejudice or bias or profile in the Arizona law because he said that if a mother were taking her daughter out to get some ice cream, they could find themselves having to produce their papers because of, presumably, their race. Arizona law forbids such a thing, but the President alleged such a thing.

Now, either the President misinformed the American people knowingly and willfully, or, Mr. Speaker, he hadn't read the bill. I'll opt to the side of he hadn't read the bill. I hope that's the case, and actually I believe that's the case.

Then we had Eric Holder, the Attorney General, who also alleged that there could be a profile take place under Arizona's immigration law that would bring about discrimination against people. It turns out that even though I asked Eric Holder before the Judiciary Committee, you have been charged by the President of the United States to use the force of the Justice Department to go against the Arizona law and seek to invalidate Arizona's immigration law, S. 1070, that bill that was drafted and put together by the fine and stellar State Senator, Russell Pearce of Arizona, that legislation—that has been signed into law and was enacted on the last day of July of this year—Eric Holder contends could bring about profiling.

Now, when someone says profiling in American Society today, they don't mean profiling according to, oh, let me say, whether you're a member of MENSA or whether you're a member of the Sierra Club. This is racial profiling whenever they say—when I say "they," I mean the administration, people on the left, the self-professed progressives. They mean racial profiling. So the President implies, if not alleges, racial profiling, empowered by Arizona's immigration law, S. 1070. The Attorney General does the same thing. The Attorney General concedes that the President has ordered the Justice Department to seek to invalidate Arizona's immigration law.

□ 2115

When I asked the Attorney General, under oath, before the Judiciary Committee, Point to me in the Constitution where you believe Arizona's immigration law has violated the United States Constitution, the Attorney General could not do so. In the alternative, I said, Then point to me to a Federal statute that you believe preempts Arizona's immigration law. The Attorney General could not do so. So, when I said, Point out then for me a case precedent, case law, that you believe is controlling, which would indicate that Arizona's immigration law might be unconstitutional or could be invalidated by a Federal court, the Attorney General could not point to a single case precedent either.

So he failed to be able to point to the Constitution, to a Federal statute that could preempt or to case law that controls, the Attorney General of the United States, but he is still using the resources and the authority of the Attorney General's office and the entire Justice Department of the United States to seek to invalidate Arizona's immigration law, which, for the record, Mr. Speaker, mirrors Federal law and is at least as constitutional as Federal immigration law. The Attorney General can't point to any place where that might violate, but he is still willing to pour in the resources and testify

that his department is not political, and he admits that the President ordered him to use the department for what I believe to be political purposes.

For each of them to essentially imply or to confess that they didn't bother to read the Arizona law—but they wanted to tell the American people what to think about it—is political. It is unjust, and it is not consistent with the Constitution, with Federal statute, or with case law. That, Mr. Speaker, is what is going on.

In addition to this, on Arizona's law, we have other people who have weighed in on this. We have other people who have similar levels of, let me say, information to work with. The President doesn't read the bill, and he speaks out against it, and he seeks to drive a wedge based on race. The Attorney General is the one who is on the record saying the American people are cowards when it comes to race. Well, I'm not, but some are, and I understand why—because they turn their PC minyans against people who would speak out openly on these issues.

I think we should talk about race. I think we should talk about people who use race for political benefit—people like the President of the United States when he was informed of the incident of Professor Gates and Officer Crowley, in Cambridge, when Officer Crowley conducted himself consistent with, let me say, the rules of engagement for a peace officer in that community. When there was a call for him to come because someone was breaking into a residence in the neighborhood, Officer Crowley came and applied himself to that task as he had, I'm sure, a dozen times before, but Professor Gates objected to having law enforcement there to help protect his property. That message got to the President, and what does the President do? He sides with Professor Gates.

Barack Obama was wrong on the Gates issue, and all of the American people know it, and he could not bring himself to apologize to Officer Crowley or to clarify the issue. He was looking for a way out. That's why the President had the beer summit on the South Lawn. That's why Professor Gates and Officer Crowley came and sat down out on the South Lawn. It seemed odd to me that they brought one beer alone, on a single tray. They delivered it and went back and got another one. That seemed a little odd to me. That's what happened.

But, in a just world, the person who conducts himself in a just fashion is the one who receives the apology from the people who did not conduct themselves in a just fashion. I will argue, Mr. Speaker, that the President and Professor Gates had an obligation to apologize to Officer Crowley because, first, the President had prejudged that situation. His knee-jerk reaction defaulted in favor of the African Amer-

ican professor and against the Irish cop. That's what happened. I don't think anybody who watched this incident could think otherwise.

We have the President of the United States who defaulted in favor of alleging that there would be racial profiling taking place in Arizona because of their immigration law, and he perpetuated a flat-out misinterpretation, and it may well have been willful, of Arizona's immigration law to the rest of America.

Now, we should be able to look up to the President of the United States and to trust that he is properly briefed and that he is factual when he presents a position to the American people. That is American executive branch policy. We should be able to trust the President for that. The President should have people around him whom he trusts, who would go back and read the law and would brief the President.

Well, it's obvious to all of us who have watched this and who have read the law that the President spoke about Arizona's law and had not read it. If he were briefed, it was off of the MoveOn.org Web site. He is surrounded by people who read those Web sites, who believe them, and I'm not sure that the President has access to the objective truth given the people around him and given the way he has responded.

So you have two cases where the President's default reaction falls in the favor of an individual because of skin color as opposed to individuals because of the rule of law—or let me just say truth, justice, and the American way. There is a default mechanism in place. He has an Attorney General who follows that same path, who lectures the American people and who says that the American people are cowards when it comes to race. Well, he has not been a coward when it comes to race.

His administration, his agency—the Justice Department—has cancelled the most open-and-shut voter intimidation case in the history of America, which is the case of the New Black Panthers in Philadelphia, who much of America has seen on videotape—let me say YouTube. They are paramilitary uniformed individuals, the members of the New Black Panthers, who were standing there in berets, with big, old billy clubs, smacking them in their hands as white people came to vote, calling those people crackers and telling them, We're taking over this country. We're going to be in power after that.

That's a generalization of their statements, but the accuracy of that record is out there on YouTube for all the world to see. That case was open and shut. The case was made by the Justice Department under President Bush. As the handoff took place and went over to the Eric Holder Justice Department under President Obama, what happened, Mr. Speaker? Loretta King, in

the Justice Department, cancelled the most open-and-shut voter intimidation case in the history of America because it would have brought about convictions on those New Black Panther party members. Assistant Attorney General Thomas Perez came before the Judiciary Committee and testified that they got the highest punishment allowed under the law—negotiated.

Mr. Speaker, it was not true. It's not true today. The statement that he made to the Judiciary Committee was false—he knew it the day he said it—and it was to misinform because he was under some pressure and needed to get off the hook. That's a matter of the CONGRESSIONAL RECORD. He was under oath. It is something that we should pursue. It's unlikely that we can get anywhere with it. That's Tom Perez. So the administration has cancelled the most open-and-shut voter intimidation case in the history of America. It was a done deal. They cancelled it.

The administration and Loretta King in the Justice Department cancelled also the will of the people in Kinston, North Carolina. That's K-I-N-S-T-O-N. They dropped the "G" because they didn't want to be another Kingston, North Carolina. They voted by referendum the will of the people. The number that I remember—and it's generally memorized but not specifically accurate—is 70-30, a significant landslide majority. They voted to end the partisan local elections in Kinston, North Carolina, and to no longer label the candidates with an "R" or a "D" for "Republican" or "Democrat" by their names. That was the will of the people.

Though, because Kinston is a covered district, controlled by the Voting Rights Act, if they are going to move a voting booth 10 feet down the hallway, they have to get the permission of the Justice Department under Federal law. So, under the Justice Department, Loretta King, apparently, is the one who speaks for the Justice Department, who speaks for Eric Holder. She issued a letter that cancelled the election results of Kinston, North Carolina, and she declared that they would have partisan elections—and the city council and the mayor of Kinston, North Carolina—because African Americans wouldn't know who to vote for if a candidate didn't have a "D" beside his name.

Mr. Speaker, that is fact. That is the letter that was written and issued by our Justice Department under the pen and the signature of Loretta King, under the guidance and control of Attorney General Holder. Now, when we talk about things that have a racist flavor to them, when presuming that African Americans can't figure out who to vote for unless they have a "D" beside their names, I guess you could make the argument that you would

want to profile all the African Americans and declare that they're all Democrats. Therefore, it makes it simple if you just label the people they want to vote for with a "D."

I think that has all kinds of racial implications. I don't think those implications have any place in the application of the laws or in the application of the Constitution of the United States. There should be equal justice before the law. This Lady Justice needs to be blindfolded and needs to stay blindfolded. Everybody should be subjected to the same level of law and enforcement without regard to race, creed, color, ethnicity, national origin, and a number of other indicators, but I've listed most of them that are in Title VII of the Civil Rights Act right now.

Now, this goes on. This is a Justice Department that can't find a dollar or an individual to commit a minute, let alone a career or a team and a few million dollars, to investigate ACORN—ACORN, the corrupt, criminal enterprise that everybody knows today is a corrupt, criminal enterprise. It has been undermining the very foundation that sits underneath our Constitution, itself, which is, Mr. Speaker, legitimate elections. Legitimate elections, the faith in the legitimacy of our elections, is what keeps this constitutional Republic functioning and alive and gets us back to well. ACORN has damaged all of that. ACORN has threatened all of that. ACORN has diminished our liberty and our freedom, and it has undermined the very foundation for our Constitution.

Any Justice Department worth its salt would investigate ACORN, but Eric Holder can't touch that—whether it's an order of the President, who used to work for ACORN, I don't know. We should remember that the President of the United States worked for ACORN. He represented them in court. He represented them pro bono in court. Can you imagine being an attorney and representing somebody in court pro bono and not agreeing to their agenda? He also worked for them in the form of Project Vote, which was when President Barack Obama made his reputation for organizing communities and politics in Chicago. Project Vote is, part and parcel, ACORN.

The President of the United States is ACORN. He is identified with ACORN. He made his reputation with ACORN. He has worked for and with ACORN, and he has trained ACORN workers. When he said during the campaign to his supporters to "get in their face," it is pretty consistent with the message that they train ACORN activists, which is to "get in their face." Go intimidate some bankers while you're at it and see if you can get them to make more bad loans in bad neighborhoods. Let ACORN be positioned to judge whether lenders are making enough bad loans in bad neighborhoods.

This became a big component of what has undermined our economy and what has caused this downward spiral. The President was involved and complicit in the effort that brought about the undermining of our financial institutions in America by his involvement of working with, for, and in promoting and representing ACORN.

Then, when he was elected President of the United States, he sought to move the United States census from the Commerce Department into the White House. He could manage the census, the counting of the people—real or imagined—from the White House. The public uproar over ACORN caused him to back away from that and to sever the relationship that he had that ACORN was to be working as a contractor with the Census Department. Now, it doesn't mean because they decided not to have a formal contract with ACORN that ACORN wasn't going to be involved in the census. We know that people are policy. We know that there are a lot of ACORN people involved in the census. How could there not be with nearly a half a million people working to count the 306 or so million people who we are?

When we follow the money, when we track ACORN, the path leads us to the White House. ACORN should be investigated by any legitimate Justice Department. Kinston, North Carolina, didn't need to take place. The voice of the people said, We don't want partisan elections. We want to vote for the candidate. We don't want to vote for their political party. This was cancelled by Loretta King and the Justice Department.

□ 2130

We don't need to have voter intimidation with new Black Panthers out there with billy clubs and a Justice Department that would cancel the prosecution that was open and shut. We need no voter intimidation in America.

And where could you better send the message than putting those people that are the new Black Panthers, that are clearly wide open guilty, under the heaviest penalty allowed by law?

This is all part of the character and the makeup of this administration; this administration, who plays the race card; this administration, who defaults in favor of whichever minority they think might be the one that would most likely support their political party and their agenda. And I point to the new Black Panthers. I point to the President's remarks on the mother and the daughter going to get ice cream in Arizona. I point to the Justice Department canceling the prosecution, the open-and-shut case, by then almost closed case, of the new Black Panthers in Pennsylvania, in Philadelphia; of the city and their municipal referendum on no partisan elections in Kinston, North Carolina; the failure of

the Justice Department to investigate ACORN; and the fact that the President spoke out—now this moves into a little bit different subject area, but it also ties, in my view, together—and the President demagoguing Arizona's immigration law, not having read it; the Attorney General doing the same thing, and finally admitting that he'd not read the bill. Janet Napolitano, the Secretary of Homeland Security, demagoguing Arizona's immigration law, not having read it, and having admitted that to Senator JOHN MCCAIN. And, let me see, the Assistant Secretary of State Michael Posner taking Arizona's immigration law all the way to the Chinese and saying, Well, we brought it up early and often.

Apparently, we're a sinful Nation because we believe in the rule of law, Mr. Speaker.

And let me see, who's left out of this? Oh, yes. John Morton, the Assistant Secretary, who is the head of ICE, Immigration and Customs Enforcement, who remarked that he wasn't committed to handling all the people that might be picked up by Arizona immigration or by Arizona's law enforcement officers in enforcement of Federal immigration law.

So this whole picture of this administration paints something that makes it really hard for government teachers to get this message down to their students. We have students that are juniors or seniors in high school, and you're teaching them government. They might be younger than that, but juniors and seniors in high school. They might read the paper and watch the news, and they sit in the classroom, and the teacher will say, We have a separation of powers. We have the legislative. We have the executive. And we have the judicial branches of government. These are three separate powers. Some teachers will teach they're separate but equal. That's another hour to talk about it. I don't believe they're equal. But they are separate.

To argue that they're separate and having students watch the news and hear that the President doesn't want to enforce immigration law because he doesn't agree with it; that he wants to hold law enforcement hostage until the American people accept his form of amnesty. The President doesn't get that kind of discretion. The President's job is to enforce the law. The Attorney General's job is to enforce the law. John Morton's job as head of ICE is to enforce the law. And the Secretary of Homeland Security Janet Napolitano's job is to enforce the law. Because you disagree with the law means nothing. You enforce that law whether you agree with it or not because you're not a policy maker. You're a law enforcer.

That's how our Constitution is set up. That's the power that's invested in them. If our Founding Fathers had

wanted them to be legislators, they would have written it into the Constitution. If the people of this country wanted them to be legislators, I can tell you what they would have done. They would have amended the Constitution and had the power to change Federal law over to John Morton, Janet Napolitano, Eric Holder, for the President of the United States, or maybe even Michael Posner, the Assistant Secretary of State. Who knows.

That's not who we are. That's not the way it is. We must defend the rule of law. It is an essential pillar of American exceptionalism. We cannot sustain our greatness as a Nation if we're going to allow the discretionary—discretionary—enforcement of the law to come from executive branch people. And for a President of the United States, who taught constitutional law, albeit as an adjunct professor at the stellar University of Chicago School of Law, to think that that's the case, that he doesn't understand this any better, he thinks he can get away with it.

Well, I am here to say, no, the American people know better. We can read the Constitution. We can read our history. And we have access to the information necessary to keep an educated populace, coupled with an armed populace, coupled with the people that have enough self-confidence to be in a full-throated way to stand up and defend our liberty and defend our freedom. That's who we are, Mr. Speaker. That's who we must remain. That's the character that we must maintain. And we cannot allow ourselves to be diminished by a people who happen to find themselves right now sitting in controlling positions within this government that don't understand or willfully defy our values as a Nation or our Constitution.

Mr. Speaker, I couldn't have picked a better moment to yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CORRINE BROWN of Florida (at the request of Mr. HOYER) for June 14 and today on account of official business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. BALDWIN) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.  
Ms. BALDWIN, for 5 minutes, today.  
Mr. GARAMENDI, for 5 minutes, today.  
Mr. SABLON, for 5 minutes, today.  
Ms. KAPTUR, for 5 minutes, today.  
Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. BISHOP of Utah) to revise and extend their remarks and include extraneous material:)

Mr. BOOZMAN, for 5 minutes, today.  
Mr. POE of Texas, for 5 minutes, June 22.  
Mr. JONES, for 5 minutes, June 22.  
Mr. FLAKE, for 5 minutes, today.  
Mr. DUNCAN, for 5 minutes, today.  
Mr. BISHOP of Utah, for 5 minutes, today.  
Mr. BROWN of Georgia, for 5 minutes, today.

#### ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 16, 2010, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7886. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Tomatoes From Souss-Massa-Draa, Morocco: Technical Amendment [Docket No.: APHIS-2008-0017] (RIN: 0579-AC77) received May 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7887. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Coat Protein of Plum Pox Virus; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0763; FRL-8826-9] received May 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7888. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 09-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

7889. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Capacity Building Program for Traditionally Underserved Populations—Technical Assistance for American Indian Vocational Rehabilitation Services Projects Catalog of Federal Domestic Assistance (CFDA) Number: 84.406 received May 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7890. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Research and Training Centers (RRTCs)—Employer Practices Related to Employment Outcomes Among Individuals with Disabilities Catalog of Federal Domestic Assistance (CFDA) Number: 84.133B-3 received May 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7891. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Acquisition Regulation: Subchapter E—General Contracting Requirements, Subchapter F—Special Categories of Contracting, and Subchapter G—Contract Management (RIN: 1991-AB88) received May 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7892. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revocation of Significant New Use Rule on a Certain Chemical Substance [EPA-HQ-OPPT-2009-0668; FRL-8819-3] (RIN: 2070-AB27) received May 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7893. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Nonprocurement Debarment and Suspension [NRC-2010-0005] (RIN: 3150-AI76) received May 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7894. A letter from the Director, Defense Security Cooperation Agency, transmitting various reports in accordance with Sections 36(a) and 26(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7895. A letter from the Secretary, Department of Commerce, transmitting Periodic Report on the National Emergency Caused by the Lapse of the Export Administration Act of 1979 for August 26, 2009 — February 26, 2010; to the Committee on Foreign Affairs.

7896. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

7897. A letter from the Chief Executive Officer, Millennium Challenge Corporation, transmitting proposed amendments to the Millennium Challenge Act of 2003; to the Committee on Foreign Affairs.

7898. A letter from the Chief Executive Officer, Corporation for National and Community Service, transmitting the Corporation's semiannual report from the office of the Inspector General for the period October 1, 2010 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7899. A letter from the Principal Director, Office of Diversity Management and Equal Opportunity, Department of Defense, transmitting the Department's annual report for FY 2009 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7900. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Teledyne Continental Motors (TCM) 240, 346, 360, 470, 520, and 550 Series and Rolls-Royce Motors, Ltd. (R-RM) IO-240-A Reciprocating Engines [Docket No.: FAA-2009-1156; Directorate Identifier 2009-NE-38-AD; Amendment 39-160309 AD 2010-11-04] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7901. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (ECF) Model AS332L1 and AS332L2 Helicopters [Docket No.: FAA-2010-0489; Directorate Identifier 2009-SW-78-AD; Amendment 39-16294; AD 2010-10-15] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7902. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332L2 Helicopters [Docket No.: FAA-2010-0419; Directorate Identifier 2009-SW-64-AD; Amendment 39-16293; AD 2010-10-14] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7903. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron (Bell) Model 205A, 205A-1, 205B, 212, 412, 412EP, and 412CF and Agusta S.p.A. (Agusta) Model AB412, AB412EP Helicopters [Docket No.: FAA-2009-0294; Directorate Identifier 2010-SW-032-AD; Amendment 39-16295; AD 2009-10-16] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7904. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-1A, -3A, -3A1, -3A2, -3B, and -3B1 Turbofan Engines; Correction [Docket No.: FAA-2007-27687; Directorate Identifier 2000-NE-42-AD; Amendment 39-16144; AD 2009-26-09] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7905. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International, S.A. CFM56-5B1/P, -5B2/P, -5B3/P, -5B3/P1, -5B4/P, -5B5/P, -5B6/P, -5B7/P, -5B8/P, -5B9/P, -5B12/P, -5B22/P, -5B32/P, -5B32P1, -5B42/P, -5B42P1, -5B62/P, -5B42P1, and -5B92/P, Turbofan Engines [Docket No.: FAA-2008-1353; Directorate Identifier 2008-NE-46-AD; Amendment 39-16279; AD 2010-09-14] (RIN: 2120-AA64) received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7906. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model DC-10-10, DC10-10F, DC-10-15, DC-10-30, DC-10-30F, (KC-10A and KDC-10) DC-10-40, DC-10-40F, MD-10-10F, MD-10-30F, MD-11, and MD-11F Airplanes [Docket No.: FAA-2010-0032; Directorate Identifier 2009-NM-213-AD; Amendment 39-16277; AD 2010-09-12] (RIN: 2120-AA64) received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7907. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2011 inflation adjusted amounts for Health Savings Accounts (HSAs) as determined under Section 223 of the Internal Revenue Code [Rev. Proc. 2010-22] received May 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7908. A letter from the Chief, Publications and Regulations Branch, Internal Revenue

Service, transmitting the Service's final rule — Phase-out of Credit for New Qualified Hybrid Motor Vehicles and New Advanced Lean Burn Technology Motor Vehicles [Notice 2010-42] received May 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7909. A letter from the Director, Office of Personnel Management, transmitting legislative proposal to amend chapter 55 of title 5, United States Code, to permit certain General Schedule (GS) Department of the Navy (Navy) employees to earn an overtime rate that exceeds the overtime hourly rate cap; jointly to the Committees on Oversight and Government Reform and Armed Services.

7910. A letter from the Secretary, Department of Transportation, transmitting results of a study required by Section 6206 of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246); jointly to the Committees on Transportation and Infrastructure and Agriculture.

7911. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2011; jointly to the Committees on Armed Services, Oversight and Government Reform, Foreign Affairs, and the Judiciary.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 3993. A bill to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services; with an amendment (Rept. 111-507). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. REHBERG (for himself, Mr. BISHOP of Utah, and Mr. BROUN of Georgia):

H.R. 5523. A bill to protect the right of individuals to bear arms on Federal lands administered by the United States Forest Service and the Bureau of Land Management; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AKIN:

H.R. 5524. A bill to amend the Tariff Act of 1930 to prohibit the importation into the United States of plastinated human remains from the People's Republic of China; to the Committee on Ways and Means.

By Mr. OLSON (for himself, Mr. PENCE, Mr. BARTON of Texas, Mr. McCAUL, Mr. SMITH of Texas, Mr. BRADY of Texas, Mr. GOHMERT, Mr. POE of Texas, Mr. BOUSTANY, Mr. HARPER, Mr. NEUGEBAUER, Mr. MELANCON, Mr. PAUL, Mr. CUELLAR, Mr. CULBERSON, Mr. SHADEGG, and Mr. CASSIDY):

H.R. 5525. A bill to terminate the moratorium on deepwater drilling issued by the Secretary of the Interior; to the Committee on Natural Resources.

By Mr. DEFAZIO (for himself, Mr. BLUMENAUER, and Mr. WU):

H.R. 5526. A bill to amend the Wild and Scenic Rivers Act to make technical corrections to the segment designations for the Chetco River, Oregon; to the Committee on Natural Resources.

By Mrs. CAPPS (for herself, Mr. LATOURETTE, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 5527. A bill to amend title XVIII of the Social Security Act to provide for patient protection by establishing safe nurse staffing levels at certain Medicare providers, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNEY (for himself and Mr. BILIRAKIS):

H.R. 5528. A bill to enhance the integrity of the United States against the threat of terrorism; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTER (for himself, Mr. KING of New York, Ms. GRANGER, Mrs. McMORRIS RODGERS, Mr. McCAUL, Mr. OLSON, Mr. CRITZ, Mr. WILSON of South Carolina, Mr. GOHMERT, and Mr. ROGERS of Kentucky):

H.R. 5529. A bill to amend the Internal Revenue Code of 1986 to exempt survivor benefit annuity plan payments from the individual alternative minimum tax; to the Committee on Ways and Means.

By Mr. FALLOMAVAEGA:

H.R. 5530. A bill to require the Secretary of the Interior to ensure that the flags of the several States, the District of Columbia, and the territories of the United States encircle the Washington Monument; to the Committee on Natural Resources.

By Mr. HERGER:

H.R. 5531. A bill to amend the Endangered Species Act of 1973 to enable Federal agencies responsible for the preservation of threatened species and endangered species to rescue and relocate members of any of those species that would be taken in the course of certain reconstruction, maintenance, or repair of Federal or non-Federal manmade flood control levees; to the Committee on Natural Resources.

By Ms. ZOE LOFGREN of California:

H.R. 5532. A bill to amend the Immigration and Nationality Act with respect to adopted alien children; to the Committee on the Judiciary.

By Ms. MCCOLLUM:

H.R. 5533. A bill to strengthen the partnership between nonprofit organizations and the Federal Government, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Education and Labor, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEKS of New York (for himself, Ms. FUDGE, Ms. NORTON, Ms. KILPATRICK of Michigan, Ms. HERSETH SANDLIN, and Mr. TEAGUE):

H.R. 5534. A bill to authorize the Science, Engineering, Math, and Aerospace Academy

Program in the National Aeronautics and Space Administration; to the Committee on Science and Technology.

By Mr. BERMAN (for himself and Ms. ROS-LEHTINEN) (both by request):

H.J. Res. 88. A joint resolution providing for the approval of the Congress of the proposed agreement for cooperation between the United States and Australia pursuant to the Atomic Energy Act of 1954; to the Committee on Foreign Affairs.

By Mr. CONAWAY:

H. Res. 1441. A resolution amending the Rules of the House of Representatives to curtail the growth of Government programs; to the Committee on Rules.

By Mr. DUNCAN:

H. Res. 1442. A resolution supporting the goals and ideals of United States Military History Month; to the Committee on Oversight and Government Reform.

By Mr. MEEKS of New York (for himself, Mr. SCOTT of Virginia, Mr. SABLAN, Ms. JACKSON LEE of Texas, Mr. GRIJALVA, Ms. NORTON, Ms. RICHARDSON, Ms. CLARKE, Mr. TOWNS, Mr. DAVIS of Illinois, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. GRAYSON, Mr. ISRAEL, Mr. BISHOP of New York, Ms. LEE of California, Ms. ZOE LOFGREN of California, Mr. HINOJOSA, Mr. COHEN, Mr. KUCINICH, Mr. ELLISON, Mr. HASTINGS of Florida, Mr. ACKERMAN, Ms. EDWARDS of Maryland, Mr. ARCURI, Mr. DRIEHAUS, Ms. MOORE of Wisconsin, Mr. CROWLEY, Mr. SHULER, Mr. WU, Mr. LEWIS of Georgia, Mr. MOORE of Kansas, Mr. WEINER, Mr. MILLER of North Carolina, Mr. CARSON of Indiana, Mr. JOHNSON of Georgia, Mr. MCMAHON, Mr. WATT, Mr. BUTTERFIELD, Mr. CHANDLER, Mr. KLEIN of Florida, Mr. SIRES, and Mr. GUTIERREZ):

H. Res. 1443. A resolution recognizing the achievements of the Nation's high school graduating class of 2010, promoting the importance of encouraging intellectual growth, and rewarding academic excellence of all United States high school students; to the Committee on Education and Labor.

By Mr. PALLONE (for himself and Mr. SHIMKUS):

H. Res. 1444. A resolution recognizing the 60th anniversary of the National Institute of Diabetes and Digestive and Kidney Diseases; to the Committee on Energy and Commerce.

By Mr. ROONEY:

H. Res. 1445. A resolution expressing support for designation of July 17, 2010, as "National Bladder Cancer Awareness Day"; to the Committee on Oversight and Government Reform.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

309. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 220 memorializing Congress to reauthorize the funding for the TANF Emergency Fund program; to the Committee on Ways and Means.

310. Also, a memorial of the House of Representatives of the State of Arizona, relative to House Concurrent Memorial 2005 urging the Congress to reauthorize Section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; jointly

to the Committees on Energy and Commerce and Ways and Means.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. MEEKS of New York.  
H.R. 45: Mrs. CHRISTENSEN.  
H.R. 197: Mr. GRAYSON.  
H.R. 442: Ms. HERSETH SANDLIN and Mr. LARSEN of Washington.  
H.R. 634: Mr. DONNELLY of Indiana and Mr. CAMP.  
H.R. 708: Mr. TIM MURPHY of Pennsylvania.  
H.R. 1034: Mrs. MCCARTHY of New York.  
H.R. 1074: Mr. GRAYSON.  
H.R. 1126: Ms. MOORE of Wisconsin and Mr. SIRES.  
H.R. 1272: Mr. DJOU.  
H.R. 1362: Mr. HEINRICH.  
H.R. 1409: Mr. DEUTCH.  
H.R. 1443: Mr. WATT.  
H.R. 1751: Mr. CUELLAR and Mr. AL GREEN of Texas.  
H.R. 1806: Mr. OLVER and Ms. KOSMAS.  
H.R. 1990: Mr. RAHALL and Mr. THOMPSON of Pennsylvania.  
H.R. 2103: Mr. HIMES.  
H.R. 2189: Mr. AKIN.  
H.R. 2240: Mr. CONYERS.  
H.R. 2296: Mr. KIND.  
H.R. 2381: Mrs. CHRISTENSEN and Mr. ROTHMAN of New Jersey.  
H.R. 2412: Mr. DJOU.  
H.R. 2413: Ms. ESHOO, Mr. PIERLUISI, Mr. MCNERNEY, and Ms. PINGREE of Maine.  
H.R. 2455: Ms. ZOE LOFGREN of California, Ms. MCCOLLUM, Mr. LYNCH, and Mr. TIERNEY.  
H.R. 2603: Mr. DJOU.  
H.R. 2890: Ms. HIRONO.  
H.R. 3024: Ms. MOORE of Wisconsin.  
H.R. 3053: Mr. KUCINICH.  
H.R. 3077: Mr. PRICE of North Carolina, Mr. CLEAVER, and Mr. CARNAHAN.  
H.R. 3108: Mr. WEINER.  
H.R. 3181: Mr. KUCINICH, Mr. WILSON of South Carolina, and Ms. FUDGE.  
H.R. 3328: Mr. BUTTERFIELD.  
H.R. 3359: Mr. LARSEN of Washington, Mr. CARNEY, Mr. BERRY, and Ms. NORTON.  
H.R. 3421: Ms. BALDWIN.  
H.R. 3670: Mr. PRICE of North Carolina.  
H.R. 3924: Mr. CULBERSON and Mr. GARRETT of New Jersey.  
H.R. 3943: Mr. CONNOLLY of Virginia.  
H.R. 4024: Mr. DJOU.  
H.R. 4037: Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. LOEBSACK, and Ms. RICHARDSON.  
H.R. 4116: Mr. CLAY, Mr. SMITH of Washington, and Mr. NEAL of Massachusetts.  
H.R. 4150: Mr. EDWARDS of Texas.  
H.R. 4175: Mr. COHEN.  
H.R. 4223: Mr. KIRK, Mr. FILNER, and Mr. LOEBSACK.  
H.R. 4241: Mr. MINNICK.  
H.R. 4278: Mr. PETERS.  
H.R. 4306: Mr. ROONEY.  
H.R. 4347: Mr. HONDA and Mr. LARSEN of Washington.  
H.R. 4371: Ms. TITUS.  
H.R. 4386: Mr. MAFFEI.  
H.R. 4420: Mr. JONES.  
H.R. 4443: Mr. EDWARDS of Texas.  
H.R. 4477: Mr. DEFazio.  
H.R. 4505: Mr. ROE of Tennessee.  
H.R. 4645: Mr. ELLISON.  
H.R. 4662: Mr. LOEBSACK, Mr. PRICE of North Carolina, and Ms. ZOE LOFGREN of California.  
H.R. 4733: Mr. ROYCE and Mr. HINCHEY.  
H.R. 4787: Mr. FRANK of Massachusetts.

H.R. 4788: Mr. BOSWELL, Mr. KILDEE, Mr. JOHNSON of Georgia, and Ms. NORTON.  
H.R. 4836: Ms. NORTON.  
H.R. 4888: Ms. WOOLSEY.  
H.R. 4919: Mr. BROUN of Georgia.  
H.R. 4925: Mr. RAHALL.  
H.R. 4926: Mr. FILNER.  
H.R. 4943: Mrs. MCMORRIS RODGERS and Mr. ROGERS of Kentucky.  
H.R. 4947: Ms. BALDWIN.  
H.R. 4958: Mr. CONYERS.  
H.R. 4959: Ms. CASTOR of Florida.  
H.R. 4993: Mr. PRICE of North Carolina.  
H.R. 5000: Mr. GONZALEZ.  
H.R. 5012: Ms. NORTON and Mr. LEWIS of Georgia.  
H.R. 5016: Mr. SHUSTER, Mr. AKIN, Mrs. SCHMIDT, Mr. ROONEY, Mr. LUETKEMEYER, Ms. GRANGER, Mr. CALVERT, and Mr. BACHUS.  
H.R. 5034: Mr. MINNICK.  
H.R. 5037: Mr. FOSTER.  
H.R. 5081: Mrs. MALONEY.  
H.R. 5096: Ms. NORTON.  
H.R. 5121: Mr. CONYERS.  
H.R. 5141: Mr. EDWARDS of Texas and Mr. CALVERT.  
H.R. 5143: Mr. HILL.  
H.R. 5177: Mr. FORTENBERRY.  
H.R. 5189: Mr. HALL of New York, Mr. FILNER, and Mr. MICA.  
H.R. 5214: Mr. HONDA, Mr. ISRAEL, Mr. KILDEE, Mr. JOHNSON of Georgia, and Ms. GIFFORDS.  
H.R. 5243: Mr. BURGESS.  
H.R. 5255: Mr. COOPER.  
H.R. 5268: Mr. MCNERNEY, Mr. OBERSTAR, and Mr. SIRES.  
H.R. 5276: Mr. TURNER, Mr. MCCLINTOCK, and Mr. SCHOCK.  
H.R. 5312: Mr. SHERMAN.  
H.R. 5318: Mr. EDWARDS of Texas.  
H.R. 5319: Mr. INGLIS.  
H.R. 5324: Ms. ROYBAL-ALLARD.  
H.R. 5354: Ms. NORTON.  
H.R. 5371: Mr. CALVERT.  
H.R. 5409: Mr. MCINTYRE and Mr. BISHOP of Georgia.  
H.R. 5425: Mrs. BLACKBURN, Mr. OLSON, Mr. BARTLETT, Mr. BARTON of Texas, Mr. GOMERT, Mr. BISHOP of Utah, Mrs. LUMMIS, Mr. ROONEY, Mr. LUETKEMEYER, Mr. POSEY, and Mr. PAUL.  
H.R. 5429: Mr. WAXMAN, Mr. SCHIFF, Mr. BERMAN, Ms. RICHARDSON, and Ms. LINDA T. SANCHEZ of California.  
H.R. 5430: Mr. KUCINICH.  
H.R. 5431: Mr. KUCINICH.  
H.R. 5434: Mr. LOBIONDO and Mr. PATRICK J. MURPHY of Pennsylvania.  
H.R. 5441: Mr. CONYERS.  
H.R. 5447: Mr. BERRY.  
H.R. 5462: Ms. MATSUI.  
H.R. 5467: Mr. BISHOP of New York.  
H.R. 5477: Mr. HINGHEY.  
H.R. 5478: Mr. EDWARDS of Texas.  
H.R. 5487: Mr. SALAZAR, Ms. NORTON, Mr. Luján, Ms. BORDALLO, Mr. GARAMENDI, and Mr. OBERSTAR.  
H.R. 5501: Mr. LAMBORN, Mr. ROONEY, Mr. DJOU, Mr. BOEHNER, Mr. ROE of Tennessee, Mr. SCHOCK, Mr. MANZULLO, Mr. AKIN, Mr. KINGSTON, Mr. MICA, Mr. REHBERG, Mr. ROYCE, Mr. FRELINGHUYSEN, Mr. KLINE of Minnesota, Mr. MCHENRY, Mrs. SCHMIDT, Mr. WESTMORELAND, Mr. LUETKEMEYER, Mr. HASTINGS of Washington, Mr. FLEMING, Mr. PLATTS, Mr. LATOURETTE, Mr. WALDEN, Ms. ROS-LEHTINEN, Mrs. BIGGERT, Mr. MCCOTTER, Mr. TIBERI, Mr. BILBRAY, Mr. GRAVES of Missouri, Mr. KING of Iowa, Mr. LANCE, Mr. POE of Texas, and Mr. GERLACH.  
H.R. 5513: Mrs. MALONEY and Mr. HOLT.  
H.R. 5515: Mr. PETRI.  
H.R. 5519: Mr. DUNCAN, Mr. BROUN of Georgia, Ms. JENKINS, Mrs. LUMMIS, Mr. REHBERG,

Mr. WESTMORELAND, Mr. GINGREY of Georgia, Mr. ROE of Tennessee, Mr. LUETKEMEYER, Mr. BISHOP of Utah, and Mr. SAM JOHNSON of Texas.

H.R. 5520: Mr. ROTHMAN of New Jersey, Mr. HINCHEY, Mr. BRALEY of Iowa, Mr. QUIGLEY Ms. LINDA T. SÁNCHEZ of California, Mr. HIGGINS, Mr. PASCRELL, Ms. WOOLSEY, Ms. HIRONO, Mr. KENNEDY, and Mr. ELLISON.

H.J. Res. 86: Mr. CAO, Mr. CUELLAR, Mr. PETERSON, Mr. ROYCE, Mr. DONNELLY of Indiana, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HALL of New York, Mr. BERRY, Mr. LARSON of Connecticut, Mr. LARSEN of Washington, Mr. GORDON of Tennessee, Mr. OWENS, Mr. SHUSTER, Mr. KISSELL, Ms. SCHWARTZ, Mr. SKELTON, Mrs. DAHLKEMPER, Mr. SABLÁN, Mr. MCMAHON, and Ms. KOSMAS.

H. Con. Res. 279: Mr. MCCLINTOCK and Mr. WITTMAN.

H. Con. Res. 284: Mr. NEUGEBAUER, Mr. BROUN of Georgia, Mr. WALDEN, Ms. NORTON, Mrs. MALONEY, Mr. BISHOP of Georgia, Ms. FUDGE, and Mr. ORTIZ.

H. Con. Res. 286: Mr. NUNES, Mr. MCHENRY, Mr. SPACE, Mr. DJOU, Mr. WOLF, Mr. GERLACH, Mr. MARSHALL, and Mr. GOODLATTE.

H. Res. 111: Mr. TOWNS.

H. Res. 173: Mr. POSEY, Mr. DONNELLY of Indiana, Mr. BISHOP of Utah, Mr. EDWARDS of Texas, and Mr. DEUTCH.

H. Res. 203: Mr. CRITZ.

H. Res. 252: Mr. HELLER.

H. Res. 308: Mr. RUSH, Ms. WATERS, Mr. TOWNS, Mr. ELLISON, Mr. FILNER, Ms. WASSERMAN SCHULTZ, Ms. RICHARDSON, and Ms. CLARKE.

H. Res. 771: Mr. AUSTRIA, Mr. SHULER, and Mr. HONDA.

H. Res. 1035: Mrs. MYRICK.

H. Res. 1219: Mr. CONYERS and Mr. ROHR-ABACHER.

H. Res. 1241: Mr. BUCHANAN, Mr. CONAWAY, Ms. FOX, and Mr. LATOURETTE.

H. Res. 1350: Mr. WILSON of South Carolina, Mr. MANZULLO, and Mr. ISSA.

H. Res. 1393: Mr. MCGOVERN.

H. Res. 1394: Mr. PASCRELL and Mr. OLSON.

H. Res. 1395: Mr. MCINTYRE.

H. Res. 1401: Mr. WESTMORELAND, Ms. CORRINE BROWN of Florida, Mr. BISHOP of New York, Mr. HALL of New York, Mr. NADLER of New York, Mr. MCMAHON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. CUMMINGS, Mr. HASTINGS of Florida, Ms. BERKLEY, Mr. DEUTCH, Ms. ROSLEHTINEN, Mr. WALZ, Mr. SIRE, Mr. ROONEY, Mr. CARNAHAN, Ms. ROYBAL-ALLARD, Mr. PERRIELLO, and Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 1405: Mr. HONDA and Ms. RICHARDSON.

H. Res. 1406: Mr. GALLEGLY, Mr. HERGER, and Mrs. LUMMIS.

H. Res. 1412: Mr. CARNAHAN and Mr. SCOTT of Virginia.

H. Res. 1419: Ms. FUDGE, Mr. AUSTRIA, Ms. KILROY, Ms. KAPTUR, Mr. RYAN of Ohio, Mrs. SCHMIDT, Mr. SPACE, and Mr. TIBERI.

H. Res. 1426: Ms. ZOE LOFGREN of California.

H. Res. 1429: Mrs. BIGGERT, Mr. AUSTRIA, Mr. WOLF, Mr. SKELTON, Mr. DJOU, Mr. AKIN, Mr. TIBERI, Mr. DANIEL E. LUNGREN of California, Mr. MCCOTTER, Mr. FORTENBERRY, Mr. JONES, Mr. SPRATT, Mr. ETHERIDGE, Mr. MCHENRY, Mr. GINGREY of Georgia, and Mr. BOUSTANY.

H. Res. 1439: Mr. MOORE of Kansas, Mr. FARR, Mr. CONNOLLY of Virginia, Mr. SHULER, Mr. BACA, Ms. WATSON, Mr. COHEN,

Mr. BLUMENAUER, Ms. NORTON, Mr. POLIS, Ms. DEGETTE, Mr. MURPHY of New York, Mr. SNYDER, Ms. MOORE of Wisconsin, Ms. TITUS, Mr. PETERS, Mr. KAGEN, Mr. LUJÁN, Mr. PASCRELL, Mr. LEWIS of Georgia, Ms. LINDA T. SÁNCHEZ OF CALIFORNIA, Mr. PETERSON, Mr. WALZ, Mr. MCDERMOTT, Mr. ROTHMAN of New Jersey, Mr. BISHOP of New York, Mr. ELLSWORTH, Mr. CARSON of Indiana, and Mr. TEAGUE.

### PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

146. The SPEAKER presented a petition of American Bar Association, Illinois, relative to Recommendation 102C urging federal, state, territorial and local governments to undertake a comprehensive review of the misdemeanor provisions of their criminal laws; to the Committee on the Judiciary.

147. Also, a petition of American Bar Association, Illinois, relative to Recommendation 102B urging federal, state, territorial and local legislative bodies and agencies to support the development of simplified Miranda warning language for use with juvenile arrestees; to the Committee on the Judiciary.

148. Also, a petition of California State Lands Commission, California, relative to Resolution supporting the Lake Tahoe Restoration Act of 2010; jointly to the Committees on Transportation and Infrastructure, Natural Resources, and Agriculture.

## EXTENSIONS OF REMARKS

RECOGNIZING THE RETIREMENT  
OF LCDR DAN RIEKEN FROM  
THE UNITED STATES NAVY

## HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. KIND. Madam Speaker, I rise today in recognition of Navy Lieutenant Commander Dan Rieken, a native of Prescott, Wisconsin, who has led a distinguished career in the United States Navy and proudly served his country for more than 20 years.

LCDR Rieken first enlisted in the Navy as a Fire Controlman in 1984. After graduating from the University of Minnesota in 1991, LCDR Rieken was commissioned an Ensign in the Navy and has helped plan and manage ballistic missile defense programs, assisted in overseeing efforts to ensure the security and reliability of the Space and Naval Warfare Systems Command's through the Y2K transition.

Later, LCDR Rieken graduated with distinction from the Naval War College in 2003 and then received his Masters from the Naval Postgraduate School in 2004. Today, LCDR Rieken serves in the White House Communications Agency as a Presidential Communications Officer, System Engineer, and Program Manager for acquisitions, modernization, and future systems design.

On August 1, 2010, LCDR Rieken will retire from the United States Navy. His dedication to serving his country has been unwavering, regardless of party or ideology. He has worked to strengthen our country's security as our nation transitioned out of the Cold War era and into the Post-September 11th era. I congratulate LCDR Rieken on his retirement and thank him for his dedication to the safety and security of our country.

## PERSONAL EXPLANATION

## HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. GERLACH. Madam Speaker, unfortunately, on Monday, June 14, 2010, I missed three recorded votes on the House floor. I ask that the RECORD reflect that had I been present, I would have voted "yea" on Rollcall 355, "yea" on Rollcall 356 and "yea" on Rollcall 357.

## HONORING MR. DAVID WILDER

## HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. David Wilder. Mr. Wilder served his constituency faithfully and justly during his tenure as a member of the Chautauqua County Legislature, serving district 4.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Wilder served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Wilder is one of those people and that is why, Madam Speaker, I rise in tribute to him today.

A TRIBUTE TO BRIGADIER  
GENERAL MICHAEL X. GARRETT

## HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. GUTHRIE. Madam Speaker, I rise today to honor Michael X. Garrett, who has virtuously served the United States and the Commonwealth of Kentucky.

Brigadier General Garrett has served as the Deputy Commanding General for U.S. Army Recruiting Command in Elizabethtown, KY, since June of last year. During his tenure, Brigadier General Garrett managed, trained, and resourced an organization of approximately 11,500 military and civilian employees located in the United States, Germany, Japan, Guam, and Korea.

His guidance and leadership proved to be monumental in the accomplishment of the annual recruiting mission for the U.S. Army and U.S. Army Reserve, far surpassing all recruiting goals and objectives.

Throughout his career he has been an inspiration and example to both soldiers and civilians alike. He has represented his country proudly as a man of honor and a true patriot. Brigadier General Garrett is an officer of tremendous depth, intellect and vision.

Known as a 'Soldier's Soldier,' he leads from the front, establishes and maintains the highest standards, and relentlessly accomplishes the most complex and difficult missions with ease.

I honor him today because of his dignified and steadfast commitment to the U.S. Army,

U.S. Army Reserve, his soldiers, the citizens of this country and the Commonwealth of Kentucky.

## PERSONAL EXPLANATION

## HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. NUNES. Madam Speaker, on the legislative day of Monday, June 14, 2010, I was unavoidably detained and was unable to cast a vote on a number of rollcall votes. Had I been present, I would have voted: rollcall 355, "yea"; rollcall 356, "yea"; rollcall 357, "yea".

IN LOVING MEMORY OF CAFFIE  
GREENE

## HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Ms. WATERS. Madam Speaker, I submit the following:

To Penny, Raymond, Steve and the family of Caffie Greene,

Please accept my heartfelt condolences for the loss of your beloved mother, grandmother, and my friend, Caffie Greene.

Caffie was a brilliant community activist, one of a handful of strong African American women who used their God-given talents to speak up for the least of these. She fought alongside the women of South Los Angeles who led the struggle for justice and equality for so many years. Women such as Lillian Mobley, Mary Henry, Johnnie Mae Tillman, Catherine Germany, and Nola Carter.

Caffie was outspoken, confrontational, and fearless. She had the ability to influence politicians and elected officials with her strong organizing skills. She had the capability to articulate the pain and concerns of poor people; and she never hesitated to show up to meetings at the school board, city hall, press conferences or anywhere else she needed to be.

I know we will all miss Caffie, her strength and unique brilliance. But we must continue her work and honor her legacy which I hope will inspire and motivate a new generation of leaders to dedicate their lives in the service of others as she did. May she rest in peace.

HONORING ALTHEA MUSGROVE  
NORCOTT FOR A LIFETIME OF  
SERVICE AS AN EDUCATOR

## HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Ms. DeLAURO. Madam Speaker, I rise to commemorate a long career of dedicated

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

service to the young people of Connecticut by Althea Musgrove Norcott, who is retiring this month after over three decades of teaching and education administration in New Haven.

A Connecticut girl through-and-through, Althea was born in New Haven to George and Mavis Musgrove, educated at West Haven High School and the University of Connecticut, and received a sixth year in administration and supervision at Southern Connecticut State University. In fact, with the exception of several years spent as a special education teacher in the United States Virgin Islands, she has spent her entire life in service to our state and community. And we are grateful to her for it.

For 31 years, Althea has worked to improve the scholarship and experience of students at Hillhouse High School. Beginning as a special education teacher for emotionally disturbed and learning disabled students in 1978, she was named assistant principal in charge of the English and Foreign Language Departments in 1994. In both positions, Althea has transformed the lives of thousands of students for the better, and enriched the Hillhouse High community with her wisdom, patience, and grace.

Not content to leave her good works at the schoolhouse door, Althea also worked to broaden the horizons of her students through trips to Egypt, Kenya, and Zimbabwe, as part of the Ambassadors for International Education program. And she has given of herself in countless other ways outside of Hillhouse, including chairing the New Haven Host Town Program of the 1995 Special Olympics World Games and co-founding and, for the past 14 years, chairing the Freetown-New Haven Sister Cities Committee.

I thank Althea deeply for these decades of service to our mutual hometown, and I congratulate her, her husband Justice Fleming L. Norcott, Jr., and their children Daryl, Tiffany, and Candace, on reaching this important milestone. Congratulations, Althea, you have earned it.

A TRIBUTE TO COMMAND SERGEANT MAJOR STEPHEN FRENNIER

### HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. GUTHRIE. Madam Speaker, I rise today to honor CSM Stephen Frennier, who has righteously served the United States and the Commonwealth of Kentucky.

Command Sergeant Major Frennier has served as the Senior Enlisted Advisor for U.S. Army Recruiting Command in Fort Knox, KY, since June of 2008. During his tenure, Command Sergeant Major Frennier dedicated his time to visiting all the soldiers that were a part of his command throughout the 50 states, four U.S. possessions, and three additional countries that housed these men and women.

His strong leadership skills helped propel over 50 of his soldiers to be inducted into the prestigious Sergeant Audie Murphy Club. Command Sergeant Major Frennier utilized these members by having them conduct vol-

unteer mission within their local communities, fostering a relationship between the U.S. Army and civilians.

Throughout his career, Command Sergeant Major Frennier has not only been a remarkable example for the young men and women he has led, but a true warrior for his country. He always made sure to accomplish the task at hand, while taking care of the soldiers around him. Command Sergeant Major Frennier is an officer of tremendous nobility, honor and intellect.

I honor him today because of his dignified and dedicated commitment to the U.S. Army, U.S. Army Reserve, his soldiers, the citizens of this country and the Commonwealth of Kentucky.

IN HONOR AND RECOGNITION OF HOUSING ADVOCATES, INC. OF CLEVELAND, OHIO

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Housing Advocates, Inc., (HAI) which has fought for fair housing rights and equal housing opportunities for more than three decades.

Established in 1975, HAI is comprised of passionate attorneys, experienced in litigating civil rights cases, and dedicated support staff who work to ensure that fair housing laws and affordable and quality housing principles are followed.

Madam Speaker and colleagues, please join me in honor and recognition of Housing Advocates, Inc., whose advocacy on behalf of equal housing rights has helped the people of Northeast Ohio. The staff of Housing Advocates, Inc. safeguards civil rights and serve as protector and champion on behalf of housing rights for minorities, the disabled and the poor.

CELEBRATING THE LEAGUE OF BLACK WOMEN'S ANNUAL LEADERSHIP CONFERENCE

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to celebrate the League of Black Women on their annual leadership conference which commences today.

The League of Black Women, founded in the 1970's by Dr. Armita Young Boswell, works today to provide successful, strategic and sustaining leadership experiences for minority professionals and students. With nearly 10,000 members worldwide, the League provides continuing executive-level education. It also provides professional leadership coaching, mentor outreach to school-age students, support of small businesses, and with this conference, exposure of attendees to new relationships in the global corporate community.

More than 200 attendees from major corporations are expected to participate in five

days of leadership development forums and executive presentations.

This year's conference theme is "Black Women 2010: Global Ready." As a member of the House Permanent Select Committee on Intelligence, I was honored to receive an invitation to participate in this year's forum titled "Women of Color in the U.S. Intelligence Community" and share insight on the prospects of women in Intelligence rising to higher leadership ranks.

Madam Speaker, the importance of diversity in the intelligence community cannot be overstated. It is one of our greatest strengths, as it is essential to addressing increasingly complex national security threats. We must continue to acquire and maintain an intelligence workforce that mirrors our nation and the world within which we operate.

With the hard work of the League of Black Women and other organizations committed to innovative diversity education and leadership research, we can create and sustain a diverse intelligence workforce.

Again, congratulations to the League of Black Women on this year's conference and look forward to celebrating another successful conference next year.

### PERSONAL EXPLANATION

### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. WILSON of South Carolina. Madam Speaker, I was absent from votes which occurred on June 14, 2010. Listed below is how I would have voted if I had been present.

Roll No. 355—H. Res. 1368—supporting the goals of National Dairy Month—"aye";

Roll No. 356—H. Res. 1409—expressing support for designation of June 20, 2010, as "American Eagle Day", and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States—"aye";

Roll No. 357—H.R. 5502—to amend the effective date of the gift card provisions of the Credit Card Accountability Responsibility and Disclosure Act of 2009—"aye."

AMERICAN JOBS, CLOSING TAX LOOPHOLES AND PREVENTING OUTSOURCING ACT

### HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Ms. MCCOLLUM. Madam Speaker, I rise today in support of H.R. 4213, the American Jobs, Closing Tax Loopholes and Preventing Outsourcing Act. This legislation accelerates our economic recovery by creating or saving over 1 million jobs and by providing emergency aid to American families.

Our economic recovery is thankfully underway. The private sector is working again. Jobs are being added. The task before Congress is finding the right balance between addressing the federal budget deficits and debt and supporting American families still struggling with the lingering effects of the recession.

This bill is a life-preserver for the millions of Americans who are still looking for work. For our youth experiencing record-high unemployment and looking for work this summer, this bill allocates funding that will support 350,000 jobs. It also provides emergency funding for a much-needed unemployment insurance extension through the end of November 2010. In addition to assisting those Americans hardest hit by the recession, these resources will stimulate the economy—every \$1 spent in unemployment benefits generates at least \$1.63 in economic activity. H.R. 4213 also addresses a major concern for seniors by preventing pay cuts that could discourage doctors from seeing Medicare patients.

H.R. 4213 also makes long-term investments to support economic growth by extending tax incentives for research and development and American-made clean energy. This legislation will save and create jobs through Build America Bonds and Recovery Zone Bonds while rebuilding American infrastructure. This bill restores credit to small businesses and provides tax relief to middle class families, who are experiencing the lowest taxes in 60 years.

The many investments are fully offset by closing tax loopholes, ensuring that Wall Street investment fund managers paid their fair share of taxes on their income and ensuring that corporations stop abusing the foreign tax credit by shipping American jobs overseas. This legislation also begins to hold oil corporations accountable by increasing the fees they pay to the Oil Spill Liability Trust Fund. Most importantly, the entire bill complies with statutory pay-as-you-go.

Let me be clear. Our economy will recover and thrive again—we are on the right path—but until we reach a full and vibrant recovery, we have a responsibility to extend the safety-net of unemployment benefits for the millions out of work while we enact measures to create jobs. For all these reasons, I urge my colleagues to support this legislation and create American jobs, close tax loopholes, and prevent outsourcing.

#### IN RECOGNITION OF MANDINGO TSHAKA

**HON. GARY L. ACKERMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. ACKERMAN. Madam Speaker, I rise today to extend my deepest thanks and most sincere gratitude to Mandingo Tshaka, a resident of Bayside, New York, who first identified and advocated for the need to acknowledge the significant role that slave labor played in the construction of the United States Capitol several years ago. This week, Mr. Tshaka will be traveling to Washington, DC to witness his vision realized when Speaker PELOSI and Majority Leader REID will unveil a series of plaques that honor and remember the contributions made by enslaved African Americans during the building of the Capitol. Thanks to his work and perseverance, the United States government will for the first time acknowledge the regrettable, humiliating, embar-

assing, and humbling truth that slave labor helped to construct the very building that houses democracy in our Nation's capital.

In 2005, a Congressionally mandated study confirmed that slave labor was used extensively in the construction of the Capitol. The study confirmed what Mr. Tshaka already knew: One of the most egregious human rights violations in the history of the modern world helped erect the United States Capitol. It is to Mr. Tshaka's enduring credit that Congress will publicly and permanently recognize this fact this week.

Throughout his life, Mr. Tshaka has tirelessly dedicated himself to advocating for civil, minority and community rights. A lifelong resident of New York City, he has contributed immeasurably to the improvement of his community and of his country. While this week's ceremony will be bittersweet, I am pleased that Mr. Tshaka will be present to witness the fulfillment of his latest endeavor to promote civil rights and awareness.

I look forward to welcoming Mr. Tshaka to the Capitol for this historic unveiling and I am proud to see Congress recognize the truth behind the Capitol's construction. I ask my colleagues in the House to join me in recognizing Mandingo Tshaka and thank him for helping to make this week's ceremony a reality.

#### IN HONOR OF STANLEY AND BETTY SHEINBAUM

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Stanley and Betty Sheinbaum as they celebrate their 90th birthdays. The Sheinbaums have been partners in life since 1964, with a shared devotion to each other, to their families, and to causes of peace and justice. Their support and work on behalf of humanitarian and progressive causes continues to strengthen the democratic foundation of our nation and the world.

Mr. Sheinbaum grew up in a poor, working class neighborhood in New York City. His family was hit hard by the Depression; their financial struggles during his formative years left an indelible imprint on him—clarifying his sense of justice, and strengthening his compassion and empathy for others, especially for the poor. After high school, he worked at various jobs until he joined the service, where he served during WWII. After the war, he re-enrolled in high school courses to elevate his grades and he was eventually accepted at Oklahoma A&M, where he did well enough to transfer to Stanford University. He graduated from Stanford with a degree in Economics with high honors, subsequently moving to Paris as a Fulbright scholar.

In the early 1960's, Mr. Sheinbaum's previous support of U.S. military involvement in South Vietnam began to fade. He became an active member and leader at the Center for the Study of Democratic Institutions—an organization that attracted the nation's intellectual elites. Mr. Sheinbaum quickly impressed members with his strong intellect and superior de-

bating skills. He soon met and fell in love with activist Betty Warner, daughter of Warner Bros. co-founder, Harry Warner.

Born in 1920, Ms. Warner was a like-minded political activist who shared her future husband's social and political inclinations. She was born in Hollywood and grew up in the glory days of the movie industry. The daughter of a movie mogul, she lived a life adorned with pop artists and movie stars. Her family came to the United States in the early 1900s seeking democracy, freedom, justice and economic security. Although her father became famous, he began as a cobbler and a salesman. He instilled within her a strong sense of hard work, equality and justice. She became involved in community and grassroots politics and organized to fight McCarthyism.

Stanley Sheinbaum and Betty Warner were married in 1964. The Sheinbaums' sense of philanthropy and service to others has been a shared vision since their marriage. In addition to her activism, Betty Sheinbaum is a passionate artist. She is a successful sculptor, painter, artist and gallery owner. She uses her lifetime of experiences in her beautiful work and incorporates the imagery she has discovered on her travels throughout the world. She has studied with Howard Warshaw, Keith Finch, Jan Stussy, Mark Strickland and George Small.

In addition to donating to worthy causes over four decades, the Sheinbaums have continued to donate their valuable time. Among his countless accomplishments, Mr. Sheinbaum has served as head of the ACLU Foundation of Southern California and as President of the Los Angeles Police Commission during the difficult years between 1991 and 1993. While serving as a Regent of the University of California, he fought for divestment from South Africa. For the last 10 years, he has been the publisher of New Perspectives Quarterly. Both Betty and Stanley continue to serve on the Advisory Board for the Liberty Hill Foundation, an organization which invests in changemakers and equips them with the skills and relationships they need to build power and advance social justice.

As well as being active in their own communities, the Sheinbaums have used their resources and their influence to effect global change. In 1988, Mr. Sheinbaum led a delegation of American Jews to the Middle East where he befriended Yasser Arafat. Thanks in part to the efforts of the Sheinbaums, Arafat renounced terror and finally recognized Israel's right to exist. Respected for his ability to negotiate with world leaders, Mr. Clinton would later ask Mr. Sheinbaum to serve as a back-channel envoy to Syria and help influence the course of nations.

The passion, dedication and commitment of the Sheinbaums have made a difference in the lives of many. Their historic careers are surpassed only by their love for each other. Madam Speaker and Colleagues, please join me in honor and recognition of Stanley and Betty Sheinbaum on the occasion of their 90th birthdays, as we extend to them both the thanks of a grateful nation for all they have done together to make our world a better place. They are truly great Americans.

IN LOVING MEMORY OF PAUL H.  
DEVAN

### HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Ms. WATERS. Madam Speaker, I submit the following:

To family of Paul H. DeVan,

It is with great pain and sorrow that I express my condolences to you, all of Paul's friends and the entire Head Start family.

Paul and I were very good friends—we met and worked together starting in the early 1970's in the Head Start Program. Paul was an activist, organizer, and a promoter of fairness, justice, and equality for poor people, people of color and people who simply needed to have friends to assist them in locating resources to pursue a decent quality of life.

I loved Paul's kindness, his love of people and his willingness to work hard for the betterment of our community. Paul was the kind of man that understood his strength and power. He had the confidence that is so necessary to make things happen and get the job done.

Unfortunately there are not many Paul DeVan's left in our communities that are willing to meet the challenge of discrimination, poverty and hopelessness. Paul had health challenges for quite some time but never gave up. He loved the Head Start Program and was the Founder of Training and Research Foundation, which provides resources to parents to help children fulfill their educational destinies.

Paul and Elaine were a wonderful team that accomplished so much. This home going for Paul must also be a thank you for all he has done for so many. Paul, I love you and will miss you very much.

THE RETIREMENT OF MR.  
RICHARD MANN

### HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. ADLER of New Jersey. Madam Speaker, I rise today to honor Mr. Richard Mann for his dedicated service to our students, the Cherry Hill Community, and the residents of Camden County.

For 37 years, Mr. Richard Mann has dutifully served the students of Cherry Hill as a physical education instructor. A community servant in every aspect, Mr. Mann worked for the citizens of Camden County as an employee of the Voorhees Recreation Department for 25 years, and managed the Cherry Hill Skating Center for 26 years.

Mr. Mann has been honored for his character, skill and commitment to students at the local and state levels. Among his many achievements is the receipt of the New Jersey Association for Health, Physical Education, Recreation and Dance Honor Award for 2009.

Mr. Mann has contributed to the social and academic growth of students and staff. Most of all, to colleagues he has been a trusted mentor, role model and friend.

Madam Speaker, I hope that you will join me in honoring and celebrating the career and

service of Mr. Mann to the students and staff of the J. F. Cooper Elementary School, the Cherry Hill community and all of Camden County.

IN HONOR AND RECOGNITION OF  
THE 25TH ANNIVERSARY OF  
COMMUNITY CHALLENGE AND OF  
DAVID LARUE

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. KUCINICH. Madam Speaker, I rise today to honor and recognize 25 years of amazing work by the staff and supporters of Community Challenge. In giving specific mention to one of Community Challenge's biggest long-time supporters, David LaRue—I not only honor him, but also all those others who have given of themselves to create a better future for our children.

Community Challenge, a branch of Recovery Resources that focuses on keeping our children healthy, happy and free from the devastation of drug and alcohol abuse, has strengthened and empowered the lives of countless youth and families throughout our west side communities.

As with many great initiatives, its origins are humble. In 1985 a small group of Rocky River residents acted when they became concerned about alcohol and drug abuse by local children and teens; they formed the Rocky River Community Challenge, which worked on education and prevention. As the organization expanded, 'Rocky River' was dropped from its name but its mission has remained the same—to improve education and prevent abuse.

Today, I also honor David LaRue for the tireless support he has given Community Challenge. Mr. LaRue's dedication to the mission and programs of Community Challenge is evidenced by the significant sponsorship funding from the company of which he is Vice President and Chief Operating Officer, Forest City Enterprises. In 1992 Mr. LaRue personally led the effort to start Community Challenge's Basketball Challenge Cup, an annual event bringing together teens and families for an evening of fun and competition in an alcohol-free environment.

Madam Speaker and colleagues, please join me in honor and recognition of the 25 years of tireless effort by all the staff and supporters of Community Challenge and of David LaRue whose leadership, sponsorship, and support of Community Challenge's programs and events has made a real difference in the lives of so many.

HONORING THE 60TH ANNIVERSARY OF THE NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. PALLONE. Madam Speaker, I rise today to introduce a resolution with my good friend

Mr. SHIMKUS of Illinois that commemorates the 60th anniversary of the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) and its continuing leadership and achievements in conducting and supporting biomedical research to improve health.

The NIDDK leads the Nation's Federal commitment in research, research training, science-based education and health information dissemination with respect to diabetes and other endocrine and metabolic diseases, digestive and liver diseases, nutritional disorders, obesity, kidney disease, urologic diseases, and hematologic diseases.

The Institute was originally established in 1950 through the Omnibus Medical Research Act as the National Institute of Arthritis and Metabolic Diseases. The Institute was renamed several times during the ensuing decades, and was renamed in 1986 as the National Institute of Diabetes and Digestive and Kidney Diseases.

The chronic and costly disease and disorders within the Institute's mission affect millions of Americans, ranging from some of the nation's most common diseases and disorders to those which are rarer. The NIDDK supports research by extramural scientists at academic and other medical research institutions across the nation, in addition to research by scientists in the Institute's intramural program. The Institute has continually pursued research efforts to benefit all individuals burdened by these diseases and disorders: men, women, older and younger adults, children, minority populations who are disproportionately affected by many of these diseases, and those from economically-disadvantaged backgrounds.

60 years of NIDDK-supported research discoveries have dramatically increased vital understanding of the biologic mechanisms and behavioral and environmental factors that contribute to health and disease. This knowledge has propelled the development of intervention strategies. Specifically, this research has led to the prevention, diagnostic, and treatment strategies for individuals who have, or are at risk for, diseases and disorders within the Institute's mission, leading to remarkable improvements in health and quality of life.

The NIDDK has also been a leader in research training and mentoring efforts, from summer programs for high school and college students with special opportunities for under-represented minorities, to fellowships for graduate and medical students and postdoctoral researchers, to support for early-career and established investigators, in order to ensure that critical biomedical research will continue into the future. In addition, the Institute sponsors education and outreach programs to improve health by disseminating science-based information to patients and their families, those at risk for disease, healthcare professionals, and the general public.

The Institute's research and research strategies have also allowed them to be a leader in collaborative and coordinated research efforts and science-based education programs to maximize the Federal investment in research and synergize expertise across the NIH, with other Federal agencies, and with public and private organizations.

Today, Mr. SHIMKUS and I introduce a resolution to commemorate NIDDK's 60th anniversary and commend NIDDK for its leadership in

research, research training, and science-based education programs.

I urge my colleagues to join us in support of this resolution not only to commemorate the NIDDK's 60th anniversary, but also to show continued support for the Institute in its research, education, and discovery efforts of the future.

ENROLLED JOINT RESOLUTION 3  
OF THE SIXTIETH LEGISLATURE  
OF THE STATE OF WYOMING

HON. CYNTHIA M. LUMMIS

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mrs. LUMMIS. Madam Speaker, I commend the State of Wyoming for enacting a resolution that reinforces the 10th Amendment to the Constitution. Enrolled Joint Resolution 3 of the Sixtieth Legislature of the State of Wyoming demands that Congress cease and desist from enacting mandates that are beyond the enumerated powers granted to the Congress by the United States Constitution.

This resolution joins a groundswell of support across our nation for a return to the federalist principles in our Constitution. I am proud to insert this resolution into the CONGRESSIONAL RECORD on behalf of the people of Wyoming.

Citizens, businesses and States across the country are bracing for the impact of the heavy handed government mandates in President Obama's health care plan. Momentum persists among some in Congress for additional federal mandates, taxes, and regulations that will burden State budgets and put entrepreneurs in Main Street America out of business.

There is another way. Our nation's founders left us a recipe for freedom and opportunity in our Constitution, under which the people of the United States consented to a government with limited powers. As stated in the 10th Amendment, all powers not given to the federal government by the Constitution are reserved for the States and the people. I have co-founded in the House of Representatives a 10th Amendment Task Force to advance the principles of federalism and disperse power back to States, local governments and individuals.

Before coming to Washington, I spent my entire adult life dealing with State issues—as a rancher, as a State legislator, and as State Treasurer. I am now astounded by the kinds of issues Members of Congress feel are appropriate for federal intervention.

States know their people better. They know their issues better. Let's return to States what States do best and maintain a strong limited government in Washington to do what it does best—securing the freedom, strength and integrity of this country.

ENROLLED JOINT RESOLUTION NO. 3, HOUSE OF REPRESENTATIVES—SIXTIETH LEGISLATURE OF THE STATE OF WYOMING, 2010 BUDGET SESSION

Whereas, the tenth amendment to the Constitution of the United States reads as follows: "The powers not delegated to the

United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

Whereas, the tenth amendment to the Constitution of the United States defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

Whereas, the scope of the power defined by the tenth amendment to the Constitution of the United States means that the federal government was created by the states specifically to be an agent of the states; and

Whereas, the states are demonstrably treated as agents of the federal government; and

Whereas, many powers assumed by the federal government and federal mandates are directly in violation of the tenth amendment to the United States Constitution; and

Whereas, the interstate commerce clause in article 1, section 8 of the Constitution of the United States provides that Congress shall have the power: "To regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes;" and

Whereas, the interstate commerce clause is limited to the federal government regulating trade between the states and between the states and other nations, to help prevent conflicts between states over commercial activities and to prevent the erection of barriers to commerce between the states; and

Whereas, the interstate commerce clause should not be used to provide Congress with authority to regulate matters that are primarily intrastate with only an insignificant or collateral effect upon interstate commerce; and

Whereas, many federal laws are beyond the scope and intent of the interstate commerce clause and the tenth amendment to the Constitution of the United States; and

Whereas, the tenth amendment to the Constitution of the United States assures that we, the people of the United States of America and each sovereign state in the union of states, now have, and have always had, rights the federal government may not usurp; and

Whereas, article 4, section 4, of the Constitution of the United States says: "The United States shall guarantee to every State in this Union a Republican Form of Government," and the ninth amendment to the Constitution of the United States adds "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."; and

Whereas, Congress may not simply commandeer the legislative and regulatory processes of the states. Now, therefore, be it

*Resolved* by the Members of the Legislature of the State of Wyoming:

Section 1. That the Wyoming Congressional delegation and Congress take action to initiate the amendment process provided by article 5 of the Constitution of the United States to amend the tenth amendment and article 1, section 8 (the interstate commerce clause), of the Constitution of the United States.

Section 2. That Congress amend the tenth amendment of the Constitution of the United States as follows, with proposed changes indicated in underscored text:

The powers not expressly delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. This amendment shall be considered by all courts as a rule of interpretation and construction in any case involving an interpre-

tation of any constitutional power claimed by the Congress.

Section 3. That Congress amend the interstate commerce clause, article 1, section 8, of the Constitution of the United States as follows, with proposed changes indicated in underscored text:

To directly regulate Commerce with foreign nations, and among the several states, and with the Indian Tribes, with no authority in Congress to regulate matters that are primarily intrastate with only an insignificant or collateral effect upon interstate commerce;

Section 4. That Congress shall specify that the amendments to the tenth amendment and the interstate commerce clause, article 1, section 8, of the Constitution of the United States, as provided herein, shall be operative upon ratification by the legislatures of three-fourths of the several states, provided that such ratification shall occur within seven years from the date of the submission of the amendments to the states by Congress.

Section 5. That this state calls on its co-states for an expression of their sentiments on the need to amend the tenth amendment and article 1, section 8, of the Constitution of the United States as provided in this resolution.

Section 6. (a) That the Secretary of State of Wyoming transmit copies of this resolution:

(i) To the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation, with a request that the Wyoming Congressional delegation take all reasonable and necessary actions to initiate the amendment process to amend the Constitution of the United States consistent with the language proposed in this resolution and that this resolution be officially entered in the congressional record as a memorial to the Congress of the United States of America; and

(ii) To the speaker of the house of representatives and president of the senate, or their equivalent, and the governor of each of the other forty-nine states.

HONORING JIM CASSIDY

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. MICHAUD. Madam Speaker, I rise today to congratulate Jim Cassidy on his retirement from St. Mary's Health System and to recognize his many accomplishments while serving as its President.

Taking charge during a period when St. Mary's was dealing with financial instability, Jim worked step by step to expand wellness services and access to quality medical care. He quickly stabilized St. Mary's finances and set to work expanding the system's workforce and budget. Today, approximately 2,000 individuals are employed under an annual operating budget of \$252 million.

With St. Mary's on solid footing, Jim turned his attention towards increasing care and services in the region. From 2000 to 2010, he oversaw the opening of the Women's Health Pavilion, the Center for Joint Replacement, St. Mary's d'Youville Pavilion Rehab Center, a

new St. Mary's Campus in Auburn and the modernization of the Emergency Center at St. Mary's Regional Medical Center. This extraordinary feat was mirrored by St. Mary's outreach in downtown Lewiston. St. Mary's Food Pantry, Lots to Gardens and St. Mary's Nutrition Center of Maine not only provide emergency food assistance to the residents of the greater Androscoggin County but also promote healthy nutrition and eating habits. Other programs, such as the Neighborhood Housing Initiative and B Street Health Center, have expanded affordable access to shelters and healthcare for Lewiston's low income residents. Each of these programs owes a piece of their success to Jim's leadership.

For these works and for other charity programs he established, Jim was honored by the American Hospital Association and by the Catholic Health Association. The remarkable positive impact Jim has had on the community is commendable and has inspired countless others. With his retirement on June 17, 2010, St. Mary's Health System will lose one of its finest leaders in its 125 year history. His legacy of community outreach will surely be continued for generations to come.

Madam Speaker, please join me in congratulating Jim Cassidy on his retirement and thanking him for his dedicated service to his community.

IN HONOR AND REMEMBRANCE OF  
ERIN K. EHRBAR AND ANDREW  
J. EHRBAR

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. KUCINICH. Madam Speaker, I rise today to honor and remember a brother and a sister who left this world far too soon. Erin and Andrew Ehrbar were both tragically taken away from us at the tender ages of 16 and 13, respectively. I stand with those in our community grieving for them and for their families.

Erin and Andrew both loved sports, music, and spending time with friends and family. They were extraordinary children who lived their lives with great energy, laughter, joy, kind hearts and a spirit of generosity. Today, we remember them, in the House and in the nation.

As we grieve, we also celebrate the joy and happiness that Erin and Andrew brought to their friends and family. Erin, a junior at Highland High School, played on the girl's varsity soccer team; Andrew, a seventh grader at Highland Middle School, played baseball, basketball, and sang in the school choir.

Madam Speaker and colleagues, I ask you to join me in honor and remembrance of Erin K. Ehrbar and Andrew J. Ehrbar, whose young lives were framed by the unwavering love of their family and friends. In addition to honoring the memory of their late father, James, we offer condolences to their mother, Laura; to their big sister, Melissa and their little brother, Sean; to their stepfather, Chris DePiero; their grandparents, Thomas and Barbara Donovan; James and Marilyn Ehrbar; Jerry and Roberta DePiero; and the many others who loved

them. The legacies of Erin and Andrew will continue on in the lives of others, through organ and eye donation, and their gentle spirits will forever hold a sacred place in the hearts of those who loved them.

IN TRIBUTE TO THE  
COMMONWEALTH OF AUSTRALIA

**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. GALLEGLY. Madam Speaker, I rise in tribute to the Commonwealth of Australia and the Australian Maritime Safety Authority (AMSA) for its quick and effective response to locating and rescuing Abby Sunderland, a 16-year-old sailor from Thousand Oaks, California, whose sailboat was severely damaged in the Indian Ocean.

Abby was attempting to sail solo around the world when rough seas tore the mast from her boat, Wild Eyes, rendering cell phone communication with her sail team impossible. Abby activated two distress beacons, whose signal was picked up by the AMSA's Rescue Coordination Centre.

At the time, Wild Eyes was in the search and rescue region of the Maritime Rescue Coordination Centre at La Reunion, which is operated by France. However, AMSA immediately offered assistance. La Reunion asked for air search assistance and an AMSA crew departed from Perth at first light in a QANTAS A-330 Airbus passenger aircraft.

Before the aircraft arrived on the scene, Abby's beacons indicated Wild Eyes had drifted into AMSA's search and rescue region. She was spotted at about 4 p.m. Australian time (11 p.m. PDT) about 2,000 nautical miles from western Australia. The AMSA crew made radio contact and found that Abby was alive and well, although with some scrapes and bruises.

AMSA then coordinated with La Reunion to have a ship retrieve her from Wild Eyes. About 40 hours after Abby activated her beacons, the French fishing vessel, Ile De La Reunion had Abby safely on board. AMSA had dispatched a Global Express aircraft to the scene, which provided top cover during Abby's transfer to the fishing vessel and served as a communications relay between Wild Eyes and Ile De La Reunion.

Media reports this morning stated that the crew of Ile De La Reunion delivered Abby to the remote Kerguelen Island yesterday afternoon, where she will catch a French patrol boat for the next leg of her journey home.

Madam Speaker, while we are grateful to the French fishermen and French authorities for their role in Abby's rescue, it is the Australian government that took lead in ensuring she was found and rescued. I personally called Australian ambassador to the United States, His Excellency Kim Beazley, AC, on Friday to thank him for Australia's role in locating and rescuing one of my constituents at considerable time and cost to them. I would also like to publicly thank the Australian Maritime Safety Authority, the QANTAS crew, and all the support personnel who made Abby's

rescue possible. I know my colleagues join me in thanking our ally and friend for her quick response to one of our citizens in distress.

RECOGNIZING THE YOUTH LEADERSHIP PROGRAM GRADUATES OF WANDELL ELEMENTARY SCHOOL

**HON. SCOTT GARRETT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. GARRETT of New Jersey. Madam Speaker, today, the Saddle River Police Department will hold its Youth Leadership Program graduation ceremony for the students of Wandell Elementary School located in Saddle River, NJ. The participants of this important program have made a commitment to say "no" to drugs, underage drinking, and gang violence. They have done this with the support of Chief of Police Timothy McWilliams and Detective Timothy Gerity.

Through opening the lines of communication between local law enforcement and youth, the Saddle River Youth Leadership Program empowers youth with the confidence and courage to say no to drugs and also defeats the negative cultural influences which they are challenged with on a daily basis.

I am immensely proud of my young constituents who participated in this program at Wandell Elementary School; thus, I would like to recognize each of them for taking this vital step towards positive citizenship:

Jack Bush, James Butler, Natalie Formento, Alanna Fullerton, Grace Hinchin, Kaaitlin Hofer, Maxx King, David LaManna, Lucy Pennell, Mary Pless, Aram Rashduni, Hannah Rogers, Michael Saks, Spencer Shih, Maya Silberman, Britni Strobeck, Richard Vincent, Emma Walsh, Taylor Wiener, Devin Bovino, Ryan Carr, Stephanie Devli, Kathleen Dorce, Zachary Dreznin, Elizabeth Dutko, Kristen Egan, Hana Friedman, Melissa Katsapis, Maeson Nolan, Alexander Rohrscheidt, Benjamin Saks, Katharin Spence, Mark Tseytin, Carl Villegas, Euan Walker, and Jaqueline Wiebye.

IN LOVING MEMORY OF THE  
LEGENDARY OLLIE WOODSON

**HON. MAXINE WATERS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Ms. WATERS. Madam Speaker, I submit the following:

To Juanita and the Family,

Like most of his fans, I had always admired Ollie Woodson the performer, from afar, as one of the mainstays of "the temptin' Temptations." When I finally got to meet the person—your husband, father, and grandfather—at a birthday celebration in the home of my dear friend Glodean White, I was really impressed with how friendly, warm and down-to-earth he was. Since that time, whenever I had the good fortune to see him, Ollie would always go out

of his way to say hello and make that personal connection. His close friends tell me that was the generous spirit of the man, forever responding to those he loved.

We all know about the incredible voices and intricate dance moves that made a Temptations concert a must-see. But I specifically remember a wonderful solo performance Ollie did for the National Newspaper Publishers' Association at the Democratic National Convention in Denver. I was not only knocked out by his sheer ability to entertain but I thought about how Ollie and the rest of the Motown family have really been cultural ambassadors for America, all over the world.

As successful as he undoubtedly was both as a performer and producer, I will also cherish some of those special times right here at City of Refuge, when Ollie would grace the church and Bishop Noel Jones with a wonderful gospel song. He certainly never forgot his roots.

So today, let us celebrate both the performer and the man, who with his God-given talent has earned a place in history and in our hearts—Ali Ollie Woodson. May he rest in peace.

#### TRIBUTE TO LEWIS COUNTY VFW

### HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. OWENS. Madam Speaker, I rise today to recognize the Lewis County chapter of Veterans of Foreign Wars and to congratulate the group on their 50th anniversary. For over a half century, the VFW has served as the foundation for local veterans outreach and assistance, as well as a major supporter of our community in Lowville and surrounding areas.

Just as our soldiers pledge to leave no man or woman behind, the Lewis County VFW carries on that promise to our current and future veterans, helping all of us make good on the pledge to provide real opportunities to our troops upon their return from service.

The Lewis County VFW embodies what their national organization strives for—providing services that extend beyond the realm of veterans helping veterans. Their outreach and service in our region is invaluable and encourages community participation and volunteerism from both those in the armed forces and civilians alike.

From help in community food kitchens, work in blood drives, and assisting our veterans to receive their hard-earned benefits, the Lewis County VFW in New York's 23rd Congressional District truly knows how to accomplish their mission in making our area a better place.

Our local VFW in Lewis County increases civic pride and its 50 great years of serving our community is nothing short of remarkable. I would like to again thank them for their service and wish them the best moving forward.

IN HONOR OF ALBERT OLIZI, JR.

### HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. ADLER of New Jersey. Madam Speaker, I rise today to pay tribute to Mr. Albert J. Olizi for his outstanding service as District Governor of District 16C of the Audubon Lions Club for 2009–2010.

Mr. Olizi is a graduate of LaSalle College and Temple University School of Law. He maintains a local law practice with offices in New Jersey and Pennsylvania. As an active member of the Lions club for many years, Mr. Olizi's outstanding contributions have not gone unnoticed. He has been named "Lion of the Year" multiple times, was honored with the International President's Recognition Award in 2007, and has held multiple positions within his local club, including President.

Throughout his term as District Governor, Mr. Albert Olizi has dedicated an enormous amount of time, energy, and dedication to fulfill the roles and responsibilities of the position. Time and again, he has proven to be an outstanding leader for the Lions of District 16C.

Madam Speaker, I ask my colleagues in the House of Representatives to join me on congratulating Mr. Albert Olizi. The people of your community, the people of New Jersey, and the people of America thank you for your service.

IN HONOR AND REMEMBRANCE OF  
LENORE C. "LORI" WENDELL

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Lenore C. "Lori" Wendell, whose life was filled with family, friends and service on behalf of our community.

Mrs. Wendell was the cherished wife of the late Richard. Together, they lovingly raised their daughters, Jennifer and Heather. She was a devoted mother and enjoyed a close relationship with her grandchildren, Jamie, Patrick, Anthony, Quinn and Allan.

Mrs. Wendell's giving and kind nature reflected throughout her life. She was active in local politics and was a community leader. She consistently volunteered her time and talents on behalf of numerous causes. Whether to assist with a local fundraiser or to help a family in need, Mrs. Wendell was always there to help. She was also a longtime member of the American Legion Post 738 in Fairview Park, where she led numerous meetings and prepared countless dinners for a variety of Legion events. In local politics, she worked diligently, volunteering many hours on behalf of candidates whom she supported.

Madam Speaker and colleagues, please join me in honor and remembrance of Lenore C. "Lori" Wendell, who lived her life with unwavering love for family and friends and great joy for life. I offer my condolences to all who loved her including her brother, John and her dear

friend, Cliff. Mrs. Wendell touched the lives of many throughout our community, and she will be remembered always.

HONORING RAUL H. CASTRO,  
FORMER GOVERNOR OF ARIZONA

### HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. PASTOR of Arizona. Madam Speaker, while many have written of the inspirational story surrounding Raul Hector Castro, Arizona's first Hispanic Governor, it seems only fitting that in today's highly charged atmosphere of anti-immigrant sentiment, we take the occasion of Governor Castro's 94th birthday on June 12th to examine his life as one who has surely proven the American dream is achievable. In fact, he has not only shown that dream is achievable, he has also underscored the fact that those pursuing the dream contribute mightily to the strength of our nation.

Born in Mexico, the second youngest of 12 children raised in Arizona by an immigrant copper miner and a mother who was a well-trusted midwife, it would have been easy for him to get lost in the shuffle of such a large family that had to scratch a living from the ground to survive, but early on, he recognized the value of setting goals and not giving up until they are met. Based on that determination, he parlayed his natural athleticism and keen mind in high school into a scholarship to Arizona State Teacher's College.

While no stranger to racism and discrimination when he graduated from college and become a naturalized citizen in 1939, he still had not anticipated the rejection he would experience when applying for teaching positions because school districts were unwilling to hire an Hispanic teacher. Discouraged, but not defeated, he traveled America for several years until he landed a civil service job as a foreign-service clerk for the U.S. State Department in Sonora, Mexico. Many would have been satisfied with a secure position in the federal government, but he was determined to further his station in life, becoming a Spanish instructor at the University of Arizona so that he might attend the institution's law school. Passing the Arizona State Bar in 1949, he established an enviable career over the next five decades that took him from Pima County Attorney through the appointment by two United States Presidents to three ambassadorships, in addition to becoming Arizona's first Hispanic governor. Throughout this process, he never lost sight of the importance of an education and his mother's mantra that he could accomplish whatever he set his mind to. As a result, when he did accomplish more than many ever hoped for, he didn't forget the four miles he and his Hispanic friends had to walk to school while the buses filled with Anglo children passed them by, and he worked tirelessly to rectify these kinds of incomprehensible bigotry.

For example, as a judge he presided over a full-schedule of cases, but was particularly disturbed by the vulnerable at-risk youngsters in the juvenile court system who were being

shoved under the rug by society. This inspired him to take time every Monday to check attendance records at the local high schools. In the evenings, he would visit with families of students exhibiting high rates of absenteeism in an effort to get their support in encouraging the students to stay in school and make the most of that experience. This concern for improving society continued throughout his career. Sometimes limited to simply seeing Hispanic children given equal access to the YMCA, to concentrating on improving human rights abroad while serving as an ambassador, he never lost sight of using his opportunities to make a difference.

Throughout our history it has been proven that immigrants are far more than just an inexpensive work force. They are in fact a valuable asset to this country and Raul H. Castro is an outstanding example of one such person. Therefore, in light of today's divisive view of immigration, his story should be noted as a symbol of how the United States has benefited from those who value this country so much, and that after moving here to build a better life for their families, they remain dedicated to making sure that they improve our nation for future generations.

CONGRATULATING THE BENJAMIN  
FAMILY ON EIGHTY-FIVE YEARS  
OF ENTREPRENEURSHIP

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Ms. DeLAURO. Madam Speaker, I rise to commemorate the 85th anniversary of Carroll Cut-Rate Furniture, a local family-owned-and-operated business that has graced the Greater New Haven community for generations.

Begun as Carroll Cut-Rate Cosmetics by Samuel Benjamin in 1925, this small business has passed down through the Benjamin family and thrived through boom times and depression, peacetime and war, and even, in 1951, through a notable shift from discount cosmetics to the furniture trade.

Over the course of these 85 years, Samuel, his sons Jerry and Don, and his grandsons Cary and Bruce have always kept an eye to innovation, quality, and above all customer service. With ten full-time employees, the Benjamins have also worked to promote jobs in our state and across the country by stocking their store with Connecticut mattresses and American-made furniture.

The story of Carroll Cut-Rate Furniture is not only a triumph of small enterprise and business savvy. It shows that through hard work, perseverance, and ingenuity, the American dream still comes true. I salute the Benjamin family on this 85-year milestone, and I look forward to seeing them continue as a staple of our Connecticut community.

CONGRATULATIONS TO THE GAL-  
VESTON HISTORICAL FOUNDATION

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. PAUL. Madam Speaker, on June 26, 2010, the Galveston Historical Foundation will celebrate its acquisition of the historic 1861 U.S. Custom House. I was pleased to help make this possible by sponsoring legislation, H.R. 2121, which directed the General Services Administration (GSA) to sell the Custom House to the Galveston Historical Foundation. H.R. 2121 passed the House by voice vote on September 9, 2009. It is therefore a great pleasure to extend my congratulations to the Galveston Historical Foundation for acquiring the U.S. Custom House.

The U.S. Custom House is the oldest non-military federal building in Galveston. The two-story structure was built in 1861 and has served many important historical functions, including housing the ceremony that officially ended the Civil War in Galveston. In 1917, construction began on a federal courtroom located on the second floor of the U.S. Custom House. In 1970, the house was listed on the National Register of Historic Places, and in 1974 it was commemorated as a Historic Custom House by the U.S. Customs Service.

In 1998, the Galveston Historical Foundation entered into a public-private partnership with the Federal Government that allowed the Galveston Historical Foundation to lease the building from the GSA. Under this agreement, the Galveston Historical Foundation took responsibility for performing renovations on the U.S. Custom House. In 2008, the house was inundated with six feet of flood waters from Hurricane Ike. Fortunately, the Galveston Historical Foundation has been able to complete restoration of the first floor of the Custom House earlier this year.

Madam Speaker, by owning as opposed to leasing, the Galveston Historical Foundation will be able to improve this historical structure for future generations of Texans. It is difficult to think of a more appropriate owner for the U.S. Custom House than the Galveston Historical Foundation. Founded in 1954, the Galveston Historical Foundation is one of the Nation's largest local preservation organizations. Over the last 56 years, this foundation has expanded its mission to encompass community redevelopment, public education, historic preservation advocacy, maritime preservation and stewardship of historic properties. Today, the Galveston Historical Foundation has over 2,000 members representing individuals, families, and businesses across Texas, the U.S., and around the world.

The Galveston Historical Foundation's accomplishments include the redevelopment of The Strand; the rescue and restoration of the 1877 iron barque the ELISSA; the revitalization of historic residential neighborhoods and creation of historic districts; and the conception of signature events including Dickens on The Strand and the Galveston Historic Homes Tour.

The Galveston Historical Foundation has received numerous awards and honors. For ex-

ample, they have twice received the National Trust for Historic Preservation's prestigious Honor Award. In 1991, the Galveston Historical Foundation was the first recipient of the Governor's Award for Excellence in Historic Preservation, and in 1995, received the National Trust's first ever award for organizational excellence. The American Institute of Architects has presented the foundation a Citation of Honor for its ongoing contribution to urban design and the quality of life in Galveston. In addition, the Association for Preservation Technology International honored the Galveston Historical Foundation with a Presidential Citation in 2004.

In conclusion, Madam Speaker, I once again congratulate the Galveston Historical Foundation for acquiring the U.S. Custom House, and I extend my thanks to the Galveston Historical Foundation for all they do to preserve Galveston's rich heritage.

CONGRESSIONAL RECOGNITION  
FOR JOSEPH BLAIR

**HON. GABRIELLE GIFFORDS**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Ms. GIFFORDS. Madam Speaker, I rise today to recognize Joseph Blair, who is celebrating 10 years of unselfish service and dedication to hundreds of youth through his Arizona Basketball Academy.

For young people in my community, these camps are unique because they are provided at no cost to participants and are conducted by a former University of Arizona Wildcat basketball player who went on to play the game professionally.

Joseph Blair started his program by traveling to various Boys & Girls Club locations, sharing basketball and life skills. The sessions evolved and have been consolidated so they now also benefit teens from Tucson Parks & Recreation and the Tucson Urban League, among others.

The growth of Mr. Blair's altruistic donations of time, influence and funding are paralleled by his athletic endeavors. His global career as an international ambassador of basketball and good will was launched at the University of Arizona, where he was the 6-foot-10-inch "big man." As a Wildcat, he led the team to appearances at Madison Square Garden, the Great Alaskan Shoot-Out and the Maui Classic as well as games in Australia and in the 1994 NCAA Final Four.

Mr. Blair was picked in the second round of the 1996 NBA draft, but opted to pursue a career in Europe, playing in France, Greece, Turkey, Russia and as a member of the famed Harlem Globetrotters. Most of his international career was in Italy where Mr. Blair played in the mountains of Biella, the seashores of Pesaro and in the city of Milan. Mr. Blair is fluently bilingual and loved the rich culture of his adopted home.

While abroad, Mr. Blair earned numerous accolades and was named the Most Valuable Player of the Euroleague in 2003.

His understanding of how basketball can have a positive influence on young people has

gone far beyond his own experiences on the court. His empathy for youth started during these years when Mr. Blair conducted basketball clinics in Greece and created a basketball academy in Italy.

Mr. Blair now is retired from basketball, but his philanthropic contributions continue. In addition to teaching athletic and life skills at his basketball academy, he is deeply involved with the Ronald McDonald House in Tucson where he and his staff provide and serve dinners for patients' families during the academy's week of camp.

At the end of his camp, Mr. Blair visits young patients in the pediatric unit of University Medical Center in Tucson, bringing smiles to them through gifts and an exhibition of his basketball skills.

Mr. Blair has worked and travelled in many other countries but has remained true to his roots. He is a living testimony of how to give back to one's community, not only as a big man, but as a man with a big heart.

I am proud to recognize Joseph Blair on the 10th anniversary of his Arizona Basketball Academy and I join with a grateful community to commend him for his valuable contributions to the young people of Tucson and Southern Arizona. Thank you Joseph for being such a great role model and for all that you do to help our youth develop their athletic and leadership skills.

#### INTRODUCING LEGISLATION FOR THE DISPLAY OF STATE AND TERRITORY FLAGS AT THE WASHINGTON MONUMENT

#### HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to introduce legislation to ensure that the flags of the several States, the District of Columbia, and the Territories of the United States encircle the Washington Monument.

Standing at 555 feet and 5 1/8 inches tall, the Washington Monument is the most prominent structure in the nation's capital and is the world's tallest stone structure and the world's tallest obelisk. Completed in 1884, it memorializes the first President of the United States, President George Washington, who led our country to independence and helped shaped the role of the presidency and the course of our democracy in its early days. It was most fitting then that Congress in 1833 established the Washington National Monument Society to create a monument in honor of the Father of our Country.

Today, the Washington Monument serves as a reminder of the greatness of this Nation, as an object of pride to the American people and of admiration to all who see it.

The legislation I am proposing directs the U.S. National Park Service through the Secretary of Interior, to ensure that the flags of the 50 States, the District of Columbia, and the Territories of the United States encircle the Washington Monument. As an object of pride to the American people, I think it is most fitting that the flags of all States, DC and U.S. Territories are flown at the Washington Monument.

Yesterday, we celebrated our national Flag Day by commemorating the adoption of the national flag of the United States as proclaimed by President Woodrow Wilson on June 14, 1916. As such, a public display of State and Territory flags at the Washington Monument will be an opportunity for each State and Territory to share its own uniqueness through its icons and figures representing the traditions, values, and local histories that collectively have made the United States.

Flags have always been a part of our history and traditions. This legislation will ensure that every American will be part of one of our great national treasures.

#### COMMENDING THE PATRIOT GUARD RIDERS

#### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mrs. EMERSON. Madam Speaker, I rise today to commend the work of a distinguished group of veterans and volunteers who continue to serve the men and women of our military and their families. The Patriot Guard riders can be seen at nearly every event celebrating our long tradition of military service to the Nation in Missouri's Eighth Congressional District.

It is difficult to miss the Patriot Guard riders, with their motorcycles emitting a low rumble en route to a Memorial Day ceremony, a welcome home celebration, a Veterans Day event or a military funeral. Their presence is always a respectful tribute to those who serve in uniform, and they are frequently a comfort to the families who have lost loved ones in the course of duty.

The members of the Patriot Guard do every day something that too few Americans take time for: they are always, always available to our troops, our veterans and our military families. They mark the service of Americans who have left their homes and risked their lives to defend our freedoms.

In the U.S. House of Representatives, I think it is important and fitting to single out such examples of service to our country. With honor and with dignity, the Patriot Guard riders are a source of constant support to our servicemembers, past, present and future. They are also a source of inspiration to young Americans considering a future in the service of our Nation, and I am very proud to thank them for all their efforts.

#### RECOGNITION OF THE MUSICAL ACHIEVEMENTS OF LYNRYD SKYNYRD

#### HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. BACHUS. Madam Speaker, in the music world, it is challenging enough for a band to record one hit song, much less become a

voice for an entire region and a true icon. That is why Congressman CONNIE MACK and I are pleased to jointly recognize the accomplishments and patriotic spirit of the legendary Lynryd Skynyrd.

From humble beginnings, Lynryd Skynyrd has become one of the most revered and accomplished bands in the history of music, having sold nearly 30 million records worldwide in the last four decades. Through their live performances and the music and songs still played on radio stations around the world every day, the members of Lynryd Skynyrd have established themselves as timeless artists who transcend any one musical era or generation.

As validated by their induction into the Rock and Roll Hall of Fame in 2006, Lynryd Skynyrd has had a seminal impact on the development of rock and country music and a profound influence on the career development of many artists who followed in their creative footsteps.

Through their collective voices, the band has become a beacon for regional identity and pride in the American South. This is perhaps best epitomized by the song "Sweet Home Alabama," an anthem so universally identified with the State of Alabama that it is the official motto displayed on license plates.

Since their start in Jacksonville, Florida, in the late 1960s, Lynryd Skynyrd has been a spokesman for the everyday working man and woman, the friends and neighbors of their formative years. Their ability to capture a unique part of the American spirit has given their music emotional meaning to many fans and built a legacy that continues to grow year after year.

Amid triumph and loss, these sons of the South have evolved from band to close-knit family. A tragic airplane crash in 1977 claimed original members Steve Gaines, Cassie Gaines, and lead singer Ronnie Van Zant, but Ronnie's brother Johnny carried on the tradition as the new vocalist. Devoted fans also remember and cherish the contributions of Allen Collins, Leon Wilkeson, Billy Powell, and Ean Evans. Today, led by core members Johnny Van Zant, Gary Rossington, Rickey Medlock, and Michael Cartellone, Lynryd Skynyrd continues to share an unbreakable bond with the fans they count as family as well.

Lynryd Skynyrd has been a generous supporter of our men and women in the Armed Forces for many years. The band has long understood that our military personnel bravely and unselfishly stand guard over our everyday security and freedom. They have enthusiastically raised money for military families and played countless shows for our service members in uniform. Their song "Red, White, and Blue" was written as a tribute to the men and women who serve in the defense of freedom.

As representatives of timeless American values and champions of working class heroes, Lynryd Skynyrd continues to entertain and inspire millions of fans across the world. Along with Congressman MACK, I find it highly appropriate that the people's House takes time to recognize this classic band for lasting contributions not just to the world of music, but to American popular culture as a whole.

CHANCELLOR BERGLAND  
RETIREMENT

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure that I stand before you today to honor Dr. Bruce Bergland and to wish him well upon his retirement from his position as Chancellor of Indiana University Northwest. Dr. Bergland's many years of service in the field of education have had a tremendous positive impact on numerous students and educators within the community of Northwest Indiana and across the nation. In honor of Chancellor Bruce Bergland, a retirement reception was held on Tuesday, June 15, 2010 at the Savannah Center located on the campus of Indiana University Northwest in Gary, Indiana.

Dr. Bruce Bergland's professional career began with his passion for education. His truly impressive resume reflects his many years of service in numerous capacities within the collegiate education field across the United States. Following his graduation in 1966 from Iowa University, where he received a Bachelor's degree in psychology, Bruce went on to pursue his doctoral degree in counseling at Stanford University. After graduating in 1970, Dr. Bergland took a position at Northwestern University and became the Assistant Professor of Education and Psychology. Bruce's career then led him to the University of Colorado at Denver, where he served in numerous capacities from 1972–1995. His many positions during his tenure included: Executive Vice Chancellor, Interim Dean, Vice Chancellor for Planning, and Associate Professor of Education. In 1995, Dr. Bergland decided to move on and became the Executive Vice Chancellor and Professor of Psychology at the University of Hawaii, West Oahu. Next, in 1997, Bruce's career led him to Trinity College in Vermont, where he served as the Vice President for Academic and Student Affairs, Professor of Basic and Applied Social Sciences, and Academic Dean.

Chancellor Bergland started his tenure as Chief Executive Officer at Indiana University Northwest (IUN) on July 1, 1999. Dr. Bergland's main goal from day one was to develop a "shared vision" for the university by reaching out to faculty and students, as well as community and business leaders, in order to develop a strong sense of the economic and cultural needs of IUN. Chancellor Bergland has successfully maintained this steering committee which provides a continuous effort for the future growth and development of the university. Among his many accomplishments at IUN, Bruce has also initiated the Diversity Programming Group, established the Office of Institutional Research and the Office of Contracts and Grants, initiated IUN's participation in the Academic Quality Improvement Process Accreditation, and established a new College of Health and Human Services.

Additionally, Bruce selflessly gives of his time to the community of Northwest Indiana and has been involved in the following civic activities: Northwest Indiana Quality of Life Council, South Shore Arts, Urban League of

Northwest Indiana, Lake Area United Way, Boys and Girls Clubs of Northwest Indiana, Tradewinds, Gary Educational Development Foundation, Mayor's Hall of Fame Advisory Committee, National Association for the Advancement of Colored People, Northwest Indiana Empowerment Zone, Northwest Indiana Forum, and University Club.

Madam Speaker, I ask that you and my other distinguished colleagues join me in commending Chancellor Bruce Bergland for his lifetime of leadership, service, and dedication to the institution of education. He has touched the lives of countless students and educators, as well as many citizens of Northwest Indiana through his civic endeavors. For his true service and uncompromising dedication, Chancellor Bruce Bergland is worthy of the highest praise, and I ask that you join me in wishing him well upon his retirement.

THE SACRIFICES OF THE SPECIAL  
FORCES

**HON. LARRY KISSELL**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. KISSELL. Madam Speaker, I rise today to honor one of our Nation's greatest military resources, the Special Forces. These brave patriots routinely endure harsh conditions in very austere environments to defend our Nation's freedoms.

I was fortunate to have met Bert Caswell. Bert is a Congressional Visitor Center Tour Guide and has a heart for the military and our wounded warriors. Immediately after the terrorist attacks on September 11, 2001, Bert began using his gift of poetry to help comfort those who mourn.

Soon after, Bert decided to write poetry for the military and wounded warriors to commemorate their sacrifices.

I was particularly impressed with a poem he wrote in honor of the United States Special Forces. These quiet professionals live by the motto of "for, by, and through." They proudly serve at the point of the Nation's military operations conducting a wide range of missions in support of the country they love.

Today I ask my colleagues to recognize the tremendous sacrifices of America's Special Forces with Bert Caswell's poem.

THE SPECIAL FORCES

IN HONOR OF THE UNITED STATES SPECIAL  
FORCES

All Across Our Nation, People Sleep Well  
... All Because of Such Men, of Such  
Strength and Such Faith Then, Whose  
Time is Served in Hell ...

All across our Nation ...  
People sleep well!  
All because of such men of faith ...  
Whose fine hearts do swell!  
Men of such Strength In Honor ...  
Who spend such time in Hell!  
All in the defense of our Nation ...  
Such a fine equation, of great men I do tell!  
Of such persuasion, who without hesitation!  
Our Nation, so bless well!  
Who shall not fail!  
The noblest of now!  
For all in times of war ...

There are but only those, who insure ...  
The Very Bed of Freedom, all the more!  
Who do what must be done!  
These Fine Shining Sons!  
All out upon their heroic ways, what they  
have done!  
Proven and Prepared!  
Vigilant, as there ... they are ready to  
achieve!  
All in what their fine hearts, so believe!  
For there are such Forces ...  
Who can change the very course this, of a  
war!  
Who, all in the dead dark of night ... our  
Freedom so ignite ...  
As they so enforce this!  
Men of Courage, Men of Might! Standing  
Strong, Standing Tall! Ever bright!  
Answering, our Nation's, most solemn call!  
Who so come and leave, and so scorch this!  
Who all in times of war ... "FEAR" as  
they so divorce this!  
As are heard ...  
ALL OF AMERICAN'S, BRAVEST OF ALL  
VOICES!  
All in the midst of hell, are but our Special  
Forces ...  
Who so make, the most courageous of all  
choices!  
The United States Special Operations  
Forces!  
ALL IN THE DARK DEAD OF NIGHT ...  
ONE HELL OF A SIGHT!  
As all through their MOST magnificent veins  
...  
Their heroic blood, so courses!  
Oh what a sight, 'OH WHAT A FORCE, THIS!  
A TEAM of SUPERMEN!  
SOMETHING, YOU JUST CAN'T COM-  
PREHEND!  
THE UNITED STATES SPECIAL FORCES  
...  
The kind of guys, Batman ... wishes he  
could be!  
A Tour of 'De Force This, so complete!  
The very Centurions of The Free!  
Jumping from the air, coming out of the seas  
...  
Strength In Honor, all in what they believe!  
Men of Might, Men of Faith, whose Brave  
Hearts will not wait ...  
As the impossible, they achieve!  
Almost like make believe!  
As they will not wave!  
Burning Bold, Burning Bright!  
Bringing a better day, all in this fight!  
With, but their shining hearts ... rising to  
new heights!  
With Hearts full, of Courage Burning Bright!  
Like From Heaven sent, Freedom's Angels,  
who avenge!  
Fighting the darkest, and the most vilest of  
all men ...  
From where our freedom, so starts ... and  
so begins!  
Day or Night, the most brilliant of all sights  
...  
As all those wrongs, they right!  
All for one, as their fine hearts ignite!  
Burning Bold, and Burning Bright ...  
To Win That Battle, That Fight!  
Crashing through walls, as their hearts of  
steel will not pause!  
Jumping from the sky, almost as if they  
could fly ...  
Jumping from buildings high, and the trees  
...  
All so at ease, ready to die!  
Yea, Superman ... aint got nothing on you  
...  
Terminators, who are Freedom's creators!  
Making The Enemy, Feel Their Disease!  
America's Who's Who!  
All for The Home of The Brave, and The  
Free!

Who live and die, so Splendidly!  
 Who, Freedom so insure!  
 Giving arms and giving legs, and their fine  
 lives as have they!  
 A Band of Brothers! Who but gave, That Last  
 For Measure!  
 Our Lord's, greatest of all treasures! 'Oh to be  
 like you!  
 The Bravest of The Brave!  
 America's real Who's Who!  
 The Truest of The True!  
 Pushing the very limits . . .  
 Of what man can do! Yea that's you!  
 The United States Special Operations Forces  
 . . .  
 Are but the very heart, of That Red, White,  
 and Blue . . .  
 Strength In Honor!  
 God Bless your families, God Bless You!  
 Oh, what a fine shadow you so cast!  
 But, All They Ask?  
 Is for us to stand behind you!  
 For as long, as your fine hearts as yours . . .  
 Sing, your most heroic songs out on your  
 course . . .  
 Then, this our Nation of the Free . . .  
 Shall forever be!  
 Out on Freedom's course . . .  
 Found all in this force!  
 The Special Forces!

#### RECOGNIZING THE SERVICE OF DR. CAROLYN MOSLEY

#### HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. BOOZMAN. Madam Speaker, I rise today to congratulate Dr. Carolyn Mosley for her pervasive efforts in human rights and bettering the health of Americans and the honor she received, becoming an inductee as a Fellow in the National League for Nursing's Academy of Nursing Education.

Since beginning her service in the health sector Mosley has provided inspired leadership and dedication in health care education through her service as Dean of UA Fort Smith's College of Health Sciences and her work on numerous health and human advocacy boards and councils. Mosley's many honors include induction into the Hall of Fame of the Louisiana State Nurses Association for her tireless efforts in the field of nursing.

Dr. Mosley's service continues beyond her office, serving as a member on numerous boards and organizations in the community. Her commitment to Fort Smith, Sebastian County and the State of Arkansas is something we are very grateful for.

Arkansans are blessed to have such an outstanding public servant and scholar who is dedicated to improving the health and wellbeing of individuals throughout America. I ask my colleagues today to join with me in congratulating Mosley on her achievements in health care and her induction as an Academy Fellow.

#### PERSONAL EXPLANATION

#### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. BERMAN. Madam Speaker, I was detained during rollcall vote No. 353. Had I been present, I would have voted "aye."

#### IN LOVING MEMORY OF WILLIAM "BILL" ELKINS, JR.

#### HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Ms. WATERS. Madam Speaker, I submit the following:

To Eleanor and Family,  
 I am sorry that I cannot be with you at the home-going services of your dear husband, father, grandfather, and my good friend, Bill. I join with the many other elected officials and community leaders who mourn his loss. Bill Elkins was well known, respected, and loved by the many who knew, worked with and understood his undying commitment to African Americans in this city.

Bill spent the best part of his years in service to the late great Mayor Tom Bradley. He served as a liaison for Civil Rights Organizations, Ministers, Fraternities and Sororities and elected officials representing Mayor Bradley. Bill was all about equal opportunity and participation by all people. He truly was responsible for keeping the community informed and working closely with ministers helping them to their congregation engaged and helping to solve community problems.

I could share many stories on how we spent countless hours planning, strategizing, organizing and encouraging people to "Get Out the Vote". We don't see that kind of dedication anymore. But for those of us who were fortunate enough to work with him we learned what it meant to be truly committed to the community, he inspired us all.

Eleanor, your sisters in BWF, the organization that you helped to found, stand with at this difficult moment for you and your family. You and the family can rest assured that Bill did more than his share of service in this community. His work is recorded in the history of this city and now it is time for him to rest in peace. He will be sorely missed by so many.

#### IN RECOGNITION OF THE MARIAN MIDDLE SCHOOL

#### HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. CARNAHAN. Madam Speaker, I rise to acknowledge the 10th anniversary of Marian Middle School in St. Louis. Ten years ago, a group of Catholic sisters established Marian Middle School to provide a stable learning environment for economically disadvantaged girls in the St. Louis Public School District.

Marian strives to prepare girls in grades 5 through 8 for a college preparatory high

school education. Marian Middle School is the only all-girl, private school environment available to students in the St. Louis region. This unique resource offers a learning experience that, just 10 years ago, was unavailable to middle-school-aged girls in St. Louis.

Marian Middle School has experienced strong growth since its founding. With a capacity of 80 students, Marian recently relocated to accommodate for its growing enrollment. Marian's resources have also expanded, allowing the school to offer numerous after-school enrichment programs and activities.

Marian strives to provide a challenging curriculum and a balanced range of extra-curricular opportunities. The 10-hour school day certainly challenges students, but it also allows Marian to achieve its goal of educating the whole person.

True to its call to assist the economically-disadvantaged, Marian determines tuition on a case-by-case basis. Tuition at Marian corresponds with the financial situation of the student's family. This method testifies to the generosity and sincerity of the mission of Marian Middle School.

Graduates of Marian Middle School currently attend 10 different college preparatory high schools in St. Louis. On the 10th anniversary of Marian, I think it is appropriate to pay tribute to a unique and successful academic institution.

#### PERSONAL EXPLANATION

#### HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor the legislative week of Tuesday, June 8, 2010.

For Tuesday, June 8, 2010, I ask that the RECORD reflect that had I been present I would have voted "aye" on Rollcall vote No. 337 (on motion to suspend the rules and agree to H.R. 1061), "aye" on Rollcall vote No. 338 (on motion to suspend the rules and agree to H. Res. 518).

For Wednesday, June 9, 2010, I ask that the RECORD reflect that had I been present I would have voted "no" on Rollcall vote No. 339 (on ordering the previous question on H. Res. 1424), "no" on Rollcall vote No. 340 (on agreeing to H. Res. 1424, which provides for consideration of H.R. 5072), "no" on Rollcall vote No. 341 (on motion to suspend the rules and agree to H. Res. 989), "aye" on Rollcall vote No. 342 (on motion to suspend the rules and agree to H. Res. 1178), "aye" on Rollcall vote No. 343 (on motion to instruct conferees on H.R. 4173), "no" on Rollcall vote No. 344 (on motion to suspend the rules and agree to H. Res. 1330), "aye" on Rollcall vote No. 345 (on motion to suspend the rules and agree to H.R. 5278), "aye" on Rollcall vote No. 346 (on motion to suspend the rules and agree to H.R. 5133).

For Thursday, June 10, 2010, I ask that the RECORD reflect that had I been present I would have voted "aye" on Rollcall vote No. 347 (on agreeing to the Waters amendment to

H.R. 5072), "aye" on Rollcall vote No. 348 (on agreeing to the Garrett amendment to H.R. 5072), "aye" on Rollcall vote No. 349 (on agreeing to the Price amendment to H.R. 5072), "aye" on Rollcall vote No. 350 (on agreeing to the Turner amendment to H.R. 5072), "aye" on Rollcall vote No. 351 (on agreeing to the Edwards (TX) amendment to H.R. 5072), "aye" on Rollcall vote No. 352 (on agreeing to the Maffei amendment to H.R. 5072), "aye" on Rollcall vote No. 353 (on passage of H.R. 5072), "aye" on Rollcall vote No. 354 (on motion to suspend the rules and agree to S. 3473).

IN HONOR OF LANCE CORPORAL  
RYAN M. WELCH

**HON. JOHN H. ADLER**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. ADLER of New Jersey. Madam Speaker, I rise today to honor Lance Corporal Ryan M. Welch of Medford, New Jersey and to welcome him home from his recent tour of duty in Afghanistan.

After graduating from Shawnee High School in 2008, Ryan enlisted in the United States Marine Corps. He completed his basic training at Parris Island in South Carolina and went to Infantry Training at Camp Geiger, North Carolina. In 2009 he was assigned to MCB Hawaii Kaneohe Bay Oahu, Hawaii where he was meritoriously promoted to Lance Corporal. Lance Corporal Welch also received a Meritorious Mast during training exercises at Pohakuloa Training Area in July 2009 for demonstrating outstanding performance of duty during Exercise Lava Viper.

Lance Corporal Welch completed his first deployment to Afghanistan in support of Operation Enduring Freedom. During his deployment he served bravely in combat action during Operation Moshtarak in Marjah, Afghanistan. He served as an Infantry Rifleman in Jump Platoon, Headquarter and Service Company, 1st Battalion 3rd Regiment from Marine Corps Base Hawaii and as security for visiting dignitaries and performed general patrols and security for Nawa District, Hellmand Province in Afghanistan.

Madam Speaker, please join me and a grateful nation in welcoming home Lance Corporal Welch. We are eternally thankful to him for his service to our great country.

COMMEMORATING THE 350TH ANNIVERSARY OF THE HOPKINS SCHOOL IN NEW HAVEN

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Ms. DeLAURO. Madam Speaker, I rise to commemorate the 350th anniversary of the Hopkins School, a co-educational preparatory day school in my hometown of New Haven, Connecticut and the third oldest independent school in the United States.

The rich history of Hopkins dates to well before the dawn of our American republic, when Governor Edward Hopkins of the young Colony of Connecticut established America's first charitable trust in 1650. In that trust, he set aside some of his estate for "the breeding up of hopeful youths for the public service of the country in future times." And so a one-room schoolhouse was built on New Haven Green bearing Hopkins name. From that seed, a fine educational institution has flourished.

In the centuries since, Hopkins has molded many Connecticut youths into fine public servants. Among the school's esteemed alumni are a signer of the United States Constitution, several noted engineers and prize-winning physicists, diplomats and industrialists, Governors, Senators, and more than a few presidents of Yale University.

To this day, from its home since 1926 on a hill overlooking New Haven, Hopkins still continues to mold our state's bright young minds into leaders and innovators. With an average class size of fourteen, an educational philosophy that prizes extracurricular activities, public service, and engaged citizenship in addition to the usual academic subjects, and an inclusive community that welcomes young men and women of all races, classes, ethnicities, and creeds, it is little wonder that Hopkins continually produces students that place among the top of the nation in standardized testing.

I congratulate Hopkins and its current Head, Barbara Riley, on three and a half centuries of academic achievement. And I salute the school's continuing service to the colony, state, and young people of Connecticut. Here is to the first 350, and here's to many more.

CELEBRATING LGBT PRIDE MONTH

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. HASTINGS of Florida. Madam Speaker, just over 40 years ago, a police raid on a gay bar in Greenwich Village made history. The so-called Stonewall riots, during which members of the gay community openly challenged institutionalized homophobia, marked the beginning of the modern Lesbian, Gay, Bisexual, and Transgender, LGBT, rights movement and led to the formation of gay rights organizations across the United States and around the world. Each June, we commemorate this ongoing struggle for equality by celebrating LGBT Pride Month.

It is indeed a historic time for our nation and the American people. What should have happened 17 years ago is now closer to being a reality than ever before. By passing the Murphy Amendment along with the Defense Authorization bill, the House of Representatives has pledged to fulfill its promise of upholding the values for which the United States stands by allowing gay and lesbian Americans to serve openly in the military. As I have said time and again, the discriminatory law known as "Don't Ask, Don't Tell" should be repealed once and for all. It threatens our national security and costs us millions of dollars each

year to kick out dedicated and highly-skilled service members and to retrain new ones.

As we celebrate this victory, we are reminded of the long battle that has brought us to this point. I would be terribly remiss if I did not acknowledge the hard work and sacrifices of the countless service members and veterans, many of whose lives have been negatively impacted by this bigoted policy, as well as those military and policy leaders, advocacy organizations, and everyday Americans who have taken a stand against discrimination.

I am also pleased that President Obama and his administration have taken meaningful steps toward achieving LGBT equality. Most recently, President Obama extended a wider range of benefits to the same-sex partners of federal employees, including key protections such as long-term care insurance, health insurance reimbursements, business travel accident insurance, and tax reimbursements for homeowner's insurance. In April, President Obama also mandated that all hospitals extend visitation rights to the partners of gay men and lesbians and that they respect patients' choices about who may make critical health care decisions for them.

More than ever before, the fight for LGBT equality is full of hope and promise. But, our work is far from over. The sad reality is that gay and lesbian Americans are still essentially second-class citizens, with different rights depending on where they work and the state in which they live. This nation can only truly prosper when all of its citizens are guaranteed equal protection under the law. Laws that deprive LGBT Americans of these rights are unconstitutional, discriminatory, and unconscionable. It is my sincere hope that Congress and our nation as a whole will work together to pass the Employment Non-Discrimination Act, ENDA, repeal the Defense of Marriage Act, DOMA, and lift the ban on men who have sex with men, MSM, donating blood.

Madam Speaker, the LGBT community is part of our American family. They are our friends and neighbors and all contribute to this great nation. We must ensure that the pages of history only continue to turn forward on equality for all Americans, regardless of sexual orientation, gender identity, or gender expression. This LGBT Pride Month, I reaffirm my resolve to achieve equal rights for LGBT Americans and nothing less. It is the right thing to do.

HONORING THE 58TH ANNIVERSARY OF LE BONHEUR CHILDREN'S HOSPITAL AND THE GRAND OPENING OF THEIR NEW FACILITY

**HON. STEVE COHEN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. COHEN. Madam Speaker, I rise today to recognize the 58th Anniversary of Le Bonheur Children's Hospital and the grand opening of their new, state-of-the-art facility in downtown Memphis, Tennessee. Located in the heart of the Memphis medical district, the new 255-bed hospital makes Le Bonheur the

largest pediatric health-care facility in the state, serving over 130,000 children each year.

Since opening its doors on June 15, 1952, Le Bonheur Children's Hospital has long stood as a shining beacon of service to Memphis and the surrounding community, providing health care and emergency treatment to children of all ages from 95 counties in six states. Over the decades, the facility has established an international reputation as a leader in both pediatric research and clinical care while serving as one of the country's foremost teaching hospitals. Partnerships with other premier hospitals such as St. Jude Children's Research Hospital and the University of Tennessee Health Science Center have further solidified Le Bonheur's world-class standing.

In addition to serving the region's healthcare needs, Le Bonheur continues to serve as one of the largest employers in the Memphis area, providing jobs to over 2,000 medical professionals while supporting over 14,000 other jobs in the community through a combination of direct and indirect economic contributions. Furthermore, the construction of the new facility has provided on average 650 jobs each day since the February 2008 ground breaking. Moreover, the increased size of the campus itself will result in the creation of almost 100 new jobs over the next 12–24 months.

The grand opening of the new 12-story, 610,000-square-foot hospital marks an exciting new chapter in the life of Le Bonheur. The \$340 million facility will provide the Le Bonheur staff with \$20 million in new equipment and technology as well as nearly double the hospital's current space, significantly increasing the capacity for research, education, patient care, and family comforts such as more sleeping space for parents, playrooms, gathering areas and even a first-run movie theatre.

In keeping with their reputation as an exemplar in the Memphis area, Le Bonheur has

striven to ensure that their new facility is as environmentally efficient as possible. The new building was constructed using recycled concrete and steel, incorporates native plants and employs water conservation methods such as drip watering and low-volume faucets and toilets. The hospital also offers numerous bike racks and has even set aside convenient parking spots reserved for energy-efficient vehicles.

For 58 years to the day, Le Bonheur Children's Hospital has always stood out as a paradigm of success and service in Memphis. I commend their steadfast efforts and dedication to the community, and recognize them for the credit and praise they so duly deserve.

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CONGRATULATING COLONEL  
BRADLEY D. SPACY

**HON. STEVE AUSTRIA**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. AUSTRIA. Madam Speaker, I rise today to congratulate Colonel Bradley D. Spacy, for his outstanding service to our nation and the United States Air Force.

It is an honor to join the people of Ohio's Seventh Congressional District in congratulating Colonel Spacy upon his relinquishment of command as the Commander, 88th Air Base Wing, Air Force Materiel Command and Installation Commander, Wright-Patterson Air Force Base, Ohio.

Colonel Spacy commands one of the largest air base wings in the United States Air Force, with more than 5,000 Air Force military, civilian, and contractor employees. The wing provides support and services to one of the largest, most diverse, and most organizationally complex bases in the Air Force including a major acquisition center, research and devel-

opment laboratories, a major command headquarters, an airlift wing, and the world's largest military air museum. The base is home to more than 27,000 employees and is the largest single site employer in the state of Ohio.

Colonel Spacy developed the Operation Community Warfighter, an exercise deployment where community leaders could experience firsthand the intense ground operations our men and women in the Air Force face during real-world deployments. I can attest also to his solid reputation of hard work, dedication, loyalty, honor, courage, and pride.

For his strong dedication of service to our community, I join the people of Ohio's Seventh Congressional District in extending our best wishes upon his new assignment in Washington, DC, as the Senate liaison for the Air Force and wish him ongoing success in all future endeavors and in this new capacity. Ooorah!

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OUR UNCONSCIONABLE NATIONAL  
DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,046,148,615,770.79.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,404,722,523,042.60 so far this Congress. The debt has increased \$1,939,748,639.30 since just yesterday.

This debt and its interest payments we are passing to our children and all future Americans.

**SENATE—Wednesday, June 16, 2010**

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of infinite goodness, today empower our Senators to use their time, understanding, and talents to do what You desire. May this passion to serve You guide their thoughts, words, and work. Grant that they may not be too much lost in regret for the past but instead inspire them to do with their might the task which lies in their hands. Lord, strengthen them to fight the good fight, to finish the race, and to keep the faith. At the end of their journey, reward their faithfulness with a crown of righteousness and the harvest of work well done.

We pray in Your sacred Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 16, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,  
*President pro tempore.*

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks, there will be a period

of morning business for 1 hour. Senators will be permitted to speak for up to 10 minutes each at that time. Republicans will control the first 30 minutes and the majority will control the second 30 minutes.

Upon the conclusion of morning business, the Senate will resume consideration of the House message on H.R. 4213, the tax extenders legislation. There will be up to 5 minutes for debate on the Baucus amendment, with the time equally divided and controlled between Senators BAUCUS and GRASSLEY or their designees. The Senate will then proceed to vote on the motion to waive the Budget Act with respect to the Baucus amendment. Senators should expect additional votes this afternoon in relation to amendments to the tax extenders bill. Senators will be notified when any additional votes are scheduled.

**RECOGNITION OF THE MINORITY LEADER**

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

**NEEDING PRACTICAL SOLUTIONS**

Mr. MCCONNELL. Mr. President, last night the President provided more detail on his administration's efforts to stop the oilspill in the gulf. If implemented successfully, some of what he said was encouraging. However, I wish the President would have used this opportunity to focus entirely on stopping the spill and to cleaning it up instead of using this crisis as an opportunity to push for a new national energy tax.

The immediate issue here is a broken pipe that has been spewing hundreds of thousands of gallons of oil a day into the ocean for more than 8 weeks. The fact that the White House wants to use this crisis as an excuse to push more of its legislative agenda on the American people—with the same kinds of arguments it used to push health care—is really nothing short of startling.

During the health care debate, Americans were told we couldn't afford to put off the administration's vision of government-driven reform. Health care costs were rising so quickly, the President said, that inaction was not an option. We heard the same thing last night. It is a recurring theme out of this White House.

In the middle of a jobs crisis, Americans were told they needed to spend nearly \$1 trillion on longstanding Democratic priorities that Democrats called a stimulus bill. They passed it, and we lost another 3 million jobs.

Out-of-control health care costs are pricing people out of the market and threatening to bankrupt government, so they passed a massive government-driven health care bill that promises to send health care costs even higher than they already are.

Our financial crisis was caused in large part by recklessness at government-sponsored entities such as Fannie Mae and Freddie Mac, and their solution to that crisis was to pass a massive government intrusion into Main Street without even addressing Fannie or Freddie.

Now, in the midst of the worst environmental catastrophe in American history, they are talking about a new national energy task to achieve their ideological goal of passing global warming legislation. Americans are pleading with the administration to fix the immediate problem in the gulf and the White House wants to give us a new national energy tax instead.

Every time we face a crisis, it seems this administration takes us on another ideological tour of the far left's to-do list, when all the American people want from it are some straightforward, practical solutions.

So the White House may view the oilspill as an opportunity to push its agenda here in Washington, but Americans are more concerned about what it plans to do to solve the crisis down in the gulf. Americans have had enough of this crisis rhetoric coming out of this White House. They want real answers to real problems. And it doesn't get more real than the problem in the gulf.

Mr. President, I yield the floor.

**RESERVATION OF LEADER TIME**

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

**MORNING BUSINESS**

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each and with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Illinois.

**ORDER OF PROCEDURE**

Mr. DURBIN. Mr. President, I see no one on the floor on the Republican side. If there is no objection, I would

like to speak as in morning business, and I will yield as soon as a Republican Senator comes to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### GULF OILSPILL

Mr. DURBIN. Mr. President, last night the President of the United States addressed one of the toughest issues any President has ever had to face. This is an environmental disaster of historic magnitude. It is one that could not have been anticipated. We have never had anything quite like it—at least near the United States. It is certainly one the President and our government did everything they could do to respond, but this frustrating situation continues.

What the President reminded us of last night is that we need to coordinate every effort, but understand that, in the end, there is no U.S. department of deep sea drilling. What it comes down to is that we need to turn to the private sector, which has the resources, the expertise, and the capability of not only dealing with the continuing oil-spill in the Gulf of Mexico but the aftermath as well.

It has been clear from the outset that this President has been very firm and resolute that British Petroleum, this oil company, is going to be held responsible for the damage that has been done. It will be at their expense, and not at the expense of American taxpayers, that we will help the businesses affected and do anything within our power to restore the devastation which has occurred to the environment.

It was interesting yesterday that in testimony before the House of Representatives, many of the leaders of the major oil companies that compete with BP were as forthright publicly as they have been privately in other conversations. They made it clear that many of the activities engaged in by BP were inconsistent with the highest standards of their industry. They made it clear that when it came to this blow-out preventer, which should have stopped the flow of oil, it was inadequate. It hasn't been tested. It was not the kind of technology that had redundancy built in so that there would be some peace of mind and understanding that in the event of a rig disaster, it would work. It failed, and it failed in a situation which has caused more environmental damage in our country than we have ever seen from one occurrence.

I saw 21 years ago what happened in the Prince William Sound of Alaska, and I can tell you that more than two decades later, they are still suffering—suffering from lawsuits against the Exxon oil company, which unfortunately were ruled against the plaintiffs; suffering from environmental

damage which will continue at least indefinitely.

What we have in the situation in the gulf is different. We have an admission by BP that they are at fault and an acceptance of responsibility for what they characterize as legitimate claims. I think it is proper—and many of us in the Senate joined majority leader HARRY REID in making the request—that BP set aside some \$20 billion in an escrow fund, a trust fund that will be available to pay for these damages. It troubles me that this company is talking about declaring a dividend and paying out billions of dollars to its shareholders when, frankly, we don't know what the ultimate cost is going to be of the cleanup in the Gulf of Mexico. I want to be certain BP continues in business and meets its responsibility, that it sets aside the funds necessary to protect our Nation from the damage it has caused.

I also believe we need to increase the responsibility of oil companies when it comes to future drilling. Right now, there is a tax on each barrel of oil of 8 cents—8 cents. A barrel of oil is now selling for about \$75. So 8 cents on each barrel is paid by an oil company into an oilspill liability fund. That has generated a little over \$1 billion in the event that we run into a disaster which needs to be taken care of. In the BP circumstance, the company is assuming liability. But tomorrow, God forbid, if another tragedy occurs with a company that doesn't have BP's resources, it will be this oilspill liability fund that will be called on to repair the damage, and \$1 billion is not enough. Eight cents a barrel is not enough.

Before the Senate today is an extenders bill which will increase the amount per barrel to 41 cents. This will be gathered together over time from the oil producers and the oil industry into an insurance fund, a basic oilspill insurance fund. I think that is only reasonable. The bill also increases the liability cap of companies under this oilspill liability to \$5 billion. Currently, it is \$1 billion. So both of these items are in our bill in an effort to hold the major oil companies accountable for any future disasters and to protect the taxpayers from paying out-of-pocket or paying out of the Treasury for any of these costs.

What is interesting is that the Republicans are going to come forward with a substitute brought on by JOHN THUNE, who is a Senator from South Dakota. The Republican substitute eliminates the increase in the tax on a barrel of oil for the oilspill liability fund. Of course, the big oil companies don't want to pay it, and this elimination of the tax is certainly on their agenda. It is unfortunate that Republican Senators are going to come forward and propose this. We need this money in the oilspill liability fund. To have a situation where this money is

not being collected leaves us vulnerable in terms of future disasters where the taxpayers will be picking up the bill.

There is a provision in the Thune amendment, the Republican substitute, which eliminates the provision in our bill relating to the Tax Code when it comes to American companies shipping jobs overseas. Most of us believe that if we are going to get out of this recession, we need to strengthen American businesses and certainly hire more people in the United States, pay them a decent wage, and bring them back to work and out of the ranks of the unemployed.

At this point in time, many American companies are locating production facilities overseas because of perverse incentives which we have created in our Tax Code. The bill brought to the floor eliminates many of these incentives—eliminates the tax loopholes companies are using to be more profitable by locating overseas. So the Thune amendment, the Republican substitute amendment, comes forward and says: We don't want to do that. We want to leave in the Tax Code—according to the Republicans—those provisions which create incentives to ship American jobs overseas. That makes no sense to me.

Last night I attended a meeting of the deficit commission, to which I was appointed by Senator REID. There was an economist there who tried to make the argument that allowing businesses in the United States—and giving them incentives, incidentally—to locate and produce overseas was good for the American economy. He argued if they could produce more overseas, it would ultimately mean they would be more profitable and produce more jobs in the United States.

I told him if that logic applied, then we ought to have a record number of manufacturing jobs because, over the last 20 years, more and more American businesses have moved production facilities offshore, overseas.

Instead, the opposite is true. In my State and in Michigan, all across the United States we have seen manufacturing jobs declining dramatically while production facilities have been sent overseas. This theory that is obviously behind the Republican Thune substitute is that we ought to reward American companies for locating and producing overseas. I do not agree with that. I hope we will oppose the Thune substitute and we will move as soon as we can to deal with the situation where we have increased jobs here in the United States to deal with this recession.

I understand we are going to have speakers later on in the Democratic side and I want to reserve time for those speakers. I reserve the remainder of time on the Democratic side, and if there is no one here to speak on the

Republican side, I will yield the floor and suggest the absence of a quorum.

Is it my understanding that the time will be taken from the Republican side at this point?

The ACTING PRESIDENT pro tempore. Without objection.

Mr. DURBIN. I believe the Republicans, if I am not mistaken, under the unanimous consent were first in morning business.

I yield the floor and suggest the absence of a quorum, with the understanding the time that runs now will come from the time previously allotted to the Republican side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, could you please let me know when I have consumed 10 minutes.

The ACTING PRESIDENT pro tempore. The Chair will do so.

#### MISSED OPPORTUNITY

Mr. ALEXANDER. Mr. President, all of us watched the President's remarks last night. It is rare for a President to make a speech from the Oval Office. President Reagan did it with the Challenger tragedy. President George W. Bush, spoke about 9/11. I thought the President was right to focus on what the government is doing to clean up the oil spill, and what we are doing to help those who are hurt. I think he missed an opportunity, though, in terms of looking to the energy future.

He mentioned the climate bill. Of course that is House passed cap-and-trade bill which doesn't have enough support to pass the Senate. He mentioned windmills and solar panels, which have nothing to do with reducing our dependence on foreign oil. I thought the missed opportunity was the President could have announced a mini-Manhattan Project to reduce our dependence on foreign oil by electrifying half our cars and trucks, which we could do without building any new powerplants by plugging them in at night. The President is in favor of that. Secretary Chu is a leader in it. In a bipartisan way we support that goal. All 41 Republican Senators support electrifying our cars and trucks. Senator DORGAN, Senator MERKLEY, and I support legislation for that. He could have talked about that.

A second part of the clean energy future could have been creating the environment to build 100 new nuclear power plants. The President has taken some

impressive steps to create a better environment for nuclear power. All 41 Republican Senators support that. That would be for clean electricity, not for fuel, but it would be a clean energy future.

Third, the President could have focused on mini-Manhattan Projects for energy research and development, such as reducing the cost of solar power by a factor of 4; recapturing carbon from coal plants; trying to invent a 500-mile battery, which would have made sure that we electrify a significant part of our cars and trucks in America; recycling used nuclear fuel; and biofuels—all 41 Republican Senators support the goal of doubling energy research and development. So does the President. So those are three steps toward clean energy independence that we agree on.

He mentioned windmills and solar panels, which have nothing to do with reducing our dependence on foreign oil—those are for electricity, not fuel. They are puny amounts of electricity, in any event. If he would stick with the things that we and he agree on, he could have used that speech for an important step forward for our country. In that sense, I think it was a missed opportunity.

This past weekend the President sent a letter to Congress urging us to approve \$50 billion in emergency aid to State and local governments. I want to speak about that today from the vantage point I have as a former Governor and former U.S. Secretary of Education. According to the Wall Street Journal on Monday, the letter said budget cuts at State and local levels were leading to massive layoffs of teachers, policemen, and firefighters.

The two points I want to make are that, No. 1, we here in Washington—I tried not to, but the majority did—created this financial cliff over which the States are about to run. And, No. 2, when it comes to the question of \$23 billion for teachers, I think we need to ask, where is the money going to go? And from whose schoolchildren are we going to borrow it? Because right now we do not have extra money lying around in Washington, DC. We have a great big problem with spending and debt.

Let me start with what I said first, which is that we in Washington have created this financial cliff over which State Governors are running. As we were debating the health care bill I said, not really in jest, that everybody who votes for it ought to be forced to go home and serve as Governor of their State under the new rules.

Take Tennessee, for example. We were very fortunate that our State was one of the two winners in the Race to the Top education plan. Give credit to the Governor and teachers in the State. Tennessee will get a half billion dollars as a result of it. Yet, according to our Governor, the health care bill

will take away more than twice as much during the same period of time by imposing \$1.1 billion in new Medicaid costs on the State between 2014 and 2019. So we are causing problems for the State that caused the layoffs.

Let me not ask you to take my word for it. Here is a January op-ed from the Wall Street Journal by the Democratic Lieutenant Governor of New York, Mr. Ravitch, who says the Federal stimulus, which Congress passed at the beginning of 2009:

... has provided significant budget relief to the states. . . .

He approved of that.

but this relief is temporary and makes it harder for States to cut expenditures. In major areas such as transportation, education and health care, stimulus funds come with strings attached. These strings prevent States from substituting federal money for state funds, require states to spend minimum amounts of their own funds, and prevent states from tightening eligibility standards for benefits.

Lieutenant Governor Ravitch goes on to say:

Because of these requirements, states, instead of cutting spending in transportation, education and health care, have been forced to keep most of their expenditures at previous levels. . . .

We did that. Congress did that.

... and use federal funds only as supplements. The net result is this: The federal stimulus has led States to increase overall spending in these core areas, which in effect has only raised the height of the cliff from which state spending will fall if stimulus funds evaporate.

That is the Lieutenant Governor of New York talking about the evaporation of stimulus funds which comes at the end of this year and he is saying we made it harder for States to pay their bills. At the time the stimulus package was passed, everyone said it was one-time funding. All of us knew that Medicaid costs were overwhelming the States. Still, Congress went ahead—the majority, in any event—and increased the federal match for Medicaid, and required States not to change eligibility requirements. Thus they created this financial cliff at the end of the year which will cause the States' share for Medicaid spending to increase from an average of 34 percent to 43 percent, a net increase of \$39 billion in costs for 2011. We are getting close to the \$50 billion we are being asked to bail States out for.

Let me say a word about teacher salaries. The first question is, where is the rest of the money going to go? The request, as it has been talked about, says this will save 100,000, maybe 300,000 teacher jobs. We are supposed to appropriate \$23 billion for that purpose.

At \$100,000 that works out to about \$230,000 per teacher job saved. If we are saving 300,000 teacher jobs with that \$23 billion, that works out to \$76,667 per teacher job saved. The average national teacher's salary is \$46,752. Where does the rest of the money go?

At the beginning of this administration there was a huge increase in education funds; \$97 billion over 2 years for elementary and secondary education and \$53.6 billion for the State Fiscal Stabilization fund. We were assured this was one-time funding. In April 2009, the Department of Education itself said in its guidance to the States on how to spend the money:

The [funds are] expected to be a one-time infusion of substantial new resources. These funds should be invested in ways that do not result in unsustainable continuing commitments after the funding expires.

What we could have said is, we don't have any more money either, States. We just print it up here. So don't expect us to send you anymore.

The U.S. Department of Education helpfully suggested what some of those one-time expenditures might be—making improvements in teacher effectiveness; establishing pre-K-to-college-and-career data systems; making progress toward rigorous college- and career-ready standards; providing targeted, selective support; and effective interventions for the lowest performing schools. In other words, the States and schools were told: Don't spend this money on continuing programs. Spend it once.

Our Governor, a Democratic Governor in Tennessee, got the message. Governor Bredesen said in his State of the Union Address in 2009:

Please let me make it clear that no proposed version of the stimulus is any panacea or silver bullet; substantial cuts are still needed under any circumstances. Furthermore, it is vital to remember that this stimulus money is one-time funding.

The ACTING PRESIDENT pro tempore. The 10 minutes of the Senator has expired.

Mr. ALEXANDER. I thank the Chair. I see none of my colleagues here.

The ACTING PRESIDENT pro tempore. Senator BARRASSO from Wyoming is waiting.

Mr. ALEXANDER. I ask for another 60 seconds to conclude my remarks. I thank the Chair.

When we think about the funding, we need to remember the best things for us to do. They are to stop imposing health care mandates on States, which make it impossible for them to pay their bills; and to properly support public education, especially public higher education, which is going to take a terrible blow because of the passage of the health care bill. Thanks to the health care bill, tuition payments for students are going to rise.

Second, we should recognize that the stimulus money passed last year was one-time funding. We created this financial cliff and now we have an unprecedented level of debt in the Federal Government. We do not have \$23 billion lying around to send to the States.

Whether we are sending \$230,000 per teaching job, \$76,000 per teaching job,

or scaling it back and saying we are only going to send the national average, which is \$46,000, the question still remains: From whose grandchildren will we borrow the money?

We need to reduce the growth of the Federal debt. We should not be bailing out States with another \$50 billion.

I thank the Senator from Wyoming and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, could you please inform me how much time is remaining in morning business?

The ACTING PRESIDENT pro tempore. There is 17 minutes on the Republican side.

### HEALTH CARE

Mr. BARRASSO. Mr. President, I come to the floor today as someone who has practiced medicine in the State of Wyoming since 1983, taking care of families across the great State of Wyoming as an orthopedic surgeon and also as a medical director of the Wyoming Health Care, which is a program to offer low-cost medical screenings, health screenings to help people; early detection, because we know that is a way to keep down the cost of care—to help them find problems before they get too far progressed so we can get effective treatments.

This is a very successful program. Often doctors are asked for their opinions on issues. Then, if a patient has a question, they ask for a second opinion from a second physician.

Well, I come to the floor today to offer my second opinion on this health care bill. I have been doing this week after week, as we have had a year-long debate and discussion about the health care bill that has now been signed into law. I come to the floor because it seems that every week, every week since the bill became law, there has been a new revelation, a new unintended consequence that the people of America look at and say: This is a bill, now a law, that was not passed for me. It is to help someone else.

The promises the American people heard when the bill was being debated and discussed, we are now finding that those promises have been broken. Again this week one of those major promises, fundamental behind the health care law, has been broken. The American people are concerned and distressed because it affects them personally. They believe they were misled.

The goal of the health care legislation last year was to lower the cost of health care. There is agreement all across the country we need to do that; we need to lower the cost of care, to improve quality of care. Absolutely. It is in the best interest of all Americans if we can improve the quality of care; then, of course, to increase access to

care. The more we can do to allow more people in this country to have access to care, the better it is.

Lower cost, improved quality, improved access. Well, that is not what this Senate Chamber passed because I believe the bill that was passed is clearly not going to lower cost, and the Congressional Budget Office agrees. It is not going to improve quality, and it is not going to improve access, as we see from statements from the Secretary of Health and Human Services about the shortage of primary care providers, the shortage of physicians and nurse practitioners and others to help. So I continue to believe the law we now have passed is bad for patients, bad for payers, the people who are going to pay the health care bill of this country, and bad for providers, the nurses and doctors who take care of those patients.

I believe the bill fundamentally is going to result in higher costs for patients, less access for care, and unsustainable spending. The Speaker of the House, NANCY PELOSI, said: You are going to have to first pass the bill to find out what is in it. Once again, this past week, we have learned about something new that is in the health care law that many Americans have found surprising.

I would like to contrast a speech President Obama gave 1 year ago this week, 1 year ago yesterday, at the American Medical Association meeting in Chicago. I would like to quote from the speech given by the President, and then contrast it to regulations that have been sent out earlier this week. What a difference a year makes. President Obama said:

So let me begin by saying this—

This was a year ago—

I know that there are millions of Americans who are content with their health care coverage. They like their plan and they value their relationship with their doctor.

He went on to say:

And that means that no matter how we reform health care we will keep this promise. If you like your doctor, you will be able to keep your doctor. Period.

He went on to say:

If you like your health care plan, you will be able to keep your health care plan. Period. No one will take it away no matter what.

Well, those are very reassuring words to the 170 million people in this country who get their health insurance coverage through their employer at work. There were 170 million people reassured 1 year ago by the words of the President of the United States that if they like what they have, they can keep it.

This is the line that the President has continued to repeat. Most recently he gave the same reassurance to the senior citizens of this country in a townhall meeting he had just a little over a week ago. But what we are seeing now, instead of allowing Americans to keep their doctors and their health

care plans, is another broken promise, a broken promise to the American people.

On Friday of last week, the Associated Press reported that 51 percent, over half of all Americans, a majority of those 170 million who get their health insurance through work, will no longer necessarily be able to keep the health insurance they have.

In the 25 years or so that I have practiced medicine, I know how important it is, having worked with patients, worked with people, what happens when they lose the coverage or have to change their coverage. It is very distressing. Sometimes it can be disorienting to them as they learn what new coverage they have, what they lost. So people who felt reassured last year by the President's comments are now in a situation where 51 percent of them are going to lose the coverage they have.

The Washington Post this week, Tuesday, June 15: The administration estimated that by 2013, health plans covering as many as 69 percent of employees could lose protected status. For small employers, the small businesses of this country, the total could be as high as 80 percent.

I mean, could that really be true? I find it astonishing. We have had calls to our office: Is that really true? We have talked to patients and people that I have taken care of because I have been back in Wyoming this past weekend and ran into a number of former patients of mine. They said: Is that really going to happen?

Let's see what the rules are that came out. These are the rules that came out on Monday. I mean, it is interesting to get rules on health care, and what are the first two lines? Department of the Treasury. Internal Revenue Service.

The Internal Revenue Service is writing the rules and regulations dealing with the health care bill. It goes on with the Department of Labor, the Department of Health and Human Services. This is titled, "Interim Final Rules For Group Health Plans And Health Insurance Coverage."

This is 121 pages. I am not going to go through all of it, but I would like to call your attention to page 54. On page 54 there is a table, and the table is called "Estimates of the Cumulative Percentage of Employer Plans Relinquishing," having to give up, "Their Grandfathered Status."

What it means is the percentage of employer plans of people who have the insurance they like they are not going to be able to keep.

They have a low-end estimate, a mid-range estimate and a high-end estimate of all of the employer plans in the country. It covers 170 million Americans. It says by the year 2013, just a few years from now, 51 percent, 51 percent of Americans will lose what they

have now. It talks about the high estimate for the small employer plans, 80 percent.

So how can that be true? So 80 percent of small employers—that is the lifeblood of our economy, and we are at a point in this country where we have unemployment at 9.7 percent, and small business is the engine, the engine that grows the economy. Seventy percent of all new jobs in this country are created by small businesses. Yet for people who work in small businesses, it looks like up to 80 percent of them, over the next couple of years, are not going to be able to keep the health insurance they have now.

Why? Because the rules and regulations that have come out related to the law that has now been passed, in spite of the President's promise right here behind us—you will be able to keep your doctor, period; you will be able to keep your health care plan, period—the American people are finding that those words, those words, are not being held out in what was passed into law and the regulations that have now been written.

Headline, Wednesday, June 16, today, national newspaper: "So much for 'Keeping Your Plan.'"

Now, actually there are some people who can keep their plans—very few.

Headline, "Union Contract Can Exempt Plans From ObamaCare." So you do not get to necessarily keep your plan, it says, unless a union negotiated your coverage. The administration has granted a special exemption to those, and apparently only those, health care plans, a special exemption offered by the administration, according to this article, for those whose plans have been negotiated by the unions.

You do not have to go very far. All you need to do is open a newspaper. This is on Capitol Hill just the other day, Tuesday, June 8. It says, talking about health care, there is a picture of a doctor with an eye chart: "Comprehensive, but Not for All."

"Health reform ban on annual limits may end up hurting lower wage workers." Well, I thought that the whole idea behind this was to help additional workers, to help additional workers get coverage, get care. First paragraph:

Part of the health care overhaul due to kick in this September, could end up stripping more than a million people of their insurance coverage, violating a key goal of President Barack Obama's reforms.

There it is in black and white: "Violating a key goal of President Barack Obama's reforms." These are identifiable victims of ObamaCare, losers under ObamaCare. Promises made and promises broken.

What about the President's promise on the cost of care, bending the cost curve down? Well, yesterday, in The Hill:

Report projects a rise of 9 percent in employers' health costs in 2011.

But was it not Obama who said his legislation was going to actually allow Americans to have a lowering of their premiums by \$2,500 per year per family? Well, how does that work with the projected rise in cost? So, once again, the American people heard one thing and now they are being delivered something very different.

That is why I come to the Senate floor today—to say it is time to repeal this legislation and replace it, replace this legislation with legislation that delivers more personal responsibility and more opportunities for individual patients, a patient-centered health care bill, a bill that allows Americans to buy insurance across State lines. We need a bill that will give more competition and will allow the costs to come down, that gives people who own their own health insurance an opportunity to get the same tax relief big companies get. That is important. That will help people.

How about a bill that includes a provision to give individual incentives to people who take responsibility for their own health care and their own health, do things like the people who come to the Wyoming Health Fairs, early detection, early treatment.

We know, and I have seen this in my years of practicing medicine, about half of all of the money we spend in this country on health care is on just 5 percent of the people. If we can focus on those 5 percent and help them with healthy lifestyles and good choices, we can get down the cost of their care.

Then we need a bill that deals with lawsuit abuse. That will help lower the amount of defensive medicine practiced and help lower the cost of care, plus one that allows small businesses to join together and then shop much more effectually to buy a lower cost health insurance plan.

Well, you can imagine what is happening right now in small businesses across America, as I have just brought to the attention of the Senate. When 80 percent, up to 80 percent of people with small business health plans who are getting their insurance that way, according to the new regulations put out by the Internal Revenue Service, as well as the Department of Health and Human Services, up to 80 percent are not going to be able to keep the coverage they now have and now enjoy under their current plans come the year 2013.

Those are the things that will make a difference. That is why I come to the floor today. I offer my second opinion about health care law, and now it is the law that I think is going to end up—and the American people understand this, and they see through it—is going to end up being bad for patients who need care, bad for payers, people paying for their health care costs, and the taxpayers of this country, as well as bad for providers, the nurses and the

doctors and the hospitals who take care of those patients.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

#### NOMINATION OF ELENA KAGAN

Ms. KLOBUCHAR. Mr. President, I am pleased to come to the floor today with a few of my women colleagues to discuss the President's nomination of Solicitor General Elena Kagan to be an Associate Justice of the Supreme Court. I am a member of the Judiciary Committee. We are looking forward to the hearings coming up in a few weeks. We hope the country is watching because this is a very important job and Ms. Kagan is a very impressive person.

With that, I turn to the Senator from Michigan, Ms. STABENOW.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I thank the Senator from Minnesota.

We are here to talk about President Obama's nomination of Elena Kagan. I will come to the floor at a later point to respond to my friend from Wyoming with a different view about health care reform. We have a vote in just a few moments, a very important vote as to whether to support the ability of States, in these difficult times, to be able to continue health care for people who are out of work and for seniors who are in nursing homes, low-income seniors who find themselves caught in the economic crunch. In Michigan, there are 6 individuals out of every 100 who are on Medicaid now or who need to be on Medicaid. The upcoming vote will determine whether we place a value on health care, place a value on seniors in nursing homes and people who, because they have lost a job or because of some other situation in this economy, find themselves without health care. I hope colleagues who express concern about people having access to health care will join us in voting yes.

I thank the Senator from Minnesota for organizing and bringing us to the floor. I join her in speaking in favor of the President's nomination of Elena Kagan to be the next Justice of the U.S. Supreme Court.

She grew up in a family like so many in Michigan, with parents who worked hard for a living so they could provide for their children. Her mom was a teacher. Her dad was a tenants lawyer in New York City. She saw firsthand the effects of laws and court decisions on the everyday lives of Americans. Throughout her distinguished career, she has brought the lessons she learned from her parents—in her words, “service, character and integrity”—to every role she has had.

She took those lessons with her to the White House, where she worked

with Democrats and Republicans to forge commonsense solutions to issues such as restricting tobacco companies from targeting ads to children.

She took those lessons with her to Harvard, where she became a successful and beloved professor. As dean, she worked to engage her students in service and to honor those who have served. Every year, she invited all of the military veterans on campus to her home for a Veterans Day dinner. She reached out to students from all across the political spectrum and proved to them one-on-one that she was a smart and pragmatic leader. Very conservative law students at Harvard tend to join the Federalist Society, while progressive law students are more likely to join the American Constitution Society. The two groups disagree on almost everything. Yet both groups sent letters to the Judiciary Committee supporting Elena Kagan's nomination as Solicitor General. That is rare in politics and is proof that Elena Kagan is respected for her fairness and impartiality.

Besides her parents, perhaps the biggest influence in her life was her one-time boss and mentor Justice Thurgood Marshall, who was also the Solicitor General before becoming a Supreme Court Justice. She admired his ability, in her words, to understand the way law works “in practice, as well as in the books—of the way in which law acted on people's lives.”

In private practice, Elena Kagan represented clients in litigation. Today, she represents all of us as the people's lawyer, the Solicitor General of the United States. Her job every day is to represent her clients, the people of our great country, before the U.S. Supreme Court. As a Justice, she will continue to represent the people. That is why I urge my colleagues today to join with us in confirming her nomination without delay.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, I am pleased to join my colleagues, Senators STABENOW and KLOBUCHAR, in supporting the nomination of Elena Kagan to be an Associate Justice of the Supreme Court. However, before addressing the nomination of Elena Kagan, I wish to echo the remarks of Senator STABENOW about the need to look at the legislation that is going to come before us in a few minutes.

My colleague, Senator BARRASSO, talked about wanting to help those people who are most in need of health care. One of the best ways we can do that is to pass the legislation pending before this body which includes an extension of Medicaid benefits, which is so important to States and to the people who are most in need, who have the least ability to get health care. I hope

that as our colleagues are thinking about how they can support health care for Americans, they will support this legislation and make sure we extend Medicaid benefits for people throughout the States.

Turning to the Elena Kagan nomination, I am extremely pleased that President Obama has selected a woman with such impressive and unique credentials to serve on the Nation's highest Court. I had the good fortune to meet Solicitor General Kagan a number of years ago when both of us were at Harvard. I was at the Kennedy School as the director of its Institute of Politics, and she had just become dean of the Harvard Law School. It didn't take her very long to get a reputation here as someone who was loved by the students and the faculty, who was able to get everyone to work together. It comes as no surprise to me that she has continued her impressive accomplishments.

My favorable impression of Elena Kagan was confirmed after a recent meeting with her in my Senate office, spending more time really looking at what her record has been with the law. I wish to focus my remarks this morning on Elena Kagan's record that has prepared her to be a Justice.

A number of my colleagues from across the aisle have implied or stated directly that the Solicitor General lacks sufficient range of professional experience. A number of Senators are concerned that Elena Kagan does not have judicial experience. To address this point, it is worth noting that 41 of the Court's 111 Justices have joined the Court without any previous experience as a judge. Among these 41 are some of the most notable jurists of the last century: Justices Louis Brandeis, Felix Frankfurter, William Douglas, Byron White, and Lewis Powell. Chief Justices Harlan Stone, Earl Warren, and William Rehnquist were also chosen for the Court without prior judicial experience. The Presidents who nominated these Justices and the Senators who confirmed them were right to recognize that experiences other than being a judge can prepare one to serve on the Supreme Court with distinction. Elena Kagan certainly has had that experience. She has traveled a path of extraordinary accomplishment. I am confident she will continue that trend once she is elevated to the bench.

With more than 24 years of legal experience in a range of settings, she will bring a distinct perspective to judging that will serve both the Court and Americans well. Without a doubt, Ms. Kagan has been a lifelong student of the Supreme Court. As we heard from Senator STABENOW, she began her career as a clerk in the chambers of two highly regard jurists, including the legendary Thurgood Marshall. These formative years early in Ms. Kagan's career instilled in her an appreciation

of the impact of judicial decisions on people and gave her an ability to zero in on critical facts and issues in cases.

After 3 years in private practice in Washington, Ms. Kagan became a professor of law at the University of Chicago. She focused there on scholarship and constitutional law, particularly the first amendment. She quickly became known as a powerful advocate for individual constitutional rights.

She served as an Associate White House Counsel and later Deputy Director of the Domestic Policy Council during the Clinton White House. These positions forced Elena Kagan to tackle difficult public policy matters while analyzing the limits of executive branch power.

Later, as dean of the Harvard Law School, Ms. Kagan is credited with making immense progress toward uniting a fractious faculty of very powerful opinions and intellects. She built bridges across academic and political groups.

A recent letter from the deans of law schools across the country describes Ms. Kagan as “a superb and successful dean” who “revealed a strong and consistent aptitude for forging coalitions that achieved smart and sensible solutions, often in the face of insoluble conflict.”

Harvard professor Charles Fried captured the thoughts of many of Ms. Kagan’s Harvard colleagues when he described her as someone who had a “masterful” ability to work well with diverse faculty.

Ms. Kagan’s intellect and work ethic caught the attention of President Obama when she was tapped to serve as Solicitor General. She is the first woman to hold this position which is often referred to as the 10th Justice of the Court. During her tenure, Solicitor General Kagan has filed 66 briefs and has argued numerous times before the Court. I can’t imagine better training for a position on the Court than the experience gained by a Solicitor General. Elena Kagan has publicly demonstrated her ability to critically analyze the law and advocate forcefully at the level demanded by our Nation’s highest Court.

Elena Kagan has dedicated her life to legal study. She has excelled as a clerk, a teacher, administrator, counsel, and advocate. I know these experiences have given her a full understanding and appreciation of the Supreme Court’s role in our democracy. Elena Kagan has built a career that shows she has the technical skills, the intellectual aptitude, and the personal judgment to be an extremely effective Justice. I look forward to the swift confirmation of a very impressive individual and urge all of my colleagues on both sides of the aisle to support her nomination.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank my two colleagues, Senators

SHAHEEN and STABENOW, for joining me in making open arguments in favor of Solicitor General Kagan to be the next Associate Justice of the Supreme Court. If Members listened to Senator SHAHEEN’s discussion of the experience of Elena Kagan, something quickly emerged: she has always been on the front line and has not been afraid to get into battle. She is the one who had to go before the Supreme Court and argue the Citizens United Case that basically came up with a ruling from the current Supreme Court with which I don’t agree. The Supreme Court went beyond their bounds in how they interpreted election law, reversing decades of precedent. Yet it was Elena Kagan who was the one willing to stand there as Solicitor General and basically say corporations are not people; people are people.

I like the thought of someone of her experience—such as intellectual heavy-weight—getting on the Court to basically match Justice Roberts.

As Senator SHAHEEN has pointed out, she has consensus-building skills in addition to that. She is someone who has been able to bring together people of diverse views. With such a divided Court, as we see right now, I think it is going to be very helpful—if she gets through our process, which I believe she will—to have her on that Court. She also is a trailblazer.

She was the first woman dean at Harvard Law School in their 186-year history. In 2009 she became the first woman to serve as Solicitor General. As has been pointed out, she has also been a law professor, a member of the White House Counsel’s Office, and a domestic policy adviser to President Clinton.

When I look at her resume, I notice two things: The first is that she has practical experience thinking about the impact of laws and policies on the lives of ordinary Americans. When you are involved in considering the nitty-gritty details of policies—as has emerged, as we look at all the thousands and thousands of documents she has given to the Judiciary Committee—she is someone who has been actually involved in crafting those ideas, those policies. When you have to figure out, as she has, whether to compromise or hold firm on a piece of legislation, you have to know exactly what the consequences of your recommendations will be. You have to think about the lives that will be impacted.

The second thing I notice about her resume is that she has a track record of listening to different viewpoints and bringing people together—whether it is her legacy of helping to recruit talented academics to Harvard from across the political spectrum or working with Senators from both parties on antitobacco legislation.

It is worth noting this is a nominee who once got a standing ovation from

the Federalist Society when she spoke to them—that is a conservative legal society—during her time as a law school dean. It was not because she agreed with them on every substantive matter. In fact, she noted that at the beginning. It was because they respected her because she was willing to listen to other viewpoints and bring in other viewpoints. We need that kind of consensus builder on the Supreme Court of the United States.

Finally, we have to add to her list of achievements that she managed to calm the factionalism and frustration for which the law school faculty had previously been known. I can tell you after managing 167 lawyers it is not easy, but it is even harder to manage a number of law professors.

What you come up with, when you look at her whole career, is she has the practical experience of reaching out to and working with people who have different beliefs. I think that is exactly what we need on the Supreme Court.

Some of my colleagues, as has been pointed out, question whether she is fit to be a Supreme Court Justice because she has never before been a judge. Well, right now every single Justice on that Supreme Court has been a judge. While they may have different backgrounds, they have come up through what is called the “judicial monastery.” I think the fact that the President has nominated someone who has been on the front line, deciding policies but also arguing intricate legal cases, is a good thing.

As has been pointed out by Senator SHAHEEN, I do wonder whether these same colleagues who are objecting on the judicial experience issue would have objected to putting Chief Justice Rehnquist on the Supreme Court or Justice Brandeis or Justice Frankfurter. They did not have any judicial experience either.

It is worth noting this opinion on the importance of judicial experience is not shared by at least one member of the Supreme Court who believes that may not quite be necessary. In a speech he gave at the end of May, Justice Scalia said he was “happy to see that this latest nominee is not a federal judge—and not a judge at all.”

For historical context, Justice Scalia noted when he first arrived at the Supreme Court in 1986, three of his colleagues had never been a Federal judge. Chief Justice Rehnquist came to the bench from the Office of Legal Counsel. Justice Byron White was Deputy Attorney General. Justice Lewis Powell was a private lawyer in Richmond. Beyond that, her current job—Solicitor General—as Senator SHAHEEN noted, is actually referred to as “the tenth Justice” because it is such an important position. She represents the people before the Supreme Court. That is incredibly important training for an individual nominated to serve on the Supreme Court.

It is worth noting that the last Solicitor General who subsequently became a Supreme Court Justice was none other than Thurgood Marshall—Elena Kagan's mentor and former boss.

So I hope we can put to rest this idea that only judges are qualified to be Justices. That is not a standard that we have applied throughout history, and it is not one we should start applying today.

Just think—and I will end with this, Mr. President—how far we have come. When Sandra Day O'Connor graduated from law school 50 years ago, the only offer she got from a law firm was for a position as a legal secretary. Justice Ginsburg faced similar obstacles. When she entered Harvard in the 1950s, she was only one of nine women in a class of more than 500, and one professor actually asked her to justify taking a place in that class that could have gone to a man. Later, she was passed over for a prestigious clerkship despite her impressive credentials.

In the course of the more than two centuries of this great country, 111 Justices have served on the Supreme Court. Only three have been women. If confirmed, Ms. Kagan would be the fourth, and for the first time in the history of our country three women would take their places on the bench when arguments are heard in the fall.

I look forward to our Judiciary Committee hearing. I have to tell you, I hope my colleagues listen to what Elena Kagan has to say. When she came before our Judiciary Committee as a nominee for Solicitor General, she was very impressive. She got bipartisan support. I would like to see that again.

Our job is to look at the qualifications of this nominee. Our job is to decide if she is competent. As Senator GRAHAM said during the confirmation hearing for Justice Sotomayor, he may not have picked a particular nominee, he may have supported someone else for President, but in the end, our job is to look at their qualifications and whether they will serve our country well on the Supreme Court.

I believe the answer for Elena Kagan will be yes. We are all looking forward to the hearings, and I urge my colleagues to come to the hearings with an open mind.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 4213, which the clerk will report.

The legislative clerk read as follows:

Motion to concur in the House amendment to the Senate amendment to H.R. 4213, an act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Pending:

Baucus motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Baucus amendment No. 4301 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute.

Reid amendment No. 4344 (to amendment No. 4301), to amend the Internal Revenue Code of 1986 to extend the time for closing on a principal residence eligible for the first-time homebuyer credit.

Thune/McConnell amendment No. 4333 (to amendment No. 4301), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 5 minutes of debate equally divided between the Senator from Montana and the Senator from Iowa or their designees.

The Senator from Montana is recognized.

### AMENDMENT NO. 4301

Mr. BAUCUS. Mr. President, this vote is about jobs—plainly and simply about jobs. Fifteen million Americans are out of work. Fifteen million Americans need our help.

We need to continue our efforts to get Americans back to work. Creating jobs has been a top priority. The pending substitute amendment to the American Jobs and Closing Tax Loopholes Act would help achieve that goal.

The amendment would cut taxes for American workers and families by more than \$4 billion. The amendment would cut taxes for businesses by \$18 billion to help them expand and create jobs.

The amendment would extend Small Business Administration loan programs to help restore the flow of credit. These programs will help small businesses to grow and hire new workers. This extension eliminates fees for certain SBA loans and increases government loan guarantees.

Since their creation in the Recovery Act, these provisions have supported more than \$26 billion in small business lending. They have helped to create or retain more than 650,000 jobs.

The amendment would expand community college and career training grants offered through the Trade Ad-

justment Assistance Program. These grants provide Americans who have lost their jobs through no fault of their own the opportunity to learn new skills to find good jobs.

The amendment would support more than 350,000 jobs for youth ages 14 to 24 by expanding successful summer jobs programs created in the Recovery Act. This age group has some of the highest unemployment levels. Fully one-quarter of those aged 16 to 19 are unemployed—one-quarter.

The amendment would extend funding for States to provide wage assistance to employers who hire new workers. Wage assistance helps companies that might not otherwise be able to afford the cost of hiring new workers to create jobs.

The amendment would provide targeted, temporary pension relief to help employers who are struggling in this tough economy to continue to fund employee pensions without cutting jobs or restricting new hiring.

This amendment is about creating good jobs.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BAUCUS. Mr. President, I thank the Chair, and I urge my colleagues to support the amendment. Let's advance this effort to create jobs.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, this bill, as it comes forward, spends more money than we budgeted for and, as a result, it violates the budget. We are trying to get some fiscal discipline around here. This would be one of the places we should start.

So I raise a point of order that the pending amendment offered by the Senator from Montana would cause the aggregate level of budget authority and outlays for fiscal year 2010, as set out in the most recently agreed to concurrent resolution on the budget, S. Con. Res. 13, to be exceeded. Therefore, I raise a point of order under section 311(a)(2) of the Congressional Budget Act of 1974.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of the pending amendment, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD)

and the Senator from Arkansas (Mrs. LINCOLN), are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER (Mr. BURRIS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 52, as follows:

[Rollcall Vote No. 190 Leg.]

#### YEAS—45

Akaka	Feinstein	Murray
Baucus	Franken	Reed
Bennet	Gillibrand	Reid
Bingaman	Hagan	Rockefeller
Boxer	Harkin	Sanders
Brown (OH)	Inouye	Schumer
Burr	Johnson	Shaheen
Cantwell	Kaufman	Specter
Cardin	Kerry	Stabenow
Carper	Klobuchar	Tester
Casey	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Dodd	Levin	Warner
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden

#### NAYS—52

Alexander	Ensign	McCaskill
Barrasso	Enzi	McConnell
Bayh	Feingold	Menendez
Begich	Graham	Murkowski
Bennett	Grassley	Nelson (NE)
Bond	Gregg	Nelson (FL)
Brown (MA)	Hatch	Pryor
Brownback	Hutchison	Risch
Bunning	Inhofe	Sessions
Burr	Isakson	Shelby
Chambliss	Johanns	Snowe
Coburn	Kohl	Thune
Cochran	Kyl	Vitter
Collins	Landrieu	Voinovich
Corker	LeMieux	Webb
Cornyn	Lieberman	Wicker
Crapo	Lugar	
DeMint	McCain	

#### NOT VOTING—3

Byrd	Lincoln	Roberts
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The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 52. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Under the previous order, the motion to concur with amendment No. 4301 to the House amendment to the Senate amendment to H.R. 4213 is withdrawn.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to a period of debate only until 12:30 p.m., with no amendments or motions in order during this period; that the time be equally divided and controlled between the leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each; and that the order for the recognition of Senator BAUCUS still be in effect.

The PRESIDING OFFICER. Is there objection?

The majority leader is recognized.

Mr. REID. Mr. President, I ask my friend to modify the consent agreement to have the Senate be in recess from 1 p.m. until 2 p.m. today. We will have a caucus going on at that time.

Mr. BAUCUS. Mr. President, I so make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized.

#### COBELL SETTLEMENT

Mr. DORGAN. Mr. President, the legislation that is pending and on which we now have general debate is legislation that is important. I know there has been plenty of discussion about it. I want to discuss one element of it. The legislation includes provisions to approve the Cobell settlement. The Cobell settlement is perhaps something which people do not know much about. It is a settlement of a longstanding lawsuit that has been winding its way through the Federal courts for 14 years. It is about things that have been done to American Indians that are almost unthinkable and for which they have sought redress in the Federal courts.

Let me describe this, if I may, by using a photograph of a woman. This is a photograph of Mary Fish. By telling you a little about Ms. Fish, I can describe the problem that the Cobell settlement, which is in this underlying legislation, attempts to address.

Mary Fish died a few years ago. Mary Fish was an Oklahoma Indian. She lived in a very small, humble house with 40 acres. There were six oil wells on her land that had been pumping Oklahoma sweet crude for years. Even with all of these oil wells pumping on Mary's land, she made only a few dollars a year from those wells.

Why would it be the case that this woman had oil wells on her land, lived in a small, little house, had virtually nothing, and got only a few dollars from the oil wells? The problem dates back over 100 years when the Federal Government divided up Indian tribal lands, and distributed the land in trust to individual Indians, saying: We will take care of your land for you. We will manage it. We will handle it. And, by the way, we will provide you with the proceeds from leasing on the lands.

Almost as soon as this system was set up, the Indian people found that the Federal Government, and all kinds of other manipulators involved, stole from them, cheated, and looted their lands and trust accounts from those lands. The fact is, if you go back 100 years and try to reconnect the trust accounts the Federal Government said they were holding for these Indians—for grazing fees that were paid on the Indian lands, for oil that was pumped from Indian lands, for minerals, for agriculture—what you will find is this Federal Government going back all those years does not have any records, cannot reconnect, does not have the foggiest idea what happened. In addition, there were a lot of unscrupulous people who were stealing, cheating, and looting. That is why these American Indians, the first Americans—those who were here first—14 years ago filed a case in Federal court now called Cobell v. Salazar, a case against the Secretary of the Interior.

Cobell v. Salazar has languished for 14 years in the Federal court system. At long last, there has been a negotiated settlement to settle these claims that have existed for a long time. Claims of Indians being cheated by a government that, in some cases, was corrupt for over 100 years.

That settlement is in the underlying legislation. The settlement was not something the Congress did. The settlement was a settlement between the Department of the Interior, led by Secretary Salazar, and the plaintiffs, led by a woman named Elouise Cobell. Recently, the plaintiffs and the Department of the Interior reached an agreement—finally reached an agreement—to address this unbelievable set of terrible events over the last century that cheated American Indians out of what they were owed.

My colleague from Wyoming has offered an amendment to change the settlement. My colleague, Senator BARRASSO, is someone with whom I work on the Indian Affairs Committee. I am Chair; he is Vice Chair of the Committee. I have great respect for him. I do not take issue with the fact he thinks this settlement, perhaps, could be better. I don't know that. He has some ideas on how it can be changed.

The dilemma is that we are not a party to the negotiations to reach that settlement. Perhaps if the Senator would send his recommendations to the Secretary of the Interior and the plaintiffs and they sit down at a table and decide if they want to renegotiate this or decide that. Whether there are other ideas that could or should be added, perhaps that might be beneficial. But if the Congress now decides that this settlement, which is to be paid out of the United States Judgement Fund, is not something that Congress supports, that it needs to be changed, then I think this settlement will be scuttled, and we will be back in the same position we were in.

The Federal judge who watched over the negotiations that reached a settlement in the Cobell case set a deadline of 30 days and then a second deadline and then a third deadline. The Congress missed all of those deadlines—every single one. The Federal judge a few weeks ago said: I would like to call Members of Congress down to my court to find out what on Earth they are doing, what is going on. Why can this settlement not get approved by Congress, because after 14 years, I think the Federal court believed a settlement agreed to by both parties was the appropriate thing to do. Despite this, Congress has missed all the deadlines.

In these proceedings we have been considering the Cobell settlement which is a part of the underlying legislation. I support that settlement. Is it perfect? I don't know. I was not a part of the negotiating team. That was the Interior Department and the plaintiffs,

the Native Americans on behalf of the plaintiffs who have been cheated over all these years.

My colleague Senator BARRASSO says the parties themselves made changes to the settlement and so they should not mind a few more changes by the Congress. The difference is who makes the changes. The party to a settlement can make changes by agreement of the parties. But if Congress makes changes unilaterally, of course, then Congress risks voiding the entire settlement, which I fear would be the case.

Senator BARRASSO's amendment would change the settlement and I think risk sending these parties back into endless litigation that has gone on now for 14 years. I do not think anybody wants that.

Senator BARRASSO has said his proposed changes are within the framework of the settlement. But the administration, Secretary Salazar, and others have already sent a letter to the Congress saying it believes these changes are material and would, therefore, void the settlement. I do not think any of us would want that to happen.

My colleague Senator BARRASSO has not said the settlement is unreasonable or unjust, only that he wants to improve the settlement. With great respect to my colleague—and I do like him, and we work together well on a lot of issues—I believe now is not the time to decide after 14 years that this settlement needs improvement.

If the changes are within the framework of the settlement, my recommendation is that he meet with the parties who were at the table and reached this settlement. If they believe his ideas have some merit, maybe some of them will find their way into the settlement. The Congress was not a party to that settlement and should not make unilateral changes.

I hope very much we can finally resolve more than a century of theft and mismanagement through this settlement. When I talked about looting, stealing, cheating, and theft, I understand that. I said that deliberately. That is exactly what has happened. Even worse has been the unbelievable mismanagement of those funds that cheated a whole lot of people.

This is a photograph, as I indicated, of Mary Fish. I said she had six oil wells on her land. She lived in a humble little house and got a couple dollars from them. Somebody else got the money. Who got the money? What happened to the money from the oil wells on this woman's land that led her to die before she had a chance to lead a good life, to have the resources that should have been hers?

I have another photograph, this woman's name is Susan White Calf. She is from the Blackfeet tribe. She is a Blackfeet Indian. She passed away in November of 2007. This picture was in

2001. She took this picture with her grandchildren.

Mr. President, 2001, by the way, was the same year that the Federal courts found that the Federal Government had broken its trust responsibility to the American Indians by this unbelievable mismanagement of Indian trust funds. The Federal Government said: Trust us. We will take care of your funds. We will take care of your assets. Trust us. The fact is, unbelievable mismanagement, some theft, and some looting occurred.

Six years later after 2001, 6 years after the courts found that the Federal Government had broken its trust responsibility to American Indians, Susie died, still waiting to get the money that was owed her for grazing leases on land she owned. This is money that Susie White Calf should have had during her life but did not because the Federal Government dropped the ball, was guilty of unbelievable mismanagement. This problem of mismanagement goes back well into the 1800s.

When you read the stories of how the Indians were cheated and the federal mismanagement, and then take a look at where the records were being stored. It is unbelievable. You cannot even reconstruct the records that were stored in rat-infested warehouses. You cannot find some records, and you find others in rat-infested warehouses.

I ask unanimous consent to proceed for as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I will not speak long. Let me continue and finish.

When the historic accomplishment occurred of settling this lawsuit after 14 years between the Federal Government and the plaintiffs, when that historic agreement was reached, I was hopeful the Congress would move very quickly and provide the resources, from the Settlement Fund, that are available to make this settlement work.

I hope very much, if there is a vote—I don't know there will be a vote on the Barrasso amendment, I hope very much my colleagues will oppose it.

I say to Senator BARRASSO that the ideas, recommendations, and thoughts he has about this settlement should be presented to both sides who negotiated the settlement. In fact, if Congress were to unilaterally make changes, I think it would void the settlement. Void it after 14 long years and a lot of important work that would culminate in a settlement that plaintiffs have been waiting for and plaintiffs well deserve.

I urge my colleagues, as the Administration has urged, let us not unilaterally go outside the settlement that has been structured and negotiated. Let's

decide to do what I believe Congress has a responsibility to do.

The longer this drags out, the more the American people see what was done to American Indians, the more people see how badly some of these people were cheated. Yes, this woman, who never got her money and died long before that money was ever available. Yes, this woman, who lived humbly all her life with six oil wells on her land and got virtually nothing from it. Do we have to continue to talk about these issues, or should we settle this and do what the Federal Government should do: own up to its responsibility, say we have done wrong here, say we will fix it now, say the trust accounts are going to work the way they should work. But to recompense for past mistakes and for money that was not given to the first Americans that the Federal Government promised would be theirs, that belonged to them, came from their lands, let's not interrupt that with an amendment on the floor of the Senate on this legislation. Let us instead decide we will ratify this agreement and put this behind us.

It is a very sad, sorry chapter in the history of this government in the way they have treated American Indians.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the previous order regarding debate be extended to 1 p.m. under the same conditions, and limited.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RESTORING MARKET CREDIBILITY

Mr. KAUFMAN. Mr. President, I have always believed—and I have spoken many times on the Senate floor—that the two most important things that make America great are democracy and free capital markets.

But over the last year, as many of my colleagues are aware, I have become deeply concerned that the credibility of our stock markets—one of our Nation's most precious national treasures—can no longer be taken for granted.

On May 6, when the markets yo-yoed up and down, plunging 573 points in a mere 5 minutes before recovering 543 points in the next 90 seconds—it was nothing less than an embarrassment.

The strength of our stock market depends on its ability to establish an accurate price for a company's fundamental value that reflects a consensus among buyers and sellers at any given moment.

In that capacity, the markets failed, in fact they spectacularly failed, for a harrowing 20-minute time period.

In the aftermath of May 6, the integrity of our markets has been questioned, and investor confidence has been shaken.

In order to restore market credibility and instill confidence among the investing public, regulators and lawmakers alike must act wisely but urgently to fix the structural schisms that plague today's capital markets.

That is why I am encouraged, and relieved, that Mary Schapiro, the Chairman of the Securities and Exchange Commission, clearly understands what is at stake.

Testifying before the Senate Subcommittee for Securities, Insurance, and Investment on May 20, she said:

I believe the markets exist for public companies to raise capital, to build businesses, and create jobs, and they exist for investors to support that activity. And those are the number one and number two purposes of markets. And everything else from my perspective has to be put into the context of those two goals.

At a panel last week in Montreal at the International Organization of Securities Commissions, Chairman Schapiro reiterated that point, saying the SEC needs to . . .

[E]xplore whether bids and orders should be regulated on speed so there is less incentive to engage in this microsecond arms race that might undermine long-term investors and the market's capital-formation function. The markets have to serve that function for companies to raise money, create jobs and allow the economy to grow . . . We are also looking at whether and to what extent pre-trade price discovery is impaired by the diversion of desirable, marketable order flow from public markets to dark pools.

I couldn't agree more with Chairman Schapiro.

May 6 made clear what many have long claimed: today's overly-fragmented marketplace, which seems to favor speed over substance, and trading over investing, may be inhibiting the capital-formation process and failing to protect the interests of long-term investors.

If that is the case, then regulatory action is needed urgently.

Simply put, do stock prices adequately reflect the economics of the companies they represent?

On May 6, when liquidity vanished and established companies like Accenture traded briefly for a penny a share, the answer to the question of whether our markets are performing their central function was clearly no.

But rather than an aberration, it appears that the May 6 flash crash was no isolated event.

On June 2, we saw yet another "mini-flash crash" in the stock of Diebold, a technological services company.

Prior to 12:22 p.m. that day, Diebold had traded at around \$28 per share and within a range of roughly 80 cents.

In the next minute, the rug was swept out from under Diebold as 399,000 shares were traded and Diebold's stock price plunged 35 percent to \$18.

By 12:40, Diebold was once again trading at \$28 per share.

The sudden decline in price appeared to be in response to news of Diebold's settlement with the SEC over fraudulent accounting practices, which Bloomberg began reporting at 12:25 and Diebold confirmed with a press release a little more than an hour later.

The SEC should investigate both the manner in which the news broke and the trading activity that followed it.

In the aftermath of the extreme plunge, questions have been raised concerning the manner in which the SEC filed the complaint, which data feeds first reported it, and the electronic overreaction to the news—all of which suggest that the severe volatility in Diebold could have been largely avoided altogether.

The SEC was actually resolving an old investigation with Diebold, the settlement of which had been previously disclosed, and not making any new accusations against the company.

But when word of the complaint reached Bloomberg or other sources, it led to a "trigger" that potentially activated algorithms programmed to react immediately to breaking news. This may explain why trading activity in Diebold exploded shortly before the story broke publicly.

Notably, the SEC filed the complaint manually at the U.S. Federal District Court in DC during market hours rather than using the Public Access to Court Electronic Records—PACER—filing system.

Mr. President, regulators should add to their list the need to examine whether the precipitous drop in Diebold stock was the result of high frequency traders who can subscribe directly to market data and news feeds and perhaps had programmed faulty correlations into their algorithms to react to breaking news events.

Indeed, with so much of the marketplace dominated by high frequency traders employing similar strategies, an overreaction by a few algorithms looking to trade instantaneously on the basis of imprecise correlations could trigger a dramatic plunge.

While the algorithms' calculations may be accurate "most of the time," the chaos that ensues when they are not inexcusably undermines investor confidence.

In the Diebold case, once the algorithmic overreaction became clear, humans with actual knowledge of Diebold's true fundamentals quickly intervened. It is no surprise, then, that the stock price rebounded so quickly.

Though volatility has always been present in the markets, we see that without human judgment the speed of trading can indeed lead to very brief "bungee jumps" for individual stocks whenever there is a significant news event.

At the same time, regulators should also consider whether the extreme vol-

atility in Diebold's stock is yet another example of sell orders breaking through a "razor-thin crust" of liquidity provided by high-frequency traders.

As we saw on May 6, the high-frequency traders who fill the order books on many market centers provide only "fleeting" liquidity, particularly in periods of market stress or uncertainty.

This is because many high frequency traders prefer to continuously place and cancel small, rapid-fire orders rather than risk letting their orders sit on public venues where they would increase order book depth and promote orderly markets.

Regardless of what caused Diebold's "bungee jump" or the May 6 market meltdown, we should all agree that such unusual market activity strikes at the very heart of our market's credibility.

Even if the SEC's circuit breaker pilot program—which would halt trading for 5 minutes in any S&P 500 stock that experiences a 10 percent price change in the previous 5 minutes—were in place, market and stop-loss orders would still remain vulnerable to a 10 percent insta-drop.

This situation undermines the confidence of long-term investors.

Mr. President, the Diebold incident and other factors from May 6 make me concerned about what our markets have become.

According to a research group survey of 145 market participants conducted in the weeks following May 6, I am not alone.

The Executive Summary of the survey results states overall investor confidence in the existing market structure is waning.

The summary says:

Barely half of all participants have at least a high degree of confidence in U.S. equity market structure; The buy side has the least confidence in U.S. equity market structure. This is particularly demoralizing given they are the guardians over much of our nation's equity investments; Participants no longer believe market structure strongly supports an orderly market; Increasingly, market participants believe that the U.S. equity market structure is not a level playing field.

These results underscore how critical it is for regulators to address problems with the current market structure in order to restore investor confidence and protect the strength and credibility of our capital markets.

Sadly, Mr. President, the fact is that we simply do not have the data we need to assess fully the impact of market structure changes on long-term investors.

Indeed, regulators currently lack sufficient information on the routing history of orders—including those that may go through broker-dealer internalization venues, other dark pools, and multiple exchanges and ECNs before being executed.

The SEC also acknowledges it does not have: "important information on

the time of the trade or the identity of the customer.”

As Kevin Cronin, the director of Global Equity Trading at Invesco, a retail and institutional investment fund, said at a June 2 SEC Roundtable:

There are dimensions of cost that today we do not have the ability to really understand.

Accordingly, I have pushed for the SEC to quickly implement tagging for large traders and a consolidated audit trail in order to gain a more granular view of the marketplace.

Once the Commission has collected the data, it should improve its internal analytical capabilities while also making the data available in masked form to the public, or at least academics and independent analysts, so that objective experts can study market performance comprehensively.

I admit there are no easy solutions, Mr. President, but we need to strive to answer the difficult questions or millions of Americans will eventually lose confidence in our markets and leave what is already starting to look like a “casino.”

In that regard, Chairman Schapiro again appears to be on the right track. Regulators must consider, as she said, whether high frequency traders should be subject to speed limits and whether deep and valuable liquidity is being shielded from the public marketplace.

Our markets should not be reduced to a battle of algorithms in which capital formation is an afterthought and long-term investors are relegated to second-tier status, nor should the public “lit” markets house only “exhaust” order flow that is passed over by those who trade in dark pools.

Perhaps high-frequency traders who claim to be “modern-day market-makers” should be subject to some quoting obligations like their traditional market-maker predecessors.

Setting reasonable speed limits on how quickly such traders can withdraw their bids and offers, as Chairman Schapiro alluded to last week, could help level the playing field and make the markets safer and more stable for all investors.

I have also proposed requiring exchanges and market centers to allocate costs at least partially based on message traffic share.

Cancellations, of course, are not inherently bad—they can enhance liquidity by affording automated traders greater flexibility when posting quotes.

But with as many as 98 percent of orders placed on Nasdaq cancelled or otherwise unexecuted on a given trading day, their use is clearly excessive.

Those who choke the system with cancellations make the markets less efficient for investors. And they should pay the price for the inefficiencies they create.

Exchanges cater to high frequency traders in a variety of ways, by electing not to charge them for high can-

cellation rates, and providing co-location services for their computers right next to the exchanges’ own servers.

Fortunately, co-location and direct market data feeds appear to be on the regulatory radar—the CFTC proposed a rule last week to ensure exchanges provide “fair access” for, and increased transparency of, co-location services.

But new practices that further threaten market integrity have recently come to light.

Several market participants, including institutional investment adviser Southeastern Asset Management, have said exchanges are releasing private information on investor orders, including details on the total shares an investor has accumulated and other data that could be used by high-frequency traders to trade ahead of investor orders.

It is important to remember that these potentially disadvantaged institutional orders represent the tens of millions of Americans who invest in mutual, pension, and retirement funds.

These market practices, among many others, underscore how critical it is for regulators to keep pace with market developments. The May 6 flash crash and the miniflash crash in Diebold a month later have sounded the alarm that the very credibility of our market is at stake. While regulators must continue to rely on data to drive the rule-making process and be mindful of unintended consequences, they cannot delay in tackling the problems that leave us vulnerable to another flash crash today.

As an engineer and a graduate of Wharton Business School, I understand and appreciate as much as anyone the importance of innovation and technological development. I want to make it clear I am not interested in banning high frequency trading or dark pools, nor am I advocating a return to the horse-and-buggy system. But new technologies must operate in a regulatory framework that considers both positive and negative consequences. If the public marketplace has been reduced to a battle of algorithms in which liquidity is fleeting and inaccessible when investors need it the most, and if the deep liquidity that is so critical to establishing accurate prices—particularly during times of market stress—is largely traded in dark pools, that must be carefully but urgently remedied.

As John Wooden, the legendary UCLA basketball coach who passed away 2 weeks ago, used to say, “Be quick, but don’t hurry.”

Be quick, don’t hurry.

The SEC and CFTC must adopt the same philosophy as they confront the great challenges before them.

“Be quick, but don’t hurry.”

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the time used during the quorum call be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I understand the time has been divided during this debate until 1 o’clock. Can I learn how much time is available on our side?

The PRESIDING OFFICER. The majority has 15 minutes remaining.

#### GULF OILSPILL

Mr. DORGAN. Mr. President, I want to discuss briefly the President’s remarks last evening to the Nation about the oil spill in the Gulf of Mexico and the actions that this administration has been doing to address that. I would also like to discuss issues related to BP, the company that leased the area offshore and drilled the exploratory well which exploded in the gulf.

First of all, I know there is a great deal of anxiety, nervousness and anger about all this. I understand all that because all of us are frustrated that the oil continues to flow. It is a mile down beneath the surface of the water, which is known as a deepwater well. All of us are frustrated that this spill has not been contained. But the President did not cause that spill, and the President himself cannot fix it.

I do know this though. The Secretary of the Interior, the Secretary of Energy, and many other senior administration officials have brought together the best minds in the world as a team to try to evaluate what kinds of technologies and actions that can be used to fix that leak and stop that gusher. They have consulted many experts. They have consulted the Norwegians who drill in the North Sea in deepwater drilling. They have consulted with many interests. While it is not a case where they have not done everything conceivable to shut down that spill, and I think, as the President suggested last evening, we are beginning to make some good progress.

Then the next issue is how do you deal with the impact on the coastal regions in the Gulf of Mexico. This is unbelievably devastating to these States. How do you deal with that? As I have indicated, what about the guy who has

a fishing boat on the pier. The pier is deserted. The boat sits at the end of the pier. There is no opportunity to fish.

And that person has to make a payment on the boat each month. What about that person and what about the tens of thousands of others like him? What about the ecological and environmental damage that has been caused as well? All of those issues are critically important.

I appreciate the fact that the President gave a speech to the Nation. I think it was important to do that. I also appreciate the fact that this administration was on this very quickly. But it is frustrating for them and for all of us that the leak from that well has not been stopped.

I do want to mention the issue of BP because the President mentioned it last night, and we have talked about it before. BP has said they will stand behind all legitimate claims and reimburse people for those impacts. I said last week—and I know the President has also now said it as well. It is one thing to make a pledge but another to follow through on a commitment. We have heard about pledges before. In the Exxon Valdez disaster, Exxon made a pledge to pay for the economic and other damages but then fought it for 20 years. A whole lot of folks died before they saw the result of what they were promised. So pledges are one thing. I want a binding commitment from the responsible party. If BP says they are going to stand behind this—if they do not stand behind this, the taxpayers will eventually end up picking up the tab. So the issue is, if BP says: We pledge this, I say that is fine, let's make it a binding commitment. Put the money in a recovery fund. You can call it what you want—a trust fund, an escrow account, a recovery fund. Put the money in there so we know it will be available for use to those who have been impacted. I also think that there needs to be some sort of special master work to find a mechanism by which you begin to get the money out to the people who are hurting. That is what needs to be done.

There is debate about whether BP should pay a dividend to its shareholders that it announced several weeks ago. Of course they should not pay a dividend. There ought to be no dividend at this point. They need to have the money available to recompense all of the damages for all of the people and all the natural resource damages that have occurred as a result of this devastating gusher a mile under the ocean. So I don't want them to pay a dividend. They shouldn't be talking about a dividend. All of the discussion ought to be about how much money you put in this recovery fund.

Thad Allen has written to BP saying: How about some more transparency in how your are making decisions to com-

pensate communities and individuals? I know BP has paid some funding to people, but Thad Allen has said: How about some increasing transparency? Let's find out what you are paying, whom you are paying, how you are paying. What is the criteria? How about some transparency here? We shouldn't have to be asking those questions. The money ought to be put in a fund, and that fund ought to be administered by people who are putting together the criteria by which we address the problems that are being confronted by people all up and down the Gulf Coast. That is what ought to happen.

Another company that is responsible here is Transocean. By the way, Transocean was the company who BP leased the mobile offshore drilling unit from, and they were drilling under contract for BP. They are going to have some responsibility as well, I expect.

Let me give you a description here because it is so symbolic of what is happening too often in this country. Transocean was an American headquartered company, but they moved to Switzerland not too long ago. Why did they move to Switzerland? I assume so they do not have to pay American taxes. Go find a tax haven so you do not have pay taxes to the United States. So they have, as I understand it, about 1,200 employees working in Houston, TX, and about 12 employees in Switzerland. Yet they declare Switzerland their headquarters.

They had a meeting in Switzerland some weeks ago and decided they were going to pay a \$1 billion dividend to their shareholders. They ought not be paying dividends either. They, too, ought to keep this funding available in case it is needed—when it is needed—to be helpful to the people on the Gulf Coast who are seeing these unbelievable impacts. So they ought not be paying dividends at all.

Again, we should be asking questions about Transocean. Is it a big company that should have some liability here? I guess so. It operates 140 mobile offshore drilling units. It is the world's largest offshore drilling contractor. But again I say, as I have said before, why is it that when you pull the pages back and unearth the story, you discover, that this is a company that moved its headquarters for tax purposes? They first went to the Cayman Islands and then went to Switzerland. Yet, hey have a handful of people in Switzerland and most of the people in Texas. Why does it not want to be an American company? I guess to avoid paying U.S. taxes. Why is it that all these companies want the opportunity to utilize all that our country has to offer but none of the obligations to the country? It is unbelievable, to me.

But with respect to dividends, I say to BP and Transocean: Don't be doing that. You are going to need that money.

Let's make a binding commitment—no more pledges. That old movie, "Jerry McGuire," where Cuba Gooding, Jr., says, "Show me the money"—show me the money. Let's have that money go from a pledge to a binding commitment in a recovery fund, and that will give a whole lot of folks who are hurting today some feeling that maybe, just maybe, they are going to get helped.

I also wanted to make a couple of other points about how the Senate addresses energy and climate change legislation.

Last evening, the President talked about the need for Congress to take up energy legislation. I agree with that. The fact is, we passed an energy bill out of the Energy Committee last June. I want to debate and vote on it on the floor of the Senate.

There are all of these questions about energy versus climate change. Look, the Energy bill we passed will maximize the production of renewable energy. It will help build the transmission lines, the interstate highway of transmission capability, around our country that is necessary so that you can produce energy where the Sun shines and the wind blows and move it to the load centers where it is needed. It can help do all of these things. It includes provisions for building efficiency and retrofits. It does a lot of things to reduce carbon.

I guess my approach to energy is best described—and I didn't take Latin in a high school of nine students in my senior class. But I call my approach "totus porkus," which probably in Latin would mean something like "whole hog." I think we ought to do everything. Let's do everything and do it well. Let's responsibly produce more oil and gas here and do it the right way. Let's maximize wind, solar and other renewable resources. Let's have the first ever renewable energy standard that says we anticipate that 20 percent. We need to get 20 percent of all of the electricity produced from renewable sources. Let's support biomass and more biofuels. Let's do all of those things and do them well, even as we do them differently, including using coal by capturing the carbon.

By the way, there are a lot of ways to do that. Sandia National Laboratories is working on ways to change the way we think about CO<sub>2</sub>. Yes, CO<sub>2</sub> is a major problem, but it can also be a product. Why don't you think of this not just as a problem but a product? What kind of beneficial use can you develop with CO<sub>2</sub> that turns a problem into an asset?

I chair the subcommittee on appropriations that funds the energy research and development for the Department of Energy. We are doing a lot of unbelievable things that take a look at beneficial use of CO<sub>2</sub>. Even as we reduce the emissions into the atmosphere

to try to protect this planet, we can find ways to use CO<sub>2</sub> in a beneficial way and protect our planet.

My point is this about taking up legislation: Some say, well, you have to bring climate change to the floor of the Senate right now. Look, I don't think there are 60 votes for a climate change bill. But if that is the case, we will see. But at this point, we do know we have a bipartisan bill on energy legislation from the Senate Energy Committee does all of the right things. We ought to try to reduce our dependency on foreign oil and do that soon. We can do that by bringing the Energy bill we have already passed on a bipartisan basis to the floor of the Senate—the sooner the better, in my judgment.

I know we are short of time. I know Senator REID and others—

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. DORGAN. We have all talked about the prospects of debating energy legislation and want to do the right thing. I hope, as the President indicated last night, the right thing is to pass good, comprehensive energy legislation that will make us less dependant on foreign oil and begin to address climate change at the same time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### GULF OILSPILL

Ms. LANDRIEU. I rise today for the purposes of giving some context and commenting in response to the President's speech last night as well as to some of my colleagues who have spoken on the need for a comprehensive energy policy as we move forward. But I would like to begin by just reminding us all that today is the 57th day of what may prove to be one of the most damaging environmental accidents in our Nation's history.

Fifty-seven days ago, the tragic explosion of the Deepwater Horizon took the lives of 11 men and unleashed an uncontrolled and uncontrollable, to date, torrent of oil and gas into the Gulf of Mexico. It threatens our environment, and it threatens our economy and the wetlands that underpin a way of life, a precious way of life in the gulf region.

I have had the—I guess unfortunate opportunity to spend some time with the widows. And I say "unfortunate" because I wish I could have met them under different circumstances. But to hear their remembrances of their husbands, to hear the way they expressed to me the heartfelt commitment their spouses had to this industry and to their work and their call for this work to be more safe, for companies to be held accountable, but also their call—

which I think serves as real testimony on their behalf to the American people—their call for this deepwater industry to continue, was very moving to me and to all people who I think have had the opportunity to meet these young and very impressive women. I was proud to introduce the Senate resolution honoring these men and their families. I wish to thank my colleagues for agreeing to this resolution unanimously.

But today I wanted to speak on three important issues relative to this general situation: one, the need for better safety regulations and improvements at MMS; the other, the impacts of this moratoria; and the call for accelerated revenue sharing and an accelerated claims process. First, let me begin with the need for better safety regulations.

There are more than 300,000 men and women who work in the oil and gas industry in Louisiana alone. There are a significant number of them who work offshore and directly support both the offshore and onshore industry. The offshore crewmen know this work can be dangerous. They go through a variety of safety drills and regulations routinely. And we owe it to them to make sure these activities are safer in the future. For this reason, I have fully supported a thorough review of offshore drilling safety standards and have applauded the Department, and particularly Secretary Ken Salazar, for his willingness to clean house at the Minerals Management Service.

This tragedy brought to light an unhealthy relationship that has existed, unfortunately for many years, between the oil industry and the Federal regulators who are called to regulate them, to make sure this industry is safe. That must be changed. The regulators did not have the resources to push back. They did not have the expertise.

We in Congress bear some responsibility for that. And that did not start under President Obama's administration, but it should end under President Obama's administration. This Congress systematically undermanned and underfunded this important agency by not giving it the appropriate attention it needs, and it is our responsibility to fix it.

I look forward to meeting with the man whom the President has appointed or nominated to head MMS. I will be making my own independent decision of whether he is the right person for this position. Until I meet him and talk with him and understand a little bit more about him, I will reserve my judgment.

We need a Minerals Management Service that is to be a proud, competent, and respected industry watchdog. We need the watchdog back. We need the cop back on the beat if we are to ensure that an accident of this magnitude never happens again off our

shores. As I have said, Minerals Management—many of these employees are my constituents. One of their main offices is in Metairie, LA. I have been there. I have met many of them, and they are some very good people. But they need to be well managed. They need to be well led. They need to be given the resources they need to do the job they can do if that happens.

The Coast Guard also has a role to play. We should strengthen the Coast Guard's role and make sure that between Interior and the Coast Guard, they are getting the job done for the American people.

Nobody in the country wants this job done better, nobody wants this industry more safe than the people from Louisiana and Mississippi and Alabama and Texas who man these rigs, although, as you know, when you were with me, Mr. President, some of our people said to you in the meeting just last week: We were grateful for the men from Illinois who came down to work on these rigs. So we want people to know we have people from all over the country, from Illinois and Maine who come and do shifts 2 weeks offshore, make a good living for their family, support their families for years. We want it to be safe for everyone.

So I applaud the President and Secretary Salazar for getting MMS back on the right track. That work needs to be done. As I said, the cop needs to be put back on the beat.

Let me speak for a few minutes, though, about this ill-conceived and arbitrary 6-month moratorium. The effort the President is making to ensure this terrible tragedy never happens again is commendable. It is beyond aggravating. It is disgusting. It angers us so much to see the terrible tragedy unfolding on our televisions and to open newspapers across the land and see the most horrific pictures of wildlife being affected, of dolphins and pelicans and birds, precious places to us that we not only work but vacation with our families for many years.

It is very hard to look at those pictures. Americans are suffering through this as we watch this horror movie unfold. But what the President has done could cause even more economic damage than the spill itself, by putting a 6-month moratorium on all rigs drilling below 500 feet.

I know we have to make sure these 33 floating rigs that drill in deep water and the other standard platforms that drill between 500 and 1,000 feet are safe. But I wish to say unequivocally and with the support of the vast majority of the people of my State and throughout the gulf, 6 months is too long. The deepwater industry cannot survive in the gulf with a 6-month pause. This work has to be done more quickly. The commission was announced last month. It was just seated a few days ago. The

work is just beginning. There doesn't seem to be a sense of urgency. We need a greater sense of urgency to get this work done.

I was pleased to hear the President say he has urged them to get their work done before the 6-month timeframe. That was a slight step in the right direction. But this work has to be done in a much shorter period than 6 months. These rigs will not stay in the gulf for 6 months idling at a cost of \$500,000 a day. They can't be fiduciarily responsible to their investors and do that. They have to move to where they can drill. So they will. We have already received signals they will simply pick up and move off the coast of Africa or Brazil or Cuba or other places—Venezuela—to drill. They can't sit idly in the gulf. We have to figure out a way to make sure they are safe, that this never happens again, and make sure they don't leave. That is the challenge before this administration in the next couple of days and weeks, starting with a meeting I will have with Secretary Salazar this afternoon with a broad coalition of leaders, both from the private sector and the public sector, who are committed to keeping the economy of the gulf coast strong. We have to find a way forward that is somewhere between doing nothing and having all of these rigs leave and not come back for several years. That is one of the points on the moratorium.

Second, I wish to ask the President for his personal support and the support of this body to accelerate revenue sharing, or to accelerate revenue sharing to accelerate a large stream of revenue that is reliable for the Gulf Coast States to be able to rebuild our barrier islands, to rebuild our coast, to sustain this economy and this ecology and this environment over the long run so we can produce the oil and gas this country desperately needs.

Even though this Horizon accident happened 57 days ago, 57 days ago this country was using 20 billion barrels of oil a day. Today, 57 days later, 11 lives lost, the rig at the bottom of the ocean, we are still using 20 billion barrels a day. The President did not say to people last night to park their cars and walk to work. He didn't say that. I didn't hear him say that.

We have to understand we have to continue to drill for oil and gas. But when we drill for oil and gas, the taxes that are paid to the Federal Government and have been paid over the years to the tune of \$165 billion to the Federal Government from severances and royalties, that some of that money come back to the States of Louisiana, Mississippi, Alabama, Texas, and, yes, even Florida, in my view, even if they decide not to drill. They are at risk. They are at the front line. We are not the only coastal States, but we are the frontline coastal States. Those revenues need to come back to us.

We passed a bill some years ago, a bill I worked on for 15 years, called the Landrieu-Domenici Gulf of Mexico Energy Security Act. That bill is in effect. But because of concerns about the deficit, because of a lack of understanding of the urgency by this Congress and past Congresses, that money doesn't come to us until 2017. We can see that is too late. We can see it with our own eyes. We can feel it with our own heart. We can see it is too late now. We needed that money 20 years ago. We needed it 5 years ago. We need it today.

For any energy bill to pass, with all due respect to my good friend, BYRON DORGAN; with all due respect to Senators who have been leading this energy effort, there will be no energy bill. The gulf coast Senators will not allow it. There will be no energy bill of any magnitude without recognizing the vital need for these Gulf Coast States to share appropriately, as interior States share the revenues for drilling. Interior States such as New Mexico, Wyoming, Utah keep 50 percent of the taxes. So the State of Wyoming last year got \$1 billion. We could clean up a lot of pelicans with \$1 billion. Louisiana got virtually nothing.

Our people are on the front line with oil washing up to their knees, and this Congress basically keeps 100 percent of the money. Those days are over. We are going to have some kind of accelerated revenue sharing in any energy bill. Gulf coast Senators will not allow a bill to pass this floor without something we believe is fair to our people.

The third issue I wish to speak to the President about and to the Congress—and the President mentioned it last night, and I am grateful—is an accelerated claims process. These claims are going to be different than any kind of claim process that has been paid, maybe similar to what happened after Katrina and Rita, as Mississippi and Louisiana and Alabama struggled with how to make people whole. This is going to be a complicated and difficult situation. We have workers who can't work, who were used to making \$500 to \$1,000 a week, pretty fairly decent wages, not great but decent. They have not been able to work for a long time.

THE PRESIDING OFFICER. The time of the Senator has expired.

Ms. LANDRIEU. I ask unanimous consent for 5 additional minutes.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, that is a modest wage and a decent wage. But it gets a lot more complicated than that. There are boat captains who were getting their business back after Katrina and Rita, recreational boat captains, fishing captains. Unlike Florida where people will come to the beach and then they will see a boat charter and they will wander onto the wharf and charter the boat, that does

not happen in Louisiana because we don't have many beaches. People call from Mexico and Canada and all over the country months in advance and charter a specific boat with a specific captain because we have some of the best fishing in the world. They come with their sons and daughters and their grandsons and granddaughters. They come down with major corporate groups and do this chartering. These companies make millions of dollars a year. They can't work either.

This claims process is going to be difficult. We have restaurants in New Orleans that are 70 miles from the gulf. They have had to either shut their doors or turn down their number of hours of operating or take things off their menus. I don't know how we will calculate the economic damage to them. This is going to be complicated.

We have hotels. We have retirees who own three or four condos. A woman came up to me and said: MARY, my mother is not a business person. She is a retiree. She owns a couple of condos in Florida. That is her retirement income. She rents out these condos. She has had all cancellations this summer. What am I going to do for her?

That is a good question. She will file a claim.

From retirees with condos they rent out to supplement their incomes to fishing boat captains to hotels to restaurants and to the workers themselves, I am glad the President is taking the bull by the horns with this claims process. I hope he is having a frank discussion with Tony Hayward at his office today about that to make sure we don't have one bankruptcy, that we don't have one business, a small business or a medium-size business or a large business that goes bankrupt because of BP's gross negligence in the Gulf of Mexico. They have put the industry at risk. They have put the gulf coast at risk. That claims process needs to work. We have a great job to do ahead of us.

Those are the three points I wished to make. One, we most certainly need to move forward on a balanced energy bill. There will be no energy bill; gulf coast Senators will block anything that does not have immediate help for Gulf Coast States. Let my colleagues be on notice. We can debate the rest of the bill, how we move forward, whether we do nuclear or a portion of drilling or wind or solar. These Gulf Coast States are on the front lines, and we are going to get justice for them in the near future. We are going to accelerate and make the claims process more robust, and we are going to continue to put pressure on the White House and Secretary Salazar, respectfully, but appropriately, to say: Let's get our safety work done in the gulf. We cannot lose this industry. We cannot lose these jobs. Our economy depends on it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BINGAMAN). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. BURRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senator may proceed.

Mr. BURRIS. Mr. President, I recognize this is Republican time, and should a Republican come, I will then yield the floor to that colleague of mine.

(The remarks of Mr. BURRIS pertaining to the submission of S. Res. 559 are printed in today's RECORD under "Morning Business.")

#### GULF OILSPILL

Mr. BURRIS. Mr. President, very briefly, in terms of President Obama's speech last night on the crisis in the gulf, I just want to let it be known for the record that I support our President in that speech and every effort he has made in trying to get direction and a solution to the problems we are experiencing down on our gulf coast.

I find it disheartening and disappointing all these commentators who want to attack our President, want him to be angry, want him to act. I have no idea what they want this man to do. But I know this man is doing all he can for the people of America. I ask those commentators to get off of his back, stop attacking the President, who had nothing to do with that problem and is putting everything he has with the resources America has to solve this problem.

This has never happened before in our history. It is a problem beyond comprehension. Yet, still, these Monday morning quarterbacks sit back and criticize and bring out their undocumented types of statements about our President that I just feel emotionally disturbed about.

So I say to all Americans, this President is doing all he can to support this issue we are facing, and you have to deal with BP, you have to deal with Transocean, and you have to deal with Halliburton. Those are the ones who are responsible for this problem. Let's go after them. Make them pay. Make them deal with this and get the solution and, therefore, Americans can move forward.

Thank you, Mr. President.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. LEMIEUX. Mr. President, I come to the floor today to talk about the crisis we are having in the Gulf of Mexico and how it is impacting Florida, with the worst economic and environmental disaster in our Nation's history.

Yesterday, I had the opportunity to be with the President of the United States, along with our Governor, Congressman JEFF MILLER, and other State and local leaders, and we talked to the President about the oilspill and what needs to be done in order to mitigate the damage that is happening to Florida and the other Gulf States.

The most important thing I wanted to stress with the President of the United States is that after capping the well, which is job 1—and we have some confidence and the President reported he hopes by the end of this month at least 90 percent of the oil will be captured from the wellhead—but the next most important priority is keeping that oil from coming on shore.

Right now, there is a slick of oil that is 2 miles wide and 40 miles long. It is oil that has come up, apparently, off the bottom of the ocean. There is this "lava lamp" effect that is happening now, where the oil, depending upon the heat of the day, is sinking and rising in the ocean. This is part of that plume that British Petroleum said did not exist, and it is a darker and heavier oil than what we have seen before. This is not merely the sheen that is on the top. That oil is right off the shore of Pensacola.

We need to make sure that oil does not come ashore, does not come on our beaches, does not get into Pensacola Bay, does not go through the Perdido Pass, does not get into those wetlands and marshes. The best way we can do that is to get more skimmers off the coast of Florida.

As of yesterday, there were 32 skimmers off the coast of Florida. That is simply unacceptable. We know from Admiral Allen that there are 2,000 skimmers in the United States. I brought this point up to the President of the United States.

Maybe all of them are not available to come to Florida. But if 500 of them were available to come to the Gulf of Mexico, that would be a huge improvement. There should not be 32 skimmers off the coast of Florida; there should be hundreds of skimmers, especially with this looming threat of this oil coming ashore.

I have asked for weeks that every skimmer that is available in this country and every skimmer that is available around the world be on its way to Florida. I brought up this issue with the President and Admiral Allen. Why aren't there more skimmers? I was told

that Admiral Allen is trying to get as many as possible.

We need a sense of urgency to get those skimmers off our shores.

I asked specifically about foreign countries offering aid to bring their skimmers to Florida and the other Gulf States and I was told that we have help from foreign countries, but yesterday the State Department says that 21 offers from 17 countries to bring help to Florida and the other Gulf States have been refused. Which is it? Are they helping or are we refusing them? We have to get that communications mishap, that misunderstanding, under control. If the foreign countries want to bring their skimmers here, we should welcome them, and the other equipment they can bring to help us ameliorate this oil as it comes ashore.

I am going to stay laser focused on this. We are going to do a skimmer watch. Every day I am here, I am going to come to the floor and report to this Senate, this Congress, and the people of the United States how many skimmers are off the coast of Florida. This is something the Federal Government should do. Thirty-two skimmers sounds as though my buddies and I got some boats out there and did it. It doesn't sound like the Federal Government. The lives of the people of Florida are at stake. Their businesses, their livelihoods are at stake.

I was told by the owner of the pier in Pensacola and a lady who worked for him that people are coming to the beach in Pensacola to see the beach one last time, as if they were visiting a friend on his or her deathbed, because they don't think the beach is ever going to look the same. So they are coming with their cameras and they are bringing their children and showing them what a snow-white beach looks like because they don't think they are going to see it again.

I have had grown men—men I have known 10, 20 years of my life, professionals—come up to me with tears in their eyes worrying about what this is going to mean for Florida. Ninety percent of Floridians live within 10 miles of the coast. People move to Florida because they love the water. We have more recreational boaters and fishermen than any other State. We have more coastline than any State in the continental United States. Only Alaska surpasses us in coastline. We have more beaches than any State in the United States. Water is part of our way of life, and we need to see a more robust effort.

I am appreciative of the President on this escrow fund he has set up, and we have just gotten a report that BP is going to put \$20 billion into this escrow account. We have been asking for this since the beginning of May. I am glad the President got it done. While I don't always agree with the President, where credit is due, credit should be given,

and he should be given credit for this and getting it done. We need those dollars to pay claims. We need those dollars because Floridians are getting mixed results from BP about paying those claims. So I am appreciative of the President for taking the idea, executing it, and getting it done. Now we need to see the same attention to detail and urgency in trying to keep that oil from coming to shore, and I look forward to that.

We have failed from the beginning to understand the scope of this spill. On April 23 we thought there were 200 barrels a day leaking. On April 28 it was moved up to 5,000; May 27, 19,000; June 10, 40,000; today, 60,000 barrels a day. Sixty thousand barrels a day leaking into the Gulf of Mexico. That is 2½ million gallons per day; to date an estimated 146 million gallons. We are eclipsing the Exxon Valdez each week that goes by.

We have to stay vigilant. The President must stay involved. I hope he will come back to Florida. We are going to look for him to lead us through this. No one wants the President to succeed more than I do in this particular matter because it is the livelihood of Floridians. It is our economy and it is our environment that is at stake.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from Missouri.

Mr. BOND. Mr. President, I rise today to speak about the Thune amendment.

In a few weeks we will celebrate our Nation's birthday. I find it ironic that 234 years after our forefathers first led the fight for independence with the battle cry of "no taxation without representation," I am hearing similar protests from Missourians today. Their frustration is not only understandable, it is warranted.

Missourians and, I believe, Americans in every State across our Nation have said: No more. They have said no to runaway spending. They have said no to more big government policies. Failing to represent these views, the majority in Congress has fallen down on the job.

It is no wonder that Americans feel as though Washington is not listening since my friends on the other side of the aisle are asking us to ignore our Nation's \$13 trillion debt, the largest in our Nation's history, and pass a bill that would add nearly another \$79 billion to the deficit.

But there is a better way. There is a more responsible way. My colleague from South Dakota, Senator THUNE, has offered a substitute amendment that is paid for—paid for—cuts the deficit by \$68 billion, and includes all the major priorities agreed to on a bipartisan basis by Democrats and Republicans.

In the Thune substitute, of which I am a proud cosponsor, we have a real

opportunity to show the American people that we in Washington are listening. We have an opportunity to show the American people we are serious about addressing the most severe financial crisis this country has ever faced, and we have an opportunity for a rare moment of bipartisanship which, in recent years, has become all too uncommon in this body.

As does the proposal from Senator BAUCUS, the Republican alternative extends expiring unemployment benefits for struggling families until November; and as does the Baucus bill, the Republican alternative extends tax breaks to small businesses which they so desperately need to get back on their feet and start creating jobs. We need to assure them the longstanding tax benefits they depend on will continue.

However, unlike the Baucus bill which the majority is using as a vehicle to increase taxes permanently, increase spending and increase the deficit, the Republican alternative cuts taxes even more by an additional \$26 billion, cuts spending by over \$100 billion and, according to the Congressional Budget Office, reduces—reduces—the deficit by \$68 billion, instead of increasing it.

The Thune amendment also stops the cuts to doctors and provides a 2-percent increase in Medicare reimbursement payments that go to doctors this year, and an additional 2 percent in 2011 and 2012. That is one more year than the doc fix in the Baucus bill, and it is actually paid for, not put on our children's credit cards.

I have heard from doctors across Missouri and they can no longer face the devastating cuts that threaten their livelihood and threaten our seniors' access to care. They are telling me they are going to have to stop taking Medicare patients, because the way Medicare is implemented now, they only get 80 percent of what it costs them to provide the service and they are saying, We just can't cut any more—we can't take any more Medicare patients. Hospitals are saying the same thing. That is before the half trillion dollar cut in Medicare reimbursement comes in. It perplexes me that the majority has not addressed that problem in what they told us was a comprehensive health care law.

Something else that was largely left out of the new health care bill was malpractice reform. The Thune amendment corrects this oversight and enacts comprehensive medical malpractice reform that will save up to \$49 billion over 10 years.

My friend from Montana, Senator BAUCUS, takes the opposite approach. The bill he and the majority leader are asking us to support increases spending by \$126 billion, including over \$70 billion in new and permanent tax increases, and will increase the deficit by \$79 billion over the next 10 years. The

Baucus-Reid bill is exactly the kind of approach that history has shown us won't work and the American people have told us they don't want.

The American people have had it with Washington-gone-wild policies. They have had enough of the spending, the tax increases, the debt, the bailouts, the big government job-killing policies that have been pushed through Congress and have been supported by the administration. Today, the Republican alternative offers the majority an opportunity to reverse course, to end the out-of-control spending and get serious about fiscal responsibility.

When facing a crisis, words mean very little. To say you are concerned about the debt while voting to increase it means very little to our children and grandchildren who will have that bill on their credit cards and will have to foot the bill in the future. As the old country and western song goes: We need a little less talk and a lot more action. The Thune amendment offers us a real chance to bring sanity back to Washington policies and for Members of this body to show the American people they are serious about meeting needs while also addressing our growing deficit.

I urge my colleagues to join me in supporting the Thune amendment and, after months of ignoring them, finally demonstrate to the American people that, yes, we are listening to them, we are concerned, we are going to do something about the debt, the deficit, and the other problems this country faces.

Mr. President, I yield the floor.

## RECESS

Mr. BOND. Mr. President, I ask unanimous consent that the Senate stand in recess.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 12:56 p.m., recessed, and reassembled when called to order by the Acting President pro tempore.

## AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010—Continued

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of debate only until 3:30 p.m., with no amendments or motions in order during this time, and that the time be equally divided and controlled between the leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each, and that the order for recognition for Senator BAUCUS remain in effect.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. CARDIN. Mr. President, before I suggest the absence of a quorum, I ask that the time be equally divided between the majority and the minority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, the Senate will soon vote on the American Jobs Act—a critical bill that would create jobs and help expand small businesses. It would close the tax loopholes that allow far too many large corporations to move jobs overseas. In doing so, it would establish, conversely, tax incentives for American small businesses so they can create jobs in America. We have seen for too many years—and the Presiding Officer, in New Mexico, has seen too many jobs in Albuquerque, Santa Fe, as I have in Cleveland and other cities, move overseas because of trade agreements and bad tax law.

The Senate, we hope, is close to voting on extending unemployment insurance and COBRA subsidies through the extenders bill. Far too many Republicans seem to look at unemployment insurance as welfare. Unemployment insurance is what it is called—insurance. When you have a job, you pay into the unemployment fund. When you are laid off through no fault of your own, you can receive help from that insurance fund. It is as simple as that.

We cannot forget why we are in this untenable position of needing to help small businesses and workers and strengthen the public programs that help Americans find new jobs. We are here because of reckless Wall Street practices brought on by unprecedented greed that has created a crippling recession.

I rise to discuss the Wall Street reform bill, as it is now being negotiated in the conference committee, for a few moments.

Last week, David Wessel noted in the Wall Street Journal—the paper of record for finance, if you will—that when surveyed by the newspaper, leading economists suggested the prevailing belief that the Senate bill didn't go far enough to address the issue of banks being too big to fail.

During the Senate debate, I put forward a proposal with Senator KAUF-

MAN, of Delaware, that would have addressed the problem by capping the size of megabanks.

Evidence backs up what has been abundantly clear in the last 2 years: Megabanks pose a greater risk and threat to our economy than smaller ones because of the heightened volatility of their assets and activities. Only 15 years ago, the largest six banks in the United States—their total assets were added up to be about 17 percent of GDP. Fifteen years ago, the combined assets of the six largest banks made up 17 percent of gross domestic product. Today, their combined assets make up about 63 percent of the GDP.

Our proposal would have limited the size of bank holding companies at \$1 trillion and investment banks at \$400 billion. Mr. President, \$1 trillion is \$1,000 billion. I can't believe people in this institution would defend, as so many did, that that is not a bank that is too big. Too big to fail, as people as conservative as Alan Greenspan, who is as much to blame for all of this—for the government's total failure during the Bush years to regulate Wall Street—even he said too big to fail is simply too big. Only from the rarefied heights of a glass or ivory tower does  $\frac{1}{2}$  trillion appear too limited. Remember, Lehman Brothers had more than \$600 billion in assets and liabilities when it failed and sent the markets into a tailspin.

We can all agree that our financial system should never again be on the brink of total collapse and that taxpayers should never have to foot the bill for the mess created by Wall Street. If we want to prevent bailouts, we have to prevent banks from becoming so big that bailouts are necessary. Why wouldn't big banks behave in a risky way when they suspect a bailout will be given? That is why we must not rely on a reactive approach to risks that can undermine our economy. Instead, we must be much more proactive to prevent those risks from ever recurring.

On June 3, Richard Fisher, the president of the Dallas Fed, explained in an important speech why we need to address the size of the megabanks. He said:

Ending the existence of “too big to fail” institutions is certainly a necessary part of any regulatory reform effort that could succeed in creating a stable financial system. It is the most sound response of all. If we are to neutralize the problem, we must force these institutions to reduce their size.

This isn't some far-left or far-right economist; this isn't some bomb thrower; this is Richard Fisher, the president of the Dallas Fed, emphasizing that too big to fail is, in fact, too big.

The Brown-Kaufman amendment wasn't adopted into the Wall Street reform bill that passed this body. Yet I continue to believe that it is essential if we want to prevent giant institu-

tions from driving down the economy. But it is not the only proposal that would address the instability created by the megabanks.

There are several other amendments and issues in the House or Senate bills that I would briefly like to address.

First, the Merkley-Levin amendment ending proprietary trading. Because of Republican obstruction, we were denied the opportunity to vote on that proposal to end the reckless Wall Street gambling called proprietary trading. Opponents of this, particularly from across the aisle, went to such great pains to avoid a vote because I think they knew it had strong support.

The Merkley-Levin amendment would strengthen the Volcker rule in Senator DODD's Wall Street reform bill. It would have barred banks and their affiliates from engaging in proprietary trading, which, in layman's language, is the “casino gambling” that has banks selling products to clients with one hand, while betting against the products and their clients with the other hand. That can happen only on Wall Street.

Too many Wall Street banks used their proprietary trading operations to get rich at the expense of their own clients. When those risky bets go bad, American taxpayers are footing the bill. Lehman Brothers' risky bets led to the largest bankruptcy in our Nation's history. Soon thereafter, other Wall Street banks, which also engaged in reckless proprietary trading, brought our economy to the brink of collapse. It is time for Congress to end this self-serving practice where the conflicts of interest are obvious—and dangerous.

Second, Senator LINCOLN's amendment on derivatives. Remember that the five biggest banks control 97 percent of the banking industry's derivatives holdings—five banks, 97 percent. I support Agriculture Committee Chairwoman LINCOLN's proposal, which would separate derivatives dealing from lending at commercial banks.

This provision is important for the same reason as the Merkley-Levin amendment. Sprawling financial institutions increase their lucrative operations at the expense of other more fundamental and traditional banking activities.

Right now, megabank speculation is detracting from their primary job: consumer and small business lending. The fact is, too many banks in New Mexico, Ohio, and all over are simply refusing to lend now. They are not lending the way our economy needs them to do it. This is part of the reason.

The latest report by the Congressional Oversight Panel of TARP, chaired by Elizabeth Warren, looked at how TARP recipients are lending to small businesses. It found that between 2008 and 2009, Wall Street lending portfolios have shrunk by 4 percent, with

their small business loan portfolios shrinking by 9 percent. Over the same period, banks' securities holdings increased by almost 23 percent. Traditional lending by the biggest banks, which received 81 percent of government bailout funds, has declined. At the same time, lending to small businesses from medium-size banks, which received 11 percent of the bailout, increased.

Taxpayer-funded assistance, in other words, should not support a bank's gambling, but it should support sound economic growth.

Third, Senator COLLINS' amendment on capital standards was adopted in the Senate bill. It would require the Nation's largest banks to meet, at a minimum, the same capital standards imposed on smaller banks.

Under current law, regulators can often permit large financial institutions to follow more permissive capital standards, while smaller banks are held to a different standard. Capital standards applied equally to all banks would help reduce the risk presented by financial institutions as they grow in size or engage in reckless banking behavior. The principle behind this amendment is sound. Regulators should be empowered to apply and enforce capital standards equally and responsibly—regardless of a bank's size.

Fourth, the amendment Representative PAUL KANJORSKI offered is a provision in the House bill that directs regulators to take action against any financial company that "poses a grave threat to the financial stability or economy of the United States." The grave threat of a large financial institution results from excessive leverage, exposure to other risky institutions, or unstable sources of credit. Because of this provision, Federal regulators could apply stricter prudential standards, limit mergers and acquisitions, and force the selloff of business units and assets.

Finally, there is a provision offered by JACKIE SPEIER in the House which would impose a statutory 15-to-1 leverage ratio on systemically risky banks. Combining this with Senator COLLINS' new capital rule is essential. We tried something like this amendment as part of our larger amendment, with Senator KAUFMAN, in the breaking up of the largest five or six or seven banks.

Placing limits on these banks' leverage—meaning their assets relative to their debt—is critical to ending taxpayer bailouts. They cannot just leverage and leverage, in ratios like Lehman Brothers did, at 30 and 40 to 1. Four of the five largest investment banks were leveraged 30, 35, or 40 to 1 at the time of the financial crisis. That means their assets far outbalanced their ability to cover the debt.

According to the Kansas City Fed, the 20 biggest banks are more highly leveraged than community banks. Be-

cause the megabanks are bigger than ever before, bailing them out would cost taxpayers even more than they paid this time.

It is unfair. More important, it is dangerous. The current distortions in the market give privileged, large banks a clear funding advantage. Their implicit government backing is worth up to \$34 billion annually. That is Wall Street welfare where large financial institutions continue to receive cheaper rates—maybe 75 basis points is what most economists say—compared to smaller banks.

As the Wall Street reform bill heads into conference, we should not dilute it to appease Wall Street. Wall Street lobbyists are all over this institution—all over the House, all over the Senate. They have already had too much impact on this bill. They have had almost total influence with Republicans. Frankly, they have had too much influence with my political party, too—the Democrats.

We should keep our eye on the ball by stopping financial crises before they start.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ELENA KAGAN NOMINATION

Mr. SESSIONS. Mr. President, I want to speak briefly on the President's nomination of Elena Kagan to the Supreme Court. The more we examine her record, the more concerns there are that her legal judgments might be infected by her very liberal political views.

We see strong evidence of that in Ms. Kagan's memos as a clerk on the Supreme Court. In her work as Domestic Policy Adviser in the White House for President Clinton, we see those strong political views. We see strong evidence of this during her time as dean of Harvard Law School.

Perhaps to some in the elite progressive circles of academia it is acceptable to discriminate against the patriots who fight and die for our freedoms, but the vast majority of Americans, I think, correctly know that such behavior is wrong. It has an arrogance about it and, really, it is not ethical.

When Dean Kagan became dean in 2003, she inherited a policy of full, equal access for the military. But she reversed that policy in clear open defiance of Federal law. She kicked the military out of the campus recruitment office as our troops, at that very moment, risked their lives in two wars overseas.

Some have recently attempted to defend this conduct by arguing that she designed to speak with the student veterans to discuss whether they would coordinate a sort of second-class system for the recruiters who would come on campus to seek young men and women to serve as JAG officers. This all happened after she had defied the law and had shut down those official channels of recruitment at the official recruiting office. But the Harvard Student Veterans Association plainly expressed to Ms. Kagan in a letter to the entire law school that they lacked the resources to take the place of the campus office now closed to the military.

The letter reads in part:

Given our tiny membership, meager budget, and lack of any office space, we possess neither the time nor the resources to routinely schedule campus rooms or advertise extensively for outside organizations, as is the norm for most recruiting events.

But Ms. Kagan was unmoved. Instead of welcoming the military recruiters on campus, she punished them, relegating them to second-class status, even leading student veterans to arrange recruiter meetings off campus. In fact, Dean Kagan's public comments contributed to a hostile on-campus environment for both recruiters and student veterans alike. In fact, she said she "abhorred" the military's recruitment policy—blaming soldiers for the decisions of lawmakers—the Congress—and the President. She called it a "moral injustice of the first order," and participated in a student protest opposing military recruiting on campus.

Stunningly, she expressed sympathy for students and faculty for whom she said "the military's presence on campus feels alienating." Those alienated by the military's presence were not the ones who needed the sympathy, they needed a history lesson. They had the freedom to complain and protest from the safety of Harvard's campus because of the blood and sacrifice of the men and women who wear our uniform.

If you talk to student veterans who were on campus during 2004 and 2005, you will learn many of them felt exploited. Here were people who had just returned from battles in Iraq, dodging enemy gunfire, and they were supposed to quietly hustle the military recruiters through the back door and provide political cover for Dean Kagan.

In a report for NPR, one student veteran who was there summed it up this way:

Getting us to carry her water on military recruitment through the back door was a bridge too far. I came to view her as a very smooth political person.

Ms. Kagan said her mistreatment of the military was justified by her view that don't ask, don't tell was a "moral injustice of the first order." But don't ask, don't tell was created and implemented by President Clinton. Where

was her outrage during the 5 years she served in the Clinton White House? Why would she blame the military? They didn't pass the rule. It was Congress and the President.

So Ms. Kagan didn't take a stand in Washington when she was here, where the policy was adopted, but waited until she got to Harvard and then stood in the way of hard-working military recruiters who had nothing to do with establishing the policy.

Now information has come to light suggesting that Ms. Kagan may even have been less morally principled in her approach than has been portrayed. Around the same time that Dean Kagan was campaigning to exclude military recruiters—citing what she saw as the evils of don't ask, don't tell—Harvard University accepted \$20 million from a member of the Saudi Royal family to establish a center for "Islamic Studies" and Sharia law. An Obama State Department report concerning Saudi Arabia and the Sharia law concept noted:

Under Shari'a as interpreted in [Saudi Arabia] sexual activity between two persons of the same gender is punishable by death or flogging.

Ms. Kagan was perfectly willing to obstruct the military, which has liberated countless Muslims from the hate and tyranny of Saddam Hussein and the Taliban, but it seems she was willing to sit on the sidelines as Harvard created a center funded by—and dedicated to—foreign leaders presiding over a legal system that would violate what would appear to be her position. She fought the ability of our own soldiers to access campus resources but not those who spread the oppressive tenets of Sharia-type law.

Perhaps her response was guided by campus politics, but certainly Ms. Kagan lacks any experience as a judge or as a lawyer, and not much as a scholar of law. She hasn't written much. Much of her career has been spent actively engaged in liberal politics not legal practice, and there are serious questions as to whether she would be able to set aside that political agenda that has defined so much of her career. I think that is the test we try to give a fair evaluation of this nominee.

So these are important issues, and she will have an opportunity to discuss her views. I expect many Americans will be listening closely, but it will be important that any nominee to the Supreme Court be able to assure with great confidence the American people—and this Senate—that if confirmed, he or she would be faithful to the law, to serve under the Constitution, and not above it, and not have their political agenda infect their rulings, which must be nonpolitical.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I appreciate my friend from Alabama wrapping up his speech.

AMENDMENTS NOS. 4344 AND 4351

Mr. President, notwithstanding the pendency of a motion to concur, I ask unanimous consent that it be in order for the Senate to now consider the Reid amendment No. 4344 in its current form and the Isakson amendment No. 4351; that the amendments be debated concurrently until 2:45 p.m.; that at 2:45 p.m., the Senate proceed to vote in relation to the Reid amendment, to be followed by a vote in relation to the Isakson amendment; that each amendment be subject to an affirmative 60-vote threshold; that if the amendment achieves that threshold, then it be agreed to and the motion to reconsider be laid upon the table; that if they do not achieve the threshold, then they be withdrawn; that no amendment be in order to either amendment; that if either amendment is agreed to, then once the Baucus motion to concur has been made, the amendment be considered incorporated in the motion to concur.

I further ask there be 4 minutes between the two votes equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Amendments Nos. 4344 and 4351 are as follows:

AMENDMENT NO. 4344

(Purpose: To amend the Internal Revenue Code of 1986 to extend the time for closing on a principal residence eligible for the first-time homebuyer credit)

At the appropriate place, insert the following:

**SEC. —. FIRST-TIME HOMEBUYER CREDIT.**

(a) IN GENERAL.—Paragraph (2) of section 36(h) is amended by striking "paragraph (1) shall be applied by substituting 'July 1, 2010'" and inserting "and who purchases such residence before October 1, 2010, paragraph (1) shall be applied by substituting 'October 1, 2010'".

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 36(h)(3) is amended by inserting "and for 'October 1, 2010'" after "for 'July 1, 2010'".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to residences purchased after June 30, 2010.

(d) OFFSET.—

(1) DISALLOWANCE OF DEDUCTION FOR PUNITIVE DAMAGES.—

(A) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(ii) by striking "If" and inserting:

"(1) TREBLE DAMAGES.—If", and

(iii) by adding at the end the following new paragraph:

"(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph

shall not apply to punitive damages described in section 104(c)."

(B) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting "OR PUNITIVE DAMAGES" after "LAWS".

(2) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(A) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

**"SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.**

"Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages."

(B) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

"(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages."

(C) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 91. Punitive damages compensated by insurance or otherwise."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to damages paid or incurred after December 31, 2011.

AMENDMENT NO. 4351

(Purpose: To amend the Internal Revenue Code of 1986 to extend the time for closing on a principal residence eligible for the first-time homebuyer credit)

At the appropriate place, insert the following:

**SEC. —. FIRST-TIME HOMEBUYER CREDIT.**

(a) IN GENERAL.—Paragraph (2) of section 36(h) is amended by striking "paragraph (1) shall be applied by substituting 'July 1, 2010'" and inserting "and who purchases such residence before October 1, 2010, paragraph (1) shall be applied by substituting 'October 1, 2010'".

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 36(h)(3) is amended by inserting "and for 'October 1, 2010'" after "for 'July 1, 2010'".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to residences purchased after June 30, 2010.

(d) TRANSFER OF STIMULUS FUNDS.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009, from the amounts appropriated or made available and remaining unobligated under division A of such Act (other than under title X of such division A), the Director of the Office of Management and Budget shall transfer from time to time to the general fund of the Treasury an amount equal to the net decrease in revenues resulting from the enactment of subsections (a) and (b).

Mr. REID. Mr. President, my friend from Georgia is here, so I will be very quick. In fact, he can take 3 of the 4 minutes between the votes.

The home buyer credit has been wildly successful in stimulating home purchases. I have heard from a number of Nevadans who have met the April 30 deadline for having a binding contract for a home—and not only Nevadans but all over the country—but are very concerned they will not be able to close

their transaction by the end of this month.

The failure to meet the June 30 deadline is not the fault of the home purchaser. Banks, title companies, and closing agents are swamped as a result of the success of this program. Many home buyers are stuck waiting for banks to make decisions on short sales. Unfortunately, the banks making these decisions feel no sense of urgency, leaving home buyers powerless to meet the current deadlines. They simply don't care, as has been shown during this entire period of time. The banks don't care about the home buyers or the homeowners.

My amendment extends the deadline for 3 months. This will give the homeowners time and the home buyers time to close their home purchases. My amendment is fully offset by disallowing a tax deduction for punitive damages paid in connection with a judgment or settlement.

Mr. DODD. Mr. President, I wanted to take a few minutes today to speak in support of the amendment offered by my dear friend and colleague from Nevada, HARRY REID. I am proud to be cosponsoring this important amendment. Last November we passed, with bipartisan support, an amendment that extended the very successful first time homebuyer tax credit and expanded it to the "move up buyer." My good friend from Georgia, Senator ISAKSON was instrumental in crafting this extended and expanded tax credit and I want to commend him for all the work he has done on this issue. Under that legislation, which we worked on together, homebuyers who were eligible for the credit had to sign a binding contract for their new home by April 30 and close by June 30 to receive the credit.

As of April, the Internal Revenue Service estimates that 2.6 million Americans have used the credit. The National Realtors Association reported that home sales rose by 6 percent between March and April this year as Americans clamored to qualify for the credit. That increase marked the third consecutive month that home sales grew. And that is exactly what this legislation was intended to do—spur home sales and bring the housing market back to life.

There are between 55,000 and 75,000 eligible homebuyers who entered into contracts to purchase a principal residence by April 30, but who will not get the benefit of the homebuyer tax credit because they do not close by June 30. There are a variety of reasons this might occur: the seller is unable to secure a timely approval from their lender for sales related to distressed properties; recent natural disasters have damaged the property; or the homebuyer has experienced delays in the processing of their Federal mortgage program application.

This amendment would extend the closing date deadline from June 30 to September 30 so that these eligible homebuyers can still claim the credit. I want to make very clear that this amendment does not extend the credit to new applicants—they must still meet all the eligibility requirements and be under contract by April 30. This amendment just gives them more time to close the deal.

At the end of the day, this amendment is really about fairness for the thousands of homebuyers who might be ineligible for the credit simply because it is taking longer than usual to complete their paperwork. It is simply unfair to allow homeowners who played by the rules to lose this credit due to administrative challenges beyond their control. I also want to note that this provision is fully paid for by denying corporations the ability to deduct punitive damages from their taxable income. Once again, I thank the majority leader and his staff for crafting this fiscally responsible amendment to help homebuyers. I urge all my colleagues to vote for this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I will be brief. This deals with two amendments, and both do the same thing, except for the way in which they are paid for.

I appreciate very much Senator REID's interest in this as the leader. I have worked on this issue, as everybody knows, for a long time. We passed unanimously in the Senate last year a home buyer tax credit which ended on April 30 for contract date. Unfortunately, because of the backlog of appraisals and the current FDIC regulation, a lot of people who qualified for the credit are not going to be able to close by the end of June, and they will lose the credit because we put a June 30 closing date as the deadline for closing the credit earned by the contract of April 30.

Both amendments merely move that June 30 date to the end of September, which gives another 90 days to close the transaction that has already been under contract for 60 days. It ensures Americans they will get what the Senate promised them in terms of the tax credit, if they in fact performed and qualified prior to April 30.

The difference in the two amendments is the pay-for. One is doing away with the deductibility of punitive damages, which is Senator REID's. The other is mine, which takes it from the unspent \$50 billion in stimulus money. And the pay-for, by the way, in both cases, is not a lot of money in the scheme of things. It is a lot of money to me and you, but it is \$140 million and not \$50 billion.

So I would certainly appreciate support for the Isakson amendment, and I appreciate the support of Senators

DODD and REID. I yield back the remainder of my time, and I ask for the yeas and nays on the Reid amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to amendment No. 4344.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 191 Leg.]

#### YEAS—60

Akaka	Feinstein	Menendez
Baucus	Franken	Merkley
Bayh	Gillibrand	Mikulski
Begich	Gregg	Murray
Bennet	Hagan	Nelson (FL)
Bingaman	Harkin	Pryor
Boxer	Inouye	Reed
Brown (OH)	Johnson	Reid
Burris	Kaufman	Rockefeller
Cantwell	Kerry	Sanders
Cardin	Klobuchar	Schumer
Carper	Kohl	Shaheen
Casey	Landrieu	Specter
Collins	Lautenberg	Stabenow
Conrad	Leahy	Tester
Dodd	LeMieux	Udall (CO)
Dorgan	Levin	Udall (NM)
Durbin	Lieberman	Webb
Ensign	Lincoln	Whitehouse
Feingold	McCaskill	Wyden

#### NAYS—37

Alexander	Crapo	McConnell
Barrasso	DeMint	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Graham	Risch
Brown (MA)	Grassley	Sessions
Brownback	Hatch	Shelby
Bunning	Hutchison	Snowe
Burr	Inhofe	Thune
Chambliss	Isakson	Vitter
Coburn	Johanns	Voinovich
Cochran	Kyl	Wicker
Corker	Lugar	
Cornyn	McCain	

#### NOT VOTING—3

Byrd	Roberts	Warner
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The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 37. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is agreed to.

Mr. DURBIN. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 4351

The PRESIDING OFFICER. Under the previous order, there is 4 minutes equally divided on the Isakson amendment No. 4351.

The Senator from Georgia.

Mr. ISAKSON. Mr. President, this is a tax credit extension, as with the previous amendment, but with a different pay-for. The previous was deductibility

of punitive damages. This one is from the stimulus money. Both accomplish the same thing, which is allowing Americans who qualified for the tax credit by contracting by April 30 to close by September 30 rather than by June 30. The reason we are pushing it forward is because FDIC rules, regulatory rules and appraisal rules, are forcing closings taking as long as 120 days. This doesn't give anybody a credit who hasn't already earned it. It just allows them to take advantage of it by protracting the closing date so they would have enough time to close. I urge a positive vote on the Isakson amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I oppose this amendment. Recovery act money works. It adds to reducing unemployment. It adds to the economy. It is very productive. It is helpful. It makes no sense to cut back recovery dollars that work, that help our economy. I, therefore, strongly oppose the amendment.

Mr. ISAKSON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time is yielded back. The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 192 Leg.]

#### YEAS—45

Alexander	Crapo	Lugar
Barrasso	Dorgan	McCain
Bayh	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Nelson (NE)
Brown (MA)	Grassley	Nelson (FL)
Brownback	Gregg	Risch
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Conrad	Klobuchar	Voinovich
Corker	LeMieux	Webb
Cornyn	Lincoln	Wicker

#### NAYS—52

Akaka	Burr	Feingold
Baucus	Cantwell	Feinstein
Begich	Cardin	Franken
Bennet	Carper	Gillibrand
Bingaman	Casey	Hagan
Boxer	DeMint	Harkin
Brown (OH)	Dodd	Inouye
Bunning	Durbin	Johnson

Kaufman	Menendez	Shaheen
Kerry	Merkley	Specter
Kohl	Mikulski	Stabenow
Kyl	Murray	Tester
Landrieu	Pryor	Udall (CO)
Lautenberg	Reed	Udall (NM)
Leahy	Reid	Whitehouse
Levin	Rockefeller	Wyden
Lieberman	Sanders	
McCaskill	Schumer	

#### NOT VOTING—3

Byrd	Roberts	Warner
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The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 52.

Under the previous order requiring 60 votes for adoption of this amendment, the amendment is withdrawn.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that debate be extended until 4:30 under the same conditions and limitations of the previous order; further, that during this period, any quorum calls be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum, and I ask that the time during this quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

#### AMENDMENT NO. 4333

Mrs. HUTCHISON. Mr. President, I rise today to speak on the Thune amendment. This is the Republican alternative. Of course, we now know the Baucus package did not get the 60 votes required to go forward and, therefore, we are now looking at the Republican substitute and waiting for a new bill to come from Senator BAUCUS.

I think it is so important that our Senate say to the American people that we know the debt being created in this country is unsupportable. Our bailouts have skyrocketed, our spending, our borrowing, now taxing—it is more than the American people can stand.

Our national debt now tops \$13 trillion. Since President Obama took office 18 months ago the debt has grown by over \$2.4 trillion. The President's budget shows there is no end in sight. It doubles the national debt in 5 years and triples it in 10.

In order to sustain this current spending level, the Federal Government is being forced to borrow 40 cents for every dollar it spends this year. The Federal Government is spending 67 per-

cent more than it is earning. This is similar to a household that earns \$62,000 but spends \$105,000.

From whom are we borrowing that money? We owe China over \$900 billion, Japan nearly \$800 billion. Every household in America knows what it is like to set a budget. They know what the income is, and they know how to stick with it. It involves setting priorities, making tough decisions, and discipline.

The bill we are debating on the Senate floor today includes important policies that are national priorities, and I support many of them. However, it is time that the Federal Government does what every other household does; that is, pay for our priorities.

Here is what the Thune amendment does. It extends the expiring unemployment provisions until November, the expired tax provisions, including the local and State sales tax deduction through the end of the year. So we know that any of the expired tax cuts that people have been counting on that have been in place for several years would go through the end of this year so people would know that is at least one stabilizing force on which they can count.

It drops the job-killing tax increases in the Baucus substitute. The Thune amendment proves that government can make the tough choices. The Thune amendment is paid for. According to CBO, it cuts taxes by \$26 billion, it cuts spending by over \$100 billion, and it reduces the deficit by \$68 billion over the next 10 years. It shows the American people that this Senate is serious about stopping the deficit spending we have seen in the last 18 months.

Spending cuts in the Thune amendment: one, it rescinds the unobligated stimulus funds; two, it imposes a 5-percent, across-the-board cut in government spending for all Federal agencies except the Veterans' Administration and the Department of Defense; three, it freezes for 1 year Federal employee salaries, including, of course, Congress. It is very important that our Federal employees have the same kinds of restrictions that most Americans are feeling right now. It is a freeze, not a cut, in Federal employee salaries. It requires the selling of \$15 billion of unneeded and unused government property.

I believe the doctor fix that we have done in a patchwork way year after year since the balanced budget amendment is now another patch.

Medicare pays doctors in a fundamentally broken way. It has become an access-to-care crisis for our seniors. Too many seniors are unable to find a doctor who takes Medicare because the Federal Government has proven time and again that it is an unreliable business partner. We need a long-term solution so that the best and brightest in our country will choose medicine for their career and will choose to serve

Medicare patients. Medicare is supposed to make seniors comfortable that they will be able to get medical care, but so many Medicare patients cannot find good doctors; they can't go to the doctors they want to see because the doctors have just said: I have had enough.

In Texas, over 60 percent of our counties are considered health professional shortage areas. The number of medical school graduates choosing primary care has dropped 50 percent since 1997. Fifteen medical specialties have reported physician workforce shortages, and we could face a physician shortage of more than 150,000 physicians in the next 15 years.

The Thune amendment provides over 2 years of a positive update for our Medicare physicians paid for by the kind of tort reform that has saved Texas doctors so much. The tort reform has brought down insurance premiums in Texas and we have increased our number of doctors since tort reform was enacted.

We could do the same thing at the Federal level, and then the many counties I hear about from my colleagues all over our country that don't have a primary care physician or don't have an OB-GYN physician would be able to start seeing an influx of medical personnel back into the practice of medicine.

We can do something good for America. We can show America that Congress understands that this debt is unsustainable, if we pass the Thune amendment. It is essential that we pass an amendment that will pay for the extension of unemployment insurance, that will not have any more deficit spending and not increase taxes.

We need to continue the cutting of taxes so that our businesses will feel they can hire people, so that we will have an economy that can be sustained without sending more and more money to the Federal Government, which is growing bigger and bigger. We need business to grow, to hire people, to get our economy going again so that all of the sectors, including retail as well as manufacturing, will survive in our country.

It is my hope we can pass the Thune amendment. It is fully paid for, it will not have deficit spending, and it will cut taxes rather than increase taxes on businesses. That is the alternative that we think is important for America to see.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest called the roll.

Mr. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO CONCUR WITH AMENDMENT NO. 4369

(Purpose: In the nature of a substitute)

Mr. BAUCUS. Mr. President, pursuant to the previous order, I move to concur in the House amendment to the Senate amendment to the bill with an amendment I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 4369 to the House amendment to the Senate amendment to H.R. 4213.

Mr. BAUCUS. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BAUCUS. Mr. President, this is a new substitute amendment. We voted on an earlier version today. This is a new one. It still addresses many of the same issues as the last substitute, but it is smaller. It has fewer dollars involved and it is more paid for. The majority of this amendment is now offset. Most of the dollars spent in this amendment are offset, not by a lot but still the majority—more than half. All of the amendment is offset except for two matters: the unemployment insurance and the aid to the States under Medicaid; that is, the safety net provisions are not offset—those two. Everything else is offset. That means we do pay for changes to how doctors are compensated under Medicare. That is paid for. We do pay for all the changes to the tax laws. They are paid for as well.

We also made changes to the provisions regarding S corporations and carried interest. I will have more to say about those tomorrow, but suffice it to say that the S corp changes address some of the administrative concerns and burdens some Senators had as we were attempting to stop the abuses of some professional S corps, the abuses they have been conducting. Frankly, they have been paying themselves a very small salary. These are professional corporations primarily. Then they pay themselves dividends. Because dividends are not wages, they avoid payroll taxes. They avoid the FICA tax and avoid paying the Medicare tax. That is something we are trying to stop. The substitute still addresses that abuse but in a way that is less burdensome to bona fide S corporations. The carried interest provisions generally soften some of the provisions that were contained in the substitute.

The bottom line is that we listened. Several Senators had some concerns about the earlier substitute. We heard those Senators, and we have adjusted the amendment accordingly.

We believe this amendment can provide a path forward. We believe this

amendment can complete our work on this bill. We believe this amendment can help to enact into law help to people who need help, the unemployed, and States under Medicaid and also help create jobs our constituents are demanding. The tax provisions will have that effect.

I very much hope that when we get to the substitute amendment vote, we will get the necessary votes to pass it. I am looking for something above 60, north of 60, so we can move forward to other measures.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FINANCIAL REFORM

Mr. KAUFMAN. Mr. President, it has only been 2 years since we had an extremely painful financial crisis that almost brought down our entire economy.

To try to address the root cause of the crisis, we are currently nearing completion of a long and arduous process to develop a comprehensive financial reform bill.

The world is watching to see how strong a bill this Congress will produce, and we need to show leadership. Yet I fear that instead of putting in place strong structural reforms as a model for other nations, we are deferring too much to the discretion of regulators who have failed in the past, and to international negotiations—currently underway in Basel, Switzerland—that have all too often resulted in global standards that were the lowest common denominators.

Capital flows easily across borders, and so the United States needs to provide leadership and then produce harmonized global standards. Instead, I fear we are doing the opposite. We have hollowed out our national response so that we can negotiate with a free hand on the global stage—after Congress showed the world that we lack the political resolve to impose hard measures.

This is why we have heard a common refrain that statutory requirements on capital or other prudential standards will tie regulators' hands during these international negotiations. We heard it before on the Brown-Kaufman amendment to restrict the size, leverage, and risk of our megabanks. Now we hear it on the Collins amendment.

Senator COLLINS's commonsense provision would ensure that bank holding

companies and systemically significant nonbank financial institutions are subject to capital and leverage requirements as stringent as those that insured depository institutions face under existing prompt corrective action regulations. This provision would raise the capital bar for our largest financial institutions, requiring them to hold more committed and reliable forms of capital; namely, common equity and retained earnings. As my colleagues will recall, it passed by a voice vote during the Senate debate.

Now there is the threat that the Collins amendment might be eliminated for the sake of “international negotiations.” Mr. President, I fear this is a recipe for a global race to the bottom for two reasons: First, a tepid response by the United States may also undermine other countries’ consideration of tough reform measures. For example, the U.K. is studying whether to break up their megabanks. But some in the U.K. have suggested that since the United States isn’t taking this preemptive action, the U.K. would not do it either.

Second, some countries’ regulators appear to be wedded to the status quo, and we are only reinforcing the impression that tough measures are not needed. Remarkably, only weeks before the European Government and the IMF cobbled together an almost \$1 trillion bailout of European megabanks, one French Government official stated:

The situation is completely different here, and the system that was in place has not worked badly and does not need to be overhauled.

Regulators from Germany, France, and Japan, among others, are opposed to having a leverage requirement and a more strict definition of what constitutes capital.

Leaving aside the opposition of many countries to the very concept of a leverage capital requirement, there are those who still indicate that the quantitative requirement must be set through the Basel negotiations. In fact, Treasury Secretary Geithner said:

By the end of this year, we will negotiate an international consensus on the new ratios.

Why does it strengthen our negotiating hand for the Congress to have failed to enact hard rules? Moreover, it is tougher to imagine how we can set a number on leverage when we don’t even have an agreement on how to measure leverage, since the United States follows GAAP accounting standards while the rest of the world follows IFRS. It is unlikely we will have uniformity, or even harmonization of those rules, for many years—if we ever will at all. While the accounting standard issue is often overlooked, it should go without saying that it is a more basic and first-order problem.

Most important, for what are we negotiating? The history of international

capital standards is that of colossal failures—Basel I, Basel II, and now Basel III. Instead, we have a sovereign banking failure and should be establishing a sovereign solution.

If other countries want to permit banks to become risky and fail—such as what Europe may be facing due to the European debt crisis—let them learn the hard lessons America has already learned.

Let me briefly review the history of the Basel accords, which should stiffen the resolve of the conference negotiators to include measures that will prevent another financial crisis caused by U.S. megabanks.

The Basel I Accord was a crude apparatus that established numerical requirements for the amount of capital that banks need to set aside based upon how risky the assets on their balance sheets were perceived to be. Different types of loans and assets were lumped into risk buckets. Some received lower risk weights, while others received higher risk weights. However, those weightings were arbitrary determinations that did not even take into account basic risks—most notably credit risk—associated with loans and other financial assets that banks hold.

Under the Basel I system, a bond issued by a blue chip AAA company such as Johnson & Johnson would have had a much higher risk weight than a subprime stated-income loan, a loan to Greece, or a loan to Lehman Brothers. Not surprisingly, banks were able to easily game—or arbitrage—these capital requirements in a way that generally increased their risk profile. Banks were able to cherry-pick high-risk, and therefore, high-return assets that had low capital requirements because of the risk bucket in which they were placed. Banks also got around the Basel I requirements by shifting more assets off their balance sheets.

The Basel II Accord, which was agreed to in 2004, was the culmination of several years of negotiations. While it was intended to address the flaws of Basel I by making capital requirements more risk sensitive, it actually created bigger problems.

Most notably, the accord’s complexity and sophistication masked a deregulatory philosophy that sought to make determinations on capital adequacy dependent on the judgments of rating agencies and, increasingly, the banks’ own internal models. By outsourcing their regulatory responsibilities to the banks that they were supposed to regulate, bank regulators were making an implicit admission that the size and complexity of the megabanks had exceeded their comprehension.

Unfortunately, complex capital standards that rely upon banks’ own internal models pose serious problems for any democratic nation that prizes accountability and transparency, such as the United States. In his book

“Banking on Basel,” Federal Reserve Governor Daniel Tarullo provides an exhaustive account of the Basel II capital accord that specifically questions the accord’s decision to base capital standards on the internal ratings of banks. Tarullo indicates that the “very complexity of the [accord’s] approach gives banks more opportunities to manipulate, or make mistakes during, calculation of their capital ratios.”

Even more troubling, Governor Tarullo noted it would also be nearly impossible for any independent auditor or examiner to identify failures and forbearance on the part of regulators. To that point, he states “it may be extremely difficult for an independent entity such as the Government Accountability Office to reconstruct the series of decisions and judgments that went into the creation and supervisory assessment of the credit risk model.” Given that, how will we in Congress be able to hold either the megabanks or their regulators accountable?

By virtually all accounts, the Basel II Accord was a complete failure. The Basel Committee itself estimated that it reduced capital for some banks by as much as 29 percent, at a time in which regulators should have been ramping up capital and other prudential requirements upon banks.

By trying to tie capital requirements to so-called risk-based measurements, the Federal Reserve—the main driver of the Basel process—apparently hoped to eliminate the basic leverage requirement. In fact, former Fed Governor Susan Bies told banks that “the leverage ratio down the road has got to disappear.” Fortunately, despite the Fed’s objections, Basel II has not been implemented in the United States, in large part due to concerns that it would disadvantage smaller community banks that did not have the resources and wherewithal to make investments in supposedly advanced risk models.

It was, however, applied to European banks. Unconstrained by a basic leverage capital ratio, many of these banks went on to arbitrage the Basel requirements by gorging on AAA-rated bonds backed by subprime mortgages, not to mention the sovereign debt of highly indebted Eurozone countries such as Greece and Spain. The result has been hundreds of billions of dollars of losses followed by both explicit and implicit bailouts by EU governments.

The accord was also effectively applied to investment banks such as Lehman Brothers and Goldman Sachs, which had precarious and explosive business models that utilized overnight funding to finance illiquid inventories of assets. These institutions were nominally regulated by the SEC, which had no track record to speak of with respect to ensuring the safety and soundness of financial institutions. The Commission allowed these investment

banks to leverage a small base of capital over 40 times—I repeat, over 40 times—into asset holdings that, in some cases, exceeded \$1 trillion.

Of course, in the wake of the most recent crisis, the same failed regulators now tell us that, this time, they have learned their lesson and will develop a new agreement that will address the deficiencies of the last one. But what reasons do we have for thinking that will be true?

Assistant Treasury Secretary Michael Barr notes that regulators are now pushing for new global capital standards that will be “more robust, higher and better quality, less pro-cyclical, and include global agreement on a leverage ratio.” But the megabanks are already developing new ways to arbitrage as well as weaken the global capital standards to which Secretary Barr refers. In other words, they are finding ways to gut and go around the rules before they are even finalized.

What is more, many of the regulators involved in the discussions inspire little confidence. Christian Noyer, the governor of the Bank of France and the new chairman of the Bank of International Settlements, the entity that oversees the Basel rulemaking process, indicated, that the new rules “shouldn’t undermine the business model of banks which have perfectly withstood the crisis.” Given that the same Bank of International Settlements estimates that eurozone banks have two-thirds of the exposures to the most fiscally imperiled European countries—Greece, Ireland, Portugal and Spain—it is not clear to which banks Governor Noyer is referring.

As the *Financial Times* notes, France, Germany and Japan are “more attached to the preeminence of the current risk-based approach and wants the leverage ratio to have a much less important role in governing banks’ balance sheets.” In effect, they are pushing for the status quo of Basel II, which has been an unmitigated disaster. After the multiple trillions of dollars worth of public funds expended on megabank bailouts, it seems amazing that many regulators would like to maintain a system where the largest banks effectively regulate themselves.

But U.S. regulators are not immune to the defense of the existing regime. As the *Wall Street Journal* reports, “some U.S. government officials are fighting what they view as an anti-American proposal that would prevent banks from counting as part of their capital cushion a specific type of security favored by U.S. banks known as a trust-preferred security.” In other words, we have unnamed U.S. regulators that are fighting against Senator COLLINS’ amendment in international negotiations.

The current state of international capital negotiations gives little comfort to those who would like to see fun-

damental structural reforms to address the problem of too big to fail.

I am in favor of international negotiations to harmonize financial regulatory standards. However, these negotiations should not preclude the Congress from setting statutory floors. They should never result in the abdication of our sovereign powers and responsibilities.

I, therefore, agree with the sage thoughts of former Federal Reserve Chairman Paul Volcker when he said that while “good things may come out of the Basel process, ‘it is not structural change.’” In his view, and in mine, we need to do both.

Instead of trusting our financial stability solely to unelected financial guardians, in this country and abroad, Congress should legislate structural and fundamental reforms that preemptively address the persistent problem of too big to fail. Senator COLLINS’ provision is but one example of that. There is also Senator LINCOLN’s proposal to require swap dealers to be spun off and separately capitalized from insured depository institutions; a strong Volcker Rule ban on proprietary trading at banks, as proposed by Senators MERKLEY and LEVIN.

Without transparency and accountability, a democracy cannot function. That is why we still need the statutory standards on the leverage as well as the size of these megabanks. While some technocrats may say that they are blunt tools, I say that that is precisely the point. They will not only provide a sorely needed gut check that ensures that regulators do not miss the forest for the trees when assessing the capital adequacy of a financial institution, they will also provide a basic means to ensure accountability in the performance of government officials.

We cannot—we cannot—afford another meltdown and the American people—and, indeed, the rest of the world—are looking to Congress to take steps to ensure that that does not happen. By adopting these fundamental reforms and preemptive measures, Congress will go a long way towards protecting the American people from future bailouts. It will also be providing global leadership, demonstrating to the rest of the world that fundamental reform of our financial system does not rest upon the decisions of unelected technocrats whose grand designs brought our financial system to the brink.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise tonight to express my concern with how Congress continues to address this package of so-called extenders. This is a debate we have had on multiple occasions this year, and once again we find ourselves discussing how to enact a short-term extension of

items such as emergency unemployment benefits, reauthorization of the National Flood Insurance Program, the Federal Medicaid matching rate, FMAP, and the Medicare doc fix.

This is a difficult debate for many of us. Times are tough across the country, as well as in my home State of Georgia where the unemployment rate is 10.4 percent. During a time of economic hardship, I do not believe we should allow provisions, such as the extension of emergency unemployment benefits, to expire. But I do believe that when we extend these programs, we should do so in a responsible fashion. Congress should find a way to pay for those extensions.

That is where there is disagreement on this issue—not whether Congress should pass an extenders package but whether it should be paid for.

Even though the need for these extensions comes as no surprise, we again find ourselves in a position where the majority has proposed extending these programs without finding the money to fund them.

Just 2 weeks after our Federal debt topped \$13 trillion—let me say that one more time; \$13 trillion is owed by the United States of America today—we are now poised to vote on another proposal that would spend money this country simply does not have.

That number, \$13 trillion, is so big that it is difficult to comprehend. But what it boils down to is \$42,000 of debt for every single citizen of the United States of America.

The public debt has risen by \$2.4 trillion in the 500 days since the current administration took office. That is an average of \$4.9 billion per day. We are now borrowing 43 cents of every dollar we spend. But still we are continuing to spend.

Estimates show that \$4.8 trillion of the \$9 trillion in debt that America will accrue over the next decade will be from interest. That is \$4.8 trillion that could be better used on national defense or returned to taxpayers to pay for other necessities. Instead, future generations will be forced to pay higher taxes to foot the bill for Congress’s out-of-control spending.

With much of our national debt being held by other nations, such as China, this is also an issue of national security. Just as with our energy and food supply, we put our Nation in a more vulnerable position when we disproportionately rely on other countries.

It is a matter of great concern that our Nation is in deep debt to foreign countries that often do not share our positions on domestic or international policy matters. While our global economy ensures that there will be foreign investment in our debt, this sustained, exploding debt guarantees that we provide leverage to our creditors. At some point, we have to say enough is enough and make some tough decisions about

spending beyond our means. Again, we can pass an extenders package without recklessly adding to the cost of our Federal debt.

Earlier this year, this body voted to give the rule known as pay-go the force of law. And yet virtually every piece of legislation that we have considered between then and now has fallen short of this standard. Talking about fiscal responsibility and restraint while spending recklessly is hypocrisy of which the American people will surely take notice, and they have taken notice. States as well are being left in the fiscal lurch.

By not shoring up the Federal Medicaid matching rate, my State of Georgia will have a \$370.5 million hole in its budget. We have had to make sacrifices at home. My legislature has had to make very difficult, hard, and tough decisions with respect to trying to find reductions in spending at the State level to come up with a fiscally responsible, and balanced budget that they are required to have under our State constitution.

We know States are facing huge challenges, relying as they do on money promised from the Federal Government. But we all need to keep in mind that we are borrowing virtually every cent of that money. It is time we get serious about this Nation's precarious fiscal situation. We can no longer afford to burden our grandchildren with insurmountable debt.

Recently, we witnessed what happens when a nation does not live within its means. The economic crisis in Greece was caused by years of unbridled spending and failure to implement fiscal reforms. This recklessness left Greece badly exposed when the global economic downturn appeared. This pattern should serve as a wake-up call to every one of us that spending must be controlled.

Retirement programs such as Medicare and Social Security are on the verge of bankruptcy. In March of this year, reports emerged that Social Security is set to pay out more in benefits than it receives in payroll taxes this year—a threshold the program was not expected to cross until at least 2016. By some estimates, the program will no longer be able to pay retirees full benefits by the year 2037.

Instead of trying to place programs such as Social Security on more stable footing, we spent more than a year debating a health care bill that will create even more costly entitlement programs, the true price tag of which is yet to be seen.

The original proposal that was debated and voted on earlier today, advanced by the majority, increased spending by \$126 billion, which included more than \$70 billion in new taxes and increased the deficit by \$79 billion over the next 10 years. Thank goodness the votes were not there to proceed with that underlying bill.

Now, according to the chairman of the Finance Committee, we have a new bill. While it is smaller in dollars, according to the comments made by the chairman of the Finance Committee earlier tonight—he says also that the majority of the amendment is offset, which means it is still not paid for.

We have an opportunity tomorrow to take a step toward responsibility and restraint by paying for this extenders package. I am a cosponsor of the amendment introduced by the Senator from South Dakota, Mr. THUNE, which would extend the same programs as the House-passed version of this legislation. But unlike that version, the Thune amendment pays for those programs instead of adding their cost to the Federal debt. It also cuts taxes by \$26 billion, cuts spending by more than \$100 billion, and, according to the CBO, reduces the deficit by \$55 billion. It does this through spending cuts and the use of unobligated stimulus funds.

The Thune amendment does away with the harmful tax increases on long-term investment that are part of the underlying bill. These taxes on carried interest would almost certainly serve to discourage capital investment, increase borrowing costs associated with starting or growing businesses, and hurt real estate and stock prices, all at a time when our economy is extremely vulnerable. The real estate and venture capital arena—two segments of our economy that are vital to sustained job growth—would be especially hard hit by these taxes on long-term investments.

Many Americans need the programs in this bill to be extended, but we must be sure we extend them in a responsible way, and that is why I urge my colleagues to strongly consider the Thune amendment as we debate it tomorrow and vote in favor of the Thune amendment.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The Cloture motion having been presented under rule XXII, the clerk will report the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 4213, the American

Workers, State, and Business Relief Act of 2010, with the Baucus amendment No. 4369.

Harry Reid, Max Baucus, Patrick J. Leahy, Jeanne Shaheen, Byron L. Dorgan, Sherrod Brown, Edward E. Kaufman, Daniel K. Akaka, Christopher J. Dodd, Jeff Bingaman, Robert P. Casey, Jr., Jack Reed, Barbara A. Mikulski, Roland W. Burris, Jon Tester, Daniel K. Inouye, Tom Harkin.

Mr. REID. I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each, with the exception of the Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CHILD SOLDIERS

Mr. DURBIN. Mr. President, in December of 2008, the Trafficking Victims Protection Reauthorization Act became law. The act includes a provision that I put in the bill with Senator SAM BROWNBACK, Republican of Kansas, to address the problem of child soldiers, specifically the Child Soldier Prevention Act.

The goal of this language was simple and straightforward: U.S. military assistance should not go to finance the use and exploitation of children in armed conflict. The law not only expresses American values by rejecting any use of child soldiers by foreign governments, but also provides leverage through our Foreign Military Assistance Program to encourage governments to address this heinous practice.

Moreover, under the Child Soldiers Accountability Act and Human Rights Enforcement Act, it is unlawful to knowingly provide material support to the use of child soldiers. Tragically, according to Amnesty International, hundreds of thousands of children around the world are still being used as child soldiers. These boys and girls wield automatic weapons on the front lines of combat. They serve as human mine detectors. They participate in suicide missions. They carry supplies, they act as spies, messengers, lookouts, and sex slaves. They endanger their own health and the lives of others and sacrifice their childhood in the process.

As chairman of the Judiciary Committee's Human Rights and the Laws Subcommittee, one of the first hearings we held was focused on the scourge of child soldiers. We heard

moving testimony from a remarkable young man named Ishmael Beah. Mr. Beah is a former child soldier from Sierra Leone and author of the best-selling book, "A Long Way Gone: Memoirs of a Boy Soldier."

Some Americans may recall this book because it was featured at Starbucks for a long period of time. You find it at bookstores as well. I will never forget what Mr. Beah told the Human Rights Subcommittee, and I want to quote him. Here is what he said:

When you go home tonight to your children, your cousins, and your grandchildren, and watch them carrying out their various childhood activities, I want you to remember that at that same moment, there are countless children elsewhere who are being killed, injured; exposed to extreme violence and forced to serve in armed groups, including girls who are raped . . . As you watch your loved ones, those children you adore most, ask yourselves whether you would want these kinds of suffering for them. If you don't, then you must stop this from happening to other children around the world whose lives and humanity are as important and of the same value as all children everywhere.

We have a moral obligation to respond to Mr. Beah's challenge. Children suffer high mortality, disease, and injury rates that are higher in combat situations than adults. The lasting effects of war and abuse remain with them long after the shooting stops. Both girls and boys are stigmatized and traumatized by their experience, and left with neither family connections nor skills to allow them to transition successfully to productive adult life.

Over the last decade, 2 million children have died in armed conflict—10 years, 2 million children died in armed conflict, 6 million injured.

Further troubling is that children have served as soldiers for governments that have in the past received the assistance of the U.S. Government. With the passage of the Child Soldier Prevention Act, my hope was that this practice would come to an end.

Imagine my surprise when I saw on the front page of the New York Times this week that Somalia's transitional federal government, which the U.S. supports financially as part of its larger counterterrorism strategy, is brazenly using child soldiers. Mr. President, I know you have a young son and you probably saw this photograph. But imagine, if you will, two young boys, identified in this photograph in Somalia, 12-year-old Adan Ugas, and 15-year-old Ahmed Hassan, holding automatic military weapons and working for the transitional Federal Government of Somalia.

When I was a little boy, 12, 10, we used to play with guns, but they were all toys. This is the real thing. These are children. As Ishmael Beah said: Try to picture your son or daughter in that situation, their childhood robbed and

scarred for life from being drawn into horrific violence.

The fact that they are working for a military financed by the United States is appalling. In fact, according to human rights groups and the United Nations, the Somali Government is fielding hundreds of children on the front lines, some as young as 9 years old. A Somali Government official quoted in the Times article said: We were trying to find anyone who could carry a gun.

I read that article. It talked about these little boys who, the guns were so heavy, they were switching the strap from one shoulder to the next. They were talking about these little boys with these automatic weapons challenging people in vehicles to stop or they would shoot them.

They asked one of these little boys: What do you really love in life? He said: I love my gun. A Somali Government official acknowledged the fact that this is happening, an official of a government which we are supporting.

I understand Somalia is in a difficult neighborhood in the world, and one of the most dangerous places. It is trying to emerge from years of lawlessness, and the fledgling government does need support. I have met with refugees who have fled the chaos of Somalia in hopes of a better life.

In fact, this last Saturday I met with refugees in Chicago from Somalia. But the law is clear. American tax dollars must not be used to fund the use of child soldiers. Period. I urge the Department of State and the Department of Defense to immediately halt the U.S. support for any such activities and to work with the Somali Government to terminate the use of child soldiers, and reintegrate these children back into a normal, peaceful family life.

I have written our Secretary of State, Hillary Clinton, and urged her to recognize that though the Somali transitional government is trying to bring some measure of stability to their war-torn country, it should not do so on the backs of its most precious commodity, its children, and certainly not with the help of American taxpayers.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter to Secretary Clinton on this topic.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 16, 2010.

Secretary of State HILLARY CLINTON,  
Department of State, Washington, DC.

DEAR SECRETARY CLINTON: I write with great concern over a June 14 report in the New York Times that U.S. military financing to the Somali Transitional Federal Government is being used to pay for the use of child soldiers. Such assistance would appear to be in violation of the Child Soldier Prevention provision of the Trafficking Victims

Protection Reauthorization Act of 2008 which prohibits U.S. military assistance to governments of a country that use child soldiers. Moreover, under the Durbin-Coburn Child Soldiers Accountability Act and the Durbin-Coburn Human Rights Enforcement Act, it is unlawful to knowingly provide material support to the use of child soldiers.

As you know, the tragic use of child soldiers continues to a problem around the world. Amnesty International estimates that globally more than 250,000 children are fighting in active conflicts. These young boys and girls fight on front lines of combat, serve as human mine detectors, participate in suicide missions, carry supplies, and act as spies, messengers, lookouts, and sex slaves—endangering their health and lives. Quite simply, they are robbed of their childhoods.

Furthermore, the lasting effects of war and abuse remain with them for years—too often for a lifetime. Former child soldiers are stigmatized and traumatized by their experience and left with neither family connections nor skills to allow them to transition successfully into productive adult lives. We should be doing everything we can to not only end military support for governments that engage in this troubling practice, but to also help such children reintegrate into their families and society.

I recognize that the Somali Transitional Federal Government is trying to bring some measure of stability to that war torn country. However, it should not do so on the backs of its precious children, and certainly not with the help of the American taxpayer.

Thank you for looking into this matter.

Sincerely,

RICHARD J. DURBIN,  
U.S. Senator.

#### INTERCHANGE FEES

Mr. DURBIN. Mr. President, I will be brief because I see my friend from Iowa is on the floor here. I want to give him a chance to speak.

The Federal Government pays interchange fees when people use credit and debit cards to pay for things such as admission to national parks, groceries, at military commissaries, tickets on Amtrak, and copays for VA medical services. In fiscal year 2007, our Federal Government paid \$433 million in credit card fees. The vast majority were interchange fees.

Last year, the Appropriations Subcommittee on Financial Services and General Government, which I chair, asked the Treasury Department to look into how much money taxpayers are paying to credit card companies for the use of credit cards. We got the report this week. It concludes that Treasury could save at least \$36 to \$39 million a year if it did several things, such as negotiating the actual interchange rates charged to the Federal Government.

We had a hearing today, and an employee of the Department of the Treasury came and testified and said the Federal Government of the United States was unable to negotiate an interchange fee with either Visa or MasterCard. The card companies refuse to negotiate. There is \$8 billion in economic activity with the Treasury

through the credit and debit cards of these two companies. But they refuse to negotiate with the Federal Government.

We also learned that one major company, MasterCard, charges an interchange fee of 1.55 percent on every government transaction, plus 10 cents, while the going rate on an interchange fee for supermarkets across America is 1.27. It turns out that our Federal Government is paying more to the credit card companies than supermarkets are paying in Illinois, Iowa, or Alaska.

You ask yourself: Well, why is that? Is there a high default rate from the Federal Government? The answer is no. The Federal Government pays. And yet we are being charged a higher rate. But let me say for a moment, it is not "we" who are being charged a higher rate, it is the taxpayers. The taxpayers of this country are subsidizing credit card companies by paying higher fees than commercial businesses for the use of credit cards.

It is inexcusable, it is indefensible. You know the debate we had—I know, Mr. President, you recall it personally, a few weeks ago—about whether these credit card companies are going to be held to charging reasonable and proportional amounts for the use of debit cards.

What we are finding at Amtrak, at the VA, and at commissaries across America, is our Federal taxpayers are underwriting these credit card companies.

I tried, when I brought this amendment to the floor of the Senate relative to interchange fees, to do everything in my power to preserve the ability of small banks and credit unions to compete with big banks in issuing debit cards. My amendment does nothing to disadvantage those small financial institutions. We specifically exempted any financial institution with a value of less than \$10 billion. As a result, only 3 credit unions out of 1,000 in America were covered by my amendment, and about 80 or 90 banks out of the 8- or 9,000 in this country.

I heard from one of my colleagues on the Senate floor today from the Midwest, who said: The credit unions were in last week. They are frightened by your amendment.

I said: Are they over \$10 billion in value?

No, not even close.

Well, the amendment doesn't apply to them.

They are afraid the big credit card companies, Visa and MasterCard, will reduce their interchange fees on small banks and credit unions if the Durbin amendment passes in the Wall Street reform bill.

It is an indication to all of us of the power of these credit card companies to terrorize credit unions and community banks. They have become the messengers of the big banks and credit

cards to kill the amendment we passed in the Senate.

By exempting 99 percent of banks from debit and interchange regulation, my amendment would actually enable these banks to receive more interchange revenue than their big bank competitors. Yet the so-called Independent Community Bankers of America and the Credit Union National Association oppose the amendment. Why? An article out of Reuters came out yesterday that makes it plain.

The article is titled "Small Banks Fight Card Fee Limits Despite Exemption." The article says:

Small banks believe they have no choice but to support Visa and Mastercard in a battle against lawmakers over fees for processing debit card transactions.

Why do the small banks believe this? The article continues:

The Durbin amendment explicitly exempts banks with less than \$10 billion of assets, so smaller banks in theory should not oppose the law. But the exemption is cold comfort to small banks, which say that whatever the law stipulates, Visa and Mastercard will force them to accept the same fees as larger banks.

I want to make it clear what I have said before, last week in a meeting of the Senate Judiciary Committee, the Antitrust Division of the Department of Justice testified that they are investigating Visa and MasterCard now. Nothing more was said, but they confirmed press accounts that that is being done.

I think it is long overdue. This duopoly, this power in the market, this ability to terrorize credit unions and small banks is an indication of too much power and too little competition. If we truly believe in a free market and an entrepreneurial society, we have to support competition. In this case, merchants, businessmen, small banks, and small credit unions are being terrorized by these powerful interests.

The article quotes Jason Kratovil, vice president of congressional relations for the Independent Community Bankers of America, saying that "Visa and MasterCard have 'probably not directly' told small banks that they will receive lower fees," but that it is "pretty clear, at least for our guys, that it's going to end up with one rate for all issuers."

So Visa and MasterCard are arguing: If we have to lower the interchange fees for the biggest banks in America, then we will lower them for the smallest banks in America—even though they are exempt under the Durbin amendment. Visa has 122 different interchange fees and MasterCard well over 100. To argue they can't come up with two different interchange fees, that it is impossible, is ridiculous.

It is the kind of thing where these credit unions and small banks have been terrorized by Visa and MasterCard. The Independent Community Bankers say Visa and MasterCard

have "probably not directly" threatened to voluntarily lower small bank interchange rates, but the message received was "pretty clear." It is obvious what is going on: Visa and MasterCard are making threats if this amendment becomes law, they will use their market power against small banks by voluntarily lowering their interchange rates.

It is a great tactic that scares the small banks and credit unions into lobbying against the amendment which passed in the Senate. I am sure the big banks couldn't have more fun than to watch the smaller banks, exempt under our amendment, do their bidding. The big banks hate the thought of my amendment passing, giving small banks an advantage in the debit card market. The small banks are just being played like marionettes when it comes to their role in this lobbying efforts.

I sent the CEOs of Visa and MasterCard a letter and told them this: My amendment protects small banks, but you are threatening to take steps on your own to disadvantage them. If you collude with each other or with the big banks to disadvantage small banks, you could run afoul of the antitrust laws.

Visa and MasterCard wrote back yesterday and said: No, Senator, we wouldn't want to do anything to hurt small banks, but the market may just force us if your amendment becomes law.

This is ridiculous. With Visa and MasterCard having 100 percent of the market for signature debit cards, they are the market. The market is going to force them? Guess what. They are the market. They set the rules. They fix all the fees now. Small banks and credit unions are so afraid of Visa and MasterCard—they are quivering—and their big bank allies, they do not believe they can support any regulation of the interchange system no matter how reasonable. Small banks are afraid to take the risk that these giant corporations might decide to wield their enormous market power against them.

Ironically, that is the world in which small businesses, merchants, and other acceptors of payment cards live today. Small businesses have no choice today but to accept Visa and MasterCard and the fees and rules they establish.

Today at my hearing, Wendy Chronister of Springfield, IL, my hometown, who is CEO of the Qik-n-EZ convenience stores, about 11 of them in central Illinois, came and testified. I know her family well. They live a few doors away from me. I know her dad who started the company 40 years ago. She is a spectacular young woman who is the CEO of this small company that has these convenience stores.

The No. 1 cost in her business is labor, the No. 3 cost is utility bills, and the No. 2 cost is interchange fees to Visa and MasterCard. They represent

about half of the charges they pay for labor and represent about twice as much as they pay for utility bills. That is how big a factor this is in a small business. She has no power to negotiate, no power to compete. She is at a loss.

She was sitting at the table with a representative of the Federal Government who said we are in the same boat. We do \$8 billion a year accepting cards from Visa and MasterCard and cannot get them to negotiate with us a lower interchange fee for the sake of taxpayers and reducing the deficit. That is the kind of power they have.

I am going to wrap up because I see Senator GRASSLEY is anxious.

When I heard this argument today that the Federal Government was unable to get Visa and MasterCard to negotiate an interchange fee, they are so powerful, these private companies, I had a flashback—a flashback to one of my favorite movies of all time. It was released in about 1963 or 1964. It is entitled “Dr. Strangelove.” In this movie, Peter Sellers played three different roles, and one of the roles was as a British military officer named Lionel Mandrake. He was at a base where they thought another world war was about to break out, a nuclear conflict. He was trying to find a telephone to call someone in Washington to bring an end to this nuclear war. At that point actor Keenan Wynn came in playing the role of COL Bat Guano. Sellers said to Colonel Guano: I need change to make a phone call to Washington to stop this world war.

Colonel Guano said: I don’t have any change.

Peter Sellers said: You shoot up with your gun the Coca-Cola machine, and I will take the money out and make the phone call.

He said: You want me to shoot up the Coca-Cola machine. I will do it, but you are going to have to answer to Coca-Cola for this.

That is what I was reminded of today when I heard that our Federal Government, with \$8 billion in business with Visa and MasterCard, can’t get them to sit down at the table. That shows the power of these private companies.

What is going on here? This isn’t competition. They are not some sainted entity. They represent a business, and they are supposed to be a competitive business with the other credit card companies. But they are not. They are dictating fees to small businesses that are hurting, reducing their profitability and their employment at a time when we desperately need jobs.

Small banks should come to understand the predicament that their colleagues in the small business community face, as both live in a world that is too often run by card networks and big banks. It is time for the interchange system to change. We need to end this system where Visa and

MasterCard have the market power to set fees and establish rules however they want.

I extend my apologies to Senator GRASSLEY. If I had known he had to leave, I would have wrapped up a lot earlier and saved my comments about “Dr. Strangelove” for a later time. I thank him very much. He has been a good friend and patient.

#### AGGRESSIVE OILSPILL RESPONSE

Ms. MIKULSKI. Mr. President, America is facing a catastrophe in the gulf. I rise today to speak about the President’s address to our Nation last night and my recent trip to the gulf.

I agree with the President that BP must stop the leak, clean up the oil, and end the economic hurricane they have caused on the gulf coast. I agree that BP—not the taxpayers—must be liable for costs of cleaning up the mess, for compensating businesses, fisherman and families, and for their economic losses. BP must set aside a fund of \$20 billion or more today that they don’t control to pay all economic claims in a fair and timely way.

I like that the President focused on the Nation’s long range energy needs. We do need to move our energy policy forward. And I am so pleased the President picked Dr. Don Boesch for the new National Commission to prevent and respond to future spills like this one. Dr. Boesch has strong ties to Maryland. He has been president of UMD Center for Environmental Science since 1990 and serves as Governor O’Malley’s science adviser. He’s also a man of Louisiana, born in New Orleans and a graduate of Tulane. He knows the issues of Louisiana and he’s got a special place in his heart in looking out for Maryland.

I also agree with Billy Nungesser, president of Plaquemines Parish, LA. He believes we should bring every asset we have to fight this thing. The people of Louisiana need to see more action on the ground and we can’t just rely on BP’s word to get the job done.

We need to organize and mobilize our own government. Right now we are acting like a bureaucracy rather than a fighting force to protect the beaches and the people from the consequences of the oilspill. I hope in the coming days, the President will insist on defining what success is.

This administration needs goals and metrics for shore clean up that will be adequate. They must establish a mechanism for monitoring, oversight and relentless follow-through. Right now, no one but BP knows what is going on. There has been a lot of reporting on inputs—but not enough on outcomes. We need structure for oversight and we need to know the outcomes of our actions.

The President also needs to insist on expediting permits. When I was on the

gulf coast last week, I heard from locals that their ideas on how to protect coasts are stuck in bureaucracy. We need to unstuck the bureaucracy. This is a national emergency that needs an aggressive national response. We are all in this together.

I went to the gulf coast as chair of the Commerce, Justice, Science Appropriations Subcommittee, which funds the National Oceanic and Atmospheric Administration, NOAA. NOAA is in the gulf right now telling us where this oil is going, helping to cleanup the shores and marshes and assisting fishermen who are hurting.

I also went as the Senator from Maryland. I wanted to talk to scientists first hand to find out how the spill could impact Maryland. Will it affect our beaches and treasured Chesapeake Bay?

Last week, I saw the catastrophe in the gulf. We met the people, we saw the beaches, and we saw the impact on the wildlife. And everywhere we went, we saw oil and the consequences of oil. I spoke to people whose livelihoods depend on the gulf. When we talk about what we saw—words like “Louisiana,” “Grand Isle” and “Pelican Island”—I also think of words like “Ocean City” and “Assateague,” Maryland’s own barrier island. What we saw was the good, the bad, and the ugly.

First, we met with the people, and I saw just how resilient they are. They have real grit and are determined to do something to save their communities. We coastal people need to be on their side. We saw communities where they would ordinarily have thousands of visitors with busy fishing charters. Now, it’s like a ghost land. The beach looked more like a military base than an ocean resort, with trucks going up and down, carrying booms and all kinds of response equipment. And when you go out to sea, on a boat or in a helicopter, you see this oil creeping closer and closer to the shoreline. We are concerned about the environmental impact, but we are also concerned about the human impact on lives, livelihoods, and safety.

Next, we asked—is the oil going to come up the east coast in this so-called “loop current or loop stream?” We were told the beaches of Ocean City will be safe. Even in the worst case scenario, the oil won’t get beyond the Carolinas. Second, we were told that the seafood is safe. It is being inspected locally by NOAA and the FDA, so what is coming to the American marketplace is safe. That’s what we were told, but I believe what Ronald Reagan said: “Trust, but verify.”

Maryland’s economy is tied to the Louisiana economy. Our seafood restaurants and markets rely on what’s caught in the gulf. I am holding a Maryland delegation meeting to make sure that we bring in ocean scientists and seafood inspectors to verify that

our Atlantic coast beaches and our Chesapeake Bay will stay oil free and our seafood will be safe to eat.

That was the good news. The bad news is BP. The BP people have to fix this. BP is cutting corners, minimizing the situation, and now here we are. The oil will continue to gush, and it will gush until August. But the oil coming out of the well will take 6 weeks to get to shore, so we are going to feel all of this well into September. And that is the best case scenario.

I support our President in calling for an escrow account for BP to put \$20 billion aside for economic damages. I fear the hoarders will take charge. I fear BP will file for bankruptcy and will want the taxpayers to bail them out. The American taxpayer will not bail out the oil companies. The oil companies must put aside the money to pay damages and cleanup costs.

Our own bureaucracy needs reform. We saw the can-do spirit there among the people, but the permit process is slow—whether it is the EPA, Corps of Engineers or NOAA. This needs to be reformed. And this stuff, called dispersants sounds like if you pour chemicals on the oil the oil will disburse and everything's fine. I am concerned that dispersants could be causing more problems than they are solving. I am concerned about the toxic impact on human beings and marine life creating dead zones off the coast of Louisiana.

That is why I plan to hold a hearing. To learn more about the effects of these dispersants—what do we already know, what do we need to know, and what research needs to be done—because I don't want dispersants to turn out to be the DDT or Agent Orange of the oilspill. It is our job in Congress to push the bureaucracy, to push BP to get the job done and protect the American people.

Then, we saw the ugly. The so-called protective booms were dysfunctional and in disarray, saturated with sticky smelly oil that had been there for days and no one had come to pick them up or clean them up. They were breaking loose and some washed up in marshes, causing far more damage than the oil. If they couldn't protect the few miles around the pelicans areas, how can they protect the beaches? They have got to do a lot better job. It took four Senators going to Louisiana to get the booms cleaned up near Grand Isle.

There are no performance standards to make sure BP or the government are doing what they say they are doing and that it is working. There must be relentless follow-through by the government. The Coast Guard is treating BP as if it were another government agency, when the Coast Guard needs to take BP to task. They need to make sure that they have performance standards and they need to make sure that there is follow-through.

After witnessing the catastrophe in the gulf and seeing the way the oil is

impacting the people, the communities, and the environment, I am so glad that we in Maryland opposed offshore drilling. No matter what is the energy policy I will always oppose offshore drilling off of the Mid-Atlantic coast. We can never let what's happening in the gulf happen to any other communities.

Our first responsibility will be to the Nation's taxpayers, not to the oil companies. Our second responsibility is to the people of the gulf, to do all we can to protect them. We need to make sure that we contain the oil and can clean it up so they can get on with their lives and their livelihoods.

I was honored to be able to go and represent Marylanders there because we are coastal people too. When I talked to the people down there who fish and crab, we talked about how we use the same kind of bait, we use the same kind of line, the same kind of ways. We cook them a little bit different—but we eat them all the same. And when they held our hands, they said when you go back to Maryland and Washington, don't ever forget us. And we won't. We are all Americans, we are all coastal people, and we are all in this together.

#### 58TH ANNUAL NATIONAL PRAYER BREAKFAST

Mr. ISAKSON. Mr. President, I had the privilege of co-chairing the 58th Annual National Prayer Breakfast with Senator KLOBUCHAR. I ask unanimous consent that a copy of the transcript of the 2010 National Prayer Breakfast proceedings be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### 58TH NATIONAL PRAYER BREAKFAST

Senator Amy Klobuchar: Good morning, everyone. I am Amy Klobuchar, the Senator from Minnesota. Welcome to the 58th annual National Prayer Breakfast. For anyone from warmer climates, we know it is a little snowy, but in Minnesota we would call this, "fair to partly cloudy." What a gathering. This is a very different scene from the first National Prayer Breakfast all the way back in 1952—that was attended only by a couple hundred people and they were all men. And now what we have today is over 3,000 people from all 50 states and over 140 countries. Although the National Prayer Breakfast may look a lot different than it did in 1952, one of the great traditions of this event is that it is bipartisan, as you can see from our head table up here, as well as the fact that we have a Democratic and a Republican co-chair. In that tradition, I am very proud to introduce to you my Republican co-chair and good friend, the Senator from Georgia, Johnny Isakson.

Senator Johnny Isakson: Thank you. We do welcome you because what began as a very small group in 1952 has become a group that has influence around the world in countries all over this world. We are so delighted that you traveled near and you travelled far to be a part of the National Prayer Breakfast

here in the United States of America. Amy and I are both members of the Senate but one important thing to know is that we alternate years—this happened to be the Senate's year to chair the National Prayer Breakfast. But next year, the House will as well. We do so in partnership, we do so in brotherhood, and we do so in love, and we do so in faith. I now want to begin by introducing my side of the head table, and then Amy will introduce her side of the head table. First, the Vice President of the United States of America, Joe Biden; the Secretary of State of the United States of America, Hillary Rodham Clinton; the distinguished Senator from the state of Utah, Orrin Hatch; the luckiest thing that ever happened to me 41 years ago, my wife, Dianne; the distinguished senior Senator from the state of Oregon, Ron Wyden; the co-chair of the House prayer breakfast, from Missouri, Representative Todd Akin; a lady who has the voice of an angel and later you will hear her sing, God Bless America, Sergeant First Class MaryKay Messenger, the lead vocalist of the United States Military Academy Band; and my, friend and the artist who will sing the closing hymn, Ralph Freeman.

Senator Klobuchar: Johnny put the music together this morning and you are going to love it. President Obama and the First Lady will be joining us shortly; His Excellency Jose Luis Rodriguez Zapatero, the Prime Minister of Spain is with us; my husband, John Bessler who made our daughter's lunch at 5:30 this morning while I was getting ready for this; Admiral Mike Mullen, the Chairman of the Joint Chiefs of Staff; 2007 Heisman Trophy winner, Tim Tebow; the co-chair of the House prayer breakfast, Representative Charlie Wilson of Ohio; and the Heisman Trophy winner of Senate chaplains, Rear Admiral Barry Black.

Johnny and I wanted you all to hear this morning from our friend, Senate Chaplain, Barry Black, who like all Senate chaplains since 1789 opens each session of the Senate with a prayer. To me and Johnny, Barry is a friend and a spiritual adviser but he is also an embodiment of the power of faith and discipline and hard work. From his impoverished childhood in Baltimore to his distinguished 27-year career in the U.S. Navy, to his service in the Senate, Chaplain Black's "only in America" story, a story he has detailed so eloquently in his book, *From the Hood to the Hill*, shows us that God has great plans for our lives. It is my pleasure to introduce to you our friend, Chaplain Barry Black, who will lead us in the opening prayer.

Rear Admiral Barry Black: Let us lift our hearts in prayer. Lord of life, the giver of every good and perfect gift. You have been our help in ages past and our hope for years to come. Lord, forgive us when we forget that more things are wrought by prayer than this world dreams of. We thank you for this nation conceived in liberty and dedicated to the proposition that people possess basic rights that they receive from you. Make us good global neighbors as we remember that righteousness exalts a nation but sin is a reproach to any people. Hear our petitions and use our supplications to change and shape our times according to your plan. May our prayers empower us to trust you more fully, live for you more completely and serve you more willingly. In a special way, smile upon our international guests who have travelled great distances to be with us, give them traveling mercies as they return home. And Lord, shower your favor upon the program participants, especially our primary presenter. May the words of their mouths and

the meditations of their hearts bring honor to you. Bless this morning, our food and fellowship. We pray this in the matchless name of Jesus. Amen.

Senator Isakson: Would you please welcome to your right, Mr. Robert Fraumann, the most gifted musician the United Methodist Church has ever known and enjoy his mix of Beethoven's "Fifth Symphony" and "How Great Thou Art" and "The Warsaw Concerto" and "To God Be the Glory." Robert Fraumann.

Mr. Robert Fraumann: (piano music)

Narrator: Ladies and Gentlemen, the President of the United States Barack Obama and the First Lady Michelle Obama.

Senator Klobuchar: Welcome, Mr. President, Mrs. Obama. We are so pleased to have you here. I also know there are many members from the House of Representatives. I see Speaker Pelosi. And from the United States Senate and the President's Cabinet—if they could all stand so we could acknowledge you. Thank you, Mr. President, you should know that Johnny, being from Georgia, is really adjusting to the fact that this breakfast had quiche instead of grits. So I really don't know how he is going to explain that when he gets home. And actually, Johnny has been a great pal for me this year as a co-chair of the Senate prayer breakfast and I can tell you that to show his support for his co-chair, he actually supported the Vikings over the Saints in the playoff game. That was a tough game. My fourth quarter prayers made no difference but not even God can overrule a ref's calls.

Senator Isakson: You know I ain't real sure it was the refs. It might have been Brett Farve's interception.

Senator Klobuchar: Very good.

Senator Isakson: We are honored to be here today and I am honored to share with Amy, the co-chairmanship of the Senate prayer breakfast. She thinks getting me to pull for the Vikings was the ultimate reconciliation, not true. Ultimate reconciliation is when Senator Bill Nelson convinced me to invite the quarterback of the Florida Gators, who beat us four successive years at the University of Georgia. Tim, welcome, we are glad to have you. This is a great occasion and we are so delighted and honored that all of you are here today. And I am going to turn it back over to our leader, Amy Klobuchar.

Senator Klobuchar: Thank you. Each week Johnny and I and our fellow senators get together for a weekly Senate prayer breakfast. I always come away from it a better person. At our breakfasts, a senator always speaks, sometimes about his or her faith, sometimes about a personal struggle, sometimes about the challenges of forgiveness after a tough political fight. Our prayer breakfasts are always real and refreshingly honest. And just when I am ready to give up on working with maybe a few of my colleagues, it reminds me that we all share a common purpose and a common humanity, and that with faith and forgiveness, we can start anew. Now it is my honor today to introduce Sergeant First Class MaryKay Messenger, the lead vocalist with the United States Military Academy Band. MaryKay first sang with the band in 1980 at the age of twelve. She continued throughout the years as a guest vocalist until she joined the Army in 1996. She has performed throughout the world—everywhere from Beijing to the opening bell of the New York Stock Exchange, from Yankee Stadium to Carnegie Hall. This morning she will be singing "God Bless America," a song composed by Irving Berlin during the First World War while he was serving in a United States Army camp. MaryKay Messenger.

Sgt. MaryKay Messenger: [Singing]

While the storm clouds gather far across the sea,

Let us swear allegiance to a land that's free,  
Let us all be grateful for a land so fair,  
As we raise our voices in a solemn prayer.  
God Bless America,  
Land that I love.

Stand beside her, and guide her  
Through the night with a light from above.  
From the mountains, to the prairies,  
To the oceans, white with foam  
God bless America, My home sweet home.  
God bless America, My home sweet home.

Senator Ron Wyden: Good morning, Mr. President, Mrs. Obama, honored guests. It is my privilege to offer a reading from the second book of the Torah, the Book of Exodus. Exodus deals with the formation of the Jewish people into a nation as they make their way from slavery to the Promised Land. There are very important lessons in the passage where Moses' father in law, Jethro, a Midianite priest, guides Moses on the correct way to govern his people.

"Jethro, the priest of Midian, Moses' father-in-law, heard all that God had done for Moses and for Israel His people, how the Lord had brought Israel out from Egypt." Then, later in the passage, "the next day Moses sat as magistrate among the people while the people stood about Moses from morning until evening. But when Moses' father-in-law saw how much he had to do for the people, he said 'What is this thing you are doing to the people? Why do you act alone while all the people stand about you from morning until evening?' Moses replied to his father-in-law, 'It is because the people come to me to inquire of God; when they have a dispute, it comes before me and I decide between one person and another and I make known the law and the teachings of God.' But Moses' father-in-law said to him, 'the thing you are doing is not right. You will surely wear yourself out and these people as well. For the task is too heavy for you. You cannot do it alone. Now listen to me, I will give you council and God be with you. You represent the people before God. You bring the disputed before God and enjoin upon them before the laws and the teachings and make it known to them, the way they are to go and the practices they are to follow. You shall also seek out from among all of the people capable men who fear God, trustworthy men who spurn ill-gotten gain, set these over them as chiefs of thousands, hundreds, fifties and tens and let them judge the people at all times. Have them bring every major dispute to you but let them decide every minor dispute for themselves. Make it easier for yourself by letting them share the burden with you. If you do this and God commands you, you will be able to bear up and all these people too will go home unwary.' Now Moses heeded his father-in-law and did just as he had said. Moses chose capable men out of all of Israel and appointed them heads over all the people, chiefs of thousands, hundreds, fifties and tens and they judged the people at all times. The difficult matters they would bring to Moses and all the minor matters they would decide themselves. Then Moses bade his father-in-law farewell and he went his way to his own land."

May we all show similar wisdom and be open, open to advice and guidance from any source. Not just within our own group, our own faction, our own tribe, and it is only with that wisdom can we hope to provide just and true leadership.

Congressman Charlie Wilson: Good morning Mr. President, Madam Secretary, hon-

ored guests. I am Congressman Charlie Wilson from Ohio's sixth district and my co-chair is Congressman Todd Akin of Missouri's second district. We would like to thank the Senate for putting this program together this morning. We know the House is looking forward to putting it together again next year. Todd and I are here together this morning because we are the co-chairs of the House prayer breakfast. Members of Congress from both parties have been meeting for prayer on a weekly basis for more than five decades in the House. We come together in the Capitol dining room every Thursday morning at eight a.m., with no staff, we read a verse of scripture, we pray for the sick and wounded and we offer up a prayer of thanksgiving for our country. We also have a different guest speaker each week who shares their testimony. One week it's a Democrat, the next week it's a Republican. Finally, we close in prayer and we make sure to share that too—one week a Democrat leads the closing prayer, the next a Republican. We never know how many are going to be at our prayer breakfast to attend our weekly gathering. I am happy though to let you know that it has increased considerably this year. Our meeting lasts about an hour and many of us refer to it as the best hour of the week. We hope that you will consider our example and set aside time each week with your colleagues to deepen your relationships and open your mind to God. And now, my co-chair, Todd Akin.

Congressman Todd Akin: Good morning, I am Todd Akin from Missouri. The tradition of the Prayer Breakfast goes back to the days of President Eisenhower. Because of the tremendous importance that we place on a personal relationship with God, a personal relationship with Jesus Christ, it is a Christian prayer breakfast. And yet we welcome happily people of all different faiths to join us. Along these lines when we arrive on a Thursday morning and hear a personal testimony, we hear a tremendous diversity in the kinds of stories. For example, we heard this story of a little boy who grows up penniless and orphaned on the streets wondering where the next meal will come from, and how he is led on a journey to the U.S. Congress. We hear another story of a pilot of a small airplane in the fog over the mountains of Germany with little instrumentation and how in answer to prayer, a hole is opened up in the fog showing a landing strip way below—how he dives his airplane through the hole in the fog, lands on the landing strip and the fog closes in around the aircraft. It is from these and other testimonies that Congressmen develop a mutual respect and affection for each other. The statesman William Wilberforce from England had two great aims in his life. The first was to get rid of slavery. The second one was to build civility—that is, a respectful and loving treatment of the different legislators in England. This prayer breakfast that we enjoy every week inspires that civility in an otherwise polarizing political environment, that is why it is the best hour of the week. God bless you.

Senator Orrin Hatch: [alarm going off on cell phone] Woops, oh dear.

Senator Klobuchar: It's time for your prayer. Is that the alarm for your prayer?

Senator Hatch: I never learned how to turn that alarm off. I apologize. Let us pray. Our dear Father in Heaven, as we bow our heads this morning before Thee, we are so grateful for this great nation and for the nations of the world, but especially for the opportunities we have as a nation to bring peace and contentment and tranquility throughout

this world. We are grateful for our great leaders and we pray that Thou wilt bless them. We pray that Thou wilt bless our President and our Vice President and their cabinet and all of the leaders throughout the federal government that they might be inspired to lead us to do the things that are righteous in Thy sight that we might be able to be good followers and that we might be able to combine together to do what is right. As Moses' father in law told him, let's share the responsibility and let's work together in the best interest of our country. Let's have bipartisanship reborn again in this great nation. We are so grateful for those who serve in the military who are represented here today and throughout this country. We are grateful for the sacrifices that they undertake on our behalf. We are grateful for those who are in harm's way and pray that Thou wilt pour special blessings upon them, that they might be blessed and protected. And we pray that we might be a nation that will help to bring peace and tranquility throughout the world. We are grateful for all of the food, clothing and shelter that Thou has provided for us. We are grateful for those who serve in governments throughout the states, for the respective state legislatures. And last but not least, we are grateful for the Congress of the United States and we will pray that the Congress might be able to work together as Democrats and Republicans and Independents to serve Thee, to serve our country, to serve our fellow men and women, and to bring peace and contentment to this great nation and throughout the world. We pray at this time for those who are suffering in Haiti and elsewhere throughout the world. We ask you to bless them and help them and help us to do our share in helping throughout this world. We are grateful for the leaders from other countries who are here and we pray Thy blessings upon them. Once again, we ask that you bless our President, Vice President and the leaders of this country. In the name of Jesus Christ, Amen.

Senator Klobuchar: Thank you very much Senator Hatch. Now to read our next scripture today we are honored to be joined by Jose Luis Rodriguez Zapatero, who is currently serving his second four year term as the Prime Minister of Spain. Prime Minister Zapatero however, is not just the leader of one very important country, he is also the current Chairman of the European Union. And if that isn't enough, he made a claim to fame as Prime Minister with a cabinet where a majority of his cabinet members are women. I decided to add that. The Prime Minister has also made invaluable contributions to interfaith dialogue and reconciliation in his country, both as an individual and as an elected leader. His personal quest has been to promote peaceful coexistence and tolerance among the religious faiths in his own country and throughout the world. Please join me in welcoming the Prime Minister of Spain, the Chairman of the European Union, His Excellency Jose Luis Rodriguez Zapatero.

The Prime Minister of Spain: [Speaking in Spanish]

Translator: Mr. President, Members of Congress, ladies and gentlemen, thank you. Thank you for inviting me to participate—on behalf of my country, on behalf of Spain—in one of the American people's most symbolic traditions. And thank you to Senators Klobuchar and Isakson. And please do allow me now to speak to you in Spanish, the language in which people first prayed to the God of the Gospels in this land.

No one knows the value of religious freedom better than all of you. Your forbearers

fled oppression and so as to never be deprived of their freedom, they founded this country. A nation, the United States of America, born out of democracy; a nation that has never stopped thriving thanks to the strength of that democracy, which abolished slavery, recognized equal voting rights and outlawed discrimination; a nation that has expanded pluralism, tolerance and respect for all choices and beliefs. Admirable feats, admirable in the eyes of a firm believer in democracy, living in one of the oldest nations in the world, Spain. Our nation is also diverse, forged out of diversity and renewed in its diversity. Our nation is as diverse as America. It is the most multi-cultural of the lands of Europe, a Spain that is Celtic, Iberian, Phoenician, Greek, Roman, Jewish, Arab and Christian, especially Christian as defined by the Latin American Author Carlos Fuentes. Our two countries owe much to us that have come to us from abroad. Our countries cannot be understood without them. Without those who throughout history have come to our land and living in our midst have become us, have become what we are.

Allow me to read you a Bible passage from Deuteronomy, Chapter 24, "You should not withhold the wages of poor and needy laborers whether other Israelites or aliens who reside in your land or in one of your towns. You shall pay them their wages daily before sunset because they are poor and their livelihood depends on them."

Let us be concerned with integrating those who have come to work and live in our countries in our midst. Let us also be concerned with all of those whom we cannot welcome amongst us and who are suffering from hunger and extreme poverty in so many places around the world, such as those living in Haiti and whose misfortune has moved us to offer up all our efforts of solidarity; a solidarity which reconciles us with our human condition, with our vulnerability and our fraternity and which should never wane. Furthermore, I would like to proclaim my deep commitment to those men and women who in our societies in these difficult times are suffering the scarcity of jobs. They should all know that as government leaders, this task is our paramount concern. No other task is more binding to us than that of fostering job creation. Today, it is my plea that we also advocate the right of all persons anywhere in the world to moral autonomy, to their quest for that which is good. Today, it is my plea that we advocate the freedom of all to live their own lives, to live with their loved one and to build and nurture their family environment. This is worthy of respect.

Freedom, civic truth, the truth common to us all, it is what makes us true, genuine, authentic human beings, because freedom enables each of us to look destiny in the eye and seek our own truth. But tolerance is so much more than accepting the other. It is discovering, knowing, acknowledging the other. Ignorance of the other is at the root of all conflicts that threaten human kind and endanger our future. Ignorance breeds hate. Harmony is founded on knowledge—so is peace. Even in the past, Spain was a model of peaceful coexistence among the three religions of the Book—Judaism, Christianity and Islam. And today in the world, Spain defends religious tolerance and respect for difference, dialogue, peaceful coexistence of cultures, the alliance of civilizations. We do so with as much conviction as we reject excluding statements of moral superiority, absolutism, and uncompromising fundamentalism. The United States knows, as does Spain, that the spurious use of religious

faith to justify violence can be hugely destructive. And what better occasion than this prayer breakfast to commemorate together, to honor together, our victims of terrorism. Because it also together that we defend freedom wherever it is threatened.

Mr. President, members of Congress, ladies and gentlemen, be it with a lofty dimension or a civic one, freedom is always the foundation of hope, of hope in the future, for liberty as for honor says Don Quixote in the masterpiece written in Spanish, "One can rightfully risk one's life, yet captivity is the worst evil that can befall men." Liberty is one of the most precious gifts heaven has bestowed upon man that this gift may continue blessing America and all people's on earth. Thank you very much. [Applause]

Senator Isakson: Prime Minister Zapatero, thank you for those meaningful and inspirational words. We are delighted to have you in America today and we appreciate your friendship very much. You know every day when I find those special few moments to pause and meditate and pray for the things I am thankful for, the very first prayer is for the men and women who serve us in harm's way in our armed forces around the world. For I know they not only serve the United States, but they serve peace, freedom and democracy of all nations around the world. And it is my pleasure now to introduce the leader of the United States' military, the Chairman of the Joint Chiefs of Staff, Admiral Michael Mullen.

Admiral Michael Mullen: Thank you. Good morning Mr. President, Mrs. Obama, Vice President Biden, Secretary Clinton, other distinguished heads of state and distinguished visitors, ladies and gentlemen. I am deeply honored to be here and to have this opportunity. I have been asked this morning to offer a prayer for world leaders. When my wife, Deborah, informed me that one of the leaders I would be praying for was probably me, something I hadn't really considered, I actually started taking this very seriously. I am also mindful that there is more than one higher power in the room today, no offense, Mr. Vice President. Now, before I ask you all to join me in prayer I would like to tell a little story. It is about an Army platoon leader in the Korean War. He and his men fell into an ambush one day out on patrol and found themselves surrounded by enemy soldiers. They hunkered down in a small clearing, making the best of what little cover they could find and tried desperately to hold on against what seemed to be terrible odds. Every now and then, the platoon sergeant noticed that his young lieutenant would dash behind a big rock and sit for a minute or two and then dash back out and start issuing new commands: "move here, move there, shift your fire high, shift it low." The barrage of orders seemed to come almost as fast as the enemy bullets themselves. After an hour or so, while suffering only a few casualties, the platoon had chased off their attackers and began to safely make their way back to base. On the walk back, the sergeant approached the lieutenant and asked him: "Exactly what were you doing behind that rock, sir?" The officer grinned a little, sighed, his shoulders sank, he said "I needed time to think, to adjust so I kept asking myself three questions: What am I doing? What am I not doing? And how can I make up the difference?" Now, I do not know if that story is really true or not—I am told that it is. I really like it, because it illustrates perfectly the deepest challenge of leadership during difficult times—that of self reflection and sober analysis. Even in the heat of battle,

perhaps especially in the heat of battle, we must find the time to think, to adjust, and to improve our situation. After more than four decades in uniform in peace and in war, it has been my experience that people are guided best not by their instincts but by their reason. That leaders are most effective not when they rule passionately but when they decide dispassionately. As St. Thomas Aquinas once said, "A man has free choice only to the extent that he is rational." And so in these dangerous, difficult and immensely challenging times, when our young troops fight two wars overseas while their loved ones back home fight to keep their families together, when everything from the economy to the environment instills fear and uncertainty, let us exercise our own free choice. Let us lead rationally and calmly. Let us take the time to ask ourselves: What are we doing? What are we not doing? And how can we make up the difference? We may not always like the answers—I know I seldom do—but we can always learn from having posed the questions.

And now, please bow your heads and join me in prayer. Father in Heaven, we gather today to ask your blessing over the lives and decisions of those who lead us around the world. Theirs is a mighty task and a noble calling, for upon their shoulders rest the hopes and dreams of billions of people, not only of this generation but of future generations who know us not. May you guide them in that pursuit, oh Lord, give them the faith to seek your guidance, the wisdom to make the right decisions and the character to see those decisions through. Help them choose love over hate, courage over fear, principle over expediency. Let them always seek concord and peace and to remember that the best leader is a good and humble servant. Encourage them, Father, to seek your council as Solomon himself did in 1 Kings, chapter 3, saying to you: "but I am only a little child and do not know how to carry out my duties. So give me a discerning heart to govern your people and to distinguish between right and wrong." May you bless us all Lord, your children, and give our leaders that same discerning heart. Help us always to distinguish between right and wrong and to serve others before ourselves. This we pray, in Thy name, Amen.

Senator Klobuchar: Thank you very much, Admiral Mullen. It is now my great honor to introduce our keynote speaker, Secretary of State, Hillary Rodham Clinton. She is an incredibly accomplished woman whose life has been shaped by the deep and abiding faith she was blessed to receive during her childhood in suburban Chicago. Faith was always central to Hillary Clinton's family. Her mother taught Sunday school and made sure that her daughter and sons were there the moment the church doors opened. In high school, she was deeply influenced by her youth minister who taught her about faith in action. On one memorable evening at age fourteen, her church youth group went to hear a speech by Reverend Martin Luther King, a transformative experience that inspires her today. As a successful attorney and the First Lady of Arkansas, her faith inspired her to be a forceful advocate for disadvantaged children and families. As our nation's First Lady, her faith led her to be a champion for health care reform and for human rights, especially for women around the world. As I have learned from people who were here at this prayer breakfast long before me, Hillary Clinton and her husband, President Bill Clinton, were always generous with their time at this prayer breakfast. As

a Senator from New York, Senator Clinton's faith sustained as she became a highly respected legislator who always did her homework. And after a long and bruising presidential campaign in which she shattered the glass ceiling for national women candidates forever, she was asked by President Obama to serve as Secretary of State. She could have so easily said "no" and stayed as the powerhouse she was in the Senate, instead, she once again answered the call to serve. She didn't flinch, she didn't hesitate. And in the words of Isaiah, she said, "Send me." From the sands of the Mideast, to the capitals of Europe, to the devastation in Haiti, she has shown America's strength and commitment to the world. Please join me in welcoming, Secretary of State Hillary Clinton.

Secretary of State Hillary Clinton: Thank you. Thank you. Thank you very much. I have to begin by saying that I am not Bono. Those of you who were here when he was, I apologize beforehand. But it is a great pleasure to be with you and to be here with President and Mrs. Obama, to be with Vice President Biden, with Chairman Mullen, with certainly our hosts today, my former colleagues and friends, Senators Johnny Isakson and Amy Klobuchar. And to be with so many distinguished guests and visitors who have come from all over our country and indeed from all over the world.

I have attended this prayer breakfast every year since 1993, and I have always found it to be a gathering that inspires and motivates me. Now today, our minds are still filled with the images of the tragedy of Haiti where faith is being tested daily in food lines and makeshift hospitals, in tent cities where there are not only so many suffering people but so many vanished dreams.

When I think about the horrible catastrophe that has struck Haiti, I am both saddened but also spurred. This is a moment that has already been embraced by people of faith from everywhere. I thank Prime Minister Zapatero for his country's response and commitment. Because in the days since the earthquake, we have seen the world and the world's faithful spring into action on behalf of those suffering. President Obama has put our country on the leading edge of making sure that we do all we can to help alleviate not only the immediate suffering, but to assist in the rebuilding and recovery. So many countries have answered the call, and so many churches, synagogues, mosques and temples have brought their own people together. And even with modern technology through Facebook and telethons and text messages and Twitter, there has been an overwhelming global response. But of course, there is so much more to be done.

When I think about being here with all of you today, there are so many subjects to talk about. You have already heard, both in prayer and in Scripture reading and in Prime Minister Zapatero's remarks, a number of messages. But let me be both personal and speak from my unique perspective now as Secretary of State. I have been here as a First Lady. I have been here as a senator, and now I am here as a Secretary of State. I have heard heartfelt descriptions of personal faith journeys. I have heard impassioned pleas for feeding the hungry and helping the poor, caring for the sick. I have heard speeches about promoting understanding among people of different faiths. I have met hundreds of visitors from countries across the globe. I have seen the leaders of my own country come here amidst the crises of the time and, for at least a morning, put away political and ideological differences. And I

have watched and I have listened to three presidents, each a man of faith, speak from their hearts, both sharing their own feelings about being in a position that has almost intolerably impossible burdens to bear, and appealing often, either explicitly or implicitly, for an end to the increasing smallness, irrelevancy, even meanness, of our own political culture. My own heart has been touched and occasionally pierced by the words I have heard and often my spirit has been lifted by the musicians and the singers who have shared their gifts in praising the Lord with us. And during difficult and painful times, my faith has been strengthened by the personal connections that I have experienced with people who, by the calculus of politics, were on the opposite side of me on the basis of issues or partisanship.

After my very first prayer breakfast, a bipartisan group of women asked me to join them for lunch and told me that they were forming a prayer group. And these prayer partners prayed for me. They prayed for me during some very challenging times. They came to see me in the White House. They kept in touch with me and some still do today. And they gave me a handmade book with messages, quotes, and Scripture to sustain me. And of all the thousands of gifts that I have received in the White House, I have a special affection for this one. Because in addition to the tangible gift of the book, it contained 12 intangible gifts, 12 gifts of discernment, peace, compassion, faith, fellowship, vision, forgiveness, grace, wisdom, love, joy, and courage. And I have had many occasions to pull out that book and to look at it and to try, Chairman Mullen, to figure out how to close the gap of what I am feeling and doing with what I know I should be feeling and doing. As a person of faith, it is a constant struggle, particularly in the political arena, to close that gap that each of us faces.

In February of 1994, the speaker here was Mother Theresa. She gave, as everyone who remembers that occasion will certainly recall, a strong address against abortion. And then she asked to see me. And I thought, "Oh, dear." And after the breakfast we went behind that curtain and we sat on folding chairs, and I remember being struck by how small she was and how powerful her hands were, despite her size, and that she was wearing sandals in February in Washington.

We began to talk and she told me that she knew that we had a shared conviction about adoption being vastly better as a choice for unplanned or unwanted babies. And she asked me—or more properly, she directed me—to work with her to create a home for such babies here in Washington. I know that we often picture, as we are growing up, God as a man with a white beard. But that day, I felt like I had been ordered, and that the message was coming not just through this diminutive woman but from some place far beyond.

So, I started to work. And it took a while because we had to cut through all the red tape. We had to get all of the approvals. I thought it would be easier than it turned out to be. She proved herself to be the most relentless lobbyist I have ever encountered. She could not get a job in your White House, Mr. President. She never let up. She called me from India, she called me from Vietnam, she wrote me letters and it was always: "When is the house going to open? How much more can be done—quickly?"

Finally, the moment came: June 1995 and the Mother Theresa Home for Infant Children opened. She flew in from Kolkata to attend the opening and, like a happy child, she

gripped my arm and led me around, looking at the bassinets and the pretty painted colors on the wall, and just beaming about what this meant for children and their futures.

A few years later, I attended her funeral in Kolkata, where I saw presidents and prime ministers, royalty and street beggars pay her homage. And after the service, her successor, Sister Nirmala, the leader of the Missionary of Charity, invited me to come to the Mother House. I was deeply touched. When I arrived, I realized I was one of only a very few outsiders. And I was directed into a white-washed room where the casket had already arrived. And we stood around with the nuns, with the candles on the walls flickering, and prayed for this extraordinary woman. And then Sister Nirmala asked me to offer a prayer. I felt both inadequate and deeply honored, just as I do today.

And in the tradition of prayer breakfast speakers, let me share a few matters that reflect how I came on my own faith journey, and how I think about the responsibilities that President Obama and his administration and our government face today. As Amy said, I grew up in the Methodist Church. On both sides of my father's family, the Rodhams and the Joneses; they came from mining towns. And they claimed, going back many years, to have actually been converted by John and Charles Wesley. And, of course, Methodists—we are methodical. It was a particularly good religion for me. And part of it is a commitment to living out your faith. We believe that faith without works may not be dead, but it is hard to discern from time to time. John Wesley had this simple rule which I carry around with me as I travel: "Do all the good you can by all the means you can and by all the ways you can and all the places you can at all the times you can to all the people you can, as long as ever you can." That is a tall order. And of course, one of the interpretive problems with it is, who defines good? What are we actually called to do, and how do we stay humble enough, obedient enough, to ask ourselves, "Am I really doing what I am called to do?" It was a good rule to be raised by and it was certainly a good rule for my mother and father to discipline us by. And I think it is a good rule to live by, with the appropriate dose of humility. Our world is an imperfect one filled with imperfect people, so we constantly struggle to meet our own spiritual goals. But John Wesley's teachings, and the teachings of my church, particularly during my childhood and teenage years, gave me the impetus to believe that I did have a responsibility. It meant not sitting on the sidelines, but being in the arena. And it meant constantly working to try to fulfill the lessons that I absorbed as a child. It is not easy. We are here today because we are all seekers, and we can all look around our own lives and the lives of those whom we know and see everyone falling so short.

As we look around the world, there are so many problems and challenges that people of faith are attempting to address—or should be. We can recite those places where human beings are mired in the past—their hatreds, their differences—where governments refuse to speak to other governments, where the progress of entire nations is undermined because isolation and insularity seem less risky than cooperation and collaboration, where all too often it is religion that is the force that drives and sustains division rather than being the healing balm. These patterns persist despite the overwhelming evidence that more good will comes from suspending old animosities and preconceptions, from en-

gaging others in dialogue, from remembering the cardinal rules found in all of the world's major religions.

Last October, I visited Belfast once again, 11 years after the signing of the Good Friday agreement, a place where being a Protestant or a Catholic determined where you lived, often where you worked, whether you were a friend or an enemy, a threat or a target. Yet over time, as the body count grew, the bonds of common humanity became more powerful than the differences fueled by ancient wrongs. So bullets have been traded for ballots—as we meet this morning, both communities are attempting to hammer out a final agreement on the yet unresolved issues between them. And they are discovering anew what the Scripture urges us: "Let us not become weary in doing good, for at the proper time we will reap a harvest if we do not give up." Even in places where God's presence and promise seems fleeting and unfulfilled or completely absent, the power of one person's faith and the determination to act can help lead a nation out of darkness.

Some of you may have seen the film, "Pray the Devil Back to Hell." It is the story of a Liberian woman who was tired of the conflict and the killing and the fear that had gripped her country for years. So she went to her church and she prayed for an end to the civil war. And she organized other women at her church, and then at other churches, then at the mosques. Soon thousands of women became a mass movement, rising up and praying for a peace, and working to bring it about that finally, finally ended the conflict.

And yet, the devil must have left Liberia and taken up residence in Congo. When I was in the Democratic Republic of Congo this summer, the contrasts were so overwhelmingly tragic—a country the size of Western Europe, rich in minerals and natural resources, where 5.4 million people have been killed in the most deadly conflict since World War II; where 1,100 women and girls are raped every month; where the life expectancy is 46 and dropping; where poverty, starvation and all of the ills that stalk the human race are in abundance. When I traveled to Goma, I saw in a single day the best and the worst of humanity. I met with women who had been savaged and brutalized physically and emotionally, victims of gender and sexual-based violence in a place where law, custom and even faith did little to protect them. But I also saw courageous women who, by faith, went back in to the bush to find those who, like them, had been violently attacked. I saw the doctors and the nurses who were helping to heal the wounds, and I saw so many who were there because their faith led them to it.

As we look at the world today and we reflect on the overwhelming response—of the outpouring of generosity—to what happened in Haiti, I am reminded of a story of Elijah. After he goes to Mount Horeb, we read that he faced "a great wind, so strong that it was splitting mountains and breaking rocks in pieces before the Lord, but the Lord was not in the wind; and after the wind, an earthquake, but the Lord was not in the earthquake; and after the earthquake, a fire, but the Lord was not in the fire; and after the fire, a sound of sheer silence—a still small voice." It was then that Elijah heard the voice of the Lord. It is often when we are only quiet enough to listen, that we do as well. It is something we can do at any time, without a disaster or a catastrophe provoking it. It shouldn't take that.

But the teachings of every religion call us to care for the poor, tell us to visit the or-

phans and widows, to be generous and charitable, to alleviate suffering. All religions have their version of the Golden Rule and direct us to love our neighbor and welcome the stranger and visit the prisoner. But how often in the midst of our own lives do we respond to that? All of these holy texts, all of this religious wisdom from these very different faiths, call on us to act out of love. In politics, we sometimes talk about message discipline—making sure everyone uses the same set of talking points. Well, whoever was in charge of message discipline on these issues for every religion certainly knew what they were doing. Regardless of our differences, we all got the same talking points and the same marching orders. So the charge is a personal one. Yet across the world, we see organized religion standing in the way of faith, perverting love, undermining that message. Sometimes it is easier to see the far away than the here at home. But religion, cloaked in naked power lust, is used to justify horrific violence, attacks on homes, markets, schools, volleyball games, churches, mosques, synagogues, temples. From Iraq to Pakistan and Afghanistan to Nigeria and the Middle East, religion is used as a club to deny the human rights of girls and women, from the Gulf to Africa to Asia, and to discriminate, even advocating the execution of gays and lesbians. Religion is used to enshrine in law intolerance of free expression and peaceful protest. Iran is now detaining people and executing people under a new crime—waging war against God. That seems to be a rather dramatic identity crisis.

So in the Obama Administration, we are working to bridge religious divides. We are taking on violations of human rights perpetrated in the name of religion. And we invite members of Congress and clergy and active citizens like all of you here to join us. Of course, we are supporting the peace processes from Northern Ireland to the Middle East, and of course we are following up on the President's historic speech at Cairo with outreach efforts to Muslims and promoting interfaith dialogue, and of course we are condemning the repression in Iran. But we are also standing up for girls and for women, who too often in the name of religion, are denied their basic human rights. And we are standing up for gays and lesbians who deserve to be treated as full human beings. And we are also making it clear to countries and leaders that these are priorities of the United States. Every time I travel, I raise the plight of girls and women, and make it clear that we expect to see changes. And I recently called President Museveni, whom I have known through the prayer breakfast, and expressed the strongest concerns about a law being considered in the parliament of Uganda.

We are committed, not only to reaching out and speaking up about the perversion of religion, and in particularly the use of it to promote and justify terrorism, but also seeking to find common ground. We are working with Muslim nations to come up with an appropriate way of demonstrating criticism of religious intolerance without stepping over into the area of freedom of religion, or non-religion, and expression. So there is much to be done, and there are a lot of challenging opportunities for each of us as we leave this prayer breakfast, this 58th prayer breakfast.

In 1975, my husband and I, who had gotten married in October, and we were both teaching at the University of Arkansas Law School in beautiful Fayetteville, Arkansas—we got married on a Saturday and went back to work on a Monday. So around Christmas-time, we decided that we should go somewhere and celebrate, take a honeymoon. And

my late father said, "Well, that's a great idea, we'll come too." And indeed Bill and I and my entire family went to Acapulco. We had a great time, but it wasn't exactly a honeymoon. So when we got back, Bill was talking to one of his friends who was then working in Haiti, and his friend said, "Well, why don't you come see me? This is the most interesting country. Come and take some time." So indeed, we did. So we were there over the New Year's holidays. And I remember visiting the cathedral in Port-au-Prince, in the midst of, at that time, so much fear from the regime of the Duvaliers, and so much poverty, there was this cathedral that had stood there and served as a beacon of hope and faith. After the earthquake, I was looking at some of our pictures from the disaster, and I saw the total destruction of the cathedral. It was just a heart rending moment. And yet, I also saw men and women helping one another, digging through the rubble, dancing and singing in the makeshift communities that they were building up. And I thought again that as the Scripture reminds us, "Though the mountains be shaken and the hills be removed, yet my unfailing love for you will not be shaken nor my covenant of peace be removed."

As the memory of this crisis fades, as the news cameras move on to the next very dramatic incident, let us pray that we can sustain the force and the feeling that we find in our hearts and in our faith in the aftermath of such tragedies. Let us pray that we will all continue to be our brothers' and sisters' keepers. Let us pray that amid our differences we can continue to see the power of faith not only to make us whole as individuals, to provide personal salvation, but to make us a greater whole and a greater force for good on behalf of all creation. So let us do all the good that we can, by all the means we can, in all the ways we can, in all the places we can, to all the people we can, as long as ever we can. God Bless you.

Senator Isakson: Thank you, Secretary Clinton, for your words of inspiration and for the magnificent job you do as the Secretary of State for our nation. I now have the high honor and distinct privilege of introducing the President of the United States—that is no easy task. Have you ever tried introducing somebody that is known to everybody on the planet? It is hard to find something unique and inspirational. Everyone knows of the historic impact of Barack Obama's election to the Presidency of the United States. We all marvel at his oratory skills and his ability to communicate, and we all know his energy is boundless. We also know that his audacity of hope has given hope to millions of people around the world, to aspire to the highest of achievement in their life. But it was his State of the Union that inspired me as to what I would say, because I listened when he asked us to seek those things that we have in common, not those things that divide us. And then I realized it, Mr. President, you and I share one unique characteristic in common—we married way over our heads. With a magnificent First Lady like Michelle Obama, I felt it only appropriate that I would introduce you today, sir, as the husband of the dynamic First Lady of the United States of America, President Barack Obama.

The President: Thank you. Thank you very much. Please be seated.

Thank you so much. Heads of State, Cabinet members, my outstanding Vice President, members of Congress, religious leaders, distinguished guests, Admiral Mullen—it's good to see all of you. Let me begin by ac-

knowledging the co-chairs of this breakfast, Senators Isakson and Klobuchar, who embody the sense of fellowship at the heart of this gathering. They are two of my favorite senators. Let me also acknowledge the director of my Faith-based Office, Joshua DuBois, who is here. He's doing great work.

I want to commend Secretary Hillary Clinton on her outstanding remarks and her outstanding leadership at the State Department. She is doing good every day. I am especially pleased to see my dear friend, Prime Minister Zapatero, and I want him to relay America's greetings to the people of Spain. And Johnny, you are right, I am deeply blessed, and I thank God every day for being married to Michelle Obama.

I am privileged to join you once again as my predecessors have for over half a century. Like them, I come here to speak about the ways my faith informs who I am—as a President and as a person. But I am also here for the same reason that all of you are, for we all share recognition—one as old as time—that a willingness to believe, an openness to grace, a commitment to prayer can bring sustenance to our lives.

There is, of course, a need for prayer even in times of joy and peace and prosperity. Perhaps especially in such times prayer is needed—to guard against pride and to guard against complacency. But rightly or wrongly, most of us are inclined to seek out the divine not in the moment when the Lord makes his face shine upon us but in the moment when God's grace can seem farthest away.

Last month, God's grace, God's mercy, seemed far away from our neighbors in Haiti. And yet I believe that grace was not absent in the midst of tragedy. It was heard in prayers and hymns that broke the silence of an earthquake's wake. It was witnessed among parishioners of churches that stood no more, a road side congregation holding bibles in their laps. It was felt in the presence of relief workers and medics, translators, service men and women bringing food and water and aid to the injured.

One such translator was an American of Haitian decent, representative of the extraordinary work that our men and women in uniform do all around the world—Navy Corpsman Christopher Brossard. And lying on a gurney aboard the USNS Comfort, a woman asked Christopher: "Where do you come from? What country? After my operation," she said, "I will pray for that country." And in Creole, Corpsman Brossard responded, "Etazini." The United States of America.

God's grace, and the compassion and decency of the American people is expressed through the men and women like Corpsman Brossard. It is expressed through the efforts of our Armed Forces; through the efforts of our entire government; through similar efforts from Spain and other countries around the world. It is also, as Secretary Clinton said, expressed through multiple faith-based efforts. By Evangelicals at World Relief. By the American Jewish World Service. By Hindu temples, and mainline Protestants, Catholic Relief Services, African-American churches, the United Sikhs. By Americans of every faith, and no faith, uniting around a common purpose, a higher purpose.

It's inspiring. This is what we do, as Americans, in times of trouble. We unite, recognizing that such crises call on all of us to act, recognizing that there but for the grace of God go I, recognizing that life's most sacred responsibility—one affirmed, as Hillary said, by all of the world's great religions—is

to sacrifice something of ourselves for a person in need.

Sadly, though, that spirit is too often absent when tackling the long-term, but no less profound issues facing our country and the world. Too often, that spirit is missing without the spectacular tragedy—the 9/11 or the Katrina, the earthquake or the tsunami—that can shake us out of complacency. We become numb to the day-to-day crises, the slow-moving tragedies of children without food and men without shelter and families without health care. We become absorbed with our abstract arguments, our ideological disputes, our contests for power. And in this Tower of Babel, we lose the sound of God's voice.

Now, for those of us here in Washington, let's acknowledge that democracy has always been messy. Let's not be overly nostalgic. Divisions are hardly new in this country. Arguments about the proper role of government, the relationship between liberty and equality, our obligations to our fellow citizens—these things have been with us since our founding. And I am profoundly mindful that a loyal opposition, a vigorous back and forth, a skepticism of power, all of that is what makes our democracy work.

And we have seen actually some improvement in some circumstances. We haven't seen any canings on the floor of the Senate any time recently. So we shouldn't over-romanticize the past. But there is a sense that something is different now; that something is broken; that those of us in Washington are not serving the people as well as we should. At times, it seems like we are unable to listen to one another; to have at once a serious and civil debate. And this erosion of civility in the public square sows division and distrust among our citizens. It poisons the well of public opinion. It leaves each side little room to negotiate with the other. It makes politics an all-or-nothing sport, where one side is either always right or always wrong when, in reality, neither side has a monopoly on truth. And then we lose sight of the children without food and the men without shelter and the families without health care.

Empowered by faith, consistently, prayerfully, we need to find our way back to civility. That begins with stepping out of our comfort zones in an effort to bridge divisions. We see that in many conservative pastors who are helping lead the way to fix our broken immigration system. It's not what would be expected from them, and yet they recognize, in those immigrant families, the face of God. We see that in the Evangelical leaders who are rallying their congregations to protect our planet. We see it in the increasing recognition among progressives that government cannot solve all of our problems, and that talking about values like responsible fatherhood and healthy marriage are integral to any anti-poverty agenda. Stretching out of our dogmas, our prescribed roles along the political spectrum, that can help us regain a sense of civility.

Civility also requires relearning how to disagree without being disagreeable; understanding as President Kennedy said, that "civility is not a sign of weakness." Now, I am the first to confess that I am not always right. Michelle will testify to that. But surely you can question my policies without questioning my faith, or, for that matter, my citizenship.

Challenging each other's ideas can renew our democracy. But when we challenge each other's motives, it becomes harder to see what we hold in common. We forget that we share in some deep level the same dreams—

even when we don't share the same plans on how to fulfill them.

We may disagree about the best way to reform our health care system, but surely we can agree that no one ought to go broke when they get sick in the richest nation on Earth. We can take different approaches to ending inequality, but surely we can agree on the need to lift our children out of ignorance; to lift our neighbors from poverty. We may disagree about gay marriage, but surely we can agree that it is unconscionable to target gays and lesbians for who they are—whether it is here in the United States or, as Hillary mentioned, more extremely in odious laws that are being proposed most recently in Uganda.

Surely, we can agree to find common ground when possible, parting ways when necessary. But in doing so, let us be guided by our faith, and by prayer. For while prayer can buck us up when we are down, keep us calm in a storm; while prayer can stiffen our spines to surmount an obstacle—and I assure you I'm praying a lot these days—prayer can also do something else. It can touch our hearts with humility. It can fill us with a spirit of brotherhood. It can remind us that each of us are children of an awesome and loving God.

Through faith, but not through faith alone, we can unite people to serve the common good. And that's why my Office of Faith-Based and Neighborhood Partnerships has been working so hard since I announced it here last year. We have slashed red tape and built effective partnerships on a range of uses, from promoting fatherhood here at home, to spearheading inter-faith cooperation abroad. And through that office, we have turned the faith based initiative around to find common ground among people of all beliefs, allowing them to make an impact that is civil and respectful of difference and focused on what matters most.

It is this spirit of civility that we are called to take up when we leave here today. That is what I am praying for. I know in difficult times like these—when people are frustrated, when pundits start shouting and politicians start calling each other names—it can seem like a return to civility is not possible, like the very idea is a relic of some bygone era. The word itself seems quaint—civility.

But let us remember those who came before; those who believed in the brotherhood of man even when such a faith was tested. Remember Dr. Martin Luther King. Not long after an explosion ripped through his front porch, his wife and infant daughter inside, he rose to that pulpit in Montgomery and said, "Love is the only force capable of transforming an enemy into a friend."

In the eyes of those who denied his humanity, he saw the face of God.

Remember Abraham Lincoln. On the eve of the Civil War, with states seceding and forces gathering, with a nation divided half slave half free, he rose to deliver his first inaugural and said, "We are not enemies but friends . . . Though passion may have strained, it must not break our bonds of affection."

Even in the eyes of Confederate soldiers, he saw the face of God.

Remember William Wilberforce, whose Christian faith led him to seek slavery's abolition in Britain. He was vilified, derided, attacked; but he called for "lessening prejudices and conciliating good-will, and thereby making way for the less obstructed progress of truth."

In the eyes of those who sought to silence a nation's conscience, he saw the face of God.

Yes, there are crimes of conscience that call us to action. Yes, there are causes that move our hearts and offenses that stir our souls. But progress does not come when we demonize opponents. It is not born in righteous spite. Progress comes when we open our hearts, when we extend our hands, when we recognize our common humanity. Progress comes when we look into the eyes of another and see the face of God. That we might do so—that we will do so all the time, not just some of the time—is my fervent prayer for the nation and the world.

Thank you, God bless you, and God bless the United States of America.

Senator Isakson: Thank you so much, Mr. President, for your leadership and your words of faith. We are now in for a magnificent treat. Ralph Freeman founded Song Sermon Ministries years ago, has sung on continents around the world and throughout the United States. Ladies and gentlemen, Mr. Ralph Freeman.

Mr. Ralph Freeman: [Singing]

We believe in the Father who created all that is

And we believe the universe and all there is His

As a loving Heavenly Father he yearned to save us all

To lift us from the fall—we believe

We believe in Jesus, the Father's only son  
Existing uncreated before time had begun  
A sacrifice for sin, he died then he rose again  
To ransom sinful man—we believe.

We believe in the Spirit who makes believers one

Our hearts are filled with His presence

The Comforter has come

The kingdom unfolds in His plan

Unhindered by quarrels of man

His church upheld by his hands—we believe

Though the Earth be removed

And time be no more

These truths are secure God's words shall endure

Whatever may change, these things for sure—we believe.

So if the mountains are cast down into the plains

When the kingdoms all crumble, this one remains

Our faith is not subject to seasons of man

With our fathers we proclaim

We believe our Lord will come as He said

The land and the sea will give up their dead  
His children will reign with Him as their head

We believe

We believe

Senator Klobuchar: What an amazing song. Thank you so much and the President wanted me to let you know he only had to leave early so it makes it easier for you all to get out of here. But we want to thank you for such a beautiful morning, something we will never forget and we have one last prayer, a closing prayer and Johnny will introduce our speaker.

Senator Isakson: My favorite verse in the Bible is in the first book of Thessalonians, the 5th chapter, the 16th and 17th verses—"Rejoice evermore." And certainly after this morning's message from Secretary of State Clinton and the gifted musicians that we heard from, Ralph Freeman, Bob Fraumann and MaryKay Messenger, we have had a reason to rejoice this morning. But in addition, the second verse says "Pray without ceasing," and I can not think of a more appropriate person to close today than the young man of great gift and talent on the gridiron, who lives his faith and ministers around the

world sharing with others. A role model for the youth of America, the University of Florida quarterback, the Heisman Trophy Winner, Mr. Tim Tebow.

Mr. Tim Tebow: It is actually rather incredible that a Georgia Bulldog would invite a Florida Gator. So you can actually see the hand of God here today already. Madam Secretary, Senators, distinguished guests, thank you so much for this opportunity. Now if you would, please bow your heads and pray with me right now.

Dear Jesus, thank you for this day. Thank you for bringing together so many people that have a platform to influence people for you. Lord, as we disperse today let us be united in love, hope and peace. Lord, let us come together as one and break down all the barriers in between us that separate us. Lord, you came to seek and save those who were lost and we thank you for that. Lord, we don't know what the future holds but we know who holds the future and in that there is peace and in that there is comfort and in that there is hope. Lord, we pray for the people all over the world who are hurting right now, Lord. And the first thing that comes to mind is James 1, verses 2 through 4, "Consider all joy my brethren when you encounter various trials, knowing that the testing of your faith produces endurance and let endurance have its perfect result, that you may be perfect and complete, lacking in nothing." And we pray for the people in Haiti right now, Lord, that you make them perfect and complete because you love them and you have a plan for their lives, just like you do with our lives right now. So my prayer is as we leave today, we are united as one because of you. We love you and thank you. In Jesus' name, Amen.

Senator Isakson: Thank you for attending. We look forward to seeing you at the 59th Prayer Breakfast next year.

Senator Klobuchar: Thank you.

## HONORING OUR ARMED FORCES

SPECIALIST WILLIAM C. YAUCH

Mrs. LINCOLN. Mr. President, today I honor SPC William C. Yauch, 23, of Batesville who died in Jalula, Iraq, in support of Operation Iraqi Freedom. According to initial reports, Specialist Yauch died of injuries sustained when a vehicle-borne improvised explosive device detonated near his patrol. He is survived by his wife of Batesville, his mother of Cave City, and his father of Saint Charles, MO.

My heart goes out to the family of Specialist Yauch who made the ultimate sacrifice on behalf of our Nation. Along with all Arkansans, I am grateful for his service and for the service and sacrifice of all of our military servicemembers and their families. I am committed to ensuring they have the full support that they need and deserve. Our grateful Nation will not forget them when their military service is complete.

More than 11,000 Arkansans on active duty and more than 10,000 Arkansas reservists have served in Iraq or Afghanistan since September 11, 2001. These men and women have shown tremendous courage and perseverance through the most difficult of times. As neighbors, as Arkansans, and as Americans,

it is incumbent upon us to do everything we can to honor their service and to provide for them and their families, not only when they are in harm's way but also when they return home. It is the least we can do for those whom we owe so much.

Specialist Yauch was assigned to B Company, 5th Battalion, 20th Infantry Regiment, 2nd Infantry Division, Joint Base Lewis-McChord, WA.

**REMEMBERING COLONEL WILLIAM H. MASON AND CHIEF MASTER SERGEANT THOMAS E. KNEBEL**

Mrs. LINCOLN. Mr. President, today I pay tribute to two airmen from Arkansas, Air Force COL William H. Mason of Camden and CMSGT. Thomas E. Knebel of Midway, who bravely gave their lives during the Vietnam War, but whose ultimate fate had remained unknown. During a recent ceremony at Arlington National Cemetery, Colonel Mason and Chief Master Sergeant Knebel along with their crew members were given full military honors for their sacrifice.

On May 22, 1968, these men were aboard a C-130A Hercules on an evening flare mission over northern Salavan Province, Laos. Fifteen minutes after the aircraft made a radio call, the crew of another U.S. aircraft observed a large ground fire near the last known location of the aircraft. Search and rescue could not be attempted due to heavy anti-aircraft fire in the area.

The fate of the plane and its crew was a mystery for decades. Military investigators pursued numerous leads before locating the crash site just inside Vietnam in 2000, then spent several more years trying to identify human remains at the site.

After years of uncertainty, the families of Colonel Mason and Chief Master Sergeant Knebel can now be at peace knowing the remains of their loved ones have been found.

My heart goes out to the families of these airmen, who made the ultimate sacrifice on behalf of our Nation. Along with all Arkansans, I am grateful for the service and sacrifice of all of our military servicemembers and their families. I am committed to ensuring they have the full support that they need and deserve. As Arkansans, and as Americans, it is incumbent upon us to do everything we can to honor their service. It is the least we can do for those whom we owe so much.

**ADDITIONAL STATEMENTS**

**WYNDMERE, NORTH DAKOTA**

• Mr. CONRAD. Mr. President, I wish to recognize a community in North Dakota celebrating its 125th anniversary. On June 25 through 27, the residents of Wyndmere will gather to celebrate

their community's history and founding.

In 1883, when North Dakota was just part of the Dakota territories, the city of Wyndmere was founded. It was named after Windermere Lake in Westmorelandshire, England, which derived from the combination of "wynd," meaning a narrow lane, and "mere," a pool or lake. The post office was established in 1884, and the Soo Line railroad crossed through town in 1888. The town flourished and became known as the Corn Capital of North Dakota.

The city was named a boom town in 1903 with multiple banks, physicians, blacksmith shops, jewelry stores, newspapers, and other businesses signaling its prosperity. Today, the city of Wyndmere and its residents are lucky to live with America's countryside in their backyard. With Sheyenne National Grasslands to enjoy, it is no surprise to find such a happy community. Wyndmere will celebrate its quasiquicentennial with activities including an all school reunion and a parade.

I ask the Senate to join me in congratulating Wyndmere, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Wyndmere and all the other historic small towns of North Dakota, we keep the great tradition of the pioneering frontier spirit alive for future generations. It is places such as Wyndmere that have helped to shape this country into what it is today, which is why the community of Wyndmere is deserving of our recognition.

Wyndmere has a proud past and a bright future.●

**REMEMBERING JOHN W. DOUGLAS**

• Mr. DODD. Mr. President, today I wish to honor the life and career of John Woolman Douglas, who passed away on June 6, 2010, at the age of 88.

We are all familiar with the images of the 1963 civil rights march, which took place here in Washington, DC, and is still one of the largest demonstrations of its kind in the Nation's history. It was during this march, in front of the Lincoln Memorial, with the National Mall flooded with demonstrators, that Dr. Martin Luther King, Jr. delivered his iconic "I Have a Dream" speech.

The images of that day, and of Dr. King's speech, have left an indelible mark on U.S. history. These events are remembered as some of the most important moments in the struggle against racial discrimination. They are also remembered as a nonviolent and hopeful affair—a stark contrast to the violence which characterized earlier demonstrations in the deep south.

Much of the credit for the success of this historic event goes to the tireless work of an Assistant Attorney General

at the Justice Department. His name was John Douglas. As the head of the Justice Department's Civil Rights Division, Douglas was charged by President Kennedy with the responsibility for the logistics and security of the march. For five weeks in the summer of 1963, he worked tirelessly with local law enforcement, the march's organizers, and the city of Washington to ensure a peaceful, effective demonstration.

Though his efforts went largely unnoticed to most Americans, it was vital to the success of this iconic event. It was also a testament to Mr. Douglas's personal belief in ensuring that the laws of our nation protect and promote the civil rights of all citizens.

His commitment to the rule of law, and to the advancement of basic human and civil rights in the United States and across the globe, helped John Douglas find himself at the forefront of some of the most significant moments of the 20th century—events that helped shape that century into one of progress and promise.

The son of the late U.S. Senator Paul Douglas, John was a 1943 graduate of Princeton University. After serving in the Navy during World War II as an officer on a PT boat in the Pacific, he enrolled at Yale Law School, in my home State of Connecticut. In 1948, he went on to London as a Rhodes Scholar and returned to clerk for Supreme Court Justice Harold Burton. He then embarked upon a career in private law practice and in government, during which he sought to advance the cause of justice both at home and abroad.

In 1962, Douglas was one of four men who negotiated the release of more than 1,000 anti-communist prisoners, captured and held by Cuban leader Fidel Castro after the Bay of Pigs invasion. He then served in the Kennedy Justice Department, where he was Assistant Attorney General until leaving to help his father run his final campaign for U.S. Senate in 1966.

Upon returning to private practice, he served as cochairman of the Lawyer's Committee for Civil Rights Under Law. In 1970, he learned that schools in the South were still placing black students in separate classes and preventing them from participating in after school activities. Under his direction dozens of volunteers travelled to the South to assist in taking legal action to stop these injustices. Throughout the 1970s and 80s, he continued working actively on civil rights issues, serving as the cochairman of the Washington Lawyers' Committee for Civil Rights and Urban Affairs, and also as president of the National Legal Aid and Defender Association.

Internationally, Mr. Douglas worked to advance human rights through the development of democracy across the globe. In 1985, he traveled to South Africa, where he demonstrated against

apartheid. He then returned to that nation as an official election observer in 1994—the year that Nelson Mandela was elected as President of South Africa in the first multi-racial election in that nation's history. He also served as an election monitor in the African nation of Namibia on three occasions in the 1980s and 1990s.

When he saw the rule of law warped into the tool of oppressive regimes, John Douglas stood courageously on the side of justice and human rights. As chairman of the Carnegie Endowment for International Peace from 1978 to 1986, he advocated for international arms controls. He also travelled to Chile in 1986 to protest the violent, oppressive regime of General Augusto Pinochet.

Clearly, he knew, just as my father Thomas Dodd, one of the lead prosecutors of the Nuremberg trials did, that the law is humanity's strongest and noblest weapon against tyranny and oppression. This is a fundamental value that John Douglas truly took to heart, and throughout his career he fought for the rule of law over the rule of the mob both at home and abroad.

His contributions to the advancement of these principles shall never be forgotten, and I extend my deepest condolences to his family for their loss.●

#### TRIBUTE TO DR. JEFF KIMPEL

● Mr. INHOFE. Mr. President, when a tornado or severe weather event threatens the lives and property of our citizens across the country, few know that a hard-working, unsung hero is directing the National Severe Storms Laboratory in Norman, OK, to provide advanced weather forecasting on these threats. Our friend and colleague, Dr. Jeff Kimpel, Director of the NSSL, is retiring after 13 years of Federal service as the Director of the National Severe Storms Laboratory in Norman, OK. He will be sorely missed.

As my colleagues in the Senate know, the NSSL is best known for developing Doppler weather radar technology that led to the establishment of the national NEXRAD network consisting of more than 150 radar systems. During Dr. Kimpel's watch, NSSL performed the scientific and technological research that upgraded the NEXRADs from proprietary to open systems, added superresolution capability and designed dual-polarization upgrades. Dual-polarization will significantly increase the accuracy of rainfall estimates, delineate rain from snow, and provide an estimate of hail size. Since its installation, the NEXRAD program has reduced tornado-related deaths by 45 percent and personal injuries by 40 percent.

Under Dr. Kimpel's leadership, NSSL established strong programs in short-term cloud-resolving, numerical forecast models that are designed to yield

estimates of hazardous weather events including tornadoes, windstorms, lightning, hail, and heavy precipitation. He championed radar-based rainfall analyses for flash flood and river forecasting. He was instrumental in establishing support for new facilities for NSSL that led to the eventual construction of the magnificent National Weather Center building shared with the National Weather Service and the University of Oklahoma Meteorology Program. He supported NSSL scientists and equipment to participate in 17 national and international field studies including the high profile Verification of the Origin of Tornadoes Experiment.

While Dr. Kimpel served as Director, NSSL scientists published over 600 archival, refereed journal articles, obtained 3 patents, and participated in 4 Cooperative Research and Development Agreements with private companies. NSSL employees achieved many honors and recognitions during his tenure including a NSSL affiliate being elected to the National Academy of Sciences, a senior researcher being elected to the National Academy of Engineering, and two junior colleagues being invited to the White House as winners of the Presidential Early Career Award for Scientists and Engineers.

Dr. Kimpel's legacy at NSSL will be his establishment of far-reaching research programs designed to vastly improve weather and water warnings and forecasts. He worked tirelessly to launch the Multifunction Phased Array Radar initiative as a possible eventual replacement for NEXRAD. He worked with the NWS Storm Prediction Center and the Norman Weather Forecast Office to establish the Hazardous Weather Testbed to accelerate the transition of new science into operational warning and forecasting decision processes. He worked with others to support the Warn-on-Forecast initiative that envisions a time when severe weather warnings will be issued using numerical guidance in addition to the present method of detecting precursors or the event itself. Dr. Kimpel expanded NSSL's radar-based flash flood forecasting and water management programs into coastal areas where inundation from land-falling tropical storms and hurricanes is possible.

Prior to becoming the Director of NSSL, Dr. Kimpel served in the U.S. Air Force, including a tour in Vietnam for which he was awarded the Bronze Star. He earned his graduate degrees at the University of Wisconsin before joining the meteorology faculty at the University of Oklahoma. He achieved the rank of full professor and held a number of administrative positions including dean of the College of Geosciences and provost and senior vice president of the Norman Campus. He was named a Fellow of the American Meteorological Society, is a certified,

consulting meteorologist, and was elected president of the AMS in 2000. He chaired both the National Science Foundation's Advisory Committee for Atmospheric Sciences and the Board of Trustees of the University Corporation for the Atmospheric Sciences. Dr. Kimpel plans on remaining in Norman and spending more time with his five children and two grandchildren.

Is there an unsung hero protecting Americans? Yes—that hero to all of us is Dr. Jeff Kimpel. We wish him well in his future pursuits, and all of us continue to support those research and day-to-day operations he has championed at the NSSL in severe weather detection, research, and forecasting.●

#### TRIBUTE TO BOBBY SOUTHARD

● Mrs. LINCOLN. Mr. President, today I recognize Police Chief Bobby Southard of Hot Springs, AR. After a 22-year law enforcement career, Chief Southard will retire at the end of June.

Hired as a police officer in 1988, Chief Southard has enjoyed a successful career, serving as sergeant, lieutenant, captain, acting chief of police, and in February 2007 was selected as chief of the 129-person department.

Along with all Arkansans, I recognize the courage, bravery, and dedication of our Arkansas law enforcement, who risk their lives each day to keep our citizens safe. I thank these public servants for their service and sacrifice.●

#### TRIBUTE TO DR. FAUST ALVAREZ

● Mr. TESTER. Mr. President, today I announce to the Senate that after 24 years as chief of staff for the VA Montana Health Care System, Dr. Faust M. Alvarez, MD, has decided to retire. Dr. Alvarez was appointed chief of staff in August 1986 and continued in that position until April 30, 2010. He began his career as a staff physician at Fort Harrison Medical Center in 1984. Prior to joining the VA system he was engaged in private practice in the city of Helena for 12 years. During this time he founded and directed the first Montana hemodialysis unit and renal program at St. Peter's Hospital.

When Dr. Alvarez became the chief of staff at the VA, he sought to provide Montana's veterans with a high quality standard of care, and to provide easier access to medical services. These were challenging goals given that the VA Montana Health Care System has only one hospital and Montana is the fourth largest State geographically. Furthermore Montana has the second largest per capita veteran populations in the country. Through hard work and dedication, he and his staff have achieved these goals and have made the VA Montana Health Care System what it is today.

In 1988 Dr. Alvarez began expanding services for veterans by creating satellite clinics. The first clinics were

opened in Anaconda and Kalispell. Today the VA Montana Health Care System has a presence in every major city in the state through 12 satellite outpatient facilities. Three of these facilities have telemedicine access and more are to be activated.

Through Dr. Alvarez's leadership and the hard working personnel of VA Montana, the VA Montana Medical System has been recognized on numerous occasions for its quality medical services. In 2005 the VA Montana was selected as the Nation's VA hospital of the year. Dr. Alvarez believes that Montana's veterans should expect and receive the highest quality medical care and services, and he has strived to ensure this expectation is met. By hiring board certified medical personnel, acquiring new state of the art equipment and incorporating current medical trends into the provision of healthcare services at VA Montana, Dr. Alvarez, and his staff, have made the VA Montana Health Care System the facility of choice for veterans across the State.

I thank Dr. Alvarez for his dedicated years of service. We are all proud of his accomplishments at VA Montana and the positive affect that the VA has had across the State during his tenure. I appreciate his initiative and hard work to continually improve medical services for Montana's veterans and to ensure our veterans receive appropriate care. I am certain that those who come after will maintain the same level of commitment and leadership.

Dr. Alvarez is a fellow of the American College of Physicians, an honorary designation recognizing scholarly and professional achievements in internal medicine. Dr. Alvarez was appointed by various Governors of the State of Montana to the State Board of Medical Examiners where he served for a total of 18 years.

Dr. Alvarez is retired from the U.S. Army Reserve where he served as a colonel and regional flight surgeon. He was also State medical commander for the Montana National Guard as well as flight surgeon to the 189th Aviation Battalion. During his service he received multiple decorations, including five Commendation Medals and five Meritorious Service Medals. Upon retirement, he received the Legion of Merit for exceptional meritorious conduct in the performance of outstanding services and achievements.

Dr. Alvarez and his wife of 43 years, Marie, have been dedicated to and are actively involved in the Helena community. They created the Dr. Faust M. & Marie Alvarez Scholarship in 1975. It is awarded annually to a deserving Carroll College student demonstrating academic integrity and financial need majoring in biology or a health-field program. Dr. Alvarez has also served as a member of the Regional Airport Board and as a senior FAA medical examiner. Both he and Marie are pilots.

He also enjoys restoring classic automobiles and building fine wood furniture. He has five daughters and four grandchildren.

Dr. Alvarez has been an outstanding civil servant. I thank him for his service and what he has done for Montana's veterans. I wish him and his wife the best in their future endeavors.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

##### ENROLLED BILL SIGNED

At 7:57 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3951. An act to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the "Roy Rondeno, Sr. Post Office Building".

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6234. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Part 190 (75 FR 17297, April 6, 2010), Account Class" (RIN3038-AC94) received in the Office of the President of the Senate on June 10, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6235. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus thuringiensis eCry3.1Ab Protein in Corn; Temporary Exemption from the Requirement of a Tolerance" (FRL No. 8829-9) received in the Office of the President of the Senate on June 15, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6236. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticide Management and Disposal;

Standards for Pesticide Containers and Containment; Change to Labeling Compliance Date" (FRL No. 8830-7) received in the Office of the President of the Senate on June 15, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6237. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a quarterly report relative to withdrawals or diversions of equipment from Reserve component units from January 1, 2010 to March 31, 2010; to the Committee on Armed Services.

EC-6238. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral Robert T. Moeller, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-6239. A communication from the Acting Director of the Acquisition Policy and Legislation Branch, Office of the Chief Procurement Officer, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Revision of Department of Homeland Security Acquisition Regulations; Restrictions on Foreign Acquisition" (RIN1601-AA57) received in the Office of the President of the Senate on June 10, 2010; to the Committee on Armed Services.

EC-6240. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Final Rule Amending Appendix A to the Iranian Transactions Regulations" (31 CFR Part 560) received in the Office of the President of the Senate on June 15, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6241. A communication from the Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Local Number Portability Porting Interval and Validation Requirements; Telephone Number Portability" (FCC 10-85) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6242. A communication from the Deputy Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Facilitating the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands" (FCC 10-107) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6243. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to obligations and unobligated balances of funds provided for Federal-aid highway and safety construction programs during fiscal year 2008; to the Committee on Commerce, Science, and Transportation.

EC-6244. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of the Clean Air Act, Section 112(I), Authority for Hazardous Air Pollutants: Air Emission Standards for Halogenated Solvent Cleaning Machines: State of Rhode Island Department of Environmental Management" (FRL No. 9163-2) received in the Office of the President of the Senate on June 15, 2010; to the Committee on Environment and Public Works.

EC-6245. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Transportation Conformity Regulations" (FRL No. 9164-5) received in the Office of the President of the Senate on June 15, 2010; to the Committee on Environment and Public Works.

EC-6246. A communication from the Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Extension of Expiration Dates for Several Body System Listings" (RIN0960-AH20) received in the Office of the President of the Senate on June 15, 2010; to the Committee on Finance.

EC-6247. A communication from the Deputy Associate Commissioner, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment Language Change from 'Wholly' to 'Fully'" (RIN0960-AH16) received in the Office of the President of the Senate on June 11, 2010; to the Committee on Finance.

EC-6248. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 41 Research Credit—Intra-Group Receipts from Foreign Affiliates" (UIL No. 41.51-11) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Finance.

EC-6249. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Built-in Gains and Losses under Section 382(h)" (TD9487) (RIN1545-BG03) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Finance.

EC-6250. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 382 Segregation Rules" (Notice No. 2010-49) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Finance.

EC-6251. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 382(I)(3)(C) Fluctuations in Values" (Notice No. 2010-50) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Finance.

EC-6252. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Indoor Tanning Services; Cosmetic Services; Excise Taxes" (RIN1545-BJ41) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Finance.

EC-6253. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and U.S. civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC-6254. A communication from the Assistant Secretary, Legislative Affairs, Depart-

ment of State, transmitting, pursuant to law, a report relative to provisions of Section 7072 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010, as they relate to restrictions on assistance to the central government of Serbia; to the Committee on Foreign Relations.

EC-6255. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a notification of the Department's intent to obligate Fiscal Year 2010 Non-proliferation, Antiterrorism, Demining and Related Programs funds to be used for the Export Control and Related Border Security Program; to the Committee on Foreign Relations.

## PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-123. A resolution adopted by the Senate of the State of Alaska relative to the mining and processing of rare earth elements in Alaska and to the stockpiling of rare earth elements; and urging Congress to pass H.R. 4866; to the Committee on Energy and Natural Resources.

### SENATE RESOLVE NO. 8

Whereas the United States once was largely self-sufficient in rare earth elements; and Whereas mineable concentrations of rare earth elements are not commonly found; and Whereas rare earth elements are exceptionally valuable because of their unique chemical, electrical, and physical properties; and

Whereas the unique chemical, electrical, and physical properties of rare earth elements make them indispensable for a wide variety of emerging critical technologies, and, in particular, technologies needed for defense and clean energy applications; and

Whereas the United States has become almost entirely dependent on foreign sources of yttrium, niobium, and rare earth elements, as well as associated elements of tantalum and zirconium; and

Whereas dysprosium and terbium are among the scarcest, most valuable, and most sought after rare earth metals needed for green technology and military applications; and

Whereas the value-added technology and skill to allow both the recovery of rare earth elements from mineral forms in ore and the manufacture of finished products, such as magnets, from rare earth elements has almost entirely migrated to China, as has the actual mining of rare earth ores; and

Whereas China currently accounts for 97 percent of the world's production of rare earth elements; and

Whereas China has reduced its exports of rare earth elements; and

Whereas a future in which manufacturing of wind turbines, solar panels, advanced batteries, and geothermal steam turbines are produced only outside of the United States poses a risk to the country; and

Whereas, after extraction of rare earth ores, processing, refining, and production are needed to provide the United States with self-reliance in these technologies; and

Whereas, in contrast to rare earth element deposits found elsewhere in the United States, Bokan Mountain discoveries on the southern end of Prince of Wales Island are rich in the heavy rare earth elements of eu-

ropium, gadolinium, terbium, dysprosium, thulium, holmium, erbium, ytterbium, lutetium, and yttrium; and

Whereas continued exploration, together with the establishment of secondary processing and research facilities in Alaska, would result in new career opportunities for Alaskans; and

Whereas current economic opportunities on Prince of Wales Island and throughout Alaska have significantly decreased; and

Whereas the federal Tongass National Forest Land and Resource Management Plan has been completed and the Bokan Mountain area zoned for mineral development; and

Whereas the state's Prince of Wales Island Area Plan has been completed and the Kendrick Bay area classified for mineral and forestry access and development; and

Whereas overland access and transport requirements in the Tongass National Forest are mitigated by immediate access to the mining property by ocean transport; and

Whereas H.R. 4866 has been introduced in the United States Congress to reestablish a competitive domestic rare earth elements production industry, a domestic rare earth processing, refining, purification, and metals production industry, a domestic rare earth metals alloying industry, and a domestic rare earth-based magnet production industry and supply chain in the United States; Be it Resolved, That the Senate urges the United States Congress expeditiously to pass H.R. 4866; and be it further

Resolved, That the Senate recommends continued exploration of rare earth deposits in Alaska, the issuance of permits, as promptly as allowed by law, for extraction, processing, and production of rare earth materials on the Bokan Mountain properties, and commencement of planning for extraction, processing, and production of rare earth materials by industry.

Copies of this resolution shall be sent to the Honorable Ike Skelton, Chair of the Armed Services Committee of the U.S. House of Representatives; the Honorable Sander M. Levin, Acting Chair of the Ways and Means Committee of the U.S. House of Representatives; the Honorable Barney Frank, Chair of the Financial Services Committee of the U.S. House of Representatives; the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and all other members of the 111th United States Congress.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. McCAIN:

S. 3496. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated; to the Committee on Finance.

By Mr. BROWN of Massachusetts (for himself and Mrs. FEINSTEIN):

S. 3497. A bill to amend the Outer Continental Shelf Lands Act to require leases entered into under that Act to include a plan that describes the means and timeline for containment and termination of an ongoing discharge of oil, and for other purposes; to

the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3498. A bill to support the establishment and operation of Teachers Professional Development Institutes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA:

S. 3499. A bill to amend title 38, United States Code, to require fiduciaries of individuals receiving benefits under laws administered by the Secretary of Veterans Affairs to authorize the Secretary to obtain financial records with respect to such individuals for purposes of administering such laws, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROWN of Ohio (for himself, Mr. FRANKEN, and Mr. BEGICH):

S. 3500. A bill to provide funds to States, units of general local government, and community-based organizations to save and create local jobs through the retention, restoration, or expansion of services needed by local communities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURR (for himself, Mr. KERRY, Mr. LUGAR, Mr. BROWN of Massachusetts, Mr. BEGICH, Mr. ROBERTS, Mr. BOND, Mr. AKAKA, Mr. SPECTER, Mrs. MCCASKILL, and Mr. DURBIN):

S.J. Res. 32. A joint resolution recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance; considered and passed.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ENZI (for himself, Mr. BARASSO, Mr. BAUCUS, Mr. BINGAMAN, Mr. CONRAD, Mr. CRAPO, Mr. JOHANNES, Mr. JOHNSON, Mr. REID, and Mr. ROBERTS):

S. Res. 554. A resolution designating July 24, 2010, as "National Day of the American Cowboy"; to the Committee on the Judiciary.

By Ms. STABENOW (for herself, Mr. VOINOVICH, Mr. SPECTER, Mrs. MURRAY, Mr. BAYH, Mrs. FEINSTEIN, Mr. COCHRAN, Mrs. BOXER, Mr. CARDIN, Mr. MENENDEZ, and Ms. KLOBUCHAR):

S. Res. 555. A resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself, Mr. BOND, and Ms. CANTWELL):

S. Res. 556. A resolution recognizing the important role that fathers play in the lives of their children and families and designating 2010 as "The Year of the Father"; to the Committee on the Judiciary.

By Mr. NELSON of Nebraska (for himself and Mr. ISAKSON):

S. Res. 557. A resolution commending EyeCare America for its volunteerism and efforts to preserve eyesight throughout the previous 25 years; considered and agreed to.

By Mr. NELSON of Nebraska (for himself, Mr. KERRY, Mr. BROWNBACK, Mr. DODD, Mr. BINGAMAN, Mr. JOHANNES, Ms. COLLINS, Mr. BUNNING, Mr. CARPER, Mr. BROWN of Ohio, and Mr. UDALL of Colorado):

S. Res. 558. A resolution designating the week beginning September 12, 2010, as "Na-

tional Direct Support Professionals Recognition Week"; considered and agreed to.

By Mr. BURRIS (for himself, Mr. DURBIN, Mrs. GILLIBRAND, Mr. LEVIN, Mr. LUGAR, Mr. HARKIN, Ms. MIKULSKI, Mrs. LINCOLN, Ms. LANDRIEU, and Mr. CARDIN):

S. Res. 559. A resolution observing the historical significance of Juneteenth Independence Day; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 353

At the request of Mr. BROWN of Ohio, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 353, a bill to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia.

S. 510

At the request of Mr. DURBIN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 649

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 649, a bill to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission.

S. 678

At the request of Mr. LEAHY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 678, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 866

At the request of Mr. REED, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 866, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

S. 941

At the request of Mr. CRAPO, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1072

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1072, a bill to amend chapter 1606 of title 10, United States Code, to modify the basis utilized for annual adjustments in amounts of educational assistance for members of the Selected Reserve.

S. 1445

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1674

At the request of Mr. WYDEN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1674, a bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. 3036

At the request of Mr. BAYH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3084

At the request of Ms. KLOBUCHAR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3084, a bill to increase the competitiveness of United States businesses, particularly small and medium-sized manufacturing firms, in interstate and global commerce, foster job creation in the United States, and assist United States businesses in developing or expanding commercial activities in interstate and global commerce by expanding the ambit of the Hollings Manufacturing Extension Partnership program and the Technology Innovation Program to include projects that have potential for commercial exploitation in nondomestic markets, providing for an increase in related resources of the Department of Commerce, and for other purposes.

S. 3141

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3141, a bill to amend the Internal

Revenue Code of 1986 to provide special rules for treatment of low-income housing credits, and for other purposes.

S. 3211

At the request of Mrs. SHAHEEN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3211, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by designating certain certified diabetes educators as certified providers for purposes of outpatient diabetes self-management training services under part B of the Medicare Program.

S. 3238

At the request of Mr. SCHUMER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3238, a bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001, and to the memorials established at the 3 sites that were attacked on that day.

S. 3320

At the request of Mr. WHITEHOUSE, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3363

At the request of Mr. CARDIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3363, a bill to amend the Water Resources Research Act of 1984 to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under that Act.

S. 3405

At the request of Mr. MENENDEZ, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3405, a bill to amend the Internal Revenue Code of 1986 to eliminate oil and gas company preferences.

S. 3447

At the request of Mr. AKAKA, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3447, a bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3466

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3466, a bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

S. 3472

At the request of Mr. MENENDEZ, the name of the Senator from Colorado

(Mr. BENNET) was added as a cosponsor of S. 3472, a bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full costs of oil spills, and for other purposes.

S. 3479

At the request of Mrs. HAGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3479, a bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program.

S. 3481

At the request of Mr. CARDIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3481, a bill to amend the Federal Water Pollution Control Act to clarify Federal responsibility for stormwater pollution.

S. 3486

At the request of Mr. BROWN of Ohio, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3486, a bill to amend title 38, United States Code, to repeal the prohibition on collective bargaining with respect to matters and questions regarding compensation of employees of the Department of Veterans Affairs other than rates of basic pay, and for other purposes.

S.J. RES. 30

At the request of Mr. ISAKSON, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S.J. Res. 30, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Mediation Board relating to representation election procedures.

S. RES. 546

At the request of Mr. SPECTER, the names of the Senator from New York (Mr. SCHUMER), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 546, a resolution recognizing the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, as the only museum in the United States dedicated exclusively to exploring and preserving the American Jewish experience.

S. RES. 548

At the request of Mr. CORNYN, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from South Carolina (Mr. DEMINT), the Senator from Mississippi (Mr. WICKER), the Senator from Texas (Mrs. HUTCHISON), the Senator from Missouri (Mr. BOND), the Senator from Idaho (Mr. RISCH), the Senator from Arizona (Mr. MCCAIN), the Senator from Florida (Mr. LEMIEUX) and the Senator from North Carolina (Mr. BURR) were added as co-

sponsors of S. Res. 548, a resolution to express the sense of the Senate that Israel has an undeniable right to self-defense, and to condemn the recent destabilizing actions by extremists aboard the ship Mavi Marmara.

S. RES. 552

At the request of Mr. BENNET, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 552, a resolution designating June 23, 2010, as "Olympic Day".

S. RES. 553

At the request of Ms. STABENOW, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. Res. 553, a resolution expressing the sense of the Senate that Congress should unwaveringly uphold the dignity and independence of older Americans.

AMENDMENT NO. 4333

At the request of Mr. THUNE, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 4333 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4346

At the request of Mr. COBURN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 4346 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4348

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 4348 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4351

At the request of Mr. ISAKSON, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of amendment No. 4351 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4363

At the request of Ms. CANTWELL, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 4363 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3498. A bill to support the establishment and operation of Teachers Professional Development Institutes; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, today I am introducing legislation, along with my friend and colleague, the senior Senator from Connecticut, Mr. DODD, that will strengthen the content knowledge and instructional skills of our present K-12 teacher workforce and thus ultimately raise student achievement.

The Teachers Professional Development Institutes Act would establish eight new Teachers Professional Development Institutes throughout the nation each year over the next 5 years based on the model which has been operating at Yale University for over 30 years. Every Teachers Institute would consist of a partnership between an institution of higher education and the local public school system in which a significant proportion of the students come from low-income households. These Institutes will strengthen the present teacher workforce by giving each participant an opportunity to gain more sophisticated content knowledge and a chance to develop curriculum units with other colleagues that can be directly applied in their classrooms. We know that teachers gain confidence and enthusiasm when they have a deeper understanding of the subject matter that they teach and this translates into higher expectations for their students and an increase in student achievement.

The Teachers Professional Development Institutes are based on the Yale-New Haven Teachers Institute model that has been in existence since 1978. For over 30 years, the Institute has offered, 5 or 6 13-session seminars each year, led by Yale faculty, on topics that teachers have selected to enhance their mastery of the specific subject area that they teach. The subject selection process begins with representatives from the Institutes soliciting ideas from teachers throughout the school district for topics on which teachers feel they need to have additional preparation, topics that will assist them in preparing materials they need for their students, and topics that will assist them in addressing the standards that the school district requires. As a consensus emerges about desired seminar subjects, the Institute director identifies university faculty members with the appropriate expertise, interest and desire to lead the seminar. University faculty members, especially those who have led Institute seminars before, may sometimes suggest seminars they would like to lead, and these ideas are circulated by the representatives as well. The final decisions on which seminar topics are offered are ultimately made by the teachers who participate. In this way,

the offerings are designed to respond to what teachers believe is needed and useful for both themselves and their students.

The cooperative nature of the Institute seminar planning process ensures its success. Institutes offer seminars and relevant materials on topics teachers have identified and feel are needed for their own preparation, as well as what they know will motivate and engage their students. Teachers enthusiastically take part in rigorous seminars they have requested, and practice using the materials they have obtained and developed. This helps ensure that the experience not only increases their preparation in the subjects they are assigned to teach, but also their participation in an Institute seminar gives them immediate hands-on active learning materials that can be used in the classroom. In short, by allowing teachers to determine the seminar subjects and providing them the resources to develop relevant curricula for their classroom and their students, the Institutes empower teachers.

The Yale-New Haven Teachers Institute conducted a National Demonstration Project from 1999-2002 that showed that similar Institutes could be created rapidly at diverse sites with large concentrations of disadvantaged students. After 2 years of research and planning, and based on the success of that Project, the Institute in 2005 launched the Yale National Initiative to strengthen teaching in public schools, a long-term endeavor to assist with the establishment of Teachers Institutes of this specific type in most states. As a result, new Institutes already have been established in Philadelphia, Pennsylvania, and Charlotte, North Carolina; and Institutes are currently being planned for New Castle County, Delaware, and San Francisco, California.

The teachers surveyed for the National Demonstration Project reported that student motivation, student interest, and student mastery were higher during the Institute-developed unit than during other work. Subsequently, the findings of a 2009 Report on Teachers Institute Experiences found that teachers participated out of desires to obtain curricula which suited their needs, increased subject mastery, and motivated students. Mr. President, 96 percent of the teachers rated the Institute seminars as useful, partly due to the reported increase in knowledge and in raising expectations of their students.

A retrospective study showed that over a 5-year period Teachers Institute participants were almost twice as likely as non-participants to remain teaching in the district five years later. Research has shown that longevity in a district is associated with teaching effectiveness.

Many agree that teacher quality is the single most important school-re-

lated factor in determining student achievement. High-quality teacher professional development programs that focus on subject and pedagogy knowledge are a proven method for enhancing the effectiveness of a teacher in the classroom. A recent review of professional development studies by the Department of Education's Institute of Education Sciences found that "teachers who receive substantial professional development—an average of 49 hours in the nine studies—can boost their students' achievement by about 21 percentile points."

The Yale-New Haven Teachers Institute model enhances teachers' basic writing, math, and presentation skills. It increases expectations of student achievement and enthusiasm for teaching while developing skills for motivating students. These are key features that research suggests are effective in producing gains in both teacher knowledge and practice and student achievement. The Teachers Institutes accomplish student achievement gains through a proven approach distinguished from both conventional professional development offerings of school districts and from traditional continuing education and outreach programs of colleges and universities.

Education Secretary Arne Duncan said recently, "The more we can provide high-quality professional development, so that teachers have deep content knowledge, there are huge benefits. . . . So whether it's partnerships with universities and higher ed institutions, to create those meaningful professional development opportunities and really create those content-rich environments that students desperately need, that is absolutely critically important."

This is precisely what the Teachers Professional Development Institutes Act strives to accomplish. The need for effective teachers with deep content knowledge is most apparent and urgent in schools and school districts that enroll a high proportion of students from low-income families, exactly the schools and school districts that Teachers Institutes serve.

The Yale-New Haven Teachers Institute has already proven to be a successful model for teacher professional development as demonstrated by the high caliber curriculum unit plans that teacher participants have developed and placed on the web, and by the evaluations that support the conclusion that virtually all the teacher participants felt substantially strengthened in their mastery of content knowledge and their teaching skills. The finding that Institute participants were almost twice as likely as non-participants to remain in teaching in high-need schools is especially encouraging. Our proposal would open this opportunity to many more teachers in high-need schools throughout the Nation.

I urge my colleagues to act favorably on this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3498

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. TEACHERS PROFESSIONAL DEVELOPMENT INSTITUTES.

(a) IN GENERAL.—Part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

## “Subpart 6—Teachers Professional Development Institutes

### “SEC. 2161. SHORT TITLE.

“This subpart may be cited as the ‘Teachers Professional Development Institutes Act’.

### “SEC. 2162. FINDINGS AND PURPOSE.

“(a) FINDINGS.—Congress makes the following findings:

“(1) Teaching is central to the educational process and the ongoing professional development of teachers in the subjects they teach is essential for improved student learning.

“(2) Attaining the goal of the No Child Left Behind Act of 2001 (Public Law 107-110)—having a classroom teacher who is highly effective in every academic subject the teacher teaches—will require innovative approaches to improve the effectiveness of teachers in the classroom.

“(3) The Teachers Institute Model focuses on the continuing academic preparation of schoolteachers and the application of what the teachers study to their classrooms and potentially to the classrooms of other teachers.

“(4) The Teachers Institute Model was developed initially by the Yale-New Haven Teachers Institute and has successfully operated in New Haven, Connecticut, for more than 30 years.

“(5) The Teachers Institute Model has also been successfully implemented in cities larger than New Haven.

“(6) In the spring of 2009, a report entitled ‘An Evaluation of Teachers Institute Experiences’ concluded that—

“(A) Teachers Institutes enhance precisely those teacher qualities known to improve student achievement;

“(B) Teachers Institutes exemplify the crucial characteristics of high-quality teacher professional development; and

“(C) Teachers Institute participation is strongly related to teacher retention in high-poverty schools.

“(b) PURPOSE.—The purpose of this subpart is to provide Federal assistance to support the establishment and operation of Teachers Institutes for local educational agencies that serve significant low-income student populations in States throughout the Nation, in order to—

“(1) improve student learning; and

“(2) enhance the quality and effectiveness of teaching and strengthen the subject matter mastery and the pedagogical skills of current teachers through continuing teacher preparation.

### “SEC. 2163. DEFINITIONS.

“In this subpart:

“(1) SIGNIFICANT LOW-INCOME STUDENT POPULATION.—The term ‘significant low-income

student population’ means a student population of which not less than 40 percent of the students included are eligible for free or reduced-price lunches under the Richard B. Russell National School Lunch Act.

“(2) TEACHERS INSTITUTE.—The term ‘Teachers Institute’ means a partnership or joint venture—

“(A) between or among—

“(i) 1 or more institutions of higher education; and

“(ii) 1 or more local educational agencies that serve 1 or more schools with significant low-income student populations; and

“(B) that improves the effectiveness of teachers in the classroom, and the quality of teaching and learning, through collaborative seminars designed to enhance both the subject matter and the pedagogical resources of the seminar participants.

### “SEC. 2164. PROGRAM AUTHORIZED.

“(a) IN GENERAL.—The Secretary is authorized to award grants under this subpart in order to encourage the establishment and operation of Teachers Institutes.

“(b) TECHNICAL ASSISTANCE.—The Secretary may reserve not more than 50 percent of the funds appropriated to carry out this subpart to provide technical assistance to facilitate the establishment and operation of Teachers Institutes. The Secretary may contract with the Yale-New Haven Teachers Institute to provide all or part of the technical assistance under this subsection.

“(c) SELECTION CRITERIA.—In selecting Teachers Institutes to support through grants under this subpart, the Secretary shall consider—

“(1) the extent to which a proposed Teachers Institute will serve schools that have significant low-income student populations;

“(2) the extent to which a proposed Teachers Institute will follow the understandings and necessary procedures described in section 2166;

“(3) the extent to which each local educational agency participating in the Teachers Institute has a high percentage of teachers who are unprepared or underprepared to teach the core academic subjects the teachers are assigned to teach; and

“(4) the extent to which a proposed Teachers Institute will receive a level of support from the community and other sources that will ensure the requisite long-term commitment for the success of a Teachers Institute.

“(d) CONSULTATION.—

“(1) IN GENERAL.—In evaluating applications using the criteria under subsection (c), the Secretary may request the advice and assistance of the Yale-New Haven Teachers Institute or other Teachers Institutes.

“(2) STATE AGENCIES.—If the Secretary receives 2 or more applications for grants under this subpart from local educational agencies within the same State, the Secretary shall consult with the State educational agency regarding the applications.

“(e) FISCAL AGENT.—The fiscal agent for the receipt of grant funds under this subpart shall be an institution of higher education participating in the partnership or joint venture, as described in section 2163(2)(A), that is establishing or operating the Teachers Institute.

“(f) LIMITATIONS.—A grant under this subpart—

“(1) shall provide grant funds for a period of not more than 5 years; and

“(2) shall be in an amount that is not more than 50 percent of the total costs of the eligible activities supported under the grant, as determined by the Secretary.

### “SEC. 2165. ELIGIBLE ACTIVITIES.

“Grant funds under this subpart may be used—

“(1) for the planning, development, establishment, and operation of a Teachers Institute;

“(2) for additional assistance to an established Teachers Institute for its further development and for its support of the planning, development, establishment, and operation of a Teachers Institute under paragraph (1);

“(3) for the salary and necessary expenses of a full-time director for a Teachers Institute to plan and manage the Teachers Institute and to act as a liaison between all local educational agencies and institutions of higher education participating in the Teachers Institute;

“(4) to provide suitable office space, staff, equipment, and supplies, and to pay other operating expenses, for the Teachers Institute;

“(5) to provide a stipend for teachers participating in the collaborative seminars conducted by the Institute in the sciences and humanities and to provide remuneration for members of the faculty of the participating institution of higher education leading the seminars; and

“(6) to provide for the dissemination, through print and electronic means, of curriculum units prepared in the seminars conducted by the Teachers Institute.

### “SEC. 2166. UNDERSTANDINGS AND PROCEDURES.

“A grantee receiving a grant under this subpart shall abide by the following understandings and procedures:

“(1) PARTNERSHIP.—The essential relationship of a Teachers Institute is a partnership between a local educational agency and an institution of higher education. A grantee shall demonstrate a long-term commitment on behalf of the participating local educational agency and institution of higher education to the support, including the financial support, of the work of the Teachers Institute.

“(2) SEMINARS.—A Teachers Institute sponsors seminars led by faculty of the institution of higher education partner and attended by teachers from the local educational agency partner. A grantee shall provide participating teachers the ability to play an essential role in planning, organizing, conducting, and evaluating the seminars and in encouraging the future participation of other teachers.

“(3) CURRICULUM UNIT.—A seminar described in paragraph (2) uses a collaborative process, in a collegial environment, to develop a curriculum unit for use by participating teachers that sets forth the subject matter to be presented and the pedagogical strategies to be employed. A grantee shall enable participating teachers to develop a curriculum unit, based on the subject matter presented, for use in the teachers’ classrooms.

“(4) ELIGIBILITY AND REMUNERATION.—Seminars are open to all partnership teachers with teaching assignments relevant to the seminar topics. Seminar leaders receive remuneration for their work and participating teachers receive an honorarium or stipend upon the successful completion of the seminar. A grantee shall provide seminar leaders and participating teachers with remuneration to allow them to participate in the Teachers Institute.

“(5) DIRECTION.—The operations of a Teachers Institute are managed by a full-time director who reports to both partners

but is accountable to the institution of higher education partner. A grantee shall appoint a director to manage and coordinate the work of the Teachers Institute.

“(6) EVALUATION.—A grantee shall annually review the activities of the Teachers Institute and disseminate the results to members of the Teachers Institute’s partnership community.

**“SEC. 2167. APPLICATION, APPROVAL, AND AGREEMENT.**

“(a) IN GENERAL.—To receive a grant under this subpart, a Teachers Institute, or a partnership or joint venture described in section 2163(2)(A) that is proposing to establish a Teachers Institute, shall submit an application to the Secretary that—

“(1) meets the requirement of this subpart and any regulations under this subpart;

“(2) includes a description of how the applicant intends to use funds provided under the grant;

“(3) includes such information as the Secretary may require to apply the criteria described in section 2164(c);

“(4) includes measurable objectives for the use of the funds provided under the grant; and

“(5) contains such other information and assurances as the Secretary may require.

“(b) APPROVAL.—The Secretary shall—

“(1) promptly evaluate an application received for a grant under this subpart; and

“(2) notify the applicant, within 90 days of the receipt of a completed application, of the Secretary’s determination.

“(c) AGREEMENT.—Upon approval of an application, the Secretary and the applicant shall enter into a comprehensive agreement covering the entire period of the grant.

**“SEC. 2168. REPORTS AND EVALUATIONS.**

“(a) REPORT.—Each grantee under this subpart shall report annually to the Secretary on the progress of the Teachers Institute in achieving the purpose of this subpart.

“(b) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this subpart and submit an annual report regarding the activities assisted under this subpart to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives. The Secretary shall broadly disseminate successful practices developed by Teachers Institutes.

“(c) REVOCATION.—If the Secretary determines that a grantee is not making substantial progress in meeting the purposes of the grant by the end of the second year of the grant under this subpart, the Secretary may take appropriate action, including revocation of further payments under the grant, to ensure that the funds available under this subpart are used in the most effective manner.

**“SEC. 2169. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated for grants (including planning grants) and technical assistance under this subpart—

“(1) \$4,000,000 for fiscal year 2011;

“(2) \$5,000,000 for fiscal year 2012;

“(3) \$6,000,000 for fiscal year 2013;

“(4) \$7,000,000 for fiscal year 2014; and

“(5) \$8,000,000 for fiscal year 2015.”.

(b) TABLE OF CONTENTS.—The table of contents of the Elementary and Secondary Education Act of 1965 is amended by inserting after the item relating to section 2151 the following:

“SUBPART 6—TEACHERS PROFESSIONAL DEVELOPMENT INSTITUTES

“Sec. 2161. Short title.

“Sec. 2162. Findings and purpose.

“Sec. 2163. Definitions.

“Sec. 2164. Program authorized.

“Sec. 2165. Eligible activities.

“Sec. 2166. Understandings and procedures.

“Sec. 2167. Application, approval, and agreement.

“Sec. 2168. Reports and evaluations.”.

By Mr. AKAKA:

S. 3499. A bill to amend title 38, United States Code, to require fiduciaries of individuals receiving benefits under laws administered by the Secretary of Veterans Affairs to authorize the Secretary to obtain financial records with respect to such individuals for purposes of administering such laws, and for other purposes; to the Committee on Veterans’ Affairs.

Mr. AKAKA. Mr. President, as Chairman of the Senate Committee on Veterans’ Affairs, I introduce legislation that would provide VA with the means to better protect those VA beneficiaries who have fiduciaries appointed to look after their affairs. This bill would improve oversight of fiduciaries by authorizing VA to access records at financial institutions for up to 3 years.

Under current law, VA has a 3-month time limit on the authorization to view financial records maintained by a fiduciary, a time period which has proven to be inadequate. In addition, VA lacks the authority to compel a fiduciary to provide a Social Security number or other identifying information needed to track financial records.

The legislation I am introducing today is modeled on Social Security laws and procedures. It will help VA ensure that veterans’ monies are not being misused. It would allow VA to require that any person appointed or recognized by VA as a fiduciary be required to sign an authorization for release of records which would be in effect for up to 3 years. If a fiduciary refuses to sign or revokes an authorization, VA would be authorized to remove the fiduciary.

The Committee held a hearing on pending legislation on May 19, 2010, and witnesses from The American Legion and the Veterans of Foreign Wars spoke on the need to strengthen VA’s oversight of fiduciaries.

I urge our colleagues to support this bill to protect VA beneficiaries who need assistance with financial management.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3499

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Fiduciary Benefits Oversight Act of 2010”.

**SEC. 2. ACCESS BY SECRETARY OF VETERANS AFFAIRS TO FINANCIAL RECORDS OF INDIVIDUALS REPRESENTED BY FIDUCIARIES AND RECEIVING BENEFITS UNDER LAWS ADMINISTERED BY SECRETARY.**

Section 5502 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(f)(1) The Secretary may require any person appointed or recognized as a fiduciary for a Department beneficiary under this section to provide authorization for the Secretary to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3415)) from any financial institution any financial record held by the institution with respect to the fiduciary or the beneficiary whenever the Secretary determines that the financial record is necessary—

“(A) for the administration of a program administered by the Secretary; or

“(B) in order to safeguard the beneficiary’s benefits against neglect, misappropriation, misuse, embezzlement, or fraud.

“(2) Notwithstanding section 1104(a)(1) of such Act (12 U.S.C. 3404(a)(1)), an authorization provided by a fiduciary under paragraph (1) with respect to a beneficiary shall remain effective until the earliest of—

“(A) the approval by a court or the Secretary of a final accounting of payment of benefits under any law administered by the Secretary to a fiduciary on behalf of such beneficiary;

“(B) in the absence of any evidence of neglect, misappropriation, misuse, embezzlement, or fraud, the express revocation by the fiduciary of the authorization in a written notification to the Secretary; or

“(C) the date that is three years after the date of the authorization.

“(3)(A) An authorization obtained by the Secretary pursuant to this subsection shall be considered to meet the requirements of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.) for purposes of section 1103(a) of such Act (12 U.S.C. 3403(a)), and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act (12 U.S.C. 3404(a)), if the Secretary provides a copy of the authorization to the financial institution.

“(B) The certification requirements of section 1103(b) of such Act (12 U.S.C. 3403(b)) shall not apply to requests by the Secretary pursuant to an authorization provided under this subsection.

“(C) A request for a financial record by the Secretary pursuant to an authorization provided by a fiduciary under this subsection is deemed to meet the requirements of section 1104(a)(3) of such Act (12 U.S.C. 3404(a)(3)) and the matter in section 1102 of such Act (12 U.S.C. 3402) that precedes paragraph (1) of such section if such request identifies the fiduciary and the beneficiary concerned.

“(D) The Secretary shall inform any person who provides authorization under this subsection of the duration and scope of the authorization.

“(E) If a fiduciary of a Department beneficiary refuses to provide, or revokes, any authorization to permit the Secretary to obtain from any financial institution any financial record concerning benefits paid by the Secretary for such beneficiary, the Secretary may, on that basis, revoke the appointment or the recognition of the fiduciary for such beneficiary and for any other Department beneficiary for whom such fiduciary has been appointed or recognized. If the appointment or recognition of a fiduciary is revoked, benefits may be paid as provided in subsection (d).

“(4) For purposes of section 1113(d) of such Act (12 U.S.C. 3413(d)), a disclosure pursuant to this subsection shall be considered a disclosure pursuant to a Federal statute.

“(5) In this subsection:

“(A) The term ‘fiduciary’ includes any person appointed or recognized to receive payment of benefits under any law administered by the Secretary on behalf of a Department beneficiary.

“(B) The term ‘financial institution’ has the meaning given such term in section 1101 of such Act (12 U.S.C. 3401), except that such term shall also include any benefit association, insurance company, safe deposit company, money-market mutual fund, or similar entity authorized to do business in any State.

“(C) The term ‘financial record’ has the meaning given such term in such section.”.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 554—DESIGNATING JULY 24, 2010, AS “NATIONAL DAY OF THE AMERICAN COWBOY”

Mr. ENZI (for himself, Mr. BARRASSO, Mr. BAUCUS, Mr. BINGAMAN, Mr. CONRAD, Mr. CRAPO, Mr. JOHANNES, Mr. JOHNSON, Mr. REID, and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 554

Whereas pioneering men and women, recognized as “cowboys”, helped establish the American West;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliations;

Whereas the cowboy is an excellent steward of the land and its creatures, who lives off the land and works to protect and enhance the environment;

Whereas cowboy traditions have been a part of American culture for generations;

Whereas the cowboy continues to be an important part of the economy through the work of many thousands of ranchers across the Nation who contribute to the economic well-being of every State;

Whereas millions of fans watch professional and working ranch rodeo events annually, and rodeo is one of the most-watched sports in the Nation;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of cowboys span every generation and transcend race and gender;

Whereas the cowboy is a central figure in literature, film, and music and occupies a central place in the public imagination;

Whereas the cowboy is an American icon; and

Whereas the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates July 24, 2010, as “National Day of the American Cowboy”; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

### SENATE RESOLUTION 555—SUPPORTING THE GOALS AND IDEALS OF NATIONAL OVARIAN CANCER AWARENESS MONTH

Ms. STABENOW (for herself, Mr. VOINOVICH, Mr. SPECTER, Mrs. MURRAY, Mr. BAYH, Mrs. FEINSTEIN, Mr. COCHRAN, Mrs. BOXER, Mr. CARDIN, Mr. MENENDEZ, and Ms. KLOBUCHAR) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 555

Whereas ovarian cancer is the deadliest of all gynecologic cancers;

Whereas ovarian cancer is the 5th leading cause of cancer deaths among women in the United States;

Whereas more than 22,000 women will be diagnosed with ovarian cancer this year, and more than 15,000 will die from it;

Whereas these deaths are those of our mothers, sisters, daughters, family members, and community leaders;

Whereas the mortality rate for ovarian cancer has not significantly decreased since the “War on Cancer” was declared, nearly 40 years ago;

Whereas all women are at risk for ovarian cancer, and 90 percent of women diagnosed with ovarian cancer do not have a family history that puts them at higher risk;

Whereas the Pap test is sensitive and specific to the early detection of cervical cancer, but not to ovarian cancer;

Whereas there is currently no reliable early detection test for ovarian cancer;

Whereas many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, urinary symptoms, and several other symptoms that are easily confused with other diseases;

Whereas in June 2007, the first national consensus statement on ovarian cancer symptoms was developed to provide consistency in describing symptoms to make it easier for women to learn and remember them;

Whereas, due to the lack of a reliable early detection test, 75 percent of cases of ovarian cancer are detected at an advanced stage, making the overall 5-year survival rate only 45 percent;

Whereas there are factors that are known to reduce the risk for ovarian cancer and that play an important role in the prevention of the disease;

Whereas awareness of the symptoms of ovarian cancer by women and health care providers can lead to a quicker diagnosis;

Whereas, each year during the month of September, the Ovarian Cancer National Alliance and its partner members holds a number of events to increase public awareness of ovarian cancer; and

Whereas September 2010 should be designated as “National Ovarian Cancer Awareness Month” to increase the awareness of the public regarding the cancer: Now, therefore, be it

*Resolved*, That the Senate supports the goals and ideals of National Ovarian Cancer Awareness Month.

### SENATE RESOLUTION 556—RECOGNIZING THE IMPORTANT ROLE THAT FATHERS PLAY IN THE LIVES OF THEIR CHILDREN AND FAMILIES AND DESIGNATING 2010 AS “THE YEAR OF THE FATHER”

Mrs. MURRAY (for herself, Mr. BOND, and Ms. CANTWELL) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 556

Whereas Father’s Day was founded in 1910 by Mrs. John B. Dodd, Sonora Smart Dodd, after attending a Mother’s Day celebration in 1909 and believing that fathers should receive the same recognition;

Whereas Mrs. Dodd founded the day in celebration of her father, William Smart;

Whereas William Smart, a Civil War veteran, raised 6 children on his own after the death of his wife;

Whereas Spokane, Washington recognized and hosted the first celebration of Father’s Day on June 19, 1910;

Whereas in 1924, President Calvin Coolidge recognized Father’s Day and urged States to follow suit;

Whereas in 1966, President Lyndon B. Johnson signed a proclamation calling for the third Sunday in June to be recognized as Father’s Day and requested that flags be flown that day on all Government buildings;

Whereas President Richard Nixon signed a proclamation in 1972 permanently observing Father’s Day on the third Sunday in June;

Whereas Father’s Day is celebrated in over 50 countries around the world;

Whereas there are an estimated 64,000,000 fathers in the United States;

Whereas it is well documented that children involved with loving fathers are significantly more likely to have healthy self-esteem, exhibit empathy and pro-social behavior, avoid high risk behaviors, reduce anti-social behavior and delinquency in boys, have better peer relationships, and have higher occupational mobility relative to parents;

Whereas fathers who live with their children are likely to have a close, enduring relationship with their children than those who do not; and

Whereas the 100th anniversary of Father’s Day will be celebrated in Spokane, Washington on June 20, 2010: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the important role that fathers play in the lives of their children and families; and

(2) designates 2010 as “The Year of the Father”.

### SENATE RESOLUTION 557—COMMENDING EYECARE AMERICA FOR ITS VOLUNTEERISM AND EFFORTS TO PRESERVE EYESIGHT THROUGHOUT THE PREVIOUS 25 YEARS

Mr. NELSON of Nebraska (for himself and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 557

Whereas, according to the National Eye Institute, in public opinion polls, Americans—

(1) have consistently identified the fear of vision loss as second only to the fear of developing cancer; and

(2) have stated that the loss of vision would have the greatest impact on their lives;

Whereas the National Eye Institute estimates that more than 11,000,000 people in the United States have common vision problems;

Whereas, according to the National Eye Institute, approximately 35,000,000 people in the United States experience an age-related eye disease, including age-related macular degeneration (the leading cause of vision loss in older people of the United States), glaucoma, diabetic retinopathy, and cataracts;

Whereas, according to the National Eye Institute, the number of people in the United States who experience an age-related eye disease is expected to grow to 50,000,000 by 2020;

Whereas, according to the National Eye Institute, the Hispanic and African-American populations experience a disproportionate incidence of glaucoma, cataracts, and diabetic retinopathy;

Whereas, according to the National Eye Institute, diabetic retinopathy is the leading cause of blindness in individuals of all races between the ages of 25 and 74;

Whereas vision impairment and eye disease are major public health issues, especially as 2010 begins the decade in which, according to the Census Bureau, more than ½ of the 78,000,000 Baby Boomers will turn 65 and be at greatest risk for developing an age-related eye disease;

Whereas much can be done to preserve eyesight with early detection and treatment;

Whereas EyeCare America, the public service program of the Foundation of the American Academy of Ophthalmology, works to ensure that eye health is not neglected by matching eligible patients with 1 of nearly 7,000 volunteer ophthalmologists across the United States committed to preventing unnecessary blindness in their communities;

Whereas the volunteer ophthalmologists provide eye exams and eyecare for up to 1 year at no out-of-pocket cost to the patient, and seniors who do not have insurance receive the care at no charge;

Whereas individuals may call EyeCare America toll-free at 1-800-222-EYES (3937) to see if they are eligible to be referred to a volunteer ophthalmologist throughout the United States; and

Whereas EyeCare America has helped more than 1,000,000 people since the inception of the organization in 1985 and is the largest public service program of its kind in United States medicine as of the date of agreement to this resolution: Now, therefore, be it

*Resolved*, That the Senate commends EyeCare America for its volunteerism and efforts to preserve eyesight throughout the 25 years preceding the date of agreement to this resolution.

#### SENATE RESOLUTION 558—DESIGNATING THE WEEK BEGINNING SEPTEMBER 12, 2010, AS “NATIONAL DIRECT SUPPORT PROFESSIONALS RECOGNITION WEEK”

Mr. NELSON of Nebraska (for himself, Mr. KERRY, Mr. BROWNBACK, Mr. DODD, Mr. BINGAMAN, Mr. JOHANNES, Ms. COLLINS, Mr. BUNNING, Mr. CARPER, Mr. BROWN of Ohio, and Mr. UDALL of Colorado) submitted the following resolution; which was considered and agreed to:

#### S. RES. 558

Whereas direct support workers, direct care workers, personal assistants, personal attendants, in-home support workers, and paraprofessionals (referred to in this preamble as “direct support professionals”) are the primary providers of publicly funded long term support and services for millions of individuals;

Whereas a direct support professional must build a close, trusted relationship with an individual with disabilities;

Whereas a direct support professional assists an individual with disabilities with the most intimate needs, on a daily basis;

Whereas direct support professionals provide a broad range of support, including—

- (1) preparation of meals;
- (2) helping with medications;
- (3) bathing;
- (4) dressing;
- (5) mobility;
- (6) getting to school, work, religious, and recreational activities; and
- (7) general daily affairs;

Whereas a direct support professional provides essential support to help keep an individual with disabilities connected to the family and community of the individual;

Whereas direct support professionals enable individuals with disabilities to live meaningful, productive lives;

Whereas direct support professionals are the key to allowing an individual with disabilities to live successfully in the community of the individual, and to avoid more costly institutional care;

Whereas the majority of direct support professionals are female, and many are the sole breadwinners of their families;

Whereas direct support professionals work and pay taxes, but many remain impoverished and are eligible for the same Federal and State public assistance programs on which the individuals with disabilities served by the direct support professionals must depend;

Whereas Federal and State policies, as well as the Supreme Court, in *Olmstead v. L.C.*, 527 U.S. 581 (1999), assert the right of an individual to live in the home and community of the individual;

Whereas, in 2010, the majority of direct support professionals are employed in home and community-based settings and this trend is projected to increase over the next decade;

Whereas there is a documented critical and growing shortage of direct support professionals in every community throughout the United States; and

Whereas many direct support professionals are forced to leave jobs due to inadequate wages and benefits, creating high turnover and vacancy rates that research demonstrates adversely affects the quality of support to individuals with disabilities: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning September 12, 2010, as “National Direct Support Professionals Recognition Week”;

(2) recognizes the dedication and vital role of direct support professionals in enhancing the lives of individuals with disabilities of all ages;

(3) appreciates the contribution of direct support professionals in supporting the needs that reach beyond the capacities of millions of families in the United States;

(4) commends direct support professionals as integral in supporting the long-term support and services system of the United States; and

(5) finds that the successful implementation of the public policies of the United

States depends on the dedication of direct support professionals.

#### SENATE RESOLUTION 559—OBSERVING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

Mr. BURRIS (for himself, Mr. DURBIN, Mrs. GILLIBRAND, Mr. LEVIN, Mr. LUGAR, Mr. HARKIN, Ms. MIKULSKI, Mrs. LINCOLN, Ms. LANDRIEU, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

#### S. RES. 559

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the southwestern States, for more than 2½ years after President Lincoln’s Emancipation Proclamation, which was issued on January 1, 1863, and months after the conclusion of the Civil War;

Whereas, on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas with news that the Civil War had ended and that the enslaved were free;

Whereas African-Americans who had been slaves in the Southwest celebrated June 19, commonly known as “Juneteenth Independence Day”, as the anniversary of their emancipation;

Whereas African-Americans from the Southwest continue the tradition of celebrating Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas, for more than 140 years, Juneteenth Independence Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures;

Whereas, although Juneteenth Independence Day is beginning to be recognized as a national, and even global, event, the history behind the celebration should not be forgotten; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

*Resolved*, That—

(1) the Senate—

(A) recognizes the historical significance of Juneteenth Independence Day to the Nation;

(B) supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to understand better the experiences that have shaped the Nation; and

(C) encourages the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(2) it is the sense of the Senate that—

(A) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States; and

(B) history should be regarded as a means for understanding the past and solving the challenges of the future.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4366. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill

H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 4367. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4368. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4369. Mr. BAUCUS proposed an amendment to the bill H.R. 4213, supra.

SA 4370. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4371. Mr. CASEY (for himself and Mr. BROWN of Ohio) submitted an amendment intended to be proposed to amendment SA 4369 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4372. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 4369 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4373. Ms. SNOWE (for herself, Mr. ENZI, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 4369 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4374. Mr. KYL submitted an amendment intended to be proposed to amendment SA 4369 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4375. Mr. KOHL (for himself, Mr. GRASSLEY, Ms. COLLINS, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 4369 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 4366.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, insert the following:

#### **SEC. 2. EXTENSION OF GRANTS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS.**

(a) IN GENERAL.—Subsection (a) of section 1603 of division B of the American Recovery and Reinvestment Act of 2009 is amended—

(1) in paragraph (1), by striking “2009 or 2010” and inserting “2009, 2010, 2011, or 2012”, and

(2) in paragraph (2)—

(A) by striking “after 2010” and inserting “after 2012”, and

(B) by striking “2009 or 2010” and inserting “2009, 2010, 2011, or 2012”.

(b) CONFORMING AMENDMENT.—Subsection (j) of section 1603 of division B of such Act is amended by striking “2011” and inserting “2013”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

(d) USE OF STIMULUS FUNDS TO OFFSET SPENDING.—Notwithstanding section 5 of the

American Recovery and Reinvestment Act of 2009, from the amounts appropriated or made available and remaining unobligated under division A of such Act (other than under title X of such division A), the Director of the Office of Management and Budget shall transfer from time to time to the general fund of the Treasury an amount equal to the net increase in spending resulting from the amendments made by this section. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

**SA 4367.** Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **TITLE VIII—ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM**

##### **SEC. 801. SHORT TITLE.**

This title may be cited as the “Western Alaska Community Development Organizations Tax Relief Act”.

##### **SEC. 802. FINDINGS.**

Congress finds the following:

(1) In 1990, Congress established a Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives to investigate economic and social conditions in rural Alaska communities that are Native villages for the purposes of the Alaska Native Claims Settlement Act; the Commission reported very high unemployment and widespread poverty.

(2) In 1992, the United States Secretary of Commerce approved Amendment 18 to the Bering Sea and Aleutian Island (BSAI) Fishery Management Plan creating the Western Alaska Community Development Quota (CDQ) Program to promote the economic development of the 65 villages of the western Alaska region which were organized as six coalitions.

(3) In 1994, the Commission recommended to Congress that it amend the Magnuson-Stevens Fishery Conservation and Management Act to codify the establishment of the CDQ Program and expand the program to include all commercial fisheries that are conducted in the Bering Sea-Aleutian Islands Management Area.

(4) In 1996, Congress implemented the recommendation of the Commission by enacting section 305(i)(1) of the Magnuson-Stevens Fishery Conservation and Management Act subparagraph (A) of which established the western Alaska community development program—

(A) to provide eligible western Alaska villages with the opportunity to participate and invest in fisheries in the Bering Sea and Aleutian Islands Management Area;

(B) to support economic development in western Alaska;

(C) to alleviate poverty and provide economic and social benefits for residents of western Alaska; and

(D) to achieve sustainable and diversified local economies in western Alaska.

(5) In 2006, Congress, in section 416 of the Conference Report to Coast Guard and Maritime Transportation Act of 2006, stated its intent that “all activities of the CDQ groups continue to be considered tax-exempt (as has been the practice since the program’s incep-

tion in 1992) so that the six CDQ groups can more readily address the pressing economic needs of the region”.

(6) The original six coalitions organized as six corporations and are recognized as tax-exempt under either section 501(c)(3) or section 501(c)(4) of the Internal Revenue Code of 1986.

(7) Today, the six CDQ organizations are making important and ongoing contributions to the economic development and the alleviation of poverty in the western Alaska region consistent with the purposes Congress has established for the CDQ Program. As the program was intended, the organizations have become bona fide participants in the BSAI commercial fisheries. The CDQ organizations are using the revenue that their participation generates to create employment and economic development opportunities that would have been impossible in western Alaska prior to the CDQ Program.

(8) The CDQ organizations have paid, and will continue to pay, income tax on income generated from their activities and investments outside of the BSAI area.

(9) Excluding income generated from the CDQ organizations’ fishery-related activities and investments inside the BSAI area from unrelated business taxable income is consistent with the intent of Congress.

#### **SEC. 803. CLARIFICATION OF TAX-EXEMPT TREATMENT OF CERTAIN INCOME OF SIX ALASKA COMMUNITY DEVELOPMENT QUOTA (CDQ) PROGRAM ORGANIZATIONS.**

(a) CLARIFICATION.—

(1) IN GENERAL.—Section 512(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(20) TREATMENT OF CERTAIN INCOME OF SIX ALASKA COMMUNITY DEVELOPMENT QUOTA (CDQ) PROGRAM ORGANIZATIONS.—There shall be excluded all income derived from a trade or business carried on by a Community Development Quota entity identified in section 305(i)(1)(D) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(1)(D)) participating or investing in the harvesting, processing, transportation, sales, or marketing of fish and fish product in the Bering Sea and Aleutian Islands Management Area if the conduct of such trade or business is in furtherance of one or more of the purposes specified in section 305(i)(1)(A) of such Act. Such excluded income received after the date of the enactment of this paragraph shall be reported by such entity on the annual return required under section 6033 and in any annual report required under section 305(i)(1)(F)(ii) of such Act (16 U.S.C. 1855(i)(1)(F)(ii)).”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to income received before, on, or after the date of the enactment of this Act.

(b) APPLICATION TO CERTAIN WHOLLY OWNED SUBSIDIARIES.—If the assets of a trade or business described in section 512(b)(20) of the Internal Revenue Code of 1986 (as added by subsection (a)(1)) of any subsidiary wholly owned by a Community Development Quota entity identified in section 305(i)(1)(D) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(1)(D)) are transferred to such entity (including in liquidation of such subsidiary) not later than 18 months after the date of the enactment of this Act—

(1) no gain resulting from such transfer shall be recognized to either such subsidiary or such entity under such Code, and

(2) all income derived by such subsidiary from such transferred trade or business shall be exempt from taxation under such Code.

**SA 4368.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

**SEC. \_\_\_\_ . ELIMINATION OF CERTAIN PROGRAMS RECOMMENDED FOR TERMINATION.**

(a) **FINDINGS.**—Congress finds the following:

(1) Both the Bush and the Obama administrations have reviewed federal programs in recent years to identify those that are ineffective, outdated, or duplicative.

(2) While funding has been terminated for some of the identified programs, many more continue to receive funding each year.

(3) In particular, 17 programs continue to receive funding, even though the programs have been identified by either the Bush or Obama administrations as being ineffective, outdated, or duplicative and recommended for termination in the budgets of the United States Government for fiscal years 2009, 2010, and 2011.

(4) The need to simultaneously assist families hardest hit by the recession while beginning to reduce the nation's record debt levels requires a renewed emphasis on eliminating unnecessary federal spending.

(b) **RESCISSIONS.**—Any funds that remain available for obligation as of the date of enactment of this Act for the following programs, projects, activities, portions, or accounts are rescinded:

(1) The high energy cost grant program carried out under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a).

(2) The program of grants to broadcasting systems provided under section 310B(f) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(f)).

(3) The resource conservation and development program established under subtitle H of the Agriculture and Food Act of 1981 (16 U.S.C. 3451 et seq.).

(4) The watershed protection and flood prevention operations carried out under section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012).

(5) The public telecommunications facilities, planning, and construction grants under section 392 of the Communications Act of 1934 (47 U.S.C. 392).

(6) The Presidential Academies for Teaching of American History and Civics and the Congressional Academies for Students of American History and Civics under the American History and Civics Education Act of 2004 (20 U.S.C. 6713 note).

(7) The Civic Education Program under subpart 3 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6711 et seq.).

(8) The Close Up Fellowship Program under section 1504 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6494).

(9) The William F. Goodling Even Start Family Literacy Programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.).

(10) The Foundations for Learning Grants Program under section 5542 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7269a).

(11) The Jacob K. Javits Gifted and Talented Students Education Program under subpart 6 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7253 et seq.).

(12) The Ready to Teach Program under subpart 8 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7257).

(13) The portion of the State and Tribal Assistance Grants Account of the Environmental Protection Agency for special project grants and technical corrections to prior-year grants for the construction of drinking water, wastewater, and storm water infrastructure, and for water quality protection, pursuant to section 104 of the Federal Water Pollution Control Act (33 U.S.C. 1254) and section 1442 of the Safe Drinking Water Act (42 U.S.C. 300j-1).

(14) The portion of funding provided by the Health Resources and Services Administration to the Denali Commission (under the Denali Commission Act of 1998 (42 U.S.C. 3121 et seq.)).

(15) The Delta Health Initiative administered by the Office of Rural Health Policy of the Department of Health and Human Services.

(16) The construction and renovation (including equipment) of health care and other facilities and for other health-related activities account for the Health Resources and Services Administration of the Department of Health and Human Services.

(17) The Brownfields Economic Development Initiative under section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)).

(c) **TERMINATIONS.**—Notwithstanding any other provision of law, the authority for each program, project, activity, portion, and account listed in subsection (b) is terminated. No additional funds shall be authorized or appropriated for any such program, project, activity, portion, or account.

**SA 4369.** Mr. BAUCUS proposed an amendment to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

**SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “American Jobs and Closing Tax Loopholes Act of 2010”.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in titles I, II, and IV of this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

**TITLE I—INFRASTRUCTURE INCENTIVES**

Sec. 101. Extension of Build America Bonds.

Sec. 102. Exempt-facility bonds for sewage and water supply facilities.

Sec. 103. Extension of exemption from alternative minimum tax treatment for certain tax-exempt bonds.

Sec. 104. Extension and additional allocations of recovery zone bond authority.

Sec. 105. Allowance of new markets tax credit against alternative minimum tax.

Sec. 106. Extension of tax-exempt eligibility for loans guaranteed by Federal home loan banks.

Sec. 107. Extension of temporary small issuer rules for allocation of tax-exempt interest expense by financial institutions.

**TITLE II—EXTENSION OF EXPIRING PROVISIONS**

**Subtitle A—Energy**

Sec. 201. Alternative motor vehicle credit for new qualified hybrid motor vehicles other than passenger automobiles and light trucks.

Sec. 202. Incentives for biodiesel and renewable diesel.

Sec. 203. Credit for electricity produced at certain open-loop biomass facilities.

Sec. 204. Extension and modification of credit for steel industry fuel.

Sec. 205. Credit for producing fuel from coke or coke gas.

Sec. 206. New energy efficient home credit.

Sec. 207. Excise tax credits and outlay payments for alternative fuel and alternative fuel mixtures.

Sec. 208. Special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.

Sec. 209. Suspension of limitation on percentage depletion for oil and gas from marginal wells.

Sec. 210. Direct payment of energy efficient appliances tax credit.

Sec. 211. Modification of standards for windows, doors, and skylights with respect to the credit for non-business energy property.

**Subtitle B—Individual Tax Relief**

**PART I—MISCELLANEOUS PROVISIONS**

Sec. 221. Deduction for certain expenses of elementary and secondary school teachers.

Sec. 222. Additional standard deduction for State and local real property taxes.

Sec. 223. Deduction of State and local sales taxes.

Sec. 224. Contributions of capital gain real property made for conservation purposes.

Sec. 225. Above-the-line deduction for qualified tuition and related expenses.

Sec. 226. Tax-free distributions from individual retirement plans for charitable purposes.

Sec. 227. Look-thru of certain regulated investment company stock in determining gross estate of non-residents.

Sec. 228. First-time homebuyer credit.

**PART II—LOW-INCOME HOUSING CREDITS**

Sec. 231. Election for direct payment of low-income housing credit for 2010.

Sec. 232. Low-income housing grant election.

**Subtitle C—Business Tax Relief**

Sec. 241. Research credit.

Sec. 242. Indian employment tax credit.

Sec. 243. New markets tax credit.

Sec. 244. Railroad track maintenance credit.

Sec. 245. Mine rescue team training credit.

Sec. 246. Employer wage credit for employees who are active duty members of the uniformed services.

Sec. 247. 5-year depreciation for farming business machinery and equipment.

Sec. 248. 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.

- Sec. 249. 7-year recovery period for motor-sports entertainment complexes.
- Sec. 250. Accelerated depreciation for business property on an Indian reservation.
- Sec. 251. Enhanced charitable deduction for contributions of food inventory.
- Sec. 252. Enhanced charitable deduction for contributions of book inventories to public schools.
- Sec. 253. Enhanced charitable deduction for corporate contributions of computer inventory for educational purposes.
- Sec. 254. Election to expense mine safety equipment.
- Sec. 255. Special expensing rules for certain film and television productions.
- Sec. 256. Expensing of environmental remediation costs.
- Sec. 257. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
- Sec. 258. Modification of tax treatment of certain payments to controlling exempt organizations.
- Sec. 259. Exclusion of gain or loss on sale or exchange of certain brownfield sites from unrelated business income.
- Sec. 260. Timber REIT modernization.
- Sec. 261. Treatment of certain dividends of regulated investment companies.
- Sec. 262. RIC qualified investment entity treatment under FIRPTA.
- Sec. 263. Exceptions for active financing income.
- Sec. 264. Look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.
- Sec. 265. Basis adjustment to stock of S corps making charitable contributions of property.
- Sec. 266. Empowerment zone tax incentives.
- Sec. 267. Tax incentives for investment in the District of Columbia.
- Sec. 268. Renewal community tax incentives.
- Sec. 269. Temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.
- Sec. 270. Payment to American Samoa in lieu of extension of economic development credit.
- Sec. 271. Election to temporarily utilize unused AMT credits determined by domestic investment.
- Sec. 272. Study of extended tax expenditures.

Subtitle D—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

- Sec. 281. Waiver of certain mortgage revenue bond requirements.
- Sec. 282. Losses attributable to federally declared disasters.
- Sec. 283. Special depreciation allowance for qualified disaster property.
- Sec. 284. Net operating losses attributable to federally declared disasters.
- Sec. 285. Expensing of qualified disaster expenses.

PART II—REGIONAL PROVISIONS

SUBPART A—NEW YORK LIBERTY ZONE

- Sec. 291. Special depreciation allowance for nonresidential and residential real property.
- Sec. 292. Tax-exempt bond financing.

SUBPART B—GO ZONE

- Sec. 295. Increase in rehabilitation credit.
- Sec. 296. Work opportunity tax credit with respect to certain individuals affected by Hurricane Katrina for employers inside disaster areas.
- Sec. 297. Extension of low-income housing credit rules for buildings in GO zones.

TITLE III—PENSION FUNDING RELIEF

Subtitle A—Single-Employer Plans

- Sec. 301. Extended period for single-employer defined benefit plans to amortize certain shortfall amortization bases.
- Sec. 302. Application of extended amortization period to plans subject to prior law funding rules.
- Sec. 303. Suspension of certain funding level limitations.
- Sec. 304. Lookback for credit balance rule.
- Sec. 305. Information reporting.
- Sec. 306. Rollover of amounts received in airline carrier bankruptcy.

Subtitle B—Multiemployer Plans

- Sec. 311. Optional use of 30-year amortization periods.
- Sec. 312. Optional longer recovery periods for multiemployer plans in endangered or critical status.
- Sec. 313. Modification of certain amortization extensions under prior law.
- Sec. 314. Alternative default schedule for plans in endangered or critical status.
- Sec. 315. Transition rule for certifications of plan status.

TITLE IV—REVENUE OFFSETS

Subtitle A—Foreign Provisions

- Sec. 401. Rules to prevent splitting foreign tax credits from the income to which they relate.
- Sec. 402. Denial of foreign tax credit with respect to foreign income not subject to United States taxation by reason of covered asset acquisitions.
- Sec. 403. Separate application of foreign tax credit limitation, etc., to items resourced under treaties.
- Sec. 404. Limitation on the amount of foreign taxes deemed paid with respect to section 956 inclusions.
- Sec. 405. Special rule with respect to certain redemptions by foreign subsidiaries.
- Sec. 406. Modification of affiliation rules for purposes of rules allocating interest expense.
- Sec. 407. Termination of special rules for interest and dividends received from persons meeting the 80-percent foreign business requirements.
- Sec. 408. Source rules for income on guarantees.
- Sec. 409. Limitation on extension of statute of limitations for failure to notify Secretary of certain foreign transfers.

Subtitle B—Personal Service Income Earned in Pass-thru Entities

- Sec. 411. Partnership interests transferred in connection with performance of services.
- Sec. 413. Employment tax treatment of professional service businesses.

Subtitle C—Corporate Provisions

- Sec. 421. Treatment of securities of a controlled corporation exchanged for assets in certain reorganizations.

- Sec. 422. Taxation of boot received in reorganizations.

Subtitle D—Other Provisions

- Sec. 431. Modifications with respect to Oil Spill Liability Trust Fund.
- Sec. 432. Time for payment of corporate estimated taxes.
- Sec. 433. Denial of deduction for punitive damages.

TITLE V—UNEMPLOYMENT, HEALTH, AND OTHER ASSISTANCE

Subtitle A—Unemployment Insurance and Other Assistance

- Sec. 501. Extension of unemployment insurance provisions.
- Sec. 502. Coordination of emergency unemployment compensation with regular compensation.
- Sec. 503. Extension of the Emergency Contingency Fund.
- Sec. 504. Requiring States to not reduce regular compensation in order to be eligible for funds under the emergency unemployment compensation program.

Subtitle B—Health Provisions

- Sec. 511. Extension of section 508 reclassifications.
- Sec. 512. Repeal of delay of RUG-IV.
- Sec. 513. Limitation on reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.
- Sec. 514. Funding for claims reprocessing.
- Sec. 515. Medicaid and CHIP technical corrections.
- Sec. 516. Addition of inpatient drug discount program to 340B drug discount program.
- Sec. 517. Continued inclusion of orphan drugs in definition of covered outpatient drugs with respect to children's hospitals under the 340B drug discount program.
- Sec. 518. Conforming amendment related to waiver of coinsurance for preventive services.
- Sec. 519. Establish a CMS-IRS data match to identify fraudulent providers.
- Sec. 520. Clarification of effective date of part B special enrollment period for disabled TRICARE beneficiaries.
- Sec. 521. Physician payment update.
- Sec. 522. Adjustment to Medicare payment localities.
- Sec. 523. Clarification of 3-day payment window.
- Sec. 524. Extension of ARRA increase in FMAP.
- Sec. 525. Clarification for affiliated hospitals for distribution of additional residency positions.

TITLE VI—OTHER PROVISIONS

- Sec. 601. Extension of national flood insurance program.
- Sec. 602. Allocation of geothermal receipts.
- Sec. 603. Small business loan guarantee enhancement extensions.
- Sec. 604. Emergency agricultural disaster assistance.
- Sec. 605. Summer employment for youth.
- Sec. 606. Housing Trust Fund.
- Sec. 607. The Individual Indian Money Account Litigation Settlement Act of 2010.
- Sec. 608. Appropriation of funds for final settlement of claims from In re Black Farmers Discrimination Litigation.

- Sec. 609. Expansion of eligibility for concurrent receipt of military retired pay and veterans' disability compensation to include all chapter 61 disability retirees regardless of disability rating percentage or years of service.
- Sec. 610. Extension of use of 2009 poverty guidelines.
- Sec. 611. Refunds disregarded in the administration of Federal programs and federally assisted programs.
- Sec. 612. State court improvement program.
- Sec. 613. Qualifying timber contract options.
- Sec. 614. Extension and flexibility for certain allocated surface transportation programs.
- Sec. 615. Community College and Career Training Grant Program.
- Sec. 616. Extensions of duty suspensions on cotton shirting fabrics and related provisions.
- Sec. 617. Modification of Wool Apparel Manufacturers Trust Fund.
- Sec. 618. Department of Commerce Study.
- Sec. 619. ARRA planning and reporting.
- Sec. 620. Amendment of Travel Promotion Act of 2009.
- Sec. 621. Limitation on penalty for failure to disclose reportable transactions based on resulting tax benefits.
- Sec. 622. Report on tax shelter penalties and certain other enforcement actions.

#### TITLE VII—TRANSPARENCY REQUIREMENTS FOR FOREIGN-HELD DEBT

- Sec. 701. Short title.
- Sec. 702. Definitions.
- Sec. 703. Sense of Congress.
- Sec. 704. Quarterly report on risks posed by foreign holdings of debt instruments of the United States.
- Sec. 705. Annual report on risks posed by the Federal debt of the United States.
- Sec. 706. Corrective action to address unacceptable and unsustainable risks to United States national security and economic stability.

#### TITLE VIII—TRANSPARENCY REQUIREMENTS FOR FOREIGN-HELD DEBT

- Sec. 801. Short title.
- Sec. 802. Definitions.
- Sec. 803. Sense of Congress.
- Sec. 804. Annual report on risks posed by foreign holdings of debt instruments of the United States.
- Sec. 805. Annual report on risks posed by the Federal debt of the United States.
- Sec. 806. Corrective action to address unacceptable risks to United States national security and economic stability.

#### TITLE IX—OFFICE OF THE HOMEOWNER ADVOCATE

- Sec. 901. Office of the Homeowner Advocate.
- Sec. 902. Functions of the Office.
- Sec. 903. Relationship with existing entities.
- Sec. 904. Rule of construction.
- Sec. 905. Reports to Congress.
- Sec. 906. Funding.
- Sec. 907. Prohibition on participation in Making Home Affordable for borrowers who strategically default.

#### TITLE X—BUDGETARY PROVISIONS

- Sec. 1001. Budgetary provisions.

#### TITLE I—INFRASTRUCTURE INCENTIVES

##### SEC. 101. EXTENSION OF BUILD AMERICA BONDS.

(a) IN GENERAL.—Subparagraph (B) of section 54AA(d)(1) is amended by striking “January 1, 2011” and inserting “January 1, 2013”.

(b) EXTENSION OF PAYMENTS TO ISSUERS.—

(1) IN GENERAL.—Section 6431 is amended—  
(A) by striking “January 1, 2011” in subsection (a) and inserting “January 1, 2013”; and

(B) by striking “January 1, 2011” in subsection (f)(1)(B) and inserting “a particular date”.

(2) CONFORMING AMENDMENTS.—Subsection (g) of section 54AA is amended—

(A) by striking “January 1, 2011” and inserting “January 1, 2013”; and

(B) by striking “QUALIFIED BONDS ISSUED BEFORE 2011” in the heading and inserting “CERTAIN QUALIFIED BONDS”.

(c) REDUCTION IN PERCENTAGE OF PAYMENTS TO ISSUERS.—Subsection (b) of section 6431 is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”;

(2) by striking “35 percent” and inserting “the applicable percentage”; and

(3) by adding at the end the following new paragraph:

“(2) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term ‘applicable percentage’ means the percentage determined in accordance with the following table:

“In the case of a qualified bond issued during calendar year:	The applicable percentage is:
2009 or 2010 .....	35 percent
2011 .....	32 percent
2012 .....	30 percent.”.

(d) CURRENT REFUNDINGS PERMITTED.—Subsection (g) of section 54AA is amended by adding at the end the following new paragraph:

“(3) TREATMENT OF CURRENT REFUNDING BONDS.—

“(A) IN GENERAL.—For purposes of this subsection, the term ‘qualified bond’ includes any bond (or series of bonds) issued to refund a qualified bond if—

“(i) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

“(ii) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

“(iii) the refunded bond is redeemed not later than 90 days after the date of the issuance of the refunding bond.

“(B) APPLICABLE PERCENTAGE.—In the case of a refunding bond referred to in subparagraph (A), the applicable percentage with respect to such bond under section 6431(b) shall be the lowest percentage specified in paragraph (2) of such section.

“(C) DETERMINATION OF AVERAGE MATURITY.—For purposes of subparagraph (A)(i), average maturity shall be determined in accordance with section 147(b)(2)(A).”.

(e) CLARIFICATION RELATED TO LEVEES AND FLOOD CONTROL PROJECTS.—Subparagraph (A) of section 54AA(g)(2) is amended by inserting “(including capital expenditures for levees and other flood control projects)” after “capital expenditures”.

##### SEC. 102. EXEMPT-FACILITY BONDS FOR SEWAGE AND WATER SUPPLY FACILITIES.

(a) BONDS FOR WATER AND SEWAGE FACILITIES EXEMPT FROM VOLUME CAP ON PRIVATE ACTIVITY BONDS.—

(1) IN GENERAL.—Paragraph (3) of section 146(g) is amended by inserting “(4), (5),” after “(2),”.

(2) CONFORMING AMENDMENT.—Paragraphs (2) and (3)(B) of section 146(k) are both amended by striking “(4), (5), (6),” and inserting “(6)”.

(b) TAX-EXEMPT ISSUANCE BY INDIAN TRIBAL GOVERNMENTS.—

(1) IN GENERAL.—Subsection (c) of section 7871 is amended by adding at the end the following new paragraph:

“(4) EXCEPTION FOR BONDS FOR WATER AND SEWAGE FACILITIES.—Paragraph (2) shall not apply to an exempt facility bond 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of which are to be used to provide facilities described in paragraph (4) or (5) of section 142(a).”.

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 7871(c) is amended by striking “paragraph (3)” and inserting “paragraphs (3) and (4)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

##### SEC. 103. EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS.

(a) IN GENERAL.—Clause (vi) of section 57(a)(5)(C) is amended—

(1) by striking “January 1, 2011” in subclause (I) and inserting “January 1, 2012”; and

(2) by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(b) ADJUSTED CURRENT EARNINGS.—Clause (iv) of section 56(g)(4)(B) is amended—

(1) by striking “January 1, 2011” in subclause (I) and inserting “January 1, 2012”; and

(2) by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

##### SEC. 104. EXTENSION AND ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY.

(a) EXTENSION OF RECOVERY ZONE BOND AUTHORITY.—Section 1400U-2(b)(1) and section 1400U-3(b)(1)(B) are each amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY BASED ON UNEMPLOYMENT.—Section 1400U-1 is amended by adding at the end the following new subsection:

“(c) ALLOCATION OF 2010 RECOVERY ZONE BOND LIMITATIONS BASED ON UNEMPLOYMENT.—

“(1) IN GENERAL.—The Secretary shall allocate the 2010 national recovery zone economic development bond limitation and the 2010 national recovery zone facility bond limitation among the States in the proportion that each such State’s 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all of the States.

“(2) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under paragraph (1) for each State to the extent necessary to ensure that no State (prior to any reduction under paragraph (3)) receives less than 0.9 percent of the 2010 national recovery zone economic development bond limitation and 0.9 percent of the 2010 national recovery zone facility bond limitation.

“(3) ALLOCATIONS BY STATES.—

“(A) IN GENERAL.—Each State with respect to which an allocation is made under paragraph (1) shall reallocate such allocation

among the counties and large municipalities (as defined in subsection (a)(3)(B)) in such State in the proportion that each such county's or municipality's 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all the counties and large municipalities (as so defined) in such State.

“(B) 2010 ALLOCATION REDUCED BY AMOUNT OF PREVIOUS ALLOCATION.—Each State shall reduce (but not below zero)—

“(i) the amount of the 2010 national recovery zone economic development bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone economic development bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof), and

“(ii) the amount of the 2010 national recovery zone facility bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone facility bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof).

“(C) WAIVER OF SUBALLOCATIONS.—A county or municipality may waive any portion of an allocation made under this paragraph. A county or municipality shall be treated as having waived any portion of an allocation made under this paragraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this subparagraph may be used or reallocated by the State.

“(D) SPECIAL RULE FOR A MUNICIPALITY IN A COUNTY.—In the case of any large municipality any portion of which is in a county, such portion shall be treated as part of such municipality and not part of such county.

“(4) 2009 UNEMPLOYMENT NUMBER.—For purposes of this subsection, the term ‘2009 unemployment number’ means, with respect to any State, county or municipality, the number of individuals in such State, county, or municipality who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

“(5) 2010 NATIONAL LIMITATIONS.—

“(A) RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS.—The 2010 national recovery zone economic development bond limitation is \$10,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U-2 in the same manner as an allocation of national recovery zone economic development bond limitation.

“(B) RECOVERY ZONE FACILITY BONDS.—The 2010 national recovery zone facility bond limitation is \$15,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U-3 in the same manner as an allocation of national recovery zone facility bond limitation.”

(C) AUTHORITY OF STATE TO WAIVE CERTAIN 2009 ALLOCATIONS.—Subparagraph (A) of section 1400U-1(a)(3) is amended by adding at the end the following: “A county or municipality shall be treated as having waived any portion of an allocation made under this subparagraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this subparagraph may be used or reallocated by the State.”

#### SEC. 105. ALLOWANCE OF NEW MARKETS TAX CREDIT AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(4), as amended by the Patient Protection and Affordable Care Act, is amended

by redesignating clauses (v) through (ix) as clauses (vi) through (x), respectively, and by inserting after clause (iv) the following new clause:

“(v) the credit determined under section 45D, but only with respect to credits determined with respect to qualified equity investments (as defined in section 45D(b)) initially made before January 1, 2012.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined with respect to qualified equity investments (as defined in section 45D(b) of the Internal Revenue Code of 1986) initially made after March 15, 2010.

#### SEC. 106. EXTENSION OF TAX-EXEMPT ELIGIBILITY FOR LOANS GUARANTEED BY FEDERAL HOME LOAN BANKS.

Clause (iv) of section 149(b)(3)(A) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

#### SEC. 107. EXTENSION OF TEMPORARY SMALL ISSUER RULES FOR ALLOCATION OF TAX-EXEMPT INTEREST EXPENSE BY FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Clauses (i), (ii), and (iii) of section 265(b)(3)(G) are each amended by striking “or 2010” and inserting “, 2010, or 2011”.

(b) CONFORMING AMENDMENT.—Subparagraph (G) of section 265(b)(3) is amended by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

### TITLE II—EXTENSION OF EXPIRING PROVISIONS

#### Subtitle A—Energy

#### SEC. 201. ALTERNATIVE MOTOR VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES OTHER THAN PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) IN GENERAL.—Paragraph (3) of section 30B(k) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2009.

#### SEC. 202. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

#### SEC. 203. CREDIT FOR ELECTRICITY PRODUCED AT CERTAIN OPEN-LOOP BIOMASS FACILITIES.

(a) IN GENERAL.—Clause (ii) of section 45(b)(4)(B) is amended—

(1) by striking “5-year period” and inserting “6-year period”; and

(2) by adding at the end the following: “In the case of the last year of the 6-year period described in the preceding sentence, the credit determined under subsection (a) with respect to electricity produced during such year shall not exceed 80 percent of such credit determined without regard to this sentence.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to elec-

tricity produced and sold after December 31, 2009.

#### SEC. 204. EXTENSION AND MODIFICATION OF CREDIT FOR STEEL INDUSTRY FUEL.

(a) CREDIT PERIOD.—

(1) IN GENERAL.—Subclause (II) of section 45(e)(8)(D)(ii) is amended to read as follows:

“(II) CREDIT PERIOD.—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the date that the facility first produces steel industry fuel that is sold to an unrelated person after September 30, 2008, and ending 2 years after such date.”

(2) CONFORMING AMENDMENT.—Section 45(e)(8)(D) is amended by striking clause (iii) and by redesignating clause (iv) as clause (iii).

(b) EXTENSION OF PLACED-IN-SERVICE DATE.—Subparagraph (A) of section 45(d)(8) is amended—

(1) by striking “(or any modification to a facility)”;

(2) by striking “2010” and inserting “2011”.

(c) CLARIFICATIONS.—

(1) STEEL INDUSTRY FUEL.—Subclause (I) of section 45(c)(7)(C)(i) is amended by inserting “, a blend of coal and petroleum coke, or other coke feedstock” after “on coal”.

(2) OWNERSHIP INTEREST.—Section 45(d)(8) is amended by adding at the end the following new flush sentence:

“With respect to a facility producing steel industry fuel, no person (including a ground lessor, customer, supplier, or technology licensor) shall be treated as having an ownership interest in the facility or as otherwise entitled to the credit allowable under subsection (a) with respect to such facility if such person's rent, license fee, or other entitlement to net payments from the owner of such facility is measured by a fixed dollar amount or a fixed amount per ton, or otherwise determined without regard to the profit or loss of such facility.”

(3) PRODUCTION AND SALE.—Subparagraph (D) of section 45(e)(8), as amended by subsection (a)(2), is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

“(iii) PRODUCTION AND SALE.—The owner of a facility producing steel industry fuel shall be treated as producing and selling steel industry fuel where that owner manufactures such steel industry fuel from coal, a blend of coal and petroleum coke, or other coke feedstock to which it has title. The sale of such steel industry fuel by the owner of the facility to a person who is not the owner of the facility shall not fail to qualify as a sale to an unrelated person solely because such purchaser may also be a ground lessor, supplier, or customer.”

(d) SPECIFIED CREDIT FOR PURPOSES OF ALTERNATIVE MINIMUM TAX EXCLUSION.—Subclause (II) of section 38(c)(4)(B)(iii) is amended by inserting “(in the case of a refined coal production facility producing steel industry fuel, during the credit period set forth in section 45(e)(8)(D)(ii)(II))” after “service”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall apply to fuel produced and sold after September 30, 2008.

(2) CLARIFICATIONS.—The amendments made by subsection (c) shall take effect as if included in the amendments made by the Energy Improvement and Extension Act of 2008.

#### SEC. 205. CREDIT FOR PRODUCING FUEL FROM COKE OR COKE GAS.

(a) IN GENERAL.—Paragraph (1) of section 45K(g) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to facilities placed in service after December 31, 2009.

**SEC. 206. NEW ENERGY EFFICIENT HOME CREDIT.**

(a) **IN GENERAL.**—Subsection (g) of section 45L is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to homes acquired after December 31, 2009.

**SEC. 207. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.**

(a) **ALTERNATIVE FUEL CREDIT.**—Paragraph (5) of section 6426(d) is amended by striking “after December 31, 2009” and all that follows and inserting “after—

“(A) September 30, 2014, in the case of liquefied hydrogen,

“(B) December 31, 2010, in the case of fuels described in subparagraph (A), (C), (F), or (G) of paragraph (2), and

“(C) December 31, 2009, in any other case.”.

(b) **ALTERNATIVE FUEL MIXTURE CREDIT.**—Paragraph (3) of section 6426(e) is amended by striking “after December 31, 2009” and all that follows and inserting “after—

“(A) September 30, 2014, in the case of liquefied hydrogen,

“(B) December 31, 2010, in the case of fuels described in subparagraph (A), (C), (F), or (G) of subsection (d)(2), and

“(C) December 31, 2009, in any other case.”.

(c) **PAYMENT AUTHORITY.**—

(1) **IN GENERAL.**—Paragraph (6) of section 6427(e) is amended by striking “and” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting “, and”, and by adding at the end the following new subparagraph:

“(E) any alternative fuel or alternative fuel mixture (as so defined) involving fuel described in subparagraph (A), (C), (F), or (G) of section 6426(d)(2) sold or used after December 31, 2010.”.

(2) **CONFORMING AMENDMENT.**—Subparagraph (C) of section 6427(e)(6) is amended by inserting “or (E)” after “subparagraph (D)”.

(d) **EXCLUSION OF BLACK LIQUOR FROM CREDIT ELIGIBILITY.**—The last sentence of section 6426(d)(2) is amended by striking “or biodiesel” and inserting “biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

**SEC. 208. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.**

(a) **IN GENERAL.**—Paragraph (3) of section 451(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **MODIFICATION OF DEFINITION OF INDEPENDENT TRANSMISSION COMPANY.**—

(1) **IN GENERAL.**—Clause (i) of section 451(i)(4)(B) is amended to read as follows:

“(i) who the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the Federal Power Act (16 U.S.C. 824b) or by declaratory order—

“(I) is not itself a market participant as determined by the Commission, and also is not controlled by any such market participant, or

“(II) to be independent from market participants to be an independent transmission company within the meaning of such Commission’s rules applicable to independent transmission providers, and”.

(2) **RELATED PERSONS.**—Paragraph (4) of section 451(i) is amended by adding at the end the following flush sentence:

“For purposes of subparagraph (B)(i)(I), a person shall be treated as controlled by another person if such persons would be treated as a single employer under section 52.”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall apply to dispositions after December 31, 2009.

(2) **MODIFICATIONS.**—The amendments made by subsection (b) shall apply to dispositions after the date of the enactment of this Act.

**SEC. 209. SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.**

(a) **IN GENERAL.**—Clause (ii) of section 613A(c)(6)(H) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 210. DIRECT PAYMENT OF ENERGY EFFICIENT APPLIANCES TAX CREDIT.**

In the case of any taxable year which includes the last day of calendar year 2009 or calendar year 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for 2009 and 2010, but once made shall be irrevocable. No amount shall be includible in gross income or alternative minimum taxable income by reason of this section.

**SEC. 211. MODIFICATION OF STANDARDS FOR WINDOWS, DOORS, AND SKYLIGHTS WITH RESPECT TO THE CREDIT FOR NONBUSINESS ENERGY PROPERTY.**

(a) **IN GENERAL.**—Paragraph (4) of section 25C(c) is amended by striking “unless” and all that follows and inserting “unless—

“(A) in the case of any component placed in service after the date which is 90 days after the date of the enactment of the American Jobs and Closing Tax Loopholes Act of 2010, such component meets the criteria for such components established by the 2010 Energy Star Program Requirements for Residential Windows, Doors, and Skylights, Version 5.0 (or any subsequent version of such requirements which is in effect after January 4, 2010),

“(B) in the case of any component placed in service after the date of the enactment of the American Jobs and Closing Tax Loopholes Act of 2010 and on or before the date which is 90 days after such date, such component meets the criteria described in subparagraph (A) or is equal to or below a U factor of 0.30 and SHGC of 0.30, and

“(C) in the case of any component which is a garage door, such component is equal to or below a U factor of 0.30 and SHGC of 0.30.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

**Subtitle B—Individual Tax Relief**

**PART I—MISCELLANEOUS PROVISIONS**

**SEC. 221. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.**

(a) **IN GENERAL.**—Subparagraph (D) of section 62(a)(2) is amended by striking “or 2009” and inserting “2009, or 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 222. ADDITIONAL STANDARD DEDUCTION FOR STATE AND LOCAL REAL PROPERTY TAXES.**

(a) **IN GENERAL.**—Subparagraph (C) of section 63(c)(1) is amended by striking “or 2009” and inserting “2009, or 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 223. DEDUCTION OF STATE AND LOCAL SALES TAXES.**

(a) **IN GENERAL.**—Subparagraph (I) of section 164(b)(5) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 224. CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.**

(a) **IN GENERAL.**—Clause (vi) of section 170(b)(1)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.**—Clause (iii) of section 170(b)(2)(B) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

**SEC. 225. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.**

(a) **IN GENERAL.**—Subsection (e) of section 222 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

(c) **TEMPORARY COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS.**—In the case of any taxpayer for any taxable year beginning in 2010, no deduction shall be allowed under section 222 of the Internal Revenue Code of 1986 if—

(1) the taxpayer’s net Federal income tax reduction which would be attributable to such deduction for such taxable year, is less than

(2) the credit which would be allowed to the taxpayer for such taxable year under section 25A of such Code (determined without regard to sections 25A(e) and 26 of such Code).

**SEC. 226. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.**

(a) **IN GENERAL.**—Subparagraph (F) of section 408(d)(8) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2009.

**SEC. 227. LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.**

(a) **IN GENERAL.**—Paragraph (3) of section 2105(d) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to estates of decedents dying after December 31, 2009.

#### SEC. 228. FIRST-TIME HOMEBUYER CREDIT.

(a) **IN GENERAL.**—Paragraph (2) of section 36(h) is amended by striking “paragraph (1) shall be applied by substituting ‘July 1, 2010’” and inserting “and who purchases such residence before October 1, 2010, paragraph (1) shall be applied by substituting ‘October 1, 2010’”.

(b) **CONFORMING AMENDMENT.**—Subparagraph (B) of section 36(h)(3) is amended by inserting “and for ‘October 1, 2010’” after “for ‘July 1, 2010’”.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall apply to residences purchased after June 30, 2010.

### PART II—LOW-INCOME HOUSING CREDITS

#### SEC. 231. ELECTION FOR DIRECT PAYMENT OF LOW-INCOME HOUSING CREDIT FOR 2010.

(a) **IN GENERAL.**—Section 42 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) **ELECTION FOR DIRECT PAYMENT OF CREDIT.**—

“(1) **IN GENERAL.**—The housing credit agency of each State shall be allowed a credit in an amount equal to such State’s 2010 low-income housing refundable credit election amount, which shall be payable by the Secretary as provided in paragraph (5).

“(2) **2010 LOW-INCOME HOUSING REFUNDABLE CREDIT ELECTION AMOUNT.**—For purposes of this subsection, the term ‘2010 low-income housing refundable credit election amount’ means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—

“(A) the sum of—

“(i) 100 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), plus any credits returned to the State attributable to section 1400N(c) (including credits made available under such section as applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008), and

“(ii) 40 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (ii) and (iv) of such subsection, plus any credits for 2010 attributable to the application of such section 702(d)(2) and 704(b), multiplied by

“(B) 10.

For purposes of subparagraph (A)(ii), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) shall be applied without regard to clause (i)

“(3) **COORDINATION WITH NON-REFUNDABLE CREDIT.**—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).

“(4) **SPECIAL RULE FOR BASIS.**—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.

“(5) **PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.**—The Secretary shall pay to the housing credit agency of each State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602

of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting ‘January 1, 2012’ for ‘January 1, 2011’.”.

(b) **CONFORMING AMENDMENT.**—Section 1324(b)(2) of title 31, United States Code, is amended by inserting “(42(n).” after “36C.”.

#### SEC. 232. LOW-INCOME HOUSING GRANT ELECTION.

(a) **CLARIFICATION OF ELIGIBILITY OF LOW-INCOME HOUSING CREDITS FOR LOW-INCOME HOUSING GRANT ELECTION.**—Paragraph (1) of section 1602(b) of the American Recovery and Reinvestment Tax Act of 2009 is amended—

(1) by inserting “, plus any increase for 2009 or 2010 attributable to section 1400N(c) of such Code (including credits made available under such section as applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008)” after “1986” in subparagraph (A), and

(2) by inserting “, plus any credits for 2009 attributable to the application of such section 702(d)(2) and 704(b)” after “such section” in subparagraph (B).

(b) **APPLICATION OF ADDITIONAL HOUSING CREDIT AMOUNT FOR PURPOSES OF 2009 GRANT ELECTION.**—Subsection (b) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009, as amended by subsection (a), is amended by adding at the end the following flush sentence:

“For purposes of paragraph (1)(B), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) of such Code shall be applied without regard to clause (i).”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply as if included in the enactment of section 1602 of the American Recovery and Reinvestment Tax Act of 2009.

### Subtitle C—Business Tax Relief

#### SEC. 241. RESEARCH CREDIT.

(a) **IN GENERAL.**—Subparagraph (B) of section 41(h)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **CONFORMING AMENDMENT.**—Subparagraph (D) of section 45C(b)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

#### SEC. 242. INDIAN EMPLOYMENT TAX CREDIT.

(a) **IN GENERAL.**—Subsection (f) of section 45A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

#### SEC. 243. NEW MARKETS TAX CREDIT.

(a) **IN GENERAL.**—Subparagraph (F) of section 45D(f)(1) is amended by inserting “and 2010” after “2009”.

(b) **CONFORMING AMENDMENT.**—Paragraph (3) of section 45D(f) is amended by striking “2014” and inserting “2015”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to calendar years beginning after 2009.

#### SEC. 244. RAILROAD TRACK MAINTENANCE CREDIT.

(a) **IN GENERAL.**—Subsection (f) of section 45G is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to expendi-

tures paid or incurred in taxable years beginning after December 31, 2009.

#### SEC. 245. MINE RESCUE TEAM TRAINING CREDIT.

(a) **IN GENERAL.**—Subsection (e) of section 45N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **CREDIT ALLOWABLE AGAINST AMT.**—Subparagraph (B) of section 38(c)(4), as amended by section 105, is amended—

(1) by redesignating clauses (vii) through (x) as clauses (viii) through (xi), respectively; and

(2) by inserting after clause (vi) the following new clause:

“(vii) the credit determined under section 45N.”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(2) **ALLOWANCE AGAINST AMT.**—The amendments made by subsection (b) shall apply to credits determined for taxable years beginning after December 31, 2009, and to carrybacks of such credits.

#### SEC. 246. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) **IN GENERAL.**—Subsection (f) of section 45P is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to payments made after December 31, 2009.

#### SEC. 247. 5-YEAR DEPRECIATION FOR FARMING BUSINESS MACHINERY AND EQUIPMENT.

(a) **IN GENERAL.**—Clause (vii) of section 168(e)(3)(B) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

#### SEC. 248. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) **IN GENERAL.**—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **CONFORMING AMENDMENTS.**—

(1) Clause (i) of section 168(e)(7)(A) is amended by striking “if such building is placed in service after December 31, 2008, and before January 1, 2010.”.

(2) Paragraph (8) of section 168(e) is amended by striking subparagraph (E).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after December 31, 2009.

#### SEC. 249. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) **IN GENERAL.**—Subparagraph (D) of section 168(i)(15) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

#### SEC. 250. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) **IN GENERAL.**—Paragraph (8) of section 168(j) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 251. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.**

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

**SEC. 252. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.**

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

**SEC. 253. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.**

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

**SEC. 254. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.**

(a) IN GENERAL.—Subsection (g) of section 179E is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 255. SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.**

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2009.

**SEC. 256. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.**

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2009.

**SEC. 257. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.**

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking “first 4 taxable years” and inserting “first 5 taxable years”; and

(2) by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 258. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.**

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2009.

**SEC. 259. EXCLUSION OF GAIN OR LOSS ON SALE OR EXCHANGE OF CERTAIN BROWNFIELD SITES FROM UNRELATED BUSINESS INCOME.**

(a) IN GENERAL.—Subparagraph (K) of section 512(b)(19) is amended by striking “De-

cember 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property acquired after December 31, 2009.

**SEC. 260. TIMBER REIT MODERNIZATION.**

(a) IN GENERAL.—Paragraph (8) of section 856(c) is amended by striking “means” and all that follows and inserting “means December 31, 2010”.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (I) of section 856(c)(2) is amended by striking “the first taxable year beginning after the date of the enactment of this subparagraph” and inserting “a taxable year beginning on or before the termination date”.

(2) Clause (iii) of section 856(c)(5)(H) is amended by inserting “in taxable years beginning” after “dispositions”.

(3) Clause (v) of section 857(b)(6)(D) is amended by inserting “in a taxable year beginning” after “sale”.

(4) Subparagraph (G) of section 857(b)(6) is amended by inserting “in a taxable year beginning” after “In the case of a sale”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

**SEC. 261. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.**

(a) IN GENERAL.—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 262. RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.**

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on January 1, 2010. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2009, and before the date of the enactment of this Act; and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code,

such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

**SEC. 263. EXCEPTIONS FOR ACTIVE FINANCING INCOME.**

(a) IN GENERAL.—Sections 953(e)(10) and 954(h)(9) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) CONFORMING AMENDMENT.—Section 953(e)(10) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

**SEC. 264. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.**

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

**SEC. 265. BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.**

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

**SEC. 266. EMPOWERMENT ZONE TAX INCENTIVES.**

(a) IN GENERAL.—Section 1391 is amended—

(1) by striking “December 31, 2009” in subsection (d)(1)(A)(i) and inserting “December 31, 2010”; and

(2) by striking the last sentence of subsection (h)(2).

(b) INCREASED EXCLUSION OF GAIN ON STOCK OF EMPOWERMENT ZONE BUSINESSES.—Subparagraph (C) of section 1202(a)(2) is amended—

(1) by striking “December 31, 2014” and inserting “December 31, 2015”; and

(2) by striking “2014” in the heading and inserting “2015”.

(c) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2009.

**SEC. 267. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.**

(a) IN GENERAL.—Subsection (f) of section 1400 is amended by striking “December 31, 2009” each place it appears and inserting “December 31, 2010”.

(b) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—Subsection (b) of section 1400A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i)(I) of section 1400B(b) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(2) LIMITATION ON PERIOD OF GAINS.—

(A) IN GENERAL.—Paragraph (2) of section 1400B(e) is amended—

(i) by striking “December 31, 2014” and inserting “December 31, 2015”; and

(ii) by striking “2014” in the heading and inserting “2015”.

(B) PARTNERSHIPS AND S-CORPS.—Paragraph (2) of section 1400B(g) is amended by striking “December 31, 2014” and inserting “December 31, 2015”.

(d) **FIRST-TIME HOMEBUYER CREDIT.**—Subsection (i) of section 1400C is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(e) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) **TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.**—The amendment made by subsection (b) shall apply to bonds issued after December 31, 2009.

(3) **ACQUISITION DATES FOR ZERO-PERCENT CAPITAL GAINS RATE.**—The amendments made by subsection (c) shall apply to property acquired or substantially improved after December 31, 2009.

(4) **HOMEBUYER CREDIT.**—The amendment made by subsection (d) shall apply to homes purchased after December 31, 2009.

**SEC. 268. RENEWAL COMMUNITY TAX INCENTIVES.**

(a) **IN GENERAL.**—Subsection (b) of section 1400E is amended—

(1) by striking “December 31, 2009” in paragraphs (1)(A) and (3) and inserting “December 31, 2010”; and

(2) by striking “January 1, 2010” in paragraph (3) and inserting “January 1, 2011”.

(b) **ZERO-PERCENT CAPITAL GAINS RATE.**—

(1) **ACQUISITION DATE.**—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i) of section 1400F(b) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(2) **LIMITATION ON PERIOD OF GAINS.**—Paragraph (2) of section 1400F(c) is amended—

(A) by striking “December 31, 2014” and inserting “December 31, 2015”; and

(B) by striking “2014” in the heading and inserting “2015”.

(3) **CLERICAL AMENDMENT.**—Subsection (d) of section 1400F is amended by striking “and ‘December 31, 2014’ for ‘December 31, 2014’”.

(c) **COMMERCIAL REVITALIZATION DEDUCTION.**—

(1) **IN GENERAL.**—Subsection (g) of section 1400I is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) **CONFORMING AMENDMENT.**—Subparagraph (A) of section 1400I(d)(2) is amended by striking “after 2001 and before 2010” and inserting “which begins after 2001 and before the date referred to in subsection (g)”.

(d) **INCREASED EXPENSING UNDER SECTION 179.**—Subparagraph (A) of section 1400J(b)(1) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(e) **TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.**—In the case of a designation of a renewal community nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A) of section 1400E(b)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(f) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) **ACQUISITIONS.**—The amendments made by subsections (b)(1) and (d) shall apply to acquisitions after December 31, 2009.

(3) **COMMERCIAL REVITALIZATION DEDUCTION.**—

(A) **IN GENERAL.**—The amendment made by subsection (c)(1) shall apply to buildings placed in service after December 31, 2009.

(B) **CONFORMING AMENDMENT.**—The amendment made by subsection (c)(2) shall apply to calendar years beginning after December 31, 2009.

**SEC. 269. TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.**

(a) **IN GENERAL.**—Paragraph (1) of section 7652(f) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2009.

**SEC. 270. PAYMENT TO AMERICAN SAMOA IN LIEU OF EXTENSION OF ECONOMIC DEVELOPMENT CREDIT.**

The Secretary of the Treasury (or his designee) shall pay \$18,000,000 to the Government of American Samoa for purposes of economic development. The payment made under the preceding sentence shall be treated for purposes of section 1324 of title 31, United States Code, as a refund of internal revenue collections to which such section applies.

**SEC. 271. ELECTION TO TEMPORARILY UTILIZE UNUSED AMT CREDITS DETERMINED BY DOMESTIC INVESTMENT.**

(a) **IN GENERAL.**—Section 53 is amended by adding at the end the following new subsection:

“(g) **ELECTION FOR CORPORATIONS WITH NEW DOMESTIC INVESTMENTS.**—

“(1) **IN GENERAL.**—If a corporation elects to have this subsection apply for its first taxable year beginning after December 31, 2009, the limitation imposed by subsection (c) for such taxable year shall be increased by the AMT credit adjustment amount.

“(2) **AMT CREDIT ADJUSTMENT AMOUNT.**—For purposes of paragraph (1), the term ‘AMT credit adjustment amount’ means, the lesser of—

“(A) 50 percent of a corporation’s minimum tax credit for its first taxable year beginning after December 31, 2009, determined under subsection (b), or

“(B) 10 percent of new domestic investments made during such taxable year.

“(3) **NEW DOMESTIC INVESTMENTS.**—For purposes of this subsection, the term ‘new domestic investments’ means the cost of qualified property (as defined in section 168(k)(2)(A)(i))—

“(A) the original use of which commences with the taxpayer during the taxable year, and

“(B) which is placed in service in the United States by the taxpayer during such taxable year.

“(4) **CREDIT REFUNDABLE.**—For purposes of subsection (b) of section 6401, the aggregate increase in the credits allowable under this part for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C (and not under any other subpart). For purposes of section 6425, any amount treated as so allowed shall be treated as a payment of estimated income tax for the taxable year.

“(5) **ELECTION.**—An election under this subsection shall be made at such time and in such manner as prescribed by the Secretary, and once made, may be revoked only with the consent of the Secretary. Not later than 90 days after the date of the enactment of this subsection, the Secretary shall issue guidance specifying such time and manner.

“(6) **TREATMENT OF CERTAIN PARTNERSHIP INVESTMENTS.**—For purposes of this subsection, a corporation shall take into ac-

count its allocable share of any new domestic investments by a partnership for any taxable year if, and only if, more than 90 percent of the capital and profits interests in such partnership are owned by such corporation (directly or indirectly) at all times during such taxable year.

“(7) **NO DOUBLE BENEFIT.**—

“(A) **IN GENERAL.**—A corporation making an election under this subsection may not make an election under subparagraph (H) of section 172(b)(1).

“(B) **SPECIAL RULES WITH RESPECT TO TAXPAYERS PREVIOUSLY ELECTING APPLICABLE NET OPERATING LOSSES.**—In the case of a corporation which made an election under subparagraph (H) of section 172(b)(1) and elects the application of this subsection—

“(i) **ELECTION OF APPLICABLE NET OPERATING LOSS TREATED AS REVOKED.**—The election under such subparagraph (H) shall (notwithstanding clause (iii)(II) of such subparagraph) be treated as having been revoked by the taxpayer.

“(ii) **COORDINATION WITH PROVISION FOR EXPEDITED REFUND.**—The amount otherwise treated as a payment of estimated income tax under the last sentence of paragraph (4) shall be reduced (but not below zero) by the aggregate increase in unpaid tax liability determined under this chapter by reason of the revocation of the election under clause (i).

“(iii) **APPLICATION OF STATUTE OF LIMITATIONS.**—With respect to the revocation of an election under clause (i)—

“(I) the statutory period for the assessment of any deficiency attributable to such revocation shall not expire before the end of the 3-year period beginning on the date of the election to have this subsection apply, and

“(II) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

“(C) **EXCEPTION FOR ELIGIBLE SMALL BUSINESSES.**—Subparagraphs (A) and (B) shall not apply to an eligible small business as defined in section 172(b)(1)(H)(v)(II).

“(8) **REGULATIONS.**—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection, including to prevent fraud and abuse under this subsection.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 6211(b)(4)(A) is amended by inserting “53(g),” after “53(e),”.

(2) Section 1324(b)(2) of title 31, United States Code, is amended by inserting “53(g),” after “53(e),”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 272. STUDY OF EXTENDED TAX EXPENDITURES.**

(a) **FINDINGS.**—Congress finds the following:

(1) Currently, the aggregate cost of Federal tax expenditures rivals, or even exceeds, the amount of total Federal discretionary spending.

(2) Given the escalating public debt, a critical examination of this use of taxpayer dollars is essential.

(3) Additionally, tax expenditures can complicate the Internal Revenue Code of 1986 for taxpayers and complicate tax administration for the Internal Revenue Service.

(4) To facilitate a better understanding of tax expenditures in the future, it is constructive for legislation extending these provisions to include a study of such provisions.

(b) **REQUIREMENT TO REPORT.**—Not later than November 30, 2010, the Chief of Staff of the Joint Committee on Taxation, in consultation with the Comptroller General of the United States, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on each tax expenditure (as defined in section 3(3) of the Congressional Budget Impoundment Control Act of 1974 (2 U.S.C. 622(3)) extended by this title.

(c) **ROLLING SUBMISSION OF REPORTS.**—The Chief of Staff of the Joint Committee on Taxation shall initially submit the reports for each such tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) in order of the tax expenditure incurring the least aggregate cost to the greatest aggregate cost (determined by reference to the cost estimate of this Act by the Joint Committee on Taxation). Thereafter, such reports may be submitted in such order as the Chief of Staff determines appropriate.

(d) **CONTENTS OF REPORT.**—Such reports shall contain the following:

(1) An explanation of the tax expenditure and any relevant economic, social, or other context under which it was first enacted.

(2) A description of the intended purpose of the tax expenditure.

(3) An analysis of the overall success of the tax expenditure in achieving such purpose, and evidence supporting such analysis.

(4) An analysis of the extent to which further extending the tax expenditure, or making it permanent, would contribute to achieving such purpose.

(5) A description of the direct and indirect beneficiaries of the tax expenditure, including identifying any unintended beneficiaries.

(6) An analysis of whether the tax expenditure is the most cost-effective method for achieving the purpose for which it was intended, and a description of any more cost-effective methods through which such purpose could be accomplished.

(7) A description of any unintended effects of the tax expenditure that are useful in understanding the tax expenditure's overall value.

(8) An analysis of how the tax expenditure could be modified to better achieve its original purpose.

(9) A brief description of any interactions (actual or potential) with other tax expenditures or direct spending programs in the same or related budget function worthy of further study.

(10) A description of any unavailable information the staff of the Joint Committee on Taxation may need to complete a more thorough examination and analysis of the tax expenditure, and what must be done to make such information available.

(e) **MINIMUM ANALYSIS BY DEADLINE.**—In the event the Chief of Staff of the Joint Committee on Taxation concludes it will not be feasible to complete all reports by the date specified in subsection (a), at a minimum, the reports for each tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) shall be completed by such date.

#### **Subtitle D—Temporary Disaster Relief Provisions**

#### **PART I—NATIONAL DISASTER RELIEF**

#### **SEC. 281. WAIVER OF CERTAIN MORTGAGE REVENUE BOND REQUIREMENTS.**

(a) **IN GENERAL.**—Paragraph (11) of section 143(k) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **SPECIAL RULE FOR RESIDENCES DESTROYED IN FEDERALLY DECLARED DISAS-**

**TERS.**—Paragraph (13) of section 143(k), as redesignated by subsection (c), is amended by striking “January 1, 2010” in subparagraphs (A)(i) and (B)(i) and inserting “January 1, 2011”.

(c) **TECHNICAL AMENDMENT.**—Subsection (k) of section 143 is amended by redesignating the second paragraph (12) (relating to special rules for residences destroyed in federally declared disasters) as paragraph (13).

(d) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendment made by this section shall apply to bonds issued after December 31, 2009.

(2) **RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.**—The amendments made by subsection (b) shall apply with respect to disasters occurring after December 31, 2009.

(3) **TECHNICAL AMENDMENT.**—The amendment made by subsection (c) shall take effect as if included in section 709 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008.

#### **SEC. 282. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.**

(a) **IN GENERAL.**—Subclause (I) of section 165(h)(3)(B)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **\$500 LIMITATION.**—Paragraph (1) of section 165(h) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall apply to federally declared disasters occurring after December 31, 2009.

(2) **\$500 LIMITATION.**—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2009.

#### **SEC. 283. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED DISASTER PROPERTY.**

(a) **IN GENERAL.**—Subclause (I) of section 168(n)(2)(A)(ii) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to disasters occurring after December 31, 2009.

#### **SEC. 284. NET OPERATING LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.**

(a) **IN GENERAL.**—Subclause (I) of section 172(j)(1)(A)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to losses attributable to disasters occurring after December 31, 2009.

#### **SEC. 285. EXPENSING OF QUALIFIED DISASTER EXPENSES.**

(a) **IN GENERAL.**—Subparagraph (A) of section 198A(b)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to expenditures on account of disasters occurring after December 31, 2009.

### **PART II—REGIONAL PROVISIONS**

#### **Subpart A—New York Liberty Zone**

#### **SEC. 291. SPECIAL DEPRECIATION ALLOWANCE FOR NONRESIDENTIAL AND RESIDENTIAL REAL PROPERTY.**

(a) **IN GENERAL.**—Subparagraph (A) of section 1400L(b)(2) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

#### **SEC. 292. TAX-EXEMPT BOND FINANCING.**

(a) **IN GENERAL.**—Subparagraph (D) of section 1400L(d)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to bonds issued after December 31, 2009.

#### **Subpart B—GO Zone**

#### **SEC. 295. INCREASE IN REHABILITATION CREDIT.**

(a) **IN GENERAL.**—Subsection (h) of section 1400N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2009.

#### **SEC. 296. WORK OPPORTUNITY TAX CREDIT WITH RESPECT TO CERTAIN INDIVIDUALS AFFECTED BY HURRICANE KATRINA FOR EMPLOYERS INSIDE DISASTER AREAS.**

(a) **IN GENERAL.**—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking “4-year” and inserting “5-year”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2009.

#### **SEC. 297. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.**

Section 1400N(c)(5) is amended by striking “January 1, 2011” and inserting “January 1, 2013”.

### **TITLE III—PENSION FUNDING RELIEF**

#### **Subtitle A—Single-Employer Plans**

#### **SEC. 301. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.**

(a) **ERISA AMENDMENTS.**—

(1) **IN GENERAL.**—Section 303(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)(2)) is amended by adding at the end the following subparagraphs:

“(D) **SPECIAL RULE.**—

“(i) **IN GENERAL.**—In the case of the shortfall amortization base of a plan for any applicable plan year, the shortfall amortization installments are the amounts described in clause (ii) or (iii), if made applicable by an election under clause (iv). In the absence of a timely election, such installments shall be determined without regard to this subparagraph.

“(ii) **2 PLUS 7 AMORTIZATION SCHEDULE.**—The shortfall amortization installments described in this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the applicable plan year, interest on the shortfall amortization base (determined by using the effective interest rate for the applicable plan year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the balance of such shortfall amortization base in level annual installments over such last 7 plan years (determined using the segment rates determined under subparagraph (C) of subsection (h)(2) for the applicable plan year, applied under rules similar to the rules of subparagraph (B) of subsection (h)(2)).

“(iii) **15-YEAR AMORTIZATION.**—The shortfall amortization installments described in this clause are the amounts under subparagraphs (A) and (B) determined by substituting ‘15 plan-year period’ for ‘7-plan-year period’.

“(iv) **ELECTION.**—

“(I) **IN GENERAL.**—The plan sponsor may, with respect to a plan, elect, with respect to any of not more than 2 applicable plan years, to determine shortfall amortization installments under this subparagraph. An election under either clause (ii) or clause (iii) may be made with respect to either of such applicable plan years.

“(II) ELIGIBILITY FOR ELECTION.—An election may be made to determine shortfall amortization installments under this subparagraph with respect to a plan only if, as of the date of the election—

“(aa) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

“(bb) there are no unpaid minimum required contributions with respect to the plan for purposes of section 4971 of the Internal Revenue Code of 1986,

“(cc) there is no lien in favor of the plan under subsection (k) or under section 430(k) of such Code, and

“(dd) a distress termination has not been initiated for the plan under section 4041(c).

“(III) RULES RELATING TO ELECTION.—Such election shall be made at such times, and in such form and manner, as shall be prescribed by the Secretary of the Treasury and shall be irrevocable, except under such limited circumstances, and subject to such conditions, as such Secretary may prescribe.

“(E) APPLICABLE PLAN YEAR.—

“(i) IN GENERAL.—For purposes of this paragraph, the term ‘applicable plan year’ means, subject to the election of the plan sponsor under subparagraph (D)(iv), each of not more than 2 of the plan years beginning in 2008, 2009, 2010, or 2011.

“(ii) SPECIAL RULE RELATING TO 2008.—A plan year may be elected as an applicable plan year pursuant to this subparagraph only if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after March 10, 2010.

“(F) INCREASES IN SHORTFALL AMORTIZATION INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR CERTAIN DIVIDENDS OR STOCK REDEMPTIONS.—

“(i) IN GENERAL.—If, with respect to an election for an applicable plan year under subparagraph (D), there is an installment acceleration amount with respect to a plan for any plan year in the restriction period (or if there is an installment acceleration amount carried forward to a plan year not in the restriction period), then the shortfall amortization installment otherwise determined and payable under this paragraph for such plan year shall be increased by such amount.

“(ii) BACK-END ADJUSTMENT TO AMORTIZATION SCHEDULE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an applicable plan year is required to be increased for any plan year under clause (i), subsequent shortfall amortization installments with respect to such base shall be reduced, in reverse order of the otherwise required installments beginning with the final scheduled installment, to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this subparagraph) to the present value of the remaining unamortized shortfall amortization base.

“(iii) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this subparagraph—

“(I) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an applicable plan year, the sum of—

“(aa) the aggregate amount of excess employee compensation determined under clause (iv) for the plan year, plus

“(bb) the dividend and redemption amount determined under clause (v) for the plan year.

“(II) CUMULATIVE LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(aa) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under subparagraph (D) with respect to the shortfall amortization base with respect to an applicable year, determined without regard to subparagraph (D) and this subparagraph, over

“(bb) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of subparagraph (D) (and in the case of any preceding plan year, after application of this subparagraph).

“(III) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(aa) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to subclause (II)) exceeds the limitation under subclause (II), then, subject to item (bb), such excess shall be treated as an installment acceleration amount for the succeeding plan year.

“(bb) CAP TO APPLY.—If any amount treated as an installment acceleration amount under item (aa) or this item with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to subclause (II)) with respect to the plan year, exceeds the limitation under subclause (II), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(cc) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FORWARD.—No amount shall be carried forward under item (aa) or (bb) to a plan year which begins after the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under subparagraph (D)(iii)).

“(dd) ORDERING RULES.—For purposes of applying item (bb), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under subclause (II) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(iv) EXCESS EMPLOYEE COMPENSATION.—

“(I) IN GENERAL.—For purposes of this paragraph, the term ‘excess employee compensation’ means the sum of—

“(aa) with respect to any employee, for any plan year, the excess (if any) of—

“(AA) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(BB) \$1,000,000, plus

“(bb) the amount of assets set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, during the calendar year by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor.

“(II) NO DOUBLE COUNTING.—No amount shall be taken into account under subclause (I) more than once.

“(III) EMPLOYEE REMUNERATION.—For purposes of this clause, the term ‘employee’ in-

cludes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of the Internal Revenue Code of 1986 for the taxable year ending during such calendar year, and the term ‘remuneration’ shall include earned income of such an individual.

“(IV) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—There shall not be taken into account under subclause (I)(aa) any remuneration consisting of nonqualified deferred compensation, restricted stock (or restricted stock units), stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(V) ONLY REMUNERATION FOR POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under subclause (I)(aa) only to the extent attributable to services performed by the employee for the plan sponsor after December 31, 2009.

“(VI) COMMISSIONS.—

“(aa) IN GENERAL.—There shall not be taken into account under subclause (I)(aa) any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(bb) SPECIFIED EMPLOYEES.—Item (aa) shall not apply in the case of any specified employee (within the meaning of section 409A(a)(2)(B)(i) of the Internal Revenue Code of 1986) or any employee who would be such a specified employee if the plan sponsor were a corporation described in such section.

“(VII) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under subclause (I)(aa)(BB) shall be increased by an amount equal to—

“(aa) such dollar amount, multiplied by

“(bb) the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986 for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$20,000, such increase shall be rounded to the next lowest multiple of \$20,000.

“(v) CERTAIN DIVIDENDS AND REDEMPTIONS.—

“(I) IN GENERAL.—The dividend and redemption amount determined under this clause for any plan year is the lesser of—

“(aa) the excess of—

“(AA) the sum of the dividends paid during the plan year by the plan sponsor, plus the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, over

“(BB) an amount equal to the average of adjusted annual net income of the plan sponsor for the last 5 fiscal years of the plan sponsor ending before such plan year, or

“(bb) the sum of—

“(AA) the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, plus

“(BB) the excess of dividends paid during the plan year by the plan sponsor over the dividend base amount.

“(II) DEFINITIONS.—

“(aa) ADJUSTED ANNUAL NET INCOME.—For purposes of subclause (I)(aa)(BB), the term ‘adjusted annual net income’ with respect to any fiscal year means annual net income, determined in accordance with generally accepted accounting principles (before after-tax gain or loss on any sale of assets), but

without regard to any reduction by reason of depreciation or amortization, except that in no event shall adjusted annual net income for any fiscal year be less than zero.

“(bb) DIVIDEND BASE AMOUNT.—For purposes of this clause, the term ‘dividend base amount’ means, with respect to a plan year, an amount equal to the greater of—

“(AA) the median of the amounts of the dividends paid during each of the last 5 fiscal years of the plan sponsor ending before such plan year, or

“(BB) the amount of dividends paid during such plan year on preferred stock that was issued on or before May 21, 2010, or that is replacement stock for such preferred stock.

“(III) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of subclause (I) (other than for purposes of calculating the dividend base amount), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(IV) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under subclause (I).

“(V) EXCEPTION FOR STOCK DIVIDENDS.—Any distribution by the plan sponsor to its shareholders of stock issued by the plan sponsor shall not be taken into account under subclause (I).

“(VI) EXCEPTION FOR CERTAIN REDEMPTIONS.—The following shall not be taken into account under subclause (I):

“(aa) Redemptions of securities which, at the time of redemption, are not listed on an established securities market and—

“(AA) are made pursuant to a pension plan that is qualified under section 401 of the Internal Revenue Code of 1986 or a shareholder-approved program, or

“(BB) are made on account of an employee's termination of employment with the plan sponsor, or the death or disability of a shareholder.

“(bb) Redemptions of securities which are not, immediately after issuance, listed on an established securities market and are, or had previously been—

“(AA) held, directly or indirectly, by, or for the benefit of, the Federal Government or a Federal reserve bank, or

“(BB) held by a national government (or a government-related entity of such a government) or an employee benefit plan if such shares are substantially identical to shares described in subitem (AA).

“(vi) OTHER DEFINITIONS AND RULES.—For purposes of this subparagraph—

“(I) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor's controlled group (as defined in section 302(d)(3)).

“(II) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any applicable plan year with respect to which an election is made under subparagraph (D)—

“(aa) except as provided in item (bb), the 3-year period beginning with the applicable plan year (or, if later, the first plan year beginning after December 31, 2009), or

“(bb) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the applicable plan year, the 5-year period beginning with such plan year (or, if later, the first plan year beginning after December 31, 2009).

“(III) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under subparagraph (D) with respect to 2 or more plans, the Secretary of the Treasury shall provide

rules for the application of this subparagraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in clause (i) (determined without regard to this subparagraph).

“(G) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of subparagraphs (D) and (F) in any case where there is a merger or acquisition involving a plan sponsor making the election under subparagraph (D).

“(H) REGULATIONS AND GUIDANCE.—The Secretary of the Treasury may prescribe such regulations and other guidance of general applicability as such Secretary may determine necessary to achieve the purposes of subparagraphs (D) and (F).”.

(2) NOTICE REQUIREMENT.—Section 204 of such Act (29 U.S.C. 1054) is amended—

(A) by redesignating subsection (k) as subsection (l); and

(B) by inserting after subsection (j) the following new subsection:

“(k) NOTICE IN CONNECTION WITH SHORTFALL AMORTIZATION ELECTION.—

“(1) IN GENERAL.—Not later 30 days after the date of an election under clause (iv) of section 303(c)(2)(D) in connection with a single-employer plan, the plan administrator shall provide notice of such election in accordance with this subsection to each plan participant and beneficiary, each labor organization representing such participants and beneficiaries, and the Pension Benefit Guaranty Corporation.

“(2) MATTERS INCLUDED IN NOTICE.—Each notice provided pursuant to this subsection shall set forth—

“(A) a statement that recently enacted legislation permits employers to delay pension funding;

“(B) with respect to required contributions—

“(i) the amount of contributions that would have been required had the election not been made;

“(ii) the amount of the reduction in required contributions for the applicable plan year that occurs on account of the election; and

“(iii) the number of plan years to which such reduction will apply;

“(C) with respect to a plan's funding status as of the end of the plan year preceding the applicable plan year—

“(i) the liabilities determined under section 4010(d)(1)(A); and

“(ii) the market value of assets of the plan; and

“(D) with respect to installment acceleration amounts (as defined in section 303(c)(2)(F)(iii)(I))—

“(i) an explanation of section 303(c)(2)(F) (relating to increases in shortfall amortization installments in cases of excess compensation or certain dividends or stock redemptions); and

“(ii) a statement that increases in required contributions may occur in the event of future payments of excess employee compensation or certain share repurchasing or dividend activity and that subsequent notices of any such payments or activity will be provided in the annual funding notice provided pursuant to section 101(f).

“(3) OTHER REQUIREMENTS.—

“(A) FORM.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant. The Secretary of the Treasury

shall prescribe a model notice that a plan administrator may use to satisfy the requirements of paragraph (1).

“(B) PROVISION TO DESIGNATED PERSONS.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

“(4) EFFECT OF EGREGIOUS FAILURE.—

“(A) IN GENERAL.—In the case of any egregious failure to meet any requirement of this subsection with respect to any election, such election shall be treated as having not been made.

“(B) EGREGIOUS FAILURE.—For purposes of subparagraph (A), there is an egregious failure to meet the requirements of this subsection if such failure is in the control of the plan sponsor and is—

“(i) an intentional failure (including any failure to promptly provide the required notice or information after the plan administrator discovers an unintentional failure to meet the requirements of this subsection),

“(ii) a failure to provide most of the participants and beneficiaries with most of the information they are entitled to receive under this subsection, or

“(iii) a failure which is determined to be egregious under regulations prescribed by the Secretary of the Treasury.

“(5) USE OF NEW TECHNOLOGIES.—The Secretary of the Treasury may, in consultation with the Secretary, by regulations or other guidance of general applicability, allow any notice under this subsection to be provided using new technologies.”.

(C) SUBSEQUENT SUPPLEMENTAL NOTICES.—Section 101(f)(2)(C) of such Act (29 U.S.C. 1021(f)(2)(C)) is amended—

(i) by striking “and” at the end of clause (i);

(ii) by redesignating clause (ii) as clause (iii); and

(iii) by inserting after clause (i) the following new clause:

“(ii) any excess employee compensation amounts and any dividends and redemptions amounts determined under section 303(c)(2)(F) for the preceding plan year with respect to the plan, and”.

(3) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS IN DETERMINING QUARTERLY CONTRIBUTIONS.—Section 303(j)(3) of such Act (29 U.S.C. 1083(j)(3)) is amended by adding at the end the following new subparagraph:

“(F) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(2)(F).”.

(4) CONFORMING AMENDMENT.—Section 303(c)(1) of such Act (29 U.S.C. 1083(c)(1)) is amended by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”.

(b) IRC AMENDMENTS.—

(1) IN GENERAL.—Section 430(c)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following subparagraphs:

“(D) SPECIAL RULE.—

“(i) IN GENERAL.—In the case of the shortfall amortization base of a plan for any applicable plan year, the shortfall amortization installments are the amounts described in clause (ii) or (iii), if made applicable by an election under clause (iv). In the absence of a timely election, such installments shall be determined without regard to this subparagraph.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments described in this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the applicable plan year, interest on the shortfall amortization base (determined by using the effective interest rate for the applicable plan year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the balance of such shortfall amortization base in level annual installments over such last 7 plan years (determined using the segment rates determined under subparagraph (C) of subsection (h)(2) for the applicable plan year, applied under rules similar to the rules of subparagraph (B) of subsection (h)(2)).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments described in this clause are the amounts under subparagraphs (A) and (B) determined by substituting ‘15 plan-year period’ for ‘7-plan-year period’.

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor may, with respect to a plan, elect, with respect to any of not more than 2 applicable plan years, to determine shortfall amortization installments under this subparagraph. An election under either clause (ii) or clause (iii) may be made with respect to either of such applicable plan years.

“(II) ELIGIBILITY FOR ELECTION.—An election may be made to determine shortfall amortization installments under this subparagraph with respect to a plan only if, as of the date of the election—

“(aa) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

“(bb) there are no unpaid minimum required contributions with respect to the plan for purposes of section 4971,

“(cc) there is no lien in favor of the plan under subsection (k) or under section 303(k) of the Employee Retirement Income Security Act of 1974, and

“(dd) a distress termination has not been initiated for the plan under section 4041(c) of such Act.

“(III) RULES RELATING TO ELECTION.—Such election shall be made at such times, and in such form and manner, as shall be prescribed by the Secretary and shall be irrevocable, except under such limited circumstances, and subject to such conditions, as the Secretary may prescribe.

“(E) APPLICABLE PLAN YEAR.—

“(i) IN GENERAL.—For purposes of this paragraph, the term ‘applicable plan year’ means, subject to the election of the plan sponsor under subparagraph (D)(iv), each of not more than 2 of the plan years beginning in 2008, 2009, 2010, or 2011.

“(ii) SPECIAL RULE RELATING TO 2008.—A plan year may be elected as an applicable plan year pursuant to this subparagraph only if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after March 10, 2010.

“(F) INCREASES IN SHORTFALL AMORTIZATION INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR CERTAIN DIVIDENDS OR STOCK REDEMPTIONS.—

“(i) IN GENERAL.—If, with respect to an election for an applicable plan year under subparagraph (D), there is an installment acceleration amount with respect to a plan for any plan year in the restriction period (or if there is an installment acceleration amount carried forward to a plan year not in the restriction period), then the shortfall amortization installment otherwise determined and payable under this paragraph for such plan year shall be increased by such amount.

“(ii) BACK-END ADJUSTMENT TO AMORTIZATION SCHEDULE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an applicable plan year is required to be increased for any plan year under clause (i), subsequent shortfall amortization installments with respect to such base shall be reduced, in reverse order of the otherwise required installments beginning with the final scheduled installment, to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this subparagraph) to the present value of the remaining unamortized shortfall amortization base.

“(iii) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this subparagraph—

“(I) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an applicable plan year, the sum of—

“(aa) the aggregate amount of excess employee compensation determined under clause (iv) for the plan year, plus

“(bb) the dividend and redemption amount determined under clause (v) for the plan year.

“(II) CUMULATIVE LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(aa) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under subparagraph (D) with respect to the shortfall amortization base with respect to an applicable year, determined without regard to subparagraph (D) and this subparagraph, over

“(bb) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of subparagraph (D) (and in the case of any preceding plan year, after application of this subparagraph).

“(III) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(aa) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to subclause (II)) exceeds the limitation under subclause (II), then, subject to item (bb), such excess shall be treated as an installment acceleration amount for the succeeding plan year.

“(bb) CAP TO APPLY.—If any amount treated as an installment acceleration amount under item (aa) or this item with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to subclause (II)) with respect to the plan year, exceeds the limitation under subclause (II), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(cc) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FORWARD.—No amount shall be carried forward under item (aa) or (bb) to a plan year which begins after the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under subparagraph (D)(iii)).

“(dd) ORDERING RULES.—For purposes of applying item (bb), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under subclause (II) and then

carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(iv) EXCESS EMPLOYEE COMPENSATION.—

“(I) IN GENERAL.—For purposes of this paragraph, the term ‘excess employee compensation’ means the sum of—

“(aa) with respect to any employee, for any plan year, the excess (if any) of—

“(AA) the aggregate amount includible in income under chapter 1 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(BB) \$1,000,000, plus

“(bb) the amount of assets set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, during the calendar year by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor.

“(II) NO DOUBLE COUNTING.—No amount shall be taken into account under subclause (I) more than once.

“(III) EMPLOYEE; REMUNERATION.—For purposes of this clause, the term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term ‘remuneration’ shall include earned income of such an individual.

“(IV) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—There shall not be taken into account under subclause (I) any remuneration consisting of nonqualified deferred compensation, restricted stock (or restricted stock units), stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(V) ONLY REMUNERATION FOR POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under subclause (I)(aa) only to the extent attributable to services performed by the employee for the plan sponsor after December 31, 2009.

“(VI) COMMISSIONS.—

“(aa) IN GENERAL.—There shall not be taken into account under subclause (I)(aa) any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(bb) SPECIFIED EMPLOYEES.—Item (aa) shall not apply in the case of any specified employee (within the meaning of section 409A(a)(2)(B)(i)) or any employee who would be such a specified employee if the plan sponsor were a corporation described in such section.

“(VII) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under subclause (I)(aa)(BB) shall be increased by an amount equal to—

“(aa) such dollar amount, multiplied by

“(bb) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$20,000, such increase shall be rounded to the next lowest multiple of \$20,000.

“(v) CERTAIN DIVIDENDS AND REDEMPTIONS.—

“(I) IN GENERAL.—The dividend and redemption amount determined under this clause for any plan year is the lesser of—

“(aa) the excess of—

“(AA) the sum of the dividends paid during the plan year by the plan sponsor, plus the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, over

“(BB) an amount equal to the average of adjusted annual net income of the plan sponsor for the last 5 fiscal years of the plan sponsor ending before such plan year, or

“(bb) the sum of—

“(AA) the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, plus

“(BB) the excess of dividends paid during the plan year by the plan sponsor over the dividend base amount.

“(II) DEFINITIONS.—

“(aa) ADJUSTED ANNUAL NET INCOME.—For purposes of subclause (I)(aa)(BB), the term ‘adjusted annual net income’ with respect to any fiscal year means annual net income, determined in accordance with generally accepted accounting principles (before after-tax gain or loss on any sale of assets), but without regard to any reduction by reason of depreciation or amortization, except that in no event shall adjusted annual net income for any fiscal year be less than zero.

“(bb) DIVIDEND BASE AMOUNT.—For purposes of this clause, the term ‘dividend base amount’ means, with respect to a plan year, an amount equal to the greater of—

“(AA) the median of the amounts of the dividends paid during each of the last 5 fiscal years of the plan sponsor ending before such plan year, or

“(BB) the amount of dividends paid during such plan year on preferred stock that was issued on or before May 21, 2010, or that is replacement stock for such preferred stock.

“(III) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of subclause (I) (other than for purposes of calculating the dividend base amount), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(IV) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under subclause (I).

“(V) EXCEPTION FOR STOCK DIVIDENDS.—Any distribution by the plan sponsor to its shareholders of stock issued by the plan sponsor shall not be taken into account under subclause (I).

“(VI) EXCEPTION FOR CERTAIN REDEMPTIONS.—The following shall not be taken into account under subclause (I):

“(aa) Redemptions of securities which, at the time of redemption, are not listed on an established securities market and—

“(AA) are made pursuant to a pension plan that is qualified under section 401 or a shareholder-approved program, or

“(BB) are made on account of an employee’s termination of employment with the plan sponsor, or the death or disability of a shareholder.

“(bb) Redemptions of securities which are not, immediately after issuance, listed on an established securities market and are, or had previously been—

“(AA) held, directly or indirectly, by, or for the benefit of, the Federal Government or a Federal reserve bank, or

“(BB) held by a national government (or a government-related entity of such a government) or an employee benefit plan if such shares are substantially identical to shares described in subitem (AA).

“(vi) OTHER DEFINITIONS AND RULES.—For purposes of this subparagraph—

“(I) PLAN SPONSOR.—The term ‘plan sponsor’ includes any group of which the plan sponsor is a member and which is treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

“(II) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any applicable plan year with respect to which an election is made under subparagraph (D)—

“(aa) except as provided in item (bb), the 3-year period beginning with the applicable plan year (or, if later, the first plan year beginning after December 31, 2009), or

“(bb) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the applicable plan year, the 5-year period beginning with such plan year (or, if later, the first plan year beginning after December 31, 2009).

“(III) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under subparagraph (D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this subparagraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan’s relative reduction in the plan’s shortfall amortization installment for the first plan year in the amortization period described in clause (i) (determined without regard to this subparagraph).

“(G) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of subparagraphs (D) and (F) in any case where there is a merger or acquisition involving a plan sponsor making the election under subparagraph (D).

“(H) REGULATIONS AND GUIDANCE.—The Secretary may prescribe such regulations and other guidance of general applicability as the Secretary may determine necessary to achieve the purposes of subparagraphs (D) and (F).”.

(2) NOTICE REQUIREMENT.—

(A) IN GENERAL.—Section 4980F of such Code is amended—

(i) by striking “subsection (e)” each place it appears in subsection (a) and paragraphs (1) and (3) of subsection (c) and inserting “subsections (e) and (f)”;

(ii) by striking “subsection (e)” in subsection (c)(2)(A) and inserting “subsection (e), (f), or both, as the case may be”; and

(iii) by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f) NOTICE IN CONNECTION WITH SHORTFALL AMORTIZATION ELECTION.—

“(1) IN GENERAL.—Not later 30 days after the date of an election under clause (iv) of section 430(c)(2)(D) in connection with a plan, the plan administrator shall provide notice of such election in accordance with this subsection to each plan participant and beneficiary, each labor organization representing such participants and beneficiaries, and the Pension Benefit Guaranty Corporation.

“(2) MATTERS INCLUDED IN NOTICE.—Each notice provided pursuant to this subsection shall set forth—

“(A) a statement that recently enacted legislation permits employers to delay pension funding;

“(B) with respect to required contributions—

“(i) the amount of contributions that would have been required had the election not been made;

“(ii) the amount of the reduction in required contributions for the applicable plan year that occurs on account of the election; and

“(iii) the number of plan years to which such reduction will apply;

“(C) with respect to a plan’s funding status as of the end of the plan year preceding the applicable plan year—

“(i) the liabilities determined under section 4010(d)(1)(A) of the Employee Retirement Income Security Act of 1974; and

“(ii) the market value of assets of the plan; and

“(D) with respect to installment acceleration amounts (as defined in section 430(c)(2)(F)(iii)(I))—

“(i) an explanation of section 430(c)(2)(F) (relating to increases in shortfall amortization installments in cases of excess compensation or certain dividends or stock redemptions); and

“(ii) a statement that increases in required contributions may occur in the event of future payments of excess employee compensation or certain share repurchasing or dividend activity and that subsequent notices of any such payments or activity will be provided in the annual funding notice provided pursuant to section 101(f) of the Employee Retirement Income Security Act of 1974.

“(3) OTHER REQUIREMENTS.—

“(A) FORM.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations or other guidance of general applicability prescribed by the Secretary) to allow plan participants and beneficiaries to understand the effect of the election. The Secretary shall prescribe a model notice that a plan administrator may use to satisfy the requirements of paragraph (1).

“(B) PROVISION TO DESIGNATED PERSONS.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.”.

(B) CONFORMING AMENDMENT.—Subsection (g) of section 4980F of such Code is amended by inserting “or (f)” after “subsection (e)”.

(3) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS IN DETERMINING QUARTERLY CONTRIBUTIONS.—Section 430(j)(3) of such Code is amended by adding at the end the following new subparagraph:

“(F) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(2)(F).”.

(4) CONFORMING AMENDMENT.—Paragraph (1) of section 430(c) of such Code is amended by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

#### SEC. 302. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

#### “SEC. 107. APPLICATION OF FUNDING RELIEF TO PLANS WITH DELAYED EFFECTIVE DATE.

“(a) ALTERNATIVE ELECTIONS.—

“(1) IN GENERAL.—Subject to this section, a plan sponsor of a plan to which section 104, 105, or 106 of this Act applies may either elect the application of subsection (b) with respect to the plan for not more than 2 applicable plan years or elect the application of subsection (c) with respect to the plan for 1 applicable plan year.

“(2) ELIGIBILITY FOR ELECTIONS.—An election may be made by a plan sponsor under paragraph (1) with respect to a plan only if at the time of the election—

“(A) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

“(B) there are no accumulated funding deficiencies (as defined in section 302(a)(2) of the Employee Retirement Income Security Act of 1974 (as in effect immediately before the enactment of this Act) or in section 412(a) of the Internal Revenue Code of 1986 (as so in effect)) with respect to the plan,

“(C) there is no lien in favor of the plan under section 302(d) (as so in effect) or under section 412(n) of such Code (as so in effect), and

“(D) a distress termination has not been initiated for the plan under section 404(c) of the Employee Retirement Income Security Act of 1974.

“(b) ALTERNATIVE ADDITIONAL FUNDING CHARGE.—If the plan sponsor elects the application of this subsection with respect to the plan, for purposes of applying section 302(d) of the Employee Retirement Income Security Act of 1974 (as in effect before the amendments made by this subtitle and subtitle B) and section 412(l) of the Internal Revenue Code of 1986 (as so in effect)—

“(1) the deficit reduction contribution under paragraph (2) of such section 302(d) and paragraph (2) of such section 412(l) for such plan for any applicable plan year, shall be zero, and

“(2) the additional funding charge under paragraph (1) of such section 302(d) and paragraph (1) of such section 412(l) for such plan for any applicable plan year shall be increased by an amount equal to the installment acceleration amount (as defined in sections 303(c)(2)(F)(iii)(I) of such Act (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) and 430(c)(2)(F)(iii)(I) of such Code (as so amended)) with respect to the plan sponsor for such plan year, determined by treating the later of such plan year or the first plan year beginning after December 31, 2009, as the restriction period.

“(c) APPLICATION OF 15-YEAR AMORTIZATION.—If the plan sponsor elects the application of this subsection with respect to the plan, for purposes of applying section 302(d) of such Act (as in effect before the amendments made by this subtitle and subtitle B) and section 412(l) of such Code (as so in effect)—

“(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in paragraph (4)(C) of such section 302(d) and paragraph (4)(C) of such section 412(l) for any pre-effective date plan year beginning with or after the applicable plan year shall be the ratio of—

“(A) the annual installments payable in each plan year if the increased unfunded new liability for such plan year were amortized in equal installments over the period beginning with such plan year and ending with the last plan year in the period of 15 plan years beginning with the applicable plan year, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

“(B) the increased unfunded new liability for such plan year,

“(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section, and

“(3) the additional funding charge with respect to the plan for a plan year shall be increased by an amount equal to the installment acceleration amount (as defined in section 303(c)(2)(F)(iii) of such Act (as amended by the American Jobs and Closing Tax Loopholes Act of 2010 and section 430(c)(2)(F)(iii) of such Code (as so amended)) with respect to the plan sponsor for such plan year, determined without regard to subclause (II) of such sections 303(c)(2)(F)(iii) and 430(c)(2)(F)(iii).

“(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) APPLICABLE PLAN YEAR.—

“(A) IN GENERAL.—The term ‘applicable plan year’ with respect to a plan means, subject to the election of the plan sponsor under subsection (a), a plan year beginning in 2009, 2010, or 2011.

“(B) ELECTION.—

“(i) IN GENERAL.—The election described in subsection (a) shall be made at such times, and in such form and manner, as shall be prescribed by the Secretary of the Treasury.

“(ii) REDUCTION IN YEARS WHICH MAY BE ELECTED.—The number of applicable plan years for which an election may be made under section 303(c)(2)(D) of the Employee Retirement Income Security Act of 1974 (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) or section 430(c)(2)(D) of the Internal Revenue Code of 1986 (as so amended) shall be reduced by the number of applicable plan years for which an election under this section is made.

“(C) ALLOCATION OF INSTALLMENT ACCELERATION AMOUNT FOR MULTIPLE PLAN ELECTION.—In the case of an election under this section with respect to 2 or more plans by the same plan sponsor, the installment acceleration amount shall be apportioned ratably with respect to such plans in proportion to the deficit reduction contributions of the plans determined without regard to subsection (b)(1).

“(2) PLAN SPONSOR.—The term ‘plan sponsor’ shall have the meaning provided such term in section 303(c)(2)(F)(vi)(I) of the Employee Retirement Income Security Act of 1974 (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) and section 430(c)(2)(F)(vi)(I) of the Internal Revenue Code of 1986 (as so amended).

“(3) PRE-EFFECTIVE DATE PLAN YEAR.—The term ‘pre-effective date plan year’ means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

“(4) INCREASED UNFUNDED NEW LIABILITY.—The term ‘increased unfunded new liability’ means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan’s assets determined under subsection 302(c)(2) of such Act (as in effect before the amendments made by this subtitle and subtitle B) and section 412(c)(2) of such Code (as so in effect) equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act (as so in effect) and 412(l)(8)(B) of such Code (as so in effect)) of the plan for the second plan year preceding the first applicable plan year

of such plan for which an election under this section is made.

“(5) OTHER DEFINITIONS.—The terms ‘unfunded new liability’ and ‘current liability’ shall have the meanings set forth in section 302(d) of such Act (as so in effect) and section 412(l) of such Code (as so in effect).

“(6) ADDITIONAL FUNDING CHARGE INCREASE NOT TO EXCEED RELIEF.—

“(A) ELECTION UNDER SUBSECTION (B).—In the case of an election under subsection (b), an increase resulting from the application of subsection (b)(2) in the additional funding charge with respect to a plan for a plan year shall not exceed the excess (if any) of—

“(i) the deficit reduction contribution under section 302(d)(2) of such Act (as so in effect) and section 412(l)(2) of such Code (as so in effect) for such plan year, determined as if the election had not been made, over

“(ii) the deficit reduction contribution under such sections for such plan (determined without regard to any increase under subsection (b)(2)).

“(B) ELECTION UNDER SUBSECTION (C).—An increase resulting from the application of subsection (c)(3) in the additional funding charge with respect to a plan for a plan year shall not exceed the excess (if any) of—

“(i) the sum of the deficit reduction contributions under section 302(d)(2) of such Act (as so in effect) and section 412(l)(2) of such Code (as so in effect) for such plan for such plan year and for all preceding plan years beginning with or after the applicable plan year, determined as if the election had not been made, over

“(ii) the sum of the deficit reduction contributions under such sections for such plan years (determined without regard to any increase under subsection (c)(3)).

“(e) NOTICE.—Not later 30 days after the date of an election under subsection (a) in connection with a plan, the plan administrator shall provide notice pursuant to, and subject to, rules similar to the rules of sections 204(k) of the Employee Retirement Income Security Act of 1974 (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) and 4980F(f) of the Internal Revenue Code of 1986 (as so amended).”.

(b) ELIGIBLE CHARITY PLANS.—Section 104 of such Act is amended—

(1) by striking “eligible cooperative plan” wherever it appears in subsections (a) and (b) and inserting “eligible cooperative plan or an eligible charity plan”; and

(2) by adding at the end the following new subsection:

“(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if—

“(1) the plan is maintained by one or more employers employing employees who are accruing benefits based on service for the plan year,

“(2) such employees are employed in at least 20 States,

“(3) each such employee (other than a de minimis number of employees) is employed by an employer described in section 501(c)(3) of such Code and the primary exempt purpose of each such employer is to provide services with respect to children, and

“(4) the plan sponsor elects (at such time and in such form and manner as shall be prescribed by the Secretary of the Treasury) to be so treated.

Any election under this subsection may be revoked only with the consent of the Secretary of the Treasury.”.

(c) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations as

may be necessary to carry out the purposes of the amendments made by this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to plan years beginning on or after January 1, 2009.

(2) ELIGIBLE CHARITY PLANS.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2009.

**SEC. 303. SUSPENSION OF CERTAIN FUNDING LEVEL LIMITATIONS.**

(a) LIMITATIONS ON BENEFIT ACCRUALS.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 (Public Law 110-458; 122 Stat. 5118) is amended—

(1) by striking “the first plan year beginning during the period beginning on October 1, 2008, and ending on September 30, 2009” and inserting “any plan year beginning during the period beginning on October 1, 2008, and ending on December 31, 2011”;

(2) by striking “substituting” and all that follows through “for such plan year” and inserting “substituting for such percentage the plan’s adjusted funding target attainment percentage for the last plan year ending before September 30, 2009,”; and

(3) by striking “for the preceding plan year is greater” and inserting “for such last plan year is greater”.

(b) SOCIAL SECURITY LEVEL-INCOME OPTIONS.—

(1) ERISA AMENDMENT.—Section 206(g)(3)(E) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new sentence: “For purposes of applying clause (i) in the case of payments the annuity starting date for which occurs on or before December 31, 2011, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 204(b)(1)(G)).”.

(2) IRC AMENDMENT.—Section 436(d)(5) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: “For purposes of applying subparagraph (A) in the case of payments the annuity starting date for which occurs on or before December 31, 2011, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 411(a)(9)).”.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to annuity payments the annuity starting date for which occurs on or after January 1, 2011.

(B) PERMITTED APPLICATION.—A plan shall not be treated as failing to meet the requirements of sections 206(g) of the Employee Retirement Income Security Act of 1974 (as amended by this subsection) and section 436(d) of the Internal Revenue Code of 1986 (as so amended) if the plan sponsor elects to apply the amendments made by this subsection to payments the annuity starting date for which occurs on or after the date of the enactment of this Act and before January 1, 2011.

(C) APPLICATION OF CREDIT BALANCE WITH RESPECT TO LIMITATIONS ON SHUTDOWN BENEFITS AND UNPREDICTABLE CONTINGENT EVENT BENEFITS.—With respect to plan years beginning on or before December 31, 2011, in applying paragraph (5)(C) of subsection (g) of section 206 of the Employee Retirement Income Security Act of 1974 and subsection (f)(3) of section 436 of the Internal Revenue Code of

1986 in the case of unpredictable contingent events (within the meaning of section 206(g)(1)(C) of such Act and section 436(b)(3) of such Code) occurring on or after January 1, 2010, the references, in clause (i) of such paragraph (5)(C) and subparagraph (A) of such subsection (f)(3), to paragraph (1)(B) of such subsection (g) and subsection (b)(2) of such section 436 shall be disregarded.

**SEC. 304. LOOKBACK FOR CREDIT BALANCE RULE.**

(a) AMENDMENT TO ERISA.—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN PLAN YEARS.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after June 30, 2009, and on or before December 31, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

“(I) such ratio, as determined without regard to this subparagraph, or

“(II) the ratio for such plan for the plan year beginning after June 30, 2007, and on or before June 30, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2008, and on or before December 31, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before July 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.”.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN PLAN YEARS.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after June 30, 2009, and on or before December 31, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

“(I) such ratio, as determined without regard to this subparagraph, or

“(II) the ratio for such plan for the plan year beginning after June 30, 2007, and on or before June 30, 2008, as determined under rules prescribed by the Secretary.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2008, and on or before December 31, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before July 1, 2007, as determined under rules prescribed by the Secretary.”.

**SEC. 305. INFORMATION REPORTING.**

(a) IN GENERAL.—Section 4010(b) of the Employee Retirement Security Act of 1974 (29 U.S.C. 1310(b)) is amended by striking paragraph (1) and inserting the following:

“(1) either of the following requirements are met:

“(A) the funding target attainment percentage (as defined in subsection (d)(2)(B)) at the end of the preceding plan year of a plan maintained by the contributing sponsor or any member of its controlled group is less than 80 percent; or

“(B) the aggregate unfunded vested benefits (as determined under section 4006(a)(3)(E)(iii)) of plans maintained by the

contributing sponsor and the members of its controlled group exceed \$75,000,000 (disregarding plans with no unfunded vested benefits);”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after 2009.

**SEC. 306. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY.**

(a) GENERAL RULES.—

(1) ROLLOVER OF AIRLINE PAYMENT AMOUNT.—If a qualified airline employee receives any airline payment amount and transfers any portion of such amount to a traditional IRA within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act), then such amount (to the extent so transferred) shall be treated as a rollover contribution described in section 402(c) of the Internal Revenue Code of 1986. A qualified airline employee making such a transfer may exclude from gross income the amount transferred, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier.

(2) TRANSFER OF AMOUNTS ATTRIBUTABLE TO AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER TO ROTH IRA.—A qualified airline employee who has contributed an airline payment amount to a Roth IRA that is treated as a qualified rollover contribution pursuant to section 125 of the Worker, Retiree, and Employer Recovery Act of 2008 may transfer to a traditional IRA, in a trustee-to-trustee transfer, all or any part of the contribution (together with any net income allocable to such contribution), and the transfer to the traditional IRA will be deemed to have been made at the time of the rollover to the Roth IRA, if such transfer is made within 180 days of the date of the enactment of this Act. A qualified airline employee making such a transfer may exclude from gross income the airline payment amount previously rolled over to the Roth IRA, to the extent an amount attributable to the previous rollover was transferred to a traditional IRA, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier. No amount so transferred to a traditional IRA may be treated as a qualified rollover contribution with respect to a Roth IRA within the 5-taxable year period beginning with the taxable year in which such transfer was made.

(3) EXTENSION OF TIME TO FILE CLAIM FOR REFUND.—A qualified airline employee who excludes an amount from gross income in a prior taxable year under paragraph (1) or (2) may reflect such exclusion in a claim for refund filed within the period of limitation under section 6511(a) (or, if later, April 15, 2011).

(b) TREATMENT OF AIRLINE PAYMENT AMOUNTS AND TRANSFERS FOR EMPLOYMENT TAXES.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an airline payment amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is excluded from the qualified airline employee’s gross income under subsection (a).

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AIRLINE PAYMENT AMOUNT.—

(A) IN GENERAL.—The term “airline payment amount” means any payment of any money or other property which is payable by

a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007; and

(ii) in respect of the qualified airline employee's interest in a bankruptcy claim against the carrier, any note of the carrier (or amount paid in lieu of a note being issued), or any other fixed obligation of the carrier to pay a lump sum amount.

The amount of such payment shall be determined without regard to any requirement to deduct and withhold tax from such payment under sections 3102(a) and 3402(a).

(B) **EXCEPTION.**—An airline payment amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) **QUALIFIED AIRLINE EMPLOYEE.**—The term “qualified airline employee” means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code; and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) **TRADITIONAL IRA.**—The term “traditional IRA” means an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) which is not a Roth IRA.

(4) **ROTH IRA.**—The term “Roth IRA” has the meaning given such term by section 408A(b) of such Code.

(d) **SURVIVING SPOUSE.**—If a qualified airline employee died after receiving an airline payment amount, or if an airline payment amount was paid to the surviving spouse of a qualified airline employee in respect of the qualified airline employee, the surviving spouse of the qualified airline employee may take all actions permitted under section 125 of the Worker, Retiree and Employer Recovery Act of 2008, or under this section, to the same extent that the qualified airline employee could have done had the qualified airline employee survived.

(e) **EFFECTIVE DATE.**—This section shall apply to transfers made after the date of the enactment of this Act with respect to airline payment amounts paid before, on, or after such date.

#### Subtitle B—Multiemployer Plans

#### SEC. 311. OPTIONAL USE OF 30-YEAR AMORTIZATION PERIODS.

(a) **ELECTIVE SPECIAL RELIEF RULES.**—

(1) **ERISA AMENDMENT.**—Section 304(b) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new paragraph:

“(8) **ELECTIVE SPECIAL RELIEF RULES.**—Notwithstanding any other provision of this subsection—

“(A) **AMORTIZATION OF NET INVESTMENT LOSSES.**—

“(i) **IN GENERAL.**—The plan sponsor of a multiemployer plan with respect to which the solvency test under subparagraph (B) is met may elect to treat the portion of any experience loss or gain for a plan year that is attributable to the allocable portion of the net investment losses incurred in either or both of the first two plan years ending on or after June 30, 2008, as an experience loss separate from other experience losses or gains

to be amortized in equal annual installments (until fully amortized) over the period—

“(I) beginning with the plan year for which the allocable portion is determined, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year following the plan year in which such net investment loss was incurred.

“(ii) **COORDINATION WITH EXTENSIONS.**—If an election is made under clause (i) for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the plan year for which the election under this subparagraph is made, such extension shall not result in such amortization period exceeding 30 years.

“(iii) **DEFINITIONS AND RULES.**—For purposes of this subparagraph—

“(I) **NET INVESTMENT LOSSES.**—

“(aa) **IN GENERAL.**—The net investment loss incurred by a plan in a plan year is equal to the excess of—

“(AA) the expected value of the assets as of the end of the plan year, over

“(BB) the market value of the assets as of the end of the plan year,

including any difference attributable to a criminally fraudulent investment arrangement.

“(bb) **EXPECTED VALUE.**—For purposes of item (aa), the expected value of the assets as of the end of a plan year is the excess of—

“(AA) the market value of the assets at the beginning of the plan year plus contributions made during the plan year, over

“(BB) disbursements made during the plan year.

The amounts described in subitems (AA) and (BB) shall be adjusted with interest at the valuation rate to the end of the plan year.

“(II) **CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.**—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

“(III) **AMOUNT ATTRIBUTABLE TO ALLOCABLE PORTION OF NET INVESTMENT LOSS.**—The amount attributable to the allocable portion of the net investment loss for a plan year shall be an amount equal to the allocable portion of net investment loss for the plan year under subclauses (IV) and (V), increased with interest at the valuation rate determined from the plan year after the plan year in which the net investment loss was incurred.

“(IV) **ALLOCABLE PORTION OF NET INVESTMENT LOSSES.**—Except as provided in subclause (V), the net investment loss incurred in a plan year shall be allocated among the 5 plan years following the plan year in which the investment loss is incurred in accordance with the following table:

<b>Plan year after the plan year in which the net investment loss was incurred</b>	<b>Allocable portion of net investment loss</b>
1st .....	1/2
2nd .....	0
3rd .....	1/6
4th .....	1/6
5th .....	1/6

“(V) **SPECIAL RULE FOR PLANS THAT ADOPT LONGER SMOOTHER PERIOD.**—If a plan sponsor elects an extended smoothing period for its asset valuation method under subsection

(c)(2)(B), then the allocable portion of net investment loss for the first two plan years following the plan year the investment loss is incurred is the same as determined under subclause (IV), but the remaining 1/2 of the net investment loss is allocated ratably over the period beginning with the third plan year following the plan year the net investment loss is incurred and ending with the last plan year in the extended smoothing period.

“(VI) **SPECIAL RULE FOR OVERSTATEMENT OF LOSS.**—If, for a plan year, there is an experience loss for the plan and the amount described in subclause (III) exceeds the total amount of the experience loss for the plan year, then the excess shall be treated as an experience gain.

“(VII) **SPECIAL RULE IN YEARS FOR WHICH OVERALL EXPERIENCE IS GAIN.**—If, for a plan year, there is no experience loss for the plan, then, in addition to amortization of net investment losses under clause (i), the amount described in subclause (III) shall be treated as an experience gain in addition to any other experience gain.

“(B) **SOLVENCY TEST.**—

“(i) **IN GENERAL.**—An election may be made under this paragraph if the election includes certification by the plan actuary in connection with the election that the plan is projected to have a funded percentage at the end of the first 15 plan years that is not less than 100 percent of the funded percentage for the plan year of the election.

“(ii) **FUNDED PERCENTAGE.**—For purposes of clause (i), the term ‘funded percentage’ has the meaning provided in section 305(i)(2), except that the value of the plan's assets referred to in section 305(i)(2)(A) shall be the market value of such assets.

“(iii) **ACTUARIAL ASSUMPTIONS.**—In making any certification under this subparagraph, the plan actuary shall use the same actuarial estimates, assumptions, and methods as those applicable for the most recent certification under section 305, except that the plan actuary may take into account benefit reductions and increases in contribution rates, under either funding improvement plans adopted under section 305(c) or under section 432(c) of the Internal Revenue Code of 1986 or rehabilitation plans adopted under section 305(e) or under section 432(e) of such Code, that the plan actuary reasonably anticipates will occur without regard to any change in status of the plan resulting from the election.

“(C) **ADDITIONAL RESTRICTION ON BENEFIT INCREASES.**—If an election is made under subparagraph (A), then, in addition to any other applicable restrictions on benefit increases, a plan amendment which is adopted on or after March 10, 2010, and which increases benefits may not go into effect during the period beginning on such date and ending with the second plan year beginning after such date unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the election to have this paragraph apply to the plan, and

“(II) the plan's funded percentage and projected credit balances for the first 3 plan years ending on or after such date are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

“(D) TIME, FORM, AND MANNER OF ELECTION.—An election under this paragraph shall be made not later than June 30, 2011, and shall be made in such form and manner as the Secretary of the Treasury may prescribe.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such election to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Pension Benefit Guaranty Corporation may prescribe.”.

(2) IRC AMENDMENT.—Section 431(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(8) ELECTIVE SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—The plan sponsor of a multiemployer plan with respect to which the solvency test under subparagraph (B) is met may elect to treat the portion of any experience loss or gain for a plan year that is attributable to the allocable portion of the net investment losses incurred in either or both of the first two plan years ending on or after June 30, 2008, as an experience loss separate from other experience losses and gains to be amortized in equal annual installments (until fully amortized) over the period—

“(I) beginning with the plan year for which the allocable portion is determined, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year following the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If an election is made under clause (i) for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the plan year for which the election under this subparagraph is made, such extension shall not result in such amortization period exceeding 30 years.

“(iii) DEFINITIONS AND RULES.—For purposes of this subparagraph—

“(I) NET INVESTMENT LOSSES.—

“(aa) IN GENERAL.—The net investment loss incurred by a plan in a plan year is equal to the excess of—

“(AA) the expected value of the assets as of the end of the plan year, over

“(BB) the market value of the assets as of the end of the plan year,

including any difference attributable to a criminally fraudulent investment arrangement.

“(bb) EXPECTED VALUE.—For purposes of item (aa), the expected value of the assets as of the end of a plan year is the excess of—

“(AA) the market value of the assets at the beginning of the plan year plus contributions made during the plan year, over

“(BB) disbursements made during the plan year.

The amounts described in subitems (AA) and (BB) shall be adjusted with interest at the valuation rate to the end of the plan year.

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

“(III) AMOUNT ATTRIBUTABLE TO ALLOCABLE PORTION OF NET INVESTMENT LOSS.—The amount attributable to the allocable portion of the net investment loss for a plan year shall be an amount equal to the allocable portion of net investment loss for the plan year under subclauses (IV) and (V), increased with interest at the valuation rate determined from the plan year after the plan year in which the net investment loss was incurred.

“(IV) ALLOCABLE PORTION OF NET INVESTMENT LOSSES.—Except as provided in subclause (V), the net investment loss incurred in a plan year shall be allocated among the 5 plan years following the plan year in which the investment loss is incurred in accordance with the following table:

<b>Plan year after the plan year in which the net investment loss was incurred</b>	<b>Allocable portion of net investment loss</b>
1st .....	1/2
2nd .....	0
3rd .....	1/6
4th .....	1/6
5th .....	1/6

“(V) SPECIAL RULE FOR PLANS THAT ADOPT LONGER SMOOTHER PERIOD.—If a plan sponsor elects an extended smoothing period for its asset valuation method under subsection (c)(2)(B), then the allocable portion of net investment loss for the first two plan years following the plan year the investment loss is incurred is the same as determined under subclause (IV), but the remaining 1/2 of the net investment loss is allocated ratably over the period beginning with the third plan year following the plan year the net investment loss is incurred and ending with the last plan year in the extended smoothing period.

“(VI) SPECIAL RULE FOR OVERSTATEMENT OF LOSS.—If, for a plan year, there is an experience loss for the plan and the amount described in subclause (III) exceeds the total amount of the experience loss for the plan year, then the excess shall be treated as an experience gain.

“(VII) SPECIAL RULE IN YEARS FOR WHICH OVERALL EXPERIENCE IS GAIN.—If, for a plan year, there is no experience loss for the plan, then, in addition to amortization of net investment losses under clause (i), the amount described in subclause (III) shall be treated as an experience gain in addition to any other experience gain.

“(B) SOLVENCY TEST.—

“(i) IN GENERAL.—An election may be made under this paragraph if the election includes certification by the plan actuary in connection with the election that the plan is projected to have a funded percentage at the end of the first 15 plan years that is not less than 100 percent of the funded percentage for the plan year of the election.

“(ii) FUNDED PERCENTAGE.—For purposes of clause (i), the term ‘funded percentage’ has the meaning provided in section 432(i)(2), except that the value of the plan’s assets referred to in section 432(i)(2)(A) shall be the market value of such assets.

“(iii) ACTUARIAL ASSUMPTIONS.—In making any certification under this subparagraph, the plan actuary shall use the same actuarial estimates, assumptions, and methods as those applicable for the most recent certification under section 432, except that the plan actuary may take into account benefit reductions and increases in contribution rates, under either funding improvement plans adopted under section 432(c) or under section 305(c) of the Employee Retirement Income Security Act of 1974 or rehabilitation plans adopted under section 432(e) or under

section 305(e) of such Act, that the plan actuary reasonably anticipates will occur without regard to any change in status of the plan resulting from the election.

“(C) ADDITIONAL RESTRICTION ON BENEFIT INCREASES.—If an election is made under subparagraph (A), then, in addition to any other applicable restrictions on benefit increases, a plan amendment which is adopted on or after March 10, 2010, and which increases benefits may not go into effect during the period beginning on such date and ending with the second plan year beginning after such date unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the election to have this paragraph apply to the plan, and

“(II) the plan’s funded percentage and projected credit balances for the first 3 plan years ending on or after such date are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I or to comply with other applicable law.

“(D) TIME, FORM, AND MANNER OF ELECTION.—An election under this paragraph shall be made not later than June 30, 2011, and shall be made in such form and manner as the Secretary may prescribe.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such election to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Pension Benefit Guaranty Corporation may prescribe.”.

(b) ASSET SMOOTHING FOR MULTIEMPLOYER PLANS.—

(1) ERISA AMENDMENT.—Section 304(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(c)(2)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

“(B) EXTENDED ASSET SMOOTHING PERIOD FOR CERTAIN INVESTMENT LOSSES.—The Secretary of the Treasury shall not treat the asset valuation method of a multiemployer plan as unreasonable solely because such method spreads the difference between expected and actual returns for either or both of the first 2 plan years ending on or after June 30, 2008, over a period of not more than 10 years. Any change in valuation method to so spread such difference shall be treated as approved, but only if, in the case that the plan sponsor has made an election under subsection (b)(8), any resulting change in asset value is treated for purposes of amortization as a net experience loss or gain.”.

(2) IRC AMENDMENT.—Section 431(c)(2) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

“(B) EXTENDED ASSET SMOOTHING PERIOD FOR CERTAIN INVESTMENT LOSSES.—The Secretary shall not treat the asset valuation method of a multiemployer plan as unreasonable solely because such method spreads the difference between expected and actual returns for either or both of the first 2 plan years ending on or after June 30, 2008, over a period of not more than 10 years. Any change in valuation method to so spread such difference shall be treated as approved, but

only if, in the case that the plan sponsor has made an election under subsection (b)(8), any resulting change in asset value is treated for purposes of amortization as a net experience loss or gain.”

(c) **EFFECTIVE DATE AND SPECIAL RULES.**—

(1) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as of the first day of the first plan year beginning after June 30, 2008, except that any election a plan sponsor makes pursuant to this section or the amendments made thereby that affects the plan’s funding standard account for any plan year beginning before October 1, 2009, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to that plan year.

(2) **DEEMED APPROVAL FOR CERTAIN FUNDING METHOD CHANGES.**—In the case of a multiemployer plan with respect to which an election has been made under section 304(b)(8) of the Employee Retirement Income Security Act of 1974 (as amended by this section) or section 431(b)(8) of the Internal Revenue Code of 1986 (as so amended)—

(A) any change in the plan’s funding method for a plan year beginning on or after July 1, 2008, and on or before December 31, 2010, from a method that does not establish a base for experience gains and losses to one that does establish such a base shall be treated as approved by the Secretary of the Treasury; and

(B) any resulting funding method change base shall be treated for purposes of amortization as a net experience loss or gain.

**SEC. 312. OPTIONAL LONGER RECOVERY PERIODS FOR MULTIEMPLOYER PLANS IN ENDANGERED OR CRITICAL STATUS.**

(a) **ERISA AMENDMENTS.**—

(1) **FUNDING IMPROVEMENT PERIOD.**—Section 305(c)(4) of the Employee Retirement Income Security Act of 1974 is amended—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

“(C) **ELECTION TO EXTEND PERIOD.**—The plan sponsor of an endangered or seriously endangered plan may elect to extend the applicable funding improvement period by up to 5 years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary of the Treasury may prescribe.”

(2) **REHABILITATION PERIOD.**—Section 305(e)(4) of such Act is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) in last sentence of subparagraph (A), by striking “subparagraph (B)” each place it appears and inserting “subparagraph (C)”;

(C) by inserting after subparagraph (A) the following new subparagraph:

“(B) **ELECTION TO EXTEND PERIOD.**—The plan sponsor of a plan in critical status may elect to extend the rehabilitation period by up to five years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary of the Treasury may prescribe.”

(b) **IRC AMENDMENTS.**—

(1) **FUNDING IMPROVEMENT PERIOD.**—Section 432(c)(4) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

“(C) **ELECTION TO EXTEND PERIOD.**—The plan sponsor of an endangered or seriously endangered plan may elect to extend the applicable funding improvement period by up to 5 years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary may prescribe.”

(2) **REHABILITATION PERIOD.**—Section 432(e)(4) of such Code is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) in last sentence of subparagraph (A), by striking “subparagraph (B)” each place it appears and inserting “subparagraph (C)”;

(C) by inserting after subparagraph (A) the following new subparagraph:

“(B) **ELECTION TO EXTEND PERIOD.**—The plan sponsor of a plan in critical status may elect to extend the rehabilitation period by up to five years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary may prescribe.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to funding improvement periods and rehabilitation periods in connection with funding improvement plans and rehabilitation plans adopted or updated on or after the date of the enactment of this Act.

**SEC. 313. MODIFICATION OF CERTAIN AMORTIZATION EXTENSIONS UNDER PRIOR LAW.**

(a) **IN GENERAL.**—In the case of an amortization extension that was granted to a multiemployer plan under the terms of section 304 of the Employee Retirement Income Security Act of 1974 (as in effect immediately prior to enactment of the Pension Protection Act of 2006) or section 412(e) of the Internal Revenue Code (as so in effect), the determination of whether any financial condition on the amortization extension is satisfied shall be made by assuming that for any plan year that contains some or all of the period beginning June 30, 2008, and ending October 31, 2008, the actual rate of return on the plan assets was equal to the interest rate used for purposes of charging or crediting the funding standard account in such plan year, unless the plan sponsor elects otherwise in such form and manner as shall be prescribed by the Secretary of Treasury.

(b) **REVOCATION OF AMORTIZATION EXTENSIONS.**—The plan sponsor of a multiemployer plan may, in such form and manner and after such notice as may be prescribed by the Secretary, revoke any amortization extension described in subsection (a), effective for plan years following the date of the revocation.

**SEC. 314. ALTERNATIVE DEFAULT SCHEDULE FOR PLANS IN ENDANGERED OR CRITICAL STATUS.**

(a) **ERISA AMENDMENTS.**—

(1) **ENDANGERED STATUS.**—Section 305(c)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(c)(7)) is amended by adding at the end the following new subparagraph:

“(D) **ALTERNATIVE DEFAULT SCHEDULE.**—

“(i) **IN GENERAL.**—A plan sponsor may, for purposes of this paragraph, designate an al-

ternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (A).

“(ii) **REQUIREMENTS.**—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.”

(2) **CRITICAL STATUS.**—Section 305(e)(3) of such Act (29 U.S.C. 1085(e)(3)) is amended by adding at the end the following new subparagraph:

“(D) **ALTERNATIVE DEFAULT SCHEDULE.**—

“(i) **IN GENERAL.**—A plan sponsor may, for purposes of subparagraph (C), designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (C)(i).

“(ii) **REQUIREMENTS.**—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.”

(b) **INTERNAL REVENUE CODE AMENDMENTS.**—

(1) **ENDANGERED STATUS.**—Section 432(c)(7) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(C) **ALTERNATIVE DEFAULT SCHEDULE.**—

“(i) **IN GENERAL.**—A plan sponsor may, for purposes of this paragraph, designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (A).

“(ii) **REQUIREMENTS.**—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.”

(2) **CRITICAL STATUS.**—Section 432(e)(3) of such Code is amended by adding at the end the following new subparagraph:

“(D) **ALTERNATIVE DEFAULT SCHEDULE.**—

“(i) **IN GENERAL.**—A plan sponsor may, for purposes of subparagraph (C), designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (C)(i).

“(ii) **REQUIREMENTS.**—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to designations of default schedules by plan sponsors on or after the date of the enactment of this Act.

(d) **CROSS-REFERENCE.**—For sunset of the amendments made by this section, see section 221(c) of the Pension Protection Act of 2006.

**SEC. 315. TRANSITION RULE FOR CERTIFICATIONS OF PLAN STATUS.**

(a) **IN GENERAL.**—A plan actuary shall not be treated as failing to meet the requirements of section 305(b)(3)(A) of the Employee

Retirement Income Security Act of 1974 and section 432(b)(3)(A) of the Internal Revenue Code of 1986 in connection with a certification required under such sections the deadline for which is after the date of the enactment of this Act if the plan actuary makes such certification at any time earlier than 75 days after the date of the enactment of this Act.

(b) REVISION OF PRIOR CERTIFICATION.—

(1) IN GENERAL.—If—

(A) a plan sponsor makes an election under section 304(b)(8) of the Employee Retirement Income Security Act of 1974 and section 431(b)(8) of the Internal Revenue Code of 1986, or under section 304(c)(2)(B) of such Act and section 432(c)(2)(B) such Code, with respect to a plan for a plan year beginning on or after October 1, 2009; and

(B) the plan actuary's certification of the plan status for such plan year (hereinafter in this subsection referred to as "original certification") did not take into account any election so made,

then the plan sponsor may direct the plan actuary to make a new certification with respect to the plan for the plan year which takes into account such election (hereinafter in this subsection referred to as "new certification") if the plan's status under section 305 of such Act and section 432 of such Code would change as a result of such election. Any such new certification shall be treated as the most recent certification referred to in section 304(b)(3)(B)(iii) of such Act and section 431(b)(8)(B)(iii) of such Code.

(2) DUE DATE FOR NEW CERTIFICATION.—Any such new certification shall be made pursuant to section 305(b)(3) of such Act and section 432(b)(3) of such Code; except that any such new certification shall be made not later than 75 days after the date of the enactment of this Act.

(3) NOTICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any such new certification shall be treated as the original certification for purposes of section 305(b)(3)(D) of such Act and section 432(b)(3)(D) of such Code.

(B) NOTICE ALREADY PROVIDED.—In any case in which notice has been provided under such sections with respect to the original certification, not later than 30 days after the new certification is made, the plan sponsor shall provide notice of any change in status under rules similar to the rules such sections.

(4) EFFECT OF CHANGE IN STATUS.—If a plan ceases to be in critical status pursuant to the new certification, then the plan shall, not later than 30 days after the due date described in paragraph (2), cease any restriction of benefit payments, and imposition of contribution surcharges, under section 305 of such Act and section 432 of such Code by reason of the original certification.

#### TITLE IV—REVENUE OFFSETS

##### Subtitle A—Foreign Provisions

#### SEC. 401. RULES TO PREVENT SPLITTING FOREIGN TAX CREDITS FROM THE INCOME TO WHICH THEY RELATE.

(a) IN GENERAL.—Subpart A of part III of subchapter N of chapter 1 is amended by adding at the end the following new section:

#### "SEC. 909. SUSPENSION OF TAXES AND CREDITS UNTIL RELATED INCOME TAKEN INTO ACCOUNT.

"(a) IN GENERAL.—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by the taxpayer, such tax shall not be taken into account for purposes of this title before the taxable year in which the related income is taken into account under this chapter by the taxpayer.

"(b) SPECIAL RULES WITH RESPECT TO SECTION 902 CORPORATIONS.—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by a section 902 corporation, such tax shall not be taken into account—

"(1) for purposes of section 902 or 960, or

"(2) for purposes of determining earnings and profits under section 964(a),

before the taxable year in which the related income is taken into account under this chapter by such section 902 corporation or a domestic corporation which meets the ownership requirements of subsection (a) or (b) of section 902 with respect to such section 902 corporation.

"(c) SPECIAL RULES.—For purposes of this section—

"(1) APPLICATION TO PARTNERSHIPS, ETC.—In the case of a partnership, subsections (a) and (b) shall be applied at the partner level. Except as otherwise provided by the Secretary, a rule similar to the rule of the preceding sentence shall apply in the case of any S corporation or trust.

"(2) TREATMENT OF FOREIGN TAXES AFTER SUSPENSION.—In the case of any foreign income tax not taken into account by reason of subsection (a) or (b), except as otherwise provided by the Secretary, such tax shall be so taken into account in the taxable year referred to in such subsection (other than for purposes of section 986(a)) as a foreign income tax paid or accrued in such taxable year.

"(d) DEFINITIONS.—For purposes of this section—

"(1) FOREIGN TAX CREDIT SPLITTING EVENT.—There is a foreign tax credit splitting event with respect to a foreign income tax if the related income is (or will be) taken into account under this chapter by a covered person.

"(2) FOREIGN INCOME TAX.—The term 'foreign income tax' means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

"(3) RELATED INCOME.—The term 'related income' means, with respect to any portion of any foreign income tax, the income (or, as appropriate, earnings and profits) to which such portion of foreign income tax relates.

"(4) COVERED PERSON.—The term 'covered person' means, with respect to any person who pays or accrues a foreign income tax (hereafter in this paragraph referred to as the 'payor')—

"(A) any entity in which the payor holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value),

"(B) any person which holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value) in the payor,

"(C) any person which bears a relationship to the payor described in section 267(b) or 707(b), and

"(D) any other person specified by the Secretary for purposes of this paragraph.

"(5) SECTION 902 CORPORATION.—The term 'section 902 corporation' means any foreign corporation with respect to which one or more domestic corporations meets the ownership requirements of subsection (a) or (b) of section 902.

"(e) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provides—

"(1) appropriate exceptions from the provisions of this section, and

"(2) for the proper application of this section with respect to hybrid instruments."

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter N of chapter 1 is amended by adding at the end the following new item:

"Sec. 909. Suspension of taxes and credits until related income taken into account."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) foreign income taxes (as defined in section 909(d) of the Internal Revenue Code of 1986, as added by this section) paid or accrued after May 20, 2010; and

(2) foreign income taxes (as so defined) paid or accrued by a section 902 corporation (as so defined) on or before such date (and not deemed paid under section 902(a) or 960 of such Code on or before such date), but only for purposes of applying sections 902 and 960 with respect to periods after such date.

Section 909(b)(2) of the Internal Revenue Code of 1986, as added by this section, shall not apply to foreign income taxes described in paragraph (2).

#### SEC. 402. DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.

(a) IN GENERAL.—Section 901 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.—

"(1) IN GENERAL.—In the case of a covered asset acquisition, the disqualified portion of any foreign income tax determined with respect to the income or gain attributable to the relevant foreign assets—

"(A) shall not be taken into account in determining the credit allowed under subsection (a), and

"(B) in the case of a foreign income tax paid by a section 902 corporation (as defined in section 909(d)(5)), shall not be taken into account for purposes of section 902 or 960.

"(2) COVERED ASSET ACQUISITION.—For purposes of this section, the term 'covered asset acquisition' means—

"(A) a qualified stock purchase (as defined in section 338(d)(3)) to which section 338(a) applies,

"(B) any transaction which—

"(i) is treated as an acquisition of assets for purposes of this chapter, and

"(ii) is treated as the acquisition of stock of a corporation (or is disregarded) for purposes of the foreign income taxes of the relevant jurisdiction,

"(C) any acquisition of an interest in a partnership which has an election in effect under section 754, and

"(D) to the extent provided by the Secretary, any other similar transaction.

"(3) DISQUALIFIED PORTION.—For purposes of this section—

"(A) IN GENERAL.—The term 'disqualified portion' means, with respect to any covered asset acquisition, for any taxable year, the ratio (expressed as a percentage) of—

"(i) the aggregate basis differences (but not below zero) allocable to such taxable year under subparagraph (B) with respect to all relevant foreign assets, divided by

"(ii) the income on which the foreign income tax referred to in paragraph (1) is determined (or, if the taxpayer fails to substantiate such income to the satisfaction of

the Secretary, such income shall be determined by dividing the amount of such foreign income tax by the highest marginal tax rate applicable to such income in the relevant jurisdiction).

“(B) **ALLOCATION OF BASIS DIFFERENCE.**—For purposes of subparagraph (A)(i)—

“(i) **IN GENERAL.**—The basis difference with respect to any relevant foreign asset shall be allocated to taxable years using the applicable cost recovery method under this chapter.

“(ii) **SPECIAL RULE FOR DISPOSITION OF ASSETS.**—Except as otherwise provided by the Secretary, in the case of the disposition of any relevant foreign asset—

“(I) the basis difference allocated to the taxable year which includes the date of such disposition shall be the excess of the basis difference with respect to such asset over the aggregate basis difference with respect to such asset which has been allocated under clause (i) to all prior taxable years, and

“(II) no basis difference with respect to such asset shall be allocated under clause (i) to any taxable year thereafter.

“(C) **BASIS DIFFERENCE.**—

“(i) **IN GENERAL.**—The term ‘basis difference’ means, with respect to any relevant foreign asset, the excess of—

“(I) the adjusted basis of such asset immediately after the covered asset acquisition, over

“(II) the adjusted basis of such asset immediately before the covered asset acquisition.

“(ii) **BUILT-IN LOSS ASSETS.**—In the case of a relevant foreign asset with respect to which the amount described in clause (i)(II) exceeds the amount described in clause (i)(I), such excess shall be taken into account under this subsection as a basis difference of a negative amount.

“(iii) **SPECIAL RULE FOR SECTION 338 ELECTIONS.**—In the case of a covered asset acquisition described in paragraph (2)(A), the covered asset acquisition shall be treated for purposes of this subparagraph as occurring at the close of the acquisition date (as defined in section 338(h)(2)).

“(4) **RELEVANT FOREIGN ASSETS.**—For purposes of this section, the term ‘relevant foreign asset’ means, with respect to any covered asset acquisition, any asset (including any goodwill, going concern value, or other intangible) with respect to such acquisition if income, deduction, gain, or loss attributable to such asset is taken into account in determining the foreign income tax referred to in paragraph (1).

“(5) **FOREIGN INCOME TAX.**—For purposes of this section, the term ‘foreign income tax’ means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

“(6) **TAXES ALLOWED AS A DEDUCTION, ETC.**—Sections 275 and 78 shall not apply to any tax which is not allowable as a credit under subsection (a) by reason of this subsection.

“(7) **REGULATIONS.**—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including to exempt from the application of this subsection certain covered asset acquisitions, and relevant foreign assets with respect to which the basis difference is de minimis.”.

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to covered asset acquisitions (as defined in section 901(m)(2) of the Internal Revenue Code of 1986, as added by this section) after—

(A) May 20, 2010, if the transferor and the transferee are related; and

(B) the date of the enactment of this Act in any other case.

(2) **TRANSITION RULE.**—The amendments made by this section shall not apply to any covered asset acquisition (as so defined) with respect to which the transferor and the transferee are not related if such acquisition is—

(A) made pursuant to a written agreement which was binding on May 20, 2010, and at all times thereafter,

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(3) **RELATED PERSONS.**—For purposes of this subsection, a person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b) of the Internal Revenue Code of 1986.

#### **SEC. 403. SEPARATE APPLICATION OF FOREIGN TAX CREDIT LIMITATION, ETC., TO ITEMS RESOURCED UNDER TREATIES.**

(a) **IN GENERAL.**—Subsection (d) of section 904 is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

“(6) **SEPARATE APPLICATION TO ITEMS RESOURCED UNDER TREATIES.**—

“(A) **IN GENERAL.**—If—

“(i) without regard to any treaty obligation of the United States, any item of income would be treated as derived from sources within the United States,

“(ii) under a treaty obligation of the United States, such item would be treated as arising from sources outside the United States, and

“(iii) the taxpayer chooses the benefits of such treaty obligation,

subsections (a), (b), and (c) of this section and sections 902, 907, and 960 shall be applied separately with respect to each such item.

“(B) **COORDINATION WITH OTHER PROVISIONS.**—This paragraph shall not apply to any item of income to which subsection (h)(10) or section 865(h) applies.

“(C) **REGULATIONS.**—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance which provides that related items of income may be aggregated for purposes of this paragraph.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

#### **SEC. 404. LIMITATION ON THE AMOUNT OF FOREIGN TAXES DEEMED PAID WITH RESPECT TO SECTION 956 INCLUSIONS.**

(a) **IN GENERAL.**—Section 960 is amended by adding at the end the following new subsection:

“(c) **LIMITATION WITH RESPECT TO SECTION 956 INCLUSIONS.**—

“(1) **IN GENERAL.**—If there is included under section 951(a)(1)(B) in the gross income of a domestic corporation any amount attributable to the earnings and profits of a foreign corporation which is a member of a qualified group (as defined in section 902(b)) with respect to the domestic corporation, the amount of any foreign income taxes deemed to have been paid during the taxable year by such domestic corporation under section 902 by reason of subsection (a) with respect to such inclusion in gross income shall not exceed the amount of the foreign income taxes which would have been deemed to have

been paid during the taxable year by such domestic corporation if cash in an amount equal to the amount of such inclusion in gross income were distributed as a series of distributions (determined without regard to any foreign taxes which would be imposed on an actual distribution) through the chain of ownership which begins with such foreign corporation and ends with such domestic corporation.

“(2) **AUTHORITY TO PREVENT ABUSE.**—The Secretary shall issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which prevent the inappropriate use of the foreign corporation’s foreign income taxes not deemed paid by reason of paragraph (1).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to acquisitions of United States property (as defined in section 956(c) of the Internal Revenue Code of 1986) after May 20, 2010.

#### **SEC. 405. SPECIAL RULE WITH RESPECT TO CERTAIN REDEMPTIONS BY FOREIGN SUBSIDIARIES.**

(a) **IN GENERAL.**—Paragraph (5) of section 304(b) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

“(B) **SPECIAL RULE IN CASE OF FOREIGN ACQUIRING CORPORATION.**—In the case of any acquisition to which subsection (a) applies in which the acquiring corporation is a foreign corporation, no earnings and profits shall be taken into account under paragraph (2)(A) (and subparagraph (A) shall not apply) if more than 50 percent of the dividends arising from such acquisition (determined without regard to this subparagraph) would not—

“(i) be subject to tax under this chapter for the taxable year in which the dividends arise, or

“(ii) be includible in the earnings and profits of a controlled foreign corporation (as defined in section 957 and without regard to section 953(c)).”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to acquisitions after May 20, 2010.

#### **SEC. 406. MODIFICATION OF AFFILIATION RULES FOR PURPOSES OF RULES ALLOCATING INTEREST EXPENSE.**

(a) **IN GENERAL.**—Subparagraph (A) of section 864(e)(5) is amended by adding at the end the following: “Notwithstanding the preceding sentence, a foreign corporation shall be treated as a member of the affiliated group if—

“(i) more than 50 percent of the gross income of such foreign corporation for the taxable year is effectively connected with the conduct of a trade or business within the United States, and

“(ii) at least 80 percent of either the vote or value of all outstanding stock of such foreign corporation is owned directly or indirectly by members of the affiliated group (determined with regard to this sentence).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

#### **SEC. 407. TERMINATION OF SPECIAL RULES FOR INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.**

(a) **IN GENERAL.**—Paragraph (1) of section 861(a) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) GRANDFATHER RULE WITH RESPECT TO WITHHOLDING ON INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.—

(1) IN GENERAL.—Subparagraph (B) of section 871(i)(2) is amended to read as follows:

“(B) The active foreign business percentage of—

“(i) any dividend paid by an existing 80/20 company, and

“(ii) any interest paid by an existing 80/20 company.”.

(2) DEFINITIONS AND SPECIAL RULES.—Section 871 is amended by redesignating subsections (l) and (m) as subsections (m) and (n), respectively, and by inserting after subsection (k) the following new subsection:

“(l) RULES RELATING TO EXISTING 80/20 COMPANIES.—For purposes of this subsection and subsection (i)(2)(B)—

“(1) EXISTING 80/20 COMPANY.—

“(A) IN GENERAL.—The term ‘existing 80/20 company’ means any corporation if—

“(i) such corporation met the 80-percent foreign business requirements of section 861(c)(1) (as in effect before the enactment of this subsection) for such corporation’s last taxable year beginning before January 1, 2011,

“(ii) such corporation meets the 80-percent foreign business requirements of subparagraph (B) with respect to each taxable year after the taxable year referred to in clause (i), and

“(iii) there has not been an addition of a substantial line of business with respect to such corporation after the date of the enactment of this subsection.

“(B) FOREIGN BUSINESS REQUIREMENTS.—

“(i) IN GENERAL.—A corporation meets the 80-percent foreign business requirements of this subparagraph if it is shown to the satisfaction of the Secretary that at least 80 percent of the gross income from all sources of such corporation for the testing period is active foreign business income.

“(ii) ACTIVE FOREIGN BUSINESS INCOME.—For purposes of clause (i), the term ‘active foreign business income’ means gross income which—

“(I) is derived from sources outside the United States (as determined under this subchapter), and

“(II) is attributable to the active conduct of a trade or business in a foreign country or possession of the United States.

“(iii) TESTING PERIOD.—For purposes of this subsection, the term ‘testing period’ means the 3-year period ending with the close of the taxable year of the corporation preceding the payment (or such part of such period as may be applicable). If the corporation has no gross income for such 3-year period (or part thereof), the testing period shall be the taxable year in which the payment is made.

“(iv) TRANSITION RULE.—In the case of a testing period which includes a taxable year beginning before January 1, 2011, for purposes of determining whether a corporation meets the 80 percent foreign business requirements of this subparagraph for such taxable year, the requirements of subparagraphs (A) and (B) of section 861(c)(1) (as in effect before the enactment of this subsection) shall apply in lieu of clause (i) to such taxable years.

“(2) ACTIVE FOREIGN BUSINESS PERCENTAGE.—The term ‘active foreign business percentage’ means, with respect to any existing 80/20 company, the percentage which—

“(A) the active foreign business income of such company for the testing period, is of

“(B) the gross income of such company for the testing period from all sources.

“(3) AGGREGATION RULES.—For purposes of applying paragraph (1) (other than subparagraphs (A)(i) and (B)(iv) thereof) and paragraph (2)—

“(A) IN GENERAL.—The corporation referred to in paragraph (1)(A) and all of such corporation’s subsidiaries shall be treated as one corporation.

“(B) SUBSIDIARIES.—For purposes of subparagraph (A), the term ‘subsidiary’ means any corporation in which the corporation referred to in subparagraph (A) owns (directly or indirectly) stock meeting the requirements of section 1504(a)(2) (determined by substituting ‘50 percent’ for ‘80 percent’ each place it appears and without regard to section 1504(b)(3)).

“(4) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provide for the proper application of the aggregation rules described in paragraph (3).”.

(c) CONFORMING AMENDMENTS.—

(1) Section 861 is amended by striking subsection (c) and by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(2) Paragraph (9) of section 904(h) is amended to read as follows:

“(9) TREATMENT OF CERTAIN DOMESTIC CORPORATIONS.—In the case of any dividend treated as not from sources within the United States under section 861(a)(2)(A), the corporation paying such dividend shall be treated for purposes of this subsection as a United States-owned foreign corporation.”.

(3) Subsection (c) of section 2104 is amended in the last sentence by striking “or to a debt obligation of a domestic corporation” and all that follows and inserting a period.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(2) GRANDFATHER RULE FOR OUTSTANDING DEBT OBLIGATIONS.—

(A) IN GENERAL.—The amendments made by this section shall not apply to payments of interest on obligations issued before the date of the enactment of this Act.

(B) EXCEPTION FOR RELATED PARTY DEBT.—Subparagraph (A) shall not apply to any interest which is payable to a related person (determined under rules similar to the rules of section 954(d)(3)).

(C) SIGNIFICANT MODIFICATIONS TREATED AS NEW ISSUES.—For purposes of subparagraph (A), a significant modification of the terms of any obligation (including any extension of the term of such obligation) shall be treated as a new issue.

**SEC. 408. SOURCE RULES FOR INCOME ON GUARANTEES.**

(a) AMOUNTS SOURCED WITHIN THE UNITED STATES.—Subsection (a) of section 861 is amended by adding at the end the following new paragraph:

“(9) GUARANTEES.—Amounts received, directly or indirectly, from—

“(A) a noncorporate resident or domestic corporation for the provision of a guarantee of any indebtedness of such resident or corporation, or

“(B) any foreign person for the provision of a guarantee of any indebtedness of such person, if such amount is connected with income which is effectively connected (or treated as effectively connected) with the conduct of a trade or business in the United States.”.

(b) AMOUNTS SOURCED WITHOUT THE UNITED STATES.—Subsection (a) of section 862 is

amended by striking “and” at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting “; and”, and by adding at the end the following new paragraph:

“(9) amounts received for the provision of a guarantee of indebtedness other than amounts which are derived from sources within the United States as provided in section 861(a)(9).”.

(c) CONFORMING AMENDMENT.—Clause (ii) of section 864(c)(4)(B) is amended by striking “dividends or interest” and inserting “dividends, interest, or amounts received for the provision of guarantees of indebtedness”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to guarantees issued after the date of the enactment of this Act.

#### **SEC. 409. LIMITATION ON EXTENSION OF STATUTE OF LIMITATIONS FOR FAILURE TO NOTIFY SECRETARY OF CERTAIN FOREIGN TRANSFERS.**

(a) IN GENERAL.—Paragraph (8) of section 6501(c) is amended—

(1) by striking “In the case of any information” and inserting the following:

“(A) IN GENERAL.—In the case of any information”; and

(2) by adding at the end the following:

“(B) APPLICATION TO FAILURES DUE TO REASONABLE CAUSE.—If the failure to furnish the information referred to in subparagraph (A) is due to reasonable cause and not willful neglect, subparagraph (A) shall apply only to the item or items related to such failure.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 513 of the Hiring Incentives to Restore Employment Act.

#### **Subtitle B—Personal Service Income Earned in Pass-thru Entities**

#### **SEC. 411. PARTNERSHIP INTERESTS TRANSFERRED IN CONNECTION WITH PERFORMANCE OF SERVICES.**

(a) MODIFICATION TO ELECTION TO INCLUDE PARTNERSHIP INTEREST IN GROSS INCOME IN YEAR OF TRANSFER.—Subsection (c) of section 83 is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

“(4) PARTNERSHIP INTERESTS.—Except as provided by the Secretary, in the case of any transfer of an interest in a partnership in connection with the provision of services to (or for the benefit of) such partnership—

“(A) the fair market value of such interest shall be treated for purposes of this section as being equal to the amount of the distribution which the partner would receive if the partnership sold (at the time of the transfer) all of its assets at fair market value and distributed the proceeds of such sale (reduced by the liabilities of the partnership) to its partners in liquidation of the partnership, and

“(B) the person receiving such interest shall be treated as having made the election under subsection (b)(1) unless such person makes an election under this paragraph to have such subsection not apply.”.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 83(b) is amended by inserting “or subsection (c)(4)(B)” after “paragraph (1)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interests in partnerships transferred after the date of the enactment of this Act.

**SEC. 412. INCOME OF PARTNERS FOR PERFORMING INVESTMENT MANAGEMENT SERVICES TREATED AS ORDINARY INCOME RECEIVED FOR PERFORMANCE OF SERVICES.**

(a) IN GENERAL.—Part I of subchapter K of chapter 1 is amended by adding at the end the following new section:

**“SEC. 710. SPECIAL RULES FOR PARTNERS PROVIDING INVESTMENT MANAGEMENT SERVICES TO PARTNERSHIP.**

“(a) TREATMENT OF DISTRIBUTIVE SHARE OF PARTNERSHIP ITEMS.—For purposes of this title, in the case of an investment services partnership interest—

“(1) IN GENERAL.—Notwithstanding section 702(b)—

“(A) any net income with respect to such interest for any partnership taxable year shall be treated as ordinary income, and

“(B) any net loss with respect to such interest for such year, to the extent not disallowed under paragraph (2) for such year, shall be treated as an ordinary loss.

All items of income, gain, deduction, and loss which are taken into account in computing net income or net loss shall be treated as ordinary income or ordinary loss (as the case may be).

“(2) TREATMENT OF LOSSES.—

“(A) LIMITATION.—Any net loss with respect to such interest shall be allowed for any partnership taxable year only to the extent that such loss does not exceed the excess (if any) of—

“(i) the aggregate net income with respect to such interest for all prior partnership taxable years, over

“(ii) the aggregate net loss with respect to such interest not disallowed under this subparagraph for all prior partnership taxable years.

“(B) CARRYFORWARD.—Any net loss for any partnership taxable year which is not allowed by reason of subparagraph (A) shall be treated as an item of loss with respect to such partnership interest for the succeeding partnership taxable year.

“(C) BASIS ADJUSTMENT.—No adjustment to the basis of a partnership interest shall be made on account of any net loss which is not allowed by reason of subparagraph (A).

“(D) PRIOR PARTNERSHIP YEARS.—Any reference in this paragraph to prior partnership taxable years shall only include prior partnership taxable years to which this section applies.

“(3) NET INCOME AND LOSS.—For purposes of this section—

“(A) NET INCOME.—The term ‘net income’ means, with respect to any investment services partnership interest for any partnership taxable year, the excess (if any) of—

“(i) all items of income and gain taken into account by the holder of such interest under section 702 with respect to such interest for such year, over

“(ii) all items of deduction and loss so taken into account.

“(B) NET LOSS.—The term ‘net loss’ means, with respect to such interest for such year, the excess (if any) of the amount described in subparagraph (A)(ii) over the amount described in subparagraph (A)(i).

“(4) SPECIAL RULE FOR DIVIDENDS.—Any dividend taken into account in determining net income or net loss for purposes of paragraph (1) shall not be treated as qualified dividend income for purposes of section 1(h).

“(b) DISPOSITIONS OF PARTNERSHIP INTERESTS.—

“(1) GAIN.—Any gain on the disposition of an investment services partnership interest shall be—

“(A) treated as ordinary income, and

“(B) recognized notwithstanding any other provision of this subtitle.

“(2) LOSS.—Any loss on the disposition of an investment services partnership interest shall be treated as an ordinary loss to the extent of the excess (if any) of—

“(A) the aggregate net income with respect to such interest for all partnership taxable years to which this section applies, over

“(B) the aggregate net loss with respect to such interest allowed under subsection (a)(2) for all partnership taxable years to which this section applies.

“(3) ELECTION WITH RESPECT TO CERTAIN EXCHANGES.—Paragraph (1)(B) shall not apply to the contribution of an investment services partnership interest to a partnership in exchange for an interest in such partnership if—

“(A) the taxpayer makes an irrevocable election to treat the partnership interest received in the exchange as an investment services partnership interest, and

“(B) the taxpayer agrees to comply with such reporting and recordkeeping requirements as the Secretary may prescribe.

“(4) DISPOSITION OF PORTION OF INTEREST.—In the case of any disposition of an investment services partnership interest, the amount of net loss which otherwise would have (but for subsection (a)(2)(C)) applied to reduce the basis of such interest shall be disregarded for purposes of this section for all succeeding partnership taxable years.

“(5) DISTRIBUTIONS OF PARTNERSHIP PROPERTY.—In the case of any distribution of property by a partnership with respect to any investment services partnership interest held by a partner—

“(A) the excess (if any) of—

“(i) the fair market value of such property at the time of such distribution, over

“(ii) the adjusted basis of such property in the hands of the partnership,

shall be taken into account as an increase in such partner’s distributive share of the taxable income of the partnership (except to the extent such excess is otherwise taken into account in determining the taxable income of the partnership).

“(B) such property shall be treated for purposes of subpart B of part II as money distributed to such partner in an amount equal to such fair market value, and

“(C) the basis of such property in the hands of such partner shall be such fair market value.

Subsection (b) of section 734 shall be applied without regard to the preceding sentence. In the case of a taxpayer which satisfies requirements similar to the requirements of subparagraphs (A) and (B) of paragraph (4), this paragraph and paragraph (1)(B) shall not apply to the distribution of a partnership interest if such distribution is in connection with a contribution (or deemed contribution) of any property of the partnership to which section 721 applies pursuant to a transaction described in paragraph (1)(B) or (2) of section 708(b).

“(6) APPLICATION OF SECTION 751.—

“(A) IN GENERAL.—In applying section 751, an investment services partnership interest shall be treated as an inventory item.

“(B) EXCEPTION FOR CERTAIN DISPOSITIONS OF INTERESTS IN A PUBLICLY TRADED PARTNERSHIP.—Except as provided by the Secretary, this paragraph shall not apply in the case of any disposition of an interest in a publicly traded partnership (as defined in section 7704) which is not an investment services partnership interest in the hands of the person disposing of such interest.

“(c) INVESTMENT SERVICES PARTNERSHIP INTEREST.—For purposes of this section—

“(1) IN GENERAL.—The term ‘investment services partnership interest’ means any interest in a partnership which is held (directly or indirectly) by any person if it was reasonably expected (at the time that such person acquired such interest) that such person (or any person related to such person) would provide (directly or, to the extent provided by the Secretary, indirectly) a substantial quantity of any of the following services with respect to assets held (directly or indirectly) by the partnership:

“(A) Advising as to the advisability of investing in, purchasing, or selling any specified asset.

“(B) Managing, acquiring, or disposing of any specified asset.

“(C) Arranging financing with respect to acquiring specified assets.

“(D) Any activity in support of any service described in subparagraphs (A) through (C).

“(2) SPECIFIED ASSET.—The term ‘specified asset’ means securities (as defined in section 475(c)(2) without regard to the last sentence thereof), real estate held for rental or investment, interests in partnerships, commodities (as defined in section 475(e)(2)), or options or derivative contracts with respect to any of the foregoing.

“(3) EXCEPTION FOR FAMILY FARMS.—The term ‘specified asset’ shall not include any farm used for farming purposes if such farm is held by a partnership all of the interests in which are held (directly or indirectly) by members of the same family. Terms used in the preceding sentence which are also used in section 2032A shall have the same meaning as when used in such section.

“(4) RELATED PERSONS.—A person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b).

“(d) EXCEPTION FOR CERTAIN CAPITAL INTERESTS.—

“(1) IN GENERAL.—In the case of any portion of an investment services partnership interest which is a qualified capital interest, all items of income, gain, loss, and deduction which are allocated to such qualified capital interest shall not be taken into account under subsection (a) if—

“(A) allocations of items are made by the partnership to such qualified capital interest in the same manner as such allocations are made to other qualified capital interests held by partners who do not provide any services described in subsection (c)(1) and who are not related to the partner holding the qualified capital interest, and

“(B) the allocations made to such other interests are significant compared to the allocations made to such qualified capital interest.

“(2) AUTHORITY TO PROVIDE EXCEPTIONS TO ALLOCATION REQUIREMENTS.—To the extent provided by the Secretary in regulations or other guidance—

“(A) ALLOCATIONS TO PORTION OF QUALIFIED CAPITAL INTEREST.—Paragraph (1) may be applied separately with respect to a portion of a qualified capital interest.

“(B) NO OR INSIGNIFICANT ALLOCATIONS TO NONSERVICE PROVIDERS.—In any case in which the requirements of paragraph (1)(B) are not satisfied, items of income, gain, loss, and deduction shall not be taken into account under subsection (a) to the extent that such items are properly allocable under such regulations or other guidance to qualified capital interests.

“(C) ALLOCATIONS TO SERVICE PROVIDERS’ QUALIFIED CAPITAL INTERESTS WHICH ARE LESS

THAN OTHER ALLOCATIONS.—Allocations shall not be treated as failing to meet the requirement of paragraph (1)(A) merely because the allocations to the qualified capital interest represent a lower return than the allocations made to the other qualified capital interests referred to in such paragraph.

“(3) SPECIAL RULE FOR CHANGES IN SERVICES.—In the case of an interest in a partnership which is not an investment services partnership interest and which, by reason of a change in the services with respect to assets held (directly or indirectly) by the partnership, would (without regard to the reasonable expectation exception of subsection (c)(1)) have become such an interest—

“(A) notwithstanding subsection (c)(1), such interest shall be treated as an investment services partnership interest as of the time of such change, and

“(B) for purposes of this subsection, the qualified capital interest of the holder of such partnership interest immediately after such change shall not be less than the fair market value of such interest (determined immediately before such change).

“(4) SPECIAL RULE FOR TIERED PARTNERSHIPS.—Except as otherwise provided by the Secretary, in the case of tiered partnerships, all items which are allocated in a manner which meets the requirements of paragraph (1) to qualified capital interests in a lower-tier partnership shall retain such character to the extent allocated on the basis of qualified capital interests in any upper-tier partnership.

“(5) EXCEPTION FOR NO-SELF-CHARGED CARRY AND MANAGEMENT FEE PROVISIONS.—Except as otherwise provided by the Secretary, an interest shall not fail to be treated as satisfying the requirement of paragraph (1)(A) merely because the allocations made by the partnership to such interest do not reflect the cost of services described in subsection (c)(1) which are provided (directly or indirectly) to the partnership by the holder of such interest (or a related person).

“(6) SPECIAL RULE FOR DISPOSITIONS.—In the case of any investment services partnership interest any portion of which is a qualified capital interest, subsection (b) shall not apply to so much of any gain or loss as bears the same proportion to the entire amount of such gain or loss as—

“(A) the distributive share of gain or loss that would have been allocated to the qualified capital interest (consistent with the requirements of paragraph (1)) if the partnership had sold all of its assets at fair market value immediately before the disposition, bears to

“(B) the distributive share of gain or loss that would have been so allocated to the investment services partnership interest of which such qualified capital interest is a part.

“(7) QUALIFIED CAPITAL INTEREST.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified capital interest’ means so much of a partner’s interest in the capital of the partnership as is attributable to—

“(i) the fair market value of any money or other property contributed to the partnership in exchange for such interest (determined without regard to section 752(a)),

“(ii) any amounts which have been included in gross income under section 83 with respect to the transfer of such interest, and

“(iii) the excess (if any) of—

“(I) any items of income and gain taken into account under section 702 with respect to such interest, over

“(II) any items of deduction and loss so taken into account.

“(B) ADJUSTMENT TO QUALIFIED CAPITAL INTEREST.—

“(i) DISTRIBUTIONS AND LOSSES.—The qualified capital interest shall be reduced by distributions from the partnership with respect to such interest and by the excess (if any) of the amount described in subparagraph (A)(iii)(II) over the amount described in subparagraph (A)(iii)(I).

“(ii) SPECIAL RULE FOR CONTRIBUTIONS OF PROPERTY.—In the case of any contribution of property described in subparagraph (A)(i) with respect to which the fair market value of such property is not equal to the adjusted basis of such property immediately before such contribution, proper adjustments shall be made to the qualified capital interest to take into account such difference consistent with such regulations or other guidance as the Secretary may provide.

“(8) TREATMENT OF CERTAIN LOANS.—

“(A) PROCEEDS OF PARTNERSHIP LOANS NOT TREATED AS QUALIFIED CAPITAL INTEREST OF SERVICE PROVIDING PARTNERS.—For purposes of this subsection, an investment services partnership interest shall not be treated as a qualified capital interest to the extent that such interest is acquired in connection with the proceeds of any loan or other advance made or guaranteed, directly or indirectly, by any other partner or the partnership (or any person related to any such other partner or the partnership).

“(B) REDUCTION IN ALLOCATIONS TO QUALIFIED CAPITAL INTERESTS FOR LOANS FROM NONSERVICE- PROVIDING PARTNERS TO THE PARTNERSHIP.—For purposes of this subsection, any loan or other advance to the partnership made or guaranteed, directly or indirectly, by a partner not providing services described in subsection (c)(1) to the partnership (or any person related to such partner) shall be taken into account in determining the qualified capital interests of the partners in the partnership.

“(e) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—

“(1) IN GENERAL.—If—

“(A) a person performs (directly or indirectly) investment management services for any entity,

“(B) such person holds (directly or indirectly) a disqualified interest with respect to such entity, and

“(C) the value of such interest (or payments thereunder) is substantially related to the amount of income or gain (whether or not realized) from the assets with respect to which the investment management services are performed,

any income or gain with respect to such interest shall be treated as ordinary income. Rules similar to the rules of subsections (a)(4) and (d) shall apply for purposes of this subsection.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) DISQUALIFIED INTEREST.—

“(i) IN GENERAL.—The term ‘disqualified interest’ means, with respect to any entity—

“(I) any interest in such entity other than indebtedness,

“(II) convertible or contingent debt of such entity,

“(III) any option or other right to acquire property described in subclause (I) or (II), and

“(IV) any derivative instrument entered into (directly or indirectly) with such entity or any investor in such entity.

“(ii) EXCEPTIONS.—Such term shall not include—

“(I) a partnership interest,

“(II) except as provided by the Secretary, any interest in a taxable corporation, and

“(III) except as provided by the Secretary, stock in an S corporation.

“(B) TAXABLE CORPORATION.—The term ‘taxable corporation’ means—

“(i) a domestic C corporation, or

“(ii) a foreign corporation substantially all of the income of which is—

“(I) effectively connected with the conduct of a trade or business in the United States, or

“(II) subject to a comprehensive foreign income tax (as defined in section 457A(d)(2)).

“(C) INVESTMENT MANAGEMENT SERVICES.—The term ‘investment management services’ means a substantial quantity of any of the services described in subsection (c)(1).

“(f) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance to—

“(1) provide modifications to the application of this section (including treating related persons as not related to one another) to the extent such modification is consistent with the purposes of this section,

“(2) prevent the avoidance of the purposes of this section, and

“(3) coordinate this section with the other provisions of this title.

“(g) SPECIAL RULES FOR INDIVIDUALS.—In the case of an individual—

“(1) IN GENERAL.—Subsection (a)(1) shall apply only to the applicable percentage of the net income or net loss referred to in such subsection.

“(2) DISPOSITIONS, ETC.—The amount which (but for this paragraph) would be treated as ordinary income by reason of subsection (b) or (e) shall be the applicable percentage of such amount.

“(3) PRO RATA ALLOCATION TO ITEMS.—For purposes of applying subsections (a) and (e), the aggregate amount treated as ordinary income for any such taxable year shall be allocated ratably among the items of income, gain, loss, and deduction taken into account in determining such amount.

“(4) SPECIAL RULE FOR RECOGNITION OF GAIN.—Gain which (but for this section) would not be recognized shall be recognized by reason of subsection (b) only to the extent that such gain is treated as ordinary income after application of paragraph (2).

“(5) COORDINATION WITH LIMITATION ON LOSSES.—For purposes of applying paragraph (2) of subsection (a) with respect to any net loss for any taxable year—

“(A) such paragraph shall only apply with respect to the applicable percentage of such net loss for such taxable year,

“(B) in the case of a prior partnership taxable year referred to in clause (i) or (ii) of subparagraph (A) of such paragraph, only the applicable percentage (as in effect for such prior taxable year) of net income or net loss for such prior partnership taxable year shall be taken into account, and

“(C) any net loss carried forward to the succeeding partnership taxable year under subparagraph (B) of such paragraph shall—

“(i) be taken into account in such succeeding year without reduction under this subsection, and

“(ii) in lieu of being taken into account as an item of loss in such succeeding year, shall be taken into account—

“(I) as an increase in net loss or as a reduction in net income (including below zero), as the case may be, and

“(II) after any reduction in the amount of such net loss or net income under this subsection.

A rule similar to the rule of the preceding sentence shall apply for purposes of subsection (b)(2)(A).

“(6) COORDINATION WITH TREATMENT OF DIVIDENDS.—Subsection (a)(4) shall only apply to the applicable percentage of dividends described therein.

“(7) APPLICABLE PERCENTAGE.—For purposes of this subsection—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘applicable percentage’ means 75 percent.

“(B) EXCEPTIONS FOR SALES OF INTERESTS AND ASSETS HELD AT LEAST 5 YEARS.—

“(i) IN GENERAL.—The applicable percentage shall be 50 percent with respect to—

“(I) any net income or net loss under subsection (a)(1), or any income or gain under subsection (e) which is properly allocable to gain or loss from the sale or exchange of any asset which has been held at least 5 years, and

“(II) to the extent provided under clause (ii), gain or loss under subsection (b) on the disposition of an investment services partnership interest or gain under subsection (e) with respect to a disqualified interest, but only if such interest has been held for at least 5 years.

“(ii) LOOK THROUGH IN THE CASE OF DISPOSITION OF INTEREST.—Except as provided by the Secretary, in the case of a disposition of an interest in an entity described in clause (i)(II), clause (i) shall be applied only to the portion of the gain or loss attributable to the assets of such entity which have been held for at least 5 years, unless substantially all of such assets have been held for at least 5 years. In the case of tiered entities, the preceding sentence shall be applied by reference to the assets of such entities rather than to an interest in such entities.

“(iii) SPECIAL RULE FOR SECTION 197 INTANGIBLE GAIN OF MANAGEMENT ENTITIES.—

“(I) IN GENERAL.—In the case of the disposition of an investment services partnership interest in a management entity which has been held for at least 5 years, any section 197 intangible gain with respect to such interest shall be treated as gain from an asset held for at least 5 years. In the case of tiered management entities, the holding period requirement under the preceding sentence shall apply with respect to interests in each such management entity.

“(II) VALUATION BURDEN ON THE TAXPAYER.—This clause shall not apply to any gain from the disposition of an investment services partnership interest unless the taxpayer establishes (in such manner as the Secretary shall provide) the amount of the section 197 intangible gain with respect to such disposition.

“(C) MANAGEMENT ENTITY.—For purposes of this paragraph, the term ‘management entity’ means a partnership the principal activity of which is providing the services described in subsection (c) with respect to assets held (directly or indirectly) by such partnership.

“(D) SECTION 197 INTANGIBLE GAIN.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘section 197 intangible gain’ means, with respect to any management entity, gain recognized on the disposition of an investment services partnership interest in such entity which is attributable to any section 197 intangible (within the meaning of section 197(d)).

“(ii) VALUE OF INVESTMENT SERVICES PARTNERSHIP INTEREST DISREGARDED.—Except as provided by the Secretary, no portion of the value of an investment services partnership interest (other than the interest being dis-

posed of) shall be taken into account in determining section 197 intangible gain.

“(iii) LIMITATION.—For purposes of clause (i), gain from the disposition of an investment services partnership interest shall in no event be treated as attributable to a section 197 intangible (within the meaning of section 197(d)) if such gain would be included in the amount of the distribution which the partner disposing of such interest would receive if the partnership sold (at the time of the disposition) all of its assets at fair market value and distributed the proceeds of such sale (reduced by the liabilities of the partnership) to its partners in liquidation of the partnership.

“(iv) REGULATIONS.—The Secretary shall prescribe regulations or guidance which provide—

“(I) the acceptable valuation methods for purposes of this subparagraph, except that such methods shall not include any valuation method which is inconsistent with the method used by the taxpayer for other purposes (including reporting asset valuations to partners or marketing the partnership or any lower-tier partnership to prospective partners) if such inconsistent valuation method would result in a greater amount of section 197 intangible gain than would result under the valuation method used by the taxpayer for such other purposes,

“(II) circumstances under which valuations are sufficiently independent to provide an accurate determination of fair market value, and

“(III) any information required to be furnished to the Secretary by the parties to the disposition with respect to such valuation.

“(h) CROSS REFERENCE.—For 40 percent penalty on certain underpayments due to the avoidance of this section, see section 6662.”.

(b) TREATMENT FOR PURPOSES OF SECTION 7704.—Subsection (d) of section 7704 is amended by adding at the end the following new paragraph:

“(6) INCOME FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS NOT QUALIFIED.—

“(A) IN GENERAL.—Items of income and gain shall not be treated as qualifying income if such items are treated as ordinary income by reason of the application of section 710 (relating to special rules for partners providing investment management services to partnership). The preceding sentence shall not apply to any item described in paragraph (1)(E) (or so much of paragraph (1)(F) as relates to paragraph (1)(E)).

“(B) SPECIAL RULES FOR CERTAIN PARTNERSHIPS.—

“(i) CERTAIN PARTNERSHIPS OWNED BY REAL ESTATE INVESTMENT TRUSTS.—Subparagraph (A) shall not apply in the case of a partnership which meets each of the following requirements:

“(I) Such partnership is treated as publicly traded under this section solely by reason of interests in such partnership being convertible into interests in a real estate investment trust which is publicly traded.

“(II) 50 percent or more of the capital and profits interests of such partnership are owned, directly or indirectly, at all times during the taxable year by such real estate investment trust (determined with the application of section 267(c)).

“(III) Such partnership meets the requirements of paragraphs (2), (3), and (4) of section 856(c).

“(ii) CERTAIN PARTNERSHIPS OWNING OTHER PUBLICLY TRADED PARTNERSHIPS.—Subparagraph (A) shall not apply in the case of a partnership which meets each of the following requirements:

“(I) Substantially all of the assets of such partnership consist of interests in one or more publicly traded partnerships (determined without regard to subsection (b)(2)).

“(II) Substantially all of the income of such partnership is ordinary income or section 1231 gain (as defined in section 1231(a)(3)).

“(C) TRANSITIONAL RULE.—Subparagraph (A) shall not apply to any taxable year of the partnership beginning before the date which is 10 years after the date of the enactment of this paragraph.”.

(c) IMPOSITION OF PENALTY ON UNDERPAYMENTS.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (7) the following new paragraph:

“(8) The application of subsection (e) of section 710, the regulations or other guidance prescribed under section 710(f) to prevent the avoidance of the purposes of section 710, or the regulations or other guidance prescribed under section 710(g)(7)(D)(iv).”.

(2) AMOUNT OF PENALTY.—

(A) IN GENERAL.—Section 6662 is amended by adding at the end the following new subsection:

“(k) INCREASE IN PENALTY IN CASE OF PROPERTY TRANSFERRED FOR INVESTMENT MANAGEMENT SERVICES.—In the case of any portion of an underpayment to which this section applies by reason of subsection (b)(8), subsection (a) shall be applied with respect to such portion by substituting ‘40 percent’ for ‘20 percent’.”.

(B) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) is amended by striking “(or i)” and inserting “(i), or (k)”.

(3) SPECIAL RULES FOR APPLICATION OF REASONABLE CAUSE EXCEPTION.—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(B) by striking “paragraph (3)” in paragraph (5)(A), as so redesignated, and inserting “paragraph (4)”;

(C) by inserting after paragraph (2) the following new paragraph:

“(3) SPECIAL RULE FOR UNDERPAYMENTS ATTRIBUTABLE TO INVESTMENT MANAGEMENT SERVICES.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to any portion of an underpayment to which section 6662 applies by reason of subsection (b)(8) unless—

“(i) the relevant facts affecting the tax treatment of the item are adequately disclosed,

“(ii) there is or was substantial authority for such treatment, and

“(iii) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

“(B) RULES RELATING TO REASONABLE BELIEF.—Rules similar to the rules of subsection (d)(3) shall apply for purposes of subparagraph (A)(iii).”.

(d) INCOME AND LOSS FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS TAKEN INTO ACCOUNT IN DETERMINING NET EARNINGS FROM SELF-EMPLOYMENT.—

(1) INTERNAL REVENUE CODE.—Section 1402(a) is amended by striking “and” at the end of paragraph (16), by striking the period at the end of paragraph (17) and inserting “; and”, and by inserting after paragraph (17) the following new paragraph:

“(18) notwithstanding the preceding provisions of this subsection, in the case of any individual engaged in the trade or business of providing services described in section 710(c)(1) with respect to any entity, any amount treated as ordinary income or ordinary loss of such individual under section 710

with respect to such entity shall be taken into account in determining the net earnings from self-employment of such individual.”.

(2) **SOCIAL SECURITY ACT.**—Section 211(a) of the Social Security Act is amended by striking “and” at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting “; and”, and by inserting after paragraph (16) the following new paragraph:

“(17) Notwithstanding the preceding provisions of this subsection, in the case of any individual engaged in the trade or business of providing services described in section 710(c)(1) of the Internal Revenue Code of 1986 with respect to any entity, any amount treated as ordinary income or ordinary loss of such individual under section 710 of such Code with respect to such entity shall be taken into account in determining the net earnings from self-employment of such individual.”.

(e) **CONFORMING AMENDMENTS.**—

(1) Subsection (d) of section 731 is amended by inserting “section 710(b)(4) (relating to distributions of partnership property),” after “to the extent otherwise provided by”.

(2) Section 741 is amended by inserting “or section 710 (relating to special rules for partners providing investment management services to partnership)” before the period at the end.

(3) The table of sections for part I of subchapter K of chapter 1 is amended by adding at the end the following new item:

“Sec. 710. Special rules for partners providing investment management services to partnership.”.

(f) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years ending after December 31, 2010.

(2) **PARTNERSHIP TAXABLE YEARS WHICH INCLUDE EFFECTIVE DATE.**—In applying section 710(a) of the Internal Revenue Code of 1986 (as added by this section) in the case of any partnership taxable year which includes December 31, 2010, the amount of the net income referred to in such section shall be treated as being the lesser of the net income for the entire partnership taxable year or the net income determined by only taking into account items attributable to the portion of the partnership taxable year which is after such date.

(3) **DISPOSITIONS OF PARTNERSHIP INTERESTS.**—Section 710(b) of the Internal Revenue Code of 1986 (as added by this section) shall apply to dispositions and distributions after December 31, 2010.

(4) **OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.**—Section 710(e) of such Code (as added by this section) shall take effect on December 31, 2010.

#### **SEC. 413. EMPLOYMENT TAX TREATMENT OF PROFESSIONAL SERVICE BUSINESSES.**

(a) **IN GENERAL.**—Section 1402 is amended by adding at the end the following new subsection:

“(m) **SPECIAL RULES FOR PROFESSIONAL SERVICE BUSINESSES.**—

“(1) **SHAREHOLDERS PROVIDING SERVICES TO DISQUALIFIED S CORPORATIONS.**—

“(A) **IN GENERAL.**—In the case of any disqualified S corporation, each shareholder of such disqualified S corporation who provides substantial services with respect to the professional service business referred to in subparagraph (C) shall take into account such shareholder’s pro rata share of all items of income or loss described in section 1366

which are attributable to such business in determining the shareholder’s net earnings from self-employment.

“(B) **TREATMENT OF FAMILY MEMBERS.**—Except as otherwise provided by the Secretary, the shareholder’s pro rata share of items referred to in subparagraph (A) shall be increased by the pro rata share of such items of each member of such shareholder’s family (within the meaning of section 318(a)(1)) who does not provide substantial services with respect to such professional service business.

“(C) **DISQUALIFIED S CORPORATION.**—For purposes of this subsection, the term ‘disqualified S corporation’ means—

“(i) any S corporation which is a partner in a partnership which is engaged in a professional service business if substantially all of the activities of such S corporation are performed in connection with such partnership, and

“(ii) any other S corporation which is engaged in a professional service business if 80 percent or more of the gross income of such business is attributable to service of 3 or fewer shareholders of such corporation.

“(2) **PARTNERS.**—In the case of any partnership which is engaged in a professional service business, subsection (a)(13) shall not apply to any partner who provides substantial services with respect to such professional service business.

“(3) **PROFESSIONAL SERVICE BUSINESS.**—For purposes of this subsection, the term ‘professional service business’ means any trade or business (or portion thereof) providing services in the fields of health, law, lobbying, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, investment advice or management, or brokerage services.

“(4) **REGULATIONS.**—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection, including regulations which prevent the avoidance of the purposes of this subsection through tiered entities or otherwise.

“(5) **CROSS REFERENCE.**—For employment tax treatment of wages paid to shareholders of S corporations, see subtitle C.”.

(b) **CONFORMING AMENDMENT.**—Section 211 of the Social Security Act is amended by adding at the end the following new subsection:

“(1) **SPECIAL RULES FOR PROFESSIONAL SERVICE BUSINESSES.**—

“(1) **SHAREHOLDERS PROVIDING SERVICES TO DISQUALIFIED S CORPORATIONS.**—

“(A) **IN GENERAL.**—In the case of any disqualified S corporation, each shareholder of such disqualified S corporation who provides substantial services with respect to the professional service business referred to in subparagraph (C) shall take into account such shareholder’s pro rata share of all items of income or loss described in section 1366 of the Internal Revenue Code of 1986 which are attributable to such business in determining the shareholder’s net earnings from self-employment.

“(B) **TREATMENT OF FAMILY MEMBERS.**—Except as otherwise provided by the Secretary of the Treasury, the shareholder’s pro rata share of items referred to in subparagraph (A) shall be increased by the pro rata share of such items of each member of such shareholder’s family (within the meaning of section 318(a)(1) of the Internal Revenue Code of 1986) who does not provide substantial services with respect to such professional service business.

“(C) **DISQUALIFIED S CORPORATION.**—For purposes of this subsection, the term ‘disqualified S corporation’ means—

“(i) any S corporation which is a partner in a partnership which is engaged in a professional service business if substantially all of the activities of such S corporation are performed in connection with such partnership, and

“(ii) any other S corporation which is engaged in a professional service business if 80 percent or more of the gross income of such business is attributable to service of 3 or fewer shareholders of such corporation.

“(2) **PARTNERS.**—In the case of any partnership which is engaged in a professional service business, subsection (a)(12) shall not apply to any partner who provides substantial services with respect to such professional service business.

“(3) **PROFESSIONAL SERVICE BUSINESS.**—For purposes of this subsection, the term ‘professional service business’ means any trade or business (or portion thereof) providing services in the fields of health, law, lobbying, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, investment advice or management, or brokerage services.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

#### **Subtitle C—Corporate Provisions**

#### **SEC. 421. TREATMENT OF SECURITIES OF A CONTROLLED CORPORATION EXCHANGED FOR ASSETS IN CERTAIN REORGANIZATIONS.**

(a) **IN GENERAL.**—Section 361 (relating to nonrecognition of gain or loss to corporations; treatment of distributions) is amended by adding at the end the following new subsection:

“(d) **SPECIAL RULES FOR TRANSACTIONS INVOLVING SECTION 355 DISTRIBUTIONS.**—In the case of a reorganization described in section 368(a)(1)(D) with respect to which stock or securities of the corporation to which the assets are transferred are distributed in a transaction which qualifies under section 355—

“(1) this section shall be applied by substituting ‘stock other than nonqualified preferred stock (as defined in section 351(g)(2))’ for ‘stock or securities’ in subsections (a) and (b)(1), and

“(2) the first sentence of subsection (b)(3) shall apply only to the extent that the sum of the money and the fair market value of the other property transferred to such creditors does not exceed the adjusted bases of such assets transferred (reduced by the amount of the liabilities assumed (within the meaning of section 357(c))).”.

(b) **CONFORMING AMENDMENT.**—Paragraph (3) of section 361(b) is amended by striking the last sentence.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to exchanges after the date of the enactment of this Act.

(2) **TRANSITION RULE.**—The amendments made by this section shall not apply to any exchange pursuant to a transaction which is—

(A) made pursuant to a written agreement which was binding on March 15, 2010, and at all times thereafter;

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

#### **SEC. 422. TAXATION OF BOOT RECEIVED IN REORGANIZATIONS.**

(a) **IN GENERAL.**—Paragraph (2) of section 356(a) is amended—

(1) by striking “If an exchange” and inserting “Except as otherwise provided by the Secretary—

“(A) IN GENERAL.—If an exchange”;

(2) by striking “then there shall be” and all that follows through “February 28, 1913” and inserting “then the amount of other property or money shall be treated as a dividend to the extent of the earnings and profits of the corporation”; and

(3) by adding at the end the following new subparagraph:

“(B) CERTAIN REORGANIZATIONS.—In the case of a reorganization described in section 368(a)(1)(D) to which section 354(b)(1) applies or any other reorganization specified by the Secretary, in applying subparagraph (A)—

“(i) the earnings and profits of each corporation which is a party to the reorganization shall be taken into account, and

“(ii) the amount which is a dividend (and source thereof) shall be determined under rules similar to the rules of paragraphs (2) and (5) of section 304(b).”.

(b) EARNINGS AND PROFITS.—Paragraph (7) of section 312(n) is amended by adding at the end the following: “A similar rule shall apply to an exchange to which section 356(a)(1) applies.”.

(c) CONFORMING AMENDMENT.—Paragraph (1) of section 356(a) is amended by striking “then the gain” and inserting “then (except as provided in paragraph (2)) the gain”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to exchanges after the date of the enactment of this Act.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any exchange between unrelated persons pursuant to a transaction which is—

(A) made pursuant to a written agreement which was binding on May 20, 2010, and at all times thereafter;

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described in a public announcement or filing with the Securities and Exchange Commission on or before such date.

(3) RELATED PERSONS.—For purposes of this subsection, a person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b) of the Internal Revenue Code of 1986.

#### Subtitle D—Other Provisions

#### SEC. 431. MODIFICATIONS WITH RESPECT TO OIL SPILL LIABILITY TRUST FUND.

(a) EXTENSION OF APPLICATION OF OIL SPILL LIABILITY TRUST FUND FINANCING RATE.—Paragraph (2) of section 4611(f) is amended by striking “December 31, 2017” and inserting “December 31, 2020”.

(b) INCREASE IN OIL SPILL LIABILITY TRUST FUND FINANCING RATE.—Subparagraph (B) of section 4611(c)(2) is amended to read as follows:

“(B) the Oil Spill Liability Trust Fund financing rate is 49 cents a barrel.”.

(c) INCREASE IN PER INCIDENT LIMITATIONS ON EXPENDITURES.—Subparagraph (A) of section 9509(c)(2) is amended—

(1) by striking “\$1,000,000,000” in clause (i) and inserting “\$5,000,000,000”;

(2) by striking “\$500,000,000” in clause (ii) and inserting “\$2,500,000,000”; and

(3) by striking “\$1,000,000,000 PER INCIDENT, ETC” in the heading and inserting “PER INCIDENT LIMITATIONS”.

(d) EFFECTIVE DATE.—

(1) EXTENSION OF FINANCING RATE.—Except as provided in paragraph (2), the amend-

ments made by this section shall take effect on the date of the enactment of this Act.

(2) INCREASE IN FINANCING RATE.—The amendment made by subsection (b) shall apply to crude oil received and petroleum products entered during calendar quarters beginning more than 60 days after the date of the enactment of this Act.

#### SEC. 432. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 36 percentage points.

#### SEC. 433. DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) DISALLOWANCE OF DEDUCTION FOR PUNITIVE DAMAGES.—

(1) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking “If” and inserting:

“(1) TREBLE DAMAGES.—If”, and

(C) by adding at the end the following new paragraph:

“(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).”.

(2) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting “OR PUNITIVE DAMAGES” after “LAWS”.

(b) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

#### “SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

“Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer’s liability (or agreement) to pay punitive damages.”.

(2) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

“(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person’s liability (or agreement) to pay punitive damages.”.

(3) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

“Sec. 91. Punitive damages compensated by insurance or otherwise.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to damages paid or incurred after December 31, 2011.

#### TITLE V—UNEMPLOYMENT, HEALTH, AND OTHER ASSISTANCE

##### Subtitle A—Unemployment Insurance and Other Assistance

#### SEC. 501. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “June 2, 2010” each place it appears and inserting “November 30, 2010”;

(B) in the heading for subsection (b)(2), by striking “JUNE 2, 2010” and inserting “NOVEMBER 30, 2010”; and

(C) in subsection (b)(3), by striking “November 6, 2010” and inserting “April 30, 2011”.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “June 2, 2010” each place it appears and inserting “December 1, 2010”; and

(B) in subsection (c), by striking “November 6, 2010” and inserting “May 1, 2011”.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “November 6, 2010” and inserting “April 30, 2011”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (D), by striking “and” at the end; and

(2) by inserting after subparagraph (E) the following:

“(F) the amendments made by section 501(a)(1) of the American Jobs and Closing Tax Loopholes Act of 2010; and”.

(c) CONDITIONS FOR RECEIVING EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 4001(d)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended, in the matter preceding subparagraph (A), by inserting before “shall apply” the following: “(including terms and conditions relating to availability for work, active search for work, and refusal to accept work)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Continuing Extension Act of 2010 (Public Law 111-157).

#### SEC. 502. COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.

(a) CERTAIN INDIVIDUALS NOT INELIGIBLE BY REASON OF NEW ENTITLEMENT TO REGULAR BENEFITS.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by adding at the end the following:

“(g) COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.—

“(1) If—

“(A) an individual has been determined to be entitled to emergency unemployment compensation with respect to a benefit year,

“(B) that benefit year has expired,

“(C) that individual has remaining entitlement to emergency unemployment compensation with respect to that benefit year, and

“(D) that individual would qualify for a new benefit year in which the weekly benefit amount of regular compensation is at least either \$100 or 25 percent less than the individual’s weekly benefit amount in the benefit year referred to in subparagraph (A),

then the State shall determine eligibility for compensation as provided in paragraph (2).

“(2) For individuals described in paragraph (1), the State shall determine whether the individual is to be paid emergency unemployment compensation or regular compensation for a week of unemployment using one of the following methods:

“(A) The State shall, if permitted by State law, establish a new benefit year, but defer the payment of regular compensation with respect to that new benefit year until exhaustion of all emergency unemployment

compensation payable with respect to the benefit year referred to in paragraph (1)(A);

“(B) The State shall, if permitted by State law, defer the establishment of a new benefit year (which uses all the wages and employment which would have been used to establish a benefit year but for the application of this paragraph), until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph (1)(A);

“(C) The State shall pay, if permitted by State law—

“(i) regular compensation equal to the weekly benefit amount established under the new benefit year, and

“(ii) emergency unemployment compensation equal to the difference between that weekly benefit amount and the weekly benefit amount for the expired benefit year; or

“(D) The State shall determine rights to emergency unemployment compensation without regard to any rights to regular compensation if the individual elects to not file a claim for regular compensation under the new benefit year.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to individuals whose benefit years, as described in section 4002(g)(1)(B) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by this section, expire after the date of enactment of this Act.

#### **SEC. 503. EXTENSION OF THE EMERGENCY CONTINGENCY FUND.**

(a) **IN GENERAL.**—Section 403(c) of the Social Security Act (42 U.S.C. 603(c)) is amended—

(1) in paragraph (2)(A), by inserting “, and for fiscal year 2011, \$2,500,000,000” before “for payment”; and

(2) by striking paragraph (2)(B) and inserting the following:

“(B) **AVAILABILITY AND USE OF FUNDS.**—

“(i) **FISCAL YEARS 2009 AND 2010.**—The amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2009 shall remain available through fiscal year 2010 and shall be used to make grants to States in each of fiscal years 2009 and 2010 in accordance with paragraph (3), except that the amounts shall remain available through fiscal year 2011 to make grants and payments to States in accordance with paragraph (3)(C) to cover expenditures to subsidize employment positions held by individuals placed in the positions before fiscal year 2011.

“(ii) **FISCAL YEAR 2011.**—Subject to clause (iii), the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011 shall remain available through fiscal year 2012 and shall be used to make grants to States based on expenditures in fiscal year 2011 for benefits and services provided in fiscal year 2011 in accordance with the requirements of paragraph (3).

“(iii) **RESERVATION OF FUNDS.**—Of the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011, \$500,000 shall be placed in reserve for use in fiscal year 2012, and shall be used to award grants for any expenditures described in this subsection incurred by States after September 30, 2011.”.

(3) in paragraph (2)(C), by striking “2010” and inserting “2012”;

(4) in paragraph (3)—

(A) in clause (i) of each of subparagraphs (A), (B), and (C)—

(i) by striking “year 2009 or 2010” and inserting “years 2009 through 2011”; and

(ii) by striking “and” at the end of subclause (I);

(iii) by striking the period at the end of subclause (II) and inserting “; and”; and

(iv) by adding at the end the following:

“(III) if the quarter is in fiscal year 2011, has provided the Secretary with such information as the Secretary may find necessary in order to make the determinations, or take any other action, described in paragraph (5)(C).”; and

(B) in subparagraph (C), by adding at the end the following:

“(iv) **LIMITATION ON EXPENDITURES FOR SUBSIDIZED EMPLOYMENT.**—An expenditure for subsidized employment shall be taken into account under clause (i) only if the expenditure is used to subsidize employment for—

“(I) a member of a needy family (without regard to whether the family is receiving assistance under the State program funded under this part); or

“(II) an individual who has exhausted (or, within 60 days, will exhaust) all rights to receive unemployment compensation under Federal and State law, and who is a member of a needy family.”;

(5) by striking paragraph (5) and inserting the following:

“(5) **LIMITATIONS ON PAYMENTS; ADJUSTMENT AUTHORITY.**—

“(A) **FISCAL YEARS 2009 AND 2010.**—The total amount payable to a single State under subsection (b) and this subsection for fiscal years 2009 and 2010 combined shall not exceed 50 percent of the annual State family assistance grant.

“(B) **FISCAL YEAR 2011.**—Subject to subparagraph (C), the total amount payable to a single State under subsection (b) and this subsection for fiscal year 2011 shall not exceed 30 percent of the annual State family assistance grant.

“(C) **ADJUSTMENT AUTHORITY.**—If the Secretary determines that the Emergency Fund is at risk of being depleted before September 30, 2011, or that funds are available to accommodate additional State requests under this subsection, the Secretary may, through program instructions issued without regard to the requirements of section 553 of title 5, United States Code—

“(i) specify priority criteria for awarding grants to States during fiscal year 2011; and

“(ii) adjust the percentage limitation applicable under subparagraph (B) with respect to the total amount payable to a single State for fiscal year 2011.”; and

(6) in paragraph (6), by inserting “or for expenditures described in paragraph (3)(C)(iv)” before the period.

(b) **CONFORMING AMENDMENTS.**—Section 2101 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(1) in subsection (a)(2)—

(A) by striking “2010” and inserting “2011”; and

(B) by striking all that follows “repealed” and inserting a period; and

(2) in subsection (d)(1), by striking “2010” and inserting “2011”.

(c) **PROGRAM GUIDANCE.**—The Secretary of Health and Human Services shall issue program guidance, without regard to the requirements of section 553 of title 5, United States Code, which ensures that the funds provided under the amendments made by this section to a jurisdiction for subsidized employment do not support any subsidized employment position the annual salary of which is greater than, at State option—

(1) 200 percent of the poverty line (within the meaning of section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section 673(2)) for a family of 4; or

(2) the median wage in the jurisdiction.

#### **SEC. 504. REQUIRING STATES TO NOT REDUCE REGULAR COMPENSATION IN ORDER TO BE ELIGIBLE FOR FUNDS UNDER THE EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.**

Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by adding at the end the following new subsection:

“(g) **NONREDUCTION RULE.**—An agreement under this section shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that the method governing the computation of regular compensation under the State law of that State has been modified in a manner such that—

“(1) the average weekly benefit amount of regular compensation which will be payable during the period of the agreement occurring on or after June 2, 2010 (determined disregarding any additional amounts attributable to the modification described in section 2002(b)(1) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438)), will be less than

“(2) the average weekly benefit amount of regular compensation which would otherwise have been payable during such period under the State law, as in effect on June 2, 2010.”.

#### **Subtitle B—Health Provisions**

#### **SEC. 511. EXTENSION OF SECTION 508 RECLASSIFICATIONS.**

(a) **IN GENERAL.**—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), and sections 3137(a) and 10317 of Public Law 111-148, is amended by striking “September 30, 2010” and inserting “September 30, 2011”.

(b) **CONFORMING AMENDMENT.**—Section 117(a)(3) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), is amended by inserting “in fiscal years 2008 and 2009” after “For purposes of implementation of this subsection”.

#### **SEC. 512. REPEAL OF DELAY OF RUG-IV.**

Effective as if included in the enactment of Public Law 111-148, section 10325 of such Act is repealed.

#### **SEC. 513. LIMITATION ON REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.**

Section 3122 of Public Law 111-148 is repealed and the provision of law amended by such section is restored as if such section had not been enacted.

#### **SEC. 514. FUNDING FOR CLAIMS REPROCESSING.**

For purposes of carrying out the provisions of, and amendments made by, this Act that relate to title XVIII of the Social Security Act, and other provisions of such title that involve reprocessing of claims, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, \$175,000,000. Amounts appropriated under the preceding sentence shall remain available until expended.

#### **SEC. 515. MEDICAID AND CHIP TECHNICAL CORRECTIONS.**

(a) **REPEAL OF EXCLUSION OF CERTAIN INDIVIDUALS AND ENTITIES FROM MEDICAID.**—Section 6502 of Public Law 111-148 is repealed

and the provisions of law amended by such section are restored as if such section had never been enacted. Nothing in the previous sentence shall affect the execution or placement of the insertion made by section 6503 of such Act.

(b) **INCOME LEVEL FOR CERTAIN CHILDREN UNDER MEDICAID.**—Effective as if included in the enactment of Public Law 111-148, section 2001(a)(5)(B) of such Act is amended by striking all that follows “is amended” and inserting the following: “by inserting after ‘100 percent’ the following: ‘(or, beginning January 1, 2014, 133 percent)’.”.

(c) **CALCULATION AND PUBLICATION OF PAYMENT ERROR RATE MEASUREMENT FOR CERTAIN YEARS.**—Section 601(b) of the Children’s Health Insurance Program Reauthorization Act of 2009 (Public Law 111-3) is amended by adding at the end the following: “The Secretary is not required under this subsection to calculate or publish a national or a State-specific error rate for fiscal year 2009 or fiscal year 2010.”.

(d) **CORRECTIONS TO EXCEPTIONS TO EXCLUSION OF CHILDREN OF CERTAIN EMPLOYEES.**—Section 2110(b)(6) of the Social Security Act (42 U.S.C. 1397jj(b)(6)) is amended—

(1) in subparagraph (B)—

(A) by striking “PER PERSON” in the heading; and

(B) by striking “each employee” and inserting “employees”; and

(2) in subparagraph (C), by striking “, on a case-by-case basis.”.

(e) **ELECTRONIC HEALTH RECORDS.**—Effective as if included in the enactment of section 4201(a)(2) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), section 1903(t) of the Social Security Act (42 U.S.C. 1396b(t)) is amended—

(1) in paragraph (3)(E), by striking “reduced by any payment that is made to such Medicaid provider from any other source (other than under this subsection or by a State or local government)” and inserting “reduced by the average payment the Secretary estimates will be made to such Medicaid providers (determined on a percentage or other basis for such classes or types of providers as the Secretary may specify) from other sources (other than under this subsection, or by the Federal government or a State or local government)”; and

(2) in paragraph (6)(B), by inserting before the period the following: “and shall be determined to have met such responsibility to the extent that the payment to the Medicaid provider is not in excess of 85 percent of the net average allowable cost”.

(f) **CORRECTIONS OF DESIGNATIONS.**—

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10), in the matter following subparagraph (G), by striking “and” before “(XVI) the medical” and by striking “(XVI) if” and inserting “(XVII) if”; and

(B) in subsection (ii)(2), by striking “(XV)” and inserting “(XVI)”.

(2) Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended by redesignating the subparagraph (N) of that section added by 2101(e) of Public Law 111-148 as subparagraph (O).

**SEC. 516. ADDITION OF INPATIENT DRUG DISCOUNT PROGRAM TO 340B DRUG DISCOUNT PROGRAM.**

(a) **ADDITION OF INPATIENT DRUG DISCOUNT.**—Title III of the Public Health Service Act is amended by inserting after section 340B (42 U.S.C. 256b) the following:

**“SEC. 340B-1. DISCOUNT INPATIENT DRUGS FOR INDIVIDUALS WITHOUT PRESCRIPTION DRUG COVERAGE.**

“(a) **REQUIREMENTS FOR AGREEMENTS WITH THE SECRETARY.**—

“(1) **IN GENERAL.**—

“(A) **AGREEMENT.**—The Secretary shall enter into an agreement with each manufacturer of covered inpatient drugs under which the amount required to be paid (taking into account any rebate or discount, as provided by the Secretary) to the manufacturer for covered inpatient drugs (other than drugs described in paragraph (3)) purchased by a covered entity on or after January 1, 2011, does not exceed an amount equal to the average manufacturer price for the drug under title XIX of the Social Security Act in the preceding calendar quarter, reduced by the rebate percentage described in paragraph (2). For a covered inpatient drug that also is a covered outpatient drug under section 340B, the amount required to be paid under the preceding sentence shall be equal to the amount required to be paid under section 340B(a)(1) for such drug. The agreement with a manufacturer under this subparagraph may, at the discretion of the Secretary, be included in the agreement with the same manufacturer under section 340B.

“(B) **CEILING PRICE.**—Each such agreement shall require that the manufacturer furnish the Secretary with reports, on a quarterly basis, of the price for each covered inpatient drug subject to the agreement that, according to the manufacturer, represents the maximum price that covered entities may permissibly be required to pay for the drug (referred to in this section as the ‘ceiling price’), and shall require that the manufacturer offer each covered entity covered inpatient drugs for purchase at or below the applicable ceiling price if such drug is made available to any other purchaser at any price.

“(C) **ALLOCATION METHOD.**—Each such agreement shall require that, if the supply of a covered inpatient drug is insufficient to meet demand, then the manufacturer may use an allocation method that is reported in writing to, and approved by, the Secretary and does not discriminate on the basis of the price paid by covered entities or on any other basis related to the participation of an entity in the program under this section.

“(2) **REBATE PERCENTAGE DEFINED.**—

“(A) **IN GENERAL.**—For a covered inpatient drug purchased in a calendar quarter, the ‘rebate percentage’ is the amount (expressed as a percentage) equal to—

“(i) the average total rebate required under section 1927(c) of the Social Security Act (or the average total rebate that would be required if the drug were a covered outpatient drug under such section) with respect to the drug (for a unit of the dosage form and strength involved) during the preceding calendar quarter; divided by

“(ii) the average manufacturer price for such a unit of the drug during such quarter.

“(B) **OVER THE COUNTER DRUGS.**—

“(i) **IN GENERAL.**—For purposes of subparagraph (A), in the case of over the counter drugs, the ‘rebate percentage’ shall be determined as if the rebate required under section 1927(c) of the Social Security Act is based on the applicable percentage provided under section 1927(c)(3) of such Act.

“(ii) **DEFINITION.**—The term ‘over the counter drug’ means a drug that may be sold without a prescription and which is prescribed by a physician (or other persons authorized to prescribe such drug under State law).

“(3) **DRUGS PROVIDED UNDER STATE MEDICAID PLANS.**—Drugs described in this paragraph are drugs purchased by the entity for which payment is made by the State under the State plan for medical assistance under title XIX of the Social Security Act.

“(4) **REQUIREMENTS FOR COVERED ENTITIES.**—

“(A) **PROHIBITING DUPLICATE DISCOUNTS OR REBATES.**—

“(i) **IN GENERAL.**—A covered entity shall not request payment under title XIX of the Social Security Act for medical assistance described in section 1905(a)(12) of such Act with respect to a drug that is subject to an agreement under this section if the drug is subject to the payment of a rebate to the State under section 1927 of such Act.

“(ii) **ESTABLISHMENT OF MECHANISM.**—The Secretary shall establish a mechanism to ensure that covered entities comply with clause (i). If the Secretary does not establish a mechanism under the previous sentence within 12 months of the enactment of this section, the requirements of section 1927(a)(5)(C) of the Social Security Act shall apply.

“(iii) **PROHIBITING DISCLOSURE TO GROUP PURCHASING ORGANIZATIONS.**—In the event that a covered entity is a member of a group purchasing organization, such entity shall not disclose the price or any other information pertaining to any purchases under this section directly or indirectly to such group purchasing organization.

“(B) **PROHIBITING RESALE, DISPENSING, OR ADMINISTRATION OF DRUGS EXCEPT TO CERTAIN PATIENTS.**—With respect to any covered inpatient drug that is subject to an agreement under this subsection, a covered entity shall not dispense, administer, resell, or otherwise transfer the covered inpatient drug to a person unless—

“(i) such person is a patient of the entity; and

“(ii) such person does not have health plan coverage (as defined in subsection (c)(3)) that provides prescription drug coverage in the inpatient setting with respect to such covered inpatient drug.

For purposes of clause (ii), a person shall be treated as having health plan coverage (as defined in subsection (c)(3)) with respect to a covered inpatient drug if benefits are not payable under such coverage with respect to such drug for reasons such as the application of a deductible or cost sharing or the use of utilization management.

“(C) **AUDITING.**—A covered entity shall permit the Secretary and the manufacturer of a covered inpatient drug that is subject to an agreement under this subsection with the entity (acting in accordance with procedures established by the Secretary relating to the number, duration, and scope of audits) to audit at the Secretary’s or the manufacturer’s expense the records of the entity that directly pertain to the entity’s compliance with the requirements described in subparagraph (A) or (B) with respect to drugs of the manufacturer. The use or disclosure of information for performance of such an audit shall be treated as a use or disclosure required by law for purposes of section 164.512(a) of title 45, Code of Federal Regulations.

“(D) **ADDITIONAL SANCTION FOR NONCOMPLIANCE.**—If the Secretary finds, after notice and hearing, that a covered entity is in violation of a requirement described in subparagraph (A) or (B), the covered entity shall be liable to the manufacturer of the covered inpatient drug that is the subject of the violation in an amount equal to the reduction in the price of the drug (as described in subparagraph (A)) provided under the agreement between the Secretary and the manufacturer under this subsection.

“(E) **MAINTENANCE OF RECORDS.**—

“(i) IN GENERAL.—A covered entity shall establish and maintain an effective record-keeping system to comply with this section and shall certify to the Secretary that such entity is in compliance with subparagraphs (A) and (B). The Secretary shall require that hospitals that purchase covered inpatient drugs for inpatient dispensing or administration under this subsection appropriately segregate inventory of such covered inpatient drugs, either physically or electronically, from drugs for outpatient use, as well as from drugs for inpatient dispensing or administration to individuals who have (for purposes of subparagraph (B)) health plan coverage described in clause (ii) of such subparagraph.

“(ii) CERTIFICATION OF NO THIRD-PARTY PAYER.—A covered entity shall maintain records that contain certification by the covered entity that no third party payment was received for any covered inpatient drug that is subject to an agreement under this subsection and that was dispensed to an inpatient.

“(5) TREATMENT OF DISTINCT UNITS OF HOSPITALS.—In the case of a covered entity that is a distinct part of a hospital, the distinct part of the hospital shall not be considered a covered entity under this subsection unless the hospital is otherwise a covered entity under this subsection.

“(6) NOTICE TO MANUFACTURERS.—The Secretary shall notify manufacturers of covered inpatient drugs and single State agencies under section 1902(a)(5) of the Social Security Act of the identities of covered entities under this subsection, and of entities that no longer meet the requirements of paragraph (4), by means of timely updates of the Internet website supported by the Department of Health and Human Services relating to this section.

“(7) NO PROHIBITION ON LARGER DISCOUNT.—Nothing in this subsection shall prohibit a manufacturer from charging a price for a drug that is lower than the maximum price that may be charged under paragraph (1).

“(b) COVERED ENTITY DEFINED.—In this section, the term ‘covered entity’ means an entity that meets the requirements described in subsection (a)(4) and is one of the following:

“(1) A subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act) that—

“(A) is owned or operated by a unit of State or local government, is a public or private non-profit corporation which is formally granted governmental powers by a unit of State or local government, or is a private nonprofit hospital which has a contract with a State or local government to provide health care services to low income individuals who are not entitled to benefits under title XVIII of the Social Security Act or eligible for assistance under the State plan for medical assistance under title XIX of such Act; and

“(B) for the most recent cost reporting period that ended before the calendar quarter involved, had a disproportionate share adjustment percentage (as determined using the methodology under section 1886(d)(5)(F) of the Social Security Act as in effect on the date of enactment of this section) greater than 20.20 percent or was described in section 1886(d)(5)(F)(i)(II) of such Act (as so in effect on the date of enactment of this section).

“(2) A children's hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(iii) of the Social Security Act that would meet the requirements of paragraph (1), including the

disproportionate share adjustment percentage requirement under subparagraph (B) of such paragraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act.

“(3) A free-standing cancer hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(v) of the Social Security Act that would meet the requirements of paragraph (1), including the disproportionate share adjustment percentage requirement under subparagraph (B) of such paragraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act.

“(4) An entity that is a critical access hospital (as determined under section 1820(c)(2) of the Social Security Act), and that meets the requirements of paragraph (1)(A).

“(5) An entity that is a rural referral center, as defined by section 1886(d)(5)(C)(i) of the Social Security Act, or a sole community hospital, as defined by section 1886(d)(5)(C)(iii) of such Act, and that both meets the requirements of paragraph (1)(A) and has a disproportionate share adjustment percentage equal to or greater than 8 percent.

“(c) OTHER DEFINITIONS.—In this section:

“(1) AVERAGE MANUFACTURER PRICE.—

“(A) IN GENERAL.—The term ‘average manufacturer price’—

“(i) has the meaning given such term in section 1927(k) of the Social Security Act, except that such term shall be applied under this section with respect to covered inpatient drugs in the same manner (as applicable) as such term is applied under such section 1927(k) with respect to covered outpatient drugs (as defined in such section); and

“(ii) with respect to a covered inpatient drug for which there is no average manufacturer price (as defined in clause (i)), shall be the amount determined under regulations promulgated by the Secretary under subparagraph (B).

“(B) RULEMAKING.—The Secretary shall by regulation, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, establish a method for determining the average manufacturer price for covered inpatient drugs for which there is no average manufacturer price (as defined in subparagraph (A)(i)). Regulations promulgated with respect to covered inpatient drugs under the preceding sentence shall provide for the application of methods for determining the average manufacturer price that are the same as the methods used to determine such price in calculating rebates required for such drugs under an agreement between a manufacturer and a State that satisfies the requirements of section 1927(b) of the Social Security Act, as applicable.

“(2) COVERED INPATIENT DRUG.—The term ‘covered inpatient drug’ means a drug—

“(A) that is described in section 1927(k)(2) of the Social Security Act;

“(B) that, notwithstanding paragraph (3)(A) of section 1927(k) of such Act, is used in connection with an inpatient service provided by a covered entity that is enrolled to participate in the drug discount program under this section; and

“(C) that is not purchased by the covered entity through or under contract with a group purchasing organization.

“(3) HEALTH PLAN COVERAGE.—The term ‘health plan coverage’ means—

“(A) health insurance coverage (as defined in section 2791, and including coverage under a State health benefits risk pool);

“(B) coverage under a group health plan (as defined in such section, and including coverage under a church plan, a governmental plan, or a collectively bargained plan);

“(C) coverage under a Federal health care program (as defined by section 1128B(f) of the Social Security Act); or

“(D) such other health benefits coverage as the Secretary recognizes for purposes of this section.

“(4) MANUFACTURER.—The term ‘manufacturer’ has the meaning given such term in section 1927(k) of the Social Security Act.

“(d) PROGRAM INTEGRITY.—

“(1) MANUFACTURER COMPLIANCE.—

“(A) IN GENERAL.—From amounts appropriated under subsection (f), the Secretary shall provide for improvements in compliance by manufacturers with the requirements of this section in order to prevent overcharges and other violations of the discounted pricing requirements specified in this section.

“(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

“(i) The establishment of a process to enable the Secretary to verify the accuracy of ceiling prices calculated by manufacturers under subsection (a)(1) and charged to covered entities, which shall include the following:

“(I) Developing and publishing through an appropriate policy or regulatory issuance, precisely defined standards and methodology for the calculation of ceiling prices under such subsection.

“(II) Comparing regularly the ceiling prices calculated by the Secretary with the quarterly pricing data that is reported by manufacturers to the Secretary.

“(III) Conducting periodic monitoring of sales transactions by covered entities.

“(IV) Inquiring into any discrepancies between ceiling prices and manufacturer pricing data that may be identified and taking, or requiring manufacturers to take, corrective action in response to such discrepancies, including the issuance of refunds pursuant to the procedures set forth in clause (ii).

“(ii) The establishment of procedures for manufacturers to issue refunds to covered entities in the event that there is an overcharge by the manufacturers, including the following:

“(I) Providing the Secretary with an explanation of why and how the overcharge occurred, how the refunds will be calculated, and to whom the refunds will be issued.

“(II) Oversight by the Secretary to ensure that the refunds are issued accurately and within a reasonable period of time.

“(iii) The provision of access through the Internet website supported by the Department of Health and Human Services to the applicable ceiling prices for covered inpatient drugs as calculated and verified by the Secretary in accordance with this section, in a manner (such as through the use of password protection) that limits such access to covered entities and adequately assures security and protection of privileged pricing data from unauthorized re-disclosure.

“(iv) The development of a mechanism by which—

“(I) rebates, discounts, or other price concessions provided by manufacturers to other purchasers subsequent to the sale of covered inpatient drugs to covered entities are reported to the Secretary; and

“(II) appropriate credits and refunds are issued to covered entities if such discounts, rebates, or other price concessions have the

effect of lowering the applicable ceiling price for the relevant quarter for the drugs involved.

“(v) Selective auditing of manufacturers and wholesalers to ensure the integrity of the drug discount program under this section.

“(vi) The establishment of a requirement that manufacturers and wholesalers use the identification system developed by the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered inpatient drugs under this section, including the processing of chargebacks for such drugs.

“(vii) The imposition of sanctions in the form of civil monetary penalties, which—

“(I) shall be assessed according to standards and procedures established in regulations to be promulgated by the Secretary not later than January 1, 2011;

“(II) shall not exceed \$10,000 per single dosage form of a covered inpatient drug purchased by a covered entity where a manufacturer knowingly charges such covered entity a price for such drug that exceeds the ceiling price under subsection (a)(1); and

“(III) shall not exceed \$100,000 for each instance where a manufacturer withholds or provides materially false information to the Secretary or to covered entities under this section or knowingly violates any provision of this section (other than subsection (a)(1)).

“(2) COVERED ENTITY COMPLIANCE.—

“(A) IN GENERAL.—From amounts appropriated under subsection (f), the Secretary shall provide for improvements in compliance by covered entities with the requirements of this section in order to prevent diversion and violations of the duplicate discount provision and other requirements specified under subsection (a)(4).

“(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

“(i) The development of procedures to enable and require covered entities to update at least annually the information on the Internet website supported by the Department of Health and Human Services relating to this section.

“(ii) The development of procedures for the Secretary to verify the accuracy of information regarding covered entities that is listed on the website described in clause (i).

“(iii) The development of more detailed guidance describing methodologies and options available to covered entities for billing covered inpatient drugs to State Medicaid agencies in a manner that avoids duplicate discounts pursuant to subsection (a)(4)(A).

“(iv) The establishment of a single, universal, and standardized identification system by which each covered entity site and each covered entity’s purchasing status under sections 340B and this section can be identified by manufacturers, distributors, covered entities, and the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered inpatient drugs under this section, including the processing of chargebacks for such drugs.

“(v) The imposition of sanctions in the form of civil monetary penalties, which—

“(I) shall be assessed according to standards and procedures established in regulations promulgated by the Secretary; and

“(II) shall not exceed \$10,000 for each instance where a covered entity knowingly violates subsection (a)(4)(B) or knowingly violates any other provision of this section.

“(vi) The termination of a covered entity’s participation in the program under this section, for a period of time to be determined by the Secretary, in cases in which the Sec-

retary determines, in accordance with standards and procedures established by regulation, that—

“(I) the violation by a covered entity of a requirement of this section was repeated and knowing; and

“(II) imposition of a monetary penalty would be insufficient to reasonably ensure compliance with the requirements of this section.

“(vii) The referral of matters, as appropriate, to the Food and Drug Administration, the Office of the Inspector General of the Department of Health and Human Services, or other Federal or State agencies.

“(3) ADMINISTRATIVE DISPUTE RESOLUTION PROCESS.—From amounts appropriated under subsection (f), the Secretary may establish and implement an administrative process for the resolution of the following:

“(A) Claims by covered entities that manufacturers have violated the terms of their agreement with the Secretary under subsection (a)(1).

“(B) Claims by manufacturers that covered entities have violated subsection (a)(4)(A) or (a)(4)(B).

“(e) AUDIT AND SANCTIONS.—

“(1) AUDIT.—From amounts appropriated under subsection (f), the Inspector General of the Department of Health and Human Services (referred to in this subsection as the ‘Inspector General’) shall audit covered entities under this section to verify compliance with criteria for eligibility and participation under this section, including the antidiversion prohibitions under subsection (a)(4)(B), and take enforcement action or provide information to the Secretary who shall take action to ensure program compliance, as appropriate. A covered entity shall provide to the Inspector General, upon request, records relevant to such audits.

“(2) REPORT.—For each audit conducted under paragraph (1), the Inspector General shall prepare and publish in a timely manner a report which shall include findings and recommendations regarding—

“(A) the appropriateness of covered entity eligibility determinations and, as applicable, certifications;

“(B) the effectiveness of antidiversion prohibitions; and

“(C) the effectiveness of restrictions on inpatient dispensing and administration.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2011 and each succeeding fiscal year.”.

(b) RULEMAKING.—Not later than January 1, 2011, the Secretary shall promulgate regulations implementing section 340B-1 of the Public Health Service Act (as added by subsection (a)).

(c) CONFORMING AMENDMENT TO SECTION 340B.—Paragraph (1) of section 340B(a) of the Public Health Service Act (42 U.S.C. 256b(a)) is amended by adding at the end the following: “Such agreement shall further require that, if the supply of a covered outpatient drug is insufficient to meet demand, then the manufacturer may use an allocation method that is reported in writing to, and approved by, the Secretary and does not discriminate on the basis of the price paid by covered entities or on any other basis related to the participation of an entity in the program under this section. The agreement with a manufacturer under this paragraph may, at the discretion of the Secretary, be included in the agreement with the same manufacturer under section 340B-1.”.

(d) CONFORMING AMENDMENTS TO MEDICAID.—Section 1927 of the Social Security Act (42 U.S.C. 1396r-8) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the first sentence, by striking “and paragraph (6)” and inserting “, paragraph (6), and paragraph (8)”; and

(B) by adding at the end the following new paragraph:

“(8) LIMITATION ON PRICES OF DRUGS PURCHASED BY 340B-1 COVERED ENTITIES.—

“(A) AGREEMENT WITH SECRETARY.—A manufacturer meets the requirements of this paragraph if the manufacturer has entered into an agreement with the Secretary that meets the requirements of section 340B-1 of the Public Health Service Act with respect to covered inpatient drugs (as defined in such section) purchased by a 340B-1-covered entity on or after January 1, 2011.

“(B) 340B-1 COVERED ENTITY DEFINED.—In this subsection, the term ‘340B-1-covered entity’ means an entity described in section 340B-1(b) of the Public Health Service Act.”; and

(2) in subsection (c)(1)(C)(i)(I)—

(A) by striking “or” before “a covered entity”; and

(B) by inserting before the semicolon the following: “, or a covered entity for a covered inpatient drug (as such terms are defined in section 340B-1 of the Public Health Service Act)”.

**SEC. 517. CONTINUED INCLUSION OF ORPHAN DRUGS IN DEFINITION OF COVERED OUTPATIENT DRUGS WITH RESPECT TO CHILDREN'S HOSPITALS UNDER THE 340B DRUG DISCOUNT PROGRAM.**

(a) DEFINITION OF COVERED OUTPATIENT DRUG.—

(1) AMENDMENT.—Subsection (e) of section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by striking “covered entities described in subparagraph (M)” and inserting “covered entities described in subparagraph (M) (other than a children’s hospital described in subparagraph (M))”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 2302 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152).

(b) TECHNICAL AMENDMENT.—Subparagraph (B) of section 1927(a)(5) of the Social Security Act (42 U.S.C. 1396r-8(a)(5)) is amended by striking “and a children’s hospital” and all that follows through the end of the subparagraph and inserting a period.

**SEC. 518. CONFORMING AMENDMENT RELATED TO WAIVER OF COINSURANCE FOR PREVENTIVE SERVICES.**

Effective as if included in section 10501(i)(2)(A) of Public Law 111-148, section 1833(a)(3)(A) of the Social Security Act (42 U.S.C. 1395l(a)(3)(A)) is amended by striking “section 1861(s)(10)(A)” and inserting “section 1861(ddd)(3)”.

**SEC. 519. ESTABLISH A CMS-IRS DATA MATCH TO IDENTIFY FRAUDULENT PROVIDERS.**

(a) AUTHORITY TO DISCLOSE RETURN INFORMATION CONCERNING OUTSTANDING TAX DEBTS FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(22) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

“(A) IN GENERAL.—The Secretary shall, upon written request from the Secretary of Health and Human Services, disclose to officers and employees of the Department of

Health and Human Services return information with respect to a taxpayer who has applied to enroll, or reenroll, as a provider of services or supplier under the Medicare program under title XVIII of the Social Security Act. Such return information shall be limited to—

“(i) the taxpayer identity information with respect to such taxpayer;

“(ii) the amount of the delinquent tax debt owed by that taxpayer; and

“(iii) the taxable year to which the delinquent tax debt pertains.

“(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of Health and Human Services for the purposes of, and to the extent necessary in, establishing the taxpayer's eligibility for enrollment or reenrollment in the Medicare program, or in any administrative or judicial proceeding relating to, or arising from, a denial of such enrollment or reenrollment, or in determining the level of enhanced oversight to be applied with respect to such taxpayer pursuant to section 1866(j)(3) of the Social Security Act.

“(C) DELINQUENT TAX DEBT.—For purposes of this paragraph, the term ‘delinquent tax debt’ means an outstanding debt under this title for which a notice of lien has been filed pursuant to section 6323, but the term does not include a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122, or a debt with respect to which a collection due process hearing under section 6330 is requested, pending, or completed and no payment is required.”.

(2) CONFORMING AMENDMENTS.—Section 6103(p)(4) of such Code, as amended by sections 1414 and 3308 of Public Law 111-148, in the matter preceding subparagraph (A) and in subparagraph (F)(ii), is amended by striking “or (17)” and inserting “(17), or (22)” each place it appears.

(b) SECRETARY'S AUTHORITY TO USE INFORMATION FROM THE DEPARTMENT OF TREASURY IN MEDICARE ENROLLMENTS AND REENROLLMENTS.—Section 1866(j)(2) of the Social Security Act (42 U.S.C. 1395cc(j)), as inserted by section 6401(a) of Public Law 111-148, is further amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) USE OF INFORMATION FROM THE DEPARTMENT OF TREASURY CONCERNING TAX DEBTS.—In reviewing the application of a provider of services or supplier to enroll or reenroll under the program under this title, the Secretary shall take into account the information supplied by the Secretary of the Treasury pursuant to section 6103(l)(22) of the Internal Revenue Code of 1986, in determining whether to deny such application or to apply enhanced oversight to such provider of services or supplier pursuant to paragraph (3) if the Secretary determines such provider of services or supplier owes such a debt.”.

(c) AUTHORITY TO ADJUST PAYMENTS OF PROVIDERS OF SERVICES AND SUPPLIERS WITH THE SAME TAX IDENTIFICATION NUMBER FOR MEDICARE OBLIGATIONS.—Section 1866(j)(6) of the Social Security Act (42 U.S.C. 1395cc(j)(6)), as inserted by section 6401(a) of Public Law 111-148 and as redesignated by section 1304 of Public Law 111-152, is amended—

(1) in the paragraph heading, by striking “PAST-DUE” and inserting “MEDICARE”;

(2) in subparagraph (A), by striking “past-due obligations described in subparagraph (B)(ii) of an” and inserting “amount de-

scribed in subparagraph (B)(ii) due from such”; and

(3) in subparagraph (B)(ii), by striking “a past-due obligation” and inserting “an amount that is more than the amount required to be paid”.

#### **SEC. 520. CLARIFICATION OF EFFECTIVE DATE OF PART B SPECIAL ENROLLMENT PERIOD FOR DISABLED TRICARE BENEFICIARIES.**

Effective as if included in the enactment of Public Law 111-148, section 3110(a)(2) of such Act is amended to read as follows:

“(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to elections made after the date of the enactment of this Act.”.

#### **SEC. 521. PHYSICIAN PAYMENT UPDATE.**

(a) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended—

(1) in paragraph (10), in the heading, by striking “PORTION” and inserting “JANUARY THROUGH MAY”; and

(2) by adding at the end the following new paragraph:

“(11) UPDATE FOR JUNE THROUGH NOVEMBER OF 2010.—

“(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), and (10)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2010 for the period beginning on June 1, 2010, and ending on November 30, 2010, the update to the single conversion factor shall be 2.2 percent.

“(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR REMAINING PORTION OF 2010 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on December 1, 2010, and ending on December 31, 2010, and for 2011 and subsequent years as if subparagraph (A) had never applied.”.

(b) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

#### **SEC. 522. ADJUSTMENT TO MEDICARE PAYMENT LOCALITIES.**

(a) IN GENERAL.—Section 1848(e) of the Social Security Act (42 U.S.C. 1395w-4(e)) is amended by adding at the end the following new paragraph:

“(6) TRANSITION TO USE OF MSAS AS FEE SCHEDULE AREAS IN CALIFORNIA.—

“(A) IN GENERAL.—

“(i) REVISION.—Subject to clause (ii) and notwithstanding the previous provisions of this subsection, for services furnished on or after January 1, 2012, the Secretary shall revise the fee schedule areas used for payment under this section applicable to the State of California using the Metropolitan Statistical Area (MSA) iterative Geographic Adjustment Factor methodology as follows:

“(I) The Secretary shall configure the physician fee schedule areas using the Metropolitan Statistical Areas (each in this paragraph referred to as an ‘MSA’), as defined by the Director of the Office of Management and Budget as of the date of the enactment of this paragraph, as the basis for the fee schedule areas.

“(II) For purposes of this clause, the Secretary shall treat all areas not included in an MSA as a single rest-of-State MSA and any reference in this paragraph to an MSA shall be deemed to include a reference to such rest-of-State MSA.

“(III) The Secretary shall list all MSAs within the State by Geographic Adjustment Factor described in paragraph (2) (in this paragraph referred to as a ‘GAF’) in descending order.

“(IV) In the first iteration, the Secretary shall compare the GAF of the highest cost MSA in the State to the weighted-average GAF of all the remaining MSAs in the State. If the ratio of the GAF of the highest cost MSA to the weighted-average of the GAF of remaining lower cost MSAs is 1.05 or greater, the highest cost MSA shall be a separate fee schedule area.

“(V) In the next iteration, the Secretary shall compare the GAF of the MSA with the second-highest GAF to the weighted-average GAF of all the remaining MSAs (excluding MSAs that become separate fee schedule areas). If the ratio of the second-highest MSA's GAF to the weighted-average of the remaining lower cost MSAs is 1.05 or greater, the second-highest MSA shall be a separate fee schedule area.

“(VI) The iterative process shall continue until the ratio of the GAF of the MSA with highest remaining GAF to the weighted-average of the remaining MSAs with lower GAFs is less than 1.05, and the remaining group of MSAs with lower GAFs shall be treated as a single rest-of-State fee schedule area.

“(VII) For purposes of the iterative process described in this clause, if two MSAs have identical GAFs, they shall be combined.

“(ii) TRANSITION.—For services furnished on or after January 1, 2012, and before January 1, 2017, in the State of California, after calculating the work, practice expense, and malpractice geographic indices that would otherwise be determined under clauses (i), (ii), and (iii) of paragraph (1)(A) for a fee schedule area determined under clause (i), if the index for a county within a fee schedule area is less than the index that would otherwise be in effect for such county, the Secretary shall instead apply the index that would otherwise be in effect for such county.

“(B) SUBSEQUENT REVISIONS.—After the transition described in subparagraph (A)(ii), not less than every 3 years the Secretary shall review and update the fee schedule areas using the methodology described in subparagraph (A)(i) and any updated MSAs as defined by the Director of the Office of Management and Budget. The Secretary shall review and make any changes pursuant to such reviews concurrent with the application of the periodic review of the adjustment factors required under paragraph (1)(C) for California.

“(C) REFERENCES TO FEE SCHEDULE AREAS.—Effective for services furnished on or after January 1, 2012, for the State of California, any reference in this section to a fee schedule area shall be deemed a reference to a fee schedule area established in accordance with this paragraph.”.

(b) CONFORMING AMENDMENT TO DEFINITION OF FEE SCHEDULE AREA.—Section 1848(j)(2) of the Social Security Act (42 U.S.C. 1395w(j)(2)) is amended by striking “The term” and inserting “Except as provided in subsection (e)(6)(C), the term”.

#### **SEC. 523. CLARIFICATION OF 3-DAY PAYMENT WINDOW.**

(a) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended—

(1) by adding at the end of subsection (a)(4) the following new sentence: "In applying the first sentence of this paragraph, the term 'other services related to the admission' includes all services that are not diagnostic services (other than ambulance and maintenance renal dialysis services) for which payment may be made under this title that are provided by a hospital (or an entity wholly owned or operated by the hospital) to a patient—

"(A) on the date of the patient's inpatient admission; or

"(B) during the 3 days (or, in the case of a hospital that is not a subsection (d) hospital, during the 1 day) immediately preceding the date of such admission unless the hospital demonstrates (in a form and manner, and at a time, specified by the Secretary) that such services are not related (as determined by the Secretary) to such admission."; and

(2) in subsection (d)(7)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) the determination of whether services provided prior to a patient's inpatient admission are related to the admission (as described in subsection (a)(4))."

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to services furnished on or after the date of the enactment of this Act.

(c) **NO REOPENING OF PREVIOUSLY BUNDLED CLAIMS.**—

(1) **IN GENERAL.**—The Secretary of Health and Human Services may not reopen a claim, adjust a claim, or make a payment pursuant to any request for payment under title XVIII of the Social Security Act, submitted by an entity (including a hospital or an entity wholly owned or operated by the hospital) for services described in paragraph (2) for purposes of treating, as unrelated to a patient's inpatient admission, services provided during the 3 days (or, in the case of a hospital that is not a subsection (d) hospital, during the 1 day) immediately preceding the date of the patient's inpatient admission.

(2) **SERVICES DESCRIBED.**—For purposes of paragraph (1), the services described in this paragraph are other services related to the admission (as described in section 1886(a)(4) of the Social Security Act (42 U.S.C. 1395ww(a)(4)), as amended by subsection (a)) which were previously included on a claim or request for payment submitted under part A of title XVIII of such Act for which a reopening, adjustment, or request for payment under part B of such title, was not submitted prior to the date of the enactment of this Act.

(d) **IMPLEMENTATION.**—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of this section (and amendments made by this section) by program instruction or otherwise.

(e) **RULE OF CONSTRUCTION.**—Nothing in the amendments made by this section shall be construed as changing the policy described in section 1886(a)(4) of the Social Security Act (42 U.S.C. 1395ww(a)(4)), as applied by the Secretary of Health and Human Services before the date of the enactment of this Act, with respect to diagnostic services.

#### **SEC. 524. EXTENSION OF ARRA INCREASE IN FMAP.**

Section 5001 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(1) in subsection (a)(3), by striking "first calendar quarter" and inserting "first 3 calendar quarters";

(2) in subsection (c)—

(A) in paragraph (2)(B), by striking "July 1, 2010" and inserting "January 1, 2011";

(B) in paragraph (3)(B)(i), by striking "July 1, 2010" and inserting "January 1, 2011" each place it appears; and

(C) in paragraph (4)(C)(ii), by striking "the 3-consecutive-month period beginning with January 2010" and inserting "any 3-consecutive-month period that begins after December 2009 and ends before January 2011";

(3) in subsection (e), by adding at the end the following:

"Notwithstanding paragraph (5), effective for payments made on or after January 1, 2010, the increases in the FMAP for a State under this section shall apply to payments under title XIX of such Act that are attributable to expenditures for medical assistance provided to nonpregnant childless adults made eligible under a State plan under such title (including under any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) who would have been eligible for child health assistance or other health benefits under eligibility standards in effect as of December 31, 2009, of a waiver of the State child health plan under the title XXI of such Act.";

(4) in subsection (g)—

(A) in paragraph (1), by striking "September 30, 2011" and inserting "March 31, 2012";

(B) in paragraph (2), by inserting "of such Act" after "1923"; and

(C) by adding at the end the following:

"(3) **CERTIFICATION BY CHIEF EXECUTIVE OFFICER.**—No additional Federal funds shall be paid to a State as a result of this section with respect to a calendar quarter occurring during the period beginning on January 1, 2011, and ending on June 30, 2011, unless, not later than 45 days after the date of enactment of this paragraph, the chief executive officer of the State certifies that the State will request and use such additional Federal funds.";

(5) in subsection (h)(3), by striking "December 31, 2010" and inserting "June 30, 2011".

#### **SEC. 525. CLARIFICATION FOR AFFILIATED HOSPITALS FOR DISTRIBUTION OF ADDITIONAL RESIDENCY POSITIONS.**

Effective as if included in the enactment of section 5503(a) of Public Law 111-148, section 1886(h)(8) of the Social Security Act (42 U.S.C. 1395ww(h)(8)), as added by such section 5503(a), is amended by adding at the end the following new subparagraph:

"(I) **AFFILIATION.**—The provisions of this paragraph shall be applied to hospitals which are members of the same affiliated group (as defined by the Secretary under paragraph (4)(H)(ii)) and the reference resident level for each such hospital shall be the reference resident level with respect to the cost reporting period that results in the smallest difference between the reference resident level and the otherwise applicable resident limit.".

#### **TITLE VI—OTHER PROVISIONS**

#### **SEC. 601. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.**

(a) **EXTENSION.**—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), as amended by section 7(a) of Public Law 111-157, is amended by striking "by substituting" and all that follows through the period at the end, and inserting "by substituting December 31, 2010, for the date specified in each such section.".

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall be considered to have taken effect on May 31, 2010.

#### **SEC. 602. ALLOCATION OF GEOTHERMAL RECEIPTS.**

Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

#### **SEC. 603. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.**

(a) **APPROPRIATION.**—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for "Small Business Administration—Business Loans Program Account", \$505,000,000, to remain available through December 31, 2010, for the cost of—

(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151), as amended by this section; and

(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 152), as amended by this section.

Such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) **EXTENSION OF PROGRAMS.**—

(1) **FEEES.**—Section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151) is amended by striking "September 30, 2010" each place it appears and inserting "December 31, 2010".

(2) **LOAN GUARANTEES.**—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 153) is amended by striking "May 31, 2010" and inserting "December 31, 2010".

(c) **APPROPRIATION.**—There is appropriated for an additional amount, out of any funds in the Treasury not otherwise appropriated, for administrative expenses to carry out sections 501 and 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), \$5,000,000, to remain available until expended, which may be transferred and merged with the appropriation for "Small Business Administration—Salaries and Expenses".

#### **SEC. 604. EMERGENCY AGRICULTURAL DISASTER ASSISTANCE.**

(a) **DEFINITIONS.**—Except as otherwise provided in this section, in this section:

(1) **DISASTER COUNTY.**—

(A) **IN GENERAL.**—The term "disaster county" means a county included in the geographic area covered by a qualifying natural disaster declaration for the 2009 crop year.

(B) **EXCLUSION.**—The term "disaster county" does not include a contiguous county.

(2) **ELIGIBLE AQUACULTURE PRODUCER.**—The term "eligible aquaculture producer" means an aquaculture producer that during the 2009 calendar year, as determined by the Secretary—

(A) produced an aquaculture species for which feed costs represented a substantial

percentage of the input costs of the aquaculture operation; and

(B) experienced a substantial price increase of feed costs above the previous 5-year average.

(3) **ELIGIBLE PRODUCER.**—The term “eligible producer” means an agricultural producer in a disaster county.

(4) **ELIGIBLE SPECIALTY CROP PRODUCER.**—The term “eligible specialty crop producer” means an agricultural producer that, for the 2009 crop year, as determined by the Secretary—

(A) produced, or was prevented from planting, a specialty crop; and

(B) experienced specialty crop losses in a disaster county due to drought, excessive rainfall, or a related condition.

(5) **QUALIFYING NATURAL DISASTER DECLARATION.**—The term “qualifying natural disaster declaration” means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(6) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(7) **SPECIALTY CROP.**—The term “specialty crop” has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108-465; 7 U.S.C. 1621 note).

(b) **SUPPLEMENTAL DIRECT PAYMENT.**—

(1) **IN GENERAL.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary to make supplemental payments under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to eligible producers on farms located in disaster counties that had at least 1 crop of economic significance (other than specialty crops or crops intended for grazing) suffer at least a 5-percent crop loss on a farm due to a natural disaster, including quality losses, as determined by the Secretary, in an amount equal to 90 percent of the direct payment the eligible producers received for the 2009 crop year on the farm.

(2) **ACRE PROGRAM.**—Eligible producers that received direct payments under section 1105 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8715) for the 2009 crop year and that otherwise meet the requirements of paragraph (1) shall be eligible to receive supplemental payments under that paragraph in an amount equal to 112.5 percent of the reduced direct payment the eligible producers received for the 2009 crop year under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753).

(3) **RELATIONSHIP TO OTHER LAW.**—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(c) **SPECIALTY CROP ASSISTANCE.**—

(1) **IN GENERAL.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$300,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to a natural disaster affecting the 2009 crops, of which not more than—

(A) \$150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of drought; and

(B) \$150,000,000 shall be used to assist eligible specialty crop producers in counties that

have been declared a disaster as the result of excessive rainfall or a related condition.

(2) **NOTIFICATION.**—Not later than 45 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible specialty crop producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible specialty crop producers.

(3) **PROVISION OF GRANTS.**—

(A) **IN GENERAL.**—The Secretary shall make grants to States for disaster counties on a pro rata basis based on the value of specialty crop losses in those counties during the 2009 calendar year, as determined by the Secretary.

(B) **ADMINISTRATIVE COSTS.**—State Secretary of Agriculture may not use more than five percent of the funds provided for costs associated with the administration of the grants provided in paragraph (1).

(C) **ADMINISTRATION OF GRANTS.**—State Secretary of Agriculture may enter into a contract with the Department of Agriculture to administer the grants provided in paragraph (1).

(D) **TIMING.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(E) **MAXIMUM GRANT.**—The maximum amount of a grant made to a State for counties described in paragraph (1)(B) may not exceed \$40,000,000.

(4) **REQUIREMENTS.**—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to issue payments to eligible specialty crop producers;

(B) provide assistance to eligible specialty crop producers not later than 60 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible specialty crop producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided by type of specialty crop; and

(iii) the process by which the State determined the levels of assistance to eligible specialty crop producers.

(D) **RELATION TO OTHER LAW.**—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(d) **COTTONSEED ASSISTANCE.**—

(1) **IN GENERAL.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$42,000,000 to provide supplemental assistance to eligible producers and first-handlers of the 2009 crop of cottonseed in a disaster county.

(2) **GENERAL TERMS.**—Except as otherwise provided in this subsection, the Secretary shall provide disaster assistance under this subsection under the same terms and conditions as assistance provided under section 3015 of the Emergency Agricultural Disaster Assistance Act of 2006 (title III of Public Law 109-234; 120 Stat. 477).

(3) **DISTRIBUTION OF ASSISTANCE.**—The Secretary shall distribute assistance to first handlers for the benefit of eligible producers in a disaster county in an amount equal to the product obtained by multiplying—

(A) the payment rate, as determined under paragraph (4); and

(B) the county-eligible production, as determined under paragraph (5).

(4) **PAYMENT RATE.**—The payment rate shall be equal to the quotient obtained by dividing—

(A) the total funds made available to carry out this subsection; by

(B) the sum of the county-eligible production, as determined under paragraph (5).

(5) **COUNTY-ELIGIBLE PRODUCTION.**—The county-eligible production shall be equal to the product obtained by multiplying—

(A) the number of acres planted to cotton in the disaster county, as reported to the Secretary by first handlers;

(B) the expected cotton lint yield for the disaster county, as determined by the Secretary based on the best available information; and

(C) the national average seed-to-lint ratio, as determined by the Secretary based on the best available information for the 5 crop years immediately preceding the 2009 crop, excluding the year in which the average ratio was the highest and the year in which the average ratio was the lowest in such period.

(e) **AQUACULTURE ASSISTANCE.**—

(1) **IN GENERAL.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$25,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible aquaculture producers for losses associated with high feed input costs during the 2009 calendar year.

(2) **NOTIFICATION.**—Not later than 45 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible aquaculture producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible aquaculture producers.

(3) **PROVISION OF GRANTS.**—

(A) **IN GENERAL.**—The Secretary shall make grants to States under this subsection on a pro rata basis based on the amount of aquaculture feed used in each State during the 2009 calendar year, as determined by the Secretary.

(B) **TIMING.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(4) **REQUIREMENTS.**—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to assist eligible aquaculture producers;

(B) provide assistance to eligible aquaculture producers not later than 60 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible aquaculture producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided per species of aquaculture; and

(iii) the process by which the State determined the levels of assistance to eligible aquaculture producers.

(5) **REDUCTION IN PAYMENTS.**—An eligible aquaculture producer that receives assistance under this subsection shall not be eligible to receive any other assistance under the supplemental agricultural disaster assistance program established under section 531

of the Federal Crop Insurance Act (7 U.S.C. 1531) and section 901 of the Trade Act of 1974 (19 U.S.C. 2497) for any losses in 2009 relating to the same species of aquaculture.

(6) **REPORT TO CONGRESS.**—Not later than 240 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that—

(A) describes in detail the manner in which this subsection has been carried out; and

(B) includes the information reported to the Secretary under paragraph (4)(C).

(f) **HAWAII TRANSPORTATION COOPERATIVE.**—Notwithstanding any other provision of law, the Secretary shall use \$21,000,000 of funds of the Commodity Credit Corporation to make a payment to an agricultural transportation cooperative in the State of Hawaii, the members of which are eligible to participate in the commodity loan program of the Farm Service Agency, for assistance to maintain and develop employment.

(g) **LIVESTOCK FORAGE DISASTER PROGRAM.**—

(1) **DEFINITION OF DISASTER COUNTY.**—In this subsection:

(A) **IN GENERAL.**—The term “disaster county” means a county included in the geographic area covered by a qualifying natural disaster declaration announced by the Secretary in calendar year 2009.

(B) **INCLUSION.**—The term “disaster county” includes a contiguous county.

(2) **PAYMENTS.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$50,000,000 to carry out a program to make payments to eligible producers that had grazing losses in disaster counties in calendar year 2009.

(3) **CRITERIA.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), assistance under this subsection shall be determined under the same criteria as are used to carry out the programs under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(B) **DROUGHT INTENSITY.**—For purposes of this subsection, an eligible producer shall not be required to meet the drought intensity requirements of section 531(d)(3)(D)(ii) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(D)(ii)) and section 901(d)(3)(D)(ii) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(D)(ii)).

(4) **AMOUNT.**—Assistance under this subsection shall be in an amount equal to 1 monthly payment using the monthly payment rate under section 531(d)(3)(B) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(B)) and section 901(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(B)).

(5) **RELATION TO OTHER LAW.**—An eligible producer that receives assistance under this subsection shall be ineligible to receive assistance for 2009 grazing losses under the program carried out under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(h) **EMERGENCY LOANS FOR POULTRY PRODUCERS.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **ANNOUNCEMENT DATE.**—The term “announcement date” means the date on which the Secretary announces the emergency loan program under this subsection.

(B) **POULTRY INTEGRATOR.**—The term “poultry integrator” means a poultry integrator that filed proceedings under chapter 11 of title 11, United States Code, in United States Bankruptcy Court during the 30-day period beginning on December 1, 2008.

(2) **LOAN PROGRAM.**—

(A) **IN GENERAL.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$75,000,000, to remain available until expended, for the cost of making no-interest emergency loans available to poultry producers that meet the requirements of this subsection.

(B) **TERMS AND CONDITIONS.**—Except as otherwise provided in this subsection, emergency loans under this subsection shall be subject to such terms and conditions as are determined by the Secretary.

(3) **LOANS.**—

(A) **IN GENERAL.**—An emergency loan made to a poultry producer under this subsection shall be for the purpose of providing financing to the poultry producer in response to financial losses associated with the termination or nonrenewal of any contract between the poultry producer and a poultry integrator.

(B) **ELIGIBILITY.**—

(i) **IN GENERAL.**—To be eligible for an emergency loan under this subsection, not later than 90 days after the announcement date, a poultry producer shall submit to the Secretary evidence that—

(I) the contract of the poultry producer described in subparagraph (A) was not continued; and

(II) no similar contract has been awarded subsequently to the poultry producer.

(ii) **REQUIREMENT TO OFFER LOANS.**—Notwithstanding any other provision of law, if a poultry producer meets the eligibility requirements described in clause (i), subject to the availability of funds under paragraph (2)(A), the Secretary shall offer to make a loan under this subsection to the poultry producer with a minimum term of 2 years.

(4) **ADDITIONAL REQUIREMENTS.**—

(A) **IN GENERAL.**—A poultry producer that receives an emergency loan under this subsection may use the emergency loan proceeds only to repay the amount that the poultry producer owes to any lender for the purchase, improvement, or operation of the poultry farm.

(B) **CONVERSION OF THE LOAN.**—A poultry producer that receives an emergency loan under this subsection shall be eligible to have the balance of the emergency loan converted, but not refinanced, to a loan that has the same terms and conditions as an operating loan under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.).

(i) **STATE AND LOCAL GOVERNMENTS.**—Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is amended by inserting “(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)” before the period at the end.

(j) **ADMINISTRATION.**—

(1) **REGULATIONS.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to implement this section and the amendment made by this section.

(B) **PROCEDURE.**—The promulgation of the regulations and administration of this section and the amendment made by this section shall be made without regard to—

(i) the notice and comment provisions of section 553 of title 5, United States Code;

(ii) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(iii) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(C) **CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**—In carrying out this paragraph, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(2) **ADMINISTRATIVE COSTS.**—Of the funds of the Commodity Credit Corporation, the Secretary may use up to \$10,000,000 to pay administrative costs incurred by the Secretary that are directly related to carrying out this Act.

(3) **PROHIBITION.**—None of the funds of the Agricultural Disaster Relief Trust Fund established under section 902 of the Trade Act of 1974 (19 U.S.C. 2497a) may be used to carry out this Act.

#### SEC. 605. SUMMER EMPLOYMENT FOR YOUTH.

There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for “Department of Labor—Employment and Training Administration—Training and Employment Services” for activities under the Workforce Investment Act of 1998 (“WIA”), \$1,000,000,000 shall be available for obligation on the date of enactment of this Act for grants to States for youth activities, including summer employment for youth: *Provided*, That no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA: *Provided further*, That for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities in the fiscal year does not exceed \$1,000,000,000: *Provided further*, That with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting “age 24” for “age 21”: *Provided further*, That the work readiness performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer employment for youth provided with such funds: *Provided further*, That an amount that is not more than 1 percent of such amount may be used for the administration, management, and oversight of the programs, activities, and grants carried out with such funds, including the evaluation of the use of such funds: *Provided further*, That funds available under the preceding proviso, together with funds described in section 801(a) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), and funds provided in such Act under the heading “Department of Labor—Departmental Management—Salaries and Expenses”, shall remain available for obligation through September 30, 2011.

#### SEC. 606. HOUSING TRUST FUND.

(a) **FUNDING.**—There is hereby appropriated for the Housing Trust Fund established pursuant to section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568), \$1,065,000,000, for use under such section: *Provided*, That of the total amount provided under this heading, \$65,000,000 shall be available to the Secretary of Housing and Urban Development only for incremental project-based voucher assistance to be allocated to States to be used solely in conjunction with grant funds awarded under such section 1338, pursuant to the formula established under section 1338 and taking into account different per unit subsidy needs among states, as determined by the Secretary.

(b) **AMENDMENTS.**—Section 1338 of the Federal Housing Enterprises Financial Safety

and Soundness Act of 1992 (12 U.S.C. 4568) is amended—

(1) in subsection (c)—

(A) in paragraph (4)(A) by inserting after the period at the end the following: “Notwithstanding any other provision of law, for the fiscal year following enactment of this sentence and thereafter, the Secretary may make such notice available only on the Internet at the appropriate government website or websites or through other electronic media, as determined by the Secretary.”;

(B) in paragraph (5)(C), by striking “(8)” and inserting “(9)”; and

(C) in paragraph (7)(A)—

(i) by striking “section 1335(a)(2)(B)” and inserting “section 1335(a)(1)(B)”; and

(ii) by inserting “the units funded under” after “75 percent of”; and

(2) by adding at the end the following new subsection:

“(k) ENVIRONMENTAL REVIEW.—For the purpose of environmental compliance review, funds awarded under this section shall be subject to section 288 of the HOME Investment Partnerships Act (12 U.S.C. 12838) and shall be treated as funds under the program established by such Act.”.

**SEC. 607. THE INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT ACT OF 2010.**

(a) SHORT TITLE.—This section may be cited as the “Individual Indian Money Account Litigation Settlement Act of 2010”.

(b) DEFINITIONS.—In this section:

(1) AMENDED COMPLAINT.—The term “Amended Complaint” means the Amended Complaint attached to the Settlement.

(2) LAND CONSOLIDATION PROGRAM.—The term “Land Consolidation Program” means a program conducted in accordance with the Settlement and the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) under which the Secretary may purchase fractional interests in trust or restricted land.

(3) LITIGATION.—The term “Litigation” means the case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, United States District Court, District of Columbia, Civil Action No. 96-1285 (JR).

(4) PLAINTIFF.—The term “Plaintiff” means a member of any class certified in the Litigation.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) SETTLEMENT.—The term “Settlement” means the Class Action Settlement Agreement dated December 7, 2009, in the Litigation, as modified by the parties to the Litigation.

(7) TRUST ADMINISTRATION CLASS.—The term “Trust Administration Class” means the Trust Administration Class as defined in the Settlement.

(c) PURPOSE.—The purpose of this section is to authorize the Settlement.

(d) AUTHORIZATION.—The Settlement is authorized, ratified, and confirmed.

(e) JURISDICTIONAL PROVISIONS.—

(1) IN GENERAL.—Notwithstanding the limitation of jurisdiction of district courts contained in section 1346(a)(2) of title 28, United States Code, the United States District Court for the District of Columbia shall have jurisdiction over the claims asserted in the Amended Complaint for purposes of the Settlement.

(2) CERTIFICATION OF TRUST ADMINISTRATION CLASS.—

(A) IN GENERAL.—Notwithstanding the requirements of the Federal Rules of Civil Procedure, the court overseeing the Litigation may certify the Trust Administration Class.

(B) TREATMENT.—On certification under subparagraph (A), the Trust Administration Class shall be treated as a class under Federal Rule of Civil Procedure 23(b)(3) for purposes of the Settlement.

(f) TRUST LAND CONSOLIDATION.—

(1) TRUST LAND CONSOLIDATION FUND.—

(A) ESTABLISHMENT.—On final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the “Trust Land Consolidation Fund”.

(B) AVAILABILITY OF AMOUNTS.—Amounts in the Trust Land Consolidation Fund shall be made available to the Secretary during the 10-year period beginning on the date of final approval of the Settlement—

(i) to conduct the Land Consolidation Program; and

(ii) for other costs specified in the Settlement.

(C) DEPOSITS.—

(i) IN GENERAL.—On final approval (as defined in the Settlement) of the Settlement, the Secretary of the Treasury shall deposit in the Trust Land Consolidation Fund \$2,000,000,000 of the amounts appropriated by section 1304 of title 31, United States Code.

(ii) CONDITIONS MET.—The conditions described in section 1304 of title 31, United States Code, shall be considered to be met for purposes of clause (i).

(D) TRANSFERS.—In a manner designed to encourage participation in the Land Consolidation Program, the Secretary may transfer, at the discretion of the Secretary, not more than \$60,000,000 of amounts in the Trust Land Consolidation Fund to the Indian Education Scholarship Holding Fund established under paragraph 2.

(2) INDIAN EDUCATION SCHOLARSHIP HOLDING FUND.—

(A) ESTABLISHMENT.—On the final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the “Indian Education Scholarship Holding Fund”.

(B) AVAILABILITY.—Notwithstanding any other provision of law governing competition, public notification, or Federal procurement or assistance, amounts in the Indian Education Scholarship Holding Fund shall be made available, without further appropriation, to the Secretary to contribute to an Indian Education Scholarship Fund, as described in the Settlement, to provide scholarships for Native Americans.

(3) ACQUISITION OF TRUST OR RESTRICTED LAND.—The Secretary may acquire, at the discretion of the Secretary and in accordance with the Land Consolidation Program, any fractional interest in trust or restricted land.

(4) TREATMENT OF UNLOCATABLE PLAINTIFFS.—A Plaintiff the whereabouts of whom are unknown and who, after reasonable efforts by the Secretary, cannot be located during the 5 year period beginning on the date of final approval (as defined in the Settlement) of the Settlement shall be considered to have accepted an offer made pursuant to the Land Consolidation Program.

(g) TAXATION AND OTHER BENEFITS.—

(1) INTERNAL REVENUE CODE.—For purposes of the Internal Revenue Code of 1986, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement—

(A) shall not be included in gross income; and

(B) shall not be taken into consideration for purposes of applying any provision of the Internal Revenue Code of 1986 that takes

into account excludable income in computing adjusted gross income or modified adjusted gross income, including section 86 of that Code (relating to Social Security and tier 1 railroad retirement benefits).

(2) OTHER BENEFITS.—Notwithstanding any other provision of law, for purposes of determining initial eligibility, ongoing eligibility, or level of benefits under any Federal or federally assisted program, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be treated for any household member, during the 1-year period beginning on the date of receipt—

(A) as income for the month during which the amounts were received; or

(B) as a resource.

**SEC. 608. APPROPRIATION OF FUNDS FOR FINAL SETTLEMENT OF CLAIMS FROM IN RE BLACK FARMERS DISCRIMINATION LITIGATION.**

(a) DEFINITIONS.—In this section:

(1) SETTLEMENT AGREEMENT.—The term “Settlement Agreement” means the settlement agreement dated February 18, 2010 (including any modifications agreed to by the parties and approved by the court under that agreement) between certain plaintiffs, by and through their counsel, and the Secretary of Agriculture to resolve, fully and forever, the claims raised or that could have been raised in the cases consolidated in *In re Black Farmers Discrimination Litigation*, No. 08-511 (D.D.C.), including Pigford claims asserted under section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2209).

(2) PIGFORD CLAIM.—The term “Pigford claim” has the meaning given that term in section 14012(a)(3) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2210).

(b) APPROPRIATION OF FUNDS.—There is hereby appropriated to the Secretary of Agriculture \$1,150,000,000, to remain available until expended, to carry out the terms of the Settlement Agreement if the Settlement Agreement is approved by a court order that is or becomes final and nonappealable. The funds appropriated by this subsection are in addition to the \$100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2212) and shall be available for obligation only after those Commodity Credit Corporation funds are fully obligated. If the Settlement Agreement is not approved as provided in this subsection, the \$100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 shall be the sole funding available for Pigford claims.

(c) USE OF FUNDS.—The use of the funds appropriated by subsection (b) shall be subject to the express terms of the Settlement Agreement.

(d) TREATMENT OF REMAINING FUNDS.—If any of the funds appropriated by subsection (b) are not obligated and expended to carry out the Settlement Agreement, the Secretary of Agriculture shall return the unused funds to the Treasury and may not make the unused funds available for any purpose related to section 14012 of the Food, Conservation, and Energy Act of 2008, for any other settlement agreement executed in *In re Black Farmers Discrimination Litigation*, No. 08-511 (D.D.C.), or for any other purpose.

(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed as requiring the United States, any of its officers or agencies, or any other party to enter into the

Settlement Agreement or any other settlement agreement. Nothing in this section shall be construed as creating the basis for a Pigford claim.

(f) CONFORMING AMENDMENTS.—Section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2209) is amended—

- (1) in subsection (c)(1)—
- (A) by striking “subsection (h)” and inserting “subsection (g)”; and
- (B) by striking “subsection (i)” and inserting “subsection (h)”;
- (2) by striking subsection (e);
- (3) in subsection (g), by striking “subsection (f)” and inserting “subsection (e)”;
- (4) in subsection (i)—
- (A) by striking “(1) IN GENERAL.—Of the funds” and inserting “Of the funds”; and
- (B) by striking paragraph (2);
- (5) by striking subsection (j); and
- (6) by redesignating subsections (f), (g), (h), (i), and (k) as subsections (e), (f), (g), (h), and (i), respectively.

**SEC. 609. EXPANSION OF ELIGIBILITY FOR CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS’ DISABILITY COMPENSATION TO INCLUDE ALL CHAPTER 61 DISABILITY RETIREES REGARDLESS OF DISABILITY RATING PERCENTAGE OR YEARS OF SERVICE.**

(a) PHASED EXPANSION CONCURRENT RECEIPT.—Subsection (a) of section 1414 of title 10, United States Code, is amended to read as follows:

“(a) PAYMENT OF BOTH RETIRED PAY AND DISABILITY COMPENSATION.—

“(1) PAYMENT OF BOTH REQUIRED.—

“(A) IN GENERAL.—Subject to subsection (b), a member or former member of the uniformed services who is entitled for any month to retired pay and who is also entitled for that month to veterans’ disability compensation for a qualifying service-connected disability (in this section referred to as a ‘qualified retiree’) is entitled to be paid both for that month without regard to sections 5304 and 5305 of title 38.

“(B) APPLICABILITY OF FULL CONCURRENT RECEIPT PHASE-IN REQUIREMENT.—During the period beginning on January 1, 2004, and ending on December 31, 2013, payment of retired pay to a qualified retiree is subject to subsection (c).

“(C) PHASE-IN EXCEPTION FOR 100 PERCENT DISABLED RETIREES.—The payment of retired pay is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004, in the case of the following qualified retirees:

“(i) A qualified retiree receiving veterans’ disability compensation for a disability rated as 100 percent.

“(ii) A qualified retiree receiving veterans’ disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability.

“(D) TEMPORARY PHASE-IN EXCEPTION FOR CERTAIN CHAPTER 61 DISABILITY RETIREES; TERMINATION.—Subject to subsection (b), during the period beginning on January 1, 2011, and ending on September 30, 2012, subsection (c) shall not apply to a qualified retiree described in subparagraph (B) or (C) of paragraph (2).

“(2) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section:

“(A) 50 PERCENT RATING THRESHOLD.—In the case of a member or former member receiving retired pay under any provision of law other than chapter 61 of this title, or under chapter 61 with 20 years or more of service otherwise creditable under section 1405 or computed under section 12732 of this title,

the term ‘qualifying service-connected disability’ means a service-connected disability or combination of service-connected disabilities that is rated as not less than 50 percent disabling by the Secretary of Veterans Affairs. However, during the period specified in paragraph (1)(D), members or former members receiving retired pay under chapter 61 with 20 years or more of creditable service computed under section 12732 of this title, but not otherwise entitled to retired pay under any other provision of this title, shall qualify in accordance with subparagraphs (B) and (C).

“(B) INCLUSION OF MEMBERS NOT OTHERWISE ENTITLED TO RETIRED PAY.—In the case of a member or former member receiving retired pay under chapter 61 of this title, but who is not otherwise entitled to retired pay under any other provision of this title, the term ‘qualifying service-connected disability’ means a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (which, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

“(i) January 1, 2011, rated 100 percent, or a rate payable at 100 percent by reason of individual unemployability or rated 90 percent.

“(ii) January 1, 2012, rated 80 percent or 70 percent.

“(iii) January 1, 2013, rated 60 percent or 50 percent.

“(C) ELIMINATION OF RATING THRESHOLD.—In the case of a member or former member receiving retired pay under chapter 61 regardless of being otherwise eligible for retirement, the term ‘qualifying service-connected disability’ means a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (which, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

“(i) January 1, 2014, rated 40 percent or 30 percent.

“(ii) January 1, 2015, any rating.

“(3) LIMITED DURATION.—Notwithstanding the effective date specified in each clause of subparagraphs (B) and (C) of paragraph (2), the clause—

“(A) shall apply only if the termination date specified in paragraph (1)(D) would occur during or after the calendar year specified in the clause; and

“(B) shall not apply beyond the termination date specified in paragraph (1)(D).”.

(b) CONFORMING AMENDMENT TO SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES.—Subsection (b) of such section is amended to read as follows:

“(b) SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES WHEN ELIGIBILITY HAS BEEN ESTABLISHED FOR SUCH RETIREES.—

“(1) GENERAL REDUCTION RULE.—The retired pay of a member retired under chapter 61 of this title is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the members retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member’s service in the uniformed services if the member had not been retired under chapter 61 of this title.

“(2) CHAPTER 61 RETIREES NOT OTHERWISE ENTITLED TO RETIRED PAY.—

“(A) BEFORE TERMINATION DATE.—If a member with a qualifying service-connected dis-

ability (as defined in subsection (a)(2)) is retired under chapter 61 of this title, but is not otherwise entitled to retired pay under any other provision of this title, and the termination date specified in subsection (a)(1)(D) has not occurred, the retired pay of the member is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member’s retired pay under chapter 61 of this title exceeds the amount equal to 2½ percent of the member’s years of creditable service multiplied by the member’s retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.

“(B) AFTER TERMINATION DATE.—Subsection (a) does not apply to a member described in subparagraph (A) if the termination date specified in subsection (a)(1)(D) has occurred.”.

(c) CONFORMING AMENDMENT TO FULL CONCURRENT RECEIPT PHASE-IN.—Subsection (c) of such section is amended by striking “the second sentence of”.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

**“§ 1414. Concurrent receipt of retired pay and veterans’ disability compensation”.**

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item related to section 1414 and inserting the following new item:

“1414. Concurrent receipt of retired pay and veterans’ disability compensation.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2011.

**SEC. 610. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.**

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), as amended by section 6 of the Continuing Extension Act of 2010 (Public Law 111-157), is amended—

(1) by striking “before May 31, 2010”; and

(2) by inserting “for 2011” after “until updated poverty guidelines”.

**SEC. 611. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.**

(a) IN GENERAL.—Subchapter A of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**“SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.**

“(a) IN GENERAL.—Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

“(b) TERMINATION.—Subsection (a) shall not apply to any amount received after December 31, 2010.”.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

"Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs."

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts received after December 31, 2009.

**SEC. 612. STATE COURT IMPROVEMENT PROGRAM.**

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended—

(1) in subsection (c)(2)(A), by striking "2010" and inserting "2011"; and

(2) in subsection (e), by striking "2010" and inserting "2011".

**SEC. 613. QUALIFYING TIMBER CONTRACT OPTIONS.**

(a) **DEFINITIONS.**—In this section:

(1) **QUALIFYING CONTRACT.**—The term "qualifying contract" means a contract that has not been terminated by the Bureau of Land Management for the sale of timber on lands administered by the Bureau of Land Management that meets all of the following criteria:

(A) The contract was awarded during the period beginning on January 1, 2005, and ending on December 31, 2008.

(B) There is unharvested volume remaining for the contract.

(C) The contract is not a salvage sale.

(D) The Secretary determined there is not an urgent need to harvest under the contract due to deteriorating timber conditions that developed after the award of the contract.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior, acting through the Director of Bureau of Land Management.

(3) **TIMBER PURCHASER.**—The term "timber purchaser" means the party to the qualifying contract for the sale of timber from lands administered by the Bureau of Land Management.

(b) **MARKET-RELATED CONTRACT EXTENSION OPTION.**—Upon a timber purchaser's written request, the Secretary may make a one-time modification to the qualifying contract to add 3 years to the contract expiration date if the written request—

(1) is received by the Secretary not later than 90 days after the date of enactment of this Act; and

(2) contains a provision releasing the United States from all liability, including further consideration or compensation, resulting from the modification under this subsection of the term of a qualifying contract.

(c) **REPORTING.**—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report detailing a plan and timeline to promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(d) **REGULATIONS.**—Not later than 2 years after the date of the enactment of this Act, the Secretary shall promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(e) **NO SURRENDER OF CLAIMS.**—This section shall not have the effect of surrendering any claim by the United States against any timber purchaser that arose under a timber sale contract, including a qualifying contract, before the date on which the Secretary adjusts the contract term under subsection (b).

**SEC. 614. EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED SURFACE TRANSPORTATION PROGRAMS.**

(a) **MODIFICATION OF ALLOCATION RULES.**—Section 411(d) of the Surface Transportation Extension Act of 2010 (Public Law 111-147; 124 Stat. 80) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "1301, 1302,"; and

(ii) by striking "1198, 1204,"; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking "apportioned under sections 104(b) and 144 of title 23, United States Code," and inserting "specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),"; and

(ii) in clause (i) by striking "apportioned under such sections of such Code" and inserting "specified in such section 105(a)(2) (except the high priority projects program)";

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "1301, 1302,"; and

(ii) by striking "1198, 1204,"; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking "apportioned under sections 104(b) and 144 of title 23, United States Code," and inserting "specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),"; and

(ii) in clause (i) by striking "apportioned under such sections of such Code" and inserting "specified in such section 105(a)(2) (except the high priority projects program)"; and

(3) by adding at the end the following:

"(5) **PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE AND NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAMS.**—

"(A) **REDISTRIBUTION AMONG STATES.**—Notwithstanding sections 1301(m) and 1302(e) of SAFETEA-LU (119 Stat. 1202 and 1205), the Secretary shall apportion funds authorized to be appropriated under subsection (b) for the projects of national and regional significance program and the national corridor infrastructure improvement program among all States such that each State's share of the funds so apportioned is equal to the State's share for fiscal year 2009 of funds apportioned or allocated for the programs specified in section 105(a)(2) of title 23, United States Code.

"(B) **DISTRIBUTION AMONG PROGRAMS.**—Funds apportioned to a State pursuant to subparagraph (A) shall be—

"(i) made available to the State for the programs specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program), and in the same proportion for each such program that—

"(I) the amount apportioned to the State for that program for fiscal year 2009; bears to

"(II) the amount apportioned to the State for fiscal year 2009 for all such programs; and

"(ii) administered in the same manner and with the same period of availability as funding is administered under programs identified in clause (i)."

(b) **EXPENDITURE AUTHORITY FROM HIGHWAY TRUST FUND.**—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended by striking "Surface Transportation Extension Act of 2010" and inserting "American Jobs and Closing Tax Loopholes Act of 2010".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect upon the date of enactment of the Surface Transportation Extension Act of 2010 (Public Law 111-147; 124 Stat. 78 et seq.) and shall be treated as being included in that Act at the time of the enactment of that Act.

(d) **SAVINGS CLAUSE.**—

(1) **IN GENERAL.**—For fiscal year 2010 and for the period beginning on October 1, 2010,

and ending on December 31, 2010, the amount of funds apportioned to each State under section 411(d) of the Surface Transportation Extension Act of 2010 (Public Law 111-147) that is determined by the amount that the State received or was authorized to receive for fiscal year 2009 to carry out the projects of national and regional significance program and national corridor infrastructure improvement program shall be the greater of—

(A) the amount that the State was authorized to receive under section 411(d) of the Surface Transportation Extension Act of 2010 with respect to each such program according to the provisions of that Act, as in effect on the day before the date of enactment of this Act; or

(B) the amount that the State is authorized to receive under section 411(d) of the Surface Transportation Extension Act of 2010 with respect to each such program pursuant to the provisions of that Act, as amended by the amendments made by this section.

(2) **OBLIGATION AUTHORITY.**—For fiscal year 2010, the amount of obligation authority distributed to each State shall be the greater of—

(A) the amount that the State was authorized to receive pursuant to section 120(a)(4)(A) (as it pertains to the Appalachian Development Highway System program) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111-117) and sections 120(a)(4)(B) and 120(a)(6) of such title, as of the day before the date of enactment of this Act; or

(B) the amount that the State is authorized to receive pursuant to section 120(a)(4)(A) (as it pertains to the Appalachian Development Highway System program) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111-117) and sections 120(a)(4)(B) and 120(a)(6) of such title, as of the date of enactment of this Act.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to carry out this subsection.

(4) **INCREASE IN OBLIGATION LIMITATION.**—The limitation under the heading "Federal-aid Highways (Limitation on Obligations) (Highway Trust Fund)" in Public Law 111-117 is increased by such sums as may be necessary to carry out this subsection.

(5) **CONTRACT AUTHORITY.**—Funds made available to carry out this subsection shall be available for obligation and administered in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(6) **AMOUNTS.**—The dollar amount specified in section 105(d)(1) of title 23, United States Code, the dollar amount specified in section 120(a)(4)(B) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111-117), and the dollar amount specified in section 120(b)(10) of such title shall each be increased as necessary to carry out this subsection.

**SEC. 615. COMMUNITY COLLEGE AND CAREER TRAINING GRANT PROGRAM.**

(a) **IN GENERAL.**—Section 278(a) of the Trade Act of 1974 (19 U.S.C. 2372(a)) is amended by adding at the end the following:

"(3) **RULE OF CONSTRUCTION.**—For purposes of this section, any reference to 'workers', 'workers eligible for training under section 236', or any other reference to workers under this section shall be deemed to include individuals who are, or are likely to become, eligible for unemployment compensation as defined in section 85(b) of the Internal Revenue Code of 1986, or who remain unemployed

after exhausting all rights to such compensation.”.

(b) DEFINITION OF ELIGIBLE INSTITUTION.—Section 278(b)(1) of the Trade Act of 1974 (19 U.S.C. 2372(b)(1)) is amended—

(1) by striking “section 102” and inserting “section 101(a)”; and

(2) by striking “1002” and inserting “1001(a)”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 279 of the Trade Act of 1974 (19 U.S.C. 2372a) is amended—

(1) in subsection (a), by striking the last sentence; and

(2) by adding at the end the following:

“(c) ADMINISTRATIVE AND RELATED COSTS.—The Secretary may retain not more than 5 percent of the funds appropriated under subsection (b) for each fiscal year to administer, evaluate, and establish reporting systems for the Community College and Career Training Grant program under section 278.

“(d) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under subsection (b) shall be used to supplement and not supplant other Federal, State, and local public funds expended to support community college and career training programs.

“(e) AVAILABILITY.—Funds appropriated under subsection (b) shall remain available for the fiscal year for which the funds are appropriated and the subsequent fiscal year.”.

**SEC. 616. EXTENSIONS OF DUTY SUSPENSIONS ON COTTON SHIRTING FABRICS AND RELATED PROVISIONS.**

(a) EXTENSIONS.—Each of the following headings of the Harmonized Tariff Schedule of the United States is amended by striking the date in the effective date column and inserting “12/31/2013”:

(1) Heading 9902.52.08 (relating to woven fabrics of cotton).

(2) Heading 9902.52.09 (relating to woven fabrics of cotton).

(3) Heading 9902.52.10 (relating to woven fabrics of cotton).

(4) Heading 9902.52.11 (relating to woven fabrics of cotton).

(5) Heading 9902.52.12 (relating to woven fabrics of cotton).

(6) Heading 9902.52.13 (relating to woven fabrics of cotton).

(7) Heading 9902.52.14 (relating to woven fabrics of cotton).

(8) Heading 9902.52.15 (relating to woven fabrics of cotton).

(9) Heading 9902.52.16 (relating to woven fabrics of cotton).

(10) Heading 9902.52.17 (relating to woven fabrics of cotton).

(11) Heading 9902.52.18 (relating to woven fabrics of cotton).

(12) Heading 9902.52.19 (relating to woven fabrics of cotton).

(13) Heading 9902.52.20 (relating to woven fabrics of cotton).

(14) Heading 9902.52.21 (relating to woven fabrics of cotton).

(15) Heading 9902.52.22 (relating to woven fabrics of cotton).

(16) Heading 9902.52.23 (relating to woven fabrics of cotton).

(17) Heading 9902.52.24 (relating to woven fabrics of cotton).

(18) Heading 9902.52.25 (relating to woven fabrics of cotton).

(19) Heading 9902.52.26 (relating to woven fabrics of cotton).

(20) Heading 9902.52.27 (relating to woven fabrics of cotton).

(21) Heading 9902.52.28 (relating to woven fabrics of cotton).

(22) Heading 9902.52.29 (relating to woven fabrics of cotton).

(23) Heading 9902.52.30 (relating to woven fabrics of cotton).

(24) Heading 9902.52.31 (relating to woven fabrics of cotton).

(b) EXTENSION OF DUTY REFUNDS AND PIMA COTTON TRUST FUND; MODIFICATION OF AFFIDAVIT REQUIREMENTS.—Section 407 of title IV of division C of the Tax Relief and Health Care Act of 2006 (Public Law 109-432; 120 Stat. 3060) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “amounts determined by the Secretary” and all that follows through “5208.59.80” and inserting “amounts received in the general fund that are attributable to duties received since January 1, 2004, on articles classified under heading 5208”; and

(B) in paragraph (2), by striking “October 1, 2008” and inserting “December 31, 2013”;

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting “annually” after “provided”; and

(B) in paragraph (1), by inserting “during the year in which the affidavit is filed and” after “imported cotton fabric”; and

(3) in subsection (f)—

(A) in the matter preceding paragraph (1), by inserting “annually” after “provided”; and

(B) in paragraph (1), by inserting “during the year in which the affidavit is filed and” after “United States”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and apply with respect to affidavits filed on or after such date of enactment.

**SEC. 617. MODIFICATION OF WOOL APPAREL MANUFACTURERS TRUST FUND.**

(a) IN GENERAL.—Section 4002(c)(2)(A) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108-429; 118 Stat. 2600) is amended by striking “chapter 51” and inserting “chapter 62”.

(b) FULL RESTORATION OF PAYMENT LEVELS IN FISCAL YEAR 2010.—

(1) TRANSFER OF AMOUNTS.—

(A) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury shall transfer to the Wool Apparel Manufacturers Trust Fund, out of the general fund of the Treasury of the United States, amounts determined by the Secretary of the Treasury to be equivalent to amounts received in the general fund that are attributable to the duty received on articles classified under chapter 62 of the Harmonized Tariff Schedule of the United States, subject to the limitation in subparagraph (B).

(B) LIMITATION.—The Secretary of the Treasury shall not transfer more than the amount determined by the Secretary to be necessary for—

(i) U.S. Customs and Border Protection to make payments to eligible manufacturers under section 4002(c)(3) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amount of such payments, when added to any other payments made to eligible manufacturers under section 4002(c)(3) of such Act for calendar year 2010, equal the total amount of payments authorized to be provided to eligible manufacturers under section 4002(c)(3) of such Act for calendar year 2010; and

(ii) the Secretary of Commerce to provide grants to eligible manufacturers under section 4002(c)(6) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amounts of such grants, when added to any other grants made to eligible manufacturers

under section 4002(c)(6) of such Act for calendar year 2010, equal the total amount of grants authorized to be provided to eligible manufacturers under section 4002(c)(6) of such Act for calendar year 2010.

(2) PAYMENT OF AMOUNTS.—U.S. Customs and Border Protection shall make payments described in paragraph (1) to eligible manufacturers not later than 30 days after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund. The Secretary of Commerce shall promptly provide grants described in paragraph (1) to eligible manufacturers after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund.

(c) RULE OF CONSTRUCTION.—The amendment made by subsection (a) shall not be construed to affect the availability of amounts transferred to the Wool Apparel Manufacturers Trust Fund before the date of the enactment of this Act.

**SEC. 618. DEPARTMENT OF COMMERCE STUDY.**

Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce shall report to Congress detailing—

(1) the pattern of job loss in the New England, Mid-Atlantic, and Midwest States over the past 20 years;

(2) the role of the off-shoring of manufacturing jobs in overall job loss in the regions; and

(3) recommendations to attract industries and bring jobs to the region.

**SEC. 619. ARRA PLANNING AND REPORTING.**

Section 1512 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 287) is amended—

(1) in subsection (d)—

(A) in the subsection heading, by inserting “PLANS AND” after “AGENCY”; and

(B) by striking “Not later than” and inserting the following:

“(1) DEFINITION.—In this subsection, the term ‘covered program’ means a program for which funds are appropriated under this division—

“(A) in an amount that is—

“(i) more than \$2,000,000,000; and

“(ii) more than 150 percent of the funds appropriated for the program for fiscal year 2008; or

“(B) that did not exist before the date of enactment of this Act.

“(2) PLANS.—Not later than July 1, 2010, the head of each agency that distributes recovery funds shall submit to Congress and make available on the website of the agency a plan for each covered program, which shall, at a minimum, contain—

“(A) a description of the goals for the covered program using recovery funds;

“(B) a discussion of how the goals described in subparagraph (A) relate to the goals for ongoing activities of the covered program, if applicable;

“(C) a description of the activities that the agency will undertake to achieve the goals described in subparagraph (A);

“(D) a description of the total recovery funding for the covered program and the recovery funding for each activity under the covered program, including identifying whether the activity will be carried out using grants, contracts, or other types of funding mechanisms;

“(E) a schedule of milestones for major phases of the activities under the covered program, with planned delivery dates;

“(F) performance measures the agency will use to track the progress of each of the activities under the covered program in meeting the goals described in subparagraph (A),

including performance targets, the frequency of measurement, and a description of the methodology for each measure;

“(G) a description of the process of the agency for the periodic review of the progress of the covered program towards meeting the goals described in subparagraph (A); and

“(H) a description of how the agency will hold program managers accountable for achieving the goals described in subparagraph (A).

“(3) REPORTS.—

“(A) IN GENERAL.—Not later than”; and

(C) by adding at the end the following:

“(B) REPORTS ON PLANS.—Not later than 30 days after the end of the calendar quarter ending September 30, 2010, and every calendar quarter thereafter during which the agency obligates or expends recovery funds, the head of each agency that developed a plan for a covered program under paragraph (2) shall submit to Congress and make available on a website of the agency a report for each covered program that—

“(i) discusses the progress of the agency in implementing the plan;

“(ii) describes the progress towards achieving the goals described in paragraph (2)(A) for the covered program;

“(iii) discusses the status of each activity carried out under the covered program, including whether the activity is completed;

“(iv) details the unobligated and unexpired balances and total obligations and outlays under the covered program;

“(v) discusses—

“(I) whether the covered program has met the milestones for the covered program described in paragraph (2)(E);

“(II) if the covered program has failed to meet the milestones, the reasons why; and

“(III) any changes in the milestones for the covered program, including the reasons for the change;

“(vi) discusses the performance of the covered program, including—

“(I) whether the covered program has met the performance measures for the covered program described in paragraph (2)(F);

“(II) if the covered program has failed to meet the performance measures, the reasons why; and

“(III) any trends in information relating to the performance of the covered program; and

“(vii) evaluates the ability of the covered program to meet the goals of the covered program given the performance of the covered program.”;

(2) in subsection (f)—

(A) by striking “Within 180 days” and inserting the following:

“(1) IN GENERAL.—Within 180 days”; and

(B) by adding at the end the following:

“(2) PENALTIES.—

“(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the Attorney General may bring a civil action in an appropriate United States district court against a recipient of recovery funds from an agency that does not provide the information required under subsection (c) or knowingly provides information under subsection (c) that contains a material omission or misstatement. In a civil action under this paragraph, the court may impose a civil penalty on a recipient of recovery funds in an amount not more than \$250,000. Any amounts received from a civil penalty under this paragraph shall be deposited in the general fund of the Treasury.

“(B) NOTIFICATION.—

“(i) IN GENERAL.—The head of an agency shall provide a written notification to a re-

cipient of recovery funds from the agency that fails to provide the information required under subsection (c). A notification under this subparagraph shall provide the recipient with information on how to comply with the necessary reporting requirements and notice of the penalties for failing to do so.

“(ii) LIMITATION.—A court may not impose a civil penalty under subparagraph (A) relating to the failure to provide information required under subsection (c) if, not later than 31 days after the date of the notification under clause (i), the recipient of the recovery funds provides the information.

“(C) CONSIDERATIONS.—In determining the amount of a penalty under this paragraph for a recipient of recovery funds, a court shall consider—

“(i) the number of times the recipient has failed to provide the information required under subsection (c);

“(ii) the amount of recovery funds provided to the recipient;

“(iii) whether the recipient is a government, nonprofit entity, or educational institution; and

“(iv) whether the recipient is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), with particular consideration given to businesses with not more than 50 employees.

“(D) APPLICABILITY.—This paragraph shall apply to any report required to be submitted on or after the date of enactment of this paragraph.

“(E) NONEXCLUSIVITY.—The imposition of a civil penalty under this subsection shall not preclude any other criminal, civil, or administrative remedy available to the United States or any other person under Federal or State law.

“(3) TECHNICAL ASSISTANCE.—Each agency distributing recovery funds shall provide technical assistance, as necessary, to assist recipients of recovery funds in complying with the requirements to provide information under subsection (c), which shall include providing recipients with a reminder regarding each reporting requirement.

“(4) PUBLIC LISTING.—

“(A) IN GENERAL.—Not later than 45 days after the end of each calendar quarter, and subject to the notification requirements under paragraph (2)(B), the Board shall make available on the website established under section 1526 a list of all recipients of recovery funds that did not provide the information required under subsection (c) for the calendar quarter.

“(B) CONTENTS.—A list made available under subparagraph (A) shall, for each recipient of recovery funds on the list, include the name and address of the recipient, the identification number for the award, the amount of recovery funds awarded to the recipient, a description of the activity for which the recovery funds were provided, and, to the extent known by the Board, the reason for non-compliance.

“(5) REGULATIONS AND REPORTING.—

“(A) REGULATIONS.—Not later than 90 days after the date of enactment of this paragraph, the Attorney General, in consultation with the Director of the Office of Management and Budget and the Chairperson, shall promulgate regulations regarding implementation of this section.

“(B) REPORTING.—

“(i) IN GENERAL.—Not later than July 1, 2010, and every 3 months thereafter, the Director of the Office of Management and Budget, in consultation with the Chairperson, shall submit to Congress a report on

the extent of noncompliance by recipients of recovery funds with the reporting requirements under this section.

“(ii) CONTENTS.—Each report submitted under clause (i) shall include—

“(I) information, for the quarter and in total, regarding the number and amount of civil penalties imposed and collected under this subsection, sorted by agency and program;

“(II) information on the steps taken by the Federal Government to reduce the level of noncompliance; and

“(III) any other information determined appropriate by the Director.”; and

(3) by adding at the end the following:

“(i) TERMINATION.—The reporting requirements under this section shall terminate on September 30, 2013.”.

#### SEC. 620. AMENDMENT OF TRAVEL PROMOTION ACT OF 2009.

(a) TRAVEL PROMOTION FUND FEES.—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended—

(1) by striking “subsection (d) of section 11 of the Travel Promotion Act of 2009.” in clause (ii) and inserting “subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)).”; and

(2) by striking “September 30, 2014.” in clause (iii) and inserting “September 30, 2015.”.

(b) IMPLEMENTATION BEGINNING IN FISCAL YEAR 2011.—Subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)) is amended—

(1) by striking “For fiscal year 2010, the” in paragraph (2)(A) and inserting “The”;

(2) by striking “quarterly, beginning on January 1, 2010,” in paragraph (2)(A) and inserting “monthly, immediately following the collection of fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)),”;

(3) by striking “fiscal years 2011 through 2014,” in paragraph (2)(B) and inserting “fiscal years 2012 through 2015.”;

(4) by striking “fiscal year 2010,” in paragraph (3)(A) and inserting “fiscal year 2011.”;

(5) by striking “fiscal year 2011,” each place it appears in paragraph (3)(A) and inserting “fiscal year 2012.”; and

(6) by striking “fiscal year 2010, 2011, 2012, 2013, or 2014” in paragraph (4)(B) and inserting “fiscal year 2011, 2012, 2013, 2014, or 2015”.

#### SEC. 621. LIMITATION ON PENALTY FOR FAILURE TO DISCLOSE REPORTABLE TRANSACTIONS BASED ON RESULTING TAX BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 6707A of the Internal Revenue Code of 1986 is amended to read as follows:

“(b) AMOUNT OF PENALTY.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, the amount of the penalty under subsection (a) with respect to any reportable transaction shall be 75 percent of the decrease in tax shown on the return as a result of such transaction (or which would have resulted from such transaction if such transaction were respected for Federal tax purposes).

“(2) MAXIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any reportable transaction shall not exceed—

“(A) in the case of a listed transaction, \$200,000 (\$100,000 in the case of a natural person), or

“(B) in the case of any other reportable transaction, \$50,000 (\$10,000 in the case of a natural person).

“(3) MINIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to

any transaction shall not be less than \$10,000 (\$5,000 in the case of a natural person).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to penalties assessed after December 31, 2006.

**SEC. 622. REPORT ON TAX SHELTER PENALTIES AND CERTAIN OTHER ENFORCEMENT ACTIONS.**

(a) **IN GENERAL.**—The Commissioner of Internal Revenue, in consultation with the Secretary of the Treasury, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual report on the penalties assessed by the Internal Revenue Service during the preceding year under each of the following provisions of the Internal Revenue Code of 1986:

(1) Section 6662A (relating to accuracy-related penalty on understatements with respect to reportable transactions).

(2) Section 6700(a) (relating to promoting abusive tax shelters).

(3) Section 6707 (relating to failure to furnish information regarding reportable transactions).

(4) Section 6707A (relating to failure to include reportable transaction information with return).

(5) Section 6708 (relating to failure to maintain lists of advisees with respect to reportable transactions).

(b) **ADDITIONAL INFORMATION.**—The report required under subsection (a) shall also include information on the following with respect to each year:

(1) Any action taken under section 330(b) of title 31, United States Code, with respect to any reportable transaction (as defined in section 6707A(c) of the Internal Revenue Code of 1986).

(2) Any extension of the time for assessment of tax enforced, or assessment of any amount under such an extension, under paragraph (10) of section 6501(c) of the Internal Revenue Code of 1986.

(c) **DATE OF REPORT.**—The first report required under subsection (a) shall be submitted not later than December 31, 2010.

**TITLE VII—TRANSPARENCY REQUIREMENTS FOR FOREIGN-HELD DEBT**

**SEC. 701. SHORT TITLE.**

This title may be cited as the “Foreign-Held Debt Transparency and Threat Assessment Act”.

**SEC. 702. DEFINITIONS.**

In this title:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, the Committee on Finance, and the Committee on the Budget of the Senate.

(B) The Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on the Budget of the House of Representatives.

(2) **DEBT INSTRUMENTS OF THE UNITED STATES.**—The term “debt instruments of the United States” means all bills, notes, and bonds issued or guaranteed by the United States or by an entity of the United States Government, including any Government-sponsored enterprise.

**SEC. 703. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the growing Federal debt of the United States has the potential to jeopardize the national security and economic stability of the United States;

(2) the increasing dependence of the United States on foreign creditors has the potential

to make the United States vulnerable to undue influence by certain foreign creditors in national security and economic policymaking;

(3) the People’s Republic of China is the largest foreign creditor of the United States, in terms of its overall holdings of debt instruments of the United States;

(4) the current level of transparency in the scope and extent of foreign holdings of debt instruments of the United States is inadequate and needs to be improved, particularly regarding the holdings of the People’s Republic of China;

(5) through the People’s Republic of China’s large holdings of debt instruments of the United States, China has become a super creditor of the United States;

(6) under certain circumstances, the holdings of the People’s Republic of China could give China a tool with which China can try to manipulate the domestic and foreign policymaking of the United States, including the United States relationship with Taiwan;

(7) under certain circumstances, if the People’s Republic of China were to be displeased with a given United States policy or action, China could attempt to destabilize the United States economy by rapidly divesting large portions of China’s holdings of debt instruments of the United States; and

(8) the People’s Republic of China’s expansive holdings of such debt instruments of the United States could potentially pose a direct threat to the United States economy and to United States national security. This potential threat is a significant issue that warrants further analysis and evaluation.

**SEC. 704. QUARTERLY REPORT ON RISKS POSED BY FOREIGN HOLDINGS OF DEBT INSTRUMENTS OF THE UNITED STATES.**

(a) **QUARTERLY REPORT.**—Not later than March 31, June 30, September 30, and December 31 of each year, the President shall submit to the appropriate congressional committees a report on the risks posed by foreign holdings of debt instruments of the United States, in both classified and unclassified form.

(b) **MATTERS TO BE INCLUDED.**—Each report submitted under this section shall include the following:

(1) The most recent data available on foreign holdings of debt instruments of the United States, which data shall not be older than the date that is 7 months preceding the date of the report.

(2) The country of domicile of all foreign creditors who hold debt instruments of the United States.

(3) The total amount of debt instruments of the United States that are held by the foreign creditors, broken out by the creditors’ country of domicile and by public, quasi-public, and private creditors.

(4) For each foreign country listed in paragraph (3)—

(A) an analysis of the country’s purpose in holding debt instruments of the United States and long-term intentions with regard to such debt instruments;

(B) an analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by each country’s holdings of debt instruments of the United States; and

(C) a specific determination of whether the level of risk identified under subparagraph (B) is acceptable or unacceptable.

(c) **PUBLIC AVAILABILITY.**—The President shall make each report required by subsection (a) available, in its unclassified form, to the public by posting it on the Internet in a conspicuous manner and location.

**SEC. 705. ANNUAL REPORT ON RISKS POSED BY THE FEDERAL DEBT OF THE UNITED STATES.**

(a) **IN GENERAL.**—Not later than December 31 of each year, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the risks to the United States posed by the Federal debt of the United States.

(b) **CONTENT OF REPORT.**—Each report submitted under this section shall include the following:

(1) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by the Federal debt of the United States.

(2) A specific determination of whether the levels of risk identified under paragraph (1) are sustainable.

(3) If the determination under paragraph (2) is that the levels of risk are unsustainable, specific recommendations for reducing the levels of risk to sustainable levels, in a manner that results in a reduction in Federal spending.

**SEC. 706. CORRECTIVE ACTION TO ADDRESS UNACCEPTABLE AND UNSUSTAINABLE RISKS TO UNITED STATES NATIONAL SECURITY AND ECONOMIC STABILITY.**

In any case in which the President determines under section 704(b)(4)(C) that a foreign country’s holdings of debt instruments of the United States pose an unacceptable risk to the long-term national security or economic stability of the United States, the President shall, within 30 days of the determination—

(1) formulate a plan of action to reduce the risk level to an acceptable and sustainable level, in a manner that results in a reduction in Federal spending;

(2) submit to the appropriate congressional committees a report on the plan of action that includes a timeline for the implementation of the plan and recommendations for any legislative action that would be required to fully implement the plan; and

(3) move expeditiously to implement the plan in order to protect the long-term national security and economic stability of the United States.

**TITLE VIII—TRANSPARENCY REQUIREMENTS FOR FOREIGN-HELD DEBT**

**SEC. 801. SHORT TITLE.**

This title may be cited as the “Foreign-Held Debt Transparency and Threat Assessment Act”.

**SEC. 802. DEFINITIONS.**

In this title:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Budget of the Senate.

(B) The Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Ways and Means, the Committee on Financial Services, and the Committee on the Budget of the House of Representatives.

(2) **DEBT INSTRUMENTS OF THE UNITED STATES.**—The term “debt instruments of the United States” means all bills, notes, and bonds held by the public and issued or guaranteed by the United States or by an entity of the United States Government.

**SEC. 803. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the growing Federal debt of the United States has the potential to jeopardize the national security and economic stability of the United States;

(2) large foreign holdings of debt instruments of the United States have the potential to make the United States vulnerable to undue influence by foreign creditors in national security and economic policymaking;

(3) the People's Republic of China, Japan, and the United Kingdom are the 3 largest foreign holders of debt instruments of the United States; and

(4) the current level of transparency in the scope and extent of foreign holdings of debt instruments of the United States is inadequate and needs to be improved.

**SEC. 804. ANNUAL REPORT ON RISKS POSED BY FOREIGN HOLDINGS OF DEBT INSTRUMENTS OF THE UNITED STATES.**

(a) **ANNUAL REPORT.**—Not later than March 31 of each year, the Secretary of the Treasury shall submit to the appropriate congressional committees a report on the risks posed by foreign holdings of debt instruments of the United States, in both classified and unclassified form.

(b) **MATTERS TO BE INCLUDED.**—Each report submitted under this section shall include the following:

(1) The most recent data available on foreign holdings of debt instruments of the United States, which data shall not be older than the date that is 9 months preceding the date of the report.

(2) The total amount of debt instruments of the United States that are held by foreign residents, broken out by the residents' country of domicile and by public and private residents.

(3) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by foreign holdings of debt instruments of the United States.

(c) **PUBLIC AVAILABILITY.**—The Secretary of the Treasury shall make each report required by subsection (a) available, in its unclassified form, to the public by posting it on the Internet in a conspicuous manner and location.

**SEC. 805. ANNUAL REPORT ON RISKS POSED BY THE FEDERAL DEBT OF THE UNITED STATES.**

(a) **IN GENERAL.**—Not later than March 31 of each year, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the risks to the United States posed by the Federal debt of the United States.

(b) **CONTENT OF REPORT.**—Each report submitted under this section shall include the following:

(1) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by the Federal debt of the United States.

(2) Specific recommendations for reducing the levels of risk resulting from the Federal debt.

**SEC. 806. CORRECTIVE ACTION TO ADDRESS UNACCEPTABLE RISKS TO UNITED STATES NATIONAL SECURITY AND ECONOMIC STABILITY.**

If the President determines that foreign holdings of debt instruments of the United States pose an unacceptable risk to the long-term national security or economic stability of the United States, the President shall, within 30 days of the determination—

(1) formulate a plan of action to reduce such risk;

(2) submit to the appropriate congressional committees a report on the plan of action

that includes a timeline for the implementation of the plan and recommendations for any legislative action that would be required to fully implement the plan; and

(3) move expeditiously to implement the plan in order to protect the long-term national security and economic stability of the United States.

**TITLE IX—OFFICE OF THE HOMEOWNER ADVOCATE**

**SEC. 901. OFFICE OF THE HOMEOWNER ADVOCATE.**

(a) **ESTABLISHMENT.**—There is established in the Department of the Treasury an office to be known as the "Office of the Homeowner Advocate" (in this title referred to as the "Office").

(b) **DIRECTOR.**—

(1) **IN GENERAL.**—The Director of the Office of the Homeowner Advocate (in this title referred to as the "Director") shall report directly to the Assistant Secretary of the Treasury for Financial Stability, and shall be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code.

(2) **APPOINTMENT.**—The Director shall be appointed by the Secretary, after consultation with the Secretary of the Department of Housing and Urban Development, and without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or the Senior Executive Service.

(3) **QUALIFICATIONS.**—An individual appointed under paragraph (2) shall have—

(A) experience as an advocate for homeowners; and

(B) experience dealing with mortgage servicers.

(4) **RESTRICTION ON EMPLOYMENT.**—An individual may be appointed as Director only if such individual was not an officer or employee of either a mortgage servicer or the Department of the Treasury during the 4-year period preceding the date of such appointment.

(5) **HIRING AUTHORITY.**—The Director shall have the authority to hire staff, obtain support by contract, and manage the budget of the Office of the Homeowner Advocate.

**SEC. 902. FUNCTIONS OF THE OFFICE.**

(a) **IN GENERAL.**—It shall be the function of the Office—

(1) to assist homeowners, housing counselors, and housing lawyers in resolving problems with the Home Affordable Modification Program of the Making Home Affordable initiative of the Secretary, authorized under the Emergency Economic Stabilization Act of 2008 (in this title referred to as the "Home Affordable Modification Program");

(2) to identify areas, both individual and systematic, in which homeowners, housing counselors, and housing lawyers have problems in dealings with the Home Affordable Modification Program;

(3) to the extent possible, to propose changes in the administrative practices of the Home Affordable Modification Program, to mitigate problems identified under paragraph (2);

(4) to identify potential legislative changes which may be appropriate to mitigate such problems; and

(5) to implement other programs and initiatives that the Director deems important to assisting homeowners, housing counselors, and housing lawyers in resolving problems with the Home Affordable Modification Program, which may include—

(A) running a triage hotline for homeowners at risk of foreclosure;

(B) providing homeowners with access to housing counseling programs of the Department of Housing and Urban Development at no cost to the homeowner;

(C) developing Internet tools related to the Home Affordable Modification Program; and

(D) developing training and educational materials.

(b) **AUTHORITY.**—

(1) **IN GENERAL.**—Staff designated by the Director shall have the authority to implement servicer remedies, on a case-by-case basis, subject to the approval of the Assistant Secretary of the Treasury for Financial Stability.

(2) **RESOLUTION OF HOMEOWNER CONCERNS.**—The Office shall, to the extent possible, resolve all homeowner concerns not later than 30 days after the opening of a case with such homeowner.

(c) **COMMENCEMENT OF OPERATIONS.**—The Office shall commence its operations, as required by this title, not later than 3 months after the date of enactment of this Act.

(d) **SUNSET.**—The Office shall cease operations as of the date on which the Home Affordable Modification Program ceases to operate.

**SEC. 903. RELATIONSHIP WITH EXISTING ENTITIES.**

(a) **TRANSFER.**—The Office shall coordinate and centralize all complaint escalations relating to the Home Affordable Modification Program.

(b) **HOTLINE.**—The HOPE hotline (or any successor triage hotline) shall reroute all complaints relating to the Home Affordable Modification Program to the Office.

(c) **COORDINATION.**—The Office shall coordinate with the compliance office of the Office of Financial Stability of the Department of the Treasury and the Homeownership Preservation Office of the Department of the Treasury.

**SEC. 904. RULE OF CONSTRUCTION.**

Nothing in this section shall prohibit a mortgage servicer from evaluating a homeowner for eligibility under the Home Affordable Foreclosure Alternatives Program while a case is still open with the Office of the Homeowner Advocate. Nothing in this section may be construed to relieve any loan services from otherwise applicable rules, directives, or similar guidance under the Home Affordable Modification Program relating to the continuation or completion of foreclosure proceedings.

**SEC. 905. REPORTS TO CONGRESS.**

(a) **TESTIMONY.**—The Director shall be available to testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not less frequently than 4 times a year, or at any time at the request of the Chairs of either committee.

(b) **REPORTS.**—Once annually, the Director shall provide a detailed report to Congress on the Home Affordable Modification Program. Such report shall contain full and substantive analysis, in addition to statistical information, including, at a minimum—

(1) data and analysis of the types and volume of complaints received from homeowners, housing counselors, and housing lawyers, broken down by category of servicer, except that servicers may not be identified by name in the report;

(2) a summary of not fewer than 20 of the most serious problems encountered by Home Affordable Modification Program participants, including a description of the nature of such problems;

(3) to the extent known, identification of the 10 most litigated issues for Home Affordable Modification Program participants, including recommendations for mitigating such disputes;

(4) data and analysis on the resolutions of the complaints received from homeowners, housing counselors, and housing lawyers;

(5) identification of any programs or initiatives that the Office has taken to improve the Home Affordable Modification Program;

(6) recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by Home Affordable Modification Program participants; and

(7) such other information as the Director may deem advisable.

#### SEC. 906. FUNDING.

Amounts made available for the costs of administration of the Home Affordable Modification Program that are not otherwise obligated shall be available to carry out the duties of the Office. Funding shall be maintained at levels adequate to reasonably carry out the functions of the Office.

#### SEC. 907. PROHIBITION ON PARTICIPATION IN MAKING HOME AFFORDABLE FOR BORROWERS WHO STRATEGICALLY DEFAULT.

No mortgage may be modified under the Making Home Affordable Program, or with any funds from the Troubled Asset Relief Program, unless the servicer of the mortgage loan has determined, in accordance with standards and requirements established by the Secretary of the Treasury, that the mortgagor cannot afford to make payments under the terms of the existing mortgage loan. The Secretary of the Treasury, in consultation with the Secretary of Housing and Urban Development, shall issue rules to carry out this section not later than 90 days after the date of enactment of this Act.

#### SEC. 908. PUBLIC AVAILABILITY OF INFORMATION.

(a) **PUBLIC AVAILABILITY OF DATA.**—The Secretary of the Treasury shall revise the guidelines for the Home Affordable Modification Program of the Making Home Affordable initiative of the Secretary of the Treasury, authorized under the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), to establish that the data collected by the Secretary of the Treasury from each mortgage servicer and lender participating in the Program is made public in accordance with subsection (b).

(b) **CONTENT.**—Not more than 60 days after each monthly deadline for submission of data by mortgage servicers and lender participating in the program, the Treasury shall make all data tables available to the public at the individual record level. This data shall include but not be limited to—

(1) higher risk loans, including loans made in connection with any program to provide expanded loan approvals, shall be reported separately;

(2) disclose—

(A) the rate or pace at which such mortgages are becoming seriously delinquent;

(B) whether such rate or pace is increasing or decreasing;

(C) if there are certain subsets within the loans covered by this section that have greater or lesser rates or paces of delinquency; and

(D) if such subsets exist, the characteristics of such subset of mortgages;

(3) with respect to the loss mitigation efforts of the loan—

(A) the processes and practices that the reporter has in effect to minimize losses on mortgages covered by this section; and

(B) the manner and methods by which such processes and practices are being monitored for effectiveness;

(4) disclose, with respect to loans that are or become 60 or more days past due, (provided that for purposes of disclosure under this paragraph that each loan should have a unique number that is not the same as any loan number the borrower, originator, or servicer uses), the following attributes—

(A) the original loan amount;

(B) the current loan amount;

(C) the loan-to-value ratio and combined loan-to-value ratio, both at origination and currently, and the number of liens on the property;

(D) the property valuation at the time of origination of the loan, and all subsequent property valuations and the date of each valuation;

(E) each relevant credit score of each borrower obtained at any time in connection with the loan, with the date of the credit score, to the extent allowed by existing law;

(F) whether the loan has any mortgage or other credit insurance or guarantee;

(G) the current interest rate on such loan;

(H) any rate caps and floors if the loan is an adjustable rate mortgage loan;

(I) the adjustable rate mortgage index or indices for such loan;

(J) whether the loan is currently past due, and if so how many days such loan is past due;

(K) the total number of days the loan has been past due at any time;

(L) whether the loan is subject to a balloon payment;

(M) the date of each modification of the loan;

(N) whether any amounts of loan principal has been deferred or written off, and if so, the date and amount of each deferral and the date and amount of each writedown;

(O) whether the interest rate was changed from a rate that could adjust to a fixed rate, and if so, the period of time for which the rate will be fixed;

(P) the amount by which the interest rate on the loan was reduced, and for what period of time it was reduced;

(Q) if the interest rate was reduced or fixed for a period of time less than the remaining loan term, on what dates, and to what rates, could the rate potentially increase in the future;

(R) whether the loan term was modified, and if so, whether it was extended or shortened, and by what amount of time;

(S) whether the loan is in the process of foreclosure or similar procedure, whether judicial or otherwise; and

(T) whether a foreclosure or similar procedure, whether judicial or otherwise, has been completed.

(c) **GUIDELINES AND REGULATIONS.**—The Secretary of the Treasury shall establish guidelines and regulations necessary—

(1) to ensure that the privacy of individual consumers is appropriately protected in the reports under this section;

(2) to make the data reported under this subsection available on a public website with no cost to access the data, in a consistent format;

(3) to update the data no less frequently than monthly;

(4) to establish procedures for disclosing such data to the public on a public website with no cost to access the data; and

(5) to allow the Secretary to make such deletions as the Secretary may determine to be appropriate to protect any privacy interest of any loan modification applicant, including

the deletion or alteration of the applicant's name and identification number.

(d) **EXCEPTION.**—No data shall have to be disclosed if it voids or violates existing contracts between the Secretary of Treasury and mortgage servicers as part of the Making Home Affordable Program.

### TITLE X—BUDGETARY PROVISIONS

#### SEC. 1001. BUDGETARY PROVISIONS.

(a) **STATUTORY PAYGO.**—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

(b) **EMERGENCY DESIGNATIONS.**—Sections 501 and 524—

(1) are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g));

(2) in the House of Representatives, are designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, are designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**SA 4370.** Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 421(c)(2) and insert the following:

(2) **TRANSITION RULE.**—The amendments made by this section shall not apply to any exchange pursuant to a transaction which is—

(A) made pursuant to a written agreement which was binding on May 28, 2010 and at all times thereafter;

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

**SA 4371.** Mr. CASEY (for himself and Mr. BROWN of Ohio) submitted an amendment intended to be proposed to amendment SA 4369 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the amendment, insert the following:

#### SEC. \_\_\_\_ . EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) **IN GENERAL.**—

(1) **EXTENSION OF ELIGIBILITY PERIOD.**—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(a) of the Continuing Extension Act of 2010 (Public Law 111-157), is amended by striking "May 31, 2010" and inserting "November 30, 2010".

(2) RULES RELATING TO 2010 EXTENSION.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(b) of the Continuing Extension Act of 2010 (Public Law 111-157), is amended by adding at the end the following:

“(19) ADDITIONAL RULES RELATED TO 2010 EXTENSION.—In the case of an individual who, with regard to coverage described in paragraph (10)(B), experiences a qualifying event related to a termination of employment on or after June 1, 2010, and prior to the date of the enactment of this paragraph—

“(A) paragraph (2)(A)(ii)(I) shall be applied by substituting ‘6 months’ for ‘15 months’; and

“(B) rules similar to those in paragraphs (4)(A) and (7)(C) shall apply with respect to all continuation coverage, including State continuation coverage programs.”.

(3) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

(b) ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.—

(1) IN GENERAL.—Section 3507, subsection (g) of section 32, and paragraph (7) of section 6051(a) are repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 6012(a) is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(B) Section 6302 is amended by striking subsection (i).

(3) EFFECTIVE DATE.—The repeals and amendments made by this subsection shall apply to taxable years beginning after December 31, 2010.

**SA 4372.** Mr. KOHL submitted an amendment intended to be proposed to amendment SA 4369 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:  
**SEC. —. QUALIFYING THERAPEUTIC DISCOVERY PROJECT GRANTS TO PARTNERSHIPS WITH TAX EXEMPT PARTNERS WITH LESS THAN 10 PERCENT INTEREST.**

(a) IN GENERAL.—Subparagraph (D) of section 9023(e)(6) of the Patient Protection and Affordable Care Act is amended by inserting before the period the following: “, other than a partnership or entity in which the aggregate equity and profits interests held by all such partners and other holders so described, at any time during a taxable year beginning in 2009 or 2010, does not exceed 10 percent of all of the total equity or profits interests in the partnership”.

(b) REGULATIONS.—Subsection (e) of section 9023 of the Patient Protection and Affordable Care Act is amended by adding at the end the following new paragraph:

“(13) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this subsection, including regulations to prevent the abuse of, or results inconsistent with the intent of, this subsection.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 9023 of the Patient Protection and Affordable Care Act.

**SA 4373.** Ms. SNOWE (for herself, Mr. ENZI, and Mr. ENSIGN) submitted an

amendment intended to be proposed to amendment SA 4369 by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 413.

**SA 4374.** Mr. KYL submitted an amendment intended to be proposed to amendment SA 4369 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **TITLE —MEDICARE ACCESS IMPROVEMENTS**

##### **Subtitle A—Physician Payment Update and Repeal of the Independent Payment Advisory Board**

###### **SEC. .01. PHYSICIAN PAYMENT UPDATE.**

(a) REPEAL.—The provisions of, and amendments made by, section 521 of this Act are hereby deemed null, void, and of no effect.

(b) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended—

(1) in paragraph (10), in the heading, by striking “PORTION” and inserting “THE FIRST 5 MONTHS”; and

(2) by adding at the end the following new paragraphs:

“(11) UPDATE FOR THE LAST 7 MONTHS OF 2010.—

“(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), and (10)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2010 for the period beginning on June 1, 2010, and ending on December 31, 2010, the update to the single conversion factor shall be 1.0 percent.

“(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2011 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2011 and subsequent years as if subparagraph (A) had never applied.

“(12) UPDATE FOR 2011.—

“(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), and (11)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2011, the update to the single conversion factor shall be 1.0 percent.

“(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2012 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2012 and subsequent years as if subparagraph (A) had never applied.”.

(c) LIMITATION ON REDUCTION OF CONVERSION FACTOR FOR 2012.—Section 1848(d)(4) of the Social Security Act (42 U.S.C. 1395w-4(d)(4)) is amended—

(1) in subparagraph (A), by striking “adjustment under subparagraph (F)” and inserting “the succeeding provisions of this paragraph”; and

(2) by adding at the end the following new subparagraph:

“(G) LIMITATION ON REDUCTION OF CONVERSION FACTOR FOR 2012.—In no case may the update determined under subparagraph (A) for 2012 result in a reduction in the conversion factor of more than 9 percent.”.

###### **SEC. .02. REPEAL OF THE INDEPENDENT PAYMENT ADVISORY BOARD.**

Effective as if included in the enactment of the Patient Protection and Affordable Care Act (Public Law 111-148), the provisions of, and amendments made by, sections 3403 and 10320 of such Act are repealed.

###### **Subtitle B—Offsets**

##### **PART I—MEDICAL LIABILITY REFORM**

###### **SEC. .11. SHORT TITLE.**

This part may be cited as the “Medical Care Access Protection Act of 2010” or the “MCAP Act”.

###### **SEC. .12. FINDINGS AND PURPOSE.**

(a) FINDINGS.—

(1) EFFECT ON HEALTH CARE ACCESS AND COSTS.—Congress finds that our current civil justice system is adversely affecting patient access to health care services, better patient care, and cost-efficient health care, in that the health care liability system is a costly and ineffective mechanism for resolving claims of health care liability and compensating injured patients, and is a deterrent to the sharing of information among health care professionals which impedes efforts to improve patient safety and quality of care.

(2) EFFECT ON INTERSTATE COMMERCE.—Congress finds that the health care and insurance industries are industries affecting interstate commerce and the health care liability litigation systems existing throughout the United States are activities that affect interstate commerce by contributing to the high costs of health care and premiums for health care liability insurance purchased by health care system providers.

(3) EFFECT ON FEDERAL SPENDING.—Congress finds that the health care liability litigation systems existing throughout the United States have a significant effect on the amount, distribution, and use of Federal funds because of—

(A) the large number of individuals who receive health care benefits under programs operated or financed by the Federal Government; and

(B) the large number of individuals who benefit because of the exclusion from Federal taxes of the amounts spent to provide them with health insurance benefits; and

(C) the large number of health care providers who provide items or services for which the Federal Government makes payments.

(b) PURPOSE.—It is the purpose of this part to implement reasonable, comprehensive, and effective health care liability reforms designed to—

(1) improve the availability of health care services in cases in which health care liability actions have been shown to be a factor in the decreased availability of services;

(2) reduce the incidence of “defensive medicine” and lower the cost of health care liability insurance, all of which contribute to the escalation of health care costs;

(3) ensure that persons with meritorious health care injury claims receive fair and adequate compensation, including reasonable noneconomic damages;

(4) improve the fairness and cost-effectiveness of our current health care liability system to resolve disputes over, and provide compensation for, health care liability by reducing uncertainty in the amount of compensation provided to injured individuals; and

(5) provide an increased sharing of information in the health care system which will reduce unintended injury and improve patient care.

###### **SEC. .13. DEFINITIONS.**

In this part:

(1) **ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.**—The term “alternative dispute resolution system” or “ADR” means a system that provides for the resolution of health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) **CLAIMANT.**—The term “claimant” means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) **COLLATERAL SOURCE BENEFITS.**—The term “collateral source benefits” means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, or any service, product or other benefit provided or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers’ compensation law;

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;

(C) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income disability benefits; and

(D) any other publicly or privately funded program.

(4) **COMPENSATORY DAMAGES.**—The term “compensatory damages” means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. Such term includes economic damages and noneconomic damages, as such terms are defined in this section.

(5) **CONTINGENT FEE.**—The term “contingent fee” includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(6) **ECONOMIC DAMAGES.**—The term “economic damages” means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(7) **HEALTH CARE GOODS OR SERVICES.**—The term “health care goods or services” means any goods or services provided by a health care institution, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, care, or treatment of any human disease or impairment, or the assessment of the health of human beings.

(8) **HEALTH CARE INSTITUTION.**—The term “health care institution” means any entity licensed under Federal or State law to provide health care services (including but not limited to ambulatory surgical centers, assisted living facilities, emergency medical services providers, hospices, hospitals and hospital systems, nursing homes, or other entities licensed to provide such services).

(9) **HEALTH CARE LAWSUIT.**—The term “health care lawsuit” means any health care liability claim concerning the provision of health care goods or services affecting interstate commerce, or any health care liability action concerning the provision of (or the failure to provide) health care goods or services affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider or a health care institution regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim.

(10) **HEALTH CARE LIABILITY ACTION.**—The term “health care liability action” means a civil action brought in a State or Federal Court or pursuant to an alternative dispute resolution system, against a health care provider or a health care institution regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(11) **HEALTH CARE LIABILITY CLAIM.**—The term “health care liability claim” means a demand by any person, whether or not pursuant to ADR, against a health care provider or health care institution, including third-party claims, cross-claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(12) **HEALTH CARE PROVIDER.**—

(A) **IN GENERAL.**—The term “health care provider” means any person (including but not limited to a physician (as defined by section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)), registered nurse, dentist, podiatrist, pharmacist, chiropractor, or optometrist) required by State or Federal law to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(B) **TREATMENT OF CERTAIN PROFESSIONAL ASSOCIATIONS.**—For purposes of this part, a professional association that is organized under State law by an individual physician or group of physicians, a partnership or limited liability partnership formed by a group of physicians, a nonprofit health corporation certified under State law, or a company formed by a group of physicians under State law shall be treated as a health care provider under subparagraph (A).

(13) **MALICIOUS INTENT TO INJURE.**—The term “malicious intent to injure” means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(14) **NONECONOMIC DAMAGES.**—The term “noneconomic damages” means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of

life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(15) **PUNITIVE DAMAGES.**—The term “punitive damages” means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider or health care institution. Punitive damages are neither economic nor noneconomic damages.

(16) **RECOVERY.**—The term “recovery” means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys’ office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(17) **STATE.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

#### **SEC. 14. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.**

(a) **IN GENERAL.**—Except as otherwise provided for in this section, the time for the commencement of a health care lawsuit shall be 3 years after the date of manifestation of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first.

(b) **GENERAL EXCEPTION.**—The time for the commencement of a health care lawsuit shall not exceed 3 years after the date of manifestation of injury unless the tolling of time was delayed as a result of—

(1) fraud;

(2) intentional concealment; or

(3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

(c) **MINORS.**—An action by a minor shall be commenced within 3 years from the date of the alleged manifestation of injury except that if such minor is under the full age of 6 years, such action shall be commenced within 3 years of the manifestation of injury, or prior to the eighth birthday of the minor, whichever provides a longer period. Such time limitation shall be tolled for minors for any period during which a parent or guardian and a health care provider or health care institution have committed fraud or collusion in the failure to bring an action on behalf of the injured minor.

(d) **RULE 11 SANCTIONS.**—Whenever a Federal or State court determines (whether by motion of the parties or whether on the motion of the court) that there has been a violation of Rule 11 of the Federal Rules of Civil Procedure (or a similar violation of applicable State court rules) in a health care liability action to which this part applies, the court shall impose upon the attorneys, law firms, or pro se litigants that have violated Rule 11 or are responsible for the violation, an appropriate sanction, which shall include an order to pay the other party or parties for the reasonable expenses incurred as a direct result of the filing of the pleading, motion, or other paper that is the subject of the violation, including a reasonable attorneys’ fee. Such sanction shall be sufficient to deter repetition of such conduct or comparable conduct by others similarly situated, and to

compensate the party or parties injured by such conduct.

#### SEC. 15. COMPENSATING PATIENT INJURY.

(a) UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.—In any health care lawsuit, nothing in this part shall limit the recovery by a claimant of the full amount of the available economic damages, notwithstanding the limitation contained in subsection (b).

(b) ADDITIONAL NONECONOMIC DAMAGES.—

(1) HEALTH CARE PROVIDERS.—In any health care lawsuit where final judgment is rendered against a health care provider, the amount of noneconomic damages recovered from the provider, if otherwise available under applicable Federal or State law, may be as much as \$250,000, regardless of the number of parties other than a health care institution against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(2) HEALTH CARE INSTITUTIONS.—

(A) SINGLE INSTITUTION.—In any health care lawsuit where final judgment is rendered against a single health care institution, the amount of noneconomic damages recovered from the institution, if otherwise available under applicable Federal or State law, may be as much as \$250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(B) MULTIPLE INSTITUTIONS.—In any health care lawsuit where final judgment is rendered against more than one health care institution, the amount of noneconomic damages recovered from each institution, if otherwise available under applicable Federal or State law, may be as much as \$250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence, except that the total amount recovered from all such institutions in such lawsuit shall not exceed \$500,000.

(c) NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.—In any health care lawsuit—

(1) an award for future noneconomic damages shall not be discounted to present value;

(2) the jury shall not be informed about the maximum award for noneconomic damages under subsection (b);

(3) an award for noneconomic damages in excess of the limitations provided for in subsection (b) shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law; and

(4) if separate awards are rendered for past and future noneconomic damages and the combined awards exceed the limitations described in subsection (b), the future noneconomic damages shall be reduced first.

(d) FAIR SHARE RULE.—In any health care lawsuit, each party shall be liable for that party's several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party's percentage of responsibility. A separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

#### SEC. 16. MAXIMIZING PATIENT RECOVERY.

(a) COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.—

(1) IN GENERAL.—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants.

(2) CONTINGENCY FEES.—

(A) IN GENERAL.—In any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant's damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity.

(B) LIMITATION.—The total of all contingent fees for representing all claimants in a health care lawsuit shall not exceed the following limits:

(i) 40 percent of the first \$50,000 recovered by the claimant(s).

(ii) 33⅓ percent of the next \$50,000 recovered by the claimant(s).

(iii) 25 percent of the next \$500,000 recovered by the claimant(s).

(iv) 15 percent of any amount by which the recovery by the claimant(s) is in excess of \$600,000.

(b) APPLICABILITY.—

(1) IN GENERAL.—The limitations in subsection (a) shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution.

(2) MINORS.—In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section.

(c) EXPERT WITNESSES.—

(1) REQUIREMENT.—No individual shall be qualified to testify as an expert witness concerning issues of negligence in any health care lawsuit against a defendant unless such individual—

(A) except as required under paragraph (2), is a health care professional who—

(i) is appropriately credentialed or licensed in 1 or more States to deliver health care services; and

(ii) typically treats the diagnosis or condition or provides the type of treatment under review; and

(B) can demonstrate by competent evidence that, as a result of training, education, knowledge, and experience in the evaluation, diagnosis, and treatment of the disease or injury which is the subject matter of the lawsuit against the defendant, the individual was substantially familiar with applicable standards of care and practice as they relate to the act or omission which is the subject of the lawsuit on the date of the incident.

(2) PHYSICIAN REVIEW.—In a health care lawsuit, if the claim of the plaintiff involved treatment that is recommended or provided by a physician (allopathic or osteopathic), an individual shall not be qualified to be an expert witness under this subsection with respect to issues of negligence concerning such treatment unless such individual is a physician.

(3) SPECIALTIES AND SUBSPECIALTIES.—With respect to a lawsuit described in paragraph (1), a court shall not permit an expert in one medical specialty or subspecialty to testify against a defendant in another medical specialty or subspecialty unless, in addition to a showing of substantial familiarity in accordance with paragraph (1)(B), there is a

showing that the standards of care and practice in the two specialty or subspecialty fields are similar.

(4) LIMITATION.—The limitations in this subsection shall not apply to expert witnesses testifying as to the degree or permanency of medical or physical impairment.

#### SEC. 17. ADDITIONAL HEALTH BENEFITS.

(a) IN GENERAL.—The amount of any damages received by a claimant in any health care lawsuit shall be reduced by the court by the amount of any collateral source benefits to which the claimant is entitled, less any insurance premiums or other payments made by the claimant (or by the spouse, parent, child, or legal guardian of the claimant) to obtain or secure such benefits.

(b) PRESERVATION OF CURRENT LAW.—Where a payor of collateral source benefits has a right of recovery by reimbursement or subrogation and such right is permitted under Federal or State law, subsection (a) shall not apply.

(c) APPLICATION OF PROVISION.—This section shall apply to any health care lawsuit that is settled or resolved by a fact finder.

#### SEC. 18. PUNITIVE DAMAGES.

(a) PUNITIVE DAMAGES PERMITTED.—

(1) IN GENERAL.—Punitive damages may, if otherwise available under applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer.

(2) FILING OF LAWSUIT.—No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages.

(3) SEPARATE PROCEEDING.—At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(A) whether punitive damages are to be awarded and the amount of such award; and

(B) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(4) LIMITATION WHERE NO COMPENSATORY DAMAGES ARE AWARDED.—In any health care lawsuit where no judgment for compensatory damages is rendered against a person, no punitive damages may be awarded with respect to the claim in such lawsuit against such person.

(b) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—

(1) FACTORS CONSIDERED.—In determining the amount of punitive damages under this section, the trier of fact shall consider only the following:

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the

case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) **MAXIMUM AWARD.**—The amount of punitive damages awarded in a health care lawsuit may not exceed an amount equal to two times the amount of economic damages awarded in the lawsuit or \$250,000, whichever is greater. The jury shall not be informed of the limitation under the preceding sentence.

(C) **LIABILITY OF HEALTH CARE PROVIDERS.**—

(1) **IN GENERAL.**—A health care provider who prescribes, or who dispenses pursuant to a prescription, a drug, biological product, or medical device approved by the Food and Drug Administration, for an approved indication of the drug, biological product, or medical device, shall not be named as a party to a product liability lawsuit invoking such drug, biological product, or medical device and shall not be liable to a claimant in a class action lawsuit against the manufacturer, distributor, or product seller of such drug, biological product, or medical device.

(2) **MEDICAL PRODUCT.**—The term “medical product” means a drug or device intended for humans. The terms “drug” and “device” have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321), respectively, including any component or raw material used therein, but excluding health care services.

#### **SEC. 19. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.**

(a) **IN GENERAL.**—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding \$50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments in accordance with the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) **APPLICABILITY.**—This section applies to all actions which have not been first set for trial or retrial before the effective date of this part.

#### **SEC. 20. EFFECT ON OTHER LAWS.**

(a) **GENERAL VACCINE INJURY.**—

(1) **IN GENERAL.**—To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this part shall not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this part in conflict with a rule of law of such title XXI shall not apply to such action.

(2) **EXCEPTION.**—If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this part or otherwise applicable law (as determined under this part) will apply to such aspect of such action.

(b) **SMALLPOX VACCINE INJURY.**—

(1) **IN GENERAL.**—To the extent that part C of title II of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a smallpox vaccine-related injury or death—

(A) this part shall not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this part in conflict with a rule of law of such part C shall not apply to such action.

(2) **EXCEPTION.**—If there is an aspect of a civil action brought for a smallpox vaccine-related injury or death to which a Federal rule of law under part C of title II of the Public Health Service Act does not apply, then this part or otherwise applicable law (as determined under this part) will apply to such aspect of such action.

(c) **OTHER FEDERAL LAW.**—Except as provided in this section, nothing in this part shall be deemed to affect any defense available, or any limitation on liability that applies to, a defendant in a health care lawsuit or action under any other provision of Federal law.

#### **SEC. 21. STATE FLEXIBILITY AND PROTECTION OF STATES' RIGHTS.**

(a) **HEALTH CARE LAWSUITS.**—The provisions governing health care lawsuits set forth in this part shall preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this part. The provisions governing health care lawsuits set forth in this part supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this part; or

(2) prohibits the introduction of evidence regarding collateral source benefits.

(b) **PREEMPTION OF CERTAIN STATE LAWS.**—No provision of this part shall be construed to preempt any State law (whether effective before, on, or after the date of the enactment of this part) that specifies a particular monetary amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, regardless of whether such monetary amount is greater or lesser than is provided for under this part, notwithstanding section 15(a).

(c) **PROTECTION OF STATE'S RIGHTS AND OTHER LAWS.**—

(1) **IN GENERAL.**—Any issue that is not governed by a provision of law established by or under this part (including the State standards of negligence) shall be governed by otherwise applicable Federal or State law.

(2) **RULE OF CONSTRUCTION.**—Nothing in this part shall be construed to—

(A) preempt or supersede any Federal or State law that imposes greater procedural or substantive protections (such as a shorter statute of limitations) for a health care provider or health care institution from liability, loss, or damages than those provided by this part;

(B) preempt or supercede any State law that permits and provides for the enforcement of any arbitration agreement related to a health care liability claim whether enacted prior to or after the date of enactment of this part;

(C) create a cause of action that is not otherwise available under Federal or State law; or

(D) affect the scope of preemption of any other Federal law.

#### **SEC. 22. APPLICABILITY; EFFECTIVE DATE.**

This part shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the

date of the enactment of this part, except that any health care lawsuit arising from an injury occurring prior to the date of enactment of this part shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

### **PART II—ADDITIONAL PROVISIONS**

#### **SEC. 31. EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.**

Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking “8 percent” and inserting “5 percent”.

#### **SEC. 32. REDUCING EXCESSIVE DUPLICATION, OVERHEAD AND SPENDING WITHIN THE FEDERAL GOVERNMENT.**

(a) **REDUCING DUPLICATION.**—The Director of the Office of Management Budget and the Secretary of each department (or head of each independent agency) shall work with the Chairman and ranking member of the relevant congressional appropriations subcommittees and the congressional authorizing committees and the Director of the Office of Management Budget to consolidate programs with duplicative goals, missions, and initiatives.

(b) **CONTROLLING BUREAUCRATIC OVERHEAD COSTS.**—Each Federal department and agency shall reduce annual administrative expenses by at least five percent in fiscal year 2011.

(c) **RESCISSIONS OF EXCESSIVE SPENDING.**—There is hereby rescinded an amount equal to 5 percent of—

(1) the budget authority provided (or obligation limit imposed) for fiscal year 2010 for any discretionary account in any other fiscal year 2010 appropriation Act;

(2) the budget authority provided in any advance appropriation for fiscal year 2010 for any discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2010 for any program subject to limitation contained in any fiscal year 2010 appropriation Act.

(d) **PROPORTIONATE APPLICATION.**—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget)

(e) **EXCEPTIONS.**—This section shall not apply to discretionary authority appropriated or otherwise made available to the Department of Veterans Affairs and the Department of Defense.

(f) **OMB REPORT.**—Within 30 days after the date of enactment of this section, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to this section and the report shall be posted on the public website of the Office of Management and Budget.

#### **SEC. 33. REDUCING BUDGETS OF MEMBERS OF CONGRESS.**

(a) **IN GENERAL.**—Of the funds made available under Public Law 111-68 for the legislative branch, \$100,000,000 in unobligated balances are permanently rescinded on a pro

rata basis: *Provided*, That the rescissions made by the section shall not apply to funds made available to the Capitol Police.

(b) **REPORTING.**—The Director of the Office of Management and Budget shall report to Congress the amounts rescinded under subsection (a).

#### **SEC. 34. RESCINDING UNSPENT FEDERAL FUNDS.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, of all available unobligated Federal funds, \$80,000,000,000 in appropriated discretionary unexpired funds are rescinded.

(b) **IMPLEMENTATION.**—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) identify the accounts and amounts rescinded to implement subsection (a); and

(2) submit a report to the Secretary of the Treasury and Congress of the accounts and amounts identified under paragraph (1) for rescission.

(c) **EXCEPTION.**—This section shall not apply to the unobligated Federal funds of the Department of Defense or the Department of Veterans Affairs.

#### **SEC. 35. USE OF STIMULUS FUNDS TO OFFSET SPENDING.**

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded such that the aggregate amount of such rescissions equal \$37,500,000,000 in order to offset the net increase in spending resulting from the provisions of, and amendments made by, this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

**SA 4375.** Mr. KOHL (for himself, Mr. GRASSLEY, Ms. COLLINS, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 4369 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

#### **TITLE —PRESERVE ACCESS TO AFFORDABLE GENERICS ACT**

##### **SEC. 01. SHORT TITLE.**

This title be cited as the “Preserve Access to Affordable Generics Act”.

##### **SEC. 02. UNLAWFUL COMPENSATION FOR DELAY.**

(a) **IN GENERAL.**—The Federal Trade Commission Act (15 U.S.C. 44 et seq.) is amended by—

(1) redesignating section 28 as section 29; and

(2) inserting before section 29, as redesignated, the following:

##### **“SEC. 28. PRESERVING ACCESS TO AFFORDABLE GENERICS.**

“(a) **IN GENERAL.**—

“(1) **ENFORCEMENT PROCEEDING.**—The Federal Trade Commission may initiate a proceeding to enforce the provisions of this section against the parties to any agreement resolving or settling, on a final or interim basis, a patent infringement claim, in connection with the sale of a drug product.

“(2) **PRESUMPTION.**—

“(A) **IN GENERAL.**—Subject to subparagraph (B), in such a proceeding, an agreement shall be presumed to have anticompetitive effects and be unlawful if—

“(i) an ANDA filer receives anything of value; and

“(ii) the ANDA filer agrees to limit or forego research, development, manufacturing, marketing, or sales of the ANDA product for any period of time.

“(B) **EXCEPTION.**—The presumption in subparagraph (A) shall not apply if the parties to such agreement demonstrate by clear and convincing evidence that the procompetitive benefits of the agreement outweigh the anticompetitive effects of the agreement.

“(b) **COMPETITIVE FACTORS.**—In determining whether the settling parties have met their burden under subsection (a)(2)(B), the fact finder shall consider—

“(1) the length of time remaining until the end of the life of the relevant patent, compared with the agreed upon entry date for the ANDA product;

“(2) the value to consumers of the competition from the ANDA product allowed under the agreement;

“(3) the form and amount of consideration received by the ANDA filer in the agreement resolving or settling the patent infringement claim;

“(4) the revenue the ANDA filer would have received by winning the patent litigation;

“(5) the reduction in the NDA holder's revenues if it had lost the patent litigation;

“(6) the time period between the date of the agreement conveying value to the ANDA filer and the date of the settlement of the patent infringement claim; and

“(7) any other factor that the fact finder, in its discretion, deems relevant to its determination of competitive effects under this subsection.

“(c) **LIMITATIONS.**—In determining whether the settling parties have met their burden under subsection (a)(2)(B), the fact finder shall not presume—

“(1) that entry would not have occurred until the expiration of the relevant patent or statutory exclusivity; or

“(2) that the agreement's provision for entry of the ANDA product prior to the expiration of the relevant patent or statutory exclusivity means that the agreement is procompetitive, although such evidence may be relevant to the fact finder's determination under this section.

“(d) **EXCLUSIONS.**—Nothing in this section shall prohibit a resolution or settlement of a patent infringement claim in which the consideration granted by the NDA holder to the ANDA filer as part of the resolution or settlement includes only one or more of the following:

“(1) The right to market the ANDA product in the United States prior to the expiration of—

“(A) any patent that is the basis for the patent infringement claim; or

“(B) any patent right or other statutory exclusivity that would prevent the marketing of such drug.

“(2) A payment for reasonable litigation expenses not to exceed \$7,500,000.

“(3) A covenant not to sue on any claim that the ANDA product infringes a United States patent.

“(e) **REGULATIONS AND ENFORCEMENT.**—

“(1) **REGULATIONS.**—The Federal Trade Commission may issue, in accordance with section 553 of title 5, United States Code, regulations implementing and interpreting this section. These regulations may exempt

certain types of agreements described in subsection (a) if the Commission determines such agreements will further market competition and benefit consumers. Judicial review of any such regulation shall be in the United States District Court for the District of Columbia pursuant to section 706 of title 5, United States Code.

“(2) **ENFORCEMENT.**—A violation of this section shall be treated as a violation of section 5.

“(3) **JUDICIAL REVIEW.**—Any person, partnership or corporation that is subject to a final order of the Commission, issued in an administrative adjudicative proceeding under the authority of subsection (a)(1), may, within 30 days of the issuance of such order, petition for review of such order in the United States Court of Appeals for the District of Columbia Circuit or the United States Court of Appeals for the circuit in which the ultimate parent entity, as defined at 16 C.F.R. 801.1(a)(3), of the NDA holder is incorporated as of the date that the NDA is filed with the Secretary of the Food and Drug Administration, or the United States Court of Appeals for the circuit in which the ultimate parent entity of the ANDA filer is incorporated as of the date that the ANDA is filed with the Secretary of the Food and Drug Administration. In such a review proceeding, the findings of the Commission as to the facts, if supported by evidence, shall be conclusive.

“(f) **ANTITRUST LAWS.**—Nothing in this section shall be construed to modify, impair or supersede the applicability of the antitrust laws as defined in subsection (a) of the 1st section of the Clayton Act (15 U.S.C. 12(a)) and of section 05 of this title to the extent that section 5 applies to unfair methods of competition. Nothing in this section shall modify, impair, limit or supersede the right of an ANDA filer to assert claims or counterclaims against any person, under the antitrust laws or other laws relating to unfair competition.

“(g) **PENALTIES.**—

“(1) **FORFEITURE.**—Each person, partnership or corporation that violates or assists in the violation of this section shall forfeit and pay to the United States a civil penalty sufficient to deter violations of this section, but in no event greater than 3 times the value received by the party that is reasonably attributable to a violation of this section. If no such value has been received by the NDA holder, the penalty to the NDA holder shall be sufficient to deter violations, but in no event greater than 3 times the value given to the ANDA filer reasonably attributable to the violation of this section. Such penalty shall accrue to the United States and may be recovered in a civil action brought by the Federal Trade Commission, in its own name by any of its attorneys designated by it for such purpose, in a district court of the United States against any person, partnership or corporation that violates this section. In such actions, the United States district courts are empowered to grant mandatory injunctions and such other and further equitable relief as they deem appropriate.

“(2) **CEASE AND DESIST.**—

“(A) **IN GENERAL.**—If the Commission has issued a cease and desist order with respect to a person, partnership or corporation in an administrative adjudicative proceeding under the authority of subsection (a)(1), an action brought pursuant to paragraph (1) may be commenced against such person, partnership or corporation at any time before the expiration of one year after such order becomes final pursuant to section 5(g).

“(B) EXCEPTION.—In an action under subparagraph (A), the findings of the Commission as to the material facts in the administrative adjudicative proceeding with respect to such person’s, partnership’s or corporation’s violation of this section shall be conclusive unless—

“(i) the terms of such cease and desist order expressly provide that the Commission’s findings shall not be conclusive; or

“(ii) the order became final by reason of section 5(g)(1), in which case such finding shall be conclusive if supported by evidence.

“(3) CIVIL PENALTY.—In determining the amount of the civil penalty described in this section, the court shall take into account—

“(A) the nature, circumstances, extent, and gravity of the violation;

“(B) with respect to the violator, the degree of culpability, any history of violations, the ability to pay, any effect on the ability to continue doing business, profits earned by the NDA holder, compensation received by the ANDA filer, and the amount of commerce affected; and

“(C) other matters that justice requires.

“(4) REMEDIES IN ADDITION.—Remedies provided in this subsection are in addition to, and not in lieu of, any other remedy provided by Federal law. Nothing in this paragraph shall be construed to affect any authority of the Commission under any other provision of law.

“(h) DEFINITIONS.—In this section:

“(1) AGREEMENT.—The term ‘agreement’ means anything that would constitute an agreement under section 1 of the Sherman Act (15 U.S.C. 1) or section 5 of this Act.

“(2) AGREEMENT RESOLVING OR SETTLING A PATENT INFRINGEMENT CLAIM.—The term ‘agreement resolving or settling a patent infringement claim’ includes any agreement that is entered into within 30 days of the resolution or the settlement of the claim, or any other agreement that is contingent upon, provides a contingent condition for, or is otherwise related to the resolution or settlement of the claim.

“(3) ANDA.—The term ‘ANDA’ means an abbreviated new drug application, as defined under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)).

“(4) ANDA FILER.—The term ‘ANDA filer’ means a party who has filed an ANDA with the Food and Drug Administration.

“(5) ANDA PRODUCT.—The term ‘ANDA product’ means the product to be manufactured under the ANDA that is the subject of the patent infringement claim.

“(6) DRUG PRODUCT.—The term ‘drug product’ means a finished dosage form (e.g., tablet, capsule, or solution) that contains a drug substance, generally, but not necessarily, in association with 1 or more other ingredients, as defined in section 314.3(b) of title 21, Code of Federal Regulations.

“(7) NDA.—The term ‘NDA’ means a new drug application, as defined under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)).

“(8) NDA HOLDER.—The term ‘NDA holder’ means—

“(A) the party that received FDA approval to market a drug product pursuant to an NDA;

“(B) a party owning or controlling enforcement of the patent listed in the Approved Drug Products With Therapeutic Equivalence Evaluations (commonly known as the ‘FDA Orange Book’) in connection with the NDA; or

“(C) the predecessors, subsidiaries, divisions, groups, and affiliates controlled by, controlling, or under common control with

any of the entities described in subparagraphs (A) and (B) (such control to be presumed by direct or indirect share ownership of 50 percent or greater), as well as the licensees, licensors, successors, and assigns of each of the entities.

“(9) PATENT INFRINGEMENT.—The term ‘patent infringement’ means infringement of any patent or of any filed patent application, extension, reissue, renewal, division, continuation, continuation in part, reexamination, patent term restoration, patents of addition and extensions thereof.

“(10) PATENT INFRINGEMENT CLAIM.—The term ‘patent infringement claim’ means any allegation made to an ANDA filer, whether or not included in a complaint filed with a court of law, that its ANDA or ANDA product may infringe any patent held by, or exclusively licensed to, the NDA holder of the drug product.

“(11) STATUTORY EXCLUSIVITY.—The term ‘statutory exclusivity’ means those prohibitions on the approval of drug applications under clauses (ii) through (iv) of section 505(c)(3)(E) (5- and 3-year data exclusivity), section 527 (orphan drug exclusivity), or section 505A (pediatric exclusivity) of the Federal Food, Drug, and Cosmetic Act.”

(b) EFFECTIVE DATE.—Section 28 of the Federal Trade Commission Act, as added by this section, shall apply to all agreements described in section 28(a)(1) of that Act entered into after November 15, 2009. Section 28(g) of the Federal Trade Commission Act, as added by this section, shall not apply to agreements entered into before the date of enactment of this title.

#### SEC. 03. NOTICE AND CERTIFICATION OF AGREEMENTS.

(a) NOTICE OF ALL AGREEMENTS.—Section 1112(c)(2) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (21 U.S.C. 355 note) is amended by—

(1) striking “the Commission the” and inserting the following: “the Commission—

“(1) the”;

(2) striking the period and inserting “; and”;

(3) inserting at the end the following:

“(2) any other agreement the parties enter into within 30 days of entering into an agreement covered by subsection (a) or (b).”

(b) CERTIFICATION OF AGREEMENTS.—Section 1112 of such Act is amended by adding at the end the following:

“(d) CERTIFICATION.—The Chief Executive Officer or the company official responsible for negotiating any agreement required to be filed under subsection (a), (b), or (c) shall execute and file with the Assistant Attorney General and the Commission a certification as follows: ‘I declare that the following is true, correct, and complete to the best of my knowledge: The materials filed with the Federal Trade Commission and the Department of Justice under section 1112 of subtitle B of title XI of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, with respect to the agreement referenced in this certification: (1) represent the complete, final, and exclusive agreement between the parties; (2) include any ancillary agreements that are contingent upon, provide a contingent condition for, or are otherwise related to, the referenced agreement; and (3) include written descriptions of any oral agreements, representations, commitments, or promises between the parties that are responsive to subsection (a) or (b) of such section 1112 and have not been reduced to writing.’”

#### SEC. 04. FORFEITURE OF 180-DAY EXCLUSIVITY PERIOD.

Section 505(j)(5)(D)(i)(V) of the Federal Food, Drug and Cosmetic Act (21 U.S.C.

355(j)(5)(D)(i)(V)) is amended by inserting “section 28 of the Federal Trade Commission Act or” after “that the agreement has violated”.

#### SEC. 05. COMMISSION LITIGATION AUTHORITY.

Section 16(a)(2) of the Federal Trade Commission Act (15 U.S.C. 56(a)(2)) is amended—

(1) in subparagraph (D), by striking “or” after the semicolon;

(2) in subparagraph (E), by inserting “or” after the semicolon; and

(3) inserting after subparagraph (E) the following:

“(F) under section 28;”.

#### SEC. 06. STATUTE OF LIMITATIONS.

The Commission shall commence any enforcement proceeding described in section 28 of the Federal Trade Commission Act, as added by section 3, except for an action described in section 28(g)(2) of the Federal Trade Commission Act, not later than 3 years after the date on which the parties to the agreement file the Notice of Agreement as provided by sections 1112(c)(2) and (d) of the Medicare Prescription Drug Improvement and Modernization Act of 2003 (21 U.S.C. 355 note).

#### SEC. 07. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such title or amendments to any person or circumstance shall not be affected thereby.

### NOTICE OF HEARING

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, June 22, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on policies to reduce oil consumption through the promotion of accelerated deployment of electric-drive vehicles, as proposed in S. 3495, the Promoting Electric Vehicles Act of 2010.

For further information, please contact Mike Carr or Abigail Campbell.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on June 16, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON ARMED SERVICES

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 16, 2010, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a business meeting on June 16, 2010, at 11 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FOREIGN RELATIONS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 16, 2010, at 9:30 a.m., to hold a hearing entitled "The New START Treaty (Treaty Doc. 111-5): Views from the Pentagon."

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON VETERANS' AFFAIRS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on June 16, 2010. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SPECIAL COMMITTEE ON AGING

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on June 16, 2010, from 2-5 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on June 16, 2010, at 3 p.m. to conduct a hearing entitled, "The Gulf of Mexico Oil Spill: Ensuring a Financially Responsible Recovery."

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and For-

ests be authorized to meet during the session of the Senate to conduct a hearing on June 16, 2010, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Juliana Manzanarez and Jonquilyn Hill, who are interns in my office, be given floor privileges during the pendency on this tax extenders bill, H.R. 4213.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Anders Landgren, an intern on the Finance Committee staff, be granted the privileges of the floor for the duration of the debate on the American Jobs and Closing Tax Loopholes Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECOGNIZING THE 60TH ANNIVERSARY OF THE OUTBREAK OF THE KOREAN WAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S.J. Res. 32, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant editor of the Daily Digest read as follows:

A joint resolution (S.J. Res. 32) recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BURR. Mr. President, this joint resolution recognizes the 60th anniversary of the outbreak of the Korean war, as well as honoring the strong friendship between the United States and the Republic of Korea.

June 25 is a very important day, not only in Korean history, but also in U.S. history. On that day 60 years ago, Communist troops from the Soviet-occupied north crossed the invisible border at the 38th parallel to invade their free brethren to the south—killing thousands of civilians and forcing streams of refugees to flee their advance.

Under the leadership of President Harry S. Truman, the United States responded to its first military challenge of the Cold War by dispatching U.S. forces to lead 15 other countries of a United Nations force to defend against the spread of communism. President Truman made his commitment to the war very clear:

In the simplest terms, what we are doing in Korea is this: We are trying to prevent a

third world war. . . . If history has taught us anything, it is that aggression anywhere in the world is a threat to peace everywhere in the world. When that aggression is supported by the cruel and selfish rulers of a powerful nation who are bent on conquest, it becomes a clear and present danger to the security and independence of every free nation.

During the 3 years of the Korean war, 5.7 million Americans answered the call to duty, and almost 1.8 million of these men and women deployed across the Pacific to serve in some of the most harsh and unforgiving conditions along the rugged peninsula, in the skies above the Yalu River, on carriers and other surface ships at sea, or from staging and support areas in Japan. By the official cease fire on July 27, 1953, 54,246 American servicemen and servicewomen had sacrificed their lives to defeat Korean and Chinese Communist troops and push them north of what is known as the Demilitarized Zone. Since then, a stalemate has existed on the Korean Peninsula, with the United States supporting a free and prosperous Republic of Korea, while keeping a wary eye on the brutally repressive regime across the border. In the last 60 years, there have been several confrontational episodes and potential flashpoints between the two Koreas, and events of the last few weeks show us that the conflict continues today.

Although we are hopeful that the swell of military action 60 years ago will be the most profound fighting in the Korean war, North Korea has shown a propensity to provoke its sister country in the South. This is clearly evident in the brutal murder of 46 South Korean sailors of the South Korean Navy ship, the Cheowan, on May 20. Compelling evidence points toward North Korean culpability in this latest episode. Such an act of aggression only serves to underscore and reaffirm the importance of the alliance between the United States and the Republic of Korea.

Today, U.S. Forces Korea—the combined American air, ground, and naval forces of roughly 28,500 American servicemembers—still stand ready to assist in the safety and security of South Korea near the Demilitarized Zone, DMZ, and throughout the rest of the peninsula below the 38th Parallel.

This mutual and enduring friendship has been in evidence since September 11, 2001. South Korea has been an able and willing ally in the global war on terror, dispatching the 100th Engineer Group and 924th Medical Group to both Iraq and Afghanistan. Their forces have been integral in providing humanitarian and medical aid to soldiers and civilians alike, as well as working to rebuild infrastructure in Afghanistan and Iraq.

I ask all of my esteemed colleagues to stand with me and pass this joint resolution, to not only commemorate the 60th anniversary of the beginning of the Korean war and properly honor

those Americans who served proudly in that conflict, but also to recognize the continued resilience and vibrancy of the alliance between our nations.

Mr. DURBIN. Mr. President, I ask unanimous consent to be added as a co-sponsor to this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the preamble be agreed to, the motions to reconsider be laid upon the table, and any statements relating to the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 32) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S. J. RES. 32

Whereas, on June 25, 1950, communist North Korea invaded the Republic of Korea with approximately 135,000 troops, thereby initiating the Korean War;

Whereas, on June 27, 1950, President Harry Truman ordered the United States Armed Forces to help the Republic of Korea defend itself against the North Korean invasion;

Whereas the hostilities ended in a cease-fire marked by the signing of the armistice at Panmunjom on July 27, 1953, and the peninsula still technically remains in a state of war;

Whereas, during the Korean War, approximately 1,789,000 members of the United States Armed Forces served in theater along with the forces of the Republic of Korea and 20 other members of the United Nations to defend freedom and democracy;

Whereas casualties of the United States during the Korean War included 54,246 dead (of whom 33,739 were battle deaths), more than 103,284 wounded, and approximately 8,055 listed as missing in action or prisoners of war;

Whereas the Korean War Veterans Recognition Act (Public Law 111-41) was enacted on July 27, 2009, so that the honorable service and noble sacrifice by members of the United States Armed Forces in the Korean War will never be forgotten;

Whereas President Barack Obama issued a proclamation to designate July 27, 2009, as the National Korean War Veterans Armistice Day and called upon Americans to display flags at half-staff in memory of the Korean War veterans;

Whereas since 1975, the Republic of Korea has invited thousands of American Korean War veterans, including members of the Korean War Veterans Association, to revisit Korea in appreciation for their sacrifices;

Whereas in the 60 years since the outbreak of the Korean War, the Republic of Korea has emerged from a war-torn economy into one of the major economies in the world and one of the largest trading partners of the United States;

Whereas the Republic of Korea is among the closest allies of the United States, having contributed troops in support of United States operations during the Vietnam war, Gulf war, and operations in Iraq and Afghanistan, while also supporting numerous

United Nations peacekeeping missions throughout the world;

Whereas since the end of the Korean War era, more than 28,500 members of the United States Armed Forces have served annually in the United States Forces Korea to defend the Republic of Korea against external aggression, and to promote regional peace;

Whereas North Korea's sinking of the South Korean naval ship, Cheonan, on March 26, 2010, which resulted in the killing of 46 sailors, necessitates a reaffirmation of the United States-Korea alliance in safeguarding the stability of the Korean Peninsula;

Whereas from the ashes of war and the sharing of spilled blood on the battlefield, the United States and the Republic of Korea have continuously stood shoulder-to-shoulder to promote and defend international peace and security, economic prosperity, human rights, and the rule of law both on the Korean Peninsula and beyond; and

Whereas beginning in June 2010, various ceremonies are being planned in the United States and the Republic of Korea to commemorate the 60th anniversary of the outbreak of the Korean War and to honor all Korean War veterans, including the Korean War Veterans Appreciation Ceremony in the hometown of President Harry S. Truman, which will express the commitment of the United States to remember and honor all veterans of the Korean War: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—*

(1) recognizes the historical importance of the 60th anniversary of the outbreak of the Korean War, which began on June 25, 1950;

(2) honors the noble service and sacrifice of the United States Armed Forces and the armed forces of allied countries that served in Korea since 1950 to the present;

(3) encourages all Americans to participate in commemorative activities to pay solemn tribute to, and to never forget, the veterans of the Korean War; and

(4) reaffirms the commitment of the United States to its alliance with the Republic of Korea for the betterment of peace and prosperity on the Korean Peninsula.

#### COMMENDING EYECARE AMERICA

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 557, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant editor of the Daily Digest read as follows:

A resolution (S. Res. 557) commending EyeCare America for its volunteerism and efforts to preserve eyesight throughout the previous 25 years.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 557) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 557

Whereas, according to the National Eye Institute, in public opinion polls, Americans—

(1) have consistently identified the fear of vision loss as second only to the fear of developing cancer; and

(2) have stated that the loss of vision would have the greatest impact on their lives;

Whereas the National Eye Institute estimates that more than 11,000,000 people in the United States have common vision problems;

Whereas, according to the National Eye Institute, approximately 35,000,000 people in the United States experience an age-related eye disease, including age-related macular degeneration (the leading cause of vision loss in older people of the United States), glaucoma, diabetic retinopathy, and cataracts;

Whereas, according to the National Eye Institute, the number of people in the United States who experience an age-related eye disease is expected to grow to 50,000,000 by 2020;

Whereas, according to the National Eye Institute, the Hispanic and African-American populations experience a disproportionate incidence of glaucoma, cataracts, and diabetic retinopathy;

Whereas, according to the National Eye Institute, diabetic retinopathy is the leading cause of blindness in individuals of all races between the ages of 25 and 74;

Whereas vision impairment and eye disease are major public health issues, especially as 2010 begins the decade in which, according to the Census Bureau, more than ½ of the 78,000,000 Baby Boomers will turn 65 and be at greatest risk for developing an age-related eye disease;

Whereas much can be done to preserve eyesight with early detection and treatment;

Whereas EyeCare America, the public service program of the Foundation of the American Academy of Ophthalmology, works to ensure that eye health is not neglected by matching eligible patients with 1 of nearly 7,000 volunteer ophthalmologists across the United States committed to preventing unnecessary blindness in their communities;

Whereas the volunteer ophthalmologists provide eye exams and eyecare for up to 1 year at no out-of-pocket cost to the patient, and seniors who do not have insurance receive the care at no charge;

Whereas individuals may call EyeCare America toll-free at 1-800-222-EYES (3937) to see if they are eligible to be referred to a volunteer ophthalmologist throughout the United States; and

Whereas EyeCare America has helped more than 1,000,000 people since the inception of the organization in 1985 and is the largest public service program of its kind in United States medicine as of the date of agreement to this resolution: Now, therefore, be it

*Resolved, That the Senate commends EyeCare America for its volunteerism and efforts to preserve eyesight throughout the 25 years preceding the date of agreement to this resolution.*

#### NATIONAL DIRECT SUPPORT PROFESSIONALS RECOGNITION WEEK

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of S. Res. 558, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant editor of the Daily Digest read as follows:

A resolution (S. Res. 558) designating the week beginning September 12, 2010, as "National Direct Support Professionals Recognition Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 558) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 558

Whereas direct support workers, direct care workers, personal assistants, personal attendants, in-home support workers, and paraprofessionals (referred to in this preamble as "direct support professionals") are the primary providers of publicly funded long term support and services for millions of individuals;

Whereas a direct support professional must build a close, trusted relationship with an individual with disabilities;

Whereas a direct support professional assists an individual with disabilities with the most intimate needs, on a daily basis;

Whereas direct support professionals provide a broad range of support, including—

- (1) preparation of meals;
- (2) helping with medications;
- (3) bathing;
- (4) dressing;
- (5) mobility;
- (6) getting to school, work, religious, and recreational activities; and
- (7) general daily affairs;

Whereas a direct support professional provides essential support to help keep an individual with disabilities connected to the family and community of the individual;

Whereas direct support professionals enable individuals with disabilities to live meaningful, productive lives;

Whereas direct support professionals are the key to allowing an individual with disabilities to live successfully in the community of the individual, and to avoid more costly institutional care;

Whereas the majority of direct support professionals are female, and many are the sole breadwinners of their families;

Whereas direct support professionals work and pay taxes, but many remain impoverished and are eligible for the same Federal and State public assistance programs on which the individuals with disabilities served by the direct support professionals must depend;

Whereas Federal and State policies, as well as the Supreme Court, in *Olmstead v. L.C.*, 527 U.S. 581 (1999), assert the right of an individual to live in the home and community of the individual;

Whereas, in 2010, the majority of direct support professionals are employed in home and community-based settings and this trend is projected to increase over the next decade;

Whereas there is a documented critical and growing shortage of direct support professionals in every community throughout the United States; and

Whereas many direct support professionals are forced to leave jobs due to inadequate wages and benefits, creating high turnover and vacancy rates that research demonstrates adversely affects the quality of support to individuals with disabilities: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning September 12, 2010, as "National Direct Support Professionals Recognition Week";

(2) recognizes the dedication and vital role of direct support professionals in enhancing the lives of individuals with disabilities of all ages;

(3) appreciates the contribution of direct support professionals in supporting the needs that reach beyond the capacities of millions of families in the United States;

(4) commends direct support professionals as integral in supporting the long-term support and services system of the United States; and

(5) finds that the successful implementation of the public policies of the United States depends on the dedication of direct support professionals.

#### OBSERVING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 559, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant editor of the Daily Digest read as follows:

A resolution (S. Res. 559) observing the historical significance of Juneteenth Independence Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURRIS. Mr. President, on a hot day in the summer of 1776, delegates from across the American Colonies gathered in Philadelphia to cast off the yoke of tyranny and assert the fundamental right of self-government.

At that moment, when our Republic was born, our Founders ratified a document unique in human history which contained the landmark words:

We hold these truths to be self-evident, that all men are created equal.

This simple creed became the justification of a great Revolutionary War, which gave rise to the thriving democracy we inhabit today. That is why we celebrate every Fourth of July as Independence Day—because of the principles laid out in that remarkable Declaration.

But, tragically, for almost a century after that document was ratified, the equality of all men remained an

unfulfilled promise. It began to seem that the Declaration of Independence defined our aspirations rather than our core beliefs.

Slavery, brutal and unjust, remained legal throughout the majority of the 19th century and helped set the stage for the bloodiest war we have ever known. But, as President Lincoln had dearly hoped, out of that terrible violence was born a new and more complete freedom—a freedom that wiped out the scourge of slavery once and for all and realized the promise our Founding Fathers documented for all Americans.

That is why, on Saturday, many in this country observe another independence day known as Juneteenth. Slavery ended in the Confederate States of America when President Lincoln signed the Emancipation Proclamation on January 1, 1863. But many slaves did not learn of their freedom until much later.

Finally, on June 19, 1865—more than 2 years after the Emancipation Proclamation—Union soldiers led by Major General Gordon Granger arrived in Galveston, TX. They brought news that must have been almost unbelievable to all who heard it. The Civil War was over, they announced, and all slaves were free.

From that day on, former slaves in the Southwest celebrated June 19 as the anniversary of their emancipation. That is why I have submitted this resolution observing the historical significance of this date—Juneteenth Independence Day.

Over the past 145 years, Juneteenth celebrations have been held to honor African-American freedom. But this date has come to hold even greater significance. Throughout the world, Juneteenth celebrations lift the spirit of freedom and rail against the forces of oppression. At long last, this day is beginning to be recognized as both a national event and a global celebration.

But just as the Fourth of July marks the beginning of a journey that continues even today, we must not forget that the long march to freedom that started on June 19, 1865, is far from over.

Our country has made great strides in the century and a half since slavery was abolished, but deep wounds are slow to heal. We will never be able to rewrite this terrible history. But we can, and we must, do everything we can to rise above it—to seek constructive solutions to the problems that time alone cannot wash away, problems that still affect the African-American community on a daily basis, from discrimination, to crime, to health care disparities, to unemployment, to substance abuse, and so on.

So let's pay tribute to the suffering of our forefathers by seeking justice for our children. Let's remember our past

by looking to our future and confronting these problems with bold, new solutions.

This is a day for all of us to stand together and lift up the liberties we hold so dear—a day to look forward, to look ahead to tomorrow, and continue the fight for freedom and equality.

So I ask my colleagues to stand with me. I ask them to support my resolution observing the historical significance of Juneteenth Independence Day. I invite them to share the joy of those who greeted Union soldiers in Galveston more than 140 years ago.

Mr. UDALL of Colorado. Mr. President, I rise to highlight the celebration of Juneteenth throughout my State of Colorado.

One hundred forty-five years ago, Black slaves in Galveston, TX, heard the contents of "General Order No. 3," which proclaimed their freedom from slavery. Though the announcement in Galveston in 1865 came over 2 years after President Lincoln's Emancipation Proclamation, for the first time, Black slaves learned of their freedom from a shameful policy of early America that threatened the wellbeing of the entire Union. June 19, 1865, was a joyous day for these men, women and children and has since become a day of reflection and celebration as the day when Lincoln's words in the Emancipation Proclamation were finally realized. As African Americans migrated west and out of Texas, they carried with them the memories and message they had heard on that great day in June.

Communities in Colorado come together every year to continue a tradition that highlights a notable turning point in our country's history; a point at which our country's hard fought efforts to empower a segment of America's population materialized. Today, just as before, this community has continued to make powerful and positive contributions to our common quality of life. That is why it is no surprise to me that this tradition carries on. In Colorado, citizens of various backgrounds gather in Pueblo, Colorado Springs, Denver and in the backyards of communities across our State to celebrate Juneteenth.

I am particularly proud to mention that in Pueblo, CO, they are celebrating the 30th anniversary of their first official Juneteenth celebration with the theme "Growing the Community." And just as in Colorado Springs, Denver and other places across the State, it is an event that shares this history and time of reflection with the entire community.

To all my fellow Coloradans who will gather this June 19 to celebrate an important event in America's history, I wish you a safe and joyous occasion. And I am proud that you continue to instill a sense of history and community that provides rich cultural and

historical knowledge of our country's fight to ensure freedom for all.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 559) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 559

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the southwestern States, for more than 2½ years after President Lincoln's Emancipation Proclamation, which was issued on January 1, 1863, and months after the conclusion of the Civil War;

Whereas, on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas with news that the Civil War had ended and that the enslaved were free;

Whereas African-Americans who had been slaves in the Southwest celebrated June 19, commonly known as "Juneteenth Independence Day", as the anniversary of their emancipation;

Whereas African-Americans from the Southwest continue the tradition of celebrating Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas, for more than 140 years, Juneteenth Independence Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures;

Whereas, although Juneteenth Independence Day is beginning to be recognized as a national, and even global, event, the history behind the celebration should not be forgotten; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

*Resolved*, That—

(1) the Senate—

(A) recognizes the historical significance of Juneteenth Independence Day to the Nation;

(B) supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to understand better the experiences that have shaped the Nation; and

(C) encourages the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(2) it is the sense of the Senate that—

(A) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States; and

(B) history should be regarded as a means for understanding the past and solving the challenges of the future.

#### ORDERS FOR THURSDAY, JUNE 17, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today, it adjourn until 9:30 a.m. on Thursday, June 17; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks, there be a period of morning business until 10 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of the House message to accompany H.R. 4213, tax extenders, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. DURBIN. Mr. President, at approximately 12 noon, the Senate will proceed to a vote in relation to the Thune amendment No. 4333, the Republican alternative to the tax extenders legislation. Additional votes are expected to occur throughout the day in relation to amendments to the bill.

#### ORDER FOR ADJOURNMENT

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order following the remarks of Senator GRASSLEY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I wish to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MUST-DO LEGISLATION

Mr. GRASSLEY. Mr. President, the legislative business before the Senate deals with the so-called tax extenders. These extenders, as important as they are, represent only a small portion of the time-sensitive tax legislative business that needs to be completed.

I have a chart that I have used the last few days illustrating the status of several pieces of absolutely must-do tax legislation.

Earlier this week, I discussed the lack of action on this year's alternative minimum tax. I refer to that as

an AMT patch. In a day or two, I will discuss the failure of Congress to act on the bipartisan 2001 and 2003 marginal rate cuts and Family Tax Relief Act.

This evening, I want to discuss the lack of action on estate tax reform.

Most of my colleagues know this about me—for as many years as I have been a representative of the people of Iowa, I have never believed that death—a person dying—should be a taxable event.

Taxing people's assets upon their death is plain wrong, and their heirs should not be forced to sell a single asset in order to meet this arbitrary tax due date caused by death.

Company assets should not have to be sold to pay taxes. The market, in fact, should determine when things are bought and sold because that is the very best measurement when a willing buyer meets a willing seller and they agree on a price and a time when a company should be sold. In other words, if you have to do it because somebody died, a fire-sale approach probably does not determine the true value of that property and, consequently, less money to the heirs and even less tax money coming in.

That is where I come from. We ought to repeal the death tax. But that is not political reality. The political reality is that there are not 60 votes in the Senate for that policy. Unfortunately, while repeal is the law of the land today, in a few months the law will take a sharp turn in the other direction—a wrong direction.

Under current law, in 2011, we will once again have an estate tax due and owing within 9 months of death of 55 percent and even in some cases 60 percent. That is not right. We force many unwilling sellers to have to deal with a very willing shark of a buyer waiting in the murky waters of tax uncertainty.

Some people wonder why I care so much about this issue. Pundits might say that Iowa is poor compared to places such as New York City and that land and companies are not worth much.

Much of the press attention has been paid to what the current law does this year. For instance, the New York Times printed an article on how the current law repeal of the estate tax applies to a Texas billionaire who died a few weeks ago.

We are almost half a year away from a tax policy that a supermajority of Senators say they do not support. Yet we are stuck in a mud hole. This time-sensitive issue has taken a back seat in this body to everything else.

My colleagues may not know that Iowa has 99 counties, and I have visited each of the 99 counties every year for the last 29 years to hold town meetings and to get people's opinions. Let me give a couple examples I have learned

of why I think this issue of doing something quickly about the estate tax is a very important issue and a very timely issue.

I want to talk about some people who live in Iowa. Not only do they live in Iowa, they have devoted their entire life for multiple generations to build businesses and create good jobs for the people of rural Iowa.

Over 44 years ago, Eugene and Mary Sukup started a grain handling and storage manufacturing company in Sheffield, IA. Today, the Sukups and their two sons and their families are still headquartered in Sheffield, IA, population of a whopping 990 people, about 300 more than the town in which I live. They employ over 300 people from five different counties in good-paying jobs with a good retirement plan.

In fact, the original employee team that started with them almost 40 years ago is still there today and, in many cases, the next generation has also joined the team.

This chart depicts one of the main products they make and sell. For city folks who are watching, this piece of equipment is a building called a grain bin. I have some grain bins such as this on my family farm that my son Robin operates.

I ask unanimous consent to have printed in the RECORD a short history of the innovative efforts of the Sukup family.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Sukup Manufacturing Co is a family-owned and operated company located in Sheffield, Iowa—right in the heart of Midwest farmland. The company manufactures a full line of grain storage, drying and handling equipment, as well as a line of implements.

The Sukup Grain Handling and Storage Solutions line includes grain bins for both on-farm and commercial storage, grain dryers for on-farm and commercial operations, axial and centrifugal fans and heaters, stirring machines, unloading equipment, bin floors and supports, drive-over hoppers, grain spreaders and Airway® Tubes. The implement line includes cultivators, flail shredders, a wild game food plot planter and grain drills.

Sukup's focus in manufacturing has been to hire local, reliable employees and provide them with top quality tools with which to do their jobs. Sukup has made a considerable investment in manufacturing technologies. The manufacturing facilities in Sheffield house a number of welding robots, Computer Numeric Control (CNC) Machining Center, CNC Punching Centers, Mazak Lasers, and numerous roll forming machines. The company also utilizes progressive dies to speed production of high-usage parts. Sukup's bin production line is the most advanced and efficient in the industry. When Sukup entered the bin manufacturing business, they had the bin sidewall sheet and roof sheet lines built to their strict specifications by the leader in roll forming equipment. These machines are computer-controlled and maintain extremely tight tolerances that make Sukup Bins the best fitting and easiest to put together in the industry.

Ultimately, the key to Sukup Manufacturing Co's success has been its innovative ideas that have resulted in over 70 U.S. patents. Sukup Manufacturing Co currently produces a broad line of grain handling and storage systems as well as innovative tillage equipment. Sukup is a market leader with many of their products holding either the number one or number two spot in terms of market share for their respective product categories. In addition, Sukup products are sold not only throughout the U.S., but also in over 50 foreign countries.

One of the other factors in Sukup Manufacturing Co's success is their long-term employees. Nearly 30% of their full-time employees have been with the company for more than 10 years. Sukup equipment is built by people who understand their jobs and the important role they play in producing a successful product. In the past, to reward their employees for their dedication, Sukup has invited employees with 10 years of full-time employment with Sukup on a 7-day trip to the Hawaiian islands with their spouse. It is a great opportunity for co-workers to relax and get to know each other away from the workplace, which leads to tighter bonds when they return to their positions within the company.

If you're ever in the Sheffield, Iowa area (approx. 100 miles north of Des Moines or 150 miles south of Minneapolis, just off of I-35), stop in for a visit. We'll be more than happy to give you a tour of our facilities and introduce you to some of our employees. We're sure you'll be impressed by what you see.

Mr. GRASSLEY. Mr. President, in addition, they have facilities in six other States also contributing to those States' rural economies, such as Defiance, OH, Jonesboro, AR, Arcola, IL, Aurora, NE, and Watertown, SD—places where good jobs and hard work that is not flashy and does not make the scandal page of the big city newspapers are valued in those towns as important places of employment and contribute to the economy, places where people invest in the local economy and contribute as good citizens to community improvement and betterment.

They used to call these kinds of folks the "pillars of the community," in old-fashioned terms. But in today's economy, these are folks devoted to American values and small town America. They may sell their products all over the United States. They also sell their products—would you believe it—all over the world. But you know what, they manufacture those products right there in that small community of Sheffield, IA. As a family farmer, the Sukups have been successful because they make a great product, and this is one of their products.

I wish to move on to another little Iowa town, somewhat larger than Sheffield, the town of Shenandoah. That is where Lloyd Inc. is located. Shenandoah is a community of almost 5,000 people—4,944 to be precise. Our colleague Senator ENSIGN is the lone practitioner of animal medicine in the Senate. He might be familiar with the products that Lloyd Inc. in Shenandoah, IA, puts out.

It, too, is not a flashy company. They started making animal dietary mixes

in 1958, and now they are a significant provider of veterinary drugs. The chart depicts one of Lloyd Inc.'s products. These are different animals. I am not going to go into too much detail about them.

Eugene Lloyd is a doctor of veterinary medicine. He is the CEO of the company. Dr. Lloyd has told me the company has never let go of any employees due to poor business cycles.

Lloyd Inc. employs well over 90 well-educated people in this community of Shenandoah in southwest Iowa. The company has also provided generous health care and retirement plans to their employees, and as I said, in rural America, those benefits are very important.

Finally, both the company and Dr. Lloyd and his family have given generously throughout the years to educational scholarships, unrestricted grants to Dr. Lloyd's and his wife's alma mater, and provided financial and product support to address disasters, both locally and internationally.

Unfortunately, even after vigilant estate planning, these two families, the Lloyd and the Sukup family-owned companies will be facing a very large combined estate tax bill. That bill could total tens of millions of dollars between the two companies. That is tens of millions of dollars that will leave the State of Iowa. These companies might face a fire sale, and so often in this circumstance a company is sold to someone with no interest or no desire to maintain the current location or contributions to the community.

There are two companies, two towns, six counties, four families, and hundreds of employees, and all will be hurt if we do not do something about the death tax. Businesses will be sold, locations will be shut down, real people will lose good jobs. The State of Iowa will lose tens of millions of dollars of hard capital invested for over 90 years between these two companies. I barely even mentioned how much salary, retirement plans, and charitable contributions they have made to those little Iowa communities.

The multinational or foreign companies will come calling. They will be circling these home-grown businesses. Trust me, they will. We have seen it before. Perhaps they will be accompanied by sharpie hedge-fund types from big cities, such as New York, Boston or Chicago. They will go to places such as Sheffield and Shenandoah, but they will not go there to live. When they arrive we will have no one else to blame but us, right here in the Congress, for letting these family-owned companies committed to the community go away.

The punitive death tax policy passionately pushed by my liberal friends will have greased the skids. It will have killed the local roots of these successful small town businesses. All of us

from rural America are trying to battle what is called out-migration. If we leave the death tax in place in its punitive form, in 2011 it will take away jobs, businesses, and people out of rural America. That is why I care about this death tax debate: because of real people in real Iowa communities invested in expanding in those rural counties.

It is strange, in New York City, how many multimillionaires live in any one block in Manhattan. But those so-called multimillionaires seem a little different when you check out the Iowa corn crop or you sit together at church or at a grandson's baseball game. They are, as the popular book says, "The Millionaire Next Door." They are the pillars who help hold up all those 99 counties that I visit every year.

I know these are not the kinds of stories that make the front pages of our big city newspapers. When family businesses are sold and shut down or move out of the State or even move out of the United States, it certainly makes the front pages of the newspapers that I really care about. So when you hear about the number of estates affected, keep in mind to some extent that statistic is only a snapshot. The estate tax return is filed by the representative of a dead person. Those statistics so often dwelled on by many of the proponents of the death tax do not capture the full picture. The statistic is only a look at the dead person who owned the business or farm. It does not take into account the dead person's family, the dead person's employees, the dead person's neighbors. All of those folks are affected if the death tax burdens that family's business or farm and causes it to move on to some other owner and maybe out of the community.

There seems to be a strategy by the bicameral Democratic leadership to slow-walk a resolution of this vexing problem. The slow-walk strategy will leave the American people with the current law, and that current law is \$1 million compared to the zero today or what we could have as a compromise between the House and Senate: \$3.5 million on the one hand, \$5 million on the other.

The junior Senator from Vermont as always is passionate and transparent about what he thinks and believes. He has said we should retain current law. His position is that \$253 billion in revenue gained from current law is better spent by those of us in Washington, no doubt spent on what the junior Senator believes are valuable programs, probably some programs that I support.

Should his view prevail, however, we will see the essence of the economic policy of the Democratic leadership over the past 18 months. It will be another income redistribution policy. The President defined it a couple of years ago. It will be a program designed to "spread the wealth around." More taxes for those who have saved

and sacrificed during life, more spending on those who are demanding ever more generous tax-funded subsidies. That is basically what redistribution is all about. It is about folks in this city of Washington "spreading the wealth around."

I have heard rumors and read press reports that indicate that various Senators have a lot of company in the House and Senate Democratic caucuses. For instance, maybe the position taken by the Senator from Vermont might have that support. But those who share his view or views like that have not been as transparent as the junior Senator from Vermont, who is very transparent. You know exactly where he stands, and that is an honorable position for any Senator to take. I say that even though I disagree with him some.

The number of quiet supporters of the junior Senator from Vermont may be high enough to prevent the Democratic leadership from allowing a clean vote on a bipartisan compromise. I believe that bipartisan compromise is one of a \$5 million exemption and a 35-percent tax rate compared to the \$3.5 million and 45 percent tax rate in the House of Representatives.

The American people need to hear some data about how current law will apply when it goes to that million-dollar exemption. They need to know where the revenue will come from. So we always go, around this Senate, to the Joint Committee on Taxation. That is a nonpartisan official congressional scorekeeper on the issue of taxes—and all taxes. We need to also know about the number of affected estates.

Under current law it will be at least—can you believe it—at least 10 times higher than what it would be under the Lincoln-Kyl bipartisan compromise that I just described, the compromise that would cap the death tax rate at 35 percent. It would also provide that unified credit equivalent amount of about \$5 million.

So here is that data from that nonpartisan Joint Committee on Taxation that you see right here. We are going to talk about current law, which is the tax law that is right now going to take effect in 2011 if we do not do anything. That is going to arrive in just a little over 6 months.

Under current law, 44,000 estates will be taxable. Under the Lincoln-Kyl compromise, 4,000 estates would be taxable. You can see here, for the year 2011, Lincoln-Kyl, 4,000; current law, with a \$1 million exemption, 44,400 estates. That is quite a big difference.

It means that current law, the path on which we seem to be slow-walking, means 10 times the number of estates will be hit by the tax. The Lincoln-Kyl compromise means that only the top 10 percent, the wealthiest estates, will be hit by the death tax.

If you project that out, as this chart does, 8 years of current law over the 10 years, you will find that roughly 616,000 estates will be taxed over that period, and under the Lincoln-Kyl compromise, roughly 54,000 estates would be taxable over that period of time.

To give everyone a bit of perspective, I wish to share some Iowa farm data. It is from the U.S. Department of Agriculture. Under current law, in a bit over 6 months, with the \$1 million exemption that is on the law now taking place, the line between a taxable farm and nontaxable farm will be that \$1 million.

The U.S. Department of Agriculture reports that there were 92,800 farms covering 86 percent of Iowa in 2007. In 2007, the average Iowa farm was 331 acres. According to a survey conducted by Iowa State University in 2009, the average acre was worth \$3,371. That means that a farm the size of the 2007 Iowa average, at average 2009 prices in Iowa, is going to be worth \$1,446,801. In 2007, there were 19,302 Iowa farms with 500 or more acres worth at least \$2.1 million at average 2009 prices. Now, keep in mind that farmers sometimes carry debt. That would reduce the value of the farm. But, on the other hand, farmers have other farm-related assets, such as the farm machinery to operate it, that are not included in the figures I just cited.

This data shows that the current-law estate tax could hit many Iowa farmers. For those folks working the lands, this is an unwelcome certainty. As I indicated earlier, the tax is an impediment to passing on the family business—in this case, the family farm. Current-law death taxes, quietly supported by, apparently, many Members on the other side—and that is that \$1 million figure—will act as an incentive to break down many family farms and small businesses. These family farms and small businesses form the eco-

nomic backbone of their hard-working heartland communities.

What amazes me is the zeal by some to use tax policy to inflict this kind of damage on family farms and small businesses such as the two I pointed out in Shenandoah, IA, and Sheffield, IA. All of this is somehow supposed to fund an ever-expanding set of Federal benefits to many who do not pay any income tax. The signal sent is that those who work hard, save, and want to pass something on to their family exist solely to fund these bloated Federal programs. So why work hard? Why save? Why not work less? Why not go into debt and live beyond your means? In the end, the government levels everyone out at death by, as the President said, “spreading the wealth around.”

I have not touched on the damage being inflicted now by our inaction on estate tax reform. At every townhall, I hear from folks—in fact, I just finished a half hour monthly television program I do back in the State of Iowa. And one of the callers called in: When are you going to do something about the estate tax? Kind of embarrassing to tell him. I told him to watch my speech that I was going to give just as soon as the program is over. So here I am. But everybody at my townhalls—I hear from folks who ask these kinds of questions. They ask: What is the law going to be? Will it be retroactive? When will the Congress address this action? Why delay?

Recently, I received a letter that was signed by 750 Iowa attorneys asking for a resolution of this issue. At a time when families are dealing with the emotional and financial stress of the death of a family member, why do we add this additional confusion and anxiety for the family or for a counselor who cannot even advise his clients on what they should do in planning an estate?

I am afraid I do not have a good answer for these folks, just as a few minutes ago on my television program I did not have an answer for that person who called in from Pocahontas, IA, wanting to know what we are going to do about this. But we do need to get an answer. Hopefully, it is one that will be bipartisan, such as Lincoln-Kyl, and limits the reach of the death tax to at least the top 10 percent of the wealthiest estates. At the very least, we owe the American people an open and intellectually honest debate and votes up or down on a very fair policy.

Resolving the estate tax nightmare with real reform is time-sensitive tax legislation business. It is nowhere on the Senate's radar screen. As I point to this checklist once again that I bring to the Senate almost every day, I urge my friends in the Democratic leadership to put it on the Senate's radar screen.

I yield the floor.

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#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m., Thursday, June 17, 2010.

Thereupon, the Senate, at 8:27 p.m., adjourned until Thursday, June 17, 2010, at 9:30 a.m.

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#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF STATE

SUZAN D. JOHNSON COOK, OF NEW YORK, TO BE AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM, VICE JOHN V. HANFORD III, RESIGNED.

JUDITH R. FERGIN, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE.

## HOUSE OF REPRESENTATIVES—Wednesday, June 16, 2010

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
June 16, 2010.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

Rabbi Joshua Davidson, Temple Beth El of Northern Westchester, Chappaqua, New York, offered the following prayer:

O God, source of the spirit of living things, You created humanity with all its diversity in Your image and placed us upon this Earth to tend it, guiding us along whichever spiritual path we call our own toward goodness and peace.

In this great Hall where dreams come true, we ask Your blessing upon these men and women, these representatives of the people. They have devoted their lives to our welfare. Strengthen them with Your courage. Inspire them as they answer Isaiah's call to feed the hungry and clothe the naked, to lift up those in this land and in all lands who cannot stand on their own.

In this Chamber of debate, may every debate be for the sake of justice, and may justice always be tempered with compassion. May this House be home to the hopes and aspirations of every American, and may America shine as an example to all the world.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. HALL) come forward and lead the House in the Pledge of Allegiance.

Mr. HALL of New York led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3951. An act to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the "Roy Rondenno, Sr. Post Office Building".

The message also announced that pursuant to Public Law 111-5, the Chair, on behalf of the Republican Leader, appoints the following individual to the Health Information Technology Policy Committee:

Richard Chapman of Kentucky.

### WELCOMING RABBI JOSHUA DAVIDSON

The SPEAKER pro tempore. Without objection, the gentleman from New York, Congressman HALL, is recognized for 1 minute.

There was no objection.

Mr. HALL of New York. I am pleased to welcome Rabbi Joshua Davidson, Senior Rabbi of Temple Beth El in Northern Westchester, New York, as our guest chaplain in the House today. Rabbi Davidson is joined here today by his wife, Mia; their daughter, Mikaela; his aunt, Greer Goldman; and his in-laws, Carol and David Fram.

Rabbi Davidson is president of the Westchester Board of Rabbis. He has served Temple Beth El since 2002, and before that served at the Central Synagogue in New York City. He has a long, distinguished career, serving on the boards of many charitable organizations, interfaith coalitions, and prestigious Jewish organizations.

He served as the chair of the Central Conference of the American Rabbis' Committee on Justice, Peace, and Religious Liberties, vice chair of the Commission on Social Action of Reform Judaism. He currently chairs the commission's task force on Israel and World Affairs. Rabbi Davidson is a member of the Hebrew Union College President's Rabbinic Council, and serves on the Clergy Advisory Board of Interfaith Impact of New York State.

House chaplains are a long, proud tradition in the House of Representatives, dating back to the time of our Founding Fathers, and Rabbi Davidson

is a worthy entry into the long roll of distinguished guests.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

### THE WARMEST JANUARY TO APRIL EVER

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, back in February, when Washington was slammed with record-breaking snowstorms, many of my Republican colleagues stood on this very floor and made scientific conclusions that there was not climate change. Many Republicans seemed to suggest Vice President Gore come back and build an igloo on the White House.

Well, the National Oceanic and Atmospheric Administration has released information that says we had the warmest January to April ever, the warmest January to April ever since they started collecting data in 1880. And what do we get from our Republican colleagues? More drilling, more drilling. Not safeguards, but more drilling.

They go out and hold a press conference and ask for more offshore drilling. Rather than that, they should call for more solar investment, rebates for Americans to have solar technology, and get us away from fossil fuels that are ruining the gulf and causing the greatest disaster we have known in the Gulf of Mexico and ecological disaster we have known on this Earth.

While it's unclear what caused this tragic spill, what we can do to prevent future catastrophes is clear: We need to get away from fossil fuels. But Republicans are only interested in lining the pockets of oil companies and making sure that they have the opportunity to drill, drill, drill; spill, spill, spill. We need to stop it, and we need to get a policy that works.

### CONGRATULATING ISAAC BEHAR ON HIS LIFETIME ACHIEVEMENT AWARD FROM MIAMI JEWISH HEALTH NETWORKS

(Ms. ROS-LEHTINEN asked and was given permission to address the House

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize an outstanding constituent from my district in south Florida, Isaac Behar, a longtime humanitarian, philanthropist, and businessman. Ike will be presented with the Lifetime Achievement Award by the Miami Jewish Health Networks.

Ike's American journey embodies the American Dream. At the age of 20, Isaac left Havana for the United States with only \$50 and the dream of building a new life and helping others. He proudly served our country, the United States, in the Army in the Korean War.

Upon completion of his service, he started his own clothing business, the Ike Behar Company, with over 400 employees. After seeing the great care that his mother-in-law received from the Miami Health Networks, Isaac decided to make sure that others would be able to take advantage of their great services. Due to his generosity and commitment, the Miami Health Networks have been able to continue to serve all south Floridians.

Ike, I would like to commend you for your service, for your support for our community and our Nation. Thank you for your dedication and commitment to improving the lives of all south Floridians. Thank you.

#### FIREFIGHTERS

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, we are entering the heart of wildfire season in Arizona. Over the coming months, folks in my district will be faced with serious threats to their lives and property time and again; and time and again, these threats will be contained thanks to our firefighters.

As much as anyone, we in District One know the risk firefighters take to protect our communities. We remember how hard they worked to keep us safe when the Rodeo-Chediski fire forced thousands of Arizonans to evacuate their homes. We saw them heading into the forest to battle the Boggy fire, which they successfully contained 18 miles from Alpine just yesterday.

These brave men and women face incredible danger as a basic part of their jobs. So far this year, 34 firefighters have lost their lives in the line of duty. We must honor their service and sacrifice and renew our commitment to providing them with the support they need to fulfill their duties. It is the least we can do.

#### MORE DEBT

(Mr. PITTS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last week the President's chief budget adviser, Peter Orszag, said that the administration was unwilling to send a package of deficit-reducing budget cuts to Capitol Hill. Even though the President's party is in control of both Houses, Orszag didn't think administration budget recommendations would be considered.

Just a few days later, however, the President announced that he wants Congress to pass a \$50 billion bill to bail out States, regardless of whether that spending increases the deficit. So the administration is perfectly willing to dictate to Congress that we should increase our already burdensome national debt, but wholly unwilling to recommend sensible cuts to existing government programs. We just can't go on like this.

This week, Greece just had another debt rating agency slash their bond rating to junk. Now Europe is putting together a bailout package for Spain, Italy, Ireland, and Portugal may not be far behind. The warnings are numerous, but I fear that they are being ignored. We have to get control of our Federal budget or there is not going to be anyone big enough to bail us out.

#### PUTTING PEOPLE BACK TO WORK

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, listening to my friend from Pennsylvania, I remind him as well as others that the last month of George Bush this country lost 780,000 jobs in 1 month. Okay? Fourteen months later, 15 months later we gained some 400,000 jobs in this country, a swing of 1,100,000 jobs per month.

But in the process, down here in the recession after the Bush administration, we lost 8 million jobs. We have a long way to go to put those people back to work. But for Democrats, that's job number one, to continue to add jobs and put people back to work.

When President Bush left it was a \$1.3 trillion deficit. We know that we have to rein in spending, and we can begin with Iraq, by drawing down those troops and saving this country some real money.

Our first job is to put people back to work, and that's what Democrats are going to do.

#### MARINE CORPS LEGEND SERGEANT CHUCK TALIANO

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, a Marine Corps legend and Beaufort, South Carolina, resident,

passed away on Friday, leaving behind many touched lives, an iconic image, and a legacy of service to our great country.

This is a copy of the iconic Marine Corps recruit photo of Sergeant Chuck Taliano. The story of how Sergeant Chuck Taliano ended up on this famous poster is best reported by Patrick Donahue in the Beaufort Gazette. The article explains that:

"Sergeant Chuck Taliano was awaiting an honorable discharge at Marine Corps Recruit Depot Parris Island in 1968 when a reservist writing a book about boot camp snapped a photo of him giving a recruit an 'attitude readjustment.'"

"That cemented Taliano's place in Corps legend."

"The photo captured his snarling mug inches from a fresh-faced recruit with the caption, 'We don't promise you a rose garden.' It was on thousands of Marine Corps recruiting posters printed during the 1970s and 1980s."

I want to thank Sergeant Taliano and his family for his commitment to America and the Marine Corps. My thoughts and prayers are with his family and friends.

In conclusion, God bless our troops, and we will never forget September 11th in the global war on terrorism. God bless the U.S. Marine Corps.

#### IN SUPPORT OF H.R. 5297

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, I rise in strong support of H.R. 5297, the Small Business Lending Fund Act. This legislation will help the small businesses in my district, such as Al & Joe's Deli, a family-owned business in Franklin Park with sub sandwiches to die for, that is looking to expand. It will also save businesses such as National Plumbing & Heating Supply Company in Illinois, which had to shut down after 60 years because banks ended its line of credit.

To respond to these problems, I will vote to create a new \$30 billion loan program to boost lending to small businesses so they can expand and create jobs.

I also cosponsored an amendment that will include commercial real estate lending as small business lending. This will complement regular lending efforts and help businesses like Al & Joe's capitalize on existing property to expand and create new jobs.

I urge my colleagues to pass this critical legislation.

□ 1015

#### HONORING ELAINE KANG

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to recognize and honor the young talent of Elaine Kang, a 16-year-old violinist from Port Matilda, PA.

This coming September, she will make her radio debut on NPR's "From the Top," a critically acclaimed radio show that reaches 700,000 listeners each week. "From the Top" serves to honor the passion and tenacity of classical musicians under the mission of allowing young people to make a difference by showing who they are and what they can accomplish.

Elaine should be highly commended for developing this wonderful talent. With only 16 years behind her and many more ahead, she is well on her way to a fruitful career. She is a role model for many other young musicians, as well as her peers. The lessons of hard work and discipline are universal, and Elaine certainly promotes them. She has exhibited wonderful skill and her example shows the benefit of pursuing one's passions.

I wish Elaine the best of luck on her upcoming taping at the Majestic Theatre in Gettysburg, and I look forward to hearing her play.

#### COMPREHENSIVE IMMIGRATION REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. I agree with my colleagues on the other side of the aisle that America's borders must be secured. Border security is an important part of comprehensive reform, but we simply cannot ignore the 12 million individuals who are forced to live in the shadows of our society. Our broken immigration system is tearing families apart, thousands of families, every year.

The Department of Homeland Security reports that over the last 10 years, more than 100,000 immigrant parents of U.S. citizen children have been deported. Misguided laws like Arizona's SB1070 don't help keep families together.

Immigration is a Federal problem that can only be solved with a comprehensive approach that is both sensitive to families and ensures border security.

I urge my colleagues, both Democrats and Republicans, to cosponsor H.R. 4321.

Last, but not least, I would like to wish the women good luck tonight in their softball game.

#### CONGRESS MUST BUDGET

(Mr. FORTENBERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORTENBERRY. Mr. Speaker, the national debt just surpassed \$13

trillion. Since 2000, the national debt and government spending have doubled, and in simple terms, every American citizen now owes \$42,000 toward this debt.

To govern is to choose, Mr. Speaker, and choices must be made within our budget to resolve this dire situation. Yes, the choices before us are hard, and restoring economic strength will be very difficult. But tightening the belt, making hard choices and relieving the massive debt burden that will otherwise be left to our children and grandchildren, this is the charge of Congress. This is our duty. This is what the American people deserve.

Government spending and overreach are eroding economic confidence, yet there is neither a political will or a mechanism in Washington right now for addressing this spiraling debt and deficit/right now there isn't even a budget, and this is unconscionable and unsustainable. Our constituents deserve a Nation with its fiscal house in order, and this starts with a responsible budget plan.

#### REMEMBERING BLOODY SUNDAY

(Mr. NEAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL. Mr. Speaker, we had an opportunity yesterday to witness another it-will-never-happen moment. Thirty-eight years after 13 unarmed men and women were shot dead on the streets of Derry in the north of Ireland, on a day now known as Bloody Sunday, the families and relatives of the victims have found the justice they've been seeking for decades. They learned the truth yesterday about what happened during a peaceful civil rights march in the Bogside community in January of 1972. And they heard the British Prime Minister David Cameron say that their loved ones were innocent and that the actions of the parachute regimen on that day were unjustified and wrong.

If Bloody Sunday was a defining day in the history of the troubles, let us hope the publication of the Saville Report will be transformative and cathartic moment for the people in the north of Ireland.

Today we remember those who lost their lives marching near Free Derry and Rossville Flats. We remember Bloody Sunday and those who were wounded. The innocent people have now been exonerated.

For those of us who stood up with those families over the course of almost four decades—and I was a staunch supporter of those families—this is a moment of satisfaction. And at the Guildhall yesterday in Derry, people cheered the vindication of their loved ones who died on that tragic, tragic day.

#### GIRLS ROCK THE HOUSE WINNER

(Mrs. McMORRIS RODGERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today to congratulate Elli Rassbach, an eighth grade student from Walla Walla, Washington, the winner of the first "Girls Rock the House" contest in my home State of Washington State.

At a time when only 17 percent of Congress is made up of women, we need to be doing a better job of making young ladies aware of the opportunities and encouraging more young women to become involved in public service.

That's why I'm a strong supporter of "Girls Rock the House," and I'm very proud of this year's winner. The bill Elli wrote and submitted to "Girls Rock the House" is well-researched and well-written. It's an idea to promote healthy living, and I'm proud to stand before my colleagues and ask them to join me in recognizing her achievement.

On behalf of the United States Congress, congratulations, Elli. Well done.

#### NO MORE FREE RIDES COURTESY OF THE AMERICAN TAXPAYER

(Mr. COURTNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTNEY. Mr. Speaker, author Michael Kinsley once observed that "a gaffe is when a politician tells the truth."

The Republican leader, Mr. BOEHNER, proved this point the other day when he was asked point blank whether he agrees with the Chamber of Commerce that the government should pitch in to pay for BP's oil spill. He replied, "I think BP and the Federal Government should take full responsibility for what's happening here." His words clearly misstated the law. BP is solely responsible, and his staff went into damage control overdrive afterwards to clean up his mess.

But this gaffe really confirms what every American knows in their heart of hearts, that Washington Republicans for the last 40 years have been lockstep allies of the oil companies' push to shift the risk of oil production onto the taxpayer and keep the benefit to themselves. Americans listening today should know that no matter what the Republican leader says, the Democratic majority understands that BP is solely responsible for the cleanup; that the taxpayer will be repaid for its costs; and that BP will compensate small businesses and working families for the damage done to their lives.

No more free rides courtesy of the American taxpayer.

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

## BENEFITS OF THE HEALTH CARE ACT

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, after a year and a little bit more of debating health care in this country, with all the numbers and the rhetoric, sometimes we lose sight of the actual human face of what we accomplish for the American people.

I have the great honor today of being joined by two bright and beautiful young women: Camille Davis and Madeline Davis of Louisville, Kentucky, 7 and 9 years old. They both had tethered cord syndrome that was diagnosed and treated successfully at Children's Hospital in my hometown. They are doing great, and they will grow up to be whatever they want to be. As a matter of fact, I'm glad that they're not 25 because probably one of them would take my seat very shortly.

But the important thing is now, because of the health care bill that we passed, they can be anything they want to be. They can go to grad school. They can do an internship. They can stay on their parent's policy until they're 26. They have total freedom without regard to being denied coverage because of their medical history. This is one of the great benefits of the health care act that we achieved for the American people, and there are millions more like Madeline and Camille who will benefit for the rest of their lives.

I am so proud of what we accomplished for Madeline and Camille Davis and for millions of American young people.

## SLOAN HILLS WITHDRAWAL ACT

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, today the Senate will hold a subcommittee hearing on the Sloan Hills Withdrawal Act introduced by Majority Leader REID. I am a cosponsor and strong supporter of the House companion to this legislation.

This bill would withdraw a 640-acre site near the Sun City Anthem community in Henderson from being made available for mining purposes. The proposed mining operation would cause air quality deterioration, a serious concern, especially for seniors and children, who are vulnerable to respiratory diseases. The proposal is also water-intensive and will increase traffic in the area.

Residents of nearby communities, which are in District Three, would be most directly impacted by this project. That is why I attended a public meeting in April of last year with more than 400 concerned residents of the area. I heard loud and clear that the proposed mine was unacceptable.

The Sloan Hills Withdrawal Act would ensure that an aggregate mine is not developed on this site and will protect the health and well-being of my constituents in Henderson. So I urge its passage.

## SCOTT URBAN, 2010 OUTSTANDING EDUCATOR AWARD FOR TEACHER ACHIEVEMENT

(Mr. WALZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ. Mr. Speaker, I rise today to honor Scott Urban, a teacher from Mankato West High School in Mankato, Minnesota. Scott was this year's recipient of the Minnesota WEM Foundation's Outstanding Educator Award. This award recognizes exemplary teachers who support, inspire, and assist students to achieve their full potential. They are nominated by students, parents, colleagues, and community leaders, the people that matter most.

As a teacher on leave myself from Mankato West High School, I had the honor of teaching in the classroom next to Scott. I have seen his passion and outstanding leadership inspire students to achieve far more than they ever dream. He encourages his students to learn the material, not simply for a test but to test their knowledge and their limits.

Scott's success with students is unparalleled. Over the past 11 years at Mankato West, the students in his rigorous advanced placement government and politics class have maintained an 80 percent pass rate on the national exam, well above all averages. Last year, 85 students took the exam with a pass rate of 94 percent, and 54 percent achieved five out of five. Students in Scott's advanced placement government class come away with not only superior knowledge of our political system but a deep love for our democracy.

For 27 years, he has challenged and inspired, and I hope it's another 27.

Congratulations, Scott.

## WE MUST BREAK OUR ADDICTION TO FOSSIL FUEL

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. The horrific crisis and tragedy in the gulf must be a wake-up call to America that we must break our addiction to fossil fuel and

move with all deliberate haste to a renewable energy future or America simply will have no future.

Energy independence is an economic necessity. We can create an entire economy based on green jobs. It's not only an environmental necessity. Look at the crisis that we have in the gulf with the loss of life and the destruction of an ecosystem that will take a lifetime to fix.

It's a national security imperative. We have to break from our reliance on the Saudis and the Venezuelans, the BPs of the world, and harness the sun, wind, geothermal, biomass. The State of Nevada can become the epicenter of renewable energy. We just need the will to do it.

I ask my colleagues to please join me in a renewable energy future for this great country.

## WALL STREET REFORM

(Ms. FUDGE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FUDGE. Madam Speaker, Wall Street reform is critical to creating jobs and growing our economy. As we rebuild America, we must ensure that Wall Street won't gamble again with our futures.

I support the Restoring American Financial Stability Act because it includes commonsense reforms to hold Wall Street and the big banks accountable. This bill will end bailouts by ensuring taxpayers are never again on the hook for Wall Street's risky decisions and will rein in big banks and their big bonuses. It protects families' retirement funds, college savings, homes and businesses' financial futures from unnecessary risk by lenders.

It also safeguards the American people from predatory lending abuses, which resulted in millions of foreclosures over the past few years.

The American people deserve and want these reforms. Let's give Americans what they deserve: fairness in the financial system.

## HONORING FIRST LIEUTENANT WAYNE T. HOGANCAMP

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to recognize a very special individual by the name of First Lieutenant Wayne T. Hogancamp. First Lieutenant Hogancamp, who lives in Orange County, California, was awarded the third highest honor in the military for gallantry in action, the Silver Star, on January 1, 1945.

While in command of an M-8 cannon platoon and advancing over an enemy-

controlled road in the Philippines, First Lieutenant Hogancamp maneuvered his M-8 through a barrage of enemy artillery fire and successfully destroyed two 77 millimeter guns, thus allowing his column to advance. While continuously exposed to enemy fire and using a burning M-5 tank for cover, he eliminated the enemy threat, allowing the safe passage of his men.

First Lieutenant Hogancamp's bravery is a testament to the dedication and valor of himself, his unit, and the United States Army.

It was an honor for me and my office to have helped Lieutenant Hogancamp obtain his much-deserved Silver Star medal and to have presented it to him this past weekend, 65 years after his heroic act.

Madam Speaker, please join me in honoring First Lieutenant Wayne T. Hogancamp of the United States Army.

□ 1030

#### WHAT'S IT GOING TO TAKE?

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Madam Speaker, I have one question: What's it going to take? How many more oil spills do we have to endure before we're going to do something decisive about ending our reliance on oil?

The amount of oil that has been spilled in the gulf since its inception is about 60,000 barrels per day we're now finding out, up from 1,000 barrels per day. Do you realize that if we had retrofitted 75,000 homes in this country, it would equal the amount of oil that has been spilled into the gulf during this time.

I say to all of us, it is time to take decisive action. It is time to rid ourselves of our dependence on oil. We can do so by embracing the Home Star program that the House has already passed. And maybe what we should do is ask BP to put into an escrow account \$6 billion. And with \$6 billion, do you know what we can do? We can retrofit over 3 million homes in America. And by the way, we can put to work 160,000 Americans.

#### INCREASING LENDING OPPORTUNITIES FOR WOMEN- AND MINORITY-OWNED BUSINESSES

(Mr. CARSON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. CARSON of Indiana. Madam Speaker, I rise today as a champion of the small business community to ask Members to support the floor manager's amendment. The floor manager's amendment includes my provision which amends H.R. 5297 to ensure that women and minority-owned businesses

are provided with lending opportunities to allow them access to capital.

Specifically, my amendment requires States applying to receive Federal contributions for their capital access programs to submit a report. This report will explain how they plan to provide lending opportunities for small businesses in underserved and low- and moderate-income communities.

According to SBA estimates, about 60 percent of the jobs lost in 2008 through the second quarter of 2009 were lost in small firms. As our Nation continues its recovery from the worst economic downturn since the Great Depression, we must recognize that our comeback will only go as far as our small businesses allow. This includes tapping into the potential of women and minority-owned small businesses. Several studies have found that these small business owners are more likely to experience loan denials, pay higher interest rates, and are less likely to apply for loans because of fear of rejection.

I understand that because of the economic challenges that we face, banks cannot loan to all existing or aspiring business owners, but I believe we must continue to work with States and banks to increase lending opportunities for women and minority-owned businesses. That is why I introduced this amendment.

I ask that Members join me in taking a step to make sure that all small business owners have access to capital and an opportunity to contribute to this Nation's free market.

#### PERMISSION RELATING TO CONSIDERATION OF AMENDMENT TO ORIGINAL-TEXT SUBSTITUTE TO H.R. 5297

Ms. BEAN. Madam Speaker, I ask unanimous consent that the instruction in the amendment printed in part B of House Report 111-506 relating to page 11, line 8, be considered to refer to section 4(d)(2)(a) of the original-text substitute.

The SPEAKER pro tempore (Ms. TITUS). Is there objection to the request of the gentlewoman from Illinois?

Mr. NEUGEBAUER. Madam Speaker, reserving the right to object, while I do not plan to object, I just wanted to point out that by accepting the chairman's request, we are agreeing to help you fix a drafting issue with your amendment. However, Republicans also note that only one of our amendments was made in order today. So at the same time we are agreeing to help you fix your amendment—an amendment, by the way, that is considered adopted without a vote—your side has blocked all but one of our amendments from coming up.

I just wanted to make sure that we are all clear on how things are handled these days in the House before we move on to this bill.

With that, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

#### GENERAL LEAVE

Ms. BEAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5297 and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

#### SMALL BUSINESS JOBS AND CREDIT ACT OF 2010

The SPEAKER pro tempore. Pursuant to House Resolution 1436 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5297.

□ 1035

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes, with Mr. PASTOR of Arizona in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour, with 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services and 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Small Business.

The gentlewoman from Illinois (Ms. BEAN) and the gentleman from Texas (Mr. NEUGEBAUER) and the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Missouri (Mr. GRAVES) each will control 15 minutes.

The Chair recognizes the gentlewoman from Illinois.

Ms. BEAN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, our Nation's economic rebirth relies upon the ability of our community businesses to innovate, develop, and market solutions that deliver measurable value to their customers. Their success drives the majority of new jobs in our Nation. They are the engine of innovation, and their resiliency to reinvent their business

models and adapt to emerging growth markets is critical. It's their creativity that drives 13 times more patents per employee than larger firms. They are the cornerstones of our economy and our communities. Beyond the goods and services and the jobs they provide, they invest in the bricks and mortar/real estate in our communities. They have supply chains that depend on their business. They do charitable giving, and they mentor young people in their communities.

Congress has done much to address the challenges small businesses face. Among the \$288 billion in tax breaks in the Recovery Act were crucial small business tax provisions, such as accelerated bonus depreciation and an expansion of the net operating loss carryback that has already rebated \$2.8 billion to businesses across our Nation.

U.S. manufacturing is growing, we're adding new jobs every month in 2010, and GDP is now trending positively, moving from a negative 6 to positive 6 in the year following the Recovery Act and it's now holding at 3 percent. But as I talk with small businesses in my district and across the Nation, the issue that has continued to be an obstacle to business expansion and diversification is access to credit.

The financial crisis of 2008 severely tightened small business access to credit and affordable terms. When businesses can't access financing, they're prevented from entering into new contracts, buying new equipment, hiring new employees, and other expansions. In the worst cases, business owners must cut payrolls, go into bankruptcy, or close their doors for good. Congress has taken steps to alleviate that problem. The Recovery Act included valuable changes to the SBA loan programs, reducing fees for lenders and borrowers on the 7(a) and 504 loan programs and increasing government guarantees to attract more capital. As a result, weekly SBA loan approval volumes have increased by over 90 percent.

The improvements to SBA loan programs and other measures we've taken have helped, but much more needs to be done. Earlier this year, commercial and industrial loans declined for the seventh straight quarter, down more than 17 percent from 2009, and banks are receiving mixed messages. On the one hand, Congress and the administration are urging them to lend more; on the other, bank regulators are telling them to hold back on lending. In fact, our colleague, Mr. PRICE, has an amendment expressing a sense of Congress on that point.

In addition, banks have greater risk aversion due to their exposure on their balance sheets—stemming especially from the instability of the commercial real estate sector. That brings us to this important bill on the floor today. The Financial Services Committee has

held several hearings on the restriction of credit for small business. The bill before us today builds on those hearings and was considered in the open process the committee is known for.

During markup of the bill, the committee adopted 15 amendments, including seven Republican amendments, and today we will consider 17 additional amendments, the vast majority of which are to the Financial Services portion of the bill.

The Small Business Lending Fund Act is a significant step to boost small business lending through our community banks. This legislation builds on the effective financial stabilization measures Congress has previously taken by establishing a new \$30 billion small business loan fund to provide additional capital to community banks that increase lending to small businesses. This \$30 billion investment on which the government will be collecting dividends and earning a profit per the CBO estimates can be leveraged by banks into over \$300 billion in new small business loans. This is an important investment by the Federal Government in our small business that brings tremendous returns.

The terms of the capital provided to banks are performance based; the more a bank increases its small business lending, the lower the dividend rate is for the SBLF capital. If a bank decreases its small business lending, it will be penalized with higher dividend rates.

This legislation includes strong safeguards to ensure that banks adequately utilize available funds to increase lending to small businesses, not for other lending or to improve their balance sheet. There will be oversight consistently throughout the program, plus it requires that the capital be invested only in strong financial institutions at little risk of default and the best positioned to increase small business lending.

It's important for Americans to understand that although this fund has a maximum value of \$30 billion, it is estimated to make a profit for taxpayers in the long run. And the money will ultimately go not to banks, but to the small businesses and their communities that they lend to. As our financial system stabilizes and our community banks recapitalize, these funds will be repaid to Treasury with full repayment required over the next 10 years.

Also included in the Financial Services portion of this bill is the State Small Business Credit Initiative championed by our colleague, Mr. PETERS. The underlying bill provides \$2 billion in funding for new or existing State lending programs.

The CHAIR. The time of the gentleman has expired.

Ms. BEAN. I yield myself 1 additional minute.

This program provides funding for States to expand or create lending programs that use small amounts of public resources to generate private bank financing and are designed to address critical reasons why banks are having trouble making increased investments now—lack of adequate capital reserves on the part of lenders and collateral shortfalls on the part of borrowers.

The State Small Business Credit Initiative is required to leverage \$10 of private funding for every \$1 of government funding. Many of the existing capital access programs leverage 30 private dollars for every 1 government dollar. By supporting existing programs and using an easy-to-replicate model, this program will be quickly ramped up to increase small business lending which will retain and create jobs.

Small businesses are the job creators of our Nation. Supporting their ability to grow and innovate is key to a robust and stable economic recovery. I commend the leadership of Chairman FRANK and Chairwoman VELÁZQUEZ in bringing this package to the floor, which will provide critical support to the half of all American workers who either own or work for a small business.

Mr. Chairman, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I yield myself such time as I may consume.

I rise today in opposition to H.R. 5297. My opposition is not a question of whether or not I support small businesses, it's a question of whether or not this bill will actually help small businesses. Unfortunately, my conclusion is that this bill will not help them, but will cost the taxpayers another \$33 billion—by the way, \$33 billion that we don't have.

□ 1045

As a former small business owner, as well as a former lender, I understand firsthand the need for small business to have access to credit. Access to credit has tightened, but demand for credit from worthy borrowers has also declined.

What small businesses really need more than anything in the current economic environment is more certainty so they can invest and can plan for the future. What they have gotten from Congress is more and more uncertainty.

Small businesses will face a costly tax penalty if they can't comply with the added cost of the new health care law. One business owner in my district told me he had plans to expand and to create jobs, but he has put those on hold now because his business would not grow over 51 employees and then be subject to the new law.

Small businesses are worried about how much their energy costs will go up

under the proposals of cap-and-tax bills. Finally, they have no idea how much their taxes will be next year. Not only are they worried about new taxes to pay for more government spending, but they know that taxes will also go up automatically if Congress does not do anything to address the expiring tax provisions.

No wonder small businesses are in a holding pattern and are not creating new jobs, and this bill does nothing to provide any certainty for small businesses. Rather than doing something that creates more certainty for small businesses to grow and to add jobs in this economy, the majority is repeating the same failed initiatives that have helped our national debt grow to \$13 trillion in the past 2 years. This bill follows the model of the TARP program, minus the stronger oversight, and it puts another \$30 billion into banks in the hopes that lending to small businesses will increase.

In the words of Neil Barofsky, the Special Inspector General who oversees the TARP, "In terms of its basic design," he says, "its participants, its application process, from an oversight perspective, the Small Business Lending Fund would essentially be an extension of the TARP's Capital Purchase Program."

From the Congressional Oversight Panel for TARP, chaired by Elizabeth Warren, she says, "The SBLF's prospects are far from certain. The SBLF also raises questions about whether, in light of the Capital Purchase Program's poor performance in improving credit access, any capital infusion program can successfully jump-start small business lending."

This bill allows for another \$33 billion in spending that will be added to the government's credit card. The CBO tells us that the bank lending portion will ultimately cost taxpayers \$3.4 billion when market risk is taken into account.

We have had record bank failures, including the failures of four banks that were TARP recipients. When those TARP recipient banks failed, the taxpayers' investments of \$2.6 billion were essentially wiped out. More than 100 banks that have received TARP funds so far have missed their dividend payments. These missed dividend payments have cost the taxpayers almost \$200 million. It turns out that many of these banks that received TARP funds were far from healthy.

Do we really think there will be no more bank failures or missed dividend payments among banks that receive funds out of this new TARP program? We know there will be, and the CBO says there will be, which will lead to more losses for the taxpayers.

This fund is just like the TARP's Capital Purchase Program, except for the stronger oversight. I am extremely disappointed that the Rules Committee

blocked a sensible amendment that would have improved the oversight of this new lending fund by bringing it under the oversight of the Special Inspector General for TARP. SIGTARP has developed significant experience in looking out for the taxpayers when it comes to the TARP program. SIGTARP's expertise should be used for this fund to protect the taxpayers.

H.R. 5297 will lead to more losses for taxpayers and to no more improvement in credit for small businesses. A lack of credit is not even the largest problem facing these small businesses. According to the National Federation of Independent Business, the top problem facing small businesses is the lack of sales and demand. If businesses are not confident they will have customers, they are not going to borrow; they are not going to expand, and they are not going to add jobs.

This \$33 billion bill is not going to help increase demand from small business customers. Instead, we need the government to step back and to stop prolonging the uncertainty that is crowding out economic growth in our country. The sad thing is that there are things that Congress could actually be doing to help small businesses. Instead, the majority has chosen to bring up bills that will cost the taxpayers billions and that will do nothing to help the small businesses. They have denied our side the ability to offer substantial amendments.

I think it was appalling, quite honestly, Mr. Chairman, that the majority awarded themselves 66 amendments to this bill and that they awarded the Republicans one. Now, if that is the bipartisanship that this leadership is talking about, I don't think the American people are buying that that is bipartisan, because many of the amendments that we offered, Mr. Chairman, were to add additional protections for the taxpayers. Obviously, the majority is not interested in protecting the taxpayers' investments with this \$33 billion. By the way, this is \$33 billion that we don't have.

I am hoping that the majority is going to tell us this morning where the proposal of the \$33 billion is going to come from. Well, I can tell you where it is going to come from. We are going to charge it to our children and to our grandchildren. You know what? I think we've just about reached the limit on the amount of money we should charge to our children and to our grandchildren.

So, Mr. Chairman, I am going to urge my colleagues to insist that we do better for small businesses. We must do something for small businesses, but this is not the answer, and I am going to encourage my colleagues to vote "no."

I reserve the balance of my time.

Ms. BEAN. I yield 1 minute to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. I rise in support of the bill for the purpose of engaging in a colloquy with Congresswoman BEAN.

I want to bring attention to the important role that banks at the \$25 billion asset cap play in this economy, particularly in lending to small businesses.

The State of Connecticut has three such banks within the \$10 to \$25 billion range in terms of asset caps. These banks are on the ground, lending to small businesses in my district. They are the biggest SBA lenders and are the biggest lenders to minority businesses. They also fulfill a niche opportunity for so many manufacturers in my State as well.

While I understand that the asset cap could not be raised to include these banks in this bill, I would ask that Congresswoman BEAN and Chairman FRANK work with me, with the Treasury, and with the other body to ensure that these banks can be included in this program as this legislation goes forward.

Ms. BEAN. I thank the congressman for his concerns, and I have similar concerns.

In my home State of Illinois, we also have institutions that would like to participate but would be unable to because of the asset cap. I know Chairman FRANK agrees on this point.

I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, one of the things that is interesting is that this program is designed to put more capital into the banking system.

According to the Federal Reserve's April survey of senior loan officers, three factors that exerted the greatest influence on banks' business lending practices over the past 3 months were competitive pressures, the economic outlook, and the tolerance for risk in the business loan market. Lack of capital was not mentioned as one of the driving forces for lending decisions that are being made.

So, basically, Mr. Chairman, what this bill tries to do is to solve a problem that, according to the Federal Reserve, doesn't exist. There is plenty of capital, but there is this competitive pressure, this economic outlook, and this tolerance for risk.

Going back to my earlier point, when I traveled around the 19th Congressional District, I talked to a number of lenders. At the same time, I visited businesses in their communities. What I learned during that process is that many of the small businesses just said, Congressman, things are just too uncertain right now. We don't know what Congress is going to do with taxes. We don't know what they're going to do with this energy bill. We don't know exactly. We are trying to figure out how this new health care bill is going to impact our businesses, how it is going to impact our bottom lines.

Then I went over and talked to the lenders. Many of the lenders are sitting on record amounts of cash and capital in their banks. They are looking as hard as they can for good lending opportunities. What they said is, Unfortunately, some of our customers are not creditworthy. The economy has hurt their sales, and so it wouldn't be prudent to loan those businesses more money. Others said, Our good customers, customers who are creditworthy, are not coming to us and borrowing any money because, again, of this uncertainty.

So, again, our opposition to this bill is that it is not really addressing the real issue in our economy, which is needing to bring some certainty and to leave the capital in the companies, to leave the capital in the economy, instead of the Federal Government's continuing to create uncertainty and taking money out of the economy.

I reserve the balance of my time.

Ms. VELAZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Small businesses, which represent 99.7 percent of firms, are key to the recovery of the U.S. economy. Through innovation and hard work, they are able to not only create jobs but to also build the foundation for future growth. We saw this after the recession of the early 1990s. As we emerge from the latest downturn, small firms will again lead the way.

This downturn has affected every facet of the global economy. Most of the focus has been on repairing the residential housing market and homeowners in particular. It is important to note that this has greatly impacted small businesses as well. Through the Recovery Act, we were able to help them, providing more than \$28 billion in assistance through the SBA. H.R. 5297 builds on this by establishing additional lending initiatives that will give small businesses even greater financing options.

This legislation, Mr. Chairman, also recognizes that capital markets are changing dramatically. Credit standards are stricter, and small businesses are now looking not only to loans and to credit cards to finance their operations, but they are also looking to equity investment to turn their ideas into reality. This has become even more pronounced as asset values have declined, leaving entrepreneurs with less collateral to borrow against.

Unfortunately, small firms' access to venture capital and to equity investment has declined. Last year, such investments plummeted from \$28 billion in 2008 to only \$17 billion last year. This is due, in part, to the previous administration's decision to terminate the SBA's largest pure equity financing program—the Small Business Investment Company Participating Securities program. This has left many entre-

preneurs who need equity investment to fulfill their business plans without a source of such financing.

As a result, it has become more difficult to start a new business and to create the jobs that come with such activity. This is seen in data from the Bureau of Labor Statistics, which show that self-employment declined by 7.5 percent between 2007 and 2009. Less entrepreneurship is never a good thing, but during a recession, it is particularly problematic as small firms generate two-thirds of net new jobs.

In order to address this, title III creates a \$2 billion investment fund at the SBA. Under this program, the agency will provide matching funds to qualified privately managed investment companies, which will, in turn, invest in small companies. To ensure that the public and private sectors' interests are aligned, the SBA's funding would be provided at a 1-to-1 ratio of private investment capital.

Funds from the program will only be given to investment companies that have a proven record of returning a profit to its investors. These managers must have experience in investing in small, early-stage companies. They must have the ability to provide leadership as these entrepreneurial endeavors grow. In selecting investment firms to participate in the program, the SBA will give a special preference to Small Business Investment Companies, which already have substantial experience in financing small firms. In exchange for receiving funds, participating investment funds must convey an equity interest to the SBA, similar to that of which individual investors will receive.

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The equity interest shall entitle the SBA to a repayment of its investment and a proportion of any profits made by the investment company. As a result, the government is on a level playing field with private-sector investors, and the taxpayer stands to benefit from the growth and success of these small companies.

By giving entrepreneurs access to \$2 billion in equity investment, we will provide them the resources to grow and create the types of long-term employment gains we need. It goes without saying that the groundbreaking, innovative firms that rely on such investment tend to be some of our most prolific job creators. Between 2006 and 2008, these companies created eight times more jobs than other businesses. That is exactly the kind of job growth Americans need right now.

Mr. Chairman, I support this legislation.

I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today, I rise in opposition to H.R. 5297, the Small Business

Lending Fund Act. Although my colleagues on the other side of the aisle claim that this bill would improve small business access to much-needed capital, I am not convinced. In fact, there is virtually no guarantee that small businesses will benefit whatsoever from the funding in this bill.

Nothing in Title 1 of the bill assures that banks will lend the capital, much less to small businesses. Title 2 authorizes lending by State programs to businesses that the Small Business Administration would consider large. And only Title 3 of this bill is targeted to assist small businesses. Nevertheless, the overall bill is badly flawed, and I can't support it, nor can I support the excessive small business assistance spending in Title 3.

Now more than ever, our Nation is relying on small businesses to create jobs and to lead us in our economic recovery. But without sufficient access to credit or capital, small businesses can't expand operations or hire new employees. There's little doubt that efforts to bail out banks and other major financial institutions has not led to improved access to capital by small businesses.

Last session, I strongly supported H.R. 3854. It was a comprehensive, bipartisan revision to the capital access programs overseen by the Small Business Administration. That bill, unlike the one before us today, would have improved access to needed capital by small businesses.

Incorporated into that bill was H.R. 3738, which provided a streamlined process to enable qualified venture capitalists to bootstrap their investment with additional Federal moneys to provide needed early-stage equity capital to small businesses. Successful operators would pay back the Federal Government before they took their own profits. Although the legislation came with a relatively modest price tag of \$200 million, its benefits were sure to far outweigh the cost. Moreover, if the program did not succeed, the cost of failure was going to be very modest.

That certainly isn't the case today with the bill we have before us. The cost has increased by 500 percent without any previous testing of its potential to succeed. This will pile unnecessary risk or costs onto taxpayers at a time when we're dealing with record debt and unsustainable deficit spending. Even if Title 3 of this bill—the small business portion—even if Title 3 stood alone, given the dramatic increase in costs, I couldn't support it. But yet here it is. It remains attached to a bill that has even greater costs—and costs that are fully not paid for in the short term.

So let's lay this out. We still do not have a budget for fiscal year 2011. Our national debt has reached a new record high of \$13 trillion. And the administration and the majority in the House

continue to rely on unsustainable borrowing and spending to keep things running. When you consider the complete chaos our fiscal house is in, the idea of more spending seems foolish. Completely foolish. But that's what's being proposed by this legislation today, and I refuse to support it.

If my colleagues want to get serious about supporting small businesses and encouraging their growth, there are lots of ways to do so, and I'm very happy to help. But H.R. 5297 is yet another ill-conceived effort that, at the end of the day, will only further punish American entrepreneurs.

With that, Mr. Chairman, I reserve the balance of my time.

Ms. BEAN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise in strong support of H.R. 5297, the Small Business Lending Fund Act of 2010. This legislation will help small businesses survive and thrive in the current economic climate by providing the Secretary of the Treasury temporary authority to make capital investments up to \$30 billion to banks and savings associations with assets of less than \$10 billion and to their parent holding companies, provided they also have assets of less than \$10 billion.

Mr. Chairman, H.R. 5297 increases the availability of credit for small businesses. It provides funding to eligible institutions that serve small businesses that are minority- and women-owned and that also serve low- and moderate-income, minority, and other underserved or rural communities. This legislation ensures that all eligible institutions may apply to participate in the program established under this title, without discrimination based on geography, which is very important to the great State of Texas.

H.R. 5297 requires eligible institutions receiving capital investments under the program to provide outreach in languages other than English describing the availability and application process to receiving loans from eligible institutions through the use of print, radio, television, or electronic media outlets which target organizations, trade associations, and individuals that represent or work within or are members of minority communities.

The Small Business Lending Fund Act of 2010 contains provisions promoting financial education and literacy and would-be borrowers.

The CHAIR. The time of the gentleman has expired.

Ms. BEAN. Mr. Chairman, I yield 30 additional seconds to the gentleman from Texas.

Mr. HINOJOSA. Most importantly, this legislation protects and increases American jobs.

Mr. Chairman, H.R. 5297 will help small businesses, community banks, the low- and moderate-income, minori-

ties, and other underserved or rural communities, and all of our constituents. It will help our great country move further down the road towards economic recovery and expansion. I strongly urge my colleagues to support this important and timely piece of legislation.

NATIONAL ASSOCIATION  
OF REALTORS®,  
Washington, DC, June 15, 2010.

U.S. HOUSE OF REPRESENTATIVES,  
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 1.1 million members of National Association of REALTORS®, and their affiliates, I ask for your support of H.R. 5297, the "Small Business Lending Fund Act of 2010," introduced by Representative Frank (D-MA). This bill will create the Small Business Lending Fund Program (SBLFP) that would increase the availability of credit to our nation's commercial real estate and small business sectors.

Nearly \$1.4 trillion of commercial real estate loans will mature over the next several years, with a very limited capacity to refinance. If not addressed, the swelling wave of maturities could place further stress on already fragile financial markets and slow our nation's economic recovery. In addition to addressing the issues facing the commercial real estate industry, improving access to capital for small businesses—widely acknowledged as a critical part of growing the American economy—is also greatly needed. In fact, the percentage of small business owners holding a business loan or credit line fell almost 20 percent last year. Unappreciated is the fact that a significant portion of commercial real estate is owned, leased, and operated by small businesses.

Unlike the Troubled Asset Relief Program (TARP), the SBLFP contains lending provisions that help ensure community banks have both the incentive and greater capacity to increase total loans to small businesses by decreasing the dividend cost on the capital investment as lending grows.

Additionally, we support Amendment #4 (Minnick, D-ID), which would allow commercial real estate loans for properties for lease to be eligible in the SBLFP. As H.R. 5297 is currently written, only owner-occupied commercial real estate loans qualify for this program, which excludes commercial real estate loans on properties for lease—a significant portion of small businesses that need refinancing assistance.

In order to help spur small business hiring and growth, NAR urges you to pass this important legislation.

Sincerely,

VICKI COX GOLDER, CRB,  
2010 President, National Association  
of REALTORS®

INDEPENDENT COMMUNITY BANKERS  
OF AMERICA,  
Washington, DC, June 15, 2010.

To: Members of the U.S. House of Representatives

#### MEMORANDUM

Subject: House vote on the Small Business Lending Fund Act (H.R. 5297)

On behalf of the nearly 5,000 members of the Independent Community Bankers of America (ICBA), we express strong support for the Small Business Lending Fund Act of 2010 (H.R. 5297) and urge House passage.

The Act will boost the flow of credit to small businesses by leveraging the role of

our nation's community banks. Community banks are prolific lenders to small business with the experience, expertise and grassroots relationships necessary to quickly deploy the funds to creditworthy borrowers. Notably, the Small Business Lending Fund's (the Fund's) \$30 billion in capital can be leveraged by community banks to support \$300 billion in additional small business lending, creating new jobs and sustaining the economic recovery.

As the Act goes to the House floor, we take this opportunity to share our views on amendments that would improve it and those that would undermine its goal of increased small business lending by discouraging community bank and small business participation.

#### Amendments Supporting Greater Small Business Lending

ICBA supports amendments that will further the goal of greater small business lending including:

Amendment No. 4 (offered by Reps. Minnick, Simpson, Kosmas, Quigley and Marchant): ICBA supports this amendment because it would broaden eligibility for the program by including non-owner occupied commercial real estate and provide greater credit options to small business.

Amendment No. 5 (offered by Reps. Perlmutter, Gutierrez, Klein and Kagen): ICBA supports this amendment because it would further incentivize community banks to participate in the Fund and create greater lending capacity and flexibility to better serve struggling borrowers by allowing them to amortize their loan losses over 10 years.

Amendment No. 6 (offered by Rep. Tom Price): ICBA supports this amendment because it highlights the mixed messages that community banks get from their regulators: Community banks are encouraged to increase lending but at the same time punished with aggressive write-downs of performing loans.

Amendment No. 10 (offered by Reps. Miller and Baca): ICBA supports this amendment because it broadens the definition of small business loans to include construction, land development, and other land loans in domestic offices. These loans will help expand economic activity and employment.

Amendment No. 12 (offered by Reps. Jackson Lee and Cao): ICBA supports this amendment because it would support hard hit community banks and the small businesses they serve in the Gulf Coast states impacted by the oil spill disaster.

Amendment No. 15 (offered by Rep. Braley): ICBA supports this amendment because the documents used to obtain a benefit or service under the program should be clear and user-friendly so interested parties can make best use of the program.

Amendment No. 16 (offered by Rep. Loebsack): ICBA supports this amendment because it further highlights the importance of agricultural operations, farms, and rural communities in our national economy.

#### Amendment Raising Serious Concern

The SBLF is a voluntary program for interested community banks. ICBA wants to ensure that it is workable for community banks and small business borrowers alike. ICBA opposes amendments that would make the program too costly or create a difficult compliance burden. Amendments in this category include:

Amendment No. 3 (offered by Rep. Nye): ICBA opposes this amendment because it would increase the compliance burden on lenders through the addition of unnecessary

complexity and unworkable provisions thereby discouraging participation and small business credit.

Amendments No. 7 (offered by Rep. Green) and No. 8 (offered by Reps. Driehaus, Conolly, and Moore): ICBA opposes these amendments because they would increase reporting requirements and other compliance costs and burdens. These added layers of regulation will discourage participation and reduce available small business loans.

Amendment No. 11 (offered by Rep. Michaud): ICBA believes that the program should remain focused on community banks and traditional debt financing as the most established and effective source of small business lending.

The outcome of these amendments is critical to the success of the Fund. As you cast your votes, please consider which amendments will further the fundamental goal of the program—increased access to credit for small businesses, which can only be achieved through broad, voluntary participation of community banks—and which will undermine this goal.

Thank you for your consideration.

JAMES D. MACPHEE,  
*Chairman.*

SALVATORE MARRANCA,  
*Chairman-Elect.*

JEFFREY L. GERHART,  
*Vice Chairman.*

JACK A. HARTINGS,  
*Treasurer.*

WAYNE A. COTTLE,  
*Secretary.*

R. MICHAEL MENZIES, SR.,  
*Immediate Past Chairman.*

CAMDEN R. FINE,  
*President and CEO.*

*Washington, DC, May 14, 2010.*

#### CONFERENCE OF STATE BANK SUPERVISORS

#### STATE REGULATORS SUPPORT ADMINISTRATION'S SMALL BUSINESS LENDING PROPOSALS

(By Neil Milner)

The Conference of State Bank Supervisors (CSBS) supports the Obama Administration's small business lending proposals to stimulate small business stability and growth.

The proposals—the Small Business Lending Fund and the State Small Business Credit Initiative—will provide much-needed access to capital to support small business lending, the lifeblood of our national economy.

The Administration's proposals will provide capital injections to fund new small business loans to financial institutions with assets less than \$10 billion. In the past few years, the government has gone to extraordinary lengths to prop up our capital markets by providing assistance to the nation's largest institutions. CSBS is pleased the Administration is taking the next steps to promote a full economic recovery by assisting those institutions which largely did not contribute to the economic crisis and have played such a pivotal role in our recovery to date.

Further, CSBS is pleased the proposals are independent initiatives separate from the TARP program. By separating the small business proposals from TARP, we believe the programs will enjoy wider participation and greater success.

We encourage Congress to coordinate with the Department of the Treasury to rapidly implement these much needed initiatives to assist community banks as they continue to support small businesses around the country.

Mr. NEUGEBAUER. Mr. Chairman, I continue to reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

I want to use this time to respond to those who are making the assessment that this money, that there are not safeguards into this legislation to make sure that the money goes to small businesses. First, banks must apply to the Treasury to receive funds, with a detailed plan on how to increase small business lending at their institution. This language was included at my insistence that we need to make sure that small businesses will get the benefit of this legislation.

Second, this capital, repayment of the government loans will be at a dividend rate starting at 5 percent per year. This rate will be lowered by 1 percent for every 2.5 percent increase in small business lending over 2009 levels. It can go as low as a total dividend rate of just 1 percent if the bank increases its business lending by 10 percent or more, incentivizing banks to do the right thing. To ensure that banks actually use the funding they receive, the rate will increase—and there are penalties—to 7 percent if the bank fails to increase its small business lending at their institution within 2 years. To ensure that all federal funds are paid back within 5 years, the dividend rate will increase to 9 percent for all banks, irrespective of their small business lending, after 4½ years.

Let me just make it clear: What the CBO estimates through what they provided to the Congress and telling us, CBO estimates that this provision will save taxpayers \$1 billion over 10 years, as banks are expected to pay back this loan over 10 years, with interest.

I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, I don't have any other speakers on this.

I just might comment on this bill. One of the frustrating things about our economic recovery right now, and we continue to hear over and over and over again, that small businesses are uncertain about what the future is. They don't know what's going to happen with cap-and-trade and what's going to happen with the energy tax, particularly those businesses that are using a lot of energy to produce whatever it is. They're uncertain about what's going to happen with this health care bill and all the mandates that are coming out. They're uncertain about what's going to happen with their taxes. They're uncertain about what's going to happen with the amassing debt that's taking place, because somebody is going to have to pay for it. And this administration continues to look at small businesses to be able to provide that.

So here we come along with a bill that supposedly is supposed to help

small businesses, which the way it is right now, there's no guarantee whatsoever that that money is going to be loaned to small businesses. As the bill stands right now, a commercial loan could qualify, any commercial loan could qualify if it's a loan less than a million dollars.

The fact of the matter is, Mr. Chairman, there's no guarantee. There's no guarantee.

Small businesses are the ones that need help. And the fact of the matter is, too, that if the government would just get out of the way, then small businesses would lead us back into this economic recovery. They provide 7 out of every 10 jobs in this country, and they are the ones that are going to lead us. But nobody is going to expand and nobody is going to add any new productivity, any new hires, until they know what's going to go on and what's going to be around the corner. With this administration, they don't know what's going to happen to them.

I reserve the balance of my time.

Ms. BEAN. Mr. Chairman, I yield 2½ minutes to the gentleman from Michigan (Mr. PETERS).

Mr. PETERS. I rise today in support of H.R. 5297. Small businesses create two in every three new jobs in this country. Creating an environment that allows small businesses to innovate and grow is the single most important objective necessary to reduce unemployment and lead our Nation to full economic recovery.

I have held a field hearing and roundtables with small business owners and have traveled door-to-door in downtowns in my district, and the one thing that I hear over and over again is many entrepreneurs are ready to invest and create jobs again, but they cannot secure the capital necessary to start or grow their business. Some, like Karen Teegarden, owner of a small advertising firm in Oakland County, told me that because she could not get a simple line of credit to meet some short-term payroll needs, she was forced to lay off workers.

It is no secret why small businesses are struggling. Wall Street banks have admitted that they have reduced their investments in Michigan as well as other States. And small local lenders don't have enough capital to lend. I have been fighting for the past year for action to help solve this problem, and the bill before us today will create a \$30 billion fund to promote small business lending. Small local lenders can leverage this funding into \$300 billion in loans for small businesses. But because local lenders will pay the investment back with interest, the non-partisan CBO says the taxpayers will earn a projected \$1 billion.

It's not often that a single action can create a multitude of jobs across this country and reduce the deficit at the same time. Enacting this bill will do

just that. In Michigan, our manufacturers are struggling particularly hard to get access to credit. As their assets decline in value, they have less collateral to post, and this makes banks less likely to lend to them, even if they can show that they are thriving.

The Michigan Collateral Support Program helps lenders, small manufacturers and the State pool default risk to help these companies secure the capital they need to create new jobs. Thirty States have similar programs, and a provision of this bill that I wrote would allow States to strengthen their existing programs and allow other States to create them.

Washington's top priority must be to help create an environment that allows our small businesses to succeed and to create jobs. This legislation helps one of the primary obstacles facing our small businesses, and passing this bill is critical.

Mr. NEUGEBAUER. I reserve the balance of my time.

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Ms. BEAN. I yield 1 minute to the majority leader.

Mr. HOYER. I appreciate the lady from Illinois (Ms. BEAN) for yielding.

I want to first thank the chair of the Small Business Committee, Congresswoman VELÁZQUEZ, for the work that she has done on this bill and for others who have worked on this bill.

As I'm sure has been said many times on this floor but bears repeating, small businesses are the job-creating engine of our economy. They employ more than half of all employees in the private sector, and they've created 64 percent of net new jobs over the past 15 years. So ensuring that small businesses have the resources they need to keep innovating, growing and creating jobs is essential if we're going to sustain the economic recovery. And small businesses have been at the heart of Democrats' recovery strategy ever since this Congress convened in the midst of the greatest economic crisis since the Great Depression, indeed, the deepest recession we've seen in three-quarters of a century.

The Recovery Act, which cut taxes for 98 percent of Americans and is responsible for some 2 million jobs, gave small businesses tax credits for hiring many unemployed workers and helped them make the capital investments that are essential to their growth. Since the Recovery Act, we've expanded Small Business Administration lending, created further tax credits for hiring unemployed workers, and offered immediate and long-term tax credits to help small businesses afford employee health care. And yesterday, the House passed the Small Business Jobs Tax Relief Act, which will exempt 100 percent of small business capital gains from taxation and increase the

amount of startup expenses small business owners can deduct from their taxes, all designed to allow small businesses to grow and expand. That means more investment in small businesses, and more entrepreneurs willing and able to start businesses of their own and hire workers to staff it.

Today, ladies and gentlemen of the House, we can take another step to help small businesses and workers, establishing a \$30 billion fund to expand lending to small businesses looking to make new investments in growth at no cost to the taxpayer. Ladies and gentlemen, I know that those of you who have been not only in your own districts but in your States and throughout the country know that every small businessman and -woman in America who wants to expand has a singular complaint, and that is that they cannot access capital. That's what this bill is about. This bill, the Small Business Lending Fund Act, invests capital in community and small banks that were not the problem that caused this financial meltdown, investing in those community and small banks under terms that become more favorable to those banks as they make more loans to small businesses. In other words, carrots for giving money to small business.

The CBO tells us that all of the money in the Small Business Lending Fund will be repaid with interest and that taxpayers will actually make \$1 billion profit over the next decade. Now, that's not too hard to believe, I think, when you understand that in terms of the dollars that the Bush administration asked us to put on the table to stabilize the economy back in 2008, that to the extent that the money has now been paid back—not all of it yet—but to the extent that we have gotten repayment, we have made some 12 percent on that money. Unfortunately, 45 percent of small businesses seeking loans to expand or even just stay afloat were turned down last year, and you can imagine how those denials led directly to unemployment.

This bill, ladies and gentlemen of the House, can go a long way towards opening up the flow of credit that helps create jobs. That's what this is about, allowing small businesses to expand, grow their businesses, hire more people, pay good salaries and benefits, and get our economy moving. I urge my colleagues to support this bill and to help our small businesses create jobs. I want to congratulate once again the chair of the Small Business Committee, NYDIA VELÁZQUEZ, for her leadership on these issues, and I thank our Republican friends, who I hope will join us in supporting this effort to make sure that small businesses have the capital they need to grow our economy.

Mr. GRAVES of Missouri. Mr. Chairman, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the face of American small business is changing—and rapidly. Twenty years ago, entrepreneurs were likely to rely on loans and credit cards to start up or expand their businesses. This met the needs of most entrepreneurs, but today's startup costs have grown dramatically. This has caused many small companies to turn to equity investment, particularly those in high-growth, technology-based sectors which show the greatest promise to create new jobs. For these firms, their assets are not buildings or machinery; they are people, ideas and skills. For this new generation, the old method of securing capital, through debt, is no longer sufficient by itself.

In a world where revolutionary new products are conceived in dorm rooms, and companies are launched in garages, new ways of meeting businesses' capital needs are needed. Through the Small Business Early Stage Investment program, this bill recognizes this fundamental shift and takes steps to meet the capital needs of our new businesses. Our Nation's entrepreneurs have led us out of every previous recession, and they can do so again, but only if we give them the right tools. This legislation will make loans more affordable for existing businesses so they can grow and add to their payrolls. And for the enterprises just getting off the ground, it will reinvigorate investment in cutting-edge startups.

A vote for this bill is a vote in favor of the American traditions of innovation and entrepreneurship. I urge my colleagues to vote with the small businesses in their district; vote "yes."

I yield back the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the majority leader coming and telling us that this won't cost the taxpayers any money. We have asked the majority for an updated CBO score on this bill with the revisions, and we have not seen that yet. So we don't actually know that for certain. But what we do know is that from the TARP program, there were losses incurred in the TARP program. And this program has been identified by people who are very familiar with the TARP program as another TARP program, except some people want to call this TARP II, TARP Jr. But by and large, this is another TARP program.

You know, there is no question today that all of us realize that small businesses are the number one job creator in our country. Mr. Chairman, in fact, I am a small businessman. I came to Congress not from being a lifelong politician, but from creating jobs in this country, of making payrolls. I have

made a payroll. I have borrowed money. I have actually been a lender. And if you really want to get the economy going back in America, as the majority has tried throwing money at the problem—and I would have thought that they would have learned by now that all this money, the trillions of dollars that they have thrown at the economy hasn't created any jobs. We still have almost 10 percent of the American people who are unemployed in this country today. The numbers show that 17 percent of the American people are either unemployed or underemployed, so throwing money at the problem isn't the answer.

If you want to create jobs in America, I will tell you how you create jobs in America. Number one, you bring some certainty in America. Right now the American people are questioning what the future of their country is. They are seeing record deficits by this administration. This year alone, if we had a budget—we don't know what the deficit is going to be this year because, one, we haven't passed any appropriation bills in this Congress.

And, secondly, the leadership of the majority hasn't brought a budget to the floor, and maybe they are not going to because they don't want their Members to have to take a vote on a budget that's going to say: for every dollar we're going to spend, we are going to have to borrow 42 cents. I am sure they would be embarrassed. And it would be more embarrassing if you voted for a budget like that.

But the way you bring certainty to the country is, one, we are going to have to start cutting back our spending and reducing these deficits. Leaving money in the economy. As a small businessman, when I had the capital in my business, and the government wasn't taxing away my capital, I was able to take that capital and leverage it, and go to my lender, be a responsible borrower, and it would be prudent to lend to me, and we could expand our business that way.

The other thing is, yesterday this body had an opportunity to do something for small business, and that was to repeal the mandate for health care that was in the Democrats' health care bill. Unfortunately, there was not enough votes, but some of our Democratic colleagues understand the same thing we do: if you want to bring certainty, create jobs in America, you take that off the backs of small businesses.

So, really, I wish that this bill would do something for small businesses in this country because small businesses are the lifeblood and the engine for our country. Unfortunately, this bill will not do anything for small businesses; but it will put the taxpayers, again, at risk to underwrite and to invest in banks.

You know, I figured this: it's simple back there in Lubbock, Texas, that,

you know, if somebody wants to invest their dollars in a bank, let them invest their dollars in a bank. Don't take the money away from the taxpayers and invest it because the government thinks that they know what is a better program. So, again, I urge my colleagues to vote for small business, but not this bill. This bill doesn't help small business.

And with that, I yield back the balance of my time.

Ms. BEAN. I yield myself the balance of time.

Well, first I would like to address some of the points our colleague from Missouri suggested, that all we need to do for business is less Federal action and less regulation. And on that point, I would have to agree, the minority has delivered—less action and less regulation, a culture of deregulation that led to the financial crisis and the recent oil spill in the gulf. But this bill isn't about regulation. It's about credit.

And I would then like to move to the point of my colleague from Texas who suggested that this bill adds \$33 billion to the national debt. That's disingenuous, as the gentleman knows. This is not a \$30 billion cost, according to the nonpartisan CBO. The legislation, in fact, will reduce the deficit. Now, these funds are an investment, and there are clear safeguards that ensure that taxpayers are repaid with interest. Also, his concern for small businesses fearing higher taxes is unwarranted, as taxes are, in fact, at historic lows; and in the Recovery Act, of the \$288 billion in tax cuts, many of those went to our community businesses.

He also cited the NFIB to claim that access to credit is not a serious problem, yet the NFIB's own data shows that only 40 percent of small business owners attempting to borrow last year had all of their credit needs met, and nearly one-quarter of would-be borrowers, 25 percent, had none of their credit needs met. Now, he did suggest that some businesses—or he suggested all businesses—are just in a holding pattern, when the reality is, some of them are, and that's not who this legislation is directed to. There are many others who have started to see their pipeline build and their forecasts develop and are seeking to expand their operations and hire people, and they need that access to capital.

This Small Business Lending Fund Act is for those who are going to grow us out of this recession. I urge my colleagues to support this important investment in those community businesses that are the cornerstone of our economy.

Ms. JACKSON LEE of Texas. Mr. Chair, I rise in strong support of the Small Business Lending Fund Act of 2010, H.R. 5297. I would like to thank Chairman BARNEY FRANK, cosponsors of the bill, and the Members of the Committee on Financial Services for supporting this important legislation. I believe this

bill is critical to the continued economic growth and stability of the nation. Small businesses represent one of the most important segments of the U.S. economy. The health of the nation's small businesses is directly tied to the health of the U.S. economy. The latest Census Bureau data for small businesses indicate that over 4 million small businesses employ more than 20 million employees. Small businesses accounted for approximately 18 percent of private sector jobs in 2006, but nearly 25 percent of net employment growth from 1992 to 2005. The contribution of small businesses to the national economy, particularly during the economic recession, was crucial to creating jobs and promoting economic recovery in many parts of the nation.

This bill recognizes that there has been a dramatic decline in lending to small businesses, as a result of the worst recession in our history. According to a February 2010 report of the Federal Deposit Insurance Corporation (FDIC), total bank loans and leases declined for the sixth straight quarter, with total loans to commercial and industrial borrowers declining 4.3 percent and real estate construction and development loans declining by 8.4 percent. These are not positive indicators for the small business sector, because without access to credit and working capital it is virtually impossible for small businesses to grow or to hire. Jobs must continue to be our number one priority and small businesses create jobs.

As liquidity in U.S. financial markets evaporated during the economic recession, many businesses, particularly small businesses, found it difficult if not impossible to secure loans to keep their businesses operating. Meanwhile, banks have imposed more stringent lending requirements and eliminated or decreased substantial lines of credit, even when the businesses are up-to-date on their loan repayments. Of course, the nation's minority-owned and women-owned businesses, which have always cited access to capital and credit as their number one problem, have only had their problems compounded by the lack of small business lending in many parts of the country.

According to Treasury Secretary Geithner, "banks have been told to maintain capital levels in excess of those required to be considered well capitalized. Some banks say they have little choice but to scale back lending, even to creditworthy borrowers, and the most recent Federal Reserve data shows banks are continuing to tighten lending standards for small business." Given this type of assessment by our Secretary of the Treasury, it only makes sense for Congress to take radical steps to reverse the trend and to stimulate the most important sector of the economy—the small business sector.

Others have documented the small business lending dilemma. For example, the TARP Congressional Oversight Panel's May 13, 2010 Oversight Report ("COP Report") addressed the issue of small business lending. "The COP Report concluded 'small business credit remains severely constricted', and also noted the difficulty smaller banks have had in providing small business credit due to exposure to commercial real estate and other liabilities." Whether small business credit liquidity

is a supply problem, or a demand problem, no one can really say. What is clear is that small businesses in every part of the country, including my 18th Congressional District, are strapped for the financial resources necessary to run their businesses. Now the oil spill in the gulf region has worsened matters for small businesses in many gulf coast communities and my 18th Congressional District, where businesses rely on seafood from the gulf for their survival. Many of these businesses were crying out for help before the crisis and will only cry louder for help because of it. The Jackson Lee-Cao amendment will make sure the small business lending is targeted to these gulf coast communities.

The Houston District SBA office serves 32 counties in Southeast Texas where there are over 340,000 small business establishments. The leading categories are Health Services, Business Services, Wholesale Trade-Durable Goods, and Food and Beverage Establishments.

At the beginning of 2006, the State of Texas reported 706 banks and thrifts. There are 231 participating lenders belonging to the SBA Houston District. However, many of these SBA lenders are not lending to small businesses.

Among the 10 most populous metro areas, Houston ranked second in employment growth rate and fourth in nominal employment growth. Much of this growth can be directly attributed to small businesses. In 2006, the Houston metropolitan area ranked first in Texas and third in the U.S. within the category of "Best Places for Business and Careers" by Forbes. Small businesses made these rankings possible.

However, I would submit to you that each of these indicators, particularly the one documenting the number of small businesses in the Houston District, will not improve if the small business lending crisis continues. Small businesses in every category in Houston will be eliminated permanently, resulting in the loss of jobs, incomes and economic stability. Of course, the administration acknowledges this problem, and proposed establishing the \$30 billion lending fund and the State Small Business Credit Initiative to allocate funding to states to support Capital Access Programs. The Obama administration also supports expansion of many of the current SBA programs, as well as tax incentives to stimulate the small business sector. Any comprehensive package of initiatives designed to support small business is the best solution to keep the small businesses of our Nation generating jobs and creating income. H.R. 5297 is one element of the comprehensive package we need right now to provide much needed capital to small businesses and the fund has enough safeguards to ensure the lending truly benefits small businesses.

Ladies and gentlemen, I believe we have reached an impasse when it comes to small business lending in our country, and the only way to send a strong signal to the small businesses and the banks that lend to them is to pass legislation that will help to ease the liquidity crisis. This bill is a timely well-crafted measure to assist the Nation's small businesses. I urge you to support H.R. 5297.

Mr. CONYERS. Mr. Chair, today I rise in strong support of Small Business Lending

Fund Act of 2010. Small businesses are the engine of economic growth where nearly two out of three jobs are created. A recent study found that 39 percent of small businesses were struggling to access credit. Today's legislation will address this issue by providing capital to community banks who will lend to these job creating small businesses.

The Small Business Lending Fund Act would establish a \$30 billion fund to lend to small businesses looking to hire and expand their operations by providing additional capital to community banks. Today's legislation will also create the State Small Business Credit Initiative that would partner with state based programs to lend up to \$20 billion in new lending. This is critical because many state-based programs are being forced to slash funding due to severe budget shortfalls.

Mr. Chair, small businesses will be the catalyst to bring America out of this severe recession. Providing assistance to our small businesses is a necessary and urgent priority. I urge my colleagues to support today's legislation.

Mr. FALEOMAVAEGA. Mr. Chair, I rise today in strong support of H.R. 5297, the Small Business Lending Fund Act of 2010. First I want to thank President Barack Obama for his foresight and recognizing the crucial function small businesses serve in our economy. I also want to thank Speaker NANCY PELOSI and the Chairman of the House Financial Service Committee, Mr. BARNEY FRANK, for their leadership on this issue. This piece of legislation embodies a certain commitment to increase access to capital investments by a vital sector of the economy.

As a major source of employment, increasing lending to small businesses is essential to achieve full economic recovery. Data shows that small businesses created about two out of every three new jobs across the country and I am pleased that small businesses in the Territories are eligible for the Federal programs created under H.R. 5297.

Under Title I of H.R. 5297, the Secretary of the Treasury is authorized to establish a \$30 billion Small Business Lending Fund (fund) to make capital investments in eligible banks. Eligibility is limited to community banks with total assets equal or less than \$10 billion and according to the Federal Deposit Insurance Corporation (FDIC) call report data for banks in American Samoa, ANZ Amerika Samoa Bank (AS Bank), with \$132.884 million in total assets is a potential candidate.

Based on criteria specified in the legislation, the AS Bank is eligible to receive up to 5 percent of its risk-weighted assets, or about \$5 million. Instead of the 7 percent London Interbank Offered Rate (LIBOR), AS Bank will pay a lesser rate of 5 percent, to be reduced further to 1 percent if AS Bank increases its small business lending by 10 percent or more.

In addition, under Title II of H.R. 5297, the American Samoa Government (ASG) is eligible to apply for a grant of no less than \$18 million to create a capital access program for small businesses in the Territory. As part of the grant application, ASG is to submit a proposal to the U.S. Treasury for approval that includes designs of a loan program and also designate a local agency to administer the program.

Mr. Chair, as our economy continues to slump under the strains of unemployment and the loss of revenue, this piece of legislation will provide much-needed capital investments to increase lines of credit available to small businesses across the country.

I am pleased that the Federal programs will inject critical capital into the economy for small businesses to capitalize on. This legislation will go a long way to open up the flow of credit for small businesses that will help create more jobs not only across the country but also in the territories.

I urge my colleagues to pass H.R. 5297.

Mr. ETHERIDGE. Mr. Chair, I rise in support of H.R. 5297, the Small Business Jobs and Credit Act. Small businesses form the backbone of our economy and this bill helps them get access to the credit that they need to grow and create jobs.

While there are strong signs that our economy has turned the corner and is beginning to heal, there are still far too many small businesses unable to get the capital they need to contribute to the recovery. H.R. 5297 creates a Small Business Lending Fund to deliver loans to small business on Main Street. This fund will be available to small and medium-sized community banks that specialize in lending to these institutions. H.R. 5297 includes strong incentives in the form of adjustable repayment rates to make sure that participating community banks lend this money out for its intended purpose. This \$30 billion fund can be leveraged to create up to \$300 billion in loans that small businesses need for growth and expansion. This is the kind of growth that will help continue our economic recovery and get us back to full strength.

In addition to this loan fund, H.R. 5297 provides funding specifically for new and existing lending initiatives that have been developed in several states. With increased funding, we can tap this local expertise and expand on their work to increase small business lending and create jobs.

Finally, as a supporter of budget discipline, I am pleased that this bill does not add to the deficit. These loans are required to be paid back in ten years with interest. In fact, the nonpartisan Congressional Budget Office estimates that this bill will actually reduce the deficit by \$1 billion by the end of the ten-year period.

I support helping businesses on Main Street access the credit they need to grow and expand. I support H.R. 5297, and I urge my colleagues on both sides of the aisle to join me in voting for its passage.

Mr. DINGELL. Mr. Chair, I rise in support of H.R. 5297, the Small Business Jobs and Credit Act. I want to thank the Chairmen of the Financial Services and Small Business Committees, Representatives BARNEY FRANK, D-MA, and NYDIA VELÁZQUEZ, D-NY, respectively, for their leadership in bringing to bear this jobs-creating measure and Congressman GARY PETERS, D-MI, for providing critical guidance for Michigan on the bill as it moved forward.

Today, we are, voting on legislation that will encourage lending to small businesses and in-turn job creation. First, H.R. 5297 sets up a \$30 billion small business lending fund for small- and medium-sized community banks,

which could leverage up to \$300 billion in lending. The fund encourages small business lending by decreasing the interest rate at which the loan is paid back when the bank expands lending to small businesses. Second, the bill creates a State Small Business Credit Initiative to be administered by the Treasury Department which would provide funding for new or existing state lending programs. It is estimated the new Credit Initiative would create an estimated \$20 billion in new lending. Finally, H.R. 5297 contains a provision to restart private investment to meet small businesses' evolving financing needs through a new SBA public-private partnership.

While the Democratic Congress blunted the downward spiral of our economy that was born out of Bush administration policy, our unemployment rate still hovers around 9.5 percent nationwide and around 14 percent in Michigan. It is clear that we can and must do more to ensure our government continues to put the economy on the path to recovery. In particular, small businesses must have access to capital so they can expand and hire workers. In the beginning of this month at a Federal Reserve Bank meeting in Detroit, Fed Chairman Ben Bernanke highlighted this need as he called on banks to lend to small businesses "for the safety and soundness of our banking system." This legislation fulfills the need articulated not only by Mr. Bernanke and other leading economists, but by small businesses in the 15th district such as our automotive suppliers and manufacturers, high tech start ups, and innovative alternative energy firms. I have listened to the concerns of small businesses in my district about the lack of available credit and with the passage of this bill we are taking action to address their concerns.

The statistic has been cited many times before, but it is worth remembering that small businesses have created two-thirds of net new jobs over the past 15 years. Let's help our small businesses help grow our economy by passing this important legislation. I urge my colleagues to join me in voting "yes" on H.R. 5297.

Ms. BEAN. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Financial Services printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute printed in part A of House Report 111-506, modified by the amendment printed in part B of that report and the order of the House of today. The amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 5297

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## TITLE I—SMALL BUSINESS LENDING FUND

### SECTION 1. SHORT TITLE.

This title may be cited as the "Small Business Jobs and Credit Act of 2010".

### SEC. 2. PURPOSE.

The purpose of this title is to address the ongoing effects of the financial crisis on small businesses by providing temporary authority to the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses.

### SEC. 3. DEFINITIONS.

For purposes of this title:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Small Business and Entrepreneurship, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(B) the Committee on Small Business, the Committee on Agriculture, the Committee on Financial Services, the Committee on Ways and Means, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

(2) APPROPRIATE FEDERAL BANKING AGENCY.—The term "appropriate Federal banking agency" has the meaning given such term under section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

(3) BANK HOLDING COMPANY.—The term "bank holding company" has the meaning given such term under section 2(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(2)(a)(1)).

(4) CALL REPORT.—The term "call report" means—

(A) reports of Condition and Income submitted to the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation;

(B) the Office of Thrift Supervision Thrift Financial Report;

(C) any report that is designated by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, or the Office of Thrift Supervision, as applicable, as a successor to any report referred to in subparagraph (A) or (B); and

(D) standard reports of Condition and Income submitted by Community Development Financial Institution loan funds to the Community Development Financial Institutions Fund.

(5) CDCI.—The term "CDCI" means the Community Development Capital Initiative created by the Secretary under the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008.

(6) CDCI INVESTMENT.—The term "CDCI investment" means, with respect to any eligible institution, the principal amount of any investment made by the Secretary in such eligible institution under the CDCI that has not been repaid.

(7) CPP.—The term "CPP" means the Capital Purchase Program created by the Secretary under the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008.

(8) CPP INVESTMENT.—The term "CPP investment" means, with respect to any eligible institution, the principal amount of any investment made by the Secretary in such

eligible institution under the CPP that has not been repaid.

(9) ELIGIBLE INSTITUTION.—The term "eligible institution" means—

(A) any insured depository institution, which—

(i) is not controlled by a bank holding company or savings and loan holding company that is also an eligible institution;

(ii) has total assets of equal to or less than \$10,000,000,000, as reported in the call report as of the end of the fourth quarter of calendar year 2009; and

(iii) is not directly or indirectly controlled by any company or other entity that has total consolidated assets of more than \$10,000,000,000, as so reported;

(B) any bank holding company which has total consolidated assets of equal to or less than \$10,000,000,000;

(C) any savings and loan holding company which has total consolidated assets of equal to or less than \$10,000,000,000; and

(D) any community development financial institution loan fund which has total assets of equal to or less than \$10,000,000,000.

(10) FUND.—The term "Fund" means the Small Business Lending Fund established by section 4(a)(1) of this title.

(11) INSURED DEPOSITORY INSTITUTION.—The term "insured depository institution" has the meaning given such term under section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2)).

(12) PROGRAM.—The term "Program" means the Small Business Lending Fund Program authorized by section 4(a)(2) of this title.

(13) SAVINGS AND LOAN HOLDING COMPANY.—The term "savings and loan holding company" has the meaning given such term under section 10(a)(1)(D) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(1)(D)).

(14) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(15) SMALL BUSINESS LENDING.—

(A) IN GENERAL.—The term "small business lending" means small business lending, as defined by and reported in an eligible institution's quarterly call report, of the following types:

(i) Commercial and industrial loans.

(ii) Owner-occupied nonfarm, nonresidential real estate loans.

(iii) Loans to finance agricultural production and other loans to farmers.

(iv) Loans secured by farmland.

(B) TREATMENT OF HOLDING COMPANIES.—In the case of eligible institutions that are bank holding companies or savings and loan holding companies having one or more insured depository institution subsidiaries, small business lending shall be measured based on the combined small business lending reported in the call report of the insured depository institution subsidiaries.

(16) MINORITY-OWNED AND WOMEN-OWNED BUSINESS.—The terms "minority-owned business" and "women-owned business" shall have the meaning given the terms "minority-owned business" and "women's business", respectively, under section 21A(r)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441A(r)(4)).

(17) CDFI; COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The terms "CDFI" and "community development financial institution" have the meaning given the term "community development financial institution" under the Riegle Community Development and Regulatory Improvement Act of 1994.

(18) CDLF; COMMUNITY DEVELOPMENT LOAN FUND.—The terms "CDLF" and "community

development loan fund" mean any entity that—

(A) is certified by the Department of the Treasury as a community development financial institution loan fund;

(B) is exempt from taxation under the Internal Revenue Code of 1986; and

(C) has assets under \$10,000,000,000 as of the fourth quarter of calendar year 2009.

#### SEC. 4. SMALL BUSINESS LENDING FUND.

##### (a) FUND AND PROGRAM.—

(1) FUND ESTABLISHED.—There is established in the Treasury of the United States a fund to be known as the "Small Business Lending Fund", which shall be administered by the Secretary.

(2) PROGRAMS AUTHORIZED.—The Secretary is authorized to establish the Small Business Lending Fund Program for using the Fund consistent with this title.

##### (b) USE OF FUND.—

(1) IN GENERAL.—Subject to paragraph (2), the Fund shall be available to the Secretary, without further appropriation or fiscal year limitation, for the costs of purchases (including commitments to purchase), and modifications of such purchases, of preferred stock and other financial instruments from eligible institutions on such terms and conditions as are determined by the Secretary in accordance with this title.

"For purposes of this paragraph and with respect to an eligible institution, the term 'other financial instruments' shall include only debt instruments for which such eligible institution is fully liable or equity equivalent capital of the eligible institution. Such debt instruments may be subordinated to the claims of other creditors of the eligible institution".

(2) MAXIMUM PURCHASE LIMIT.—The aggregate amount of purchases (and commitments to purchase) made pursuant to paragraph (1) may not exceed \$30,000,000,000.

(3) PROCEEDS USED TO PAY DOWN PUBLIC DEBT.—All funds received by the Secretary in connection with purchases made pursuant to paragraph (1), including interest payments, dividend payments, and proceeds from the sale of any financial instrument, shall be paid into the general fund of the Treasury for reduction of the public debt.

##### (4) LIMITATION ON PURCHASES FROM CDLFS.—

(A) IN GENERAL.—Not more than 1 percent of the value of purchases made by the Secretary in carrying out the Program may be used to make purchases from community development loan funds.

(B) ELIGIBILITY STANDARD.—The Secretary, in consultation with the Community Development Financial Institutions Fund, shall develop eligibility criteria to determine the financial ability of a CDLF to participate in the Program and repay the investment. Such criteria may include net asset ratio to total assets, ratio of loan loss reserves to loans and leases 90 days or more delinquent (including loans sold with full recourse), positive net income measured on a 3-year rolling average, operating liquidity ratio, ratio of loans and leases 90 days or more delinquent (including loans sold with full recourse) to total equity plus loan loss reserves or any other measures deemed appropriate. In addition, CDLFs participating in the Program shall submit audited financial statements to the Secretary, have a clean audit opinion, and have at least three years of operating experience.

(c) CREDITS TO THE FUND.—There shall be credited to the Fund amounts made available pursuant to section 9, to the extent provided by appropriations Acts.

##### (d) TERMS.—

##### (1) APPLICATION.—

(A) INSTITUTIONS WITH ASSETS OF \$1,000,000,000 OR LESS.—Eligible institutions having total assets equal to or less than \$1,000,000,000, as reported in a call report as of the end of the fourth quarter of calendar year 2009, may apply to receive a capital investment from the Fund in an amount not exceeding 5 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(B) INSTITUTIONS WITH ASSETS OF MORE THAN \$1,000,000,000 AND LESS THAN \$10,000,000,000.—Eligible institutions having total assets of more than \$1,000,000,000 but less than \$10,000,000,000, as of the end of the fourth quarter of calendar year 2009, may apply to receive a capital investment from the Fund in an amount not exceeding 3 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(C) TREATMENT OF HOLDING COMPANIES.—In the case of an eligible institution that is a bank holding company or a savings and loan holding company having one or more insured depository institution subsidiaries, total assets shall be measured based on the combined total assets reported in the call report of the insured depository institution subsidiaries as of the end of the fourth quarter of calendar year 2009 and risk-weighted assets shall be measured based on the combined risk-weighted assets of the insured depository institution subsidiaries as reported in the call report immediately preceding the date of application.

(D) TREATMENT OF APPLICANTS THAT ARE INSTITUTIONS CONTROLLED BY HOLDING COMPANIES.—If an eligible institution that applies to receive a capital investment under the Program is under the control of a bank holding company or a savings and loan holding company, then the Secretary may use the Fund to purchase preferred stock or other financial instruments from the top-tier bank holding company or savings and loan holding company of such eligible institution, as applicable. For purposes of this paragraph, the term "control" with respect to a bank holding company shall have the same meaning as in section 2(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(2)(a)(2)). For purposes of this paragraph, the term "control" with respect to a savings and loan holding company shall have the same meaning as in 10(a)(2) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(2)).

(E) REQUIREMENT TO PROVIDE A SMALL BUSINESS LENDING PLAN.—At the time that an applicant submits an application to the Secretary for a capital investment under the Program, the applicant shall deliver to the appropriate Federal banking agency and, for applicant's that are State-chartered banks, to the appropriate State banking regulator, a small business lending plan describing how the applicant's business strategy and operating goals will allow it to address the needs of small businesses in the areas it serves. This plan shall be confidential supervisory information.

(F) TREATMENT OF APPLICANTS THAT ARE COMMUNITY DEVELOPMENT LOAN FUNDS.—Eligible institutions that are community development loan funds may apply to receive a capital investment from the Fund in an amount not exceeding 10 percent of total assets, as reported in the call report immediately preceding the date of application.

(2) CONSULTATION WITH REGULATORS.—For each eligible institution that applies to re-

ceive a capital investment under the Program, the Secretary shall—

(A) consult with the appropriate Federal banking agency or, in the case of an eligible institution that is a non-depository community development financial institution, the Community Development Financial Institution Fund, for the eligible institution to determine whether the eligible institution may receive such capital investment;

(B) in the case of an eligible institution that is a State-chartered bank, consider any views received from the State banking regulator of the State of the eligible institution regarding the financial condition of the eligible institution; and

(C) in the case of a community development financial institution loan fund, consult with the Community Development Financial Institution Fund.

##### (3) INELIGIBILITY OF INSTITUTIONS ON FDIC PROBLEM BANK LIST.—

(A) IN GENERAL.—An eligible institution may not receive any capital investment under the Program if—

(i) such institution is on the FDIC problem bank list; or

(ii) such institution has been removed from the FDIC problem bank list for less than 90 days.

(B) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as limiting the discretion of the Secretary to deny the application of an eligible institution that is not on the FDIC problem bank list.

(C) FDIC PROBLEM BANK LIST DEFINED.—For purposes of this subparagraph, the term "FDIC problem bank list" means the list of institutions with a current rating of 4 or 5 under the Uniform Financial Institutions Rating System, or such other list designated by the Federal Deposit Insurance Corporation.

##### (4) INCENTIVES TO LEND.—

(A) REQUIREMENTS ON PREFERRED STOCK AND OTHER FINANCIAL INSTRUMENTS.—Any preferred stock or other financial instrument issued to Treasury by an eligible institution receiving a capital investment under the Program shall provide that—

(i) the rate at which dividends or interest are payable shall be 5 percent per annum initially;

(ii) within the first 2 years after the date of the capital investment under the Program, the rate may be adjusted based on the amount of an eligible institution's small business lending. Changes in the amount of small business lending shall be measured against the amount of small business lending reported by the eligible institution in its call report for the last quarter in calendar year 2009 or the average amount of small business lending reported by the eligible institution in all call reports for calendar year 2009, whichever is lower, minus adjustments from each quarterly balance in respect of—

(I) net loan charge offs with respect to small business lending; and

(II) gains realized by the eligible institution resulting from mergers, acquisitions or purchases of loans after origination and syndication; which adjustments shall be determined in accordance with guidance promulgated by the Secretary; and

(iii) during any calendar quarter during the initial 2-year period referred to in clause (ii), an institution's rate shall be adjusted to reflect the following schedule, based on that institution's change in the amount of small business lending relative to the baseline—

(I) if the amount of small business lending has increased by less than 2.5 percent, the dividend or interest rate shall be 5 percent;

(II) if the amount of small business lending has increased by 2.5 percent or greater, but by less than 5.0 percent, the dividend or interest rate shall be 4 percent;

(III) if the amount of small business lending has increased by 5.0 percent or greater, but by less than 7.5 percent, the dividend or interest rate shall be 3 percent;

(IV) if the amount of small business lending has increased by 7.5 percent or greater, and but by less than 10.0 percent, the dividend or interest rate shall be 2 percent; or

(V) if the amount of small business lending has increased by 10 percent or greater, the dividend or interest rate shall be 1 percent.

(B) BASIS OF INITIAL RATE.—The initial dividend or interest rate shall be based on call report data published in the quarter immediately preceding the date of the capital investment under the Program.

(C) TIMING OF RATE ADJUSTMENTS.—Any rate adjustment shall occur in the calendar quarter following the publication of call report data, such that the rate based on call report data from any one calendar quarter, which is published in the first following calendar quarter, shall be adjusted in that first following calendar quarter and payable in the second following quarter.

(D) RATE FOLLOWING INITIAL 2-YEAR PERIOD.—Generally, the rate based on call report data from the eighth calendar quarter after the date of the capital investment under the Program shall be payable until the expiration of the 4½-year period that begins on the date of the investment. In the case where the amount of small business lending has remained the same or decreased relative to the institution's baseline in the eighth quarter after the date of the capital investment under the Program, the rate shall be 7 percent until the expiration of the 4½-year period that begins on the date of the investment.

(E) RATE FOLLOWING INITIAL 4½-YEAR PERIOD.—The dividend or interest rate paid on any preferred stock or other financial instrument issued by an eligible institution that receives a capital investment under the Program shall increase to 9 percent at the end of the 4½-year period that begins on the date of the capital investment under the Program.

(F) LIMITATION ON RATE REDUCTIONS WITH RESPECT TO CERTAIN AMOUNT.—The reduction in the dividend or interest rate payable to Treasury by any eligible institution shall be limited such that the rate reduction shall not apply to a dollar amount of the investment made by Treasury that is greater than the dollar amount increase in the amount of small business lending realized under this program. The Secretary may issue guidelines that will apply to new capital investments limiting the amount of capital available to eligible institutions consistent with this limitation.

(G) RATE ADJUSTMENTS FOR S CORPORATION.—Before making a capital investment in an eligible institution that is an S corporation or a corporation organized on a mutual basis, the Secretary may adjust the dividend or interest rate on the financial instrument to be issued to the Secretary, from the dividend or interest rate that would apply under subparagraphs (A) through (F), to take into account any differential tax treatment of securities issued by such eligible institution. For purpose of this subparagraph, the term "S corporation" has the same meaning as in section 1361(a) of the Internal Revenue Code of 1986.

(H) REPAYMENT DEADLINE.—The capital investment received by an eligible institution under the Program shall be evidenced by pre-

ferred stock or other financial instrument that—

(i) includes, as a term and condition, that the capital investment will—

(I) be repaid not later than the end of the 10-year period beginning on the date of the capital investment under the Program; or

(II) at the end of such 10-year period, be subject to such additional terms as the Secretary shall prescribe, which shall include a requirement that the stock or instrument shall carry the highest dividend or interest rate payable; and

(ii) provides that the term and condition described under clause (i) shall not apply if the application of that term and condition would adversely affect the capital treatment of the stock or financial instrument under current or successor applicable capital provisions compared to a capital instrument with identical terms other than the term and condition described under clause (i).

(I) REQUIREMENTS ON FINANCIAL INSTRUMENTS ISSUED BY A COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION LOAN FUND.—Any equity equivalent capital issued to the Treasury by a Community Development Financial Institution loan fund receiving a capital investment under the Program shall provide that the rate at which interest is payable shall be 2 percent per annum for 8 years. After 8 years, the rate at which interest is payable shall be 9 percent.

(5) ADDITIONAL INCENTIVES TO REPAY.—The Secretary may, by regulation or guidance issued under section 5(9), establish repayment incentives in addition to the incentive in paragraph (4)(E) that will apply to new capital investments in a manner that the Secretary determines to be consistent with the purposes of this title.

(6) CAPITAL PURCHASE PROGRAM REFUND.—

(A) IN GENERAL.—The Secretary shall, in a manner that the Secretary determines to be consistent with the purposes of this title, issue regulations and other guidance to permit eligible institutions to refinance securities issued to Treasury under the CDCI and the CPP for securities to be issued under the Program.

(B) PROHIBITION ON PARTICIPATION BY NON-PAYING CPP PARTICIPANTS.—Subparagraph (A) shall not apply to any eligible institution that has missed more than one dividend payment due under the CPP. For purposes of this subparagraph, a CPP dividend payment that is submitted within 60 days of the due date of such payment shall not be considered a missed dividend payment.

(7) MINORITY OUTREACH.—The Secretary shall require eligible institutions receiving capital investments under the Program to provide outreach and advertising in the appropriate language of the applicant pool describing the availability and application process of receiving loans from the eligible institution that are made possible by the Program through the use of print, radio, television or electronic media outlets which target organizations, trade associations, and individuals that represent or work within or are members of minority communities.

(8) ADDITIONAL TERMS.—The Secretary may, by regulation or guidance issued under section 5(9), make modifications that will apply to new capital investments in order to manage risks associated with the administration of the Fund in a manner consistent with the purposes of this title.

(9) MINIMUM UNDERWRITING STANDARDS.—The appropriate Federal banking agency for an eligible institution that receives funds under the Program shall within 60 days issue

guidance regarding prudent underwriting standards that must be used for loans made by the eligible institution using such funds.

"In the case of a community development financial institution loan fund, the Community Development Financial Institutions Fund shall within 60 days issue regulations defining minimum underwriting standards that must be used for loans made by the eligible institution using such funds".

(10) REPORTING.—Each eligible institution receiving a capital investment under the Program shall issue a quarterly report to the Secretary detailing the percentage of new loans to small businesses the institution makes that are—

(A) guaranteed by the Small Business Administration;

(B) made to Small Business Investment Companies;

(C) other loans made to small business concerns (as defined under the Small Business Act), if the internal reporting of the concern distinguishes the size of businesses to which loans are made; and

(D) other loans made to entities that the internal reporting of the concern classifies as a small business.

## SEC. 5. ADDITIONAL AUTHORITIES OF THE SECRETARY.

The Secretary may take such actions as the Secretary deems necessary to carry out the authorities in this title, including, without limitation, the following:

(1) The Secretary may use the services of any agency or instrumentality of the United States or component thereof on a reimbursable basis, and any such agency or instrumentality or component thereof is authorized to provide services as requested by the Secretary using all authorities vested in or delegated to that agency, instrumentality, or component.

(2) The Secretary may designate any bank, savings association, trust company, security broker or dealer, asset manager, or investment adviser as a financial agent of the Federal Government and such institution shall perform all such reasonable duties related to this title as financial agent of the Federal Government as may be required. The Secretary shall have authority to amend existing agreements with financial agents, entered into during the 2-year period before the date of enactment of this title, to perform reasonable duties related to this title.

(3) The Secretary may exercise any rights received in connection with any preferred stock or other financial instruments or assets purchased or acquired pursuant to the authorities granted under this title.

(4) Subject to section 4(b)(3), the Secretary may manage any assets purchased under this title, including revenues and portfolio risks therefrom.

(5) The Secretary may sell, dispose of, transfer, exchange or enter into securities loans, repurchase transactions, or other financial transactions in regard to, any preferred stock or other financial instrument or asset purchased or acquired under this title, upon terms and conditions and at a price determined by the Secretary.

(6) The Secretary may manage or prohibit conflicts of interest that may arise in connection with the administration and execution of the authorities provided under this title.

(7) The Secretary may establish and use vehicles, subject to supervision by the Secretary, to purchase, hold, and sell preferred stock or other financial instruments and issue obligations.

(8) The Secretary may, in consultation with the Administrator of the Small Business Administration, issue such regulations and other guidance as may be necessary or appropriate to define terms or carry out the authorities or purposes of this title.

#### SEC. 6. CONSIDERATIONS.

In exercising the authorities granted in this title, the Secretary shall take into consideration—

(1) increasing the availability of credit for small businesses;

(2) providing funding to eligible institutions that serve small businesses that are minority- and women-owned and that also serve low- and moderate-income, minority, and other underserved or rural communities;

(3) protecting and increasing American jobs;

(4) ensuring that all eligible institutions may apply to participate in the program established under this title, without discrimination based on geography;

(5) providing transparency with respect to use of funds provided under this title;

(6) minimizing the cost to taxpayers of exercising the authorities; and

(7) promoting and engaging in financial education to would-be borrowers.

#### SEC. 7. REPORTS.

The Secretary shall provide to the appropriate committees of Congress—

(1) within 7 days of the end of each month commencing with the first month in which transactions are made under the Program, a written report describing all of the transactions made during the reporting period pursuant to the authorities granted under this title;

(2) after the end of March and the end of September, commencing September 30, 2010, a written report on all projected costs and liabilities, all operating expenses, including compensation for financial agents, and all transactions made by the Fund, which shall include participating institutions and amounts each institution has received under the Program; and

(3) within 7 days of the end of each month commencing with the first month in which transactions are made under the Program, a written report detailing how eligible institutions participating in the Program have used the funds such institutions received under the Program.

#### SEC. 8. OVERSIGHT AND AUDITS.

(a) **INSPECTOR GENERAL OVERSIGHT.**—The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of the purchase (and commitments to purchase) of preferred stock and other financial instruments under the Program.

(b) **GAO AUDIT.**—The Comptroller General of the United States shall perform an annual audit of the Program and issue a report to the appropriate committees of Congress containing the results of such audit.

(c) **REQUIRED CERTIFICATIONS.**—

(1) **ELIGIBLE INSTITUTION CERTIFICATION.**—Each eligible institution that participate in the Program must certify that such institution is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in 31 U.S.C. 5312(a)(2) and (c)(1)(A), to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or sus-

pected terrorists or terrorist organizations provided to the financial institution by any government agency.

(2) **LOAN RECIPIENTS.**—With respect to funds received by an eligible institution under the Program, any business receiving a loan from the eligible institution using such funds after the date of the enactment of this title shall certify to such eligible institution that the principals of such business have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

(d) **PROHIBITION ON PORNOGRAPHY.**—None of the funds made available under this title may be used to pay the salary of any individual engaged in activities related to the Program who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

#### SEC. 9. CREDIT REFORM; FUNDING.

(a) **CREDIT REFORM.**—The cost of purchases of preferred stock and other financial instruments made as capital investments under this title shall be determined as provided under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(b) **FUNDS MADE AVAILABLE.**—There are hereby appropriated, out of funds in the Treasury not otherwise appropriated, such sums as may be necessary to pay the costs of \$30,000,000,000 of capital investments in eligible institutions, including the costs of modifying such investments, and reasonable costs of administering the program of making, holding, managing, and selling the capital investments.

#### SEC. 10. TERMINATION AND CONTINUATION OF AUTHORITIES.

(a) **TERMINATION OF INVESTMENT AUTHORITY.**—The authority to make capital investments in eligible institutions, including commitments to purchase preferred stock or other instruments, provided under this title shall terminate 1 year after the date of enactment of this title.

(b) **CONTINUATION OF OTHER AUTHORITIES.**—The authorities of the Secretary in section 5 shall not be limited by the termination date in subsection (a).

#### SEC. 11. PRESERVATION OF AUTHORITY.

Nothing in this title may be construed to limit the authority of the Secretary under any other provision of law.

#### SEC. 12. ASSURANCES.

(a) **SMALL BUSINESS LENDING FUND SEPARATE FROM TARP.**—The Small Business Lending Fund Program is established as separate and distinct from the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008. An institution shall not, by virtue of a capital investment under the Small Business Lending Fund Program, be considered a recipient of the Troubled Asset Relief Program.

(b) **CHANGE IN LAW.**—If, after a capital investment has been made in an eligible institution under the Program, there is a change in law that modifies the terms of the investment or program in a materially adverse respect for the eligible institution, the eligible institution may, after consultation with the appropriate Federal banking agency for the eligible institution, repay the investment without impediment.

#### SEC. 13. STUDY AND REPORT WITH RESPECT TO WOMEN-OWNED AND MINORITY-OWNED BUSINESSES.

(a) **STUDY.**—The Secretary shall conduct a study to determine the number of women-

owned businesses and minority-owned businesses that receive assistance as a result of the Program, including—

(1) efforts, including technical assistance and outreach that institutions have employed under the Program to provide loans to minority- and women-owned small businesses;

(2) loan applications received;

(3) loan applications approved; and

(4) and any other relevant data related to such transactions to promote the purposes of the Program as the Secretary may require.

(b) **REPORT.**—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted pursuant to subsection (a).

(c) **INFORMATION PROVIDED TO THE SECRETARY.**—Eligible institutions that participate in the Program shall provide the Secretary with such information as the Secretary may require to carry out the study required by this section.

### TITLE II—STATE SMALL BUSINESS CREDIT INITIATIVE

#### SEC. 201. SHORT TITLE.

This title may be cited as the “State Small Business Credit Initiative Act of 2010”.

#### SEC. 202. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) **APPROPRIATE FEDERAL BANKING AGENCY.**—The term “appropriate Federal banking agency”—

(A) has the same meaning as in section 3 of the Federal Deposit Insurance Act; and

(B) includes the National Credit Union Administration Board in the case of any credit union the deposits of which are insured in accordance with the Federal Credit Union Act.

(2) **ENROLLED LOAN.**—The term “enrolled loan” means a loan made by a financial institution lender that is enrolled by a participating State in an approved State capital access program in accordance with this title.

(3) **FEDERAL CONTRIBUTION.**—The term “Federal contribution” means the portion of the contribution made by a participating State to, or for the account of, an approved State program that is made with Federal funds allocated to the State by the Secretary under section 203.

(4) **FINANCIAL INSTITUTION.**—The term “financial institution” means any insured depository institution, insured credit union, or community development financial institution, as those terms are each defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994.

(5) **PARTICIPATING STATE.**—The term “participating State” means any State that has been approved for participation in the Program under section 204.

(6) **PROGRAM.**—The term “Program” means the State Small Business Credit Initiative established under this title.

(7) **QUALIFYING LOAN OR SWAP FUNDING FACILITY.**—The term “qualifying loan or swap funding facility” means a contractual arrangement between a participating State and a private financial entity under which—

(A) the participating State delivers funds to the entity as collateral;

(B) the entity provides funding from the arrangement back to the participating State; and

(C) the full amount of resulting funding from the arrangement, less any fees and other costs of the arrangement, is contributed to, or for the account of, an approved State program.

(8) **RESERVE FUND.**—The term “reserve fund” means a fund, established by a participating State, dedicated to a particular financial institution lender, for the purposes of—

(A) depositing all required premium charges paid by the financial institution lender and by each borrower receiving a loan under an approved State program from that financial institution lender;

(B) depositing contributions made by the participating State, including State contributions made with Federal contributions; and

(C) covering losses on enrolled loans by disbursing accumulated funds.

(9) **STATE.**—The term “State” means—

(A) a State of the United States;

(B) the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands;

(C) when designated by a State of the United States, a political subdivision of that State that the Secretary determines has the capacity to participate in the Program; and

(D) under the circumstances described in section 204(d), a municipality of a State of the United States to which the Secretary has given a special permission under section 204(d).

(10) **STATE CAPITAL ACCESS PROGRAM.**—The term “State capital access program” means a program of a State that—

(A) uses public resources to promote private access to credit; and

(B) meets the eligibility criteria in section 205(c).

(11) **STATE OTHER CREDIT SUPPORT PROGRAM.**—The term “State other credit support program” means—

(A) means a program of a State that—

(i) uses public resources to promote private access to credit;

(ii) is not a State capital access program; and

(iii) meets the eligibility criteria in section 206(c); and

(B) includes, collateral support programs, loan participation programs, and credit guarantee programs.

(12) **STATE PROGRAM.**—The term “State program” means a State capital access program or a State other credit support program.

(13) **SECRETARY.**—The term “Secretary” means the Secretary of the Treasury.

## SEC. 203. FEDERAL FUNDS ALLOCATED TO STATES.

(a) **PROGRAM ESTABLISHED; PURPOSE.**—There is established the State Small Business Credit Initiative (hereinafter in this title referred to as the “Program”), to be administered by the Secretary. Under the Program, the Secretary shall allocate Federal funds to participating States and make the allocated funds available to the participating States as provided in this section for the uses described in this section.

(b) **ALLOCATION FORMULA.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of enactment of this title, the Secretary shall allocate Federal funds to participating States so that each State is eligible to receive an amount equal to the average of the respective amounts that the State—

(A) would receive under the 2009 allocation, as determined under paragraph (2); and

(B) would receive under the 2010 allocation, as determined under paragraph (3).

(2) **2009 ALLOCATION FORMULA.**—

(A) **IN GENERAL.**—The Secretary shall determine the 2009 allocation by allocating Federal funds among the States in the pro-

portion that each such State’s 2008 State employment decline bears to the aggregate of the 2008 State employment declines for all States.

(B) **MINIMUM ALLOCATION.**—The Secretary shall adjust the allocations under subparagraph (A) for each State to the extent necessary to ensure that no State receives less than 0.9 percent of the Federal funds.

(C) **2008 STATE EMPLOYMENT DECLINE DEFINED.**—For purposes of this paragraph and with respect to a State, the term “2008 State employment decline” means the excess (if any) of—

(i) the number of individuals employed in such State determined for December 2007; over

(ii) the number of individuals employed in such State determined for December 2008.

(3) **2010 ALLOCATION FORMULA.**—

(A) **IN GENERAL.**—The Secretary shall determine the 2010 allocation by allocating Federal funds among the States in the proportion that each such State’s 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all of the States.

(B) **MINIMUM ALLOCATION.**—The Secretary shall adjust the allocations under subparagraph (A) for each State to the extent necessary to ensure that no State receives less than 0.9 percent of the Federal funds.

(C) **2009 UNEMPLOYMENT NUMBER DEFINED.**—For purposes of this paragraph and with respect to a State, the term “2009 unemployment number” means the number of individuals within such State who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

(c) **AVAILABILITY OF ALLOCATED AMOUNT.**—The amount allocated by the Secretary to each participating State under subsection (b) shall be made available to the State as follows:

(1) **ALLOCATED AMOUNT GENERALLY TO BE AVAILABLE TO STATE IN ONE-THIRDS.**—

(A) **IN GENERAL.**—The Secretary shall—

(i) apportion the participating State’s allocated amount into one-thirds;

(ii) transfer to the participating State the first one-third when the Secretary approves the State for participation under section 204; and

(iii) transfer to the participating State each successive one-third when the State has certified to the Secretary that it has expended, transferred, or obligated 80 percent of the last transferred one-third for Federal contributions to, or for the account of, State programs.

(B) **AUTHORITY TO WITHHOLD PENDING AUDIT.**—The Secretary may withhold the transfer of any successive one-third pending results of a financial audit.

(C) **TRANSFERS CONTINGENT ON INSPECTOR GENERAL AUDITS.**—

(i) **IN GENERAL.**—Before a transfer to a participating State of the second one-third or the last one-third, the Inspector General of the Department of the Treasury shall carry out an audit of the participating State’s use of amounts already received.

(ii) **PENALTY FOR MISSTATEMENT.**—Any participating State that is found to have intentionally misstated any report issued to the Secretary under the Program shall be ineligible to receive any additional funds under the Program. Funds that had been allocated or that would otherwise have been allocated to such participating State shall be paid into the general fund of the Treasury for reduction of the public debt.

(iii) **MUNICIPALITIES.**—For purposes of this subparagraph, the term “participating

State” shall include a municipality given special permission to participate in the Program, pursuant to section 204(d).

(D) **EXCEPTION.**—

(i) **IN GENERAL.**—The Secretary may, in the Secretary’s discretion, transfer the full amount of the participating State’s allocated amount to the State in a single transfer if the participating State applies to the Secretary for approval to use the full amount of the allocation as collateral for a qualifying loan or swap funding facility.

(ii) **RECOUPMENT TRIGGERED BY INTENTIONAL MISSTATEMENT.**—If, in any audit of a report issued by a participating State that receives a single transfer pursuant to clause (i), the Secretary or the Inspector General of the Department of the Treasury determines that such State intentionally misstated information in such report, the participating State shall be required to fully repay all amounts received by the State under the Program, and such amounts shall be paid into the general fund of the Treasury for reduction of the public debt.

(2) **TRANSFERRED AMOUNTS.**—Each amount transferred to a participating State under this section shall remain available to the State until used by the State as permitted under paragraph (3).

(3) **USE OF TRANSFERRED FUNDS.**—Each participating State may use funds transferred to it under this section only—

(A) for making Federal contributions to, or for the account of, an approved State program;

(B) as collateral for a qualifying loan or swap funding facility;

(C) in the case of the first one-third transferred, for paying administrative costs incurred by the State in implementing an approved State program in an amount not to exceed 5 percent of that first one-third; or

(D) in the case of each successive one-third transferred, for paying administrative costs incurred by the State in implementing an approved State program in an amount not to exceed 3 percent of that successive one-third.

(4) **TERMINATION OF AVAILABILITY OF AMOUNTS NOT TRANSFERRED WITHIN 2 YEARS OF PARTICIPATION.**—Any portion of a participating State’s allocated amount that has not been transferred to the State under this section by the end of the 2-year period beginning on the date that the Secretary approves the State for participation may be deemed by the Secretary to be no longer allocated to the State and no longer available to the State and shall be returned to the General Fund of the Treasury.

(5) **TRANSFERRED AMOUNTS NOT ASSISTANCE.**—The amounts transferred to a participating State under this section shall not be considered “assistance” for purposes of subtitle V of title 31, United States Code.

(6) **DEFINITIONS.**—For purposes of this section—

(A) the term “allocated amount” means the total amount of Federal funds allocated by the Secretary under subsection (b) to the participating State; and

(B) the term “one-third” means—

(i) in the case of the first and second one-thirds, an amount equal to 33 percent of a participating State’s allocated amount; and

(ii) in the case of the last one-third, an amount equal to 34 percent of a participating State’s allocated amount.

## SEC. 204. APPROVING STATES FOR PARTICIPATION.

(a) **APPLICATION.**—Any State may apply to the Secretary for approval to be a participating State under the Program and to be eligible for an allocation of Federal funds under the Program.

(b) **GENERAL APPROVAL CRITERIA.**—The Secretary shall approve a State to be a participating State, if—

(1) a specific department, agency, or political subdivision of the State has been designated to implement a State program and participate in the Program;

(2) all legal actions necessary to enable such designated department, agency, or political subdivision to implement a State program and participate in the Program have been accomplished;

(3) the State has filed an application with the Secretary for approval of a State capital access program under section 205 or approval as a State other credit support program under section 206, in each case within the time period provided in the respective section; and

(4) the State and the Secretary have executed an allocation agreement that—

(A) conforms to the requirements of this title;

(B) ensures that the State program complies with such national standards as are established by the Secretary under section 209(a)(2);

(C) sets forth internal control, compliance, and reporting requirements as established by the Secretary, and such other terms and conditions necessary to carry out the purposes of this title, including an agreement by the State to allow the Secretary to audit State programs;

(D) requires that the State program be fully positioned, within 90 days of the State's execution of the allocation agreement with the Secretary, to act on providing the kind of credit support that the State program was established to provide; and

(E) includes an agreement by the State to deliver to the Secretary, and update annually, a schedule describing how the State intends to apportion among its State programs the Federal funds allocated to the State.

(c) **CONTRACTUAL ARRANGEMENTS FOR IMPLEMENTATION OF STATE PROGRAMS.**—A State may be approved to be a participating State, and be eligible for an allocation of Federal funds under the Program, if the State has contractual arrangements for the implementation and administration of its State program with—

(1) an existing, approved State program administered by another State; or

(2) an authorized agent of, or entity supervised by, the State, including for-profit and not-for-profit entities.

(d) **SPECIAL PERMISSION.**—

(1) **CIRCUMSTANCES WHEN A MUNICIPALITY MAY APPLY DIRECTLY.**—If a State does not, within 60 days after the date of enactment of this title, file with the Secretary a notice of its intent to apply for approval by the Secretary of a State program or within 9 months after the date of enactment of this title, file with the Secretary a complete application for approval of a State program, the Secretary may grant to municipalities of that State a special permission that will allow them to apply directly to the Secretary without the State for approval to be participating municipalities.

(2) **TIMING REQUIREMENTS APPLICABLE TO MUNICIPALITIES APPLYING DIRECTLY.**—To qualify for the special permission, a municipality of a State must, within 12 months after the date of enactment of this title, file with the Secretary a complete application for approval by the Secretary of a State program.

(3) **NOTICES OF INTENT AND APPLICATIONS FROM MORE THAN 1 MUNICIPALITY.**—A municipality of a State may combine with 1 or

more other municipalities of that State to file a joint notice of intent to file and a joint application.

(4) **APPROVAL CRITERIA.**—The general approval criteria in paragraphs (2) and (4) shall apply.

(5) **ALLOCATION TO MUNICIPALITIES.**—

(A) **IF MORE THAN 3.**—If more than 3 municipalities, or combination of municipalities as provided in paragraph (3), of a State apply for approval by the Secretary to be participating municipalities under this subsection, and the applications meet the approval criteria in paragraph (4), the Secretary shall allocate Federal funds to the 3 municipalities with the largest populations.

(B) **IF 3 OR FEWER.**—If 3 or fewer municipalities, or combination of municipalities as provided in paragraph (3), of a State apply for approval by the Secretary to be participating municipalities under this subsection, and the applications meet the approval criteria in paragraph (4), the Secretary shall allocate Federal funds to each applicant municipality or combination of municipalities.

(6) **APPORTIONMENT OF ALLOCATED AMOUNT AMONG PARTICIPATING MUNICIPALITIES.**—If the Secretary approves municipalities to be participating municipalities under this subsection, the Secretary shall apportion the full amount of the Federal funds that are allocated to that State to municipalities that are approved under this subsection in amounts proportionate to the population of those municipalities, based on the most recent available decennial census.

(7) **APPROVING STATE PROGRAMS FOR MUNICIPALITIES.**—If the Secretary approves municipalities to be participating municipalities under this subsection, the Secretary shall take into account the additional considerations in section 206(d) in making the determination under section 205 or 206 that the State program or programs to be implemented by the participating municipalities, including a State capital access program, is eligible for Federal contributions to, or for the account of, the State program.

#### **SEC. 205. APPROVING STATE CAPITAL ACCESS PROGRAMS.**

(a) **APPLICATION.**—A participating State that establishes a new, or has an existing, State capital access program that meets the eligibility criteria in subsection (c) may apply to Secretary to have the State capital access program approved as eligible for Federal contributions to the reserve fund.

(b) **APPROVAL.**—The Secretary shall approve such State capital access program as eligible for Federal contributions to the reserve fund if—

(1) within 60 days after the date of enactment of this title, the State has filed with the Secretary a notice of intent to apply for approval by the Secretary of a State capital access program;

(2) within 9 months after the date of enactment of this title, the State has filed with the Secretary a complete application for approval by the Secretary of a capital access program;

(3) the State satisfies the requirements of subsections (a) and (b) of section 204; and

(4) the State capital access program meets the eligibility criteria in subsection (c).

(c) **ELIGIBILITY CRITERIA FOR STATE CAPITAL ACCESS PROGRAMS.**—For a State capital access program to be approved under this section, it must be a program of the State that—

(1) provides portfolio insurance for business loans based on a separate loan-loss reserve fund for each financial institution;

(2) requires insurance premiums to be paid by the financial institution lenders and by

the business borrowers to the reserve fund to have their loans enrolled in the reserve fund;

(3) provides for contributions to be made by the State to the reserve fund in amounts at least equal to the sum of the amount of the insurance premium charges paid by the borrower and the financial institution to the reserve fund for any newly enrolled loan; and

(4) provides its portfolio insurance solely for loans that meet both the following requirements:

(A) The borrower has 500 employees or less at the time that the loan is enrolled in the Program.

(B) The loan amount does not exceed \$5,000,000.

(d) **FEDERAL CONTRIBUTIONS TO APPROVED STATE CAPITAL ACCESS PROGRAMS.**—A State capital access program approved under this section will be eligible for receiving Federal contributions to the reserve fund in an amount equal to the sum of the amount of the insurance premium charges paid by the borrowers and by the financial institution to the reserve fund for loans that meet the requirements in subsection (c)(4). A participating State may use the Federal contribution to make its contribution to the reserve fund of an approved State capital access program.

(e) **MINIMUM PROGRAM REQUIREMENTS FOR STATE CAPITAL ACCESS PROGRAMS.**—The Secretary shall, by regulation or other guidance, prescribe Program requirements that meet the following minimum requirements:

(1) **EXPERIENCE AND CAPACITY.**—The participating State shall determine for each financial institution that participates in the State capital access program, after consultation with the appropriate Federal banking agency or, in the case of a financial institution that is a non depository community development financial institution, the Community Development Financial Institution Fund, that the financial institution has sufficient commercial lending experience and financial and managerial capacity to participate in the approved State capital access program. The determination by the State shall not be reviewable by the Secretary.

(2) **INVESTMENT AUTHORITY.**—Subject to applicable State law, the participating State may invest, or cause to be invested, funds held in a reserve fund by establishing a deposit account at the financial institution lender in the name of the participating State. In the event that funds in the reserve fund are not deposited in such an account, such funds shall be invested in a form that the participating State determines is safe and liquid.

(3) **LOAN TERMS AND CONDITIONS TO BE DETERMINED BY AGREEMENT.**—A loan to be filed for enrollment in an approved State capital access program may be made with such interest rate, fees, and other terms and conditions, and the loan may be enrolled in the approved State capital access program and claims may be filed and paid, as agreed upon by the financial institution lender and the borrower, consistent with applicable law.

(4) **LENDER CAPITAL AT-RISK.**—A loan to be filed for enrollment in the State capital access program must require the financial institution lender to have a meaningful amount of its own capital resources at risk in the loan.

(5) **PREMIUM CHARGES MINIMUM AND MAXIMUM AMOUNTS.**—The insurance premium charges payable to the reserve fund by the borrower and the financial institution lender shall be prescribed by the financial institution lender, within minimum and maximum limits that require that the sum of the insurance premium charges paid in connection

with a loan by the borrower and the financial institution lender may not be less than 2 percent nor more than 7 percent of the amount of the loan enrolled in the approved State capital access program.

(6) **STATE CONTRIBUTIONS.**—In enrolling a loan in an approved State capital access program, the participating State may make a contribution to the reserve fund to supplement Federal contributions made under this Program.

(7) **LOAN PURPOSE.**—

(A) **PARTICULAR LOAN PURPOSE REQUIREMENTS AND PROHIBITIONS.**—In connection with the filing of a loan for enrollment in an approved State capital access program, the financial institution lender—

(i) shall obtain an assurance from each borrower that—

(I) the proceeds of the loan will be used for a business purpose;

(II) the loan will not be used to finance such business activities as the Secretary, by regulation, may proscribe as prohibited loan purposes for enrollment in an approved State capital access program; and

(III) the borrower is not—

(aa) an executive officer, director, or principal shareholder of the financial institution lender;

(bb) a member of the immediate family of an executive officer, director, or principal shareholder of the financial institution lender; or

(cc) a related interest of any such executive officer, director, principal shareholder, or member of the immediate family;

(ii) shall provide assurances to the participating State that the loan has not been made in order to place under the protection of the approved State capital access program prior debt that is not covered under the approved State capital access program and that is or was owed by the borrower to the financial institution lender or to an affiliate of the financial institution lender;

(iii) shall not allow the enrollment of a loan to a borrower that is a refinancing of a loan previously made to that borrower by the financial institution lender or an affiliate of the financial institution lender; and

(iv) may include additional restrictions on the eligibility of loans or borrowers that are not inconsistent with the provisions and purposes of this title, including compliance with all applicable Federal and State laws, regulations, ordinances, and Executive orders.

(B) **DEFINITIONS.**—For purposes of this subsection, the terms “executive officer”, “director”, “principal shareholder”, “immediate family”, and “related interest” refer to the same relationship to a financial institution lender as the relationship described in part 215 of title 12 of the Code of Federal Regulations, or any successor to such part.

(8) **CAPITAL ACCESS FOR SMALL BUSINESSES IN UNDERSERVED COMMUNITIES.**—At the time that a State applies to the Secretary to have the State capital access program approved as eligible for Federal contributions, the State shall deliver to the Secretary a report stating how the State plans to use the Federal contributions to the reserve fund to provide access to capital for small businesses in low- and moderate-income, minority, and other underserved communities, including women- and minority-owned small businesses.

**SEC. 206. APPROVING COLLATERAL SUPPORT AND OTHER INNOVATIVE CREDIT ACCESS AND GUARANTEE INITIATIVES FOR SMALL BUSINESSES AND MANUFACTURERS.**

(a) **APPLICATION.**—A participating State that establishes a new, or has an existing,

credit support program that meets the eligibility criteria in subsection (c) may apply to the Secretary to have the State other credit support program approved as eligible for Federal contributions to, or for the account of, the State program.

(b) **APPROVAL.**—The Secretary shall approve such State other credit support program as eligible for Federal contributions to, or for the account of, the program if—

(1) the Secretary determines that the State satisfies the requirements of paragraphs (1) through (3) of section 205(b);

(2) the Secretary determines that the State other credit support program meets the eligibility criteria in subsection (c);

(3) the Secretary determines the State other credit support program to be eligible based on the additional considerations in subsection (d); and

(4) within 9 months after the date of enactment of this title, the State has filed with Treasury a complete application for Treasury approval.

(c) **ELIGIBILITY CRITERIA FOR STATE OTHER CREDIT SUPPORT PROGRAMS.**—For a State other credit support program to be approved under this section, it must be a program of the State that—

(1) can demonstrate that, at a minimum, 1 dollar of public investment by the State program will cause and result in 1 dollar of new private credit;

(2) can demonstrate a reasonable expectation that, when considered with all other State programs of the State, such State programs together have the ability to use amounts of new Federal contributions to, or for the account of, all such programs in the State to cause and result in amounts of new small business lending at least 10 times the new Federal contribution amount;

(3) for those State other credit support programs that provide their credit support through 1 or more financial institution lenders, requires the financial institution lenders to have a meaningful amount of their own capital resources at risk in their small business lending; and

(4) extends credit support that—

(A) targets an average borrower size of 500 employees or less;

(B) does not extend credit support to borrowers that have more than 750 employees;

(C) targets support towards loans with an average principal amount of \$5,000,000 or less; and

(D) does not extend credit support to loans that exceed a principal amount of \$20,000,000.

(d) **ADDITIONAL CONSIDERATIONS.**—In making a determination that a State other credit support program is eligible for Federal contributions to, or for the account of, the State program, the Secretary shall take into account the following additional considerations:

(1) The anticipated benefits to the State, its businesses, and its residents to be derived from the Federal contributions to, or for the account of, the approved State other credit support program, including the extent to which resulting small business lending will expand economic opportunities.

(2) The operational capacity, skills, and experience of the management team of the State other credit support program.

(3) The capacity of the State other credit support program to manage increases in the volume of its small business lending.

(4) The internal accounting and administrative controls systems of the State other credit support program, and the extent to which they can provide reasonable assurance that funds of the State program are safe-

guarded against waste, loss, unauthorized use, or misappropriation.

(5) The soundness of the program design and implementation plan of the State other credit support program.

(e) **FEDERAL CONTRIBUTIONS TO APPROVED STATE OTHER CREDIT SUPPORT PROGRAMS.**—A State other credit support program approved under this section will be eligible for receiving Federal contributions to, or for the account of, the State program in an amount consistent with the schedule describing the apportionment of allocated Federal funds among State programs delivered by the State to the Secretary under the allocation agreement.

(f) **MINIMUM PROGRAM REQUIREMENTS FOR STATE OTHER CREDIT SUPPORT PROGRAMS.**—

(1) **FUND TO PRESCRIBE.**—The Secretary shall, by regulation or other guidance, prescribe Program requirements for approved State other credit support programs.

(2) **CONSIDERATIONS FOR FUND.**—In prescribing minimum Program requirements for approved State other credit support programs, the Secretary shall take into consideration, to the extent the Secretary determines applicable and appropriate, the minimum Program requirements for approved State capital access programs in section 205(e).

**SEC. 207. REPORTS.**

(a) **QUARTERLY USE-OF-FUNDS REPORT.**—

(1) **IN GENERAL.**—Not later than 30 days after the beginning of each calendar quarter, beginning after the first full calendar quarter to occur after the date the Secretary approves a State for participation, the participating State shall submit to the Secretary a report on the use of Federal funding by the participating State during the previous calendar quarter.

(2) **REPORT CONTENTS.**—The report shall—

(A) indicate the total amount of Federal funding used by the participating State;

(B) include a certification by the participating State that—

(i) the information provided in accordance with subparagraph (A) is accurate;

(ii) funds continue to be available and legally committed to contributions by the State to, or for the account of, approved State programs, less any amount that has been contributed by the State to, or for the account of, approved State programs subsequent to the State being approved for participation in the Program; and

(iii) the participating State is implementing its approved State program or programs in accordance with this title and regulations issued pursuant to section 210.

(b) **ANNUAL REPORT.**—Not later than March 31 of each year, beginning March 31, 2011, each participating State shall submit to the Secretary an annual report that shall include the following information:

(1) The number of borrowers that received new loans originated under the approved State program or programs after the State program was approved as eligible for Federal contributions.

(2) The total amount of such new loans.

(3) Breakdowns by industry type, loan size, annual sales, and number of employees of the borrowers that received such new loans.

(4) The zip code of each borrower that received such a new loan.

(5) Such other data as the Secretary, in the Secretary's sole discretion, may require to carry out the purposes of the Program.

(c) **FORM.**—The reports and data filed pursuant to subsections (a) and (b) shall be in such form as the Secretary, in the Secretary's sole discretion, may require.

(d) **TERMINATION OF REPORTING REQUIREMENTS.**—The requirement to submit reports under subsections (a) and (b) shall terminate for a participating State with the submission of the completed reports due on the first March 31 to occur after 5 complete 12-month periods after the State is approved by the Secretary to be a participating State.

**SEC. 208. REMEDIES FOR STATE PROGRAM TERMINATION OR FAILURES.**

(a) **REMEDIES.**—

(1) **IN GENERAL.**—If any of the events listed in paragraph (2) occur, the Secretary, in the Secretary's discretion, may—

(A) reduce the amount of Federal funds allocated to the State under the Program; or

(B) terminate any further transfers of allocated amounts that have not yet been transferred to the State.

(2) **CAUSAL EVENTS.**—The events referred to in paragraph (1) are—

(A) termination by a participating State of its participation in the Program;

(B) failure on the part of a participating State to submit complete reports under section 207 on a timely basis; or

(C) noncompliance by the State with the terms of the allocation agreement between the Secretary and the State.

(b) **DEALLOCATED AMOUNTS TO BE REALLOCATED.**—If, after 13 months, any portion of the amount of Federal funds allocated to a participating State is deemed by the Secretary to be no longer allocated to the State after actions taken by the Secretary under subsection (a)(1), the Secretary shall reallocate that portion among the participating States, excluding the State whose allocated funds were deemed to be no longer allocated, as provided in section 203(b).

**SEC. 209. IMPLEMENTATION AND ADMINISTRATION.**

(a) **GENERAL AUTHORITIES AND DUTIES.**—The Secretary shall—

(1) consult with the Administrator of the Small Business Administration and the appropriate Federal banking agencies on the administration of the Program;

(2) establish minimum national standards for approved State programs;

(3) provide technical assistance to States for starting State programs and generally disseminate best practices;

(4) manage, administer, and perform necessary program integrity functions for the Program; and

(5) ensure adequate oversight of the approved State programs, including oversight of the cash flows, performance, and compliance of each approved State program.

(b) **APPROPRIATIONS.**—There is hereby appropriated to the Secretary, out of funds in the Treasury not otherwise appropriated, \$2,000,000,000 to carry out the Program, including to pay reasonable costs of administering the Program.

(c) **TERMINATION OF SECRETARY'S PROGRAM ADMINISTRATION FUNCTIONS.**—The authorities and duties of the Secretary to implement and administer the Program shall terminate at the end of the 7-year period beginning on the date of enactment of this title.

**SEC. 210. REGULATIONS.**

The Secretary, in consultation with the Administrator of the Small Business Administration, shall issue such regulations and other guidance as the Secretary determines necessary or appropriate to implement this title including, but not limited to, to define terms, to establish compliance and reporting requirements, and such other terms and conditions necessary to carry out the purposes of this title.

**SEC. 211. OVERSIGHT AND AUDITS.**

(a) **INSPECTOR GENERAL OVERSIGHT.**—The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of the use of funds made available under the Program.

(b) **GAO AUDIT.**—The Comptroller General of the United States shall perform an annual audit of the Program and issue a report to the appropriate committees of Congress, as such term is defined under section 3(1), containing the results of such audit.

(c) **REQUIRED CERTIFICATION.**—

(1) **FINANCIAL INSTITUTIONS CERTIFICATION.**—With respect to funds received by a participating State under the Program, any financial institution that receives a loan, a loan guarantee, or other financial assistance using such funds after the date of the enactment of this title must certify that such institution is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in 31 U.S.C. 5312(a)(2) and (c)(1)(A), to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

(2) **SEX OFFENSE CERTIFICATION.**—With respect to funds received by a participating State under the Program, any private entity that receives a loan, a loan guarantee, or other financial assistance using such funds after the date of the enactment of this title shall certify to the participating State that the principals of such entity have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

(d) **PROHIBITION ON PORNOGRAPHY.**—None of the funds made available under this title may be used to pay the salary of any individual engaged in activities related to the Program who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

**TITLE III—SMALL BUSINESS EARLY-STAGE INVESTMENT PROGRAM**

**SEC. 301. SHORT TITLE.**

This title may be cited as the "Small Business Early-Stage Investment Program Act of 2010".

**SEC. 302. SMALL BUSINESS EARLY-STAGE INVESTMENT PROGRAM.**

Title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended by adding at the end the following:

**"PART D—SMALL BUSINESS EARLY-STAGE INVESTMENT PROGRAM**

**"SEC. 399A. ESTABLISHMENT OF PROGRAM.**

"The Administrator shall establish and carry out an early-stage investment program (hereinafter referred to in this part as the 'program') to provide equity investment financing to support early-stage small businesses in accordance with this part.

**"SEC. 399B. ADMINISTRATION OF PROGRAM.**

"The program shall be administered by the Administrator acting through the Associate Administrator described under section 201.

**"SEC. 399C. APPLICATIONS.**

"(a) **IN GENERAL.**—Any existing or newly formed incorporated body, limited liability company, or limited partnership organized and chartered or otherwise existing under Federal or State law for the purpose of performing the functions and conducting the activities contemplated under the program and any manager of any small business investment company may submit to the Administrator an application to participate in the program.

"(b) **REQUIREMENTS FOR APPLICATION.**—An application to participate in the program shall include the following:

"(1) A business plan describing how the applicant intends to make successful venture capital investments in early-stage small businesses and direct capital to small business concerns in targeted industries or other business sectors.

"(2) Information regarding the relevant venture capital investment qualifications and backgrounds of the individuals responsible for the management of the applicant.

"(3) A description of the extent to which the applicant meets the selection criteria under section 399D.

"(c) **APPLICATIONS FROM MANAGERS OF SMALL BUSINESS INVESTMENT COMPANIES.**—The Administrator shall establish an abbreviated application process for applicants that are managers of small business investment companies that are licensed under section 301 and that are applying to participate in the program. Such abbreviated process shall incorporate a presumption that such managers satisfactorily meet the selection criteria under paragraphs (3) and (5) of section 399D(b).

**"SEC. 399D. SELECTION OF PARTICIPATING INVESTMENT COMPANIES.**

"(a) **IN GENERAL.**—Not later than 90 days after the date on which the Administrator receives an application from an applicant under section 399C, the Administrator shall make a determination to conditionally approve or disapprove such applicant to participate in the program and shall transmit such determination to the applicant in writing. A determination to conditionally approve an applicant shall identify all conditions necessary for a final approval and shall provide a period of not less than one year for satisfying such conditions.

"(b) **SELECTION CRITERIA.**—In making a determination under subsection (a), the Administrator shall consider each of the following:

"(1) The likelihood that the applicant will meet the goals specified in the business plan of the applicant.

"(2) The likelihood that the investments of the applicant will create or preserve jobs, both directly and indirectly.

"(3) The character and fitness of the management of the applicant.

"(4) The experience and background of the management of the applicant.

"(5) The extent to which the applicant will concentrate investment activities on early-stage small businesses.

"(6) The likelihood that the applicant will achieve profitability.

"(7) The experience of the management of the applicant with respect to establishing a profitable investment track record.

"(c) **FINAL APPROVAL.**—For each applicant provided a conditional approval under subsection (a), the Administrator shall provide final approval to participate in the program not later than 90 days after the date the applicant satisfies the conditions specified by the Administrator under such subsection or,

in the case of applicants whose partnership or management agreements conform to models approved by the Administrator, the Administrator shall provide final approval to participate in the program not later than 30 days after the date the applicant satisfies the conditions specified under such subsection. If an applicant provided conditional approval under subsection (a) fails to satisfy the conditions specified by the Administrator in the time period designated under such subsection, the Administrator shall revoke the conditional approval.

**“SEC. 399E. EQUITY FINANCINGS.**

“(a) IN GENERAL.—The Administrator may make one or more equity financings to a participating investment company.

“(b) EQUITY FINANCING AMOUNTS.—

“(1) NON-FEDERAL CAPITAL.—An equity financing made to a participating investment company under the program may not be in an amount that exceeds the amount of the capital of such company that is not from a Federal source and that is available for investment on or before the date on which an equity financing is drawn upon. Such capital may include legally binding commitments with respect to capital for investment.

“(2) LIMITATION ON AGGREGATE AMOUNT.—The aggregate amount of all equity financings made to a participating investment company under the program may not exceed \$100,000,000.

“(c) EQUITY FINANCING PROCESS.—In making an equity financing under the program, the Administrator shall commit an equity financing amount to a participating investment company and the amount of each such commitment shall remain available to be drawn upon by such company—

“(1) for new-named investments during the 5-year period beginning on the date on which each such commitment is first drawn upon; and

“(2) for follow-on investments and management fees during the 10-year period beginning on the date on which each such commitment is first drawn upon, with not more than 2 additional 1-year periods available at the discretion of the Administrator.

“(d) COMMITMENT OF FUNDS.—The Administrator shall make commitments for equity financings not later than 2 years after the date funds are appropriated for the program.

**“SEC. 399F. INVESTMENTS IN EARLY-STAGE SMALL BUSINESSES.**

“(a) IN GENERAL.—As a condition of receiving an equity financing under the program, a participating investment company shall make all of the investments of such company in small business concerns, of which at least 50 percent shall be early-stage small businesses.

“(b) EVALUATION OF COMPLIANCE.—With respect to an equity financing amount committed to a participating investment company under section 399E, the Administrator shall evaluate the compliance of such company with the requirements under this section if such company has drawn upon 50 percent of such commitment.

**“SEC. 399G. PRO RATA INVESTMENT SHARES.**

“Each investment made by a participating investment company under the program shall be treated as comprised of capital from equity financings under the program according to the ratio that capital from equity financings under the program bears to all capital available to such company for investment.

**“SEC. 399H. EQUITY FINANCING INTEREST.**

“(a) EQUITY FINANCING INTEREST.—

“(1) IN GENERAL.—As a condition of receiving an equity financing under the program, a

participating investment company shall convey an equity financing interest to the Administrator in accordance with paragraph (2).

“(2) EFFECT OF CONVEYANCE.—The equity financing interest conveyed under paragraph (1) shall have all the rights and attributes of other investors attributable to their interests in the participating investment company, but shall not denote control or voting rights to the Administrator. The equity financing interest shall entitle the Administrator to a pro rata portion of any distributions made by the participating investment company equal to the percentage of capital in the participating investment company that the equity financing comprises. The Administrator shall receive distributions from the participating investment company at the same times and in the same amounts as any other investor in the company with a similar interest. The investment company shall make allocations of income, gain, loss, deduction, and credit to the Administrator with respect to the equity financing interest as if the Administrator were an investor.

“(b) MANAGER PROFITS.—As a condition of receiving an equity financing under the program, the manager profits interest payable to the managers of a participating investment company under the program shall not exceed 20 percent of profits, exclusive of any profits that may accrue as a result of the capital contributions of any such managers with respect to such company. Any excess of this amount, less taxes payable thereon, shall be returned by the managers and paid to the investors and the Administrator in proportion to the capital contributions and equity financings paid in. No manager profits interest (other than a tax distribution) shall be paid prior to the repayment to the investors and the Administrator of all contributed capital and equity financings made.

“(c) DISTRIBUTION REQUIREMENTS.—As a condition of receiving an equity financing under the program, a participating investment company shall make all distributions to all investors in cash and shall make distributions within a reasonable time after exiting investments, including following a public offering or market sale of underlying investments.

**“SEC. 399I. FUND.**

“There is hereby created within the Treasury a separate fund for equity financings which shall be available to the Administrator subject to annual appropriations as a revolving fund to be used for the purposes of the program. All amounts received by the Administrator, including any moneys, property, or assets derived by the Administrator from operations in connection with the program, shall be deposited in the fund. All expenses and payments, excluding administrative expenses, pursuant to the operations of the Administrator under the program shall be paid from the fund.

**“SEC. 399J. APPLICATION OF OTHER SECTIONS.**

“To the extent not inconsistent with requirements under this part, the Administrator may apply sections 309, 311, 312, 313, and 314 to activities under this part and an officer, director, employee, agent, or other participant in a participating investment company shall be subject to the requirements under such sections.

**“SEC. 399K. ANNUAL REPORTING.**

“The Administrator shall report on the performance of the program in the annual performance report of the Administration.

**“SEC. 399L. DEFINITIONS.**

“In this part, the following definitions apply:

“(1) EARLY-STAGE SMALL BUSINESS.—The term ‘early-stage small business’ means a small business concern that—

“(A) is domiciled in a State; and

“(B) has not generated gross annual sales revenues exceeding \$15,000,000 in any of the previous 3 years.

“(2) PARTICIPATING INVESTMENT COMPANY.—The term ‘participating investment company’ means an applicant approved under section 399D to participate in the program.

“(3) TARGETED INDUSTRIES.—The term ‘targeted industries’ means any of the following business sectors:

“(A) Agricultural technology.

“(B) Energy technology.

“(C) Environmental technology.

“(D) Life science.

“(E) Information technology.

“(F) Digital media.

“(G) Clean technology.

“(H) Defense technology.

“(I) Photonics technology.

**“SEC. 399M. APPROPRIATION.**

“From funds not otherwise appropriated, there is hereby appropriated \$1,000,000,000 to carry out the program.

**“SEC. 399N. CERTIFICATION.**

“(a) IMMIGRATION CERTIFICATION.—

“(1) PARTICIPATING INVESTMENT COMPANIES.—Each participating investment company that receives an equity financing under this part after the date of the enactment of this part must, if applicable, certify that such company is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in 31 U.S.C. 5312(a)(2) and (c)(1)(A), to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

“(2) EARLY-STAGE SMALL BUSINESSES.—Each early-stage small business that receives funds from a participating investment company that receives an equity financing under this part after the date of the enactment of this part must, if applicable, certify that such company is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in 31 U.S.C. 5312(a)(2) and (c)(1)(A), to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

“(b) SEX OFFENDER CERTIFICATION.—

“(1) PARTICIPATING INVESTMENT COMPANIES.—Each participating investment company that receives an equity financing under this part after the date of the enactment of this part shall certify to the Administrator that the principals of such company have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

“(2) EARLY-STAGE SMALL BUSINESSES.—Each early-stage small business that receives funds from a participating investment

company that receives an equity financing under this part after the date of the enactment of this part shall certify to the Administrator that the principals of such business have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

“(c) PORNOGRAPHY CERTIFICATION.—None of the funds made available under this part may be used to pay the salary of any individual engaged in activities related to the provisions of this part who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.”.

#### SEC. 303. REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out this title and the amendments made by this title.

#### SEC. 304. PROHIBITIONS ON EARMARKS.

None of the funds appropriated for the program established under part D of title III of the Small Business Investment Act of 1958, as added by this Act, may be used for a Congressional earmark as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives.

### TITLE — MISCELLANEOUS

#### SEC. — BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The CHAIR. No amendment to that amendment in the nature of a substitute is in order except those printed in part C of the report. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

□ 1130

AMENDMENT NO. 1 OFFERED BY MR. ISRAEL

The CHAIR. It is now in order to consider amendment No. 1 printed in part C of House Report 111–506.

Mr. ISRAEL. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ISRAEL:

Page 6, insert after line 25 the following:

(17) VETERAN-OWNED BUSINESS.—

(A) The term “veteran-owned business” means a business—

(i) more than 50 percent of the ownership or control of which is held by 1 or more veterans;

(ii) more than 50 percent of the net profit or loss of which accrues to 1 or more veterans; and

(iii) a significant percentage of senior management positions of which are held by veterans.

(B) For purposes of this paragraph, the term “veteran” has the meaning given such term in section 101(2) of title 38, United States Code.

Page 18, line 6, strike “MINORITY OUTREACH” and insert the following: “OUTREACH TO MINORITIES, WOMEN, AND VETERANS”.

Page 18, strike lines 15–16 and insert the following:

tions, and individuals that—

(A) represent or work within or are members of minority communities;

(B) represent or work with or are women; and

(C) represent or work with or are veterans.

Page 21, line 14, insert after “minority-” the following: “, veteran-”.

Page 25, line 10, insert after “WOMEN-OWNED” the following: “, VETERAN-OWNED”.

Page 25, line 12, insert after “women-owned businesses” the following: “, veteran-owned businesses”.

Page 25, line 14, insert after “Program” the following: “(including determining the percentage of the total number of all businesses that receive assistance that such number represents)”.

Page 25, line 17, insert after “minority-” the following: “, veteran-”.

The CHAIR. Pursuant to House Resolution 1436, the gentleman from New York (Mr. ISRAEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ISRAEL. Mr. Chairman, I yield myself 2 minutes.

I rise in support of the Israel-Barrow amendment. In particular, I would like to thank the gentleman from Georgia (Mr. BARROW) for his leadership and his partnership on behalf of veterans.

This amendment is rather direct. The underlying bill creates a new community bank lending fund for small businesses. It is essential that as we continue our recovery, we expand the amount of credit to America’s small businesses so they can buy products and hire people.

Our amendment does three things. One, it ensures that community banks participating in the lending fund prioritize veteran-owned businesses. Two, it requires aggressive outreach in advertising to veteran-owned small businesses. And, third, it requires the Secretary of Treasury, when designating lending institutions in the fund, to focus on veteran-owned businesses.

Mr. Chairman, last year there were 3.6 million veteran-owned businesses in the United States of America; 250,000 were owned by service-disabled veterans. They fought our battles, we should fight for their businesses, and that is precisely what our amendment does.

I again want to thank the gentleman from Georgia (Mr. BARROW) for working with me on this amendment. It is the Israel-Barrow amendment, but it

might as well be called the Barrow-Israel amendment as a result of the partnership that we brought to this task on behalf of small businesses and veterans.

Mr. Chairman, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. The bill currently includes language regarding women and minority-owned business, and adding the veteran-owned businesses makes sense. And so with that, we support this amendment and we thank the gentleman for bringing it forward.

I yield back the balance of my time.

Mr. ISRAEL. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. Mr. Chairman, I thank the gentleman for yielding. I have spent a lot of time meeting with small business owners across my district because small businesses are the backbone of our economy and they hold the key to our recovery. In the last decade, 70 percent of all new jobs are created by small businesses. But many are now facing a credit squeeze which makes it hard to cover everyday expenses, including hiring and retaining workers. It is in the best interest of our country that our small businesses thrive. That is why the Small Business Lending Fund Act deserves our support.

I am pleased to offer an amendment with Congressman ISRAEL that I think makes this good bill just a little bit better. Our amendment simply asks banks receiving funds under this act to reach out to women, minority and veteran-owned businesses to make them aware of the availability of these funds. These businesses are a valuable but often disadvantaged part of our economy, and I think they deserve our special attention.

I want to thank Congressman ISRAEL for his collaboration on this amendment and his leadership, I want to thank the chairman for his support.

Mr. ISRAEL. Mr. Chairman, we have proven today to the American people that both sides of this aisle can agree on at least one thing, and that is supporting veterans and supporting small businesses. I am grateful for the bipartisan cooperation that we have received on this.

I have no further requests for time, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. ISRAEL).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. ISRAEL. Mr. Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. NYE

The CHAIR. The Chair understands that amendment No. 2 will not be offered.

It is now in order to consider amendment No. 3 printed in part C of House Report 111-506.

Mr. NYE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. NYE: Page 3, line 5, strike "and".

Page 3, line 12, strike the period and insert "; and".

Page 3, after line 12, insert the following new subparagraph:

(D) with respect to an eligible institution for which no report exists that is described under subparagraph (A), (B), or (C), such other report or set of information as the Secretary, in consultation with the Administrator of the Small Business Administration, may prescribe.

Page 4, line 25, strike "and".

Page 5, line 3, strike the period and insert "; and".

Page 5, after line 3, insert the following new subparagraph:

(D) any small business lending company that has total assets of equal to or less than \$10,000,000,000.

Page 6, line 1, after "report," insert the following: "where each loan comprising such lending is made to a small business and is one".

Page 6, after line 25 insert the following new paragraphs:

(1) SMALL BUSINESS.—The term "small business" has the meaning given the term "small business concern" under section 3 of the Small Business Act (15 U.S.C. 632).

(2) SMALL BUSINESS LENDING COMPANY.—The term "small business lending company" has the meaning given such term under section 3(r)(1) of the Small Business Act (15 U.S.C. 632(r)(1)).

Page 12, beginning on line 19, strike "the amount of small business lending reported by the eligible institution in its call report for the last quarter in calendar year 2009 or the average amount of small business lending reported by the eligible institution in all call reports for calendar year 2009, whichever is lower" and insert "the average amount of small business lending reported by the eligible institution in its call reports for the 4 full quarters immediately preceding the enactment of this title".

Page 17, after line 9, insert the following new subparagraph:

(I) INCENTIVES CONTINGENT ON AN INCREASE IN THE NUMBER OF LOANS MADE.—For any quarter during the first 4½-year period following the date on which an eligible institution receives a capital investment under the Program, other than the first such quarter, in which the institution's change in the amount of small business lending relative to the baseline is positive, if the number of loans made by the institution does not increase by 2.5 percent for each 2.5 percent increase of small business lending, then the

rate at which dividends and interest shall be payable during the following quarter on preferred stock or other financial instruments issued to the Treasury by the eligible institution shall be—

(i) 5 percent, if such quarter is within the 2-year period following the date on which the eligible institution receives the capital investment under the Program; or

(ii) 7 percent, if such quarter is after such 2-year period.

(J) ALTERNATIVE COMPUTATION.—An eligible institution may choose to compute their small business lending amount by computing the amount of small business lending, as if the definition of such term did not require that the loans comprising such lending be made to small business. Any eligible institution choosing to compute their small business lending in this manner shall certify that all lending included by the institution for purposes of computing the increase in lending under this paragraph was made to small businesses.

The CHAIR. Pursuant to House Resolution 1436, the gentleman from Virginia (Mr. NYE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. NYE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, recent reports on U.S. economic growth are promising and suggest that recovery is taking hold. However, I continue to hear from small business owners in my district who are still having a tough time obtaining the business loans that they need today. They have weathered the worst of the storm and are ready to lead our economy to a strong recovery. However, in order to do this, they need capital; capital from loans that banks are unwilling to lend.

As chairman of the Small Business Subcommittee on Contracting and Technology, my subcommittee examines every day how the Federal Government can incentivize business innovation.

For example, last year, with my fellow Virginian MARK WARNER, I proposed the Small Business Administration take action on the ARC loan program, a vital loan program that had been delayed months until Congress authorized it. Because of our efforts, soon after the ARC loan program was implemented, and it is expected to create or retain 24,000 jobs and assist 4,900 businesses this year alone.

We must continue to implement these types of small business programs that will unfreeze the small business credit markets. However, as we create this program to increase lending capacity to small banks, we must ensure that it is not another bank bailout.

The amendment I offer today puts controls in place to guarantee the funds in this bill are in fact going to small businesses. First and foremost, we must define what a small business is. If the Small Business Lending Fund is created with the intention to spur small business lending, we must ensure that the funds are in fact lent to busi-

nesses that are properly defined as small business. In order to do this, we should use the definition already being used by Federal agencies to determine a business's size.

Second, we want to increase lending volume and open up the credit markets to every qualified small business. To do this effectively, we need to link lending incentives to volume, or in other words, to the number of loans that a bank makes and not just the amount of money lent. If we measure the lending of a bank merely by the amount of money lent, then a bank could make a few large loans and call it a day. Working capital for most small businesses requires small loans, and many times it takes more than one. Thus, to effectively measure if this program is truly supporting working capital efforts, we must certify that the volume of these small loans increases.

Third, in the same vein, a hardened baseline with real meaning must be set when measuring a bank's lending record. Currently, the bill only requires a bank to increase its lending according to its 2009 fourth quarter record. The fourth quarter of 2009 saw a historically low lending rate. Small financial institutions decreased their small business lending by an average of 12.8 percent, and small business lending by large banks dropped by more than 20 percent. To gather a more accurate measure of small business lending, this amendment requires a full year's worth of data to measure a bank's lending report.

Finally, small business lending companies exist only to lend to small businesses. It would be nearsighted not to make these institutions that already have a strong infrastructure and proven ability to lend to small businesses eligible in this bill. My amendment includes small business lending companies with less than \$10 billion in assets as qualified financial institutions, alongside community banks and small credit unions.

If our economic recovery is going to translate into economic expansion, we must open up the credit markets to our small businesses who are proven job creators and we must ensure that programs created to provide capital to small businesses take the necessary measures to promote small business lending and not big business bailouts.

I urge my colleagues to support this amendment for our small businesses and for our economic future.

I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I rise to claim the time in opposition.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. NEUGEBAUER. Mr. Chairman, I am opposed to this amendment because it removes some of the safeguards to ensure the banks use the money in the way that they are supposed to and not simply just building up their capital

buffers. Allowing recipients to self-certify that they have increased small business lending guts all of the other protections in this bill.

If we are going to allow recipients to pay dividends as low as 1 percent, we need to make sure that the money is used the way the legislation is intended. We already have less oversight of this money than we did in the TARP program, and even though it is the same program, cutting back even further is the wrong approach.

Already under this bill, banks are getting a good deal on the cost of capital, thanks to the taxpayers. Community banks that issue preferred equity paid dividends of 9 percent or more in the private market, here we have the government giving them the capital for 5 percent, or as low as 1 percent.

This amendment changes the incentives in the wrong way, and we need more safeguards for the taxpayers, not fewer.

Mr. Chairman, I reserve the balance of my time.

Mr. NYE. Mr. Chairman, I yield the balance of my time to Congresswoman VELÁZQUEZ, the chairwoman of the Small Business Committee.

Ms. VELÁZQUEZ. I thank the gentleman for yielding.

Mr. Chairman, since the financial crisis struck in 2007, much has already been done to help banks and financial institutions stay solvent. Those steps were necessary. I firmly believe that without them, the financial crisis would deepened, unemployment would have been higher, more Americans would have suffered, and our economic recovery may have been delayed for many years.

Despite these efforts, our entrepreneurs are still struggling to tap into the credit they need. As we revisit this problem once more, it is vital that we ensure that the benefits of this bill reach small businesses. That is the intent of this legislation. But without the right safeguards, this will be another attempt that fails to address the underlying problem of small business access to capital.

If this measure is not crafted properly, loans which go to large businesses could qualify under the program. Mr. Chairman, I support this amendment.

Mr. NEUGEBAUER. Mr. Chairman, I just want to repeat that when we are going to give a dividend, a lesser dividend rate for the more performance that these banks have, letting themselves certify is not a good check and balance. Certainly we want them to increase their lending, but we need third-party validation to make sure that if they are going to get as low as a 1 percent capital dividend rate, that some third-party validation validates that because obviously that has impact on this program.

I reserve the balance of my time.

Mr. NYE. I ask unanimous consent that each side be allocated an additional 2 minutes.

The CHAIR. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. NYE. Mr. Chairman, I yield 2 minutes to the distinguished ranking member of the committee, Congressman GRAVES.

Mr. GRAVES of Missouri. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Virginia.

Under the program, the way it was reported out of the Financial Services Committee, the bill bases its lending on the size of loans, and assumes that loans of under \$250,000 and \$1 million will be made to small businesses. However, there is no such assurance in the bill, and loans of those sizes could be made to large businesses, but count as small business lending. If this is a small business lending program, then it should use the definition of small business used throughout the government, and that is the one in the Small Business Act. The approach offered by the gentleman from Virginia (Mr. NYE) does just that. It makes that sensible change.

The other change that the gentleman's amendment does is to include small business lending companies. These institutions are not overseen by the Federal financial regulators, but are authorized by the Small Business Administration to make guaranteed loans. If the idea of the program is to increase lending to small businesses, small business lending companies should not be excluded from this program.

For these reasons, I definitely support the gentleman's amendment, and I appreciate his offering it.

Mr. NEUGEBAUER. Mr. Chairman, I yield back the balance of my time.

Mr. NYE. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. NYE).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. MINNICK, AS MODIFIED

The CHAIR. It is now in order to consider amendment No. 4 printed in part C of House Report 111-506.

Mr. MINNICK. Mr. Chair, I have an amendment at the desk designated under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. MINNICK: Page 11, after line 3, insert the following new subparagraph:

(F) ELECTION TO INCLUDE OTHER NONFARM, NONRESIDENTIAL REAL ESTATE LOANS IN AMOUNT OF SMALL BUSINESS LENDING.—At the time that an applicant submits an application to the Secretary for a capital investment under the Program, the applicant may notify the Secretary that it elects to have included in the determination of the amount

of its small business lending, for purposes of the computations made under paragraph (4), the amount of lending reported as other nonfarm, nonresidential real estate loans in its quarterly call report, but for purposes of this subparagraph, other nonfarm, nonresidential real estate loans shall not include a loan having an original amount greater than \$10,000,000. If an applicant makes the election under this subparagraph, the amount of lending reported as other nonfarm, nonresidential real estate loans shall be included in the determination of the amount of its small business lending for purposes of the computations made under paragraph (4).

The CHAIR. Pursuant to House Resolution 1436, the gentleman from Idaho (Mr. MINNICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Idaho.

□ 1145

Mr. MINNICK. Mr. Chairman, I ask unanimous consent to modify my amendment.

The CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 4 offered by Mr. MINNICK, as modified:

Page 6, after line 9, insert the following:

(v) Nonowner-occupied commercial real estate loans.

The CHAIR. Is there objection to the request of the gentleman from Idaho?

Without objection, the amendment is modified.

There was no objection.

Mr. MINNICK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment, while short in length, is extremely important to the commercial banking industry and to small business in my State and all of the United States. What it does is adds commercial real estate to the category of assets that can be covered by small business loan guarantees and increases the amount of those assets up to \$10 million.

This allows a category of assets that is now being held by small business men throughout the country, a category that is very large that needs to be refinanced because commercial real estate loans are short term and banks simply do not have the capacity in the current market to finance and process all of the commercial loans that need to be reprocessed over the next 3 to 5 years. By making these smaller loans that our community banks have made to strip shopping centers, to restaurants, to small business, making them more liquid by applying a Federal guarantee, they will be able to sell these loans in the market. The bank will get cash and be able to make another commercial loan.

So this is a very important piece of legislation, an important component of the Small Business Lending Act that will do more, I think, than any other single thing in terms of getting our banking system functioning again and providing credit to the entrepreneurs

and small businesses across this country who will fuel the economic recovery and create the jobs that will bring us out of this recession.

I urge my colleagues to accept this amendment, and I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I seek time in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. I appreciate the gentleman's point here of trying to create a new source of capital in commercial real estate at a time when there is a significant amount of stress on our community banks. Financing for commercial real estate, particularly the smaller loan market that serves small businesses, has been limited. The commercial mortgage-backed securities market, the CMBS market, which accounted for nearly 50 percent of the commercial real estate lending in 2007, remains dormant.

So while I continue to believe the \$30 billion lending fund will not improve lending for small businesses, I do not oppose the gentleman's amendment.

I yield back the balance of my time.

Mr. MINNICK. I thank the gentleman.

I would urge my colleagues to endorse this amendment and ask that it be added to the bill.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Idaho (Mr. MINNICK), as modified.

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR.  
PERLMUTTER

The CHAIR. It is now in order to consider amendment No. 5 printed in part C of House Report 111-506.

Mr. PERLMUTTER. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. PERLMUTTER:

Add at the end of title I the following new section:

**SEC. 14. TEMPORARY AMORTIZATION AUTHORITY.**

(a) PURPOSE.—The purpose this section is to address the ongoing effects of the financial crisis on small businesses by providing temporary authority to amortize losses or write-downs in order to increase the availability of credit for small businesses.

(b) IN GENERAL.—For purposes of capital calculation under the Financial Institutions Examination Council's Consolidated Reports of Condition, an eligible institution may choose to amortize any loss or write-down, on a quarterly straight line basis over a period determined under subsection (c), beginning with the month in which such loss or write-down occurs, resulting from the application of FASB Statement 114 or 144 to—

(1) other real estate owned (as defined under section 34.81 of title 12, Code of Federal Regulation), or

(2) an impaired loan secured by real estate, provided that the institution discloses the difference in the amount of the institution's capital, when calculated taking into account the temporary amortization, from the amount of the institution's capital when calculated without taking into account the temporary amortization on the Financial Institutions Examination Council's Consolidated Reports of Condition.

(c) AMORTIZATION REQUIREMENTS.—During the initial 2-year period referred to in section 4(d)(4), an eligible institution's amortization period shall be adjusted to reflect the following schedule based on the institution's change in the amount of small business lending relative to the baseline:

(1) If the amount of small business lending has increased by less than 2.5 percent, the amortization period shall be 6 years.

(2) If the amount of small business lending has increased by 2.5 percent or greater, but by less than 5.0 percent, the amortization period shall be 7 years.

(3) If the amount of small business lending has increased by 5.0 percent or greater, but by less than 7.5 percent, the amortization period shall be 8 years.

(4) If the amount of small business lending has increased by 7.5 percent or greater, but by less than 10.0 percent, the amortization period shall be 9 years.

(5) If the amount of small business lending has increased by 10 percent or greater, the amortization period shall be 10 years.

(d) MINIMUM UNDERWRITING STANDARDS.—The appropriate Federal banking agency for an eligible institution that chooses to amortize any loss or write-down as permitted under subsection (b) shall, within 60 days of the date of the enactment of this title, issue regulations defining minimum underwriting standards that must be used for loans made by the eligible institution.

(e) EFFECTIVE DATE.—The provisions of this section shall apply to loan origination that occurred on or after January 1, 2003, and before January 1, 2008.

The CHAIR. Pursuant to House Resolution 1436, the gentleman from Colorado (Mr. PERLMUTTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. PERLMUTTER. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, the amendment I offer with my colleagues today would increase the availability of capital for small businesses. It temporarily allows banks to amortize real estate losses over 6 years. In addition, smaller community banks would be incentivized to increase small business lending through an extended amortization period of up to 10 years.

The impact of this amendment deals with regional and small banks. It will be immediate and is a necessary step in providing greater availability of credit, which will lead to job creation and economic growth.

We had an earthquake on Wall Street about a year-and-a-half ago. Those aftershocks are still being felt by small businesses and small banks all across

the country. It is for that reason these banks, in an effort to help small businesses regain their footing, deserve this kind of amortization and flexibility with respect to their loan portfolios. They did not cause the trouble that they now find themselves in, and we believe that amortization is appropriate.

Mr. Chair, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chair, I am opposed to the amendment.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. NEUGEBAUER. Certainly I am sympathetic to the many community banks coping with real estate assets on their books that have lost their value; however, I am not sure this amendment is the best solution.

This amendment would essentially allow certain banks to hide losses for up to 10 years. The practice of legislative forbearance is a dangerous one and could result in problems that only get worse because they are not properly addressed. Accounting rules function to provide a clear record of the health of the institution. This amendment does just the opposite by hiding the losses.

The amortization provided by this amendment does not take effect for 2 years, when the increase in small business lending is measured; thus, it doesn't really address the current credit problems that this bill attempts to solve. This amendment creates the wrong incentive of allowing banks to hide losses for longer periods of time based on making even more loans. Instead of continuing to distort the market, the government should instead create an expansionary environment where we are lowering taxes and providing regulatory certainty and not hiding accounting losses.

I urge opposition to this amendment.

I yield back the balance of my time.

Mr. PERLMUTTER. Mr. Chairman, I would say the amendment provides that if there is a \$250,000 loss, it is booked and it is open, but then is spread out for 6 up to 10 years. It's easily transparent and open.

I yield 1 minute to my friend from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the gentleman from Colorado. All of us share a common goal: We are committed to an economic recovery. We also agree that small business lending is critical to achieving that recovery.

Small businesses in my district in south Florida and around the country are struggling to get access to credit so they can grow their businesses and create jobs. Even though bank regulators at the top are telling banks to lend, I have heard over and over again directly from dozens of businesses in my community and the banks locally that examiners on the ground are giving the exact opposite message.

It is essential that we do everything we can to increase small business lending. This amendment provides incentives for small business and real estate lending, exactly what south Florida and other communities need to continue on the road to recovery. The amendment provides a solution to a critical problem, and I am proud to have worked with community banks, our Realtors and real estate community on this issue.

I urge my colleagues to support this amendment.

Mr. PERLMUTTER. At this point, I would also say to my friend from Texas, the amendment takes place immediately, not after 2 years.

I yield 1 minute to my colleague from Colorado (Mr. COFFMAN).

Mr. COFFMAN of Colorado. I thank the gentleman from Colorado for yielding.

Mr. Chair, I rise today in strong support of this amendment to House Resolution 5297, the Small Business Lending Fund Act of 2010. The amendment offered by my friend from Colorado, Representative PERLMUTTER, would do a great deal to increase the availability of loans to our Nation's small businesses. Small businesses are the engine that drives our economy.

This amendment will allow Colorado banks to amortize, or write down, commercial real estate loan losses over a period of time to ensure an adequate amount of capital for continued lending. The amendment encourages continued lending to small businesses by establishing a graduated scale with a maximum 10-year period of amortization for increased small business lending of 10 percent or more.

Enacting commonsense measures such as this will do a great deal to help small businesses, while also protecting many community banks from the volatility that currently surrounds their commercial real estate portfolio.

I have run a small business, and access to capital was always a pressing concern. I am glad that Congress is addressing this important issue.

I urge my colleagues to vote in favor of this amendment.

Mr. PERLMUTTER. I yield 1 minute to my friend from Wisconsin (Mr. KAGEN).

Mr. KAGEN. I rise in strong support of the Perlmuter, Gutierrez, Klein, and Kagen amendment. Why? It's exactly the medicine we need in our economy right now. Small businesses in Wisconsin, small businesses in Colorado and across the country are looking for access to credit at a price they can afford to pay. And right now our community banks are unable to lend, not because of their own activity, but because of the bad judgment of big banks on Wall Street.

Main Street community banks and Main Street small businesses should not have to continue to pay for the

mistakes of Wall Street. The Perlmuter amendment would allow community banks under \$10 billion of assets to amortize potential losses over 6 years and up to 10 years if they increase their lending to small businesses.

We get it. We understand that small businesses are the economic engines of this country. It's time to give small businesses the opportunity to grow our economy and the jobs we need to work our way back into prosperity.

I would urge a strong "yes" vote on this amendment.

Mr. PERLMUTTER. Mr. Chairman, how much time do I have left?

The CHAIR. The gentleman has 1 minute remaining.

Mr. PERLMUTTER. Thank you.

The point here is smaller banks, regional banks, unlike banks on Wall Street, did not create the credit and lending mess that exists today. Small businesses didn't create the mess that we see. And it is small business that employs so many people, and we have got to get folks back to work.

So the amendment allows for a bank to take a loss and then spread it over a period of time so that they can weather this storm until we get back to a good financial footing in this country. It is something that is necessary. It will assist with the availability of credit today and doesn't cost the taxpayer any money.

Something like this was used in the 1980s to assist the agricultural banks, and it worked at that time. It will work today.

I urge an "aye" vote on amendment No. 5, and I yield back the balance of my time.

The Acting CHAIR (Ms. NORTON). The question is on the amendment offered by the gentleman from Colorado (Mr. PERLMUTTER).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part C of House Report 111-506.

Mr. PRICE of Georgia. Madam Chair, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. PRICE of Georgia:

Page 26, after line 7, insert the following new section:

#### SEC. 14. SENSE OF CONGRESS.

It is the sense of Congress that the Federal Deposit Insurance Corporation and other bank regulators are sending mixed messages to banks regarding regulatory capital requirements and lending standards, which is a contributing cause of decreased small business lending and increased regulatory uncertainty at community banks.

The Acting CHAIR. Pursuant to House Resolution 1436, the gentleman

from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Madam Chair, I want to thank the chairman of the committee and the ranking member for working with me on this amendment. And although, as they know, I am opposed to the underlying bill, this amendment is extremely important to highlight the serious problem of mixed messages that financial regulators are sending to our community banks. And I appreciate the support of the chairman on this amendment.

Banks in Georgia employ almost 50,000 people and hold \$276 billion in assets. Most of these banks are community institutions, which were mere bystanders to the financial and liquidity crisis of the last 2 years.

□ 1200

Late last week, the Treasury Department reported that TARP will cost less than they originally estimated. In fact, Treasury expects to spend less than the \$550 billion of the \$700 billion authorized. Regrettably, this figure does not factor in the bailouts for Fannie Mae, Freddie Mac, and AIG.

But even so, this is a revolving taxpayer bailout fund, meaning that there is \$550 billion that the administration and leadership could put towards small business lending. However, the administration chose not to do this and, instead, wants Congress to appropriate another \$33 billion of taxpayer money. That's right, another \$33 billion.

Certainly, small business lending is a priority for banks and businesses. However, this bill doesn't address the underlying causes of contraction in lending but invests much more in a failed regulatory agency.

Unfortunately, the mixed messages being sent by failed bank regulators will not be fixed. Instead of making the FDIC and the other regulators send a clear, consistent message to our Nation's banks, this Congress feels that throwing more money at the problem will fix it.

In February, bank regulators, both State and Federal, issued a joint statement providing guidance to banks and to credit unions, encouraging them to make loans to credit-worthy small business borrowers. The regulators described the guidance as intended to "emphasize that financial institutions engaging in prudent small business lending after performing a comprehensive review of a borrower's financial condition will not be subject to supervisory criticism for small business loans made on that basis."

However, reports from the field show a much different picture. I hear from bankers in my district and across our State that there is capital to lend. However, I also hear from those same

banks that they're nervous and anxious about the unpredictable regulators' response and scrutiny of their regulatory capital ratios and loan requirements. For many banks, it's easier and better just to ride out the storm by hoarding their cash than to justify every penny that they lend to the regulators, possibly risking their capitalized standing.

Banks cannot hold capital for regulatory compliance and comply with regulators' instructions to lend at the same time. They're mutually exclusive. My amendment states that these mixed messages sent by the regulators are a very serious problem and a cause of the contraction in small business lending and are destructive to communities.

In order to highlight this, I urge adoption of the amendment.

I reserve the balance of my time.

Ms. BEAN. I claim time in opposition, even though I'm not opposed.

The Acting CHAIR. Without objection, the gentlewoman from Illinois is recognized for 5 minutes.

There was no objection.

Ms. BEAN. I yield myself such time as I may consume.

I want to acknowledge Congressman PRICE's amendment and its recognition of the challenges facing not only community businesses seeking loans but the community bankers that are trying to provide them. His amendment recognizes mixed messages between legislators urging more lending while regulators and examiners are often urging less, particularly in the area of commercial real estate. That's why I have a bill that addresses both priorities by expanding the SBA 504 program to allow banks to lend to small businesses for owner-occupied properties, while easing the exposure on their bank's balance sheet with investments from the CDCs.

I also want to acknowledge that this amendment recognizes the credit crisis that's challenging our country and our small businesses particularly, which is the point of this underlying bill. And I hope my colleague will support the underlying bill as it addresses those credit challenges.

I yield back the balance of my time.

Mr. PRICE of Georgia. I thank the gentlelady for her support of the amendment and would just point out, once again, the mixed messages that are being received by our community banks.

I would also like to point out that the amount of money left available in TARP right now could easily cover the intent of this bill. However, this bill has in it an extra \$33 billion, \$33 billion, Madam Chair, that, frankly, we do not have as a Nation. We put it on backs of our kids and grandkids and borrow it from some other nation when we could be utilizing money that has already been appropriated for the same positive purpose.

I urge adoption of the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. AL GREEN OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part C of House Report 111-506.

Mr. AL GREEN of Texas. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. AL GREEN of Texas:

Page 19, after line 4, insert the following new subsection:

(e) NOTIFICATION TO CUSTOMERS.—Any eligible institution receiving funds under the Program shall—

(1) disclose on every applicable loan transaction that the loan is being made possible by the Program; and

(2) if such institution has an established internet website, such institution shall make available on its internet website—

(A) the written reports made by the Secretary pursuant to paragraphs (1) and (2) of section 7; and

(B) a statement that the institution, as a participant in the Program, is seeking to make small business loans to qualified borrowers and may not discriminate on the basis of any factor prohibited under the Equal Credit Opportunity Act, including the race, color, religion, national origin, sex, marital status, or age.

The Acting CHAIR. Pursuant to House Resolution 1436, the gentleman from Texas (Mr. AL GREEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. AL GREEN of Texas. I yield myself 3 minutes at this time.

Madam Chair, this is an important amendment. This amendment will not be a perfect amendment with references to what it seeks to do, but it is a perfecting amendment. This amendment seeks to provide disclosure and enhance accountability, and I'd like to make it known that this amendment received a lot of help and input from the Office of Congressman HENSARLING, and I thank him for what he has done.

This amendment would provide that an institution engaged in the lending process with the funds from the program, that this institution will on applicable loan documents indicate that the funds being loaned are funds that are coming from the fund. This is important because the public desires to know where the money is going, how it is being utilized.

This amendment would also require, if the institution has a Web site, it will require that that Web site contain the written reports of the Treasury Secretary. These reports would indicate,

to the extent that loans have been made, how the money has been utilized, and this, again, would provide additional transparency which will lead to accountability.

Finally, the amendment will require lending institutions to make known to the capable, competent, and qualified borrowers that they will have the opportunity to participate in the program by way of receiving loans and that these loans must be based upon the law as it is written and not allow any type of discrimination, invidious discrimination to infiltrate the program.

I think this is an amendment that goes a long way toward helping us improve our transparency and accountability. It is not a perfect amendment, but it is a perfecting amendment.

I reserve the balance of my time.

Mr. NEUGEBAUER. Madam Chair, I claim time in opposition, although I don't think I'm going to oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. I just wanted to clarify something that the gentleman said.

I understand that the bank will disclose to the borrower that they are loaning them funds because they are participating under this program, and then the gentleman went on to say that the Treasury would then post a report on their Web site. Now, would that list the names of the borrowers? Will the Treasury report list on their Web site the names of each borrower that borrowed money under this program?

Mr. AL GREEN of Texas. If the gentleman would yield to me?

Mr. NEUGEBAUER. I yield.

Mr. AL GREEN of Texas. It will indicate what transactions took place, and it will indicate who the banks, the lending institutions, that engaged in the transaction. The borrower's name would not be a part of the information.

Mr. NEUGEBAUER. I thank the gentleman because I was concerned about the privacy of those business owners, you know, letting the world know how much money they're borrowing. So I'm not opposed to the gentleman's amendment. I think disclosure is a good thing.

I just want to make a point that there have been several discussions up here today that this is not going to cost the taxpayers any money, and only in Washington, D.C., can you go spend \$33 billion and say it's not going to cost anything. The problem is, if this program is participated up to \$33 billion, we don't have \$33 billion, and so we're going to go have to borrow \$33 billion from the Chinese to loan banks to loan to small businesses in this country.

And a lot of folks I think understand that kind of how we got here was that

the whole world, small businesses, individuals, and governments, have been on this borrowing and spending binge, borrow and spend, borrow and spend, and quite honestly, that's how we wove this web where we've got our financial markets in somewhat of a wrinkle right now.

So, while I applaud the gentleman's amendment, I still go back to the fundamental point here that, one, this bill will not help small businesses have any additional capital, but more importantly, we are going to go spend \$33 billion that we don't have, and I don't think that's the right prescription for our country.

With that, I reserve the balance of my time.

Mr. AL GREEN of Texas. Let me simply say in response that the bill anticipates that loans will be repaid. It's not a circumstance where persons are going to receive or businesses will receive loans that are not going to be paid. And the bill causes banks or lending institutions to make the loans because they will receive a better interest rate upon making loans such that they are incentivized to make these loans.

So, while the bill will not cure all of the ails of society, all of the ills that we have, it certainly will go a long way towards stimulating small business lending, which is important to the economic recovery.

I believe in this bill. I believe that this amendment will help with transparency and accountability. And I also believe that it is time for us to do all that we can to help the small businesses in this country. I believe that this is something we can do, and I believe that it is the something that will make a difference.

I reserve the balance of my time.

Mr. NEUGEBAUER. I appreciate the gentleman.

I still go back to the point, and I think that's where we get kind of in a, we're living in Wally World here in Washington, D.C., where you still have to have \$33 billion. If you're going to go invest in the preferred shares of these banks, you've still got to find the \$33 billion. And the truth of the matter is for every dollar we're going to appropriate or allocate in this country this year, we're going to have to borrow 42 cents of it.

So I guess the question is, should we go out and hock another \$33 billion for a program that many people think that there's adequate capital and liquidity already in the banking industry? Some people have been quoted as saying, well, 42 percent of the small businesses have been turned down for loans in this country. Well, you know, I was in the loan business, and everybody that came in to my borrow money from me when I was a loan officer wasn't credit-worthy or it wasn't in their best interest to leverage their business further.

So I'm afraid that we're out here trying to encourage behavior that the marketplace may be already taking care of.

My good friend from Georgia did make a point that the regulatory folks are sending mixed messages. I think that's a bad policy. I think the regulators need to be more consistent with their policy, again bringing that certainty because what we've heard time and time again, whether it's from the business community or from the lending community, all of this uncertainty about what Congress is doing and the regulatory reforms that are going on, all of this is creating a huge amount of uncertainty. And so what happens when we have uncertainty in the marketplace, people just sit on the sidelines.

If you want to get businesses going again, if you want to get the economy going again, we've got to get the government out of the banking business. We've got to get the government out of all these huge regulations. We've got to bring economic certainty by not imposing more restrictions on companies on their health care; cap-and-trade affecting what they're potentially going to pay for energy in the future; uncertainty with our tax code, where we don't know what provisions are going to expire, what provisions aren't.

And you know, wouldn't it be nice for the American people to get to see a budget of how Congress is planning to spend their money, instead of going through a daily, monthly, weekly exercise of spending money without a budget? The American people don't do their business that way. They're a little bit concerned that the United States Congress just keeps on spending money but without a budget.

So, with that, I yield back the balance of my time.

Mr. AL GREEN of Texas. I yield myself such time as I may consume.

While I appreciate the gentleman from Texas' desire to make sure that budgets are balanced and to make sure that we have accountability and transparency, I do have to remind the gentleman that the desire and the need to balance the budget did not start this year, nor did it start last year. We should have had a balanced budget for the 8 years of the prior administration.

□ 1215

I think that you find this administration burdened with the problems that were created by the past administration. I believe that in an effort to correct these problems, we will have to take some necessary steps toward helping small business.

I hear my colleagues on the other side quite regularly contending that small businesses need help. This is help, and my trust and my hope and my belief is that the small business help will be supported by not only this

side of the aisle, but by both sides of the aisle.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. AL GREEN).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. DRIEHAUS

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part C of House Report 111-506.

Mr. DRIEHAUS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. DRIEHAUS:

Page 23, strike lines 7 through 9 and insert the following: "of the Program through the Office of Small Business Lending Fund Program Oversight established under subsection (b)".

Page 23, after line 9, insert the following new subsection:

(b) OFFICE OF SMALL BUSINESS LENDING FUND PROGRAM OVERSIGHT.—

(1) ESTABLISHMENT.—There is hereby established within the Office of the Inspector General of the Department of the Treasury a new office to be named the "Office of Small Business Lending Fund Program Oversight" to provide oversight of the Program.

(2) LEADERSHIP.—The Inspector General shall appoint a Special Deputy Inspector General for SBLF Program Oversight to lead the Office, with commensurate staff, who shall report directly to the Inspector General and who shall be responsible for the performance of all auditing and investigative activities relating to the Program.

(3) REPORTING.—

(A) IN GENERAL.—The Inspector General shall issue a report no less than two times a year to the Congress and the Secretary devoted to the oversight provided by the Office, including any recommendations for improvements to the Program.

(B) RECOMMENDATIONS.—With respect to any deficiencies identified in a report under subparagraph (A), the Secretary shall either—

(i) take actions to address such deficiencies; or

(ii) certify to the appropriate committees of Congress that no action is necessary or appropriate.

(4) COORDINATION.—The Inspector General, in maximizing the effectiveness of the Office, shall work with other Offices of Inspector General, as appropriate, to minimize duplication of effort and ensure comprehensive oversight of the Program.

(5) TERMINATION.—The Office shall terminate at the end of the 6-month period beginning on the date on which all capital investments are repaid under the Program or the date on which the Secretary determines that any remaining capital investments will not be repaid.

(6) DEFINITIONS.—For purposes of this subsection:

(A) OFFICE.—The term "Office" means the Office of Small Business Lending Fund Program Oversight established under paragraph (1).

(B) INSPECTOR GENERAL.—The term "Inspector General" means the Inspector General of the Department of the Treasury.

Page 23, line 10, strike "(b)" and insert "(c)".

The Acting CHAIR. Pursuant to House Resolution 1436, the gentleman from Ohio (Mr. DRIEHAUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. DRIEHAUS. Madam Chair, I yield myself such time as I may consume.

Madam Chair, we know that small businesses account for the majority of new jobs created in this country, and we know that making it easier for small businesses to borrow is essential to our continued economic recovery. This legislation will help small businesses access the credit they need to create the jobs that will move our economy forward, but we need to provide strong oversight to ensure that these loans are being put to use where they are most effective and put to use in a way that is responsible to the American taxpayer.

The amendment I have offered with my colleagues from Virginia and Kansas will establish the Office of Small Business Lending Fund Oversight under the authority of the Treasury Inspector General. The Special Deputy Inspector General of the oversight office will be required to monitor the Small Business Loan Fund and to report to Congress at least twice a year with recommendations for improving the program.

This amendment is about good government. It places no additional burdens on banks or small businesses. Instead, it makes a good bill better by ensuring accountability and transparency to the American people.

We've seen what happens when government fails to provide adequate protections when special interests are put ahead of the public good. Now we're taking steps to make up for the years of lax oversight and neglected responsibility.

Make no mistake, this bill is about creating jobs. Small business owners tell me constantly that they could begin hiring again if only they had access to credit and capital. This legislation will encourage banks to lend to small businesses, and my amendment will help protect taxpayers in the process.

This bill will strengthen our economic recovery without adding a dime to the deficit. I encourage my colleagues to support this amendment as well as the underlying legislation.

Madam Chair, I reserve the balance of my time.

Mr. NEUGEBAUER. Madam Chair, I rise to claim time in opposition to the bill.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. NEUGEBAUER. This new capital injection program is designed to operate exactly like the TARP program but without any of the taxpayer protection

or oversight bodies. Now, this amendment is intended to substitute for putting the experience of the Inspector General for this type of program in charge of this new fund.

Republicans had an amendment that put the Special Inspector General for TARP, or SIGTARP, in charge of the oversight of this new fund, but the Rules Committee blocked it. Really, this creates a new regulator where we had an existing regulator in place for TARP-like programs, which this is, and we think that that was a better alternative. And now we want to put someone that doesn't have as much experience with this type of program in charge of oversight, and we just don't think that's in the best interest of the taxpayers.

Republicans, as I want to remind the chairman, offered a number of amendments that would have given the taxpayers much more protection even than this amendment would. Unfortunately, again—and I don't want to be redundant here, but the Rules Committee, which is controlled by the majority, only allowed one Republican amendment to be heard while we've had 16 amendments from the majority. Again, we wondered why Republican amendments to provide better protection and better oversight were blocked by the majority when I think the American people think that any kind of amendment that would have provided them more opportunity, more protection, and more oversight would have been in their best interest.

We don't think that this amendment does the job that it needs to do, and therefore we're opposed to it.

Madam Chair, I reserve the balance of my time.

Mr. DRIEHAUS. Madam Chair, I would just comment on the gentleman's comments.

Yes, those amendments were offered, but as you know, not a dime of TARP money is being used in this bill, so it's not appropriate for SIGTARP to have the oversight. In fact, Mr. Thorson, who will have the oversight, has incredible experience overseeing small business programs. Before becoming the Inspector General of the Treasury Department, Mr. Thorson served as the Inspector General for the Small Business Administration from 2006 to 2008. In that short time, his office uncovered what is believed to be the largest government-backed loan fraud scheme in history, roughly \$75 million. As a result of that investigation, they arrested 15 people in one day. That's oversight.

And so while the gentleman is asking for SIGTARP to have oversight, despite the fact that not a dime of TARP is being spent on this bill, we have oversight that is adequate, that is strong, that is contained in Treasury, that should have the oversight within this bill.

Madam Chair, I yield 30 seconds to my colleague from Illinois (Ms. BEAN).

Ms. BEAN. I just want to applaud Congressmen DRIEHAUS, CONNOLLY, and MOORE's efforts to improve the oversight of the SBLF program. This amendment importantly expands oversight to ensure taxpayer dollars are protected. I urge my colleagues to adopt the amendment.

I would further rebut our colleague from Texas' inaccurate assertion that the program is not paid for. The gentleman knows full well that it is fully paid for and that, according to the CBO, the government will earn a profit.

Mr. NEUGEBAUER. I concede to the gentleman that none of this money is coming from the TARP program; it probably should have because it's a TARP program. I want to just remind the gentleman that Neil Barofsky, the Special Inspector General who oversees TARP, said, in terms of its basic design, its participants, its application process, from an oversight perspective the Small Business Lending Fund would essentially be an extension of TARP's capital purchase program.

From Elizabeth Warren, the SBLF's prospects are far from certain. The SBLF also raises the question whether, in light of the capital purchase program's poor performance in improving credit access, any capital infusion for the program can essentially jump-start small business lending. So everybody but the Democrats understands that this is a TARP program.

Now, why did we want SIGTARP to have oversight? Because this is a TARP-like program. And just today it was released that SIGTARP helped bring a new lawsuit today for \$1.9 billion in fraud collection with the failure of Colonial Bank. Colonial Bank received \$553 million in TARP funds. To say that you're going to go out and put \$33 billion into the marketplace and not suffer any losses at a time when we have over 100 banks that have already missed one dividend payment—we've had one bank that has missed six dividend payments—and that several billion dollars have already been lost from some of these banks that were defaulted and were closed after the taxpayers had put money in there.

And I go back to you saying, well, it doesn't cost the taxpayers any money. I keep asking the majority, where is the \$33 billion for this program coming from?

I yield to the gentleman.

Mr. DRIEHAUS. Well, I appreciate your yielding because I would like to rebut your first point about the TARP.

Mr. NEUGEBAUER. No. I would like the gentleman to answer the question—

Mr. DRIEHAUS. There is not a dime of TARP money going into this bill. You are undermining the authority—or attempting to undermine the authority of the Inspector General of Treasury.

Mr. NEUGEBAUER. I will reclaim my time if the gentleman is not going to answer my question. The question to the gentleman was, Where is the \$33 billion coming from? If the gentleman wants to answer that question, I would love to yield him time. If he's not prepared to tell me where the \$33 billion is coming from, then I would not yield the gentleman time.

Mr. DRIEHAUS. As the gentleman knows, we disposed of that issue yesterday and we paid for it.

Mr. NEUGEBAUER. No. The pay-for was to cover any potential losses, supposedly. But where is the \$33 billion that you're going to invest in these banks coming from?

Mr. DRIEHAUS. With all due respect to the gentleman, I know that this doesn't fit into the political framework of the Republicans to suggest that this is not TARP, this is not another bailout, this is about helping small businesses.

Mr. NEUGEBAUER. I will reclaim my time because the gentleman obviously doesn't know where the \$33 billion is coming from, which is part of the problem up here. People just think this money appears when you start saying I'm going to put \$33 billion here or \$100 billion here, \$250 billion here; and nobody knows where the money is coming from. But the bottom line is we know where the money is coming from. We're going out and borrowing that money because the Treasury doesn't have \$33 billion.

Mr. DRIEHAUS. Madam Chair, the political framework of the Republicans is that they want to call everything a bailout. And when it's not a bailout, they want to act like it is. They want to call this TARP even when it's not. So this doesn't fit into the definition that they want to use out there on Fox News and elsewhere, but the fact of the matter is it's coming out of Treasury. Treasury deserves the oversight.

Madam Chair, I yield 1½ minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank my colleague from Ohio for his leadership and my friend from Illinois for her kind words.

The Small Business Lending Fund Act will expand opportunities for small businesses to access critically needed capital today. Our amendment ensures that the program works as intended, that America's small businesses receive access to that capital and that taxpayers' loans are repaid.

The lending facility encourages small business loans to credit-worthy companies, with the repaid funds and interest payments all going to reduce the deficit that our friends on the other side say they're concerned about.

Small businesses will lead private sector job growth if they can obtain the necessary capital. The Office of Small Business Lending Fund Program

Oversight established by our amendment will provide accountability and enhance the effectiveness of the lending fund, helping to spur a more robust small business sector.

The current Treasury IG has a reputation for safeguarding taxpayer funds, as my friend from Ohio said. A review of the Office of Thrift Supervision uncovered six cases where it improperly allowed private thrifts to backdate capital deposits, allowing institutions like failed IndyMac to appear more solvent than they were. This amendment will correct that problem moving forward in the future. I urge its adoption.

The Acting CHAIR. The gentleman from Ohio has 15 seconds remaining.

Mr. DRIEHAUS. Madam Chair, I just want to remind the Members this amendment is about oversight; it's about doing our job to make government work properly. And while I realize it doesn't always fit into the political rhetoric of the other side, it is about good government. This isn't TARP; this isn't a bailout. This is about helping small businesses, moving the economy forward, and good government.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. DRIEHAUS).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. MICHAUD

The Acting CHAIR. The Chair understands that amendment Nos. 9 and 10 will not be offered.

It is now in order to consider amendment No. 11 printed in part C of House Report 111-506.

Mr. MICHAUD. Madam Chair, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. MICHAUD: Page 30, line 14, after "programs," insert the following: "State-run venture capital fund programs,".

Page 51, line 3, strike "extends credit support that" and insert "uses Federal funds allocated under this title to extend credit support that".

The Acting CHAIR. Pursuant to House Resolution 1436, the gentleman from Maine (Mr. MICHAUD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maine.

□ 1230

Mr. MICHAUD. I yield myself such time as I may consume.

Madam Chair, I rise today in support of my amendment to the Small Business Lending Fund Act.

The amendment I offer today does two things to improve the underlying bill's State Small Business Credit Initiative program.

First, it ensures that State-run venture capital programs are eligible to participate in the program. Second, it clarifies that State financing programs will be eligible for the program as long as their use of the new funds meets the business-sized requirements in the bill.

The programs created in the Small Business Lending Fund Act build on the proven potential of existing State lending programs. In Maine, these programs have been enormously effective at getting small businesses the access to capital and to the technical support they need.

My amendment ensures that States are able to maintain their existing initiatives while taking advantage of the new programs created in this bill.

I urge my colleagues to support this amendment and the underlying bill.

I reserve the balance of my time.

Mr. NEUGEBAUER. Madam Chair, we do not object to this amendment.

Mr. MICHAUD. Madam Chair, I would encourage my colleagues to adopt this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maine (Mr. MICHAUD).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. CAO

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part C of House Report 111-506.

Mr. CAO. As the designee of the gentlewoman from Texas, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. CAO:

In section 6(6) of the bill, strike "and" at the end.

In section 6(7) of the bill, strike the period at the end and insert "; and".

In section 6 of the bill, add at the end the following:

(8) providing funding to eligible institutions that serve small businesses directly affected by the discharge of oil arising from the explosion on and sinking of the mobile offshore drilling unit *Deepwater Horizon* and small businesses in communities that have suffered negative economic effects as a result of that discharge with particular consideration to States along the coast of the Gulf of Mexico.

The Acting CHAIR. Pursuant to House Resolution 1436, the gentleman from Louisiana (Mr. CAO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. CAO. I yield myself such time as I may consume.

Madam Chair, I rise today in support of amendment No. 12 to H.R. 5297, the Small Business Lending Fund Act of 2010, and I urge my colleagues to support this amendment.

This amendment requires the Secretary of the Treasury to provide consideration, in the allocation of funds,

to gulf region States in the areas where businesses and the economy have been adversely affected by the Deepwater Horizon oil spill.

I thank the gentlewoman from Texas for her partnership in drafting this amendment and for her consideration for gulf coast communities during our time of crisis.

I would also like to thank the gentleman from Alabama, the ranking member of the Financial Services Committee, for his ongoing assistance and support.

The district that I represent includes Louisiana's Orleans and Jefferson Parishes. In my district and all across the gulf coast, we were still recovering from the devastating storms of 2005 when we were hit with the latest disaster.

The oil spill in the Gulf of Mexico in April presents us with economic, environmental, and health challenges of unprecedented proportions. The shutters have gone down on businesses throughout the gulf region because they simply do not have the short-term or long-term resources to operate. Industries such as fishing and seafood processing, recreational fishing, restaurants, and tourism are all suffering disproportionately.

I have spoken with hundreds of fishermen and oystermen from my district who are no longer able to fish the waters they and their families have fished for generations. Many have spoken of desperation in not knowing how they will provide for their families. Tens of thousands of claims have been filed through BP, and the SBA has made disaster loans available to businesses adversely affected by the oil spill, and they will defer loan payments for 1 year.

These provide only temporary relief, however, and a long-term solution for economic assistance to the gulf region is what is needed now because the last thing we need is more unemployment. Without immediate economic assistance, the very businesses that in 2005 returned to the Orleans and Jefferson Parishes, committed to our recovery, will be forced to leave.

This amendment is a strong step in the right direction to providing desperately needed economic assistance, because it will see that small businesses along the gulf coast receive the credit necessary to keep our businesses alive. At the same time, it will spur new business which will be able to absorb any unavoidable and unfortunate job losses caused by the oil spill.

Again, I urge my colleagues to pass this amendment, and I reserve the balance of my time.

Ms. JACKSON LEE of Texas. I rise to claim time in opposition, but I will not oppose the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Texas is recognized for 5 minutes.

There was no objection.

Ms. JACKSON LEE of Texas. Madam Chair, I am delighted to have Mr. CAO join me in my amendment that I offered in the Rules Committee, and I am delighted that he was able to rise to claim the time for this amendment. This is an amendment that I have written, and I have asked Mr. CAO to join me, as he had a similar amendment. I appreciate very much the support that he has given, and I recognize the concerns that he has expressed.

I want to support the underlying bill as well and to make note of the fact that small businesses are now facing the most difficult time in the worst recession in our history.

According to a February 2010 report of the Federal Deposit Insurance Corporation, total bank loans and leases declined for the sixth straight quarter, with total loans to commercial and industrial borrowers declining by 4.3 percent and real estate construction development loans declining by 8.4 percent.

What that means is that small businesses are taking the strongest hit. This bill will focus, in particular, on the question of providing a lending scheme, a lending structure, which is paid for to provide the start-up credit for our small businesses.

Well, here we find ourselves addressing an enormous crisis that has occurred in the gulf. During the Memorial Day recess, I did a flyover of the gulf and of the Deepwater Horizon, and I saw the magnitude and the growth of this disaster. Somewhere between millions—or at least a million gallons—but somewhere between 20,000 and 40,000 barrels per day are gushing into the gulf. We don't know where this is going to stop.

Many small businesses are impacted in the Gulf States. That would include Florida. That would include Texas. That would include Alabama, Mississippi, and Louisiana. This amendment, for which I am delighted to be joined by Mr. CAO, will, in fact, cause lending institutions to focus resources on the small business community.

Even Linda Smith, who owns the Alligator Cafe in Houston, Texas, is shut down because she cannot get product. When I visited New Orleans, there were restaurants that seemed to close early because they couldn't get product. What about the oystermen and shrimpers and fishermen who can't seem to get a lump sum payment from BP for which we've advocated?

In speaking just a few minutes ago to an oysterman in Pointe à la Hache, he indicated he had not gotten his money. So, therefore, I am asking my colleagues to support this amendment.

I reserve the balance of my time.

Mr. CAO. Madam Chair, again, I just want to express my gratitude and appreciation to the gentlewoman from Texas. She has been a very strong voice

and has been very committed to the gulf coast region and has been committed to helping the many people who are in desperate need. Again, I would like to convey to her my thanks.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. I thank the gentleman from Louisiana and New Orleans, especially for his leadership. I look forward to working with him as we go forward on legislation that addresses some of the concerns I have heard him express so as we may establish a real national energy policy.

I would ask my colleagues to support this amendment. As I have indicated, I have obtained the time in opposition, but I will not oppose the amendment that we have both offered on the floor of the House. I will argue vigorously that this is an excellent opportunity to protect small businesses which are yet noted, which are yet listed, which are going to be impacted across that gulf from tourism in Florida, Alabama, Mississippi, on to the shrimpers, fishermen, oystermen, and to the restaurants that are now in conditions where they are shutting down and where they are letting go of their employees. They are pleading for assistance.

This is a good amendment, and it is a good amendment to this legislation. It focuses on our small businesses, so I would ask my colleagues to support this amendment.

Mr. Chair, I want to thank Chairman BARNEY FRANK and Members of the House Financial Services Committee for supporting the "Small Business Lending Fund Act of 2010", and for the opportunity to explain my amendment, No. 12, to H.R. 5297. I also want to thank Representative ANH "JOSEPH" CAO from the Louisiana's Second District, one of the Gulf Coast communities affected by the oil spill for co-sponsoring the amendment.

My amendment would require the Secretary of Treasury to confer special consideration in the allocation of funds to states in the Gulf region, and to eligible financial institutions in the areas where the local economy has been adversely affected by the recent Gulf Region oil spill. Local communities that rely on the natural resources and the related business activity of the Gulf have been devastated. If economic action is not taken, they will continue to see layoffs, increased unemployment, and significant declines in economic activity. This amendment will help resolve the negative impacts of the oil spill by ensuring that credit is extended to small businesses in these areas.

Madam Chair, given the enormous economy created by the natural resources of the Gulf of Mexico, the economic effects of the oil spill will be massive. In 2008, over 620,000 were employed in the tourism and recreation markets and 210,000 in commercial fishing industry in the Gulf Region. Secondary job markets also rely on business related to the natural resources of the Gulf. These include boat maintenance companies, fishing equipment suppliers, and cleaning companies to name a few. These markets are, and will continue to be adversely affected by the oil spill.

Estimates of the exact economic repercussions of the spill have yet to be determined. However, the University of Central Florida predicts that in Florida alone, 40,000 jobs and \$2.2 billion could be lost as a direct result. President Obama has recently stated that the American people should be prepared for an ongoing economic impact, resulting from the oil spill.

In my recent visit to the impacted communities of the Gulf Coast region, I had an opportunity to visit with oystermen, fishermen, watermen, shrimpers, boat owners and others to listen to their personal stories of lost dreams, lost revenues, and disruptions to their way of living caused by the oil spill. This bill represents a small step towards returning their lives to some sense of normality by requiring financial institutions in these devastated communities, to begin lending again to small businesses, which generate jobs and incomes.

Again, I would like to thank my colleague, Representative ANH CAO, for joining me as a co-sponsor of this amendment. He too understands the importance of this bill as a vehicle to provide small business lending to aid in the recovery of those communities affected by the oil spill. This amendment to H.R. 5297 would provide a major impetus in the sustained efforts towards recovery from this unfolding crisis. If small businesses are able to obtain credit, they would again gain the ability to grow, expand, and thus create new job opportunities in the regions affected by the oil spill. This would greatly offset the economic catastrophe that is already emerging in these areas; one that no one could have anticipated less than 57 days ago.

For these reasons, I urge the Committee to make my amendment in order.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. CAO).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. JACKSON LEE of Texas. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT NO. 13 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part C of House Report 111-506.

Ms. LORETTA SANCHEZ of California. Madam Chairwoman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Ms. LORETTA SANCHEZ of California:

Page 62, after line 15, insert the following: "(8) The extent to which the applicant will concentrate investment activities on small business concerns in targeted industries.

The Acting CHAIR. Pursuant to House Resolution 1436, the gentleman from California (Ms. LORETTA

SANCHEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LORETTA SANCHEZ of California. I yield myself such time as I may consume.

Madam Chairwoman, I rise today in support of H.R. 5297, the Small Business Lending Fund Act.

It is crucial in today's world that we further expand the potential of small businesses and of key industries that have proven to create jobs and to increase our manufacturing base here in the United States.

As a former investor and financial analyst, I was particularly impressed with title III of this bill, the Small Business Early Stage Investment program. In recent years, we have seen a shift from the entrepreneur and small business start-up community, from the traditional loans and from leverage such as mortgaging our own homes, to using intellectual capital and innovation as our leverage.

As a Californian, I understand the importance of start-up businesses and the economy as California makes up a large percentage of start-ups and venture capital funders. Creating a public-private partnership designed to channel investment capital to them is increasingly important in order to get our economy on track, which is why I submitted an amendment that would include additional criteria during the selection process of these investment companies.

My amendment would ensure that, as part of the selection criteria, the small business administrator would examine the extent the investment company would concentrate its investment capital on our targeted industries. Such targeted industries have been historical in job and economic growth, such as the information technologies, life sciences, defense technologies, clean technology, and digital media.

The small business start-ups are the backbone of our economy, and they will contribute to all of the sectors so that we can get our economy going again.

I urge my colleagues to support this amendment and the underlying legislation.

I reserve the balance of my time.

□ 1245

Ms. VELÁZQUEZ. Madam Chair, while I am not opposed to the amendment, I rise to claim the time in opposition.

The Acting CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. America's small businesses have always pioneered new economic fields and sectors. Today, small businesses continue to be some of our most creative innovators. As our

Nation shifts away from the fossil fuels and seeks clean sources of energy, entrepreneurs are leading the way. Today, small businesses represent 90 percent of those companies operating in the renewable and energy efficiency industries.

Small firms are also making important contributions in the realm of life sciences and biomedicine, uncovering groundbreaking therapies and medicines. Technologies used in our national defense have also been advanced by small businesses. Components of the Predator drone, for instance, were developed by small firms. And small businesses are helping develop new information technology and digital media services that better connect our world.

The United States must continue to lead in all these areas if our economy is to remain strong in the long term. This type of innovation creates good-paying, highly skilled jobs. However, before these businesses can develop the next game-changing defense technology, unearth the next medical breakthrough, or discover a new source of clean energy, they need capital. The amendment before us simply ensures that the Small Business Early-Stage Investment program is targeted to fields like these, where there will be the biggest payoff for economic growth and job creation.

Madam Chair, this is a good amendment. It will ensure the industries of tomorrow and future companies can secure financing to get off the ground. I urge my colleagues to vote "yes."

I yield the balance of my time to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES of Missouri. Thank you, Madam Chair.

Madam Chair, I rise in support of the amendment from the gentlewoman from California. If we're going to enact a program that's designed to target investment in certain industries, then selection of the applicants should be based on the likelihood that a venture capital company will make those amendments. As a result, I believe it provides a very important technical clarification to the bill, and I support it.

Ms. LORETTA SANCHEZ of California. Madam Chair, first, I would like to thank our great chairwoman of the Small Business Committee. I know that she's a little under the weather today, so we really appreciate that she would come down and speak on our amendment.

As a Californian, I continue to go back every week to my district, and our small businesses are ailing. They're asking for help. They're holding on. A lot of them have not been able to make it through. Those who are still holding on are waiting for us to help them to do something.

About a month ago, I had Chairman Bernanke before us in the Joint Economic Committee. And we talked

about the fact that we need—really—we need to help small business. Small business is really where the hiring of America happens. So if they're ailing, then there will be unemployment. So I really believe in this bill. I thank those who have worked on it. I urge a "yes" vote on the underlying bill and on this amendment.

I have no further requests for time, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. CUELLAR

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part C of House Report 111-506.

Mr. CUELLAR. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. CUELLAR: Page 21, after line 18, insert the following new paragraph (and redesignate succeeding paragraphs accordingly):

(4) increasing the opportunity for small business development in areas with high unemployment rates that exceed the national average;

The Acting CHAIR. Pursuant to House Resolution 1436, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Madam Chair, I yield myself such time as I may consume.

I rise today in support of my amendment to H.R. 5297, the Small Business Lending Act of 2010. The concept of this bill is simple: Create a lending fund to help small businesses get important capital. This bill will help stabilize our economy and create jobs. And certainly I want to thank the chairwoman from New York and the gentlewoman from Illinois also for the work that they all have been working on.

My particular commonsense amendment is straightforward. My amendment requires that the Secretary take into consideration those areas with high unemployment rates that exceed the national average. This consideration will increase opportunities for small business development in places where it's needed the most. The national unemployment rate is about 9.7, as of last month. There are certain communities suffering at rates severely above the State and national average for unemployment.

Like many counties across the Nation, counties in my congressional district are particularly higher than the national rate. One of my counties, Starr County in south Texas, has a

high of 17.3 unemployment rate. Hidalgo County is another one, at an 11.1 unemployment rate. Again, this is not a partisan matter. Areas throughout the country have unemployment rates that exceed the national average.

This is a matter of importance to every worker and family and businessperson. And that's why this bill is good for the backbone of American small businesses, in many ways, the Nation's economic engine. I urge all of my colleagues to support this bill.

At this time I will yield 1½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Madam Chair, I thank Mr. CUELLAR for offering this amendment to make sure that creating jobs where they are needed most is the focus of this piece of legislation.

As a former small businessman myself, I call on the House to pass this important piece of legislation. Small businesses form the backbone of our economy and create jobs that we need to continue our recovery. But far too many are having difficulty getting the credit they need to grow and expand.

Today we have the opportunity to do more than just praise small businesses and lament the credit crunch. We have a bill that frees up \$30 billion directly for small businesses across our communities that are responsible for job growth in our country. Business leaders in Smithfield, community bankers in Dunn, and folks across my district in North Carolina have said that what they need most is to expand credit, and have shared their support of this initiative with me.

Today, we have an opportunity to provide real help for our Main Street businesses. Let us avoid partisan bickering, end the delay, and pass this piece of legislation now.

Mr. NEUGEBAUER. Madam Chair, I rise to claim time in opposition, although I am not opposed to the bill.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. I thank my friend from Texas.

I think this is a commonsense amendment. I think if you're going to do this program—certainly, I don't support the underlying program, but if we are going to do it, we are going to put this capital into some of these banks for lending, it certainly ought to be in areas where they have the highest unemployment. That makes sense.

I still think we can do better for small businesses by providing an environment where there's less uncertainty; more certainty on what the tax situation is going to be, and less uncertainty about what the regulatory environment is going to be. But I think the gentleman's amendment makes the underlying bill better. So we would not object to it.

I yield back the balance of my time. Mr. CUELLAR. Madam Chair, I thank my colleague from Texas, and thank him for the kind words. And I appreciate it. I thank him for the work that he's been doing.

At this time, Madam Chair, I'd certainly just want to ask my colleagues to support this. I'm also a former small businessperson, and I understand how hard capital can be to get to the small businesses. So I would ask Members to support my amendment.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. BRALEY OF IOWA

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in part C of House Report 111-506.

Mr. BRALEY of Iowa. Madam Chair, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. BRALEY of Iowa:

Add at the end the following new title:

#### **TITLE IV—PLAIN WRITING ACT**

##### **SECTION 401. SHORT TITLE.**

This title may be cited as the "Plain Writing Act of 2010".

##### **SEC. 402. PURPOSE.**

The purpose of this title is to improve the effectiveness and accountability of Federal agencies to the public by promoting clear Government communication that the public can understand and use.

##### **SEC. 403. DEFINITIONS.**

In this title:

(1) AGENCY.—The term "agency" means the Department of the Treasury and the Small Business Administration.

(2) COVERED DOCUMENT.—The term "covered document"—

(A) means any document that—

(i) is relevant to obtaining any Federal Government benefit or service provided under title I, II, or III;

(ii) provides information about any Federal Government benefit or service provided under title I, II, or III; or

(iii) explains to the public how to comply with a requirement the Federal Government administers or enforces under title I, II, or III;

(B) includes (whether in paper or electronic form) a letter, publication, form, notice, or instruction; and

(C) does not include a regulation.

(3) PLAIN WRITING.—The term "plain writing" means writing that the intended audience can readily understand and use because that writing is clear, concise, well-organized, and follows other best practices of plain writing.

##### **SEC. 404. RESPONSIBILITIES OF FEDERAL AGENCIES.**

(a) PREPARATION FOR IMPLEMENTATION OF PLAIN WRITING REQUIREMENTS.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this title, the head of each agency shall—

(A) designate 1 or more senior officials within the agency to oversee the agency implementation of this title;

(B) communicate the requirements of this title to the employees of the agency;

(C) train employees of the agency in plain writing;

(D) establish a process for overseeing the ongoing compliance of the agency with the requirements of this title;

(E) create and maintain a plain writing section of the agency's website that is accessible from the homepage of the agency's website; and

(F) designate 1 or more agency points-of-contact to receive and respond to public input on—

(i) agency implementation of this title; and

(ii) the agency reports required under section 405.

(2) **WEBSITE.**—The plain writing section described under paragraph (1)(E) shall—

(A) inform the public of agency compliance with the requirements of this title; and

(B) provide a mechanism for the agency to receive and respond to public input on—

(i) agency implementation of this title; and

(ii) the agency reports required under section 405.

(b) **REQUIREMENT TO USE PLAIN WRITING IN NEW DOCUMENTS.**—Beginning not later than 1 year after the date of enactment of this title, each agency shall use plain writing in every covered document of the agency that the agency issues or substantially revises.

(c) **GUIDANCE.**—In carrying out the provisions of this title, agencies may follow the guidance of—

(1) the writing guidelines developed by the Plain Language Action and Information Network; or

(2) guidance provided by the head of the agency.

#### SEC. 405. REPORTS TO CONGRESS.

(a) **INITIAL REPORT.**—Not later than 9 months after the date of enactment of this title, the head of each agency shall publish on the plain writing section of the agency's website a report that describes the agency plan for compliance with the requirements of this title.

(b) **ANNUAL COMPLIANCE REPORT.**—Not later than 18 months after the date of enactment of this title, and annually thereafter, the head of each agency shall publish on the plain writing section of the agency's website a report on agency compliance with the requirements of this title.

The Acting CHAIR. Pursuant to House Resolution 1436, the gentleman from Iowa (Mr. BRALEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. BRALEY of Iowa. Madam Chair, I yield myself such time as I may consume.

My amendment to H.R. 5297 is a commonsense bill that is consistent with what we've already passed in the 111th Congress by a vote of 386–33 on March 17. It was my Plain Language in Government Communications Act.

Madam Chairwoman, when I go back and I talk to small business owners in my district, one of their biggest complaints is a Federal bureaucracy with too much red tape, written in language they can't understand, which forces them to go hire lawyers and accountants so that they can understand the requirements that we impose upon them.

My amendment would require plain language to be used for documents that go to the public related to this lending fund. It will improve the effectiveness and accountability of the Department of the Treasury and the Small Business Administration by promoting clear government communication that the public can understand and use.

Plain language is writing that the intended audience can clearly understand because it is concise, well-organized, and follows other practices of plain writing. The Department of the Treasury and Small Business Administration will be required to implement plain writing requirements by designating a senior official to oversee the implementation of the provision; communicate the requirements to employees; train employees in plain writing; establish a process to oversee compliance; create a plain language requirement on their agency's Web site; and designate one or more agency points of contact to receive and respond to public feedback.

Writing government documents in plain language will increase government accountability and save taxpayers, community banks, and small business owners time and money. Plain, straightforward language makes it easier to understand these loan documents. And my amendment will make it easier for small businesses and community banks to work with and understand the government. That is why it is so important that we move forward to implement plain writing requirements across the board, but particularly in these two agencies, as it relates to the loan programs that are under consideration.

I reserve the balance of my time.

Mr. NEUGEBAUER. Madam Chair, I claim opposition to the amendment, but I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. Well, I thank the gentleman for this commonsense amendment. It's unfortunate that we have to bring an amendment to the floor of the House of Representatives to tell government agencies to write out the instructions in plain English. But I appreciate the gentleman's amendment. I think it makes the bill better.

I yield back the balance of my time.

Mr. BRALEY of Iowa. Madam Chair, I would yield 1 minute to the gentleman from Illinois (Ms. BEAN).

Ms. BEAN. Madam Chairwoman, I just want to acknowledge Congressman BRALEY's efforts recognizing the challenges Americans have reading many government documents, particularly lending disclosures, which are very difficult to understand. This amendment is a commonsense approach to making the program more accessible. And I

commend his leadership to expand plain language to all government documents.

Mr. BRALEY of Iowa. Madam Chairwoman, I think that the comments that you've heard are indicative of what's wrong with the way the government agencies write their documents. I think it is deplorable that we have to take this action.

But the sad truth is, anybody who's looked at these loan documents knows how serious this problem is. I think this is a small step in the right direction. I call this "the little engine that could." I think if we implement this across the board in federal agencies, American taxpayers and consumers of Federal information will be much better off. And I urge my colleagues to vote in support of the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. BRALEY).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. LOEBSACK

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in part C of House Report 111–506.

Mr. LOEBSACK. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. LOEBSACK:

Add at the end the following new title:

#### **TITLE IV—SENSE OF CONGRESS ON AGRICULTURE AND FARMING SMALL BUSINESS LOANS**

##### **SEC. 401. SENSE OF CONGRESS.**

It is the sense of the Congress that—

(1) agriculture operations, farms, and rural communities should receive equal consideration through lending activities for small businesses in this Act, particularly small- and mid-size farms and agriculture operations; and

(2) attention should be given to ensuring there is adequate small business credit and financing availability under this Act in the agriculture and farming sectors.

The Acting CHAIR. Pursuant to House Resolution 1436, the gentleman from Iowa (Mr. LOEBSACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. LOEBSACK. Madam Chair, I yield myself such time as I may consume.

My amendment is simple. It states that farmers and rural communities should receive equal consideration through lending activities for small businesses, particularly our Nation's small- and mid-sized farms and agriculture operations, which make up the majority of our agriculture community.

It also states that we should give attention to ensuring that there is adequate credit and financing available in the agriculture and farming sectors.

While the amendment itself is simple, the issue is not. Throughout this economic downturn, our rural communities and farmers have been struggling, just as our major metro areas have been. Many areas in my district in Iowa have unemployment rates above the national average. I have also seen examples of agriculture operations having a difficult time finding financing, and I have worked to try to assist such operations.

□ 1300

Unfortunately, our farmers and rural communities are often not discussed in the broader debate on how to encourage economic recovery. The persistence of rural poverty and hunger and the lack of rural development often go underreported as well. On a positive note, I was pleased to recently hold a series of rural development roundtables in my district with the under Secretary for Rural Development, Dallas Tonsager. I hope we can continue to build momentum nationally and ensure our farmers in rural communities can contribute to continued economic recovery.

Agriculture and our Nation's farmers are consistently strong contributors to the economy and are certainly vital for the survival of our rural communities and vice versa. Many of our rural areas were struggling even before the downturn, and we continue to see a decline in the number of farmers and rural businesses. Often the loss of one rural business can have a domino effect throughout the community and surrounding areas. I think we need to be vigilant in bringing rural and farming issues to the forefront of the debates we have on economic development and, additionally, look at policies to promote access to and the development of new food market and supply chain improvements and related rural businesses.

I hope my colleagues will agree on the need to bring attention to expanding the opportunities for agriculture and farming to contribute to the national and local economic recovery.

I reserve the balance of my time.

Mr. NEUGEBAUER. I rise to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. As the provisions in the bill say, loans to farmers in rural areas count as small business lending under the provisions of this bill. But just like the sponsor of the bill, I represent an agricultural district and understand how important access to credit is for farmers. I think this sense of Congress emphasizes that farming and ranching and agriculture is an integral part of our economy. It is an integral part of our small business

community, and I think it highlights that. So I appreciate the gentleman from Iowa bringing that forward. I support the amendment.

I yield back the balance of my time.

Mr. LOEBSACK. Madam Speaker, I want to thank my colleagues for their consideration of this amendment, and I want to urge its passage, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. LOEBSACK).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. AL GREEN  
OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in part C of House Report 111-506.

Mr. AL GREEN of Texas. Madam Chair, as the designee of the gentleman from California, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. AL GREEN of Texas:

Page 11, line 2, before the period insert the following: “, as well as a plan to provide linguistically and culturally appropriate outreach, where appropriate”.

Page 18, line 8, after “provide” insert the following: “linguistically and culturally appropriate”.

Page 18, line 9, strike “appropriate language of”.

Page 21, line 13, after “funding to” insert the following: “minority-owned eligible institutions and other”.

Page 26, line 2, insert after the period the following: “To the extent possible, the Secretary shall disaggregate the results of such study by ethnic group and gender.”.

The Acting CHAIR. Pursuant to House Resolution 1436, the gentleman from Texas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. AL GREEN of Texas. Madam Chair, this amendment is one that will add additional language to the requirement that there be minority outreach in this program. It's important for me to state that I have a district that I represent that is currently about 36 percent African American, 31 percent Latino, 21 percent Anglo, and 12 percent Asian. It's important to note that in my district the ballot is printed in three languages. It's printed in English, Spanish and Vietnamese.

This amendment furthers the notion that persons who speak languages other than English will have an opportunity to have materials that are linguistically and culturally sensitive. This amendment would require that appropriate materials, when published, be in languages that are culturally and linguistically sensitive. It also requires that advertising receive the same sort of consideration, given that we are trying to reach markets wherein we do have persons who can better under-

stand what is being conveyed if they have the opportunity to do so in a language that they are comfortable with.

By the way, I would add that many people who speak English have difficulty with financial documents, as was indicated by a previous amendment. Imagine, if you will, speaking English, but it is not a language that you are as comfortable with as perhaps another language. This would assist persons with the understanding that they should have, so as to participate in the program.

The amendment also would have data disaggregated. We find that the information that we collect too often does not disaggregate as it relates to the Asian American community, and we would have this information disaggregated so that we might ascertain whether or not we have persons who are not only of wealth in the community but also find out about persons who may not be as wealthy as many others.

With this said, I will reserve the balance of my time.

Mr. NEUGEBAUER. I rise to claim the time in opposition, although I am not opposed to the bill.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. I thank the gentleman for that. Basically, the amendment would require an applicant for the Small Business Lending Fund to plan for logistically and culturally appropriate outreach and require that such outreach is performed after receiving the funds. I think that could be appropriate there. And as I understand it, the requirements of this fall to the eligible institutions; and there's no additional money appropriated for that; but they would do that out of their own operating expenses. Is that correct?

Mr. AL GREEN of Texas. If the gentleman yields, I would add that your assumption is correct.

Mr. NEUGEBAUER. Thank you. I appreciate it.

I yield back the balance of my time.

Mr. AL GREEN of Texas. Madam Chair, at this time I yield as much time as she may consume to the gentleman from California (Ms. CHU).

Ms. CHU. Madam Chair, the Small Business Lending Fund Act is critical to helping small businesses across the country and is, therefore, critical to helping people because small businesses create more jobs than anyone else. Small businesses sustain their communities.

Our amendment ensures that we don't leave minority business owners behind. Minority businesses need every opportunity to grow, create jobs, and contribute to their community. But there are barriers. Our amendment makes sure that bank lending plans, outreach, and advertising are culturally and linguistically appropriate

for diverse sets of businesses. This provision is essential for the Asian American and Pacific Islander communities because government programs can miss important details when they don't account for cultural and linguistic differences.

Take the Census Bureau, for instance, which provides so many funds for our communities. Earlier this year, they mistranslated parts of the Vietnamese census forms. The forms used a phrase connected to the previous governmental regime which meant "government investigation" in place of the word "census." Clearly this was no minor gaffe. The language in this amendment ensures that future outreach doesn't repeat these mistakes, that is, excluding deserving businesses from great opportunities.

But it's not just minority businesses that need access to this program. Minority-owned banks also deserve the right to compete. That's why our amendment makes sure such institutions receive consideration during the program's implementation. Minority-owned banks play a vital role in the Asian Pacific Islander and minority business development endeavor; and together they enhance the country's economic recovery and long-term growth. Minority firms currently provide nearly 5 million steady jobs but could potentially create over 11 million more. Our amendment helps them do so.

I ask my colleagues to support this amendment because it eliminates obstacles in the way of our Nation's minority businesses and facilitates their growth during these very tough economic times.

Mr. AL GREEN of Texas. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. AL GREEN).

The amendment was agreed to.

Ms. BEAN. Madam Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. CHU) having assumed the chair, Ms. NORTON, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes, had come to no resolution thereon.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules

on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### COLLINSVILLE RENEWABLE ENERGY PROMOTION ACT

Mr. MURPHY of Connecticut. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4451) to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4451

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Collinsville Renewable Energy Promotion Act".*

#### SEC. 2. REINSTATEMENT OF EXPIRED LICENSES AND EXTENSION OF TIME TO COMMENCE CONSTRUCTION OF PROJECTS.

*Subject to section 4 of this Act and notwithstanding the time period under section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to Federal Energy Regulatory Commission projects numbered 10822 and 10823, the Federal Energy Regulatory Commission (referred to in this Act as the "Commission") may—*

*(1) reinstate the license for either or each of those projects; and*

*(2) extend for 2 years after the date on which either or each project is reinstated under paragraph (1) the time period during which the licensee is required to commence the construction of such projects.*

*Prior to reaching any final decision under this section, the Commission shall provide an opportunity for submission of comments by interested persons, municipalities, and States and shall consider any such comment that is timely submitted.*

#### SEC. 3. TRANSFER OF LICENSES TO THE TOWN OF CANTON, CONNECTICUT.

*Notwithstanding section 8 of the Federal Power Act (16 U.S.C. 801) or any other provision thereof, if the Commission reinstates the license for, and extends the time period during which the licensee is required to commence the construction of, a Federal Energy Regulatory Commission project under section 2, the Commission shall transfer such license to the town of Canton, Connecticut.*

#### SEC. 4. ENVIRONMENTAL ASSESSMENT.

*(a) DEFINITION.—For purposes of this section, the term "environmental assessment" shall have the same meaning as is given such term in regulations prescribed by the Council on Environmental Quality that implement the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

*(b) ENVIRONMENTAL ASSESSMENT.—Not later than 180 days after the date of enactment of this Act, the Commission shall complete an environmental assessment for Federal Energy Regulatory Commission projects numbered 10822 and 10823, updating, to the extent necessary, the environmental analysis performed during the process of licensing such projects.*

*(c) COMMENT PERIOD.—Upon issuance of the environmental assessment required under subsection (b), the Commission shall—*

*(1) initiate a 30-day public comment period; and*

*(2) before taking any action under section 2 or 3—*

*(A) consider any comments received during such 30-day period; and*

*(B) incorporate in the license for the projects involved, such terms and conditions as the Commission determines to be necessary, based on the environmental assessment performed and comments received under this section.*

#### SEC. 5. DEADLINE.

*Not later than 270 days after the date of enactment of this Act, the Commission shall—*

*(1) make a final decision pursuant to paragraph (1) of section 2; and*

*(2) if the Commission decides to reinstate 1 or both of the licenses under such paragraph and extend the corresponding deadline for commencement of construction under paragraph (2) of such section, complete the action required under section 3.*

#### SEC. 6. PROTECTION OF EXISTING RIGHTS.

*Nothing in this Act shall affect any valid license issued by the Commission under section 4 of the Federal Power Act (16 U.S.C. 797) on or before the date of enactment of this Act or diminish or extinguish any existing rights under any such license.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. MURPHY) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut.

#### GENERAL LEAVE

Mr. MURPHY of Connecticut. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MURPHY of Connecticut. Madam Speaker, I yield myself such time as I may consume.

The legislation before the House today is pretty simple. It will permit several communities in my district, the Fifth Congressional District of Connecticut, to operate two now-defunct hydroelectric dams as municipal power sources. The dams, the Upper and Lower Collinsville dams, have lain dormant in Connecticut's Farmington River since the 1960s. The licenses previously issued by FERC to operate both these dams are currently inactive, and this legislation would allow FERC to reinstate them and transfer them to the town of Canton, Connecticut, for operation. The State legislature has already passed legislation to operate these two State-owned dams, but Federal legislation is also needed to restore their operation.

These small dams are already a beloved and longstanding symbol of the Farmington Valley's rich history. They used to power a very well-known and thriving axe factory on the site. This legislation would allow for additional comments and for environmental data

to be considered by FERC prior to taking any action, ensuring that the river's health and the region's health is well protected.

This legislation has been drafted over the course of many months with the close cooperation of FERC, who's unopposed to the legislation, and we put together a bipartisan coalition of stakeholders, including all of the affected communities, the Governor of the State of Connecticut, and regional and national river protection organizations. Simply put, there is broad and deep consensus and agreement that these dams represent a valuable source of renewable energy right in the heart of suburban Connecticut.

And while we work here in the House and the Senate to enact much broader and sweeping policies to try to promote renewable energy development around this country, we need to also recognize that in some parts of this Nation there are some very locally produced, locally driven projects like this one in Canton and Avon, Connecticut, that can produce some pretty immediate effects for local rate payers, providing them with clean, renewable, locally produced and locally run energy.

I would like to thank Chairman WAXMAN and Chairman MARKEY and Ranking Members BARTON and UPTON for their help in bringing this legislation to the floor. And I urge passage today of H.R. 4451.

I reserve the balance of my time.

Mr. TERRY. Mr. Speaker, I yield myself as much time as I may consume.

I rise today on behalf of our side of the aisle of the Energy and Commerce Committee and report that we have absolutely no opposition and actually support this bill.

Mr. Speaker, today we are considering the Collinsville Renewable Energy Promotion Act. This bill was considered in a markup of the Energy and Commerce Subcommittee on Energy and Environment on March 24, and in a markup of the full committee on May 26, both times passing by a voice vote.

□ 1315

The purpose of this bill is to authorize the Federal Energy Regulatory Commission, also known as FERC, to reinstate the terminated licenses for the Upper and Lower Collinsville Dams hydroelectric projects, and to extend for 2 years after the date of any such reinstatement the date by which the licensee is required to commence construction, and, in the event that FERC reinstates the licenses, to require FERC to transfer such licenses to the town of Canton, Connecticut.

I commend Representative MURPHY for offering an amendment in the nature of a substitute at the full committee markup that made two important changes. The first is requiring FERC to provide an opportunity for the submission of comments by inter-

ested persons before reinstating one or both of the terminated licenses. Therefore, interested parties will have an opportunity to address any concerns with FERC. And the second is to include a new Section 6 which would clarify that nothing in H.R. 4451 would diminish or extinguish any existing rights under such license.

Mr. Speaker, this bill has no direct cost. We are in support of the bill.

I reserve the balance of my time.

Mr. MURPHY of Connecticut. Mr. Speaker, I thank the gentleman for his support of the bill and for working with us in providing the amendments that he referenced. I think it is important to underscore his point, that this is not a requirement that FERC reissue these licenses to the town of Canton, it is permissive language allowing them to do that given proper environmental review and proper availability of comment from other interested parties.

This really is an example of how local power production can be done right. This is a nonpartisan local issue, Democrats and Republicans at the local and State level, along with the administration in the State of Connecticut coming together, to try to promote a project to bring two long-dormant dams online.

I would note also that the reconstruction of the dams will allow for potential fish passage along a stream that has not allowed for that passage for a long time. There are multiple benefits to the community and to ratepayers. I thank the gentleman for his support of the bill.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I rise today to discuss a bill that I believe has been given far too little attention by the Congress, especially considering the potential precedent that it may set.

H.R. 4451, the Collinsville Renewable Energy Promotion Act allows the Federal Energy Regulatory Commission (FERC) to transfer the permit for a hydro-electric power plant once held by a private company into the hands of a public municipality. This bill went through the Energy & Commerce Committee, although I could hardly say it received regular order consideration. When this legislation was first presented to us at the subcommittee level, Members were told it was a non-controversial bill, and that all the interested parties agreed with the actions being taken.

Members of the Energy & Commerce Committee subsequently learned otherwise when the company involved, Summit Hydro, LLC, told my office that not only were they opposed to the transfer of these permits, but that they were not even told our Committee was considering the legislation. I find it outrageous that this Congress would move ahead with transferring a privately-held permit to a public entity without so much as a legislative hearing.

Despite my objections at the Committee level, voicing concerns that no hearing had been held, the Majority pushed this legislation forward.

I am disheartened that this legislation was moved by the full House today, and hope that

the Senate will provide Summit Hydro, LLC the proper deference in defending its actions and explaining its story before this bill becomes law and becomes yet another example of government taking over actions more properly suited for the private sector.

Mr. TERRY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MURPHY of Connecticut. Mr. Speaker, I urge support of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCGOVERN). The question is on the motion offered by the gentleman from Connecticut (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 4451, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### HONORING THE NAACP ON ITS 101ST ANNIVERSARY

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 242) honoring and praising the National Association for the Advancement of Colored People on the occasion of its 101st anniversary.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

#### H. CON. RES. 242

Whereas the National Association for the Advancement of Colored People (referred to in this resolution as the "NAACP"), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of Abraham Lincoln's birth, by a multiracial group of activists who met in a national conference to discuss the civil and political rights of African-Americans;

Whereas the NAACP was founded by a distinguished group of leaders in the struggle for civil and political liberty, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the NAACP National Headquarters is located in Baltimore, Maryland;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance upon the press, the petition, the ballot, and the courts, and has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well as the shield, for minority Americans;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the Supreme Court's decision in *Brown v. Board of Education*, 347 U.S. 483 (1954);

Whereas in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama—an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of the Civil Rights Acts of 1957, 1960, and 1964, the Voting Rights Act of 1965, the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. García Voting Rights Act Reauthorization and Amendments Act of 2006, and the Fair Housing Act, laws that ensured Government protection for legal victories achieved;

Whereas in 2005, the NAACP launched the Disaster Relief Fund to help survivors in Louisiana, Mississippi, Texas, Florida, and Alabama to rebuild their lives;

Whereas in the 110th Congress, the NAACP was prominent in lobbying for the passage of H. Res. 826, whose resolved clause expresses that: (1) the hanging of nooses is a horrible act when used for the purpose of intimidation and which under certain circumstances can be criminal; (2) this conduct should be investigated thoroughly by Federal authorities; and (3) any criminal violations should be vigorously prosecuted;

Whereas in 2008, the NAACP vigorously supported the passage of the Emmett Till Unsolved Civil Rights Crime Act of 2007, a law that puts additional Federal resources into solving the heinous crimes that occurred in the early days of the civil rights struggle that remain unsolved and bringing those who perpetrated such crimes to justice;

Whereas the NAACP has helped usher in the new millennium by charting a bold course, beginning with the appointment of the organization's youngest President and Chief Executive Officer, Benjamin Todd Jealous, and by outlining a strategic plan to confront 21st century challenges in the critical areas of health, education, housing, criminal justice, and environment; and

Whereas, on July 16, 2009, the NAACP celebrated its centennial anniversary in New York City, highlighting an extraordinary century of Bold Dreams, Big Victories with a historic address from the first African-American president of the United States, Barack Obama: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress—*

(1) recognizes the 101st anniversary of the historic founding of the National Association for the Advancement of Colored People; and

(2) honors and praises the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all persons.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days in which to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 242 honors one of our Nation's oldest and most esteemed civil rights organizations, the National Association for the Advancement of Colored People, known as the NAACP, also known as the conscience of the United States Congress.

This year, the NAACP celebrates its 101st anniversary, and its ongoing efforts to promote justice and equality for all Americans; not just Americans of color, but all Americans.

I salute the gentleman from Texas (Mr. AL GREEN) the sponsor of this resolution, and the former president of the Houston branch of the NAACP, for his continued commitment to recognizing the NAACP for its historical and contemporary civil rights contributions.

As we celebrate the Nation's pre-eminent civil rights organization on its 101st anniversary, I would like to reflect on a few bits of history concerning the NAACP.

First, I would like to acknowledge its history which began February 12, 1909, when the organization was formed by Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling, a biracial group that consisted of Christians and Jews.

It is a history that includes some of the most significant moments in our Nation's great story where we come to a more perfect union, like the 1954 case of *Brown v. Board of Education of Topeka*, the landmark Supreme Court case that ended the separate but equal fallacies that our government and laws labored under, and chief counsel was Thurgood Marshall, later one of the great justices of our Supreme Court.

The NAACP's contributions also have included support for and rallying and lobbying for the 1957, 1960, and 1964 Civil Rights Act, the 1965 Voting Rights Act and the 1968 Fair Housing Act where Clarence Mitchell led the way with the NAACP. And of course the court case that the NAACP was involved in, *Loving v. Virginia*, which turned over the miscegenation laws in this country in 1967, an aberrant set of laws that are precursors to other laws that still are in debate in this Nation today.

But the fight didn't end there; which brings me to my second point. Today, we are reminded of the NAACP's mission, to ensure equality of rights of all persons, and to eliminate racial hatred and racial discrimination. It is as im-

portant and relevant as it was decades ago. Just this year, a hate crimes law was passed that ensured that there was not discrimination based on race, religion, gender, sexual orientation, or other distinguishing characteristics, and the NAACP was there in great support.

The NAACP is engaged in battles on multiple fronts on its 101st anniversary. Its dedicated team is leading the charge in addressing issues that disproportionately impact communities of color. The NAACP advocates for equality in education, influences the debate on environmental justice, works to end disparities in the criminal justice system, racial profiling and other types of injustices.

In addition, the NAACP is working to prevent families from losing their piece of the American dream during this housing crisis, by working with financial institutions to change the mortgage lending practices that helped bring on this crisis. They are party to a lawsuit against Wells Fargo in Baltimore County, Maryland, and also in Memphis, Tennessee. Improving fair credit access, supporting sustainable home ownership, and promoting financial literacy for disadvantaged communities are among their other great priorities.

The NAACP was supportive of the resolution that the 110th Congress passed, for the first time in our Nation's history apologizing for slavery and Jim Crow laws, and to make clear that the vestiges of Jim Crow and slavery would be affected by the future Congresses.

Today's commemoration of the NAACP's 101st anniversary occurs as the organization prepares for its convention, "One Nation, One Dream," in Kansas City, Missouri, on July 10-15. At that time, hundreds of NAACP members and leaders will consider bold and innovative approaches to tackling the challenges we face in the 21st century.

Among those leaders will be President Benjamin Todd Jealous, present Chairwoman Roslyn Brock, former Chairman Julian Bond, Washington Bureau Director Hilary Shelton, and Detroit Branch President Wendell Anthony, who have exhibited fearless dedication to build on the NAACP's great legacy. This legacy includes many great heroes, such as Dr. Martin Luther King, Jr., of whom a bust is in our Capitol Rotunda; Coretta Scott King, his widow; Rosa Parks; Medgar Evers; Benjamin Hooks; and many others. I must mention some great leaders from my hometown of Memphis: Vasoc and Maxine Smith; Jesse Turner, Sr.; Jesse Turner, Jr.; Russell Sugarman; A.W. Willis; Johnny Turner; and others.

Their unwavering commitment to protect and promote civil rights for all Americans is a proud tradition that the

NAACP continues today. I am a life member of the NAACP, and proud of it. I encourage others to support the NAACP in their efforts to make the American dream true for all. I congratulate the NAACP on its 101st milestone, and I urge my colleagues to support this important resolution.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution recognizes the 101st anniversary of the founding of the National Association for the Advancement of Colored People. This resolution also praises the NAACP for its work to secure the political, educational, social and economic equality of all persons.

The NAACP was founded on February 12, 1909, in New York City. It was the centennial of Abraham Lincoln's birth. The NAACP is the oldest and largest civil rights organization in the United States today.

In 1913, the NAACP organized opposition to racial segregation in Federal Government offices. The NAACP also played a key role in securing the rights of African Americans to serve as officers in World War I. Throughout the past century, the NAACP has worked to achieve equality of rights for all persons through nonviolence. The NAACP's mission also includes the elimination of racial hatred and racial discrimination.

After World War I, for example, the NAACP expended significant resources in an effort to combat the lynching of African Americans throughout the United States. The NAACP centered its efforts around education and lobbying for legislation.

In later years, the NAACP's leadership was instrumental in bringing about the passage of the Civil Rights Acts of 1957, 1960 and 1964; the Voting Rights Act of 1965; and the desegregation of public schools in *Brown v. Board of Education* in 1954.

The NAACP continues to work on behalf of this worthy mission for the rights of all people today.

Mr. Speaker, I urge my colleagues to support this resolution.

I have no further requests for time, and I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. AL GREEN), the sponsor of this resolution and the former president of the Houston branch of the NAACP.

Mr. AL GREEN of Texas. Mr. Speaker, I especially want to thank the gentleman from Tennessee (Mr. COHEN) for working with us on this resolution. I especially want to thank the ranking member, Mr. SMITH, for his working with us on the resolution, and I also want to give an extra special thanks to Mr. SENSENBRENNER because the first

time we introduced this resolution he was the chairman of the Judiciary Committee, and he was very helpful not only up front in helping me with the resolution, but also behind the scenes making sure that we got the resolution through the House. Mr. SENSENBRENNER, I will be forever grateful to you.

Mr. Speaker, I am honored today to present this resolution because the NAACP stands for what America stands for, and that is liberty and justice for all.

The NAACP was founded in 1909, as was indicated, by a diverse group of Americans. It is important to note that the NAACP has always been an integrated organization. From its inception, it has been an integrated organization.

□ 1330

While I applaud all that has been done by the African Americans who have been a part of the NAACP, I have to also make mention of the many other persons who are not African Americans, because we simply did not get here by ourselves. There were persons of good will of all ethnicities who have been of benefit to us to help us have these opportunities that we have today. So today we want to thank persons who were members of the NAACP at its inception, but also persons who helped to bring the NAACP along the way.

James Weldon Johnson was the first African American executive secretary of the NAACP. But it's important to note that prior to his becoming the first, there were five other executive secretaries, none of whom were African American.

It's important to note that the NAACP accords an award annually. It is known as the Spingarn Medal. This is given to a person who has made great achievements in the area of helping the human rights and civil rights struggle. It is important to note that the Spingarn Medal is named after Joel Spingarn. The Spingarn family was a great contributor to the NAACP. In fact, Thurgood Marshall was a great litigator in part because of other persons who made contributions to the NAACP. They were great contributors, and as a result we had this litigation to go forward. The NAACP is an organization that welcomes anyone who desires to be a part of the fight for human dignity and human freedom.

I believe that the NAACP merits this special expression from the Congress of the United States of America, and I also believe that we should thank Senator DODD, because he has the Senate Concurrent Resolution No. 3 that has 15 Senators who have signed onto it, and that will hopefully pass the Senate.

I am asking all of my colleagues to please support this legislation because

the NAACP made it possible for us to sleep where we sleep, because of *Shelley v. Kraemer* and *Barrows v. Jackson*. It allows us to eat where we eat because of *Brown v. Board of Education* and other cases associated with it. So, literally, we live where we live, we sleep where we sleep, and we eat where we eat because of the NAACP. It has earned the right to be recognized by the Congress of the United States of America, and I beg that my colleagues would support this resolution.

Mr. COHEN. Mr. Speaker, I appreciate the work of Congressman GREEN from Houston. And when I look at him and I look at Mr. SMITH, I think about my weekend trip this past weekend. I went to Austin, Texas. And when I was in Austin, I was at the Barbara Jordan Airport, and in the baggage area on the ground floor, there is a statue of Barbara Jordan in her regal splendor. And what a great member of the NAACP she was, and what a great American.

Ms. WATSON requests some time. I would be pleased if she would contribute. I yield such time as she may consume to the gentlewoman.

Ms. WATSON. Mr. Speaker, and to the authors and cosponsors of this resolution, I just want to add to the testimony that you have already heard in support of this resolution commending the NAACP, that many of us would not be here if not for the work and the support of others of the NAACP.

I am a case in point. I remember being elected as the first African American woman to the second largest school board in the United States, that's LA Unified School District, and in the California State Senate as the first ever. And I was so proud that members came to me to show me their membership in the NAACP.

I then knew that the work that was done over 100 years ago was of such vision for the future of this country, and particularly my State of California, the largest in the Union, and the first State to be a majority of minorities, that that vision, that hard work, that dedication brought about justice so that the State of California and the United States of America could be reflective of who we are as a people. The justice, the fairness, the freedom, the liberty all came about for people like me because of this organization and others who supported it.

So I am pleased, I am pleased, and I do hope that all men and women of fair mindedness with division will support wholeheartedly this resolution.

Thank you, Congressman.

Mr. BISHOP of Georgia. Mr. Speaker, for over 100 years the mission of the National Association for the Advancement of Colored People (NAACP) has been to ensure the political, educational, social, and economic equality of rights for all people, as well as to eliminate racial hatred and racial discrimination. This organization has always envisioned a society where all barriers of racial discrimination

are removed through the democratic processes, as well as to ensure equality for all Americans. Throughout the past 101 years, the NAACP has faithfully adhered to its mission.

Founded on February 12, 1909, President Lincoln's 100th birthday, the NAACP is the nation's oldest and most recognized grassroots-based civil rights organization. It was established in response to the lynchings that were committed against blacks throughout the country. Today, the NAACP's more than half-million members and supporters are still the premier advocates for civil rights and equality in their respective communities.

Over the last century, the talents of the NAACP's collective membership have enabled it to overcome numerous adversities and obstacles. After 101 years of setbacks and successes, this organization currently bears witness to numerous advancements that may not have been made possible if it were not for the collective voices and willpower of NAACP supporters past and present.

It is hard to imagine where our country would be today if it had not been for the courageous men and women in the NAACP who risked their lives and livelihoods in order to promote equality.

It is hard to imagine where this country would be if the NAACP had not tirelessly fought for improved equality for African-Americans.

It is hard to imagine where this great country would be if it were not for the courageous men and women who fought to promote the rights of everyone, regardless of the color of their skin.

Indeed, it is hard to imagine our country without the NAACP. My own life would not be the same if it were not for those individuals who stood up for equality and sought to form a more perfect union.

I want to congratulate the NAACP on its 101 years of service to our country and for all of its many accomplishments. I urge my colleagues to support this resolution.

Mr. FARR. Mr. Speaker, I'm a proud lifelong member of the NAACP, and today I join my colleagues in celebrating its 101st anniversary.

The Monterey County Branch of the NAACP was created in 1932. Our chapter now ranks as one of the largest per capita branches in the United States and has been active in education and law—and we're all better for it. In 1947, the Fort Ord Army training base in Seaside, CA—one of the largest bases in the U.S.—was the first military base in the United States to be integrated.

As we recognize the great achievements of one of America's finest organizations, let us not forget that the struggle continues. Our country was founded on the ideal of equality for all, with the self-evident right to life, liberty and the pursuit of happiness. The mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination.

I want to thank the NAACP for 101 years of hard work. You've made America a stronger and better nation. I especially want to thank my constituent, Ben Jealous, now the youngest national president of the NAACP. Your work continues, but we congratulate you on this historic day.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in support of H. Con. Res. 242, to honor and praise the National Association for the Advancement of Colored People on its 101st Anniversary. The NAACP was founded in New York City on February 12, 1909, because of America's pressing need for a large, coordinated civil rights organization. Today, the NAACP holds true to its initial values.

The objectives of the NAACP are:

To ensure the political, educational, social, and economic equality of all citizens;

To achieve equality of rights and eliminate race prejudice among the citizens of the United States;

To remove all barriers of racial discrimination through democratic processes;

To seek enactment and enforcement of federal, state, and local laws securing civil rights;

To inform the public of the adverse effects of racial discrimination and to seek its elimination; and

To educate persons as to their constitutional rights and to take all lawful action to secure the exercise thereof, and to take any other lawful action in furtherance of these objectives, consistent with the NAACP's Articles of Incorporation and this Constitution.

For 101 years the NAACP has remained committed to ensuring the political, educational, social and economic equality of all persons and to eliminate racial hatred and racial discrimination. The organization was originally founded out of the dire need for civil rights among African Americans in the United States. Today however, the NAACP is determined to advance the cause of civil rights not only for African Americans, but for all American people, regardless of color.

The NAACP has aided in achieving the passage of several important pieces of legislation throughout their 101-year existence. These include the Civil Rights Act, the Voting Rights Act of 1965, and the Fair Housing Act. The NAACP has also influenced several groundbreaking legal cases that have advanced the causes of civil rights in our nation, such as the 1954 *Brown v. Board of Education* case. The NAACP has and continues to serve as a beacon to those who want to make a difference. They have proven that progress can be made in the face of oppression through non-violence and political action.

The NAACP claims over 360,000 members and it continues to grow. Heading into its second century of service, the NAACP is focused on disparities in economics, health care, education, voter empowerment and the criminal justice system as is also continues its role as a legal advocate for civil rights issues.

The organization remains just as committed today to continuing the fight for political, social, educational and racial equality as it was over a century ago when it was first conceived. For this reason that I rise in support of H. Con. Res. 242.

Mr. JOHNSON of Georgia. Mr. Speaker, today I rise in support of H. Con. Res. 242, Honoring and Praising the National Association for the Advancement of Colored People on the occasion of its 101st anniversary. I would also like to commend Representative GREEN, the sponsor of this resolution, for his commitment to recognizing the accomplishments of this historic organization. I urge my

colleagues to support this resolution praising this venerable institution.

In 1905, a group of Jewish and African-American leaders came together to discuss the injustices faced by African-Americans and possible solutions. The group led by renowned scholar and sociologist W.E.B. Du Bois was known as the Niagara Movement. Du Bois said at that time that, "[t]he problem of the twentieth century is the problem of the color line". The goal of the Niagara Movement and its successor the NAACP was to erase that color line.

In its earliest years the NAACP fought against the racist Jim Crow laws of the south and campaigned for equal access to voting, housing, and education. The organization's dedication to overturn the "separate but equal" doctrine culminated in the unanimous 1954 Supreme Court decision in *Brown v. Board of Education of Topeka*, which declared state-sponsored segregation of elementary schools to be unconstitutional. During the Civil Rights era the NAACP's unrelenting appeals for voting reform culminated in the signing of the 1964 Civil Rights Act and the 1965 Civil Rights Act into law.

Some critics of the NAACP now see the organization as unnecessary and ineffective in today's post-racial world. I respond to that criticism with these words: the color line that W.E.B. DuBois fought against 101 years ago, still exists today. Yes, we are living in a time when our country has its first African-American president; but we are also living in a time when African-Americans are on the whole underrepresented in governmental leadership positions. We also live in a time in which African-Americans account for nearly 51 percent of all new HIV/AIDS cases. Progress has clearly been made, but we have a lot of work to do and the NAACP continues to champion better life for all citizens.

Mr. Speaker, it is imperative that we recognize this landmark organization for its contributions to this country. Many of us would not be here without their efforts. For 101 years the National Association for the Advancement of Colored People has consistently and effectively pressed for total racial equality and inclusion and I urge my colleagues to support this resolution, and recognize the 101st anniversary of the NAACP.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H. Con. Res. 242, which honors and praises the National Association for the Advancement of Colored People, NAACP, for its 101st year of service. H. Con. Res. 242 is an important resolution that commends an organization that has worked tirelessly to make our Nation a better place for all Americans.

I would like to thank Chairman CONYERS for his leadership in bringing this bill to the floor. I also thank the sponsor of this legislation, Congressman GREEN, for taking the time to honor the NAACP and its crucial contributions to our Nation's social and moral progress.

Mr. Speaker, the NAACP has played a vital role in empowering our Nation's African-American community and ensuring that all Americans are equal before the law. As the oldest and largest civil rights organization in the United States, the NAACP has always been dedicated to achieving their goals through

non-violence. One of the most famous moments in the history of the NAACP occurred in 1955, when an NAACP secretary refused to give up her seat on a bus to a white man. This bold and empowering decision by Rosa Parks started the Montgomery Bus Boycotts and was a pivotal moment in the Civil Rights Movement.

The NAACP was a driving force behind the passage of the Civil Rights Acts of 1957, 1960, and 1964, the Voting Rights Act of 1965, the Voting Rights Act Reauthorization and Amendments Act of 2006, and the Fair Housing Act of 2006. On July 16, 2009, during the NAACP's centennial anniversary celebration in New York, members remembered progress made and reaffirmed their passion in the ongoing fight for equality. The keynote speaker at the anniversary celebration was the first black President of the United States, Barack H. Obama.

Mr. Speaker, it is entirely fitting that we honor and express our national gratitude for the NAACP for 101 years of service, during which time it assisted millions of Americans and helped fight poverty, inequality, and social injustice. It is equally important that we express our full support for and solidarity with the NAACP as it continues in its second century of service and continues to address pressing national issues like political, educational, social, economic, and racial inequality. As one who has long been active in the Long Beach chapter of the NAACP, I can attest to the critical role that this organization continues to play in the communities across our country.

Mr. Speaker, I urge my colleagues to join me in supporting H. Con. Res. 242.

Ms. MCCOLLUM. Mr. Speaker, I rise today in honor of the 101st anniversary of the National Association for the Advancement of Colored People, NAACP, which was founded on February 12, 1909. Throughout its existence, the NAACP has faithfully promoted equality in all areas of American society, from suffrage and public accommodation to justice in our Nation's courts and equality in employment.

For nearly a century, the NAACP has pressed for an inclusive American society, one that would grant all people the equality they deserve, regardless of the shade or color of their skin. The NAACP's principled efforts towards the advancement of people who were long denied their rightful place at work, school, and the ballot box have continued to come to fruition with the Civil Rights Acts, the Fair Housing Act, and other breakthroughs in the establishment of justice and quality in this country.

A key component of the success of the NAACP has been the implementation of a nonviolent approach to achieve equality and justice. Its efforts include the promotion of understanding and education, to the eradication of race and other problems that have long plagued our society. The NAACP has helped put students through college, give the vote back to the voiceless, and ensure that the American people will not continue to be divided by differences, but rather be brought together by mutual compassion and kinship.

The mission of the NAACP continues today and the Saint Paul Branch of the NAACP continues to work towards equality, education and

justice for all. My local NAACP chapter is well known for its tireless work addressing the injustices affecting individuals and the diverse communities of Minnesota.

It is with great admiration that I commend the NAACP on this occasion of their 101st anniversary. The necessity of the continued push for equality and justice for all citizens presents a great burden that we bear collectively, but the work of groups such as the NAACP gives our society the necessary guidance and reminder of our responsibilities towards one another.

Mr. Speaker, please join me in paying tribute to the courageous and guiding history of the National Association for the Advancement of Colored People on this day of their 101st anniversary.

Mr. COHEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 242.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. COHEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### HONORING THE DEPARTMENT OF JUSTICE ON ITS 140TH ANNIVERSARY

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1422) honoring the Department of Justice on the occasion of its 140th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1422

Whereas the Department of Justice officially came into existence on July 1, 1870, through an Act of Congress establishing it as "an executive department of the government of the United States" with the Attorney General as its head;

Whereas pursuant to the Act, the Department was charged with providing the means for enforcing Federal laws, furnishing legal counsel in Federal cases, and construing the laws under which other Federal executive departments act;

Whereas there are currently 93 United States attorneys stationed throughout the United States, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands, serving as the Nation's principal litigators and chief Federal law enforcement officials for their specific region, under the direction of the Attorney General;

Whereas the Department of Justice comprises 7 specialized divisions, including the Antitrust Division, Civil Division, Civil

Rights Division, Criminal Division, Environment and Natural Resources Division, National Security Division and the Tax Division, also including the Federal Bureau of Investigation, the Bureau of Prisons, the United States Marshals Service, the U.S. Central Bureau-International Criminal Police Organization, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the Office of Justice Programs;

Whereas in 2006, the Department of Justice recognized the danger threatening the United States due to technology-assisted exploitation crimes targeting children, and responded by launching Project Safe Childhood, an effort which has resulted in record numbers of arrests and prosecutions of individuals who seek to commit sexual crimes against children;

Whereas in the past decade the Department of Justice has obtained approximately 1,300 convictions for financial crimes;

Whereas the Department of Justice responded to the significant increase in the number of firearms-related violent crimes in small geographic areas by creating the Violent Crime Impact Team (VCIT) initiative and since 2004 has arrested more than 14,100 gang members, drug dealers, felons in possession of firearms, and other violent criminals, including more than 2,800 identified as "worst of the worst" criminals;

Whereas the Department of Justice plays a key role in the fight against international drug trafficking;

Whereas in the past 8 years, the Department of Justice has disrupted 8, and dismantled 2, Priority Target Organizations (PTOs);

Whereas Operation FALCON (Federal and Local Cops Organized Nationally) is a series of nationwide fugitive apprehension operations coordinated by the Department of Justice, and has resulted in the collective capture of more than 55,896 dangerous fugitive felons since its inception in 2005;

Whereas since 2004, the Department of Justice has led the 2 largest multinational law enforcement efforts ever directed at online piracy, involving simultaneous efforts in 12 countries, more than 200 searches and arrests in more than 30 States, more than \$100,000,000 in seized pirated works, and a total of 112 felony convictions to date; and

Whereas the Department of Justice's accomplishments are numerous and have played a significant part in securing the safety and security of the families and communities of the United States: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) honors the Department of Justice on the occasion of its 140th anniversary;

(2) commends the men and women of the Department of Justice for their tireless commitment to pursuing justice, combating major domestic and international crimes, ensuring civil liberties, and protecting the people of the United States; and

(3) encourages the Department of Justice to continue its mission of pursuing the administration of justice for all people in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

## GENERAL LEAVE

Mr. COHEN. I ask unanimous consent all Members have 5 legislative days to revise and extend their remarks and add extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1422 recognizes the 140th anniversary of the creation of the Department of Justice. Since 1870, the Department has been tasked with enforcing our laws, providing Federal leadership in securing the public safety, and ensuring the fair and impartial administration of justice for all Americans.

The Department has long been served with distinction and courage by attorneys, investigators, and prosecutors at Main Justice and in the field. Its divisions and components do important work for the American people in criminal law, civil litigation, environmental law, antitrust law, tax law, and administration of justice-related grants. We especially appreciate the efforts and sacrifices of the law enforcement officers serving in components such as the FBI, DEA, ATF, and the U.S. Marshals office.

I would like to highlight three important points today as we commemorate the 140th anniversary of the Department. First, the Department has played an integral part in promoting justice for all Americans. Since its creation, the Department has handled the legal business of the United States, with control over all criminal prosecutions and civil suits in which the United States has an interest.

Through the Civil Rights Division, the Department enforces Federal law, prohibiting discrimination on the basis of race, color, sex, disability, religion, familial status, and national origin. Following the landmark Civil Rights Acts of the 1960s, the Department of Justice used its newfound authority to initiate desegregation of school districts across this Nation. And through its enforcement of the Voting Rights Act of 1965, the Department helped curtail the injustice of African American voters being prevented from exercising what is an American right, the right to vote.

The Justice Department also continues to vigorously enforce the Americans with Disabilities Act, to ensure that people living with disabilities are not discriminated against in employment, by public entities and transportation, or in public accommodations.

The great strides we have made in securing rights for all Americans to attain an education, access the voting booth, and secure jobs and housing, regardless of race, gender, or national origin, are in no small part due to the thanks of the Department of Justice.

Second, the Department has played an important role in protecting Americans from acts of terrorism, whether foreign or domestic. Since the terrorist attacks at the World Trade Center in 1993 and at the Federal Building in Oklahoma City in 1995 and the attacks on September 11, it's been the Department's highest priority to prosecute and bring to justice perpetrators of terrorism.

However, it is important that, in its effort to combat terrorism, the Department is equally vigilant in upholding justice and in observing the constitutional rights of Americans that it is responsible for enforcing. This means a commitment to due process and transparency, even in the most difficult situations. It also means Congress must be steadfast in its commitment to consistent and thorough oversight.

Third, the Department has taken on an increasingly active role in helping to secure public safety in its 140-year history. Notably, the Department's efforts to support community-based programs have seen dramatic success. For example, the Office of Violence Against Women is charged with providing national leadership in reducing domestic violence through the implementation of the Violence Against Women Act. Through 19 Violence Against Women Act grant programs, the Department is helping to develop the Nation's capacity to reduce domestic violence, dating violence, sexual assault, and stalking, strengthening services to victims and holding offenders accountable, most important work in preserving the integrity of women and our commitment to individual freedoms.

In fiscal year 2009, the Office of Violence Against Women made nearly 1,100 awards. These grants have helped enable communities to develop coordinated responses to domestic violence, sexual assault, and stalking—no trivial matters, Mr. Speaker. The grants have helped communities bring together dedicated individuals and advocates from diverse backgrounds to share information and to use their distinct roles to improve community responses to violence against women.

In addition, the Department's Office of Community Oriented Policing Services, also known as the COPS Office, has promoted public safety through local investments, where police are involved in the community and show that policemen are the friends, and get a hold in the community to bring about public safety. The COPS program promotes this community policing by funding efforts by State and local authorities intended to put law enforcement professionals where they are most needed—on the streets. That way they can build mutually beneficial relationships with the people they serve, have a rapport that's necessary.

In closing, I would like to thank my colleague, Mr. JAMES SENSENBRENNER,

for introducing this resolution. I urge my colleagues to support this important resolution. I couldn't let this resolution go by without remembering former U.S. Attorney Robert F. Kennedy, one of my heroes, who headed the Department of Justice.

I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to commemorate the 140th anniversary of the Department of Justice. The Judiciary Act of 1789, which was passed by the First Congress and signed into law by President George Washington, created the office of Attorney General, which eventually became the chief law enforcement officer of the Federal Government.

The Department of Justice began its work on July 1, 1870, through an act of Congress, with the Attorney General at its head. Since then, the Department has evolved into the world's largest law office and the central agency for the enforcement of Federal law.

Today, the Department strives to meet four goals in its pursuit of justice: First, protecting the public against foreign and domestic threats; second, ensuring the fair administration of justice in accordance with the provisions of the Constitution; third, assisting both State and local law enforcement agencies; and, fourth, defending the United States and its foreign interests.

Over the past decade, the Department has made significant efforts to protect the children of America. In 2006, through the Adam Walsh Child Protection and Safety Act, the Department of Justice created a national sex offender registry to better protect children by organizing sex offenders into three tiers. The act also created a nationwide DNA database and allows law enforcement to monitor dangerous sex offenders through the use of GPS technology.

Recognizing the dangers of technology-assisted exploitation crimes against children, the Department of Justice launched Project Safe Childhood, an effort that resulted in record numbers of arrests and prosecutions of individuals seeking to commit sexual crimes against children.

The AMBER Alert system, a Department of Justice directive, works to protect and save the lives of abducted children. Since the expansion of the system in 2003, more than 500 missing or exploited children have been safely recovered. Alerts are broadcast over the Internet, television and radio programming, electronic highway signs, lottery tickets, and text messaging.

Shortly after the September 11 attack, I introduced the USA PATRIOT Act, which afforded the Department of Justice new tools to detect and prevent terrorism, organized crime, and drug

trafficking. The provisions of the act updated laws to reflect new threats and new technologies, facilitate better cooperation amongst government agencies, and updated and increased penalties for convicted terrorists. Since the act's passage in October 2001, the numbers of terrorist convictions and prosecutions by U.S. attorneys have soared. Make no mistake, the USA PATRIOT Act has contributed to the prevention of another large-scale terrorist attack on American soil.

The Justice Department has also made a commitment to protect Americans residing in areas riddled with gun and gang violence. It responded to the significant increase in the number of firearms-related crimes in small geographic areas by creating the Violent Crime Impact Team initiative.

□ 1345

Since 2004, it has arrested more than 14,000 gang members, drug dealers, felons in possession of firearms, and other violent criminals, including more than 2,800 who have been identified as the "worst of the worst" criminals.

I applaud the work of the Department of Justice in its efforts to defend the American people and to administer justice while respecting and ensuring the rights and dignity entitled to all.

I encourage my colleagues to support House Resolution 1422.

Mr. SMITH of Texas. Mr. Speaker, I support House Resolution 1422 to honor the Department of Justice on the occasion of its 140th anniversary.

In 1870 Congress passed the "Act to Establish the Department of Justice." President Ulysses S. Grant signed the bill into law on June 22, 1870, and the Department of Justice officially began operations on July 1, 1870.

The Office of the Attorney General, created by the "Judiciary Act of 1789," was in need of more attorneys after the Civil War.

The 1870 Act met this need by creating the Department of Justice to oversee federal law enforcement as well as criminal prosecutions and civil suits in which the United States has an interest. The Act also created the Office of the Solicitor General.

While the 1870 Act still remains the foundation on which the Department of Justice stands, the structure of the Department of Justice has changed over the past 140 years.

Today the Department of Justice comprises seven litigating divisions and 93 United States attorneys and thousands of assistant United States attorneys who enforce our civil and criminal laws, including tax, environmental, and immigration laws, and defend the United States from claims.

The Department also oversees a number of federal law enforcement agencies, including the Federal Bureau of Investigation, the Drug Enforcement Administration, the Marshals Service, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the Federal Bureau of Prisons.

Among recent examples of the Department's work, we could look to the Bureau of Alcohol, Tobacco, Firearms, and Explosives'

establishment of the Violent Crime Impact Team (VCIT) initiative in 2004. Since then, more than 14,000 violent criminals were arrested, including gang members, drug dealers, and felons in possession of firearms.

The Department is also combating gang and gun violence through programs like "Project Safe Neighborhoods." Since its inception in 2001, \$2 billion has been committed to "Project Safe Neighborhoods." Funding has been used to hire new prosecutors, support investigators, and promote community outreach and education.

In another area of great interest, during the past decade the Department secured approximately 1,300 convictions for financial crimes.

The Department has also been successful in combating crimes against children, drug trafficking, and counterterrorism efforts.

In 2006 the Department introduced "Project Safe Childhood" to combat predators who use the Internet to sexually exploit our children. Along with the FBI's "Innocent Images National Initiative," programs like these help break up networks of online pedophiles and rescue children who are victims of sexual exploitation.

With regard to drug trafficking, just this month the Department's "Project Deliverance" resulted in more than 2,200 arrests and the seizure of approximately 74 tons of drugs and \$154 million. This was the result of a 22-month operation. The Drug Enforcement Administration has been instrumental in bringing to justice those organizations and principal members responsible for the manufacture and distribution of illicit drugs throughout the United States.

Finally, the Department has played a key role in a number of operations to protect Americans from terrorist threats. The passage of the Patriot Act in 2001, its reauthorization in 2005, and various other counter-terrorism tools have proven helpful toward this end.

This resolution commends the work of the men and women in the Department of Justice who pursue and have pursued the administration of justice for the people of the United States. The essence of democracy is the rule of law. The Department of Justice hopefully stands as a defender of the rule of law.

I urge my colleagues to join me in supporting this resolution.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H. Res. 1422, Honoring the Department of Justice on the occasion of its 140th anniversary. I would also like to commend Representative SENSENBRENNER for his commitment to recognizing the department for its many accomplishments.

The Department of Justice officially began operations on July 1, 1870 and has been responsible for the enforcement of law and administration of justice for 140 years. The Department of Justice was a major advocate and protector for voting rights in the Southern United States and Georgia during the Civil Rights Era. The Department used its litigators to fight racial injustice throughout the Southern United States. The work of the Department of Justice served in part as inspiration for President Johnson to sign the Voting Rights Act of 1965 into law.

The Department of Justice is innately close to my heart. My father worked for many years

in the Bureau of Prisons, a subdivision of the Department of Justice, and was the director of classifications and paroles. He was at that time the highest ranking African-American in the bureau. Today the department is headed by Attorney General Eric Holder, the first African-American man to hold this position in the departments 140 year history. It is ironic that the Department charged with justice for all people took more than a century in order to name an African-American citizen as its leader; however his nomination serves as an indication of progress and change.

The Department of Justice has championed many successful initiatives including Project Safe Neighborhoods, Project Safe Childhood, and the Presidents Corporate Fraud Task Force. Together these initiatives have resulted in increased protection and safety for our nation's children, as well as record convictions for financial crimes. The Department of Justice has made a significant impact in the state of Georgia through the Southeast Regional Fugitive Force operating out of offices in Atlanta and Macon, Georgia. The SERFTF is recognized nationwide as a leader in fugitive investigations.

Mr. Speaker, I stand today to applaud the accomplishments of the Department of Justice on the occasion of its 140' anniversary and I urge my colleagues to do the same. I challenge the Department of Justice to continue its mission of pursuing the administration of justice for all people in the United States.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1422, "Honoring the Department of Justice on the occasion of its 140th anniversary," as introduced by our distinguished colleague from Wisconsin, Representative SENSENBRENNER.

Since its establishment in 1870, the Department of Justice has taken the lead in enforcing Federal laws, furnishing counsel in Federal cases, and providing interpretations of the laws under which other executive agencies act. The DOJ's mission has grown as well, meeting challenges that could hardly have been envisioned in 1870. It now has seven separate, specialized divisions, covering Antitrust, Civil, Civil Rights, Criminal matters, Environment and Natural Resources, National Security, and Tax, as well as agencies including the Federal Bureau of Investigation, the Bureau of Prisons, the United States Marshals Service, the U.S. Central Bureau-International Criminal Police Organization, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the Office of Justice Programs.

DOJ's work is as important now as it ever has been. It is one of the leading agencies involved in the protection of our national security; its work has led to the disruption of multiple terrorist organizations in the last decade alone.

The Department plays a key role in the protection of our citizens' intellectual property, helping protect their interest in work they pour their energies into. Since 2004, the Department of Justice has led the 2 largest multinational law enforcement efforts ever directed at online piracy, involving simultaneous efforts in 12 countries, more than 200 searches and arrests in more than 30 States, more than \$100,000,000 in seized pirated works, and a total of 112 felony convictions to date.

DOJ's Antitrust Division is responsible for protecting consumer interests from anti-competitive practices in all sectors of the economy. As industries move further and further towards consolidation—in printing, in broadcasting, in the airline industry, and throughout our economy—DOJ has the responsibility to make sure that actions taken in the name of efficiency don't lead to the dangers of monopoly.

Through its Office of Justice Programs, DOJ has partnered with state and local law enforcement agencies to provide guidance and funding for important initiatives. Violent Crime Impact Teams have arrested more than 14,100 gang members, drug dealers, felons in possession of firearms, and other violent criminals, including more than 2,800 identified as the 'worst of the worst' criminals. Operation FALCON (Federal and Local Cops Organized Nationally) is a series of nationwide fugitive apprehension operations coordinated by the Department of Justice, and has resulted in the collective capture of more than 55,896 dangerous fugitive felons since its inception in 2005.

For almost a century and a half, the Department of Justice has been a critically important part of the Federal government, and it has an equally important role to play in the next decades. I join Representative SENSENBRENNER in honoring the Department on its 140th anniversary, and urge my colleagues to do so as well.

Mr. PAUL. Mr. Speaker, the House of Representatives recently considered H. Res. 1422, honoring the 140th anniversary of the Department of Justice. I voted against this resolution because of the Justice Department's history of violating individual rights.

It is the Justice Department that leads the ongoing violations of the fourth, fifth, ninth, and tenth amendments in the name of the "war on drugs." It is Justice Department agents who perform warrantless wiretap, and "sneak-and-peak" searches under the misnamed PATRIOT Act. It is the Justice Department that prosecutes American citizens for violating unconstitutional federal regulations even in cases where no reasonable person could have known their actions violated federal law.

Some like to pretend that the Justice Department's assault on liberties is a modern phenomenon, or that abuses of liberties are only carried out by one political party. However, history shows that the unconstitutional usurpations of power and abuse of rights goes back at least almost a hundred years to the "Progressive" era and that Justice Departments of both parties have disregarded the Constitution and violated individual liberties.

During World War I, President Woodrow Wilson's Justice Department imprisoned people who dared to speak out against the war. Following the war, the progressive assault on the first amendment continued with the infamous "Palmer raids," named for Wilson's Attorney General, A. Mitchell Palmer. Just as President Wilson's policies of foreign interventionism and domestic welfare served as a model for future presidents, Attorney General Palmer's assaults on civil liberties served as a model for future attorneys general of both parties. Think of Robert Kennedy authorizing the wiretapping of Martin Luther King, Jr., John

Mitchell's role in the abuses of civil liberties by the Nixon administration, Ed Meese's assault on the first amendment with his "pornography commission," Janet Reno's role in the murder of innocent men, women and children at Waco, and the steady erosion of our rights over the past decade. In addition, it is the attorney general and the Justice Department that defend and justify violations of constitutional liberties by the President and the other federal bureaucracies.

Many civil libertarians were hopeful the new administration would be more sympathetic to civil liberties than was the prior administration. But the current administration has disregarded campaign promises to restore respect for civil liberties and has continued, and in many cases expanded, the anti-freedom policies of its predecessors. For instance, the current administration is supporting renewal of the policies of warrantless wiretapping and other PATRIOT Act provisions. The administration, despite promising to be more open and transparent, is also continuing to use the claim of "state secrets" to shield potentially embarrassing information from Americans. According to the New York Times, the current administration is even outdoing its predecessors in the prosecution of government whistleblowers. It is little wonder that the head of the American Civil Liberties Union recently said he is disgusted with the administration's record on civil liberties.

Of course, Mr. Speaker, Congress bears ultimate responsibility for the Justice Department's actions, as it is Congress that passes the unconstitutional laws the Justice Department enforces. Congress also fails to perform effective oversight of the Justice Department. Instead of honoring the Justice Department, Congress should begin to repeal unconstitutional laws and start exercising congressional oversight of executive branch agencies that menace our freedoms.

Mr. SENSENBRENNER. I yield back the balance of my time.

Mr. COHEN. I want to thank Mr. SENSENBRENNER for bringing this important resolution honoring the Department of Justice, and I should have earlier thanked Mr. SMITH and Mr. SENSENBRENNER each for their work on the NAACP resolution.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Ms. RICHARDSON). The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 1422.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. COHEN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## SUPPORTING AMERICAN EDUCATION WEEK

Ms. WATSON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 879) supporting the goals and ideals of American Education Week, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 879

Whereas the National Education Association has designated November 14 through November 20, 2010, as the 89th annual observance of American Education Week;

Whereas public schools are the backbone of the Nation's democracy, providing young people with the tools they need to maintain the Nation's precious values of freedom, civility, and equality;

Whereas by equipping young people in the United States with both practical skills and broader intellectual abilities, public schools give them hope for, and access to, a productive future;

Whereas people working in the field of public education, be they teachers, higher education faculty and staff, custodians, substitute educators, bus drivers, clerical workers, food service professionals, workers in skilled trades, health and student service workers, security guards, technical employees, or librarians, work tirelessly to serve children and communities throughout the Nation with care and professionalism; and

Whereas public schools are community linchpins, bringing together adults, children, educators, volunteers, business leaders, and elected officials in a common enterprise: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of American Education Week; and

(2) encourages the people of the United States to observe National Education Week by reflecting on the positive impact of all those who work together to educate children.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

### GENERAL LEAVE

Ms. WATSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, on behalf of the House Committee on Oversight and Government Reform, it is my great privilege to rise in support of H. Res. 879. This measure encourages the people of the United States to observe National Education Week by reflecting on the positive impact of all those who work together to educate America's

children. American Education Week spotlights the importance of providing every child in America with a quality public education from kindergarten through college and the need for everyone to do his or her part in making public schools great.

Madam Speaker, America's success in the 21st century will be determined by our ability to innovate, foster entrepreneurship, and constantly improve the skill base of our workforce. We believe that the evolving demands of the global economy make education vital to sustainable social and economic success. We also believe that education is a fundamental human right and is the single most important investment in the future of individuals, communities, the Nation, and the world. We in Congress and we as a Nation must make it one of our highest priorities.

H. Res. 879 was introduced by our colleague, the gentleman from Idaho, Representative WALTER MINNICK, on October 29, 2009. The measure was referred to the Committee on Oversight and Government Reform, which ordered it reported by unanimous consent on May 6, 2010. The measure has the support of over 70 Members of the House.

I thank the gentleman from Idaho for introducing this measure.

And I'd also like to thank Chairman TOWNS and Ranking Member ISSA for their support for the bill.

I urge my colleagues to support this measure.

I reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 879, supporting the goals and ideals of American Education Week.

Thousands of teachers in our country inspire our young children to want to learn and to teach them the vital skills they need both to succeed in their future careers and in their lives. We also cannot forget about the librarians, the cafeteria staff, the coaches, the janitors, the bus drivers, the crossing guards, the administrators, all those employees who dedicate their time, effort and talents in order to make sure that our kids are enjoying a safe environment and that they're welcomed into the classrooms and that they truly learn.

Teachers simply do not receive the gratitude that they deserve. Most people can remember that one teacher who inspired them in some way and urged them to explore a subject further. Many of us simply would not have the same lives or careers without a special teacher to guide us.

For me, that was Mr. Kobiashi in the fifth grade, who really inspired me to have a true appreciation for the environment and a true understanding of our oceans and all the living creatures and just inspired me to be a better person. I still remember him to this day

and can't thank him enough for the service and the thousands of untold lives that he had touched along the way.

Those are special people, and they ought to be recognized for their efforts, and while I know that this resolution is important, they truly get the satisfaction that they deserve and that they need by inspiring those young people throughout our country.

Yet for all the effort and tireless hours the teachers put in every single day, we oftentimes forget to thank them formally as well. As a country, we need to do more to thank teachers and educators for their hard work and service to America's youth.

Madam Speaker, I urge my colleagues to support this resolution. American Education Week gives us the opportunity to take a week to think about and thank all the educators for their work. Hopefully this week will also inspire all Americans to think about the work that educators do, not just during American Education Week but every day, so that we begin to give teachers and educators the thanks and appreciation that they truly deserve; and that, in each individual community, those people, those parents and the others affected in the community, support their teachers, the educators and all the support staff, and all the moving parts that make these things happen so they can truly feel the love and support of a Nation and make that environment the very best environment it can be for our kids to learn.

Madam Speaker, I reserve the balance of my time.

Ms. WATSON. Madam Speaker, I yield 3 minutes to the gentleman from Texas, Representative RUBÉN HINOJOSA.

Mr. HINOJOSA. I rise today in support of H. Res. 879. I want to thank the National Education Association, NEA, and its 3.2 million members for designating November 15 through November 21 as American Education Week.

I also wish to acknowledge and thank Representative MINNICK from Idaho for introducing this important resolution, and I thank the gentlelady from California for giving me time to speak.

As subcommittee chairman for Higher Education, Lifelong Learning and Competitiveness, I congratulate all of our teachers, higher education faculty and staff, custodians, substitute educators, bus drivers, clerical workers, food service professionals, workers in skilled trades, health and student services workers, security guards, technical employees, and librarians for working tirelessly on behalf of our children, parents, and communities.

Our Nation's public schools and colleges and universities continue to be the great equalizer and the backbone of American democracy. They open the doors of opportunity to millions of graduates every year.

In order to access family-sustaining jobs in our economy, it is imperative that all children, all youth and adults receive a high quality education and are equipped with 21st century skills to thrive in our Nation's economy.

As our Nation strives to build a world-class educational system, increase graduation rates at all levels, and improve literacy for adult learners, we must recognize our teachers, our principals, our faculty, and school personnel for their professionalism and extraordinary commitment to care for and educate our children, youth, and adults for a 21st century workforce.

I commend President Obama, I commend Chairman MILLER and my colleagues for making historic investments in education and for ensuring accessibility and affordability in higher education with the enactment of the Health Care and Education Reconciliation Act of 2010.

I urge my colleagues and our Nation to observe American Education Week and the invaluable contributions of our Nation's educators. You all make a world of difference in the lives of our students and families. I thank you.

Mr. CHAFFETZ. Madam Speaker, I have no further requests for time, and I yield back the balance of our time.

Ms. WATSON. I yield 2 minutes to the gentleman from Idaho (Mr. MINNICK).

Mr. MINNICK. Madam Speaker, I thank the gentlewoman from California and extend her an invitation to come to Idaho anytime.

Madam Chair, you'd be a good addition.

Madam Speaker, I rise in support of House Resolution 879, celebrating the goals and ideals of American Education Week. Public schools are the backbone of America's democracy and the key to our continuing competitiveness in a 21st century global economy.

In 2010, the 89th American Education Week will take place November 14 to November 20. Each day will spotlight the importance of providing every child in America with a quality public education from pre-K through college.

As Federal legislators, we must continue to support American public education and make it the very best in the world. Dedicated American educators, teachers, principals, administrators, and their trade organizations work tirelessly to serve students and communities throughout the Nation with care and professionalism.

American Education Week celebrates the effort and achievements of these dedicated professionals and encourages community, parental and elected government official involvement in our public schools.

□ 1400

As a parent of four children, all of whom benefited from an outstanding public school education, I have witnessed firsthand the extraordinary

lengths to which our hardworking teachers go in helping American youth to learn. I applaud the nearly 15,000 teachers and thousands of support staff in Idaho and those throughout this great Nation who devote their professional lives to ensuring our children are equipped with the skills, knowledge and work ethic required to succeed in 21st century America.

Let's all enthusiastically endorse American Education Week. I urge my colleagues to support this resolution and recognize the efforts and sacrifices of America's educators.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to express my strong support for H. Res. 879 supporting the goals and ideals of American Education Week.

I would like to share a quote from Mr. William Arthur Ward who said "The mediocre teacher tells. The good teacher explains. The superior teacher demonstrates. The great teacher inspires." I agree with Mr. Ward about the incredible difference a great teacher can make in a child's life. It is in the classroom environment that an educator can best lay a solid foundation in children's lives by instilling the values of determination and diligence within them. Quality education is thus an essential element to opening the door to a bright future for our country.

Madam Speaker, in celebrating American Education Week, we stand to acknowledge and celebrate the true importance of a fine education. During the week of November 14–November 20, I encourage my colleagues in Congress and all Americans to please take the time to appreciate the people who have made a difference in educating children across the nation, especially the local educators in Georgia's 4th District. I would like to personally thank the school board members, administrators, teachers, librarians, counselors, parents, substitute teachers, custodians, bus drivers, cafeteria workers, and staff members who have devoted their lives to educating the youth of my district.

I truly appreciate the important difference that educators make in children's lives through their dedication and tireless effort. I encourage my colleagues to join me in expressing their appreciation for all educators in the nation during American Education Week by supporting this important resolution.

Ms. WATSON. Madam Speaker, I urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 879, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. WATSON. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### COMMENDING THE HOLLYWOOD WALK OF FAME ON ITS 50TH ANNIVERSARY

Ms. WATSON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1357) commending and congratulating the Hollywood Walk of Fame on the occasion of its 50th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1357

Whereas the Hollywood Walk of Fame is a tribute to those who have significantly contributed to the entertainment industry;

Whereas E.M. Stuart, who served as the volunteer president of the Hollywood Chamber of Commerce in 1953, is credited with creating the idea of the Hollywood Walk of Fame;

Whereas the Hollywood Walk of Fame was established to maintain the glory of a community whose name means glamour and excitement in the four corners of the world;

Whereas in January 1956 the plans for the Hollywood Walk of Fame were submitted to the Los Angeles City Council;

Whereas the Los Angeles City Council embraced the idea of the Hollywood Walk of Fame, and subsequently instructed the Board of Public Works to prepare the engineering specifications for the Hollywood Walk of Fame and to create the necessary assessment district to pay for the improvements associated with the Hollywood Walk of Fame;

Whereas the Hollywood Chamber of Commerce established the Hollywood Improvement Association to work with the City of Los Angeles in creating the Hollywood Walk of Fame;

Whereas, while the City of Los Angeles worked on the creation of the assessment district between May 1956 and the fall of 1957, the Hollywood Improvement Association worked on selecting the individuals to be honored by placement of a star in the Hollywood Walk of Fame;

Whereas four categories of stars were established to represent four aspects of the entertainment industry: motion picture, television, recording, and radio;

Whereas, on August 15, 1958, the Hollywood Chamber of Commerce and the City of Los Angeles unveiled eight stars on Hollywood Boulevard at Highland Avenue to demonstrate what the Hollywood Walk of Fame would look like;

Whereas these eight stars honored Olive Borden, Ronald Colman, Louise Fazenda, Preston Foster, Burt Lancaster, Edward Sedgwick, Ernest Torrence, and Joanne Woodward;

Whereas, on February 8, 1960, construction began on the Hollywood Walk of Fame;

Whereas, on March 28, 1960, the first star, awarded to Stanley Kramer, was laid in the Hollywood Walk of Fame;

Whereas, on November 23, 1960, the Hollywood Walk of Fame was dedicated in conjunction with the Hollywood Christmas Parade;

Whereas the Hollywood Walk of Fame was not completed until the spring of 1961, at which time it was accepted by the Board of Public Works and contained 1,558 stars;

Whereas, on May 18, 1962, the Los Angeles City Council approved an ordinance that specified that the Hollywood Chamber of Commerce should advise the City of Los Angeles in all matters pertaining to the addition of stars to the Hollywood Walk of Fame;

Whereas, by May 21, 1975, the date on which Carol Burnett was awarded a star, a total of 99 stars had been added to the original Hollywood Walk of Fame;

Whereas in 1978 the Cultural Heritage Board of the City of Los Angeles designated the Hollywood Walk of Fame as Los Angeles Historic-Cultural Monument Number 194;

Whereas in 1980 entertainer Johnny Grant was awarded a star in the Hollywood Walk of Fame;

Whereas after being awarded the star, Johnny Grant was so enthused about the honor that he involved himself in creating a memorable star ceremony for subsequent star recipients;

Whereas Johnny Grant was the chairman of the Walk of Fame Committee from 1980 until his death in January 2008;

Whereas it was through Johnny Grant's work that the Hollywood Walk of Fame turned into an international icon;

Whereas in 1984, under Johnny Grant's leadership, a fifth category of star, live theater, was added to allow individuals who excelled in all types of live performance to be considered for stars in the Hollywood Walk of Fame;

Whereas when constructed the Hollywood Walk of Fame was designed to accommodate 2,518 stars and by the 1990s space in the most popular areas was difficult to find;

Whereas Johnny Grant approved the creation of a second row of stars in the Hollywood Walk of Fame that would alternate with existing stars;

Whereas, on February 1, 1994, the Hollywood Walk of Fame was extended one block to the west from Sycamore Avenue to La Brea Avenue on Hollywood Boulevard;

Whereas, on February 1, 1994, Sophia Loren was honored with the 2,000th star in the Hollywood Walk of Fame;

Whereas the Hollywood Walk of Fame is a top visitor attraction in the City of Los Angeles; and

Whereas today an average of two stars are added to the Hollywood Walk of Fame each month: Now, therefore, be it

*Resolved*, That the House of Representatives commends and congratulates the Hollywood Walk of Fame on the occasion of its 50th anniversary.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Ms. WATSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Madam Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Madam Speaker, I am grateful for the opportunity to speak today and to vote for H. Res. 1357, a bill I introduced to honor one of the most well-known historical landmarks in the world, the Hollywood Walk of Fame.

For 50 years, the Hollywood Walk of Fame has existed as a tribute to those who have contributed to the unparalleled success of America's entertainment industry. As the chairwoman of the Congressional Entertainment Industries Caucus and a Representative from the City of Los Angeles, I am uniquely aware of the role Hollywood has played in presenting the values, the culture, and the creativity of the United States to audiences around the world. Across the globe, Hollywood means glamour and excitement, and in our district it also means solid jobs and revenue.

In 1953, E.M. Stuart, the president of the Hollywood Chamber of Commerce, came up with the idea of creating the Hollywood Walk of Fame as a tribute to the industry, and on March 28, 1960, filmmaker Stanley Kramer was awarded the first star. Fifty years later, an average of two stars are added each month, and the Walk of Fame has become one of the top visitor attractions in the City of Los Angeles and also a destination in the United States.

I was proud to submit H. Res. 1357 to recognize this important cultural landmark, and I urge my colleagues to vote in support of the resolution.

Madam Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I need to stand in opposition to this. Certainly, the Hollywood Walk of Fame has provided enjoyment for untold numbers of people. It's a great destination. Hollywood is certainly a unique treasure that is unique to the United States of America and specifically southern California.

To my colleagues who wholeheartedly support and endorse and stand behind this resolution, maybe I'm a wet bucket of water on a parade; but I've got to tell you, I just don't feel like it's the proper role of the United States Congress to recognize the Hollywood Walk of Fame on its 50th anniversary.

There are plenty of ways to recognize and to thank and congratulate the stars of Hollywood and the impact that they've had on the American ideal and the American entertainment industry. I just don't feel like it's the proper role of the United States Congress to do this, with all due respect. Recognizing educators, absolutely. We're about to recognize Flag Day, of course. Hollywood Walk of Fame? Maybe not so much.

So with all due respect to the 50-plus colleagues on both sides of the aisle that have supported this resolution, I, for one, as a Representative of the United States Congress, simply cannot stand here and voice my support that this is a good use of the Congress' time. I reserve the balance of my time.

Ms. WATSON. Madam Speaker, I am now proud to yield such time as he may consume to my good friend, my distinguished friend from the State of New York, Representative TOWNS.

Mr. TOWNS. I would like to thank the chair of the subcommittee for yielding time to me because I wanted to respond to a couple of things that my good friend on the other side of the aisle said. First of all, I know him. I know that he's a very dedicated and committed human being—and of course outstanding kicker in his day, and of course set records as a kicker. I think that he probably misunderstood what this bill is named. It's the Hollywood "Walk" of Fame. I want to make certain that he understands that. And many people who have walked there have contributed so much to society, contributed so much to organizations.

When you look back and you see in terms of the contributions that these people have made, then I think that my colleague would probably review it and probably would withdraw his objections. When you look at the amount of money they've given to breast cancer, when you look at the amount of money they've given to AIDS and all these diseases that we need to do extensive research on, that people that have walked these streets and walked the Hollywood Walk of Fame, when we think about the things that they've done, then I really feel that if he did, he would say wait a minute.

You know, every now and then we make a mistake or we say some things that we wish we had not said, and I think this is the situation now with my colleague because if you think about the Hollywood Walk of Fame and the contributions of the people that are listed on the Hollywood Walk of Fame, then I really feel that he would join us in supporting this legislation.

On that note, I ask my good friend on the other side of the aisle to reconsider.

Mr. CHAFFETZ. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, Chairman TOWNS is one of my favorite people. I have really come to grow and appreciate him; I just happen to disagree with him on this.

There are a lot of people on the Hollywood Walk of Fame who have done some amazing and great things, and for that they should be congratulated, but not necessarily from the United States Congress. There are a whole lot of people on that Walk of Fame we probably shouldn't recognize in any way, shape or form.

The point I'm trying to make is there is a certain segment of our population, from the entertainment industry and those involved in sports, that gets more adulation from the public than they could possibly take, and yet we have true heroes, real heroes who don't get an ounce of appreciation from this body that really do deserve it.

The other day I was watching television—this was just recently—and there was a National Guardsman who pulled around a corner—and I can't remember what State it was, I want to say it was the State of Washington, but I could be wrong on that. All of a sudden, there was a truck that had overturned in a river, and suddenly this guy found himself in a situation where there is somebody who is struggling for his life. He and a few other people, just citizens who woke up that morning and had no idea that they were going to be the heroes that day, went down that river, they smashed open that window, they grabbed a rope and saved this person's life. Where are the recognitions for those true heroes?

I don't think Sophia Loren needs any more congratulations from the United States Congress. And as important as it is to the economy in southern California—I've got an amusement park in northern Utah called the Lagoon. I'm not coming to the United States Congress asking for recognition of it.

Mr. TOWNS. Will the gentleman yield?

Mr. CHAFFETZ. Sure, I would be happy to yield.

Mr. TOWNS. When I think about the Hollywood Walk of Fame, I think about the man who signed the Martin Luther King Holiday bill by the name of Ronald Reagan. He's on the Hollywood Walk of Fame. I just want the gentleman to know that.

Mr. CHAFFETZ. Reclaiming my time, good point. I'm happy to recognize Ronald Reagan, and I appreciate your support. I'll bring a resolution at some point recognizing Ronald Reagan. There's a corner worth standing on. Thank you, Mr. Chairman.

Look, these issues come before the United States Congress. I think there is a time and a place to recognize significant achievements within the United States of America. I am going to ask for a recorded vote on this. It will be an interesting question.

My point is, the economy is struggling; we've got real issues out there. Like I said, there is a time and a place to make these kinds of recognitions. I just don't know that this rises to the same level as recognizing teachers or nurses who hold people's hand as they are there in the final days of their lives.

There are a lot of things that I think we could unanimously look at and recognize. I, for one, don't think that Hollywood needs more recognition. And with all due respect, I, for one, at least will be voting against this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. WATSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I proudly come before this body representing the United States members from all over this country because I think Hollywood reflects who we are as a people. And I heard and I am so pleased that my colleague, Representative TOWNS, mentioned that the legendary and iconic President, Ronald Reagan, has a star on the Walk of Fame. I also want everyone listening to know, Madam Speaker, that Senator Fred Thompson, who was a star of a crime series over a period of years, has a star on the Walk of Fame and even ran for President of the United States. And I want you to know, Madam Speaker and my colleagues, that Governor Arnold Schwarzenegger, The Terminator, has a star on the walk of fame. He is a Republican and proudly serves as a Republican. He represents the great State of California where Hollywood is.

I want you to know that I recently took down to South Africa, Madam Speaker, a project named after a gentleman who was the face of Hollywood, because I was told several years ago that they were getting ready to close the Rosa Parks Library and Information in Cape Town South Africa. That is the information center attached to our embassy, the U.S. Embassy. They were going to close it down because they said the Cold War was over.

□ 1415

So I took 100 of America's best and loved films, films which are loved all over the world, which show our principles, our values, our beliefs, and our humanity, because everyone is influenced by our movies.

I also want to say, Madam Speaker, that, as our image has been tarnished, I feel that our classic movies and the people who starred in those movies, who have stars on the Walk of Fame, could be recognized in other countries and could help improve our image.

So I would hope that all Members, Madam Speaker, recognize that they represent the people of America, and I would hope that the Members here will vote to support an industry that really speaks to the world about our mores, our principles, our great talents, and our arts. It is an industry that speaks proudly and distinctly to the rest of the world. So I would hope that we would have, really, a unanimous vote on celebrating, through this resolution, the Walk of Fame.

I have no further requests for time, and I reserve the balance of my time.

Mr. CHAFFETZ. I yield myself such time as I may consume.

Madam Speaker, look, there are lots of reasons America and the world like Hollywood. I just don't believe, in my

heart of hearts, that the United States Congress, in a resolution by the House of Representatives, is the right way to recognize the Hollywood Walk of Fame.

From my vantage point, you certainly don't look to the Hollywood Walk of Fame or to Hollywood in general for the principles and values that are representative of the United States of America. That Paul Reubens' Pee-wee Herman has a star on the Hollywood Walk of Fame is a far cry from Ronald Reagan's having a star.

Again, I am just one voice here in this body, but I've got to tell you, as to the people I represent, I'll have a hard time going back to them, saying, You know what? I did the work of the people, and I'm back there, spending the people's money, and we recognized the Hollywood Walk of Fame. I just can't do it.

Again, with all due respect, there are a lot of good Members back there, and that might be an interesting debate to take the few thousand people and go back and forth. I'm going to start with Paul Reubens, and I appreciate your starting with Ronald Reagan. Somewhere in between is probably the right answer.

We need to get on with the Nation's business, with the debt and with the other crises that we are dealing with. That is my point with this, Madam Speaker. I won't take any more of the people's time.

I yield back the balance of my time.

Mr. WAXMAN. Madam Speaker, I rise today to express my strong support for H. Res 1357, a resolution congratulating the Hollywood Walk of Fame on the occasion of its 50th anniversary.

The star-studded sidewalks at Hollywood Boulevard and Vine Street are an iconic symbol of the American entertainment industry. First envisioned by former Hollywood Chamber of Commerce President E.M. Stuart, the Hollywood Walk of Fame today prominently fulfills its mission to maintain "the glory of a community whose name means glamour and excitement in the four corners of the world."

Since its inception in 1960, over 2,000 individuals have been awarded stars on the walk in the categories of motion picture, television, music, radio broadcasting, and theater. Individually, these stars honor the talents and extraordinary achievements of artists as varied as Sidney Poitier, Carol Burnett, Elvis Presley, Gloria Estefan and Bob Hope. Collectively, the Hollywood Walk of Fame celebrates an entertainment industry that is an engine of creativity and ingenuity and an emblem of American culture at home and abroad.

Today, our Nation is proud to honor the Hollywood Walk of Fame, which attracts an estimated 10 million visitors a year, and its development as a lively hub for tourism and a thriving monument. It is most certainly a destination worth visiting and commemorating.

Ms. WATSON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1357.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. WATSON. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### SUPPORTING GOALS AND IDEALS OF FLAG DAY

Ms. WATSON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1429) celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1429

Whereas Flag Day is celebrated annually on June 14, the anniversary of the official adoption of the American flag by the Continental Congress in 1777;

Whereas, on June 14, 1777, in order to establish an official flag for the new Nation, the Continental Congress passed the first Flag Act, which stated, "Resolved, That the flag of the United States be made of thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new Constellation";

Whereas the second Flag Act, signed January 13, 1794, provided for 15 stripes and 15 stars after May 1795;

Whereas the Act of April 4, 1818, which provided for 13 stripes and one star for each State, to be added to the flag on July 4 following the admission of each new State, was signed by President James Monroe;

Whereas in an Executive order dated June 24, 1912, President William Howard Taft established the proportions of the flag and provided for arrangement of the stars in 6 horizontal rows of 8 each, a single point of each star to be upward;

Whereas in an Executive order dated January 3, 1959, President Dwight D. Eisenhower provided for the arrangement of the stars in 9 rows staggered horizontally and 11 rows of stars staggered vertically;

Whereas the first celebration of the American flag is believed to have been introduced by Bernard Cigrand, a Wisconsin school teacher, who arranged for his pupils at Stony Hill School in Waubesa to celebrate June 14 as "Flag Birthday" in 1885;

Whereas, on June 14, 1894, the Governor of New York ordered that the American flag be displayed at all public buildings in the State, prompting many State and local governments to begin observing Flag Day;

Whereas President Woodrow Wilson proclaimed the first nationwide Flag Day in 1916;

Whereas in 1947, President Harry S. Truman signed legislation requesting National Flag Day be observed annually;

Whereas the United States flag is a symbol of our great Nation and its ideals;

Whereas in times of national crisis, Americans look to the United States flag as a symbol of hope, courage, and freedom;

Whereas the United States flag is universally honored;

Whereas the United States flag honors the men and women of the Armed Forces who have given their life in the defense of the United States;

Whereas the United States flag serves as a treasured symbol of the loss of loved ones to the countless families of those who died in defense of our Nation; and

Whereas June 14, 2010, is recognized as Flag Day: Now, therefore, be it

*Resolved*, That the House of Representatives celebrates the United States flag and supports the goals and ideals of Flag Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Ms. WATSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. I yield myself such time as I may consume.

Madam Speaker, H. Res. 1429 celebrates our Nation's most enduring symbol: the American flag. With this resolution, this Chamber expresses its support for the annual recognition of Flag Day.

The gentleman from Ohio, Representative ROBERT LATTA, introduced H. Res. 420 on June 9, 2010. It was referred to the Committee on Oversight and Government Reform, which waived consideration of the bill to expedite its consideration on the floor today.

We celebrate Flag Day on June 14, the anniversary of the Continental Congress' passage of the first Flag Act in 1777. The flag is our symbol—a symbol of hope, courage, and freedom. All around the world, it represents the American people and our highest ideals. We, the people, have always looked to our flag as a symbol of hope, courage, and freedom, and for over 100 years, we have celebrated it each June.

As stated in this bill, the first celebration of the American flag is believed to have been introduced by Bernard Cigrand, a Wisconsin schoolteacher, who arranged for his pupils to celebrate June 14 as Flag Day in 1885. In 1947, President Truman signed legislation requesting that Flag Day be observed nationally each year, formalizing the tradition of annual Flag Day celebrations.

The flag honors the countless men and women of the Armed Forces who

have died serving to defend the United States. It is a lasting symbol of their sacrifice. As public servants, we rightly pledge our allegiance to the flag each day as do millions of Americans.

As we remember who we serve here in this Chamber, the flag stands before the entire world as a symbol of our shared values, our hopes, our aspirations, and our ideals each day of the year, and I am glad that we take this time each June to celebrate that fact.

Madam Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I yield such time as he may consume to the sponsor of this legislation, the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. I thank the gentleman from Utah for yielding.

Madam Speaker, I am pleased to stand before you today in support of House Resolution 1429. This resolution celebrates the symbol of the United States, and it supports the goals and ideals of Flag Day.

Flag Day is celebrated on June 14, which was the anniversary of the official adoption of the American flag by the Continental Congress in 1777. This was done by the first Flag Act, which stated, "Resolved, that the flag of the United States be made of 13 stripes, alternating red and white, that the Union be 13 stars, white in a blue field, representing a new constellation."

Since 1777, our flag's design has been altered three times under Executive orders, rearranging the design of the stars and the stripes each time a State was added.

To reiterate what the gentlewoman has stated, the first celebration of Flag Day is believed to have been introduced by Bernard Cigrand, a Wisconsin schoolteacher, who arranged for his students at Stony Hill School to celebrate June 14 as Flag Birthday in 1885.

President Woodrow Wilson proclaimed the first nationwide Flag Day in 1916. In 1947, President Harry Truman signed legislation requesting National Flag Day be observed annually.

Flag Day is an important holiday as our flag is the official symbol for our great Nation and its ideals. Our flag serves as a beacon of hope, courage, and freedom during times of crisis and triumph alike.

The flag honors the men and women of the Armed Forces who have paid the ultimate sacrifice in defending the United States, and it serves as a symbol to those families who have lost loved ones while defending our Nation.

Madam Speaker, it is with great honor that I ask for unanimous consent on H. Res. 1429 as we celebrate our Nation's flag.

Ms. WATSON. I yield myself such time as I may consume.

Madam Speaker, each one of our States proudly flies its own flag, but the flag that reigns supreme flies above ours. In each one of our offices here in

the Capitol, we have the flags from our States or from our territories and the flag of the United States.

I proudly say that the flag of California has a bear on it because we are the last frontier, and the strength of the bear represents the strength of our State. Also, current Governor Arnold Schwarzenegger is one of those who serves under the California flag, and he has his star on the Walk of Fame.

So I am so proud that the flag that the Speaker stands in front of in this Chamber and that adorns this Chamber is the flag that we celebrate. Every single American and every single person who lives in our country pays homage to our flag by flying it high.

I again urge all of my colleagues, Madam Speaker, to join me in supporting this measure.

I reserve the balance of my time.

Mr. CHAFFETZ. I yield myself such time as I may consume.

All right. Now, this bill is actually something I can get excited about and that I'm sure we can be in unison on. So I hope Chairman TOWNS, wherever he might be, hears that loud and clear.

Madam Speaker, I rise today in support of House Resolution 1429, celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day.

The American flag has been our national symbol for 233 years, and it remains a symbol of freedom wherever it is flown. Since 1777, when the Second Continental Congress adopted the Stars and Stripes, our flag has stood for liberty and justice.

Flag Day was first celebrated throughout the country in 1885, as one early supporter, Bernard Cigrand, a Wisconsin schoolteacher, wanted June 14 to be known as "Flag Birthday." The idea quickly caught on, and many people wanted to participate. In 1894, the Governor of New York asked that all public buildings fly the flag on June 14 to begin observing Flag Day. In 1916, President Woodrow Wilson proclaimed Flag Day as a national celebration. However, the holiday was not officially recognized until 1949 when President Harry Truman signed the National Flag Day bill.

Since the beginning of our Republic, Americans have flown the flag to show their appreciation and pride for this great Nation. Every day, Americans pledge their allegiance to the flag, and our troops carry the flag as they defend the liberties for which it stands. On Flag Day, we remember the importance of our oldest national symbols, and we reflect on the loss of loved ones who died in defense of our Nation.

Let us pledge allegiance to this flag, to declare our patriotism and to raise its colors high to express our pride and respect for the American way of life and for the freedom that it represents.

Madam Speaker, I urge my colleagues to support this resolution, and I yield back the balance of my time.

Ms. WATSON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1429.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. WATSON. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1430

# GOVERNMENT EFFICIENCY, EFFECTIVENESS, AND PERFORMANCE IMPROVEMENT ACT OF 2010

Ms. WATSON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2142) to require the review of Government programs at least once every 5 years for purposes of assessing their performance and improving their operations, and to establish the Performance Improvement Council, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2142

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Government Efficiency, Effectiveness, and Performance Improvement Act of 2010”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Agency defined.
- Sec. 4. Sense of Congress regarding the need for increased consultation between Congress and Federal agencies on performance management issues.
- Sec. 5. Performance assessments.
- Sec. 6. Strategic planning amendments.
- Sec. 7. Improving Government performance.
- Sec. 8. Assessments and reports.
- Sec. 9. Additions to performance plan.
- Sec. 10. Savings.
- Sec. 11. Funding.

## SEC. 2. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress finds the following:

(1) Weaknesses in established management processes pertaining to the use of information about the performance of Federal agencies undermine the confidence of the American people in the Government and reduce the Federal Government's ability to adequately address public needs.

(2) To restore the confidence of the American people in its Government and to increase the Federal Government's ability to adequately address vital public needs, the Federal Government must continually seek

to improve the effectiveness, efficiency, and accountability of Federal programs.

(3) With the passage of the Government Performance and Results Act of 1993, Congress directed the executive branch to seek improvements in the performance and accountability of Federal programs by having agencies focus on strategic objectives and annual results.

(4) The requirements of the Government Performance and Results Act of 1993 have produced an infrastructure of outcome-oriented strategic plans, performance measures, and accountability reporting that serve as a solid foundation for agencies working with Congress to achieve long-term strategic goals and improve the performance of Federal programs; use of those plans and reports to improve outcomes has, however, been limited.

(5) Congressional policy making, spending decisions, and program oversight have been handicapped by insufficient attention to program performance and results.

(6) While improvements have been made in the development of outcome-oriented strategic plans, performance measures, and accountability reporting for individual programs, progress is still needed to ensure that agency leaders, employees, and delivery partners regularly use performance information to improve the effectiveness and efficiency of government operations and to communicate performance information coherently and candidly to inform congressional decision-making in conducting program authorization, appropriation, and oversight.

(7) Regular performance assessments, complemented by periodic assessments of Federal programs, provide critical information on whether programs are achieving specific performance objectives, help Congress and the executive branch identify the most pressing policy and program issues, and determine if specific legislative, operational, financial, or strategic reforms are needed to increase program effectiveness and efficiency.

(8) Programs performing similar or duplicative functions within a single agency or across multiple agencies should be identified and their performance and results shared among all such programs to improve coordination or possible consolidation and, ultimately, performance and results.

(9) The performance reporting requirements of the Government Performance and Results Act of 1993, along with individual performance and accountability reporting requirements contained in legislation, are in some cases redundant, and steps should be taken to eliminate duplicative performance policies and to streamline outdated and unused reports.

(b) **PURPOSES.**—The purposes of this Act are as follows:

(1) To improve the Government Performance and Results Act of 1993 by implementing performance assessment processes that seek to assess Federal programs on a periodic basis with a particular focus on the following:

(A) Identification by agency leaders of clear priorities and setting of outcome-focused, measurable, ambitious targets for those priorities.

(B) Regular goal-focused, data driven performance assessments to measure progress and adjust strategies.

(C) Accountability expectations that encourage managers to innovate, informed by evidence and analysis of experience.

(D) Transparent, coherent, and candid communication of results.

(2) To use relevant performance and related information to help agencies make in-

formed management decisions, improve the effectiveness of agency and program operations (particularly for those programs, projects, and activities that are deemed poorly performing), and submit funding requests based on evidence and other relevant information.

(3) To provide congressional policy makers with information needed to conduct more effective oversight and assist in the improvement of agency operations, and to make performance-informed and results-based authorization and appropriation decisions that improve the effectiveness of program operations.

(4) To establish the Performance Improvement Council as a body that will assist in the development of performance measurement and management standards and assessment methodologies, identify best practices in Federal performance management, facilitate the exchange of information among agencies on these practices, and collaborate on and strengthen the effectiveness of agency performance improvement efforts.

(5) To establish agency performance improvement officers to institutionalize and enhance the strategic and performance management activities of Federal agencies.

## SEC. 3. AGENCY DEFINED.

In this Act, the term “agency” means an executive agency as defined in section 306 of title 5, United States Code.

## SEC. 4. SENSE OF CONGRESS REGARDING THE NEED FOR INCREASED CONSULTATION BETWEEN CONGRESS AND FEDERAL AGENCIES ON PERFORMANCE MANAGEMENT ISSUES.

It is the sense of Congress that the head of each Federal agency should make every effort to consult with the committees with jurisdiction over the agency and other interested members of Congress each fiscal year regarding the performance plan and priorities of the agency (required by sections 1115 and 1120 of title 31, United States Code).

## SEC. 5. PERFORMANCE ASSESSMENTS.

(a) **REQUIREMENT FOR PERFORMANCE ASSESSMENTS.**—Chapter 11 of title 31, United States Code, is amended by adding at the end the following new section:

### “§ 1120. Performance assessments

“(a) **IDENTIFICATION OF HIGH-PRIORITY PERFORMANCE GOALS.**—For the purpose of improving agency performance, the head of each Federal agency, in consultation with the Director of the Office of Management and Budget, shall identify near-term and long-term high-priority goals for purposes of this section. In identifying such goals, the head of the agency shall—

“(1) rely on the agency's mission, strategic plan and objectives, and statutory directives;

“(2) consult with Congress, including each appropriate committee of Congress;

“(3) select goals that—

“(A) clearly identify agency priorities and have performance outcomes that can be clearly and objectively assessed and measured;

“(B) are ambitious targets that have high direct value to the public;

“(C) involve indicators for which the agency can collect reliable and timely data that may be used in performance assessments to measure progress and adjust strategies; and

“(D) involve multiple programs, including programs within and across multiple agencies that are performing similar functions, serve similar populations, have similar purposes, or share common objectives, for purposes of identifying common challenges, exemplary goals and practices, common measures of performance, and potential opportunities for more effective and efficient means

of achieving goals, including through the integration and consolidation of Federal functions; and

“(4) with respect to a subcomponent of the agency, ensure the goals are consistent with the goals of the entire agency.

“(b) PERFORMANCE ASSESSMENTS.—The head of each Federal agency, in consultation with the Director of the Office of Management and Budget, shall, not less often than quarterly for high-priority goals identified in subsection (a), and on a semi-annual basis for performance goals established pursuant to section 1115(a)(1) of this title—

“(1) assess progress toward achieving the goals identified under subsection (a) and toward achieving the annual performance goals for each program activity established pursuant to section 1115(a)(1) of this title;

“(2) assess whether relevant agency programs and initiatives are contributing as expected toward the goals identified under subsection (a) and the annual performance goals for each program activity established pursuant to section 1115(a)(1) of this title; and

“(3) identify prospects and strategies for performance improvement, including any needed changes to agency programs or initiatives.

“(c) PERFORMANCE ASSESSMENT REQUIREMENTS.—In conducting an assessment of agency progress toward achieving the goals identified under subsection (a) and toward achieving the annual performance goals for each program activity established pursuant to section 1115(a)(1) of this title, the head of a Federal agency, in consultation with the Director of the Office of Management and Budget, shall—

“(1) coordinate with relevant personnel within and outside the agency who contribute to the accomplishment of the goals; and

“(2) encourage innovation and hold leaders and managers accountable for effective and efficient implementation based on evidence and continuing analysis of experience.

“(d) TRANSPARENCY OF GOALS AND PERFORMANCE ASSESSMENTS.—The Director of the Office of Management and Budget shall—

“(1) make available, as part of the President's budget submission and through the Office of Management and Budget website and other relevant websites, and provide to the congressional committees described in subsection (i)—

“(A) a list of goals identified under subsection (a) and reviewed by the Director;

“(B) consistent with section 1115 of this title, annual goals defined by objectively measurable outcomes for each program administered in whole or in part by the agency;

“(C) the methods that will be used to make progress toward achieving the goals identified under subparagraphs (A) and (B);

“(D) the expected contribution that different agency programs and initiatives will make toward achieving the goals identified under subparagraphs (A) and (B) and the expected timeline for achieving those goals; and

“(E) the approach that will be used by agencies to assess progress toward achieving the goals identified under subparagraphs (A) and (B);

“(2) provide a mechanism for interested persons, including the general public and members and committees of Congress, to submit comments on the goals being assessed under subsection (a) and the annual performance goals for each program activity established pursuant to section 1115(a)(1) of this title and the methods that will be used to make progress toward achieving those goals;

“(3) provide a mechanism for agency delivery to and consideration of comments provided under paragraph (2) by each relevant agency and adjustment of goals under subsection (a) and the annual performance goals for each program activity established pursuant to section 1115(a)(1) of this title based on the comments, with approval of the Director; and

“(4) make available through the Office of Management and Budget website a summary of comments received under paragraph (2), any adjustment of goals under paragraph (3), and any changes to goals required by the Office of Management and Budget.

“(e) TRANSPARENCY OF PERFORMANCE RESULTS.—(1) The head of an agency shall ensure that all results of the assessments conducted under this section by the agency during a fiscal year shall be readily accessible to and easily found on the Internet by the public and members and committees of Congress in a searchable, machine readable format, in accordance with guidance provided by the Director of the Office of Management and Budget that ensures such information is provided in a way that presents a coherent picture of the performance of Federal agencies. At a minimum, the results of the assessments conducted under this section shall be available on the website of the Office of Management and Budget and also may be made available on any other website considered appropriate by the agency or the Director. The Director shall also notify the appropriate committees of Congress when quarterly assessments become available on the Internet.

“(2) The performance information related to the assessments of goals in this section and section 1115 of this title shall—

“(A) include—

“(i) a brief summary of the problem or opportunity being addressed and reasons for identifying these agency goals as well as key findings of the assessments;

“(ii) a list of each program and agency contributing to achievement of the goal and the time frame for such contributions;

“(iii) an assessment of the quality of the performance measures, and the extent to which necessary performance data are collected;

“(iv) a description of how leaders and managers are held accountable for achieving program results, and the extent to which strong financial management tools are in place;

“(v) contextual indicators that provide a sense of external factors that can influence performance trends related to key outcomes;

“(vi) as appropriate, indicators that provide information about the population being served and to the extent possible, the impact on disadvantaged and minority communities and individuals;

“(vii) factors affecting the performance of programs, projects, and activities and how they are impeding or contributing to failures or successes of the programs, projects, and activities, and the reasons for any substantial variation from the targeted level of achievement of the goals;

“(viii) the process used by the agency to assess progress made toward achieving the goals; and

“(ix) such other items and adjustments as may be specified by the Director;

“(B) describe the extent to which any trends, developments, or emerging conditions affect the need to change the mission of programs being carried out to achieve the goal;

“(C) identify, as part of any performance assessment, practices that resulted in posi-

tive outcomes, and the key reasons why such practices resulted in positive outcomes; and

“(D) include recommendations for actions to improve results, including opportunities that might exist for the coordination, consolidation, or integration of programs to improve service or generate cost savings.

“(3) The head of each agency shall—

“(A) use, as necessary and appropriate, a variety of assessment methods to support performance assessments, including methods contained in reports from evaluation centers, in assessments by States, and in available Federal program assessments;

“(B) maintain an archive of information required to be disclosed under this section that is, to the maximum extent practicable, readily available, accessible, and easily found by the public; and

“(C) consider the relevant comments submitted under subsection (d)(2).

“(f) CLASSIFIED INFORMATION.—(1) With respect to performance assessments conducted during a fiscal year that contain classified information, the President shall submit—

“(A) each quarterly performance assessment (including the classified information), to the appropriate committees of Congress; and

“(B) an appendix containing a list of each affected goal and the committees to which a copy of the performance assessment was submitted under subparagraph (A), to the congressional committees described in subsection (i).

“(2) Upon request from a congressional committee described in subsection (i), the Director of the Office of Management and Budget shall provide to the Committee a copy of—

“(A) any performance assessment described in subparagraph (A) of paragraph (1) (including any assessment not listed in any appendix submitted under subparagraph (B) of such paragraph); and

“(B) any appendix described in subparagraph (B) of paragraph (1).

“(3) In this subsection, the term ‘classified information’ refers to matters described in section 552(b)(1)(A) of title 5.

“(g) INHERENTLY GOVERNMENTAL FUNCTIONS.—The functions and activities authorized or required by this section shall be considered inherently governmental functions and shall be performed only by Federal employees.

“(h) REPORT STREAMLINING.—To eliminate redundancy, the head of an agency may determine each year, subject to the approval of the Director of the Office of Management and Budget and provided that it meets the requirements of this section and sections 1115, 1116, 1117, 1121, and the first 9703 of this title, that the performance information provided to the public on the Internet is sufficient to meet the planning and reporting requirements of such sections.

“(i) CONGRESSIONAL COMMITTEES.—The congressional committees described in this subsection are the following:

“(1) The Committee on Oversight and Government Reform of the House of Representatives.

“(2) The Committee on Homeland Security and Governmental Affairs of the Senate.

“(3) The Committees on Appropriations of the House of Representatives and the Senate.

“(4) The Committees on the Budget of the House of Representatives and the Senate.

“(j) DEFINITIONS.—In this section:

“(1) AGENCY PERFORMANCE IMPROVEMENT OFFICER.—The term ‘agency performance improvement officer’ means a senior executive of an agency who is designated by the head

of the agency, and reports to the head of the agency, the agency Deputy Secretary, or such other agency official designated by the head of the agency, to carry out the requirements of this section.

“(2) **PERFORMANCE INFORMATION.**—The term ‘performance information’ means the results of assessments conducted under this section.

“(k) **CONSTRUCTION.**—Nothing in this section shall be construed as requiring the head of an agency to perform impact evaluations that estimate quantitatively, for one or more variables, the effect a program or policy had compared to what may have otherwise happened.”.

(b) **PERFORMANCE ASSESSMENTS TO BE CONSIDERED IN EVALUATING SENIOR EXECUTIVES.**—Section 4313 of title 5, United States Code, is amended (in the matter before paragraph (1)) by striking “organizational performance,” and inserting the following: “organizational performance (including such reviews of agency performance, conducted under section 1120 of title 31, as are relevant),”.

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 11 of title 31, United States Code, is amended by adding at the end the following:

“1120. Performance assessments.”.

#### **SEC. 6. STRATEGIC PLANNING AMENDMENTS.**

(a) **CHANGE IN DEADLINE FOR STRATEGIC PLAN.**—Subsection (a) of section 306 of title 5, United States Code, is amended by striking “No later than September 30, 1997,” and inserting “Not later than September 30 of the second year following a year in which an election for President occurs, beginning with September 30, 2010.”.

(b) **CHANGE IN PERIOD OF COVERAGE OF STRATEGIC PLAN.**—Subsection (b) of section 306 of title 5, United States Code, is amended to read as follows:

“(b) Each strategic plan shall cover the four-year period beginning on October 1 of the second year following a year in which an election for President occurs.”.

#### **SEC. 7. IMPROVING GOVERNMENT PERFORMANCE.**

(a) **IMPROVING GOVERNMENT PERFORMANCE.**—Chapter 11 of title 31, United States Code, as amended by section 5, is further amended by adding at the end the following new section:

##### **“§ 1121. Improving Government performance**

“(a) **DUTIES OF AGENCY PERFORMANCE IMPROVEMENT OFFICERS.**—Subject to the direction of the head of the agency, each agency performance improvement officer shall—

“(1) advise and assist the head of the executive agency and other agency officials to ensure that the mission of the executive agency is achieved through performance planning, measurement, analysis, and regular assessment of progress, including the requirements of this section and sections 1115, 1116, 1117, 1120, and the first 9703 of this title and section 306 of title 5;

“(2) advise the head of the agency on the selection of agency goals, including opportunities to collaborate with other agencies on common goals, and on whether—

“(A) the performance targets required under section 1115 of this title and the strategic plans required under section 306 of title 5 are—

“(i) sufficiently aggressive toward full achievement of the purposes of the agency; and

“(ii) realistic in light of authority and resources provided for operations; and

“(B) means for measurement of progress toward achievement of the goals are suffi-

ciently rigorous, aligned to outcomes, useful, and accurate as appropriate to the intended use of the measures;

“(3) support the head of the agency, agency Deputy Secretary, or such other agency senior official designated by the head of the agency in the conduct of at least quarterly performance assessments, while strengthening the performance management activities of the entire agency (including sub-components) through at least quarterly performance assessments to—

“(A) assess progress toward achievement of the goals administered in whole or in part by the agency, as well as any goals common to that agency and other agencies;

“(B) identify factors affecting progress and benchmarking comparisons;

“(C) consider actions to improve the performance and efficiency of programs, projects, and activities; and

“(D) hold leaders and managers accountable for effective and efficient implementation and for adjusting agency actions based on evolving evidence;

“(4) assist the head of the agency in the development and use within the agency of performance measures in personnel performance appraisals, and, as appropriate, other agency personnel and planning processes and assessments;

“(5) assist the head of the agency in overseeing the implementation required under section 1120 of this title;

“(6) ensure that agency progress toward achievement of all goals is communicated to leaders, managers, and employees in the agency and Congress, and made public on the Internet; and

“(7) provide training for agency managers, program directors, supervisors, and employees on how to use performance targets, measure key performance indicators, assess programs, and analyze data to improve performance.

“(b) **ESTABLISHMENT AND OPERATION OF PERFORMANCE IMPROVEMENT COUNCIL.**—

“(1) There is established in the executive branch a Performance Improvement Council.

“(2) The Performance Improvement Council shall consist exclusively of—

“(A) the Deputy Director for Management of the Office of Management and Budget, who shall serve as Chair;

“(B) such agency performance improvement officers as determined appropriate by the Chair; and

“(C) such other permanent employees of an agency as determined appropriate by the Chair in consultation with the agency concerned.

“(3) The Chair or the Chair’s designee shall convene and preside at the meetings of the Performance Improvement Council, determine its agenda, direct its work, and establish and direct subgroups of the Performance Improvement Council, as appropriate to deal with particular subject matters.

“(4) To assist in implementing the requirements of sections 1105, 1115, 1116, 1117, 1120, and the first 9703 of this title and section 306 of title 5, the Performance Improvement Council shall—

“(A) develop and submit to the Director of the Office of Management and Budget, or when appropriate to the President through the Director of the Office of Management and Budget, at times and in such formats as the Chair may specify, recommendations concerning—

“(i) performance management policies and requirements;

“(ii) criteria for assessment of program, project, and activity performance; and

“(iii) how the goals required by section 1120(a) of this title can inform the Federal Government performance plan required by section 1105(a)(28) of this title, and lead to improved results from and interagency coordination of programs that perform similar functions;

“(B) facilitate the exchange among agencies of information on performance management, including strategic and annual planning and reporting, to accelerate improvements in performance;

“(C) monitor the performance assessment process required under section 1120 of this title;

“(D) facilitate keeping members and committees of Congress and the public informed, and with such assistance of heads of agencies and agency performance improvement officers as the Director of the Office of Management and Budget may require, provide members and committees of Congress and the public with information on the Internet on how well each agency performs and that serves as a comprehensive source of information on—

“(i) agency strategic plans;

“(ii) annual performance plans and annual performance reports;

“(iii) performance information required under section 1120 (d) of this title;

“(iv) the status of the implementation of performance assessments required under section 1120 of this title;

“(v) relevant impact and process assessments; and

“(vi) consistent with the direction of the head of the agency concerned after consultation with the Director of the Office of Management and Budget, any publicly available reports by the agency’s Inspector General concerning agency program performance;

“(E) monitor implementation by agencies of the policy set forth in sections 1115, 1116, 1117, 1120, and the first 9703 of this title and section 306 of title 5 and report thereon from time to time as appropriate to the Director of the Office of Management and Budget, or when appropriate to the President through the Director of the Office of Management and Budget, at such times and in such formats as the Chair may specify, together with any recommendations of the Council for more effective implementation of such policy;

“(F) obtain information and advice, as appropriate, in a manner that seeks individual advice and does not involve collective judgment or consensus advice or deliberation, from—

“(i) State, local, territorial, and tribal officials;

“(ii) representatives of entities or other individuals; and

“(iii) members and committees of Congress;

“(G) coordinate with other interagency management councils; and

“(H) make recommendations to Congress on duplicative, unused, or outdated performance policies or reporting requirements.

“(5)(A) The Administrator of General Services shall provide administrative and other support for the Council to implement this section.

“(B) The heads of agencies shall provide, as appropriate and to the extent permitted by law, such information and assistance as the Chair may request to implement this section.

“(c) **ADDITIONAL DUTIES OF THE COUNCIL.**—The Council—

“(1) shall develop a website for Federal agency performance information;

“(2) shall link program performance information to program spending information on the website [www.USASpending.gov](http://www.USASpending.gov); and

“(3) shall submit a report to Congress on the feasibility of creating a single web-based platform for all Government spending information and all program performance information.”.

(b) GUIDANCE.—Not later than 6 months after the date of the enactment of this Act, the Director of the Office of Management and Budget shall prescribe guidance to implement the requirements of section 1120 and 1121 of title 31, United States Code, as added by subsection (a).

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) Section 1115(g) of title 31, United States Code, is amended by striking “1119” and inserting “1121”.

(2) The table of sections at the beginning of chapter 11 of title 31, United States Code, is amended by adding at the end the following: “1121. Improving Government performance.”.

#### SEC. 8. ASSESSMENTS AND REPORTS.

(a) ASSESSMENTS.—

(1) IN GENERAL.—No less frequently than the first, third, and fifth year after the date of the enactment of this Act, and thereafter every three years and at such other times as may be requested by Congress, the Comptroller General of the United States shall assess the implementation of this Act by the Director of the Office of Management and Budget and the agencies described in section 901(b) of title 31, United States Code, with emphasis on the matters specified in paragraph (2).

(2) MATTERS TO BE ASSESSED.—The matters to be assessed under paragraph (1) shall include, with respect to the fiscal year covered by the assessment:

(A) Whether the selection of goals, identified pursuant to section 1120(a) of title 31, United States Code, as added by section 5, and established pursuant to section 1115 of such title, is tied to performance outcomes that can be objectively assessed and measured and have a high direct value to the public.

(B) The use of agency performance goals and measures and program assessments to improve performance and ensure taxpayer dollars are spent in an efficient and effective manner, including the need to streamline or enhance Federal programs or initiatives to maximize the likelihood of accomplishing such performance goals.

(C) The use of agency performance goals, identified pursuant to section 1120(a) of title 31, United States Code, as added by section 5, and established pursuant to section 1115 of such title, and measures to clearly communicate performance priorities and results to the public.

(D) How any revision of goals, identified pursuant to section 1120(a) of title 31, United States Code, as added by section 5, and established pursuant to section 1115 of such title, has contributed to the effectiveness of agency and program performance.

(E) The tracking of program performance toward achieving identified goals and the contribution of such tracking to agency performance improvement.

(F) The use of input from Congress and the public in the assessment of programs and in the identification and assessment of goals.

(G) The use of the archive of information referred to in section 1120(e)(3)(B) of title 31, United States Code, to create a coherent, longitudinal picture of the performance of agencies and programs over time.

(H) Best practices of agencies.

(I) Whether the annual performance plan established pursuant to section 1115 of title 31, United States Code, conforms with the requirements for such plans described in paragraphs (1) through (11) of section 1115(a) of such title.

(J) The progress each agency has made in achieving the goals identified pursuant to section 1120(a) of title 31, United States Code, as added by section 5, and established pursuant to section 1115 of such title.

(b) REPORTS.—The Comptroller General shall consult with the Inspectors General when evaluating program and agency performance and shall submit to Congress a report on the results of each assessment conducted under subsection (a). The report shall include a list of recommendations on ways to improve the performance assessment and communication process and the operations of agency performance improvement officers and the Performance Improvement Council.

(c) EFFECTIVENESS ASSESSMENT.—With respect to the assessment conducted under subsection (a) in the third year after the date of the enactment of this Act, the Comptroller General shall include in the report relating to such assessment submitted to Congress under this section the following:

(1) an assessment of the effectiveness of this Act, and the amendments made by this Act;

(2) the impact of this Act on sections 1115, 1116, 1117, and the first 9703 of title 31, United States Code, and section 306 of title 5, United States Code; and

(3) any recommendations for improving the effectiveness of sections 1115, 1116, 1117, and the first 9703 of title 31, United States Code, and section 306 of title 5, United States Code and reducing duplication.

#### SEC. 9. ADDITIONS TO PERFORMANCE PLAN.

Section 1115(a) of title 31, United States Code, is amended—

(1) in paragraph (5), by striking “and”;

(2) in paragraph (6), by striking the period and inserting “; and”;

(3) by inserting after paragraph (6) the following new paragraphs:

“(7) describe the existence and current scope of the problem that the program is intended to address, defined as an outcome that addresses the needs of the American people, not an input (such as staffing or resources expended) or an intermediate goal (such as teachers or police hired);

“(8) to the extent practicable, take into account the other efforts (if any) being made in Federal, State or local governments or the private sector to address the problem described under paragraph (7) and the relative cost-effectiveness of such efforts;

“(9) if the program is not new, describe the amount of funds expended in the previous year and state the progress made in the previous year toward solving the problem described under paragraph (7), including evidence of whether the problem is increasing, decreasing, or staying the same;

“(10) describe the specific level of improvement expected to be made toward addressing the problem described under paragraph (7); and

“(11) state the long-term goal for the program and when that goal is expected to be achieved or the problem described under paragraph (7) reduced to an acceptable level.”.

#### SEC. 10. SAVINGS.

Any savings or reductions in expenditures generated by this Act shall be used to offset the costs of implementation of this Act and any additional savings shall be used to offset the deficit.

#### SEC. 11. FUNDING.

Agencies shall fund the reporting requirements of this Act out of existing budgets and are authorized to make necessary reprogramming of funds.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Ms. WATSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of H.R. 2142, the Government Efficiency, Effectiveness, and Performance Improvement Act, by Congressman CUELLAR. In short, I believe the measure before us would strengthen the oversight and policy processes in place for evaluating the effectiveness of agency programs. The issue of performance-based budgeting has been long viewed as the next step to pursuing a comprehensive framework for managing agency resources and justifying our program funding decisions.

These issues were discussed extensively during the Subcommittee on Government Management, Organization, and Procurement's hearings on H.R. 2142, this past April, as well as during our subcommittee markup on May 5. As a result of these efforts, I believe the bill before us is a more nimble and effective tool for agency performance measurement activity. Developing valuable performance and evaluation criteria is a difficult and time-consuming process, but I believe the bill before us will push our agencies to more ably identify pertinent goals for measuring a program's true value.

I want to thank all the relevant stakeholders who participated in the development of and the modifications to the bill that is before us today. I definitely want to thank Congressman CUELLAR and Chairman TOWNS for their hard work and diligence in the development of H.R. 2142, and I would ask my colleagues to support this measure. I also want to thank the staff for their hard work and the time they have spent trying to bring to the floor this particular very important measure.

With that, Madam Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I yield such time as he may consume to my distinguished colleague from Pennsylvania (Mr. PLATTS).

Mr. PLATTS. Madam Speaker, I rise in strong support of this legislation,

which takes important steps to eliminate Federal Government waste and inefficiencies. I served as the chairman of the Oversight and Government Reform Subcommittee on Government Management, Finance, and Accountability for 4 years, where I focused my efforts on making the Federal Government more accountable. My subcommittee held numerous hearings in which, all too often, accounting errors such as overpayment for services or redundant payments were discovered or where programs were not effectively fulfilling their intended mission.

At a time when the national debt is over \$13 trillion, it has never been more apparent that the Federal Government must spend tax dollars wisely. Federal programs must be monitored to ensure that our investments are presenting clear results and that those programs that are not performing effectively must be reformed or eliminated.

One of the reasons that we find ourselves in such a substantial debt today is that Federal programs never end. Both high-performing and low-performing programs continue on year after year after year, often with increasing funds. The Federal Government needs a clear evaluation process for each program, the results of which would be used to provide Members of this House with the information needed to determine which programs should continue and which should not.

The legislation we are considering here today, similar to legislation that I introduced in the 108th and 109th Sessions of Congress, would require that all Federal agencies work with the Office of Management and Budget, OMB, to clearly identify outcome-based goals and then submit an action plan to achieve these goals. Agencies would be required to conduct quarterly performance assessments outlining how effectively they are working to meet the stated goals, and all information would be available to Members of the House and Senate and the American people.

In addition the Government Accountability Office, GAO, would be tasked with performing frequent and detailed evaluations outlining how effective each agency has been in achieving their goals. GAO would also assess whether the goals are appropriate and determine if the program is providing direct value to the American people. This impartial review of Federal programs will assure that agencies are being good stewards of our Federal taxpayer dollars.

I strongly commend my colleague, Representative CUELLAR, for introducing this bill to ensure that Federal resources are spent efficiently and that waste is minimized. Now more than ever, while American families are cutting extraneous expenses from their budgets, the Federal Government must do the same. I hope that all of my colleagues will join me in supporting this important effort. I urge a "yes" vote.

Ms. WATSON. Madam Speaker, I would now like to yield 2 minutes to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Thank you very much, Madam Chair, for the leadership that both you and Chairman TOWNS have provided in the Committee on Oversight and Government Reform, and, of course, your staff that has worked so hard on making sure that we get this passed. My staff also has worked very, very hard on this.

On the committee, also, I certainly want to thank Ranking Member ISSA for his input and for his amendments also that we accepted and, of course, his staff also for getting this work done.

I certainly want to thank the other stakeholders—GAO, CRS, CAP, OMB, the Blue Dog Coalition, and other folks that have worked to make this into a bipartisan bill.

In particular, I want to point out my friend, TODD PLATTS, who has been working on this particular bill the last few sessions, building the foundation. And we went and looked at his bill, looked at some of the other things we were working on, and we put it together as a bipartisan bill.

H.R. 2142 creates a results-oriented government; a government that works with the people in a commonsense concept that emphasizes a couple of things: One, increases government accountability while Federal agencies must identify cost-cutting, outcome-based goals that have a direct impact on the American people; shines light on ineffective Federal programs to root out wasteful spending, where they're held accountable where they have to provide those goals every quarter; and more importantly, senior management will be held accountable for this work.

GAO oversight on the use of taxpayers' dollars to slash wasteful spending requires the GAO to perform frequent, detailed evaluations of the agency implementation of this legislation.

And, finally, if I can say this, it will not add to the Federal deficit. As you know, the CBO says that it does not affect the direct spending or revenues. Moreover, discretionary costs will be offset by saving from a "more effective management of agency-lowered costs."

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. WATSON. I yield the gentleman an additional 15 seconds.

Mr. CUELLAR. Just to conclude, we added some specific language that says, "Agencies shall fund the reporting requirements of this Act out of the existing budgets and authorized to make any necessary reprogramming of funds." So this addresses the issues of Mr. CHAFFETZ and some other folks, and I think this will be a good bill that we can all support in a bipartisan way.

Mr. CHAFFETZ. Madam Speaker, I yield myself such time as I may consume.

We're currently dealing with a stalled economy, high unemployment, record budget deficits, and a debt that seems insurmountable. The challenge this Congress faces cannot be more clear. We must cut wasteful spending. We have to do it. We have no other choice. The Federal Government's spending to reduce our Nation's debt is paramount to our successful future. If we want to be the world's economic and military super power, we're going to have to change the way we do business in Washington, D.C.

Now performance-based budgeting can be an effective tool to do just that. It can make clear what Federal programs are not performing and then spell out what Federal programs are duplicative in nature. But performance-based budgeting dictates that we identify the problem and enact a solution. It's not enough to just recognize there's a problem. Most all of us can step forward and say we're spending too much money. But the core question becomes, What are the changes that we're going to make?

One of the challenges that we see within the bill is that it's not necessarily performance-based budgeting because the question becomes, ultimately, What are you going to do about it? It sets out to diagnosis a problem that we already know exists but does not necessarily follow through and prescribe a cure. We know that there are duplicative and nonperforming Federal programs. We know this. We need to finish the job and actually cut those programs. To be complete, the bill must do just that. In its current form, this bill does not necessarily help us rein in these programs.

For example, just last week, our Information Policy Subcommittee held a hearing on the National Historical Publications and Records Commission, a program which appears to give grants that are duplicative of grants in the National Archives and Records Administration. I questioned then, and I ask it again today, Why should we continue to fund this duplicative program? It costs the committee nothing to find this duplication, so why, if we cannot trim \$10 million of Federal spending without a penny, then why should we authorize \$150 million to be spent? What exactly do we expect for it to bring in return?

The Congressional Budget Office estimates that this bill will cause the Federal Government to spend \$150 million to determine what many people already know. We have Federal Government programs which are nonperforming and duplicative, but the bill before us leaves wasteful programs intact.

As we came to the floor, one of the amendments that was offered, and I really, truly do appreciate, the sponsor of the bill, Mr. CUELLAR added some language that says, "Agencies shall

fund the reporting requirements of this act out of existing budgets and are authorized to make necessary reprogramming of funds.”

I sincerely appreciate it in every way, shape, or form. This goes a huge way to making this palatable to a lot of conservatives that are concerned about spending an additional \$150 million. I still question why it takes so much money for people to just do the jobs that they're supposed to do. But please know the sincerity in which the sponsor is offering this is greatly appreciated in every way, shape, or form. It's done in the right spirit. I think it goes a huge way to causing a lot of people to support this, particularly from the Republican side of the aisle. I cannot thank you enough for the attitude and the approaching and the actual listening to that. For that, we're very thankful.

I do wish that this bill would come under a rule—an open rule. It's hard to believe, but as a freshman in this United States Congress, I will likely go through my entire freshman Congress, the 111th Congress, having never experienced even once an open rule on the floor of the House of Representatives. That's a shame. That's a shame. There should be a way for a mechanism where this bill is brought under a rule, an open rule, where Members on both sides of the aisle can offer amendments and we can vote on those amendments. Unfortunately, that's not going to happen.

We should not necessarily pass a bill that does not have tough enforcement mechanisms. We can and must do better than this. This body must make tough choices to eliminate wasteful government spending. It should not pass legislation with great titles—A-plus on the titles you're giving these bills. They're good. Who's going to vote against efficiency, effectiveness, and performance. But it doesn't necessarily reflect what's in the body of the bill.

□ 1445

My colleague AARON SCHOCK from Illinois offered a great amendment in the committee that was shot down which would put a sunset provision in programs that are not performing. In the previous administration, there was a Web site called expectmore.gov. It did an assessment of programs. It was pushed by the Office of Management and Budget. It had dashboard indicators as to how these programs that were instituted by Congress, how they were performing based on their own set of criteria that was set in advance. It allowed the American people to actually have exposure.

Unfortunately, expectmore.gov under the current administration is no longer maintained. The information is not up to date; and, consequently, the American people do not have access to the information that they do deserve. I

would encourage the administration and supporters from both sides of the aisle to reinstitute this Web site.

I want to conclude by quoting Office of Management and Budget director Peter Orszag. On May 24 this year, Mr. Orszag said, “We should never tolerate taxpayer dollars going to programs that are duplicative or ineffective. Because, especially in this current fiscal environment, we cannot afford this waste.” He is right. He is absolutely right. We cannot afford to let these programs go on, and Congress needs to step to the plate and do something about it. So I do appreciate the amendment that was offered that will go a long way to getting a lot of different support. I do just wish this bill would come under a rule.

I reserve the balance of my time, Madam Speaker.

Ms. WATSON. Madam Speaker, I yield 3 minutes to the most distinguished chair of the Oversight Committee, the gentleman from New York, Representative EDOLPHUS TOWNS.

Mr. TOWNS. I would like to thank the gentlewoman from California, the subcommittee chair, for yielding time to me.

Madam Speaker, I rise in strong support of this bill, H.R. 2142, and I also would like to thank Congressman CUELLAR for his hard work in making this a reality today and Congressman PLATTS who has worked on this for many, many years. And of course I would like to thank Congressman ISSA who is the ranking member of the committee. We went through consultation, and of course we worked it out, and now we are able to come to this important part and to be able to move this legislation forward, which I think is an excellent bill. And of course the dialogue made it even stronger.

I appreciate the commitment and determination of the gentleman from Texas (Mr. CUELLAR) for advancing this bill and his willingness to work with me, the ranking member of the Oversight Committee, Mr. ISSA, and other members of the committee to make this bill stronger and to make certain that we are here today saying that this bill truly will make a difference. A number of changes were made to this bill during the committee process to address concerns raised by Republican and Democrat members on the committee as well as the Office of Management and Budget and the Government Accountability Office.

H.R. 2142 would improve the efficiency of the Federal Government by requiring each agency to identify ambitious goals and perform frequent performance evaluations. The bill improves the transparency of the performance management process by requiring the results of performance assessments to be made publicly available. The bill provides greater accountability by requiring agencies to con-

sider input from Congress and members of the public and by requiring the Government Accountability Office to perform frequent and detailed evaluations of the agency implementation.

There are a few misconceptions about this bill. Let me just sort of talk to that for a moment. The first misconception is that this bill costs too much money. The truth is that the bill will save the government money. And I want to repeat that: it will save the government money, not cost more money. CBO says that implementing this legislation “could lead to more effective management of agencies at lower cost.” So we would be doing a lot for even other agencies.

This bill will make the government more cost effective because it requires agencies to evaluate their performance. This will allow agencies to identify waste and inefficiency and to change what isn't working. This is what successful corporations do regularly, and this is what the government should do as well. This bill requires agencies to create new positions. And on that note, being that I do not have time to yield back, I will say to the gentleman from Texas and the gentleman from Pennsylvania, thank you for this outstanding piece of legislation.

Mr. CHAFFETZ. Madam Speaker, I yield myself such time as I may consume.

I simply just want to note for the RECORD that, quoting from the CBO report of June 7, 2010, regarding H.R. 2142: “Finally implementing H.R. 2142 could lead to more effective management of government agencies at a lower cost. Any such savings would depend on amounts provided in future appropriations acts.” I just wanted to note that for the RECORD.

The intention of this is good. I think in a bipartisan way, we want the government to become more efficient. How we do that—well, there are some disagreements, but the intention of this bill I think is a positive one.

With that, I yield back the balance of my time.

Ms. WATSON. Madam Speaker, I yield 2 minutes to the distinguished Member from Florida, Representative ALLEN BOYD.

Mr. BOYD. I thank the gentlelady from California for yielding.

Madam Speaker, as a long-time advocate of restoring fiscal responsibility in Washington, I rise in strong support of H.R. 2142. This is an issue, Madam Speaker, that I have worked on for many years, including my time in the Florida House of Representatives, at which time I personally authored a bill which does many of the same things. We affectionately came to know that bill as performance-based budgeting. Performance-based budgeting, that's a novel idea, isn't it? PB squared, we called it.

As many of you know, I am a member of the Blue Dog Coalition, which was created to focus on these issues. This bill is one step of many that will move us toward these goals of effective and efficient government. H.R. 2142 requires the people closest to the ground that are directly involved in government programs to assess those programs and live up to the goals and standards that have been set for their programs. This is helpful to the Federal agencies. It's helpful to the taxpayer, and it's certainly helpful to Congress in our oversight duty.

Given today's fiscal situation, it is more important now than ever for the Federal Government to be making tough decisions in order to make the most out of every single taxpayer dollar. Each of us, no matter what our political leaning is, should be confident that the programs we support and that serve our constituencies are resulting in the biggest bang for the buck. I want to personally thank Mr. CUELLAR from Texas, who is a fellow member of my Blue Dog task force for introducing this bill, and his partner Mr. TODD PLATTS. I also want to thank Chairman TOWNS, Ranking Member ISSA, and the House leadership for their support of this initiative.

The Congress has taken strides to instill a greater sense of fiscal responsibility over the last year, including enactment of the pay-as-you-go language and the establishment of a fiscal commission. This bill builds on that commitment and seeks to ensure that we are acting as responsibly as possible as stewards of our taxpayer dollars.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. WATSON. I yield the gentleman an additional 15 seconds.

Mr. BOYD. Our efforts do not stop here, however. My Blue Dog colleagues and I have unveiled a 15-point blueprint for responsible fiscal reform, and we will continue working to curb spending, eliminate wasteful spending, and move towards a balanced budget. In the meantime, Madam Speaker, I urge a "yes" vote on H.R. 2142.

Mr. MATHESON. Madam Speaker, I rise today in support of Congressman CUELLAR'S H.R. 2142, the "Government Efficiency, Effectiveness, and Performance Improvement Act of 2009," otherwise known as "Performance-Based Budgeting."

This simple legislation helps ensure the taxpayer is receiving efficient use of government funds by establishing a set of guidelines, tested at the State-level throughout our country, to determine how responsive government agencies are at their stated purposes. By holding agencies accountable, Congress and the American public can know what works, what does not, and what needs to be fixed.

Performance-based budgeting is designed to replicate tools utilized in the private sector to increase the taxpayer's return on investment. By increasing efficiency and cutting unneeded spending this legislation will reduce

government waste while providing improved services for the taxpayer.

This system works by developing explicit performance targets, regularly evaluating the results, and developing mechanisms to improve performance. Enveloped within existing oversight mechanisms of the Government Accountability Office, GAO, reviewers will determine if stated goals match real outcomes, examine if taxpayer dollars are spent efficiently, and provide recommendations for improvement. This transparent and fact-based review of government will foster an open dialogue on how taxpayer funds are used.

Madam Speaker, I commend my fellow Blue Dog Coalition member, Representative CUELLAR, for his work on this legislation aimed at reducing government spending, and urge passage of H.R. 2142, the "Government Efficiency, Effectiveness, and Performance Improvement Act of 2009."

Mr. FOSTER. Madam Speaker, I rise today in strong support of H.R. 2142, The Government Efficiency, Effectiveness, and Performance Improvement Act. This legislation will force federal agencies and Congress to confront a crucial question: does the government we have operate as efficiently and responsibly as possible? By requiring agency heads to set measurable goals, subjecting identified programs to frequent assessments, and by enhancing transparency, this bill goes a long way towards creating an accountable, results-oriented government.

Before coming to Congress, I was a scientist and a businessman. In both science and business, data, clear metrics, and measurable goals guide any successful endeavor. The same should be true of the federal government. Whenever taxpayer dollars are spent, the American people deserve to know whether they're getting their money's worth. This means identifying which agencies are working, and which are not.

With deficits on an unsustainable long-term course, we must have a mechanism in place to ferret out wasteful spending and not hesitate to slash underperforming programs. This bill not only puts in place that mechanism, but it also allows the public to participate in the process. Agencies will be required to consider public input on program goals and the criteria by which they are assessed.

This bill is a victory for accountable government and the American taxpayer. Those who oppose it will say that it does not go far and fast enough, but they will not dispute that it is a step in the right direction. I urge my colleagues to support this legislation.

Mr. WELCH. Madam Speaker, I rise in support of a practical, common sense bill: The Efficiency, Effectiveness and Performance Improvement Act.

This legislation will cut government waste by forcing every Federal agency to create a rigorous performance evaluation plan—and live by it.

Under this legislation agency heads will conduct evaluations of every program within their purview and report on goals to increase performance objectives.

The OMB Director will report to Congress on agency goals and suggested methods to improve program performance.

By forcing our agencies to create and adhere to strategic planning we will increase government efficiency and effectiveness.

As our deficit continues to grow, we must constantly strive to find ways—small and large—to get rid of government waste and inefficiency.

This bill does just that. I thank my colleague from Texas for introducing it, and I encourage my colleagues to support it.

Ms. WATSON. Madam Speaker, again, I urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and pass the bill, H.R. 2142, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council."

A motion to reconsider was laid on the table.

#### RECOGNIZING 60TH ANNIVERSARY OF KOREAN WAR

Mr. FALEOMAVAEGA. Madam Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 86) recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance, as amended.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

#### H.J. RES. 86

Whereas, on June 25, 1950, communist North Korea invaded the Republic of Korea with approximately 135,000 troops, thereby initiating the Korean War;

Whereas, on June 27, 1950, President Harry Truman ordered the United States Armed Forces to help the Republic of Korea defend itself against the North Korean invasion;

Whereas United States and Allied forces recaptured the capital city of Seoul on September 28, 1950, after a successful amphibious landing by the Marine Corps at Inchon on September 15, 1950;

Whereas the hostilities ended in a ceasefire marked by the signing of the armistice at Panmunjom on July 27, 1953, and the peninsula still technically remains in a state of war;

Whereas, during the Korean War, approximately 1,789,000 members of the United States Armed Forces served in-theater along with the forces of the Republic of Korea and 20 other members of the United Nations to defend freedom and democracy;

Whereas casualties of the United States during the Korean War included 54,246 dead (of whom 33,739 were battle deaths), more than 92,100 wounded, and approximately 8,176 listed as missing in action or prisoners of war;

Whereas approximately 6,800,000 American men and women served worldwide in the

Armed Forces during the entire Korean War era of June 27, 1950, to January 31, 1955;

Whereas the Korean War Veterans Recognition Act (Public Law 111-41) was enacted on July 27, 2009, so that the honorable service and noble sacrifice by members of the United States Armed Forces in the Korean War will never be forgotten;

Whereas President Barack Obama issued a proclamation to designate July 27, 2009, as the National Korean War Veterans Armistice Day and called upon Americans to display flags at half-staff in memory of the Korean War veterans;

Whereas since 1975, the Republic of Korea has invited thousands of American Korean War veterans, including members of the Korean War Veterans Association, to revisit Korea in appreciation for their sacrifices;

Whereas in the 60 years since the outbreak of the Korean War, the Republic of Korea has emerged from a war-torn economy into one of the major economies in the world and one of the largest trading partners of the United States;

Whereas the Republic of Korea is among the closest allies of the United States, having contributed troops in support of United States operations during the Vietnam war, Gulf war, and operations in Iraq and Afghanistan, while also supporting numerous United Nations peacekeeping missions throughout the world;

Whereas since the end of the Korean War era, more than 28,500 members of the United States Armed Forces have served annually in the United States Forces Korea to defend the Republic of Korea against external aggression, and to promote regional peace;

Whereas North Korea's sinking of the South Korean naval ship, Cheonan, on March 26, 2010, which resulted in the killing of 46 sailors, necessitates a reaffirmation of the United States-Korea alliance in safeguarding the stability of the Korean Peninsula;

Whereas from the ashes of war and the sharing of spilled blood on the battlefield, the United States and the Republic of Korea have continuously stood shoulder-to-shoulder to promote and defend international peace and security, economic prosperity, human rights, and the rule of law both on the Korean Peninsula and beyond; and

Whereas beginning in June 2010, various ceremonies are being planned in the United States and the Republic of Korea to commemorate the 60th anniversary of the outbreak of the Korean War and to honor all Korean War veterans: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—*

(1) recognizes the historical importance of the 60th anniversary of the outbreak of the Korean War, which began on June 25, 1950;

(2) honors the noble service and sacrifice of the United States Armed Forces and the armed forces of allied countries that served in Korea since 1950 to the present;

(3) encourages all Americans to participate in commemorative activities to pay solemn tribute to, and to never forget, the veterans of the Korean War; and

(4) reaffirms the commitment of the United States to its alliance with the Republic of Korea for the betterment of peace and prosperity on the Korean Peninsula.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

#### GENERAL LEAVE

Mr. FALEOMAVAEGA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. Madam Speaker, I rise in strong support of this joint resolution, and I yield myself such time as I may consume.

This resolution before us today, House Joint Resolution 86, recognizes the 60th anniversary of the outbreak of the Korean War and reaffirms the strong United States-Republic of Korea alliance. This resolution will help ensure that the bonds we forged in blood during the Korean War will never be forgotten.

Today, the United States and Republic of Korea relationship is stronger than ever, encompassing social, cultural, economic, security and diplomatic relations. Last year's joint vision statement between our two nations provided an important reminder to the importance of the bilateral relationship between our two countries. Our two countries are working as closely as ever on the problems of North Korea, which is critically important since North Korea continues its provocations, including nuclear and missile tests and just recently the sinking of the South Korean ship, the Cheonan, which resulted in the deaths of some 46 sailors from this tragedy.

With President Lee chairing the G-20 meeting this year in South Korea, this is certainly indicative of South Korea's prominence in international trade and economic development. For our part, Madam Speaker, I have long supported the Korea-U.S. Free Trade Agreement to further such growth. I continue to hope that the Congress will also pass this free trade agreement as soon as possible because it will reinforce U.S.-Korean ties and create American jobs. And for the benefit of my colleagues, I want to note that this free trade agreement with South Korea will provide somewhere between \$11 billion and \$20 billion in export trade between our two countries which will be of tremendous benefit to both our countries.

I also want to thank my dear friend, the gentleman from New York, Congressman CHARLES RANGEL, for his service to our country during the Korean War, for his long and able service in the House of Representatives, and for his authorship of this important resolution. I also want to note our other colleagues who are also veterans of the Korean War, Congressman JOHN CONYERS of Michigan, Congressman SAMUEL JOHNSON of Texas, and Congressman HOWARD COBLE of North Carolina. My apologies if I may have

left out other Members. It was certainly not intentional, Madam Speaker, but I also want to thank them as well.

Congressman RANGEL fought in the Korean War from 1950 to 1952 as a member of the 503rd Battalion, an all-black artillery unit, in the 2nd Infantry Division. In late November 1950, his unit was engaged in heavy fighting in North Korea; and at the Battle of Kunu-ri, Congressman RANGEL was part of a vehicle column that was trapped and attacked by the Chinese Army.

□ 1500

During that attack, he was injured in the back by shrapnel from a Chinese bomb shell. In subzero weather, members of the 503rd Battalion looked to RANGEL, then just a private first class, for his leadership. During 3 days of freezing weather, he led approximately 40 men from his unit out of the Chinese encirclement.

When asked about his experience in battle, Congressman RANGEL commented, "That was the coldest place, ever, in the whole world. We lost a lot of guys who froze to death in their sleeping bags." Nearly half of the 503rd Battalion were killed in the overall battle. And might I mention, a battalion is composed of about 600 soldiers. So you can imagine if 50 percent of the 503rd Battalion were killed in the Korean War.

Congressman RANGEL was later recognized for his courage and awarded a Purple Heart for his wounds and the Bronze Star for Valor for his heroic efforts. In addition, he was awarded the Presidential Unit Citation, the Republic of Korea Presidential Unit Citation and three battle stars.

In summing up his experience, Congressman RANGEL once said, "Since Kunu-Ri—and I mean it with all my heart—I have never, never had a bad day."

I might also note, Congressman JOHN CONYERS from Michigan served for 2 years in the Michigan National Guard starting in 1950. With the onset of the Korean War, he joined the U.S. Army and fought for 1 year as a second lieutenant in the U.S. Army Corps of Engineers. For his service, he was awarded both combat and merit citations.

Congressman SAM JOHNSON began his 29-year career in the U.S. Air Force at the early age of 20. During the Korean War, he was stationed just 25 miles away from the front lines and flew 62 combat missions in his F-86 Saber jet fighter. In his plane, Shirley's Texas Tornado, named after his dear wife, Congressman JOHNSON scored one MiG fighter kill, one probable kill and one damaged. He flew on combat missions with Buzz Aldrin and John Glenn, and when he shot down the Russian MiG, he was so low on fuel that he actually had to glide back to Seoul. He went on to continue his outstanding military career through the Vietnam War as director of the Air Force Fighter Weapons

School, known as Top Gun, and was one of the two authors of the air tactics manual revolutionizing military air dominance by incorporating three-dimensional flight.

Our good friend, Congressman HOWARD COBLE, meanwhile, served in the Coast Guard from September 1952 until September 1956, and was deployed to Korean waters during the war.

I ask all of my colleagues to join me in honoring the sacrifices of these gentlemen, our colleagues, Congressman RANGEL, Congressman CONYERS, Congressman JOHNSON, and Congressman COBLE, and the sacrifices of all of the other 1.8 million Americans who fought in the Korean War, as well as in recognizing the vital importance of the U.S.-Korean alliance by supporting this resolution; and also noting as a matter of history that over 30,000 of our soldiers died from that terrible conflict in South Korea.

COMMITTEE ON ARMED SERVICES,  
U.S. HOUSE OF REPRESENTATIVES,  
Washington, DC, June 15, 2010.

Hon. HOWARD BERMAN,  
Chairman, Committee on Foreign Affairs, House  
of Representatives, Rayburn House Office  
Building, Washington, DC.

DEAR CHAIRMAN BERMAN: I am writing to you concerning H.J. Res. 86, recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance. This measure was referred to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Our Committee recognizes the importance of H.J. Res. 86, and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H.J. Res. 86. I do so with the understanding that by waiving consideration of the resolution, the Committee on Armed Services does not waive any future jurisdictional claim over the subject matters contained in the resolution which fall within its Rule X jurisdiction.

Please place this letter and a copy of your response into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Very truly yours,

IKE SKELTON,  
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,  
U.S. HOUSE OF REPRESENTATIVES,  
Washington, DC, June 14, 2010.

Hon. IKE SKELTON,  
Chairman, Committee on Armed Services, House  
Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding House Joint Resolution 86, recognizing the 60th Anniversary of the Korean War and affirming the United States-Korea alliance. This measure was referred to the Committee on Foreign Affairs, in addition to the Committee on Armed Services, for a period to be subsequently determined

by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

I agree that the Committee on Armed Services has certain valid jurisdictional claims to this resolution, and I appreciate your decision to waive further consideration of H.J. Res. 86 in the interest of expediting consideration of this important measure. I understand that by agreeing to waive further consideration, the Committee on Armed Services is not waiving its jurisdictional claims over similar measures in the future.

During consideration of this measure on the House floor, I will ask that this exchange of letters be included in the Congressional Record.

Sincerely,

HOWARD L. BERMAN,  
Chairman.

COMMITTEE ON VETERANS' AFFAIRS,  
U.S. HOUSE OF REPRESENTATIVES,  
Washington, DC, June 10, 2010.

Hon. HOWARD L. BERMAN,  
Chairman, Committee on Foreign Affairs, House  
of Representatives, Rayburn House Office  
Building, Washington, DC.

DEAR CHAIRMAN BERMAN: On May 25, 2010, H.J. Res. 86, recognizing the 60th anniversary of the Korean War and reaffirming the United States-Korea alliance, was introduced in the House of Representatives. This measure was sequentially referred to the Committee on Veterans' Affairs.

The Committee on Veterans' Affairs recognizes the importance of H.J. Res. 86 and the need to move this resolution expeditiously to recognize the 60th anniversary of the Korean War and to reaffirm our alliance with Korea. Therefore, while we have certain valid jurisdictional claims to this resolution, the Committee on Veterans' Affairs will waive further consideration of H.J. Res. 86. The Committee does so with the understanding that by waiving further consideration of this resolution, it does not waive any future jurisdictional claims over similar measures.

I would appreciate the inclusion of this letter and a copy of your response in the Congressional Record during consideration of H.J. Res. 86 on the House floor.

Sincerely,

BOB FILNER,  
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,  
U.S. HOUSE OF REPRESENTATIVES,  
Washington, DC, June 14, 2010.

Hon. BOB FILNER,  
Chairman,  
Committee on Veterans' Affairs, Cannon House  
Office Building, Washington, DC.

DEAR CHAIRMAN FILNER: Thank you for your letter concerning H.J. Res. 86, recognizing the 60th Anniversary of the Korean War and affirming the United States-Korea alliance. I acknowledge that the Committee on Veterans Affairs has a valid jurisdictional claim in this resolution, and I appreciate your willingness to waive jurisdiction so we may proceed to suspension.

I agree to submit this exchange of letters in the Congressional Record, and I thank you again for your expeditious review of this legislation.

Sincerely,

HOWARD L. BERMAN,  
Chairman.

Madam Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Madam Speaker, I yield myself such time as I may consume.

I rise in support of this measure and would like to thank the gentleman from New York (Mr. RANGEL), a distinguished veteran of the Korean War for introducing it. We truly do appreciate your service to our country.

Next week, on June 25, represents the 60th anniversary of the outbreak of the Korean War. The lesson of Korea is the need for constant vigilance in the face of external aggression.

Many link Kim Il Sung's decision to suddenly and deliberately attack the Republic of Korea in the early morning hours of a rainy Sunday morning to mixed signals coming from Washington, for then-Secretary of State Dean Acheson had declared only a few months before that South Korea lay outside the defense perimeter of the United States.

North Korean dictator Kim Il Sung reportedly took that as a green light to move forward with his invasion plans. This invasion resulted in between 1 and 2 million Korean dead, and over 50,000 dead and more than 90,000 wounded members of the U.S. military.

The lesson of June 25 is clear: do not equivocate with aggressors, do not pander to dictators.

Harry Truman, in notifying the American people of his decision to deploy U.S. forces to Korea, stated that North Korea, in solidarity with its Communist allies "has passed beyond the use of subversion to conquer independent nations."

Sixty years later, as North Korea engages in further armed aggression by deliberately torpedoing a South Korean naval vessel and murdering 46 South Korean sailors, it is clear that the United States and its allies must act with firm resolve to prevent an escalation of violence in and around the Korean peninsula.

As we honor the valiant dead who fell in Korea, let us resolve to preserve that peace and prosperity for which they gave the last full measure of devotion. The events of the last six decades remind us all that the sacrifices of our soldiers and our United Nations allies were worthwhile.

One only has to compare the thriving, democratic vitality of the Republic of Korea with the impoverished and repressed hell that is North Korea to recognize the value and the purpose of that valiant sacrifice.

I reserve the balance of my time.

Mr. FALEOMAVAEGA. Madam Speaker, as a veteran of the Vietnam War, I am deeply honored to yield all the time he needs to the gentleman from New York (Mr. RANGEL), the author of this resolution.

Mr. RANGEL. Madam Speaker, I thank the chairman for his gracious remarks and the work he has done to facilitate the bringing to this floor this resolution. I want to thank the other side of the aisle. I have never seen anything move so fast, and I am so deeply grateful that this happened.

Some of you don't know, but the Korean Government invited JOHN CONYERS, SAM JOHNSON, HOWARD COBLE and me to go to Korea on June 24 and 25, but the legislative calendar prevented this from happening. But because of their enthusiastic support, as well as mine, next week the Speaker and the minority leader have agreed not to forget those people who served our country; and, indeed, served the international freedom community.

I want to thank also from my office Emile Milne and Hannah Kim for working with all of the committees that had jurisdiction to expedite the fact that this will be done before June 25.

I am reminded when you gave the facts that led up to the North Koreans invading South Korea, I was a 20-year-old kid in the barracks in Fort Lewis, Washington, when a sergeant screamed that the North Koreans had invaded South Korea and the Second Infantry Division was slated to go to defend them. I was so anxious to leave Fort Lewis, I said: Hurrah. Where the heck is Korea?

I had no idea that a police action involved putting yourself in harm's way. But away we did go. There was some question at that time whether we could even land in Pusan because the North Korean Communists had been so successful that they drove the 25th Division and Japan and the People's Republic of South Korea to the Pusan peninsula, but we were able to push them back. The marines landed in Inchon and the Chinese came, and you know the rest of that story.

But how grateful I am to be not just alive, but to know we all participated once again in defending a democracy even in countries where we don't know the people and don't know the country. And as a result of that, one of America's strongest allies is the government of Korea. The truth of the matter is with China there and North Korea there, and especially the threat of Iran, South Korea has represented a symbol not only of democratic principles but a symbol of what can happen economically when freedom and democracy is the atmosphere in which we are working.

Those of us who served, especially the 50,000 who did not come back home, the close to 100,000 that were wounded, the 8,000 that were prisoners of war, we had no idea that our sacrifice would rebuild a nation from ashes to the great economic power it is today, and the great contributions Korean-Americans make each and every day in all parts of every town, city and every state that we have.

But I want to particularly thank JOHN CONYERS who is the next highest senior member here in the House of Representatives. I want to thank HOWARD COBLE. He is a veterans' veteran. There is not a day I see him that he does not remind me and others that we

should never forget the sacrifices that are made for all of us and our children and our children's children. And, of course, SAM JOHNSON who I serve with on the Ways and Means Committee, is truly a hero. Very few Americans are living who have made the type of sacrifices that he has made for his country.

So collectively and on behalf of all of the veterans who have served, and particularly for this war that they call the Forgotten War, we were sandwiched between the World War II and the Vietnam War. So many people asked when we came back home: Where were you? They had no idea America had been involved. But we were involved.

The 21 nations will have representatives here next week to thank America, as we thank them, for allowing this great country to be involved in what appeared to be a very unimportant crisis. But at the end of the day, this country has risen to be one of our best trading partners, one of our best political partners, and certainly has made an outstanding contribution to the entire world of free countries and free people.

And so, Chairman FALEOMAVAEGA, I thank you for giving us the opportunity to celebrate this occasion and never to forget those who made it possible for us to be free men and free women.

Mr. BOOZMAN. Madam Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. COBLE), ranking member of the Judiciary Subcommittee on the Courts and a distinguished veteran of the Korean War.

Mr. COBLE. Madam Speaker, I too want to express thanks to the gentleman from American Samoa and the gentleman from Arkansas for having very ably managed this resolution, and I am pleased indeed today to be on the House floor with my friend from New York and my friend from Texas, Mr. RANGEL and Mr. JOHNSON.

I rise in support of H.J. Res. 86, and while there is little I can add to enhance the merit of this resolution, I want to remind everyone that technically speaking the Korean conflict has not ended. The recent actions by North Korea against South Korea and the Chinese should not be taken lightly. South Korea is our true ally on the Korean peninsula. Although I have no solution for the growing threat of North Korea, at this point it seems to me the immediate course of action should be for America to continue to embrace and support South Korea.

This resolution correctly states that we have successfully partnered with the Republic of Korea to promote international peace and security, economic prosperity, human rights, and the rule of law on the Korean peninsula and beyond.

To that end, I encourage my colleagues to support H.J. Res. 86.

□ 1515

Mr. FALEOMAVAEGA. Madam Speaker, I continue to reserve the balance of my time.

Mr. BOOZMAN. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SAM JOHNSON), ranking member of the Ways and Means Subcommittee on Social Security and a distinguished veteran of the Korean War.

Mr. SAM JOHNSON of Texas. Thank you, both of you over there on the Democrat side, for getting this bill out.

Today marks a new milestone for those who fought in the forgotten war, which was Korea. And today the United States Congress recognizes the importance of their service and reaffirms our longstanding commitment to freedom and the future of Korea.

As many know, it was June 25, 1950, when Communist North Korea invaded the Republic of Korea with 135,000 troops, and that sparked the start of the Korean War. And what people don't realize about CHARLIE RANGEL is he could be dead because he was up on the Yalu River when the Chinese decided to come across. So he saved a lot of lives and buried a lot of guys. I thank you, CHARLIE, for that service. And HOWARD, I thank you as well for serving over there.

On June 27, 1950, President Truman ordered the United States Armed Forces to help the Republic of Korea defend itself against the North Korean invasion. While it ended in an armistice, the bitter conflict between Korea and North Korea still lingers on. We all know that. Korea is a strong ally, and America remains committed to Korea's safety, survival, and success.

By commemorating the 60th anniversary of the start of the Korean War, the United States Congress and the country rededicate our promise to thank those who wore the uniform during that time. An estimated 5 million valiant men and women served in the Korean War.

As a Korean War veteran who flew 62 combat missions, it brings me great pleasure to remind Americans of the sacrifice and service of those who fought in Korea. To the esteemed Korean War veterans, you are not forgotten. We honor you, we appreciate you, God bless you. And I salute each and every one of you.

Mr. FALEOMAVAEGA. Madam Speaker, how much time do I have left on this side?

The SPEAKER pro tempore. The gentleman from American Samoa has 8 minutes, and the gentleman from Arkansas has 14 minutes.

Mr. FALEOMAVAEGA. Madam Speaker, I would like to certainly compliment and thank our distinguished veterans of the Korean War, now Members, our colleagues here in this institution, for not only sharing with us their experiences, but the fact that this

close relationship that we have with the Republic of Korea should never be lessened in any way.

It's been my privilege over the years to have visited the Republic of Korea, visited with their leaders. And the outstanding results of now South Korea becoming one of the great economic powers of Southeast Asia, I might say, is mainly because of our close economic ties. I also want to note the fact that the number one electronic company in the world is in South Korea. Also, the number one shipbuilding company is in South Korea.

I sincerely hope that in the coming months we will be able to continue to negotiate successfully the proposed free trade agreement that was done previously by the previous administration and negotiators. It's my understanding that as a result of this proposed free trade agreement we stand to gain at least somewhere between \$11 to \$20 billion in exports of our products to South Korea if we get an approval of this proposed agreement.

I also want to note, as a matter of a little history, and complement what my friend from New York has stated about the people and the good leaders of South Korea. My own personal experience while serving in Vietnam, I tell you, you really know who your real friends are. The fact that there were 50,000 South Korean soldiers fighting alongside American soldiers in Vietnam, now that is where you really know who your real friends are. The leaders and the people of South Korea came and joined us in that terrible conflict that our Nation was confronted with in fighting communism.

It's also my understanding that in the coming months, the President of Korea will be presiding over the G-20 meeting of 20 of the most prominent countries economically, and hopefully there will be better solutions given to the economic demise that not only the world is faced with now, especially the contributions that the 20 countries can offer in solving some of the serious economic problems that we are confronted with today.

Mr. RANGEL. Would the gentleman yield?

Mr. FALEOMAVAEGA. I gladly yield to the gentleman from New York.

Mr. RANGEL. And I want you to know this is just the beginning of the United States of America's involvement. In September of this year, in commemoration of the lives that were lost by Koreans and Americans and the other 20 countries that fought against communism, there will be a commemorative ceremony in Seoul, which our State Department will be participating in. And again, my colleagues have been invited to join, but the situation here in Congress didn't allow us to accept.

But Mr. BOEHNER, the minority leader, as well as our distinguished Speaker had thought that since we could not be

represented over in Seoul next week, that a reception will be held right here and a ceremony in Statuary Hall, where the participants from the free countries that joined with us will be there with their representatives. And we have invited veterans that have served in Korea to come join us.

The reason I constantly say I haven't had a bad day since, and to say how good God is, is because it's been 60 years ago. And recently, that is last week at the Kennedy Center, the Korean Angels, a young group that's trained to go around the world talking about peace and harmony to the world, celebrated and they lauded the Korean veterans. And my colleagues here on the House floor would know they came with crutches and wheelchairs and canes, but they did come.

And what this House and Senate will be doing for them, even if they are not able to come to Washington, they will be able to tell their kids and their grandkids and their neighbors and friends that their sacrifice has not been forgotten. And I do hope that you and the chairman and subcommittee chairman that expedited this, and the Members that hopefully will be supporting this in the House and Senate, would realize how many lives they are making more bright by reminding their loved ones of those that were left behind, that what they lost, the pain that they felt is not forgotten by the United States.

And it gives us a time once again to talk about the brave men and women that are in the Middle East, that are in Afghanistan. Each and every day that we are allowed to breathe the breath of democracy, to get up and to do and say what we want is only because they are willing to put their lives in harm's way for our flag and for our country and for the freedom that's here.

So all of us, in a sense, whether it was in World War II, whether it was Korea, whether it was the Persian Gulf where my son served as a Marine, or whether or not it's the present crisis that we face in the Middle East, we have so much to be fortunate that in this country there is a spirit that we defend what is right, what is moral, and at the end of the day we are better people, we are better legislators, and we are a better country for it. And so everyone who votes today, I think it's our way of saying "thank you" for those who made the sacrifice and also "thank you" for those who continue to do it as we speak today.

Mr. FALEOMAVAEGA. I thank the gentleman for his comments.

I might also note, Madam Speaker, that out of some 15 million Asian Pacific Americans, we have well over 2 million Korean Americans as part of the fiber of our great democracy that have made tremendous contributions to our country. I wanted to just note that for the record.

I reserve the balance of my time.

Mr. BOOZMAN. Madam Speaker, again I want to thank Mr. RANGEL for bringing this forward. He and Mr. JOHNSON, Mr. COBLE being here, make it very, very special. We certainly appreciate all of your all service to our country; Mr. RANGEL stating that he went off at age 20; Mr. JOHNSON, I think, at the same age, around 20; and then HOWARD, Mr. COBLE, in his early twenties, going off to war.

It is so fitting that we take a little bit of time, that the House just pauses to remember the sacrifice that was incurred, again, for those that were so willing to go over for the rest of us. We look forward to the celebrations that are going to occur later in the year. And then again, at that time, the whole Nation will pause and remember the sacrifice that you all so willingly did for the rest of us.

With that, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Madam Speaker, I have no further speakers, but I do want to say for the record again, on behalf of a grateful Nation, to extend our heartfelt gratitude and thanks to the gentleman from New York, Mr. RANGEL, Mr. JOHNSON, Mr. COBLE, and Mr. CONYERS for their contributions, and especially as veterans of the Korean War.

Mr. ROYCE. Madam Speaker, I rise in support of H.J. Res. 86, Recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance.

On June 25, 1950, the Korean War started and was halted three years later by an armistice that is still in place today. It involved 22 nations fighting together in defense of the Republic of Korea.

More than 5.7 million Americans served during the conflict. Some 33,600 were killed in action, including about 8,200 listed as missing and presumed dead. Another 21,400 died of non-battle causes and more than 103,000 Americans were wounded during the three years of war. Some have called this the Forgotten War, but were here today remembering.

I should point out that this resolution was introduced by Mr. RANGEL, Mr. JOHNSON, Mr. CONYERS, and Mr. COBLE—men who were there 60 years ago. We honor their service here today, as well.

Nearly 140,000 South Koreans were killed on the battle field, many of whom fought side-by-side with American forces for the cause of preserving freedom. The heroic deeds of these servicemen laid the foundation for an alliance between the U.S. and South Korea that has lasted over 60 years, bringing stability to Northeast Asia.

As this resolution rightly notes, the "Republic of Korea is among the closest allies of the United States." In no small part this is because of the sacrifices made by the brave Korean and American soldiers that fought valiantly together.

We've worked hard over the years to keep this relationship on solid footing. I've chaired

several exchange meetings with our counterparts in the National Assembly. A few years ago (2008), legislation I authored was signed into law to treat South Korea just the same as NATO and other top allies when it comes to defense sales.

Unfortunately, we have been reminded of the importance of this relationship by the sinking of the *Cheonan* and by the loss of the 46 South Korean sailors who were killed by a North Korean torpedo attack. Our sympathies and condolences are with their families and the South Korean people. The House passed a resolution to this effect the other week.

Last month, South Korea unveiled the results of a methodical international investigation into the cause of the sinking of a South Korean naval vessel. The evidence—overwhelming—showed what many were all but certain occurred on March 26th—the ship was sunk by a North Korean torpedo attack, in clear violation of the Korean War Armistice.

This is the same regime that caused so much death and suffering in the early 1950s—the regime brave American servicemen defended against back then, and continue to defend against today.

Mr. MCMAHON. Madam Speaker, this year marks the beginning of the war that established 60 years of peace in the Korean peninsula.

The United States suffered the loss of over 33,000 of its countrymen during the Korean War and almost 5,000 remain missing in action.

I whole-heartedly support the establishment of a commission to look into these disappearances and will soon send a letter to President Obama asking him to issue an order to fly the flag at half mast on June 25th.

The Korean War defined our country's role in the international community.

As our own POWs returned back into South Korea over the Bridge of No Return, North Korean soldiers overwhelmingly decided to stay in the free world with their supposed “captors.”

This is the model of U.S. leadership and freedom that we must uphold in the world today.

As a Member of the House Foreign Affairs Committee, it astonishes me to see how thankful and how proud the South Koreans still are for the sacrifices of the US troops on their soil.

It is a rare heart-warming message that makes me that much more proud to represent The Korean War Veterans of Staten Island and Commander Joseph Calabria in Congress.

That being said, I cannot go on without mentioning the tragic sinking of *Cheonan*, killing 46 South Korean Navy men on board.

These men were the sons and grandsons of those who served alongside U.S. Forces in Korea, 60 years ago.

North Korea's hostility cannot go ignored and the reckless rhetoric following the incident is a far cry from what is expected of a member of the international community.

Unfortunately, most would be hard-pressed to find a time when North Korea was a productive, accountable member of the international community.

In fact, over a year ago, I introduced a bipartisan bill to further sanction North Korea.

The North Korea Sanctions Act of 2009 calls on the Administration to impose hard-hitting sanctions on North Korea, as a result of their detonation of a nuclear explosive device on May 25, 2009, under the Arms Export Control Act.

Furthermore, I will continue to be an active voice in ensuring the safety of the over 28,000 American troops currently stationed in the Korean Peninsula and will remain an outspoken member of the House Foreign Affairs Committee when it comes to the US response towards North Korean hostility.

No one wants to see a second Korean War or a third world war for that matter.

Our veterans have sacrificed too much for that to happen.

I encourage my colleagues to support H. Res. 86 and congratulate the author of this resolution, Congressman RANGEL for introducing this bill and for his service in Korea.

Mr. FALEOMAVAEGA. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and pass the joint resolution, H.J. Res. 86, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FALEOMAVAEGA. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### RECOGNIZING 235TH BIRTHDAY OF U.S. ARMY

Mr. ORTIZ. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 286) recognizing the 235th birthday of the United States Army.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

##### H. CON. RES. 286

Whereas, on June 14, 1775, the Second Continental Congress, representing the citizens of 13 American colonies, authorized the establishment of the Continental Army;

Whereas the collective expression of the pursuit of personal freedom caused the authorization and organization of the United States Army, led to the adoption of the Declaration of Independence, and prompted the codification of the new Nation's basic principles and values in the Constitution;

Whereas for the past 235 years, the United States Army's central mission has been to fight and win wars;

Whereas the 183 campaign streamers from Lexington to Iraqi Surge carried on the Army flag are a testament to the valor, com-

mitment, and sacrifice of the brave members of the United States Army;

Whereas members of the United States Army have won extraordinary distinction and respect for the Nation and its Army stemming from engagement around the globe;

Whereas in 2010, the United States will reflect on the contributions of members of the United States Army on the Korean peninsula in commemoration of the 60th anniversary of the Korean War;

Whereas the motto on the United States Army seal, “This We'll Defend”, is the creed by which the members of the Army live and serve;

Whereas the United States Army is an all-volunteer force that is trained and ready to conduct full spectrum operations in an era of persistent conflict; and

Whereas no matter what the cause, location, or magnitude of future conflicts, the United States can rely on its well-trained, well-led, and highly motivated members of the United States Army to successfully carry out the missions entrusted to them: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress—*

(1) expresses its appreciation to the members of the United States Army for 235 years of dedicated service;

(2) honors the valor, commitment, and sacrifice that members of the United States Army, their families, and Army civilians have displayed throughout the history of the Army; and

(3) calls upon the President to issue a proclamation—

(A) recognizing the 235th birthday of the United States Army and the dedicated service of its members; and

(B) calling upon the people of the United States to observe the anniversary with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. ORTIZ) and the gentleman from Hawaii (Mr. DJOU) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

##### GENERAL LEAVE

Mr. ORTIZ. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ORTIZ. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Concurrent Resolution 286, and it is my honor to stand here today and recognize the Army for its 235th birthday.

Since 1775, the United States Army has stood prepared to fight and win our Nation's wars and has provided us with some of the greatest moments in our history.

You know, as a poor child growing up in south Texas, I never knew what existed outside my neighborhood. However, when I joined the Army and left south Texas, the world soon opened to me. When I arrived in Paris, France, as

a military policeman fresh out of basic training and advanced military training, I knew that my life had changed forever.

Shortly after arriving in Paris, a friend of mine from West Virginia, who had just finished basic and military police school training, we headed down to see the Eiffel Tower. While walking around the city, a limousine pulled over to our side of the road and a young woman stepped out of the biggest car I had ever seen in my life and approached my friend and me. She wanted to take a picture with us, two young soldiers fresh out of basic training. But it was not until about 6 months later that we discovered that this woman was one of the most popular movie stars in France.

□ 1530

But all she wanted was to have a picture with two young soldiers wearing the American uniform.

While in France, I became interested in learning more about police duties and investigations. The Army saw that maybe I could learn some of the stuff that they were teaching, and I was reassigned to the Army Criminal Investigation Division. I took the lessons and skills I learned back to South Texas where I became constable later after my return from the military, and later I became sheriff in Wasis County, which is my county.

The Army experience shaped my life like nothing else has ever done. It sent me on the pathway to become a better human being, a better elected official, a better constable, a better county commissioner, a better sheriff, and a better Congressman. The training was hard and work was even harder, but the lessons were never lost.

Just as was true in the early 1960s, when a French movie star stopped to take a picture with a poor boy from South Texas, our soldiers are respected and admired around the world for their professionalism and dedication to each other.

I am proud of my service and my Army experience. I am also proud of today's soldiers as they continue to fight and win our Nation's wars as they have done for the last 235 years. From the private in Washington's Continental Army facing a mighty adversary to the sergeant leading a patrol through the mountainous terrain of Afghanistan, the strength of our Nation is our Army, and I am proud to be part of that legacy. I am proud to wish the Army happy birthday.

But you know, time has really changed. When I served back then in the 1960s, I went to the draft board, and I volunteered to the draft because my father had passed away, and I had four siblings, two brothers and two sister. Jobs were scarce, and I volunteered to go and serve the Army.

Today is a different story. Today, we have all-volunteer services. You can

join the Army, the Navy, the Air Force, the Coast Guard, the National Guard, the Reserves. They serve and they volunteer because they love our country, and this is why we're so proud of the young men and women who sacrifice so that you and I can enjoy the freedoms that we have in this country. And the day when we fail to recognize the sacrifices of these young men and women who serve, this is when the fibers of this country start to begin to deteriorate.

I am so proud to say that I served in the Army, and I wish everybody who is either serving now or have served in the past a happy birthday.

I reserve the balance of my time.

Mr. DJOU. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Con. Res. 286, which was introduced by my friends from Texas, Mr. EDWARDS and Mr. CARTER. This resolution recognizes the 235th birthday of the United States Army and honors the valor, commitment, and sacrifice that members of the United States Army, their families, and Army civilians have displayed throughout the history of the United States Army.

I personally also want to note what the recognition of the Army birthday means to myself and my district. Three things I want to point out to the floor: First off, of course, it is my honor to represent Hawaii's First Congressional District, which is home to the 25th Infantry Division of the United States Army. It is also home of U.S. Army Pacific, Tripler Army Medical Center, Fort Shafter and of course my Army Reserve unit. All of which I take great pride in representing here in the Congress.

Second, I think it speaks to the strength and vitality and greatness of our Nation and our Nation's Army that I, for myself, a child of immigrants from Thailand and China, had the privilege of calling myself an officer in the United States Army Reserve. It is a true testimony of the greatness of our Nation and the greatness of our Armed Forces that the child of immigrants would be allowed to serve as an officer in the most powerful fighting force the world has ever known.

Third and finally, of course, I am enormously humbled to call myself a Member of the House of Representatives, and I think it is also testimony of the greatness of our military, Armed Forces, and for the United States Army that I had the privilege earlier today of sitting in a hearing with General Petraeus discussing current actions and operations going on in Afghanistan.

I think one of the beauties of our Army today is the fact that our Army is professional; it is well-trained; and it also is under civilian control; and that even four-star generals have to answer to the elected officials of our Nation's people.

As a Member of the House Armed Services Committee and as a captain in the Reserve, I'm proud to speak in very strong support of this resolution.

On June 14, 1775, in Philadelphia, a weary group of Continental Congressmen worked by candlelight to lay out the provisions to form an Army. The result was a simple paragraph order for the colonial States to provide men and arms to continue an uphill fight against England. That simple paragraph order or resolution authorized the formation of 10 rifle companies, and thus began the formation and the beginnings of our United States Army.

Today, 235 years later, we continue to honor the commitment and duty of the Army soldiers who have risked their lives to preserve our freedom. They have left a lasting mark on this Nation. During the Army's 235-year history, tens of thousands of these brave young men and women have selflessly served on distant battlefields to keep our Nation safe.

I am particularly proud of the residents of Hawaii who have served and continue to serve in the Army on behalf of our Nation, as well as the many Reservists and Guardsmen, many of whom are my personal friends with whom I have served with honor and distinction. I salute them for their service to our great Nation.

Today, as our Nation continues to fight the global war on terror, the Army has been key to providing the military capabilities it needs to persist in the struggle for liberty and democracy. Through the efforts of the U.S. Army, the world has been made a more secure, prosperous, and better place for all of mankind. The courage and dedication of those soldiers and their families are an inspiration to us all, and may the rest of us endeavor to be "Army Strong" in our own lives.

I am honored to speak in favor of this resolution and urge my colleagues to join me in support of and recognize the 235th birthday of the United States Army.

Madam Speaker, I reserve the balance of my time.

Mr. ORTIZ. I yield such time as my good friend from Texas (Mr. EDWARDS) may consume, my friend and colleague and member of the Appropriations Committee.

Mr. EDWARDS of Texas. I want to thank Chairman ORTIZ for the time today and, most importantly, not only for his service in the U.S. Army as a soldier but for his leadership as a key subcommittee chairman on the House Armed Services Committee. The gentleman from Texas works every day to support our soldiers, not just with his words but with his deeds, and I'm deeply grateful for that.

Madam Speaker, this resolution honors the 235th anniversary of the United States Army, and I rise today on behalf of a grateful Nation to say thank you

to every Army soldier, past and present, for their service to our Nation. We express our gratitude with the humility of knowing that we could never fully repay the debt of gratitude we owe our soldiers and their families for the sacrifices they have made to protect our Nation.

When I drive past Arlington Cemetery each morning on my way to the U.S. Capitol, I'm always reminded of that sacrifice, sacrifice of those who, in the words of Lincoln, gave their last full measure of devotion to country.

When I met with several young amputees and double amputees earlier this week at a charity event for wounded warriors, I was reminded that the personal sacrifices of war do not end with the signing of a ceasefire agreement. When I visit the Waco VA hospital in my district, I'm reminded that the mental wounds of war can sometimes be as serious and as long-lasting as the physical wounds of combat.

One of the greatest privileges of my life was to represent for 14 years Fort Hood, Texas, which is now so ably represented by my colleague and friend, Congressman CARTER. Fort Hood is the Army's largest installation, and I had the privilege of representing it through three combat deployments.

When I think about our Army soldiers and their sacrifices, I cannot help but think about the young soldier, probably no older than 20 years old, I met in December of 1995. My wife was just three days away from giving birth to our first son J.T., and as an expectant first-time father, I could not help but be excited as I talked to this young soldier sitting next to his young, pregnant wife, talking about how excited I was to become a father.

This soldier, who was about to deploy for Bosnia, said without an air of complaint in his voice: Sir, I missed the birth of my first son because I was serving in Iraq, and I will miss the birth of my second child because I will be serving in Bosnia. He said, Sir, I'm proud to serve my country.

Madam Speaker, one cannot put a price on the sacrifice of a young father missing the birth of his two children. There are no makeup days for missed births, birthdays, anniversaries, and graduations. That is why we are so deeply grateful to our soldiers and their families.

To the spouses, children, parents, and loved ones of our Army soldiers, I say, you are the unsung heroes of our Nation's defense. Whether you have worn our Nation's uniform or not, you have truly served our country. For those family members who have lost loved ones in combat, we know you continue to sacrifice each and every day of your life.

Were it not for the U.S. Army and the magnificent men and women who have served in it and are serving in it today, the world would be a much dif-

ferent place, a less stable, a less free place.

Just a few weeks ago, I had the honor of meeting Len Lomell. Most Americans have not heard the name of Len Lomell. He lives in Toms River, New Jersey, with his wife. My wife and I took our two young sons, J.T. and Garrison, to meet with Mr. Lomell because in my book, he is a true American hero. As an Army soldier on D-day in 1944, Len Lomell joined with Earl Rudder and the Second Battalion Army Rangers and climbed up that difficult, life-threatening cliff in the face of German gunfire and grenades to try to knock out the five massive German guns that could have put at risk the entire Allied invasion of D-day.

Len Lomell, along with one other soldier, went out scouring for the guns because they had been moved, unknown to Army intelligence, been moved away from that cliff that we know as Pointe du Hoc. It was Len Lomell who found those guns, and while nearly 100 Germans were standing just a few yards away, took thermite grenades and put those grenades in two different trips back to those guns, put thermite grenades in those gear mechanisms of those guns and, in doing so, decommissioned all of them.

The great historian Steven Ambrose said that, next to Eisenhower, Len Lomell had more to do with the victory of D-day than any living person in this world.

I have to wonder would the world be different today had it not been for that great Army soldier Len Lomell and all the soldiers who served with him and all the soldiers who served before him and those great ones who have served after him.

Madam Speaker, we can never repay our soldiers such as Len Lomell, or the young soldier I met at Fort Hood, or Robert L. Howard, who died in my hometown of Waco this past December and was buried just 4 months ago in Arlington Cemetery after earning the Congressional Medal of Honor, the Distinguished Service Cross, the Silver Star and eight Purple Hearts in his five tours of duty in Vietnam.

□ 1545

We cannot repay the 82,000 U.S. Army soldiers serving in Iraq today or the 57,000 soldiers serving in Afghanistan, but let us always honor them, not just with our words and resolutions such as this one today, but with our deeds and our budgets every day.

Our Nation has a moral obligation to provide quality housing and health care for our troops and their families and first-class education for their children. Our Nation has a moral obligation to stand up for America's veterans because they have stood up for us.

A grateful Nation wishes our Army a happy 235th birthday. May God bless all our soldiers—past, present and fu-

ture—for risking their lives to protect our divine gift of freedom.

Mr. DJOU. Madam Speaker, I yield such time as he may consume to my colleague from Texas (Mr. CARTER).

Mr. CARTER. I thank my friend from Hawaii for yielding, and I thank him for the opportunity to speak on behalf of this important honor we are bestowing upon the Army by congratulating them on their 235th birthday.

The first time that I ever realized I was going to be given the honor to represent the United States Army was when they had a redistricting in Texas and I realized that my new district was going to have Fort Hood in it. To be quite honest, it was an overpowering challenge to be called upon to represent over 50,000 American soldiers and all those who work with those soldiers. I was a little bit taken aback, quite frankly. Mr. EDWARDS, as he pointed out, who has been so helpful to me in the transition of Fort Hood, Mr. EDWARDS had represented them for many years and had done an outstanding job, and I was going to be the new kid on the block going to Fort Hood. And so I went to my office and I said, the districts are changing, we've got to go visit soldiers, we've got to be with soldiers.

I got the opportunity through the Speaker's Office before I had hardly spent any time at all in Fort Hood to go to Korea to visit soldiers who were stationed in Korea, many of whom were part of the soldiers contingency that would return to Fort Hood. I grew up as a small child with what was earlier today commemorated as the Korean War. To me it was just a map of the peninsula of Korea that I watched lines move up and down, but I know from people who came back what a terrible fight that was. And I know that that is still, to this day, to this very moment we stand in history, a dangerous place on the Earth.

When we got there, we were given the opportunity, my wife and I, to go up on the demilitarized zone, the DMZ, where ultimately, as a result of the cease fire that took place in Korea, they have set up—both sides, you're kind of across a line looking at each other. In fact, as recently as 4 or 5 years ago, there have been fatalities on that line. There is the opportunity for another war to break out, theoretically, any minute of any day, 24 hours a day and has been since the end of the Korean War back in the fifties. So it was kind of a challenge just to go up there.

Then when I got there, there were all these young-faced American soldiers. My oldest son is a football coach and a baseball coach, and as I looked at these young men and women that I was being introduced to; they looked just like the kids that were at the graduation ceremony just a few months earlier that my son coached and taught.

When it came time for lunch, they gave me an opportunity to sit down at

this table with this bunch of young men and women. I tell you this because it was kind of unusual, my first time to ever sit down with just ordinary soldiers and talk to them. And you don't really know what they're going to say; you're kind of curious. Well, the first thing I found out was there was one kid there from Killeen Ellison; he played football for my son when my son coached at Killeen Ellison. There was another kid there that played baseball for my son when he coached at Round Rock High School. So I realized that these were just like those kids that had just graduated.

I went around the table, and this was all a bunch of 18- and 19-year-old soldiers. They came from small-town and big-town America. They could have been your friend, your neighbor, your cousin, could have been your brother or your sister. And there they were, standing up there, potentially in harm's way on our behalf, where it's cold and windy and kind of scary.

So that was my first contact. And I asked the question, kind of naively, Okay, so when are you guys going to be through over here in Korea? Most of them were going to be out within the next 8 months. And I said, Where do you want to go when you get out, expecting all kinds of exotic places. No, sir, we want to go to either Afghanistan or Iraq. My wife and I both were a little taken aback by that. And so my wife asked the question, Why would you want to go there? And they gave an answer that is one of the definitions I think of the United States Army, they said, Sir, we're warfighters; that's where the war is. That's what we do for a living. We are the Army.

Now, you hear that from a 19-year-old kid that probably a year and a half ago had been playing on some practice field someplace in central Texas and you say to yourself, what magic is it that we get people like this to come out and do this job and do it willingly and with such patriotism and such fervor for doing the job they're trained for?

Just recently, less than a few weeks ago—and I shared this at the birthday party for the Army last night—my wife and I got a very nice honor of being part of a small delegation of Members of Congress who were invited to go to the Memorial Day ceremony at Normandy Beach where our soldiers came ashore and accomplished the impossible. In fact, we stood on Pointe du Hoc, as Mr. EDWARDS was describing to you, and we looked at those cliffs and we looked at the repair being done to preserve that national treasure of our heroic effort.

We got to see that beach both at high and low tide, and we got to see the distance those soldiers had to run under heavy, heavy, heavy automatic weapon fire and artillery fire just to get to that bluff that they had to climb to get

to the fight. You looked at it and you said, I don't think I could have done it. That is what I thought: I don't think I could have done it. And then you realize that that's the same kids, like the same kids I talked to in Korea. They were young people who were members of the United States Army; they had a job to do and they did it.

They told us a story about a soldier who landed there, fought his way across the beach to the bluff, fought his way up the bluff to get off of that deadly beach only to be wounded in the face—took off the right side of his face with a machine gun bullet. They wrapped him up on the top of the bluff and said you need to go back down on the beach for an aid station. And his comment was, I just fought my way off of that beach. And they said, no, you've got to be evacuated. Going back down to be evacuated he was shot four more times, the last of which took off the left side of his face. And his comment that he made when he came back to Normandy as a 90-year-old man—and they said he looked fine, he said they did a fine job on me and I looked good. I have children, I have grandchildren and I have great grandchildren, and I did what I did for them. And I can say that I always wondered if I really ought to come to this beach because I was only here for 9 hours. True, I did get five Purple Hearts while I was here, but I wondered if I was worthy to come back and say I landed here, because I had to be evacuated.

That special something that makes up the United States Army can't be described to us in detail. But when you walk among those 10,000 crosses and stars of David in that cemetery and you realize that those heroes laying beneath that ground are exactly like those heroes who stand on the wall in the defense of liberty in Iraq and Afghanistan today, our soldiers today are exactly like those of the Greatest Generation: they sacrifice everything.

I'm proud to represent the 31st Congressional District, which is the home of Fort Hood. Every soldier at Fort Hood has been deployed multiple times, and they never complain; they just do the job. We Americans, wherever we are, in this House that we are so blessed to be able to serve or around the world, should stop every day, when we have the opportunity, and say thank you to the United States Army for the quality of human beings they have produced to defend our Nation and for the patriotic spirit that is part of what makes up the psyche of America.

Nothing is more precious to us than the United States Army. Nothing is more honorable to me than being given the opportunity to represent over 50,000 American soldiers. And so this day I am very happy to say to our United States Army, happy birthday, U.S. Army. We are proud of you. God bless you and keep you safe.

Mr. ORTIZ. Madam Speaker, I yield 3 minutes to my good friend and colleague from New York (Mr. HALL), a member of the Energy and Global Warming Subcommittee. And as always, he does a great job.

Mr. HALL of New York. I thank the chairman for yielding.

I rise in support of House Concurrent Resolution 286, introduced by my colleagues from Texas, and also the co-chairs of the Army Caucus, Mr. EDWARDS and Mr. CARTER.

I would just like to follow on Mr. CARTER's remarks about the modesty of the veteran who, upon returning to the Normandy beaches, wondered whether he was worthy after only spending 9 hours there on D-day, whether he deserved to come back there again.

I have spoken to Army veterans who were wounded and needed help but say I don't want to go to the VA and ask for help because maybe there's somebody wounded worse than I was and they need the help more, they need the money more than I need it. That modesty and sense of self-sufficiency is admirable, but something that we on the Veterans Services Committee try to get past and try to convince all veterans that they have earned the assistance that this country should give them.

I am somebody who was turned away on induction day when I went for my physical on Holabird Avenue in Baltimore for various physical reasons; but as fate would have it, I am now chairing the Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs.

□ 1600

We were in the middle of a hearing yesterday on the state of the Veterans Benefits Administration when I had the honor of welcoming General David Huntoon, who is, this July, taking over the position of superintendent at West Point, which is in my district, New York's 19th Congressional District, in the Hudson Valley. He is replacing General Hagenbeck, who has served there for longer than I've been in this Congress.

It is a very proud tradition at the Army's academy. It was founded shortly after the Revolutionary War at the point of the Hudson River called World's End. It's where the Hudson takes a 90-degree bend to the west and then, once again, 90 degrees straight to the north. It is the point where the Revolutionary Army stretched a chain across the river to stop the British fleet from sailing up and influencing the battles that were taking place further north in the Hudson Valley.

To this day, West Point produces our officer corps, including my nephew, who graduated a couple of weeks ago from West Point. The corps is shortly going to be leading troops in battle—

some older than they, some younger than they—but the enlisted corps will be looking to our new officers in the Army for leadership.

I was honored to be at a gathering of appointees who I had helped to gain admission. Of course, they had to pass the admissions standards to West Point and to the other service academies as well. I heard a colonel from the admissions office at West Point say that the best thing that they could do as officers in the Army is to listen. They listen to their soldiers whom they lead, and they lead through service.

So, once again, I would like to congratulate and to honor the Army on this 235th birthday. I urge support of the resolution by all of my colleagues, and I offer my hopes and prayers that all of our young officers and enlisted people—and the more senior ones and the more experienced ones as well—will come back home safely.

Mr. DJOU. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ORTIZ. Madam Speaker, I yield 3 minutes to the chairman of the Subcommittee on Asia and the Pacific of the Foreign Affairs Committee, my good friend and colleague from American Samoa (Mr. FALEOMAVAEGA), my good friend with whom I have had the privilege of working for many years.

Mr. FALEOMAVAEGA. I do want to thank my good friend and colleague from Texas as well as our friend from the State of Hawaii for managing this important resolution.

Madam Speaker, it is ironic that we just got through considering a resolution which commemorated the 60th anniversary of the Korean War. Four of our colleagues were veterans of that terrible conflict: Congressman RANGEL, Congressman SAM JOHNSON of Texas, Congressman JOHN CONYERS of Michigan, and Congressman Howard COBLE of North Carolina. The Korean War took 30,000 of our soldiers' lives. Let us not forget their sacrifice as we honor the celebration of the 235th birthday of the U.S. Army.

It was my honor to have served as a member of the U.S. Army during the Vietnam conflict, Madam Speaker. I recall the time of the Revolutionary War and of George Washington, with some 12,000 soldiers who were not very well trained. They had to go up against some 30,000 British Redcoats, which was the most powerful military organization at that time, but we had to fight it. We won the war, giving credit to General George Washington and to those who were able to assist him.

Madam Speaker, as a matter of history of the U.S. Army, during World War II, some 100,000 Japanese Americans were incarcerated in concentration camps. Despite all the discrimination, all the hatred, and all the racism that was heaped upon the Japanese Americans, they volunteered and orga-

nized the 100th Battalion, 442nd Infantry brigade, which was sent to Europe. These two military organizations became among the most decorated ever in the history of the U.S. Army.

As I recall distinctly of the 100th Battalion, 442nd Infantry, some 18,000 individual decorations were given to the men who served, these Japanese Americans. Some 9,000 Purple Hearts were awarded, some 560 Silver Stars and 52 Distinguished Service Crosses—and ironically, only one Medal of Honor. Well, we corrected that. As a result of again reviewing the value and the courage of these Japanese American soldiers who fought during that time, 19 additional Medals of Honor were awarded because of what they had done during the war. I just wanted to note that as a matter of history.

I want to commend the gentleman from Texas (Mr. EDWARDS) for his authorship of this resolution. I sincerely thank my good friend, Congressman ORTIZ, for allowing me to say a few words in celebrating the 235th birthday of the U.S. Army.

Mr. Speaker, I rise today in strong support of H. Con. Res. 286, celebrating the 235th birthday of the United States Army.

First, I would like to thank Chairman SKELTON and Ranking Member MCKEON of the Committee on Armed Services for bringing the resolution to the floor today. I also want to commend my good friend, Congressman CHET EDWARDS of Texas, for introducing this resolution as well as all of the other cosponsors for their rapid and strong support.

The freedoms that this great country was built on were not formed out of peace and diplomacy, but out of necessity for war. The United States Army has ensured the safety and continuance of the freedoms won since the Revolutionary War that declared our independence from Great Britain. In 1775, the Continental Army was formed representing the thirteen American colonies consisting of a few thousand soldiers. Today, according to the Department of Defense, there are over 2 million personnel serving in our Armed Forces while 675,000 are either active duty or reserve in the U.S. Army.

I would like to take this opportunity to sincerely give my thanks to all the men and women who have served and are serving in the U.S. Army. As a Vietnam veteran, I appreciate the dedication and service of all those who have volunteered. The United States military is an essential component of our country's success and we owe them a debt of gratitude. Given that the average age of a soldier in the U.S. Army today is 22 years old, I would like to recognize the young men and women of this country for devoting themselves to maintaining the freedoms and rights enumerated by our founding fathers since 1776.

The United States Army personnel, as well as all branches of the military, deserve not only our respect, but our recognition. Our United States military today is the strongest and fiercest volunteer force dedicated to protecting and defending our great nation. For this reason I would like to recognize all U.S. military personnel serving in our homeland and throughout the world.

For their service, valor and commitment, we must honor the United States Army. I urge my colleagues to pass H. Con. Res. 286.

Mr. ORTIZ. Madam Speaker, at the same time we are honoring these soldiers, we cannot forget their families, because they have sacrificed as well.

I have known 29 soldiers who have been killed in the Afghanistan and Iraq wars. At one of these funerals that I attended, I met a young soldier who was escorting a body to my district, and he gave me this poem that I will always carry with me and that I will never forget. These are the people whose birthday we are celebrating today.

It is entitled, "Soldier."

"I was that which others did not want to be.

"I went where others feared to go and did what others failed to do.

"I asked nothing from those who gave nothing, and reluctantly accepted the thought of eternal loneliness should I fail.

"I have seen the face of terror, felt the stinging cold of fear, and enjoyed the sweet taste of a moment's love.

"I have cried, pained, and hoped; but most of all, I have lived times others would say were best forgotten.

"At least someday I will be able to say that I was proud of what I was, a soldier."

This is their birthday, the United States Army.

Mr. ETHERIDGE. Mr. Speaker, I rise today in support of H. Con. Res. 286, recognizing the 235th birthday of the United States Army. I rise today to commemorate the birthday of the Army, and the service of every man and woman who has served our country and kept its citizens safe. From the twenty-thousand-man Army first authorized in June of 1775 to the more than half a million in the Army today, millions of soldiers have sacrificed for our Nation. In addition to recognizing this birthday of the Army, I rise to thank and salute all of those in uniform, whether in the active forces, the Reserves, or the National Guard, and the civilian support staff that makes their missions possible. I thank their families as well for the sacrifices they have made.

For more than two centuries, the U.S. Army has protected our borders, responded to threats to our homeland, and helped the people of America in times of need. I am honored to have served in the U.S. Army, and I am proud to represent Fort Bragg, Pope Air Force Base and their surrounding communities.

Born fully twelve years before the Constitution was written, the Army has proven to be our Nation's most enduring institution. North Carolina's tradition of military service, patriotism, and respect for the military goes back to those earliest days. In fact, the Second District's first Representative was an Army veteran, Hugh Williamson. I am honored to continue that tradition.

Even better than "Happy Birthday" is "Welcome Home". We rejoice every time our soldiers return home from their service safely. This fall, we anticipate that the entire 82nd Airborne will be home in North Carolina for the first time in many years. I ask my colleagues

to join me in celebrating these daily individual returns while we celebrate the institution and its history as a whole.

As we honor this U.S. Army at this significant milestone, we cannot forget that there is a greater need for commitments than for congratulations. I call on my colleagues who join me today in support of this Joint Resolution to also commit to continued support for the funding the Army needs for its ongoing missions, and to support for TRICARE, mental health care, higher education, and military family needs as these heroes return home.

Mr. Speaker, I rise in strong support of this resolution, and in celebration of the continued success of America's Army.

Mr. ORTIZ. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GARAMENDI). The question is on the motion offered by the gentleman from Texas (Mr. ORTIZ) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 286.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ORTIZ. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Concurrent Resolution 242, by the yeas and nays;

House Resolution 1422, by the yeas and nays; and

House Resolution 1414, de novo.

Remaining postponed votes will be taken later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### HONORING THE NAACP ON ITS 101ST ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 242) honoring and praising the National Association for the Advancement of Colored People on the occasion of its 101st anniversary, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the concurrent resolution.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 11, as follows:

[Roll No. 365]

YEAS—421

Ackerman	Conaway	Hare
Aderholt	Connolly (VA)	Harman
Adler (NJ)	Conyers	Harper
Akin	Cooper	Hastings (FL)
Alexander	Costa	Hastings (WA)
Altmire	Costello	Heinrich
Andrews	Courtney	Heller
Arcuri	Crenshaw	Hensarling
Austria	Critz	Herge
Baca	Crowley	Hersteth Sandlin
Bachmann	Cuellar	Higgins
Bachus	Culberson	Hill
Baird	Cummings	Hinchey
Baldwin	Dahlkemper	Hinojosa
Barrow	Davis (AL)	Hirono
Bartlett	Davis (CA)	Hodes
Barton (TX)	Davis (KY)	Holden
Bean	Davis (TN)	Holt
Becerra	DeFazio	Honda
Berkley	DeGette	Hoyer
Berman	Delahunt	Hunter
Berry	DeLauro	Inslee
Biggert	Dent	Israel
Bilbray	Deutch	Issa
Bilirakis	Diaz-Balart, L.	Jackson (IL)
Bishop (GA)	Diaz-Balart, M.	Jenkins
Bishop (NY)	Dicks	Johnson (IL)
Blackburn	Dingell	Johnson, E. B.
Blumenauer	Djou	Johnson, Sam
Blunt	Doggett	Jones
Bocieri	Donnelly (IN)	Jordan (OH)
Boehner	Doyle	Kagen
Bonner	Dreier	Kanjorski
Bono Mack	Driehaus	Kaptur
Boozman	Duncan	Kennedy
Boren	Edwards (MD)	Kildee
Boswell	Edwards (TX)	Kilpatrick (MI)
Boucher	Ehlers	Kilroy
Boustany	Ellison	Kind
Boyd	Ellsworth	King (IA)
Brady (PA)	Emerson	King (NY)
Brady (TX)	Engel	Kingston
Braley (IA)	Eshoo	Kirk
Bright	Etheridge	Kirkpatrick (AZ)
Broun (GA)	Fallin	Kissell
Brown, Corrine	Farr	Klein (FL)
Brown-Waite,	Fattah	Kline (MN)
Ginny	Flner	Kosmas
Buchanan	Flake	Kratovil
Burgess	Fleming	Kucinich
Burton (IN)	Forbes	Lamborn
Butterfield	Fortenberry	Lance
Buyer	Foster	Langevin
Calvert	Fox	Larsen (WA)
Camp	Frank (MA)	Larson (CT)
Campbell	Franks (AZ)	Latham
Cantor	Frelinghuysen	LaTourette
Cao	Fudge	Latta
Capito	Gallely	Lee (CA)
Capps	Garamendi	Lee (NY)
Capuano	Garrett (NJ)	Levin
Cardoza	Gerlach	Lewis (CA)
Carnahan	Giffords	Lewis (GA)
Carney	Gingrey (GA)	Linder
Carson (IN)	Gohmert	Lipinski
Carter	Gonzalez	LoBiondo
Cassidy	Goodlatte	Loebach
Castle	Gordon (TN)	Lofgren, Zoe
Castor (FL)	Granger	Lowey
Chaffetz	Graves (GA)	Lucas
Chandler	Graves (MO)	Luetkemeyer
Childers	Grayson	Lujan
Chu	Green, Al	Lummis
Clarke	Green, Gene	Lungren, Daniel
Clay	Griffith	E.
Cleaver	Grijalva	Lynch
Clyburn	Guthrie	Mack
Coble	Gutierrez	Maffei
Coffman (CO)	Hall (NY)	Maloney
Cohen	Hall (TX)	Manzullo
Cole	Halvorson	Marchant

Markey (CO)	Perriello	Shimkus
Markey (MA)	Peters	Shuler
Marshall	Peterson	Shuster
Matheson	Petri	Simpson
Matsui	Pingree (ME)	Sires
McCarthy (CA)	Pitts	Skelton
McCarthy (NY)	Platts	Slaughter
McCaul	Poe (TX)	Smith (NE)
McClintock	Pollis (CO)	Smith (NJ)
McCollum	Pomeroy	Smith (TX)
McCotter	Posey	Smith (WA)
McDermott	Price (GA)	Snyder
McGovern	Price (NC)	Space
McHenry	Putnam	Speier
McIntyre	Quigley	Spratt
McKeon	Radanovich	Stark
McMahon	Rahall	Stearns
McMorris	Rangel	Stupak
Rodgers	Rehberg	Sullivan
McNerney	Reichert	Sutton
Meek (FL)	Reyes	Tanner
Meeks (NY)	Richardson	Taylor
Mica	Rodriguez	Teague
Michaud	Roe (TN)	Terry
Miller (FL)	Rogers (AL)	Thompson (CA)
Miller (MI)	Rogers (KY)	Thompson (MS)
Miller (NC)	Rogers (MI)	Thompson (PA)
Miller, Gary	Rohrabacher	Thornberry
Miller, George	Rooney	Tiahrt
Minnick	Ros-Lehtinen	Tiberi
Mitchell	Roskam	Tierney
Mollohan	Ross	Titus
Moore (KS)	Rothman (NJ)	Tonko
Moore (WI)	Roybal-Allard	Towns
Moran (KS)	Royce	Tsongas
Moran (VA)	Ruppersberger	Turner
Murphy (CT)	Rush	Upton
Murphy (NY)	Ryan (OH)	Van Hollen
Murphy, Patrick	Ryan (WI)	Velázquez
Murphy, Tim	Salazar	Visclosky
Myrick	Sánchez, Linda	Walden
Nadler (NY)	T.	Walz
Napolitano	Sanchez, Loretta	Wasserman
Neal (MA)	Sarbanes	Schultz
Neugebauer	Scalise	Waters
Nunes	Schakowsky	Watson
Nye	Schauer	Watt
Oberstar	Schiff	Waxman
Obey	Schmidt	Weiner
Olson	Schock	Welch
Olver	Schrader	Westmoreland
Ortiz	Schwartz	Whitfield
Owens	Scott (GA)	Wilson (OH)
Pallone	Scott (VA)	Wilson (SC)
Pascarell	Sensenbrenner	Wittman
Pastor (AZ)	Serrano	Wolf
Paul	Sessions	Woolsey
Paulsen	Sestak	Wu
Payne	Shadegg	Yarmuth
Pence	Shea-Porter	Young (AK)
Perlmutter	Sherman	Young (FL)

NOT VOTING—11

Barrett (SC)	Hoekstra	Melancon
Bishop (UT)	Inglis	Wamp
Brown (SC)	Jackson Lee	
Davis (IL)	(TX)	
Himes	Johnson (GA)	

□ 1636

Mr. PAULSEN changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### HONORING THE DEPARTMENT OF JUSTICE ON ITS 140TH ANNIVERSARY

The SPEAKER pro tempore (Ms. LEE of California). The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1422) honoring the Department of Justice on the occasion of its 140th

anniversary, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 3, not voting 13, as follows:

[Roll No. 366]

YEAS—416

Ackerman	Coble	Green, Gene
Aderholt	Coffman (CO)	Griffith
Adler (NJ)	Cohen	Grijalva
Akin	Cole	Guthrie
Alexander	Conaway	Gutierrez
Altmire	Connolly (VA)	Hall (NY)
Andrews	Conyers	Hall (TX)
Arcuri	Cooper	Halvorson
Austria	Costa	Hare
Baca	Costello	Harman
Bachmann	Courtney	Harper
Bachus	Crenshaw	Hastings (FL)
Baird	Critz	Hastings (WA)
Baldwin	Crowley	Heinrich
Barrow	Cuellar	Heller
Bartlett	Culberson	Hensarling
Barton (TX)	Cummings	Hergert
Bean	Dahlkemper	Herseth Sandlin
Becerra	Davis (AL)	Higgins
Berkley	Davis (CA)	Hill
Berman	Davis (KY)	Himes
Berry	Davis (TN)	Hinchee
Biggert	DeFazio	Hinojosa
Bilbray	DeGette	Hirono
Bilirakis	Delahunt	Hodes
Bishop (GA)	DeLauro	Holden
Bishop (NY)	Dent	Holt
Blackburn	Deutch	Honda
Blumenauer	Diaz-Balart, L.	Hoyer
Blunt	Diaz-Balart, M.	Hunter
Bocieri	Dicks	Inslee
Boehner	Dingell	Israel
Bonner	Djou	Issa
Bono Mack	Doggett	Jackson (IL)
Boozman	Donnelly (IN)	Jackson Lee
Boren	Doyle	(TX)
Boswell	Dreier	Jenkins
Boucher	Driehaus	Johnson (GA)
Boustany	Duncan	Johnson, E. B.
Boyd	Edwards (MD)	Johnson, Sam
Brady (PA)	Edwards (TX)	Jones
Brady (TX)	Ehlers	Jordan (OH)
Braley (IA)	Ellison	Kagen
Bright	Emerson	Kanjorski
Broun (GA)	Engel	Kaptur
Brown, Corrine	Eshoo	Kennedy
Brown-Waite,	Etheridge	Kildee
Ginny	Fallin	Kilpatrick (MI)
Buchanan	Farr	Kilroy
Burgess	Fattah	Kind
Burton (IN)	Filner	King (IA)
Butterfield	Flake	King (NY)
Buyer	Fleming	Kingston
Calvert	Forbes	Kirk
Camp	Fortenberry	Kirkpatrick (AZ)
Campbell	Foster	Kissell
Cantor	Fox	Klein (FL)
Cao	Frank (MA)	Kline (MN)
Capito	Franks (AZ)	Kosmas
Capps	Frelinghuysen	Kratovil
Capuano	Fudge	Kucinich
Cardoza	Gallely	Lamborn
Carnahan	Garamendi	Lance
Carney	Garrett (NJ)	Langevin
Carson (IN)	Gerlach	Larsen (WA)
Carter	Giffords	Larson (CT)
Cassidy	Gingrey (GA)	Latham
Castle	Gohmert	LaTourette
Castor (FL)	Gonzalez	Latta
Chaffetz	Goodlatte	Lee (CA)
Chandler	Gordon (TN)	Lee (NY)
Childers	Granger	Levin
Chu	Graves (GA)	Lewis (CA)
Clarke	Graves (MO)	Lewis (GA)
Clay	Grayson	Linder
Clyburn	Green, Al	Lipinski

LoBiondo	Olver	Serrano
Loeb sack	Ortiz	Sessions
Lofgren, Zoe	Owens	Sestak
Lowe y	Pallone	Shadegg
Lucas	Pascrell	Shea-Porter
Luetkemeyer	Pastor (AZ)	Sherman
Lujan	Paulsen	Shimkus
Lummis	Payne	Shuler
Lungren, Daniel	Pence	Shuster
E.	Perlmutter	Sires
Lynch	Perriello	Skelton
Mack	Peters	Slaughter
Maffei	Peterson	Smith (NE)
Maloney	Petri	Smith (NJ)
Manzullo	Pingree (ME)	Smith (TX)
Marchant	Pitts	Smith (WA)
Markey (CO)	Platts	Snyder
Markey (MA)	Poe (TX)	Space
Marshall	Polis (CO)	Speier
Matheson	Pomeroy	Spratt
Matsui	Posey	Stark
McCarthy (CA)	Price (GA)	Stearns
McCarthy (NY)	Price (NC)	Stupak
McCaul	Putnam	Sullivan
McClintock	Quigley	Sutton
McCollum	Radanovich	Tanner
McCotter	Rahall	Taylor
McDermott	Rangel	Teague
McGovern	Rehberg	Terry
McHenry	Reichert	Thompson (CA)
McIntyre	Reyes	Thompson (MS)
McKeon	Richardson	Thompson (PA)
McMahon	Rodriguez	Thornberry
McMorris	Roe (TN)	Tiahrt
Rodgers	Rogers (AL)	Tiberi
McNerney	Rogers (KY)	Tierney
Meek (FL)	Rogers (MI)	Titus
Meeks (NY)	Rohrabacher	Tonko
Mica	Rooney	Towns
Michaud	Ros-Lehtinen	Tsongas
Miller (FL)	Roskam	Turner
Miller (MI)	Ross	Upton
Miller (NC)	Rothman (NJ)	Van Hollen
Miller, Gary	Roybal-Allard	Visclosky
Miller, George	Royce	Walden
Minnick	Ruppersberger	Walz
Mitchell	Rush	Wasserman
Mollohan	Ryan (OH)	Schultz
Moore (WI)	Ryan (WI)	Waters
Moran (KS)	Salazar	Watson
Moran (VA)	Sánchez, Linda	Watt
Murphy (CT)	T.	Waxman
Murphy (NY)	Sanchez, Loretta	Weiner
Murphy, Patrick	Sarbanes	Welch
Murphy, Tim	Scalise	Westmoreland
Myrick	Schakowsky	Whitfield
Nadler (NY)	Schauer	Wilson (OH)
Napolitano	Schiff	Wilson (SC)
Neal (MA)	Schmidt	Wittman
Neugebauer	Schock	Wolf
Nunes	Schrader	Woolsey
Nye	Schwartz	Wu
Oberstar	Scott (GA)	Yarmuth
Obey	Scott (VA)	Young (FL)
Olson	Sensenbrenner	

NAYS—3

Johnson (IL) Paul Young (AK)

NOT VOTING—13

Barrett (SC)	Ellsworth	Simpson
Bishop (UT)	Hoekstra	Velázquez
Brown (SC)	Inglis	Wamp
Cleaver	Melancon	
Davis (IL)	Moore (KS)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Less than 2 minutes remain in this vote.

□ 1645

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## CONGRATULATING URBAN PREP CHARTER ACADEMY—ENGLEWOOD CAMPUS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1414) congratulating Urban Prep Charter Academy for Young Men—Englewood Campus, the Nation's first all-male charter high school, for achieving a 100 percent college acceptance rate for all 107 members of its first graduating class of 2010, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. ANDREWS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 420, noes 0, not voting 12, as follows:

[Roll No. 367]

AYES—420

Ackerman	Brown-Waite,	Dahlkemper
Aderholt	Ginny	Davis (AL)
Adler (NJ)	Buchanan	Davis (CA)
Akin	Burgess	Davis (KY)
Alexander	Burton (IN)	Davis (TN)
Altmire	Butterfield	DeFazio
Andrews	Buyer	DeGette
Arcuri	Calvert	Delahunt
Austria	Camp	DeLauro
Baca	Campbell	Dent
Bachmann	Cantor	Deutch
Bachus	Cao	Diaz-Balart, L.
Baird	Capito	Diaz-Balart, M.
Baldwin	Capps	Dicks
Barrow	Capuano	Dingell
Bartlett	Cardoza	Djou
Barton (TX)	Carnahan	Doggett
Bean	Carney	Donnelly (IN)
Becerra	Carson (IN)	Doyle
Berkley	Carter	Dreier
Berman	Castle	Driehaus
Berry	Castor (FL)	Duncan
Biggert	Chaffetz	Edwards (MD)
Bilbray	Chandler	Edwards (TX)
Bilirakis	Childers	Ehlers
Bishop (GA)	Chu	Ellison
Bishop (NY)	Clarke	Emerson
Blackburn	Clay	Engel
Blumenauer	Cleaver	Eshoo
Blunt	Clyburn	Etheridge
Bocieri	Coble	Fallin
Boehner	Coffman (CO)	Farr
Bonner	Cohen	Fattah
Bono Mack	Cole	Filner
Boozman	Conaway	Flake
Boren	Connolly (VA)	Fleming
Boswell	Conyers	Forbes
Boucher	Cooper	Fortenberry
Boustany	Costa	Foster
Boyd	Costello	Fox
Brady (PA)	Courtney	Frank (MA)
Brady (TX)	Crenshaw	Franks (AZ)
Braley (IA)	Critz	Frelinghuysen
Bright	Crowley	Fudge
Broun (GA)	Cuellar	Gallely
Brown, Corrine	Culberson	Garamendi
	Cummings	Garrett (NJ)

Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves (GA)  
Graves (MO)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Insole  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loebach  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis

Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Ortiz  
Owens  
Pallone  
Pascarella  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perrillo  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher

Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skeltan  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Paulsen  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

## NOT VOTING—12

Barrett (SC)  
Bishop (UT)  
Brown (SC)  
Cassidy  
Davis (IL)  
Ellsworth  
Hirono  
Hoekstra  
Inglis  
Melancon  
Oliver  
Wamp

□ 1654

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ELECTING CERTAIN MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES

Mr. PENCE. Madam Speaker, by direction of the House Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1447

*Resolved*, That the following named members be, and they are hereby, elected to the following standing committees:

COMMITTEE ON AGRICULTURE—Mr. Rooney.  
COMMITTEE ON HOMELAND SECURITY—Mr. Graves of Georgia.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE—Mr. Graves of Georgia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. JACKSON LEE of Texas. Madam Speaker, because I was chairing the committee addressing the question of the United-Continental merger, I was unavoidably detained and I missed the vote of H. Con. Res. 242, honoring and praising the National Association for the Advancement of Colored People on the occasion of its 101st anniversary. If I had been present, I would have voted an enthusiastic “aye.”

## TRIBUTE TO MANUEL SEMAN AND LUISE PANGELINAN VILLAGOMEZ

(Mr. SABLON asked and was given permission to address the House for 1 minute.)

Mr. SABLON. Madam Speaker, some families have an out-size influence in their community. With 12 children, 40 grandchildren, 30 great grandchildren and 2 great-great grandchildren, Manuel Seman and Luise Pangelinan Villagomez have clearly had an impact. But their influence was more than numerical. The Villagomezes were among the first great entrepreneurs to emerge from the ashes of World War II in the Northern Mariana Islands.

Manny's family had farmed and fished, selling their produce to Japanese retail stores before the war. But afterwards Manny and Luise became business people themselves. They

began with a small grocery store in Chalan Kanoa, then added a second in Garapan. They invested in real estate, went into construction, sold scrap and grew their fortunes. They invested, too, in their children's education, though they had only a sixth grade and third grade education between them. And they taught their children business, bringing them into the stores at an early age.

Luise passed away, surrounded by loved ones, at the Kiyu compound in Fina Sisu a few years ago. But Manny Villagomez lives on, farming as he did as a child, still traveling occasionally, satisfied with the fruits of a life of hard work and devotion to family and faith.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded not to traffic the well while another Member is under recognition.

□ 1700

## ISRAEL UNDER SIEGE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, Israel has the absolute right to defend itself. It is under siege. In the north, it has the terrorist group Hezbollah; in the south, it has the terrorist group Hamas, both firing missiles into that Nation. Recently, six ships tried to break a blockade going into Gaza. Israel defends its borders and searches ships to make sure that aid going to Gaza is not from Iran and it is not weapons.

But this was not humanitarian aid workers that assaulted the Israeli commandos, where 10 of them were hurt. It turns out that their goal was, of course, to have an international incident. The reason being, after these ships were stopped and then allowed to proceed into Gaza, the humanitarian aid was denied and refused by Hamas. Obviously, an international incident that had gone bad for Hamas.

Recently, myself and the gentleman from Michigan (Mr. PETERS), along with 128 Members of Congress have tried to make it clear to the White House that the United States should stand with our ally Israel, that we should make it clear to Israel, to America, and the rest of the world that Israel has the absolute right to defend itself in this situation and support the blockade and support their actions of the flotilla. This should be clear to all concerned throughout the world, especially Hamas and Hezbollah.

And that's just the way it is.

## DISCLOSE ACT EXEMPTIONS

(Mr. DANIEL E. LUNGREN of California asked and was given permission

to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, there is uncertainty on this floor as I speak as to whether or not we are going to bring up the DISCLOSE Act this day in the Rules Committee or on this floor this week. The reason appears to be that a special exemption has been given to just a select number of groups, starting with the National Rifle Association, but also not including the Gun Owners of America; including the Humane Society, but not including other agricultural groups in America.

In other words, we are saying that free speech is free for some but not all. And as I looked at this exemption that's been given, you have to have over a million members. You have to have members in all 50 States. You have to have existed for more than 10 years. It is obvious we have now gone from too big to fail to too big to file. In other words, if you have got enough juice here, you are not going to be included. But if you do, you are going to be excluded, and you are going to be allowed in this election period to fully use your First Amendment rights. That's not what the Constitution's all about.

#### TRIBUTE TO THE VICTIMS OF THE NORTHWESTERN OHIO TORNADOES

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Madam Speaker, I rise to recognize and pay tribute to the men and women and children who lost their lives and were wounded in the tornadoes that ravaged northwestern Ohio on June 5 and 6. And that disaster prematurely took the lives of six people. We are talking about Wood County, Fulton County, Ottawa County, across Sandusky County, and adjacent counties.

Madison Walters has been tragically orphaned while her family, Mary and Ryan Walters and their 4-year-old son, Hayden, were all killed. We also remember Ted Kranz, Kathy Hammitt, and Bailey Bowman. Over \$100 million of estimated damage occurred. Lake High School was leveled. So many businesses, homes, farms affected.

While this is a story of pain, it is also a story of hope and human goodness, as waves of thousands of volunteers have come to try to help and assist those facing such destruction. I would like to submit two articles for the record that detail examples of this compassion. And it shows to us again the signs of a great Nation that binds together, and neighbor helping neighbor.

I urge the administration, in the strongest manner possible, to declare our region a Federal disaster area so necessary aid can flow to those whose

lives have been so dramatically affected in a region already suffering from economic recession.

[From toledoblade.com, June 11, 2010]

HELP, HOPE FROM VOLUNTEERS LIFT SPIRITS IN TORNADO-WRECKED TOWNS; MORE THAN 1,600 PEOPLE TURN OUT TO LEND A HAND

(By Claudia Boyd-Barrett)

Millbury resident Tim Miller has lost his house, and he wants to say thank you.

Not to the tornado which left him and his family homeless last weekend, but to the hundreds of people—most of whom he doesn't know—who have come to help pick up the pieces.

Thursday, on what remained of his back deck and next to a hole in the ground that was once his house, Mr. Miller perched a handwritten sign addressed to the volunteers. It read "Thank You Everyone."

"I have to," Mr. Miller said. "All these people come out and help you out, you've gotta thank them somehow."

With volunteers and emergency crews continuing to pour into Wood, Fulton, and Ottawa counties Thursday, recovery and cleanup efforts were moving full-speed.

In Lake Township, site of some of the worst devastation, Police Chief Mark Hummer said he expected the bulk of the cleanup to be done by Saturday. After that, there will be small debris to pick up and rebuilding efforts will begin, he said.

Volunteers included schoolchildren, adults taking time off work, retirees, nonprofit groups, and businesspeople.

Among them, a dozen employees from the Shelly Co. in Findlay and children from a little league baseball team ferried hundreds of hamburgers, hotdogs, and refreshments to residents and other volunteers in the Lake Township area.

Nine-year-old Ryan Kerr was one of the volunteers. He said he wanted to help "because I feel really bad about all the people losing their homes." And, he added, "it's fun." Recruitment of volunteers has been so successful that the United Way announced it would close two of its volunteer reception centers today. With so much of the general cleanup work done, there is only need for specialized volunteers, the agency said.

"The community's response has been absolutely tremendous," Bill Kitson, United Way of Greater Toledo president and chief executive officer, said in a statement. "In the past three days, we have deployed more than 1,600 volunteers to help with clean-up efforts. I'm truly at a loss for words."

The closed centers were at Grace United Methodist Church at 601 East Boundary St. in Perrysburg and at the Mainstreet Church at 705 North Main St. in Walbridge.

United Way officials said that if people still wish to volunteer and think their specialized skills can be used in restoration efforts, they should call 2-1-1 and give their personal information for reference.

General volunteers are needed in Ottawa and Fulton counties, however. In Fulton County, volunteers can go to Shiloh Christian Union Church, 2100 County Road 5, between 9 a.m. and 6 p.m. today while the location will change to the Swancreek Township Hall, 5565 County Road D for the weekend. Ottawa County has a volunteer reception center at Genoa High School.

Bill Walker, the emergency management director for Erie County who has been helping out in Ottawa County, said the cleanup there would likely continue into next week.

"There's still a lot of work to do," he said. "But it's way better than what it was."

Amid the cleanup efforts, emergency officials also worked to ensure the area is prepared for future storms. They tested sirens yesterday across Wood County and one siren in Lake Township failed to sound. The siren, outside the fire station on Ayers Road, was fixed within a few hours.

Police Chief Mark Hummer said the siren had electrical problems and may have been struck by lightning.

It was not known whether any other sirens failed to work during the testing that lasted about three minutes and started at noon.

The Lake Township site where the siren wasn't working is the closest location to an area of Millbury that was among the hardest hit in the township.

Lake Township fire Chief Todd Walters said the siren was tested a week ago and was working when the tornado hit on Saturday night. Other sirens that were activated Thursday in Lake Township were at the Municipal Building in Millbury, Walbridge behind the police department, and on East Broadway in news conference yesterday morning, the township's police and fire chiefs encouraged people to prepare for future storms by having a battery-operated radio, as well as food and water in a safe area of the house, on hand at all times.

According to the National Weather Service, there is a chance of showers and thunderstorms today and through the weekend, but severe weather conditions have not been predicted.

Also yesterday, Ohio Department of Transportation Director Jolene Molitoris toured the storm-ravaged areas and spoke with officials involved in the recovery efforts. She pledged continued help by ODOT crews in clearing roads and making them safe for emergency personnel and the public.

Ms. Molitoris said she was inspired to see the progress made by the various government agencies on the ground and by volunteers.

"Everybody is a team and there's a power in working together," Ms. Molitoris said. "It reminds us of what it means to be Ohioans."

In another sign that things are slowly recovering, the Lake Township Police Department moved to a former Ohio Highway Patrol substation on Lemoyne Road. Emergency dispatchers for the Lake Township Fire Department and EMS will continue to work out of the Northwood police dispatch center, however.

Meanwhile, others were recovering on a more personal level. After losing the house they had moved into just three weeks ago to the tornado, Melody Kisseberth and her fiancée, Steve Avers, said they are gradually coming to terms with their ordeal.

"I was devastated for days, but now I'm trying to see the bright side," Ms. Kisseberth said, as she picked up the debris along with dozens of volunteers. "I realized we need to be thankful because there's a lot of people worse off than us."

[From toledoblade.com, June 15, 2010]

RELATIVES PULL TOGETHER FOR GIRL ORPHANED AFTER TORNADO  
(By the Blade staff)

The extended family of a 7-year-old left orphaned and homeless by the June 5 tornadoes said Monday they are "pulling together" to protect the little girl.

Madison Walters' mother, Mary Walters, 36, and her 4-year-old brother, Hayden, were killed shortly after a powerful tornado struck the family home in Millbury, Ohio, ripping off the second story.

Her father, Ryan Walters, 37, who was critically injured, died Sunday at Mercy St. Vincent Medical Center in Toledo.

Madison was released Sunday from the same hospital after days of treatment for broken bones. Her aunt, Amy Sigler, said the child is being cared for by family members.

"She is doing well and is surrounded by her loving family," Mrs. Sigler said.

Barbara Walters, Mr. Walters' mother, said she was not surprised at her son's passing, but the family had hoped for a better outcome. She said the couple left a will "with specific instructions" for Madison.

The family declined to give specifics about which family members she will live with, citing a desire for privacy.

Mr. Walters will be buried Friday with his wife and son in Lake Township cemetery, Barbara Walters said.

Mrs. Sigler described her brother-in-law, a long-distance runner, as an "exemplary" father and husband who dedicated many volunteer hours to help manage the computer systems at Mainstreet Church in Walbridge.

She said faith in God is helping the family cope with their grief.

"God's grace is amazing," she said. "We know we're going to see him again."

Mr. and Mrs. Walters apparently were asleep in an upstairs bedroom of their Main Street house when the tornado struck. Their children were asleep in the same part of the house, family members said.

The house appears to have been in the direct path of at least one tornado, and was flattened to the foundation.

Mrs. Sigler, who lives in nearby Northwood, said she tried to call her sister to warn her about the approaching storm. She had watched news reports of violent thunderstorms moving across northwest Ohio, and knew the family was asleep. "The phone just rang and rang," she said the day after the storm hit. "I knew as soon as it hit and she didn't call that something was wrong."

The storm was one of northwest Ohio's worst.

The others killed include Ted Kranz, 46, who died after part of his Case Road home fell on him after he left his basement to check on a generator; Wauseon resident Kathy Hammitt, 56, who was en route for home along State Rt. 795 after visiting her husband at a nearby hospital, and Bailey Bowman, a 20-year-old mother of a 2-year-old boy, who was killed as she tried to seek shelter at the Lake Township police building.

#### DEAL WITH THE GULF

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Madam Speaker, last night I watched the President on television, and I was really disappointed because, instead of really addressing the problem of the gulf spill, he was once again talking about a government move to take over part of our country.

We have seen the government move to take over or control the auto industry, the financial industry. We have seen the government or the administration force through the health care bill which the vast majority of Americans don't want. And last night, instead of really focusing on dealing with the problem in the gulf that's going to cost maybe 150,000 jobs and make us more dependent on foreign oil, what the President did, he started talking

about the cap-and-trade bill, which will raise taxes on energy production, and every family in America will suffer to the tune of about \$3,000 or \$4,000 a year.

This is a time, Mr. President, if I were talking to him, I would say to deal with the problem in the gulf instead of talking about taking over more of the private sector and raising our taxes.

#### COMMENDING THE PRESIDENT'S OVAL OFFICE ADDRESS

(Mr. RANGEL asked and was given permission to address the House for 1 minute.)

Mr. RANGEL. I really didn't intend to talk, but I just wonder whether my colleague was listening to the same President, a President who I thought was responding to all Americans when he said that the government has a responsibility to make certain that the private sector upholds their commitment to people, to make certain that they do what I would hope that you would want.

We have to get away from this whole idea that government's bad. Ask anybody that has Medicaid and Medicare. And this President was an exciting, fresh air for all Americans to know that we will never forget those people in Louisiana.

The whole idea of cleaning the atmosphere and making this planet a better place to live, maybe that's repugnant to your way of thinking, but believe me, it's not for Democrats. It's for Democrats, Republicans, and for the civilized world to understand that we are prepared to make this a better planet than the one in which people have destroyed it.

So I just hope that we check and see who you were listening to last night, because I really thought it was exciting, invigorating, and gave us a lot of comfort that the President really cared.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### THE NEW NATIONAL SECURITY STRATEGY: JUST WORDS?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, the National Security Strategy released by the White House late last month has plenty to recommend. This administration, on paper and in its rhetoric and proclamations, clearly has a broader view, beyond the use of military force, of how to keep Americans safe.

The strategy puts a premium on diplomacy and multilateral cooperation as key tools of advancing our security interests. It discusses clean energy and a reduced dependence on foreign oil. It recognizes the threat, within a national security context, of global climate change. It expresses a commitment to nuclear nonproliferation and pledges support for fledgling democracies. It includes, under the rubric of national security, human rights, global health, and development aid. Madam Speaker, it even emphasizes the important national security implications of investing in education and human capital right here at home.

Frankly, it sounds a lot like the smart security platform that I have been advocating for the last several years. I'm glad the folks at the other end of Pennsylvania Avenue are getting there, also.

And yet, Madam Speaker, I can't reconcile all of those promising ideas with the ongoing prosecution of two wars, which are bankrupting our country morally and fiscally, without reducing terrorism threats or contributing to our national security.

The situation on the ground in Afghanistan remains very tenuous. While Americans, other NATO forces, and civilians continue to shed blood, insurgents and militants continue to thrive. As we prepare to move in on the Taliban's home base of Kandahar, all evidence indicates that we weren't successful at the more modest task of driving them out of Marja this very winter. Besides, according to General McChrystal, the Kandahar offensive isn't even ready to start on time.

At the same moment, we have an unreliable partner in President Karzai, a partner who has now dismissed two of his top aides who had the best working relationship with the United States. And General Petraeus is on Capitol Hill this week to tell the Armed Services Committees that the last 15 to 18 months have been about installing the "inputs" in Afghanistan, and that now, finally, we are ready to reap some "outputs."

Well, with all due respect, Madam Speaker, and respect to the General, we are all pleased that he is fine after briefly passing out in the Senate hearing room earlier this week, but in all due respect, I think the American people feel as though they have been providing inputs for more than 8½ years now. It's particularly difficult to accept this explanation when we've seen \$275 billion fly out of the Federal Treasury to pay for inputs in Afghanistan. It's long past time when we can expect to see results, or outputs.

But, tragically, there will be no meaningful outputs until we make a U-turn and reverse the strategy 180 degrees. The outputs will come when, and

only when, our Afghanistan policy actually adheres to the core principles offered in the administration's National Security Strategy.

So my urgent plea to the White House is to embrace its own advice. If they are serious about a new approach to defending and protecting America, let's not wait until July 2011. Bring our troops home now.

#### REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5297, SMALL BUSINESS JOBS AND CREDIT ACT OF 2010

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111-508) on the resolution (H. Res. 1448) providing for further consideration of the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### SECOND DISASTER IN THE GULF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, when the Deepwater Horizon oil rig exploded in the Gulf of Mexico, there was no plan to handle that disaster. The Federal Government was missing in action. Now the Feds have a moratorium on deepwater offshore drilling.

The administration plan, based upon President Obama's speech last night, can be summed up quite well in the Los Angeles Times, and I quote, "Obama's speech: There is a pipe spewing a gazillion gobs of oil into the gulf, so let's build more windmills." Yes, Madam Speaker, that seems to be the plan of the administration: Close down deepwater drilling and maybe build windmills.

Why would we shut down this industry in the Gulf of Mexico? And what is the purpose of this plan? The moratorium is preventing drilling in the Gulf of Mexico for the next 6 months or even longer. When we have a plane crash, Madam Speaker, when people die, and that's a horrible thing, we don't close down the entire airline industry for 6 months. That wouldn't make sense.

But shutting down the offshore drilling for 6 months or more is going to be the second disaster in the Gulf of Mexico. And it's expanding the economic destruction caused by this explosion and this oil spill. It will put 50,000 people or more out of work in the entire gulf region. It affects my State of Texas and Louisiana and Mississippi the most.

□ 1715

It's interesting. Although the oil spill affects Louisiana and Mississippi, Alabama, these are the States, along with Texas, who want to continue deepwater drilling because they know it's necessary for jobs, the economy, and making sure that America is independent of foreign oil.

What is the reason for putting these workers out of business? Why has the Federal Government seen fit to eliminate these jobs? Actions have consequences, and in this case, inaction also has its consequences.

Seventeen percent of the Nation's domestic crude oil comes from deepwater drilling in the Gulf of Mexico. Now where is the country to obtain energy for the loss of this oil? There is no plan, no answer from the administration about this question. A 6-month moratorium will in effect send these expensive rigs to Brazil and Indonesia. It costs about \$500,000 a day to operate one of these deepwater offshore drilling rigs.

These rigs are not going to sit there and wait for the Federal Government to make a decision, and just like what happened in the 1970s and 1980s with the American manufacturing industry, when it left America, it has never returned. And these oil rigs in the deepwater, when they leave American waters, they will not return ever. They will find some other safe haven to drill for crude oil.

The loss of our domestic source of oil in the Gulf of Mexico will make us further dependent on foreign oil. It means the United States will now have to import more oil from countries that don't like us, like the Middle East, like those good friends in Venezuela. It will increase the cost to all Americans, and that will increase tanker traffic bringing oil through the Gulf of Mexico. There is a greater risk from leakage of oil tankers than there is from any leakage from an offshore rig, but we will have to bring in at least 300 more tankers just to make up the 17 percent difference, and those tankers, of course, will bring foreign oil, not American oil, to the United States. We need to tap our own domestic sources of oil.

It took 37 days for there to be an attempt to have the top-kill procedure. Why did it take so long to make this decision? We're still looking for the answer to that question.

The majority of the pollution, Madam Speaker, is not the result of the explosion itself but the delay in handling the explosion and the containment thereof. In other words, there was no plan to contain the oil for at least 37 days, and then it was too late to try to contain the oil near the rig.

Now the government is overreacting by saying our solution to the explosion, to the containment, to the pollution is: stop deepwater drilling, kill

American jobs, kill the American energy industry. And that will have a disastrous effect on our country.

We do need a plan for future disasters to include, who is in charge of this leak? Who is in charge of the containment? Who is in charge of the cleanup? And the only plan we have today is to shut down deepwater drilling, and now the administration is using this as a political ploy to implement more taxes on the American energy industry which will be called the cap-and-trade national energy tax. Of course, that is passed on to the American citizens.

So a new crippling natural energy tax will result in regulations on carbon dioxide emissions, the very substance we as humans exhale, and it's unfortunate that the moratorium on the drilling has already caused devastating economy losses in the Gulf of Mexico, especially in my State.

So we would ask that the Federal Government rescind its ban and allow deepwater drilling in a safe manner.

And that's just the way it is.

#### UPDATE ON GOLDMAN SACHS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, please allow me to update my colleagues and citizens across the country on some recent news about Goldman Sachs, one of the white shoe Wall Street outfits that got bailed out by the American taxpayer 2 years ago. We've learned that the Securities and Exchange Commission and Department of Justice are looking into Goldman Sachs, but there is more you should know.

Today, it was revealed that this privileged firm also wholly owned a mortgage servicing company back from 2007. So it claims it had no knowledge of the housing meltdown, but in fact, it owned a loan servicing company.

Back in 2007, Goldman Sachs scooped up Litton Loan Servicing in Houston, Texas. Litton specialized in collecting money from borrowers in California and Florida. Goldman now services around 320,000 loans worth around \$50 billion according to the Financial Times.

Litton does not seem to be quite on the up-and-up. In fact, it was just recently forced to settle a class-action lawsuit in Los Angeles for over half a million dollars, and the Financial Times reports that the Better Business Bureau has listed almost 800 complaints on Litton. Worse, Litton has only put up about 29 percent of their loans into permanent modifications, leaving the rest of the consumers who tried to get one trying to find money to make up the difference they immediately owe Litton, and oh, of course, then they will owe the accrued late fees.

Goldman Sachs says little about this, of course. This is business as usual for them, but bad business as usual it appears.

However, the customers of Litton are not the only ones receiving poor services from Goldman Sachs. The Financial Crisis Inquiry Commission created by Congress is getting similar treatment. Despite saying that they will cooperate fully, Goldman Sachs is not cooperating fully with the Financial Crisis Inquiry Commission. In fact, a subpoena had to be issued last week to get documents from Goldman Sachs.

The New York Times quotes the chairman of the commission, Mr. Phil Angelides of California, as saying the following: "Goldman Sachs has not, in our view, been cooperative with our requests for information or forthcoming with respect to documents, information, or interviews."

Should that surprise any of us? It certainly shows that Goldman Sachs does not respect the law, nor the Congress, nor the executive branch, nor the American citizens, whose hard-earned dollars have poured into Goldman leading it to record profits, huge bonuses, and no results for ordinary people.

Worse, it makes one wonder what Goldman Sachs has to hide. Otherwise, why send irrelevant information to the commission and withhold other information? Yet Goldman continues to drag its feet in responding, and the commission had to subpoena.

Goldman Sachs could and should do better. They could lead Wall Street in corporate citizenship. We now know that Goldman Sachs could easily reduce the principal on every loan at Litton, write off all the late fees, and give 320,000 citizens some relief from the housing crisis that Goldman, along with the rest of Wall Street's biggest investment banks—or I should say speculators—had in creating.

How much do you want to bet that they won't? Anyone want to hedge a bet with a credit default swap or a synthetic collateralized debt obligation? I bet Goldman would be willing to sell you one, but you know, what they're really doing is they're trying to send their lobbyists to try to meet with members of the commission that Mr. Angelides heads.

The New York Times reports that, "Lobbyists representing Goldman in Washington tried to arrange one-on-one meetings with a handful of those commissioners, including Mr. Angelides, but he declined to meet with them."

Congratulations, Mr. Angelides. Guess what, they do the same thing to the Members of Congress. They wait for us in the hallways. They get on the elevators with us if we refuse to meet with them. They pay their lobbyists here lots of money.

So you keep doing what you're doing, Mr. Angelides. You keep digging. I'm glad you declined to meet with them.

And you know, according to the people who spoke with the New York Times, many of them said they spoke on the condition of anonymity because they were not authorized to discuss the commission's inner workings. So I'm glad to see that there are some Americans out there who are trying to get to the truth, trying to get to the heart of the matter, trying to get justice for the American people in the housing market where the deck is so strongly stacked against ordinary citizens who should hold one piece of paper they call their mortgage, and yet the note for that is locked up somewhere upstream, held on Wall Street or one of its subsidiaries. And most Americans who are getting thrown out of their houses across this country and being forcibly removed don't even have enough legal advice to know that they should be asking the judge to produce the original note in those proceedings, not a Xeroxed copy.

The American people: get yourself legal assistance back home from your fair housing agencies, your counseling agencies. You have a right to your own mortgage, and no one should take it away from you if you have a leg to stand on. And the judge should be on your side if you ask for that original note.

[From FT.com, June 16, 2010]

U.S. CONSUMERS RAGE AGAINST GOLDMAN UNIT

(By Suzanne Kapner and Francesco Guerrera)

As ever-darker clouds have gathered over Goldman Sachs in recent months, its executives have relied on a consistent line of defence.

As regulators, congressional investigators and activist shareholders have accused Wall Street's most successful investment bank of putting its interests ahead of those of its clients, Goldman's response has been: we deal with sophisticated investors who ought to know how to look after themselves, not powerless individuals.

"We don't have banking branches . . . we provide very few mortgages and don't issue credit cards or loans to consumers," is how Lloyd Blankfein, Goldman's chief executive, summarised the bank's *modus operandi* in a recent appearance before a U.S. Senate subcommittee.

Yet, in one small corner of its domain, Goldman interacts directly with ordinary Americans. Through its wholly owned subsidiary Litton Loan Servicing, which is facing a wave of complaints from consumers, Goldman collects payments on 320,000 loans, mainly in California and Florida, with an unpaid principal balance of \$50bn.

When Goldman acquired Litton in December 2007 for \$430m, the deal attracted little attention. Compared with Goldman's \$45bn in annual revenue, Litton is tiny. Goldman says Litton services half of 1 per cent of U.S. mortgages.

The high-risk mortgages serviced by Litton were like the many loans Goldman—and its rivals—packaged into complex securities that plunged in value once the housing bub-

ble burst, leading to huge losses among investors.

Goldman's knowledge of the perilous state of the U.S. property market, and its alleged reluctance to share it with investors, is at the centre of civil fraud charges filed by the Securities and Exchange Commission—which the bank denies—and were the focus of an 11-hour grilling of Goldman executives by Senate investigators in April.

Founded in 1988 by Larry Litton Sr in Houston after the Texas real estate bust, Litton developed expertise in collecting payments on high-risk mortgages that were near default. The company was purchased in 1996 by Credit-Based Asset Servicing and Securitization (C-Bass), which bought troubled loans from banks and used Litton to restructure them.

Because of its focus on distressed borrowers, Litton was one of the first companies to experiment with reducing interest payments for customers who had fallen behind to keep them from losing their homes. Such "loan modifications" have become common practice.

Litton's focus on modifying loans, coupled with its relationship with C-Bass, gave it an edge over rival servicers.

Because C-Bass bought bonds that were backed by pools of mortgages, Litton had the right to modify those loans once they soured.

According to Moody's Investors Service, Litton has retained the right to modify loans in 95 percent of the securities backed by loans it services. In contrast, other servicers have been blocked and even sued by investors, who claim loan modifications violate the original contract terms.

"Litton has been more aggressive than some of the other servicers," said Alan White, an assistant professor at the Valparaiso University School of Law. "It's part of their culture."

That approach has at times incurred the wrath of consumers. Concerned about rising complaints against the company, the Houston chapter of the Better Business Bureau conducted an investigation in 2005. "They were arrogant," said Dan Parsons, president of the Houston chapter. "It was all about how much money they could make."

The bureau voted to revoke the company's membership but Litton resigned before it could act.

Larry Litton Jr, current chief executive of the servicer, told the Financial Times the resignation was prompted by a failure of the bureau to fully grasp its business strategy.

He added that Litton had long been an advocate of restructuring consumer debt.

"We do it because it's a good financial decision for investors, but also because it's a good outcome for consumers," Mr Litton said.

When C-Bass ran into financial trouble in 2007, Goldman snapped up Litton. Goldman said it has extensive procedures in place to ensure that information from Litton is not used inappropriately.

A person familiar with the situation said Mr Litton did not report directly to Mr Blankfein or Goldman's senior management, but interacted with lower-level mortgage executives.

After buying Litton, Goldman took pains to operate the company separately from its trading and advisory business and does not use Goldman branding on Litton's marketing materials. Such distance is in keeping with Goldman's desire to be seen as a Wall Street firm that deals with high finance only.

Many Litton customers did not realise the mortgage servicer was owned by Goldman.

Marla Vasquez, a disgruntled customer in California, said she learnt about the SEC investigation from a radio broadcast. "It surprised me Goldman owns a company like this," she said.

[From FT.com, June 16, 2010]

SUBPRIME CONSUMERS HIT AT GOLDMAN  
(By Suzanne Kapner)

Goldman Sachs is facing a wave of complaints from consumers over the business practices of its mortgage servicing unit, a subsidiary that collects payments on hundreds of thousands of loans worth tens of billions of dollars.

Goldman bought Litton Loan Servicing—a Houston, Texas, specialist in collecting money from high-risk borrowers—in December 2007, a year after the bank decided to reduce its exposure to the U.S. housing market.

The deal gave Goldman a new way to earn fees from subprime borrowers and provided it with a street-level view of conditions in the U.S. housing market as the financial crisis deepened.

It also put the Wall Street bank in the unusual position of facing hundreds of complaints from mainstream consumers, who allege that Litton unfairly charged them money. Without admitting wrongdoing, Litton agreed last year to pay \$532,000 to settle a class-action lawsuit in Los Angeles, accusing it of charging late fees during a 60-day grace period on loans it acquired from other servicers.

"Litton saw a great opportunity to make a lot of money by collecting servicing fees on troubled loans," said Dan Parsons, president of the Houston chapter of the Better Business Bureau, a non-profit group that promotes responsible business practices. "But when Litton takes over a loan, the borrower tends to be worse off."

Larry Litton Jr., chief executive of the Goldman unit, declined to comment on specific complaints and said any fees resulted from normal procedures. He added that it was "inevitable" Litton would face complaints as it deals mainly with distressed borrowers. "Do I wish complaint levels were lower?" he said. "Absolutely, we take complaints very seriously."

The Better Business Bureau lists nearly 800 complaints in the U.S. against Litton during the past three years, more than have been filed against most similar-sized servicers. In Houston, only three companies—Comcast, Telecheck and Continental Airlines—received more complaints Mr Parsons said.

Consumer Affairs, a website that tracks consumer problems, said it had received 390 complaints against Litton in the past year, a 60 percent rise over the prior 12 months, and more than triple the number logged against some similar-sized competitors. Many complaints against Litton come from consumers who say they entered into "trial" mortgage modification programmes that reduced their payments, only to find out later that they had been denied a permanent modification and owed more money than they would have if they had not entered the programme.

Litton's loan modification application states borrowers are liable for past due amounts, including unpaid interest, if they are denied a permanent modification. Late fees are supposed to be waived if permanent modifications are granted. According to government data through April, Litton's rate for converting loans from trial to permanent modifications was 29 percent, compared with rates of more than 80 percent for some competitors.

[From the New York Times, June 7, 2010]

FINANCIAL PANEL ISSUES A SUBPOENA TO  
GOLDMAN SACHS

(By Sewell Chan and Gretchen Morgenson)

Washington.—The commission investigating the causes of the financial crisis said on Monday that it had subpoenaed Goldman Sachs and harshly accused the investment bank of trying to delay and disrupt its inquiry.

"Goldman Sachs has not, in our view, been cooperative with our requests for information, or forthcoming with respect to documents, information or interviews," Phil Angelides, the chairman of the Financial Crisis Inquiry Commission, told reporters on a conference call.

The deputy chairman, Bill Thomas, accused Goldman of stonewalling, and said, "They may have more to cover up than either we thought or than they told us."

But even as Goldman appeared to be uncooperative, it tried over the last month to set up personal meetings with members of the commission, two people briefed on the discussions said.

Lobbyists representing Goldman in Washington tried to arrange one-on-one meetings with a handful of commissioners, including Mr. Angelides, but he declined to meet with them, according to the people, who spoke on the condition of anonymity because they were not authorized to discuss the commission's inner workings.

Mr. Angelides and Mr. Thomas both said that Goldman had inundated the panel with data—about five terabytes, equivalent to several billion printed pages—and dragged its feet on answering detailed questions about derivatives, securitization and other business activities.

In particular, the commission sought records on collateralized debt obligations based on mortgage-backed securities, and the names of Goldman's customers in transactions of derivatives. In a chronology it provided, the commission also indicated that it was interested in Goldman's dealings with the American International Group, the insurance giant that collapsed in 2008, and in the bank's so-called Abacus transactions, which are at the heart of a civil fraud suit brought by the Securities and Exchange Commission.

The commission's unusual public criticism—it has issued 12 subpoenas, none accompanied by stinging accusations of obstruction—underscored the anger in Washington at the outsized profits and influence of Goldman, which had emerged nearly unscathed from the financial crisis. It also reflected the fallout from Goldman's unyielding strategy of standing its ground in the face of inquiries and attacks.

A spokesman for Goldman, Michael DuVally, said, "We have been and continue to be committed to providing the F.C.I.C. with the information they have requested."

The lashing by the commission further complicated Goldman's public image. In April, the bank was accused of securities fraud in a civil suit filed by the S.E.C., which contended that it created and sold a mortgage investment that was secretly devised to fail.

That investment and others like it were the subject of a Senate investigation that also exposed Goldman to withering criticism. And federal prosecutors in Manhattan have begun looking into the mortgage practices of banks, including Goldman.

The commission, created by Congress, is required to deliver a report by December, but with only \$8 million and some 50 employees

to draw on, it has at times seemed out-matched by the targets of its inquiries.

"I suspect they're spending more on their lawyers than our whole budget," Mr. Thomas conceded.

Lloyd C. Blankfein, Goldman's chairman and chief executive, testified at the commission's first public hearing in January, with the top bankers Jamie Dimon of JPMorgan Chase, John J. Mack of Morgan Stanley and Brian T. Moynihan of Bank of America.

After the hearing, the commission sent written questions for Mr. Blankfein and made requests for records in April and May.

Mr. Thomas, a California Republican who served 28 years in the House, said the requests to Goldman were "not inordinate" compared with similar queries sent to a half-dozen other banks. All of the other institutions complied, he said.

In contrast, Mr. Thomas said, Goldman gave a "basically incomplete" response, even as it deluged the commission with so much irrelevant information that it amounted to "mischief-making" that was both "deliberate and disruptive."

Mr. Angelides, a former California treasurer and candidate for governor, said, "We did not ask them to pull up a dump truck to our offices and dump a bunch of rubbish." He added, "This has been a very deliberate effort over time to run out the clock."

The two men also seemed to acknowledge that the sheer volume of data was beyond the commission's capacity to analyze. "We should not be forced to play Where's Waldo? on behalf of the American people," Mr. Angelides said. "This is not right."

Mr. Thomas, turning to the proverb about looking for a needle in a haystack, said, "We expect them to provide us with the needle."

The two men said that after the subpoena was issued on Friday, Goldman had moved to schedule interviews with several executives, including Mr. Blankfein; David A. Viniar, the chief financial officer; Gary D. Cohn, the president and chief operating officer; and Craig W. Broderick, the chief risk officer.

The 10-member commission was slow to get started. It recently replaced its executive director, B. Thomas Greene, with Wendy M. Edelberg, an economist on loan from the Federal Reserve, who had been the research director. Mr. Greene, a former chief assistant attorney general for California, remains on the commission's staff as senior counsel.

## THE OIL SPILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, my good friend Congressman POE of Texas just a few minutes ago talked about the oil spill down in the Gulf and referred to the action or inaction of the administration in dealing with it. He quoted something from the L.A. Times that I thought was kind of interesting and a little humorous that my colleagues might like to hear again, and it quotes the LA Times as saying: "Obama's speech: There's a pipe spewing a gazillion gobs of oil into the Gulf, so let's build more windmills."

Now, I know that sounds a little humorous, Madam Speaker, but that sounded like what the President's

speech was all about last night. There was no real solutions in dealing with the problem. Everybody's concerned about it. Everybody feels empathy and sympathy for the people in the Gulf, the thousands of people who have lost their jobs and who are out of work, the environmental problem that's been created. But what people want is they want a solution to the problem.

It has now been 57 days, 57 days since this tragedy occurred. And what did the President do? He has suspended oil drilling in the Gulf for 6 months. Now, that's going to result in as many as 150,000 people losing their jobs, and for the oil people that work on those derricks out there in the Gulf, that's 150,000 jobs that it not only affects them, it affects almost six times that number of people who have ancillary jobs that work in the restaurants, that work on the beaches down there, all the things that are going on down in the Gulf. So you're looking at the potential of half a million to a million jobs being affected adversely because we haven't dealt with the problem.

There have been other countries right after the spill took place that offered to send skimmers, ships over here to help skim up the oil on the surface of the ocean. We have had other countries that offered other help, and it's all been turned down. The Jones Act should have been suspended, but it was not suspended, and as a result, the oil crisis, the spill goes on and on and on.

It is extremely important that we address the problem as quickly as possible. I'm not an engineer. I don't know what the answer is. But today we had a meeting with people who had talked to the BP oil company and had talked to other oil engineers, and there are things that are going on right now that they believe will address the problem, hopefully in the next 2 or 3 or 4 weeks or at least another month or month-and-a-half, but at least they're moving on the problem now with auxiliary wells being drilled down into the bottom of the Gulf to choke off the spill.

All I'd like to say tonight, in addition to what's already been said, is that we have a tragedy down there that should not be compounded by what the problem has advocated, and that was he advocated last night that we come up with an energy bill, i.e., the cap-and-trade bill. And the cap-and-trade tax bill will tax all energy producers that emit CO<sub>2</sub> emissions into the atmosphere. And if translated, that means that companies around this country will have to pay hundreds of thousands and maybe millions of dollars more for their utility bills which will be passed on to the consumer in the form of higher prices, and the average family is going to be affected to the tune of about \$3,000 to \$4,000 a year if cap-and-tax is passed.

This is a time to deal with the crisis in the Gulf, not a time to start talking

about the cap-and-tax bill which is going to cost jobs at a time when we need to create jobs. The unemployment rate in this country is at 10 percent or very close to it, and if you include the people who are unemployed and looking for work who are no longer counted, we're looking at 13, 14, 15 percent that are unemployed.

So we need to address the economic problems, and we need to be dealing with that in a positive way and not going on with more taxes and more spending as the administration has talked about.

What I'd love to see if I had my druthers right now, Madam Speaker, is somebody like Ronald Reagan who could come in and cut taxes and cut spending and stimulate economic growth like he did, and as a result, we had 20 years of economic growth.

Right now what we're looking at is more unemployment, and now they're talking about, because of the way the Gulf is being handled, the possibility of more double-digit unemployment.

□ 1730

This is something that we can't tolerate right now. We need to be positive, we need to move ahead, and the President is not moving in that direction. And a perfect commentary is what was in the Los Angeles Times, not a conservative newspaper. And you heard liberal commentators all across the country last night saying the President is not addressing the problem, and he is way late in the first place, and in the second place, and in the third place.

So I would like to end by saying once again, I think the Los Angeles Times was right on the money when they said of Obama's speech, There's a pipe spewing a gazillion gallons of oil in the gulf, and what's he talking about? More taxes, more spending, and more wind-mills.

#### OIL SPILL UPDATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KLEIN) is recognized for 5 minutes.

Mr. KLEIN of Florida. Madam Speaker, I rise today to continue my regular real-time updates to my south Florida constituents on the BP oil spill in the Gulf of Mexico. I believe it's my responsibility to keep the families, homeowners, and businesses along the 75 miles of my coastline in my district fully informed so they can be prepared for all possibilities.

First things first. Obviously, the spill itself has to be capped. I certainly call on BP to deploy every possible resource, every expert, every technology, every available opportunity to plug this hole. This is not about a question of whether the Federal Government is going to step in and come on with some magic silver bullet. This is an all-

hands-on-deck approach. Everyone should be involved. And it will require scientists and geologists and people from other oil companies from around the world to help figure this thing out. The permits should have probably never been issued in the first place without having the necessary cleanup plans in place, but it is here and it is now and we need to get it done.

I had the opportunity a week or so ago to join some NOAA researchers, those are oceanographic experts, on a 9-hour mission in a P-3 plane over the gulf to really understand what was going on, what the currents were doing. Obviously, from the southeast Florida side, we're concerned about the current which may bring it through the Florida Straits and up through the Gulf Stream. We saw through the research that was done. There is this possibility of course, and the sooner we can cap the oil, the better.

We all know that if this oil does come to the east side of Florida, as it has to the panhandle, it will impact Florida homeowners and businesses—not to mention the environment—for generations to come. We need to do it now, and we need to take whatever action is necessary to finish that job.

The other thing I would like to say to my constituents—and obviously this is a national issue—but no one should have to suffer because of BP's recklessness, and taxpayers cannot and will not be stuck with footing even a dime of the bill for this debacle. BP has to be fully responsible for the full cost of plugging the leak, cleaning up the spill, and making every person, every business who is harmed whole again. I appreciate the fact that today there was discussion about \$20 billion being put in escrow that can be drawn down for businesses and local groups that have to clean up this mess to pay for it, but this may play out for a generation. Let me repeat myself: BP is responsible for the full cost down to the last dime.

In Florida, we have always been concerned about offshore drilling because we have a multibillion-dollar tourism industry that depends on our pristine waters, beautiful beaches, and coral reefs. Right now, every restaurant owner in places like Deerfield Beach, which is part of my district, every hotel worker in West Palm Beach, every entrepreneur with a small souvenir shop or a fishing charter is concerned and they're holding their breath as to whether this water spill will affect them, affect their businesses, their jobs, and their livelihood. I have seen the fear on their faces, and meeting with them has only strengthened my resolve to make sure we do not leave our children with this terrible fate.

We cannot let another generation pass without making a serious move to not only clean up this mess, but to make sure that we have a plan in place

for other types of energy. The issue with deepwater drilling is not just a question of—of course we need more energy and we need more oil, but to do it in places where there is no plan in place to clean it up for BP or anyone else is unacceptable.

So I think this is also an opportunity to not only clean this up and deal with this issue, but also to recognize this is a moment in time that should be our put-a-man-on-the-Moon moment, or the Manhattan Project, where every American says, you know something? Yes, we're going to have oil and, yes, there are others—there is a lot of natural gas and a lot of opportunities out there, but why not more solar? I live in a State, we call it the Sunshine State. Why aren't we building the jobs and having the types of technology which we're not only creating for Florida, but for the United States and the rest of the world? Whether it's hydrogen or nuclear or any other possibilities, there are lots of opportunities, and we should use this moment as a time to also recognize we shouldn't be dependent on fossil fuels.

So as we look at this historic disaster, we should also look at this as an opportunity for the future. And I believe that now is the time to not only bring the best and the brightest to clean up this mess. It is also an opportunity to bring our best and brightest minds together to end our dependence on foreign oil over the next 10 years and become a world leader in the kind of clean, affordable alternative energy that will create good jobs right here in the United States.

#### ON THE REPATRIATION OF AMERICAN MANUFACTURING JOBS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Madam Speaker, I rise to discuss a critical issue for American families: job creation.

With unemployment still hovering around 10 percent, this country must focus on new and innovative ways to create jobs in America. I believe that we must be aggressive and creative in our approach to job creation. That's why I've been urging both the Federal Government and my home State of Virginia to work to repatriate jobs that are going overseas, to bring them back to America. We must launch a systematic program, led by all the Governors of each State, to identify American companies that are doing business abroad and incentivize the repatriation of jobs back to America. This is necessary and feasible.

Earlier this year, The Wall Street Journal reported that a major American manufacturer, Caterpillar, was considering expanding its manufacturing inside the U.S. rather than over-

seas. According to the article, repatriation is gaining momentum; and after a decade of rapid globalization, economists say companies are seeing disadvantages of offshore production, including shipping costs, complicated logistics, and quality issues. Political unrest and theft of intellectual property pose additional risk. I applaud Caterpillar's effort and call on every other American company to follow its lead.

I believe that every American company has a moral obligation to try to create jobs in America. American companies with overseas factories take ample advantage of American law enforcement, the American justice system, and countless other resources provided by the American taxpayer. In doing so, they have an obligation—a burden—to contribute and to support American job creation.

When an American company operating factories overseas needs law enforcement help, they turn to the FBI, not the Chinese secret police. When an American company is the victim of cyberattack or intellectual property theft, they turn to the American Government for support and assistance, not to the Chinese Government, which is spying and stealing from them and arresting Catholic bishops and Protestant pastors. That's why I believe that, if asked, American companies will support their home country in creating new jobs.

Many of the world's largest companies are American, but much of this manufacturing and call-center work has shifted overseas over the last two decades. This trend is fueled primarily by the opening of international markets, cheap labor, and affordable shipping.

Although free trade has yielded significant benefits to our economy and consumers, the U.S. has done a poor job of encouraging domestic manufacturing investment. Now is the time for American companies to reevaluate their business models and return home. Our competitive dollar makes the U.S. an excellent location to export to international markets. Rising oil and gas prices have added to the cost of international air and shipping, which has helped level the playing field for U.S. domestic producers. More importantly, we have a highly skilled and efficient workforce in the U.S. that is ready to help companies start producing at home.

Finally, I believe that a repatriation initiative is important because it focuses the U.S. on competing internationally for these jobs rather than States competing with other States for existing American jobs. Instead, this will lead to net job growth throughout the United States.

Over the last 4 months, I've been urging Secretary of Commerce Locke and other officials in the Department to

launch a national repatriation initiative in conjunction with its export initiative. As a result, I will be urging the Appropriations Committee to include language in this year's bill, the 2011 Commerce-Justice-Science bill, to direct the Department to launch such an initiative working with the Governors of this country. I hope the administration and my colleagues in the Congress will embrace this initiative and reach out to large American companies about bringing the jobs home to America. A major repatriation program will allow us to create new jobs, promote U.S. exports, and demonstrate that America can still be a highly competitive manufacturer in a global market.

#### CALLING ON PRESIDENT OBAMA TO STAND UNEQUIVOCALLY WITH ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of New Jersey. Madam Speaker, I rise today to call on the President to give Israel the unequivocal, robust, and vigorous support it deserves.

Since the May 31 Gaza flotilla incident, Israel has been under media attack, and even in the past few days many articles and international newspapers take a grossly anti-Israel slant. Make no mistake about it, the purpose of the flotilla was to provoke an incident, thereby to set up an international media campaign against Israel. The flotilla was an aggressive and hypocritical attempt to manipulate world public opinion and to isolate Israel. Thankfully, it has not worked in the United States, where Rasmussen polling shows that despite the anti-Israel bias of so much media coverage, less than 20 percent of Americans think that the Israeli Government is to blame for the deaths that resulted from the incident.

Madam Speaker, the facts of the incident were clear within 48 hours, and it's high time our government sent a much more powerful and unambiguous message, that the United States fully supports Israel's action to intercept the flotilla. The administration should emphasize that Israel's action was legal, that it was right, and that the U.S. stands with Israel without any ifs, ands, or buts, or so long as, or any other qualifiers.

It's a matter of record that on May 25 the Israeli Government offered to offload at its port of Ashdod the humanitarian aid the flotilla carried and to have the U.N. personnel deliver it to Gaza. On that same day, the Israeli Government also stated it would not permit the flotilla to break its blockade of Gaza, which is not only legal under international law; but I believe it's also just, given the rampant maritime arms smuggling, the 7,000 rocket

attacks Hamas has launched on Israel from Gaza since 2005, and the unlimited aid that can flow to Gaza through proper checkpoints.

Madam Speaker, the Turkish group that organized the flotilla has documented ties to Hamas, which is recognized by the U.S. Department of State as a foreign terrorist organization. Radicals with ties to other terrorist groups were aboard the ships. The flotilla launch was marked by violent, anti-Semitic rallies. Flotilla participants spoke to al Jazeera of martyrdom and sang intifada songs. All this shows the grotesque hypocrisy of those who would portray the flotilla participants as somehow being harmless peace activists. Nothing could be further from the truth.

Madam Speaker, the response of the Israeli Government was extraordinarily restrained and responsible. Israeli troops boarded the ships in the flotilla carrying paint ball guns, but when the crew beat them with iron rods, stabbed and lynched them and threw one of them off the deck, they got the order to defend themselves with their side arms. This, too, was right. Every government permits its troops to defend themselves when they are attacked.

I call on President Obama to give Israel our government's full support and to make unmistakably clear our government's position that Israel, in its response to the Gaza flotilla, was fully in the right. Whether or not the Israeli Government decides to adjust the blockade, our government must make it perfectly clear to all that we will never permit an anti-Israel media campaign to isolate America's most faithful and trusted friend in the Middle East.

□ 1745

#### THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I take these 5 minutes to speak on a subject that is of utmost importance but that does not regularly get discussed here on the floor, which is the First Amendment to the Constitution, that part of it which deals with freedom of speech—that is, with freedom of political speech.

Now, obviously, the First Amendment of the Constitution does not merely protect political speech, but in the decision by the U.S. Supreme Court, known as *Citizens United vs. Federal Election Commission*, the Supreme Court noted that the First Amendment has its fullest and most urgent application to speech uttered during a campaign for political office.

In other words, they said, if you look at the essence of the First Amendment protection, it goes, first and foremost, to political speech. They had this in laying the premise for the decision that they came to because the Supreme Court realized that the First Amendment's protection for political speech had been under assault by various pieces of legislation passed by this body, not that it was done for evil purposes or intentionally to undercut the Constitution of the United States; rather, it was done in a good-faith effort to try and deal with political campaigns and with the position of money in political campaigns.

The Supreme Court decided back in the 1970s, in *Buckley vs. Valeo*, that money is speech, meaning that the money you have you can use as you see fit to further your speech. You can print pamphlets; you can buy a megaphone; you can buy a radio ad; you can buy a television ad; you can hire somebody to represent your interest to appear in an ad for you. In other words, the Supreme Court recognized that, in the way that we communicate, oftentimes, it takes the use of money to further that communication.

So they made a decision at that point in time that, by terms of the First Amendment, you could not stop one from using one's money to express one's point of view. Then they went to the point of asking, But how does that apply when you are giving money to a candidate?

In those instances, the Court said that the government might be able to put some restrictions on speech—that is the use of money—but only if it is for the purpose of avoiding the corruption of the process. That is the only basis upon which the government can put some limitations, or parameters, around political speech.

In the *Citizens United* case, they had to decide: As people individually and as associated with others—and the First Amendment talks about freedom of association—what are they allowed to do, permitted to do, protected under the First Amendment, when they expend funds to express a point of view during a period of time that is close to an election?

That is why the Court said that First Amendment freedoms are at their height when the speaker is addressing matters of public policy, politics and governance and has its fullest and most urgent application to speech uttered during a campaign for political office, because that is the point in time when you might have the most influence on your fellow citizens.

Now, what does this have to do with what we are doing here on the floor?

Well, there is a bill that has been introduced, called the DISCLOSE Act—Democracy is Strengthened by Casting Light on Spending in Elections Act. We are led to believe by the majority that

all this does is promote disclosure. Yet, in fact, what it does under its very terms is chill political speech, so much so that the National Rifle Association came out with a large complaint about the bill, saying that it would have an undue burden on its operations in expressing itself and would intimidate membership. Now, some people scoffed at it and said, Well, it's the National Rifle Association talking again.

But what happened?

We have found that the majority listening to the National Rifle Association has created a specific exemption for that group and for others similarly situated, but not for others. That is the crux of the question: Do we have a situation in which now we say not only too big to fail but, for some, too big to file?

It is an affront to the First Amendment, and my hope is that we will not bring this bill to the floor, because, of all things, we should be most protective of the speech of our fellow citizens when they engage in political debate.

#### NATIONAL SECURITY AND DEPENDENCE ON OIL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the majority leader.

##### DISCLOSURE

Mr. GARAMENDI. Madam Speaker, I rise today to engage in a colloquy with my colleagues on the Democratic side of the aisle, who will be along shortly, but before I launch into the issue of national security and of our dependence on oil, I would like to just address what my colleague from California was talking about, give an example of why disclosure is important, and would like to recognize the fact that it was the Republican Party mantra for nearly 20 years that the solution to campaign finance reform was disclosure. Now, apparently, they want to stand up and say they don't want disclosure after having, for 20 years, said they want disclosure.

Go figure.

The fact of the matter is, in California, in an election held just 2 weeks ago, disclosure under the State law has played a critical role in stopping Pacific Gas & Electric from ripping off the ratepayers of California and has played a critical role in stopping Mercury Insurance Company from doing the same to their customers.

The California law required disclosure. PG&E spent over \$40 million in, what I think, was blatant, false advertising, and at the bottom of each one of those ads, they had to read, "Paid for by Pacific Gas & Electric." Similarly, with Mercury Insurance Company, the public took one look at those ads, which they saw repeatedly, and said, Oh, that's who's behind it. Well, I'm a "no" vote.

Disclosure works, my Republican colleagues. It's what you wanted for more than 20 years, and now that you're about to get it, you don't want it. Well, I think not.

#### NATIONAL SECURITY AND DEPENDENCE ON OIL

Let me go to the subject at hand that we are to talk about this evening, which is really the issue of national security.

For more than 40 years now, America has talked about energy independence, about literally breaking our addiction to oil. America is addicted to oil. We consume more than 25 percent of all the world's oil supply. Yet we have a very small portion of the reserves. We are literally sending overseas \$1 billion a day, with much of it going to countries that are actively supporting people who don't agree with us and people who are actually—well, perhaps—supporting terrorist organizations. Certainly, our national security is dependent upon going after the terrorists, and no one is going to do it more aggressively than the Obama administration, which has increased the antiterrorist activities of this Nation far more than during the Bush period—but back to oil.

If we doubt for a moment that our Nation's security is at risk with the current way in which we produce oil, you only need to take a look at the Gulf of Mexico. In the last 20 years, there have been more than 38 blowouts, none of them as large as what we now see with the Deepwater Horizon situation. Nonetheless, it is, in fact, a common occurrence, which has averaged more than one and a half per year over the last 20 years.

So is it safe?

Well, not so much. We just heard that saying from our Republican colleagues that the moratorium imposed by the President is somehow wrong. Hello? When two Air Force jets crashed within a month several years ago, the United States Air Force did what it calls a "stand-down." They grounded the entire fleet until they found out what was wrong. They corrected the problem and went on their way. That is exactly what President Obama has done. He did a stand-down of additional drilling in the Gulf of Mexico because, hey, there is a problem. This is an extraordinary blowout, one that is now exceeding everybody's estimate. The result: Oil on the beaches, dead birds and, according to *The Wall Street Journal* today, hmm, "Oil Spill Delivers Recovery Setback." This is specifically looking at the real estate industry along the gulf coast. They cite five or six projects here that may be jeopardized because of the oil spill.

This is a national security issue in the sense of how we get our oil, in the sense of our addiction to oil. It is time for us to recognize that. Because we have, in the past, consumed all of the easy oil, we are now going to the most

difficult, the most dangerous, and the most risky places in the world, certainly to the deep waters. The Deepwater Horizon blowout is, perhaps, as much as 60,000 barrels a day. This is a very serious problem, and it deserves our attention.

Last night, the President spoke to the problem and committed his administration and this Nation to everything necessary to clean up and to plug the well. My colleagues on the Republican side mentioned that, just 37 days ago, they started the relief. That's not true. They actually started the relief program on the very day of the blowout. It took a while to get it going, and it is going to take even longer to get it done.

So where are we going to go with this?

I've been joined by a couple of my colleagues today, and I would like to ask my colleague from California, Congresswoman JUDY CHU, to give us her thoughts on this situation.

Ms. CHU. Thank you, Congressman GARAMENDI, and thank you for bringing this very, very important order to the floor tonight.

I would like to focus for a moment on the oil spill and its impact on the victims.

Kim Tran doesn't know how he will pay this month's car insurance, and he has got no idea how he will take care of his mortgage, but what he is most in the dark about is when he will be able to get back in the water and start working again.

Kim is a deckhand on a commercial fishing boat which is stationed near Buras, Louisiana, in Plaquemines Parish. He is part of a close-knit community of Vietnamese and Cambodian shrimpers whom the gulf oil spill has hit particularly hard. Many of them came to the gulf coast in the 1980s as war refugees from Vietnam. They did well. It is estimated that the Vietnamese Americans own between one-third and one-half of all of the fishing vessels on the gulf coast.

After Katrina, they were one of the first groups to rebuild, but figuring out how to recover from the recent man-made disaster has been difficult. You see, for many of these fishermen, language is a barrier as bottomless as the Deepwater Horizon's well. Because English isn't essential for fishing, many have never learned it, so they rely on interpreters to help them cross the language barrier. It takes 14 words to translate the word "dispersant" into Vietnamese—and don't even get me started on what to do with acronyms like "EPA."

So not only have these fishermen lost their normal sources of work, but they have been locked out of the cleanup effort, too. Many have even had problems filing basic claims for lost income. These Vietnamese fishermen are just one group affected by the tragic gulf

oil spill. Indeed, this spill has devastated lives up and down the gulf coast. It is the biggest environmental disaster in our Nation's history.

Yet Congress is working hard to repair the damage that has been done. I've joined in the effort to secure \$85 million in emergency funding to assess and respond to damages from the oil spill. This money improves the Federal response and guarantees compensation to out-of-work fishermen, but we know that is not enough.

I am proud also to sponsor a very, very important bill on the Judiciary Committee. This bill is called the SPILL Act. It fixes our outdated liability laws, and it ensures that we can hold those who caused this spill accountable for the damage that they have done, but we know that's not enough either.

□ 1800

So I've cosponsored the bill to impose a moratorium on new drilling off the western coast of our country. The suspension is a great step forward to ensuring that a disaster like this never happens again. And even then, it's still not enough. Indeed, the only solution to this disaster, the only thing that truly makes sense, is to finally end this country's addiction to oil.

For decades, oil companies and lobbyists killed energy reform to keep their profits. For decades, our dependence on oil has hurt our economy and put the security of our country and our environment at risk. For decades, we knew that offshore drilling was just a disaster waiting to happen. Well, the news is that it has happened. And the Gulf oil spill shows that it's time to take back control of our energy policies—with clean power made right here in America.

We will never be able to undue this spill. As much as we wish it didn't happen, we can't pretend it never did. If we do, Kim Tran's worries about his car and house payments will only be afterthoughts because his town of Buras, and countless others like it along the Gulf Coast, will just disappear. But we will not let that happen.

Join me and make sure that these fishermen, these people, these families haven't suffered in vain. And let's make sure we clean up this spill, hold those who caused it accountable, and make sure it never happens again. Together, we will end our addiction to oil and create a better, cleaner future for our country.

Mr. GARAMENDI. Representative CHU, thank you very much for your statement and also mentioning the end of new oil leases off the West Coast. We call it the West Coast Ocean Protection Act. And it would prohibit new leases off the West Coast of the United States. This is a \$32 billion a year industry along the West Coast—California, Oregon, and Washington—that

is dependent upon the pristine nature of that coast. In addition to that, the West Coast has a much different environment than the Gulf of Mexico. It's downright dangerous out there. High waves, high wind, and earthquakes, and a lot of other things that we'd say, Oh, that's not a good place to be drilling.

It's not enough to talk about the West Coast. I see my colleague from New York here, and I know that he, too, along with the residents of New York, are terribly interested in what is happening and in our natural energy policies and our move away from oil.

Congressman TONKO, if you would, please join us.

Mr. TONKO. Representative GARAMENDI, thank you for bringing us together in this very thoughtful way. It's great to join you and Representative CHU and others who will be participating in this hour of dialogue where we really look in a very laser-sharp, focused way at this very tragic occurrence in the Gulf. Obviously, I think it's important to recognize the commitment made by the President and his administration to make certain that we do everything we can possible to make certain that we stay on this case of cleanup and capping.

Certainly, shutting off that leak of that oil well is incredibly important and the cleanup in that Gulf area that impacts the Gulf States is absolutely essential. And to have the President recognize that we have deployed some 30,000 workers that will be in the midst of that activity, helping, is important; to know that over 5,000 vessels have been solicited and that our National Guard numbers—over 17,500 forces—out there making a difference is important. But let's really look at the some of the situation here.

I really get concerned and joined with some Members in this House to advance correspondence to the BP CEO, stating very clearly with my colleagues that their priorities spoke volumes as to where they rest as a corporation. To have suggested that payments be made to investors as a high priority, be established as a high priority; to suggest that dollars going to marketing go to revamping their image, enhance their image, while we sit there and look for ways to cap this leak, while we continue to make certain that we need resources to clean up the Gulf, that didn't seem to be a very high priority with this company. And so it was, I think, very appropriate for us to respond in very forceful measure to address this strong language in a letter to the organization, to BP management, and state that what you really need to do is re-prioritize to make certain that what comes as the most important, essential bit of work here as you invest dollars—and they best ought to—as you do that, the priority has got to be to cap that leak, to clean up the Gulf, to make certain that we

make whole the individuals, the States, the communities that surround that given region; to make certain that businesses are allowed to function again. When we think of the impact on agriculture, on tourism, on the seafood industry, to name a few, the impact on our ecosystem, on the environment, on the wildlife, it is painful to watch the news accounts of this continuing saga of a tragedy. And so their priorities were misplaced and totally insensitive to the needs of people and industries and certainly the wildlife in this given region.

I had stated clearly at a press conference where we aired this letter that it was important for them to not be so concerned about their image but rather deal with the basics. And I said, Before you shore up your image, clean up our shores. I think it's straightforward and easily understood. That's where I would like to see the priorities. And today, after pressure from the President and many of us in Congress, I think the company has heard the message. They have been given this forceful statement, and they are now responding to the pressure by suggesting they are setting up an account that will respond to some of these needs. They are setting up an account that will deal with the compensation fund for oil workers who are out of work because of the catastrophe.

Now, one can only imagine what would have been the outcome, how much less impacting the outcome would have been, if they had embraced the same order of integrity when it came to the technology they should have utilized with the drilling operation. You know, they asked to go 5,000 feet deeper. They want to drill a mile deeper. But the impact of the damage, without the right technology and discipline and regulation, meant hundreds of miles of spread. From that 1 mile deeper, hundreds of miles of impact because of that lack of integrity.

And so I am here with you this evening in spirit and in voice to say that we need to stay on this dilemma, we need to stay on this catastrophe, until all of the essentials are done—the clean up, the capping, the reforms that are essential—and making certain that the dollars, the resources are coming from the source—the source of the pollution here—in this case, BP.

So, thank you, Representative GARAMENDI, for bringing us together, and it's great to join you and our colleagues here this evening.

Mr. GARAMENDI. Representative TONKO, thank you once again for being both eloquent and right on the target of the issue that's out before us. When you talk about the nature of the spill, this map is a recent one from the US Geological Survey and NOAA—actually, NOAA. And if you look at the size of that spill, it looks like it's getting about the same size as Louisiana itself,

and of course, the Gulf Coast along here is seriously threatened and the extraordinary wildlife and habitat of the Mississippi Delta is at risk and already seriously hurt by it.

You mentioned BP—and maybe, maybe, but I'm not convinced that BP has actually gotten the message that their first task is to clean up. Their \$50 million PR campaign, I've seen some of the ads. If they had spent that \$50 million on the proper blowout protector and actually had put in the most modern protection at the well head and not cut the corners, as is becoming increasingly obvious, in the drilling techniques and in securing the well itself, they wouldn't have to be spending multiple billions of dollars cleaning up.

They absolutely must put that money into a trust fund. BP is not to be trusted to adequately distribute that money to the people that have been harmed. So the President is right. Create the trust fund. Put an independent party in charge of it and let the money go to those that have been seriously harmed by this, as well as the wildlife and the damages there.

By the way, we really ought to pass a bill to increase the liability limit. And I know that bill will be moving through here.

Joining us from—well, my neighbor in California, Congresswoman BARBARA LEE, who about 2 years ago, you experienced an oil spill on the shores of your district.

Representative LEE, thank you for joining us.

Ms. LEE of California. Yes, Congressman GARAMENDI, we did experience a devastating oil spill 3 years ago, and that's why many of us know from personal experience and from a history of trying to find a way to help our country become energy independent and end this addiction of oil. We have worked on this issue for many, many years. So I am very pleased that you've taken the lead in sponsoring a bill, which I am proud to cosponsor, H.R. 5213, which would really create a ban, mind you. We need more than moratorium. We need a ban on offshore oil and natural gas drilling from platforms in Federal waters, particularly near California, Oregon, and Washington, which your bill addresses. I think what we have seen in the Gulf really explains why we're doing this, first of all, on the West Coast, but this needs to be done nationwide.

The fact is, offshore drilling poses too great a risk to our coastal communities, economies, and our ecosystem. This has been made painfully clear by the recent British Petroleum oil spill disaster in the Gulf of Mexico. Every day, we have seen more and more damage to our Gulf Coast, with really no end in sight. Over the course of weeks, estimates of the damages have risen from, I think it was \$14 billion, now to \$34 billion. Who knows how many billions this is going to end up being. As

millions of gallons of oil flow into the Gulf each day, I can't imagine what this will be like in a few months, let alone in the years to come.

Over 50,000 claims have been filed by small businesses for economic losses and thousands more workers have lost their jobs. Every day, new fishing areas are closed off, new coastline is contaminated, and more communities are affected. BP must be held accountable, and they must pay for this tragedy. The fragile ecosystem, which once sustained over 400 species of wildlife, are so ravaged that experts cannot even begin to assess the damage. However, they all agree on this—that the long-term health and environmental effects of this spill will plague the region for generations to come. We cannot continue to put our economy and our environment and the health of our children on the line. We must stop the drilling.

Just a few decades ago, California experienced a similar spill. That oil spill was so toxic and ruinous that it led to the creation of the Environmental Protection Agency and the declaration of the first Earth day by the Santa Barbara City Council. We understand just how devastating these chemicals can be both to our Nation's ecosystem and to our economy. It's time we start making decisions for our future. This is a terrible, tragic wake-up call. We cannot continue to endanger our natural treasures or economic prosperity for a paltry reward in the form of a decade or so of oil and natural gas protection.

The Deepwater Horizon explosion was really not an isolated incident. According to the Minerals Management Service, there were 38 blowouts, mind you—38—in the Gulf of Mexico between 1992 and 2006. Just yesterday, the CEO of ExxonMobil admitted that when spills happen, we are, "not well-equipped to handle them." I don't know what they do with the billions of profits that they make. But if we aren't prepared, then we really shouldn't be drilling.

Perhaps the greatest tragedy behind the BP oil spill disaster is that it really did not need to happen. Today, we have the power to learn from history and to chart a new path. In order to safeguard the natural beauty, wildlife, and ocean-based economies of California, Oregon, and Washington, Congressman GARAMENDI's bill really does set the standard. We've got to move forward with a permanent moratorium or permanent ban on offshore oil drilling in Federal waters off the West Coast.

The environmental disaster that we're witnessing in the Gulf is a symptom of a much larger problem; that is our perilous dependency, as I said earlier, on, really, dirty fossil fuels. We must work to end that addiction today or really risk sacrificing our environment for the future. The best and most responsible way forward is one in which our coastlines remain free of off-

shore oil and gas drilling and our demand for fossil fuels is diminished through the use of renewable energy sources and the deployment of energy-efficient technologies.

It's time to take a stand, and it's time to declare that enough is enough. We must be committed to a cleaner, greener future—and that future starts with putting and end to offshore drilling. I think the President is right on point. I think we need to move forward and support Congressman GARAMENDI's bill. And we need to really recognize that the horrific tragedy that we're seeing today is really a sign of what could happen tomorrow, and use this as a defining moment to regroup and to become clearer about our future in terms of our energy independence.

Thank you, again, Congressman GARAMENDI, for your leadership.

□ 1815

Mr. GARAMENDI. Thank you very much, Representative LEE. And thank you for all the work you did dealing with that problem in the San Francisco Bay when the ship hit the bridge. We had our own little spill over there.

I had pulled this placard up with the pictures of the oil and the birds. And I didn't realize until you started talking about the escalation and the estimate of the amount of oil that spilled—my staff put this together actually about 4 weeks ago—and they said by Father's Day it would be the worst spill ever. At 60,000 barrels, it was actually the worst spill after about the first 3 weeks. So in any case, we have got a real serious problem there.

I notice that I have fortunately been joined by three Representatives from a wide, diverse part of America. From the west coast, in the great metropolitan area of Los Angeles, Congresswoman WATSON, if you would care to join us.

Ms. WATSON. Yes. I want to thank you, Congressman GARAMENDI, for your leadership. As a Californian, I am so proud of the leadership you are taking here. Former Lieutenant Governor, you know our State so well, and your charts are depicting the problems that not only the gulf coast has, but we've had our disasters as well. And I just want the public to understand our commitment.

From day one, the Obama administration has been committed to containing the damage from the BP oil spill and extending to the people of the gulf the help they need to confront what is the worst environmental disaster America has ever faced, and we will continue to fight this spill with everything we have for as long as it takes. That is a commitment that is made from the top and all the way through every level of government. We will make BP pay for the damage that their company has caused our country, and we will do whatever is necessary to

help the gulf coast and its people recover from this massive tragedy.

This has already been the largest environmental cleanup effort in our country's history. We now have nearly 30,000 personnel who are working across four States to contain and clean up the oil, thousands of ships and other vessels are responding in the gulf, and the President has authorized a deployment of over 17,000 National Guard members along the coast. And because of these response efforts, millions of gallons of oil have already been removed from the water through burning, skimming and other collection methods. Over 5.5 million feet of boom have been laid across the water to block and absorb the approaching oil. We have approved the construction of new barrier islands in Louisiana to try to stop the oil before it reaches the shore. We're working with the affected States to implement creative approaches to their unique coastlines, and we will offer whatever additional resources and assistance they may need.

Now the President is meeting and has met with the chairman of BP and will inform him—and has—that he is to set aside whatever resources are required to compensate the workers and business owners who have been harmed as a result of his company's recklessness. This fund will not be controlled by BP, but instead by an independent third party in order to ensure all legitimate claims are paid out in a fair and timely manner.

But we also need to be committed to a long-term plan for restoration that goes beyond responding to the crisis of the moment. So the President has asked the Secretary of the Navy and former Mississippi Governor Ray Mabus to develop a long-term gulf coast restoration plan as soon as possible. And the plan will be designed by States, local communities, tribes, fishermen, businesses, conversationalists, and other gulf residents. And BP will pay for the impact this spill has had on the region.

We also are taking steps to ensure a disaster like this does not happen again, and that's why the President has established a national commission to understand the causes of this disaster and offer recommendations on what additional safety and environmental standards need to be put in place. The President has issued a 6-month moratorium on the deepwater drilling. He is mindful that this creates difficulty for the people who work on these rigs, but for the sake of their safety and for the sake of the entire region, we need to know the facts before we allow deepwater drilling to continue.

And while the President urges the commission to complete its work as quickly as possible, he expects them to do that work thoroughly and impartially. We have already begun to take

action at the Minerals Management Service to ensure more effective oversight and end the close relationship between oil companies and the agency that regulates them. The President has asked Michael Bromwich, a former Federal prosecutor and inspector general, to lead this effort and to build an organization that acts as the oil industry's watchdog, not its partner.

So we must look towards the future, Mr. GARAMENDI. We must look at our energy future, and we must get off this addiction to oil. You know, the globe is speaking to us. We've gone too deep this time. And at the core of this Earth there is a lot of static and volatile motion, and we're seeing it bubble up. And when we look around this globe, and we see the volcano explosion in Iceland that grounded planes for weeks, when we look at the earthquake down in Haiti, and we see other effects on the globe natural, we're getting the message.

So we must take action to look at our planet, to notice the environmental tragedies that really underscore the need for this Nation to embrace a clean-energy future. I look forward to having conversations on this floor with all of my colleagues. And with you leading those conversations, we will make plans that will sustain a future for those yet unborn, and that is the purpose of looking towards new energy sources that don't violate the surface of our planet or go down so deep they disturb the powers underground. I thank you so very much.

Mr. GARAMENDI. Thank you so very much for your eloquent comments on what has happened, what we must do.

I notice that sitting next to you is a Representative from the other side of the American continent, Representative MORAN from the Commonwealth of Virginia.

Mr. MORAN of Virginia. Mr. GARAMENDI, thank you for having this Special Order. We in Virginia—not all of us, but many of us—watch with sadness at what happened to the California shores, and we don't want it repeated in Virginia. Even though the Governor and the Republican Party have pushed and pushed with these silly mantras, Drill, baby, drill, and Drill here, and drill everywhere, we're not going to let it happen. If we had not been diligent, we might have some drilling rigs off the shore of Virginia today, but we don't. And they're not going to go there until there is substantial modification of the industry practices with regard to offshore drilling.

Let's bear in mind that what we are talking about is our Nation's oil. It's not oil that's owned by these oil companies or by the private sector. It's owned by us, the taxpayer. It's public land. It's owned by our children and our grandchildren. And instead of being put to our benefit and their benefit, be-

cause of neglect, carelessness, irresponsible decisions, it is destroying the ecology of the gulf and could well destroy the ecology of the Everglades along the Florida shore, and could even go up the east coast. We have no idea how extensive this damage is going to be, nor how expensive it will be to clean it up. But we're now getting an idea of why it happened.

And I would say to the gentleman and to the Speaker that we ought to be mindful, first of all, that this was not under President Obama's watch. It was not under any kind of Democratic policy. It was under the administration of a President who owned an oil drilling company, an oil exploration company, a Vice President who was the CEO of Halliburton, who made money from manufacturing and installing drilling rigs—in fact, continued to own thousands of shares of Halliburton while they made enormous profits not only from drilling rigs but from the wars in Iraq and Afghanistan. So while these two folks sit back, the damage is being inflicted upon people who bore no fault but, in fact, became dependent upon this industry. And our hearts go out not just to those who lost their lives but to those who have lost their livelihoods.

Now, when we trace back how this particular drilling rig exploded, we find that there were a number of points along the way where it could have been avoided. Back in 2003, the Interior Department—the Bush administration's Interior Department—agreed with BP and other oil companies that installing a \$500,000 acoustical shutoff switch on every offshore rig would be unreasonably expensive, even though such a shutoff switch would have prevented all of this oil from spewing out. Now it's costing BP billions of dollars. It's costing our country billions of dollars in tourism, to the fishing industry, and it's costing the lives of thousands and thousands of people because they cut corners. They weren't even willing to spend \$500,000—a half million dollars on a shutoff switch.

And then they feel badly. They think they are being beaten up on by the Congress. Well, let me share some of the reasons why they've lost their credibility. For one, they started out telling us that it was about 1,000 barrels a day that were leaking. I think the gentleman will remember that. Of course there are 42 gallons in a barrel, which would mean that every day, about 200,000 gallons of oil were being emitted. Well, it wasn't 1,000. Then they went up to 5,000, which means that—well, with 5,000 instead of 42,000 gallons of oil a day, it was 210,000. But the 5,000, even though the scientists at the Minerals Management Service say, We think it's much larger than this, the scientists continued to be ignored. And now we find that every second, 18 gallons of oil is being emitted from this spill.

Now, think about that. Most of us, to fill our tank, the gas tank in our car, it takes about 18 gallons. All of that is going out into the gulf every second, which means that we've got more than 1,000 a minute. We've got 65,000 gallons an hour, and we have 1.6 million gallons every day. It's hard for the mind to comprehend that, but 1.6 million gallons of oil is coming out into the gulf every day. And this has gone on for, what, 50 days.

Now, what has to happen in the future is there needs to be a time-out. No more deepwater drilling until, number one, we have the technology on hand. The Minerals Management Service has been assured that this cannot happen again.

□ 1830

We had a 30-day open window when they had the ability to determine whether permits should be issued. Under the Bush administration, it was automatic. They didn't take any of that time.

But in the future, we need trained personnel. We need tested equipment. We need all of the technology to be on hand. And all of that research that should have been done, it needs to be paid for by the oil companies. The taxpayers shouldn't have to pay for that research. The taxpayers shouldn't have to pay for the training. And the taxpayers, obviously, shouldn't pay for the equipment. All of it needs to be tested because it is the taxpayers' oil. It is the taxpayers' land, and it has been exploited and a lot of people have made billions of dollars by drilling off our land, drilling the oil that really belongs to our children and grandchildren.

Well, it is time to put a stop to this. As far as I am concerned, there should be a moratorium until we can assure the American public and our children and grandchildren that this can't happen again because the government is going to be the sheriff in the future. The Obama administration is going to put in the people that care about our environment that are going to regulate this oil drilling and are going to ensure that this kind of catastrophe never happens again because we are not going to show the kind of negligence and greed that drove this situation to occur.

So I thank you, Mr. GARAMENDI. Again, let me conclude by ending where I started, that we feel bad for what happened to California. We feel worse for what is now the worst ecological disaster in the gulf, but we have to make sure that we learn from this and we never, ever let something like this happen again.

Mr. GARAMENDI. Mr. MORAN, how correct you are: never let this happen again. It is not just drill, baby, drill. What we have seen is spill, baby, spill. There have been 38 blowouts in the gulf

between 1992 until 2009. You used the words irresponsible actions, corners being cut, and decisions being made that led to this blowout. You mentioned the \$500,000 that could have been spent and should have been spent on an acoustical switch.

I was talking to one of our colleagues here who was a former Federal prosecutor, and the colleague said to me, if there is evidence that two of the BP executives worked together to circumvent a law or regulation, it may very well be criminal conspiracy. To that end, the Obama Justice Department has initiated a criminal probe of BP's actions with regard to this spill. We know that this is not the first time BP has been involved in a serious accident that has cost lives: 11 at this drilling rig; at their refinery in Texas, another large number of employees were both injured and killed. It is time for this industry to get its act together.

I know that the gentleman from New York (Mr. TONKO) has been involved in this for very long. If you would pick this up and carry us for a little while.

Mr. TONKO. Representative GARAMENDI, listening to Representative MORAN from Virginia reminds us of the investment in technology that should accompany this situation. There should have been the checks and balances, and there should have been the investment; as he suggested, a drop-in-the-bucket investment compared to the damages now associated with this catastrophe. I know the people I represent in the 21st Congressional District watch with sadness as they see the news accounts that show us the day-to-day responses with regard to this disaster.

We have heard a lot of talk about alternatives and technology that needs to be embraced to carry us into a clean energy economy. My region in the capital region of New York State is ripe with that sort of opportunity. It is investing in high-tech opportunities for clean energy jobs, in innovation, energy intellect, energy ideas, energy technology that will enable us to move forward with a progressive agenda.

The fact that we have been held back by slogans and mantras such as "drill, baby, drill" have held back the progress. Even the likes of T. Boone Pickens has said we can't drill our way out of the energy crises of this country or the world. We need to embrace that new technology. We need to bring about the type of jobs that will allow for a clean energy economy to take hold, and to make certain that we invest in those subsidies that will take us into renewables like utilizing our sun and our wind and our soil and our water to create and respond to the energy generation that we require. I think that is so very important.

Mr. GARAMENDI. If I might interrupt you for a second, well, maybe more than a second.

We prepared a little diagram here, and let's consider this a quiz for the American public.

Which of these energy sources gets the most Federal subsidies? Would it be solar, maybe the algae, the new technologies of algae-producing fuel? How about wave action? Or maybe it is wind? Or maybe it is the oil industry? Which ones?

Mr. TONKO. I think we are going to have a sad answer there.

Mr. GARAMENDI. I am going to let people ponder that for a few minutes while I turn to the gentleman from California (Mr. FARR) who has been a champion of protecting the ocean for many, many years.

Mr. FARR. Thank you, Congressman GARAMENDI. It was such a pleasure serving with you in the California legislature when we adopted a lot of legislation dealing with handling oil.

Tonight I would like to share with you essentially a tale of two States, States that are both oil-producing States, States that both have offshore oil drilling, and those two States are California and Louisiana.

Mr. Speaker, the comparison here is one that essentially I really want to ask Governor Jindal: Ask not what the Federal Government can do for Louisiana, but what Louisiana should be doing for its own constituency, as California has done for its constituency, knowing that we have an oil economy, somewhat of an oil economy in the State, and certainly an offshore oil economy.

The comparison is this. Both States have an oil response. California has a strong law on oil response. Louisiana has a very weak law on oil response. Why? That is something that Louisiana ought to correct. The California statute has stations throughout California, places to clean up wildlife. It is paid for, it is implemented. It is essentially large, wildlife veterinary hospitals. The one in my district, you could even bring a small whale in there and operate on it. Louisiana has no such network, no such program, and no such allocation of resources.

Another big disability, big difference between the two, liability caps. Louisiana has a cap on liability. California has no cap on damages. Louisiana has a cap on damages. When you and I and our colleague, JACKIE SPEIER, who has joined us here, were all members of the State legislature, I authored legislation that you sponsored to put a strict liability on oil spills in California, a remarkable law. There is strict liability that has no cap on damages under State law.

Louisiana, being a friend of the oil companies, puts caps on damages. They are not asking for that cap right now, they are asking it to be raised.

The big difference number three between California and Louisiana, both offshore oil drilling States, is civil and

criminal penalties. California sets up involved civil and criminal penalties, a whole section of law. Louisiana has no civil or criminal penalties.

Louisiana, come on. If you are going to cry now where is the Federal Government when you have a problem, why haven't you risen to the occasion? California has had that law in place since 1990. Your law was enacted in 1991 with no teeth. It is about time you took responsibility for putting some teeth into your State law.

Lastly, what both States have is a Coastal Zone Management Act created by the Federal Government. There is a nifty provision in that act. It is called consistency provision. What that means is the State can review any proposal to do offshore oil drilling, whether it is in Federal waters or State waters. And as long as you have an adopted plan and that plan can explain why you should condition that oil drilling, or even deny that oil drilling in Federal waters, you have the power at the State level to do that. We in California have used that power and prevented the Federal Government from expanding its offshore oil drilling.

We are going further now with the bill that Mr. GARAMENDI has because we realize that drilling for oil off coast is high risk and low gain. You really don't get a lot out of it. And the risk we can see in spades from what is happening in the gulf right now.

So Louisiana, don't cry for what the Federal Government is not doing, cry for yourself as to what you are not doing to help your own constituency, put teeth in the laws that would allow you to deny those offshore oil drilling rigs, to put conditions on those offshore oil drilling rigs, to allow you to have the money to clean up the mess and help the wildlife, to put teeth in the penalties and to raise those caps. So we want to see our coastal States have a strong law. And most of all, we think if you really look at it, we shouldn't be drilling offshore at all.

Lastly, I want to change the issue because one of it is about money. There is money that comes into the Federal Treasury from offshore oil drilling. It produces \$23.2 billion; \$23.2 billion. Out of that, Congress has authorized the expenditure of about \$5 billion in five programs: American Indian tribes get some of that money; historic preservation gets some of that money; lands and water conservation fund which is essentially land more than water, it is on land not offshore, get some of that money; the reclamation fund gets some of the money; and there are two funds that go back to the States.

But out of the \$23 billion fund, \$5 billion, less than 20 percent, is spent. Where does the rest of it go, into the United States Treasury. And guess what, all of that money made from offshore oil drilling and not a penny spent on the ocean. We have a big source of

income that the United States Government can use to start with renewable resources, start investing in the oceans, and create an ocean fund and ocean governance plan so it isn't chaos at sea, it is a planned, organized, smart way to use the ocean, just like we have learned smart ways to use the land.

I commend you on your bill and on your work, and thank you for inviting me to be here tonight.

Mr. GARAMENDI. Congressman FARR, thank you very much.

I am going to go back and answer the question about where did the Federal subsidies go in just a moment, but I see our colleague, Representative JACKIE SPEIER, arrived with the next generation that is going to have to live with our decisions that we are making right now with regard to climate change and the extraordinary consumption of carbon-based fuels.

Ms. SPEIER. Thank you, Congressman GARAMENDI, and thank you for your leadership in this area and for recognizing the next generation. Marianne Larson will be part of that next generation that is going to be asking the question: Did we do enough?

The question I have tonight that I would like to pose is when will we see enough damage to say enough is enough. How many oil spills do we need before we take decisive action to end our dependence on fossil fuels?

Just last week, probably not heard because we have been focused on the BP oil spill, but last week we saw yet another spill in Salt Lake City, Utah. Any oil spill is one too many, and the era of our planet being constantly contaminated by crude oil must come to an end.

The preventable accident in the gulf claimed 11 lives, tragically, and is now the worst environmental disaster in this country's history, and the biggest environmental cleanup that we have ever undertaken. It serves as a terrible reminder of our country's dangerous dependence on foreign oil. As long as we remain addicted to that oil, foreign and domestic, spills are inevitable. The question we have to ask ourselves: How many more do we want to somehow live with? Live with the damage to our ecosystem, live with the damage to the people that are afflicted by it, the jobs that are lost, the tourism that is lost. They have been with us for over a century, these oil spills, and they will be with us for centuries more unless we break that addiction to oil.

□ 1845

We must replace oil in our energy supply with clean fuel. And it's right here. We have it. We know what it is. You pointed to some of them in that chart. And the stunning figure that I just heard that I would like to share with you tonight, Mr. GARAMENDI, is that, by just retrofitting 75,000 homes in this country, we would save the

equivalent of all the oil that has spewed into the gulf by BP. Just retrofitting 75,000 homes.

Now, we have passed in this House legislation, the Home Star bill, which will spur the retrofitting of 3.3 million homes and create over 600,000 jobs. The energy saved from these retrofits, if the Senate passes that measure, would save more than 44 times the wasted energy floating in the gulf and would do so at one-fortieth of the cost.

Mr. GARAMENDI. You know, that's really, really interesting. And if I recall the vote, when that was on the floor, the Republicans voted against that. They didn't vote for one of the most important conservation programs we have that not only would save all that energy, but help each homeowner's utility bill. Go figure.

You mentioned this. We've got to go back here because I've got to answer this question. Please help me with this. Who gets the most subsidies; solar, algae, wave, wind, or oil?

Ms. SPEIER. The answer is?

Mr. GARAMENDI. The answer is oil. If you take a look, 2002 to 2008, where did the subsidies go? Well, the oil industry got over \$70 billion of taxpayer money in direct tax subsidies, \$72 billion. The green renewable energy got \$12.2 billion over that same period of time, 2002 to 2008. And in addition to that, the ethanol industry got \$16.8 billion.

So we really, if we took this money, this subsidy, \$70 billion over a 6-year period and shifted it over to this side, particularly up here to the renewable energy—this is solar, wind, advanced biofuels like algae and the rest—where would we be? Where would that young lady's future be? Renewable energy of all kinds. You shift the subsidies around.

Is that possible? Can we do that? What do you think?

Ms. SPEIER. Of course we can do it. It's all about whether we have the will. We can even allow Big Oil to continue to have some little subsidies, or equalize the subsidies that we are providing there and take that other money, take \$6 billion, retrofit 3.3 million homes in this country, create hundreds upon hundreds of thousands of jobs, and we would be better off.

Mr. GARAMENDI. Duh. Why didn't the Republicans vote for that? It makes eminent sense.

Ms. SPEIER. Well, it's the same reason that they sat in this Chamber a year-and-a-half ago and chanted over and over again, "Drill, baby, drill." It was like a high school football field. And they couldn't say it loud enough or long enough or repeat it often enough.

Mr. GARAMENDI. I wasn't here at that time. I got a special election last November. You are telling me that it was just less than a year ago?

Ms. SPEIER. About 18 months ago.

Mr. GARAMENDI. About 18 months ago they sat here and they said, "Drill, baby, drill"? I heard the same thing tonight. They said, End the moratorium on deepwater drilling. Drill. And I am going, You want another oil spill? Thirty-eight in the last 18 years in the gulf plus this big one. That's not the solution.

The solution lies in moving to a new energy source, the green technologies, the renewable energy, so that it is the sun that gives us the power in the future so that that young lady doesn't have to face the extraordinary impact that climate change will bring. We have to move away from carbon-based fuels.

Would you agree with that?

Ms. SPEIER. Oh, I absolutely agree with that. And I think that we have got to just face some very fundamental facts. If you continue to drill at 18,000 feet, you are asking for trouble.

Mr. GARAMENDI. Let's see, that fellow Murphy was right. Everything that can go wrong will go wrong. And BP didn't plan for what could go wrong. In fact, they ignored it. They put together an application that just ignored the possibility of the worst case. In situations like this, we must force the industry to assume the worst case will happen. We have seen it. No more.

Mr. Speaker, thank you so much for the time. I yield back.

#### CONGRESS MUST ACT TO DEFEND THE GULF

The SPEAKER pro tempore (Mr. BRIGHT). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARTER. Mr. Speaker, I thank you for this hour. It's going to be an interesting couple of weeks on this issue of this oil spill, because we are going to get two conflicting points of view. I actually heard, I believe, that somehow this oil spill is now George W. Bush's fault. It reminds me of the game, the Kevin Bacon game that your job is no matter what actor or movie you lay out before the public, you have got to bring it back in seven cycles to Kevin Bacon. And it seems that everything that goes on in the United States, that the majority party seems to somehow think whatever goes on in the United States they can somehow track it back to George W. Bush.

And what I heard was that Mr. Bush had used a drilling rig at some point in his life, and therefore it's Bush's fault that there was a failure, or something to that extent, a failure on this BP drilling rig. It's time to really stop. It's getting a little old for the American public, for them to hear constantly that no matter what goes wrong in the Obama administration it's George W. Bush's fault. I think this is getting a

little old and getting a little bit, it seems to be sort of a fantasy that seems to be prevailing.

We have got a great disaster in the gulf, and nobody's denying we have a great disaster in the gulf. Today I heard a man who actually knows something about drilling in the gulf. I haven't heard anyone stand up that has talked on the majority side tonight and said, By the way, I have drilled these, and let me tell you what has happened in the gulf.

But TRENT FRANKS came before us today and showed us what has happened in the gulf—it is very interesting—and why the cap failed that they first started, and why the wells that are being drilled to intersect this well, the relief wells should be successful. And, you know, if you want to know how you do something, you ought to talk to somebody that's actually done it. And TRENT, a Member of this body, has actually done it.

So we will find out, whenever we get this spill stopped, we will find out what happened in the gulf to cause this thing to blow out. And it may be human error. It may be the company's error. It may be shortcuts they took. It may be the inspector's error. It could be just about anybody's error. We don't know.

Now, the truth is we don't have to know yet because the presumption is overwhelming that it's BP's responsibility, and they admit it. It's their responsibility. But blame-gaming is not going to stop the oil from flowing into the gulf. Putting our resources together at every level from every source is part of what you do when you have a national emergency. I don't care whether that national emergency has the name Katrina or Rita or Ike or any of the other names, or Carla or any of the other names of hurricanes that have swept across our gulf and attacked all Gulf States at some point in time, or it has the name—what's the name of this well? I can't even remember anymore. Anyway, just call it the BP well in the Gulf of Mexico that blew out. Blame game's not solving the problem.

What's the problem? When it's the hurricane, the wind's blowing and things are getting torn down, and we need to put our resources together to help the people and the industries that are attacked by that hurricane. Today we have animals, we have sea life, we have wildlife, sea life, human life that is threatened by this BP oil spill.

And our first job, and the job not only of British Petroleum but of those of us who have the responsibility of protecting this country, which would be the President of the United States, the executive department, this Congress, and everybody involved, should have immediately poured massive, massive support into doing something about this oil well and stopping this

spill. And we should have done it through the people who have the intelligence and the technology to tell us just exactly what we are dealing with.

I wouldn't recommend you call a great white hunter in Africa to tell him how to put down this oil spill. I wouldn't recommend that you call a surgeon in Brooklyn, New York, and ask him to put down this oil spill. And I wouldn't recommend you talk to a community organizer and ask him how to put down this oil spill. I would recommend that you immediately, when this happened, approach those people who have the expertise to deal with this oil spill and do it. And quite honestly, I think we have to say that the President of the United States told us the buck stops with him, so he's the person who should have started this ball rolling when this whole thing started coming down on us.

I have got a little chart up here, the gulf spill timeline. And we are going to look at that for just a minute to see how well we did in deciding that we were, as a government, going to join the oil and gas industry in coming up with a solution to British Petroleum's disaster that they had created in our blessed Gulf of Mexico. In fact, I think I have the State with the largest amount of Gulf of Mexico coastline of any State in this Union. And it would be close, Florida would be a close second. And they may have more. I don't know. But certainly the State of Texas has a lot. So let's look at this thing for just a second.

April 20, 2010, and today is June 16. So looking back to April 20, the explosion occurred. Eleven people were killed. Right there we knew we had a problem. The first oil leak was officially recognized and revealed by the administration in Washington on April 24. So 4 days later, the administration acknowledged and revealed to us that there was an oil leak.

On April 28, the Secretary of the Interior, Mr. Salazar, traveled down to the BP command center in Houston. April 29, the Homeland Security Secretary Napolitano announced a spill of national significance, and President Obama made his first public remarks about the disaster. That's 9 days after it occurred. April 30, the President deployed his senior administration officials to the gulf region and makes a request for remarks about what's going on, and the Louisiana National Guard was activated to assist. That's a start. That's a first start.

The President visits the gulf on May 2. It looks like 13 days after the event. Cabinet officers briefed the Members of Congress on May 4 about the seriousness of this event.

□ 1900

May 11, Louisiana requests emergency permission from the Federal Government to dredge barriers to con-

struct berms. Now, when I was about 18 years old, I worked in south Louisiana, and the whole ecology and economy of Louisiana is directly affected by what they call the marshlands. There are literally thousands of people who make their living because the marshlands in Louisiana thrive to be breeding grounds and producing grounds for numerous amounts of seafood products. And in fact, I would venture to say that there's not anybody who eats seafood in the United States, and have done so for any length of time at all in their life, has eaten seafood that was produced as a result of the overall environment of the Louisiana coastal region, which is 99 percent marsh.

Now, marsh is different from the beach. The beach is bad. If you've got a beautiful beach like they had at Pensacola, that gorgeous white sand, or anywhere in Alabama or Mississippi or anywhere in Florida, tar balls on the beach and this nasty sludge coming into the beach is going to be icky and yucky and nasty. And if you get it all over your feet, you have to clean it off with alcohol, and it can burn you and tear you up.

But if that stuff comes into the marsh, it can kill and will kill plant life, animal life, and ocean life.

So when the Governor of Louisiana, who was so unfairly criticized here tonight by the opposition, when the Governor said, look, guys, at least authorize some dredging to put some sand barriers between us, between our marsh and that terrible spill that's headed our direction, and yet it wasn't until the 27th of May that the Federal Government granted Louisiana a partial permission to dredge sand up to build sort of an island-like barrier so maybe that oil will hit the sand and not come in where all the plants and the wildlife and the sea life lives and thrives and functions.

But that was only 27 days too late, and the 28th of May, the President went down on a second visit to the Gulf States, and this is what he told us: The buck stops with me.

I agree with him. The buck stops with the President of the United States, and now we are hearing people scream about a national disaster, which it is, and the President of the United States' job was to lead, and lead means go out and if you have to, roll up your sleeves and suck oil out of the water. You certainly need to get people out there that are taking it seriously enough to follow the instructions of the man on the ground, Governor Jindal, who said it's not a solution, but it sure would help if there's a barrier between us and that oil. And he shouldn't have had to wait for the Federal Government to hem and haw and say, well, we don't know what that sand island you're going to build is going to do to the overall environment of south Louisiana. What does it matter? The oil is going to come in there

and wreck it. So let's just dig up the sand. No, we had to wait.

On the 29th of May, British Petroleum did its top-kill plan to try to stop the oil, and it failed. The 2nd of June, the Obama administration finally approved Louisiana's plan to dredge and tells BP to pay \$360 million for five new berms. The Justice Department announced a criminal investigation into the explosion and the spill. Let's see, that's all of May and 11 days in April when nothing of significance took place.

June 14, the Senate Democrats write BP calling on the company to set up a \$20 billion independent administrative escrow fund to compensate victims of the spill.

June 15, that was yesterday, President Obama makes the Oval Office speech on the oil spill and uses the crisis to push climate change legislation.

And if you heard what our colleagues were talking about in the previous 1 hour before this Congress, they were talking about that we need to have these alternative fuels to replace oil and replace petroleum products, in fact, all carbon products, coal, oil, natural gas. They talked to you about subsidies and other things, but they show you on their chart, and you see this one right here, it is algae, and next year we're going to replace all the energy produced by oil with algae if you will put the resources in algae. No, because it won't.

If you say, look at these wind farms, this is going to replace all the energy we needed to charge our electric cars so we don't even have to run on any kind of petroleum product. And that's all we need is to subsidize that and pour money into it, and it will replace it in the next 2 years. So why am I using the term the next 2 years? Because the President of the United States has put a moratorium on drilling in the gulf, and 17 percent of our consumption on oil and oil products, which includes plastic and other by-products of oil and natural gas, 17 percent of that a year comes from deep-water drilling in the Gulf of Mexico. So, in 2 years, that's 34 percent of our fuel consumption nationwide that's going to have to be accounted for by somebody in some alternative form if we're going to give up on oil and gas.

Are any of the alternatives that are even close to replacing 34 percent of our energy consumption in this country? No. Will there be? Maybe. But the reality is, we get up in the morning, and we start our cars, and we drive to work. And generally we're burning gasoline or diesel, all of which are products of the petroleum industry. And if you're not going to use gas or diesel, then you better hook a sail up to your car and hope the wind is blowing towards work or you're not going to work.

So the reality is, to just cave in on an industry because of a terrible dis-

aster is like saying, oh, my God, a 747 went down with 600 passengers, shut down the air industry for the next 6 months. But here's the reality: The reality is this 6-month shutdown of the Gulf is actually going to be a 5-year shutdown of the Gulf because once they pull those rigs out of the Gulf, we're not going to get them back it's estimated for 3 to 5 years. So the 6-month moratorium in effect shuts down 17 percent of our energy production in this country for 5 years, potentially for 5 years.

It is time to be realistic and say, what's the big problem right now? And it's the oil spill. Why is it a problem? Because oil is floating around on our pristine Gulf of Mexico. It is moving from State to State. It is eventually going to come ashore in someplace, and why aren't we doing everything we can to bring people over here from anywhere that will help and say we'll help?

I'm going to add one more thing. On June 16, President Obama met with BP executives in the White House—that's today—and he got his \$20 billion to go into escrow. But the reality is where have we been, where has our leadership been of this country, the President of the United States and the administration, when this oil was spilling out of that well? Why didn't we answer the phone when the Dutch said 3 days after the spill started, we've got a fleet of skimmers that will come over to help you skim oil? Why didn't we respond? In fact, why didn't we say, world, we help you every chance you ask us to help you, give us a hand; anybody who's got resources that can soak up oil, please bring them to the United States and help us out?

That kind of leadership had to come from the President of the United States, and the waiving of the antique act called the Jones Act had to be done by the President of the United States.

So as we talk about this disaster, let's start by saying what's our real problem? And our real problem is this leaking oil, and we've got to clean it up. Before anything else, we've got to clean it up, but instead, we act to attack the drilling industry and shut down 17 percent of our energy resources a year at a minimum because it's very, very good and popular to attack the oil industry. But in reality, tomorrow morning, when you crank up your engine, say to yourself, what kind of fuel is driving me to work today and where does it come from?

I am very pleased to see that I'm joined by two of my colleagues, and I'm going to call on Mr. MICA from Florida to talk about this very, very disastrous situation and a bill that he has that offers some solutions.

Mr. MICA. Thank you so much. We affectionately refer to the gentleman from Texas as Judge CARTER, but a distinguished Member of Congress, a part of the leadership of the Republican

team, and thank you also for coming tonight before the Congress and the American people, House of Representatives, to review probably what is one of the worst ecological disasters, natural disasters our country has ever experienced, and actually to come here and to review some of the timeline of what has taken place. You've touched on a number of important issues.

First of all, as someone who comes from the State of Florida—we're part of the Gulf Coast—I have to extend our deepest, heartfelt sympathies to those that lost lives, both on the rig, and now we heard today from some of our colleagues, in an extensive review that we participated in on our side of the aisle, from some of those from the adjoining States, how their economy is suffering and how the proposed moratorium that's being arbitrarily imposed may make this disaster even worse. It's hard to imagine it being worse, but again, we empathize with those who have lost lives, who have been injured, and now have seen their livelihood dramatically impaired by this natural disaster.

What we've got to do, though, is we've got to step back. We've got to look at what took place, and then we've got to look at some remedial action. Judge CARTER, gentleman from Texas, raised some excellent points. This is now 60 days, almost two full months, into this disaster that took place on April 20. We have not had the proper response. That's evident.

The gentleman talked about the need to bring skimmers and other craft in. He spoke about waiving the Jones Act, which President Bush did I think in 4 days afterwards. We haven't really called for a waiving of the Jones Act, but we would support it. It probably should have been done. There have been offers of foreign vessels.

I was absolutely dumbfounded; on Saturday, I received an urgent e-mail from those who are involved with American-flagged vessels, one of the leading maritime ship owners, domestically flagged, U.S. flag, who contacted me on Saturday. The message just floored me. Mr. MICA, our industry, American flag industry, doesn't mind waiving the Jones Act. The Jones Act does protect American jobs and American labor. Again it's great to have those flagged vessels. Waiving it is done on rare occasions and in emergencies, as President Bush did.

□ 1915

I was informed that we have flagged Jones Act-compliant vessels, American flag vessels waiting—this particular company, one of the largest maritime companies in the United States, American flag, has been waiting for a call. They've been waiting for a call from the Department of Homeland Security, from the Coast Guard, any Federal agency, or BP, to come in and provide—they have vessels that can help

and could be helping in the cleanup even before we exempted vessels, foreign vessels to come in on this, and we've had an offer of that for some time. So I was shocked.

I sent to Secretary Napolitano yesterday a letter and I outlined the information I got. I lead the Transportation Committee in the House on the Republican side, but I said, Madam Secretary, this is unbelievable that no one has even availed themselves of the American flag vessels who are ready, who have equipment. We should not be endangered in Florida or in other States in having that oil up on our shores. We have the capability that has not even been utilized to date. So this was my letter, my plea to the Secretary, and I'm shocked and disappointed.

The other thing, too, is there seems to be a conflict. Last night, we heard the President say that we have been in charge, he's in charge as the Commander in Chief. Under the Oil Spill Recovery Act that we passed in 1990 after Exxon Valdez, it's pretty clear the chain of command, but Thad Allen, who is in charge of this, former Coast Guard commandant now in charge of the spill cleanup, he said, but we do not have the capability, the United States Government does not have the capability—he said that over and over again, that the private sector has this capability. Here again we have U.S. flag vessels that can do the cleanup haven't gotten a call, still waiting. The Jones Act they could have waived and allowed those who volunteered assistance with skimmers and other equipment, that has not come in.

So while there are folks in this administration who say they're in charge, there is some disconnect here in getting the equipment, getting the resources out there. In fact, the private sector has been in charge, and this is the first time the President has met with these folks. I was dumbfounded, too, today—and I think Judge CARTER was in that meeting and other Members on our side of the aisle—when we heard the gulf coast delegation say they have requested but not yet met with the President of the United States. It's hard to believe the President would not meet with the elected Representatives of the gulf coast States to sit down.

And then time and again we heard in the review that took place today of requests, simple requests for berms to stop the oil coming into the marshes, simple requests to act now, sooner rather than later. And we've seen the results of now that oil is making its way towards the Florida shores and doing even more damage. So if in fact the President is in charge, we need to free these vessels, employ every means possible to keep this disaster from going further.

One other thing I disagree with the President on. I know it's important to

act, and he did act in imposing a moratorium, but I think what they've got to do—and I believe he revised that moratorium to not affect the 3,500 shallow water drilling sites, but it is closing down the deepwater drilling sites. Some of those are exploration sites. In fact, they probably should be closed until we have assurances that future deepwater drilling can be done. My point here is that by closing all of them down with a blanket moratorium, we are putting more people out of work, taking a horrible situation and making it worse. We will have even more people unemployed.

So I think the logical, reasonable approach would be to send inspectors in, hire, retain whatever we need, or if they have government officials to go in and see that the deepwater drilling that is taking place where they actually have the well in production—which I think is about half of the approximately 30 deepwater wells that are out there. We don't want to make the situation worse economically for those that have lost their job, seeing their business close down or, again, see thousands of people put out of work by the wrong approach.

So a reasonable approach. First, we get every piece of equipment, whether it's U.S. or foreign flag, there. This can be cleaned up. This is a doable job with U.S. vessels that have been waiting to hear that call from the administration. And then secondly, let's also be reasonable in the moratorium. I have been a strong advocate of keeping the U.S. independent and free as much as we could, drill where it's safe. My State of Florida I helped on a 100-mile setoff years and years ago. I thought that was reasonable. But you know, it may or may not make a difference because this was only 45 miles off the coast of Louisiana, as we see.

The other thing we need to do is have a good backup system. We shouldn't be rubber-stamping approvals of any company, whether it's BP or anyone else. BP, in February of 2009, gave this—and this is a copy of it—this is the plan for their exploring that site and their doing an exploration well, a development well. This plan was submitted in March of 2009, over a year ago, and this is the one-page approval. I got a copy of this before our Transportation Committee hearing just before it took place. This is the one-page, *carte blanche* approval. I don't think some of the people in the Minerals Management Service even read this 59-page request. And we've heard hearings lately as to the failures of BP to outline a good, solid proposal.

This proposal is the basic plan for drilling that BP submitted. It also refers to a much bigger document, and that's the actual 500-plus-page document that details all of the spill cleanup procedures that BP would employ. That was also rubber-stamped with

this approval, this one-page approval. So this was done by the Obama administration with people sleeping at the switch or not paying attention.

What's shocking, and I heard former-Governor Palin telling the country this—and people should listen to Governor Palin on this—Sarah Palin, when she was the Governor, she was tough on the oil companies. No one passed anything by her. She cracked down on them, made sure they towed the line. And what was interesting is Governor Palin told what they did is, she said this never would have happened, this kind of approval, in her State because there would have been more scrutiny.

The plan that BP offered, in addition to this 59 pages of the 500 cleanup plan, it looks like BP merely mirrored the Alaska plan; in fact, it told how they were going to deal with cleaning up walrus, seals and polar bears, none of which I've seen in the Gulf of Mexico. So, again, the Minerals Management Service was asleep at the switch.

What's finally startling is two things: one, I had our Transportation Infrastructure Committee get a copy of the President's budget. This is the Obama budget—not doctored or anything. I have the exact pages and cover copy of the budget. And in February of this year, before this oil spill, the President submitted a budget to our T&I Committee, Transportation and Infrastructure, that oversees the Coast Guard to slash the Coast Guard, our first responders, by 1,100 positions. In addition, he wanted to decommission and take out of service ships, helicopters, aircraft, all which are necessary for our first responders.

I remember when FRANK LOBIONDO, who is my ranking member on the Coast Guard Committee within our Transportation Committee, when we heard about this, we sent out this press release—this was in February, after the President had recommended cutting our first responders. We said—well, we said it's outrageous, but we said this is a recipe for disaster. This is dated February 25, after we got this. Then startling in this also, if you look a little bit further in the budget—not under our purview, but our staff found this—that the Minerals Management Service that the President talked about last night and how we need to clean that up and everything, in his budget that he proposed to Congress, he proposed slashing the Environmental Review Agency within that, or activities within that, agency by \$2 million; pretty dramatic cut for someone who has to review, again, what the private sector submits, their plan, slashing that plan. I thought this was just unbelievable.

And finally—this is in February. In March, the President came out—and this is the story in The New York Times—and said that we have to increase drilling in the gulf. This is it. I didn't make it up. It's The New York

Times: "Obama to open offshore areas to oil drilling"—and it says right here, the gulf. So first he's slashing first responders, then he's next proposing slashing the agency that does the environmental reviews. The review, again, the oil companies present that to the Minerals Management Service, they review it—I showed you the rubber stamp, April 6, that they approved it.

And then finally, again, the main thing now is cleaning this mess up. And we've got to employ everyone we can, every piece of equipment, be it domestic or foreign, keep that from coming in.

This is a doable job. When Governors ask to take steps, the solution doesn't need to be caught up for weeks in approvals from agencies. It shouldn't be why we can't do something. It should be, how can we get this accomplished? We've got people around the coast whose livelihood now depends on this. We can't let this disaster that's already done great damage to our economy—we have incredible loss of life that we've seen, and, again, we empathize with those who have lost loved ones in this tragedy, but we can't make a horrible tragedy even worse. So reasonableness on this approach.

I thank Judge CARTER, my colleague, the gentleman from Texas. I see we also have another outstanding member of our Transportation and Infrastructure Committee, Mr. OLSON, also a gentleman from Texas. I thank you for coming out tonight, sharing with the Congress, the House of Representatives and our colleagues, some of the facts and information that need to get out to the public so that we can get this mess behind us. Thank you so much, and I yield back.

□ 1930

Mr. CARTER. Before you yield back, would you tell us a little bit about your Oil Spill Liability Trust Fund Improvement Act that you have proposed.

Mr. MICA. Well, I will tell you right now that we are open to suggestions. We are looking at trying to be reasonable in whatever we do. To just impose unlimited caps on liability could be a very serious and damaging measure.

First of all, let me say I believe that BP must be held accountable, fully accountable. Certainly, that company has the resources. They must be responsible for the cleanup. Even though there is a limit under the current 1990 statute of \$75 million, they must be held accountable, far beyond that, for economic damages.

What we don't want to see is that we make the terms for liability so high that only a few multinational corporations will ever be in the oil business. Small producers in Texas and throughout the gulf—there are thousands of people in business—do a good job day in and day out. 3,500 of 3,600, I believe, active rigs in the gulf are in shallow

water, but they shouldn't be penalized by the failure of government or by the failure of a big corporation. Let's hold their feet to the fire.

So we are going to work with the Democrats. We are going to work with the administration. We are going to try to craft something that is fair and reasonable, that holds people accountable and that holds their feet to the fire.

The current fund that we have shouldn't be just a slush fund or front financing of the cleanup for BP or for any big company. That was actually set up for orphan spills or for a company that may not have the assets but that was responsible for a spill. We want that fund to continue to work, and we may need to put more funds in it to make certain that we have coverage for the future. Again, what we don't want to do is put in place insurance and liability limits that are so high that very few people can meet those requirements.

So we are crafting that legislation. We want to do it in a bipartisan manner. The law does need to be altered. We should learn, and we should benefit by this horrible experience, and we should make it better and make certain that it doesn't happen again.

Again, thank you for your leadership and for asking me to participate tonight.

Mr. CARTER. I thank the gentleman for what he has had to say.

I want to tell you that my wife is Dutch, so I took a little offense at the fact that we had an offer of help of a fleet of skimmers from the Dutch. It is my understanding we gave no response. Maybe that's different. I don't know. All I know is that I'm like Will Rogers. All I know is what I read in the newspapers. Now I'm even more upset since I've found out we have American-flagged ships waiting in the harbor ready to help, and nobody has asked for their help. The leadership that runs this country, the executive branch of the government, ought to be ashamed of themselves.

Mr. MICA. Will the gentleman yield?

Mr. CARTER. I yield back.

Mr. MICA. In conclusion, I do want to say that I work very closely with Mr. OBERSTAR, the Democrat chair of the T&I Committee. When we found out that the \$1.6 billion fund has a \$150 million cap for emergency use, we came together last week. I offered legislation specifically to deal with that. Again, we have to act in a responsible manner for the country. We passed that. The House concurred with us. We have provided some temporary relief.

Again, I'm not going to let the \$1.6 billion or the \$150 million be a piggy bank for BP or for any responsible parties, but we want to make certain that all of the resources are there on an emergency basis to the administration, to the Coast Guard, to whomever, so no one can say that Congress didn't act in

a timely fashion. We were alerted that some of the funds were running low in that emergency portion of the \$1.6 billion, which is put out in advance.

So I talked a little bit before about the legislation we are looking at on liability caps, and that is what we have done in a bipartisan fashion today. We did that, and we are prepared to do even more on the caps, whatever it takes and whatever resources and assets of the government and of the private sector we can bring to bear to bring this horrible disaster under control.

Thank you again for your leadership, both of our Texas Members—Mr. CARTER and Mr. OLSON.

Mr. CARTER. In reclaiming my time, let me say right off that I am very, very proud to be part of a Congress that instantly reacts to a crisis situation. Mr. OBERSTAR should be commended for that reaction. That is what we are asking for the entire government to do. Let's react positively. Let's work as a team. Let's quit blaming previous administrations. Let's do the job to clean this mess up.

I thank you very much.

My good friend from Texas lives in the heart of All Country USA. Houston, Texas, is, to my way of thinking, the center of the universe for the oil industry, and my good friend PETE OLSON is one of the members of our Houston delegation who is very knowledgeable in this area. He has some legislation, and there may be other things that he wishes to talk about, so I yield to my friend PETE OLSON, the Member from Sugar Land and all points south, to talk to us about how he feels about what is going on today.

Mr. OLSON. Well, thank you for hosting this Special Order tonight on such a critically important issue for the American people.

I would like to thank my colleague from Florida for coming by and for giving his perspectives on how this disaster is affecting Florida.

I'm going to have a theme tonight, Judge. I was in the Navy for 10 years—a naval officer. We're trained to lead. I mean, in my aircraft, I was a crew of 12—five officers, seven enlisted folks. I was the patrol plane commander, so those 11 individuals depended upon me to take them out, to do the mission, and to come back home safely. To sum it up in two words, the philosophy is "leaders lead." Well, guess what? We are not seeing leadership out of Washington.

We've had a very difficult situation. We've had the largest oil spill in American history, and there are thousands of jobs affected by it already: the food processing industry; the fishing industry across the coasts of Louisiana, Mississippi, and Alabama; the tourist industry. We're hitting the summer season. This is when people go on vacations. We're past Memorial Day. From

what I hear, the hotels are about half full. It has had a significant impact on the people of the gulf coast.

Yet what does the administration do? Do they lead? No. Again, in a knee-jerk reaction to this terrible tragedy, they imposed a 6-month moratorium on deepwater drilling—all of it stopped. Again, it's a disaster for our economy and for our Nation. Let me go over some of the specifics with you as I know my good friend knows.

There are 150,000 jobs that are going to be lost because of this moratorium. That's 1½ times my hometown of Sugar Land, which the judge mentioned. That's like wiping out Sugar Land and going down to Rosenberg or Richmond and taking them off the map. This is 150,000 jobs.

There are 33 rigs currently out there. I've talked to a constituent in my district who has an ownership interest in two of those rigs.

I asked him last week, How long can you hang out?

He said, Three weeks max.

How much is it costing you?

Well, the rigs are a little different. One's down around \$500,000 a day. The other one is at \$1 million a day. \$1 million.

If this baby goes on, if this moratorium goes on for 6 months, that is going to be \$180 million that that company is going to just have to absorb. Yet you know what they're going to do. Guess what? They're going. They're going overseas. He has been talked to. My constituent has been talked to, and he has had interest from Australia, from Brazil, from western Africa, and from eastern Africa already. He is considering their options very seriously because he can't afford to be paying \$500,000 or \$1 million per day as long as this moratorium goes on. This is going to have a devastating effect on our domestic production of energy.

One of the great problems we have in America—and it is something we should have fixed years ago—is our dependence on foreign oil. We all remember 1979 when the Shah fell, when Iran was taken over by the Ayatollah Khomeini and when the Arab world cut off our fuel supply. I was a 16-year-old in Houston, Texas, and I had just gotten my driver's license. So my job was to take the car up when it got down to about a quarter of a tank of gas. I'd take it up and get in that gas line depending on what the last number of my license plate was—odd or even on an odd or even day—and I loved it. I was standing there with my radio and with my window rolled down. Now that I'm an adult, I realize what a disaster that was. It's not gone. I mean it's still out there today.

As the judge knows, we've got serious challenges in the Middle East. I mean Mr. Ahmadinejad in Iran is scary. I mean he is trying to get a nuclear weapon. He was here in our country a

couple of weeks ago at the United Nations. He sat down with George Stephanopoulos and literally—this is the leader of Iran—told him that Osama bin Laden is here in Washington, D.C. Let me say that again. Judge, I think Osama bin Laden is here in Washington, D.C. This guy is trying to get some nuclear weapons. He certainly has some oil, and he has friends out there—the Saudis and others—who would cut him off if something happens.

What has happened, as you know, too, Judge, just as well, is that this administration has hurt our relationship with our great ally Israel. In 18 months, our relationship with Israel has gone from being one of our strongest allies to someone the world looks at and asks, Is the United States really with them? That has created another dangerous situation where countries out there are going to start taking chances and taking shots at our best friend. Again, what happens at the end of the day if we stand up for Israel? Maybe we get another oil embargo. We can't afford that. Yet this administration's actions by imposing this 6-month moratorium on deepwater drilling in the gulf are going to help that cause.

I don't know where to start sometimes. As my colleagues have mentioned, we introduced a bill yesterday, a very simple bill. It's one page—half a page. It basically says, Let's end the moratorium, Mr. President. We had a meeting today with Mr. Salazar. The Secretary of the Interior came over today.

I asked him, Do you believe that you were given all of the accurate analysis on the economic impact of this moratorium on deepwater drilling? Did you know all of the facts? Did you know that 150,000 Americans are going to lose their jobs and that those rigs in the gulf are most likely going to go overseas and start developing oil in foreign nations? They're not coming back any time soon.

It's a minimum—a minimum from what I've heard from the people in my district—of 5 years before those rigs will even consider coming back because they will have paid all that money to go over there. They're going to sit there. They're going to make money. They're going to decrease our national reserves here in America, and they're going to increase our dependence on foreign oil.

Again, Judge, leaders lead. What has the administration done?

Well, you know, as you talked about earlier, Governor Jindal asked for some sand, for about 24 miles of sand to place in between some of the marshlands that were going to be impacted by the oil spill. It took our government 3 weeks to approve that.

Why? Why? he asked.

Well, we had to do some studies. You know, the Environmental Protection

Agency had to look and make sure that, if we put that sand in front of the berms, we weren't going to do some things to hurt the birds and the wildlife behind that.

You're going to hurt the wildlife behind that, and you're going to damage those birds when that oil gets in there. Put the sand up. Prevent that from happening. Let's deal with that problem. Amazing.

The Jones Act. You talked about that. We've got great allies out there who want to help us, who have come to us and who have said, Please, we can help you. What did we do? No thanks. We've got this law that requires American unions, our unions, to man the ships. We don't need your help.

Katrina, 2005. President Bush was asked, you know, to waive the Jones Act. He stepped up and did it. Why? Because it was right for America. He was focused on the problem, which was help Louisiana and New Orleans recover from that hurricane.

The problem here is real simple, Judge. We've got oil spewing out of a hole in the Gulf of Mexico. We need to focus on that. That's the problem, and the administration is not focused on that. Again, leaders lead.

What do we see out of the White House today? Coerced British Petroleum to a \$20 billion slush fund, a privately funded slush fund for government to use and spend as they see fit. Now, BP has made some mistakes, and the investigation is not complete, but there is a lot of evidence and indication that they have made some mistakes, have cut some corners and have done things that haven't been consistent with standard operating procedure.

□ 1945

And they should agree to reimburse the Americans who have been affected by that.

But for the government to force upon them a \$20 million concession that the government's going to handle and dole out as they see fit is just not what's in our country's interest. We see what this administration has done if we give them large amounts of money. The first big vote I had as a Member of Congress, almost \$900 billion in economic stimulus package. Guess what? Has it stimulated the economy like the administration, like the President, said it would? Has it kept our job rate below 8 percent; our unemployment rate? No. We're hovering about 10 percent. What do we spend it on? You know the answer to that, Judge. Two-thirds of the money has been spent on public sector jobs and one-third on private sector jobs. I'd submit—and this isn't taking much of a chance—that's not how you grow an economy. And yet the administration has now coerced British Petroleum to give them \$20 billion as they see fit.

Finally, and I've got the President's speech here, about the last third of it didn't have anything to do with the Gulf of Mexico. It had something to do with a much bigger agenda. He was talking about why this substantiated and justified the administration's pursuit of a hydrocarbon emission law—a cap-and-tax, as we call it up here in the House. I mean, again, why are we talking about this when we've got oil spilling out of the Gulf right now. And the answer is: because the administration has an agenda that doesn't have anything to do with the oil coming out. It has everything to do with changing America, making us uncompetitive in a global market, increasing our costs of energy for every American consumer, and getting a big tax increase with all these payments, allotments that the corporations, companies, small businesses across America have to pay. And it's quite frustrating.

I mean, when I go back home, Judge, and I am sure you get this, What's going on in D.C.? And, Who's leading? An the answer is, Nobody is leading right now. Again, leaders lead. And that's why I introduced that law that you mentioned earlier to just repeal the moratorium. Get the American people back working on those wells.

The President, as you recall, met this past week with the families, the families of the 11 rig workers that were killed in the explosion. Many of them, from the press reports, told him, Please, Mr. President, don't do this moratorium. Don't do this to my husband, who most of these people were born and raised in small towns in Louisiana, like Homer, and they planned on living their lives there, raising their children there, raising grandchildren there. And they see what's at stake here. They don't want a moratorium, even though their family members have made the ultimate sacrifice.

It's my hope that the administration listens to the American people, looks at the numbers of 150,000 jobs that are going to be lost. Just the fact that we're going to lose all of our—most of our domestic offshore production of oil, and we're going to take that overseas to foreign nations. And one other thing is the second largest income tax source for the Federal Government is offshore drilling. About \$6 billion a year, bye-bye. It's just incredibly frustrating as a freshman Member of Congress that we're going through this, Judge. We need to fight to make sure that this moratorium is repealed, because it's in America's best interest.

Mr. CARTER. Reclaiming my time for a moment, I asked TRENT FRANK, who is an experienced offshore driller, as we all know. I said, TRENT, what kind of salaries do these guys make? He said, The ordinary laborer—which in my day, at least, we used to call those guys roughnecks or roustabouts—\$60 an hour. And the high-tech

guys, the guys that can drive a drill bit down 5,000 feet under the water and another multithousands of feet and hit a 12-inch hole where this oil is coming out of, with that kind of skill, they're paid a lot more.

Now the question I would have for the administration, if you take the drilling away and all those people are looking for a job to replace that income, where is the guy who developed his skills through experience at the low-paying job on a well? So maybe he's got a high school education, and he learned his job on the job. Where is he going to find \$60 an hour to support his family on? It doesn't exist.

Mr. OLSON. Will the gentleman yield?

Mr. CARTER. I yield.

Mr. OLSON. Judge, I think the President gave us the answer to your question there. In his speech yesterday, this is what he said. "Already, I have issued a 6-month moratorium on deep-water drilling. I know this creates difficulty for the people who work on these rigs, but for the sake of safety and for the sake of the entire region, we need to know the facts before we allow deepwater drilling to continue."

Mr. CARTER. Reclaiming my time, in wrapping this up, there's a lot of things that the Republicans—we get accused of an awful lot of things around here. We're going to ignore those accusations. Mr. BLUNT has a bill. The Oil Spill Response and Assistance Act, by Mr. ROY BLUNT from Missouri, H.R. 5336, requires the Secretary of Energy to develop and deploy technology for the use in the event of breach or explosion at or at a significant discharge of oil from a deepwater port, offshore facility, or tank vessel, including caps, fireproof booms, remote-operated submersibles, 24-hour response time, double liability limits for oil companies.

Mr. BLUNT is addressing the issue. Mr. SCHOCK has an Offshore Safety and Response. We have legislation. Let's do our job. And let's continue. Let's end that moratorium and continue to drill. And be safe.

#### FEDERAL GOVERNMENT'S RESPONSE TO THE OIL SPILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker. I want to follow up on what my friends were discussing because this oil spill is so important. And when our colleagues across the aisle control the White House, the Senate, the House of Representatives, the most we can do is use this honored place here to bring out some points so that, hopefully, America will respond, let their Members of Congress know what can be

done, what should be done, and why. And then perhaps we will get the appropriate action from the majority.

But I know there have been a lot of people that have been perplexed over the President waiting for so long to sit down with the chairman of British Petroleum. I know our President has said he has been involved and been in control and been in charge since day one. We have heard that over and over. And I know my colleague, former Judge CARTER, like me—maybe it's the judge in us—but even though the President has said he wasn't going to believe—something like he wasn't going to be able to believe whatever he said, so he didn't even meet with him. Well, as my fellow former judge knows, the best way to find out if you can believe them is bring them. Look them in the eye. Ask them questions. Find out if their answers are credible. Find out by the questions you ask whether they make sense, whether they're conflicting. And you find out whether you can trust somebody just by getting them in and talking to them. To make the statement that, for whatever reason, but if it was you can't trust what he says, then get him in and talk to him, for heaven's sake. I guess if you're used to condemning police officers before you know the facts, then, as we know from court cases, the best indication of future activity is often past history. It needs to rise to the level of being habit. But we're beginning to see a pattern developed here.

But many have wondered, Why was the President easy on British Petroleum for so long? Lately, he talked about kicking rear ends and all this stuff, but this is over a month and a half later. So I was very interested in this article, apparently from the Washington Examiner. And the K Street Column appears on Wednesday by Timothy Carney. I'm just going to read the article because I found this very interesting and helped give me some insight into this relationship with British Petroleum.

But the article says, "As British Petroleum's Deepwater Horizon oil rig was sinking on April 22, Senator John Kerry, Democrat of Massachusetts, was on the phone with allies in his push for climate legislation, telling them he would soon roll out the Senate climate bill with the support of the utility industry and three oil companies, including BP, according to the Washington Post."

Let me explain here why this is called climate legislation. In the last couple of years, it became clear that there was significant evidence to indicate that global warming was not occurring. We've had indication one of the heads of the movement that is claiming it was, actually admits there has been no evidence that the planet has been warming since 1995. And the evidence has been the last few years it

is probably cooling. I read an article in the wee hours this morning that South Africa is getting the first snow in decades.

So, anyway, but apparently, the global warming movement realized this was a problem. And I read another article sometime back around this time that indicated, you know what? We've been saying carbon dioxide trapped the warmth in, but it may be, since the planet may be cooling, maybe it makes the Sun's rays bounce off the carbon dioxide. And so maybe CO<sub>2</sub> is to blame for the cooling. So they realize if the planet is cooling, and you want to blame CO<sub>2</sub>, you're going to have to change the name, because global warming doesn't work if the climate is actually getting cooler. So they have started calling it climate legislation rather than global warming legislation. So that's why it's referred to this way, and that's why senators like Senator KERRY down the hall are referring to it as climate legislation.

But, anyway, going back to the article, it says, "Kerry never got to have his photo op with BP Chief Executive Tony Hayward and other regulation-friendly corporate chieftains. Within days, Republican cosponsor Lindsey Graham, Republican from South Carolina, repudiated the bill following a spat about immigration, and Democrats went back to the drawing board. But the Kerry-British Petroleum alliance for an energy bill that included a cap-and-trade scheme for greenhouse gasses pokes a hole in a favorite claim of President Obama and his allies in the media that BP's lobbyists have fought fiercely to be left alone. Lobbying records show that BP is no free-market crusader but instead a close friend of Big Government whenever it serves the company's bottom line. While BP has resisted some government intervention, it has lobbied for tax hikes, greenhouse gas restraints, the stimulus bill, the Wall Street bailout, the subsidies for oil pipelines, solar panels, natural gas and biofuels."

The article continues on, "Now that BP's oil rig has caused the biggest environmental disaster in American history, the left is pulling the same bogus trick it did with Enron and AIG. Whenever a company earns universal ire, declare it the poster boy for the free market. As Democrats fight to advance climate change policies," AKA global warming when it's not warming. Back to the article, "they are resorting to the misleading tactics they used in their health care and finance report: posing as the scourges of the special interest and tarring reform opponents as the stooges of big business. Expect BP to be public enemy number one in the climate debate. There's a problem. BP was a founding member of the U.S. Climate Action Partnership, a lobby dedicated to passing a cap-and-trade bill. As the Nation's largest producer of

natural gas, BP saw many ways to profit from climate legislation, notably by persuading Congress to provide subsidies to coal-fired power plants that switch to gas. In February, BP quit the United States Climate Action Partnership without giving much of a reason beyond saying the company could lobby more effectively on its own than in a coalition that is increasingly dominated by power companies. They made out particularly well in the House climate bill, while natural gas producers suffer."

□ 2000

And I am still reading from the article: "But 2 months later, BP signed off on Kerry's Senate climate bill, which was hardly a capitalist concoction. One provision BP explicitly backed, according to Congressional Quarterly and other media reports: a higher gas tax. The money would be earmarked for building more highways, thus inducing more driving and more gasoline consumption.

"Elsewhere in the green arena, BP has lobbied for and profited from subsidies for biofuels and solar energy, two products that cannot break even without government support. Lobbying records show the company backing solar subsidies including Federal funding for solar research. The U.S. Export-Import Bank, a Federal agency, is currently financing a BP solar energy project in Argentina.

"Export-Import has also put up taxpayer cash to finance construction of the 1,094-mile Baku-Tbilisi-Ceyhan pipeline carrying oil from the Caspian Sea to Ceyhan, Turkey—again, profiting BP. Lobbying records also show BP lobbying on Obama's stimulus bill and Bush's Wall Street bailout. You can guess the oil giant wasn't in league with the Cato Institute or Ron Paul on those."

Continuing to read from the article, the last couple of paragraphs: "BP has more Democratic lobbyists than Republicans. It employs the Podesta Group, cofounded by John Podesta, Obama's transition director and confidant. Other BP troops on K Street include Michael Berman, a former top aide to Vice President Walter Mondale; Steven Champlin, former executive director of the House Democratic Caucus; and Matthew LaRocco, who worked in Bill Clinton's Interior Department and whose father was a Democratic Congressman. Former Republican staffers, such as Reagan alumnus Ken Duberstein, also lobby for BP, but there's no truth to Democratic portrayals of the oil company as an arm of the GOP."

Reading the last paragraph: "Two patterns have emerged during Obama's Presidency: 1) Big business increasingly seeks profits through more government, and 2) Obama nonetheless paints opponents of his intervention as

industry shills. BP is just the latest example of this tawdry sleight of hand. Once a government pet, BP now a capitalist tool."

So I would like to yield time to my friend from Round Rock, the Georgetown area, and ask if that makes sense now that you know the full story and perhaps explains why the President was so slow to get after British Petroleum. I yield.

Mr. CARTER. I thank my friend from Texas for yielding. And let me say, that was a real eye-opener. I knew from having read some of the things previously that BP certainly was claiming big green activities both in their ads on television and in other places, and I do remember reading, I believe in the National Journal, some articles about their activities on behalf of climate change. But it didn't really sink in until this very minute when you read this to me. And I am going to bring something up that's a little tongue-in-cheek humor. But I have a question I wanted to ask because now you have talked about the difference between what we talked about, which was global warming and climate change.

When I went to school in Lubbock, Texas, back in the sixties, I remember specifically a day when a bunch of buddies and I went out to play a round of golf. It was 89 or 90 degrees. We were in a pair of golf shirts and Bermuda shorts, and we started out playing a round of golf. Before we got through with nine holes, a dust storm came up, and we could hardly see the ball, and we could hardly hit it. Then it began to rain, and it rained mud for about an hour through the dust storm. Then as the dust seemed to calm and go away, the temperature began to drop, and by the time we got to the club house, the temperature was 20 degrees.

So we had had a climate change from 90 to 20 in a 10-hour period, including a dust storm and rain. And we know that climate change is George W. Bush's fault. Now did he do that? Because that certainly was the most spectacular climate change I have ever seen in my entire life. But, unfortunately, we all know in Texas, we have those climate changes all year long. Is that the Republicans' fault and the Bush administration's fault? Good Lord, where were they in 1964? I think he was probably in junior high school or something. I don't know. What do you think, Mr. GOHMERT?

Mr. GOHMERT. Well, reclaiming my time, it appears that apparently former President George W. Bush must have had an awful lot of activity to have that kind of effect on global warming even back then. But then I find it interesting, because I know my friend recalls seeing the articles as I did. In fact, I recall in college being told that we were probably at the very beginning—some said we absolutely were at

the very early stages of a new ice age that would end the world, end all people on the world with ice.

Well, I just didn't believe it because as a Christian, you know, the Bible doesn't teach that the world ends with an ice age, and so I just knew that couldn't be right. But the people all around me were saying, Oh, yeah, we're at the beginning of a new ice age. It's the global cooling. It's going to ultimately have the whole planet frozen solid, and then who knows what life forms will emerge, if any, after the big ice age. Now I remember that, and I remember the discussions and discussing it with classmates and things, and I just could not buy back in the seventies that we were at the beginning of a new ice age.

So I come into this thing a bit skeptical. And as I have said many times, there is an adage here in Washington that no matter how cynical you get, it's never enough to catch up. And this is exactly the kind of thing that makes you see that. It just creates too much cynicism.

Mr. CARTER. If the gentleman will yield for a moment, I would argue that we enhance our cynicism quite a bit by the article that you just read concerning the relationship between the Obama administration, the Democratic Party, and British Petroleum prior to the leak, the massive disaster in the gulf. So you have to be a cynic when you see the kind of "whose blank am I going to kick" attitude out there. And of course everybody knew who we were talking about's blank that was going to get kicked, and that was going to be British Petroleum, as if they were the evil empire, you know, the black knights or whatever you want to call them. When you realize that they were partners on the same piece of legislation that he talked about for at least one-third to almost one-half of the speech that the President made last night to the American people because the solution to the oil flowing into the gulf is not bringing in the Dutch ships and other ships that have volunteered to come help by awaiting the Jones Act. It's not even releasing American flagships to go out there, which is no violation of the Jones Act.

No. The solution to the oil spill is cap-and-trade, cap-and-tax. Let's see if we can't come up with a whole new tax scheme for the American people. Let's see if we can't drive up the cost of the energy for their homes and for their businesses. Let's see if we can't put the American farmer out of business. Because you talk to a farmer about cap-and-tax, and he will tell you, his food and fertilizer—or the food and fiber he produces and the energy it takes to run his farm equipment is all going to be destroyed by this scheme to make money another way with cap-and-tax programs.

Well, I mean, look at how much money the former Vice President of the

United States, Al Gore, has made in participating in cap-and-tax issues in foreign areas, like the European Union. So get back to the oil spill, Mr. President. I yield back.

Mr. GOHMERT. Well, I was just going to mention, former Vice President Gore. He has got a global warming problem of his own now, so I will probably just leave reference to him out entirely. Apparently his planet is warming right now.

But it is interesting, too, when I heard the President talking previously about this cozy relationship between regulators and the Big Oil—here it is back again to the cynicism, and part of it I think is all those days as a judge—you know, it hit me. And I asked my office to check. And sure enough, they found a press release from the Department of Interior dated June 18, 2009, and I'm glad my friend was enlightened, as I was, to find out just how cozy British Petroleum and the White House and the global warming advocates here on Capitol Hill and the White House have been. There is apparently a very cozy relationship, which obviously made it difficult for him to want to condemn BP because they were the oil company that was jumping out there and saying, We support all this global warming stuff.

Well, let me read you this press release. It's from the Department of the Interior. It says, Department of the Interior press release. Date, June 18, 2009. And the headline is, Secretary Salazar Names Sylvia V. Baca Deputy Assistant Secretary for Land and Minerals Management. Minerals Management should ring a bell with what's going on today. And then it has the city, "Washington, D.C.—Secretary of the Interior Ken Salazar today named Sylvia V. Baca, a senior public and private sector manager in energy and environmental policy and programs, as Deputy Assistant Secretary for Land and Minerals Management. The appointment does not require Senate confirmation." Because see, if it required Senate confirmation, as my friend knows, then they would have been really digging into what she had been doing before.

But anyway, back to the press release from the Department of Interior: "Sylvia brings more than two decades of management experience dealing with natural resource and environmental stewardship issues in both the public and private sectors and at all levels of government, Secretary Salazar said. Sylvia understands the value of partnerships and the dynamics of consensus building on difficult issues, and her professionalism and detailed knowledge of Interior's land and energy responsibilities will make her a valuable member of our leadership team.

"Baca, who currently is general manager for Social Investment Programs and Strategic Partnerships at BP

America Inc. in Houston, has held several senior management positions with the company since 2001, focusing on environmental initiatives, overseeing cooperative projects with private and public organizations, developing health, safety, and emergency response programs, and working on climate change, biodiversity, and sustainability objectives.

"As Director of Global Health, Safety, Environment, & Emergency Response for BP Shipping Ltd. in London, Baca led a worldwide team to develop innovative and proactive energy and the environment initiatives. Among her accomplishments, she oversaw health, safety and environmental outcomes for an \$8 billion shipbuilding program, resulting in the youngest, greenest and most technically advanced fleet in the world. The project has received numerous awards for its safety and environmental advancements.

□ 2015

"As vice president for Health, Safety and Environment, BP North America in Los Angeles, Baca served as policy adviser on environmental initiatives, such as climate change, biodiversity, sustainable development, land restoration, and air and water programs. Baca presented BP's Climate Change Program before congressional committees and served as a board member on the California Climate Action Registry, National Resources Council of America, NatureServe, and the University of Colorado Natural Resources School of Law. She developed collaborative partnerships with key constituents, trade associations, regulators, and other stakeholders on environmental legislative and regulatory issues."

It gets better.

"From 1995 to 2001, Baca served as the Assistant Secretary for Land and Minerals Management at the Department of the Interior, where she was the principal policy adviser to the Secretary of the Interior for environmentally responsible stewardship of public lands and resources. She was responsible for the development of national policy and management direction of the Bureau of Land Management, Minerals Management Service, and Office of Surface Mining Reclamation and Enforcement.

"Among her achievements, Baca formulated consensus-based Federal land and resource management policies and facilitated policy resolution for public land and mineral disputes with competing interest groups. She earlier served as the Deputy Assistant Secretary for Land and Minerals Management, and was the Acting Director of the Bureau of Land Management."

I'm going to stop reading here because what brought her to my attention for the first time I ever heard her name was when the inspector general,

who had investigated a few years ago how in the world we ended up on our offshore leases having the price control adjustment language pulled out in 1998 and 1999, he mentioned that Ms. Baca was probably principally in the best position to talk about why it was pulled out.

From the hearing, it certainly appeared that they were informed: We always put this price adjustment language in there. For some reason there were two people, Ms. Baca and another, who were involved apparently in seeing it was pulled out. And it has cost this country's Federal Treasury billions of dollars now that has gone to those who signed those leases in which she or somebody she knew about was pulling the language out regarding the price adjustment.

When I asked the inspector general what Ms. Baca said about this when he questioned her, he said he had never questioned her because she left government service at the end of the Clinton administration and he couldn't talk to her now that she was in private business and in the private sector. I couldn't believe he wouldn't at least give her a call.

Anyway, it turns out that cozy relationship that the President talked about is very real. It was present in the Clinton administration. It left during the Bush administration, but came back in June of 2009 as their own press release from the Department of the Interior indicates.

I yield to my friend.

Mr. CARTER. I want to congratulate my colleague for doing some mighty interesting research. It is good that we laid this kind of research out before this House and before the American public.

One of the things that people get concerned about up here is who is shooting straight. As far as Ms. Baca is concerned, it looks right now like this administration decided to put their money on the wrong horse. When we start talking about Minerals Management, that is starting to ring a bell with the American people because our interesting father and son inspection team that you have talked about on the floor of the House, isn't that part of Minerals Management?

Mr. GOHMERT. It certainly is part of Minerals Management Service. I have to say, it was a hunch when I heard President Obama talking about the cozy relationship between Big Oil and the regulators. It just hit me, and I sent a message to my staff and said find out where those two people are who the inspector general said were largely responsible or likely responsible for the price adjustment language being pulled out that cost our country billions of dollars while they were there in 1998 and 1999. They came back and said we have a press release that is talking about one of them, and this is

the press release that I just have read from.

So it is interesting. There is a cozy relationship between this administration, and it goes beyond this, and I am deeply troubled. I know whether you are in Congress, but especially President of the United States, we rely so much on our staff and those people around us to help us get information, and we often depend on what they give us. That is why I like to see it in print, verified.

But the President said in his speech last night, We are running out of places to drill. Well, yes, because if you go back a year and a half ago you will find this same Secretary Salazar took checks that the government had already received at the end of 2008 for leases in the middle of the United States area and returned the checks and said it was his decision and this administration's decision that they were not going to allow those leases to go forward that were let at the midnight hour as the Bush administration was leaving. That was grossly unfair to what occurred, because the information that some of our folks in natural resources had found was that actually that was a 7-year process. He called it a midnight hour, that is when the checks came in, but no company is just going to rush in and say, Here is a check; I don't know what the land looks like. They have to do some testing, see what they think they might want to offer in the way of a bid. So that was a long 7-year process. And it was terminated.

So when the President says we are running out of places to drill, yeah, I guess so, when you keep declaring all of these areas off limits, on shore, in the shallow gulf, all of these shallow and inland areas. People are not aware, but every time they declare a wilderness area, they put that land off limits to drilling. When they declare a wilderness area like this body has, and it is on the Mexico-Arizona border, that means there is no Border Patrol cars or helicopters or anything that can be on the ground in that area in the wilderness area. So there is probably not a month goes by that we don't declare more and more land unavailable for any mineral production.

Mr. CARTER. That comment about the no vehicles also prevents those who are in charge of enforcing our border from following the drug dealers as they take their caravans of bad product across the border and into our wilderness area, and that is a serious situation.

Mr. GOHMERT. The people who are coming into the country illegally, obviously they are not worrying about what the laws in the wilderness area are. They can bring mechanical things and let them work there, but the Border Patrol cannot pursue them. Those areas look like roadways, and it is

from the illegals coming through the wilderness areas.

I want to mention one other thing. I know our President has said he has been doing everything from day one. He has been in control. He has been in charge, and we are doing absolutely everything we can. But then we find out many weeks after this explosion that actually the Netherlands and other countries have offered their ships, their expertise to come help us. The Netherlands, probably the best nation in the world for building dikes and building sand barriers and things, they volunteered to come over here. The problem is that would violate a union-pushed law back in the 1920s. I believe it was in the 1920s when it came. It says, if it is not an American ship, it can't operate and do the things that the Dutch were willing to do for us.

I am sure the President is just a victim of whoever put that information in his teleprompter, but the fact is that everything has not been done. We had a hearing where we had Coast Guard people, and the people from Louisiana have made clear, they have been trying to do things since it started and they keep being hampered by this administration giving BP the responsibility to make all decisions. That didn't make a lot of sense until you read this article and find out just how cozy that relationship has been between BP and the majority leaders in the Senate and in the Congress and at the White House.

But since I know the President believed, I am sure he wouldn't have said it, believed he is doing everything—actually, Presidents can suspend the Jones Act on their own. I know it was mentioned by my friend from the Houston area, but just to bring the fact home and give some specific information, Hurricane Katrina hit the coast of mainly Louisiana on August 29, 2005. Two days later, on September 1 of 2005, President Bush suspended the Jones Act so foreign ships could come in and assist in the hurricane cleanup. As I understand it, I heard that they were a very good help. They came in immediately, and so we have a track record of foreign countries that can come in and help us. President Bush continued the suspension until September 19, 2005. So 19 days was enough to allow those ships to come in and the foreign equipment to come in and help us clean up the disaster areas there on the coast in 2005.

Now, the process requires signoff from Customs and Border Protection, from Department of Energy, and the Maritime Administration, but that can be done on an expedited basis and can be done all within 1 day. You could, in fact, give a call if you are President of the United States, you could give a call to Customs and Border Protection, DOE, and Maritime Administration and say, I want this done. If you are not going to do it, I am going to get

somebody in your job that will get it done. Do it. Then get it for final signature to me. I will be finishing the 9th hole on the golf course such and such time; get it to me before I start the 10th tee. He could jump out of the cart and sign that Jones Act suspension and not even be interrupted from a round of golf. It could easily have been done all these days ago.

Just like Hurricane Katrina hit on August 29, and just think about this. As incompetent as this administration has repeatedly said the Bush administration was, just think about if an incompetent administration as totally worthless and incompetent as the Bush administration was, could get the Jones Act suspended within 3 days after Hurricane Katrina hitting, just think what these guys could have done. Since they are so much more competent and qualified, think how much quicker they could have done it since it took the Bush administration nearly 3 days.

Mr. CARTER. JOHN MICA from Florida was with us earlier tonight, and he gave us an interesting revelation. There is an American flagship firm with cleanup capabilities that has informed our government they stand ready and willing, if they are asked, to start helping clean up.

□ 2030

The Jones Act has nothing to do with this. These are American-flagged ships, and they are still waiting for a response from the White House, and you don't have to waive any Jones Act. All you've got to do is say, come on, boys, get in there and start cleaning up. My Lord, if they know how and they've got the equipment, why don't we have anybody on the face of this globe that's willing to do it out there in the Gulf cleaning that water up?

So it really is almost comical. With all the criticism of the Bush administration over Katrina and Rita and some of the hurricanes, natural disasters that occurred, this man-made disaster has had this administration's hands hog-tied for 2 months, and it's a hog tying of their own doing.

Mr. GOHMERT. Well, it makes most of us just furious that BP appears to have gotten in such a hurry that with all the talk and all the help that Senator KERRY and the global warming bill and this administration on global warming and all the bills they were trying to get done, it makes it so outrageous when it appears they got in a hurry, they got sloppy, lots of safety problems. And this thing happens because it devastates not just—the worst tragedy is the loss of life, and then there are at least 17 others that were severely hurt, and our thoughts and prayers go out to them.

And I know my friend says it's basically almost comical. I know he knows what it is to have personal loss in your

life, and I do, including just in the last couple of months losing a brother and a cousin, funeral attended yesterday, and there's nothing like that kind of heartache.

But then the next tragedy is what's being done to this country, what's being done to our ability to be energy independent and to force us to be more dependent on countries that don't like us, that help our enemies. There's tragedies in line behind those, most tragic the loss of life and the injuries and the hurt, but what they have done to our future is also really devastating. And we have got to take a step forward.

And our friend from the Navy, PETE OLSON, made it clear, when you're the leader, you've got to lead; it's not something you can vote "present" on. You've got to take charge. People are looking at you, and I know when I was in the Army, it certainly made an impression on me when a superior commissioned officer got in my face and said, Captain, no decision is a decision, and that's exactly right. No decision for day after day after day after day was a decision not to move forward, not to embarrass British Petroleum because they were being so helpful on the global warming bills, not to embarrass British Petroleum because we've got people in this administration that came straight from BP and helped the Clinton administration, made billions of dollars for the oil companies at the cost of the Federal Treasury back during the Clinton administration. All that coziness that President Obama talked about, we're seeing it here, and it's understandable. He wouldn't want to be too harsh until the country didn't give him any choice on such a close ally on these global warming bills like BP.

I appreciate so much my friend's assistance, but I did want to kind of change gears here and talk a little bit for a few minutes about something very close to my heart, and I know, my friend's heart. He mentioned the words "my Lord" and I know he and I believe in the same Lord, but the book that we're pointed to discusses Israel, our friend and our ally Israel, and it continues to grieve me much to see the way this administration continues to snub Israel.

This episode with the flotilla that was obviously an effort to force Israel's hand because they knew, Israel had made clear, we're going to have to defend ourselves, and that means checking any shipment to see if you're bringing in anything that can be used to blow up more Israelis, into the Gaza Strip. They made it very clear. That was very predictable, because when you study the course of human history and government's history, you know that when the strongest ally of a small country shows the world that there is space between us and our smaller ally, it is going to induce, many times, their

enemies to make a move. This was entirely predictable. You didn't see a flotilla move toward Israel during the Bush administration. They knew there was no space between Israel and this country under President Bush. They see a lot of space, and it is dangerous, and I would just, Mr. Speaker, hope and pray and plead that this would stop.

I have a letter that we're circulating getting signatures on asking the Speaker and Majority Leader REID to please invite Prime Minister Netanyahu to come stand right there at that podium and speak to a Joint Session of Congress so that Iran and all of Israel's enemies will see both sides of the aisle standing and applauding the Prime Minister, the leader of our close ally Israel; so they will know there may be games being played some places around here in Washington, but when push comes to shove, we're going to defend our friend, our ally in Israel.

We have shared belief systems in the value of human life. Both Israel and the United States believe women, for example, are not property, that they're not someone to have honor killings of if you think they've embarrassed your family. They're a country that does not believe that because you practice some other religion, it's okay to kill you. It is a country that believes, as Voltaire and Cicero said, apparently, that I may disagree with what you say, but I will defend to the death your right to say it.

Now I know we're moving away from that, and there are maybe some people in this country, not maybe, there are people in this country that say basically, you disagree with me, I'm not only not going to defend your right to say it, I'm going to get your job taken away from you; I want to take all your assets; I want to kill any chance you will ever have of making a living; I want to embarrass your family. That's some of the stuff we've had, but that's a minority in this country.

Israel has the same belief system in the value of human life that we do, and we should embrace that relationship and make sure that the world knows that that relationship is intact and that, if necessary to defend itself—I have this resolution, and we're circulating that. We're getting lots of signatures on that from Members of Congress. I'm hoping more and more Members of Congress will be signing on so that we can get this bill to the floor and the Speaker will feel pressured by people's reactions, pushing on their Representatives and their Senators to get them to come on board and sign, so we can let the world know, these are our friends, and we're not going to forsake them.

And like a big strong brother would tell the enemy of his little brother, if you're going to attack my little brother, you're going to have to go through

me because I'm going to make sure you have to pay if you hurt my little brother. That's the kind of friend we need to be to Israel so that Iran knows and Ahmadinejad knows, and it sounds like he honestly does believe that he could use nuclear weapons to hasten the end, to hasten the return of the mighty to rule and apparently even believes Jesus would come and help fight to put the mighty in charge of the whole caliphate. But he needs to find out that if he hurts our friend, that not only is there not going to be a caliphate, there will not be an Iran.

We need to make this clear: You don't go start anything with Israel.

But in the meantime, while Israel's leaders are being snubbed by an administration here, the centrifuges are just spinning, and the IAEA says they have enough nuclear material for two nukes. You read Ahmadinejad's quotes, he makes it very clear: It's not just Israel. Israel apparently in his mind is the little Satan, and we're the big Satan.

And some of his quotes, he said here at the conference in Tehran, called "The World without Zionism," Ahmadinejad stated, quote, God willing, with the force of God behind it, we will soon experience a world without the United States and without Zionism.

Well, as the New York Times, they also quoted him as saying, This occupying regime Israel is to be wiped off the map.

It is one thing when some little pee wee punk with no weaponry says I'm going to kick your rear-end or something like that. It's another when a Nation has enough enriched uranium to make two nuclear weapons, says I'm going to wipe you off the face of the earth, you will no longer exist when we're done, and he continues to make material for a nuclear weapon to do that.

I really thought that this Nation would be a bit like the Roman empire, not that we're an empire; we are not imperial. That's why they still speak French in France and German in Germany and Japanese in Japan, because we're not imperialists. We fight for liberty wherever it needs to be fought for. But this is a Nation that all of the sudden after 9/11, we realized we may not take decades and decades and decades to meet our end because we know every Nation eventually ends, and I would not stay in Congress if I didn't believe we could turn things around and this country could go for a couple hundred more years.

But the problem is, after 9/11, we saw we're very vulnerable, and if he gets a nuclear weapon—and this is common knowledge, otherwise I wouldn't be out there saying it—but he takes a nuclear weapon on a boat into New York Harbor, Houston, New Orleans, and it takes out a tremendous amount of our energy capabilities; Chicago and New

York, big financial hubs; LA, Washington, wouldn't take but a handful of nukes and we're in big trouble. We may not be able to respond. We've got to take this stuff seriously.

Some have referred to Israel as the miner's canary for the world, that when they're under assault, that the world is going to be next. That may be true, but we have got to take it seriously, and we have got to support our friend Israel, and I yield to my friend for comment.

Mr. CARTER. And the first thing I should say is, Amen to everything you've had to say, and I want to thank you for saying it.

You know, it's become a strange world when our closest ally in the Middle East, Israel, sends its Prime Minister over here and he's taken in through the back door, the service entrance, to the White House. He's told no photo ops, and he is basically slighted by the person we have elected to be the leader of the free world.

And then fast forward to just a couple of weeks ago, when the leader of the Palestinian movement comes in here, and we see photo ops, living room meetings, and a big chunk of money headed to the Palestinians promised by the President of the United States.

□ 2045

It's embarrassing how much of a change of policy we have towards our only—or at least our longest surviving ally in the Middle East. I was in New York the day before yesterday, and one of the people I met with said, Have you ever thought about the fact that if Israel didn't exist, how many Americans would have to be stationed somewhere in the Middle East to try to keep that cauldron from exploding all over the entire world? Remember what the Prime Minister of England told us right here before this House, the reason you have to respond is because it's your turn, you're the only real superpower left in the world.

That responsibility we're taking and we know about it, but when we have those who have stood by our side and worked with us to try to make things go—like Israel, like great Britain—why would a change of administration be so insulting to an ally like Israel? I was struck dumb by the whole thing; I think you were too. And I think you've done an excellent job of describing the possible consequences of the position we seem to be taking in this administration against Israel. I think all Americans of whatever heritage should be seriously concerned about what's going on.

I thank you for allowing me to participate in this evening, and I yield back my time to you, Mr. GOHMERT.

Mr. GOHMERT. I appreciate my friend, Judge CARTER, and I appreciate your insights in this discussion.

I would like to finish tonight by reading a couple of things of historical

nature because I know our President has said we're not a Christian Nation. I understand that; I'm not going to debate that. But I know our history, I know where we came from, and I know that people in the United States are really victims of who it was that taught them and, therefore, only know so much as what they're taught.

So I'd like to read this proclamation from George Washington, October 3, 1789. This was during his first year as President of the new United States. He said—and these are Washington's words, his proclamation, "Whereas it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favor." "And also that we may then unite in most humbly offering our prayers and supplications to the great Lord and Ruler of nations and beseech Him to pardon our national and other transgressions, to enable us all to render our national government a blessing to all the people, to promote the knowledge and practice of true religion and virtue."

In fact, he mentioned in 1790, in his letter to the Hebrew congregation in Newport, Rhode Island, that, "may the children of the stock of Abraham who dwell in this land continue to merit and enjoy the good will of the other inhabitants; while everyone shall sit in safety under his own vine and fig tree and there shall be none to make him afraid. May the Father of all mercies scatter light, not darkness, upon our paths and make us all in our civil vocations useful here and in His own due time and way everlastingly happy."

This is a book that was put together by William Federer, "Prayers and Presidents: Inspiring Faith From Leaders of the Past." So these are direct quotes. I will just finish with a couple things from Lincoln.

This is from August 12, 1861, the first year that Abraham Lincoln was President. This is his own words: "Whereas, when our own beloved country, once, by the blessings of God, united, prosperous and happy, is now afflicted with faction and civil war, it is peculiarly fit for us to recognize the hand of God in this terrible visitation, and in sorrowful remembrance of our own faults and crimes as a nation and as individuals, to humble ourselves before Him and to pray for His mercy, to pray that we may be spared further punishment, though most justly deserved; that the inestimable boon of civil and religious liberty may be restored."

And this in closing, Abraham Lincoln's own words, his first inaugural, March 4, 1861: "Intelligence, patriotism, Christianity, and a firm reliance on Him who has never yet forsaken this favored land, are still competent to adjust in the best way all our present difficulties."

It was true then, it's true now.

I yield back.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. KLEIN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, June 23.

Mr. JONES, for 5 minutes, June 23.

Mr. WOLF, for 5 minutes, today and June 17.

Mr. SMITH of New Jersey, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, June 21, 22, and 23.

Mr. DANIEL E. LUNGREN of California, for 5 minutes, today.

#### ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3951. An act to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the "Roy Rondeno, Sr., Post Office Building."

#### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Thursday, June 17, 2010, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7912. A letter from the Secretary, American Battle Monuments Commission, transmitting report of a violation of the

Antideficiency Act, as required by section 1341(a) of Title 31, United States Code in the Commission's Salaries and Expenses account and Trust Fund Account; to the Committee on Appropriations.

7913. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7914. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7915. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1096] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7916. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-8129] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7917. A letter from the Secretary, Department of Health and Human Services, transmitting the thirtieth annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and Labor.

7918. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicaid Program; Final FY 2008, Revised Preliminary FY 2009, and Preliminary FY 2010 Disproportionate Share Hospital Allotments and Final FY 2008, Revised Preliminary FY 2009, and Preliminary FY 2010 Disproportionate Share Hospital Institutions for Mental Disease Limits [CMS-2300-N] (RIN: 0938-AP66) received June 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7919. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Standards for Business Practices and Communication Protocols for Public Utilities [Docket No.: RM05-5-017; Order No. 676-F] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7920. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-051, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7921. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-050, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7922. A communication from the President of the United States, transmitting a supplemental consolidated report, consistent with the War Powers Resolution, to keep Congress informed about deployments of U.S. Armed Forces equipped for combat, pursuant to Public Law 93-148; (H. Doc. No. 111-122); to the Committee on Foreign Affairs and ordered to be printed.

7923. A letter from the Administrator, Agency for International Development, transmitting the Agency's semiannual report from the office of the Inspector General for the period ending March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7924. A letter from the Assistant Secretary for Civil Rights, Department of Agriculture, transmitting the Department's fiscal year 2009 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7925. A letter from the Assistant Attorney General, Department of Justice, transmitting the Semiannual Management Report to Congress for October 1, 2009 through March 31, 2010, and the Inspector General's Semiannual Report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7926. A letter from the Director, Environmental Protection Agency, transmitting the Agency's annual report for FY 2009 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7927. A letter from the Director, Congressional Affairs, Federal Election Commission, transmitting the Commission's semiannual report from the office of the Inspector General for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7928. A letter from the Director, Office of Personnel Management, transmitting the Office's semiannual report from the office of the Inspector General for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7929. A letter from the Chairman, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Oversight and Government Reform.

7930. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XV80) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7931. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Antarctic Marine Living Resources; Use of Centralized-Vessel Monitoring System and

Importation of Toothfish; Re-export and Export of Toothfish; Applications for Krill Fishing; Regulatory Framework for Annual Conservation Measures [Docket No.: 0907141130-0112-02] (RIN: 0648-AX80) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7932. A letter from the Section Chief, NNCP, RMD, FBI, Department of Justice, transmitting the Department's final rule — FBI Records Management Division National Name Check Program Section User Fees [Docket No.: FBI 118] (RIN: 1110-AA29) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7933. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the cost of response and recovery efforts for FEMA-3300-EM in the District of Columbia, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

7934. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the cost of response and recovery efforts for FEMA-3270-EM in the State of Colorado, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

7935. A letter from the Secretary, Department of Transportation, transmitting the regulatory status of each recommendation made by the NTSB to the Secretary that is on the Board's "most wanted list", pursuant to 49 U.S.C. 1135(d) Public Law 108-168, section 6; to the Committee on Transportation and Infrastructure.

7936. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Area Navigation Route Q-15; California [Docket No.: FAA-2010-0028; Airspace Docket No. 10-AWP-1] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7937. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Manila, AR [Docket No.: FAA-2009-1184; Airspace Docket No. 09-ASW-39] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7938. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Mountain View, AR [Docket No.: FAA-2009-1181; Airspace Docket No. 09-ASW-36] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7939. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Batesville, AR [Docket No.: FAA-2009-1177; Airspace Docket No. 09-ASW-34] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7940. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Marianna, AR [Docket No.: FAA-2009-1167; Airspace Docket No. 09-ASW-33] received June 3, 2010, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7941. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Beatrice, NE [Docket No.: FAA-2009-0697; Airspace Docket No. 09-ACE-10] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7942. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment and Establishment of Restricted Areas and Other Special Use Airspace, Avon Park Air Force Range; FL [Docket No.: FAA-2008-1261; Airspace Docket No. 09-ASO-18] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7943. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Restricted Area R-2502A; Fort Irwin, CA [Docket No.: FAA-2010-0471; Airspace Docket No. 10-AWP-7] (RIN: 2120-AA66) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7944. A letter from the Chief Counsel, Department of the Treasury, transmitting the Department's final rule — Securities Held in TreasuryDirect received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7945. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Diversification Requirements for Certain Defined Contribution Plans [TD 9484] (RIN: 1545-BH04) received May 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7946. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Twentieth Annual Report to Congress on health and safety activities; jointly to the Committees on Armed Services and Energy and Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERLMUTTER: Committee on Rules. House Resolution 1448. Resolution providing for further consideration of the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes (Rept. 111-508). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CHAFFETZ:

H.R. 5535. A bill to establish a pilot program for the expedited disposal of Federal real property; to the Committee on Oversight and Government Reform.

By Mr. FLAKE:

H.R. 5536. A bill to amend the Internal Revenue Code of 1986 to allow individuals to des-

ignate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU:

H.R. 5537. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of emergency service volunteers as independent contractors; to the Committee on Ways and Means.

By Mr. LAMBORN (for himself, Mr.

AKIN, Mrs. BACHMANN, Mr. BARTLETT, Mrs. BLACKBURN, Mr. BROWN of Georgia, Mr. CONAWAY, Mr. FLEMING, Mr. GOHMERT, Mr. JORDAN of Ohio, Mr. MANZULLO, Mr. NEUGEBAUER, and Mr. LINDER):

H.R. 5538. A bill to amend the Communications Act of 1934 to prohibit Federal funding for the Corporation for Public Broadcasting after fiscal year 2012; to the Committee on Energy and Commerce.

By Mr. CHAFFETZ (for himself, Mr.

CONYERS, Mr. SMITH of Texas, Mr. ISSA, Mr. BACHUS, Mr. HENSARLING, Mr. ROYCE, Mr. GOODLATTE, Mrs. BIGGERT, Mr. ROONEY, and Mrs. LUMMIS):

H.R. 5539. A bill to apply the Freedom of Information Act to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation during any period that such entities are in conservatorship or receivership; to the Committee on Financial Services.

By Mrs. BLACKBURN:

H.R. 5540. A bill to make 2 percent across-the-board rescissions in non-defense, non-homeland-security, and non-veterans-affairs discretionary spending for each of the fiscal years 2010 and 2011; to the Committee on Appropriations.

By Mrs. BLACKBURN:

H.R. 5541. A bill to make 1 percent across-the-board rescissions in non-defense, non-homeland-security, and non-veterans-affairs discretionary spending for each of the fiscal years 2010 and 2011; to the Committee on Appropriations.

By Mrs. BLACKBURN:

H.R. 5542. A bill to make 5 percent across-the-board rescissions in non-defense, non-homeland-security, and non-veterans-affairs discretionary spending for each of the fiscal years 2010 and 2011; to the Committee on Appropriations.

By Mr. FILNER:

H.R. 5543. A bill to amend title 38, United States Code, to repeal the prohibition on collective bargaining with respect to matters and questions regarding compensation of employees of the Department of Veterans Affairs other than rates of basic pay, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. NORTON:

H.R. 5544. A bill to promote the development of the Southwest waterfront in the District of Columbia; to the Committee on Oversight and Government Reform.

By Ms. NORTON:

H.R. 5545. A bill to deauthorize a portion of the project for navigation, Potomac River, Washington Channel, District of Columbia, under the jurisdiction of the Corps of Engineers; to the Committee on Transportation and Infrastructure.

By Mr. ROSKAM:

H.R. 5546. A bill to provide for the establishment of a fraud, waste, and abuse detection and mitigation program for the Medicare Program under title XVIII of the Social Security Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE:

H.R. 5547. A bill to terminate the authorities of the Trade and Development Agency; to the Committee on Foreign Affairs.

By Ms. HARMAN (for herself and Mr. KING of New York):

H.R. 5548. A bill to amend the Homeland Security Act of 2002 and other laws to enhance the security and resiliency of the cyber and communications infrastructure of the United States; to the Committee on Oversight and Government Reform, and in addition to the Committees on Homeland Security, Intelligence (Permanent Select), Armed Services, the Judiciary, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY:

H.J. Res. 89. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MCNERNEY:

H. Res. 1446. A resolution recognizing the residents of the City of Tracy, California, on the occasion of the 100th anniversary of the city's incorporation, for their century of dedicated service to the United States; to the Committee on Veterans' Affairs.

By Mr. PENCE:

H. Res. 1447. A resolution electing certain minority members to certain standing committees; considered and agreed to.

By Mrs. MYRICK (for herself and Mrs. CAPPS):

H. Res. 1449. A resolution supporting the observance of Thyroid Cancer Awareness Month and recognizing and applauding the work of national and community thyroid cancer organizations; to the Committee on Energy and Commerce.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. GRAVES of Georgia.  
H.R. 43: Ms. RICHARDSON and Mr. ALEXANDER.  
H.R. 482: Mrs. DAHLKEMPER.  
H.R. 571: Mr. MURPHY of Connecticut.  
H.R. 613: Mr. ROSS.  
H.R. 673: Ms. HERSETH SANDLIN, Mr. COSTELLO, and Mr. HOLDEN.  
H.R. 678: Ms. MOORE of Wisconsin, Mr. THOMPSON of Pennsylvania, and Mr. FRELINGHUYSEN.  
H.R. 855: Mr. CAPUANO and Mr. CARSON of Indiana.  
H.R. 949: Mr. MCNERNEY and Mr. MATHE-SON.  
H.R. 950: Mr. MICHAUD.  
H.R. 1021: Mr. HELLER.  
H.R. 1023: Mr. HERGER.  
H.R. 1032: Mr. WITTMAN and Mr. MELANCON.  
H.R. 1079: Mr. OLVER.  
H.R. 1392: Mr. WALDEN.  
H.R. 1428: Mr. ARCURI.  
H.R. 1657: Mr. DEFazio.  
H.R. 1691: Mr. HEINRICH.  
H.R. 1708: Ms. CHU.  
H.R. 1751: Ms. EDWARDS of Maryland and Mr. SABLAN.  
H.R. 1925: Mr. GARAMENDI, Mr. CROWLEY, and Mr. BISHOP of New York.

H.R. 2024: Mr. LEE of New York.  
H.R. 2049: Mr. PITTS.  
H.R. 2104: Ms. MATSUI.  
H.R. 2112: Mr. CARSON of Indiana and Mr. YARMUTH.  
H.R. 2138: Mr. PALLONE.  
H.R. 2149: Mr. FILNER.  
H.R. 2349: Mrs. DAHLKEMPER.  
H.R. 2381: Mr. TONKO.  
H.R. 2408: Mr. SIRES.  
H.R. 2480: Mr. TIM MURPHY of Pennsylvania.  
H.R. 2575: Mr. MURPHY of Connecticut.  
H.R. 2866: Mr. CAPUANO.  
H.R. 2906: Mr. MAFFEI and Mr. TIM MURPHY of Pennsylvania.  
H.R. 2941: Mr. CHANDLER.  
H.R. 3025: Mr. BISHOP of New York and Mr. HOLDEN.  
H.R. 3174: Ms. FOXX.  
H.R. 3564: Mr. FRANK of Massachusetts.  
H.R. 3683: Mr. DJOU.  
H.R. 3721: Mr. HINCHEY.  
H.R. 3734: Mrs. CAPPS.  
H.R. 3813: Mr. HOLDEN and Mr. CRITZ.  
H.R. 3974: Mrs. MALONEY and Mr. CARNAHAN.  
H.R. 4269: Mrs. MALONEY and Mr. CONNOLLY of Virginia.  
H.R. 4278: Mr. BOOZMAN.  
H.R. 4371: Mr. SCHRADER.  
H.R. 4402: Mr. LUJAN.  
H.R. 4514: Mr. CONNOLLY of Virginia, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. BISHOP of Georgia, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr. LEWIS of Georgia, Ms. MOORE of Wisconsin, Mr. WATT, Mr. SCOTT of Georgia, Mr. RUSH, Mr. HASTINGS of Florida, Mr. CLYBURN, Mr. CLEAVER, Ms. RICHARDSON, and Ms. CLARKE.  
H.R. 4524: Mr. MILLER of North Carolina.  
H.R. 4534: Mr. MOORE of Kansas.  
H.R. 4599: Mr. HIGGINS.  
H.R. 4645: Mr. TAYLOR and Mrs. MALONEY.  
H.R. 4662: Mr. MILLER of North Carolina.  
H.R. 4684: Mr. LOEBESACK, Mr. WALDEN, Mr. SCHAUER, Ms. ZOE LOFGREN of California, Mr. HUNTER, Mr. ROONEY, Mr. PITTS, Mrs. BONO MACK, and Mr. CARNAHAN.  
H.R. 4693: Mr. SNYDER.  
H.R. 4737: Mr. HIMES.  
H.R. 4890: Mr. ENGEL.  
H.R. 4914: Mr. GARAMENDI, Mr. DEFazio, and Mr. HALL of New York.  
H.R. 4925: Mr. HONDA.  
H.R. 4962: Mr. BISHOP of New York.  
H.R. 4999: Mr. COFFMAN of Colorado, Mr. FLAKE, Mr. BILIRAKIS, Mr. CRENSHAW, Mr. MCCARTHY of California, Mr. DENT, Mr. CULBERSON, Mr. REHBERG, Mr. ALEXANDER, Mr. GRIFFITH, Mr. BOUSTANY, Mr. FLEMING, Mr. PETRI, Mr. POE of Texas, Mr. BRADY of Texas, Mr. MACK, Mrs. BONO MACK, Mr. SIMPSON, and Mr. DANIEL E. LUNGREN of California.  
H.R. 5044: Mr. DOGGETT.  
H.R. 5113: Ms. BERKLEY.  
H.R. 5115: Mr. KILDEE.  
H.R. 5124: Mr. MORAN of Virginia.  
H.R. 5126: Mr. DUNCAN, Mr. GOHMERT, and Mr. BOOZMAN.  
H.R. 5141: Mr. WESTMORELAND and Mr. LEE of New York.  
H.R. 5143: Mr. DEFazio.  
H.R. 5162: Mr. PUTNAM, Mr. BOSWELL, Mr. GRAYSON, and Mr. REHBERG.  
H.R. 5174: Mr. DOYLE and Mr. HIGGINS.  
H.R. 5208: Mr. KING of Iowa.  
H.R. 5210: Ms. NORTON.  
H.R. 5214: Mr. ENGEL and Ms. TSONGAS.  
H.R. 5234: Mr. COURTNEY.  
H.R. 5244: Mr. HARE.  
H.R. 5268: Mr. MCGOVERN and Mr. GUTIERREZ.

H.R. 5307: Mr. TANNER and Mr. VAN HOLLEN.  
H.R. 5337: Mr. DEUTCH.  
H.R. 5377: Mr. MARCHANT, Mr. MCCLINTOCK, Mrs. BACHMANN, Mr. HALL of Texas, and Mr. KINGSTON.  
H.R. 5404: Mr. SABLAN.  
H.R. 5423: Mr. GORDON of Tennessee.  
H.R. 5425: Mr. GOODLATTE.  
H.R. 5428: Mr. MCINTYRE.  
H.R. 5429: Mr. GARAMENDI and Mr. STARK.  
H.R. 5434: Mr. FILNER, Ms. LEE of California, Mr. HINCHEY, Mr. GALLEGLY, and Mr. HOLT.  
H.R. 5475: Mr. REHBERG.  
H.R. 5477: Mr. BRALEY of Iowa.  
H.R. 5479: Mr. SABLAN.  
H.R. 5501: Mr. GINGREY of Georgia, Mr. GRAVES of Georgia, Mr. CANTOR, and Mr. WOLF.  
H.R. 5503: Mr. GUTIERREZ.  
H.R. 5506: Mr. GRIJALVA and Mr. HOLT.  
H.R. 5520: Mr. MICHAUD, Mrs. CAPPS, and Mr. KUCINICH.  
H.R. 5523: Mr. LEWIS of California, Mr. ALEXANDER, Mr. DUNCAN, Mr. BOOZMAN, Mr. SHUSTER, and Mr. SHADEGG.  
H.R. 5525: Mr. HENSARLING, Mr. HALL of Texas, Mr. PITTS, Mrs. BACHMANN, Mr. DANIEL E. LUNGREN of California, Mr. BURTON of Indiana, Mr. MARCHANT, Mr. SHIMKUS, Mr. MCCLINTOCK, Mr. BISHOP of Utah, Ms. FALLIN, and Mrs. BLACKBURN.  
H. Con. Res. 16: Mr. PETRI.  
H. Con. Res. 226: Ms. NORTON, Mr. RODRIGUEZ, and Mr. BLUNT.  
H. Con. Res. 284: Mr. BURGESS, Mr. COURTNEY, Mr. GALLEGLY, Ms. MOORE of Wisconsin, Mr. CLAY, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. CHAFFETZ, Ms. FALLIN, Mr. HALL of Texas, Mr. KINGSTON, Mr. DANIEL E. LUNGREN of California, Mr. MCCLINTOCK, Mr. MARCHANT, Mr. PITTS, Mr. POSEY, Mrs. SCHMIDT, and Mr. SHIMKUS.  
H. Con. Res. 286: Mr. BOSWELL, Mr. SMITH of Nebraska, Mr. TURNER, and Ms. HARMAN.  
H. Con. Res. 287: Mr. NEUGEBAUER, Mr. BROUN of Georgia, Mr. HARPER, Mr. SESSIONS, and Mr. PENCE.  
H. Con. Res. 288: Mr. BERRY.  
H. Res. 308: Mr. MORAN of Virginia and Ms. NORTON.  
H. Res. 762: Mr. NADLER of New York.  
H. Res. 771: Mr. DONNELLY of Indiana and Ms. KILROY.  
H. Res. 803: Mr. ELLSWORTH.  
H. Res. 1110: Mr. HUNTER.  
H. Res. 1207: Mr. CARNEY.  
H. Res. 1219: Mr. ROYCE and Mrs. BONO MACK.  
H. Res. 1226: Mr. WALDEN, Mr. ROGERS of Michigan, and Mrs. BLACKBURN.  
H. Res. 1264: Mr. ROTHMAN of New Jersey.  
H. Res. 1326: Ms. LORETTA SANCHEZ of California.  
H. Res. 1350: Mr. FORTENBERRY.  
H. Res. 1355: Mr. DOGGETT.  
H. Res. 1379: Ms. BORDALLO.  
H. Res. 1384: Mr. MARCHANT.  
H. Res. 1398: Ms. NORTON.  
H. Res. 1401: Mr. SCHAUER, Mr. ENGEL, Mrs. MALONEY, Ms. LEE of California, and Mr. GEORGE MILLER of California.  
H. Res. 1402: Ms. SLAUGHTER.  
H. Res. 1426: Mr. STARK.  
H. Res. 1431: Ms. CHU, Mr. LATHAM, Mr. MCKEON, Mr. CLAY, and Mr. ISSA.  
H. Res. 1433: Ms. SPIER, Mr. FRANK of Massachusetts, and Ms. MOORE of Wisconsin.  
H. Res. 1439: Mr. KIND, Mr. MORAN of Virginia, Ms. PINGREE of Maine, and Mr. CAPUANO.

## EXTENSIONS OF REMARKS

### TRIBUTE TO ALEXANDER, IOWA

#### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. LATHAM. Madam Speaker, I rise today to recognize the city and residents of Alexander, Iowa on the occasion of the celebration of the city's Quasiquicentennial during the weekend of June 18, 19 and 20, 2010. Alexander is located in North Central Iowa and is home to approximately 165 people.

The expansion of the Central Railroad of Iowa through Scott Township in Franklin County was a significant development that began the storied history of Alexander, Iowa. In 1885, the town began with the completion of the Alexander station and Alexander was platted by F.E. Carter.

Before Harvey Yaw donated the lot for the first schoolhouse in Alexander in 1882, children went to school in old country schoolhouses, one in every two-mile section. Alexander developed in the 1890's with a dry goods store, livery stable, drug store, hotel, harness shop, pool hall, blacksmith shop, grocery store and churches of various denominations. The community of Alexander survived and persevered through the tribulations of the blizzard of 1911 and 1912, a major fire on Main Street in 1920 and a disastrous tornado in 1925.

One hundred twenty-five years is a testament to a strong and united community that I am also proud to call my hometown. Alexander has continued to survive the test of time, and for this I offer the community of Alexander my congratulations. It is an honor to represent the citizens of Alexander and Mayor Arlen Olson in the United States Congress, and I know that all of my colleagues join me in wishing everyone a safe and successful celebration and an equally storied next 125 years.

### HONORING MS. DEANNA WHEELER

#### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Ms. Deanna Wheeler. Ms. Wheeler served her constituency faithfully and justly during her tenure as the Ellery Town Assessor.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Ms. Wheeler served her term with her head held high and a smile on her face the entire way. I have no doubt that her kind demeanor left a

lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Ms. Wheeler is one of those people and that is why, Madam Speaker, I rise to pay tribute to her today.

### PERSONAL EXPLANATION

#### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. MILLER of Florida. Madam Speaker, I missed rollcall Vote Nos. 355–357 on June 14, 2010, and rollcall Vote Nos. 358–364 on June 15, 2010.

If present, I would have voted:

Rollcall Vote No. 355, Supporting the goals of National Dairy Month, "aye."

Rollcall Vote No. 356, Expressing support for designation of June 20, 2010, as "American Eagle Day", and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States, "aye."

Rollcall Vote No. 357, To amend the effective date of the gift card provisions of the Credit Card Accountability Responsibility and Disclosure Act of 2009, "aye."

Rollcall Vote No. 358, Honoring Dr. Larry Case on his retirement as National FFA Advisor, "aye."

Rollcall Vote No. 359, Providing for consideration of H.R. 5486, the Small Business Jobs Tax Relief Act; and providing for consideration of H.R. 5297, the Small Business Lending Fund Act, "nay."

Rollcall Vote No. 360, Work-Life Balance Award Act, "nay."

Rollcall Vote No. 361, Recognizing the immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day, "aye."

Rollcall Vote No. 362, On Motion to Recommit with Instructions the Small Business Jobs Tax Relief Act of 2010, "aye."

Rollcall Vote No. 363, On Final Passage of the Small Business Jobs Tax Relief Act of 2010, "nay."

Rollcall Vote No. 364, Celebrating the 20th anniversary of the Albert Einstein Distinguished Educator Fellowship Program and recognizing the significant contributions of Albert Einstein Fellows, "aye."

CONGRATULATING J.M. WALLER ASSOCIATES INC. FOR BEING NAMED SMALL BUSINESS PERSON OF THE YEAR

#### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize J.M. Waller Associates, Inc. of Fairfax, Va., for receiving the U.S. Small Business Administration's Washington Metro Area District Small Business Person of the Year Award for 2010.

J.M. Waller Associates is a Service Disabled Veteran Owned Small Business that provides environmental, engineering, logistics, technical, management and professional consulting services to public and private sector clients. At the federal level, it works with our Armed Services, the National Parks Service and NASA.

Founded in 1991, the firm has won numerous accolades for its consistently fine work, including receiving the 2004 Washington D.C. Small Business Administration Small Business Firm of the Year Award, the 2007 Department of Defense Service Disabled Veteran Owned Small Business Achievement Award and the 2009 SAME Industry Award to a Small Business in Support of DoD Programs.

Among the criteria for the Small Business Person of the Year Award are a company's staying power, increase in sales, innovation, response to adversity, and contribution to aid community-oriented projects. Throughout its 19 years, J.M. Waller Associates has consistently demonstrated its economic success and its commitment to the Northern Virginia region.

Small businesses represent the job engine of the U.S. economy, and the continued success of businesses such as J.M. Waller Associates is vital to the future of American progress. I ask my colleagues to join me in congratulating J.M. Waller Associates for receiving the SBA's Small Business Person of the Year Award for 2010.

CARLOS CAN! IN HONOR OF A REAL AMERICAN HERO: SGT. CARLOS RAFAEL EVANS TORO OF THE UNITED STATES MARINE CORPS 1ST BATTALION 2ND MARINE

#### HON. PEDRO R. PIERLUISI

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. PIERLUISI. Madam Speaker, I rise today in honor of a magnificent Puerto Rican Hero, Sgt. Carlos Rafael Evans Toro of The United States Marines, 1st Battalion 2nd Marine of Fajardo, Puerto Rico. Carlos was born

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

on October 17, 1979, along with his twin sister Carla. He is married to his lovely wife Rosemarie and they have two children, Noroby and new born Genesis. Sgt. Evans had served three tours in Iraq, and was on his first tour of duty in Afghanistan in Salam Baezar when an IED went off during a foot patrol on May 16 2010. Losing his legs and part of his arm, he somehow held on to fight his next battle. To walk again, and he will! His courage his faith, and his character is an inspiration to us all. And with his family's help, the key to all great recoveries, this mountain they will climb together! I ask that this poem penned in honor of him and his family by Albert Caswell, be placed in the RECORD.

CARLOS CAN

Carlos Can!  
And Carlos Will!  
All of our hearts, so instill!  
As we watch him climb, each and every mountain . . . and every hill . . .  
Moving onward, moving forward . . . ever onward still!  
All but with his fine heart, as he somehow rebuilds . . .  
Carlos Can, all because . . . lie's A United States Marine . . .  
One of the best things that this country has ever seen!  
Arms and legs, yea we all need!  
But, without a heart . . . one can not so surely breath!  
Carlos Can, and Carlos Will . . . all of his dreams, one day fulfill . . .  
As This Pride of Puerto Rico, so fills...  
So fill's all of our hearts, with all of his courage . . . and so iron will!  
While, against all odds . . . he will not be stilled!  
For he has a life to live, and to our world so much more to give!  
For on that fateful morning, as he awoke . . .  
And so saw, what this dark war had invoked . . .  
As the tears, upon his fine face so gently broke . . .  
As in that moment, his fine heart to him so spoke!  
So spoke to him, about faith and courage . . .  
And how not to somehow be discouraged!  
For only from ones soul, so conies hope . . .  
As it was all in that moment, that he so made that choice . . .  
As through him . . .  
All in his actions, we so heard our Lord's most beautiful voice!  
Calling To Us!  
To Teach Us . . .  
To Beseech Us . . .  
All in Carlos's choice!  
And, if ever I have a son . . .  
I but pray, he could but be like this fine one!  
To have the strength and courage, like Carlos could!  
Carlos Can! And Carlos Will!  
Marine Take That Mountain, Climb That Hill!  
Hoorah Jar Head, for God and Country you so bled!  
Showing us all, That God Is Great! And God Is Good!  
Like Carlos, do you think that you so could?

# TRIBUTE TO ELI M. BURGOS

## HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2010

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the deeds of a person I am proud to represent and prouder still to call a friend, Eli M. Burgos, who will be recognized tonight on the occasion of his retirement from a 36-year career of service to the city of Paterson, NJ.

Eli M. Burgos was born in Puerto Rico in 1949 to Minister Gregorio Burgos and his wife Lucia. He has three sisters, Sara, Raquel and Irma, and one brother, Fred. In the early 1950s he moved to New York City and one year later to the city of Paterson. Eli attended Paterson Public School No. 3, No. 2, Central High School, and in 1967 graduated from John F. Kennedy High School. Soon after, Eli was called upon to serve in the U.S. Army during the Vietnam Conflict. After reporting to Fort Dix, he was sent to the U.S. Army Medical Training Center in San Antonio, Texas for training as a Medical Corpsman. He graduated with the highest cadre evaluation, and continued his medical training at Madigan General Hospital, Tacoma, Washington. He then was transferred overseas where he completed his active duty with the 42nd Medical Battalion, 8th Medical Company. During this time, Eli served under the command of Captain Jeffery Parks, son of the legendary "Miss America Pageant" MC, Bert Parks. Eli was honorably discharged as a Medical Corpsman Specialist IV, in 1971. Thereafter he served in the United States Army Reserves for four more years.

Upon his discharge, Eli returned home and began a career in public service. Eli Burgos attended Rutgers University where he completed all of the requirements to become a certified public purchasing official and a qualified purchasing agent and also attended Fairleigh Dickinson University, where he received his certificate in public service administration.

Prior to working for the city of Paterson, Eli was the co-founder and executive director for PRVANJ, a statewide service organization, funded by a Federal grant, to identify the needs of and provide services to returning Vietnam-era veterans. In 1974, Eli was hired by Mayor Pat Kramer as a planner for the Manpower Planning Council, later the City's Employment and Training Division, or C.E.T.A. Eli rose through the ranks and in 1981 was appointed by Mayor Frank Graves to become the agency's executive director. With the promotion, Eli became the first Hispanic American division director in Paterson's history. In 1984, Mayor Graves again promoted Eli to the Deputy Directorship of the City Department of Human Resources, and two years later to City Purchasing Agent, where he was responsible for the annual procurement of over 50 million dollars in goods and services. He held this position for 19 years. During my time as mayor, Eli served as a liaison to the growing Hispanic community. On October 21, 1998, Mayor Marty Barnes appointed Eli to the position of deputy mayor, while allowing him to continue directing the purchasing division. On July 1,

2002, Mayor Jose "Joey" Torres named Eli as the business administrator for the city of Paterson, a position of major authority and responsibility and one he will vacate upon his retirement at the end of the current mayor's term.

Eli's volunteer work has been widely recognized and rewarded with over 250 awards, certificates and other honors and recognitions. He has been named "Man of the Year" on seven occasions and has been the Grand Marshall and Deputy Grand Marshall of various parades and festivals held in New Jersey. Eli has devoted over 25,000 hours of time as a volunteer to a multitude of programs and projects in the State, county and his beloved city of Paterson. Eli has worked with public education projects, local anti-poverty programs, daycare centers, senior citizen services, church-related projects, sports leagues, recreation activities, health and safety, political campaigns and many others that include fundraising for the American Red Cross and other non-profits to aid victims of natural disasters such as hurricanes and earthquakes. He has been elected president of many organizations and has been a founder or co-founder of others. He continues his work on the Board of Directors of the North Jersey Federal Credit Union. Eli is very proud of his service with other organizations such as Bamert Hospital, the New Jersey Supreme Court Ethics Committee Fee Arbitration Panel, the Board of Directors of the Local Initiative Support Corporation "LISC," New Jersey Health Professions Education Advisory Council and many other community-related boards and institutions.

Eli has written many articles for periodicals highlighting the struggles and accomplishments of the Puerto Rican and Latino Communities of Paterson and the State of New Jersey. He also worked for seven years as a part time photojournalist for Noticias Del Mundo, a leading daily newspaper in New Jersey and New York. Also active in politics, Eli ran for the Board of Education in 1989, his first attempt at elective office, and won by a wide margin. In 1991, he was selected as my running mate for election to the New Jersey Legislature, to represent the 35th District. Eli fell short of winning the election by the slimmest of margins. He never sought elected office again, instead continuing his administrative and managerial work to better the city of Paterson. Eli is presently serving his 5th term on the Democratic State Committee and previously served 11 years on the Passaic County Democratic Committee. He is a member of the city's Emergency Management Team, the New Jersey Municipal Managers Association, the New Jersey Purchasing Agents Association, and the National Institute of Governmental Purchasing.

Throughout the years, another constant in Eli's life has been his family. His wife, Yolanda, recently retired as the principal of International High School in Paterson. All of their children, Louie, Janel, and Velanae, have obtained college degrees as has their daughter-in-law, Luciana, and son-in-law, Victor. Eli and Yolanda are proud grandparents to Destin Louis and Liana Rose.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to working with and recognizing the

efforts of dedicated public servants like Eli. He will retire as the only person in Paterson's history to have served in the capacity of acting mayor, deputy mayor, department director and division director, responsibilities he has carried out in the most professional and ethical manner possible. He is humbled by the opportunity to have served this great historical city and to have made so many friends and acquaintances along the way, and I am proud to have been able to work with him.

Madam Speaker, I ask that you join our colleagues, the residents of the city of Paterson, everyone associated with public service in our great city, Eli's family and friends, and me, in recognizing Eli M. Burgos' outstanding service to his community.

ASSOCIATION OF AMERICAN LAW  
SCHOOLS LETTER REGARDING  
NON-DISCRIMINATION

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I recently received a letter from the Association of American Law Schools regarding recent Congressional consideration for expanding non-discrimination policies. I ask unanimous consent to have the attached letter inserted into the Congressional Record on the Association's behalf.

ASSOCIATION OF  
AMERICAN LAW SCHOOLS,  
*Washington, DC, May 26, 2010.*

Hon. NANCY PELOSI,  
*Speaker of the House, House of Representatives,  
Washington, DC.*

DEAR SPEAKER PELOSI: We write today regarding your important efforts to extend anti-discrimination principles to access to military service. We hope that the following comments will be of assistance to you and to the House as it considers this reform.

Non-discrimination principles form a critical foundation for our democracy. The promise of opportunity for all and the aspirations of individuals to achieve underpin the character of American society. Without question, military service has played an important role over several generations in supporting the idea of individual improvement. Through specific training, as well as the development of personal characteristics such as discipline and responsibility, the military has been a path to greater capabilities and a better life for many young Americans. Military service has itself provided knowledge and has often led individuals to higher education. Beginning with the GI Bill of Rights after World War II, educational benefits provided to returning combat veterans created a potentially transformative educational path for individual veterans, and, in the process, strengthened the nation's capacities for innovation and productivity. In our law schools over the last 60 years we have seen the powerful effects of military experience and of this national assistance for veterans. We also understand that for many Americans military service has been a meaningful way to participate in our democracy.

Today, however, military service is not open to all who wish to serve our country. We hope that this year the Congress will act to provide equal access to military service,

by extending non-discrimination principles to the many who are now discouraged or prevented from serving because of the current "Don't Ask, Don't Tell" policy.

BRIEF BACKGROUND OF THE AALS

Formed in 1900 for the purpose of improving the legal profession through legal education, the Association of American Law Schools (AALS) is a voluntary membership organization of 171 law schools. AALS membership has been regarded as an important indicator of the quality of a law school. The AALS pursues our purpose of strengthening legal education through two principal vehicles (1) a membership process which periodically evaluates law schools, and (2) programs for law teachers and administrators, designed to encourage innovation, further strong teaching and excellent curricula and foster a climate of inquiry through teaching and research that will strengthen the law and the legal profession.

Only rarely does the AALS speak in the legislative process or seek to address a court in the context of a case before it. We consider doing so only in circumstances where our core educational values or the educational programs and related judgments of member schools are strongly implicated. We regard the issue before you now as one of those moments.

A HISTORICAL LOOK AT NON-DISCRIMINATION  
PRINCIPLES

A neutral look at our national history on issues of discrimination since the end of World War II makes clear that each of the watersheds in 20th century non-discrimination law were not the obvious decisions that one could assume in retrospect, but rather were hotly contested. The House that passed the Civil Rights Act of 1964 had only twelve female members. At the time of the vote on the historic legislation, there were nine minority members in the House, all of them male. One was an Asian American from the young state of Hawaii (World War II veteran Spark Matsunaga, who was twice wounded in battle while serving with Japanese-American segregated units sent to war while many family members of his fellow soldiers had been assigned to relocation centers on the West coast). Three were Latinos, representing districts in Texas, New Mexico, and California. The remaining five were all African-Americans from northern states. And the House and history would have to wait for nine more years before the first post-Reconstruction African American from the South was seated in the House of Representatives.

Ending racial segregation in the military took Presidential action. It was President Eisenhower's view that federal institutions should be at the forefront of upholding the ideal of racial equality. Then as now, discrimination on the part of the federal government is fundamentally and deeply troubling. As a revered military leader, Eisenhower as President was able to bring about implementation of President Truman's 1948 Executive Order to desegregate the military. The Women's Armed Services Integration Act of 1948 gave women permanent status in the Army, Navy, Marines (and later Air Force and Coast Guard) and from the 1960's through the present women have been granted further access to opportunity in the military.

AALS NON-DISCRIMINATION POLICIES

The AALS acted to require its members to avoid discrimination based on race or color in 1951. Nineteen years later, in 1970, a requirement of non-discrimination covering

women was added to the AALS By-Laws. Two decades ago the AALS membership acted to include discrimination based on sexual orientation in the list of prohibited categories of discrimination for AALS member schools. AALS Bylaw § Section 6-3 states that each member school undertakes to "provide equality of opportunity in legal education for all . . . enrolled students . . . without discrimination or segregation on the ground of race, color, religion, national origin, sex, age disability or sexual orientation." The concept of non-discrimination is critical to our democracy and crucial to the training of lawyers who, among others, act as stewards of democratic ideals. The role of law and lawyers in our society is to further the orderly conduct of the society, including the resolution of disputes, and to construct respect for the law and to establish and ensure the qualities that will engender that respect, such as fairness, level playing fields, and equality of opportunity. Inherently then, law schools place a high priority on trying to instill in lawyers their civic responsibilities and their role in furthering democratic values.

The application of non-discrimination principles to career opportunities for law students became and remains a particularly troublesome issue in the wake of passage of the Solomon Amendment in 1996. In light of that federal law, the AALS fashioned a compromise in the application of its own non-discrimination principles. That compromise allows military recruiters on law school campuses but requires member schools to "ameliorate" that presence and make clear the inconsistency between the schools' non-discrimination policies and the military's exclusion of openly gay and lesbian individuals. The purpose was to ensure that each law school community would communicate its inclusive and non-discriminatory values to all members of the community. This compromise, while deemed the best solution within the legal context in which the AALS found itself, is inherently and deeply troublesome for two reasons. University-based law schools implicitly sanction discrimination based on sexual orientation when they include military recruiters rather than reject the federal funds so important to their academic programs. At the same time, attempts made by individual law schools and the AALS to ensure that the full law school community understands why a discriminatory employer has been permitted access to the schools' career services have understandably (but wrongly) been interpreted as indicative of the "anti-military" attitudes of law schools, their leaders, and the AALS. We emphasize that the AALS is supportive of our military and recognizes that as the military has become more inclusive it has become stronger both internally and in the public's perception. We depend on the many young Americans whose courage and commitment enables them to join the armed services in order to actively participate in the defense of the nation. It is the nobility of that service and the inability of American citizens who are openly gay or lesbian to serve that has prompted the AALS to argue consistently for inclusion of these citizens in military service. The AALS is committed to both non-discrimination and a strong military, with access to opportunities in the military for all students at our member schools, regardless of their sexual orientation.

The current law places the democratic ideal that individuals should be judged as individuals and not based upon group-based characteristics in a secondary status to

funding higher education programs. As such, it inherently damages our democracy. Repealing the current law and extending non-discrimination principles to include sexual orientation will support and strengthen our democratic values and strengthen the military.

#### ADDITIONAL ADVANTAGES OF APPLYING NON-DISCRIMINATION PRINCIPLES TO MILITARY SERVICE

Repeal of the "Don't Ask, Don't Tell" policy is certain to ensure a larger pool of citizens who seek to serve their country in the military, a much-needed result particularly during this time of heavy on-going demands for those who are now serving. Furthermore, the extension of non-discrimination principles to the service of individuals regardless of their sexual orientation will generate broader support for our military branches. Over time, as military personnel work together toward common purposes in service of the nation, greater understanding and respect are likely to be furthered in our broader culture. A diverse society depends on its ability to develop qualities of tolerance and over-arching shared values; American democracy and the opportunities it has exemplified are grounded in the concept of a multi-faceted diversity, protected by guarantees of individual liberties.

#### CONCLUSION

The AALS urges Congress to act soon to remove the restrictions on military service that now exist, extending the opportunity of military service without regard to the sexual orientation of those who seek to volunteer for this important service to our nation.

Sincerely,

SUSAN WESTERBERG PRAGER.

#### A TRIBUTE TO WILLIAM WHITAKER

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of William Whitaker for his work with the formerly incarcerated and his service to the City of New York.

Mr. Whitaker was born in Richmond, Virginia, and moved to Brooklyn, New York at four years of age. His family resided in Brooklyn's Bedford Stuyvesant area for the next 42 years. After completing his high school education, Mr. Whitaker received an Associate degree from John Jay College of Criminal Justice where he focused on paralegal research and mythology. He then attended Marta Due College and received a Bachelor of Arts in Human Services. Mr. Whitaker is also a credentialed Prevention Specialist with the New York State Office of Alcohol and Substance Abuse. Mr. Whitaker has been credentialed with the state of New York for 15 years.

Mr. Whitaker is also certified with Cornell University as a Family Development Credential Trainer. In 2009, Mr. Whitaker received his international certification reciprocity with the New York State Office of Alcohol and Substance Abuse.

Mr. Whitaker's career began in 1990 with the Fortune Society. He held several titles at this agency, including Chief Librarian, Coun-

selor/Case Manager, Senior Peer Trainer, Public Health Educator, and Senior Outreach Coordinator. Mr. Whitaker also served as the Senior Prevention Specialist at Brooklyn's Canarsie Aware Treatment Center.

Mr. Whitaker began working with the New York City Commission on Human Rights in 2001 as the Senior Advocate for the HIV prison project. He then began to serve as Special Consultant and Advisor to the Commissioner. Also during this time Mr. Whitaker was serving as Consultant and Special Advisor to Princeton University's research project concerning employment discrimination against minority jobseekers and the formerly incarcerated in New York City.

Mr. Whitaker served as Consultant and Trainer to the City of New York Department of Health Office of Correction AIDS Prevention, stationed at Rikers Island Jail.

Mr. Whitaker served the City of New York as a Senior Liaison for the New York City Department of Homeless Services for three years working with homeless families and single males and females to resolve conflicts and disputes with staff and other service providers. He was also responsible for contacting and following up with other government officials regarding complaints.

Mr. Whitaker then served as African American Community Liaison to the office of the Brooklyn Borough President Marty Markowitz. He served throughout the Borough of Brooklyn, representing Marty's office in all affairs.

Mr. Whitaker has returned to the New York City Commission on Human Rights where he continues to serve the people of New York as a Human Rights Specialist, working on special projects regarding the formally incarcerated and other areas concerning Human Rights laws and educating the general public.

Mr. Whitaker is also currently authoring a new complete and comprehensive resource guide with other staff at the Commission on Human Rights. This booklet is for the formerly incarcerated returning to New York City. The title of this new booklet is "Turning the Game Around". Mr. Whitaker also provides ongoing workshops and presentations at agencies throughout the five Boroughs of New York City.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of William Whitaker.

#### IN SUPPORT OF H. RES. 1383 HONORING DR. LARRY CASE

#### HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2010

Mr. LUETKEMEYER. Madam Speaker, I rise today in support of the recently passed House Resolution 1383 honoring Dr. Larry Case for his 26 years of service as National FFA Advisor.

On January 1, 2011, Dr. Case will retire after 26 years as National FFA Advisor at the U.S. Department of Education. Dr. Case, a Missouri native and former high school agricultural education instructor, earned his bachelor's degree, master's degree, and doctorate

from the University of Missouri and has since served in numerous positions including CEO and chairman of the board of the National FFA organization, chairman of the board for the National Postsecondary Student Organization, and national advisor to the National Young Farmer Education Association.

Dr. Case has made a significant personal impact on the lives of hundreds of thousands of present and former FFA members. During his tenure as National FFA Advisor, the organization saw tremendous growth in both membership and educational innovation. As an advisor, executive officer, and chairman of the board of directors of the National FFA Organization, Dr. Case has been a national leader in secondary, postsecondary, and adult instructional programs relating to agriculture.

As a Missouri farmer I have a special appreciation for Dr. Larry Case's commitment to agriculture and his exemplary efforts to highlight the importance of agricultural education in our state and nation.

I congratulate Dr. Case on his outstanding service to agriculture and to our nation.

#### TRIBUTE TO STATE SENATOR T. ALLEN LEGARE, JR.

#### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2010

Mr. WILSON of South Carolina. Madam Speaker, State Senator T. Allen Legare, Jr. was an inspiration to me growing up in historic Charleston, South Carolina, as a gentleman promoting job creation with the State Development Board and the State Ports Authority. My attending Washington and Lee University was coordinated by him, who had attended W&L, with my mother, Wray Graves Wilson, who attended nearby Hollins College in Virginia.

The below article was printed in The Post and Courier on June 12, 2010.

#### THE POST AND COURIER: OBITUARIES—LOCAL POLITICIAN DIES

Thomas Allen Legare, Jr., a former S.C. senator and Charleston-area lawyer, died Friday. He was 94.

A four-term senator from 1953 to 1966, Legare pushed for bridge and highway improvements. He served as chairman of the State Development Board, which set two records for industrial development under his leadership. He was the board chairman from 1969 to 1974.

For his public service as a legislator, the S.C. Department of Highways and Public Transportation named the northbound U.S. Highway 17 bridge over the Ashley River after Legare in 1978.

As a senator, he authored several bills that provided for the expansion of the State Ports Authority. He was a two-term Democratic representative from Charleston from 1947 to 1953.

In 1979, Legare received the University of South Carolina's Distinguished Alumni Award. He earned his A.B. and law degrees from the university in 1939 and 1941, respectively. Legare was a past president and chairman of the alumni association.

Legare was born in Charleston on July 22, 1915, to Thomas A. Legare and Lilly Mikell Legare. In 1964 he formed the Legare, Hare

and Smith law firm in Charleston. He was an Army veteran, serving in World War II in the European and China-India-Burma theaters.

Legare was a former director of the Charleston Junior Chamber of Commerce and the Lion's Club of Charleston. Other memberships included the American Legion Post #10, the Veterans' Advisory Council and the Carolina Yacht Club. Legare was a longtime member of the Second Presbyterian Church of Charleston.

He was predeceased by his wife, Virginia I. Green Legare, and daughter, Irene G. Legare Wesley. Surviving are the couple's three other children, Virginia G. Legare Townsend, Sarah M. Legare Stuhr, and Edward T. Legare, all of Wadmalaw Island.

Stuhr's Downtown Chapel is handling arrangements.

A TRIBUTE TO RONALD J.  
BRIDGES

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ronald J. Bridges for his service to children and families throughout New York City.

Mr. Ronald J. Bridges is a native of Newark, New Jersey. He and his lovely wife Yvette celebrated 31 years of marriage on March 28. They have three wonderful children, two boys and a girl: Rashidi, Husani, and Bahati.

Mr. Bridges is the Chairman of the Diaconate Ministry at the historic Berean Baptist Church of Brooklyn, New York. In this leadership position, Mr. Bridges provides spiritual and administrative guidance to the church ministerial leaders. He attends New York Theological Seminary where he earned the Master of Divinity Degree in 2009. Mr. Bridges has done additional studies at the Berean Baptist Bible Study Institute, including a four year Bible study certificate program; upon graduation, he was named "Salutatorian of the Class of 1999." A New York state licensed psychotherapist since 1988, Mr. Bridges also holds a Master of Social Work degree from Hunter College School of Social Work of New York City.

Mr. Bridges spent his entire career helping others. In his 24 years of local government service, Mr. Bridges held a senior administrative manager post within New York City Children's Service Foster Care division. As its Regional Director of the Group Home Division in the boroughs of the Bronx, Queens and Manhattan from 1990 to 2007, Mr. Bridges counseled, taught and helped countless teenagers and their families. Currently, Mr. Bridges is the Regional Deputy Director of New York City Children's Service Child Protection Division in the Bronx, New York. Mr. Bridges oversees all New York State Registry reports of abuse and neglect of children within numerous communities in the Bronx. This is a tremendous responsibility in which Mr. Bridges depends heavily on his relationship with his Lord, Christ Jesus; as well as on his vast experience as he guides and directs over one hundred child protective employees.

Affectionately known as "Deacon Bridges" or "Deacon Ron," Mr. Bridges is a dedicated

servant of Christ and has been a member of Berean Baptist Church since 1992. Mr. Bridges faithfully echoes, "Only what we do for Christ will last." This is evident by Mr. Bridges' commitment to various ministries within Berean Baptist Church and the community. He is a devoted Sunday school teacher and student, and is also a member of the Berean's Christian Counseling ministry where he teaches a Christian counseling course. Mr. Bridges serves as the vice chairman of the Board of Directors for the Berean Community Family Life Center. He is the founder of And Ye Shall Love Thy Neighbor as Thyself Ministries. Mr. Bridges works with officials at Montefiore and with the faith-based community to establish a network of churches to serve as a surrogate support system for liver transplant patients.

Madam Speaker, I urge my colleagues to join me in recognizing the contributions of Ronald J. Bridges.

CELEBRATING THE LIFE AND  
MEMORY OF MR. DANIEL D. CAN-  
TOR

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to celebrate the life of and express sadness over the passing of an extraordinary man, Daniel D. Cantor.

Mr. Cantor set the bar for what it means to be a true community leader through his philanthropy, friendship, and loyalty.

He loved children, loved the Jewish community, and loved Broward County. It was his fervent desire to give whatever he could, whenever he could, to help.

Mr. Cantor grew up in Middle Village, New York, earned his law degree from New York University, and served in the Navy stateside during World War II. He started practicing law after the war but his attention quickly turned to real estate, where he made his fortune buying, selling and building garden apartments for returning veterans. He made his first \$1 million by age 31.

When Mr. Cantor retired to Tamarac in 1980, South Florida became a prime recipient of his charity work. By 1996, in only an 8-year period, Mr. Cantor donated over \$22 million to the non-profit community and was recognized by the United States Congress for his efforts.

His contributions went to the Jewish National Fund, the Jewish Institute for Geriatric Care, a program to teach Yiddish in Jewish day schools, including one in Hollywood, and a lecture hall for a university in Israel. Mr. Cantor donated to scholarship funds, medical research, and housing for the elderly in New York, Florida, and Israel. He gave money to resettle Soviet Jews and to fly Ethiopian Jews to Israel. Locally he also gave to the Jewish Federation of Broward County, David Posnack Hebrew Day School in Plantation, and the Anti-Defamation League of B'nai B'rith.

Of course, he is probably best known through the Daniel D. Cantor Senior Center in Sunrise, which provides adult day care and

other programs for the elderly, many of which are constituents of mine.

Madam Speaker, Daniel Cantor was a unique man with a great sense of humor. He served the community with everything he had and this is something I aspire to do every day of my life. He will always be a role model to all who follow Mahatma Ghandi's mantra: "Be the change you wish to see in the world."

One Jewish leader in my district said it right: "It's the end of an era losing a man of that stature."

I am grateful for Mr. Cantor's contributions and dedication to Broward County, the greater United States, and Israel. He will be missed. My thoughts and prayers go out to his family, friends, and to the greater community during this difficult time.

HONORING MARNA S. DAVIDSON

**HON. THEODORE E. DEUTCH**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. DEUTCH. Madam Speaker, "A good teacher is like a candle, it consumes itself to light the way for others." Today I would like to honor Marna S. Davidson for the path she has lit for us and congratulate her on her retirement. Ms. Davidson is the paradigm of a true educator: she has dedicated her life to teaching others both inside and outside the classroom.

Ms. Davidson came to Florida after a distinguishing career in the New York City Public School System. As an active teacher, Ms. Davidson was recognized with the Smallheiser Award by the United Federation of Teachers and helped her school achieve the prestigious Trechenberg Award.

When Ms. Davidson retired from New York and moved to Florida, she became politically active. Some will suggest that Ms. Davidson then found the most bullish and obstinate students of her career, the Florida legislature. In true form, Ms. Davidson took to lobbying the Florida legislature on educational issues with the same passion and zeal she taught with her whole life. There is no doubt that the children of Florida are better off due to the hard work and dedication that Ms. Davidson advocated on behalf of their education.

I wish Ms. Davidson an enjoyable and peaceful retirement.

INTRODUCTION OF THE VOLUN-  
TEER FIREFIGHTER FAIRNESS  
ACT OF 2010

**HON. DAVID WU**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. WU. Madam Speaker, I rise to let my colleagues know that today I introduced the Volunteer Firefighter Fairness Act.

This bill would clarify for volunteer fire departments, volunteer firefighters and emergency personnel, and the Internal Revenue Service that volunteers are not employees of the fire departments where they serve.

According to the National Fire Protection Association, volunteers comprise approximately 72 percent of our nation's fire and emergency services. Although volunteers make up the majority of firefighters nationwide, we are experiencing an overall decline in the number of volunteer personnel. This is due to increased emergency call volumes, the time demands of ongoing training, and the struggle many Americans face trying to balancing family and work obligations.

To help recruit and retain volunteer firefighters and other volunteer first responders, some states and local governments offer nominal payments or benefits, such as covering expenses for uniforms.

Historically, fire departments have used the IRS Form 1099 to report these benefits and nominal payments for their volunteers. However, recently many volunteer fire departments have been told by local or regional IRS offices that they must use Form W-2, instead of the 1099, to report payments and benefits. In Oregon, a volunteer fire department was even hit with a \$9,900 fine for using a Form 1099 instead of a Form W-2.

The bill I am introducing today will clarify the law to ensure that fire departments will be able to use Form 1099 to report any minimal pay or benefits for volunteer first responders. I am pleased to report that this bill has the full support of the International Fire Chiefs Association.

Finally, Madam Speaker, I would like to clarify one point about who the bill would cover. This legislation is designed to specifically cover volunteer firefighters and volunteer emergency personnel. The practice of providing volunteer firefighters and emergency personnel with reimbursement, reasonable benefits, and nominal fees for their services is allowed under both the IRS Code and the Fair Labor Standards Act. The U.S. Department of Labor's Wage and Hour Division ruled on August 7, 2006, that "generally an amount not exceeding 20 percent of the total compensation that the employer would pay to employ a full-time firefighter for performing comparable services would be deemed nominal." Since both the IRS Code and the FLSA use the term "nominal fee" as an allowable form of compensation for volunteer firefighters, I urge the IRS to use the U.S. Department of Labor's ruling in drafting any regulations to implement this legislation or define the term "nominal fee" for volunteer firefighter compensation.

THE SYRACUSE JAMES JOYCE  
CLUB/BLOOMSDAY

**HON. DANIEL B. MAFFEI**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. MAFFEI. Madam Speaker, I rise in support of the Syracuse James Joyce Club's celebration of the 17th annual Bloomsday. Bloomsday is the day people from around the world celebrate the life of Irish author James Joyce and his novel *Ulysses*, which is heralded as one of the greatest novels of the 20th century.

*Ulysses* chronicles the day the main character, Leopold Bloom travels into Dublin on

June 16. This date had special meaning for Joyce. It was also the first date with his future wife Nora Barnacle. For these reasons, June 16 was marked as the special day Joyce's life and literary work, *Ulysses* would be celebrated.

The first Bloomsday was organized in 1954 by critic, John Ryan, and author, Flann O'Brien. The day was named after Leopold Bloom in *Ulysses*. Ryan and O'Brien organized a day long pilgrimage along the *Ulysses* route. They planned a day to travel through the city, visiting the scenes from the novel. The night ended in what had once been called the brothel quarter of the city, the area which Joyce had called *Nighttown*.

Born in Dublin, on February 2, 1882, Joyce was the son of John Stanislaus Joyce and Mary Jane Murray. Joyce's father struggled as a businessman and his mother was an accomplished pianist. Joyce grew up in poverty, and his family struggled to maintain a solid middle-class lifestyle. From the age of six, Joyce was educated by Jesuits at Clongowes Wood College then Belvedere College in Dublin.

It was in college that Joyce blossomed as a writer. His first published work was an essay on Ibsen's play *When We Dead Awaken*. Joyce went on to write several other works that sealed his place in writing history.

I am proud that the Syracuse James Joyce Club continues to keep the life and work of Joyce alive. It is important that we remember the contributions he has made to literary history. I am pleased that the Syracuse James Joyce Club will gather people from the community today to share their favorite excerpts from Joyce's works.

The Bloomsday celebration attracts over 300 people and is part of the CNY Chapter of the Irish American Cultural Institute. I commend the Syracuse James Joyce Club for keeping the legacy of one of the 20th century's greatest writers alive.

A TRIBUTE TO REVEREND ALVIN  
BARNETT

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Reverend Alvin Barnett for his years of service to ministry and his community.

Alvin Barnett attended the famed Boys High, where he became a star football player. He was goal-oriented and this served him well again during his college years, first at Tennessee State College, and then at American Baptist Theological Seminary, in Nashville, Tennessee, from which he received a Bachelor of Theology Degree. Rev. Barnett continued his studies in Business Administration at New York City's Pace University, and at Malloy College in Valley Stream, New York.

Reverend Barnett was licensed and ordained to preach the Gospel at the Mount Ollie Baptist Church in Brooklyn by the late Reverend Dr. R.D. Brown. His pastoral journey includes two other Brooklyn churches: Mount Zion Baptist Church, and West Baptist

Church, where he has served for the last 30 years.

Alvin Barnett recognizes that one's journey in ministry must include learning and studying. He is a lifelong student and prodigious reader. In his life's work, he uses the collective knowledge gained from his theological intellectual pursuits for the glorification of God. He consults daily and advises young ministries, seminarians, and seasoned pastors in ministry. Alvin Barnett is humble, and seeks advice and consultation from the best and brightest in ministry and other professions. He is a keen observer of the human condition, and is faithful and persistent in the work that God has called him to.

Reverend Barnett is a team builder who utilizes his experience and knowledge to develop effective teams that actualize his vision of Ministry. He knows well how to use the best skills to enhance the work of the kingdom.

Rev. Barnett is an active member of many organizations, including Churches United for Worldwide Action, the Metropolitan Ministers Ecumenical Conference, the NYPD Committee Advisory Council, the International Prison Ministry (he serves as President), and the National Baptist Convention USA, Inc. (NBCUSA), and he is active in the NBCUSA Moderator's Auxiliary. He has been a member of the Eastern Baptist Association (EBA) New York, Inc. for more than forty years. Rev. Barnett has served as treasurer and president of Prison Ministry, chairman and vice chair of the board of trustees, executive manager of the EBA Headquarters in Brooklyn, a member of the Board of Managers and the Advisory Council, and as chairman of the Board of Evangelism.

During his tenure in evangelism, he organized and taught classes on evangelism and prepared many teams for street ministry in churches throughout the Eastern Baptist Association. He remains a tireless Evangelizer, and utilizes a unique hands-on approach.

Reverend Barnett travels extensively, witnessing to incarcerated men and women throughout the Eastern Seaboard, including the Nassau County Correctional Facility on Long Island, Rikers Island in New York City, as well as upstate New York, Pennsylvania, North Carolina and South Carolina.

Reverend Barnett was overwhelmingly elected the 16th Moderator of the Eastern Baptist Association on July 17, 2009. He has embarked upon the work of reenergizing, rebuilding and regenerating the Eastern Baptist Association where a renaissance is taking place among Baptist churches of geographic Long Island.

Madam Speaker, I urge my colleagues to join me in recognizing the work of Reverend Alvin Barnett.

PERSONAL EXPLANATION

**HON. JEFF FORTENBERRY**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. FORTENBERRY. Madam Speaker, on Monday, June 14, 2010, I was absent and thus I missed rollcall votes Nos. 355-357. Had

I been present, I would have voted "aye" on all three votes.

**CELEBRATING THE 90TH BIRTHDAY OF NICHOLAS V. MARTINO**

**HON. TIMOTHY H. BISHOP**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. BISHOP of New York. Madam Speaker, I rise today to express heartfelt best wishes on the occasion of the 90th birthday of Nicholas V. Martino, a man who exemplifies a life of hard work, service to his country, and close family ties. Mr. Martino worked for 40 years as a master mechanic for American Construction in Hartford, Connecticut. Now retired, he lives in Westhampton, New York with his daughter Anne Marie Spinner, his son-in-law Guy Spinner and their two children, Adam and Nicole. He enjoys spending time with them as well as with his daughter Janet Tyler, son-in-law Lee Tyler and their daughter Meredith.

Born in Hartford on June 8, 1920, Mr. Martino served from 1942 to 1946 in the Army Air Corps as a Tech Sergeant working on B-25's and B-26's, both medium-sized bombers. The B-25 first gained fame as the bomber used in the 18 April 1942 raid in which sixteen B-25Bs attacked mainland Japan four months after the bombing of Pearl Harbor. The mission gave a much-needed lift in spirits to the Americans, and alarmed the Japanese who had believed their home islands were inviolable by enemy troops.

On September 30, 1950, he married Marie Candela who passed away in 1989. The couple had two daughters, Janet and Anne Marie. After his discharge from the Army, Mr. Martino continued a life-long interest in mechanics both at his job at American Construction and in his spare time. For years, he maintained a garage and truck filled with all kinds of tools for his many projects, and he still enjoys tinkering with hands-on projects with his son-in-law Guy.

I would like to extend my congratulations to Mr. Martino and wish him a happy 90th birthday as he celebrates with his family and friends.

**A TRIBUTE TO WILLIAM C. JUSINO**

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. TOWNS. Madam Speaker, I rise today in recognition of William C. Jusino for his commitment to leadership in education and dedication to his community.

William C. Jusino was born to migrant parents from the beautiful island of Puerto Rico. He and his three sisters and three brothers were raised in the community of Bedford Stuyvesant in Brooklyn, New York. His father, William Sr., was a humble factory worker and his mother, Ana, worked as a school aide in Williamsburg School District #14. Her work in elementary public schools would serve as an

early influence to young William. William and all of his siblings heeded their parents' advice and have achieved significant success in varying careers that include naval officer, firefighter, food commerce, and William's work as a school administrator.

He was educated in Brooklyn Elementary Schools P.S. 54 & 157, J.H.S. 117, and East New York Vocational Technical High School. During his high school years, Mr. Jusino obtained his initial work experience in the city's Summer Youth Employment Program in Bedford Stuyvesant. Subsequently, William was successful in gaining entrance to SUNY Cortland where he attained his Bachelor's Degree in Education.

Mr. Jusino enthusiastically returned to his community to serve as an elementary school teacher in School District 13's P.S. 46 and P.S. 270. He continued to work as a public school teacher for six years. Continuing his passion for serving his community, Mr. Jusino accepted the position of Executive Director of Progress Inc. In spring of 1996, he was offered an exceptional opportunity to lead a high school for professional careers. William Jusino has been Principal of Progress High School since September 1996, playing a key role in one of the most successful school reform efforts in New York City history.

Mr. Jusino has a well established record of service to his community. His love and caring for young people has been consistently evident throughout his professional life. Friend and colleague alike know that he is dedicated to giving back to his community that has blessed him so much. William strongly believes that he must constantly prepare himself to more effectively serve the community and the children that he is committed to. On the eve of completing his Doctorate in Educational Administration, Mr. Jusino continues to practice what he preaches and more importantly, what he was taught by his parents.

Mr. Jusino is married to Mrs. Marta Colon-Jusino. He has two wonderful children. His son, William, graduated from Harvard University and his daughter, Amanda, is in her junior year at the University of Massachusetts and is currently studying abroad in Universidad San Francisco de Quito, Ecuador.

He enjoys spending his free time with family and friends.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of William C. Jusino.

**HONORING THE LIFE AND WORK OF LT. COL. RICHARD CASTILLO**

**HON. SOLOMON P. ORTIZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. ORTIZ. Madam Speaker, I rise today to recognize Lt. Col. Richard Castillo of Corpus Christi, Texas, who was shot down in Laos in 1972 while on a mission. The 14-man crew flew aboard an AC-130, REFNO 1807.

About six weeks ago, the family of Lt. Col. Castillo was contacted by the Air Force and informed that the last unidentified remains from his plane will be buried tomorrow, June

17, 2010, at Arlington National Cemetery along with the remains of the 13 men who accompanied Lt. Col. Castillo on the mission.

In 1986 after negotiations with the Laotian government, the United States was finally able to send a team to the crash site. After much work and many hours spent sifting through debris, bone fragments and personal belongings, the men's remains were found. Two teeth were positively identified as Lt. Col. Castillo's and were buried in a ceremony later that year at Randolph Air Force Base, with interment at Ft. Sam Houston in San Antonio.

In the November 1986 edition of National Geographic, a picture of Lt. Col. Castillo's dog tags was published alongside an article telling the story of the search and recovery effort of the crew by the United States government and military.

A few years ago, the Air Force informed Lt. Col. Castillo's wife, Elizabeth May Castillo, that they were beginning DNA testing on the bone fragments found among the wreckage.

With the advances made in DNA testing, they believed all 14 men would finally be accounted for. The Air Force obtained a cheek swab from Lt. Col. Castillo's mother and performed mitochondrial DNA testing. On November 21, 2008, the Air Force held a small private service for the Castillo family at Lt. Col. Castillo's grave site at Ft. Sam Houston. An urn containing the fragments positively identified as Lt. Col. Castillo was buried on top of his casket. This day was especially meaningful to the family because it would have been his 70th birthday.

Lt. Col. Castillo is survived by his wife, Elizabeth May Castillo and their children, Mary Edith Castillo Hamilton, Mary Elizabeth Castillo Tierce, Mary Esther Castillo Harper, Mary Elaine Castillo Colmenero and Richard Lee Castillo. His youngest son, Ronald Ronnie Castillo, died on February 16, 2005.

I would like to take this time to thank Lt. Col. Castillo for his service and dedication to this country. It is because of him that today you and I enjoy the freedoms and rights he so bravely fought for. He served this country diligently and paid the ultimate sacrifice for us.

I ask my colleagues to please join me in commemorating the work and honor of Lt. Col. Castillo whose remains will be buried tomorrow at Arlington National Cemetery.

**PERSONAL EXPLANATION**

**HON. SUE WILKINS MYRICK**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mrs. MYRICK. Madam Speaker, due to a family medical situation, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

JUNE 14, 2010

Rollcall vote 355, On Motion to Suspend the Rules and Agree—H. Res. 1368, Supporting the goals of National Dairy Month—I would have voted "aye."

Rollcall vote 356, On Motion to Suspend the Rules and Agree—H. Res. 1409, Expressing support for designation of June 20, 2010, as "American Eagle Day", and celebrating the recovery and restoration of the bald eagle, the

national symbol of the United States—I would have voted “aye.”

Rollcall vote 357, On Motion to Suspend the Rules and Pass—H.R. 5502, To amend the effective date of the gift card provisions of the Credit Card Accountability Responsibility and Disclosure Act of 2009—I would have voted “aye.”

JUNE 15, 2010

Rollcall vote 358, On Motion to Suspend the Rules and Agree—H. Res. 1383, Honoring Dr. Larry Case on his retirement as National FFA Advisor—I would have voted “aye.”

Rollcall vote 359, On Agreeing to the Resolution—H. Res. 1436, Providing for consideration of H.R. 5486, the Small Business Jobs Tax Relief Act; and providing for consideration of H.R. 5297, the Small Business Lending Fund Act—I would have voted “no.”

Rollcall vote 360, On Motion to Suspend the Rules and Pass, as Amended—H.R. 4855, Work-Life Balance Award Act—I would have voted “no.”

Rollcall vote 361, On Motion to Suspend the Rules and Agree—H. Res. 1389, Recognizing the immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day—I would have voted “aye.”

Rollcall vote 362, On Motion to Recommit with Instructions—H.R. 5486, Small Business Jobs Tax Relief Act of 2010—I would have voted “aye.”

Rollcall vote 363, On Passage—H.R. 5486, Small Business Jobs Tax Relief Act of 2010—I would have voted “no.”

Rollcall vote 364, On Motion to Suspend the Rules and Agree—H. Res. 1322, Celebrating the 20th anniversary of the Albert Einstein Distinguished Educator Fellowship Program and recognizing the significant contributions of Albert Einstein Fellows—I would have voted “aye.”

#### IN RECOGNITION OF SENATOR GEORGIA POWERS' SERVICE TO KENTUCKY AND THE UNITED STATES

#### HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2010

Mr. YARMUTH. Madam Speaker, I rise in recognition of a woman whose legacy and work has forever changed the character of both the Commonwealth of Kentucky and the United States of America. Today, in Louisville, a major thoroughfare will be named in honor of Senator Georgia Davis Powers. This is a commemoration bestowed only to the most legendary leaders in our Commonwealth—and Senator Powers is nothing short of legendary.

I am honored to join the chorus of voices praising her tireless and lifelong fight to ensure equality and justice are persevering principles in our Commonwealth. As the first woman and first African-American to be elected to Kentucky's State Senate, Georgia Powers is a trailblazer who has dedicated her life and career to the cause of civil rights. Though

she has retired from politics, her service has left an enduring mark in Louisville and across this country.

In fact, her life's work is and continues to be a true example of how one individual can make a difference not just for her own generation, but every one that follows.

When the story of the struggle for civil rights and women's rights in Kentucky is told, Georgia Powers stands as a central figure—a legend who continually sought to make life better for all of our citizens. Today, as we ensure that her legacy will be recognized by the people of Louisville for decades to come, all Kentuckians and all Americans should be proud of her dedicated service in pursuit of our defining national goals.

Therefore, I ask my colleagues to join me today in further recognizing the extraordinary work and dedication of Senator Georgia Powers of the Commonwealth of Kentucky.

#### A TRIBUTE TO REVEREND DR. MARVIN J. BENTLEY

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Reverend Dr. Marvin J. Bentley for his contributions to his community and commitment to his faith.

The Reverend Dr. Marvin J. Bentley was born in Brooklyn, New York. He received his basic religious training at the Cornerstone Baptist Church, and under the tutelage of the late Dr. Sandy F. Ray he became licensed to preach the gospel by the Cornerstone Baptist Church.

Dr. Bentley was educated within the New York public school system; he attained his Bachelor of Science degree from the University of New York at Stony Brook with majors in Health Science and Social Welfare. He obtained his seminary education at Union Theological Seminary in New York City, securing a Master's in Divinity degree. At Drew University, in Madison, NJ he earned his Doctor of Ministry degree, and he recently received an Associate's Degree from Nassau Community College, L.I., N.Y., in Applied Science.

Dr. Bentley was ordained at the Abyssinian Baptist Church, where he served as the assistant minister under the mentorship of Dr. Samuel D. Proctor, and Dr. Calvin Butts III. Dr. Bentley is active in many civic and community activities. He serves on numerous boards and committees and is the former President of American Baptist Churches of Metro New York. He is a former Naval Chaplain in the United States Naval Reserve. He has served as President and Vice-President of Community School Board 30, former member of Community Board 3, and past President of the Corona East Elmhurst Clergy Association. He is the recipient of many civic and religious awards and honors.

As pastor, Dr. Bentley has been serving the Antioch Baptist Church of Corona for 30 years, enjoying a blessed ministry. During his tenure at the church, it has relocated into a beautiful, gothic style new church home in Co-

rona, Queens, New York. It has grown to numerous ministries that include male and female “Right of Passage” ministries, the Antioch Bible Institute, Christian Bookstore, Video Ministry, Credit Union and Athletic Ministry.

In addition, under Pastor Bentley's leadership, the Antioch Baptist Church of Corona has embarked upon a ministry to liquidate the credit card debt of their congregation. The model for the vision was given to Pastor Bentley by Bishop C. Vernie Russell Jr, Pastor MT. Carmel Baptist Church, and Norfolk, VA. This ministry has caused the congregation to look at their finances, spending, and saving habits. The Antioch church is embracing the biblical motif that as Christians, they are not to be indebted to anyone but God, and they are to help others according to their needs. The idea to get out of debt is embraced so that they can remain free of fiscal difficulties.

Pastor Bentley is married to his high school sweetheart, Carla and they are the proud parents of three lovely children.

Madam Speaker, I urge my colleagues to join me in recognizing the work of Reverend Dr. Marvin J. Bentley.

#### MAYOR'S PROFESSIONAL MARINERS AWARDS AWARDED ON JUNE 9, 2010

#### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2010

Mr. FRANK of Massachusetts. Madam Speaker, the Mayor's Professional Mariners Award is sponsored by the City of New Bedford, Professional Mariner Magazine and Commercial Marine Expo. This award honors an individual or organization who has made a significant contribution to the marine industry. This year's award recipients are Harriet Didriksen, Martin S. Manley and Howard W. Nickerson.

#### MAYOR'S PROFESSIONAL MARINERS AWARDS

HARRIET DIDRIKSEN

Harriet Didriksen is constantly fighting for fishing families, the fishing way of life, and the American dream. She steadfastly attends New England Fisheries Management Council meetings from Connecticut to Maine, and never misses a gathering where she can help fishermen oppose government bureaucrats' undue interference. She is a regular at hearings in Washington—which she attends at her own expense—and is a tireless advocate.

Harriet owns the F/V Settler. She owned the F/V Bagatell, which is now an educational vessel at Stony Brook University. She is owner and operator of New Bedford Ship Supply, one of the oldest ship chandleries on the East Coast.

Mrs. Didriksen's father dragged in the winter and scalloped in the summer. He emigrated from Norway to Brooklyn and moved to New Bedford to be closer to George's Bank. Her uncles were also fishermen. Her brother is a shore-side business and vessel owner. She is the mother of two.

New England fishermen are fortunate to have her on their side.

MARTIN S. MANLEY

The late Capt. Martin “Marty” Manley was a commercial fisherman for 38 years, and

at the age of just 19, was one of the youngest skippers out of the Port of New Bedford.

Captain Manley was a tireless advocate for the commercial scallop fishing industry. He was recognized as an industry leader and received numerous awards and accolades, including Helmsman of the Year from the Port of Gloucester. He was a member and former President of the Offshore Mariners Association.

During his career, he owned and operated several scallopers along the eastern seaboard, the last being the F/V Mary Anne, which he designed, built, and operated with great pride. He served as the director of the City of New Bedford Harbor Development Commission, and later served as manager of the Popes Island Marina until his retirement in 2007. The building of that marina was one of his life's accomplishments.

He served as a member of the New Bedford Redevelopment Authority and the Economic Development Commission.

HOWARD W. NICKERSON

The late Howard Nickerson watched over the New Bedford waterfront for 65 years. He began his career as a young man, tub trawling in a sailing vessel, moving to commercial fishing on George's Bank as vessel engineer. Through the decades, Mr. Nickerson participated in the industry from every angle, as a fisherman, representing fishermen, seafood dealers, seafood workers, boat owners and directing state and municipal agencies, always fighting for fairer regulations.

He served as head of the Harbor Development Commission, the State Pier, the Seafood Dealers Association, the Seafood Workers Health-Pension Fund, the New England Fisheries Steering Committee and the Offshore Mariners Association.

A strong advocate of seafood marketing, Mr. Nickerson was involved in organizing the New Bedford Seafood Council and the New Bedford Scallop Festival in the 1950s and '60s, which helped build the market demand that allowed the scallop to become the port's cash leader.

#### RECOGNITION OF KATHLEEN T. ELLIS AND ROBERT SICKLES

#### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. PALLONE. Madam Speaker, I rise today to recognize Kathleen T. Ellis and Robert Sickles for the laudable achievements that make them the well-deserved recipients of the YMCA's 2010 Champions for Children Distinguished Citizen Service Award. Both are successful local business leaders and committed community activists.

Ms. Ellis is the Executive Vice President and Chief Operating Officer of New Jersey Natural Gas, the principal subsidiary of New Jersey Resources. NJ Natural Gas provides energy to almost 500,000 residential and business customers in the heart of NJ's vacation spots. She has also led a robust career prior to joining NJR in 2004; Ms. Ellis served as the Director of Communications to former Governor James McGreevey from 2002–2004, and as Manager of Communications and Director of State Governmental Affairs for the NJ-based energy company PSE&G from 1998–2002. In addition to all of her commendable

business successes, Ms. Ellis has been an incredibly active member of her community, serving the interests of women and children at no compensation for her efforts. She is on the Board of Trustees for the private, nonprofit organization, 180 Turning Lives Around, which has focused on ending domestic abuse and violence in Monmouth County for 30 years. She is also on the board of New Jersey's PAM's List, which is active in raising money for pro-choice women to run for public office, as well as the New Jersey League of Municipalities Educational Foundation and New Jersey Future.

Mr. Sickles, better known as Bob, is the owner-operator of the local Sickles Market in Little Silver, NJ, which has remained in business through three generations of Sickles. Although the Market itself was established in 1908 as a seasonal farmer's market, the Sickles' family history extends all the way to a King's Land Grant in 1663. Sickles Market is now a year-round, fresh foods market with 4 production greenhouses and over 10 acres of working farm production, as well as a garden center, all a result of Bob's transformative re-vamping in 1998 to keep the store open through the winter in competition with big grocery stores without losing its unique local flavor. It is thus unsurprising that Mr. Sickles has been the recipient of many awards in recognition of the Market's distinctive success, including the 2004 Innovator of the Year Award from Garden Center Management & Merchandising Magazine and "Random Acts of Beauty 2008" by the Little Silver Garden Club, to name only a few. Mr. Sickles is also heavily involved in his community, hosting Back to Garden and Kids Day events at the Market in order to educate children about healthy living and environmental awareness. In 2008, Sickles Market raised over \$300,000 over 5 years for the Holiday Express annual fundraiser, a local charity for the disadvantaged.

Madam Speaker, I would once more like to thank Kathleen Ellis and Robert Sickles for their contributions to their businesses and to their communities, and congratulate them again on their 2010 Distinguished Citizen Services awards from the YMCA, which they both highly deserve.

#### OUR UNCONSCIONABLE NATIONAL DEBT

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,078,420,280,010.67.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,404,722,523,042.60 so far this Congress. The debt has increased \$35,272,010,674.80 since just yesterday.

This debt and its interest payments we are passing to our children and all future Americans.

#### 175TH ANNIVERSARY OF CHATHAM PRESBYTERIAN CHURCH

#### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. SHIMKUS. Madam Speaker, today I rise to honor the 175th anniversary of the Chatham Presbyterian Church in Chatham, Illinois.

The Chatham Presbyterian Church was founded in 1835 by some of Chatham's founding citizens, the Reverend Dewey Whitney, T.A. Spilman and William Thornton. The first service was held in Mr. Thornton's home and was attended by about 15 families, some of whom had come by wagon from New York to settle Sangamon County.

From that humble beginning, Chatham Presbyterian has expanded to more than 400 members, and several new buildings. Just after celebrating their sesquicentennial in 1985, Chatham Presbyterian moved into its current building on Walnut Street in Chatham. Over the years, Chatham Presbyterian has been an important part of the Chatham and Springfield communities, as well as carrying on mission work across the country and around the world. In addition, Chatham Presbyterian is active in our local community, hosting group work camps in Springfield's historic Enos Park neighborhood.

I want to congratulate Dr. Joe Eby, Pastor of Chatham Presbyterian, and the entire church family on celebrating this important milestone. I join with the other members of this House in wishing Chatham Presbyterian another 175 years of success.

#### PERSONAL EXPLANATION

#### HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. PUTNAM. Madam Speaker, on Tuesday, June 15, 2010, I was not present for two recorded votes. Had I been present, I would have voted the following way: Roll No. 363—"nay"; Roll No. 364—"yea."

#### A TRIBUTE TO MANUEL SEMAN AND LUISE PANGELINAN VILLAGOMEZ

#### HON. GREGORIO KILILI CAMACHO SABLAN

OF NORTHERN MARIANA ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. SABLAN. Madam Speaker, 86-year-old Manuel Seman Villagomez's kempt silver hair, easy smile and gregarious personality belie his years of hard work and difficult childhood. He came from a large family with meager possessions, but over time, intense work and unwavering devotion to his faith and family have made him a contented man.

Manuel, or Manny, Villagomez was born on January 24, 1924 on Saipan, Northern Mariana Islands during the Japanese occupation.

He is the youngest of ten children. His Chamorro father was born on Guam, but, at the age of 18, he moved to Saipan with his siblings. Manny's mother, half Chamorro and half Carolinian, was from Saipan.

Manny received a sixth grade level education, the maximum allowable for Chamorro children under Japanese law at the time. After he graduated from school, he worked at the family farm and sold produce to the Japanese stores to support the large family. He fished with his father to supplement the family income. His father's love of fishing for kichu, or sergeant fish, was the reason for his family being affectionately called "Kiyu."

During World War II, as American forces started their approach to the Mariana Islands, the Japanese government restricted Manny and his family, as well as the rest of the Chamorros, to their respective family farms. When the Americans landed on Saipan on June 14, 1944, Manny was one of the many Chamorros forced to flee to the jungle, hiding out in caves, trying to avoid the fierce battle that engulfed the island. On July 4, 1944, U.S. Marines found Manny and others hiding in a cave in Talofofo and led them out to Camp Susupe, where civilians were confined until after the war. After Japan surrendered in 1945, the U.S. Marines recruited Manny and 63 other Chamorro and Carolinian men to serve as marine scouts and search for Japanese snipers and holdouts on Saipan and in the Northern Islands. It was not until January 31, 2000—55 years later—that U.S. Armed Forces formally recognized Manny and the other marine scouts for their service. They were officially sworn in, and on the same day, formally discharged from the Marine Corps.

Right after the war, Manny was attracted to a young woman who would later become his wife for 58 years. She was Luise Pangelinan Villagomez, born on November 14, 1929 on Saipan. She grew up in a family of eight children. Luise only had a third grade education but she learned to speak three languages, Chamorro, Japanese, and after World War II, English. After two years of courtship, the young couple married on February 26, 1949. A month later, they moved into their new, albeit tiny house, which Manny had built with the earnings from his job as a police officer. Their marriage produced six daughters and six sons: Linda, Patricia, Thomas, Barbara, Manuel Jr., Joseph, Edward, David, Nora, John, Ramona, and Antonia.

Manny's first job after World War II had been as a mess boy for the American enlisted personnel, which is how he learned to speak English. Thereafter, he served as a policeman for 12 years under the Trust Territory of the Pacific Islands' Insular Constabulary. He rose to the rank of sergeant and became an administrator. Manny quickly learned how the U.S. Naval and local governments procured goods. In 1955, he used his knowledge and experience to start a small grocery store, M.S. Villagomez Store, in Chalan Kanoa. It was the third locally owned grocery store in operation.

Initially, Luise, by then a mother of four, handled the store's daily operations. Realizing that his wife needed help and that the family business presented a better opportunity, Manny left his police job. In 1960, Manny and Luise relocated the store to a corner lot on

Beach Road near the Chalan Kanoa post office. Six years later, in 1966, the couple built a large, two-story building to accommodate the expanding grocery and department store as well as provide office rental space.

As the business grew, so did the family, which by 1968, had increased to twelve children, most of whom were old enough to work in the business. Manny and Luise then built a second store in Garapan which they later leased to Duty Free Shoppers, now DFS Galleria. During this time, the family business expanded to the export of scrap and recycled materials to Japan. The couple also entered into a joint venture with Luise's brother and opened a store on the island of Chuuk, one of the other islands in Micronesia, from 1969 to 1977.

In December 1976, the family suffered a major setback when fire engulfed their department store building. Manny and Luise salvaged what they could from the fire and quickly reopened a small store across the street. As they accumulated some assets, they invested in real properties and gradually developed and rented them out. They resisted any loan offers from banks and were extremely cautious and conservative in their investments.

In 1978, Saipan began to see the influx of foreign investments particularly from Japan. Manny and Luise leased their prime properties to investors for large scale developments. They reinvested their new capital in other real properties by again self-financing the construction of commercial space and apartment buildings. They also purchased some undeveloped real properties in the United States for investment and security. Having survived World War II and seen his own father go through changes in sovereign control in Guam and then in Saipan, Manny felt the need to own real property in the continental United States in the event the family had to flee or relocate from Saipan. In 1979, the Villagomez family joined several other Chamorro families in purchasing houses in San Leandro, California. Manny and Luise then moved their younger children to San Leandro to further their education.

In the 1990s, Manny and Luise shifted the focus of their business from retail to the construction business, and to commercial and apartment rental. So that they could pursue their love of traveling, they also decided to transfer the management and operation of the business to their children. Manny and Luise were able to visit many cities in Europe, traveled extensively throughout Asia and the U.S., and spent considerable time at their San Leandro home.

While Manny is widely known for his business accomplishments, he is most proud of his service as the first Civilian Aide to the Secretary of the Army (CASA) for the Northern Mariana Islands, a position he held from 1988 to 2000. As the NMI's CASA, Manny enjoyed the time he spent supporting the generals, veterans and active soldiers.

Manny and Luise never lost sight of their civic duties. In 1990, they made a sizeable donation for the construction of the first major public library, the Joeten-Kiyu Library, in Susupe, Saipan. They were generous benefactors to schools, churches and charitable organizations. Manny and his children continue

the tradition of giving and assisting others in the community.

It was always the couple's dream to have their children reunited on Saipan. During the 1990s, Manny and Luise subdivided their large Fina Sisu property purchased in the 1950s and helped their children build their own homes there. Today, the lake and ocean view property, known as the MSV Kiyu compound, is a quaint, friendly place where all the twelve children have homes and where a majority of the 40 grandchildren, 30 great grandchildren, and two great-great grandchildren can be seen visiting throughout the year. It is also where Luise peacefully passed away surrounded by her loving family in September 2007 at the age of 77 years.

Today, Manny lives in the family compound with ten of his children and their families. He still travels but spends most of his time in the compound tending to his mini-farm, fruit trees, and other plants, and living a quiet and peaceful life.

#### HONORING JOHN JESSE SALDAÑA

#### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2010

Mr. GONZALEZ. Madam Speaker, I rise today to honor John Jesse Saldaña, Sr., a civil servant, community leader, and former serviceman who passed away June 9, 2010.

Mr. Saldaña made history through both his illustrious postal career and military service. He worked for the U.S. Postal Service for 45 years and was appointed to the position of postmaster on December 7, 1974. Mr. Saldaña was the first Spanish-surnamed postmaster since 1836 and was the first merit postmaster in the nation. He worked not only as the Postmaster of San Antonio, but as the manager for the San Antonio Sectional Center covering a service area of 33,000 square miles, 226 post offices and 4,527 employees in South Texas. He was named "Postmaster of the Year" in 1983.

As a Combat Infantry Officer in the European Theater during World War II, Mr. Saldaña was wounded twice in action in the Huertgen Forest and in the Battle of the Bulge, where he was the sole survivor of his unit. For his valiance and heroism in service, he was awarded a Bronze Star and two Purple Hearts with Oak Leaf Cluster.

Mr. Saldaña also tirelessly worked to preserve the history and cultural heritage of San Antonio. Mr. Saldaña served as president of the Canary Island Descendants Association and the Harp and Shamrock Society. In 1981, he was named by the Isleños Canarios Committee as the Chairman of the 250th Anniversary of the founding of the Villa de San Fernando. He was also a lifetime member of the Sons of the Republic of Texas. Mr. Saldaña also worked to preserve our nation's military history by returning to his alma mater, Lanier High School, of which he was Valedictorian of the Class of 1939, to meet with students each Veteran's Day. Lanier honored him as one of the first to be commemorated on their "Wall of Fame."

Additionally, Mr. Saldaña was very active in many church, civic, and philanthropic organizations. He was a life-long Oblate Associate and was presented with the Oblate cross in 1973 for his active participation with the Oblate fathers. He was a founding board member of Sisters Care of San Antonio, a ministry which offers in-home assistance to many elderly who are ineligible for government assistance. He was a director of the United Way and the Vice-Chairman of the combined federal campaign. He was also a member of the San Antonio Chamber of Commerce.

San Antonio has suffered a great loss and it is my humble honor to rise to recognize the many contributions that Mr. Saldaña has made in his lifetime and to extend my thoughts and prayers to his family.

HONORING MARVIN TEER, SR.

**HON. WM. LACY CLAY**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. CLAY. Madam Speaker, I rise today to honor Mr. Marvin Teer, Sr., a valued member of the St. Louis community. Mr. Teer passed away on May 27, 2010, at the age of 93. His efforts greatly enriched the city of St. Louis, and his legacy will continue to inspire his residents for years to come.

Mr. Teer grew up against a backdrop of adversity and racial tension. He was born in Meridian, Mississippi, and at the tender age of 5, his family suffered the tragic loss of Mr. Teer's uncle, who was lynched. Mr. Teer's parents moved the family to East St. Louis in search of new opportunities for themselves and their children. Mr. Teer took full advantage of those opportunities, graduating from Lincoln Senior High School and going on to earn his bachelor's degree in education and two master's degrees, one in education and another in administration.

In World War II, he fought courageously in the Army, which was at that time segregated. He rose to the rank of Staff Sergeant, where he worked to secure equal resources and equal respect for his fellow black soldiers.

Mr. Teer returned to St. Louis in 1946 to teach history and urban studies at Lincoln Senior High School and later Vashon High School. Being a dedicated teacher, he shared his knowledge and energy with students for a full 30 years.

Mr. Teer had a passion for working to improve St. Louis, and that commitment to his city extended far beyond his position as a teacher. Mr. Teer participated in a diverse array of city organizations, including the Metropolitan Youth Commission, the St. Louis Board of Equalization, the Board of Building Appeals, and the St. Louis Area Agency on Aging.

Upon his retirement, Mr. Teer directed his enthusiasm for serving his community toward the goal of providing transportation to the seniors of St. Louis. He co-founded Available Citywide Transportation, which grew from one van to a fleet of 43 under his watch.

Madam Speaker, I am honored to pay tribute to Mr. Teer, a citizen whose commitment

to his community was a testament to Missouri and to America. I urge my colleagues to join me in honoring Mr. Marvin Teer, Sr.

HONORING THE LIFE OF ANTHONY  
"LITTLE BENNY" HARLEY

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Ms. NORTON. Madam Speaker, the District of Columbia gathered on June 11, 2010, in a great hall of the Walter E. Washington Convention Center to honor one of our own, out of S.E. and Ballou Senior High School, Anthony "Little Benny" Harley, for his distinctive contributions to our musical identity as a city. We gathered to celebrate our native son, whose magnificent trumpet brought joy to the world and acclaim to the District of Columbia. Little Benny became the living proof that a godfather could have godsons, when Little Benny showed the world that go-go music was no one-man passing fad—from the time Little Benny listened and learned from the go-go Godfather himself, Chuck Brown, to the day Little Benny died after performing alongside the Godfather.

Few cities produce musical talent so deep that it comes to symbolize the town itself. Motown did that for Detroit. Go-go has done that for D.C. Little Benny's sound kept us from having "Government Town" plastered on our backs. His funk was the musical background for our fight for our vote and for statehood and against the autocrats in Congress who try to step on D.C. and on our rights. Little Benny's non-stop funk, his beat, and his chants said "Don't Mess with D.C." better than anything I could ever say on the floor of the House of Representatives. All too prematurely, Little Benny now joins our city's own hall of fame for musical geniuses, who have put D.C. on the musical map, from Duke Ellington to Sam Cook. Music comes and music goes, fast, but Little Benny has helped carve out a special brand of funk that distinguishes him and his hometown alike. We want Little Benny to rest in peace, but his sound will keep us all moving to his never ending beat.

PROTECTING CYBERSPACE AS A  
NATIONAL ASSET ACT OF 2010

**HON. JANE HARMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Ms. HARMAN. Madam Speaker, the stark image on millions of television screens around the world is of a broken pipe one mile underwater, spewing tens of thousands of gallons of oil into the ocean each day.

This deadly and disturbing horror could be replicated should we have a major cyber attack—broken networks spewing tens of thousands of terabytes of information about critical infrastructure, national security, mission-critical data and personal financial records.

Indeed, damage caused by the worst environmental disaster in U.S. history could pale in

comparison to the chaos that could ensue after a major cyber attack.

So today, Madam Speaker, I am pleased to introduce with Rep. PETER KING the companion bill to S. 3480, The Protecting Cyberspace as a National Asset Act of 2010. Authored by Senators LIEBERMAN, COLLINS and CARPER, S. 3480 was the subject of a legislative hearing yesterday in the Senate, and is moving there on a fast track.

In the words of former Assistant Secretary of Homeland Security for Policy Stewart Baker, "we are going to have a meltdown" if we fail to act to protect our cyber networks.

Right now we are chasing the problem. We need to get ahead of it. As described in the report released today by the Government Accountability Office—we face daunting challenges in tackling this problem, including: a lack of sustained leadership, insufficient resources, authority to enforce actions in the event of an imminent cyber attack, the need to partner with other federal agencies and private sector entities and insufficient education and training.

All of which this bill aims to correct.

First, the bill would establish a coordinating mechanism at the White House—an Office of Cyberspace Policy—to develop a national strategy for securing and improving the resiliency of cyberspace.

Second, it would create a National Center for Cybersecurity and Communications at the Department of Homeland Security to identify and mitigate cyber vulnerabilities. The Center would be charged with providing situational awareness, conducting risk-based assessments of threats, identifying vulnerabilities, managing external access points for federal networks, overseeing operations of US-CERT, and working with the private sector to establish security requirements to strengthen vital components of critical infrastructure like the electric grid and telecommunications networks.

Third, the key section of the bill provides the President with authority—in consultation with Congress—to impose emergency security measures on critical infrastructure networks in the event of a catastrophic cyber attack. Presently, this authority is ad hoc.

Fourth, this legislation requires development of a supply chain risk management strategy to address risks and threats to information technology products and services upon which the federal government relies.

Finally, the bill requires the new Department of Homeland Security Cybersecurity Office to consult with the Privacy & Civil Liberties Oversight Board mandated in the 2004 Intelligence Reform & Terrorism Prevention Act. Sadly, this Administration has yet to nominate individuals to serve on the Board. Additionally, the Director of the National Center for Cybersecurity and Communications is required to designate a privacy officer to review activities of the Center and conduct privacy impact assessments to ensure information is being collected in a manner that protects privacy and civil liberties of U.S. persons.

With strong leadership to implement it, this bill will plug the gaping hole in our cyberdefenses—while we have the chance to do so—and, hopefully, prevent another potential devastating disaster.

I urge its prompt enactment.

A TRIBUTE TO EVA SMITH  
MCQUILLAN

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Eva Smith McQuillan for her valuable contributions to her community.

Eva Smith McQuillan was born in Currie, North Carolina on July 11, 1915 to Alice and Richard Smith. She is the fourth of six children; Sadie, Sealy, James, Eva, Margaret and Edward. She was raised and educated in Wilmington, North Carolina and there she met and married Dawson McQuillan. Together they have two sons, Deck and Dawson.

In 1956, Eva decided to migrate northeast to New York. She and her family settled in Brooklyn and she found employment at B. Altman's Department Store in Manhattan. She began as a Gift Wrapper, moving up the ladder to finally become an Accounting Clerk in the Accounts Receivable Department until her retirement in 1981. Upon her retirement, Eva became a world traveler, visiting countries in Europe and the Far East including Japan and China. She has also been to the Caribbean, Canada, Mexico, and various sites within the United States of America including Hawaii and Puerto Rico.

In 1958, under the leadership of the late Reverend George W. Thomas, Eva became a member of the Brown Memorial Baptist Church and has been a faithful member ever since. The same year, she became a member of the Floral Club. She went on to become part of the Brown Memorial Baptist Church Pastor's Aid Chorus. For a number of years, she was a Den Mother for the Boy Scouts of America Troop 199. Currently, she is a team leader on the church's restoration project under the leadership of the Reverend Clinton M. Miller.

Mrs. McQuillan loves people and loves to help those in need. Her life's motto is "If I can help someone as I pass along this way—then my living will not be in vain."

Madam Speaker, I urge my colleagues to join me in recognizing the contributions of Eva Smith McQuillan.

HONORING THE SERVICE OF LT.  
COL. MELANIE MCCLURE, PRIN-  
CIPAL OF ENTERPRISE ELEMEN-  
TARY IN DALE CITY, VA

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to honor the service of LTC Melanie McClure, principal of Enterprise Elementary School in Dale City, Va.

Lieutenant Colonel McClure has served with distinction both in our local classrooms and our Nation's military. One year after graduating from James Madison University in 1984 with a Bachelor's Degree in Early Childhood Education, she joined the United States Army

Reserves. In that same year, her first deployment took her to Germany as a platoon leader, operations officer and adjunct for the Battalion Commander. When she returned home, Lieutenant Colonel McClure began teaching in the Fairfax County Public Schools system. Her career as an educator was put on hold when she once again answered the call to serve on active duty after the devastating terrorist attacks of Sept. 11, 2001. Lieutenant Colonel McClure served in Alexandria, VA, as a plans and operations officer for the Mortuary and Casualty Support Division until July 2003. She then returned to Kent Gardens Elementary School in Fairfax County as an assistant principal and principal. She took on her current role as principal of Enterprise Elementary School with Prince William County Schools in 2007.

Many of our Nation's reservists juggle leadership roles in both our military and our communities. Lieutenant Colonel McClure is no exception. Her most recent deployment required that she take a leave of absence from her position as the head administrator at Enterprise Elementary to serve on active duty in Iraq. Her students paid tribute to their principal with a send off in the spring of 2009 and on June 7, 2010, they welcomed her home with the reverence and adoration she deserves. Lieutenant Colonel McClure has used this experience to teach her students responsibility and the importance of honoring commitments. These are qualities our veterans come to understand intimately as they sacrifice their safety for the protection of our nation.

Madam Speaker, I ask my colleagues to join me in honoring the service of LTC Melanie McClure. Her service stands as an example to her students of the bravery of our military's men and women and will instill in future generations an appreciation for the needs of our Nation's veterans.

HONORING THE LIFE OF FRANCES  
M. BERCKMAN

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. SHIMKUS. Madam Speaker, today I rise to honor the life of Frances M. Berckman, better known as "Nanny Fran."

"Nanny Fran" passed from this life at the age of 96 on Tuesday, June 15th, 2010.

She is remembered fondly and lovingly as a mother, grandmother, great grandmother, and even great great grandmother. She was born and raised in Jersey City some 96 years ago, and lived the past 42 years in Keansburg, New Jersey. Her husband, Matthew passed away in 1990.

She is survived by three daughters and a son-in-law; Dolores Laabs of Pennsylvania, Roberta and Jack Waugh of Hazlet, and Kathleen Berckman of Brick. In addition, she has twelve grandchildren, twenty great grandchildren, and four great great grandchildren.

As if they were not enough to keep her life filled with happiness and love; she spent her time as a homemaker, bingo champion, reading and frequent trips to Atlantic City. She was

also a member of St. Ann's Church where a funeral mass will occur to celebrate her life on Friday, June 18th at 11:00 am. Family and friends will gather at the Jacqueline M. Ryan Funeral Home in Keansburg, New Jersey on Thursday, June 17th to share their memories of this wonderful woman.

I was honored to know her through four of her grandchildren (Thomas, Matt, Deidre, and Greg Keelen), who now, along with the rest of her family, serve as her legacy. She is assured that it is in good and loving hands. God Bless "Nanny Fran."

RECOGNIZING CAPTAIN (RETIRED)  
STUART ALAN RICHARDS  
SCOTTSDALE HEALTHCARE'S  
"SALUTE TO MILITARY" HON-  
OREE

**HON. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2010*

Mr. MITCHELL. Madam Speaker, I rise today to recognize a distinguished member of the Armed Forces residing in my home state. In Arizona, Scottsdale Healthcare honors service members who perform diligent service to this country every month; for the month of May, they have recognized Captain (Retired) Stuart Alan Richards.

I commend Scottsdale Healthcare for paying tribute to this outstanding service member for his commitment, dedication and service to our country.

Captain Richards originally joined the U.S. Navy during the Vietnam era, but subsequently transferred to the Naval Reserve in order to attain a college degree as a Physician's Assistant. After receiving his degree, Captain Richards became a Warrant Officer in the Army National Guard, quickly rising to achieve the rank of Chief Warrant Officer 3 after returning to the Naval Reserve. Captain Richards' final career change occurred in 1988 with his transition into the United States Public Health Service. Once there, he worked at the Phoenix Indian Medical Center where he was deployed numerous times to support medical efforts during the shootings at Red Lakes Reservation in Minnesota and hurricanes in Florida. After 31 years of federal service, he retired in 2006.

Today, Captain Richards continues his life's work of caring for the injured and sick as a Physician's Assistant with Scottsdale Emergency Associates who staff Scottsdale Healthcare's three Emergency Departments.

Madam Speaker, please join me in recognizing this exceptional Military Officer for serving our country and caring for fellow service men and women in and out of combat.

# HONORING THE LIFE OF MR. JACK WALLACE

## HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2010

Mr. COHEN. Madam Speaker, I rise today to honor the life of Mr. Jack Wallace, an outstanding man who improved the lives of countless individuals while working tirelessly to make Memphis a better and safer place. Born in 1928, Mr. Wallace spent 24 years serving in the Memphis Police Department before his retirement in 1976.

Jack Wallace was one of the most outstanding people to have served the Memphis community. I was privileged to serve as Police Legal Advisor for the Memphis Police Department in the seventies, where Jack served as my mentor. He was the person I looked up to, learned from, and got advice from. The policemen all respected Jack because he was a policeman's policeman; he was a man's man. He was strong; he was smart; he was a natural leader.

Despite never attending college, Mr. Wallace attended the Southern College of Law, where he was consistently at the top of his class. His colleagues and classmates recalled how much they grew to respect and revere him. As a policeman, Jack analyzed issues like a lawyer, cutting through all the issues in order to get to the heart of each matter. Though he never served as the official director of police, Mr. Wallace served as interim director under Mayor Henry Loeb. Jack Wallace was the perfect fit for the job. At the time, there was no one in the police department with more intelligence, more common sense, respect, leadership abilities and a better sense of judgment and values.

During his time with the Memphis Police Department Mr. Wallace faced some of the toughest issues confronting the city. He was an integral part of ensuring the safety and continued success of the city in a period of potential turmoil. After the 1968 assassination of Dr. Martin Luther King, Jr., it was Jack who maintained order in the community after violence broke out, commanding the night tactical units. Wallace was also responsible for peacefully ending a 12-hour hostage situation, a heroic incident in which he walked into a held-up house, unarmed, and rescued six children. Jack Wallace was twice named one of the top 10 police officers in the country by Parade Magazine.

In addition to remembering Mr. Wallace for his leadership and bravery as a Memphis police officer, I will always remember and appreciate the times we were able to spend on the Ridgeway golf course in Memphis with friends. As a golfer, he had the ability to charm everyone on the course. Years after we played golf, mutual friends would ask "Where's Jack Wallace?" He had that memorable personality and they simply loved playing with him. His wife, Shirley Wallace, reported that the day before his death, he played 27 holes of golf.

Jack Wallace passed away on Saturday, June 12 of heart failure in Brownsville, Tennessee at the age of 82. Mr. Wallace was a man of exceptional integrity and moral char-

acter. His was a life well lived, and I honor him today as a public servant, a leader, a mentor, and a friend. The city of Memphis is a better place because of Jack Wallace. He is survived by his wife Shirley, his son Lee Wallace of Kansas City, MO, two daughters, Diane Swan of Collierville, TN and Amy Todd of Jackson, TN, a brother, Bill Wallace of Memphis and seven grandchildren.

## AMERICAN BANKERS ASSOCIATION

### HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2010

Mr. HINOJOSA. Madam Speaker, I would like to submit a letter from the American Bankers Association in support of H.R. 5297, the Small Business Lending Fund Act.

AMERICAN BANKERS ASSOCIATION,

Washington, DC, June 9, 2010.

To: Members of the U.S. House of Representatives

From: Floyd E. Stoner, Executive Vice President, Congressional Relations & Public Policy

Re: H.R. 5297, the Small Business Lending Fund Act

On behalf of the members of the American Bankers Association (ABA), I am writing to express our support for H.R. 5297, the Small Business Lending Fund Act. As proposed, Treasury would invest in community banks through a new program that would be separate and apart from the Troubled Assets Relief Program (TARP). This legislation will serve as another tool for community banks to meet the needs of small businesses in their communities, and we urge the House to pass this legislation.

Even with the general economy starting to improve, there are still many areas of the United States that struggle under the weight of the severe downturn. Since banks are a reflection of their communities, they are suffering with the communities they serve. Yet even in areas beset by poor economic conditions there are strong borrowers.

Meeting the needs of these borrowers has been made more difficult as regulators pressure many banks to increase their capital-to-asset ratios. Given the severity of the downturn, it is difficult if not impossible for community banks to find new sources of capital. Thus, the only option for many banks is to shrink, which can mean making fewer loans. H.R. 5297 would allow banks to avoid that result and continue meeting the needs of their communities. With an improving economy and public investments, such as those proposed in H.R. 5297, lending can increase faster in some of the hardest hit areas of the country. Community banks, which are the life blood of many communities, can provide the needed capital.

While we are supportive of this legislation, we believe the fund could be more effective if it recognized the dynamic nature of a bank's loan portfolio. Roughly 20 percent of a community bank's small business loan portfolio is repaid each year. Under H.R. 5297, a bank would not be viewed as increasing its small business lending until it made enough loans to replace that 20 percent. Recognizing all of a bank's small business lending would make the program more attractive to many community banks.

The program's success also will hinge on whether it is made available to banks who

actually need the capital. If the program is made available only to those banks who do not need it, the program will fail. There are many viable community banks that would benefit greatly from a comparatively modest investment by the government to help them weather the current economic storms. Past initiatives have left this group of banks on the sidelines and, in many cases, have made it more difficult for them to attract private capital. We encourage you to support making the Treasury program available to banks that are viable on a post-investment basis.

The bill also includes a State Small Business Credit Initiative, which we find very promising. Efforts like this in Michigan, for example, have shown great promise over the years they have been in place. Under the Michigan Strategic Fund (MSF), the MSF deposits the cash into an interest bearing account with that lender and this account will then be pledged as collateral on behalf of the borrower. Based on an amortization schedule, the MSF will draw down the account as the loan principal is paid. In the event of full default, the lender will have rights to the account less a liquidation fee. The proposed State Small Business Credit Initiative would function in a similar manner and, we believe, could provide much needed support for loans made by participating banks. As with the Small Business Lending Fund, ABA recommends that all viable community banks be allowed to participate.

While we shall continue to work with Congress as this legislation moves forward, we believe that the legislation can serve as a real tool to help community banks meet the credit needs of their communities. We support passage of H.R. 5297.

## PARNICK JENNINGS

### HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2010

Mr. GINGREY of Georgia. Madam Speaker, I rise today to congratulate my long time friend, Parnick Jennings, for receiving the 2010 Hugh Burnes Christian Service Award. Parnick moved to Rome when he was just 6 months old and has been a dedicated servant of the Rome Community for decades. It is my distinct pleasure to honor him today.

After serving in the Korean War, Parnick followed in his father's footsteps and chose a career as a mortician—offering comfort and hope to more than 23,000 families in the 11th District of Georgia. His compassion and caring spirit helped lay the pathway for a successful career, as he owned three Jennings Funeral Homes and now the Good Shepherd Funeral Home.

Parnick has also spent much of his time over the years giving back to the Christian community through his love of gospel music. He hosted a Sunday morning program on WRGA, a weekly TV gospel music show that reached thousands of viewers, and a series of gospel music concerts that were highlights for the Rome Community.

In addition Parnick has been a member of many community and Christian boards, including the Shorter College Board of Trustees and the Southern Baptist Sunday School Board of Trustees, among many others. Notably, he is the only living Life Member of the Salvation

Army Advisory Board where he also served as Board and Capital Campaign Chairman.

Madam Speaker, Parnick has given back so much to Rome, and I am very pleased to congratulate him today on receiving such a distinguished award. I would also like to wish him a blessed and happy Father's Day as he celebrates with his wife, Margaret, and their beautiful children. Thank you Parnick for everything you have done for our community, and my very best to you.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 17, 2010 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### JUNE 22

9:30 a.m.

##### Armed Services

To hold hearings to examine the progress in preventing military suicides and challenges in detection and care of the invisible wounds of war.

SD-G50

##### Foreign Relations

To hold hearings to examine Iran policy in the aftermath of UN sanctions.

SD-419

10 a.m.

##### Energy and Natural Resources

To hold hearings to examine S. 3495, to promote the deployment of plug-in electric drive vehicles, focusing on reducing oil consumption.

SD-366

11 a.m.

##### Conferees

Meeting of conferees on H.R. 4173, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail", to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices.

SD-106

2:30 p.m.

##### Commerce, Science, and Transportation Competitiveness, Innovation, and Export Promotion Subcommittee

To hold hearings to examine innovation in America, focusing on opportunities and obstacles.

SR-253

##### Health, Education, Labor, and Pensions

To hold hearings to examine the Americans with Disabilities Act (ADA) and Olmstead enforcement, focusing on ensuring community opportunities for individuals with disabilities.

SD-430

##### Environment and Public Works

##### Superfund, Toxics and Environmental Health Subcommittee

To hold an oversight hearing to examine the Environmental Protection Agency's Superfund program.

SD-406

#### JUNE 23

9:30 a.m.

##### Homeland Security and Governmental Affairs

Business meeting to consider pending calendar business.

SD-342

10 a.m.

##### Finance

To hold hearings to examine the United States-China trade relationship, focusing on finding a new path forward.

SD-215

##### Appropriations

##### Interior Subcommittee

To hold hearings to examine Minerals Management Service reorganization.

SD-124

##### Judiciary

To hold an oversight hearing to examine the Office of the Intellectual Property Enforcement Coordinator.

SD-226

##### Rules and Administration

To resume hearings to examine the filibuster, focusing on silent filibusters, holds and the Senate confirmation process.

SR-301

10:30 a.m.

##### Appropriations

##### Defense Subcommittee

To hold hearings to examine outside witness statements.

SD-192

11 a.m.

##### Conferees

Meeting of conferees on H.R. 4173, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail", to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices.

SD-106

2:30 p.m.

##### Homeland Security and Governmental Affairs

##### Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold joint hearings with the House Oversight and Government Reform

Subcommittee on Federal Workforce, Postal Service, and the District of Columbia to examine customer and employee views on the future of the United States Postal Service.

SD-342

#### JUNE 24

9:30 a.m.

##### Energy and Natural Resources

To hold hearings to examine S. 3452, to designate the Valles Caldera National Preserve as a unit of the National Park System.

SD-366

11 a.m.

##### Conferees

Meeting of conferees on H.R. 4173, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail", to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices.

SD-106

#### JUNE 30

9:30 a.m.

##### Agriculture, Nutrition, and Forestry

To hold hearings to examine farm bill reauthorization, focusing on maintaining our domestic food supply through a strong United States farm policy.

SR-328A

#### JULY 1

9:30 a.m.

##### Veterans' Affairs

To hold hearings to examine veterans' claims processing, focusing on if current efforts are working.

SR-418

#### JULY 21

9:30 a.m.

##### Veterans' Affairs

To hold hearings to examine improvements to the post-9/11 Government Issue (GI) Bill.

SR-418

#### AUGUST 5

9:30 a.m.

##### Veterans' Affairs

Business meeting to consider pending calendar business.

SR-418

#### SEPTEMBER 22

9:30 a.m.

##### Veterans' Affairs

To hold hearings to examine a legislative presentation focusing on the American Legion.

345, Cannon Building

#### SEPTEMBER 23

9:30 a.m.

##### Veterans' Affairs

To hold an oversight hearing to examine Veterans' Affairs disability compensation, focusing on presumptive disability decision-making.

SR-418

## HOUSE OF REPRESENTATIVES—*Thursday, June 17, 2010*

The House met at 10 a.m. and was called to order by the Speaker.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord our God, in You there is no beginning, no end. You truly are dynamic presence, ever self-revealing, guiding all things and human events.

Show Your presence in the midst of our empowering activities and empty frustrations.

May the priorities and the work of this Congress reveal Your goodness to the Nation and make all aware of Divine Providence behind every problem and obstacle as well as every delightful gift.

For You are our life and our salvation, now and forever.

Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from North Carolina (Ms. Foxx) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

### CHARTING A NEW COURSE FOR OUR NATION

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. What if the BP gusher in the gulf is unstoppable? This is a challenging question which is making its way through various blogs. What if millions of barrels of oil continue to flow uncontrolled from the hole in the seabed? We should be preparing now for a worst-case scenario. We should be

mobilizing our Nation now, developing new, comprehensive plans for sustainable, alternative energy, for environmental protection, for public health, for preservation of species, for security, for rebuilding our economy and repairing commerce. We should be challenging our fellow citizens and ourselves to take part in charting a new course for our Nation, towards creating an America which has unlimited energy because it has unlimited vision, unclouded by greed or partisan advantage.

### DEFENDING THE CONSTITUTION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the American people are tired of Washington politicians turning a deaf ear to their wishes and concerns. Two days ago, Congressman DAVE CAMP put forward a proposal to repeal the provisions in the government health care takeover that mandates Americans buy government-run insurance. But this popular proposal was defeated by Washington liberals by a vote of 187–230.

People in my home State of South Carolina do not want an out-of-touch Washington bureaucrat forcing them to buy government-run insurance. We support the lawsuit of Attorney General Henry McMaster. We must defend the Constitution. Washington bureaucrats do not know what is best for South Carolinians or their families. The government mandate is unconstitutional.

We need a constitutional alternative, and I have a solution: Siding With American Patients Act, SWAP Act, to repeal the government takeover and replace it with a patient-centered and affordable solution that expands access and continues to cover preexisting conditions.

In conclusion, God bless our troops, and we will never forget September 11th in the Global War on Terrorism.

### IRAN SANCTIONS LEGISLATION

(Mr. MITCHELL asked and was given permission to address the House for 1 minute.)

Mr. MITCHELL. Mr. Speaker, I rise today once again to urge passage of a final bill to impose tough sanctions on Iran. A final bill is long overdue. The House passed the Iran Sanctions Ena-

bling Act last year, and the Senate passed the Comprehensive Iran Sanctions Accountability and Divestment Act in January.

Iran is not stopping its ruthless quest for nuclear weapons while Congress continues to deliberate. We simply cannot allow Iran to obtain nuclear weapons. We must act quickly and boldly to prevent that from happening. A nuclear Iran would not only pose a dire threat to Israel, a vitally important ally in the region, but to the United States as well.

We need to act, and we need to act now. I hope the conferees will complete their work quickly so that a final Iran sanctions bill can be enacted soon.

### WE NEED A BUDGET

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, over the past weekend, President Obama sent a letter to Congress. He said we need to spend \$50 billion “as quickly as possible” in order to “jump-start private sector job creation.”

I'm not sure if the President has read the unemployment reports lately, but 16 months since his trillion dollar stimulus bill became law, the private sector is still struggling under the tax and regulatory burden of an ever expanding Federal Government. Unemployment is at 9.7 percent, and frankly, the last thing the private sector needs is the fear of higher taxes to pay for more wasteful government spending.

What this country needs as “quickly as possible” is for House Democrats to put forth an annual budget and for Congress and the President to have the courage to make real spending cuts. We can't keep spending billions of dollars and calling it “emergency” spending so that it doesn't have to be paid for, because eventually it will have to be paid for, and the American taxpayers know that day of reckoning is coming.

It is time for Democrats in this Chamber to stop talking about fiscal discipline and actually do something about it. As your majority whip said over the weekend, this economy is your baby. So take responsibility, put a budget on the table, and let's debate it and give the American people a chance to hear which party is listening to them.

### GIVING SMALL BUSINESS THE RESOURCES THEY NEED

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute.)

Mr. CARNAHAN. Mr. Speaker, small businesses are the engines of our economy, and their success is critical to our economic recovery and long-term economic growth. Sixty percent of new jobs are created by small businesses, and over half of this country's economic growth since World War II has been from innovation and new technologies. We can and should empower the businesses and entrepreneurs who make our economy go by creating favorable conditions for businesses to start, to expand, and to put people back to work. That's why I urge my colleagues to support the Small Business Jobs and Credit Act designed to increase small business lending, help small businesses hire new workers and expand their operations. When I talk to small business owners back home in Missouri, the number one issue they identify as an obstacle to hiring people is access to credit. We must continue to focus on promoting our small businesses to grow this economy and to get people back to work.

### OIL SPILL NOT AN EXCUSE TO KILL JOBS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the horrific environmental and economic damage in the gulf continues, but it seems like the administration wants to move on to other things before the leak is stopped and the oil cleaned up. The President spent a significant part of his speech Tuesday night talking about imposing new costs on energy and cap-and-trade climate legislation.

We all know how important it is to have less dependence on fossil fuels, especially from foreign sources, and encourage clean energy production. The question is whether we do that by imposing new costs on the American people because of global warming. We should not impose new taxes on energy just based on the hope that clean energy will become more cost feasible.

I don't have to remind anyone that we have unemployment near 10 percent. Making it more expensive to run factories and small businesses will not bring back jobs.

We certainly need clean energy, and I've been proud to see sensible solar, geothermal, and hydroelectric projects move forward in my district. What we don't need are job-killing taxes on what BP chairman calls the "small people" that will make it even more difficult to recover jobs not only along the gulf coast but across our Nation.

### FIDEL CASTRO'S ANTI-SEMITIC STATEMENT REGARDING ISRAEL

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Mr. Speaker, I rise today to express my outrage at Fidel Castro's recent anti-Israel comments. In response to Israel's interception of the flotilla in May, Fidel Castro published a statement in which he absurdly asserts that Israelis would like to send Palestinians to be cremated, as the Nazis did to the Jews.

Castro's comments are outrageous and cruel. He ignorantly disregards the horror of the Holocaust and the suffering of the Jewish community. To suggest that Israel will consider a Nazi-inspired genocide of the Palestinians is inexcusably malicious.

This propaganda was not only published by the Cuban regime but then widely distributed. His offensive comments clearly portray the prejudice and anti-Semitic position of the Cuban regime. Castro's words cannot shame or erase the democratic tradition in Israel and the strong relationship Israel shares with the United States.

I ask my colleagues to continue to work with Israel towards a peaceful solution for the Israeli and Palestinian people. And I encourage my colleagues to view Castro's comments for what they are, the dangerous scheme of a brutal dictator, designed to hurt the people of Israel and obstruct the peace process.

□ 1015

### HONORING THE SERVICE OF HARRISON FIRE CHIEF JOHN NEAL

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor Harrison Fire Chief, John Neal, who has devoted his life to the citizens of Harrison, Arkansas, and is now retiring from duty after 21 years of service.

During his time as chief, John has exhibited his ability to lay the groundwork to ensure the people of Harrison's safety by instituting more pre-fire planning, better building inspections and construction plan reviews, along with assisting in better public education of fire safety. He went above and beyond and worked with all of the fire departments in Boone County, making the county a much safer place to live.

Chief Neal is an outstanding leader. John has been married to Mary Lu for 30 years, has five children, and he looks forward to spending more time with his grandchildren.

I wish him continued success in his future activities. And today I ask my colleagues to join me in honoring Chief John Neal, who will be missed, but I'm

confident will continue his dedication to his community and his State.

### LEGISLATION TO BENEFIT SENIORS

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GIFFORDS. Mr. Speaker, in these difficult economic times, the face of retirement is changing. Today, seniors are staying on the job longer—not just because they want to, but, frankly, because they have to. That's why I'm introducing two bills that will begin to address some of the challenges that we see facing our older workforce.

The Older Americans' Job Opportunities Blueprint Act expands the work opportunity tax credit already available to over a dozen specific parts of our employment pool that will now benefit employers in hiring older Americans. For the first time in our history almost 20 percent of our workforce is 55 years and older; this is very different than we've had in the past.

I have also introduced the Back to School Act, which will give seniors financial assistance to take courses if they want to change their careers or to make them more competitive in the workforce.

Congress, of course, focuses a lot of our attention on new entrants or future entrants into the U.S. workforce, but the reality is that seniors are putting off retirement until much longer, and it's time that we change the way our Nation thinks about retirement. I am excited to introduce these two pieces of legislation that will give older Americans a chance to continue working.

### BUDGET WOES

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute.)

Mr. COFFMAN of Colorado. Mr. Speaker, Congress is now 2 months late in passing a Federal budget, and the majority has shown no indication of considering one any time soon. This fiscal irresponsibility on display in Washington is affecting American citizens and further damaging our economy and job growth. In fact, we hear hints that the budget isn't late, it's actually not coming at all, and the majority may avoid considering one altogether to evade calling further attention to an addiction to reckless spending. Given that the Federal debt has gone up by nearly \$2.4 trillion since January, 2009, undoubtedly congressional Democrat leaders fear that they will soon be forced to account for their reckless spending.

America needs a pro-growth economic policy to promote job growth and business development. Instead, we

face massive deficits and excessive government bailouts. As the clock ticks on an increasingly late budget, I will continue to fight for government accountability and reform.

#### PROTECT AMERICAN JOBS

(Mr. SCHAUER asked and was given permission to address the House for 1 minute.)

Mr. SCHAUER. Mr. Speaker, yesterday I testified before the Ways and Means Committee about U.S. trade with China because I'm tired of seeing millions of American jobs lost to China because of blatantly unfair trade practices.

China is playing us for fools regarding the Government Procurement Agreement, the GPA. Upon joining WTO in 2001, China said it would sign the GPA as soon as possible; 9 years later it still hasn't happened. Since that time, we've lost 2.4 million American jobs—68,000 in Michigan, 4,700 jobs in my district alone—due to China's unfair trade.

It's time that we get tough. We need to show China that we're willing to be strong until they open their procurement markets to us. I've introduced H.R. 5312 as a way of addressing the issue, to limit the amount of U.S. Government procurement of Chinese goods to the amount of American goods purchased by the Chinese Government.

How about fairness for a change? How about no more U.S. census materials paid for by our tax dollars made by Chinese workers? Please join me in protecting American jobs.

#### DEBT AND SPENDING

(Mr. ROGERS of Alabama asked and was given permission to address the House for 1 minute.)

Mr. ROGERS of Alabama. Mr. Speaker, I want to talk about debt and spending.

This Nation today is \$13 trillion in debt, and the Democrat majority intends to spend another \$1 trillion to add to that debt limit by the end of this year; \$14 trillion of debt, that's unconscionable.

You look at the budget that's coming from this administration that was proposed this year, \$3.8 trillion, and we only have \$2.2 trillion in revenue. That's \$1.6 trillion in deficit spending, all of it on the credit card, and the credit card is maxed out.

People back home ask me, why do you keep spending? Why does the Congress keep spending like this when you don't have the money? I think there's two reasons. I think one is this Democrat majority wants to grow government as much as it can while it still has the super-majorities to do so. I think the second reason is they really want to overhaul our tax system, and they want to do that by creating an

economic crisis to justify implementing a VAT tax and reaching back to the high rates of taxation that we had back in the Carter administration.

This is unconscionable behavior, and if it doesn't make you mad, it ought to.

#### TIME TO END AMERICA'S OIL ADDICTION

(Mr. GARAMENDI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARAMENDI. It's time for America to end its addiction to oil. Our national security is at stake. We spend \$1 billion a day sending our money overseas to the oil companies, many of them owned by foreign nations, some of whom are not at all friendly to America.

I hear a lot of whining from the Republican side of the aisle about, well, we can't do that. Well, we cannot continue doing what we're doing today. We see the risks—\$20 billion worth of economy destroyed along the gulf coast. Big Oil has had its day, \$12 billion. You want to save some money on that side, let's retrieve the \$12 billion subsidy that we send to the oil industry every day.

It's time for us to move to renewables. It's time for us to protect our coasts. On the west coast, we do not want new Federal oil leases, and therefore the West Coast Oil Protection Act must be passed. No more Federal leases off the west coast. Move to renewables. Let's retrieve our \$12 billion annual subsidy that we give to Big Oil. Let's not send \$1 billion a day of our money to the foreign countries.

#### WE NEED A BUDGET

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, Americans say the growing national debt is the greatest threat to our country, according to a recent Gallup poll. Since Democrats took control of Congress in 2007, the national debt has grown by \$3.5 billion a day. Since President Obama took office, the debt has increased by \$4.8 billion a day.

To control spending and reduce the national debt, we need a responsible budget that addresses our fiscal crisis. But as American families make tough choices with their household budgets, the Democratic majority in the House has yet to even propose a national budget. If a budget is not approved this year, it will be the first time since the Budget Act became law in 1974.

Congress should listen to the American people, get government spending under control, and approve a national budget.

#### WE NEED CLEAN ENERGY

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise today after weeks of outcry for action to acknowledge that BP has caved to pressure, and to discuss yesterday's steps by BP to finally put working families and small businesses ahead of shareholders and short-term corporate profits.

Had BP acted with rigor and integrity from the beginning, we would not be forced into having this conversation right now. However, their shortsightedness has demanded a swift and aggressive response, which the President has provided.

In the short term, we must stop the oil from continuing to spill and subsequently clean up our shores, making BP pay the tab. Our energy future is bright; it is filled with diversity, with clean energy and American jobs for America's workers. Let us heed the devastating message that this disaster sends to us. Let us build the strongest, most powerful and most competitive clean energy economy in the world.

We can and we must rise to this challenge. Our children's future depends on it.

#### ISRAEL

(Mr. REICHERT asked and was given permission to address the House for 1 minute.)

Mr. REICHERT. Mr. Speaker, I rise today to voice my strong support for Israel and its right to defend herself and her people against potential terrorist threats.

As the world watched, Israel took action to prevent a flotilla from reaching the Gaza strip because Hamas terrorists could have smuggled in weapons that would be used to take the lives of innocent people.

Israel is a good friend and a true ally to America. We must not turn our back on Israel at this critical time. We must stand with them. We must support them and their right to protect and defend the safety of their people and the sovereignty of their nation.

The Israeli Government just announced the decision to appoint an independent public commission to review the circumstances surrounding the flotilla raid. This commission will be headed by a retired Israeli judge and will include two Israeli experts in international law and two high-ranking foreign observers. This action demonstrates Israel's commitment to act within the law and to hold itself accountable in good faith to the international community.

## HONORING THE LIFE OF STEWART WINSTEIN

(Mr. HARE asked and was given permission to address the House for 1 minute.)

Mr. HARE. Mr. Speaker, I rise today in sorrow at the news of the death of my friend, Stewart Winstein, from Rock Island, Illinois.

Stewart was one of the most respected and admired leaders in my community and built a strong reputation for local activism, public service, and the belief that politics could be a driving force for positive change in the lives of everyday Americans. It's a legacy that will be sorely missed in Rock Island, the city that Stewart loved and called home.

As a child of the Great Depression, Stewart and his family faced great poverty. It was a powerful influence on him and I'm sure formed much of his success as an attorney and a founding force of the Rock Island Democratic Party.

As one of the greatest advocates for working men and women that I knew, I think his legacy will be that he wanted to make sure that other families didn't have to face economic hardships that he knew too well. And as many in the Quad Cities can attest, whether it was working people or the vast number of clients he represented, it is a legacy of great success.

Stewart had a huge impact on my life. He was a valuable teacher who led by example, and I learned by witnessing firsthand the contributions he made to the Democratic Party, numerous charities and local government. Above all, I was proud to call Stewart my friend. My thoughts go out to Stewart's family, especially his beloved son, Arthur.

□ 1030

## GROWING DEMOCRATS' PROGRAMS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, the dire warnings of economists and the vivid lessons of Greece and of other debt-burdened European countries which are collapsing under their cradle-to-grave welfare systems have done nothing to restrain the Democrats in Washington. They have failed to heed the warnings from abroad, and they continue to simply declare their out-of-control spending as emergency spending to try to cover up their fiscal irresponsibility.

As a constitutional conservative with grave concerns about the Democrats' out-of-control spending, I support a different plan. I say balance the budget; cut the deficit; pay down the debt; fire the czars; and grow the economy.

With President Obama in control, the term "GDP" has taken on a whole new

meaning—growing Democrats' programs.

## JOSH CONFERENCE

(Mr. BOYD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOYD. Mr. Speaker, we are 2 weeks into the hurricane season, and already the first tropical depression has formed in the Atlantic. If one of these storms were to strike the Gulf of Mexico, with millions of barrels of oil on top, the results would be disastrous to the communities along the gulf.

To make sure our region is prepared to deal with the effects that a hurricane or a tropical storm could have, this past Monday I held a joint oil spill-hurricane planning conference in Bay County, Florida. The conference brought together representatives from Federal and State emergency response agencies, and it brought together military leaders and key local stakeholders to discuss the hazards associated with a hurricane's impact on the oil spill and to discuss the threats posed to our area by having oil propelled inland.

Working together, we identified several planning and action items that need to be taken to better brace for the effects that a storm would have on our communities now that there is oil in the Gulf of Mexico. I plan to deliver these action items to the President and to urge him to incorporate these recommendations into a Federal hurricane preparedness and response plan so that our communities and people can be better protected.

North Florida is already feeling the significant economic and environmental distress from the BP oil spill. It is our responsibility to take steps to safeguard our region.

## PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5297, SMALL BUSINESS JOBS AND CREDIT ACT OF 2010

Mr. PERLMUTTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1448 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 1448

*Resolved*, That during further consideration of the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes, pursuant to House Resolution 1436, it shall be in order to consider the amendments printed in the report of the Committee on Rules accompanying this resolution as though they were the last two amendments printed in part C of House Report 111-506.

The SPEAKER pro tempore (Mr. PAS-TOR of Arizona). The gentleman from Colorado is recognized for 1 hour.

Mr. PERLMUTTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my colleague, the gentlewoman from North Carolina (Ms. FOXX). All time yielded during consideration of the rule is for debate only.

## GENERAL LEAVE

Mr. PERLMUTTER. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1448.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. PERLMUTTER. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1448 is a structured rule, providing for further consideration of H.R. 5297, the Small Business Lending Fund Act. It provides for the consideration of two amendments which were initially cleared as PAYGO-compliant but which were subsequently deemed to violate PAYGO after the first rule was adopted. These amendments have been revised to comply with PAYGO rules, and this rule treats them as part of yesterday's rule.

Mr. Speaker, in 2008, after years of lax regulation and Wall Street roulette, our Nation's economy fell off a cliff. Within a matter of months, many Wall Street giants fell, and they took the livelihoods of thousands of small businesses with them. Since that time, we have taken bold action to stabilize the economy, to invest in economic growth, and we are in the process of putting in place new rules to protect against the casino-like atmosphere that existed on Wall Street.

Yet for small businesses, they are still feeling the pinch. Accessing capital to build, to grow, to diversify, and to hire new employees remains a pressing challenge. In September of 2008, there was an earthquake on Wall Street, and the aftershocks are still being felt on Main Street. The purpose of this bill is to help those small businesses deal with the aftershocks of that credit crunch from a year and a half ago.

The underlying bill, the Small Business Lending Fund Act, establishes a process for community banks to lend responsibly to small businesses. Because of a mistake, two of my colleagues, Representative SCHRADER and Representative MILLER, were precluded from offering their amendments as reported in yesterday's rule. This rule merely allows for the consideration of their modified amendments so we can perfect this legislation and get our Nation's small businesses back to work.

I reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume, and I thank my colleague for yielding time.

Mr. Speaker, just 2 days ago, I came before this body in opposition to a rule

providing for the consideration of H.R. 5297, a bill affectionately known as "TARP III." At that time, I expressed concern over the cost of this bill and over the ruling Democrats' lack of ability to run this House in an orderly fashion. My presence here today is testament to these concerns.

If the process for considering this legislation and accompanying amendments had been more thoroughly vetted, we could have avoided meeting today altogether, but apparently, in their zeal to add to the budget-busting TARP III legislation, some flawed amendments were found to violate the Democrats' cherished PAYGO rules.

Yesterday, it was discovered that two amendments—Miller No. 46 and Schrader No. 14—were not PAYGO-compliant. H.R. 5297 is being paid for with the savings in H.R. 5486, but due to the timetables used for those savings, the amendments failed to meet the first 5-year window of PAYGO. The rule did not contain any PAYGO waivers. Therefore, the amendments now need to either be redrafted or they need to have the PAYGO rules waived.

Despite the pledge made in a document entitled, "A New Direction for America," when then-Minority Leader PELOSI promised "bills should generally come to the floor under a procedure that allows open, full and fair debate, consisting of a full amendment process that grants the minority the right to offer its alternatives," it's worth mentioning that there were 57 amendments submitted to the Rules Committee for H.R. 5297. Of those, 37 were Democrat; 17 were Republican, and three were bipartisan. Of those 57 submitted, there were 17 amendments made in order, only one of which was Republican.

Therefore, I recommend voting against this rule, not only in opposition to the underlying legislation, but also in protest of the partisan process for which it is being considered.

Mr. Speaker, while the ruling Democrats claim the underlying TARP III bill is about helping small businesses, it is really just another bank bailout. The bill is intended to give the appearance that they're doing something. It appears the ruling liberal Democrat regime has completely given up on even trying to pretend they are capable of budgeting or of even governing this country. Certainly, the ruling Democrats would be better served on focusing on passing a budget than on considering the bill before us today.

So what is the next step for the Democrats?

In an apparent effort to help shield their vulnerable Members from having to endure their unconscionable approach to budgeting during an election year, the ruling Democrats are now planning to forgo the annual congressional budget process altogether, this during a time when voters are looking

for real solutions and accountability. How is that for leadership?

Mr. Speaker, I reserve the balance of my time.

Mr. PERLMUTTER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to the Republican whip, the distinguished gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentlewoman for yielding.

Mr. Speaker, the YouCut program continues to pick up steam across the country as the American people reject the spend now-pay later philosophy that has long dominated Washington.

This week's YouCut winner was developed by my colleague, the gentleman from Utah (Mr. CHAFFETZ). It would amend Federal law to allow for the expedited sale of wasteful and unaffordable Federal properties, saving taxpayers up to \$15 billion. President Obama, himself, in a directive released the day after Mr. CHAFFETZ's YouCut proposal was unveiled, indicated his support for selling unneeded properties.

Today, my colleagues on our side of the aisle join together and call upon the House to support this easy, straightforward way to reduce spending.

Let us remember then-Senator Obama's 2006 words of support for removing barriers to the disposal of excess Federal property. He said, Regardless of what side of the aisle we sit on, we all agree we are in dire financial straits, and we need to manage our assets in the most cost-effective way possible to close the gap.

Mr. Speaker, America is at a crossroads. It is time for us all to act together in a bipartisan fashion to stop the runaway spending and to get our fiscal house in order. I urge the body to defeat the motion of the previous question so that we can actually begin to change the culture here in Washington against the runaway spending.

Mr. PERLMUTTER. Mr. Speaker, I appreciate the comments of the whip, but I think what we've got to do is to just talk about reality here.

The reality is, when George Bush left office in January of 2009, this country was losing 780,000 jobs per month. Last month, we gained 400,000 jobs. That's a swing of over 1.1 million jobs per month. Yet, on top of that, not only did the Bush administration leave this country in a terrible lurch with jobs; it left this country with a terrible lurch and with a terrible deficit of \$1.3 trillion.

The Republicans would have America have mass amnesia, to forget where we were. In 2007, we spent \$141 billion in Iraq. Today, they're telling us, Hey, let's sell off part of the country to pay our debts. We were spending \$141 billion in Iraq and not paying for it. This year, we're going to draw that down to

\$65 billion. Republicans would have us forget.

Let's talk real money. I agree: we should never be wasting money in this country. Every dollar should be worthwhile and real, but we're going to spend \$77 billion less in Iraq than under George Bush and at the end of the Republican rule of Congress.

So here we've improved employment by some 1.1 million jobs per month. We were left with a terrible deficit by President Bush of \$1.3 trillion. We are drawing down Iraq and are saving real money. Then they come up with an advertising program of YouCut to sell assets of this country.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, all of my colleagues from across the aisle always fail to mention that, in the last 2 years of the Bush administration, Democrats were in charge of Congress. The President can't spend any money. Only the Congress can spend money. So they conveniently leave out the fact that, when they took over Congress, our economy was doing great, absolutely great. From the moment they took over Congress in January of 2007, things started going downhill. The \$1.3 trillion deficit came about as a result of the spending, spending, spending by our colleagues from across the aisle. They've lost touch with the real world.

□ 1045

The other thing my colleague points out is 400,000 jobs were created last month. He fails to mention that almost all of those jobs were created by the census hiring temporary people who will no longer be employed after the end of this year. So they're government jobs.

The American people are seeing through these tales they're being told by our colleagues across the aisle of how wonderful they have made the economy. They know that we have a 9.7 percent unemployment rate. They know that the deficit for the Republican-led Congress from 1996 to 2007 was only \$1.2 trillion in 12 years. This Democrat Congress racked up in 2 years a \$3.2 trillion deficit. My goodness. The American people, again, can see through this, Mr. Speaker. They're not going to be fooled by this rhetoric.

With that, I yield 3 minutes to my colleague from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. As Members of Congress, our constitutional mandate is to be responsible stewards of the taxpayer dollars and assets. With the debt at \$13 trillion and counting, this House and government have failed miserably in the task. During times of fiscal uncertainty, savvy businesses identify excess and underperforming assets and eliminate them. Our government must do the same. The American people agree.

This week's winning YouCut proposal would incentivize Federal agencies to identify and eliminate underutilized

Federal buildings and structures. According to OMB Director Peter Orszag, the Federal Government has 69,000 buildings and structures that meet this criteria. The total value of this excess property is nearly \$19 billion. The one-time sale of these properties would generate substantial revenues to fill short-term budget gaps. The long-term savings would have a more substantial impact. A leaner real estate portfolio would allow the Federal bureaucracy to function effectively and efficiently, and most importantly, the taxpayers will no longer be on the hook for underused, sometimes vacant Federal properties.

Current law prohibits the disposing of wasted property and cashing in on the savings. Most surplus property must be offered—often at no cost—to other government agencies, to State and local governments, to nonprofit organizations and others. Only at the end of this process is property offered at a competitive public sale. Federal taxpayers have missed opportunities to generate revenue and to reduce the deficit. For example, the Federal Government has conveyed, at no cost, a building in Los Angeles for a mob museum. A mob museum. Land in Massachusetts was conveyed for a public high school, where tuition is over \$29,000 a year. And a building in Florida the Federal Government now leases back at a cost of over \$100,000 a year.

The proposal would direct OMB to sell these properties and transfer 80 percent of the proceeds to reduce the Federal debt. This would result in approximately \$15 billion in debt reduction. The remaining 20 percent of the proceeds would act as an incentive to agencies to quickly dispose of the excess property.

Even President Obama is starting to appreciate the need. On June 10, he issued a Presidential memorandum to department heads directing them to “accelerate efforts to identify and eliminate excess properties.” He went on to say, “Both taxpayer dollars and energy resources are being wasted to maintain these excess assets.” We seem to be in agreement with the President. We urge the Democrats to join us.

Today, Congress can carry out the wishes of the American people, can support the President's effort to trim the Federal portfolio and take significant steps in getting our fiscal house back in order. I urge my colleagues to support this proposal. It's just common sense.

Mr. PERLMUTTER. I would remind the Speaker and others that we're here on the small business lending bill, not on Mr. CHAFFETZ's proposal or any proposal like that. It may have merit at another time when that bill, itself, is brought forward, but we're here to talk about the small business lending bill, which provides community banks, smaller banks with funds to make cred-

it available to the small businesses on Main Street that were hurt by the crash on Wall Street. So I would just remind the Speaker as to what this bill, the underlying bill, is.

With that, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I think perhaps my colleague across the aisle needs to be reminded we're actually here to debate because of two amendments that violate their vaunted PAYGO, which means we are talking about the deficit and we are talking about the sorry economy that the Democrats have brought to this country.

Now I yield 4 minutes to my colleague from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. I thank the gentlewoman from North Carolina for yielding me this time.

We have been told that this is the time the majority wanted us to discuss this proposal by the gentleman from Utah (Mr. CHAFFETZ), and so that's why we're doing this at this time.

And I want, first of all, to commend Mr. CHAFFETZ for his proposal, which would save taxpayer money and which would potentially help cut into the huge deficit, the huge debt that we have, in a very significant way. As he mentioned, we have a national debt of over \$13 trillion now. The Congress recently voted to raise the debt limit to \$14.3 trillion. That's an incomprehensible figure. But what it means is that in a few short years we're not going to be able to pay all of our Social Security, veterans' pensions, and civil service pensions and all of the things we promised our own people with money that will buy anything. The Congress in those years will not politically be able to come in and cut the benefits, but they'll just print more money. And then people will find that their pensions that they were counting on will buy a third or a half of what they expect.

This is an issue that I have been interested in for quite some time, when I found out as far back as 1999 that the Bureau of Land Management had identified 3 million acres that they did not want because it was difficult to manage, inaccessible, unnecessary, and expensive. And so I introduced legislation in both the 106th and 107th Congresses to dispose of some of this property to gain some money for the Federal Government.

The Federal Government today owns approximately 30 percent of the land in this country. State and local governments and quasi-governmental agencies own or control another 20 percent. So, in other words, you have half the land in some type of public ownership. Yet we keep taking more and more, a few million more acres each year off of the tax rolls. At the same time that the schools and the police and everybody come to us wanting more money, we keep decreasing the tax rolls.

It sounds great for a politician to create a park, but we've created so many parks now at the Federal, State, and local levels that we can't even begin to get the use out of them to justify these parks unless our people somehow find a way to go on permanent vacations. And then, USA Today reported that there are 1,667 land trusts and there are 1,400 nature conservancies, all taking over more and more land, so much that USA Today on its front page reported that they're taking over approximately 6.2 million acres a year, equivalent to half the size of the State of New Jersey each year, adding to—constantly adding to that hundreds of millions of acres that are already under some type of Federal, State, or local ownership, decreasing the tax rolls.

I introduced a bill with my colleague from the other side, DENNIS MOORE, in the last Congress, called the Federal Real Property Disposal Enhancement Act. The Office of Management and Budget had found 21,000 Federal properties that the Federal Government no longer wanted worth \$18 billion, and \$9 billion of those were real property assets that the Federal Government wanted to dispose of. But it's so complicated and so bureaucratic to dispose of it at this present time that it's cheaper for these agencies to keep this property that they're not even using.

Jim Nussle, the Director of the Office of Management and Budget at that time, in the last Congress, recently sent me a letter and endorsed the bill that I had introduced in the Congress and that Senator TOM CARPER, a Democrat from Delaware, and Senator TOM COBURN had introduced in the Senate. The goal of the OMB was to dispose of \$9 billion in unneeded real property.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman 30 additional seconds.

Mr. DUNCAN. Director Nussle wrote at the time I introduced that bill with Congressman MOORE, he said, “To reach this objective, I believe we must improve and streamline the current process that Federal agencies face in disposing of real property assets. Therefore, I applaud your introduction of H.R. 3049, which would establish a 5-year pilot program for expediting the disposal of properties no longer needed by the Federal Government.”

We've got to wake up, Mr. Speaker, and realize that private property is a foundation of our freedom and our prosperity. Yet we're slowing doing away with it in this country, and we need to reverse this trend. And this action by Mr. CHAFFETZ will help start that process and save taxpayer money.

Mr. PERLMUTTER. Mr. Speaker, I would just quote from a letter we received from the Independent Community Bankers of America: On behalf of the 5,000 members of the Independent

Community Bankers of America, we strongly support passage of the proposed Small Business Lending Fund Act of 2010.

We're here on the rule to allow for that bill to go forward, and I would like to remind the Speaker and others that that's the purpose of the hearing today.

With that, I yield 3 minutes to my friend from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. I thank my friend from Colorado for yielding.

I remember back in the movie, "The American President," there's one scene where Michael Douglas' character is being criticized by one of his staff members, and he says, Is the view pretty good from the cheap seats?

I have to sit here and say, my colleagues, the view is pretty good from the cheap seats. Because if you think back upon what we inherited, those of us who are now trying to pull that car out of the ditch, which is also the economy, and try to improve things for the American people, how deep in that ditch it was. And we're talking about 700,000 jobs lost per month. We're talking about an inherited projected deficit of \$10 trillion. That's what the Obama administration and this Congress has been trying to repair.

Now, what has been the response from our colleagues on the other side? It has been solely, Well, this isn't a good idea; this isn't a good idea; this isn't a good idea. We're spending too much money. Blah, blah, blah. Let's cut taxes. Well, we tried that. Been there, done that, and that's what brought us to the ditch.

Now what have we done in this Congress? What have we done to take that car out of the ditch and get it back on the road? We have taken, by every measure possible. We passed the American Recovery and Reinvestment Act. We put \$300 billion back in the hands of the American taxpayers. That's something that our colleagues on the other side neglect to mention, that that money—most of that money, or 40 percent of the so-called stimulus package, went back to the American taxpayers to spend.

I have the privilege of cochairing the Congressional Task Force on American Competitiveness. Two days ago, we had a forum here. We have had people from companies as large as General Electric and Ford to very small startups. Without an exception, every one of those businesspeople said that we would be in such worse shape were it not for the American Recovery and Reinvestment Act. You can imagine all of the progress or much of the progress they had made in sustaining or growing their businesses was attributable to support given through the American Recovery and Reinvestment Act and that the government has to continue to play a role.

One reason they said was very interesting. In the global economy, we are

not necessarily competing in a free market atmosphere. We're competing with a lot of State-supported industry. So, for instance, when General Electric, which is bringing back 400 jobs from China to my district to build an energy-efficient hybrid water heater, they did it because support through the Recovery Act enabled them to make that difference that they were trying to balance—the economics—because of a State-supported system in China. The support they got through the Recovery and Reinvestment Act made up that difference and now they are bringing 400 jobs back.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PERLMUTTER. I yield 1 additional minute to the gentleman.

Mr. YARMUTH. They are bringing back 400 jobs. They are planning to bring back more jobs, again, because of the government's help. Now, as I said at the outset, there are two ways to approach this decline. We can say the government has no role. We can say all the government should do is get out of the way and the private forces will recover the economy. As I said, been there, done that. It hasn't worked.

The steps that we have taken, the steps that we propose to take in this Small Business Act, the subject of this rule, are steps that we believe are worth trying, that will be an affirmative effort to grow jobs in the small business segment of the economy to make capital available, to provide tax incentives—yes, to my friends on the other side, tax incentives—to motivate small business operators to grow their businesses, to start new businesses. These are the steps that this Congress and this administration are taking to grow the economy. It is better than sitting in the cheap seats and saying we want to go back to the agenda that put us in the ditch.

□ 1100

Ms. FOXX. Mr. Speaker, you know, the gentleman from Colorado reminds us to stay on the topic, but then he yields to someone who spends most of his time blaming a person who is not even any longer in office. That is the theme of our colleagues across the aisle. No sense of responsibility or accountability on their part.

They passed the disastrous stimulus, which all it did was put us deeper into debt. It hasn't done anything to help the economy. They talk about more government control. Well, what about the MMS department? They were the ones who were supposed to be checking out whether what BP was doing was okay. They signed off on all the permits and let them drill. That's what growing the government does for us.

Now, Mr. Speaker, I yield 1 minute to my colleague from Kansas (Ms. JENKINS).

Ms. JENKINS. Mr. Speaker, the U.S. has lived beyond its means for too

long, and it will take commonsense ideas to restore responsible spending in Washington. But we can start by identifying what we need to fulfill the duties of the Federal Government and eliminate everything else.

The Federal Government is the largest property owner in the U.S. According to the OMB, we have \$18 billion in assets that we do not need. Rather than selling unnecessary assets, like the American people do to live within their means, the Federal Government gives property free of charge to other government entities and nonprofits, including a building in Las Vegas to use as a mob museum.

The American people have spoken. We cannot continue ignoring our debt. I urge my colleagues to stand with the folks at home to use common sense and vote to sell excess Federal property and take a necessary step toward a sustainable future.

Mr. PERLMUTTER. I remind my friend from Kansas that when you cut taxes for the wealthiest people in America, you prosecute two wars without paying for them, and you fail to police Wall Street so that it becomes a big casino and results in a crash leaving this country in terrible debt, and you turn a budget upside down, those are the policies that bring a country and bring small businesses to their knees. The country, because of various steps taken, has come out of the terrible dip of the last months of the Bush administration to where we're adding jobs.

We have a long way to go. We lost millions of jobs, and many small businesses were hurt in the process. The purpose of the bill that is to be voted on today is about providing funding to smaller banks so that small business will have credit, and people will get back to work. Providing a platform for small business to really get back on its feet and put the people back to work, so many of whom lost their jobs in this recession that was caused by the tax cuts, the two wars without payment, and failing to police Wall Street.

With that, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, every time my colleague wants to blame the economy on the former President, I'm going to remind him that the Democrats were in control of this Congress the last 2 years that President Bush was in office. You can talk all you want to about what the job numbers were in the last month of the Bush administration. The Democrats were in control of Congress, and they caused the problem.

I now yield 4 minutes to my distinguished colleague, my eloquent colleague, from Texas (Mr. GOHMERT).

Mr. GOHMERT. When we talk about Wall Street, one of the things that really gets me is, if you look at the numbers and why there wasn't more reform of Wall Street, what we find out

is that actually both to the Obama campaign running for President and to our friends across the aisle, the executives on Wall Street, despite what sometimes seems the conventional wisdom, the executives on Wall Street give to the Democrats and to the Obama campaign four to one over Republicans. It's an amazing thing to see. And if you look at that, then you begin to understand a little better why there may be games being played, but there was no real reform of Wall Street that was going on.

And that also brings up the issue of British Petroleum. Some might wonder, why in the world would the President of the United States wait all these weeks—week after week after week after week—to even meet with British Petroleum, to even call them down. Well, they've gotten pretty rough on them here lately in talking. But actually, it turns out the more you dig—it's kind of like Wall Street—it turns out British Petroleum was this administration's greatest ally in fighting what was an invented problem: Global warming. It turns out the planet may have been cooling in the last few years. The snow down in South Africa recently points toward that as well.

But British Petroleum was meeting with Senator KERRY, and they were pushing this global warming bill. They needed an oil company to help get this ridiculous bill that was being pushed, the so-called energy bill, they needed an oil company to give them credibility. So, of course, they didn't want to come down on them. Of course, they want to talk about Wall Street and getting tough on the fat cats, but as far as doing anything, it's just talk. That's why Goldman Sachs had their biggest profit in their whole company's history last year as the Democrats controlled the House, the Senate and the White House. And I'm trying to dig. We found some contracts, but I would like to know just how much of that was government money coming from this Congress and this administration into the coffers still of Goldman Sachs. It's still flowing there. And the contracts indicate that.

As far as the oil spill, you've got companies and countries around the world willing to help. President Bush, for all the criticism, actually within 3 days of the Katrina hurricane, had suspended the Jones Act so foreign countries could send ships and send help and go ahead and give us all the assistance they could. This administration still has not suspended the Jones Act. We had the Netherlands within days—man, they know something about building barrier islands and dikes and things like that. This administration said, Oh, no. We don't want that, allowing millions and millions and millions of dollars to pile up. And then you look in a little deeper, and you find out, Oh, gee.

After the President said that about the cozy relationship that existed between big oil and the regulators, it turns out the very person that we were told by the Inspector General who knew the most about that price adjustment language being pulled out of offshore leases in 1998–1999 left the Clinton administration when they went out; so they couldn't really talk to them to investigate what had happened. It turns out, she works now with the Department of the Interior, with the Minerals Management. Go figure.

There is a mess going on. There are a lot of things we can do to quit killing jobs. Those 700,000 jobs were being lost when the Democrats had this majority, and compassion does not equal giving away money.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PERLMUTTER. Mr. Speaker, how much time does each side have?

The SPEAKER pro tempore. The gentleman from Colorado has 19 minutes. The gentleman from North Carolina has 8½ minutes.

Mr. PERLMUTTER. I would ask my friend from North Carolina how many more speakers she may have.

Ms. FOXX. We have at least two more speakers, Mr. Speaker.

Mr. PERLMUTTER. I just would say, again, reading from the letter from the Independent Community Bankers of America. The Act, which is the Small Business Lending Fund Act, the Act would offer capital to interested community banks to increase small business credit. We urge the House to pass this legislation. The Nation's 8,000-strong community banks are well positioned to leverage this fund and have established relationships with small businesses in their communities to get credit flowing. On down it says, Notably, leveraging the \$30 billion funds with community banks would potentially support many times that amount in loan volume to small businesses, as much as \$300 billion in additional lending.

By reducing the dividend costs on the capital investment as lending increases, this program helps to ensure more community banks have both the incentive and greater capacity to increase total loans to small businesses. That's the purpose of this rule, to pass the underlying bill, which is to increase credit to small businesses and get them back on their feet and help continue to add jobs, as we have over the course of the last 14 or 15 months. When we were at the very depth of the recession, in January 2009, the last month of the Bush administration, losing 780,000 jobs; in April, where we gained 290,000 jobs; in May, 400,000 jobs. That's what this is about, putting people back to work, getting this country back on a strong financial footing.

With that, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I now yield 3 minutes to my distinguished colleague from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, I appreciate the gentlelady from North Carolina yielding me the time.

We are here today to talk about a rule that would qualify certain amendments to solve a procedural problem, a mistake that the majority party made here. But why not use this rule as an opportunity to something really more, to help solve and resolve ongoing problems. One could look at the far map that I have of the United States over there. Everything that is in red is land and property owned by the Federal Government. Ronald Reagan looked at that and said, You never see something like that this side of the old Soviet Union. Think about that. One out of every three acres of this country is owned and controlled by the Federal Government. And I hate to say this, but in 2007, OMB did a study and said that, of that, \$18 billion worth of that property is excess. It is useless. It is needless.

This year, Peter Orszag updated that report and said there are 14,000 buildings that the Federal Government owns that are excess, and 55,000 buildings that are underutilized and not necessary. When I first came here, The Washington Post did an editorial that said, Until the District of Columbia can get hold of all the excess land and buildings owned by the Federal Government and put those to economic use, the economy of Washington, D.C., would never grow.

Those of us in the West have been saying that for a long time. In fact, this year, I introduced two land transfer bills. In each bill, both the Forest Service and the BLM as well as the Army Corps of Engineers owned land that they did not use, they did not need, they didn't even know about it. One parcel of land was sold to the Federal Government in the 1940s for \$1, and the Forest Service did not know they had that land.

The local officials understood that this land is useless, and these buildings are useless, and thus, they are put to some kind of profitable need. The D.C. bureaucrats, though, said their policy is no net loss of land or real estate. In fact, the only way they will give up something is if they get more in return. That is pure insanity. Use this rule to go against the excesses of land and the excess buildings that we have so that we can send a true message to the business community and the money lenders who have money to invest in this economy that we really are serious about the debt by taking all of the excess and using it to pay down the debt, that we are serious about building a business climate here that will encourage people to invest in this company, and do that first by saying, We will retire our excess property and use

it to build down and take down this debt.

Mr. PERLMUTTER. I, again, remind everyone that the rule and the bill are about small business lending. Again, I would refer to the letter from the independent community bankers. ICBA believes the proposed Small Business Lending Fund Act supports their recommendations, and this fresh program approach will attract a broader spectrum of community banks to boost small business lending and job growth. We applaud the new program focused on getting funds to Main Street's small businesses using Main Street community banks.

We're here to try to get money to small businesses throughout the country using the smaller community banks, regional banks. The purpose is to get them back on their feet, get them growing. We're not here to talk about selling off assets of America. We're here to talk about getting small businesses back on their feet.

With that, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I now yield 2 minutes to our distinguished colleague from Georgia, Dr. PRICE.

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Mr. PRICE of Georgia. Mr. Speaker, I thank the gentlelady for yielding and for her leadership on issues of the utmost importance to the American people.

My friend says we are not here to talk about the debt that has been created in this Nation; we are here to talk about money. We are here to talk about the taxpayers' money. And this bill, this underlying bill that is being discussed right now spends another \$33 billion. That is right, Mr. Speaker, another \$33 billion of hard-earned money from the American taxpayer. But it can't come from the American taxpayer, because we have so much deficit right now. So it needs to come from where, China or Japan.

Mr. Speaker, the American people are sick and tired of what is going on here in Washington. Just this week the American people said in a survey that the greatest threat to this Nation, which they believe had been terrorism, is now debt. Debt. What they are saying to us is stop the madness. So what the Republicans have done, in an attempt to be fiscally responsible and try to encourage our colleagues on the other side of the aisle to stop the madness, is to institute the YouCut program.

It is at [republicanwhip.house.gov/YouCut](http://republicanwhip.house.gov/YouCut), and this week's winner, these are the American people going to this Web site saying stop the madness, cut in this area, this week's winner will save \$15 billion by selling excess Federal property, property that is not being used right now, sell it for \$15 billion.

Every single week we try to identify those programs, those areas of the Federal Government that are recklessly spending the hard-earned taxpayers' money. And this week, there are five more new nominees that will be announced.

Mr. Speaker, I encourage my colleagues to go to the Web site, [republicanwhip.house.gov/YouCut](http://republicanwhip.house.gov/YouCut), and vote for whether or not they want to prohibit hiring of new IRS agents to enforce the new health care law, saving \$10 billion, whether they want to terminate exchanges in the Whaling and Trading Partners program, another \$90 million in savings.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman an additional minute.

Mr. PRICE of Georgia. Or you vote to terminate taxpayer-subsidized political party conventions. That is right, Mr. Speaker, we spend tens of millions of dollars paying for Democrat and Republican party conventions. That is crazy.

Or you could vote to require collection of unpaid taxes from Federal employees, a billion dollars we could save there; or to terminate the funding for the NDIC, \$440 million.

Mr. Speaker, this debate is not just about whether or not we are acting responsibly here. It is what we are doing with the hard-earned taxpayer money. We are talking about money here, and this bill that you are talking about spends an extra \$33 billion that we do not have. In fact, there is money appropriated already through the TARP program, over \$500 billion of money available. You could use some of that if you wanted to be fiscally responsible. But, Mr. Speaker, we have seen that kind of leadership out of the majority party.

Mr. Speaker, the YouCut program allows the American people to assist in those things that they believe are wasteful in our Federal Government. This bill is an opportunity through the PC to be able to cut the excess Federal property.

Mr. PERLMUTTER. I would remind my friend, at the height of the Iraq war we spend \$141 billion, as we draw troops down to \$65 billion, a savings of \$76 billion a year. That is money. These things we can find other places to save where there is wasteful spending, \$76 billion in Iraq. That is what this Congress is finding. That is what this President has found. Instead of going into war and not paying for it, \$76 billion.

Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Mr. Speaker, I thank the gentleman from Colorado.

I know the American people who are watching this must have their heads spinning because all we have heard for a year and a half now from our col-

leagues on the other side was TARP was a disastrous program; TARP is a disastrous program. They are running ads against us in our districts about how horrible TARP was: so and so voted for TARP. And yet here we have someone who is advocating that we take money from TARP and give it to small businesses. I actually think that is a good idea. I am for that.

But I want to clarify something because he is misstating the impact of the underlying bill. This bill does not add anything to the deficit. This bill is paid for, and the \$30 billion in loan facilities that we are actually making available to small banks throughout the country actually generates a surplus for the Treasury. That is a profit maker for the Treasury. There is no cost unless the money is actually borrowed. And if it is borrowed and paid back with interest, then the taxpayers actually benefit.

So it is one thing to talk about deficits and argue about who is responsible and so forth, but to actually misstate the actual facts about the underlying bill here is a little bit disingenuous.

I would like to make one more comment. My friend from North Carolina mentioned earlier, you keep blaming the former President. No, we actually keep blaming the former 12 years of Republican control of the Congress because that is the period of time in which the really disastrous policies for the economy were implemented and were approved: the two tax cuts that mostly went to wealthiest Americans; the \$7 trillion projected debt because of the unfunded prescription drug plan; and, of course, the war funding.

I know that the President, President Bush, dealt for 2 years with a Democratic Congress. We did have control of the Congress, but we sure didn't have a veto-proof Congress. And every time we wanted to implement a policy or change the President's budget, he threatened a veto. So, yes, we did have control of the Congress, but we didn't have control of the Nation's economy. But for 12 years, the Republican Congress did. For 6 years of that, they had control of all three branches of government. That is when the true damage was done.

We have an important piece of legislation that will help small businesses create jobs.

Ms. FOXX. Mr. Speaker, I yield myself 1 minute.

You know, my colleagues across the aisle talk about trying to create jobs. I will point out to my colleague that trying isn't doing it. What happens is you pass the stimulus to create jobs, omnibus appropriations to create jobs, auto bailouts to create jobs, health care, cap-and-trade, all of those things to create jobs. You are trying, but you are not doing. What you are doing is you are creating government jobs.

This is the chart that the American people want to look at: how many government jobs you are creating. You have also created a deficit in 2 years three times the size of the deficit that Republicans created in 12 years. You are so selective in how you talk about history. Clinton was President for part of that time. You say he had a surplus at the end of his term; but you never give Republicans credit for that. But then you talk about our being in charge of the Congress. You know, you are very selective with your statistics. But you have tried and you've failed. You have not created jobs.

I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. PERLMUTTER. I want to make sure that the record is clear that the amendments that are presented in today's rule are in full compliance with the PAYGO rule, and that is why we are proceeding with this second rule.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I ask unanimous consent that the text of the amendment and extraneous material be printed in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield myself the balance of my time to close.

I'm going to urge my colleagues to vote "no" on the previous question so that I can amend the rule to allow all Members of Congress the opportunity to vote to cut spending. Republican Whip ERIC CANTOR really launched the YouCut initiative which gives people an opportunity to vote for Federal spending they would like to see Congress cut. Hundreds of thousands of Americans have cast their votes, and this week they have directed their Representatives in Congress to consider H.R. 5535.

According to the Republican whip YouCut Web site: "The Office of Management and Budget estimated in 2007 that the Federal Government is holding \$18 billion in real property it does not need. Rather than selling this property, however, Federal law usually requires that it first be offered, often at no cost, to other government agencies, to State and local governments, to nonprofits, and others. The Federal Government has conveyed at no cost: a building in Las Vegas that is intended to house the mob museum; land in Massachusetts for a private high school where tuition is over \$29,000 a year; and a building in Florida that the Federal Government now leases back at a cost of over \$100,000 a year. This proposal would amend Federal law to require an expedited process for selling unneeded

Federal property with 80 percent of the proceeds used to reduce the deficit."

In order to provide for consideration of this commonsense legislation, I urge my colleagues to vote "no" on the previous question and "no" on the rule.

I yield back the balance of my time.

Mr. PERLMUTTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, small businesses cannot grow if credit is not available to them. Over the course of the last year and a half, credit has tightened substantially. This bill provides for a loan fund to small community banks and regional banks so that they can work with their small businesses throughout the country. This is not focused on Wall Street, but is focused on Main Street so we can get small businesses really back strong and prosperous and hiring people back so that this country is on a full and vibrant financial footing.

I would just remind the Speaker, we have strong support from a whole variety of organizations with respect to the bill: the National Small Business Association, the Small Business Majority, the National Association of Realtors, the Independent Community Bankers of America, the American Bankers Association, and a number of other organizations.

Our Nation's small businesses have waited long enough for much-needed capital, so we won't make them wait any longer. This credit crunch has taken its toll, but now it is time to focus on Main Street.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Ms. FOXX is as follows:

#### AMENDMENT TO H. RES. 1448

OFFERED BY MS. FOXX OF NORTH CAROLINA

At the end of the resolution add the following new section:

SEC. 2. Immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole house on the state of the Union for consideration of the bill (H.R. 5535) to establish a pilot program for the expedited disposal of Federal real property. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be

considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill. Clause 1(e) of rule XIX shall not apply to the consideration of H.R. 5535.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

#### THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from *Congressional Quarterly's* "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee

on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. PERLMUTTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 1448, if ordered; and the motion to suspend the rules and adopt House Resolution 1429.

The vote was taken by electronic device, and there were—yeas 241, nays 179, not voting 12, as follows:

[Roll No. 368]

YEAS—241

Ackerman	Crowley	Himes
Adler (NJ)	Cuellar	Hinchey
Altmore	Cummings	Hinojosa
Andrews	Davis (AL)	Hirono
Arcuri	Davis (CA)	Hodes
Baca	Davis (IL)	Holden
Baird	Davis (TN)	Holt
Baldwin	DeFazio	Honda
Barrow	DeGette	Hoyer
Bean	Delahunt	Inslee
Becerra	DeLauro	Israel
Berkley	Deutch	Jackson (IL)
Berman	Dicks	Jackson Lee
Berry	Dingell	(TX)
Bishop (GA)	Doggett	Johnson (GA)
Bishop (NY)	Donnelly (IN)	Johnson, E. B.
Blumenauer	Doyle	Kagen
Bocieri	Driehaus	Kanjorski
Boren	Edwards (MD)	Kaptur
Boswell	Edwards (TX)	Kennedy
Boucher	Ellison	Kildee
Boyd	Ellsworth	Kilpatrick (MI)
Brady (PA)	Engel	Kilroy
Braley (IA)	Eshoo	Kind
Brown, Corrine	Etheridge	Kissell
Butterfield	Farr	Klein (FL)
Capps	Fattah	Kosmas
Capuano	Filner	Kucinich
Cardoza	Foster	Langevin
Carnahan	Frank (MA)	Larsen (WA)
Carney	Fudge	Larson (CT)
Carson (IN)	Garamendi	Lee (CA)
Castor (FL)	Gonzalez	Levin
Chandler	Gordon (TN)	Lewis (GA)
Chu	Grayson	Lipinski
Clarke	Green, Al	Loebsack
Clay	Green, Gene	Lofgren, Zoe
Cleaver	Grijalva	Lowe
Clyburn	Hall (NY)	Lujan
Cohen	Halvorson	Lynch
Connolly (VA)	Hare	Maffei
Conyers	Harman	Maloney
Cooper	Hastings (FL)	Markey (CO)
Costa	Heinrich	Markey (MA)
Costello	Herseeth Sandlin	Marshall
Courtney	Higgins	Matheson
Critz	Hill	Matsui

McCarthy (NY)	Polis (CO)	Smith (WA)
McCollum	Pomeroy	Snyder
McDermott	Price (NC)	Space
McGovern	Quigley	Speier
McIntyre	Rahall	Spratt
McMahon	Rangel	Stark
McNerney	Reyes	Stupak
Meeks (NY)	Richardson	Sutton
Melancon	Rodriguez	Tanner
Michaud	Ross	Teague
Miller (NC)	Rothman (NJ)	Thompson (CA)
Miller, George	Roybal-Allard	Thompson (MS)
Mollohan	Ruppersberger	Tierney
Moore (KS)	Rush	Titus
Moran (VA)	Ryan (OH)	Tonko
Murphy (CT)	Salazar	Towns
Murphy (NY)	Sánchez, Linda	Tsongas
Murphy, Patrick	T. T.	Van Hollen
Nadler (NY)	Sanchez, Loretta	Velázquez
Napolitano	Sarbanes	Visclosky
Neal (MA)	Schakowsky	Walz
Oberstar	Schauer	Wasserman
Obey	Schiff	Schultz
Oliver	Schrader	Schwartz
Ortiz	Schwartz	Waters
Owens	Scott (GA)	Watson
Pallone	Scott (VA)	Watt
Pascarella	Serrano	Waxman
Pastor (AZ)	Sestak	Weiner
Payne	Shea-Porter	Welch
Perlmutter	Sherman	Wilson (OH)
Perriello	Shuler	Woolsey
Peters	Sires	Wu
Peterson	Skelton	Yarmuth
Pingree (ME)	Slaughter	

NAYS—179

Aderholt	Fortenberry	McMorris
Akin	Fox	Rodgers
Alexander	Franks (AZ)	Mica
Austria	Frelinghuysen	Miller (FL)
Bachmann	Gallegly	Miller (MI)
Bachus	Garrett (NJ)	Miller, Gary
Bartlett	Gerlach	Minnick
Barton (TX)	Giffords	Mitchell
Biggert	Gingrey (GA)	Moran (KS)
Bilbray	Gohmert	Murphy, Tim
Bilirakis	Goodlatte	Myrick
Bishop (UT)	Granger	Neugebauer
Blackburn	Graves (GA)	Nunes
Blunt	Graves (MO)	Nye
Boehner	Griffith	Olson
Bonner	Guthrie	Paul
Bono Mack	Hall (TX)	Paulsen
Boozman	Harper	Pence
Boustany	Hastings (WA)	Petri
Brady (TX)	Heller	Pitts
Bright	Hensarling	Platts
Brown (GA)	Herger	Poe (TX)
Brown-Waite,	Hunter	Posey
Ginny	Issa	Price (GA)
Buchanan	Jenkins	Putnam
Burgess	Johnson (IL)	Radanovich
Burton (IN)	Johnson, Sam	Rehberg
Buyer	Jones	Reichert
Calvert	Jordan (OH)	Roe (TN)
Camp	King (IA)	Rogers (AL)
Campbell	King (NY)	Rogers (KY)
Cantor	Kingston	Rogers (MI)
Cao	Kirk	Rohrabacher
Capito	Kline (MN)	Rooney
Carter	Kratovil	Ros-Lehtinen
Cassidy	Lamborn	Roskam
Castle	Lance	Royce
Chaffetz	Latham	Ryan (WI)
Coble	LaTourette	Scalise
Coffman (CO)	Latita	Schmidt
Cole	Lee (NY)	Schock
Conaway	Lewis (CA)	Sensenbrenner
Crenshaw	Linder	Sessions
Culberson	LoBiondo	Shadegg
Dahlkemper	Lucas	Shimkus
Davis (KY)	Luetkemeyer	Shuster
Dent	Lummis	Simpson
Diaz-Balart, L.	Lungren, Daniel	Smith (NE)
Diaz-Balart, M.	E.	Smith (NJ)
Djou	Mack	Smith (TX)
Dreier	Manzullo	Stearns
Duncan	Marchant	Sullivan
Ehlers	McCarthy (CA)	Terry
Emerson	McCaul	Thompson (PA)
Fallin	McClintock	Thornberry
Flake	McCotter	Tiahrt
Fleming	McHenry	Tiberi
Forbes	McKeon	Turner

Upton	Whitfield	Wolf
Walden	Wilson (SC)	Young (AK)
Westmoreland	Wittman	

NOT VOTING—12

Barrett (SC)	Hoekstra	Moore (WI)
Brown (SC)	Inglis	Taylor
Childers	Kirkpatrick (AZ)	Wamp
Gutierrez	Meek (FL)	Young (FL)

□ 1202

Messrs. SAM JOHNSON of Texas, FRANKS of Arizona, ROGERS of Alabama and Mrs. LUMMIS changed their vote from "yea" to "nay."

Mr. CROWLEY changed his vote from "nay" to "yea."

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. FOXX. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—aye 237, noes 179, not voting 16, as follows:

[Roll No. 369]

AYES—237

Ackerman	Davis (TN)	Jackson (IL)
Adler (NJ)	DeFazio	Jackson Lee
Altmore	DeGette	(TX)
Andrews	Delahunt	Johnson, E. B.
Arcuri	DeLauro	Kagen
Baca	Deutch	Kanjorski
Baird	Dicks	Kaptur
Baldwin	Dingell	Kennedy
Barrow	Doggett	Kildee
Bean	Donnelly (IN)	Kilpatrick (MI)
Becerra	Doyle	Kilroy
Berkley	Driehaus	Kind
Berman	Edwards (MD)	Kirkpatrick (AZ)
Berry	Edwards (TX)	Kissell
Bishop (GA)	Ellison	Klein (FL)
Bishop (NY)	Ellsworth	Kosmas
Blumenauer	Engel	Kucinich
Bocieri	Eshoo	Langevin
Boren	Etheridge	Larsen (WA)
Boswell	Farr	Larson (CT)
Boucher	Fattah	Lee (CA)
Boyd	Filner	Levin
Brady (PA)	Foster	Lewis (GA)
Braley (IA)	Frank (MA)	Lipinski
Brown, Corrine	Fudge	Loebsack
Butterfield	Garamendi	Lofgren, Zoe
Capps	Gonzalez	Lowe
Capuano	Gordon (TN)	Lujan
Cardoza	Grayson	Lynch
Carnahan	Green, Al	Maffei
Carney	Green, Gene	Maloney
Carson (IN)	Grijalva	Markey (CO)
Castor (FL)	Gutierrez	Markey (MA)
Chandler	Hall (NY)	Marshall
Chu	Halvorson	Matheson
Clarke	Hare	Matsui
Clay	Harman	McCarthy (NY)
Cleaver	Hastings (FL)	McCollum
Clyburn	Heinrich	McDermott
Cohen	Higgins	McGovern
Connolly (VA)	Himes	McIntyre
Conyers	Hinchey	McMahon
Cooper	Hinojosa	McNerney
Costa	Hirono	Meeks (NY)
Costello	Hodes	Melancon
Courtney	Holden	Michaud
Critz	Holt	Miller (NC)
	Honda	Miller, George
	Hoyer	Minnick
	Inslee	Mollohan
	Israel	Moore (KS)

Moran (VA) Rodriguez  
 Murphy (CT) Ross  
 Murphy (NY) Rothman (NJ)  
 Murphy, Patrick Roybal-Allard  
 Nadler (NY) Ruppersberger  
 Napolitano Rush  
 Neal (MA) Ryan (OH)  
 Nye Salazar  
 Oberstar Sánchez, Linda  
 Obey T.  
 Oliver Sanchez, Loretta  
 Ortiz Sarbanes  
 Owens Schakowsky  
 Pallone Schauer  
 Pascarell Schiff  
 Pastor (AZ) Schrader  
 Payne Schwartz  
 Perlmutter Scott (GA)  
 Perriello Scott (VA)  
 Peters Serrano  
 Peterson Sestak  
 Pingree (ME) Shea-Porter  
 Polis (CO) Sherman  
 Price (NC) Sires  
 Quigley Skelton  
 Rahall Slaughter  
 Rangel Smith (WA)  
 Reyes Snyder  
 Richardson Space

## NOES—179

Aderholt Franks (AZ)  
 Akin Frelinghuysen  
 Alexander Gallegly  
 Austria Garrett (NJ)  
 Bachmann Gerlach  
 Bachus Giffords  
 Bartlett Gingrey (GA)  
 Barton (TX) Gohmert  
 Biggert Goodlatte  
 Bilbray Granger  
 Bilirakis Graves (GA)  
 Bishop (UT) Graves (MO)  
 Blackburn Griffith  
 Blunt Guthrie  
 Boehner Hall (TX)  
 Bonner Harper  
 Bono Mack Hastings (WA)  
 Boozman Heller  
 Boustany Hensarling  
 Boyd Herger  
 Brady (TX) Herseth Sandlin  
 Bright Hill  
 Broun (GA) Hunter  
 Brown-Waite, Issa  
 Ginny Jenkins  
 Buchanan Johnson (IL)  
 Burgess Johnson, Sam  
 Burton (IN) Jones  
 Buyer Jordan (OH)  
 Calvert King (NY)  
 Camp Kingston  
 Campbell Kirk  
 Cantor Kline (MN)  
 Cao Kratovil  
 Capito Lamborn  
 Carter Lance  
 Cassidy Latham  
 Castle LaTourette  
 Chaffetz Latta  
 Coble Lee (NY)  
 Coffman (CO) Lewis (CA)  
 Cole Linder  
 Conaway LoBiondo  
 Crenshaw Lucas  
 Culberson Luetkemeyer  
 Dahlkemper Lummis  
 Davis (KY) Lungren, Daniel  
 Dent E.  
 Diaz-Balart, L. Mack  
 Diaz-Balart, M. Manzullo  
 Djou Marchant  
 Dreier McCarthy (CA)  
 Duncan McCaul  
 Ehlers McClintock  
 Emerson McCotter  
 Fallon McHenry  
 Flake McKeon  
 Fleming McMorris  
 Forbes Rodgers  
 Fortenberry Mica  
 Foxx Miller (FL)

Speier  
 Spratt  
 Stark  
 Stupak  
 Sutton  
 Tanner  
 Teague  
 Thompson (CA)  
 Thompson (MS)  
 Tierney  
 Titus  
 Tonko  
 Towns  
 Tsongas  
 Van Hollen  
 Visclosky  
 Walz  
 Wasserman  
 Schultz  
 Waters  
 Watson  
 Watt  
 Waxman  
 Weiner  
 Welch  
 Wilson (OH)  
 Woolsey  
 Wu  
 Yarmuth

## NOT VOTING—16

Barrett (SC) Johnson (GA)  
 Brown (SC) King (IA)  
 Capps Meek (FL)  
 Childers Moore (WI)  
 Hoekstra Pomeroy  
 Inglis Roe (TN)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1209

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. CAPPS. Mr. Speaker, on rollcall No. 369, had I been present, I would have voted “aye.”

## SUPPORTING GOALS AND IDEALS OF FLAG DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1429) celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 14, as follows:

[Roll No. 370]

## YEAS—418

Ackerman Boren  
 Aderholt Boswell  
 Adler (NJ) Boustany  
 Akin Boyd  
 Altmire Brady (PA)  
 Andrews Brady (TX)  
 Arcuri Braley (IA)  
 Austria Bright  
 Baca Broun (GA)  
 Bachmann Brown, Corrine  
 Bachus Brown-Waite,  
 Baird Ginny  
 Baldwin Buchanan  
 Barrow Burgess  
 Bartlett Burton (IN)  
 Barton (TX) Butterfield  
 Bean Buyer  
 Becerra Calvert  
 Berkley Camp  
 Berman Campbell  
 Berry Cantor  
 Biggert Cao  
 Bilbray Capito  
 Bilirakis Capps  
 Bishop (GA) Capuano  
 Bishop (NY) Cardoza  
 Bishop (UT) Carnahan  
 Blackburn Carney  
 Blumenauer Carson (IN)  
 Blunt Carter  
 Boccieri Cassidy  
 Boehner Castle  
 Bonner Castor (FL)  
 Bono Mack Chaffetz  
 Boozman Chandler

Chu  
 Clarke  
 Clay  
 Cleaver  
 Clyburn  
 Coble  
 Coffman (CO)  
 Cohen  
 Cole  
 Conaway  
 Connolly (VA)  
 Conyers  
 Cooper  
 Costa  
 Costello  
 Courtney  
 Crenshaw  
 Critz  
 Crowley  
 Cuellar  
 Culberson  
 Cummings  
 Dahlkemper  
 Davis (AL)  
 Davis (CA)  
 Davis (IL)  
 Davis (KY)  
 Davis (TN)  
 DeFazio  
 DeGette  
 Delahunt  
 DeLauro  
 Dent  
 Deutch  
 Diaz-Balart, L.

Diaz-Balart, M.  
 Dicks  
 Dingell  
 Djou  
 Doggett  
 Donnelly (IN)  
 Doyle  
 Dreier  
 Driehaus  
 Duncan  
 Edwards (MD)  
 Edwards (TX)  
 Ehlers  
 Ellison  
 Ellsworth  
 Emerson  
 Eshoo  
 Etheridge  
 Fallin  
 Farr  
 Fattah  
 Filner  
 Flake  
 Fleming  
 Forbes  
 Fortenberry  
 Foster  
 Foxx  
 Frank (MA)  
 Franks (AZ)  
 Frelinghuysen  
 Fudge  
 Gallegly  
 Garamendi  
 Garrett (NJ)  
 Gerlach  
 Giffords  
 Gingrey (GA)  
 Gohmert  
 Gonzalez  
 Goodlatte  
 Gordon (TN)  
 Granger  
 Graves (GA)  
 Graves (MO)  
 Grayson  
 Green, Al  
 Green, Gene  
 Griffith  
 Grijalva  
 Guthrie  
 Gutierrez  
 Hall (NY)  
 Hall (TX)  
 Halvorson  
 Hare  
 Harman  
 Harper  
 Hastings (FL)  
 Hastings (WA)  
 Heinrich  
 Heller  
 Hensarling  
 Herger  
 Herseth Sandlin  
 Higgins  
 Hill  
 Himes  
 Hinchey  
 Hinojosa  
 Hirono  
 Hodes  
 Holden  
 Holt  
 Honda  
 Hoyer  
 Hunter  
 Inslee  
 Israel  
 Issa  
 Jackson (IL)  
 Jackson Lee  
 (TX)  
 Jenkins  
 Johnson (GA)  
 Johnson (IL)  
 Johnson, E. B.  
 Johnson, Sam  
 Jones  
 Jordan (OH)  
 Kagen  
 Kanjorski  
 Kaptur  
 Kennedy  
 Kildee

Kilpatrick (MI)  
 Kilroy  
 Kind  
 King (IA)  
 King (NY)  
 Kingston  
 Kirk  
 Kirkpatrick (AZ)  
 Kissell  
 Klein (FL)  
 Kline (MN)  
 Kosmas  
 Kratovil  
 Kucinich  
 Lamborn  
 Lance  
 Langevin  
 Larsen (WA)  
 Larson (CT)  
 Latham  
 LaTourette  
 Latta  
 Lee (CA)  
 Lee (NY)  
 Levin  
 Lewis (CA)  
 Lewis (GA)  
 Linder  
 Lipinski  
 LoBiondo  
 Loebsock  
 Lofgren, Zoe  
 Lowey  
 Lucas  
 Luetkemeyer  
 Lujan  
 Lummis  
 Lungren, Daniel  
 E.  
 Lynch  
 Mack  
 Maffei  
 Maloney  
 Manzullo  
 Marchant  
 Markey (CO)  
 Markey (MA)  
 Marshall  
 Matheson  
 Matsui  
 McCarthy (CA)  
 McCarthy (NY)  
 McCaul  
 McClintock  
 McCollum  
 McCotter  
 McDermott  
 McGovern  
 McHenry  
 McIntyre  
 McKeon  
 McMahon  
 McMorris  
 Rodgers  
 McNeerney  
 Meeks (NY)  
 Melancon  
 Mica  
 Michaud  
 Miller (FL)  
 Miller (MI)  
 Miller (NC)  
 Miller, Gary  
 Miller, George  
 Minnick  
 Mitchell  
 Mollohan  
 Moore (KS)  
 Moran (KS)  
 Moran (VA)  
 Murphy (CT)  
 Murphy (NY)  
 Murphy, Patrick  
 Myrick  
 Nadler (NY)  
 Napolitano  
 Neal (MA)  
 Neugebauer  
 Nunes  
 Nye  
 Oberstar  
 Obey  
 Olson  
 Oliver  
 Ortiz

Owens  
 Pallone  
 Pascarell  
 Pastor (AZ)  
 Paul  
 Paulsen  
 Payne  
 Pence  
 Perlmutter  
 Perriello  
 Peters  
 Peterson  
 Petri  
 Pingree (ME)  
 Pitts  
 Platts  
 Poe (TX)  
 Polis (CO)  
 Pomeroy  
 Posey  
 Price (GA)  
 Price (NC)  
 Putnam  
 Quigley  
 Radanovich  
 Rahall  
 Rangel  
 Rehberg  
 Reichert  
 Reyes  
 Richardson  
 Rodriguez  
 Roe (TN)  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Ross  
 Rothman (NJ)  
 Roybal-Allard  
 Royce  
 Ruppersberger  
 Rush  
 Ryan (OH)  
 Ryan (WI)  
 Salazar  
 Sánchez, Linda  
 T.  
 Sanchez, Loretta  
 Sarbanes  
 Scalise  
 Schakowsky  
 Schauer  
 Schiff  
 Schmidt  
 Schock  
 Schwartz  
 Scott (GA)  
 Scott (VA)  
 Sensenbrenner  
 Serrano  
 Sessions  
 Sestak  
 Shadegg  
 Shea-Porter  
 Sherman  
 Shimkus  
 Shuler  
 Shuster  
 Simpson  
 Sires  
 Skelton  
 Slaughter  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Snyder  
 Space  
 Speier  
 Spratt  
 Stark  
 Stearns  
 Stupak  
 Sutton  
 Tanner  
 Taylor  
 Teague  
 Terry  
 Thompson (CA)  
 Thompson (MS)  
 Thompson (PA)  
 Thornberry

Tiahrt	Visclosky	Westmoreland
Tiberi	Walden	Whitfield
Tierney	Walz	Wilson (OH)
Titus	Wasserman	Wilson (SC)
Tonko	Schultz	Wittman
Towns	Waters	Wolf
Tsongas	Watson	Woolsey
Turner	Watt	Yarmuth
Upton	Waxman	Young (AK)
Van Hollen	Weiner	
Velázquez	Welch	

## NOT VOTING—14

Alexander	Hoekstra	Sullivan
Barrett (SC)	Inglis	Wamp
Boucher	Meek (FL)	Wu
Brown (SC)	Moore (WI)	Young (FL)
Childers	Schrader	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1218

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a Joint Resolution of the following title in which the concurrence of the House is requested:

S.J. Res. 32. Joint resolution recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance.

## SMALL BUSINESS JOBS AND CREDIT ACT OF 2010

The SPEAKER pro tempore. Pursuant to House Resolution 1436 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5297.

□ 1218

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes, with Mr. CUELLAR (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, June 16, 2010, amendment No. 17 printed in part C of House Report 111-506 offered by the gentleman from Texas (Mr. AL GREEN) had been disposed of.

Pursuant to House Resolution 1448, it shall be in order to consider the

amendments printed in House Report 111-508 as if such amendments had been printed in part C of House Report 111-506. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

## AMENDMENT NO. 1 OFFERED BY MR. SCHRADER

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-508.

Mr. SCHRADER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following new title:

## TITLE —SMALL BUSINESS BORROWER ASSISTANCE PROGRAM

## SEC. 1. SHORT TITLE.

This title may be cited as the "Small Business Assistance Fund Act of 2010".

## SEC. 2. SMALL BUSINESS BORROWER ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Administrator shall carry out a program to be called the "Small Business Borrower Assistance Program" to provide payments of principal and interest on qualifying small business loans.

(b) AUTOMATIC ENROLLMENT; COMMITMENT OF FUNDS.—

(1) IN GENERAL.—To the extent funds are available under the Program, each borrower that receives a qualifying small business loan after the date on which the Administrator issues regulations pursuant to subsection (e) shall be automatically enrolled in the Program, unless the borrower requests otherwise, and the Administrator shall commit an amount to each borrower equal to 6 percent of the principal disbursed amount of such borrower's qualifying small business loan.

(2) ONE YEAR WINDOW FOR PARTICIPATING IN PROGRAM.—Notwithstanding paragraph (1), a borrower may only be enrolled in the Program if the borrower is approved for a qualifying small business loan before the end of the 1-year period following the date on which the Administrator issues final regulations pursuant to subsection (e).

(3) TERMINATION OF PARTICIPATION IN CERTAIN CIRCUMSTANCES.—In any instance in which the Administrator determines that a borrower participating in the Program has committed fraud or made a material misrepresentation related to such participation, the Administrator may terminate such borrower's participation in the Program and ban such borrower from any future participation in the Program.

(c) DISBURSEMENT OF FUNDS.—

(1) IN GENERAL.—A borrower enrolled in the Program may submit a request for the payment of committed funds by a method to be developed by the Administrator.

(2) MULTIPLE DISBURSEMENTS PERMITTED.—A borrower enrolled in the Program may request multiple payments under paragraph (1), as long as the aggregate amount of such payments does not exceed the amount committed to such borrower under subsection (b).

(d) TERMS.—

(1) PAYMENTS ONLY TO LENDER OR SERVICER.—Payments made by the Administrator under the Program shall only be made to the lender or servicer of a qualifying small business loan to be applied against outstanding principal or interest, and may not be made to the borrower.

(2) PROGRAM PARTICIPATION ONLY PERMITTED DURING FIRST 2 YEARS.—

(A) IN GENERAL.—Payments made by the Administrator under the Program may only be made with respect to a payment of interest or principal due on a qualifying small business loan within the 2-year period following the date on which such loan is disbursed.

(B) UNEXPENDED COMMITTED FUNDS.—

(i) IN GENERAL.—With respect to any funds committed to a borrower enrolled in the Program that remain unexpended at the end of the 2-year period described under subparagraph (A), such funds shall be paid to the lender or servicer of the borrower's loan and applied to the principal of such loan.

(ii) EXCEPTION.—In any case in which the amount of committed funds that remain unexpended is greater than the remaining principal of a borrower's loan, the amount of any excess shall be returned to the Treasury.

(e) RULEMAKING.—Not later than 180 days after the date of the enactment of this section, the Administrator shall issue regulations necessary to carry out this section.

(f) CONTRACTING WITH AGENTS.—The Administrator may contract with one or more entities as necessary to carry out the provisions of the Program. The Secretary of the Treasury is authorized to designate financial institutions, including any bank, savings association, or trust company, as financial agents of the Federal government to carry out the authorities of this section, and such institutions shall perform all such reasonable duties related to the Program as financial agents of the Federal government as the Secretary may require. In engaging any such third parties to carry out the Program, the Administrator or the Secretary shall seek to involve small businesses in the provision of the core direct services required under the engagement.

(g) DEFINITIONS.—For purposes of this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Small Business Administration.

(2) PROGRAM.—The term "Program" means the Small Business Borrower Assistance Program established under subsection (a).

(3) QUALIFYING SMALL BUSINESS LOAN.—The term "qualifying small business loan" means any loan, up to \$300,000, made to a small business concern and guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), other than a loan made pursuant to section 7(a)(31) of such Act, a revolving credit line, or any other revolving loan.

(4) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning given such term under section 3 of the Small Business Act (15 U.S.C. 632).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Administrator \$300,000,000 to carry out this section.

The Acting CHAIR. Pursuant to House Resolution 1448, the gentleman from Oregon (Mr. SCHRADER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. SCHRADER. I yield myself 5 minutes.

Mr. Chairman, this amendment basically authorizes funding in the establishment of the Small Business Borrower Assistance Program to provide temporary assistance for a lot of the struggling small businesses out in America.

The Small Business Borrower Assistance Program will provide these small businesses which take out 7(a) loans under \$300,000 with a reserve fund they can use at their discretion to help pay principal and interest payments if they should hit rough spots in their business cycles. Eligible small business borrowers will automatically be enrolled in the program unless they request otherwise, so it is very easy and unbureaucratic.

Once a borrower has been enrolled, the Small Business Administration will place an amount equal to 6 percent of the loan principal in reserve for the borrower. This means that a borrower who obtains a \$300,000 loan will have \$18,000 placed in reserve to help the borrower pay principal or interest payments. These funds can be applied to both of those at the borrower's discretion.

To be eligible for the program, a borrower must obtain the qualifying loan within 1 year after the SBA issues final regulations. This is a temporary bill to help us through the recession. The SBA must issue those final regulations within 180 days after the enactment of the program. That is to make sure that the program itself is available in the crunch times.

To prevent funds from being used for purposes other than for paying down the balances of small business loans, disbursements will be made directly to the lenders or to the loan servicers. Additionally, the Small Business Administration will have the authority to remove borrowers from the program who commit fraud or material misrepresentation.

Mr. Chairman, this is just another great tool in the toolbox for our small businesses in order to help them get back on their feet and to be the engines of economic growth.

I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRAVES of Missouri. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Oregon.

Small business owners are going to be enrolled automatically in a program that sets aside 6 percent of the value of an SBA guaranteed loan to pay off that loan, as it was previously described. While I appreciate very much the gentleman's effort to reduce the financial burden on small business owners, there

are a number of problems with this program.

First, it forces business owners to opt out of a federally mandatory set-aside of funds. This is going to reduce the amount of capital available because disbursements of those set-aside funds will be made to a bank or to a loan servicer instead of to small businesses.

Second, by requiring an opt-out, it suggests that a Federal agency, the SBA, is better at managing the small business rather than its owner—a conclusion that I, obviously, strongly dispute.

Third, loans under the 7(a) loan program are just that. Mr. Chairman, they are loans. It seems rather absurd to have the SBA automatically set aside funds in order to pay off loans it has just approved.

Fourth, the size of loans in the program are limited to those businesses with loans of less than \$300,000.

I wonder: Why are these businesses favored over small business owners who may need slightly larger amounts of capital? By making the program available for loans of less than \$300,000, I guess it suggests that small business owners at that level are less credit worthy and are incapable of managing their finances as opposed to businesses requiring a little bit larger loans.

All of these points, Mr. Chairman, are points that I am making. I strongly dispute the reason for this program. For that reason, I oppose the gentleman's amendment. Again, I appreciate very much his efforts and what he is trying to do, but I can't agree with this at all.

I reserve the balance of my time.

Mr. SCHRADER. I yield 2 minutes to the chairwoman of the Small Business Committee, the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. I thank the gentleman for yielding.

Mr. Chairman, my colleagues, we have spent much of this debate discussing ways to help the banks, but now it is time that we talk about helping small businesses directly.

The Schrader amendment does this by providing entrepreneurs with incentives to expand their businesses. It does so by giving business owners maximum flexibility because they know best how to purchase equipment or to hire workers when they need to do so. If we have this tool now, during the early stages of the recovery, it will allow manufacturers to purchase the new machine tools they need, and it will allow retailers to hire a few more salesmen.

As they have created two-thirds of the net new jobs over the past 10 years, it is absolutely critical to get small businesses off the sidelines. Unfortunately, the Federal Reserve Senior Loan Officer survey continues to report that loan demand among small firms has decreased. The most recent NFIB

report also confirms this. Only 32 percent of small businesses borrowed last quarter, which is near the record low. When fewer small businesses take out loans, there is less employment and more abandoned storefronts. By giving firms access to a financial backstop, the Schrader amendment will give them the confidence to turn this around.

With this in mind, it is no surprise that, when small firms are not active in the capital markets, we lose jobs. This is exactly what happened between 2007 and 2009 when self-employment declined by 7.5 percent. If we do not want to repeat this, we must embrace the small business-focused policies contained in the Schrader amendment.

I ask my colleagues to support Mr. SCHRADER's amendment.

Mr. GRAVES of Missouri. I would like to reiterate that this is just a giveaway. That is all it is. If we want to help small businesses, then let's reinstate bonus depreciation. Let's shorten appreciation to buy new equipment and to add more jobs.

The bottom line is let the government get out of the way. Increasing their taxes at a time when the deficit is running at a record high and when the administration continues to rack up more debt is not the way to help small businesses. Again, I oppose the amendment.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SCHRADER. I appreciate the concerns of the gentleman from Missouri. I do take issue with them, obviously.

Mr. Chairman, to prevent fraud and abuse—and unfortunately, that does happen in tough economic times—these payments are made to the lenders to make sure they go back to where they are supposed to be, as the taxpayers have authorized under this amendment and this bill. The 7(a) program is the most popular program out there. It is something banks are familiar with, and it is the small, struggling businesses that are likely to take loans out for under \$300,000 that are most in need.

So this program is targeted, temporary, and timely. Small business lending in my State is half of what it was 2 years ago. We need every tool in the toolbox to encourage the lenders who have shown extreme reticence to lend to small businesses that this country is willing to back them up and to help these small businesses pay their loans if they need to during tough stretches and tough times.

I think if you're in favor of small business and of lending and if you want to make sure that they have access and that the program that we are establishing with \$30 billion really goes to small business, you will want to vote "yes," in favor of this amendment.

I urge a "yes" vote, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. SCHRADER).

The amendment was agreed to.

□ 1230

AMENDMENT NO. 2 OFFERED BY MR. MILLER OF NORTH CAROLINA

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-508.

Mr. MILLER of North Carolina. I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, after line 9, insert the following new clause:

(V) CONSTRUCTION, LAND DEVELOPMENT, AND OTHER LAND LOANS.—

(I) IN GENERAL.—Loans secured by real estate—

(aa) that are made to finance—

(AA) land development that is preparatory to erecting new structures, including improving land, laying sewers, and laying water pipes; or

(BB) the on-site construction of industrial, commercial, residential, or farm buildings;

(bb) that is vacant land, except land known to be used or usable for agricultural purposes, such as crop and livestock production;

(cc) the proceeds of which are to be used to acquire and improve developed or undeveloped property; or

(dd) that are made under title I or title X of the National Housing Act.

(II) CONSTRUCTION INDUSTRY REQUIREMENT.—Subclause (I) shall only apply to loans that are extended to small business concerns in the construction industry, as such term is defined by the Secretary in consultation with the Administrator of the Small Business Administration.

(III) CONSTRUCTION DEFINED.—For purposes of this clause, the term “construction” includes the construction of new structures, additions or alterations to existing structures, and the demolition of existing structures to make way for new structures.

The Acting CHAIR. Pursuant to House Resolution 1448, the gentleman from North Carolina (Mr. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MILLER of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill is the right idea. We will not have a strong recovery until small businesses can again get ordinary loans to expand and hire new workers. But this bill leaves out an important industry. In past recessions, the first industry to suffer from the recession and the first industry to come out of it was residential construction, home building. There's a reason that housing starts and building permits are leading economic indicators.

Home building will not lead us out of this recession, no matter what we do. Too much of the foolishness that led to the financial crisis was connected to

housing. There are some markets that are hopelessly overbuilt. The inventory of new housing is at a 42-year low, but in many markets there is a substantial overhang of existing houses and a shadow inventory of homes destined for foreclosure. But there are many markets where there is a real demand for new housing, and we won't have much of a recovery if we don't bring residential construction along.

Home building has been 16 percent of our GDP. We can't tell 16 percent of our GDP just to hang out until we get things figured out.

Because of foolish real estate lending a few years ago, many community banks were under great pressure from banking regulators to scale back on all real estate lending, including sensible projects where there is a market for new housing. Community banks are even calling in performing acquisition development and construction loans. We've gone from indiscriminate lending to an indiscriminate refusal to lend that is killing jobs.

We've lost 3 million jobs in home construction and related industries in the last 5 years. The jobs we lost are jobs for the working man—carpenters, plumbers, electricians, masons, painters, landscapers, roofers, and on and on. We've got to put those Americans back to work. In the words of Alan Jackson, There's nothing wrong with a hard hat and a hammer, the kind of glue that sticks this world together.

Our amendment adds construction and land development loans to the loans that qualify as small business lending under the SBLF program so we can put the working man back to work. God bless the working man and woman.

I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chair, I claim time in opposition, although I'm not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. Mr. Chairman, I appreciate what the gentleman's amendment is trying to do. I think the intent, if this bill goes forward, is that all small businesses would be eligible under this program. But I think the gentleman is trying to accentuate the fact that land developers and home builders in America are also small businesses and should be able to participate under this program.

As a former developer and builder myself, I'm sympathetic to the difficulties many of these in the construction and housing business face. I think we have to be careful here not to send a signal that would encourage an oversupply in the marketplace and further hurt the industry and job creation.

Also, I would have to remind my colleagues, though, something that we talked about yesterday, is that this is a \$30 billion lending fund. The United

States Treasury does not have \$30 billion, and that's the reason they have these auctions every week. And we're going to have to go borrow another \$30 billion, which is going to increase the national debt by another \$30 billion.

I have the same concerns about the bill that we had yesterday. We're not sure that this is the right prescription for small businesses. We've seen record liquidity in many of the financial institutions. And as I talk to many banker friends of mine and also the small businesses, basically what's really holding back the country is sales.

The American people are cutting back; they're balancing their budgets, but, unfortunately, the Federal Government is not balancing its budget. In fact, we're going to have a \$1.6 trillion deficit this year. We just went over \$13 trillion in debt in this country. We're approaching a time in this country, and God forbid, where our GDP and our national debt will be the same number.

So I appreciate what my colleagues are trying to do, but I believe if you really want to help small businesses, bring some certainty to the economy. Right now, many businesses are uncertain about what this body might do to them next. They've imposed massive increases in the cost through their health insurance, uncertainty about what the cost of utilities are going to be in the future with cap-and-trade.

So this overall uncertainty is creating a lot of angst in the marketplace, and I think it's affecting the American consumers. Certainly, the people that affect American small businesses the most are the American consumers—the people that are going to buy houses, going to buy cars, going to buy televisions.

And so while I understand where the gentleman is coming from and support his intent to make sure this program is all-inclusive, I do not support the underlying bill. Again, when we say that this is really not going to put the taxpayers at risk, I remind my colleagues that, in fact, 91 banks that received TARP money—and, by the way, this is another TARP program; this is TARP, Junior, TARP II—that another 91 banks missed their dividend payment in May. And so what does that say? That the Treasury's ability to pay out this money to banks that are not in trouble is somewhat questioned because, in fact, when 91 banks miss their dividend payment, evidently there's not something going well in that bank.

Many people voted against TARP I. I believe a number of people are going to vote against TARP II, because that's not the right prescription to get our country going again.

With that, I reserve the balance of my time.

Mr. MILLER of North Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BACA).

Mr. BACA. I rise in support of this amendment and thank Mr. MILLER for this amendment, which will open the programs that include housing production loans to home builders, which are primarily small businesses.

As we continue to see some positive signs in the economy, our housing market and construction industry show signs of distress. Moreover, the increase in foreclosures has created a perception of overstocked inventory in the housing market. However, this is not true everywhere. But the perception has forced the industry to shrink, cutting back on jobs and projects to save money. This downsizing has only made our economic troubles worse.

We must create an opportunity for jobs. In order to have a complete recovery, every aspect of our housing market needs to be supported, and that includes construction.

The construction industry has been a consistent source of jobs for the American people, and especially for the Latino community and many others. In 2006, employment in the construction sector was at 7.7 million. In just 2 years, the number has dropped to 5.6 million. The drop has been felt hardest in States like Nevada, Florida, and my home State of California, where the housing crisis has forced the construction industry to come to a standstill. In fact, we are now seeing Latino unemployment over 30 percent in the State of California, and then in my district, 17 percent overall for everyone.

In the committee's testimony, the National Association of Home Builders stated that the bill will do little to produce jobs and free up credit for builders. If our goal is to pass legislation that will work to create jobs, we must target our resources where they are most needed.

This amendment will address these concerns that include housing production loans to our Nation's home builders, who are comprised primarily of small businesses. Our housing collapse led our country into this economic crisis, and creating incentives to allow the housing market to thrive will help bring us out of this recession.

Again, I thank Mr. MILLER for his hard work on this amendment. I urge my colleagues to support this amendment.

Mr. NEUGEBAUER. Mr. Chair, I have no further requests for time, and I yield back the balance of my time.

Mr. MILLER of North Carolina. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. MILLER).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. MILLER of North Carolina. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part C of House Report 111-506 and in House Report 111-508 on which further proceedings were postponed, in the following order:

Amendment No. 1 in part C of House Report 111-506 by Mr. ISRAEL of New York;

Amendment No. 12 in part C of House Report 111-506 by Mr. CAO of Louisiana; and

Amendment No. 2 in House Report 111-508 by Mr. MILLER of North Carolina.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

#### AMENDMENT NO. 1 OFFERED BY MR. ISRAEL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment printed in part C of House Report 111-506 offered by the gentleman from New York (Mr. ISRAEL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 420, noes 0, not voting 18, as follows:

[Roll No. 371]

AYES—420

Ackerman	Bordallo	Chandler	Dent	Kaptur	Olver
Aderholt	Boren	Christensen	Deutch	Kennedy	Ortiz
Adler (NJ)	Boswell	Chu	Diaz-Balart, L.	Kildee	Owens
Alkin	Boucher	Clarke	Diaz-Balart, M.	Kilpatrick (MI)	Pallone
Alexander	Boustany	Clay	Dicks	Kilroy	Pascarell
Altmire	Boyd	Cleaver	Dingell	Kind	Pastor (AZ)
Andrews	Bright	Clyburn	Djou	King (IA)	Paul
Arcuri	Brady (PA)	Coble	Doggett	King (NY)	Paulsen
Austria	Brady (TX)	Coffman (CO)	Donnelly (IN)	Kingston	Pence
Baca	Braley (IA)	Cohen	Doyle	Kirk	Perlmutter
Bachmann	Brown (GA)	Cole	Dreier	Kirkpatrick (AZ)	Perriello
Bachus	Brown, Corrine	Conaway	Driebehaus	Kissell	Peters
Baird	Brown-Waite,	Connolly (VA)	Duncan	Klein (FL)	Peterson
Baldwin	Ginny	Conyers	Edwards (MD)	Kline (MN)	Petri
Barrow	Buchanan	Cooper	Edwards (TX)	Kosmas	Pierluisi
Bartlett	Burton (IN)	Costa	Ehlers	Kratovil	Pingree (ME)
Bean	Butterfield	Costello	Ellison	Kucinich	Pitts
Becerra	Calvert	Courtney	Ellsworth	Lamborn	Platts
Berkley	Camp	Crenshaw	Emerson	Lance	Poe (TX)
Berman	Campbell	Critz	Engel	Langevin	Polis (CO)
Berry	Cantor	Crowley	Eshoo	Larsen (WA)	Pomeroy
Biggert	Cao	Cuellar	Etheridge	Larson (CT)	Posey
Bilbray	Capito	Culberson	Faleomavaega	Latham	Price (GA)
Bilirakis	Capps	Cummings	Fallin	LaTourette	Price (NC)
Bishop (GA)	Capuano	Dahlkemper	Farr	Latta	Putnam
Bishop (NY)	Cardoza	Davis (AL)	Fattah	Lee (CA)	Quigley
Bishop (UT)	Carnahan	Davis (CA)	Filner	Lee (NY)	Radanovich
Blackburn	Carney	Davis (IL)	Flake	Levin	Rahall
Blumenauer	Carson (IN)	Davis (KY)	Fleming	Lewis (CA)	Rangel
Blunt	Carter	Davis (TN)	Forbes	Lewis (GA)	Rehberg
Bocciari	Cassidy	DeFazio	Fortenberry	Linder	Reichert
Bonner	Castle	DeGette	Foster	Lipinski	Reyes
Bono Mack	Castor (FL)	DeLauro	Fox	LoBiondo	Richardson
Boozman	Chaffetz		Frank (MA)	Loeb	Rodriguez
			Franks (AZ)	Lofgren, Zoe	Roe (TN)
			Frelinghuysen	Lowey	Rogers (AL)
			Fudge	Lucas	Rogers (KY)
			Gallegly	Luetkemeyer	Rogers (MI)
			Garamendi	Lujan	Rohrabacher
			Garrett (NJ)	Lummis	Rooney
			Gerlach	Lungren, Daniel	Roskam
			Giffords	E.	Ross
			Gingrey (GA)	Lynch	Rothman (NJ)
			Gohmert	Mack	Roybal-Allard
			Gonzalez	Maffei	Royce
			Goodlatte	Maloney	Ruppersberger
			Gordon (TN)	Manzullo	Rush
			Granger	Marchant	Ryan (OH)
			Graves (GA)	Markey (CO)	Ryan (WI)
			Graves (MO)	Markey (MA)	Sablan
			Grayson	Marshall	Salazar
			Green, Al	Matheson	Sanchez, Linda
			Green, Gene	Matsui	T.
			Grijalva	McCarthy (CA)	Sanchez, Loretta
			Guthrie	McCarthy (NY)	Sarbanes
			Gutierrez	McCaul	Scalise
			Hall (NY)	McClintock	Schakowsky
			Hall (TX)	McCollum	Schauer
			Halvorson	McCotter	Schiff
			Hare	McDermott	Schmidt
			Harman	McGovern	Schock
			Harper	McHenry	Schrader
			Hastings (FL)	McIntyre	Schwartz
			Hastings (WA)	McKeon	Scott (GA)
			Heinrich	McMahon	Scott (VA)
			Heller	McMorris	Sensenbrenner
			Hensarling	Rodgers	Serrano
			Herger	McNerney	Sessions
			Herseth Sandlin	Meeks (NY)	Sestak
			Higgins	Melancon	Shadegg
			Hill	Mica	Shea-Porter
			Himes	Michaud	Sherman
			Hinchey	Miller (FL)	Shimkus
			Hinojosa	Miller (MI)	Shuler
			Hirono	Miller (NC)	Shuster
			Hodes	Miller, Gary	Simpson
			Holden	Miller, George	Sires
			Holt	Minnick	Skelton
			Honda	Mitchell	Slaughter
			Hoyer	Mollohan	Smith (NE)
			Hunter	Moore (KS)	Smith (NJ)
			Inlee	Moran (KS)	Smith (TX)
			Israel	Moran (VA)	Smith (WA)
			Issa	Murphy (CT)	Snyder
			Jackson (IL)	Murphy (NY)	Space
			Jackson Lee	Murphy, Patrick	Speier
			(TX)	Murphy, Tim	Spratt
			Jenkins	Myrick	Stark
			Johnson (GA)	Nadler (NY)	Stearns
			Johnson (IL)	Napolitano	Stupak
			Johnson, E. B.	Neal (MA)	Sutton
			Johnson, Sam	Neugebauer	Tanner
			Jones	Norton	Taylor
			Jordan (OH)	Nunes	Teague
			Kagen	Nye	Terry
			Kanjorski	Oberstar	Thompson (CA)

Thompson (MS) Van Hollen  
Thompson (PA) Velázquez  
Thornberry Visclosky  
Tiahrt Walden  
Tiberi Walz  
Tierney Wasserman  
Titus Schultz  
Tonko Waters  
Towns Watson  
Tsongas Watt  
Turner Waxman  
Upton Weiner

## NOT VOTING—18

Barrett (SC) Childers  
Barton (TX) Griffith  
Boehner Hoekstra  
Brown (SC) Inglis  
Burgess Meek (FL)  
Buyer Moore (WI)

□ 1307

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. CAO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment printed in part C of House Report 111-506 offered by the gentleman from Louisiana (Mr. CAO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 414, noes 0, answered “present” 1, not voting 23, as follows:

[Roll No. 372]

## AYES—414

Ackerman Boucher  
Aderholt Boustany  
Adler (NJ) Boyd  
Akin Brady (PA)  
Alexander Brady (TX)  
Altmire Braley (IA)  
Andrews Bright  
Arcuri Broun (GA)  
Austria Brown, Corrine  
Baca Brown-Waite,  
Bachmann Ginny  
Bachus Buchanan  
Baird Burgess  
Baldwin Burton (IN)  
Barrow Butterfield  
Bartlett Buyer  
Barton (TX) Calvert  
Bean Camp  
Becerra Campbell  
Berkley Cantor  
Berman Cao  
Berry Capito  
Biggart Capps  
Bilbray Capuano  
Bilirakis Cardoza  
Bishop (NY) Carnahan  
Bishop (UT) Carney  
Blackburn Carson (IN)  
Blumenauer Carter  
Blunt Cassidy  
Bonner Castle  
Bono Mack Castor (FL)  
Boozman Chaffetz  
Bordallo Chandler  
Boren Christensen  
Boswell Chu

Welch Westmoreland  
Whitfield Whitfield  
Wilson (OH) Wilson (SC)  
Wittman Wilson (SC)  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)  
Emerson  
Engel  
Eshoo  
Etheridge  
Faleomavaega  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Foster  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves (GA)  
Graves (MO)  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inslie  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Killee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)

Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loebuck  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Norton  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Owens  
Pallone  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter

Perriello  
Peters  
Peterson  
Petri  
Pierluisi  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sablan  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadeegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas

## ANSWERED “PRESENT”—1

Miller, Gary

## NOT VOTING—23

Barrett (SC) Gohmert  
Bishop (GA) Griffith  
Bocieri Hoekstra  
Boehner Inglis  
Brown (SC) Latham  
Childers LaTourette  
Cummings Marshall  
Fortenberry Meek (FL)

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1314

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BOCCIERI. Mr. Chair, on rollcall No. 372, the Jackson Lee/Cao amendment, had I been present, I would have voted “yes.”

Ms. ROS-LEHTINEN. Mr. Chair, on rollcall No. 372, I was unavoidably detained. Had I been present, I would have voted “yes.”

## AMENDMENT NO. 2 OFFERED BY MR. MILLER OF NORTH CAROLINA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment printed in House Report 111-508 offered by the gentleman from North Carolina (Mr. MILLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 418, noes 3, not voting 17, as follows:

[Roll No. 373]

## AYES—418

Ackerman Berkley  
Aderholt Berman  
Adler (NJ) Berry  
Akin Biggart  
Alexander Bilbray  
Altmire Bilirakis  
Andrews Bishop (GA)  
Arcuri Bishop (NY)  
Austria Bishop (UT)  
Baca Blackburn  
Bachmann Blumenauer  
Bachus Blunt  
Baird Boccheri  
Baldwin Bonner  
Barrow Bono Mack  
Bartlett Boozman  
Barton (TX) Bordallo  
Bean Boren  
Becerra Boswell

Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown, Corrine  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Cantor  
Cao  
Capito

Capps Guthrie  
 Capuano Hall (NY)  
 Cardoza Hall (TX)  
 Carnahan Halvorson  
 Carney Hare  
 Carson (IN) Harman  
 Carter Harper  
 Cassidy Hastings (FL)  
 Castle Hastings (WA)  
 Chaffetz Heinrich  
 Chandler Heller  
 Christensen Hensarling  
 Chu Herger  
 Clarke Herseth Sandlin  
 Clay Higgins  
 Clyburn Hill  
 Coble Himes  
 Coffman (CO) Hinchey  
 Cohen Hinojosa  
 Cole Hirono  
 Conaway Hodes  
 Connolly (VA) Holden  
 Conyers Holt  
 Cooper Honda  
 Costa Hoyer  
 Costello Hunter  
 Courtney Inslee  
 Crenshaw Israel  
 Critz Issa  
 Crowley Jackson (IL)  
 Cuellar Jackson Lee  
 Culberson (TX)  
 Cummings Jenkins  
 Dahlkemper Johnson (GA)  
 Davis (AL) Johnson (IL)  
 Davis (CA) Johnson, E. B.  
 Davis (IL) Johnson, Sam  
 Davis (KY) Jones  
 Davis (TN) Jordan (OH)  
 DeFazio Kagen  
 DeGette Kanjorski  
 Delahunt Kaptur  
 DeLauro Kennedy  
 Dent Kildee  
 Deutch Kilpatrick (MI)  
 Diaz-Balart, L. Kilroy  
 Diaz-Balart, M. Kind  
 Dicks King (IA)  
 Dingell King (NY)  
 Djou Kingston  
 Doggett Kirk  
 Donnelly (IN) Kirkpatrick (AZ)  
 Doyle Kissell  
 Dreier Klein (FL)  
 Driehaus Kline (MN)  
 Duncan Kosmas  
 Edwards (MD) Kratovil  
 Edwards (TX) Kucinich  
 Ehlers Lamborn  
 Ellison Lance  
 Ellsworth Langevin  
 Emerson Larsen (WA)  
 Engel Larson (CT)  
 Eshoo Latham  
 Etheridge LaTourette  
 Faleomavaega Latta  
 Fallon Lee (CA)  
 Farr Lee (NY)  
 Fattah Levin  
 Filner Lewis (CA)  
 Fleming Lewis (GA)  
 Forbes Lipinski  
 Fortenberry LoBiondo  
 Foster Loeb sack  
 Foxx Lofgren, Zoe  
 Frank (MA) Lowey  
 Franks (AZ) Lucas  
 Frelinghuysen Luetkemeyer  
 Fudge Lujan  
 Gallegly Lummis  
 Garamendi Lungren, Daniel  
 Garrett (NJ) E.  
 Gerlach Lynch  
 Giffords Mack  
 Gingrey (GA) Maffei  
 Gohmert Maloney  
 Gonzalez Manzullo  
 Goodlatte Marchant  
 Gordon (TN) Markey (CO)  
 Granger Markey (MA)  
 Graves (GA) Marshall  
 Graves (MO) Matheson  
 Grayson Matsui  
 Green, Al McCarthy (CA)  
 Green, Gene McCarthy (NY)  
 Grijalva McCaul

McCollum  
 McCotter  
 McDermott  
 McGovern  
 McHenry  
 McIntyre  
 McKeon  
 McMahon  
 McMorris  
 Rodgers  
 McNeerney  
 Meeks (NY)  
 Melancon  
 Mica  
 Michaud  
 Miller (FL)  
 Miller (MI)  
 Miller (NC)  
 Miller, Gary  
 Miller, George  
 Minnick  
 Mitchell  
 Mollohan  
 Moore (KS)  
 Moran (KS)  
 Moran (VA)  
 Murphy (CT)  
 Murphy (NY)  
 Issa  
 Murphy, Patrick  
 Murphy, Tim  
 Myrick  
 Nadler (NY)  
 Napolitano  
 Neal (MA)  
 Neugebauer  
 Norton  
 Nunes  
 Nye  
 Oberstar  
 Obey  
 Olson  
 Olver  
 Ortiz  
 Owens  
 Pallone  
 Pascarell  
 Pastor (AZ)  
 Paul  
 Paulsen  
 Payne  
 Pence  
 Perlmutter  
 Perriello  
 Peters  
 Peterson  
 Petri  
 Pierluisi  
 Pingree (ME)  
 Pitts  
 Platts  
 Poe (TX)  
 Polis (CO)  
 Pomeroy  
 Posey  
 Price (GA)  
 Price (NC)  
 Putnam  
 Quigley  
 Radanovich  
 Rahall  
 Rangel  
 Rehberg  
 Reichert  
 Reyes  
 Richardson  
 Rodriguez  
 Roe (TN)  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Ross  
 Rothman (NJ)  
 Roybal-Allard  
 Royce  
 Ruppersberger  
 Rush  
 Ryan (OH)  
 Ryan (WI)  
 Salazar  
 Sanchez, Linda  
 T.  
 Sanchez, Loretta

Sarbanes  
 Scalise  
 Schakowsky  
 Schauer  
 Schiff  
 Schmidt  
 Schock  
 Schrader  
 Schwartz  
 Scott (GA)  
 Scott (VA)  
 Sensenbrenner  
 Serrano  
 Sessions  
 Sestak  
 Shadegg  
 Shea-Porter  
 Sherman  
 Skelton  
 Shuler  
 Shuster  
 Simpson  
 Sires  
 Skelton  
 Slaughter  
 Smith (NE)

Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Snyder  
 Space  
 Speier  
 Spratt  
 Stark  
 Stearns  
 Stupak  
 Sullivan  
 Sutton  
 Tanner  
 Taylor  
 Teague  
 Terry  
 Thompson (CA)  
 Thompson (MS)  
 Thompson (PA)  
 Thornberry  
 Tiahrt  
 Tiberi  
 Tierney  
 Titus  
 Tonko  
 Towns

Tsongas  
 Turner  
 Upton  
 Van Hollen  
 Velázquez  
 Visclosky  
 Walden  
 Walz  
 Wasserman  
 Schultz  
 Watson  
 Watt  
 Waxman  
 Weiner  
 Welch  
 Westmoreland  
 Whitfield  
 Wilson (OH)  
 Wilson (SC)  
 Wittman  
 Wolf  
 Woolsey  
 Wu  
 Yarmuth  
 Young (AK)  
 Young (FL)

## NOES—3

## NOT VOTING—17

Campbell  
 Barrett (SC)  
 Boehner  
 Brown (SC)  
 Brown-Waite,  
 Ginny  
 Castor (FL)  
 Flake  
 Childers  
 Cleaver  
 Griffith  
 Gutierrez  
 Hokestra  
 Inglis  
 McClintock  
 Linder  
 Meek (FL)  
 Moore (WI)  
 Sablan  
 Wamp  
 Waters

□ 1323

Mr. BACHUS changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. GRIFFITH. Mr. Chair, on rollcall Nos. 371, 372, and 373, I was unavoidably detained. Had I been present, I would have voted “yes.”

The Acting CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SERRANO) having assumed the chair, Mr. CUELLAR, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes, and, pursuant to House Resolution 1436, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

## MOTION TO RECOMMIT

Mr. NEUGEBAUER. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. NEUGEBAUER. In its current form, yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Neugebauer moves to recommit the bill H.R. 5297 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

At the end of section 4(b), add the following new paragraph:

(4) SECRETARY CERTIFICATION TO SIGTARP.—

(A) IN GENERAL.—Each time the Secretary makes a purchase (including a commitment to purchase) or a modification of a purchase under the Program, the Secretary shall certify to the SIGTARP that the Secretary is acting solely on the basis of economic fundamentals and not because of any political considerations.

(B) SIGTARP DEFINED.—For purposes of this paragraph, the term “SIGTARP” means the Special Inspector General for the Troubled Asset Relief Program, established under section 121 of the Emergency Economic Stabilization Act of 2008.

At the end of section 8, add the following new subsection:

(c) TARP SPECIAL INSPECTOR GENERAL OVERSIGHT.—Section 121(c)(1) of the Emergency Economic Stabilization Act of 2009 (12 U.S.C. 5231(c)(1)), is amended—

(1) by striking “section 101, and” and inserting “section 101,”; and

(2) by inserting before “including” the following: “and activities under section 4, 5, or 6 of the Small Business Lending Fund Act of 2010.”

Mr. NEUGEBAUER (during the reading). Mr. Speaker, I ask unanimous consent that the reading of the motion be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. NEUGEBAUER. This motion makes two important changes to this bill. First, it puts a Special Inspector General for TARP in charge of the oversight of the new Small Business Lending Fund. Remember, this fund is TARP II or TARP, Junior, as it's referred to. Second, the motion requires the Treasury to certify that the decisions about which banks receive funds are based on merit and not political consideration.

This new lending fund follows the model of TARP, minus the stronger oversight, and puts another \$30 billion in banks. The motion to recommit would make the Special Inspector General for TARP, or SIGTARP, responsible for oversight of this new program.

In a letter to Chairman FRANK, Neil Barofsky, the Special Inspector General for TARP, said, "I believe it is absolutely critical to protect the taxpayers that the Office of SIGTARP be permitted to continue its oversight in what is essentially an extension of TARP's Capital Purchase Program. Accordingly, I write to recommend that Congress provide SIGTARP oversight for the SBLF in any resulting legislation."

Just yesterday, SIGTARP announced an indictment in a \$1.9 billion fraud case involving the failed Colonial Bank. Part of the fraud case involves efforts to obtain \$533 million in taxpayer money from TARP. Due to the efforts of SIGTARP agents working with law enforcement, the taxpayers were protected.

The underlying legislation puts a deputy of the Treasury Inspector General in charge of oversight. The Treasury Inspector General was not among the many agencies and law enforcement that worked on this \$1.9 million fraud involving TARP.

SIGTARP has considerable experience overseeing a program in which the government purchases preferred stocks in banks. If we create a new TARP program that will also purchase shares in banks, why should we not use the same oversight agency that has a proven track record and expertise? Failing to take advantage of SIGTARP's unique expertise is an extreme service to the taxpayers, exposing them to a greater likelihood of waste, fraud, and abuse.

□ 1330

Is the majority afraid to use this experienced and effective regulator simply because the word "TARP" is part of its title?

The taxpayers deserve to be protected when Treasury makes investments with their money. Unfortunately, we have some examples of TARP investments that have raised serious questions about how the investment decisions were made.

When One United bank received TARP funds in 2008, questions came up about whether the bank's political connections helped with its TARP approval. Prior to receiving funds, One United had lost capital and was under scrutiny by regulators for its lending practices.

More recently, a number of Members of Congress and others have questioned whether political pressure was involved in the decision by large banks to raise capital for the troubled Shore Bank in Chicago. Shore Bank has applied for TARP funds, in addition to the \$140 million in assistance from other banks, to head off a takeover by the FDIC. Shore Bank also has ties to the Obama administration.

We do not have all the answers on how these decisions were made for the banks, but we need to be sure that

these types of questions are not raised about other banks.

The motion to recommit says Treasury must certify that each decision to provide funds is made solely on economic fundamentals and not because of any political consideration. This is the type of decision-making that taxpayers always expect and deserve. When their \$30 billion is being put on the line, we need to do all we can to protect their investment. The underlying bill falls short to do that.

The motion to recommit improves taxpayer protections by putting the experience of SIGTARP over this new TARP program and requiring that investment decisions be made on economic fundamentals, not political connections. If you're going to have TARP II, why wouldn't you use the same regulator that you had for TARP I?

I urge my colleagues to stand with the taxpayers and support this motion to recommit.

With that, I yield back the balance of my time.

Mr. FRANK of Massachusetts. I rise to oppose the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, let's be very clear. This is just a preliminary chance to vote "no."

For reasons that I don't understand, my Republican colleagues are opposed to a program in which voluntarily the Federal Government makes funds available to community banks so that, if they want to participate, they can lend it to small businesses. Maybe it is the fear that it might succeed and diminish their issues that leads them to oppose it. They have been unable to oppose it outright on its merits, so here's what they want to do. They want to say it's really the TARP program, and in fact, the gentleman from Texas said that. He said, if you're going to create a second TARP program, put the TARP inspector in charge. That's true. If you're going to fly to the Moon, pack a big lunch. If shmif.

The fact is that we don't create a TARP program. This is classic bootstrapping. It's not a TARP program. It's very different than the TARP program in a number of ways. The community banks want to participate in it. They don't want to participate in another TARP program. So, to kill it, they are inaccurately characterizing it TARP and then talking about another Inspector General from SIGTARP. This is not the problem of what the Secretary's being asked to say. It is to try desperately to get a little TARP rubbed off on it so they can defeat, by that way, something they can't defeat on the merits.

Let me now yield to the gentleman from Kansas (Mr. MOORE) who is the chair of the oversight subcommittee of our committee and a man with a great reputation for integrity in enforcing taxpayer rights.

Mr. MOORE of Kansas. I thank the chairman for yielding.

To Members of this House, I want to say that the bill, as written, says the Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of the purchase and commitments to purchase a preferred stock and other financial instruments under the program. That is directly from the bill. We should not add SIGTARP.

Mr. FRANK of Massachusetts. I reclaim my time to say, the gentleman from Texas began with a great, surprising revelation. A bureaucrat, the Inspector General of TARP, wants to expand his authority. I'm surprised that there were not gasps of wonderment in the House. We have an Inspector General here. They can do it, and the SIGTARP Inspector General, because that program is about to go out of existence, decided to expand his authority. However, it goes beyond in one sense. It says that the Secretary must certify that he is acting solely on the basis of economic fundamentals and not because of any political consideration.

So here's the offer I make, with the support of the majority leader. Within a few days, we will bring a suspension to the floor that will require the Secretary to so certify under oath—we'll go you one better in this effort—and the Secretary will be required to certify under oath to the Inspector General of the Treasury, and if Members want, we can have them certify under oath to the Government Accountability Office, and if there are other people you want them to certify to, we'll be glad to do that.

But the sole purpose of invoking the Inspector General of TARP here, with his collaboration, so he will continue to have a job, is to discredit the program. If you want this program to go forward, you vote against this. We will come forward with further reinforcement of the oath taking—we'll even make it oath taking, but please, if you want to vote "no," vote "no" I would say to the Members, Mr. Speaker, but don't fall for this name game. This is an effort to call it TARP. It's your TARP; no, it's not. It's the Peewee Herman school of legislating; let's call each other names without dealing with the substance. Let's not, when we're dealing with a serious issue of trying to get money to community banks to help our smaller businesses, fall for that nonsense.

Ms. VELÁZQUEZ. Would the gentleman from Massachusetts yield?

Mr. FRANK of Massachusetts. I yield to the gentlewoman.

Ms. VELÁZQUEZ. Mr. Chairman, I didn't know that the other side liked TARP so much that you want to keep it going. We have put safeguards, penalties, restrictions, oversight in place. This is another bureaucratic layer that

will hinder the needs of small businesses to access capital.

Mr. FRANK of Massachusetts. The gentlewoman is right.

What our friends on the other side have, for political reasons, is a severe case of TARP separation envy. It's going away. They haven't had their President tell us to do it. They are going to miss it, but we're not going to deal with that in this bill and kill the bill. I hope the recommittal is defeated.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. NEUGEBAUER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage, if ordered, and motion to suspend the rules on H.J. Res. 86.

The vote was taken by electronic device, and there were—ayes 180, noes 237, not voting 15, as follows:

[Roll No. 374]

#### AYES—180

Aderholt	Diaz-Balart, L.	Lamborn
Akin	Diaz-Balart, M.	Lance
Alexander	Djou	Latham
Austria	Doggett	LaTourette
Bachmann	Dreier	Latta
Bachus	Duncan	Lee (NY)
Bartlett	Edwards (TX)	Lewis (CA)
Barton (TX)	Ehlers	Linder
Biggert	Emerson	LoBiondo
Bilbray	Flake	Lucas
Bilirakis	Fleming	Luetkemeyer
Bishop (UT)	Forbes	Lummis
Blackburn	Fortenberry	Lungren, Daniel
Blumenauer	Fox	E.
Blunt	Franks (AZ)	Mack
Boehner	Frelinghuysen	Manzullo
Bonner	Gallely	Marchant
Bono Mack	Garrett (NJ)	McCarthy (CA)
Boozman	Gerlach	McCaul
Boustany	Gingrey (GA)	McClintock
Brady (TX)	Gohmert	McCotter
Broun (GA)	Goodlatte	McHenry
Brown-Waite,	Granger	McIntyre
Ginny	Graves (GA)	McKeon
Buchanan	Graves (MO)	McMahon
Burgess	Griffith	McMorris
Burton (IN)	Guthrie	Rodgers
Buyer	Hall (TX)	Mica
Calvert	Harper	Miller (FL)
Camp	Hastings (WA)	Miller (MI)
Campbell	Heller	Miller, Gary
Cantor	Hensarling	Mitchell
Cao	Herger	Moran (KS)
Capito	Herseth Sandlin	Murphy, Tim
Carter	Hunter	Myrick
Cassidy	Issa	Neugebauer
Castle	Jenkins	Nunes
Chaffetz	Johnson (IL)	Nye
Coble	Johnson, Sam	Olson
Coffman (CO)	Jones	Paul
Cole	Jordan (OH)	Paulsen
Conaway	King (IA)	Pence
Crenshaw	King (NY)	Petri
Culberson	Kingston	Pitts
Davis (KY)	Kirk	Platts
Dent	Kline (MN)	Poe (TX)

Posey  
Price (GA)  
Putnam  
Radanovich  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce

Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Stearns  
Sullivan  
Taylor

Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

Weiner  
Welch

Wilson (OH)  
Woolsey

Wu  
Yarmuth

#### NOT VOTING—15

Barrett (SC)	Gordon (TN)	Moore (WI)
Boucher	Himes	Moran (VA)
Brown (SC)	Hoekstra	Richardson
Childers	Inglis	Smith (TX)
Fallin	Meek (FL)	Wamp

□ 1355

Mr. BAIRD and Mrs. MCCARTHY of New York changed their vote from “aye” to “no.”

Mr. NYE changed his vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. RICHARDSON. Mr. Speaker, earlier today I was unavoidably detained and was unable to return in time for rollcall vote 374.

Had I been present, I would have voted as follows: On rollcall No. 374, I would have voted “no” (Motion to Recommit H.R. 5297, the Small Business Lending Fund Act of 2010).

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. WESTMORELAND. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 182, not voting 9, as follows:

[Roll No. 375]

#### AYES—241

Ackerman	Cohen	Gordon (TN)
Adler (NJ)	Connolly (VA)	Grayson
Altire	Conyers	Green, Al
Andrews	Costa	Green, Gene
Arcuri	Costello	Grijalva
Baca	Courtney	Gutierrez
Baird	Critz	Hall (NY)
Baldwin	Crowley	Halvorson
Barrow	Cuellar	Hare
Bean	Cummings	Harman
Becerra	Davis (AL)	Hastings (FL)
Berkley	Davis (CA)	Heinrich
Berman	Davis (IL)	Higgins
Bishop (GA)	Davis (TN)	Hill
Bishop (NY)	DeFazio	Himes
Blumenauer	DeGette	Hinchee
Bocieri	Delahunt	Hinojosa
Boren	DeLauro	Hirono
Boswell	Deutch	Hodes
Boucher	Dicks	Holden
Brady (PA)	Dingell	Holt
Brown, Corrine	Donnelly (IN)	Honda
Butterfield	Doyle	Hoyer
Cao	Drieaus	Inlee
Capps	Edwards (MD)	Israel
Capuano	Ellison	Jackson (IL)
Cardoza	Ellsworth	Jackson Lee
Carnahan	Engel	(TX)
Carney	Eshoo	Johnson (GA)
Carson (IN)	Etheridge	Johnson, E. B.
Castle	Farr	Jones
Castor (FL)	Fattah	Kagen
Chandler	Filner	Kanjorski
Chu	Foster	Kaptur
Clarke	Frank (MA)	Kennedy
Clay	Fudge	Kildee
Cleaver	Garamendi	Kilpatrick (MI)
Clyburn	Giffords	Kilroy
	Gonzalez	Kind

#### NOES—237

Ackerman  
Adler (NJ)  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Bocieri  
Boren  
Boswell  
Boyd  
Brady (PA)  
Braley (IA)  
Bright  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Deutch  
Dicks  
Dingell  
Donnelly (IN)  
Doyle  
Driehaus  
Edwards (MD)  
Ellison  
Ellsworth  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Foster  
Frank (MA)  
Fudge  
Garamendi  
Giffords

Gonzalez  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Higgins  
Hill  
Hinchee  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inlee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
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Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebach  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks (NY)  
Melancon  
Michaud  
Miller (NC)  
Miller, George  
Minnick  
Mollohan  
Moore (KS)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick

Nadler (NY)  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Olver  
Ortiz  
Owens  
Pallone  
Pascarelli  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
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Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Teague  
Thompson (CA)  
Thompson (MS)  
Thornberry  
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Tonko  
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Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman

Kirkpatrick (AZ) Murphy, Patrick  
Kissell Nadler (NY)  
Klein (FL) Napolitano  
Kosmas Neal (MA)  
Kratovil Nye  
Kucinich Oberstar  
Langevin Obey  
Larsen (WA) Oliver  
Larson (CT) Ortiz  
Lee (CA) Owens  
Levin Pallone  
Lewis (GA) Pascarell  
Lipinski Pastor (AZ)  
Loeb sack Payne  
Lofgren, Zoe Perlmutter  
Lowey Perriello  
Luján Peters  
Lynch Peterson  
Maffei Pingree (ME)  
Maloney Pomeroy  
Markey (CO) Price (NC)  
Markey (MA) Quigley  
Marshall Rahall  
Matheson Rangel  
Matsui Reyes  
McCarthy (NY) Richardson  
McCollum Rodriguez  
McDermott Ross  
McGovern Rothman (NJ)  
McIntyre Roybal-Allard  
McMahon Rumpersberger  
McNerney Rush  
Meeks (NY) Ryan (OH)  
Melancon Salazar  
Michaud Sánchez, Linda  
Miller (NC) T.  
Miller, George Sanchez, Loretta  
Minnick Sarbanes  
Mollohan Schakowsky  
Moore (KS) Schauer  
Moran (VA) Schiff  
Murphy (CT) Schrader  
Murphy (NY) Schwartz

## NOES—182

Aderholt Doggett  
Akin Dreier  
Alexander Duncan  
Austria Edwards (TX)  
Bachmann Ehlers  
Bachus Emerson  
Bartlett Fallin  
Berry Flake  
Biggert Fleming  
Bilbray Forbes  
Billirakis Fortenberry  
Bishop (UT) Foss  
Blackburn Franks (AZ)  
Blunt Frelinghuysen  
Boehner Gallegly  
Bonner Garrett (NJ)  
Bono Mack Gerlach  
Boozman Gingrey (GA)  
Boustany Gohmert  
Boyd Goodlatte  
Brady (TX) Granger  
Bright Graves (GA)  
Broun (GA) Graves (MO)  
Brown-Waite, Griffith  
Ginny Guthrie  
Buchanan Hall (TX)  
Burgess Harper  
Burton (IN) Hastings (WA)  
Buyer Heller  
Calvert Hensarling  
Camp Herger  
Campbell Herseth Sandlin  
Cantor Hunter  
Capito Issa  
Carter Jenkins  
Cassidy Johnson (IL)  
Chaffetz Johnson, Sam  
Coble Jordan (OH)  
Coffman (CO) King (IA)  
Cole King (NY)  
Conaway Kingston  
Cooper Kirk  
Crenshaw Kline (MN)  
Culberson Lamborn  
Dahlkemper Lance  
Davis (KY) Latham  
Dent LaTourette  
Diaz-Balart, L. Latta  
Diaz-Balart, M. Lee (NY)  
Djou Lewis (CA)

Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
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Smith (WA)  
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Visclosky  
Walz  
Wasserman  
Schultz  
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Waxman  
Weiner  
Welch  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Stearns  
Sullivan  
Taylor  
Terry  
Thompson (CA)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Titus  
Turner  
Upton  
Walden  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

## NOT VOTING—9

Barrett (SC) Childers  
Barton (TX) Hoekstra  
Brown (SC) Inglis

Meek (FL)  
Moore (WI)  
Wamp

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1403

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## RECOGNIZING 60TH ANNIVERSARY OF KOREAN WAR

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the joint resolution (H.J. Res. 86) recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and pass the joint resolution, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

## THE FIRST AMENDMENT IS FOR ALL AMERICANS

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, once again, we have discovered that there appears to be some glitch in the majority's effort to bring the so-called DISCLOSE Act to the floor. It apparently is over how many people get exempted from the disclosure rules that otherwise prevail.

We have had the NRA exemption, which was for organizations which have over 1 million people, which have actually existed more than 10 years, which have people in all 50 States, in D.C. and in Puerto Rico, and which have less than 15 percent of their funds from corporations. Now we understand they have dropped it to 500,000.

Madam Speaker, we did not take the oath to the Constitution to only uphold part of the Constitution. It is time that we stop auctioning off the First Amendment and start understanding that we here are supposed to protect the First Amendment, not parcel it out, not deny it to some and give it to others. The First Amendment is for all Americans, not just for those favored by one party or another.

## POLITICAL HYSTERIA

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the administration's knee-jerk banning of deepwater drilling for 6 months is the second disaster in the gulf.

The government is intentionally putting companies out of business in the gulf with this unscientific moratorium. There are 50,000 workers who are losing their jobs due to government overreaction. The administration is not only purposely putting blue collar workers out of work; the government is sending those jobs to Brazil and to Indonesia.

In 2005, there was a BP refinery explosion in Texas City, Texas. Fifteen people were killed; 180 were injured. The government did not close all of the refineries for 6 months in the United States to investigate the sins of BP then. That would have been foolish nonsense. It would have destroyed jobs, the economy, and it would have caused the loss of U.S. energy.

So investigate the rig explosion and hold BP accountable for their conduct, but don't in a moment of political hysteria stop deepwater drilling. Don't wipe out jobs, American companies, and sabotage the U.S. economy.

And that's just the way it is.

## PROVIDE TAX RELIEF, NOT TAX CREEP

(Mr. GRAVES of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAVES of Georgia. Madam Speaker, in Georgia's Ninth Congressional District, there is the small town of Ellijay. It is known not only for Colonel Poole's barbecue and as the apple capital of Georgia but also as the home of the McCutchen-Poole Small Business Coalition. The reason is that community leaders like Colonel Oscar Poole and Joe McCutchen are committed to creating an environment where small business can thrive. However, taxation and regulation are stifling small business expansion.

Throughout my legislative career, I have focused my efforts on removing these unnecessary barriers in order to unleash America's entrepreneurial spirit. As a small business man, I know

that cutting spending here in Washington, eliminating the capital gains tax and reducing the corporate income tax, along with empowering the private sector, is the way to create jobs and to get Americans back to work.

Stimulating the economy must come from expanding the private sector, not by expanding government. We have a 16-month track record of failed economic policies, and they continued once more here today. We should be encouraging small businesses, not penalizing them with higher taxes and more regulation.

So I hope you will join me. Let's empower the taxpayer. Let's provide tax relief, not tax creep.

#### COMPENSATION FOR SURVIVAL FOR VICTIMS OF THE GULF COAST DISASTER

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Madam Speaker, everyone knows that we are in the grips of trying to overcome the devastation of the gulf and to help the people of that region. That is why I want to applaud the serious work that was done at the White House to establish the independent framework that I called for 2 weeks ago, which was to ensure that the impacted communities—restaurants, fishermen, shrimpers, oyster persons, and people with small restaurants and large restaurants—in the gulf region, from Florida to Texas, have the ability to secure the kind of compensation needed now to make their bills.

This is not compensation for the injury as much as it is compensation to survive. For anyone to suggest that this was a shakedown is a misinterpretation and a distortion to the American people.

What do they want the government to do? They want the government to be responsive, to make sure that we work on their behalf and to make sure that people whose lights are being turned off can pay their bills.

Good news. We can now get claims and can help the people in the gulf region.

□ 1415

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. DAHLKEMPER). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### RECOGNIZING FLORIDA'S SMALL BUSINESSES

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

woman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I am proud to rise to recognize the many small businesses throughout the Nation, and especially in my home State of Florida and in my area of south Florida, that I hope will lead us into the great economic recovery.

As we have in the past, we shall recover again. Small business owners are going to be an essential part of that recovery because small business owners are truly the backbone of our Nation's economy, employing tens of millions of workers and creating most of the new private sector jobs that are so important for true economic growth.

I'd like to take this opportunity to especially recognize two small businesses in my district which definitely represent America's tradition of free enterprise and individual initiative.

Tri-City Electric has reached a well-respected place in both Florida and the electrical contracting industry with well over 300 employees. This family firm has been providing electrical design, installation, and service in south Florida for three generations since 1946. This small business's name also played a role in the fascinating rise of small business after World War II, in that it was selected to represent our area's three major cities at that time: Miami, Coral Gables, and Miami Beach. Like most small businesses, Tri-City Electric is made of folks who didn't start at the top and, in this case, started in the trenches digging to lay pipeline in the hot weather while working whatever hours it takes to get the job done.

Another small business with a long tradition of service in south Florida is Riverside Electric Company. This was established in 1922—I love anything older than I am—which is one of oldest electrical contracting firms in the southeastern United States. Another firm with a proud family tradition, its roots go back to Atlanta, where the company played a key role in converting the city's streetlights from gas to electric. Its founder, Eugene M. Irvin, Sr., later moved his family to Miami and began Riverside Electric Company. His great grandson, James Irvin, is now co-owner of the company, along with Alexander Rodriguez, who started as an apprentice and worked his way up to become a journeyman and master electrician.

Madam Speaker, these are just two examples of Florida's nearly 2 million small businesses that have provided economic opportunities to diverse groups of people and have delivered innovative products and services to a worldwide marketplace.

Florida's small employers, in 2006, represented 99 percent of the State's employers and 44 percent of its private sector employment. Of even greater significance, however, is that small

businesses created nearly 60 percent of my State's new jobs in recent years. Think of that figure. Sixty percent of the new jobs in the State of Florida were created by small businesses.

It is my honor and my privilege to recognize today the many dedicated and hardworking employees of small businesses who have done so much over the years to serve their neighbors in so many ways.

#### JULY 2011 IS NOT SOON ENOUGH: ACCELERATE TROOP REDEPLOYMENT OUT OF AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, General Petraeus was in Washington this week to testify before the House and Senate Armed Services Committee. And while his intent was to endorse the July 2011 Afghanistan redeployment date set by the Commander in Chief, it was not the kind of clear, unambiguous statement that inspires very much confidence.

According to an editorial in today's Washington Post, the General describes next July as "the point at which a process begins to transition security tasks to Afghan forces at a rate to be determined by conditions at the time." With all due respect, Madam Speaker, could there be any more qualifiers and escape hatches in that sentence?

The American people, who have 1,000 fewer fellow citizens and 278 billion fewer dollars than they did when this war began, aren't looking for the beginning of a process. They're looking for an end to this, an end to this miserable war.

Shouldn't we be at the end or at least in the middle of the process of transitioning security tasks to Afghan forces? Shouldn't the beginning of the process have come at some point over the last 8½ years that we've been fighting this war?

My concern, Madam Speaker, is that statements like this one are laying the predicate for an extension of President Obama's deadline, which is exactly the wrong lesson and the wrong approach. The problem is that, if you're locked into a certain mindset, it will never seem like the right moment to remove our troops from Afghanistan, because the mission as currently defined will never be complete and conditions on the ground will forever remain bad. But the reason for that is the underlying policy of a military invasion and occupation that is fatally flawed in the first place.

So, in a twisted, paradoxical way, Madam Speaker, the more we fail, the more we try to succeed with the same misguided approach, and then we just fail some more. That's how you end up with perpetual war. If we had adopted

smart security principles and invested in a humanitarian rather than a military approach, we'd be a lot closer to our goals of a peaceful, stable, and secure Afghanistan.

For my part, Madam Speaker—and I am not alone in this belief—the July 2011 date is not nearly ambitious enough. That's yet one more year in which Americans will be asked to sacrifice blood and treasure for a failed counterterrorism strategy that is doing nothing to advance our national security objectives. I believe General Petraeus is moving in the wrong direction and being cautious where he should be bold. It's time to accelerate the timetable, not push it back. It's time, Madam Speaker, to bring our troops home.

#### HELP FOR THE UNEMPLOYED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Madam Speaker, we have the highest number of long-term unemployed Americans ever on record, so you'd think we'd be overwhelmed by bipartisan cooperation to help us with these 7 million people who have been out of work for more than 6 months. Instead, every single House Republican but one voted against the legislation 3 weeks ago to continue emergency Federal unemployment benefits. And now, in the other body, every Republican has refused to support an extension of unemployment benefits. So a growing number of jobless workers are now losing their benefits.

By the end of this week, more than 900,000 Americans will lose their unemployment benefits unless the other body acts. We hear their rumblings over there, but I'll believe it when I see it. By the end of the month, the number will grow to 1.2 million. My colleagues from Florida should know an estimated 80,000 Floridians will lose their benefits; California, 180,000; Ohio, 66,000; Georgia, 57,000. And the list goes on and on.

The last lifeline for these workers and their families is being severed, leaving them adrift with no job, no savings, and no support. Even some from my own party seem to be saying now is the time to start cutting back on help for the unemployed. In fact, it will take about 5 years of consistent, month-after-month job growth to make up for all the ground we have lost in this recession. That's how big the jobs hole is that unemployed workers are trying to climb out of.

You only have to hear from a few unemployed workers to know how hard they're looking for work and to feel their sheer sense of desperation. They're losing their homes, their health, and their faith in the American

Dream. Are we really prepared to just stand by and watch them sink into abject poverty?

Opponents of helping the unemployed like to talk about budget deficits. Of course, they don't seem to care about deficits when it comes to two wars that have cost a trillion dollars and two tax cuts, mainly for the wealthy, which cost \$1.7 trillion. None of that seems to matter. But now the stingy other body says we might pass this if we can take away \$25 a week from all the unemployed. Of course, we couldn't take the money from the hedge fund people. That would be too tough on them. When it comes to helping the unemployed, they just say, We can't afford it. But I wonder if they have truly considered the real cost of abandoning these families.

Ending assistance to the unemployed will reduce consumer demand right at the point when the economy is struggling to rebound after the worst recession in 70 years. It would surely increase the number of homes that would go into foreclosure. And it would drive some individuals permanently out of the labor force if we don't do something. All these outcomes will increase our Nation's budget deficit. But even worse, they'll bring about a crippling deficit of hope—hope for the future.

Helping those who have lost their jobs through no fault of their own is the right thing to do for families, for the economy, and, ultimately, for the Federal budget.

Our failure to get this bill passed has very real and very immediate consequences. Tonight, thousands of people in every corner of this country will suffer because we have chosen to quibble and stonewall instead of act. These benefits help millions of people put bread on the table while they look for work. I sincerely hope the other body will take pity on the unemployed of this country and pass a bill today.

#### IN MEMORY OF MILTON CLOWERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 5 minutes.

Mr. WESTMORELAND. Madam Speaker, I rise today to pay respect to Fayetteville, Georgia's Milton Clowers, who passed away a few weeks ago. Milton was a good friend of mine and a good friend to many.

He leaves behind his wife, Randi; his loving children, Eric and Cameron; and Eric's wife, Amy. His extended family included several brothers and sisters who preceded him in death and four brothers and sisters who have survived. Probably most special to him were his five grandchildren. And as a grandfather, Milton and I would often talk about our grandchildren and what a blessing they were to us.

Milton was a good friend to me. I knew him both personally and profes-

sionally. He was born in Tennessee and attended Tennessee State University. Milton enjoyed a career in the electrical industry, which I come from a construction background, and Milton and I had many discussions about the condition of our construction industry today.

He came to Atlanta, where he was accepted into an apprenticeship program with the International Brotherhood of Electrical Workers Local 613. Milton worked hard and had a successful career. He started at Grove Park Electric and went on to Dixie Electric Company. But the highlight of Milton's career was UpTime Electric. He made it into a very successful electrical contracting firm. He did a lot of work for Delta Airlines in the Atlanta Airport. I took a trip and visited that site with him probably a couple months before his death.

□ 1430

Milton also served on several industry boards. He served as the secretary, treasurer, president and chairman for the Atlanta Electrical Contractors Association.

Career and community work are important. However, a man is only as good as the family and friends who support him. Fortunately, Milton was blessed with a lot of both. He was a loving and devoted husband, father, brother and friend. He was a strong, talented, and compassionate man who gave so much to so many folks. I am proud to speak about him today on this floor to honor his life and his work. And Milton, I will miss you, my friend.

#### THE U.S.-MEXICO BORDER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Utah (Mr. BISHOP) is recognized for 60 minutes as the designee of the minority leader.

Mr. BISHOP of Utah. Madam Speaker, I come to the floor today during this specific time to talk about issues that are taking place on the borders of the United States. The issues I talk about are issues that impact both the northern border and southern border as well. But we have had quite a bit of hype in the media lately about things that are taking place on the southern border, so I would like to try to focus my attention primarily on what is happening between the border between the United States and Mexico. I also want to try to narrow the focus of the discussion tonight in some particular way because I'm not talking about everybody who is coming through the border, both legally and illegally. I'm talking about certain kinds of bad guys that are doing great harm to this particular country.

Let me talk about the kinds of people for which we should be vastly concerned. I am talking about drug cartels

and drug runners. The sad fact is that almost all the illegal drugs coming into this country are coming across Federal lands that abut our southern border.

I'm talking about human traffickers. The sad reality is, those who are hijacking and kidnapping people, those who are running prostitution rings, those who are bringing people in here for unspeakable kinds of activities are coming through Federal lands on our southern border. If you go down to those lands, you will see the rape trees, established where those who are leading innocent individuals will take people across the border, physically abuse them, rape them, and then leave an article of peril on a tree as a memento, a reward, a symbol of their success in such a heinous activity. That is happening on Federal land along our southern border.

And I also want to talk about the potential of terrorists who can come through Federal land on our southern border almost without any kinds of inhibitions. You see, not everyone who is coming through the southern border with Mexico are from Mexico or even Latin American. In recent years the Border Patrol has intercepted people from Yemen, Pakistan, Iraq, Somalia, people from most of the countries that are on our enemy watch list, those types of individuals for whom we should be suspect are the ones who are being captured and caught and detained. And the question is, how many are not being captured and caught and detained?

We have found discarded apparel, backpacks with old Chinese passports that had been modified, that had been cut up, that had been reused. We are not really sure exactly why they were there and for what purpose they had, but we know that those types of individuals are coming across our southern border.

So please let me try to emphasize: The reason there should be such concern is because of some of the kinds of people who are illegally entering this country, whose sole purpose—it's not to find a job or not to join a family—but whose sole purpose is to further the illegal drug trade, whose sole purpose is to further illegal human trafficking, and whose sole purpose could easily be for terroristic reasons.

Now one of the ironies of our situation on the southern border is, if you look at this picture of the southern border, the land from San Diego over to El Paso, everything that is colored along the southern border is different kinds of Federal land. Well over 40 percent of the southern border is Federal lands, 4 million acres of which are in wilderness categories.

I want to make a distinction between the southern border from El Paso to San Diego because if you go from El Paso down to the Gulf of Mexico, it's

slightly different. First of all, you will notice from the map there is not a lot of Federal lands there, and the Border Patrol has a great deal more latitude and, consequently, a great deal more effectiveness on private lands, working with private individuals and local law enforcement, than they do in the areas where there are Federal lands; plus there's a river that makes a difference as well.

So I want to concentrate on all of that colored area between San Diego and El Paso where it is the Federal lands that are causing the problem. And they are causing the problem not for an unreasonable reason. I think we can all logically understand this. The Border Patrol is being very, very effective in urban areas. The Border Patrol is also being increasingly effective along the Texas border where they are dealing with local law enforcement and private property owners. And that means that if you want to come into this country illegally to do drugs, do human trafficking, or for terroristic purposes, you try to go through the area that is the easiest.

The easiest access to this country has now become Federal lands along the southern border, and that means that even though this issue has been with us for many years and many administrations—going back to the Reagan years when we were talking about this particular issue—and even though the failings that I will be mentioning in this hour deal with this administration, they also dealt during the Bush administration, the Clinton administration, and years before that.

The only difference though is that now the situation is being exacerbated because the success we have in urban areas and on the private sector land means that the bad guys are being funneled more and more into the Federal lands where it is simply easier access to get into this country. So the problem has always been there. The problem, though, is intensifying, and that is why we must look differently at what we are doing.

Two agencies, actually three agencies are responsible for that southern border. They include those who own the lands, which is the Department of Interior and the Forest Service, and those who are charged with patrolling and protecting those lands, which is Homeland Security, specifically, the Border Patrol. And my contention to you today is that those three agencies have collectively failed in their responsibility.

A few weeks ago, a deputy sheriff from Pinal County, Arizona, comes to one of those sections of land which is wilderness designation, which means he no longer is able to stay within his vehicle—because, by our laws, we cannot have a mechanized vehicle in a wilderness area—so he has to get out of his car and walk into this wilderness

area where he promptly walks into an ambush and is shot. Two weeks later, in the same area, the same wilderness area where the Border Patrol is not allowed to do their routine type of patrol work, two dead bodies of Americans are found in that exact same spot on Federal land.

You look over at the Rob Krentz family where, through a wildlife refuge, once again, because it has an endangered species on it, Border Patrol is prohibited from going into that area. Unfortunately, the murderer of Rob Krentz was not prohibited from entering this country through that wildlife refuge. He confronted a rancher whose family goes back to 1907 in Arizona in that particular ranch. This is an elderly gentleman who was on a motorized vehicle on his own land. He did not have the opportunity of facing the issue of whether to fight or flee because he didn't have the capacity to do either. He had just had surgery on his back. He had just had a hip replacement, was scheduled for another hip replacement. He basically was immobile.

And in years past, when a rancher confronted drug cartels, drug runners, the human traffickers, they would usually flee. But for whatever reason—and this is becoming more and more constant—for whatever reason, this time the drug cartel decided to stay there, and they killed Rob Krentz, and they killed his dog. And then he fled on a very out-of-the-way route to going back through the exact wilderness refuge from which he entered into this country. I'm sorry, this is an example of where we are failing.

A Mexican rancher brutally murdered, bound and duct taped, was thrown into the Organ Pipe Cactus National Monument on the U.S. side back in November. To this day, nobody has actually issued any kind of press release to allow anyone to know that that is happening. And the sad part is the examples I am giving you right now are not isolated. We have had several members of our Border Patrol who have been murdered in this exact same area. More and more individuals, both Americans and of Mexican extraction, are being assaulted, murdered, raped, and robbed in this particular area, and it is all happening on Federal land.

So the question one has to simply ask is, you know, Why? Why would this, indeed, be the situation in which we find ourselves? And one of the problems that this Congress needs to address—because only this Congress has the ability to address it—is some of the internal conflicts between different Federal agencies. If you have the Interior Department and Forest Service who own the land, they have certain laws that we, in Congress, have wisely passed on how they must manage their land. Homeland Security, though, is responsible for border protection. They have other requirements and laws, and

not always do those laws fit together easily. In fact, sometimes they are in conflict.

It would be very simple to say, Well, common sense will tell you just to sit down and work out the issue. Unfortunately, we're dealing with the Federal Government, where common sense is not necessarily a high priority. Indeed, some of the land managers, working under the Department of Interior as well as the Forest Service, almost are doing their work as if they have blinders on. Dedicated to the task at hand and the legal requirement they have to consider the value and the protection of the land as their highest priority, and dedicated to fulfilling that legal requirement, they are sometimes oblivious to the real world that is around them. They forget that there are other missions that have to be there.

So sometimes it is more important to protect 22 pronghorn goats on this land who are endangered than it is to consider definitely more than 22 young men and women in America who are obviously subject to the suffering and the pain that comes from the use of illegal drugs, which are coming through that exact same territory. It is almost as if we have this attitude within the Department of the Interior and the Forest Service that because those are their lands, they will allow the Border Patrol to go in there under certain circumstances. And yet, at the same time, we have had the criticisms filed with us that allowing the Border Patrol to go in there and monitor these lands and protect the border for this country sometimes takes up to 6 months just to get the permits to run the programs that they need.

Now, we were told the other day that, Well, this is changing. We are working together better, that now we are coming together as Homeland Security and Interior Department and Forest Service. We have worked those out. No longer does it take 6 months to get the permits for the activities to take place. We're now doing those within 30 days, sometimes 60 days, occasionally a bit longer. Here is the question. We're talking about securing this border. A drug cartel does not wait 90 days from the entrance into the country before they continue on. They are not waiting for the bureaucratic wheel to spin so slowly in this country to get together and work together to solve this particular problem. And until we can come up with a new way of doing these issues, it will continue.

We had a meeting with these three groups again the other day in which they were proud that a communication tower, which was essential for the Border Patrol to be able to do their work in guarding the access and monitoring the access into this country, was not allowed to be put on the site the Border Patrol wanted because that would have been on wilderness designation.

And once again, because of the laws we have passed, you may not put any new structure on a wilderness designation. So they were very proud. They were very proud that they had, after several months of negotiation, came up with a deal to move the tower to an area that was acceptable to Homeland Security and acceptable to the Interior Department. Now that sounds great that they did the deal—with one small caveat. The tower doesn't work in that area. There is now, by everyone's admission, a 3-mile hole in the coverage, which means in this effort to try to monitor what is coming in and out of American territory, there is now a 3-mile black spot where no one will ever know what is coming in or coming out. And I'm sorry, that's causing a problem.

It is not unusual for the drug cartels, who are very sophisticated, to understand this concept. Therefore, with this 3-mile hole, that becomes the primary route of entrance. And the only reason that that 3-mile hole exists is because, to obey our laws and to have, first of all, the concept of protecting the land upper most, you didn't put the tower where the tower would work. You put it on an alternative site.

□ 1445

Now once again, perhaps years ago when only a few people were coming over occasionally, perhaps years ago when people who were there coming over to try and get jobs to milk cows or to change sheets or to pick tomatoes, occasionally that would not have been a problem. But as I have said, we are no longer talking about that group, those kinds of people coming in. We are now talking about effective, organized drug cartels having running battles with themselves as well as Mexican authorities on that side, and they are the ones who are now in increasing numbers coming through those black holes on the Federal land that we have simply created because we have not taken the blinders off to look at the overall picture.

It is human traffickers and all the violence against women who are coming over in increasing numbers through areas that we are not allowing to be regularly patrolled. And the potential of a terrorist coming into this country through these areas that no longer have any kind of security simply because we are giving precedence to a land concept of wilderness or endangered species, and that takes precedence over securing our border and trying to protect the citizens of this country.

Now, most people when you talk about this just shake their head in amazement and say, That is silly. That violates common sense.

The only thing we have to say to those citizens who say that is, You are right, it is silly. And it does violate common sense. And that is why this

Congress needs to do something about it because only we have the ability of taking all three agencies and making them work to see the large picture, the overall goal, and not simply what their narrow focus may be in their job requirement or their job vision.

The question was made on whether the Border Patrol can do routine patrols along our southern border. Without dropping a beat, the representative from the National Park Service and the Department of the Interior said, Well, of course not. Only under certain circumstances, only when there is evidence of incursion will they be allowed to go into these areas because that is when they need to. Once again, if we are now inviting people to use these areas because we are stopping them other places so now they are coming on Federal land, one of the things that we need to do is make it much more difficult for someone to come onto this land illegally, and that means you need to have Border Patrol doing routine patrols.

I think in the back of everyone's mind if we start thinking about what the Border Patrol could or should be doing as we envision it personally, we would obviously see a bunch of people in a motorized vehicle, armed, going up and down the border making sure that they are checking for signs of incursion and making sure that those who want to come into this country are having a second thought and saying maybe there is a better route that is not across Federal lands.

So the first question one should ask is, Why not? Why aren't they allowed to be in there? For, indeed, if the bottom line means that our Border Patrol is not allowed to go on Federal lands to do their job, we are creating our own problem. Initially last week, I believe, or maybe 2 weeks ago, the President announced a new initiative to send 1,200 National Guardsmen down to the border. I am encouraged by his commitment to do something about it. However, once again one has to ask: If the Border Patrol are not allowed to go onto Federal lands, the National Guard will not be allowed to go onto Federal lands. I don't care how many thousands of people you send down there, if they are not allowed to do their job, if they don't have the access so they can do the patrolling, it doesn't make a difference. That is silly. It is not going to work. And that is the concept that somehow some way we ought to recognize. We ought to figure out.

There is also one other issue that goes along with that that should be a special concern to this Congress in the way that we operate here because in one of the oddities that has developed over the years, we have Congress appropriating money to agencies of government who are then extorting that money from other agencies of government, i.e., for the Border Patrol to do

their work, one of the things and conditions that is put upon them by the Department of the Interior is that they have to pay mitigation fees, which means this Congress, without knowing the details, appropriates money to Homeland Security for the Border Patrol who will then have to pay that money to the Department of the Interior for mitigation fees or to buy other lands to compensate.

This Congress has no control over that process. That's wrong. This Congress has no say over that process, and that is wrong. And the idea of transferring money from one group to another without the oversight of Congress is wrong. It is illogical. It should not happen.

Here is the irony: as a Member of Congress, when the Homeland Security budget is brought to this floor, I as a Member of Congress do not have the ability to come in here and transfer some of that money from Homeland Security over to the Interior budget. But the agencies are doing it, and they are doing it without reporting it to Congress, without understanding what Congress is about. Those agencies, by one extorting money from the other, have the ability to do something that Members of Congress cannot.

And I am sorry, Madam Speaker, this is illogical. And I am sorry that we are going to authorize up to \$50 million in this year's budget to give to Homeland Security so they can send it over to the Interior Department or the Forest Service, and the Interior Department or the Forest Service will, without ever checking on why we are doing that, what we are doing, and how this money is supposed to be spent. The money all comes from the same pot, and it should be Congress' decision on where that money is spent and how that money is spent. It should not be a matter of internal negotiations between the haves and the have-nots between different agencies, and that is a practice that has been going on in this administration and in the prior administration and the prior administration before that.

The difference, though, is today the dollar amount is much more significant, and the issue is much more significant.

Some of the news agencies made a major brouhaha yesterday by reporting a new sign that has been put up by the Department of the Interior. I believe this is on the Buenos Aires National Wildlife Refuge. And what the sign says to Americans coming down to this American spot for wilderness protection for endangered species, as well as recreation opportunities, is very clear. And amazing. It tells Americans danger, there is a public warning, travel is not recommended because the area of American land owned by the Federal Government in which they would be entering is active drug and human

smuggling areas. Down here the BLM encourages visitors to use public lands north of Interstate 8.

How many other places in the United States do you have the United States Government putting up signs telling Americans not to enter into American territory because it is too dangerous for Americans to go into American territory, that drug cartels from foreign nations have taken over control of this territory, and you enter at your own risk? Unfortunately, this is not unusual. This sign went up this last week.

For years, both the Interior Department and Forest Service have been recommending for people not to travel in these areas. And if you do, you go at your own risk. Ninety-five percent of the Organ Pipe National Monument is a wilderness area, and 90 percent of that wilderness area is controlled by Mexican drug cartels, and no American is allowed to go into that without some kind of armed escort.

Further north I went to the Ironwood Monument. Once again, we were told and warned that it is a dangerous area, don't stop along the roads; continue on driving; try not to get out of your car and continue on foot in those particular areas.

These are areas well within the border of the United States. And, sadly, this is not atypical. Going back to the year 2006, once again a different administration, but in 2006, the Department of the Interior issued a report about this that was never released to the public. But in it it indicated that in the year before, 2005, there were at least five murders, two rapes, 39 armed robberies, and they are estimating somewhere between 200,000 and 300,000 illegal incursions on this piece of property. I want you to know, those are the only ones that the Federal Government investigated; anything that was reported to local law enforcement was not included in those figures.

Now, because this has now been spun out in the national media, and because the sheriff in Pinal County simply said there are areas in his jurisdiction that are out of control, and that area that is out of his control where he cannot provide protection are all Federal lands that are owned by the Department of the Interior and the Forest Service where he nor the local law enforcement nor the Border Patrol had the ability to do what they need to do to try and control that particular area, Interior Department sent out a memo today, a media advisory trying to put this into some kind of perspective.

And what they said is that don't take this out of perspective. It is only a small area of the land that is closed to Americans. In fact, they put out this sign which is somewhat blurred, but they simply said, and this is the Buenos Aires National Wildlife Refuge, they are not closing all; they are only closing this portion down here that is

the portion of America that no Americans can go into because it is too dangerous for Americans to go down there. They also then said that the amount of violence that takes place here annually year after year after year is decreasing, so we should be heartened.

I think there should be another question that should be asked. As a policy for this Congress or this administration, How much of America's land should we accept as uninhabitable for Americans? What percentage of American property should we just say, okay, foreign entities, foreign substance groups, drug cartels, you can have 5 percent of our land as yours, we just won't bother you in that? Maybe 10 percent, 2 percent? What percent is acceptable to say that America can turn over our control of American land to cartels and groups from outside this country and it is acceptable? How many murders are acceptable before we are happy? Is five murders too many? If we only have three murders a year happening on Federal land, is that enough to satisfy what we are doing?

Look, the bottom line is quite simple: what we have been doing is failing, and we have to do something different. We have to do something different.

Part of it is to use common sense and say the Border Patrol should be allowed to go where the Border Patrol needs to go.

I have here a picture of one of our Federal lands, once again in Arizona where you see traffic barricades. These traffic barricades, nicely put here, are cool; except the goal of these traffic barricades is to prohibit the Border Patrol from going into Federal land that has wilderness categories and wilderness designation. This is not to stop the bad guys from coming in, this is to stop our guys from coming in.

At Organ Pipe National Monument, these fence barriers used to be our border between the United States and Mexico. These used to be put in there to stop Mexican cars from coming into the United States. Well, we have a different wall there now that is much more effective, so we don't need those. So instead, the public land manager in this particular area took these barricades and put them inside his territory, once again not to stop foreigners from coming in, but to stop the Border Patrol from going in. Somehow we have to realize that what we need to do is to allow the Border Patrol to have routine access, routine patrols, and not stop them from going into these territories.

Now, once again, we have met with them and they say we are working these things out; everything is going to be fine. In fact, some of the gates we are now putting up have locks on them, and we are giving the Border Patrol keys to the locks; besides, if they really need to, they could just push through those gates. However, local security, the local law enforcement

doesn't have a key to those locks. If a deputy sheriff in one of those counties is chasing a bad guy into that area, they are prohibited from that pursuit. Somehow we have to get common sense back into the situation because what we are talking about simply does not work.

And there is an irony in this. The sole purpose of trying to stop the Border Patrol from securing our borders is because of the fear that they may cause damage to the environment, that a motorized Border Patrol truck could actually screw up the land or chase away an animal or do something else. So, therefore, we are prohibiting them from doing that except for some extraneous and unusual circumstances. But the irony is the bad guys, the drug cartels, the human traffickers, potential terrorists, they are not inhibited by any of that. So they go into that area, and they don't care what kind of environmental damage they do.

Madam Speaker, you have probably seen these pictures before. This is a picture of Federal land. This is wilderness land where Americans are not supposed to go: no motorized vehicle is supposed to go; no wheeled vehicle is supposed to go; only on foot with backpacks or on horseback. That is for us. Unfortunately, the drug cartels and the human traffickers come in here and they leave all of their stuff behind. They change clothes so they can get picked up along the highway and go further inside the United States illegally.

□ 1500

This is what is left behind. This is what the landscape looks like in these areas that we are trying to save for their environmental purpose. The irony is we are failing. We are failing because the people that need to be kept out are not being kept out and the people who could solve the problem are.

One of the unique finds we found is that once again the Border Patrol—trying, I guess, to come up with some pocket change and pocket money for their activities—are going into these areas, and this cacti that has been cut down is an endangered species, which means it is illegal to cut it down. They didn't care; they cut it down, anyway. It is placed across a road, the purpose of which is to stop an American traveler in this Federal territory because they can't go over the cactus. Once they get to that spot, they are then robbed with armed gunmen.

The irony once again is if the Federal Government were to go in there and try to pick up this cactus and move it off the road, that's a felony. That's illegal under our Wilderness Act. Sometimes, once again, we have to come up with other areas, what to do. We have placed water towers within Federal territory in an effort to try and make sure that those illegal visitors coming in

here who happen to run out of water will not die. That's a humanitarian effort. However, what is so bizarre is the Border Patrol can't go anywhere near those water towers for fear of running off an illegal alien that may need the water. We are doing that.

We have done this kind of stuff, once again, going back through several administrations. But the cost is higher now, the issues are higher now, and the danger is higher now. We can no longer afford to continue on with that particular pattern. I would also warn you that right now, as we speak, in the Coronado National Forest, there is another wildfire.

Most of the wildfires that are taking place on Federal land in the southern border area are not accidental wildfires; they are started by the bad guys, the drug cartels and the human traffickers, for two reasons: either they will start the wildfire as a diversion to take Federal forces to the fire so they can go the other way, or, much more practically, if they're in deep trouble, they'll start a fire to get somebody to come and rescue them. Most of the fires are started that way.

We have one now in Coronado, which is called the Horseshoe Fire. Estimates are \$10 million that it will cost the taxpayers to fight this fire caused by illegal aliens trying to come into this country, not for jobs or for family but to do harm; illegal trafficking, drugs and, once again, the potential of terrorism. That's what we need to deal with. That is the issue that is at hand.

There is one last concept with this. Arizona passed a law dealing with illegal immigrants. It has been highly controversial. The merits or the rationale of Arizona's laws notwithstanding, I have no intentions of even talking about whether I think it is a good or bad law. It is insignificant. What is the reality is that the law was produced because of the anger, the angst, and the anxiety that is caused by the funneling of thousands and thousands of drug dealers and human traffickers into the State of Arizona. Because we have done such a good job in the other area, we are now funneling them through those Federal lands. The Federal Government's action caused that law. And I would think it would be wise, before this Federal Government decides to go to Arizona and tell Arizona what they should or should not do internally with their laws, for the Federal Government to realize we are causing the problem and for the Federal Government to simply go down there on Federal lands and say, It is a Federal responsibility. The Federal Government will stand up. The Federal Government will ensure that we have control over this territory. The Federal Government will stop the worst possible invasion of this country by the people who are trying to do harm; mainly, once again, the drug traffickers, the human traf-

fickers, and the potential terrorists. That should be what the 10th Amendment is about. That's the concept of Federalism. We are causing the problem and now we are criticizing local government who is trying to react to it; whereas, local government wouldn't need to do that form of reaction if we simply did our job first.

Once again, look at the map. That's the territory, everything that's colored. That's an open invitation for people to come into this country because it is so easy. And that's the problem. And because it has been exacerbated, because it's happening to a greater extent, because the damage is worse than ever before, and because the potential harm to this country is so great, this Congress has to step up and decide that we will get these entities together and we will establish what the standards are. The standards should be very simple: that not 1 inch of United States property should be given over to a cartel, and Americans should never be told not to go into parts of this country because it's too dangerous for America. We should come up and establish a policy that the Border Patrol will have open and complete access and no other agency, especially Interior or Forest Service, will tell the Border Patrol what their job is and how they will do it; and that there will be continuous and routine patrols of our border until such time as the drug cartels realize that it is no longer easy to come into this country that way. That they will find some other route is obvious, but that this is our responsibility, our land, and that we clearly are failing, and that the problem is getting worse every day is our fault and our responsibility, and we must take control definitely on that.

I hope this country recognizes what we're talking about, but, more important, I hope this Congress recognizes what we're talking about. I will say, I think this Congress has. The language in House bill 5016 which would solve this problem was passed in this body overwhelmingly on a bipartisan vote on a motion to recommit. The bill to which it was voted and attached is waiting over in the Senate with very little likelihood of being moved. Senator COBURN in the Senate attached similar language that would help solve this problem to an appropriations bill. It was passed by voice vote in the Senate, and then before it came to final passage over here in conference committee, the language was removed. Both bodies of this Congress have said what they believe should take place, and common sense from Americans tells us what should take place.

Now is the time for us to realize we can no longer simply ignore this situation, and it's our fault. What we have been doing does not work. We need a better approach. We need to make commonsense situations. We need to have

our land managers see the higher picture of what is important for this entire country, and we need to do it now, because the situation gets worse every day, every day we wait.

#### AMERICAN EXCEPTIONALISM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, thank you.

I appreciate very much the privilege to be recognized to address you here on the floor of the House of Representatives in this great deliberative body that we have. I appreciate the gentleman from Utah who so eloquently spoke in the previous period of time.

I have a number of things on my mind that I came here to impart to you, Madam Speaker, and anyone that would like to overhear our conversation. Maybe this would be a good day to solve a lot of the problems that we have before us and just generally address this situation. I won't go through all the history of the world to get here, but I may have to refer once in a while back to the history of the world to make a reference point so that we can understand what we're doing now.

This is an America that has been built upon the foundation of a good number of things—the pillars of American exceptionalism. Now, some of these are pretty simple. They are in the Bill of Rights: freedom of speech, religion, and the press; the freedom to assemble and petition our government for redress of grievances, all in the First Amendment there. Property rights that are clearly defined in the Fifth Amendment; freedom from double jeopardy. Then we have a whole series of other rights.

But there are a couple of things that we don't talk about very much in this country, and, that is, if you would go to the USCIS stack of flashcards, and these are glossies about, I suppose, 2½ inches by about 5, like a deck of them. When we have legal immigrants that come to the United States that are studying so that they can pass the citizenship test and receive their naturalization to become an American citizen, they study the flashcards, very much like students study the flashcards in, say, math: 2 plus 2 is 4, 3 plus 3 is 6. I won't go on any further, Madam Speaker, so I don't make a math error, but these cards that test the applicants for American citizenship have a series of questions on them and an answer on the other side.

There will be questions such as, who is the father of our country? You snap it over and the other side of that card says George Washington. You need to know that if you're going to be a citizen of the United States of America. Who emancipated the slaves? Flip the

card over, Abraham Lincoln. Next question—actually, this is question No. 11: What is the economic system of the United States? Free enterprise capitalism is on the other side of that card. I don't think it's arguable. I don't think it's refutable. But neither do I believe that the administration believes what I have just said. I don't think they have endorsed free enterprise capitalism. I don't think they've been active in it. A small, small percentage of this administration has signed the front of the paycheck and handed that payroll check over to one of their employees. I am one of the people that has done so. I have started a business and created jobs and I have met payroll for, I believe the number is 1440 consecutive weeks.

You learn some things doing that, Madam Speaker. You understand and appreciate the free enterprise system. We know why people take risks. People go to work so they can make some money. They punch the time clock and they punch in and they punch out, and they get their paycheck and the benefits package that comes with that job because they want to feed their family. They want to have some walking-around money. They want to save up for the future. They want to have the flexibility to go and get some living in doing some things that cost a little money.

This is taking advantage of the liberties and freedoms that we have here in the United States. That's getting a job and going to work. That's contributing generally to the free enterprise system. But when an entrepreneur comes up with an idea to start a business or buy an existing business, maybe transform that business into something different, a vehicle for them, that really launches our free enterprise system.

We have seen success models of that across the history of America, across the United States of America. We might think of the Carnegies, for example, back in another era, or J.P. Morgan in another era, or we can be thinking also of some of the Rockefellers. Or in today's world, we can think of Bill Gates, Steve Jobs, the founders, respectively, of Microsoft and Apple. Yes, they made a lot of money, and there's not one dime of it that I begrudge them because their creativity and their discipline, their attitude, their hard work, yes, but their smart, hard work has done a lot for all of us. Our lives are far better today because we had creative people who injected ideas and stimulated this economy; Bill Gates and Steve Jobs being two of them. There are many more out there in the dot-com industry.

There are also failures out there, if you define failure by starting a business and watching it go broke; although, I think there are many times there are lessons learned there that are

built upon, and those heretofore failures become successes. But my point is that we are a Nation that has embraced free enterprise capitalism. It should not be arguable here in the United States.

We should not have a knee-jerk reaction that we should go towards a government takeover of the private sector in order to solve a temporary economic problem. Our default mechanism should be to free enterprise, to freedom, and we have to let some entities fail if we're going to allow our economy and our Nation to succeed. That's the risk. You have to, once in a while, let the child fall off the bicycle, because when they get up, they'll be a lot better at it. And you have to, once in a while, let people achieve and be rewarded for their successes to the fullest extent, because that's what inspires more entrepreneurship, more challenges, and more success.

When you think of the United States of America, and this is the historical lesson now that goes back. We look at 1776 as our year; the Fourth of July, 1776, as our year. Think of that time. What was going on in that period of history? What was going on in the culture of Western civilization?

□ 1515

Well, let's see. Not only did the 13 original colonies declare their independence from Great Britain, from the king, but that was the year that Adam Smith published his great work called "Wealth of Nations." My book, I believe, is 1,057 pages long, and you can read through there carefully and learn what it's like to make pins and nails and how to utilize the division of labor to get more efficiency, and everybody benefits. Adam Smith had the industrial revolution figured out in 1776 at the beginning of the first signs of the dawn of the industrial revolution.

We had here in the United States the free enterprise capitalism, part of the culture. We had a Nation of shopkeepers and a Nation of small farmers that were free to succeed or fail on their own merits or demerits. And we know that some of our earlier Presidents had real difficulty with their finances, Thomas Jefferson among them. George Washington had some of those struggles as well. There were others that had difficulties with their finances. It wasn't something that they were handed something they didn't have to make work or something that didn't require them to be a manager. Their management of their finances and the production of their operations had a lot to do with their successes or failures.

In 1776, Adam Smith touched a nerve and educated the marketplace of Western civilization, and they began to embrace the idea of free enterprise capitalism, division of the invisible hand managing our economy rather than the

king ordering it to be done or, in a later century, the next century, Karl Marx directing that it all come out of central command, from top down.

Adam Smith's vision was this, that if you have only one brand of bread on the shelf and you have a set price for that loaf of bread, you can take the price up well above what it's worth. If people are going to eat bread, they will have to pay more than it might be costing, if there's competition. As soon as company A is competed against by company B, what can you use to get a market share? Well, you can bake a loaf of bread that you sell a little cheaper. You can bake a loaf of bread that's a little better loaf of bread. You can package it up a little nicer or provide a little better service or provide it to be a little fresher. Some of the things, cheaper, better, better advertising, service, packaging, and maybe a little fresher. And when you do that, if you can sell at a lower price a better quality product, the invisible hand would come into that grocery store and instead of paying \$1 for a loaf of bread, buy that 95 cent loaf of bread that's a little better bread than the \$1 bread. Pretty soon, company B at 95 cents is outselling company A who's selling their bread for \$1.

And so what happens? The quality of the bread for company A goes up, the freshness goes up, the price goes down, and this competition goes on day-by-day constantly, transaction-by-transaction, the invisible hand making that selection of a brand of a loaf of bread or a gallon of milk or a can of beans or a T-shirt or a pair of sneakers or a car on the lot or a plane ticket on the Internet or any transaction that you can think of that a consumer would use if there's competition out there and the calculus of the consumer. Well, selection-by-selection, select market shares and set the prices and provide for the production, directions, and the availability of products because free enterprise capitalism reacts. They have to compete so they react to market demands.

That's just a few minutes to explain what that is, and I'd like to have that time in the Oval Office to explain this also to the person that sits behind that desk because I see a lot of signs that tell me that there isn't a deep natural conviction that supports free enterprise, and this includes the nationalization of three large investment banks, AIG, the insurance company, Fannie Mae, Freddie Mac, General Motors, Chrysler, the entire student loan program in America, and now the takeover of our own body, our skin, and everything inside it called ObamaCare.

Then in the speech about how to deal with the gulf oil spill, which is a disaster and a tragedy that I don't think we can point our finger at an individual who's to blame at this point, we haven't found out yet what caused it,

but in that speech, the President raised the issue that he would like to move forward on cap-and-trade or cap-and-tax.

Now, we have a financial reform bill that is in conference right now that's being hammered out. I will add these up again, and I will take this, Madam Speaker, to a percentage so that we have an understanding of how much of the private sector of this economy has been swallowed up by decisions made, beginning in the Bush administration, all of those decisions supported wholly by candidate-then and now President Obama. Three large investment banks, AIG, Fannie Mae, Freddie Mac, General Motors, Chrysler, now that totals to one-third of the private sector activity as described by Professor Boyle at Arizona State University some months ago. When you added to that 17½ percent of our economy, which is underneath the—now the ownership, management or control of this administration called ObamaCare, now we're up to 51 percent, rounds to 18, remember, 33 and 18, 51 percent. The financial services package, which looks like it's very difficult to block and most likely to end up on the President's desk, as much as I would like to stand in its way, represents by some accounts another 15 percent of our economy. So now we're up to 66 percent of our economy swallowed up if the financial package gets to the President's desk.

Behind that, cap-and-trade or cap-and-tax, a tax on everything that moves in America. It takes energy to move anything. It takes energy for me to raise my hand, so many calories burned up per pushup. I suppose somebody knows that number, Madam Speaker. But some say that cap-and-trade is about 8 percent of our economy. I think it's larger. I think it grows into being larger. It may well start out at 8 percent. So 66 percent that we're at now, the total, and we add 8 percent, the cap-and-trade. If the President is successful in what he would like to do, we will have seen 74 percent of the private sector economy swallowed up and being under the ownership, management or control of the Federal Government, 74 percent of our economy. That leaves—bright math students—26 percent of the economy left over.

The engine of our economic growth is free enterprise capitalism, this little simple thing that you can't pass the test to be naturalized as an American citizen without at least the risk of having that being one of the questions on your test. We want everybody in America to understand free enterprise capitalism is our economic system that we have here in the United States, but our free enterprise is being swallowed up. The margins that are left are 26 percent, if this falls in the way the President is driving it, and we're going to expect that 26 percent to provide the

taxes and the growth and the economic foundation to support all of this government on the other side.

Meanwhile, we're watching irresponsible spending out of this Congress to the tune of trillions of dollars. Let me just say that I believe I could pull out of the top of my head \$2.34 trillion in irresponsible spending that's taken place in about the last year-and-a-half or a little more. That would be wrapped up in the \$700 billion in TARP spending, the \$787 billion in the economic stimulus plan which 6 percent of Americans think works out for the positive, 96 percent of Americans think it didn't work and better off if we hadn't done it. There are other components out there with the Fed rolling out funds, et cetera, that rolls it up to that number of \$2.34 trillion.

And I listened to and submitted to debate after debate that came out of this side of the aisle over the last several years of Democrats, and many of them self-professed Blue Dog Democrats, that said we've got to have PAYGO rules, we're going to be PAYGO, we're going to pay as we go. If we have to increase spending in one area, we'll have to go find someplace to pay for it by decreasing spending in another area. That's a philosophy that I agree with and I endorse. In fact, I'd go a little further than that if there's a way to do it.

But the Blue Dogs have essentially dropped out of sight. They're not standing there fighting on a budget. They may be fighting behind the scenes because what we're finding out is this Speaker is not going to bring a budget to the floor of this Congress. Since we've had budget rules that began in 1974 this Congress has always passed a budget, always brought a budget to the floor. As difficult as it is to pass it, it is a framework, a spending constraint, that at least you can point to those line items in that budget and argue that an appropriations bill that spends money beyond that breaks our budget, but if you don't have a budget, any kind of irresponsible spending works just as good, and that's what's going on.

There's not a conscience, there's not a challenge, there's not a means to try to figure out how to get us back to a balanced budget. There is no path to do that. In fact, the President has driven this. He's advocated for trillions of dollars of spending. He has signed trillions of dollars of spending. He has said that in order to grow out of this to solve our economic problem we need people spending money, and he is a Keynesian economist on steroids. This is a guy who didn't see it Adam Smith's way.

John Maynard Keynes was the economist that believed that you could take Federal money, the greenbacks, cash, and put it into the hands of the American people and they would take it out and spend it, and that would stimulate

the economy, and you could grow out of an economic crisis just by simply spending government money. Well, I've always thought that that was a ridiculous proposal. I think you have to produce things that have value and market them for a competitive price and build your efficiencies. I believe this is an economy that's built on production, not on consumption. And if that's all it was, we could embrace John Maynard Keynes' idea who actually spoke and wrote about how he would solve the economic problem in the United States this way.

Keynes said, I want to find an abandoned coal mine. He said, I can solve all of the unemployment in America. I just go to an abandoned coal mine and drill a whole series of holes into the ground in that abandoned coal mine, and I would put American dollars, cash money, down the holes, fill the holes up with cash, and fill the coal mine up with garbage, fill the coal mine up with garbage, and then just turn America's entrepreneurs loose. They would go to work digging up that money through that garbage. That would give them jobs, that would keep them busy, and they would have cash to spend, and they would go out and spend it. That was Keynes.

It may have been tongue-in-cheek, in all fairness. I hope it was tongue-in-cheek, but it accurately reflects Keynes' economic theory, and the President of the United States told me and others a year ago last February 10 that he believed that Franklin Delano Roosevelt lost his nerve and didn't spend enough money. If he had spent enough money, he would have, according to the President, spent our way out of the Great Depression and we wouldn't have had to wait for World War II to come along to be the largest stimulus plan ever. It's pretty close to verbatim.

So FDR lost his nerve in spending. Today's President has not lost his nerve. He has spent money way beyond any previous President. I think that the cumulative total of it all would be more debt and deficit that has been accumulated by all the Presidents put together all the way back to George Washington. Someone said that here on the floor. I'm not going back to read the source of it. I expect it's true, and I think I should have to verify it before I tell you I know it's true.

But huge debt that's been run up by this President and this Pelosi House and the Reid Senate down that hallway without regard to how we ever get back from it. And the argument was that we needed to get money spent into the economy, the stimulus plan, remember \$787 billion rolled up, over \$800 billion in reality. Now, they're coming back and asking for another few dozen billion dollars, whatever that might be. Two score and \$10 billion perhaps is what their target money is to stimulate the economy some more.

But the President said a year-and-a-half ago spend money, spend money, spend money, that's what will help the economy. People are hanging onto their dollars because they don't have confidence. You've got to spend money.

□ 1530

Some months later, the President said, No, now we're going to have to be careful, we can't overspend. We're going to have to be frugal, as if we could—one time borrowing a lot of money and giving it to people and getting them to spend it was going to stimulate the economy and solve the problem. And then, according to who, I don't know, the navel gazers in the White House, then you shift gears, and at a certain point, you spend less. But whenever you feel the urge to spend more, go ahead. "If it feels good do it" seems to be what's going on with the economic strategy of the White House.

So now we have these multiple trillions of dollars, the interest of which right now consumes 10 percent of our budget. The interest on these deficits that are projected today under the proposals of the President by the year 2020, 10 years from now, will not be 10 percent; it will be 20 percent of our overall budget.

Now, can we understand what this means? When we start tapping into that—it's the pie chart we're talking about here. A 10 percent slice is our interest today; a 20 percent slice of the pie chart becomes the interest in 2020; and if interest rates go up and double, you will see an economic decline that's brought about because of higher interest rates, and you will see a bigger chunk right away. If interest rates double today, our 10 percent slice would be at least 20 percent, and that could happen in a matter of a few weeks or months.

So this is serious business, passing this debt along to our children. We need to figure out how to recover from where we are today. All of this toothpaste can't be put back in the tube; some of it can. Many of the things that have been passed and signed into law need to be repealed right down to their roots. Much of the money that has been spent is gone, we can't get it back, but we're going to have to figure out how to service the debt; that means pay the interest and pay the principal down and pay the principal off.

This Nation shouldn't be carrying debt, debt that meets or exceeds that which we see in countries like Greece or Spain or Ireland or Italy. The European Union threatens to collapse under the financial stress that they have because they have loaned money; it's almost like they're sitting at a poker table playing for chips and writing each other IOUs around the table. At some point, you have to pay for the drinks and the food that's coming

along. Those chickens are coming home to roost in Europe.

We don't need to be there in America. We're a different kind of people. We have a unique vitality in our character, in our soul. One of the things that is part of that vitality is that we've skimmed the cream off of the crop of every donor civilization in the world. Everybody that sent their immigrants to the United States, they didn't go out and get the people that were sitting out there on the porch that didn't go to work; these were the industrious ones. These were the entrepreneurs, the creative ones, the ones that had a dream, that were frustrated because they had the shackles of a dictator that kept them from using freedom to grow their own lifetime success.

Can you imagine if you couldn't worship freely, if you couldn't go out and get a job, if you couldn't start a business, if you couldn't even put money in a bank and trust that you could go get it when you needed it? If you couldn't trust the rule of law? If you had to think that there was a different form of justice for one person because they were connected better with government than another person, wouldn't you look at America? Even though they advertise the streets are paved with gold, some of them didn't realize that that was figurative, not literal; some of them came here and were a little disappointed to find out our streets aren't paved with gold. But in a way they are, Madam Speaker, they're paved with gold because we have the rule of law. You can pretty much count on the law treating you the same regardless of who you are, what you look like, or what your particular net worth might be or who you're connected to. Lady Justice is blind. If you remember her standing there with her hands out holding the scales of justice, weighing the justice with a blindfold on. In this country, Lady Justice is blind, the rule of law has to apply, and we must defend and uphold the rule of law.

You've got to give everybody an opportunity to compete in the marketplace for a job or start a business, and we need to hold them accountable to produce and earn and carry their own weight. We've drifted over into a society now where—when my grandmother came here over a century ago by now, she arrived in a meritocracy, where they rewarded smart, hard work, and people could succeed without penalty. In fact, when she walked across the floor of the great hall at Ellis Island, she would have been one of those arriving immigrants where they took a little hook and peeled her eyelids back to look and see if those little white spots were in there to indicate an eye disease. They looked people over and checked them to see if they were good physical specimens. If they had a limp or a bad arm, or even if they came in and they were obviously pregnant, they

put them back on the ship and sent them back to Europe.

And this isn't STEVE KING that is telling you these narratives, except that these came directly from the park officer at Ellis Island the day that she did the tour for us. About 2 percent of those that arrived at Ellis Island got back on the ship, and they were sent back to their home country because they didn't meet our standards. Even when they met our standards, there wasn't a welfare program for them; they either needed to have some family or some friends to take them in and get them started, or it was simply that you have to survive on your own. Go out and get a job, go to work, start a business. Offer yourself to do anything, wait tables, sweep the floors, clean out the sewers, grab a hammer, or whatever it might be, and go to work and help build America. And they did.

But we got the dreamers. We got the passionate ones. We got the smart ones that could understand what America was and is and is to become yet beyond this point where we are today. And that vitality and that vigor that beat in the hearts of the willing immigrants that came here legally is a great big reason for American exceptionalism. It's almost unwritten, it's almost unspoken about, but it is a characteristic that is an essential component in American exceptionalism, coupled with free enterprise, capitalism, and the rule of law and religious freedom, and a moral society that is built on Judeo-Christian values—yes, that's our history and our culture and our heritage. It's our modern reality, too, perhaps to a smaller degree, but the core of the character of who we are is based on our religious faith.

And so we have a rule of law and a people that respect God's laws, so you don't need as many law enforcement officers. We can use our labor to produce more that has value because we pay fewer people to put on a badge and a gun and go try to control folks that are not willing to abide by the law. It's another one of the reasons why America has risen up and another one of the reasons why we've been more successful.

And so the vigor that we are in America is being challenged today. Two hundred years ago, you had free enterprise capitalism; you had these freedoms. And by the way, it was the dawn of the Industrial Revolution. We had the transfer of the Age of Enlightenment that arrived here in the new world at the dawn of the Industrial Revolution. And remember that from the Greeks, we got the Age of Reason, which flowed from Europe. It had to go over to Ireland where the Irish could save civilization by being the scribes that actually copied and preserved the classics that came from Greek and Roman literature. We know something about the Greeks and the Romans be-

cause the Irish monks and scribes made sure that they gathered all of that data and reproduced it, copied it over, and stored and saved it during the Dark Ages, when nothing happened.

Madam Speaker, I sometimes tease my family on the Irish side of the family—which actually seems to be my wife and my side—I ask, what is it that the Irish are so proud about? What is good about being Irish? Why is it that on St. Patrick's Day, everybody's Irish? They didn't have very many good answers for me, and so I would tease them a little bit and say, well, I know what they did. I know what the Irish did that was unique that no one else did. A people that, according to Freud, couldn't be psychoanalyzed, but the Irish did something nobody else did. They're the only ones on the globe to record history during the Dark Ages when nothing happened. Now that diminishes their contribution.

Their contribution is great because we received, through their contribution of being the monks and the scribes and collecting that data and reproducing it and storing it and saving it from the barbarians who burned the books and burned the writings when they could, they saved the knowledge base that came out of Greek and Roman civilization. That knowledge base is rooted back—out of the Greeks is the Age of Reason, the foundations for our science and our technology today, the theorem, the hypothesis, the axiom, the list of those Greek foundational thoughts where Socrates and Plato and Aristotle and others sat around in the square in Athens in their togas and analyzed and used the version of knowledge that they had to test each other's ability to be logical and to be able to reason. That foundation of reasoning was preserved by the Irish.

And as they deployed back across Europe with that message, they actually taught Western Civilization how to think again, how to think beyond our emotions and our reactions, and how to take empirical data and crunch that data and turn it into something that could follow a logical thought and we could act and react according to actual facts rather than the high blood of emotion. It seemed like an odd thing for the Irish to contribute, to overcome your emotions and use reason, but they did.

And from the Romans—and thanks again to the Irish scribes—we had the Roman rule of law. Roman law had spread over most of Western Europe. It spread through Great Britain, through England, and it spread into Ireland. Even though the Irish had been conquered a number of times, they never really changed their character very much, but they helped preserve Roman law, which was reestablished in England as old English common law. So the common law that we use today to evaluate—and the case law that's being

decided by our courts across this land is rooted back in old English common law, which is rooted back in Roman law. And the Age of Reason from Greece arrived, coming the same way, but arrived here in the new world with the English-speaking side of the Age of Enlightenment.

I also have to couple with that, in these foundations for American greatness, Madam Speaker, two more very profound things that took place: The birth of Christ, where his teachings transformed the civilized world as we knew it then. And we know that faith and those core values are in our culture and our civilization today. And the Catholic Church might not have been—the Roman and Eastern Orthodox, but the Roman Catholic Church that is today might not be and likely would not be what it is today if it had not been for the Protestant Reformation, from Martin Luther, who taught us the Protestant work ethic. And the Catholics competed very well with that in this country.

So I couple the Age of Reason with the Roman law, and pass that over to Ireland and spread it back across all of Western Europe. And we have the Age of Enlightenment, which began in France, but the sister to it was the English-speaking side of it in England where free enterprise capitalism emerged and came to this country at the dawn of the Industrial Revolution, arriving in a country that had low or no taxation, no regulation, unlimited natural resources as far as they could comprehend them at the time, a continent to settle from sea to shining sea, and a vision of manifest destiny for this country.

And look what's been accomplished in this giant petri dish of freedom and liberty with the components in that giant petri dish that I've talked about. We have become the unchallenged greatest Nation in the world with a vigor and a vitality and a character all our own.

There is something unique about being an American, we need to understand that; it's not something to apologize for. We have an extra blessing here, and that comes about because of the things that I've talked about and others that I haven't mentioned yet tonight. We have an extra blessing, an extra vigor.

□ 1545

There is something about us. Maybe there is a little bit of an American attitude. You know, I don't know. It may be Muhammad Ali who said, If you can do it, it ain't bragging. We should be ebullient of our character and of the things that we do. We should also have confidence.

I have a constituent who has since passed away, who was a man of high values and faith and character—World War II veteran Arrie Oliver. I got to

know him well. I interviewed him on his World War II experience in a video that, I believe, we have now stored over at the archives in the Library of Congress. He served in Germany in World War II for the United States Army.

At the end of the invasion of Berlin, he was there in the American sector where he was taken captive by the Russians. The Russians put him and three others into their Russian prisoner of war camp, American soldiers. They had to eat, and they had to peel the potatoes for the Russian soldiers. Then they got to eat the dirty potato peelings while the potatoes went to the Russian soldiers. There were some stories there that told me how poorly he was treated.

I said to him, Tell me the circumstances by which you were taken captive.

He said, Well, you know, the war was over. The German soldiers were gone. We were walking down the street in Berlin, and the Russians came and picked us up and arrested us. This was he and three others.

As he told the story, he said that the Russians claimed that there were women in one of the adjacent houses and that no soldier was to go near the women. Well, that wouldn't be the history of the Russian soldier, or of the American for that matter, but that was the pretense for picking them up. He pointed out that they were all in civilian clothes.

So I asked, How did the Russians know you were American enough to pull you over and arrest you?

Now, I thought he might say it was because of our clothes. I thought he was going to say it was because of the uniform, actually, but his answer was really interesting.

It was, Well, they knew us by our walk.

They know American soldiers, even from a distance, because of the way we walk, the way we carry ourselves. When you think about that, you know, if you see a shadow of a bird hopping out on the grass, you know that a robin hops differently from some other kind of a bird. If you watch them in flight, you see their gait, and you know. Yet you would think that human beings would have a similar gait. Americans have a distinct gait about the way we handle ourselves and especially during that period of time when America had complete confidence in everything that we were doing.

So there is something unique about being an American, and we need to keep these precious gifts that we have. We've got to do our work. We've got to take our responsibility. We've got to bring this country away from the welfare state that we have become. We've got to hold people accountable with the rule of law and apply the law equally to everyone regardless of race, ethnicity, national origin or any other

privilege that there might be—the O.J. version of justice, as we see it, if you juxtapose the criminal case versus the civil.

I think most of America knows the facts of what happened; but to me, there appeared to be a different version of justice for O.J. Simpson in the criminal case than he might have gotten if he hadn't had the money, the notoriety or the fame as compared to the civil case where he pretty much lost everything that he had.

I think there was justice delivered at least once there, Madam Speaker.

So we want equal justice under the law. We want all of these foundations, these pillars of American exceptionalism, refurbished and built back up again because America is not done. We've not reached the apex of our flight. Even though we may have had the malaise II speech a couple of nights ago, that's not the American spirit. We don't apologize for who we are, nor do we back up from people who challenge us.

We look down at the Gulf of Mexico, and we see an environmental disaster, a mess down there. It is a tragedy. It is a tragedy especially for the people who live in that gulf area and any place that that oil might drift. Boy, do we all feel bad, especially for those in Louisiana and beyond, but something went wrong 5,000 feet below the surface of the ocean and 18,000 feet below that which caused that well to blow out.

The spill that is coming now will be stopped one day. Going into last weekend, they were down to 13,800 feet with their relief well, and if they hit the column right, they will be able to shut off the leakage in that well. They are drilling day and night. There is no question about that. I expect they're drilling two holes simultaneously with the Discovery Enterprise, which is the drill ship that is sitting there to drill the relief wells that they're doing. They'll get it shut off.

There is a lot of oil out there on the surface, and a lot has drifted into the marshlands and onto the beaches. We will get it cleaned up. I don't know how long it will take, nor what it will look like. But I do know this, that in 1979 there was a massive spill of an oil well, a blow-out down off the Yucatan Peninsula. That well spilled about three-and-a-third million gallons of oil. Now, as of a few days ago, the calculus was about one-and-a-quarter million gallons of oil that had come out of this hole down off the gulf. Now we're seeing numbers that are way beyond that, and no one knows who to believe, whether it's BP or the government or somebody who is looking at those numbers.

Though, I can tell you this: it has been a decade or two since people have worried about going down to the Yucatan Peninsula because of that oil leak. They've gotten it cleaned up. The im-

pact of it has been minimized dramatically. We will get Louisiana cleaned up. We will get our coasts cleaned up. We will look back on this time.

What I'm interested in is stopping the leak and, yes, in cleaning up the mess. I want to bring every ship in here that can go out there and set up a sweep system, and I don't see any reason for the President not to suspend the Jones Act and to go around and do a mea culpa to America and bring in every ship we can to recover as much oil as possible off the surface of the ocean rather than having to vacuum it up out of the wetlands and to clean it and take it out of the sand on our beaches. We need to get it while it's on the surface of the water, and that means surrounding the oil slick in the plume and starting to herd that back in.

Maybe you'll remember the comedy routine that Emmett Kelly did, the circus clown, where he went out—and many of us have seen the movie—and he didn't know what his show was going to be or what he was going to do. He walked out into the spotlight under the big top at the circus, and he took a broom, and he began to sweep the edge of the spotlight in. The person running the spotlight figured out what was going on, and he cut a cardboard cut-out, and put it over the light, way up on top of the big top, and he began to shrink that light up on the inside where it was emitted, and he shrunk it as Emmett Kelly swept the circle. When it was done, they were able to coordinate where he swept the light under the rug and eliminated it.

That's what we need to do with this oil spill. We need to take that oil spill and start on the outside and start bringing that together and bring enough rigs in so we can get it done and so we can recover the oil that can be recovered from the surface. We need to take it off of the surface of the ocean. If we don't have every ship there, doing that that we can do now, we need to bring them.

If the Jones Act stands in the way, the White House, of course, is going to be protective. They're less inclined than President Bush to waive the Jones Act. I think there needs to be a powerful call for the President of the United States to waive the Jones Act.

So we have some things to do to fix up America—free enterprise, lower taxes, lower regulations, and more inspiration for people to have opportunities to go out and earn, save, invest, and succeed. People need to be held accountable for their actions. People need to be rewarded for the things that they do well and punished for the things that they do bad. That's the America we need to be in. Today, we are in a welfare state. It is a fact.

This is a report that was done by Robert Rector of the Heritage Foundation. He studied families, families of

four, that were headed by high school dropouts. This is without regard to their immigration status. So they could have been legal, illegal, natural born or naturalized; but they were high school dropouts. They would, on average, draw down \$32,000 a year in public benefits—a family of four, headed by a high school dropout. They would on average pay \$9,000 a year in taxes. The difference to the dollar, I remember, is \$22,449 a year as the net cost to a taxpayer for a household headed by a high school dropout, because, at their skill levels, no matter how hard they work, they can't earn enough money to sustain themselves in this society.

This is a society that we've built. We have poured millions of people into this country illegally who have suppressed the wages of the lower skilled so that the high school dropouts can't find places to punch the clock to earn enough money so that they don't have to go on some type of public assistance. There will be food stamps there. There will be a rent subsidy. There will be a heat subsidy. There will be at least 69 other Federal programs. We thought that we reformed welfare here in the mid-1990s. It only brought things to a plateau. Then the welfare spending started to grow again.

So we are a dependency society. The President of the United States and the members of his party know full well that expanding the dependency class in America expands their political base. They are cynically growing the dependency class in America so that they have a stronger political foundation so that they can stay in power—so that the elitists can stay in power.

Well, I happen to have a good friend on the floor of the House right now who is anything but an elitist, unless there happens to be some kind of company that would be made up of smart people, well-educated judges from Texas who will stand and fight, who are naturally born with a spine, who have been refurbished by education and life's experiences and, hopefully, a little bit by the friendship of mine.

So I offer as much time as may be consumed by the gentleman of Texas, Judge GOHMERT.

Mr. GOHMERT. Well, I thank my friend from Iowa so much. In fact, I had some dear friends—and I, actually, have them here present—one whom my wife and I taught in Sunday school 20 years or so ago and who is here with her mom. Anyway, she was saying she really enjoyed Steve King's Special Orders, and so I thought I might pass that on.

I also had heard my friend mention the Jones Act and how President Bush was able to suspend it. It's interesting, when you put things in perspective, how sometimes they appear different. Back at the time that Hurricane Katrina hit, some people thought he waited too long. Hurricane Katrina hit

on August 29, 2005. On September 1, President Bush suspended the Jones Act so foreign ships could come in and help. They helped put people up. They helped bring things that people could use to help clean up. So there was Katrina on August 29. On September 1, he suspended it through September 19. I know there are some who say, well, it probably takes a lot of things. Actually, it has to be signed off on by Customs and Border Protection, by the Department of Energy and by the Maritime Administration.

But guess what? Those are all White House appointments, so it's just getting the people who work for him to sign on. That's no big deal.

Apparently, the Netherlands offered within a few days of the disaster, of the big blow-out, to bring in equipment, to dredge up and set up, and to create barrier islands. Yet this administration said, No, thank you. Not only didn't he suspend the Jones Act. He said, No, thank you, and sent them on their way. No, we don't want you coming over here.

The truth is the Jones Act would be so easy to suspend. Back during these past months, it would have been so easy to suspend. All you'd have to do is to make one phone call; get your staff to have DOE, Customs and Border Protection, and Maritime sign off. Then they could bring it to you, and you could have it right there on the golf course so that when you'd finish the ninth green putting, you could just sign off on suspending the Jones Act before you'd tee off on the tenth tee. It would be that easy to do.

In the meantime, if that had been done early on when the Netherlands and England and others volunteered, it would have meant the saving of the livelihoods of thousands upon thousands of people on the gulf coast. It would have meant the saving of wildlife all through those marshes where oil is getting up in there. It would have been a terrific and a tremendous help had they been willing to just tell the unions, Look, we know you don't want the Jones Act suspended. It won't be for long, but we're talking about saving countless lives of wildlife in the area as well as the livelihoods of so many.

I don't know if my friend from Iowa has heard, but I read here on the floor an article regarding British Petroleum's relationship with the global warming bill. It makes sense why they would have waited so long to jump on BP, to get mad at them and to say, We've got our feet on their neck, and all this stuff, because it turns out that BP was the one Big Oil company that was signing on to all the global warming stuff.

I'm sorry. I say "global warming," but we know, since apparently the planet has started cooling, they've changed the name and have said,

Please call it "climate change," because it doesn't do to be pushing global warming bills when it turns out the world may be cooling, as South Africa found out this week with the snow down there.

□ 1600

But, anyway, turns out that on April 22, Senator JOHN KERRY, Democrat from Massachusetts, was on the phone with allies in his push for climate legislation and telling them he was rolling out the bill that very day with three oil companies, including British Petroleum. They were supporting him on his climate change, global warming bill, and they were supporting the White House. And so, of course, they were reluctant to jump on the oil company that was being such a big help to them. But what we found is once they saw that the United States was angry and that this was going to be nothing but trouble, well, they were willing to throw their friends under the bus and then talk about boots on their throat and wanting to kick some rear ends.

We had a hearing today in our Natural Resources Committee and we had the new Acting Director of Minerals Management Service. We had the new Acting Inspector General of the Department of the Interior, and I was asking that, since we'd had hearings a few years ago on why the price adjustment language was pulled out of the offshore leases in 1998 and 1999—this was a few years ago, the prior Inspector General—the Inspector General said, Well, we can't get to the bottom of why the price adjustment language was pulled out, but clearly, at the time, it had cost our country hundreds of millions—and I'm informed now that that's billions and billions of dollars—that should have gone as revenue from the offshore rigs but has gone into the pockets of some of the big oil companies that executed those lists in 1998–1999. And it turns out, the Inspector General said, But I haven't been able to question the two people with the most information—because they could probably explain this—because they're no longer with the government. And I said, Well, where are they?

They're not with the government.

Well, why can't you call them?

They're not with the government.

When you're talking about hundreds of millions and now billions of dollars, you would think they would want to know their version of what happened. Because if there's billions and billions of dollars that have gone to Big Oil that should have gone in our Federal Treasury because it should have been royalty if these people had not pulled that language out of those leases, then you would figure somebody would want to know if they got something in return for that. What made you pull that language? Because the best we could tell from hearing a few years ago, it appeared they were given information

that, Look, the language is not in here on price adjustment. Don't you want that in there? And they never talked to them. They weren't with the government anymore.

Well, it turns out one of the two had gone to work for a company—perhaps you've heard of them—called British Petroleum. Went there in 2001, when the Clinton administration left, and served in different positions; one as director of British Petroleum Shipping Limited in London, vice president for British Petroleum North America in L.A., and also one other position with BP before she came back.

So I asked the Acting Inspector General, Now that we have found out that Ms. Baca is back with the Interior Department, now you surely have asked her why that language was pulled out. What did she say?

Oh, I didn't know she was part of any of that.

And what struck me, and call me cynical, but we found the press release from Interior, June of 2009. How ironic. That's 10 years after the 1998–1999 leases during the Clinton administration had that language pulled out. Ten years later, she comes out from British Petroleum and goes to work for the Interior Department for Minerals Management. It's really interesting because, well, 10 years. That always rings a bell. Oh, yeah. Unless it's murder, the statute of limitations is normally a maximum of 10 years, unless anything.

So that's probably good news if there was anything that went wrong back there, that was done that shouldn't have been done. Ten years.

So just answer the question. Why did you pull that language out before you went to work for British Petroleum and helped big oil companies make so much money? So that's a matter of concern, continues to be a matter of concern.

I did ask the Acting Director of MMS, since we know that the only entity within Minerals Management that is allowed to be unionized is the offshore inspectors, I asked, Now, we know you're dividing MMS up into three groups, three parts. The prior Director had indicated that she didn't know if they might all unionize or not, didn't really know. So I asked the new Acting Director. He didn't know. That may happen. Now, there's only one little part of MMS that's unionized—the offshore inspectors. Now they may unionize all of those, and they'll have three different agencies to do it with. So that was interesting to find out today.

And when I asked if he thought it was a good idea that a father and son team were the last two inspectors to go out to Deepwater Horizon before the blowout, he said he didn't seem to see anything wrong with it being a father and son. I'm going, This is your check and balance. This is what we were told.

This ensures that both inspectors are doing their job, because they know the other is watching them and will report them if they don't do their job. And he didn't have a problem with that being father and son, didn't see that that was a problem.

I'm telling you, Mr. Speaker, when the heads of these agencies don't see a father and son as a problem being the last two inspectors to go to Deepwater Horizon and they are their own checks and balances to make sure that those inspections are properly done, we've got a problem. And it's not British Petroleum. They're one problem, and they need to be dealt with—and should be. Because we've already seen the administration now willing to throw their good friends under the bus. But we do need to clean up this cozy relationship that the President's talked about and that he helped create in the Minerals Management Service.

I yield to my friend from Iowa.

Mr. KING of Iowa. I thank the gentleman from Texas.

I am standing here thinking that I started down this subject matter, and a statement that I needed to make was this: I'm looking forward to the interception of the hole in the relief wells that are being drilled down almost 14,000 feet, just going into last weekend when I last went back and checked, so I presume that they are approaching their goal. But it's very difficult to thread that needle and be 4 miles away and hit that. It's a very difficult thing to do. But when they do get it done, when they cap this well off and get the relief well drilled and successfully seal this off, doing what they actually did in 1979 when they had that huge oil spill when they had the blowout in the well off the Yucatan Peninsula down in southern Mexico, when they shut that off, then I expect—and I haven't had a conversation with anybody in BP or anybody that's more knowledgeable than me, but I expect then we will be able to go down with robotics and cut the casing off and recover the blowout preventer. If that can come, if we can bring the blowout preventer up to the surface and then test that BOP, at that point we will at least be able to have a more effective theory on what went wrong. That's what I am interested in more than anything else.

I want the well shut off. I want it cleaned up. But I want to know what went wrong. And the President has frozen and issued an order to stop all drilling offshore for 6 months. Even if we find out what went wrong and find out it was human error, mechanical error, they still seem to be determined that they're going to crush the economy in that part of the country.

The economic damage of oil drifting to shore is a heavy load economically, and environmentally it takes a long time to recover, but also the economic damage of shutting off all of those jobs

that are supported by the drilling is a painful thing to watch that kind of judgment from the President of the United States.

Mr. Speaker, I acknowledge that we must have run out of time. For that cause, I will be happy to yield back.

## RECESS

The SPEAKER pro tempore (Mr. KISSELL). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 9 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1928

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. KIRKPATRICK of Arizona) at 7 o'clock and 28 minutes p.m.

## ADJOURNMENT TO MONDAY, JUNE 21, 2010

Ms. MARKEY of Colorado. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. on Monday next and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, June 22, 2010, for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

## SUPPORTING AMERICAN EDUCATION WEEK

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 879) supporting the goals and ideals of American Education Week, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## COMMENDING HOLLYWOOD WALK OF FAME ON 50TH ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1357) commending and congratulating the Hollywood Walk of Fame on the occasion of its 50th anniversary.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### RECOGNIZING 235TH BIRTHDAY OF U.S. ARMY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution (H. Con. Res. 286) recognizing the 235th birthday of the United States Army.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ORTIZ) that the House suspend the rules and agree to the concurrent resolution.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
Washington, DC, June 17, 2010.  
Hon. NANCY PELOSI,  
The Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Thursday, June 17, 2010 at 4:24 p.m., and said to contain a message from the President whereby he submits to the Congress a copy of a notice filed earlier with the Federal Register continuing the emergency with respect to Russian Highly Enriched Uranium first declared in Executive Order 13159 of June 21, 2000.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-123)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the emergency declared in Executive Order 13159 of June 21, 2000, with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2010.

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

BARACK OBAMA.  
THE WHITE HOUSE, June 17, 2010.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MOORE of Wisconsin (at the request of Mr. HOYER) for today on account of family business.

Mr. CHILDERS (at the request of Mr. HOYER) for today on account of official business in district.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. GRAVES of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, June 24.

Ms. FOXX, for 5 minutes, today.

Mr. WESTMORELAND, for 5 minutes, today.

Mr. POE of Texas, for 5 minutes, June 24.

Mr. JONES, for 5 minutes, June 24.

#### ADJOURNMENT

Ms. MARKEY of Colorado. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 33 minutes p.m.), under its previous order, the House adjourned until Monday, June 21, 2010, at 11 a.m.

#### OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie\*, Gary L. Ackerman, Robert B. Aderholt, John H. Adler, W. Todd Akin, Rodney Alexander, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boccieri, John A. Boehner, Jo Bonner, Mary Bono Mack, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany Jr., Allen Boyd, Bruce L. Braley, Kevin Brady, Robert A. Brady, Bobby Bright, Paul C. Broun, Corrine Brown, Ginny Brown-Waite, Henry E. Brown Jr., Vern Buchanan, Michael C. Burgess, Dan Burton, G.K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Eric Cantor, Anh "Joseph" Cao, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, André Carson, John R. Carter, Bill Cassidy,

Michael N. Castle, Kathy Castor, Jason Chaffetz, Ben Chandler, Travis W. Childers, Judy Chu, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Gerald E. Connolly, John Conyers Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Ander Crenshaw, Mark S. Critz, Joseph Crowley, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Kathleen A. Dahlkemper, Artur Davis, Danny K. Davis, Geoff Davis, Lincoln Davis, Susan A. Davis, Nathan Deal\*, Peter A. DeFazio, Diana DeGette, Bill Delahunt, Rosa L. DeLauro, Charles W. Dent, Theodore E. Deutch, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Charles Djou, Lloyd Doggett, Joe Donnelly, Michael F. Doyle, David Dreier, Steve Driehaus, John J. Duncan Jr., Chet Edwards, Donna F. Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Bob Etheridge, Eni F.H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Bob Filner, Jeff Flake, John Fleming, J. Randy Forbes, Jeff Fortenberry, Bill Foster, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, John Garamendi, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Kirsten E. Gillibrand\*, Phil Gingrey, Louie Gohmert, Bob Goodlatte, Charles A. Gonzalez, Bart Gordon, Kay Granger, Sam Graves, Tom Graves, Alan Grayson, Al Green, Gene Green, Parker Griffith, Raúl M. Grijalva, Brett Guthrie, Luis V. Guterrez, John J. Hall, Ralph M. Hall, Deborah L. Halvorson, Phil Hare, Jane Harman, Gregg Harper, Alcee L. Hastings, Doc Hastings, Martin Heinrich, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth Sandlin, Brian Higgins, Baron P. Hill, James A. Himes, Maurice D. Hinchey, Rubén Hinojosa, Mazie Hirono, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson Jr., Sheila Jackson Lee, Lynn Jenkins, Eddie Bernice Johnson, Henry C.

“Hank” Johnson Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Mary Jo Kilroy, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ann Kirkpatrick, Larry Kissell, Ron Klein, John Kline, Suzanne M. Kosmas, Frank Kratovil Jr., Doug Lamborn, Leonard Lance, James R. Langevin, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher John Lee, Sander M. Levin, Jerry Lewis, John Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Blaine Luetkemeyer, Ben Ray Lujan, Cynthia M. Lummis, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter, Jim McDermott, James P. McGovern, Patrick T. McHenry, John M. McHugh\*, Mike McIntyre, Howard P. “Buck” McKeon, Michael E. McMahon, Cathy McMorris Rodgers, Jerry McNeerney, Connie Mack, Daniel B. Maffei, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Betsy Markey, Edward J. Markey, Jim Marshall, Eric J.J. Massa\*, Jim Matheson, Doris O. Matsui, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Brad Miller, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Walt Minnick, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Scott Murphy, Tim Murphy, John P. Murtha\*, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Devin Nunes, Glenn C. Nye, James L. Oberstar, David R. Obey, John W. Olver, Pete Olson, Solomon P. Ortiz, William L. Owens, Frank Pallone Jr., Bill Pascrell Jr., Ed Pastor, Ron Paul, Erik Paulsen, Donald M. Payne, Nancy Pelosi, Mike Pence, Ed Perlmutter, Thomas S.P. Perriello, Gary C. Peters, Collin C. Peterson, Thomas E. Petri, Pedro R. Pierluisi, Chellie Pingree, Joseph

R. Pitts, Todd Russell Platts, Ted Poe, Jared Polis, Earl Pomeroy, Bill Posey, David E. Price, Tom Price, Adam H. Putnam, Mike Quigley, George Radanovich, Nick J. Rahall II, Charles B. Rangel, Denny Rehberg, David G. Reichert, Silvestre Reyes, Laura Richardson, Ciro D. Rodriguez, David P. Roe, Harold Rogers, Mike Rogers (AL-03), Mike Rogers (MI-08), Dana Rohrabacher, Thomas J. Rooney, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C.A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Gregorio Sablan, John T. Salazar, Linda T. Sanchez, Loretta Sanchez, John P. Sarbanes, Steve Scalise, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Aaron Schock, Kurt Schrader, Allyn Y. Schwartz, David Scott, Robert C. “Bobby” Scott, F. James Sensenbrenner Jr., José E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Mark Shauer, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda L. Solis\*, Mark E. Souder\*, Zachary T. Space, Jackie Speier, John M. Spratt Jr., Bart Stupak, Cliff Stearns, John Sullivan, Betty Sutton, John S. Tanner, Ellen O. Tauscher\*, Gene Taylor, Harry Teague, Lee Terry, Bennie G. Thompson, Glenn Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Dina Titus, Paul Tonko, Edolphus Towns, Niki Tsongas, Michael R. Turner, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Greg Walden, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Lynn A. Westmoreland, Robert Wexler\*, Ed Whitfield, Charles A. Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Lynn C. Woolsey, David Wu, John A. Yarmuth, C.W. Bill Young, Don Young.

## BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5297 (Small Business Lending Fund Act of 2010), as amended pursuant to H. Res. 1436 and H. Res. 1448, for printing in the CONGRESSIONAL RECORD.

## STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 5297, AS AMENDED PURSUANT TO H. RES. 1436 AND H. RES. 1448

(In millions, by fiscal year)

	Net Impact on the Deficit <sup>a</sup>												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-2015	2010-2020
H.R. 5486, Small Business Tax Relief Act of 2010, as passed the House .....	137	-112	-248	-512	-553	-5,279	5,372	-201	-634	-731	-795	-6,569	-3,558
H.R. 5297, Small Business Lending Fund Act of 2010 (including Manager's amendment, as modified, pursuant to H. Res. 1436) .....	10,000	19,481	-983	-1,051	-1,349	-19,909	-2,580	-773	-484	-287	-170	6,189	1,896
Amendments to H.R. 5297:													
Israel .....	0	0	0	0	0	0	0	0	0	0	0	0	0
Nye .....	0	0	0	0	0	0	0	0	0	0	0	0	0
Minnick, as modified .....	0	0	0	0	0	0	0	0	0	0	0	0	0
Perlmutter .....	0	0	0	0	0	0	0	0	0	0	0	0	0
Al Green of TX .....	0	0	0	0	0	0	0	0	0	0	0	0	0
Michaud .....	0	0	0	0	0	0	0	0	0	0	0	0	0
Cao/Jackson Lee .....	0	0	0	0	0	0	0	0	0	0	0	0	0
Loretta Sanchez .....	0	0	0	0	0	0	0	0	0	0	0	0	0
Cuellar .....	0	0	0	0	0	0	0	0	0	0	0	0	0
Bralley .....	0	0	0	0	0	0	0	0	0	0	0	0	0
Al Green of TX/Chu .....	0	0	0	0	0	0	0	0	0	0	0	0	0
Miller of NC/Baca, pursuant to H. Res. 1448 .....	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Pay-As-You-Go Impact .....	10,137	19,369	-1,226	-1,563	-1,902	-25,188	2,792	-974	-1,118	-1,018	-965	-380	-1,662

<sup>a</sup>Positive numbers indicate increases in the deficit, negative numbers indicate decreases in the deficit

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7947. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Tree Assistance Program (RIN: 0560-AH96) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7948. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Emerald Ash Borer; Addition of Quarantined Areas in Kentucky, Michigan, Minnesota, New York, Pennsylvania, West Virginia, and Wisconsin [Docket No.: APHIS-2009-0098] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7949. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Black Stem Rust; Additions of Rust-Resistant Varieties [Docket No.: APHIS-2010-0035] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7950. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Conservation Reserve Program; Transition Incentives Program (RIN: 0560-AH80) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7951. A letter from the President, Uniformed Services University of the Health Sciences, Department of Defense, transmitting a letter in response to Section 717 of the National Defense Authorization Act of Fiscal Year 2008 (Pub. L. 110-181); to the Committee on Armed Services.

7952. A letter from the Chairman, Federal Reserve System, transmitting Report to the Congress on Reductions of Consumer Credit Limits Based on Certain Information as to Experience or Transactions of the Consumer; to the Committee on Financial Services.

7953. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Amendment to Municipal Securities Disclosure [Release No. 34-62184A; File No. S7-15-09] (RIN: 3235-AJ66) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7954. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-045, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7955. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-052, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7956. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-054, certification of a proposed

technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7957. A letter from the Secretary, Department of Energy, transmitting the semi-annual report on the activities of the Office of Inspector General for the period October 1, 2009 to March 1, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7958. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-431, "SOME, Inc., Technical Amendments Act of 2010"; to the Committee on Oversight and Government Reform.

7959. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-430, "UNCF Tax Abatement and Relocation to the District Assistance Act of 2010"; to the Committee on Oversight and Government Reform.

7960. A letter from the Administrator, General Services Administration, transmitting the Semiannual Report of the Inspector General and the Semiannual Report on Final Action Resulting from Audit Reports for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7961. A letter from the Chairman, Postal Service, transmitting the Semiannual Report of the Inspector General for the period of October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7962. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the cost of response and recovery efforts for FEMA-3286-EM in the State of Ohio, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

7963. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Calcasieu River and Ship Channel, LA [Docket No.: USCG-2009-0317] (RIN: 1625-AA87) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7964. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Chester River, Chestertown, MD [Docket No.: USCG-2010-0081] (RIN: 1625-AA08) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7965. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Lake Havasu Grand Prix, Lake Havasu, AZ [Docket No.: USCG-2010-0116] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7966. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 2010 Veterans Tribute Fireworks, Lake Charlevoix, Boyne City, MI [Docket No.: USCG-2010-0177] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A);

to the Committee on Transportation and Infrastructure.

7967. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Inland Navigation Rules [Docket No.: USCG-2009-0948] (RIN: 1625-AB43) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7968. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-76A, B, and C Helicopters [Docket No.: FAA-2006-24587; Directorate Identifier 2006-SW-05-AD; Amendment 39-16281; AD 2010-10-02] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7969. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-200 and A340-300 Series Airplanes [Docket No.: FAA-2010-0476; Directorate Identifier 2010-NM-036-AD; Amendment 39-16298; AD 2010-10-19] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7970. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and Model ERJ 190 Airplanes [Docket No.: FAA-2009-0614; Directorate Identifier 2009-NM-045-AD; Amendment 39-16286; AD 2010-10-07] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7971. A letter from the Attorney — Advisor, Department of Transportation, transmitting the Department's final rule — Safety Zone; FRONTIER DISCOVERER, Outer Continental Shelf Drillship, Chukchi and Beaufort Sea, Alaska [Docket No.: USCG-2009-0955] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7972. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Safety Zone; Patasco River, Northwest and Inner Harbors, Baltimore, MD [Docket No.: USCG-2010-0133] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7973. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Safety Zone; Neuse River, New Bern, NC [Docket No.: USCG-2010-0256] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7974. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's "Major" final rule — Automatic Dependent Surveillance-Broadcast (ADS-B) Out Performance Requirements to Support Air Traffic Control (ATC) Service [Docket No.: FAA-2007-29305; Amdt. No. 91-314] (RIN: 2120-AI92) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7975. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1897-DR for the State of New

Jersey; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7976. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1896-DR for the State of Delaware; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DONNELLY of Indiana (for himself and Mr. HALL of New York):

H.R. 5549. A bill to amend title 38, United States Code, to provide for expedited procedures for the consideration of certain veterans claims, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. KIRKPATRICK of Arizona:

H.R. 5550. A bill to amend title 38, United States Code, to include a definition of "loss of use" for purposes of evaluating disabilities and providing adapted housing and automobiles under the laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. KOSMAS (for himself and Mr. DRIEHAUS):

H.R. 5551. A bill to require the Secretary of the Treasury to make a certification when making purchases under the Small Business Lending Fund Program; to the Committee on Financial Services.

By Mr. KIND (for himself, Mr. RYAN of Wisconsin, Mr. NEAL of Massachusetts, Mr. TANNER, Mr. POMEROY, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Ms. BERKLEY, Mr. ETHERIDGE, Mr. HELLER, Mr. HERGER, Mr. ALTMIRE, Mr. ARCURI, Mr. BISHOP of Georgia, Mr. BOREN, Mr. BOSWELL, Mr. BOUCHER, Mr. CARDOZA, Mr. CARNEY, Mr. CHANDLER, Mr. CHILDERS, Mr. CRITZ, Mr. ELLSWORTH, Mr. GENE GREEN of Texas, Mr. HEINRICH, Ms. HERSETH SANDLIN, Mr. HILL, Mr. KAGEN, Mr. KRATOVIL, Mr. LARSEN of Washington, Mr. MATHESON, Ms. MARKEY of Colorado, Mr. MELANCON, Mr. MINNICK, Mr. MURPHY of New York, Mr. RODRIGUEZ, Mr. ROSS, Mr. SALAZAR, Mr. SHULER, Mr. SKELTON, Mr. SMITH of Washington, Mr. STUPAK, Mr. WALZ, Mr. WELCH, Mr. ALEXANDER, Mr. BARTLETT, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOOZMAN, Mr. BROUN of Georgia, Mr. COBLE, Mrs. EMERSON, Mr. GRIFFITH, Mr. PUTNAM, and Mr. YOUNG of Alaska):

H.R. 5552. A bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly and to provide for the assessment by the Secretary of the Treasury of certain criminal restitution; to the Committee on Ways and Means.

By Mr. CAO:

H.R. 5553. A bill to extend the National Flood Insurance Program until December 31, 2013; to the Committee on Financial Services.

By Mr. CASTLE (for himself, Mrs. BIGGERT, Ms. GINNY BROWN-WAITE of Florida, Mr. DENT, Mr. GERLACH, Mr. LANCE, Mr. LATOURETTE, and Mr. LEE of New York):

H.R. 5554. A bill to provide tax relief for, ease the regulatory burden on, and provide expanded access to credit to small businesses, and for other purposes; to the Committee on Small Business, and in addition to the Committees on Ways and Means, Appropriations, Energy and Commerce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FOXX (for herself, Ms. KAPTUR, Mr. MCGOVERN, Mr. JONES, Mr. CUELLAR, Mr. PASCRELL, Mr. PETERSON, Mr. KANJORSKI, Mr. COLE, Mr. SESTAK, Mr. KUCINICH, Ms. WATERS, Mr. AL GREEN of Texas, and Mr. LIPINSKI):

H.R. 5555. A bill to amend title 38, United States Code, to provide for eligibility for housing loans guaranteed by the Department of Veterans Affairs for the surviving spouses of certain totally-disabled veterans; to the Committee on Veterans' Affairs.

By Ms. DELAURO (for herself and Mr. COURTNEY):

H.R. 5556. A bill to support the establishment and operation of Teachers Professional Development Institutes; to the Committee on Education and Labor.

By Ms. GIFFORDS (for herself and Mr. LATHAM):

H.R. 5557. A bill to amend the Internal Revenue Code of 1986 to allow an increased credit against tax for tuition and related expenses of certain individuals age 55 and older; to the Committee on Ways and Means.

By Ms. GIFFORDS (for herself and Mr. LATHAM):

H.R. 5558. A bill to amend the Internal Revenue Code of 1986 to provide for the eligibility of older workers for the work opportunity credit, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr. ARCURI, and Mr. MURPHY of New York):

H.R. 5559. A bill to revise the National Flood Insurance Program to more fairly treat homeowners who purchase insurance under the program; to the Committee on Financial Services.

By Mr. MOORE of Kansas (for himself, Ms. BERKLEY, Mr. BERMAN, Mr. CAO, Mr. CLAY, Mr. CLEAVER, Mr. CONYERS, Mr. LINCOLN DIAZ-BALART of Florida, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. FRANK of Massachusetts, Ms. KILROY, Mr. LOBIONDO, Mrs. MCCARTHY of New York, Mr. MARKEY of Massachusetts, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Ms. RICHARDSON, Ms. SCHAKOWSKY, Mr. SPRATT, and Ms. WATERS):

H.R. 5560. A bill to amend the Public Health Service Act to improve quality of cancer care and quality of life for patients and survivors by coordinating development and distribution of information about relieving pain, symptoms, side effects, and stress; increasing awareness of treatment and post-treatment health risks for survivors; enhancing research into symptom management and survivorship; increasing health care professional education and training; reducing health disparities in cancer treatment, symptom management, and survivorship

care; and expanding and enhancing cancer registries; and for other purposes; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER:

H.R. 5561. A bill to establish a public education and awareness program relating to emergency contraception; to the Committee on Energy and Commerce.

By Ms. JACKSON LEE of Texas (for

herself, Mr. DAVIS of Tennessee, Mr. HALL of Texas, Mr. CARTER, Mr. SAM JOHNSON of Texas, Mr. MCCAUL, Mr. DENT, Mr. BOYD, Mr. HILL, Mr. MELANCON, Mr. MICHAUD, Mr. SPACE, Mr. ELLSWORTH, Mr. DONNELLY of Indiana, Mr. TANNER, Mr. ROSS, Mr. SHULER, Mr. SKELTON, Ms. HARMAN, Mr. SNYDER, Mr. KILDEE, Mr. DINGELL, Ms. WOOLSEY, Mr. WELCH, Mr. CONYERS, Mr. MCGOVERN, Mr. TIERNEY, Mr. CLAY, Mr. GUTIERREZ, Mr. TOWNS, Mr. SCOTT of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORBINE BROWN of Florida, Mr. WATT, Mr. DAVIS of Illinois, Mr. MEEKS of New York, Mr. CARSON of Indiana, Ms. EDWARDS of Maryland, Ms. CLARKE, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Ms. LEE of California, Mr. THOMPSON of Mississippi, Mr. LEWIS of Georgia, Mr. CLEAVER, Ms. WASSERMAN SCHULTZ, Mr. DOGGETT, Ms. CHU, Mr. HINCHEY, Mr. LYNCH, Mr. DOYLE, Mr. BILIRAKIS, Mr. JONES, Mr. PAUL, Mr. BARTLETT, Mr. COOPER, Mr. MOORE of Kansas, Mr. DRIEHAUS, Ms. TITUS, Mr. HASTINGS of Florida, Mr. WU, Ms. SUTTON, Mr. TONKO, and Mr. POE of Texas):

H.J. Res. 90. A joint resolution expressing support for designation of September 2010 as "Gospel Music Heritage Month" and honoring gospel music for its valuable and longstanding contributions to the culture of the United States; to the Committee on Oversight and Government Reform.

By Mr. EDWARDS of Texas:

H. Res. 1450. A resolution congratulating the Texas A&M University Aggies for winning the men's and women's NCAA Division I Outdoor Track and Field Championship; to the Committee on Education and Labor.

By Mrs. BONO MACK (for herself and Mr. KENNEDY):

H. Res. 1451. A resolution expressing support for designation of June 26, 2010, as the International Day against Drug Abuse and Illicit Trafficking; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself, Mr.

BUTTERFIELD, Mr. BURGESS, Mrs. BLACKBURN, Mr. GRIJALVA, Mrs. MALONEY, Ms. SHEA-PORTER, Ms. WASSERMAN SCHULTZ, Mr. CONYERS, Mr. SCOTT of Virginia, Mr. MOORE of Kansas, and Ms. NORTON):

H. Res. 1452. A resolution expressing support for the goals and ideals of National Infant Mortality Awareness Month 2010; to the Committee on Energy and Commerce.

By Mr. DRIEHAUS (for himself and Mr. CHAFFETZ):

H. Res. 1453. A resolution celebrating the 29th Congressional Art Competition and commending the winners of the Competition on achieving a high level of artistic scholastic aptitude; to the Committee on House Administration.

By Mrs. HALVORSON:

H. Res. 1454. A resolution supporting the goals and ideals of “Chiari Malformation Awareness Month” and “Chiari Malformation Awareness Day” in the United States; to the Committee on Oversight and Government Reform.

By Mr. SMITH of Texas (for himself and Mr. SENSENBRENNER):

H. Res. 1455. A resolution directing the Attorney General to transmit to the House of Representatives copies of certain communications relating to certain recommendations regarding administration appointments; to the Committee on the Judiciary.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

311. The SPEAKER presented a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 19 memorializing the Congress to utilize the power of technology to boost American productivity and performance; to the Committee on Education and Labor.

312. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 239 urging the President of the United States to ensure that recreational fishing and boating are national priorities in the Interagency Ocean Policy Task Force’s final report; jointly to the Committees on Natural Resources and Transportation and Infrastructure.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 197: Mr. GARY G. MILLER of California.  
H.R. 333: Mrs. EMERSON.  
H.R. 442: Mr. GRAYSON and Mr. LUJÁN.  
H.R. 571: Mr. DEUTCH.  
H.R. 614: Mr. GRIFFITH and Mr. BOEHNER.  
H.R. 1021: Ms. GINNY BROWN-WAITE of Florida and Mr. SCHOCK.  
H.R. 1079: Mr. MICHAUD.  
H.R. 1207: Mr. GRAVES of Georgia.  
H.R. 1625: Mrs. MALONEY.  
H.R. 1964: Ms. SCHAKOWSKY.  
H.R. 2057: Mr. OLVER and Mr. COURTNEY.  
H.R. 2067: Ms. WATSON.  
H.R. 2204: Mr. LUETKEMEYER, Mr. YOUNG of Florida, Mr. COHEN, and Mr. ELLSWORTH.  
H.R. 2262: Mr. CUELLAR.  
H.R. 2296: Mr. LUJÁN and Mr. LARSEN of Washington.  
H.R. 2381: Mr. RAHALL.  
H.R. 2425: Mr. REHBERG.  
H.R. 2483: Mr. DEUTCH.  
H.R. 2766: Mr. MAFFEI.  
H.R. 3227: Ms. NORTON.  
H.R. 3336: Mr. CONNOLLY of Virginia.  
H.R. 3359: Ms. BALDWIN.  
H.R. 3412: Mr. LAMBORN.  
H.R. 3470: Ms. NORTON.  
H.R. 3652: Mr. ALTMIRE and Mr. THORNBERRY.  
H.R. 3668: Mr. SCHAUER, Mr. KUCINICH, Mr. SALAZAR, and Mr. THOMPSON of California.

H.R. 3752: Mr. BOREN.  
H.R. 3764: Mr. BRALEY of Iowa.  
H.R. 3790: Ms. TSONGAS and Mr. HOEKSTRA.  
H.R. 3839: Mr. MCINTYRE.  
H.R. 4051: Mr. MCINTYRE.  
H.R. 4116: Ms. NORTON.  
H.R. 4123: Mr. MILLER of North Carolina.  
H.R. 4296: Mr. LOEBSACK and Ms. LINDA T. SÁNCHEZ of California.  
H.R. 4364: Mr. STARK.  
H.R. 4405: Mr. RANGEL and Mr. OBERSTAR.  
H.R. 4505: Mr. LAMBORN.  
H.R. 4530: Ms. DELAURO, Mr. DEUTCH, Mr. CARSON of Indiana, and Mr. PLATTS.  
H.R. 4538: Ms. TSONGAS.  
H.R. 4594: Mr. SHERMAN, Mr. CLAY, and Mr. HONDA.  
H.R. 4638: Mr. ETHERIDGE.  
H.R. 4684: Mr. BERMAN, Mr. HOEKSTRA, Ms. GINNY BROWN-WAITE of Florida, Mr. PETRI, Mr. COLE, Mr. GRAVES of Missouri, Mr. FATTAH, Mr. CRITZ, Mr. BUTTERFIELD, Mr. ROE of Tennessee, and Mr. SESSIONS.  
H.R. 4687: Ms. ESHOO.  
H.R. 4733: Mr. PASCRELL.  
H.R. 4785: Mr. CARNAHAN.  
H.R. 4787: Mr. MOORE of Kansas.  
H.R. 4790: Mr. POLIS of Colorado.  
H.R. 4844: Ms. LINDA T. SÁNCHEZ of California.  
H.R. 4870: Mr. MOORE of Kansas.  
H.R. 4908: Ms. BALDWIN.  
H.R. 4993: Mr. FRANK of Massachusetts, Mr. TONKO, Mr. NEAL of Massachusetts, Mr. ARCURI, Mr. LANGEVIN, and Ms. KOSMAS.  
H.R. 4995: Mr. MARCHANT and Mr. KLINE of Minnesota.  
H.R. 5015: Mr. NEAL of Massachusetts and Mr. CUMMINGS.  
H.R. 5032: Mr. OWENS.  
H.R. 5083: Ms. NORTON.  
H.R. 5089: Mr. TIERNEY.  
H.R. 5090: Ms. ROYBAL-ALLARD.  
H.R. 5141: Mrs. BONO MACK.  
H.R. 5241: Mr. DEUTCH.  
H.R. 5283: Ms. GINNY BROWN-WAITE of Florida and Mr. UPTON.  
H.R. 5304: Ms. CHU.  
H.R. 5336: Mr. SABLÁN.  
H.R. 5384: Mr. FOSTER, Mr. PRICE of North Carolina, and Mr. SABLÁN.  
H.R. 5400: Ms. GINNY BROWN-WAITE of Florida.  
H.R. 5409: Mr. PIERLUISI and Mr. PERRIELLO.  
H.R. 5418: Mrs. MALONEY.  
H.R. 5424: Mr. GOODLATTE.  
H.R. 5426: Mr. GOODLATTE.  
H.R. 5434: Mr. LANCE, Mr. STARK, and Mr. WHITFIELD.  
H.R. 5443: Mr. MCNERNEY, Mr. MURPHY of New York, and Mr. BISHOP of New York.  
H.R. 5462: Mr. SABLÁN and Mr. MCNERNEY.  
H.R. 5478: Mrs. CAPITO.  
H.R. 5480: Mr. SABLÁN.  
H.R. 5481: Mr. SESTAK, Ms. CASTOR of Florida, Mr. OLVER, Mr. CARNAHAN, and Mr. HINCHEY.  
H.R. 5492: Mr. STARK, Ms. RICHARDSON, and Mr. PIERLUISI.  
H.R. 5503: Mr. HINCHEY.  
H.R. 5509: Mr. CARNEY and Mr. CRITZ.  
H.R. 5513: Mrs. CAPPS.  
H.R. 5523: Mr. CARTER, Mr. SESSIONS, and Mr. CHAFFETZ.

H.R. 5539: Mr. QUIGLEY, Mr. FLAKE, Mr. LANCE, Mr. POSEY, and Mr. PAUL.

H.J. Res. 86: Mr. KING of New York, Mr. BISHOP of Georgia, Mr. TANNER, Mr. BARTON of Texas, Mr. FATTAH, Mr. TIM MURPHY of Pennsylvania, and Mr. ROTHMAN of New Jersey.

H. Con. Res. 224: Ms. GINNY BROWN-WAITE of Florida.

H. Con. Res. 259: Mr. PALLONE and Mr. COBLE.

H. Con. Res. 266: Mr. COBLE.

H. Con. Res. 275: Mr. RANGEL, Mr. WALZ, Mr. PETERS, Mr. GORDON of Tennessee, and Mr. MAFFEI.

H. Res. 173: Mr. STARK.

H. Res. 252: Mr. MICHAUD.

H. Res. 536: Ms. SCHWARTZ, Mr. BOUCHER, and Ms. DELAURO.

H. Res. 546: Ms. CASTOR of Florida.

H. Res. 771: Mrs. MALONEY, Ms. NORTON, and Ms. LORETTA SÁNCHEZ of California.

H. Res. 1056: Mr. BISHOP of Utah.

H. Res. 1207: Mr. POE of Texas.

H. Res. 1209: Mr. SENSENBRENNER.

H. Res. 1226: Mr. GONZALEZ.

H. Res. 1241: Mr. ROGERS of Kentucky.

H. Res. 1251: Mr. TAYLOR.

H. Res. 1309: Mr. LOEBSACK.

H. Res. 1343: Mr. FRANK of Massachusetts.

H. Res. 1348: Mr. GOODLATTE.

H. Res. 1386: Mr. HIMES.

H. Res. 1401: Mr. HODES, Ms. MATSUI, Ms. SPEIER, and Ms. WOOLSEY.

H. Res. 1412: Mr. MORAN of Virginia, Mr. SAM JOHNSON of Texas, Mr. HALL of Texas, Mr. HENSARLING, Mr. CULBERSON, Mr. BRADY of Texas, Mr. CONAWAY, Mr. THORNBERRY, Mr. NEUGEBAUER, Mr. MARCHANT, Mr. CARTER, Mr. MACK, Mr. ROGERS of Michigan, Mr. FORTENBERRY, Mr. PITTS, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mr. PENCE, Mr. BLUNT, and Mr. CONNOLLY of Virginia.

H. Res. 1420: Mr. KENNEDY, Mr. ROTHMAN of New Jersey, and Mr. THOMPSON of California.

## PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk’s desk and referred as follows:

149. The SPEAKER presented a petition of the City of Santa Ana, California, relative to Resolution No. 2010-09 opposing the State of Arizona SB 1070 and urging for comprehensive immigration reform; to the Committee on the Judiciary.

150. Also, a petition of Miami Beach, Florida, relative to Resolution No. 2010-27380 supporting the passage of the “Uniting American Families Act”; to the Committee on the Judiciary.

151. Also, a petition of City of Auburn, Washington, relative to Resolution No. 4590 requesting the Congress to provide for immediate appropriation of 44 million dollars for interim grout work and related repairs to the Howard Hanson Dam; jointly to the Committees on Appropriations and Transportation and Infrastructure.

**SENATE—Thursday, June 17, 2010**

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, give our lawmakers grace to choose the way that leads to light. Direct their thoughts, words, and works so that they will follow where You lead. Prosper the works of their hands as they seek to glorify Your Name. Lord, free their hearts to give You zealous, active, and cheerful service. Help them so live that whenever Your call comes for them—at morning, midday, or evening—it may find them ready, their work completed, and their hearts at peace with You.

We pray in Your sovereign Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 17, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,  
*President pro tempore.*

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Madam President, following leader remarks, if any, there

will be a period of morning business until 10 a.m., with Senators allowed to speak for up to 10 minutes each. The majority will control the first half, the Republicans will control the final half.

Upon the conclusion of morning business, the Senate will resume consideration of the House message which accompanies H.R. 4213. There will be up to 2 hours for debate on the Thune amendment, which is numbered 4376, with the time equally divided and controlled between Senators THUNE and BAUCUS or their designees. If all time is used, at approximately noon today, the Senate will proceed to a vote on the motion to waive the Budget Act with respect to the Thune amendment.

As a reminder, last night I filed cloture on the Baucus substitute amendment. The managers of the bill will work with Senators on agreements to consider amendments so that we can move toward completion of the bill as quickly as possible. Senators should expect additional votes today in relation to amendments to the bill. Senators will be notified when additional votes are scheduled.

I have spoken to the manager of the bill, Senator BAUCUS, and he has spoken to a number of his Republican colleagues, and we are going to try to arrange a number of votes as soon as we finish the Thune matter. There are at least three that I know the Republicans want to offer, and there are a number on our side, but we will try to get that done as quickly as possible. This is not a time for never-ending amendments. This is the seventh week we have been on this legislation. They have not been contiguous, but they have certainly been spent on this legislation. So we hope we can work out a reasonable agreement on the amendments that need to be debated and voted on. If we can't work something out tonight, this afternoon, we will have to have a cloture vote in the morning. I would hope that can be avoided. I don't know if it can be.

The problem we have is that we have asked the Secretary of Health and Human Services, Kathleen Sebelius, to work to extend the time administratively so that the 21-percent cut to Medicare doesn't go into effect. We think we have been able to do that, until tomorrow. But we are in very perilous times here. Unemployment compensation benefits have already expired. These tax extenders, which are so important to businesses, have expired. Therefore, it is essential that we get something done. Remember, Medicare reimbursement is not just for Medicare patients. Even though some

doctors have already said they are going to drop Medicare patients, it is for more than Medicare patients because most reimbursement in our country is based upon Medicare levels—insurance companies, HMOs, and veterans programs. So everyone on both sides of the aisle should understand that the time to sit back and say: We will work something out later isn't going to be here. We have to do something today, or tomorrow at the latest, because of this 21 percent cut. We have cried wolf for the last time. It will go into effect over the weekend.

We also have an important element in this legislation that deals with FMAP. The poorest of the poor in our country are able to get Medicaid through the State programs, and we assist at the Federal level. Those programs, in most States, are in a perilous state. They have cut a lot of the programs. A lot of people who are eligible for certain Medicaid procedures and office visits and things of that nature have been terminated already. I have received calls from at least 20 Governors—and it is not just Democratic Governors—who are desperate for this money.

So everything in this bill is paid for except FMAP and the situation I related to regarding unemployment compensation extension. Everything else is paid for. The doctor fix is paid for in the amendment that is now before us where cloture has been filed. So I hope we can work through these amendments the Republicans have to have and we have to have on our side and, if possible, we can go ahead and set up a vote to get rid of this piece of legislation today; otherwise, we will have a cloture tomorrow, and 30 hours runs after that, and by that time the doctors and patients will be harmed significantly, notwithstanding the fact that the unemployed have already been hurt.

**RECOGNITION OF THE MINORITY LEADER**

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

**THUNE AMENDMENT**

Mr. McCONNELL. Madam President, Democrats continue to argue among themselves about how much they want to add to the deficit. Yesterday, they unveiled their latest proposal, which would add another \$50 billion. And they are calling this an accomplishment—an accomplishment they reached not by

making any tough choices but by shortening the length of time they would pay for programs they know they will end up extending anyway. Only in Washington would people boast about saving money they fully intend to spend down the road. And only in Washington would people raid a trust fund intended to pay for oilspill cleanup to cover completely unrelated spending in the middle of an oilspill. Let me say that again: Only in Washington would people raid a trust fund intended to pay for oilspill cleanup to cover completely unrelated spending in the middle of an oilspill.

So Democrats can continue to play these games or they can join Republicans in voting for the Thune amendment later today. The Thune amendment would actually do the thing Americans want us to do right now; that is, lower the deficit and create real opportunities for job growth.

Senators will have a simple choice today: They can either vote to reduce the deficit or they can lock arms with the Democratic leadership and dig an even deeper hole of debt, when most Americans think \$13 trillion is far too much already. If you are even remotely attuned to what Americans are asking us, this would be an easy choice. Our colleagues across the aisle have come down to the Senate floor over and over to claim the mantle of fiscal responsibility. Well, today they can prove it. Americans want us to show we are serious about lowering the debt. Senators will have that opportunity later today.

So I ask my colleagues on both sides to join with me today and vote in favor of the Thune amendment.

Madam President, I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business until 10 a.m., with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the time under the control of the majority be equally divided between myself, Senator SHAHEEN, and Senator NELSON of Florida.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New Hampshire.

#### UNANIMOUS-CONSENT REQUEST— S. 3462

Mrs. SHAHEEN. Madam President, I rise today to ask that my legislation, S. 3462, which would grant subpoena power to the Presidential commission tasked with investigating the BP oilspill, be passed by unanimous consent.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. INHOFE. Reserving the right to object, Madam President, I think I will object at this time. The bill was just introduced 7 business days ago. It has been referred to the Judiciary Committee, where I assume Chairman LEAHY will take a thoughtful look at it. Senator REID has asked his committee chairmen to report out oilspill legislation by the 4th of July for consideration next month, so I think we should give that process an opportunity to work. So I do object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I don't understand. We are 58 days into this oilspill. Eleven lives have been lost. We have seen up to 97 million gallons of oil in the Gulf of Mexico that is already on the shores of the gulf. We have thousands of wildlife covered in oil, many of them dead. We have fishermen who have lost their livelihoods, some, we guess, maybe for generations. We have countless hotels and restaurants that are empty during what should be their prime tourist season. I don't understand why, given all of this—the full devastation of this catastrophic spill is far from being known, although we know it is going to be one of the worst economic and environmental disasters in American history, and we need to make absolutely certain this never happens again—why people are still objecting to giving the bipartisan commission charged with investigating this disaster the subpoena power to do what they need to do to make sure this never happens again.

In order to have a full and fruitful investigation, this commission must have subpoena power to get to the bottom of what safety precautions BP did and did not take leading up to the Deepwater Horizon explosion. Subpoena power is essential to their task of making meaningful recommendations on how to prevent future disasters. That is why I, along with 18 other Senators, have introduced this legislation to grant subpoena power to this commission. It is unacceptable for BP and the other companies responsible for this oilspill to continue to stonewall the American people.

I don't understand why my colleagues on the other side of the aisle are objecting to this. I would assume they are as interested in getting to the bottom of this disaster as the rest of us are, and this stonewalling is something I just don't understand.

I yield the floor.

Mr. INHOFE. Madam President, let me respond to the Senator from New Hampshire.

The ACTING PRESIDENT pro tempore. The Senator does not have control of the time at this moment.

Mr. INHOFE. I was just reassuring her. I think I agree with everything she said. Mine was the process we are talking about, and I think that is the process the majority leader was recommending.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. MENENDEZ. Could the Presiding Officer tell me how much time remains for the majority side?

The ACTING PRESIDENT pro tempore. There are 6 minutes 20 seconds remaining.

Mr. MENENDEZ. Would the Presiding Officer let me know when I have exhausted 2 of my 3 minutes?

The ACTING PRESIDENT pro tempore. Yes.

Mr. MENENDEZ. Madam President, I rise once again to ask unanimous consent—and I will do so shortly—to hold oil companies accountable for their spills. This is really a sense of who is on your side. Are we going to take the side of big oil or are we going to take the side of commercial fishermen? Are we going to take the side of big oil or are we going to take the side of shrimp fishermen? Are we going to take the side of big oil or are we going to take the side of preserving the estuaries that are so critical yet that we see increasingly devastated, the wildlife, with consequences to those ecosystems that may very well affect a generation? Are we going to take a side with big oil or are we going to stand up for the tourism industry that is affected? Are we going to stand up for big oil or are we going to stand with the boater who ultimately sees his boat languishing in the waters because he cannot go out because there is no one to take out on a commercial venture? Are we going to stand up for the communities and the coasts along the gulf shore or are we going to stand with big oil?

That is what this effort is all about. It is about setting responsibility where responsibility should lie. I applaud that the President got BP to sign up to \$20 billion over the next 4 years or so. But that does not mean we should not be lifting the liability cap, a liability cap that is ridiculously low at \$75 million total when BP, for example, makes over \$90 million a day. So their liability under the law, regardless of what they say, is less than 1 day's profit.

The ACTING PRESIDENT pro tempore. The Senator has used 2 minutes.

Mr. MENENDEZ. This is about making sure at the end of the day we stand up to big oil. I know there are those who suggest—my colleague from Louisiana has suggested he has a better way. The problem is his better way is

constitutionally infirm. That has been reviewed by the Congressional Research Service which says that trying to enact legislation that effectively declares the guilt or imposes punishment on an identifiable individual or entity is in essence a bill of attainder under the Constitution; therefore, it cannot work. I have heard him say I don't want to come here and make a speech, I want to solve something. That is exactly the problem. That does not solve anything because it is constitutionally infirm, therefore it would not apply, therefore we would not have a success. Besides, if it is good enough for this incident, it is good enough for any other.

Understanding that, I want to ensure we stand on the side with all of those commercial interests, so I ask unanimous consent—I take a final 30 seconds—I ask unanimous consent that the Environment and Public Works Committee be discharged of S. 3472, the Big Oil Bailout Prevention Unlimited Liability Act of 2010, and that the Senate proceed to its consideration; that the bill be read three times, passed, the motion to reconsider be laid upon the table, without intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. INHOFE. Reserving the right to object, this S. 3472, this is one with no caps?

Mr. MENENDEZ. This is unlimited liability.

Mr. INHOFE. Unlimited liability. Madam President, we have talked about this before. It sounds good to talk about big oil. This would be the greatest thing for big oil. Only the big five might—

The ACTING PRESIDENT pro tempore. The time of the Senator from New Jersey has expired. Is there an objection?

Mr. INHOFE. I object.

Now I wish to be recognized to explain my objection.

The ACTING PRESIDENT pro tempore. There are 2 minutes remaining on the majority's time that the Senator from Florida intends to use.

The Senator from Florida.

Mr. NELSON of Florida. Madam President, the oil is relentlessly moving east in the Gulf of Mexico. A week and a half ago it hit Perdido Pass. That is in Perdido Bay. A week ago it hit Pensacola Pass. It is in Pensacola Bay. You ought to see what it looks like. There are tar balls. We know what tar balls look like. You ought to see what the reddish brown gunk looks like that I saw on Monday as the wind was blowing it right toward downtown Pensacola.

Today, Destin Pass, further to the east, is being closed. But when it is closed by a boom it will not stop the oil if the oil is not already skimmed off out in the gulf because the tar balls will go right underneath the boom and

the tides come rushing into the pass at 6 to 8 knots, and a boom will not stop the oil.

This is what we are facing. We are facing the economic devastation as a result of the despoiling of the coast that relies, so much of its economy, on that coast being pristine—whether it is tourism, whether it is fishing, whether it is oyster, shrimp, et cetera.

Why shouldn't the company—now that precedent has been set yesterday by them setting up a \$20 billion trust fund, but that is not a limit. Why should we not—has my time expired?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. NELSON of Florida. If I may finish the sentence—why should we not allow any kind of future devastation by a company to have the same liability?

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. First, I do not disagree with anything that was said by my very good friend from Florida. It is a devastating thing. I have no love for BP. I assure you they are not any friends of this side over here. I only have to say this. If you want to shut out everyone from their exploration, it doesn't make any difference whether it is deep water or otherwise, you go ahead and do something like this. This would only help the big five or the national oil companies—that is China and Venezuela. Without a cap they would be the only ones who could explore out there. Frankly, they don't have the capacity to do the amount of exploration that is going to be necessary to run this machine called America.

Right now there is a commission that is taking place. I believe they are going to be discussing all these things, including what types of caps, if any, should go on. They are the ones who are approaching this thing, considering everything. I think they should have time to do their own work. That is the reason. But I do not disagree with anything either one of the Senators said.

I yield the remainder of my time to the Senator from Nebraska.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNIS. Madam President, may I inquire how much time remains?

The ACTING PRESIDENT pro tempore. Eight minutes.

Mr. JOHANNIS. If I could be forewarned when there is a minute remaining?

The ACTING PRESIDENT pro tempore. Yes.

#### INCREASING EXPORTS

Mr. JOHANNIS. Madam President, I rise today to discuss an issue I believe is of significant importance to our Nation's economy. There has been a lot of talk lately about the whole idea of increasing exports. I—like, I guess, every

other Member of this body—support the goal of expanding exports. Increasing exports means companies will sell more of their goods and services into more markets around the world. A number of those companies, I might add, are found in rural communities, found in States such as Nebraska. I was sitting there when President Obama, in his State of the Union Address, set a goal. He said: I want to double exports in the next 5 years.

Since then, the administration has pushed its National Export Initiative, which appears to be about increasing spending and the size of government. But a more sensible course of action would truly be to increase exports—sell more. I am talking about free trade agreements. The previous administration negotiated a number of trade agreements, but there are three pending from the previous administration: Colombia, South Korea, and Panama. Unfortunately, these agreements have been languishing since they were first agreed to—now around 3 years ago.

The current administration briefly seemed to be on the right track when the President stated his goal of strengthening trade with Colombia, South Korea, and Panama, again in the State of the Union Address. I was pleased to hear that. The President hit the right tone there. I must admit, though, up to that point, the administration's trade policy was enormously unclear to me, and I guarantee it was to everybody else.

I thought that finally we had a trade policy. But, unfortunately, since that speech there has been no action. So I have to ask, What is the holdup? I do not know how you can claim your goal is to double exports and then not take the action on pending trade agreements which provide the very direct, ready-made way to move us forward. Each one of these agreements lowers tariffs on America's goods and services. I will tell you from a lot of experience, that is the quickest way to increase exports. With U.S. unemployment now hovering around 10 percent, we should be focused like a laser beam on helping businesses grow and create jobs. Enacting the pending trade agreements will help us get there.

The U.S. Chamber of Commerce estimates that these agreements could bolster our economy by \$40 billion. Conversely, if the United States fails to implement the agreements with Colombia and Korea, the chamber estimates that more than 380,000 U.S. jobs will be lost or displaced.

The trade agreements were negotiated nearly 3 years ago. Yet they have not come to the Congress. While we fail to act, our global competitors are locking up these marketplaces. Several nations are negotiating or finalizing negotiations with the same three countries. Yet our agreements with those same countries are signed

and sealed and ready for a vote. Our competitors are, very simply, gaining an advantage over our producers, our exporters, our employees, and they are laughing all the way to the bank. Now we even have representatives from those countries saying they are ready to move forward without us.

Earlier this week a respected publication, the Des Moines Register, quoted the Minister of Economic Affairs at the South Korean Embassy as saying this:

The U.S. runs the risk of losing the Korean market within a decade if you can't get a free trade agreement ratified.

Furthermore, the article reported that South Korea is likely to complete a free trade agreement with the European Union by January. So we are not just at risk of losing the opportunity to increase exports. If other countries keep negotiating trade agreements while this great Nation sits on its hands, we are going to lose the market share we have today.

I suspect this is just the beginning. These countries are not going to wait around forever while we twiddle our thumbs and hope that throwing money at a few government agencies and hiring more government employees will somehow increase exports.

Each nation we have sat down with, we have negotiated, we have found common ground and reached agreement. Now it is time for the final step. The step is to vote on the agreements.

Think of the big picture. Roughly 95 percent of the world's consumers live outside the United States. The global marketplace is asking for us to go and do business there. It is important to agriculture, but it is also important to our entire economy. You see, in agriculture, exports account for over 25 percent of total ag sales. We like to say that every third row of crops is sold into the international marketplace. In fact, agriculture is one of the few areas where the United States has had a net trade surplus in recent years.

These agreements are necessary for agriculture, for farmers and ranchers. They are good for small businesses in my State and across the country. As Secretary of Agriculture, I traveled the world helping to negotiate trade deals. I have seen the positive results for exporters. I have seen firsthand the importance of these pending agreements. Each one would level the playing field for America's farmers and ranchers and companies, creating jobs, helping to reinvigorate our economy. If we are going to meet this goal of doubling exports, we have to do more than give a speech. We have to take these agreements and put them into the equation and get a vote on that.

Consider this: American producers are currently forced to pay substantial tariffs on their exports to Colombia, to South Korea, to Panama. These agreements would wipe out most if not all of

those tariffs. Roughly \$2.8 billion in tariffs on American exports has been paid to Colombia alone since the Colombian agreement was signed in November of 2006.

That is \$2.8 billion that could have stayed in the United States to hire new workers. Most Americans probably assume Colombian exporters pay the identical U.S. tariffs, but that is not the reality.

Colombian producers do not pay a nickel on 90 percent of the products they sell in the United States. The Colombian Free Trade Agreement would allow American producers to compete on a level playing field.

The ACTING PRESIDENT pro tempore. The Senator has 1 minute remaining.

Mr. JOHANNIS. In South Korea, it is the same story. And I could go on and on through each agreement and show that what they are about is bringing tariffs down for our products that we are paying today.

Well, I have given this speech now I think twice on the floor of the Senate and a number of times as I have been out and talked to people across this country. I hope this is the last time I need to come here to advocate just to give us a vote. My hope is the administration will send these agreements to the Congress for action.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 4213, which the clerk will report.

The legislative clerk read as follows:

Motion to concur in the House amendment to the Senate amendment with an amendment to H.R. 4213, an act to amend the Internal Revenue Code of 1986, to extend certain expiring provisions, and for other purposes.

Pending:

Baucus motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Baucus Amendment No. 4369 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, once again, we are here today to try to help create jobs. That is what the underlying bill and substitute amendment are all about.

But the Thune amendment would move in the wrong direction. Instead of helping to create jobs, the Thune amendment would probably cost jobs.

The Thune amendment would reduce aggregate demand in the economy by more than \$50 billion. Instead of continuing the good that the Recovery Act has done, the Thune amendment would stop it in its tracks.

The Thune amendment would, among other things, cancel unspent and unallocated mandatory spending in the Recovery Act.

The Recovery Act is working.

This is what the nonpartisan Congressional Budget Office said in its most recent report:

CBO estimates that in the first quarter of calendar year 2010, [the Recovery Act's] policies:

Raised the level of real . . . gross domestic product . . . by between 1.7 percent and 4.2 percent;

Lowered the unemployment rate by between 0.7 percentage points and 1.5 percentage points;

Increased the number of people employed by between 1.2 million and 2.8 million; and

Increased the number of full-time-equivalent jobs by 1.8 million to 4.1 million compared with what those amounts would have been otherwise.

And the Congressional Budget Office projects that the Recovery Act will continue to create jobs. CBO projects that the Recovery Act will create the most jobs in the third quarter of this year. And then it will begin to taper off.

We should not cut that job creation off. In this fragile economy, the last thing that we should want to do is to cut back this proven job creator.

We passed the Recovery Act to give a needed boost to our economy. We designed the bill to work over 2 years. If we were to withdraw these critical funds, we would risk causing further damage to a fragile economy.

The Thune amendment would also cut other important spending programs.

The Thune substitute amendment would cut discretionary spending by 5 percent across the board for all agencies, except for the Department of Veterans Affairs and the Department of Defense.

This 5 percent cut would apply to the Department of Homeland Security. It would apply to Immigration and Customs Enforcement. Apparently, it would apply to the intelligence agencies.

The Thune substitute amendment would freeze the salaries of all Federal employees, except for members of the Armed Forces.

It would freeze the salaries of civilian defense workers. It would freeze the salaries of law enforcement. It would freeze the salaries of border protection agents.

Another provision would cap the total number of federal employees at current levels. If an agency needed to hire a new employee, it would first need to fire an existing employee. That is not how to create jobs. This would

dramatically reduce the flexibility of agencies to make hiring decisions.

I support finding ways to make our government more efficient. But these cuts are arbitrary. They are mindless meat-ax cuts.

The Thune amendment would also make changes to the new health care law. These changes would leave more Americans without health insurance. The Thune amendment would do this by expanding the affordability exception to the responsibility for individuals to buy health insurance.

This expansion would eliminate coverage for millions of Americans. And CBO tells us that this would raise health care premiums.

The irony of this proposal is that it raises money for the government because the government would not provide as much in tax credits to Americans to help them buy insurance.

But Congress has just enacted health care reform. Congress just expressed our Nation's commitment to helping all Americans to buy health insurance. We should let the new health care law take effect.

The Thune amendment would also propose changes to our medical malpractice system that the Senate has rejected many times.

The Thune amendment would cap damages and make other changes to State laws. This is not the solution to medical malpractice.

The Congressional Budget Office has said that these kinds of ideas would generate savings. But we need to ask: At what cost?

What would be the cost to patients? What would be the cost to the States?

CBO relied on outside studies in calculating its cost estimate. And those same studies point out that certain tort reform policies may also increase the number of risky procedures performed. And these policies may lead to more patient injuries and more patient deaths.

One study upon which CBO relied said that these policies would lead to a 0.2-percent increase in mortality. These policies in the Thune amendment could lead to more patient deaths.

That is an awfully high price to pay.

Our Nation's civil liability system has always been forged at the State level. Nationalizing that system with damage caps would put patients at risk.

The Thune amendment employs some of the offsets that it does because it drops the oil spill liability tax. And the Thune amendment employs some of the offsets that it does because it drops the tax loophole closers in the underlying substitute amendment.

The Thune amendment thus would allow big oil companies to pay less into the oil spill liability trust fund, to pay for oil spills.

The Thune amendment thus would allow investment managers to continue

to pay lower capital gains tax rates on their service income than other Americans do on their wages.

The Thune amendment thus would allow some professionals who organize as S corporations to avoid paying their fair share of Social Security and Medicare payroll taxes.

And the Thune amendment thus would allow multinational corporations to continue accounting dodges to avoid paying their fair share of taxes here in America.

These decisions reflected in the Thune amendment are bad tax policy. These decisions preserve unfairness and inequity in the tax law.

And so, the Thune amendment would put the recovery at risk by curtailing the Recovery Act. It would cut the number of Americans with health insurance and raise premiums. It would nationalize medical malpractice law, putting patients at risk. And it would protect big oil and multinational corporations that ship their jobs overseas.

I urge my colleagues to oppose the Thune amendment.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

AMENDMENT NO. 4376 TO AMENDMENT NO. 4369

Mr. THUNE. Madam President, as provided for in the order, I now call up my amendment.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 4376 to amendment No. 4369.

Mr. THUNE. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. THUNE. Madam President, this amendment is, in my view, probably the most important thing that we can do for the economy right now. The Senator from Montana talked about job creation. Everybody in this Chamber cares about that. I think Democrats and Republicans alike believe we have to create jobs in our economy. We need to get economic growth going again.

I think we have a fundamental difference about how best to do that, and what my amendment would do is address what I think are the two biggest problems we face—the sort of clouds, if you will, hanging over the economy in this country. One is debt. We have this spiraling Federal debt which is set to double in 5 years and triple in 10 years on the current path under the budget that has been proposed by the President.

If we include the debt that government agencies owe each other—in other words, intergovernmental debt—add that to the public debt, right now

we are in debt \$13 trillion. That is the total amount of debt we have today. That is going to balloon in the next 5 years and the next 10 years. The budget window we use to do our budgeting around here suggests it is going to be much higher than that.

So I think what the American people are saying, at least what I believe the American people are saying—and I think we have probably different interpretations of that, but what I believe the American people are saying and what I see in poll after poll after poll is people are concerned about the cloud this growing public debt imposes on our economy and the burden it places on future generations. They are also profoundly concerned about their jobs and about their economy. They want Congress to take steps that will help grow the economy and create jobs.

The best way to do that is for the government to get out of the way, so to speak, and incentivize small businesses to do what they do best; that is, create jobs. It is the small businesses in our economy that are the economic engine. They are job creators. We should not be imposing more burdens on them. We should try and keep taxes low. We should try and keep regulations and keep from imposing new governmental burdens on our small business sector and our economy.

So we have a piece of legislation before us today in which I think both sides, Republicans and Democrats, agree we need to do something to address unemployment insurance and extending the benefits of those who have lost their jobs in the recession.

We need to address the issue of physician reimbursement cuts which will occur if Congress does not take steps to address that. Of course, we need to extend the expiring tax provisions that many of us support—for example, the tax credit for investment in research and development, which is one of the things companies use to keep us more competitive. Those are all things that have expired, are expiring. Those are issues that need to be addressed. I think both of us agree on that.

The question becomes, What is the best remedy, how best do we do that? What the Democratic majority has proposed is a solution which, at the end—and I think this is even under the best-case scenario, which I do not believe we have a CBO score on yet—but the more recent version of their piece of legislation would still add about \$50 billion to the debt. So it would increase the amount of debt I just mentioned earlier. It does raise taxes. It raises taxes on small business. It raises taxes on investment.

It puts more taxes on oil companies by raising taxes that would go into the Oil Spill Liability Trust Fund. And, of course, because my amendment does not include that tax increase, somehow we are painted as being in defense of

big oil. Well, let me point out one thing about that—this was true in health care; it has been true with many things that have happened here on the floor—and that is, it would be one thing if the revenues raised by increasing the tax from 8 cents to 49 cents per barrel of oil were actually going to be used to clean up oil spills. It is stated to go into the trust fund, the Oil Spill Liability Trust Fund, but it will be used to fund other things. So, again, you get this double-counting. You get this practice we have seen employed here by the majority on a number of occasions where you are raising revenue that is supposedly for a specific purpose, the proceeds of which are going to be used for something entirely different. That, of course, is coupled with the fact that the tax, as we all know, is going to be passed on to the American consumers. So the American consumers are going to be burdened with higher taxes. At the same time, the other side can say: We are being tough on big oil. We are going to stick them with this big new tax. Ironically, it is not going to go to clean up oil spills; it is going to go to fund these things we are talking about funding here.

We have a better way. We can reduce government spending and do this. We can actually extend these expiring tax provisions by reducing taxes by about \$26 billion under my amendment. We can cut spending by over \$100 billion under my amendment. And we can actually make some progress toward reducing the Federal debt. We have about \$68 billion, under my amendment, that can be used to pay down the Federal debt. So we reduce the debt, we cut taxes, we extend unemployment benefits, we address the physician reimbursement issue—and by the way, my amendment addresses that through the end of the year 2012. The amendment now offered by the Democratic majority extends it to the end of this year. So if you are a physician out there who is looking for some certainty and looking for something that is a long-term solution to this issue of cuts in reimbursement, then you get, under my amendment, an extension to the end of the year 2012. Under the Democratic majority option here today, you get something that extends it only until the end of this year. So you can do all those things and still cut the debt, cut taxes, and reduce Federal spending. So what we are offering is a different way.

It seems to me, when you are sitting on a \$13 trillion debt and you are growing your debt at \$1.5 trillion every year, which is what is happening—the deficit this year is going to be about \$1.5 trillion. That is what it was last year. We are looking at trillion-dollar deficits as far as the eye can see, to the point where the interest on the debt at the end of the 10-year period we use for budgeting purposes in the Senate will exceed the amount we spend on de-

fense. We will spend more on interest on the debt than we spend on national security in this country if we continue down this path. In fact, we will spend, at the end of the 10 years, 4.1 percent of our entire economy—our entire gross domestic product—on interest on the debt.

Madam President, \$13 trillion in debt—the other day, I tried to put that in perspective so people can appreciate and understand it because I think sometimes it is hard for most of us, myself included, to wrap our heads around \$1 trillion. It sounds like a lot in the abstract. But to try to put it into a perspective that perhaps we can understand, I used the analogy of, what is 1 trillion seconds? If you took 1 trillion seconds, what would that mean in terms of total number of years? Well, 1 trillion seconds represents 31,746 years. If you took 13 trillion seconds—which is what the debt now represents, the total debt our country owes—you are looking at over 412,000 years, if a dollar equals a second. So 1 trillion seconds: 31,746. Madam President, \$13 trillion is what our total debt consists of today. Again, you are looking at over 412,000 years. I think that speaks to why we need to get the debt and the spending here under control.

Interestingly enough, a while back here in the Senate, to much fanfare, the majority passed pay-go rules. The assumption would be that somehow going forward new spending would be paid for and reductions in tax revenues would be offset somehow by increases in tax revenues and all that.

Well, since that time, since the passage of pay-go, the Senate has already approved well over \$100 billion in new spending, not paid for that is added to the debt. If this legislation is enacted, that number will approach \$200 billion since we passed pay-go—the much-touted, with much fanfare, as I said, solution that was going to solve the fiscal woes of our country and suggest a different way of doing things in the Congress.

Well, anything but that has happened. On the contrary, every time we have had a major piece of legislation, pay-go has been waived. We waive it. We declare everything an emergency. Now everything is an emergency and nothing gets paid for, and the debt continues to grow, and the debt-o-meter, the spend-o-meter around here continues to spin faster and faster and faster, and the credit card is handed to future generations who are going to have to deal with our inability to live within our means.

So the alternative we offer to the legislation before the Senate today that is being put forward by the Democratic majority is, as I said, very simple and very straightforward. It does a number of things. It does all the things we need to do in terms of extension of unemployment insurance, of the physician

fee—making sure that cut does not occur, that the physician reimbursement issue is addressed, as I said, through the end of the year 2012—as well as extending these expiring tax provisions that are very important to our economy and to our economic growth.

But we do that in a different way. We take \$37.5 billion of the \$50 billion in unobligated stimulus funds and use those funds to extend existing tax and benefit provisions. We cut money from the government by reducing congressional budgets. I think it is fair that when the American family, the American business community, and people across this country are making hard decisions about their own personal budgets—their family budgets, their business budgets—having to figure out where they are going to cut back, the least we in Congress can do is to scrub our budgets and figure out what we can do to reduce spending.

So we cut money from the government by reducing congressional budgets. We rescind unspent Federal funds. There are lots of appropriated moneys out there that do not get spent that revert back or get spent later. What this amendment simply says is, if moneys that have been appropriated have not been spent, then let's use that money to pay down the Federal debt. Let's do these things we need to do here, and then let's make sure we are not continuing to spend and spend and spend, particularly dollars that are not needed. It requires the government to sell unused lands and to auction off unused equipment.

It also imposes a 1-year freeze on the salaries of Federal employees and eliminates their bonuses and caps the total number of Federal employees at current levels. I have a modification that would amend this legislation because there has been a concern raised that it would mean nobody could get a raise, even those who deserve it. What the modification would do is allow Federal agencies and managers flexibility to determine how they are going to work within their personnel budgets to provide, perhaps, raises for those who have been deserving. But, overall, their top-line number would be frozen. So it is not as if no Federal employee ever would have to go without any kind of a raise. But we think it is important that the Federal Government go on a diet, just as the family budget is having to do right now as well. We also collect \$3 billion in unpaid taxes from Federal employees.

We encourage responsibility and prioritizing within the Federal budget by requiring a 5-percent across-the-board discretionary spending cut for all agencies, except at the VA and the Department of Defense.

Again, there has been a lot of suggestion that somehow this is going to wreck the economy and force—as I saw

some things out yesterday—that this is going to force a government shutdown. What this amounts to is a 2-percent reduction through the end of this fiscal year, which is September 30. I do not think, out of a \$652 billion budget, that if you are a good manager at these Federal agencies, you could not find 2 percent to shave in order to achieve the savings we need to pay for this legislation. It encourages responsibility and prioritizing as well by saving \$5 billion in eliminating what is nonessential government travel. And it eliminates bonuses for poor-performing government contractors.

Finally, it does create a new deficit reduction trust fund where rescinded balances and moneys saved through this amendment will be deposited for the purposes of paying down the Federal debt.

Now, I said this the other day, and I will say this again: I think this ought to be a no-brainer for us here. Irrespective of which side of the political aisle you are on, you undoubtedly are hearing from constituents across this country who are very concerned about the amounts of spending, the amounts of debt, who are concerned about increasing taxes, particularly businesses. We hear a lot about investment frozen on the sidelines because investors are concerned about the uncertainty that exists out there with regard to taxes and what they are going to do in the future.

Clearly, this bill, as I said earlier, raises taxes. It raises taxes by about \$50 billion in the current version of it. What we would do is reduce the tax burden by extending these expiring tax provisions but do it in a way that does not require new taxes on investment, new taxes on small businesses, new taxes on our economy at a time when we can least afford it, when we ought to be looking at ways to keep taxes low and to make sure we are doing everything possible to lessen the burden on our small businesses, those job creators in our economy.

One of the things that was mentioned, and we do in our legislation, is we do address one of the issues with regard to health care. I think the Senator from Montana characterized that lowering the affordability threshold for the individual mandate will strike at the heart of health care reform.

Well, first off, let me just point out that this amendment was taken directly from an amendment that was filed by Senator SCHUMER during the Finance Committee markup of the health care reform bill. I do not think his intention was to strike at the heart of health care reform. I thought the heart of health care reform was to make sure people have access to affordable coverage. I do not think that was Senator SCHUMER's intent. I think he was thinking we ought to make sure low-income people were not forced to buy unaffordable coverage simply be-

cause of health care reform and because they needed a way to finance health care reform.

This amendment would make sure individuals and families are not subject to an intrusive and burdensome new Federal mandate if they cannot afford health insurance. So it is a fairly straightforward modification to the health care legislation which takes away some of the burden that is imposed on people at lower income levels. In fact, it makes a lot of sense to me. If you look at the current health care bill, under that bill low-income individuals—those under 300 percent of the Federal poverty level—are slated to pay about \$1 billion in mandate penalties.

Now, the suggestion was that somehow, if we make this change, insurance premiums are going to go up. Well, I am telling you something. We tried to make this point many times during the course of the debate on health care reform. Insurance premiums are going up. In fact, PricewaterhouseCoopers predicted this week that health care costs are going to continue to rise at an unsustainable rate—next year by about 9 percent. So it is already clear that health care reform is not going to live up to many of its promises. It is going to continue to raise premiums for most Americans. And that has a lot more to do with the health care reform, the substance of that, than anything else. It does not have anything to do with what we are trying to accomplish here by, as I said, reducing the impact of the individual mandate on low-income individuals in this country.

So these are all fairly straightforward reforms. We do touch medical malpractice reform. We think that is something that should have been a part of health care reform and was not that would help reduce health care costs for people in this country and achieve some savings we can use to, again, help pay down the Federal debt, help address the concerns we need to address with this legislation.

But bottom line, as I said earlier, what we are looking at here is a very clear choice for U.S. Senators. U.S. Senators can choose to solve the problem before us in one of two ways. The first way is through \$50 billion in tax increases, \$50 billion in additional debt, and over \$100 billion in additional spending—or about \$100 billion in additional spending. The alternative I offer cuts taxes by \$26 billion, reduces spending by \$100 billion, and cuts the Federal debt, reduces the Federal debt by \$68 billion, according to the Congressional Budget Office.

In my view, as I said at the beginning of my remarks, there is nothing more important to our economy than dealing with this cloud of debt, this huge burden that hangs over our economy of out-of-control Federal spending, out-of-control Federal debt, deficits that

are over \$1 trillion or at \$1 trillion as far as the eye can see, the concern about tax increases on our economy and how those would impact our small businesses and their ability to create jobs. So this legislation, again, deals with the issue of the debt, deals with the issue of taxes, deals with the issue of spending, and accomplishes all of the underlying objectives we all have of extending unemployment benefits, of dealing with these expiring tax provisions, and dealing with the impending reduction in physician reimbursements.

So with that introduction, I reserve the remainder of my time. I think we have other speakers who want to come down, and I look forward to hearing from them as well.

Mr. BAUCUS. Madam President, I might ask if the Senator from New Hampshire wishes to speak.

Mr. GREGG. Madam President, I appreciate the chairman's request. I wish to speak for 5 minutes in support of the Thune amendment.

Mr. BAUCUS. Sure.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Madam President, I rise to congratulate the Senator from South Dakota for his amendment. This is a responsible way to approach this issue.

The amendment to the bill that is before us, offered by the Democratic leadership, adds \$50 billion to the deficit; that is \$50 billion to the debt. That is \$50 billion our kids have to pay so we can spend money today on politically attractive things. On top of that, the bill, as proposed, has some onerous tax policy in it which will significantly contract economic activity in this country by taxing people at ordinary income for activity which has historically been taxed at a capital gains rate, thus forcing people to be less incentivized to go out there and be productive and create jobs. It is poor tax policy.

So the Senator from South Dakota has come up with a proposal, which is the way we should be governing now, which is to pay today for the things we want to spend on today. We are facing a \$1.4 trillion deficit—\$1.4 trillion—this year. Next year, we are facing an equally large deficit. Under the President's budget and the budget of the Democratic leadership, we are talking a \$1 trillion deficit for as far as the eye can see. The debt of this country is going to double in 5 years under the President's and the Democratic budget—double. It is going to triple in 10 years. A child born at the beginning of the Obama administration arrived in our Nation with an \$89,000 debt—\$89,000. By the time my colleagues on the other side of the aisle get finished, should the President be reelected, under the terms of his budget that

child is going to have a \$200,000 debt to pay. Why? Because we keep getting bills like this: \$50 billion here, \$100 billion here, \$25 billion here; money being spent without being paid for and, therefore, being added to the deficit and to the debt. It is totally wrong. It is unfair. It is unfair that one generation should do this to another generation, and it is certainly not responsible government.

We had a big debate in this Chamber about 2 months ago now about how responsible the other side of the aisle was going to be on spending. They called it pay-go. It should have been called fraud-go because as a very practical matter, that is what it has become. This bill games the pay-go rules of the Democratic leadership to the tune of \$50 billion by declaring it an emergency on items that are not emergencies, that we know exist and that have been spent on now for quite a while. Since that bill was passed, that pay-go bill, which allegedly was going to require this Congress to pay for all the money it was going to spend, the other side of the aisle has brought forward, or is in the process of bringing forward, \$200 billion of spending which is not paid for—\$200 billion in spending which will be added to the deficit and to the debt. That is totally irresponsible.

So the Senator from South Dakota has it right, as he so often does. He has said: Let's do this responsibly. If we are going to spend this money, if we are going to put forward these extenders, if we are going to spend this money on these different social initiatives, let's pay for them because they benefit us today and we shouldn't pass the bill for them on to our children tomorrow, next year, and 10 years from now. This is responsible budgeting.

I congratulate the Senator from South Dakota, and I look forward with enthusiasm to finally voting for a bill around here that is paid for, which is what we should be doing every day instead of spending money we don't have and passing those bills on to our kids. I yield the floor.

Mr. THUNE. Madam President, could I inquire how much time we have on our side.

The ACTING PRESIDENT pro tempore. There are 35½ minutes remaining.

Mr. THUNE. I ask unanimous consent to add as cosponsors of this amendment Senators MCCONNELL, MCCAIN, ISAKSON, BOND, ENZI, CORNYN, BARRASSO, ROBERTS, COBURN, CHAMBLISS, SCOTT BROWN, and JUDD GREGG.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THUNE. Madam President, I yield 10 minutes to the Senator from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, I am pleased to be here to cosponsor and support my friend from South Dakota, Senator THUNE, on this amendment. As the Senator from New Hampshire just stated, isn't it time we stopped burdening our children and our grandchildren with massive debt?

Our office is being flooded with calls concerning the extension of unemployment benefits. We want to extend the unemployment benefits under this amendment until November, but we want to pay for it. We want to do something groundbreaking around here that hasn't happened in a long time: We want to pay for it. We want to pay for the expiring unemployment provisions until November. We want to extend the expired tax provisions, including a tax credit for research and experimentation, and the State and local sales tax deduction through the end of the year. We want to drop the tax increases, drop the \$4 billion extension of Build America bonds, and drop the \$24 billion in State Medicaid bailouts. We want to fully pay for this with spending cuts. The amendment does provide relief for the doctors by adding an additional 2 years to the doc fix and reforming our broken and onerous medical malpractice system.

Let me point out that day after day during the ObamaCare debate we came to the floor and said: You are using phony assumptions as to assessments of the entire cost of ObamaCare, and part of that was the "doc fix" which wasn't going to happen, which was going to cut Medicare payments to physicians by some 21 percent. We said every time: You are not going to do this. You are not going to cut physician payments by some 21 percent for doctors who provide care for Medicare enrollees. Over on the other side, they even admitted it. So now we have to do the doc fix. We have to make sure doctors who treat Medicare patients are adequately reimbursed; otherwise, they will stop treating Medicare patients.

So it is kind of hypocritical for us to be blamed for the delay in the "doc fix" when that was the assumption—that was the assumption, that there would be a 21-percent cut in the selling of ObamaCare to the American people.

This amendment saves the taxpayers \$113 billion in unnecessary spending. It rescinds \$38 billion in the unobligated spending of stimulus funds. It cuts wasteful and unnecessary government spending. It collects the unpaid taxes of Federal employees. It freezes their salaries and caps their numbers. It imposes a 5-percent, across-the-board cut in government spending for all agencies except the VA and the DOD, and it creates a new deficit reduction trust fund where rescinded balances and monies saved through this amendment will be deposited for the purposes of paying down the Federal debt.

Now, regarding the 5-percent across-the-board cut in government spending

for all agencies except Veterans and Department of Defense, do Americans know the size of government has doubled since 1999; that the cost of government has spiraled out of control? A 5-percent cut would be minuscule as compared to the dramatic increases we have imposed—yes, during the previous administration, as well as this administration—including a \$1 trillion unpaid-for Medicare Part D prescription drug program.

So this amendment cuts taxes, it cuts spending, and it reduces the deficit. The deficit has now spiraled so far out of control that there is no rational economist who believes this is sustainable without some kind of profound financial crisis. Now we are up to a projection of a \$16 trillion deficit by the end of the next decade. We are amassing as far as the eye can see—I think now it is up to \$1.6 trillion—debt just for this year alone that we are laying on our children and our grandchildren.

As I have said several times on this floor, there is a revolution going on out there. It is a peaceful revolution. It has been derided by the liberal left and many in the media. But the fact is, they are angry and they have every right to be angry. They have every right. The greatness of America is that every generation has passed on to the following generation a better Nation than the one we inherited. With this overwhelming burden of debt and deficit in the name of economic stimulus, in the name of job creation—which, obviously, has not met the predictions at the time of the passage of the stimulus package—have turned out to be totally false.

So here we are. We are in a situation where we have an opportunity to extend the expiring unemployment provisions, extend the expired tax provisions, including an important tax credit for research and development. It drops things such as Build America bonds. Build America bonds. Please. Right now, that is just an additional \$4 billion. We are going to cut spending, and we will provide relief for doctors by adding an additional 2 years for the doc fix.

Obviously, that fix needs to be enacted. I am in support of that. But isn't it a little bit of a hypocrisy to come to the floor and say we have to get this done, we have to have the doc fix, when all during the debate on so-called health care reform, the 21-percent cut for Medicare patients was part of our selling the American people that the cost of ObamaCare would be less than \$1 trillion? Isn't that a little hypocritical?

I wish to quote from the New York Times recently:

If the economists are divided about what just happened, the rest of the world is not divided about what should come next. Voters, business leaders and political leaders do not seem to think that the stimulus was such a

smashing success that we should do it again, even with today's high unemployment.

There is no better example than last May's unemployment numbers that show a drop from 9.9 to 9.7, until you get into the not-so-fine print: 41,000 jobs created in the private sector, and 440 new jobs, approximately, to hire census takers. That is what the stimulus is all about? Give me a break.

So this is our chance. This is our chance to show the American people that we are going to cut their taxes, we are going to take care of the unemployed, we are going to make the doc fix, and we are going to at the same time cut spending and start at least a beginning attempt to get this burgeoning deficit under control. It reduces the deficit by some \$68 billion.

Are there tough things in this measure? Of course. Of course there are tough things in this measure. But it is about time we started making some tough decisions because we do have an obligation to our children and our grandchildren which we have, up until now, clearly abrogated.

I hope my colleagues will consider voting for this amendment and get us on the path toward reducing this debt burden we are placing on future generations of Americans.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Madam President, how much time remains?

The ACTING PRESIDENT pro tempore. Twenty-six minutes.

Mr. COBURN. Madam President, I wish to take over for Senator THUNE, if I may. I want to cover for a moment what Senator GREGG talked about, because we are looking for the pea under the pinochle shell.

We passed, on February 12, pay-go. On February 24, we borrowed \$46 billion outside of pay-go. We said it didn't apply. On March 3, we borrowed \$99 billion and said it didn't apply. On March 2, it was \$10 billion and we said it didn't apply. In April, it was \$18 billion.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. COBURN. Yes.

Mr. MCCAIN. After passage of legislation that was trumpeted everywhere that from now on we were going to pay for additional spending, how could that happen?

Mr. COBURN. It happened because we waived the pay-go rules and we were outvoted. The pay-go rules are a farce.

On May 27, \$59 billion. With the new bill, another \$50 billion. So 46 and 18 is 64, 74, 173, 193, 262, and now 50—that is \$312 billion added to the deficit this year above the \$1.5 trillion we are already going to run.

We get criticized all the time—and I specifically do—as the party of no. Here is what we have offered: Reduce the national debt; this body said no.

Sell unused property; this body said no. Reduce the printing costs, which is \$4 billion, and we can save printing this, which nobody reads, and it is all on line; this body said no. Freeze total Federal pay for right now until we get out of the mess we are in; this body said no. Living within our means—an amendment that said we have to live within the revenues that come in—this body said no. Complying with pay-go; this body said no. Cut agency overhead costs; this body voted no. Cut Congress's own budget; this body said no. These are all recorded votes. Eliminate corporate welfare; this body said no. Stop the bridge to nowhere, that happened 4, 5 years ago but this body said no. Make Federal employees pay taxes; they owe \$3 billion in unpaid taxes and we have no enforcement, but this body said no. Consolidate duplicative government programs that do the same thing. There are 70 programs to feed the hungry, 105 programs for math, education, science, and technology incentives—6 different agencies—this body said no. Eliminate bonuses for failed contractors in the private sector who don't perform, which is \$8 billion a year; this body said no. Decrease nonessential government travel, which saves \$5 billion a year; this body said no. Require the Department of Energy to save energy; ironically, they are the worst offender in the Federal Government in terms of wasting energy, and this body said no.

Isn't it interesting that, with 41 votes, we offer these things and every time they are rejected? They are commonsense things that everybody else in America expects us to be doing, but this body says no.

Why should we do the Thune amendment? I heard the chairman of the Finance Committee say a minute ago that having a 5-percent cut across the board in all of the agencies, except the VA and the Defense Department, would wreck the Federal Government. He obviously isn't aware that President Obama has asked his own agencies to do exactly that. All Senator THUNE is doing in this amendment is what the President is asking the agencies to do. But do you know what. This body is going to say no. We bring forward a bill that only spends \$50 billion of our children's money instead of \$78 billion or \$88 billion, which was defeated yesterday, as if that is some big deal.

This body is going to pass it. They are not going to say no to growing the government, to spending money that we don't have, to giving advantage to those who are well heeled and connected. They are not going to do that. We have lost control of what is important in America. If we were to pass the Thune amendment today, do you know what would happen? The international financial community would get the first signal from the American Congress that we are starting to make

some steps toward austerity—the first signal. We don't have any out there now.

Yesterday, it was reported that the M3 money supply in this country is at the lowest level of GDP since 1932. Do you know what that predicts? It predicts that the economy is going to slow rather than increase. That predicts a double dip recession. We have tried everything Japan tried for 10 years, and it didn't work. It is a lost decade in Japan. It is stimulus money and not failing to cut the spending of the government. We are going to do that again. We are going to continue to increase the government.

People may say, why would you want to freeze total Federal wages? Well, it is easy. The average Federal employee in the United States today makes \$78,000 a year. They have benefits of \$40,000 a year. The average private sector employee makes \$42,000 a year and has \$20,000 worth of benefits. Shouldn't we, when we are running a \$1.6 trillion—it is not \$1.4 trillion because we have added \$200 billion, and we are going to add another \$50 billion with this. When we are running that kind of deficit, shouldn't we say, time out, no increases, except for stellar performance, in the Federal Government, until we get our house in order? But this body is going to say no again. They are going to say no.

The question is, what can we do to fix our economy? Borrowing money that we don't have to spend on things that we don't absolutely need is not the answer to solving the problems with our economy. The answer is for us to live within our means, create a stable environment where business will invest and can plan on what is coming next from Congress. We have them so skittish that they won't spend. That is the reason we are going to have a double dip recession. That is the reason the money supply has shrunk in spite of zero percent interest rates at the Federal Reserve—because people will not take a risk, because we are not leading with something that gives them confidence about the future. We have to change that.

I will end with this. That is the party of yes. Increase the national debt, yes. Violate pay-go, yes. More corporate welfare, yes. Increase the debt limit, yes. Fund the bridge to nowhere and every other earmark like it, yes. Increase Congress's own budget at a time when we should be austere, yes. Tax breaks for special interests, yes. Borrow billions—not billions, but trillions—from our grandchildren, yes. Create duplicative government programs, yes. Finally, create a lower standard of living for us, our children, and our grandchildren.

That is not what we are about, except that is what the Baucus bill does. It thinks in the short term and ignores the long term. It ignores the reality

that this government has to get smaller for us to not become Greece. It plays the games that are typical of Washington, which the American people are rejecting.

One final word about doctors, having been one and practiced for over 25 years. What is happening out there right now? What is happening out there now is the same kind of confusion that is happening in the business community. Doctors are saying: I can no longer take a Medicare patient. You are going to give me an extension for 6 months, but there is no guarantee that in 5 or 6 months I am going to have the revenue I need to keep an office open to care for Medicare patients. So what is happening? Medicare patients all across this country are going and finding out their doctors no longer take Medicare.

We saw, earlier this week, when HHS released the first of the thousands of regulations that between 87 million and 127 million Americans aren't going to get to keep the insurance they have. They are not going to under the grandfather clause. So what we are doing is sending every mixed signal possible to not create stable planning, positive input, and positive attitudes about what can happen positively in this country. We have to send a signal to the doctors. The Thune amendment pays for a doctor fix until 2012. It gives them a chance to say, yes, I will stay in Medicare; I can afford to stay in Medicare. If we don't do that, we are going to have hundreds of thousands of Medicare patients who no longer have the doctor they have had for years. It is not because the doctor wants to turn away the patient, but because the doctor has to turn away the patient because they can no longer afford to care for Medicare patients.

So we play this game and bring to the floor a bill with \$50 billion that we are going to charge to our grandchildren, and we have bought the votes off so we can pass it, and we are still doing the same thing. We are still expanding the Federal Government, we are borrowing against our future, we are lowering the standards of living of our children, and we are creating a mockery of the American dream.

I reserve the remainder of our time.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I yield 15 minutes to the Senator from Delaware.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. KAUFMAN. Madam President, I may need 3 or 4 or 5 more minutes.

Mr. BAUCUS. I yield as much time as the Senator wishes to consume.

Mr. KAUFMAN. I thank the Senator.

Madam President, when I was appointed to the Senate, I made a prom-

ise to myself not to let this opportunity pass without helping to recognize the contribution made to this Nation by its government workers. This is why I began my weekly "great Federal employee" series last May.

In all my years working as a Federal employee, I have met so many wonderful individuals who have dedicated their careers to working for the American people. So many are deserving but will not make it onto the poster I bring to the Senate floor each week commemorating great Federal employees simply because there are so many of them.

Over the years, as I have witnessed countless acts of personal courage, devotion to country, and real sacrifice, I have also seen and heard such disheartening and baseless attacks against those who choose to serve.

The pending amendment is just the latest assault. It comes on the heels of a new myth being peddled on television, on talk radio, in print, and on this very floor—the allegation that somehow Federal employees are overpaid; that their salaries have been rising unfairly compared to those with similar jobs in the private sector; that we should freeze or cut their pay or lay them off; that we should make it nearly impossible to hire any new government worker at all.

Before I rebut these arguments piecemeal, I remind my colleagues and the American people what we are talking about. This is not an exercise in the abstract. There are concrete facts. There are names, faces, and real life stories of achievement and hard work.

Nearly 2 million wake up every day and go to work for the American people, for their neighbors, their friends and family, for folks they have never met or will never meet.

They do it for substantially less pay than the same job in the private sector and with considerably more at stake. As I have said before, there are no Wall Street bonuses, and there is rarely ever recognition for their hard work. For many, working as a Federal employee is a tough choice.

In his keynote address at the annual dinner on Monday honoring the winners of this year's Arthur S. Flemming Awards for public service, NIST physicist Dr. William Phillips—whom I honored as a great Federal employee this past December—told his audience about a colleague who decided to work for the Federal Government. This scientist had been working most of his early career in the private sector. At a certain point, he realized it was more important for him to make a difference and serve his country, so he went to work in a government lab.

He told Dr. Phillips that, to do so, he took a pay cut that was a factor of 10.

That is 10 times less pay. I am sure it was a difficult decision, but ultimately he made the choice to work for his country.

I met an appointee the other day who is taking a 95 percent pay cut. I have constantly been amazed by the number of highly skilled and highly experienced individuals willing to take 20, 40, 60 percent salary cuts to work in the Obama Administration. These political appointees join the career personnel, so many of who would also be making much more in the private sector.

Just look at some of those I have honored as great Federal employees this past year.

By the way, I do not pick the people at the top of the spectrum. When I honor a great Federal employee, it is at any level in the government. Anybody who does their job well should be honored. We have so many great Federal employees who operate at all levels of government that I try to honor them all.

I am hard pressed to think of any who would not be making a lot more in the private sector. Not only do we have brilliant physicists such as Dr. William Phillips who won a Nobel Prize. We also have those such as Brian Persons, the executive director of NAVSEA who has spent his career designing and maintaining our Navy's ships and who holds an engineering degree from Michigan State. Or Erica Williams, an enforcement attorney with the SEC with a degree from the University of Virginia Law School, who I am sure could be making a lot more if she worked for a Wall Street firm. Or Judge Timothy Rice, a Temple Law School graduate who could have chosen to work as an attorney in private practice but, instead, went to work for the Justice Department and on the Federal bench.

I am not saying that all Federal employees earn 10 times less than their private sector counterparts. I am not even saying all Federal employees earn less.

Still, those who claim that Federal employees are making more on average than private sector counterparts simply don't have all their facts straight. We know how these things happen. In this case, much of the data used to make these claims are from a USA Today study a few months ago, which analyzed findings from the Bureau of Labor Statistics.

The big problem with that study is that it is both highly selective of the job categories compared and it fails to take into account the demographics of our Federal workforce.

The number of employees in various private sector job categories dwarfs that of the Federal Government, skewing salary data lower for the private sector, where there are more minimum wage jobs. Also, a large number of Federal jobs require highly specialized skills and, as a result, employees are often older and more educated than the average worker in comparable private sector roles.

Many Americans do not realize that about 20 percent of Federal employees hold a master's or professional degree, compared to 13 percent in the private sector. Fifty-one percent of Federal employees have at least a bachelor's degree, while this is true for only 35 percent of the private sector workforce.

In the words of Max Stier, president and CEO of the Partnership for Public Service which, by the way, is a non-partisan organization this is "not an apples-to-apples comparison."

You cannot simply ask what the average salaries for budget analysts are in the private sector and for budget analysts in government. The same goes for librarians or statisticians or paralegals.

The occupational categories might be called by the same name, but the work is very different. There are different skill sets required, different types of experience necessary.

When actual job tasks are compared, few government jobs have exact equivalents in the private sector.

Contrary to what many have said, Federal workers' salaries are actually lower, not higher, than those in the private sector.

Indeed, the Federal Salary Council reported last October that Federal employees were making an average of over 26 percent—less—than those in the private sector doing comparable work. Moreover, this represents a widening of the private-public pay gap from the previous year, continuing a recent trend.

However, this line of attack continues from those who routinely disparage the role of government. Unfortunately, it has become all too common to criticize Washington by defaming the civilian employees who work across our government.

Federal employees continue to serve as a convenient scapegoat. That, essentially, is what this amendment does. It assigns blame and does not really address the budgetary problems we face.

It reminds me of an amendment proposed by one of my friends on the other side of the aisle when we were considering the health insurance reform bill. It would have mandated that "for each new bureaucrat added to any department or agency for the purpose of implementing the provisions of the Patient Protection and Affordable Care Act, the head of such department or agency shall ensure that the addition of such new bureaucrat is offset by a reduction of one existing bureaucrat at such department or agency."

In effect, we would have to fire a Federal worker to hire one. This so-called "bureaucrat offset" amendment—using a word that has become, unfortunately, pejorative in our political discourse—was bad enough.

The Thune amendment, with its blanket pay freeze and hiring caps,

takes this a step further, prohibiting any Federal agency from hiring a new employee until one retires.

At a moment when we are faced with a difficult choice about how to reduce our deficit and get our economy moving again, this amendment represents an easy cop-out.

All those who blame Federal employees for our Nation's problems or believe that cutting their salaries or capping their number will in any way solve those problems remain averse to making difficult decisions.

The cuts to the Federal workforce in the Thune amendment would only save the taxpayers a meager amount compared to what we need to save. Its provisions on the Federal workforce and the ongoing, gratuitous disparagement of America's public employees from many directions constitute a dangerous distraction from the very tough steps we as a nation must take.

The greatest challenges we face today—the gulf spill, two wars, carbon pollution, illegal immigration, market volatility—all of these will be tackled by hardworking Federal employees.

All of these challenges require a readiness on our part to make difficult choices. Scapegoating and playing the blame game won't get us anywhere.

Federal employees know firsthand about making tough choices. They do so every day. Many of the great Federal employees I have honored from this desk came to my attention because they faced difficult tasks, took risks, and achieved great accomplishments. Some of those I honored have served overseas in dangerous regions; one gave his life while working for USAID. One left a lucrative private sector job after September 11th to join the Justice Department as an anti-terror prosecutor. Others immigrated to this country from places like Afghanistan and Vietnam and became Federal employees because they wanted to give back to the country that took them in as refugees.

These stories go on and on. They are as diverse and numerous as this great country of ours.

Additionally, all of my honorees share with every other government employee the experience of making that initial decision to pursue government work hardly an easy one to make considering the sacrifices involved.

Ultimately, those who support Federal salary cuts and hiring caps mistakenly view our civil service as a cost. Rather, it is an important national resource with real benefits for all of us.

At the end of the day, I must remind my colleagues that it is our outstanding Federal employees who will carry out the programs we pass every day in this Chamber. We will continue to count on the Federal workforce to keep our skies safe for travel, our troops provisioned and veterans cared for, our schools held to high standards, and our homeland secure.

Woodrow Wilson, as a young political scientist during the civil service reform debates of the 1880s, advocated for a system of public administration because he believed that the conditions of modernity require it in order for a democratic state to function at its best.

Indeed, our civil service has developed into one uniquely suited to our needs and incorporating America's best constitutional traditions. We have a Federal workforce of which we can be proud.

Federal employees play a critical role in our national life and, through their work, exemplify so many of our Nation's great values. These include exemplary citizenship; industriousness; a willingness to take risks; perseverance; modesty; and intellect.

Contrary to popular myth, most Federal employees work outside of Washington. In fact, no State—and I include the District of Columbia—no State is home to more than 8.5 percent of the total Federal workforce. Our government employees work in communities large and small, spread out from coast to coast and overseas.

One of the challenges we face is a Federal retirement boom. As the baby boomers get older, the Office of Personnel Management has estimated that one-fifth of the Federal workforce will retire by 2014. This comes at the same time that more new hires are needed in mission-critical jobs dealing with public health, national security, transportation safety, financial regulation, and many other important areas.

Now is not the time to talk about laying off Federal workers or freezing their pay. We should be talking about how to invest in recruiting the next generation of Federal employees.

The scapegoating and baseless attacks against Federal workers only serve to demoralize those who are on the front lines of confronting our national challenges. It also discourages talented young Americans from making that difficult choice whether to start a career in service to their country.

Let me reiterate. Federal employees make less than those in the private sector, not more. They represent some of our very best and brightest, a dedicated and hard-working group of Americans across this country. We need to recruit a new generation of government workers to help us tackle great challenges, and unfairly labeling Federal employees as a problem fails to realize their important role in finding so many solutions to the very difficult problems we face. The pending amendment's pay freeze and hiring restrictions will do almost nothing to reduce our deficit; rather, its effect on our government's ability to address serious issues will be disastrous.

For those looking to shift the blame for our troubles and who have their

sights on America's Federal employees, I suggest look elsewhere.

For those who want easy, let's-deal-with-this-later answers and are looking for a convenient distraction, I say look elsewhere.

For those who support this amendment, for those who habitually shy away from making the tough choices we in this Chamber need to make, I say, though, look no further than the public employees you so casually fault.

They know how to make tough choices.

I yield the floor and suggest the absence of a quorum and ask unanimous consent that it be charged against both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THUNE. Madam President, in response to the comments of my colleague from Delaware, I do not think anybody is denigrating the quality of Federal employees. To the contrary. We are all Federal employees. We all know Federal employees. We are all friends of Federal employees. And we have a lot of Federal employees who do a great job.

All we are simply saying is when you are in a tough economy, everybody ought to look at what they can do to live more within their means. When we are running a \$1.5 trillion deficit this year and trillion-dollar deficits as far as the eye can see, Lord knows we ought to be looking within to figure out what we can do to try and find some savings that we can use to either pay for the things we need to do or perhaps pay down the Federal debt which, as I said, my amendment does.

AMENDMENT NO. 4376, AS MODIFIED

Also, because I think there is a concern that somehow every Federal employee is going to be frozen, I have a modification to my amendment that addresses that concern.

Madam President, I ask unanimous consent that the changes at the desk be incorporated into my amendment. For the information of my colleagues, these are changes to section 403, and they address the criticisms.

The amendment would prohibit increases in salaries or bonuses for Federal civilian employees. The changes that are at the desk will allow such increases and bonuses to occur so long as agencies do not exceed their fiscal year 2009 budget for salaries.

This is a unanimous-consent request. This would address the concerns raised by some of my colleagues on the other

side about making sure Federal agencies have adequate flexibility with salaries and bonuses to address those employees they think are deserving of pay raises. All they have to do is live under that top-line number that gives them flexibility as a Federal manager and to work within it.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BAUCUS. Reserving the right to object, I may say to my friend from South Dakota that this sounds a lot like wage price controls, where the Congress is trying to decide the wages of all kinds of different sectors based on, I don't know what. A lot of trap lines have to be run before this request can be granted. So at this point, Madam President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. THUNE. Madam President, I simply offer that modification to my amendment to address the concern that every single Federal employee is going to be capped at some level for some foreseeable period of time. That is not the intention.

In fact, what the modification would do is ensure that within the overall budget—within the top line—a manager could make adjustments to individual employee salaries or bonuses if that is something they desire to do. It just means the Federal Government—the agency—is going to have to live within a certain number at the top line. They can work within that salary number beneath that top line. That is all it does.

Again, what I have said before, and I will reiterate for the benefit of my colleagues, is that I think we have a responsibility to be fiscally responsible in Washington, DC. As I said before, we have people all over the country making hard decisions with regard to their personal and family budgets, with regard to their small businesses, and they are having to reduce employee salaries, for example, and they are having to make reductions in force and let people go. Those are hard decisions to make. Surely in Washington, DC, where we have seen year-over-year increases in Federal spending, in discretionary domestic spending, that exceeds inflation by six times—look at the fiscal year 2010 and fiscal year 2009 appropriations bills and the increases that were allowed—21½ percent in those two appropriations bills, at a time when inflation was 3½ percent. How can we justify increasing spending over 20 percent in Washington, DC, when the rate of inflation in our economy is 3½ percent and people all over the country are having to make cuts? It is high time Washington, DC, and the Federal Government went on a diet.

That is not to say anything to denigrate or impugn the quality of Federal employees. As I said before, there are a

lot of Federal employees who do a great job. All this is simply saying we in Washington, DC, ought to lead by example. There is great power in example, and we have not been providing the example for the American people. We are asking them to make these hard choices, but we are not willing to make those choices ourselves.

So I think this amendment gives Members of the Senate an opportunity to say yes to fiscal responsibility, yes to living within our means, yes to paying for what we spend money on, and yes to not handing the credit card to our children and grandchildren. These are not Draconian ideas; these are fairly straightforward savings that we would achieve simply by shaving a little bit from these Federal budgets—making sure we rescind those stimulus funds that haven't been spent or haven't been allocated to pay for this new spending. We use those funds that have been appropriated but not spent to finance some of what we are doing and then apply that to pay down the Federal debt and freeze some of the Federal agencies in terms of their budgets and ask for a 5-percent reduction in some of these agencies over the course of the next foreseeable years.

Those are all fairly straightforward steps I think anybody would take if they were trying to get back within a reasonable budget to address what are very serious concerns about the amount of spending and the amount of debt we are piling on future generations. So I am sorry the majority is resistant to accepting the amendment. It would address the concern that was raised by a couple of our colleagues on the other side.

It wasn't my intention to impose a very restrictive straitjacket-type approach on Federal managers. On the contrary, we think there should be a top line budget, that we ought to be able to live within it, and certainly managers can make decisions within that about how best to allocate those resources. Congress has actually blocked its own pay raise in the past 2 years, so it seems to me that is at least something we could apply to other areas of our Federal Government as well.

So, again, I think the whole purpose behind this amendment is simply to create an opportunity for Senators to vote for fiscal responsibility, to vote for paying for the things we spend money on in Washington, to vote for living within our means, and to vote for not adding billions and billions of dollars to the Federal debt, which is already at \$13 trillion and growing by the day.

It seems, at least to me, this is an opportunity for us to demonstrate to the American people that we are serious about getting Washington's spending

and debt under control. This amendment addresses the issue of unemployment insurance and extending that, addresses the issue of expiring tax provisions, reduces taxes by \$26 billion, addresses the impending cut in physician reimbursements that would occur if Congress doesn't take action, but it does it for 2 years longer than what the legislation of the majority would do. We address that up to the end of the year 2012.

So it takes care of all those things, and it does it in a fiscally responsible way by reducing spending by over \$100 billion, as I said before, by reducing taxes, by keeping taxes low on small businesses, which are the job creators in our economy. According to the Congressional Budget Office, it reduces the Federal debt by \$68 billion. That is a win-win for the American people—the American taxpayer—and it should be a win-win for the Senate.

I hope my colleagues will support this amendment, and with that, Madam President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. THUNE. Madam President, may I inquire as to how much time remains on each side?

The ACTING PRESIDENT pro tempore. The Senator from South Dakota has 6 minutes, and the majority has 34 minutes.

Mr. BAUCUS. Madam President, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I might ask the Senator from South Dakota, through the Chair, whether he wishes to renew his request to modify his amendment because I might tell him, through the Chair, that the amendment has been cleared on this side.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. Madam President, I will renew my request to so modify my amendment, and I appreciate the manager accepting that change.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is so modified.

The modification to amendment No. 4376 is as follows:

**SEC. 403. TEMPORARY ONE-YEAR FREEZE ON COST OF FEDERAL EMPLOYEES SALARIES.**

Notwithstanding any other provision of law, the total amount of funds expended on salaries for civilian employees of the Federal Government in fiscal year 2011 shall not exceed the total costs for such salaries in Fiscal Year 2009: Provided the amounts spent on salaries on members of the armed forces are exempt from the provisions of this section; Provided further, nothing in this section prohibits an employee from receiving an increase in salary or other compensation so long as such an increase does not increase any agency's net expenditures for employee salaries.

Mr. BAUCUS. Madam President, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. I yield 10 minutes to the Senator from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Madam President, first let me thank Senator BAUCUS for yielding time that he has for me to speak. I appreciate that very much.

I want to support the Thune amendment. The Thune amendment is a responsible approach both to the things we need to do but also that need to be offset in ways that do not add to our deficit or raise taxes. It includes all of the major priorities that have been accepted by both sides here—by the Democratic Party's version of the extender bill as well as the things Republicans wish to do—but it is fully paid for. It cuts wasteful spending and doesn't raise a dime in taxes.

The underlying proposal that the chairman of the committee has presented to us would increase spending by \$126 billion. It includes over \$70 billion in new taxes. That, by the way, is a net tax increase of \$48 billion. It increases the deficit by \$79 billion over the next 10 years.

That is the approach that we think is wrong. That is why Senator THUNE has proposed an alternative that we will be voting on here in about 25 minutes, that I think takes the correct approach. It cuts taxes by \$26 billion by extending current law. It cuts spending by over \$100 billion. It actually reduces the deficit by \$55 billion, all according to the Congressional Budget Office, which of course is nonpartisan.

I want to add a point about the notion of offsetting spending increases or so-called paying for those increases. There are a couple of things that are

done in the Baucus substitute that I think need to be pointed out because they are not an appropriate way to offset the costs of spending under the bill.

In one of them, we take the oilspill trust fund that is supposed to contain money in it to take care of oilspills when the company's money—for example, British Petroleum's money—runs out and have the Government assist in cleaning up an oilspill when that fund is supposed to exist for that purpose, to clean up the oilspill. Today this is a tax—it is 8 cents per barrel—for the companies to pay into that fund. Under the Baucus substitute that would be raised to 49 cents per barrel. It may well be that we need to raise the tax on the oil companies for the trust fund to pay for oilspills but that is what it should be raised for, to pay for the oilspills, not to pay for something totally unrelated in this legislation. Because if we do that then when it comes time to tap the trust fund to pay for the oilspill, the money has already been spent on things other than what we raised the money for in the first place. So that is not an appropriate way to pay for part of this legislation.

The second thing is, this is putting off the problem to the future in order to take care of a more immediate need. It has to do with the fact that we have to pay for physicians who take care of Medicare patients. This was a problem that should have been addressed in the health care legislation. It was not. As a result, all of the payment for physicians in Medicare was put off to be dealt with at a later time. Now is the later time except we do not want to do it now either, apparently.

The payment for Medicare has already expired. There is not enough money and has not been enough money for the last couple of weeks to pay doctors to take care of Medicare patients. We are simply holding their bills. But within the next few days we are going to have to pass something that allows payment of those doctor fees to take care of Medicare patients. The idea here was to try to get that to at least a 2- or 3-year period. The last version coming from the Democratic side was, I think, 18 months or so. The idea is to try to deal with that problem so we do not have to come back and keep dealing with it every couple of months or so.

As I understand the latest proposal, we are now only going to deal with that to November of this year. Clearly right after the election we are going to have to come back in a lame duck session. That will make certain we will have a lame duck session because we will have to act on this yet again. Why would we do it that way? It is not the responsible way to do it, obviously. It is to reduce the cost of the legislation here so we do not have to have as much in the way of offsets.

I appreciate the fact we are trying to reduce the size of the bill, but we are

only fooling ourselves by reducing this particular element of the bill. We ought to be reducing other elements of this legislation rather than the physician payments because we know those bills are going to come due and we are simply putting off the inevitable.

The final point of criticism of the chairman's bill is the way it deals with something called S corps. These are generally small businesses run by an individual—a doctor, a lawyer, an accountant who has a couple of employees. We are trying to raise—not we, not we, the majority is trying to raise money by changing the tax treatment for these particular legal entities. In order to do what? To raise \$11 billion.

I submit that rather than trying to find a way to raise \$11 billion, and in this particular case it does not work, we ought to be reducing the cost of the legislation by \$11 billion or finding offsets, such as Senator THUNE has found in his legislation, that do not result in bad tax policy.

The net result is that, with all due respect to the chairman—again I thank him for yielding his time so that I could speak against his legislation—I do not think it is the right approach. I think we are going to have to go back and get this right or we are not going to be able to move forward or to proceed to the consideration of his proposal. I think a better approach is the Thune proposal.

As I said, we will have a chance to vote on that here in a minute and I hope my colleagues will support the Thune proposal as more fiscally prudent, as not adding to the deficit, not increasing taxes, and not making bad tax policy.

Again, I thank my colleague for yielding his time and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. How much time is remaining to each side?

The ACTING PRESIDENT pro tempore. There is 20 minutes 40 seconds.

Mr. BAUCUS. There is 20 minutes 40 seconds on our side; zero seconds on the other side?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. BAUCUS. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THUNE. Madam President, my understanding is that we are headed toward a noon vote, perhaps a little bit ahead of that. I ask unanimous consent to have about 3 minutes to close debate on our side.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BAUCUS. Reserving the right to object, actually I think we are going to probably vote earlier than that. I just wonder how much time is remaining on the other side?

The ACTING PRESIDENT pro tempore. Zero minutes remain.

Mr. BAUCUS. No time remaining on the other side. There is no time on the side of those who wish to speak in favor of the amendment.

The ACTING PRESIDENT pro tempore. There is 15 minutes on the Senator's side.

Mr. BAUCUS. And no time remaining on the side of those who wish to speak in favor of the Thune amendment?

The ACTING PRESIDENT pro tempore. Correct.

Mr. BAUCUS. There is about 15 minutes remaining on this side. I wonder if my friend from South Dakota, who wishes to speak in favor of the amendment, even though his time has expired, may want to speak favorably about the Baucus substitute, or, if he wishes to speak on his own amendment, he can point out some of the good points of the Baucus substitute at the same time; otherwise, I have no objection.

But to be fair to my side, too, and given the time constraints that we might have, I can only give 2½ minutes.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. I will proceed accordingly and try to conclude this in 2½ minutes. That, unfortunately, does not give me enough time to say favorable things about the substitute of the Senator from Montana.

But I do want to close the debate on this amendment by saying that I do think this presents to us a very clear choice about how to accomplish what this legislation strives to accomplish; that is, as we have all talked about—something I think both sides agree on, Democrats and Republicans—extending unemployment benefits to those who have lost jobs; extending expiring tax provisions that are currently in law, such as the research and development tax credit, that are important to our economy and to our competitiveness; and, finally, making sure the reduction or the cut in physician reimbursements under Medicare does not go into effect.

So those are basically the elements we are talking about today in terms of the things we are trying to get done. The difference occurs as to how we

would propose paying for that. The Democratic majority has put forward their proposal which does include tax increases, about \$50 billion now in the current version of it in tax increases. It does raise the debt by about \$50 billion, adds more onto the Federal debt, notwithstanding the commitment to pay for things under the pay-go rules that were enacted in the Senate, and it does increase spending substantially.

What I am offering as an alternative for Senators to vote on is an approach that is very different. It reduces taxes. There are no tax increases in it. The tax reductions occur because of extending existing tax law, actually reducing taxes by \$26 billion.

It reduces the Federal debt, according to the Congressional Budget Office, by \$68 billion, and it reduces spending by \$100 billion. As I said earlier, I think it is important the Federal Government go on a diet. We have all kinds of issues, and Americans across this country have lost jobs, unemployment is at a high rate, people are having to make decisions. There has been a loss of income. They are reducing their personal budgets, their family budgets, their business budgets.

Here in Washington, DC, we continue to spend and spend and spend like there is no tomorrow and hand the bill to future generations. So this is the debate. It is a clear difference in approach, and I hope my colleagues will vote in favor of fiscal responsibility, vote in favor of paying our way, vote in favor of living within our means, and vote in favor of reducing the debt on future generations.

So I would ask my colleagues in the Senate to support this amendment. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, I think it is good to again remind my colleagues what is in the Thune amendment and why it is not good policy and why it should not be adopted. First of all, it would call for a 5-percent cut in most of government. The Defense Department is exempt; the Veterans Department is exempt but not other sections. Homeland Security comes to mind. Law enforcement comes to mind. Border Patrol comes to mind. There are various areas that would be cut 5 percent across the board arbitrarily.

Second, it would impose harsh caps on medical malpractice damages, the so-called tort reform. The Thune amendment includes tort reform in a way that is unthought through, very harsh caps that would, frankly, result, according to the CBO, in more deaths in America.

The Thune amendment would also cut the number of people insured under health care reform. It would reduce the number of people insured under health care reform. I do not think many people would like that part of the Thune

amendment to stand alone and of itself.

Moreover, the Thune amendment cuts back Recovery Act funds. That endangers jobs. The Congressional Budget Office made it very clear that the Recovery Act does create jobs; it lowers unemployment. The Thune amendment would go in the opposite direction of preventing job creation, of encouraging high unemployment. That would be the effect of it.

The Thune amendment also shields the oil companies and multinational corporations from paying their fair share of taxes. I do not think, especially with the gulf oilspill, many Americans want to shield the oil companies from paying their fair share of taxes, from paying funds into an oil liability trust fund to pay for future oil spills. I think Americans also do not want to shield multinational corporations from paying their fair share of taxes.

There are loopholes in current law that multinationals take advantage of. I think most Americans would not like these loopholes to continue. The Thune amendment continues those loopholes.

So for all of those reasons, I strongly urge my colleagues to not support the Thune amendment.

I yield back the remainder of my time, and I raise a point of order against section 701 of the Thune amendment pursuant to section 403 of S. Con. Res 13, the concurrent resolution on the budget for fiscal year 2010.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(G)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Minnesota (Ms. KLOBUCHAR) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Further, if present and voting, the Senator from South Carolina (Mr. GRAHAM) would have voted "yea."

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 41, nays 57, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—41

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Nelson (NE)
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	LeMieux	Wicker
Cornyn	Lugar	

NAYS—57

Akaka	Feinstein	Mikulski
Baucus	Franken	Murray
Bayh	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burr	Kerry	Schumer
Byrd	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden

NOT VOTING—2

Graham Klobuchar

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Under the previous order, the amendment is withdrawn.

The Senator from Florida.

Mr. LEMIEUX. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GULF OILSPILL

Mr. LEMIEUX. Madam President, I come to the floor again today to talk about the situation in the Gulf of Mexico.

Yesterday, I came to report on my meeting with the President of the United States, as well as JEFF MILLER, our Governor, and ADM Thad Allen, that we had on Tuesday in Pensacola. I am pleased to report what the President has done with this fund. It is a good idea to get the \$20 billion in claims that can be made and can be paid.

However, there is another issue. The most pressing issue right now is keeping the oil off the coast of the gulf. We do not have a handle on this situation with the skimmers. We just met with Admiral Allen, and the information isn't any better than it was 2 days ago. In fact, for Florida, the information appears to be worse.

On Tuesday, there were 32 skimmers, according to the Florida Department of Environmental Protection and the Florida incident command off the coast

of Florida—32. There is a plume of oil 2 miles wide and 40 miles long off the coast of Pensacola. There is another plume that ranges from Pensacola, FL, all the way over to Fort Walton, and we had 32 skimmers. Today, the report is we have 20 skimmers—20 skimmers. That is like me and my buddies getting in our boats out there and trying to clean this up. That is not the Federal Government doing its best effort to clean up this oilspill.

The incident command from the Coast Guard's report says there are 100-some skimmers off the coast. It is unclear whether those are off the coast of Florida or completely off the coast. It could be the coast of all of the States. I asked Admiral Allen to clarify that. He said he would.

Admiral Allen tells us there are 2,000 skimmers in the United States of America. Why aren't those skimmers, where available, steaming toward the Gulf of Mexico? He said he is going to put a process in place where we can request them. It has been 60 days since the oil started spilling. Why are we waiting until now to request skimmers? Why are we contacting Governors now to request skimmers? Why are there only 20 skimmers off of my home State when we have this huge mass of oil?

The State Department reported Tuesday morning that 21 requests have come in from 17 countries—rather, 21 offers of support from 17 countries to give us skimming equipment. The State Department says they have been declined. I talked about it to the President on Tuesday and Admiral Allen, and they say: No, it is not true; we have gotten things in from other countries. What is the truth? What is the answer? Are we refusing foreign country assistance or not?

Now there is this thing about, we are going to have a process to let people request waivers of the Jones Act. We are 60 days into this. On Monday, I sent a letter to the President, along with Congressman JEFF MILLER, asking for the Jones Act to be waived. Why aren't we doing everything possible to bring skimmers to the Gulf of Mexico? What is the problem?

I am going to come to the floor of the Senate every day we are in session until this oilspill stops, until every drop of oil is cleaned up, and make a point about this skimmer issue. It is not acceptable. Who is in charge of this? Is it the President? Is it Admiral Allen? Is it BP? Who is in charge? There are only 20 skimmers off the coast of Florida. It doesn't make any sense. Somebody has to do something about it. In my position, what I can do is complain, and that is what I am doing today and will continue to do. I am going to press Admiral Allen and this administration to get as many skimmers there as possible. We need engagement from this administration

on this issue, and no other question should be answered until we find out where all those skimmers are.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I wish to thank Senator LEMIEUX for raising this matter.

I was at the Alabama gulf coast on Friday. We were told there was a batch of oil 30 feet wide, 2 miles long that they could see coming onto the shores of the beaches that had not yet been hit in any significant way. In my mind, a good skimmer, even at 1 or 2 miles per hour, could get every bit of that, virtually. I first thought skimmers wouldn't be that effective. I assumed the oil would be very thin and it would come in and be hard to skim, but apparently it is coming in patches and bunches, which makes it more skimmable than I had originally thought.

The admiral, whom we spoke to less than an hour ago, indicated that he was requesting of the Navy, as I heard what he said, a certain number of skimmers, and they had 400, and we haven't gotten them yet. Perhaps some plan somewhere calls for them to have skimmers in this bay or this harbor in case something happens, but when we have a national catastrophe as we have going on, every one that could possibly be spared should have already been moved to the gulf coast. I really feel as though this is a frustrating event. It is more serious than I had realized.

Also, I think there are several thousand worldwide that have not been asked for that could be asked for. So I think we can do better. I am going to find out if the decisionmaking process is so bureaucratic that for no good reason, we have been delayed in receiving help that could make a big difference on the gulf coast.

I asked him about President Obama's speech last night. As a result, he made comments—

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, would my friend yield?

Mr. SESSIONS. I would be pleased to yield.

#### MORNING BUSINESS

Mr. REID. Madam President, I would say to my friend from Alabama, we are trying to work something out for votes this afternoon, and we are in the process of doing that. I think it would be appropriate that until 1 o'clock we be in a period of morning business, with Senators allowed to speak for up to 10 minutes each during that period of time. I want to hopefully come back with an arrangement to move forward on the legislation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alabama.

Mr. SESSIONS. Madam President, I ask unanimous consent to speak in morning business and be notified in 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, there is one thing I didn't do. I apologize to my friend for interrupting him and express my appreciation for his usual cooperation.

Mr. SESSIONS. Madam President, I know the majority leader has many challenges, and he certainly is entitled to respect to make this kind of announcement.

#### NATIONAL GUARD

Mr. SESSIONS. Our Governor has called up 300 National Guardsmen, and I think it needs to be done under title 32, which is Federal status under State control.

The President on Tuesday evening said:

I have authorized the deployment of over 17,000 National Guard members along the coast. These service men and women are ready to help stop the oil from coming ashore, clean beaches, train response workers, or even help with processing claims, and I urge the governors in the affected states to activate these troops as soon as possible.

Well, the Federal status under State control is the procedure by which the

Guard people operate under State control, which eliminates some of the prohibitions on military people being used, Federal military people being used for nonmilitary matters, and it allows payment by the Federal Government.

I guess I would just say that this is not worked out yet. As a matter of fact, Governor Riley has personally been engaged in this, and I have been so proud of his leadership. He has called these guardsmen for some time and has been requesting that they be approved under title 32.

The Admiral told me today that there are still bureaucratic problems—the Department of Defense says this and some law says this. I would just say that the Commander in Chief, the President of the United States, said: Call them up and let's get busy about it. And I hope somehow this can be taken care of promptly, as it is impacting the budget of the State of Alabama in a significant way.

Madam President, I thank the Chair. And I thank Senator LEMIEUX for driving home the problem that, to me, is most inexplicable; that is, our failure to maximize our ability to have skimmers available to protect our beaches.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. LEMIEUX. Madam President, I just wanted to speak for another moment, if I may, and compliment my colleague from Alabama, who has been very vigorous on this issue. I appreciate his voice to make sure we find out what is going on with these resources, especially as he spoke about the National Guard, which is an important topic.

To follow up on my comments before, I have two documents that I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:



Charlie Crist  
Governor

### Snapshot Report # 22

Wednesday, June 16, 2010 at 0900 hrs EDT

David Halstead  
State Coordinating Officer

#### Mobile Unified Command Boom Operations:

Tier	Proposed/Need	Deployed	Staged	Shortage	Percent Under
1	148,475	185,100	56,050	0	0%
2	282,600	123,500	0	159,100	56.30%
<b>Total</b>	<b>431,075</b>	<b>308,600</b>	<b>56,050</b>	<b>159,100</b>	<b>36.90%</b>

\*\*Changes in FL GRP site numbers as well as boom required will be changing pending approval of Unified Command \*\*

#### County Contracted Boom Tier 3 Totals

County	Deployed	Proposed	Staged
Escambia	20,000	N/A	0
Santa Rosa	10,260	N/A	0
Okaloosa	18,950	N/A	19,550
Walton	0	N/A	0
Bay	0	N/A	78,900
Gulf	0	N/A	11,900
Franklin	0	139,800	70,000
Wakulla	N/A	71,500	0
Jefferson	N/A	18,835	0
Taylor	N/A	N/A	N/A
<b>Total</b>	<b>47,210</b>	<b>230,135</b>	<b>180,350</b>

#### Vessel Assets Deployed:

Type	Working	Staged	Ordered	Notes
Off-Shore Skimmer	79 (7 are skimmers)	7 In area of Op.	5	-TF702 Off Shore Pensacola Area -TF704 South of Ft. Walton Beach -TF705 Moving to "stand-by" in Key West
Near Shore Skimmer	25 (no breakdown on types of vessels)	0		- TF1 Pensacola Pass - TF4 Perdido Pass
<b>Total</b>	<b>104</b>	<b>7</b>	<b>5</b>	

#### Vessels of Opportunity (VOO):

VOO Ordered/Deployed	In-Shore Contracted Assets	Near Shore Contracted Assets	Total Contracted Assets	Deployed Contract Assets
Pensacola	75	40	115	302 2 using Sorbent, Snare & Containment
Destin	200	100	300	
Panama City	153	60	213	
Port St Joe	100	50	150	
Apalachicola	100	50	150	
<b>Total</b>	<b>628</b>	<b>300</b>	<b>928</b>	

#### County EOC Activations:

County	Activation Level
Bay	2
Escambia	2
Gulf	2
Okaloosa	2
Santa Rosa	2
Wakulla	2
Franklin	2

#### Small Business Administration Loan Applications:

Issued	Accepted	Declined	Approved
331	72	14	2
Loan amount approved: \$255,000.00			

#### Clean-up Teams:

Team	Personnel	Staging Location
Emergency Response Team (USCG)	22	Pensacola
Emergency Response Team (USCG)	3	Panama City
Emergency Response Team (USCG)	2	Port St. Joe
<b>Total</b>	<b>27</b>	

(BP) Contractor Personnel	Personnel	Staging Location
Beach cleanups	1047	Pensacola, Panama City
Qualified Community Responders	302	Pensacola, Panama City
Gross Vessel Decon	27	Pensacola
	27	Panama City
Boom Operations	541	Pensacola, Panama City
<b>Total</b>	<b>1944</b>	

#### SCAT Teams:

Team ID	Personnel	County	Staging Location
SCAT 4	5	Escambia County	
SCAT 6	5	Santa Rosa	
SCAT 9	5	Gulf	
SCAT 10	4	Bay	

#### Recon Teams:

County	ATVs Staged	ATVs Deployed
Escambia	0	7
Franklin	0	1
Santa Rosa	0	1
Okaloosa	0	5
Walton	0	4
Bay	0	5
Gulf	0	1
On Stand-By	2	0
<b>Total</b>	<b>2</b>	<b>24</b>

County or Agency	Resources Staged	Resources Deployed
Walton	0 – Command Bus	1 – Command Bus
FWC	0 – Boats	38 – Boats
FWC & Civil Air Patrol	1 – Planes	2 – Planes
FWC	0 – Helicopters	3 – Helicopter
FLNG	0 – Planes	1 – Planes
FLNG	0 – Helicopter	1 – Helicopter

#### BP Reported Product Recovered:

Staging area	Product Collected	Amount Collected
Pensacola	Trash and Product Debris	15.23 tons
Panama City	Trash and Product Debris	1.46 tons
<b>Total</b>		<b>16.69 tons</b>


BP Claims: \*Updated detailed BP Claims report can be found in EM Constellation\*

BP Claims in Florida	Claims	Approx. Paid
<b>Grand Total</b>	<b>*13,978*</b>	<b>\$11,248, 856.44</b>
*One claimant has one claim which may have multiple events*		

#### Recovered Oiled Wildlife:

	Recovered alive*	Released	Died or euthanized	Still in Rehab	Recovered dead
6/16/10	9		4	18	0
<b>Total #</b>	<b>36</b>	<b>2</b>	<b>16</b>		<b>18</b>

\*Does not include marine mammals or turtles. \*Primarily northern garrets and brown pelicans  
See the consolidated wildlife report updated by noon each day:  
<http://www.deepwaterhorizonresponse.com/go/doctype/2931/55963>

<div></div> <div><div>SHORE OPERATIONS - FLORIDA (Panhandle)</div><div>National Incident Command Daily Situation Update - INTERNAL DHS USE ONLY</div><div>Prepared By: CDR Becker/CDR Hein</div><div>0600 EDT 16 June - 0600 EDT 17 June 10</div></div>										<div>Operational Highlights</div> <div>WX: Heat index 100-105.</div> <div>SHORELINE: Continued beach cleanup efforts in Escambia and Okaloosa Counties.</div> <div>NEARSHORE: Deployed boom in Gulf and Franklin Counties. Relocated Task Force III to East Side of Pensacola Bay. Continued night VOO operations. Recovered 565 bags of tar balls; of the 565 recovered 17 have come from Okaloosa.</div> <div>OFFSHORE: Transitioned Task Forces to work nearshore in order to stay ahead of the leading edge of the spill.</div> <div>BOOM: 45,100' deployed last 24 hours.</div>																																																																																																																							
<div>State and Local Concerns</div> <div>- Unified Incident Command and Liaison Officers working to address Local and State Officials' concerns about available booming and skimming capacity as well as more innovative and effective onshore and offshore cleanup tools.</div> <div>- Boom required by plan numbers have changed to reflect refined ACP priorities and include three additional Florida counties.</div> <div>- FL Responders: 70%. (Does not include workers from impacted neighboring States. Out-of-State workers include those brought in possessing pollution response expertise and include adjacent</div>										<div>Future Operations - Next 72 Hours</div> <div>WX: Morning showers or storms over the coastal waterways may contain waterspouts. Heat index 100-105.</div> <div>OIL EXPECTED ASHORE: Tar balls and patties in Destin.</div> <div>OIL RESPONSE PRIORITIES: Boom maintenance in Pensacola. Ramping up beach cleanup operations in all areas. Increasing personnel for cleanup by 200. Conduct night operations in Pensacola and increasing boom operations in Panama City. Ordering 30,000 ft of boom and relocating 14,000 ft from Pensacola to Choctawhatchee.</div>																																																																																																																							
<div>Shoreline Impacts (Verified by SCAT Assessments)</div> <table><tr><th>County</th><th>Current Shoreline Impacts (Miles)</th><th>Type of Impact</th><th>People Assigned</th><th>Estimated Clean Date (Range for County)</th><th>SCAT Assessed to Date</th><th>Removal<sup>1</sup> (cubic yards)</th></tr><tr><td>Escambia</td><td>32.0</td><td>Mousse</td><td>870</td><td>23-Jun</td><td>45.1</td><td rowspan="10"><div></div></td></tr><tr><td>Santa Rosa</td><td>0.0</td><td></td><td>2</td><td></td><td>0.0</td></tr><tr><td>Okaloosa</td><td>12.0</td><td>Mousse</td><td>108</td><td>17-Jun-10</td><td>25.7</td></tr><tr><td>Walton</td><td>6.0</td><td>Mousse</td><td>74</td><td>17-Jun-10</td><td>24.6</td></tr><tr><td>Bay</td><td>20.0</td><td>Mousse</td><td>124</td><td>19-Jun-10</td><td>42.5</td></tr><tr><td>Gulf</td><td>26.0</td><td>Mousse</td><td>186</td><td>20-Jun-10</td><td>0.0</td></tr><tr><td>Franklin</td><td>0.0</td><td></td><td>3</td><td></td><td>0.0</td></tr><tr><td>Wakulla</td><td>0.0</td><td></td><td>0</td><td></td><td>0.0</td></tr><tr><td>Jefferson</td><td>0.0</td><td></td><td>0</td><td></td><td>0.0</td></tr><tr><td>Taylor</td><td>0.0</td><td></td><td>0</td><td></td><td>0.0</td></tr></table>										County	Current Shoreline Impacts (Miles)	Type of Impact	People Assigned	Estimated Clean Date (Range for County)	SCAT Assessed to Date	Removal <sup>1</sup> (cubic yards)	Escambia	32.0	Mousse	870	23-Jun	45.1	<div></div>	Santa Rosa	0.0		2		0.0	Okaloosa	12.0	Mousse	108	17-Jun-10	25.7	Walton	6.0	Mousse	74	17-Jun-10	24.6	Bay	20.0	Mousse	124	19-Jun-10	42.5	Gulf	26.0	Mousse	186	20-Jun-10	0.0	Franklin	0.0		3		0.0	Wakulla	0.0		0		0.0	Jefferson	0.0		0		0.0	Taylor	0.0		0		0.0	<div>Resources</div> <table><tr><th colspan="2">Boom Stats<sup>3</sup></th><th colspan="2">Personnel Totals</th><th colspan="2">Equipment Assigned<sup>5</sup></th></tr><tr><th colspan="2"></th><th colspan="2">(*Other* Category Includes Volunteers)</th><th colspan="2"></th></tr><tr><th>Platform</th><th>Number</th><th>Platform</th><th>Based (acft)</th><th>Spot/Recon (sorties)</th><th>Spray (sorties)</th></tr><tr><td>Vessels of Opportunity</td><td>568</td><td>Fixed Wing</td><td>2</td><td>4</td><td>0</td></tr><tr><td>Barges</td><td>22</td><td>Helo</td><td>3</td><td>10</td><td>0</td></tr><tr><td>Other Vessels</td><td>212</td><td></td><td></td><td></td><td></td></tr><tr><td>Skimmers</td><td>110</td><td></td><td></td><td></td><td></td></tr></table>										Boom Stats <sup>3</sup>		Personnel Totals		Equipment Assigned <sup>5</sup>				(*Other* Category Includes Volunteers)				Platform	Number	Platform	Based (acft)	Spot/Recon (sorties)	Spray (sorties)	Vessels of Opportunity	568	Fixed Wing	2	4	0	Barges	22	Helo	3	10	0	Other Vessels	212					Skimmers	110				
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Mr. LEMIEUX. Madam President, these are two documents from yesterday. I spoke a moment ago of 20 skimmers. That is a Thursday document; this is the Wednesday document.

This is the Snapshot Report No. 22, Deepwater Horizon Response, Wednesday, June 16, from the State of Florida's Governor Crist to Dave Halstead, State coordinating officer. This says, as of yesterday, 32 skimmers off the coast of Florida. The report we have from today has 20, so that is a drop of 12.

This is the National Incident Command Daily Situation Update, Shore Operations—Florida panhandle, Department of Homeland Security document.

It says there are 110 skimmers. We just found out that is for the entire gulf coast. What is being reported to us is that there are 110 skimmers for the entire gulf coast. Thirteen of those skimmers are off of Florida. We are told that those 13 are encapsulated within this number of 32. As of yesterday, 32; as of today, 20. Only 110 skimmers are off the entire gulf coast to fight this problem.

We are calling upon this administration to get its act together. We commend them for this fund yesterday. That is good work. We give credit where credit is due. But we have to stop this oil from coming to shore. These skimmers can do the job.

If there are 2,000 skimmers in this country, why aren't they headed to the gulf? If there are thousands of them around the world, why aren't they headed to the gulf? This question must be answered as quickly as possible.

My colleague from Alabama and I and others will continue to come to the Senate floor and urge this administration to get on top of this problem and get these skimmers where they need to be.

Mr. SESSIONS. Before the Senator leaves, I will ask a question to my colleague, because he has come to this lately. He might share with us—the Senator has had personal conversations with Admiral Allen, the point person, about this for some time, has he not? We still have difficulty getting firm numbers, as the Senator pointed out, about how many might be available and what prospects we have for the arrival of more skimmers, is that correct?

Mr. LEMIEUX. That is correct. We have been talking to the Coast Guard for weeks about trying to muster every skimmer available to the gulf for not just Florida but for Alabama, Mississippi, and Louisiana. I met with the President, Admiral Allen, Governor Crist, Congressman JEFF MILLER, and other State officials in Pensacola. We met for an hour. I asked about the skimmers and about the report from the State Department, and I asked: Did we decline foreign assistance? I asked

about the skimmers. He said that, of course, Admiral Allen wants to get as many skimmers as possible, and he is working on it. That sounds good, but we need results. It is not just about effort; we need results. These reports are showing that we are not getting the results.

Mr. SESSIONS. Does the Senator understand that Admiral Allen has the power—or the President does—to enter into Jones Act waivers that need to be entered into, and that presumably could be done in a matter of minutes or hours? What is holding this up? Has the Senator been able to ascertain that?

Mr. LEMIEUX. I don't know what is holding it up. The Jones Act is not a barrier. That can be waived. The Jones Act was waived, as I understand it, after Katrina. There is power under the U.S. Code—I believe it is 46 U.S. Code, section 500, but I will check that—that gives the ability of agency heads of the Federal Government to waive the Jones Act.

The President and Admiral Allen tell us there are ships that have come from foreign countries. I hope that is true. I assume it is if they told us that. Why is the State Department on the one hand reporting that they are declining offers of assistance from 17 countries, and then we hear some ships are being used?

It comes back to the point my colleague, Senator NELSON from Florida, made about having a command and control unit. I am believing that Admiral Allen is running this operation, and I like him and commend him for his service. But we obviously need to have a better top-down control situation here so that we get some results.

Every person in America has to be scratching their head as to why these skimmers aren't there. Why aren't there hundreds of them off the coasts of Alabama, Florida, Louisiana, and Mississippi? We just celebrated the anniversary of Dunkirk a couple days ago, where the British civilians took their boats out and rescued the British soldiers who were retreating, and saved the day. Why aren't there boats there to save the day for the gulf coast?

Mr. SESSIONS. Well, has the Senator ascertained that anybody in our government is scouring the world and the United States to try to move every single skimmer that could possibly be brought to the gulf coast? If not, we are awfully late, wouldn't the Senator think? Shouldn't that have been done weeks ago?

Mr. LEMIEUX. That is a great point. There doesn't seem to be a sense of urgency. Job 1 is stopping the oil from leaking, and job 2 is stopping the oil from coming ashore. They are doing some good work. The President tells us that by the end of the month 90 percent will be contained. Let's hope that happens. Let's stop the oil from getting on our beaches, in our estuaries, our

coastal waterways. The best way to do that with booming is skimming. As the Senator mentioned, skimming is working and the oil is able to be skimmed. Why are we waiting to ask Governors? As Admiral Allen told the Senator and me a moment ago, they are going to put in a request to Governors to free up skimmers. There are skimmers around the country that have to be on duty because there could be a spill someplace else. They have to request waivers. One, why are we waiting until now? Two, that is like saying your house is burning down, but the fire truck is covering another area in case a fire breaks out. Well, the fire is happening now. The skimmers need to go to the gulf now. Why there isn't that sense of urgency and followup, I cannot explain.

Mr. SESSIONS. I thank the Senator. I yield the floor.

Mr. DORGAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SHIPPING JOBS OVERSEAS

Mr. DORGAN. Madam President, I have filed an amendment to the underlying legislation. I know there is discussion about who might get an amendment. A lot have been filed. There is negotiation about which amendments might be made pending and debated. I hope this amendment will be. It has had a long and tortured history. It is an amendment I offered when the now-President, Barack Obama, was a Senator, and he strongly supported it. In fact, during his campaign, he talked a lot about this subject. It is the issue of shutting down a perverse tax incentive that exists in this country for shipping jobs overseas.

We provide tax incentives if you are willing to shut down your factory, fire your workers, and move your product elsewhere; we say we will give you a tax break. That is unbelievable. We have had four recorded votes in the Senate. I have lost all of them.

As it seems, many people believe we ought to continue this tax incentive. I think we ought to continue to try to get a majority in the Senate to agree with the proposition that, at long last, we have to stop subsidizing shipping American jobs overseas.

On this chart is a description of the "cool, refreshing taste of mint dipped in dark chocolate." The ad, by Hershey's, is for their York Peppermint Patty, and it says, "the cool, refreshing taste of mint dipped in dark chocolate will take you miles away." Little did we know that it will actually take

you to Mexico, because that is where they began to make these mint patties. They used to be American made, all-American mint patties. But now they have gone to Mexico. In fact, 260 jobs were moved to Monterrey, Mexico, as part of a long-term Hershey's strategy. So that is mint patties. I suppose they are not as important as, perhaps, automobiles, or jobs that are making sophisticated high-tech equipment. But still and all it is mint patties.

Hallmark Cards, an American company, privately held in Kansas City, MO, with a 100-year history in our country. It was founded by a high school dropout who started this company in 1910 with shoe box postcards. He sold a shoe box full of postcards, while living at the YMCA in Kansas City. This became a fabulously successful card company. In fact, all of us have used Hallmark cards to send a message to someone. When they say "if you care enough to send the very best," they don't exactly now say where to send it. If you are going to send it where they are made, they have gone to China. What kind of a card do you send to a Hallmark employee whose job is now in China, where they are making Hallmark cards? So that is mints and cards—probably, as I say, not as important as making automobiles. But those jobs have also left.

Making refrigerators. Whirlpool has been involved, as well, in moving jobs. I have talked about this previously. Whirlpool refrigerators moved jobs all over the world from Evansville, IN. They moved work to a factory in Mexico, even though the company accepted a \$19.3 million grant by the U.S. Department of Energy to develop smart appliances. Those smart appliances left to go south. So Whirlpool appliances have gone to Mexico, and 1,100 U.S. jobs moved to Mexico.

This is a picture of a woman named Natalie Ford, 42 years old, who worked at a Whirlpool appliance plant in Evansville for 19 years. She learned that her job was moving to Mexico in November of 2009. That is a photograph of Natalie when she discovered that her 19-year investment in this company was over.

It was like a punch in the gut, she said.

I notice every month we focus on this issue: How many jobs have we created in this country? How many have we lost? How many people are filing for unemployment insurance?

I consider the job thing like a bathtub. You have a faucet that puts jobs in, creating jobs in this economy, and then you have a drain, and it is wide open. We are talking about how many jobs we create next month, and the drain is wide open. They are going to China.

For example, I will show a couple of photographs of where some of these jobs go.

This is the home of a Salvadoran worker who makes NFL jerseys. They sell for \$80 apiece in the United States of America—NFL football jerseys. Here is the home of the worker. I have held hearing after hearing about these issues.

This is a Reebok NFL jersey made by a Chinese-owned sweatshop in El Salvador. Again, that merges all the best of what we know is wrong with the issue of the migration of jobs—a Chinese-owned sweatshop in El Salvador making NFL jerseys for Reebok.

I have held hearings, and I have had people who work in El Salvador testify at hearings. I will not spend much time on this because I have shown it on the Senate floor so many times. This is Radio Flyer, a little red wagon made in Chicago. This a 110-year-old company, made by a wonderful immigrant who loved radios and loved airplanes, built a little red wagon that every kid in this country has ridden in. What did they name the little red wagon? Radio Flyer, because he liked airplanes and radios. We all understand what Radio Flyer means. It means a little red wagon that pulls kids. But they are gone. They are not made in Illinois any longer. They are all gone to China. Maybe that is OK if one doesn't care where these things are made and where the jobs are.

Finally, Huffy bicycles. I know I have described this company forever. But those who worked there were paid \$11 an hour, and they all lost their jobs—all of them. There is still a Huffy bicycle. All the jobs went to China. They then declared bankruptcy, and all the pension plans of all the people fired in the United States making Huffy bicycles, made for decades, were taken over by the Federal Government because the company declared bankruptcy. Now the Chinese own the brand and they make these bikes in China.

I know who makes them. They are made by Chinese workers who make 30, 40, 50, 60 cents an hour tops. They work 7 days a week, 12 to 14 hours a day. That is what is happening.

I have not described the automobiles and what is happening, or the airplanes parts for that matter. The list is very substantial. I have spoken about it at great length.

I described that Fruit of the Loom underwear left America. Maybe underwear is more important or less important than chocolate mints or Hallmark Cards. I don't know. Fruit of the Loom is the company that used to have the dancing grapes, the red grapes and green grapes people would dress up as. I don't know what kind of people dress up in grape outfits. They seem to have fun. They advertised Fruit of the Loom underwear.

All of a sudden, there is not any underwear made in the United States by Fruit of the Loom. Do you know there is not one pair of Levis made in the

United States? Not one. Talk about the all-American company, buying your first pair of Levis, buying a pair of Levis for school, there is not one pair of Levis made in the United States. It has all migrated, all gone.

Here is the proposition. We stand idly by while month after month these jobs are leaving. I described previously on the floor about an airplane trip I took about 4 or 5 months ago. I sat next to a man who was wearing a gym outfit, sweat pants, and so on. He was pretty comfortable on that airplane.

I said: Where are you headed?

He said: I am heading to Asia. I am going to be on a long trip, 25, 30 hours, so I decided to dress down.

He was wearing one of those sweat outfits.

I said: Why are you going to Asia?

He said: My company wants to move the jobs and have the products that we buy from the suppliers made in Singapore, Thailand, and China. So I am going on a trip to Singapore, Thailand, and China to take a look at where we can move these jobs to these countries.

I thought, here is a guy sitting on a plane, wearing a sweat suit, and he is going someplace and there are perhaps thousands of workers whose job is going to be traded away because somebody decided: We can make those kinds of products less expensively if we can find people who will work for 30 cents an hour.

Perversely, it is not just that. We have also decided, if they will do that—just shut the door, fire the workers, chain the factory gate—we will give them a big, fat tax break.

If you have two companies across the street from each other—both making the same product, both doing the same thing, both employing the same number of people—and one says they are moving to China, fires the workers, locks the gate, and the other says they are staying here, guess what the difference is the next year. If they make the same amount of money, then the company that stays here pays higher taxes and the company that leaves pays lower taxes. That is the perverse, insane tax incentive that exists in our Tax Code.

The amendment I have filed deals with the issue of what is called deferral—deferring the obligation to have to pay taxes to a later date when you repatriate the income. I do not eliminate deferral altogether. I eliminate deferral when a company leaves our country to go abroad and produce a product to sell back into our marketplace. If that is your motive, then you ought not get a tax break from this government or this country. It makes no sense for us to continue this behavior.

As I have indicated, I have required votes on this issue. We have had debates and I required votes. There are people in this Chamber who cast a vote against an amendment such as this and

then rush off the floor and they will even be the ones who talk about how they support American jobs.

Don't tell me you support an American job if you support a tax incentive that moves our jobs overseas. Just don't tell me because it is not true.

We will again next month, right on the edge of a knife, be wondering what is happening to this economy by the evidence of unemployment numbers or the evidence of new jobs created. As I said, it is fine, and I work with all the people here. In fact, the bill that is on the floor is the so-called extender bill, a jobs bill, an attempt to invest in new jobs in this country, incentivize new jobs in this country. To the extent we create new jobs in this country and at the same time incentivize jobs running out of the country, that is just bone-headed. We cannot keep doing that.

At some point, the Congress has to decide, based on some reservoir of common sense, that we are not going to provide incentives for people who move American jobs elsewhere. We have trouble enough competing with labor conditions that exist, as I have described in those charts, with a number of circumstances that exist in the hiring of workers in China who you can work 7 days a week, 12, 14 hours a day and, by the way, you can house them and sleep them in a cinder-block room that holds 12 people. That is what is happening. We have trouble enough competing with that, let alone giving a big tax incentive to somebody who says: That is where I want to do my business.

I am just saying, I filed an amendment. I know there is a dance going on here to decide who gets votes and who doesn't. If we are worried about this economy and worried about trying to incentivize American jobs, we have to vote on this amendment and we ought to pass it with a resounding vote.

Does anybody here care about whether "Made in America" once again is something we can put as a sticker on a product? Do we care at all? Or is it just that we do not need to make anything? It seems to me America's future is to understand and learn from our past that we are a strong, world-class economy only when we have a world-class manufacturing base. We will not long remain a world-class economy if we decide it does not matter what our manufacturing base is.

In the previous 9 years ending in 2009, we lost more than 5 million jobs in the manufacturing base of people who make things. I am talking about people who go to work and take a shower after work. They are on a factory floor and making real products, "Made in America." That has been the reservoir and source of a lot of good jobs that pay well with good benefits. It always has been. That is what largely expanded the middle class in this country.

Now there is some notion that it does not matter somehow; this is just a

world economy and it does not matter. Get on your airplane, search around the planet. Where can you land that plane, open a plant, and hire somebody for 30 cents an hour? I tell you what, the question of who is going to clear the products that are for sale from the shelves in this country is a very interesting question.

Mr. Ford, when he opened his Ford plant to begin building automobiles, believed that you ought to pay a wage to the workers that gave the workers a chance to buy the product they make. In the larger aggregate sense, the question is, Who will buy the products on the shelves if people do not have jobs? You fire your workers and you make Hershey's mint patties in Mexico, or you make Hallmark Cards in China, or you decide to make bicycles, little red wagons, automobiles, trucks, and airplanes elsewhere. Who is going to be on the factory floor producing products in this country? Who is going to earn the wage by which they become consumers?

We are short about 20 million jobs right now in this country, and 20 million jobs is what we need to put people to work.

We have just gone through commencement exercises in this country. There are a lot of kids who put on a cap and a gown with enormous pride, finally graduated from college, and a whole lot of them cannot find a thing to do. They cannot find work.

This President, when he walked across the threshold of the door of the White House, inherited a \$1.3 trillion Federal budget deficit left by the previous administration. Had he done nothing, had he been Rip Van Winkle and slept for 10 months or a year, we were going to have a \$1.3 trillion deficit. That is what he inherited, and an economy that was in desperate condition.

He has done everything he can to try to put this back on track. It is hard, and it requires both parties and the best ideas of both. This ought not be difficult. This idea of stopping this insidious subsidy from moving American jobs overseas ought to be an idea that takes root here and garners 90 votes, 95 votes. Instead, we have lost the vote on this amendment over recent years four times.

I started by saying that President Barack Obama, when serving in the Senate, was a supporter of this amendment. He voted for this amendment and believed in this approach. He still does. He has talked about it. I hope very much we will get a vote in the Senate on this today or tomorrow and put the Senate on record as having taken the first step in doing something meaningful to shut the drain and begin the process of saying to people: If you stay here, if you manufacture here, if you run a plant here and produce a product here, God bless you. We are on

your side. We are not going to give your competitors who leave and move jobs to China a tax break. We are on your side if you stay here.

That is what we ought to be doing, investing in American jobs, investing in products made in our country, investing once again in a strong manufacturing base in order to remain a world-class economic power.

Madam President, at that point, I have exhausted all of the arguments once again for this amendment, hoping that enough will have listened or perhaps be given information that this is a worthy vote if you want to stand up for American jobs.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

#### AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010—Continued

Mr. CORNYN. Mr. President, I rise to speak on the pending legislation, which is called the American Jobs and Closing Tax Loopholes Act of 2010. Sometimes it is spoken of as the tax extenders bill. But in reality it is a deficit-extending bill. The reason I say that is because the substitute amendment still adds a reported \$55 billion in red ink to the deficit.

More deficit spending is simply irresponsible. Our national debt, as we know, is over \$13 trillion, and \$2.3 trillion of that \$13 trillion of debt has been added just since the time President Obama has been sworn into office. Congress is spending money in a way that would give drunken sailors a bad name—more than \$30,000 per household, more than \$12,000 per household from our children.

According to the Congressional Budget Office, the public debt under the President's budget will be at 90 percent of our gross domestic product by the year 2020—90 percent of our gross domestic product. Greece had a debt-to-GDP ratio of 115 percent, and we are getting far too close for my comfort.

Our debt represents a national security vulnerability. I am glad the substitute amendment retains my amendment, which we voted on earlier, to create greater transparency on exactly who owns our debt when we run up deficits and add to the debt, and it requires us to then periodically assess the strategic and economic risks associated with that debt. For example, the Treasury Department recently reported that China holds about \$900 billion of U.S. debt. So when we spend

money here, somebody has to buy the debt. What happens is that China and other countries buy that debt, and that creates a potential national and economic security issue.

The best way to reduce our strategic and economic risks associated with our debt is to stop spending money we do not have. Stop. Every family, every business in America, when they run out of money, they do not just continue to try to max out their credit card. The problem is that the credit card of the Federal Government knows no limits. Only the Federal Government can continue to print money and rack up debt and hope and pray that countries such as China will buy that debt in the future. It has to stop.

America's fiscal mess is not just a math problem. Government debt crowds out private sector investment that instead could help create jobs for the 15 million Americans who are unemployed. Our unemployment rate is close to 10 percent. For Hispanics, it is 12.4 percent. For teenagers, it is 26.4 percent—the toughest job market for young people in 41 years even though it is summertime and many of them are out of school and looking for work. Nearly 9 out of 10 net jobs created in May were temporary jobs created by the Federal Government in hiring temporary census workers. Only 41,000 net private sector jobs were created in May—an anemic figure, to be sure. According to economist Larry Lindsey, as much as 20 percent of the net private sector job creation in May was due to the oilspill in the Gulf of Mexico—temporary workers hired to skim oil off the gulf and to protect our beaches and estuaries.

We know the administration will, unfortunately, further exacerbate the unemployment situation, particularly along the gulf coast where I live in Texas, by its 6-month ban on offshore deepwater drilling. We all understand we have to stop this spewing well. That is job No. 1. No. 2 is we need to make sure we understand what happened and make absolutely sure, as much as humanly possible, that it never, ever happens again. But we also need to be mature enough and aware enough to assess what this means if we impose a lengthy ban on deepwater drilling. It means more dependence on imported oil from abroad, from dangerous parts of the world, even countries that wish us ill. It also means jobs here at home will be destroyed because these deepwater rigs will move to other parts of the world, Brazil and other places. According to the energy industry, more than 46,000 jobs could be lost as a result of the moratorium in the short term and 120,000 jobs in the long term.

Unfortunately, the policies that are promulgated by the Congress and by this Senate have an impact on jobs. They can either be a positive impact and facilitate private sector invest-

ment in job creation or they can be job killers. I, for one, worry far too often that what is emanating from Washington, DC, these days amounts to job-killing policies, and this underlying bill we are debating has a couple of good examples.

We know job creation should be our No. 1 priority when unemployment is at historic highs, when people are losing their homes due to foreclosure because they simply do not have jobs to be able to pay their mortgage. But this so-called tax extenders bill actually raises taxes on capital creation and on investment in a way that will hurt job creation. There are two taxes I am referring to specifically, and while both are somewhat technical, it is very important to understand them.

The first tax relates to so-called carried interest. Partners in private equity firms are often paid based on their performance in addition to their salary. Under current law, this so-called carried interest is taxed like a capital gain at the 15-percent rate, if we are talking about right now, 15 percent, as opposed to ordinary income, which is taxed at a much higher rate.

The substitute amendment would change the way this carried interest is taxed and take it from the capital gains, which is a much more attractive rate, which encourages capital formation, encourages investment, and raise that rate to the highest individual income tax rate for ordinary income of 39 percent. What do you think is going to happen when entrepreneurs and investors look at this change in the tax law from 15 percent to 39 percent? Do you think it will expand or will it contract the amount of money invested in job-creating ventures? Well, common sense should tell us it will contract it. It will reduce the number of jobs. It will reduce the capital available for investment. And it is exactly the opposite policy we ought to be pursuing with high unemployment and people losing their homes.

Higher taxes on this type of business activity is bad enough, but even worse is another tax that is embedded in this bill called enterprise value. These are arcane subjects and, indeed, I felt a little better yesterday after talking to some of my colleagues on the floor. I said: Do you understand what enterprise value tax is? And thank goodness I saw some blank looks on their faces, and they did not understand it. So I did not feel alone. So we have all had to get a little bit smart and a little bit better educated. But let me tell you what I have discovered in the process of my own education. Enterprise value is known as brand value or good will. It is the value of the sweat equity, the hard work owners put into businesses over time.

Under current law, when a partner sells his or her interest in a business, the enterprise value is taxed as a cap-

ital gain. This legislation would change the tax treatment on the sale of that business but only for certain types of businesses. In other words, this bill targets certain types of businesses. But as one writer commented recently—they said they worry that this is a stalking horse or an attempt to take all capital gains treatment for the sale of businesses and to raise it to ordinary income levels—in other words, to double, or more, the taxes on the sale of certain types of businesses.

Owners of investment firms and real estate partnerships would be singled out for higher taxes when these businesses are sold. They would pay much higher taxes than what are paid under current law. Again, why should people care? Why should anyone within the sound of my voice care about what this handful of private equity firms and real estate partnerships pay? Well, it is because what this, in effect, does is it takes the seed corn that is used to grow the economy and it destroys it. It dries up the money that creates the investment, that then allows the creation of businesses and expansion of businesses to create jobs. That is why all of us should care even if we individually don't have to pay it.

In fact, under this narrowly tailored and targeted and discriminatory bill, investment partnerships would be the only businesses in America where the value inherent in the enterprise would be ineligible for capital gains treatment and instead be hit with the higher tax bill when the overall enterprise part of it is sold.

This legislation would break new ground in taxing enterprise value as ordinary income and would unfairly tax value accumulated perhaps over decades by small businesses all across America.

Supporters of this bill will tell you this proposal is all about targeting the hedge fund managers on Wall Street, suggesting that this is payback or due retribution for the havoc a handful of people have wrought on the American financial system. But this proposal would not target the people who caused the financial meltdown. This targeted provision would have a devastating effect on Main Street in Illinois, in Montana, in Texas, in Pennsylvania—everywhere around this country.

Let me give you an example. Private equity-backed companies based in my State employ about half a million workers. What happens to those jobs if this legislation becomes law? Well, not surprisingly, a lot of the investors in these private equity firms where the private equity-backed companies get their money are retirement systems such as the Employees Retirement System in Texas and the Teacher Retirement System in Texas, both of which have a portion of their assets invested in private equity.

So I ask again: What happens if this legislation becomes law? What happens

to small businesses that depend on private equity to grow their businesses and create jobs? Well, I received an answer to that question from Donald Brown, the chief executive officer of a medical device company that has an office in Fort Worth, TX. The name of that company is Arterioocyte Medical Systems, otherwise known as AMS. AMS is a fast-growing company—again, something we ought to want to encourage, not discourage, by the policies emanating from Washington. Fast-growing companies create jobs which allow people to provide for their families. In a high unemployment economy, it ought to be exactly the sort of growth we ought to encourage.

This company has an interesting story to tell because it is partnered with the Institute for Surgical Research at Fort Sam Houston in San Antonio. Their goal is to improve surgical outcomes for U.S. troops injured by blast burns and to reduce the necessity of amputations. AMS has also grown because private capital equity was invested in this business in 2007 and helped them grow from 6 employees to 70 employees, with an average employee salary that exceeds \$72,000 a year.

Here is what Mr. Brown told me in a letter he sent:

By changing the tax treatment of carried interest to ordinary income, [this bill] would penalize entrepreneurial risk-taking and discourage investment in companies like ours that need capital the most.

I ask unanimous consent to have Mr. Brown's letter to me printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. Mr. President, it is telling and it is also disappointing that the Senate earlier today rejected the Thune alternative, which I cosponsored. The reason I say it is telling and disappointing is because the Senator from South Dakota offered us an option to extend many of these expiring tax provisions, but it would not have enacted punitive, economically destructive tax increases—things such as the enterprise value tax and the tax on carried interest.

The option offered to us by Mr. THUNE, the Senator from South Dakota, would have continued important expiring tax provisions, including the State and local tax deduction, which I must add provides Texans with over \$1 billion in Federal tax relief annually. That is because we do not have a State income tax, and we are proud of it. That is one reason why we continue to grow and create jobs while many other parts of the country do not fare as well. But this at least provides equity to us by allowing people in Texas who pay sales tax to write that off of their Federal income tax, as other States do when they pay a State income tax, to write it off their Federal income tax.

But instead of increasing the budget deficit by \$55 billion—which this bill does, as it currently has been offered—the option offered by the Senator from South Dakota would have reduced the deficit—reduced the deficit—by \$68 billion and extended the expired tax provisions.

It is baffling to me why we would reject, why the Senate would reject, an opportunity to do what on a bipartisan basis we want to do: extend these tax benefits for the benefit of the American people, but to do so in a way that is fiscally responsible. I just do not get it. Hence, further evidence of the growing disconnect between what is happening here in Washington in the Congress and what we are hearing from the American people, who are tired of reckless spending, and they are tired of endless debt, and they know a day of reckoning will come.

If the Senate adopts the legislation before us, it will send another clear message. It will send the message to investment firms and real estate partnerships: You have been punished for taking risks, you have been punished for creating jobs, and you have been punished for success.

To all other American entrepreneurs—the people we ought to be encouraging because these are the people who make the investments that allow companies to be started and companies to grow and jobs to be created, but to all other American entrepreneurs, it will send the message that it may not have been you this time, but you are next. The next time the big spenders want more money to grow the size of the Federal Government, your company, your business, could be the next on the chopping block.

To global investors—and we know in a globalized economy there are people all around the world who have a lot of different choices as to where they want to start their business—unfortunately, to these global investors, it will send the message, if we pass this bill as written: America does not want your business. America does not want your business.

I cannot think of a more damaging, more destructive message to be sent by what we do here in the Congress than sending the message to global investors: We do not want your business here in America. That is because our economic rivals, other countries such as China and India, and others, offer a much lower tax and offer a much more welcoming environment when it comes to entrepreneurs and investors from a tax perspective.

To the 15 million Americans who are unemployed—15 million Americans, including the 472,000 who filed for unemployment claims for the first time last week—this legislation will send the message that Washington's priority is not in creating jobs. Washington's priority is to grow the government.

I do not think these are the messages we should be sending. I urge my colleagues to oppose this substitute amendment. We will have a chance to show the American people on which side we stand when we have the cloture vote on this bill tomorrow morning. Make no mistake about it, a vote for this bill will be a vote for killing jobs, for chasing away investment, for saying America is not interested in your business—at a time when Americans are suffering high unemployment and people are losing their homes because they cannot pay their mortgage payments because they have lost their jobs, with no end in sight.

Mr. President, I yield the floor.

EXHIBIT 1

AMS,  
June 15, 2010.

Hon. JOHN CORNYN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR CORNYN: I am writing to you regarding an issue in H.R. 4213, now pending in the Senate, which proposes tax increases on Investment Managers that will interfere with job creation and our nascent economic recovery. Arterioocyte is a company that has dramatically benefited from private equity capital, and that investment has enabled us to rapidly grow our company. H.R. 4213 presents a significant risk of harming small companies like Arterioocyte and will reduce our future ability to finance our company's growth especially in today's economy where access to capital has otherwise dried up due to the fallout from the banking crisis that unfolded over the last two years. I strongly support the position that government policy should encourage the investment in formation and growth of small companies, which are responsible for the greatest contribution to new job growth. H.R. 4213, if passed in its current form, will destroy the ability of startups to raise capital and will harm companies like Arterioocyte, by starving investment and reducing job creation.

Arterioocyte was started in 2004 to develop commercial stem cell based therapies created for patients "At Bedside". As a fast growing medical device company we are committed to providing innovative solutions to patients and medical professionals to address serious unmet medical needs particularly in cardiac, orthopedic and vascular surgeries. We have worked with DARPA on Advanced Theater Blood Pharming initiatives for forward military operations and currently we are active partners with the Department of Defense's Institute for Surgical Research at Fort Sam Houston to improve the surgical outcomes for blast-burn wounded soldiers including amputation prevention. Arterioocyte has benefited from private equity capital, and this investment has enabled us to make our company stronger. In late 2007 we were fortunate enough to receive a private equity investment from DW Healthcare Partners. Over the last two years, as a direct result of that investment, we have increased annual revenues to \$16 Million for 2010 (up 45% and 38% annually the last two years). We have grown from 6 employees to 70 across fifteen states. Our 2010 payroll for U.S. employees will exceed \$5.1 Million, and our average employee income exceeds \$72,000. We are one of the few U.S. based companies that have brought a multi-million dollar business, its technology its and its manufacturing jobs back to the U.S.

from Mexico. If not for our private equity investment, we would not have grown and we would not have hired 64 people. In fact, without that investment we likely would not be in business today.

H.R. 4213, now pending in the Senate, proposes tax increases on Investment Managers that will interfere with job creation and our nascent economic recovery.

Our company and our employees urge you and your colleagues to modify this bill to maintain private equity and growth capital incentives in this country. By changing the tax treatment of "carried interest" to ordinary income, H.R. 4213 would penalize entrepreneurial risk-taking and discourage investment in companies like ours that need capital the most. The pending legislation should characterize carried interest as a capital gain.

The House bill will make the United States less competitive globally. Virtually every other nation with which the United States competes treats carried interest as a capital gain and taxes it at rates ranging from 0% in India to 10% in China and 18% in the United Kingdom. The new tax rate contained in the House legislation will create a flight of capital from the U.S. that our nation cannot afford to lose as we seek to grow out of the recession.

Finally, the House bill would make investment partnerships the only businesses in America where the value inherent in the enterprise would be ineligible for long term capital gains rates if the overall enterprise or part of it is sold. If our team builds a successful business over decades, then we receive a capital gain on the value we create. It would be unfair and punitive to treat our private equity, real estate, and venture capital partners more harshly. These partners work just as hard as us to create value, and bring the best resource to create that value: capital.

Our company encourages you to do everything possible to ensure that the final version of H.R. 4213 addresses these concerns and preserves strong incentives for investing risk capital in businesses like ours, by treating carried interest as a capital gain.

My executive team and I are available to provide you and your staff with more information about how Arterioocyte has benefitted from private capital.

Thank you for your attention to this matter.

Sincerely,

DONALD BROWN,  
*Chief Executive Officer.*

Mr. CORNYN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### GOVERNMENT OVERSIGHT

Mr. WHITEHOUSE. Mr. President, we have watched with horror the unfolding disaster in the gulf. We have seen precious lives lost, hard-earned liveli-

hoods hammered, treasured ways of life imperiled. We have seen the largest deployment of resources ever against an environmental disaster. We have seen astonishing corporate negligence.

But we have seen something else too—something that ought to be a lasting lesson from this catastrophe. We have seen the revolting specter of an agency of government subservient to—captive to—the industry it is supposed to regulate.

From the Minerals Management Service, which is supposed to regulate deep sea oil drilling, here is what we have seen.

From the 2008 inspector general's report on MMS's Royalty in Kind Program, based in Colorado: senior executives steering lucrative contracts to an outside company created by the executives; staff failing to collect millions of dollars in royalties owed to the American people and allowing oil and gas companies to revise their own multi-million-dollar bids; staff accepting gifts and money from oil and gas companies with whom the office was conducting official business; and staff participating in social events with industry representatives that included illegal drug use and sex.

From the IG report, the inspector general's report, released last month on the MMS office in Lake Charles, LA: the district manager telling investigators: "obviously we're all oil industry," employees accepting numerous gifts from companies doing business with MMS, including a trip to the 2005 Peach Bowl on a private airplane, skeet shooting contests, hunting and fishing trips, and gulf tournaments; an MMS inspector conducted four inspections while negotiating a job for himself with the company that owned those platforms, and finding—guess what—no violations during those inspections.

A 2007 inspector general report into the Minerals Revenue Management Office of MMS cited "significant issues worthy of separate investigation, including ethical lapses, program mismanagement, and process failures."

As my hometown Providence Journal wrote in a recent editorial:

The Deepwater Horizon accident has made it painfully clear that, in its current form, MMS is a pathetic public guardian. Neither it nor BP was prepared for a disaster of this magnitude, and MMS's cozy relationship with industry is a big reason why.

I agree with the Providence Journal. The scope, the extent, the insidious nature of corporate influence in regulatory agencies of government—this question of regulatory capture—is something we should attend to here. It is the lesson, and it raises the question beyond the Minerals Management Service: How far does this corporate influence reach into our agencies of government?

The wealth of the international corporate world is staggering. The five

biggest oil companies just this quarter posted profits of \$23 billion—that is a 23 with 12 zeroes behind it—in just one quarter. The Republican appointees on the Supreme Court just overturned decades of precedent and 100 years of practice to give these big corporations freedom to spend unlimited funds in our American elections. Put it to scale. Consider \$23 billion of pure profits just in one quarter by big oil, and compare: The Obama and McCain campaigns together spent about \$1 billion in the last election. Do the math. For 5 percent of one quarter's profits, big oil could outspend both American Presidential campaigns. That may be some politician's idea of a happy day because that is who they work to please, but it is wrong and it needs to be stopped.

But think, if that is what corporate influence could do in a national election, think of what those vast, powerful tentacles of corporate influence can do to a little government agency such as the Minerals Management Service: Revolving doors to lucrative jobs in the industry so you are set for life; sports tickets, gifts, drugs; constant, relentless lobbying pressure and threats of litigation; steadily inserting operatives in regulatory positions. Inch by inch, the tentacles of industry reach further and further into the regulator, until it silently and invisibly comes under industry control and becomes the industry's puppet, until it is serving the special interests and not the public interest.

This is no new phenomenon. Marver Bernstein wrote about regulatory capture more than 50 years ago. He explained that a regulator tends over time to "become more concerned with the general health of the industry and tries to prevent changes which will adversely affect it," to become "passive toward the public interest." This, he said, "is a problem of ethics and morality as well as administrative method," and he called it "a blow to democratic government and responsible political institutions." Ultimately, this leads to what he called "surrender: the commission finally becomes a captive of the regulated groups."

If you don't want to go back half a century for a discussion of regulatory capture, look to last week's Wall Street Journal editorial page where a senior fellow at the Cato Institute writes:

By all accounts, MMS operated as a rubber stamp for BP. It is a striking example of regulatory capture: Agencies tasked with protecting the public interest come to identify with the regulated industry and protect its interests against that of the public. The result: Government fails to protect the public.

There is plenty of evidence that the oil and gas industry had captured MMS. When you have a captive agency, you get what we have seen: altering, deleting, or ignoring recommendations from government scientists.

A draft environmental analysis for drilling in the gulf from May of 2000 included the haunting prediction that "the oil industry's experience base in deep-water well control is limited," and a massive oilspill, "could easily turn out to be a potential showstopper for the" Outer Continental Shelf "program if the industry and MMS do not come together as a whole to prevent such an incident."

This unwelcome observation was deleted from the final analysis published.

Oil and gas company employees filling out official inspection forms in pencil for the MMS inspectors to trace over in pen; nearly 400 categorical exclusions, shielding even deepwater drilling from thorough environmental review. Cut-and-paste Environmental Assessments were provided by the oil and gas companies. BP's Environmental Assessment listed walrus as a species of concern in the Gulf of Mexico. There are not, and never have been in the memory of man, walrus in the Gulf of Mexico. When they are writing about walrus in the Gulf of Mexico, you know, No. 1, they are cutting and pasting out of documents in Alaska; No. 2, they are paying no attention to what they write because they know it doesn't matter; and, No. 3, they know perfectly well that MMS will never catch the fact that they have cut and pasted because they are not looking at it either.

MMS adopted wholesale for its oil and gas drilling "best practices" proposals of the American Petroleum Institute, and then they made most of those best practices only suggestions.

There has been virtually no enforcement. According to the MMS Web site, between 2000 and 2009, civil penalties averaged less than \$130 per well per year on our Outer Continental Shelf, and only three criminal referrals were made to the Department since 1990 in the last 20 years. Add it all up and there is no real question: MMS was a captive regulator.

So the question is, After all those years of corporate control of government in the Bush years, how far-reaching is the insinuation of corporate influence? We know big PhRMA wrote the Bush pharmacy benefit legislation. We know big oil and big coal sat down in secret with Dick Cheney to write their energy policy. But down below the decks, down in the guts of the administration's agencies, how far were the tentacles of corporate influence allowed to reach? How many industry plants are stealthily embedded in the government, there to serve the industry, not the administration or the public?

Well, how is it looking? It is not looking good. The Securities and Exchange Commission, for instance, gave up its watchdog role years ago and became the lapdog of the big Wall Street financiers, raising leverage limits, re-

fusing to investigate Bernie Madoff, and helping to precipitate the biggest financial disaster since the Great Depression.

Twenty-nine miners were killed in a West Virginia mine with a safety record that President Obama called "troubled." The Mine Safety and Health Administration has been described as a "revolving door" with industry, staffed by people with mining companies' interests at heart, even at the expense of worker safety.

The Bush head of MHSA, for instance, oversaw the rewriting of regulations in 2004 that allowed conveyor belt tunnels to double as ventilation shafts, a practice that contributed to a fatal 2006 Massey mine disaster.

Who knows how far it leads? Think of the timber rights the taxpayer gives up every year, the grazing rights, the multibillion-dollar contracts to big government contractors, the oil and coal leases on land, the carnival of public wealth at which these big corporations feed.

The vital question is this: Are these assets of our Nation still in the hands of servants of the Nation or have the servants of the Nation quietly and insidiously become the servants of the big private corporations that want to profit from that public wealth—corporations for whom every dollar of a sweet deal, every avoided expense allowed by a cozy regulator, every corner cut in safety or environmental protection, goes straight to their bottom line and right into their pockets. The big multibillion-dollar corporations, is this who we want safeguarding our national assets? Is this who we want controlling agencies of the U.S. Government?

Winston Churchill once said in a phrase I like that history turns on sharp agate points. What is the sharp agate point on which the history of this gulf catastrophe should turn? What lesson of history, if left unlearned after this disaster, are we condemned to repeat?

I hope the lesson we learn is this one: that we can never, never again let agencies of the Government of the United States of America fall so under the influence of the corporations they are supposed to regulate.

This government of ours, founded in a revolution pledging the lives and fortune and sacred honor of those early patriots; this government of ours, which has raised for more than two centuries the promise of freedom in human hearts; this government that lifts its lamp aloft to brighten the darkness of chaos and despair in far distant corners of the globe; this government, whose finely tuned balance, crafted by the Founders, has seen us through Civil War and World War, through westward expansion and Great Depression, through the light bulb and the Model T and the Boeing 747 and the iPod; this government of ours, formed

by Washington and Madison, Jefferson and Adams, and led by each of them, and later led by Abraham Lincoln and by Harry Truman and by Theodore Roosevelt and by Franklin Roosevelt and by John Fitzgerald Kennedy; this American Government of ours should never be on its knees before corporate power, no matter how strong. It should never be in the thrall of corporate wealth, no matter how vast.

This American Government of ours should never give the American citizen reason to question whose interests are being served. Never.

In this complex world of ours, government must protect us in remote and specialized precincts of the economy. In those remote precincts, few people are watching, but big money is made. We must be able to trust our government, both in plain view in front of us, and in corners far from sight, to be serving always the public interest, not doing the secret bidding of special interests, of corporate interests because that is where the big money is at stake.

Have we now learned, have we now finally learned, with the financial meltdown and the gulf disaster, the terrible price of all those quietly cut corners? Have we now learned what price must be paid when the stealthy tentacles of corporate influence are allowed to reach into and capture our agencies of government? I pray let us have learned this. Let us have learned that lesson. I sincerely pray we have learned our lesson and that this will never happen again. But let's not just pray.

In this troubled world, God works through our human hands, grows a more perfect union through our human hearts, creates a beloved community through our human thoughts and ideas. So it is not enough to pray. We must act. We must act in defense of the integrity of this great government of ours, which has brought such light to the world, such freedom and equality to our country.

We cannot allow this government that is a model around the world, that inspires people to risk their lives and fortunes to come to our shores—we cannot allow any element of this government to become the tool of corporate power, the avenue of corporate influence, the puppet of corporate tentacles.

I propose a simple device in this country of laws—not men, of rule of law—and that is to allow our top national law officer, the Attorney General of the United States, to step in and clean house whenever an agency or element of government is no longer credibly independent of the industries and businesses it is intended to regulate.

When a component of government is deemed no longer credibly independent of the corporations or industry it is supposed to regulate, I suggest that the

Attorney General be allowed to come in and clean up, hire and fire and take personnel action to ensure the integrity of the personnel; to establish interim regulations and procedures to ensure the integrity of the process; to audit permits and contracts and ensure they were not affected by improper corporate influence, and if they were, to rescind them where they are not in the public interest due to that improper corporate influence; to establish an integrity plan for that component of government, all subject to appropriate judicial review where private rights are affected. Then the Attorney General can get back out, with his or her job done, sort of like an ethics trusteeship or receivership.

I will conclude by saying that the damage to America from the corporate takeover of the SEC was nothing short of catastrophic. Just in my State of Rhode Island, 70,000 Rhode Islanders are unemployed. Many have lost their homes, retirement, health insurance. The toll is devastating. The damage from the corporate takeover of the Minerals Management Service has also been catastrophic. Who knows what potentially catastrophic damage lurks in whatever other agencies of government that have silently succumbed to corporate takeover but just have not yet exploded in disaster.

If the financial catastrophe and the gulf catastrophe and whatever other catastrophes lurk have any meaning at all, it is that business as usual is no longer enough to stem the tide of corporate influence—insidious, secret corporate influence—in agencies of the U.S. Government. It is an institutional problem—relentless, remorseless, constantly grasping and insinuating corporate influence. It will never go away. It will only worsen as corporations get bigger and richer and more global, and there has to be an institutional mechanism in place to resist it so that it no longer takes a catastrophe to call the failure of governance of an American regulator to proper attention.

I think this is the right way. If a colleague has a better idea, I am more than willing to listen. But one thing I know is that after an economic catastrophe and this environmental catastrophe, this much, at least, is clear: We can no longer wait for catastrophes to root out improper corporate influence in our government, in this government of our United States. We have to, at long last, address the problem of insidious regulatory capture of agencies of our government, captive to the industries they are supposed to regulate.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the following be the next four amendments in order to the Baucus motion to concur, with each of the amendments in this agreement subject to an affirmative 60-vote threshold; that if the amendments achieve that threshold, then they be agreed to and the motion to reconsider be considered made and laid upon the table; that if they do not achieve that threshold, then they be withdrawn; that if there is a sequence of votes with respect to these amendments, then prior to each vote there be 2 minutes of debate equally divided and controlled in the usual form and that after the first vote, any succeeding votes be limited to 10 minutes each; further, that no intervening amendment be in order during consideration of these amendments: No. 4371, Casey; Coburn, No. 4331; Whitehouse, No. 4324; and that the Whitehouse amendment be modified with the changes at the desk. And the final amendment in this sequence is the LeMieux amendment No. 4300.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the next speakers be Senator COBURN—does the Senator from Oklahoma have any idea how long he will be?

Mr. COBURN. A fairly short period of time.

Mr. REID. Senator CASEY, how long?

Mr. CASEY. About 10 minutes.

Mr. REID. Senator STABENOW?

Mrs. STABENOW. About 10 minutes.

Mr. REID. We need not do a consent agreement. Everybody can watch the clock on their own.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 4331 TO AMENDMENT NO. 4369

Mr. COBURN. Mr. President, I call up amendment No. 4331 to the Baucus substitute.

The PRESIDING OFFICER. The clerk will report.

The assistant editor of the Daily Digest read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 4331 to Amendment No. 4369.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. COBURN. Mr. President, at this time, I ask that the amendment be divided in the form I now send to the desk.

The PRESIDING OFFICER. The Senator has a right to have his amendment divided.

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, this is an amendment that will actually pay

for everything we are doing. It does several things that the American people are demanding that we do.

It discloses the true cost of borrowing and spending that we actually do in this body.

It reduces the budgets of the Members of Congress. We had a 4.8-percent increase in our budgets. This is going to decrease that by less than a third, making us suffer with the rest of the country in terms of trying to get control of our massive debt and deficit spending.

It enacts what President Obama has been asking his own agencies to do: it takes 5 percent from all the agencies, except Defense and Veterans Affairs, and says: Cut that amount. The size of the agencies has doubled since 1999. We are asking the agencies to find 5 percent of efficiency within their agency to help us not continue to add trillions of dollars of debt to our children.

It eliminates nonessential government travel. It will save us \$10 billion over 10 years. It doesn't eliminate essential; it just says that when you can do a teleconference, you do that. You don't necessarily fly and take a hotel room when you can accomplish it another way.

It reduces unnecessary printing and publishing costs of government documents. That saves us \$4 billion over 10 years. Nobody reads these. They are all available online. If we get rid of the ones that don't have to be printed, we save hundreds of thousands of trees every year—which absorb CO<sub>2</sub>, by the way—but it also saves us \$4.4 billion by not printing stuff we all have on our computers already.

In working with the OMB, they are behind what we are trying to do in terms of unused and unneeded government property and government buildings. So what it does is it gives us \$15 billion in direct savings in revenue by getting rid of things that we are spending \$8 billion a year on maintaining that we are not using. So we save \$15 billion over 10 years, plus we get the savings of not having to maintain what we own but are not using.

We will sell unused and unneeded equipment. We have \$¼ billion worth just sitting there in warehouses. We are never going to use it, but it is sitting there. We can get good prices from the private sector that can go out and utilize this and put it to work.

It caps the total number of Federal employees. Why is that important? I am a supporter of our Federal employees. We had a speech on the floor today accusing those of us who want to limit the growth of the Federal Government in terms of employees and the size, saying we were against our Federal employees. We are not. What we are saying is that in a time when we are running a \$1.6 trillion deficit—that is what it will be this year; we said 1.4, but we have already borrowed \$200 billion

more than that on this floor since February 12—we ought to be getting more productivity out of what we have, not because it is not the right thing to do—it is the right thing—but because we cannot afford to be lax in anything we are doing today. Every time we don't save a dollar, we are now charging that dollar to our children and grandchildren.

It puts a cap on the total number of Federal employees. There is plenty of flexibility within the Federal Government. The Federal Government has added 160,000 employees in the last 16 months. There are 441,000 for the census, but that doesn't count them. This is 160,000 full-time Federal employees in the last 16 months. How many more employees do we need? Can we afford more Federal employees at this time or should we get more with what we have?

We also put a temporary 1-year freeze on total salary. That doesn't mean people who work for the Federal Government cannot get a raise. They can. But they need to be more productive and recognized for it. But there should be no more automatic pay increases this next year because we are running a \$1.6 trillion deficit and also because the average Federal employee makes \$78,000 a year and has benefits worth \$40,000. The average private sector employee makes \$42,000 a year and has benefits worth \$20,000. Freezing that for 1 year will have a minimal long-term effect, especially when we saw today that we are actually in a deflationary period where the Consumer Price Index went down one-tenth of 1 percent. We had a nine-tenths of 1 percent decrease this year. So the cost of living is not going up; it is going down. All we are saying is, let's do this for 1 year and demonstrate that we understand the tough choices the public is making and that we are willing to make tough choices.

I agree, it is a tough choice. It is hard. But it does not mean that stellar employees cannot get raises. They can. That saves \$2.6 billion this year, for 1 year.

It collects unpaid taxes from employees of the Federal Government. We have employees of the Federal Government who owe \$3 billion. It directs a garnishee of those payments from the Federal employees. These are not disputed. These are not still under negotiation. These are things that have already been agreed to that are owed by Federal employees to the Federal Government. That gets us \$3 billion that we do not have.

We also have a section that excessive duplication and overhead within the Federal Government should be eliminated. Two easy examples: Across 60 different agencies, we have 70 different programs to feed people who are hungry. Why do we have 70? Why don't we have 7 or one? Not one of those 70 programs has a metric on it to see if it is effective in what it does.

We have 105 programs across seven different agencies that incentivize at the cost of billions of dollars a year people to go into math, science, engineering, and technology. Why do we have 105 programs? Why not one run by one set of overhead and one agency and measure the results? There are 640 other examples of duplication just like that in the Federal Government.

What this amendment says is we ought to be about eliminating that duplication. We ought to be able to increase productivity and also increase the results of the very programs for the people we are trying to help.

The other thing we do is we eliminate bonuses for contractors to the Federal Government who are not meeting performance requirements. That is \$800 million a year that your government is paying out to people who do work for the Federal Government who do not meet the minimum requirements for their contract, and yet we are paying them \$800 million in bonuses as if they were meeting the requirements of their contract. That saves \$8 billion over 10 years. None of us would do that with anybody who worked for us. Why do we allow the Federal Government to do that?

This government gives the United Nations 25 percent of its entire budget. But we also give voluntary payments to the United Nations. I just talked with Peter Orszag from OMB, and I am getting that report as we speak. It was due January 1. It is now mid to late June.

What we do is eliminate no more than \$1 billion more than what our obligations are in terms of peacekeeping or our dues to the United Nations. There are good reasons to do that. There was, with the last foreign appropriations, a requirement that the United Nations show us where our money is going. That got thrown out in conference. But we do not even know where the \$6 billion a year that we give to the United Nations is spent because they will not show us where it is spent. We would never tolerate that from any agency we fund. And yet we don't. We are saying do not give more than a billion more than that to the United Nations. We limit that. That is a \$10 billion a year savings.

Here is what we do know about the United Nations. In the peacekeeping money that we give, 45 percent of it is lost to fraud. Think about that. Forty-five percent of the \$3 billion that we give to peacekeeping operations is lost to fraud, documented. We found that one out by accident. They did not want us to find that out.

We ought to be good stewards with the money of the American people when it comes to contributing their money to the United Nations.

Returning excessive funds from an unnecessary, unneeded, unrequested, duplicative reserve fund that will never

be spent: That is \$362 million. It is a one-time savings. It will never be spent. It is sitting there. We ought to take it back.

Rescinding unspent Federal funds: There is \$1.7 trillion sitting in accounts right now. Of that, \$690 billion has not been obligated for the future expenditure. We are saying move \$50 billion of that back into this year and use it to pay for things that are important, such as unemployment insurance, rather than borrow from our children.

Why is that important? If you have three bank accounts and each one had \$100 in it and you had to write a \$200 check, you would go to the accounts you had and write the check from the two accounts so you could pay the check. This money is rolling out there to the tune of \$600 billion every year that is not obligated.

Common sense would say we would be more efficient with our money rather than paying interest on that money. We would use it in a more timely fashion. Everybody does that except the Federal Government. We ought to be doing it as well.

Reducing wasteful costs at the Department of Energy. The Department of Energy is supposed to be setting the example for this country on energy efficiency. They are the worst agency as far as energy costs and efficiency in energy. All we are doing is you follow the rules you have set for everybody else. It saves \$13.8 million per year. That is just one agency following the rules they have told every other agency to follow.

Finally, we strike the new taxes that are in this bill because we do not need to pay for them because we can cut spending somewhere else. The last thing we need to be doing, as we have the threat of a double-dip recession, is taking more private capital out of the economy and putting it into government because the multiplier effect of government spending is very low. Private spending multiplier effect is about 1.5. That means for every dollar you spend, you end up generating about \$1.5 in economic activity. For every government dollar that is spent, you generate \$1.1 in economic activity. The last thing we ought to be doing is raising taxes. I don't care where it is in this economy. It is so precarious that we need private capital being invested to create jobs and opportunities for jobs in this country.

I have listed the vast majority of provisions that are in the bill. I will be back to discuss each one individually.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 4371 TO AMENDMENT NO. 4369

Mr. CASEY. Mr. President, I ask unanimous consent to call up amendment No. 4371 to amendment No. 4369 proposed by Senator BAUCUS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant editor of the Daily Digest read as follows:

The Senator from Pennsylvania [Mr. CASEY], for himself and Mr. BROWN of Ohio, proposes an amendment numbered 4371 to amendment No. 4369.

Mr. CASEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the extension of premium assistance for COBRA benefits)

At the appropriate place in the amendment, insert the following:

**SEC. —. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.**

(a) IN GENERAL.—

(1) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(a) of the Continuing Extension Act of 2010 (Public Law 111-157), is amended by striking “May 31, 2010” and inserting “November 30, 2010”.

(2) RULES RELATING TO 2010 EXTENSION.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(b) of the Continuing Extension Act of 2010 (Public Law 111-157), is amended by adding at the end the following:

“(19) ADDITIONAL RULES RELATED TO 2010 EXTENSION.—In the case of an individual who, with regard to coverage described in paragraph (10)(B), experiences a qualifying event related to a termination of employment on or after June 1, 2010, and prior to the date of the enactment of this paragraph—

“(A) paragraph (2)(A)(ii)(I) shall be applied by substituting ‘6 months’ for ‘15 months’; and

“(B) rules similar to those in paragraphs (4)(A) and (7)(C) shall apply with respect to all continuation coverage, including State continuation coverage programs.”.

(3) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

(b) ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.—

(1) IN GENERAL.—Section 3507, subsection (g) of section 32, and paragraph (7) of section 6051(a) are repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 6012(a) is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(B) Section 6302 is amended by striking subsection (i).

(3) EFFECTIVE DATE.—The repeals and amendments made by this subsection shall apply to taxable years beginning after December 31, 2010.

Mr. CASEY. Mr. President, Senator BROWN of Ohio and I have offered this amendment which will extend the eligibility period for the COBRA Premium Assistance Program until November 30. We appreciate the support of many Senators—Senators FRANKEN, STABENOW, REED, LEAHY, AKAKA, BEGICH, WHITEHOUSE, LAUTENBERG,

KERRY, WYDEN, HARKIN, LEVIN, BURRIS, the Presiding Officer, GILLIBRAND, KAUFMAN, SPECTER, MENENDEZ, MERKLEY, SCHUMER, MIKULSKI, DODD, DURBIN, MURRAY, SHAHEEN, ROCKEFELLER, and BOXER. All are cosponsors of the original amendment we offered the other day, first offered by Senator BROWN and me as an amendment to Senator BAUCUS's original amendment.

I thank Senator BAUCUS, the Chair of our Finance Committee, for his very hard work on this bill. We are nearing the end. We are working very hard to complete this bill.

As we do that, we are also mindful that we are recovering from this economic recession. We must continue, in my judgment, to support vital safety net programs that our citizens need to support their own families.

The national unemployment rate now stands at 9.7 percent. That translates in Pennsylvania into more than 584,000 people out of work. We got a report today that across the country, jobless claims are going up, unfortunately, after having gone down for a number of months. The economy is showing improvement. We are recovering. Jobs are being added every day. But certain industries are experiencing layoffs, and that is why we must continue this program to ensure that Americans have access to quality health care, especially those who have lost their jobs.

Without the extension of the COBRA Premium Assistance Program, a report from the National Employment Law Projects predicts as many as 150,000 Americans each month will lose out on the subsidies necessary to afford quality health care.

In the Senate, we do not have to worry about health care. We have both job security and health care that millions of Americans do not have today.

Today we received a report from the Treasury Department which outlines important information on the success of the COBRA Premium Assistance Program. The report is entitled “Interim Report to The Congress on COBRA Premium Assistance.” It is dated June 2010 from the Department of Treasury. I commend this report to my colleagues.

In the report, it states that over 2 million households in America have benefited from the COBRA Premium Assistance Program. In Pennsylvania, that means over 100,000—107,311—Pennsylvania households have benefited from it. That is 2 million households across the country were able to afford quality health care while they were searching for a job. Millions of Americans had one less thing to worry about—their health and the health of their family—while they searched for that job.

In very brief form, I wish to highlight a section from the report that talks about how this program actually

works, and many Americans understand this. I am quoting from page 2:

Workers eligible for COBRA premium assistance send a premium payment to their employers, plan administrators, or insurers for continuation coverage.

Because of the Recovery Act we passed in 2009, those individuals pay only 35 percent of the premium. Then, of course, the employers are allowed a credit against their payroll taxes for the remaining 65 percent. That is how it works. It works well, and it has shown results, according to this new report from the Treasury Department.

The total cost of this program in 2009 was \$2 billion. However, the score that the Congressional Budget Office gave it originally back in 2009 was \$16 billion. They predicted \$16 billion; it cost but \$2 billion. Of course, in 2009, we had a tremendously high job loss compared to this year.

That cost is going to go significantly down. Part of the reason for being so much cheaper is the efficiency of administering this program. The Treasury report I referred to states that the total cost to administer the program, with three Federal agencies involved, was \$8 million—.5 percent of the cost of the overall program. Based on the Treasury report, it is obvious this program is both effective and efficient and has assisted millions of Americans.

In addition to ensuring quality health care, the program is a lifeline for Americans across the country. I received a letter back in March from a woman in Pennsylvania, Lisa. I will not give her name and address. I do not have permission. But I want to highlight her personal situation without identifying her. I am quoting a pertinent part in her letter. She said:

I have been receiving chemotherapy nearly every other week for the past 18 months—

After being diagnosed in 2008.

The treatments were covered by my COBRA benefits and has kept me alive. I must continue chemotherapy but ran into a problem when an extension of my COBRA coverage was denied.

Lisa in Pennsylvania speaks for hundreds of thousands, if not millions, of Americans when she tells us what this program means to her. It is, in fact, a program which has kept her alive, to use her words, not mine. That is what this is about. It is about real life. It is about real families who are living through the double nightmare—the horror of losing a job and then being hit over the head again by losing their health care coverage.

There are countless stories similar to Lisa's across the country, and many of us have heard these stories. These stories relate to how COBRA, including this premium assistance program itself, gave people hope in the midst of despair from losing a job and also losing health care coverage.

So I would encourage my fellow colleagues in the Senate to support the

amendment that Senator BROWN of Ohio and I have introduced, which includes an offset to the extension of the program so it is paid for.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, first I thank my friend from Pennsylvania for his leadership and passion on this issue, and I am very pleased to join him in this amendment. I also thank the chairman of the Finance Committee for many hours on this floor working very hard to put together this very important jobs bill that we need to get done as quickly as possible.

I want to spend a few moments talking about the gulf and what has happened and what it more broadly represents—both in terms of what is happening on the Senate floor and in our country.

When I flip on the television and see what is happening in the gulf, like all of us, I know this truly is a tragedy. To see the workers who have lost their jobs, who can't go out on their fishing or shrimping boats, who haven't seen any tourists come their way in over a month; to see the environmental devastation, I know it is a terrible crisis that is testing our Nation and our government. The Obama administration inherited a perfect storm—an oil company known for a history of egregious safety violations, being given permits to drill a mile down under the ocean with no credible public oversight, and a public agency that believed oil companies should basically police themselves, even if there was a risk to American families. That is what they inherited.

The tragic events in the Gulf of Mexico started with an explosion that killed 11 workers onboard an offshore oil rig operating in waters deeper than it had ever operated before, with technology that wasn't designed for drilling that deep. It happened because the company operating the oil rig took risks with the lives of the workers. They cut corners, and they ignored the interests of millions of Americans in the gulf who would be affected by their actions.

This is a tragedy that was allowed to happen by an agency that was transformed by 8 years of Republican policies urging them to look the other way, an agency whose employees thought they worked for the oil industry rather than the American people, an agency that allowed the oil industry to fill out their own inspection reports.

There was a belief articulated by a current Republican Senate candidate who said it was un-American for President Obama to criticize BP.

Well, I don't think it is un-American for our President to stand up for the men and women who work in the Gulf of Mexico, whose livelihoods and lives

have been jeopardized by this catastrophe. We are seeing millions of barrels of oil being spilled into the waters—waters that are owned by the American people—and I think it is the duty of the American President to make sure BP cleans it up and does everything possible in the gulf to make the people whole.

Just this morning, during an ongoing Congressional hearing, we heard another example of this belief in the words of a senior Republican House Member who apologized—apologized—to BP for the President's actions in demanding that BP set up a fund to reimburse the losses of local small businesspeople and families in the gulf and for their tremendous hardships caused, I might add, by BP. This Congressman called it a shakedown, a slush fund. Mr. President, I call it leadership and standing up for the American people. That is his job, and that is our job as well.

But there is a larger issue represented in this disaster. Public accountability and commonsense regulations do matter. That is our job as well. My colleagues know that as a Senator from Michigan, there is no one who will fight harder for the auto industry than myself. But even while I will fight tooth and nail—and I have—for this industry and the success of this industry, I still support safety regulations.

When I put my grandkids in a car, I want the car to have seatbelts and airbags, and I want to make sure that automobile has gone through a rigorous crash test. Our economy and our quality of life depend on vibrant successful businesses, but our quality of life also depends on public accountability, on commonsense regulations to protect the health and safety of our families.

Someone has to stand and protect the water and the air we breathe. Someone has to stand for our children and for our elders. Someone has to stand for the safety of workers—the 11 workers who were killed on that rig or the 29 workers who were killed in the mine collapse in April or the millions of fishermen and shrimpers and tourism workers whose livelihoods are at risk today on the gulf coast.

When we look at our record in this Congress, we have seen this same debate played out time and time again. Even this week, two different beliefs, two different sets of values. The first bill that President Obama signed into law was named after a woman named Lilly Ledbetter—the Lilly Ledbetter Fair Pay Act—to require equal pay for equal work. On that very first bill, we saw two different views and beliefs: the Republican view that essentially said corporations should be able to discriminate against women or people with color if they choose to and on our side we stood with a woman, Lilly

Ledbetter, who for years had gotten paid significantly less than her male coworkers for doing the exact same job just because she was a woman. We passed that bill, and it was signed into law so that women, so that people of color would not have to go through that in the future. We happen to believe in fair play. We happen to believe in equal pay for equal work.

Then there was the Recovery Act. There, again, we saw a very big difference. After the biggest bailout of Wall Street in the history of our country, on one side was a belief that government shouldn't get involved to help the American people hurt by the financial crisis in the face of the worst economic crisis since the Great Depression; that the proper course would be to sit back and let the economy fix itself, even though those who caused the financial crisis were, in fact, being helped. Never mind that millions of people who used to live comfortable middle-class lives lost their jobs, their entire life savings and their homes to a bunch of traders on Wall Street who made some bad deals with no public accountability.

But we believed something different, Mr. President: that when the economy is on the edge of a cliff and millions of middle-class families have been hurt due to no fault of their own, you don't just sit back and hope for the best. That is not leadership; you do something. So we passed a historic Recovery Act focused on the American people—focused on jobs, on helping small businesses grow by building clean energy technology, schools, bridges, and roads—and making investments in our future and, yes, helping people who had been caught in that economic tsunami so they could keep the lights on at home and have a roof over their head and take care of their families.

When President Obama took office in January of 2009, we were losing 750,000 jobs a month. Today, thanks to this Recovery Act and other work done here, we are creating jobs. It is not as fast as I would like, certainly coming from Michigan, where we have been hit harder than anyone else, but we are moving in the right direction. It wouldn't be the case if we had done nothing last year.

We heard for years that Wall Street needed less regulation, more freedom to innovate, and for nearly a decade there were policies in place that took a hands-off approach. What we saw was an over-the-counter derivatives market that grew to be worth over \$500 trillion, completely in the dark, completely unregulated, with no oversight and no transparency. There were many people who thought this was great. Here was an example of a market with no public oversight at all, and it was making money hand over fist.

Then the bubble burst, and it turned out the whole thing was smoke and

mirrors. Because there was nobody there speaking out for the American public, it was the American families who paid the price, and we paid a heavy price. That is why we recently passed Wall Street reform, and we need to get it to the President to create public accountability and commonsense regulation to protect investors and consumers. That is our job.

We passed a bill to give consumers the power to get their mortgages modified so they could stay in their homes and prevent foreclosures from emptying out entire communities. We also passed a law giving new tools to law enforcement and prosecutors to help them crack down on mortgage fraud and securities fraud. On each and every issue our Democratic majority has been fighting for the people of this country. Our Republican colleagues believe and have expressed—and I assume this is sincere—that the old policies of deregulation and no public accountability are better. They believe that large corporate interests—mining companies, oil companies, Wall Street, big banks—should police themselves and things will be OK.

But for the 11 workers on the oil rig in the gulf and the millions of people who live in that region of our country, those policies just didn't work. For the 29 miners who lost their lives in West Virginia, those policies just didn't work. For the millions of Americans who lost their jobs or their life savings because of Wall Street's recklessness, those policies just didn't work. I can't believe the American people want to go back and relive all of that again. I certainly don't.

When President Obama took office, we saw the wreckage left behind after 8 years of deregulation and, frankly, it was time to put people first. So that is why we got to work. From day one we have seen unprecedented obstruction—the Republican leadership using every trick in the book to stop us from making the changes the American people want. But we have kept on fighting, we have passed now 242 bills, 175 of them signed into law to move our country forward.

Frankly, though, this isn't about numbers. Numbers don't matter. What matters is whether things are getting better for people. But let me just review some of what has been put in place to begin to turn things around.

The Recovery Act I mentioned to focus on jobs, the expansion of health insurance for children so that working moms and dads can know at least the kids are going to be able to see a doctor, protection of our public lands and national parks so our kids and grandkids can enjoy our beautiful land and our beautiful parks in this country, credit card reform, veterans health care so our troops coming home get the care they need and the care they deserve, that is the least we can do.

We have increased support for our disabled veterans. We have enacted tobacco regulation to keep our kids from smoking. We have stood up to the tobacco industry on behalf of our children's health. We also passed the Serve America Act to support our young people and seniors and help get them involved to give back to the community—a very important value that we believe in as Americans. We also passed an FAA bill to modernize our air traffic control systems so that we have safer air travel; a national Defense bill that gives a pay raise to our men and women in uniform, which is the least we can do, and that helps our veterans who don't have a home; a jobs bill to help our small businesses expand and local communities have the tools they need to create jobs; a health care bill that saves families money, makes sure that every family can have a family doctor and improve the quality of care in this country; student loan changes to stop subsidies to banks and putting more money into making sure students can get some help to go to college and that it costs less so they can afford to go; and major financial industry reform so we never see another Wall Street bailout.

As I said, we know none of this matters if you do not have a job and if you are fighting to keep your home. We have to make sure that all of this—and we are working hard to make sure—adds up to real improvements in people's lives and economic security.

We are beginning to see things turn around because we have changed the values, we have changed the priorities back to what is best for the American people, what is best for middle-class families—the people we all talk about who are playing by the rules and want to know they will have a fair shot to be able to care for their families and be successful.

At every issue we run into roadblocks and opposition from the other side because they believe—and I believe it is an honest belief; we hear it over and over again—that more tax cuts for wealthy Americans and less regulation is always the answer. If that were true, given what has happened in the former administration when they controlled the House and Senate and the White House, things would be great. I wish things were great. But that view has not worked for the majority of Americans.

Today, every American with a television set can see the results of those beliefs. We had 8 years of that and we cannot go back. But this is not only about the past, it is also about the differences we debate every day in the Senate. It is about this week, last week, and I am sure next week. It is about the future. We need someone to be a check on the mining and the oil and the banking industries. We need commonsense regulators who do not

think they work for the industry they are supposed to oversee. That is what this new administration is about and what we are about. We have to hold companies accountable when they ignore the rules and put the public or their workers at risk. We have to move America forward and continue making the changes this country needs. That is what we have been fighting for. That is what all of the actions we have taken have been about. That is what we will continue to do.

But it is not about growing the government. We know that overregulation is not the answer either. But we want the government we have to work. That is the question: Who should our government work for? The special interests, those with great wealth and power, or families working hard to make ends meet and hold onto the American dream—small businesses and entrepreneurs with a great idea; people who want to know that the rules are fair for them, that if they work hard they will be able to have a job and they can be successful in our economy; families who want to know that somebody is making sure the rules protect their 401(k), their pension, their savings; that they can drink the water and breathe the air and eat the food they buy without getting sick.

We all want to be able to trust that the safety rules are enforced. If you or a loved one work on a mine or on an oil rig—or if you are getting in the car to take your kids to a soccer game—we all want to trust that when you get permits to drill in our precious waters, we will be looking out for the fishing jobs and our Nation's tourism industry and that we will not allow risky drilling without strong, commonsense regulation and accountability.

Our country cannot afford to go back to the previous beliefs that created the crises that President Obama and this Congress have been forced to deal with every day. We believe, the majority believes, it is our public responsibility to be on the side of the American people and that is what each of these legislative battles here in Congress is all about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

UNANIMOUS-CONSENT REQUEST—S. 3347

Mr. VITTER. Mr. President, I welcome following my distinguished colleague from Michigan and her impassioned plea against obstructionism. I have been facing the same challenges in particular with certain programs that are absolutely crucial for Louisiana but more broadly for the country. One that is absolutely important for all of us in Louisiana is the National Flood Insurance Program. It is a national program. It is important for our economy. It is important for the real estate industry. It is important for homeowners and closings around the

country, for economic activity to move forward, particularly when we need every bit of economic activity in these tough times of recession. But it is really important in Louisiana. We face enormous flood threats so it is important there.

Unfortunately, the extension of the present National Flood Insurance Program—which everyone, as far as I know, supports—is being held hostage, essentially, in this extenders bill. I have been trying to pry it loose from that so we can extend the program, not let it expire as it has expired—it expired June 1; it is not in operation today—get it back in place, get it fully extended through the rest of the calendar year.

I would have thought this would be a “no brainer,” this would be consensus, this would not be partisan. It should not be. This is a simple extension of the National Flood Insurance Program. What is more, this extension does not create any additional deficit. Obviously, a big part of this debate about this larger bill on the floor is about increasing deficit spending. Lots of folks, including me, have real concern about that. I think that is a legitimate concern that all of us have at some level. This extension does not increase the deficit at all.

I came to the floor before the Memorial Day recess because I saw this train wreck coming. I asked unanimous consent to simply extend that National Flood Insurance Program with no deficit impact, extend it by unanimous consent until the end of the year.

The distinguished majority leader, Senator REID, objected. I tried to engage in a meaningful debate, because I think the American people deserve it, about what is wrong with the program, what is wrong with the extension, what is wrong with the proposal. It has no deficit impact.

The silence from the distinguished majority leader was deafening. He objected because he could object. That is his right—no explanation, no justification.

The result has been the train wreck I was trying to avoid. The program expired on June 1. The program is not in place today. That is stopping and making a lot more complicated real estate closings—people trying to buy their first home, people trying to buy another home. Lord knows we need every real estate closing we can get to happen in this economy. We cannot create unnecessary barriers to that when we are trying to come out of this real-estate-led recession. Yet this majority, this Senate, this Congress let that absolutely crucial National Flood Insurance Program expire June 1. So here we are again.

My plea is the same. Everyone, as far as I know, supports the extension of the National Flood Insurance Program which is now expired. Everyone, as far

as I know, says, rightfully, that it is a necessary program. We need to reinstate it to get the economy humming again, to make these real estate closings easier and not harder, to help recovery, not hinder it. And everybody admits, including the Congressional Budget Office, there is zero deficit impact with this extension. It is a clean extension. It does not increase the deficit in any way.

Let's do the right thing. Let's extend that. Let's not make something partisan which should not be. It is not an ideological difference. Many members of our community—homeowners, folks in the real estate sector—strongly support this effort. In that vein, I ask unanimous consent to have printed in the RECORD this letter from 22 trade associations, including the National Association of Realtors and many others strongly in support of this sort of stand-alone extension of the program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 15, 2010.

TO ALL MEMBERS OF CONGRESS: On behalf of our organizations, we want to share with you our respective memberships' frustration with the fact that Congress, on May 31, 2010, again allowed the National Flood Insurance Program (NFIP) to expire—the third time this year. We urge you to immediately reauthorize the program.

Five and a half million taxpayers depend on the NFIP as their main source of protection against flooding, the most common natural disaster in the United States. Without flood insurance, no federally-related mortgage loans may be made in nearly 20,000 communities nationwide.

The frequent lapses in the NFIP program are undermining homeowner and commercial property owner confidence in this vital program. Given the fragile state of residential and commercial real estate markets, Congress should take immediate action to restore confidence in the NFIP through a long-term, stand-alone extension.

The NFIP is critically important to American citizens and the U.S. economy. We urge you to immediately approve a reauthorization and extension of the NFIP and avoid exacerbating the uncertainty for taxpayers who rely on the NFIP to insure residential and commercial properties.

Sincerely,

American Escrow Association; American Insurance Association; American Land Title Association; American Resort Development Association; Building Owners and Managers Association; CCIM Institute; The Chamber Southwest LA; Credit Union National Association; Financial Services Roundtable; Greater New Orleans, Incorporated; Independent Community Bankers of America; Independent Insurance Agents and Brokers of America; Institute of Real Estate Management; Mortgage Bankers Association; National Apartment Association; National Association of Federal Credit Unions; National Association of Home Builders; National Association of REALTORS®; National Multi-Housing Council; National Association of Mutual Insurance Companies; Property Casualty Insurers Association of America; The Real Estate Roundtable.

Mr. VITTER. Mr. President, the letter truthfully says—it is very simple:

The frequent lapses in the National Flood Insurance Program are undermining homeowners and commercial property owner confidence in this vital system. Given the fragile state of residential and commercial real estate markets, Congress should take immediate action to restore confidence in the National Flood Insurance Program through a long-term, stand-alone extension.

That is what my stand-alone bill is. It is not complicated. It is not controversial—should not be. Not partisan—should not be. It doesn't increase the deficit in any way, shape or form—not by a penny.

Again, I will ask what I asked before the Memorial Day recess, trying to avoid this train wreck which has now happened for over a couple of weeks.

I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 372, which is my bill, S. 3347, a bill I introduced that extends the National Flood Insurance Program through December 31, 2010; that that bill be read a third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER (Mr. FRANKEN). Is there objection?

Ms. STABENOW. Mr. President, reserving the right to object, let me say I very much understand and appreciate the concerns of the Senator. This is in the bill we have in front of us today that we hope will be passed today. The complete language is in the bill. I understand his concern. I feel the same about extending unemployment benefits which usually is overwhelmingly supported on a bipartisan basis but has been held up as well. I have been in the same situation on that. To me it is a “no brainer.” I would love to see that extended as well. I would have loved to have seen that extended a month ago. But the reality is these items have been put together in a package and we will have the opportunity, hopefully later today or tomorrow, to vote on that. So on behalf of the leader, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Mr. President, again, I think it is a shame. If the distinguished Senator from Michigan wants to propound a UC to separate unemployment insurance, I will support that. I will not object. I think it is a good idea. I think we need to come together around things on which we agree. I think those things are and should be bipartisan and we should not bend over backwards to somehow make them partisan in this silly game. So I would support that unanimous consent request. I am sorry she cannot, at least on behalf of the leader, support mine.

I understand it is part of the larger bill. It was 2½ weeks ago and that is exactly why the program lapsed on June 1—because it was part of the larger bill and that larger bill was not

going to pass then, did not pass yesterday, probably is not going to pass today.

In the meantime, it is not some theoretical bill that is being held hostage. It is American citizens who are being held hostage. It is first-time home buyers who are being held hostage. It is people in the real estate industry who need every darned closing that they can close who are being held hostage. It is not right. It is politics ahead of people, purely and simply.

I am very sorry that again the majority leader has rejected this simple idea. I will keep making the request because this program has now lapsed. It has not existed since June 1 and that is hurting people and that is hurting the economy.

I would like to move on to another aspect of this bill which is hurting people, which is particularly offensive to me, representing Louisiana. This is only getting worse in terms of this bill going from one version to another; that is, the aspect of this bill on the Senate floor that pertains to the Oil Spill Liability Trust Fund.

I represent Louisiana. More importantly, I live in Louisiana. I am all for oilspill cleanup. If there is anybody in the world who is for that, nobody is for it more than folks in Louisiana for obvious reasons. I am for a healthy and vibrant Oil Spill Liability Trust Fund. That trust fund has to be increased and grown. And lots of things about the Oil Pollution Act are clearly outdated. I have put forward proposals to update those, but unfortunately that is not what is going on.

In this bill, there was initially an increase in the tax into the Oil Spill Liability Trust Fund from 8 cents a barrel to 41 cents a barrel. That is over a five-times increase. Now, if that was needed for oilspill cleanup and was going to be used for oilspill cleanup, I would be the first to say, great. The problem is, it was stuck in this bill not for that reason at all but to be stolen—that money to be stolen and used for other spending. As soon as that money went into this so-called trust fund, it was going to be grabbed out and used for completely unrelated spending, nothing to do with any oilspill.

I had an amendment on the floor, and the amendment was very simple. It did not disrupt the tax increase—did not touch that. It simply said that anything going into the oil fund has to be used to clean up oilspills—radical idea—and No. 2, anything going into the Oil Spill Liability Trust Fund cannot be used as an offset, double-counted—Enron accounting to mask, to hide other deficit spending, which is going on in this bill.

Unfortunately, that amendment was defeated. But we had a good vote, quite frankly. I want to note and thank the Democratic majority chairman of the Budget Committee for voting yes on

that. I think he voted yes because of the simple reality of what I am saying. That money should only be used to clean up oilspills. That money should not be double-counted, should not be used in Enron accounting to offset, to mask other completely unrelated deficit spending.

In the new version of this so-called extenders bill recently unveiled, unfortunately we are going from bad to worse because they just increased the tax from 41 cents to 49 cents. Originally, it was 8 cents, and it jumped to 41 cents—that is over a fivefold increase—and now to 49 cents. Between those two versions of the bill, we actually had President Obama meet with BP and set up a huge escrow fund to make sure BP, as the responsible party of the ongoing spill, pays for everything, as they absolutely should do. So in between the 41-cent version of the bill and the 49-cent version of this bill, we set up this escrow fund to ensure, as we should, that BP pays for everything.

So the increase has nothing to do with the real crisis in the gulf; the increase has to do with politics in Washington because that first version of the bill did not get the votes because it had too much deficit spending. So what do we do? We are going to steal more. We are going to offset more out of the Oil Spill Liability Trust Fund. And that is why it went up again, from 41 cents to 49 cents.

Well, I have to say that I find all of that pretty darn offensive. We have a real crisis in the gulf. It is an ongoing crisis because the flow is not stopped. Rather than deal with that real crisis through action, some folks up here are using and abusing that crisis to advance their own agenda—deficit spending, unrelated spending—through politics. I think that is wrong. I think it is wrong in a pretty raw way, and I find it offensive. And I say that on the Senate floor. It is going from bad to worse. We are now, under the current proposal, stealing even more from the Oil Spill Liability Trust Fund, using it even more to mask other unrelated spending. We have a real crisis on our hands. Let's address it. Let's not use and abuse it politically.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEMIEUX. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4300 TO AMENDMENT NO. 4369  
(Purpose: To establish an expedited procedure for consideration of a bill returning spending levels to 2007 levels)

Mr. LEMIEUX. I send an amendment to the desk, No. 4300, and I ask that it be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant bill clerk read as follows:

The Senator from Florida [Mr. LEMIEUX] proposes an amendment numbered 4300 to amendment No. 4369.

Mr. LEMIEUX. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of June 7, 2010, under "Text of Amendments.")

Mr. LEMIEUX. I have offered amendment No. 4300 today. It is a piece of legislation in which Senators WICKER, RISCH, and GREGG have joined me. It is called the 2007 Solution.

The No. 1 problem facing this country is our out-of-control spending. It is to a point where it is unsustainable.

I am new here to the Senate. I came last September. My background is in business as well as in State government in Florida. In both of those venues, I had the responsibility, both in chairing a business I helped to run as well as being the Governor's chief of staff in Florida, to make sure ends met. In the business I worked in, I would look at receipts, and we could only spend as much money as we took in. In State government, we had a balanced budget requirement. We had a balanced budget requirement in Florida.

When the economy went bad in 2007, when I was the Governor's chief of staff, I would be on the phone with the budget people almost weekly monitoring how much money was coming in because I knew we could only spend as much as we had. We had three choices if revenues declined: We could raise taxes, we could cut spending, or we could find a new source of revenue. We did not have the option of spending money we did not have.

So I always knew there was a problem in Washington when Washington did not understand those basic dynamics that families in Florida and around the country had to deal with in terms of making ends meet, the same decisions families make around their kitchen tables to decide: Well, we cannot afford it this month, so we are going to have to put it off until next month or we are going to have to cut down on some of this spending so we can make sense of our fiscal house. I knew that didn't happen in Washington, but I never knew the degree to which it did not happen.

When I came here and was sworn in in September of last year, the national debt of this country was \$12 trillion. That is a staggering amount, and it is a number that is hard for us to get our brains around.

One trillion—what does it mean? Well, 1 trillion is 1,000 billion—\$1,000 billion—and 1 billion is 1,000 million.

Just to put it into some perspective, if you took dollar bills and put them on the floor and laid them side by side, \$1 million would cover two football fields; \$1 billion would cover Key West, FL—3.4 square miles of one-dollar bills carpeting Key West, FL; \$1 trillion would cover Rhode Island twice. If you stacked 1 trillion one-dollar bills on the ground up to the sky, it would go 600 miles into the sky.

When I came here in September, this government owed \$12 trillion in money that it shouldn't have spent in the past, that it couldn't afford to spend, and it was carrying that debt. That was bad enough, but time has elapsed and now we are in June of 2010, and now the national debt is \$13 trillion. The debt has gone up \$1 trillion in less than a year's time. It took 200 years for this country to amass its first trillion dollars in debt, and we just did another trillion dollars in less than 1 year's time.

Right now in our budget, we spend \$200 billion a year paying interest on the debt. That is on expenditures we shouldn't have made in the past—\$200 billion. At our current rate of spending, as projected by the White House, by the end of this decade we will spend \$900 billion a year just making interest payments on debt. By 2020, it is estimated that our debt, our national debt, will not be \$13 trillion, it will be \$25.7 trillion. And when we get to that point, our country is going to fail. This is not just a problem for our children or our grandchildren, it is a problem for all of us. And \$900 billion is more than we spend fighting both wars and all of the expenditures for the Defense Department right now. And we are going to be paying that just in interest?

Perhaps most troubling of all is this fact: Today the money we take in in revenues is only enough to cover Social Security, Medicare, and Medicaid—the entitlements. Every other dollar we spend for every other function of government—from the men and women who keep us free and safe in the military to the FAA that guides your plane, to the roads you drive on, to the Department of Labor, the Department of Commerce, the Department of Agriculture—every other function of government is borrowed. It is unsustainable.

I am new enough to Washington to not think this is normal. This still seems bizarre to me. What this body and what the body down the hall fail to do is set priorities and say: We are going to afford this, but we cannot afford that—just as families do, as the State government in Tallahassee does, as businesses do every day.

We do not go into the agencies now that are spending all this money and say, are they spending money on things that are effective, efficient? Are they getting bang for the buck? No. What we do in Washington is create new pro-

grams. We pass this financial regulatory reform bill, and instead of firing all the people at the SEC who failed to do their job in policing Wall Street, we create a new governmental institution because that is what Washington does—more and more layers of government on top of government, with nobody looking to see what government is doing now and whether your tax dollars are being spent effectively and efficiently because there is no mechanism in place to balance the budget.

I wish we had a balanced budget amendment. I wish we had to do what our States have to do. This past spring, in Florida, our State leaders had to sit down, when there were less revenues than there had been in the past, and they had to make decisions about what to cut. That is what leaders do. We do not do that in Washington.

But I have an amendment, a proposal, that would get us into a mechanism to at least have the debate about how we can save this country by stemming this uncontrollable spending. It is called the 2007 Solution. It would require this, simply: Each year, the majority leader will be required to offer a piece of legislation that would have 50 hours of debate, where we would have to go back to 2007 spending levels. Why 2007? Well, 2007 was the last year we had a robust economy. It was not until December of that year that we entered into recession.

When I talk with most Floridians, they would be happy to have the money they made in 2007 as income in 2010. It was before the stimulus. It should be enough for us to live off of. And it is not as though things were being done efficiently and effectively in 2007. It is not as though someone was going into the agencies trying to chop out waste and abuse, set priorities. It was not being done then, either. So there should be plenty of wiggle room.

So if we go back to 2007 level spending at \$2.729 trillion, by 2013 we would balance the budget, and by 2020, instead of having a \$25.7 trillion national debt, we would cut the current national debt in half, and it would be somewhere around \$6 trillion, and we would save America.

What this amendment does, what this proposal does, is require the majority leader to offer an amendment where we will have 50 hours of debate on the floor of the Senate—as they will in the House—to set spending levels at 2007 levels. And guess what we are going to have to do then. We are going to have to be adults. We are going to have to be leaders. We are going to have to make decisions about what is important.

The \$90 billion Washington spends every year to subsidize different businesses around the country—is that important? The billions of dollars that go into earmarks—are they important? Could we not cut 10 percent from each

agency, 20 percent from each agency? The \$100 billion of Medicare fraud a year—could we not combat that? Would we not then have a motivation, an impetus, to actually start doing better by the American people and watching the dollars they send to us, and spending them as if they were our own, and doing it wisely?

My amendment does not say what has to be cut. It does say there will not be any tax increases. We do not need to create more revenue and create more of a problem because, trust me, if we create more revenue, this Congress will spend it. We do not have a revenue problem. We have a spending problem.

Let's have this debate. Who is afraid of a discussion? Let's go back and forth and say what we could cut. Should we cut things in the Department of Defense? Is there not waste, fraud, and abuse in the Department of Defense? Sure there is. Let's cut it. Secretary Gates wants to cut spending in defense. No one wants to cut our capabilities. But are there things we could do without, and do things more efficiently, not just in defense but in every department of government?

There are 100,000 people working at the Department of Agriculture. By best estimate—and it is less than this—there is 1 person at the Department of Agriculture for every 30 farmers. What are all these people doing? Has someone looked under the hood at that agency?

The President is now asking all the agency heads, the Cabinet members, to look for 5-percent cuts, some of which would go toward deficit reduction, some which would go toward other programs they could spend money on. When is the last time we cut any agency? We have not had fiscal sanity in the Congress since the mid 1990s when we balanced the budget. We are talking 13 years, 14 years. Someone needs to look under the hood of these agencies and set priorities.

This amendment will require that discussion to happen. We are going to have to look at the entitlement programs.

We are going to have to look at Medicare. We are going to have to look at Social Security. This is not a popular thing to talk about. You are not going to see my colleagues come to the floor of this body and talk about reforming entitlements because it is politically dangerous. But the truth is, if we do not reform them, they are not going to be there for our seniors in the generations who follow. We are going to have to have the courage of our convictions. We are going to have to care about the next generation more than we care about the next election.

I hope the 2007 Solution will pass. It does not require any specific program be cut. It just requires that we have a debate about it every year. If the majority leader does not introduce it, the

minority leader can. If the minority leader does not introduce it, any Senator can. There would be 50 hours of privileged debate. It can go through committees, but only for 30 days so it does not get stuck in the committees. It would require a three-fifths majority to pass. That is a peculiarity of the Senate—our 60-vote rule. So it makes sense, and it is consistent with the history and the precedents of this body.

I want to conclude with this: For us to be here and to do anything else, without tackling this debt issue, is unfair to the American people. I have four little kids. My wife and I just welcomed a new daughter into the world. It is our first daughter because we have three young sons. My greatest fear is that my four kids—or one of the four kids—someday will come to me and say: Dad, I am moving to a foreign country. I am going to Brazil or India or China or—pick your country—because the opportunities in that country are greater than the ones in the United States.

The greatest threat we have to this country today is our inability to control this out-of-control spending. If we do not do it, we will violate the American creed, which is that we leave this country a better place than we found it for each generation that follows.

I hope my colleagues on the other side of the aisle will embrace this amendment. Again, it does not require anything to be cut. It requires a discussion and a good debate on what should be cut. It sets the parameter that if we hold ourselves to that cap, we could save this country. There are folks I know on the other side of the aisle who care about this issue. I have talked to them. This is not a Republican issue. This is not a Democratic issue. This is a moral issue. It is a moral obligation of the people who serve in this body and the one down the hall to fix this out-of-control spending.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I did not intend to speak again, except after hearing my colleague, I do feel it is important to say—I am not speaking to the specifics at all in terms of a proposal—but I do feel it is important to talk for a moment about how we got to where we are with the deficit. Because it is pretty hard to listen to folks who were involved in policies that got us where we are and are now talking to us about how terrible it is as to where we are.

I want to stress, when I came to the Senate in 2001, we were trying to figure out what to do with the largest budget surplus in the history of the country. I was in the House when we made the very tough vote to balance the budget under President Clinton.

Unfortunately, for all of us—I mean that sincerely—rather than doing what

many of us had proposed—which was to take that large budget surplus and take a third of it to do strategic investments in tax cuts and a third of it for investments in things such as health research and education and jobs, and a third of it to prefund the deficit for the future; that was a proposal we had—instead, all of it went to top-down tax cuts for the wealthiest people in the country. It put us in a situation where we had no backup, no surplus. Then we went to war with two countries and put it on the credit card, which we have now used for 10 years.

Then we saw a huge new Medicare entitlement. I certainly believe strongly in providing prescription drug help for seniors, but that was not paid for either. There was item after item after item—until President Obama inherited now the largest deficit.

So as we are trying to dig our way out of this now, it is very disconcerting to hear over and over, with all due respect, about how deficits matter. Deficits did not matter when it was the Republican agenda. And my guess is, if we were talking about another round of huge tax cuts, it would not matter either. It matters now when we are talking about things that middle-class families want. It matters now when we are talking about jobs or the cost of college or whether we are going to be able to have families be able to have a family doctor for their kids—or all the other things. Now it matters. It did not matter—the Wall Street bailout? OK. A people's bailout? A families bailout? Oh, no, no, no, no, that is deficit spending.

I will say this, with all due respect: with over 15 million people on unemployment benefits right now and another how many—who knows—working part time or who completely had to leave the labor market—millions and millions of people—we will never get out of deficit until people get back to work. We will never get out of this deficit ditch until people get back to work and they are back contributing and being a part of the economy and being able to care for their families and being able to get this economic engine going again.

That is a basic philosophical difference we have. It is a basic difference in beliefs that I was talking about earlier today: about whether it is important to focus on people and putting people back to work on things that middle-class families need or now—when it is a different agenda, when we have different priorities and different values, and we are fighting for different people—now, all of a sudden, despite the former Vice President's claim that deficits did not matter, now they matter.

I believe they do matter. I believed they mattered in, I think it was 1997, when I voted for a balanced budget under President Clinton. I believed

they mattered in 2001 when I was a member of the Budget Committee. I voted for efforts to have us be fiscally responsible. And I believed they mattered when we voted to reinstate rules that were taken off for 8 years—that you should pay as you go when you do something. I know we have to make sure we are actually living up to that.

But with all due respect, we have a very different view of the world. Coming from the great State of Michigan right now, our folks would say it is about time somebody focused on them and their jobs and what is happening to their families. That is what this bill is all about that is on the floor. That is what we are all about. I think it is the right course.

I thank the Chair.

Mr. LEMIEUX. Would my friend yield for a question?

Ms. STABENOW. I would be happy to.

Mr. LEMIEUX. Your State has high unemployment and my State does too. I think you are at 14-some percent, and we are at 12 percent. Everybody cares about trying to get folks back to work, but shouldn't we find a pay-for on this bill? Everybody wants to extend unemployment compensation, but why should we put it off on our kids and our grandkids? Is there not \$55 billion we could find to pay for this bill?

Ms. STABENOW. Mr. President, with all due respect to my friend, the reality is that we have an economic emergency in this country. If 15 million people out of work isn't an emergency, I don't know what one is. So I would just fundamentally disagree with the Senator.

In order for something to be an economic stimulus every economist—from Reagan economists to Clinton economists to Bush economists to Obama economists—has said by funding this as emergency spending, we jump-start the economy. For every dollar we put into a family's pocket, we get \$1.60 in economic turnaround, economic benefit because families who are out of work are forced to spend the money that is put in their pockets.

So, no, I would fundamentally disagree. We have had economists testify who would fundamentally disagree with that premise. It sounds good. It sounds good. I wish we had paid for the huge tax cuts that were done a number of years ago. I wish we had paid for that. But right now what we are saying is, where we ought to focus our energies is on taking away the stimulus that comes from unemployment benefits, and somehow we have to get our focus back on people who have lost their jobs. So I fundamentally have a disagreement.

Mr. LEMIEUX. Mr. President, if I could just ask one more question. I don't disagree with the Senator about spending the money; I would like to extend unemployment compensation. But

would my friend not agree with me that there is \$50 billion we could find somewhere in this government, money that has not been spent that is sitting in accounts, wasteful spending, programs that aren't working? Why can't we as a body get down to the business of looking at government and all of the trillions of dollars we spend and find money and set priorities and pay for this?

Ms. STABENOW. I guess I would ask my friend back, would you agree that rather than decreasing the estate tax for less than one-half percent of the public, maybe we should make sure any dollars there should go back to somebody who doesn't have a job and maybe help create a partnership with a business to create a job? Would you say that is a better priority than what is going to be coming up not too long from now on the Senate floor to try to help folks who already make millions of dollars a year?

Mr. LEMIEUX. Respectfully, I think the estate tax issue is a different issue, but I will address it.

Ms. STABENOW. I don't think it is a different issue, with all due respect.

Mr. LEMIEUX. Ma'am, I let you finish. If I may, we don't have an estate tax right now. The joke is, don't go hunting with your children because right now there is no estate tax in this country this year. So we all agree that needs to be fixed.

We have a difference in belief on taxes, but I am talking about just this spending issue. You and I and many of us in this Chamber all agree that we should continue unemployment compensation. People in your State are hurting; people in my State are hurting.

My question is, Is there not \$55 billion we could find somewhere in the more than \$2 trillion that we are going to spend this year—actually, more than \$3 trillion—could we not find an offset so we don't put this upon our kids and our grandkids?

Ms. STABENOW. Finally, I would say before having to leave the floor, I appreciate that in theory. I guess I would ask my colleague to come up with what your list would be of priorities, because—

Mr. LEMIEUX. We will do that.

Ms. STABENOW. From my standpoint, unfortunately, what I see over and over again are middle-class families and folks who are out of work are the ones who get hit over and over again. That is my concern. That is my concern when we get into tax policy, about who we are going to give a tax cut to, who is going to get money back in their pockets. Not too many folks in my State believe it has gone to them. So that is why I raise the estate tax.

In general, I would just simply say we know President after President, Republican and Democrat, has extended unemployment benefits as emergency

spending for decades. I am just very disappointed that now, suddenly, that is trying to be changed.

Thank you, Mr. President.

Mr. LEMIEUX. I thank my colleague for the good conversation, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEMINT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

#### MOTION TO REFER

Mr. DEMINT. Madam President, I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] moves to refer the House Message to accompany H.R. 4213 to the Committee on Finance with instructions to report the same back to the Senate with changes to include a permanent extension of the 15 percent income tax rate on capital gains and dividends under section 1(h) of the Internal Revenue Code of 1986, and to include provisions which decrease spending or increase net revenues as appropriate to offset such permanent extension.

Mr. DEMINT. Madam President, we are obviously considering a tax bill in the middle of a recession, with a lot of folks out of work. Yet we are talking very little about the fact that, within 6 months, tax rates for every American and every business are going to go up. It is already beginning to create uncertainty in our economy. Folks who would otherwise take risks and invest are holding back because of the increase in taxes.

One of the main focuses of what we are doing needs to be on capital gains taxes as well as dividend taxes. Right now, the capital gains tax, in January, is going up—if we do nothing—from 15 to 20 percent. This will discourage investment. The dividend tax will go up from 15 percent to the top rate of nearly 40 percent.

The Heritage Foundation estimates that if we would hold tax rates the same on these two taxes, we would save over 250,000 jobs next year alone.

I am asking my colleagues to consider the urgent need to keep our current tax rates the same, particularly on capital gains and dividends, as we know a lot of seniors are living in part off dividends they receive. If we raise the tax rates on them, it is not going to do anything to help them or our economy.

I am asking that this bill be referred back to committee, that they add this requirement that the capital gains and dividends stay the same, at 15 percent, and bring it back to the floor for a vote.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I want to address my colleagues on a couple of different issues. One would be to speak in support of part of the Coburn amendment, and the second one would be to speak on the issue of taxes.

I want to speak in favor of Senator COBURN's amendment that would repeal a special deal for California. As I have said before, Medicare's payment system for physicians is flawed in many ways. One of those flaws has resulted in unfairly low payments to physicians in my own State of Iowa and many other rural States over the course of many years.

Medicare payments vary from one area to another based upon geographic adjustments made by the Centers for Medicare and Medicaid Services. These adjustments are supposed to reflect the differences in the cost of providing care in different areas and equalizing physician payment. But the geographic adjusters have been a dismal failure. They do not accurately represent the costs in rural States. Instead, they have created unfairly low Medicare rates and have, in fact, even discouraged physicians from practicing in rural areas such as Arkansas, New Mexico, Missouri, Iowa, North Dakota, and maybe, you could say, a lot of rural States.

Last fall, I offered an amendment to reform the unfair formula that has caused these unduly low rural payments during the Finance Committee markup of the health care reform bill. My amendment requires CMS to use accurate data rather than inaccurate proxies to calculate the geographic adjusters for physician practice costs. My amendment was accepted unanimously by the entire Senate Finance Committee, and it was included in the Patient Protection and Affordable Care Act that was signed into law by the President in March. It is a national solution to this problem that has plagued so many rural States.

Unfortunately, the rural equity that my amendment would finally achieve has been endangered by the Democratic majority's sweetheart deals. One of these sweetheart deals was added to the Senate health care reform bill that is now law. This special deal was added behind the closed doors of the Senate majority leader, and it addressed the unfairly low payments in rural States. It was included in the Senate health reform bill for two of my Democratic colleagues from so-called frontier States. It is what I call the frontier freeloader

provision. And it can be called that because it just helped five States at the expense of 45 others.

The frontier freeloader deal gives higher Medicaid payments to just five States—North Dakota, South Dakota, Montana, Wyoming, and Utah—and it is at the expense of every other State. Even though Iowa, New Mexico, Arkansas, Missouri, and other rural States do not benefit from this deal, they have to pay for it. Here we are. Taxpayers in your State and mine—all the other 45 States—have to kick in to pay the \$2 billion for higher Medicare payments for these 5 so-called frontier States. This is another example of how the secret deals made by the Democratic majority leader to get votes during health care reform led to bad policies such as the “Cornhusker kickback,” the “Louisiana purchase,” and the Florida “Gator aid.” I introduced legislation in April to repeal this sweetheart deal for frontier states. My bill, the Medicare Rural Health Care Equity Act, would eliminate this special deal for these five States. We should improve physician payments for all rural States, not just a select few.

The Coburn amendment would address a similar concern—yet another special deal for just one State has been included in the Democrat’s tax extender bill. Section 522 of the Democratic substitute would provide \$400 million over 10 years to create yet a new system for calculating payments for physicians in rural areas, but you know what, only in one State—California. This is just one more example of the sweetheart deals that have permeated the Democratic leadership’s efforts during these times. Will these special deals ever stop? I strongly oppose these sweetheart deals, and I will continue to speak out against them, and I will continue to work to pass legislation to repeal these special deals, such as the Medicare Rural Health Care Equity Act, that I introduced this year.

That is why I strongly support the amendment by my colleague from Oklahoma to strike this \$400 million sweetheart deal for California from the bill, and I urge my colleagues, especially those from other rural States, to do the same. You see, what happens here when you start doing something for 1 State here and 5 States over here—there are about 30 States, maybe 35 States that have similar problems. We ought to attack these similar problems with the same principle, as I see it.

As I said, I wish to continue to address my colleagues on the subject of time-sensitive tax legislative business. I have already spoken on other items. I have a chart here that says what the four items are that are time sensitive that we ought to be working on and how far we have gotten on some of them. Obviously, as you can see from

the Xs there, we have not gotten very far on most of them.

Last week, I discussed the unfinished tax legislative business. This chart gives you an update of the legislation before the Senate. It deals with only one small, however important, part of unfinished tax legislative business.

These tax extenders are on their second Senate stop. This is the bill now before the Senate. As this chart shows, the tax extenders which are overdue by almost half a year are not alone. There are three other major areas of unfinished business.

One area is the one I discussed a couple of days ago—the alternative minimum tax, the AMT patch. That issue, if you do not deal with it, is going to raise the taxes of 24 million Americans, middle-class Americans who, frankly, were never intended to pay the alternative minimum tax. If we do not fix it, 24 million people are going to see their taxes go up.

Yesterday, I addressed the issue of the death tax. That is an area which is very important. I took a lot of time of my colleagues last night to explain the issue and particularly the impact on small, family-owned businesses that may be sold off because we do not have a good estate tax policy.

The third area and the one I am going to address now is the 2001 and 2003 tax rate cuts and family tax relief package. That is the one that, if Congress does nothing between now and December 31, starting January 1, 2011, the American people are going to have the biggest tax increase in the history of the country and without even a vote of Congress. Existing law, with the tax reductions of 2001 and 2003, sunsets. “Sunset” simply means that if Congress does nothing, the biggest tax increase in the history of the country happens without us even casting a vote here in the Senate.

As important as the AMT patch and the death tax are, these two I just mentioned are dwarfed by the impact of this third package of expiring tax provisions. I am referring to the marginal rate cuts and the family tax relief of the bipartisan tax relief that was enacted in 2001 and 2003. Efforts to make these tax relief packages permanent were rebuffed. The resistance was the result of a hard and determined minority back then, marshaled by the Senate Democratic leadership. It was reflected in the budget resolutions offered in filibusters.

Even more inexplicable than the Democratic leadership’s failure to extend popular and bipartisan tax relief enacted in 2001 and 2003 were some of the reasons given. It was basically said that since Republicans wrote the law, it is our—meaning Republicans—problem. The left wing of the blogosphere echoed the Democratic leadership’s position.

Some of those reflections in the blogosphere even alleged that the sun-

set was a Republican conspiracy. I came across a 2007 posting on Daily KOS blog. The posting referred to the provisions of the Tax Increase Prevention and Reconciliation Act of 2005, which was enacted in May 2006. That legislation contained two basic pieces. One was an extension of lower rates for capital gains and dividends. Another was the extension of the alternative minimum tax patch. The poster’s analysis concluded that the bill was a “poison pill” designed—can you believe it—to sabotage the economy, which supposedly would increase the prospects of Republican candidates in 2012. I know that sounds a little far-fetched, but that is what the KOS posting on their blog said. The argument seems to be that having popular and bipartisan tax relief from 2001 and 2003 all sunset at the end of 2010 would cause such an economic mess that the Democrats, assumed by the posters to be in power at the time, will take the blame and suffer at the polls.

In the posting titled “The Monster Republican Tax Hike,” the poster stated that:

Republican Congresses chose not to make their tax cuts . . . permanent.

The argument seems to be that Republicans put sunset clauses in the bill solely to improve long-term budget projections and that responsibility for the expiration of tax relief rests completely with Republicans. The implication is that by lowering taxes, Republicans are responsible for a tax increase that would occur when the Democratic majorities control both Houses of Congress. That is a little far-fetched because it is just some sort of conspiracy that you can control the electorate and these things are going to exactly work out this way. That is obviously stupid, but that doesn’t keep bloggers from talking—whatever they want to believe.

The commentaries I just referred to are available to anyone in the April 12, 2007, edition of the CONGRESSIONAL RECORD.

I have heard some Members on the other side as well as key staff have made similar assertions. As one who was involved in the writing of these tax relief plans of 2001 and 2003, I want to tell my fellow Senators without reservation that these assertions are absolutely untrue, besides being ridiculous. To begin with, it is completely ridiculous to suggest that President Bush and Republicans in general did not intend or desire the permanence of tax relief. President Bush and Republicans in general have favored tax relief permanence. You need to look no further than the budgets to which I referred. The administration and Republican Congress budgeted for extension of the bipartisan tax relief provisions. That action affected the bottom lines of those budgets.

We heard over and over the criticism of those budgets. We heard it from the

Democratic leadership, liberal think tanks, and some sympathetic east coast media. As a matter of fact, after 3½ years of congressional control, we still hear the Democratic leadership's criticism every day. Just recently, the Speaker of the House was asked when the Democratic leadership would cease laying the blame for all fiscal problems on Republican budgets of the years 2001 to 2006. MSNBC's Chuck Todd recently interviewed the highest ranking Democrat in the House. Mr. Todd asked if there was a statute of limitations on placing responsibility on the Presidency of Mr. Bush.

At what point do you think the public says something [like this]? "You know what, yes, we were unhappy with the Bush administration . . . [but] stop blaming the Bush administration."

Mr. Todd went on to say:

When does that run out?

But then the Speaker specifically replied:

Well, it runs out when the problems go away.

The blame game is no substitute for doing the job you have been hired to do. People elect folks to public office to do—what? To govern; govern at the will of the people. Governing is not just about enjoying the benefits of public office. This is a public trust we hold. We work for the American people; they don't work for us. Part of governing is also about making choices. Some of those choices are tough, as we know, and those of us in public life need to be accountable for those choices.

The Democratic leadership cannot have it both ways. They cannot continue the bipartisan tax relief and not be responsible for the deficit impact those policies carry. No family can make decisions about its budget and evade the consequences by blaming their next-door neighbors. No business can make decisions about its budget and evade the consequences by blaming a competing business. The fiscal consequences are an important part of that decision.

The statutory pay-go or pay-as-you-go regime was enacted as part of the last debt limit increase. It covers only part of the revenue loss of making permanent the bipartisan tax relief plans of 2001 and 2003. For instance, the alternative minimum tax patch is extended for only 2 years. Death tax policy is extended at 2009 levels only through 2011. How do you plan estates when you only have a tax law in place for 2 years?

Even with those limitations, the Joint Committee on Taxation states: Complying with the pay-go rule means a revenue loss of over \$1.5 trillion over 10 years.

I ask unanimous consent to have printed in the RECORD a copy of the Joint Committee on Taxation's estimate of the tax relief covered by statutory pay-go. And this is a summation of that.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

8-Mar-10 11:08AM

#10-2 026  
VERY Preliminary  
8-Mar-10

- Committee on the Budget -  
ESTIMATED BUDGET EFFECTS OF ADJUSTMENTS FOR CERTAIN CURRENT POLICIES AS OUTLINED IN  
THE, "STATUTORY PAY-AS-YOU-GO ACT OF 2010"

Fiscal Years 2010 - 2020

*[Millions of Dollars]*

Provision	Effective	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-15	2010-20
<b>Make Permanent Certain Tax Cuts Enacted in 2001 and 2003:</b>														
A. Permanently Extend Capital Gains and Dividends 0%/15% Rates for Certain Taxpayers.....	tyba 12/31/10	---	-1,766	-8,329	-10,010	-10,555	-11,018	-11,368	-11,748	-12,158	-12,559	-12,976	-41,677	-102,488
B. Permanently Increase the Maximum Amount and Phaseout Threshold Under Section 179 that are Scheduled to Expire After 2010.....	tyba 12/31/10	---	-2,789	-5,110	-4,479	-3,871	-2,948	-2,018	-1,330	-1,009	-989	-1,150	-19,197	-25,693
C. Reductions in Individual Income Tax Rates	tyba 12/31/10	---	-30,815	-44,810	-45,811	-46,779	-47,159	-46,966	-46,779	-46,351	-46,121	-45,778	-215,375	-447,369
1. Retain 10% bracket [1] .....	tyba 12/31/10	---	-12,649	-18,824	-19,884	-20,960	-21,642	-21,847	-21,867	-21,686	-21,592	-21,602	-93,960	-202,553
2. Retain the 25%, the 28%, and part of the 33% income tax bracket.....	tyba 12/31/10	---	-9,047	-45,389	-46,094	-46,498	-46,695	-47,068	-47,531	-47,872	-48,303	-48,645	-193,724	-433,144
D. Extend the \$1,000 Child Tax Credit, Refundability, and AMT rules [1] .....	tyba 12/31/10	---	-6,343	-13,553	-13,724	-13,784	-13,720	-13,508	-13,306	-13,187	-13,064	-13,075	-61,124	-127,266
E. Marriage Penalty Relief [1] .....	tyba 12/31/10	---	-792	-1,664	-1,714	-1,809	-1,913	-2,072	-2,178	-2,281	-2,361	-2,358	-7,892	-19,142
F. Education Incentives [2] .....	generally 1/1/11	---	-184	-668	-692	-704	-709	-712	-715	-728	-735	-740	-2,956	-6,586
G. Other Incentives for Families and Children [1] [3] .....	tyba 12/31/10	---	-167	-355	-398	-441	-481	-511	-537	-558	-579	-604	-1,841	-4,630
H. Repeal Overall Limitation on Itemized Deduction and the Personal Exemption Phaseout for Certain Taxpayers .....	tyba 12/31/10	---	-64,552	-138,702	-142,806	-145,401	-146,285	-146,070	-145,991	-145,830	-146,303	-146,928	-637,746	-1,368,871
<b>Total of Make Permanent Certain Tax Cuts Enacted in 2001 and 2003.....</b>		---												
Estate and Gift Options - Extend 2009 Estate and Gift Tax Through 2011 and Index the Exemption Amount .....	tyba 12/31/09	34	4,901	-17,351	-1,007	-110	-444	-32	112	128	132	136	-13,977	-13,501

Page 2

Provision	Effective	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-15	2010-20
Increase AMT Exemption Amount and Allow Personal Credits Against the AMT to Hold Number of Taxpayer Affected by the AMT at the Same Number Estimated to be Affected by the AMT in Tax Year 2008, Expires 12/31/11 .....	tyba 12/31/09	-6,404	-79,562	-68,137	16,978	---	---	---	---	---	---	---	-137,126	-137,126
<b>NET TOTAL .....</b>		<b>-6,370</b>	<b>-139,213</b>	<b>-224,190</b>	<b>-126,835</b>	<b>-145,511</b>	<b>-146,729</b>	<b>-146,102</b>	<b>-145,879</b>	<b>-145,702</b>	<b>-146,171</b>	<b>-146,792</b>	<b>-788,849</b>	<b>-1,519,498</b>

Joint Committee on Taxation

NOTE: Details may not add to totals due to rounding. The date of enactment is generally assumed to be July 1, 2010.

Legend for "Effective" column:

dda = decedents dying after

gma = gifts made after

tyba = taxable years beginning after

## [1] Estimate includes the following outlay effects:

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011-15	2011-20
Retain 10% bracket .....	---	---	1,221	1,297	1,382	1,511	1,588	1,624	1,683	1,710	1,762	5,411	13,778
Child credit .....	---	---	26,129	26,055	25,888	25,635	25,651	25,948	26,101	26,418	26,619	103,707	234,444
Marriage penalty and EIC part of marriage penalty .....	---	---	5,740	5,787	5,775	5,767	5,830	5,939	6,073	6,231	6,360	23,069	53,502
Other incentives for families and children .....	---	---	81	252	255	253	249	243	243	240	233	841	2,048
Total Outlay Effects .....	---	---	33,171	33,391	33,300	33,166	33,318	33,754	34,100	34,599	34,974	133,028	303,772

## [2] The provision that permanently extends the exclusion for undergraduate courses and graduate level courses is included in the Education Incentives line and includes the following effects:

Total Revenue Effects .....	-706	-964	-992	-1,023	-1,053	-1,085	-1,117	-1,151	-1,185	-1,221	-4,738	-10,497
On-budget effects .....	-460	-653	-671	-692	-713	-734	-756	-779	-802	-826	-3,189	-7,086
Off-budget effects .....	-246	-311	-321	-331	-340	-351	-361	-372	-383	-395	-1,549	-3,411

## [3] Estimate includes extension of the adoption tax credit, employer-provided child care tax credit, and dependent care tax credit.

Mr. GRASSLEY. The expiring tax relief I am talking about today includes the marginal rate cuts and family tax relief. Under the statutory pay as you go, the amount permitted in this area is about \$1.4 trillion as you can see at the top of the chart on the right. It covers about 80 percent of extending all of the marginal rate cuts and family tax relief from the 2001 and 2003 bipartisan plan.

That number makes sense because the bipartisan tax relief plans cut taxes for virtually every American family who pays income tax. How significant and how widespread is this tax relief? This chart here, drawn by the Congressional Budget Office—and I want to remind people throughout the Nation that CBO is a professional group of people who see numbers as what they are, void of politics, and make predictions. So I hope this may shed some light on the question of how significant and widespread is the tax relief.

The line measures the effective tax rate paid by the top 5 percent of the taxpayers. That is at the top, the top line. This group roughly represents those taxpaying families with incomes over \$250,000. Under the Democratic leadership's budget, this line will go back up to where it was in the year 2000. That is also where the President's budget, meaning President Obama's budget, and the statutory pay-as-you-go regime would take the rates.

The Republicans believe this significant tax increase will be a mistake. We hope we will be able to debate this policy in the House and Senate, in committee and on the floor. That was, after all, the process that was followed when the bipartisan tax relief plans were passed in years 2001, 2003, and 2005.

We will point out that about half of the heavy tax increases will fall on small business owners. The top marginal rate on small business owners will rise by 17 percent. Democrats and Republicans agree, small businesses are a key job creator of the future and for a long period of time in our country. President Obama correctly points out that small business creates 70 percent of new jobs. I do not argue with his percentage.

The rest will also hit investment hard. The top capital gains rate will rise by 33 percent. The top dividend rate could rise by almost 275 percent. All of this is set to occur not at some far distant future point, it occurs a little over a half a year from right now.

We all hope the economy is on a path to recovery. But does this heavy tax increase on small business owners and investments ever make sense? Because even the most liberal Members on the other side might wonder whether it makes sense right now to increase taxes at this time. Is the recession ending? There is good news some days, bad news some days. But the uncertainty is a factor that people do not want to

move forward with investment and creating jobs.

Do we think then that the private sector will grow if we hit small businesses and investors this hard 6 months from now? They are not going to wait 6 months from now to make some decisions. They are making those decisions right now. If we can give them some certainty, I think it would be a big boost for our economy.

You can see that the broad bipartisan tax relief brought the effective rate down with respect to the bottom 95 percent of taxpayers. This is the red line. Some of my colleagues on the other side of the aisle may be thinking to themselves, sure, this is true for income taxes. But what about other Federal taxes such as Social Security, which make up a large percentage of the taxes paid by middle and low-income individuals?

Well, this chart is not just a depiction of Federal income taxes, it includes all Federal taxes. This includes Social Security, other payroll taxes, excise taxes, frequently referred to by my colleagues on the other side of the aisle as regressive taxes, everything, including all Federal taxes over the last 30 years.

The top 5 percent has paid a lot higher effective tax rate than the bottom 95 percent. It has been that way no matter which party has controlled the White House or controlled Congress or controlled both. It shows something you would never know if you listened to the rhetoric from the other side or even the punditry of the media and the left.

Here is what it shows: A progressive income tax system is very deeply embedded into our culture. The bipartisan tax relief plans of 2001 and 2003 made the system yet more progressive. Those plans brought the rates down for the bottom 95 percent of taxpayers. The 2001 and 2003 tax relief plans dropped the effective tax rate for taxpaying families under \$250,000 to their lowest levels in a whole generation.

This is the current law level of taxation. In a little over half a year, these rates will pop back up for all of these taxpayers. I have a couple of charts that illustrate how significant the tax hit will be. Middle-income families will run right through these tax walls. I have used these charts several times in the last few months.

For a family of four with an income of \$50,000, that is a tax wall of a \$2,300 tax increase. For a single mom with two kids earning \$30,000, that tax wall will be \$1,100. The President, as powerful as he is, cannot unilaterally hike or cut taxes. He needs a bill from Congress to do that. On our side, we want all of the tax relief made permanent. We want the opportunity to debate and to amend a bill that deals with this basic level of taxation.

As has been made clear for the last 3½ years, Republicans do not control

this Congress. We cannot decide the fate of the marginal rate cuts and family tax relief. This is unfinished business. It is unfinished tax legislative business that affects every American taxpayer. It will have fiscal consequences. They are pretty significant fiscal consequences, as you can see by the figures on this chart. That is going to raise taxes an awful lot. If the Democratic leadership wants to keep these levels of taxation low, then they have to deal with the fiscal consequences. Alternately, the Democratic leadership can raise taxes and claim the revenue.

Not changing the law by failing to act is the same as raising rates on virtually every American taxpayer. But they will have to explain to the taxpayers why they raised taxes by almost 10 percent, on average. In the 2006 election, almost 4 years ago, the American people provided the Democratic leadership with control of the Congress. In the 2008 election, over 18 months ago, the American people provided the Democratic leadership with yet the largest majority in more than a generation. They also provided the Democratic leadership with a President of their party.

The Democratic leadership spent the periods of 2001 to 2006 thwarting our efforts to make bipartisan tax relief of 2001 and 2003 permanent. It would seem okay to keep Republican bills from 2001 through 2006 from being made permanent, but the 2001 tax bill was very bipartisan.

Upon assuming control, they have spent 3½ years with no legislation to make permanent or even extend marginal tax rates and family tax relief packages. My friends in the Democratic leadership need to step to the plate. We have had budgets and statutory pay-as-you-go. We have debated this and voted on the breadth and composition of marginal rate cuts and family tax relief in those contexts, yet no legislative action; no House committee and floor action; no Senate committee and floor action. And that would be the bottom line there. The Xs show nothing happening on something to give permanence to tax law, to give predictability to the future of those people who have to put up money to create jobs that expand our economy.

Without it, the biggest tax increase in the history of the country could be a fact. So I say once again, step to the plate. Blaming former President George W. Bush and Republican Congresses of many sessions ago is no substitute for running this time-sensitive tax legislative business through the process. Put forward proposals. Let us debate those proposals. Let's allow for amendments. Allow votes on amendments. Do the people's business. It is time to check every one of these boxes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I offered a rather lengthy amendment to this bill, not because I was trying to be cute, but I think the American people have got to hear from us on whether we are going to make some of the commonsense changes they would expect us to make.

There are a lot of easy votes in this amendment. I mean, to not pay contractors when they do not deserve to be paid, whether to continue to do it, we did it to the tune of \$6 billion at the Pentagon in the last 6 years. That is not hard.

To quit printing and wasting money on printing things we should not be printing, that is not hard. But the debate is.

It is just as important as taking care of those people who are unemployed. If we don't cycle through to a good recovery, we are going to have less opportunity to borrow money to help those people who are unemployed. We now stand at a crossroads we have never been at before. Our gross debt is in excess of \$17 trillion. Our net debt is at \$13.2 trillion. The difference between that is the money the Congress has stolen from Social Security and myriad other trust funds that are much smaller. But we have borrowed it and put a piece of paper in that says: We will pay you back.

The fact is, we have to pay interest. It is compounded. We will eventually have to pay it back. Only in Washington would we talk about net debt when, in fact, we are paying interest on the gross debt.

We had testimony before the debt commission 2 weeks ago by Dr. Reinhart, one of the leading economists in the country, who said we are in excess of 90 percent of our GDP, our debt. What did they tell us? We are struggling with a recession. We are trying to come out of a recession. They told us with that much debt, it is suppressing the growth of our economy by 1 percent a year. One percent a year is \$170 billion in productivity and economic activity that didn't happen. If we calculate that in terms of jobs, that is about 3 million jobs that are not going to be created next year because Congresses before us and this one as well have refused to live within their means.

We have, in terms of Washington, a relatively small bill now, \$100 billion plus. It was pulled from the floor to make it smaller—not to pay for a significant amount more, just to make it smaller—when, in fact, what the American people want us to do is find something within the Federal Government that doesn't make sense, don't borrow it from our children, do the hard work of finding what is not working here.

We are going to have a cloture vote on this legislation. My hope is, unless we change this bill, that this bill does not proceed until we accede to the de-

mands of the American public. It is simple: Congress, start living like we are living. Start making the hard choices. When you have a limited budget, do what is most important first. Do what is least important last. Get rid of waste, get rid of things that should have been gotten rid of a long time ago and do what is best for the future.

We are not doing that with this bill, and we can't get anybody to debate on the other side. They will not defend it. You cannot defend borrowing \$50 billion more against our children and grandchildren when we have \$300 billion of waste, fraud, abuse, and duplication in the government right now that we have rejected every time when those amendments come to the floor. You can't do it.

So we play the political game in Washington. We had it in February, when our colleagues passed pay-go. It is really to pay-go or not to pay-go. What pay-go means is, you American taxpayers, you pay, and we will go spend your money.

The statute said we would no longer spend new money on anything unless we paid for it. Since February 12 when this bill was signed into law, on February 24 we borrowed \$46 billion. We waived pay-go. We said the rule doesn't apply now. This is more important. It was the highway trust fund. Rather than cut some of the waste, fraud, and abuse, rather than cut out some of the things that are duplications, we borrowed that from our grandchildren. We did it twice in March, \$99 billion out of the Senate and \$10 billion. One was for an extension; one was for the overall tax extenders. We didn't quit there. April came, \$18 billion more. May came, May 20, we did \$20 billion more. Pay-go didn't apply. We waived it. We said it doesn't count. The rule doesn't count.

What good is it to have a rule or a statute that says we are not going to steal from our children anymore, and every time something comes up we steal from our children? It is a farce. It is meaningless. That is why we didn't vote for it, because it was just a charade to tell the American people somebody was doing something they actually weren't.

The proof is in the pudding. Then we borrowed \$59 billion on May 27. Now we have a bill out here on June 17 that is going to borrow another \$50 billion. How valuable are the lives of our children that we would steal opportunity? That sounds like a fallacious claim. It is not.

I want you to meet Madeline. Madeline is a little girl. I saw this on the Internet. I actually got to meet her. Her sign actually said \$37,000 6 months ago. In the last 6 months, she has gone from owing \$37,000, every individual, man, woman and child in this country, to owing \$42,000. What is her life worth? What is the opportunity for her worth?

Are children just a toy, or do we owe it to them, based on what has been given to us, to create opportunity and a chance for a better life for the Madelines of this country?

The problem is, as we are set up right now, 9 years from now, that number is going to be \$187,000 per man, woman, and child. In 25 years, if we don't change what we are doing—and we will change because the world financial community will quit loaning us money—it will be over \$1 million.

Put your calculator on for a minute and calculate 6 percent of 1 million. That is the interest cost for what we will have spent in money that we didn't have per person in this country. That is \$60,000 25 years from now that every one of us who is still alive will be paying each year just in additional interest before we do anything with the Federal Government.

This government is so far out of control. It is not President Obama's fault, it is the Congress's fault. Presidents can't do things without us. We allow it or don't allow it. We have been rebellious against the principles and values that made this country great. There has never been a country that has achieved—economically, culturally, and scientifically—anything close to what we have created. Congresses are destroying it. This bill is another drop that will eventually turn the statute over that says the future is not here.

This isn't a partisan debate, this is a generational debate. We are thieving. Generational theft is what we are about because we lack the courage to confront the real problems we have and embrace, though it may cost us politically, doing the right things to ensure an American dream for the Madelines of this world. We are failing to do that. What an abandonment of our oath, what a rejection of what was given to us. Yet we have the gall to come out here week after week and spend money we don't have on some things that are necessary, some that are not, but that allow us to continue to spend billions of dollars on things that we should not be spending it on because, basically, we lack courage. It is cowardice.

I am committed not just to Madeline. This doesn't have anything to do with the Republican or Democratic Party. It has to do with the survival of our country as we know it.

Yet we continuously hear: No, we can't. We can't do this. We can't do this. We can't get rid of the easy things to get rid of because somebody well heeled or somebody well connected somewhere doesn't want us to. So who runs the country? Do the people of this country control us or is it the well heeled or the well connected or those who will be advantaged by us continuing to waste money?

Is it a fact that we spent \$6 billion over the last 5 years paying performance bonuses to companies that contract with the Federal Government on

performance they didn't earn, and we will not pass a law in a bill that says they can't do that anymore? Who is getting that money? Whose palms are we greasing? The fact is, we will not vote that out of here and say it isn't going to happen anymore. You are either going to perform under your contract or you are going to lose the contract, and we are not going to give you bonuses for not performing. Yet three times the Senate has voted that down.

Who benefits? It certainly isn't the average American. It is some corporate client somewhere who has too good of a sweetheart deal contracting with the Federal Government and has allies within the Congress who say: We will protect you on the basis of having helped them in a campaign before. Do we want a future or do we want well-heeled buddies for the short term when it all collapses around us?

What we are is addicted to bad behavior. We are addicted to spending money that we don't have on things we don't need. We are addicted to not confronting the very real problems in the government. Again, it is not President Obama or President Bush's fault. Congress has that responsibility. We reject our responsibility. We have abandoned our responsibility and, with that, our integrity by not doing what we should do.

As a physician, I know what addictive behaviors are all about. What do we need to do? One of the things President Obama wants us to do that we refuse to do is to end no-bid contracts. Let's end the sweetheart deals. Let's get rid of the no-bid contracts that the well connected, well heeled get to have at a higher price than what we would pay if we competitively bid it. Why don't we do that? That has been voted down by this body as well twice; we can't do that; we have to protect our friends; we are more interested in protecting our friends than we are in saving the country. Eliminate bonuses to contractors. I talked about that. Determine the total number, cost, and purpose of every Federal program. The Government Accountability Office can't give us that number. It is too big. The Congressional Research Service can't tell us all the government programs, what their cost and what their purpose is.

We did get through, late last year, an amendment that is going to force the Government Accountability Office to tell us. Do you know how long it will take them to tell us? Three years. That is how big the problem is. With all their resources, it is still going to take them 3 years to tell us all the government programs.

What do we know that I found out and my staff has found out in researching this over the last 5½ years? We have identified at least 640 different areas where there are more than five programs that have the same goal run by different agencies in the Federal Government.

We know, for example, right now some American people are struggling and a lot of people are actually having trouble getting enough food. So we have to guess how many programs to help feed those people who are needing food? Across six different Departments, we have 70 government programs. Not one of them has a metric on it to say: Are you effective? How do you measure your effectiveness? But we have 70 sets of overhead in the Federal Government to do exactly the same thing.

You may say, How in the world did that happen? I will tell you how it happens. Some constituent comes up here and says: Here is a problem. Oh, yes, it is a problem. We do not research it to see what the Federal Government is already doing, so we author a bill. Because nobody wants to keep food away from the hungry, we pass a bill, not knowing that we already have 69 other programs. That happens time after time after time, still today, because we do not know what we have.

In math, engineering, science, and technology, which is where we would like for lots of our young people to go, we have documented 105 different programs that are funded by the Federal Government to incentivize our young people to go into those areas in eight different government agencies, eight different government Departments. Not the Department of Education—some of them are in there—but in every area. Why? Yet we do not want to do the hard work of eliminating those.

Let's identify the 105, and let's cut it to one. Let's put metrics on it. Let's have just one set of overhead. Let's accomplish that.

We have added 160,000 Federal employees in the last 16 months. Every business I know out there is doing more with less. That is not a denigration to our Federal employees. It is embracing reality that we cannot continue to add Federal employees. We cannot afford the government we have. Forty-three cents out of every dollar the Federal Government spends today is borrowed from China or Russia or countries with sovereign bank accounts, many of which would like to see us end. Can we continue to do that? Can we continue to have 40 percent of everything we are spending borrowed?

What we do know is, necessity becomes the mother of invention, and if we put the clamps and the brakes on both the growth and the size and the total amount the government spends, we will get more for the same amount—but not until we try, not until we mandate it has to happen.

Limit the overhead costs of the Federal programs. The overhead and the layers of duplication are unbelievable. A tremendous amount of savings can be done. I just visited with a three-star general who is working inside the Pentagon. One of the areas where I want to

see us eliminate \$50 billion a year in spending is inside the Pentagon because they have that much waste. They are going through a process now to look at where they have redundancy. Do you know what. They are finding it everywhere. But the Pentagon is so big, unless you look for it you are never going to see it.

So we now have the military starting to do what they finally need to do. They have never done it before—starting to look at redundancy, starting to look at good management, best practices, to create efficiencies so more dollars can defend us and less dollars will be spent on overhead. We need to do that government-wide, but especially in the Pentagon because it is our greatest discretionary cost with the exception of interest.

Disclose the cost, purpose, and text of legislation that is considered by Congress. There should not be a bill that comes before Congress that we do not adequately and accurately know what it is designed to do. Have a measurement on it so we know it did what we designed it to do, know what it is going to cost, and then force ourselves to evaluate it.

This is the 111th Congress. In the 109th Congress, I held 47 oversight hearings. That was more oversight hearings than the entire rest of the Senate combined. You see, we do not want to do the oversight because it is hard work and you do not get great press clippings. It does not help your campaign, your political career. But we were not sent up here for a political career. We were sent here to do the best, right thing for the country as a whole.

Most of the problems we are seeing are parochial in nature, where we have concentrated on what is best for our State at the expense of what is best for our country. I would posit that my State, Oklahoma, and the Presiding Officer's State cannot be healthy if the country is not healthy. They cannot be. Yet when our focus becomes more parochial than national, we actually undermine our future as a country.

No. 8, require the Congress to justify the creation of new government programs that duplicate existing ones. I am notorious for not letting bills get to the floor because they duplicate something that has already been done. We have created a new program, but we did not eliminate the old one, so now we have both of them running. I usually get beat. I usually get rolled with 60 votes and we create the new program. But we never eliminated the one that was not working, and we never changed the one that was not working. So we just create another program.

Mandate that Congress has to do oversight—has to do it. It must do oversight. We can do that by changing our rules. But we do not have any interest in changing our rules. It is easier to coast and not do the hard job of oversight.

I will just finish up.

One of the things I have thought about—I am not sure it will be helpful, but right now in the trouble we are in, everybody who walks through this Capitol ought to be informed of how much debt we owe and what it is per person. We ought to have that. It is in my office. If you walk by—the Rules Committee will not let me put it in the hall; they say it does not look professional—I have a computer screen where, if you walk by my office, you can see the national debt clock ticking. Your eyes will roll as fast as it is coming up. Remember, we are borrowing about \$4 million a second. That is how fast it is going up.

So, anyhow, there are a lot of things we can do to stop the addiction.

I see the Senator from Georgia.

I ask the Senator, did you want to have some time? I will be happy to yield to you if you would yield back to me.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, I thank the Senator from Oklahoma for yielding. I will be brief.

But I spend a lot of time, as all of us do, listening to the speeches of our colleagues. I spend a lot of time thinking about what they say. I was compelled to come to the floor, as I heard the opening remarks by the Senator from Oklahoma, to tell a little story.

Talking about grandchildren, my wife and I are blessed. We have nine of them. This past Tuesday, June 15, was our 42nd wedding anniversary. Really, the rest of my life is about those grandchildren, to whatever extent I can do it, either as a grandfather or a legislator, trying to make sure we leave them a life that at least has the hope of opportunity as great as was left to all of us by the generations who preceded us.

A few weeks ago, in Albany, GA—actually a few months ago—I was making a speech, as all of us do, and used “a trillion” as easily as all of us do in our speeches. After my speech, I opened the floor for questions, and a gentleman at the back of the room said: I just can’t quite get my hands on how much a trillion really is. Can you explain it?

I was up there doing the best I could. I got the number of zeroes past a billion, and all this. But I could not quantify it to magnify the gravity of what that number means.

So when I got home that night, my wife of 42 years suggested: Why don’t you just figure out how many years have to go by for a trillion seconds to pass? I said: You know, that is a good idea. Everybody would understand that.

So I got the calculator out and multiplied 60 times 60 to get how many seconds are in an hour, 3,600; multiplied that by 24 to get how many seconds are in a day; multiplied that by 365 to get

how many seconds are in a year. Then I divided that into 1 trillion. The answer is it would take 31,709 years for 1 trillion seconds to go by.

Thursday, 2 weeks ago, our debt went above \$13 trillion. So you can take that and multiply 13 times 31,709 and see how big that obligation is. If you spread it over a lot of people, you can reduce the number down to an amount that does not seem as big, but we are one country. It is our debt. To pay it off we do one of either three things: We inflate the dollar to a value that is so cheap that what everybody has is worthless, and you pay off the debt with cheap dollars, but you destroy your country or you can just look the other way and say: Well, maybe nobody else will care. Maybe they will still buy our debt. We are going to keep spending, which is kind of what appears to be happening now or you can do what American families have been doing all their lives, but in particular the last 18 to 24 months: you sit around the kitchen table—and in this case we sit around the conference table—and you start setting your priorities to live within your means.

I just want to commend the Senator from Oklahoma because his examples about accountability for expenditures, doing away with redundancy and all those things—yes, that is hard to do, and, yes, it is tedious to do, and, yes, it is more fun to talk about other things, but that is what Americans are having to do, and they are having to do it big time right now.

So I just could not help but come to the floor, having just celebrated my 42nd wedding anniversary. Well, I did not get to celebrate it because I was here and she was in Marietta, but we are going to celebrate it this weekend. Thinking about my nine grandchildren and thinking about the challenges of the debt that is rising and the increase that is just in this bill alone—as well as some of the pay-fors in this bill, which actually are going to stunt growth even worse, like carried interest—I thought I would just come and commend the Senator from Oklahoma on being right on point.

We all might have different opinions of what ought to be cut and what ought to be moved and what ought to be removed from being redundant, but we ought to be at the table figuring out what those should be, making agreements we can live with, and making the future for our grandchildren at least as bright, as prosperous, and as free as the one our parents left to us.

I yield back to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I thank the Senator from Georgia. It does not matter if you are a Democrat or Republican, liberal or conservative or Independent, what your faith is,

what your sexual orientation is: Out of many one. But if we are not careful, that one is going to fall based on what we do, and the debt affects a liberal as much as it affects a conservative. It steals opportunity from liberal children as much as it does conservative children. We have to come to a point where we say: Enough is enough.

I was just thinking, as the Senator talked, the \$50 billion we are going to borrow from our kids with this bill, it would run the government of the entire State of Oklahoma for 8 years—every branch, every employee, pay all the costs, build all the highways, do everything we do for 8 years, just on what we are going to borrow.

When you start putting it down into, how much is \$50 billion?—we throw away billions like they were pennies here.

And how many years for a trillion seconds?

Mr. ISAKSON. That is 31,709 years.

Mr. COBURN. That is 31,709 years. So we are going to have a \$1.6 trillion deficit this year. Well, that is 50,000 years of seconds. Just this year, it is 50,000 years of seconds.

Let me go into the amendment a little bit and talk about it. The first section of this amendment would require public disclosure of the amount of any new borrowing or spending approved by the Senate. In other words, it is about transparency. It is about letting the American people hold us accountable. It means that on the Senate Web site, after we make new spending decisions and borrowing decisions, we have to publicize it so the American people can see it, rather than hide behind it. It is simple. There is no score for it on savings. I guarantee it will save money, because if we know the American people are going to know what the financial consequences are of what we do with every vote, it is going to change some votes around here.

The other question we ought to be asking is why shouldn’t they know what we are doing and the ramifications of it. It is pretty simple. It is pretty straightforward. I have told the Rules Committee that I would pay out of my personal office budget the cost of that program. In other words, I would turn back over \$500,000 every year. I will pay for it out of my budget and make sure that is available, so there is no cost to it whatsoever. I will pay for it out of my budget, out of my office, so it doesn’t cost us anything. But it gives the transparency the President and I worked on in this body, and he wants to see from this body, and it makes it available to the American people. So we are going to get a vote on that.

It is important to know that with this bill, if it passes, we will have borrowed 59 plus 20, that is 79; 89, 97, 143, 513, 252, plus 50—\$302 billion since February 14, outside of the budget. That is

outside of the budget. Now, \$300 billion will run Oklahoma for 40 years. We could run the whole State of Oklahoma for 40 years on what we have spent in 6 months. So why shouldn't we let the American people see what we are doing, since it is going to cost nothing, and it is transparency, so they can hold us accountable? Why should we not do that?

The second thing that is important is in the last year, we have markedly increased—not counting the stimulus bill—the discretionary spending of the Federal Government. We didn't leave ourselves out on that. Inflation was nothing, but we increased our own budget by 4.8 percent. So the other component of one of these amendments is that 4.8 percent, I say we give \$100 million of it back, which would be a third of that. That means we still get three times what the rest of the country got in terms of an increase, but it shows at least we are willing to let—and if anybody ran their office with any appropriateness, they would have a surplus as well every year. So it is not a hard cut, but it is important, since we gave ourselves a budget increase, that we demonstrate to the American people we are serious about doing it. Vote against it and say you don't think so or vote for it and let's put it in this bill. Let's start showing the American people we get it. We will do the right, best thing for the country in the long term.

I have occasional conversations with the President, and one of the things he has told his administration to do, and we heard it flatly rejected—not just rejected but flatly rejected on the basis of a lack of knowledge by the chairman of the Finance Committee. He has told every agency to find 5 percent in cuts. Those are the instructions he has sent out to the head of every agency. Why has he done that? Because he knows we have to. This portion of the amendment says that is exactly what we are going to do. We are going to cut 5 percent of the discretionary spending of every branch of government save Defense and Veterans. Some would say, Well, that is 1/20th of the budget. Yes, it is. But when you look at it in light of the size of the agencies today, in the last 10 years they are twice as big as they were 10 years ago. They have grown by an average of 10 percent per year and we can't find 5 percent or one-fifth of the growth they have had over the last 10 years that can be done more efficiently or as a lower priority or not as important? We can't find that? Yet, as the Senator from Georgia said, almost every family in this country is having to do that. We refuse to mandate that the Federal Government get on a diet, do things more efficiently, more effectively; take another look to see if it can be done a different way. It is called productivity increases. We can get that.

We won't ever get it if we don't ask for it. It is not a hard concept. We can do that. We allow the agencies to make those recommendations, and that is one of the things President Obama has already asked all of his agencies to do, to go find that 5 percent. That sends a wonderful signal to the American people that we get it.

It does something else that is important, and so will the defeat of this bill, and if we pass it with it being paid for. Right now in this country the value of our dollar is pretty good. The reason it is good is because people are worried about Japan and the value of the yen, and they are significantly worried about the Euro because of what is happening to Greece and now what is getting ready to happen to Spain. So money is rushing in. Smart money around the world in these other economies is rushing to hide in dollars. In about 2 years from now, that money is going to be sucked back out of here, because those economies will have made the hard choices of austerity with which to restabilize the Euro or their currencies. They will have done it.

What we need to send to the international finance market is a signal that says we too are way overextended and we are going to start making the appropriate choices to secure our financial future.

It was 2 months ago that Moody's put a notice out that said if things don't happen and start to change with U.S. Government bonds, they are going to be downgraded from AAA to AA. That is a big downgrade. We have never had an AA rating. So all of a sudden, the world rating system is going to say that maybe an investment in our product, our dollars, is not what it should be.

We need to make sure that doesn't happen. We need to make sure we have sent a signal to the world. When we start doing things where we are paying for new things by cutting lower priority items, we send that signal. We build that confidence back. When we start paying for new bills and the extensions of benefits, we extend that back up.

We are going to hear—actually, we won't hear, because we won't hear anybody come out and debate against these things. What they will choose to do is to ignore them and then vote against them. So the American people won't hear a legitimate debate on why we shouldn't cut 5 percent across the board, letting them decide what areas are most important and recommending them to us; we won't have a debate. We won't debate, and then we will kill it, thinking it will go away. Well, the American people have gotten that already. That is not acceptable to the American people. If you think we shouldn't cut spending in the Federal Government, come out here and defend it. Come out here and give us a philo-

sophical, logical reason why we ought to continue to steal from our children and grandchildren. We won't see that. We won't see a strong debate against each of the points I am going to make associated with this amendment. The real question ought to be: Why? Because it is indefensible to vote against it. That is why. You cannot see the waste, fraud, abuse, and duplication in this government and not say we can do better.

Section 4 of the amendment eliminates nonessential government travel. Do my colleagues realize that almost every government office now has audiovisual equipment for the ability to carry on a teleconference anywhere in this country and overseas? Yet, last year, we spent—no, 2 years ago we spent—the data is behind—we spent \$13.8 billion on airline tickets and hotels for Federal Government employees of which over half was nonessential. In 2006, \$3.3 billion was spent on airfare. In 2007, \$3.5 billion was spent on airfare. In 2008, \$4 billion was spent on airfare. We can't get the numbers for 2009 yet. Hotel rooms, \$2.3 billion, up to \$2.5 billion. Car rentals, from \$423 million to \$437 million. Most of this can be done by teleconferencing. Why wouldn't we say at a time when we are borrowing \$1.6 trillion from our kids that maybe we ought to teleconference rather than get on an airplane? I can tell you it is a whole lot easier than traveling 1,600 miles twice a week. So what does this do? It saves us money.

One of my favorite ways of saving money is to cap the printing costs in the Federal Government. We have examples of it right here. Every day, we put a Calendar of Business out, we put an Executive Calendar out, and we publish the CONGRESSIONAL RECORD, and we print hundreds of thousands of copies. You know what. It is all on line. We can save \$4 billion over the next 10 years by printing limited amounts of things we need and not printing some things everybody else has access to on a computer. Why would we not do that? Why would we not cap our printing costs? Think of the thousands of acres of trees we can save every year. What we know is every year, Federal employees, through our direction, spend \$1.3 billion on printing. The analysis by GAO says \$440 million of that is unnecessary. So over 10 years, that is \$4.4 billion. That is \$4.4 billion that we won't take from Madeline. Madeline and her other 3- and 4-year-olds won't have to pay it back. Remember, they won't be paying \$4.4 billion back; they will be paying the compounded interest that will double that debt in 10, 12 years. In 20 years, it will triple it. In 30, it will quadruple it. So they won't be paying \$4.4 billion back, they will be paying \$20 billion back. Why would we not do that? Why would we not make this decision to do that? It has been rejected by this body in the past.

Before the Bush administration left, I was working with them on unused Federal real property. We have billions, if not hundreds of billions, in underutilized Federal property owned by the taxpayers.

We spend \$8 billion a year maintaining buildings we are not using. Think about that. We are spending \$8 billion a year maintaining buildings we are not using. But we can't sell them because there is a little bill called the McKinney-Vento Act that says every used building in the Federal Government has to be offered as a homeless shelter first—even if it is an airplane hangar on a closed military base.

We created a bureaucracy nightmare that doesn't allow us to do that. Consequently, we could take a tenth of the \$8 billion we are spending and appropriate that directly to the homeless and save \$7.2 billion a year. But this body has rejected that as well. They voted it down. They didn't give a reason, they just voted it down. We have 46,745 underutilized properties, 18,849 properties we are not using at all, and a total of 65,000 properties we are not utilizing with an estimated value of \$83 billion. That's \$83 billion of property you are paying the maintenance on that we are not using, that we could sell and pay for almost all of this bill. But we won't do it.

Of course, we don't buy many properties anymore. The reason for that is because of the way our budget scoring is, even though it would be smarter to buy it because the total cost of the building is charged to the agency in the year in which the building is completed. None of the agencies are buying buildings anymore, they are renting them. We should not be renting the first building. We should be getting rid of the \$85 billion worth of buildings we don't need and buying a building, because you can own a building a lot cheaper than renting one—maybe not last year, but commercial rates are coming back up. Yet we don't do it.

Since 2005, out of this \$85 billion, because of the bureaucratic nightmare of steps you have to go through, we have only sold \$2.5 billion worth of an \$85 billion portfolio. None of you would do that with your own property. If you had property out there that you owned, and you were spending 10 percent of the value of that property every year maintaining it, and you weren't utilizing it, and you had an opportunity to sell it, you would sell it. Not the Federal Government. We ought to be asking why. Who took a stupid pill to say not to do that?

Some of the properties are not of any value, so we ought to demolish them, because it costs less to do that than to maintain them. I will give you a run-down on some of them. On the buildings we now have, which we are utilizing, we have a maintenance backlog of \$35.5 billion. We are spending money

on buildings we don't want, maintaining them, but we can't take care of the buildings we have because we don't have enough money because we are spending it on buildings we don't use.

Section 7 provides that the Department of Defense would auction new, unused, or excellent condition excess inventory to the highest bidder, rather than transferring it at no cost to State agencies and others. You buy tons of stuff every year through the Defense Department that they don't need. As a matter of fact, they don't even know what they have. It is sitting in warehouses around the country. And what do we do when we figure out we don't need it? We give it away. When we are \$13.2 trillion in debt, it is time to stop giving it away. It is time to get some value for the American taxpayers who paid retail price for that and turn around and sell it. It has been voted on before and rejected.

I mentioned in my opening words about capping the total number of Federal employees this year. That is called a hiring freeze. But it is not a hiring freeze because if you have retirements, you can replace them. We added 160,000 Federal employees in the last 16 months. We have only have an increase in net new jobs of about 450,000. Almost 50 percent of the net new jobs have been Federal jobs—at a time when our deficit is going to be one of the highest on record.

I say time out. I say do it with whom you have. If you have retirements, or people who leave, replace them, but don't increase the numbers anymore. Those numbers don't include the census of 441,000 temporary workers we have hired and will go away. How else are we going to get our budget under control if we don't do it in terms of personnel?

The other thing is, if you look at the process over the last few years on Federal employees—and I will say it again—I will discuss the fact that those of us who think we are in a crisis moment in our country and feel we ought to be making tough choices would say we ought to freeze total salary costs. That is not a salary freeze per individual. That is just saying that in this department, this agency, here is how much you are going to spend on salaries, and we are not going to go up this year. We are not going to raise the total amount we spend on salaries this year. That still allows every manager great flexibility. You can promote and give raises to people who are performing. But you can't increase the total amount of money.

Why is that important? There is an article in today's paper that OPM is starting to look at it. We looked at it, and here is what we know: In 1999, the average Federal salary was \$49,536. It is now \$78,806. Inflation during that period of time averaged 2.4 percent. Salary increases during that period of

time averaged 4 percent—1½ times the rate of private pay increases in this country.

What happened to benefits? Average personnel benefit per Federal employee is nearing \$40,000 per year. Depending on how much you make, that may seem like a lot, or not, but when you look at the average private sector pay, it is \$42,000. It is \$36,000 less than the average Federal employee is paid. I don't want Federal employees to get a cut. I just don't think we ought to increase them at a time when most people aren't getting pay increases. I don't think we ought to increase Federal pay.

The benefit differential is even more stark. The average for benefits for the average person in this country, who doesn't work for the Federal Government, is \$20,000 per year. So we have almost twice as rich a benefit, or 1½ to 2 times as rich a benefit for Federal employees as everybody else in the country who is employed. I am not saying cut them. I am saying for 1 year let's not let it increase. Let's do right by the American people, who are struggling, and let's do right by the grandchildren and young children in our country by putting some common sense into what is allowable, given that we are in a time of crisis. We voted on that before. It failed.

Federal employees also have, unpaid to the Federal Government, \$3 billion in back taxes, and that is not under dispute. Federal employees, who average \$78,000 a year, owe the Federal Government \$3 billion. I say they ought to be paying that. I say it ought to be coming out of their wages. It is time to not allow that as a condition of your employment anymore. It seems unconscionable to me that you cannot pay your taxes, when you make \$78,000 a year, and we are not going to force you to pay them. So it is a \$3 billion savings, but it is an important signal to send to people: We are all paying taxes, and you ought to, too, since you make 1½ times what the average person in this country makes.

We talked earlier about section 11. It eliminates the awarding of bonuses to government contractors when they have unsatisfactory performance. That is a no-brainer. Nobody in the private sector is going to give a bonus to somebody who isn't performing. But the Federal Government does it all the time. We need to statutorily say you cannot do that anymore.

We now know that we spent \$6.2 billion at the United Nations last year. We have no transparency from them on how our money was spent. We know we account for 25 percent of their regular budget and 26 percent of the peace-keeping budget. We did get a little piece that leaked data on an audit. We know that nearly 40 percent of the

money spent on peacekeeping is defrauded. Our voluntary additional contributions to the U.N. were \$1.3 billion last year.

All this amendment says is, don't give more than a billion to an incompetent organization where we cannot find out where they are spending our taxpayer money. It is a ridiculous commitment. Why would we even let them have a billion? At least save \$3 billion a year over the next 10 years, but by not allowing that to go forward.

I want to talk about one other thing I think is important that most of this body has voted against several times. We have \$1.7 trillion sitting in the bank—money that the Congress has appropriated to be spent in outyears. Almost \$700 billion of that has not been obligated for anything. Yet we have T-bonds and T-bills we are paying interest on while that sits over there.

Prudent management would say that rather than borrow more money, you would use money from the bank account you already have. So this portion of the amendment takes \$50 billion out of that \$700 billion. We ought to eliminate it all, if it is unobligated. I recognize they have to have some movement back and forth, but they will never notice that \$50 billion that isn't in the unobligated balances, and when that expenditure comes, we can appropriate money for it. We are letting money sit idle while we borrow additional money to do additional things. This simply says that we move \$50 billion out of that.

Section 18 is about getting energy efficiency at the Department of Energy.

Section 19—I talked to one of the Senators from California on this amendment. I am not opposed to fixing the problems with Medicare, the statistical inaccuracies in their payments, but I am opposed to not fixing it for the five other States that have it as well.

It is unfair to take the State of California when the States of Georgia, Minnesota, Ohio, and Virginia all have exactly the same problem. Yet in this bill, as we heard Senator GRASSLEY say earlier, we only fixed one of the States. That is called an earmark. There is nothing wrong with fixing it for California, but there is plenty wrong with fixing it for California but not fixing it for these other four States. If it is something that needs to be fixed, why would we advantage California over these other States? It is called favoritism. It is called exceptionalism. It says that the citizens of California are worth more in this country than the citizens in Ohio and Georgia and Virginia and Michigan. They are not. If it is a problem that needs to be addressed, let's address the whole problem.

Why did they not address the whole problem? Because it would have cost more money. We are going to borrow

\$400 million per year to fix it in California, and that is OK but it is not OK to fix it in the other States. That is inherently unfair, it borders on the unethical, and it is exactly the type of thing the American people reject. If there is a problem, fix it for everybody. Do not single out one group of people at the expense of the rest of Americans.

Finally, this amendment eliminates all tax increases in this bill. The last thing we need to be doing right now is decreasing capital formation in this country, decreasing the ability to invest in new ideas, decreasing the capability of small businesses, which this bill goes after in terms of their subchapter S status, and making it more expensive to start a new business or keep one running when 70 percent of the jobs that are created in this country—and we are hurting for jobs—are created by small businesses.

This amendment has 20 segments, and we are going to have 20 votes. We are going to see where this body lines up on these issues. Vote against common sense at your peril. Vote against the future of our country. Vote against Madeline and everybody else like her. Vote to increase the debt even higher. Vote to increase the size of the Federal Government. Vote to undo pay-go again. Continue doing what we are doing, and what we will see is the American people are going to reject that. They are rejecting it now. It is high time we started listening to the American people.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I wish to talk about the oilspill that is absorbing so much of the time and attention of our country. There is a minor point, one that I think needs to be addressed right now, and that is the Jones Act.

The Jones Act was put in place in 1920 to ensure that the United States was able to maintain a fleet of merchant ships. It was really for protection of U.S.-flagged carriers against competition from foreign carriers that might undercut our ability to have profitable merchant ships.

The Jones Act is currently preventing resources, however, from being used in the massive cleanup in the Gulf of Mexico. This legislation that has been on the books since 1920 is hin-

dering foreign vessels from assisting gulf communities as they work to prevent oil from reaching their shores.

Currently, foreign vessels need to obtain a Jones Act waiver from the Federal Government in order to help with the cleanup efforts. For many of the vessels wishing to respond, this request needs to be reviewed by three separate agencies—the Coast Guard, the Maritime Administration, and Customs and Border Protection. That is three layers of bureaucracy when time is of the essence. During this crisis, we need to cut through the redtape. We must get all available assets on the scene as quickly as possible. I think everyone agrees.

Other countries have offered their services. They have offered to help. There are European countries that also drill in the oceans and waters on their shores, and they have offered to send ships to help to try to absorb the oil and skim it off. There are volunteers waiting with the right equipment, and they are willing to come to our aid. We should know that with oil leaking from the ocean's floor, the natural resources of the gulf are being destroyed as we speak. We need every resource at our disposal to prevent further destruction. In my State of Texas, I have a constituent who would like to provide equipment to aid in the cleanup—his ship has a foreign flag—but he is unable to help because no waiver has been issued to the Jones Act in this particular crisis.

There is precedent for waiving the Jones Act in disasters. It has been waived to speed up disaster responses in the past, including a waiver that was issued in the aftermath of Hurricane Katrina nearly 5 years ago. It was done by the Executive with an Executive order.

Without this key waiver, foreign vessels are prohibited from working with their American counterparts to skim the oils from the water of the gulf within 3 miles of shore. Of course, that is where we desperately need to have the most help to skim the oil before it reaches and damages our shores.

That is why next week I intend to introduce legislation that will waive the Jones Act for vessels whose sole intent is to assist in the cleanup of the Gulf of Mexico. We will ensure these foreign ships will work under the auspices of the Coast Guard. We will make sure there is a clearinghouse for them, but we should not be waiting to have three different Federal agencies look at a Jones Act waiver request when we know what is happening in the Gulf of Mexico. We see the pictures every day. This waiver would be applied for a period of time that is necessary to respond to this oilspill and restore the waters of the Gulf of Mexico during this emergency.

The Federal response to this spill has been a little short of immediate. It has

been a day late and a dollar short, and that is not acceptable. It is time that Congress does what we can with the resources we have to urge the administration to act while it can to mitigate the damages we know are already there. It is time for us to be proactive. It is time for us to act.

I look forward to having cosponsors. I am in the process of getting this bill in order now. I want to work with my colleagues on both sides of the aisle. Our Gulf States have a bipartisan senatorial delegation. I want to help to do everything possible. If we can waive the Jones Act for this disaster with all of the appropriate cautions that are necessary and get those foreign ships that are ready to help our country, that have offered to help our country, to get into the 3-mile limit before this oil does further damage to our coast and to the wildlife and to the natural resources on our coast, we need to do it. This is something that should have been done weeks ago. It was not done.

It is time for Congress to step in. I hope my colleagues will help us move this legislation expeditiously and urge the administration to do what is within their realm, even before Congress acts. That would be my wish. If the President would issue an Executive order, that would do it. But since he has not and since weeks have passed, it is time for Congress to take the reins and try to do everything that is within our power to mitigate the damage to the Gulf of Mexico.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture on the Baucus motion to concur in the House amendment to the Senate amendment to H.R. 4213 with amendment No. 4369 occur at 7:30 p.m. this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that my motion to concur in the House amendment to the Senate amendment to H.R. 4213 with an amendment be modified to provide for technical changes to my amendment which are at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, I will have to object simply because we haven't read it yet. We are going to take a look at it. Quite possibly, after figuring out what it is, we might not object, but for the moment I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS. I renew the request and let the leader reserve the right to object again. The modification is to provide that the enterprise value, the good will of a partnership interest which is sold, would be valued at 50 percent cap gains, 50 percent ordinary income. That is the provision those in the industry who cared about carried interest agreed to. That was the intent in the underlying substitute amendment. Unfortunately, when the amendment was drafted, there was a glitch which did not fully provide for what I just described. It is my full intent for the substitute amendment to provide for what I just stated; namely, that the good will value, enterprise value of the sale of a partnership interest, be valued at 50 percent cap gain and 50 percent ordinary income. It is unfortunate that we are unable to make that change.

Mr. MCCONNELL. Mr. President, I appreciate that explanation. As the chairman of the committee knows, we still need to see the actual amendment, and we will take a look at it.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 4213, the American Workers, State, and Business Relief Act of 2010, with the Baucus amendment No. 4369.

Harry Reid, Max Baucus, Patrick J. Leahy, Jeanne Shaheen, Byron L. Dorgan, Sherrod Brown, Edward E. Kaufman, Daniel K. Akaka, Christopher J. Dodd, Jeff Bingaman, Robert P. Casey, Jr., Jack Reed, Barbara A. Mikulski, Roland W. Burris, Jon Tester, Daniel K. Inouye, Tom Harkin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur with amendment No. 4369 to the House amendment to the Senate amendment to H.R. 4213, the American Workers, State, and Business Relief Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Missouri (Mr. BOND), and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 40, as follows:

[Rollcall Vote No. 194 Leg.]

#### YEAS—56

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown (OH)	Kerry	Schumer
Burris	Klobuchar	Shaheen
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	

#### NAYS—40

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Brown (MA)	Grassley	Nelson (NE)
Brownback	Gregg	Risch
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	LeMieux	Wicker
Cornyn	Lieberman	
Crapo	Lugar	

#### NOT VOTING—4

Bond	Graham
Byrd	Roberts

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 210, H.R. 3962, and that the Baucus substitute amendment, which is at the desk, be considered and agreed to; that the bill, as amended, be read the third time, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, as if read, with no further intervening action or debate.

Mr. President, what this is, as of Tuesday, the doctor fix—the reimbursement for Medicare physicians—expired. The administration was able to—the Health and Human Services Department—extend that for 3 days. It runs out, I think, tomorrow. It is still good until tomorrow. So if we don't do this, not only will doctors who take Medicare patients get a 21-percent cut, in addition to that, so will others that are based upon Medicare reimbursements—veterans, insurance companies, HMOs, even TRICARE and the military. It will be a shame if this weren't agreed to. Remember, it is paid for. It is not a question of running up the debt.

My friends on the other side have the opportunity to take care of the doctors for the next 6 months, fully paid for. If

not, there is going to be havoc in America starting tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, we just got this a few moments ago. We are going to take a look at it. I think we are all hoping we can come up with a way to do the so-called doc fix and in a paid-for fashion, but for today I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a bill to provide for an extension of unemployment insurance provisions that are in this bill we just had a vote on, for an extension of unemployment insurance provisions; that the bill be read the third time, passed, and the motion to reconsider be laid upon the table; that statements relating to the matter be printed in the RECORD, as if read, with no further intervening action or debate.

Mr. President, this is extending unemployment benefits for people who have been out of work a long time. As Mark Zandi, Senator MCCAIN's chief economic adviser, says, nothing stimulates the economy more than giving an unemployment check to somebody who has been unemployed for a long period of time.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, we are still working together, on a bipartisan basis, to try to figure out how to go forward. For the moment, I object.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a bill—the provision in this bill we just dealt with—to extend the temporary increase of the Medicaid FMAP through June 30, 2011; that the bill be read the third time, passed, and the motion to reconsider be laid upon the table; that any statements relating to the matter be printed in the RECORD, as if read, with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, this issue is currently covered through the end of this calendar year. This matter doesn't have the urgency at the moment that some of the others arguably do. We still have 6 months to address this issue. Therefore, for the moment, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, here is one I hope we don't have objection to. If there were ever a bipartisan piece of legislation, this is it. This is legislation originally devised by the Senator from Georgia, JOHNNY ISAKSON. It has been good for the economy—the first-time home buyers tax credit.

Right now, there are hundreds of thousands of people who have qualified

for this first-time home buyers tax credit. The problem is that the banks processing the paper are taking too long. If we don't extend this time, they will lose the opportunity to buy a home for the first time. It is fully paid for. It passed by a large margin. It seems that we should at least get this done tonight. It would allow these papers to be processed. I cannot imagine why something as bipartisan as this should not go forward.

I ask unanimous consent that the Finance Committee be discharged from H.R. 4994, and that the Senate proceed to its consideration; that the amendment we dealt with yesterday, the so-called Reid amendment, which is at the desk, be considered and agreed to; the bill, as amended, be read the third time, passed, and the motion to reconsider be laid upon the table; that any statements relating to this matter be printed in the RECORD, as if read, with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, the majority leader is entirely correct that there is support on both sides for the step he recommends we take. Senator ISAKSON has been the leader on this issue on our side. However, incredibly, CBO has decided this costs money, which nobody can quite understand. So there is still a disagreement over how to pay for it. There is an agreement on the result, but there is a disagreement on how to pay for it, since CBO has decreed that it will cost the government money.

We are going to have to continue to work on this and, therefore, for the moment I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, with respect to some of the previous consents, Americans are frustrated with the amount of spending and borrowing we are doing here. We have an opportunity to show the American people that we can be fully responsible and cut spending elsewhere. Earlier today, we voted for a bill that would have cut the deficit by almost \$70 billion. Let's not wave on through legislation that is going to worsen the deficit and dig an even deeper hole than we are currently in.

Americans want us to show that we are serious about lowering the debt. Therefore, I have a consent to extend all of these expired provisions, including unemployment insurance and the doc fix. I will propose that now.

I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 411, S. 3421; further, that the bill be read the third time and passed, and the motion to reconsider be laid upon the table.

Before the Chair rules, for clarity, this is a paid-for 30-day extension of

the extenders bill, which includes unemployment insurance, the doc fix, COBRA, flood insurance, and the extension of the small business loan guarantee program, and the 2009 Federal poverty guidelines.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, how is it paid for, I ask my friend?

Mr. MCCONNELL. With stimulus money.

Mr. REID. That is what I thought. First of all, that money is not there; it is obligated. I also say this. The economic recovery money—the stimulus money—has created millions of jobs in America today—at least 3 million. But the best bang for the buck will come in the next quarter of this year. All the economists say that. It has taken a while to get the programs up and running. This would be taking good money that will create lots of jobs. We are all aware of the deficit. We are all aware of that. We understand where it came from. We understand that President Obama found himself elected President in a huge hole created by the one who was President before him. That is the reason we passed the recovery bill. It wouldn't be right, with the country still struggling to gain its economic viability, to cut the legs out from under this program that has worked so well.

I think this is the wrong way to go. I think it is too bad that we are trying to take good money and abuse it. So I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the pending business be set aside and I be allowed to call up my amendment No. 4313, which is at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I suggest the absence of a quorum—

The PRESIDING OFFICER. The Senator from Wyoming still has the floor.

Mr. BARRASSO. Mr. President, I am trying to get my amendment No. 4313 pending so we can have an up-or-down vote. It is unfortunate that this has been blocked.

This amendment fixes flaws in the Cobell v. Salazar settlement, which is important to Indian country. These fixes will benefit thousands of class members involved in this suit.

Congress has a responsibility, when they know legislation is broken, to fix it. The Cobell settlement legislation is no different. I will continue to raise this issue as long as the debate on this bill is occurring.

I yield the floor.

Mr. GRASSLEY. Mr. President, at around lunchtime, the Senate voted on Senator THUNE's alternative to the Democratic leadership's extender bill. Senator THUNE's amendment took the exact opposite approach to the Democratic leadership's substitute. It cuts taxes by \$26 billion by extending current law. It cut spending by over \$100 billion, and reduced the deficit by \$68 billion. Those are Congressional Budget Office, CBO, and Joint Committee on Taxation estimates.

According to the Congressional Budget Office, CBO, the current version of the Democratic leadership's extenders substitute would increase direct spending by about \$105 billion through 2020 and raise revenues by about \$50 billion over that period, resulting in a net deficit increase of about \$55 billion for the 2010–2020 period.

The contrast couldn't be clearer. The Republican Conference, along with one member of the Senate Democratic Caucus, voted to change the bottom-line fiscal effects of the Democratic leadership's extender substitute. The Thune amendment would reduce the deficit by \$13 billion more than the amount the Democratic leadership's extender substitute would add to the deficit. Senator THUNE's amendment reached this better fiscal result by restraining Federal spending.

All but one of the Democratic Caucus who were present, 57 Senators, voted against Senator THUNE's amendment.

The junior Senator from Florida, one of the 41 Senators who voted for Senator THUNE's amendment, came to the Senate floor to highlight the differences between the Democratic Caucus and the Republican Conference in the approach to this extender bill.

The junior Senator from Michigan also made some comments on the current fiscal problems. She made her arguments in response to comments from the junior Senator from Florida. Last year, at about this time, there was a lot of revision or perhaps editing of recent budget history. I expect more of it from some on the other side.

The President signaled as much in an interview with George Stephanopoulos a few months ago. I agree with the President that there's a lot of revisionism in the debate.

The revisionist history basically boils down to two conclusions:

1. That all of the "good" fiscal history of the 1990s was derived from a partisan tax increase bill of 1993; and

2. That all of the "bad" fiscal history of this decade to date is attributable to the bipartisan tax relief plans.

Not surprisingly, nearly all of the revisionists who spoke generally oppose tax relief and support tax increases. The same crew generally support spending increases and oppose spending cuts.

In the debate so far, many on this side have pointed out some key, unde-

niable facts. The stimulus bill passed by the Senate, with interest included, increases the deficit by over \$1 trillion. The stimulus bill was a heavy stew of spending increases and refundable tax credits, seasoned with small pieces of tax relief. The bill passed by the Senate had new temporary spending, that, if made permanent, will burden future budget deficits by over \$3 trillion. That is not CHUCK GRASSLEY speaking. It is the official Congressional scorekeeper, the Congressional Budget Office, CBO.

All of this occurred in an environment where the automatic economic stabilizers thankfully kicked in to help the most unfortunate in America with unemployment insurance, food stamps and other benefits.

That antirecessionary spending, together with lower tax receipts, and the TARP activities has set a fiscal table of a deficit of \$1.4 trillion for the fiscal year that ended several months ago. That is the highest deficit, as a percentage of the economy, in post-World War II history.

Not a pretty fiscal picture. And it is going to get a lot uglier with the budget put forward by the President this year. It's the same result under the budget crafted last year by the Democratic leadership. So, for the folks who see this bill as an opportunity to "recover" America with government taking a larger share of the economy over the long-term, I say congratulations. You have recovered America with a vast expansion of government and the American people have a lot of red ink to look forward to.

Members who voted for the budget and the fiscal policy envisioned in it put us on the path to a bigger role for the government. But supporters of that fiscal policy need to own up to the fiscal course they are charting.

That's where the revisionist history comes from. From the perspective of those on our side, it's seems to be a strategy to divert, through a twisted blame game, from the facts before us. How is the history revisionist? Let's take each conclusion one-by-one.

The first conclusion is that all of the "good" fiscal history was derived from the 1993 tax increase. To test that assertion, all you have to do is take a look at data from the Clinton administration.

The much-ballyhooed partisan tax increase of 1993 accounts for 13 percent of the deficit reduction in the 1990s. Thirteen percent. That 13 percent figure was calculated by the Clinton administration's Office of Management and Budget, OMB.

The biggest source of deficit reduction, 35 percent, came from a reduction in defense spending. Of course, that fiscal benefit originated from President Reagan's stare-down of the communist regime in Russia. The same folks on that side who opposed President Reagan's defense build-up take credit for

the fiscal benefit of the "peace dividend."

The next biggest source of deficit reduction, 32 percent, came from other revenue. Basically, this was the fiscal benefit from pro-growth policies, like the bipartisan capital gains tax cut in 1997, and the free-trade agreements President Clinton, with Republican votes, established.

The savings from the policies I have pointed out translated to interest savings. Interest savings accounts for 15 percent of the deficit reduction.

Now, for all the chest-thumping about the 1990s, the chest thumpers, who push for big social spending, didn't bring much to the deficit reduction table in the 1990s. Their contribution was 5 percent.

What's more the fiscal revisionist historians in this body tend to forget who the players were. They are correct that there was a Democratic President in the White House. But they conveniently forget that Republicans controlled the Congress for the period where the deficit came down and turned to surplus. They tend to forget they fought the principle of a balanced budget that was the centerpiece of Republican fiscal policy.

Do my friends on the Democratic side remember the government shutdown of late 1995? Remember what that was about? It was about a plan to balance the budget. Republicans paid a political price for forcing the issue, but, in 1997, President Clinton agreed. Recall as well all through the 1990s what the year-end battles were about.

On one side, congressional Democrats and the Clinton administration pushed for more spending. On the other side, congressional Republicans were pushing for tax relief. In the end, both sides compromised. That is the real fiscal history of the 1990s.

Let's turn to the other conclusion of the revisionist fiscal historians. That conclusion is that, in this decade, all fiscal problems are attributable to the widespread tax relief enacted in 2001, 2003, 2004, and 2006.

In 2001, President Bush came into office. He inherited an economy that was careening downhill. Investment started to go flat in 2000. The tech-fueled stock market bubble was bursting. Then came the economic shocks of the 9–11 terrorist attacks.

Add in the corporate scandals to that economic environment.

And it is true, as fiscal year 2001 came to a close, the projected surplus turned to a deficit.

In just the right time, the 2001 tax relief plan started to kick in. As the tax relief hit full force in 2003, the deficits grew smaller. This pattern continued up through 2007.

If my comments were meant to be partisan shots, I could say this favorable fiscal path from 2003 to 2007 was the only period, aside from 6 months in

2001, where Republicans controlled the White House and the Congress. But, unlike the fiscal history revisionists, I am not trying to make any partisan points, I am just trying to get to the fiscal facts.

There is also data that compares the tax receipts for 4 years after the much-ballyhooed 1993 tax increase and the 4-year period after the 2003 tax cuts.

In 1993, the Clinton tax increase brought in more revenue as compared to the 2003 tax cut. That trend reversed as both policies moved along. Over the first few years, the extra revenue went up over time relative to the flat line of the 1993 tax increase.

So, let's get the fiscal history right.

The progrowth tax and trade policies of the 1990's along with the "peace dividend" had a lot more to do with the deficit reduction in the 1990s than the 1993 tax increase. In this decade, deficits went down after the tax relief plans were put in full effect.

No economist I am aware of would link the bursting of the housing bubble with the bipartisan tax relief plans of 2001 and 2003. Likewise, I know of no economic research that concludes that the bipartisan tax relief of 2001 and 2003 caused the financial meltdown of September and October 2008.

As I said, from the period of 2003 through 2007, after the bipartisan tax relief program was in full effect, the general pattern was this: revenues went up and deficits went down.

That is the past. We need to make sure we understand it. But what is most important is the future. People in our States send us here to deal with future policy.

They don't send us here to flog one another, like partisan cartoon cut-out characters, over past policies. They don't send us here to endlessly point fingers of blame. The substitute before us takes us in the direction of more deficits and debt. The Thune amendment, which was rejected by most of the Democratic Caucus, would have put us on a path in the opposite fiscal direction. My friends on the other side fool no one if they pretend that the fiscal choices made by the Democratic Leadership and the President over the last year have nothing to do with this rapidly rising debt.

President Obama rightly focused us on the future with his eloquence during the campaign. I would like to paraphrase a quote from the President's nomination acceptance speech:

We need a President who can face the threats of the future, not grasping at the ideas of the past.

President Obama was right.

We need a President, and I would add Congressmen and Senators, who can face the threats of the future. Grasping at ideas of the past or playing the partisan blame game will not deal with the threats to our fiscal future.

It is not too late to correct the excesses of the stimulus bill or the bloat-

ed appropriations bills that will come. The Senate missed an opportunity, with a partisan rejection of Senator THUNE's alternative.

Senator McCASKILL's and SESSIONS' amendment, which calls for a time out on the exponentially rising levels of appropriations spending, is a good start. The President called on the Democratic leadership to do something similar. That is what the American people want and need. There is a way to reach a real bipartisan compromise, not just picking off a few Senators that frequently vote with the Democrats.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate go into a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### 75TH ANNIVERSARY OF ALCOHOLICS ANONYMOUS

Mr. BROWN of Ohio. Mr. President, I rise today to honor the legacy of Dr. Robert Smith, cofounder of Alcoholics Anonymous, which is celebrating this year its 75th anniversary.

Dr. Smith, commonly referred to as Dr. Bob, was a prominent surgeon in my State in Akron, OH, when his friend, Henrietta Seiberling, an heir to the Goodyear fortune, introduced him to New Yorker Bill Wilson in 1935.

Dr. Bob and Bill Wilson's discussion that year on Mother's Day in Gate Lodge on the grounds of the Seiberling's Stan Hywet estate laid out the framework for the modern-day Alcoholics Anonymous.

Having shared the common disease of alcoholism, Dr. Bob and Bill Wilson recognized the need to offer dignified healing of sobriety for all people who struggle with the disease of alcoholism.

What started as an informal conversation in Gate Lodge on the Stan Hywet estate led to small group meetings and conversations at the home of Dr. Bob and his wife Anne on Ardmore Avenue.

Dr. Bob and Anne subsequently opened their home to those seeking sobriety, and the understanding of the 12 steps that Dr. Bob and Bill Wilson were refining.

As one of Akron's premier physicians at Summa Health's Akron City Hos-

pital, Dr. Bob also understood that prevailing medical treatment was inadequate in treating a disease that did not discriminate among gender, age, culture, wealth, or social standing.

This was an era when alcoholism was not understood as a disease, so those seeking treatment were not admitted to hospitals.

Dr. Bob and Bill understood that the alcoholic needed the help of the "Angel of Alcoholics Anonymous," Sister Mary Ignatia and St. Thomas Hospital.

Dr. Bob took to bringing alcoholics from the back entrance of the hospital up to empty rooms in Sister Ignatia's unit.

Sister Ignatia would ask Dr. Bob: Are they sick?

Dr. Bob would respond: Very sick.

Sister Ignatia replied: Then they shall come to the front door—a very different treatment of alcoholism than ever before.

Sister Ignatia and St. Thomas Hospital then filled the void of the lack of formal treatment to help those battling alcoholism. They helped fill the gap in the lack of public and medical understanding of the disease.

Therein lies the root of the modern Alcoholics Anonymous—in Akron, OH, on Olive Street—where St. Thomas Hospital remains an institution committed to offering health services to those afflicted with alcoholism.

Since those early days 75 years ago in the 1930s, Dr. Bob and Sister Ignatia helped foment the public consciousness that alcoholism is, in fact, a disease; that it is never fully cured but only managed with self-determination and with family and community support.

Dr. Bob and Sister Ignatia imbued a sense of urgency in the movement where literally the common refrain for those who live the disease is to live one day at a time.

It is that sense of urgency that often found Sister Ignatia saying, "Time is running out and I must work while I can."

Earlier this week, the people of Akron gathered at St. Thomas Hospital to rename Olive Street "Dr. Bob's Way" to recognize his contribution to our Nation's history. And earlier this month, thousands of supporters of AA—alcoholics and family members throughout the Nation—traveled to Akron for Founders Day which celebrates the legacy of Dr. Bob and Sister Ignatia.

Many visitors traveled to Stan Hywet Hall where they walked along the pristine landscape, walking past the Gate Lodge where AA meetings continue to this day.

From that single conversation at Gate Lodge to Dr. Bob and Anne's home on Ardmore Avenue to St. Thomas Hospital on Olive Avenue, AA has turned into one of the most unified and diverse organizations in the world.

Since its earliest days, AA opened its doors and services to all those who

seek it, regardless of gender, age, socio-economic status, or sexual orientation.

Fully self-funded, prominent statesmen and judges have sat alongside paupers and peasants—each seeking a shared experience and the support of each other.

Today, 117,000 groups totaling more than 2 million members live in more than 150 countries and are working with them and being helped by AA.

It all started in Akron. Ohio has often been an epicenter of our Nation's history—home of more Presidents, and poets to inventors and pioneers; first in light, first in flight—Thomas Edison, the Wright brothers, and so much else.

We are also part of our Nation and our world's basic humanity. Through the Great Depression to the wars in the Pacific, Vietnam, Korea, Iraq, and Afghanistan, AA has been a source of strength for servicemembers and veterans.

Across borders and devoid of religious affiliation, AA has been a source of faith for one's self. Whether a factory worker or physician, parents and educators, all are alike. Regardless of one's station in life, AA has been a source of resiliency, demonstrating the capacity for all of us to see the better stronger angels within ourselves and within others.

To St. Thomas Hospital, now part of Summa Health, and the city of Akron, congratulations for carrying on Dr. Bob and Sister Ignatia's legacy for 75 years. More important, congratulations to the members and supporters of AA. Thank you for your service to our families, our communities, our Nation and for a greater humanity for all of us.

#### TAX EXTENDERS

Mr. BROWN of Ohio. Mr. President, I want to talk about something else. I sat here, as did the Presiding Officer from Illinois, who was a strong supporter of passing this legislation that again failed because of the Senate's anachronistic, outmoded requirement of 60 votes, a supermajority. We could not get there because no Republicans—no Republicans—cooperated. We could not do today what we should do, and that is extend unemployment benefits to tens of thousands of Ohioans and millions of Americans. We could not extend the assistance to help them keep their insurance, which Senator CASEY has worked so hard on, something called COBRA, so that people who lost their jobs would not lose their insurance. We could not help those physicians who are about to face a 21-percent cut in their payments. We could not stop the outsourcing through our tax system of too many jobs abroad. We could not do any of that today because we did not get any cooperation.

I understand partisanship. I understand ideological differences. But what I don't understand is when I hear Republican after Republican stand on this floor and talk about the budget deficit, I am just struck. I have only been in this institution for 3 years. I was in the House of Representatives for 14 years before. I am struck by the utter hypocrisy when I hear Republicans all of a sudden decide deficits matter, all of a sudden decide everything needs to be paid for.

When I was in the House of Representatives, George Bush came to Congress and asked for the authority to go to Iraq and did not even try to pay for it. I voted no, but that is beside the point. It passed. It was not paid for.

Then President Bush came to the Congress again with a Republican majority and asked for huge tax cuts that overwhelmingly went to the richest Americans. They did not pay for that either. They charged that to our grandchildren.

Then around the same time in the name of Medicare privatization, he asked for what he called a Medicare drug benefit, what I call a bailout for the drug and insurance industry, tens of billions in subsidies to drug companies and insurance companies, and they did not pay for that either.

Throughout the first decade of this century, Congress has spent close to \$1 trillion on wars in Iraq and Afghanistan and did not pay for it. Nobody on that side said: Wait a second. We shouldn't do this without paying for it.

Then Congress passed hundreds of billions of dollars of tax cuts for the richest Americans and did not pay for that. They did not say we can't do that unless we pay for it. They did the same thing for this give-away to the drug and insurance companies.

Now when we want to extend unemployment benefits to people who have lost their jobs, when we want to extend some assistance for health insurance to people who have lost their health insurance, all of a sudden all these conservatives around here say we cannot do this unless we pay for it. Then their little cheerleaders on the Wall Street editorial board, and talk radio, and their people on Fox TV, like one bird flying off a telephone wire, they all fly off and say: We have to pay for it.

They never said we have to pay for a trillion-dollar war. They never said we should pay for the tax cuts going to the rich people. They never said we should pay for these subsidies going to the drug companies. We start a war, we attack Iraq, we go to Afghanistan, and we charge it to our grandchildren. We give a tax cut to the richest Americans, and we charge it to our grandchildren. We pass this give-away to the drug and insurance companies, and we charge it to our grandchildren.

But again, when it is time to help laid-off workers—we know what hap-

pens when a person is laid off. They almost act as if unemployment insurance is a welfare program. All I can think of when I see the behavior of refusal to extend unemployment insurance or the refusal to help people get health insurance when they have lost their jobs, all I can think of is most of my friends on the other side of the aisle, most of my colleagues must not know anybody who has lost their job, who has lost their insurance. They must not know anybody who, because they lost their job and their insurance, may next lose their home.

Try to think about this. I know people who have lost their homes. I know people who were doing pretty well and lost their homes. I have tried to understand what it is like. You come home one day and for the last 3 or 4 months you tried to make your mortgage payment. You were late the first month. Then you got the second payment in on time. The next month you were late. The following month you could not pay and you realize you are in trouble. And then the bank comes to you and tells you they will foreclose.

Think what that is like. You worked hard. Maybe your kids are still small. You have lost your job. You want to pay your mortgage, but you do not have the money to do it.

So the bank is going to foreclose on your house. Think about that. You have three kids and your spouse has lost her job or you don't have enough money to make these payments and you are going to have to tell your kids: Guys, we are going to have to leave our house.

Where are we going to live, Dad?

We will try to move in with somebody.

What are we going to do with all our stuff?

I don't know; put it in storage. If we can't afford storage, I guess we will have to give it away.

Think about what it would be like to lose your job, then your insurance, then to lose your home. That has happened to a whole lot of people who even look like me, people who dress well and have middle-class jobs. This just doesn't happen to a bunch of people who were just lazy and didn't do anything; this is happening to all kinds of people in this country.

I wonder if my Republican colleagues—if the conservatives here who always preach self-reliance and always say we have to do better in this country and that people should have to stand on their own two feet—really know people who have lost their jobs and lost their insurance and lost their homes. I think if they did, they might be willing to extend unemployment benefits; if they did, they might be willing to extend subsidies to help those people get their health insurance.

That is what is so troubling about what has happened the last few weeks.

We can't get 60 votes because we need some Republicans. We can't get 60 votes to extend unemployment to help people out a little bit. Again, unemployment insurance is not welfare. You have a job and you pay into unemployment every paycheck. You pay into this insurance fund so that if you lose your job, you get help from that fund. It is as simple as that.

So, Mr. President, I guess my patience runs short—as is the case for many of us on this side—when I hear my colleagues saying we can't do this because it would add to the budget deficit. Yet they continue to vote for war funding, and they continue giving tax cuts to the richest people in America, and they continue to subsidize the drug industry in America. It is a moral question, and the Senate failed this moral question.

#### EL MUNDO

Mr. REID. Mr. President, today I come to the Senate floor to congratulate El Mundo, a weekly Spanish language newspaper in Las Vegas, as it celebrates an important milestone in its history. On June 20, 2010, El Mundo, an award winning publication and a longstanding fixture of Southern Nevada's Hispanic media, will celebrate its 30th anniversary.

As the oldest Spanish language newspaper in southern Nevada, El Mundo has covered the issues of greatest impact to the Nevadan Hispanic community over the last three decades, providing invaluable insight into the ever-evolving diversity which characterizes Nevada's Hispanic community. It currently serves a bicultural and bilingual readership of more than 175,000.

In its pages, El Mundo highlights the experiences, needs, and concerns of Hispanics in Nevada and contributes to the future of our state's local economy, politics, and culture through its editorial, opinion and commercial advertising content.

Throughout the years, El Mundo has grown and evolved alongside southern Nevada's Latino community, which has multiplied from 50,000 in 1980 when the newspaper was founded by publisher Eddie Escobedo, to more than half a million today.

In addition, I would like to recognize Eddie's vision and tenacity, whose steadfast leadership at the helm of El Mundo has contributed to the publication's continued relevance, influence and impact. Eddie is a prominent voice for Nevada's Hispanics, a trusted servant leader, and a true Nevadan. I congratulate Eddie, his family, and the El Mundo staff on this great occasion as they continue marching toward greater and bigger milestones.

#### WEST VIRGINIA DAY

Mr. BYRD. Mr. President, Sunday, June 20, is the 147th anniversary of

wild and wonderful West Virginia's joining the United States as the 35th State. I am proud of all that West Virginia has offered and continues to offer to the United States.

West Virginia is a unique gem among the 50 States. It is the only State to be formed by seceding from a Confederate State, and only one of two States to be added to the Union during the Civil War—the other being the home State of my good friend Senator REID, Nevada, which separated from the Utah Territory.

Known as the Mountain State, West Virginia is the only State located entirely within the ancient Appalachian Mountain range which was formed over 300 million years ago. West Virginia has the highest elevation of any U.S. State east of the Mississippi River, with an average of 1,500 feet above sea level. That elevation means that the Monongahela National Forest Region in the southeastern part of the State has a climate more akin to northern New England and Canada, with spruce forests, cool summers, and snow-filled winters. In fact, Dolly Sods, which is part of the Monongahela National Forest, has tundra-like vistas where, amid scenery reminiscent of Alaska, visitors might spot snowshoe hares. Our colder, tumbling waters also support trout that are an angler's dream, as well as a rafter's or kayaker's delight.

Unlike its name, West Virginia's New River is actually very old, perhaps one of the oldest rivers in the world. Flowing in a generally south-to-north course through the Appalachian Mountains from North Carolina to West Virginia, where it merges with the Gauley River to form the Kanawaha River, the New River goes against the west-to-east flow that most other nearby rivers take, emptying into the Mississippi River rather than the Chesapeake Bay. Near Fayetteville, WV, the New River is spanned by the spectacular New River Gorge Bridge, featured on the reverse of the West Virginia State quarter coin. Each autumn, the community celebrates Bridge Day, allowing parachute-clad jumpers to leap from the highest vehicular bridge in the Americas to the New River some 876 feet below.

For centuries, West Virginia has been a place where people could escape summer's heat and enjoy the great outdoors. In the eastern panhandle, the spa town of Berkeley Springs has welcomed visitors since the days when George Washington's family and friends laid out a town around the warm medicinal springs that bubble to the surface. In southern West Virginia, the majestic Greenbrier resort in White Sulphur Springs has hosted Presidents and other distinguished guests since 1778.

West Virginia has also long been a nearby winter getaway for snow-seekers from milder climates. Since the

Canaan Valley was discovered by air in the 1960s, West Virginia has become a skiing destination for downhillers and cross-country skiers. In addition to Canaan Valley, Snowshoe, Winterplace, Alpine Lake, Timberline, and Elk River offer skiing, tubing, snowboarding and sledding within easy driving distance of major metropolitan areas from Pittsburgh to Atlanta.

Should a visitor come to West Virginia in June, he or she would be treated to beautiful misty views of tree-covered mountains stretching into the distance. In the foreground, wildflowers would be blooming in sunlit meadows and along roads that curve along steep hillsides or cross deep-flowing rivers and streams tumbling over massive boulders. In the shadowed hollows, dense stands of rhododendron, the State flower, would be coming into bloom. Later in the year, the hills come alive with vibrant color as the State tree, the sugar maple, bursts into flaming red, blazing against the deep russet of oaks, the bright yellow of tulip poplars, and the rich, deep green of spruce and pine. In the winter, nature's palette becomes more stark, as leafless trees etch sharp designs against crisp white snow. The West Virginia State bird, the northern cardinal, offers a bright spot of crimson on the otherwise monochromatic scenery. But every evening—winter, summer, spring or fall—the night sky will come alive with more stars than it is possible to count, as God sprinkles his blessings on West Virginia.

#### COMMENDING SENATOR DANIEL K. INOUE

Mr. BYRD. Mr. President, with great pleasure I congratulate the senior Senator from Hawaii, Mr. DANIEL INOUE, for becoming the second longest-serving Senator in history. He achieved this distinction last Friday when he became only the second person to have served in the Senate for 17,327 days.

I also want to use this opportunity to congratulate Senator INOUE on what I am sure he considers a bigger, and even more important event in his life, the birth of his first grandchild, Mary Margaret "Maggie" Inouye. Maggie was born on April 20 to Ken and Jessica Inouye, the son and daughter-in-law of our esteemed colleague. I wish all of them the best of health and happiness.

I have remarked many times on this floor that Senator INOUE is my "No. 1 hero." No one has ever served our country more extensively, or more bravely and with more loyalty and determination, than has Senator INOUE.

During World War II, he served in the famed 442nd Infantry Regimental Combat Team, the most decorated Army unit in the history of United States. In recognition of his war heroics, he was awarded the Distinguished Service Cross, the Bronze Star, the Purple

Heart, and the Congressional Medal of Honor, making him one of only seven Senators to have been awarded our Nation's highest military honor.

In 1963, he became the first Japanese American ever to serve in the U.S. Congress. And in this Chamber he has served his State and our country with great distinction. Senator INOUE has served on the Senate Watergate Committee, the Congressional Iran Contra Committee, the Senate Appropriations Committee, and as Secretary of the Democratic Conference.

And during his long and productive career in this Chamber, he has become my dear friend. I was honored and pleased when he was the person who nominated me for my third term as Senate whip in 1975. Foremost, I have always appreciated his deep loyalty to the Senate and to me when I was the Senate Democratic leader and he was serving as secretary of the Democratic Conference.

Now, Senator INOUE has achieved another milestone in a career filled with achievements and successes, and I commend him on it.

Congratulations Senator INOUE, my friend, my colleague and my "No. 1 hero!"

#### TRIBUTE TO HARRY MORGAN HOE

Mr. McCONNELL. Mr. President, I rise to pay tribute to an honored Kentuckian, Mr. Harry Morgan Hoe. A graduate of the Kentucky Military Institute, Harry's leadership skill and valor were on full display at the age of 19, when he joined the 4th Infantry Division and stormed the beaches of Normandy. For his service, he was awarded both the Silver and Bronze Stars, among other medals. Upon returning to civilian life, Harry earned a degree in business and more importantly, at least to Harry, met his wife Mary while at college. The couple returned to Middlesboro after graduation and Harry joined in the family business—a foundry. He would go on to serve his community as chairman of the Clear Creek Baptist Bible College and his work with the Cumberland Gap National Park board, the Mountain Laurel Festival board, as well as several other service organizations.

While I could certainly go on about the character of Harry Hoe, let me conclude by saying that Harry Hoe's impact in Middlesboro, Kentucky, should be a model by which we all pattern our approach to leadership—built on humility and grace.

Mr. President, the Middlesboro Daily News recently published a profile story on Mr. Harry Hoe. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Middlesboro Daily News, May 5, 2010]

#### "HARRY HOE—AN ENDURING LEADER"

By Lorie Settles

Harry Morgan Hoe began his life 85-years ago in Middlesboro. He remembers a town much different than the one most of us are familiar with today—where groceries were delivered and children walked to school. The simplicity of life remains one of his dearest memories.

"Growing up here was a real treat," Harry recalled, "everything was free and easy. The town was growing; they were building buildings and paving streets." Harry's generation was the first of his family to grow up in Middlesboro. In 1909, J.R. Hoe, Harry's grandfather, moved his family to Kentucky from Pittsburgh, PA after a labor strike put an end to his career as the superintendent of a large steel mill. He purchased the town foundry and re-named it J.R. Hoe and Sons. Together, he and his five sons worked long hours to create the business Middlesboro knows today.

"My father worked like a dog," Hoe remembered. "He poured 20,000 pounds of iron per day and the things had to be carried, by hand, to the railroad station." Harry went to Louisville to attend high school at the Kentucky Military Institute, from which he graduated in 1943. At the age of 17, just before graduation, he received his draft notice for World War II. After a few months of training, he briefly returned home to see his family, and then shipped out. "We had all gone through basic training; we'd done the physical exercises and the bayonets and it was fun . . . It never got through to me that we were training to kill," he remembered. He arrived with the 4th Infantry Division on the beaches of Normandy shortly thereafter. "I served under General Patton," Harry recalls. "He said: Half of you guys are not going home, you know that don't you? You're over here to take that hill and if you don't take it, I want to see the truckload of dog tags that show me that you proved yourself." So we fought. We were his soldiers—that was all we knew to do."

He was decorated with the Silver Star for gallantry in action, the Bronze Star, the Oak Leaf Cluster for heroic action and the French Liberation Appreciation Medal—all before reaching the age of 19.

During his tour of duty, Harry fought in five major European campaigns. "It was different then," he said. "It was a different war. Everyone was for it, we were very patriotic. We wanted to keep Hitler from ruining the world."

His return home was bittersweet. "I spent weeks when I came home saying: 'What? He didn't come back either? He's dead too?' The boys you hugged at the train station, the ones that came back, were badly wounded and missing limbs. We didn't see all of the consequences until the war was over," he remembered.

Shortly after his return, he enrolled at the University of Tennessee. He graduated in 1949 with a B.S. in Business. "My father wanted me to go to college," Harry said. "I thought that I was too mature. I'd been to war, I felt too old for college life." He met his wife, Mary, at the university through a friend from Middlesboro and the two quickly became an item. He credits much of his success and happiness to Mary, who insisted that he finish college and worked as a librarian at UT after her own graduation while Harry completed his education.

"She was my secret weapon," Harry said of the woman he lost just last year. "She was

easy to love." The couple returned to Middlesboro after finishing school and Harry went to work for the family business. Though he was unsure that he would remain in the business, he viewed it as a chance to gain experience.

His family was happy to have him as the first college graduate in the company for as long as he wished to stay. In 1953, Harry Morgan Hoe was honored as one of the three Outstanding Young Men of Kentucky. His accomplishments would only become more impressive as time went on. Harry worked as the director of the Kentucky Utilities company for 19 years, and was honored by the company with a \$100,000 donation that was awarded to Clear Creek Baptist Bible College. He served as a board member of the college for 20 years and as chairman for two terms.

The first integrated Little League Baseball team south of the Ohio River was instigated in Middlesboro in 1953. Harry began the team and was its president for seven years. In 1959, Harry worked as general chairman for the dedication of the Cumberland Gap National Park. He has been the director of Kentucky Mountain Laurel Festival Board for 55 years and served twice as president. Harry also acted as chairman of the board of directors of Kentuckians for Better Transportation and Associated Industries in Kentucky. He spent two 3-year terms as director of the Kentucky Chamber of Commerce.

In 1964, Harry Hoe decided to try his hand at state politics. He was elected to the Kentucky House of Representatives, where he served for six years. He wrote the Drunk Driving Bill in 1968, and in what seemed to many Kentucky politicians and reporters of the day as an unlikely turn of events, it passed. Harry vividly recalls the day the bill finally got off of the ground: "It was the last day of the legislature and a lot of my opponents were out celebrating at a bar. So I went back to the House and asked the Speaker to allow me to introduce my bill, as a favor since it was my last term. The bill passed the House. I took it to the Lieutenant Governor and asked for a vote in the Senate. No one wanted to be on record as being for drunk driving, but Kentucky produced a lot of whiskey. The Governor, Louie Nunn, wouldn't sign it. He let it sit there for 10 days. The law states that after ten days, if he hasn't signed a bill that has passed the House and Senate, it becomes law."

Harry was the minority whip and the assistant minority floor leader. He spent 12 years serving on the Kentucky Republican State Central Committee and was recently inducted into the Republican 5th Congressional District hall of Fame by Congressman Hal Rogers.

He has been a deacon of the First Baptist Church for the past 60 years and served as chairman of the deacons for three terms. In addition, he has sung in the church's choir for 60 years and been a Sunday School teacher for 55. Harry was awarded the Salvation Army William Booth Award, the highest honor given by the charity, after serving as chairman. He is a life member of the Salvation Army Advisory Board and has been for 60 years.

The Kiwanis Club of Middlesboro has had the benefit of Harry's membership since 1949. He was twice elected president and has won several awards including Kiwanian of the Year. He founded the Middlesboro High School Key Club in 1954. Today, Harry lives in the same house he bought 45-years ago with his wife, Mary.

He continues to work, as needed, at the J.R. Hoe and Sons foundry, where he served

as the President of the firm from 1988 until 2009. He enjoys spending some of his free time with his and Mary's three children: Priscilla, Harry (Bo), and Marilyn, and with his seven grandchildren.

### IRAN SANCTIONS

Mr. KYL. Mr. President, on June 14, Ephraim Sneh, a former Israeli Deputy Defense Minister, wrote a column in the Huffington Post, titled "Tickling Sanctions for Iran From the UN—It's Now Up to Congress," explaining that the United Nations Security Council's recent sanctions on Iran are insufficient.

Dr. Sneh wrote that the Security Council's new sanctions are merely "recommendations, not binding orders" because they do not address the Iranian regime's greatest vulnerability, its oil and gas industry. He urges Congress to pass the Iran Refined Petroleum Sanctions Act, which he believes is "the last option left to promote peace, to free the Iranian people and to prevent war."

I agree with Dr. Sneh. Further, I believe it is imperative, in view of the feckless action by the Security Council, and the timid actions by the administration on unilateral designations yesterday, that Congress act without further delay to pass this new legislation to impose crippling sanctions on Iran.

Mr. President, I ask unanimous consent to have Dr. Sneh's column printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Huffington Post, June 14, 2010]

TICKLING SANCTIONS FOR IRAN FROM THE UN—  
IT'S NOW UP TO CONGRESS

(By Ephraim Sneh, Former Deputy Defense Minister of Israel)

Secretary of State Clinton promised to impose "crippling sanctions" on Iran if it keeps cheating the international community and enriching uranium for a nuclear weapon.

However, the sanctions decided by the UN Security Council last week are tickling sanctions—definitely not crippling ones. They annoy the Ayatollahs' regime, but they cannot bring about its end. They will not delay the Iranian nuclear project by one single day.

The main problem is that the sanctions do not effectively harm the Iranian energy industry, which is the regime's life artery. Iran's oil and gas industry enables the regime to govern. The UN sanctions, instead, focus on the Revolutionary Guards (IRGC), on the nuclear project, and on the banking and shipping systems that directly support it. Moreover, countries that are not keen to impose those sanctions are not strictly obliged to do so. Actually, these are recommendations, not binding orders.

Sanctions which do not substantially undermine the financial basis of the regime do not impede the regime's ability to govern. Such sanctions cannot create a revolutionary situation in Iran that millions of protesters who courageously took to the streets aspire for. The moral support they re-

ceived from the western democracies until now has been feeble and disappointing.

Iran's nuclear project runs on two parallel tracks: It produces large amounts of Low Enriched Uranium (LEU), and it manufactures a large number of centrifuges. When the Ayatollahs decide, many thousands of centrifuges, operating at high speed, will create Highly Enriched Uranium in quantities large enough to manufacture several nuclear bombs. The critical process in nuclear weapon building is the creation of fissile material. This is how Iran will obtain it.

A nuclear Iran is not a threat only for Israel. It is a threat for every state within range of its ballistic missiles. Today Delhi, Moscow and Athens are inside this range. In two years' time, when the next generation of Iranian ballistic missile will enter operational status, more capitals, including European, will join the club of threatened states.

But there is one country, Israel, which cannot live even one day under the shadow of an Iranian nuclear weapon. In my office, as in many offices and homes in Israel, decision-makers included, portraits of our grandparents killed by the Nazis hang on the walls. Israel, bearing this collective historic lesson, cannot allow those who twice a week declare that they will liquidate the Jewish state to have the means to do so. The Jewish people will not pay the price for the weakness of the West twice in 70 years.

Maybe we are paranoid. But, as Henry Kissinger said, "even a paranoid may have real enemies." We do have enemies who viscerally hate us, whether our policies are clever or stupid.

The UN Security Council resolution means that the international community actually acquiesces to a nuclear Iran. Israel is in a corner, and the international community is pushing us to act on our own. Regrettably, we were not wise enough to avoid being so isolated at the same time that we find ourselves in this corner. But our mistakes do not diminish our existential need to act.

The United States could not achieve a better UN resolution. In the current international situation, in a forum where Russia and China can cast a veto, where Brazil and Turkey can bluntly defy it, American diplomacy did its best. But the bottom line is that the Iranian nuclear project will not be stopped by these sanctions, and the regime in Teheran will survive.

There is still something that can be done. The US Congress's bipartisan Iranian Refined Petroleum Sanctions Act (IRPSA), submitted by Congressman Howard Berman and Congresswoman Ileana Ros-Lehtinen, is ready. The sanctions enshrined in IRPSA may cripple the Iranian energy industry, which bankrolls the Ayatollahs. It may bring the regime to its knees. IRPSA poses a clear choice to international corporations: With whom do you want to do business—Iran or the US? If the traditional allies of United States and, most importantly, responsible European countries implement these sanctions, the regime in Teheran would not be able to govern. It would not be able to cruelly repress the Iranian people, export hatred and terror, and build nuclear weapons.

Voting for IRPSA and implementing it promptly is the last option left to promote peace, to free the Iranian people and to prevent war.

### HONORING OUR ARMED FORCES

SERGEANT JOHN KENNETH RANKEL

Mr. BAYH. Mr. President, I rise today to honor the life of Sgt John

Kenneth Rankel of the U.S. Marine Corps. Sergeant Rankel was assigned to the 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

Sergeant Rankel was only 23 years old when he lost his life on June 7 while serving bravely in support of Operation Enduring Freedom in Afghanistan. He was deployed on his first tour of duty in Afghanistan, having reenlisted after completing two tours in Iraq.

Sergeant Rankel was from Speedway, IN. He enlisted in the Marine Corps immediately after graduating from Speedway High School in 2005. Though he was a star athlete on his high school football team, he chose to serve rather than play football in college. A fellow marine described John as "the greatest guy I knew, and the best friend anybody could ask for."

Today, I join John's family and friends in mourning his death. He is survived by his mother Trisha Stockhoff; his stepfather Don Stockhoff; his father Kevin Rankel; his stepmother Kim Rankel; and his brothers Nathan Stockhoff and Tyler Rankel. He will forever be remembered as a loving son, brother, and friend.

While we struggle to express our sorrow over this loss, we take pride in the example of this American hero. We cherish the legacy of his service and his life.

As I search for words to honor this fallen marine, I recall President Lincoln's words to the families of the fallen at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here."

It is my sad duty to enter the name of Sgt John Kenneth Rankel in the official RECORD of the U.S. Senate for his service to our country and for his profound commitment to freedom, democracy, and peace.

I pray that John's family finds comfort in the words of the prophet Isaiah, who said: "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

### SPECIALIST BLAINE E. REDDING

Mr. NELSON of Nebraska. Mr. President, I rise today to honor Army SPC Blaine E. Redding, who lost his life as the result of an improvised explosive device in Konar, Afghanistan, on June 7, 2010.

Specialist Redding, who grew up in Plattsmouth, NE, was assigned to A Company, 2nd Battalion, 327th Infantry Regiment, 101st Airborne Division out of Fort Campbell, KY. He was serving in Afghanistan with his younger brother Logan, who was also a member of the 101st Airborne.

Having previously served a year in Iraq, Specialist Redding was just 4 weeks into his deployment in Afghanistan when the vehicle he was riding in was hit by the roadside bomb. Four others were lost in this tragic event.

Specialist Redding served his country honorably and made the ultimate sacrifice for his fellow Americans. His courageous choice to protect his country and help the people of Iraq and Afghanistan achieve peace and security represents all that we can be proud of in our Armed Forces.

I commend SPC Blaine Redding's bravery and selflessness, while offering my deepest condolences to his young wife Nikki and the family members he left behind. It is a small comfort for those who must now go on without one they loved so dearly, but they know that Specialist Redding gave his life for a noble goal. I join all Nebraskans—indeed, all Americans—in mourning the loss of this fine young man.

#### TRIBUTE TO KOREAN WAR VETERANS

Mrs. MCCASKILL. Mr. President, I rise today to recognize and pay tribute to our Korean war veterans and to express my strong support for and admiration of the Harry S. Truman Library Institute, the nonprofit partner of the Truman Library, that is leading our Nation's commemoration of the 60th anniversary of the start of the Korean war. On this important anniversary, we must not forget the lessons from this oft-forgotten war, nor the men and women who demonstrated legendary courage and valor in the face of unspeakable brutality.

Sixty years ago in Independence, MO, on June 25, 1950, President Harry S. Truman received word that the free people of South Korea had been invaded by some 135,000 communist troops from the North. America's 33rd President responded swiftly and decisively, for, in his words, "In my generation, this was not the first occasion when the strong had attacked the weak." Today, the fateful crossing of the 38th parallel by communist forces stands as the opening paragraph of one of the most brutal chapters in our American history, the Korean war.

It is impossible to understand our world today—and to have an informed view on the conflict that continues to seethe on the Korean peninsula—without understanding the Korean war. And yet, the first conflict in the Cold War is sometimes called the "Unknown War," or worse, the "Forgotten War" because it is not widely taught, studied or understood. That is why, on this important occasion, we must rise to honor the courage and sacrifice of our Korean war veterans—so we can never forget.

We cannot and will not forget that nearly 1.8 million Americans served in Korea, along with the forces of the Re-

public of Korea and 20 other members of the United Nations, to defend freedom and democracy. We will not forget that nearly 33,739 Americans died in battle during the war. We will not forget that nearly 92,100 troops were wounded in action during the conflict. We will not forget that more than 8,100 men and women never came home, and are still listed as missing in action or prisoners of war.

We have, as we recognize the 60th anniversary of the start of the Korean war, an important opportunity to examine the roots and legacy of the Korean war and to honor each individual who, in the defense of freedom, bravely faced aggression of devastating tyranny. I urge all Americans to observe the 60th anniversary of the Korean war and to take this opportunity to learn about the conflict and, most importantly, the men and women who participated in it. Their legacy is one of great honor. I want to recognize the Korean War Veterans Appreciation Ceremony—held on June 21, 2010, in the hometown of one of Nation's great leaders, President Harry S. Truman, as a sterling symbol of our Nation's commitment to always remember, understand, and honor our brave Korean war heroes and the history of the Korean war.

I want to especially recognize the men and women at the Harry S. Truman Library Institute who tirelessly labored to make the Appreciation Ceremony possible and a tremendous success. It is with great regret I will not be able to join many Missourians, many veterans, my esteemed colleague, Congressman IKE SKELTON, who is a tremendous student of military history, and keynote speaker GEN David Petraeus, a modern-day American war hero, on June 21 in Independence to recognize this anniversary and celebrate Korean war veterans. However, I know this will be a momentous event on a momentous occasion. I stand with all of those at the event in remembering the Korean war, in honoring Korean war veterans, in paying respect to the remaining POWs and MIAs and the fallen servicemembers, and in celebrating America's freedom, which has for so long been guaranteed by our fighting men and women.

#### JUNETEENTH

Mr. CARDIN. Mr. President, I rise today in celebration of the 145th anniversary of Juneteenth, the oldest commemoration of the end of slavery in the United States. On June 19, 1865, Union soldiers arrived in Galveston, TX, to inform the slaves that they were free. Although the Emancipation Proclamation took effect on January 1, 1863, it was 2 years later before the message reached slaves in Texas and the Union troops enforced the President's order. Eighty-nine years after

America's Independence Day, Africans in America finally obtained their independence from slavery. Juneteenth is a day when all Americans should celebrate Black Americans' freedom and heritage.

In 2008, Congress apologized for the injustice, cruelty, brutality, and inhumanity of slavery and Jim Crow laws. The congressional resolution acknowledged that African Americans continue to suffer from the complex interplay between slavery and Jim Crow long after both systems were formally abolished. This suffering is both tangible and intangible, including the loss of human dignity, the frustration of careers and professional lives, and the long-term loss of income and opportunity.

On Wednesday, Congress honored the African-American slaves who built the U.S. Capitol by dedicating plaques to their memory. Historians have discovered that slaves worked 12-hour days, 6 days a week on the construction of the Capitol. The Federal Government rented over 400 slaves from local slave owners at a rate of \$5 per person per month, but the slaves were not paid for their work.

On this day, it is fitting to remember our Nation's painful history. Millions of Africans were torn from their homeland and brought to the Americas as chattel. While it is unknown how many died during the middle passage, it is estimated that 645,000 arrived in the United States. My own State of Maryland had slaves. In 1790, more than 100,000 slaves, which would have been about a third of the State's total population, lived in Maryland. Seventy years later, the 1860 census indicated that there were more than 4 million slaves nationwide.

Despite Maryland's history of slavery, many Marylanders led the fight for abolition. The underground railroad was a secret network that helped enslaved men, women, and children escape to freedom. Its route through Maryland took passengers by boat up the Chesapeake Bay. Ships departed from the many towns located directly on the bay and from cities on rivers that flowed into the bay, including Baltimore. Many ships' pilots hid fugitives and helped them on their way.

Another route led slaves by land up along the eastern shore of Maryland and into Delaware, where they could cross into Pennsylvania and go north to freedom in Massachusetts, New York, and Canada. This was the route used by Harriet Ross Tubman, a native of Dorchester County, MD. Tubman not only guided herself and her family to freedom through the underground railroad, she also made more than 19 trips to the South to lead more than 300 slaves to freedom. She never lost a "passenger" along the route.

The abolitionist leader Frederick Douglass was born in Talbot County on

Maryland's eastern shore. At age 20 he escaped from slavery and spent the rest of his life advocating racial equality throughout the United States and the United Kingdom. Harriet Tubman, Frederick Douglass, and countless others who led slaves to freedom and fought to abolish slavery are the heroes who inspire us to persevere in the fight for equality and justice in this country and worldwide.

In 1865, June 19 marked the end of slavery in America, but not the end of de jure racial discrimination. My own State of Maryland passed 15 Jim Crow laws between 1870 and 1957. Maryland's schools, swimming pools, movie houses and other facilities were segregated. Notably, in 1930, the University of Maryland Law School denied admission to Baltimore native Thurgood Marshall, a man who would two decades later argue the landmark *Brown v. Board of Education* case, outlawing legally segregated schools, and who would soon after become the Nation's first Black Supreme Court Justice.

While our Nation has made considerable progress over the past century and a half, many challenges remain. Discrimination, disparities, and racially motivated hate persist. We must confront these issues. We cannot ignore the disparities in health care that result in higher premature birth rates and reduced life expectancy for minority populations. We cannot ignore discriminatory sentencing in our courts or discriminatory lending practices by financial institutions. Racially motivated police brutality and hate crimes cannot stand. We must continue to pursue justice in each of these areas, and for all Americans.

We owe it to the legacy of our predecessors in the battle for racial equality to keep fighting injustice until the Declaration that "all men are created equal" rings true. We cannot be complacent. As Martin Luther King, Jr. said, "We will remember not the words of our enemies, but the silence of our friends."

We must continue to strive toward elimination of inequality so we can truly honor the spirit of Juneteenth.

#### REMEMBERING ARKANSAS FLOOD VICTIMS

Mrs. LINCOLN. Mr. President, my home State of Arkansas is known for its natural beauty, drawing thousands of visitors each year for camping, fishing, and outdoor recreation. Tragically, 20 visitors to Camp Albert Pike lost their lives last weekend after severe rain resulted in flash flooding early Friday. My heartfelt condolences go out to their families, friends, and loved ones, many of whom I met as I toured the devastation. I will continue to pray that they find peace and consolation.

I have always had the utmost respect for our law enforcement, first respond-

ers, search and rescue teams and offices of emergency management. I have never been more impressed than in seeing their monumental effort during this tragedy. These brave men and women put their own safety at risk to search for survivors and victims, and they demonstrated amazing competence and dedication.

I was personally moved, as once again, Arkansans rallied to help their neighbors. While most of the victims of this disaster were from outside the boundaries of our State, local citizens embraced them with love and true compassion.

It was heartbreaking to hear the stories of those who struggled to make it out alive and those who were not so fortunate. There were many true heroes—of all ages—who continued to rescue others even when they knew members of their own families had perished and in the face of unbelievable personal danger.

Mr. President, I ask that we remember those who lost their lives in this tragic event:

#### ARKANSAS

Kaden Jez, 3, Foreman; Leslie Anne Jez, 23, Foreman; Debra McMaster, 43, Hope; Sheri Wade, 46, Ashdown.

#### LOUISIANA

Shane Basinger, 34, Shreveport; Kinsley Basinger, 6, Shreveport; Jady Basinger, 8, Shreveport; Anthony Smith, 30, Gloster; Katelynn Smith, 2, Gloster; Joey Smith, 5, Gloster; Bruce Roeder, 51, Luling; Kay Roeder, 69, Luling; Deborah Roeder, 52, Luling.

#### TEXAS

Robert Lee Shumake, 68, DeKalb; Wilene Shumake, 67, DeKalb; Nicholas Wade Shumake, 8, DeKalb; Eric Wayne Schultz, 38, Nash; Gayble Y. Moss, 7, Texarkana; Kylee Sullivan, 6, Texarkana; Julie Freeman, 53, Texarkana.

#### WORLD REFUGEE DAY 2010

Mr. LEAHY. Mr. President, this Sunday, June 20, is World Refugee Day. On June 20, 2001, we recognized World Refugee Day for the first time, in commemoration of the 50th anniversary of the 1951 Convention Relating to the Status of Refugees.

At the end of the last century, war and ethnic cleansing in the former Yugoslavia left many people without a home or the protection of their country of origin. The Rwandan genocide of 1994 and the subsequent wars in the Democratic Republic of Congo forced refugees to flee to Tanzania and other neighboring states. As of last fall, over 300,000 individuals in Tanzania were still waiting for safe, third country resettlement. The dissolution of the former Soviet Union, followed by war and ethnic strife in Chechnya, the Caucasus, and Central Asian successor states, created millions of refugees and internally displaced persons. Some of these former Soviet citizens were left stateless and remain so, unable to claim the rights or protection of any nation.

Despite these tragic events, the first World Refugee Day was an occasion of great hope. It provided an opportunity to celebrate the perseverance of refugees as they begin new lives in foreign lands, join new communities, learn new languages, and help their families adjust. The inaugural World Refugee Day celebrated the hard work of organizations such as the Office of the United Nations High Commissioner for Refugees and other voluntary agencies dedicated to serving refugees. The day also acknowledged the personal contributions of volunteers in the United States and around the world to help refugees resettle in their communities. Finally, World Refugee Day raised awareness about the challenging conditions faced by refugees, whether they are fleeing violence and persecution, or waiting in a camp, hoping that a safe nation will welcome them and provide them security.

The last 10 years have not been easy for refugees. War and conflict around the globe have produced more refugees, yet the financial crisis and global economic downturn have made it more difficult for comparatively wealthy countries to contribute funds to support refugees and resettlement programs. For refugees recently resettled in the United States, the high unemployment rate, increased demand for low income housing, and strain on community service providers has made it more difficult for these new Americans to start to build their new lives.

After the September 11, 2001, attacks, certain changes to U.S. asylum law were enacted that have the effect of denying protection to genuine refugees, such as child soldiers and women forced into sexual slavery, if their coerced actions are labeled as "material support" for terrorism.

Throughout this difficult time, I have remained proud of the role that our country plays in supporting refugees and internally displaced persons abroad and helping refugees resettle in the United States. Since the 1980 Refugee Act was enacted, more than 2.6 million refugees and asylum seekers have been resettled in the United States.

My home State of Vermont has welcomed more than 5,300 refugees since 1989. In 2001, the same year as the first World Refugee Day, the first group of the "Lost Boys" of Sudan was resettled in Vermont. These boys had traveled hundreds of miles by foot to escape war and ethnic- and religious-based persecution. They were warehoused in refugee camps in Kenya and Ethiopia before being resettled in the United States. In the 9 years since they have arrived in Vermont, many have graduated from college, and some have gone on to attend graduate school.

Vermont has received refugees from across the globe, including Bosnia, Burundi, Vietnam, Somalia, and Russia.

Hundreds of Vermonters have volunteered to help these refugees adapt to life in Vermont, welcoming them into their homes, schools, and places of worship. The newcomers have had a profound effect on life in Vermont, starting small businesses, excelling in local soccer teams, creating art, running community gardens, and sharing their cultures. In one Vermont school district, all signs are in English, Vietnamese, and Serbo-Croatian, reflecting just a few of the many languages spoken by the diverse student population. Not only do the Vermont-born students learn a little more about the world from their classmates who are refugees, but they also learn an important lesson about the resolve and durability of the human spirit.

While I am proud of the United States' long-standing commitment to refugees, I believe that we as lawmakers can do better for the world's most vulnerable populations. That is why I introduced S.3113, the Refugee Protection Act of 2010. The bill will bring the United States back into compliance with the Refugee Convention. Through modifications to the statute and misinterpretations of law in court decisions, the United States is falling short in some areas of refugee protection. The bill corrects serious problems in our law, such as the material support provision, which can prevent innocent victims of persecution from gaining protection. It also repeals the one-year filing deadline for asylum seekers in the United States. The deadline was unnecessary when it was added to the law in 1996, and remains unnecessary now. The bill also improves due process protections for asylum seekers without lowering the standards that one must meet in order to gain refugee status.

For resettled refugees in the United States, the bill ensures that per capita grants to assist these new Americans are adjusted every year to reflect the cost of living and inflation. The Obama administration raised the per capita grant level this year after it had languished at an unacceptably low level for years. I commend that action, but want to ensure the number does not remain stagnant.

I thank Senators LEVIN, AKAKA, DURBIN, and BURRIS for their support of the Refugee Protection Act. I hope that on World Refugee Day, others will join us in helping victims of persecution worldwide.

Mr. LEVIN. Mr. President, this Sunday, June 20, the world will observe the tenth annual World Refugee Day. On this day, we call attention to humanity's efforts, through the United Nations, the work of individual governments, and of nongovernmental organizations, to alleviate the plight of those forced from their homes by conflict or hatred.

Sadly, while the world's commitment to these refugees is great, the scope of

the problem is even greater. Last year, more than 43 million people were forcibly displaced from their homes, the largest number since the mid-1990s. At the same time, data from the United Nations High Commissioner for Refugees show that the number of refugees who resettled in 2009 was at the lowest level in two decades.

These figures, just for 2009, include more than 2.8 million people who have fled homes in Afghanistan, more than 1.7 million people from Iraq, more than half a million in Somalia, nearly half a million from the Democratic Republic of Congo. These stunning numbers represent the human cost of humanity's inability to live in peace. These seemingly endless millions represent mothers who struggle to feed their babies, children unable to go to school, families without dependable access to clean water or food or medical care. They are without homes, and if the world is silent to their pleas for aid, they will be without hope.

Fortunately, this human tragedy has prompted global action, with the United States in the lead. The Refugee Act of 1980 guides U.S. policy with regards to refugees, and since its passage, more than two and a half million people forced from their homes have been resettled in the United States. Of the more than 112,000 refugees who found refuge in countries other than their home in 2009, about 80,000, or nearly three-quarters, were resettled in the United States.

Despite our commitment to aiding refugees and to finding them new homes, our current policies often stand in the way of fulfilling our responsibility to help. Current law and administrative practice too often put unnecessary burdens on those seeking asylum here, even barring some who hope to escape the worst sorts of violence and persecution from entering the United States.

Seeking to address these problems, I have joined Senators LEAHY and DURBIN in sponsoring the Refugee Protection Act of 2010. Our legislation would extend protections for those seeking asylum in the United States; reform the process by which asylum seekers can be expelled from this country; modify existing law to ensure that legitimate asylum-seekers are not inadvertently caught up in antiterrorism protections while ensuring that terrorists are unable to manipulate the system to gain entry; and ease the path to resettlement for asylum-seekers and their families. Failing to remedy these gaps in our refugee law would carry a great human cost. As Dan Glickman, the president of Refugees International, testified to the Judiciary Committee during a hearing on our bill last month, "The Refugee Protection Act will help us do the right thing by creating a more efficient and fair process for providing safe haven to the world's most vulnerable."

We face this continuing challenge without one of the world's most eloquent and effective advocates for the world's refugees. Senator Ted Kennedy led the drive to pass the original Refugee Act of 1980. He was a tireless advocate for the innocent victims of conflict, religious persecution and ethnic hatred. As we approach another World Refugee Day, we would benefit enormously from his leadership, but we can gain inspiration from his example. So long as there are people forced from their homes by war and persecution, this Nation will have a responsibility to act, and the Refugee Protection Act is an important opportunity to do so.

#### UIGHUR PROTESTS IN URUMQI

Mr. KAUFMAN. Mr. President, it has been nearly a year since deadly ethnic rioting between ethnic Han Chinese and the native Uighur population engulfed the city of Urumqi in China's vast, far-western region of Xianjiang—one of the worst ethnic clashes in China in decades.

Last year, after the protests began, I spoke on the floor, expressing my concern about human rights abuses and a lack of press freedom in Xianjiang, as demonstrated by the decision by the Chinese government to block access to journalists, which prevented the world from knowing the truth of what was occurring. Unfortunately, it is now clear that things were even worse than we knew at the time.

The Chinese police, the People's Armed Police, and the military responded with a heavy hand, conducting many large-scale sweep operations in two mostly Uighur areas of the city, operations that reportedly continued at least through mid-August of 2009. Internet and text-messaging services were immediately limited or cut off, and were only restored last month, depriving the people of Xianjiang from access to news, information, means of communication, and other benefits of connective technology.

The official death toll from the July 5, 2009, rioting was reportedly 197—though human rights observers say the actual number of casualties is higher. At least 1,700 people were injured, and some 1,500 people, by the government's own account, were detained. According to an insightful article published in the Washington Post this week, as of early March, there have been 25 death sentences among the 198 people officially sentenced. Twenty-three of those 25 were ethnic Uighurs.

The Post, which sent a reporter to Urumqi for a look at the city 1 year after the riots, reports that residents "seem most terrified of talking," and not just with journalists but also with each other. Uniformed and plainclothes police officers are pervasive, the newspaper reports. Most Uighurs are Sunni Muslims, but their religious freedoms

have been sharply curtailed. Economically, they lag well behind the ethnic Han population.

I condemn the continued repression of the Uighurs, as well as the violence perpetrated against all innocent civilians in China, and I call on the Chinese government to bring this reprehensible behavior to an end. I also reiterate my call from last year on the Chinese government to open Internet and mobile phone access, end jamming of international broadcasting, and lift the grave and growing restrictions on the press. If China is going to assume a position of leadership in the international community on par with its economic standing, it must lead by example in granting essential freedoms and human rights to its citizens.

I ask unanimous consent that the Washington Post article entitled "One year later, China's crackdown after Uighur riots haunts a homeland" published on June 15 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post Foreign Service, June 15, 2010]

ONE YEAR LATER, CHINA'S CRACKDOWN AFTER UIGHUR RIOTS HAUNTS A HOMELAND  
(By Lauren Keane)

URUMQI, CHINA.—A hulking shell of a department store towers over this city's Uighur quarter, a reminder of what can be lost here by speaking up.

For years, it was the flagship of the business empire of Rebiya Kadeer, an exiled leader and matriarch of the Uighur people. If Chinese government accounts are accurate, she helped instigate fierce ethnic riots that killed hundreds and injured thousands here last July—an accusation she vehemently denies.

Still a prominent landmark even in its ruin, the Rebiya Kadeer Trade Center was partially confiscated by the government in 2006 when Kadeer's son was charged with tax evasion, although tenants were allowed to stay. After the riots, it was shuttered and slated for destruction. The government said the building had failed fire inspections, but it seems in no hurry to set a demolition date.

The forsaken structure makes for an effective deterrent. Last summer's chaos has been replaced with a level of fear that is striking even for one of China's most repressed regions. Residents are afraid of attracting any attention, afraid of being in the wrong place at the wrong time. But they seem most terrified of talking.

"Every single family on this block is missing someone," said Hasiya, a 33-year-old Uighur who asked that her full name not be used. Her younger brother is serving a 20-year prison sentence for stealing a carton of cigarettes during the riots. "Talking about our sorrow might just increase it. So we swallow it up inside."

Fear is not unwarranted here. For years now, those caught talking to journalists have been questioned, monitored and sometimes detained indefinitely. More striking is that residents now say they cannot talk even with one another.

The Turkic-speaking Muslim Uighurs consider Xinjiang their homeland but now make

up only 46 percent of the region's population, after decades of government-sponsored migration by China's Han ethnic majority.

The riots started as a Uighur protest over a government investigation into a Uighur-Han brawl at a southern Chinese factory. Several days of violence brought the official death toll to 197, with 1,700 injured, though observers suspect the casualty count to be much higher. Most of the dead were Han, according to authorities. The government officially acknowledged detaining nearly 1,500 people after the riots. As of early March, Xinjiang had officially sentenced 198 people, with 25 death sentences. Of those 25, 23 were Uighur.

The events forced China's national and regional governments to address, at least superficially, taboo issues of ethnic conflict, discrimination and socioeconomic inequality. The central government in April named a different Communist Party secretary for Xinjiang, Zhang Chunxian, who promptly announced that he had "deeply fallen in love with this land." In May, the government announced a new development strategy to pour \$1.5 billion into the region. It also restored full Internet and text-messaging access to the region after limiting or blocking it entirely for 10 months.

The riots "left a huge psychic trauma on the minds of many people of all ethnicities. This fully reflects the great harm done to the Chinese autonomous region by 'splittist' forces," said Wang Baodong, a spokesman for the Chinese Embassy in the United States.

The ability to confront what happened last July, and why, still eludes people of all ethnic groups in Xinjiang. White-knuckled, they hold their spoons above steaming bowls of mutton stew, poking nervously at the oily surface. They fiddle with their watchbands until they break. They repeat questions rather than answer them. They glance through doorways, distracted, and shift side to side in their chairs. Summer's full swelter has yet to arrive, but everyone starting to speak to a reporter begins to sweat. One man leaves the table six times in half an hour to rinse the perspiration from his face. He returns unrefreshed.

When asked what changes the riots had brought, Mehmet, a former schoolteacher who resigned last year because he opposed requirements that he teach his Uighur students primarily in Chinese, took a long glance around the room before pointing halfheartedly out the door. "They built a new highway overpass," he said.

Suspicion of fellow citizens is still common throughout China but seems especially acute here. Academics accept interviews only if they can avoid discussing the conflict's lingering effects. An apologetic professor backed out of a planned meeting after his supervisor discovered his plan, called him and threatened his job. A businessman said that he believed government security agents often trained as journalists, and asked how he could be sure that he would not be turned in.

"We're seeing increasingly intrusive modes of control over religious and cultural expression," said Nicholas Bequelin, a Hong Kong-based senior researcher at Human Rights Watch. "They live in fear of being overheard."

The Kadeer Trade Center is at the center of a protracted conflict. The Urumqi government said that compensation talks with tenants were still ongoing, and that it had moved the tenants to a nearby location. A spokesman for Kadeer, who now lives in Fairfax, said she had not been offered compensation.

Although the government says it is striving for stability, getting there is uncomfortable. On a single street near this city's main bazaar, four different types of uniformed police were on patrol one recent day—not counting, of course, an unknown number of plainclothes security guards. They marched haphazardly along the sidewalks, the different units so numerous that they sometimes collided. Late into the evening, they perched on rickety school desk chairs placed throughout the bazaar, watching. On the corner outside Xinjiang Medical University, armed police in riot gear peered out the windows of an olive green humvee or leaned on riot shields under the afternoon sun.

"It's quiet here on the surface," said Yu Xinqing, 35, a lifelong Han resident of Urumqi whose brother was killed by Uighurs during the riots. He now carries a knife with him everywhere, avoids Uighur businesses and rarely speaks with Uighur neighbors he previously considered friends. He says he is saving money to leave Xinjiang behind for good.

"We don't talk about these things, even within our families," he said. "But our hearts are overwhelmed; we hold back rivers and overturn the seas."

Still, every once in a while, when a resident is safely alone with a neutral observer, months' worth of stifled thinking tumbles out. That was the case for Ablat, a Uighur businessman who sells clothing near the main bazaar; he would not allow his last name to be mentioned. Ablat had been speaking in vague, evasive terms for three hours, and then—ensconced in his car, speeding north out of town—something finally released.

"Give us jobs, stop holding our passports hostage, and let us worship the way we want to," he said. "That would solve these problems. That is all it would take."

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO DR. ROBERT TABASH

• Mr. BOND. Mr. President, today I wish to extend my thanks to Dr. Robert Tabash for dedicating his career to the Holy Family Hospital in Bethlehem, Palestine. Thanks to his concern for the people of Palestine, Dr. Tabash has created a hospital that is truly an oasis of peace in the troubled region and is a shining example of humanitarian assistance.

Dr. Tabash's work to build an oasis of peace to serve mothers and babies in conflict-torn Palestine has not been an easy road. After serving as a staff physician beginning in 1971, Dr. Tabash was appointed the Director of Administration to the Holy Family Hospital in 1985. That same year the hospital was forced to close due to the Arab-Israeli conflict. After a 5-year renovation period, Dr. Tabash's vision finally came to life when the hospital was inaugurated. That same year, Dr. Tabash saw the first baby born in the new facility. Since, the hospital has successfully delivered over 50,000 newborns. With the only neonatal intensive care unit in the area, Holy Family Hospital has amazingly limited the mortality rate to around 2 percent, on par with Western hospitals and remarkably different

than the roughly 30 percent mortality rate found in government-run hospitals in the West Bank.

This impressive success rate with high risk pregnancies and track record for saving premature babies makes the Hospital special. But what makes Holy Family truly shine is their commitment to serving pregnant women and babies in the West Bank, regardless of religion or race. Despite this commitment, more than 90 percent of Holy Family's patients are Muslim. Backed by U.S. dollars—and I am proud to have secured \$3.5 million for the hospital in 2005—Holy Family not only gives the unborn a chance at life in a troubled part of the world, it also works to dispel the false notions that America is at war with the Muslim world and sides only with the Israeli people.

Holy Family Hospital is one of the most successful and touching examples of Smart Power in the Middle East—where through non-military engagement, like diplomacy, education, and in this case, humanitarian assistance, we can win hearts and minds, a necessary first step to peace.

Dr. Tabash is a Christian Palestinian doctor. Born in Bethlehem himself, it is Dr. Tabash, and his endless devotion to serving the most vulnerable in Bethlehem—pregnant mothers and babies—that has made the hospital the success story it is today. Dr. Tabash is the rare individual who recognizes that the work of one person—every person—can make a difference. Through his work, Dr. Tabash has saved thousands of babies' lives and touched countless more.

On the occasion of Dr. Tabash's retirement I offer gratitude and congratulations for the good Doctor's contributions—to the lives of many mothers and babies and to the long-hoped dream of peace in the Middle East.●

#### NEVADA CITY FIRE DEPARTMENT

● Mrs. BOXER. Mr. President, I am pleased to recognize the 150th anniversary of the Nevada City Fire Department in Nevada City, CA.

The Nevada City Fire Department was formed in June 1860 after a group of local women set up theatrical shows and a ball to raise funds to form a fire department. The fire department began with three fire companies: the Nevada Hose Company No. 1; Eureka Hose Company No. 2; and the Protection Hook and Ladder Company No. 1. In 1861, the first fire station was built to house the volunteer fire departments in downtown Nevada City and had a service area of about 1 square mile.

Over the years, the Nevada City Fire Department has evolved to meet the growing needs of Nevada City. In 1938, a new city hall and fire station were built and, in 1960, the first paid fire chief was hired. Nearly four decades later, in 1999, a new fire station was

built to accommodate the department's needs. In 2000, the city hired its first paid fire fighter to staff the fire station during the day and, by 2003, three paid fire fighters were hired to man the fire station 24 hours a day.

Today, the Nevada City Fire Department has 20 employees serving over 3,000 residents with three fire engines and two fire stations. They respond to over 500 calls for service every year in their 2 square mile service area, and assist on calls from mutual aid areas including wild land fires on national forest land.

As the community celebrates the Nevada City Fire Department's sesquicentennial anniversary, I would like to congratulate and thank all of the brave men and women of the Nevada City Fire Department who have proudly served their community over the past 150 years.●

#### AUGUSTA STATE UNIVERSITY MEN'S GOLF TEAM

● Mr. CHAMBLISS. Mr. President, today I congratulate the Augusta State University men's golf team on their historic NCAA Championship win last week.

On June 6, 2010, Augusta State beat Oklahoma State 3-3-1 in the championship match of the 112th NCAA Division I Championships.

ASU's Henrik Norlander, Patrick Reed, Mitch Krywulycz, Taylor Floyd and Carter Newman had already defeated No. 3 Georgia Tech and the No. 2 Florida State to bring them to the championship. All that was left now was Oklahoma State, the No. 1 team in the country.

The win seemed unlikely. Oklahoma State was not only ranked higher, but had more funding, more experience and more championship titles. They were giants in the golf world.

In addition, Taylor Floyd was sick. So sick, that it seemed as though he couldn't play.

But Augusta State was determined. They had tried to win 11 times before this and failed. This was their year to win.

So, at the Honors Course just north of Chattanooga, TN, ASU did just that. Its win was not only the first NCAA championship title in Augusta State's history, but also marked the team's 10th straight top-five finish of the season.

And they deserved to win. Throughout the tournament they played with heart, played with courage and played with sportsmanship. They became giants on that course.

They not only made Augusta State proud but the Augusta and the State of Georgia proud.

But no one could be prouder than ASU's head coach Josh Gregory. As tears pooled in his eyes, he said, "This means everything. This is a dream

come true, and they are incredible players."

Gregory's commitment and dedication to his team has resulted in four NCAA championships appearances, the most by any coach in school history.

We can all be inspired by the story of this small school and its struggle to victory. Its hard work and perseverance is unparalleled, and I am grateful that they have represented our state so well.

Once again, I would like to offer my congratulations to the Augusta State University team on this special occasion, and wish its players the best of luck as they defend this title over the next year.●

● Mr. ISAKSON. Mr. President, today I honor in the Senate the men's golf team at Augusta State University and congratulate them on their new title—National Champions.

On June 6, 2010, Henrik Norlander, Patrick Reed, Mitch Krywulycz, Taylor Floyd, and Carter Newman won the National Collegiate Athletic Association Division I National Championship in dramatic fashion at The Honors Course in Ooltewah, TN. These fine young men played outstanding golf throughout the entire tournament, including wins against the No. 3 seed Georgia Tech and the No. 2 seed Florida State. However, in the final match, they soared and played like true professionals. The team defeated 10-time national champion and No. 1 seed Oklahoma State to bring home the trophy. This is the first of no doubt many national championships to come for Augusta State University.

In addition, on June 15, 2010, Coach Josh Gregory was named Coach of the Year by the Golf Coaches Association of America. Coach Gregory has played such a vital role in the team's success, and I am proud to honor him. Coach Gregory recently completed his eighth year as Director of Golf and Head Men's Golf Coach at ASU and has guided the Jaguars to the best season in school history this year. ASU posted four tournament victories, matched the highest national ranking in school history at No. 2, and registered 10 consecutive top-five finishes to close out the season.

I salute this team on their work ethic, including playing through illness, and their big win as a result of their efforts. I am pleased to acknowledge the great achievement of these young men and to extend my deepest congratulations.●

#### CARSON, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 100th anniversary. From June 25–27, the residents of Carson will gather to celebrate their community's history and founding.

The rural post office opened on August 11, 1902, in Carson. A man by the name of John Erickson suggested the name Zelma for the town, after the daughter of a local rancher. However, the selected name of Carson was coined by combining the names of local settlers, Frank Carter and Simon and David Pederson. A few years later, the city merged with the rival town site of North Carson when the Northern Pacific Railroad brought the two communities together. It became the county seat of Grant County when the county organized in 1916.

Today, Carson remains a small, proud community. Just this year, a devastating ice storm crippled much of rural southwestern North Dakota, leaving many without power. While the residents of Carson lost power for approximately four days themselves, they helped to serve the people of several surrounding communities who went without electricity for nearly a month. This is just one example of the resilience of the people of Carson.

To celebrate the town's centennial, the residents of Carson have planned a number of festivities. They will gather for an all-school reunion, an alumni basketball game, attend a Bull-A-Rama, and participate in other celebratory festivities.

I ask the U.S. Senate to join me in congratulating Carson, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Carson and all the historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Carson that have helped shape this country, which is why this fine community is deserving of our recognition.

Carson has a proud past and a bright future.●

#### KUAKINI HEALTH SYSTEM

● Mr. INOUE. Mr. President, I wish to recognize the 110th anniversary of the Kuakini Health System. This great institution of Hawaii was born from necessity and boundless compassion for others. From the humble beginnings of 38 beds, the Kuakini Health System's hospital has grown to serve a 250-bed occupancy. This impressive establishment has marked the lives of countless people and has indeed laid the foundation for a legacy that will endure for years to come.

I am proud to honor the Kuakini Health System. Through the unwavering dedication to serve those in need, its staff has played a pivotal role in the health care of Hawaii's residents. Since its inception, the standards of high quality care were set as the basis for this medical center and though it has been many years, these core values were never lost and the aspiration for excellence has only amplified. Such at-

tributes can be exemplified through the many accomplishments that have set this center apart from all others in Hawaii. It leads in the fields of oncology, geriatric and cardiac care, gastroenterology services, orthopedic surgery, pulmonary disease treatment, and telemedicine and cyberhealth. The commitment demonstrated by all its members is commendable and a model of distinction. The Kuakini Health System is and will always remain an integral part of Hawaii's community. They have my respect and profound appreciation for their steadfast ambition and the necessary work they do.

Mr. President, I ask my colleagues to join me in acknowledging this truly remarkable occasion for the Kuakini Health System.●

#### REMEMBERING ROBERT DEAN MOORE

● Mr. JOHNSON. Mr. President, today I wish to recognize the inspirational life and dedicated service of Robert Dean Moore. It has been my great honor to know Robert for many years and to consider him a friend. I have always appreciated his guidance and insight on issues impacting American Indian tribes in South Dakota and throughout Indian Country.

Robert was born on May 3, 1963. He was an enrolled member of the Rosebud Sioux Tribe and a proud graduate of Sinte Gleska University in Mission, SD. Robert passed away on May 29, 2010. His family, friends, and extended community have lost a great leader and dear friend. His funeral was held on June 5, 2010, and the outpouring of memories and tributes at the service reflected the widespread impact that Robert had on so many lives.

Robert represented South Dakota as a delegate to the Democratic National Convention. Robert was an incredibly talented singer, and in 1996 and 2008, he gave powerful renditions of the National Anthem to the delegates. I was also fortunate enough to have him sing during my first swearing in ceremony in the U.S. Senate in 1997.

In the early 1990s, Robert served as a staff member for my colleague, Senator Tom Daschle. It was during his time in Senator Daschle's office that Robert developed an in-depth understanding about Federal Government and the legislative process. Robert advised Senator Daschle on Indian affairs and excelled in that position. He would utilize this valuable perspective to benefit the Lakota people for the rest of his life. Robert also worked to raise awareness in Congress about the Federal trust responsibility and the unique government-to-government relationship between the Federal Government and Indian tribes. Later, Robert moved to Denver to work for the Federal Emergency Management Agency, FEMA, in their tribal government divi-

sion. He worked with tribes in Great Plains region on disaster mitigation and in other times of need.

Robert was elected to a 4-year term on the Rosebud Sioux Tribal Council in 2004. His passion for advocating for the Sicangu Lakota and other tribes of the Great Sioux Nation was never more apparent than when he worked on health care issues. He was a leader for American Indian health issues on the national level, often representing the tribes of the Great Plains region both to the National Congress of American Indians and to the Tribal Technical Advisory Committee for the Centers for Medicare and Medicaid. I am truly sorry that Robert did not live to see the effects of increased reimbursements for Medicaid nor full implementation of the Indian Health Care Improvement Act; however, those who witnessed his efforts will never forget his tireless involvement.

I greatly admired Robert's understanding of the cultural value and importance of family. He was a dedicated son, showering his parents, Marries and Frances, with genuine care and love. Robert's countless accomplishments, from his memorable vocal talents to his unfailing public service, will live on for many years to come. Robert demonstrated an admirable love of life and commitment to others, which ought to serve as an inspiration for all of us.●

● Mr. THUNE. Mr. President, today I pay honor to Robert Dean Moore of Mission, SD, who passed away on May 29, 2010, after a courageous battle with cancer. He is survived by his parents, Reverend and Doctor Marries and Frances Moore, and his brother and sister-in-law, Reverend Jack and Nancy Moore.

Robert dedicated his life to improving the health and well being of all Native Americans, including members of the Rosebud Sioux Tribe, of which Robert was an enrolled member. This mission led him into public service, where he was elected as a Rosebud Sioux tribal councilman as well as being a member of the Aberdeen Area Tribal Chairman's Health Board. Robert was not only a vocal supporter of enactment of the Indian Health Care Improvement Act earlier this year, he was also a strong advocate for better research, education, and prevention of tribal youth suicide.

In addition to his dedication to public service and the betterment of his people, Robert lived his life with a strong foundation in his faith. He was also blessed with an exceptional vocal talent that allowed him to touch many across the country through performance.

Robert Dean Moore's devoted service to the people of the Rosebud Sioux Tribe and the rest of Indian Country is an inspiration to us all.●

## FOREST PRODUCTS LAB

• Mr. KOHL. Mr. President, the Forest Products Laboratory, FPL, in Madison, WI, was established in 1910 to “promote healthy forest and forest-based economies through the efficient, sustainable use of American wood resources.” This month we celebrate the 100 year anniversary of the establishment of the FPL. I would like to congratulate all past and present employees for the FPL for a century of service to the American public and their steadfast devotion to developing new and innovative usages for wood and wood products.

Over the years their research has led to many improvements and breakthroughs in wood utilization. Early research at the laboratory focused on timber testing, wood preservation, and wood chemistry. Today, the mission of the FPL has never been more relevant. Our Nation’s forest can help solve some of the greatest challenges our nation faces such as climate change and energy security. Forests contain a significant amount of small diameter wood that increases the risk of fire and disease. Finding new ways to utilize small diameter wood will improve forest health and has the potential to offset carbon emissions by utilizing wood, a renewable resource, as a building material. Right now, the Forest Products Laboratory is developing better ways to utilize small diameter wood for energy production and as a “green” building material. I am confident that the Forest Products Laboratory will continue to provide creative solutions to effectively manage our national wood resources and create a green economy.

On behalf of our State and Nation, I thank the FPL for a century of research that has improved the lives of every American and the health of our Nation’s forests.●

CELEBRATION SINGERS OF  
CENTRAL ARKANSAS

• Mrs. LINCOLN. Mr. President, today I recognize the Celebration Singers of Central Arkansas, who will be performing this weekend at the National Cathedral in Washington, DC, as the feature choir for the 2010 Nation’s Capital Festival of Youth Choirs. This group of 60 young singers from Sherwood and North Little Rock represent the best of Arkansas, and I am pleased that they will be able to share their talents at this special performance.

The Celebration Singers Choir is an award-winning choir comprised of students in 6th through 12th grade, and serves as the premier worship choir for the Student Ministry at Cornerstone Bible Fellowship in Sherwood, AR.

In addition to singing at Sunday worship services throughout the year, the choir takes an extensive mission tour every other summer as they share

God’s love through music and fellowship with people in other churches, nursing homes, retirement centers and various shelters that assist people in crisis and other needs.

Under the leadership of conductor Eddie W. Airheart, the choir has performed across the United States, including at the Cathedral of St. John the Divine, New York’s Battery Park, St. Patrick’s Cathedral, and the United States Naval Academy Chapel in Annapolis, MD. The choir has also performed across Central Arkansas at The Cathedral of St. Andrew, First Presbyterian Church, and St. James United Methodist Church.

I commend these young people for their dedication to serving others through music and worship.●

WESTARK AREA COUNCIL BOY  
SCOUTS OF AMERICA

• Mrs. LINCOLN. Mr. President, today I recognize the Westark Area Council Boy Scouts of America as they celebrate the 90th anniversary of their founding with a day of recreation, fun, and learning at Camp Orr, on the Buffalo River north of Jasper, AR.

Founded in 1920, Westark Area Council serves 17 counties in northwest Arkansas.

Under the current leadership of Bryan Feather, Scout executive and CEO, and Dr. Paul Beran, president, the Westark Area Council helps Scouts gain a sense of pride, self-confidence and responsibility. Scouting instills virtues that are an integral part of shaping a young person’s life, and they can be essential in building the strong character of a leader.

I extend my heartfelt congratulations to each and every scout, scoutmaster, volunteer, parent, staff member, and alumni of the Westark Area Council as they celebrate this milestone.●

## TRIBUTE TO GENE STALLINGS

• Mr. SHELBY. Mr. President, today I honor Coach Gene Stallings, who will be inducted into the College Football Hall of Fame on July 18, 2010.

Eugene Clifton Stallings was born March 2, 1935, in Paris, TX. As a young man, Gene was an accomplished athlete who demonstrated his natural leadership as the captain for the Paris High School football, baseball, and golf teams. Whether on the gridiron, the diamond, or the links, his abilities were readily apparent. These talents coupled with a tireless work ethic earned him a football scholarship at Texas A&M University, where he would play end for Coach Paul “Bear” Bryant.

At Texas A&M, Stallings would ultimately help the Aggies bring a Southwest Conference Championship back to College Station. But the road to victory was paved with hardship, and it ran through Junction, TX.

When Bryant first signed on as the head coach for Texas A&M’s football team in 1954, more than 100 players were listed on the Aggies’ roster. What players were left after a grueling spring and summer regimen attended a preseason camp at an adjunct campus in Junction. After 10 days of practicing during a record Texan drought and heat that at times reached 100 degrees Fahrenheit, less than 40 players remained to take the field as the 1954 Aggies. Gene Stallings was among the strong that survived and have since been known simply as the Junction Boys.

The Junction Boys returned to campus stronger, with a clearer sense of purpose and unity. Though their success was not immediate—the 1954 Aggies won only one game—they persevered. These men, forged in the Texas heat, kept working through these setbacks and losses.

The Aggies would finish the 1956 season as undefeated Southwestern Conference Champions, thanks in no small part to the resolve of the Junction Boys that lead that team. They demonstrated the truth of the Bear’s simple philosophy: “the price of victory is high, but so are the rewards.”

Stallings finished his playing career after the 1956 season, but his football career was far from over and would soon flourish. He followed Bryant to the University of Alabama in 1958 and served as an assistant coach for the 1961 and 1964 National Championship teams. After helping restore the winning Tradition of the Crimson Tide, Coach Stallings returned to his alma mater, where he would lead the Aggies to another Southwestern Conference Championship in 1967.

Stallings left College Station for the Dallas Cowboys in 1972. After 18 years in the NFL, he returned to the Capstone to lead the Crimson Tide back atop the elite of college football yet again.

In 1992, Coach Stallings’ Crimson Tide, led by a stifling defense and a workhorse offense, won the inaugural Southeastern Conference Championship game and the National Championship in classic wins over the University of Florida Gators and the University of Miami Hurricanes. Scenes from these great moments in Crimson Tide history are to this day replayed before each and every game at Bryant-Denny Stadium.

In November of 1996, and after coaching the Crimson Tide to seventy victories in 7 years, Stallings announced that he would retire from football for the one thing that he loved more: his son John Mark Stallings. John Mark was born with Down syndrome and was not expected to live past the age of four. He lived 46 years, proving that uncommon strength is a common trait in the Stallings household.

Though he was greatly missed at the Capstone, it was not hard to understand why Coach Stallings left for his son. John Mark, himself, was much beloved by the Crimson Tide family. The equipment room at the football complex is even named in his honor. John Mark was known for his ability to positively impact the people around him with his kind nature and genuine interest in their lives. After his passing, athletics director Mal Moore stated that "For someone who never played or coached a game, I think John Mark may have touched more Alabama fans than any other person ever did."

By anyone else's standards, Coach Stallings' time in Tuscaloosa was his most successful, but Stallings doesn't measure success in wins, trophies, and championships. He measures his success by the lives that he has positively affected. As a football coach, he did so by instilling the values of character, discipline, and integrity in young men. He did just that at every stop on his coaching path, and, even after football, he continues to succeed in affecting his community and our Nation.

John Mark inspired his father to advocate on behalf of persons with disabilities. Coach Stallings worked to start a golf tournament to benefit the Arc of Tuscaloosa County, a local non-profit organization devoted to helping the intellectually and developmentally disabled. This tournament raised more than \$1 million for the program by the time he left Tuscaloosa in 1996.

Stallings has also been a prolific fundraiser for the RISE School at the University of Alabama, which provides family-oriented services to children with developmental disabilities. When he returned to the Capstone, the RISE School had devoted educators and a special cause, but the underfunded program languished in subpar facilities. RISE's staff worried that each year would be their last.

The value of RISE was not truly known nor its potential realized until Coach Stallings came on the scene. Following a 2-year capital campaign, the RISE School moved to a state-of-the-art building with six classrooms that serve more than 80 students. This beautiful building on the Alabama campus is named the Stallings Center in honor of Coach Stallings' tireless efforts on RISE's behalf, and John Mark is remembered at the school's playground, which is named for him.

With John Mark's inspiration and Coach Stallings' signature work ethic, the RISE program spread from Tuscaloosa to Austin, Corpus Christi, Dallas, Houston, Denver, and Stillwater. Today, families across the country can receive early intervention services for their young children with disabilities. The dedicated teachers and administrators of the RISE program teach these children what they can do, rather than what they cannot.

For enduring the trials of Junction, for passing on these lessons of character, and for helping to grow a culture that embraces and encourages persons with disabilities, Eugene Clifton Stallings has certainly proven himself worthy of being immortalized in the College Football Hall of Fame.

On behalf of the University of Alabama, the Crimson Tide faithful, and the whole of the great State of Alabama, I thank Coach Stallings for his contributions to my alma mater and our community. We are truly fortunate for the examples he has set as a player, coach and philanthropist.●

#### RECOGNIZING OXFORD NETWORKS

● Ms. SNOWE. Mr. President, today I recognize a small telecommunications company from my home State of Maine that has proved itself to be a dedicated leader throughout northern New England. Oxford Networks, based in Lewiston with offices in Bangor and Norway, has been serving customers across Maine for over a century, and it has shown no signs of letting up.

Alva Andrews, Oxford's founder, laid the foundation for the company in 1893 by setting up phone service between his family-owned business, located in South Woodstock, and the nearby railroad station in West Paris. Seven years later, in 1900, Mr. Andrews incorporated his firm as Oxford Telephone and Telegraph, a provider of telephone services to the local community in western Maine.

The company has expanded and grown significantly over the last 110 years. In 1981, the company acquired Bryant Pond Telephone Company, and two decades later, purchased Revolution Networks to continue growing its reach. By 2004, Oxford was able to provide cable television, Internet, phone, and long distance service, one of Maine's only facility-based competitive providers to do so. Additionally, the company's fiber optic backbone network presently spreads north as far as Bangor and south down to Boston.

A member of 12 different Chambers of Commerce throughout the State, Oxford Networks, which now employs 125, has been named a Best Place to Work Company for each of the last four years, indicative of the environment the company fosters for its employees. But beyond this remarkable feat, Oxford has demonstrated its commitment to others by becoming an active partner in the community, supporting a host of local charities and initiatives, from the United Way to the Maine Discovery Museum. Company employees raise money for Big Brothers/Big Sisters each spring during the Bowl for Kids Sake fundraiser, and also participate in walking teams for the American Heart Association's Heart Walk. The company has also been the Presenting Underwriter for the Maine Can-

cer Foundation's Pink Tulip Project since 2007. The project raises money for the Maine Cancer Foundation's Women's Cancer Fund while paying tribute to those who have courageously fought the disease.

From its start in the 1890s with a simple telephone connection, Oxford Networks has transformed the way Maine connects with the world. Because of its forward-thinking and innovative efforts, Oxford is now able to offer a wide range of cutting-edge telecommunications options to its varied client base of small and large businesses, as well as individual residences. Indeed, no problem is too large or too small for this incredible company, which continues to impress its customers with its rapid responsiveness and quality service. I thank everyone at Oxford Networks for the great work they do in the community, and wish them continued success in the future.●

#### TRIBUTE TO CAROLYN "JEANNE" LAURENCE

● Mr. THUNE. Mr. President, today I recognize Jeanne Laurence, who will celebrate her retirement from Rapid City Area Schools this June after 23 years of service. In reaching her retirement milestone, Jeanne Laurence is finishing a career that pioneered computer usage within area schools in Rapid City, SD. Jeanne began her career in the real estate field in Wyoming, but after eight years moved to Rapid City and joined Stevens High School as a secretary. At Stevens she tracked student attendance, grades, and discipline issues. In 1985, the school district was not equipped with computers, so Jeanne performed all tracking and management functions by hand. At the first opportunity to use a computer, Jeanne automated most of her tasks and encouraged administrators, teachers, and secretaries to take advantage of this new technology.

Over the next several years, Jeanne earned a reputation among co-workers for being an expert on technology solutions. The district quickly recognized Jeanne's expertise and asked her to develop computer classes for fellow staff members. Her knowledge of student management automation resulted in her appointment to the selection committee for the district's first student information system.

Jeanne's experience and reputation led to her selection for a district-wide position in the newly formed Department of Information Technology. In her new role, Jeanne became the sole trainer for over 1,500 employees. She developed technology training for new employees and introduced downloadable video clips to the training process. The groundwork provided by Jeanne Laurence in technical education and training has made a significant contribution to the professional

development of the staff and to the educational success of the students in the Rapid City Area Schools. Her tireless efforts have brought great credit to her school district and to herself. Congratulations on a well deserved retirement.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

#### REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED IN EXECUTIVE ORDER 13159 OF JUNE 21, 2000, WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—PM 63

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the emergency declared in Executive Order 13159 of June 21, 2000, with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2010.

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency meas-

ures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

BARACK OBAMA.  
THE WHITE HOUSE, June 17, 2010.

#### MESSAGE FROM THE HOUSE

At 10:09 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2142. An act to require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council.

H.R. 4451. An act to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 242. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 101st anniversary.

ENROLLED BILL SIGNED

The President pro tempore (Mr. BYRD) announced that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 3951. An act to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the "Roy Rondenno, Sr. Post Office Building".

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2142. An act to require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4451. An act to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects; to the Committee on Energy and Natural Resources.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6256. A communication from the Deputy Associate Commissioner, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Social Security Implementation of Office of Management and Budget (OMB) Guidance for Drug-Free Workplace Requirements" (RIN0960-AH14) received in the Office of the President of the Senate on June 10, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-6257. A communication from the Board of Trustees, National Railroad Retirement Investment Trust, transmitting, pursuant to law, a report relative to the actuarial status of the railroad retirement system; to the Committee on Health, Education, Labor, and Pensions.

EC-6258. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Final Rule Relating to Time and Order of Issuance of Domestic Relations Orders" (RIN1210-AB15) received in the Office of the President of the Senate on June 10, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-6259. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Adoption of Amendment to the Class Exemption for the Release of Claims and Extensions of Credit in Connection with Litigation (PTE2003-39)" (RIN1210-ZA03) received in the Office of the President of the Senate on June 15, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-6260. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-42; Small Entity Compliance Guide" (FAC 2005-42) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6261. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Technical Amendments" (FAC 2005-42) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6262. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "General Services Administration Acquisition Regulation; GSAR Case 2008-G503, Rewrite of GSAR Part 505, Publicizing Contract Actions" (RIN3090-AI71) received during adjournment of the Senate in the Office of the President of the Senate on June 11, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6263. A communication from the Broadcasting Board of Governors, transmitting, pursuant to law, the Semiannual Report of the Board's Inspector General for the period

from October 1, 2009, through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6264. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report relative to the activities and operations of the Public Integrity Section, Criminal Division, and the nationwide federal law enforcement effort against public corruption for 2009; to the Committee on the Judiciary.

### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

\*John S. Pistole, of Virginia, to be an Assistant Secretary of Homeland Security.

\*Earl F. Weener, of Oregon, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2015.

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

\*National Oceanic and Atmospheric Administration nominations beginning with David A. Score and ending with Demian A. Bailey, which nominations were received by the Senate and appeared in the Congressional Record on June 8, 2010.

By Mr. LEAHY for the Committee on the Judiciary.

John J. McConnell, Jr., of Rhode Island, to be United States District Judge for the District of Rhode Island.

Pamela Cothran Marsh, of Florida, to be United States Attorney for the Northern District of Florida for the term of four years.

Peter J. Smith, of Pennsylvania, to be United States Attorney for the Middle District of Pennsylvania for the term of four years.

Kevin Anthony Carr, of Wisconsin, to be United States Marshal for the Eastern District of Wisconsin for the term of four years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH:

S. 3501. A bill to protect American job creation by striking the job-killing Federal em-

ployer mandate; to the Committee on Finance.

By Mr. HATCH:

S. 3502. A bill to restore Americans' individual liberty by striking the Federal mandate to purchase insurance; to the Committee on Finance.

By Mr. CARDIN:

S. 3503. A bill to authorize grants for an international documentary exchange program; to the Committee on Foreign Relations.

By Mrs. MURRAY:

S. 3504. A bill to establish a public education and awareness program relating to emergency contraception; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself, Mr. GRAHAM, Mr. FEINGOLD, Mr. BROWN of Ohio, and Mr. CASEY):

S. 3505. A bill to prohibit the purchases by the Federal Government of Chinese goods and services until China agrees to the Agreement on Government Procurement, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Mr. KERRY):

S. 3506. A bill to improve certain programs of the Small Business Administration to better assist small business customers in accessing broadband technology and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. FEINGOLD (for himself and Mr. ENSIGN):

S. 3507. A bill to amend the Atomic Energy Act of 1954 to require congressional approval of agreements for peaceful nuclear cooperation with foreign countries, and for other purposes; to the Committee on Foreign Relations.

By Mr. UDALL of New Mexico (for himself and Mr. BROWNBACK):

S. 3508. A bill to strengthen the capacity of the United States to lead the international community in reversing renewable natural resource degradation trends around the world that threaten to undermine global prosperity and security and eliminate the diversity of life on Earth, and for other purposes; to the Committee on Foreign Relations.

By Mr. UDALL of Colorado (for himself, Mrs. SHAHEEN, and Mr. BINGAMAN):

S. 3509. A bill to amend the Energy Policy Act of 2005 to promote the research and development of technologies and best practices for the safe development and extraction of natural gas and other petroleum resources, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CONRAD (for himself, Mr. CORNYN, Mr. GRAHAM, Mr. NELSON of Florida, and Mr. LEMIEUX):

S. 3510. A bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S.J. Res. 33. A joint resolution to provide for the reconsideration and revision of the proposed constitution of the United States Virgin Islands to correct provisions inconsistent with the Constitution and Federal law; considered and passed.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAYH (for himself, Mr. THUNE, Mrs. MURRAY, Mr. BYRD, Mr. BURRIS, Ms. LANDRIEU, Mr. CASEY, and Mrs. LINCOLN):

S. Res. 560. A resolution recognizing the immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their families, especially on Father's Day; to the Committee on the Judiciary.

### ADDITIONAL COSPONSORS

S. 46

At the request of Mr. ENSIGN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 46, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 738

At the request of Ms. LANDRIEU, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 738, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the names of the Senator from Montana (Mr. TESTER) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1137

At the request of Mr. FEINGOLD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1137, a bill to amend the Elementary and Secondary Education Act of 1965 to establish a Volunteer Teacher Advisory Committee.

S. 1334

At the request of Mrs. GILLIBRAND, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1334, a bill to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1619

At the request of Mr. DODD, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1619, a bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 3183

At the request of Mr. WYDEN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3183, a bill to amend the Internal Revenue Code of 1986 to extend the nonbusiness energy property credit to roofs with pigmented coatings which meet Energy Star program requirements.

S. 3232

At the request of Mr. BURR, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 3232, a bill to amend the Internal Revenue Code of 1986 to make employers of spouses of military personnel eligible for the work opportunity credit.

S. 3295

At the request of Mr. SCHUMER, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 3295, a bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

S. 3466

At the request of Mr. LEAHY, the names of the Senator from Delaware

(Mr. KAUFMAN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 3466, a bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

S. 3492

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3492, a bill to amend the Outer Continental Shelf Lands Act to require the drilling of emergency relief wells, and for other purposes.

S.J. RES. 30

At the request of Mr. ISAKSON, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S.J. Res. 30, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Mediation Board relating to representation election procedures.

S.J. RES. 32

At the request of Mr. INHOFE, his name was added as a cosponsor of S.J. Res. 32, a joint resolution recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance.

S. RES. 548

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 548, a resolution to express the sense of the Senate that Israel has an undeniable right to self-defense, and to condemn the recent destabilizing actions by extremists aboard the ship Mavi Marmara.

AMENDMENT NO. 4324

At the request of Mr. WHITEHOUSE, the names of the Senator from Tennessee (Mr. CORKER), the Senator from Virginia (Mr. WARNER), the Senator from New York (Mr. SCHUMER) and the Senator from Florida (Mr. LEMIEUX) were added as cosponsors of amendment No. 4324 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4363

At the request of Ms. CANTWELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 4363 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. UDALL of New Mexico (for himself and Mr. BROWNBACK):

S. 3508. A bill to strengthen the capacity of the United States to lead the international community in reversing

renewable natural resource degradation trends around the world that threaten to undermine global prosperity and security and eliminate the diversity of life on Earth, and for other purposes; to the Committee on Foreign Relations.

Mr. UDALL of New Mexico. I rise today to introduce the bipartisan Global Conservation Act of 2010 with my colleague and fellow advocate on international conservation issues, Senator SAM BROWNBARK of Kansas.

As our world grows increasingly intertwined through commerce, communication, and culture, we must also work together to protect the earth's natural resources through conservation. This bill acknowledges the important role our natural resources play in global economics, global health, and global security, and takes steps to strengthen the United States' involvement and productivity in conservation on a global scale.

As described in the legislation being introduced today, competing needs around the world are taxing natural resources that are vital to human survival. For example, 500 million people in developing countries depend on fresh water from natural areas that are under threat of degradation, and two billion people depend on rapidly diminishing fish stocks for a significant source of their daily protein. In contrast, wild species provide more than \$300 billion in protection and benefits to world agriculture, including natural pest control and the pollination of two thirds of the crop species that feed the world. Forests prevent catastrophic flooding and severe drought, and coral reefs and mangroves reduce the impact of large storms on coastal populations, saving \$9 billion in damages each year and reducing outlays for disaster assistance.

As natural resources continue to be polluted and depleted throughout the world, economies are threatened and conflicts begin to emerge. The United States National Intelligence Council expects demographic trends and natural resource scarcities relating to water, food, arable land, and energy sources to lead to instabilities and conflict in the years ahead.

With such threats looming, it is with urgency that we introduce this legislation that recognizes the intrinsic link between communities, conflict, and natural resources, and which looks to a future of local involvement in the preservation of natural resources for the benefit of international communities. The bill establishes conservation as a fundamental element in economic development, conflict mitigation, and adaptation to climate change.

To meet the conservation challenges of the 21st century, the Global Conservation Act reduces the duplication of Federal programs by bringing all U.S. agencies involved in conservation

together to establish a national strategy for global conservation. Several executive branch agencies are engaged in some aspect of international conservation, yet their efforts are not coordinated in a manner that maximizes the effectiveness of the overall international conservation efforts of the United States.

By establishing an interagency working group, a special coordinator, and a presidential advisory committee on global conservation, this bill sets up the infrastructure to coordinate the efforts of the various federal agencies under a national strategy for international conservation. The bill identifies measurable goals, benchmarks, and timeframes for long-term action in the area of global conservation.

As our nation continues to strengthen its participation in the global community through conflict mitigation, foreign aid, and economic interaction, it is essential that we promote strong international conservation initiatives focused on the involvement and support of local communities. Such initiatives will only strengthen global security, health, and economies. This bill establishes a clear and unified direction for our international conservation efforts, and I look forward to working with my colleagues to move it through the legislative process.

By Mr. UDALL of Colorado (for himself, Mrs. SHAHEEN, and Mr. BINGAMAN):

S. 3509. A bill to amend the Energy Policy Act of 2005 to promote the research and development of technologies and best practices for the safe development and extraction of natural gas and other petroleum resources, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am joined by Senator SHAHEEN and Chairman BINGAMAN in introducing a bill to help prevent future disasters like the one we are seeing unfold in the Gulf of Mexico. Our bill focuses Federal oil and gas research and development funds on well safety and accident prevention. There are many lessons to be learned from this tragedy, but one of the most important is that we need more advanced technology to prevent future accidents and ensure the safety of our oil and gas workers.

This oil spill has highlighted many problems with the operation of the oil and gas industry and the threat that accidents have to our families, economy and environment. While the industry has opened up new areas to oil and gas production, developments in safety and well control technology have not always kept pace. That is unacceptable. Eleven people lost their lives during this tragedy, and we do not yet know the full extent of the economic, health and environmental damage that will be caused by the spill.

Unfortunately, out of control wells are not a unique circumstance. Over the last month, two major onshore incidents occurred as well. First, a gas well explosion in West Virginia injured seven workers and then another occurred in Pennsylvania where it appears that a blowout preventer did not work properly.

It is clear that oil is and will continue to be an important energy source for us for many years to come, especially for our transportation sector. But, while we will continue to drill for oil and gas, we cannot repeat the mistakes, negligence or recklessness that led to this disaster. We must learn from this accident and aggressively develop better technology to stop these spills from happening in the first place, both onshore and offshore.

That is why I am introducing the Safer Oil and Gas Production Research and Development Act. This bill would change an existing oil and gas research and development program within the Department of Energy, DOE, to refocus it specifically on technologies to improve the safety of exploration and production activities, including well integrity, well control, blowout prevention, and well plugging and abandonment.

In addition, the legislation would also require DOE to publish an annual update of the program's work and outline recommendations for the implementation of its research findings. This oversight is important so that we can ensure this information is public, transparent, and readily available to entrepreneurs and others who could further develop these technologies.

I should emphasize that my bill is only one of the many steps we must take to respond to this accident. Not only do we need to work to prevent future accidents, we need to make sure we are better prepared to respond when they occur.

It is unacceptable that the spill prevention and response technology we are using today is the same as was used in the last disaster—the Exxon Valdez spill in 1989, over 20 years ago. That is why I am a proud co-sponsor of Senator SHAHEEN's bill to create a new program at the Department of the Interior to research and develop spill response and mitigation technology. Her bill, which also is being introduced today, is a perfect complement to mine—both programs are needed to move our oil drilling technology forward.

Our two bills will take common-sense steps to improve drilling safety, prevent accidents and help ensure that if an accident does occur, we are better prepared to respond. This tragedy is a wake-up call that proves that we need to begin changing the way we generate and consume energy.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 560—RECOGNIZING THE IMMEASURABLE CONTRIBUTIONS OF FATHERS IN THE HEALTHY DEVELOPMENT OF CHILDREN, SUPPORTING RESPONSIBLE FATHERHOOD, AND ENCOURAGING GREATER INVOLVEMENT OF FATHERS IN THE LIVES OF THEIR FAMILIES, ESPECIALLY ON FATHER'S DAY

Mr. BAYH (for himself, Mr. THUNE, Mrs. MURRAY, Mr. BYRD, Mr. BURRIS, Ms. LANDRIEU, Mr. CASEY, and Mrs. LINCOLN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 560

Whereas responsible fatherhood is a priority for the United States;

Whereas the most important factor in the upbringing of a child is whether the child is brought up in a healthy and supportive environment;

Whereas father-child interaction, like mother-child interaction, has been shown to promote the positive physical, social, emotional, and mental development of

Whereas research shows that men are more likely to live healthier, longer, and more fulfilling lives when they are involved in the lives of their children and participate in caregiving;

Whereas programs to encourage responsible fatherhood should promote and provide support services for—

(1) fostering loving and healthy relationships between parents and children; and

(2) increasing the responsibility of non-custodial parents for the long-term care and financial well-being of their children;

Whereas research shows that working with men and boys to change attitudes towards women can have a profound impact on reducing violence against women;

Whereas research shows that women are significantly more satisfied in relationships when responsible fathers participate in the daily care of children;

Whereas children around the world do better in school and are less delinquent when fathers participate closely in their lives;

Whereas responsible fatherhood is an important component of successful development policies and programs in countries throughout the world;

Whereas the United States Agency for International Development recognizes the importance of caregiving fathers for more stable and effective development efforts; and

Whereas Father's Day is the third Sunday in June: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes June 20, 2010, as Father's Day;

(2) honors the men in the United States and around the world who are active in the lives of their children, which in turn, has a significant impact on their children, their families, and their communities;

(3) underscores the need for increased public awareness and activities regarding responsible fatherhood and healthy families; and

(4) reaffirms the commitment of the United States to supporting and encouraging global fatherhood initiatives that significantly benefit international development efforts.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 4376. Mr. THUNE (for himself, Mr. McCONNELL, Mr. MCCAIN, Mr. ISAKSON, Mr. BOND, Mr. ENZI, Mr. CORNYN, Mr. BARRASSO, Mr. ROBERTS, Mr. COBURN, Mr. CHAMBLISS, Mr. BROWN of Massachusetts, and Mr. GREGG) proposed an amendment to amendment SA 4369 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

SA 4377. Mr. BOND submitted an amendment intended to be proposed to amendment SA 4369 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4378. Mr. BOND submitted an amendment intended to be proposed to amendment SA 4369 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4379. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4369 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4380. Mr. BUNNING (for himself, Mr. ROCKEFELLER, Mr. BYRD, and Mr. ENZI) submitted an amendment intended to be proposed to amendment SA 4369 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4381. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 4369 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4382. Mrs. LINCOLN (for herself, Mr. CORNYN, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 4369 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 4376.** Mr. THUNE (for himself, Mr. McCONNELL, Mr. MCCAIN, Mr. ISAKSON, Mr. BOND, Mr. ENZI, Mr. CORNYN, Mr. BARRASSO, Mr. ROBERTS, Mr. COBURN, Mr. CHAMBLISS, Mr. BROWN of Massachusetts, and Mr. GREGG) proposed an amendment to amendment SA 4369 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

Strike all after the first word and insert the following:

1. **SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “American Jobs and Closing Tax Loopholes Act of 2010”.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in titles I, II, and IV of this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

**TITLE I—INFRASTRUCTURE INCENTIVES**

Sec. 101. Exempt-facility bonds for sewage and water supply facilities.

Sec. 102. Extension of exemption from alternative minimum tax treatment for certain tax-exempt bonds.

Sec. 103. Allowance of new markets tax credit against alternative minimum tax.

Sec. 104. Extension of tax-exempt eligibility for loans guaranteed by Federal home loan banks.

Sec. 105. Extension of temporary small issuer rules for allocation of tax-exempt interest expense by financial institutions.

**TITLE II—EXTENSION OF EXPIRING PROVISIONS****Subtitle A—Energy**

Sec. 201. Alternative motor vehicle credit for new qualified hybrid motor vehicles other than passenger automobiles and light trucks.

Sec. 202. Incentives for biodiesel and renewable diesel.

Sec. 203. Extension and modification of credit for steel industry fuel.

Sec. 204. Credit for producing fuel from coke or coke gas.

Sec. 205. New energy efficient home credit.

Sec. 206. Special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.

Sec. 207. Suspension of limitation on percentage depletion for oil and gas from marginal wells.

Sec. 208. Direct payment of energy efficient appliances tax credit.

Sec. 209. Modification of standards for windows, doors, and skylights with respect to the credit for non-business energy property.

Sec. 210. Credit for electricity produced at certain open-loop biomass facilities.

Sec. 211. Excise tax credits and outlay payments for alternative fuel and alternative fuel mixtures.

Sec. 212. Credit for refined coal facilities.

Sec. 213. Credit for production of low sulfur diesel fuel.

**Subtitle B—Individual Tax Relief****PART I—MISCELLANEOUS PROVISIONS**

Sec. 221. Deduction for certain expenses of elementary and secondary school teachers.

Sec. 222. Additional standard deduction for State and local real property taxes.

Sec. 223. Deduction of State and local sales taxes.

Sec. 224. Contributions of capital gain real property made for conservation purposes.

Sec. 225. Above-the-line deduction for qualified tuition and related expenses.

Sec. 226. Tax-free distributions from individual retirement plans for charitable purposes.

Sec. 227. Look-thru of certain regulated investment company stock in determining gross estate of non-residents.

**PART II—LOW-INCOME HOUSING CREDITS**

Sec. 231. Election for direct payment of low-income housing credit for 2010.

**Subtitle C—Business Tax Relief**

Sec. 241. Research credit.

Sec. 242. Indian employment tax credit.

Sec. 243. New markets tax credit.

Sec. 244. Railroad track maintenance credit.

Sec. 245. Mine rescue team training credit.

Sec. 246. Employer wage credit for employees who are active duty members of the uniformed services.

Sec. 247. 5-year depreciation for farming business machinery and equipment.

Sec. 248. 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.

Sec. 249. 7-year recovery period for motor-sports entertainment complexes.

Sec. 250. Accelerated depreciation for business property on an Indian reservation.

Sec. 251. Enhanced charitable deduction for contributions of food inventory.

Sec. 252. Enhanced charitable deduction for contributions of book inventories to public schools.

Sec. 253. Enhanced charitable deduction for corporate contributions of computer inventory for educational purposes.

Sec. 254. Election to expense mine safety equipment.

Sec. 255. Special expensing rules for certain film and television productions.

Sec. 256. Expensing of environmental remediation costs.

Sec. 257. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.

Sec. 258. Modification of tax treatment of certain payments to controlling exempt organizations.

Sec. 259. Exclusion of gain or loss on sale or exchange of certain brownfield sites from unrelated business income.

Sec. 260. Timber REIT modernization.

Sec. 261. Treatment of certain dividends of regulated investment companies.

Sec. 262. RIC qualified investment entity treatment under FIRPTA.

Sec. 263. Exceptions for active financing income.

Sec. 264. Look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.

Sec. 265. Basis adjustment to stock of S corps making charitable contributions of property.

Sec. 266. Empowerment zone tax incentives.

Sec. 267. Renewal community tax incentives.

Sec. 268. Temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.

Sec. 269. Payment to American Samoa in lieu of extension of economic development credit.

Sec. 270. Election to temporarily utilize unused AMT credits determined by domestic investment.

Sec. 271. Reduction in corporate rate for qualified timber gain.

Sec. 272. Study of extended tax expenditures.

**Subtitle D—Temporary Disaster Relief Provisions****PART I—NATIONAL DISASTER RELIEF**

Sec. 281. Waiver of certain mortgage revenue bond requirements.

Sec. 282. Losses attributable to federally declared disasters.

- Sec. 283. Special depreciation allowance for qualified disaster property.  
 Sec. 284. Net operating losses attributable to federally declared disasters.  
 Sec. 285. Expensing of qualified disaster expenses.

Sec. 286. Special depreciation allowance.

PART II—REGIONAL PROVISIONS

SUBPART A—NEW YORK LIBERTY ZONE

- Sec. 291. Special depreciation allowance for nonresidential and residential real property.  
 Sec. 292. Tax-exempt bond financing.

SUBPART B—GO ZONE

- Sec. 295. Increase in rehabilitation credit.  
 Sec. 296. Work opportunity tax credit with respect to certain individuals affected by Hurricane Katrina for employers inside disaster areas.  
 Sec. 297. Extension of low-income housing credit rules for buildings in GO zones.

Sec. 298. Tax-exempt bond financing.

SUBPART C—MIDWESTER DISASTER AREAS

- Sec. 299. Special rules for use of retirement funds.  
 Sec. 300. Exclusion of cancellation of mortgage indebtedness.

TITLE III—PENSION PROVISIONS

Subtitle A—Single Employer Plans

- Sec. 301. Extended period for single-employer defined benefit plans to amortize certain shortfall amortization bases.  
 Sec. 302. Application of extended amortization period to plans subject to prior law funding rules.  
 Sec. 303. Lookback for certain benefit restrictions.  
 Sec. 304. Lookback for credit balance rule for plans maintained by charities.

Subtitle B—Multiemployer Plans

- Sec. 321. Adjustments to funding standard account rules.

TITLE IV—REVENUE OFFSETS

- Sec. 401. Rollovers from elective deferral plans to Roth designated accounts.  
 Sec. 402. Participants in government section 457 plans allowed to treat elective deferrals as Roth contributions.  
 Sec. 403. Temporary one-year freeze on raises, bonuses, and other salary increases for Federal employees.  
 Sec. 404. Capping the total number of Federal employees.  
 Sec. 405. Collection of unpaid taxes from employees of the Federal Government.  
 Sec. 406. Reducing printing and publishing costs of Government documents.  
 Sec. 407. Reducing excessive duplication, overhead and spending within the Federal Government.  
 Sec. 408. Eliminating nonessential Government travel.  
 Sec. 409. Eliminating bonuses for poor performance by Government contractors.  
 Sec. 410. \$1,000,000,000 limitation on voluntary payments to the United Nations.  
 Sec. 411. Rescinding a State department training facility unwanted by residents of the community in which it is planned to be constructed.

- Sec. 412. Reducing budgets of Members of Congress.

- Sec. 413. Disposing of unneeded and unused government property.

- Sec. 414. Auctioning and selling of unused and unneeded equipment.

- Sec. 415. Rescinding unspent Federal funds.

- Sec. 416. Use of stimulus funds to offset spending.

- Sec. 417. Deficit Reduction Trust Fund.

TITLE V—UNEMPLOYMENT, HEALTH, AND OTHER ASSISTANCE

Subtitle A—Unemployment Insurance and Other Assistance

- Sec. 501. Extension of unemployment insurance provisions.

- Sec. 502. Coordination of emergency unemployment compensation with regular compensation.

Subtitle B—Physician Payment Update and Other Provisions

PART I—PHYSICIAN PAYMENT UPDATE

- Sec. 511. Physician payment update.

PART II—EXTENSION OF EXPIRING PROVISIONS

- Sec. 521. Extension of MMA section 508 reclassifications.

- Sec. 522. Extension of Medicare work geographic adjustment floor.

- Sec. 523. Extension of exceptions process for Medicare therapy caps.

- Sec. 524. Extension of payment for technical component of certain physician pathology services.

- Sec. 525. Extension of ambulance add-ons.

- Sec. 526. Extension of physician fee schedule mental health add-on payment.

- Sec. 527. Extension of outpatient hold harmless provision.

- Sec. 528. Extension of Medicare reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.

- Sec. 529. Extension of the qualifying individual (QI) program.

- Sec. 530. Extension of Transitional Medical Assistance (TMA).

- Sec. 531. Extension of DRA court improvement grants.

PART III—CHANGES TO THE PATIENT PROTECTION AND AFFORDABLE CARE ACT AND ADDITIONAL PROVISIONS

SUBPART A—CHANGES TO THE PATIENT PROTECTION AND AFFORDABLE CARE ACT AND ADDITIONAL PROVISIONS

- Sec. 541. Expansion of affordability exception to individual mandate.

- Sec. 542. Replacement of Medicaid primary care payment cliff.

- Sec. 543. Establish a CMS-IRS data match to identify fraudulent providers.

- Sec. 544. Funding for claims reprocessing.

SUBPART B—MEDICAL LIABILITY REFORM

- Sec. 551. Short title.

- Sec. 552. Findings and purpose.

- Sec. 553. Definitions.

- Sec. 554. Encouraging speedy resolution of claims.

- Sec. 555. Compensating patient injury.

- Sec. 556. Maximizing patient recovery.

- Sec. 557. Additional health benefits.

- Sec. 558. Punitive damages.

- Sec. 559. Authorization of payment of future damages to claimants in health care lawsuits.

- Sec. 560. Effect on other laws.

- Sec. 561. State flexibility and protection of states' rights.

- Sec. 562. Applicability; effective date.

TITLE VI—OTHER PROVISIONS

- Sec. 601. Extension of national flood insurance program.

- Sec. 602. Small business loan guarantee enhancement extensions.

- Sec. 603. Summer employment for youth.

- Sec. 604. Expansion of eligibility for concurrent receipt of military retired pay and veterans' disability compensation to include all chapter 61 disability retirees regardless of disability rating percentage or years of service.

- Sec. 605. Extension of use of 2009 poverty guidelines.

- Sec. 606. Refunds disregarded in the administration of Federal programs and federally assisted programs.

- Sec. 607. ARRA planning and reporting.

TITLE VII—BUDGETARY PROVISIONS

- Sec. 701. Determination of budgetary effects.

TITLE I—INFRASTRUCTURE INCENTIVES

SEC. 101. EXEMPT-FACILITY BONDS FOR SEWAGE AND WATER SUPPLY FACILITIES.

(a) BONDS FOR WATER AND SEWAGE FACILITIES EXEMPT FROM VOLUME CAP ON PRIVATE ACTIVITY BONDS.—

(1) IN GENERAL.—Paragraph (3) of section 146(g) is amended by inserting “(4), (5),” after “(2),”.

(2) CONFORMING AMENDMENT.—Paragraphs (2) and (3)(B) of section 146(k) are both amended by striking “(4), (5), (6),” and inserting “(6)”.

(b) TAX-EXEMPT ISSUANCE BY INDIAN TRIBAL GOVERNMENTS.—

(1) IN GENERAL.—Subsection (c) of section 7871 is amended by adding at the end the following new paragraph:

“(4) EXCEPTION FOR BONDS FOR WATER AND SEWAGE FACILITIES.—Paragraph (2) shall not apply to an exempt facility bond 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of which are to be used to provide facilities described in paragraph (4) or (5) of section 142(a).”

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 7871(c) is amended by striking “paragraph (3)” and inserting “paragraphs (3) and (4)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 102. EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS.

(a) IN GENERAL.—Clause (vi) of section 57(a)(5)(C) is amended—

(1) by striking “January 1, 2011” in subclause (I) and inserting “January 1, 2012”; and

(2) by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(b) ADJUSTED CURRENT EARNINGS.—Clause (iv) of section 56(g)(4)(B) is amended—

(1) by striking “January 1, 2011” in subclause (I) and inserting “January 1, 2012”; and

(2) by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

SEC. 103. ALLOWANCE OF NEW MARKETS TAX CREDIT AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(4), as amended by the Patient Protection and Affordable Care Act, is amended by redesignating clauses (v) through (ix) as clauses (vi) through (x), respectively, and by inserting after clause (iv) the following new clause:

“(v) the credit determined under section 45D, but only with respect to credits determined with respect to qualified equity investments (as defined in section 45D(b)) initially made before January 1, 2012.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to credits determined with respect to qualified equity investments (as defined in section 45D(b) of the Internal Revenue Code of 1986) initially made after March 15, 2010.

**SEC. 104. EXTENSION OF TAX-EXEMPT ELIGIBILITY FOR LOANS GUARANTEED BY FEDERAL HOME LOAN BANKS.**

Clause (iv) of section 149(b)(3)(A) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

**SEC. 105. EXTENSION OF TEMPORARY SMALL ISSUER RULES FOR ALLOCATION OF TAX-EXEMPT INTEREST EXPENSE BY FINANCIAL INSTITUTIONS.**

(a) **IN GENERAL.**—Clauses (i), (ii), and (iii) of section 265(b)(3)(G) are each amended by striking “or 2010” and inserting “, 2010, or 2011”.

(b) **CONFORMING AMENDMENT.**—Subparagraph (G) of section 265(b)(3) is amended by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to obligations issued after December 31, 2010.

**TITLE II—EXTENSION OF EXPIRING PROVISIONS**

**Subtitle A—Energy**

**SEC. 201. ALTERNATIVE MOTOR VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES OTHER THAN PASSENGER AUTOMOBILES AND LIGHT TRUCKS.**

(a) **IN GENERAL.**—Paragraph (3) of section 30B(k) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property purchased after December 31, 2009.

**SEC. 202. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.**

(a) **CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.**—Subsection (g) of section 40A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.**—

(1) Paragraph (6) of section 6426(c) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

**SEC. 203. EXTENSION AND MODIFICATION OF CREDIT FOR STEEL INDUSTRY FUEL.**

(a) **CREDIT PERIOD.**—

(1) **IN GENERAL.**—Subclause (II) of section 45(e)(8)(D)(ii) is amended to read as follows:

“(II) **CREDIT PERIOD.**—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the date that the facility first produces steel industry fuel that is sold to an unrelated person after September 30, 2008, and ending 2 years after such date.”.

(2) **CONFORMING AMENDMENT.**—Section 45(e)(8)(D) is amended by striking clause (iii) and by redesignating clause (iv) as clause (iii).

(b) **EXTENSION OF PLACED-IN-SERVICE DATE.**—Subparagraph (A) of section 45(d)(8) is amended—

(1) by striking “(or any modification to a facility)”;

(2) by striking “2010” and inserting “2011”.

(c) **CLARIFICATIONS.**—

(1) **STEEL INDUSTRY FUEL.**—Subclause (I) of section 45(c)(7)(C)(i) is amended by inserting “, a blend of coal and petroleum coke, or other coke feedstock” after “on coal”.

(2) **OWNERSHIP INTEREST.**—Section 45(d)(8) is amended by adding at the end the following new flush sentence:

“With respect to a facility producing steel industry fuel, no person (including a ground lessor, customer, supplier, or technology licensor) shall be treated as having an ownership interest in the facility or as otherwise entitled to the credit allowable under subsection (a) with respect to such facility if such person’s rent, license fee, or other entitlement to net payments from the owner of such facility is measured by a fixed dollar amount or a fixed amount per ton, or otherwise determined without regard to the profit or loss of such facility.”.

(3) **PRODUCTION AND SALE.**—Subparagraph (D) of section 45(e)(8), as amended by subsection (a)(2), is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

“(iii) **PRODUCTION AND SALE.**—The owner of a facility producing steel industry fuel shall be treated as producing and selling steel industry fuel where that owner manufactures such steel industry fuel from coal, a blend of coal and petroleum coke, or other coke feedstock to which it has title. The sale of such steel industry fuel by the owner of the facility to a person who is not the owner of the facility shall not fail to qualify as a sale to an unrelated person solely because such purchaser may also be a ground lessor, supplier, or customer.”.

(d) **SPECIFIED CREDIT FOR PURPOSES OF ALTERNATIVE MINIMUM TAX EXCLUSION.**—Subclause (II) of section 38(c)(4)(B)(iii) is amended by inserting “(in the case of a refined coal production facility producing steel industry fuel, during the credit period set forth in section 45(e)(8)(D)(ii)(II))” after “service”.

(e) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—The amendments made by subsections (a), (b), and (d) shall take effect on the date of the enactment of this Act.

(2) **CLARIFICATIONS.**—The amendments made by subsection (c) shall take effect as if included in the amendments made by the Energy Improvement and Extension Act of 2008.

**SEC. 204. CREDIT FOR PRODUCING FUEL FROM COKE OR COKE GAS.**

(a) **IN GENERAL.**—Paragraph (1) of section 45K(g) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to facilities placed in service after December 31, 2009.

**SEC. 205. NEW ENERGY EFFICIENT HOME CREDIT.**

(a) **IN GENERAL.**—Subsection (g) of section 45L is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to homes acquired after December 31, 2009.

**SEC. 206. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.**

(a) **IN GENERAL.**—Paragraph (3) of section 451(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **MODIFICATION OF DEFINITION OF INDEPENDENT TRANSMISSION COMPANY.**—

(1) **IN GENERAL.**—Clause (i) of section 451(i)(4)(B) is amended to read as follows:

“(i) who the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the Federal Power Act (16 U.S.C. 824b) or by declaratory order—

“(I) is not itself a market participant as determined by the Commission, and also is not controlled by any such market participant, or

“(II) to be independent from market participants or to be an independent transmission company within the meaning of such Commission’s rules applicable to independent transmission providers, and”.

(2) **RELATED PERSONS.**—Paragraph (4) of section 451(i) is amended by adding at the end the following flush sentence:

“For purposes of subparagraph (B)(i)(I), a person shall be treated as controlled by another person if such persons would be treated as a single employer under section 52.”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall apply to dispositions after December 31, 2009.

(2) **MODIFICATIONS.**—The amendments made by subsection (b) shall apply to dispositions after the date of the enactment of this Act.

**SEC. 207. SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.**

(a) **IN GENERAL.**—Clause (ii) of section 613A(c)(6)(H) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 208. DIRECT PAYMENT OF ENERGY EFFICIENT APPLIANCES TAX CREDIT.**

In the case of any taxable year which includes the last day of calendar year 2009 or calendar year 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for 2009 and 2010, but once made shall be irrevocable. No amount shall be includible in gross income or alternative minimum taxable income by reason of this section.

**SEC. 209. MODIFICATION OF STANDARDS FOR WINDOWS, DOORS, AND SKYLIGHTS WITH RESPECT TO THE CREDIT FOR NONBUSINESS ENERGY PROPERTY.**

(a) **IN GENERAL.**—Paragraph (4) of section 25C(c) is amended by striking “unless” and all that follows and inserting “unless—

“(A) in the case of any component placed in service after the date which is 90 days after the date of the enactment of the American Jobs and Closing Tax Loopholes Act of 2010, such component meets the criteria for such components established by the 2010 Energy Star Program Requirements for Residential Windows, Doors, and Skylights, Version 5.0 (or any subsequent version of such requirements which is in effect after January 4, 2010),

“(B) in the case of any component placed in service after the date of the enactment of the American Jobs and Closing Tax Loopholes Act of 2010 and on or before the date which is 90 days after such date, such component meets the criteria described in subparagraph (A) or is equal to or below a U factor of 0.30 and SHGC of 0.30, and

“(C) in the case of any component which is a garage door, such component is equal to or below a U factor of 0.30 and SHGC of 0.30.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

**SEC. 210. CREDIT FOR ELECTRICITY PRODUCED AT CERTAIN OPEN-LOOP BIOMASS FACILITIES.**

(a) **IN GENERAL.**—Clause (ii) of section 45(b)(4)(B) is amended by striking “5-year period” and inserting “6-year period”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to electricity produced and sold after December 31, 2009.

**SEC. 211. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.**

(a) **IN GENERAL.**—Sections 6426(d)(5), 6426(e)(3), and 6427(e)(6)(C) are each amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

**SEC. 212. CREDIT FOR REFINED COAL FACILITIES.**

(a) **IN GENERAL.**—Subparagraphs (A) and (B) of section 45(d)(8) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to facilities placed in service after December 31, 2009.

**SEC. 213. CREDIT FOR PRODUCTION OF LOW SULFUR DIESEL FUEL.**

(a) **APPLICABLE PERIOD.**—Paragraph (4) of section 45H(c) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in section 339 of the American Jobs Creation Act of 2004.

**Subtitle B—Individual Tax Relief**

**PART I—MISCELLANEOUS PROVISIONS**

**SEC. 221. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.**

(a) **IN GENERAL.**—Subparagraph (D) of section 62(a)(2) is amended by striking “or 2009” and inserting “2009, or 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 222. ADDITIONAL STANDARD DEDUCTION FOR STATE AND LOCAL REAL PROPERTY TAXES.**

(a) **IN GENERAL.**—Subparagraph (C) of section 63(c)(1) is amended by striking “or 2009” and inserting “2009, or 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 223. DEDUCTION OF STATE AND LOCAL SALES TAXES.**

(a) **IN GENERAL.**—Subparagraph (I) of section 164(b)(5) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 224. CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.**

(a) **IN GENERAL.**—Clause (vi) of section 170(b)(1)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.**—Clause (iii) of sec-

tion 170(b)(2)(B) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

**SEC. 225. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.**

(a) **IN GENERAL.**—Subsection (e) of section 222 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 226. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.**

(a) **IN GENERAL.**—Subparagraph (F) of section 408(d)(8) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2009.

**SEC. 227. LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.**

(a) **IN GENERAL.**—Paragraph (3) of section 2105(d) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to estates of decedents dying after December 31, 2009.

**PART II—LOW-INCOME HOUSING CREDITS**

**SEC. 231. ELECTION FOR DIRECT PAYMENT OF LOW-INCOME HOUSING CREDIT FOR 2010.**

(a) **IN GENERAL.**—Section 42 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) **ELECTION FOR REFUNDABLE CREDITS.**—“(1) **IN GENERAL.**—The housing credit agency of each State shall be allowed a credit in an amount equal to such State’s 2010 low-income housing refundable credit election amount, which shall be payable by the Secretary as provided in paragraph (5).“(2) **2010 LOW-INCOME HOUSING REFUNDABLE CREDIT ELECTION AMOUNT.**—For purposes of this subsection, the term ‘2010 low-income housing refundable credit election amount’ means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—“(A) the sum of—“(i) 100 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), plus any increase in the State housing credit ceiling for 2010 made by reason of section 1400N(c) (including as such section is applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008), and“(ii) 40 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (ii) and (iv) of such subsection, plus any increase in the State housing credit ceiling for 2010 made by reason of the application of such section 702(d)(2) and 704(b), multiplied by“(B) 10.

For purposes of subparagraph (A)(ii), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) shall be applied without regard to clause (i)

“(3) **COORDINATION WITH NON-REFUNDABLE CREDIT.**—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).“(4) **SPECIAL RULE FOR BASIS.**—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.”“(5) **PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.**—The Secretary shall pay to the housing credit agency of each State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting ‘January 1, 2012’ for ‘January 1, 2011’.”.

(b) **CONFORMING AMENDMENT.**—Section 1324(b)(2) of title 31, United States Code, is amended by inserting “42(n),” after “36C,”.

**Subtitle C—Business Tax Relief**

**SEC. 241. RESEARCH CREDIT.**  
(a) **IN GENERAL.**—Subparagraph (B) of section 41(h)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **CONFORMING AMENDMENT.**—Subparagraph (D) of section 45C(b)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

**SEC. 242. INDIAN EMPLOYMENT TAX CREDIT.**

(a) **IN GENERAL.**—Subsection (f) of section 45A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

**SEC. 243. NEW MARKETS TAX CREDIT.**

(a) **IN GENERAL.**—Subsection (f) of section 45A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 244. RAILROAD TRACK MAINTENANCE CREDIT.**

(a) **IN GENERAL.**—Subparagraph (F) of section 45D(f)(1) is amended by inserting “and 2010” after “2009”.

(b) **CONFORMING AMENDMENT.**—Paragraph (3) of section 45D(f) is amended by striking “2014” and inserting “2015”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to calendar years beginning after 2009.

**SEC. 245. MINE RESCUE TEAM TRAINING CREDIT.**

(a) **IN GENERAL.**—Subsection (e) of section 45N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2009.

**SEC. 246. CREDIT ALLOWABLE AGAINST AMT.**

(a) **IN GENERAL.**—Subsection (e) of section 45N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **CREDIT ALLOWABLE AGAINST AMT.**—Subparagraph (B) of section 38(c)(4), as amended by section 104, is amended—

(1) by redesignating clauses (vii) through (x) as clauses (viii) through (xi), respectively; and

(2) by inserting after clause (vi) the following new clause:

“(vii) the credit determined under section 45N.”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this

section shall apply to taxable years beginning after December 31, 2009.

(2) ALLOWANCE AGAINST AMT.—The amendments made by subsection (b) shall apply to credits determined for taxable years beginning after December 31, 2009, and to carrybacks of such credits.

**SEC. 246. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.**

(a) IN GENERAL.—Subsection (f) of section 45P is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2009.

**SEC. 247. 5-YEAR DEPRECIATION FOR FARMING BUSINESS MACHINERY AND EQUIPMENT.**

(a) IN GENERAL.—Clause (vii) of section 168(e)(3)(B) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 248. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.**

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 168(e)(7)(A) is amended by striking “if such building is placed in service after December 31, 2008, and before January 1, 2010,”.

(2) Paragraph (8) of section 168(e) is amended by striking subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 249. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.**

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 250. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.**

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 251. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.**

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

**SEC. 252. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.**

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

**SEC. 253. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.**

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

**SEC. 254. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.**

(a) IN GENERAL.—Subsection (g) of section 179E is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 255. SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.**

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2009.

**SEC. 256. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.**

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2009.

**SEC. 257. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.**

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking “first 4 taxable years” and inserting “first 5 taxable years”; and

(2) by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 258. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.**

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2009.

**SEC. 259. EXCLUSION OF GAIN OR LOSS ON SALE OR EXCHANGE OF CERTAIN BROWNFIELD SITES FROM UNRELATED BUSINESS INCOME.**

(a) IN GENERAL.—Subparagraph (K) of section 512(b)(19) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property acquired after December 31, 2009.

**SEC. 260. TIMBER REIT MODERNIZATION.**

(a) IN GENERAL.—Paragraph (8) of section 856(c) is amended by striking “means” and all that follows and inserting “means December 31, 2010”.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (I) of section 856(c)(2) is amended by striking “the first taxable year beginning after the date of the enactment of this subparagraph” and inserting “a taxable year beginning on or before the termination date”.

(2) Clause (iii) of section 856(c)(5)(H) is amended by inserting “in taxable years beginning” after “dispositions”.

(3) Clause (v) of section 857(b)(6)(D) is amended by inserting “in a taxable year beginning” after “sale”.

(4) Subparagraph (G) of section 857(b)(6) is amended by inserting “in a taxable year beginning” after “In the case of a sale”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

**SEC. 261. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.**

(a) IN GENERAL.—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 262. RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.**

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on January 1, 2010. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2009, and before the date of the enactment of this Act; and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code, such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

**SEC. 263. EXCEPTIONS FOR ACTIVE FINANCING INCOME.**

(a) IN GENERAL.—Sections 953(e)(10) and 954(h)(9) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) CONFORMING AMENDMENT.—Section 953(e)(10) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

**SEC. 264. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.**

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

**SEC. 265. BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.**

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

**SEC. 266. EMPOWERMENT ZONE TAX INCENTIVES.**

(a) **IN GENERAL.**—Section 1391 is amended—  
(1) by striking “December 31, 2009” in subsection (d)(1)(A)(i) and inserting “December 31, 2010”; and

(2) by striking the last sentence of subsection (h)(2).

(b) **INCREASED EXCLUSION OF GAIN ON STOCK OF EMPOWERMENT ZONE BUSINESSES.**—Subparagraph (C) of section 1202(a)(2) is amended—

(1) by striking “December 31, 2014” and inserting “December 31, 2015”; and

(2) by striking “2014” in the heading and inserting “2015”.

(c) **TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.**—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to periods after December 31, 2009.

**SEC. 267. RENEWAL COMMUNITY TAX INCENTIVES.**

(a) **IN GENERAL.**—Subsection (b) of section 1400E is amended—

(1) by striking “December 31, 2009” in paragraphs (1)(A) and (3) and inserting “December 31, 2010”; and

(2) by striking “January 1, 2010” in paragraph (3) and inserting “January 1, 2011”.

(b) **ZERO-PERCENT CAPITAL GAINS RATE.**—

(1) **ACQUISITION DATE.**—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i) of section 1400F(b) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(2) **LIMITATION ON PERIOD OF GAINS.**—Paragraph (2) of section 1400F(c) is amended—

(A) by striking “December 31, 2014” and inserting “December 31, 2015”; and

(B) by striking “2014” in the heading and inserting “2015”.

(3) **CLERICAL AMENDMENT.**—Subsection (d) of section 1400F is amended by striking “and ‘December 31, 2014’ for ‘December 31, 2014’”.

(c) **COMMERCIAL REVITALIZATION DEDUCTION.**—

(1) **IN GENERAL.**—Subsection (g) of section 1400I is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) **CONFORMING AMENDMENT.**—Subparagraph (A) of section 1400I(d)(2) is amended by striking “after 2001 and before 2010” and inserting “which begins after 2001 and before the date referred to in subsection (g)”.

(d) **INCREASED EXPENSING UNDER SECTION 179.**—Subparagraph (A) of section 1400J(b)(1) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(e) **TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.**—In the case of a designation of a renewal community the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A) of section 1400E(b)(1) of the Internal Revenue Code of 1986 (as in effect before the enact-

ment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(f) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) **ACQUISITIONS.**—The amendments made by subsections (b)(1) and (d) shall apply to acquisitions after December 31, 2009.

(3) **COMMERCIAL REVITALIZATION DEDUCTION.**—

(A) **IN GENERAL.**—The amendment made by subsection (c)(1) shall apply to buildings placed in service after December 31, 2009.

(B) **CONFORMING AMENDMENT.**—The amendment made by subsection (c)(2) shall apply to calendar years beginning after December 31, 2009.

**SEC. 268. TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.**

(a) **IN GENERAL.**—Paragraph (1) of section 7652(f) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2009.

**SEC. 269. PAYMENT TO AMERICAN SAMOA IN LIEU OF EXTENSION OF ECONOMIC DEVELOPMENT CREDIT.**

The Secretary of the Treasury (or his designee) shall pay \$18,000,000 to the Government of American Samoa for purposes of economic development. The payment made under the preceding sentence shall be treated for purposes of section 1324 of title 31, United States Code, as a refund of internal revenue collections to which such section applies.

**SEC. 270. ELECTION TO TEMPORARILY UTILIZE UNUSED AMT CREDITS DETERMINED BY DOMESTIC INVESTMENT.**

(a) **IN GENERAL.**—Section 53 is amended by adding at the end the following new subsection:

“(g) **ELECTION FOR CORPORATIONS WITH NEW DOMESTIC INVESTMENTS.**—

“(1) **IN GENERAL.**—If a corporation elects to have this subsection apply for its first taxable year beginning after December 31, 2009, the limitation imposed by subsection (c) for such taxable year shall be increased by the AMT credit adjustment amount.

“(2) **AMT CREDIT ADJUSTMENT AMOUNT.**—For purposes of paragraph (1), the term ‘AMT credit adjustment amount’ means, the lesser of—

“(A) 50 percent of a corporation’s minimum tax credit for its first taxable year beginning after December 31, 2009, determined under subsection (b), or

“(B) 10 percent of new domestic investments made during such taxable year.

“(3) **NEW DOMESTIC INVESTMENTS.**—For purposes of this subsection, the term ‘new domestic investments’ means the cost of qualified property (as defined in section 168(k)(2)(A)(i))—

“(A) the original use of which commences with the taxpayer during the taxable year, and

“(B) which is placed in service in the United States by the taxpayer during such taxable year.

“(4) **CREDIT REFUNDABLE.**—For purposes of subsection (b) of section 6401, the aggregate

increase in the credits allowable under this part for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C (and not under any other subpart). For purposes of section 6425, any amount treated as so allowed shall be treated as a payment of estimated income tax for the taxable year.

“(5) **ELECTION.**—An election under this subsection shall be made at such time and in such manner as prescribed by the Secretary, and once made, may be revoked only with the consent of the Secretary. Not later than 90 days after the date of the enactment of this subsection, the Secretary shall issue guidance specifying such time and manner.

“(6) **TREATMENT OF CERTAIN PARTNERSHIP INVESTMENTS.**—For purposes of this subsection, a corporation shall take into account its allocable share of any new domestic investments by a partnership for any taxable year if, and only if, more than 90 percent of the capital and profits interests in such partnership are owned by such corporation (directly or indirectly) at all times during such taxable year.

“(7) **NO DOUBLE BENEFIT.**—

“(A) **IN GENERAL.**—A corporation making an election under this subsection may not make an election under subparagraph (H) of section 172(b)(1).

“(B) **SPECIAL RULES WITH RESPECT TO TAXPAYERS PREVIOUSLY ELECTING APPLICABLE NET OPERATING LOSSES.**—In the case of a corporation which made an election under subparagraph (H) of section 172(b)(1) and elects the application of this subsection—

“(i) **ELECTION OF APPLICABLE NET OPERATING LOSS TREATED AS REVOKED.**—The election under such subparagraph (H) shall (notwithstanding clause (iii)(II) of such subparagraph) be treated as having been revoked by the taxpayer.

“(ii) **COORDINATION WITH PROVISION FOR EXPEDITED REFUND.**—The amount otherwise treated as a payment of estimated income tax under the last sentence of paragraph (4) shall be reduced (but not below zero) by the aggregate increase in unpaid tax liability determined under this chapter by reason of the revocation of the election under clause (i).

“(iii) **APPLICATION OF STATUTE OF LIMITATIONS.**—With respect to the revocation of an election under clause (i)—

“(I) the statutory period for the assessment of any deficiency attributable to such revocation shall not expire before the end of the 3-year period beginning on the date of the election to have this subsection apply, and

“(II) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

“(C) **EXCEPTION FOR ELIGIBLE SMALL BUSINESSES.**—Subparagraphs (A) and (B) shall not apply to an eligible small business as defined in section 172(b)(1)(H)(v)(II).

“(8) **REGULATIONS.**—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection, including to prevent fraud and abuse under this subsection.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 6211(b)(4)(A) is amended by inserting “53(g),” after “53(e),”.

(2) Section 1324(b)(2) of title 31, United States Code, is amended by inserting “53(g),” after “53(e),”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 271. REDUCTION IN CORPORATE RATE FOR QUALIFIED TIMBER GAIN.**

(a) IN GENERAL.—Paragraph (1) of section 1201(b) is amended by striking “ending” and all that follows through “such date”.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 1201(b) is amended to read as follows:

“(3) APPLICATION OF SUBSECTION.—The qualified timber gain for any taxable year shall not exceed the qualified timber gain which would be determined by not taking into account any portion of such taxable year after December 31, 2010.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

**SEC. 272. STUDY OF EXTENDED TAX EXPENDITURES.**

(a) FINDINGS.—Congress finds the following:

(1) Currently, the aggregate cost of Federal tax expenditures rivals, or even exceeds, the amount of total Federal discretionary spending.

(2) Given the escalating public debt, a critical examination of this use of taxpayer dollars is essential.

(3) Additionally, tax expenditures can complicate the Internal Revenue Code of 1986 for taxpayers and complicate tax administration for the Internal Revenue Service.

(4) To facilitate a better understanding of tax expenditures in the future, it is constructive for legislation extending these provisions to include a study of such provisions.

(b) REQUIREMENT TO REPORT.—Not later than November 30, 2010, the Chief of Staff of the Joint Committee on Taxation, in consultation with the Comptroller General of the United States, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on each tax expenditure (as defined in section 3(3) of the Congressional Budget Impoundment Control Act of 1974 (2 U.S.C. 622(3)) extended by this title.

(c) ROLLING SUBMISSION OF REPORTS.—The Chief of Staff of the Joint Committee on Taxation shall initially submit the reports for each such tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) in order of the tax expenditure incurring the least aggregate cost to the greatest aggregate cost (determined by reference to the cost estimate of this Act by the Joint Committee on Taxation). Thereafter, such reports may be submitted in such order as the Chief of Staff determines appropriate.

(d) CONTENTS OF REPORT.—Such reports shall contain the following:

(1) An explanation of the tax expenditure and any relevant economic, social, or other context under which it was first enacted.

(2) A description of the intended purpose of the tax expenditure.

(3) An analysis of the overall success of the tax expenditure in achieving such purpose, and evidence supporting such analysis.

(4) An analysis of the extent to which further extending the tax expenditure, or making it permanent, would contribute to achieving such purpose.

(5) A description of the direct and indirect beneficiaries of the tax expenditure, including identifying any unintended beneficiaries.

(6) An analysis of whether the tax expenditure is the most cost-effective method for achieving the purpose for which it was intended, and a description of any more cost-effective methods through which such purpose could be accomplished.

(7) A description of any unintended effects of the tax expenditure that are useful in understanding the tax expenditure's overall value.

(8) An analysis of how the tax expenditure could be modified to better achieve its original purpose.

(9) A brief description of any interactions (actual or potential) with other tax expenditures or direct spending programs in the same or related budget function worthy of further study.

(10) A description of any unavailable information the staff of the Joint Committee on Taxation may need to complete a more thorough examination and analysis of the tax expenditure, and what must be done to make such information available.

(e) MINIMUM ANALYSIS BY DEADLINE.—In the event the Chief of Staff of the Joint Committee on Taxation concludes it will not be feasible to complete all reports by the date specified in subsection (a), at a minimum, the reports for each tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) shall be completed by such date.

**Subtitle D—Temporary Disaster Relief Provisions**

**PART I—NATIONAL DISASTER RELIEF**

**SEC. 281. WAIVER OF CERTAIN MORTGAGE REVENUE BOND REQUIREMENTS.**

(a) IN GENERAL.—Paragraph (11) of section 143(k) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) SPECIAL RULE FOR RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—Paragraph (13) of section 143(k), as redesignated by subsection (c), is amended by striking “January 1, 2010” in subparagraphs (A)(i) and (B)(i) and inserting “January 1, 2011”.

(c) TECHNICAL AMENDMENT.—Subsection (k) of section 143 is amended by redesignating the second paragraph (12) (relating to special rules for residences destroyed in federally declared disasters) as paragraph (13).

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendment made by this section shall apply to bonds issued after December 31, 2009.

(2) RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—The amendments made by subsection (b) shall apply with respect to disasters occurring after December 31, 2009.

(3) TECHNICAL AMENDMENT.—The amendment made by subsection (c) shall take effect as if included in section 709 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008.

**SEC. 282. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.**

(a) IN GENERAL.—Subclause (I) of section 165(h)(3)(B)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) \$500 LIMITATION.—Paragraph (1) of section 165(h) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to federally declared disasters occurring after December 31, 2009.

(2) \$500 LIMITATION.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2009.

**SEC. 283. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED DISASTER PROPERTY.**

(a) IN GENERAL.—Subclause (I) of section 168(n)(2)(A)(ii) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disasters occurring after December 31, 2009.

**SEC. 284. NET OPERATING LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.**

(a) IN GENERAL.—Subclause (I) of section 172(j)(1)(A)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to losses attributable to disasters occurring after December 31, 2009.

**SEC. 285. EXPENSING OF QUALIFIED DISASTER EXPENSES.**

(a) IN GENERAL.—Subparagraph (A) of section 198A(b)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures on account of disasters occurring after December 31, 2009.

**SEC. 286. SPECIAL DEPRECIATION ALLOWANCE.**

(a) IN GENERAL.—Paragraph (6) of section 1400N(d)(6) is amended by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**PART II—REGIONAL PROVISIONS**

**Subpart A—New York Liberty Zone**

**SEC. 291. SPECIAL DEPRECIATION ALLOWANCE FOR NONRESIDENTIAL AND RESIDENTIAL REAL PROPERTY.**

(a) IN GENERAL.—Subparagraph (A) of section 1400L(b)(2) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 292. TAX-EXEMPT BOND FINANCING.**

(a) IN GENERAL.—Subparagraph (D) of section 1400L(d)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2009.

**Subpart B—GO Zone**

**SEC. 295. INCREASE IN REHABILITATION CREDIT.**

(a) IN GENERAL.—Subsection (h) of section 1400N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2009.

**SEC. 296. WORK OPPORTUNITY TAX CREDIT WITH RESPECT TO CERTAIN INDIVIDUALS AFFECTED BY HURRICANE KATRINA FOR EMPLOYERS INSIDE DISASTER AREAS.**

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking “4-year” and inserting “5-year”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2009.

**SEC. 297. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.**

Section 1400N(c)(5) is amended by striking “January 1, 2011” and inserting “January 1, 2013”.

**SEC. 298. TAX-EXEMPT BOND FINANCING.**

(a) IN GENERAL.—Paragraphs (2)(D) and (7)(C) of section 1400N(a) are each amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) CONFORMING AMENDMENTS.—Sections 702(d)(1) and 704(a) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110-343; 122 Stat. 3913, 3919) are each amended by

striking “January 1, 2011” each place it appears and inserting “January 1, 2012”.

#### Subpart C—Midwester Disaster Areas

#### SEC. 299. SPECIAL RULES FOR USE OF RETIREMENT FUNDS.

(a) IN GENERAL.—Section 702(d)(10) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110-343; 122 Stat. 3918) is amended—

(1) by striking “January 1, 2010” both places it appears and inserting “January 1, 2011”, and

(2) by striking “December 31, 2009” both places it appears and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 702(d)(10) of the Heartland Disaster Tax Relief Act of 2008.

#### SEC. 300. EXCLUSION OF CANCELLATION OF MORTGAGE INDEBTEDNESS.

(a) IN GENERAL.—Section 702(e)(4)(C) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110-343; 122 Stat. 3918) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness after December 31, 2009.

### TITLE III—PENSION PROVISIONS

#### Subtitle A—Single Employer Plans

#### SEC. 301. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary

to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

“(I) give notice of the election to participants and beneficiaries of the plan, and

“(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”.

(2) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for

an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

“(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this

clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A of the Internal Revenue Code of 1986) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1) of such Code) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such cal-

endar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(I) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

“(I) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

“(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

“(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

“(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor’s income, and interest accrues on any unpaid dividends with respect to such stock.

“(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term ‘applicable preferred stock’ means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of this title).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 302(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan’s relative reduction in the plan’s shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (i) or (ii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

“(I) give notice of the election to participants and beneficiaries of the plan, and

“(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”.

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and

payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restric-

tion period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

“(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (i) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1)) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

“(I) the adjusted net income (within the meaning of section 4043 of the Employee Retirement Income Security Act of 1974) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

“(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

“(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

“(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

“(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term ‘applicable preferred stock’ means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of title I of Employee Retirement Income Security Act of 1974).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor's controlled group (as defined in section 412(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”.

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

#### SEC. 302. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

#### “SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.

“(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an ‘election year’), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to ‘such Act’ or ‘such Code’ shall be to such Act or such Code as in effect before the amendments made by this subtitle and subtitle B.

“(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

“(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(l)(9) of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

“(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(l) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

“(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

“(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(c) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(l) of such Code—

“(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

“(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

“(B) the increased unfunded new liability for such plan year, and

“(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(d) ELECTION.—

“(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

“(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

“(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

“(e) DEFINITIONS.—For purposes of this section—

“(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution

for such plan year occurs on or after the date of the enactment of this clause.

“(2) **PRE-EFFECTIVE DATE PLAN YEAR.**—The term ‘pre-effective date plan year’ means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

“(3) **INCREASED UNFUNDED NEW LIABILITY.**—The term ‘increased unfunded new liability’ means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan’s assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(l)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

“(4) **OTHER DEFINITIONS.**—The terms ‘unfunded new liability’ and ‘current liability’ shall have the meanings set forth in section 302(d) of such Act and section 412(l) of such Code.”

(b) **ELIGIBLE CHARITY PLANS.**—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking “eligible cooperative plan” wherever it appears in subsections (a) and (b) and inserting “eligible cooperative plan or an eligible charity plan”, and

(2) by adding at the end the following new subsection:

“(d) **ELIGIBLE CHARITY PLAN DEFINED.**—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer (determined without regard to section 414(c) of the Internal Revenue Code) and 100 percent of the employers are described in section 501(c)(3) of such Code.”

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) **ELIGIBLE CHARITY PLAN.**—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

#### **SEC. 303. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.**

(a) **IN GENERAL.**—

(1) **AMENDMENT TO ERISA.**—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

“(D) **SPECIAL RULE FOR CERTAIN YEARS.**—Solely for purposes of any applicable provision—

“(i) **IN GENERAL.**—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(I) such percentage, as determined without regard to this subparagraph, or

“(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) **SPECIAL RULE.**—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) **APPLICABLE PROVISION.**—For purposes of this subparagraph, the term ‘applicable provision’ means—

“(I) paragraph (3), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(II) paragraph (4).”

(2) **AMENDMENT TO INTERNAL REVENUE CODE OF 1986.**—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(3) **SPECIAL RULE FOR CERTAIN YEARS.**—Solely for purposes of any applicable provision—

“(A) **IN GENERAL.**—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(i) such percentage, as determined without regard to this paragraph, or

“(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

“(B) **SPECIAL RULE.**—In the case of a plan for which the valuation date is not the first day of the plan year—

“(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

“(C) **APPLICABLE PROVISION.**—For purposes of this paragraph, the term ‘applicable provision’ means—

“(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(ii) subsection (e).”

(b) **INTERACTION WITH WRERA RULE.**—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) **SPECIAL RULE.**—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

#### **SEC. 304. LOOKBACK FOR CREDIT BALANCE RULE FOR PLANS MAINTAINED BY CHARITIES.**

(a) **AMENDMENT TO ERISA.**—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

“(D) **SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.**—

“(i) **IN GENERAL.**—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

“(I) such ratio, as determined without regard to this subparagraph, or

“(II) the ratio for such plan for the plan year beginning after August 31, 2007, and before September 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) **SPECIAL RULE.**—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2008, and before January 1, 2011, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) **LIMITATION TO CHARITIES.**—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3) of the Internal Revenue Code of 1986.”

(b) **AMENDMENT TO INTERNAL REVENUE CODE OF 1986.**—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

“(D) **SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.**—

“(i) **IN GENERAL.**—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year of a plan shall be the greater of—

“(I) such ratio, as determined without regard to this subsection, or

“(II) the ratio for such plan for the plan year beginning after August 31, 2007 and before September 1, 2008, as determined under rules prescribed by the Secretary.

“(ii) **SPECIAL RULE.**—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary.

“(iii) **LIMITATION TO CHARITIES.**—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3).”

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after August 31, 2009.

(2) **SPECIAL RULE.**—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by

this section shall apply to plan years beginning after December 31, 2008.

#### Subtitle B—Multiemployer Plans

### SEC. 321. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

#### (a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period —

“(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subsections (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary of the Treasury shall not treat the asset valuation method of the

plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such application to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period —

“(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subsections (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the

plan immediately before the application of this paragraph to the plan, and

“(II) the plan’s funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such application to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan’s funding standard account for the first plan year beginning after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

#### TITLE IV—REVENUE OFFSETS

##### SEC. 401. ROLLOVERS FROM ELECTIVE DEFERRAL PLANS TO ROTH DESIGNATED ACCOUNTS.

(a) IN GENERAL.—Section 402A(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(4) TAXABLE ROLLOVERS TO DESIGNATED ROTH ACCOUNTS.—

“(A) IN GENERAL.—Notwithstanding sections 402(c), 403(b)(8), and 457(e)(16), in the case of any distribution to which this paragraph applies—

“(i) there shall be included in gross income any amount which would be includible were it not part of a qualified rollover contribution,

“(ii) section 72(t) shall not apply, and

“(iii) unless the taxpayer elects not to have this clause apply, any amount required to be included in gross income for any taxable year beginning in 2010 by reason of this paragraph shall be so included ratably over the 2-taxable-year period beginning with the first taxable year beginning in 2011.

Any election under clause (iii) for any distributions during a taxable year may not be changed after the due date for such taxable year.

“(B) DISTRIBUTIONS TO WHICH PARAGRAPH APPLIES.—In the case of an applicable retirement plan which includes a qualified Roth contribution program, this paragraph shall apply to a distribution from such plan other than from a designated Roth account which is contributed in a qualified rollover contribution to the designated Roth account maintained under such plan for the benefit of the individual to whom the distribution is made.

“(C) OTHER RULES.—The rules of subparagraphs (D), (E), and (F) of section 408A(d)(3)

(as in effect for taxable years beginning after 2009) shall apply for purposes of this paragraph.”.

##### SEC. 402. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following:

“(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).”.

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

“(2) ELECTIVE DEFERRAL.—The term ‘elective deferral’ means—

“(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

“(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

##### SEC. 403. TEMPORARY ONE-YEAR FREEZE ON RAISES, BONUSES, AND OTHER SALARY INCREASES FOR FEDERAL EMPLOYEES.

Notwithstanding any other provision of law, civilian employees of the Federal Government in fiscal year 2011 shall not receive a cost of living adjustment or other salary increase, including a bonus. The salaries of members of the armed forces are exempt from the provisions of this section.

##### SEC. 404. CAPPING THE TOTAL NUMBER OF FEDERAL EMPLOYEES.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the head of each relevant Federal department or agency shall collaborate with the Director of the Office of Management and Budget to determine how many full-time employees the department or agency employs. For each new full-time employee added to any Federal department or agency for any purpose, the head of such department or agency shall ensure that the addition of such new employee is offset by a reduction of one existing full-time employee at such department or agency.

(b) INFORMATION ON TOTAL EMPLOYEES.—The Director of the Office of Management and Budget shall publicly disclose the total number of Federal employees, as well as a breakdown of Federal employees by agency and the annual salary by title of each Federal employee at an agency and update such information not less than once a year.

##### SEC. 405. COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT.

(a) IN GENERAL.—Chapter 73 of title 5, United States Code, is amended by adding at the end the following:

“SUBCHAPTER VIII—COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT

##### “§ 7381. Collection of unpaid taxes from employees of the Federal Government

“(a) DEFINITION.—For purposes of this section—

“(1) the term ‘seriously delinquent tax debt’ means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

“(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code; and

“(B) a debt with respect to which a collection due process hearing under section 6330 of such Code, or relief under subsection (a), (b), or (f) of section 6015 of such Code, is requested or pending; and

“(2) the term ‘Federal employee’ means—

“(A) an employee, as defined by section 2105; and

“(B) an employee of the United States Congress, including Members of the House of Representatives and Senators.

“(b) COLLECTION OF UNPAID TAXES.—The Internal Revenue Service shall coordinate with the Department of Treasury and the hiring agency of a Federal employee who has a seriously delinquent tax debt to collect such taxes by withholding a portion of the employee’s salary over a period set by the hiring agency to ensure prompt payment.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 5, United States Code, is amended by adding at the end the following:

“SUBCHAPTER VIII—COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT

“Sec. 7381. Collection of unpaid taxes from employees of the Federal Government.”.

##### SEC. 406. REDUCING PRINTING AND PUBLISHING COSTS OF GOVERNMENT DOCUMENTS.

Within 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of Federal departments and independent agencies to determine which Government publications could be available on Government websites and no longer printed and to devise a strategy to reduce overall Government printing costs by no less than a total of \$4,600,000 over the 10-year period beginning with fiscal year 2010. The Director shall ensure that essential printed documents prepared for Social Security recipients, Medicare beneficiaries, and other populations in areas with limited internet access or use continue to remain available.

##### SEC. 407. REDUCING EXCESSIVE DUPLICATION, OVERHEAD AND SPENDING WITHIN THE FEDERAL GOVERNMENT.

(a) REDUCING DUPLICATION.—The Director of the Office of Management and Budget and the Secretary of each department (or head of each independent agency) shall work with the Chairman and ranking member of the relevant congressional appropriations subcommittees and the congressional authorizing committees and the Director of the Office of Management and Budget to consolidate programs with duplicative goals, missions, and initiatives.

(b) CONTROLLING BUREAUCRATIC OVERHEAD COSTS.—Each Federal department and agency shall reduce annual administrative expenses by at least five percent in fiscal year 2011.

(c) RESCISSIONS OF EXCESSIVE SPENDING.—There is hereby rescinded an amount equal to 5 percent of—

(1) the budget authority provided (or obligation limit imposed) for fiscal year 2010 for any discretionary account in any other fiscal year 2010 appropriation Act;

(2) the budget authority provided in any advance appropriation for fiscal year 2010 for any discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2010 for any program subject to limitation contained in any fiscal year 2010 appropriation Act.

(d) **PROPORTIONATE APPLICATION.**—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget)

(e) **EXCEPTIONS.**—This section shall not apply to discretionary authority appropriated or otherwise made available to the Department of Veterans Affairs and the Department of Defense.

(f) **OMB REPORT.**—Within 30 days after the date of enactment of this section, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to this section and the report shall be posted on the public website of the Office of Management and Budget.

#### **SEC. 408. ELIMINATING NONESSENTIAL GOVERNMENT TRAVEL.**

Within 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the heads of the Federal departments and agencies, shall establish a definition of "non-essential travel" and criteria to determine if travel-related expenses and requests by Federal employees meet the definition of "non-essential travel". No travel expenses paid for, in whole or in part, with Federal funds shall be paid by the Federal Government unless a request is made prior to the travel and the requested travel meets the criteria established by this section. Any travel request that does not meet the definition and criteria shall be disallowed, including reimbursement for air flights, automobile rentals, train tickets, lodging, per diem, and other travel-related costs. The definition established by the Director of the Office of Management and Budget may include exemptions in the definition, including travel related to national defense, homeland security, border security, national disasters, and other emergencies. The Director of the Office of Management and Budget shall ensure that all travel costs paid for in part or whole by the Federal Government not related to national defense, homeland security, border security, national disasters, and other emergencies do not exceed \$5,000,000,000 annually.

#### **SEC. 409. ELIMINATING BONUSES FOR POOR PERFORMANCE BY GOVERNMENT CONTRACTORS.**

(a) **GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO OUTCOMES.**—Not later than 180 days after the date of enactment of this Act, each Federal department or agency shall issue guidance, with detailed implementation instructions (including definitions), on the appropriate use of award and incentive fees in department or agency programs.

(b) **ELEMENTS.**—The guidance under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be excellent or superior and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be acceptable, average, expected, good, or satisfactory;

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure that the Department or agency—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis; and

(8) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes.

(c) **RETURN OF UNEARNED BONUSES.**—Any funds intended to be awarded as incentive fees that are not paid due to contractors inability to meet the criteria established by this section shall be returned to the Treasury.

#### **SEC. 410. \$1,000,000,000 LIMITATION ON VOLUNTARY PAYMENTS TO THE UNITED NATIONS.**

Notwithstanding any other provision of law, the Secretary of State shall ensure no more than \$1,000,000,000 is provided to the United Nations each year in excess of the United States' annual assessed contributions.

#### **SEC. 411. RESCINDING A STATE DEPARTMENT TRAINING FACILITY UNWANTED BY RESIDENTS OF THE COMMUNITY IN WHICH IT IS PLANNED TO BE CONSTRUCTED.**

Notwithstanding any other provision of law, no Federal funds may be spent to construct a State Department training facility in Ruthsburg, Maryland, and any funding obligated for the facility by Public Law 111-5 are rescinded, *Provided That, this section does not prohibit funds otherwise appropriated to be spent by the State Department for training facilities in other jurisdictions in accordance with law.*

#### **SEC. 412. REDUCING BUDGETS OF MEMBERS OF CONGRESS.**

(a) **IN GENERAL.**—Of the funds made available under Public Law 111-68 for the legislative branch, \$100,000,000 in unobligated balances are permanently rescinded on a pro rata basis: *Provided*, That the rescissions made by the section shall not apply to funds made available to the Capitol Police.

(b) **REPORTING.**—The Director of the Office of Management and Budget shall report to Congress the amounts rescinded under subsection (a).

#### **SEC. 413. DISPOSING OF UNNEEDED AND UNUSED GOVERNMENT PROPERTY.**

(a) **IN GENERAL.**—Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

##### **"SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY**

##### **"§ 621. Definitions**

"In this subchapter:

"(1) **DIRECTOR.**—The term 'Director' means the Director of the Office of Management and Budget.

"(2) **EXPEDITED DISPOSAL OF A REAL PROPERTY.**—The term 'expedited disposal of a real property' means a demolition of real property or a sale of real property for cash that is conducted under the requirements of section 545.

"(3) **LANDHOLDING AGENCY.**—The term 'landholding agency' means a landholding agency as defined under section 501(i)(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411(i)(3)).

"(4) **REAL PROPERTY.**—

"(A) **IN GENERAL.**—The term 'real property' means—

"(i) a parcel of real property under the administrative jurisdiction of the Federal Government that is—

"(I) excess;

"(II) surplus;

"(III) underperforming; or

"(IV) otherwise not meeting the needs of the Federal Government, as determined by the Director; and

"(ii) a building or other structure located on real property described under clause (i).

"(B) **EXCLUSION.**—The term 'real property' excludes any parcel of real property or building or other structure located on such real property that is to be closed or realigned under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

##### **"§ 622. Disposal program**

"(a) The Director of the Office of Management and Budget shall dispose of by sale or auction not less than \$15,000,000,000 worth of real property that is not meeting Federal Government from fiscal year 2010 to fiscal year 2015.

"(b) Agencies shall recommend candidate disposition real properties to the Director for participation in the pilot program established under section 622.

"(c) The Director, with the concurrence of the head of the executive agency concerned and consistent with the criteria established in this subchapter, may then select such candidate real properties for participation in the program and notify the recommending agency accordingly.

"(d) The Director shall ensure that all real properties selected for disposition under this section are listed on a website that shall—

"(1) be updated routinely; and

"(2) include the functionality to allow members of the public, at their option, to receive such updates through electronic mail.

"(e) The Director may transfer real property identified in the enactment of this section to the Department of Housing and Urban Development if the Secretary of Housing and Urban Development has determined such properties are suitable for use to assist the homeless."

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 5 of subtitle I of title 40, United States Code, is amended by inserting after the item relating to section 611 the following:

##### **"SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY**

"Sec. 621. Definitions.

"Sec. 622. Disposal program."

##### **SEC. 414. AUCTIONING AND SELLING OF UNUSED AND UNNEEDED EQUIPMENT.**

(a) Notwithstanding section 1033 of the National Defense Authorization Act of 1997 or any other provision of law, the Secretary of Defense shall auction or sell unused, unnecessary, or surplus supplies and equipment without providing preference to State or local governments.

(b) The Secretary may make exceptions to the sale or auction of such equipment for

transfers of excess military property to state and local law enforcement agencies related to counter-drug efforts, counter-terrorism activities, or other efforts determined to be related to national defense or homeland security. The Secretary of Defense may sell such equipment to State and local agencies at fair market value.

**SEC. 415. RESCINDING UNSPENT FEDERAL FUNDS.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, of all available unobligated Federal funds, \$80,000,000,000 in appropriated discretionary unexpired funds are rescinded.

(b) **IMPLEMENTATION.**—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) identify the accounts and amounts rescinded to implement subsection (a); and

(2) submit a report to the Secretary of the Treasury and Congress of the accounts and amounts identified under paragraph (1) for rescission.

(c) **EXCEPTION.**—This section shall not apply to the unobligated Federal funds of the Department of Defense or the Department of Veterans Affairs.

**SEC. 416. USE OF STIMULUS FUNDS TO OFFSET SPENDING.**

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded such that the aggregate amount of such rescissions equal \$37,500,000,000 in order to offset the net increase in spending resulting from the provisions of, and amendments made by, this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

**SEC. 417. DEFICIT REDUCTION TRUST FUND.**

(a) **IN GENERAL.**—Subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end the following new section:

**“§3114. Certain rescinded stimulus funds to reduce public debt**

“(a) There is established in the Treasury of the United States a trust fund to be known as the ‘Deficit Reduction Trust Fund’ (in this section referred to as the ‘Trust Fund’).

“(b) There is appropriated to the Trust Fund the following amounts:

“(1) Amounts equivalent to the reductions in Federal spending, as estimated by the Secretary from time to time, as a result of the provisions of sections 403, 404, 406, 407 (other than subsection (c) thereof), 408, 409, 410, and 414 of the American Jobs and Closing Tax Loopholes Act of 2010.

“(2) Amounts equivalent to the amounts rescinded under sections 407(c), 411, 412, 415, and 416 of the American Jobs and Closing Tax Loopholes Act of 2010.

“(3) Amounts equivalent to the amounts received under the program established under section 622 of title 5, United States Code.

“(4) The amount of taxes received in the Treasury attributable to section 7384 of the Internal Revenue Code of 1986 and the amendments made by sections 401 and 402 of the American Jobs and Closing Tax Loopholes Act of 2010, as estimated by the Secretary.

“(c) The Secretary of the Treasury shall use the moneys in the Trust Fund solely to pay at maturity, or to redeem or buy before

maturity, an obligation of the Government included in the public debt.

“(d) Any obligation of the Government which is paid, redeemed, or bought with money from the Trust Fund shall be canceled and retired and may not be reissued.”.

(b) **CONFORMING AMENDMENT.**—The table of sections for subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end the following new item:

“3114. Certain rescinded stimulus funds to reduce public debt.”.

**TITLE V—UNEMPLOYMENT, HEALTH, AND OTHER ASSISTANCE**

**Subtitle A—Unemployment Insurance and Other Assistance**

**SEC. 501. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.**

(a) **IN GENERAL.**—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “June 2, 2010” each place it appears and inserting “November 30, 2010”;

(B) in the heading for subsection (b)(2), by striking “JUNE 2, 2010” and inserting “NOVEMBER 30, 2010”; and

(C) in subsection (b)(3), by striking “November 6, 2010” and inserting “April 30, 2011”.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking “June 2, 2010” and inserting “November 30, 2010”;

(B) in the heading for paragraph (2), by striking “JUNE 2, 2010” and inserting “NOVEMBER 30, 2010”; and

(C) in paragraph (3), by striking “December 7, 2010” and inserting “May 31, 2011”.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “June 2, 2010” each place it appears and inserting “December 1, 2010”; and

(B) in subsection (c), by striking “November 6, 2010” and inserting “May 1, 2011”.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “November 6, 2010” and inserting “April 30, 2011”.

(b) **FUNDING.**—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (D), by striking “and” at the end; and

(2) by inserting after subparagraph (E) the following:

“(F) the amendments made by section 501(a)(1) of the American Jobs and Closing Tax Loopholes Act of 2010; and”.

**(c) CONDITIONS FOR RECEIVING EMERGENCY UNEMPLOYMENT COMPENSATION.**—Section

4001(d)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended, in the matter preceding subparagraph (A), by inserting before “shall apply” the following: “(including terms and conditions relating to availability for work, active search for work, and refusal to accept work)”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the Continuing Extension Act of 2010 (Public Law 111-157).

**SEC. 502. COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.**

(a) **CERTAIN INDIVIDUALS NOT INELIGIBLE BY REASON OF NEW ENTITLEMENT TO REGULAR**

**BENEFITS.**—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by adding at the end the following:

“(g) **COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.**—

“(1) If—

“(A) an individual has been determined to be entitled to emergency unemployment compensation with respect to a benefit year,

“(B) that benefit year has expired,

“(C) that individual has remaining entitlement to emergency unemployment compensation with respect to that benefit year, and

“(D) that individual would qualify for a new benefit year in which the weekly benefit amount of regular compensation is at least either \$100 or 25 percent less than the individual’s weekly benefit amount in the benefit year referred to in subparagraph (A), then the State shall determine eligibility for compensation as provided in paragraph (2).

“(2) For individuals described in paragraph (1), the State shall determine whether the individual is to be paid emergency unemployment compensation or regular compensation for a week of unemployment using one of the following methods:

“(A) The State shall, if permitted by State law, establish a new benefit year, but defer the payment of regular compensation with respect to that new benefit year until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph (1)(A);

“(B) The State shall, if permitted by State law, defer the establishment of a new benefit year (which uses all the wages and employment which would have been used to establish a benefit year but for the application of this paragraph), until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph (1)(A);

“(C) The State shall pay, if permitted by State law—

“(i) regular compensation equal to the weekly benefit amount established under the new benefit year, and

“(ii) emergency unemployment compensation equal to the difference between that weekly benefit amount and the weekly benefit amount for the expired benefit year; or

“(D) The State shall determine rights to emergency unemployment compensation without regard to any rights to regular compensation if the individual elects to not file a claim for regular compensation under the new benefit year.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to individuals whose benefit years, as described in section 4002(g)(1)(B) the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by this section, expire after the date of enactment of this Act.

**Subtitle B—Physician Payment Update and Other Provisions**

**PART I—PHYSICIAN PAYMENT UPDATE**

**SEC. 511. PHYSICIAN PAYMENT UPDATE.**

Section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended—

(1) in subsection (d)—

(A) in paragraph (10), in the heading, by striking “PORTION” and inserting “THE FIRST 5 MONTHS”; and

(B) by adding at the end the following new paragraph:

“(11) **UPDATE FOR THE LAST 7 MONTHS OF 2010 AND FOR 2011 AND 2012.**—

“(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), and (10)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply—

“(i) for 2010 for the period beginning on June 1, 2010, and ending on December 31, 2010, the update to the single conversion factor shall be 2.0 percent; and

“(ii) for each of 2011 and 2012, the update to the single conversion factor shall be 2.0 percent.

“(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2013 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2013 and subsequent years as if subparagraph (A) had never applied.”; and

(2) in subsection (f), by adding at the end the following new paragraph:

“(5) TEMPORARY ADJUSTMENT.—In determining the growth rate under paragraph (2) for 2014, the Secretary’s estimate of the percentage change otherwise determined under paragraph (2)(D) shall be reduced by 4.0 percentage points.”.

## PART II—EXTENSION OF EXPIRING PROVISIONS

### SEC. 521. EXTENSION OF MMA SECTION 508 RECLASSIFICATIONS.

Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), and sections 3137(a) and 10317 of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking “September 30, 2010” and inserting “September 30, 2011”.

### SEC. 522. EXTENSION OF MEDICARE WORK GEOGRAPHIC ADJUSTMENT FLOOR.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)), as amended by section 3102 of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking “before January 1, 2011” and inserting “before January 1, 2012”.

### SEC. 523. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking “and ending on” and all that follows through “2010” and inserting “and ending on December 31, 2011”.

### SEC. 524. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w-4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w-4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), and section 3104 of the Patient Protection and Affordable Care Act (Public Law 111-148) is amended by striking “and 2010” and inserting “2010, and 2011”.

### SEC. 525. EXTENSION OF AMBULANCE ADD-ONS.

(a) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)), as amended by sections 3105(a) and 10311(a) of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended—

(1) in the matter preceding clause (i), by striking “2011” and inserting “2012”; and

(2) in each of clauses (i) and (ii), by striking “January 1, 2011” and inserting “January 1, 2012” each place it appears.

(b) AIR AMBULANCE.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by sections 3105(b) and 10311(b) of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)), as amended by sections 3105(c) and 10311(c) of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking “2011” and inserting “2012”.

### SEC. 526. EXTENSION OF PHYSICIAN FEE SCHEDULE MENTAL HEALTH ADD-ON PAYMENT.

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by section 3107 of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

### SEC. 527. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)), as amended by section 3121(a) of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking “2011” and inserting “2012”; and

(B) in the second sentence, by striking “or 2010” and inserting “2010, or 2011”; and

(2) in subclause (III), by striking “January 1, 2011” and inserting “January 1, 2012”.

### SEC. 528. EXTENSION OF MEDICARE REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Section 416(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395l-4), as amended by section 105 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395l note), section 107 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395l note), and section 3122 of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking “the 1-year period beginning on July 1, 2010” and inserting “the 2-year period beginning on July 1, 2010”.

### SEC. 529. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking “December 2010” and inserting “December 2011”.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u-3(g)) is amended—

(1) in paragraph (2)—

(A) by striking “and” at the end of subparagraph (M);

(B) in subparagraph (N), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

“(O) for the period that begins on January 1, 2011, and ends on September 30, 2011, the total allocation amount is \$720,000,000; and

“(P) for the period that begins on October 1, 2011, and ends on December 31, 2011, the total allocation amount is \$280,000,000.”; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking “or (N)” and inserting “(N), or (P)”.

### SEC. 530. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r-6(f)) are each amended by striking “December 31, 2010” and inserting “December 31, 2011”.

### SEC. 531. EXTENSION OF DRA COURT IMPROVEMENT GRANTS.

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended—

(1) in subsection (c)(2)(A), by striking “2010” and inserting “2011”; and

(2) in subsection (e), by striking “2010” and inserting “2011”.

## PART III—CHANGES TO THE PATIENT PROTECTION AND AFFORDABLE CARE ACT AND ADDITIONAL PROVISIONS

### Subpart A—Changes to the Patient Protection and Affordable Care Act and Additional Provisions

#### SEC. 541. EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.

Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking “8 percent” and inserting “5 percent”.

#### SEC. 542. REPLACEMENT OF MEDICAID PRIMARY CARE PAYMENT CLIFF.

(a) PAYMENTS TO PRIMARY CARE PROVIDERS.—

(1) GRANTS TO STATES TO INCREASE PAYMENTS.—From the amounts appropriated under paragraph (2), the Secretary of Health and Human Services shall award grants to States with an approved State plan amendment under the Medicaid program under title XIX of the Social Security Act to permanently increase payment rates to primary care providers under the State Medicaid program above the rates applicable under the State Medicaid program on the date of enactment of this Act. Funds paid to a State from such a grant shall only be used for expenditures attributable to the additional amounts paid to such providers as a result of the increase in such rates.

(2) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary of Health and Human Services on January 1, 2013, \$8,000,000,000, to remain available until expended.

(b) REPEAL OF MEDICAID PRIMARY CARE PAYMENT CLIFF.—Section 1202 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152) (and the amendments made by such section) is repealed.

#### SEC. 543. ESTABLISH A CMS-IRS DATA MATCH TO IDENTIFY FRAUDULENT PROVIDERS.

(a) AUTHORITY TO DISCLOSE RETURN INFORMATION CONCERNING OUTSTANDING TAX DEBTS FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(22) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

“(A) IN GENERAL.—The Secretary shall, upon written request from the Secretary of Health and Human Services, disclose to officers and employees of the Department of

Health and Human Services return information with respect to a taxpayer who has applied to enroll, or reenroll, as a provider of services or supplier under the Medicare program under title XVIII of the Social Security Act. Such return information shall be limited to—

“(i) the taxpayer identity information with respect to such taxpayer;

“(ii) the amount of the delinquent tax debt owed by that taxpayer; and

“(iii) the taxable year to which the delinquent tax debt pertains.

“(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of Health and Human Services for the purposes of, and to the extent necessary in, establishing the taxpayer's eligibility for enrollment or reenrollment in the Medicare program, or in any administrative or judicial proceeding relating to, or arising from, a denial of such enrollment or reenrollment, or in determining the level of enhanced oversight to be applied with respect to such taxpayer pursuant to section 1866(j)(3) of the Social Security Act.

“(C) DELINQUENT TAX DEBT.—For purposes of this paragraph, the term ‘delinquent tax debt’ means an outstanding debt under this title for which a notice of lien has been filed pursuant to section 6323, but the term does not include a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122, or a debt with respect to which a collection due process hearing under section 6330 is requested, pending, or completed and no payment is required.”.

(2) CONFORMING AMENDMENTS.—Section 6103(p)(4) of such Code, as amended by sections 1414 and 3308 of Public Law 111-148, in the matter preceding subparagraph (A) and in subparagraph (F)(ii), is amended by striking “or (17)” and inserting “(17), or (22)” each place it appears.

(b) SECRETARY'S AUTHORITY TO USE INFORMATION FROM THE DEPARTMENT OF TREASURY IN MEDICARE ENROLLMENTS AND REENROLLMENTS.—Section 1866(j)(2) of the Social Security Act (42 U.S.C. 1395cc(j)), as inserted by section 6401(a) of Public Law 111-148, is further amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) USE OF INFORMATION FROM THE DEPARTMENT OF TREASURY CONCERNING TAX DEBTS.—In reviewing the application of a provider of services or supplier to enroll or reenroll under the program under this title, the Secretary shall take into account the information supplied by the Secretary of the Treasury pursuant to section 6103(1)(22) of the Internal Revenue Code of 1986, in determining whether to deny such application or to apply enhanced oversight to such provider of services or supplier pursuant to paragraph (3) if the Secretary determines such provider of services or supplier owes such a debt.”.

(c) AUTHORITY TO ADJUST PAYMENTS OF PROVIDERS OF SERVICES AND SUPPLIERS WITH THE SAME TAX IDENTIFICATION NUMBER FOR MEDICARE OBLIGATIONS.—Section 1866(j)(6) of the Social Security Act (42 U.S.C. 1395cc(j)(6)), as inserted by section 6401(a) of Public Law 111-148, is amended—

(1) in the paragraph heading, by striking “PAST-DUE” and inserting “MEDICARE”;

(2) in subparagraph (A), by striking “past-due obligations described in subparagraph (B)(ii) of an” and inserting “amount described in subparagraph (B)(ii) due from such”; and

(3) in subparagraph (B)(ii), by striking “a past-due obligation” and inserting “an amount that is more than the amount required to be paid”.

#### SEC. 544. FUNDING FOR CLAIMS REPROCESSING.

For purposes of carrying out the provisions of, and amendments made by, this Act that relate to title XVIII of the Social Security Act, and other provisions of such title that involve reprocessing of claims, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, \$175,000,000. Amounts appropriated under the preceding sentence shall remain available until expended.

### Subpart B—Medical Liability Reform

#### SEC. 551. SHORT TITLE.

This subpart may be cited as the “Medical Care Access Protection Act of 2010” or the “MCAP Act”.

#### SEC. 552. FINDINGS AND PURPOSE.

(a) FINDINGS.—

(1) EFFECT ON HEALTH CARE ACCESS AND COSTS.—Congress finds that our current civil justice system is adversely affecting patient access to health care services, better patient care, and cost-efficient health care, in that the health care liability system is a costly and ineffective mechanism for resolving claims of health care liability and compensating injured patients, and is a deterrent to the sharing of information among health care professionals which impedes efforts to improve patient safety and quality of care.

(2) EFFECT ON INTERSTATE COMMERCE.—Congress finds that the health care and insurance industries are industries affecting interstate commerce and the health care liability litigation systems existing throughout the United States are activities that affect interstate commerce by contributing to the high costs of health care and premiums for health care liability insurance purchased by health care system providers.

(3) EFFECT ON FEDERAL SPENDING.—Congress finds that the health care liability litigation systems existing throughout the United States have a significant effect on the amount, distribution, and use of Federal funds because of—

(A) the large number of individuals who receive health care benefits under programs operated or financed by the Federal Government;

(B) the large number of individuals who benefit because of the exclusion from Federal taxes of the amounts spent to provide them with health insurance benefits; and

(C) the large number of health care providers who provide items or services for which the Federal Government makes payments.

(b) PURPOSE.—It is the purpose of this subpart to implement reasonable, comprehensive, and effective health care liability reforms designed to—

(1) improve the availability of health care services in cases in which health care liability actions have been shown to be a factor in the decreased availability of services;

(2) reduce the incidence of “defensive medicine” and lower the cost of health care liability insurance, all of which contribute to the escalation of health care costs;

(3) ensure that persons with meritorious health care injury claims receive fair and adequate compensation, including reasonable noneconomic damages;

(4) improve the fairness and cost-effectiveness of our current health care liability sys-

tem to resolve disputes over, and provide compensation for, health care liability by reducing uncertainty in the amount of compensation provided to injured individuals; and

(5) provide an increased sharing of information in the health care system which will reduce unintended injury and improve patient care.

#### SEC. 553. DEFINITIONS.

In this subpart:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.—The term “alternative dispute resolution system” or “ADR” means a system that provides for the resolution of health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) CLAIMANT.—The term “claimant” means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) COLLATERAL SOURCE BENEFITS.—The term “collateral source benefits” means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, or any service, product or other benefit provided or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers' compensation law;

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;

(C) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income disability benefits; and

(D) any other publicly or privately funded program.

(4) COMPENSATORY DAMAGES.—The term “compensatory damages” means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. Such term includes economic damages and noneconomic damages, as such terms are defined in this section.

(5) CONTINGENT FEE.—The term “contingent fee” includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(6) ECONOMIC DAMAGES.—The term “economic damages” means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses,

loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(7) **HEALTH CARE GOODS OR SERVICES.**—The term “health care goods or services” means any goods or services provided by a health care institution, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, care, or treatment of any human disease or impairment, or the assessment of the health of human beings.

(8) **HEALTH CARE INSTITUTION.**—The term “health care institution” means any entity licensed under Federal or State law to provide health care services (including but not limited to ambulatory surgical centers, assisted living facilities, emergency medical services providers, hospices, hospitals and hospital systems, nursing homes, or other entities licensed to provide such services).

(9) **HEALTH CARE LAWSUIT.**—The term “health care lawsuit” means any health care liability claim concerning the provision of health care goods or services affecting interstate commerce, or any health care liability action concerning the provision of (or the failure to provide) health care goods or services affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider or a health care institution regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim.

(10) **HEALTH CARE LIABILITY ACTION.**—The term “health care liability action” means a civil action brought in a State or Federal Court or pursuant to an alternative dispute resolution system, against a health care provider or a health care institution regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(11) **HEALTH CARE LIABILITY CLAIM.**—The term “health care liability claim” means a demand by any person, whether or not pursuant to ADR, against a health care provider or health care institution, including third-party claims, cross-claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(12) **HEALTH CARE PROVIDER.**—

(A) **IN GENERAL.**—The term “health care provider” means any person (including but not limited to a physician (as defined by section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)), registered nurse, dentist, podiatrist, pharmacist, chiropractor, or optometrist) required by State or Federal law to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(B) **TREATMENT OF CERTAIN PROFESSIONAL ASSOCIATIONS.**—For purposes of this subpart, a professional association that is organized under State law by an individual physician or group of physicians, a partnership or limited liability partnership formed by a group of physicians, a nonprofit health corporation certified under State law, or a company

formed by a group of physicians under State law shall be treated as a health care provider under subparagraph (A).

(13) **MALICIOUS INTENT TO INJURE.**—The term “malicious intent to injure” means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(14) **NONECONOMIC DAMAGES.**—The term “noneconomic damages” means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(15) **PUNITIVE DAMAGES.**—The term “punitive damages” means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider or health care institution. Punitive damages are neither economic nor noneconomic damages.

(16) **RECOVERY.**—The term “recovery” means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys’ office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(17) **STATE.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

#### **SEC. 554. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.**

(a) **IN GENERAL.**—Except as otherwise provided for in this section, the time for the commencement of a health care lawsuit shall be 3 years after the date of manifestation of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first.

(b) **GENERAL EXCEPTION.**—The time for the commencement of a health care lawsuit shall not exceed 3 years after the date of manifestation of injury unless the tolling of time was delayed as a result of—

(1) fraud;

(2) intentional concealment; or

(3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

(c) **MINORS.**—An action by a minor shall be commenced within 3 years from the date of the alleged manifestation of injury except that if such minor is under the full age of 6 years, such action shall be commenced within 3 years of the manifestation of injury, or prior to the eighth birthday of the minor, whichever provides a longer period. Such time limitation shall be tolled for minors for any period during which a parent or guardian and a health care provider or health care institution have committed fraud or collusion in the failure to bring an action on behalf of the injured minor.

(d) **RULE 11 SANCTIONS.**—Whenever a Federal or State court determines (whether by motion of the parties or whether on the motion of the court) that there has been a violation of Rule 11 of the Federal Rules of Civil Procedure (or a similar violation of applicable State court rules) in a health care liability

action to which this subpart applies, the court shall impose upon the attorneys, law firms, or pro se litigants that have violated Rule 11 or are responsible for the violation, an appropriate sanction, which shall include an order to pay the other party or parties for the reasonable expenses incurred as a direct result of the filing of the pleading, motion, or other paper that is the subject of the violation, including a reasonable attorneys’ fee. Such sanction shall be sufficient to deter repetition of such conduct or comparable conduct by others similarly situated, and to compensate the party or parties injured by such conduct.

#### **SEC. 555. COMPENSATING PATIENT INJURY.**

(a) **UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.**—In any health care lawsuit, nothing in this subpart shall limit the recovery by a claimant of the full amount of the available economic damages, notwithstanding the limitation contained in subsection (b).

(b) **ADDITIONAL NONECONOMIC DAMAGES.**—

(1) **HEALTH CARE PROVIDERS.**—In any health care lawsuit where final judgment is rendered against a health care provider, the amount of noneconomic damages recovered from the provider, if otherwise available under applicable Federal or State law, may be as much as \$250,000, regardless of the number of parties other than a health care institution against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(2) **HEALTH CARE INSTITUTIONS.**—

(A) **SINGLE INSTITUTION.**—In any health care lawsuit where final judgment is rendered against a single health care institution, the amount of noneconomic damages recovered from the institution, if otherwise available under applicable Federal or State law, may be as much as \$250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(B) **MULTIPLE INSTITUTIONS.**—In any health care lawsuit where final judgment is rendered against more than one health care institution, the amount of noneconomic damages recovered from each institution, if otherwise available under applicable Federal or State law, may be as much as \$250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence, except that the total amount recovered from all such institutions in such lawsuit shall not exceed \$500,000.

(c) **NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.**—In any health care lawsuit—

(1) an award for future noneconomic damages shall not be discounted to present value;

(2) the jury shall not be informed about the maximum award for noneconomic damages under subsection (b);

(3) an award for noneconomic damages in excess of the limitations provided for in subsection (b) shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law; and

(4) if separate awards are rendered for past and future noneconomic damages and the combined awards exceed the limitations described in subsection (b), the future noneconomic damages shall be reduced first.

(d) **FAIR SHARE RULE.**—In any health care lawsuit, each party shall be liable for that

party's several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party's percentage of responsibility. A separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

#### SEC. 556. MAXIMIZING PATIENT RECOVERY.

(a) COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.—

(1) IN GENERAL.—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants.

(2) CONTINGENCY FEES.—

(A) IN GENERAL.—In any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant's damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity.

(B) LIMITATION.—The total of all contingency fees for representing all claimants in a health care lawsuit shall not exceed the following limits:

(i) 40 percent of the first \$50,000 recovered by the claimant(s).

(ii) 33⅓ percent of the next \$50,000 recovered by the claimant(s).

(iii) 25 percent of the next \$500,000 recovered by the claimant(s).

(iv) 15 percent of any amount by which the recovery by the claimant(s) is in excess of \$600,000.

(b) APPLICABILITY.—

(1) IN GENERAL.—The limitations in subsection (a) shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution.

(2) MINORS.—In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section.

(c) EXPERT WITNESSES.—

(1) REQUIREMENT.—No individual shall be qualified to testify as an expert witness concerning issues of negligence in any health care lawsuit against a defendant unless such individual—

(A) except as required under paragraph (2), is a health care professional who—

(i) is appropriately credentialed or licensed in 1 or more States to deliver health care services; and

(ii) typically treats the diagnosis or condition or provides the type of treatment under review; and

(B) can demonstrate by competent evidence that, as a result of training, education, knowledge, and experience in the evaluation, diagnosis, and treatment of the disease or injury which is the subject matter of the lawsuit against the defendant, the individual was substantially familiar with applicable standards of care and practice as they relate to the act or omission which is the subject of the lawsuit on the date of the incident.

(2) PHYSICIAN REVIEW.—In a health care lawsuit, if the claim of the plaintiff involved treatment that is recommended or provided by a physician (allopathic or osteopathic), an individual shall not be qualified to be an expert witness under this subsection with re-

spect to issues of negligence concerning such treatment unless such individual is a physician.

(3) SPECIALTIES AND SUBSPECIALTIES.—With respect to a lawsuit described in paragraph (1), a court shall not permit an expert in one medical specialty or subspecialty to testify against a defendant in another medical specialty or subspecialty unless, in addition to a showing of substantial familiarity in accordance with paragraph (1)(B), there is a showing that the standards of care and practice in the two specialty or subspecialty fields are similar.

(4) LIMITATION.—The limitations in this subsection shall not apply to expert witnesses testifying as to the degree or permanency of medical or physical impairment.

#### SEC. 557. ADDITIONAL HEALTH BENEFITS.

(a) IN GENERAL.—The amount of any damages received by a claimant in any health care lawsuit shall be reduced by the court by the amount of any collateral source benefits to which the claimant is entitled, less any insurance premiums or other payments made by the claimant (or by the spouse, parent, child, or legal guardian of the claimant) to obtain or secure such benefits.

(b) PRESERVATION OF CURRENT LAW.—Where a payor of collateral source benefits has a right of recovery by reimbursement or subrogation and such right is permitted under Federal or State law, subsection (a) shall not apply.

(c) APPLICATION OF PROVISION.—This section shall apply to any health care lawsuit that is settled or resolved by a fact finder.

#### SEC. 558. PUNITIVE DAMAGES.

(a) PUNITIVE DAMAGES PERMITTED.—

(1) IN GENERAL.—Punitive damages may, if otherwise available under applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer.

(2) FILING OF LAWSUIT.—No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages.

(3) SEPARATE PROCEEDING.—At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(A) whether punitive damages are to be awarded and the amount of such award; and

(B) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(4) LIMITATION WHERE NO COMPENSATORY DAMAGES ARE AWARDED.—In any health care lawsuit where no judgment for compensatory damages is rendered against a person, no punitive damages may be awarded with respect to the claim in such lawsuit against such person.

(b) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—

(1) FACTORS CONSIDERED.—In determining the amount of punitive damages under this section, the trier of fact shall consider only the following:

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) MAXIMUM AWARD.—The amount of punitive damages awarded in a health care lawsuit may not exceed an amount equal to two times the amount of economic damages awarded in the lawsuit or \$250,000, whichever is greater. The jury shall not be informed of the limitation under the preceding sentence.

(c) LIABILITY OF HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—A health care provider who prescribes, or who dispenses pursuant to a prescription, a drug, biological product, or medical device approved by the Food and Drug Administration, for an approved indication of the drug, biological product, or medical device, shall not be named as a party to a product liability lawsuit invoking such drug, biological product, or medical device and shall not be liable to a claimant in a class action lawsuit against the manufacturer, distributor, or product seller of such drug, biological product, or medical device.

(2) MEDICAL PRODUCT.—The term "medical product" means a drug or device intended for humans. The terms "drug" and "device" have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321), respectively, including any component or raw material used therein, but excluding health care services.

#### SEC. 559. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) IN GENERAL.—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding \$50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments in accordance with the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) APPLICABILITY.—This section applies to all actions which have not been first set for trial or retrial before the effective date of this subpart.

#### SEC. 560. EFFECT ON OTHER LAWS.

(a) GENERAL VACCINE INJURY.—

(1) IN GENERAL.—To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this subpart shall not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this subpart in conflict with a rule of law of such title XXI shall not apply to such action.

(2) EXCEPTION.—If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this subpart or otherwise applicable law (as determined under this subpart) will apply to such aspect of such action.

(b) SMALLPOX VACCINE INJURY.—

(1) IN GENERAL.—To the extent that part C of title II of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a smallpox vaccine-related injury or death—

(A) this subpart shall not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this subpart in conflict with a rule of law of such part C shall not apply to such action.

(2) EXCEPTION.—If there is an aspect of a civil action brought for a smallpox vaccine-related injury or death to which a Federal rule of law under part C of title II of the Public Health Service Act does not apply, then this subpart or otherwise applicable law (as determined under this subpart) will apply to such aspect of such action.

(c) OTHER FEDERAL LAW.—Except as provided in this section, nothing in this subpart shall be deemed to affect any defense available, or any limitation on liability that applies to, a defendant in a health care lawsuit or action under any other provision of Federal law.

#### SEC. 561. STATE FLEXIBILITY AND PROTECTION OF STATES' RIGHTS.

(a) HEALTH CARE LAWSUITS.—The provisions governing health care lawsuits set forth in this subpart shall preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this subpart. The provisions governing health care lawsuits set forth in this subpart supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this subpart; or

(2) prohibits the introduction of evidence regarding collateral source benefits.

(b) PREEMPTION OF CERTAIN STATE LAWS.—No provision of this subpart shall be construed to preempt any State law (whether effective before, on, or after the date of the enactment of this subpart) that specifies a particular monetary amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, regardless of whether such monetary amount is greater or lesser than is provided for under this subpart, notwithstanding section 555(a).

(c) PROTECTION OF STATE'S RIGHTS AND OTHER LAWS.—

(1) IN GENERAL.—Any issue that is not governed by a provision of law established by or under this subpart (including the State standards of negligence) shall be governed by otherwise applicable Federal or State law.

(2) RULE OF CONSTRUCTION.—Nothing in this subpart shall be construed to—

(A) preempt or supersede any Federal or State law that imposes greater procedural or substantive protections (such as a shorter statute of limitations) for a health care provider or health care institution from liability, loss, or damages than those provided by this subpart;

(B) preempt or supersede any State law that permits and provides for the enforcement of any arbitration agreement related to a health care liability claim whether enacted prior to or after the date of enactment of this subpart;

(C) create a cause of action that is not otherwise available under Federal or State law; or

(D) affect the scope of preemption of any other Federal law.

#### SEC. 562. APPLICABILITY; EFFECTIVE DATE.

This subpart shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this subpart, except that any health care lawsuit arising from an injury occurring prior to the date of enactment of this subpart shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

#### TITLE VI—OTHER PROVISIONS

#### SEC. 601. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), as amended by section 7(a) of Public Law 111-157, is amended by striking “by substituting” and all that follows through the period at the end, and inserting “by substituting December 31, 2010, for the date specified in each such section.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have taken effect on May 31, 2010.

#### SEC. 602. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for “Small Business Administration—Business Loans Program Account”, \$505,000,000, to remain available through December 31, 2010, for the cost of—

(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151), as amended by this section; and

(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 152), as amended by this section.

Such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF PROGRAMS.—

(1) FEES.—Section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151) is amended by striking “September 30, 2010” each place it appears and inserting “December 31, 2010”.

(2) LOAN GUARANTEES.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 153) is amended by striking “May 31, 2010” and inserting “December 31, 2010”.

(c) APPROPRIATION.—There is appropriated for an additional amount, out of any funds in the Treasury not otherwise appropriated, for administrative expenses to carry out sections 501 and 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), \$5,000,000, to remain available until expended, which may be transferred and merged with the appropriation for “Small Business Administration—Salaries and Expenses”.

#### SEC. 603. SUMMER EMPLOYMENT FOR YOUTH.

There is appropriated, out of any funds in the Treasury not otherwise appropriated, for

an additional amount for “Department of Labor—Employment and Training Administration—Training and Employment Services” for activities under the Workforce Investment Act of 1998 (“WIA”), \$1,000,000,000 shall be available for obligation on the date of enactment of this Act for grants to States for youth activities, including summer employment for youth: *Provided*, That no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA: *Provided further*, That for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities in the fiscal year does not exceed \$1,000,000,000: *Provided further*, That with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting “age 24” for “age 21”: *Provided further*, That the work readiness performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer employment for youth provided with such funds: *Provided further*, That an amount that is not more than 1 percent of such amount may be used for the administration, management, and oversight of the programs, activities, and grants carried out with such funds, including the evaluation of the use of such funds: *Provided further*, That funds available under the preceding proviso, together with funds described in section 801(a) of division A of the American Recovery and reinvestment Act of 2009 (Public Law 111-5), and funds provided in such Act under the heading “Department of Labor—Departmental Management—Salaries and Expenses”, shall remain available for obligation through September 30, 2011.

#### SEC. 604. EXPANSION OF ELIGIBILITY FOR CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS' DISABILITY COMPENSATION TO INCLUDE ALL CHAPTER 61 DISABILITY RETIREES REGARDLESS OF DISABILITY RATING PERCENTAGE OR YEARS OF SERVICE.

(a) PHASED EXPANSION CONCURRENT RECEIPT.—Subsection (a) of section 1414 of title 10, United States Code, is amended to read as follows:

“(a) PAYMENT OF BOTH RETIRED PAY AND DISABILITY COMPENSATION.—

“(1) PAYMENT OF BOTH REQUIRED.—

“(A) IN GENERAL.—Subject to subsection (b), a member or former member of the uniformed services who is entitled for any month to retired pay and who is also entitled for that month to veterans' disability compensation for a qualifying service-connected disability (in this section referred to as a ‘qualified retiree’) is entitled to be paid both for that month without regard to sections 5304 and 5305 of title 38.

“(B) APPLICABILITY OF FULL CONCURRENT RECEIPT PHASE-IN REQUIREMENT.—During the period beginning on January 1, 2004, and ending on December 31, 2013, payment of retired pay to a qualified retiree is subject to subsection (c).

“(C) PHASE-IN EXCEPTION FOR 100 PERCENT DISABLED RETIREES.—The payment of retired pay is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004, in the case of the following qualified retirees:

“(i) A qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent.

“(ii) A qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability.

“(D) TEMPORARY PHASE-IN EXCEPTION FOR CERTAIN CHAPTER 61 DISABILITY RETIREES; TERMINATION.—Subject to subsection (b), during the period beginning on January 1, 2011, and ending on September 30, 2012, subsection (c) shall not apply to a qualified retiree described in subparagraph (B) or (C) of paragraph (2).”

“(2) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section:

“(A) 50 PERCENT RATING THRESHOLD.—In the case of a member or former member receiving retired pay under any provision of law other than chapter 61 of this title, or under chapter 61 with 20 years or more of service otherwise creditable under section 1405 or computed under section 12732 of this title, the term ‘qualifying service-connected disability’ means a service-connected disability or combination of service-connected disabilities that is rated as not less than 50 percent disabling by the Secretary of Veterans Affairs. However, during the period specified in paragraph (1)(D), members or former members receiving retired pay under chapter 61 with 20 years or more of creditable service computed under section 12732 of this title, but not otherwise entitled to retired pay under any other provision of this title, shall qualify in accordance with subparagraphs (B) and (C).

“(B) INCLUSION OF MEMBERS NOT OTHERWISE ENTITLED TO RETIRED PAY.—In the case of a member or former member receiving retired pay under chapter 61 of this title, but who is not otherwise entitled to retired pay under any other provision of this title, the term ‘qualifying service-connected disability’ means a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (which, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

“(i) January 1, 2011, rated 100 percent, or a rate payable at 100 percent by reason of individual unemployability or rated 90 percent.

“(ii) January 1, 2012, rated 80 percent or 70 percent.

“(iii) January 1, 2013, rated 60 percent or 50 percent.

“(C) ELIMINATION OF RATING THRESHOLD.—In the case of a member or former member receiving retired pay under chapter 61 regardless of being otherwise eligible for retirement, the term ‘qualifying service-connected disability’ means a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (which, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

“(i) January 1, 2014, rated 40 percent or 30 percent.

“(ii) January 1, 2015, any rating.

“(3) LIMITED DURATION.—Notwithstanding the effective date specified in each clause of subparagraphs (B) and (C) of paragraph (2), the clause—

“(A) shall apply only if the termination date specified in paragraph (1)(D) would occur during or after the calendar year specified in the clause; and

“(B) shall not apply beyond the termination date specified in paragraph (1)(D).”

(b) CONFORMING AMENDMENT TO SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES.—Subsection (b) of such section is amended to read as follows:

“(b) SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES WHEN ELIGIBILITY HAS BEEN ESTABLISHED FOR SUCH RETIREES.—

“(1) GENERAL REDUCTION RULE.—The retired pay of a member retired under chapter 61 of this title is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the members retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member’s service in the uniformed services if the member had not been retired under chapter 61 of this title.

“(2) CHAPTER 61 RETIREES NOT OTHERWISE ENTITLED TO RETIRED PAY.—

“(A) BEFORE TERMINATION DATE.—If a member with a qualifying service-connected disability (as defined in subsection (a)(2)) is retired under chapter 61 of this title, but is not otherwise entitled to retired pay under any other provision of this title, and the termination date specified in subsection (a)(1)(D) has not occurred, the retired pay of the member is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member’s retired pay under chapter 61 of this title exceeds the amount equal to 2½ percent of the member’s years of creditable service multiplied by the member’s retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.

“(B) AFTER TERMINATION DATE.—Subsection (a) does not apply to a member described in subparagraph (A) if the termination date specified in subsection (a)(1)(D) has occurred.”

(c) CONFORMING AMENDMENT TO FULL CURRENT RECEIPT PHASE-IN.—Subsection (c) of such section is amended by striking “the second sentence of”.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

**“§ 1414. Concurrent receipt of retired pay and veterans’ disability compensation”.**

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item related to section 1414 and inserting the following new item:

“1414. Concurrent receipt of retired pay and veterans’ disability compensation.”

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2011.

#### **SEC. 605. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.**

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), as amended by section 6 of the Continuing Extension Act of 2010 (Public Law 111-157), is amended—

(1) by striking “before May 31, 2010”; and

(2) by inserting “for 2011” after “until updated poverty guidelines”.

#### **SEC. 606. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.**

(a) IN GENERAL.—Subchapter A of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**“SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.**

“(a) IN GENERAL.—Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as

resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

“(b) TERMINATION.—Subsection (a) shall not apply to any amount received after December 31, 2010.”

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

“Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2009.

#### **SEC. 607. ARRA PLANNING AND REPORTING.**

Section 1512 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 287) is amended—

(1) in subsection (d)—

(A) in the subsection heading, by inserting “PLANS AND” after “AGENCY”; and

(B) by striking “Not later than” and inserting the following:

“(1) DEFINITION.—In this subsection, the term ‘covered program’ means a program for which funds are appropriated under this division—

“(A) in an amount that is—

“(i) more than \$2,000,000,000; and

“(ii) more than 150 percent of the funds appropriated for the program for fiscal year 2008; or

“(B) that did not exist before the date of enactment of this Act.

“(2) PLANS.—Not later than July 1, 2010, the head of each agency that distributes recovery funds shall submit to Congress and make available on the website of the agency a plan for each covered program, which shall, at a minimum, contain—

“(A) a description of the goals for the covered program using recovery funds;

“(B) a discussion of how the goals described in subparagraph (A) relate to the goals for ongoing activities of the covered program, if applicable;

“(C) a description of the activities that the agency will undertake to achieve the goals described in subparagraph (A);

“(D) a description of the total recovery funding for the covered program and the recovery funding for each activity under the covered program, including identifying whether the activity will be carried out using grants, contracts, or other types of funding mechanisms;

“(E) a schedule of milestones for major phases of the activities under the covered program, with planned delivery dates;

“(F) performance measures the agency will use to track the progress of each of the activities under the covered program in meeting the goals described in subparagraph (A), including performance targets, the frequency of measurement, and a description of the methodology for each measure;

“(G) a description of the process of the agency for the periodic review of the progress of the covered program towards meeting the goals described in subparagraph (A); and

“(H) a description of how the agency will hold program managers accountable for achieving the goals described in subparagraph (A).

“(3) REPORTS.—

“(A) IN GENERAL.—Not later than”; and

(C) by adding at the end the following:

“(B) **REPORTS ON PLANS.**—Not later than 30 days after the end of the calendar quarter ending September 30, 2010, and every calendar quarter thereafter during which the agency obligates or expends recovery funds, the head of each agency that developed a plan for a covered program under paragraph (2) shall submit to Congress and make available on a website of the agency a report for each covered program that—

“(i) discusses the progress of the agency in implementing the plan;

“(ii) describes the progress towards achieving the goals described in paragraph (2)(A) for the covered program;

“(iii) discusses the status of each activity carried out under the covered program, including whether the activity is completed;

“(iv) details the unobligated and unexpired balances and total obligations and outlays under the covered program;

“(v) discusses—

“(I) whether the covered program has met the milestones for the covered program described in paragraph (2)(E);

“(II) if the covered program has failed to meet the milestones, the reasons why; and

“(III) any changes in the milestones for the covered program, including the reasons for the change;

“(vi) discusses the performance of the covered program, including—

“(I) whether the covered program has met the performance measures for the covered program described in paragraph (2)(F);

“(II) if the covered program has failed to meet the performance measures, the reasons why; and

“(III) any trends in information relating to the performance of the covered program; and

“(vii) evaluates the ability of the covered program to meet the goals of the covered program given the performance of the covered program.”;

(2) in subsection (f)—

(A) by striking “Within 180 days” and inserting the following:

“(1) **IN GENERAL.**—Within 180 days”; and

(B) by adding at the end the following:

“(2) **PENALTIES.**—

“(A) **IN GENERAL.**—Subject to subparagraphs (B), (C), and (D), the Attorney General may bring a civil action in an appropriate United States district court against a recipient of recovery funds from an agency that does not provide the information required under subsection (c) or knowingly provides information under subsection (c) that contains a material omission or misstatement. In a civil action under this paragraph, the court may impose a civil penalty on a recipient of recovery funds in an amount not more than \$250,000. Any amounts received from a civil penalty under this paragraph shall be deposited in the general fund of the Treasury.

“(B) **NOTIFICATION.**—

“(i) **IN GENERAL.**—The head of an agency shall provide a written notification to a recipient of recovery funds from the agency that fails to provide the information required under subsection (c). A notification under this subparagraph shall provide the recipient with information on how to comply with the necessary reporting requirements and notice of the penalties for failing to do so.

“(ii) **LIMITATION.**—A court may not impose a civil penalty under subparagraph (A) relating to the failure to provide information required under subsection (c) if, not later than 31 days after the date of the notification under clause (i), the recipient of the recovery funds provides the information.

“(C) **CONSIDERATIONS.**—In determining the amount of a penalty under this paragraph for a recipient of recovery funds, a court shall consider—

“(i) the number of times the recipient has failed to provide the information required under subsection (c);

“(ii) the amount of recovery funds provided to the recipient;

“(iii) whether the recipient is a government, nonprofit entity, or educational institution; and

“(iv) whether the recipient is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), with particular consideration given to businesses with not more than 50 employees.

“(D) **APPLICABILITY.**—This paragraph shall apply to any report required to be submitted on or after the date of enactment of this paragraph.

“(E) **NONEXCLUSIVITY.**—The imposition of a civil penalty under this subsection shall not preclude any other criminal, civil, or administrative remedy available to the United States or any other person under Federal or State law.

“(3) **TECHNICAL ASSISTANCE.**—Each agency distributing recovery funds shall provide technical assistance, as necessary, to assist recipients of recovery funds in complying with the requirements to provide information under subsection (c), which shall include providing recipients with a reminder regarding each reporting requirement.

“(4) **PUBLIC LISTING.**—

“(A) **IN GENERAL.**—Not later than 45 days after the end of each calendar quarter, and subject to the notification requirements under paragraph (2)(B), the Board shall make available on the website established under section 1526 a list of all recipients of recovery funds that did not provide the information required under subsection (c) for the calendar quarter.

“(B) **CONTENTS.**—A list made available under subparagraph (A) shall, for each recipient of recovery funds on the list, include the name and address of the recipient, the identification number for the award, the amount of recovery funds awarded to the recipient, a description of the activity for which the recovery funds were provided, and, to the extent known by the Board, the reason for non-compliance.

“(5) **REGULATIONS AND REPORTING.**—

“(A) **REGULATIONS.**—Not later than 90 days after the date of enactment of this paragraph, the Attorney General, in consultation with the Director of the Office of Management and Budget and the Chairperson, shall promulgate regulations regarding implementation of this section.

“(B) **REPORTING.**—

“(i) **IN GENERAL.**—Not later than July 1, 2010, and every 3 months thereafter, the Director of the Office of Management and Budget, in consultation with the Chairperson, shall submit to Congress a report on the extent of noncompliance by recipients of recovery funds with the reporting requirements under this section.

“(ii) **CONTENTS.**—Each report submitted under clause (i) shall include—

“(I) information, for the quarter and in total, regarding the number and amount of civil penalties imposed and collected under this subsection, sorted by agency and program;

“(II) information on the steps taken by the Federal Government to reduce the level of noncompliance; and

“(III) any other information determined appropriate by the Director.”; and

(3) by adding at the end the following:

“(i) **TERMINATION.**—The reporting requirements under this section shall terminate on September 30, 2013.”.

## TITLE VII—BUDGETARY PROVISIONS

### SEC. 701. DETERMINATION OF BUDGETARY EFFECTS.

(a) **IN GENERAL.**—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) **EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.**—In the House of Representatives, this Act, with the exception of section 511, is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) **EMERGENCY DESIGNATION FOR STATUTORY PAYGO.**—This Act, with the exception of section 511, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

**SA 4377.** Mr. BOND submitted an amendment intended to be proposed to amendment SA 4369 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 173, line 6, strike all through page 231, line 12, and insert the following:

### SEC. 401. USE OF STIMULUS FUNDS TO OFFSET SPENDING.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded such that the aggregate amount of such rescissions equal \$39,860,000,000 in order to offset the net increase in spending resulting from the provisions of, and amendments made by, this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

**SA 4378.** Mr. BOND submitted an amendment intended to be proposed to amendment SA 4369 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 173, line 6, strike all through page 231, line 12.

**SA 4379.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4369 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the subtitle D of title IV, add the following:

**SEC. \_\_\_\_\_. NEW REVENUES TO THE OIL SPILL LIABILITY TRUST FUND.**

The revenue resulting from any increase in the Oil Spill Liability Trust Fund financing rate under section 4611 of the Internal Revenue Code of 1986 shall—

(1) not be counted for purposes of offsetting revenues, receipts, or discretionary spending under the Congressional Budget Act of 1974 or the Statutory Pay-As-You-Go Act of 2010; and

(2) shall only be used for the purposes of the Oil Spill Liability Trust Fund.

**SA 4380.** Mr. BUNNING (for himself, Mr. ROCKEFELLER, Mr. BYRD, and Mr. ENZI) submitted an amendment intended to be proposed to amendment SA 4369 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike subsections (a) through (c) of section 207 and insert the following:

(a) **ALTERNATIVE FUEL CREDIT.**—Paragraph (5) of section 6426(d) is amended by striking “after December 31, 2009” and all that follows and inserting “after—

“(A) September 30, 2014, in the case of liquefied hydrogen,

“(B) December 31, 2010, in the case of fuels described in subparagraph (A), (C), (E), (F), or (G) of paragraph (2), and

“(C) December 31, 2009, in any other case.”.

(b) **ALTERNATIVE FUEL MIXTURE CREDIT.**—Paragraph (3) of section 6426(e) is amended by striking “after December 31, 2009” and all that follows and inserting “after—

“(A) September 30, 2014, in the case of liquefied hydrogen,

“(B) December 31, 2010, in the case of fuels described in subparagraph (A), (C), (E), (F), or (G) of subsection (d)(2), and

“(C) December 31, 2009, in any other case.”.

(c) **PAYMENT AUTHORITY.**—

(1) **IN GENERAL.**—Paragraph (6) of section 6427(e) is amended by striking “and” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting “, and”, and by adding at the end the following new subparagraph:

“(E) any alternative fuel or alternative fuel mixture (as so defined) involving fuel described in subparagraph (A), (C), (E), (F), or (G) of section 6426(d)(2) sold or used after December 31, 2010.”.

(2) **CONFORMING AMENDMENT.**—Subparagraph (C) of section 6427(e)(6) is amended by inserting “or (E)” after “subparagraph (D)”.

**SA 4381.** Mr. BENNET submitted an amendment intended to be proposed to amendment SA 4369 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 303, between lines 12 and 13, insert the following:

**SEC. 526. RURAL HEALTH ACCESS AND IMPROVEMENT.**

(a) **GRANTS TO PROMOTE HOSPITAL HEALTH INFORMATION TECHNOLOGY.**—Section 3013 of the Public Health Service Act (42 U.S.C. 300jj–33) is amended by adding at the end the following:

“(j) **PRIORITY.**—In awarding a grant under this section, the Secretary shall give pri-

ority to qualified State-designated entities that are critical access hospitals, as defined in section 1861(mm) of the Social Security Act.”.

(b) **EXPANDED PARTICIPATION IN SECTION 340B PROGRAM.**—Section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)) is amended by adding at the end the following:

“(P) An entity that is a rural health clinic, as defined in section 1861(aa)(2) of the Social Security Act.”.

(c) **GAO STUDY AND REPORT ON DISPENSING FEES.**—The Comptroller General of the United States shall study and report on the following aspects of the Medicaid pharmacy benefit program under title XIX of the Social Security Act (42 U.S.C. 1396a et seq.):

(1) Any additional costs to pharmacies, and the factors contributing to such costs, associated with—

(A) providing pharmacy services, including whether the pharmacy providing the services is—

- (i) a rural or urban pharmacy;
- (ii) an independent or chain-operated pharmacy;
- (iii) a specialty pharmacy; or
- (iv) a long term care pharmacy;

(B) compliance with the requirements of the drug use review program under section 1927(g) of the Social Security Act (42 U.S.C. 1396r–8(g)), including any State-based counseling requirements; and

(C) compliance with any additional administrative burdens, such as coordination of benefits and prior authorization requirements.

(2) The ability of pharmacies to collect Medicaid copayments.

(3) The policies used by States to encourage generic drug utilization.

(4) State Medicaid policies regarding the administration of vaccinations by pharmacists and access to vaccinations.

(d) **STATE OFFICES OF RURAL HEALTH.**—Section 338J of the Public Health Service Act (42 U.S.C. 254r) is amended by striking subsection (k).

**SA 4382.** Mrs. LINCOLN (for herself, Mr. CORNYN, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 4369 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, insert the following:

**SEC. \_\_\_\_\_. REDUCTION IN CORPORATE RATE FOR QUALIFIED TIMBER GAIN.**

(a) **IN GENERAL.**—Paragraph (1) of section 1201(b) is amended by striking “ending” and all that follows through “such date”.

(b) **CONFORMING AMENDMENT.**—Paragraph (3) of section 1201(b) is amended to read as follows:

“(3) **APPLICATION OF SUBSECTION.**—The qualified timber gain for any taxable year shall not exceed the qualified timber gain which would be determined by not taking into account any portion of such taxable year after December 31, 2010.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

**NOTICE OF HEARING**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the hearing scheduled before the Senate Committee on Energy and Natural Resources previously announced for June 24, 2010, at 9:30 a.m., has been postponed.

The purpose of the hearing was to receive testimony on S. 3452, a bill to designate the Valles Caldera National Preserve as a unit of the National Park System, and for other purposes.

For further information, please contact David Brooks at (202) 224-9863 or Allison Seyferth at (202) 224-4905.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY**

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on June 17, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON ARMED SERVICES**

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 17, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 17, 2010, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “Leveling the Playing Field: Protecting Workers and Businesses Affected by Misclassification” on June 17, 2010. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to

meet during the session of the Senate on June 17, 2010, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON INDIAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on June 17, 2010, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled "Indian Education: Did the No Child Left Behind Act Leave Indian Students Behind?"

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 17, 2010, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on June 17, 2010, at 10 a.m. to conduct a hearing entitled "Harnessing Small Business Innovation: Navigating the Evaluation Process for Gulf Coast Oil Cleanup Proposals."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 17, 2010 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON ENERGY, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Energy, Science, and Transportation of the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate at 9:30 a.m. on June 17, 2010, in SR-328A.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Michaela Byrne and Jeremy Long, members of my staff, be granted floor privileges for the duration of the debate on H.R. 4213.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROVIDING FOR RECONSIDERATION AND REVISION OF PROPOSED CONSTITUTION OF THE UNITED STATES VIRGIN ISLANDS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S.J. Res. 33, a joint resolution providing for the reconsideration and revision of the proposed Constitution of the U.S. Virgin Islands to correct provisions inconsistent with the Constitution and Federal law, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 33) to provide for the reconsideration and revision of the proposed constitution of the United States Virgin Islands to correct provisions inconsistent with the Constitution and Federal law.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BINGAMAN. Mr. President, the U.S. Virgin Islands is an unincorporated territory of the United States that was acquired from Denmark in 1917. It is one of only two United States territories which does not have a locally adopted constitution to provide for basic governmental organization and operations. Instead, the Virgin Islands government operates under the Revised Organic Act of 1954, as amended, a Federal law written by Congress (48 U.S.C. 1541-1645).

In 1976, to enhance local self-government, Congress enacted Public Law 94-584, which, as amended, authorizes the people of the Virgin Islands to convene a constitutional convention and draft a constitution. The law provides for two consecutive 60-day periods for Presidential and Congressional review. Upon receiving a proposed constitution from the President, Congress may approve, modify, or amend the document by joint resolution, but if Congress does not act within its 60 legislative day review period, then the constitution is deemed approved by Congress. If Congress approves the proposed constitution, or passes modifications or amendments, it then goes before the Virgin Islands voters to be accepted or rejected in a referendum. Since 1964, the people of the Virgin Islands have attempted five times to write a constitution, but previous efforts have been unsuccessful.

On December 31, 2009, the Governor of the Virgin Islands submitted a proposed constitution drafted by the Fifth Constitutional Convention to President Obama, and it was transmitted to Congress with administration comments. The end of the 60 legislative day Congressional review period is June 30.

In his February 26, 2010, message to Congress, President Obama attached

the proposed constitution and a memorandum of the Justice Department which noted that several features of the proposed constitution warranted comment: 1, the absence of an express recognition of United States sovereignty and the supremacy of Federal law; 2, provisions for a special election on the Virgin Islands territorial status; 3, provisions conferring legal advantages on certain groups defined by place and timing of birth, timing of residency, or ancestry; 4, residence requirements for certain offices; 5, provisions guaranteeing legislative representation of certain geographic areas; 6, provisions addressing territorial waters and marine resources; 7, imprecise language on certain provisions of the proposed constitution's bill of rights; 8, the possible need to repeal of certain Federal laws if the proposed United States Virgin Islands constitution is adopted; and 9, the effect of congressional action or inaction on the proposed constitution. I refer you to the President's message and DOJ memorandum in the March 1, 2010, Congressional Record, page S856. Both in the memorandum and in testimony on May 19 before the Senate Committee on Energy and Natural Resources, the Justice Department recommended that "the provisions conferring legal advantages on certain groups defined by place and timing of birth, timing of residency, or ancestry. . ." Item 3 above—be removed from the constitution and that consideration be given to shortening the resilience requirements for certain officers—item 4—and to revising the provisions concerning territorial waters and marine resources—item 6.

I am pleased to join with the ranking member of the Committee on Energy and Natural Resources, Senator MURKOWSKI, in introducing this resolution to provide for the reconsideration and revision of the proposed constitution of the Virgin Islands to correct provisions that are inconsistent with the U.S. Constitution and Federal law. More specifically, the resolution would amend P.L. 94-584, as amended, to provide that Congress may urge the convention to reconvene, but following reconsideration and revision of the proposed constitution, it would not be sent back to Congress for review. Instead, the U.S. President would have 60 calendar days to provide administration comments to the Governor and Congress, and to publish those comments in the Federal Register. Then, the revised proposed constitution would be submitted to the voters for approval or disapproval. If the Constitutional Convention fails to reconvene, or if the convention fails to make revisions, then there will be no referendum of approval or disapproval of the proposed constitution by the voters of the Virgin Islands, and this process ends.

It is challenging for Congress to act within the 60 legislative day review period as established by P.L. 94-584, as amended, ending June 30. The approach taken in this resolution to respond to the Federal concerns raised with the proposed constitution has been reached in consultation with counsel for the Virgin Islands Convention, and with the Delegate and Governor of the Virgin Islands. While there were differing views on how Congress should proceed, I appreciate the cooperation and commitment of all involved in working out this consensus approach.

There are few more solemn duties in government than that of developing and adopting a constitution. I commend the delegates to the Virgin Islands Constitutional Convention for their effort and their commitment to this solemn duty. I also urge them to carefully consider the issues raised by the President and Congress and to revise the proposed constitution by removing or amending those provisions that are in conflict with the U.S. Constitution.

For generations, the people of the Virgin Islands have been a part of the United States political family and together we share allegiance to our Nation and to the principles enshrined in the U.S. Constitution. Under this resolution, the delegates will have the choice of conforming the proposed constitution to these shared principles or of endorsing the conflicts between the proposed constitution and the U.S. Constitution. Endorsing these conflicts will most certainly result in either disapproval of the proposed constitution by the voters of the Virgin Islands, or years of litigation that will eventually strike down these provisions. I urge the delegates to take this rare opportunity to bring closure to the process—to make the needed revisions and to be remembered for their leadership in bringing a constitution to the people of the Virgin Islands.

Ms. MURKOWSKI. Mr. President, I am pleased to join with Senator JEFF BINGAMAN, the Chairman of the Senate Energy and Natural Resources Committee, in introducing this Joint Resolution to urge the Fifth Constitutional Convention of the United States Virgin Islands to reconvene for the purpose of reconsidering and revising its proposed constitution. Let me first commend the delegates of the Virgin Islands Fifth Constitutional Convention for their hard work and efforts in drafting and putting forward this proposed constitution. Their commitment to resolving this issue and getting a constitution enacted for the people of the United States Virgin Islands should be applauded.

The Chairman has clearly laid out the historical and legislative background of the United States' relationship with the U.S. Virgin Islands and the process for Congress to consider a

proposed constitution. He has also explained the concerns and issues expressed by the Administration about some provisions in the proposed constitution and that under Public Law 94-584, the only options available to Congress are to approve, amend, or revise the constitution. Disapproval is not an option. Because time is short, Congress only has 60 legislative days to take action, it is unlikely we will be able to reach an agreement on the proposed changes before June 30, 2010, which is the end of the 60 legislative days. If Congress does not act before then, the proposed constitution will be deemed approved with no changes.

As a result, the Chairman and I are introducing this Joint Resolution to amend P.L. 94-584 to allow Congress to urge the constitutional convention to reconvene. In accordance with this change to the law, the joint resolution urges the Fifth Constitutional Convention to reconvene for the purpose of reconsidering and revising the proposed constitution in response to the concerns outlined by the executive branch. It is my understanding that should Congress pass this joint resolution, the 60 legislative day clock will stop. It is also my understanding that should this Joint Resolution be enacted, there are three courses of action for the Fifth Constitutional Convention: do not reconvene; reconvene but do not revise the proposed constitution; or reconvene and revise the proposed constitution. If the convention were to choose not to reconvene, or to reconvene but not revise, then the process is dead, there is no further consideration of the proposed constitution, and it does not go to the people of the Virgin Islands for a vote.

If, however, the convention reconvenes and does revise the proposed constitution, then the revised proposed constitution would simultaneously be submitted to the Governor of the Virgin Islands and the President of the United States. The President would then have 60 calendar days to notify the Convention, the Governor, and Congress of the comments of the President on the revised proposed constitution, and publish the comments in the Federal Record. Once the comments have been published in the Federal Record, the revised proposed constitution would be submitted to the qualified voters of the U.S. Virgin Islands for acceptance or rejection.

The delegates to the convention have the choice to bring the proposed constitution in line with the U.S. Constitution and Federal statutes. It is my preference to see the Convention reconvene and make these changes themselves, rather than have the courts impose them through litigation. This is the fifth attempt to establish a constitution for the people of the U.S. Virgin Islands and I am hopeful that this attempt, with the necessary revisions, will be successful.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the joint resolution be read a third time, passed; that the preamble be agreed to, and the motions to reconsider be laid upon the table en bloc; and that any statements related to the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 33) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S. J. RES. 33

To provide for the reconsideration and revision of the proposed constitution of the United States Virgin Islands to correct provisions inconsistent with the Constitution and Federal law.

Whereas Congress, recognizing the basic democratic principle of government by the consent of the governed, enacted Public Law 94-584 (94 Stat. 2899) authorizing the people of the United States Virgin Islands to organize a government pursuant to a constitution of their own adoption;

Whereas a proposed constitution to provide for local self-government for the people of the United States Virgin Islands was submitted by the President to Congress on March 1, 2010, pursuant to Public Law 94-584;

Whereas Congress, pursuant to Public Law 94-584, after receiving a proposed United States Virgin Islands constitution from the President may approve, amend, or modify the constitution by joint resolution, but the constitution "shall be deemed to have been approved" if Congress takes no action within "sixty legislative days (not interrupted by an adjournment sine die of the Congress) after its submission by the President";

Whereas in carrying out Public Law 94-584, the President asked the Department of Justice, in consultation with the Department of the Interior, to provide views on the proposed constitution;

Whereas the Department of Justice concluded that several features of the proposed constitution warrant analysis and comment, including—

(1) the absence of an express recognition of United States sovereignty and the supremacy of Federal law;

(2) provisions for a special election on the territorial status of the United States Virgin Islands;

(3) provisions conferring legal advantages on certain groups defined by place and timing of birth, timing of residency, or ancestry;

(4) residence requirements for certain offices;

(5) provisions guaranteeing legislative representation of certain geographic areas;

(6) provisions addressing territorial waters and marine resources;

(7) imprecise language in certain provisions of the bill of rights of the proposed constitution;

(8) the possible need to repeal certain Federal laws if the proposed constitution of the United States Virgin Islands is adopted; and

(9) the effect of congressional action or inaction on the proposed constitution; and

Whereas Congress shares the concerns expressed by the executive branch of the Federal Government on certain features of the proposed constitution of the United States

Virgin Islands and shares the view that consideration should be given to revising those features: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SENSE OF CONGRESS ON PROPOSED CONSTITUTION FOR UNITED STATES VIRGIN ISLANDS.**

It is the sense of Congress that Congress—  
(1) recognizes the commitment and efforts of the Fifth Constitutional Convention of the United States Virgin Islands to develop a proposed constitution; and

(2) urges the Fifth Constitutional Convention of the United States Virgin Islands to reconvene for the purpose of reconsidering and revising the proposed constitution in response to the views of the executive branch of the Federal Government.

**SEC. 2. REVISION OF PROPOSED CONSTITUTION.**

Section 5 of Public Law 94-584 (90 Stat. 2900) is amended—

(1) by designating the first, second, third, and fourth sentences as subsections (a), (b), (d), and (e), respectively;

(2) in subsection (b) (as so designated)—

(A) by striking “within” and all that follows through “after” and inserting “within 60 legislative days after”; and

(B) by inserting “or has urged the constitutional convention to reconvene,” after “in whole or in part.”;

(3) by inserting after subsection (b) (as so designated) the following:

“(c) REVISION OF PROPOSED CONSTITUTION.—

“(1) IN GENERAL.—If a convention reconvenes and revises the proposed constitution, the convention shall resubmit the revised proposed constitution simultaneously to the Governor of the Virgin Islands and the President.

“(2) COMMENTS OF PRESIDENT.—Not later than 60 calendar days after the date of receipt of the revised proposed constitution,

the President shall—

“(A) notify the convention, the Governor, and Congress of the comments of the President on the revised proposed constitution; and

“(B) publish the comments in the Federal Register.”; and

(4) in subsection (d) (as so designated), by inserting “under subsection (b) (or, if revised pursuant to subsection (c), on publication of the comments of the President in the Federal Register)” after “or modified”.

Mr. BROWN of Ohio. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

**ORDERS FOR FRIDAY, JUNE 18, 2010**

Mr. BAUCUS. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until 9:45 a.m. on Friday, June 18; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks there be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

**PROGRAM**

Mr. BAUCUS. Mr. President, there will be no rollcall votes during Friday's session of the Senate.

**ADJOURNMENT UNTIL 9:45 A.M. TOMORROW**

Mr. BAUCUS. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 8:38 p.m., adjourned until Friday, June 18, 2010, at 9:45 a.m.

**NOMINATIONS**

Executive nominations received by the Senate:

**THE JUDICIARY**

JAMES EMANUEL BOASBERG, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE THOMAS F. HOGAN, RETIRED.

AMY BERMAN JACKSON, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE GLADYS KESSLER, RETIRED.

SUE E. MYERSCOUGH, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS, VICE JOE B. MCDADE, RETIRED.

**DEPARTMENT OF JUSTICE**

JAMES THOMAS FOWLER, OF TENNESSEE, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE ARTHUR JEFFREY HEDDEN, RESIGNED.

CRAIG ELLIS THAYER, OF WASHINGTON, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS, VICE MICHAEL LEE KLINE, TERM EXPIRED.

## EXTENSIONS OF REMARKS

ON THE PASSING OF JOHN  
KING, SR.

**HON. NANCY PELOSI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Ms. PELOSI. Madam Speaker, I rise today in remembrance of a much beloved San Francisco community leader and decades-long advocate for our elderly and physically-disabled residents: John King. Until we lost him on June 8, John was the Godfather of Visitacion Valley, bringing hope and dignity to the elderly.

Born in Texas, John King moved to San Francisco in 1948, where he worked for many years as a butcher. He also worked for nearly two decades as a Merchant Seaman, circling the globe seven times.

Upon retirement John King turned his attention to his underserved neighborhood, Visitacion Valley, especially the safety and well-being of its elderly population. He started Visitacion Valley Escort Services to provide transportation for the elderly, frail and physically challenged.

The crime-ridden, dilapidated Geneva Towers apartments had been demolished creating a critical low-income housing shortage for the seniors and families who had lived there.

Working together, John and I helped to secure funding through the Department of Housing and Urban Development to build the John King Senior Center. It stands today as a testament to Mr. King's vision, knowledge and perseverance. In his lifetime, John was proud to witness its growth and success.

The John King Senior Center is an oasis in our city: its beautiful garden is tended by seniors, meals are an opportunity for celebration, and holidays, such as Thanksgiving and Christmas are made special for the residents.

This multi-purpose, multi-ethnic neighborhood center provides a safe haven for seniors, including transportation services, social opportunities, hot nutritious lunches, health and nutrition education and housing assistance. In John's name, it offers love and care to those who need it most.

John will be remembered by its residents for his secret, and mouth-watering, barbecue recipe, but also for the concern he showed to every member of the community.

John King's contributions to Visitacion Valley and the City of San Francisco demonstrated remarkable generosity, and we all benefitted from his vision, leadership and service.

I have lost a wise and cherished friend. I hope it is a comfort to his beloved wife Violette, his sons John 'Subiani' King, Jr. and Jerome King, and his grandchildren that countless San Franciscans join them in mourning John King's passing.

IN RECOGNITION OF KATIE  
SCHOOLS

**HON. ERIC CANTOR**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. CANTOR. Madam Speaker, I am proud to rise today in recognition of my constituent, Katie Schools, who is serving as an "intern for a day" here on Capitol Hill.

Katie first realized her passion for public service and our Nation's democratic process in 2003, when she met with staff members from my office and the office of Senator John Warner. With the steady support and encouragement of her parents, Susan and Chris Schools, Katie has developed a deep interest in politics and she has made a lasting impact in my office.

Katie Schools impresses all who meet her with her perseverance and her passion for serving her community in the face of adversity. Born on October 25, 2000 in Henrico County, VA, Katie was diagnosed at the age of one with a tumor which was located in the middle of her brain. Today, Katie bravely continues to battle this disease. While receiving radiation therapy at St. Jude's Children's Hospital, Katie volunteered to be interviewed in 2007 for the St. Jude's Kids Radiothon by K95 Country Cares to share her story. This radiothon occurs every February and benefits the children of St. Jude's and Katie has continued to participate in two more radiothons to help raise support and awareness for the work of St. Jude's.

In addition to her many other interests, Katie is also developing her promising skills as an artist. Her art work has been displayed in the Bone Marrow Transplant unit in the Chili's Care Center at St. Jude's and in 2008, Katie was recognized as the youngest artist to create an ornament for the White House Christmas tree. Katie has also proudly served as a Girl Scout for the past four years, recently attaining the rank of Jr. Girl Scout.

Madam Speaker and my colleagues in the House, please join me in recognizing Katie Schools and commending her for being such a tremendous example of courage and grace to all who have the benefit of knowing her.

HONORING THE 99TH ANNIVERSARY OF  
BOY SCOUT TROOP 1  
OF PAOLI

**HON. JIM GERLACH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. GERLACH. Madam Speaker, I rise today to honor Boy Scout Troop 1 of Paoli, Chester County as they celebrate their 99th anniversary.

Generation after generation, the Scouts of Troop 1 have developed and exhibited exemplary character, values and leadership skills and have volunteered thousands of hours to clean up streams, build parks and take on countless other projects aimed at improving the quality of life throughout the Paoli area. As a result, the Troop has established itself as one of the premiere Scouting programs in the Nation.

A major reason the tradition of Scouting has thrived in Paoli and throughout the Nation is due to dedicated volunteers and Troop alumni, who graciously commit countless hours and endless effort to mentoring young men in their communities.

Madam Speaker, I ask that my colleagues join me today in congratulating Boy Scout Troop 1 on reaching this very special milestone and offering best wishes for continued success in mentoring generations of local youth and building a stronger community and Nation.

RECOGNIZING THE DANGERS AND  
DRAWBACKS OF AMERICA'S  
ADDITION TO OIL

**HON. STEVE COHEN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. COHEN. Madam Speaker, I rise today to recognize the dangers of America's continued dependence on harmful fossil fuels and the urgent need to usher in a new era of clean, green energy. In his 2006 State of the Union Address, President George W. Bush poignantly noted that "America is addicted to oil," an extremely destructive habit that continues to threaten our environment, national security, health, and economy. In light of the ongoing catastrophe in the Gulf of Mexico, it is imperative that we recognize the dangers of our oil addiction and strive to actively break away from this costly and destructive dependence.

Burning almost 20 million barrels of oil a day, the United States, which possesses a mere 2.2 percent of the world's oil reserves, consumes more than one quarter of the world's oil supply. This unrivaled compulsion to consume an increasingly limited oil supply has made the United States dependent on importing oil from foreign nations and producing environmentally destructive fuel sources.

Most recently, our country has witnessed the growth of the Canadian tar sands industry. Tar sands are a combination of clay, sand, and bitumen that are found in great quantities under the boreal forest of Alberta. Through the use of large mining operations as well as extremely inefficient underground heating and production methods, companies are able to transform tar sands into a form of heavy oil

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that travels via pipeline from Canada to the Gulf of Mexico to be further refined for use in transportation fuels.

The destructive effects of exploiting tar sands and building pipelines are varied and far reaching. These projects provide the United States a highly polluting fuel that when burned emits two to three times more carbon than the dirtiest fuels we use today. Widespread usage of tar sands will further ensure our dependence on fossil fuels that will pollute and contaminate our air and water. Furthermore, permitting tar sands mining and pipelines will significantly detract from the necessary drive to develop cleaner and more efficient fuel sources—sources that will not weaken our economy, threaten our national security, or harm the environment.

Should tar sands pipelines be built, thousands of miles of land will be irrevocably scarred and poisoned. The pipelines required to transport the oil cut through sensitive ecosystems, cross rivers, and invade ranches and farms, which threaten water supplies, displace and endanger local wildlife, and put farmland out of production. Such pipelines also lead to a near inevitability of spills and leaks, the economic and environmental repercussions of which would be tremendous.

In addition to the risks that arise from pipeline construction, the tar sands mining and production facilities will irreversibly devastate the environment. By creating a demand for tar sands, the Canadian Government will be encouraged to continue removing the boreal forest, destroying the natural habitats of countless animals and polluting both the air and water. Moreover, the growth in tar sands production facilities will necessitate the increased use of United States refiners which create far more air and water pollution in their surrounding communities.

The construction of these pipelines should be immediately canceled, effectively taking a stand against the proliferation of this dirty fuel. Congress should also pass comprehensive climate and energy legislation that will hold the oil companies and similar corporations accountable for their pollution. Instead of building pipelines, we need to invest in American ingenuity and create a clean, green American energy economy.

We must do everything in our power to end this oil addiction, and endorsing tar sands pipelines is a step in the wrong direction. Such a project would only continue to fuel the fires of our dependency. Now more than ever, we must take a stand.

#### HONORING NANCY J. REED

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Nancy J. Reed of Saint Joseph, Missouri. Nancy is active in the community and she has been chosen to receive the YWCA Women of Excellence Award for Woman in Volunteerism.

Nancy is a truly outstanding individual and has been a volunteer and leader

extraordinaire her entire life. She is respected for her leadership and passion for doing what is right for mankind. She broke ground in 1964 as a savvy political wife helping elect her husband to the Missouri House. She then participated in city, county, state and national elections. She was elected to the SJSD school board in 1976 and was president in 1980–1982. She served at a difficult time, closing four schools—including her own children's school. She has served for United Way, InterServ, the Planning and Zoning Committee, and the Francis Street United Methodist Church.

Madam Speaker, I proudly ask you to join me in recognizing Nancy J. Reed. She has made an amazing impact on countless individuals in the St. Joseph Community. I am honored to represent her in the United States Congress.

#### HONORING EDWARD MOFFAT II

#### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to honor the life of Edward Moffat and his service to the community. Judge Moffat passed away on January 16, 2010 at the age of 63.

Judge Edward Moffat II was born on December 20, 1946 in Denver, Colorado, to Edward and Josephine Sansone-Moffat. In 1963 the family moved to Oakland, California. Upon graduating from Bishop O'Dowd High School, he attended St. Mary's College at Moraga, where he earned a bachelor of arts degree in history. He attended Golden Gate University and graduated with a Juris Doctorate degree in 1972. Later that year, he was admitted to the California Bar.

Judge Moffat moved to Madera, California to become an assistant district attorney. Over the next 12 years he gained broad experience in both criminal and appellate law with successive positions with the U.S. Attorney's Office, Federal Public Defender's Office, Tulare County Public Defender's Office, as well as private practice. In 1986 Judge Moffat ran for Madera County Superior Court and was elected. He was re-elected in 1992, 1998 and 2004. Judge Moffat served as the Presiding Judge in 1989, 1991–1992, 1996 and 2002–2004. During his career, Judge Moffat also served as Presiding Judge of Appellate Division, Judge of Appellate Division for Madera Superior Court, Judge of Appellate Division for Mariposa Superior Court and Associate Justice pro tempore of the Court of Appeals, Fifth Appellate District.

Outside of the court room, Judge Moffat was a member of the California Judges Association, Cow County Judges Association, California State Bar, La Raza Lawyers Association of Fresno, Madera County Bar Association, and the California Public Defenders Association. Judge Moffat served as a Madera County Law Library Trustee for twenty-four years. He was also involved with many community organizations, including the Young Men's Institute, the Italo American Club, the Italian Catholic

Federation, the Knights of Columbus, the Pan American Club, Madera Elks Club and Madera Noon Lions. He also worked tirelessly with local youth and the Boy Scouts of America. For his contribution and service, Judge Moffat received many awards and honors. He was named "Man of the Year" by the Young Men's Institute and the Pan American Club and the Dad's Can Cook 2003 "Father of the Year". Judge Moffat was honored by the Madera County Office of Education in 2001 when he was awarded the "Golden Apple Award", and again recently when they named the Mock Trial program in his honor.

Judge Moffat spent his free time golfing with his children and friends at the Madera Golf and Country Club, at home baking with his grandchildren or playing penny slot machines at the casinos with his wife, Veronica. He was a sports enthusiast, always finding opportunities to discuss major league baseball and the Denver Broncos; he read the sports section of the San Francisco Chronicle often.

Judge Moffat is survived by his wife of 35 years, Veronica; their children, Gina, Edward III, Sarah and Matthew; brothers John and Joe; sister Marie Capri; grandchildren Kobe and Devon. He also leaves behind many nieces, nephews and friends. He was a loving and devoted husband and father, a tireless community leader and a great friend to many.

Madam Speaker, I rise today to posthumously honor Edward Moffat. I invite my colleagues to join me in honoring his life and wishing the best for his family.

#### IN MEMORIAM: GEORGE HODDY

#### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 2010

Mr. CAMP. Madam Speaker, today, my district laid to rest a local hero, a man who truly embodied the community spirit that makes our country so great.

George Hoddy, an extraordinarily accomplished businessman, booster, and philanthropist in Owosso, Michigan, died on Sunday at the age of 105. His life is an example for all Americans.

He moved to Owosso in 1936 as an enterprising young man, driven by a truly American spirit to provide jobs and help Owosso recover from the Great Depression.

He founded Universal Electric Company in Owosso, becoming a community icon and providing steady employment for thousands. George was a constant innovator, developing ideas and obtaining 32 patents in the small-motor field.

Not content with simply being a business leader, George was also icon in many community organizations. A run-down of just a few of those include Memorial Healthcare, the Rotary Club, the Boy Scouts, Shiawassee YMCA and YWCA, Shiawassee United Way, Owosso-Corunna Area Chamber of Commerce, Owosso Industrial Development Corporation, the Shiawassee Foundation. His service truly was life-long: he was a Mason for more than 80 years.

And there are many more. George's involvement illustrates how working together and giving back can better one's community.

One of his crowning achievements was to encourage Baker College to come to Owosso. He served as the original Board of Regents chair for Baker College of Owosso. Most recently, he donated his home and four other buildings to the school, and established a scholarship in his and wife Lois's names there.

He has been, rightly, called an "honorary founding father" by Owosso's Mayor. George Hoddy's belief in and commitment to the founding strengths our nation; free enterprise, limited government, and involvement in his community made him a giant among men. I valued his friendship and counsel. His life was one to be truly celebrated.

#### HONORING JENNIFER SOPER

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Jennifer Soper of Saint Joseph, Missouri. Jennifer is active in the community through her work and has been chosen to receive the YWCA Women of Excellence Award for Emerging Leader.

As managing attorney for the local office of Legal Aid of Western Missouri, Jennifer leads the largest individual unit within the organization. She has dedicated her career to assisting the underprivileged and victims of abuse, and serves on several councils and committees that further the interests of the less fortunate and minority groups. Some of her accomplishments include developing educational brochures in multiple languages to inform clients of their rights and obligations, facilitating programs to disperse that information, teaching a course in family law, and recruiting interns.

Jennifer demonstrates excellence in her various roles as a volunteer. Her impact has been extensive, both to the individuals she is working to serve and to her co-workers whom she serves alongside.

Madam Speaker, I proudly ask you to join me in recognizing Jennifer Soper. Her achievements and selfless acts of service have impacted countless individuals in and beyond the St. Joseph Community. I am honored to represent her in the United States Congress.

#### MEDIA HELPS ATTORNEY GENERAL

### HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. SMITH of Texas. Madam Speaker, the media recently covered a meeting between Attorney General Holder and police chiefs who oppose Arizona's new immigration enforcement law. The stories left readers with the impression their views were representative of law enforcement officers.

That's not the case, as Investor's Business Daily has pointed out:

The meeting was "staged by a liberal Washington lobby group . . ." that "describes itself

as a 'progressive' organization 'challenging traditional police practices.'"

They are "partnered with the ACLU and [have] lobbied against even federal enforcement of immigration laws."

If a group of self-described "conservative" law enforcement officers had met with Attorney General Holder, the media would have mentioned their bias in the news coverage—if they bothered to cover the story at all.

#### HONORING LONG-TIME LABOR LEADER, ACTIVIST AND UCLA SCHOLAR MR. JOHN DELLORO

### HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Ms. CHU. Madam Speaker, I rise today to recognize a great loss to our community, Mr. John Delloro, who passed on the morning of June 5, 2010, at the young age of 39. My heart goes out to his wife, Dr. Susan Suh, their two young children, Mina and Malcolm, and the rest of John's family and friends.

Delloro was an extraordinary citizen, a powerful advocate for social justice in Los Angeles, our Nation and beyond. He helped improve the lives of many people in his short yet fulfilling life, becoming a nationally recognized labor leader, educator, organizer, teacher and mentor well before the age of 40.

A Bruin through and through, John earned his master's degree in Asian American Studies and his bachelor's degree in Psychology at UCLA. He worked as a lecturer at UCLA's Asian Studies Department for three years, inspiring countless students to become involved and active in their community.

During his tenure as a faculty member at Los Angeles Trade Technical College, Delloro helped groomed a new generation of union leaders, teaching classes in politics and labor, labor leadership and strategic planning for labor unions.

John will always be remembered as a tireless advocate for working men, women and families. He served as manager of the southwest California area of the 90,000 member SEIU Local 1000, the Union of California State Workers and as staff director for the acute care hospital division of SEIU Local 399. He was a dedicated labor leader, spending countless hours organizing workers of all backgrounds, from cooks in Las Vegas to court employees in Los Angeles.

He was also a leading advocate for his own Filipino American and APA community, co-founding the Pilipino Workers Center of Southern California and serving as National President of the Asian Pacific Labor Alliance, AFL-CIO, the largest and only national organization dedicated to representing the interests of Asian Pacific American working families.

I urge all my House colleagues to join me in honoring my friend John Delloro for his remarkable service and contribution to our country. He has made a true impact on lives of many, and will be sorely missed.

#### HONORING COMMUNITY ACTION PARTNERSHIP OF GREATER SAINT JOSEPH

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Community Action Partnership of Greater Saint Joseph. This agency is active in the St. Joseph community through their work and have been chosen to receive the YWCA Women of Excellence Award for Employer of Excellence.

Community Action Partnership has a 45 year history of empowering women and opening doors of opportunity, through assistance to young mothers in achieving college dreams to providing development opportunities to help maintain employment for mothers in need. Many staff members began their careers as program participants and have become supervisors and leaders in the organization, all expressing a passion for their work and the agency. With benefits that include flexible hours, work-from-home options, healthcare for both full and part-time employees, and time allotted each week to attend classes, this agency is building a brighter future for 145 individuals and their families. This employer is empowering its staff by encouraging involvement in community organizations, local boards, and leadership programs at the local, state and national level.

Madam Speaker, I proudly ask you to join me in recognizing Community Action Partnership of Greater Saint Joseph. Their empowerment and dedication to their employees has impacted countless individuals in and beyond the Saint Joseph Community. I am honored to represent this agency in the United States Congress.

#### HONORING ALAN W. MENDELSON

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. VAN HOLLEN. Madam Speaker, I rise today to honor Alan W. Mendelsohn of the Department of the Navy, who is retiring after more than thirty-two years of faithful service to our Nation, culminating in his role as Deputy Counsel of the Military Sealift Command.

During his more than thirty-two years of federal service, twenty-five of which were spent as an attorney in the Office of General Counsel supporting the Military Sealift Command, Mr. Mendelsohn has consistently demonstrated the highest level of leadership and commitment to his country.

In support of the ongoing war on terror, Mr. Mendelsohn provided distinguished legal services to ensure the award of numerous significant and complex procurements, and to resolve force protection and international law issues related to civilian mariners. In particular, Mr. Mendelsohn was instrumental in the award of the heavy lift contract to return the USS *Cole* to the United States for repairs

following its damage from a terrorist attack. Mr. Mendelsohn also demonstrated outstanding initiative in serving as a business advisor to the Military Sealift Command in the implementation of a significant realignment that has ensured that the MSC can meet the increasing needs of the warfighter at a reduced cost.

Mr. Mendelsohn established himself as a respected expert in the maritime industry and was frequently asked to conduct briefings for Members of Congress and their staff on issues associated with the maritime industry, including overseas ship repair and maritime labor practices. Mr. Mendelsohn also drafted a number of legislative proposals that were enacted into law.

Alan Mendelsohn has exhibited integrity, vision, dedication and civility throughout his career. The commitment and sacrifice of Americans like him enrich our Nation. I am proud, Madam Speaker, to thank Alan Mendelsohn for his honorable service to our Nation. I wish him fair winds and following seas as he concludes a distinguished career of public service.

#### PERSONAL EXPLANATION

### HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 2010

Mr. YARMUTH. Madam Speaker, I was unable to cast the recorded votes for rollcall 339, 340, 341, and 342. Had I been present I would have voted "yes" for these measures.

#### JUNETEENTH

### HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 2010

Ms. JACKSON LEE of Texas. Madam Speaker, I am delighted to acknowledge Juneteenth. I am pleased to be with you this afternoon. I would like to thank you for your commitment to seeking solutions to one of the most pressing challenges facing our community: ensuring that everyone receive all the rights guaranteed under our civil rights laws. I believe that one of the most important violations of civil rights are hate crimes and racial profiling. I also believe that equal access to health, education, housing and health care, are all civil rights. But I will focus on hate crimes and access to adequate health care.

#### HISTORY OF JUNETEENTH

For those of you who ask, "What is Juneteenth," I will tell you. Dating back to 1865, it was on June 19 that the Union soldiers, led by the courageous Major General Gordon Granger, landed in Galveston, Texas with news that the Civil War had ended and that the enslaved were now free. The Emancipation Proclamation became official on January 1, 1863. Nevertheless, people held in bondage in Texas had to wait two and a half years after President Lincoln's proclamation, to hear the news of freedom.

It gives me great pleasure to speak about Juneteenth and I would like to share with you

the letter that Major General Gordon Granger read to the emotion filled slaves. It reads as follows: "The People of Texas are informed that in accordance with a Proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and free laborer."

Prior to June 19, 1865, the Emancipation Proclamation had little impact on Texans due to the minimal number of Union troops available to enforce the new Executive order. Thanks to the meritorious Major Granger and the arrival of his troops, there were forces strong enough to overcome the resistance and to free the slaves.

Many stories have been told about the actual reason for why it took so long for the news of the Emancipation to reach Galveston, but it is very difficult to say which one is true. The fact still remains that the news did not come to the enslaved Texans soon enough. The reactions to the profound news ranged from pure shock to immediate jubilation.

Upon hearing the news, many of the newly freed slaves went north and others went to neighboring states, such as Louisiana, Arkansas, and Oklahoma. For those freed men and women, recounting the memories and festivities of that great day in June of 1865 served as motivation as well as a release from the growing pressures encountered in their new territory.

The celebration of June 19th was coined "Juneteenth" and it grew with more participation from descendants. The Juneteenth celebration was a time for reassuring one another, for praying and for gathering with family members. This still holds true today because African Americans continue to face many challenges that call for prayer and gathering together with one's family and community.

When the celebration of Juneteenth originated, a range of activities were offered to entertain the masses, many of which continue in tradition today. Rodeos, fishing, barbecuing and baseball are just a few of the typical Juneteenth activities that one may witness or participate in today. This is an historic and important commemoration for Texas but also for the Nation. This Holiday equals freedom. I applaud all of the events sponsored by Houstonians that seeks to inspire and educate our children and to respect the former slaves of Texas who suffered so much.

#### HONORING LYDIA ZUIDEMA

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Lydia Zuidema of Saint Joseph, Missouri. Lydia is active in the community through her work and has been chosen to receive the YWCA Women of Excellence Award for Woman in the Workplace.

Lydia is the superintendent and a teacher at St. Joseph Christian School. She instituted the school's National Institute for Learning Devel-

opment program and has traveled to Afghanistan and South Africa to train other teachers. In Afghanistan, she helped staff and faculty prepare to receive accreditation; in South Africa, she trained early childhood educators. She never wavers from her sense of peace and calm, which comes from her great love for and dedication to the Lord.

Madam Speaker, I proudly ask you to join me in recognizing Lydia Zuidema. She has made an amazing impact on countless individuals in the St. Joseph Community. I am honored to represent her in the United States Congress.

#### HONORING PATRICK CREER

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Patrick Creer upon his retirement from the California Highway Patrol, Oakhurst Area Office. Officer Creer will officially retire on June 30, 2010 after 28 years of service.

Officer Creer graduated from Simi Valley High School in 1972. He served in the United States Air Force from 1976 through 1982. After completing his service in the military, Officer Creer was appointed to the California Highway Patrol academy in 1982. Upon graduating from the academy, he was assigned to the Santa Cruz Area Office.

In 1988 Officer Creer was transferred to the Fresno Area Office. After serving 6 years in Fresno, he was transferred to the Central Division, where he worked in the recruitment unit for 9 years. In 2003, Officer Creer was transferred to the newly opened Oakhurst Area Office.

Officer Creer has been married to his wife, Vicki, for 34 years. They have 1 son, Matthew.

Madam Speaker, I rise today to commend and congratulate Patrick Creer for his tremendous service to the State of California upon his retirement from the California Highway Patrol. I invite my colleagues to join me in wishing Officer Creer many years of continued success.

#### HONORING LIEUTENANT ROBERT REYNOLDS

### HON. JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 2010

Mr. MCGOVERN. Madam Speaker, I rise today to honor the career of Lieutenant Robert Reynolds of the Worcester Fire Department. Lieutenant Reynolds is retiring after 24 years of dedicated service to the City of Worcester.

As with any public service profession, the nobility inherent in fire fighters should not be overlooked. These brave people, bound by duty and honor, risk their own health and safety in order to protect the lives and property of others. This sense of duty was undoubtedly

felt by Mr. Reynolds when he joined the department at the age of 34, and certainly it continued to grow even after being promoted to Lieutenant.

Not only has Lieutenant Reynolds served his community during his career as fire fighter, he has served his country as a U.S. Marine. The leap from Marine to firefighter is not difficult to imagine; to be effective in either profession requires strength of character of immeasurable quantities. It is Lieutenant Reynolds's character that led him to his distinguished career, and it is that character that I would like to honor as he enters a well deserved retirement among his family—his wife Elizabeth and two children, Margo E. (Reynolds) Clark and Bridget J. Reynolds.

I know all of my colleagues join me in thanking Lieutenant Reynolds for his service to the City of Worcester and its citizens.

#### HONORING KARLI SAMPLE

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Karli Sample of Saint Joseph, Missouri. Karli is active in the community through her school and has been chosen to receive the YWCA Women of Excellence Future Leader Award.

Karli has held several leadership roles, has been involved in athletics and fine arts programs, is committed to being a volunteer, and has maintained a weighted GPA of 4.5, ranking second in her class. Karli's honors include being selected homecoming queen, a Drug Free Super STAR, a Cotillion for Achievement finalist, a DAR Good Citizen, and a Wendy's Heisman state finalist. She won six state engineering competitions and qualified for nationals each year.

Karli's nominator states, "Karli Sample has made the most out of her four high school years by staying actively and consistently involved in school and community activities. . . . Karli's spirit and positive attitude have inspired many to follow in the same footsteps, whether it be on the court, in the classroom, or out in the community."

Madam Speaker, I proudly ask you to join me in recognizing Karli Sample. She has made an amazing impact on countless individuals in and beyond the St. Joseph Community. I am honored to represent her in the United States Congress.

#### HONORING JONATHAN K. PENNEY

#### HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. PRICE of Georgia. Madam Speaker, I rise in honor of Jonathan K. Penney, a citizen-soldier who gave his life June 1, 2010, during combat operations in support of Operation Enduring Freedom.

As a member of the U.S. Army Rangers, Jonathan distinguished himself. After grad-

uating from high school, Penney enlisted in November 2005 from his hometown of Marietta, Georgia. For more than two years, he served as a combat medic in 1st Battalion, 75th Ranger Regiment. He was an expert in advanced medical treatment and selflessly dedicated to the care of others—even at the risk of his own life.

Sergeant Penney was born in Ft. Lauderdale, Florida, on July 1, 1987, but called Georgia home. He is survived by his wife Kristin E. Penney of Savannah, Georgia, and his mother Sue L. Penney of LaGrange, Georgia.

Madam Speaker, it is with the greatest respect and admiration that I honor Sergeant Penney's sacrifice on behalf of our nation today. He is a hero to his countrymen, his family, and his fellow soldiers. He reminds us that America is blessed to have so many young men and women willing to stand up and fight to preserve our precious freedoms. Our thoughts and prayers are with the Penney family and all our military families whose selfless dedication to this nation is an inspiration to us all.

#### HONORING NEWSWEEK RANKING OF THE SCHOOL FOR THE TALENTED AND GIFTED AND THE SCHOOL FOR SCIENCE AND ENGINEERING AT YVONNE A. EWELL TOWNVIEW CENTER

#### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I would like to congratulate the School for the Talented and Gifted and the School for Science and Engineering at Yvonne A. Ewell Townview Center for receiving the extraordinary honor of being ranked as the number one and number four public schools in the nation by Newsweek.

Each year, Newsweek ranks the top public high schools out of a possible 27,000 schools. This year, only the top 6 percent of schools made the final list, placing these two schools in the top four out of the 1,600 schools listed. For 2010 the Magnet School for the Talented and Gifted ranked number one, with the Magnet School for Engineering and Science ranking number four. I am delighted that these two schools have achieved such a distinction, placing them among the elite public institutions in this country.

Located in my district of Dallas, Texas, Townview Magnet is one of the most diverse schools in the state, with minorities representing over half of the student population. Given the diverse nature of the City of Dallas itself, and the increased globalization of most industries, the students attending these two schools will have the opportunity not only to impact the future of the Dallas area, but on a worldwide scale as well. With this quality of education, Americans will be able to compete for success in this growing global economy.

This marks the fourth time in five years that the School for the Talented and Gifted has been ranked number one in the nation by Newsweek.

This honor shows the values of a good educational environment, as many of the students attending these two schools will have opportunities to be the future leaders of this country. This honor will serve as an inspiration to the faculty, staff and students of Townview Magnet School to maintain a high level of work. I extend my appreciation for the hard work of everyone involved in achieving this honor, and lend my support to the future success of Townview.

Madam Speaker, again, I congratulate the students, teachers, principals and parents of Townview Magnet School for the Talented and Gifted and the Magnet School for Science and Engineering on honor.

#### HONORING KIM ULMER

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Kim Ulmer of Saint Joseph, Missouri. Kim is active in the community through her work and has been chosen to receive the YWCA Women of Excellence Award for Woman in Support Services.

Kim has been an administrative assistant for 20 years, working with the St. Joseph Chamber of Commerce for five years. In a responsible, efficient way, she has helped her organization become recognized as one of the best in its industry in this nation. She is always looking for ways to improve the process, makes sure projects get done, and works to see that everyone in the office succeeds. This fun-loving team player is known as the "resident counselor" who draws others to her as a listening ear. She creates a welcoming atmosphere for both co-workers and volunteers. Kim also inspires co-workers as she oversees care for a stepson who was severely injured in an accident. She is married, has three children, two stepchildren, and four grandchildren.

Madam Speaker, I proudly ask you to join me in recognizing Kim Ulmer. She has made an amazing impact on countless individuals in the St. Joseph Community. I am honored to represent her in the United States Congress.

#### COMMENDING THE ARMY SIGNAL CORPS FOR THEIR SERVICE TO THE UNITED STATES AS THEY CELEBRATE THEIR 150TH ANNIVERSARY

#### HON. PAUL C. BROWN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. BROWN of Georgia. Madam Speaker, I rise today to recognize the Army Signal Corps and join them in the celebration of their 150th anniversary. Major Albert James Myer, who saw the need to create a separate military signal service, created the Signal Corps on June 21, 1860.

The Signal Corps has a long and storied history of providing our Army with the most

advanced technology to ensure victory on the battlefield. The list of technological achievements are unmatched by any other military in the world. The Signal Corps first aided our efforts in the Spanish-American war where they ensured our victory by providing vital signaling, telephone and telegraph communications, combat photography, and balloons for intelligence gathering. Innovations by the Signal Corps early in the twentieth century lead to the creation of the Washington-Alaska Military Cable and Telegraph System, the first wireless communications system in the Western Hemisphere, the first Army radar system, and the tactical FM radio.

Their dedication to stay on the forefront of communications technology by unceasingly developing advanced systems provided the U.S. with an unparalleled advantage during World War II. The Signal Corps also assisted the Air Force in launching the first communications satellite, paving the way for world-wide communications, and they continued to play a pertinent role to U.S. efforts during Vietnam where they deployed a tropospheric-scatter radio as well as the SYNCOM satellite communications service. This drastically improved the speed and viability of communications in combat zones.

Today we honor the Army Signal Corps by recognizing their irreplaceable contributions to the United States Army. The results of their innovative developments are evident in the premier fighting force that protects us and our freedoms. In fact, it is the innovations by the Signal Corps that provided a foundation for subsequent communication technologies have been built. The importance of this transcends the military into the private sector by reducing both the time and cost of global communications.

The Army Signal Corps, who are headquartered in my district at Fort Gordon, trains more military service members than any other training center in the U.S. Army. I am honored to recognize their service to the American people. They have not only improved the lives of service members, but also the citizens our servicemen and women are sworn to protect. I urge my colleagues to join me in honoring the Army Signal Corps for their irreplaceable role to the United States Army over the last 150 years.

#### HONORING BOB BURKE

#### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Ms. WOOLSEY. Madam Speaker, I rise with sadness today to honor my friend Bob Burke of Forestville, California, who passed away suddenly on June 10, 2010, at his home. Bob was both a true conservationist as a champion of the local environment of Sonoma County's Russian River Area and a true humanitarian as the creator of Bob Burke's Kids, which offers support and outings to children with serious health problems.

Born in 1947, Bob remained in his hometown of Forestville where his parents had started a successful business, Burke's Canoe

Trips, a resort on the Russian River. He and his sister Linda later became co-owners and co-operators of the resort, a popular fixture for tourists and locals in the community.

The Burkes understood the key role of the Russian River not only for the recreation business but also for the health of the whole ecosystem. They worked especially closely with Russian Riverkeeper on fishing and flow issues.

Bob was best known for his community volunteering and charitable work, especially Bob Burke's Kids, an organization he established in 1974 after meeting a young girl with cancer who lamented her lack of playmates and opportunities for fun. Bob knew he could do something to make life better for children with serious illnesses and for their families.

Bob Burke's Kids grew from an initial Russian River fishing trip for a small group to a year-round program of activities and outings from barbecues and outdoor games to bowling nights and Halloween parties serving hundreds of families. The organization thrived as much on Bob's love as on the money it raised from a supportive community and local organizations.

Bob also personally knew the families and frequently visited the children when they were in the hospital. "He gave so much love," his sister Linda says. "He was the best brother anyone could ever have."

Don McEnhill, Executive Director for Russian Riverkeeper says of him: "Bob Burke always had a funny story or a joke to tell to cheer me up after a contentious hearing or meeting, but it was the kids who faced cancer or other ailments that he always saved his best cheer for and devoted his life to. Bob spent his entire life on the Russian River and clearly understood the recreational value of the Russian River to families who could not afford to go on vacation. Bob always supported our efforts to keep the River clean and healthy so it was available as the community pool for the less fortunate. His passing has left a hole in our community and the Russian River, and we will all miss him."

Madam Speaker, I have attended some of Bob Burke's Kids events and seen the warmth and passion that animated the charitable fundraisers as much as the family outings. Losing Bob has indeed left a hole in our community, one that we can fill by remembering Bob's legacy and carrying on his work.

#### HONORING GRACE DAY

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Grace Day of Saint Joseph, Missouri. Grace is active in the community through her work as an attorney and has been chosen to receive the YWCA Women of Excellence Lifetime Achievement Award for Woman in the Workplace.

Grace graduated from the University of South Dakota Law School in 1949. As the only female in her class, Grace constantly had to work harder than her male peers to earn the

same level of respect, which was accomplished by graduating third in her class. She was admitted to practice law in South Dakota in 1949 and in Missouri in 1950. In 1963 she was admitted to practice law before the United States Supreme Court.

A pioneer for women in the profession of law, Grace opened her own practice in 1950, where she practiced solo until 1996. Grace was president of the Association of Women Lawyers, and in 1960–62 she served as Special Assistant Attorney General for the State of Missouri. In 1972, she was the first woman president to be elected to the St. Joseph Bar Association. Grace served as International President of B'nai B'rith Women from 1980–82, traveling the world. In 2005, Grace was awarded the alumni Achievement Award from the University of South Dakota. In addition, she has held numerous leadership roles, remained active on foundations, boards, and committees, and has assisted with several fund drives.

Madam Speaker, I proudly ask you to join me in recognizing Grace Day. Her achievements and selfless acts of service have impacted countless individuals in and beyond the St. Joseph Community. I am honored to represent her in the United States Congress.

#### HONORING WASCO TRIBAL CHIEF NELSON WALLULATUM

#### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. BLUMENAUER. Madam Speaker, I rise today to honor the life of Nelson Wallulatum, chief of the Wasco Indians, who died on Sunday, June 13, 2010 at age 84. His tenure on the Warm Springs Tribal Council lasted 50 years, during which he oversaw many major tribal undertakings including the construction of a key hydro project, fishing rights litigation, and habitat restoration. His knowledge of the tribal way of life earned him the respect and honor of all who knew him. I found repeatedly that his presence at a meeting added dignity and perspective, to the benefit of everyone around him.

Chief Wallulatum was an expert in Tribal government and the Constitution, and a scholar of the 1855 Treaty in which the Wasco and Warm Springs Tribes ceded most of their lands to the United States. He served in the U.S. Navy from November 1943 to June 1945. He was also founder of the Museum at Warm Springs and educated younger tribal members in ceremonial customs and prayers. As an advocate of returning the sacred condor to Oregon, Chief Wallulatum named the first chick born in the Oregon Zoo's condor recovery program.

Chief Wallulatum, defended Tribal sovereignty, fishing rights and way of life, and inspired the next generation of tribal leadership and stewardship. His legacy is written in the land, water, and people that he loved.

## PERSONAL EXPLANATION

**HON. JIM MARSHALL**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. MARSHALL. Madam Speaker, although my vote was not recorded by the electronic voting system, I intended to vote for H.R. 5072, the FHA Reform Act of 2010.

HONORING THE LIFE AND  
ACHIEVEMENTS OF FRANCES  
CORY HOEHN**HON. BARON P. HILL**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. HILL. Madam Speaker, on the morning of Monday, June 14, 2010, Frances Cory Hoehn passed away at her home in Jeffersonville. She was 100 years old. An avid musician, teacher, and active member of her community, Frances' influence and contributions can be felt and seen throughout Jeffersonville and Southern Indiana as a whole.

Frances Cory was born on November 12, 1909, in Kingman, Indiana, and her love for music and natural talent were apparent at a very young age. She and her parents moved to Jeffersonville in 1925 and she graduated from Jeffersonville High School in 1927. From there, Frances continued on to the Louisville Conservatory of Music and later DePauw University, where she graduated with a Bachelor of Public School Music degree in 1931.

Following her graduation, Frances continued pursuing her passion for music and accepted a teaching position for six Jeffersonville elementary schools. During the Depression, she also helped her father in his automobile business and worked as a social worker in Evansville. Soon after the flood of 1937, she accepted the choral teaching position at Jeffersonville High School, where she met her husband, Elmer Hoehn.

Throughout the next twenty years, Frances was actively involved in the lives of her children as well as other activities. From Girl Scout leader to piano accompanist, there was no role Frances wasn't up to fulfilling. As her children got older, Frances went back to teaching music, this time at Jeffersonville Junior High in 1959, and retired from Parkview Elementary in 1967. Following retirement, Frances and her husband moved to Washington, DC, where Elmer accepted a position in the Johnson administration, and eventually returned to Jeffersonville in 1990.

From brushing shoulders with John F. Kennedy to giving tours of the Capitol to visiting Hoosiers, participating in bridge clubs to being actively involved in St. Augustine's Church, Frances Cory Hoehn's life was full of unique experiences and giving back to the community. The impact she has had on the countless lives she has touched is undeniable and her contributions will not be forgotten. Her legacy will continue not only through her life's achievements but through her family as well. We honor the life of Frances Cory Hoehn to

recognize her outstanding citizenship and lasting presence in Southern Indiana, and our condolences go out to her family.

## HONORING JUDY TROUT

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Judy Trout of Saint Joseph, Missouri. Judy is active in the community through her generous acts of service and has been chosen to receive the YWCA Women of Excellence Lifetime Achievement Award for Woman in Volunteerism.

Judy has been a licensed dental hygienist for more than 50 years, 49 of them served in the St. Joseph community. Judy started out in private practice, but later moved to the Social Welfare Board where she served some of St. Joseph's poorest citizens. In 1963 she worked tirelessly to advocate adding fluoride to the drinking water to establish healthy teeth for babies and children. Her most recent contribution was the establishment of a dental hygiene program at Hillyard Technical School, for which she was recognized by the State Dental Association.

In addition to her efforts as a hygienist, Judy has maintained an extensive presence in the community. She has served on the admissions committee of United Way, chairing it for two years. She has been involved with Girl Scout troops, PTA, Student Exchange Program, Cub Scout den mother, volunteer for Each One Teach One, Meals on Wheels and with Missouri Western State University Ambassadors. She has also taken on leadership roles with St. Joseph Junior League, InterServ, PEO, and Ladies Union Benevolent Association.

Madam Speaker, I proudly ask you to join me in recognizing Judy Trout. Her achievements and selfless acts of service have impacted countless individuals in and beyond the St. Joseph Community. I am honored to represent her in the United States Congress.

HONORING MAYOR GERARD C.  
MOREAU, JR.**HON. RODNEY ALEXANDER**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. ALEXANDER. Madam Speaker, I rise today to honor Mayor Gerard C. Moreau, Jr., for his many years of service and dedication to the Bunkie, LA community.

A man of many dimensions, Moreau's career includes 30 years in the banking business as well as a volunteer fireman. Over the past few decades, he has been heavily involved in citizenship activities and community organizations. Among his many civic accomplishments, Moreau was elected to the Bunkie City Council in 1990, where he served until October of 1999. That same year, Moreau was elected mayor of the City of Bunkie, and he continues to serve in this capacity today.

Additionally, Moreau was the past president and member of the Bunkie Chamber of Commerce and the Bunkie Lions Club. He is currently the senior vice president of Sabine State Bank in Bunkie.

Beyond his professional career, Moreau is the devoted husband of Carla. They are the proud parents of three beautiful daughters and two lovely grandchildren.

Madam Speaker, I ask my colleagues to join me in recognizing Mayor Gerard C. Moreau, Jr., a truly faithful public servant. His commitment, compassion and leadership warrant this laudable recognition.

RECOGNITION OF THE NATIONAL  
ASSOCIATION OF CLEAN WATER  
AGENCIES (NACWA) ON THE OC-  
CASION OF ITS 40TH ANNIVER-  
SARY**HON. JAMES L. OBERSTAR**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. OBERSTAR. Madam Speaker, I wish to take this opportunity to congratulate the National Association of Clean Water Agencies (NACWA) on the occasion of its 40th anniversary. NACWA is a dynamic national organization involved in all facets of water quality protection. As a key stakeholder in the legislative, regulatory, and legal arenas, NACWA has built credible collaborative relationships with members of Congress, the Environmental Protection Agency, the federal courts, and other governmental entities.

The emergence of NACWA as a nationally-recognized leader in environmental policy and a technical resource on water quality and ecosystem protection issues has paralleled one of the nation's most successful environmental laws—the Clean Water Act. NACWA was established in 1970 by a group of individuals representing twenty-two large municipal sewerage agencies in order to secure federal funding for municipal wastewater treatment and to serve as a forum for discussing the best methods for improving the quality of our nation's waters.

Over the past forty years, NACWA has expanded its member base and issue platform. It has changed its name, replacing the word "sewerage" with "clean water" to better reflect the end-product of its members' treatment services—clean water. The organization also partners with diverse stakeholders while always advocating for sound science in advancing water quality protection. Today, as a leading clean water association, NACWA represents nearly 300 member organizations.

Recent years have reflected heightened involvement for the association in a broadening array of complex 21st-century water quality issues including: green infrastructure, climate change, watershed-based approaches, and clean water funding and financing. Over the past 40 years, I have observed an organization that is successfully working towards the goals that its founders established. NACWA continues to pursue every opportunity to develop and implement sound water quality policies that advance clean water and promote a healthy environment.

I extend my congratulations to NACWA on the occasion of its 40th anniversary. During this time, NACWA's strategic input has been a valuable resource to me and the Transportation and Infrastructure Committee and undoubtedly will continue to be as we shape the course of environmental protection for our nation's waters.

CELEBRATING THE WORK OF MR.  
CHARLES SEGAL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 2010

Mr. ACKERMAN. Madam Speaker, I rise today in recognition of the accomplishments of Mr. Charles Segal, a dedicated public servant who has made immeasurable contributions to forging close ties with America's most important ally in the Middle East, the State of Israel.

Throughout Mr. Segal's years of service, he has dedicated himself to protecting the human rights of Soviet Jewry and the critically important mission of exposing Nazi war criminals who escaped justice. His work has earned him the deep appreciation not only of strong supporters of the U.S.-Israeli friendship, but also of the State of Israel. I am proud to recognize Mr. Segal and submit a letter from the Israeli Consul General, honoring his exemplary work on behalf of Israel.

CONSULATE GENERAL,  
OF ISRAEL IN NEW YORK,

May 5, 2010.

DEAR MR. SEGAL, I recently learned from Rabbi Paul Sifton of your longstanding commitment and service to the State of Israel and therefore it is my pleasure to extend these heartfelt wishes of *mazal tov* to you.

As the State of Israel celebrates its 62 anniversary, you have had the privilege of watching our small State take root, grow, and blossom before your very eyes. While some easily dismissed its hidden potential and true value, you took every opportunity available to fight for its existence, knowing that the Jewish people had earned the right to return to their homeland.

As a foreign correspondent, you used the power of your words to mobilize the American and Canadian communities in support of Israel as we struggled to become a free and democratic state. You served the Jewish people by fighting for our rights in Washington, DC and representing our goals and aspirations to President Truman. You used your political clout and influence to establish ties and build a solid friendship between America and the State of Israel. Your important work to expose Nazi war criminals and to protect the rights of Soviet Jewry depicts the true character of a man who has always put the wellbeing of others at the forefront of his agenda. The foundation you built has lasted for decades, and we are so grateful for all you have done.

On behalf of the State of Israel, I thank you for all of your efforts. I have no doubt that even after all these years of service we will be privileged to see many more incredible things from you.

Sincerely,

ASAF SHARIV,  
Consul General.

HONORING KATHLEEN GARABED

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Kathleen Garabed upon her retirement as the founder and Executive Director of Stone Soup in Fresno, California after almost twenty years of dedicated service. Ms. Garabed will be honored on Saturday, June 19, 2010.

In 1992, Ms. Garabed was working as a resettlement officer for Church World Service; the office was located in a foursquare block of Fresno that was notorious for high crime. One day, an eight year old Cambodian boy visited Wesley United Methodist Church where her office was located and placed a pistol on her desk. He told her he was supposed to shoot someone to join a gang; he had come to her in search of help and hope. Ms. Garabed immediately jumped into action with faith and a vision for the community. Without a building, program or money, she started a summer program for children on the church lawn.

Ms. Garabed worked tirelessly and continued to knock on doors that remained closed for many years. She was determined to gain support and cultivate good will for this young boy and many others like him. She found a few volunteers that were willing to share their time, skills and talent to replace their violent activities with role models and productive programs. Over the years, the original summer program grew into Stone Soup Fresno, a multi-million dollar community center, offering health services, education, cultural preservation and leadership development.

Stone Soup Fresno, under Ms. Garabed's leadership, has impacted a number of lives. The literacy rate of almost one thousand children served by the organization has shown dramatic improvement, based on pre-post test scores from standardized tests. More than one hundred and twenty young leaders from the neighborhood have graduated from the Stone Soup's leadership program, increasing leadership in the community. There are two hundred new Hmong refugee families in the process of becoming new Americans who have participated in civic activities through Stone Soup. Ms. Garabed also helps to empower young Hmong women to become advocates in their community.

Since the conception of Stone Soup Fresno, Ms. Garabed has been recognized for the exemplary work she does. The organization has received the "Presidential Points of Light Award", "Distinguished Public Service Award" from Delta Gamma Chi State chapter, the Fresno Police Department's "Outstanding Citizen Award", "Temple Beth Israel Social Action Award", "Spirit Award" from the Volunteer Bureau, and "Leadership Award" from the Central California Forum on Refugee Affairs. HUD has recognized Stone Soup's stewardship as a "Best Practice" in developing the community center.

Madam Speaker, I rise today to commend and congratulate Kathleen Garabed upon her dedicated service to, and retirement from, Stone Soup Fresno. I invite my colleagues to

join me in wishing Ms. Garbed many years of continued success.

COMMENDING MAYOR RICHARD  
ROY MICHEL

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 2010

Mr. ALEXANDER. Madam Speaker, it is with great pride that I rise today to commend Mayor Richard Roy Michel, who has devoted over 28 years to serving Marksville, LA.

Michel was Marksville High School's valedictorian in 1950. He received his B.S. degree in 1953 from Louisiana State University (LSU) of Baton Rouge, and continued his education at LSU Medical School in New Orleans graduating in 1957.

After marrying the former Margaret Bennett in 1956, Michel served his country in the U.S. Air Force from 1958 to 1960. He was a captain and head of the OB GYN medical division at Robins Air Force Base in Georgia. He also worked as the Assistant Hospital Administrator.

In 1960, Michel returned to his hometown to practice medicine at Marksville Hospital where he continues to work today.

For nearly three decades, Michel has been a businessman, politician, cattleman, and the Marksville Mayor. He is credited with turning Marksville from a town to a city by his notable undertakings. He was instrumental in encouraging the expansion of the Super Wal-Mart and assisting the Tunica-Biloxi Tribe in establishing the Paragon Casino. In addition, the Marksville City Hall, Police Station, Fire Station, City Courtroom and Marksville Water System buildings were constructed under his leadership as mayor.

Among his impressive list of endeavors, Michel served as a charter member of the American Academy of Family Practice, board member of the Council on Aging, Cottonport Bank, Airport Authority and Marksville Chamber of Commerce. In addition, he was the first president of the Avoyelles Mayor's Association and the first chief of staff at Avoyelles Hospital.

Beyond his professional career, Michel and his wife have two daughters, Margaret Suzone Alfred and Donna Renee Lemoine, two granddaughters, one grandson and one great-granddaughter.

Madam Speaker, I ask my colleagues to join me in honoring Mayor Richard Roy Michel. His unwavering commitment and compassionate service to the Marksville community deserve our gratitude.

RECOGNIZING THE 150TH ANNIVERSARY  
OF THE VILLAGE OF ODIN

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 2010

Mr. SHIMKUS. Madam Speaker, today I rise to recognize the village of Odin, Illinois, as they celebrate their 150th anniversary.

The village was founded in 1860 near the construction of the Atlantic, Mississippi and Ohio Railroad and the Illinois Central Railroad by Thomas Deadmond, Silas Barr, Samuel McClelland, James Adams, Thomas Pigg and John Hill. The strong character, respect and honesty possessed by these founding fathers are traits still held by Odin's citizens today.

The village of Odin has made a significant impact in the history of Illinois, despite its small size. This thriving mining community has supplied coal that powers the state of Illinois and specifically University of Illinois at Urbana-Champaign. It has also produced teachers, doctors, attorneys and leaders benefiting both the village and the state.

I would like to congratulate the village of Odin and all of its citizens as they mark 150 years of accomplishments and wish them continued success and prosperity in the years to come.

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HONORING JOEL L. DERETCHIN

**HON. KEVIN BRADY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. BRADY of Texas. Madam Speaker, I rise today to honor Mr. Joel L. Deretchin, a great community leader and a dear friend. Mr. Deretchin has held numerous leadership roles throughout the community in The Woodlands, Texas. Throughout his distinguished career, Mr. Deretchin has served several executive positions with many respected organizations in the Woodlands area. He held leadership positions at The Woodlands Development Company, served as a board member of The Woodlands Community Association, and served as President and sitting board member of both the Woodlands Association and the Woodlands Commercial Owners Association.

Mr. Deretchin has strived to keep the community focused on improving education in The Woodlands by supporting and establishing The University Center, The John Cooper School and the Academy for Lifelong Learning at Montgomery College—all which have given valuable opportunities to students in and around The Woodlands community. The Conroe Independent School District has recognized and honored Mr. Deretchin's achievements by naming one of their elementary schools in his honor, the Joel L. Deretchin K-6 Elementary School.

As you can see, he has truly impacted innumerable lives in The Woodlands community. His servant leadership on the Interfaith of the Woodlands Board and the South Montgomery County/Woodlands Chamber of Commerce Board are clearly evident as he continuously volunteers his time and lends a hand to organizations and non-profits.

For his countless service efforts, Mr. Deretchin was awarded "Citizen of the Year" by the South Montgomery County/Woodlands Chamber of Commerce in 1990. He was also honored in 1999 as a "Hometown Hero" during the Woodlands 25th Anniversary Celebration. While these awards and honors are significant, nothing can truly commemorate the extent of service Mr. Deretchin has provided

for his community. His leadership and commitment to The Woodlands is selfless and something that merits applauding.

His compassionate heart as well as his desire to help others has continued to drive him to remain active throughout the community—he never expected to be honored with these awards, but boy is he deserving! Wanting nothing in return, Mr. Deretchin committed over 33 years to The Woodlands community and has watched it flourish and grow. I know Mr. Deretchin is proud to have been so heavily involved in the community development of The Woodlands, but I also know The Woodlands is proud to say he is one of our residents. The Woodlands has more than benefited from his leadership, knowledge and philanthropic focus.

Madam Speaker, it is such an honor to recognize Joel Deretchin as a significant part of The Woodlands' community and pay tribute to his contributions to the people of The Woodlands as he retires, however there is no doubt in my mind that he will continue be heavily involved! I urge you to join me in recognizing Mr. Deretchin and his achievements.

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HONORING THE LIFE OF STEWART WINSTEIN

**HON. PHIL HARE**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. HARE. Madam Speaker, I rise today in sorrow at the news of the death of Stewart Winstein, from Rock Island, Illinois in my Congressional District.

Stewart was one of the most respected and admired leaders in my community and built a strong reputation for local activism, public service and the belief that politics could be a driving force for positive change in the lives of everyday Americans. It is a legacy that will be sorely missed in Rock Island, the city that Stewart loved and called home.

As a child of the Great Depression, Stewart and his family faced great poverty. It was a powerful influence on him and I am sure informed much of his success as an attorney and a founding force of the Rock Island Democratic Party.

As one of the greatest advocates for working men and women that I knew, I think his legacy will be that he wanted to make sure that other families didn't have to face the economic hardships that he knew too well. And as many in the Quad Cities can attest, whether it was working people or the vast number of clients he represented through his law firm, it is a legacy of great success.

Stewart put much of his energy and drive into the legal practice he built. He started practicing law in 1938 and established an early reputation as a formidable attorney. In 1960, he founded the firm of Winstein, Kavensky and Wallace with his two partners. The firm thrived and grew through his drive and dedication.

Stewart was dedicated not only to the long-term growth of the Quad Cities but also to his mission of public service. His title and positions in the community and local government

were numerous, including his long-time service as chairman of the Quad City International Airport Authority, his stint as President of the Rock Island County Welfare Information and Referral Services, and his role as the public administrator, public guardian and conservator for Rock Island County from 1974 to 1978.

The people he has inspired to pursue public service in West Central Illinois and throughout our state are almost too numerous to count, but all of them can testify that he was an inspiration and a mentor as they have pursued their callings. Stewart had a huge impact on my life and my career of public service. He was a valuable teacher who led by example and I learned by witnessing the contributions he made to the Democratic Party, numerous charities, and local government. Above all, I was proud to call him my friend. My thoughts go out to Stewart's family, especially his beloved son Arthur.

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RECOGNIZING THE MT. VERNON ROTARY FOR 90 YEARS OF SERVICE

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. SHIMKUS. Madam Speaker, today I rise to honor the 90th anniversary of an important community service organization in Mt. Vernon, Illinois.

The Mt. Vernon Rotary Club was founded in 1920 and has grown into a vital element of the community. For the past 90 years, the Mt. Vernon Rotary Club, like Rotary clubs all across our nation, has brought together local business leaders in a friendly, casual setting, where they discuss ways to band together and serve the community. I applaud the willingness of these Rotarians to step forward and serve their community.

At the 90th anniversary celebration, this year's Rotary Club President Dan Boehmer summed up the spirit of the Rotary Club when he told the Mt. Vernon Register-News, "There's such a rich history of people who have done so many things in the community for the sake of service itself. When you get people together who know how to get things done, you get a lot done in the community."

I want to congratulate Mr. Boehmer and all the members of the Mt. Vernon Rotary Club, past and present, on celebrating their 90th anniversary, and to join with the other Members of this House in wishing them continued success for another 90 years and beyond.

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HONORING GARY RAFFIA

**HON. JOE COURTNEY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. COURTNEY. Madam Speaker, I rise today to honor a man whose generosity and service to his community made this past Memorial Day an unforgettable one. Gary Raffia of Enfield designed and built a spectacular

float for the town's Memorial Day Parade—one which served as a powerful tribute to our state's fallen heroes during the wars in Iraq and Afghanistan. Gary's star-shaped float was draped in a banner displaying the name and picture of every Connecticut soldier who paid the ultimate price for their nation since 2001. The perimeter of the float was decorated with American flags.

Along with everyone present at Enfield's Memorial Day Parade, I was truly moved by Gary's tremendous act of citizenship. Not only did he design and build this float, but he paid for the entire project. Gary is a local farmer by trade and the son of a World War II veteran. It was his friend Teddy, also a veteran, and many others in the community that compelled Gary to build this float. His tribute to Connecticut's fallen soldiers was a selfless act that embodies the support and gratitude our troops deserve on Memorial Day and throughout the year. By creating this float and including it in the parade, Gary honored equally those soldiers who were fortunate enough to come home and those who were not.

Gary is a man with a history of making his visions become a reality—much to the benefit of those around him. Once before, he built a shed with an opening where people in the community could come to drop off cans and bottles. All the money redeemed from the cans and bottles was donated to a local medical facility for children with cancer. Gary is quick to acknowledge his loyal friends who helped him with these projects and I too want to thank them for their hard work.

I ask my colleagues to join me in honoring Gary and his friends as well as congratulating them for their service to the community.

#### THE RETIREMENT OF RONALD T.Y. MOON, CHIEF JUSTICE OF THE HAWAII STATE SUPREME COURT

**HON. MAZIE K. HIRONO**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Ms. HIRONO. Madam Speaker, I rise today to congratulate Hawaii Supreme Court Chief Justice Ronald T.Y. Moon on his retirement. I know that I am not alone regretting that, due to Hawaii State law, he must retire from service on his 70th birthday this September. He will be missed.

C.J. Moon, as he is affectionately known, has served as Chief Justice of the Hawaii Supreme Court for seventeen years. C.J. Moon also has the distinction of being the first Korean-American to become Chief Justice of any Supreme Court in the United States of America.

As his time on the Hawaii Supreme Court bench comes to a close, it was interesting to learn that it was almost a fluke that C.J. Moon went into the field of law at all. He attended three different high schools in Hawaii and, apparently, took little interest in his studies. This attitude changed during his years at Coe College in Cedar Rapids, Iowa. It was there that he met a cousin who was attending law school. Meeting this cousin, combined with Ron's experiences of racial discrimination, piqued his interest in the law.

He received a Bachelor of Science degree in Psychology and Sociology from Coe College. Ron then graduated from the University of Iowa School of Law in 1965 and returned to Honolulu to clerk for United States District Court Judge Martin Pence.

His diligence on the job was evident even then. During his clerkship with Judge Pence, he once climbed into a trash bin outside the federal court building to look for a lost jury verdict form. The search was unsuccessful. He later learned that Judge Pence had another copy of the form in his office the whole time.

In 1966, Ron joined the staff of the Prosecuting Attorney of the City and County of Honolulu, where he served as a deputy prosecutor until 1968. He left public service to become a partner in the law firm Libkuman, Ventura, Moon, and Ayabe, where he stayed until 1982.

It was from that firm that Hawaii Governor George Ariyoshi appointed Ron Moon to the Hawaii State Judiciary as a Circuit Court Judge. He would serve in that position for eight years, earning the respect of attorneys, including myself, who came before him. He was particularly persuasive in getting plaintiff and defense attorneys to resolve cases fairly before trial.

Governor John Waihee then elevated Ron to the office of Associate Justice of the Hawaii State Supreme Court in 1990. In 1993, he was elevated to the position of Chief Justice.

As his retirement looms near, the people of Hawaii have begun to pay tribute to the incredible service of C.J. Moon. The County of Hawaii recently recognized May 7, 2010, as Chief Justice Ronald T.Y. Moon Day. The Hawaii State Legislature has also recommended that the new Kapolei Court Complex be named after C.J. Moon, who spearheaded the project. The Hawaii Chapter of the National Asian Pacific American Bar Association will celebrate the career of C.J. Moon on June 23, 2010.

C.J. Moon has joked that he is "looking forward to joining [his] fellow retired judges and other judiciary employees at [his] neighborhood McDonald's." It will be a retirement that has been well-earned.

Mahalo nui loa (thank you very much), C.J. Moon, for your many years of admirable stewardship of our system of courts and laws. I would also like to thank C.J. Moon's wife Stella and his family for sharing C.J. with us.

#### RECOGNIZING THE METRO-EAST LUTHERAN HIGH SCHOOL DANCE TEAM

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. SHIMKUS. Madam Speaker, I rise today to honor the state champion dance team from Metro-East Lutheran High School in Edwardsville, Illinois.

Just three one-hundredths of a point separated the Dancer Knights from a clean sweep at state. They captured state championship honors in Class A Jazz and Class A Pom Dance, and narrowly missed the title in Lyrical.

These were just the latest titles in the distinguished history of the Dancer Knights, who also won state championships in 2005, 2008 and 2009.

I want to join with the other Members of this House in congratulating coaches Kristen Reeb-Wardlaw, Mariah Scott and Stephanie McGovern for their work with this outstanding group of student-athletes. I especially want to congratulate the members of the Dancer Knights on their tremendous achievement: Katelyn Batty, Shanna Rull, Katie Miller, Leah Yurchuck, Haley Santen, Phoenix Helmkamp, Jessica Ross, Sarah Menk, Ashley Paskero, Alyssa Rupprecht, Allison Clessa and Becky Newton.

These young ladies have represented themselves, their school and their community in an exemplary fashion. I wish them continued success in both their academic and athletic endeavors.

#### PERSONAL EXPLANATION

**HON. DANNY K. DAVIS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. DAVIS of Illinois. Madam Speaker, I was unable to cast votes on the following legislative measures. If I were present for rollcall votes, I would have voted in the following manner:

Roll 347, June 10, 2010: On Agreeing to the Amendment: Waters of California Amendment No. 1 to H.R. 5072, FHA Reform Act of 2010, I would have voted, "aye."

Roll 348, June 10, 2010: On Agreeing to the Amendment: Garrett of New Jersey Amendment no. 5 to H.R. 5072, FHA Reform Act of 2010, I would have voted, "no."

Roll 349, June 10, 2010: On Agreeing to the Amendment: Price of Georgia Amendment no. 7 to H.R. 5072, FHA Reform Act of 2010, I would have voted, "no."

Roll 350, June 10, 2010: On Agreeing to the Amendment: Turner of Ohio Amendment no. 9 to H.R. 5072, FHA Reform Act of 2010, I would have voted, "no."

Roll 351, June 10, 2010: On Agreeing to the Amendment: Edwards of Texas Amendment no. 12 to H.R. 5072, FHA Reform Act of 2010, I would have voted, "no."

Roll 352, June 10, 2010: On Agreeing to the Amendment: Maffei of New York Amendment no. 13 to H.R. 5072, FHA Reform Act of 2010, I would have voted, "aye."

Roll 353, June 10, 2010: On Passage: H.R. 5072, FHA Reform Act of 2010, I would have voted, "aye."

Roll 354, June 10, 2010: On Motion to Suspend the Rules and Pass: S. 3473, To amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill, I would have voted, "aye."

Roll 355, June 14, 2010: On Motion to Suspend the Rules and Agree: H. Res. 1368, Supporting the goals of National Dairy Month, I would have voted, "aye."

Roll 356, June 14, 2010: On Motion to Suspend the Rules and Agree: H. Res. 1409, Expressing support for designation of June 20,

2010, as "American Eagle Day", and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States, I would have voted, "aye."

Roll 357, June 14, 2010: On Motion to Suspend the Rules and Pass: H.R. 5502, To amend the effective date of the gift card provisions of the Credit Card Accountability Responsibility and Disclosure Act of 2009, I would have voted, "aye."

Roll 358, June 15, 2010: On Motion to Suspend the Rules and Agree: H. Res. 1383, Honoring Dr. Larry Case on his retirement as National FFA Advisor, I would have voted, "aye."

Roll 359, June 15, 2010: On Agreeing to the Resolution: H. Res. 1436, Providing for consideration of H.R. 5486, the Small Business Jobs Tax Relief Act; and providing for consideration of H.R. 5297, the Small Business Lending Fund Act, I would have voted, "aye."

Roll 360, June 15, 2010: On Motion to Suspend the Rules and Pass, as Amended: H.R. 4855, Work-Life Balance Award Act, I would have voted, "aye."

Roll 365, June 16, 2010: On Motion to Suspend the Rules and Agree: H. Con. Res. 242, Honoring the NAACP on its 101st anniversary, I would have voted, "aye."

Roll 366, June 16, 2010: On Motion to Suspend the Rules and Agree: H. Res. 1422, Honoring the Department of Justice on the occasion of its 140th anniversary, I would have voted, "aye."

Roll 367, June 16, 2010: On Motion to Suspend and Agree, as Amended: H. Res. 1414, Congratulating Urban Prep Charter Academy for Young Men—Englewood Campus, the Nation's first all-male charter high school, for achieving a 100 percent college acceptance rate for all 107 members of its first graduating class of 2010, I would have voted, "aye."

#### RECOGNIZING THE 60TH ANNIVERSARY OF THE KOREAN WAR

##### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. SHIMKUS. Madam Speaker, I rise today in remembrance of the 60th Anniversary of the beginning of the Korean War. The Korean War began on June 25, 1950, when the North invaded the South, and continued till an armistice was signed on July 27, 1953. As we all know, troops remain on the border today.

I have a special fondness for Korean veterans, as my father (Gene Shimkus of Collinsville, Illinois) served in Korea.

One and one-half million United States soldiers answered the call to arms during the war. 54,246 United States soldiers lost their lives while fighting in Korea. 103,284 United States soldiers were wounded; 7,140 were taken prisoner; and 8,177 were listed as missing in action while fighting in Korea. 131 Medals of Honor were received for exceptional bravery and courage by those fighting in Korea with 93 of those being awarded posthumously.

Today, the number of living Korean War veterans continues to decline each year, depriving

them the opportunity to accept the appreciation of their service from a grateful nation. I honor those who so bravely fought and made the ultimate sacrifice in Korea. May God bless our Korean War veterans and may God continue to bless America.

#### TRIBUTE TO MR. JEFF THEERMAN

##### HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. AKIN. Madam Speaker, today I wish to congratulate Mr. Jeff Theerman, Executive Director of the Metropolitan St. Louis Sewer District (MSD) on his election as the new President of the National Association of Clean Water Agencies, NACWA.

Mr. Theerman is an accomplished leader and committed environmental steward. He has dedicated his career to the improvement of the environment and public health in Missouri, and throughout the Nation. Without a doubt, he is ideally suited for this national leadership position with NACWA.

Mr. Theerman has served Missouri through his work at MSD for over 25 years. In October of 2003 he was named MSD's Executive Director, willingly and ably accepting accountability for all aspects of the utility's operations.

As MSD's Executive Director, Mr. Theerman leads one of the nation's largest wastewater and stormwater management utilities, providing services to approximately 1.4 million people in the City of St. Louis and St. Louis County. Under his leadership the MSD currently operates seven wastewater treatment facilities, treating an average of 330 million gallons of water per day and maintaining 9,649 miles of sewers.

Since joining others in founding NACWA 40 years ago, the Metropolitan St. Louis Sewer District has benefitted from its active engagement with the organization. A member of NACWA's Board of Directors since 2004, Mr. Theerman has served as the organization's Secretary, Treasurer and Vice President. It is fitting that his election as President coincides with the 40th anniversary of NACWA's advocacy on behalf of the nation's clean water agencies—and the environment we all value so much.

When I hear the terms like "accountable" and "responsive," I think of public servants like Mr. Theerman. Under his able leadership NACWA looks forward to proactively and effectively addressing the complex 21st century water quality challenges we face as a nation.

It is my sincere pleasure to congratulate Jeff Theerman on becoming President of NACWA. I am certain his actions will ensure continued water quality progress for St. Louis, Missouri, and the Nation.

#### RECOGNIZING THE RETIREMENT OF MASTER SERGEANT BUENALFLOR ROBLES, JR. FROM THE HAWAII AIR NATIONAL GUARD

##### HON. CHARLES K. DJOU

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. DJOU. Madam Speaker, I rise today to recognize the service and achievements of Master Sergeant Buenalflor Robles, Jr. throughout his 28 years in the US Air Force and the Hawaii Air National Guard.

MSgt. Robles enlisted in 1983 and served on Active Duty until 1993, when he joined the Hawaii Air National Guard. For his service in the United States Air Force, MSgt. Robles received Air Force Achievement, Commendation and Meritorious Service Medals. MSgt. Robles served as a Knowledge Operations Management Specialist in the Hawaii Air National Guard, and held numerous supervisory positions in the Air Force. While serving full-time in the Hawaii Air National Guard, MSgt. Robles completed his Bachelor of Business Administration.

As a Captain in the Army National Guard, I understand the demands placed on guardsmen and I commend MSgt. Robles for his dedication to education and honorable service to the United States. I would also like to recognize MSgt. Robles' wife, Cheryl, his son, Andrew, and his daughter, Azia, each of whom supported his work throughout the years. I congratulate MSgt. Robles on his retirement from the Hawaii Air National Guard and thank him for his service to the state of Hawaii.

#### HONORING COLONEL J. MOTLEY

##### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. KILDEE. Madam Speaker, I rise today to honor Colonel J. Motley, the Grand Worthy Patron of the Prince Hall Grand Chapter, Order of the Eastern Star, Prince Hall Affiliation, Jurisdiction of Michigan. Mr. Motley is only the third person from the Royal Star Chapter No. 27 to hold this esteemed position and he will be honored at an event in Flint, Michigan on Saturday, June 19th.

Colonel J. Motley was born the 7th child of 13 children. He graduated from CCTS High School in Alabama and moved to Michigan. He retired from General Motors after 35 years of service. He serves on the Usher Board #2 at Mt. Calvary Baptist Church and has been a member of the congregation for 46 years. He is a member of the Westwood High Block Club. Mr. Motley and his wife, Barbara, have 3 children and 5 grandchildren.

He is a member of the Eureka Lodge No. 16 and has served as Worshipful Master for two years. He has served as Excellent High Priest with the Royal Arch Chapter No. 17, and he is the Past Patron of the Royal Star Chapter No. 27. He is also a member of the

Saginaw Valley Consistory No. 71. In addition to his work with the Order of the Eastern Star, Mr. Motley helps senior citizens with their lawns, shovels snow in the winter, helps to keep our highways clean, does security watch in his neighborhood, and works with teenage boys through the Ushers Ministry.

Madam Speaker, I ask the House of Representatives to applaud the work of Colonel J. Motley. He is an individual dedicated to helping others in need. I congratulate him for the honor he has received from his peers and I commend him for his charity, fellowship and assistance to both friends and strangers. May he continue in his service to others for many, many years to come.

#### RECOGNIZING THE ACHIEVEMENTS OF COACH DAVE SHOJI

**HON. CHARLES K. DJOU**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. DJOU. Madam Speaker, I rise today to recognize the University of Hawaii Rainbow Wahine women's volleyball head coach, Dave Shoji. The American Volleyball Coaches Association Hall of Fame recently announced that Coach Shoji will be inducted in December 2010 for his work at the University of Hawaii and for the success of the Rainbow Wahine women's volleyball team.

Coach Shoji is only the second coach in NCAA Division I women's volleyball history to reach the 1,000-win mark. He achieved this feat in 2009 and he continues to lead his team to victory. Throughout his years with the University of Hawaii, Coach Shoji captured four women's volleyball national championships, three NCAA Division I Crowns, and an AIAW title. It is evident that Coach Shoji's leadership and devotion to his team contributed to the 18 seasons with 30 or more wins for the Rainbow Wahine. He, personally, received 10 conference coach of the year awards, two AVCA National Coach of the Year awards, and an All-time Great Coach Award in the Donald Shondell Contemporary Division by USA Volleyball.

On behalf of the students, faculty, and citizens of the 1st Congressional District of Hawaii, I would like to extend my congratulations to Coach Shoji for his amazing achievements throughout his coaching career at the University of Hawaii.

#### A TRIBUTE TO JULIO SALINAS

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Julio Salinas for his commitment to excellence in business and contracting.

Julio Salinas is the owner of Mecca Contracting, Inc. located in the Bushwick section of Brooklyn, New York. Mr. Salinas was born in Canton San Juan Bosco, Morona Santiago

Ecuador and came to Brooklyn twenty years ago. He is married to Sonia Salinas and they have two children, Donna, age 12, and Emily, age 2.

Mr. Salinas likes to work with people, especially those that need encouragement to take a step in the right direction. From his early experiences in the United States as a laborer, he knows firsthand how difficult life can be. He draws strength from his upbringing and thanks his parents for showing him the right path to walk. His parents' guidance allowed him to become a man of great integrity and moral fortitude. He was educated at Rio Upano de la ciudad de Sucua, Ecuador where he obtained his Bachelor's degree.

Mr. Salinas started Mecca Contracting, Inc. in 1997 and worked first as a subcontractor, and now as a general contractor. He works closely with the City of New York, Department of Housing Preservation and Development (HPD). Mr. Salinas holds numerous certifications: NYC Department of Small Business Services (MBE), NY & NJ Minority Supplier Development Council (MBE), Empire State Development (Minority-Owned Business Enterprise), the Port Authority of NY & NJ (Minority-Owned and Small Business Enterprise), New York City MWSBE Housing Authority, NYC School of Construction Authority (MBE), and the Dormitory Authority-State of New York (MWBE). In 2002 he obtained a certificate from the Construction Management Institute sponsored by Jamaica Business Resource Center and New York State Chapter of the National Association of Minority Contractors. In 2003 he completed the Construction Management Training Certificate Program, sponsored by New York City Department of Small Business Services and Turner Construction. And in 2006 he obtained a certificate in Construction Management Building Blocks Program, sponsored by Skanska USA, The New York State Chapter of the National Association of Minority Contractors and Medgar Evers College. In 2008 he obtained a Certificate in Construction Management, sponsored by Pace University, Regional Alliance for Small Contractors, and The Port Authority of NY & NJ. In 2004 Mr. Salinas started another business called Broadway Supplies Lumber Corp.

Mr. Salinas has affiliations with the Regional Alliance for Small Contractors, the New York State Chapter of the National Association of Minority Contractors, The Association of Minority Enterprises of New York, Inc., NHCA Hispanic National Construction Association, League of United Latin American Citizens and Youth Organization JUVÉ Ecuador. He has also been a member of Community Board # 4. In his free time he enjoys watching documentaries on television and listening to sports and classical music. He enjoys his weekends greatly, often with a good meal.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Julio Salinas.

STATE COMMANDER OF INDIANA  
DEPARTMENT OF THE VET-  
ERANS OF FOREIGN WARS EU-  
GENE KIJANOWSKI

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. VISCLOSKY. Madam Speaker, it is with great honor that I stand before you today to pay tribute to Eugene H. Kijanowski and to congratulate him on his upcoming installation as the State Commander of the Indiana Department of the Veterans of Foreign Wars. Northwest Indiana is certainly indebted to Mr. Kijanowski for his tireless commitment to those who have crossed seas to fight for our country. In honor of Mr. Kijanowski, a celebratory reception will be held on June 20, 2010, at Veterans of Foreign Wars (VFW) Post 717 in Saint John, Indiana.

Eugene Kijanowski hails from a family with a great military tradition. All three of his brothers served in the armed forces—Thomas and Jerome in the Army, and Wayne in the Air Force. Eugene began his military career in Whidbey Island, Washington, as a member of the United States Navy, where he worked as a parachute rigger and specialized in aircraft hydraulics. He was then transferred to Miramar Naval Air Station to Light Photographic Squadron 63, where he became Aviation Hydraulics Mechanic Third Class as well as a plane captain for the squadron. On the morning of October 26, 1966, aboard the USS *Oriskany* off the coast of North Vietnam, Mr. Kijanowski was forced to show his true character as a disastrous fire broke out on the flight deck. Crewmen, including Eugene, valiantly fought the fire, jettisoning heavy bombs which lay within reach of the flames. Other men wheeled planes out of danger, rescued pilots, and helped to halt the fire. In the end, 44 sailors perished and 156 were injured. The USS *Oriskany* returned to Subic Bay on October 28, 1966; and Eugene was discharged on November 16, 1966. His courage and performance on the USS *Oriskany* earned him the Vietnam Service Medal.

Commander Kijanowski joined the VFW in 1976 and has since held every office in his post. He has garnered many accolades and is a perennial state award winner. During his service with the VFW, Eugene was awarded the prestigious Eisenhower Award for outstanding leadership. Eugene will continue his lifelong commitment to the VFW and will become State Commander of the Indiana Veterans of Foreign Wars on June 20, 2010. For his truly heroic service to our nation and his outstanding dedication to the VFW, Mr. Kijanowski is worthy of the highest praise.

Eugene's devotion to the VFW is exceeded only by his devotion to his wonderful family. He has been married to his loving wife, Mary, for 42 years. They have two beloved children: Mary and Kevin.

Madam Speaker, I ask that you and my other distinguished colleagues join me in commending Eugene Kijanowski for his service and dedication in the United States Navy and congratulate him on his new position of leadership as State Commander of the Veterans of Foreign Wars Department of Indiana.

A TRIBUTE TO SHEILA STEWART-BETEGON

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Sheila Stewart-Betegon for her tireless service to her community.

Sheila Stewart-Betegon was born August 22 in Colon in the Republic of Panama to Cathleen and August Stewart. She is the youngest of three sisters; her older sisters are Maritza Austin and Diana Street. She is married to Porfirio Betegon; she has three children and one grandchild.

Sheila graduated from Abel Bravo High School in Colon and went to study law and political science in the University of Panama. She migrated to the United States in December of 1984.

Like many immigrants, Sheila took odd jobs such as fast food restaurants, and working as a messenger and mail clerk while pursuing the American dream. As a determined and ambitious woman with aspirations of growing professionally, she completed her undergraduate studies in criminal justice at John Jay College in February 1989.

Thereafter she began to work for Miracle Makers Inc., one of the largest minority nonprofit organizations in the State of New York. For 16 years Sheila worked at Miracle Makers Inc. and served the community in numerous capacities: as a caseworker, supervisor and coordinator for permanency planning. Sheila monitored over fifty children annually in their foster homes and schools and assessed the goal of reunification of children and families.

In order to keep up with the increasing demands for high level professionals, Sheila returned to college and obtained a Masters degree from Long Island University Brooklyn Campus in 2001.

In 2005, Sheila carried over her experience and skills in social service and social work involving children and young adults to the Salvation Army, one of the oldest social services organizations in the United States. Sheila was hired as a recruiting officer to find foster and adoptive parents for children who could not remain with their biological family.

During this time Sheila volunteered her service at "Prouecto de Trabajadores Latino Americanos" providing instruction in English as a second language to immigrants. Sheila is a member of Free Will Church of God in Christ where the pastor is Eddie Lacewell. Sheila has been given the opportunity to bring forth the word of God.

In 2006, Sheila returned to Panama for six months to culminate her studies in law and obtain her degree as a lawyer. She is currently employed as a Probation Officer for the City of New York Department of Probation.

Madam Speaker, I urge my colleagues to join me in recognizing the contributions of Sheila Stewart-Betegon.

THIRD TIME'S A CHARM FOR SOUTHWESTERN RANDOLPH

**HON. HOWARD COBLE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. COBLE. Madam Speaker, on behalf of the citizens of the Sixth District of North Carolina, we wish to extend our congratulations to the Southwestern Randolph High School softball team for winning the North Carolina High School Athletic Association State 3-A softball championship for the third time in 4 years. The Southwestern Randolph Cougars defeated Crest High School 6-1 on June 5, 2010, at Walnut Creek Softball Complex in Raleigh, North Carolina, to win the title.

The win did not come easily with the Cougars trailing 1-0 after the third inning. After readjusting to the Chargers' pitching style and hitting fewer pop-ups, the Cougars managed to score a run in the fourth inning. Cougars' pitcher Julia Calicutt was able to stop the Chargers from scoring additional runs in the fifth and sixth innings. Having played two seasons behind Southwestern Randolph's 4-year starter Anna Maness, Calicutt was finally given her chance to shine. Calicutt's athleticism and hard work gave the Cougars the opportunity they needed to claim the state title.

The Cougars ended the game tacking on three additional runs in the fifth inning and two in the sixth. "It's an awesome feeling," Calicutt told the Asheboro Courier-Tribune. "There were doubts at the beginning of the season. We had to do this to prove ourselves," added Calicutt.

The championship team members included: Cythnia Hayes, Hannah Hughes, Erin Billups, Olivia Hickman, Julia Calicutt, Kelsey Hoover, Victoria Hunt, Sydney Hyder, Sloane King, Ashia Nicholson, Kaylee King, Paige Parrish, Hayleigh Clapp, Brooke Hayes, Hagan Kiser, Felicia Brady, Braden Newlin, and Alexandria O'Connell. Assisting Head Coach Ricky Martinez were Brook Smith, Robert Hayes and Wendell Seawell.

Again, we would like to congratulate Southwestern Randolph High School's softball team, faculty, staff, students, and fans for an outstanding championship season.

A TRIBUTE TO NATHAN BRADLEY

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Nathan Bradley for his continued involvement in his community.

Nathan Bradley was born and raised in Brooklyn, and educated in the New York City Public School system. He is a veteran of the United States Army and has studied advanced micro electronics technology, computer science and graphic design. Upon completion of his education, Nathan worked for an information technology company wherein he installed networks, was responsible for troubleshooting and repaired computers. He also

worked in the Graphic Design Department where he was a Senior Project Manager.

In 1989 Nathan became actively involved in the Ronald Brown Democratic Club. Through the years he has developed an extensive background in community relations from organizing faith based and community based organizations, youth groups and groups with varying ethnic backgrounds such as Jewish, Russian, Hispanic, Caribbean and African American.

Nathan has been involved in various electoral campaigns at the Federal, State, city and judicial levels. He has served in the capacity of Campaign Manager, Deputy Campaign Manager and Field Operation Coordinator throughout the borough of Brooklyn. In these various capacities, Nathan has been profoundly involved in grassroots organizing, voter registration drives, door to door canvassing, phone banks, and petition drives.

Nathan has served as a Chief of Staff to a member of the New York State Assembly. He is currently the Deputy Chief of Staff for the Majority conference leader of the New York State Senate, the Honorable John L. Sampson. He is also the Chairman of Brooklyn Community Board #5, a member of the Community Advisory Board at Brookdale Hospital, a member of the Board of Directors of East New York Kids Power, and also a member of the Board of Directors of the True Worship Church.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Nathan Bradley.

TRIBUTE TO HONOR FLIGHT OF OREGON

**HON. GREG WALDEN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. WALDEN. Madam Speaker, I rise on the occasion of Oregon's inaugural Honor Flight journey of 24 of Oregon World War II and Korean War era veterans to visit their memorials here in Washington, DC. On behalf of a grateful congressional delegation, state, and country, I welcome these heroes to our nation's capital where I am honored to host a special recognition event for them.

The veterans on this Honor Flight are World War II veterans: Jim Cate, U.S. Marine Corps; Don Daugherty, U.S. Navy; Russell "Gunner" Day, U.S. Navy; Al Grant, U.S. Navy; Bob Haskin, U.S. Army Air Corps; Hank Henson, U.S. Army Air Corps; Don Huebsch, U.S. Marine Corps; Anne Lariaia, U.S. Air Force; Rocco Laroia Jr., U.S. Navy, Army, Air Force; Ed LeRoy, U.S. Navy; Dennis "Mac" McManus Sr., U.S. Army; Paul Miller, U.S. Army; Richard Miller, U.S. Army; Ed Morehead, U.S. Army Air Corps; Marvin "Bud" Morss, U.S. Air Force; Al E. Rogers, U.S. Navy; Ken Shideler, U.S. Army; Samuel "Smitty" Smith, U.S. Navy; Bill Spencer, U.S. Marine Corps; Don Spencer Sr., U.S. Army Air Corps; George "Vince" Stauffer, U.S. Coast Guard; Vyrl "Ed" Sweeney, U.S. Army; and Ervin "Van" Van Blaricom, U.S. Marine Corps.

Madam Speaker, these 24 veterans from Oregon join more than 35,000 veterans from

across the country who, since 2005, have traveled to our nation's capital to visit and reflect at memorials built here in their honor. This Honor Flight was made possible thanks to generous donations and contributions from the public to honor these American heroes.

We truly can never repay the debt we owe these soldiers, sailors, airmen, Marines, and Coast Guardsmen who put themselves in harm's way to protect us and our liberty and freedom. The sacrifices made by these outstanding citizens—and the families they left behind—are truly incredible. Without their honor, courage, commitment, and sacrifice, we would not enjoy the freedoms we cherish today.

Please join me in thanking these Oregon veterans and the volunteers of Honor Flight of Oregon for their dedication, commitment, and service to our great nation. May God bless them and may God Bless America.

A TRIBUTE TO MARY ELIZABETH  
WHITEHEAD CLARK

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Mary Elizabeth Whitehead Clark for her dedication to service and work as a community activist.

Mary Elizabeth Catten, the oldest of six children, was born on October 8, 1938 in Franklin, Virginia where her family owned and worked their land and grew fruits, and vegetables. After having her first child, Arlinda, saving her money and getting married to Jesse Whitehead, she moved her family to the East New York section of Brooklyn, New York. She and her husband have five other children: Jesse Jr., Jacqueline, Johnette, John and Juanita, and raised five of her husband's nieces and nephews.

Mary became Director of a daycare in East New York that employed 10 adults as well as 15 neighborhood youth during the summer. Through her strong leadership in the community of East New York, Mary played a key role in working with Community Board 5, and former Mayor of New York City, the Honorable Abraham "Abe" Beame, in mapping out the new housing developments that were built in East New York, currently known as the Nehemiah homes. Mary started a block association on Sutter Avenue to improve the conditions in the neighborhood of Community Board 5.

Mary's family outgrew their Sutter avenue apartment and later moved into a house in the Bedford Stuyvesant section of Brooklyn. She gave birth to a second set of twins (Mary and Marty) that gave her and Jesse 13 children to raise.

Mary started another block association in her new neighborhood on Halsey Street. She was always involved in the schools that her children attended. Sadly, her beloved husband passed away in 1974. Shortly thereafter, Mary began attending the Macedonia Disciples of Church of God in Christ. She served as the pastor's aide and became a member of the usher's board. She also became involved with

the church food pantry, which distributes food to individuals and families in the Bedford Stuyvesant community. The church was an integral part of Mary's life and helped to make sure that her entire family knew God. Mary is still an active member of the church to this day and continues to tirelessly run the food pantry. Mary continues to maintain a presence in the schools that her children attended and served as President of the P.T.A. of P.S. 93, J.H.S. 258, and Boys and Girls High School. Mary inspires everyone she meets to make a better life for their families and communities.

As her children grew old enough to care for themselves, Mary went back to school and trained to become a home health aide. After successfully completing school and working for a while as a home health aide, she began teaching home health aide courses at the request of the directors of her school. Mary retired after many years of teaching, but her teaching days were far from over. Mary raised two of her many grandchildren, ran the food pantry and served as President of the Nurses Unite organization at her church. Mary was remarried to Mr. James Clark and moved to the Bushwick section of Brooklyn where she continues to be an active member of her block association. The Mary Elizabeth Whitehead Clark legacy of community activism is continued by her children who are all in some aspects involved in politics, and community activism.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Mary Elizabeth Whitehead Clark.

TRIBUTE TO LES RICHTER

**HON. KEN CALVERT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. CALVERT. Madam Speaker, I rise today to recognize and honor the life of Leslie Alan Richter, an accomplished athlete, successful businessman, outstanding community member and close personal friend of mine. On June 12, 2010, Les passed away at the age of 79. Though Les has passed on from this life, he leaves a lasting legacy of generosity and accomplishment that will never be forgotten.

Born in Fresno, California, on October 6, 1930, Les attended the University of California, Berkeley, where he played football and graduated as valedictorian of his class in 1952. Before starting a career in professional football, Les served 2 years in the U.S. Army during the Korean War. In 1954, he started with the Los Angeles Rams, who traded a record 11 players in order to get Les. He played linebacker and place kicker for the Rams for nine seasons—eight of those being All-Pro. In 1982 he entered the College Football Hall of Fame, and he is still considered one of the greatest linebackers in professional football.

After retiring from football, Les' interests turned to auto racing, and from 1963 to 1984 he ran the Riverside Raceway in Riverside, California. He then moved to Daytona Beach, Florida, where he worked for NASCAR for 10 years, and was named executive vice presi-

dent of competition in 1986, and the senior vice president of operations in 1992. He is largely recognized as one of three key race track executives that helped guide and advise NASCAR founder "Big Bill" France, who made NASCAR the success it is today. Les built various tracks around the NASCAR circuit and was influential in helping expand the sport's national appeal. After leaving NASCAR, Les returned to Riverside, where he oversaw the development of the Auto Club Speedway.

Aside from his professional endeavors, Les was known for contributing to the community of Riverside. In fact, Les was an original member of the Monday Morning Group, a group of civic and business leaders who come to Washington every year to meet with legislators from southern California to further the goals of the Inland Empire region. Additionally, Les chaired the board of the Greater Riverside Chambers of Commerce and also served on the Riverside Community College District board of trustees.

Les is survived by his wife, Marilyn; daughter, Anne Guerrucci; and three grandchildren.

Although Les was known for his great success in his profession, he will be remembered for his gentle manner, humility and great sense of humor. I have personally been influenced by Les, and consider him one of my most valued mentors.

On behalf of all those who knew him, it is an honor to offer these remarks as a tribute to the life and legacy of my friend Les Richter. His life and presence will be sorely missed and I extend my condolences to his dear family and friends.

A TRIBUTE TO DR. JEFFREY A.  
MCKOY

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Dr. Jeffrey A. Mckoy for his dedication to educational pursuits and his work in the field of psychotherapy.

Dr. Jeffrey A. Mckoy was born in Kingston, Jamaica. He migrated to the United States and later moved to Brooklyn, New York to join his family. He attended several universities and obtained a Bachelor's degree and Master's degree and a Doctor of Science in Clinical Psychology.

At the age of 15, Dr. Mckoy began to realize the importance of education and by the time he was 17, he migrated to the United States. He enrolled in an alternative program night school and worked part-time. He found out quickly that a minimum wage job was not going to get him through college. This created a need to fund his educational pursuits. In 1980, he joined the Board of Education as a Family Paraprofessional, where he was able to gain valuable experience and support for his education. In the years in the Department of Education, he was able to attend college and graduated in 1989. He did not stop there; he later enrolled in Brooklyn College.

In 1989, he joined the family District Council 37, Local 372 and served as Released Time

Representative for approximately 8 years. It was there that he met and fell in love with his wife Gloria. He later reentered the Board of Education in 1996 as a teacher. He taught Social Studies and various subjects in middle school and High School. His wife has been supportive of his efforts through the years.

Dr. Mckoy is a psychotherapist; he currently owns and operates the mental health clinic Visionary Mental Health Counseling Service, P.C. in Brooklyn. The clinic offers counseling and psychotherapy treatments, evaluations, treatments for ADHD, ADD, ODD, anxiety, grief and loss, work and career issues, stress, and autism and Aspergers disorders.

Dr. Mckoy is a Diplomat and Board Certified member of the American Psychotherapy Association. He is also a member of American Psychological Association and a clinical member of American College of Counselors. He is a Lion and a member of the F & A.M., New York, and served as a worshipful Master of Publicity Lodge 1000.

His youngest daughter, Sheria, is 30 years old. She is a graduate of Rutgers University and the Naval Academy. She is now pursuing a medical degree. The oldest, Melissa, is 32 years old. She is a graduate of New Jersey Technical Institute. She is an Army Reservist, with a degree in finance and marketing. She is currently pursuing her dreams.

Dr. Mckoy has always placed a great importance on education. He would like to see his children continue their educational interests. He has lived a life based on hard work, education, and responsibility. It is these principles that he believes can have the greatest impact on anyone's success.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Dr. Jeffrey A. Mckoy.

**HONORING JULIA J. NOBLE, RECIPIENT OF THE DEPARTMENTAL CITATION AWARD AT THE UNIVERSITY OF CALIFORNIA-BERKELEY**

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to recognize the accomplishments of a young woman who has risen above very challenging circumstances, has attained an outstanding achievement, and serves as an example for other young people to follow.

I want to recognize Ms. Julia J. Noble, a 19-year-old Chinese-American, who recently graduated from the University of California-Berkeley this past May. Julia remarkably completed her prestigious English honors program in less than 2 years and was presented the Departmental Citation Award, or the Mark Schorer Prize, as the most outstanding English major to graduate from the University in 2010. As an Asian Pacific Islander and an alumnus, I am proud of her accomplishment which is eminently remarkable and considered impossible given her young age. The Departmental Citation Award was conferred by Dr. Samuel Otter, Chair of the English Department at University of California-Berkeley.

As an infant, born in California, Julia moved with her family to many countries in the Pacific, including Taiwan, Australia, and Japan. Through her diverse upbringing, she has always displayed a generous and noble compassion towards others. At age 13, a deep love for her homeland brought Julia back to the United States to pursue her education. Having spent the majority of her life attending Chinese- and Japanese-speaking schools, Julia had to be tutored by family friends for even the most basic reading skills. Thus her aspiration during high school to study English literature at a premier university was always met with derision and doubts. Yet Julia was undeterred, and through her determination and hard work she excelled at her high school and gained admission to the University of California-Berkeley, where she pursued a rigorous course of study in English Literature.

Julia continues to believe that one can do anything as long as one is determined and motivated by a heartfelt cause; her phenomenal success is a model for every aspiring young person. I invite my colleagues to join me in congratulating Julia for this singular superior academic accomplishment; and I personally hope this tribute may reach other young people and serve as inspiration for their future achievement as well.

**A TRIBUTE TO JOSE ANTONIO ZAPATA**

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Jose Antonio Zapata for his dedication to his community and excellence in his field.

A personable and dedicated retail bank professional, Jose Antonio Zapata is the oldest of three sons raised in Bronx, New York by proud parents Honoria Guaba and Antonio Zapata. Jose's parents left their native country of the Dominican Republic and migrated to the United States with the hope of giving their children a better life. His parents instilled in him that dedication, hard work, higher education and motivation will lead to success in life.

Graduating from the prestigious Bronx High School of Science, Jose immersed himself in becoming a noteworthy athlete in Track and Field. He also volunteered throughout the Bronx, through such deeds as helping in the clean up project at Van Cortland Park.

With his mother's relentless support for academic advancement, Jose earned a Bachelor of Science degree from Baruch College in Real Estate and Metropolitan Development. He chose this field in hopes of filling the need of affordable housing in underserved communities. However, he soon realized that having a solid understanding of financial services would enable an individual to go much further than being provided affordable shelter. Ever since then he has focused his efforts on the financial industry.

Mr. Zapata is now a highly accomplished bilingual management professional with expertise in retail banking and an interest in micro-

finance. Jose joined Citibank, a leading global financial services company, in 2004 and quickly became an award-winning employee, earning the 2005 CitiStars Top Sales Producer Award. He also became Chair of the Community Outreach and Professional Development Committee for the Citigroup Hispanic Network and Editor of the Citibank Management Association newsletter. His hard work continued to pay off as he was selected to work on high-profile initiatives for the previous chairman and C.E.O. of Citibank North America.

Jose quickly moved on to becoming Branch Manager of Citibank's Liberty Avenue branch where he has had great success. Through his management, Citibank's Liberty Avenue Branch is intensely focused on serving its clients, customers, and community through branch involvement in events such as the Bangladesh Festival, the Mobile Mexican Consulate, Community Board Meetings, and various customer appreciation initiatives.

Prior to joining Citibank, Jose provided marketing support for Gala Resources LLC and Powerhouse Mortgage and Funding and sale support for the Unicasa Realty. When he is not working, he loves playing basketball, and nurturing his younger brothers' affinity for the sport. He is also a boxing aficionado. Jose now hopes to continue his educational endeavors and entering a graduate program of study in the near future.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Jose Antonio Zapata.

**CONGRATULATING BERNARD "BERNIE" BEHREND'S ON HIS 89TH BIRTHDAY**

**HON. AARON SCHOCK**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. SCHOCK. Madam Speaker, I rise today to honor Mr. Bernard "Bernie" Behrends, an exceptional philanthropist with a passion for education. He will be celebrating his 89th birthday on July 27, 2010. His passion and dedication for providing charity to others is inspiring and commendable. Bernie's mother was widowed and raised Bernie and his sister Anna with the help of their grandfather. At an early age, they were inspired by a philosophy of charity. They were taught to help others whenever possible and to view their successes as opportunities to help others in the future. These values were the foundation on which Bernie started his volunteer and charity work and why he continues to do so to this day.

Bernie was born in Lincoln, Illinois on July 27, 1921. He completed his primary and secondary education in Lincoln, through the Lincoln public school system. In 1946, after three years of service during World War II, Bernie was honorably discharged from the United States Navy.

Bernie attended Lincoln College from 1946 to 1948 and Bradley University from 1948 to 1950, receiving his Bachelor of Science degree in general engineering from Bradley University. After completing his post-secondary

education with assistance from the GI Bill of Rights, Bernie began his successful career working as a civil engineer with the Illinois Department of Transportation. After thirty two years of service, he retired in 1982.

Throughout the years, Bernie Behrends has been an invaluable asset to our community in central Illinois by volunteering countless hours of his time and expertise. Between 1958 and 1963, Bernie served as Vice President of Immanuel Lutheran Church, and during the Vietnam War, he was a member of the Logan County Selective Service Board. Through this position, he was assigned to the Abraham Lincoln Memorial Hospital Board of Trustees from 1967 to 1973. This experience was followed by membership on the Logan County Election Board for eight years. Eventually in 1992, Bernie was elected to the coveted Board of Trustees at Lincoln College, a position he has now held for eighteen years.

Through his position on the Board of Trustees, he has worked to provide financial assistance to high school students seeking to attend college but do not have the means to do so. In 1998, with the help of his sister Anna, Bernie established the Anna and Bernard Behrends Endowed Scholarship Fund. This scholarship has provided more than forty students with the opportunity to go to college since its creation. He has also been a pioneer for education through the founding of Logan County Voiture 985 of the Forty and Eight Nurses in Training Scholarship, which has helped over 150 students pursue careers in nursing through financial assistance.

All of these accomplishments are examples of Bernie's fervor for service and leadership to the Peoria community. Not surprisingly, Bernie is also a lifetime member of many recognizable organizations such as the American Legion, Forty and Eight, Veterans of Foreign Wars, American Veterans, Benevolent and Protective Order of Elks No. 91, Lincoln Masonic Lodge, Springfield Consistory, Ansar Shrine, Logan County Shrine, and the Legion of Honor.

As of today, there are no signs of Bernie curbing his service to Peoria. He continues to dedicate his time and energy to educational service by working with his sister to provide the necessary resources to the people of our community.

In summary, Madam Speaker, Bernie Behrends is an exceptional example of service and leadership in our community. His charity and commitment to serving those less fortunate than himself has been a hallmark of his life dedicated to being a man for others. Because educational opportunities are the foundation for future success, I believe Bernie's incredible charity to the people of central Illinois is something to be cherished and celebrated. I wish Mr. Behrends a very Happy 89th Birthday, and congratulate him on his continued legacy as a community leader.

## A TRIBUTE TO JACQUELINE V. NARINE

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Jacqueline V. Narine for her many achievements in the health field.

Jacqueline V. Narine is a born and bred Brooklynite. She is the youngest daughter of the late Theodore and Marion Holmes. Educated in the New York City Public School system, she nurtured a desire to work in a hospital community. Jacqueline began in high school as a hospital volunteer and then moved onto an outstanding professional career within the New York City Health and Hospital Corporation.

In 1977, Jacqueline joined NYC Health and Hospital Corporation with the Finance Department at Cumberland Hospital as a Hospital Care Investigator. Her work style and commitment were soon acknowledged and she was promoted to Systems Analyst in Outpatient Billing. This phenomenal experience led to her position as the Assistant Director for Clinical Operations, with responsibilities in several different capacities at this North Brooklyn Health Network, including the oversight, management and budget for Ambulatory Care Services. However, the most significant aspect for Jacqueline and the key to great hospital care was always the effective and responsive care given to patients. Her impact was noticed by patients and staff.

Over the 32 years of service to the NYC Health and Hospital Corporation there have been challenges to patient care. Jacqueline and her colleagues have had to adapt to changing healthcare/managed care, decreased resources and the perpetual needs of the patients. The importance of working with the community you are serving to maintain efficiency has always been significant to Jacqueline. She has worked with the Community Advisory Board, the Auxiliary Board and the Reach Out and Read Program of Greater NY. Over the years she planned and coordinated many events. The community based event in 1996 "Bedford-Stuyvesant Resource Family Day" earned Jacqueline recognition from former New York City Public Advocate Mark Green.

Jacqueline is a fourth generation member of the Cornerstone Baptist Church in Brooklyn. She is active in the Business and Professional Women of Cornerstone Baptist Church. She is the Financial Secretary for the Bedford Section of the National Council of Negro Women Inc., member of the Senior Umbrella Network of Brooklyn, Unity Democratic Club and a lifetime member of the Jack and Jill of America, Inc., Brooklyn Chapter. Retirement will allow her the time to give generously to her family and her community.

Jacqueline has been a devoted wife for 36 years to Peter Narine and is the mother of Seth Ramjit Narine and Danielle Melissa Narine. It is scripture that guides her (Luke 12:48) "To whom much is given much is expected."

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Jacqueline V. Narine.

## CONGRATULATIONS ON YOUR RETIREMENT JEFF KIMPEL

### HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 2010

Mr. BOREN. Madam Speaker, I am here to congratulate Dr. James "Jeff" Kimpel, on his retirement after 13 years of federal service as director of NOAA's National Severe Storms Laboratory, NSSL, in Norman, Oklahoma. He has been active in advancing the Geosciences and Meteorology Program in the state of Oklahoma and throughout the nation.

His career spans not only the academic community, but government service as well. After graduating and earning graduate degrees from the University of Wisconsin, Dr. Kimpel joined the meteorological faculty at the University of Oklahoma, where he earned the rank of full professor and held several administrative positions which include dean of the College of Geosciences and provost and senior vice president of the Norman, Oklahoma campus and having the title of senior vice president of the Norman campus. He chaired both the National Science Foundation's Advisory Committee for Atmospheric Sciences and the Board of Trustees of the University Corporation for the Atmospheric Sciences.

Some of the prestigious positions that have been held by Dr. Kimpel include Assistant Professor for the Colleges of Arts and Sciences and Engineering at the University of Oklahoma, Norman campus where he was granted tenure. He later became the Associate Professor for the School of Meteorology followed by having the title of Emeritus Professor of Meteorology at the University of Oklahoma, Norman campus. Before coming to the University of Oklahoma, Dr. Kimpel held positions as research assistant at the University of Wisconsin, Madison and as a lecturer.

The NSSL is responsible for creating Doppler weather radar technology that has opened many doors and eventually led to the creation of the national NEXRAD, NEXt generation weather RADar, network which consisted of more than 160 radar systems. This has greatly reduced the number of fatalities that have been caused by tornados. During Dr. Kimpel's time there, NSSL conducted scientific and technological research that upgraded NEXRAD's systems.

Dr. Kimpel worked vigorously to launch the Multifunction Phased Array Radar initiative as a possible replacement in the future for NEXRAD. He has worked with the NWS Storm Prediction Center and the Norman Weather Forecast Office to create a Hazardous Weather Testbed to speed up the transition of new science into operational warning and forecasting decision processes. He has also expanded the NSSL's radar-based flash flood forecasting and water management programs into areas near the coast where inundation from land falling tropical storms, hurricanes and other inclement weather is possible.

Dr. James Kimpel has had a major impact throughout the state of Oklahoma, and I am proud to be from a state where he has contributed so much to protecting the lives of so many Americans through his work at the NSSL. I thank him and all Oklahomans and Americans.

#### A TRIBUTE TO DAVIS GAYLE, JR.

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Davis Gayle, Jr. for his contributions to the Brooklyn community.

Davis Gayle, Jr., the proprietor of Tropical Paradise Restaurant and Tropical Paradise Ballroom, is one of the most outstanding businesspeople in the Brooklyn area. Affectionately referred to as Junior, Gayle has distinguished himself and his establishment. With fierce entrepreneurial will and a genuine love for people, Junior has taken the business of restaurants to new heights and has transformed the Tropical Paradise franchise into a veritable cultural center.

Tropical Paradise Restaurant and Tropical Paradise Ballroom are located in the heart of the Utica Avenue metropolis. The restaurant opened on September 8, 2001 and offers a wide range of West Indian dishes. In addition to being frequented by top artists, Tropical Paradise is now well known in the community as a nurturing ground for new artists. The Tropical Paradise Ballroom opened on November 8, 2008. The large ballroom with its mirror walls and beautiful chandeliers has quickly become the "In place" for weddings, birthday parties, and community events.

Junior, American born of Honduran parentage, started in business in 1979 working in his father's meat market. He continued to learn and absorb all that he could about the business from his father while pursuing his own career path. In 1988, he joined the New York City Department of Corrections. As a corrections officer for 13 years, Junior worked the night shift at the Anna M. Kross Center, which is the largest correctional facility on Rikers Island. By day, he continued to help his father build one of the best known meat markets in Brooklyn.

By 1994, Junior was ready and fully prepared to take on business ownership for himself. Taking a leave of absence from the Department of Corrections, he opened the Avenue D Meat Market. This business continues to be one of the most successful in the area.

His love and concern for his community was evident in 1983 when Junior became an Auxiliary Police Officer at the 67th precinct. Now, as a restaurant owner, he continues to give back to the community. He does so by graciously supporting cultural events in the area by providing courtesy backstage catering. Every Christmas, Junior and Tropical Paradise produce a cultural show that has become a calendar event in the Brooklyn West Indian Community.

As a role model, Junior willingly shares his personal credo with young people. "Anything

you desire in life can be achieved with hard work and education," he says. Junior's commitment to excellence and community service has been recognized and rewarded with several awards including the "Men of Distinction Award" from former State Senator Mary Markowitz in 2001 and a Community Service Award from New York Tabernacle Church.

Junior is married to Joanne Gayle and is the proud father of two daughters, Leonie and Jasmine.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Davis Gayle, Jr.

#### HONORING TODD DENBESTE

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Todd DenBeste upon his retirement from the California Highway Patrol, Oakhurst Area Office. Officer DenBeste will officially retire June 30, 2010, after twenty-eight years of service. A party will be held in his honor on Saturday, June 26, 2010 in Oakhurst, California.

Officer Todd DenBeste graduated from West High School in Torrance, California. Upon graduating from high school, he worked in the private sector until he was appointed to the California Highway Patrol academy in 1982. Upon completing the academy, he was immediately placed in the South Los Angeles Area Office, where he was later assigned to the motor squad. Officer DenBeste served in South Los Angeles for nine years.

In December 1991, Officer DenBeste was transferred to the California Highway Patrol Resident Post in Oakhurst, California. When the Oakhurst Area Office was formed in 2003, Officer DenBeste was assigned to that office.

Officer DenBeste has been married to his wife, Leisa, for thirty-three years. They have two children, Justin and Melissa.

Madam Speaker, I rise today to commend and congratulate Todd DenBeste for his tremendous service to the state of California upon his retirement from the California Highway Patrol. I invite my colleagues to join me in wishing Officer DenBeste many years of continued success.

#### A TRIBUTE TO REVEREND DR. MARK V. C. TAYLOR

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Reverend Dr. Mark V. C. Taylor for his dedication to his faith and tireless service to his community.

Reverend Dr. Mark V. C. Taylor is a native of Chicago, Illinois. He was licensed in 1978 and ordained in 1979 at the Living Hope Baptist Church in Chicago under the leadership of Rev. James F. Jordan. From 1978 to 1981 he

attended the Faith Temple Church of God in Christ under the leadership of Bishop Carliss L. Moody, who was one of the participating ministers at Dr. Taylor's ordination in 1979.

Dr. Taylor received his B.A. in History from Northwestern University, Master's of Divinity in Theology and Church History, Master's of Philosophy in Church History and a Ph.D. in Church History from Union Theological Seminary in New York.

Dr. Taylor is currently the Pastor at The Church of the Open Door in Brooklyn, New York where he has developed several new programs; a Council of Ministries, including nine ministries specifically addressing the needs of the community and Black Male Emphasis Sundays. He has developed an extensive outreach ministry through outdoor services. He works closely with the youth and conducts a monthly bible study where the youth of the church openly discuss pertinent issues of the day and how they relate to the Word of God.

Recently he has formed a Bible Institute, which seeks to provide a pleasurable and informative encounter with the Word of God. He has sponsored a new church school curriculum and a new summation of the Church's Doctrine called the Doctrine of Christian Wholism. He is very active and can often be found at public hearings and in community meetings.

Dr. Taylor has published many articles and his dissertation was titled "Godless Spots in Paradise: Social Christianity and Public Housing 1932-1955". His most recent publication titled, "In Times Like These: Sermons of Christian Power for Post-Modern Urban America", is an uplifting collection of his sermons dealing with today's issues.

Dr. Taylor also is an evangelist. In addition to outdoor services in the community surrounding the church, he preaches at many local congregations and has preached in churches from New York to Los Angeles. Dr. Taylor defines the focus of his ministry as "Progressive Pentecostalism," the attempt to link the best of western rationality and the democratic tradition to the need to be filled with the Holy Spirit.

Madam Speaker, I urge my colleagues to join me in recognizing the contributions of Reverend Dr. Mark V. C. Taylor.

#### TRIBUTE TO WARREN BAKER

### HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. MCCARTHY of California. Madam Speaker, I rise today to honor Warren J. Baker, an educational leader from San Luis Obispo, California, which I represent, on his retirement after nearly a half century of service to higher education, including the past 31 years as the President of California Polytechnic State University, San Luis Obispo, Cal Poly.

A geotechnical engineer by training, Warren has had many experiences that helped enhance his leadership abilities before joining Cal Poly as President, including teaching at

the University of Detroit as a Chrysler Professor, and later serving as Dean of the College of Engineering and Vice President for Academic Affairs.

Warren became the Cal Poly President in 1979. Throughout his tenure, he initiated many improvements at the University, raising Cal Poly's profile, particularly in the fields of Architecture, Agriculture and Engineering. Under Warren's leadership, the educational opportunities of students significantly expanded with the addition of 20 new majors and 72 minors and 15 new master's degree programs. In addition, over this period Cal Poly established the Irrigation Training and Research Center, the Environmental Biotechnology Institute, the Dairy Products Technology Center, the Collaborative Agent Design Research Center, and the Brock Institute for Agricultural Communication. Throughout his tenure, Warren and his team found creative ways to support student success, including funding \$1 billion in state-of-the-art laboratories, buildings and other facilities establishing Cal Poly as one of the nation's premier comprehensive polytechnic universities.

Always seeking to provide for Cal Poly's future, Warren's leadership of the University's first-ever comprehensive fundraising campaign was the most successful in the history of the California State University system. Cal Poly has the largest endowment among the CSU's 23 campuses. He also created the President's Cabinet where leaders from industry, government, and community act as an advisory board to help the University determine strategic educational and financial plans.

Perhaps Warren's most enduring contribution to Cal Poly's excellence has been his steadfast support for—and careful nurturing of—the University's renowned “learn-by-doing” educational experience, which attracts students from all around the country. This learning approach requires students to apply classroom theory to real-world problems. Employers from a broad array of America's most prestigious companies aggressively recruit Cal Poly students because they graduate with real-world experience and can contribute innovative solutions to complex problems.

It's no wonder that under Warren's leadership Cal Poly has been recognized as one of the best public universities in the United States for 17 consecutive years by U.S. News and World Report.

Educational advancement is a central priority for Warren, even in his private life. He is one of the longest serving members of the California Council for Science and Technology. He also co-chairs the Business Higher Education Forum's Science Technology Engineering and Mathematics (STEM) initiative that is responsible for two significant reports on K-12 science and math education. Additionally, Warren co-chairs a California STEM education planning initiative and is a member of the Board of Governors of the U.S.-Mexico Science Foundation, which promotes programs in technology, research, science, math and engineering education for both countries. President Ronald Reagan appointed him to serve on the National Science Board and the U.S. Agency for International Development Board for International Food and Agricultural Development.

Dedicated to serving his community, Warren's leadership at California Polytechnic State University will be sorely missed and difficult to replace, but his well-deserved retirement will give him the ability to spend more time with his wife Carly Fitzsimons Baker, their family and their friends. Warren's level of dedication to higher education continues to be exemplified through his commitment to remain active at Cal Poly and in the California State University System. I commend his service in San Luis Obispo, and I know that Warren will enjoy this next chapter of his life.

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HONORING AMY R. TAYLOR FOR  
HER SERVICE TO TENNESSEE'S  
SIXTH CONGRESSIONAL DISTRICT

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**HON. BART GORDON**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor Amy Taylor and thank her for her tremendous service to Tennessee's Sixth Congressional District. After serving as my executive assistant for 4 years, Amy is leaving for a new position on Capitol Hill.

Amy first came to my office as a summer intern in 2005 when she was still an English major at Middle Tennessee State University, my alma mater. It was clear to me and to my staff that she was bright, capable and eager to learn more about the inner workings of Congress.

When her internship ended, we didn't forget her skill for the work of the congressional office and her loyalty to her Middle Tennessee roots. When a position became open in the office around the time Amy was graduating, I was happy she accepted and made the move to Washington. Throughout her time here, she has brought remarkable capability, talent and good humor to a challenging job.

Madam Speaker, I simply can't say enough about the outstanding job Amy has done while working in my office. Her knowledge of the district has been a great asset, and her positive attitude has enabled her to have a good and quick rapport with constituents, her coworkers and virtually anyone she meets.

It's been a pleasure having Amy on our staff. While my staff and I are sad to see her go, we're fortunate that she won't be going far. Amy will be moving on to the office of my colleague Mr. LINCOLN DAVIS of Tennessee's Fourth Congressional District, where she also has family roots. I hope Mr. DAVIS and his staff appreciate how lucky they are to have her.

Amy, I thank you for your hard work and good advice, and I wish you all the best in your continued service to the Volunteer State.

A TRIBUTE TO VERNART JENKINS

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Vernart Jenkins for his dedication and service to his faith and community.

Vernart Jenkins was born and raised in Brooklyn, NY. He was educated in the New York Public Schools and graduated from Tilden High School and New York Technical College.

Mr. Jenkins is the oldest of three sons to Eddie and Victoria Jenkins; his two brothers are Curtis and Ronald Jenkins. He is married to the love of his life, Althea Walls Ronald Jenkins, and he is the father of two daughters, Zetorea and Aleshia.

Mr. Jenkins was born and raised in the Berean Baptist Church and has been a member for fifty years. He has been a member of the Sunday School Department most of his life, and is presently the Superintendent of the Adult Department. He has been a part of the Usher's Ministry for almost fifty years. He is presently a Supervisor of the Junior Usher Board. Additionally, for the past five years, he has served as one of the worship leaders at the Berean Gardens Wednesday noonday prayer service.

He has spent 15 years in finance and loan companies. He has been employed by the New York City Transit Authority as a conductor for 23 years. In 1998, he was ordained as a deacon at the Berean Church.

Finally, he accepted Jesus Christ into his life and began to travel a road less traveled, committing himself to be a good husband and father and follow his favorite verse, Proverbs 3:5, 6.

Madam Speaker, I urge my colleagues to join me in recognizing Vernart Jenkins.

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RECOGNIZING THE 175TH ANNIVERSARY OF THE CITY OF MARSEILLES, IL

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**HON. DEBORAH L. HALVORSON**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mrs. HALVORSON. Madam Speaker, I rise today to recognize the city of Marseilles, Illinois as it celebrates its 175th Anniversary this month. Marseilles, founded in 1835 by settlers on little more than a dream and a few acres of land, commemorates a history of growth and prosperity that has turned it into the beautiful community that it is today.

The city's history began in 1835 when a man named Lovel Kimball saw the great potential of the city, naming it Marseilles after the city in France that embodied the industrial center that he wished to establish. Founded on the banks of the mighty Illinois River and later near the Illinois Michigan Canal, the early settlement was full of promise with the capacity to become a center of manufacturing and industry. Today that same river still plays an integral part in the industrial and recreational life of Marseilles.

Always a center for innovation and promise, the men and women who have called Marseilles home have gone on to make great contributions to their country and their fellow man. Solomon Bell, the inventor of the original reaper that transformed the agricultural industry worldwide, began his career in Marseilles and today this community is well equipped to nurture the next generation of inventors, scientists and leaders.

The people of Marseilles have a rich history of service to their country. Soldiers and war heroes from nearly every major war in the past century have spent their time in Marseilles and many have found their final resting place here. Mothers and fathers have sent their sons and daughters to fight for our country's freedom for generations and the community of Marseilles has shown a unique dedication to honoring our veterans and remembering our fallen heroes.

On June 19th, 2004, Marseilles became home to the Middle East Conflicts Memorial Wall. This Wall is the only memorial in the United States dedicated solely to honoring the servicemen and women who have lost their lives fighting in wars in the Middle East since 1979. As an ardent supporter of all veterans, I am especially proud of Marseilles for this fact.

Since its founding 175 years ago, Marseilles has become a community that takes pride in its schools, its beautiful churches, its hard workers, and its atmosphere of friendliness and family. This character is what brings Marseilles into its 175th year as a thriving, vibrant community and I am confident that it will continue to carry on this legacy for many years to come.

#### STANDING IN SUPPORT OF ISRAEL

##### HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. HENSARLING. Madam Speaker, I come to the floor today to express my strong support for the State of Israel, adding my voice alongside that of the millions of Americans who support the State of Israel.

On May 31, Israeli forces took military action and boarded six ships in a flotilla that was attempting to break the Israeli blockade of Gaza. No matter how regrettable the loss of life may be in this incident, it does not change the underlying fact that Israel has a right to defend herself, and in this case was exercising it.

When Hamas seized control of Gaza, this terrorist organization used it as a base of operations from which to commit acts of terrorism against Israel and her citizens. In response, Israel imposed a blockade of Gaza to prevent weapons from reaching the hands of terrorists to be used to maim and kill innocent Israeli citizens. By implementing this policy and stemming the ability of Hamas to carry out acts of terrorism, Israel not only saved

lives in Israel, but also has saved lives in Gaza.

Had this flotilla truly been about providing humanitarian aid to Gaza, why did they not accept Israel's offer to let the ships dock at an Israeli port, be inspected, and then proceed over land to Gaza? Based on the flotilla's actions, it seems the political mission of attempting to break the Israeli blockade was of higher priority than the humanitarian mission of providing aid to Gaza.

The State of Israel is one of the United States' staunchest allies, and our two nations have enjoyed a special relationship since the founding of the State of Israel over sixty years ago.

Over the course of this relationship, the United States has proudly and unwaveringly stood by our friend and ally, Israel. We should and must continue to do so now.

#### CONGRATULATING BALLET MEMPHIS ON THEIR PERFORMANCE AT THE KENNEDY CENTER

##### HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. COHEN. Madam Speaker, I rise today to congratulate Ballet Memphis for their invitation to perform as part of "Ballet Across America II" at the John F. Kennedy Center for the Performing Arts in Washington, D.C. on June 17 and 19, 2010. This will be Ballet Memphis' debut performance at the Kennedy Center and it will be the first Tennessee dance company to perform on the main stage. Ballet Memphis joins eight notable dance companies from around our nation to take part in the second installment of this week-long production.

Dorothy Gunther Pugh founded Ballet Memphis in 1986 as Memphis Concert Ballet and currently serves as Artistic Director. Ballet Memphis began as a company with two professional dancers and an operating budget of \$75,000. Now in its 23rd season, it employs 16 dancers, trains 700 students, tours local schools and has an operating budget of \$3.3 million. The company performs at various venues in Memphis including the Orpheum Theatre, the newly renovated Playhouse on the Square and their own award-winning studio in East Memphis.

Ballet Memphis has had the distinct honor of performing at various festivals around the world. They have performed as part of the Inside/Out Series at Jacob's Pillow Dance Festival in Becket, Massachusetts, Spring to Dance in St. Louis and the Joyce Theater in New York. Ballet Memphis has performed in productions in Paris and Quebec as well. Recognized by the Ford Foundation as a "national treasure," the Andrew W. Mellon Foundation awarded Ballet Memphis a grant to explore opportunities for redefining midsize ballet companies in the nation. Ballet Memphis' performance this week at The Kennedy Center will bring nationwide attention to dance companies of similar size and talent.

Ballet Memphis will take to the Kennedy Center main stage performing their 2007 original piece "In Dreams" choreographed by Trey McIntyre and set to music recorded at Memphis' Sun Studio by Roy Orbison. Mrs. Pugh's choreographers reflect the musical and literary history of Memphis and merge both rock-and-roll and soul music to bring to the forefront the importance of all humanity living together. Mrs. Pugh stated "this is a really good piece for us to perform because it sets us apart in terms of the different ways we create work to reflect the community."

Through their commitment to hard work and outstanding performances, Ballet Memphis has built a distinguished name of which they can be justly proud. Madam Speaker, I ask my colleagues to join me today in congratulating Ballet Memphis for their many accomplishments and for being invited to perform in "Ballet Across America II."

#### IN RECOGNITION OF THE DEDICATION OF THE EBENEZER MISSIONARY BAPTIST CHURCH FAMILY LIFE CENTER

##### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 2010*

Mr. BURGESS. Madam Speaker, I rise today to recognize the Dedication of the Ebenezer Missionary Baptist Church Family Life Center.

Located within the predominantly African American "Stop Six" Neighborhood of Southeast Fort Worth, the Center will help meet challenges in relation to social, educational and cultural service needs of the community. The new 15,000 square-foot structure is named to honor two former Pastors of the Ebenezer Missionary Baptist Church, Reverends Houston and Lockett, and will serve as a multi-purpose center. With the efforts of non-profit organizations, the Center intends to develop programs to address challenges such as illiteracy, job assistance programs and health needs such as the high infant mortality rates and other needs faced by the surrounding community.

The Family Life Center will help improve the quality of life across a multi-generational spectrum. The area's children will find education in Art, Music and Dance. Seniors will find it a place of assistance, and families as a whole can participate in recreational activities to enjoy quality time together.

I am honored to congratulate Reverend Bruce Datcher and the Congregation of Ebenezer Missionary Baptist Church for their new addition and commitment to South East Fort Worth. It is my pleasure to extend my best wishes for success in their mission as they seek to meet the physical, mental, social and emotional needs of the community.

## SENATE—Friday, June 18, 2010

The Senate met at 9:45 a.m. and was called to order by the Honorable AL FRANKEN, a Senator from the State of Minnesota.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, creator and sustainer of humanity, teach us the way of salvation, show us the path to meaningful life, and reveal to us the steps of faith.

Today, use our Senators to fulfill Your purposes. Quicken their hearts, purify their minds, and strengthen their commitments. Show them duties left undone and tasks unattended, as You lead them through challenging seasons to a deeper experience with You. Let faith, hope, and love abound in their lives, as they seek to heal the hurt in our Nation and world.

We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable AL FRANKEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 18, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable AL FRANKEN, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. FRANKEN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### PLAYING AND WORKING FOR AMERICANS

Mr. REID. Mr. President, within the next few minutes, in Johannesburg,

South Africa, before almost 80,000 people, the U.S. soccer team will begin its World Cup quest. They are going to be playing Slovenia, which has the fewest citizens of any of the participating countries. So I wish all the athletes representing our country success in today's match.

I also want to take a minute and talk about a Nevadan who is on our team. His name is Herculez Gomez. He is a graduate of Las Vegas public schools. He was, of course, an outstanding high school athlete. He played professionally here in America, but the team decided not to sign him—Kansas City—to anything he was satisfied with, so he went to Mexico to play. He became the No. 1 player in Mexico. He holds the record for scoring more goals than any person, as I understand it, who has played for another team in that country.

He is a great young man, and we are very proud of him. He is a great goal scorer, a terrific representative of Nevada and the United States in this tournament watched by billions of people around the world. He didn't play in our first game. He was standing on the sidelines. The coach had told him to go in, but soccer is an unusual game. It is not like a lot of sports. It is very difficult to substitute in a soccer game, and the referee didn't blow the whistle or stop the game, so he couldn't go in. But he will be in this game, I am sure.

I am a great soccer fan. I often boast about my youngest son, who played on three national championship soccer teams for the University of Virginia. Anyway, I watch soccer closely.

I wish the next remarks of mine could be as pleasant as those I have just given regarding Herculez Gomez. I wish we could have a lot more pleasant talk here in the Senate. But with what happened last night and what has happened for the last year and a half, it is very hard to be pleasant when you have people who are hurting in America.

Unemployment is something that is difficult to understand unless you have been unemployed. I have never been unemployed. I am very fortunate. From the time I was a boy until now, I have always had a job, even in the summers. I worked as a very young boy, starting when I was very, very young. But I have seen my dad trying to get a job and not able to find work. My father was a strong young man during the depression, and I heard him tell the story many times that he would go to a mine where they were going to hire some people, and they would line up the people who were prospective workers, and one of the bosses would

come out and he would go down the line and say: I will take you, I will take you, and I will take you. I guess how they looked is all they had to base it on. They had no applications. No one filed applications.

Well, even though it is not the Great Depression, we now have people going through the same thing my father went through. I heard on NPR this morning on the way to work that a woman has been out of work for a year and a half. She was hired once for 1 day. She has applied 150 different times. She keeps a notebook of the places she has applied and what happens to each of those. She is going to a job fair today, hoping something will happen and she can get a job.

The American people have had it with those who create messes and then refuse to take responsibility for cleaning them up. They are tired of the excuses. They are sick of the misplaced priorities that say one party's politics are more important than their jobs or families, their incomes and their savings.

If you want to know what we stand for on this side of the aisle—Democrats—look at our agenda this year. And our agenda has been so difficult because, without exception, everything we have tried to do has been stalled. The Republicans have made every attempt to divert our attention from what we want to do.

Here is what our agenda has been: making health insurance more affordable and health insurance companies more accountable. What kind of a country would we be if we had stood silently while 50 million of our fellow men and women had no health insurance? That is where we were. If you had a job, a good job, you might have had insurance, but that was no guarantee either. People were losing their insurance by the millions as time went on. So we did something that had to be done—health insurance.

We protected Americans' savings and seniors' pensions from Wall Street greed, making sure the American people were never again asked to bail out a big bank. Although we were stymied every step of the way, we worked to stop these people on Wall Street from doing again what they did to the American people.

During part of my career—in fact, for 4 years—I was chairman of the Nevada Gaming Commission. Now, that isn't about hunting animals; it is a gambling commission. We call it gaming. We did everything we could to make sure people who came to Nevada and gambled on the tables in Las Vegas or

Reno or Lake Tahoe had a fair game. When they won money, they got to keep it; when they lost, it was their money they lost. But Wall Street had a much better deal than you can get anywhere in Nevada. On Wall Street, they gambled away our money. If they won, they kept it; if they lost, they came to us for help. So we took that on. That bill is in conference now, and we are going to come out with something the American people will like very much.

We have worked hard to create jobs. Today, JOE BIDEN is announcing the 10,000th highway project that has been funded from our stimulus or economic recovery bill. So we have created jobs, including full-time work for 3 million Americans who have the stimulus to thank for the job they are going to today.

In Nevada, the Recovery Act has created or saved more than 4,000 jobs in just the past 4 months alone. The economy in Nevada is not in good shape. It is getting better, but it is not good. We are one of the leading States in the Union in unemployment. But think how much worse it would be if we hadn't been able to create these jobs in Nevada with the recovery bill.

Our agenda has been making sure those still looking for jobs in Nevada—where 14 percent are out of work—and people across the country have the unemployment assistance they need to make ends meet in the meantime. Why the Republicans would not allow people who are out of work to collect unemployment compensation is hard for me to comprehend. JOHN MCCAIN's chief economic adviser when he ran for President is a man named Mark Zandi, and Mark Zandi said the No. 1 way to stimulate the economy is to give people who are out of work some money—unemployment assistance. The Republicans rejected the advice of JOHN MCCAIN's chief economic adviser; we followed it.

In our legislation, we cut taxes for families and businesses. Ninety-five percent of the people in America, as a result of our stimulus bill, the economic recovery bill, got a tax cut.

We have helped small businesses grow and hire more workers in the last bill we passed dealing with jobs. And we would have been happy to do more, but we get stalled every time we try to do something. Remember that bill? We had four things in it:

We extended the highway bill for a year. That saved a million jobs in America. Hundreds and hundreds of jobs were saved in Nevada. Thousands were saved in Minnesota, the Presiding Officer's State.

In that same legislation, we said that if a small business wants to buy something for their business—let's assume they need a new vehicle or equipment of any kind—they didn't have to even depreciate it anymore; that up to \$250,000 they can write off. That was to help small business.

We also said that if someone is out of work for 60 days and someone is willing to give them a job for 30 hours a week—we didn't set how much they would have to be paid, but if they give them a job for 30 hours a week, then that employer doesn't have to pay the withholding tax, and at the end of that year, they get a \$1,000 tax credit.

In addition to that, we decided that one of the things that worked so well in the recovery bill was Build America Bonds. That was very successful and so popular that we ran out of money. In this little jobs bill, we funded that again. Right now, as we speak, there are jobs all over America taking place as a result of what we did with that bill.

So we have done a lot of things to help small businesses. We have in that bill and we tried yesterday to give our States the critical aid they need to keep firefighters in our communities, police officers on the streets, and teachers in the classrooms. But Republicans said: No. Let the States handle their own problems. We have problems back here; don't worry about the States.

I learned a long time ago in college that one of our responsibilities back here as a Congress is to do things for the States they can't do for themselves. That is what we are doing here. But the Republicans said no yesterday. And it wasn't the majority of them, it was every single one of them.

We have worked hard to protect doctors who treat senior citizens from a massive pay cut created by the Republicans when they were in charge. Now there are going to be seniors who won't be able to find their doctor of choice because the doctors simply can't afford to work under what the Republicans decided they should be paid. They will take a pay cut. They will only get 79 percent of the money they got yesterday for the same treatment.

As part of our agenda this year—and I am not going to go through it all because Norm Ornstein, a famous journalist, said we have been the most productive Congress in the history of the country, in spite of what was going on here, despite the secret holds, the filibusters, the stalling, the delay; according to Norm Ornstein and others, the most productive Congress in the history of the country.

As part of our agenda we believe we should hold BP accountable for the sickening environmental disaster caused by its own gross negligence and maybe criminal activity in the endless pursuit of profits. One of the richest companies in the world cut corners so they could make more money.

Those are a few of the things we stand for. We stand for those things because we know we work for families, taxpayers, and hard-working Americans. But as far as I can tell, the only thing Republicans stand for is standing

together. As far as anyone can see, Republicans come to work each day to fight for their special-interest friends, for corporate America, for multimillionaires, for billionaires, and for greedy CEOs who ship jobs out of America. Remember, part of the legislation they turned down yesterday was going to stop all of that.

The trends are unmistakable. The records are public. I am not making up a thing. They are public, and numbers do not lie. It is not hard to piece together the puzzle and see who is working for the American people and who is working against them.

But you do not have to comb through voting records; just look at what happened yesterday. In the morning Republicans apologized to BP. Listen to this. Republicans apologized to BP. One of the longstanding Republican leaders in the House of Representatives said he was sorry that President Obama had asked them to come up with \$20 billion. We wrote a letter to BP. The idea started with us, Democratic Senators. The President picked this up. He met with the head of BP and they said OK, we will do that. The Republicans in the House said it was a shakedown and they were embarrassed for our country that this had happened. Try that one on. Whose side are the Republicans on?

I heard an interview where a man said 9/11 did not ruin my business, Katrina didn't ruin my business, but the oil spill has ruined my business. I filed bankruptcy yesterday. And it is a shakedown?

I repeat, yesterday morning Republicans apologized to BP for holding them accountable for their own recklessness and their own greed. I repeat that because it is incredible: Republicans apologized to BP because we are making sure it pays for its mess and the taxpayers do not have to pay for their mess.

In the evening Republicans voted to help the wealthiest of the wealthy avoiding paying their fair share of taxes, while at the same time voting against giving out-of-work Americans the assistance they need.

I have friends who are billionaires. They run these big companies. With rare exception, they have come to me and said yes, we have a pretty good deal. Do you know why it is a pretty good deal? Because they pay less taxes than somebody who works for the minimum wage. The Republicans are going to continue to allow my friends, and billionaires around the country, to continue to pay less taxes than someone who works for minimum wage. What kind of a picture is that?

Their priorities are baffling to me. They are indefensible. But it is even harder to believe when you look at who got us into this mess and who is now refusing to let us get out of this mess. The same people. Why are the doctors

getting a 21-percent pay cut? It is because of what they did over here. Why are so many people out of work? It is because of the policies of the prior administration—it is what went on on Wall Street, cutting the legs off of the American economy. So the people who got us into the mess are the ones who are doing everything they can to make sure that we do not get out of the mess.

If not for the years of failed Republican policies, high unemployment would not be an issue in the first place. If not for the Republican failed policies, there would not be a doctors payment problem in the first place. If not for the Republicans' disdain for sensible oversight, the disasters from Wall Street to the Gulf of Mexico, to communities across America, might not have been so devastating. And if not for the weeks and weeks of Republican delay, the emergencies in our households and businesses and big cities and small towns wouldn't be nearly as bad as they are.

Republicans might be willing to turn their backs on out-of-work Americans but Democrats are not. We are not. We are going to keep fighting for them. We are not going to give up.

As I said earlier, the American people have had it with those who create messes and then refuse to take responsibility for cleaning them up. That goes for BP and the GOP.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

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#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask to be recognized to speak in morning business and to be notified at 7 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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#### EXTENDERS PACKAGE

Mr. SESSIONS. Mr. President, the legislation we have before us today and

have been working on is problematic. It is just not healthy because it is going to increase the debt to a significant degree.

According to the Joint Committee on Taxation, the Democrats' first draft of the extenders bill—that is what we are calling this legislation—presented this week would have added \$78.6 billion to the debt—another \$78 billion.

Total spending in that bill was \$126 billion. They claim that \$47 billion of this amount had been offset, meaning paid for. However, what we were not told is they were double counting many of the items. It was a manipulation. The numbers were worse than that. They were double counting some of the money and hiding the extent of the debt. There were just too many budget gimmicks, and the total impact of the bill, in truth, would have vastly exceeded the \$78.6 billion that had been in the score.

The Congressional Budget Office estimates the annual deficit for this fiscal year will be \$1.5 trillion—\$1,500 billion. This represents the largest annual deficit in the history of the American Republic.

The CBO estimates that deficits will average—average—\$1 trillion per year over the next 10 years under the budget as presented to us by President Obama. The lowest projected deficit in the 10-year period—the lowest year—would be \$724 billion. That is in 2014. The way the economy is moving, I have my doubts that would occur. In fact, a fair analysis of the entire amount would indicate those numbers are less than likely to occur, unless we make significant changes, which we should do.

Last week, the gross public debt exceeded \$13 trillion. This represents 89 percent of our GDP. So the debt of \$13 trillion represents 89 percent of GDP. This is a serious matter. According to Carmen Reinhart's testimony before the Budget Committee—who studied this and has written a book about it—when gross debt exceeds 90 percent of GDP, growth in your country is reduced. What otherwise would be an economic growth of 3 percent would be reduced to 2 percent. You would have, in their estimation—Ms. Reinhart's and her partner, Mr. Rogoff's, book—it would knock off 1 percent of growth, which is huge. One percent of growth dragged down as a result of debt and interest is a huge matter.

Interest payments rise—interest payments on the debt we have to pay. We borrow the money, we have to pay interest on it in the form of T-bills held by people. China and other places and individuals buy these T-bills. We pay them interest. Interest in 2010 will be \$209 billion. As of September 30 of this year, when fiscal year 2010 ends, it will be \$209 billion.

The Federal highway bill is about \$40 billion, the baseline highway bill. Just to give an indication, Alabama's gen-

eral fund budget is less than \$10 billion a year. We are an average-sized State, so \$210 billion in interest is significant.

Well, what happens at the rate we are going, with budget deficits averaging a trillion dollars a year for the next 10 years? According to the Congressional Budget Office, that calculates this out carefully, they estimate that interest in 2020—for that 1 year—just 10 years from now, would be \$916 billion—the largest single expenditure in the Federal budget, and our debt will have tripled in 10 years under the President's budget.

So this is clearly unsustainable; every witness, every economist, every person on Wall Street, every talking head you see on television says it is unsustainable. But we have not seen any action to get us off this path. How much longer can we go before we do something? The bullet, as one person said a number of years ago about a bank that went bankrupt—they found out the Atlanta housing market collapsed, and he said: It was too late. The bullet was in the heart. When will the bullet be in our heart? When will it be too late to fight back?

On Wednesday of this week, the Democratic majority—after having brought up their bill that I have referred to; and the Senate rejected this excessive debt and spending by a vote of 45 to 52—a number of Democrats said: No, we are not going for that, Mr. Leader. A vast majority of the Democrats supported the bill, but a significant number said: No, we are not going to keep doing this. So they have now proposed yet another version of the extenders bill, on Thursday, yesterday. This version would add \$55 billion to the deficit instead of \$78 billion. But the number is a distortion, and it is done as a result of double counting certain funds and simply shortening the time some of the provisions would take effect—not fixing it in a significant way.

To pay for some of this spending, the Democratic majority proposes to increase the oil excise tax that funds the Oil Spill Liability Trust Fund to 49 cents from its current 8 cents a barrel. So the Oil Spill Liability Trust Fund was created to have a fund to pay costs that might relate in the future to oil—

The ACTING PRESIDENT pro tempore. The Senator asked to be notified when 7 minutes had elapsed, and we are at about 7 minutes 15 seconds.

Mr. SESSIONS. I thank the Acting President pro tempore and will wrap up.

There is so much to be said about this. But I just wish to point out how the Oil Spill Liability Trust Fund is a complete shell game. It is an absolute double counting of money, and it adds to the debt, and the debt of the bill in the way it has been scored hides the real impact.

The legislation would increase the tax on oil but does not set aside the increased revenue and save it in a fund to clean up the oil spill in the gulf or other such disasters as it is supposed to. Instead, it takes the money and creates a paper trust fund but sends the money directly over to the Treasury in order to pay some of the spending in this package and is used to reduce the amount of debt they say the bill will create.

Do you follow me? They claim they are creating a trust fund but at the same time using the money to fund the spending in this bill and claiming this money as income to justify that. Well, what is going to happen when the fund needs money to clean up a spill, which is what it was created for? Well, it is not going to be there because it is going to already have been spent. There is no dispute about this. This is absolute fact, and it is just another example of the recklessness and irresponsibility of the spending that is going on here. It is time for the American people to rise up and say to Congress: We need to have honest spending and restraint in spending.

I thank the Acting President pro tempore and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent I be recognized for 20 minutes, to be followed by the Senator from Connecticut, Mr. DODD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, first of all, let me say it was my intention to come down and talk about the same subject my friend from Alabama has addressed, and I will do that if there is time at the conclusion of my first subject, which has to be said and addressed today, and if not, I may have to come back after my friend from Connecticut to address this subject. It has to do with the liability limits—something we need to think through. There is a gross misunderstanding and a lot of pandering going on of people demagoging that issue, and I want to address that.

#### NEW STRATEGIC ARMS REDUCTION TREATY

Mr. INHOFE. Mr. President, first of all, something has happened that we haven't even talked about on the floor, and it is very timely and very significant. We all remember what has happened in the past about treaties that have come up and the administration, whether it is Democratic or Republican, if they want a treaty, they are going to try to rush it through. This same thing happened with the Law of the Sea Treaty under President Bush, and when that happened, it was somewhat of a crisis because many of us were opposed to our own President. We

are going to find this to be true about the treaty I wish to address, and that is the New START treaty. I think we all remember the START treaty, the START II treaty, and now they are calling this the New START treaty.

Yesterday, on June 17, in the committee on which I am the second ranking member, the Senate Armed Services Committee, we held the first hearing on the Strategic Arms Reduction Treaty or the New START treaty. During the hearing, we had Secretary Clinton, Secretary Gates, Dr. Chu, and Admiral Mullen all emphasizing the importance of verifying the treaty. But wait a minute. They are all speaking in behalf of the President, which means we haven't had a hearing yet. This is something we are going to be talking about doing before we get any closer to ratifying this treaty.

I think the bottom-line question for all Americans and the Senate is, Does this treaty improve the national security of the United States? I don't think so. To put it bluntly, this treaty will have a profound negative impact and implications on the U.S. national security.

Let's start with the need for the treaty because we are being told it is either this treaty or it is nothing at all, and that is just not an accurate statement. The United States and Russia are still committed under the 2002 Moscow Treaty to reduce the number of deployed nuclear weapons to a range of about 1,700 to 2,200—a decrease from 6,000 under START. Additionally, the United States and Russia had the option of extending START for 5 years and keeping in place the same detailed verification and inspection protocols under START. So it is not a matter that we have to do something or we won't have anything at all because we will continue under the existing treaties that are there. It was the decision of the Obama administration to abandon START I protocols and rush forward to another START treaty. Both countries are still bound under the Moscow Treaty.

Let's keep in mind that this treaty addresses two things: It addresses nuclear capability, warheads and the reduction of the warheads down to about 1,550, as well as delivery systems. This is the something we keep hearing about. People don't really have an understanding. If you have a nuclear warhead, you still have to deliver. There are three basic categories of deliverance. One is to do it with ICBMs. We all know what that is. The other is SLBMs; that is, submarine-launched ballistic missiles. The third would be through the air. We have two vehicles that can do this; that is, the old B-52 and the B-2.

So I think we need to talk about four things: modernization, force structure, missile defense, and verification, and then the overall ability to deter our enemies.

Keep in mind that this is a treaty between two countries, Russia and the United States. That is not really what the problem is. I think we all understand the problem is Syria, North Korea, and now Iran, which our intelligence tells us is going to have the capability of delivering an ICBM to the eastern part of the United States as early as 2015. That is very serious.

First of all, modernization. The well-respected Perry-Schlesinger Commission, a bipartisan congressional commission on strategic posture, has been working for a long period of time, and they have come up with the conclusion that our nuclear arsenal is a victim of disrepair and neglect. We haven't been doing anything with these. Even Secretary Gates—keep in mind, he was here yesterday at this hearing—he said:

There is absolutely no way we can maintain a credible deterrent and reduce the numbers of weapons in our stockpile without either resorting to testing our stockpile or pursuing a modernization program.

We haven't done that for any period of time at all. Nonetheless, Secretary Gates, the same one who was testifying yesterday, said as recently as last October that we have to modernize and we have to test.

General Chilton, the commander of the U.S. Strategic Command, testified that modernization was not only important but essential. The last B-52—we are talking about the equipment we have—the last B-52 we cranked out was in 1964. These are ancient vehicles.

Under President Obama's first budget, he has done away with the next generation of bombers, so we can kind of forget about that as long as he is President and has a majority in this Congress. The only major nuclear power not modernizing its weapons is us. Everybody else is. Every other major power in the world is modernizing, and we all agree we shouldn't be the only one who is not doing this. Some lack modern safety features such as insensitive high-explosive and unique signal generators, and some rely on vacuum tubes.

A lot of people who are the age of my kids and grandkids don't remember how old vacuum tubes are. They look at the radios on their cars and they wonder why mine in my 1965 Ford pickup takes so long to warm up. It is because they don't remember that is the way things were. That is the way our nuclear equipment is operating now. No weapons have been fully tested since 1992 when the United States voluntarily suspended its underground nuclear testing program, and that was in anticipation of the Comprehensive Test Ban Treaty. Meanwhile, other nuclear countries, including Russia, continue to modernize and replace their nuclear weapons.

Press reports indicate the administration will invest \$100 billion over the

next decade in nuclear delivery systems. Now, this comes out of the press. I haven't heard this from the Obama administration. About \$30 billion of this total will go, as it should, to the development and acquisition of a new strategic submarine. That will leave about \$70 billion over that 10-year period. According to estimates by the Strategic Command, the cost of maintaining the current dedicated nuclear forces is about \$5.6 billion a year or \$56 billion over the decade. So that leaves \$14 billion, which is totally inadequate to do what we need to do, and certainly it is not sufficient enough to get to a higher degree of sophistication and modernization of our aging 1964 B-52 bomber.

I am concerned that the appropriators are not going to be able to fully fund the President's fiscal year 2011 budget request of \$624 million for the National Nuclear Security Administration. I commend them for this. This is an amount we should invest. I am not convinced we are going to be able to do that.

Here is something people haven't talked about; that is, in the fiscal year 2010 NDAA—that is the National Defense Authorization Act which I am active in—we required that the submission of a new START agreement to the Senate be accompanied by a plan to modernize the U.S. nuclear deterrent. That is under law. That is section 1251 of the fiscal year 2010 NDAA. So that is something we have to comply with. Yet what we are talking about now is ratifying a treaty before we have that modernization. We are not going to let that happen. It puts off decisions on a follow-on bomber and ICBM until 2013 or 2015.

A letter was written to President Obama—and I was the one who wrote it—on December 15, 2009, signed by 41 Senators, and it stated that further reductions are not in national security interest of the United States without a significant program to modernize our nuclear deterrent.

So, therefore, the first issue of this is the ratification of the New START treaty by the Senate has to be linked to some kind of commitment for modernization, which is not in place now.

The second thing is force structure. According to the Perry-Schlesinger Strategic Posture Commission—and I will quote two sentences out of that. Keep in mind, the triad is ICBM, SLBM, and the air delivery system.

The triad of strategic delivery systems continues to have value. Each leg of the nuclear triad provides unique contributions to stability. As the overall forces shrink, their unique values become more prominent.

This is this Commission. We all know about the Perry-Schlesinger Commission. No one questions that they are the final authority, and something has to be done. We need to listen to them.

We get this also: We need to understand what the Russian force structure will look like and do a net assessment to determine whether we can maintain a viable nuclear deterrent in this new agreement. And we need to take into full consideration the 2010 Nuclear Posture Review which concluded—and I am quoting now—this is the third posture review:

Large disparities in nuclear capabilities could raise concerns on both sides and among U.S. allies and partners, and may not be conducive to maintaining a stable, long-term relationship.

So right now, we are talking about the nuclear force structure suggested in section 1251 of the NDAA. We have 420 of the 450 currently deployed single-warhead ICBMs; we have 60 of the nuclear capability B-52s and B-2s, and we have 240 total of the warheads or the SLBMs. Add that up, and that is 720. This treaty calls for 700. When we asked the question of the panel yesterday: Where are you going to come up with the 20 reduction, they didn't have it, but that is still under consideration. So we don't even know at this time in terms of force structure and the problems we have.

Additionally, this treaty does not address tactical nuclear weapons even though tactical nuclear weapons remains one of the most significant threats. A tactical nuclear weapon could be a suitcase bomb; it could be anything other than the three legs of the nuclear triad this treaty addresses. One thing we know is that the Russians have 10 times—the ratio is 10 to 1—they have 10 times the tactical nuclear weapons that we do. I agree with Henry Kissinger. Just the other day, he said:

The large Russian stockpile of tactical nuclear weapons, unmatched by a comparable American deployment, could threaten the ability to undertake extended deterrence.

Again, there is a lot more on this, but I think this gets the point across that we have to be looking at the force structure.

I wish to move to the missile defense part of this.

We have heard—and we have been talking about this since January—that the New START treaty has a provision in it, in the preamble, which says that if we expand our missile defense capabilities, the Russians could get out of this treaty. We have been told by the administration that is not true. I have heard so many different explanations of article V in the treaty that I remain concerned that it is as clear as mud. The Obama administration assures us there are no limitations. Yet, if you look at the preamble, it says:

... the interrelationship between strategic offensive arms and strategic defensive arms, that this interrelationship will become more important as strategic nuclear arms are reduced, and that current strategic defensive arms do not undermine the viability and effectiveness of the strategic offensive arms of the Parties.

In other words, we don't want you to be concerned with your own national defense.

There is a unilateral statement that was issued by the Russian side of missile defense released the same day as the full agreed-upon text. This was in Prague in April. This is what our President signed. It said that the treaty "can operate and be viable only if the United States of America refrains from developing its missile defense capabilities quantitatively and qualitatively." There it is. That is a statement. That is undeniable. It is there.

Sergey Lavrov, who is the Russian Foreign Minister, stated to emphasize that:

We have not yet agreed on this [missile defense] issue and we are trying to clarify how the agreements reached by the two presidents ... correlate with the actions taken unilaterally by Washington.

He added that:

[The] Obama administration had not coordinated its missile defense plans with Russia.

So this is the one that I think is very significant.

Since I am running out of time—I am going to be able to pursue this and get into a lot more detail. But if you look at what happened in Poland when we had the ground-based missile defense shield that was being installed in the first budget this President had, he pulled the rug out from under both the Czech Republic and Poland and discontinued this ground-based capability. That is something that put us in a position that is pretty scary.

I do wish to mention one thing about verification. There is limited verification. We all remember that President Reagan always used to say: Trust, but verify. Trust, but verify. This is all trust and no verification.

We are looking at it right now and seeing that the verification process is not there. I am concerned that there are 18 inspections per year that are allowed—that would be 180 inspections in 10 years—given the fact that we conducted on the order of 600 inspections during the 15 years of START I. The top verification priorities need to be accurate and effective, and they are not there now. They are still waiting on the National Intelligence Estimate that will assess our ability to monitor the treaty. I think we all recognize we are going to have to be able to have that verification.

Lastly would be the deterrence. As Secretary Gates said back in October of 2008:

As long as others have nuclear weapons, we must maintain some level of these weapons ourselves to deter potential adversaries and to reassure over two dozen allies and partners who rely on our nuclear umbrella for their security, making it unnecessary for them to develop their own.

I agree with that, but that is not the message we heard yesterday. The New

START focuses on reducing the strategic nuclear arsenals of Russia and the United States and fails to address the proliferation of nuclear weapons of other countries. The whole idea is that we are having an agreement, this treaty between two countries, but it is between the wrong two countries. This ought to be with countries such as Iran. Russia is not a threat; Iran is a threat to us. North Korea is also a threat to us. We have to be looking at where the real problem is. We know—and it is not even classified—that Iran will have the capability of sending an ICBM to the United States as early as 2015, and we have taken down the only defense we would have against that by taking out the Poland ground-based interceptor. That is scary.

The conclusion I come to on this is the Senate must receive a comprehensive net assessment of benefits, costs, and risks, with a clear and precise listing of terms, definitions, and banned permit actions, and the Senate has to continue to receive a series of follow-on hearings. We haven't had many hearings.

I remember when we had the Law of the Sea Treaty. That was during a Republican administration. The Bush administration decided that Ronald Reagan was wrong, I guess, so they were going to have this. They weren't having hearings either. They sent people over there who were answering to President Bush. At that time, the Republicans were in the majority, and I chaired the Environment and Public Works Committee. We held a hearing, and the Law of the Sea Treaty passed the Foreign Relations Committee 16 to 0, and it was ready to sail through. We realized what was in it. They had not changed it since the 1980s when, at that time, Ronald Reagan was opposed to it. With that being the case, we had to have our own hearings. We had people coming in and talking about why we should not have the Law of the Sea Treaty.

The Law of the Sea Treaty would have turned over to the United Nations authority over 70 percent of the Earth's surface. We were able to effectively kill that because we were able to show it was wrong. We haven't had those hearings on this treaty yet. We have to have hearings on the treaty before they are going to be able to get the votes. I am taking this opportunity, since nobody is talking about this right now, of alerting our Members on both sides of the aisle that this Obama administration is going to rescue this treaty and get it done before we have our hearings. That isn't going to happen. Fortunately, it takes two-thirds to ratify a treaty. That is our responsibility.

Later, I will talk in more detail, as it gets closer. I will use a little bit of time and address the problem that my friend from Alabama was talking about

a few minutes ago, which is that we have received a lot of criticism for our objection to raising the limits, which are currently way too low, to \$75 billion.

First, they wanted to raise the limits of liability for economic damages to \$10 billion, and I objected to that because both the President and the Secretary of the Interior, Ken Salazar, said we need to think it thoughtfully all the way through as to how high a liability limit we want. Then they came forth with no liability limits.

These are my words and not the words of any experts, but I have spent many years in my life in the insurance business. I remember, in 1994, I was one who introduced a bill to put a repose on aviation products. At that time, we were importing aviation products and airplanes from other countries because we weren't making them here. Why weren't we making them here? Our tort laws would not let us. We had unlimited liability. They didn't have limits out there. Consequently, Piper Aircraft had to go into bankruptcy. They had to actually move some of their operations to Canada because their tort laws were different at that time. We introduced and passed a bill that was intended to be a 12-year repose bill.

That meant if a company manufactured an airplane or an airplane part and it worked fine for 12 years, and there was an accident, you could not go back against the manufacturer. We could not get it through. Instead, we had an 18-year repose bill. That was one that I thought was too long. That meant if something had been running well for 18 years, then you could not go back and sue.

I called Lloyd's of London, and they said: You are right. We don't care if it is 18 years or 12 or 20 years; you have to have an end to underwrite against. In other words, we cannot insure it unless we know there is an end in the future.

Consequently, that is what we need to do in this because companies have to be able to have insurance in order to drill. We didn't think that was so necessary prior to the tragedy we are addressing now in the gulf. Now we realize we should be and what we need to do. If we leave it open ended, that will mean if we ever have any drilling or exploring in the gulf, it is going to have, in my opinion, to be done not even by the big 5, including BP, it would have to be done by the international oil companies—those in Venezuela and in China. So, in my opinion, if we adopt something with an open-ended, unlimited liability that means we are all through drilling in the gulf.

Quite frankly, that is exactly what the Obama administration wants. All this hype and their talk about oil and gas—earlier this week, we had the Sanders amendment, which would have put anyone out of business who was in

the business of drilling, including our marginal producers in Oklahoma. A marginal well is only 15 barrels a day. That is what we do in Oklahoma. Yet the average marginal well produces only two barrels a day but accounts for 28 percent of the domestically produced oil. That is significant. They would have been out of business if we had adopted the Sanders amendment, which we handily defeated earlier this week.

I believe the statement made yesterday by Senator ROCKEFELLER pretty much says it right. I hope I have it so I can refer to it. He was criticizing all these efforts to try to have some kind of cap and trade, and I think the meeting that took place yesterday verifies that cap and trade is in fact dead. The votes simply aren't there. I don't have that—yes I do. This is what took place yesterday. It is in this morning's Politico:

The Senate Democrats may have emerged from a much-hyped caucus meeting without a clear plan for this summer's energy bill, but they appear to agree on one point; that is, cap and trade is dead.

I have been saying that for about 3 months. I think we are hearing that now from a lot of the Democrats. Senator MCCASKILL said:

I don't see 60 votes for a price on carbon right now.

There is the same quote by several others. This is a quote I like. Listen, this is profound, and I don't think I have ever quoted Senator ROCKEFELLER and said it was something with which I totally agree. But this is something he said:

The Senate should be focusing on the immediate issues before us: to suspend EPA action on greenhouse gas emissions, push clean coal technologies, and tackle the gulf oil spill. We need to set aside controversial and more far-reaching climate proposals and work right now on energy legislation that protects our economy, protects West Virginia, and improves our environment.

I agree wholeheartedly. We on the Republican side have said we have an energy policy, and that it is all of the above.

I will yield at any time to my friend from Connecticut, since he had time reserved. Apparently, he doesn't want it.

It may be that the caucus that met yesterday was united in the idea that cap and trade is dead. But I don't think that is necessarily true with the Obama administration.

I am glad to yield to my friend. My understanding is that they only have 4 more minutes, and a unanimous consent request will be made here. I am almost out of time anyway.

Mr. DODD. Mr. President, I am told we have time. Floor staff will let me know. We have a little more time available.

Mr. INHOFE. I ask the Chair, how much time is remaining before—the Senator from Nebraska has reserved time; is that correct?

The ACTING PRESIDENT pro tempore. Evidently not.

Mr. INHOFE. Mr. President, let me conclude and say I will come back and talk about this at a later time. I do believe President Obama's pollster has some ideas that became public. I will share this last point.

Joe Benenson, the President's campaign pollster, did a survey for somewhat of an extremist environmental group, and, among other things, he found that based on his interpretation of the survey result, pushing for cap and trade and tying opposition to it to big oil is a potent political weapon for Democrats against Republicans this fall.

I think that says it all. People are using the tragedy in the gulf for political purposes. This is something we want people to understand.

With that, I yield the floor.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HONORING OUR ARMED FORCES

##### U.S. ARMY SPECIALIST BLAINE REDDING

Mr. JOHANNIS. Mr. President, I rise today to remember a fallen hero, U.S. Army SPC Blaine Redding of Plattsmouth, NE.

Blaine was a proud member of Company A, 2nd Battalion, 327th Infantry Regiment, of the 101st Airborne Division, operating in one of the most dangerous areas of Afghanistan, the Kunar Province.

On June 7, only 4 weeks after arriving in that country, Specialist Redding was killed when his vehicle was struck by a remotely detonated improvised explosive device.

His death is a great loss to our Nation and to Nebraska, his home State.

Blaine was a model of persistence, determination, and patriotism. Faced with challenges during his adolescent years, he realized that military service was the best way to fulfill his longings.

Blaine overcame an early departure from high school by earning a general equivalency diploma to join the U.S. Army. He was determined to sustain a family history of service to our country in uniform, beginning with a great-grandfather and continuing through subsequent generations.

Fort Campbell became a very special place for Specialist Redding. He and his brother, PFC Logan Redding, were assigned to the elite 101st Airborne Division.

But more important, he met his future wife Victoria, or Nikki, while at

Fort Campbell. They were married on March 13, 2010. With this came a renewed sense of responsibility to defend this great Nation and its principles of freedom.

Specialist Redding knew combat operations, having completed already a year-long tour in Iraq. The rugged terrain and close proximity to the Pakistan border of the area of Afghanistan where he was poses special challenges to allied forces. Losses have been heavy in this region. Specialist Redding was comforted by his brother being deployed nearby. Ultimately, Logan would aid in returning his brother's body to the United States.

Specialist Redding will be remembered in different ways. His Army buddies sometimes refer to him as "a perfect soldier," a great "mortar man."

To family and friends, he had a priceless personality. To his wife Nikki, he was a devoted husband with a very big heart.

The decorations and badges earned during a far too brief Army career speak to his dedication and to his bravery: the Army Commendation Medal, the Army Achievement Medal, the National Defense Service Medal, Global War on Terrorism Service Medal, Army Service Ribbon, and the Purple Heart. He proudly wore the Combat Infantry Badge and Air Assault Badge.

Today, I join Nikki, family, and friends in mourning the death of their beloved husband, son, brother, and friend. Blaine made the ultimate sacrifice in defense of our great Nation, and we owe him and his family an immeasurable debt of gratitude.

May God be with the Redding family, friends, and all those who mourn his death and celebrate his life. We will remember Blaine as we remember all the Nation's fallen warriors who gave their lives so that we may live in peace. Their names are etched on the conscience of our Nation in glory undimmed unto the end of our people.

I also offer my prayers to all those serving in uniform today, and especially those serving in peril overseas. May God bless them and their families and see them through these difficult times.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### REMEMBERING DOUGLAS GRAVEL

Mr. DODD. Mr. President, I wish to take a few minutes to recognize three individuals, two of whom are no longer

with us, and one is a man who just retired from a life of dedication to his community and family. I wish to spend a few minutes talking about the three of them, if I may.

The first is a friend of mine who passed away several weeks ago, an individual who made a wonderful contribution to our country.

Doug Gravel was a wonderful friend, a great champion of American education, and a person who attracted a legion of friends, supporters, and followers throughout his life.

Although he never lived for fame or even for recognition, Doug Gravel was instrumental in shaping the way we teach our children in this country, from one end of our Nation to the other.

The Montessori method of teaching, familiar to many people, was developed a century ago by Maria Montessori in Italy. It was designed as a system to educate the whole child by empowering children to guide their own development. It encourages kids to develop their own unique personalities and fosters their curiosity in the world around them while removing environmental obstacles to their progress.

For many children, the Montessori method has proven to be an unqualified success. Many of its methods are incorporated in public education in this country as well. Its revitalization in the latter half of this century can be traced back to a very small group of individuals—parents who lived in my state in Greenwich, CT. One of those people was a fellow named Doug Gravel.

Realizing there was no clearinghouse for parents, teachers, and school administrators interested in the Montessori method, Dr. Nancy McCormick Rambusch established the American Montessori Society at the Whitby School in Greenwich, CT in 1960. It is today America's oldest Montessori School, and Doug Gravel was right there with Nancy Rambusch when the program started.

At that time, the fate of the Montessori School was in doubt. In fact, an article in 1964 in Time magazine confidently predicted that the American Montessori movement would die out entirely within a few years.

The critics, obviously, were terribly wrong, as they often are, thanks in no small part to the work of Dr. Nancy Rambusch and Doug Gravel. The American Montessori Society grew and prospered. Today, the society has 11,000 members in 50 nations around the world, and it works to ensure that the high standards and excellent education that have come to symbolize the Montessori schools are available to children everywhere.

I was very privileged to serve as honorary Chair of the society's annual conference back in 2007 when it celebrated the 100th anniversary of Montessori education. I am pleased that

the organization's archives from the Montessori Society are housed at the research center at the University of Connecticut, named for my father.

As part of my work for the organization, I had the honor of getting to know Doug Gravel very well. His commitment to quality education was matched by his commitment to treating those around him with respect and compassion.

His warm personality, his wise mind, and his tremendously sharp wit were a source of great joy to his friends and to the many whom he educated—and entertained—throughout his life and certainly in his capacity as a Montessori trainer and headmaster of the Caedmon School in New York.

My family will always have a special love for Doug Gravel. I come from a family of educators, starting with my great-grandmother Catherine Murphy who came to this country unable to read or write her own name. But soon after arriving in Connecticut she got herself elected to the local school board because she knew the future belonged to those who were educated.

My father's three sisters, my brother Tom, and my sister Carolyn all became teachers as well. In fact, Carolyn, in particular, carried on my father's passion for Montessori education at the Whitby School in Greenwich, CT, back in the late 1950s and early 1960s. Doug was such a good friend to Carolyn, to our entire family, and to educators everywhere, for that matter.

On behalf of all those grateful for the good work Doug Gravel did for American education, for the great person he was, I offer my condolences to his beloved Maria, his brilliant and beautiful daughters Mary and Anne, and his cherished grandchildren. I offer that wonderful family my thanks and the thanks of many thousands of parents and children, all of whom benefitted because there was someone named Doug Gravel who modernized and revitalized American education.

#### TRIBUTE TO PRESTON J. EMPEY

Mr. President, the second individual I wish to recognize has no particular fame in any way at all. He is just a wonderful human being who announced his retirement. I rise today in the midst of all the work we are doing to support ordinary Americans, working families—people who go about their daily lives in every way to try to support their communities and their families.

In particular, I rise to celebrate one of them, a man named Preston Empey—“Press” to his friends and family.

In 1953, Press Empey, who had served in the Navy during World War II and then gone on to college, got a job at the Cloverleaf Dairy in Provo, UT, where he was soon promoted to manager.

Press Empey worked hard to support his young family. And over the past 60

years, he became legendary for treating his customers as though they were members of his own family.

Milk was cheaper in those days when Press started out. It was also something you got from a face you knew instead of a cold case at a convenience store or grocery store.

To our younger members, some of the people who work in this Chamber, the idea of having a milkman show up at your house sounds like ancient history. It is not that ancient. It was not that many years ago when most Americans were familiar with someone who actually delivered the milk. Press did it, up until a few weeks ago, in his community for almost 60 years.

Press's customers got to know him—some so well that if they were not home when he delivered the dairy, they trusted him to go inside and put it in the refrigerator anyway. And he got to know them. When hard times befell customers—as they certainly have in every one of our communities over the years—and they could no longer afford their shipments or products, he worked with them to ensure they got their deliveries every day and at some future point paid him back for the products and services they were receiving.

No matter what befell him—bad weather, injury, illness, even mechanical troubles—he would be there on time even if it meant starting his day hours before sunrise. Once, after his truck rolled over on the highway, Press calmly got it back on the road, dusted himself off, and made every single delivery that day.

Still, when he was asked about his greatest accomplishment, he paused and said: “Well, we’ve raised five children.” He and Glenna did just that. He and his lovely wife had great fun. I have known the family for years. They are remarkable people, hard-working, diligent, delightful human beings.

Once Press invited some friends, including my late father-in-law Karl Clegg, to go hunting in the Utah mountains. Maybe because Press couldn't bear to be away from that dairy truck of his, he decided that it would make a fine camper for all of them. After all, it had good insulation, lots of space for sleeping, and, best of all, a cooler stocked with ice cream.

Off they went, taking the dirt roads and crossing streams, drawing, one can imagine, wide-eyed stares from fellow hunters in huge SUVs as they bounced along in the dairy truck through the mountains and hills of Utah. The cooler turned out to be a fine meat locker as well, although Press and Karl's snoring echoed off the truck's walls and posed an obstacle to others who might have wanted to sleep. They had a great trip in Press Empey's dairy truck.

For more than half a century—almost 60 years—Press has been an institution. He is now retiring at the age of 83, not because he is tired but because

his trucks, in his own words, are plum worn out.

That is good news for his lovely wife Glenna and wonderful family who will get a little more of Press to themselves after a life spent sharing his generosity of spirit and profound dedication with their neighbors and his customers. As I said, for more than half a century, they have been a hard-working American family.

I am pleased to congratulate Press on his retirement and join my wife Jackie and our family in wishing him and Glenna many years of happiness and joy.

#### REMEMBERING BILL STANLEY

Mr. President, lastly, I wish to spend a minute talking about a wonderful man who passed away a few weeks ago in my home State of Connecticut. I rise to talk about the rich and eventful life of one of Connecticut's great champions and favorite sons, William Stanley of Norwich, CT.

Bill Stanley was a stockbroker for 46 years, although that is about the last thing anyone would ever think of when asked to describe him. That was his job, but his life was far more interesting and far more complicated than that. He was active in politics. He served for a term in the State senate. He was an influential adviser and trusted friend to my father, who served in this body, as well as former Governor and Senator Abe Ribicoff, and Ella Grasso, the first woman elected Governor in her own right in the United States, among many others.

He served as the official photographer of his hometown newspaper, the Norwich Bulletin. He had his own radio show for more than a decade, and he published the history of his community on a regular basis.

But most importantly, Bill Stanley's life was defined by his love for his community of Norwich, CT, and the incredible work he did for many years to boost its prominence and champion its virtues and favorite sons, regardless of who they were.

When Bill was a very young boy in elementary school, he wrote an essay for school and attempted to redeem one of American history's most despised figures and a native son of Norwich, CT—not that his connection to the community is often bragged about—Benedict Arnold. Sure, he was a traitor, young Bill wrote, but what about his positive attributes, he suggested. Bill Stanley was suspended for 3 days from elementary school because of that essay. But that did not shake him. It is not that Bill abided treason but Benedict Arnold could not have been all that bad in Bill Stanley's mind—after all, he was from Norwich.

Later in life, he would insist that Samuel Huntington, not George Washington, should be recognized as our first President. Why? Well, among other things, Samuel Huntington was from Norwich, CT.

Each year, the Second Company Governor's Footguard of New Haven—Benedict Arnold's organization—would convene a ceremony at the cemetery where Samuel Huntington was buried. Why? Well, as the Footguard's Major Commandant said, "We did it for Bill." Because Bill Stanley is from Norwich. Well, 2 years ago, they even made Bill an honorary captain in the Footguard.

Bill fostered a lifelong crusade to create a Founding Fathers museum, designed to recognize the Presidents elected under the Articles of Confederation and the Continental Congress, to secure Norwich's rightful place. Samuel Huntington was the first President under the Articles of Confederation, so there is some legitimacy to Bill Stanley's case, although it has never been recognized by many more than Bill Stanley and those of us who come from Norwich, CT.

When the executive editor of the Norwich Bulletin asked Bill to write a regular column about Norwich history, each one began, "Once upon a time." It became so popular that he eventually published 10 books, which earned \$¼ million, which Bill promptly gave to charity. Because it wasn't all about glorifying Norwich's past—Bill made it his mission to build a better future as well for his neighborhood and friends and the people he cared deeply about.

In 1987, St. Jude Common, a retirement home, opened on three acres of land Bill donated to that charity. He used his political acumen to raise \$4.5 million in State funds to open the home, and another \$400,000 from the Diocese of Norwich.

A friend who served with him on the home's board of directors recalled:

Every year at Christmas, he would make sure we set up a dinner for all the residents. I would always attend to see the joy he had in bringing joy to others. He captured the Christmas spirit and was always a joy to be around.

Bill Stanley was truly a joy to be around. He was a fascinating guy, who always had an interesting story and was busy as he could be up until his last illness. He was a great friend to my family. My father loved him dearly. He was a loyal and true friend in so many wonderful ways. I am glad I never had a tough race against someone from Norwich as well.

I join his beloved wife Peg, his son Bill, Jr., whom I know so well, and his daughters Carol and Mary in mourning Bill Stanley's passing, and I join every man, woman, and child in Norwich, CT, in giving thanks for the wonderful life of William Stanley.

With that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### KAGAN NOMINATION

Mr. McCONNELL. Mr. President, last month, the President nominated his friend and member of his administration, Solicitor General Elena Kagan, to a lifetime position on the Supreme Court. Ms. Kagan has never been a judge and only practiced law for 2 years as a junior associate before her current position as Solicitor General. She has largely been an academic, administrator, and policy advocate and advisor.

So we have not had a lot of information about her background.

But recent documents from her time as a policy advocate in the Clinton administration have shed more light on her views. And, in my view, they help answer the question some have asked as to whether she would be able to transition into a very different kind of role; namely, that of an impartial jurist Americans expect to sit above the political fray.

As a judge on our highest court, Ms. Kagan would no longer be a member of President Obama's team. Rather, her job would be to apply the law evenhandedly to persons and groups with whom she might not necessarily empathize. And in that regard, it is instructive to see how she's viewed the law and applied it when it comes to persons and groups with which she may not agree.

I previously discussed Ms. Kagan's role in the Citizens United case. Here was a case in which the government said it could block a small nonprofit corporation from showing a movie that it made about then-Senator Hillary Clinton because it viewed the film as the kind of political speech that was prohibited by Federal campaign finance laws.

This was not only the first case Ms. Kagan argued as a member of the Obama administration; it appears to have been the first case she has ever argued in any court. And in it, she and her office took the position, at different points in the case, that the Federal Government had the power to ban videos, books and pamphlets if it didn't like the speech or the speaker, a shocking position for the solicitor general of a nation that has always prided itself on a robust exchange of ideas under the first amendment.

The justices on the Supreme Court, conservative and liberal alike, also seem to have been taken aback by this position. As were legal commentators of all political stripes; but now, in looking at some of the documents from her time as a political advisor in the Clinton administration, perhaps her views before the Supreme Court in Citizens United are not that surprising after all.

As a part of President Clinton's team, Ms. Kagan co-wrote a memo in which she said it was unfortunate that the Constitution stands in the way of many government restrictions on spending on political speech. She also wrote that many of the Supreme Court's precedents that protect political speech in this area were, to quote her memo, "mistaken in many cases."

We have also learned from the documents produced by the Clinton Library last week that Ms. Kagan was a member of the campaign finance working group at the Clinton White House. These documents appear to show that in this area, at least, Ms. Kagan placed her political desires over an evenhanded reading of the law and of the rights that the Constitution protects.

What is more, these newly released documents show that Ms. Kagan went out of her way to prevent the professional lawyers at the Justice Department from officially noting their concerns that the legislation being considered in Congress could infringe on Americans' first amendment rights.

In the mid-1990s, for example, the Office of Legal Counsel was concerned with the constitutionality of campaign finance legislation making its way through Congress. As a July 17, 1996, memo by Ms. Kagan put it: The OLC believed that all of the campaign finance bills under consideration by the House at that time "present[ed] serious constitutional issues."

Now, Ms. Kagan did not say these lawyers were wrong. In fact, she noted that their concerns were to be expected in a case like this. But allowing them to express their legal analysis would have been at odds with the Clinton administration's political strategy, a strategy she helped develop.

She was determined, as one memo put it, to "try to head off DOJ . . . letters" that noted constitutional problems. So she called a political appointee at the Justice Department and told him that Clinton's Office of Management and Budget "might well disapprove" any such opinion letter from the Justice Department.

The phone call evidently worked. The documents we have now seen show that the political appointee with whom she spoke called back and told her the "OLC did not have adequate time to prepare comments on the campaign finance legislation and, given the possibility that such comments might not go through, would not attempt to do so." What a coincidence.

Whether one works in the judicial, legislative, or executive branches of government, you take an oath to support and defend the Constitution of the United States. In this case, Ms. Kagan recognized that the professional lawyers at the Justice Department had valid legal concerns that these bills might violate Americans' free speech rights. But she disregarded these valid

concerns, and even helped prevent them from being aired, in order to help advance a political agenda.

Now, I understand that Ms. Kagan was part of President Clinton's team, just like she is now part of President Obama's team. Both Presidents were no doubt pleased with her political and policy advice. And we know President Obama is very pleased with the job she did in Citizens United. But if she were confirmed to the Supreme Court, she can not be on anyone's team.

Ms. Kagan has said that judging is a "craft," and that the Senate should always insist that a nominee's background show that they can "master" that craft. I agree with Ms. Kagan that judging is a craft. But for most of her adult life, she has practiced a much different craft, the craft of political advocacy. We must be convinced that someone who has spent the better part of her career as a political adviser, policy advocate, and academic, rather than as a legal practitioner or a judge, can put aside her personal and political beliefs, and impartially apply the law, rather than be a rubberstamp for the Obama or any other administration. The Clinton library documents make it harder, not easier, to believe that Ms. Kagan could make that necessary transition.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR AN ACT TO PROVIDE A PHYSICIAN PAYMENT UPDATE, TO PROVIDE PENSION FUNDING RELIEF, AND FOR OTHER PURPOSES (AS PROVIDED BY STAFF ON JUNE 18, 2010)

(Millions of dollars, by fiscal year)

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-2015	2010-2020
Net Increase or Decrease (–) in the On-Budget Deficit													
Total On-Budget Changes .....	– 569	2,460	– 1,266	– 1,253	– 981	– 776	– 467	– 171	558	1,233	1,063	– 2,384	– 168
Less:													
Current-Policy Adjustment for Medicare Payments to Physicians <sup>1</sup> .....	2,708	3,640	0	0	0	0	0	0	0	0	0	6,348	6,348
Statutory Pay-As-You-Go Impact .....	– 3,277	– 1,180	– 1,266	– 1,253	– 981	– 776	– 467	– 171	558	1,233	1,063	– 8,732	– 6,516

Note: Components may not sum to totals because of rounding.

<sup>1</sup> Section 7(c) of the Statutory Pay-As-You-Go Act of 2010 provides for current-policy adjustments related to Medicare payments to physicians. CBO estimates that the maximum available adjustment for a physician payment policy through November 30, 2010, is about \$6.3 billion.

Sources: Congressional Budget Office and joint Committee on Taxation.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 3962), as amended, was passed.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, let me say to my friend, the majority leader, this is a good example of bipartisan-ship. I think we have come up with a proposal and achieved a goal that both sides wanted to achieve, which is to get a doctor fix for at least a 6-month period of time. Also, it is paid for. So we have done it without adding to the deficit, and I think that is something both sides can feel good about.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, sometimes the Senate can be terribly dis-

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

AFFORDABLE HEALTH CARE FOR AMERICA ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 210, H.R. 3962; that the Baucus substitute amendment, which is at the desk, be considered agreed to, and the motion to reconsider be laid upon the table; that the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that the title amendment, which is at the desk, be considered and agreed to, and the motion to reconsider be laid upon the table; that any statements related to this measure be printed in the RECORD, with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4383), in the nature of a substitute, was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment (No. 4384) was agreed to, as follows:

Amend the title so as to read: "An Act to provide a physician payment update, to pro-

vide pension funding relief, and for other purposes."

Mr. CONRAD. This is the Statement of Budgetary Effects of PAYGO legislation for H.R. 3962, as amended by Senate Amendment No. 4383. This statement has been prepared pursuant to Section 4 of the Statutory Pay-As-You-Go Act of 2010, Public Law 111-139, and is being submitted for printing in the CONGRESSIONAL RECORD prior to passage of H.R. 3962, as amended, by the Senate.

Total Budgetary Effects of H.R. 3962:

2010-2015—net decrease in deficit of \$2.384 billion.

2010-2020—net decrease in deficit \$168 million.

Reduction of Total Budgetary Effects for Current Policy under Section 7:

2010-2015—\$6.348 billion.

2010-2020—\$6.348 billion.

Total Budgetary Effects of H.R. 3962 for the 5-year Statutory PAYGO Scorecard: –\$8.732 billion.

Total Budgetary Effects of H.R. 3962 for the 10-year Statutory PAYGO Scorecard: –\$6.516 billion.

I ask unanimous consent to have printed in the RECORD a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

concerting and aggravating, but that is the way the Senate is. Those are the rules we work under. I love the Senate. Every day that goes by, I understand there are times I am aggravated and disconcerted, but the vast majority of the time I am amazed how we are able to get work done.

I say through the Presiding Officer to my friend, the Republican leader, I am glad we were able to work out this legislation. This is extremely important for everybody, and we are going to move on with the rest of the bill and try to finish that as early as possible.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I very much appreciate this development. This is very important. Now doctors will be paid. More important, seniors will get the benefits they deserve. Payments under TRICARE will now go out.

Military who participate in TRICARE, the retired military program, will get their benefits because that is all tied together. It is important because this provision expired June 1, this month, and it is about the last day for the payments to be paid; otherwise, there would be a 21-percent reduction in payments to physicians, and many providers would not provide the services to seniors, or even Medicaid, for that matter. So it is very important that we are taking this action this day; otherwise, there would be near chaos in the absence of medical care and procedures.

I appreciate the cooperation on both sides of the aisle in working this out. This is all paid for. This is not deficit spending, which I think is critical to many. Third, it is a good omen. I hope we can take this cooperation and work

out the rest of the so-called extenders bill together on both sides of the aisle. I am very pleased with this development. I thank the majority leader and the minority leader for working this out. Now we can put this issue aside and doctors will be paid, seniors will get the benefits they deserve, and we can go on to work cooperatively to finalize the rest of the bill.

I thank my friend.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, this year has been an extremely difficult year. No one has been more involved in everything we have done here than my friend from Montana. In true times of crisis—and we have had plenty of crises in the last 18 months, and he and I had a relationship before that. In the last 18 months, we were in the trenches together to work through some big problems we have here legislatively. Because of his responsibility as chairman of the Finance Committee, much of the burden of what goes on in the Senate is on his shoulders. He has broad shoulders and a wonderful staff. I enjoy working with him, and I enjoy his friendship.

#### REMEMBERING ARKANSAS FLOOD VICTIMS

Ms. LANDRIEU. Mr. President, it is with heartfelt sympathy that I stand before you today to offer my deepest condolences to the family members and friends who lost their loved ones in the flash floods that swept through the Albert Pike Recreation Area in the Ouachita National Forest Campgrounds in the early morning hours of June 11, 2010. Approximately 8 inches of rain fell in 1 hour overnight, providing very little warning to campers of the danger. The warnings went unheard early Friday morning; the campground has no sirens, no park ranger on site, poor radio reception, and spotty cell phone service.

The Caddo and Little Missouri rivers rose by 20 feet overnight, engulfing the hikers and campers who were spending the night in tents along the rivers in the isolated Ouachita Mountains. The 54-unit campground was quickly inundated with water, which was rising as quickly as 8 feet per hour. The water was so violent it overturned RVs and peeled asphalt off the roads.

Twenty people, in some instances several members from the same family including young children, lost their lives in this tragedy. Among those lost were eight Louisianans, and my heart goes out to the Smith family, who lost Anthony, Joey, and Katelynn; to the Basinger family, who lost Shane and Kinsley in Gloster; and the Roeder family in Luling who, lost Kay, Debbie, and Bruce.

The 20 people lost to this tragedy will be greatly missed by their families,

friends, and communities. I ask that you remember the victims of the flash floods in your thoughts and prayers.

#### ADDITIONAL STATEMENTS

##### HEBRON, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today, I am pleased to recognize a community in North Dakota that is celebrating its 125th anniversary. From July 1–4, the residents of Hebron, ND, will gather to celebrate their community's founding.

The city of Hebron was established in the 1880s and was formed into a village in 1885. It was incorporated as a city in 1916. Hebron grew to its highest population of 2,000 in the mid-1950s and now is a town of around 900 nestled in a peaceful valley located 2 miles north of Interstate 94 in southwestern North Dakota.

Hebron is home to the Hebron Brick Company, Inc., which was started in 1904. Soon after European settlers began arriving in western North Dakota, Charles Weigel and Ferdinand Leutz established Hebron Fire & Pressed Brick Company. It is the oldest manufacturing operation in North Dakota, and its state-of-the-art brick making facility had made it one of the most successful brick companies in the upper Midwest. Abundant natural resources of the area allow the Hebron Brick Company to provide its customers with an array of brick options. Their modern facilities ensure that the Hebron Brick Company manufactures consistent, durable, and elegant products for their customers.

Hebron sits along the Old Red Old Ten Scenic Byway. The Old Red Old Ten Scenic Byway allows tourists the opportunity to explore the rich history of North Dakota settlers. The culture of Native Americans and the diversity of European pioneers are captured along this route. The natural beauty of the buttes, river valleys, and prairie provides an image of pleasant, rural life for visitors.

The citizens of Hebron are proud to mention the many reasons their community is so strong. The city offers genuine small-town living with a weekly local newspaper, two grain elevators, a public library, an outstanding public education system, parks, and recreational areas for families and friends to spend quality time together. Hebron will soon celebrate the completion of its new community center, and I wish to congratulate the city on achieving this milestone.

In honor of the city's 125th anniversary, community leaders have organized a parade, car show, street dance, concerts, and other celebratory events.

I ask that my colleagues in the U.S. Senate join me in congratulating Hebron, ND, and its residents on their first 125 years and in wishing them well

in the future. By honoring Hebron and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Hebron that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Hebron has a proud past and a bright future.●

##### NEW LEIPZIG, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today, I am pleased to recognize a community in North Dakota that is celebrating its 100th anniversary. From July 1–4, the residents of New Leipzig, ND, will gather to celebrate their community's founding.

In May 1910, a town site was platted by the Milwaukee Land Company of Chicago. The German-Russian residents of nearby Leipzig, wanting a location closer to the railroad, relocated to what was soon named New Leipzig. New Leipzig underwent a brief name change in 1912, but after input from residents, the town was once again called New Leipzig.

Hertz Brothers Hardware is believed to be the oldest company still doing business in Grant County. Originally located in Leipzig as the Farmers Commerce Company, the company quickly moved to New Leipzig and became known as Hertz Brothers Hardware in 1912. Today, the business is under its third generation of management. Roehl Trucking is also a third-generation business, and Stelter Repair is under its fourth generation of management. Main Street today is almost entirely populated by farm-related service businesses. Businesses currently servicing the area include Tietz Hardware, Larry's Service Center, Stern Motors, Randy's Sales & Service, Stelter Repair, Roehl Transfer Inc., Schock Real Estate, B & L Lounge, Star Grocery, Hertz Brother's Inc., the United States Postal Service, New Leipzig Grain, and Dakota Community Bank.

New Leipzig, like so many other rural communities, strives to be a true home for its people and to provide a solid upbringing and quality education for its children.

In honor of the city's 100th anniversary, community leaders have organized class gatherings, a bonfire, a parade, a dance, and an ice cream social, among many other fun and exciting events.

I ask that my colleagues in the U.S. Senate join me in congratulating New Leipzig, ND, and its residents on their first 100 years and in wishing them well in the future. By honoring New Leipzig and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as New Leipzig that have helped shape this

country into what it is today, which is why this fine community is deserving of our recognition.

New Leipzig has a proud past and a bright future.●

#### TRIBUTE TO STANLEY ISRAELITE

● Mr. DODD. Mr. President, in 1995, U.S. News and World Report named Stanley Israelite one of the "Twelve Indispensable Americans."

But I didn't need U.S. News and World Report to tell me just how indispensable Stanley is. He worked with me for 25 years, beginning the very first day I was sworn in as a Member of the House of Representatives. This weekend, he celebrated his 85th birthday, and I join in that celebration.

One day, very early in my service, I was out to dinner with Stanley—which was a very important part of any decision I made. He listened to me talk for a while about some issues we were working on, but when I asked him for his advice, he simply said, "I am going to tell you one thing about this job. Never forget the people."

Stanley never has. In my office, he was the person who could be counted on to stand up for any constituent, no matter how big or small their need. And in his spare time, he became a fixture of his community and a champion for small businesses. When he retired, he took exactly 1 day off and then returned to work for the Norwich Community Development Corporation.

When he won an award from the Norwich Rotary last year, Stanley, in his typical modest fashion, said, "I hope I deserve this. If you said I do, I'll accept it. I won't give it back." Well, that was the first time Stanley Israelite ever passed up an opportunity to give something back to this community.

Mr. President, Stanley Israelite is a national treasure, a favorite son of Connecticut, one of my closest advisers, and one of my dearest friends. I wish him all the best on his 85th birthday and in all the days ahead.●

#### TRIBUTE TO DR. RAYNARD S. KINGTON

● Mr. HARKIN. Mr. President, I wish to salute Dr. Raynard S. Kington and thank him for his outstanding service and leadership at the National Institutes of Health over the past decade.

Dr. Kington has had an exemplary career in public service. In 1997, he joined the U.S. Department of Health and Human Services as Director of the Division of Health Examination Statistics and Director of the National Health and Nutrition Examination Survey within the National Center for Health Statistics at the Centers for Disease Control and Prevention. He joined the NIH in 2000 as Director of the Office of Behavioral and Social Sciences Research. While leading that

office, he simultaneously served as Acting Director of the National Institute on Alcohol Abuse and Alcoholism. In 2003, he was promoted to Principal Deputy Director of NIH.

Dr. Kington is an extraordinarily accomplished scientist, administrator and physician. His quiet leadership and wisdom were especially evident during his tenure as Acting Director of NIH from October 2008 to August 2009. Most notably, he led the agency's effort to quickly and judiciously allocate the \$10.4 billion that this Congress provided to the NIH in the American Recovery and Reinvestment Act. In addition, his keen leadership skills were critical to successful implementation of President Obama's Executive order on human embryonic stem cell research and to establishing the Basic Behavioral and Social Science Opportunity Network Initiative. I am also grateful to Dr. Kington for leading NIH's efforts to strengthen conflict of interest regulations.

Dr. Kington possesses a remarkable range of experience in higher education, research, management, public policy, and rigorous intellectual achievement. In 2006, he was elected to the prestigious Institute of Medicine of the National Academy of Sciences, where he currently serves as the chair of the Section on Administration of Health Services, Education, and Research.

He has been a senior scientist at the RAND Corporation, and was codirector of the Charles R. Drew University/RAND Center on Health and Aging. He has served as an assistant professor of medicine at UCLA and as a visiting associate professor of Medicine at the Johns Hopkins University School of Medicine.

Mr. President, at the age of 16, Dr. Kington began his postsecondary education at the University of Michigan, where he received his B.S. with distinction and his M.D. at the age of 21. He completed his residency in internal medicine at Michael Reese Medical Center in Chicago. He was appointed a Robert Wood Johnson Clinical Scholar at the University of Pennsylvania, where he completed his M.B.A. with distinction and his Ph.D. with a concentration in Health Policy and Economics at the Wharton School. He is board-certified in internal medicine, geriatric medicine, and public health and preventive medicine.

Dr. Kington has a broad range of knowledge and experience in scientific, health, economic, and social issues. His research interests lie in the relationships among race, socioeconomic position, and health status, especially in older populations. He is a leading scientific researcher on the role of social factors as determinants of health.

We all owe a debt of gratitude to Dr. Kington for his extraordinary public service. The scientific community and

the Nation have benefited enormously from his skilled leadership.

Finally, I would point out that NIH's loss is my State's great gain. On August 1, he will be inaugurated as the 13th president of Grinnell College in Iowa. I join with my Senate colleagues in thanking Dr. Kington for his past service and wishing him even greater success in his challenging new position in Iowa.●

#### ARKANSAS HISTORIC SITES

● Mrs. LINCOLN. Mr. President, today I recognize six Arkansas historic sites that have been added to the National Register of Historic Places. These Arkansas landmarks help define our State's history and heritage, and I am proud to see them included on the National Register.

The newly listed properties are:

The Century Flyer at Conway, a miniature train manufactured by the National Amusement Device Co. of Dayton, OH, around 1955.

Arnold Springs Farmstead at Melbourne in Izard County, featuring a vernacular Greek Revival house built around 1857, plus several outbuildings.

The Walnut Street Commercial Historic District at Walnut Ridge, with buildings dating to around 1875.

Fargo Training School Historic District near Fargo in Monroe County, where Black children attended school between 1949 and 1968.

Old Searcy County Jail on Center Street in Marshall, a 1902 Native-stone building influenced by the Romanesque style of architecture.

Cherry Street Historic District Boundary Expansion at Helena-West Helena.

Along with all Arkansans, I congratulate these communities for receiving this national recognition. I also salute the local officials and residents of our State for their efforts to maintain the beauty and history of their communities.●

#### WINROCK INTERNATIONAL

● Mrs. LINCOLN. Mr. President, this year marks the 25th anniversary of a landmark nonprofit in my home State of Arkansas. Winrock International will celebrate 25 years of empowering the disadvantaged, increasing economic opportunities and sustaining natural resources in our State and around the world.

With its global headquarters in Little Rock, Winrock International traces its roots to a charitable endeavor that Arkansas Gov. Winthrop Rockefeller established at his home and ranch on Petit Jean Mountain, the Winrock International Livestock Research and Training Center. In 1985 that institution merged with the Agricultural Development Council and the International Agricultural Development

Service, both founded by Mr. Rockefeller's brother, John D. Rockefeller III, to form Winrock International.

From Arkansas to Africa to Asia, Winrock touches lives all across the globe. They find solutions that work in the real world, increase long-term productivity and make lasting improvements in people's lives.

Near Helena-West Helena, AR, my hometown, Winrock helped five sweet potato farmers build a new industry based on local produce grown by smallholder farms. Important projects like these put infrastructure and expertise on the ground that support our traditional industry of agriculture while also building new opportunities for growth.

In the Philippines, a Winrock project has supported the electrification of 474 villages, 13,422 households and 224 schools. This project improved education for more than 44,000 students and gave families and communities access to modern energy sources, which is a critical first step in increased social and economic development.

I salute Winrock International for their dedication, commitment and support of our neediest communities and citizens—both in the United States and around the world, and I am proud that Winrock calls Arkansas home.●

#### LOUISIANA PEACH FARMERS

● Mr. VITTER. Mr. President, I would like to recognize all Louisiana peach farmers, the festival's title sponsors: Squire Creek Country Club, the Ruston-Lincoln Chamber of Commerce, the city of Ruston, and all the other sponsors who partnered to celebrate the Diamond Anniversary of the Louisiana Peach Festival the weekend of June 25 to 27, 2010.

In 1947, the area peach growers of Lincoln Parish organized the Louisiana Fruit Growers Association. In 1951, the association voted to promote their industry by spreading the word about the exceptional Lincoln Parish peaches throughout Louisiana.

In June 1951, the president of the Louisiana Fruit Growers Association, J.E. Mitcham, and Walter Smith founded the Louisiana Peach Festival in Ruston. The association, with the cooperation of the city of Ruston, chamber of commerce, civic clubs, garden clubs, merchants, and many other individuals, worked tirelessly to prepare the city for the inaugural festival. Area merchants filled the Ruston Daily Leader with advertisements offering special sales and savings to honor the first Peach Festival. The program of the First Annual Louisiana Peach Festival, which was held on June 27 to 28, 1951, consisted of "Peaches and Posies" flower show, a peach cookery contest, an art show, and several athletic tournaments. The festival also crowned the First Queen Dixie Gem and Princess Peach.

In the years following, the Louisiana Peach Festival grew in size and popularity. In 1952, the festival's activities doubled in number. By the third year, the festival won national attention when Queen Dixie Gem III, Dorothy Etta Goff, traveled to Washington, DC, to present then Vice President Richard Nixon a box of peaches. Over the past 60 years the festival has become an iconic event in the region.

Thus, today I would like to recognize all the organizations, volunteers, and especially the farmers for continuing to put on the Louisiana Peach Festival. I would also like to thank them for their appetizing service to Lincoln Parish and to the State of Louisiana.●

#### MESSAGE FROM THE HOUSE

At 11:42 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 5297. An act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

H.J. Res. 86. A joint resolution recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 286. A concurrent resolution recognizing the 235th birthday of the United States Army.

#### MEASURES REFERRED

The following joint resolution was read the first and the second times by unanimous consent, and referred as indicated:

H.J. Res. 86. Joint resolution recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance; to the Committee on Foreign Relations.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 286. Concurrent resolution recognizing the 235th birthday of the United States Army; to the Committee on the Judiciary.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 5297. An act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for

small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with amendments:

S. 3362. A bill to amend the Clean Air Act to direct the Administrator of the Environmental Protection Agency to provide competitive grants to publicly funded schools to implement effective technologies to reduce air pollutants (as defined in section 302 of the Clean Air Act), including greenhouse gas emissions, in accordance with that Act (Rept. No. 111-207).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 3363. A bill to amend the Water Resources Research Act of 1984 to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under that Act (Rept. No. 111-208).

S. 3372. A bill to modify the date on which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels (Rept. No. 111-209).

By Mrs. BOXER, from the Committee on Environment and Public Works, with amendments and an amendment to the title:

S. 3374. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to establish a grant program to revitalize brownfield sites for the purpose of locating renewable electricity generation facilities on those sites (Rept. No. 111-210).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DORGAN (for himself, Mr. ALEXANDER, and Mr. MERKLEY):

S. 3511. A bill to promote the deployment of plug-in electric drive vehicles, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON (for herself, Mr. LEMIEUX, and Mr. CORNYN):

S. 3512. A bill to provide a statutory waiver of compliance with the Jones Act to foreign flagged vessels assisting in responding to the Deepwater Horizon oil spill; to the Committee on Commerce, Science, and Transportation.

#### ADDITIONAL COSPONSORS

S. 1002

At the request of Mr. CASEY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1002, a bill to provide for the acquisition, construction, renovation, and improvement of child care facilities, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the names of the Senator from Delaware

(Mr. KAUFMAN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1156

At the request of Mr. HARKIN, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2814

At the request of Ms. COLLINS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2814, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 3254

At the request of Mr. BROWN of Ohio, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3254, a bill to amend the Fair Labor Standards Act of 1938 to require persons to keep records of non-employees who perform labor or services for remuneration and to provide a special penalty for persons who misclassify employees as non-employees, and for other purposes.

S. 3324

At the request of Mr. BROWN of Ohio, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3324, a bill to amend the Internal Revenue Code of 1986 to extend the qualifying advanced energy project credit.

S. 3374

At the request of Mrs. BOXER, her name and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 3374, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to establish a grant program to revitalize brownfield sites for the purpose of locating renewable electricity generation facilities on those sites.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4383. Mr. REID (for Mr. BAUCUS (for himself and Mr. GRASSLEY)) proposed an

amendment to the bill H.R. 3962, to provide a physician payment update, to provide pension funding relief, and for other purposes.

SA 4384. Mr. REID (for Mr. BAUCUS (for himself and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 3962, supra.

#### TEXT OF AMENDMENTS

**SA 4383. MR. REID (for Mr. BAUCUS (for himself and Mr. GRASSLEY))** proposed an amendment to the bill H.R. 3962, to provide a physician payment update, to provide pension funding relief, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010".

#### TITLE I—HEALTH PROVISIONS

##### SEC. 101. PHYSICIAN PAYMENT UPDATE.

(a) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended—

(1) in paragraph (10), in the heading, by striking "PORTION" and inserting "JANUARY THROUGH MAY"; and

(2) by adding at the end the following new paragraph:

"(11) UPDATE FOR JUNE THROUGH NOVEMBER OF 2010.—

"(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), and (10)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2010 for the period beginning on June 1, 2010, and ending on November 30, 2010, the update to the single conversion factor shall be 2.2 percent.

"(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR REMAINING PORTION OF 2010 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on December 1, 2010, and ending on December 31, 2010, and for 2011 and subsequent years as if subparagraph (A) had never applied."

(b) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

##### SEC. 102. CLARIFICATION OF 3-DAY PAYMENT WINDOW.

(a) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended—

(1) by adding at the end of subsection (a)(4) the following new sentence: "In applying the first sentence of this paragraph, the term 'other services related to the admission' includes all services that are not diagnostic services (other than ambulance and maintenance renal dialysis services) for which payment may be made under this title that are provided by a hospital (or an entity wholly owned or operated by the hospital) to a patient—

"(A) on the date of the patient's inpatient admission; or

"(B) during the 3 days (or, in the case of a hospital that is not a subsection (d) hospital,

during the 1 day) immediately preceding the date of such admission unless the hospital demonstrates (in a form and manner, and at a time, specified by the Secretary) that such services are not related (as determined by the Secretary) to such admission."; and

(2) in subsection (d)(7)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period and inserting "and"; and

(C) by adding at the end the following new subparagraph:

"(C) the determination of whether services provided prior to a patient's inpatient admission are related to the admission (as described in subsection (a)(4))."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to services furnished on or after the date of the enactment of this Act.

(c) NO REOPENING OF PREVIOUSLY BUNDLED CLAIMS.—

(1) IN GENERAL.—The Secretary of Health and Human Services may not reopen a claim, adjust a claim, or make a payment pursuant to any request for payment under title XVIII of the Social Security Act, submitted by an entity (including a hospital or an entity wholly owned or operated by the hospital) for services described in paragraph (2) for purposes of treating, as unrelated to a patient's inpatient admission, services provided during the 3 days (or, in the case of a hospital that is not a subsection (d) hospital, during the 1 day) immediately preceding the date of the patient's inpatient admission.

(2) SERVICES DESCRIBED.—For purposes of paragraph (1), the services described in this paragraph are other services related to the admission (as described in section 1886(a)(4) of the Social Security Act (42 U.S.C. 1395ww(a)(4)), as amended by subsection (a)) which were previously included on a claim or request for payment submitted under part A of title XVIII of such Act for which a reopening, adjustment, or request for payment under part B of such title, was not submitted prior to the date of the enactment of this Act.

(d) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of this section (and amendments made by this section) by program instruction or otherwise.

(e) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as changing the policy described in section 1886(a)(4) of the Social Security Act (42 U.S.C. 1395ww(a)(4)), as applied by the Secretary of Health and Human Services before the date of the enactment of this Act, with respect to diagnostic services.

##### SEC. 103. ESTABLISH A CMS-IRS DATA MATCH TO IDENTIFY FRAUDULENT PROVIDERS.

(a) AUTHORITY TO DISCLOSE RETURN INFORMATION CONCERNING OUTSTANDING TAX DEBTS FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(22) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

"(A) IN GENERAL.—The Secretary shall, upon written request from the Secretary of Health and Human Services, disclose to officers and employees of the Department of Health and Human Services return information with respect to a taxpayer who has applied to enroll, or reenroll, as a provider of

services or supplier under the Medicare program under title XVIII of the Social Security Act. Such return information shall be limited to—

“(i) the taxpayer identity information with respect to such taxpayer;

“(ii) the amount of the delinquent tax debt owed by that taxpayer; and

“(iii) the taxable year to which the delinquent tax debt pertains.

“(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of Health and Human Services for the purposes of, and to the extent necessary in, establishing the taxpayer's eligibility for enrollment or reenrollment in the Medicare program, or in any administrative or judicial proceeding relating to, or arising from, a denial of such enrollment or reenrollment, or in determining the level of enhanced oversight to be applied with respect to such taxpayer pursuant to section 1866(j)(3) of the Social Security Act.

“(C) DELINQUENT TAX DEBT.—For purposes of this paragraph, the term ‘delinquent tax debt’ means an outstanding debt under this title for which a notice of lien has been filed pursuant to section 6323, but the term does not include a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122, or a debt with respect to which a collection due process hearing under section 6330 is requested, pending, or completed and no payment is required.”.

(2) CONFORMING AMENDMENTS.—Section 6103(p)(4) of such Code, as amended by sections 1414 and 3308 of Public Law 111-148, in the matter preceding subparagraph (A) and in subparagraph (F)(ii), is amended by striking “or (17)” and inserting “(17), or (22)” each place it appears.

(b) SECRETARY'S AUTHORITY TO USE INFORMATION FROM THE DEPARTMENT OF TREASURY IN MEDICARE ENROLLMENTS AND REENROLLMENTS.—Section 1866(j)(2) of the Social Security Act (42 U.S.C. 1395cc(j)), as inserted by section 6401(a) of Public Law 111-148, is further amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) USE OF INFORMATION FROM THE DEPARTMENT OF TREASURY CONCERNING TAX DEBTS.—In reviewing the application of a provider of services or supplier to enroll or reenroll under the program under this title, the Secretary shall take into account the information supplied by the Secretary of the Treasury pursuant to section 6103(l)(22) of the Internal Revenue Code of 1986, in determining whether to deny such application or to apply enhanced oversight to such provider of services or supplier pursuant to paragraph (3) if the Secretary determines such provider of services or supplier owes such a debt.”.

(c) AUTHORITY TO ADJUST PAYMENTS OF PROVIDERS OF SERVICES AND SUPPLIERS WITH THE SAME TAX IDENTIFICATION NUMBER FOR MEDICARE OBLIGATIONS.—Section 1866(j)(6) of the Social Security Act (42 U.S.C. 1395cc(j)(6)), as inserted by section 6401(a) of Public Law 111-148 and as redesignated by section 1304 of Public Law 111-152, is amended—

(1) in the paragraph heading, by striking “PAST-DUE” and inserting “MEDICARE”;

(2) in subparagraph (A), by striking “past-due obligations described in subparagraph (B)(ii) of an” and inserting “amount described in subparagraph (B)(ii) due from such”; and

(3) in subparagraph (B)(ii), by striking “a past-due obligation” and inserting “an

amount that is more than the amount required to be paid”.

## TITLE II—PENSION FUNDING RELIEF

### Subtitle A—Single Employer Plans

#### SEC. 201. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(i) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(ii) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(iii) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury

shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

“(I) give notice of the election to participants and beneficiaries of the plan, and

“(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”.

(2) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

“(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a non-qualified deferred compensation plan (as de-

finied in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A of the Internal Revenue Code of 1986) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1) of such Code) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(I) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

“(I) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

“(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

“(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

“(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor’s income, and interest accrues on any unpaid dividends with respect to such stock.

“(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term ‘applicable preferred stock’ means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of this title).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 302(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan’s relative reduction in the plan’s shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and

this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D)."

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking "the shortfall amortization bases for such plan year and each of the 6 preceding plan years" and inserting "any shortfall amortization base which has not been fully amortized under this subsection", and

(B) in subsection (j)(3), by adding at the end the following:

"(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7)."

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

"(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

"(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an 'election year'), then, notwithstanding subparagraphs (A) and (B)—

"(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

"(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

"(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

"(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

"(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

"(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

"(iv) ELECTION.—

"(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

"(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan

sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

"(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

"(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

"(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

"(I) give notice of the election to participants and beneficiaries of the plan, and

"(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

"(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7)."

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

"(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

"(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

"(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

"(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

"(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

"(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'installment acceleration amount' means, with respect to

any plan year in a restriction period with respect to an election year, the sum of—

"(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

"(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

"(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

"(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

"(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

"(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

"(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

"(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

"(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

"(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

"(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'excess employee compensation' means, with respect to any employee for any plan year, the excess (if any) of—

"(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

"(II) \$1,000,000.

"(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other

arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1)) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

“(I) the adjusted net income (within the meaning of section 4043 of the Employee Retirement Income Security Act of 1974) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

“(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

“(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

“(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

“(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term ‘applicable preferred stock’ means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of title I of Employee Retirement Income Security Act of 1974).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor's controlled group (as defined in section 412(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

#### SEC. 202. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

#### “SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.

“(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an ‘election year’), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to ‘such Act’ or ‘such Code’ shall be to such Act or such Code as in effect before the amendments made by this subtitle and subtitle B.

“(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

“(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(l)(9) of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

“(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(l) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

“(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

“(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(c) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to

which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(l) of such Code—

“(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

“(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

“(B) the increased unfunded new liability for such plan year, and

“(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(d) ELECTION.—

“(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

“(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

“(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

“(e) DEFINITIONS.—For purposes of this section—

“(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

“(2) PRE-EFFECTIVE DATE PLAN YEAR.—The term ‘pre-effective date plan year’ means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

“(3) INCREASED UNFUNDED NEW LIABILITY.—The term ‘increased unfunded new liability’ means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan’s assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equalled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(l)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

“(4) OTHER DEFINITIONS.—The terms ‘unfunded new liability’ and ‘current liability’ shall have the meanings set forth in section 302(d) of such Act and section 412(l) of such Code.”

(b) ELIGIBLE CHARITY PLANS.—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking “eligible cooperative plan” wherever it appears in subsections (a) and (b) and inserting “eligible cooperative plan or an eligible charity plan”, and

(2) by adding at the end the following new subsection:

“(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer (determined without regard to section 414(c) of the Internal Revenue Code) and 100 percent of the employers are described in section 501(c)(3) of such Code.”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) ELIGIBLE CHARITY PLAN.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

#### SEC. 203. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.

(a) IN GENERAL.—

(1) AMENDMENT TO ERISA.—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

“(D) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(i) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(I) such percentage, as determined without regard to this subparagraph, or

“(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) APPLICABLE PROVISION.—For purposes of this subparagraph, the term ‘applicable provision’ means—

“(I) paragraph (3), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(II) paragraph (4).”.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(3) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(A) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(i) such percentage, as determined without regard to this paragraph, or

“(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

“(B) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

“(C) APPLICABLE PROVISION.—For purposes of this paragraph, the term ‘applicable provision’ means—

“(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(ii) subsection (e).”.

(b) INTERACTION WITH WRERA RULE.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

#### SEC. 204. LOOKBACK FOR CREDIT BALANCE RULE FOR PLANS MAINTAINED BY CHARITIES.

(a) AMENDMENT TO ERISA.—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

“(I) such ratio, as determined without regard to this subparagraph, or

“(II) the ratio for such plan for the plan year beginning after August 31, 2007, and before September 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2008, and before January 1, 2011, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3) of the Internal Revenue Code of 1986.”.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year of a plan shall be the greater of—

“(I) such ratio, as determined without regard to this subsection, or

“(II) the ratio for such plan for the plan year beginning after August 31, 2007 and before September 1, 2008, as determined under rules prescribed by the Secretary.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary.

“(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3).”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after August 31, 2009.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2008.

#### Subtitle B—Multiemployer Plans

### SEC. 211. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period —

“(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan

year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subclauses (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during ei-

ther of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such application to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period —

“(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subclauses (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multi-employer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such application to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan's funding standard account for the first plan year beginning after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the

Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

### TITLE III—BUDGETARY PROVISIONS

#### SEC. 301. BUDGETARY PROVISIONS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

**SA 4384.** Mr. REID (for Mr. BAUCUS (for himself and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 3962, to provide a physician payment update, to provide pension funding relief, and for other purposes; as follows:

Amend the title so as to read: “An Act to provide a physician payment update, to provide pension funding relief, and for other purposes.”.

### UNANIMOUS-CONSENT AGREE- MENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, as if in Executive Session, I ask unanimous consent that on Monday, June 21, the Senate proceed to executive session at 5:15 p.m. and debate concurrently until 6 p.m. Calendar No. 777, Mark Goldsmith; No. 778, Marc Treadwell; and No. 779, Josephine Tucker; that the time between 5:15 p.m. and 6 p.m. be equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that at 6 p.m., the Senate proceed to vote on confirmation of the nominations in the order listed; that there be 2 minutes of debate, equally divided, prior to any votes after the first; with succeeding votes limited to 10 minutes each; that upon confirmation, the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

### HONORING AND PRAISING THE NAACP ON ITS 101ST ANNIVERSARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to H. Con. Res. 242.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 242) honoring and praising the National Associa-

tion for the Advancement of Colored People on the occasion of its 101st anniversary.

There being no objection, the Senate proceeded to consider the measure.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The concurrent resolution (H. Con. Res. 242) was agreed to.

The preamble was agreed to.

### MEASURE READ THE FIRST TIME—H.R. 5297

Mr. REID. Mr. President, I believe H.R. 5297 has been received from the House and is now at the desk.

The PRESIDING OFFICER. It is.

Mr. REID. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

Mr. REID. Mr. President, I now ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its next reading on the next legislative day.

### ORDERS FOR MONDAY, JUNE 21, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, June 21; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; and following any leader remarks, there be a period of morning business until 5:15 p.m., with Senators permitted to speak for up to 10 minutes each, with no motions in order; that following morning business, the Senate proceed to executive session as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PROGRAM

Mr. REID. Mr. President, at approximately 6 p.m. on Monday, the Senate will proceed to a series of up to three rollcall votes. Those votes will be on

the confirmation of several district  
court nominations.

ADJOURNMENT UNTIL MONDAY,  
JUNE 21, 2010, AT 2 P.M.

Senate, I ask unanimous consent that  
it adjourn under the previous order.

Mr. REID. Mr. President, if there is  
no further business to come before the

There being no objection, the Senate,  
at 1:59 p.m., adjourned until Monday,  
June 21, 2010, at 2 p.m.

## HOUSE OF REPRESENTATIVES—Monday, June 21, 2010

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. CUELLAR).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
June 21, 2010.

I hereby appoint the Honorable HENRY CUELLAR to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

Reverend W. Douglas Tanner, Jr., Faith and Politics Institute, Washington, DC, offered the following prayer:

Almighty God, our Creator, our Redeemer, and our Sustainer: On the first official day of summer, we ask Your blessing on the lives of the Members of this House and on their work as representatives. We remember that in this season temperatures in Washington rise into the high 90s and beyond. We remember they can be accompanied by humidity so heavy that it feels like 90 percent. The days become hazy, and we become lazy.

We remember also a comparable climate that can descend on this Chamber, never mind the air conditioning. It comes with a haze that diminishes one's ability to see across the aisle—and across the country. It brings a laziness that yields to familiar ideological formulas and worn-out patterns of politics.

This summer, we pray, grant us some days of clarity to see new possibilities—and send us fresh energy to pursue them. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning-hour debate.

There was no objection.

Accordingly (at 11 o'clock and 3 minutes a.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 22, 2010, at 12:30 p.m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7977. A letter from the Assistant Secretary, Department of Defense, transmitting the annual National Guard and Reserve Component Equipment Report for fiscal year (FY) 2011; to the Committee on Armed Services.

7978. A letter from the Senior Vice President & Chief Financial Officer, Federal Home Loan Bank of New York, transmitting the 2009 management report of the Federal Home Loan Bank of New York, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7979. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting the Commission's audited Sixty-Ninth Financial Statement for the period of October 1, 2008 to September 30, 2009 pursuant to the Federal Managers' Financial Integrity Act and the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

7980. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures [Docket No.: 100421192-0193-01] (RIN: 0648-AY78 and 0648-AY59) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7981. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; West Coast Salmon Fisheries; 2010 Management Measures [Docket No.: 100218107-0199-01] (RIN: 0648-AY60) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7982. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final

rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments; Pacific Halibut Fisheries [Docket No.: 0809121213-9221-02] (RIN: 0648-AY82) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7983. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Correction [Docket No.: 0911161406-0195-04] (RIN: 0648-AY37) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7984. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XW20) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7985. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Correction [Docket No.: 0911161406-0170-03] (RIN: 0648-AY37) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7986. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Emergency Fisheries Closure in the Gulf of Mexico Due to the Deepwater Horizon Oil Spill [Docket No.: 100501208-0208-01] (RIN: 0648-AY37) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7987. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Closure of the Eastern U.S./Canada Management Area [Docket No.: 080521698-9067-02] (RIN: 0648-XW04) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7988. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02]

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

(RIN: 0648-XV78) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7989. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands [Docket No.: 0910131363-0087-02] (RIN: 0648-XV79) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7990. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Scup Fishery; Reduction of Winter I Commercial Possession Limit [Docket No.: 0908191244-91427-02] (RIN: 0648-XV77) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7991. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 0908191244-91427-02] (RIN: 0648-XV91) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7992. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XV80) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7993. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1894-DR for the State of Rhode Island; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7994. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1898-DR for the Commonwealth of Pennsylvania; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7995. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1899-DR for the State of New York; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7996. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment informa-

tion on FEMA-1895-DR for the Commonwealth of Massachusetts; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

#### TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

*[The following action occurred on June 18, 2010]*

H.R. 4842. Referral to the Committee on Science and Technology extended for a period ending not later than June 25, 2010.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. RICHARDSON:

H.R. 5562. A bill to amend the Homeland Security Act of 2002 to prohibit requiring the use of a specified percentage of a grant under the Urban Area Security Initiative and State Homeland Security Grant Program for specific purposes, and for other purposes; to the Committee on Homeland Security.

By Ms. TITUS:

H.R. 5563. A bill to amend the Homeland Security Act of 2002 to require annual risk assessments for purposes of the State Homeland Security Grant Program, and to require that risk assessments conducted for purposes of the Urban Area Security Initiative be conducted jointly with appropriate eligible metropolitan area officials; to the Committee on Homeland Security.

By Mr. BERMAN (for himself and Mr. ROHRBACHER) (both by request):

H.J. Res. 91. A joint resolution providing for the approval of the Congress of the proposed agreement for cooperation between the United States and the Russian Federation pursuant to the Atomic Energy Act of 1954; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. BURTON of Indiana, and Mr. ROYCE):

H.J. Res. 92. A joint resolution providing for the disapproval of the Congress of the proposed agreement for cooperation between the United States and the Russian Federation pursuant to the Atomic Energy Act of 1954; to the Committee on Foreign Affairs.

By Mr. TURNER (for himself, Mr. AUSTRIA, Ms. FUDGE, Mr. JORDAN of Ohio, Mr. LATTI, Mrs. SCHMIDT, Mr. TIBERI, Mr. BOEHNER, Ms. SUTTON, Mr. WILSON of Ohio, Ms. KAPTUR, Mr. RYAN of Ohio, Ms. KILROY, Mr. LATOURETTE, Mr. DRIEHAUS, Mr. KUCINICH, Mr. SPACE, and Mr. BOCCIERI):

H. Res. 1456. A resolution congratulating the University of Dayton men's basketball team for winning the 2010 National Invita-

tion Tournament basketball championship; to the Committee on Education and Labor.

#### MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

313. The SPEAKER presented a memorial of the Senate of the State of Arizona, relative to Senate Concurrent Memorial 1003 urging the United States Congress to restructure the Federal Fuel Tax System; to the Committee on Ways and Means.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. ELLISON.  
H.R. 305: Mr. HOLT.  
H.R. 571: Mr. SERRANO.  
H.R. 1020: Mr. BERMAN.  
H.R. 1255: Mr. ROGERS of Kentucky.  
H.R. 1351: Mrs. NAPOLITANO.  
H.R. 1352: Mr. MORAN of Kansas.  
H.R. 1443: Mr. BISHOP of New York.  
H.R. 1778: Mr. PRICE of North Carolina.  
H.R. 1826: Mr. CROWLEY.  
H.R. 2155: Mr. VISCLOSKY.  
H.R. 2176: Mr. FRANK of Massachusetts and Mr. SIRES.  
H.R. 3301: Mr. BLUNT and Ms. GINNY BROWN-WAITE of Florida.  
H.R. 3924: Mr. LINDER.  
H.R. 3936: Mr. CHANDLER.  
H.R. 4116: Mr. MCINTYRE and Mr. SKELTON.  
H.R. 4307: Mr. HEINRICH and Mr. LUJÁN.  
H.R. 4356: Mrs. MALONEY.  
H.R. 4722: Mr. PRICE of North Carolina and Ms. TSONGAS.  
H.R. 4844: Mr. LIPINSKI.  
H.R. 4995: Mr. PITTS.  
H.R. 5012: Mr. SABLAN.  
H.R. 5034: Mr. LIPINSKI and Mr. TIERNEY.  
H.R. 5041: Mr. BOREN.  
H.R. 5120: Mr. HEINRICH and Mr. BISHOP of New York.  
H.R. 5143: Mr. ROTHMAN of New Jersey, Mr. QUIGLEY, and Mr. MOORE of Kansas.  
H.R. 5234: Mr. VISCLOSKY.  
H.R. 5268: Mr. GENE GREEN of Texas and Mrs. NAPOLITANO.  
H.R. 5439: Mr. STARK and Mr. CHAFFETZ.  
H.R. 5461: Mr. SABLAN.  
H.R. 5481: Mr. HASTINGS of Florida.  
H.R. 5527: Mr. BARTLETT and Mr. LANGEVIN.  
H. Res. 308: Mr. LEWIS of Georgia.

#### PETITIONS, ETC.

Under clause 3 of rule XII,

152. The SPEAKER presented a petition of City of Miami, Florida, relative to Resolution R-10-0187 denouncing Arizona Senate Bill 1070; which was referred to the Committee on the Judiciary.

**SENATE—Monday, June 21, 2010**

The Senate met at 2 p.m. and was called to order by the Honorable MARK BEGICH, a Senator from the State of Alaska.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Almighty God, the giver of blessings, fill us with Your peace. As our lawmakers learn to trust You, may they overflow with hope through the power of Your Holy Spirit. Strengthen them to guard and protect an unwavering strength in You, energized by their confidence in Your promises. Lord, give them a fresh vision of the unlimited possibilities available to those who trust You as their God. Enable them to sense Your spirit's presence working through people, arranging details and solving complexities.

We pray in Your great Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable MARK BEGICH led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 21, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK BEGICH, a Senator from the State of Alaska, to perform the duties of the Chair.

ROBERT C. BYRD,  
*President pro tempore.*

Mr. BEGICH thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks there will be a period for morning business until 5:15 today with Senators allowed during that period of time to talk for up to 10 minutes each. At that time, the Senate will turn to the Executive Calendar and debate until 6 o'clock. We will turn to executive session with debate until 6 p.m. equally divided and controlled between Senators LEAHY and SESSIONS or their designees. At 6 p.m. the Senate will proceed to vote on the confirmation of Mark Goldsmith from Michigan, Marc Treadwell of Georgia, and Josephine Tucker of California, all to be district court judges.

This week the Senate could resume consideration of the tax extenders legislation or turn to FAA reauthorization, first responders collective bargaining, small business jobs bills or, if they are available, conference reports on the Wall Street reform, Iran sanctions, or the emergency supplemental appropriations bill.

**MEASURE READ THE SECOND TIME—H.R. 5297**

Mr. REID. I am told that H.R. 5297 is at the desk and due for a second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes.

Mr. REID. Mr. President, I now object to any further proceedings on this matter.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

**FAR-REACHING CONSEQUENCES**

Mr. REID. Mr. President, what we do on the Senate floor has consequences far beyond this building. We know our work has real world costs, far beyond the beltway. But it is not just what we do that touches our constituents' lives and livelihoods, it is also what we do

not do. When the Senate refuses to pass good bills, the people in our States pay the price. I hope we can avoid more of that this week and we can come together and work productively.

Right now, loopholes reward corporations for shipping jobs out of America, putting them out of reach of the many unemployed workers in each of our States. Every day we do not act, the loopholes remain wide open, those jobs vanish, and those we represent get hurt.

Right now, small businesses are desperate for tax incentives to create jobs at home. Every day we don't act, those small businesses have a harder time hiring, and the unemployment rate has a harder time falling.

Right now, Nevada's unemployment rate is the highest in the country. Victims of the recession who have been out of work for a long time are struggling to make ends meet while they are looking for a job. This bill extends the emergency unemployment assistance they need, critical help that, for many, has expired or dried up.

Every day we don't act, those families in Nevada and across the Nation continue to suffer unnecessary pain. This will be the eighth week since March the Senate has debated the tax-cutting, job-creating bill currently on the Senate floor. That is 2 full months, 2 full months we have been waiting and they have been waiting—the people in our States—for us to respond to an emergency. That is unacceptable.

The richest corporations continue to get richer while the unemployed remain out of work. Every minute we waste, it gets worse. It is our job to debate and not to delay. It is our job to legislate; it is our job to do something about the plight of the people in America. We need to legislate relief.

As we serve our citizens, it would serve the Senate well to remember the consequences of decisions that are driven by politics, purely, and the consequences of our actions and our inaction alike.

**RECOGNITION OF THE MINORITY LEADER**

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. REID. If I can just interrupt my friend for a minute, does the Senator have some consent agreements he wants to do or would he rather I come back?

Mr. McCONNELL. I have one consent in here, yes.

Mr. REID. I will just wait. I am happy to be here.

UNANIMOUS-CONSENT REQUEST—  
S. 3421

Mr. McCONNELL. Mr. President, it should be perfectly clear by now that Democrats here in Washington have no intention of being encumbered by the will of the American people. Whether it is health care, financial reform, creating private sector jobs, spending, debt, or even the oilspill, Americans say they want one thing and Democrats do another.

And we are seeing the same thing in the ongoing debate over the deficit extenders bill that is on the floor. Americans are anxious in a way they have never been about our monstrous national debt. Yet for nearly 3 weeks now, Democrats in Congress have been arguing among themselves not about how much they should cut the debt down but about how much they should increase it.

So we can add this to the list of crises Americans are begging Congress to address but which Democrats are either ignoring or exploiting to advance their agenda. The White House likes to talk about inflection points. Well, for most Americans, a \$13 trillion debt should have marked an inflection point for Democrats on the issue of debt. But the debate over this extenders bill has shown Democrats to be oblivious to the gravity of this crisis.

At a moment when certain European countries appear to be coming apart because of their own debt, Democrats in Washington still can't break the habit. Economists are warning us every day to get the debt under control. Just today, in fact, it was reported that Germany's Economy Minister is pleading with the Obama administration to cut spending and to restore fiscal balance or risk instability.

Yet nearly 3 weeks into the debate over the extenders bill, Democrats still can't agree to pass it without borrowing more money to pay for it. Republicans offered a fully offset 30-day extension of this bill that didn't just cover its cost but actually reduced the deficit in the process. Democrats rejected it. We offered an amendment that would have provided a long term extension of the expired provisions and lowered the deficit by \$55 billion over 10 years. Democrats rejected that too.

This should be an easy one, but Democrats are making it difficult because they just can't seem to bring themselves to pay for legislation.

But the American people aren't conflicted on this issue. And they want us to show we are serious, that we are willing to make the same kinds of tough choices they themselves have been forced to make in this recession. So I say to my friend from Nevada I am going to ask, now, a unanimous consent.

I again ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 411, S. 3421; fur-

ther, that the bill be read a third time and passed, and the motion to reconsider be laid upon the table. Before the chair rules, for clarity, this is a paid-for 30-day extension of the extenders bill.

The PRESIDING OFFICER. Is there objection?

The majority leader.

Mr. REID. Mr. President, reserving the right to object, I realize very much the financial situation our country finds itself in today. Everyone on this side of the aisle recognizes that. We also recognize the fact that the problems dealing with the economy were not created by the Democrats or even President Obama. The problems were created by virtue of 8 years of wild spending by a prior administration, a war costing \$1 trillion that was unpaid for, and tax cuts amounting to more than \$1 trillion, unpaid for, that caused this huge recession.

President Obama has been doing his best, working with us to get our way out of that financial situation in which we find ourselves. I am very amazed at the logic of my friends on the other side of the aisle suddenly seeing fiscal austerity as the way to go when the wild spending went on for 8 years without a word having been spoken.

We are doing everything we can to make sure the country continues on an upward scale. It has now. We have a long ways to go. But as economists say, the hemorrhaging has stopped, and we are trying to work our way into a vibrant economy. We are a long ways from that, and I recognize that.

In today's newspaper a number of columnists are talking about being very careful what we do. We are very aware of the pain people are feeling out there; for example, those people who are unemployed, long-term unemployed. As I have said on this floor before, Mark Zandi—JOHN MCCAIN's financial adviser when he ran for President—has said the most important thing we can do is give those people unemployment benefits because it goes right back into the economy and helps the economy.

A Nobel Prize-winning economist writes a column several times a week in the New York Times. Today he talks about the fact that we have to be very careful how we rein in spending. We know we have to do it, but we have to be very careful doing it.

In 1937, after we had pulled our way out of the economic crisis we found ourselves in, spending was reined in too quickly and it caused the country to go back into, not a depression but a recession. World War II saved our country financially in that regard.

I know my friend's heart is in the right place, but his logic is in the wrong place, and I object.

The PRESIDING OFFICER. Objection is heard.

The Republican leader.

Mr. McCONNELL. Mr. President, our good friends on the other side still do not seem to get it. They are twisting and turning, not in an effort to cut the debt but to borrow as much as they can with the minimum votes they need to pass this bill. And the best part of all is their justification. You guessed it. They want to blame President Bush for their own unwillingness to pay for this bill. They say that because the debt grew during his administration they are immune to any criticism for dramatically increasing it themselves.

Well, I have some news for our friends on the other side: Nobody is buying that anymore, because there is not any comparison here. When President Obama took office, the deficits he inherited were projected to \$4.3 trillion over the next 10 years. One year later, one year after President Bush left office, the Congressional Budget Office had to put out a revised estimate: After 1 year of Democrats controlling Washington, estimated deficits just over the next decade had nearly doubled to \$8.1 trillion, in the middle of a recession; in other words, at a time when projected revenues coming in are actually decreasing.

Or consider this: The largest annual deficit ever accumulated by the previous administration was \$455 billion. The largest annual deficit ever accumulated by the previous administration was \$455 billion. So what did President Obama do when he took office? He wrote a budget that guarantees average annual deficits of more than double that every year for the next 10 years. More than doubles the largest deficit we had during the Bush years and anticipates that for every year for the next decade.

So the kind of spending and debt Democrats are engaged in and which they are committed to continue year after year is like nothing this country has ever seen. We have never seen anything like this. It threatens not only the livelihoods of our children, it threatens our national security and the very safety net Democrats claim they want to protect.

The fact is, the longer we wait to address this debt in a serious manner, the more that safety net actually frays and the harder this crisis will be to address. At some point a choice has to be made, and that point is now.

I noticed that the President's Chief of Staff had some ideas over the weekend about how to frame up the November elections. I cannot think of a better example of how detached the Democrats seem to be at this moment from the concerns of the American people. Americans want to know what is being done to fix a broken pipe at the bottom of the Gulf, not what is being done to fix the election. The White House might view the upcoming election as its biggest crisis at the moment, but the American people are focused on fixing this pipe and cleaning up this mess.

Two months of delays and bureaucratic redtape have done nothing to solve the crisis, but they have done a lot to discredit the kind of big-government solutions that Democrats continue to promote. Every day the oil continues to flow is a day Americans' faith in government ends.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, my friend says he has never seen anything like this. Well, I have never seen anything like this reasoning. Everyone knows that President Obama did not cause the oil gushing into the ocean, and he has done his utmost to try to alleviate the pain and suffering of the people in the gulf. He had the good fortune of getting the company responsible for this oil gushing out of the ocean to come up with a \$20 billion trust fund to pay the people who suffered. There were some Republicans last week who said they thought it was wrong for the President to do that. But that was a very small minority who believed that. I have never seen anything like this. So President Obama is not responsible for the oil gushing out of the Earth into the ocean, and President Obama is not responsible for the severe recession that hit this country in the last few months of the Bush administration.

I cannot imagine anyone thinking we should not have taken the measures we did to help bolster the economy. The economic recovery package created millions of jobs. There is still money in the pipeline to create more jobs. And as it says in this one op-ed piece in the New York Times today:

And some of the most vocal deficit scolds in Congress are working hard to reduce taxes for the handful of lucky Americans who are heirs to multimillion-dollar estates. This would do nothing for the economy now, but it will reduce revenue by billions of dollars a year, permanently.

It will be interesting to see in the next few weeks how these same budget hawks feel about the estate taxes that we have to address. I would hope we can all be calm and deliberate here. We have a few weeks left. We have 2 weeks in this week period, 4 or 5 the next work period to get some things done here.

We have appropriations bills we have to do. We have these tax extenders we have been working on, as I indicated, for 8 weeks. We have the unemployment benefits we need to extend. People are now desperate for that money. We have also something to help States called FMAP, which helps for Medicaid, which has been such a drain on the States because of the tremendous problems we have had with people being out of work and needing to go on Medicaid because there is no place else for them to go for health care.

I would hope we can move forward on the legislation that we tried to fin-

ish last week. I am grateful we were able to finally get the short-term fix on the patients who are Medicare recipients. Now if we can get something done in the House there, doctors will be able to be reimbursed not at the fat and sassy rate, but at least it will be better than the 21-percent cut that was going to go into effect today or tomorrow.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period of morning business until 5:15 p.m., with Senators permitted to speak for up to 10 minutes each, with no motions in order.

The Senator from Arizona is recognized.

#### HEALTH CARE

Mr. KYL. Mr. President, I want to speak briefly today about some broken promises related to the health care bill, specifically, President Obama's promise that if Americans liked their current coverage, they would be able to keep it.

Remember that promise. Last June, the President promised on national television that:

Government is not going to make you change plans under health reform.

In his September address to Congress, he reassured Americans:

If you have health insurance through your job, nothing in our plan requires you to change what you have.

Well, those two statements are true as far as they go. The law does not require. The problem is, everything written into the law will, nevertheless, result in that happening.

What we are seeing is new developments every week that prove that what we had said would happen will, in fact, happen. Many Americans are not going to be able to keep the coverage they have, even though they like it. That includes many who have employer-based coverage in addition to many seniors who rely on private Medicare plans known as Medicare Advantage.

So how does this happen? First, with regard to the 170 million Americans who have employer-based coverage, regulations are being written right now by the administration, specifically by the Labor and Health and Human Services Departments and the IRS that will have a direct impact on people not being able to keep their plans. These regulations deal with existing plans called "grandfathered plans." Grandfathered status was supposed to allow employers to continue offering their current plans even if they did not meet

all of the government's new cost-increasing mandates and requirements, such as minimum standards for what a plan must offer. That was the whole point of grandfathering.

It was also intended to protect Americans enrolled in their plans from "rate shock" or significant premium increases as a result of the new government mandates. But according to the administration's own report, new regulations could mean that two-thirds of all workers at small businesses would have to relinquish their grandfathered status, exposing them to these new mandates and requirements.

The worst-case scenario, according to the report, is that a whopping 80 percent of small firms' plans would lose their grandfathered status. By 2013, the report concludes, more than half of all workers' plans, 51 percent, will be subject to new Federal requirements. So much for the idea that if you like your plan you get to keep it.

These requirements drive up the cost of insurance, impede an employer's ability to adjust to rising health care costs, and ultimately provide an incentive to employers to drop their coverage altogether and instead pay a fine or, to put it another way, it creates a disincentive to keeping your coverage and an incentive to dropping their coverage and forcing them to buy the coverage through the so-called exchange.

The individual mandate provision in the bill would then require these workers whose coverage has been dropped to purchase the government-approved insurance from the new government-dictated exchange, replete with the highest costs, more mandates, and so on.

Of the new regulations, James Gelfand, who is health policy director at the U.S. Chamber of Commerce, said:

These rules are extremely strict. Almost no plan is going to be able to maintain grandfathered status.

So what has happened? The President said: If you like your plan, you get to keep it. We will grandfather it in.

Now the rules and regulations are being written in such a way that virtually none of the plans will be grandfathered so that the employers all have an incentive to send their employees to the new health exchange and therefore to drop the coverage they currently have and like.

This frankly validates concerns that we voiced throughout the debate, that despite the President's claims, his health care bill will force Americans to accept unwanted health care coverage changes and that, in fact, therefore it amounts to a government takeover of health care.

I mentioned American seniors. This is the second area in which they will not get to keep their plans even though they like them. The White House recently sent out a promotional mailer to seniors, saying:

Your guaranteed Medicare benefits won't change—whether you get them through original Medicare or a Medicare Advantage plan. Instead, you will see new benefits and cost savings.

Wrong. Seniors are normally skeptical about such a claim, given the President's bill is funded by \$½ trillion in Medicare cuts. Republicans brought this up repeatedly during the health care debate. Democrats assured seniors not to worry, that if they liked their plan they could keep it. They were promised the law would strengthen Medicare. Yet now we are seeing and hearing from the experts that millions of seniors too will lose their Medicare Advantage benefits.

In fact, the White House's claims to the contrary are flatly contradicted by the administration's own expert, Richard Foster. He is the CMS Actuary, and he says:

The new provisions [in the health care law] will generally reduce [Medicare Advantage] rebates to plans and thereby result in less generous benefits packages.

That is the administration's own actuary telling us that seniors who have Medicare Advantage will not get to keep what they have. Here is how a Wall Street Journal op-ed summed up the expert's conclusions:

In an April memo, Richard Foster estimated that the \$206 billion hole in Advantage will reduce benefits, cause insurers to withdraw from the program, and reduce overall enrollment by half. Doug Elmendorf and his team at the Congressional Budget Office came to the same conclusion, as did every other honest expert.

In conclusion, we have a number of experts, not partisans, on the record saying that seniors who use Medicare Advantage will see their benefits eliminated and their coverage changed.

The administration is trying to soften the blow by sending some seniors a \$250 rebate check. I am sure people are happy to get the check. But it is not much of a gain for those seniors who face skyrocketing premiums and may not have access to the same Medicare Advantage plans they now enjoy.

These developments are consistent with a pattern. It is a pattern ever since the bill was passed and signed into law by the President of broken promises. Americans never liked or wanted this bill, and they are continually reminded why they opposed it in the first place. The fact is, it turns out they will not get to keep what they have even if they like it. That is just one of the reasons why a strong majority of Americans want to see it repealed.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I ask unanimous consent to speak for 30 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DEFICITS AND DEBT

Mr. DORGAN. Mr. President, I listened to the leaders today. I was thinking about Will Rogers, who once said: You could call me a hick or call me a rube, but the fact is, I would sooner be the person who buys the Brooklyn Bridge than the person who sells it. I was thinking of the fiction in that clever Will Rogers quote and some of the fiction I hear on the floor of the Senate.

Everybody here understands—if not, they better understand quickly—the dilemma of the unbelievable growth of deficits or debt for this country. It is unsustainable. There is no question about that. But it is interesting to me that just recently we have had the minority side of the aisle decide this is their life's calling despite the fact that this President, the day he was inaugurated and walked across the door into the White House, had this President done nothing but sleep for the next year, he inherited a Federal deficit of \$1.3 trillion. This stuff about he said, we said, she said, they said, the American people aren't very interested in all that. What they are interested in is what caused this problem and who is going to step up and fix it.

Let's talk about what caused this problem. What ran this country into the ditch and what has caused this unbelievable runup in debt? No. 1, early on in 2001, I and others stood on the floor when President Bush—yes, President Bush; and I am not here just to tarnish his Presidency, I am here to talk about his record—said: We now have 10 years of expected budget surpluses. Let's do something with that money. President Bush had inherited a record budget surplus from the Clinton Administration. The new President took over and said: We have to have very big tax cuts to get rid of these surpluses.

I stood on this floor and said: These surpluses don't exist yet. Let's be a little conservative.

He said: "Katy, bar the door," we are going to give this money away.

Very big tax cuts, the largest benefits went to the highest income earners in the country. Then what did we experience? Very quickly, a recession, an attack against our country on 9/11, wars in Iraq and Afghanistan. Then we sent soldiers off to war and didn't pay for one penny of it. Everybody in this Chamber knows better than that. You don't fight a war by asking people to go risk their lives but we won't risk anything by asking the American people to pay for the cost of the war. We will just put it on the debt.

As all this was going on, we had a bunch of new regulators who came to town from the new administration who said: It is a new day. We are going to have business-friendly regulation in this town. We won't look. We won't watch. We don't care what you do.

As a result, we had an unbelievable outpouring of greed that ran this country into the ditch by some of the biggest financial enterprises in the country.

I am not sure either side is much of a bargain for the American people these days. I understand that. But I don't think we ought to rewrite history. This President inherited the biggest mess since Franklin Delano Roosevelt came to the Presidency. That is a fact. Now we have to try to work together to figure out what we do about it. How do we deal with this? How do we respond to the burgeoning Federal budget deficits?

By the way, some say: Let's make our stand by shutting down unemployment insurance for folks at the bottom, the folks who don't have a job, those people who have been told: Your job doesn't exist anymore; you are done; you are out of here. And we have about 20 million fewer jobs than we need in this country. In the last 9 years, we lost more than 5 million jobs of people who work in the factories.

Will Rogers also once said: I see where Congress passed a bill to help bankers' mistakes. You can always count on us helping those who have lost part of their fortune, but the whole history records nary a case where the loan was for the person who had absolutely nothing.

And so it is in this Congress—hundreds of billions here and there in tax cuts and bailouts. But now it is about helping people with unemployment. That is where we make our stand, according to some. It is pretty unbelievable. We need to start working together to find common solutions. Describing where the other side is wrong is hardly a productive enterprise. It is pretty easy to do, in fact.

That is not why I came to talk, but it does get tiresome trying to rewrite history here on the floor of the Senate. I am not suggesting one Presidency is good or bad. I am saying this President inherited a \$1.3 trillion deficit. That is a fact. That doesn't come from me; that comes from the Congressional Budget Office. I understand, at least in part, why that happened. Some of us on the floor of the Senate did not support giving away tax revenues we didn't have. Some of us didn't support going to war without paying for it. I had that discussion. How about paying for some of this? The previous President said: You try to pay for it, I will veto the bill. Is it surprising, then, that we are deep in debt? Not particularly surprising to me. Those are not very thoughtful decisions.

## FINANCIAL REFORM

Mr. DORGAN. Mr. President, 16 years ago I wrote a cover article for the Washington Monthly magazine. The title was "Very Risky Business," the

subtitle, "If we don't watch out, a new kind of Wall Street gambling—exotic derivatives trading—could shake the market and put taxpayers on the line for another bailout." I talked about \$35 trillion in derivatives. That is now a fraction of what is out there. I talked about banks that were trading on derivatives on their own proprietary accounts. I said they might just as well have a roulette wheel or a craps table in their lobby. It is just flatout gambling, and it ought to be stopped.

It is not surprising to me because I made the same point 5 years after that, when they tried to repeal Glass-Steagall—and did successfully—in order for us to compete with the Europeans. That took apart the protections that existed after the Great Depression. It was decided that we don't need those protections anymore. They took it apart. I was one of eight Senators to vote no. I warned on the floor then that another taxpayer bailout would come within a decade. It did, regrettably.

Now the question is, as we put together a piece of legislation to address these issues, what do we do that doesn't have us just having a press conference to say: Look at what we did. What is it we have to do to make sure this doesn't happen again? Have we really tightened the regulations?

Let me go through a couple things. Will we have dealt with too big to fail? The answer is no, not really. Too big to fail means there are some businesses in this country in the financial services industry, some of the biggest financial institutions, that are determined "too big to fail," and their failure would cause grievous harm to the economy, perhaps bring the entire economy down. Therefore, if they are too big to fail, they are, by definition, going to be bailed out.

I happen to believe that if you are too big to fail, you are simply too big. You ought to be pared back, trimmed down until you are not too big to fail. That is not what is happening here. We are going to pass a piece of legislation in which the biggest financial institutions are bigger than they were before we got into this mess. Too big to fail doesn't mean you are too big. In fact, you can get bigger with the kind of legislation that is being considered in conference.

Proprietary trading. Will they still allow banks to trade on their own proprietary accounts? Will they put a restriction, finally, on banks' ability to make speculative bets using their own capital in their own lobby? We will see. It doesn't look like it.

What about the issue of naked credit default swaps, CDSs? They have no insurable interest on any side of them, just flatout betting. No, this isn't going on in Atlantic City or Las Vegas; it is going on across the country with financial institutions. Will this be trimmed down? It doesn't look like it.

How about the ratings agencies, the agencies that gave AAA ratings to fundamentally worthless securities, had a bunch of people left with bad securities in the bowels of financial balance sheets? What about that? There was an amendment on the floor of the Senate to deal with that. That has now been watered down. Or capital standards.

I won't go on except to say that I hope the sum total of this conference between the House and Senate on financial reform is about working for the American people and not the interests that helped create this mess. I hope this is a time to suck it up and do the right thing. I hope the conferees understand that if this bill is excessively weakened—and it wasn't strong leaving here—they should not assume they will have the votes to automatically pass that kind of legislation back in the Senate and perhaps the House.

This is very important. This is not some other issue. This is about whether the economy will continue to provide strength and expand and promote hiring. It will be what our children and grandchildren experience in terms of opportunities for the future in our great country.

It is a conference that is pushed by all sides to do various things for various interests. I hope they understand that this is something that will revisit us again in 2 years, 5 years, 10 years from now unless we do the right thing and make certain we address the key issues.

#### ENERGY POLICY

Mr. DORGAN. Mr. President, I wish to talk about energy legislation. I have been reading today all the stories in the newspapers about the caucus we had last week in which we described energy legislation and climate change legislation and what we should or should not do.

There are two challenges for this country at this point: No. 1, we are far too dependent on foreign oil. Over 60 percent of the oil we receive comes from outside of our country; 70 percent of the oil we use goes into the transportation sector. We are far too dependent on foreign oil. If something should happen to shut off the supply of foreign oil to our country, our economy will be flat on its back for a long while. We need to be less dependent on foreign oil. No. 2, there is something happening to our climate. We are not completely sure what that is, but I don't think there is any question that there is a wide scientific consensus that something is happening to the global climate.

We should work on both, no question about that. But there is a practical limitation of what we will be able to consider and do between now and the end of this year. I have said previously that I support a cap on carbon. I sup-

port pricing carbon. I have said I will not support what is called classic cap and trade, which would serve the interests of Wall Street by creating a \$1 trillion carbon securities market so they can trade carbon securities on Monday and Tuesday and tell us what the cost of our energy is going to be on Thursday and Friday. I have no interest in doing that, nor would I support it. But there are ways for us to price carbon and to restrict carbon. I understand that.

The question has lingered now about a piece of legislation that came out of the Energy Committee 1 year ago this month. We had 12 weeks of markup. It was a very difficult markup. We passed, at the conclusion of the markup, a bipartisan piece of energy legislation that advances our country's energy interests and will make us less dependent on foreign oil. It will substantially reduce carbon emissions because it will dramatically change the amount of production that comes from renewable energy, wind, solar, biomass, and so on.

For a year we have now waited for that legislation to come to the floor. It has not come to the floor because some say: If we can't do comprehensive climate change legislation, then we don't want to do any legislation. Even that which would reduce carbon, even that which would substantially increase production from sources of energy where the wind blows and the Sun shines so we can collect this energy and put it on a grid.

It does not make any sense, that we would not consider a bipartisan energy bill and end this year having failed to address something that, A, was bipartisan, and B, will in fact reduce carbon and will give us an opportunity to be less dependent on foreign oil. That makes no sense, not to be able to take advantage of that kind of success.

It seems to me there are not 60 votes in the Senate to bring up a comprehensive climate change bill in June or July of this year. I know some people will have heartburn when I say that. I just think that is the case. If that is the case, let's not block a bipartisan energy bill that does address production, efficiency, and a lower carbon future.

We need to produce more in this country. We need to save more, that is, conserve more. Even as we do that, we need to produce more energy in a different way—wind energy, solar energy, the biofuels, obviously, that are renewable and, generally speaking, reduce carbon.

Building an interstate highway of transmission capability is essential because it is not the case that all people live in areas where they get the best sunshine or the most significant amount of wind. If we are going to get the most energy available from wind and solar, we need the kind of transmission that is capable of getting the

wind energy and solar energy and then moving it to where it is needed.

The building efficiency plan that contains the best and quickest capability for saving energy is also in the bill we have written.

We will and we should produce more domestic oil. We are doing unbelievable things in new kinds of horizontal drilling. The Bakken shale in my State is the largest assessed reserve of recoverable oil ever registered in the history of the lower 48—just in the last 2 years—up to 4.3 billion barrels of technically recoverable oil.

Coal development, including carbon capture and sequestration, an especially beneficial use of carbon—all of that is capable of being done; and, yes, some nuclear energy. I support loan guarantees for nuclear plants, like requested by the Administration.

I think all of this is capable of being done in a way that reduces our dependence on foreign oil and is good for our economy. I understand change is hard and that is never demonstrated more concretely than in this Chamber. Change is very hard. I mentioned some while ago that a man named Rudolf Diesel showed up at the World's Fair in Europe about 110 years ago. Rudolf Diesel showed up with a new engine which we now know as the diesel engine. He was very proud of the engine he had developed, and it ran on vegetable oil. Yes, that was 110 years ago. Rudolf Diesel's new engine ran on vegetable oil. Most of what we can and should and I hope will do, does not need to represent a new idea.

Ninety-seven percent of our transportation sector runs on oil. So Senator ALEXANDER, myself, and Senator MERKLEY have just introduced the electric drive transportation bill. We are moving toward electric drive vehicles, and we are establishing the capability of demonstration cities for infrastructure and all the things that are necessary, including battery investment and so on. I think ultimately we will have a 400- or 500-mile battery in vehicles that are electric drive vehicles.

Think of the changes in transportation, and it is pretty unbelievable. Nobody knows exactly what the future is going to hold, but we either decide to make that future or we just let it happen. I am a big believer in making it happen. In 1935, it took 3 weeks to go from Chicago to New York. Twenty-five years later, it took 3 days by railroad, then the cars, and then the jet airplanes, and all of a sudden things changed dramatically.

From the Roman legions time until when Lewis and Clark came and spent the winter in North Dakota on their wonderful expedition, there was no change to speak of in travel. One could travel as fast as a horse or a river stream could take them, and that was it. All of a sudden, in the last century, century and a half, things have ex-

ploded. But it has required a great deal of energy.

So the question is, What kind of energy? How do we produce it? What makes us less dependent, for example on foreign oil, so we do not find ourselves, at some point, tipped over in an economy that cannot work because we do not have the energy? How do we address the energy issue, still paying attention to the issue of climate change? Those are the issues.

As I indicated, very few people can see the future. In fact, most people are skeptical about anything. They say Fulton, when he developed the steam engine—he apparently was with Napoleon, talking to Napoleon about his idea—and Napoleon said: Are you kidding me?

He probably did not quite say it that way. He said: You are saying you are going to make a boat sail against the wind by putting a fire under its deck? I don't think so. That was Napoleon's response to Fulton.

Or Einstein said: There is no evidence whatsoever that nuclear energy will ever be achievable. I do not know, has anybody ever said Einstein lacked clarity about the future?

David Sarnoff once famously said about the wireless music box, which we now call the radio: Who on Earth would pay for someone to send a message that goes to no one in particular? Or Harry Warner who said: Who would pay to hear actors talk? So much for prognosis. Watson, at IBM, said he thought there was a market worldwide for about five computers. That was his assessment.

So it is very hard to predict the future. No one can see very far. The question, it seems to me is: Are we going to decide reasonably what we want our future to be, with new technology—perhaps using old technology—and move there, or are we just going to sit around and let things happen?

That is why this Energy bill is so important. We are charting a new path. RES—we say we want 15 percent, and if we can get the bill to the floor, I am going to offer an amendment for 20 percent. We want 20 percent of all electricity produced in America coming from renewable sources. Driving renewable energy will make us less dependent on foreign oil.

I also support domestic production of oil and gas and domestic production of coal. By the way, coal is one of the most significant quantities of resources in our country for energy, and there is great concern because it produces carbon when you burn it, and that is tough for the environment and goes against the issue of the global climate change matter. So what do we do about that? Well, one of the things I am convinced we can do is understand that carbon is a product, not just a problem.

What can we do with carbon? Well, we can produce fuel with carbon. We

have work going on at Sandia National Laboratories that uses a heat engine. You put CO<sub>2</sub> in one side and water in the other side, and you fracture the molecules and chemically recombine them, and you produce fuel. So take carbon and air and produce fuel, along with some water.

I do not think these problems are unsolvable. But in order to get there, we have to get this Energy bill to the floor of the Senate, and it has now been 1 year. I noticed this morning there were 15 or 20 of my colleagues who said: If a bill does not contain climate change, we would not support any bill coming to the floor.

Well, do you know what? Climate change means you want to reduce carbon to try to protect our environment. How do you reduce carbon? With the very kinds of policies that exist in this Energy bill, and we have done it on a bipartisan basis.

So my hope is, in the next couple of weeks or so, that we might finally, at last—at long, long last—get to the point where we are bringing up a piece of legislation that is out of the committee, that is bipartisan, that will protect our environment but, most importantly, will invest in virtually every form of energy production and conservation and make us less dependent—much less dependent—on foreign oil.

That ought to be the goal of all Americans. We do not think much of it, we do not talk much about it because we just assume energy is going to be a part of our lives beginning tomorrow morning. We get up in the morning, we turn off the alarm—that was electricity—we turn on the light—that is electricity—make a piece of toast—that is electricity—get a cup of coffee—that is electricity—take a shower—that is electricity to heat the water. We get in the car and turn the key to start the engine—that is oil.

The fact is, we use energy in a prodigious way all day long and never think much about it. But if, God forbid, tomorrow morning something happens that shuts off the supply of foreign oil to this country, our economy would be in deep, desperate trouble. We would be smart, we would be wise, to understand that over dependence, that excessive dependence on foreign oil, is a detriment to this country's future. We better get about the business of trying to address it. There is a way to do that, and a way to do that at the same time that is very helpful to this country's environment by restricting and limiting CO<sub>2</sub> emissions because we are going more and more toward the development of renewable sources of energy for the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

## GULF OILSPILL

Mr. LEMIEUX. Mr. President, I just want to make some brief remarks this afternoon concerning the ongoing tragedy in the Gulf of Mexico and the Deepwater Horizon response.

Sixty-one days ago is when the tragedy started. We are here, 61 days later, and we still have this tremendous pouring of oil from the bottom of the sea floor into the Gulf of Mexico. In fact, the amount of oil that is coming into the gulf now equals the size of the Exxon Valdez oilspill every 2½ days.

Yet while this oil continues to gush, and while we have hope that the containment dome will capture more and more of this oil as it comes from the bottom of the ocean, we are still seeing a weak, at best, response from the Federal Government in trying to keep this oil from coming ashore.

Last week—a week ago tomorrow—I met with the President of the United States and Admiral Allen in Pensacola. At the same time, I raised the issue of skimmers. Why are there so few skimmers in the Gulf of Mexico? Why were there only, at that time, 32 skimmers off the coast of Florida? The President and Admiral Allen told me they were making every effort they could to get more skimmers to the gulf and that they were welcoming skimmers from foreign countries coming to our country to aid in the effort.

I told them at that time there was a State Department report saying that 21 offers of assistance have been made from 17 foreign countries, and they had been refused. I was informed back that, no; that is not the case and in fact we are using skimmers from foreign countries. I came to find out, through discussions with my office, there are still offers and there have been offers from foreign countries for skimmers and, in fact, those offers were refused.

I will come to the floor tomorrow to talk about that in more detail.

But the state of affairs is there are now only 20 skimmers off the coast of Florida, when there were 32 last week. There are now just 20, while there are 2,000 skimmers available in the United States alone. That number comes from Admiral Allen. I spoke to Admiral Allen last week, along with my colleague from Alabama, Senator SESSIONS, and we said: Where are the skimmers?

I showed him information like I have today, which is the Deepwater Horizon response report from the incident command in the State of Florida. Then it showed 20 skimmers. Today it still shows 20 skimmers.

I asked him to reconcile this for me. If we are asking for all these skimmers, if we are calling for all of them to come here, where are they? The response is anemic at best. So today I have sent a letter to Admiral Allen asking for an inventory of the 2,000 skimmers that he has said are available in the United States of America.

When I talked to the President and Admiral Allen about this last week, they said: Look, some of these skimmers are not available because we may need them for an oilspill. Well, we have an oilspill. Just because they may be required to stand on watch somewhere in case an oilspill happens someplace else, that is like saying to the people of Pensacola: Your home is on fire, but we can't send the fire engine because there may be a fire someplace else. It does not make any sense.

So, Mr. President, I ask unanimous consent that this letter be printed in the RECORD, as well as this report from the State of Florida about the 20 skimmers off the coast of Florida.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, June 21, 2010.

Admiral THAD W. ALLEN,  
Commandant, U.S. Coast Guard,  
Washington, DC.

I am tremendously concerned over the lack of skimmer vessels responding to the Deepwater Horizon disaster in the Gulf of Mexico. It is clear that we are facing a disaster of unprecedented size that requires a response with an unprecedented scope. As a result, every available skimming resource should be responding to the Gulf to combat the encroaching oil that is befouling Gulf beaches—including Florida's.

As of June 20, there were only 20 skimmers responding to the oil spill in the waters off Florida's coast, yet you have stated that there are approximately 2,000 skimmers in the United States alone. For Floridians, these numbers do not add up.

I respectfully request that you provide me with a current inventory of all domestic skimmer vessels, including their current locations and operational responsibilities. Also, please detail whether each of these skimmers has been solicited by the Unified Command to assist in the ongoing oil response.

Also, I am troubled by the apparent lack of communication between the Unified Command and elected officials regarding the actual location of skimmers responding in the Gulf on a daily basis. As a result, I respectfully request a daily update via e-mail as to the number and location of skimmers throughout the Gulf region and specifically off Florida's shores.

More and more environmental and economic damage is being wrought on the Gulf with each passing day. These damages should not be further exacerbated by a lack of appropriate response vessels or poor communication between response leaders. I appreciate your continued leadership in this unprecedented effort and look forward to your prompt response.

Sincerely,

GEORGE S. LEMIEUX,  
U.S. Senator.



Charlie Crist  
Governor

**Snapshot Report # 32**  
Monday, June 21, 2010 at 0900 hrs EDT

David Halstead  
State Coordinating Officer

**Mobile Unified Command Boom Operations:**

Tier	Proposed/Need	Deployed	Staged	Shortage	Percent Under
1	303,600	194,700	57,350	51,550	16.98%
2	280,100	132,800	0	147,300	52.59%
<b>Total</b>	<b>583,700</b>	<b>327,500</b>	<b>57,350</b>	<b>198,850</b>	<b>34.07%</b>

**County Contracted Boom Tier 3 Totals:**

County	Deployed	Proposed	Staged
Escambia	20,000	N/A	0
Santa Rosa	12,100	N/A	0
Okaloosa	36,500	N/A	0
Walton	0	N/A	0
Bay	85,500	N/A	9,961
Gulf	0	N/A	11,700
Franklin	0	139,800	98,600
Wakulla	N/A	71,500	0
Jefferson	N/A	18,835	0
Taylor	N/A	N/A	N/A
<b>Total</b>	<b>154,100</b>	<b>230,135</b>	<b>120,261</b>

**Vessel Assets Deployed:**

Type	Working	Staged	Ordered	Location Deployed
Off-Shore Skimmer	111 (9 are skimmers)		2	TF 701- Chandler Islands, Ala to 3NM off FLA TF 702- 20NM off FLA shore TF 703- Chandler Islands, Ala to 3NM off FLA TF 704- Chandler Islands, Ala to 3NM off FLA TF 705- 2-10NM off Panama City
Near Shore Skimmer	87 (11 are skimmers)	0		TF1- Destin - Panama City TF3- Pensacola-Destin TF4- Perdido Pass TF5- Petit Bois Island
<b>Total</b>	<b>148</b>	<b>0</b>	<b>2</b>	

**Vessels of Opportunity (VOO):**

VOO LSA	Off Shore Assets	Near Shore Assets	FLA Assets	Total VOO Assets	Deployed VOO Assets
Pensacola	75	40	80	195	381 74 using Sorbent, Snare & Containment
Destin	200	100	112	412	
Panama City	153	60	84	297	
Port St Joe	100	50	42	192	
Apalachicola	100	50	37	187	
Carabelle			12	12	
<b>Total</b>	<b>628</b>	<b>300</b>	<b>367</b>	<b>1295</b>	

**Product Collection at Source:**

06-20-10	Enterprise	Q4000	Total
Oil	14,574	8,716	23,290
Gas	32.5	15.8	48.3

**BP Reported FLA Product and Trash Recovered:**

Staging area	Daily Product	Cumulative Total
Pensacola	13.81	141.97 tons
Panama City	0	1.46 tons
<b>Total</b>	<b>13.81</b>	<b>143.43 tons</b>

**Small Business Administration Loan Applications:**

Issued	Accepted	Declined	Approved
382	95	17	5
Loan amount approved: \$255,000.00			

**Clean-up Teams:**

Team	Personnel	Staging Location
Emergency Response Team (USCG)	18	Pensacola
Emergency Response Team (USCG)	9	Panama City
Emergency Response Team (USCG)	9	Port St. Joe
<b>Total</b>	<b>36</b>	

(BP) Contractor Personnel	Personnel	Staging Location
Beach cleanups	1621	Pensacola, Panama City
Qualified Community Responders	313	Pensacola, Panama City
Gross Vessel Decon	27	Pensacola
	27	Panama City
Boom Operations	541	Pensacola, Panama City
<b>Total</b>	<b>1955</b>	

**SCAT Teams:**

Team ID	County
SCAT 4	Escambia
SCAT 6	Escambia
SCAT 7	Okaloosa
SCAT 9	Bay
SCAT 10	Walton

**County EOC Activations:**

County	Activation Level
Escambia	2
Santa Rosa	2
Okaloosa	2
Walton	2
Bay	2
Gulf	2
Franklin	2
Wakulla	2

**Recon Teams:**

County	ATVs Staged	ATVs Deployed
Escambia	0	7
Santa Rosa	0	1
Okaloosa	0	5
Walton	0	4
Bay (FWC)	0	5
Gulf (FWC)	0	2
Franklin	0	1
On Stand-By	7	0
<b>Total</b>	<b>7</b>	<b>25</b>

County or Agency	Resources Staged	Resources Deployed
Walton	0 – Command Bus	1 – Command Bus
FWC	0 – Boats	42 – Boats
FWC & CAP & USCG	1 – Planes	3 – Planes
FWC	0 – Helicopters	3 – Helicopter
FLNG	0 – Planes	2 – Planes
FLNG	0 – Helicopter	2 – Helicopter

**State Personnel:**

Area Of Operation	DEM	DEP	FWC	DOT	DMS	AWI	DOH	DOF	FLNG	CAP	SMT	IMT
SEOC	30	2	6	1	2		27	2	47	9		5
Mobile	7	4	3	1	1	1	1		2		7	6
Panhandle	3	40	85									
Peninsula	1											
<b>Total</b>	<b>41</b>	<b>46</b>	<b>94</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>28</b>	<b>2</b>	<b>49</b>	<b>9</b>	<b>7</b>	<b>11</b>

**BP Claims:**

BP Claims in Florida	Claims	Approx. Paid
<b>Grand Total</b>	<b>*17,083*</b>	<b>\$15,221,896.03</b>
*One claimant has one claim which may have multiple events*		

**Recovered Oiled Wildlife:**

	Recovered alive*	Released	Died or euthanized	Still in Rehab	Recovered dead
6/20/10	1		0	28	0
<b>Total #</b>	<b>58</b>	<b>2</b>	<b>27</b>		<b>38</b>

\*Does not include marine mammals or turtles. (2 live visibly oiled sea turtles have been rescued)

\*Primarily northern gannets and brown pelicans, pied-billed grebes.

See the consolidated wildlife report updated by noon each day:

<http://www.deepwaterhorizonresponse.com/go/doctype/2931/55963>

Mr. LEMIEUX. I again call for the fact that every skimmer in the world that is available should be welcomed by this government. They should be steaming toward the Gulf of Mexico, and we should be doing everything we can to make sure we are cleaning up this oil before it gets on our beaches, before it gets into our estuaries and our coastal waterways. It is beyond belief we are not doing more. It is beyond belief this administration has no sense of urgency about stopping the oil from coming ashore.

I ask, Mr. President—and I will continue to come every day to the floor to ask the question—where are the skimmers? Where is the help? Where are the domestic skimmers? Why aren't we doing the job we should for the American people to protect our beaches, our waterways, and our estuaries?

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I see our distinguished colleague from Pennsylvania on the Senate floor, and I know he expects to speak for a little more extended time. He has graciously allowed me to go first.

#### NOMINATION OF ELENA KAGAN

Mr. CORNYN. Mr. President, I rise to speak briefly on the nomination of Elena Kagan to the U.S. Supreme Court. Of course, this vacancy is being left by the retirement of Justice John Paul Stevens.

The President has the constitutional prerogative to nominate whosoever he chooses, but it is important to recognize the Constitution does not stop there. It also provides a second constitutional obligation or responsibility, in this case upon the Senate, when it comes to the duty of advice and consent.

We know there are only nine Justices on the U.S. Supreme Court and that each has that job for life. It goes without saying—or it should, I would add—that the process in the Senate must be fair and dignified. I wish I could tell you it has always been that way, but I believe the confirmation process of Judge Sotomayor to the U.S. Supreme Court was conducted in that way, and I certainly believe so will this confirmation process as well. But in addition to being fair and dignified, it must also be careful, thorough, and comprehensive.

Our job is particularly difficult because of the fact that Solicitor General Kagan has never been a judge. She is a blank slate in that regard. We do not have any prior opinions to study. While that is not unprecedented, it is somewhat unusual for someone to come to the U.S. Supreme Court without ever having served as a judge. In addition, we know General Kagan has practiced law only very briefly. She was an entry level lawyer in a Washington law firm

for about 2 years and then, of course, last year she was chosen by the President to be Solicitor General at the Justice Department. But that brief experience tells us virtually nothing about how she would approach cases as a member of the U.S. Supreme Court.

What we do know about Elena Kagan begins, and largely ends, with her resume. We know the jobs she has held. We know the positions she has occupied and the employers she has chosen to work for. A review of her resume shows us two things. First, Ms. Kagan is very smart. Her academic records are impressive. Second, we know Ms. Kagan has been a political strategist for a quarter of a century, but she has never been a judge. We know she has served extensively and repeatedly as a political operative, adviser, and a policymaker—quite a different job than that she would assume should she be confirmed.

We know General Kagan's political causes date back to at least college, when she volunteered to help a Senate candidate in her native State of New York.

We know that after law school, she worked for two of the most activist Federal judges in the 20th century, Abner Mikva and Thurgood Marshall. Justice Marshall often described his judicial philosophy as “do what you think is right.” I wish he had mentioned something about applying the law, but he said to do whatever you think is right. Elena Kagan has called Justice Marshall her judicial hero.

We know that Solicitor General Kagan volunteered for a time in the Michael Dukakis campaign for President in 1988, where she did opposition research.

We know that a few years later, Ms. Kagan advised then-Senator JOE BIDEN during the nomination of Ruth Bader Ginsburg.

We know General Kagan gave up her teaching job to work at the Clinton White House where she was a leading policy adviser on many of the hot button issues of the day. She was a deputy assistant to the President on domestic policy. She was a deputy director of the Domestic Policy Council. During that time, she was a leading policy adviser on a number of controversial issues regarding abortion, gun rights, and affirmative action.

After she left the Clinton White House, Ms. Kagan's political skills helped her become dean of the Harvard Law School and, by all accounts, she was successful in that job as an administrator and as a fundraiser. The one clear legal position she took as dean was her position against military recruiters that the Supreme Court rejected 9 to 0.

Solicitor General Kagan returned to government a year ago when she became Solicitor General following the election of her friend Barack Obama.

Ms. Kagan's resume shows that she is very comfortable in the world of politics and political campaigns. She has worked hard as a policy and political strategist in some very intense political environments. As a policy and political adviser, her record indicates she has been successful.

The question raised by this nomination, though, is whether Elena Kagan can step outside of her past role as political adviser and policy strategist in order to become a Federal judge. I have had the honor of being a State court judge and I know firsthand that being a judge is much different from being a political strategist. The job of a political strategist is to help enact policies. The job of a judge is to apply the law wherever it takes them.

The goal of a political adviser is to try to win for your team. On the other hand, a good judge doesn't root for or fight for a team but, rather, is impartial or, as sometimes stated, is disinterested in results, in winners and in losers.

The important question is whether Solicitor General Kagan can and will set aside her considerable skills as a political adviser to take on a very different job as a neutral judge. Will she apply the law fairly, regardless of the politics involved? Will Solicitor General Kagan appreciate the traditionally narrow role of a judge who must apply the law rather than the activist role of a judge who thinks it is proper to make up the law? Can she make the transition from political strategist to judge?

The hearings on Ms. Kagan's nomination are 1 week from today. I hope the hearings will be a substantive and meaningful opportunity for Elena Kagan to explain how she plans to make that shift from political strategist to judge. Because she has never been a judge, the hearings will be a chance to learn about what she expects her judicial philosophy and approach will be.

Every candidate for the Supreme Court has the burden of proof to show they are qualified to serve on the Supreme Court. Most nominees have a much longer record, including a record of judicial service, which could help satisfy that burden of proof, but not so in Ms. Kagan's case. Given Ms. Kagan's sparse record, however, the hearings themselves must be particularly substantive.

In 1995, then-Professor Kagan gave advice in a Law Review article to the U.S. Senate on how to scrutinize a Supreme Court nominee. She wrote that the “critical inquiry” must be “the perspective [the nominee] would add” and “the direction in which she would move the institution.”

I agree. Given Solicitor General Kagan's sparse record and her lack of judicial experience, it is important that the hearings be an opportunity to fill in the blank slate that is Elena Kagan.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

### SEPARATION OF POWERS

Mr. SPECTER. Mr. President, I have sought recognition to again alert my colleagues to what I consider to be a very important matter, and that is that the Supreme Court of the United States is materially changing the traditional separation of powers and that, as a result, the Congress of the United States continues to lose very substantial power in the Federal scheme under the Constitution of the United States. This is a theme I have submitted over the course of the last 30 years, since 1981, with the confirmation proceedings of Justice Sandra Day O'Connor. And in now the 12th proceeding that I will personally have participated in, I raise this issue again to urge my colleagues to take a stand.

The only opportunity we have to influence the process is through the confirmation of Supreme Court Justices. But we have witnessed a series of cases where instead of the traditional doctrine of separation of power, there has been a very material concentration of power which has gone principally through the Court and secondarily to the executive branch.

The Framers put the Congress under Article I. It was thought at the time the Constitution was adopted that Congress would be the foremost branch representing the people. The executive branch is Article II, and the judiciary branch is Article III. Were the Constitution to be written today, I think we would find the course inverted. But what we have seen here is that recent decisions of the Supreme Court have abrogated the traditional deference given by the judicial branch to findings of fact and the determination of public policy arising from what Congress finds in its extensive legislative hearings, with the Court substituting its judgment with a variety of judicial doctrines. During the confirmation process where we examine the nominees, we continue to receive lip service about congressional authority but, once confirmed, we find that the nominees have a very different attitude and engage in very substantial jolts to the constitutional law in effect.

The generalized standard for what would be the basis for upholding an act of Congress was articulated by Justice Harlan in *Maryland v. Wirtz* in 1968 interpreting the commerce clause, saying:

Where we find that the legislation as a rational basis for finding a chosen regulatory scheme necessary to the protection of commerce, our investigation is at an end.

That is the general legislative standard which had been adopted by the Court in reviewing acts of Congress until the case of *City of Boerne v. Flo-*

*res* in 1997. There, the Supreme Court adopted a new standard. They articulated it as congruence and proportionality, with the Supreme Court of the United States reviewing the act of Congress to decide whether it was congruent and proportional to what the Congress sought to achieve, and that entailed an analysis of the record, giving very little deference to what Congress had found.

On its face, the standard of congruence and proportionality suggests that the Court can come out anywhere it chooses. That was the view of a very strong dissent by Justice Scalia in a subsequent case, where he said:

The congruence and proportionality standard, like all such flabby tests, is a standing invitation to judicial arbitrariness and policy-driven decisionmaking.

So that when you take a standard of that sort and undercut the traditional deference to congressional fact-finding, you end up with the Court making law instead of interpreting law. Under that decision, we have seen a whole torrent of Supreme Court decisions declaring acts of Congress unconstitutional. Illustrative are the *Morrison* case, involving the Violence Against Women Act, the *Garrett* case under the Americans With Disabilities Act, and repeatedly the issue was undercut.

As a result, in the confirmation hearings, many of us—this Senator included—sought to establish an understanding of a nominee's approach to giving the deference to congressional findings. Illustratively—and I have spoken on this subject before—Chief Justice Roberts and Justice Alito used all the right language, but when we find the application of the language, they have done a reverse course. Justice Roberts spoke eloquently about the need for modesty and for the Court not to jolt the system, but to follow *stare decisis*. With respect to fact-finding, this is what Chief Justice Roberts had to say in his confirmation hearing:

I appreciate very much the differences in institutional competence between the judiciary and the Congress when it comes to basic questions of fact finding, development of a record, and also the authority to make the policy decisions about how to act on the basis of a particular record. It's not just disagreement over a record. It's a question of whose job it is to make a determination based on the record. . . . [A]s a judge, you may be beginning to transgress into the area of making a law . . . when you are in a position of re-evaluating legislative findings, because that doesn't look like a judicial function.

So there you have a very flat statement by the nominee saying that it is not the Court's role to transgress into the area of lawmaking, which is what does happen in reevaluating legislative findings.

Justice Alito said about the same thing. This is his testimony in his confirmation hearing:

I think that the judiciary should have great respect for findings of fact that are

made by Congress. The judiciary is not equipped at all to make findings about what is going on in the real world—not these sort of legislative findings. And Congress, of course, is in the best position to do that. Congress can have hearings and examine complex social issues, receive statistical data, hear testimony from experts, analyze that and synthesize that, and reduce that to findings. And when Congress makes findings on questions that have a bearing on the constitutionality of legislation, I think they are entitled to great respect.

The decision in *Citizens United* found the Court reversing recent decisions in the *Austin* and *McConnell* cases. Instead of giving the deference to the congressional findings, which was articulated by Chief Justice Roberts and Justice Alito, they did an about-face.

In raising this consideration, I do not challenge the good faith of Chief Justice Roberts or Justice Alito. I recognize and acknowledge the difference between testifying in a confirmation hearing and what happens during the course of a decision when deciding a specific case in controversy. But when we take a look at what happened in *Citizens United*—and again, this is a matter of the illustration—we have the enormous record that was created by the Congress in enacting *McCain-Feingold* and the findings of fact there to support what the Congress did, which was invalidated by the Supreme Court of the United States in *Citizens United*, which upset 100 years of precedent in allowing corporations to engage in political advertising.

The scope and detail of the congressional findings were outlined by Justice Stevens in his dissenting opinion in *Citizens United*. The statement of facts by Justice Stevens on commenting on the record is not a matter of disagreeing on opinions. People are entitled to their own opinions but not to their own facts, as has been reiterated so frequently. This is what Justice Stevens noted on the congressional fact-finding:

Congress crafted in the *McCain-Feingold* legislation "in response to a virtual mountain of research on the corruption that previous legislation failed to avert." The Court now negates Congress's efforts without a shred of evidence on how section 203 or its State law counterparts have been affecting any entity other than *Citizens United*.

Justice Stevens said this to emphasize not only that the Court's holding ran counter to outstanding congressional judgment but also "the common sense of the American people," who have recognized a need to prevent corruption from undermining self governing since the founding and who have fought against the distinctive corrupting potential of corrupt electioneering since the days of Theodore Roosevelt.

Justice Stevens went on to point out that the record compiled in the context of the congressional legislation was more than 100,000 pages long. He noted that judicial deference is particularly

warranted, whereas here we deal with the congressional judgment that has remained essentially unchanged throughout a century of legislative adjustment.

Now, as a result of what happened in *Citizens United*, we found that, illustratively, Chief Justice Roberts did substantially differently when on the Court in contrast with what he did in his confirmation hearing. In the confirmation hearing, Chief Justice Roberts did acknowledge that the act was a product of an "extraordinarily extensive legislative record."

"My reading of the Court's opinion," Chief Justice Roberts went on, "is that was the case where the Court's decision was driven in large part by the record that had been compiled by Congress. The determination there was based on the extensive record carrying a lot of weight with the justices."

The matter was particularly problematic. As Justice Stevens noted:

The Congress relied upon the decision of the Supreme Court in the *Austin* case.

Stevens noted that overruling *Austin* was especially significant because Congress had specifically relied on that decision in drafting the McCain-Feingold Act.

So essentially what you have here is relatively recent decisions by the Supreme Court of the United States in *Austin* and *McConnell*. You have a very extensive congressional record, which sets forth the factors about the need to avoid corrupt practices and electioneering brought about by money and, beyond the actual corrupt practices, the appearance of corruption, and the legislative effort to set this kind of a factual basis. And you have Justices in confirmation hearings committing to respecting and being deferential to congressional findings. But when the decision comes, 100 years of precedent is overturned. You don't have a modest decision; you have a decision which jolts the system.

It is a difficult matter where we proceed candidly as to where we go beyond getting the most positive assurances we can from the nominees. I suggest to my colleagues that when we begin the confirmation process with Solicitor General Kagan next week, this should be a focus of attention because what is happening is that the power of Congress is being diluted. If you have legislative findings that go for 100,000 pages and then you have Justices who have under oath said that they will give deference to congressional findings; you have Congress enacting the McCain-Feingold law based upon the standards set by the Supreme Court of the United States in the *Austin* case; you have the relatively recent precedents of *Austin* and *McConnell*, for instance, the Federal Election Commission; and then you have a case like *Citizens United* coming down, that ought to be a sharp focus of attention.

My sense is that the reality is that this body and our counterpart across the Rotunda pay relatively little attention to what the Supreme Court of the United States does. They have the final say. It is often noted that they are right only because they are final. When we have an opportunity, through the confirmation process, to focus on these issues, I suggest to my colleagues that it is high time we do so.

There is a second area where the authority of Congress has been very materially undermined. It has been where the Supreme Court of the United States declines to decide cases. We have a situation where the Court hears and decides relatively few cases. This is against the backdrop where, historically, the Supreme Court of the United States decided many more cases. Going back to 1886, the Supreme Court of the United States had on its docket 1,396 cases and decided 451 cases. In 1987, the Supreme Court issued 146 majority opinions. In 2006, less than 20 years later, the Supreme Court heard arguments in only 78 cases and handed down opinions in only 68 cases. A year later, 2007, the Supreme Court heard arguments in 75 cases and handed down opinions in only 67 cases. In 2008, arguments in 78 cases, decisions in 65 cases. This is in a context where Chief Justice Roberts testified in his confirmation hearing that he thought the Court ought to hear more cases.

In a letter I will submit for the RECORD, there is a detailing of the tremendous number of important circuit splits where the Supreme Court of the United States does not decide which circuit is correct or you have one circuit deciding a case one way or another circuit deciding a case another way, and then the situation arises in yet a third circuit, and there is no guiding precedent. There is confusion, and I suggest that the Court really has the duty to take up these circuit splits and make a definitive decision so that the law is clarified, so that litigants and lawyers can know where the law stands on a specific case. Stated simply and directly, the Court is not too busy to take up these circuit splits.

There are other major cases where the Court declines to hear cases, which I respectfully submit that the Court ought to hear. Illustrative of one of the major constitutional conflicts in the history of the United States has been the controversy over warrantless wiretaps. You have the Foreign Intelligence Surveillance Act of 1978, which in very emphatic terms says the exclusive way a wiretap may be obtained would be through a warrant, where the Federal investigative authorities filed an affidavit of probable cause with a Federal judge or a Federal magistrate, and only after that permission is granted may the wiretap be activated. That is to protect the very basis of privacy and the very strong interdiction of the

Fourth Amendment to the U.S. Constitution, which prohibits unreasonable search and seizure.

It has been 5 years since it was disclosed that the executive branch, under the so-called Terrorist Surveillance Program, was undertaking warrantless wiretapping. The activity was being undertaken under the contention that the President had power as Commander-in-Chief, executive authority under Article II to disregard the act of Congress.

It is standard hornbook law. The Congress cannot legislate in violation of the Constitution. But if, in fact, the President of the United States, under certain circumstances, has the authority as Commander-in-Chief to engage in conduct, Congress may not proscribe it, may not eliminate it, may not limit the power of the President that the President has under constitutional authority.

But 5 years have passed and there has been no decision in the case. A Federal district court judge in Detroit declared the act unconstitutional. The case was appealed to the Court of Appeals for the Sixth Circuit, and in a 2-to-1 decision the court decided that there was no standing, which is a popular doctrine for declining to hear a case and ducking the issue.

I believe any fair analysis of the opinion of the court of the dissenting opinion gave much additional weight to the dissenters or, in any event, a very close question, one of paramount importance that ought to have been decided by the Sixth Circuit.

The case was then taken to the Supreme Court of the United States, which denied certiorari. Those issues are still very much in play.

In a case in the U.S. district court in San Francisco, Judge Vaughn Walker has declared the act unconstitutional. It is questionable whether that is a final ruling in the case. But the Supreme Court of the United States, with as many law clerks as they have—four and five each; many more than they have had in earlier days—and with the very light docket they have, there is no reason that a case such as the Terrorist Surveillance Program should not be adjudicated by the Supreme Court so we would know what the law was on that subject.

Another case which I have spoken about on the floor of the Senate involves the litigation brought by survivors of the September 11 attacks on the United States where some 3,000 people were killed. A lawsuit was begun to get damages from the Government of Saudi Arabia, from five Saudi princes, from a Saudi charitable organization which was an instrumentality of the government, and other defendants.

The Congress of the United States in the sovereign immunity law specifically decided that the sovereign should

not have immunity in any case where there was a domestic tort involved, such as the conduct involved in 9/11.

The Court of Appeals for the Second Circuit decided the legislation did not apply because it applied only in situations where a nation had been declared a terrorist state. That exception is nowhere in the statute. It had no place in the decision.

When application was made for certiorari to have the case considered by the Supreme Court, the Solicitor General's Office, headed by Solicitor General Kagan, took the position that the Second Circuit was wrong but urged the Court not to take the case on the ground that there were important foreign policy questions involved. Solicitor General Kagan took the position that where no acts occurred within the United States, the Foreign Sovereign Immunities Act did not apply.

Again, this reading was pulled literally out of thin air. Nothing in legislative history or background would suggest that the victims of 9/11 ought not have a case against the Government of Saudi Arabia and the princes and the charitable organization, an instrumentality of the state. Under those circumstances, no distinction between the acts occurred, but there was plenty of repercussion and plenty of consequence from that tortious conduct when America was attacked. Here the Supreme Court of the United States has denied to hear the case, which leaves the Congress subservient to the executive branch.

The business about being deferential to foreign powers, in my judgment, is not an adequate basis for disregarding the legitimate claims of the people who were killed on 9/11, not sufficient to disregard the congressional enactment which held that there ought not to be sovereign immunity where there is tortious conduct involved; that the doctrine of sovereign immunity ought to apply to commercial transactions but not to conduct such as was evidenced on 9/11.

Again, we have as an adjunct of what happens when the Court disregards congressional findings. You have the action of the Court in declining to hear cases such as the Terrorist Surveillance Program, such as the litigation brought by the survivors of the victims of 9/11 where the authority of Congress is materially undercut.

There has been other action taken by the Supreme Court of the United States. It is hard to pick the description which is sufficiently forceful, whether it is surprising or whether it is astounding. But litigation was brought in a case captioned *McComish v. Bennett* where the district court in Arizona held that Arizona's Citizens Clean Elections Act was unconstitutional.

In that case, the State of Arizona had decided to provide for matching funds in order to deal with the problems of

campaign financing, trying to deal with the issues of corrupting influence of money, both the fact of corruption and the appearance of corruption.

I am not going to take the time now to go through the long list of cases where Members of Congress have been convicted of illegal campaign contributions which rose to the level of being a quid pro quo and a bribe. But the Federal district court in Arizona said the Arizona legislation, captioned the Citizens Clean Elections Act, was not supported by a compelling State interest, not narrowly tailored, and not the least restrictive alternative and, therefore, was unconstitutional under the First Amendment.

The Court of Appeals for the Ninth Circuit reversed saying there was an ample record to support the legislative enactment.

On June 1 of this year, 20 days ago, the Supreme Court of the United States denied an application to vacate the stay. The Court of Appeals for the Ninth Circuit had stayed the decision of the district court so that the Arizona elections could go forward pursuant to the Arizona Citizens Clean Elections Act.

When the Ninth Circuit heard the case, the Ninth Circuit issued a stay that stopped the carrying out of the district court decision on unconstitutionality so that the elections in Arizona this year could proceed under that act. The losing parties in the Ninth Circuit decision then applied to the Supreme Court to eliminate the stay so the district court opinion would remain in effect.

The Supreme Court, on June 1, denied the application to vacate the stay "without prejudice to a renewed application if the parties represent that they intend to file a timely petition for a writ of certiorari."

A week later, the Court reversed course and granted the application to vacate the stay on the district court's injunction "pending filing and disposition of a petition for writ of certiorari."

This is complex legalese, but what it does is reinstate the conclusion of the Federal district court in Arizona that the Arizona law is unconstitutional and may not be enforced.

It is a little hard to fathom how the Court can do that without even the filing of a petition for a writ of certiorari.

What we essentially have is the Supreme Court was deciding the Arizona case without the submission of a petition for a writ of certiorari, without following the rules of the Supreme Court for the filing of briefs, or without an argument before a decision was made. It has all the earmarks of a flagrant denial of due process of law.

It is true technically that the Supreme Court may reverse and remand and enter judgment as they choose.

But in a contest where the procedures are established, in case after case the practice of the Court—you want to have the Supreme Court of the United States review a case? File a petition for writ of certiorari. Then you have to prepare a brief, then you appear before the Court for argument, and then the Court makes a determination, after hearing the case, what ought to be done.

Here we have the Arizona elections disrupted by a conclusion of the Supreme Court of the United States. It is not even a judgment. It is a reinstatement of a stay.

We have the Supreme Court of the United States today on issues of enormous importance—the election of Federal, State, and local officials, an Arizona law trying to deal in a sensible way with the problems of having candidates spend so much of their time on electioneering. A recent study showed those of us in Congress spent about 25 percent of our time on raising money. I think that is a fairly realistic estimate. I think I saw an affirmative nod from the Presiding Officer, the Senator from Virginia.

I would say that is not much off the mark from my own experiences. My first campaign cost less than \$2 million, and the last campaign cost some \$23 million. We all have offices away from our office so we comply with the law which prohibits us from making telephone calls to raise money or undertaking any of it on Federal property. It takes a lot of time.

We have a number of former Members of Congress who are in jail today across this land, and we have a lot of public skepticism about the influence of money on congressional decisions. We had eight Members of the House of Representatives in one of the Hill newspapers last week about an investigation of a House Ethics Committee where there was an appearance of some issue where votes were changed in the wake of campaign contributions.

Here we have the Supreme Court eliminating the Arizona law without even having a hearing in the case but reinstating the stay. That is a subject I intend to ask Nominee Kagan about next week.

I have submitted a series of letters to Solicitor General Kagan, one dated May 25, one dated June 15, and I am sending another one today, and I ask unanimous consent to have printed in the RECORD the full text of these letters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
Washington, DC, May 25, 2010.

Hon. ELENA KAGAN,  
Solicitor General of the U.S.,  
Washington, DC.

DEAR SOLICITOR GENERAL KAGAN: At our meeting on February 4, 2009, your confirmation for Solicitor General was pending before

the Senate. We discussed, among other things, two cases that raise important questions about Executive-branch incursions on Congress's law-making powers with respect to the jurisdiction of the lower federal courts: *Weiss v. Assicurazioni Generali, S.P.A.* (hereafter *Generali*), 529 F.3d 113 (2d Cir. 2010), and *In re Terrorist Attacks on September 11, 2001*, 538 F.3d 71 (2d Cir. 2008), cert. denied, 129 S. Ct. 2859 (2009) (hereafter *9/11 Litigation*). I write to notify you of the topics I intend to cover at your upcoming confirmation hearing with respect to these and related cases.

#### HOLOCAUST LITIGATION (GENERALI)

This litigation was brought by victims of the Holocaust and their heirs to recover on unpaid World War II-era insurance policies issued by an Italian insurance company. Just a few months ago, the United States Court of Appeals for the Second Circuit affirmed the dismissal of the plaintiffs' claims on the ground that they were preempted by an Executive-branch foreign policy favoring the resolution of such claims through an international commission. The Second Circuit did so in reliance on the Supreme Court's decision in *American Insurance Association v. Garamendi*, 539 U.S. 396 (2003). There the Court held that this policy, though not formalized in an executive agreement or treaty, preempted a state law requiring insurers to disclose information about certain Holocaust-era insurance policies. The Court relied on cases addressing the preemptive effect of executive agreements purporting to settle claims of private litigants in federal courts. A post-*Garamendi* development of note is the Court's decision in *Medellin v. Texas*, 552 U.S. 491 (2008), where the Chief Justice suggested that the executive branch could settle claims by executive agreement only in the face of acquiescence by Congress.

I intend to ask you, among other questions:

(1) whether you understand the Supreme Court's case law to require a finding of Congressional acquiescence as a condition of giving preemptive effect to an executive agreement;

(2) whether you agree with Justice Ginsburg's dissenting opinion in *Garamendi* (joined by Justices Stevens, Scalia and Thomas) that an Executive-branch foreign policy not formalized in a treaty or an executive agreement cannot preempt state law; and

(3) what considerations you would bring to bear in deciding whether to vote to grant certiorari in this case, if confirmed. (My office has been advised that a petition for certiorari will be filed soon.)

#### 9/11 LITIGATION

This litigation was brought by over 6,000 victims of the September 11 terrorist attacks against, among other defendants, the Kingdom of Saudi Arabia and five Saudi princes. The plaintiffs pleaded various claims arising from their allegation that the defendants financed the attacks. None of these defendants, though, ever had to defend the case on the merits. The United States Court of Appeals for the Second Circuit ruled that they were immune from suit under the Foreign Sovereign Immunities Act (FSIA). The plaintiffs petitioned the Supreme Court for certiorari. You filed a brief on behalf of the United States urging the Supreme Court to deny the petition. The New York Times reported that your filing came less than a week before President Obama's trip to the Middle East to meet with Saudi Arabia's King Abdullah. See Eric Lichtblau, "Justice

Department Backs Saudi Royal Family on 9/11 Lawsuit," New York Times, May 30, 2009. The Court denied the petition.

One of the two key questions in the petition was whether, as the Second Circuit had held, the FSIA addressed the immunity of the Saudi officials. There is, as you acknowledged in your brief, a circuit split on the question: Some circuits have concluded that the FSIA governs the immunity of foreign officials, as distinct from foreign states. Others have concluded that their immunity is governed by non-statutory principles articulated by the Executive branch. The United States argued that the split was not worthy of the Court's review because the "disagreement appears to be of little practical consequence." In earlier cases, however, the United States argued repeatedly that the distinction is indeed of practical consequence in numerous respects. And you have since filed a brief on behalf of the United States in *Samantar v. Yousuf* (No. 08-1555) urging the Court to hold that the FSIA does not displace "principles adopted by the Executive branch" governing the immunity of foreign officials.

The second of the questions raised was whether the defendants could be sued under the FSIA's domestic tort exception. That exception permits suits against sovereigns arising from injuries "occurring in the United States and caused by the tortious act or omission of the foreign state." 28 U.S.C. 1605(a)(5). You argued in your brief that the exception did not apply.

I intend to ask you, among other questions:

(1) whether you would have voted to grant certiorari in the 9/11 Litigation had you been sitting on the Court;

(2) whether the United States may have placed diplomatic concerns above the rights of 9/11 victims in urging the Court not to grant certiorari;

(3) whether the FSIA governs all questions of sovereign immunity in the federal courts; and

(4) whether you believe that the FSIA's tort exception should have been interpreted to confer immunity on the defendants.

At our meeting on May 13, 2010, when we discussed your confirmation for the Supreme Court, we discussed, among other things, the constitutionality of the Terrorist Surveillance Program (TSP), which brought into sharp conflict Congress's authority under Article I to establish the 'exclusive means' for wiretaps under the Foreign Intelligence Surveillance Act with the President's authority under Article II as Commander-in-Chief to order warrantless wiretaps.

The TSP operated secretly from shortly after 9/11 until a New York Times article detailed the program in December 2005. In August 2006, the United States District Court for the Eastern District of Michigan found the program unconstitutional. In July 2007, the Sixth Circuit reversed 2-1, finding lack of standing. The Supreme Court then denied certiorari.

The dissenting opinion in the Sixth Circuit demonstrated the flexibility of the standing requirement to provide the basis for a decision on the merits. As Judge Gilman noted, "the attorney-plaintiffs in the present case allege that the government is listening in on private person-to-person communications that are not open to the public. These are communications that any reasonable person would understand to be private." After analyzing the standing inquiry under a recent Supreme Court decision, Judge Gilman would have held that "[the attorney-plain-

tiffs have thus identified concrete harms to themselves flowing from their reasonable fear that the TSP will intercept privileged communications between themselves and their clients."

I intend to ask you, among other questions, whether you would have voted to grant certiorari in this case had you been on the Supreme Court.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,

Washington, DC, June 15, 2010.

Hon. ELENA KAGAN,  
Solicitor General of the United States,  
Washington, DC.

DEAR SOLICITOR GENERAL KAGAN: By letter dated May 25, 2010, I identified three subjects that I intend to cover at your confirmation hearing. I write to identify four additional subjects that I intend to cover.

The Supreme Court's workload

The Supreme Court's workload has steadily declined. In 1870, the Court decided 280 of the 636 cases on its docket; in 1880, 365 of the 1,202 cases on its docket; and in 1886, 451 of the 1,396 cases on its docket. In 1926, the year Congress gave the Court nearly complete control of its docket by passing the Judiciary Act of 1925, the Court issued 223 signed opinions. The Court's output has declined significantly ever since. In the first year of the Rehnquist Court, the Court issued 146 opinions; in its last year, it issued only 74.

Chief Justice Rehnquist's successor, John Roberts, testified during his confirmation hearing that the Court could and should take additional cases. But the Court has not done so. During the 2005 Term, it heard argument in 87 cases and issued 69 signed opinions; during the 2006 Term, it heard argument in 78 cases and issued 68 signed opinions; during the 2007 Term, it heard argument in 75 cases and issued 67 signed opinions; and during the 2008 Term, the Court heard argument in 78 cases and issued 75 signed opinions. The figures for the pending 2009 term will likely be in accord.

The Court continues to leave important issues unresolved. They include, as noted in my May 25 letter, the constitutionality of the Bush administration Terrorist Surveillance Program (TSP) and the contours of the Foreign Sovereign Immunity Act's domestic tort exception as applied to acts of terrorism.

Equally significant are unresolved circuit splits. Two prominent academic commentators note that the Roberts Court "is unable to address even half" of the circuit splits "identified by litigants." Tracey E. George & Christopher Guthrie, *Remaking the United States Supreme Court in the Courts' of Appeals Image*, 58 Duke L.J. 1439, 1449 (2009). Questions on which the circuits have split include: May jurors consult the Bible during their deliberations in a criminal case and, if so, under what circumstances? Must a civil lawsuit predicated on a "state secret" be dismissed? When may a federal agency withhold information in response to a FOIA request or subpoena on the ground that it would disclose the agency's "internal deliberations"? Do federal district courts have jurisdiction over petitions to expunge criminal records?

I intend to ask you, among other questions:

(1) Whether you agree with the Chief Justice Roberts's statement at his confirmation hearing that the "Court could contribute more to clarity and uniformity of the law by taking more cases;"

(2) Whether the Court has the capacity to hear substantially more cases than it has in recent years;

(3) Whether you favor reducing the number of Justices required to grant petitions for certiorari in cases involving circuit splits or otherwise; and

(4) Whether, if you are confirmed, you will join the Court's cert. pool or follow the practice of Justice Stevens (and the Justice for whom you clerked, Justice Thurgood Marshall) in reviewing petitions for certiorari yourself with the assistance of your law clerks?

Deference to Congressional factfinding in reviewing the constitutionality of federal legislation

The constitutionality of federal legislation often turns on how much deference the Supreme Court gives to justificatory factual findings made by Congress. Recent nominees to the Court have emphasized that such findings are entitled to substantial deference. Chief Justice Roberts was especially emphatic on the point. He even testified that when a judge finds himself "in a position of re-evaluating legislative findings," he or she "may be beginning to transgress into an area of making law. . . ."

In too many cases during the last decade, however, the Court has disregarded Congressional findings of fact to an unprecedented degree. The most recent example was *Citizens United v. Federal Election Commission*, 130 S. Ct. 876 (2010), where in striking down the federal ban on independent campaign expenditures by corporations, the Court disregarded what Justice Stevens called in dissent a "virtual mountain of evidence" assembled by Congress establishing the corrupting influence of such contributions on the political process. And the Court did so, again in Justice Stevens' words, "without a shred of evidence" as to how the challenged provision "have been affecting any entity" other than the petitioner in the case.

The Court's disregard of Congressional factfinding has been especially pronounced in cases striking down laws enacted to remediate civil rights violations (whether under the commerce clause or the Fourteenth Amendment to the Constitution). These included two cases about which I have questioned prior nominees to the Court: (1) *United States v. Morrison*, 529 U.S. 598 (2000), which struck the provision of the Violence Against Women Act providing a federal civil remedy for victims of sex-based violence, despite Congress's well-documented findings of relevant constitutional violations nationwide; and (2) *Board of Trustees of the University of Alabama v. Garrett*, 531 U.S. 356 (2001), which struck the provision of the Americans With Disabilities Act prohibiting disability-based discrimination in employment by states, despite Congress's compilation (in the dissenter's words) of "a vast legislative record," based on task force hearings attended by more than 30,000 people, "documenting 'massive, society-wide discrimination' against persons with disabilities." As I noted in pre-confirmation-hearing letters to Chief Justice Roberts and Justice Sotomayor, the Court in *Morrison* even went out of its way to disparage Congress's fact-finding competency. Justice Souter noted in a dissent joined by three other Justices that the Court had departed from its longstanding practice of assessing no more than the "rationality of the congressional [factual] conclusion[s]."

Chief Justice Roberts's statements during oral argument in *Northwest Austin Municipal District v. Holder*, 129 S. Ct. 2504 (2009), may portend even worse things to come. The case concerned the constitutionality of a key section of the Voting Rights Act that Congress

extended (by a Senate vote of 98 to 0) for another 25 years during my chairmanship of the Judiciary Committee. Ultimately the Court avoided the constitutional question in *Northwest Austin* by deciding the case on narrow statutory grounds. But during oral argument, Chief Justice Roberts called into question the validity of Congress's legislative findings as to the need for the reauthorization. He said that, in extending the Act, "Congress was sweeping far more broadly than they need to."

I intend to ask you, among other questions, whether you think that the Court has been sufficiently deferential to Congressional factfinding and whether you would go about analyzing the sufficiency of the record underlying the reauthorization of the Voting Rights Act.

#### Television coverage of the Supreme Court

Although the public has the undisputed right to observe the Court's proceedings, few Americans have any meaningful opportunity to do so. Even those who are able to visit the Court are not likely to see an argument in full. There are not nearly enough seats. Most will be given just three minutes to watch before they are shuffled out to make room for others. In high-profile cases, most visitors will be denied even a three-minute seating. As Justice Stevens observed during an interview, "literally thousands of people have stood in line for hours in order to attend an oral argument, only to be denied admission because the courtroom was filled." Those who wish to follow the Court's proceedings must content themselves with reading the voluminous transcripts or listening to audiotapes released at the end of the Court's term. (The Court regularly denies, without explanation, requests to release the audiotapes of oral argument on a same-day basis.) It should come as no surprise that, according to a recent poll taken by C-SPAN, nearly two-thirds of Americans favor television coverage of the Supreme Court's proceedings.

In April 2010, the Senate Committee favorably reported both my resolution (S. Res. 339) expressing the sense of the Senate that the Court should permit television coverage and my legislation (S. 446) requiring it to allow coverage. In the last two Congresses, the Committee favorably reported nearly identical legislation (S. 1768 in the 109th Congress and S. 344 in the 110th Congress) that I introduced.

Statements made by the current Justices indicate that a majority of them—Chief Justice Roberts, Justices Stevens, Ginsburg, Breyer, Alito, and Sotomayor—are favorably disposed toward allowing coverage or at least have an open mind on the matter. Justice Stevens, whom you would replace, has said that allowing cameras in the Supreme Court is "worth a try."

Your past statements suggest that you are a proponent of coverage. Soon after becoming Solicitor General, you told the Ninth Circuit Judicial Conference that "if cameras were in the courtroom, the American public would see an extraordinary event. . . . When C-SPAN first came on, they put cameras in legislative chambers. And it was clear that nobody was there. I think if you put cameras in the courtroom, people would say, 'wow.' They would see their government working at a really high level—at a really high level. That is one argument for doing so."

I intend to ask you whether, if confirmed, you will support television coverage and, if you will, whether you will try to persuade your reluctant colleagues to do likewise.

Constitutionality of regulation of campaign finance

In *Citizens United v. Federal Election Commission*, 130 S. Ct. 876 (2010), the Supreme Court held unconstitutional provisions of federal law prohibiting corporations and unions from making certain independent campaign expenditures in support of candidates for federal office, thereby putting corporations on the same footing as individuals (including citizens). Some organizations opposed to campaign-finance reform have heralded *Citizens United* as the beginning of the end of campaign finance regulation. The next step, according to the policy briefs of these organizations, is to challenge the prohibition on corporate campaign contributions and, in doing, attempt to eliminate the remaining case-law distinctions between the speech rights of individual natural persons and of corporations. Under existing federal law, corporations may not make campaign contributions. (They may do so only through tightly regulated PACs.) The Supreme Court has upheld this restriction against First Amendment challenge.

Some organizations have even advocated an end to limits on campaign contributions—as distinct from campaign-related expenditures—by individuals. In *Buckley v. Valeo*, 424 U.S. 1 (1976), the Supreme Court upheld limits on contributions by individuals, even as it struck down a provision of federal law prohibiting independent expenditures in support of candidates for office. The Court accepted Congress's finding that allowing "large individual financial contributions" threatens to corrupt the political process and undermine public confidence in it. *Buckley*'s holding on this point has been well-settled law for nearly 35 years.

I intend to ask you, among other questions:

(1) Whether, under First Amendment law, there remains anything left of the distinction between contributions from a corporation and those from natural persons.

(2) What considerations would you bring to bear in deciding whether to overrule the portion of *Buckley v. Valeo*, 424 U.S. 1 (1976), upholding limits on campaign contributions by individuals?

Sincerely,

ARLEN SPECTER.

JUNE 21, 2010.

Hon. ELENA KAGAN,  
Solicitor General of the United States,  
Washington, DC.

DEAR SOLICITOR GENERAL KAGAN: By letters dated May 25, 2010, and June 15, 2010, I identified several subjects I intend to cover at your nomination hearing. I write to identify in advance an additional subject that I intend to cover.

Constitutionality of State Provisions for Publicly Financed Campaign Matching Funds

In the wake of *Davis v. FEC*, \_\_\_ U.S. \_\_\_, 130 S.Ct. 876 (2008), a district court in Arizona struck down that state's provision, passed by popular voter referendum, to trigger matching public funds when a candidate's opponent expended certain threshold amounts in a primary election. In *McComish v. Brewer*, 2010 WL 2292213, \*1 (D. Ariz. 2010), the district court held that Arizona's "Citizens Clean Elections Act" was not supported by a compelling state interest, was not narrowly tailored, and was not the least restrictive alternative. Hence, the district court held the Act was "unconstitutional under the First Amendment." *Id.* at 10.

The Court of Appeals for the Ninth Circuit reversed. In *McComish v. Bennett*, 605 F.3d

720 (9th Cir. 2010), the intermediate appellate court wrote, "Plaintiffs bemoan that matching funds deny them a competitive advantage in elections. The essence of this claim is not that they have been silenced, but that the speech of their opponents has been enabled." The court noted that "the burden that Plaintiffs allege is merely a theoretical chilling effect on donors who might dislike the statutory result of making a contribution or candidates who may seek a tactical advantage related to the release or timing of matching funds." Describing this burden as "minimal," the court applied intermediate scrutiny to the Act. Thereafter, the court considered whether Arizona's interest "in eradicating the appearance of quid pro quo corruption to restore the electorate's confidence in its system of government" was compelling. Quoting the Supreme Court's decision in *Buckley v. Valeo*, 424 U.S. 1, 96 (1976) the Ninth Circuit recalled that "[i]t cannot be gainsaid that public financing as a means of eliminating the improper influence of large private contributions furthers a significant governmental interest."

On June 1, 2010, the Supreme Court denied the application to vacate the stay "without prejudice to a renewed application if the parties represent that they intend to file a timely petition for writ of certiorari" to the Court. — S.Ct. \_\_, 2010 WL 2161754 (Jun 1, 2010). A week later, the Court reversed course and granted the application to vacate the stay on the District Court's injunction "pending filing and disposition of a petition for writ of certiorari." — S.Ct. \_\_, 2010 WL 2265319 (Jun 8, 2010). The practical effect of the Supreme Court vacating the appellate court's stay of the district court's injunction is that Arizona's Citizens Clean Elections Act is, for present purposes, struck down and participating candidates are not going to receive matching funds even if their opponents exceed the triggering expenditures.

I intend to ask you, among other questions:

(1) Whether you would have voted to vacate the stay pending disposition of a petition for certiorari, as five justices appear to have voted in *McComish v. Bennett*; and

(2) Whether you think that reducing the appearance or reality of quid pro quo corruption serves a compelling state interest.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. Mr. President, a good bit of the substance of the questions which I have been directing toward Solicitor General Kagan involves the question as to whether she would have voted to grant cert. I believe that is an appropriate question, whether she would agree that a case ought to be heard. There is a view that questions ought not to be asked as to what a nominee would do once a case is pending before the Court. I think even that doctrine has some limitations. I think cases such as *Brown v. Board of Education*, cases such as *McCulloch v. Maryland*, cases which are well established in the law of the land, ought to be the subject for commitment. But I think there is no doubt—in my opinion, there is no doubt—we should ask her whether she would take a case such as the Terrorist Surveillance Program, or a case such as the litigation involving the claims brought by the survivors of victims of 9/11.

The hearings next week on Solicitor General Kagan will give us an opportunity to move deeply into a great many of these important subjects. While it is true that in many instances we do not get a great deal of information from the nominees, I think the hearings are very important to inform the public as to what goes on with the Court. This is in line with the efforts which I have made to provide for legislation which would call for televising the Supreme Court. The Judiciary Committee has twice passed out of committee, by significant votes—once 12 to 6 and once 13 to 6—legislation which would call for the Supreme Court to be televised.

The Congress of the United States has the authority to make directives on administrative matters—things such as how many Justices constitute a quorum, when they begin their term, how many members there are of the Supreme Court. Congress has the authority to mandate what cases the Supreme Court will hear, and—in the cases which I intend to ask Solicitor General Kagan, such as the terrorist surveillance program—whether she would have granted cert.

There are underlying concerns, which I have raised today, of a certain disrespect which characterizes a good many of the Supreme Court opinions. For example, the opinion by Chief Justice Rehnquist in striking down the legislation protecting women against violence, notwithstanding a very voluminous record—a radical change in the interpretation of the Commerce Clause—where the Court, through Chief Justice Rehnquist, said that the Court disagreed with Congress's "method of reasoning."

It is a little hard to understand how the method of reasoning is so much improved when you move across the green from the Judiciary Committee hearing room past confirmation; or where you have the language used by Justice Scalia—and I have quoted some of it earlier—in the case of *Tennessee v. Lane*, where Justice Scalia had objected to the congruence and proportionality standard, which he said was a flabby test and a standing invitation to traditional arbitrariness and policy decisionmaking.

Then he went on to criticize his colleagues for, as Justice Scalia said, inappropriate criticism of an equal branch. This is what he had to say about the proportionality and congruent standard

Worse still, it casts this court in the role of Congress's taskmaster. Under it, the courts—and ultimately this Court—must regularly check Congress's homework to make sure that it has identified sufficient constitutional violations to make its remedy congruent and proportional. As a general matter, we are ill-advised to adopt or adhere to constitutional rules that bring us into constant conflict with the coequal branch of government. And when such conflict is un-

avoidable, we should not come to do battle with the United States Congress armed only with a test of congruence and proportionality that has no demonstrable basis in the text of the Constitution and cannot objectively be shown to have been met or failed.

So that is fairly strong language in disagreeing with what the Court has done in establishing the test. And Justice Stevens minced no words in his criticism of Citizens United in saying that the decision by the Supreme Court showed a disrespect for Congress. There the Court, in *Citizens United*, overruled both *McConnell v. Federal Elections Commission* and the *Austin* case. Overruling *Austin* was very significant, Justice Stevens noted, because Congress specifically relied on that decision in drafting *McCain-Feingold*. Justice Stevens then said that pulling out the rug beneath Congress in this matter "shows great disrespect for a coequal branch."

Well, my colleagues, the Congress has an opportunity to assert itself, to demand the appropriate respect which the Constitution calls for and has been implemented under the doctrine of separation of powers. We can find ways to make sure that commitments about respected congressional fact-finding will be observed, or that the rule of stare decisis will be respected; that when there are major decisions coming before the Supreme Court of the United States which involve the power of Congress vis-a-vis the executive branch, that those decisions will be made.

So let's sharpen our lines of questioning, colleagues, as we move forward to the hearings on Solicitor General Kagan a week from today.

I thank the Chair, and I yield the floor.

I had noticed my colleague standing there. I hope I haven't kept him waiting too long.

Mr. BUNNING. The Senator can speak all he likes.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

#### AMENDMENT NO. 4380

Mr. BUNNING. Mr. President, I rise to speak in morning business on my amendment to the extenders package, Bunning amendment No. 4380.

First, let me explain why this amendment is needed. When the Senate passed the first version of the extenders package in March, the bill extended all parts of the alternative fuel credit that expired at the end of last year. This included the coal-to-liquids portion of the alternative fuel credit.

I was pleased to hear President Obama mention coal to liquids as an important part of our energy strategy in his State of the Union Address earlier this year. That is why I am surprised to see coal to liquids deliberately excluded from the extenders

package, first in the Reid substitute and again in the Baucus substitute.

Let me be clear: The bill doesn't just omit or remain silent on the coal-to-liquids credit. This bill specifically says that the coal-to-liquids credit expired on December 31, 2009, and isn't renewed. That is in the bill.

My colleagues probably know that I have many problems with the underlying bill. It adds tens of billions to our national debt and it contains job-killing tax increases. Options to pay fully for this bill by cutting spending have been offered and rejected, so our children and my grandchildren will foot the bill. But I thought that one element both parties could agree on is that expired tax provisions that taxpayers count on—and have been extended routinely in the past—should be extended.

My amendment is simple: It ensures that the coal-to-liquids portion of the alternative fuel credit will be extended until the end of the year, just like the other expiring parts of the alternative fuel credits included in this bill. The Senate already voted to extend all parts of the alternative fuel credit when it passed the extenders package last March.

Many difficult innovative fuels qualify for the alternative fuel credit, but coal to liquids is the only one that specifically requires reduced emissions. The reduction was originally 50 percent but was raised to 75 percent last year as a bipartisan agreement. I do not understand why the extenders package fails to extend the only part of the alternative fuel credit that called for reduced emissions.

My colleagues who are deficit hawks will be glad to know that this amendment will not add one dime to the deficit. This is because no coal-to-liquids projects will come on line in 2010, so no tax credit will be received. However, if the credit is allowed to remain expired and is not renewed, this will have a very damaging effect on investments in this extremely promising technology.

My amendment is also bipartisan. I am grateful to Senators ROCKEFELLER, BYRD, and ENZI, who are cosponsors. I know that the Senator from Montana, who is the manager of the extenders package and the chairman of the Finance Committee, is familiar with the coal to liquids because of its potential benefit to his home State.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Billings Gazette entitled "Crow Coal-To-Liquids Plant Could Be Boon for Montana," at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.  
(See exhibit 1.)

Mr. BUNNING. The article describes the efforts of the Crow Nation to build a coal-to-liquids plant on a reservation in Montana in one of the poorest coun-

ties in the entire Nation. The project will be designed with carbon capture and storage. The Crow Nation hopes to begin producing the fuel 6 years from now, but losing the benefit of the alternative fuel credit would be a serious setback. The tribe is already hearing about investors who are now reluctant to invest in the project because of the uncertainty around coal to liquids.

Because the Senator from Montana has a reputation for fighting to keep jobs in his home State, I hope he will support the Crow Nation's request to extend the coal-to-liquids credit in the extenders package.

Failing to extend the credit has the potential to destroy thousands of jobs that are planned in an extremely poor county in Montana.

This is not something that can wait for a yet-to-be determined energy bill. Almost all of the alternative fuel credit is already contained in the extenders package.

It makes no sense to specifically exclude parts of the alternative fuel credit in this bill, with the promise that it will be looked at later. It will only become more difficult, the longer the credit is expired.

It will only make extending coal-to-liquids that much harder if it is delayed to a bill that has not been written yet and will probably be filled with controversial items.

I am certain the Senator from Montana understands the political reality that the extenders package is the last best opportunity to extend a provision that is very important to his home State.

I hope the Senator from Montana will support the Bunning-Rockefeller-Byrd-Enzi amendment and include it in any new substitute he introduces to the extenders package.

Coal-to-liquids is an important part of our national energy strategy. President Obama has recognized this in his State of the Union Address.

We will never end our dependence on foreign oil until we develop alternative sources of fuel.

Coal is abundant and it is here in America. It is not owned and used as leverage against us by hostile nations.

American coal can be used in a way that both reduces emissions and fuels our energy needs.

It would be a tragic mistake to turn our backs on coal-to-liquids when it is a crucial part of America's strategy to end our dependence on foreign oil.

I urge my colleagues to support this amendment.

#### EXHIBIT 1

[From the Billings Gazette, Aug. 10, 2008]  
CROW COAL-TO-LIQUIDS PLANT COULD BE BOON  
FOR MONTANA

(By Matthew Brown)

CROW AGENCY, MT.—A \$7 billion coal-to-liquids plant proposed for southeastern Montana's Crow reservation promises an economic boon for the region, but must first

overcome economic and political hurdles that have kept any such plant from being built in the United States.

The Many Stars plant—a partnership between the tribe and Australian-American Energy Co.—would convert the reservation's sizable coal reserves into 50,000 barrels a day of diesel and other fuels.

State officials said Friday it represents the most valuable economic development project in Montana history.

"We're talking about one of the most technologically advanced, sophisticated energy projects on the planet," Gov. Brian Schweitzer said at a news conference detailing the project.

Covering the plant's \$7 billion price tag will be a challenge in the current economic slowdown. And environmental groups have pledged to step in to oppose the plant if it does not include measures to capture greenhouse gases.

Yet Australian-American Energy Chairman Allan Blood said he was 90 percent certain the Crow project would be completed.

"In my country we have a record of people who have visions and dreams and make them happen," Blood said.

Over the next several years, the company plans to sink \$100 million into preliminary engineering and environmental work, with a goal of starting construction on the plant by 2012. It could begin producing fuel by 2016.

For Crow leaders, the project offers an opportunity to lift the tribe out of poverty. Up to 4,000 people would be employed during its construction. And up to 900 permanent jobs would be created with the plant and a new mine on the reservation that would supply the coal.

"Our kids will have something to look forward to," said tribal Chairman Carl Venne. "Not the six or seven or eight dollars an hour they are making now just to get by. You're looking at \$70,000, \$80,000—even \$100,000-a-year jobs."

But representatives of several environmental groups said they remained wary. An agreement between the tribe and Australian-American Energy calls for the Crow to commit up to 50,000 acre-feet of water annually to the project. One acre-foot is equal to nearly 326,000 gallons.

That prospect is raising flags for southeastern Montana's ranching community, which is worried the project could deplete precious water supplies.

Also, while the tribe and company have pledged to capture 95 percent of the plant's emissions of carbon dioxide—a main contributor to global warming—environmentalists said living up to that promise could be difficult.

Without capturing those emissions and storing the gas underground, coal-based liquid fuels can churn out significantly more greenhouse gases than conventional petroleum, according to the U.S. Department of Energy.

"(Coal-to-liquids) developers have been saying we'll do something about carbon, but they've been unwilling to put it into their permits. It's been a lot of empty promises," said Bruce Nilles, director of the Sierra Club's national campaign against coal plants.

Officials with Australian-American Energy said the Crow plant would be built on the assumption that Congress, in the next few years, will pass legislation compelling companies to capture carbon dioxide. Such laws do not yet exist.

Working in the project's favor are high oil prices and the idea of replacing imported oil

with homegrown fuels derived from coal. Despite a recent slide, crude prices closed above \$115 a barrel on Friday.

Still, industry officials said the economic downturn has reduced investors' willingness to sink cash into large projects such as the Many Stars plant. Meanwhile, costs have soared due to rising global demand for construction materials and skilled labor.

"You have the optimum oil scenario playing out with prices skyrocketing, but you have the bottom dropping out of Wall Street," said Corey Henry with the Coal-to-Liquids Coalition, a group funded by the mining industry. "It's been tough sledding to try to get the money to build these plants."

About a dozen coal-to-liquids plants are on the drawing boards in the United States. Only two such plants exist worldwide; both are in South Africa.

The biggest hurdle in the United States will be getting the first few plants built, Henry said. Once those are operational, he predicted investors would be more willing to fund similar plants.

Blood said he was not concerned, noting he initiated one coal-to-liquids project in Australia that was later sold for \$5 billion. In June, he announced a second project in Australia, a \$2 billion plant to convert coal into liquid fertilizer.

"You hear about the problems in the capital markets, but what people don't hear is there are dozens and dozens of projects, hundreds of projects, being funded," Blood said.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Montana.

Mr. BAUCUS. Mr. President, I note with great interest the comments of my good friend from Kentucky, Senator BUNNING, about the need for coal-to-liquids technology. I agree. I agree wholeheartedly. In fact, as the Senator from Kentucky undoubtedly knows, I have urged this technology. He also knows regrettably the other body is opposed to this technology. We have had some difficulty in finding a way to resolve coal to liquids in both the House and the Senate.

I might say to my friend from Kentucky, I am not sure that adding this provision is going to speed the passage of the so-called extenders bill. In fact, I might tease my good friend from Kentucky by saying I think my friend from Kentucky is opposed to passage of the extenders bill.

Maybe, if I could ask the Senator, if he would support passage of the extenders bill?

Mr. BUNNING. Most of them.

Mr. BAUCUS. Again, Mr. President, I am teasing. I ask my friend, somewhat in jest, if he were to fully support passage of the extenders bill if this provision he mentioned were in the bill? The fact is, we are having a hard time passing the extenders bill. Anything we add to the extenders bill is one more additional weight. I do not think that would further the passage of the bill at this time. Rather, I think the appropriate place for coal-to-liquids technology will be in the Energy bill and there will be an Energy bill, of that I am positive. There is a question of what will be contained in that energy bill, but there will be one, I am sure,

brought up on the floor of this body to help make this country more secure in its national energy position so we are less reliant on foreign countries to produce energy.

#### MONTANA DISASTERS

Mr. BAUCUS. I also rise to call attention to a pair of disasters that recently struck Montana and pledge my support for the recovery effort. Last week the Big Sandy Creek spilled over its banks and flooded into the Lower Box Elder Road and the surrounding area. The flooding displaced 30 families at the Rocky Point Boy's Indian Reservation in north central Montana.

As is the tradition in our States, folks with the Chippewa Creek Tribe are pulling together to help one another. The Vo-Tech Center in Box Elder has been converted to a make-shift home for those left homeless by the flooding. The American Red Cross of Montana is providing beds and other services at that center. The area is still under a stage two flood advisory. I just talked to the chairman of the Rocky Boy's about half an hour ago, who told me there have been about 7 inches of rain there and he had an extremely difficult time with the water problems and sewage problems. Homes have been displaced. He has never seen anything like it.

Initial estimates exceed \$1 million at this point. I will work with the Bureau of Indian Affairs and Indian Health Service to see that Rocky Boy's receives the assistance they need. I might add I will work with any agency that is relevant to make sure the people at Rocky Boy's Indian Reservation receive the assistance they need.

Just as folks at Rocky Boy's began assessing damage yesterday afternoon, another disaster beset Montana. A tornado with wind speeds between 111 and 135 miles an hour crashed into our State's largest city—Billings. Folks in Yellowstone County have not seen such a destructive twister since 1958.

The tornado hurled hail the size of golf balls, ripped the roof off our sports arena, the Metrapark—that is the largest facility, I might add, in Billings, MT. After striking it, it tore through a number of nearby small businesses. The tornado left a path of destruction in its wake—power outages, flooding in some places up to 2 feet of water. The winds damaged at least 10 businesses in Billings: the Main Street Casino, a laundromat, a dance studio, Reiter's Marina. The tornado also ripped the roof from Fast-Break Auto Glass. The roof was later found in a nearby creek. Witnesses saw big pieces of metal hanging from power lines near the arena. Insulation and metal debris was thrown far across town. One look at these photos gives one a sense of the size of the destruction.

I might add, if you look at the photo to my right, that is what is left of the

Metra arena, Billings' largest facility. You can see the Metra almost entirely destroyed, roof completely gone, walls collapsing. I talked to two county commissioners and the mayor today and they explained the deep problems they have with reconstructing this facility, to say nothing about all the bookings that have been made about 2 years in advance that have to be dealt with because of this destruction.

The Metra sports arena is part of the fabric of life in Billings. Montanans gathered at the Metra to cheer on the Billings Outlaws, for example, an indoor football team. Fans say their home field advantage is recognized around the league. The arena also houses the Chase Hawks Memorial Rough Stock Rodeo. Lots of events take place in this arena. I was there a couple of months ago for a high school graduation. Event after event occurs, it seems, around the clock at this arena. It is totally destroyed by the tornado.

The Metra was also visited by American Presidents—President Kennedy, President Reagan, President Clinton, and President Bush. It is part of our State's history. In Montana we work together to solve problems and we will work together through this disaster as well. Yesterday, utility crews worked to shut off a gas leak at a commercial strip mall near Main Street. Crews were also working to repair downed power lines.

Yellowstone County requested a state of emergency, requested that declaration from our Governor last night. They were given an oral declaration and clearly will receive a written declaration today.

The Montana National Guard has deployed to the area to help keep security around the crumbling arena. I am committed to working with local officials, the Governor, as well as Senator TESTER and Congressman REHBERG to coordinate any and all possible Federal assistance, coordinating with all Federal agencies to make sure all resources are available when requested. I have sent my staff to work with local and State officials on the ground to assess the extent of the damage and I will be there every step of the way during the recovery and rebuilding process.

My thoughts and prayers are with the people of Billings, particularly those injured during the storm and those whose property and homes were damaged by the winds.

Today, business owners are returning to the rubble that once was their place of business, their livelihood. Many homeowners are drying out as floodwaters recede. They will work hard in the coming days and months to make sure every Federal resource is made available to help folks in Billings as well as the Rocky Boy's Reservation as they recover from these twin disasters. Our officials have done this before and

nobody can handle this better than the great team we have in Montana.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. I ask unanimous consent Senator CARDIN and I be allowed to engage in a colloquy for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### INTERNATIONAL DUE PROCESS RIGHTS

Mr. WICKER. Mr. President, I am appreciative that I am able to join today with my friend and colleague, Senator CARDIN. I appreciate his joining me today to discuss an issue of great concern to both of us and to human rights advocates around the world. That is the ongoing trial in Russia of Mikhail Khodorkovsky and his business partner Platon Lebedev. In June of last year, Senator CARDIN joined me in introducing a resolution urging the Senate to recognize that Khodorkovsky and Lebedev have been denied basic due process rights under international law for political reasons. It is particularly appropriate, I think, that Senator CARDIN and I be talking about this this afternoon because in a matter of days, Russian President Medvedev will be coming to the United States and meeting with President Obama. I think this would be a very appropriate topic for the President of the United States to bring up to the President of the Russian Federation.

I can think of no greater statement that the Russian President could make on behalf of the rule of law and a movement back toward human rights in Russia than to end the show trial of these two individuals and dismiss the false charges against them.

Since his conviction, Khodorkovsky has spent his time either in a Siberian prison camp or a Moscow jail cell. Currently, he spends his days sitting in a glass cage enduring a daily farce of a trial that could send him back to Siberia for more than 20 years. Amazingly, Mikhail Khodorkovsky remains unbroken.

I think it appropriate that President Obama and Secretary of State Clinton have committed to resetting relations with the country. I support them in this worthwhile goal. Clearly, our foreign relations can always stand to be improved. I support strengthening our relations, particularly with Russia. However, this strengthening must not be at the expense of progress on the issue of the rule of law and an independent judiciary. The United States cannot publicly extol the virtues of rule of law and an independent judiciary and at the same time turn a blind eye to what has happened to Khodorkovsky and Lebedev.

I urge President Obama and Secretary Clinton to put the release of

these two men high on the agenda as we continue to engage with Russia, and high on the agenda for President Medvedev's upcoming meeting here in Washington, DC.

Mr. CARDIN. Mr. President, I thank Senator WICKER for taking this time for this colloquy. He has been a real champion on human rights issues and on bringing out the importance for Russia to move forward on a path of democracy and respect for human rights. He has done that as a Senator from Mississippi. He has done that as a very active member of the Helsinki Commission. I have the honor of chairing the Helsinki Commission, which I think is best known because of its fight on behalf of human rights for the people, particularly in those countries that were behind the Iron Curtain—particularly before the fall of the Soviet Union, where we were regularly being the voices for those who could not have their voices heard otherwise because of the oppressive policies of the former Soviet Union.

So in the 1990s, there was great euphoria that at the end of the Cold War, the reforms that were talked about in Russia—indeed, the privatization of many of its industries—would at last bring the types of rights to the people of Russia that they so needed. But, unfortunately, there was a mixed message, and in the 1990s, I think contrary to Western popular opinion at the time, Russia did not move forward as aggressively as we wanted with freedom and democracy.

It is interesting that Mikhail Khodorkovsky, who was part of the Communist elite, led the country into privatization in the right way. He took a company, Yukos Oil Company, and truly made it transparent and truly developed a model of corporate governance that was unheard of at the time in the former Soviet Union and unheard of in the Russian Federation, and he used that as a poster child to try to help the people of Russia. He started making contributions to the general welfare of the country, which is what we would like to see from the business and corporate community. He did that to help his own people. But he ran into trouble in the midst of the shadowy and violent Russian market, and his problems were encouraged many times by the same people who we thought were leading the reform within the Russian Federation.

By 1998, with the collapse of the ruble, the people of Russia were disillusioned; they found their prosperity was only temporary. The cost of imports was going up. The spirit of nationalism, this nationalistic obsession, became much more prominent within the Russian Federation, and the move toward privatization lost a lot of its luster.

The rise of Mr. Putin to power also established what was known as vertical

power, and independent companies were inconsistent with that model he was developing to try to keep control of his own country. Therefore, what he did under this new rubric was to encourage nationalization spirit, to the detriment of independent companies and to the detriment of the development of opposition opportunity, democracy, and personal freedom. We started to see the decline of the open and free and independent media.

All of this came about, and a highly successful and independent company such as Yukos under the leadership of Mikhail Khodorkovsky was inconsistent with what Mr. Putin was trying to do in Russia. As a result, there was a demise of the company, and the trials ensued. My friend Senator WICKER talked about what happened in the trial. It was a miscarriage of justice. It was wrong. We have expressed our views on it. And it is still continuing to this day. I thank Senator WICKER for continuing to bring this to the Members' attention and I hope to the people of Russia so they will understand there is still time to correct this miscarriage of justice.

Mr. WICKER. I thank my colleague.

I will go on to point out that things started coming to a head when Mr. Khodorkovsky started speaking out against the Russian Government, led by President Putin, and his company that he headed, Yukos, came into the sights of the Russian Federation.

Mr. Khodorkovsky visited the United States less than a week before his arrest. He was in Washington speaking to Congressman Tom Lantos, the late Tom Lantos, a venerated human rights advocate from the House of Representatives, who had seen violations of human rights in his own rights. Mr. Khodorkovsky told Congressman Lantos that he had committed no crimes but he would not be driven into exile. He said: "I would prefer to be a political prisoner rather than a political immigrant." And, of course, a political prisoner is what he is now.

Shortly after his arrest, government officials accused Yukos Oil of failing to pay more than \$300 billion in taxes. At the time, Yukos was Russia's largest taxpayer. Yet they were singled out for tax evasion. And PricewaterhouseCoopers had recently audited the books of Yukos, and the government tax office had approved the 2002 to 2003 tax returns just months before this trumped-up case was filed.

The Russian Government took over Yukos, auctioned it off, and essentially renationalized the company, costing American stockholders \$7 billion and stockholders all around the country who had believed Russia was liberalizing and becoming part of the market society. A Swiss court has ruled the auction illegal. A Dutch court has ruled the auction illegal. But even more so, they tried these two gentlemen and placed them in prison. Mr.

Khodorkovsky apparently had the mistaken impression that he was entitled to freedom of speech, and we discovered that in Russia, at the time of the trial and even today, he was not entitled, in the opinion of the government, to his freedom of speech.

A recent foreign policy magazine called Khodorkovsky the "most prominent prisoner" in Vladimir Putin's Russia and a symbol of the peril of challenging the Kremlin, which is what Mr. Khodorkovsky did.

I would quote a few paragraphs from a recent AP story by Gary Peach about the testimony of a former Prime Minister who actually served during the Putin years:

A former Russian prime minister turned fierce Kremlin critic came to the defense of an imprisoned tycoon on Monday—

This is a May 24 article—

telling a Moscow court that prosecutors' new charges of massive crude oil embezzlement are absurd.

What we now find is that when Mr. Khodorkovsky is about to be released from his first sentence, new charges have arisen all of a sudden. After years and years of imprisonment in Siberia, new charges have arisen.

Mikhail Kasyanov, who headed the government in 2000–2004, told the court that the accusations against Khodorkovsky, a former billionaire now serving an eight-year sentence in prison, had no basis in reality.

This is a former Prime Minister of the Russian Federation.

Prosecutors claim that Khodorkovsky, along with his business partner [who is also in prison] embezzled some 350 million tons—or \$25 billion worth—of crude oil while they headed the Yukos Oil Company.

That's all the oil Yukos produced over six years, from 1998 to 2003. I consider the accusation absurd.

He said that while Prime Minister, he received regular reports about Russia's oil companies and that Yukos consistently paid its taxes. Kasyanov, who served as Prime Minister during most of President Putin's first term, said that both the current trial and the previous one, which ended with a conviction, were politically motivated. So I would say this is indeed a damning accusation of the current trial going on, even as we speak, in Moscow.

Mr. CARDIN. Senator WICKER has pointed out in I think real detail how the dismantling of the Yukos Oil Company was done illegally under any international law; it was returning to the Soviet days rather than moving forward with democratic reform. As Senator WICKER has pointed out, the personal attack on its founders—imprisoning them on charges that were inconsistent with the direction of the country after the fall of the Soviet Union—was another miscarriage of justice, and it is certainly totally inconsistent with the statements made after the fall of the Soviet Union.

The early Putin years were clearly a return to nationalism in Russia and

against what was perceived at that time by the popular Western view that Russia was on a path toward democracy. It just did not happen. And it is clearly a theft of a company's assets by the government and persecution, not prosecution, of the individuals who led the company toward privatization, which was a clear message given by the leaders after the fall of the Soviet Union.

This cannot be just left alone. I understand the individuals involved may have been part of the elite at one time within the former Soviet Union. I understand, in fact, there may have been mixed messages when you have a country that is going through a transition. But clearly what was done here was a violation of their commitments under the Helsinki Commission, under the Helsinki Final Act. It was a violation of Russia's statements about allowing democracy and democratic institutions. It was a violation of Russia's commitments to allow a free market to develop within their own country. All of that was violated by the manner in which they handled Mr. Khodorkovsky as well as his codefendant and the company itself. And it is something we need to continue to point out should never have happened.

The real tragedy here is that this is an ongoing matter. As Senator WICKER pointed out, there is now, we believe, an effort to try him on additional charges even though he has suffered so much. And it is a matter that—particularly with the Russian leadership visiting the United States, with direct meetings between our leaders, between Russia and the United States—I hope can get some attention and a chance for the Russian Federation to correct a miscarriage of justice.

Mr. WICKER. Indeed, the second show trial of Mr. Khodorkovsky has entered its second year. We have celebrated the anniversary of the second trial.

I ask unanimous consent to have printed in the RECORD an editorial by the Washington Post dated June 9, 2010, at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 9, 2010]  
SHOW TRIAL: SHOULD TIES TO RUSSIA BE LINKED TO ITS RECORD ON RIGHTS?

Russia's government has calculated that it needs better relations with the West to attract more foreign investment and modern technology, according to a paper by its foreign ministry that leaked to the press last month. Prime Minister Vladimir Putin has recently made conciliatory gestures to Poland, while President Dmitry Medvedev sealed a nuclear arms treaty with President Obama. At the United Nations, Russia has agreed to join Western powers in supporting new sanctions against Iran.

Moscow's new friendliness, however, hasn't led to any change in its repressive domestic policies. The foreign ministry paper says

Russia needs to show itself as a democracy with a market economy to gain Western favor. But Mr. Putin and Mr. Medvedev have yet to take steps in that direction. There have been no arrests in the more than a dozen outstanding cases of murdered journalists and human rights advocates; a former KGB operative accused by Scotland Yard of assassinating a dissident in London still sits in the Russian parliament.

Perhaps most significantly, the Russian leadership is allowing the trial of Mikhail Khodorkovsky, a former oil executive who has become the country's best-known political prisoner, to go forward even though it has become a showcase for the regime's cynicism, corruption and disregard for the rule of law. Mr. Khodorkovsky, who angered Mr. Putin by funding opposition political parties, was arrested in 2003 and convicted on charges of tax evasion. His Yukos oil company, then Russia's largest, was broken up and handed over to state-controlled firms.

A second trial of Mr. Khodorkovsky is nearing its completion in Moscow, nearly a year after it began. Its purpose is transparent: to prevent the prisoner's release when his first sentence expires next year. The new charges are, as Mr. Putin's own former prime minister testified last week, absurd: Mr. Khodorkovsky and an associate, Platon Lebedev, are now accused of embezzling Yukos's oil production, a crime that, had it occurred, would have made their previously alleged crime of tax evasion impossible.

Mr. Khodorkovsky, who acquired his oil empire in the rough and tumble of Russia's transition from communism, is no saint, but neither is he his country's Al Capone, as Mr. Putin has claimed. In fact, he is looking more and more like the prisoners of conscience who have haunted previous Kremlin regimes. In the past several years he has written numerous articles critiquing Russia's corruption and lack of democracy, including one on our op-ed page last month.

Mr. Obama raised the case of Mr. Khodorkovsky last year, and the State Department's most recent human rights report said the trial "raised concerns about due process and the rule of law." But the administration has not let this obvious instance of persecution, or Mr. Putin's overall failure to ease domestic repression, get in the way of its "reset" of relations with Moscow. If the United States and leading European governments would make clear that improvements in human rights are necessary for Moscow to win trade and other economic concessions, there is a chance Mr. Putin would respond. If he does not, Western governments at least would have a clearer understanding of where better relations stand on the list of his true priorities.

Mr. WICKER. The editorial points out that Russia's Government is trying to think of ways to attract more foreign investment, and it juxtaposes this desire for more Western openness and investment with the Khodorkovsky matter and says that this trial has become a showcase for the Russian regime's cynicism, corruption, and disregard for the rule of law.

It goes on to say: The new charges are, as Mr. Putin's own Prime Minister testified last week, absurd. Mr. Khodorkovsky and his associate, Platon Lebedev, are now accused of embezzling Yukos Oil's production—a crime that, had it occurred, would have

made their previously alleged crime of tax evasion impossible.

So the cynicism of these charges is that they are inconsistent with each other. Yet, in its brazenness, the Russian Federation Government and its prosecutors proceed with these charges.

The article goes on to say: Mr. Khodorkovsky is looking more and more like a prisoner of conscience who haunted the previous criminal regime.

It says:

Mr. Obama raised the case of Mr. Khodorkovsky last year, and the State Department's most recent human rights report said the trial "raised concerns about due process and the rule of law."

I will say they raised concerns.

Let me say in conclusion of my portion—and then I will allow my good friend from Maryland to close—this prosecution and violation of human rights and the rule of law of Lebedev and Khodorkovsky has brought the censure of the European Court of Human Rights that ruled that Mr. Khodorkovsky's rights were violated. A Swiss court has condemned the action of the Russian Federation and ruled it illegal. A Dutch court has said it is illegal. It has been denounced by such publications as *Foreign Policy* magazine, the *Washington Post*, a former Prime Minister who actually served under Mr. Putin. It has been denounced in actions and votes by the European Parliament, by other national parliaments, by numerous human rights groups, and by the U.S. State Department.

I submit, for those within the sound of my voice—and I believe there are people on different continents listening to the sound of our voices today—it is time for the Russian President to step forward and put an end to this farce, admit that this trial has no merit in law, and it is time for prosecutors in Moscow to cease and desist on this show trial and begin to repair the reputation of the Russian Federation when it comes to human rights and the rule of law.

Mr. CARDIN. Mr. President, I thank Senator WICKER for bringing out the details of this matter. It has clearly been recognized and condemned by the international community as against international law. It is clearly against the commitments Russia had made when the Soviet Union fell. It is clearly of interest to all of the countries of the world. Originally, when Yukos oil was taken over, investors outside of Russia also lost money. So there has been an illegal taking of assets of a private company which have affected investors throughout the world, including in the United States. It has been offensive to all of us to see imprisoned two individuals who never should have been tried and certainly should not be in prison today. All that is offensive to all of us. But I would think it is most offensive to the Russian people.

The Russian people believed their leaders, when the Soviet Union collapsed, that there would be respect for the rule of law; that there would be an independent judiciary, and their citizens could get a fair trial.

We all know—and the international community has already spoken about this—that Mikhail Khodorkovsky did not get a fair trial. So the commitment the Russian leaders made to its own people of an independent and fair judiciary has not been adhered to. This is not an isolated example within Russia. We know investigative reporters routinely are arrested, sometimes arrested with violence against them. We know opposition parties have virtually no chance to participate in an open system, denying the people a real democracy. But here with justice, Russia has a chance to do so.

I find it remarkable that Mr. Khodorkovsky's spirits are still strong, as Senator WICKER pointed out. Let me read a recent quote from Mr. Khodorkovsky himself, who is in prison:

You know, I really do love my country, my Moscow. It seems like one huge apathetic and indifferent anthill, but it's got so much soul. . . . You know, inside I was sure about the people, and they turned out to be even better than I'd thought.

I think Senator WICKER and I both believe in the Russian people. We believe in the future of Russia. But the future of Russia must be a nation that embraces its commitments under the Helsinki Final Act. It has to be a country that shows compassion for its citizens and shows justice. Russia can do that today by doing what is right for Mr. Khodorkovsky and his codefendant: release them from prison, respect the private rights and human rights of its citizens, and Russia then will be a nation that will truly live up to its commitment to its people to respect human rights and democratic principles.

Again, I thank Senator WICKER for bringing this matter to the attention of our colleagues. It is a matter that can be dealt with, that should be dealt with, and we hope Russia will show justice in the way it handles this matter.

Mr. WICKER. I thank my colleague and yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank my colleagues for their remarks. It is worthy of all of us giving most serious consideration. Perhaps we have been too silent in failing to criticize some of the activities of Russia. We want to be friends with them, but good friends tell friends the truth. I believe my colleagues are speaking the truth.

#### NOMINATION OF ELENA KAGAN

Mr. SESSIONS. Mr. President, the Judiciary Committee is now reviewing

the record of Elena Kagan, President Obama's nominee to the Supreme Court. The truth is, her legal record is thin. She has never been a judge and has very limited experience even in the practice of law. She has never tried a case, never cross-examined a witness or made a closing argument in a trial.

A lack of judicial experience is not a total disqualifier for the job of Supreme Court Justice, but it is true and fair to say this nominee has less real legal experience than any nominee confirmed to the Court in the last 50 years. That fact concerns me and many Americans. Ms. Kagan's lack of experience puts even greater emphasis on the central question in the nomination process: If confirmed, what kind of judge will Elena Kagan be? Will she take the traditional view that judges are impartial umpires who decide cases based on the rule of law under the Constitution? Or is she from the activist school, which teaches that judges may take sides and reinterpret the meaning of our laws to advance certain political agendas the judge may find acceptable or desirable or better? Are judges empowered to do that in the American system?

The American people have a right to know. This is no time for a stealth candidacy to the Court. We know one thing. We know her political views are leftist and progressive. That is clear from her record. She has a rather extensive political record. But with no judicial record and little legal record, clues to Ms. Kagan's judicial philosophy can be found perhaps by looking at people she admires, her mentors, judges she thinks represent the best way of conducting their office.

The three judges Ms. Kagan most often mentions are Judge Abner Mikva, Justice Thurgood Marshall, and former Israeli Judge Aharon Barak. Together I think it is fair to say these three judges represent the vanguard of a judicial activist movement that has certain intellectual roots and is quite afoot in our law schools and some of our legal commentators.

Each of these judges affirms the concept that a judge's own views, their personal views, may—sometimes even should—guide their interpretations of the law. In effect, this philosophy argues that the outcome of the case is more important than the legal process that guides the decisions, more important than fidelity to the Constitution. These Kagan heroes believe judges should have the power to make law. This results-oriented philosophy raises questions about whether Ms. Kagan may see judicial power as a way to advance her philosophy. It is a liberal, big government agenda for America. She has been active in that philosophy throughout her lifetime.

Let's look at some of her heroes in more detail. Judge Mikva is someone with whom she has been close. He was

appointed to the bench by President Carter a number of years ago to the DC Circuit Court of Appeals.

She clerked for Judge Mikva in 1986 and 1987 and later worked for him in the Clinton White House. After he had resigned from the bench and came into the Clinton White House, she was hired to work with him in that office. On the day she accepted President Obama's nomination, Ms. Kagan noted that Judge Mikva "represented the best in public service" and that working for him was part of the "great good fortune" that had marked her career. He served five terms as a Congressman from Chicago, where he earned the reputation as "the darling of American liberals." He has advocated for strict gun control, reportedly referring to the National Rifle Association as a "street-crime lobby." He was a fierce opponent of the war in Vietnam and has said he supports the results in *Roe v. Wade*. The results.

Regarding how to interpret the Constitution or statute, Mikva has said that for "most law, there is no original intent." The general view is that one should find out what the law was intended to mean when it was passed.

Some people dismiss that and are cynical about that, think that is an impossible goal. That is what Judge Mikva apparently believes. He has defined judicial activism as "the decisional process by which judges fill in the gaps" in the law and the Constitution. That is similar to President Obama's theory—which I think is flawed—that for "the five percent of the cases that are truly difficult," the judge's decision depends on "the depth and breadth of one's empathy."

So the critical ingredient is supplied by what is in a judge's heart. Whatever a heart is, it is not the mind and it is not, therefore, objective judgment. It is more akin to something else. I have said this kind of thinking is more akin to politics than law. It is certainly not law, not in the American tradition of law.

Ms. Kagan also clerked for Justice Thurgood Marshall, whom she refers to as her hero. Indeed, Marshall is a historic figure. He was courageous at a time when courage was definitely needed and an effective leader in the civil rights movement. He was a great attorney and a fierce advocate for his clients and his ideals. He could be a hero of anyone as an American advocate and a person who played a fundamental role in the breakdown of segregation in America. But he also became one of the most active judges on the Court in our Nation's history.

In describing his own judicial philosophy, Marshall said that "[y]ou do what you think is right and let the law catch up." He dissented in all death penalty cases because he and Justice Brennan declared the prohibition of "cruel and unusual" punishment that

is in the Constitution barred any death penalty.

That might sound plausible in one sense. But in truth, this can never be a fair interpretation of the cruel and unusual clause in the Constitution, since there are multiple references in the Constitution to the death penalty and how it should be carried out.

How could you possibly construe the document as a whole to say that "cruel and unusual" prevents the death penalty? Well, they did not like the death penalty; Marshall and Brennan did not. They thought it was wrong. They thought the world had developed and moved forward to a "higher land" and they were just going to declare it and the law would follow.

Well, according to Kagan, in Justice Marshall's view, "constitutional interpretation demanded . . . that the courts show a special solicitude for the despised and disadvantaged." Certainly the courts should be sure that the despised or disadvantaged have a fair day in court. But the way this plays out, I believe, as suggested in the full remarks, is that it untethers the judge from the rule of law. I think it contradicts, in fact, the sworn oath of a judge, which reads "I do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me under the Constitution and laws of the United States, so help me God." Even so, Ms. Kagan said that showing "a special solicitude" for certain groups was Marshall's "vision of the Court and Constitution. And . . . it [was] a thing of glory." Well, it certainly represents a great vision for an advocate, but I do think we need to be sure that the judge who puts on the robe is going to follow their oath to be impartial and to decide matters based on the law and facts.

But, interestingly, the judge Ms. Kagan praises the most happens to be perhaps the most activist judge on Earth: Aharon Barak, the former president—or chief justice—of the Israel Supreme Court. The respected Federal judge Richard Posner flatly described Barak as a "judicial activist." Elena Kagan described him as her "judicial hero."

To judicial activists around the world, Aharon Barak is an icon. After inviting him to Harvard, Ms. Kagan called him "a great, great judge" who "presided over the development of one of the most principled legal systems in the world." Her comments are troubling to anyone who believes in limited government and democracy and a limited role for judges. Under Barak, the Israeli court assumed extraordinary governmental power over the people of Israel. The basic democratic rights we take for granted in our country were ignored in his actions. The unelected

court in Israel assumed the authority to set aside legislation and executive actions when there were disagreements about policy—not violations of the constitution, but disagreements about policy. It would alter the meaning of enacted laws and override even national defense measures.

Judge Posner wrote that Barak inhabits "a completely different—and, to an American, a weirdly different—juristic universe." He goes on to say: "What Barak created . . . was a degree of judicial power undreamed of even by our most aggressive Supreme Court justices." Judge Posner compared Barak's actions to "Napoleon's taking [of] the imperial crown out of the Pope's hands and crowning himself."

Well, is that what we want in the Court? Do we want someone who sees this judge as one of the most admirable judges in the world? Do we want to allow a disregard for the limits of governmental power to further infect our own government? Is that disrespect for the views of ordinary men and women something to which we should aspire? In other words, do unelected, lifetime judges, who are unaccountable to the people—are they entitled to this kind of power? Is this progressive idea that "experts" know best consistent with the American view of individual responsibility and popular sovereignty? I think not.

What is Judge Barak's judicial philosophy, as he expresses it? He has written that a judge's role "is not restricted to adjudicating disputes" between parties, as is required by the cases and controversies clause of our Constitution. Rather, he says:

The judge may give a statute new meaning. . . .

"The judge may give a statute new meaning"—

a dynamic meaning, that seeks to bridge the gap between law and life's changing reality without changing the statute itself. The statute remains as it was, but its meaning changes, because the court has given it a new meaning that suits new social needs.

Well, I would say that Justice Barak let the cat out of the bag. In America, activist judges firmly deny this is what they are doing, but in reality, often that is exactly what they are doing—just taking plain statutes and giving them new meaning and making them say what they would like for them to have said had they written them in that given period of time.

I believe that to the American people, those words, are offensive and strike at the heart of our democracy. I do not know how you would describe that philosophy, but I do not think it is law, not the law in the great American English tradition of law, a tradition that has attracted people all over the world because they believe they have an opportunity to achieve justice here. Again, I think it is more akin to politics, which should not be a judge's role.

There is no place for politics in the courtroom.

Perhaps we should not be surprised that Ms. Kagan—President Obama's nominee—so greatly admires someone who endorses a results-oriented approach, however, because President Obama's Press Secretary, Robert Gibbs, just recently described the President himself as "results-oriented" when it comes to law and judging. Amazingly, Gibbs said this about President Obama's view of judging:

The president is a very pragmatic person who is far less wedded to the process and the mechanics of how you get something done and more wedded to what will the results be.

He is results-oriented, Gibbs said. What do we mean by "results-oriented"? Results-oriented judging can only mean that a judge enters the courtroom with a preconceived idea of what the results should be, even before he has reviewed the law or heard the facts of the case. And what kinds of conclusions do they have in mind before the trial starts? Well, it is based on the judge's political views or personal feelings about parties or issues in the case. What else could they be? He or she might suggest that those views are somehow provided to them as knowing better than anyone else and that they, therefore, have a duty to impose those "wise" ideas on the people and the parties in the case. But I think most of us are not so willing to acknowledge judges are any wiser than anyone else. And what if the Constitution does not support such a result? The judge simply would then declare the law to mean something other than it says.

So that is the philosophy, I contend, that has been endorsed, frankly, by the President. I fundamentally disagree with his philosophy, which is also a philosophy shared by the heroes of Ms. Kagan.

This nominee has a very slim legal record, and it is difficult to evaluate that. She does have a very clear liberal political record. What legal record she has seems to be outside the concept that a judge must serve under the law and under the Constitution.

So it is fair to ask, Does she agree with her heroes? Does she agree with her President? Does she see her lifetime appointment to the Court as an opportunity to promote ideas she desires and then let the law catch up? To that question, we cannot simply accept a confirmation testimony: I will follow the Constitution. Too often, nominees have testified before the committee like Chief Justice John Roberts and gone on to rule more like Aharon Barak. Lipservice to the rule of law is not enough. Activists who have a postmodern view of the law think the Constitution really has no set meaning, there is no way to honestly interpret what it means. So it is easy for them to promise to follow the law be-

cause the law, to them, is something that can be changed. It is malleable. It is inexact. It is not finite. They can make it say what they want it to say.

So the question is, Is that the approach Ms. Kagan will take at the hearing? And is that her basic philosophy of judging? She has written that judges should be forthcoming at the confirmation process, and I think we will need to talk about those issues. It is an important confirmation. It is not a coronation. This is a lifetime appointment. This young nominee could easily serve for more than three decades. Indeed, the man she is replacing is—if she lives to his age and serves to his age, she would serve 40 years.

So I think she is entitled to fair and respectful treatment. She is entitled to have an opportunity to discuss and respond to the questions I have raised and others will raise. That is absolutely true, and we cannot use unfairness to besmirch a nominee. But we do need to know: Is this her philosophy of law? What kind of judge will she be? Isn't it true that a person's heroes tell a great deal about who they really are? Few would dispute that these heroes of hers represent three of the most well-known activist judges in the world. So I think the questions are important.

As I have said before, I will oppose—and every Senator should oppose—any nominee who does not understand and fully accept that their duty is to serve, as the oath says, "under the Constitution and laws of the United States." That is why I think it is only fair to state these concerns before the hearing. I hope my colleagues will be following it. I know our committee members are working hard. It is being a bit rushed, but we are doing our best to be ready next Monday to commence the hearing. I think it will be a good time. I look forward to it, and I hope people who see it will feel as if it was fairly conducted and beneficial not only to Senators, who must vote, but to the American public at large.

I thank the Presiding Officer and yield the floor.

THE PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak in morning business for up to 20 minutes.

THE PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH INSURANCE RATE AUTHORITY ACT

Mrs. FEINSTEIN. Mr. President, tomorrow the President of the United States will address the Nation on the 90-day anniversary of the passage of health care reform, so I have come to the floor at this time to discuss an omission from the health care bill, and that omission is the protection of consumers from unfair medical insurance premium rate increases, which, as I

will show in the next 15 minutes, are now taking place virtually all over this Nation.

On March 4, I introduced legislation to provide the Secretary of Health and Human Services with the ability to set up a rate review procedure to provide that insurance premium rate increases are reasonable. Senators BOXER, BURRIS, CASEY, GILLIBRAND, LAUTENBERG, MIKULSKI, REED, SANDERS, and WHITEHOUSE have all cosponsored this bill. I originally proposed the amendment during the health care reform debate. We worked with the Administration in putting it together. We worked with the Finance Committee. We worked with Representative SCHAKOWSKY in the House, who has introduced the same legislation. President Obama decided to include it in his health care reform proposal, but unfortunately it did not meet the criteria for reconciliation and therefore had to be dropped. On March 4, I introduced a bill to provide this rate review, and on April 20 Senator HARKIN was good enough to hold a full hearing in the HELP Committee.

The time has come to take action. The time has come to protect consumers from the egregious abuse of insurance companies that are, in fact, taking place across this very Nation today.

Health insurance premiums have been spiraling upwards at out-of-control rates—10, 20, 30 percent per year—all while big national insurance companies enjoy increasing profits.

Everyone by now is familiar with the increases that Anthem Blue Cross, a subsidiary of WellPoint, was set to impose—as much as 39 percent—for 800,000 Californians in the individual market. It turns out that Anthem Blue Cross used flawed data to calculate these health insurance premium increases for hundreds of thousands of California policyholders, resulting in increases that were larger than necessary. The State insurance commissioner ordered an independent actuarial study, and here is what they found: They found that the 25-percent average increase proposed by Anthem should only have been 15.2 percent.

What is most disturbing is that Anthem's case is not an aberration. Far from it. The five major insurers in the small group market in California—Blue Shield, Kaiser Permanente, Anthem Blue Cross, Aetna, and United Health Care—have just announced rate increases for small businesses that will average 12 to 23 percent. Some will be hit with rate increases as much as 76 percent. That likely means people will lose their insurance. This means that over 1.6 million Californians will shortly see increases in premiums. These premium increases have been going on all along. As a matter of fact, literally hundreds of thousands of Californians

have had to lose their insurance because they can't pay these premium increases.

This is not a problem unique to California. The White House reports that premium rates have been rising across the Nation with substantial geographic variation. For employer-sponsored family coverage, premiums have increased 88 percent in Michigan over the past decade compared with a 145-percent increase in Alaska.

A recent report by the Center for American Progress Action Fund found that WellPoint is pursuing double-digit increases in the individual market for 10 other States in addition to California: Colorado, Connecticut, Georgia, Indiana, Maine, Nevada, New Hampshire, New York, Virginia, and Wisconsin.

Here are a few examples of those rate increases in the individual market. Average rates in Colorado will increase by 19.9 percent. Some consumers will see increases as high as 24.5 percent. In Maine, Anthem Blue Cross Blue Shield requested a 23-percent increase in 2010. They then sued the State's insurance commissioner for rejecting an 18.5-percent increase last year on top of it. But in April a Maine court upheld the insurance commissioner's decision. In Indiana, rates are expected to increase 21 percent in 2010.

Other insurance companies are also raising rates. Health Care Service Corporation of New Mexico proposed 24.6 percent increases for about 40,000 individual policies last fall. The school district in Weston, CT, is served by CIGNA, which proposed a 23-percent increase in the district's insurance premiums for the 2010-2011 fiscal year.

In a recent Kaiser Family Foundation survey, 77 percent of people purchasing insurance in the individual market report being asked for premium increases. That is over three-fourths. These increases are averaging 20 percent. We don't know the extent of the problem nationwide, but the reporting requirements in the health reform law will improve the information available. However, right now, until changes go into effect, there is a glaring loophole which allows for private for-profit medical insurance companies—the big ones—to increase rates as much as they possibly want to and possibly can.

The recently signed health care bill does require insurance companies to provide justification for unreasonable premium increases to the Secretary of Health and Human Services. They must also post these justifications on their Web sites. This provides transparency, granted, but it leaves the loophole. Simply stated, the Secretary has no authority to do anything about these rate increases. So an insurance company can argue the large increase is justified, but in some States there is no review to see that it is. In other

States, officials may not have the authority to block an increase that is not justified. We need to close this loophole.

The bill we have introduced will do just that. This legislation gives the Secretary of Health and Human Services the authority to block premium or other rate increases that are unreasonable. In some States, insurance commissioners already have that authority, and that is fine. The bill doesn't touch them. In Maine, for example, the State superintendent of insurance was able to block Anthem's proposed 18.5-percent increase last year. She approved only a 10.9-percent increase.

In 23 States, including my own—California—companies are not required to receive approval for rate increases before they take effect.

So this legislation we have introduced simply creates a Federal fallback, allowing the Secretary to conduct reviews of potentially unreasonable rates in States where the insurance commissioner does not—and I repeat, does not—already have the authority or the capability to do so. That is in 23 States.

The Secretary would review potentially unreasonable premium increases and take corrective action. This could include blocking an increase, providing rebates to consumers, or adjusting an increase.

Under this proposal, the Secretary would work with the National Association of Insurance Commissioners to implement the rate review process. She would identify States that have the authority and capability to review rates. States already doing this work will continue to do so unabated and unfettered. The legislation would not affect them. However, for the consumers in the other 23 States with no authority, such as California, protection from unfair rate hikes would be provided.

This proposal would also create a Rate Authority, a seven-member advisory body to assist the Secretary with these responsibilities. A wide range of interests would be represented, including consumers, the insurance industry, medical practitioners, and other experts.

I think this proposal strikes the right balance. There is no need for involvement in States with insurance commissioners that are able to protect consumers. So the legislation I have introduced simply provides Federal protection for consumers who are currently at the mercy of large health insurance companies whose top priority is their bottom line.

We, in fact, are the only industrialized country in the world that relies heavily on a for-profit medical insurance industry to provide basic health care. As T.R. Reid says in his book "The Healing of America": No country with a large for-profit medical insurance industry has been able to really reform health care costs.

So what we have in America today are multiple large, for-profit insurance companies. They are public companies. They are focused on profits. They are heavily concentrated. They leave consumers with few alternatives when their premiums increase. They have merged over the years and they have gained market concentration in a way that no other business or industry is allowed to do in the United States because they have an antitrust exemption. Major League Baseball has that exemption. The health insurance industry is one of only a few industries with this exemption.

The Judiciary Committee has passed out legislation which would remove that antitrust exemption, and that legislation should be passed as soon as possible. In 2007, just two carriers—WellPoint and United Health Group—gained control of 35 percent of the national market for commercial health insurance. That is because they have merged and acquired using that antitrust exemption.

According to a study by the American Medical Association, more than 94 percent of American health insurance markets have a highly concentrated market share. This means these companies could raise premiums or reduce benefits with little fear that consumers will end their contracts or move to a more competitive carrier because they have bought up the more competitive carriers.

In my State of California, just two companies—WellPoint and Kaiser Permanente—control more than 58 percent of the market. In Los Angeles, these two carriers controlled 62 percent of the market in 2008. Before health care reform, these companies had little incentive to be efficient with the premium dollars they collected. These large insurance companies have large and substantial profit margins while continuing to raise premiums for consumers.

According to Health Care for America Now!, four of the five largest health insurance companies—WellPoint, United Health, Humana, CIGNA—saw profits increase 56 percent from 2008 to 2009; that is, from \$7.7 billion to \$12.1 billion. Only Aetna saw their profits decrease.

In the first 3 months of 2010, the five largest for-profit medical health insurance companies—WellPoint Inc., United Health Group, Inc., Aetna Inc., Humana Inc., and CIGNA Corp.—recorded a combined net income of \$3.2 billion. That is in the first 3 months of this year.

Here is the significance: That is a 31-percent jump over the first 3 months of 2009. So just in the first 3 months of this year, through premium increases they now have a \$3.2 billion or 31-percent increase in profits.

Here are the company profits for the first quarter of 2010:

WellPoint, \$876.8 million; that is a 51-percent increase over the same quarter in 2009. Humana, \$258.8 million; that is a 26-percent increase in the first quarter 2010 over first quarter 2009. Aetna, a \$562.6 million profit; that is a 29-percent increase for the first quarter 2010 over first quarter 2009. UnitedHealth, \$1.19 billion; that is a 21-percent increase first quarter 2010 over first quarter of 2009. Cigna, \$283 million; that is a 36-percent increase first quarter over first quarter of last year.

See, this is amazing. They receive these huge profit margins, then they turn around and raise premiums on consumers, many of whom are struggling to keep their insurance because they have lost their jobs, and many of whom have had a double-digit increase last year and even the year before.

In 2009, despite the worst economic downturn since the Great Depression, these insurers set a full-year profit record. This caps a decade of enormous profit growth in the industry. Between 2000 and 2007, profits at 10 of the largest publicly traded health insurance companies soared 428 percent—from \$2.4 billion in 2000 to \$12.9 billion in 2007.

The rapidly increasing insurance premiums are a piece of a larger problem. Multiple factors, including the large profit sustained by many hospitals, now are contributing to the cost of health care in the United States. So what we are seeing is an increase in costs charged by major hospitals.

But it is important to note that while the cost of medical care is increasing, premiums are rising much faster than the cost of medical inflation. I must say, there are predictions that we will build into our budget deficit a structural deficit, and that structural deficit will come from these very rising health care costs. Mr. President, we must do something about it.

From 2000 to 2008, premiums for employer-sponsored health plans increased 97 percent for families and 90 percent for individuals. At the same time, the payments that private insurers made to health care providers increased 72 percent, medical inflation increased 39 percent, wages increased 29 percent, and overall inflation increased 21 percent. So figure inflation increased 21 percent, wages 29, medical inflation 39, and payments to health care providers increased 72 percent, yet insurance premiums increased 97 percent. Much more than the increase in medical costs. That is the problem. If we let it happen, we have no one to blame but ourselves.

Meanwhile, consumers struggle to afford these continued rate hikes. Between December 31, 2008, and March 31, 2010, the combined commercial enrollment of these five companies fell by 2.8 million Americans. So insurers make increasing profits by increasing rates and, at the same time, they push 2.8 million Americans off of medical insur-

ance because of those increasing rates. This is very real. It is happening out there every day, every week, every month. We must do something about it.

Let me give you one personal story. Laurel Kaufer is a 48-year-old single mother of two sons. She lives in Woodland Hills in my State. She is a self-employed mediator and lawyer. She has had Blue Cross for 25 years. Her son, Brandon, is 21 and he attends the University of Arizona. Her son, Zack, is 19 and goes to USC.

Anthem Blue Cross has raised her health insurance rates 550 percent over the last 10 years. Between February of 2001 and March of 2010, Ms. Kaufer has spent \$52,128 on health insurance premiums alone. That doesn't include deductibles.

She has no choice but to pay the increases. With her two sons in college, she doesn't have any disposable income. She seeks medical treatment only when she has to. She and her son do their annual checkups, but as Ms. Kaufer says:

Sometimes I don't get a test that a doctor says I should have, because it costs me money, and I wait it out to see if I can do without it.

This is a family with insurance, passing up tests because they already spend over \$52,000 on premiums.

There are numerous stories like these. Individuals and families have to choose whether to buy groceries, pay their mortgage, or purchase health insurance.

As I pointed out, in the last few years, 2.8 million Americans who were previously insured by for-profit insurance companies have severed their policies or lost their insurance because they can't pay the bill.

I strongly believe we need to take action on this and soon because it is going to continue and it is going to spiral. These companies are going to take every advantage of a loophole in the law to raise premiums, to be able to increase their profit margin and push more people off of insurance.

This bill is very necessary. Premiums are increasing every day. I urge my colleagues to join me in supporting this legislation, the Health Insurance Rate Authority of 2010, which will close this loophole.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

#### EXECUTIVE SESSION

NOMINATION OF MARK A. GOLDSMITH TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN

NOMINATION OF MARC T. TREADWELL TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF GEORGIA

NOMINATION OF JOSEPHINE STATON TUCKER TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of Mark A. Goldsmith, of Michigan, to be United States District Judge for the Eastern District of Michigan; Marc T. Treadwell, of Georgia, to be United States District Judge for the Middle District of Georgia; Josephine Staton Tucker, of California, to be United States District Judge for the Central District of California.

The PRESIDING OFFICER. Under the previous order, the time until 6 p.m. will be for debate on the nominations, with the time equally divided and controlled by the Senator from Vermont, Mr. LEAHY, and the Senator from Alabama, Mr. SESSIONS.

The Senator from Georgia.

Mr. ISAKSON. Mr. President, I rise briefly, and with great pride, to commend to my colleagues the confirmation of Marc Treadwell from the State of Georgia to be a U.S. district court judge of the Middle District of Georgia.

Marc is all Georgian. He was born in Blackshear, and he traveled around as the son of an Army officer. But he came back and attended Valdosta State where he earned his bachelor's degree, and then he graduated from Mercer University's Walter F. George Law School in Macon.

After graduating, he came to Atlanta and, ironically, practiced law at the firm of Kilpatrick & Cody, which represented my company for years in Atlanta. It is one of the most distinguished law firms in the State of Georgia.

Marc has been inducted into the American College of Trial Lawyers, and Martindale-Hubbell gave him an "AV," its highest designation.

Marc now teaches at his alma mater, Mercer, and he has written more than 50 publications for Law Reviews and other publications. He is recognized as a leading authority and expert in Georgia evidence law.

Marc is married to his beautiful wife Wimberly. They have two sons, Thomas and John. In addition to juggling his law practice, teaching, and family duties, Marc finds time to be an active member of the Vineville United Methodist Church in Macon.

It is my privilege and honor to thank Chairman LEAHY and Ranking Member SESSIONS for their diligence on this confirmation in the committee.

I commend Marc Treadwell with my highest recommendation for confirmation to the court of the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Like my friend from Georgia, I rise today also with great pride to strongly support the nomination of Judge Mark Goldsmith, to be a judge for the U.S. District Court for the Eastern District of Michigan.

I have known Judge Goldsmith for a long time. He is a friend and someone for whom I have the greatest admiration both as a person and as a judge. He is extremely intelligent. He is highly respected in Michigan as a judge. Since joining the Oakland County Circuit Court in 2004, he has proven himself to be someone who is highly respected by all sides. He is known for his integrity and fairness. That is certainly what we look for as we look to these important confirmations on the Federal bench.

After graduating from the University of Michigan in 1974, he went on to receive his law degree from Harvard University in 1977. Before joining the State court, he was a partner at Honigman Miller in Detroit. He has also served as an adjunct professor of the law at Wayne State University's law school.

Judge Goldsmith is well known in the community where he formerly served on many boards and is someone who is known for giving back to the community, working with the poor, and working with those who need his help in the Detroit area. He has been recognized for his pro bono involvement and his community work, most notably at B'nai B'rith Antidefamation League and Forgotten Harvest, an organization that collects surplus perishable foods from grocery stores, restaurants, and caterers and provides them to emergency food providers in the metro Detroit area.

The American Bar Association has given him the rating of "unanimously well qualified," which is their highest rating for judicial nominees.

He has been a judge in Michigan since 2002 when he was appointed as a part-time magistrate hearing traffic violations and civil infractions. In 2004, he was appointed to the Oakland County Circuit Court, which has jurisdiction over felonies and major civil claims cases. He was elected to that position in November of 2004 and re-elected in 2006.

In the cases that have come before him, he has always been known to be fair and impartial, willing to listen to both sides and make careful rulings based on the law. It has been my great honor and privilege to know him and to join with Senator LEVIN in making a recommendation to the President regarding his possible nomination. We were very pleased when President Obama chose to nominate him to the Federal bench.

I urge my colleagues to support him unanimously, as the American Bar Association has done—again, giving him their highest rating for judicial nominees of "unanimously well qualified." I hope we will do this soon today.

I yield the floor.

Mr. President, I ask that the time be equally divided between both sides, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I rise this afternoon to say a few words about an excellent lawyer from Macon, GA, Marc Treadwell, who has been nominated to serve as a U.S. District Court Judge for the Middle District of Georgia, the district I was privileged to practice in for 26 years.

He is a native of Blackshear, GA, but as an "Army brat," he grew up near various bases around the United States and abroad.

He is a graduate of Valdosta State University, as well as the Walter F. George School of Law at Mercer University in Macon.

At Mercer, Marc served on the law review and was a member of the school's prestigious Brainerd Currie Honor Society.

After graduation, Marc went to Atlanta to begin his practice of law and returned to Macon in 1985 and has practiced in Macon ever since. He currently is a partner with the Macon firm of Adams, Jordan & Treadwell.

Marc has been inducted into the American College of Trial Lawyers and Martindale-Hubbell and his colleagues have given him the highest rating available to a lawyer in the country with an AV rating.

He now teaches at his alma mater, Mercer, and has written more than 50 publications for law reviews and other publications. Marc is also recognized as a leading authority on the evidence law in our State of Georgia.

Marc and his wife Wimberly have two sons, Thomas and John. In addition to juggling his law practice, teaching and family duties, Marc is an active member of the Vineville United Methodist Church in Macon.

I am pleased to commend Marc Treadwell to my colleagues, and I believe he will serve Georgians and Americans very well as a Federal judge and will be a fine addition to the bench.

Marc gets the highest remarks from his colleagues with whom I have talked over the last several months. I am extremely pleased to be here today to recommend to all of my colleagues the confirmation of Marc Treadwell to be a U.S. district judge for the Middle District of Georgia.

Mrs. FEINSTEIN. Mr. President, I rise to express my strong support for the nomination of California Superior Court Judge Josephine Staton Tucker to sit on the U.S. District Court for the Central District of California.

Judge Tucker brings a wealth of relevant experience as a lawyer and a judge to her candidacy for the Federal bench.

For the last 8 years, she has been a trial judge on the Orange County Superior Court. She has managed a judicial calendar of up to 500 pending cases at a time. She has presided over trials on topics as diverse as commercial contract disputes, negligence and discrimination actions, felony criminal cases, and family law matters. And she has served for 2 years on the Appellate Division of the court by special appointment from the chief justice of California, giving her important experience with appeals as well as trials.

Additionally, Judge Tucker brings 15 years of litigation experience as an associate and then a partner at the law firm of Morrison Foerster LLP.

Her work in private practice included representation of both plaintiffs and defendants in all aspects of employment law, including individual and class action litigation regarding employment discrimination, wrongful discharge, trade secrets and unfair competition, privacy, and wage and hour issues. She represented clients before State courts, Federal courts, and administrative agencies, and she also provided training to employers regarding compliance with federal and state employment laws.

From 1996 to 2002, Tucker was the co-chair of Morrison & Foerster's 50-lawyer employment law practice. In 2001, the Orange County Trial Lawyers Association recognized her work by naming her their Employment Lawyer of the Year.

Judge Tucker has also written prolifically. Her published work includes: The California Employers Guide to Employee Handbooks and Personnel Policy Manuals, a widely used reference book in California; three articles and over 50 case critiques for the California Employment Law Reporter, and 60 discussions of the law confronting employers and employees in the Los Angeles Times Sunday Edition.

Finally, she has been active in community work, providing volunteer services to the San Francisco AIDS Foundation, the Orange Coast Interfaith Shelter, the Make-A-Wish Foundation, and the Intercommunity Child Guidance Center.

Judge Tucker is a *summa cum laude* graduate of William Jewell College, a graduate of Harvard Law School, and a former law clerk to Judge John Gibson on the U.S. Court of Appeals for the Eighth Circuit. In sum, she is a highly qualified candidate for the Federal Court.

Judge Tucker is also well respected in the Orange County legal community where she works. I have long used a committee process involving local lawyers to identify the most highly qualified candidates for the Federal courts in California. Judge Tucker was recommended to me by my current committee after diligent research into the quality of her work and her reputation among local lawyers. I believe she will be a wonderful addition to the U.S. district court in Orange County.

I thank Senator BOXER for her support of Judge Tucker, and I urge my colleagues to vote in favor of confirmation.

I want to say briefly that while I will be very glad to see Judge Tucker confirmed today, there is much more work to be done in confirming the President's nominees. Let me give one example that is important to me.

The President first nominated Magistrate Judge Edward Chen to serve on the Federal District Court for the Northern District of California over 300 days ago. He has been voted out of committee twice and has been pending on the floor most recently for 137 days without a vote.

Like Judge Tucker, Judge Chen came out of my committee process. He has excellent credentials, including 9 years as a magistrate judge, and has strong, bipartisan support in the community he has been nominated to serve. I understand that certain members of the minority have concerns because Chen worked for the ACLU before becoming a magistrate judge and because of two lines that have been excerpted from his speeches and caricatured in the *Washington Times*. Chen has a long record as an adjudicator, however, and it is available for all to review.

He has spent 9 years as a magistrate judge and written over 200 published opinions. There has not been a single objection in committee or on the floor to even one of his decisions.

In 2008, an impartial Federal Magistrate Judge Merit Selection Review Panel reviewed his full record. The Panel unanimously recommended him for reappointment. Federal prosecutors they interviewed were "uniformly positive" about Chen and called his rulings "balanced" and "well reasoned." Similarly, the local civil bar called him

"well prepared," "very intelligent," and "decisive."

His reputation is stellar among the district judges he works with—whether they are Republican or Democratic appointees. District Judge Lowell Jensen who served as the No. 2 official in the Reagan Justice Department said Chen's decisions "reflect not only good judgment, but a complete commitment to the principles of fair trial and the application of the rule of law."

Two bipartisan selection committees have recommended Chen for the district court—one in the Bush administration and the committee I have established to review candidates for the current Administration.

The American Bar Association has also unanimously rated him well qualified.

There is a long track record that shows that Chen understands the difference between his work as a lawyer almost a decade ago and the work of a judge, which he has been doing for the last nine years with great success.

It is long past time for the minority to agree to a time agreement and for the full Senate to have an up-or-down vote on Judge Chen's nomination.

I will be very pleased to see Judge Tucker confirmed today, and I also believe that we should move forward to confirm other nominees pending.

Mrs. BOXER. Mr. President, I wish to express my strong support for California Superior Court Judge Josephine Staton Tucker, who will be confirmed today to the U.S. District Court for the Central District of California. Judge Tucker was recommended to the President by my colleague, Senator FEINSTEIN, and will be a great addition to the Federal bench.

Judge Tucker has had a distinguished career. After graduating from Harvard Law School, she served as a Federal clerk for Judge Gibson of the Eighth Circuit Court of Appeals. Following her clerkship, she practiced labor and employment law at Morrison & Foerster in San Francisco and Irvine, CA, becoming a partner at the firm in 1995. In 2002, she was appointed by then-Governor Gray Davis to the Orange County Superior Court.

I congratulate Judge Tucker and her family on this important day, and wish her the best as she begins her tenure as a Federal judge.

Mr. President, I yield the floor. I ask that the time in the quorum call be charged to both sides equally. I suggest the absence of a quorum.

THE PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I apologize for the voice. There is a fair amount of pollution in the air. It will be much better as soon as I get to Vermont at the end of the week.

Mr. President, this evening the Senate is being allowed to confirm a few more of the 26 judicial nominations that have been reported by the Senate Judiciary Committee over the past several months, but that continue to be stalled by the Republican leadership. We have yet to be allowed to consider nominations reported last November. In addition to the three nominations being considered today, there are more than a dozen more judicial nominations that were reported unanimously by the Judiciary Committee, and a total of almost two dozen that are being held up without good reason. There is no excuse for these months of delay.

The Senate Republican leadership refuses to enter into time agreements on these nominations. Their stalling and obstruction is unprecedented. They refuse to enter into a time agreement to consider the North Carolina nominees to the Fourth Circuit, who were reported by the committee in January, one unanimously and one with only a single negative vote. They refuse to enter into a time agreement to debate and vote on the Sixth Circuit nominee from Tennessee who was reported last November. I have told Senator ALEXANDER that all Democrats are prepared to vote on that nominee and have agreed to do so since November. It is his own leadership that continues to obstruct the nominee from Tennessee.

The Senate is well behind the pace I set for President Bush's judicial nominees in 2001 and 2002. A useful comparison is that in 2002, the second year of the Bush administration, the Democratic Senate majority's hard work led to the confirmation of 72 Federal circuit and district judges nominated by a President from the other party. In this second year of the Obama administration, we have confirmed just 19 so far—72 to 19.

In the first 2 years of the Bush administration, we confirmed a total of 100 Federal circuit and district court judges. So far in the first 2 years of the Obama administration, the Republican leadership has successfully obstructed all but 31 of his Federal circuit and district court nominees—100 to 31. Today that number will rise, but to just 34. Meanwhile Federal judicial vacancies around the country hover around 100.

By this date in President Bush's Presidency, the Senate had confirmed 57 of his judicial nominees. Despite the fact that President Obama began sending us judicial nominations 2 months earlier than did President Bush, the Senate has to date only confirmed 31 of his Federal circuit and district court nominees—57 to 31.

Last year, Senate Republicans refused to move forward on judicial

nominees. The Senate confirmed the fewest number of judges in 50 years. The Senate Republican leadership allowed only 12 Federal circuit and district court nominees to be considered and confirmed despite the availability of many more for final action. They have continued their obstruction throughout this year. By every measure the Republican obstruction is a disaster for the Federal courts and for the American people.

To put this into historical perspective, consider this: In 1982, the second year of the Reagan administration, the Senate confirmed 47 judges. In 1990, the second year of the George H.W. Bush administration, the Senate confirmed 55 judges. In 1994, the second year of the Clinton administration, the Senate confirmed 99 judges. In 2002, the second year of the George W. Bush administration, the Senate confirmed 72 judges. The only year comparable to this year's record-setting low total of 16 was 1996, when the Republican Senate majority refused to consider President Clinton's judicial nominees and only 17 were confirmed all session.

Senate Democrats moved forward with judicial nominees whether the President was Democratic—1994—or Republican—1982, 1990, 2002—and whether we were in the Senate majority—1990, 1994, 2002—or in the Senate minority—1982. Senate Republicans, by contrast, have shown an unwillingness to consider judicial nominees of Democratic Presidents—1996, 2009, 2010.

Over the last recess, I sent a letter to Senator MCCONNELL and to the majority leader concerning these matters. In that letter, I urged, as I have since last December, the Senate to schedule votes on these nominations without further obstruction or delay. I called on the Republican leadership to work with the majority leader to schedule immediate votes on consensus nominations—many, like those finally being considered today, I expect will be confirmed unanimously—and consent to time agreements on those on which debate is requested. As I said in the letter, if there are judicial nominations that Republicans truly wish to filibuster—after arguing during the Bush administration that such action would be unconstitutional and wrong—then they should so indicate to allow the majority leader to seek cloture to end the filibuster. It is outrageous that the majority leader may be forced to file cloture petitions to get votes on the North Carolina, Tennessee and other nominees.

The three nominees being considered today were all reported unanimously by the Judiciary Committee in March, more than 3 months ago. They could and should have been confirmed long before now. They are supported by their home State Senators. I congratulate them on their confirmation today.

After these votes, there will still be 23 judicial nominees favorably reported

by the Judiciary Committee being stalled from Senate consideration by the Republican leadership. We should change this course, and schedule confirmation votes without further delay.

Mr. President, I realize about half the time remaining is mine. No one else is seeking recognition.

First off, I wish to thank Senator ISAKSON for his kind words earlier.

As I announced last month, the confirmation hearing on the President's nomination of Elena Kagan to be an Associate Justice of the Supreme Court will begin next Monday. On Monday, I will give each Senator who is a member of the committee an opportunity to deliver an opening statement. After the nominee is presented to the committee, she will proceed with her opening statement. On Tuesday morning we will ask questions of the nominee. I hope that we will conclude the hearing by the end of the week, including testimony from a few public witnesses, as has become our custom.

Over the last few weeks, I have come to the Senate floor to outline the qualifications and achievements of the nominee, and to comment on the attacks that have been launched against her. I have noted my disappointment that too many Republican Senators seem predisposed to oppose the nomination.

When he set out to find a well-qualified nominee to replace retiring Justice John Paul Stevens, the President said this:

I will seek someone who understands that justice isn't about some abstract legal theory or footnote in a casebook. It's also about how laws affect the daily realities of people's lives—whether they can make a living and care for their families, whether they feel safe in their homes and welcome in our nation.

In introducing Solicitor General Kagan as his Supreme Court nominee, President Obama praised her “understanding of the law, not as an intellectual exercise or words on a page, but as it affects the lives of ordinary people.”

President Obama is not alone in recognizing the value of judges and Justices who are aware that their duties require them to understand how the law works, and the effects it has in the real world. Within the last month, two Republican appointees to the Supreme Court have made the same point. Last month, Justice Anthony Kennedy told a joint meeting of the Palm Beach and Palm Beach County Bar Associations that, as a Justice:

You certainly can't formulate principles without being aware of where those principles will take you, what their consequences will be. Law is a human exercise and if it ceases to be that it does not deserve the name law.

In addition, Justice David Souter, who retired and was succeeded by Justice Sotomayor last year, delivered a thoughtful commencement address at Harvard University. He spoke about judging and explained why thoughtful

judging requires consideration of human experience and grappling with the complexity of constitutional questions in a way that takes the entire Constitution into account. He spoke about the need to “keep the constitutional promises our nation has made.” Justice Souter concluded:

If we cannot share every intellectual assumption that formed the minds of those who framed that charter, we can still address the constitutional uncertainties the way they must have envisioned, by relying on reason, by respecting all the words the Framers wrote, by facing facts, and by seeking to understand their meaning for living people.

Justice Souter understood the real-world impact of the Supreme Court's decisions, as does, I believe, his successor Justice Sotomayor. Across a range of fields including bankruptcy, the fourth amendment, statutory construction, and campaign finance, Justice Sotomayor has written and joined opinions that have paid close attention to the significance of the facts in the record, to the considered and longstanding judgments of the Congress, to the arguments on each side, to the Supreme Court's precedents, and to the real-world ramifications of the Supreme Court's decisions. She has voted to keep the courthouse doors open in important employment discrimination and pension rights cases.

A hallmark of real-world judging is acknowledging the challenges of construing the Constitution's broad language given our social and technological developments. I am talking about getting away from sloganeering and being concrete. I appreciate Justices like Justice John Paul Stevens, Justice David Souter and Justice Sandra Day O'Connor who are grounded, who draw on the lessons of experience and use common sense. In the real world of judging, there are complex cases with no easy answers. In some, as Justice Souter pointed out, different aspects of the Constitution point in different directions, toward different results, and need to be reconciled.

This approach to judging is not only mainstream, it is as old as the Constitution itself and has been evident throughout American history. Chief Justice John Marshall wrote for a unanimous Supreme Court in the 1819 landmark case of *McCulloch v. Maryland* that for the Constitution to contain detailed delineation of its meaning “would partake of the prolixity of a legal code, and could scarcely be embraced by the human mind.” He understood, as someone who served with Washington, Jefferson, Adams and Madison, that its terms provide “only its great outlines” and that its application in various circumstances would need to be deduced. The “necessary and proper” clause of the Constitution entrusts to Congress the legislative power “to make all laws which shall be necessary and proper for carrying into

execution" the enumerated legislative powers of article I, section 8, of our Constitution as well as "all other powers vested by this Constitution in the Government of the United States." In construing it, Chief Justice Marshall explained that expansion clause "is in a constitution, intended to endure for ages to come, and consequently, to be adapted to the various crises of human affairs." He went on to declare how, in accordance with a proper understanding of the "necessary and proper" clause and the Constitution, Congress should not by judicial fiat be deprived "of the capacity to avail itself of experience, to exercise its reason, and to accommodate its legislation to human affairs" by judicial fiat. Chief Justice Marshall understood the Constitution, knew its text and knew the Framers. He rejected stagnant construction of the Constitution.

*McCulloch v. Maryland* was the Supreme Court's first construction of the "necessary and proper" clause. The most recent was just last month in *United States v. Comstock*. That case upheld the power of Congress to enact the Adam Walsh Child Protection and Safety Act, which included provisions authorizing civil commitment of sexually dangerous Federal prisoners who had engaged in sexually violent conduct or child molestation and were mentally ill. Quoting Chief Justice Marshall's language from *McCullough*, Justice Breyer wrote in an opinion joined by a majority of the Supreme Court, including Chief Justice Roberts, about the "foresight" of the Framers who drafted a Constitution capable of resilience and adaptable to new developments and conditions.

Justice Breyer's judicial philosophy is well known. A few years ago, he authored "Active Liberty" in which he discussed how the Constitution and constitutional decisionmaking protects our freedoms and, in particular, the role of the American people in our democratic government. When he writes about how our constitutional values applying to new subjects "with which the framers were not familiar," he looks to be faithful to the purposes of the Constitution and the consequences of various decisions.

During the Civil War, in the 1863 *Prize Cases* decision, the Supreme Court upheld the constitutionality of President Lincoln's decision to blockade southern ports before a formal congressional declaration of war against the Confederacy. Justice Grier explained that it was no less a war because it was a rebellion against the lawful authority of the United States. Noting that Great Britain and other European nations had declared their neutrality in the conflict, he wrote that the Court should not be asked "to affect a technical ignorance of the existence of a war, which all the world acknowledges to be the greatest civil

war known in the history of the human race." That, too, was real-world judging.

In the same way, the Supreme Court decided more recently in *Rasul v. Bush*, that there was jurisdiction to decide claim under the Great Writ securing our freedom, the writ of habeas corpus, from those in U.S. custody being held in Guantanamo. Justice Stevens, a veteran of World War II, engaged in real-world judging, recognizing that the United States exercised full and exclusive authority at Guantanamo if not ultimate, territorial sovereignty. The ploy by which the Bush administration had attempted to circumvent all judicial review of its actions was rejected recognizing that ours is a government of checks and balances.

Examples of real-world judging abound in the Supreme Court's decisions upholding our individual freedoms. For example, the First Amendment expressly protects freedom of speech and the press, but the Court has applied it, without controversy, to television, radio broadcasting, and the Internet. Our privacy protection from the fourth amendment has been tested but survived the invention of the telephone and institution of Government wiretapping because the Supreme Court did not limit our freedom to tangible things and physical intrusions but sought to ensure privacy consistent with the principles embodied in the Constitution.

Real-world judging is precisely what the Supreme Court did in its most famous and admired modern decision in *Brown v. Board of Education*. I recently saw the marvelous production of the George Stevens, Jr., one-man play "Thurgood" starring Laurence Fishburne. It was an extraordinary evening recalling one of the great legal giants of America. At one point, Justice Marshall reads a few lines from the unanimous decision of the Supreme Court in 1954 that declared racial discrimination in education unconstitutional. Chief Justice Warren had written:

In approaching this problem, we cannot turn the clock back to 1868, when the [Fourth] Amendment was adopted or even to 1896 when *Plessy v. Ferguson* was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.

That was real-world judging that helped end a discriminatory—and dark—chapter in our history. The Supreme Court did not limit itself to Constitution as written in 1787. At that point in our early history, "We the People" did not include Native Americans or African-American slaves, and our laws failed to accord half the population equality or the right to vote because they were female. Real-world

judging takes into account that the world and our Constitution have changed since 1788. It took into account not only the Civil War, but the Civil War amendments to the Constitution adopted between 1865 and 1870.

Would anyone today, even Justice Scalia, really read the eighth amendment's limitation against cruel and unusual punishment to allow the cutting off of ears that was practiced in colonial times? Of course not, because the standard of what is cruel and unusual punishment was not frozen for all time in 1788. Does anyone dispute today that the fundamental rights set forth in the Bill of Rights are correctly applied to the States through the due process clause of the 14th amendment? Literally, the freedoms in our Bill of Rights were expressed only as limitations on the authority of Congress. Does anyone think that the equal protection clause of the 14th amendment cannot be read to prohibit gender discrimination? It was most assuredly not women that its drafter had in mind when it was adopted.

Our Constitution was written before Americans had ventured into outer space, or cyberspace. It was written before automobiles, airplanes or even steamboats. Yet the language and principles of the Constitution remain the same as it is applied to new developments. The Constitution mentions our "Armed Forces" but there was no air force when the Constitution was written. Similarly, in construing the "commerce clause" and the intellectual property provisions to provide copyright and patent protection for "writings and discoveries," the Supreme Court has engaged in real-world judging as it applies our constitutional principles to the inventions, creations and conditions of the 21st century. Jefferson and Madison may have mastered the quill pen, but never envisioned modern computers.

There are unfortunately occasions on which the current conservative, sometimes activist, majority on the Supreme Court did not engage in real-world judging. One such case, the *Lilly Ledbetter* case, would have perpetuated unequal pay for women, by using a rigid, results-oriented, cramped reading of a statute to defy congressional intent. We corrected that case by statute. Similarly, the *Gross* decision seeks to close our courts to those treated unfairly. The legislature must correct it. And, of course, the *Citizens United* case wrongly reversed 100 years of legal developments to unleash corporate influence in elections.

We saw yet another troubling example in a narrow 5-4 decision handed down earlier today in a case called *Rent-A-Center v. Jackson*, in which the conservative activists in the majority, once again, have ruled in favor of big business at the expense of hardworking Americans. With this narrow decision,

the five Justices in the majority have overridden the intent of Congress in passing the Federal Arbitration Act and abandoned our longstanding tradition of allowing people to go to court to challenge unconscionable agreements. Just as it was in the wake of the *Ledbetter* case, it will be up to Congress to correct this error and undo the damage it has done to thousands of people who have no choice but to sign unfair agreements in order to get a job and put food on their table for their families.

The issue before the Court was whether a court or an arbitrator should decide the enforceability of an agreement to settle disputes that may arise. Justice Stevens, writing for the four dissenting Justices noted that the question whether a legally binding arbitration agreement existed is an issue that the Federal Arbitration Act assigns to the courts. Congress did not intend to prevent employers from having access to an impartial court's determination whether the agreement was unconscionable. Today's ruling turns that purpose, and even the Court's own precedent, upside down.

It is estimated that more than one hundred million Americans work under binding mandatory arbitration agreements. Most Americans are not even aware that according to the new Supreme Court ruling, they will have waived their constitutional rights to a jury trial when they accept a job to provide for their families. This divisive decision not only closes the courthouse doors to millions of American workers and their families, it gives big business even more incentive to require their employees to sign one-sided arbitration agreements as a condition of employment.

Considering how the law will work in the real world is an indispensable part of a judge's responsibility. I expect that Elena Kagan learned that lesson early in her legal career when she clerked for Justice Marshall. In 1993, upon the death of Justice Thurgood Marshall, she observed:

Above all, he had the great lawyer's talent . . . for pinpointing a case's critical fact or core issue. That trait, I think, resulted from his understanding of the pragmatic—of the way in which the law acted on people's lives.

If confirmed, Elena Kagan would be the third member of the current Supreme Court to have had experience working in all three branches of the government prior to being nominated. Some have criticized her work during the Clinton administration as political. I suggest that a fair reading of her papers indicates that she has the ability to take many factors into account in analyzing legal problems and that her skills include practicality, principle and pragmatism. These were all used in their service to the American people by Justices Sandra Day O'Connor, Souter and Stevens.

I have always thought that a nominee's judicial philosophy was important. Nearly 25 years ago, I noted in an earlier hearing for a Supreme Court nominee:

There can hardly be an issue closer to the heart of the Senate's role than a full and public exposition of the nominee's approach to the Constitution and to the role of the courts in discerning and enforcing its commands. That is what I mean by judicial philosophy.

It is only recently that some Republican Senators conceded that judicial philosophy matters. I hope this means that they will abandon the false premise that all a Justice does is mechanically apply obvious legal dictates to reach preordained outcomes. There is more to serving the country as a Supreme Court Justice. A Supreme Court Justice needs to exercise judgment, should appreciate for the proper role of the courts in our democracy, and should consider the consequences of decisions on the fundamental purposes of the law and in the lives of Americans—in other words, engage in real-world judging.

I intend to ask the nominee about her judicial philosophy and about real-world judging. That is what I have done through the course of a dozen Supreme Court nominations hearings. Real-world judging is an important part of American constitutional life.

As I have said, I reject the ideological litmus test that Senate Republicans would apply to Supreme Court nominees. Unlike those on the right who drove President Bush to withdraw his nomination of Harriet Miers and those who opposed Justice Sotomayor, I do not require every Supreme Court nominee to swear fealty to the judicial approach and outcomes ordained by adhering to the narrow views of Justice Scalia and Justice Thomas. I expect judges and Justices to faithfully interpret the Constitution and apply the law, and also to look to the legislative intent of our laws and to consider the consequences of their decisions. I hope that judges and Justices will respect the will of the people, as reflected in the actions of their democratically elected representatives in Congress, and serve as a check on an overreaching executive.

What others seem to want is assurance that a nominee for the Supreme Court will rule the way they want so that they will get the end results they want in cases before the Supreme Court. Lack of such assurances was why they vetoed President Bush's nomination of Harriet Miers, the third woman to be nominated to the Supreme Court in our history and the only one not to be confirmed. They forced Ms. Miers to withdraw even while Democrats were preparing to proceed with her hearing. They do not want an independent judiciary. They demand Justices who will guarantee

the results they want. That is their ideological litmus test. As critics level complaints against Elena Kagan, I suspect that the real basis of that discontent will be that the nominee will not guarantee a desired litigation outcome.

Of course that is not judging. That is not even umpiring. That is fixing the game. It is conservative activism plain and simple. It is the kind of conservative activism we saw when the Supreme Court in *Ledbetter* disregarded the plain language and purpose of title VII. It is the kind of activism we saw when, this past January, a conservative activist majority turned its back on the Supreme Courts own precedents, the considered judgment of Congress, the interests of the American people and our long history of limiting corporate influence in elections in their *Citizens United* decision.

We can do better than that. In fact, we always have done better than that. In reality, we can expect Justices who are committed to do the hard work of judging required of the Supreme Court. In practice, this means that we want Justices who will pay close attention to the facts in every case that comes before them, to the arguments on every side, to the particular language and purposes of the statutes they are charged with interpreting, to their own precedents, to the traditions and longstanding historical practices of this Nation, and to the real-world ramifications of their decisions. Judging is not just textual and is not automatic. If it were, a computer could do it. If it were, important decisions would not be made 5 to 4.

The resilience of the Constitution is that its great concepts and phrases are not self-executing. They involve constitutional values that need to be applied. Cases often involve competing constitutional values. In the hard cases that come before the Court in the real world, we want—and need—Justices who have the good sense to appreciate the significance of the facts in the cases in front of them as well the ramifications of their decisions in human and institutional terms. I expect in close cases that hard-working Justices will sometimes disagree about results. I do not expect to agree with every decision of every Justice. I understand that. I support judicial independence. I voted for Justice Stevens, Justice O'Connor and Justice Souter, who were all nominees of Republican Presidents.

A year ago, most Republican Senators opposed the nomination of Justice Sotomayor to the Supreme Court, in spite of her outstanding record for more than 17 years as a Federal district and court of appeals judge. Most Republican Senators opposed Justice Sotomayor's nomination not because she lacked the requisite professional qualifications or because there were issues about her character or integrity.

Her record was impeccable. Sadly, the complaints about both Justice Sotomayor and now being echoed in opposition to Solicitor General Kagan are based on the two nominees' unwillingness to promise to deliver results that align with a narrow political ideology.

We 100 who are charged with giving our advice and consent on Supreme Court nominations should consider whether those nominated have the skills, temperament and good sense to independently assess in every case the significance of the facts and the law and real-world ramifications of their decisions. I have urged Republican and Democratic Presidents to nominate people from outside the judicial monastery because I think real-world experience is helpful and because I know that real-world judging matters in the lives of the American people. The American people live in a real world of great challenges. We have a guiding charter that provides great promise. At the end of the day, the Supreme Court functions in the real world that affects all Americans. Judicial nominees need to appreciate that simple, undeniable fact, history—segregation.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. Six and a half minutes.

Mr. SESSIONS. Mr. President, since Ms. Kagan was nominated, President Obama and his administration have attempted to defend not only her discriminatory treatment of the military at Harvard but to do so through misleading and even untrue statements. Indeed, Vice President BIDEN said Ms. Kagan's policy was "right," and he suggested she was merely following the law, both of which were not correct.

The recent statements made by the White House after the release late Friday of relevant records on this matter are most troubling. The records not only prove Ms. Kagan deliberately obstructed military activity at the Harvard campus during wartime, but they reveal her actions were even more concerning than previously known. The White House continues to insist she worked to accommodate military recruiters—which is just the opposite of accurate—that she assiduously worked to follow the law—not so—and to ensure that Harvard law students could choose a career in the military service. Well, I guess they could, but she certainly was not furthering that opportunity.

The documents revealed late Friday night show these statements are not accurate and really seem to be part of a campaign to rewrite what happened there. The documents show that Ms. Kagan reversed Harvard's policy—which allowed the military to come

and recruit, as any other group would—without basis or notice, in order to block the access of the recruiters, not to accommodate them. That is not disputed. It shouldn't be disputed.

The documents further show that she defied Federal law, forcing the Department of Defense to use its authority to bring Harvard into compliance. They had to threaten to cut off Harvard's money. They showed she did not ensure access to military careers and recruiters, but that the Office of Career Services prevented the military from even posting job openings on campus. They show that she sanctioned a demeaning second-class entry system for the military that the Department of Defense finally stood up to and said: No, that is intolerable and we will not accept it.

The documents also show that Ms. Kagan continued to fight military recruitment even when her defiance of the law meant that Harvard could lose \$½ billion a year. In a memorandum we obtained from the Department of Defense, Larry Summers—then president of Harvard, now President Obama's chief economic adviser—approved the entrance of the military recruiters fully on campus over the objection of Dean Kagan. Now, that is the fact.

So this policy was designed to obstruct recruiters and not only to end recruiting on campus, really, but to punish and demean the military in an attempt to force them to change the "Don't Ask Don't Tell" policy. But that rule was not enacted by the military. It was enacted by Congress and Ms. Kagan's former boss, President Bill Clinton, in whose White House she worked for 5 years—without apparently any serious objection to his signing of the policy.

Ms. Kagan's actions, combined with the fact that she had little to say about recruiting policy while working with President Clinton, raise questions about whether this is just a hostility to the military. They were just saluting and following the policy of Congress and the President. Why should they be blamed for this? Why should people who risk their lives to ensure Harvard's freedom be given second-class treatment on the Harvard campus? It was absolutely unacceptable then; it is unacceptable now.

I was involved, and this Congress had to pass a new law, an updated Solomon amendment, to end this policy. And Dean Kagan was one of the leaders of the law school's efforts. That is just a fact. And to suggest otherwise is misleading.

Here are some quotes from some of the e-mails that were released.

Harvard Law School is delaying and providing a "slow role" to Air Force's efforts to recruit during the Spring recruiting season. Seems they have delayed sufficiently in providing permission that the Season may already be "too late."

That was in February 2005, when she was dean.

In March 2005, this memo was written:

The Army was stonewalled at Harvard. Phone calls and e-mails went unanswered and the standard response was—we're waiting to hear from our higher authority.

How about another one? This was in April of 2006:

We're all searching for a way to limit the polarizing nature of the anti Solomonites—

Those are the people who were trying to have the Solomon amendment passed in Congress thrown out—

who now rattle sabers over an intent to shout down the military. Dean Kagan is a case in point below as she reportedly "encouraged students to demonstrate against the presence of recruiters . . . (and to) express their views clearly and forcefully."

Indeed, she sent out e-mails to students explaining why she thought this was so important. She was a national leader in this effort.

Another e-mail, March 10 of 2005. This military person said he explained to Harvard that the Third Circuit opinion they were using as a pretext to not follow the law had issued a stay of injunction and the Solomon amendment remained current law. He goes on to say:

I asked him if I could at least post a job posting via their office and he said no. He stressed that I could contact interested students via the Harvard veterans Student Group but that his office could not provide any support to us.

So we need a fair and honest evaluation. I, for one, have frankly been disappointed in this administration's obfuscation, deliberately attempting to hide the nature of what happened at Harvard, because it was, in fact, inexcusable. The administration should not defend this. They should give her a chance. Maybe she would say she made a mistake; maybe she would defend it. But I can't imagine an administration would want defend this kind of policy.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. There is 2 minutes 40 seconds remaining.

Mr. LEVIN. First, Mr. President, I wish to thank Senator LEAHY and members of the Judiciary Committee for the hearing they gave to Mark Goldsmith for the Eastern District of Michigan. He is an extraordinary judge. He has proved it already on the bench in Michigan. He has wonderful judicial temperament, he knows how to listen, he knows how to think, and he brings to the bench—and will bring to the bench when, hopefully, we confirm him—the kind of judicial temperament we want in our district court judges. So I thank Senator LEAHY and Senator

SESSIONS, while he is on the floor. I have talked to Senator SESSIONS about Mark Goldsmith, and I thank him for his receptiveness.

I believe all the members of the Judiciary Committee who had the chance to read the record or to be there at the hearing will agree that this is an unusually well-qualified nominee for our district court bench, and I thank them for their unanimous vote to bring him out of the committee.

Judge Goldsmith has had an impressive legal career. He graduated with high distinction and honors in economics from the University of Michigan in 1974. He was a member of the Honors Program in Economics at the University of Michigan and founded and served as editor-in-chief of the Michigan Undergraduate Journal of Economics. He graduated cum laude from Harvard Law School in 1977.

Judge Goldsmith has served on the Oakland County Circuit Court in the civil/criminal division since March 19, 2004, when he was appointed by Governor Jennifer Granholm. He also served as a magistrate at the 45-B District Court and as a Special Counsel to the State Bar Committee on the Unauthorized Practice of Law, a hearing panelist for the Attorney Discipline Board and as an adjunct instructor at Wayne State University Law School.

Prior to his service as a circuit court judge, Judge Goldsmith practiced law for nearly 25 years. He is admitted to practice in several states, as well as the U.S. Supreme Court, U.S. Court of Appeals for the Sixth Circuit, U.S. Court of Military Appeals, U.S. Air Force Court of Military Review and numerous U.S. District Courts.

Judge Goldsmith is also committed to legal community service. He served as president of the Federal Bar Association, Eastern District of Michigan Chapter and has served for many years as that organization's pro bono chair, receiving certificates of recognition from the U.S. District Court, Eastern District of Michigan for his pro bono involvement. He is currently a member of the executive board of Wayne State University's Center for the Study of Citizenship and a member of the Fair Housing Advisory Board of Legal Aid and Defender Association, Inc. Further, he helped establish the Circle of Friends—teaching language and acculturation skills to immigrants—and has served on the board of Forgotten Harvest—a distributor of food to the needy—and on the Regional Advisory Board of the B'nai B'rith Anti-Defamation League.

Judge Goldsmith will be an excellent addition to the Eastern District Court and will serve with great distinction. I wish him well and thank my colleagues for supporting his nomination.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent to have printed in the RECORD the e-mails I made reference to earlier.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

To: Sullivan, John, Mr., DoD OGC, Koffsky, Paul, Mr., DoD OGC

Subject: FW: AF Phase I Letter to Harvard Background

I just got back and going through my e-mails . . . Harvard Law School is delaying and providing a "slow role" to Air Force's efforts to recruit during the Spring recruiting season. Seems they have delayed sufficiently in providing permission that the Season ending March 4th may already be "too late". Any advice? I recommend a Phase I letter if another phone call on Feb 22-24 comes up negative or "inconclusive". What do you advise?

Subject: AF Phase I Letter to Harvard Background

Good Morning—AF provided the basis for which they would like to send the Phase I letter to Harvard. Both e-mails attached for your files.

V/R.

Subject RE: Harvard Phase I Pushups

. . . checked with Army JAG Recruiting and Major Jackson provided the following.

"Hi, Ma'am—

The Army was stonewalled at Harvard Phone calls and emails went unanswered and the standard response was—we're waiting to hear from higher authority.

The CSD refused to inform students that we were coming to recruit and the CSD refused to collect resumes or provide any other assistance.

V/R"

Subject FW: Harvard Phase I Pushups

Do you know, . . .

Subject RE: Harvard Phase I Pushups

Thanks, . . . Did the other services run into the same problems, or only the AF" (It would be odd if the law school treated the AF differently from other services).

Subject FW: Harvard Phase I Pushups

See below.

To: Sullivan, John, Mr., DoD OGC, . . . Koffsky, Paul, Mr., DoD OGC

Subject FW: Harvard Phase I Pushups

I have modified the proposed P&R Action Memo and the proposed DSD Info Memo because the Spring recruiting program will come and go by the time this gets to DSD and without Harvard LS notifying the Air Force . . .

To: Carr, Bill, CIV, OSD-P&R

Subject: RE: Solomon Olive Branch Bill:

I have been discussing this with our Legal Counsel office. We have some concerns and will talk to Paul Koffsky when he returns from leave on Tuesday. Please hold off taking any action until Paul and I can get together and talk to you about this.

From: Carr, Bill, Mr., OSD PR [mailto:bill.carr@osd.mil]

Subject: Solomon Olive Branch

. . . we had discussed merit of conveying to public an outreach for calm and reason WRT Solomon. You asked that we convey the

draft for P&HP review. It is attached, and edits are welcome.

Doubt we can make it an appealing length for an Op-Ed, so maybe best to think of it as an article for professional journals (e.g., Chronicle of Higher Ed or—more congenitally—a publication circulated widely among law schools).

To those ends, would you be willing to take a whack at it, Bob? Many thanks. Bill.

From: Carr, Bill, CIV, OSD-P&R [mailto:bill.carr@osd.mil]

To: Dr. Curt Gilroy, SES, OSD-P&R

Subject: S: 3-22-06/Solomon Olive Branch—Or Not

Curt, I have a mission that requires an ambassadorial type with strong writing talent. . . . comes to mind, particularly since she will reap the fruits of this labor over the forthcoming year(s).

I spoke with Paul Koffsky today. We're all searching for a way to limit the polarizing nature of the anti-Solomonites who now rattle sabers over an intent to shout down the military. Dean Kagan is a case in point below as she reportedly "encouraged students to demonstrate against the presence of recruiters . . . (and to) express their views clearly and forcefully." Not a true fan of "equal in quality and scope" it would appear.

Despite that (or because of it) we'll want to reach out to academe to find a sober means of accomplishing our varied purposes within statutory intent, but we lack a venue . . . and AALS is too hostile to constructively . . .

Subject Re: Harvard Law School

Thanks, . . . share with the other recruiters. I will pass it to OSD.

Thanks.

AP/JAX

Subject Harvard Law School

Thursday 10 March 2005

Sir, I just received a phone call from Mr. Mark Weber, Assistant Dean for Career Services, Harvard Law School. All my previous communication has been with one of his staff members, Ms. Kathleen Robinson, the recruitment manager. He stated that he was calling because he "felt bad that they had left us without an answer" and wanted to pass on the contact data of the president of the Harvard Veterans Student Group. He stated that the faculty had still not decided whether to allow us to participate in on-campus interviews and that the official on-campus interview program for Spring 2005 had already concluded. I asked him if we'd be allowed to participate in the Fall 2005 on-campus interview program and he said he did not know.

Mr. Weber, asked me what our current position on the Solomon Amendment was, and I explained that since the 3rd Circuit had issued a stay of the injunction, the Solomon Amendment was current law and that we were in the process of following the procedures outlined in 32 CFR 216. He asked me when they could expect a letter and I stated that I did not know. We then briefly discussed the utility of on-campus interviews.

I asked him what generated the phone call and he responded that he "felt bad they had left us with no answer but still had no answer."

I asked him if I could at least post a job posting via their office and he said no. He stressed that I could contact interested students via the Harvard Veterans Student Group but that his office could not provide any support to us.

Sir, would you like me to forward the above to Mr. Reed and LCDR Syring as well as to my fellow Service recruiters (i.e., Maj. Jackson, LCDR Passarello, and Capt. Houtz?) Also, should I contact the Harvard Veterans Student Group's president. There's danger there, since in the past they were the de facto "replacement" for the CSO office's service.

Interesting timing of the phone call.  
v/r

... that a decision has been made to allow military recruiting, they have engaged in a "practice" that in effect denied the Air Force an opportunity to recruit in a manner that is at least equal in quality and scope with other prospective employers who participated in the HLS recruiting program. By delaying until the last minute (or never providing an answer) to the AF request to recruit, the AF is unable to organize and schedule the recruiting effort in time to participate in the HLS program which ends on March 4, 2005. We shouldn't allow HLS to "play this game."

Please review and provide comments before I go back to ... in P&R.

*Subject FW: Harvard Phase I Pushups*

Good Afternoon—Mr. Carr requested that I draft an info paper to DSD as outlined below. Attached is draft of info paper. Would you like me to provide a package for formal coordination on the paper or will informal e-mail review be okay?

Thanks, V/R

*Subject: Harvard Phase I Pushups*

... before sending Harvard Phase I letter, we must do following pushups per agreement Koffsky/Carr:

1. (AP) Info paper to DSD outlining what we're about to do and why (since DSD has had personal involvement), once done (and absent immediate objections);

2. (OGC) Mr. Koffsky will then alert Jeff Smith, out of house counsel for Harvard on Solomon, who has generally worked faithfully with us, then;

3. (AP) Notify AF that it is clear to launch. Over to you for step 1 Tks' Bill.

Mr. SESSIONS. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask for the yeas and nays on the Goldsmith nomination.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Mark A. Goldsmith, of Michigan, to be United States District Judge for the Eastern District of Michigan?

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Indiana (Mr. BAYH), the Senator from West Virginia (Mr. BYRD),

the Senator from Illinois (Mr. DURBIN), the Senator from Florida (Mr. NELSON), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Missouri (Mr. BOND), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), the Senator from South Dakota (Mr. THUNE), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 195 Ex.]

YEAS—89

Akaka	Enzi	McConnell
Alexander	Feingold	Menendez
Barrasso	Feinstein	Merkley
Baucus	Franken	Mikulski
Begich	Gillibrand	Murkowski
Bennet	Graham	Murray
Bingaman	Grassley	Nelson (NE)
Boxer	Hagan	Pryor
Brown (MA)	Harkin	Reed
Brown (OH)	Hatch	Reid
Brownback	Inhofe	Risch
Bunning	Inouye	Roberts
Burr	Isakson	Rockefeller
Burris	Johanns	Sanders
Cantwell	Johnson	Schumer
Cardin	Kaufman	Sessions
Carper	Kerry	Shaheen
Casey	Klobuchar	Shelby
Chambliss	Kohl	Snowe
Coburn	Kyl	Specter
Cochran	Landrieu	Stabenow
Collins	Lautenberg	Tester
Conrad	Leahy	Udall (CO)
Corker	LeMieux	Udall (NM)
Cornyn	Levin	Voinovich
Crapo	Lieberman	Warner
DeMint	Lincoln	Webb
Dodd	Lugar	Whitehouse
Dorgan	McCain	Wicker
Ensign	McCaskey	

NOT VOTING—11

Bayh	Durbin	Thune
Bennett	Gregg	Vitter
Bond	Hutchison	Wyden
Byrd	Nelson (FL)	

The nomination was confirmed.

VOTE ON NOMINATION OF MARC T. TREADWELL

The PRESIDING OFFICER. There is now 2 minutes of debate evenly divided before the vote on the next nominee.

Mr. CONRAD. Madam President, I yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Marc T. Treadwell, of Georgia, to be U.S. District Judge for the Middle District of Georgia?

Mr. CONRAD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Indiana (Mr. BAYH), the Sen-

ator from West Virginia (Mr. BYRD), the Senator from Florida (Mr. NELSON), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Missouri (Mr. BOND), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. KYL), the Senator from South Dakota (Mr. THUNE), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 196 Ex.]

YEAS—89

Akaka	Ensign	McConnell
Alexander	Enzi	Menendez
Barrasso	Feingold	Merkley
Baucus	Feinstein	Mikulski
Begich	Franken	Murkowski
Bennet	Gillibrand	Murray
Bingaman	Graham	Nelson (NE)
Boxer	Grassley	Pryor
Brown (MA)	Hagan	Reed
Brown (OH)	Harkin	Reid
Brownback	Hatch	Risch
Bunning	Inhofe	Roberts
Burr	Inouye	Rockefeller
Burris	Isakson	Sanders
Cantwell	Johanns	Schumer
Cardin	Johnson	Sessions
Carper	Kaufman	Shaheen
Casey	Kerry	Shelby
Chambliss	Klobuchar	Snowe
Coburn	Kohl	Specter
Cochran	Landrieu	Stabenow
Collins	Lautenberg	Tester
Conrad	Leahy	Udall (CO)
Corker	LeMieux	Udall (NM)
Cornyn	Levin	Voinovich
Crapo	Lieberman	Warner
DeMint	Lincoln	Webb
Dodd	Lugar	Whitehouse
Dorgan	McCain	Wicker
Durbin	McCaskey	

NOT VOTING—11

Bayh	Gregg	Thune
Bennett	Hutchison	Vitter
Bond	Kyl	Wyden
Byrd	Nelson (FL)	

The nomination was confirmed.

VOTE EXPLANATION

Mr. DURBIN. Mr. President, due to travel delays, I was not present for vote No. 195, the vote on the nomination of Mr. Mark Goldsmith to serve as a U.S. district judge for the Eastern District of Michigan. Had I been present, I would have voted "yea."

VOTE ON NOMINATION OF JOSEPHINE S. TUCKER

The PRESIDING OFFICER. Is all time yielded back on the next nomination?

If so, the question is, Will the Senate advise and consent to the nomination of Josephine Staton Tucker, of California, to be United States District Judge for the Central District of California?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider the vote on the foregoing nominations are made and laid upon

the table, and the President will be notified of the Senate's action with respect to these nominations.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

The Republican leader.

#### NOMINATIONS

Mr. McCONNELL. Madam President, the majority leader and I have been discussing, over the last few days, clearing a number of nominees, and I am prepared—although I will defer tonight—to attempt to clear a list of over 60 nominees. The President made some reference to that over the weekend. I just want to make sure everybody understands both downtown and here that we are prepared to clear over 60 nominations and have been prepared to clear them for the last week, and I am hopeful my friend, the majority leader, will be able to indicate at some point in the near future that we might be able to go forward with these nominees.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, the Republican leader is correct. He has submitted a list of names. We have exchanged those with our respective staffs. I appreciate it very much. I have had one issue I have had to work through, and he has been very considerate on not moving forward on any consent request until I get this worked out. I think we will be able to do that tonight—if not, the first thing in the morning. So I appreciate very much our being able to move forward. I think we can do it as early as tomorrow morning—at least sometime tomorrow early.

Mr. McCONNELL. Madam President, I thank the majority leader.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

#### UNEMPLOYMENT INSURANCE AND COBRA

Mr. BROWN of Ohio. Madam President, more than 57,000 Ohioans—that is about the size of Elyria, OH, or Mansfield, OH, or twice the size of Zanesville, OH—more than 57,000 Ohioans are estimated to have lost unemployment benefits since the extension ended in May 2010, a month ago.

If the Senate does not pass an extension, that number will increase dramatically. More than 90,000 Ohioans could lose their benefits by the end of June. That is more people than live in Youngstown, more people than live in Springfield, OH, more people than live in Cleveland Heights or Lakewood, OH. Madam President, 90,000 Ohioans could lose their benefits by the end of June.

Nationwide, since the beginning of June, some 900,000 workers have run out of jobless benefits. That number will surpass 1 million by next week.

Now, those are numbers, and we can stand around here and debate back and forth, and talk about 50,000 here and 100,000 here and a million there. But later in my remarks I am going to share, as I often do, Madam President—as you and I have talked about—letters from people in Crawford County, Warren County, Pickaway County, and Hamilton County, OH, where I was earlier today—letters from people, individuals who are part of those 50,000 or 90,000 Ohioans who could lose their benefits.

Senate Republicans are denying tens of thousands of Ohioans—and thousands of people in New Hampshire and hundreds of thousands of people in California and Texas and Florida—the Republicans are denying tens of thousands of Ohioans the unemployment insurance benefits they have earned during years of hard work.

This year, this Chamber spent 9 weeks on the floor struggling to extend unemployment insurance and COBRA. Over the past week, every single Republican voted again and again to block a bill just to extend unemployment insurance. They chose to vote against extending COBRA, a critical benefit for workers who not only lose their jobs but also their health insurance.

You know how this happens, Madam President. Someone is laid off from their job. They lose their income. Then they cannot afford their insurance. They lose their insurance—unless they are enrolled in COBRA. COBRA is a bit of a cruel hoax. In order to keep your insurance, you have to pay what you were paying as an employee when you had a job and full pay and you have to pay the employer side of the insurance in order to continue your insurance. That is why a year ago, in the stimulus package, for the first time in American history, the Federal Government helped people who had lost their insurance keep their insurance by paying

about two-thirds of the COBRA premium.

If you lose your job, you get a little bit of unemployment insurance, although the Republicans have blocked that. Then you lose your insurance. Then if you get sick, you are going to lose your house. When I hear my colleagues on the other side of the aisle talk the way they do about unemployment insurance, they act as if it is a welfare program. Unemployment insurance, decidedly, is not a welfare program. We do not call it unemployment welfare. We call it unemployment insurance.

What does that mean? It means when you are working—if you are an ironworker in New Hampshire, if you are a steelworker in Ohio or you work at Burger King in Cleveland—wherever you are working, you pay into this unemployment insurance plan. When you lose your job, if you are full time, you get money back, some of the money you paid in. It is called insurance. That is why we call it insurance. Yet my Republican colleagues act as if unemployment insurance is welfare. Well, it is not. It really is insurance.

I think it is important we think about someone losing their job and not getting unemployment insurance, and then losing their health care, and then, very likely, in many cases, losing their home. We do not know many people like that because we dress like this and we make a good bit of money here and a good many of our colleagues are pretty insulated. They do not know a lot of people who have lost their job or lost their insurance or lost their home. But think about it, we should try to put ourselves in the position of someone who has lost their job, then lost their insurance, then lost their home.

You are a family in Lima, OH, or Zanesville, OH, or Gallipolis or Dayton. First the breadwinner loses her job. Then they cannot afford the insurance. Then they get not really sick but sick enough that they have bills that have piled up. Then they cannot keep up with paying for their home mortgage. Then they get 3 or 4 months behind. Then they get a notice from the bank that they are going to lose their house. Think of what that does.

Say you have two kids. You live in Dayton, OH. You have lost your job. You have lost your insurance. Now you are about to lose your house. You have to explain to your son and daughter in Huber Heights, a suburb of Dayton: Well, little Johnny and Jane, we are going to have to move, and we are going to move to a really small, little apartment, and we don't have any place to put all this stuff, and we are going to have to sell it or give it away. I don't know where you are going to go to school next fall because I am just really unsure of things.

The son or daughter says: Well, mom, what about my friends? Where are we

going to school? She says: I don't know yet because we don't have an apartment. I don't think my colleagues, particularly my Republican colleagues—who vote no on unemployment insurance benefits, who vote no on COBRA and helping people with their insurance and are unwilling to do anything about these foreclosures—I do not think they think about these individual situations. They look at statistics, like we do. They look at numbers, like we do. They debate this stuff. But I do not think they think about what it would be like if someone they knew or they themselves had to lose their job and their health insurance and their benefits.

It is pretty simple in so many ways. As I said, employees pay into the unemployment fund when they are working. When they are laid off—they did not ask to be laid off—they receive help from that fund. But when it comes to helping middle-class Americans, Republicans too often look the other way. They start talking about deficit spending. I am empathetic with that because I think we have to get our budget house in order.

But all I can think of is where was this concern, where were my Republican colleagues, where were they when they voted for two wars—a war with Afghanistan and a war with Iraq—and did not pay for those wars? They took the cost of those wars, which is \$1 trillion, which is 1,000 billion. That is 1,000 billion. A billion is a thousand million. So it is a thousand million: a trillion dollars. I know that is a little confusing. But they are spending \$1 trillion. They are just charging it to our grandkids for the wars in Iraq and Afghanistan. They do not worry about that being added to our grandkids' tab.

Then where were these Republicans, where was the concern of the Republicans when they passed George Bush's tax cuts for the rich? That is why we have this huge budget deficit.

In 2000, as the Presiding Officer knows, we had a budget surplus in our country, and then George Bush and the Republicans took over. Two wars; did not pay for it; charged it to our grandchildren. Tax cuts for the rich; did not pay for it; charged it to our grandchildren. A giveaway to the drug and insurance companies in the name of Medicare privatization; did not pay for it; charged it to our grandchildren.

Now, when it is not giving money to the drug companies or paying for a war, or giving tax cuts to the richest people in America, now, all of a sudden, when it is unemployment insurance, a bunch of people who are laid off—or it is a bunch of people who have lost their health insurance—middle-class families, then, all of a sudden, they are concerned about the budget deficit. They did not care when it was shoveling money—hundreds of billions of dollars—for a war. They did not care when

it was shoveling out money, hundreds of billions of dollars, for tax cuts for the rich. They did not care about the budget deficit when it was just shoveling hundreds of billions of dollars to the drug companies and the insurance companies. That did not matter. They did not care about the budget deficit then.

Now, Republicans tell us: Oh, we can't extend unemployment benefits because it would add to the deficit. We cannot help with COBRA. We cannot help give some assistance to people for health care because that would add to the deficit. We cannot help the States with what is called FMAP, helping the States deal with their Medicaid costs going to many previously working families who have lost insurance. We cannot do any of that because all of a sudden the budget deficit is the most important moral question of our times. Where was this important moral question of our times when they added \$100 billion—hundreds of billions of dollars—to the deficit for a war, for tax cuts, and for the giveaway to the drug insurance companies?

I was in the House when the so-called prescription drug benefit, when they created that huge doughnut hole and gave all those subsidies to the drug companies and insurance companies. That vote took place in the dead of night while most Americans were asleep. Literally, that vote—the roll-call—started at 3 o'clock in the morning. I was down the hall working there then. The vote started at 3 o'clock in the morning. An overwhelming number of Democrats opposed it. Some Republicans who actually believed that deficit spending was a problem—a few of them—not very many voted against it. So the vote started at 3 o'clock. Usually, a vote in the House of Representatives takes 15 or 20 minutes.

Three hours later, they woke up the President of the United States and had him start calling Republicans—George Bush then—to change their vote and vote yes. Finally, after 3 hours—history-making because the House of Representatives never took 3 hours ever; when my colleague from Oklahoma or my colleague from Maine, who are sitting here, were in the House of Representatives, they never saw us do anything like that—3 hours later, finally, President Bush twisted two arms—a Congressman from Idaho and a Congressman from Oklahoma—to change their votes, and they passed the bill in the middle of the night, this huge bailout. It was a bailout—there is no other word for it—a bailout to the drug companies and the insurance companies.

It was not a benefit for seniors. We could have done that much more directly and much less expensively and given seniors a prescription drug benefit. No, the Republicans wanted to do a Medicare prescription drug bill. When you give tens of billions of dollars—

hundreds of billions of dollars—to the drug and insurance companies and let some trickle down to seniors, that is really the way they believe in doing government.

All of this hypocrisy must end. It is wrong. It does a disservice to the American people.

Let me share a handful of letters that say this way better than I can say it about why unemployment insurance and COBRA are so important.

Barbara from Hancock County—that is south of Toledo. Barbara writes:

I cared for my cancer-stricken father while working full-time and raising my three young children. After my father died, I went back to college. I got an associate's degree, three certificates, and a bachelor's degree. Last year I lost my job. I have been looking for work ever since. I have mouths to feed and student loans to pay back. I don't take fancy vacations. I don't buy flashy expensive clothes. I am over 50. I should be preparing for retirement. Because I can't find a job, though, my small savings is gone. Without unemployment insurance, there is no help for me. I send out dozens of resumes, but no one is hiring. Please tell me what I can do. Because the extension has not passed, I will be living on the streets with my three children.

Think about that. She is playing by the rules. She worked hard. She took care of her dying father. She has three children. She went back to school. Now she has lost her job, No. 1. No. 2, she has a mortgage; she wants to keep her house. She has children to feed. She has student debt because she did what so many of us want people to do, which is to go back to school and make something better of themselves. She lost her job. She can't get unemployment insurance because my Republican colleagues have said no to extending unemployment insurance.

This isn't a political game. This isn't playing with a bunch of facts and figures. This is people like Barbara from Hancock County, OH. We all have Barbaras in every State of this country—people who have lost their jobs and need that unemployment compensation just to tread water. We don't want them to drown. They are not going to get ahead receiving unemployment benefits. They are not going to get rich.

Remember, as my Republican friends forget, unemployment insurance is not welfare; it is insurance. You pay into it when you are working, you get help when you are unemployed.

I know the Presiding Officer—whether it is in Eugene or whether it is in Portland or wherever it is in Oregon—understands these are people who are working hard. They lost their jobs. They paid into insurance. They should be eligible to receive unemployment compensation.

Rebecca is from Crawford County, just 8 or 9 miles from where I grew up in Mansfield.

Today is another day I am spending in tears and obsessed with fear. I am in the

ranks of the unemployed. I was brought up with a sense of personal accountability and values. I have attempted every method I can think of to obtain a job to support myself. I won't burden you with a discussion of what it feels like to be uninsured and not be able to see a doctor when I am sick. You keep your fingers crossed. You pray you can treat what ails you with over-the-counter remedies. My unemployment insurance was allowing me to keep a roof over my head, although incurring massive credit card debt for the remainder of my essentials—food, gasoline, eating. Most of us who are looking for work want to return to a normal life. Please pass an unemployment extension so we can continue to survive and maintain a degree of dignity. Allow us to rebuild our country and our economy. I know I am one of millions and my voice alone means very little. Please ask your fellow Senators to at least acknowledge us.

Think about what she said. She is obsessed with fear. Her future is uncertain. She has lost her unemployment. She has lost her job. She is not getting unemployment insurance now. She said she was brought up to believe in personal accountability, personal responsibility, and those values. She said: My unemployment insurance was helping me to at least get along, even though I was adding to my debt because unemployment insurance is never really enough to do all you need to do. She points out that, as most people do, she wants to work. She sends out resumes every week. You don't just get unemployment insurance by going like this. You get unemployment insurance by filing for it, showing that you are out of work. You have to show that you are searching for work, seeking work, and you can't find it in this economy.

Whether it is Rebecca in Crawford County or Barbara in Hancock County or whether it is somebody from Oregon, you don't just automatically get a job.

It is clear that it is hard to find work, and these are people who are out trying. If they are not able to find a job, they should be getting this unemployment extension.

Three more letters, briefly.

Georgetta from Warren County:

I am an unemployed single mother of two children, 10 and 14. I was laid off through no fault of my own. I have been doing what I can to secure a new job. I am about to lose my unemployment insurance. How can I feed my children? How can I keep a roof over their heads? What am I supposed to do? My savings are gone. I have no health insurance. I am trying to find a job. I can take the pain, but I can't sit by and watch my children suffer through no fault of their own. Please help me. Please pass an unemployment insurance extension.

I wish my colleagues who walk down into this well and, when their name is called, vote no—I wish they would meet people like Georgetta. I wish they would sit down with the Georgettas in their State and listen to their stories. I wish they would look at the pain in her face that she has because of her children suffering, not getting the food they need, the clothes, the books they

need for school, not even sure she is going to have a roof over their heads. Think about that.

Again, I think we don't know very many people—my colleagues who vote against unemployment insurance, my guess is most of them don't know anybody who lost their job, lost their insurance, lost their house. My guess is they haven't thought through the conversation a parent has with a son or a father has with his daughter telling them the news that they are going to have to move out of their house, maybe move into a different school district, maybe just not know about the future because they are about to lose their home they have lived in for the last 5 or 6 years. What is that like for a parent to explain that to a child?

I ask my colleagues to try to empathize and try to put themselves in that position, when that conversation takes place, when parents have lost jobs and then health insurance and then their homes.

Joe from Pickaway County, south of Columbus:

I was laid off last year after working at a company for 13 years. I am still unemployed. I have lost my house, my car, my credit rating, and my liberty. I relied on unemployment benefits to feed my family. If UI is not extended, there will be people and families starving. Please do what you can to help us.

This is in another part of the State, southern Ohio, Appalachia, OH. Joe worked at a place for 13 years. The company laid him off. He is unemployed. He has lost his house and his car and he is struggling. If we don't extend unemployment benefits—even with unemployment benefits, his life is not going to be very easy, but without it where does he turn? What does he do? He goes to food banks. He lives on the street. What does Joe do in Pickaway County if we don't extend unemployment this week? He shouldn't be waiting any longer.

The last letter is from Amy from Hamilton County. That is where I was today, near Cincinnati. Amy is writing saying:

I am among the many Ohioans who lost their job due to the economic downturn that started 2 years ago. My husband and I did not live beyond our means. We bought a modest house. We lived reasonably on what we could afford. I encourage you to continue to push through passage of the UI extension. It will help pay for basic bills like our mortgage, food and utilities. UI is crucial to my family's viability. Please do whatever you can to pass the extension. We want to restore our basic way of life.

She is saying unemployment benefits would not make her life easy, would not even make her life comfortable in any way, but unemployment insurance would give her the bridge until she can, when the economy gets better, find a job.

I conclude by just saying again that I hope my Republican colleagues, who have consistently voted no on extend-

ing unemployment benefits and helping people keep their health insurance, will open their eyes and look around their States and talk to people, look at the mail they are getting, look at what they are hearing from constituents on the Internet and e-mails and try to put themselves in the shoes of a father who lost his job and his insurance and has to explain to his kids they lost their house or a single mother who was renting and can't even pay the rent because she has lost her insurance and she is going to have to figure out how to explain to her children they will be in a different school district and they don't even know what it will be yet.

As people without jobs often do, they change from one school district to another one, and their kids fall farther and farther behind.

I ask my Republican colleagues who consistently vote no to try to empathize with those who have less privileges than we do, who don't have huge staffs and don't have a good salary and don't have good insurance and don't have a secure place to live, what their lives would be like if any one of us lost all of those privileges. I think it would make a difference in how they vote.

Mr. President, I yield the floor.

(Mr. MERKLEY assumed the Chair.)

#### 2009 METRO ACCIDENT

Mr. WARNER. Mr. President, I rise today to mark a sad day for the National Capital region. On the eve of the 1 year anniversary of the deadliest accident in Metro's history, I would like to extend my deepest condolences to the families of the nine victims who perished on June 22, 2009. On that day around 5 p.m., a Red Line train collided with another train that sat stopped between the Takoma and Fort Totten stops as it waited for the Fort Totten station to clear. The first car of the moving train, an outdated model over 30 years old, sustained tremendous structural damage which resulted in significant casualties. As Virginian, this issue is especially important to me because 1 of the 9 victims who died—the train's operator—as well as 15 of the 80 people injured were fellow Virginians.

The unfortunate events of that day shed light on some glaring problems with our Nation's public transportation systems, and should provide us with a sense of urgency to accomplish the task of ensuring the safety of public transportation users.

Metro itself and its oversight agency—the Tri-State Oversight Committee—TOC—are both in dire need of reform. While it has taken steps towards addressing the problem, Metro needs to continue to make safety its top priority. Full analysis of potential hazards and safety concerns needs to be done, and Metro must start regimented

data collection efforts so that safety problems can be tracked and prioritized. Top Metro executives—those with decisionmaking authority—need to be involved in critical safety conversations, and need to have the relevant information in their hands when making important safety decisions.

I am proud that we have been able to provide \$1.5 billion in Federal funds over 10 years to make capital improvements to Metro, but this cannot be a blank check. Replacing the outdated 1000 series railcars is a huge priority, and Metro is poised to sign the contract that will enable them to phase out the older cars with newer, safer models. But more needs to be done. Metro needs to demonstrate safety improvements it has been making and ensure that it will continue to make safety its top priority if it expects continued financial support.

More broadly, this accident has highlighted that the safety of our public transportation systems should be a priority nationwide. We have been working in the Senate developing a legislative approach to ensuring proper safety standards are in place. Incredibly, FTA currently has no authority to regulate our Nation's transit agencies or develop national safety standards. A new draft bill developed by Senators DODD, SHELBY, and MENENDEZ will give FTA the tools to develop a national transit safety plan while also providing states the resources and flexibility to develop more robust transit safety oversight. The Banking Committee, of which I am a member, will soon consider this legislation and I am pleased that we are moving towards making progress in this area so that preventable tragedies, such as the one that occurred a year ago, will be a thing of the past.

#### HONORING OUR ARMED FORCES

SPECIALIST CHRISTOPHER W. OPAT

Mr. GRASSLEY. Mr. President, I would like to pay tribute to SPC Christopher W. Opat, an Iowan who gave his life in service to his country as part of Operation Iraqi Freedom. He was from Lime Springs, IA, and graduated from Crestwood High School in 1999. Christopher attended Iowa Lakes Community College before enlisting in the Army. He was remembered as a hard worker with a good sense of humor. Specialist Opat was serving his third deployment to Iraq. During his brief military career, he was twice awarded the Army Good Conduct Medal and also received the National Defense Service Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, and the Overseas Service Ribbon. Our Nation is indebted to individuals like Specialist Opat whose tremendous sacrifice in defense of freedom must never be forgotten. The loss of such a dedicated, patriotic American is ex-

tremely sad and my prayers will be with Christopher's mother Mary Katherine, his father Leslie, and all his family and friends at this difficult time. I ask all my colleagues in the Senate to join me today in paying tribute to the courageous and selfless service of SPC Christopher Opat.

#### NOMINATION OF S. LESLIE IRELAND

Mrs. FEINSTEIN. Mr. President, I rise today to urge the confirmation of Ms. Leslie Ireland, the President's nominee to be the Assistant Secretary of the Treasury for Intelligence and Analysis.

This is an individual who is well qualified, nominated to an important national security position, and whose nomination has sparked no opposition or controversy to the best of my knowledge. Nonetheless, for more than 3 weeks her nomination has languished on the Senate calendar as Ms. Ireland has waited to be confirmed.

Let me speak briefly about Ms. Ireland and the position to which she has been nominated.

Leslie Ireland is a 25-year veteran of the Central Intelligence Agency. She has substantial experience in just about all aspects of the intelligence profession. Following a successful career at the CIA, her two most recent positions were that of Iran mission manager in the Office of the Director of National Intelligence and as one of the President's daily intelligence briefers.

In both capacities, she has worked extensively with all parts of the intelligence community. As the President's briefer, Ms. Ireland has been familiar not only with the breadth of intelligence analysis the community produces, but also the policy context in which intelligence is used.

She worked directly for the Nation's premier intelligence consumer—the President. His evaluation of her professionalism and capability is reflected in the fact that he nominated her for this Senate-confirmed position.

As Iran mission manager, Leslie Ireland was given the responsibility over intelligence collection and analysis of what is perhaps our Nation's most challenging intelligence target. She oversaw, prioritized, and directed efforts to understand the Iranian government, nuclear program, military, and society. This is a position with deep management and analytic challenges.

Through Ms. Ireland's work as Iran mission manager, she was already well known to the Senate Select Committee on Intelligence before she was nominated to be an Assistant Secretary of Treasury. She had appeared at numerous hearings and far more briefings, both for committee members and the staff.

Under the leadership of both of our past chairmen, Senators ROBERTS and

ROCKEFELLER, the committee had an Iran study group to follow, oversee, and authorize intelligence activities with respect to Iran. The staff met often with Ms. Ireland, and I believe it was a productive relationship on both sides.

So it was no surprise that when Ms. Ireland was nominated on April 12, the committee moved quickly to consider the nomination. She was voted out of the committee on May 25 with the committee's unanimous support. She is ready to assume her new duties, and it is well past time for the Senate to act.

For the benefit of my colleagues, let me say a few words about the Assistant Secretary's position. It is a fairly new one, having been created in December 2003 in that year's Intelligence Authorization Act.

The Office of Intelligence and Analysis at Treasury has one foot within the Department of the Treasury, assisting the Secretary and other senior departmental officials to set policies on sanctions and declarations.

A notable recent example is the effort by the Treasury Department to push, successfully, for the strongest international sanctions to date against Iran in United Nations Security Council Resolution No. 1929. Sanctions and international efforts such as this require careful analysis and are the product of intelligence designed to shine a light on the financial and other illicit activities of bad actors, including in this case the Iranian Revolutionary Guard Corps.

At the same time, the Office of Intelligence and Analysis has its other foot inside the intelligence community. Its personnel focus and help prioritize the financial intelligence collection efforts of those agencies that collect human, signals, and geospatial intelligence that analysts need.

The Treasury office also provides expertise on financial and economic matters that are necessary for broader intelligence community issues. For example, a recent issue of great interest is the financing of terrorist groups like al-Qaida and the militant and extremist groups with which they operate, like the Taliban, the Haqqani Network, and the Pakistani Taliban, the TTP. The Office of Intelligence and Analysis helps inform the intelligence community on this topic.

It is critical to understand the financial activities of these groups both to understand how they operate and to provide keys to disrupting them.

In Afghanistan, our troops face a well-funded Taliban enemy that relies on illicit funding for its lifeblood—and for the ammunition and improvised explosive devices that put our troops' lives at risk.

In the tribal areas of Pakistan, al-Qaida affiliated terrorist groups may be seeking to fund attacks on our homeland such as the unsuccessful car

bomb attempt in Times Square. Among the most important impacts of the recent death of the third highest ranking al-Qaida figure, Shaykh Sa'id Al-Masri, is the anticipated loss to the organization's fundraising.

As North Korea continues its erratic violent behavior and considers a transition of power from Kim Jong Il to his son Kim Jong Eun, its economy has been further wrecked by a disastrous devaluation of the currency.

These are the issues that confront the Assistant Secretary of Treasury for Intelligence and Analysis. It is a position that has been vacant since September 2009. There is no excuse for that vacancy to continue another week. The Senate has before it a nominee who is well qualified to fill this role. She has the full support of the Intelligence Committee, and there has been no controversy or opposition to her throughout the confirmation process.

I urge the Senate to confirm Leslie Ireland.

#### CELEBRATING WEST VIRGINIA DAY

Mr. ROCKEFELLER. Mr. President, I call to the Senate's attention that on June 20, 147 years ago, a 35th State was added to our great Nation: West Virginia, whose birthday is a time for us to remember proudly our state's rich history, culture and unique qualities.

Nearly 150 years ago, West Virginia became the only State to have separated from a Confederate entity to join the Union. Each year after, West Virginia has continued to develop its own identity and contribute to our Nation's fabric. Our State's history, past and present, is rich with development and progress that fills West Virginians with pride every day.

West Virginia's mountainous terrain, countless river valleys, and rich natural resources have driven our State's history and economy, and draw visitors from across the globe. Our State possesses timeless landmarks and attractions, and has an abundance of natural beauty to share.

President John F. Kennedy once said, "The Sun does not always shine in West Virginia, but the people always do." This statement is a true testament not only to the kind and hospitable nature of our citizens, but also to our fortitude, determination and abiding faith.

Though a "stranger to blue water," West Virginia has been no stranger to turmoil throughout its history. We have been and will continue to be undaunted in overcoming the challenges of yesterday, today, and tomorrow.

This year we stood together to face the tragic explosion at the Upper Big Branch mine that claimed the lives of 29 miners and left a community and our whole state in mourning, calling again on the steadfast spirit of our peo-

ple. The devastating effects of the explosion left mining families holding their breath for news of loved ones. Rescue teams and the State's Red Cross and Salvation Army expeditiously rose to the challenge to offer much needed support. True to custom, West Virginians across the State were ready and remain eager to lend a helping hand to their neighbors affected by the disaster.

And this year, like so many others before, we have called on the West Virginia National Guard to serve the State when we need them most, and to perform invaluable duties outside our borders—providing security on a global scale. Our West Virginia National Guard has garnered top rankings for readiness for many years, showcasing the motivation and commitment behind each one of our men and women serving our country.

West Virginia possesses the unique ability to make the traditions we have historically treasured as much a part of our bright future as our accomplished past. Our State continues to retain its culture as an integral part of our identity. Festivals and events, like Bridge Day at the New River Gorge Bridge in Fayetteville and the Vandalia Gathering in Charleston, bring older and younger generations together to enjoy State treasures and traditions. Blues festivals can be found across our State, and from Martinsburg to Mullens you can find world-class artisans and craftsmen in the fields of glass blowing, classic woodwork, and folk art.

Thanks to West Virginia's dedication to education, our academic institutions consistently bring new discoveries to the fields of science and technology. And, our athletic programs continue to rank among the best in the country. West Virginia University's men's basketball team reached the Final Four in this year's NCAA Basketball Tournament representing the state on a national stage. And, football fans across our state eagerly await an upcoming football season that promises to be successful for all of our programs in West Virginia.

There is so much to honor, celebrate, and be thankful for on West Virginia's 147th birthday. Our past, present, and future are as colorful as our Appalachian hills in autumn. Our people know and live well by our motto—Montani Semper Liberi—"Mountaineers are always free," and our strong work ethic, one of God and family, and indubitable spirit makes our country and our State great. With these words ever present, and on behalf of myself and my fellow West Virginians, I proudly wish the happiest of birthdays to my home State, West Virginia.

#### TRIBUTE TO STEVE KIMBELL

Mr. LEAHY. Mr. President, I want to honor Vermont's leading policymaker,

Steve Kimbell, who announced his retirement on May 20 of this year. For over three decades, Mr. Kimbell has been a major presence within the political world of Vermont and is noted as the most respected and influential policy maker to walk the halls of our Statehouse.

Mr. Kimbell started his career as a lawyer at Vermont Legal Aid after completing his juris doctor from the University of Michigan Law School. Only a few years later, he was hired as lieutenant governor candidate Madeleine Kunin's campaign manager and went on to be her State planning director after she was elected Governor. Mr. Kimbell then partnered with Governor Kunin's former press secretary Bob Sherman to form Kimbell Sherman Ellis, a government and communications company that has grown into the most successful firm of its kind in the State. Kimbell Sherman Ellis developed a nationwide clientele and has additional offices in Washington, DC and Massachusetts. Along with advising and policymaking for Vermont State government, the firm provides legislative and regulatory strategy in government affairs and manages marketing and public relations campaigns nationwide.

Steve Kimbell has been credited with helping to shape almost every piece of major legislation to pass through the Vermont Statehouse. I offer my congratulations to Mr. Kimbell upon his retirement. I ask unanimous consent to have printed in the RECORD an article from the Rutland Herald that depicts the contributions that Steve Kimbell has made to the State of Vermont.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rutland Herald, May 30, 2010]

POLITICIAN'S POLITICIAN

[By Peter Mallary]

Steve Kimbell can be tightly wound. But the other day sitting in his office at Kimbell, Sherman & Ellis—the Montpelier-based government and communications firm he started with Bob Sherman back in 1987—he looked completely relaxed. It is a small office, which he shares with his partner's son, Nick Sherman. Kimbell's chair was kicked back. His smile was broad and available.

Steve Kimbell just quit his job. "I never expected to work forever," he said.

Well, you could have fooled most of us.

And he has.

In most cases more than once.

Kimbell is the politician's politician, a lobbyist and counselor who has built relationships unlike any other in Vermont's political world.

He started out as a Legal Aid lawyer.

"I spent my time suing state government," he said. "Mostly welfare and Medicaid cases."

And he remains a government skeptic.

"My underlying personal philosophy is that government is very dangerous," Kimbell said. "It's a huge operation. And it breaks the law every day. This is the foundation of my advocacy for every client. All

citizens need to be watchdogs. But we get paid to do it."

No shock to any who know him—Steve Kimbell's decision to retire is a political one. He tied it to Jim Douglas' decision not to run for a fifth term. He pointed out that a political shift like the one we may see this election cycle only comes along every decade or so. Whatever happens there will be a new political cast. So it seemed to him like the right time to give a different generation a chance.

There was nothing sudden about his decision. The partners in the firm have been planning for this for a year. But wary of making Kimbell a lame duck in his final legislative session they kept the story close, a remarkable accomplishment in a town that does not guard political secrets particularly well.

Not at all, most of the time.

I asked him if he could really quit.

"I have gotten up and gone to work for 40 years," he said, "either working for myself or somebody else. It will be a major change but it's worth a shot."

He says he is going to tend the farm in Tunbridge.

I am not 100 percent convinced.

Kimbell's career spans the terms of every governor since Tom Salmon—Salmon, Snelling, Kunin, Snelling again, Dean and Douglas.

He reflected.

"Governors are not noted for their sense of humor," Kimbell said, referencing a quality he values in politicians—politicians like Art Gibb, Bob Gannett and Ralph Wright.

"Snelling made an art form of being the intimidating presence in the room."

Not very funny.

"Howard was frantic. Not much time for levity."

But Salmon, Kimbell said, was funny.

"He would hop into his state police car and say 'Let's go to Boston.' And he'd go to see a Red Sox game."

Kimbell first got directly involved in electoral politics in almost as off-hand a manner.

"After the '78 session I was leaving the Statehouse with Madeleine [Kunin]. She was chair of the Appropriations Committee and running for lieutenant governor. 'I need a campaign manager,' she said. I got paid \$150 a week. She beat Peter Smith by 2,500 votes."

And he recalled how Kunin won.

"Within earshot of reporters, Peter Smith said that 'all the broads' were going to vote for Madeleine. That ill-advised comment is what swung the election."

When Kunin was governor Kimbell served for two years as her state planning director, the person in charge of the administration's legislative program.

"I found that I didn't really like working inside the government," he said. "I got out and went back to my private practice."

Then came the partnership with Kunin's press secretary, Bob Sherman.

"We went to Seyon Pond fishing and talked about what we really ought to do. We concluded that combining law and journalism in a firm to do advocacy was a good idea."

And to call it just that is an understatement. Kimbell Sherman & Ellis has no peer in Vermont. Not only is it the most successful lobbying firm in the state, it has also built an out-of-state client list which now represents about half of the business. It has offices in Washington and does business all over the country, tracking and reporting on

issues and also specializing in crisis management.

When I asked Kimbell about the most dramatic moment in his political memory, he recalled the death of Richard Snelling in August of 1991.

"How many times does a sitting governor just drop dead," he said.

Howard Dean was in touch almost immediately.

"Howard called Sherman and said 'I need a speech within an hour,'" Kimbell recalled. "And we helped the new governor make the transition. He was here for a lot of meetings. And we took some heat. The press said 'How can these lobbyists advise the new governor.' A lot of the criticism was probably warranted, but sometimes you just have to do things."

And Howard Dean is not the only politician to have beaten a path to Steve Kimbell's door. For a couple of decades now candidates and potential candidates have come to Kimbell & company. They want to know—from someone who does—if they should or if they shouldn't.

"We are in the business of politics," Kimbell said. "It doesn't matter where they come from. If they want to talk to us, we give advice."

And Steve Kimbell has brought this sort of matter-of-fact attitude to all his efforts. Despite his highly visible work for civil unions and gay marriage, he insists that his approach is always the same.

"I'm an advocate," Kimbell said. "I take a hard-nosed approach. To do this job you have got to be well prepared, emotionless and tenacious. Gay marriage was a hugely emotional issue. I worked very hard to be analytical and strategic. It is my personal belief that that is what people pay us for."

Hard-nosed. True enough.

Savvy. Unparalleled.

Matter-of-fact. Certainly.

Passionate. Despite protestations.

And funny.

The politician's politician.

## ADDITIONAL STATEMENTS

### TRIBUTE TO PATRICIA J. COVINGTON

• Mr. AKAKA. Mr. President, it has been nearly five decades since Patricia J. Covington, Director of VA's Congressional Liaison Service, began her public service, and nearly all of it has been with VA, first when it was the Veterans Administration, and, since 1989, as the Department of Veterans Affairs. Although she served in various capacities, it is in connection with her long and distinguished tenure at the Congressional Liaison Service that my colleagues and I, along with our staffs, know her. I am sure that there is not a Member's office in the U.S. Senate that does not regularly call upon her services. Over the years, Pat has worked tirelessly to ensure that our requests for information about VA or for help for veteran constituents are handled in a timely, thorough, and nonpartisan manner. On the occasion of her upcoming retirement, I call on my colleagues to join me in thanking her for assistance to us and to countless veterans,

most of whom will never know the critical role she has played in our efforts to improve their lives.

Pat entered public service in 1963. After an initial period of employment with another Federal agency, she moved to VA where she gained experience at the Board of Veterans Appeals with the appeals process for denials of disability claims. She also helped administer the Presidential Memorial Certificate Program, established by President John F. Kennedy to honor the memories of deceased veterans. As my colleagues know, each certificate bears the President's signature and conveys to the families of deceased veterans the Nation's gratitude for their service.

After gaining a hands-on understanding of many VA benefits and services, Pat joined the Congressional Liaison Service in 1971. The Committee on Veterans' Affairs, which I have the privilege of chairing, was established that year, marking the Senate's heightened commitment to addressing the then-emerging challenges facing veterans of the Vietnam war. I was not in the Senate at that time, but looking back at the large and impressive work of the early days of the committee in responding to a host of complex issues, along with the fact that there were thousands of new veterans seeking assistance from their Federal elected officials, it must have been a very challenging time in Pat's new assignment. From the start, she nevertheless kept pace with the unprecedented number of demands, deepening her knowledge about VA as she took on new responsibilities. In fact, Pat was so good at her job that over time she was repeatedly tapped to serve as Acting Director of the Congressional Liaison Service. In 2002, she was appointed as Director, and has continued to excel in that position.

Not long after I became committee chairman in 2007, a veteran arrived at the committee to seek help after being turned down by VA for additional benefits in connection with post-traumatic stress disorder. He had driven thousands of miles and related to committee staff that he had struggled with suicidal feelings. At the time, although VA had not begun to reckon with the rising tide of veteran suicides, Pat knew who to contact to provide counseling and other suicide-prevention services to the veteran and promptly secured a thorough review of his claim. Her compassionate and deeply informed assistance to this veteran was in keeping with her longstanding excellent work.

Committee staff and I have relied on Pat and the excellent staff she oversees for information about a wide range of matters relating to the large and complex dimensions of VA's mandate. From disability compensation to health care, construction and cemeteries, home long guaranties and the

new G.I. bill, her office has consistently responded with the highest professional standards. With a war on two fronts and increasing numbers of returning servicemembers from Iraq and Afghanistan, along with serious issues facing veterans from earlier wars, her contributions have never been more valued nor her services more needed. Yet to everything there is a season, and a time to every purpose under the heaven. Pat is ending this chapter in her life and will soon open a new one. Again, I thank her for her long service to the committee and her unsurpassed commitment to the veterans of the Nation. I wish her every happiness in the days to come. We shall miss her.●

#### WILDROSE, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today, I am pleased to recognize a community in North Dakota that is celebrating its 100th anniversary. From July 2-4, the residents of Wildrose, ND, will gather to celebrate their community's founding.

Wildrose, ND, is a Great Northern Railroad town site founded in 1910 in Hazel Township of Williams County. The post office for Wildrose was established on July 13, 1910. The site for the town was platted in 1910 and became an incorporated village in 1913. Until 1916, Wildrose was the terminus of the railroad line and billed itself as the largest primary grain market in the United States. Wildrose reached its peak population of 518 in 1930.

Grace Lutheran Church, located in Wildrose, will also celebrate its 100th anniversary on July 4. Wildrose Lutheran Church was founded in 1910. Shortly after the 50th anniversary, Stordahl, Grong, Bethel, and Wildrose Lutheran Churches merged into one church, and in January of 1962 the name Grace Lutheran Church was adopted.

In honor of the city's 100th anniversary, community leaders have organized a parade, a beard contest, a street dance, and many other fun and exciting events.

I ask that my colleagues in the U.S. Senate join me in congratulating Wildrose, ND, and its residents on their first 100 years and in wishing them well in the future. By honoring Wildrose and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Wildrose that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Wildrose has a proud past and a bright future.●

#### PETTIBONE, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased to recognize a community in

North Dakota that will be celebrating its 100th anniversary. On July 3-4, the residents of Pettibone will gather to celebrate their community's history and founding.

Pettibone began as a Northern Pacific Railroad station, and was founded in 1910 by Lee C. Pettibone, who named the growing community after himself. The post office was established on September 1 of that year. Pettibone is the home of the late William Hurley, a successful civil rights lawyer who won the first monetary settlement against the Ku Klux Klan in the 1960s.

Today, Pettibone is a town of about 75 people located in the northeastern part of Kidder County. It contains several different businesses including a Cenex, a grocery store, two bars, a cafe, and a post office. With its gently rolling hills, German-Russian, Scandinavian, and Dutch immigrants found the land suitable to cultivating large fields of the crops they knew how to farm. Today, their descendants grow wheat, barley, oats, potatoes, flax, and beans—all crops that continue to be important to our country's agricultural industry.

The 100th anniversary festivities will include a parade, a carnival, a magician, fireworks display, demolition derby, and other celebratory events.

I ask the U.S. Senate to join me in congratulating Pettibone, ND, and its residents on their first 100 years and in wishing them well in the future. By honoring Pettibone and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Pettibone that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Pettibone has a proud past and a bright future.●

#### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 5297. An act to create the Small Business Lending Fund Program to direct the

Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6265. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Para-Aramid Fibers and Yarns Manufactured in a Qualifying Country" (DFARS Case 2008-D024) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Armed Services.

EC-6266. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Franklin L. Hagenbeck, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-6267. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Thomas J. Kilcline, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-6268. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (14) officers authorized to wear the insignia of the grade of major general and brigadier general, as appropriate, in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-6269. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Department of Defense's intent to expand the role of women in the Marine Corps; to the Committee on Armed Services.

EC-6270. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, the annual report for fiscal year 2009 of the National Guard Youth Challenge Program; to the Committee on Armed Services.

EC-6271. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA-3309-EM in the State of North Dakota has exceeded the \$5,000,000 limit for a single emergency declaration; to the Committee on Banking, Housing, and Urban Affairs.

EC-6272. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report entitled "Report to the Congress on Profitability of Credit Card Operations of Depository Institutions"; to the Committee on Banking, Housing, and Urban Affairs.

EC-6273. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Annual Energy Outlook 2010"; to the Committee on Energy and Natural Resources.

EC-6274. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 704(c) Remedial Regulations" ((TD 9485)(RIN1545-BF28)) received in the Office of the President of the Senate on June 17, 2010; to the Committee on Finance.

EC-6275. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amplifying Rev. Rul. 2003-20 to Apply to Recourse Debt" (Rev. Rul. 2010-17) received in the Office of the President of the Senate on June 17, 2010; to the Committee on Finance.

EC-6276. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to U.S. contributions to the United Nations and its affiliated agencies during fiscal year 2009; to the Committee on Foreign Relations.

EC-6277. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rules for Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan Under the Patient Protection and Affordable Care Act" (RIN1210-AB42) received in the Office of the President of the Senate on June 17, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-6278. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rules for Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan under the Patient Protection and Affordable Care Act" (RIN0991-AB68) received in the Office of the President of the Senate on June 17, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-6279. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Tobacco Prevention and Control Activities in the United States, 2005-2007"; to the Committee on Health, Education, Labor, and Pensions.

EC-6280. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Disability and Rehabilitation Research Project—Reducing Obesity and Obesity-Related Secondary Health Conditions Among Adolescents and Young Adults with Disabilities From Diverse Race and Ethnic Backgrounds" (CFDA No. 84.133A-7) received in the Office of the President of the Senate on June 17, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-6281. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Fiscal Year 2009 Annual Report on Advisory Neighborhood Commissions"; to the Committee on Homeland Security and Governmental Affairs.

EC-6282. A communication from the Commissioner of the Social Security Administration, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2009, through

March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6283. A communication from the Secretary of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-485, "Sense of the Council in Support of the Uniting American Families Act Resolution of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6284. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-431, "SOME, Inc., Technical Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6285. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-430, "UNCF Tax Abatement and Relocation to the District Assistance Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6286. A communication from the Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Absence and Leave; Definitions of 'Family Member', 'Immediate Relative', and Related Terms" (RIN3206-AL93) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6287. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2009-026, Compensation for Personal Services" (RIN9000-AL54) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6288. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2009-025, Disclosure and Consistency of Cost Accounting Practices for Contracts Awarded to Foreign Concerns" (RIN9000-AL58) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6289. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2009-013, Non-available Articles" (RIN9000-AL40) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6290. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2009-014, New Designated Country—Taiwan" (RIN9000-AL34) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6291. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2009-011, Amer-

ican Recovery and Reinvestment Act of 2009 (Recovery Act)—GAO/IG Access" (RIN9000-AL20) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6292. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2008-007, Additional Requirements for Market Research" (RIN9000-AL50) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6293. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2008-003, Public Disclosure of Justification and Approval Documents for Noncompetitive Contracts—Section 844 of the National Defense Authorization Act for Fiscal Year 2008" (RIN9000-AL13) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6294. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2009-010, American Recovery and Reinvestment Act of 2009 (the Recovery Act)—Publicizing Contract Actions" (RIN9000-AL24) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6295. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2005-040, Electronic Subcontracting Reporting System (eSRS)" (RIN9000-AK95) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6296. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2009-012, American Recovery and Reinvestment Act of 2009 (Recovery Act)—Whistleblower Protections" (RIN9000-AL19) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6297. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-42; Introduction" (FAC 2005-42) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6298. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2009-018, Payrolls and Basic Records" (RIN9000-AL53) received

in the Office of the President of the Senate on June 16, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6299. A communication from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting, pursuant to law, a report relative to a vacancy in the position of Director of National Intelligence, received in the Office of the President of the Senate on June 16, 2010; to the Select Committee on Intelligence.

EC-6300. A communication from the Director of Regulation Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Loan Guaranty: Elimination of Redundant Regulations" (RIN2900-AN71) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Veterans' Affairs.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2724. A bill to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin (Rept. No. 111-211).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 3250. A bill to provide for the training of Federal building personnel, and for other purposes (Rept. No. 111-212).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 2872. A bill to authorize appropriations for the National Historical Publications and Records Commission through fiscal year 2014, and for other purposes (Rept. No. 111-213).

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 3513. A bill to amend the Internal Revenue Code of 1986 to extend for one year the special depreciation allowances for certain property; to the Committee on Finance.

By Mr. BEGICH (for himself, Mr. WYDEN, and Ms. KLOBUCHAR):

S. 3514. A bill to amend the Outer Continental Shelf Lands Act to prohibit a person from entering into any Federal oil or gas lease or contract unless the person pays into an Oil Spill Recovery Fund, or posts a bond, in an amount equal to the total of the outstanding liability of the person and any removal costs incurred by, or on behalf of, the person with respect to any oil discharge for which the person has outstanding liability, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. SHAHEEN (for herself, Mr. UDALL of Colorado, and Mr. BINGAMAN):

S. 3515. A bill to authorize and enhance the programs of the Department of the Interior relating to the detection of, response to, and mitigation and cleanup of oil spills on Fed-

eral land managed by the Department, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself, Ms. MURKOWSKI, and Mr. DORGAN):

S. 3516. A resolution to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself and Mr. LUGAR) (by request):

S.J. Res. 34. A joint resolution relating to the approval of the proposed agreement for nuclear cooperation between the United States and the Russian Federation; to the Committee on Foreign Relations for a period not to exceed 45 session days pursuant to 42 U.S.C. 2159.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURR (for himself, Mr. DODD, Mr. INHOFE, and Ms. COLLINS):

S. Res. 561. A resolution designating June 25, 2010, as "National Huntington's Disease Awareness Day"; considered and agreed to.

### ADDITIONAL COSPONSORS

S. 583

At the request of Mr. PRYOR, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 583, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 696

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 696, a bill to amend the Federal Water Pollution Control Act to include a definition of fill material.

S. 831

At the request of Mr. KERRY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 864

At the request of Mr. DORGAN, the name of the Senator from New Mexico

(Mr. UDALL) was added as a cosponsor of S. 864, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1005

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1005, a bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States.

S. 1055

At the request of Mrs. BOXER, the names of the Senator from New York (Mr. SCHUMER), the Senator from Nebraska (Mr. NELSON) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1237

At the request of Mrs. MURRAY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1237, a bill to amend title 38, United States Code, to expand the grant program for homeless veterans with special needs to include male homeless veterans with minor dependents and to establish a grant program for reintegration of homeless women veterans and homeless veterans with children, and for other purposes.

S. 1244

At the request of Mr. MERKLEY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1244, a bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers, to provide for a performance standard for breast pumps, and to provide tax incentives to encourage breastfeeding.

S. 1275

At the request of Mr. WARNER, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1275, a bill to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports.

S. 1445

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to improve

the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1589

At the request of Ms. CANTWELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1589, a bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel.

S. 2747

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota (Mrs. KLOBUCHAR) was added as a cosponsor of S. 2747, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 2882

At the request of Mr. KERRY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2882, a bill to amend the Internal Revenue Code of 1986 to modify the rules relating to the treatment of individuals as independent contractors or employees, and for other purposes.

S. 3034

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3034, a bill to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center.

S. 3120

At the request of Mr. SPECTER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 3120, a bill to encourage the entry of felony warrants into the National Crime Information Center database by States and provide additional resources for extradition.

S. 3211

At the request of Mrs. SHAHEEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3211, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by designating certain certified diabetes educators as certified providers for purposes of outpatient diabetes self-management training services under part B of the Medicare Program.

S. 3238

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3238, a bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or

other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001, and to the memorials established at the 3 sites that were attacked on that day.

S. 3320

At the request of Mr. WHITEHOUSE, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3326

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3326, a bill to provide grants to States for low-income housing projects in lieu of low-income housing credits, and to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of the low-income housing credit, and for other purposes.

S. 3339

At the request of Mr. KERRY, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 3339, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 3363

At the request of Mr. CARDIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 3363, a bill to amend the Water Resources Research Act of 1984 to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under that Act.

S. 3397

At the request of Ms. KLOBUCHAR, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3397, a bill to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

S. 3409

At the request of Ms. LANDRIEU, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3409, a bill to make certain adjustments to the price analysis of propane prepared by the Secretary of Commerce.

S. 3411

At the request of Mrs. GILLIBRAND, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3411, a bill to provide for the adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010.

S. 3434

At the request of Mr. BINGAMAN, the name of the Senator from Virginia (Mr.

WEBB) was added as a cosponsor of S. 3434, a bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes.

S. 3474

At the request of Mr. FEINGOLD, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 3474, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 3477

At the request of Mr. WEBB, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3477, a bill to ensure that the right of an individual to display the Service Flag on residential property not be abridged.

S. RES. 411

At the request of Mrs. LINCOLN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. Res. 411, a resolution recognizing the importance and sustainability of the United States hardwoods industry and urging that United States hardwoods and the products derived from United States hardwoods be given full consideration in any program to promote construction of environmentally preferable commercial, public, or private buildings.

S. RES. 541

At the request of Mr. CONRAD, the names of the Senator from Vermont (Mr. SANDERS), the Senator from New York (Mr. SCHUMER), the Senator from Maine (Ms. SNOWE), the Senator from North Dakota (Mr. DORGAN), the Senator from Kansas (Mr. BROWNBACK), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Minnesota (Mr. FRANKEN), the Senator from Virginia (Mr. WARNER), the Senator from Illinois (Mr. DURBIN), the Senator from Ohio (Mr. BROWN) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. Res. 541, a resolution designating June 27, 2010, as "National Post-Traumatic Stress Disorder Awareness Day".

S. RES. 552

At the request of Mr. BENNET, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Colorado (Mr. UDALL), the Senator from Maine (Ms. SNOWE), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 552, a resolution designating June 23, 2010, as "Olympic Day".

AMENDMENT NO. 4382

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 4382 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 3513. A bill to amend the Internal Revenue Code of 1986 to extend for one year the special depreciation allowances for certain property; to the Committee on Finance.

Mr. BAUCUS. Mr. President, over the past several months, we have seen some improvement in our economy.

One year ago, in the first quarter of 2009, GDP was declining at an annual rate of more than 6 percent. Just 1 year later, in the first quarter of 2010, GDP grew at an annual rate of 3 percent.

This marks the third consecutive quarter of real economic growth.

It is not just the GDP that is growing. Consumer spending has risen at an annual rate of 3.5 percent this year. Manufacturing output rose 9 percent over the first 4 months of the year. Businesses have increased spending on equipment and boosted their inventory investments.

But one economic indicator continues to lag behind—employment.

The national unemployment rate stands at 9.7 percent. Over the course of this Great Recession, the American economy has lost more than 8 million jobs. In total, 15 million Americans remain out of work.

We must act to create jobs and get Americans back to work.

We began creating jobs with the 2009 Recovery Act. The nonpartisan Congressional Budget Office reports that last year's Recovery Act added 1.2 to 2.8 million people to America's payrolls.

In March, Congress passed the HIRE Act. The HIRE Act, which includes a payroll tax exemption for new hires, should help to bolster job creation in the coming months.

This week, we are considering the American Jobs and Closing Tax Loopholes Act. That bill will create jobs by providing tax cuts and certainty to American businesses. It will create jobs by improving our nation's infrastructure. And it will create jobs by making direct investments in jobs for young adults and needy families.

After we consider the American Jobs and Closing Tax Loopholes Act, the Senate will consider a small business jobs bill. The Finance and Small Business committees are currently writing that bill.

Today, I am introducing another important jobs bill. This bill will extend bonus depreciation through 2010. I am introducing this extension as a stand-alone bill because of the unique ability of bonus depreciation to help businesses and create jobs.

In 2008, Congress temporarily allowed businesses to recover the costs of certain capital expenditures more quickly than under ordinary depreciation schedules. The 2008 law allowed busi-

nesses to immediately write off 50 percent of the cost of depreciable property placed in service in 2008.

The Recovery Act extended bonus depreciation. But the provision expired at the end of 2009.

My bill would extend bonus depreciation to property placed in service in 2010.

Bonus depreciation provides a double benefit. It helps two sets of businesses. It helps the business that purchases the equipment. It helps the business that sells the equipment.

The businesses that purchase equipment can write off those purchases more quickly.

This provides a significant tax savings. That savings makes equipment more affordable and encourages purchases.

The savings gained from expensing, rather than the slower depreciation, allows businesses to use that money to invest in the business itself. Businesses can use those savings to hire employees.

The more purchases that are made, the more other businesses are helped. This proposal will help manufacturers and suppliers to retain and hire employees as their businesses rebound.

I have heard from a number of business owners in Montana that bonus depreciation has been extremely helpful for their business.

An extension of bonus depreciation will boost economic activity by hundreds of millions of dollars. It will create hundreds of jobs in my home state of Montana.

Bonus depreciation is a cost-effective provision that provides real relief for businesses. Bonus depreciation creates jobs.

I urge my Colleagues to support this important bill.

By Mr. BEGICH (for himself, Mr. WYDEN, and Ms. KLOBUCHAR):

S. 3514. A bill to amend the Outer Continental Shelf Lands Act to prohibit a person from entering into any Federal oil or gas lease or contract unless the person pays into an Oil Spill Recovery Fund, or posts a bond, in an amount equal to the total of the outstanding liability of the person and any removal costs incurred by, or on behalf of, the person with respect to any oil discharge for which the person has outstanding liability, and for other purposes; to the Committee on Environment and Public Works.

Mr. BEGICH. Mr. President, I rise to introduce legislation requiring BP and other oil companies to set aside ample funding in an escrow account controlled—not by the company but by the Federal Government—to address the damage and claims from a major catastrophic oil spill like the current Gulf of Mexico spill.

Twenty-one years ago, the oil tanker Exxon Valdez ran aground, gushing an

estimated 11 million gallons of crude oil into Alaska waters. This was the worst oil spill in American history, with oil hitting 1,300 miles of shoreline and killing hundreds of thousands of birds and marine mammals. Thousands of hard-working Alaskans, just like the residents of the Gulf, lost millions of dollars as their livelihoods collapsed.

To add insult to injury, for nearly two decades Exxon fought the legitimate claims of Alaskans harmed by the spill for nearly two decades. The case went all the way to the Supreme Court when in 2008, the Court issued a final judgment, reducing Exxon's punitive liability to just 10 percent of what the original court had ordered. During those 19 years, hundreds of Alaskans entitled to damages had died; thousands of others' lives were forever harmed.

We Alaskans learned many lessons from the Exxon Valdez spill. One of the most important was to set up a system as early as possible to guarantee that those affected by oil spills are justly compensated. That is what my bill is designed to do. I am certainly pleased BP has agreed to set up an escrow account voluntarily, but I believe Congress should underscore their commitment in law and to protect Americans from future spills.

This bill, the Guaranteed Oil Spill Compensation Act of 2010, requires BP or any other party responsible for an oil spill interested in future Federal oil and gas leases to deposit into an escrow account held by the U.S. Government enough money to compensate those affected by a spill. In the event of a spill, the Secretary of Interior can make an assessment of outstanding liability under provisions of the Federal legislation passed in the aftermath of the Exxon Valdez, the Oil Pollution Act of 1990, OPA 90. The spiller must then deposit funds equal to the total liability minus the liability established for incident by OPA 90 into a separate fund to be administered by the Secretary for claims and costs related to that spill. Unexpended funds would be returned to the spiller at the earlier of 5 years after the date of deposit or the date the Secretary determines all Federal, State, and civil claims have been satisfied. The measure would have no effect on other liability.

I believe this legislation achieves what many of us want: ensuring Americans damaged by this oil spill and future catastrophic spills are fairly compensated in a timely way. This didn't happen to Alaskans with the Exxon Valdez. We must ensure it does happen for our Americans in the Gulf of Mexico. This is another tool as Congress works on liability reform designed to make those injured whole again, while at the same time allowing responsible companies to provide oil our country needs.

The Guaranteed Oil Spill Compensation Act of 2010 is the first of a package

of bills I intend to introduce designed to make oil companies financially responsible for the cost of oil spills; expand scientific research, especially in the Arctic; provide a steady source of Federal funding for additional science and resources needed in the Far North to deal with oil and gas development; and provide greater citizen involvement in oil development.

By Mrs. SHAHEEN (for herself, Mr. UDALL of Colorado, and Mr. BINGAMAN):

S. 3515. A bill to authorize and enhance the programs of the Department of the Interior relating to the detection of, response to, and mitigation and cleanup of oil spills on Federal land managed by the Department, and for other purposes; to the Committee on Environment and Public Works.

Mrs. SHAHEEN. Mr. President, I rise today to join with my colleagues Senator MARK UDALL and Chairman JEFF BINGAMAN of the Senate Energy Committee to introduce the Department of the Interior Research and Technologies for Oil Spill Prevention and Response Act of 2010. Legislation intended to make sure we have the proper resources available to respond to future oil spills.

While we are still getting to the bottom of what caused the Deepwater Horizon disaster in the Gulf, one thing is absolutely clear: BP was totally unprepared to respond, contain and clean-up this kind of spill.

From “junk shots” to containment domes that failed to work at depth, BP was caught totally flat footed by this spill. Even BP’s CEO, Tony Hayward, admitted that BP didn’t “have the tools in the toolbox” to respond to this spill.

The oil and gas industry has poured significant sums of money into developing technologies to find and produce oil and gas, but when I asked oil executives at a recent Energy Committee hearing what they’ve done in the way of research and development to respond to and clean up oil spills the response I got was: little to nothing.

The technologies being used today in the Gulf are the same technologies we used twenty years ago to clean-up the Exxon Valdez spill. The oil and gas industry needs to do better. Since they won’t do it themselves, they can pay the government to lead on research and development. We need to have updated, innovative, and effective technologies at the ready to clean up after any oil spill—large or small.

We have to make sure that—through proper research and development—we are prepared to prevent and respond to future oil spills. And that is what my legislation is intended to do.

The legislation I am introducing today with Senators UDALL and BINGAMAN does the following:

It creates a new Oil Spill research and development program within the Interior De-

partment to focus on research and development technologies to respond to, contain and clean up oil spills and ensure we’re prepared to respond to future spills.

It establishes an independent Scientific Advisory Board to identify gaps and focus the research and development program on priority areas. We know the concerns of the scientists were ignored leading up to the Deepwater Horizon explosion. This provision will make sure their important voices are heard.

It makes the oil and gas industry pay for this critical research and development. In order to make sure this import effort has the resources it need to be successful, my legislation creates a dedicated funding source to pay for this research and development, and this funding will come entirely from royalties, rent, and bonuses from domestic oil and gas producers.

This legislation is one part of a broader effort to ensure that we are prepared for future oil spills and that the catastrophe in the Gulf never happens again.

I look forward to working with my colleagues to incorporate this legislation into comprehensive legislation the Senate is crafting to respond to the Deepwater Horizon spill and reform the federal agency responsible for oil and gas development in the outer continental shelf. I urge my colleagues to support this legislation so that we can ensure we are prepared to handle future oil spills.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3515

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Department of the Interior Research and Technologies for Oil Spill Prevention and Response Act of 2010”.

#### SEC. 2. PURPOSE.

The purpose of this Act is to maintain and enhance the world-class research and facilities of the Department of the Interior and to ensure that there is adequate knowledge, practices, and technologies to detect, respond to, contain, and clean up oil spills occurring on Federal land managed by the Department of the Interior, whether onshore or on the outer Continental Shelf.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) BOARD.—The term “Board” means the Science and Technology Advisory Board established under section 5(a).

(2) FUND.—The term “Fund” means the Oil Spill Technology and Research Fund established by section 13(a).

(3) PROGRAM.—The term “program” means the program established under section 4(a).

#### SEC. 4. AUTHORIZATION OF DEPARTMENT OF THE INTERIOR OIL SPILL RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out a program of research, development, technology demonstration, and risk assessment to address issues associated with the detection of, response to, and mitigation and

cleanup of oil spills occurring on Federal land managed by the Department of the Interior, whether onshore or on the outer Continental Shelf.

(b) SPECIFIC AREAS OF FOCUS.—The program shall include research, development, demonstration, validation, personnel training, and other activities relating to—

(1) technologies, materials, methods, and practices—

(A) to detect the release of hydrocarbons from leaking exploration or production equipment;

(B) to characterize the rates of flow from leaking exploration and production equipment in locations that are remote or difficult to access;

(C) to protect the safety of workers addressing hydrocarbon releases from exploration and production equipment;

(D) to contain, respond to, and clean up oil spills, including with the use of dispersants, containment vessels, booms, and skimmers, particularly under worst-case release scenarios;

(E) to contain, respond to, and clean up an oil spill in extreme or harsh conditions on the outer Continental Shelf; and

(F) for environmental assessment, restoration, and long-term monitoring;

(2) fundamental scientific characterization of the behavior of oil and natural gas in and on soil and water, including miscibility, plume behavior, emulsification, physical separation, and chemical and biological degradation;

(3) behavior and effects of emulsified, dispersed, and submerged oil in water; and

(4) modeling, simulation, and prediction of oil flows from releases and the trajectories of releases on the surface, the subsurface, and in water.

#### SEC. 5. SCIENCE AND TECHNOLOGY ADVISORY BOARD.

(a) IN GENERAL.—The Secretary shall enter into appropriate arrangements with the National Academy of Sciences to establish an independent committee, to be known as the “Science and Technology Advisory Board”, to provide scientific and technical advice to the program, including—

(1) the identification of knowledge gaps that the program should address;

(2) the establishment of scientific and technical priorities; and

(3) an annual review of the results and effectiveness of the program, including successful technology development.

(b) REPORTS.—Reports and recommendations of the Board shall promptly be made available to Congress and the public.

#### SEC. 6. RESEARCH AND TECHNOLOGY PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter, the Secretary, in consultation with the Board, shall develop and publish a research and technology plan for the program.

(b) CONTENTS.—The plan under this section shall—

(1) identify research needs and opportunities;

(2) propose areas of focus for the program;

(3) establish program priorities, including priorities for the research centers of excellence under section 7, demonstration projects under section 8, and research grants under section 9; and

(4) estimate—

(A) the extent of resources needed to conduct the program; and

(B) timetables for completing research tasks under the program.

(c) PUBLICATION.—The Secretary shall timely publish—

- (1) the plan under this section; and
- (2) a review of the plan by the Board.

#### SEC. 7. RESEARCH CENTERS OF EXCELLENCE.

(a) RESPONSE TECHNOLOGIES FOR DEEPWATER, ULTRA DEEPWATER, AND OTHER EXTREME ENVIRONMENT OIL SPILLS.—

(1) ESTABLISHMENT.—The Secretary shall establish at 1 or more institutions of higher education a research center of excellence for the research, development, and demonstration of technologies necessary to respond to, contain, mitigate, and clean up deepwater, ultra deepwater, and other extreme environment oil spills.

(2) GRANTS.—The Secretary shall provide grants to the research center of excellence established under paragraph (1) to conduct and oversee basic and applied research in the technologies described in that paragraph.

(b) OIL SPILL RESPONSE AND RESTORATION.—

(1) ESTABLISHMENT.—The Secretary, in coordination with the Undersecretary of Commerce for Oceans and Atmosphere, shall establish at 1 or more institutions of higher education a research center of excellence for research and innovation in oil spill fate, behavior and effects, and damage assessment and restoration.

(2) GRANTS.—The Secretary shall provide grants to the research center of excellence established under paragraph (1) to conduct and oversee basic and applied research in the areas described in that paragraph.

(c) OTHER RESEARCH CENTERS OF EXCELLENCE.—The Secretary may establish such other research centers of excellence as the Secretary determines to be necessary for the research, development, and demonstration of technologies necessary to carry out this Act.

#### SEC. 8. DEMONSTRATION PROJECTS.

(a) IN GENERAL.—In carrying out the program, the Secretary shall conduct deepwater, ultra deepwater, and other extreme environment oil spill response demonstration projects for the purpose of developing and demonstrating new integrated deepwater oil spill mitigation and response systems that use the information and implement the improved practices and technologies developed from the program.

(b) REQUIREMENTS.—The mitigation and response systems developed under subsection (a) shall use technologies and management practices for improving the response capabilities to deepwater oil spills, including—

- (1) improved oil flow monitoring and calculation;
- (2) improved oil spill response capability;
- (3) improved subsurface mitigation technologies;
- (4) improved capability to track and predict the flow and effects of oil discharges in both subsurface and surface areas for the purposes of making oil mitigation and response decisions; and
- (5) any other activities necessary to achieve the purposes of the program.

#### SEC. 9. RESEARCH GRANTS.

In carrying out the program, the Secretary may award competitive grants in coordination with research centers of excellence under section 7 and consistent with the research and technology plan under section 6 to institutions of higher education or other research institutions—

- (1) to carry out projects that are relevant to the goals and priorities of the research and technology plan; and—
- (2)(A) to advance research and development; or
- (B) to demonstrate technologies.

#### SEC. 10. PILOT PROGRAMS FOR FIELD TESTING TECHNOLOGIES.

(a) IN GENERAL.—The Secretary, in coordination with the Administrator of the Environmental Protection Agency, shall conduct a pilot program to conduct field tests on new oil spill response, mitigation, and cleanup technologies developed under the program in the waters of the United States.

(b) RESULTS.—The results of the field tests conducted under subsection (a) shall be used—

- (1) to refine oil spill technology research and development; and
- (2) to assist the Secretary and the Administrator of the Environmental Protection Agency in the development of safety and environmental regulations under this Act and other applicable laws.

#### SEC. 11. PEER REVIEW OF PROPOSALS AND RESEARCH.

(a) IN GENERAL.—Any award of funds under the program shall be made only after the Secretary has carried out an impartial peer review of the scientific and technical merit of the proposals for the award.

(b) REQUIREMENTS.—The Secretary shall ensure that any research conducted under the program shall be peer-reviewed, transparent, and made available to the public.

#### SEC. 12. COORDINATION WITH OTHER AGENCIES.

(a) IN GENERAL.—In carrying out this Act, the Secretary shall consult and coordinate, as appropriate, with other Federal agencies and programs, including the Interagency Coordinating Committee on Oil Pollution Research established under section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. 2761).

(b) RESPONSIBILITY OF THE SECRETARY.—Notwithstanding any requirements to consult or coordinate, the Secretary shall maintain authority, direction, and control of the program.

#### SEC. 13. OIL SPILL TECHNOLOGY AND RESEARCH FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the “Oil Spill Technology and Research Fund”, consisting of such amounts as are transferred to the Fund under subsection (b), to be administered by the Secretary, to be available without fiscal year limitation and not subject to appropriation, to carry out the program.

(b) TRANSFERS TO FUND.—From any Federal royalties, rents, and bonuses derived from Federal onshore and offshore oil and gas leases issued the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) or the Mineral Leasing Act (30 U.S.C. 181 et seq.) that are deposited in the Treasury, and after distribution of any funds described in subsection (c), there shall be transferred to the Fund \$25,000,000 for each of fiscal years 2010 through 2020, to remain available until expended.

(c) PRIOR DISTRIBUTIONS.—The distributions referred to in subsection (b) are those required by law—

- (1) to States and to the Reclamation Fund under section 35(a) of the Mineral Leasing Act (30 U.S.C. 191(a)); and
- (2) to other funds receiving amounts from Federal oil and gas leasing programs, including—

- (A) any recipients pursuant to section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g));
- (B) the land and water conservation fund, pursuant to section 2(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5(c));
- (C) the Historic Preservation Fund, pursuant to section 108 of the National Historic Preservation Act (16 U.S.C. 470h); and

(D) the coastal impact assistance program established under section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a).

(d) PROHIBITION.—Amounts in the Fund may not be made available for any purpose other than a purpose described in subsection (a).

(e) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2010, the Secretary shall submit to the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives a report on the operation of the Fund during the fiscal year.

(2) CONTENTS.—Each report shall include, for the fiscal year covered by the report, the following:

- (A) A statement of the amounts deposited into the Fund.
- (B) A description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures.
- (C) Recommendations for additional authorities to fulfill the purpose of the Fund.
- (D) A statement of the balance remaining in the Fund at the end of the fiscal year.

By Mr. BINGAMAN (for himself,  
Ms. MURKOWSKI, and Mr. DOR-  
GAN):

S. 3516. A resolution to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am pleased to introduce the Outer Continental Shelf Reform Act of 2010. This act takes a number of important steps to ensure that the Outer Continental Shelf will be managed in a balanced, prudent, and vigilant way, to ensure energy production, safety, and protection of the environment. Its goal is to create a culture of excellence in this endeavor that benefits those who work in the oil industry, those who depend on other marine resources, and all Americans who care deeply about our oceans and coastal environment.

This legislation is being introduced against the backdrop of oil still gushing into the Gulf of Mexico more than 60 days after the initial explosion of the Deepwater Horizon rig. As the Congress formulates its overall response to this disaster, its first order of business must be to continue to care for the families of those who lost their lives in the rig explosion and those Gulf residents who are suffering every day through loss of livelihood and of places and wildlife that they love. Several Senate committees have important roles to play in formulating legislation in that regard.

At the same time, it also is essential that we look to the future, and to creating a better structure and system within the regulatory agency. That is a

particular responsibility of the Committee on Energy and Natural Resources. One goal must be, of course, to prevent future disasters. But we can and must do more than that.

Congress should create organizational resources and a set of principles and requirements that will have safety, environmental protection, and innovation at its core. We should require that both industry and agency employees have the expertise, experience, and commitment to quality necessary to handle the complex issues involved. If we do this right, it is my hope that we can see tangible results on all fronts, and a shift away from the cascade of failures that led to the Deepwater Horizon accident and towards work of the highest quality.

Thus, this bill clarifies the multiple responsibilities of the Department of the Interior in managing the Outer Continental Shelf—appropriate energy and other economic development and the protection of human health and safety and the marine and coastal environment. It reforms the structure of the regulatory apparatus of the Department consistent with these responsibilities. The new organizational structure requires that the Department avoid organizational conflicts of interest between its revenue-raising missions and its planning, permitting, and regulatory missions.

The bill increases the safety requirements for drilling wells, focusing on best available technology, a systems analysis, risk assessment, an evidentiary safety case, and a full engineering review. In furtherance of the development of these standards and their evolution of new and better technology, it requires new research programs within the Department, independent of the leasing program, whose data must be considered by the regulators. It provides dedicated funding for the highest priority research, including in the areas of well control and spill response, and an independent science advisory board outside the agency to provide oversight.

It establishes new requirements for investigation of all accidents and the public sharing of data from those reviews so that all can learn from mistakes before they become major problems. It allows the National Transportation Safety Board to provide an independent and highly skilled investigation of any accident at the request of the Secretary.

In order to fully enforce the safety requirements, the bill imposes an inspection fee on industry participants to fully fund enough well-trained inspectors to perform real and meaningful inspections more often. It also increases the sanctions on poor operators, including increased civil and criminal penalties applicable to those who violate the law, and the financial responsibility requirements to ensure that

those who participate in development of the Outer Continental Shelf can afford to pay for any damage they cause.

The bill provides the Department of the Interior with adequate time to carry out necessary reviews, clarifies the issues that need to be addressed, and makes the input of other Federal agencies occur in a transparent way. In this way, the process will have more predictability and all stakeholders will have greater understanding of what is under consideration. The result will be better decisions that will be capable of being implemented with greater certainty.

Finally, the bill takes steps to ensure that the taxpayers will get a fair return for development of energy resources. The Secretary will be required to regularly review the amounts of royalties and other charges applicable to those developing the Outer Continental Shelf, compare them to charges levied by States and other countries, and consider whether adjustments are necessary to achieve fair fiscal policies.

I believe these policies and resources can set us on a new and constructive path toward managing the incredible natural resources of the Outer Continental Shelf. I welcome ideas from others that may enhance our ability in this regard. We must commit ourselves to the goal of excellence in this important endeavor. We start today.

I am pleased to be joined by Senator MURKOWSKI, ranking Republican on the Energy and Natural Resources Committee, and Senator DORGAN, as original cosponsors of this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3516

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Outer Continental Shelf Reform Act of 2010”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.
- Sec. 3. Definitions.
- Sec. 4. National policy for the outer Continental Shelf.
- Sec. 5. Structural reform of outer Continental Shelf program management.
- Sec. 6. Safety, environmental, and financial reform of the Outer Continental Shelf Lands Act.
- Sec. 7. Reform of other laws.
- Sec. 8. Savings provisions.
- Sec. 9. Budgetary effects.

#### **SEC. 2. PURPOSES.**

The purposes of this Act are—

- (1) to rationalize and reform the responsibilities of the Secretary of the Interior with respect to the management of the outer Continental Shelf in order to improve the

management, oversight, accountability, safety, and environmental protection of all the resources on the outer Continental Shelf;

(2) to provide independent development and enforcement of safety and environmental laws (including regulations) governing—

(A) energy development and mineral extraction activities on the outer Continental Shelf; and

(B) related offshore activities; and

(3) to ensure a fair return to the taxpayer from, and independent management of, royalty and revenue collection and disbursement activities from mineral and energy resources.

#### **SEC. 3. DEFINITIONS.**

In this Act:

(1) **DEPARTMENT.**—The term “Department” means the Department of the Interior.

(2) **OUTER CONTINENTAL SHELF.**—The term “outer Continental Shelf” has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

#### **SEC. 4. NATIONAL POLICY FOR THE OUTER CONTINENTAL SHELF.**

Section 3 of the Outer Continental Shelf Lands Act (43 U.S.C. 1332) is amended—

(1) by striking paragraph (3) and inserting the following:

“(3) the outer Continental Shelf is a vital national resource reserve held by the Federal Government for the public, which should be managed in a manner that recognizes—

“(A) the need of the United States for domestic sources of energy, food, minerals, and other resources;

“(B) the potential impacts of development of those resources on the marine and coastal environment and on human health and safety; and

“(C) the long-term economic value to the United States of the balanced and orderly management of those resources that safeguards the environment and respects the multiple values and uses of the outer Continental Shelf;”;

(2) in paragraph (4)(C), by striking the period at the end and inserting a semicolon;

(3) in paragraph (5), by striking “; and” and inserting a semicolon;

(4) by redesignating paragraph (6) as paragraph (7);

(5) by inserting after paragraph (5) the following:

“(6) exploration, development, and production of energy and minerals on the outer Continental Shelf should be allowed only when those activities can be accomplished in a manner that provides reasonable assurance of adequate protection against harm to life, health, the environment, property, or other users of the waters, seabed, or subsoil; and”;

and

(6) in paragraph (7) (as so redesignated)—

(A) by striking “should be” and inserting “shall be”; and

(B) by adding “best available” after “using”.

#### **SEC. 5. STRUCTURAL REFORM OF OUTER CONTINENTAL SHELF PROGRAM MANAGEMENT.**

(a) **IN GENERAL.**—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding to the end the following:

#### **“SEC. 32. STRUCTURAL REFORM OF OUTER CONTINENTAL SHELF PROGRAM MANAGEMENT.**

“(a) **LEASING, PERMITTING, AND REGULATION BUREAUS.**—

“(1) **ESTABLISHMENT OF BUREAUS.**—

“(A) **IN GENERAL.**—Subject to the discretion granted by Reorganization Plan Number

3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), the Secretary shall establish in the Department of the Interior not more than 2 bureaus to carry out the leasing, permitting, and safety and environmental regulatory functions vested in the Secretary by this Act and the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.) related to the outer Continental Shelf.

“(B) CONFLICTS OF INTEREST.—In establishing the bureaus under subparagraph (A), the Secretary shall ensure, to the maximum extent practicable, that any potential organizational conflicts of interest related to leasing, revenue creation, environmental protection, and safety are eliminated.

“(2) DIRECTOR.—Each bureau shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(3) COMPENSATION.—Each Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

“(4) QUALIFICATIONS.—Each Director shall be a person who, by reason of professional background and demonstrated ability and experience, is specially qualified to carry out the duties of the office.

“(b) ROYALTY AND REVENUE OFFICE.—

“(1) ESTABLISHMENT OF OFFICE.—Subject to the discretion granted by Reorganization Plan Number 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), the Secretary shall establish in the Department of the Interior an office to carry out the royalty and revenue management functions vested in the Secretary by this Act and the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.).

“(2) DIRECTOR.—The office established under paragraph (1) shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(3) COMPENSATION.—The Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

“(4) QUALIFICATIONS.—The Director shall be a person who, by reason of professional background and demonstrated ability and experience, is specially qualified to carry out the duties of the office.

“(c) OCS SAFETY AND ENVIRONMENTAL ADVISORY BOARD.—

“(1) ESTABLISHMENT.—The Secretary shall establish, under the Federal Advisory Committee Act (5 U.S.C. App.), an Outer Continental Shelf Safety and Environmental Advisory Board (referred to in this subsection as the ‘Board’), to provide the Secretary and the Directors of the bureaus established under this section with independent scientific and technical advice on safe and environmentally compliant energy and mineral resource exploration, development, and production activities.

“(2) MEMBERSHIP.—

“(A) SIZE.—

“(i) IN GENERAL.—The Board shall consist of not more than 12 members, chosen to reflect a range of expertise in scientific, engineering, management, and other disciplines related to safe and environmentally compliant energy and mineral resource exploration, development, and production activities.

“(ii) CONSULTATION.—The Secretary shall consult with the National Academy of Sciences and the National Academy of Engineering to identify potential candidates for membership on the Board.

“(B) TERM.—The Secretary shall appoint Board members to staggered terms of not

more than 4 years, and shall not appoint a member for more than 2 consecutive terms.

“(C) CHAIR.—The Secretary shall appoint the Chair for the Board.

“(3) MEETINGS.—The Board shall—

“(A) meet not less than 3 times per year; and

“(B) at least once per year, shall host a public forum to review and assess the overall safety and environmental performance of outer Continental Shelf energy and mineral resource activities.

“(4) REPORTS.—Reports of the Board shall—

“(A) be submitted to Congress; and

“(B) made available to the public in an electronically accessible form.

“(5) TRAVEL EXPENSES.—Members of the Board, other than full-time employees of the Federal government, while attending a meeting of the Board or while otherwise serving at the request of the Secretary or the Director while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Federal Government serving without pay.

“(d) SPECIAL PERSONNEL AUTHORITIES.—

“(1) DIRECT HIRING AUTHORITY FOR CRITICAL PERSONNEL.—

“(A) IN GENERAL.—Notwithstanding sections 3104, 3304, and 3309 through 3318 of title 5, United States Code, the Secretary may, upon a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, recruit and directly appoint highly qualified accountants, scientists, engineers, or critical technical personnel into the competitive service, as officers or employees of any of the organizational units established under this section.

“(B) REQUIREMENTS.—In exercising the authority granted under subparagraph (A), the Secretary shall ensure that any action taken by the Secretary—

“(i) is consistent with the merit principles of chapter 23 of title 5, United States Code; and

“(ii) complies with the public notice requirements of section 3327 of title 5, United States Code.

“(2) CRITICAL PAY AUTHORITY.—

“(A) IN GENERAL.—Notwithstanding section 5377 of title 5, United States Code, and without regard to the provisions of that title governing appointments in the competitive service or the Senior Executive Service and chapters 51 and 53 of that title (relating to classification and pay rates), the Secretary may establish, fix the compensation of, and appoint individuals to critical positions needed to carry out the functions of any of the organizational units established under this section, if the Secretary certifies that—

“(i) the positions—

“(I) require expertise of an extremely high level in a scientific or technical field; and

“(II) any of the organizational units established in this section would not successfully accomplish an important mission without such an individual; and

“(ii) exercise of the authority is necessary to recruit an individual exceptionally well qualified for the position.

“(B) LIMITATIONS.—The authority granted under subparagraph (A) shall be subject to the following conditions:

“(i) The number of critical positions authorized by subparagraph (A) may not exceed 40 at any 1 time in either of the bureaus established under this section.

“(ii) The term of an appointment under subparagraph (A) may not exceed 4 years.

“(iii) An individual appointed under subparagraph (A) may not have been an employee of the Department of the Interior during the 2-year period prior to the date of appointment.

“(iv) Total annual compensation for any individual appointed under subparagraph (A) may not exceed the highest total annual compensation payable at the rate determined under section 104 of title 3, United States Code.

“(v) An individual appointed under subparagraph (A) may not be considered to be an employee for purposes of subchapter II of chapter 75 of title 5, United States Code.

“(C) NOTIFICATION.—Each year, the Secretary shall submit to Congress a notification that lists each individual appointed under this paragraph.

“(3) REEMPLOYMENT OF CIVILIAN RETIREES.—

“(A) IN GENERAL.—Notwithstanding part 553 of title 5, Code of Federal Regulations (relating to reemployment of civilian retirees to meet exceptional employment needs), or successor regulations, the Secretary may approve the reemployment of an individual to a particular position without reduction or termination of annuity if the hiring of the individual is necessary to carry out a critical function of any of the organizational units established under this section for which suitably qualified candidates do not exist.

“(B) LIMITATIONS.—An annuitant hired with full salary and annuities under the authority granted by subparagraph (A)—

“(i) shall not be considered an employee for purposes of subchapter III of chapter 83 and chapter 84 of title 5, United States Code;

“(ii) may not elect to have retirement contributions withheld from the pay of the annuitant;

“(iii) may not use any employment under this paragraph as a basis for a supplemental or recomputed annuity; and

“(iv) may not participate in the Thrift Savings Plan under subchapter III of chapter 84 of title 5, United States Code.

“(C) LIMITATION ON TERM.—The term of employment of any individual hired under subparagraph (A) may not exceed an initial term of 2 years, with an additional 2-year appointment under exceptional circumstances.

“(e) CONTINUITY OF AUTHORITY.—Subject to the discretion granted by Reorganization Plan Number 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), any reference in any law, rule, regulation, directive, or instruction, or certificate or other official document, in force immediately prior to the date of enactment of this section—

“(1) to the Minerals Management Service that pertains to any of the duties and authorities described in this section shall be deemed to refer and apply to the appropriate bureaus and offices established under this section;

“(2) to the Director of the Minerals Management Service that pertains to any of the duties and authorities described in this section shall be deemed to refer and apply to the Director of the bureau or office under this section to whom the Secretary has assigned the respective duty or authority; and

“(3) to any other position in the Minerals Management Service that pertains to any of the duties and authorities described in this section shall be deemed to refer and apply to that same or equivalent position in the appropriate bureau or office established under this section.”

(b) CONFORMING AMENDMENT.—Section 5316 of title 5, United States Code, is amended by

striking "Director, Bureau of Mines, Department of the Interior" and inserting the following:

"Bureau Directors, Department of the Interior (2).

"Director, Royalty and Revenue Office, Department of the Interior."

**SEC. 6. SAFETY, ENVIRONMENTAL, AND FINANCIAL REFORM OF THE OUTER CONTINENTAL SHELF LANDS ACT.**

(a) **DEFINITIONS.**—Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended by adding at the end the following:

"(r) **SAFETY CASE.**—The term 'safety case' means a body of evidence that provides a basis for determining whether a system is adequately safe for a given application in a given environment."

(b) **ADMINISTRATION OF LEASING.**—Section 5(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)) is amended in the second sentence—

(1) by striking "The Secretary may at any time" and inserting "The Secretary shall"; and

(2) by inserting after "provide for" the following: "operational safety, the protection of the marine and coastal environment,".

(c) **MAINTENANCE OF LEASES.**—Section 6 of the Outer Continental Shelf Lands Act (43 U.S.C. 1335) is amended by adding at the end the following:

"(f) **REVIEW OF BOND AND SURETY AMOUNTS.**—Not later than May 1, 2011, and every 5 years thereafter, the Secretary shall—

"(1) review the minimum bond amounts for mineral leases under subsection (a)(11); and

"(2) set any bonds, surety, or other evidence of financial responsibility required in amounts adequate to permit lessees to fulfill all obligations under this Act or the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.).

"(g) **PERIODIC FISCAL REVIEWS AND REPORTS.**—

"(1) **ROYALTY RATES.**—

"(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this subsection and every 3 years thereafter, the Secretary shall carry out a review of, and prepare a report that describes—

"(i) the royalty and rental rates included in new offshore oil and gas leases and the rationale for the rates;

"(ii) whether, in the view of the Secretary, the royalty and rental rates described in subparagraph (A) would yield a fair return to the public while promoting the production of oil and gas resources in a timely manner; and

"(iii) whether, based on the review, the Secretary intends to modify the royalty or rental rates.

"(B) **PUBLIC PARTICIPATION.**—In carrying out a review and preparing a report under subparagraph (A), the Secretary shall provide to the public an opportunity to participate.

"(2) **COMPARATIVE REVIEW OF FISCAL SYSTEM.**—

"(A) **IN GENERAL.**—Not later than 2 years after the date of enactment of this subsection and every 5 years thereafter, the Secretary in consultation with the Secretary of the Treasury, shall carry out a comprehensive review of all components of the Federal offshore oil and gas fiscal system, including requirements for bonus bids, rental rates, royalties, oil and gas taxes, and oil and gas fees.

"(B) **INCLUSIONS.**—The review shall include—

"(i) information and analyses comparing the offshore bonus bids, rents, royalties,

taxes, and fees of the Federal Government to the offshore bonus bids, rents, royalties, taxes, and fees of other resource owners (including States and foreign countries); and

"(ii) an assessment of the overall offshore oil and gas fiscal system in the United States, as compared to foreign countries.

"(C) **INDEPENDENT ADVISORY COMMITTEE.**—In carrying out a review under this paragraph, the Secretary shall convene and seek the advice of an independent advisory committee comprised of oil and gas and fiscal experts from States, Indian tribes, academia, the energy industry, and appropriate non-governmental organizations.

"(D) **REPORT.**—The Secretary shall prepare a report that contains—

"(i) the contents and results of the review carried out under this paragraph for the period covered by the report; and

"(ii) any recommendations of the Secretary and the Secretary of the Treasury based on the contents and results of the review.

"(3) **REPORT DEADLINE.**—Not later than 30 days after the date on which the Secretary completes each report under this subsection, the Secretary shall submit copies of the report to—

"(A) the Committee on Energy and Natural Resources of the Senate;

"(B) the Committee on Finance of the Senate;

"(C) the Committee on Natural Resources of the House of Representatives; and

"(D) the Committee on Ways and Means of the House of Representatives."

(d) **LEASES, EASEMENTS, AND RIGHTS-OF-WAY.**—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by striking subsection (d) and inserting the following:

"(d) **DISQUALIFICATION FROM BIDDING.**—No bid for a lease may be submitted by any entity that the Secretary finds, after notice and opportunity for a hearing—

"(1) is not meeting due diligence, safety, or environmental requirements on other leases; or

"(2)(A) is a responsible party for a vessel or a facility from which oil is discharged, for purposes of section 1002 of the Oil Pollution Act of 1990 (33 U.S.C. 2702); and

"(B) has failed to meet the obligations of the responsible party under that Act to provide compensation for covered removal costs and damages."

(e) **EXPLORATION PLANS.**—Section 11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340) is amended—

(1) in subsection (c)—

(A) in the fourth sentence of paragraph (1), by striking "within thirty days of its submission" and inserting "by the deadline described in paragraph (5)";

(B) by striking paragraph (3) and inserting the following:

"(3) **MINIMUM REQUIREMENTS.**—

"(A) **IN GENERAL.**—An exploration plan submitted under this subsection shall include, in such degree of detail as the Secretary by regulation may require—

"(i) a complete description and schedule of the exploration activities to be undertaken;

"(ii) a description of the equipment to be used for the exploration activities, including—

"(I) a description of the drilling unit;

"(II) a statement of the design and condition of major safety-related pieces of equipment;

"(III) a description of any new technology to be used; and

"(IV) a statement demonstrating that the equipment to be used meets the best avail-

able technology requirements under section 21(b);

"(iii) a map showing the location of each well to be drilled;

"(iv)(I) a scenario for the potential blowout of the well involving the highest potential volume of liquid hydrocarbons; and

"(II) a complete description of a response plan to control the blowout and manage the accompanying discharge of hydrocarbons, including—

"(aa) the technology and timeline for regaining control of the well; and

"(bb) the strategy, organization, and resources necessary to avoid harm to the environment and human health from hydrocarbons; and

"(v) any other information determined to be relevant by the Secretary.

"(B) **DEEPWATER WELLS.**—

"(i) **IN GENERAL.**—Before conducting exploration activities in water depths greater than 500 feet, the holder of a lease shall submit to the Secretary for approval a deepwater operations plan prepared by the lessee in accordance with this subparagraph.

"(ii) **TECHNOLOGY REQUIREMENTS.**—A deepwater operations plan under this subparagraph shall be based on the best available technology to ensure safety in carrying out the exploration activity and the blowout response plan.

"(iii) **SYSTEMS ANALYSIS REQUIRED.**—The Secretary shall not approve a deepwater operations plan under this subparagraph unless the plan includes a technical systems analysis of—

"(I) the safety of the proposed exploration activity;

"(II) the blowout prevention technology; and

"(III) the blowout and spill response plans.";

(C) by adding at the end the following:

"(5) **DEADLINE FOR APPROVAL.**—

"(A) **IN GENERAL.**—In the case of a lease issued under a sale held after March 17, 2010, the deadline for approval of an exploration plan referred to in the fourth sentence of paragraph (1) is—

"(i) the date that is 90 days after the date on which the plan or the modifications to the plan are submitted; or

"(ii) the date that is not later than an additional 180 days after the deadline described in clause (i), if the Secretary makes a finding that additional time is necessary to complete any environmental, safety, or other reviews.

"(B) **EXISTING LEASES.**—In the case of a lease issued under a sale held on or before March 17, 2010, the Secretary, with the consent of the holder of the lease, may extend the deadline applicable to the lease for such additional time as the Secretary determines is necessary to complete any environmental, safety, or other reviews."

(2) by redesignating subsections (e) through (h) as subsections (f) through (i), respectively; and

(3) by striking subsection (d) and inserting the following:

"(d) **DRILLING PERMITS.**—

"(1) **IN GENERAL.**—The Secretary shall, by regulation, require that any lessee operating under an approved exploration plan obtain a permit—

"(A) before the lessee drills a well in accordance with the plan; and

"(B) before the lessee significantly modifies the well design originally approved by the Secretary.

"(2) **ENGINEERING REVIEW REQUIRED.**—The Secretary may not grant any drilling permit

until the date of completion of a full engineering review of the well system, including a determination that—

“(A) critical safety systems (including blowout prevention) will use best available technology; and

“(B) blowout prevention systems will include redundancy and remote triggering capability.

“(3) MODIFICATION REVIEW REQUIRED.—The Secretary may not approve any modification of a permit without a determination, after an additional engineering review, that the modification will not degrade the safety of the well system previously approved.

“(4) OPERATOR SAFETY AND ENVIRONMENTAL MANAGEMENT REQUIRED.—The Secretary may not grant any drilling permit or modification of the permit until the date of completion and approval of a safety and environmental management plan that—

“(A) is to be used by the operator during all well operations; and

“(B) includes—

“(i) a description of the expertise and experience level of crew members who will be present on the rig; and

“(ii) designation of at least 2 environmental and safety managers that—

“(I) are employees of the operator;

“(II) would be present on the rig at all times; and

“(III) have overall responsibility for the safety and environmental management of the well system and spill response plan; and

“(C) not later than May 1, 2012, requires that all employees on the rig meet the training and experience requirements under section 21(b)(4).

“(e) DISAPPROVAL OF EXPLORATION PLAN.—

“(1) IN GENERAL.—The Secretary shall disapprove an exploration plan submitted under this section if the Secretary determines that, because of exceptional geological conditions in the lease areas, exceptional resource values in the marine or coastal environment, or other exceptional circumstances, that—

“(A) implementation of the exploration plan would probably cause serious harm or damage to life (including fish and other aquatic life), property, mineral deposits, national security or defense, or the marine, coastal or human environments;

“(B) the threat of harm or damage would not disappear or decrease to an acceptable extent within a reasonable period of time; and

“(C) the advantages of disapproving the exploration plan outweigh the advantages of exploration.

“(2) COMPENSATION.—If an exploration plan is disapproved under this subsection, the provisions of subparagraphs (B) and (C) of section 25(h)(2) shall apply to the lease and the plan or any modified plan, except that the reference in section 25(h)(2)(C) to a development and production plan shall be considered to be a reference to an exploration plan.”

(f) OUTER CONTINENTAL SHELF LEASING PROGRAM.—Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended—

(1) in subsection (a)—

(A) in the second sentence, by inserting after “national energy needs” the following: “and the need for the protection of the marine and coastal environment and resources”;

(B) in paragraph (1), by striking “considers” and inserting “gives equal consideration to”; and

(C) in paragraph (3), by striking “, to the maximum extent practicable,”;

(2) in subsection (b)—

(A) in paragraph (3), by striking “and” at the end;

(B) in paragraph (4), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(5) provide technical review and oversight of the exploration plan and a systems review of the safety of the well design and other operational decisions;

“(6) conduct regular and thorough safety reviews and inspections, and;

“(7) enforce all applicable laws (including regulations).”;

(3) in the second sentence of subsection (d)(2), by inserting “, the head of an interested Federal agency,” after “Attorney General”;

(4) in the first sentence of subsection (g), by inserting before the period at the end the following: “, including existing inventories and mapping of marine resources previously undertaken by the Department of the Interior and the National Oceanic and Atmospheric Administration, information provided by the Department of Defense, and other available data regarding energy or mineral resource potential, navigation uses, fisheries, aquaculture uses, recreational uses, habitat, conservation, and military uses on the outer Continental Shelf”; and

(5) by adding at the end the following:

“(i) RESEARCH AND DEVELOPMENT.—

“(1) IN GENERAL.—The Secretary shall carry out a program of research and development to ensure the continued improvement of methodologies for characterizing resources of the outer Continental Shelf and conditions that may affect the ability to develop and use those resources in a safe, sound, and environmentally responsible manner.

“(2) INCLUSIONS.—Research and development activities carried out under paragraph (1) may include activities to provide accurate estimates of energy and mineral reserves and potential on the outer Continental Shelf and any activities that may assist in filling gaps in environmental data needed to develop each leasing program under this section.

“(3) LEASING ACTIVITIES.—Research and development activities carried out under paragraph (1) shall not be considered to be leasing or pre-leasing activities for purposes of this Act.”

(g) ENVIRONMENTAL STUDIES.—Section 20 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346) is amended—

(1) by redesignating subsections (a) through (f) as subsections (b) through (g), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

“(a) COMPREHENSIVE AND INDEPENDENT STUDIES.—

“(1) IN GENERAL.—The Secretary shall develop and carry out programs for the collection, evaluation, assembly, analysis, and dissemination of environmental and other resource data that are relevant to carrying out the purposes of this Act.

“(2) SCOPE OF RESEARCH.—The programs under this subsection shall include—

“(A) the gathering of baseline data in areas before energy or mineral resource development activities occur;

“(B) ecosystem research and monitoring studies to support integrated resource management decisions; and

“(C) the improvement of scientific understanding of the fate, transport, and effects of discharges and spilled materials, including deep water hydrocarbon spills, in the marine environment.

“(3) USE OF DATA.—The Secretary shall ensure that information from the studies carried out under this section—

“(A) informs the management of energy and mineral resources on the outer Continental Shelf including any areas under consideration for oil and gas leasing; and

“(B) contributes to a broader coordination of energy and mineral resource development activities within the context of best available science.

“(4) INDEPENDENCE.—The Secretary shall create a program within the appropriate bureau established under section 32 that shall—

“(A) be programmatically separate and distinct from the leasing program;

“(B) carry out the environmental studies under this section;

“(C) conduct additional environmental studies relevant to the sound management of energy and mineral resources on the outer Continental Shelf;

“(D) provide for external scientific review of studies under this section, including through appropriate arrangements with the National Academy of Sciences; and

“(E) subject to the restrictions of subsections (g) and (h) of section 18, make available to the public studies conducted and data gathered under this section.”; and

(3) in the first sentence of subsection (b)(1) (as so redesignated), by inserting “every 3 years” after “shall conduct”.

(h) SAFETY RESEARCH AND REGULATIONS.—Section 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1347) is amended—

(1) in the first sentence of subsection (a), by striking “Upon the date of enactment of this section,” and inserting “Not later than May 1, 2011, and every 3 years thereafter,”;

(2) by striking subsection (b) and inserting the following:

“(b) BEST AVAILABLE TECHNOLOGIES AND PRACTICES.—

“(1) IN GENERAL.—In exercising respective responsibilities under this Act, the Secretary, and the Secretary of the Department in which the Coast Guard is operating, shall require, on all new drilling and production operations and, to the maximum extent practicable, on existing operations, the use of the best available and safest technologies and practices, if the failure of equipment would have a significant effect on safety, health, or the environment.

“(2) IDENTIFICATION OF BEST AVAILABLE TECHNOLOGIES.—Not later than May 1, 2011, and not later than every 3 years thereafter, the Secretary shall identify and publish an updated list of best available technologies for key areas of well design and operation, including blowout prevention and blowout and oil spill response.

“(3) SAFETY CASE.—Not later than May 1, 2011, the Secretary shall promulgate regulations requiring a safety case be submitted along with each new application for a permit to drill on the outer Continental Shelf.

“(4) EMPLOYEE TRAINING.—

“(A) IN GENERAL.—Not later than May 1, 2011, the Secretary shall promulgate regulations setting standards for training for all workers on offshore facilities (including mobile offshore drilling units) conducting energy and mineral resource exploration, development, and production operations on the outer Continental Shelf.

“(B) REQUIREMENTS.—The training standards under this paragraph shall require that employers of workers described in subparagraph (A)—

“(i) establish training programs approved by the Secretary; and

“(ii) demonstrate that employees involved in the offshore operations meet standards

that demonstrate the aptitude of the employees in critical technical skills.

“(C) EXPERIENCE.—The training standards under this section shall require that any offshore worker with less than 5 years of applied experience in offshore facilities operations pass a certification requirement after receiving the appropriate training.

“(D) MONITORING TRAINING COURSES.—The Secretary shall ensure that Department employees responsible for inspecting offshore facilities monitor, observe, and report on training courses established under this paragraph, including attending a representative number of the training sessions, as determined by the Secretary.”; and

(3) by adding at the end the following:

“(g) TECHNOLOGY RESEARCH AND RISK ASSESSMENT PROGRAM.—

“(1) IN GENERAL.—The Secretary shall carry out a program of research, development, and risk assessment to address technology and development issues associated with outer Continental Shelf energy and mineral resource activities, with the primary purpose of informing the role of research, development, and risk assessment relating to safety, environmental protection, and spill response.

“(2) SPECIFIC AREAS OF FOCUS.—The program under this subsection shall include research, development, and other activities related to—

“(A) risk assessment, using all available data from safety and compliance records both within the United States and internationally;

“(B) analysis of industry trends in technology, investment, and interest in frontier areas;

“(C) analysis of incidents investigated under section 22;

“(D) reviews of best available technologies, including technologies associated with pipelines, blowout preventer mechanisms, casing, well design, and other associated infrastructure related to offshore energy development;

“(E) oil spill response and mitigation;

“(F) risks associated with human factors; and

“(G) renewable energy operations.

“(3) INFORMATION SHARING ACTIVITIES.—

“(A) DOMESTIC ACTIVITIES.—The Secretary shall carry out programs to facilitate the exchange and dissemination of scientific and technical information and best practices related to the management of safety and environmental issues associated with energy and mineral resource exploration, development, and production.

“(B) INTERNATIONAL COOPERATION.—The Secretary shall carry out programs to cooperate with international organizations and foreign governments to share information and best practices related to the management of safety and environmental issues associated with energy and mineral resource exploration, development, and production.

“(4) REPORTS.—The program under this subsection shall provide to the Secretary, each Bureau Director under section 32, and the public quarterly reports that address—

“(A) developments in each of the areas under paragraph (2); and

“(B)(i) any accidents that have occurred in the past quarter; and

“(ii) appropriate responses to the accidents.

“(5) INDEPENDENCE.—The Secretary shall create a program within the appropriate bureau established under section 32 that shall—

“(A) be programmatically separate and distinct from the leasing program;

“(B) carry out the studies, analyses, and other activities under this subsection;

“(C) provide for external scientific review of studies under this section, including through appropriate arrangements with the National Academy of Sciences; and

“(D) make available to the public studies conducted and data gathered under this section.

“(6) USE OF DATA.—The Secretary shall ensure that the information from the studies and research carried out under this section inform the development of safety practices and regulations as required by this Act and other applicable laws.”.

(i) ENFORCEMENT.—Section 22 of the Outer Continental Shelf Lands Act (43 U.S.C. 1348) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the first sentence, by inserting “, each loss of well control, blowout, activation of the blowout preventer, and other accident that presented a serious risk to human or environmental safety,” after “fire”; and

(ii) in the last sentence, by inserting “as a condition of the lease” before the period at the end;

(B) in the last sentence of paragraph (2), by inserting “as a condition of lease” before the period at the end;

(2) in subsection (e)—

(A) by striking “(e) The” and inserting the following:

“(e) REVIEW OF ALLEGED SAFETY VIOLATIONS.—

“(1) IN GENERAL.—The”; and

(B) by adding at the end the following:

“(2) INVESTIGATION.—The Secretary shall investigate any allegation from any employee of the lessee or any subcontractor of the lessee made under paragraph (1).”; and

(3) by adding at the end of the section the following:

“(g) INDEPENDENT INVESTIGATION.—

“(1) IN GENERAL.—At the request of the Secretary, the National Transportation Safety Board may conduct an independent investigation of any accident, occurring in the outer Continental Shelf and involving activities under this Act, that does not otherwise fall within the definition of an accident or major marine casualty, as those terms are used in chapter 11 of title 49, United States Code.

“(2) TRANSPORTATION ACCIDENT.—For purposes of an investigation under this subsection, the accident that is the subject of the request by the Secretary shall be determined to be a transportation accident within the meaning of that term in chapter 11 of title 49, United States Code.

“(h) INFORMATION ON CAUSES AND CORRECTIVE ACTIONS.—

“(1) IN GENERAL.—For each incident investigated under this section, the Secretary shall promptly make available to all lessees and the public technical information about the causes and corrective actions taken.

“(2) PUBLIC DATABASE.—All data and reports related to an incident described in paragraph (1) shall be maintained in a database that is available to the public.

“(i) INSPECTION FEE.—

“(1) IN GENERAL.—The Secretary shall collect a non-refundable inspection fee, which shall be deposited in the Ocean Energy Enforcement Fund established under paragraph (3), from the designated operator for facilities subject to inspection under subsection (c).

“(2) ESTABLISHMENT.—The Secretary shall establish, by rule, inspection fees—

“(A) at an aggregate level equal to the amount necessary to offset the annual ex-

penses of inspections of outer Continental Shelf facilities (including mobile offshore drilling units) by the Department of the Interior; and

“(B) using a schedule that reflects the differences in complexity among the classes of facilities to be inspected.

“(3) OCEAN ENERGY ENFORCEMENT FUND.—There is established in the Treasury a fund, to be known as the ‘Ocean Energy Enforcement Fund’ (referred to in this subsection as the ‘Fund’), into which shall be deposited amounts collected under paragraph (1) and which shall be available as provided under paragraph (4).

“(4) AVAILABILITY OF FEES.—Notwithstanding section 3302 of title 31, United States Code, all amounts collected by the Secretary under this section—

“(A) shall be credited as offsetting collections;

“(B) shall be available for expenditure only for purposes of carrying out inspections of outer Continental Shelf facilities (including mobile offshore drilling units) and the administration of the inspection program;

“(C) shall be available only to the extent provided for in advance in an appropriations Act; and

“(D) shall remain available until expended.

“(5) ANNUAL REPORTS.—

“(A) IN GENERAL.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2011, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report on the operation of the Fund during the fiscal year.

“(B) CONTENTS.—Each report shall include, for the fiscal year covered by the report, the following:

“(i) A statement of the amounts deposited into the Fund.

“(ii) A description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures.

“(iii) Recommendations for additional authorities to fulfill the purpose of the Fund.

“(iv) A statement of the balance remaining in the Fund at the end of the fiscal year.”.

(j) REMEDIES AND PENALTIES.—Section 24 of the Outer Continental Shelf Lands Act (43 U.S.C. 1350) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) CIVIL PENALTY.—

“(1) IN GENERAL.—Subject to paragraphs (2) through (3), if any person fails to comply with this Act, any term of a lease or permit issued under this Act, or any regulation or order issued under this Act, the person shall be liable for a civil administrative penalty of not more than \$75,000 for each day of continuance of each failure.

“(2) ADMINISTRATION.—The Secretary may assess, collect, and compromise any penalty under paragraph (1).

“(3) HEARING.—No penalty shall be assessed under this subsection until the person charged with a violation has been given the opportunity for a hearing.

“(4) ADJUSTMENT.—The penalty amount specified in this subsection shall increase each year to reflect any increases in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.”;

(2) in subsection (c)—

(A) in the first sentence, by striking “\$100,000” and inserting “\$10,000,000”; and

(B) by adding at the end the following: “The penalty amount specified in this subsection shall increase each year to reflect

any increases in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.”; and

(3) in subsection (d), by inserting “, or with reckless disregard,” after “knowingly and willfully”.

(k) OIL AND GAS DEVELOPMENT AND PRODUCTION.—Section 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1351) is amended by striking “, other than the Gulf of Mexico,” each place it appears in subsections (a)(1), (b), and (e)(1).

#### SEC. 7. REFORM OF OTHER LAWS.

(a) COORDINATED MAPPING INITIATIVE.—Section 388(b) of the Energy Policy Act of 2005 (43 U.S.C. 1337 note; Public Law 109-58) is amended by adding at the end the following:

“(4) FEDERAL AGENCIES.—Any head of a Federal department or agency shall, on request of the Secretary, provide to the Secretary all data and information that the Secretary determines to be necessary for the purpose of including the data and information in the mapping initiative, except that no Federal department or agency shall be required to provide any data or information that is privileged or proprietary.”.

(b) DEDICATED FUNDING FOR OUTER CONTINENTAL SHELF RESEARCH ACTIVITIES.—Section 999H(d) of the Energy Policy Act of 2005 (42 U.S.C. 16378(d)) is amended by striking paragraph (4) and inserting the following:

“(4) 25 percent shall be used for research activities required under sections 20 and 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346, 1347).”.

#### SEC. 8. SAVINGS PROVISIONS.

(a) EXISTING LAW.—All regulations, rules, standards, determinations, contracts and agreements, memoranda of understanding, certifications, authorizations, appointments, delegations, results and findings of investigations, or any other actions issued, made, or taken by, or pursuant to or under, the authority of any law (including regulations) that resulted in the assignment of functions or activities to the Secretary, the Director of the Minerals Management Service (including by delegation from the Secretary), or the Department (as related to the implementation of the purposes referenced in this Act) that were in effect on the date of enactment of this Act shall continue in full force and effect after the date of enactment of this Act unless previously scheduled to expire or until otherwise modified or rescinded by this Act or any other Act.

(b) EFFECT ON OTHER AUTHORITIES.—This Act does not amend or alter the provisions of other applicable laws, unless otherwise noted.

#### SEC. 9. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mr. KERRY. (for himself and Mr. LUGAR) (by request):

S.J. Res. 34. A joint resolution relating to the approval of the proposed agreement for nuclear cooperation between the United States and the Russian Federation; to the Committee on Foreign Relations for a period not to exceed 45 session days pursuant to 42 U.S.C. 2159.

Mr. KERRY. Mr. President, today Senator LUGAR and I introduce, by request, a resolution of approval of the proposed agreement for peaceful nuclear cooperation between the United States and the Russian Federation, which the President transmitted to Congress on May 10, 2010, pursuant to section 123 b. and 123 d. of the Atomic Energy Act. Pursuant to Section 130 i.(2) of that Act, the majority and minority leaders have designated Senator LUGAR and me to introduce this resolution.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 561—DESIGNATING JUNE 25, 2010, AS “NATIONAL HUNTINGTON’S DISEASE AWARENESS DAY”

Mr. BURR (for himself, Mr. DODD, Mr. INHOFE, and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 561

Whereas Huntington’s Disease is a progressive degenerative neurological disease that causes total physical and mental deterioration throughout a 15- to 20-year period;

Whereas each child of a parent with Huntington’s Disease has a 50-percent chance of inheriting the Huntington’s Disease gene;

Whereas the onset of Huntington’s Disease typically begins in mid-life, between the ages of 30 and 45, though onset may occur as early as the age of 2;

Whereas children who develop the juvenile form of Huntington’s Disease rarely live to adulthood;

Whereas, after the onset of Huntington’s Disease, the average lifespan of an individual with Huntington’s Disease is 15 to 20 years, and the younger the age of onset, the more rapid the progression of the disease;

Whereas Huntington’s Disease affects approximately 30,000 individuals and 200,000 genetically “at risk” individuals in the United States;

Whereas, since the discovery of the gene that causes Huntington’s Disease in 1993, the pace of Huntington’s Disease research has accelerated;

Whereas, although no effective treatment or cure for Huntington’s Disease exists as of the date of this resolution, scientists and researchers are hopeful that breakthroughs will be forthcoming;

Whereas researchers across the United States are conducting important research projects involving Huntington’s Disease; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of Huntington’s Disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 25, 2010, as “National Huntington’s Disease Awareness Day”; and

(2) recognizes that all people of the United States should become more informed about and aware of Huntington’s Disease.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4385. Mrs. HUTCHISON (for herself, Mr. LEMIEUX, and Mr. CORNYN) submitted an amendment intended to be proposed by her

to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 4385. Mrs. HUTCHISON (for herself, Mr. LEMIEUX, and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

##### SEC.—OIL SPILL RESPONSE VESSEL JONES ACT WAIVER.

Notwithstanding any other provision of law, section 12112 and chapter 551 of title 46, United States Code, shall not apply to any vessel documented under the laws of a foreign country while that vessel is engaged in containment, remediation, or associated activities in the Gulf of Mexico in connection with the mobile offshore drilling unit *Deepwater Horizon* oil spill.

#### NOTICES OF HEARINGS

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the hearing scheduled before the Senate Committee on Energy and Natural Resources previously announced for June 24, 2010, at 9:30 a.m., has been rescheduled and will now be held on Thursday, July 1, 2010, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 3452, a bill to designate the Valles Caldera National Preserve as a unit of the National Park System, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to [testimony@energy.senate.gov](mailto:testimony@energy.senate.gov).

For further information, please contact David Brooks or Allison Seyferth.

##### COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, June 23, 2010, at 10 a.m., to hear testimony on “Examining the Filibuster: Silent Filibusters, Holds and the Senate Confirmation Process.”

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee.

# AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a business meeting on June 21, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

### NOMINATIONS DISCHARGED

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Environment and Public Works Committee be discharged of the following and that they then be placed on the Executive Calendar; that the Senate then resume legislative session: PN1730, Malcolm Jackson; PN1672, Christopher Masingill; PN1572, Rafael Moure-Eraso; and PN1574, Mark Grifon.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

### RECOGNIZING THE IMMEASURABLE CONTRIBUTIONS OF FATHERS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 560, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution, (S. Res. 560), recognizing the immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their families, especially on Father's Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 560) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 560

Whereas responsible fatherhood is a priority for the United States;

Whereas the most important factor in the upbringing of a child is whether the child is brought up in a healthy and supportive environment;

Whereas father-child interaction, like mother-child interaction, has been shown to promote the positive physical, social, emotional, and mental development of children;

Whereas research shows that men are more likely to live healthier, longer, and more fulfilling lives when they are involved in the lives of their children and participate in caregiving;

Whereas programs to encourage responsible fatherhood should promote and provide support services for—

(1) fostering loving and healthy relationships between parents and children; and

(2) increasing the responsibility of non-custodial parents for the long-term care and financial well-being of their children;

Whereas research shows that working with men and boys to change attitudes towards women can have a profound impact on reducing violence against women;

Whereas research shows that women are significantly more satisfied in relationships when responsible fathers participate in the daily care of children;

Whereas children around the world do better in school and are less delinquent when fathers participate closely in their lives;

Whereas responsible fatherhood is an important component of successful development policies and programs in countries throughout the world;

Whereas the United States Agency for International Development recognizes the importance of caregiving fathers for more stable and effective development efforts; and

Whereas Father's Day is the third Sunday in June; Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes June 20, 2010, as Father's Day;

(2) honors the men in the United States and around the world who are active in the lives of their children, which in turn, has a significant impact on their children, their families, and their communities;

(3) underscores the need for increased public awareness and activities regarding responsible fatherhood and healthy families; and

(4) reaffirms the commitment of the United States to supporting and encouraging global fatherhood initiatives that significantly benefit international development efforts.

### NATIONAL HUNTINGTON'S DISEASE AWARENESS DAY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 561, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 561) designating June 25, 2010, as "National Huntington's Disease Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 561) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 561

Whereas Huntington's Disease is a progressive degenerative neurological disease that causes total physical and mental deterioration throughout a 15- to 20-year period;

Whereas each child of a parent with Huntington's Disease has a 50-percent chance of inheriting the Huntington's Disease gene;

Whereas the onset of Huntington's Disease typically begins in mid-life, between the ages of 30 and 45, though onset may occur as early as the age of 2;

Whereas children who develop the juvenile form of Huntington's Disease rarely live to adulthood;

Whereas, after the onset of Huntington's Disease, the average lifespan of an individual with Huntington's Disease is 15 to 20 years, and the younger the age of onset, the more rapid the progression of the disease;

Whereas Huntington's Disease affects approximately 30,000 individuals and 200,000 genetically "at risk" individuals in the United States;

Whereas, since the discovery of the gene that causes Huntington's Disease in 1993, the pace of Huntington's Disease research has accelerated;

Whereas, although no effective treatment or cure for Huntington's Disease exists as of the date of this resolution, scientists and researchers are hopeful that breakthroughs will be forthcoming;

Whereas researchers across the United States are conducting important research projects involving Huntington's Disease; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of Huntington's Disease: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 25, 2010, as "National Huntington's Disease Awareness Day"; and

(2) recognizes that all people of the United States should become more informed about and aware of Huntington's Disease.

### ORDERS FOR TUESDAY, JUNE 22, 2010

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, June 22; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks, the Senate proceed to a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or

their designees, with the majority controlling the first 30 minutes and Republicans controlling the next 60 minutes, and the majority controlling the final 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR RECESS

Mr. BROWN of Ohio. Mr. President, I also ask unanimous consent that the Senate recess from 12:30 until 2:15 tomorrow to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR ADJOURNMENT

Mr. BROWN of Ohio. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order following the remarks of the senior Senator from Oklahoma, Senator INHOFE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

#### ARMED SERVICES COMMITTEE ISSUES

Mr. INHOFE. Mr. President, I came here to talk about a couple of issues on the Armed Services Committee that we are going to be facing.

I only say to my good friend from Ohio that, yes, it is true that 9/11 occurred, and that we have al-Qaida out there, and there are the Taliban and other terrorists who want to kill everyone in this room and all throughout America, and that we were not in a position, financially, to go and defend our country after 9/11.

I suggest that, after Pearl Harbor, the same situation took place. We didn't have time or the luxury of saying do we have the resources to go into this. But it was necessary and it did happen.

Unfortunately, back in the 1990s, during the Clinton administration, the amount of money funding our military reduced by about 40 percent—not just the money but resources too. It went down in terms of force structure, modernization, and operations and personnel, about 40 percent. There was kind of a euphoric attitude at that time, and people were saying that the Cold War was over and we no longer needed the military. I remember it so well. Then, of course, with the downgrading of the military and the peace dividend—we all remember the peace dividend—we would take the money that was going to go to the military and declare a peace dividend.

Unfortunately, peace is not there, and 9/11 happened. This President and this Congress inherited a war, an at-

tack on America, the most vicious attack we have had on our homeland in the continental United States. We had to fight with a reduced army. We had to rebuild the army at the same time.

If I had known the statement was going to be made by my good friend from Ohio, I would have brought my charts to show clearly what happened to the military during the 1990s.

Yes, we do have that problem. It is an expensive war. It is an enduring war. We have all been over there. We know we are going to win. Things look very good right now in Iraq. It is going to be a little more difficult. It is necessary to do because if we had not done it, we would have had the Taliban and al-Qaida—all of these groups—running rampant over there.

The big difference now in terms of how it affects the United States of America is that back in the days before they had the nuclear weapons and the proliferation of weapons of mass destruction, a terrorist could have a case bomb, something such as that. Now we are talking about weapons of mass destruction. We are talking about Iran which, according to our intelligence estimates, as early as 2015 could have an ICBM capable of hitting the United States of America on the east coast. That is why it is so much more difficult.

Also, my good friend from Ohio talks about the Republicans. It was not the Republicans who did the \$787 billion stimulus program that did not stimulate. Those were the Democrats. That is not why I am here.

#### NEW START TREATY

Mr. President, I noticed on this week's agenda—and I am reading now; I think this is right—we are going to have three more hearings in the Senate Foreign Relations Committee on the New START treaty. That means we will have had, when that is over, 16 Senate Foreign Relations witnesses, over 7 hearings, all of them supporting the New START treaty.

I am reminded of what happened back when we were considering another treaty, the Law of the Sea Treaty. That passed the Senate Foreign Relations Committee 16 to 0, as I recall. When it came to the floor, I recognized—and, frankly, not many others did—that this was a very serious issue. This is the treaty against which Ronald Reagan fought so hard. It was coming up. That was a Republican administration. That was the first President Bush. They were going to run this thing through.

We held hearings. At that time, the Republicans were in the majority. I made sure we had hearings in both of my committees—the Environment and Public Works Committee, as well as the Senate Armed Services Committee.

I see the same thing happening. I gave a lengthy talk last week—I am not going to repeat it now—about why

we should oppose the New START treaty. We all remember START I. We all remember START II. Keep in mind, the treaty we are talking about is a treaty not with the countries where we are anticipating problems. It is between Russia and the United States and it has to do with weapons of mass destruction, with nuclear warheads, reducing them in conjunction with reductions that would be imposed upon Russia and, at the same time, delivery systems. We have three ways of delivering them. One is, of course, ICBMs, one is SLCMs, submarine-launched missiles, and the other is through aircraft, such as the B-52 and B-2.

The problem with that is we have been talking about our nuclear warheads and how we have not been able to modernize them or even to test them for a matter of decades. So we do not know what we have.

In the way of force structure, we do know we have a declining force structure. This administration put down the new system that would have been the next generation bomber. We are stuck with the B-52. The first variety of that came out in 1964 before a lot of people around here were born, and, of course, the B-2. We are not going to modernize that.

The missile defense system—we saw what happened over in Poland. This President made a determination to stop the construction of a ground system in Poland that would have had the capability by 2012 of knocking down an ICBM from Iran to the eastern United States. That is gone.

There is no verification, very much the same as the verification we talked about with the Law of the Sea Treaty and others.

I hope when this treaty comes up, we can keep talking about it and not let it run through. I am going to make this very clear. I happen to serve on the Foreign Relations Committee, as well as the Armed Services Committee. We will be having hearings. We have three more this week. Not one of these hearings has a witness who is opposed to the New START treaty. They are all witnesses who are right there with the President and part of that program.

#### DON'T ASK, DON'T TELL

The other issue that is coming up—no one is talking about it now, but it is something that did come up in the Senate Armed Services Committee reauthorization hearing and we will be considering that before too long. They made strong statements to do away with don't ask, don't tell. I remind my colleagues, back in 1993, we had this problem of how to deal with gays in the military. The Clinton administration came up with the program don't ask, don't tell. Quite frankly, it has worked very well since 1994, since it went into effect.

For us to unilaterally say we are going to change that and have gays

open in the service so that people are really not there to serve but to use the military to advance a personal agenda is wrong.

Here is the interesting thing about it because all the military agrees with what I am saying right now. At least they did until the White House got involved. I am not sure where they are now.

On April 28, both Secretary Gates and Admiral Mullen said in a joint statement:

We believe in the strongest possible terms the department must prior to any legislative action be allowed an opportunity to conduct a thorough, objective and systematic assessment of the impact of such a policy change.

So they did. They decided they would conduct this study and report back this December 1.

To let you know where the military is on this issue—all the chiefs of the military—General Casey of the Army said:

I remain convinced that it is critically important to get a better understanding of where our soldiers and families are on the issue and what the impacts on readiness and unit cohesion might be so that I can provide informed military advice to the President and to the Congress.

He said also:

I also believe that repealing the law—

We are talking about the don't ask, don't tell law—

before the completion of the review will be seen by the men and women of the Army as a reversal of our commitment to hear their views before moving forward.

What he is talking about is he made a commitment—we made a commitment—to all the military that before we repeal this law that has been working well since 1994, we want to get all the inputs. So we set up a mechanism where they—they, I am talking about all the troops that are out there—can evaluate this and make a determination as to how change in that law could impair our readiness situation.

Admiral Roughhead of the U.S. Navy said:

We need this review to fully assess our force and carefully examine potential impacts of a change in the law.

My concern is that legislative changes at this point, regardless of the precise language used, may cause confusion on the status of the law in the Fleet and disrupt the review process itself by leading sailors to question whether their input matters.

We asked for their input, then we declare what the results are, which they have done in the House and actually in the Senate committee with language.

General Conway of the Marines said:

I encourage the Congress to let the process the Secretary of Defense created to run its course.

That is the study that goes to December 1.

Collectively, we must make logical and pragmatic decisions about the long-term policies of our Armed Forces—which so effectively defend this great nation.

General Schwartz of the Air Force said:

I believe it is important, a matter of keeping faith with those currently serving in the Armed Forces, that the Secretary of Defense commissioned review be completed before there is any legislation to repeal the [don't ask, don't tell] law. Such action allows me to provide the best military advice to the President, and sends an important signal to our Airmen—

Of course, he is the Air Force Chief, so he is concerned about airmen—and their families that their opinion matters. To do otherwise, in my view, would be presumptive and would reflect an intent to act before all relevant factors are assessed, digested and understood.

That is the military. That is what they all agree. I think it is very important that we keep in mind that we made the request, a preliminary review of some 13,000 service members and families being interviewed. That is 13,000 interviews; 400,000 would undergo a survey. We would get their input through a survey. Our military is not asking for this change.

So that is what it is all about. That is what we are faced with. And I think the only way to stop this if we really believe the military is right and that we are right—and I would say this: I have a letter that is signed by myself and Senator MCCAIN—from all of the Senate Armed Services Committee: Senators BROWN, INHOFE, THUNE, BURR, SESSIONS, WICKER, VITTER, CHAMBLISS, and LEMIEUX, all of us—saying that we need to wait until such time as the results are in before doing something.

I am very concerned about this. The 1993 law states—and I am reading from the 1993 law now—"There is no constitutional right to serve." The military is a "specialized society" that is "fundamentally different from civilian life." In living conditions offering little or no privacy, homosexuality presents an "unacceptable risk" to good order, discipline, morale, and unit cohesion—qualities essential for combat readiness. Making this retroactive is another serious problem with this change they are talking about.

So I think those of us who are on the relevant committees are going to be trying to appeal to this body to consider that those issues, those amendments that were passed right down party lines be reconsidered on the floor and that individuals are going to have to have an up-or-down vote on this very critical issue. It is very inter-

esting that when we had a report that was due December 1, now all of a sudden it has to be done before the election. Obviously, it is all for political reasons.

So I guess I would just say to my colleagues, get ready because we are going to have an open debate on this floor. And I would think that myself and some others might want to make this a major issue for discussion and even require a cloture vote before it is over.

With that, I yield the floor.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:27 p.m., adjourned until Tuesday, June 22, 2010, at 10 a.m.

#### NOMINATIONS

Executive nomination received by the Senate:

##### DEPARTMENT OF STATE

MICHAEL S. OWEN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SIERRA LEONE.

#### DISCHARGED NOMINATIONS

The Senate Committee on Environment and Public Works was discharged from further consideration of the following nominations by unanimous consent and the nominations were placed on the Executive Calendar:

\*MALCOLM D. JACKSON, OF ILLINOIS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

\*CHRISTOPHER A. MASINGILL, OF ARKANSAS, TO BE FEDERAL COCHAIRPERSON, DELTA REGIONAL AUTHORITY.

\*RAFAEL MOURE-ERASO, OF MASSACHUSETTS, TO BE CHAIRPERSON OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

\*MARK A. GRIFFON, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

\*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate, Monday, June 21, 2010:

##### THE JUDICIARY

MARK A. GOLDSMITH, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN.

MARC T. TREADWELL, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF GEORGIA.

JOSEPHINE STATON TUCKER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

## EXTENSIONS OF REMARKS

CONGRATULATING THE STUDENTS  
OF URBAN PREP ACADEMY**HON. DANNY K. DAVIS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 21, 2010*

Mr. DAVIS of Illinois. Madam Speaker, today, I wish to congratulate the young men of the Urban Prep Charter Academy of Englewood class of 2010. As a result of the dedication these students have shown to their education, they have made a rousing achievement. The student body of this institution is 100 percent male, 100 percent African American, and 85 percent from low income families. Moreover, every single member of the Urban Prep Academy class of 2010 was admitted into a 4-year college or university. Together, these young men have earned nearly \$4 million in scholarships and grants. The achievement of these 107 individuals stands not only as a testament to their efforts, but also as evidence of the commitment of the educators who prepared them for college and who encouraged them to succeed. Too often, schools that have high percentages of minority students who are low-income make the news for failure. I am proud to recognize the achievement and success of these young men from Chicago.

I also wish to recognize the contributions made to the Chicago Community by Urban Prep Academies—the non-profit organization that operates the three Urban Prep schools in Englewood, East Garfield Park, and the South Shore. Urban Prep Academies was founded in 2002 by a group of African-American leaders from the Chicago civic, business, and education communities. Their efforts were organized by Tim King, whose vision for a school that prepares male urban youth for success in college serves as the foundation of the three Urban Prep Academies. The Englewood site was the Nation's first charter public high school for boys, and the class of 2010 is the first graduating class of the three academies. The success of Urban Prep has been highlighted in over 140 media outlets including the Chicago Tribune, the Washington Post, ABC News, and many others. The intuition can take much pride in the achievements of the class of 2010.

It is no secret that the American public education system is struggling with meeting the educational challenges facing minority men. Schools in low-income areas with large percentages of minority families are often plagued by underfunding and high dropout rates. Nationally, only 48 percent of black men graduate high school. In Chicago, the graduation rate for black men is only 30.8 percent. A 2006 study by the University of Chicago further revealed that only 2.5 percent of African American boys from Chicago Public Schools successfully graduate from a four-year institu-

tion. This is unacceptable. The Urban Prep Academy was designed to address this injustice. The Urban Prep Academy was designed to focus on the needs of minority men, to provide them a high quality education, to support their educational success through mentors, and to create an educated citizenry that reflects the diversity of our nation. I rise today with this story of strength from the Urban Prep Academy, which provides an example of how to help minority men achieve. The achievements of the class of 2010 not only demonstrate the ability of African-American males, but they also stand as an inspiration to all the urban youth of America. I offer my hearty congratulations, and I wish the graduates much success as they begin their college careers.

## PERSONAL EXPLANATION

**HON. BLAINE LUETKEMEYER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 21, 2010*

Mr. LUETKEMEYER. Madam Speaker, on Monday, June 14, 2010, I missed rollcall vote No. 355 due to a flight delay. Had I been present, I would have voted "yea" on rollcall vote No. 355, to pass House Resolution 1368, supporting the goals of National Dairy Month, a resolution of which I am a cosponsor.

## PERSONAL EXPLANATION

**HON. GWEN MOORE**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 21, 2010*

Ms. MOORE of Wisconsin. Madam Speaker, I was unable to vote on rollcalls 368–375 on June 17. Had I been present I would have voted yes on each with the exception of rollcall 374. On rollcall 374, I would have voted no.

REPRESENTATIVE DAVID  
DREIER'S MEMORIAL DAY AD-  
DRESS**HON. DAVID E. PRICE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 21, 2010*

Mr. PRICE of North Carolina. Madam Speaker, I rise today to commend to my colleagues' attention a recent public address by the gentleman from California, Mr. DREIER, on the occasion of Memorial Day. For the past five years, I have had the privilege of serving with Mr. DREIER on the House Democracy Partnership, a bipartisan commission estab-

lished by the House of Representatives in 2005 that works to strengthen the capacity of legislatures in emerging and developing democracies around the world. Mr. DREIER was the commission's first chairman and now serves as its ranking Republican member. As the current chairman, I have had the privilege of working closely with him as we have sought to support our fellow legislators and their staffs in countries ranging from Haiti and Peru to Indonesia and East Timor.

On this Memorial Day, Mr. DREIER reflected on the work of the House Democracy Partnership and the relationship between the sacrifices made by our nation's men and women in uniform and the cause of freedom around the world. I have included his eloquent remarks in their entirety below:

I have been privileged to stand here on several previous occasions, and have had the honor of getting to know many of you. Every year we come together on Memorial Day to remember the war dead and to honor their service. We are humbled by their sacrifice. But I believe we honor them fully not just in solemn remembrance, but in commemorating their legacy as well.

Their legacy, first and foremost, is our 221-year history as a nation that was founded in, and has prospered by, a commitment to liberty. We have faced many crises. But we have endured because the men and women of our armed forces have fought to defend the principles on which our country was built.

These principles are enduring because they are universal. Across all cultural and geographic boundaries, people want to live in liberty. Which is why the legacy of those we honor today is evidenced not just here at home, but in the many fledgling democracies around the world. Democratic governance is taking hold in places that previously knew only totalitarianism or military dictatorship, like Macedonia and Indonesia. Places that were plagued with violence and chaos, like Colombia and Liberia. Places that were controlled by a foreign power, like East Timor and Kosovo.

In some of these places, our military has played a direct role, such as the former Yugoslavia. But their greatest influence has been simply in defending the principles that offer the only path to lasting peace. We have seen throughout our history that wherever there is tyranny, there can be no real security. Wherever repression and poverty allow resentments and extremism to spread, violence will always follow. And because repression's greatest enemy is liberty, the violence that follows will always threaten our security and our interests.

In recognition of this fact, I had the privilege of founding a commission in the House of Representatives called the House Democracy Partnership. For the last five years, this commission has worked with a number of new and reemerging democracies, like those I named before, to provide support and assistance in their quest to solidify their democratic gains. As we engage with the popularly elected representatives of these countries, the legacy of our armed forces provides the context for this work. We act

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

with the knowledge that their sacrifice is what has enabled the United States to serve as a model for the rest of the world, and the recognition that failure to see democracy take hold threatens our security.

Of the 15 countries with which the House Democracy Partnership is currently working, the stakes are highest in Afghanistan and Pakistan, ground zero for the struggle against violent extremism. Nearly 100,000 of our men and women in uniform are currently in harm's way in the region, as we all know very well. They are doing what they have always done: valiantly defending the people of the United States. But we want them to be able to complete their mission and come home as soon as possible.

That means that the Afghan people must build a stable, peaceful, democratic government that will neither threaten the U.S. nor allow a breeding ground for terrorism to once again take root. As difficult as that process is, the right seeds have been planted. I have seen former adversaries in war sit around a table in Kabul, discussing the path forward for the Afghan people. I have worked with legislators in Islamabad who are determined to root out all forms of terrorism until it is completely eradicated from Pakistani territory.

These democratic efforts are made possible by the work that our troops are doing. Our service members are working to create the security and political space for these efforts to be successful. This is a Herculean task that can seem impossible at times. But if our nation's history demonstrates anything, it is the power of liberty and democratic principles. And our soldiers, sailors, marines, airmen and guardsmen have been their guarantor for 221 years. Today we honor all who have served, all who have made the ultimate sacrifice, and all who are currently in harm's way. And we honor them with the recognition that the fruit of their sacrifice is evident not just here at home, but around the globe.

IN RECOGNITION OF MRS. NANCY  
PIRONE

**HON. STEVEN R. ROTHMAN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 21, 2010*

Mr. ROTHMAN of New Jersey. Madam Speaker, I rise today to recognize Mrs. Nancy Maria Grassano Pirone, an extraordinary resident of New Jersey's Ninth District, in celebration of her 90th birthday on June 21, 2010. Born in Matera, Italy, Mrs. Pirone immigrated to New York City with her family when she was only 11 months old. In 1941, she married her husband, Carmine, and 3 years later, their daughter Esther was born. In 1953, they moved to Leonia, NJ, where Mrs. Pirone has lived ever since.

From the beginning of their time in Leonia, Mrs. Pirone and her husband established themselves as active and devoted members of the community, becoming involved with the St. John's Altar Society, the Women's Club of Leonia, the American Legion, Leonia's annual Memorial Day Parade, and many other groups and events. Because Esther had Down syndrome, the Pirones were active volunteers with The Arc of Bergen and Passaic Counties. They helped organize The Arc's "Camp Rain-

bow," a special needs summer camp that was constructed at a time when only minimal services were provided for children like Esther.

Mrs. Pirone is also widely known in Leonia for her 28 years as a crossing guard, having served longer than any other crossing guard in the borough. She retired 2 years before her 30th anniversary to care for Carmine during his battle with cancer. Mrs. Pirone has lived through the passing of both her husband and her daughter, Esther, a mere 3 years apart, yet she still remains a warm and positive influence on everyone she meets.

I am proud to have such a kind-hearted and generous individual as Nancy Maria Grassano Pirone as part of my constituency and I am grateful for her many years of service to the Borough of Leonia, New Jersey.

Madam Speaker, today I would like to wish Mrs. Nancy Pirone a happy 90th birthday and continued good health and happiness!

RECOGNIZING THE 55TH ANNIVERSARY OF DES PLAINES OFFICE EQUIPMENT

**HON. PETER J. ROSKAM**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 21, 2010*

Mr. ROSKAM. Madam Speaker, I rise today to commemorate the 55th anniversary of Des Plaines Office Equipment, a leading distributor of document generation equipment in the Chicagoland area.

Under the leadership of its President, Chip Miceli, this company has excelled within the field of print management. It currently operates in three Illinois locations, with its headquarters in Elk Grove Village, a thriving town within my District.

Since 1955, Des Plaines Office Equipment has been committed to guaranteeing fast response times when assisting businesses. They have displayed superior technical service and are constantly exploring new technology. They are also active in a variety of civic organizations, such as the Chicago and Des Plaines Chambers of Commerce.

Madam Speaker and Distinguished Colleagues, please join me in recognizing this important landmark in our community as we celebrate the admirable legacy that Des Plaines Office Equipment continues to build for itself. I wish the people at Des Plaines Office Equipment much success for its next 55 years of service.

HONORING JOHN DELLORO

**HON. MICHAEL M. HONDA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 21, 2010*

Mr. HONDA. Madam Speaker, I rise today to honor the life of an outstanding citizen and community advocate, John Delloro. Delloro was the National President of the Asian Pacific American Labor Alliance (APALA) and spent nearly twenty years of his life devoted to supporting and serving working people. He

carried a powerful message with a powerful voice.

As a child, Delloro's mother was a nurse who had to work long hours. He took on additional responsibilities and cared for his brother as his mother worked night shifts every day. He knew firsthand the need for labor rights and drew from his personal experiences to inspire others.

After graduating from the University of California, Los Angeles, with a Bachelors degree in Psychology and Masters in Asian American studies, Delloro began working with the Asian Pacific American Labor Alliance. His first labor movement position was organizing hotel workers in Las Vegas, Nevada. From there, he went on to organize clerical and healthcare workers in Los Angeles. John showed that he was capable at not only be an effective organizer, but able to build important coalitions and partnerships.

In 2003, he was promoted to the Southwest Area Manager of SEIU 1000, the largest state workers union in the country at that time, with close to 100,000 members. In 2006, John was hired as the first executive director of the Dolores Huerta Labor Institute, which works to expand labor studies curriculum for over 130,000 students within the Los Angeles Community College District. Delloro believed that it was not enough to only help mobilize workers, but it was also important to teach students the importance of labor rights. Under his leadership, the program grew stronger and expanded to all nine campuses. John continued his role as an educator as an Asian American studies professor at UCLA. There, he motivated and mentored hundreds of students in the ways of advocacy and community organizing.

Delloro also authored *Breaking Ground, Breaking Silence*: a report from the first National Asian Pacific American Workers' Rights Hearing and was the 2009 recipient of Asian Pacific Americans for Progress Unsung Hero.

As National President of the APALA, Delloro was instrumental in helping to convene the first National Asian Pacific American Workers' Rights Hearing in Washington, DC. This hearing was important to help raise awareness among lawmakers and the public the critical needs of Asian American and Pacific Islander (AAPI) laborers.

As Chair of the Congressional Asian American Caucus, I know firsthand the important work that the APALA has done in the community. Delloro has helped APALA raise awareness on AAPI worker's rights issues at the congressional level and nationally by holding several workers' rights hearings. CAPAC and APALA's relationship will continue to strengthen and CAPAC's relationship continues to strengthen as both the caucus and organization moves forward has helped APALA and CAPAC build a stronger relationship.

John Delloro's dedication and commitment runs deep. He was a nationally recognized union leader, teacher, and mentor. His leadership was visionary and will continue to inspire many others to continue this cause.

Madam Speaker, I ask my fellow members to join me in remembering John Delloro. He touched the lives of many and paved the way for many others to rise up. His work toward equality through organizing is an inspiration to us all.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 22, 2010 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

JUNE 23

10 a.m.

## Judiciary

To hold an oversight hearing to examine the Office of the Intellectual Property Enforcement Coordinator.

SD-226

## Rules and Administration

To resume hearings to examine the filibuster, focusing on silent filibusters, holds and the Senate confirmation process.

SR-301

10:30 a.m.

## Appropriations

## Defense Subcommittee

To hold hearings to examine outside witness statements.

SD-192

11 a.m.

## Appropriations

## Interior Subcommittee

To hold hearings to examine Minerals Management Service reorganization.

SD-124

1 p.m.

## Conferees

Meeting of conferees on H.R. 4173, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail", to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices.

SD-106

2 p.m.

## Appropriations

## Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee

To hold hearings to examine the Food and Drug Administration's review process for products to treat rare diseases and neglected tropical diseases.

SD-192

2:30 p.m.

## Homeland Security and Governmental Affairs

## Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold joint hearings with the House Oversight and Government Reform Subcommittee on Federal Workforce, Postal Service, and the District of Columbia to examine customer and employee views on the future of the United States Postal Service.

SD-342

## Finance

To hold hearings to examine the United States-China trade relationship, focusing on finding a new path forward.

SD-215

## Foreign Relations

To hold hearings to examine finding common ground with a rising China.

SD-419

JUNE 24

9:30 a.m.

## Armed Services

To hold hearings to examine the nominations of General Raymond T. Odierno, USA, for reappointment to the grade of general and Commander, United States Joint Forces Commands, and Lieutenant General Lloyd J. Austin, III, USA, to be general and Commander, United States Forces-Iraq.

SD-G50

## Energy and Natural Resources

To hold hearings to examine S. 3497, to amend the Outer Continental Shelf Lands Act to require leases entered into under that Act to include a plan that describes the means and timeline for containment and termination of an ongoing discharge of oil, and S. 3431, to improve the administration of the Minerals Management Service.

SD-366

10 a.m.

## Commerce, Science, and Transportation

To hold hearings to examine universal service, focusing on transforming the high-cost fund for the broadband era.

SR-253

## Foreign Relations

To resume hearings to examine Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol (Treaty Doc. 111-05), focusing on implementation-inspections and assistance.

SD-419

## Health, Education, Labor, and Pensions

To hold hearings to examine an overview of the Federal investment in for-profit education.

SD-124

## Judiciary

Business meeting to consider S. 3466, to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, H.R. 1933, to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, H.R. 908, to amend the Violent Crime Control and Law Enforcement Act of 1994 to reauthorize the Missing Alzheimer's Disease Patient Alert Program, and the

nomination of Edward L. Stanton, III, to be United States Attorney for the Western District of Tennessee, Department of Justice.

SD-226

12 noon

## Conferees

Meeting of conferees on H.R. 4173, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail", to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices.

SD-106

2:30 p.m.

## Foreign Relations

To continue hearings to examine Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol (Treaty Doc. 111-05), focusing on benefits and risks.

SD-419

## Homeland Security and Governmental Affairs

Business meeting to consider S. 3480, to amend the Homeland Security Act of 2002 and other laws to enhance the security and resiliency of the cyber and communications infrastructure of the United States, S. 569, to ensure that persons who form corporations in the United States disclose the beneficial owners of those corporations, in order to prevent wrongdoers from exploiting United States corporations for criminal gain, to assist law enforcement in detecting, preventing, and punishing terrorism, money laundering, and other misconduct involving United States corporations, S. 3335, to require Congress to establish a unified and searchable database on a public website for congressional earmarks as called for by the President in his 2010 State of the Union Address to Congress, S. 674, to amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for certain training programs for supervisors of Federal employees, H.R. 4861, to designate the facility of the United States Postal Service located at 1343 West Irving Park Road in Chicago, Illinois, as the "Steve Goodman Post Office Building", H.R. 5051, to designate the facility of the United States Postal Service located at 23 Genesee Street in Hornell, New York, as the "Zachary Smith Post Office Building", H.R. 5099 and S. 3465, bills to designate the facility of the United States Postal Service located at 15 South Main Street in Sharon, Massachusetts, as the "Michael C. Rothberg Post Office", and the nominations of John S. Pistole, of Virginia, to be an Assistant Secretary of Homeland Security, and Dennis J. Toner, of Delaware, to be a Governor of the United States Postal Service.

SD-342

## Commerce, Science, and Transportation

## Surface Transportation and Merchant Marine Subcommittee

To hold hearings to examine ensuring the safety of our nation's pipelines.

SR-253

Intelligence		JULY 1		AUGUST 5
To hold closed hearings to consider certain intelligence matters.		9:30 a.m.		9:30 a.m.
	SH-219	Energy and Natural Resources		Veterans' Affairs
		To hold hearings to examine S. 3452, to designate the Valles Caldera National Preserve as a unit of the National Park System.		Business meeting to consider pending calendar business.
				SR-418
JUNE 28				
12:30 p.m.				
Judiciary			SD-366	SEPTEMBER 22
To hold hearings to examine the nomination of Elena Kagan, of Massachusetts, to be an Associate Justice of the Supreme Court of the United States.		Veterans' Affairs		9:30 a.m.
	SD-216	To hold hearings to examine veterans' claims processing, focusing on if current efforts are working.		Veterans' Affairs
			SR-418	To hold hearings to examine a legislative presentation focusing on the American Legion.
				345, Cannon Building
JUNE 30		JULY 21		SEPTEMBER 23
9:30 a.m.		9:30 a.m.		9:30 a.m.
Agriculture, Nutrition, and Forestry		Veterans' Affairs		Veterans' Affairs
To hold hearings to examine farm bill reauthorization, focusing on maintaining our domestic food supply through a strong United States farm policy.		To hold hearings to examine improvements to the post-9/11 Government Issue (GI) Bill.		To hold an oversight hearing to examine Veterans' Affairs disability compensation, focusing on presumptive disability decision-making.
	SR-328A		SR-418	SR-418

## HOUSE OF REPRESENTATIVES—Tuesday, June 22, 2010

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. CUELLAR).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

*Washington, DC, June 22, 2010.*

I hereby appoint the Honorable HENRY CUELLAR to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair would now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 32 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HINOJOSA) at 2 p.m.

### PRAYER

Reverend Lane Bembenek, Joy Lutheran Church, Moore, South Carolina, offered the following prayer:

God of grace and glory, in Your goodness and love You created humanity to live together in unity and peace. We are different and yet the same.

Thank You for the gift of communities around the world, large and small, and for the many ways in which our hands are an extension of Your graceful hands.

Empower the leaders of the House in their important work as they serve to make our communities safe, productive, and beautiful places to live and work.

Grant each person here wisdom in the important work that You have called them to do. Their work is Your

work and their voices are Your voice as they labor together for the sake of this great land and for those around the world.

Bless all that is done here today and every day. We ask all this, O God, in Your holy and precious name. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### COMMENDING IVY TECH COMMUNITY COLLEGE

(Mr. DONNELLY of Indiana asked and was given permission to address the House for 1 minute.)

Mr. DONNELLY of Indiana. Mr. Speaker, I rise today to recognize Ivy Tech Community College in South Bend, Indiana. Last week, Ivy Tech's South Bend campus was approved by the Indiana Commission for Higher Education to become the first college in Indiana to offer an associate's degree in the field of nanotechnology.

As demonstrated by advances made at the Midwest Institute for Nanoelectronics Discovery in South Bend, north central Indiana is a growing leader in the Nation's nanotechnology research and development.

As our Nation is faced with an expanding and increasingly competitive global economy, it is crucial to promote efforts such as a nanotechnology education to not only keep America competitive, but to thrive and win.

Investments today in nanotechnology will result in quality, rewarding Hoosier jobs of the future. I commend Ivy Tech for their efforts to prepare students, our next generation of innovators for the future.

### JUDGE OVERRULES ADMINISTRATION

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, real people in the gulf region are affected by the hasty overreaction by the Federal Government to shut down deepwater drilling for 6 months in the Gulf of Mexico. The Obamatorium will bankrupt businesses and put thousands of people in the gulf region out of work.

The Feds are in an apparent violation of the law which requires affected parties to be consulted before regulators dictate new regulations. Affected parties would be the oil industries that are shut down and the people of the Gulf States.

So these people have sued the Federal Government and asked a Federal judge to impose an injunction against the Federal Government's unscientific drilling ban. And in just the last hour, a U.S. district judge has ruled the administration was wrong in illegally summarily stopping deepwater drilling. It is unfortunate the administration has to be sued by the people of this country to keep it from destroying American jobs.

And that's just the way it is.

### COMMENDING ARIZONA EDUCATORS

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, to succeed in today's global economy, our children need a great education. And as any mom knows, a great education comes from great teachers, working hard and giving every student the attention they deserve.

Though schools are starting their summer breaks, Arizona's teachers, administrators, and support staff are still putting in very long days. They are taking the time to get ready for fall so they can work with parents to help their students along the path to college or the job they want.

Even as many of our State's educators face layoffs and pay cuts this year, they remained devoted to making sure our kids can realize their potential and their dreams. In my district, where we have been hit hard by the downturn, they are finding creative ways to do their jobs with fewer resources.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

As parents and as citizens, we owe our teachers, administrators, and support staff thanks for all their efforts. This Congress should do whatever it can to better support them in the coming school year.

#### NATIONAL MEDIA REVEAL DOUBLE STANDARD

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Texas. Mr. Speaker, in 2006, the current House majority leader said enacting a budget was "the most basic responsibility of governing."

Now he says that the Democratic majority will not even pass a budget this year. The House has passed a budget every year since the Budget Act became law in 1974. If House Republicans had failed to pass a budget during an economic crisis such as this, it would be the lead story on every network news program and the lead editorial in every newspaper.

Instead, the national media have collectively yawned and have given the Democrats a free pass. The Democratic majority doesn't want to pass a budget because it will expose their run-away spending.

Americans want Congress to pass a responsible budget that will get government spending under control and reduce the national debt.

#### COMMENDING REAL MEN COOK FOR CHARITY

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I rise to commend the Real Men Cook for Charity in Chicago for its annual event which was held on Sunday, Father's Day, at the Kennedy King College for the purpose of promoting healthy lifestyles, family values, and community spirit.

As is usually the case, it was well-attended by hundreds of individuals and their families as a tribute to fathers. I again commend them for this great activity.

#### RECOGNIZING IMPORTANCE OF PASSING A BUDGET

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute.)

Mr. BOOZMAN. Mr. Speaker, when hardworking Arkansans receive their paychecks, they are forced to make difficult decisions about their finances and how to spend their money. Arkansas families are forced to tighten their belts in this economic climate and change their spending habits, and they expect Washington to do the same.

It is the job of Congress to be responsible stewards of taxpayer money, but not passing a budget is far from responsible. It is a failure by the majority to govern at its most basic level.

The level of discretionary spending increases and spending in the past year has become unsustainable. Failing to produce a budget only places future burdens on our children, grandchildren, and great-grandchildren.

We need fiscal discipline and a balanced budget that controls the national debt, does not raise taxes, and achieves lower deficits. Not passing a budget for the first time in modern history demonstrates how out of touch Speaker PELOSI and Majority Leader HOYER are with the American people. We owe it to the American people to do better.

#### HONORING ALFONSO OBREGON

(Mr. CUELLAR asked and was given permission to address the House for 1 minute.)

Mr. CUELLAR. Mr. Speaker, I rise today to recognize the accomplishments of an outstanding citizen of Pearsall, Texas, for his educational contributions to the community.

Mr. Alfonso Obregon recently retired as a public school superintendent with 30 years of experience. He retires with an exceptional background, having earned a bachelor's degree in education and a master's degree in education administration. Mr. Obregon has dedicated 38 years to education, including 30 years as an accomplished superintendent. He started off in the 1970s teaching elementary and junior high school. He was promoted to superintendent for the Dilley Independent School District. From there he went to Progreso Independent School District, Asherton Independent School District and recently retired from the Charlotte Independent School District.

Throughout his career, he has been one who has served the public and has taught our children the difference between right and wrong.

Mr. Speaker, it is an honor to have time to recognize Mr. Alfonso Obregon, a great educator for south Texas.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
Washington, DC, June 18, 2010.

Hon. NANCY PELOSI,  
*The Speaker, Capitol, House of Representatives,*  
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 18, 2010 at 2:57 p.m.:

That the Senate agreed to S.J. Res. 33.  
That the Senate passed with amendments H.R. 3962.

That the Senate agreed to without amendment H. Con. Res. 242.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6 p.m. today.

#### SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 288) supporting National Men's Health Week.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

#### H. CON. RES. 288

Whereas despite the advances in medical technology and research, men continue to live an average of more than 5 years less than women and African-American men have the lowest life expectancy;

Whereas 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas between the ages of 45 and 54, men are 1½ times more likely than women to die of heart attacks;

Whereas men die of heart disease at 1½ times the rate of women;

Whereas men die of cancer at almost 1½ times the rate of women;

Whereas testicular cancer is one of the most common cancers in men between the ages of 15 and 34, and when detected early, has a 96 percent survival rate;

Whereas the number of cases of colon cancer among men was almost 49,470 in 2010, and almost half of such men died from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men developing prostate cancer in 2010 will reach more than 217,730 and an estimated 32,050 of them will die from the disease;

Whereas African-American men in the United States have the highest incidence of prostate cancer in the world;

Whereas significant numbers of male-related health problems, such as prostate cancer, testicular cancer, infertility, and colon cancer, could be detected and treated if men's awareness of such problems was more pervasive;

Whereas more than half of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100 women outnumber men 4 to 1;

Whereas educating both the public and health care providers about the importance

of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as Prostate Specific Antigen (PSA) exams and blood pressure and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages and increases in the survival rates to nearly 100 percent;

Whereas women are twice as likely as men to visit the doctor for annual examinations and preventive services;

Whereas men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress and first celebrated in 1994 and urges men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of all 50 States issue proclamations annually declaring Men's Health Week in their States;

Whereas since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Web site has been established at [www.menshealthweek.org](http://www.menshealthweek.org) and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas June 14 through June 20, 2010, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress—*

(1) supports the annual National Men's Health Week; and

(2) requests that the President of the United States issue a proclamation calling upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Nebraska (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. DAVIS).

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

On behalf of the Committee on Oversight and Government Reform, I present House Concurrent Resolution 288 for consideration. This resolution expresses our support for the goals and ideals of the annual National Men's Health Week, the observance of which is designed to heighten awareness of preventable health problems and encourage early detection and treatment of disease among men.

H. Con. Res. 288 was introduced by my friend and colleague, the gentleman from Maryland (Mr. CUMMINGS), on June 14, 2010. It was reported out of the Committee on Oversight and Government Reform by unanimous consent on June 17, 2010. H. Con. Res. 288 enjoys bipartisan support from over 50 cosponsors.

□ 1415

Mr. Speaker, according to the Centers for Disease Control and Prevention, 9 of the 10 leading causes of death in America among men, including heart disease and cancer, affect men at a significantly higher percentage than women. In addition, the CDC has reported that women are 100 percent more likely than men to seek annual medical examinations and preventative health care. Moreover, health statistics also indicate that despite advances in medical care, men continue to live an average of approximately 6 fewer years than women, with African American men having the lowest life expectancy.

Nonetheless, many male-related health problems, including prostate cancer, testicular cancer, and colon cancer are treatable upon early detection. Specifically, the use of prostate cancer-specific antigen exams, blood pressure screenings, and other exams, when coupled with clinical examination and self-testing for testicular cancer, can lead to early detection and increase survival rates to nearly 100 percent.

Accordingly, we must do more to encourage healthy behavior and disease prevention within America's male population. A more concentrated focus upon male-related health conditions such as prostate, colon, and testicular cancer, along with a genuine commitment to addressing heart health, will go a long way toward ensuring that men have access to critical health information.

In addition, it is important to remember that prevention and treatment of men's health conditions are critical not only to men, but also to the health and well-being of the American family. Having just recently celebrated Father's Day, I believe that it is impor-

tant for this legislative body to recognize men's health from a family perspective.

Furthermore, while an effort to encourage prevention and wellness among the male population can help meet our primary goal of improving health outcomes, in the aggregate, utilization of these preventive services can lower health costs that currently are spiraling out of control.

Mr. Speaker, since 1994, National Men's Health Week has served as a catalyst for increased attention towards men's health issues. So I strongly urge my colleagues to join me in supporting House Concurrent Resolution 288, recognizing the tremendous importance of these efforts.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Concurrent Resolution 288, supporting National Men's Health Week. In 1994, Congress established National Men's Health Awareness Week to be celebrated the week leading up to Father's Day. This week brings national attention to the critical health issues facing men and highlights the preventative measures that are necessary and available.

Every day men are reminded about the benefits of living a healthy life. Whether it's through exercise, a balanced diet, or regular visits to the doctor, these simple steps can lead to long, vibrant lives. Sadly, many men still neglect the basic preventative measures and often fail to realize the ripple effect their declining health can have on those around them.

Men have a shorter lifespan than women. On average, men live 5 years less than women. Men are also 1½ times more likely to die from heart attacks, heart disease, and cancer than women. The reality is that men all too often neglect to seek out the medical initiatives they need. Early detection is vital and, in many cases, increases the chances for survival.

Men's Health Awareness Week helps bring this information to light and highlights the proactive steps that men can take to improve their chances for a long, healthy life. The benefits of a more proactive approach to men's health extends not only to the individual, but to their family, friends, taxpayers, and employers.

I urge my colleagues not only to support this resolution but honor its message. Men's Health Awareness Week helps broaden our understanding of serious health risks and the simple steps we can all take to help mitigate their effects.

I ask my fellow Members to join me in support of this resolution.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it's now my pleasure to yield such time

as he may consume to the author of this resolution, the very distinguished gentleman from Maryland, Representative ELIJAH CUMMINGS.

Mr. CUMMINGS. I want to thank the gentleman for yielding. My appreciation also goes out to Chairman TOWNS for moving this resolution recognizing National Men's Health Week through the Oversight and Government Reform Committee.

This past Sunday, many of us celebrated Father's Day, which also marked the end of National Men's Health Week that is celebrated from June 14 through June 20. The need for this legislation could not be more evident. Despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African American men have the lowest life expectancy of all groups.

Further, 9 out of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage rate than women. Men simply are not getting the care they need. Women are twice as likely as men to visit the doctor for annual examinations and preventive services.

By the way, the research shows that most men who are the beneficiaries of early diagnosis and treatment with regard to many, many diseases have been urged to go to the doctor by a woman in their life, a significant other, a sister, a wife. But women are quite often the ones who also make the decisions for the family and sometimes drag us men to the doctor's office kicking and screaming.

Men are also less likely than women to visit their health center or physician for regular screening examinations or gender-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors. Quite often, men believe in this macho concept that they can get over anything, that it's just a small thing. Although their heart is aching, they say, well, I will get over it and everything will be all right. And the next thing you know, he lands in the hospital or, sadly, lands in the cemetery.

The disparity in men's health has led to increased risks of death from heart disease and cancer. But these problems do not only affect men. More than half of the elderly widows now living in poverty were not poor before the death of their husbands. And by age 100, women outnumber men four to one.

We simply must get more men the early care and education they need to lead long and healthy lives. That is why I am advocating for the recognition of June 14 through 20 as National Men's Health Week. We need to educate both the public and health care providers about the importance of early detection of male health prob-

lems that will result in reducing rates of mortality for common diseases.

Appropriate use of tests such as prostate-specific antigen exams, blood pressure screenings, and cholesterol screenings, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages and increases in their survival rates to nearly 100 percent.

The number of men developing prostate cancer in 2010 will reach more than 217,000, and an estimated 32,000 of them will, sadly, die from this disease. This week is designed to encourage men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness.

National Men's Health Week was established by Congress in 1994. And on a more local note, just a few weeks ago I invited men to come in to Mercy Hospital in my district in downtown Baltimore to get prostate exams. I also invited women to come in to get mammograms. I just received a report today that of the 100 or so people that came in, 20 percent of them, 20 percent of them were in a position where they needed care, and if they did not get the care, it probably would have led to very, very, very serious debilitating circumstances or even death. So that's a perfect example of why we need to emphasize men's health and, by the way, women's health.

Men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in preventive care. One of the things that a lot of people don't think about is the fact that there are many men, if they simply took the precautions, if they simply got the exams, they would be around for a lot more Father's Days. And a lot of folks don't realize that to have loved ones around for many, many years is so very, very significant, and, as the commercial says, it is simply priceless.

Again, I want to thank Chairman TOWNS and Chairman DAVIS for their support, and I encourage my colleagues to join me and the 60 other cosponsors in supporting this resolution.

Mr. SMITH of Nebraska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I want to commend, again, Representative CUMMINGS for his introduction of this very important resolution. I also want to commend the community health centers in my congressional district, and especially the Near North Health Corporation, for their focus on men's health.

I urge all of my colleagues to join me in supporting this measure.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to thank Representative CUMMINGS for introducing H. Con. Res. 288, a resolution supporting the goals and ideals of National Men's Health Week, and to urge my colleagues to support this important resolution.

National Men's Health Week took place from June 14–20, ending with Father's Day, this past Sunday. The United States celebrated National Men's Health Week to encourage men to live healthy lives, in particular by undergoing precautionary health tests. National Men's Health Week is of vital importance as it helps heighten awareness of preventable health problems and also encourages early detection and treatment of disease and injury among not only men, but young boys as well. Early detection lessens the impact and cost of disease, improves, and often save lives. By encouraging preventive National Men's Health Week and treatment of men's health issues is essential because these issues not only affect men across the nation, but the women, children and all other families members involved in a man's life.

The lessons of Men's Health Week have a personal significance for me. Nearly 20 years ago, I went in for a check-up due to constant fatigue and found out that I had Hepatitis C. Thanks, in part, to early detection, I was able to get proper treatment and fight back fiercely against the disease. I am able to stand here now, medication-free and healthy, because of early detection and treatment.

Today, thanks to this Congress, everyone in the United States—including men—have access to affordable health. The health reform law that I supported provides incentives to seek preventive care and makes that care affordable. I urge my male colleagues in Congress and men around the country to see their doctor for regular check-ups, to get screened and tested, and to do what they can to live healthier lives.

I encourage my colleagues to support this resolution which encourages men to take simple steps for a longer, healthier, and happier life.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is well known that one of the most important factors in access to medical care is health insurance. Recent Center of Disease Control and Prevention data show that young men are 36 percent more likely to be uninsured than young women. Additionally, young adults without insurance are four times as likely as those with private insurance to have unmet medical needs.

However, even when young men have insurance, they are less likely to seek medical care. Less than 60 percent of young men with Medicaid coverage had an annual doctor visit, compared to over 90 percent of young women. These behavior patterns can lead to missed opportunities for early intervention in a number of medical conditions and chronic illnesses, especially those that are exclusive to or disproportionately effect men.

Beyond expanding health insurance coverage, therefore, it is necessary to improve men's uptake of healthcare services. The first step towards this goal is to increase awareness about men's health issues. I applaud the current resolution in support of National Men's

Health Week, as well as the request that interested groups observe with appropriate ceremonies and activities. By educating men about the available predictive screening and preventive care, we can help our nation's fathers, husbands, brothers and sons to live longer, healthier lives.

Mr. DAVIS of Illinois. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 288.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### RECOGNIZING JUNETEENTH INDEPENDENCE DAY

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 546) recognizing the historical significance of Juneteenth Independence Day, and expressing the sense of the House of Representatives that history should be regarded as a means for understanding the past and more effectively facing the challenges of the future.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 546

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the Southwestern States, for more than 2 years after President Lincoln's Emancipation Proclamation of January 1, 1863, and months after the conclusion of the Civil War;

Whereas, on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free;

Whereas African-Americans who had been slaves in the Southwest celebrated June 19, commonly known as Juneteenth Independence Day, as the anniversary of their emancipation;

Whereas African-Americans from the Southwest continue the tradition of Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas for more than 135 years, Juneteenth Independence Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures;

Whereas although Juneteenth Independence Day is beginning to be recognized as a national, and even global, event, the history behind the celebration should not be forgotten; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

*Resolved, That—*

(1) the House of Representatives recognizes the historical significance of Juneteenth Independence Day to the Nation;

(2) the House of Representatives supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation; and

(3) it is the sense of the House of Representatives that—

(A) history should be regarded as a means for understanding the past and more effectively facing the challenges of the future; and

(B) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Nebraska (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

#### GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 546, a resolution that recognizes the historical significance of Juneteenth Independence Day and expresses the sense of the House of Representatives that history should be regarded as a means for understanding the past and more effectively facing the challenges of the future. I am delighted that we can bring this measure to the floor today.

I introduced H. Res. 546 on June 15, 2009, and the Committee on Oversight and Government Reform ordered it to be reported by unanimous consent on June 17, 2010. It comes to the floor with over 60 cosponsors. I am pleased to join with them in recognizing this important day.

Juneteenth, or the 19th of June, recognizes June 19, 1865, when, in Galveston, Texas, Union General Gordon Granger announced freedom for all slaves in the Southwest.

□ 1430

This was the last major vestige of slavery in the United States following the end of the Civil War. This event occurred more than 2½ years after the Emancipation Proclamation was issued by President Abraham Lincoln. Upon reading of General Order No. 3 by Gen-

eral Granger, the former slaves celebrated jubilantly, establishing America's second independence day celebration and the oldest African American holiday observance.

Since that time over 145 years ago, the descendants of slaves have observed this anniversary of emancipation as a remembrance of one of the most tragic periods in our Nation's history. The suffering, degradation, and brutality of slavery cannot be repaired; but the memory can serve to ensure that no such inhumanity is ever perpetrated again on American soil.

Today, Juneteenth celebrates African American freedom while encouraging self-development and respect for all cultures. This celebration of the end of slavery is an important and enriching part of the history and heritage of the United States. I, therefore, ask my colleagues to join me in supporting the passage of this measure.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 546, recognizing the historical significance of Juneteenth Independence Day. It is important to once again remember a day when the wants and needs of the people brought our country out of one of the darkest stages of its history. It is through recognition of such an incredible achievement that we are able to pave the way for many more like it.

On June 19, 1865, 2,000 Federal soldiers marched into Galveston and notified the slaves of Texas that their lives of servitude were over. Amazingly, this action took place more than 2 years after President Lincoln's famous Emancipation Proclamation speech was delivered.

Over 100 years later, Juneteenth serves as a time when we can celebrate the true end to slavery in the United States. June 19, commonly known as Juneteenth, also reminds us that it is our duty to constantly work to better our country. On this day, we celebrate culture and, more importantly, emancipation. It is important that our children learn along with our families about the times surrounding the Civil War, but also of this monumental achievement that followed that June day in Galveston.

By taking time to celebrate Juneteenth Independence Day, we honor the richness, diversity, and heritage of all races in our Nation. I ask all my fellow Members to join me in support of H. Res. 546.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of "Juneteenth," the oldest nationally celebrated commemoration of the ending of slavery in the United States. Originally a celebration of the announcement of the abolition of slavery in Galveston, Texas in 1865, the holiday has come to symbolize our Nation's most significant moment of moral and

social progress: the end of the Civil War, the abolition of slavery throughout the full United States, and the freedom of enslaved African Americans after hundreds of years of untold oppression and hardship endured.

The observance of June 19th as the African American Emancipation Day originated in Galveston, Texas in 1865, and is now celebrated around the United States. This day was chosen because it was on June 19, 1865 that the Union soldiers landed at Galveston, Texas with news that the war had ended and informed the enslaved population that they had been set free under President Lincoln's Emancipation Proclamation a full two and one half years earlier. The day was largely celebrated within African-American communities until the Civil Rights Movement, when Reverend Ralph Abernathy called for people of all races, economic strata, and professions to come to Washington, D.C. to show support for the impoverished and oppressed at the Poor Peoples March on June 19, 1968. Many of the participants returned home and initiated Juneteenth celebrations in their own communities.

Every year, the celebration of Juneteenth grows in popularity across the United States. It is a day when we recognize and remember the evils of slavery, the suffering it caused, and the lives it took. But it is also a day that celebrates African American freedom and achievement with celebrations, guest speakers, picnics, and family gatherings. Participants of all races, nationalities and religions celebrate and take the time to reflect on the past and rejoice in the present and future. Finally, it is an opportunity to emphasize the need for continued efforts to promote educational, economic, political, and social equality throughout our country.

Mr. Speaker, in the wonderfully diverse 37th District, we share as a community a legacy of overcoming difficulties, working to defeat our obstacles, and empowering ourselves to improve our lives and our neighborhoods. I am proud that, this year, in the 37th district, the cities of Carson, Compton, and Long Beach, as well as the neighborhoods of Watts and Willowbrook, all held Juneteenth celebrations. I was fortunate enough to attend the celebration in Compton and can say that it was at once a solemn remembrance of those who struggled against slavery and oppression, an inspiring celebration of freedom, and an opportunity to revisit the past in order to improve our collective future.

As we celebrate Juneteenth, Mr. Speaker, I urge all Members to recognize this day and take a moment to honor the women and men that dedicated their lives to ending slavery and promoting freedom and equality in our Nation.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to express my strong support for H. Res. 546 recognizing the historical significance of Juneteenth Independence Day, and expressing the sense of the House of Representatives that history should be regarded as a means for understanding the past and more effectively facing the challenge of the future. I would like to applaud my colleague Representative DAVIS for his persistence in celebrating this momentous occasion in U.S. history.

When Abraham Lincoln signed the Emancipation Proclamation into law in 1863, he freed

the slaves in the confederate states. Though they were free on paper many slaves continued with their lives unaware of their freedom. Such was the case in Galveston, Texas. For two years the black population of this city lived their lives as slaves, as opposed to other southern states like Georgia and North Carolina in which the black population knew of the Emancipation Proclamation. On June 19th, the situation changed when Union General Gordon Granger announced the news of their freedom to the black citizens of Galveston. Seen as one of the last bastions of slavery, General Granger's announcement brought about the end of slavery in Texas.

We often praise this country for the great freedom that it affords its citizens, yet Juneteenth serves as a consistent and glaring reminder of our darker past. While it is true that significant strides have been made since then, it is important that we not forget from whence we come and learn from it. I'm proud to represent the state of Georgia in the United States House of Representatives, but I also recognize that the great state I serve did allow the oppression of blacks as slaves. History is a tool to be used for growth—a means through which we can understand and face the challenges of tomorrow.

Today Juneteenth, also known as Freedom Day, is now recognized as a state holiday in 36 states and primarily serves to remind, inspire, and encourage future generations. Mr. Speaker, I stand proudly to support this resolution and would urge my colleagues to do the same.

Mr. PAUL. Mr. Speaker, I am pleased to support H. Con. Res. 546, legislation commemorating a monumental day in the history of liberty, Juneteenth Independence Day. Juneteenth marks the events of June 19, 1865, when slaves in Galveston, Texas learned that they were at last free men and women. The slaves of Galveston were the last group of slaves to learn of the end of slavery. Thus, Juneteenth represents the end of slavery in America.

I hope all Americans will take the time to commemorate Juneteenth. Friends of human liberty should celebrate the end of slavery in any country. The end of American slavery is particularly worthy of recognition since there are few more blatant violations of America's founding principles, as expressed in the Declaration of Independence, than slavery. I am particularly pleased to join the recognition of Juneteenth because I have the privilege of representing Galveston.

I thank the gentleman from Illinois for introducing this resolution, which I am proud to co-sponsor. I thank the House leadership for bringing this resolution to the floor, and I urge all of my colleagues to honor the end of slavery by voting for H. Con. Res. 546.

Mr. CONYERS. Mr. Speaker, I rise in support of House Resolution 546 recognizing the historical significance of Juneteenth Independence Day. On June 19th, 1865 Union soldiers, led by Major General Gordon Granger, landed at Galveston, Texas with news that the war had ended and that the enslaved were now free. This news was declared two and a half years after President Lincoln's Emancipation Proclamation. Because the slaves spent two years unnecessarily enslaved, this day had

been declared a holiday; Juneteenth is the oldest holiday in the United States commemorating the ending of slavery. The Juneteenth holiday is a day where peoples of all races can reflect on the evils and suffering of slavery and recognize the contributions that African Americans have made to society since Juneteenth.

When I first came to this body, these were the same issues that my constituents and the African American community at-large faced. As we commemorate Juneteenth, there will be celebrations, but I hope there will also be reflections. Even today, the vestiges of slavery still impose the cycle of poverty on the descendants of the freedmen. As time has passed, many have said the free market would take care of these people, but it is clear that it has left them behind. As we commemorate today, we must not forget to pursue the unfinished business of equality that emancipation began so long ago.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 546 which recognizes the historical significance of Juneteenth Independence Day, and expressing the sense of the House of Representatives that history should be regarded as a means for understanding the past and more effectively facing the challenges of the future.

On June 19, 1865, the day Union soldiers arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved African-Americans were free, "Juneteenth Independence Day" was born. On this historic day, legend has it, while standing on the balcony of Galveston's Ashton Villa, Granger read the contents of "General Order No. 3":

The people of Texas are informed that, in accordance with a proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of personal rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and hired labor. The freedmen are advised to remain quietly at their present homes and work for wages. They are informed that they will not be allowed to collect at military posts and that they will not be supported in idleness either there or elsewhere.

In that moment, Galveston streets were filled with jubilant celebrations and the following year, the commemoration of June 19th or Juneteenth celebrations began in Texas. The newly freed African-Americans pulled what few resources they had to purchase land in their communities to have these gatherings. Houston's Emancipation Park, Mexia's Booker T. Washington Park, and Emancipation Park in Austin are the present day result of these efforts.

Mr. Speaker, I can image how the words of President Lincoln resonated in their hearts and souls; life, liberty and the pursuit of happiness for all equal citizens was no longer a dream, they were a reality. Hundreds of thousands of American citizens were released from the grips of bondage; we are freed men and women. However, while it is a celebration of our emancipation, it is also a reminder of the progress we have yet to make.

The Emancipation Proclamation Abraham Lincoln issued on September 22, 1862, with an effective date of January 1, 1863, had minimal initial effect in some States. Let this be a

reminder, that words are meaningless without action. We must be steadfast and willing to do our parts as citizens to uphold and carry out the will of the people and the laws of our great Nation. The United States has made great strides of improvement and we continue to press forward to obtain those values in which we hold dear.

Juneteenth became an official State holiday through the efforts of Al Edwards, an African-American State legislator from Texas in 1980. The successful passage of this bill marked Juneteenth as the first emancipation celebration granted official State recognition. As of March 2010, 36 States have followed suit in the celebrations and the adoption of this historic day. In my district, we actively celebrate this holiday through, reenactments, of the reading of the Emancipation Proclamation at Ashton Villa and various parades and musical events all across Houston.

Juneteenth is a day to reflect upon the African-American experience and it includes all races, ethnicities and nationalities. It is a symbolical reference point of our progress and the contributions we have made to make this country what it is today. Juneteenth is a time to reconnect with loved ones and have a renewed sense of community.

In conclusion, I am reminded of what President Obama stated 2 years ago pertaining to Juneteenth and the continued pursuit of the values embedded in this day:

We pause to remember that our nation has made tremendous progress, but has many miles to go on the long march toward finally fulfilling the ideals of this country. When too many Americans go without affordable healthcare or a quality education; when neighborhoods unravel due to a housing market in crisis; when special interests hold their thumbs on the scale of opportunity; we have more work to do.

Juneteenth is a day for celebration of freedom and family, but also a day that calls us all to rededicate ourselves to the convictions at the heart of our American experiment. It reminds us that with the work of each successive generation, we come closer to the realization of that more perfect union.

Mr. RANGEL. Mr. Speaker, I rise today to join my colleagues in the U.S. House of Representatives to recognize Juneteenth Independence Day which we observe with Resolution 546, sponsored by Rep. DANNY DAVIS of Illinois. The House of Representatives notes the importance of effectively understanding our past as the foundation of a progressive and egalitarian future.

We remember June 19, 1865, "Juneteenth," as the day of the announcement of the Emancipation Proclamation in the last of the States in the Union. Though President Abraham Lincoln intended the Emancipation Proclamation to go into effect on January 1, 1863, slaves in the last of the slaveholding territories, namely Texas, did not hear of their freedom until 1865. Galveston, Texas is recognized as the birthplace of Juneteenth and as of this March, 36 states have recognized the day for observance. Now, 145 years later, we remember Juneteenth as a turning point in the history of Black Americans.

This celebration of freedom and equality is an important patriotic symbol in the history of the Nation. Juneteenth is an opportunity for us to pause and remember the difficult road to

advancement and to reflect on the importance of that political organizing in Galveston by former slaves to celebrate their freedom and new status. Juneteenth is one of the earliest landmarks of the active political involvement of Black Americans following the sacrifices made by the more than 200,000 people who fought and died in the Civil War.

We are also reminded of the many achievements and contributions Black Americans have made to the country in all fields. We highlight the work done by civil rights leaders and activists who have carried on the spirit and legacy of emancipation. In particular, we salute those men and women serving in our armed forces, who could not serve today without the rights afforded them by the work of previous generations of Black Americans who fought in every conflict since the Nation's founding. Culturally, we must recognize the magnanimous impact of Black artists, performers and academics in shaping American identity well beyond the 21st century.

While Juneteenth started in Texas, its impact and importance to the United States' commitment to independence and liberty is felt nationwide. Freedom is at the core of the legacy of the United States and of all its citizens, regardless of race or personal background. I am proud to celebrate and recognize the significance of Juneteenth today and forever in our Nation's history.

Mr. SMITH of Nebraska. I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I urge all of my colleagues to join me in supporting this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 546.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### RECOGNIZING NATIONAL CARIBBEAN-AMERICAN HERITAGE MONTH

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1369) recognizing the significance of National Caribbean-American Heritage Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1369

Whereas people of Caribbean heritage are found in every State of the Union;

Whereas emigration from the Caribbean region to the American Colonies began as early

as 1619 with the arrival of indentured workers in Jamestown, Virginia;

Whereas during the 17th, 18th, and 19th centuries, a significant number of slaves from the Caribbean region were brought to the United States;

Whereas since 1820, millions of people have emigrated from the Caribbean region to the United States;

Whereas like the United States, the countries of the Caribbean faced obstacles of slavery and colonialism and struggled for independence;

Whereas also like the United States, the people of the Caribbean region have diverse racial, ethnic, cultural, and religious backgrounds;

Whereas the independence movements throughout the Caribbean during the 1960s and the consequential establishment of independent democratic countries in the Caribbean strengthened ties between the region and the United States;

Whereas Alexander Hamilton, a founding father of the United States and the first Secretary of the Treasury, was born in the Caribbean;

Whereas many influential Caribbean-Americans have contributed to the rich history of the United States, including Jean Baptiste Pointe du Sable, the pioneer settler of Chicago; Claude McKay, a poet of the Harlem Renaissance; James Weldon Johnson, the writer of the Black National Anthem; Celia Cruz, the world-renowned queen of Salsa music; and Shirley Chisholm, the first African-American Congresswoman and first African-American woman candidate for President;

Whereas the many influential Caribbean-Americans in the history of the United States also include Colin Powell, the first African-American Secretary of State; Sidney Poitier, the first African-American actor to receive the Academy Award for best actor in a leading role; Harry Belafonte, a musician, actor, and activist; Al Roker, a meteorologist and television personality; and Roberto Clemente, the first Latino inducted into the baseball hall of fame;

Whereas Caribbean-Americans have played an active role in the civil rights movement and other social and political movements in the United States;

Whereas Caribbean-Americans have contributed greatly to the fine arts, education, business, literature, journalism, sports, fashion, politics, government, the military, music, science, technology, and other fields in the United States;

Whereas Caribbean-Americans share their culture through festivals, carnivals, music, dance, film, and literature, which enrich the cultural landscape of the United States;

Whereas the countries of the Caribbean are important economic partners of the United States;

Whereas the countries of the Caribbean represent the United States' third border;

Whereas the people of the Caribbean region share the hopes and aspirations of the people of the United States for peace and prosperity throughout the Western Hemisphere and the rest of the world;

Whereas since the passage of H. Con. Res. 71 in the 109th Congress by both the Senate and the House of Representatives, a proclamation has been issued annually by the President declaring June National Caribbean-American Heritage Month; and

Whereas June is an appropriate month to establish a Caribbean-American Heritage Month: Now, therefore, be it

*Resolved*, That Congress—

(1) supports the goals and ideals of Caribbean-American Heritage Month;

(2) encourages the people of the United States to observe Caribbean-American Heritage Month with appropriate ceremonies, celebrations, and activities; and

(3) affirms that—

(A) the contributions of Caribbean-Americans are a significant part of the history, progress, and heritage of the United States; and

(B) the ethnic and racial diversity of the United States enriches and strengthens the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Nebraska (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

#### GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Before I begin, I know that Representative BARBARA LEE, who is the author of this resolution, had wanted to be here to express her opinions and positions on it. Unfortunately, she could not.

Mr. Speaker, I rise in support of H. Res. 1369, a resolution that recognizes National Caribbean-American Heritage Month. Congress has taken time each year since 2006 to recognize Americans of Caribbean descent for their contributions to our Nation, and I am glad we can bring this measure to the floor today.

H. Res. 1369 was introduced by my friend and colleague, Representative BARBARA LEE, on May 18, 2010, and the Committee on Oversight and Government Reform ordered it to be reported by unanimous consent on June 17, 2010. It comes to the floor with over 50 cosponsors, and I am pleased to join them in celebrating the rich heritage of Caribbean Americans.

Millions of people from the Caribbean islands have emigrated to our shores for centuries. We acknowledge that many arrived here in bondage and against their will as slaves and indentured servants, and their struggles for freedom reverberate even today.

Today, we are a better Nation for having them here. Caribbean Americans include such cultural figures as the poet Claude McKay, musician and television star Hazel Scott, actor and activist Harry Belafonte, as well as political leaders from Alexander Hamilton to former Secretary of State Colin Powell and our current Attorney General, Eric Holder. These and count-

less other Caribbean Americans have made invaluable contributions to our Nation, and it is right that we honor them today.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 1369, recognizing the significance of National Caribbean-American Heritage Month. For the past 4 years, our country has proudly recognized the contributions that Caribbean Americans have made to our lives and our country. Since 1619, when the first Caribbean people came to the United States as indentured servants to Jamestown, the Caribbean people have held a place in our growth and development.

We are proud to count among them, as we heard earlier, leaders in government, the military and the arts. The first Secretary of the Treasury and one of our Founding Fathers, Alexander Hamilton, was born in the Caribbean. Former General and Secretary of State Colin Powell; Academy Award winner and musician, Sydney Poitier; and social activist, Harry Belafonte, are all of Caribbean heritage.

There are many similarities in the histories of the United States and the countries of the Caribbean. The United States and the countries of the Caribbean both have endured the trials of slavery, colonialism, and the struggle for independence. The separate countries of the Caribbean share a diverse racial, ethnic, cultural, and religious background that is comparable to our multicultural Nation. These similarities are but a few ties that bind our countries together.

The countries of the Caribbean are also important economic partners of the United States and, importantly, represent the United States' third border. They share our commitment to peace and prosperity throughout our hemisphere. These common goals make our countries both strategically and culturally long-time allies.

I ask all my fellow Members to join me in celebrating National Caribbean-American Heritage Month and recognize the contributions Caribbean Americans have made to the history of the United States.

Ms. LEE of California. Mr. Speaker, I rise today in support of H. Res. 1369, recognizing the significance of National Caribbean-American Heritage month. This resolution acknowledges the important contributions Caribbean-Americans have made to our nation's history and culture.

Let me begin by thanking Chairman TOWNS, Ranking Member ISSA, and the staff of the Oversight and Government Reform Committee for helping to bring this bipartisan resolution to the floor today. I would also like to thank Congressman DAVIS for managing the floor and for graciously submitting my statement for the RECORD in my absence.

I would also like to recognize my colleagues—Congresswoman CHRISTENSEN, Congresswoman CLARKE, Congresswoman JACKSON LEE, Congresswoman WATERS, Congressman PAYNE, and Congressman BURTON—and others for their tremendous leadership on Caribbean issues.

I would also like to acknowledge Dr. Claire Nelson and the Institute of Caribbean Studies—and all the other Caribbean-American organizations in Washington, my home state of California, and across the country that have worked and continue to work to make Caribbean-American Heritage Month a great success.

As a long-time supporter of the Caribbean and a frequent visitor to the region, I was very proud to see us celebrate this important commemorative month for the fifth straight year. Since Congress unanimously passed H. Con. Res. 71 in February 2006, the President has issued a proclamation annually recognizing June as Caribbean-American Heritage Month. This year, President Obama issued a proclamation on May 28.

People of Caribbean heritage reside in every part of our country. Since before our nation's founding, millions of people have emigrated from the Caribbean to the United States.

Throughout U.S. history we have been fortunate to benefit from countless individuals of Caribbean descent who have contributed to American government, politics, business, arts, education, and culture—including one of my personal mentors, the Honorable Shirley Chisholm.

Shirley Chisholm was a woman of Ba-jan and Guyanese descent, who never forgot her roots in the Caribbean. She was the first African American woman elected to Congress and the first woman to run for President.

My political involvement began as a volunteer during her historic presidential campaign in 1972. Through her mentorship, she strengthened my interest in issues of importance to the African Diaspora both here in the U.S. and abroad.

During Caribbean-American Heritage Month, we recognize the important contributions of people like Shirley Chisholm, as well as Alexander Hamilton, Hazel Scott, Sidney Poitier, Wyclef Jean, Eric Holder, Colin Powell, Harry Belafonte, Roberto Clemente, Celia Cruz—and yes, Congresswomen DONNA CHRISTENSEN, SHEILA JACKSON LEE, and YVETTE CLARKE—and many other persons of Caribbean descent who have helped shape this country.

Caribbean-American Heritage Month reminds us of the large and diverse constituencies of Caribbean-Americans in our nation, and provides us with an opportunity to send a message of good will to the community at home and abroad.

Caribbean-American Heritage Month also provides us with an opportunity to celebrate and share in the rich culture of the Caribbean-American community through showcases of Caribbean art, festivals, concerts, and film.

In my own district of Oakland, California, individuals and organizations celebrate the rich heritage of people of Caribbean descent through musical concerts and family picnics.

In addition to presenting us with an occasion to celebrate the legacy of Caribbean-

Americans, this month also provides us an opportunity to strengthen our long-term partnership with nations of the Caribbean Community.

From trade, energy, and immigration to disaster preparedness, HIV/AIDS and—as recent events in Jamaica have made clear—drug-related violence, we share a number of mutual policy interests with our Caribbean neighbors. These challenges are regional in nature, so we must confront them together and in partnership.

One issue which I think deserves a special mention is the recent earthquake and resulting tragedy that has unfolded in Haiti. Like many of my CBC colleagues, I have followed Haiti's progress for some time now and have visited the country on multiple occasions.

The American people, including Haitian Americans, have responded incredibly to the tragedy just off our shores—and along with the international community we have conducted one of the largest humanitarian responses in history.

Once the cameras are gone and Haiti slips off the front pages and the 24-hour news cycle, it is up to us to ensure that the United States maintains its attention on the plights of the Haitian people.

Last year, I introduced H.R. 417, the Next Steps for Haiti Act, to create a professional exchange program to assign U.S. professionals, particularly Haitian-Americans, in Haiti to provide technical assistance in fields critical to development. Such an initiative would tap into the vast energy and knowledge of the Haitian Diaspora to promote long-term capacity building.

H.R. 417 is just one of a number of initiatives that the U.S. can establish to promote the reconstruction of the country.

The recent tragedy in Haiti provides us, to use an oft-quoted phrase, with an opportunity to “rebuild Haiti differently.” I believe that in order to rebuild differently, in a manner that is sustainable and works to end—not promote—Haiti's dependence on foreign aid, we must promote ownership amongst the Haitian people.

It is critical that any long-term reconstruction and development agenda is Haitian-led, that Haitian civil society and the Haitian Diaspora play a central role, and that such an agenda focuses on building the capacity of the Haitian Government to provide basic services and protect the social, civil, and political rights of its people.

Only by empowering Haitians to rebuild their own lives and their own country will we truly “rebuild differently.”

I would like to end by stating that although the Caribbean faces many challenges, we understand that we must face them together. Despite the often turbulent history between the United States and Caribbean countries, our ties cannot be pinned down to geography alone, or economics alone, or even history alone. The region continues to shape us as Americans as much as we here continue to shape the Caribbean.

So I ask all of my colleagues to join me in supporting this measure to honor the Caribbean-American community, and to honor the rich gifts that they have given and continue to give this country.

Let us continue to celebrate the rich diversity of this nation of immigrants and recognize

that it will forever be the great blessing and strength of our country.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to express my support of H. Res. 1369, which recognizes the significance of National Caribbean-American Heritage Month.

As a child of Jamaican parents, I understand the importance of recognizing the influence Caribbean cultures continues to have on the many facets of these United States. Growing up, my parents instilled in me a strong appreciation for the Caribbean values they learned in Jamaica: a strong work ethic and tremendous pride in my heritage. As a parent, I have passed on these same values to my own children, so they will develop a sense of pride in their Caribbean heritage and acknowledge the many roles Caribbean people play in shaping this nation. I wholeheartedly support this resolution that commemorates Caribbean heritage, history, culture and contributions to the United States.

In her 1970 autobiography, Shirley Chisholm, the first black woman elected to Congress, credited her success to the education she received while attending school in Barbados. She wrote, “Years later I would know what an important gift my parents had given me by seeing to it that I had my early education in the strict, traditional, British-style schools of Barbados. If I speak and write easily now, that early education is the main reason.”

This is a nation built by immigrants. From as early as the 17th century there have been individuals from the Caribbean Islands, working here in the United States as indentured servants in the colony of Jamestown, Virginia. They worked in fields picking cotton, tobacco and crops just as the slaves did.

Caribbean immigrants have been contributing to the well-being of American society since its founding. Alexander Hamilton, the First Secretary of the Treasury was from the Caribbean island of St. Kitts. We count among our famous sons and daughters, Secretary of State Colin Powell, Cicely Tyson, W.E.B. Dubois, James Weldon Johnson, Harry Belafonte and Sidney Poitier to name a few.

Moreover, this is a nation that reaches out to immigrants. None of us will forget the earthquake that shook Haiti to its very foundations in every sense of the word on January 12, 2010. Since then, we have all seen the outpouring of support to the Haitian people and their families on behalf of the American people.

What fewer notice perhaps, are the powerful contributions that Haitians have made to America, its history and its culture. In 1779 soldiers from then Saint Dominique, now Haiti, fought alongside American revolutionaries. Despite the fact that the then slave-holding United States did not look favorably upon an Independence Movement it saw as a dangerous slave rebellion, many historians attribute the Louisiana Purchase partly to the fact that Haitian slaves rose up against their French masters from 1794 to 1801. Haitian born Jean Baptiste Pointe du Sable founded Chicago, one of our great cities. And Americans from coast to coast have enjoyed the contributions Wyclef Jean, another of Haiti's sons, has made to our musical culture. Indeed, from history to food to music, Haiti has a long history of helping to shape America.

H. Res. 1369 recognizes the significance of Caribbean people and their descendants in the history and culture of the United States. Our nation would not be what it is today without these significant contributions of the Caribbean people and we should honor these accomplishments with the passing of this legislation. The contributions of Caribbean-Americans are a significant part of the history, progress, and heritage of the United States and play an important role in the unique diversity that enriches and strengthens our nation.

By passing this legislation we continue to honor the friendship between the United States and Caribbean countries. We are united by our common values and shared history, and we should celebrate the rich Caribbean Heritage and the many ways in which Caribbean Americans have helped shape this nation.

I urge my colleagues to support this resolution to pay tribute to the common culture and bonds of friendship that unite the United States and the Caribbean countries.

Mr. CONYERS. Mr. Speaker, I rise in support of House Resolution 1369, which recognizes the significance of National Caribbean-American Heritage Month. Since June of 2006, the White House has issued an annual proclamation recognizing June as the national Caribbean-American Heritage Month. Caribbean's have made important contributions in all facets of American life from the arts to athletics, science and service.

Actors Sidney Poitier and Harry Belafonte and Journalist Malcolm Gladwell are Caribbean-Americans who have achieved greatness in their careers as well as in their communities as humanitarians and activists.

Mr. Poitier, Mr. Belafonte, and Mr. Gladwell have not only paved the way for their fellow Caribbean-Americans, but also for many other Americans who aspire to be musicians, journalists, actors and agents of change. For the past 50 years, Poitier has been an example to all Americans because of the work he did to help break down barriers in film and cinema. Poitier was recently awarded the 2009 Presidential Medal of Freedom because of his post-Hollywood activities. Belafonte has earned the title “King of Calypso” for popularizing Caribbean style music. Belafonte was also recently awarded the Hubert H. Humphrey Civil and Human Rights Award for his lifelong efforts for equality and justice. Malcolm Gladwell is a best-selling author who TIME magazine recognized in 2005 as one of the 100 most influential people in the world. His works have shown us the importance of looking at life with a critical eye and finding the small factors that have large consequences in our lives.

Because of their fame, Mr. Poitier, Mr. Belafonte and Mr. Gladwell have been properly recognized on multiple occasions; but it is imperative that we recognize the Caribbean-American Community as a whole because the diversity and talent they bring to the United States enriches and strengthens our country.

Mr. RANGEL. Mr. Speaker, I rise today to recognize Caribbean-American Heritage Month and the contributions of Caribbean-Americans to this Nation. Since 2006, the United States has celebrated the rich and diverse history of Caribbean-American peoples and the many successes of Caribbean-Americans during the month of June.

Parallels have often been drawn between the history of the United States and that of Caribbean nations. Like America, Caribbean nations saw the need to resist tyrannical European leadership and create new democracies.

The first Caribbean immigrants came to America in 1619 as indentured servants in Jamestown, and since then have played an increasingly large role in American society and in the lives of Americans. Since 1820, millions of people have immigrated to the United States from the Caribbean region, and now Americans of Caribbean descent reside in all fifty states of the Union.

Since our Nation's inception, Caribbean-Americans have played important roles in every aspect of American life. Alexander Hamilton, a founding father and the first Secretary of the Treasury, was a Caribbean immigrant. Other notable Caribbean-Americans include Colin Powell, a former four-star general and Secretary of State, Shirley Chisholm, the first black candidate for president and the first woman to run for the Democratic nomination, Eric Holder, the current Attorney General, Sydney Poitier, the first African-American to win the Academy Award for best actor, and Stokely Carmichael, a black power activist.

Throughout the years, Caribbean-American culture has become engrained in American society, but has managed to remain distinct and unique. Caribbean-American music, language, literature, film, food, festivals, and culture are enjoyed by all Americans.

Without a doubt, the influence of Caribbean-Americans on American culture has been great.

I respect and admire all that Caribbean-Americans have done for the United States in the past and in the present, and I look forward to the continued flourishing of Caribbean-American culture.

Mr. SMITH of Nebraska. Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1369.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### SUPPORTING HIGH-PERFORMANCE BUILDING WEEK

Mr. CARNAHAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1407) supporting

the goals and ideals of High-Performance Building Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1407

Whereas the High-Performance Building Congressional Caucus Coalition has declared the week of June 13 through June 19, 2010, as "High-Performance Building Week";

Whereas the House of Representatives has recognized the importance of high-performance buildings through the inclusion of a definition of high-performance buildings in the Energy Independence and Security Act of 2007;

Whereas our homes, offices, schools, and other buildings consume 40 percent of the primary energy and 70 percent of the electricity in the United States annually;

Whereas buildings consume about 12 percent of the potable water in this country;

Whereas the construction of buildings and their related infrastructure consumes approximately 60 percent of all raw materials used in the United States economy;

Whereas buildings account for 39 percent of United States carbon dioxide emissions a year, approximately equaling the combined carbon emissions of Japan, France, and the United Kingdom;

Whereas Americans spend about 90 percent of their time indoors;

Whereas the value of all United States construction alone represents more than 13 percent of the Nation's Gross Domestic Product and the value of the Nation's structures is estimated at over \$28 trillion;

Whereas poor indoor environmental quality is detrimental to the health of all Americans, especially our children and the elderly;

Whereas high-performance buildings promote higher student achievement by providing better lighting, a more comfortable indoor environment, and improved ventilation and indoor air quality;

Whereas high-performance residential and commercial building design and construction should effectively guard against natural and human-caused events and disasters, including fire, water, wind, noise, crime, and terrorism;

Whereas high-performance buildings, which address human, environmental, economic, and total societal impact, result from the application of the highest level of design, construction, operation, and maintenance principles—a paradigm change for the built environment;

Whereas nearly 7,500,000 Americans are employed in the design, construction, operation, and maintenance sectors and require education and training to achieve and maintain high performance; and

Whereas the United States should continue to improve the features of new buildings and adapt and maintain existing buildings to changing balances in our needs and responsibilities for health, safety, energy and water efficiency, and usability by all segments of society: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals and ideals of High-Performance Building Week;

(2) recognizes and reaffirms our Nation's commitment to high-performance buildings by promoting awareness about their benefits and by promoting new education programs, supporting research, and expanding access to information;

(3) recognizes the unique role that the Department of Energy plays through the Office

of Energy Efficiency and Renewable Energy's Building Technologies Program, which works closely with the building industry and manufacturers to conduct research and development on technologies and practices for building energy efficiency;

(4) recognizes the important role that the National Institute of Standards and Technology plays in developing the measurement science needed to develop, test, integrate, and demonstrate the new building technologies; and

(5) encourages further research and development of high-performance building standards, research, and development.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CARNAHAN) and the gentleman from Nebraska (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

#### GENERAL LEAVE

Mr. CARNAHAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 1407, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CARNAHAN. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of House Resolution 1407, supporting the goals and ideals of High-Performance Building Week.

In 2008, my colleague Representative JUDY BIGGERT and I came together to form the bipartisan High-Performance Buildings Caucus. We both recognized that any conversation about our energy future and the creation of clean-energy jobs must involve our built environment. Investing in building energy-efficiency measures is the most immediate and effective way to reduce carbon pollution, lower energy demand, create good clean-energy jobs, and save American families and businesses money.

The built environment has a larger impact on the overall environment than many think. Each year, our homes, offices, schools, and other buildings account for about 40 percent of our total energy consumption. They consume 70 percent of all electricity from the grid, 60 percent of all raw materials, and 12 percent of all potable water in the United States alone. Through more efficient building practices and new technologies, we are beginning to address these problems in our built environment, but there is still much more to do.

I am a strong advocate of increasing the number of high-performance building technologies and construction throughout the U.S. A high-performance building is one that incorporates an entire-systems approach to building which includes energy and water efficiencies, lifecycle cost analysis, and

other environmental attributes into designs that are accessible, secure, resilient, and in many cases, historically preserved.

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High-performance buildings are more important in these difficult economic times because of their reduced energy cost, higher building values, and lower overall operating and maintenance costs.

Last week, I had the opportunity to visit with many companies and manufacturers that work in this field. The majority of all building products are American-made and manufactured. This is key because here in the U.S., building construction is responsible for 15 percent of GDP per year. And according to the U.S. Green Building Council, greater building efficiency can meet 85 percent of future U.S. demand for energy, and a national commitment to green building has the potential to generate 2.5 million American jobs.

The retrofitting of existing buildings or the design and construction of new high-performance buildings will have enormous impacts on the growth of our economy and securing our energy independence.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 1407, supporting the goals and ideals of High-Performance Building Week. The congressional High-Performance Buildings Caucus declared the week of June 13 through June 19 High-Performance Building Week in order to support and foster the engineering and innovation required for the construction of high-performance buildings.

High-performance buildings seek to address human, environmental, and economic issues inherent in the development process through the application of the highest level of design, construction, operation, and maintenance principles. These buildings can effectively guard against natural and human-caused events and disasters, including fire, flood, wind, noise, crime, and terrorism. When high-performance standards are used in schools, they also promote higher student achievement with better lighting, a more comfortable indoor environment, and improved ventilation and indoor quality.

Nearly 7.5 million Americans are employed in building design, construction, operation, and maintenance. These professions require high levels of education and training, the need for which will only intensify as the number of high-performance buildings increases. The resolution before us today seeks to promote awareness of the benefits of high-performance buildings and to illustrate continued support for research, education, and access to information in these areas.

We also recognize the important roles the Department of Energy and the National Institute of Standards and Technology play in developing the science necessary to create, test, integrate, and demonstrate new building technologies. Moreover, we recognize the innovative spirit and commitment of Americans to achieving excellence in this field. Our Nation's economy faces a number of obstacles, and we recognize the importance of construction and the value of every job created and maintained by this sector of our economy.

Mr. Speaker, I ask my colleagues to join me in supporting this resolution honoring the goals and ideals of High-Performance Building Week.

Mr. BLUMENAUER. Mr. Speaker, I am proud today to join my colleagues in designating the week of June 13th as High-Performance Building Week. Green buildings present an important opportunity: we can reduce greenhouse gas emissions, help people lead healthier, more productive lives, and spur vital economic development through retrofitting, redevelopment and new development of high performing buildings.

As I travel around the country, I have seen the importance of green buildings in communities everywhere. People are realizing that not only do green buildings decrease long term maintenance and utility costs, improve the health of their residents and workers and reduce our impact on the environment, they play an important role in spurring economic development and centering livable communities.

I am particularly excited by the work of Mr. Anthony Malkin, who is taking on the bold and visionary plan of retrofitting the Empire State Building. When it was built, the Empire State Building marked the beginning of a new era in American cities. It's a testament to the pioneering American spirit that we're taking what was a 20th century engineering marvel and turning it into an example of what is revolutionary and necessary in the 21st century. By the time Mr. Malkin and his team are done, the Empire State Building tenants will use 49 percent less energy and provide a cleaner, healthier space for all who work there. I'm glad to see that this American landmark will help lead the way to a cleaner, greener economy.

I can't talk about the green economy without discussing what's happening in my hometown of Portland, Oregon. Officials there are currently finalizing designs and plans for one of the first major living buildings. The Oregon Sustainability Center will be net zero for both energy and water, will be built and operated without using any toxic chemicals common to building materials, and will source materials and workforce from the local area. It will serve as a collaborative hub for Oregon's sustainability industry, encouraging collaboration between organizations, local governments and research facilities, and will show the rest of America showing what's possible. The Oregon Sustainability Center will be the first of the next generation in high performance buildings and I am proud that Portland is leading the way.

I am proud to support this resolution today and hope that my colleagues will join me.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to express my support for H. Res. 1407, which enumerates the ideas and goals of High-Performance Building Week. The High-Performance Building Congressional Caucus Coalition has designated the week of June 13 through June 19, 2010, as "High-Performance Building Week," in recognition of the importance of efficient, green building technology in our quest for energy independence. I believe consideration of the environmental impact of each of our buildings is vital to the future of American society, and I agree with the High-Performance Building Congressional Caucus Coalition on the need for awareness of the benefits of high-performance construction.

As a Georgia representative, I am proud of the leadership our universities and agencies have shown in the national movement toward environmental responsibility. Several of Atlanta's foremost institutions are stellar examples of American excellence in high-performance building. Emory University's Whitehead Biomedical Research Building was the first building in the southeast to be certified as green. With a Leadership in Energy and Environmental Design (LEED) rating of Silver from the U.S. Green Building Council, the Whitehead Research Building uses high-performance technologies, such as rainwater harvesting, to operate its 150 laboratories. This building marked the inception of Emory's policy of requiring all newly constructed buildings to obtain a minimum LEED rating of Silver.

Also located in Atlanta are the Centers for Disease Control and Prevention, whose Division of Laboratory Science in 2005 became the first U.S. government building to receive a LEED Gold certification. Its unique sun-shade structure takes in light and reflects it throughout the building, while simultaneously time blocking solar heat. Aside from the dozens of technological innovations the building boasts, its green design solutions have also saved the CDC an estimated \$1 million in annual operating costs. I am excited about the leaps in the science of high-performance building we have seen in my State and across the country over the past decade, and applaud the designation of High-Performance Building Week as I look forward to the bright future of environmentally-friendly construction.

I urge my colleagues to support this important resolution.

Mr. HONDA. Mr. Speaker, the High-Performance Building Congressional Caucus Coalition has designated June 13–19 as "High-Performance Building Week." During this week, we are recognizing the importance of energy efficient building design, with the goal of driving our country toward a more sustainable future.

Buildings throughout our nation are responsible for over 39 percent of our annual carbon emissions, and for 12 percent of the potable water consumption as well as over 70 percent of the electricity use in the United States. The dramatic energy consumption of our buildings is damaging in the long run, and it is imperative that we make energy efficiency part and parcel of the building and operations of our places of work and shelter.

As a Californian, I recognize the importance of sound energy policy and environmental protection. California stands as a leader in these fields, having a range of accomplishments related to our environment and energy independence. The city of San Jose has already begun the process of retrofitting and meeting green building standards with its Green Vision program. Universities throughout the state have installed solar systems to power their electricity needs. Students from high schools and universities in my district have formed recycling initiatives, built solar cars and houses for competitions, and held eco-friendly fundraising fashion shows; each of these steps may seem small but is a critical part of a bigger national stride.

The efforts of Californians are echoed by many in the House of Representatives. I was privileged to be a part of establishing the Sustainable Energy and Environment Coalition in order to deal with problems including that of the built environment. We feel it is essential that the House gives priority to consideration of energy and environmental issues, and applaud resolutions like H. Res. 1407, supporting the ideals of "High-Performance Building Week," which focuses attention on all aspects of high-performance buildings, including the role they play in reducing impact of humans on our climate.

In addition to creating more energy-efficient buildings, we also need to address the efficiency of the electronics inside our homes. Our household electronics consume a massive amount of energy—the power to run them cost Americans \$80 billion last year, but that is a small number compared to the projected \$200 billion in electricity they will consume by 2030 unless something changes. We need to consider the potential for integrated smart electronics that will both heal the energy wounds we have created as well as provide a cost-effective solution for consumers. In April, I introduced the Smart Electronics Act, H.R. 5070, to help green the electronics industry by providing the private sector with reliable standards and incentives and by educating and empowering consumers to make smarter and more efficient choices—all of which help cool the planet and keep Silicon Valley innovative.

Once again, Mr. Speaker, it is with great pride that I commemorate the progress we are making toward a sustainably responsible future. Focusing on creating energy-efficient building envelopes as well as smarter electronics inside homes inspires our communities to work toward the next generation of energy independence and environmental justice.

Mr. SMITH of Nebraska. Mr. Speaker, I yield back the balance of my time.

Mr. CARNAHAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CARNAHAN) that the House suspend the rules and agree to the resolution, H. Res. 1407.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CARNAHAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### SUPPORTING NATIONAL HURRICANE PREPAREDNESS WEEK

Mr. CARNAHAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1388) supporting the goals and ideals of National Hurricane Preparedness Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1388

Whereas the Atlantic and central Pacific hurricane season begins June 1, 2010, and ends November 30, 2010, and the eastern Pacific hurricane season runs from May 15, 2010, through November 30, 2010;

Whereas an average of 11 tropical storms develop per year over the Atlantic Ocean, the Caribbean Sea, and the Gulf of Mexico, and an average of 6 of these storms become hurricanes;

Whereas in an average 3-year period, roughly 5 hurricanes strike the coastlines of the United States, sometimes resulting in multiple deaths, and 2 of these hurricanes are typically labeled "major" or "intense" category 3 hurricanes, as measured on the Saffir-Simpson Hurricane Scale;

Whereas millions of Americans face great risks from tropical storms and hurricanes, as 50 percent of Americans live along the coast and millions of tourists visit the oceans each year;

Whereas the 2009 Atlantic hurricane season included 9 named storms, including 3 hurricanes, 2 of which were category 3 or higher;

Whereas during a hurricane, homes, businesses, public buildings, and infrastructure may be damaged or destroyed by heavy rain, strong winds, and storm surge;

Whereas damage from a hurricane is usually substantial, as debris can break windows and doors, roads and bridges can be washed away, homes can be flooded, and destructive tornadoes can occur well away from the storm's center;

Whereas experts at the National Oceanic and Atmospheric Administration's National Hurricane Center and the National Weather Service agree that it is critical for all people to know if they live in an area prone to hurricanes, to figure out their home's vulnerability in the event of a storm surge, flooding, and heavy winds, and to develop a written family disaster plan based on this knowledge;

Whereas the National Hurricane Center recommends that people in areas prone to hurricanes prepare a personal evacuation plan that identifies ahead of time several options of places to go in the event of evacuation, the telephone numbers of these places, and a local road map;

Whereas the National Hurricane Center recommends that people in areas prone to hurricanes prepare a disaster supply kit before hurricane season begins that includes a first aid kit with essential medications, canned food, a can opener, at least 3 gallons of water per person per day for 3 to 7 days, protective clothing, rain gear, bedding or sleeping bags, a battery-powered radio, a

flashlight, extra batteries, special items for infant, elderly, or disabled family members, and written instructions on how to turn off electricity, gas, and water in the event authorities advise these actions;

Whereas the National Hurricane Center recommends that citizens know that a "hurricane watch" means conditions are possible in the specified area, usually within 36 hours, and a "hurricane warning" means hurricane conditions are expected in the specified area, usually within 24 hours;

Whereas in the event of a hurricane warning, the National Hurricane Center recommends people listen to the advice of local officials, evacuate if told to do so, complete preparedness activities, stay indoors and away from windows, be alert for tornadoes, and be aware that the calm "eye" of the storm does not mean the storm is over;

Whereas in the 1970s, 1980s, and 1990s, inland flooding was responsible for more than half the deaths associated with tropical storms and hurricanes in the United States;

Whereas the National Weather Service recommends that when a hurricane threatens the United States, people in potential flood zones evacuate if told to do so, keep abreast of road conditions through the news media, move to a safe area before access is cut off by flood water, develop a flood emergency action plan, and do not attempt to cross flowing water in an automobile, because as little as 6 inches of water may cause one to lose control of the vehicle;

Whereas the National Oceanic and Atmospheric Administration provides more detailed information about hurricanes and hurricane preparedness via its website, <http://www.nhc.noaa.gov/HAW2/>; and

Whereas National Hurricane Preparedness Week will be the week of May 23 through 29, 2010: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals and ideals of National Hurricane Preparedness Week;

(2) encourages the staff of the National Oceanic and Atmospheric Administration, especially the National Weather Service and the National Hurricane Center, and other appropriate Federal agencies, to continue their outstanding work of educating people in the United States about hurricane preparedness; and

(3) urges the people of the United States to recognize such a week as an opportunity to learn more about the work of the National Hurricane Center in forecasting hurricanes and educating citizens about the potential risks of the storms.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CARNAHAN) and the gentleman from Nebraska (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

##### GENERAL LEAVE

Mr. CARNAHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 1388, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CARNAHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on June 1, hurricane season began in the Atlantic Ocean. Hurricane forecasters have predicted an above-average year for tropical storms and hurricanes for 2010. As we enter hurricane season, it is therefore very timely to consider this resolution recognizing the importance of hurricane preparedness.

Hurricanes are among the most powerful forces of nature we experience. As the tragedies from past storms have taught us, it is vitally important that Federal, State, and local governments work together to better prepare the coastal communities for these powerful storms to minimize the loss of life and costly physical damage. Part of this effort is educating the public about hurricanes and hurricane preparedness. The National Hurricane Center at NOAA is a critical resource in this effort. In addition to providing us with the hurricane forecasting information that coastal communities all rely on, the National Hurricane Center also focuses considerable effort in educating coastal communities about hurricane preparedness. This includes recommendations from what supplies to have handy if you live in a hurricane-prone region to encouraging people to craft personal evacuation plans in the event of a storm. These seemingly small steps can make an enormous difference in saving lives.

We don't have any hurricanes in my home State of Missouri, but these same lessons of preparedness for deadly weather can be seen in the Midwest. Living in "Tornado Alley," we know all too well the consequences of not being prepared for action when the tornado warnings go off. Unfortunately, all too often the results from being unprepared is a loss of life.

It really is hard to understate the importance of adequate preparation and preparedness in these regions of our country that are susceptible to dangerous weather. I want to thank my friend from Florida (Mr. MARIO DIAZ-BALART) for introducing this important resolution, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1388, supporting the goals and ideals of National Hurricane Preparedness Week.

Every year, our coastal areas face the threat of hurricanes and tropical storms. These storms feature high wind speeds, heavy rains, and storm surges which can cause flooding and coastal erosion. With millions of Americans living within 50 miles of a vulnerable shoreline, these factors, unfortunately, can also cause loss of human life and substantial property destruction.

Over the last several decades, the increasing population density along the

Nation's coastlines has contributed to the rising cost of recovering from hurricane damage. Thus, it is critical governments prepare for evacuation, ensure emergency supplies are readily available, and require adequate safety standards for infrastructure and buildings.

Each year since 1998, the National Weather Service has issued a seasonal outlook forecasting the number of storms likely to arise during the hurricane season, June 1 through November 30. This year, the National Weather Service is projecting between eight and 14 hurricanes. Storms with sustained wind speeds of 74 miles per hour or greater will form in the Atlantic basin, and between three and seven of these storms could be major hurricanes with wind speeds of at least 111 miles per hour.

Although not all storms will make landfall, a greater number of possible storms this season indicates landfall is more likely. This resolution encourages people to utilize the knowledge gained from past disasters, to learn about the potential risk of being caught in a hurricane, and how to prepare for the associated hazards.

I urge my colleagues to support H. Res. 1388.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding and I rise today in support of the resolution, but I really wanted to support the previous resolution, but I was in a conference.

As the co-chair of the High-Performance Buildings Caucus, I am delighted to join my colleague and caucus co-chair, Congressman RUSS CARNAHAN, to recognize June 13 through June 19 as High-Performance Building Week, House Resolution 1407.

Last week's celebration was marked by numerous events, including Hill briefings and offsite green infrastructure tours, and I would like to thank the National Institute for Building Sciences, the American Society for Landscape Architects, and the National Institute for Standards and Technology for organizing these tours throughout last week.

Congressman CARNAHAN and I first formed the High-Performance Buildings Caucus in 2008 to heighten awareness and inform policymakers about the major impact buildings have on our health, safety, and environment. Through monthly briefings, we explore the opportunities to design, construct, and operate high-performance buildings that reflect our concern for these impacts. In fact, since we first started this caucus, we've had almost 25 briefings on everything from lighting technology and building modeling to smart-grid facilities management and green job creation.

Understanding how every element of a building affects us—and our energy

bill—is important. Buildings consume 40 percent of the energy used in the U.S. while emitting 39 percent of U.S. carbon dioxide emissions. Perhaps a more surprising statistic is that Americans spend, on average, 90 percent of their time indoors. With this in mind, new building construction and sustainability of our current building inventory is more important now than ever.

Consider two statistics from the U.S. Green Building Council: Students with optimum daylight in the classroom performed 20 percent faster on math tests and 26 percent faster on reading tests in 1 year than those with less daylight. Improvements with indoor environments are estimated to save \$17 billion to \$48 billion in total health gains and \$20 billion to \$160 billion in worker performance.

Most importantly, a 2009 McKinsey study on energy efficiency demonstrates the potential for the residential building sector to reduce its energy consumption by 35 percent over the next 10 years, and 40 percent in the industrial sector. For these reasons, Mr. Speaker, it is important that we maintain our commitment to and awareness of high-performance buildings and the benefits they offer society.

We could not honor the goals and ideals of High-Performance Building Week without thanking those groups that have helped us over the last 2 years. Dozens of building and standard organizations make up the High-Performance Buildings Congressional Caucus Coalition. I know I speak for myself and my fellow caucus co-chair when I say thank you for your help educating, researching, and advancing the goal of high-performance buildings.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of House Resolution 1388, to support the goals and ideals of National Hurricane Preparedness Week. This important resolution urges the people of the United States to recognize this week as an opportunity to learn more about the work of the National Hurricane Center in forecasting hurricanes and educating citizens about the potential risks of the storms.

I would like to acknowledge Speaker PELOSI and Majority Leader HOYER for their leadership in bringing this resolution to the floor. I would also like to thank my colleague Congressman MARIO DIAZ-BALART, who authored this timely resolution.

As Chair of the Homeland Security Subcommittee on Emergency Communications, Preparedness, and Response, emergency preparedness for all types of natural disasters, such as flash floods in natural parks or wildfires in southern California, is an important issue to me. I will soon be introducing legislation that emphasizes the importance and need for effective and reliable alert systems when these national disasters occur.

In an average 3-year period, roughly 5 hurricanes strike the coastlines of the United States. The 2009 Atlantic hurricane season included 9 named storms, including 3 hurricanes, 2 of which were category 3 or higher.

Because damage from a hurricane can be substantial, the National Hurricane Center recommends that people in areas prone to hurricanes prepare a personal evacuation plan that identifies ahead of time several options of places to go in the event of evacuation, the telephone numbers of these places, and a local road map. When a hurricane threatens the United States, people in potential flood zones must evacuate if told to do so, keep abreast of road conditions through the news media, move to a safe area before access is cut off by flood water, and develop a flood emergency action plan.

H. Res. 1388 encourages the staff of the National Oceanic and Atmospheric Administration, especially the National Weather Service and the National Hurricane Center, to continue their outstanding work of educating people in the United States about hurricane preparedness. In conclusion, Mr. Speaker, I support this legislation to promote increased safety measures during hurricane season.

Mr. Speaker, I urge my colleagues to join me in supporting H. Res. 1388.

Mr. BILIRAKIS. Mr. Speaker, I rise today to express my strong support for H. Res. 1388, Supporting the Goals and Ideals of National Hurricane Preparedness Week. As a representative of a Congressional District along Florida's Gulf Coast, many of my constituents have witnessed the destruction that hurricanes can cause. Although the Tampa Bay area has been fortunate enough to evade the path of a major storm for the past five years, we must not forget the importance of being prepared.

The National Oceanic and Atmospheric Administration has predicted that this could be an extremely active hurricane season, with 14 to 23 named storms. I worry that predictions of an active season exacerbated by the still unknown implications of the effects of the oil spill could be a recipe for the most devastating season we've yet to experience.

Although we hope and pray that this will not become reality, we must also call to mind the memories of the power outages and physical damage caused by the high speed winds. We must put ourselves in a position of preparedness.

I encourage all individuals, especially those who reside along the Gulf Coast and Eastern Seaboard, to take the necessary precautions to prepare themselves and their families should these predictions prove accurate. Develop an emergency plan. Make a disaster preparedness kit that includes water, non-perishable food items, a first aid kit, medications, and important documents. Know emergency evacuation routes. The best time to prepare is now.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in support of H. Res. 1388, a resolution that supports the goals and ideals of National Hurricane Preparedness Week. I also want to thank my colleague, the honorable MARIO DIAZ-BALART, for introducing this important resolution.

My district is in the wake of many hurricanes that make their way into the Gulf of Mexico. Hurricane season has a profound impact on our way of life in the gulf. Hurricane season is upon us, and with it comes the distinct possibility of Mother Nature wreaking more havoc on our gulf coast. Our oceans are

in peril. Reams of film from the field reach all of our doorsteps, pictures of oil covered birds, ailing mammals, and other creatures that couldn't possibly survive the copious amounts of oil. The harm done to our gulf is already at an unprecedented level.

Unfortunately, as long as oil plumes continue to form nebulous clouds of black a mile beneath the deep blue sea, we will continue to push that unprecedented level of destruction even further, continue to see our gulf shores littered with amorphous lumps of oil, continue to see the gulf coast crowded with sick animals, continue to see the gulf fishing industry suffer.

Lost in the discussion of Sunday's World Refugee Day was the group of internally displaced individuals from Ike, Rita, and especially Katrina.

For example, our latest hurricane, Hurricane Ike, wreaked havoc on Texas, particularly in Galveston and Houston. As we moved forward with recovery efforts, it was clear that the impact of this storm had been widespread and many people were still in need of assistance.

Hurricane Ike pummeled the Texas Gulf Coast, resulting in at least 38 deaths in Texas, evacuation of over 1 million residents, hundreds more are either missing or remain unaccounted for, over 2,000 residents were rescued from harrowing conditions, and more than \$11 billion worth of damage according to preliminary estimates, making this the most costly storm in Texas history.

In the weeks that followed Hurricane Ike, over 2.5 million families struggled to survive with no electricity, including no air conditioning in the sweltering heat, which had a particularly severe impact on the elderly, disabled, impoverished and other vulnerable populations. Clearly, we need to invest substantial funds to improve our electric grids to ensure that the disparate impact on vulnerable populations is corrected and never allowed to reoccur.

Just as we saw in the Ninth Ward of New Orleans, Louisiana Post-Hurricane Katrina, internally displaced individuals from hurricanes do not receive the proper access to government aid to rebuild and recover. In fact, there is still a desperate need of housing and much more rebuilding that needs to be done to restore previous hurricane disaster victims and assist the residents who remain there.

We cannot allow the hurricane victims to be forgotten. Throughout our Post-Hurricane recovery efforts, many individuals have had difficulties and challenges getting the government aid that they need to rebuild after the storm. Many lost their jobs or are at risk of losing their employment due to damages incurred by the hurricane.

There are men, women, and children who have lost so much due to flood waters and storm winds. I have been proud to stand up repeatedly in Congress to fight on their behalf by securing the necessary federal funds. We must work together to ensure that our nation does its part to help hurricane victims fully recover by ensuring the delivery of funds that we worked so hard to appropriate. As a senior Member of the House Homeland Security Committee, which has oversight over the Federal Emergency Management Administration, FEMA, I am working to ensure that our communities respond expeditiously to natural dis-

asters. The protection of our homeland and the security of our neighborhoods are at the forefront of my agenda.

While Hurricane Ike has left an enormous amount of devastation, it has demonstrated yet again the amazing unity, strength and resilience that Texans possess. Whether rich or poor, black or white, young or old, Democrat or Republican, everyone has been working together to respond, recover, rebuild and move forward.

We must work together to improve access to housing and the critical infrastructure necessary to ensure that the residents of North Galveston and their communities are safe. Where unacceptable vulnerabilities remain, swift action must be taken to eliminate them. I am committed to ensuring the implementation of such action.

My friends, this oil spill in the Gulf of Mexico threatens the livelihood of the citizens of the south central region of these United States, and deprives all Americans of the beauty and reasonable use of the seas and its inhabitants.

I urge my colleagues to support this bill.

Mr. SMITH of Nebraska. Mr. Speaker, I yield back the balance of my time.

Mr. CARNAHAN. Mr. Speaker, I just want to add again my thanks to the gentlelady from Illinois for her leadership on the High-Performance Buildings Caucus and for being here to speak on behalf of the prior resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CARNAHAN) that the House suspend the rules and agree to the resolution, H. Res. 1388.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CARNAHAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 2 o'clock and 58 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CARNAHAN) at 6 p.m.

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order: H. Con. Res. 288; H. Res. 546; and H. Res. 1407, in each case by the yeas and nays.

Remaining postponed proceedings will resume later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## SUPPORTING NATIONAL MEN'S HEALTH WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 288) supporting National Men's Health Week, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the concurrent resolution.

The vote was taken by electronic device, and there were—yeas 388, nays 0, not voting 44, as follows:

[Roll No. 376]

YEAS—388

Ackerman	Brown (GA)	Crowley
Aderholt	Brown, Corrine	Cuellar
Adler (NJ)	Brown-Waite,	Cummings
Akin	Ginny	Dahlkemper
Altmire	Buchanan	Davis (CA)
Andrews	Burgess	Davis (IL)
Arcuri	Burton (IN)	Davis (KY)
Austria	Calvert	Davis (TN)
Baca	Camp	DeFazio
Bachmann	Campbell	DeGette
Bachus	Cantor	Delahunt
Baird	Cao	DeLauro
Baldwin	Capito	Dent
Barrow	Capps	Deutch
Bartlett	Capuano	Diaz-Balart, L.
Barton (TX)	Cardoza	Diaz-Balart, M.
Bean	Carnahan	Dicks
Becerra	Carney	Dingell
Berkley	Carson (IN)	Djou
Berman	Cassidy	Doggett
Berry	Castle	Donnelly (IN)
Biggart	Castor (FL)	Doyle
Bilbray	Chaffetz	Dreier
Bilirakis	Chandler	Driehaus
Bishop (GA)	Childers	Duncan
Bishop (NY)	Chu	Edwards (MD)
Bishop (UT)	Clarke	Edwards (TX)
Blackburn	Clay	Ehlers
Blumenauer	Cleaver	Ellison
Boccheri	Clyburn	Ellsworth
Boehner	Coble	Emerson
Bonner	Coffman (CO)	Engel
Bono Mack	Cohen	Eshoo
Boozman	Cole	Etheridge
Boren	Conaway	Fattah
Boswell	Connolly (VA)	Filner
Boucher	Conyers	Flake
Boustany	Cooper	Fleming
Boyd	Costa	Forbes
Brady (PA)	Costello	Foster
Brady (TX)	Courtney	Fox
Braley (IA)	Crenshaw	Frank (MA)
Bright	Critz	Franks (AZ)

Frelinghuysen	Lungren, Daniel	Rooney
Fudge	E.	Ros-Lehtinen
Gallegly	Lynch	Roskam
Garamendi	Mack	Ross
Garrett (NJ)	Maffei	Rothman (NJ)
Gerlach	Maloney	Roybal-Allard
Giffords	Manzullo	Royce
Gingrey (GA)	Marchant	Ruppersberger
Gohmert	Markey (CO)	Rush
Gonzalez	Markey (MA)	Ryan (OH)
Gordon (TN)	Marshall	Ryan (WI)
Granger	Matsui	Salazar
Graves (GA)	McCarthy (CA)	Sanchez, Linda
Grayson	McCaul	T.
Green, Al	McClintock	Sanchez, Loretta
Green, Gene	McCollum	Sarbanes
Guthrie	McCotter	Scalise
Gutierrez	McDermott	Schakowsky
Hall (NY)	McGovern	Schauer
Hall (TX)	McHenry	Schiff
Halvorson	McIntyre	Schmidt
Hare	McKeon	Schock
Harman	McMahon	Schwartz
Harper	McMorris	Scott (GA)
Hastings (FL)	Rodgers	Scott (VA)
Hastings (WA)	Meek (FL)	Sensenbrenner
Heinrich	Meeks (NY)	Serrano
Heller	Melancon	Sestak
Hensarling	Mica	Shadegg
Herger	Michaud	Shea-Porter
Hereth Sandlin	Miller (FL)	Sherman
Higgins	Miller (MI)	Shimkus
Hill	Miller (NC)	Shuler
Hinojosa	Miller, Gary	Shuster
Hirono	Miller, George	Simpson
Holden	Minnick	Sires
Holt	Mitchell	Skelton
Hoyer	Mollohan	Slaughter
Hunter	Moore (KS)	Smith (NE)
Inslee	Moore (WI)	Smith (NJ)
Israel	Moran (KS)	Smith (TX)
Issa	Murphy (CT)	Smith (WA)
Jackson (IL)	Murphy (NY)	Snyder
Jackson Lee	Murphy, Tim	Space
(TX)	Myrick	Speier
Jenkins	Nadler (NY)	Spratt
Johnson (GA)	Napolitano	Stearns
Johnson (IL)	Neal (MA)	Stupak
Johnson, E. B.	Neugebauer	Sullivan
Jones	Nunes	Sutton
Kagen	Nye	Tanner
Kanjorski	Oberstar	Taylor
Kaptur	Obey	Teague
Kennedy	Oliver	Terry
Kildee	Ortiz	Thompson (CA)
Kilpatrick (MI)	Owens	Thompson (MS)
Kilroy	Pallone	Thompson (PA)
Kind	Pascarell	Thornberry
King (IA)	Pastor (AZ)	Tiahrt
King (NY)	Paul	Tiberi
Kingston	Paulsen	Tierney
Kirkpatrick (AZ)	Payne	Titus
Kissell	Pence	Tonko
Klein (FL)	Perlmutter	Towns
Kline (MN)	Perriello	Tsongas
Kosmas	Peters	Turner
Kratovil	Peterson	Upton
Kucinich	Petri	Van Hollen
Lamborn	Pingree (ME)	Velázquez
Lance	Pitts	Visclosky
Langevin	Poe (TX)	Walden
Larsen (WA)	Polis (CO)	Walz
Larson (CT)	Pomeroy	Wasserman
Latham	Posey	Schultz
LaTourette	Price (GA)	Waters
Latta	Price (NC)	Watson
Lee (NY)	Quigley	Watt
Levin	Radanovich	Waxman
Lewis (CA)	Rahall	Weiner
Lewis (GA)	Rehberg	Welch
Linder	Reichert	Westmoreland
Lipinski	Reyes	Whitfield
LoBiondo	Richardson	Wilson (OH)
Lowey	Rodriguez	Wittman
Lucas	Roe (TN)	Wolf
Luetkemeyer	Rogers (AL)	Wu
Lujan	Rogers (KY)	Yarmuth
Lummis	Rogers (MI)	Young (AK)
	Rohrabacher	

NOT VOTING—44

Alexander	Butterfield	Davis (AL)
Barrett (SC)	Butterfield	Fallin
Blunt	Carter	Farr
Brown (SC)	Culberson	Fortenberry

Goodlatte	Jordan (OH)	Platts
Graves (MO)	Kirk	Putnam
Griffith	Lee (CA)	Rangel
Grijalva	Loebach	Schrader
Himes	Lofgren, Zoe	Sessions
Hinchey	Matheson	Stark
Hodes	McCarthy (NY)	Wamp
Hoekstra	McNerney	Wilson (SC)
Honda	Moran (VA)	Woolsey
Inglis	Murphy, Patrick	Young (FL)
Johnson, Sam	Olson	

□ 1833

Mr. AUSTRIA changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## RECOGNIZING JUNETEENTH INDEPENDENCE DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 546) recognizing the historical significance of Juneteenth Independence Day, and expressing the sense of the House of Representatives that history should be regarded as a means for understanding the past and more effectively facing the challenges of the future, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 546.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 42, as follows:

[Roll No. 377]

YEAS—390

Ackerman	Bonner	Cassidy
Aderholt	Bono Mack	Castle
Adler (NJ)	Boozman	Castor (FL)
Akin	Boren	Chaffetz
Altmire	Boswell	Chandler
Andrews	Boucher	Childers
Arcuri	Boustany	Chu
Austria	Boyd	Clarke
Baca	Brady (PA)	Clay
Bachmann	Brady (TX)	Cleaver
Bachus	Braley (IA)	Clyburn
Baird	Bright	Coble
Baldwin	Brown (GA)	Coffman (CO)
Barrow	Brown, Corrine	Cohen
Bartlett	Brown-Waite,	Cole
Barton (TX)	Ginny	Conaway
Bean	Buchanan	Connolly (VA)
Becerra	Burgess	Cooper
Berkley	Burton (IN)	Costa
Berman	Calvert	Costello
Berry	Camp	Courtney
Biggart	Campbell	Crenshaw
Bilbray	Cantor	Critz
Bilirakis	Cao	Crowley
Bishop (GA)	Capito	Cuellar
Bishop (NY)	Capps	Cummings
Bishop (UT)	Capuano	Dahlkemper
Blackburn	Cardoza	Davis (CA)
Blumenauer	Carnahan	Davis (IL)
Boccheri	Carney	Davis (KY)
Boehner	Carson (IN)	Davis (TN)

DeFazio  
DeGette  
DeLauro  
Dent  
Deutch  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Djou  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Foster  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Granger  
Graves (GA)  
Graves (MO)  
Grayson  
Green, Al  
Green, Gene  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Hinojosa  
Hirono  
Holden  
Holt  
Hoyer  
Hunter  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Jones  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirkpatrick (AZ)

Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Matsui  
McCarthy (CA)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perrillo  
Peters  
Peterson  
Petri

Pingree (ME)  
Pitts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz

Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
  
Alexander  
Barrett (SC)  
Blunt  
Brown (SC)  
Butterfield  
Buyer  
Carter  
Conyers  
Culberson  
Davis (AL)  
Delahunt  
Fallin  
Farr  
Fortenberry

Weiner  
Welch  
Westmoreland  
Whitfield  
Wilson (OH)  
Wittman  
  
Goodlatte  
Gordon (TN)  
Griffith  
Grijalva  
Himes  
Hinchey  
Hodes  
Hoekstra  
Honda  
Inglis  
Johnson, Sam  
Jordan (OH)  
Kirk  
Lee (CA)

Wolf  
Wu  
Yarmuth  
Young (AK)  
  
Loebsack  
Lofgren, Zoe  
Matheson  
McCarthy (NY)  
McNerney  
Olson  
Platts  
Putnam  
Schrader  
Stark  
Wamp  
Wilson (SC)  
Woolsey  
Young (FL)

Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Critz  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Deutch  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Djou  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fattah  
Filner  
Fleming  
Forbes  
Foster  
Frank (MA)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Garrett (NJ)  
Gerlach  
Giffords  
Gohmert  
Gonzalez  
Granger  
Graves (MO)  
Grayson  
Green, Al  
Green, Gene  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Hinojosa  
Hirono  
Holden  
Holt  
Hoyer  
Hunter  
Inslee  
Israel  
Issa  
Jackson (IL)

Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Jones  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (NY)  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Matsui  
McCarthy (CA)  
McCaul  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Oliver  
Ortiz

Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Paulsen  
Payne  
Pence  
Perlmutter  
Perrillo  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Polis (CO)  
Pomeroy  
Posey  
Price (NC)  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Manzullo  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns

## NOT VOTING—42

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to vote.

□ 1841

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## SUPPORTING HIGH-PERFORMANCE BUILDING WEEK

The SPEAKER pro tempore (Ms. JACKSON LEE of Texas). The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1407) supporting the goals and ideals of High-Performance Building Week, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CARNAHAN) that the House suspend the rules and agree to the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 371, nays 20, not voting 41, as follows:

[Roll No. 378]

YEAS—371

Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggart  
Bilbray

Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Bocciari  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Brown, Corrine  
Brown-Waite,  
Ginny

Buchanan  
Burton (IN)  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay

Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Critz  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Deutch  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Djou  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fattah  
Filner  
Fleming  
Forbes  
Foster  
Frank (MA)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Garrett (NJ)  
Gerlach  
Giffords  
Gohmert  
Gonzalez  
Granger  
Graves (MO)  
Grayson  
Green, Al  
Green, Gene  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Hinojosa  
Hirono  
Holden  
Holt  
Hoyer  
Hunter  
Inslee  
Israel  
Issa  
Jackson (IL)

Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Jones  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (NY)  
Kingston  
Kirkpatrick (AZ)

Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Paulsen  
Payne  
Pence  
Perlmutter  
Perrillo  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Polis (CO)  
Pomeroy  
Posey  
Price (NC)  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Manzullo  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns

Tsongas	Walz	Welch
Turner	Wasserman	Whitfield
Upton	Schultz	Wilson (OH)
Van Hollen	Waters	Wittman
Velázquez	Watson	Wolf
Visclosky	Watt	Wu
Walden	Weiner	Yarmuth

## NAYS—20

Broun (GA)	Hall (TX)	Paul
Burgess	King (IA)	Poe (TX)
Flake	Kingston	Price (GA)
Foxx	Lamborn	Shadegg
Franks (AZ)	Mack	Westmoreland
Gingrey (GA)	McClintock	Young (AK)
Graves (GA)	Miller (FL)	

## NOT VOTING—41

Alexander	Gordon (TN)	Matheson
Barrett (SC)	Griffith	McCarthy (NY)
Blunt	Grijalva	McNerney
Brown (SC)	Himes	Olson
Butterfield	Hodes	Platts
Buyer	Hoekstra	Putnam
Carter	Honda	Schrader
Conyers	Inglis	Stark
Culberson	Johnson, Sam	Wamp
Davis (AL)	Jordan (OH)	Waxman
Fallin	Kirk	Wilson (SC)
Farr	Lee (CA)	Woolsey
Fortenberry	Loeback	Young (FL)
Goodlatte	Lofgren, Zoe	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1850

Messrs. GINGREY of Georgia, POE of Texas, and HALL of Texas changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. LEE of California. Mr. Speaker, today I missed rollcall vote No. 376 on H. Con. Res. 288, rollcall vote No. 377 on H. Res. 546, and rollcall vote No. 378 on H. Res. 1407. Had I been present, I would have voted “aye” on each of these rollcall votes.

## A TRIBUTE TO MONSIGNOR LOUIS ANTONELLI

(Mr. SABLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, God's blessings come to us in many forms. One of the ways the people of Rota in the Northern Mariana Islands have been most blessed by God is through His minister, the Reverend Monsignor Louis Antonelli. In September, Pale Antonelli will celebrate his 92nd birthday. For 37 of those years, he has served on the island of Rota, first as pastor of San Francisco De Borja Church in Songsong Village, then as pastor of San Isidro Church in Sinapalu.

Throughout these years, Monsignor Antonelli has presided over countless

masses, baptisms, catechism classes, counseling sessions, weddings, and funerals. He has ministered to hospital patients, prison inmates, the sick, and the elderly. But in addition to being a man of the spirit, the beloved Pale Antonelli is a man of the Earth. His herd of cattle, about 100 head, and the grazing lands he has cultivated for them are widely recognized among Rota's finest, a product of nurture and careful breeding.

It is a long way from Sheppton, Pennsylvania, where Pale Antonelli was born, to the island of Rota. God's ways are unfathomable. But we are all grateful that God's ways brought Pale Antonelli to the Northern Mariana Islands.

## RESPONSIBILITY FOR A BUDGET

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, Majority Leader HOYER says, “It isn't possible to debate and pass a realistic, long-term budget until we've considered the bipartisan commission's deficit-reduction plan, which is expected in December.”

Well, that means the Democrats do not plan to have a budget for this cycle. Is it any wonder the White House budget director, Peter Orszag, plans to resign next month? If the hard work of budgeting can be ignored by the majority in Congress when we're facing trillions of dollars in debt, then why worry about a budget at all? I guess there's no reason to propose a White House budget either. So Mr. Orszag must not feel needed at the moment.

It has always been clear to me that the power of the purse resided in Congress, not in a deficit-reduction commission. We all look forward to the ideas that may come from the commission. They may be inspired and the answer to our prayers, but the commission is not a reason for abdicating our current responsibility to the people of this Nation to start work now when reducing our debt.

## STANWOOD BOOMWORKS AND ABS MATERIALS

(Mr. BOCCIERI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOCCIERI. Today, I rise to acknowledge two businesses in my Ohio district helping to combat the BP oil disaster in the gulf and creating jobs. Stanwood Boomworks in Massillon, Ohio, is one of 10 companies in the country producing oil booms designed to help contain spilled oil. Over the past few weeks, Boomworks has hired 80 new local workers and is producing

250 booms a day. Boomworks supplied more than 1,000 oil booms for Gulf Coast workers already, and I want to honor their hard work today.

Another local company, ABS Materials in Wooster, Ohio, is taking advantage of National Science Foundation grants to create jobs at home and provide solutions for the Gulf Coast oil spill. An NSF grant helped fund research leading to the formation of ABS Materials in 2009. As a result of that funding, it currently employs 28 people at two locations and will expand to over 100 in the upcoming year. ABS Materials is currently working on producing a more environmentally friendly way of separating oil from ocean water in the Gulf of Mexico.

I congratulate both of these companies on their perseverance and success during these tough economic times and their leadership in combating the worst oil spill in our country's history.

## HONORING CHEVEZ CLARKE

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to honor Chevez Clarke, a baseball player from my hometown of Marietta, Georgia, who, along with two other Georgians, Kaleb Cowart of Cook High School and Cam Bedrosian of East Coweta High School, was drafted with the first round of the 2010 Major League Baseball draft by the Los Angeles Angels.

Clarke, who's a senior at Marietta High School, is a switch-hitting center fielder, and scouts say he has the ability to be a “game-changer.” Marietta Coach Chris Stafford said Clarke is the most talented player he has ever had the chance to coach and is a “very mature, focused kid.” No doubt Marietta High School benefited greatly from the playing ability of Chevez Clarke.

Mr. Speaker, I want to extend my congratulations to Chevez Clarke's mom and dad, who I know played a big part in his success, and I wish Chevez all the best.

## IN MEMORY OF ARMY SPECIALIST BENJAMIN OSBORN

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of New York. Mr. Speaker, I rise today with the very sad duty of reporting the tragic passing of Army Specialist Benjamin Osborn. Osborn was killed in action in Afghanistan on June 15, 2010. Specialist Osborn was assigned to the Army's 101st Airborne based out of Fort Campbell, Kentucky. A beloved son, husband, friend, and soldier from Lake George, Ben will be sorely missed by the entire Adirondack community. My heart goes out to

Ben's wife, Nicole, and to his parents, William and Beverly. This true American hero made the ultimate sacrifice in defense of his Nation, and we owe him our eternal gratitude.

Ben Osborn, just 27 years old, volunteered for the position of gunner because, in the words of his sister, Bethany, "He was a proud soldier and believed in what he was doing." Specialist Osborn was willing to give his life in service to all of us and to the country that he loved. The expression of our gratitude for his sacrifice to our Nation is beyond words. This Nation has been built by great men and women like Ben Osborn, and we must never forget the true cost of the freedoms that we hold dear. I pray that it's not just on days like today when everyone is reminded of the hardships, suffering, bravery, and sacrifices of our Armed Forces. Every day we must try to be more like Ben and dedicate ourselves to these worthy ideals for which he gave his life.

On behalf of a grateful Nation, our thoughts and prayers are with the entire Osborn family during this difficult time.

□ 1900

#### THE FAIRTAX

(Mr. GRAVES of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAVES of Georgia. Mr. Speaker, Americans are overtaxed. The Tax Foundation estimates that it took American workers over 3 months this year to pay their share of local, State, and Federal taxes, and this Congress has raised taxes over \$500 billion on the American people so far.

You know, enough is enough. We need to reduce spending and then focus on reforming the tax code with a fairer, simpler system. That's why I have cosponsored H.R. 25, the FairTax. The FairTax eliminates income taxes, estate taxes, capital gains taxes, Social Security, Medicare, and self-employment taxes and replaces them with one simple retail sales tax. Workers will keep 100 percent of their paychecks, and a new set of winners and losers will be there. The winners being the taxpayers, and the losers being the government.

The FairTax is common sense and abolishes the IRS, making April 15 just another day on the calendar, and maybe one day, we can pass a suspension to recognize that great accomplishment. Lower taxes, less government, and personal responsibility—that's a recipe to getting this economy back on track.

#### RESTORING DIGNITY AND FREEDOM TO THIS NATION

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, last Saturday, June 19, was the celebration of Juneteenth. Thirty-six States now recognize that as a State holiday, a holiday that is not just for one narrow community, but in actuality, is about perseverance, determination, commitment, and freedom. Major Gordon Granger landed on the shores of Galveston, Texas, to announce that those who had been enslaved are free, 2 years later, past the Emancipation Proclamation of Abraham Lincoln.

Today we have the same challenges of restoring, of being persevering and determined to improve education, to restore summer jobs that have not been voted on yet, to pass a remedies bill that I am introducing that is going to take a new look at the gulf oil spill and restore some new processes to not have this happen again. And yes, restore some dignity to the brass as it relates to the Commander in Chief, who should always be respected. Let us restore dignity and freedom to this Nation and include the United States military brass that have to be more respectful of the President than I have seen in the last 48 hours.

#### BONE MARROW DONATION

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to encourage participation in the National Marrow Donor Program. There are many terrible diseases, as we know, especially leukemia, where patients may very well require a bone marrow transplant, yet nearly 70 percent of patients don't match with a family member for a transplant. That's why the National Marrow Donor Program is so vital.

These patients need you. They depend on the selfless people in our community that are registered with the National Marrow Donor Program. Every name that is added greatly increases the likelihood that a patient will find the match that that person needs. And joining the registry is simple. All that is needed is a swab of the cheek, and your name will be entered. You can also order an at-home registration kit at marrow.org or sign up in person at one of the many Be the Match Registry drives throughout the country. Help save a life. Join the National Marrow Donor Program today.

#### RAISING TAXES

(Mr. BURTON of Indiana asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the majority leader today gave a speech, and he indicated that we have to raise taxes. He said the deficit was so big—due in large part to the spending on the Democrat side of the aisle—that the deficit was so big, we have to raise taxes. There's no other way.

When Ronald Reagan took office back in 1980, he heard the same thing. Everybody said that the spending was out of control, that we had to do more with less, and we had to raise taxes. Ronald Reagan talked to a guy named Art Laffer, who is an economist. He said, The way to get the economy moving was to cut taxes, to give people more disposable income, to give businesses more money to invest, and the economy would right itself. And it did, and we had 20 years of prosperity.

Now the Democrats, under the leadership of Mr. HOYER, want to raise taxes, take money out of people's pockets, take money out of businesses, and say that's going to solve the problem. It will compound the problem and make the recession much, much worse. What we need to do right now is what Ronald Reagan did—cut taxes, give people more disposable income, and give businesses the ability to grow. That's how you create jobs.

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LUJÁN). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### CAPRICIOUS, ARBITRARY, PUNITIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, "capricious, arbitrary, and punitive." Those are the words of a Federal judge today in ruling about the moratorium for offshore drilling. The Federal judge said that the administration's decision to ban offshore drilling in the deepwater was capricious, arbitrary, and punitive—therefore, illegal. And the Federal judge granted an injunction by the hardworking folks in the gulf States to stop the moratorium because of the detrimental impact it would have.

You see, Mr. Speaker, 150,000 people would lose their jobs if that moratorium continued. There are 3,900 wells in the gulf. Those 3,900 wells produce 31 percent of the Nation's domestic oil and 11 percent of our natural gas. In the deepwater area, we receive 17 percent of the Nation's domestic crude oil from that deepwater drilling. So those

affected parties—by the arbitrary, capricious, and punitive ban of the Federal Government—decided to sue, and a Federal judge ruled that the administration's moratorium was improper, granted an injunction by the affected parties, and allowed them to now drill in deepwater. The Federal judge said that the people that sued the oil-related industries would suffer irreparable harm if this ban were to continue. The government's response was, Well, their losses would be trivial. The Federal judge didn't buy their argument.

Also, before a preliminary injunction can be granted, Mr. Speaker—these are rare animals—what happens is, someone goes to court and says that because they're going to be hurt so bad, the Federal judge has to stop somebody's action. In this case, our own government's action. And also, the Federal judge said, probably if there were a trial, the plaintiffs—those suing the Federal Government—would prevail on the merits and win in a jury trial. Granted the injunction because the harm done to the gulf, to the related industries, to the loss of jobs were massive and irreparable. When the Federal judge tried to hear what the Federal Government said about banning offshore drilling, the judge said, "The government's explanation abuses reason and common sense." In other words, there was no reason, there is no common sense in the almighty Federal Government coming in and banning deepwater drilling in the Gulf of Mexico. It made no sense. Mr. Speaker, it makes no sense to ban the whole deepwater drilling because of the actions of BP.

Recently in Texas, we had a BP refinery explode. People were killed. Hundreds were hurt. But we didn't close all the refineries in the United States because of one accident. It wouldn't make sense. It defies reason and common sense. When a plane crashes and people die, that's horrible, but we don't close down the airline industry for 6 months because the Federal Government wants to eventually get around to finding out what happened.

So the Federal judge who ruled in this case did so properly, and it was important for him to do so to prevent people from losing jobs. Jobs that were lost or would be lost because of the Federal government's action, not because of BP's action. So what's the Federal Government going to do about this? They're going to appeal. They don't like the ruling, so they want to appeal to the Fifth Circuit to try to overrule this judge. Why didn't the Federal Government just follow the law and allow deepwater drilling and not destroy the economy of the whole country because of arrogance and because of the lack of reason and common sense?

So, Mr. Speaker, the disaster in the gulf continues to be the second disaster

in the gulf for the lack of leadership. We still don't have a Federal plan. We don't know what the Federal Government's response is. It seems like, to me, FEMA is in charge of all of this because the results are always delay, delay, delay, but let's punish deepwater drilling.

The Federal judge's rules will be upheld. The Federal Government needs to get with the program, understand there's a sense of urgency, find out what caused this problem, not let it happen again, clean up the mess, and move on down the road. Meanwhile, follow the law. Don't destroy the jobs in the Gulf Coast, and the Federal Government needs to get out of the way and let us continue safely to drill offshore and provide the energy needs of this country and also provide good working jobs for Americans. Otherwise, these jobs will leave the country, go to Brazil and Indonesia, and never return. And that's just the way it is.

#### HONORING FIRST LIEUTENANT JOEL GENTZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SCHAUER) is recognized for 5 minutes.

Mr. SCHAUER. Mr. Speaker, 2 weeks ago, the Seventh Congressional District of Michigan and our country lost a hero. On June 9, First Lieutenant Joel Gentz of Grass Lake, east of Jackson, was killed while completing a helicopter rescue mission in southern Afghanistan. He was 25 years old. The people that I serve will never forget the sacrifices he made because of the love of his country. I would like to share his story with you.

Joel ran cross-country at Chelsea High School, where he graduated in 2002. He attended Purdue University and graduated with honors in aerospace engineering in 2007. In June 2008, Joel married Kathryn Sullivan, his college sweetheart. They had just celebrated their second wedding anniversary when he lost his life. I spoke with Kathryn on Saturday. She has truly lost her best friend.

Joel originally wanted to be an astronaut, but through his ROTC program, he met combat rescue officers, learned about their mission, and decided what he wanted to do most was to help people. As part of the Air Force's 58th Rescue Squadron, First Lieutenant Gentz spent 2 years becoming a combat rescue officer. He completed Superman School, a training program with a 60 to 90 percent dropout rate. The intense program takes 2 years, and only the strongest finish. Joel was one of about 14 that graduated of the 90 that started in his class.

When he died, First Lieutenant Joel Gentz was flying eight helicopter rescue missions a day into hostile territory in Afghanistan to rescue both

Americans and Afghanis. He told his dad there was no greater joy than saving an Afghan child and seeing the look on the faces of the parents. He saved a lot of children. His mother said, He was more of a peacekeeper than a fighter, and his service to others demonstrates this.

Just a month ago, Joel emailed Ellen Harpin, the founder of The Ships Project, asking her to send toys to Afghan children that could be dropped off during his unit's missions. The Ships Project sends packages to servicemen and -women in Iraq and Afghanistan. The toys had been gathered, and she was just waiting to hear back from Joel for an address to ship them when he died. She promises to make sure they are all shipped and Joel's wishes are honored.

The Pararescue Code states, "It is my duty as a Pararescueman to save life and to aid the injured. I will be prepared at all times to perform my assigned duties quickly and efficiently, placing these duties before personal desires and comforts. These things I do, that others may live." Joel lived and breathed this code. He knew when he chose his career that he would have to make sacrifices. He understood that someday, he might lose his life serving others.

□ 1915

First Lieutenant Gentz accepted this responsibility willingly because he wanted to help. He leaves behind not only his grieving family but his fellow officers and the people he saved who are still alive because he bravely put their lives ahead of his own.

"These things I do, that others may live."

First Lieutenant Joel Gentz is truly an American hero.

Today I offer my sincere condolences to Joel's parents, Steven and Judith Gentz; siblings Jared and Rachel; and to his loving widow, Kathryn. May God's grace be upon them. May they find peace in knowing that Joel's service and his sacrifice mean everything to our country's freedom. He will never be forgotten. Our Nation's debt to him will never fully be repaid.

#### TIME TO REVERSE COURSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, the President of the United States believes that government can do the job better than the private sector. He has proven he has believed that because he in effect is taking over the health industry and using the Federal Government to do it.

He reached into the automobile industry and took control of a large part of that, and eventually he will probably try to take control of all of it. He

has reached into the financial industry across this country and has scared the financial industry to death, some with fairly good results, but the fact of the matter is it's more government control.

And now he wants to take over the energy industry. The long socialist arm of the President is reaching out and trying to take over every area of the private sector. He believes in total government control over the economy. And if you don't believe it, all you have to do is look at the record over the last year and a half.

The thing that bothers me is the detrimental effect it's having on the American people. Unemployment is still close to 10 percent. We're now seeing a tragedy in the gulf, as the gentleman from Texas talked about. And instead of really solving that problem, what he's doing now is compounding it by saying no drilling down there for 6 months. And all these people, as Mr. POE said, are going to lose their jobs if the ruling of the court today is reversed when it goes to a higher court.

The thing that really is funny about this is we just sent \$2 billion to Brazil so they could do offshore drilling. I guess we don't care much about the environment down there. And we're certainly going to have to buy oil from them because we're going to lose the oil that's going to be produced down in the gulf. We're going to be more dependent on Saudi Arabia, on Africa, on Venezuela, Mexico, and probably Brazil, because we want to clean up the environment by using windmills and solar panels and geothermal energy sources.

We've got the energy here in the United States to solve these problems. We don't need to be sending Mr. Soros money in Brazil so he can make more money by doing offshore drilling with our taxpayers' money. We don't need to be sending those jobs down there. As Mr. POE said, those jobs are going to go down there. They're going to go someplace else because they can't keep those rigs moving in the gulf if they're not producing. So those people who are entrepreneurs are going to take those rigs and they're going to move them someplace else. Along with them will go the jobs, and possibly the impact could be as many as 150,000 Americans will be out of work.

This administration is on the wrong track. They have been on the wrong track since the Obama administration took office. The President believes in socialism. He really believes in it. And so he's trying to put the government in control of everything, and himself at the head of the government is going to be the person pulling the strings.

The American people, I hope, are going to realize that, and I hope in the November elections they're going to say that we've got to change that and give us a House and a Senate that can stop his runaway socialistic agenda.

The way to solve our economic problems is, as I said earlier tonight in a 1-minute, the way Ronald Reagan did it, listening to Mr. Laffer, and that is to cut taxes, to get the burden of government off the backs of the businessman and the individual citizen. And if you do that, you can unleash the power of the free enterprise system and make this economy grow, cut taxes, give people more disposable income, cut business taxes, give business more money to invest, and create an environment where people can buy more because they have more money to spend.

Instead, at the end of this year the Democrats want to let all the tax cuts we put in place expire. That in effect is a tax increase. And then they're talking about additional taxes. Mr. HOYER today gave a speech saying we have to increase taxes because the deficit is so large. They've made it so large—into the trillions and trillions and trillions of dollars. And now they're saying we have to raise taxes, take more blood out of the American taxpayer, to pay for their mistakes. That's only going to compound the problem, because if you take money out of their pocket, they won't have it to spend; and if they don't have it to spend they won't buy and there will be more unemployed. Whereas, if you do the opposite and give them more of their tax money to spend and reduce the taxes, they'll be able to buy more and the economy will flourish. Reagan knew it, Art Laffer knew it, and we had 20 years of economic expansion because of it. But these guys and the President want control of everything.

The American people have to wake up, Mr. Speaker. They have to realize what's at stake. Not only the future that we face but the future our kids face and our posterity. They're going to have a worse form of life, a worse quality of life, if we don't reverse what we're doing right now.

#### SALUTING DYSTONIA SUFFERER MILAGROS (MILLIE) MUNOZ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, tonight I rise in solidarity with a wonderful and determined South Florida woman, Millie Munoz. Millie has dystonia, a little-known movement disorder that causes a person's muscles to contract and spasm involuntarily. The trademark of this disorder is repetitive, patterned and uncontrollable movements. It resembles opposing muscles competing for control of a body part. There are over a dozen forms of dystonia, and it is a symptom of many major diseases and conditions. Dystonia affects men, women and children of all backgrounds, all ages, and does not discriminate. And there is no cure.

Millie was born in Miami and had exhibited symptoms of dystonia since childhood. Each symptom was treated separately. She wore a brace on her right leg to help with walking and attended speech therapy classes throughout her school years. Other symptoms were neglected entirely, and Millie was told to do the best she could with the pain. She went from doctor to doctor, and was often told that it was all in her head. About 6 years ago, she started exhibiting other symptoms, only to be given one misdiagnosis after another. Millie had pain in her neck, her shoulders, her wrists, her hips, and she fell constantly.

Finally in the summer of 2006, she was diagnosed with generalized dystonia, a condition where all of the muscles of her body are impacted. Shortly thereafter, Millie's life as she knew it came to an end. In a short period of time she went from climbing the Great Pyramid in Egypt to being in a wheelchair and bed bound. She was constantly in excruciating pain with chronic fatigue and involuntary movements of her arms, hands, neck, mouth, face and eyes.

Luckily, in 2008, she had deep brain stimulation surgery, which provided some relief. But she had yet another battle to fight. Her ability to swallow and eat were impacted to the point that she was on her deathbed, people thought.

Well, through her personal strength, through her resolve, Millie pulled through and she survived. Today, Millie has a feeding tube and braces on her legs, but she is as resilient and as determined as ever. She came to see me here in D.C. in my congressional office, lobbying all of the Members of Congress to be more knowledgeable about her disease dystonia.

Dystonia is a silent, brutal disease. The constant tug of war of muscles forces people to live in constant, severe pain and exhausted. But not Millie. Much of the time the body's struggles are all internal, hiding from an outside observer that the struggle with dystonia encompasses each and every moment. Those with dystonia often say that the disorder "robs you of the freedom to move." It is as terrible as it is debilitating, yet the vast majority of people with dystonia have no negative impact to their intelligence or perceptions. These individuals live their lives imprisoned by the uncontrollable actions of their body in conflict with the will of their minds.

Dystonia is unknown to most Americans, or at best misunderstood. Without proper awareness and diagnosis, the limited therapies that can help people like Millie will never be applied. Together, we must raise awareness of this disorder and support the research that can help find a cure to this silent internal storm.

Millie, I praise you. I congratulate you for your will and determination in

the face of this terrible disorder. The challenges that dystonia has presented to you are exceeded by the promise and the hope that your survival has demonstrated. May your resolve, Millie, be a beacon to the hundreds of thousands of Americans who suffer from dystonia.

I welcomed you to the U.S. Capitol and I hope that you come back very soon, Millie. You are going to find a cure because you are determined to do so.

Congratulations, Millie, and carry on.

#### HONORING DEWAYNE STAATS, VOICE OF THE TAMPA BAY RAYS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I rise today to recognize Dewayne Staats, the iconic voice of the Tampa Bay Rays. Broadcasting major league baseball for over 30 years and calling games for the Rays since their inception, Dewayne will call his 5,000th major league ball game tonight when the Rays play the San Diego Padres at St. Petersburg's Tropicana Field. In fact, I think they just got started this evening. Baseball fans all across Tampa Bay and Florida have watched and listened to games called by Dewayne as the Rays have grown from an expansion team to American League champions and one of the best teams in major league baseball. I think the best.

Prior to joining the Rays, Dewayne spent years calling play-by-play for ESPN in a variety of sports, including major league baseball and NCAA baseball, basketball and football, as well as for several other major league teams, including the Houston Astros, the Chicago Cubs, and the New York Yankees. Dewayne began his career as a sports reporter while a student at Southern Illinois University at Edwardsville, and at the time became the youngest active broadcaster when he began calling major league games in 1976.

Remarkably, he has called six no-hitters, Wade Boggs' 3,000th base hit, and the game in which Pete Rose tied Ty Cobb's major league hits record. Among many accomplishments of an outstanding broadcast career, Dewayne Staats has been honored as one of baseball's all-time top 101 broadcasters by author Curt Smith.

Aside from masterfully calling Rays' games from the broadcast booth, Dewayne and his wife Carla are pillars in the Tampa Bay community, actively supporting the Veteran Employment Transition Foundation and Quantum Leap Farm, a therapeutic and recreational facility for wounded warriors and disabled adults.

Again, I congratulate Dewayne on the occasion of his 5,000th major league broadcast, and I look forward to hearing him call many more Rays wins.

□ 1930

#### THE SPACE PROGRAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARTER. Mr. Speaker, I appreciate being recognized for this hour. I am real pleased to be joined by several of my colleagues.

I want to raise an issue that is of real concern to the people of the State of Texas, the State of Alabama, the State of Florida, those who have, for now, generations almost, been invested in and proud of that great American accomplishment of our space program.

We are an exceptional people, and there is an awful lot of people these days that seem to be ashamed of our exceptionalism. But one of the things that we have been exceptional in since its inception is our space program. I can remember, as a young teenager, when the Russians put Sputnik bleeping over the top of my house in Houston, Texas. And we all stood out in the backyard and watched that thing with its little flashing light going across and thought, Oh, my Lord, the Russians are in space and we are not there. What are we going to do?

But being the exceptional people that Americans are, we put our nose to the grindstone and our brains to work, and in a very short time we met the pledge that President Kennedy made that we would put a man on the Moon in the next decade. So we went from behind the eight ball and watching the Russians have the first satellite in space to manned spaceflight and a trip to the Moon on multiple occasions. In fact, we have had a movie about one of the Moon trips that almost ended in disaster.

We've been open and obvious that we have taken the greatest minds that we could put together in our space program. And at the Johnson Space Center in Houston, Texas, we all in Houston, Texas, and in the State of Texas have been proud of the fact of our space shuttles, of our space station that we, along with the new free enterprise Russians, have put together in outer space. Amazingly enough, we have just finally completed the space station the way it was conceived as it was started. It's all been done in small portions, putting it together. Now it's finished.

And now we have a new administration who has decided that they are no longer interested in manned space travel. And they have basically started to say we are going to do away with manned space travel and the Constellation program, which was the next phase of manned space travel, and we are going to let some friends of ours start some new businesses and try to go and let private industry go out

there and do the shuttle service and launch our satellites. And basically, they have turned over the funds that would go to NASA for the manned space program and they have plans to turn it over to a few private individuals, amazingly enough, most of whom have been fairly large campaign donors of the Democrats and the Obama administration.

In fact, I think I can make an argument—we talk about earmarks in this Congress and all these terrible earmarks that people make—this has the potential, over the next few years, to be around 6 billion, with a B, dollars that the White House is going to earmark for certain individual companies, all of whom seem to have been involved in the success of that administration. Not that there is anything in a payoff in the way. Who knows?

Just a coincidence, I suppose, but we are canning manned space under our NASA program. We are going to lay off thousands of NASA workers and those contractors that work with NASA, and we are taking a new position that we are going to let new start-up companies start over and build a space program. I'm a privatization guy. I believe in privatization in everything we do, but this smacks of some strangeness, and I think that strangeness is what we are going to talk about here tonight.

I am joined by my friend Mr. HALL from Texas. I am joined by Judge POE, and I am joined by my good friend ROB BISHOP, who really informed me a lot about the immigration issue the last time we were together, and I am sure he has great insight.

So I will first recognize Judge POE for such time as he may wish to consume.

Mr. POE of Texas. Thank you, Judge CARTER. I appreciate you yielding a few moments on this very important issue.

Of course being from the Houston area and growing up with NASA, I have seen the success of this wonderful program. And like you and many others, as a mere child in 1969, I watched Neil Armstrong set foot on the Moon. And, of course, the first word when man landed on the Moon was "Houston," because that is where NASA was at the time and still is headquartered.

A lot has come from space travel. A lot of our technology, our electronic technology, our computer technology, scientific knowledge, medical knowledge, all has come because America went to space. And as you mentioned, Judge CARTER, we did so in just a few years with the challenge laid before us by President John F. Kennedy. Back in the sixties and the seventies and even in the eighties, and before that, Americans, when determined to do something, they could do it. And that is why we went to space, because nothing was going to get in the way of America going to space and landing people on the Moon.

But for some reason, and I think political reasons, we see the end of that wonderful glorious exploration, the last frontier. America has always led in the space program except, as you mentioned, when the Russians put the first Sputnik in space. And the benefits that have been received from NASA's spaceflight have been shared all over the world, from weather satellites on.

But now, because of a change in philosophy, the administration wants to go a new direction. That direction, of course, is not to space, not to the Moon, not to using the shuttle, not to keeping manned spacecraft available for Americans to go to the space station, because when that last shuttle flight is over with, we are done. We are out of spacecraft. We have no way to go into space.

So if we want to put an American in space after that last shuttle flight is over, we are going to have to hitchhike, and we are going to have to hitchhike with our good buddies the Russians. And right now the Russians charge us to fly with them as a passenger in one of their spacecraft. It started out at \$45 million, and then \$50 million, and then \$55 million, and now it's \$60 million to go into space with the Russians. But when they get the monopoly on spaceflight, when that last shuttle has finished its flight, who's to say what they'll charge us to go into space or if they'll let us even be a passenger in one of their spacecraft.

And then you have got the Chinese over here, you know, the people we owe our lives to and our debt to. They are working on a space program as well. And now there's that little tyrant in the desert, Ahmadinejad. The Iranians are working on spaceflight. They have already sent a spacecraft into outer space. I think it carried a frog, a snake, and two turtles. But now they want to go into space.

So while other countries, not really our buddies or our friends, are moving forward in space exploration because they understand the importance of it, we are backing off. America is just waving the white flag and giving up its leadership in space. That ought not to be. And we're going to lose technology. We're going to lose the education that our scientists have because it's going to disappear. And these jobs that are going to be lost, these are good jobs. These are scientists, engineers, and they've worked on the space program for years. And now the Federal Government's coming in and saying we're going to turn all of this over to private industry.

Myself, like you, Judge CARTER, I'm a capitalist. I believe in free enterprise. But the private space exploration is 10 to 20 years behind the United States NASA program. They have 10 to 20 years to catch up to right where we are now. Can we afford to give up the leadership? Some say, well, it's to save us

money. It isn't going to save us any money. We're just transferring Americans' wealth to an unproven entity, and that being the private sector. Let the private sector compete, but don't subsidize those programs.

And it's unfortunate that we're seeing the demise of NASA, a self-inflicted wound by our own Federal Government. That's unfortunate, and we should not give up our space leadership to anybody for any reason. After all, it's also a national security issue.

With that, I yield back to the gentleman from Texas.

Mr. CARTER. Reclaiming my time, the administration proposes a \$1 billion cut in NASA's manned program. And at the same time, they are pushing \$115 billion in new spending for ObamaCare after \$700 billion in stimulus spending, which we are still looking for the stimulus.

The taxpayers have already invested \$9 billion in the Constellation program, which was supposed to be the next step in the space program. It will cost \$2.5 billion to shut down the Constellation program. So we are talking about \$11.5 billion is going to be spent just to trash the program that we've already spent \$9 billion on.

And, you know, space has always been a very glorious position for us to take. And we rose above the international bickering. We shared the space station with other nations. Recently, within the last couple of years, the Japanese on one of our shuttles took a major pod containment system up there, and they've got a piece of it. The Russians have some of it. Others have put technology on the space station to where now it is what we envisioned with all the various technologies and abilities to study long distances in space. And we've taken all that, and now, as my good friend from Texas says, to get to our space station that we put together, we're going to have to hitchhike with the Russians.

Now, we all know, as we developed the space station, we also developed the rocket power and the use of rocketry, which became a great part of our national arsenal. And, in fact, we are concerned about the ability of the people in Iran who are trying to develop a nuclear weapon to get a midrange missile to deliver it in their promised attacks on Israel. The rockets that defend our Nation came from the rockets that propelled us into outer space on our great jaunt and exploration of outer space.

So when you start hitting us in our technology, as I would argue the Obama administration is doing, and wasting \$11.5 billion to shut down a program and putting us behind in the future development of these vehicles, where does this make sense? Are we just ceding the fact that now that the Obama administration is in charge of the country and they believe that

American exceptionalism is a myth, they are going to prove it by taking away the things we are exceptional in? I have real issues with that. I think all of us do.

I'd like to recognize my good friend ROB BISHOP from Utah to talk to us a little bit about—he is on several committees that have looked into this. He's got a good insight into what's going on. So whatever time you wish to consume, my friend.

Mr. BISHOP of Utah. I thank the gentleman from Texas.

Let me start, if I could, for just a second about jobs, because we are talking both inside these Halls and outside about jobs. The President and the Vice President are going on, it's called his recovery summer tour in which he's going to talk about the creation of jobs. In the talking points sent out from the White House, they are talking about the 30,000 miles of new transportation, 80,000 new homes that will be weatherized, 800 programs in parks that are being increased, 2,000 drinking water projects, all in the name of creating jobs.

The President's also asking Congress for \$20 billion in additional stimulus money to protect government jobs, in addition to the \$135 billion we did in the original stimulus bill to do that. And for only \$2 billion—now think of that, less than a tenth of what the President wants in a new stimulus bill to create and protect jobs; a rounding error in either the TARP or the TARP 2 or Son of TARP or Stimulus I or Stimulus II—this administration could protect 25,000 to 30,000 jobs in the private sector.

□ 1945

These are scientists and engineers, and these are the jobs that this administration's policy with NASA are going to let go and give their pink slips.

But early on in the Bush administration, it was decided the space shuttle era had ended. After the problems and the catastrophes with Challenger and Columbia, a Presidential commission came through and decided we wanted to come up with a newer, safer way to go to the Moon, space station and beyond; and the result of that was Constellation.

Constellation is a program that is designed to be safer than the space shuttle by a factor of 10. It's using solid rocket motors because those are the safest type of vehicles. It separates the cargo from the passengers so, if there is a problem, they can be safer. Time magazine called this the best invention of last year. This is the science that we have to come up with the best way of going into the future, and it's built by a free enterprise company. It consists of the Orion capsule where the passengers would be, as well as the Aries rocket that will power it at the same time.

If this White House, if the administration, if NASA gets their way and decides to cancel this greatest invention of the last couple of years, there is no Constellation, there will, as has been said, still be astronauts who need to go up to the space station. As has been said, they will be going up on Russian craft, and in the next year's budget, this administration has already penciled in \$75 million per astronaut visit. As has been mentioned by the good gentleman from Texas, Russians have learned the lessons of capitalism, and they realize when they have a monopoly they can play that game. But \$75 million per astronaut trip so that we can subsidize the Russian rocket industry.

So that, indeed, as we are looking at the future and we're coming up with this, this summer of recovery is not necessarily going to be about American jobs. The summer of recovery is how we will be spending American taxpayers' money to make sure that the Russian technicians are on the line building Russian missiles. Perhaps the Chinese are on the line starting to build new Chinese missiles so that we can keep their jobs and we will rely on Russian technology because we know how effective that has been in the past, Russian technology for our astronaut visits.

We sometimes ask the question, where are the jobs? Well, in Russian, you also ask it. In their version of where are the jobs, with this policy of this administration, NASA, jobs aren't going to be here. Jobs are going to be in Russia. Jobs are going to be in China, eventually in India; and even Japan's getting in on the trick. That's where those jobs are going to go.

We are firing 30,000 American citizens who have good jobs in science and engineering to build the Constellation program and for what? To lose our leadership in space? To subsidize the Russians and the Chinese industry? To put more Americans out of work in this summer of recovery? It simply does not make sense.

I'd like to enter into an interchange with the gentleman. We've got a lot of things to talk about how this interfaces with our military commitment and what this administration is doing that is totally unusual in trying to push this program forward to destroy—we're not losing the space race this time. We're forfeiting the game.

Mr. CARTER. Perfect statement, "forfeiting the game." We were leading the game, we were winning the game until this administration came into the White House, and we just stepped up and decided to forfeit the game.

Here's an article from Labor Magazine. It was published on April 15, 2010: "Obama is pushing the privatization of NASA and the turnover of the government agency to his financial supporters Elon Musk and Google owners Page and Brin.

"A full bore campaign is now being waged by the Obama administration to shut down the U.S. unionized space program and turn it over to 'new age' speculators who want to build a new space program in a 'regulation-free' zone in Florida."

And the plan is by billionaire and former owner of PayPal, Elon Musk. Musk has a company called Space Exploration Technologies Corporation, and the question is, "Should the United States hire Elon Musk, at a cost of a few billion dollars, to run a taxi service for American astronauts?"

"In fact, the SpaceX operation like much that Musk and his backers from Google Larry Page and Sergey Brin want the U.S. to give him \$6 billion in the next 5 years to build" this operation.

Now, that's a very interesting thing. We take a program, we put \$9 billion into it, it's cost us \$2.5 billion to shut it down, we shut it down, and we come up with \$6 billion more over the next 5 years that we're going to give to some good friends to come up with a brand new program and they are, as Judge Poe points out, way behind in developing the rocket to get them to anywhere we want to go in space.

I yield back to my friend.

Mr. BISHOP of Utah. I appreciate the way the gentleman from Texas has put this. Let's face it: two concepts this administration kept throwing at it: we're going to save money in this and we're going to privatize it, both of those concepts are flat out false.

As has been said, this administration expects to spend \$6 billion more on NASA than they are right now without doing any kind of manned space flight, \$6 billion more for satellites to do climate control and feeding the hungry in the world. And in addition to that, the money that will now go to these new companies, these startup business companies, this is not free enterprise.

The Constellation went out on a bid that was won by free enterprise companies. The people building right now are free market sector companies. What this administration wants to do is to take the money away from those who are already building Constellation, scrap the program, and then turn over to any other group to come up with a new plan, a new goal. We don't have a new plan or a new goal, but they're going to give it to new companies.

This government is basically saying these private sector companies are now going to be the losers; our friends in this private sector group are now going to be the winners. But as the gentleman from Texas said, this group is not just simply a business free enterprise group. They're already being subsidized by NASA to the point of millions of dollars and have already told NASA they need more.

This has nothing to do with free enterprise. This has everything to do

with this administration picking winners and losers among the free enterprise and elements. So those who have the contracts now are going to lose them and lose their jobs, and that money is going to transfer over to another group that is also being subsidized by NASA. It's not free enterprise, this bit, and this is not saving the taxpayers money. This is simply mind-boggling that we are now going to simply say we have no plan for space.

Mr. CARTER. Reclaiming my time, so we're just basically saying, Obama just said I want to change this program from one free enterprise group to my guys that are on my side; and, unfortunately, they're a little behind, but we'll beef them up and we'll try to get them there by spending the American taxpayers' money. It is stimulus for a new group of private companies. It's amazing.

But who else is going to be competing? This is interesting. Taxpayers have already invested \$9 billion in the Constellation, which will be lost. This is sort of a comedy piece that my staff put together. Everyone there is Oriental, but it has to do with the recent announcement—you know, we had promised that with the new Constellation program, we were going to go back to the Moon just to do some additional research there.

The Chinese had announced in February of 2004 that they've started their Moon exploration program. Phase I involves orbiting a satellite around the Moon. Phase II involves sending a lander to the Moon. Phase III involves collecting lunar soil samples. China plans to complete its space station and a manned mission to the Moon by 2020.

So not only are we giving up the fact that we're exceptional, but those people who are trying to show how exceptional they are—and quite honestly, the Chinese have done pretty much a turnaround since they learned that capitalism really works, and now they're doing the Moon explorations. Now, I'm sure there are one world order folks that say it doesn't really matter as long as we all sing Kumbaya and go to the Moon.

But the reality is, remember what technology and the defense world came out of, the technology that we developed in our space program; and that's something we can never forget. We can never forget to make sure that American exceptionalism allows us to stay on top of those things that keep us breathing free air in this country. If we ever concede that to those who maybe wouldn't like us as much as we might think they do—they may like our money but they maybe don't like us and our system of human beings having rights and freedoms and protections under our Constitution, and maybe those same people who don't feel so good about that part of American

exceptionalism would like to impose their will on us someday. Are we going to give up our jaunts into space and our learning from that?

We're all walking around with cell phones in our pockets, some of us two or three of them up here in this crazy place we're in. All that technology developed out of the technology that started off with the space program. Simple things like Teflon and there's a million things out there in the world we don't even know about that came out of the space program, and yet industries have come out of the production of those products. I can't even remember them all, but I remember at one time we loved to talk about it when we talked about our space program. We've stopped talking about that.

But the point is, we're taking people that have dedicated their lives to the exceptional job of exploring that great wondrous thing called space, and we've told those people, we're laying you off to the tune of 20,000 to 30,000 of you in Texas and Alabama and Florida and other places so that we can start over with a bunch of our buddies in their backyards coming up with a new space program. I've got real issues with that.

But not only is China looking at a space program; the Russians are planning a manned Moon mission by 2025 to 2030, a manned Mars mission by 2035 to 2040. My Lord, everybody else sees those frontiers that we used to see. Remember when President Kennedy talked about the new frontier, space? We watched programs on television as kids about that frontier of space that we were going at, and we did it.

You know, recently we had hearings in this House where we heard from some of those pioneers, and we heard from the first man who walked on the Moon. Neil Armstrong, a man who basically stays out of the world of politics and lives a relatively quiet life for being such a national American hero, came up here and said we cannot afford to lose NASA. It will be a serious blow to the United States of America to lose NASA. In a minute, I'm going to ask my friend RALPH HALL who was at some of those hearings or heard some of these things that were said to tell us a little bit about that.

Mr. HALL, would you like to talk to us about what some of these great American heroes talked about in the NASA program?

Mr. HALL of Texas. I thank you, Judge, for this opportunity to discuss a stroke of the pen that affects all Americans, a stroke of the pen early in his administration, a stroke of the pen by the President of the United States that canceled out the Constellation, and that's what it's all about, and that's why we're here, and that's why we're fighting for NASA. That's why the great Neil Armstrong, first man on the Moon, stepped out, didn't know he,

with his other two compatriots, had no idea when they left here that they'd ever come back alive. They're great patriots. They're great, those among us, and we've lost some. We've had some tragedy in NASA, but we've had great successes. Those men came here and testified that it'd be outrageous to cancel Constellation.

□ 2000

Now I want to talk about that just a little bit. It's been nearly 5 months since the administration proposed the very radical changes to NASA's human space flight and exploration programs by canceling the Constellation. Just took his pen and ran a line through it. Well, I don't understand that. And I don't understand the lack of sufficient details that Congress would need to determine if it was even close to a credible plan that he suggests. Yet, in spite of our very best efforts to obtain more information from NASA, the situation has not improved; indeed, the President's trip to Kennedy Space Center on April 15 only added to the confusion as he laid out more aspirational goals, but provided no clear idea of how they fit together or how we expect to pay for these new ventures. As such, I still have basic concerns about our ability to access and use the International Space Station after the shuttle is retired.

I remain concerned with the "gap" in U.S. access to space, and I want to ensure that we can effectively use the enormous research capabilities of the International Space Station. In examining the President's plan, I still don't see any viable way to minimize the gap and provide for exciting research on the International Space Station.

The President's most recent decision to send an unmanned "lifeboat" to the space station at a potential cost of \$5 billion to \$7 billion does absolutely nothing to solve this problem and largely duplicates existing services provided by the Russians. Although we've already spent nearly \$10 billion on the Constellation system that has achieved significant milestones and is well on its way to providing continued U.S. access to space, the administration's decision to cancel Constellation has further stalled development and jeopardized our undisputed leadership in space, and that's what it's all about.

As I've said many times before, as a member of the Space Subcommittee, I am concerned with the proposed commercial crew direction of this administration. While we have long supported the development of commercial cargo operations, I believe it's prudent that we first test cargo capabilities before risking the lives of our astronauts on newly developed systems.

I have also not seen credible data to suggest that there is a viable market for commercial crew carriers, as they claim there is, with no backup, no in-

formation on it. In the absence of that data, I fear that we might be setting ourselves up for failure if or when the markets don't materialize.

Anyone can claim to be able to take over commercial crew or to take over the space program, to take over the building of the next instruments of investigating space. Buzz Aldrin, who supports commercial crew—I've read his ideas, and I'm still looking for concrete data that they can finish what they started. It's easy to start these programs and take them over and then have the Federal Government have to step in at great loss of time, at great loss of international partners, at great loss of contractors, at great loss of employees, and great loss to the government for additional money to take over. I admire Mr. Aldrin and I will clearly inspect his suggestions.

Finally, in examining options beyond low Earth orbit, I'm unclear of when we might see the development of a heavy lift system, or whether NASA still considers the Moon as a logical destination. We've been told that a new "game changing" technology development program will provide capabilities for accessing the far reaches of space, but we have very few specifics on mission, goals, and direction.

In the absence of a defensible, credible plan, I and many of our Members continue to support the Constellation program as currently authorized and appropriated by successive Congresses. GAO will continue investigating whether NASA is improperly withholding funds and improperly applying the Anti-Deficiency Act as a means of slowing Constellation work. I believe that Congress—and when I say Congress, I mean both Democrats and Republicans—Congress has been clear that it supports the unhindered continuation of Constellation until it authorizes an alternative program.

We can no longer wait for NASA to provide justification for its radical changes. Time is running out. Our space station and those who man it—our many NASA employees, our international partners, our astronauts—await an answer that we can live with and that we can lead with. I yield back my time.

Mr. CARTER. Thank you, RALPH.

Mr. HALL is the dean of the Texas delegation. We are awfully proud to have him. He has been working long and hard for many, many years to make sure that every time we shoot a human being into outer space we plan to bring them back.

It's easy to develop a space program where you can say, well, if the guy we shoot out there, if we lose him, it's no big deal, we at least have the technology to learn how it works. There are some that have developed space programs this way, but we've never developed it that way. Some people would say we're a great dinosaur, this NASA.

This great dinosaur comes from the basic premise, a part of what makes Americans great, that every human life is important. Therefore, you test and retest and retest again, and you take another path and you find a new direction until you are assured of one thing: That that precious human life you put upon that exploding bomb called a rocket, you're capable of putting that human life out into space and bringing that human being back alive.

I would argue that we're the only space program where that has been a priority. What makes us so much more exceptional than others is because we've had accidents, but they were accidents. But our planned program didn't plan in expendability. We didn't plan for people to be expendable until we learned how to do it. We did it, we got through it, and we made it work.

It's a shame to have that kind of history of a program that has dedicated itself to exploring space and still caring about that one small, little glimmer of spark called a human life, and we do it. We have no assurance that this new direction is even going to come close to having that same basic spirit that created NASA. We are threatening a great human institution.

I want to yield some more time to my friend, Mr. BISHOP.

Mr. BISHOP of Utah. I thank the gentleman from Texas again as both he and Mr. HALL were very eloquent in pointing out the problems that we are facing with the cancellation of the Constellation program by NASA.

I'd like to take one small detour from here to try and point out once again that the decision by this administration to cancel Constellation, by NASA, was done arbitrarily, capriciously, and actually without foresight of what the implications would be and their unintended consequences on our military side. For what this administration did not realize is that the people—the industrial base that builds the rockets to send a man to the moon—are the same people who build the rockets to shoot down North Korean and Iranian missiles that are coming at us. This industrial base is there with the expertise, and if you fire 20,000 to 30,000 of that base, this is not a spigot you can turn on and off and add them back, if indeed by some miraculous idea you think you need to change direction and start over again. That is what we have found—that the impact on NASA has a unique, specific, and dangerous impact on the defense of this country because if we are having a missile defense system, the fact that we are going to fire 25,000 to 30,000 people in this industrial base means that those people will not be working on our missile defense system.

The Defense Authorization Act that passed this House and is now over in the Senate, in the report language it concluded that if indeed Constellation

is canceled, the cost to our military for our missile defense program will increase 40 percent to 100 percent, that the increased cost to anything that is propulsion, any of our technical missiles—the HARM missile, the Sidewinder missile, anything that has that propulsion—it will increase the cost for us to build those 40 percent to 100 percent. The Minuteman III cost will double. The Navy's missile program cost will double, and it's at a time when Secretary Gates over at Defense has said that they want the administration to find roughly \$100 billion in cuts for next year's budget.

Now, did we ever take the time to figure out the implications of this program? Not only are we firing 30,000 of our best and brightest, our scientists and engineers, not only are we ceding space to the Chinese and the Russians and eventually the Indians and the Japanese, no longer are we forfeiting the game, no longer are we no longer taking a part, we are putting our missile defense system at risk at the very same time. This administration has naively lurched into this program without considering the unintended consequences.

If I could also say one thing in conclusion before I yield back to the gentleman from Texas. There are three things that NASA has done in trying to push this program of cutting Constellation that violate the obvious intent of Congress. Number one, Congress passed in the omnibus appropriations bill language that said the Constellation would not be cut until Congress approves those cuts. Nonetheless, first of all, they deferred the Constellation contracts, didn't terminate them—it was cute—they just deferred them so the money would not flow. Number two, they then moved the Constellation manager—didn't fire him, they just moved him—to disrupt the program. And number three, and a very novel, unique way—in fact, the spokesman said, well, these are unique circumstances—for the first time ever, ever in the history of NASA, they have said termination costs, the liability of termination costs must come from existing contracts. NASA has never done that when it terminated a program. When Congress told it to terminate a program on solid rocket motors, they always appropriated money for the closing costs. What this means is that the premarket private sector companies that are building Constellation right now have got to, from their current contracts, take money out to terminate, which means they fire their employees and they turn to their subcontractors and they break those contracts so they fire their employees. This is all a concentrated effort on the part of NASA and this administration to destroy this program before Congress has a chance to finalize our work and say whether we want it destroyed or not. I

think it's very clear that this Congress has never at any time given the indication to NASA that we think Constellation should stop. But this is a program being done by the administration in violation of clearly the intent of Congress and, as the gentleman said, maybe even under the specifics of the rule of law of Congress, to force us into a fait accompli where Congress does not want to go and this Nation should not go.

This is a sad situation, this is sad, this is unprecedented on the part of NASA, and it is not good for the country. I appreciate being able to be a part of this evening tonight because Constellation is very, very important to this country. This is our future. We should not lose that. I yield back to the gentleman from Texas and thank you for allowing me to be a part of this.

Mr. CARTER. Recapturing my time, as the gentleman was pointing out something, it just popped into my head, the old civics course that everybody in this country at least used to take in high school about the three branches of government that were created by our Founders and what they did. The laws were written by the Congress, the legislative branch, administered and enforced by the executive branch—which is the White House—and interpreted and held to the standards of the Constitution by the judicial branch. And as the gentleman pointed out, this Congress has never taken the position that we were going to trash the Constellation. In fact, we wrote specific language that said the Constellation shall remain until Congress acts.

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Now, the President, without a law or a direction by this Congress, has decided to use magic tricks that have never been used before to delay to the point of disaster and to destroy the Constellation.

We just heard today, when Judge POE got up here and talked, that at least a court of this land has pointed out that the closing down of the gulf to offshore drilling was arbitrary and capricious, and it has granted the extraordinary relief that is very seldom done in the court system by granting an injunction against the President of the United States and the White House to prevent them, by one of the whims that they came up with, from closing down drilling in the gulf. This court has said, Sorry, boys. You can't do that.

Well, now we've got a Constitution, and we've got a Congress that has got a provision and a law that has been passed as the law of this land to be enforced by the executive branch of this government that says that we will not destroy the Constellation program until the Congress decides to do so, but the President, who, I guess, didn't take

civics in high school, has decided it doesn't really matter whether Congress acts or not. He is going to destroy the program. I don't think that's the way it works. I don't think that's the way it's supposed to work.

We like to say this, and we recite this in a lot of places: We are a country of laws, not of men.

It is not what man runs the White House or what man runs some position in this country. It is what the law is. The law is passed by this Congress and by other legislative bodies around the 50 States in this Union. Our executive branch is to enforce those laws and to uphold them. Our judiciary is to remind them when they don't, and they have done so as recently as yesterday.

What is kind of strange is that the Carter administration decided to cede the Panama Canal. America would no longer manage the Panama Canal. It was going to save us money to get rid of the Panama Canal. Now, it's kind of funny. There is a Chinese flag imposed on this picture because now the Chinese manage the Panama Canal. That's kind of outsourcing American exceptionalism. We built that canal. Now we're outsourcing the Moon, potentially, to the Chinese under the Obama administration, and we are outsourcing the space program and the missiles that go along with that space program, and we're outsourcing the rocketry, which makes us exceptional.

You know, this administration has been very critical about the outsourcing of jobs outside the country. It has been pointing fingers at lots of people, saying they're destroying American jobs by outsourcing. What in the world do you think you're doing with these 20,000 to 30,000 high-paying, technical jobs—the great brain trust of America? You're outsourcing them to the Chinese, to the Indians, to the Russians—and maybe to the Japanese.

Why shouldn't we be concerned about this, Mr. President? I think that's a question we've got to ask ourselves. I think we've got to start asking, With how much are we willing to say we're no longer exceptional and that we're just going to outsource everything to everyone else?

I really believe the American people want to say to us here in Congress, Hey, wake up. Give us jobs like you've always given us jobs, and we as Americans will do those jobs, and we'll do them better than anybody else in the world. We always have and we always will. I'm not ready to give up on us, and I don't think my colleagues are ready to give up on us or on the American people.

We are still the exceptional people who put a man on the Moon in a decade like the President of the United States John F. Kennedy said. We are still the people who created the first, basically, aircraft that you could fly out into outer space—the shuttle program—a

phenomenon that we used, and we landed them there on the runway just like an ordinary airplane rather than parachuting them into the ocean like the first programs we did. We have done wonders with NASA.

I hope and I pray—and I think everybody else hopes and prays—that the President will reconsider and will allow Congress to discuss this and will allow Congress to make decisions as to whether or not we're going to make these kinds of radical changes to the future of man's exploration of space and whether, when we do, if we change, we are protecting the sanctity of human life. All of these things are important. All of these things are things we ought to be concerned about. Right now, we've just got to be concerned about why this administration is giving up on American exceptionalism and why it is outsourcing our space program to foreign countries.

I'll yield whatever time Mr. BISHOP would like so he can make a comment on that.

The SPEAKER pro tempore. The gentleman from Texas has approximately 10 minutes remaining.

Mr. BISHOP of Utah. I have only one last insight to give, and I appreciate, once again, the gentleman from Texas taking this time to point out how significant this issue is that, indeed, the Constellation program was the way forward into the future. It was to replace the space shuttle. It went through the science. It is our future. It is being built by the private sector. Yet, we are deciding to cancel it with no other goal in mind. We don't have a plan. We don't have a program. We don't even have a name. We don't have an idea for what the future may bring.

There was a study that was done after the last space shuttle catastrophe, and it said there are two things that will destroy manned spaceflight, the mission to manned spaceflight and NASA. Those are, number one, not to consider human safety, as the gentleman has said. Then number two is not to have an organized plan.

I just have, in a note of irony, a flyer that went to all of our offices that came from NASA that tomorrow, in the Rayburn foyer, there will be the new era of innovation and discovery, which means that there will be an interactive, all-day event highlighting NASA's robust Earth and space science portion, cutting-edge aeronautics, and continued leadership in human flight.

I am so grateful that there will be an interactive game that we in Congress can play about spaceflight, because, if the decisions of NASA and of this administration are allowed, there won't be a real manned spaceflight for us to see. At least we'll have a game so that we will remember what we used to do and what might have been.

I yield back.

Mr. CARTER. In reclaiming my time, that is ironic because one of the things

you hear from parents is, When am I going to be able to get my kids to have their own imaginations and to not play somebody else's video games? To me, it sounds like this is somebody else's video game.

You know, you'll remember when we diverted satellites from protecting our troops in Iraq to over the poles to check on global warming. From what I'm hearing from this administration, their plans for NASA are that we're going to have low-orbit satellite programs to check on global warming. Oh, I forgot. We don't call it "global warming" anymore. It's called "climate change." I apologize. It turns out we may not be warming. Well, that's just a whole other debate. Yet it seems like all of the resources seem to be going towards desperately trying to confirm that debate.

I want to thank the gentleman for coming down, my distinguished friend from Utah, ROB BISHOP, who is one of the smartest guys in Congress, who is a good friend of mine, and who is a classmate of mine. We came into this august body together. We share an awful lot of concerns about the future of what we are doing. I'm really happy to have ROB BISHOP looking at the scientific side of our world, because he has got great insight into it. I want to thank him for sharing that insight with us tonight.

I want to thank the Speaker for allowing us to take this time to talk about something that we are very proud of. We in Texas have a lot to be proud of. One of the things we point out that we are proud of is the manned space center in Houston, Texas. When you look on the Texas map, which tells you all the great things to come see in Texas, we highly recommend that people visit the manned space center, because we know great things were done by great men and women at that place, and great things continue to be done there.

To drive a stake in the heart of the manned space program is a tragedy, not only for the State of Texas but for the whole United States and, I think I can effectively argue, the world. Let's not outsource another of our industries. Let's not give up on American exceptionalism. Let's go back and reconsider the Obama administration's desire to trash this program. Let's go back to putting us on a path with a plan, as Mr. BISHOP pointed out, to go out and explore those new frontiers we have left to explore.

With that, Mr. Speaker, I thank you for the time, and I yield back the balance of my time.

#### THE FUTURE OF THE AMERICAN ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio

(Mr. RYAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. RYAN of Ohio. Thank you, Mr. Speaker.

I want to take this opportunity here on the House floor to spend a few minutes talking about some friends of mine who are celebrating their 40th wedding anniversary, and I wanted to take a second here to say what good friends they are, what great Americans they are, and what great people they are.

#### HAPPY 40TH ANNIVERSARY

Bill and Margie Skeleski will be celebrating their 40th wedding anniversary this week. They have been not only tremendous supporters of me, but they have been great people in the community, and I wanted to take this opportunity to wish them a happy anniversary and many, many more years.

You have never been to a holiday breakfast unless you have been to the Skeleskis' house, but I must say there are eggs and quiche and sausage and all kinds of different desserts, and not a day goes by when I don't see Margie Skeleski somewhere and she wants to bake me a cherry pie. So I want to thank her for all of her generosity.

She and her husband are just two of the sweetest, kindest, nicest people in our community, and they treasure all of the things that, I think, we as Americans need to spend a little more time thinking about, which are the importance of family, the importance of community, the importance of church and faith, and the importance, really, quite frankly, of a nice piece of pie. They all come together, and they have been just tremendous influences on my life, so I wanted to say thank you and congratulations to all of them and to their family as they celebrate this very special day.

#### CONGRATULATIONS

I would also like to take this opportunity, Mr. Speaker, to extend a hearty congratulations to the president of Youngstown State University, Dr. David Sweet and his wife, Pat, who are both leaving Youngstown State University after a long tenure.

Dr. Sweet and his wife came to Youngstown State University when it was a sleepy university somewhere in the center of the city of Youngstown. They came in with a vision for the community, and they came in with a vision of the university. I think history will judge him as one of the leaders on how a university can have a transformational effect on a community.

Youngstown State University and the city of Youngstown both have been recognized for the partnerships that they have created, but Dr. Sweet, on every account that we would measure his success or failure as a president, has clearly succeeded. Enrollment is up by 25 percent. Minority enrollment is up. The university has created the first science, technology, engineering, and

math college. Of all of the universities in Ohio, he took Youngstown State University and used it as an engine for not only economic growth and research, but also for helping to redefine the city of Youngstown. In so many ways, he provided leadership for our university and for our community.

I wanted here, on the floor of the House of Representatives, to recognize his leadership, his team—Hunter Morrison, Dr. George McCloud and all of the leaders that he had in his administration—and their ability to take this university, to really transform it and, in turn, to transform our community.

I wanted to say thank you, Mr. Speaker, to Dr. Sweet and to his wife, Pat, for their passion, for their contributions that they made to our community and to Youngstown State University. We stand on their shoulders as we continue this work, but clearly, we would not have been here today to make the kind strides that the university is making, doing the kind of research, hosting international energy seminars and forums and really transforming the role of that university. I want to say thank you. We clearly wouldn't be in the position we are in today if it weren't for the leadership of Dr. Sweet and Pat Sweet. With that, I say thank you.

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#### THE ECONOMY

Also, Mr. Speaker, we'd like to take this opportunity to spend a little time—and I will be joined by some of my colleagues here in the next few minutes—to talk about what has been going in our country economically and really what the plan is and what the plan has been for President Obama, the Democratic Congress, and pushing forward an agenda that I think, without dispute, has taken our country from going off a cliff, which is where we were just a couple of years ago, a year and a half ago, where the stock market was at 6,000-plus; where the economy was bleeding 750,000 jobs, almost 800,000 jobs a month; and where there was a complete collapse of the global economic system.

Because, quite frankly, there has been a debate going on in America that those of us—and my side, for sure—have been losing. The debate since 1980 has been how do we cut taxes for the wealthiest people in the country; how do we therefore raise the tax burden on the middle class; how do we cut government at every single turn; how do we deregulate and completely try to remove government out of every aspect of the financial markets and the role of regulating businesses; and, quite frankly, our friends on the other side, Mr. Speaker, won that debate.

Through the 1980s, up until the current President, really with a good fight put on by President Clinton—and he made great strides in his own way—but

we have been fighting the system. But over the course of the last couple of years we have seen exactly what happens when this philosophy, economic and political philosophy are implemented.

It is Milton Friedman and the supply-side economists and the Republican Party versus the Keynesian demand-side Democrats on our side. And our Republican friends in the earliest parts of this decade, up until 2006 and then 2008, controlled every lever of government; controlled the House, controlled the Senate, controlled the White House, implemented their economic policies across the board. And in Ohio, the Republicans controlled every Statewide office, including the governorship for 16 years, and the State legislature for longer.

Controlled everything and implemented their policies—their energy policy, their foreign policy, their economic policy. They deregulated Wall Street. They continued this path, this role of appointing industry lackeys to critical oversight positions on Wall Street, critical oversight positions in the oil and gas industry. Even big donors to oversee FEMA. And over the course of the last few years, we have seen how this philosophy, when implemented, works. And it works for those multinational corporations, it works for Wall Street, it works for the oil industry. But, quite frankly, it doesn't work for anybody else.

So we saw when an industry lackey is appointed to head FEMA, we saw what happened with Katrina. You did a good job, Brownie, is what came of that. We see when the Minerals Management Agency is littered with industry people, we see that a lot of the approvals of drilling and the lack of preparation for contingency plans for emergencies was nonexistent because our friends on the other side said we don't need any government; we don't need any regulation of the oil industry. We don't need any regulation. We can just put anybody into FEMA. And we saw what happened.

But, really, the most significant event has been what happened on Wall Street, when we completely ignored deregulated Wall Street, said, Let business police themselves, ignoring decades and decades and decades of history where we know, when unchecked, businesses get greedy. It is human nature to get greedy. It is human nature not to be connected to what happens three or four moves down the line with the decision that you're making today. And so Wall Street was deregulated. Warnings were ignored. We saw the worst financial crisis since the Great Depression hit the United States of America and almost bring down the entire global economy.

And so having that philosophy implemented on all accounts—energy, Wall Street, globalization, cut taxes for the

wealthiest, push the tax burden off on the middle class, borrow money and spend money and still cut taxes and run up huge deficits. In fact, it's important to note who left the huge deficits. Reagan left a \$1.4 trillion deficit. Herbert Walker Bush, \$3 trillion. President Bill Clinton had a \$5 trillion, almost \$6 trillion surplus. George W. Bush left us a \$11.5 trillion deficit in this country, with no end in sight.

And, then, not only left us that huge deficit, then we have a situation where the whole economy collapsed. The stock market tanked. Banks were going belly up. Unemployment was going through the roof. And then the first January that Barack Obama took office, we were losing almost 800,000 jobs in that month. So being left with this horrendous mess and the implementation of an economic and political philosophy that decimates government, runs up huge deficits, and here we are left to deal with it.

So we did take some bold steps with the stimulus package, with TARP, which was actually under George W. Bush. But we took some bold steps. And they all weren't very politically popular in many instances. And we would go home every weekend and have to explain to our constituents about why we were doing this stuff. But we are now seeing that the national economy is turning around. We have seen the stock market go up from a little over 6,000 to 10,000-plus. Up to 11, back down. We have had some issues with the oil spill, with what's going on in Greece; but the stock market was back up to 11,000. We are starting the recovery. We have seen, with the issue of jobs, some level of success. Last week, we saw industrial production increased 8.1 percent during the past 11 months—the largest 11-month gain since 1997.

Now, I'm not here to say that I'm seeing the world through rose-colored glasses. I'm not saying that we're even out of the woods yet. But what I am saying is the policies that we have implemented have clearly turned the country back in the right direction. It is moving us towards a more secure future for the business community and for those people who are out in our community looking for work. Unemployment is still too high. We still have work to do with police and fire and helping the States—and teachers, to make sure they don't get laid off.

But before I kick it to my friend from Connecticut, I want to say that you can't help but look at where we were and to remember where we were and to say that we have at least shifted directions and at least changed things to at least move us in a more positive step where we can secure the future for our children; where we can secure a good economy for businesses and workers. And that's really what's important here. And that's why we have made some of these very, very difficult situations.

With that, I yield to my friend from Connecticut, Mr. MURPHY.

Mr. MURPHY of Connecticut. Thanks to my friend from Ohio for setting the playing field for us this evening. I think back to when I was making up my mind about running for Congress some 4, 5 years ago, and I was in Connecticut—Cheshire, where I live today—sitting and watching a Federal Government that seemed intent on using the power that it has accumulated here in Congress and in the administration to essentially turn over government to their friends. Now, whether their friends were in the oil industry or their friends were in the health insurance industry or the pharmaceutical industry or the defense contracting industry, whatever it was, it seemed as if the reason that some people had run for office, the reason that some people had sought positions in the Bush administration was to hand over the reins of government to corporate interests; to people that, frankly, didn't have the public interest at heart.

And I think back to the reasons that I decided to run for Congress, and at the foundation of it was a real belief that we had essentially begun to privatize all sectors of the United States economy and the United States Government and that taxpayer dollars were more often being used not to accrue to the public benefit but to accrue to the benefit of a small group of people who happened to hold and wield influence here in Washington.

And so I think about what would have happened back in January and February of last year as we were setting the economic strategy toward recovery. I think about what would have happened if the folks who had been running Congress and running the administration in prior years were in charge of this economic recovery. I think about the bill we passed. I think about the fact that one-third of the stimulus bill passed in the winter of last year went to tax cuts—went to tax cuts not for the top 1, 2, 3 percent of income earners in this Nation; not tax cuts for the Fortune 100, 200, 300, but tax cuts for individuals, for middle-income folks out there, the people that I represent in Connecticut.

Now, they're not enormous tax breaks. Folks weren't getting thousands of dollars back, but they were getting a couple hundred—\$300, \$400, \$500—back in taxes. Small business tax breaks in that stimulus bill to allow for more incentives for small businesses to expand and invest in capital to maybe allow them to take some of their losses a little bit earlier than they might have otherwise been able to do in order to make the books balance for that one or two really tough years that they needed to survive.

I think about what would have happened if the Republicans had written

that stimulus bill and where those tax breaks would have gone. Because I know the statistics from the Bush tax breaks. Not to say there weren't some deserving people who benefited from that tax break, but I know that the average millionaire in my district from the last round of Bush tax cuts got \$43,000 back. I know that the average-income family in New Britain, Connecticut got \$19 back from that tax break. Now things cost a little bit more in Connecticut, but that's just about enough money to buy a pepperoni pizza in New Britain. That's nothing. I know that if the Republicans had been writing that stimulus bill that we would have likely seen more of the same, that we have would have likely seen the economic recovery and the economic stimulus bill that they would have written as an excuse to hand out more tax breaks and more favors to folks that didn't need any more.

And so the reason, Mr. RYAN, that you talk about this recovery as it is in action, the reason that we see retail sales picking up, the reason that we see 10 percent growth in our economy in the last 6 months is in part because we invested our recovery strategy in the right people; we invested our recovery strategy in low-income and middle-income families who needed a little bit extra money back on their taxes so that they can pay their bills, that they could stop from going into bankruptcy themselves, and that maybe they could put a little bit of their money back into the economy. We invest it in small businesses because we know that 90 percent of the jobs in this or any other recovery are going to come from small businesses. And we invest in future businesses as well.

We've got a company in my district called Apollo Solar. I've got to tell you, this is going to be the next big thing. They are making some really important technology that will allow individual homeowners to put solar panels on their roof, generate a whole bunch of power, and then sell it back to the grid for a profit. This is going to be in every home in the Nation, we hope, in a matter of 10 to 15 years. And the stimulus bill decided to put money into Apollo Solar so that they can not only add jobs, but point the way forward for the future of the American economy. Money in the pockets of middle-class families. Money in the bank accounts of small businesses. An opportunity to point this economy forward to the next wave of jobs that we're going to enjoy in this country in the form of renewable-energy jobs.

Mr. RYAN, you're exactly right. I still have unacceptably high levels of unemployment in the places that I represent. I've still got way too many people that are laid off. And it's no small consolation—no consolation at all to them when I, or anybody else, tries to

explain that jobs are always a lagging indicator and listen, we've got to have big jumps in the production in this country and jumps in retail sales and jumps in orders for factories before all of those employers start adding jobs.

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But I think people are coming to understand that the recovery is on its way. They hear the stories. They hear the stories from Main Street, as I did in New Milford, Connecticut, a few weeks ago where almost every retail establishment on Main Street in New Milford reported that May and June have been among their best retail months in 2 to 3 years. Factory after factory that I go to are reporting that for the first time they've seen orders make significant upward increases in the past several months. They feel that good news.

Now they know that those retail establishments and those factories need to get a couple more months of good news before they start actually adding jobs back. And they know that the first thing they're going to do is take the workers that they had furloughed for a day or two every week and put them back full time. But the trend is going in the right direction, and I think it's going in the right direction because the stimulus, written by the Democrats, championed by President Obama, was put in the right place. It gave to Main Street. It gave to middle-class families. It gave to small businesses which—we're only guessing here. I'm only guessing—but I think that if President Bush was still here or the Republicans were still in charge of Congress, that that stimulus and the people and the corporations and the institutions that it invested in would have been a very different set of people and businesses than we see today having been invested in.

Mr. WELCH, I would be happy to turn it over to you. I'm glad to see you and Mr. BOCCIERI joining us on the floor this evening.

Mr. WELCH. Thank you very much. It's been a pleasure listening to you and Mr. RYAN.

We have to acknowledge something, those of us who supported the stimulus as something that was necessary because of the collapse in the economy, those of us who decided to assent to the request by President Bush to stabilize the financial system and to do something we didn't really want to do but felt it was necessary to do. And that is that despite the gross domestic product increasing, despite the positive signs that have been cited by you and Mr. RYAN, this is still a depression for any American who doesn't have his or her job. And when you have 10 percent unemployment, which I think is the real measure of the strength of this economy, you know we have an economy that continues to struggle. And we

have to do a number of things. Yes, we did have to have a stimulus, and it was focused where it would do the most good. We did have to stabilize the financial system, but that's going to add a burden until that is repaid.

But one of the things we have to do is understand what is the proper role of the private sector and what's the proper role of government. This has been an ongoing debate. In the United States, people who have been frustrated that the government has gotten it wrong have come to a conclusion that it can never get it right. People who have had faith in the private sector have had a view that they can never get it wrong. And, in fact, some of both is the case. Unless we have a cop on the beat, a government that's willing to make rules that give everybody a shot who play by the rules and work hard, and whose goal in doing it, running a business, is to provide good service, to provide a good product at a fair price, then we won't have the economy that we need.

Now I want to just give a couple of examples. The financial crisis was brought on by the recklessness, largely, of Wall Street banks. Let me give an example. The famous one, of course, is Goldman Sachs. Goldman Sachs made a lot of money on subprime mortgages, a lot of money on buying and selling commodities. They went from an investment bank that made most of its money by lending money to businesses and to people who had ideas about how to create jobs and create companies and create wealth, they transformed from doing that to buying and selling derivatives, currencies, commodities, and banking money on trading. Nothing wrong with that, but it's not banking. It's not putting money into the financial sector.

When they had a client, a hedge fund billionaire, who called them up and said, Hey, I've got an idea. I think that this explosion in real estate values is going to collapse. I want you to put together a package of subprime mortgages that you believe will fail, that I believe will fail, so that I can then sell those and bet against them, Goldman Sachs said, fine. It's a client. They are paying money. They paid big fees, and they had a request. Nothing illegal about it. Nothing useful about it, but nothing illegal about it. Goldman Sachs helped put that package together, and then they turned around and sold this package that was guaranteed—it was designed to fail, literally designed to fail.

They then went to the rolodex and called up other clients, like pension funds. Those are people like firefighters, like police officers, like teachers, and they said, Hey, we have a deal for you: AAA-rated, high-yielding subprime asset pool—can't go wrong. So Goldman Sachs literally provided a service to one client. That service was

developing a product to fail. Then they called up their other clients and sold it to them where it was guaranteed to succeed. Not guaranteed. But obviously Goldman traded on its reputation. And the people they called, these pension funds—if Goldman was for it, it must be vetted, it must be good, it must be secure.

And what happened? Mr. Paulson, the hedge fund billionaire, made \$1 billion more. And those pension funds, those municipalities, those other people who relied on the good reputation of Goldman Sachs lost \$1 billion. It destroyed wealth. And what does that do to the American people? Legitimately and understandably, it erodes their confidence.

So in my view, we have a lot of reason to be justifiably furious at Wall Street practices where they strayed from what would be done on Main Street. And I ask as I'm speaking, Any one of you, in your State of Ohio, in your State, Mr. MURPHY, of Connecticut, or anyone out there from Montana to North Dakota, your local banker, can you imagine your local banker literally having one neighbor say, I want you to design something to fail, and then selling it to another neighbor where they knew they would lose? It wouldn't happen. But that was legal on Wall Street. It's wrong. It never should have happened.

Now there's a governmental role here where the government failed. The Securities and Exchange Commission, the Federal Reserve. This explosion in asset values and real estate values and subprime mortgages, where people were permitted who had no income, who had no job, who had no proof of assets, no proof of ability to pay were given loans for \$400,000, \$500,000 or \$600,000. The regulators had a responsibility to apply the law of financial gravity and not permit that to occur. So this is a situation where people who point the finger of responsibility at government not standing up for right, but those same people can't say that all we should do is destroy regulation altogether and let the private sector do what it wants, because it has led, in this case, to excess, to explosion, or destruction, of value. And a lot of individual people have suffered as a result of the loss of their hard-earned income. So there's a role. There is a role and has to be a role for government to be the cop on the beat and to help folks who are working hard and playing by the rules and trying to reinvest in their own community to be successful.

I would be glad at this time to yield to my good friend from Ohio (Mr. BOCCIERI).

Mr. BOCCIERI. Thank you. It's an honor to join my colleagues here on the House floor to talk about how we got here, where we're going, and what we're doing to put our country back on track. You know, you bring up a great

point. We hear from the other side that the greatest tools that the government has is to largely unregulate big business, big corporations, and provide tax cuts to the wealthiest Americans. Virtually every problem that America is facing, that's the solution that's put on the table.

Now I argue that, look, our philosophy, our broad political philosophy in this political body—at least I know from our side of the aisle—is that the government needs to set the out-of-bounds markers, we need to set the goal posts, let the free market operate in between, but be a good referee. Be a good referee. Throw the flag when you have big corporations that want to bet on the price of oil going up on Wall Street. Throw the flag when you want to bet against people failing to pay their mortgage. Failing to pay their mortgage—that's what was happening on Wall Street. That's like betting against America.

I think we can do better. We don't want to take the stripes off the referee. We want to make sure that the playing field is even and fair for all Americans, and that's why we're being charged with action. Because I think all of us here tonight believe that leadership is not just about position, a political position, but it's about action. Leadership is about action. And we run for office not just to win elections but to get things done. And we want to put America back to work by investing in America and by investing in our greatest asset—that is our people.

So a lot of talk has been made about the stimulus and the economic recovery. I mean, the charts don't lie, folks. When we walked on the job here in the office of the House of Representatives, I'm in my first term, and just in May of 2009, what was handed to us from the previous administration were two unfunded, undeclared wars that cost \$1 trillion. We had an economy that was in free fall. We didn't know where we were going to land. Exploding deficits from the war and tax cuts to the wealthiest Americans. We had unregulated greed on Wall Street, a banking system in chaos. I mean, it required swift action, not just a political position but swift action.

In May of 2009, we had lost 345,000 jobs. One year later, after some of the economic policies that we put in place here in the Congress under Democratic leadership, we've turned that 180 degrees and actually had a net job gain of 431,000 jobs by May of 2010. So the facts don't lie.

Another thing that really disturbs me about our friends on the other side of the aisle is the whole notion that Democrats are not tough on deficits. And that is a complete falsehood when you look at this chart right here. This chart right here shows that deficits have been handed on by the last three Republican Presidents. We look at

President Reagan, a \$1.4 trillion deficit left to the American taxpayer. We look at President George Bush. We see that he left a \$3.3 trillion deficit, and that didn't begin to turn until President Clinton turned those deficits into a \$5.6 trillion surplus. And what was left to us when we came in the door in the 111th Congress was nearly a \$12 trillion deficit by two undeclared, unfunded wars, two tax cuts to the wealthiest Americans who could afford to pay and pay their fair share, and a prescription drug plan that left huge holes, doughnut holes for our seniors who couldn't afford to pay the prescription drugs. These are the facts. And like Joe Friday used to say, "Only the facts, please, ma'am." Right now we're trying to set the facts straight, and my colleagues are appropriate in pointing out these deficiencies in the arguments by our colleagues on the other side.

Mr. RYAN of Ohio. If the gentleman would yield, I think it's important for us to pull specific examples. I represent a district just to the east of Congressman BOCCIERI. It is very similar in nature to Mr. MURPHY's district, manufacturing, traditional manufacturing. We've actually seen in the last couple of months a couple of point decrease in the unemployment rate. It is still way too high, but this stimulus plan is coming down the pike.

It has helped in so many different ways, on so many different road projects, in different infrastructure projects. We got \$100 million in title 1 money for our schools which prevented tens, if not hundreds, of teachers from being laid off. We've got grants for police and fire, cops. There are 20-some cops on the beat because of the COPS grant in the city of Akron. Now if we didn't have the stimulus package, if we weren't investing Community Development Block Grant money, if we weren't putting money into roads and bridges and infrastructure, if we weren't making sure there was State support for our schools and education funds, we would have lost thousands of teachers, police, fire, and construction workers who would have never went back to work.

Now we're not saying that we've got all the answers, and we've got a corner on the marketplace of success. But we've clearly—because years and years and years of economic philosophy prior to 1980 said, When the economy goes into a big downturn, someone has got to step up and fill the hole to prime the pump. We have had projects. We have a General Motors facility in Lordstown, Ohio, that just put on a third shift, and all of their suppliers are going to benefit from that. If the Republicans were in charge, that whole company would have been sold off piecemeal. We used \$20 million in stimulus money that leveraged \$650 million for a French company to expand 350 jobs, 500 construction jobs. This is all happening because

we had a stimulus bill, and I don't blame anybody in this Chamber, Mr. BOCCIERI, for not believing me that the stimulus package has had some success.

□ 2100

But how about Bill Gates? Would anybody in here believe Bill Gates when he says, "The incredible measures," the Recovery Act and TARP, "needed to be taken to make sure there wasn't a collapse, both in terms of stabilizing the financial system and then priming the pump of the economy, because it had been slowed down so much. Now, we're seeing the benefits that those things have been done." That's Bill Gates saying it.

And you can go right down the list, Warren Buffett and others, who have said the stimulus package has worked. And my concern, quite frankly, is that we've got to do more before we get completely out of the woods on this economy. But look at the job numbers. Look at the deficit numbers.

And I want to make one final statement here, because Mr. BOCCIERI brought it up, about deficits. You grow your way out of deficits. If you don't have people working, you're not going to reduce the deficit. You can't cut your way out of some of this stuff. You've got to grow your way. And what we have is a pro-growth agenda. Tax cuts for businesses, lowest taxes for people in America since 1950. So tax cuts for the middle class, invest in infrastructure, invest in energy, get people working again. If we want to see the deficits go down, we've got to get people back to work. And that's what this whole agenda has been about, and it's working.

You look at what President Bush left us with and look where we are at now. As jobs go up, the deficit projections go down.

I yield to my friend.

Mr. MURPHY of Connecticut. Let me point out this chart. We are talking about the fact that facts don't lie. Here it is. This isn't fuzzy numbers. This chart isn't rigged. This is just telling it like it is. You're looking in this chart at the last year of the Bush administration and the first year of the Obama administration. The trend is unmistakable. As the Bush administration ground to a halt, the economy went into the tank, cratering to the point where in January of 2009, the last month of the Bush administration and first month of the Obama administration, this economy lost nearly 800,000 jobs, as Mr. WELCH and I were sworn in for our second term, Mr. BOCCIERI for his first term.

But the trend coming out of January is just as unmistakable. Every month, almost without exception, less and less jobs being lost, to the point where in the last 3 months we have added jobs. We've added 700,000 jobs just in the last

2 months. Now, that still leaves way, way too many people out of work. We still have miles to go.

But you want to talk about what policies didn't work and what policies have worked? The numbers don't lie. I want to add just one more thing to the table here. We can talk about the jobs that have been created through the stimulus bill, the jobs that have been saved through the policies of this administration, but there are other maybe not as well covered but just as important successes that are happening right underneath our feet.

Last week on page 4 or 5 or 6 of a lot of your local papers you might have noticed a story that the Chinese Government has announced that it is going to dramatically change the way that it runs its currency, that it is going to start allowing its currency to float in a way that it has never before.

That is something the Democrats in this Congress, led by Mr. RYAN, frankly, have been working on for a very, very long time. The Chinese have been essentially manipulating their currency so that they, on day one, can underprice American manufacturers sometimes by 30, 40, 50 percent just on the basis of how they manipulate the value of their currency. We have lost millions of manufacturing jobs in this country, and much of it has gone to China. Much of that is because of the funny business going on with their currency.

Now, they could get away with that under the Bush administration because that administration asked no questions when it came to trade policy. They rushed into trade agreement after trade agreement, asking little, if any, questions about what we could do when we sat across the table with our trade partners to try to force them to change their policies so that they couldn't immediately unfairly underbid American labor and American factories and American manufacturers.

Well, the Chinese can't get away with that under the Obama administration any longer. The Chinese can't get away with that with a Democratic Congress. We're not going to give a free pass to China and other Asian nations, to India and our European partners to allow them to either subsidize their industries with government dollars, to manipulate their currencies, or to run roughshod over labor and environmental policies so as to underprice and outbid American manufacturers.

The Chinese saw the writing on the wall. Now, they've got a long way to go to get this thing right, but the fact that they've finally figured out that they can no longer manipulate their currency so as to unfairly compete with American manufacturers shows that a new sheriff is in town. As Mr. BOCCIERI would say, there is a new referee here. And the whole world understands that, that when the referee is finally

holding domestic corporations accountable for their actions, that's a good thing. But when the referee is also on the international playing field ready to hold our trading partners accountable for their unfair trading practices, that's transformative as well.

So the story about how we get from a point in January of 2009 when we were at an absolute disastrous point in our economy to where today we are headed unmistakably in the right direction has a lot of stories to it, Mr. WELCH. It's about job creation in the stimulus bill, but it's also about starting to stick up for American manufacturing, which we are finally doing in this Congress.

Mr. WELCH. Thank you, Mr. MURPHY.

You know, when you are talking about the Chinese yuan and currency manipulation, that's far removed from most people on Main Street, but it has a real impact, especially on our manufacturing economy. And I am among many in this Chamber who believe that, for America to have strong long-term economic growth, we have to revive, not abandon, manufacturing. And in the stimulus there were commitments made to do it in the energy sector. And we know, I think if we are a confident Nation, we are not going to pretend that the energy policy that we have now, relying on a 19th century fuel where we have to send almost \$900 billion of our money abroad to bring oil in, that if we take on the challenge of the new energy economy, we can create jobs.

And on the stimulus, you know, nothing worked, including the stimulus, for anybody who is still out of work. But there are very solid, very simple, straightforward examples of how it did make a difference for many people, and I want to tell one about Barre, Vermont, a small, hardworking, very proud town with a tradition of work in the granite quarries. And we are losing jobs and have been losing them for years to Chinese imports.

But we have a company called Sprague Electric. It's a small company that's been there for years, and it was really having a hard time staying ahead with the collapse in the economy. Their product was something that was used in Tasers. But the engineers there developed a product called a capacitor that could be used in electric vehicles, and of course that's all part of what we want in our new energy economy.

They had an immense amount of interest in this. They were getting interest from car manufacturers. And they had to decide whether to build a plant or expand their plant in Barre, Vermont, or to do it in China to take advantage of the lower labor rates. And these folks wanted to stay in Barre if they could, but the law of economics means they've got to be able to sustain themselves.

They were within 2 days of going ahead and making a commitment to develop this plant in China when the stimulus bill was passed, and it had in there the opportunity for companies to apply to get energy grants. They applied, and they put their decision to move to China on hold. They got the grant, several million dollars. And only a few months ago, the Republican Governor of Vermont and the Democratic Congressman from Vermont joined the people of Sprague Electric at a groundbreaking, where they were opening up the construction of a brand new factory with great jobs for the people in Barre, Vermont. That's real, and it took some governmental involvement.

And that's an investment of taxpayer money that's going to come back with taxpayer revenues, but real strength in that community where they're going to have a great new factory with great new jobs developing a product that's going to have ripple effects across Vermont.

I yield to my good friend, Mr. BOCCIERI.

Mr. BOCCIERI. Thank you. I thank the gentlemen here today for talking about how we can get our economy back on track and put America back to work.

We're beginning to see the signs of economic recovery. Ten successive months of manufacturing growth has led to an upturn in manufacturing and our output in Ohio and many Midwestern States.

We've seen the housing sector improve. The housing sector of the economy is very important to our economy because every recession since the Great Depression, the housing sector has led us out of any downturns in the economy we've ever had. And, in fact, when you think about all that goes into building a new home with steel and wood and carpeting and drapes—you build a third car garage, you've got to put a car in it—the appliances, I mean, there is a lot of economic output, especially with those household products like washers and dryers and the like that require a great deal of manufacturing output.

□ 2110

So we're beginning to see upturns in the economy because of that.

Now look, we lost a lot of jobs, millions of jobs under previous economic policies. It's going to take us a while to get back and grow the economy and get back to the confidence levels that we all share that we're in a stronger position, but we're on the right track. We're on the right track, and according to folks who study the economy daily, like *Fortune* magazine, in April they said the economy has made a sharp U-turn in the past couple of months and better days for the American businesses and workers are around the corner.

Newsweek said, America is coming back stronger, better and faster than nearly anyone had expected and faster than most of its international rivals. Recovery came quickly because the public and private sectors reacted with great speed.

From the far left to the far right, economists were saying that we had to do something. We had to do something. And there's only three tools that the American Government has to jumpstart or kick the economy.

We can work to manage interest rates with the Federal Reserve. We saw that interest rates are at near-record lows, zero percent in some cases.

We saw that the other policy that we have at our fingertips is to utilize tax policies. Largest tax break in American history to small businesses and to American middle class families. In fact, USA Today said tax bills are the lowest in 2009 since 1950 thanks to tax policies that were enacted through the stimulus and other measures that helped with respect in 2009.

The other policy that we have is to inject huge amounts of capital out into the marketplace, and I think it's the right policy to help those factory workers that were struggling to meet their payments and their bills and to put bread on the table, with helping them with an unemployment check or a little bit of COBRA assistance so they could carry their health care insurance from month to month while they were looking for a job. I think that was the right investment in 2009. I think that was an investment in the American people, with jobs training and skill training, investing in our workforce. Those are real tangible things that we can take, and that's why we're getting reports like this.

As a note, we've seen some positive job gains in the 16th Congressional District. Medline Industries just added 35 jobs and will be creating quite a few more in the next 3 years with them doing business. They manufacture and distribute medical products.

We saw Nationwide Insurance add 600 jobs in Ohio, and many of them are in my congressional district.

Rolls Royce, an international company that makes fuel cells that are going to add to our electric vehicles, they're using these things in NASA right now. They just announced they're moving their fuel cell research headquarters from Singapore to Stark County, Ohio. I know they're going to be working with my colleague in the 17th District, working on some research and development; and we want to enhance them. We're going to add and retain nearly 90 jobs in my congressional district.

We see ABS company got a National Science Foundation grant, absorbent materials company in Worcester, Ohio. They have this grant. They're doing leading-edge research, and they're

helping further development of creating high-tech jobs here in the 16th Congressional District.

We also saw Barbasol add dozens of jobs in Ashland County in my congressional district.

These are real signs in a real congressional district of how some of the policies that we've enacted are helping to grow our economy. So I join my colleagues in saying that leadership is about action, not just taking a political position because you want to win the next election.

The "just say no" crowd here in Washington is not lending itself to the recovery of our country. We need their help. We need their help. We need all Americans working together to put our country back on track. We need the Republicans' help to put the country back on track. We've seen tough times before, but we've always pulled together as a Nation and made it through our toughest times.

Mr. MURPHY of Connecticut. You mentioned that we need Republicans here and you mentioned that there's support for the Democratic policies and Obama's policies across the board. Let me just add two quotes to that that you mentioned.

First, from Phil Swagel, who was assistant Treasury Secretary for Economic Policy under George Bush. This is one of Bush's top economic strategists who said, their economic policies—I think referring to the Democrats and Obama—their economic policies including the stimulus have helped move the economy in the right direction.

Mark Zandi, who is the chief economist at Moody's, a former adviser to a number of Republican candidates, says, It feels like the light switch went on in many businesses this spring. When you take it all together the response to the recession was massive, it was unprecedented, and it was ultimately successful.

You've got a broad spectrum of agreement, as you mentioned, from conservative economists to progressive economists, who say that the policies that the President and Congress have put into place have put us on the right track.

Mr. ALTMIRE.

Mr. ALTMIRE. I thank the gentleman from Connecticut and I wanted to reiterate: in the district I represent just across the border from Mr. RYAN's district and very close to Mr. BOCCHERI's district, the similar experiences that they talk about are happening in western Pennsylvania as well, and we did have a choice to make in the late winter, early spring of 2009, when we as Members of this House had to make a decision on what to do when we as a Nation were literally looking off the cliff into the abyss with an economy that was on the verge of collapse in a very literal sense.

We could have done nothing. We could have done more of the same. Those were certainly two of our options, and there were people on the other side of the aisle who wanted to take that approach, to continue to pursue the policies that led us being in that position in the first place; but we chose not to do that. We chose to take action in a very forceful and a very proactive way. And now, we're nearly a year and a half later and where are we? It's fair for the American people to ask, well, what's been the benefit of this?

This was a huge bill. This was a monumental vote, and it was a vote that many of us took with the knowledge that there were things in the bill that we could support. There were a lot of things that we knew moving forward were going to have a tremendous impact on the Nation and in our districts; and as we've seen from some of the charts that we're holding today, a year and a half later we've seen an incredible difference in our economy, both as a Nation and in our districts.

Six of the last 7 months we've had positive job growth; and, yes, we're at the time of the decade once a decade where you hire census workers to go out, and some folks on the other side are going to say, well, those numbers are inflated by census numbers. Yes, there are census numbers included in that, but private sector job growth has gone up over that same period of time up by the hundreds of thousands in the previous 2 months, and we expect a strong number again for the month of June.

Also, at the end of June we're going to have our fourth straight quarter, a full year of positive GDP growth, and this is to be compared with where we were at the beginning of 2009 when we had a negative six GDP number, and by the end of 2009, the end of that very same calendar year, the end of the year that we passed the Recovery Act, we had plus six GDP growth, almost plus six. And it was the largest calendar year increase in more than 30 years in the gross domestic product from negative six to nearly plus six.

We saw the jobs go from negative 700,000 a month on average every month leading up to the time we passed that stimulus, the Recovery Act bill, to at the end of the year starting to see the numbers turn around. And again, where we are today, six out of the past seven months, positive job growth 5 months in a row. We expect that to continue.

The stock market that bottomed out at 6,500 almost precisely at the time the Recovery Act began to take effect is now up over 10,000.

These things didn't happen by accident. And we talk about manufacturing. In the district that I represent in western Pennsylvania as in the Ohio districts and I presume Mr. MURPHY's

district in Connecticut as well, we have a legacy of manufacturing and we have a lot of folks who, because of the recovery, are doing better today than they were a year ago, much better.

The gentleman from Ohio (Mr. BOCIERI) listed some companies. I have some in my district. I can think of Ellwood Forge and Ellwood Quality Steel. Both are doing a lot better this year than they did last year, not only because their companies are doing better but because as a country we're doing better. That's what it means when manufacturers see an increase in orders. It means that we're stimulating our economy, we're growing, we're moving again, and that's what that symbolizes. That's the first thing that turns around is that manufacturing sector, and in western Pennsylvania we're seeing that impact very directly.

We've seen it in some of the infrastructure projects in all of our districts across the country to have something of lasting significance that's going to be there in the decades after we've recovered.

Now, is everything in the economy where we want it to be? No, of course not. It hasn't fully recovered. We're not out of the woods yet. We're not completely out of the hole that it took us decades to dig, but we're getting better. Again, GDP growth is strong, stock market has recovered to some extent, jobs are much better, and we're moving in the right direction. And that would not have happened were it not for the actions that this Congress took.

□ 2120

Mr. RYAN of Ohio. Before I yield to the gentleman from New York, I think it's important again to reiterate, these are two separate philosophies. We did not have one vote in the House of Representatives from the Republican side. They, in many instances, continue to argue for cutting taxes for the top 1 percent—hopefully that will trickle down to the middle class, hopefully that will trickle down to manufacturing. And we saw from the 1980s on, people took that money and they invested it in China, manufacturing in Mexico and China and other places. What we're saying is, reinvest back in the United States—transportation, energy, infrastructure. Rebuild the country. A pro-growth agenda from Democrats—cutting taxes for businesses, cutting taxes for the middle class, and jump-starting the economy, making sure that we have fair regulation, referees on the field, and making sure we don't let corporations run the country, whether it's Wall Street and the financial markets, or whether it's the oil industry saying approve this permit even though I don't have a plan; in case we have a catastrophe, let it all go. We're the corporations, we run the show.

We're reigning that back in, trying to jump-start small businesses with the

fund we provided last week, \$30 billion to loan \$300 billion for community banks. Get the local banks loaning money again and stop relying on these globalized banks who are in it to make a profit and have no connection, no tie to the community.

So I yield to the gentleman from New York.

Mr. TONKO. Thank you, Representative RYAN.

You know, the talk about the contrasts, the sharp contrasts between the party in control now in the House, with the Democrats advancing dollars that invest in small business, invest in innovation as an economy, clean energy. You think of all those strategies compared to the catering to Big Oil, big banks, Wall Street, making certain the biggest amongst us are taken care of. I contrast that with all of the work being done in my district, in the 21st Congressional District in New York, in the Capital Region, it has always had a spirit of pioneer. It's in our DNA. We have within the confines of that district an energy revolution of sorts, it's the birthplace of electricity. So we're continuing on with a global center for renewable energy at GE, nanoscience in the district, the semiconductor industry, superconductive cable, talking about advanced battery manufacturing.

When we looked at the Recovery Act and how the President wanted to bring us into the new ages, allow for transitioning, a transformation of the energy economy, that's what this is all about. What we have had expressed in this Recovery Act are opportunities to grow new opportunities with advanced battery manufacturing. The battery looked at by GE, as they're soon to establish their plant, not only provides, in its concept of an alternative battery, not only for generation of electricity, not only for powering heavy vehicles, but also it is there for energy storage, so that with the transmittent energy of renewables, that transmittent nature, the opportunities to provide for storage there creates all new opportunities, the battery as a linchpin. The same is true with superconductive cable, where you can transmit far more electrons per inch of cable compared to the traditional cable, where renewables are being developed and new opportunities with nanoscience to create lighter blades, more efficient outcomes, more power per dollar invested. All of this is what holds great promise for our economy, for jobs, for small business innovation, for the emerging technologies. That's what this investment is all about.

And finally, you see a commitment to small business, to the pioneer spirit, to the invention and creative genius that has always been part of the American culture. So I'm really proud of the efforts that we're making to grow back this economy, to grow back the invest-

ments in basic research and R&D. That's what this is all about with the Recovery Act.

I think that people are now looking at this contrast, Representative RYAN, they're looking at the slow, steady progress, that climb upward from what was a precipitous drop in that left-handed side of the V formation. The precipitous drop in jobs, in the growth in unemployment, the lack of investment, the household income loss, now has taken a sharp u-turn, and we see the road to recovery, the progress because of the wisdom of the types of investments made in the Recovery Act promoted by the White House and very much supported by Speaker PELOSI here.

Mr. RYAN of Ohio. I totally agree with the gentleman. Here you have tax cuts for businesses, you have \$30 billion for community banks to loan out up to \$300 billion, you have tax cuts for individuals, you have the extension of unemployment benefits and health care through COBRA, you have infrastructure projects, billions of dollars, you have billions of dollars for Pell Grants so people can go to school. We've taken the banks out of the student loan business so people get a better deal when they take out a loan to go to school. And as you said, we're taking \$1 billion a day that's leaving this country to go to oil-producing countries and driving that back into the United States, the kind of technology that you have, the kind of nuclear technology and production that Mr. ALTMIRE has in western Pennsylvania, fuel cells in Mr. BOCIERI's district, manufacturing and engineering in my district, and all of the above in Mr. MURPHY's district.

Mr. TONKO. Well, simply said, the policies of the past gave us the catastrophe in the gulf; the policies of the present give us opportunities at home.

Mr. RYAN of Ohio. Mr. MURPHY, would you like to wrap up? We've got about 1 minute left. Because I know you can, of all of us, you can put it all together in 1 minute.

Mr. MURPHY of Connecticut. When it comes down to it, of all the things that drive the recovery in this economy, it's people spending again. And the fact is we'll go back to where we started. At the heart of our economic recovery legislation is putting power in the hands of average, everyday working-class families. That's what drives this economic recovery, and that's what the Democrats have invested in.

#### VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore (Mr. TEAGUE). Without objection, the ordering of a 5-minute Special Order in favor of the gentleman from Texas (Mr. GOMERT) is vacated.

There was no objection.

## THE EMPEROR'S NEW CLOTHES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Mr. Speaker, it's always an honor to be here and to be speaking on the floor where so many who have served this country so honorably and well have done the same thing. I never lose sight of that fact. It gets a little discouraging at times.

It's interesting to hear the stimulus is working because that's what George W. Bush was doing. And as I recall, in 2006, the Republicans lost the majority because Democrats convinced them that it was the wrong thing to do. And you know what? The Democrats were right. They appropriately won the majority because, as they said, we should not be deficit spending, you're killing the country, you're killing the economy by running up this kind of debt, and they won the majority in 2006 because they were right. We should not have been deficit spending like that. But that went on.

□ 2130

So it's interesting to hear, just 4 short years later, that it turns out that what President Bush was doing and was encouraging to be done is actually the good thing. Though, I still tend to go back and think of those of us on the Republican side who agreed that we needed to get out from under the deficit spending and that we needed to get spending under control. Having compassion and spending money to a deficit level is not the same thing. It's the Federal Government, like a parent, who is just throwing money at their kids, thinking that's going to make them happy and that everybody will be loving and caring.

I happen to agree with my friend Jim Dobson, who knows a lot about raising children. He said, You show me a child whose parent never said "no," and I'll show you one messed up kid.

More and more, we keep seeing people run to Washington. "Give us money. Give us money. Yeah, let's don't deficit spend, but give us money." It has got to stop. It has got to stop. When the Democrats promised they would stop the deficit spending if they were given the majority in November of 2006, they diagnosed the problem correctly, but then they didn't use the treatment they promised when they took over the majority.

It's interesting. I went back, and I found an article and speeches from early 2007 when we were talking about how well the economy was going at that point. Yet, at that time, those who promised to stop the deficit spending instead dramatically increased the deficit spending. It is amazing to see how the economy took a nosedive once the Democrats took the majority.

So I didn't plan to talk about the stimulus this evening, but I've heard from enough people who have been begging for us to, please, stop the deficit spending. When the Federal Government runs up such an enormous deficit, they suck up all the capital in the world, and the businesses that would like to hire people can't keep their lines of credit open anymore. You have got this administration's regulators telling banks, Now, you'd better not keep extending that line of credit to that business because, even though it's still hiring people and seems to be doing well and has never missed a payment, we're concerned that maybe someday it will, and you don't want your bank to be under the heightened scrutiny that we will put on it if you keep extending lines of credit to this company.

So companies lose their lines of credit. They can't borrow money, and they can't grow their businesses. As we have often seen, if you're not growing, then you're usually dying. So it's just interesting. It's interesting.

I've heard my friends on the other side of the aisle yelling and fussing about, you know, a \$100-\$200 billion deficit in 1 year—that it's just outrageous, that it's unconscionable, and how could we do those kinds of things. They're right. We shouldn't have been deficit spending, but I really expected them to stop. This year, it is expected we'll have a \$1.3 to \$1.6 trillion deficit by the Federal Government in 1 year. Who would have ever dreamed that the same people who said just some short years ago that a \$160 billion deficit was reprehensible would today be saying that 10 times that much of a deficit is really a good thing and that the country is doing better?

I don't think there is any better indication of just how well things are going in the private sector than last month, because we got good news. There were 431,000 new jobs created last month. That was great news. 411,000 of the 431,000 jobs were temporary of census workers. I'm not sure that's news that's quite as good as we originally thought.

So we have an administration and a majority who are ecstatic in thinking that the emperor, though naked, has regal clothes on and that the economy is doing great and that the stimulus is working so very well because we created 411,000 jobs last month for temporary census workers. That emperor has no clothes on. It's not a great economy. Now, it should be. It's trying to be. It's trying to come back. Yet, as the private sector tries to do better, boom, we hit them with a health care bill that is going to cost them so much more money than it had cost them before.

It's telling businesses, if you've got over 50 employees, then you're going to get hammered with a \$2,000-per-em-

ployee tax. So, you know, we're hearing people say, Well, we had 56. We had to let them go. We had to let people go. We can't be over that cap. We have people being let go because the health care costs are now going to be so much, and the added taxes are hitting. We have people who are selling homes and who are seeing there are going to be added taxes for them.

This was supposed to be a health care bill that helped the working poor. Yet, a few weeks ago, when I was at a jobs fair in Marshall, Texas, I had one gentleman tell me, Look, we're giving, you know, entry-level jobs, but we're giving them really good health insurance. Well, unfortunately, once the full extent of this health care bill kicks in, under the bill, he won't be able to do that anymore. They'll have to go on Medicaid.

If you make 133 percent of the poverty level or less, under that wonderful bill, you'll get forced into Medicaid, like it or not, even if you've got an employer who is willing to provide you health care. Oh, by the way, if you're above 133 percent of the poverty level and you can't afford the great health insurance policy that is dictated by this Zeus of a Congress and President, then bad news. You're going to pay extra income tax. You can't afford the health care insurance we've mandated? You get an extra income tax. Good news. Good news all the way around.

I did want to address something that has caused me a great deal of concern. All of this actually does, but this hit me as I was seeing more information about the 9/11 conspirators. I use that term because they had filed documents indicating that they were 9/11 conspirators.

This is an article I saw on Sunday. The headline from Politico, which is a newspaper here in Washington, reads, "Chances dim for swift 9/11 decision." This was by Mr. Josh Gerstein on 6/20/2010.

It reads, "Attorney General Eric Holder said the decision over where to hold the trial for alleged 9/11 plotter Khalid Sheikh Mohammad was 'weeks away' 3 months ago.

"Now advocates on both sides of the issue say they expect the Obama administration to punt the decision until after the November midterm elections—when the controversial plan could do less damage to the political fortunes of endangered Democrats and might face less resistance on Capitol Hill.

"Holder, last week, explicitly denied the midterms had anything to do with the timing but would only say discussions are continuing. The White House had no comment."

So the article goes on, and it discusses at quite some length the 9/11 trial and its problems and about figuring out what to do about it.

Then, while I was looking this weekend, I saw some great news. This is

from The New York Times. This is exactly quoting from The New York Times' article:

"Five charged in 9/11 attacks seek to plead guilty."

So they are going to plead guilty.

"Guantanamo Bay, Cuba: The five Guantanamo detainees charged with coordinating the September 11 attacks told a military judge on Monday that they wanted to confess in full—a move that seemed to challenge the government to put them to death."

Man, that's great news because we had this article on Sunday, saying the Attorney General and this administration can't decide what to do about the trials. It's great news. They're going to plead guilty.

□ 2140

Another quote from the article said that at the start of what had been listed as routine proceedings Monday, Judge Henley said he had received a written statement from the five men charged, saying they had planned to stop filing legal motions and to "announce our confessions to plea in full." Great news. They're agreeing to plead guilty to confess everything. Awesome news. Awesome news.

The trouble is, the date of this New York Times story was December 9, 2008. The 9/11 conspirators, as they are self-confessed, agreed to plead guilty to the atrocities regarding 9/11. They were not going to file any more pleadings. They were throwing in the towel. They were ready to be sentenced to death. And if you go back and look at this article, Mr. Speaker, it talks about how they're ready to accept martyrdom. Isn't that something? They told a military judge they wanted to confess in full. They were ready to be put to death for their crimes. Isn't that something? It said they planned to stop filing legal motions and to announce our confessions to plea in full.

But a strange thing happened on the way to the five 9/11 charged conspirators for plotting and carrying out—seeing that it was carried out, at least—the 9/11 atrocities. This administration took office a month after that story and said, You know what? Basically, in essence, You guys, don't plead guilty. We want to bring this to New York and create a circus out of it. Put the island of Manhattan in great danger. Probably cost them—one estimate was a hundred million dollars they don't have. They're trying to figure out where to come up with the money for their own budget right now. Yes, they're going to bring them to New York and put on a circus.

So the guys withdrew their indication they were going to plead guilty. They were ready for the big show. And now we're told that there probably won't be a decision until after the November elections. They were ready to plead guilty, and now we have to wait

2 years because this administration wanted to jump in and make a circus out of justice. You don't do that. It's not justice when you attempt to make a circus out of it.

I had a rule in my courtroom. I would allow one camera remain in place, could not be moved, and the moment I saw one juror look over at the camera, the camera was out. Everybody knew the rules. It had to be a pooled camera. So all networks pooled from that one camera. And the first one to file the motion to bring the camera or use the camera were the ones that got to put the stationary camera in there and everybody else pulled footage from those. Because when you're talking about justice, when you're talking about court proceedings, you cannot talk about making a big show out of the trial. It's no longer justice. It's now a circus.

And, in the meantime, we have over 3,000 people who lost their lives in the 9/11 attacks, who see justice frittering away yet one more time. It's heartbreaking. Heartbreaking. These guys were ready to plead guilty, as announced in this article December 9, 2008, in The New York Times. And now we're talking 2 years later before we ever even think about, figure out what we're going to do. They were ready to plead guilty but for this administration's meddling with the third branch.

And for those that think that the Congress does not have the authority to create military commissions, I understand their ignorance—there's a lot of it out there, but that's been going on for years—called the Uniform Code of Military Justice. Because under the Constitution, this body had the authority to create the UCMJ, which we did, long before I was here, of course. But they did. And that's why.

Now when the Bush administration tried to create a military commission without coming through Congress, that was not constitutional. That's not the President's job. It's the Congress's job under the Constitution. So when the Congress came back in 2006, created the Military Commissions Act, then it was certainly upheld, because it was appropriate. Of course, in that bill it referred to those who are at war with America as enemy combatants, a term that's been around for at least 70 years. But that got changed last year. We had an amendment to the Military Commissions Act of 2006. The term "enemy combatant" has now been changed officially in the act that President Obama signed. We wouldn't want to offend these poor enemy combatants that want to kill us and destroy our way of life. So they're now referred to under the bill as unprivileged alien enemy belligerents. Four words now.

Anyway, that's where we are with regard to the 9/11 attackers, the 9/11 plotters; and if you go back and read the pleading filed by Khalid Sheikh Mohammed on behalf of himself and the

four others charged that should have pled guilty in January of 2009, but for the intervention by the executive branch through the Department of Justice and the White House, but for their meddling, these guys may well have already been put to death, since that's what they were willing to accept. And I just know that they have a very rude awakening awaiting them in the next life. But, unfortunately, that will not be experienced by them for some time still to come. Really tragic.

And then we see not only has there been that interference with the 9/11 plotters and the intervention of the White House and the Department of Justice. And, I don't know, maybe the name should be changed from Department of Justice to Department of Procrastinated Justice, because it should have happened by now, but for this group intervening. Then we see what's happened down in the Gulf Coast, what continues to go on. We've got video every second reminding us of that. And the more you read, the more disconcerting it gets.

Now we've heard one of the all-time experts on global warming finally admit early this year that, well, actually, there's no evidence of the planet warming since 1995. And, yes, in the last few years it's probably been cooling; and, yes, the Middle Ages were a lot warmer in the Northern Hemisphere than it is here now. Of course, I'm sure it's easy to remember from history the Middle Ages, the Nords, all those folks. They had some pretty high-powered automobiles which are creating all the global warming back in those days. But, apparently, it was such a wonderful thing to this administration and to our friends across the aisle that British Petroleum was onboard with global warming and they were going to, apparently, make a lot of money in the carbon credit business. They were excited about it. And they were the Big Oil advocate teamed up with the Democrats in the Senate and with this administration.

And so people wondered why this administration didn't come out much more quickly and condemn British Petroleum. Well, they were still hoping they were going to salvage their crap-and-trade bill. But they also knew if their big ally, British Petroleum, was not onboard, then it might be more difficult to convince others that it was going to be such a good thing for the energy business. So they really didn't want, apparently, to condemn British Petroleum too roundly too quickly because they were still hoping they could salvage a passage of the crap-and-trade bill.

And they really at the time thought they needed their ally—their very, very close ally—British Petroleum. And there was an article indicating that in fact Senator KERRY on April 22, when the Deepwater Horizon blew, that Senator KERRY was communicating with

British Petroleum about trying to get that global warming bill passed.

□ 2150

Things got put on hold, obviously, after that explosion took place. And yet still over 60 days later, the Jones Act has not been suspended, so the Netherlands could come in, as they had offered. They have got some amazing machinery that would help with the separation. They could build island barriers, save so much of the pristine beaches, and still, no Jones Act suspension. Obviously that was a bill to give protectionism to unions, and certainly the unions did not want to see that bill suspended.

But for all the criticism of President Bush, within 3 days of Hurricane Katrina occurring—August 29 was when it occurred, September 1 is when President Bush had signed an order suspending the Jones Act so that foreign vessels could come in and assist us in our time of need after Hurricane Katrina. Over 60 days later, this administration still has not done it.

So I hear all the talk about, We're doing absolutely everything we can. How about putting a signature on the suspension of the Jones Act? Just do it 19 days like President Bush did, and you'll be able to have all this outside assistance come in.

One of the things that I've seen—and it's been hard for me over the years, when somebody wants to come help me after I've had some family tragedy or something, is, I just don't like to accept—I don't want anybody to put themselves out. But what you find out is, if you've done something for somebody else, it blesses their heart when they get to do something nice for you.

You know, we have done some very nice things for so many countries, as is reflected in the cemeteries all over Europe, in American soldiers that have been buried around the world, where they gave their lives—not so that we could be an imperialist nation, because if we were, France would be speaking English, the Netherlands would be speaking English, Germany would be speaking English. But that was never our goal. Japan would be speaking English. That was never our goal. It was a goal to bring liberty and freedom, bring the very gift that we have in this country to others. It's such a wonderful inheritance. But the problem is, though we are endowed by our Creator with certain unalienable rights, among them are life, liberty and the pursuit of happiness, like any inheritance, any gift, if you don't fight for it, then mean, evil people will take it away.

So the Jones Act has not been suspended, and we have a fund that was created with—you know, British Petroleum said, We were going to do it anyway. And it sure sounds like, from what we've been hearing, British Pe-

troleum deserves to pay a great deal more than that. But one of the great things the Founders did was create three branches of government so that when a responsible party has done something wrong, you don't have the Congress or the President come in and say, Here's your fine. Here's your fee. This is what you've got to pay. We don't have that. We have hearings and trials in court. And if you want to avoid having a long drawn-out trial process, then you can come in and work out a settlement agreement.

Some companies have found out, after they've done wrong and harmed people, that they actually end up better off creating a fund on their own, something that is acceptable to others so that they can be compensated for the harm that's been done without protracted litigation. That's all a very noble thing. Having a fund supplied by British Petroleum, that's a very good thing. But when you take it out of context, of the three branches of government—and this is more a judiciary issue—and you allow either the legislative or the executive branch to just say, Here's what you owe. Put up the money, and we'll appoint our pet person here to dictate who gets what, then you have broken down the Constitution. That's not supposed to happen.

Because the same President and Attorney General who sit down with somebody at the very time that they are investigating criminal charges—and they've made a big deal in the media about investigating criminal charges. They said, By the way, we're investigating you. I mean, it goes without saying. They've said it all in the media. We're investigating you for criminal charges. We think you need to put this money up. The same executive branch that can dictate creating a fund like that—no matter how willing the perpetrator is to put up the fund—that same executive branch can also say, And by the way, why don't you just take the blame for everything? Why don't you just take the blame for everything? Let's don't even get into what the government might have done wrong, what our administration didn't do, what our Department of Interior didn't do, what our Minerals Management Service didn't do, or the fact that we just made a big splash in June of 2009 about our deputy assistant secretary coming in to this department who worked for British Petroleum ever since she left the Clinton administration in January of 2001, and never mind that she knows more, according to the previous Inspector General, about why that price adjustment language was cut out of the 1998 and 1999 offshore leases that made—I thought originally hundreds of millions, now apparently it's billions of dollars for her employer, Big Oil. But it cost the Federal Treasury billions of dollars that went to big oil. Let's just avoid all of that discus-

sion about the cozy relationship between this administration's regulators and British Petroleum. Let's just avoid all of that, and you just take all the responsibility.

There's a reason that an executive branch is not supposed to do that, because it opens the door to abuse. And, in fact, there are Federal laws—just like I'm familiar with State laws in Texas—that say, basically it's a crime for a prosecutor in Texas to call in a defendant and say, I will not indict you, or I will drop the indictment if you will put x number of dollars into the fund that I dictate. Well, that's a crime. You can't do that. There's a reason that we have three branches of government.

I heard someone ask once of the brilliant Justice Antonin Scalia, Don't you think the reason we've had more liberty in this country than any other country in the world is because of our Bill of Rights? And I just love Justice Scalia. He is so brilliant and yet so forthright. He said, no. And I'm sure my answer will not do justice to his. But my recollection is, basically, no. The Soviets had a much better Bill of Rights than we have. And it hit me. I remembered. I studied the Soviets' Bill of Rights, and they actually did. It was a great Bill of Rights. But he said, No. The reason you've got more liberty in America is because the Founders did not trust government, so they wanted to make it as hard as they could for government to pass any laws, to force anybody into anything.

□ 2200

You set up three branches as the Founders so that you couldn't just quickly pass a law. And even if you did, you have an executive branch that is elected outside of Congress. So it's not like a prime minister, where we elect one of our own in here to be the leader, similar to a President. We've got an executive branch.

And that's not enough. We set up a judicial branch that's appointed in the Federal system so that all of these things would help create gridlock. Today you hear people say, I'm tired of gridlock. The Founders thought it was the best gift they could ever give is a way to clog up the government so they wouldn't rush in and make laws unless they were absolutely necessary. We've gotten away from that. It's gotten too easy.

As we saw when the Republicans in 2001 had the White House, House, and the Senate, spending started like it hadn't before. Compassion was equated with giving away money. Whereas, if you go back to 1995, when Republicans took Congress as the majority, finally you started having a balanced budget, because this body creates the budget and the Senate eventually, hopefully, agrees. And then you've got a way to control spending.

We had a balanced budget once the Republicans took the majority, and things went great. And it's amazing to me—well, it's humorous, actually, to hear President Clinton taking credit for a balanced budget. He didn't do it. The Congress did. And in some cases, he was brought in kicking and screaming, but the Republican Congress balanced the budget.

It wasn't until they got giddy by having their own party in the White House that the brakes came off and spending increased so that we had \$100 billion, \$200 billion in deficit in 1 year. And that was so outrageous until this last year, when it was over a trillion, and this year maybe as much as \$1.6 trillion in 1 year. It's unbelievable. It's really irresponsible.

And now we read today in the paper that our majority leader is saying they are giving up all hope of passing a budget, too politically difficult. And as we heard one of the Democratic leaders say in 2006 before they won the majority, if you can't provide a budget, you can't govern. There's a lot of truth in that.

So we need to get away from the executive branch being the Congress, being the executive branch and the judicial branch. We saw that with the auto task force. This body created the bankruptcy laws. Bankruptcy is something provided for in the Constitution. But it wasn't created until the early 1800s, where the courts actually set up the system of bankruptcy.

And it was set up because the Founders believed that apparently nobody, no business or body should ever be too big to fail. Because if you are failing, you can go through bankruptcy. And, in fact, if you are too big to fail, it is absolutely essential that you go through bankruptcy and reorganize and downsize so you will never put this country at that kind of risk again because you are still too big to fail and, in fact, have gotten even bigger. And that's what we've seen with Goldman Sachs. They've gotten even bigger. They should have been allowed to fail previously.

Well, I tell you, there is a brilliant man named Thomas Sowell. And I didn't vote for Barack Obama in 2008, but I sure would have voted for Thomas Sowell. His article says quite a lot. His editorial says here, and it's just been posted this week, but he says, "When Adolf Hitler was building up the Nazi movement in the 1920s," and I am quoting from Thomas Sowell in his editorial, "leading up to his taking power in the 1930s, he deliberately sought to activate people who did not normally pay much attention to politics. Such people were a valuable addition to his political base, since they were particularly susceptible to Hitler's rhetoric and had far less basis for questioning his assumptions or his conclusions. 'Useful idiots' was the term supposedly

coined by V.I. Lenin to describe similarly unthinking supporters of his dictatorship in the Soviet Union."

And this isn't in the article, this is my comment, but we do have useful idiots today who are heard to say, Wow, what we really need is for the President to be a dictator for a little while. They know not what they say.

Anyway, back to quoting Thomas Sowell. "Put differently, a democracy needs informed citizens if it is to thrive or, ultimately, even survive. In our times, American democracy is being dismantled, piece by piece, before our very eyes by the current administration in Washington, and few people seem to be concerned about it. The President's poll numbers are going down because increasing numbers of people disagree with particular policies of his, but the damage being done to the fundamental structure of this Nation goes far beyond particular counterproductive policies.

"Just where in the Constitution of the United States does it say that a President has the authority to extract vast sums of money from a private enterprise and distribute it as he sees fit to whomever he deems worthy of compensation? Nowhere. And yet that is precisely what's happening," and he goes on.

And I will tell you, there is a reason we have to rely on the justice system, because if we didn't have that branch of government that could be the final arbiter of disagreements between groups, then there would be people like me who have seen the damage that rushing through, taking the cheaper way to drill in such a difficult area, seen the damage, the loss of lives, those whose lives are still in jeopardy because of their grave injuries, the damage to the environment—and I just drove from New Orleans to Panama City. And there is anticipation of doom and gloom coming to many places, yet those people, the beaches are beautiful. From Panama City through Alabama through Mississippi, they are beautiful. But people aren't showing up to the beaches. They could at least come and enjoy them.

But BP just did an unconscionable thing. And if we did not have a justice system, if we were back to the days, as Israel once was, of just having a judge and I were the judge, you know, the tendency would be some people would be horsewhipped that cut corners and did all this damage. But there's a reason we don't have a judicial dictatorship so one man can't say you ought to be horsewhipped for what you have done.

What they've done is outrageous. And you can't help but think, because they had such good friends in the administration and in the majority, they thought they were bulletproof. They thought they could do whatever they wanted. And the President, their big

buddy, Senator KERRY, the majority, especially in the Senate, they would cover for them. They would take care of them. They didn't know that when they did something this outrageous they would be thrown under the bus. But we should not have one branch that does that kind of dictation. It's not good. It's not good at all.

And then we have the problem with Israel being accosted by its enemies, and we are siding with the wrong people. I had a teacher in elementary school. She always took up for the bullies when they beat up the little guys. I know because I was a little guy in elementary school, and she always sided with the big bullies that had flunked a couple of grades and were bigger than the rest of us.

□ 2210

I will never forget those guys took my brand-new football I got for Christmas, and I went to get it back and my nose was bloodied, my face was pulverized, but then, as now, I don't run from a fight. And when the teacher was told by other students I was trying to get my nose to stop bleeding, she came into the boy's restroom, grabbed me, took me down to the classroom, marched me in front of the class and said, See, now, class, this is what happens when the little boys try to play with the big boys.

Well, that's kind of what's going on here. We've got bullies trying to bully Israel. We're siding with the wrong guys. There will be a price to pay if this continues. Israel's our friend. They have great value for human life, like we do in this country. If they were not in the Middle East, we would spend trillions of dollars trying to protect ourselves in that area from the things that are growing right now. We owe them more than a thank you, and yet the U.S. voted to force them to disclose their nuclear weaponry, if any. You don't do that to friends. It's what Hezekiah did. He showed Babylonians all his armaments, his treasury and Isaiah told him, as a result, it is all going to be taken away. You don't show your enemies all of your defenses because they will figure out a way to overcome them.

I was just downstairs, in fact, in a little supper with Shaun Alexander, played football for Alabama, and was MVP with Seattle in the Super Bowl, just a great guy. But he mentioned four verses of scripture that really meant so much to him, and one of those was, he said, Deuteronomy 30:19, and I'm quoting from the most quoted book in this history of the Congress. In fact, our first 150 years, oftentimes our legislators were afraid to file a bill without having some scriptural basis to back it up. But Shaun quoted from Deuteronomy 30:19, I call Heaven and Earth to witness against you today that I've set before you life and death,

the blessing and the curse. So choose life in order that you may live, you and your descendants.

Verse 20 goes on: By loving the Lord, your God, by obeying His voice and by holding fast to Him, for this is your life and the length of your days, that you may live in the land that your Lord swore to your fathers, Abraham, Isaac and Jacob to give to them.

He also quoted from Matthew 5:24, No one can serve two masters, for either he will hate the one and love the other or he will hold to one and despise the other.

You cannot serve God and man. You know, these days, some want to serve a constituent and they get pulled away because they're torn. They'd like to serve a tremendous power in this country, torn between constituent service and power. And then in some cases, as we see here, apparently George Soros has made more money probably than anybody in this country because of British Petroleum and the moratorium and what all has happened there. Of course, this country apparently is standing for \$2 billion to help Brazil do deep exploration, and that will make hundreds of millions for Mr. Soros. I'm happy for anybody who make lots of money, but sometimes people in this body are torn between their constituent service or being a part of a powerful team.

It's why people in here are often gotten to move their vote one way or the other. I was told that before I got here. One of the hardest things is not when people come to you and say, yes, you're going to do this, you're going to vote this way, because most in this body are stubborn enough to say, no, I'm not going to do that. But where they get you is they say, come on, we thought you were a team player, we want you on our team, we want you one of the good guys on our team. And they hit you up on the team player thing.

And so good people in this body, in the Senate, even in the judiciary apparently when they allowed the auto task force, taking without due process in violation of the Constitution, turned bankruptcy upside down. They even convinced the judiciary to even look the other way and let the Constitution and the bankruptcy laws be turned upside down. So there are people who want to be part of the team, you know, and they forget the Constitution; and when that happens we break down what so many have fought and died for to give us this gift.

I heard my colleagues in the prior hour talking about how well the stimulus is going. I keep coming back, and Mark Levin quoted this in his book, "Liberty and Tyranny," and it ought to be a textbook, it's so good. But he quotes from Henry Morgenthau, the Secretary of the Treasury under Franklin D. Roosevelt. In 1939 Secretary Morgenthau was testifying—

well, actually he wrote this. He said, We have tried spending money. We have spent more money than we have ever spent before, and now after 8 years, we have an unemployment rate that is just as high today as it was when we started, and we have an enormous debt to boot.

Human nature has not changed much since the 1930s. When the government starts spending money, then ultimately you're going to have a choice. You're going to have to keep borrowing or printing, and then ultimately you get in a position the Soviet Union was in. You can't print it fast enough to pay your debts, you can't borrow it fast enough, nobody will loan it to you anymore. So you have to go up and announce you're bankrupt as a nation and out of business.

By the way, one other thing I wanted to mention, and this happens when you refuse to enforce the laws. We had a President who just decided he was going to impose a drilling moratorium; and so the judiciary came in, considered the Constitution, considered the action after it viewed all the excuses and everything for imposing it, said this is arbitrary and capricious, you can't do this, there's no basis for a moratorium of all of these.

If you want to go after BP—he didn't say this, I'm saying it—you want to go after BP, say they're suspended until you make sure they're not cutting corners on other rigs, because we know they cut them—it sure looks like they cut them at least on Deepwater Horizon, that's one thing. But to do it on all the rigs when indications that we saw somewhere there were 750 safety violations for BP and in the same period I think Exxon, maybe Shell, had one? There's a reason maybe you could justify doing that with a BP rig but not all of them.

So the judge struck it down, and here already today the Secretary of the Interior says he's appealing it. Apparently, he likes the idea of having one branch of government run everything. Big mistake.

Then, not only that, a lot of folks may not know, Mr. Speaker, but there is, as I understand it, under Federal law the right of the Border Patrol to come into private landowners' land up to 25 miles from the border, anywhere, any of our borders to enforce our border. Everywhere around the border, they have that right up to 25 miles to come into private property if they need to to enforce our border.

Well, lo and behold, there is one place they can't, and that's on federally owned property like the national park in Arizona. There is apparently about 32 miles of border with Mexico that's a park that has now been announced to be closed to American citizens because there are too many illegals going across that land and tearing it up, and some have gotten violent and killed

even law enforcement people in that area.

□ 2220

We can go on private property to protect our border, but we can't go on Federal land? That's outrageous. Rob Bishop has a bill to deal with that, and so do I. Rob has really done great research on this, he has really been the leader in the area of bringing this stuff out. We've got to do something; that is outrageous. We need defense, and we need to give a 25-mile, at least, area to the border patrol to patrol and just say that's not going to be national park wilderness area because our border means too much. We've got people wanting to come in here and destroy our way of life.

But I see my time is running shorter now. There were a lot of things I wanted to cover. But there are just so many people who do not understand, Mr. Speaker, where we came from and why there needs to be a firm foundation under this country. President Harry Truman—some may recall he was a Democrat—he said this: "The fundamental basis of this Nation's laws was given to Moses on the Mount. The fundamental basis of our Bill of Rights comes from the teachings we get from Exodus and St. Matthew, from Isaiah and St. Paul. I don't think we emphasize that enough these days. If we don't have a proper fundamental moral background, we will finally end up with a totalitarian government which does not believe in rights for anybody except the State." Boy, was he prophetic.

James Madison, given credit for writing the most in the Constitution, he said this on November 20, 1825: "The belief in a God all powerful, wise and good, is so essential to the moral order of the world and to the happiness of man that arguments which enforce it cannot be drawn from too many sources nor adapted with too much solicitude to the different characters and capacities to be impressed with."

Franklin D. Roosevelt said, "The skeptics and the cynics of Washington's day did not believe that ordinary men and women had the capacity for freedom and self-government. They said that liberty and equality were idle dreams that could not come true. You know, they are like the people who carp at the Ten Commandments because some people are in the habit of breaking one or more of them." A lot of truth then.

Patrick Henry said this: "Bad men cannot make good citizens. It is impossible that a nation of infidels and idolaters should be a nation of free men. It is when a people forget God that tyrants forge their chains."

So much, so much truth in our heritage. And I just want to conclude with this, Thomas Jefferson's own words: "God who gave us life gave us liberty. And can the liberties of a nation be

thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God, that they are not to be violated but with his wrath. Indeed, I tremble for my country when I reflect that God is just, and his justice cannot sleep forever."

This government is not God, and the only protection from those who think they might begin to be is the enforcement of the three branches of government and their separate powers, and we've got to get back to that to save this Nation.

With that, Mr. Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PLATTS (at the request of Mr. BOEHNER) for today and June 23 on account of family medical reasons.

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of personal reasons.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHAUER) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. MURPHY of New York, for 5 minutes, today.

Mr. SCHAUER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today, June 23, 24, and 25.

Mr. POE of Texas, for 5 minutes, June 28 and 29.

Mr. BILIRAKIS, for 5 minutes, today.

Mr. FORBES, for 5 minutes, June 23 and 24.

Ms. ROS-LEHTINEN, for 5 minutes, today, June 23, and 24.

Mr. JONES, for 5 minutes, June 28 and 29.

Mr. GOHMERT, for 5 minutes, today, June 23, and 24.

Mr. CAO, for 5 minutes, June 29.

#### BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on June 17, 2010 she presented to the President of the United States, for his approval, the following bill.

H.R. 3951. To designate the facility of the United States Postal Service located at 2000

Louisiana Avenue in New Orleans Louisiana, as the "Roy Rondeno, Sr. Post Office Building".

#### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 23, 2010, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7997. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Propenoic acid polymer, with 1,3-butadiene and ethenylbenzene; Tolerance Exemption [EPA-HQ-OPP-2010-0033; FRL-8827-4] received June 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7998. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Farmer Mac Investments and Liquidity (RIN: 3052-AC56) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7999. A communication from the President of the United States, transmitting FY 2011 Budget Amendments for the Department of Energy; (H. Doc. No. 111—124); to the Committee on Appropriations and ordered to be printed.

8000. A communication from the President of the United States, transmitting FY 2011 Budget Amendments for the Departments of Agriculture, Commerce, Defense, Homeland Security, Housing and Urban Development, Labor, State and Other International Programs, Transportation, and the Treasury, as well as the Small Business Administration, District of Columbia, Institute of Museum and Library Services, Northern Boarder Regional Commission, and Southeast Crescent Regional Commission; (H. Doc. No. 111—125); to the Committee on Appropriations and ordered to be printed.

8001. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Finland-Public Interest Exception to the Buy American Act (DFARS Case 2009-D022) received May 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8002. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Evaluation Determinations [Docket ID: FEMA-2010-0003] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8003. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the Department's report entitled, "U.S. Government Foreign Credit Exposure as of December 31, 2008"; to the Committee on Financial Services.

8004. A letter from the Chairman and President, Export-Import Bank, transmitting a

report on transactions involving U.S. exports to Singapore pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8005. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Kingdom of Saudi Arabia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8006. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency [EPA-HQ-OA-2004-0002; FRL-9158-9] (RIN: 2090-AA37) received June 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8007. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Virginia Graeme Baker Pool and Spa Safety Act; Interpretation of Unblockable Drain received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8008. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Particulate Matter Standards; Withdrawal of Direct Final Rule [R05-OAR-2009-0731; FRL-9157-9] received June 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8009. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Failure to Submit Section 110 State Implementation Plans for Interstate Transport for the 2006 National Ambient Air Quality Standards for Fine Particulate Matter [EPA-HQ-OAR-2010-0409; FRL-9159-5] received June 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8010. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

8011. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

8012. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-011, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8013. A letter from the Secretary, Department of Veterans Affairs, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2009, through March 31, 2010; to the Committee on Oversight and Government Reform.

8014. A letter from the Director, Office of Personnel Management, transmitting the Office's Federal Equal Opportunity Recruitment Program Report for Fiscal Year 2009, pursuant to 5 U.S.C. 7201(e); to the Committee on Oversight and Government Reform.

8015. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the 35th Annual Report of the Pension Benefit Guaranty Corporation; to the Committee on Oversight and Government Reform.

8016. A letter from the Sr. VP and Chief Financial Officer, Potomac Electric Power Company, transmitting the Balance Sheet of Potomac Electric Power Company as of December 31, 2009, pursuant to D.C. Code Ann. 34-1113 (2001); to the Committee on Oversight and Government Reform.

8017. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Areas; Port of Portland Terminal 4, Willamette River, Portland, OR [Docket No.: USCG-2009-0370] (RIN: 1625-AA11) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8018. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Blasting Operations and Movement of Explosives, St. Marys River, Sault Saint Marie, MI [Docket No.: USCG-2010-0290] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8019. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; APBA National Tour, Parker, AZ [Docket No.: USCG-2009-1110] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8020. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; BWRG Spring Classic, Parker, AZ [Docket No.: USCG-2009-1111] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8021. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (Operations) Limited Model BAe 146 and Avro 146-RJ70A, 146-RJ85A, and 146-RJ100A Airplanes [Docket No.: FAA-2009-1254; Directorate Identifier 2009-NM-040-AD; Amendment 39-16282; AD 2010-10-13] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8022. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-300, 747SR, and 747SP Series Airplanes [Docket No.: FAA-2009-1066; Directorate Identifier 2009-NM-028-AD; Amendment 39-16284; AD 2010-10-05] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8023. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus A318, A319, A320, A321 Series Airplanes [Docket No.: FAA-2010-0129; Directorate Identifier 2009-NM-245-AD; Amendment 39-16287; AD 2010-10-08] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8024. A letter from the General Counsel, Department of Commerce, transmitting a copy of a draft bill entitled, "Public Works and Economic Development Improvements Act of 2010"; jointly to the Committees on Energy and Commerce, Transportation and Infrastructure, Financial Services, Education and Labor, Ways and Means, Oversight and Government Reform, and the Judiciary.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 4805. A bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes; with an amendment (Rept. 111-509, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Financial Services discharged from further consideration. H.R. 4805 referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MCMAHON (for himself, Mr. CARNAHAN, Mrs. MALONEY, Mr. TOWNS, Mr. HIGGINS, Ms. MARKEY of Colorado, Ms. KOSMAS, Mr. BURTON of Indiana, Mr. SHULER, Mr. GARRETT of New Jersey, Mr. WILSON of South Carolina, Mr. HALL of New York, Mr. OWENS, Ms. FALLIN, Mr. MAFFEI, Mr. MURPHY of New York, Ms. LORETTA SANCHEZ of California, Mr. JOHNSON of Georgia, Mr. BACA, Mr. TONKO, and Mr. POSEY):

H.R. 5564. A bill to prevent wealthy and middle-income foreign states that do business, issue securities, or borrow money in the United States, and then fail to satisfy United States court judgments totaling \$100,000,000 or more based on such activities, from inflicting further economic injuries in the United States, from undermining the integrity of United States courts, and from discouraging responsible lending to poor and developing nations by undermining the secondary and primary markets for sovereign debt; to the Committee on Financial Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as

fall within the jurisdiction of the committee concerned.

By Mr. NEUGEBAUER:

H.R. 5565. A bill to designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the "Sergeant Chris Davis Post Office"; to the Committee on Oversight and Government Reform.

By Mr. GALLEGLY (for himself, Mr.

PETERS, Mr. MORAN of Virginia, Mr. WHITFIELD, Mr. SMITH of Texas, Mr. DJOU, Mr. CASTLE, Mr. DENT, Mr. CAMPBELL, Mr. BARTLETT, Mr. BLUMENAUER, Mr. BLUNT, Mr. POMEROY, Mr. WOLF, Ms. KILROY, Mr. HARPER, Mr. RYAN of Ohio, Mr. JONES, Mr. FRANK of Massachusetts, Mr. ACKERMAN, Mr. HALL of New York, Mr. CRENSHAW, Ms. KOSMAS, Mr. GARY G. MILLER of California, Mr. ROYCE, Mr. SHADEGG, Mr. KENNEDY, Mr. CULBERSON, Mr. LOBIONDO, Mr. GONZALEZ, Mr. SHERMAN, Mr. BROWN of South Carolina, Mr. CAMP, Mr. BURTON of Indiana, Mr. CARNEY, Ms. JACKSON LEE of Texas, Ms. BERKLEY, Mr. DEFAZIO, Ms. SUTTON, Mr. KING of New York, Mr. COBLE, Mr. LATOURETTE, Mr. FORBES, Mr. SENSENBRENNER, Mr. SMITH of New Jersey, Mr. FRELINGHUYSEN, Mr. LEWIS of California, Mr. CALVERT, Mr. MCKEON, Mr. CARTER, Ms. GRANGER, Mr. NEUGEBAUER, Mr. BILIRAKIS, Mr. COLE, Mr. WILSON of South Carolina, Mr. SIMPSON, Mr. BUCHANAN, Mr. MICA, Mr. MARIO DIAZ-BALART of Florida, Mr. HALL of Texas, Mr. STEARNS, Mr. FRANKS of Arizona, Mr. BILBRAY, Mr. RADANOVICH, Mr. PASCRELL, Ms. SPEIER, Mr. ROE of Tennessee, Mr. ROONEY, Mr. CHAFFETZ, Mr. PUTNAM, Mr. DUNCAN, Mrs. CAPITO, Mr. FILNER, Mr. UPTON, Mr. ROGERS of Michigan, Mrs. BIGGERT, Mrs. SCHMIDT, Mr. ADERHOLT, Mr. ALEXANDER, Mrs. EMERSON, Mr. GRIFFITH, Mr. SCHOCK, Mr. LATTI, Mr. COHEN, Mr. BACHUS, Mr. MILLER of Florida, Mr. HUNTER, Mr. KANJORSKI, Mr. EHLERS, Mr. RAHALL, Mr. HELLER, Mr. LATHAM, Mr. AKIN, Mr. LINDER, Mr. BOOZMAN, Mr. LEE of New York, Mr. WELCH, Mr. FARR, Mr. QUIGLEY, Mrs. BACHMANN, Mr. TERRY, Mr. ROGERS of Kentucky, Mr. KINGSTON, Ms. GINNY BROWN-WAITE of Florida, Mr. LUCAS, Mr. COFFMAN of Colorado, Mr. ENGEL, Mrs. MYRICK, Mr. HOEKSTRA, Mr. AUSTRIA, Mr. RICK, Ms. LUMMIS, Mr. POSEY, Mrs. MCCARTHY of New York, Mr. HOLT, Mr. MARCHANT, Mr. CARDOZA, Mr. HINCHEY, Mr. LOEBSACK, Mr. ISRAEL, Mr. SHIMKUS, Mr. NADLER of New York, Mr. KISSELL, Mr. FORTENBERRY, Mr. LANCE, Ms. BORDALLO, Ms. FUDGE, Ms. DELAURO, Mr. CONNOLLY of Virginia, Mr. REICHERT, Mr. HASTINGS of Florida, Mr. SULLIVAN, Mr. CONYERS, Mr. CARNAHAN, Mrs. BLACKBURN, Mr. CARSON of Indiana, Mr. SERRANO, Mr. HOLDEN, Mr. SCHIFF, Mr. OLSON, Ms. ROS-LEHTINEN, Mr. TEAGUE, Mr. LANGEVIN, Mr. SHULER, Mr. MILLER of North Carolina, Mr. WEINER, Mr. WAMP, Mr. BONNER, Mr. TIBERI, Ms. WASSERMAN SCHULTZ, Mr. DEUTCH, Mr. CROWLEY, Mr. CLAY, Mr. HARE, Mrs. DAHLKEMPER, Mr. CLEAVER, Mrs. DAVIS of California, Mrs. BONO MACK, Mr. BARTON of Texas, Mr. BRADY of Texas, Mr. CAO, Mr. YOUNG of Florida, Ms. FALLIN, Ms. DEGETTE, Mr.

TIAHRT, Mr. PIERLUISI, Mr. MAFFEI, Mr. MCCAUL, Mr. HONDA, Mr. GUTTIERREZ, Mr. PRICE of North Carolina, Mr. KUCINICH, Mr. PAULSEN, Ms. CHU, Ms. LEE of California, Mr. PERRIELLO, Mr. RYAN of Wisconsin, Mr. GERLACH, Mr. LIPINSKI, Mr. GRIJALVA, Mr. VISCLOSKEY, Mr. DANIEL E. LUNGREN of California, Mr. SESTAK, Mr. ROTHMAN of New Jersey, Mr. ANDREWS, Mrs. MILLER of Michigan, Mr. OBERSTAR, Ms. SHEA-PORTER, Mr. COSTELLO, Mr. LARSON of Connecticut, Mr. THOMPSON of California, Mr. BRADY of Pennsylvania, Mr. DAVIS of Illinois, Mr. GARAMENDI, Ms. HIRONO, Ms. MOORE of Wisconsin, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. PAYNE, Ms. TITUS, Mr. TOWNS, Mr. VAN HOLLEN, Ms. WOOLSEY, Ms. RICHARDSON, Mr. JOHNSON of Georgia, Mr. CONAWAY, Mr. WALZ, Mr. GORDON of Tennessee, Mr. GUTHRIE, Ms. LINDA T. SANCHEZ of California, Ms. JENKINS, Mr. GOODLATTE, Ms. LORETTA SANCHEZ of California, Mr. SESSIONS, Mr. DELAHUNT, Mr. LEWIS of Georgia, Mr. WU, Mr. KIRK, Mrs. LOWEY, Mr. POLIS, Mr. CANTOR, Mrs. CAPPS, and Mr. INSLEE):

H.R. 5566. A bill to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes; to the Committee on the Judiciary.

By Mr. WU:

H.R. 5567. A bill to invest in urban universities and create innovation and economic prosperity for the United States, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Financial Services, Transportation and Infrastructure, Energy and Commerce, Science and Technology, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NYE (for himself, Mr. WILSON of Ohio, Mr. COOPER, Mr. MARSHALL, Mr. KRATOVIL, Mr. ALTMIRE, Mr. CHILDERS, Mr. DAVIS of Tennessee, Mr. MITCHELL, Ms. HERSETH SANDLIN, Mr. BARROW, Mr. SHULER, Mr. ROSS, Mr. TANNER, Mr. MICHAUD, Ms. MARKEY of Colorado, Mr. HILL, Mr. MATHESON, Mr. SCHIFF, Mr. GORDON of Tennessee, Mr. MINNICK, Mr. BOYD, Mr. CUELLAR, Mr. ELLSWORTH, Mr. BOREN, Mr. BRIGHT, Mr. MOORE of Kansas, Mr. DONNELLY of Indiana, Ms. HARMAN, and Mr. SCHRADER):

H.R. 5568. A bill to create a means to review and abolish Federal programs that are inefficient, duplicative, or in other ways wasteful of taxpayer funds; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Mr. KANJORSKI, and Mr. JONES):

H.R. 5569. A bill to extend the National Flood Insurance Program until September 30, 2010; to the Committee on Financial Services, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON:

H.R. 5570. A bill to provide that no funds are authorized to be appropriated to the Internal Revenue Service to expand its workforce in order to implement, enforce, or otherwise carry out either the Patient Protection and Affordable Care Act or the Health Care and Education Reconciliation Act of 2010; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 5571. A bill to amend chapter 2 of title I of the United States Code to establish the style for amending laws; to the Committee on the Judiciary.

By Mr. BUCHANAN (for himself and Mr. CRENSHAW):

H.R. 5572. A bill to reform the Minerals Management Service and offshore drilling for oil and gas, to repeal the limitation of liability of a responsible party for discharge of oil from an offshore facility, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNEY:

H.R. 5573. A bill to require the Inspector General of the Department of Homeland Security to biennially review and evaluate the grants management and oversight practices of the Federal Emergency Management Agency; to the Committee on Homeland Security.

By Mr. PETRI (for himself, Mr. BURTON of Indiana, Ms. NORTON, and Mr. FORBES):

H.R. 5574. A bill to establish the National Commission on Effective Marginal Tax Rates for Low-Income Families; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Veterans' Affairs, Financial Services, Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTA (for himself, Mr. POE of Texas, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. KLEIN of Florida, and Mr. PENCE):

H. Res. 1457. A resolution expressing the sense of the House of Representatives on the one-year anniversary of the Government of Iran's fraudulent manipulation of Iranian elections, the Government of Iran's continued denial of human rights and democracy to the people of Iran, and the Government of Iran's continued pursuit of a nuclear weapons capability; to the Committee on Foreign Affairs.

By Mrs. CHRISTENSEN:

H. Res. 1458. A resolution expressing support for the goals and ideals of National Marine Awareness Day; to the Committee on Natural Resources.

By Mr. DJOU:

H. Res. 1459. A resolution recognizing the 50th Anniversary of the 50-star flag of the United States; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida (for himself, Mr. JOHNSON of Illinois, Mr. CARDOZA, Mr. BROWN of South Carolina, Mr. BLUMENAUER, Mr. BOSWELL, Mr. MICHAUD, Mr. HOLDEN, Mr. PUTNAM, and Ms. CORRINE BROWN of Florida):

H. Res. 1460. A resolution recognizing the important role pollinators play in supporting the ecosystem and supporting the goals and

ideals of National Pollinator Week; to the Committee on Agriculture.

By Mr. LANGEVIN (for himself, Mr. PERLMUTTER, Mr. BOOZMAN, and Mr. REICHERT):

H. Res. 1461. A resolution supporting Olympic Day on June 23, 2010, and congratulating Team USA and World Fit participants; to the Committee on Oversight and Government Reform.

By Mr. MACK (for himself, Mr. ENGEL, Mr. BILBRAY, Ms. ROS-LEHTINEN, Mr. FORTENBERRY, Mr. BURTON of Indiana, Mr. PAYNE, and Ms. LEE of California):

H. Res. 1462. A resolution expressing support for the people of Guatemala, Honduras, and El Salvador as they persevere through the aftermath of Tropical Storm Agatha which swept across Central America causing deadly floods and mudslides; to the Committee on Foreign Affairs.

By Mr. PERRIELLO:

H. Res. 1463. A resolution supporting the goals and ideals of Railroad Retirement Day; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN (for herself, Mrs. BACHMANN, Ms. BORDALLO, Mr. DJOU, Mr. FALEOMAVEAGA, Mr. GALLEGLY, Mr. INGLIS, Mr. MANZULLO, and Ms. WATSON):

H. Res. 1464. A resolution recognizing the 50th anniversary of the conclusion of the United States-Japan Treaty of Mutual Cooperation and Security and expressing appreciation to the Government of Japan and the Japanese people for enhancing peace, prosperity, and security in the Asia-Pacific region; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. ENGEL, Mr. MACK, Mr. MARIO DIAZ-BALART of Florida, Mr. BLUNT, Mr. SIRES, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BURTON of Indiana, Mrs. BACHMANN, Mr. PAYNE, Mr. INGLIS, Mr. MEEKS of New York, Mr. WILSON of South Carolina, Mr. POE of Texas, Mr. FALEOMAVEAGA, Ms. BERKLEY, Mr. DREIER, Mr. SCHOCK, Mr. PIERLUISI, Ms. JACKSON LEE of Texas, and Mr. DANIEL E. LUNGREN of California):

H. Res. 1465. A resolution reaffirming the longstanding friendship and alliance between the United States and Colombia; to the Committee on Foreign Affairs.

By Mr. SENSENBRENNER:

H. Res. 1466. A resolution of inquiry requesting the President and directing the Secretary of Energy to provide certain documents to the House of Representatives relating to the Department of Energy's application to foreclose use of Yucca Mountain as a high level nuclear waste repository; to the Committee on Energy and Commerce.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

314. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 160 memorializing the President, the Congress, and the Federal Communications Commission to refrain from regulating Internet Broadband Services; to the Committee on Energy and Commerce.

315. Also, a memorial of the Senate of the State of Tennessee, relative to Senate Joint Resolution No. 761 urging the Congress to

included Oak Ridge in any Draft Special Resource Study/Environmental Assessment on the Manhattan Project Sites and that a new national park unit be considered; to the Committee on Natural Resources.

316. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 6 memorializing the Congress to review the GPO and the WEP Social Security benefit reductions and enact the Social Security Fairness Act of 2009; to the Committee on Ways and Means.

317. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 43 memorializing the Congress to approve H.R. 5941; jointly to the Committees on Armed Services and Ways and Means.

318. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 285 memorializing the President, the Congress, and the Federal Communications Commission to refrain from regulating Internet Broadband Services; to the Committee on Energy and Commerce.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Ms. EDDIE BERNICE JOHNSON of Texas.  
 H.R. 43: Mr. OWENS and Mr. MELANCON.  
 H.R. 197: Mr. LUJÁN.  
 H.R. 235: Mr. REHBERG and Mr. CRITZ.  
 H.R. 272: Mr. FORBES.  
 H.R. 275: Mr. DEUTCH.  
 H.R. 422: Mr. WU.  
 H.R. 503: Mr. DEUTCH.  
 H.R. 537: Mr. LARSEN of Washington.  
 H.R. 610: Mr. BOSWELL.  
 H.R. 645: Mr. DOYLE and Mr. TIM MURPHY of Pennsylvania.  
 H.R. 666: Mr. CALVERT.  
 H.R. 745: Mr. MCHENRY, Mr. NADLER of New York, Mr. HELLER, Ms. CORRINE BROWN of Florida, Mr. ARCURI, Ms. CLARKE, Mr. GARAMENDI, and Mr. SCOTT of Virginia.  
 H.R. 848: Mr. DEUTCH and Mr. ROONEY.  
 H.R. 949: Ms. BALDWIN.  
 H.R. 950: Ms. SCHAKOWSKY.  
 H.R. 1074: Mr. GARY G. MILLER of California, Mr. LUJÁN, and Mr. FORBES.  
 H.R. 1079: Mr. MILLER of North Carolina.  
 H.R. 1193: Mr. DEUTCH.  
 H.R. 1203: Mr. WILSON of Ohio.  
 H.R. 1230: Mr. ELLISON.  
 H.R. 1237: Ms. SUTTON.  
 H.R. 1250: Mr. AUSTRIA.  
 H.R. 1255: Mr. GRAVES of Missouri, Mr. HERGER, Mr. CARTER, and Mr. RODRIGUEZ.  
 H.R. 1362: Mr. DEUTCH.  
 H.R. 1402: Mr. TONKO.  
 H.R. 1458: Mr. BARROW.  
 H.R. 1460: Mr. RAHALL.  
 H.R. 1547: Mr. ROE of Tennessee.  
 H.R. 1806: Mr. SPACE, Mr. TONKO, Mr. MARIO DIAZ-BALART of Florida, Mr. MCNERNEY, and Mrs. CAPPS.  
 H.R. 1831: Mr. CRITZ.  
 H.R. 1990: Mr. WILSON of Ohio.  
 H.R. 2030: Mrs. MALONEY.  
 H.R. 2031: Mr. CARTER and Mrs. BLACKBURN.  
 H.R. 2138: Mr. LANGEVIN.  
 H.R. 2149: Mr. MELANCON.  
 H.R. 2159: Ms. ZOE LOFGREN of California and Ms. MATSUI.  
 H.R. 2220: Mr. GONZALEZ.  
 H.R. 2378: Mr. STARK, Mr. BUYER, and Mr. EDWARDS of Texas.  
 H.R. 2381: Mr. BACA.

H.R. 2401: Ms. ZOE LOFGREN of California.  
 H.R. 2408: Mr. LOBIONDO, Mr. FILNER, and Mr. LEE of New York.  
 H.R. 2483: Mr. HOLT.  
 H.R. 2575: Mr. HINCHEY.  
 H.R. 2817: Mrs. MALONEY.  
 H.R. 2870: Mr. TIM MURPHY of Pennsylvania.  
 H.R. 2906: Ms. MCCOLLUM.  
 H.R. 2941: Mr. HOEKSTRA.  
 H.R. 3043: Ms. BERKLEY, Mr. GARAMENDI, and Mr. MILLER of North Carolina.  
 H.R. 3048: Mr. OLVER.  
 H.R. 3101: Ms. MATSUI.  
 H.R. 3116: Mr. MCGOVERN.  
 H.R. 3149: Ms. BALDWIN.  
 H.R. 3212: Mr. GONZALEZ.  
 H.R. 3249: Ms. NORTON.  
 H.R. 3267: Mr. HASTINGS of Florida.  
 H.R. 3271: Ms. MATSUI.  
 H.R. 3302: Mr. BLUMENAUER.  
 H.R. 3328: Mr. FALEOMAVAEGA and Mr. MEEK of Florida.  
 H.R. 3408: Mr. PETERSON, Mr. FOSTER, and Mr. MELANCON.  
 H.R. 3519: Mr. PITTS and Mrs. DAHLKEMPER.  
 H.R. 3564: Mr. BLUMENAUER and Ms. MOORE of Wisconsin.  
 H.R. 3652: Mr. LOEBSACK, Mr. SCOTT of Georgia, and Mr. GUTIERREZ.  
 H.R. 3712: Ms. SUTTON, Mr. MORAN of Virginia, Mr. COLE, and Mrs. BLACKBURN.  
 H.R. 3721: Mrs. MALONEY.  
 H.R. 3729: Mr. GOHMERT, Mrs. DAHLKEMPER, and Ms. MOORE of Wisconsin.  
 H.R. 3753: Ms. NORTON.  
 H.R. 3790: Mr. DEUTCH and Mr. SHUSTER.  
 H.R. 3907: Mr. GRIJALVA, Mr. ISRAEL, Ms. SLAUGHTER, Mr. CONNOLLY of Virginia, Mr. MOORE of Kansas, Ms. LINDA T. SANCHEZ of California, Mr. HINCHEY, and Mr. HOLT.  
 H.R. 4051: Mr. DAVIS of Kentucky.  
 H.R. 4116: Ms. MCCOLLUM.  
 H.R. 4128: Mr. OBERSTAR.  
 H.R. 4144: Mr. QUIGLEY.  
 H.R. 4181: Ms. CLARKE, Ms. HIRONO, Mr. PAYNE, Mr. ORTIZ, Mr. POLIS, Ms. CHU, Ms. ROYBAL-ALLARD, Ms. JACKSON LEE of Texas, and Ms. FUDGE.  
 H.R. 4195: Ms. SLAUGHTER and Mr. HASTINGS of Florida.  
 H.R. 4197: Mr. FRANKS of Arizona.  
 H.R. 4278: Mr. CARNEY, Mr. PERLMUTTER, Mr. SMITH of New Jersey, and Mr. DOGGETT.  
 H.R. 4301: Mr. BOREN.  
 H.R. 4306: Ms. NORTON and Mr. BRIGHT.  
 H.R. 4353: Mr. ROHRABACHER.  
 H.R. 4373: Mr. MELANCON.  
 H.R. 4376: Mr. DEUTCH.  
 H.R. 4469: Mr. MILLER of Florida, Mr. AKIN, Mr. ORTIZ, Mr. BOEHNER, Mr. MCKEON, and Mr. BOSWELL.  
 H.R. 4480: Mr. CHILDERS, Mr. LEWIS of Georgia, and Mr. HARE.  
 H.R. 4505: Ms. KILPATRICK of Michigan and Mr. TEAGUE.  
 H.R. 4514: Mr. MEEKS of New York and Ms. LEE of California.  
 H.R. 4568: Mr. HERGER.  
 H.R. 4597: Mr. POLIS.  
 H.R. 4601: Ms. TITUS, Mr. DOGGETT, and Mr. WEINER.  
 H.R. 4638: Ms. ZOE LOFGREN of California.  
 H.R. 4662: Mr. BLUMENAUER.  
 H.R. 4671: Mr. LEWIS of Georgia and Ms. SPEIER.  
 H.R. 4677: Ms. HARMAN.  
 H.R. 4684: Mr. AKIN, Mr. BURTON of Indiana, Ms. CASTOR of Florida, Mrs. EMERSON, Ms. FOX, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. HERGER, Ms. KOSMAS, Mr. MCHENRY, Mr. NEAL of Massachusetts, Mr. ORTIZ, Mr. ROSS, Mr. SALAZAR, Mr. SKELTON, Mr. TIAHRT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MOORE

of Kansas, Mr. FRELINGHUYSEN, Mr. LIPINSKI, Mr. FLEMING, Mr. SCHOCK, Mr. BUYER, Mr. WAMP, Mrs. KIRKPATRICK of Arizona, Mr. RADANOVICH, Mrs. DAHLKEMPER, and Mr. TIM MURPHY of Pennsylvania.

H.R. 4690: Ms. LEE of California.  
 H.R. 4692: Mr. JONES and Mrs. HALVORSON.  
 H.R. 4693: Mr. HONDA and Mr. MORAN of Virginia.

H.R. 4700: Mr. BLUMENAUER.  
 H.R. 4751: Mr. QUIGLEY.  
 H.R. 4752: Mr. DEUTCH.  
 H.R. 4753: Mr. WHITFIELD.  
 H.R. 4755: Mr. LIPINSKI.  
 H.R. 4756: Mr. CAPUANO.

H.R. 4764: Mr. GINGREY of Georgia, Mr. COURTNEY, Mr. AL GREEN of Texas, Mr. REHBERG, and Mr. BURGESS.

H.R. 4788: Mr. GERLACH.  
 H.R. 4868: Mr. HARE.  
 H.R. 4886: Mr. HONDA and Mr. POE of Texas.

H.R. 4888: Mr. WU.

H.R. 4891: Mr. ENGEL.

H.R. 4903: Mr. SULLIVAN.

H.R. 4914: Mr. BUTTERFIELD, Ms. DELAURO, Ms. MATSUI, Mr. QUIGLEY, and Mr. ORTIZ.

H.R. 4920: Mr. GUTIERREZ.

H.R. 4933: Mr. PAYNE and Mr. LEWIS of Georgia.

H.R. 4943: Mr. DUNCAN.

H.R. 4959: Ms. HIRONO, Mr. OLVER, Mr. INSLEE, Mr. KENNEDY, and Ms. ZOE LOFGREN of California.

H.R. 4986: Ms. ROYBAL-ALLARD, Mr. SCHIFF, and Ms. HARMAN.

H.R. 4993: Mr. RAHALL, Mr. MOORE of Kansas, Ms. TITUS, and Mr. PITTS.

H.R. 5015: Ms. ZOE LOFGREN of California.

H.R. 5034: Ms. JENKINS.

H.R. 5040: Mr. MCNERNEY.

H.R. 5044: Ms. KOSMAS and Mr. LOEBSACK.

H.R. 5058: Mr. THOMPSON of Mississippi.

H.R. 5081: Mr. LIPINSKI, Mr. NADLER of New York, Mr. FORBES, and Ms. MCCOLLUM.

H.R. 5137: Mr. ENGEL, Mr. MICHAUD, Mr. BOUCHER, and Mr. STARK.

H.R. 5142: Mrs. BONO MACK and Mr. BLUMENAUER.

H.R. 5143: Ms. MOORE of Wisconsin and Ms. NORTON.

H.R. 5177: Mr. FORBES.

H.R. 5211: Mr. HODES.

H.R. 5235: Mr. MARSHALL and Mr. BOYD.

H.R. 5244: Mr. BLUNT.

H.R. 5258: Mr. HILL.

H.R. 5282: Ms. GINNY BROWN-WAITE of Florida and Mr. CLAY.

H.R. 5323: Mr. MCCOTTER.

H.R. 5324: Ms. KAPTUR, Mr. PAYNE, and Mr. TOWNS.

H.R. 5335: Mr. SABLAN.

H.R. 5350: Mr. POE of Texas.

H.R. 5357: Mr. ADERHOLT.

H.R. 5412: Mr. FILNER and Ms. LINDA T. SANCHEZ of California.

H.R. 5418: Mr. JOHNSON of Georgia.

H.R. 5447: Mr. SNYDER.

H.R. 5460: Mr. CONYERS and Mr. HONDA.

H.R. 5462: Ms. CASTOR of Florida.

H.R. 5475: Mr. MCNERNEY.

H.R. 5497: Mr. BISHOP of Georgia, Mr. BRIGHT, Mrs. DAHLKEMPER, Mr. CHILDERS, Mr. HILL, Ms. LORETTA SANCHEZ of California, Mr. BOREN, Mr. MOORE of Kansas, Mr. LARSON of Connecticut, and Mr. NYE.

H.R. 5501: Mr. MARCHANT, Mr. BLUNT, Mr. MCCARTHY of California, Mr. HALL of Texas, Mr. HOEKSTRA, Mr. NUNES, Mr. SIMPSON, Mrs. MYRICK, Mr. BOOZMAN, and Mr. SCALISE.

H.R. 5503: Mr. QUIGLEY and Mr. CONNOLLY of Virginia.

H.R. 5513: Mr. BLUMENAUER.

H.R. 5519: Mr. LAMBORN, Mrs. BLACKBURN, and Ms. FALLIN.

H.R. 5523: Mr. TIAHRT, Mr. BURTON of Indiana, Mr. MCCAUL, and Mr. HELLER.

H.R. 5524: Mr. WOLF.

H.R. 5555: Mr. TERRY, Mr. WESTMORELAND, Mr. NUNES, Mr. DAVIS of Kentucky, Mr. KISSELL, Mr. GOHMERT, Mr. WAMP, Mr. BISHOP of Utah, and Mr. FRANKS of Arizona.

H.J. Res. 76: Mr. MCINTYRE.

H. Con. Res. 110: Mr. BERMAN, Mr. HINCHEY, and Mr. PETERS.

H. Con. Res. 226: Mr. HONDA, Mr. HUNTER, Mr. BARTLETT, Mr. GARAMENDI, and Mrs. BONO MACK.

H. Con. Res. 259: Ms. NORTON.

H. Con. Res. 266: Mr. BUYER and Mr. HEINRICH.

H. Con. Res. 288: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 111: Mr. LUETKEMEYER and Mr. RAHALL.

H. Res. 546: Mr. HINOJOSA and Mr. STARK.

H. Res. 771: Mr. MOORE of Kansas and Mr. PAULSEN.

H. Res. 1195: Mr. BOREN, Mr. CARNEY, Mr. DAVIS of Tennessee, Mr. HILL, Mr. MINNICK, Mr. TANNER, Mr. WU, and Mr. CUELLAR.

H. Res. 1196: Mr. TERRY.

H. Res. 1207: Mr. FORBES, Mr. DJOU, Mr. FLEMING, and Mr. OWENS.

H. Res. 1219: Mr. CAMPBELL, Mr. ELLISON, and Mr. FORBES.

H. Res. 1326: Mr. OBERSTAR, Mr. LANCE, and Mr. SCHOCK.

H. Res. 1355: Mr. FRANK of Massachusetts.

H. Res. 1365: Mr. BUYER, Mr. FLEMING, and Mr. LUJÁN.

H. Res. 1373: Mr. HOLDEN.

H. Res. 1384: Mr. ADERHOLT and Mr. GALLAGLY.

H. Res. 1388: Mr. HINOJOSA, Mr. BRADY of Texas, and Mr. PUTNAM.

H. Res. 1393: Mr. MOORE of Kansas, Ms. LORETTA SANCHEZ of California, Mr. BACA, Mrs. NAPOLITANO, Ms. HARMAN, Mr. MATHESON, Mrs. DAVIS of California, Mr. SHERMAN, Mr. TANNER, Ms. LEE of California, Mr. FARR, and Ms. GIFFORDS.

H. Res. 1401: Mr. MITCHELL, Mr. KANJORSKI, Mrs. KIRKPATRICK of Arizona, Mr. ROE of Tennessee, Mrs. HALVORSON, Mr. ACKERMAN, Mr. LIPINSKI, Mr. MARIO DIAZ-BALART of

Florida, Mr. DANIEL E. LUNGREN of California, and Mr. MICHAUD.

H. Res. 1406: Ms. FOXX.

H. Res. 1420: Mr. ELLISON and Mr. PAYNE.

H. Res. 1431: Mr. COFFMAN of Colorado, Mr. HASTINGS of Florida, Ms. LORETTA SANCHEZ of California, Mr. TOWNS, Mr. RUSH, and Mr. POE of Texas.

H. Res. 1452: Mr. FARR, Mr. BISHOP of Georgia, Ms. LORETTA SANCHEZ of California, Mr. SABLAN, Ms. MOORE of Wisconsin, and Mr. BRADY of Pennsylvania.

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## DISCHARGE PETITIONS

*[Omitted from the Record of June 17, 2010]*

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 11, June 16, 2010, by Mr. STEVE KING of Iowa on H.R. 4972, was signed by the following Members: Steve King, Connie Mack, and Michele Bachmann.

**SENATE—Tuesday, June 22, 2010**

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, who daily showers us with blessings, open our eyes to the generosity of Your grace. Help us to see in the beauty and bounty that surrounds us the movement of Your loving providence. Remind our lawmakers of their responsibility to use Your blessings to make a better Nation and world, and that to whom much is given, much is expected. Lord, give them the wisdom to relinquish their control and to ask You to take charge, guiding their steps by Your power. Break the bonds of self-sufficiency by showing them what they can accomplish with Your supernatural strength.

We pray in Your mighty Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 22, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Madam President, following leader remarks there will be a period for morning business until 12:30 p.m. today, with Senators being allowed during that period of time to speak for up to 10 minutes each. The majority will control the first 30 minutes, the Republicans will control the next hour, and then the majority will control the next 30 minutes, with the remaining time equally divided and controlled between the two leaders or their designees.

The Senate will recess at 12:30 until 2:15 for weekly caucus meetings.

Rollcall votes are still possible this afternoon.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**EXECUTIVE SESSION****EXECUTIVE CALENDAR**

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to executive session to consider en bloc Executive Calendar Nos. 493, 494, 556, 581, 589, 590, 592, 647, 705, 722, 726, 747, 783, 784, 785, 786, 787, 788, 794, 799, 800, 801, 824 to and including 830, 836 to and including 842, 844 to and including 848, 880, 881, 882, 902, 904 to and including 907, 908, 916, 923 to and including 928, 930, 938, 939, 940, 941, 942, 943, 944, 952 and all nominations on the Secretary's desk in NOAA; that the nominations be confirmed en bloc, the motions to reconsider be laid on the table en bloc, that no further motions be in order, and any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

**NATIONAL LABOR RELATIONS BOARD**

Brian Hayes, of Massachusetts, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2012.

Mark Gaston Pearce, of New York, to be a Member of the National Labor Relations

Board for the term of five years expiring August 27, 2013.

**EXECUTIVE OFFICE OF THE PRESIDENT**

Benjamin B. Tucker, of New York, to be Deputy Director for State, Local, and Tribal Affairs, Office of National Drug Control Policy.

**DEPARTMENT OF JUSTICE**

John H. Laub, of the District of Columbia, to be Director of the National Institute of Justice.

**AMTRAK BOARD OF DIRECTORS**

Anthony R. Coscia, of New Jersey, to be a Director of the Amtrak Board of Directors for a term of five years.

Albert DiClemente, of Delaware, to be a Director of the Amtrak Board of Directors for the remainder of the term expiring July 26, 2011.

**NATIONAL TRANSPORTATION SAFETY BOARD**

Mark R. Rosekind, of California, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2014.

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

Jim R. Esquea, of New York, to be an Assistant Secretary of Health and Human Services, vice Vincent J. Ventimiglia, Jr.

**DEPARTMENT OF JUSTICE**

James P. Lynch, of the District of Columbia, to be Director of the Bureau of Justice Statistics, vice Jeffrey L. Sedgwick.

**DEPARTMENT OF STATE**

Judith Ann Stewart Stock, of Virginia, to be an Assistant Secretary of State (Educational and Cultural Affairs).

**DEPARTMENT OF ENERGY**

Patricia A. Hoffman, of Virginia, to be an Assistant Secretary of Energy (Electricity Delivery and Energy Reliability), vice Kevin M. Kolevar.

**NATIONAL COUNCIL ON DISABILITY**

Ari Ne'eman, of Maryland, to be a Member of the National Council on Disability for a term expiring September 17, 2012, vice Robert Davila.

**DEPARTMENT OF TRANSPORTATION**

David T. Matsuda, of the District of Columbia, to be Administrator of the Maritime Administration.

**MARINE MAMMAL COMMISSION**

Michael F. Tillman, of California, to be a Member of the Marine Mammal Commission for a term expiring May 13, 2011, vice John Elliott Reynolds, III.

Daryl J. Boness, of Maine, to be a Member of the Marine Mammal Commission for a term expiring May 13, 2010.

Daryl J. Boness, of Maine, to be a Member of the Marine Mammal Commission for a term expiring May 13, 2013.

**NATIONAL TRANSPORTATION SAFETY BOARD**

Earl F. Weener, of Oregon, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 2010.

**AMTRAK BOARD OF DIRECTORS**

Jeffrey R. Moreland, of Texas, to be a Director of the Amtrak Board of Directors for a term of five years.

## ENVIRONMENTAL PROTECTION AGENCY

Arthur Allen Elkins, Jr., of Maryland, to be Inspector General, Environmental Protection Agency.

## PEACE CORPS

Carolyn Hessler Radelet, of the District of Columbia, to be Deputy Director of the Peace Corps.

## OVERSEAS PRIVATE INVESTMENT CORPORATION

Elizabeth L. Littlefield, of the District of Columbia, to be President of the Overseas Private Investment Corporation, vice Robert A. Mosbacher.

## INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

Lana Pollack, of Michigan, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Dana Katherine Bilyeu, of Nevada, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2011.

Michael D. Kennedy, of Georgia, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2010.

Michael D. Kennedy, of Georgia, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2014.

## SPECIAL PANEL ON APPEALS

Dennis P. Walsh, of Maryland, to be Chairman of the Special Panel on Appeals for a term of six years.

## THE JUDICIARY

Milton C. Lee, Jr., of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years, vice Jerry Stewart Byrd.

Todd E. Edelman, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Judith Anne Smith, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

## DEPARTMENT OF EDUCATION

Eduardo M. Ochoa, of California, to be Assistant Secretary for Postsecondary Education, Department of Education.

## DEPARTMENT OF LABOR

James L. Taylor, of Virginia, to be Chief Financial Officer, Department of Labor, vice Douglas W. Webster.

## NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

Robert Wedgeworth, of Illinois, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2013, vice Amy Owen.

Carla D. Hayden, of Illinois, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2014, vice Kevin Owen Starr.

John Coppola, of Florida, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2013, vice Gail Daly.

Winston Tabb, of Maryland, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2013, vice Beverly Allen.

Lawrence J. Pijaux, Jr., of Alabama, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2014.

## DEPARTMENT OF ENERGY

Donald L. Cook, of Washington, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration.

## DEPARTMENT OF DEFENSE

Sharon E. Burke, of Maryland, to be Director of Operational Energy Plans and Programs.

Katherine Hammack, of Arizona, to be an Assistant Secretary of the Army.

Michael J. McCord, of Virginia, to be Principal Deputy Under Secretary of Defense (Comptroller).

Elizabeth A. McGrath, of Virginia, to be Deputy Chief Management Officer of the Department of Defense.

## DEPARTMENT OF ENERGY

Jeffrey A. Lane, of Virginia, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

## FEDERAL ENERGY REGULATORY COMMISSION

Cheryl A. LaFleur, of Massachusetts, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2014, vice Suede G. Kelly.

Philip D. Moeller, of Washington, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2015.

## OVERSEAS PRIVATE INVESTMENT CORPORATION

Michael James Warren, of the District of Columbia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2011.

## NATIONAL BOARD FOR EDUCATION SCIENCES

Adam Gamoran, of Wisconsin, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2011.

Deborah Loewenberg Ball, of Michigan, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2012.

Margaret R. McLeod, of the District of Columbia, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2012, vice Elizabeth Ann Bryan.

Bridget Terry Long, of Massachusetts, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2012, vice Joseph K. Torgesen.

## EXECUTIVE OFFICE OF THE PRESIDENT

David K. Mineta, of California, to be Deputy Director for Demand Reduction, Office of National Drug Control Policy.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

Sherry Glied, of New York, to be an Assistant Secretary of Health and Human Services, vice Benjamin Eric Sasse.

## STATE JUSTICE INSTITUTE

Daniel J. Becker, of Utah, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2010.

James R. Hannah, of Arkansas, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2010.

Gayle A. Nachtigal, of Oregon, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2012.

John B. Nalbandian, of Kentucky, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2010.

Marsha J. Rabiteau, of Connecticut, to be a Member of the Board of Directors of the

State Justice Institute for a term expiring September 17, 2010.

Hernán D. Vera, of California, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2012.

## SMALL BUSINESS ADMINISTRATION

Marie Collins Johns, of the District of Columbia, to be Deputy Administrator of the Small Business Administration.

## DEPARTMENT OF JUSTICE

Thomas Edward Delahanty II, of Maine, to be United States Attorney for the District of Maine for the term of four years.

Wendy J. Olson, of Idaho, to be United States Attorney for the District of Idaho for the term of four years.

James A. Lewis, of Illinois, to be United States Attorney for the Central District of Illinois for the term of four years.

Donald J. Cazayoux, Jr., of Louisiana, to be United States Attorney for the Middle District of Louisiana for the term of four years.

Henry Lee Whitehorn, Sr., of Louisiana, to be United States Marshal for the Western District of Louisiana for the term of four years.

Kevin Charles Harrison, of Louisiana, to be United States Marshal for the Middle District of Louisiana for the term of four years.

Charles Gillen Dunne, of New York, to be United States Marshal for the Eastern District of New York for the term of four years.

## NATIONAL TRANSPORTATION SAFETY BOARD

Earl F. Weener, of Oregon, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2015.

## NOMINATIONS PLACED ON THE SECRETARY'S DESK

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN1849 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (16) beginning DAVID A. SCORE, and ending DEMIAN A. BAILEY, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2010.

## LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will resume legislative session.

## NOMINATIONS

Mr. REID. Let me express my appreciation to our being able to work through some of these. There are quite a few left to go. The Secretary for the majority just indicated to me that there are some other names that will be cleared later today. So I appreciate this very much. This is going to be a step forward. These are all very important. This will allow these people to get their lives in order. There is no need to talk about why we did not have it done sooner. We did not. We have got it done now, and that is a step forward for the Senate and our country.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## NOMINATIONS

Mr. McCONNELL. Madam President, I would say to my good friend, the majority leader, as he knows, this is an agreement we have been prepared to make since last month. I am glad we were able to finally work our way through it and get a significant number of these nominations confirmed.

## NEW TAXES

Mr. McCONNELL. Madam President, it is now official. Top Democrats on Capitol Hill are starting to signal their intention to raise taxes on the middle class. The House majority leader in a speech today warned that in order to do anything about the debt crisis Republicans have been speaking about on the Senate floor in recent weeks, President Obama will have no choice, no choice, but to break his campaign pledge of "no new taxes" for millions of American families.

That is the majority leader in the House of Representatives in a speech today, saying that the President will have no choice but to break his promise of no new taxes for millions of American families.

Respectfully, I think this is a tough argument for the Democratic leadership in the House that will not even take up the Senate's version of the so-called doc fix legislation for no apparent reason other than the fact that it does not increase the debt.

It is hard to imagine anyone taking advice on fiscal discipline from a party that has spent the last 2½ weeks arguing not about how to pay for the extenders bill that is on the floor or how to use this bill to cut the debt but about how much money to add to the debt in the process of passing it.

Here is another idea Democrats should consider, one that Americans have been proposing loudly and clearly: Stop spending money you do not have. Stop spending money you do not have. The American people do not think our problem is that the government taxes too little. Our problem is that the government taxes too much and that it spends too much and borrows too much. Until Democrats demonstrate even the slightest ability to restrain the recklessness with which they spend America's hard-earned tax dollars, the job creators and the workers of this country are not about to take them seriously on how to lower the national debt.

The American people should not be asked to pay the price for Democrats' recklessness through higher taxes. America faces a debt crisis. Democrats have done nothing whatsoever to show they understand that. Breaking a campaign pledge now will not help; cutting spending will.

I yield the floor.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes, the Republicans controlling the next 60 minutes, and the majority controlling the next 30 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## DEFICIT SPENDING AND UNEMPLOYMENT

Mr. DURBIN. The minority leader, Senator McCONNELL, is right. Deficits are important. So are facts. Let's mention a few facts on the floor of the Senate. When was the last time the U.S. Government ran a surplus? A surplus. Collected more money than it spent? Well, it happened to be in the last year of President Bill Clinton's administration. So when President George W. Bush was elected, President Clinton said: Welcome to Washington. Here is a \$230 billion surplus, and if you follow the spending patterns we have laid out over the next 10 years, you will generate a \$5 trillion surplus in the Treasury—\$230 billion now, plan for a \$5 trillion surplus. At that time the debt of America, the accumulated debt of America, from George Washington through Bill Clinton, all of the debt we had amassed, \$5 trillion.

George W. Bush. Welcome to Washington. A surplus. A plan to increase the surplus. A plan to spend down the national debt. But what happened in 8 years of Republican rule, fiscally conservative Republican rule? I will tell you what happened. The national debt went from \$5 trillion to \$12 trillion.

How do you do that in 8 years? Well, you wage two wars that you do not pay for, and you give tax breaks to the wealthiest people in America, and you have a prescription drug plan that is not paid for as well under Republican Presidents.

The national debt from Bill Clinton, \$5 trillion; to the end of President George W. Bush, \$12 trillion, and a little gift that President George W. Bush left to President Barack Obama as he left office. No, he did not leave him the

\$230 billion that he was given as he came into the presidency. No, he handed off to President Obama a \$1.3 trillion deficit. Welcome to Washington, President Obama. And when you take your hand off the Bible at the swearing in, let's mention too that the Bush economic policies have now cost us, that month, January, that month in 2009, 750,000 American jobs. Now we hear from the Republican side of the aisle these pious incantations about our budget deficit.

Well, it is a problem. But let's put the blame where it belongs. When the Republicans had their chance, they took a surplus and turned it into the biggest deficit in the history of the United States. When President Bush had his economic policies in place, we doubled the national debt. When President Bush left office, he left the economy in the worst recession we have had since the Great Depression.

Now come the Republicans and say: We need to cut spending. Well, let's go back and look at another lesson in history. This goes even further back—80 years, the worst economic situation in modern times in America, the Great Depression. I heard about it as a kid. But it was not as if my parents were giving me a history lesson, they were giving me a story about our family, how my mom and dad got married in 1928, had their first baby in 1929, and their second baby in 1931, and tried to raise a family in the Great Depression. Their lives were changed forever. Their view of the world changed forever. My mom, an immigrant to this country, and my dad, from a farm family, never borrowed money, scared to death of debt, because they saw the Great Depression and they saw it destroy people. Franklin Roosevelt came in as President in those days. He came in in March of 1933. He said, we are going to change this. We are going to get America back on its feet. You have nothing to fear but fear itself. We are going to put people back to work. We are going to give them government jobs if we cannot find them jobs in the private sector. We are going to tell our farmers, you are going to survive because we are going to basically stand behind you through the tough years. Whether it is a drought or a flood, we are going to be around to help you get through to the next year. We are going to make sure that banks do not fail. We are going to inject government into this economy and get America back on its feet.

At that time the unemployment rate in America was 25 percent. When the New Deal got started, they brought it down 13 percent, cut it in half because of government investment in this economy. People went back to work. They left the long lines waiting for soup and bread and started earning some money. They built highways. They built bridges. They built stadiums. They

built parts of America we still use today. It was an investment by the government in our economy to bring us out of the worst depression we had ever faced.

Then, after a few years what happened? Republican critics came forward and said, wait a minute. This is deficit spending. We are spending money we do not have. We have got to stop. And they prevailed, just as Senator MCCONNELL wants to prevail today. Hit the brakes. Stop spending. You know what happened? They prevailed with that argument. You know what happened with the unemployment rate? It went from 13 percent back to 19 percent, and the sick economy continued for years until the war came along, World War II, and we had a massive investment in our Nation to protect our Nation, to give our troops what they needed, and we put people back to work.

Now we are about to repeat history. The Republicans come to us now and say, we have got to stop putting money back into the economy. It creates deficit. Yes, it does. But if you do not get the 14 million unemployed Americans back to work, the deficit will get worse. They will not be paying taxes, they will be drawing on government services.

We want them back to work. And it means making sure we make investments in America that count—helping small businesses; tax credits and tax deductions for small businesses; credit for small businesses; government actively moving forward to give small businesses a chance to keep their employees and hire more.

That is what we believe in on the Democratic side of the aisle. The Republicans say: Oh, deficit spending. Stop. We cannot do that. Then what happens? The business fails. The jobs are lost. The people draw unemployment and, in desperation, wait for something to happen.

You know what the Republicans are up to now? Last week we asked them: Would you please extend unemployment benefits for these millions of Americans who are out of work. In my State the unemployment rate is 10.8 percent. It has been around that for several months now. Boone County, 16.6 percent; Pulaski County, way down south, 12 percent; western edge of our State, Hancock County, 11.8 percent; and in Clark County, in the southeastern end of our State, 13.7 percent. There are 717,000 people in Illinois officially unemployed.

The Republicans say: Cut off their unemployment benefits. That is what they voted for last Thursday. And 80,000 of those 717,000 unemployed will lose their unemployment benefits.

What happens to the unemployment check? It is the most quickly spent government check ever sent out. Desperate people out of work take that

check and turn it into groceries and clothes and shoes and gas in the car and utility bills and rent and mortgage payments as quickly as they receive it. It is money right back into the economy. They want to cut it off because we have a deficit.

I understand this deficit. I am on the Deficit Commission, and I understand taking it seriously. But let's take seriously putting America back to work. This Republican approach of cutting the unemployment compensation for people who lost their jobs through no fault of their own is a strategy that failed in the 1930s and is going to fail us now.

We have to believe in America and a better day when people are back to work and this economy is moving forward. We will deal with this deficit with a strong economy, with Americans working, not by quaking and quivering and saying we cannot put money back into the hands of those who are out of work. That is one of the fundamentals in this government. It is the way we take this great free market system of ours, when it falls on hard times, and move it forward again.

All of the speeches we will hear from the other side of the aisle about deficits are going to overlook the obvious. Were it not for the failed economic policies of the Bush administration, we would not be where we are today. Were it not for the doubling of the national debt under the last Republican President, we would not be where we are today.

It seems that those on the other side of the aisle have, I guess, an extreme sensitivity to deficits when there is a Democratic President, and are oblivious to them when there is a Republican President. The American people know what the facts say. They know the history. I hope they do not embrace the Republican approach which will drive us further into unemployment and recession.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

#### KAGAN NOMINATION

Mr. CARDIN. Madam President, this Monday the Senate Judiciary Committee will begin the confirmation hearings for Elena Kagan to be an Associate Justice of the Supreme Court. These confirmation hearings will provide an opportunity to the public to see firsthand how important Supreme Court decisions are in their ordinary lives. There are many examples we could give, from schools to consumer issues to personal lives, privacy, religious protections, helping the environment, the workplace.

In recent years, by a sharply divided Court, they have reversed precedent and congressional intent and ruled on the side of big business over individual

rights. This is judicial activism, not judicial restraint. I hope all my colleagues will agree that the next Supreme Court Justice should be on the side of individual Americans, following legal precedent and congressional intent.

I wish to give an example—I know my colleagues will give others—about workplace fairness in *Ledbetter v. Goodyear Tire*. Let me provide a little background. Lilly Ledbetter worked for 19 years at Goodyear Tire. During that period, she was paid \$15,000 a year less than her male counterparts doing the same work. This type of discrimination is prohibited by congressional statute under the Civil Rights Act of 1964. Within that legislation, title VII was specifically enacted to protect American workers from undue discrimination, including gender discrimination. When Mrs. Ledbetter found out she was being discriminated against, she did the right thing: she brought a claim against her employer.

The only reason Mrs. Ledbetter knew she was being paid less than her male counterparts was because a colleague finally told her. This is not unusual. In fact, in most employment discrimination cases, employees are unaware of discrimination until an unexpected event occurs or undisclosed information finally comes to light.

Mrs. Ledbetter went to court, stated her claim, and won. After multiple appeals, the case reached the Supreme Court. The Supreme Court, by a 5-to-4 decision, denied her claim. The Court said Mrs. Ledbetter had to file her case within 180 days after the beginning of the discrimination, and since she did not do that, her claim was barred by the statute of limitations. This defies logic. How can a person bring a claim when they don't know they are being discriminated against? It makes no sense.

This decision appalled me and many of our colleagues. Whose side is the Supreme Court on? What happened to protecting American workers and not big business? What happened to following legal precedent? What happened to following congressional intent? What happened to judicial restraint from a majority of the Court that professes that is what they believe is right? If an employee is being discriminated against, there should be effective remedy. If they don't know they were discriminated against, it doesn't make the error any less wrong when they find out about it. The Court is clearly out of touch with the impact they have on everyday Americans.

This case is a perfect example of hurting female workers. As of 2009, women comprised 46.8 percent of the U.S. labor force. As of 2009, 66 million women were employed in the United States; 74 percent were employed full time; 26 percent, part time. Equal pay has been U.S. law for more than four

decades. But on average, women today still make just 78 cents for every dollar made by a man in an equivalent position. Women of color are in an even worse position. The average earnings for African-American women were 68 percent of a male's earnings, while Latinos earn just 58 percent of a male's earnings. The Supreme Court ruled against precedent and actually made it more difficult for women to bridge this gap. That is not what we want from the Supreme Court of the United States. That is not what we want as far as the activism of the Supreme Court is concerned.

When the Court turned the law completely on its head and circumvented congressional intent, Congress stepped in. I am proud to say that my senior Senator, Ms. MIKULSKI, introduced the Lilly Ledbetter Equal Pay Act, which I cosponsored. This legislation had 54 Senate cosponsors and passed the Senate by a vote of 61 to 36. The House of Representatives passed the bill by a vote of 255 to 177. On January 29, 2009, President Obama signed his first bill into law, the Lilly Ledbetter Equal Pay Act.

Under our system of checks and balances, each branch of government has a responsibility to keep the other in check. But we all should be on the side of the American people and workers. As the Judiciary Committee and the Senate convene next week to consider the nomination of Elena Kagan, we need to remember whose side we are on. We need to remember that big business can and will fend for itself, but it is individuals who look to the Court and to Congress to uphold the law and the protections it delivers.

Elena Kagan will be the fourth woman to serve on the Nation's highest Court, and this will be the first time in history we will have three women serving on the Court at the same time. Elena Kagan's record as Solicitor General and her broad legal background give me confidence that she understands the appropriate role of the Supreme Court.

I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, let me thank the Senator from Maryland for his comments about the Ledbetter decision.

What we are gathering on the floor today to discuss is whether American corporations are getting something more than a fair shake from Republican appointees on the Supreme Court, whether there is a bit of a systemic lean in favor of corporate interests on the part of those judges to the point where we really now need to call that out because it is beyond what statistics could possibly justify.

Certainly, the Ledbetter decision helps prove that point. We have at a company a woman who does not know

she is being discriminated against; that for the same work as her male colleagues, she is being paid less. She has no way to know that. She does not know that. The fact that she does not know that is held against her rather than against the company which discriminated against her. The company was able to get off scot-free for all those months and years of discrimination before she found out what they were doing to her. The law did not require that particular answer. As the dissenting Justices pointed out, it was, in fact, the wrong answer. But it certainly served the interests of corporations across America to limit their liability when they discriminate against their employees.

The case I wish to talk about is the Exxon decision where the Supreme Court threw out a jury verdict after the Exxon Valdez oil spill, a jury verdict for punitive damages in the amount of \$5 billion. Sounds like a lot of money. It is a lot of money, but at the time, it was just 1 year of profits for Exxon.

Remember what they did in this case. They took this gigantic tanker, the Exxon Valdez, and they allowed the captain, a known alcoholic, to get on board drunk, to continue drinking heavily while on board, and to steer the Valdez aground in Prince William Sound, creating what was then, in 1989, the biggest oil spill in American history.

Prince William Sound is still recovering from that. Our colleagues from Alaska will tell us that one can still pick up rocks on the seashore and see the oil on the underside of the rocks. We all remember the images we first saw there—and are now seeing tragically echoed in the gulf—of birds, marine mammals covered in oil, poisoned by oil, dying on the shores and beaches or, if they can be found, being recovered by human volunteers who try to clean them up and save their lives. It was a very significant error by Exxon.

Everybody knows corporations are all about their bottom line. That is not me saying that; that is the law of corporations. They actually have a duty, a legal duty to their shareholders to maximize their economic self-interest. It is what they do. It is why they were set up. It makes them a very important economic engine for society. But it does mean we have to control that motivation through the law. One of the ways we control that motivation through the law is with punitive damages—punitive damages assessed through the jury.

Let me say a quick word about the jury. The jury is an American institution of government. It is mentioned three times in the Constitution and Bill of Rights. It is there for a reason. It is there for a very important reason. When de Tocqueville wrote "Democracy in America," he wrote about the

jury that it is "an institution of the sovereignty of the people." He wrote that in a chapter whose heading was about protecting against the tyranny of the majority.

The Founding Fathers saw it that way because they saw corrupt colonial Governors. They saw legislatures that had panicked in that period between independence and the Constitution. Remember Thomas Jefferson talking about the Virginia Legislature, saying: We have turned out 1 tyrant, and now we have 270 tyrants—or whatever the number was—of the Virginia Assembly. They had to go back, and Madison had to rethink the balance of powers. They adopted what is now the American system of government. They had an experience that there needed to be a place where one could go to get a clean decision from a jury of one's peers. And it didn't matter who the Governor was, who the general assembly was, what the power structure was; there was some place in American Government where power did not count, where the powerful and the powerless had the same shot. That is why it is in the Constitution. That is why it is described as a mode of the sovereignty of the people.

When the Supreme Court takes away from the jury what seems to me to be a reasonable punitive damage assessment—if they had really been whacked for \$5 billion, who knows what message that might have sent through the oil industry. Conceivably, it might have prevented the oil spill in the gulf if it really rattled their cages enough. But, no, it interfered with the predictability corporations want. So the Supreme Court threw out the \$5 billion punitive damage assessment—just 1 year's profit for that company—and knocked it down 90 percent. They adopted a rule that it couldn't be more than one-to-one with damages. It is not in the Constitution. It is not statutory. They just decided that the interests of corporations in predictability were so important that paying back Alaskans for the damage done and putting a punitive assessment on top of it that would prevent this from happening again was less important. Predictability was more important; deterring misconduct was less important. That is a value judgment. It is a value judgment these Justices bring to this Court.

Jeffrey Toobin is an authoritative writer about the Supreme Court. He studies it carefully. He tracks it carefully. Here is what he wrote last year about our Chief Justice:

In every major case since he became the nation's seventeenth Chief Justice, Roberts has sided with the prosecution over the defendant, the state over the condemned, the executive branch over the legislative, and the corporate defendant over the individual plaintiff. Even more than Scalia, who has embodied judicial conservatism during a generation of service on the Supreme Court,

Roberts has served the interests and reflected the values of the contemporary Republican Party.

Remember, this is the one who, when being confirmed, said he was only going to call balls and strikes, as if that was even an apt metaphor. Well, it seems that the strike zone for individual plaintiffs is a lot smaller in this Court than the strike zone for the big corporations. I will pick out a part of the sentence:

In every major case since he became the Nation's seventeenth Chief Justice, Roberts has sided with the corporate defendant over the individual plaintiff.

That is as of May 25, 2009.

If you take a look at the decision that came down today in *Rent-A-Center v. Jackson*, an employee challenges a contract saying, Wait a minute. I should not have to be a party to that contract because the circumstances that caused me to enter into that contract were unconscionable. I should be protected from that contract because it was unconscionable to force me to sign it. The contract requires that you go and arbitrate instead of having access to—guess what—the jury.

The Supreme Court said the decision over whether it is unconscionable should go to the arbitrator. You wouldn't even be at the arbitrator if the contract weren't valid. It is topsyturvy logic. But, once again, it reflects the fact that the strike zone for corporations is a lot bigger with the Republican appointees of this Court than the strike zone for regular people.

I see Senator FRANKEN from Minnesota here waiting to speak, and I will yield the floor so he may do so.

As we face this question of Elena Kagan's nomination to the Supreme Court, we need to be clear that when the opponents talk about rule of law, when they talk about not having activist judges, when they talk about making sure corporations get a fair shake, there is actually a little bit more going on here. There is a little bit more going on here, and what is going on here is that over and over and over again the Republican appointees to the U.S. Supreme Court, when they have the chance, will rule in favor of the corporation and against the individual defendant. It is not surprising, since the Republicans are the party of the corporations, that the judges they appoint want to help the corporations. We should not forget that fact as we look at a nominee who will hold the strike zone the same; who won't give that benefit any longer to the corporations that now, apparently, are beginning to feel they are entitled to at the U.S. Supreme Court.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. FRANKEN. Madam President, I couldn't agree more with my colleague from Rhode Island and his eloquent

statement, as well as my colleague from Maryland. I think we are going to be hearing a lot about this Roberts Court as we head into and during the Kagan hearings.

I rise today to talk about Americans' basic right to have their day in court. The Supreme Court has always been a towering institution, both physically and metaphorically. Until recently, as visitors walked up the steep steps of the Supreme Court's front doors, they entered underneath a mantle inscribed "Equal Justice Under Law." Now those bronze doors are closed to the public.

That may have been because of security concerns, but it is hard to imagine a better metaphor for what has been happening to our Court. The Roberts Court has consistently denied hard-working people their day in court, blocking them from their entrance to the courtroom.

Many of my colleagues remember me speaking on the Senate floor about Jamie Leigh Jones. As a 20-year-old, she went to Iraq as a contractor for KBR, then a Halliburton subsidy. She complained about sexual harassment almost immediately. She was put in a barracks with 400 men and a handful of women. When she complained to KBR, they not only ignored her, they mocked her. They told her, Oh, go spend the day in the spa. Four days later, she was drugged and brutally gang raped by her coworkers and then locked in a shipping container with no contact with the outside world.

What happened to Jamie Leigh in Iraq was bad enough, but because of the Supreme Court's decision in *Circuit City Stores v. Adams*, KBR had been able to force Jamie to sign an employment contract that required her to arbitrate all job disputes rather than bringing them to a court of law. So Jamie, now a teacher in a Christian school in Texas, was forced to spend the next 4 years fighting to get her day in court after being gang raped on the job. She has had two reconstructive surgeries since this happened. Let me say this again. She was brutally gang raped on the job and still had to fight to get her day in court.

I am proud the Senate passed my amendment to give victims such as Jamie Leigh Jones a chance for justice and I was proud to see it signed into law. But, sadly, we are about to see a lot more Jamie Leighs denied their day in court. Just yesterday, as Senator WHITEHOUSE noted, the Court erected yet another hurdle for people seeking justice in another 5-4 decision, this one called *Rent-A-Center v. Jackson*.

On one side of the courtroom in this case was Rent-A-Center, a corporation that runs over 3,000 furniture and electronics rent-to-own stores across North America, with 21,000 employees and hundreds of millions of dollars in annual profits. On the other side stood Antonio Jackson, an African-American

account manager in Nevada who sought to bring a civil rights claim against his employer. Jackson claims that Rent-A-Center repeatedly passed him over for promotions and promoted non-African-American employees with less experience.

Although Jackson signed an employment contract agreeing to arbitrate all employment claims, he also knew the contract was unfair, so he challenged it in court. But yesterday the Supreme Court sided with Rent-A-Center, ruling that an arbitrator, not a court, should decide whether an arbitration clause is valid. Let me say that again. The arbitrator gets to decide whether an arbitration clause is valid. Let me repeat that. The arbitrator gets to decide whether the arbitration clause is valid. That is just one step away from letting the corporation itself decide whether a contract is fair.

In doing so, the Supreme Court made it even harder for ordinary people to protect their rights at work. Justice Stevens, not surprisingly, wrote the dissent. As he did in *Gross*, Stevens notes that the Supreme Court, yet again, decided this case along lines "neither briefed by the parties nor relied upon by the Court of Appeals." In other words, the Supreme Court went out of its way to close those bronze doors—and keep them closed. Clearly, this is a ruling that Congress needs to fix, and I look forward to working with my colleagues to do so.

Sometimes it is easy to forget that the Supreme Court matters to average people—to our neighbors and our kids. Some have tried to convince us that Supreme Court rulings only matter if you want to burn a flag or sell pornography or commit some horrendous crime. But as Jamie Leigh Jones and Antonio Jackson show us, the Supreme Court is about much more than that. It is about whether you have a right to a workplace where you won't get raped and whether you can defend those rights in court before a jury afterwards. It is about whether corporations will continue to have inordinate power to control your life with their armies of lawyers and their contracts filled with fine print. It is about whether they can force you to sign away your rights in an unfair employment contract so you never see the inside of a courtroom. It is, quite frankly, about the kind of society we want to live in.

Next week, the Judiciary Committee will hold hearings on the nomination of Elena Kagan to the U.S. Supreme Court. Those hearings provide a good opportunity for us to examine the legacy of the Roberts Court and talk about what it would mean to have a Court that instead cares about hard-working Americans.

Solicitor General Kagan is nominated to fill the seat currently occupied by Justice Stevens who wrote the impassioned dissent in yesterday's

Rent-A-Center ruling. I hope General Kagan has learned from Justice Stevens and takes his words to heart. I look forward to questioning her during these hearings. I want to make sure she understands that Supreme Court cases impact all of our lives—and that she will be the kind of Justice who believes in equal justice under the law.

Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Republicans have 60 minutes, and individual Senators are limited to 10 minutes.

Mr. ALEXANDER. Would the Chair please let me know when 9 minutes have expired.

The ACTING PRESIDENT pro tempore. We will.

Mr. ALEXANDER. Thank you, Madam President.

#### ENERGY DEBATE

Mr. ALEXANDER. Madam President, last week the New York Times ran a story, and I ask unanimous consent to have it printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 18, 2010]

#### NET BENEFITS OF BIOMASS POWER UNDER SCRUTINY

(By Tom Zeller, Jr.)

GREENFIELD, MA.—Matthew Wolfe, an energy developer with plans to turn tree branches and other woody debris into electric power, sees himself as a positive force in the effort to wean his state off of planet-warming fossil fuels.

"It's way better than coal," Mr. Wolfe said, "if you look at it over its life cycle."

Not everyone agrees, as evidenced by lawn signs in this northwestern Massachusetts town reading "Biomass? No Thanks."

In fact, power generated by burning wood, plants and other organic material, which makes up 50 percent of all renewable energy produced in the United States, according to federal statistics, is facing increased scrutiny and opposition.

That, critics say, is because it is not as climate-friendly as once thought, and the pollution it causes in the short run may outweigh its long-term benefits.

The opposition to biomass power threatens its viability as a renewable energy source when the country is looking to diversify its energy portfolio, urged on by President Obama in an address to the nation Tuesday. It also underscores the difficult and complex choices state and local governments face in pursuing clean-energy goals.

Biomass proponents say it is a simple and proved renewable technology based on natural cycles. They acknowledge that burning wood and other organic matter releases carbon dioxide into the atmosphere just as coal does, but point out that trees and plants also absorb the gas. If done carefully, and without overharvesting, they say, the damage to the climate can be offset.

But opponents say achieving that sort of balance is almost impossible, and carbon-absorbing forests will ultimately be destroyed to feed a voracious biomass industry fueled inappropriately by clean-energy subsidies. They also argue that, like any incinerating operation, biomass plants generate all sorts of other pollution, including particulate matter. State and federal regulators are now puzzling over these arguments.

Last month, in outlining its plans to regulate greenhouse gases, the Environmental Protection Agency declined to exempt emissions from "biogenic" sources like biomass power plants. That dismayed the biomass and forest products industries, which typically describe biomass as "carbon neutral."

The agency said more deliberation was needed.

Meanwhile, plans for several biomass plants around the country have been dropped because of stiff community opposition.

In March, a \$250 million biomass power project planned for Gretna, Fla., was abandoned after residents complained that it threatened air quality. Two planned plants in Indiana have faced similar grass-roots opposition.

In April, an association of family physicians in North Carolina told state regulators that biomass power plants there, like other plants and factories that pollute the air, could "increase the risk of premature death, asthma, chronic bronchitis and heart disease."

In Massachusetts, fierce opposition to a handful of projects in the western part of the state, including Mr. Wolfe's, prompted officials to order a moratorium on new permits last December, and to commission a scientific review of the environmental credentials of biomass power.

That study, released last week, concluded that, at least in Massachusetts, power plants using woody material as fuel would probably prove worse for the climate than existing coal plants over the next several decades. Plants that generate both heat and power, displacing not just coal but also oil and gas, could yield dividends faster, the report said. But in every case, the study found, much depends on what is burned, how it is burned, how forests are managed and how the industry is regulated.

Ian A. Bowles, the secretary of the Massachusetts Office of Energy and Environmental Affairs, said that biomass power and sustainable forest management were not mutually exclusive. But he also said that the logical conclusion from the study was that biomass plants that generated electricity alone probably should not be eligible for incentives for renewable energy.

"That would represent a significant change in policy," Mr. Bowles said.

The biomass industry argues that studies like the one in Massachusetts do not make a clear distinction between wood harvested specifically for energy production and the more common, and desirable, practice of burning wood and plant scraps left from agriculture and logging operations.

The Biomass Power Association, a trade group based in Maine, said in a statement last week that it was "not aware of any facilities that use whole trees for energy."

During a recent visit to an old gravel pit outside of town where he hopes to build his 47-megawatt Pioneer Renewable Energy project, Mr. Wolfe said the plant would be capable of generating heat and power, and would use only woody residues as a feedstock. "It's really frustrating," he said. "There's a tremendous deficit of trust that is really inhibiting things."

In the United States, biomass power plants burn a variety of feedstocks, including rice hulls in Louisiana and sugar cane residues, called bagasse, in parts of Florida and Hawaii. A vast majority, though, some 90 percent, use woody residue as a feedstock, according to the Biomass Power Association. About 75 percent of biomass electricity comes from the paper and pulp companies, which collect their residues and burn them to generate power for themselves.

But more than 80 operations in 20 states are grid-connected and generate power for sale to local utilities and distribution to residential and commercial customers, a \$1 billion industry, according to the association. The increasing availability of subsidies and tax incentives has put dozens of new projects in the development pipeline.

The problem with all this biomass, critics argue, is that wood can actually churn out more greenhouse gases than coal. New trees might well cancel that out, but they do not grow overnight. That means the low-carbon attributes of biomass are often realized too slowly to be particularly useful for combating climate change.

Supporters of the technology say those limitations can be overcome with tight regulation of what materials are burned and how they are harvested. "The key question is the rate of use," said Ben Larson of the Union of Concerned Scientists, an environmental group based in Cambridge, Mass., that supports the sensible use of biomass power. "We need to consider which sources are used, and how the land is taken care of over the long haul."

But critics maintain that "sustainable" biomass power is an oxymoron, and that nowhere near enough residual material exists to feed a large-scale industry. Plant owners, they say, will inevitably be forced to seek out less beneficial fuels, including whole trees harvested from tracts of land that never would have been logged otherwise. Those trees, critics say, would do far more to absorb planet-warming gases if they were simply let alone.

"The fact is, you might get six or seven megawatts of power from residues in Massachusetts," said Chris Matera, the founder of Massachusetts Forest Watch. "They're planning on building about 200 megawatts. So it's a red herring. It's not about burning waste wood. This is about burning trees."

Whether or not that is true, biomass power is also coming under attack simply for the ordinary air pollution it produces. Web sites like No Biomass Burn, based in the Pacific Northwest, liken biomass emissions to cigarette smoke. Duff Badgley, the coordinator of the site, says a proposed plant in Mason County, Washington, would "rain toxic pollutants" on residents there. And the American Lung Association has asked Congress to exclude subsidies for biomass from any new energy bill, citing potentially "severe impacts" on health.

Nathaniel Greene, the director of renewable energy policy for the Natural Resources Defense Council, said that while such concerns were not unfounded, air pollution could be controlled. "It involves technology that we're really good at," Mr. Greene said. For opponents like Mr. Matera, the tradeoffs are not worth it.

"We've got huge problems," Mr. Matera said. "And there's no easy answer. But biomass doesn't do it. It's a false solution that has enormous impacts."

Mr. Wolfe says that is shortsighted. Wind power and solar power are not ready to scale up technologically and economically, he

said, particularly in this corner of Massachusetts. Biomass, by contrast, is proven and available, and while it is far from perfect, he argued, it can play a small part in reducing reliance on fossil fuels.

"Is it carbon-neutral? Is it low-carbon? There's some variety of opinion," Mr. Wolfe said. "But that's missing the forest for the trees. The question I ask is, What's the alternative?"

Mr. ALEXANDER. The above-referenced article is entitled "Net Benefits of Biomass Power Under Scrutiny." It is about how the people of Massachusetts are starting to debate the idea that they are accomplishing anything by displacing coal with biomass to produce clean electricity. I am talking here about producing electricity, not biofuels which we use in our cars.

Biomass is essentially burning wood and other organic products in a sort of controlled bonfire to produce electricity. The argument for biomass goes like this: Wood is natural. Trees regrow. Burn them up today and more trees will grow tomorrow. Therefore, we won't run out of resources. Moreover, trees are carbon neutral. Burning wood may release carbon dioxide, but trees reabsorb carbon so we can benefit from this natural cycle by generating electricity. Therefore, we are not making climate problems any worse with biomass.

Indeed, biomass produces about 50 percent of our Nation's renewable electricity today, according to the New York Times, and by most of the definitions of renewable electricity that we use in proposals in the Senate. But we can't rely upon biomass to replace significant amounts of the fossil-based electricity we get today from coal. Biomass electricity has its place, and can be used to burn forest and other wood waste. In Tennessee we have a lot of pine trees. They need to be removed from the forest, and this is a good way to do that and make a little electricity. However, we cannot and we should not start cutting down and burning our forests to produce electricity. The loss of forest land is still one of the major ecological catastrophes in Africa, Asia, and South America. So are we, the most advanced country in the world, going to talk about going back to burning up our forests for energy? Many environmental advocates are now arguing that biomass should not even be considered to be "renewable" or "carbon neutral" because of the fact that burning wood releases greenhouse gases. While that is true, so does the natural process of decay, but the carbon is reabsorbed by the growth of new trees. Biomass can be, and should be, an important—albeit a small part—of our electricity portfolio by using excess forest material and industrial wood waste.

Unfortunately, the New York Times piece misses out on one of the most important concerns about biomass. Just

like other renewable electricity sources, it cannot be the solution for our clean energy needs because of the problem of scale. We would have to continually forest an area 1½ times the size of the Great Smoky Mountains National Park to replace the electricity created by two standard coal plants or one standard nuclear reactor. Wood has only half the energy density of coal. That means, if nothing else, we have to do twice as much work in hauling it around. There is a utility in Georgia that is using wood to replace coal in a 100-megawatt powerplant. This utility has trucks running in there day and night hauling wood to keep the plant running, and that is only 100 megawatts—about one-tenth the size of one nuclear reactor. For the southeastern United States to meet a 12-percent renewable electricity standard, as called for in the Waxman-Markey energy climate bill, by using biomass alone, we would have to cut down more trees than the entire U.S. paper industry uses each year.

I think it is worth taking note of all this as we move toward the idea that renewable resources are the answer to our energy problems.

Tomorrow, there will be a group of my colleagues going to the White House to discuss with the President the issue of how to proceed on clean energy. My fear is that we may all be asked to put our differences aside and settle this issue by pushing through a "renewable electricity standard" that says all we have to do is choose a number—17 percent by 2020 or 25 percent by 2030—and before you know it, we will have all the energy we need from wind, the Sun, and from the Earth running our highly advanced technological country.

In fact, more than half of the States already have adopted some version of these renewable electricity standards, but they haven't accomplished much. New Jersey wants to close down a nuclear reactor and replace it with an offshore wind farm. It will have to build 50-story wind turbines along its entire 125-mile coast, and it will still need to have the nuclear plant or a natural gas plant or coal plant or some other plant to provide electricity when the wind doesn't blow, which is most of the time.

To meet its requirement of 33 percent renewable electricity by 2020, California has put up wind farms, developed its abundant geothermal resources, and siphoned methane from almost every landfill in the State, and it still only gets 12 percent of its electricity from renewables.

Last year, a Wall Street Journal article cited the California State Energy Commission's warning that the renewable requirement could begin causing reliability problems—that means that when you turn your light switch on, the light might not go on—and in-

crease electricity rates by 2011, which is next year. California State agencies were warning that simply increasing the renewable requirement from 20 percent to 33 percent could cost \$114 billion.

Mr. President, I ask unanimous consent to have printed in the RECORD the Wall Street Journal article from July 3, 2009.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 3, 2009]

STATE'S RENEWABLE-ENERGY FOCUS RISKS  
POWER SHORTAGES  
(By Rebecca Smith)

California officials are beginning to worry that the state's focus on transitioning to renewable-energy sources could lead to power shortages in the near term.

The state has been so keen to develop renewables that relatively few conventional power generators, such as gas-fired plants, have been built lately. That risks a possible energy shortfall in certain places if the economy rebounds any time soon.

California's utilities are barreling ahead to try to meet a state mandate to garner 33% of their power from renewable sources by 2020, and some officials are concerned the effort might push up electricity prices and crimp supplies.

The state auditor warned this week that the electricity sector poses a "high risk" to the state economy. A staff report from the state energy commission also warns that California could find itself uncomfortably tight on power by 2011 if problems continue to pile up.

Utilities complain that the ambitious renewable-energy mandates, combined with tougher environmental regulations on conventional plants, are compromising their ability to deliver adequate power. "Conflicting state policies are a problem," said Stuart Hemphill, senior vice president of procurement at Southern California Edison, a unit of Edison International of Rosemead, Calif.

The stresses being felt in California could be a harbinger of problems to come in other states. The federal Waxman-Markey climate-change bill, passed by the House of Representatives on June 26, would require states to obtain about 15% of their electricity from renewable sources by 2020. Currently, about 4% of U.S. electricity comes from renewables, excluding hydropower.

California's 33% renewable-energy target is so ambitious that it is likely to miss the goal by five years or more, energy officials now concur.

State energy agencies recently concluded it could cost \$114 billion or more to meet the 33% mandate, more than double what it might have cost to achieve an earlier 20% requirement. Consumers will bear those costs, one way or another.

Agencies also identified problems with constructing sufficient transmission capacity to move renewable-based energy to cities.

Southern California Edison, which buys more renewable electricity than any other U.S. utility, has conducted seven solicitations for renewable-energy supplies since 2002 and inked 48 renewable energy contracts. Yet it is still only halfway toward its procurement goal. In 2008, 16% of its electricity was renewable in origin, but more than 60% of that came from geothermal

plants—most of them built long before the current push for green power.

At the same time, new regulations are putting existing power plants under pressure. Last week, the state Water Resources Control Board issued a proposed policy that would clamp down on power plants that use something called “once-through cooling,” which sucks water out of the ocean and rivers and discharges massive amounts of warmed water, harming some aquatic life.

The policy would end the practice at 19 plants that produce as much as 15% of the state’s electricity. That has the California Energy Commission worried electricity shortages might arise if older, marginal plants are shut down before there is replacement power available.

Building conventional power units is notoriously tough in Southern California because of air-quality problems and difficulty getting air-emissions credits, which are essentially rights to spew specified amounts of pollutants.

Early this year, the local air agency, the South Coast Air Quality Management District, imposed a moratorium on issuing air credits from its “bank” that affected 10 power plants that were under development.

“It’s too early to tell how the pieces will fit together, but all the agencies and utilities are talking,” said Edison’s Mr. Hemphill. “Something has to be worked out.”

Mr. ALEXANDER. Mr. President, countries such as Denmark and Germany have done the same thing. Denmark, which is often cited for its wind power, has pushed its windmills up to 20 percent of its electrical capacity. That sounds good. Many people regard 20 percent as about the theoretical limit that wind power can supply to a total electric grid, even for a small country such as Denmark. Yet Denmark hasn’t closed even one single coal plant as a result of all these new windmills. So it is still dependent on fossil fuels, and it has the most expensive electricity in Europe because of all of its renewable electricity. Meanwhile, France, which has gone to 80 percent nuclear power, has per capita carbon emissions 30 percent lower than those of Denmark, and it has so much cheap electricity that France is making \$3 billion a year exporting its electricity—mostly from nuclear power—to other countries.

So what are we getting into when we say we are going to solve our energy problems by passing a law telling ourselves we have to get 15, 17, or 20 percent of our electricity from renewable sources, very narrowly defined, by 2020?

First, it is important to point out that 80 percent of the facilities built to satisfy State renewable standards have been windmills. So a renewable electricity standard is really a national windmill policy instead of a national energy policy. Wind turbines are easy to put up, especially in remote areas. We have built 35,000 megawatts in total wind energy capacity, which represents an increase of more than 100 percent in the past 3 years. But most wind turbines only generate electricity about 33 percent of the time. That is how often the wind blows. The best wind farms—

the ones on the eastern and west coast mountaintops or on the windy plains of the Dakotas—operate a little more than 40 percent of the time. That means our 35,000 megawatts in wind-mill capacity only generates about 10,000 megawatts at best—the equivalent of ten standard nuclear reactors.

Moreover, the wind doesn’t always blow when it is needed and often blows when it is not needed. The strongest winds are at night or during the fall and spring, which are periods of low demand, while the periods with the least wind are hot summer afternoons, when the electricity demand peaks. Wind and other renewables are not dependable in the terms that utilities need dependable electricity. The Tennessee Valley Authority, in the region where I live, says it can only count on the wind power it produces in Tennessee and even the wind power it buys from the Dakotas about 10 to 15 percent of the time when it is actually needed. That is also what has happened in Denmark. They have to give away almost half of their wind-generated electricity to Germany and Sweden at bargain prices because it comes at a time when it is not needed. The result has been that the Danes pay the highest electrical prices in Europe and still haven’t achieved much reduction in carbon emissions.

Then there is the matter of subsidies. We hear a lot about oil subsidies in the Senate. I suggest that when we talk about big oil, we also talk about big wind. The U.S. taxpayers are already committed to spending \$29 billion over the next 10 years to subsidize the investors, corporations, and the banks that have financed the big wind turbines, and they only produce 1.8 percent of our electricity. If we went to 20 percent of our electricity from wind in the United States, that would be \$170 billion from American taxpayers.

Windmills are and can be said to be a big success compared to solar electricity at today’s prices. California now has more solar electricity than any other State, and in March, the California Public Utilities Commission announced the opening of one of the largest photovoltaic stations in California—21 megawatts. Solar power makes more sense as a supplement to our power by offsetting some of our demand by placing solar panels on rooftops, not large-scale electricity plants. We all hope we can reduce the cost of solar power, which today costs four times as much as electricity produced from coal.

These are technologies we are counting on to solve our energy problems. I think we have to exercise some caution here. The assumption is that all we have to do is subsidize these technologies and get them up and running, and they will find their place in the market. That doesn’t seem to be true. All of these technologies still have

much to prove before they can shoulder a significant portion of our electricity. Biomass facilities need to be placed where they are most efficient and can be used as a supplement to low-cost reliable sources of electricity that already provide the large amounts of clean and reliable energy we need. We already have a proven technology in nuclear power that provides us with 20 percent of our electricity and 70 percent of our carbon-free electricity. We should focus on that.

As the President and our colleagues consider our clean energy future tomorrow and the things we agree on, we can agree to electrify half our cars and trucks, and we can agree to build nuclear plants for carbon-free electricity. We can certainly agree on doubling energy research and development to bring down the cost of solar power by a factor of 4 and to create a 500-mile battery for electric cars.

But we need to remember, as we think about the next 10, 20, or 30 years, the United States is not a desert island. We use 25 percent of all the energy in the world to produce about 25 percent of all the money, which we distribute among ourselves, 5 percent of the people in the world. We ought to keep that high standard of living. We need to remember we are not a desert island. Someday, solar, wind, and the Earth may be an important supplement to our energy needs, but for today, we are not going to power the United States on electricity produced by a windmill, a controlled bonfire, and a few solar panels.

I yield the floor.

The PRESIDING OFFICER. (Mr. UDALL of New Mexico). The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I appreciate my colleague commenting about energy. There is a bipartisan energy bill that I hope the President discusses tomorrow. It came out of the Energy Committee on a bipartisan vote. It doesn’t increase cap and trade.

I certainly agree with my colleague on nuclear power, although we have some disagreement about wind. We have some nice places in Kansas for wind energy generation. I talked with the operators of the Smoky Hills Wind Farm last week. It operates between 40 and 45 percent of the time—the highest operating unit in the world. This company is a global wind-producing company. It is a very nice operation. I am not saying you can power it all off of wind. I am a nuclear supporter myself.

I also believe we have nice places to do wind power and a nice generation capacity that is complementary to the rest of the energy grid in the United States. Kansas is the second windiest State in the country. There are many times I have been in Kansas and have wondered, who else could be windier? We have a lot of consistent wind. There are places we can produce wind power

on a very advantageous basis for the rest of the country. It is my hope that we can have those on a complementary basis but that we don't do a cap-and-trade system; rather, that we go with the bipartisan bill that passed the Energy Committee.

#### TRIBUTE TO MANUTE BOL

Mr. BROWNBACK. Mr. President, I wish to speak about the untimely passing of a giant—a giant in the hearts of the Sudanese people but also a literal giant. At 7 foot 7 inches, Manute Bol was a hero in his native home of Sudan, not for the fact alone that he was a pro basketball player in the United States or that he killed a lion with a spear while working as a cow herder—no, Manute was a hero because of his advocacy for his fellow countrymen, a true humanitarian.

Manute began his NBA career in Washington in 1985, when he was drafted in the second round by the Washington Bullets. That year, Manute set the NBA rookie record with a total of 397 blocks. He continued to break shot-blocking records throughout his career and is the only player in NBA history to block more shots than points scored.

Manute coined the idiom or the phrase “my bad,” which quickly became the standard for those players owning up to their own errors on the court. “My bad.” To own up to one's own mistakes is a true measure of one's character, and it is no surprise that Manute leaves this legacy to the NBA.

Manute had a gentle nature and unmistakable humor. He was also a Christian, and his faith guided his advocacy for his fellow Sudanese brothers and sisters.

Manute was the son of a Dinka tribal chief and was given the name “Manute,” which means “special blessing.” He was, indeed, special, and what made him special was not his height but his heart. Manute often returned to Sudan to visit refugee camps, and he subsequently created the Ring True Foundation to assist those less fortunate than himself.

Manute moved to Olathe, KS, in 2007 to be closer to his family and continue his advocacy for Sudan as a spokesman for a Kansas-based nonprofit, Sudan Sunrise, which raises money to build schools and churches in Sudan. In 2006, Manute participated in the Sudan Freedom Work, a 3-week march from the U.N. building in New York to the U.S. Capitol in Washington, DC. He was admitted to the United States as a religious refugee, and in his final years in Kansas, Manute was working on a project to have Christians and Muslims work together to build a school in his hometown of Turlie, Sudan.

The world needs more Manute Bols—individuals who dedicate their lives to others. Our thoughts and prayers go

out to Manute's family, friends, and the people of Sudan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask unanimous consent to engage in a colloquy with Dr. BARRASSO.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTHCARE

Mr. MCCAIN. Mr. President, as I understand it, it is about 90 days since the President signed the legislation known to some as ObamaCare and to others as the Medicare reform bill. But there have been some interesting developments in the intervening 90 days.

To quote the Speaker of the House, she said at the time, “We have to pass the bill so that you can find out what's in it.” We are finding out what is in it. Remarkable events have taken place, ranging from the implementation that means that more than half—51 percent—of all employees in 2013 will be in plans that aren't grandfathered, despite the President's comment that if you like your insurance policy, you can keep it. Nearly 7 in 10—69 percent employees, 80 percent of workers, and small businesses—would lose their current plan within 3 short years.

Mr. President, I would like for my friend, Dr. BARRASSO, to explain exactly how that happens. First, I would like to mention the issue du jour which, of course, is headlined on Politico this morning: “Medicare Tussle Stymies Hill. Rift between Pelosi and Reid stands in the way of funding compromise.”

I think it is important to recognize the reason we did not do the so-called doc fix is because the majority did not want to do the doc fix, which means not implementing the 21-percent cut in reimbursement for doctors who treat Medicare patients. The reason we did not was because they had cooked the books on the cost of ObamaCare.

The fact is, they kept counting into the cost—in order to keep their commitment that it would cost less than \$1 trillion—they kept counting in that there would be the 21-percent cut, a \$281 billion difference over 10 years.

The AMA and all of those people who signed up with this bill are now saying: Why are you not doing the doc fix? We did the doc fix on Friday, I believe. It is now in the House, and we will probably do the doc fix. But why the delay? The delay is simply because they did not want to. On the floor of this Senate, they did not want to do the doc fix because of the budgetary impact on how they were selling this proposal to the American people.

I ask my colleague, Dr. BARRASSO, to comment on that point and also what we are finding out as to how many Americans are actually going to lose

the insurance policy they have. By the way, there is also an article this morning in USA TODAY entitled “Doctors limit new Medicare patients,” which was also predicted by some of us.

One thing my friends on the other side of the aisle might have forgotten is we cannot force doctors—they have not enacted a law yet that forces doctors to see Medicare patients. Therefore, a number of doctors are voting with their fee in the respect that they are not enrolling new Medicare patients they would treat.

I ask my colleague, Dr. BARRASSO, if he would comment on the doc fix and also maybe a better explanation than I have been able to give as to why so many people face the loss of their health insurance policy between now and 2013.

Mr. BARRASSO. Mr. President, my colleague from Arizona is absolutely right. There is a front-page story in USA TODAY. I was reading it as I was coming back from Wyoming yesterday. In Wyoming over the weekend, I visited with a number of seniors on Medicare. I visited with some family physicians who take care of families in Wyoming. I practiced medicine for 25 years in Wyoming taking care of families and have lived under the Medicare rules and regulations.

Here it is: “Doctors limit new Medicare patients. Surveys point to payment concerns.” Doctors will tell you the biggest deadbeat when it comes to paying for health care is the Federal Government. It is Washington. More and more of my colleagues are opting out, as the Senator from Arizona said, from taking care of Medicare patients because what they get reimbursed is so limited that it does not keep up with the growing cost of liability insurance, the mandates on them in terms of the expenses of running a business, and they try to provide health care for all their employees.

Item after item, those costs go up. But what the government continues to pay for taking care of patients on Medicare, which is an expanding group of people, is shrinking.

Think about how Washington works and does not get it. Patients around the country on Medicare understand they are having a hard time finding a doctor. The Center for Medicare and Medicaid Services was quoted in yesterday's USA TODAY saying 97 percent of doctors accept Medicare. What is the reality? In North Carolina, since January 1, this article says 117 doctors have opted out of Medicare. In New York, since the beginning of the year, about 1,100 doctors have left Medicare. The president of the State of New York Medical Society is not taking new Medicare patients.

Mr. MCCAIN. As well as the Mayo Clinic.

Mr. BARRASSO. Mayo Clinic said: We cannot afford to keep our doors

open if we are taking Medicare patients. Specifically in Arizona, where they have a wonderful clinic, the best care in the world in many ways in the sense that early on in the health care debate, President Obama said we should use the Mayo Clinic as a model of what works, they do not want to take Medicare patients. They do not want to take Medicaid patients. But this health care law is cramming 16 million more Americans on to Medicaid. What the President is proposing for the American people is something less than what he has previously said is the best in care.

One of the other promises the President made is, if you like the health care you have, you can keep it. As a matter of fact, he gave a speech about a year ago at the American Medical Association meeting:

If you like your health care plan, you will be able to keep your health care plan. Period.

He went on to say:

No one will take it away. Period. No matter what. Period.

Now the White House has come out with new rules and regulations about who really will be able to keep their health care plans. In the analysis that has come out from the administration, over 100 pages—I had it on the Senate floor last week—what they have shown is, over the next few years more and more Americans who have health care right now through their jobs that they like, they understand, they know how to use—and as a doctor I have worked with these patients. I know what it means to them to have a health care plan they are comfortable with, that they understand, that they use, that all of the work has been done with the doctor's office, hospital, and the patient, they understand the whole thing. To have that change is very distressing for people. It is unsettling. But yet this government report out from the administration says within the next couple of years, for people who have their insurance through small business plans, almost four out of five of them may lose the coverage they have.

Mr. MCCAIN. May I ask, is that because of a minor change in the insurance policy they now have that then forces them out of the policy, even though there is a minor change? Maybe Dr. BARRASSO can give us some of those examples of how minor they are, how they basically force them out of the policy they have into the "exchanges." Is that what happens?

Mr. BARRASSO. I agree with my colleague completely. What is happening is any sort of a change to a policy, whether they change the deductible, change the copay or any of those things, then that policy is disallowed as something you can keep.

Mr. MCCAIN. Some of those changes would simply be driven by pure economics and the escalating cost of

health care on which clearly this legislation has no effect.

Mr. BARRASSO. Let's say you change your job. Let's say you move from one employment situation to another. You may change your insurance. Most people do because most people get their insurance through their work. We will have a situation where over the next couple of years, a promise that the President made to the American people—another promise that the President made to the American people will be broken.

We have not just seen it with regular insurance. My colleague from Arizona is in a State with many people who are seniors, a number of them on Medicare Advantage, a special program that speaks specifically to preventive care, coordinated care. People signed up for Medicare Advantage because there are advantages to being on Medicare Advantage. Yet this health care law that was crammed through this Senate is going to cut massively from Medicare Advantage.

One out of four people on Medicare is on Medicare Advantage, and they know why they have signed up for it. It is because of the advantages to them.

Mr. MCCAIN. May I ask one more question of my friend? This is kind of a hometown issue, but 330,000 Arizona citizens who are enrolled in Medicare, who paid into Medicare all their working lives and have enrolled in this Medicare Advantage program which gives them choices are now going to have that severely impaired or eliminated. How does that happen? How is it when a program is offered to people who have paid into the system all their lives and they have chosen that Medicare Advantage program, and now it is going to be taken away from them. How does that work?

Mr. BARRASSO. It works when a Senate and a House of Representatives and a President think they know more than the American people. They say: We know what is best for you. We don't care what you think. That is what has happened.

Mr. MCCAIN. They have pledged basically to dismantle the Medicare Advantage program?

Mr. BARRASSO. Cut the funding so people on Medicare Advantage—who like it, who like the preventive medicine activities of it—are going to lose those opportunities.

Just since 2003, the number of seniors on Medicare Advantage grew from a little over 4 million to 11 million. That is because the seniors talk to one another, and they know what the best deal is for them, for their money, and for their health.

The seniors I know in Wyoming who signed up for this program said they want to make sure they have a number of these preventive services. Once they lose this, they are going to lose preventive services. They will have to pay

more. The cost for people will go up, in spite of the promise made by the President that he was going to get down the cost of care.

Experts who have looked at this said: No, I am sorry, it is not going to work that way.

Mr. MCCAIN. May I ask the Senator one more question. Did he have a chance to examine the \$14 million—I believe it was \$14 million, \$18 million—

Mr. BARRASSO. The mailer.

Mr. MCCAIN. The mailer. I was trying to find a polite word—the mailer that was sent out to all Medicare enrollees and what conclusions he drew from that infomercial?

Mr. BARRASSO. To my colleague from Arizona, I did. I had a chance to look at that mailer sent out by the Secretary of Health and Human Services. I found it very misleading. Some have described it even as being a piece of propaganda.

The sad part is, it was paid for by the American taxpayers. The estimates for the cost have been \$16 to \$20 million of taxpayers' money to send out this piece of mail that essentially misleads, or tries to mislead—as my colleague from Arizona knows, the American people are too smart to be misled by this—it tries to mislead them into saying that this whole health care law is actually going to strengthen Medicare.

The seniors of this country clearly understand, as I know they do in Wyoming and Arizona, if you cut \$500 billion—a  $\frac{1}{2}$  trillion—out of Medicare, not to save Medicare, not to save the program that is there for our seniors but to start a whole new government program, that is not going to improve Medicare. That is money seniors planned for, know it is in their system, and it is being taken from Medicare to start a whole new government program. It is not for them. It is not going to improve Medicare. It is not going to strengthen Medicare.

That is why from the beginning, to my colleague from Arizona, I said this bill, now the law for 90 days, is bad for patients, bad for payers—the American taxpayers who are going to end up stuck with the bill—and bad for the providers—the nurses and doctors who are trying to take care of these people.

Mr. MCCAIN. Mr. President, I thank Dr. BARRASSO for his leadership on this issue. Those who are interested in his Web site, which is titled "Second Opinion," might be interested in gaining more information from that Web site. My colleagues might be interested in that.

I thank Dr. BARRASSO for his leadership on this issue, for his in depth knowledge of it. I noted the luncheon we had with the President of the United States. I applaud Dr. BARRASSO's attempts to inform the President on this issue. I am not sure how receptive the audience was to it, but

what he had to say made a lot of sense to me.

I know Dr. BARRASSO shares my view that we are not going to quit on this issue. We are not going to quit on this issue. It is going to be repealed and replaced because we are not going to do this to the American people.

Still the overwhelming majority of the American people disapprove of this proposal. As the Speaker of the House said, we have to pass the bill so we can find out what is in it. As they are finding out what is in it, more and more Americans dislike it.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent that I be allowed to engage in a colloquy with my colleague from Arizona.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ILLEGAL IMMIGRATION

Mr. MCCAIN. Mr. President, there has been a lot of conversation about the issue of illegal immigration and the results of different meetings. I know my colleague from Arizona wishes to discuss that aspect of the issue, but I take to the floor with my friend and leader from Arizona to discuss the overall issue of immigration in light of a meeting and a trip he and I had to the border on Saturday, where we visited with ranchers, with citizens, with Border Patrol, and where we had a thorough trip throughout the area. So we come to the floor to share our conclusions and concerns with our colleagues.

Let me begin by saying that unfortunately—or fortunately—the head of the Customs and Border Protection recently said that parts of Arizona were like a “third country.” You know, in some respects—in some respects—he may have been correct. Let me quote him. This is David Aguilar, the Acting Deputy Commissioner of U.S. Customs and Border Protection. He was quoted in the Arizona Republic as saying:

the border is not a fence or a line in the dirt but a broadly complex corridor. It is . . . a third country that joins Mexico and the United States.

A third country that joins Mexico and the United States is obviously not as secure as the United States of America. If my colleagues will look at this map here and see this area here, this is the sign that is posted as far away as 50 miles from the Arizona-Mexico border.

Danger. Public Warning. Travel Not Recommended. Active Drug and Human Smug-

gling Area. Visitors May Encounter Armed Criminals and Smuggling Vehicles Traveling at High Rates of Speed. Stay Away From Trash, Clothing, Backpacks and Abandoned Vehicles. If You See Suspicious Activity, Do Not Confront. Move Away and Call 911. BLM Encourages Visitors to Use Public Lands North of Interstate 8.

North of Interstate 8 is the area north of this shaded area. In other words, visitors are encouraged not to go south of the interstate, which is a huge part of the State of Arizona. That is the posted sign put up by the Federal Government.

Then the Secretary of Homeland Security says, “The border is secure as ever.” If the border is as secure as ever, then you have to draw the conclusion that it isn’t secure, because otherwise you wouldn’t have to be posting signs such as this 50 miles north of the border, if the border was secure. Our whole point is that we need to get the border secure. We don’t see the necessity in the United States of America placing a sign such as that.

If we are doing fine on border security, why would it be necessary to put up a sign such as that all the way up to the interstate?

Here is another sign from our Park Service in the Coronado National Forest. This is in our national forest, from the Park Service.

Smuggling and/or Illegal Entry Is Common in This Area Due to the Proximity of the International Border.

If we had a secure border, why would we have to put up signs such as that? If we had made such great progress at that time the Secretary of Homeland Security was trumpeting this, why in the world would we have to put up signs such as that? That is the question.

I will let my colleague discuss the results of our visit, but I can tell you that the citizens residing in the southern part of our State do not feel secure. When you have 241,000 illegal immigrants apprehended last year, that means that, depending on who you talk to, it is nearly a million people apprehended in just that part of the border. When you have 1.2 million pounds of marijuana intercepted in the Tucson sector, it is not a secure border. When you have the violence—the incredible violence—that continues to rise on the other side of the border, you know it is just a matter of time before it spills onto our side of the border.

Unfortunately, just south of the Arizona-Sonora border resides the most vicious of all the drug cartels—the Sinaloa cartel—headed by Juan “El Chapo” Guzman, who walked out of a Mexican prison a few years ago and, unfortunately, this cartel has corrupted officials at very high levels.

I report to my colleagues that the people living in the southern part of the State of Arizona do not feel secure. They see signs such as this one, which I mentioned; and they see the destruc-

tion of our wildlife preserves; they see the in-home invasions. And, yes, our Border Patrol and the men and women who are serving in it are doing a magnificent job. We are proud of the job they are doing. But they do not have the assets in order to complete the job of securing our border.

Senator KYL and I have a 10-point plan that, if implemented, will do the job.

Mr. KYL. Mr. President, the stories we heard were human tragedies, and statistics don’t tell the story adequately. Let me cite a few of the statistics and then ask my colleague to recount some of the heartrending stories that we heard from families in the area. When we talk about that, he can point to the extreme southeast corner of the State of Arizona, where we were, primarily, on Saturday, and where most of these folks live on ranches—places that used to be very safe. Today, these folks do not feel they can sleep at night or move around without carrying weapons. They need to travel in pairs. This is the area in which an extraordinarily difficult tragedy occurred when a long-time resident of the area was slain, it is believed by one of the drug cartels or other smugglers who frequent the area.

The human tragedy is the real heart of this, but let me cite some statistics, because when the Secretary of Homeland Security says we are secure as we have ever been, I think these statistics would at least belie part of that claim.

About 50 percent of all illegal immigrants enter through Arizona. In fact, they enter through essentially the eastern one-third of that particular map. The number of illegal immigrants living in Arizona increased over the last decade about twice, up to over 600,000 people. It is estimated that about 12 percent of Arizona’s workers are illegal immigrants. According to the Maricopa County Attorney’s office, about 12 percent of the county’s population and about 22 percent of felony crimes committed are committed by illegal immigrants.

My colleague has talked frequently about the fact that Phoenix, AZ, our hometown, is the second largest kidnapping capital of the world, and the largest in the United States—second in the world only to Mexico City.

We can go on and on about the statistics. We have the highest rate of property crime among the 50 States in the last year for which the FBI reported the statistics in 2008. Our sheriffs and other law enforcement tell us that between 15 and 20 percent of the individuals apprehended at the border have criminal records or are wanted for crimes in the United States.

Phoenix is a primary originating city, where drugs are brought from the border and held in Phoenix and then transported to other cities. We lead the

Nation in marijuana seizures—50 percent. Heroin is increasingly found in Arizona, and on and on and on.

The statistics don't lie, of course. But the real tragedy is the human tragedy—the fear that people have; people who are fourth or fifth generation ranch families in the area; people in town, who are increasingly the subject of break-ins and property crimes and the like.

But none of this even begins to talk about what happens when the people who are smuggled into the country, are held in drop houses—generally in the Phoenix area—for transport either west to Los Angeles or anywhere east in the country. They are essentially victimized by the very people who smuggle them in and who demand ransom from their families in Mexico, El Salvador, or Guatemala, or wherever they might have come from. And until they pay that ransom, they are brutalized and assaulted and become victims of crime themselves. And, of course, they rarely report that crime.

So the human tragedy here is the real story. But it is important for us to at least cite the statistics and show our colleagues the signs that the U.S. Government itself feels constrained to post in order to warn people to stay out of an area which encompasses probably about 20 percent of the State of Arizona.

Mr. MCCAIN. And may I also make the comment that my colleague from Arizona points to about the terrible and unspeakable treatment that is inflicted upon these individuals who are brought in by human smugglers. Almost all are brought up by human smugglers. Where are the human rights advocates and activists? Shouldn't they be standing up and saying: You have to have a secure border so that these unspeakable indignities—the rape and ransom and all these things—will be stopped?

Secondly, I want to point out very quickly to my colleagues that in recent years, 80 percent of the wildfires in our Coronado National Forest have been human caused—75 percent of those are attributed to undocumented aliens who fail to properly extinguish fires started to signal for rides, cook food, or dry clothing. The Coronado National Forest now has to send armed officers to clear wildland fire areas and to provide security for firefighters. The Forest Service has reported accounts of armed smugglers walking through the middle of active firefighting operations. And now, in its fourth week today, as we speak, the human-caused Horseshoe fire is burning in the Chiricahua Mountains in the Coronado National Forest, 5 miles from the town of Portal, AZ. It is the site of very heavy drug trafficking and border-crossing activity.

With the few minutes we have remaining, I want to engage Senator KYL in a conversation about what we need

to do and why we need to secure the border first. There has been a lot of publicity in the last 24 hours about a conversation that Senator KYL had with the President of the United States. I was not there, but I was there a few weeks ago when the President of the United States came and had lunch with Republican Senators and gave a list of the issues that he was concerned about, with immigration being one of the items he mentioned. So Senator KYL and I responded to the President of the United States.

It was made very clear to me in the conversation we had—and I am sure our 39 other colleagues who were there will recall—that the President basically conditioned his support for border security to overall comprehensive immigration reform. We went back and forth. I tried to explain to the President that we gave amnesty back in the 1980s. Somewhere around 3 million illegal immigrants were given amnesty, but the promise was that we would secure the border. Obviously, we didn't secure the border and we now have 12 million people in the country. As Senator KYL mentioned, there are some hundreds of thousands in the State of Arizona illegally.

So our point is that even if we went through comprehensive immigration reform, if we don't have a secure border, then some time from now we will have another group of illegal immigrants we will have to address, and so the issue argues for getting the border secured first. It can be done in 1 or 2 years. It isn't that expensive, when you look at the costs of a wildfire and all of the things, drugs and everything else associated with it, not to mention a violation of human rights.

There is a big stir about the conversation the President and Senator KYL had. It was clear to me in the conversation, in front of 39 Republican Senators, that the President of the United States said yes, he would secure the border, but we had to have "comprehensive immigration reform." This is the difference between our position and that of the President. We say secure the border, have the Governors of the border States certify it is secure, and then we can certainly move on. But the American people have to have the assurance that we are not going to revisit this issue time after time. Every nation has the obligation to secure its borders.

Mr. KYL. Mr. President, when Senator MCCAIN and I asked the acting head of the Border Patrol in the area where we were on Saturday, what do you need, he basically said, "More of everything." He talked about the need for 800 more Border Patrol agents. He talked about the need for more surveillance—something Senator MCCAIN has talked about a lot, surveillance to cover a very big area where you are probably never going to have enough

personnel even if we bring in National Guard troops. He welcomed the National Guard troops to the area. He said we are going to have to have consequences for people crossing. I talked to him about Operation Streamline. In the Yuma sector of the border, which is on the western part of the Arizona border, the Yuma sector is very close to being operationally clear of illegal immigration issues because they have enough agents, they have enough fencing. By the way, he talked about the need to repair and replace a lot of the fencing in his sector. But they also have a policy that, instead of catch and release, where the people are simply put on a bus and sent back to Mexico, they actually are prosecuted and have to spend at least 2 weeks in jail.

That is a huge deterrent. Because if you are a criminal, obviously you don't want to be caught and go to jail, and if you are here to work and send money back to your family, you are obviously not doing that if you spend time in jail. He said there have to be consequences. We believe the expenditure of somewhere between \$1 billion and \$3 billion over the next couple of years could provide adequate resources—this is our 10-point plan—adequate personnel, the fencing that is required, the surveillance, the technology, and also the extra prosecutors, courtroom, and detention spaces that would be necessary to provide the deterrent or the consequences, as he put it. There is no doubt the border can be secured. What we need is the will to do it.

Mr. MCCAIN. What Senator KYL and I are trying to report to our colleagues is, No. 1, the border is not secure. The border is not secure. No. 2, it can be secure. How could someone claim our border is more secure than ever if the Federal Government has to put up that kind of warning to American citizens on American soil? If nothing would convince my colleagues that we need to do a lot more, it is the actions of the Federal Government. That is not a private landowner who put up that sign. That is the Bureau of Land Management. So have the Department of Interior and other agencies.

The point is, we are trying to tell our colleagues it is not secure. We can secure it. Our citizens deserve that.

But the second point we want to make as forcefully as possible is: Let's get this border secure, which we can do, and then we can move forward with comprehensive immigration reform and work together with our colleagues on the other side of the aisle. But for us to go back to our constituents and to the American people, and say: Hey, we moved forward with this legislation, yet we still are having to put up signs such as this, that people should avoid being in an active drug and human smuggling area, in the United States of America, is not a convincing argument that they are "as secure" as ever.

Mr. KYL. Mr. President, might I inquire how much time remains on our side?

The PRESIDING OFFICER. There remains 6 minutes 18 seconds.

Mr. KYL. That is the time remaining on our side.

The PRESIDING OFFICER. That is correct.

Mr. KYL. Mr. President, what I wish to do is take about 3 more minutes and then my colleague can close.

As he said, if you need a different kind of reason to want to secure the border, then look at what is happening to our environment. I know the Presiding Officer—and his father before him—is keen on protecting the great national treasures of our country, our environment. Coming from adjoining States, we share a lot of the same kind of country. The area in the extreme southwestern part of his State and the extreme southeastern part of our State is known for some of the best birding in the world. The part of northern Mexico that borders our States provides a sanctuary for birds that are not found anywhere else in the world. This fire my colleague mentioned is burning right up to the creek which is one of the watersheds that represents the prime area for these birds to exist. Their habitat will be destroyed if we continue to have fires set by illegal immigrants in the area that destroy the habitat.

If you look at the environment of the area from the air, you see that there are thousands, if not hundreds of thousands, of paths that are worn in parts of the desert that are basically off limits to American citizens and even to our law enforcement officials, but the smugglers use these trails and they deposit their trash. Everybody knows that once you have cut the desert, it takes hundreds—hundreds—of years for that desert to respond. That is just one reason.

Obviously the human tragedy is the one that is of most concern. If my colleagues would hear this one plaintive cry, we were told on numerous occasions on Saturday: Please, go back to Washington and tell your colleagues what it is like. Tell them how we are suffering. Tell them what we have to go through just to live here. Can't our Government at least provide basic protection from crime? These are members of the family of Robert Krantz, who was brutally gunned down, and fellow ranchers in the area and other citizens who live in the small communities there. They believe their government has abandoned them. They look right into our eyes and say: What are you going to do about it?

The best we can do is to tell you the fear they have, the suffering they have gone through, the difficulty they have continuing to live in an area, as I said, in which some of their families have lived for four and five generations, to

pass that message on to my colleagues and say: OK, if it is the environment you care about, there is a reason to be there; if it is crime, there is a huge reason to be there; if it is the cost to the Federal and State government, we need to get hold of this problem. But if you just care about the people who are there, we have an obligation as their representatives to assure their protection, and that is the message we are coming to the floor today to convey to our colleagues. Please listen, if not to us, to our constituents, and remember we all work for all of the people of the United States of America. We are all Senators. So every one of us here has an obligation to the folks—yes, in your State but also to the folks in our State—to at least provide them the basic protection and give them a sense that they do not live in a Third World country between the United States and Mexico; that they are American citizens deserving of the protection of the U.S. Government.

Mr. MCCAIN. Mr. President, there is no way I can elaborate on that very strong statement, so I yield the remainder of our time.

The PRESIDING OFFICER. The Senator from Washington is recognized.

#### HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN ACT

Mrs. MURRAY. Mr. President, I rise today in support of S. 1237, the Homeless Veterans and Other Veterans Health Care Authorities Act of 2010.

I just had the opportunity to meet with an amazing woman named Natalie and her two children who are actually here in Washington right now.

Natalie is currently living in Issaquah in my home State of Washington—but she has been through some tough times over the past few years.

She is a Navy veteran and a single mom. But she became homeless in 2007 when she couldn't find work and had to move out of the house she was staying in.

Like most moms, Natalie wanted nothing more than to provide her two children with the stable and loving home every family deserves—so she fought to secure transitional housing, and she was very fortunate to find a program called Hopelink in Washington State that gave her the support she needed to get back on her feet.

Natalie is now back in stable housing, taking care of her children, and advancing in her nursing career—and she is here in Washington, DC, today to help make sure no other family has to face the challenges she overcame so bravely.

Unfortunately, not every family gets the support that Natalie's did.

Homeless women veterans and homeless veterans with children are two terribly vulnerable groups that are growing by the day.

Back in my home State of Washington, veterans service organizations and homeless providers have told me they are seeing more homeless veterans coming for help than ever before.

And, unfortunately, more and more of these veterans are women, have young children, or both.

In fact, female veterans are between two and four times as likely to be homeless than their civilian counterpart and they have unique needs and often require specialized services.

That is why I introduced the Homeless Women Veterans and Homeless Veterans with Children Act with Senator JACK REED and Senator TIM JOHN-SON.

This legislation would take three big steps forward toward tackling the serious problems facing this vulnerable group.

First of all, it would make more front-line homeless service providers eligible to receive special needs grants.

This would help organizations in Washington State and across the country help support families like Natalie's.

It would also expand special needs grants to cover homeless male veterans with children, as well as the dependents of homeless veterans themselves.

And it would extend the Department of Labor's Homeless Veterans Reintegration Program to provide workforce training, job counseling, child care services and placement services to homeless women veterans and homeless veterans with children.

It is so important that we not just provide immediate support—but that we also make sure our veterans have the resources and support they need to get back on their feet.

In addition to helping homeless veterans, S. 1237 also includes a number of other provisions aimed at supporting our nation's heroes.

It extends eligibility to health care for certain veterans with disabilities who served in the Persian Gulf war.

It would establish a medical center report card to allow veterans and their families access to transparent performance comparisons between VA facilities and between VA and non-VA sites.

And it would direct the VA to enable State veterans' homes to admit parents who had a child die while serving in the Armed Forces.

This is a very personal issue for me.

Growing up, I saw firsthand the many ways military service can affect both veterans and their families.

My dad served in World War II and was among the first soldiers to land on Okinawa. He came home as a disabled veteran and was awarded the Purple Heart.

Like many soldiers of his generation, my father didn't talk about his experiences during the war. In fact, we only really learned about them by reading his journals after he passed away.

And I think that experience offers a larger lesson about veterans in general.

They are reluctant to call attention to their service, and they are reluctant to ask for help.

That is why we have to publicly recognize their sacrifices and contributions.

It is up to us to make sure that they get the recognition they have earned.

And it is up to us to guarantee that they get the services and support they deserve.

This bill passed through the Senate Veterans Affairs Committee with strong bipartisan support, and that is how it should be, because supporting our veterans shouldn't be about politics—it should be about what kind of country we want the United States to be and about what our priorities are as a nation.

In his second inaugural address in 1865, President Lincoln said our Nation had an obligation to “care for him who shall have borne the battle and for his widow, and his orphan.”

Now, in 2010, I believe we not only need to care for him—we need to care for her and for his and her families and for every man and woman coming home after serving our country so bravely.

That is why I am proud to stand here today for Natalie, her children, and families just like hers across the country—to urge my colleagues to support S. 1237, the Homeless Veterans and Other Veterans Health Care Authorities Act of 2010.

I hope we can pass this expeditiously off the floor and get these services out to the men and women who have served us all so well.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senate is in morning business.

#### METRO SAFETY

Ms. MIKULSKI. What morning business this is. For those of us in the National Capital region, this is indeed a very solemn day. One year ago today, nine people died on Washington's Metro. We were shocked and horrified when a red line Metro train struck another train. Eight passengers were killed, including one Marylander from Hyattsville. A train operator also died, and over 50 passengers were injured.

Those men and women died not as a result of a terrorist attack or of sabotage, these deaths happened because of

Metro. It was a failure of management, it was a failure of technology, and it was a failure of the culture of safety at Metro.

Today our hearts go out to those families, those who lost loved ones and those who bear the permanent injuries of that fateful day. Since that day there have been 4 more deaths at Metro. This brings the total to 13 deaths in the last year. Let me repeat that—13 people died by Metro in the last 12 months.

After that June 22 crash 1 year ago, four Metro employees died on the job. One last August was a track repairman from Silver Spring who was hit by maintenance equipment. In September, another employee died. A communications technician was hit by a train. In January, two more Metro employees died. They were automatic train control technicians when they, too, were struck by a maintenance truck.

Well, in December, I said enough is enough. We always say a grateful nation will never forget after a terrible accident and we go to a memorial service. Well, for me what happened at Metro was not a memorial service, it was a call to service and for action by us. The best way we can honor the memory of those who died and those who were injured is to reform Metro.

I have called for that reform. In December during my testimony on rail safety legislation I introduced, I spoke out and said it was time for change at Metro. They needed new leadership. They needed a fresh approach. They needed to adopt a culture of safety that was unrelenting in terms of their focus on the details to protect the people who work on the Metro and the people who ride the Metro.

I was shocked to learn there are no Federal safety standards for any Metro. So whether we are talking about the National Capital region Metro or New York's subway system or California's subway system, there are no Federal safety standards.

That is why I worked with NTSB and the Federal Transit Administration to develop legislation that would do two things: give our own U.S. Department of Transportation the authority to establish and enforce Federal safety standards so we would have uniformity, conformity, and metrics for measuring safety on the Metro that we help fund. It also would require the U.S. Department of Transportation to implement the National Transportation Safety Board's recommendation list which includes requiring that railcars have crashworthy standards, emergency entry and evacuation standards, and regulations for train operator shifts.

We have safety standards for commercial airplanes. We have safety standards for buses that carry passengers. But we do not have safety standards for railcars that are used in subways. I think that is wrong.

What we also found was that safety inspectors that are part of a unique governing system were denied access to the Metro tracks. That is when we said we needed to find out what was going on. I called for a Federal audit of Metro, a Federal investigation of just what was going on there.

Thanks to Secretary LaHood and FTA leader Peter Rogoff, well known to those of us in the Senate, they did an outstanding audit which was indeed an outstanding service for us all. Their findings were shocking, hair-raising, and chilling. What did we find out?

Supervisors and train operators did not exactly know where Metro workers might be doing maintenance on the tracks until they actually saw them. Can you imagine? People driving the train had to see with their own eyes their workers to make sure they did not hit them.

There was no technological warning system. Operators weren't given the exact location of workers on the tracks. Information was generalized and workers were often in different locations than what operators were told. So the Metro itself was a lethal tool. Metro did not have the manpower to implement its own safety programs. It did not have a list of the top ten safety hazards and concerns. The list goes on and on about the audit.

I held a very vigorous oversight hearing, both Senator CARDIN and myself. We pushed Metro to come up with a checklist for change. We insisted that they come up with this checklist. I demanded that they give it to us right then and there.

They told me they were going to be working on it, and I said: Look, tell me what you are going to do. Well, listen to how ground shaking it was: Replace the oldest railcars on the fleet, develop a realtime automatic train control redundancy system, strengthen the expertise of the safety department, complete the roadway worker protection program, develop a training and certification program for bus and rail personnel, strengthen employee knowledge of rules and rules compliance, develop an accident and investigation database, create a strong internal training tracking database, fill vacancies in the safety department, and improve the agency's safety culture.

Imagine, it took a Senator holding a public hearing to get a must-do list on the safety list for change. This is unacceptable. We have to make sure we have Federal legislation. We need to do two things: We need to have Federal legislation, and we need to have Federal funding.

I want to make sure we save lives on the Metro. This is why I introduced safety reform legislation. I understand the Banking Committee is considering it. Well, the Banking Committee needs to pass it, and the Banking Committee needs to pass it before the July 4 work break.

I know the Banking Committee has a lot on their plate. I know they are trying to regulate Wall Street. Good for them. Three cheers for them. We want that. But while we are making sure people do not lose their money on Wall Street, we have to make sure they do not lose their lives on Metro. So I ask our friends on the Banking Committee, could we kind of get this done this week, next week, before the July 4 break?

The bill does three things: It gives the Secretary of Transportation the authority to establish and enforce safety standards, including those standards for railcars and making sure there is an employee safety certification training program; it also requires oversight of the agencies monitoring safety to be independent; it funds federally approved State oversight agencies to make sure they have the rules of the road and the resources to do it because we regulate so much of this at the State level.

I am pretty worked up about this. I hope we move the bill. I hope we move it before the break.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEMIEUX. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEMIEUX. I ask unanimous consent to speak until the Senate goes into recess at 12:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

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#### OILSPILL RESPONSE

Mr. LEMIEUX. Mr. President, I come to the floor, as I did yesterday and last week, to talk about the economic and environmental disaster in the Gulf of Mexico and the lack of response by this government in dealing with the disaster. Everything that can be done should be done to stop this oil from coming on our beaches, from going into our coastal waterways, and from damaging our way of life on the gulf coast.

I specifically come to talk about what is happening to Florida. For the last week, I have been making statements and questioning why there are not more skimmers off the coast of Florida. I have been asking for more

skimmers to be sent to the Gulf of Mexico for many weeks.

A week ago today, I met with the President, ADM Thad Allen, and other State and local officials in Pensacola to address many issues concerning the response to the oilspill. At that time, we were told there were 32 skimmers off the coast of Florida. Today, we are told there are 20. It makes no sense that there are not more skimmers. Admiral Allen has told us there are 2,000 skimmers in the United States. We have heard reports of offers of foreign assistance of skimmers that are still under consideration or have been declined. Why are there not more skimmers in the Gulf of Mexico skimming up the oil before it comes onshore? We can't even get a straight number as to how many skimmers are off the coast of Florida.

I have two documents, which I ask unanimous consent to have printed in the RECORD. One is the Deepwater Horizon response of Monday, June 21, from the State of Florida. The second is the National Incident Command response for June 21 from the Coast Guard.

There being no objection, the material was ordered to be printed in the RECORD, as follows:



Charlie Crist  
Governor

**Snapshot Report # 32**  
Monday, June 21, 2010 at 0900 hrs EDT

David Halstead  
State Coordinating Officer

**Mobile Unified Command Boom Operations:**

Tier	Proposed/Need	Deployed	Staged	Shortage	Percent Under
1	303,600	194,700	57,350	51,550	16.98%
2	280,100	132,800	0	147,300	52.59%
<b>Total</b>	<b>583,700</b>	<b>327,500</b>	<b>57,350</b>	<b>198,850</b>	<b>34.07%</b>

**County Contracted Boom Tier 3 Totals:**

County	Deployed	Proposed	Staged
Escambia	20,000	N/A	0
Santa Rosa	12,100	N/A	0
Okaloosa	36,500	N/A	0
Walton	0	N/A	0
Bay	85,500	N/A	9,961
Gulf	0	N/A	11,700
Franklin	0	139,800	98,600
Wakulla	N/A	71,500	0
Jefferson	N/A	18,835	0
Taylor	N/A	N/A	N/A
<b>Total</b>	<b>154,100</b>	<b>230,135</b>	<b>120,261</b>

**Vessel Assets Deployed:**

Type	Working	Staged	Ordered	Location Deployed
Off-Shore Skimmer	111 (9 are skimmers)		2	TF 701- Chandler Islands, Ala to 3NM off FLA TF 702- 20NM off FLA shore TF 703- Chandler Islands, Ala to 3NM off FLA TF 704- Chandler Islands, Ala to 3NM off FLA TF 705- 2-10NM off Panama City
Near Shore Skimmer	31 (11 are skimmers)	0		TF1- Destin - Panama City TF3- Pensacola-Destin TF4- Perdido Pass TF5- Petit Bois Island
<b>Total</b>	<b>148</b>	<b>0</b>	<b>2</b>	

**Vessels of Opportunity (VOO):**

VOO LSA	Off Shore Assets	Near Shore Assets	FLA Assets	Total VOO Assets	Deployed VOO Assets
Pensacola	75	40	80	195	381 74 using Sorbent, Snare & Containment
Destin	200	100	112	412	
Panama City	153	60	84	297	
Port St Joe	100	50	42	192	
Apalachicola	100	50	37	187	
Carabelle			12	12	
<b>Total</b>	<b>628</b>	<b>300</b>	<b>367</b>	<b>1295</b>	

**Product Collection at Source:**

06/20/10	Enterprise	Q4000	Total
Oil	14,574	8,716	23,290
Gas	32.5	15.8	48.3

**BP Reported FLA Product and Trash Recovered:**

Staging area	Daily Product	Cumulative Total
Pensacola	13.81	141.97 tons
Panama City	0	1.46 tons
<b>Total</b>	<b>13.81</b>	<b>143.43 tons</b>

**Small Business Administration Loan Applications:**

Issued	Accepted	Declined	Approved
382	95	17	5
Loan amount approved: \$255,000.00			

**Clean-up Teams:**

Team	Personnel	Staging Location
Emergency Response Team (USCG)	18	Pensacola
Emergency Response Team (USCG)	9	Panama City
Emergency Response Team (USCG)	9	Port St. Joe
<b>Total</b>	<b>36</b>	

(BP) Contractor Personnel	Personnel	Staging Location
Beach cleanups	1621	Pensacola, Panama City
Qualified Community Responders	313	Pensacola, Panama City
Gross Vessel Decon	27	Pensacola
	27	Panama City
Boom Operations	541	Pensacola, Panama City
<b>Total</b>	<b>1955</b>	

**SCAT Teams:**

Team ID	County
SCAT 4	Escambia
SCAT 6	Escambia
SCAT 7	Okaloosa
SCAT 9	Bay
SCAT 10	Walton

**County EOC Activations:**

County	Activation Level
Escambia	2
Santa Rosa	2
Okaloosa	2
Walton	2
Bay	2
Gulf	2
Franklin	2
Wakulla	2

**Recon Teams:**

County	ATVs Staged	ATVs Deployed
Escambia	0	7
Santa Rosa	0	1
Okaloosa	0	5
Walton	0	4
Bay (FWC)	0	5
Gulf (FWC)	0	2
Franklin	0	1
On Stand-By	7	0
<b>Total</b>	<b>7</b>	<b>25</b>

County or Agency	Resources Staged	Resources Deployed
Walton	0 – Command Bus	1 – Command Bus
FWC	0 – Boats	42 – Boats
FWC & CAP & USCG	1 – Planes	3 – Planes
FWC	0 – Helicopters	3 – Helicopter
FLNG	0 – Planes	2 – Planes
FLNG	0 – Helicopter	2 – Helicopter

**State Personnel:**

Area Of Operation	DEM	DEP	FWC	DOT	DMS	AWT	DOH	DOF	FLNG	CAP	SMT	IMT
SEOC	30	2	6	1	2		27	2	47	9		5
Mobile	7	4	3	1	1	1	1		2		7	6
Panhandle	3	40	85									
Peninsula	1											
<b>Total</b>	<b>41</b>	<b>46</b>	<b>94</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>28</b>	<b>2</b>	<b>49</b>	<b>9</b>	<b>7</b>	<b>11</b>

**BP Claims:**

BP Claims in Florida	Claims	Approx. Paid
<b>Grand Total</b>	<b>*17,083*</b>	<b>\$15,221,896.03</b>

\*One claimant has one claim which may have multiple events\*

**Recovered Oiled Wildlife:**


	Recovered alive*	Released	Died or euthanized	Still in Rehab	Recovered dead
6/20/10	1		0	28	0
<b>Total #</b>	<b>58</b>	<b>2</b>	<b>27</b>		<b>38</b>

\*Does not include marine mammals or turtles. (2 live visibly oiled sea turtles have been rescued)

\*Primarily northern gannets and brown pelicans, pied-billed grebes.

See the consolidated wildlife report updated by noon each day:

<http://www.deepwaterhorizonresponse.com/go/doctype/2931/55963>

SHORE OPERATIONS - FLORIDA (Panhandle)																																																																																	
National Incident Command Daily Situation Update																																																																																	
Prepared By: CDR Becker / CDR Hein																																																																																	
0600 EDT 21 June - 0600 EDT 22 June 10																																																																																	
																																																																																	
<p>WX: Heat index 90.</p> <p>SHORELINE: No new oiling in Pensacola. Beach cleaning conducted from Escambia to Okaloosa counties. Response personnel deployed to Walton County.</p> <p>NEARSHORE: Task Force #1 relocated to respond to new reports of oil at Panama City. Task Force #3 continued day and night operations in Pensacola Bay. Task Force #4 is located south of Perdido Key conducting skimming operations. Night operations conducted for the protection of Destin Pass.</p> <p>OFFSHORE: Task Force #702 operated 10 miles south of Perdido Pass. Task Force #703 continued skimming operations 12 miles south of Santa Rosa Island. Task Force #704 conducted skimming operations 25 miles south of Pensacola Pass. MIGHTY SERVANT III positioned 22 miles off Pensacola Pass for continued skimming operations.</p> <p>BOOM: Continued deployment of phase 2 boom in Choctawhatchee Bay. 7,900' deployed last 24 hours.</p>																																																																																	
<p>WX: 60% chance of storms with highs around 90 degrees. Strong storms possible; producing heavy rain, frequent lightning, and strong gusty winds. Heat index 100-104.</p> <p>OIL EXPECTED ASHORE: Coastal regions of Escambia, Bay, Wakulla, and Walton Counties.</p> <p>OIL RESPONSE PRIORITIES: Continue ramping up beach cleanup operations in impacted areas across Okaloosa, Walton, and Bay counties. Continue night operations in Pensacola area. Shift boom priorities to protect marsh areas. Establishing deployment sites in eastern part of Area of Operations.</p>																																																																																	
<p>State and Local Concerns</p> <ul style="list-style-type: none"> <li>- Unified Incident Command and Liaison Officers working to address Local and State Officials' concerns about the plans for creating additional staging areas throughout the state as operations increase.</li> <li>- Waste management is a growing problem.</li> <li>- CNN attending Town Hall Meeting in Port St. Joe on June 22.</li> <li>- FL Responders: 87% (Out-of-State workers include those brought in possessing pollution response expertise and include adjacent state residents.)</li> </ul>																																																																																	
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<p><sup>1</sup> Deepwater Integrated Services Team meeting with state officials to clarify processes and data access.</p> <p><sup>2</sup> Boom requirement reflects agreed upon changes to the Florida ACP.</p> <p><sup>3</sup> 1M ft of boom on order for entire response and will be allocated as needed.</p> <p><sup>4</sup> Flight sorties conducted throughout the entire gulf region. Near/Offshore skimmers are UAC assigned assets.</p> <p><sup>5</sup> VOO is contracted and activated. It does not include 1,380 VOOs contracted and not activated.</p> <p>Qualified Community Responders: To date, 3,390 volunteers have been trained to assist in land-based clean-up efforts.</p>																																																																																	

Mr. LEMIEUX. The first of these, the Deepwater Horizon response from Monday, June 21, says there are 20 skimmers off the coast of Florida. The second, from the National Incident Command, says there are 108 off the coast of Florida. Last week, we had this same discrepancy between these two reports. We questioned the Coast Guard. The Coast Guard told us the information contained in the national incident report was not, in fact, correct. We can't get a straight answer as to how many skimmers are currently off the coast of Florida, but it appears from the most reliable information—and I am still waiting for a straight answer—that there are only 20. One percent of the skimmers of the United States are off the coast of Florida, with the worst economic and environmental catastrophe looming off our shores. Huge swathes of water are washing up tar balls all the way from Pensacola Beach, now to Panama City, FL.

We received a briefing this morning from the Navy and the Coast Guard. I thank Secretary Mabus of the Navy, who provided RADM John Haley as well as a captain from the Coast Guard and other folks from the Navy to brief me on the status of what skimmers the Navy has and what they are doing in the gulf. We found out there are 23 naval skimmers, relatively small skimmers that can fit on the back of a truck or be put on a train or in an air-

plane. That is how they were transported to the gulf. They are welcome. We are happy they are there. There are 6 on the way and 29 skimmers total.

There are another 35 skimmers they would like to bring down, but they are under a category called legally constrained. What does that mean? That means that for some reason, the law is prohibiting the Navy and the Coast Guard from getting these skimmers here. Why hasn't this been waived? Why hasn't the President signed an Executive order? Where is the sense of urgency 62 days into this to get these skimmers to the gulf coast? We are going to look into what Federal law may be prohibiting and legally constraining the Navy and the Coast Guard from getting the skimmers. I will offer legislation, if need be, to waive that. I have already offered legislation to waive the Jones Act, which has been cited as a prohibition or perhaps an obstacle to bringing in skimmers from foreign countries.

Let's talk about that issue. We know there are 2,000 skimmers in the United States. Yet only 20 are off the coast of Florida, if that is the correct information. We know the Navy wants to bring an additional 35 skimmers, but they are legally constrained and we have not yet undone that or secured those skimmers, some 62 days after the oil started flowing.

Let's talk about foreign offers of assistance. There was a State Department report last week: 17 countries have made 21 offers of assistance. The Associated Press reported that they had not been responded to or had been declined. We have more current information than that. The State Department reports about 56 offers of assistance from 28 countries and international groups. Of the 56 offers of assistance, 5 have been accepted. That includes booms—people could use the Internet to send a message about navigation in the gulf—and skimmers or skimmer equipment. BP has accepted three offers of assistance, including booms and skimmers. Two offers are categorized as “unknown” or “declined.” Forty-six offers are currently under consideration, 62 days into this incident. Where is the urgency? Where is the alacrity of the response to get this done and get these skimmers in the gulf?

I have a document, “U.S. Department of State Chart on Deepwater Horizon Oil Spill Response: International Offers of Assistance from Governments and International Bodies,” dated June 18, 2010. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**U.S. Department of State Chart on Deepwater Horizon Oil Spill Response:  
International Offers of Assistance from Governments and International Bodies  
June 18, 2010**

<b>Country/Entity</b>	<b>Date of Offer</b>	<b>Resources Offered</b>	<b>Status of Offer</b>	<b>Reimbursement Required?</b>
<b>Belgium</b>	15 June 2010	Skimmers	Under consideration	Yes
	14 June 2010	Fire Boom	Under consideration	
<b>Canada</b>		Dispersant	Under consideration	Yes
		Containment and Fire Boom	Accepted 9,843 ft containment boom accepted June 4. Arrived on scene and now in the field for staging.	
			*More boom offered 14 June, under consideration.	
	30 April 2010	People/technical	Unknown. This offer was made directly from British Columbia to the Gulf Coast States.	
<b>China via IMO</b>	14 June 2010	Containment Boom	Under consideration.	Yes
<b>Croatia</b>	5 May 2010	People/technical – proposed solution	Proposed solution has been shown to engineers and technical experts, will be incorporated into response as needed.	Yes
<b>European Maritime Safety Agency</b>	13 May 2010	Containment Boom	Under consideration	Yes
		Skimmers		
		Vessels	Under consideration. Only the USCG can accept this vessel offer.	
<b>France</b>		Sweeping arms	Under consideration	Yes
		Dispersant	Declined. These chemicals are not approved for use in the U.S.	
	19 May 2010	Containment and Fire Boom	Under consideration. *More boom offered 14 June,	

**U.S. Department of State Chart on Deepwater Horizon Oil Spill Response:  
International Offers of Assistance from Governments and International Bodies  
June 18, 2010**

				Under consideration.	
	18 May 2010	People/technical		Under consideration	
		Bird rehabilitation equipment		Under consideration	
<b>Germany</b>	12 May 2010	Containment and Fire Boom		Under consideration *More boom offered 15 June, under consideration.	Yes
			People/technical	Under consideration	
<b>International Maritime Organization (IMO)</b>	05 May 2010	People/technical		Accepted. Requested IMO to send communication to all 169 Member States and the maritime community generally regarding use of websites provided by the U.S. to assist in safe navigation in the Gulf of Mexico	n/a
<b>Ireland</b>	30 April 2010	General offer of assistance		Under consideration	Yes
<b>Israel (via IMO)</b>	14 June 2010	Containment Boom		Under consideration.	Yes
<b>Italy</b>	17 June 2010	Facilitation - private companies offering vessels, people/technical		Under consideration	
<b>Japan</b>	12 May 2010	Containment Boom		Under consideration	
<b>Joint UNEP OCHA Environment Unit</b>	29 April 2010	People/technical – technical and resource facilitation		Under consideration	Yes
<b>Kenya (via IMO)</b>	14 June 2010	Fire Boom		Under consideration.	Yes
<b>Mexico</b>	03 May 2010	Dispersant		Under consideration	Boom was offered gratis, other materials and equipment were purchased
		Containment Boom		Under consideration	
		Skimmers		BP purchased 13,780 feet of boom and two skimmers in early May. Arrived in field and now on scene.	n/a
<b>Monitoring and Information Center (EU)</b>	30 Apr 2010	People/technical – coordination of offers among member states		Accepted	

**U.S. Department of State Chart on Deepwater Horizon Oil Spill Response:  
International Offers of Assistance from Governments and International Bodies  
June 18, 2010**

<b>MIC</b>					
<b>Netherlands</b>	30 April 2010	Vessel w/ storage capacity	Skimmers	Under consideration	Yes
				Accepted on May 23. BP purchased three rigid Koseq sweeping arms accepted May 23.	
<b>Norway</b>	30 April 2010	People/technical	Dispersant	Under consideration	Yes
				Under consideration	
				Purchased by BP directly	
				Eight skimming systems accepted in early May	
				Under consideration	
<b>Romania</b>	30 April 2010	General offer of support		Under Consideration	Yes
<b>Russia</b>	7 May 2010	Containment Boom	Vessels	Under consideration	Yes
<b>Republic of Korea</b>	2 May 2010	Dispersant	Containment Boom	Under consideration	Yes
				Under consideration	
				Under consideration	
				Under consideration	
<b>Spain</b>	30 April 2010	Containment and Fire Boom	People/technical	Under consideration	Yes
				*More boom offered 14 June, under consideration.	
				Under consideration	
<b>Sweden</b>	30 April 2010	Sweeping arms	Containment Boom	Under consideration	Yes
				Under consideration	
				*More skimmers offered 15 June, under consideration.	
				Under consideration	
		Vessels – 3 barges, 3 recovery boats		*Another vessel offered 15 June,	

**U.S. Department of State Chart on Deepwater Horizon Oil Spill Response:  
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			People/technical	under consideration	
<b>Tunisia (via IMO)</b>	14 June 2010		Fire Boom	Under consideration	Yes
<b>Qatar</b>	14 June 2010		Boom	Under consideration	Yes
<b>UAE</b>	10 May 2010		Dispersant	Under consideration	Yes
			Containment Boom	Under consideration	
			Skimmers	Under consideration	
			People/technical	Under consideration	
<b>United Kingdom</b>	30 April 2010		Dispersant	Under consideration. Only 11 tons of chemicals offered are licensed for use in the U.S.	Yes
			Containment Boom	Under consideration	
<b>Vietnam</b>	05 May 2010		Vessel w/ sweeping arms	Under consideration	Yes

Mr. LEMIEUX. This document goes through the various offers of assistance and what is the current status of the response. So if we go to the European Maritime Safety Agency, skimmers, under consideration. May 13 is the date of the offer. As of last Friday, no response. Republic of Korea, skimmers, under consideration. May 2, the offer is made. As of last Friday, no response. Sweden, April 30, skimmers; more skimmers offered on June 15. Under consideration. No response. United Arab Emirates, skimmers, under consideration, offer made May 10. No response. Why are we not welcoming all of these offers of assistance to bring these skimmers and put them in the Gulf of Mexico to suck up the oil?

I wish to show an example of an offer of assistance made to the United States. The ship here is from a Dutch company called Dockwise. The name of this vessel is the *Swan*. Unlike some of the skimmers being used and deployed by the Navy, which can be put on a train car or flown on an airplane to the location—and although very welcome are relatively small—this is a massive ship that could take in 20,000 tons of oil or an oil-water mixture off of the water. They rig the ship with skimming equipment that hangs off the sides.

So on May 7, Dockwise offered the *Swan* to the United States. The offer went under consideration. After 48 days, the offer for this massive ship with 20,000 tons of skimming capacity is still under consideration. But the ship is not available anymore because Dockwise now has employed the ship for other purposes because the U.S. Government, from all the information we have, never got back to them. Here is a Dutch company offering us a massive ship to skim 20,000 tons of oil and water off the top of the Gulf of Mexico, and the U.S. Government doesn't return the phone call. They never hear whether we want the ship. People involved with the situation believe the *Swan* was rejected due to Jones Act considerations and that a similar vessel, the SEAcorp vessel named the *Washington*, was chosen instead. The *Washington* is an American flag vessel. Its capacity is 1,000 tons, one-twentieth the capacity of the *Swan*. I am for America first, but why aren't we using both of them? There is plenty of oil to skim up. Use the American vessel, but don't fail to respond to the Dutch company that has this massive ship that has a 20,000-ton skimming capacity. Why would we not employ both?

I could not be more frustrated with the lack of response. I could not be more frustrated with the lack of a sense of urgency from this administration in getting this job done.

The people of the State of Florida are scared to death about the oilspill. When I was in Pensacola last week, I met a woman who works at the pier on

Pensacola Beach. I asked her how things were going. She serves food at the pier.

She said: It has been very harrowing for us.

I asked her: Are people coming out?

She said: People from north Florida are coming to the beach. These are people who haven't been to the beach in a long time.

I said: Why are they coming?

She said: They are coming to see the beach one last time, as if they were going to visit a friend who was on his or her deathbed. They don't believe the beach will ever look the way they remember it looking.

Why we are not deploying every available national asset, military asset, and accepting every offer of assistance from foreign countries is beyond belief, and it is not acceptable. I will continue to meet with the Coast Guard and the Navy. When I see the President tomorrow at the White House, I will raise this issue with him. I will do everything I can to keep clamoring for this. It is not acceptable that in this, the greatest country in the world, our response would be this anemic.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:28 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until 5 p.m. with the time equally divided between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

#### SELF-EMPLOYMENT TAX

Mr. ENZI. Mr. President, the Reid-Baucus tax extenders bill before the Senate includes several provisions that, to my knowledge, have never been vetted by congressional tax writers either in the Senate Finance Committee or in the House Ways and Means Committee. As an accountant with practical expertise in tax matters, this

disturbs me greatly. It should also disturb the small business owners because there is a provision in this bill that would slap them in the face with a 15-percent tax increase. I am talking about the provision that would apply a 15.3-percent self-employment tax to the distributions of certain subchapter S corporations. Those are the small business corporations. This self-employment tax would apply when 80 percent of the gross income of the small business is attributable to three or fewer professionals in a professional services corporation. We are talking about the smallest of the small businesses.

This is a \$9.1 billion hit on a small subset of small businesses engaged in a service trade. I wonder, the next time an offset is needed, will the Senate go after all the small businesses, changing the Tax Code this same way?

My colleagues on the other side of the aisle call this a "loophole closer" or an "anti-fraud provision." I assure my colleagues this is neither. These words are convenient labels my colleagues use to defend tax-and-spend policies. The small business corporation provision is, however, a massive tax increase on small business.

This new payroll tax on nonwage income would hurt the ability of small businesses to reinvest and to create jobs. At nearly 10 percent unemployment, I don't think the Federal Government is in any position to pursue job-killing tax increases. Small businesses are the lifeblood of our economy. It is imperative that we nurture their growth, not hinder it, so they can create jobs and get our economy back on track.

None of us is in favor of fraud, but that is not really what we are talking about.

If the IRS wants to improve compliance with the self-employment tax, they have the right tools. They just need to use them. For example, the IRS Revenue Ruling 74-44 that specifically addresses the tax treatment of dividends in lieu of compensation gives them all they need.

I ask unanimous consent to have the IRS revenue ruling printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ENZI. I also have pages and pages of case law of which the IRS has successfully litigated the issue of dividends in lieu of compensation and the applicability of employment taxes.

Plus, Congress has codified the economic substance doctrine which says a transaction must have an economic purpose aside from the reduction of tax liability in order to be considered valid. In my opinion, this is the IRS's ace-in-the-hole card. The IRS can close any loophole—real or imagined—with the power of the new law.

Why can't the IRS do its job with the volumes of legislative regulatory and

judicial tools it already has? For example, the IRS revenue ruling could be codified somehow, but then it wouldn't provide an offset for new programs, would it? Nor would it permit my colleagues across the aisle to reduce the tax on venture capitalists for their carried interest. I don't like the carried interest provision, but to soften the impact of that policy on the backs of small businesses is just plain wrong.

Even the Government Accountability Office agrees the IRS should be doing more with what it has to crack down on fraud. In a 2009 report, the GAO stated: "IRS efforts to enforce the rules on paying adequate wage compensation to small business shareholders have been limited," and the IRS provides only "limited guidance in determining adequate compensation" guidelines for taxpayers.

A 2002 report by the Treasury's inspector general found that "IRS agents did not always address officer compensation, even when little or no compensation was paid."

Clearly, the IRS isn't doing its job. That is the loophole. The IRS can and should do more with what they already have.

As a former accountant, I find this small business corporation payroll tax totally unworkable. For example, the tax would apply when 80 percent or more of gross income of the S corporation is attributable to three or fewer shareholders in the S corporation. How are taxpayers supposed to track the attribution of gross income? Let me give an example.

My friend, the senior Senator from Massachusetts, has introduced S. 144 that would exempt cell phones from the recordkeeping requirements under the listed property rules. Why? Because the paperwork burden is too costly and time consuming for business. I think it is a good bill, and I am proud to be a cosponsor. In fact, the bill has 72 cosponsors. That is a supermajority of the Senate who agree it is a good bill. But if a supermajority of the Senate agrees the bookkeeping burden of parcelling out an itemized cell phone bill between business and personal use is too onerous, why would we think that itemizing the source of gross income across shareholders and employees in an S corporation would be any easier?

This new payroll tax on small business was written without any input from the tax-writing committees, and it shows. Although I am sure it was unintended, this new law has the potential to reduce Social Security benefits. Since the new payroll tax would reclassify income from certain small businesses as wage income, it could trigger the earnings test for folks receiving early retirement benefits from Social Security.

Even Senator BAUCUS admitted the payroll tax provision needs "modifications." I remember it well because he

made this statement during a Treasury hearing a few weeks ago when I raised this issue as an onerous tax increase.

Not only is this a job-killing tax, but the manner in which it was concocted is appalling. The original tax extenders bill raised the taxes on Wall Street bankers, but when their lobbyists howled, lawmakers went looking someplace else—small businesses—for the revenue they needed. Small businesses aren't as able to defend themselves when the tax man cometh, and in the end it results in a new tax that robs David to pay Goliath.

The outrageousness of this new tax led me and my colleague, Senator SNOWE from Maine, to file an amendment that would strike the S corporation payroll tax from the underlying tax extenders bill.

If my colleagues across the aisle seriously believe that noncompliance with the self-employment tax among S corporations is a problem, then the best, most workable solution is to codify the "reasonable compensation" standard into law. This S corporation "attribution of gross income" basis isn't workable. If you don't believe me, again, I refer you to the experts.

I have a letter I wish to submit for the RECORD. It is a letter from the AICPA, the American Institute of Certified Public Accountants. In the letter they say:

We are concerned that there may be unintended consequences that have not been fully aired and discussed. Accordingly, we strongly support the amendment being offered by Senators Snowe and Enzi which would strike Section 413.

I ask unanimous consent this letter be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. ENZI. Again, this seemingly small provision in the tax extenders bill would have a \$9 billion impact, and that is just on a subset of S corporations, these small businesses.

This payroll tax provision ought to be stripped and sent back to the tax-writing committees where it can be addressed in the proper fashion. I strongly urge my colleagues to support the Snowe-Enzi amendment in our efforts to remove this misguided, outrageous new tax. I think there is support on both sides of the aisle for doing that.

I thank the Chair and yield the floor.

#### EXHIBIT 1

[From taxanalysts]

FEDERAL RESEARCH LIBRARY: IRS REVENUE RULINGS

(Rev. Rul. 74-44; 1974-1 C.B. 287)

REV. RUL. 74-44

Advice has been requested whether, under the circumstances described below, an electing small business corporation incurred liability for the taxes imposed by the Federal

Insurance Contributions Act, Federal Unemployment Tax Act, and the Collection of Income Tax at Source on Wages (chapters 21, 23, and 24, respectively, subtitle C, Internal Revenue Code of 1954).

The corporation is a small business corporation with two shareholders, that has elected, pursuant to section 1371(a) of the Code, not to be subject to corporate income tax, but to have all its income taxed directly to its shareholders.

In 1972, the shareholders performed services for the corporation. However, to avoid the payment of Federal employment taxes, they drew no salary from the corporation but arranged for the corporation to pay them "dividends" of 100x dollars, which is the amount they would have otherwise received as reasonable compensation for services performed.

Sections 3121(a) and 3306(b) of the Federal Insurance Contributions Act and the Federal Unemployment Tax Act, respectively, define the term "wages," with certain specific exceptions not material here, as "all remuneration for employment." Section 3401(a) of the Code, relating to the withholding of income tax, contains a similar definition.

In the instant case, the "dividends" paid to the shareholders in 1972 were in lieu of reasonable compensation for their services. Accordingly, the 100x dollars paid to each of the shareholders was reasonable compensation for services performed by him, rather than a distribution of the corporation's earnings and profits. Such compensation was "wages" and liability was incurred for the taxes imposed by the Federal Insurance Contributions Act, the Federal Unemployment Tax Act, and the Collection of Income Tax at Source on Wages.

#### EXHIBIT 2

AMERICAN INSTITUTE OF  
CERTIFIED PUBLIC ACCOUNTANTS,  
Washington, DC, June 14, 2010.

Hon. MAX BAUCUS,  
Chairman, Senate Committee on Finance,  
Washington, DC.

Hon. CHARLES GRASSLEY,  
Ranking Member, Senate Committee on Finance,  
Washington, DC.

AMENDMENT TO H.R. 4213, SECTION 413—EMPLOYMENT TAX TREATMENT OF PROFESSIONAL SERVICE BUSINESSES—S. AMENDMENT 4342

DEAR CHAIRMAN BAUCUS AND RANKING MEMBER GRASSLEY: The American Institute of Certified Public Accountants (AICPA) opposes Section 413 of the American Jobs and Closing Tax Loopholes Act of 2010 which we believe threatens to result in a significant increase in taxes and complexity for S corporations and their shareholders, and for certain limited partners. Section 413 represents a major change in longstanding tax policy that has never been the subject of public hearings, thus, we are concerned that there may be unintended consequences that have not been fully aired and discussed. Accordingly, we strongly support the amendment being offered by Senators SNOWE and ENZI, S. Amendment 4342, which would strike Section 413. The proposed Section 413: Fails to take into account a fair and reasonable return on the human and investment capital of the owners; may reduce Social Security benefits for early retirees; may create unintended consequences to qualified and non-qualified retirement plans of owners that would now have both wages and self-employment income; and ignores the fact that the IRS currently has the appropriate enforcement tools it needs to re-characterize the distributions

of S corporations as salary subject to employment taxes under FICA.

The AICPA would like to work with Congress and the IRS to address the best way to collect S corporation shareholders' and partners' fair share of employment/self-employment taxes. Such a provision should not be rushed through the legislative process without due process and deliberation. Thank you very much for taking time to consider our serious concerns and suggestions regarding Section 413 of this Act, and the much needed Snowe-Enzi amendment. If we can be of assistance, please contact Peter Kravitz, AICPA Director of Congressional & Political Affairs or Edward S. Karl, AICPA Vice President—Taxation.

Sincerely,

ALAN R. EINHORN,  
*Chair, Tax Executive Committee.*

The PRESIDING OFFICER. The Senator from Montana.

#### MONTANA WEATHER EMERGENCIES

Mr. TESTER. Mr. President, I rise today to share an incredible story about a community working together in the aftermath of a powerful storm in Billings, MT.

The storm that occurred on Father's Day spawned at least one tornado that touched down in Billings Heights, blowing apart several businesses and one of the city's most familiar buildings.

If my colleagues will take a look, this is a picture of what the inside of Rimrock Auto Arena looks like today. You can see the tornado ripped off the roof. Thousands and thousands of folks have memories from inside this building, from concerts to sporting events to graduations.

This picture was taken by Larry Mayer, a photographer for the Billings Gazette. Minutes after the tornado tore through, emergency responders, as my colleagues can see, arrived on the scene to keep folks away from the debris in the streets.

The wind twisted guardrails around light poles. The rain turned streets into rivers. Golf ball-sized hail came crashing down.

In our part of the country, we are used to extreme weather—subzero cold, drought, snow, and severe thunderstorms—but a tornado tearing through the middle of Montana's largest city is pretty darn rare. Through it all, only one minor injury was reported, and that was due to hail.

While we stand together in support of the folks who lost their businesses and their property last Sunday, we are grateful no one died. Nobody lost their home. I attribute that to a lot of luck and to quick action and smart decisions by emergency responders in Billings and in Yellowstone County.

Immediately after the clouds lifted, officers kept onlookers out of harm's way. More than a dozen National Guardsmen immediately secured the area, answering a late night call on Fa-

ther's Day. News reporters went to work sharing the story. Unelected leaders, from councilmen to commissioners, buckled down to hammer out the next steps.

This week, people across the country opened their newspapers and turned on their TVs to see the incredible pictures from Billings, MT. They saw what happens when a community works together in the aftermath of a storm such as this. Everyone lived to share their story, and the community grew stronger because of it.

It is not just Billings that felt the force of wild weather this last week. Further north, the community of Rocky Boy's Indian Reservation is still trying to tally up the damage after a powerful rain storm last Thursday night. In the nearby Bear Paw Mountains, there is word that water wiped out entire roads. Dozens of families in the area were forced out of their homes, and roads were destroyed.

Last week, a microburst destroyed a home near Froid, MT. Ramona Ryder, the woman who lived in a residence there, died in that storm.

Of course, Montana is a State where agriculture is not just the top industry, it is the livelihood of thousands of families. Weather takes its toll on crops and soil and irrigation. But over the past week, we have seen unusual weather across the Big Sky State, and we can expect more of it. From farmers to tribal communities to folks who live in Montana's biggest cities, it impacts everyone.

Now we begin the process of rebuilding the businesses and the familiar buildings destroyed by these storms.

I ask the Presiding Officer and all of my colleagues to stand with me to offer any support we can to the Billings and Rocky Boy's communities and to those folks up in the Bear Paw Mountains and especially to the folks who have to start from scratch because, as we know all too well in Montana, it takes working together to rebuild, and we will become stronger.

With that, Mr. President, I yield the floor. I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum call be divided equally between the Democrats and Republicans.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

#### HAMAS IN GAZA

Mr. CARDIN. Mr. President, I rise today to speak about the current situation in the Gaza Strip.

In 2007, Hamas, a State Department-designated foreign terrorist organization, forcibly seized control of Gaza. Hamas continues to refuse to recognize Israel's right to exist and, in fact, has perpetrated terrorist attacks against Israel, launching countless rockets from Gaza into Israel.

Hamas calls for the elimination of Israel and Jews from Islamic holy lands. No Hamas leader has publicly expressed a willingness to disarm or to stop attacks on Israel and Israelis.

Israel, like every other country in the world, has a right to defend itself. With a sworn enemy on its border, Israel must protect her citizens against potential attacks every single day. Under the blockade, Israel directs ships to the port of Ashdod, where they are inspected for arms and other dangerous items before Israel allows off-loading and assists in the delivery of legitimate goods to Gaza.

We know that Israel's concerns about arms transfers to Gaza are legitimate because both weapons and raw materials are smuggled into Gaza through tunnels from the Sinai in Egypt. Thousands of rockets and mortars have been fired from Gaza into Israel over the last decade.

Just last week, Israel has shown signs of compromise, announcing its intention to ease the blockade and allow more civilian goods and humanitarian aid to enter the Palestinian territory by land, including construction materials for civilian projects.

It is important to note that Hamas has made no such compromises and continues to maintain its vehement and violent stance against Israel's existence. Hamas also continues to endanger Gaza's civilian population by using hospitals, schools, mosques, and residential neighborhoods as command and operations centers or as weapons storage facilities.

While Hamas claims to be the popular representatives of the Palestinians in Gaza, their actions show that they hardly care for the plight of the average Gazan, as their rule deprives their own people of a transparent democracy, civil rights and freedom.

The best way to ameliorate that and to fix the broader current crisis and prevent future ones, of course, is Israeli-Palestinian peace and the creation of an independent Palestinian state that lives side-by-side with Israel, providing security and economic stability for the Palestinian and the Israeli people.

Today, it is Israel that continues to acknowledge the necessary framework for any peace agreement.

Israel has shown willingness for direct negotiations, but the Palestinians continue to insist on proximity talks. Israel is seeking to make peace with a partner whose parliament is controlled by Hamas, an organization still sworn to the destruction of Israel.

The only way to achieve peace is for Hamas to give up its militancy, forego terrorism and violence against innocent civilians, recognize Israel's right to exist and become a legitimate partner in Palestinian institutions. The more than 1 million Palestinians living in Gaza deserve that, the millions of Israelis who are subject to Hamas rockets and terror deserve that and frankly, the world deserves a stable, secure Middle East.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE

Mr. ENZI. Mr. President, before coming to Washington, I ran a shoestore in Gillette, WY. I stocked the shelves. I worked with customers to fit them with shoes. I ran the cash register. I placed the orders with suppliers. I swept the floors. I cleaned the toilets. I did the bookkeeping. In short, I was a one-man show. That is not quite accurate. My wife was there, and we had a couple of clerks. We all had the same responsibilities. My wife helped and actually grew the business while I was mayor of Gillette. We were a one-family show. I know firsthand the struggles and challenges America's small businesses face. We faced them on a daily basis. That is why I am so concerned about the recent action by the Obama administration.

Earlier this week, the administration published a 121-page interim final rule that will have a major negative impact on millions of small businesses across the country. This new rule, which implements just two pages of the health care law pertaining to grandfathered health plans, will increase the costs these businesses will pay for health insurance. This new rule violates the President's repeated promises from last year and the year before that under the new health care law, if you like what you have, you can keep it.

A chart on page 54 of the rule states that the Departments of Treasury, Labor, and Health and Human Services estimate that between 39 and 69 percent of the businesses will lose their grandfathered health plan status. This means these businesses' health plans will not be able to keep their current plans but, rather, will be required to comply with one of the expensive mandates included in the new law. This will, in turn, drive up the costs for these plans, making them even more unaffordable for small businesses. As a former small business owner, I under-

stand how small businesses are struggling every day to find the resources to provide health insurance to their employees. Rather than making it easier for these businesses to continue to provide this coverage, the new regulation will actually make it more likely that employers will simply drop their health insurance coverage altogether.

I have a copy of the chart to show the folks back home. This chart shows the administration's own estimates, which indicate that only about half of Americans will be able to keep what they have. The picture, of course, is even worse for small businesses. Health and Human Services estimates that by 2013, up to 80 percent of small businesses could lose their grandfather status. The plans that do lose their grandfather status will have to abide by a whole slew of new Federal mandates, many of which have not even been written yet.

These are the low estimates of how many people are going to take it again. This is a midrange estimate by the administration and then a high estimate for small employer plans, large employer plans, and all employer plans. The low-end estimate is 49 percent of them will have to go to something different if they cannot be grandfathered, the midrange estimate is 66 percent, while the high-end estimate is 80 percent of small employer plans will have to give up what they have right now because there are more federally mandated requirements they have not been meeting. In my home State, more than 50 percent of the people will have to change to a different insurance. I have to tell you, almost all of them who have insurance are happy with the insurance they have and really thought they could keep what they have if they like what they have. This chart shows that is not going to be the case.

During my days as a shoestore owner, I would not have had the luxury to read a 121-page interim final rule and try to determine what I needed to do to keep my health insurance plan. And if my small business was one of the 80 percent of small businesses that the administration thinks will lose their current status, then I would be forced to pay for a lot more coverage.

One of the most disturbing aspects of this new rule is it will actually make it harder for employers to make changes that could hold down the cost of their health care. Once this interim final rule becomes effective, which will be July 12 of this year—less than a month from now—large and small businesses will have few options for both keeping costs in check and maintaining their grandfather status. If an employer does any one of the following things to manage their costs, they lose the health care they have: If they eliminate any benefits, they lose their grandfather status. If they increase coinsurance rates, they lose their grandfather sta-

tus. If they increase deductibles or out-of-pocket limits beyond minimum levels, they lose their grandfather status. If they increase copayments beyond minimum levels, they lose their grandfather status. If they decrease the employer share of the premium by more than 5 percent, they lose grandfather status. If they add an annual limit or decrease the lifetime or annual limit, they lose grandfather status. If they change their health insurance carrier, they lose their grandfather status.

Which is the most important one of those? The very last one. If they change their health insurance carrier, they lose their grandfather status. The only way you have a chance of holding those costs down is to bid out the insurance. It made a huge difference in our business. The first time we bid it out—and we were several years staying with the same company and having very huge increases—the first time we bid it out, we found out we could save very substantially, and so we bought the lower bid insurance.

Then the company we had been dealing with for several years came to us and said: Why did you change?

I said: We got a much lower price.

They said: Why didn't you come back to us and ask for a lower price?

I said: That is not the way we sell shoes; that is not the way you should sell insurance.

If they change their health insurance carrier, they will lose their grandfather status even if they provide the same things the other one was providing, which is what you do in a bid. In an attempt to keep health care costs down and avoid having to do the other things we mentioned, you would lose your grandfather status. In short, if employers do anything to help slow the growth of their health insurance costs, they will lose the limited protections against the expensive new mandates in the bill.

It is worth noting that 2 pages in the law—just 2 pages; it was 2,700 pages, but 2 pages are causing all this—that create the grandfathered plans are a blank slate. The law does not say anything about cost-sharing requirements or coinsurance rates.

The administration made up all these provisions and requirements. They did not have to write these rules that preclude half of Americans from keeping what they have. The reality is that the administration does not want you to keep what you have. They certainly like that talking point—it keeps people from getting very nervous—but they do not actually want you to keep what you have. They do not want grandfathered plans to exist. They want to force all Americans to buy only insurance plans that are defined and approved in Washington. It is just one more Washington takeover.

Throughout the rule, the administration makes the assumption that a large

number of plans will place a high value on the remaining grandfathered plans. Why do they make this assumption? Because the administration recognizes that employers realize the mandates and burdens included in the health care bill will drive up premiums and drive up costs for large businesses, small businesses, and individuals. The Congressional Budget Office estimates that costs will increase 10 to 13 percent for Americans purchasing coverage on their own. That represents a \$2,100 increase for families purchasing coverage.

Page 112 of the rule lists the 13 new mandates included in the health care law that do not apply to grandfathered plans. However, based on the administration's own calculations, it looks as if 39 to 69 percent of employers will now be forced to comply with these new 13 mandates when they lose their grandfather status.

Even for the small number of plans that manage to keep their grandfather status, the reality is that the new law will still impose expensive new mandates that will increase their costs. The new health care law requires all plans, including grandfathered health plans, to comply with certain provisions in the new health care law. Page 112 of the interim final rule has five sections detailing the new mandates that apply to grandfathered health plans for plan years beginning on or after September 23 this year. Another section becomes effective in 2014.

This bill was sold as letting people keep what they have, but the devil is always in the details. Do a little digging and it is clear that Americans will not be able to keep what they have.

I would like to read a paragraph from page 112 of the regulation. It says:

Provisions applicable to all grandfathered health plans. The provisions of Public Health Service Act section 2711 insofar as it relates to lifetime limits, and the provisions of Public Health Service Act—

And it lists several of them—

apply to grandfathered health plans for plan years on or after September 23, 2010. The provisions of Public Health Service Act section 2708 apply to grandfathered health plans for plan years beginning on or after January 1, 2014.

This means health plans are now prohibited from having lifetime limits on the dollar value of benefits for any participant or beneficiary. Even though this section becomes effective after September 23 of this year, the Department has not issued any regulations or guidance telling plans how to implement this new requirement.

Section 2712 says that health plans shall not rescind such plan or coverage, except that this section shall not apply to a covered individual who has performed an act or practice that constitutes fraud or makes an intentional misrepresentation of material fact. We

have not seen any guidance or regulations on that section either.

Section 2714 says that all kids under the age of 26 can stay on their parents' health insurance policy. This popular provision got a lot of attention from the media and the administration. Because of the popularity, this is one area where the administration has actually written an interim final rule which becomes effective July 12 this year even though the comments are not due until August 11 of this year. The final rule goes into effect July 12, but the comments are not due until August 11. In other words, they are not going to read any of the comments before that goes into effect.

In the rule, the administration includes an analysis saying that this provision is expected to increase premiums by 1 percent. That might not sound like a lot on its own, but remember that this is only one of the six provisions with which all health plans, even grandfathered plans, will be forced to comply. If each of the other five provisions also drives up premiums by similar amounts, that would equal a 6-percent increase on top of whatever increase results from normal medical inflation.

Section 2715 says all plans must give enrollees a government-approved summary of benefits and coverage explanation describing the benefits included in the plan.

The interesting thing about this section is that Secretary Sebelius has until next March to publish the standards the plans have to use when they draft these documents, but the plans have to give their enrollees the documents this September. How is that possible? If plans do not have these documents ready, they can be fined up to \$1,000 per enrollee. The standards will not be ready until next year, but the plans have to comply this year or face a \$1,000-per-enrollee fine. Common sense rode a horse right out of Washington. Maybe it was never here to begin with.

Section 2718 says all plans for big businesses have to spend at least 85 cents out of every premium dollar they get paying claims, and plans for small businesses and individuals have to spend at least 80 cents out of every premium dollar they get paying claims. This may sound like a good idea, but, again, the devil is in the details.

The National Association of Insurance Commissioners is responsible for defining the terms used in these calculations and coming up with some recommendations about how to implement this section. The Secretary asked them to make these recommendations earlier than when the law says, but they have been having some difficulty. The difficulty is that States know that implementing these provisions will put health plans out of business—out of business. When the plans go out of

business, the Americans enrolled in these plans will lose their coverage. This is a real problem with which the insurance commissioners are grappling. Unfortunately, Republicans warned our colleagues on the other side about this problem last December but we were ignored.

Section 2708 becomes effective in 2014 and says that plans cannot apply waiting periods that exceed 90 days. Again, this provision sounds like a great idea, and some States are already doing this, but this is one more thing that will drive up costs.

No single raindrop thinks it is responsible for the flood. These provisions may sound like good ideas when looked at by themselves but, when taken together, they drive up premiums to the point health care is unaffordable.

All these sections I have been talking about are mandates that apply to all plans, even grandfathered plans. There is a whole list of mandates that do not apply to grandfathered plans but apply to the new plans. Page 112 of the rule. I would refer you to that. I won't read it here. It has a lot of references again, and even though these sections aren't supposed to apply to grandfathered plans, as this rule points out, about half of all Americans will lose their grandfathered plan and they will be forced to buy a plan that includes the additional mandates.

But if you are enrolled in a union health plan, have no fear. Different rules apply to you. The administration's favorite special interest group gets special treatment under this rule. This is exactly the kind of political cynicism this administration campaigned against 2 years ago. Page 48 of the rule says:

This estimate does not take into account collectively bargained plans, which can change issuers during the period of collective bargaining agreement without loss of grandfather status.

Keep reading, because page 50 says:

For fully insured group health plans, another change that would require a plan to relinquish grandfather status is a change in issuer.

The bottom line: Big labor can change issuers, but small businesses cannot change issuers. The ability to change issuers is something that keeps insurance companies competing against each other to see who can offer the best product at the lowest price.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENZI. I ask unanimous consent to speak for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I thank my colleagues.

The ability to change issuers is something that keeps insurance companies competing against each other to see who can offer the best product at the lowest price. Take that competition

away, and prices will go up—for everyone but union plans.

The simple truth is, because this new rule will drastically tie the hands of employers, few employers are expected to pursue grandfather status. That means more than half of Americans who like what they have won't be able to keep it. As I said earlier, this is not a mistake. This is exactly what the President and the majority controlling Congress want. They want all Americans to be forced to buy the kind of health insurance they think you should have. Never mind that you can't afford it. Never mind that employers faced with the choice of either paying for health insurance or paying a new penalty will be less likely to hire new workers and will probably even lay off workers. Simply put, this rule States: Washington knows best. Never mind the President promised Americans who like what they have can keep it. This new rule is pretty clear: If you like what you have, you can't keep it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that we continue in morning business and that Senator BROWN of Ohio and myself be allowed to engage in a colloquy for the next 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### ESTATE TAX

Mr. WHITEHOUSE. Mr. President, Senator BROWN and I have come to the floor today to talk about the estate tax. Today's discussion was prompted by a recent New York Times report that an estate of a Texas natural gas tycoon—Mr. Duncan of Houston—is worth \$9 billion. That is a nine with nine zeros after it. It is a big number, and it is going to go without tax to his heirs. Without any tax at all. It is hard to know what his tax planning is, but if the ordinary rates applied, the tax that would be paid by this estate might be as much as \$4 billion.

I think it is important to put that in counterpoint with the discussion we have been having on the floor today, where our friends on the other side of the aisle are blocking unemployment insurance for Americans who, through no fault of their own, lost their jobs. Because of what Wall Street did to wipe out the economy, they are out there on their own. They can't find work. In Rhode Island, we have 70,000 people unemployed in our small State. Our unemployment rate is 12.3 percent. And if you don't have unemployment insurance to protect you at a time such as that, you are stuck. Unemployment insurance goes to pay for food. It goes to pay for gas in the tank, to look for the next job. It goes to pay for shoes

for your children. It goes to pay for clothing and rent and heat or electricity—all the basics. They are blocking it. They are blocking it because it is not paid for, as if this were not an emergency.

But they are perfectly happy—in fact, we haven't heard a peep out of them—with the Duncan estate going tax free to his heirs. I don't know how many of them there are, but if there are any less than nine, they all just became billionaires, tax free. That is the kind of contrast that is so remarkable about this building. We have an entire party that is dedicated to preventing working people, who have lost their jobs through no fault of their own as a result of this economic meltdown, from getting unemployment insurance, and that has actually already expired and we are trying to backfill it for that period, but they are completely satisfied with an oil tycoon worth \$9 billion having his estate go completely tax free to his heirs. That situation is happening because of a glitch in the Tax Code that we could not fix. It is part of the Bush tax cuts having run to their conclusion.

The estate tax goes back to 1789 in its first incarnation. It has been permanent since 1916. John D. Rockefeller paid estate taxes in 1937 when he died. He was taxed at a 70-percent rate. Today, we are having a debate about whether we should continue at a rate of only 45 percent. The Duncan estate went through at zero percent.

This cut, which took \$4 billion out of the economy to pay this one family with a tax-free estate, was pushed through by the Republicans using reconciliation. If you have been listening on the floor, you have heard a lot of critique about what a terrible procedure reconciliation is when it is used to do anything to help regular Americans. But when it comes to cutting the estate tax so that the Duncan family can have a \$9 billion estate pass tax free, well, that is a perfectly fine use of reconciliation, according to our Republican friends.

At this point, at exemption levels of \$3.5 million per individual, \$7 million per couple, only a few thousand estates each year pay any estate tax at all. It is a tax that only hits not the rich but the superrich—the billionaires, such as the Duncan family. And while we are in this period of economic turmoil, while we are in this period where one party is trying to keep regular workers from getting access to unemployment insurance in the middle of this economic disaster, they are all for an unpaid-for zeroing out of the estate tax so that a \$9 billion estate passes completely tax free.

I think that is wrong. I think it shows priorities that are completely topsy-turvy—completely upside-down. I know that Senator BROWN wanted to join me, and I have gone on for a bit, so

I will quiet down for a second so he can be heard. But it is immensely frustrating that that is the priority around here—let the working family lose the basic paycheck that holds the family together but have the billionaires get \$9 billion tax free.

Mr. BROWN of Ohio. I thank Senator WHITEHOUSE for his comments. As Senator WHITEHOUSE said, I have been in this body only since January of 2007. Most of the damage from the estate tax was done prior to our being here. But I spent some years before being elected to the Senate in the House of Representatives, and anytime we talked about the estate tax in the House, my Republican colleagues would use two terms. They would talk about the "politics of envy" and they would talk about "class warfare;" that Democrats were envious of success and that we were engaging in class warfare, wanting to turn one social class against another.

But the issue here isn't any strong desire for us to engage in retribution against anybody or any class envy. The situation is this, and let's start with this chart. This is a percentage of estates subject to tax. The estate tax, which the Republicans called the "death tax," does not impact 99.3 percent of people who die in this country. Their families pay zero estate tax. It is only, as Senator WHITEHOUSE said, the absolute mega superrich. It is not people worth just a few million but only seven-tenths of 1 percent. That means it is 7 out of 1,000 who will pay any estate tax at all. And so this issue—not aimed at any one person—raises the question of: What do we do instead?

The Duncan family—this is Mr. DUNCAN, whom Senator WHITEHOUSE talked about—died with \$9 billion, and his family pays no estate tax whatsoever. Senator WHITEHOUSE pointed out that if there are fewer than nine members of that family, they all woke up the next morning certainly very sad about their father or their uncle or their brother, but they also woke up as billionaires the next day, and our condolences go out to that family, but something has to replace this. If the estate tax was where it should have been, he would have—his family would have—paid the Federal Government \$3 billion or \$4 billion.

What does that mean? It means that during this previous Congress—the 2002 and 2003 Congresses—when the Bush administration ran up this huge debt, with tax cuts for the rich, not paid for but passed on to our children and grandchildren; the Iraq war, not paid for and passed on to our children and grandchildren; the giveaway to the drug and insurance companies in the name of Medicare privatization, passed on to our children and grandchildren; and the billions of dollars of cost that was added to the bill, this would have helped pay for some of that.

The \$3 billion or \$4 billion that would have been generated by the Duncan estate, where does that money come from? What do we replace that with? We either continue to tax middle-class people in this country too heavily or we cut programs for that \$3 billion or \$4 billion or we charge it to our grandchildren. And that is what has happened. As Senator WHITEHOUSE said, it is a contrast.

What do we do? We can do as Republicans do: We can deny unemployment compensation; deny COBRA insurance coverage, so people can keep their health insurance; deny Pell grants for people, which could be paid for by this \$3 billion or \$4 billion, or should we tax more people to pay for it? The Republicans didn't care about the budget deficit when it was the Iraq war. They didn't pay for the Iraq war. They didn't care about the budget deficit when it was the giveaway to the drug companies. Now all of a sudden they do.

This is the face of people we deal with. This is a General Motors auto worker in Lorain, OH, somewhere near Dayton, where this GM plant closed in the last 2 years. These workers waiting here are losing their unemployment insurance because people on the other side of the aisle—our Republican colleagues—simply would rather protect the super wealthiest people in our society—they would rather protect these seven-tenths or 7 out of every 1,000 people—and helping them pay no taxes, rather than taking care of this unemployed worker. That is the tragedy of the choices they have made.

Those contrasts, as Senator WHITEHOUSE said, are very clear, between Republicans wanting to protect the superrich and Democrats wanting to make sure that unemployment compensation is extended. These are human beings, each with a story. You can bet in this crowd some of these people not only lost their job but they lost their insurance, and some of them have lost their home as well. Because I know what has happened in the Dayton area, in Miami Valley. Far too many people have lost their homes.

So while the Republicans are trying to protect the Duncan estate, with billions and billions of dollars in that estate, people such as Senator WHITEHOUSE, Majority Leader REID, who is on the floor, and Senator KAUFMAN want to see us take care of the unemployed workers, take care of those who have lost their insurance, take care of those who are faced with foreclosure because of the economic situation. As Senator WHITEHOUSE said, these people didn't choose to be in this situation.

As Warren Buffett said in 2007:

The average American went exactly nowhere on the economic scale in the last 20 years. They have been on a treadmill while the super rich have been on a space ship.

That is exactly what happened in this country. The wealthiest people

have done better and better as their tax rate went down and down. Those middle-class kids who need Pell grants, the middle-class families who lost their jobs who are now on the unemployment line, those workers who have lost their insurance through no fault of their own—they lost their jobs—they are on this downward spiral which simply is not what our country stands for.

Mr. WHITEHOUSE. Two points I would like to make. One is echoing what Senator BROWN just said. We always hear about the debt and the pay-for from the other side when it is convenient, when they are trying to stop something the administration wants to do. When it helps regular people who have lost their jobs through no fault of their own, then it becomes an international incident if it is not paid for. But when an estate of \$9 billion is allowed to pass tax free because of a loophole, that is OK. That is a \$4 billion unpaid-for loss to the government, through its revenues. That is just fine.

There is a disconnect there. If you are serious about the deficit, you have to be serious about it when it is billionaires and not just serious about it when it is regular working families. There is a one-sidedness and a convenience for their concern about the deficit. When it is their President in the White House, Katey, bar the door. By my calculation they blew \$9 trillion during the Bush administration. Now they suddenly have had an epiphany about debt, but it does not quite extend to billionaires who are allowed to pass their estates through tax free. So much for the debt and the pay-for concern.

The other group they are very concerned about all the time is corporations. In this year, corporations have paid less tax compared to humans than ever before, since 1983, where there was a glitch and corporations paid less taxes relative to what humans pay than now. But other than that, 1 year, 1983, more than a quarter of a century ago, corporations are paying an all-time low in taxes compared to what humans pay.

If you go back, it is 70 years—1983 was just a 1-year exemption. So all this battle has driven down tax rates for corporations, tax rates for billionaires, and here we are with a deficit and they do not care about the billionaires.

I will close. I see the majority leader on the Senate floor, and I do not want to take time. I will close. America is a place of which we are very proud. It is the greatest country ever. It is a place where people can get fabulously rich. Not only is it a place where you can get fabulously rich, when you get fabulously rich you can still live a relatively normal life. You don't have to live like some Third World thug behind armed guards driving around in convoys with armed SUVs. You can live a normal life as a very rich person.

Everybody has a chance to get rich. Everybody has a chance to become a

millionaire, a multimillionaire, a billionaire. But when they do, they have to pay their share.

The PRESIDING OFFICER (Mrs. HAGAN). The time of the Senator has expired.

Mr. WHITEHOUSE. I thank the Chair.

#### CONCLUSION OF MORNING BUSINESS

Mr. REID. Madam President, the time for morning business has expired; is that right?

The PRESIDING OFFICER. The majority leader is correct.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I appreciate very much the understanding of my friends who have been here waiting to talk for several hours. I also announce that one of the reasons we are waiting is to determine if we need to have votes tonight. Everyone has been notified that we might have to have votes tonight, but it appears at this stage we will not. I have been in contact with the Republican leader and his staff. I think we will continue working through the night on some issues we are trying to deal with and worry about votes tomorrow.

I ask unanimous consent the Senate now proceed to a period of morning business for 2½ hours, with the time equally divided and controlled between Senator STABENOW and the Republican leader or his designee, with Senator STABENOW controlling the first 60 minutes and the Republican leader or designee controlling the next 60 minutes, with Senator STABENOW controlling the final 15 minutes; further, that during the controlled period of time, Senators be permitted to enter into colloquies and at the end of the controlled time, the majority leader be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

#### UNEMPLOYMENT BENEFITS

Ms. STABENOW. Mr. President, I rise to speak on behalf of nearly 1 million people who have lost their jobs, who have now also lost their unemployment insurance benefits because of the extensive obstacles and objections that have been put forward in the Senate to extending this important program. I wish I could say this was the first time that had happened. It seems that every time we come to the floor in the middle of these very difficult economic times, even though things are getting better, every time we come to the floor on behalf of people who are out of work, who want to work, who have worked their entire lives but at this point can't find a job, all we get are objections and delays and weeks and weeks and weeks of people sitting on pins and needles, holding their breath, trying to figure out what is going on: Will they have the ability to pay the rent, the mortgage, put food on the table, be able to care for their kids while they are looking for work. Here we are, right back in that very same position.

Right now we have over 15 million people who are on unemployment benefits. That doesn't count those who are working part-time jobs or have fallen off of the system completely because they haven't been able to find a job and have been out of work longer than the insurance benefits will allow. We have 15 million people looking for work, and we are told there are about 3.1 million jobs available. That means there are five people looking for every one job opening. This is not a situation of people not wanting to work. In the State of Michigan, we know how to work. We work hard. We make things. We grow things. We work hard. Yet through no fault of their own, people find themselves in a situation where we have seen an economic tsunami go through our country, lasting in Michigan longer than any other place across the country. And even as we climb our way out—and it is getting better; we have turned the corner; the economic recovery provisions we have put in place we know are beginning to make a difference—we still are in a situation, even as we are moving and turning the corner, where there are five people out of work for every one job opening. That is real life for too many people I represent.

We have had legislation in front of us. We have been spending weeks now on a jobs bill, a bill to create jobs, to invest in innovation, to help small businesses, to help manufacturers get the capital they need, but to also, in that bill, help people who don't have a job while they are waiting for all this to take effect, for all of this to work,

people who have lost their jobs through no fault of their own, who find themselves in a situation where they are desperate and depending on us to understand what is happening to too many working families, middle-class families, people who never in their wildest dreams thought they would find themselves in this situation but here they are. They want to know that we get it, that we understand what is happening in their lives and that we are not going to play politics or use people who are out of work somehow as pawns in a political chess game that is going on here in the Senate.

The normal unemployment insurance benefits only last for 26 weeks, but thanks to the recovery act, we have been able to bridge the gap for millions of Americans by extending it. That is very important. But we are at a point now where the recovery has not fully been actualized. People are still in a situation where they need to have help on a temporary basis while they are looking for work.

Since this recession started in 2007, there are now 8 million fewer jobs in America, too many of those in manufacturing. I could spend hours talking about fair trade and what we need to do to make sure markets are open abroad for our products to be sold so we are exporting our products, not our jobs, and how we can have a fair trade policy. I am pleased that in the recovery act we have focused on making things again in America, battery manufacturing facilities and the advanced manufacturing tax credit, both of which I was pleased to be a part of leading to create jobs.

We are creating jobs. But it takes time to turn this around. We find ourselves in a situation where nearly 1 million people who have lost their jobs are going to lose their unemployment benefits because of what has been going on here. They don't have time to wait and hold their breath as we continue to work to turn this economy around. These are families trying to make ends meet. They are applying for jobs every day. They are putting in applications. I get e-mail after e-mail—and I will share some this evening—from people who are trying to find work, putting in applications, going back to school. We have all said to them: Maybe you need to go back to school. They have gone back to school to get retraining, but they have to keep a roof over their heads while they are doing that. They have to keep food on the table, keep the electricity on for their families while they are doing that. That is what unemployment benefits allow them to do.

The last time Congress cut off emergency unemployment insurance benefits was after the terrible recession in 1985, when the employment rate was 7.3 percent. Today, 33 States and the District of Columbia now have unemploy-

ment that is higher than 7.3 percent. These are red States, blue States, Republicans who are out of work, Democrats who are out of work. It doesn't matter what party one is; if they lose their job, it is an emergency for the family. They expect the Senate to understand that and to act. In 16 of those States, unemployment is still higher than 10 percent. Many States haven't seen this many people out of work since the Great Depression.

When we look at the States where there are more than 1 in 10 people who have lost jobs through no fault of their own, we see a picture that is, in fact, America. I know one of those great States is the State of my colleague who is from Rhode Island. He has come to the floor on numerous occasions to speak about the people of Rhode Island, just as I have come on numerous occasions to speak about the people in the great State of Michigan. I am pleased the Senator from Rhode Island is here.

I yield the Senator up to 10 minutes to speak at this time.

Mr. WHITEHOUSE. Mr. President, I am delighted to be here with Senator STABENOW. I know from the experience of Rhode Island how difficult things are in Michigan. I have seen over and over the passion and energy with which she comes to the floor to argue on behalf of the people of Michigan. I join her this evening on behalf of the people of Rhode Island.

The unemployment insurance obstruction we are getting is simply cruel under the circumstances in Rhode Island. I know my friends on the Republican side like to argue that if we cut off people's unemployment insurance, that will motivate them to get back out there in the workforce where they should be, as if they were just idling around, as if they were not out looking for work.

In Rhode Island, we are at 12.3 percent unemployment. We have been the third or fourth highest unemployment State in the country for months and months now. This is not some sudden glitch in the accounting. This is a persistent economic nightmare in Rhode Island. We have been 15 straight months—more than a year—with double-digit unemployment. If we go back to 8 percent unemployment, we go back 22 months, nearly 2 years. This is a persistent problem. The notion that we will cut off somebody's unemployment insurance and have them go out and find a job is plain nuts in a State such as Rhode Island or a State such as Michigan, because the job just isn't there to be found.

As Senator STABENOW said about Michigan, her folks are hard workers. Rhode Islanders are hard workers. We have a tradition of working hard in a whole variety of industries. There aren't a lot of people lying around enjoying the luxury of unemployment insurance payments. They want to be out

getting work. Unemployment insurance payments let them search for work and feed their family, pay the rent, put gas in the car, buy shoes for the kids, put food on the table, all in the meantime. Our colleagues want to take that away.

Let's scroll back for a minute to why we are here in the first place. We are here in the first place because the people who were supposed to be regulating Wall Street were asleep at the switch. The people who were supposed to be regulating Wall Street were asleep at the switch because they were told to be asleep at the switch. It is the Republican theory of governance that regulation should have a light hand and that corporations know better and should really run the show. So the folks who were supposed to be regulating Wall Street were the captives of the big Wall Street financiers. They took all the breaks off. They let them run with crazy leverage ratios, new instruments such as derivatives and collateralized debt obligations, and they went right to sleep, the way they were supposed to. The result was a catastrophic Wall Street meltdown that could have been prevented if there had been a different theory of governance and not the theory of governance that we let the corporations run the show and that is the best thing for Americans.

But that is what happened. They let the corporations run the show. That theory of governance prevailed. There was a massive meltdown. That massive meltdown sent a tsunami of misery across this country into places miles from Wall Street, completely different from Wall Street, including States such as Rhode Island and Michigan. We have 71,000 people unemployed in my little State of Rhode Island. Those people need to get unemployment insurance while the economy recovers. We are not a 4-percent unemployment State or a 6-percent unemployment State. We are not even an 8-percent unemployment State. We are over 12 percent unemployment. There is not a job for these people. To take away the bread and butter, to take basic sustenance off the table is, frankly, unfair. We have even tried to get an extra 25 bucks added to the benefit. Republicans have objected to that.

Mr. President, 25 bucks does not seem like much, and indeed it is not much, but if you are just getting by with unemployment insurance because your State has been in recession for so long, as ours has, that extra 25 bucks is a meal the family does not have to skip; that is a trip to the doctor they do not have to duck because they cannot afford the copay; it is an important little thing; and it is just symbolic of the attitude on the other side of the aisle that: Sorry, not interested. Tough bounce. We don't care.

We were on the floor earlier talking about how when it is a \$9 billion family

and there is no estate tax on that because of the way the Republicans have driven this and \$4 billion in revenue is lost to the government as a result of this colossal estate being exempted from the estate tax, that is OK. But when it is 25 bucks for a working family to buy a pair of shoes for their daughter, no, that is too much. Now we have to get serious about the recession. Now we have to get serious about the debt. But when it is a \$9 billion family with a huge estate, no, different rules apply when it is very rich people.

Well, I am here for people like Dan of East Greenwich. He worked in sales. He has been unemployed since April 2009. His wife is disabled. He is out looking for work, but the jobs are not there, and he has not been able to find one. If he loses his unemployment insurance, Dan has let us know he will be evicted from their apartment. He and his disabled wife will be evicted from their apartment. That should not be happening. That is just bluntly wrong.

Bill of North Kingstown contacted me. He is 56 years old. He has been unemployed since January of 2009. He used to work in engineering. He has now been faced twice with eviction when the unemployment insurance has lapsed, and he is looking at eviction again. It is staring him in the face if we do not act. He has received only \$200 over the last 3-week period as his benefits have expired, and he has lost his COBRA benefits, but he needs medication. So he is stuck because we have not acted.

Nancy, from Portsmouth, is 59 years old. She has been unemployed for 21 months. She has a bachelor's degree. She has a whole variety of industry certifications. She has a background in sales and marketing. She is a talented woman who has worked all her life. Until she got swamped by the tsunami of misery that originated on Wall Street and has washed through all of our States, she was fine. But now, after 15 years of working in insurance, she cannot find a job, and she will soon lose her unemployment insurance benefits as the Republicans continue to block the extension.

So I would urge them to reconsider. I understand the point about the debt and the deficit and the spending. But, to me, that does not have an enormous amount of credibility because when President Clinton left office, he left an annual surplus and he left a budget trajectory that the nonpartisan Congressional Budget Office said was going to have us be a debt-free nation by 2008, I believe it was—a debt-free nation.

On the day George Bush was sworn into office, we were on a trajectory to be a debt-free nation during his term. There was even discussion in economic texts about whether that was really a good idea. He solved that; at the end of his term, we were \$9 trillion in debt. We were not debt free. He was \$9 tril-

lion in debt, and we had this economic meltdown that required government intervention to protect people, and that made it even bigger. But we would have none of this if it had not been for the Republican debt orgy they went through—fair-weather debt, I would add, an orgy of fair-weather debt—and then a huge hole because of their theory of governance and their theory of economics that has had to be filled in because of that tsunami of misery. That is why we are here. So it is a little late in the game and a little disingenuous to hear lectures from that side of the aisle about economic sobriety after that wild spending through those Bush years and the cleanup we have had to do since then. And these guys who are out of work and who need the help—folks such as Ron, Bill, Dan, and Nancy—should not be paying the price. We should take care of the people who are out of work through no fault of their own.

I thank Senator STABENOW.

I yield the floor.

Ms. STABENOW. Mr. President, I thank Senator WHITEHOUSE very much for his passion, his leadership.

Just to emphasize what the Senator was talking about on the floor in terms of where we have come from, I remember being in the House of Representatives in 1997, I believe, when we voted to balance the budget for the first time in 30 years under President Clinton. It was tough. We had to make tough decisions, but we did that, and we were on a trajectory so that by the year 2000—when I was elected to the Senate in 2001 and came into the Budget Committee—the big debate was what to do with the biggest surplus in the history of the country. We saw that big surplus, during the 8 years of President Bush, go red with red ink, down, down, down, down, so much so that when President Obama came in, the job loss was at about 750,000 jobs a month. We were losing 750,000 jobs a month. So we went to work and we focused on people in the middle class, on innovation and investing in businesses and creating opportunities and so on, and these numbers now, on jobs per month, have gone from a negative now up to a positive.

The challenge is—we are not done yet—do not stop what we have been doing. This jobs bill on the floor is to get us to a point where those numbers keep going up and up and up, so everybody who wants to work can work. We have turned this around in terms of job loss. The numbers are going up. But it is not enough. We are not there yet, and too many people are caught in the middle. In fact, even though the numbers are better and we are moving in the right direction, we still have five people out of work for every one job opening.

In a moment, I am going to ask for unanimous consent. I will let my colleagues on the other side of the aisle

know that I will do that in about 5 minutes, to give them a heads-up. But in the meantime, I want to read a few letters and then turn things over to another colleague from Oregon who cares passionately about this.

I want to share with you what have been literally thousands of e-mails and phone calls we have been getting from people in Michigan. I go home every weekend, and I am constantly talking to people who find themselves in very tough situations—people who have never been out of a job before in their lives, never, and now they are in their fifties and trying to figure out what they are going to do, and they find themselves in a situation where they are having to depend upon unemployment benefits, which is the last thing they have ever wanted.

Judith from Taylor:

Both my husband and I have been unemployed for over a year now. We have been trying desperately to find work and haven't even gotten call backs for jobs we have applied for. It has been frightening and discouraging but we keep trying.

Because of our situation, we have been forced to sell our home and we will be closing this month, at a considerable loss!

That is the other piece of this. It is not just about a job. The next thing is you lose your house, and then the ripple effect goes from there.

The bank we have our equity with has refused to settle and has told us they reserve the right to come after us for the balance. We will be having to break into our retirement funds again with penalty. On top of all this, our youngest son, Nathaniel, is a combat medic with the 101st Airborne and will be one of the 30,000 that are being deployed to Afghanistan. Needless to say, my husband and I are on overload!! Please help the unemployed workers in Michigan by extending the emergency funds. PLEASE don't leave so many people literally out in the cold.

That is what is happening. That is what is happening right now by these efforts to block, to say no. We have come to the floor multiple times on individual bills to extend unemployment, plus the two times now we have voted to stop filibusters on the jobs bill. All we get from the other side is no, no, no. As my friend from Rhode Island said, when we get to the estate tax, it will be yes, yes, yes. And it will not matter where the funds come from, if they add to the deficit—oh, no, not for the few hundred people in our country who are the wealthiest.

When somebody is out of work, that is something different. When somebody is out of work, we have a set of rules that say: No, this is not an emergency. We have always said it is an emergency, with emergency funding. This is not an emergency? Well, I tell you what, when 15 million people are out of work, I would consider that an emergency. That is as much of an emergency as a flood, a hurricane, anything else we have seen in this country. Tens of millions of people out of work is an economic emergency and deserves emergency status here in this body.

Let me share one other story before asking unanimous consent. Michele from Suttons Bay:

I am a 50-year-old journeyman carpentry foreman who was laid off by a small construction company in December 2008 after 10-plus years with them. I have been looking for a full-time job ever since. I went through the state's retraining program last summer and am now a BPI certified energy efficiency auditor. But I can't afford to buy the equipment to start my own business. And no companies are hiring energy efficiency auditors right now. I have been looking for any kind of work that allows us to pay the mortgage and our other very basic bills.

My wife has a full-time job in retail. We have two sons—one is 16, and the other is 12. We have been surviving with the aid of my unemployment [insurance]. I have already gone through the state unemployment benefits, and I am now in the second period of [the] federal . . . program.

Please don't forget about us.

Well, that is what this is about this evening. That is what the legislation is about that we are focused on. That is what all of our efforts are focused on—jobs, creating good-paying jobs, partnering with business, manufacturers, small businesses, creating the atmosphere for private sector jobs, and remembering the people who, through no fault of their own, cannot find work today.

UNANIMOUS CONSENT REQUEST—S. 3520

So, Mr. President, on behalf of the close to 1 million people right now who have lost their jobs and are now losing their unemployment benefits, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3520, the Unemployment Extension Act of 2010; that the bill be read a third time and passed, and the motion to reconsider be laid upon the table with no intervening action or debate; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from South Dakota.

Mr. THUNE, Mr. President, reserving the right to object, I offered an amendment a week ago during the debate on the extenders legislation that is still on the floor of the Senate that would have paid for all the things the Senator from Michigan would like to see paid for, and we have things we need to do, such as unemployment insurance, an extension of that. We need to deal with the issue of these expiring tax provisions.

What we would do is simply say we start paying for things around here. So I offered an amendment that would do that. It was defeated here in the Senate. But at 8:15, I intend to come back here and offer that again as an alternative because I think probably everybody in the Senate agrees we need to address the concern of people who are unemployed in this economy, but we should do it in a way that is fiscally responsible. That is what my amendment will do. So, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Ms. STABENOW. Mr. President, before I yield to my friend from Oregon, let me say the question before us is whether we take dollars from a jobs bill, from a Recovery Act, where we are creating jobs right now, which is what has been proposed over and over—that we basically take it out of one pocket and put it in the other. We want to make sure we are creating jobs and allowing the recovery—or what has been called the stimulus—to be able to work to do that, and it is beginning to do that. So taking dollars out of that pocket, which is what has been proposed by the other side of the aisle in order to be able to address unemployment benefits, doesn't make sense.

I would state one more time: We have always viewed the extension of unemployment benefits in times of economic hardship to be an emergency, just like any other emergency in this country. Our colleagues on the other side of the aisle are refusing to acknowledge that this is an emergency. It is an emergency. When over 15 million people are out of work, it is an emergency, and we should do as we have done under every Republican and every Democratic President. We have called it an emergency. We should continue to call it an emergency, and we should allow those benefits to continue.

I now yield 5 minutes to my colleague from Oregon.

Mr. MERKLEY. Mr. President, we have a chance on the floor of this Chamber to come and debate issues that are important to the success of our families across this Nation. There are some who will come to this floor and they will argue that we should do everything possible to help the most successful; that we should do everything possible to help the most powerful; we should do everything possible to help the wealthiest, those who already have secured the American dream. They have it in their hands.

I come tonight to argue a different case: that we should put our energy behind helping the working families of this Nation, families who are struggling in an economy where jobs have been disappearing left and right; where families are looking for work but there are multiple applicants for each and every job; where someone may be clinging to a job and then losing it when another firm goes under.

I am delighted we have arrested the slide into another Great Depression. We didn't know a year ago whether we were going to see every single month a 1-percent increase in unemployment until we were at 25 percent unemployment or 30 percent unemployment. So we did what we could to break that cycle, and it has been broken. But we remain at a very high level of unemployment—10 percent plus, on average, across this country and much higher in

my home State of Oregon. I have Crook County in eastern Oregon, central Oregon, 17 percent unemployment; Harney County, nearly 16 percent unemployment; Deschutes County, 15 percent unemployment; Josephine, 14.5, and so forth.

Folks are struggling. I have been hearing a lot of stories from people back home, and I thought I would share a couple of those stories tonight to put a face on the challenge.

Dear Jeff: I have worked for 42 years and will lose my unemployment benefits after 6 months without your help. I have 3 girls in college and unemployment benefits are helping to keep us current on basic needs. We need your help in the Senate. This is our only lifeline. Please convince your fellow Senators to do the right thing for everyday families and not throw us under the bus.

That is Mike from Happy Valley. When Mike is saying "don't throw us under the bus," he is saying don't spend our time and energy helping the already successful, the wealthy and the powerful; strengthen the financial foundations of our working families.

Before us tonight is a key measure in that, which is the extension of unemployment benefits for families who are working, doing everything right.

Let me share another story.

Dear Senator Merkley: I have now been without unemployment benefits since May 16. I have been unable to buy food, gas, or pay bills. My son is home from college for the summer and I can't provide for him, either. There are essentially no jobs in Central Oregon. I apply daily. I would go to work tomorrow given the opportunity. Thank you.

That is Donald writing to me from Redmond. He has been without the ability to buy food, gas, or pay bills since May 16. Extension of unemployment benefits is a very real method to help families when we are in times of great economic duress.

It is intriguing to me that my colleagues across the aisle want to take away from the job creation efforts to pay for help for those who are unemployed. In other words, they want to create more unemployed in order to pay unemployment benefits.

Let's step back and realize that it is the policies of my colleagues across the aisle that created this economic crisis. They deregulated Wall Street. They allowed the leverage of major financial firms to double in a single year. Bear Stearns went from 20 to 1 leverage to 40 to 1 leverage in a single year. They allowed retail mortgages to become a form of scam upon working families with prepayment penalties and steering payments, which is a very polite term for payments that are made to brokers so they will sell a mortgage that is wrong for the family but which creates a big bonus for themselves.

They allowed the corruption of the most important financial document that is central to building the financial foundations of our families. They allowed Wall Street to put those into se-

curities and poison all of the financial foundations of the firms that bought those securities.

All this built a house of cards that came down, and now they want to take away from job creation as a way of saying: well, we do care about people who are unemployed. We are just going to create more unemployed in the process. The logic of that escapes me.

Kate from Covallis writes to me:

I am 62 years old and was laid off my job a year ago last March.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. MERKLEY. Thank you, Mr. President. It is an honor to come and say we need to do right by working families in America, and we need to not do it by creating more unemployment.

Ms. STABENOW. Mr. President, I wish to again thank my friend from Oregon who consistently has come to the Senate floor to fight for jobs and to fight for people who are looking for work. I thank him very much for sharing those stories.

I now wish to turn to Senator BERNIE SANDERS who has been another champion in this fight.

Mr. SANDERS. I thank the Senator for all she is doing for the unemployed in this country.

I wish to briefly quote from an e-newsletter we sent out from our office which is [sanders.senate.gov](http://sanders.senate.gov), and this is what the newsletter said recently in discussing the unemployment situation in Vermont:

Adrian Keyser is one of more than 200 people who applied for eight licensed nursing assistant positions at Burlington's Fletcher Allen Health Care earlier this month. She has been unemployed since November.

Eight jobs, 200 people applying for those jobs. This is what she says:

I have been desperately seeking work. Just so many people are looking for jobs. It's very frustrating. It kind of gets on your self-esteem because you are trying so hard and nothing comes through. I know a lot of people that are out of jobs right now.

As Congress debates whether to extend benefits for the seriously and long-term unemployed, an estimated 23,000 Vermonters were jobless in April. Of those, 6,600, or 29 percent, were unemployed for 6 months or longer, according to preliminary data from the Vermont Labor Department.

Thousands of Vermonters who are looking for full-time jobs are only working part-time. The Labor Department estimates 24,100 are working part time, largely because jobs aren't available.

By the way, the recession has not hit Vermont as badly as it has hit many other States, but we have just heard of a situation where eight jobs were being offered, and 200 people were lining up for those jobs.

I wish to make a point about the priorities of many of my Republican friends, which I don't quite understand. When Senator STABENOW, a moment ago, asked for unanimous consent so that we can provide the desperately

needed unemployment compensation for almost 1 million workers out there, there was an objection. The objection was, well, we have to pay for that. We have a large deficit.

I understand we have a large deficit and that we have a large national debt, but what I don't understand is that when it comes to tax breaks for billionaires, my word, we don't have to pay for that.

My understanding is that every member of the Republican caucus without exception voted to repeal completely the estate tax. That would cost the government over \$1 trillion over a 10-year period—\$1 trillion over a 10-year period—and how was that going to be paid for? Oh, it wasn't going to be paid for—but not to worry.

What Senator STABENOW is talking about now is 1 million workers who are in desperate need of help in order to put food on the table, in order to put gas in the car so they can look for work. On the other hand, when you repeal the estate tax, you are not talking about 1 million unemployed workers, you are talking about the top three-tenths of 1 percent of our population, people who are millionaires and billionaires.

Our Republican friends say: Oh, it is OK. We can give them \$1 trillion in tax breaks. We don't have to worry about how we pay for that.

Actually, within a couple of weeks there is going to be another version of providing huge tax breaks for the wealthiest people in this country as another form of repealing the estate tax coming before the Congress. I wonder how much concern our Republican friends will have when that bill comes to the floor about how we are going to pay for that.

Right now, interestingly enough, there is no estate tax. For the first time since 1916, you could be a multi-billionaire and your family will not have to pay any taxes when you die. Last month, it turned out that the wealthiest person in Houston, TX, a gentleman named Dan Duncan, became the first multibillionaire to pass along his entire estate, estimated to be worth \$9 billion, to his family without paying any Federal estate taxes.

Now, I don't know, I may have missed it, but what that family would have been paying in Federal taxes is probably between \$3 billion or \$4 billion. That is a lot of money. That can provide a lot of unemployment compensation to workers who have lost their jobs and are living in desperation. Maybe my friend from Michigan, Senator STABENOW, can correct me, but I don't recall hearing any of my Republican friends coming to the floor and saying: Oh, my word.

We have a huge deficit problem. Yet right now billionaire families are not paying any taxes at all for the estate tax—the first time since 1916. I don't

know. Did my friend from Michigan hear any great laments about that crisis? No. But when it comes to unemployed workers: Oh, my word, we have to pay for that.

The last point I wish to make is I get a little bit tired of being lectured by our Republican friends for the deficit we are in. Let's go over how we got to the deficit—or a good part of the deficit—right now. I voted against going to the war in Iraq. Most, or all, of my Republican friends voted for it. That war will cost approximately \$3 trillion by the time the last veteran gets the benefits he or she is entitled to. They voted for it, but they forgot to tell us how they would pay for it.

During the Bush era, our Republican friends pushed for hundreds of billions of dollars in tax breaks for the wealthiest Americans. They voted for it; I didn't. The point is, please don't lecture us on the deficit that you largely caused.

With that, I yield the remainder of my time.

Ms. STABENOW. Mr. President, I thank my friend from Vermont for his passion. I now yield 5 minutes to the distinguished Senator from Rhode Island, Mr. REED, who is a true leader on this issue. He has been coming to the floor and standing up for working men and women. It is a pleasure always to work with him on this issue.

Mr. REED. I thank the Senator.

Mr. President, I am proud to be here with Senator STABENOW who is leading this effort to remind all of us of our obligations to the most vulnerable Americans—those who have lost their work in this economic crisis, who are looking desperately for work. They have to maintain their families in this very difficult time. Traditionally, we always offer extended unemployment benefits, but memories are too short around here.

Let me take my colleagues back a few years to March of 2002 when the unemployment rate was 5.7 percent and we authorized extended unemployment benefits for 2 years and 1 month. I can't recall any great battles month to month about extending the benefits. I can't recall the "perils of Pauline" episodes where, as soon as we finish the 30-day extension, we have to literally begin the debate on the next one because we understand there will be five or six or seven procedural delays built in to prevent us from doing that.

Today, we are looking at, in my home State of Rhode Island, 12.3 percent unemployment. That is the official numbers. The unofficial numbers are much higher because the underemployment rate—people who are working part time, working odd jobs just to get by—adds significantly more people to the under- and unemployed rolls. We have never in this country declined to extend unemployment benefits as long as the unemployment rate

was at least 7.4 percent nationally. Today, that rate is about 9.7 percent. We are more than two percentage points above what is traditionally—going back to the Eisenhower administration—the standard of when we can sort of release and dispense with extended unemployment benefits.

By any proportion, we are in the midst of a very serious economic crisis. What we have done routinely is extend unemployment benefits. Yet, we have had fierce opposition. Even in those times when we have been able to extend them, it has been after numerous procedural votes. That was not the situation in other administrations—Eisenhower, Nixon, Kennedy, Clinton administration, and the most recent Bush administration.

The reason, as my colleague from Vermont so passionately and eloquently pointed out, was we have to get hold of the deficit. Well, we are the people who got hold of the deficit. I can recall being a rather junior Member of the House of Representatives and voting for President Clinton's proposal, with not one Republican vote in the House or the Senate. Yet, that policy, together with the monetary policy of the Federal Reserve, resulted several years later in a budget surplus. Then President George Walker Bush walked into Washington with a \$236 billion budget surplus. But it weighed heavy. President Bush felt that he had to move that money out as quick as possible through significant tax cuts, which benefited the wealthiest Americans. Part of that tax bill was the estate tax, which has been dispensed with this year—a tax on the books since 1916.

All of that dissipated, undercut the surplus, and now we are in a significant deficit. Add the cost of the war in Iraq and other operations, and the cost of the Part D Medicare entitlement program that left many seniors without coverage—unpaid for, but a huge boon to the drug industry—all of that was on their watch. Now, suddenly, they are deficit hawks again. It doesn't ring true to people out there who are desperately looking for work and need something to support them.

There is also a very pernicious sort of argument that is made—sometimes between the lines and sometimes explicitly—that people want to be on unemployment because they are doing much better, and they are inherently lazy and they want to collect that money. In Rhode Island, unemployment benefits are about \$360 a week, or about \$15,000 a year. That doesn't buy much in terms of gasoline, in terms of food for your family; and it doesn't take care of those bills, such as a health care bill that comes up, or tuition, if you are trying to send your children to school.

One of the phenomenons today of this economic crisis is that it is not just af-

fecting young workers entering the workforce, or transient workers, those who have a record of working and being laid off; this is hitting at people in their forties and fifties, who have had good, hard, high-paying jobs, relatively speaking, who have a mortgage and are trying to send children to college. That, unfortunately, is the face too often of unemployment today in the United States. Those people want to live on \$360 a week, and they don't want to work? I think that is nonsense. We have to extend unemployment benefits. We always have in the past, and we have to do it now.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Michigan.

Ms. STABENOW. Mr. President, I yield 5 minutes to the senior Senator from New York, and I thank him for his passionate leadership on behalf of our country.

Mr. SCHUMER. Mr. President, I compliment my friend and colleague, Senator STABENOW from Michigan, not only for putting this together but for being a clarion voice to the American people. She is one of those—and it is sometimes all too rare here—who talks through all the miasma and the fog, and all the barriers, directly to the average American. That is a rare talent and one that she shows repeatedly. I thank her for that.

I want to follow up on something my colleague from Rhode Island just mentioned, Senator REED, which is this idea that people don't want to work, and if we extend their unemployment benefits, we are going to develop a lazy class of people.

Let me tell you my experience. It is not that the rate of unemployment is the highest it has been since World War II, although it is far too high. That dubious honor goes to 1982, when it was 10.8 percent in that recession. The difference with this recession is that people are employed for a much longer period of time and, second, it goes way up into the middle class and upper middle class—people who have worked hard their whole lives.

When I go around my State, I often meet with the unemployed. I make a special effort to sit down and talk to them. I want to share a story or two, in case anybody is unconvinced of the anguish they go through and their desire to find work.

I met a woman upstate named Dorothy, from the Rochester area. She was about 50, not married and spent her whole life in her company. It was her life. She had risen to be the third highest person in the human resources department at Xerox, which had a big plant over in Webster. She lost her job in May of 2008. My guess is—she never said how much she made—it was probably between \$80,000 and \$100,000 a year—a nice salary. She told me that every day—I met her January 2010, or

approximately then—she went online to look for another job—day after day after day. She still had not gotten a job. It was very poignant when she told me, with tears in her eyes, almost dripping down her cheeks—she said that the first thing she did when she woke up Christmas morning was not go to church or to visit her family but, rather, she went online for 2 hours, in the hope that there might be a job that had been posted the night before, Christmas Eve, and no one else would be going online and looking for the job then and she could get first dibs. Is this a lady who is in the habit of laziness, of wishing to get \$350 or \$400 a week in unemployment benefits? Absolutely not. She is looking every day.

I met a man named Clay. Unlike Dorothy, he was a blue collar worker. He had six children. His wife didn't work. He is the only breadwinner in the family. The children were ages 2 to 14. He had ridden to the top of his trade in the machine tools area. He lost his job in the summer of 2008. He said that here is what he does every week: Sunday night, he gets in his car and drives to Virginia, looks for a job in Virginia on Monday. Tuesday, he goes to the Washington area. Wednesday, he goes to Baltimore. Thursday, he goes to Philadelphia. Friday, he goes to New York City. And late Friday night, he drives home. Then he starts the process again on Sunday night. He still cannot find work. He is desperate for work. He told me that now his children keep asking about the family's livelihood, because he is the breadwinner.

Are we going to cut Clay and his family off? Are we going to tell those children to go on welfare? This is a proud man and a proud family. To cut off benefits will affect 67,000 people in New York State; 60,000 will lose their benefits and another 6,000 to 7,000 will be prevented from moving to tiers. It is wrong. It doesn't look at the problem as is and is virtually inhumane and not part of the great tradition we have established in this country. I hope we will be able to pass this bill. I hope people such as Dorothy and Clay will not be cut off as they desperately look for work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank my friend from New York for those very stirring words about the families he talked with. I think all of us can relate to that, as he was talking about someone from New York each day going to a different city and State to look for work.

I go back home every weekend. I go home Fridays and come back on Mondays. I am very frequently now on a plane with somebody who is coming to work in DC—or to look for work—from Michigan. Every week they are going back and forth. People are willing to

get on planes to find jobs and to work. People are getting on planes now from Michigan and going across the country. I have talked to people who go from one end of the country to another on an airplane because they want to work. People want to work.

The idea that somehow we should treat this economic recession differently than any other recession in the history of our country—different than any other Republican President or any other Democratic President, any other Republican Congress or any other Democratic Congress, by somehow saying we are not going to categorize it as an emergency—which it is—to make that change, which is what we are talking about here on our side with our colleagues—to make that change, to allow that to happen would be to say to these individuals that we do not understand what is happening in their lives.

I want to take the final couple of moments of my time, before yielding to colleagues, to read a couple more letters. One is from Susan from Grand Rapids, who writes:

My husband has been out of work since September of 2009. His benefits will expire soon. He has worked all his life, since he was 13 and he had a paper route. He is a veteran. We are 60 years old now. He applies for jobs every [single] day. He has a Bachelor of Science Degree and has worked for the past 20 years in the construction industry. He has had one interview. One. Out of hundreds of jobs he has applied for, not just in Michigan but all over the [country]. Please help us by extending the Federal unemployment benefit. I am frightened that we will lose our house. Sixty year old people should not have to be frightened of becoming homeless [in this country]. This is something you can do right now for hundreds of thousands of desperate people. Not a fix for future but helping the people that are struggling right now.

That is what this is about. Tonight, we can fix this by getting unanimous consent to do what every other White House and Congress has done—to declare that this is an emergency and fund this as an emergency, as we have done year after year after year in this country, given what is happening to millions of people in this country.

We care about the deficit. Some of us have voted to eliminate the deficit, as we voted for balanced budgets and put ourselves into a situation of economic prosperity under the Clinton administration, before it was wiped out in the last administration with deficit spending. But in caring about deficits, it is important to emphasize that we will never get out of deficit with over 15 million people out of work or 20 million or whatever the real number is. We will never get out of deficit with that many people not working and contributing. We will never get out of deficit, which is why we focus on jobs.

We have a jobs bill in front of us. So far not one Republican colleague—not one—has voted with us on this jobs bill to create jobs, to invest to create cap-

ital for manufacturers and small businesses, to invest in innovation and, yes, to help those who are currently without a job through no fault of their own. So far not one Republican colleague has been willing to join with us.

We are desperately concerned about the almost 1 million Americans who lost their jobs and now are losing their unemployment benefits. We are simply saying it is time to extend those benefits and to understand what is happening to people all over this country who have worked hard and played by the rules and find themselves in a situation where the world is just tumbling down around them—just tumbling down around them—no matter how hard they are looking and trying to find work.

Claudia from Commerce Township:

I worked hard all my life and this is the first time I have ever had to accept unemployment benefits to help me get by. Believe me, I do not want to be in this situation . . . I would like nothing more than to be working again. I was laid off in January of 2009 from a company that lost multiple contracts with the automotive manufacturers and fell on hard times.

A lot of folks in Michigan are in this story.

I have a great deal of experience in my field of expertise (Human Resources) and I hold a bachelor's degree. I have been looking for a job for the past year. At times, I have been encouraged by success in assessment testing and interviews I've completed, but I always seem to lose out in the end. I have taken classes to brush up on my job search skills and believe I do well with my resume and in interviews. I even enrolled and paid for a course to assist me in getting an HR certification to make me more marketable. However, I am 56, and the fact is that in this economy—

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW. If I may have 30 more seconds to complete the sentence.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. She said:

I am 56 . . . and employers are opting for the person with a master's degree—or frankly, someone younger . . . I am a hard worker, intelligent, efficient, trustworthy, honest, dependable and upbeat.

Mr. President, these are the folks we are talking about and for whom we are fighting this evening.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I have listened very carefully to my good friend from Michigan. It is puzzling to me to hear her say what she said because she voted against the amendment by Senator THUNE last week which would have extended the expiring unemployment provisions until November and not added a penny to the debt. I want to say more about that in a minute.

What we are arguing about, what the debate is about is we want to extend

unemployment insurance. We want to make sure the State and local tax deductions continue. We want to make sure tuition deduction and the various disaster relief credits and the research and development tax credits all stay in place. But we want to make sure it is done without adding to a Federal debt that we believe is out of control.

UNANIMOUS CONSENT REQUEST—S. 3347

Mr. President, before I speak about that issue, I wish to make a request which I hope is a request to which my colleagues could all agree. It is a bipartisan request on behalf of myself, Senator NELSON of Nebraska, and Senator VITTER of Louisiana to extend the Flood Insurance Program in Tennessee.

The largest natural disaster since President Obama took office is the flood of 2010 in Tennessee and a very severe flood in Rhode Island too.

On June 1, the Flood Insurance Program expired. This request I am about to make would permit that to be reinstated so small businesspeople could get flood insurance and get their loans. I will speak more about it in just a minute.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 372, S. 3347, a bill that extends the National Flood Insurance Program through December 31, 2010; that the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Ms. STABENOW. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. I certainly understand the concern about this particular program. This is something I support, and it is, in fact, in the broader jobs bill we have. Hopefully, within the next 2 days, we will get another vote to complete this along with unemployment benefits.

Given the fact that we are still in a situation where we have almost 1 million people whose unemployment benefits are running out and that is not included in this request, I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. ALEXANDER. Mr. President, I am deeply disappointed. What I have done is ask to extend the Flood Insurance Program so that Tennesseans who are recovering from the worst natural disaster since President Obama took office could qualify for flood insurance so they could get their loans so they could operate their businesses again.

This does not add a penny to the debt. The money is there; the authority to do it is not. If you are in Rhode Island, if you are in Tennessee, if you are in New Orleans, if you are in any other place where you are waiting for flood insurance, you should know that

Republicans just asked to extend the Flood Insurance Program so you could buy insurance, and Democrats just objected.

That is a very simple request. It does not add a penny to the debt. It is deeply disturbing to me this cannot be done in a simple way.

Tennesseans have not been looting and complaining despite the fact the flood of 2010, as I said, was the largest natural disaster since President Obama took office. Nashville alone had \$2 billion of damage, maybe more than that. There were 45 counties the President eventually declared disaster areas. He declared other counties as disaster areas because of agricultural crops that were washed out. Thousands of homes in Nashville alone—people lost everything in their basements. That means their heating and cooling and all of that equipment. But in many places, in Bellevue, in Nashville, in Millington outside of Memphis, in Clarksville, TN, they lost much more than that. Twenty-nine people lost their lives in this flood—29 people. This was a huge natural disaster.

The President did not ask for extra funds for Tennessee. No one is complaining about that either. FEMA has done a good job with what it has done, but what good does it do for FEMA to be on the site and available, for small business loans to be available, and for flood insurance money to be available, and for Congress to object to a unanimous consent request to allow new policies to be written?

I am deeply disappointed. Let me address a couple of other things I heard said on the floor of the Senate tonight.

I heard some talk about jobs. From our point of view, the American people are concerned about jobs, debt, and terror. That is why the ferment in the country. That is why the people think the country is headed in the wrong direction. Jobs, debt, and terror. We have 10-percent unemployment. If we continue to grow at the rate we grew in the first quarter, we will be at 10-percent unemployment in the last quarter of this year. Jobs, debt, and terror.

Why do we have fewer jobs? Why do we have 10-percent unemployment? The distinguished Senator from Michigan talks about Republican actions, but I am thinking about what the Democrats have been doing the last year and a half. Every step they seem to take talks about jobs but causes us to have fewer jobs. For example, take the health care law which was passed in this Chamber by a purely partisan vote. The health care law taxes job creators and investors. That means fewer jobs.

The financial regulation bill that is being debated today, passing in a partisan way, puts higher tax rates on small business owners. Higher tax rates on small business owners means fewer jobs.

The debt is going up. That is the real argument we are having. We reached \$13 trillion. There are various ways to describe what has happened, but one way to describe it is this: All the Presidents from George Washington to George W. Bush ran up a debt of about \$5.8 trillion. President Obama, in his two terms—if he has two terms—is going to double that debt all by himself. That is what his budgets say. Doubling the debt in 5 years and nearly tripling the debt in 10 years means less credit, higher interest rates, less capital, and fewer jobs.

The financial regulation bill I just discussed—one can watch it being dealt with during the day on television. If one listens carefully to what is being said, it amounts to a Washington takeover of Main Street credit; another big Washington agency telling banks and credit unions, automobile retailers, and dentists what to do about credit.

What is the inevitable result? They are going to shrink away from providing that credit. It is going to be harder to get a loan, harder to get credit, so this financial regulation bill, which was supposed to be tough on Wall Street, is going to be hard on Main Street because it means fewer jobs.

When it comes to jobs, the difference between our friends on the other side and the Republicans on this side is that we are focused on creating an environment for growing private sector jobs. They are focused on creating more government jobs. About the only place the job creation plans and stimulus plans they have enacted are working are in Washington, DC, where incomes are up and jobs are up. But not in the small towns of Tennessee and not in the small towns across this country, people are out of work. They are out of work because of higher taxes, higher debt, higher spending, too many Washington takeovers, too much focus on more government jobs, and not enough focus on an environment in which to create more private sector jobs.

I mentioned a little earlier there was talk earlier about the unemployment provisions we want to be extended. Senator THUNE will be here in a few minutes to talk about his amendment he offered last week on June 17.

Let's be very clear. The Thune amendment, which every Republican voted for and attracted a Democratic vote but Democrats voted it down, would have extended the expiring employment provisions until November. It would have extended for 1 year dozens of tax provisions. It would have extended the State and local tax deduction, the tuition deduction, the various disaster relief credits, the flood insurance provision that was just objected to. It would increase the payment the government makes to doctors for treating Medicare patients.

The American Medical Association said a little earlier this week that 30

percent of doctors, family physicians, will not see new Medicare patients. This would have taken care of that.

I see the Senator from South Dakota on the Senate floor, and I am sure he will speak more to that when he has the opportunity.

In my concluding remarks, let me say one word about debt and spending. Our policies, the policies of this Congress and this government, are short-changing our children. The Democrats' runaway spending and debt is a serious crisis ruining the future of our children. That is why we do not want to pass even an unemployment compensation bill that adds to the debt. We want to pass it, but we want to make sure it does not add to the debt.

Why do I say it piles up a debt on our children? In January of 2009—if you divide the national debt across each child under 18, in January of 2009 each child's debt was \$85,000. By June of 2010, it was \$114,000. By January of 2017, it will be \$196,000. Because of budgets—and these are the budgets proposed by a Democratic President—during the next 7 years, each child's share of the national debt will more than double, going from \$85,000 to \$196,000.

Here is another way to think about it. All the Presidents combined from George Washington to George W. Bush took 232 years to build up a \$5.8 trillion debt. President Obama's budgets will double that debt in 5 years and triple it in 10. What that means is all 43 Presidents combined, from George Washington to George Bush, ran up a \$5.8 trillion debt in 232 years. In 8 years, President Obama will add twice that much to the national debt, tripling the debt.

We on this side of the aisle and a growing number of Democrats, I am sure, and I know across this country a growing number of Americans are saying this national debt is a serious crisis. So we are grateful to the Senator from South Dakota and to others who recognize the real needs of this country, whether it is unemployment compensation, whether it is flood insurance, or whether it is important for doctors to be properly paid, reimbursed for dealing with Medicare payments. We can afford that in this country, but we need to pay for it. We need to do it without adding to the debt.

So I am deeply disappointed that Democratic Senators have objected tonight to providing flood insurance to Nashvillians and other Tennesseans who need it. The money is here; the authority is not. It could have been given tonight. We could have passed it. Tennesseans aren't looting or complaining; they are helping each other and cleaning up. This is an unfortunate slap in the face to Americans who are helping themselves get out of trouble, and I regret that it happened.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

#### UNANIMOUS CONSENT REQUEST—H.R. 4853

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4853; that all after the enacting clause be stricken and the text of the Thune amendment 4376 be inserted; that the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Ms. STABENOW. Reserving the right to object, Mr. President, my colleague's proposal takes money out of job creation to pay for helping people who are out of work. One of the provisions in his proposal would take \$37.5 billion away from creating jobs in order to create help for the unemployed and then create more people who are unemployed. So I regret to say I will have to object to this request.

The PRESIDING OFFICER. Objection is heard.

Mr. THUNE. Mr. President, I would like to speak to the amendment I just proffered to the other side which was objected to.

I think there is a consensus in the Senate that we need to fix some of these problems we are facing, one of which is the expiration of unemployment insurance for people who are unemployed. There are a lot of tax provisions that are expiring that need to be extended, things such as the research and development tax credit, which is critical to innovation and competitiveness in this country, and a whole range of other tax credits which affect a broad range of our economy.

Also, I believe it is important that we provide some certainty to people who depend upon Federal policy, and one of those groups would be the physicians in this country who rely upon Medicare reimbursements for much of their survival because they treat so many Medicare patients. Much of the patient base for many of the physicians in my area of the country, where we have a high elderly population, is Medicare. Obviously, physicians have been facing—up until last week—a 21-percent cut. That was addressed for 6 months, so we have fixed that. We have dealt with it for 6 months. Obviously, that is an issue that will come up again. What my amendment would have done was to solve that issue not just for the next 6 months but to the end of the year 2012. So physicians in this country would have gotten an additional 2 years of relief, so to speak, with regard to their reimbursement.

So I would suggest that inasmuch as these are all things we agree need to be done, the real basic disagreement here revolves around how do we do that.

What the other side has put forward is a series of proposals, starting with the first one, that had \$70 billion in tax increases and almost \$80 billion added

to the Federal debt. The last proposal that was put forward by the Democratic majority had \$50 billion in tax increases and \$55 billion added to the Federal debt. We hope that this week we are going to see that slim down even further, and I would suggest we are making progress in the right direction. But I think it is still fair to say these things need to be paid for.

As many of my colleagues have pointed out, we have \$13 trillion in debt that we owe. That includes debt that is owed between governmental agencies—we call that intergovernmental debt—as well as debt held by the public. If you can find it, the debt held just by the public is about \$8.6 trillion. But remember, we are talking about trillions and trillions of dollars.

As my colleague from Tennessee just pointed out, it took 43 Presidents 232 years to get to \$5.8 trillion. The amount of debt we compiled and accumulated between 1776 and 2008—232 years of American history—was \$5.8 trillion. Now, under this President's budget, we will equal that amount in the next 5 years and double it in 10. In other words, we will double the Federal debt today in 5 years and triple it in 10. That is an astounding number. If you think about all of American history up until the year 2008—232 years and 43 Presidents to get to \$5.8 trillion—we are going to double that amount in 5 years and triple it in 10. Staggering.

Under this new administration, we have already racked up enormous amounts of new debt because we added \$1 trillion to the debt to pay for a stimulus bill which has not shown any evidence of job creation other than jobs that have been created here in Washington, DC, at the Federal Government level. I think you could argue that Washington's economy has benefited because we have created some government jobs, most of which are temporary census jobs. But if you look at the overall job statistics, we have lost somewhere in the neighborhood of 3 million jobs since the passage of the stimulus bill.

We passed health care expansion, which was sold as health care reform but, frankly, does little to reform health care and certainly doesn't do anything consequential to reduce health care costs. I think most Americans now realize, as insurance premiums continue to go up and as the Actuary and the Congressional Budget Office and the Joint Tax Committee all attest to the fact, we are going to see the cost curve bend up, not down, as a result of the passage of health care reform. This is a \$2½ trillion expansion over a 10-year period, when it is fully implemented.

That is a massive new entitlement program on top of the entitlement programs that are already bearing down on us and leading us toward a situation where, in a very few years if we don't

take some serious steps, this country is going to be bankrupt. We are going to be belly-up. It is as simple as that. You cannot continue to sustain trillion-dollar deficits year after year after year, which is what we are facing for the foreseeable and long-term future, and expect that we are not going to completely drive this country into the ditch.

So the amendment I offer pays for things. It says: Let's change the way we do things around here. Let's quit handing the bill to our children and grandchildren. Let's quit putting it on the credit card and saying to the next generation: You pay this.

There is certainly nothing wrong with the things the other side is trying to accomplish. As I said, I think there is consensus about addressing these serious needs in our economy right now. But the difference of opinion exists here about, how do you do that? We are simply saying: Let's pay for things. Let's start doing something different here in Washington. Let's do what the American family has to do, what the American small businesses have to do. Let's pay for things, for crying out loud. That is what my amendment would do. It would say: Here are some ways we can shave some savings and we can cut spending here in Washington, DC, and do all these things we think we ought to do without adding to the debt and without raising taxes in the process.

A few months back, here in the Senate, we passed legislation which was labeled as historic and passed to great fanfare. It was called pay-go legislation, and it created pay-go rules that suggested that from now on we are going to start paying for things. What has happened since the passage of pay-go? The Senate has approved, if you count the not-paid-for portions of the bill that is on the floor right now—of course, that hasn't been approved yet, but assuming it were—nearly \$200 billion of new debt. From the time we said we are going to start paying for things, which was a few short months ago, we have waived the very rules that were going to put us on a path to fiscal responsibility and fiscal discipline, declared everything an emergency, and added almost \$200 billion to the Federal debt.

So here we are today debating yet again another measure that will add more to the Federal debt, that will impose taxes on small businesses in our economy at a time when they are trying to get some momentum to help churn us out of this recession, get us back to where we are creating jobs and to a period of economic growth. All we are doing is piling new taxes on them—taxes on investment, taxes on small businesses, and taxes, of course, with the recent passage of the health care bill, literally on everybody because all those tax increases are going to get passed on to the American consumer.

So where are we? Here is where we are. There are a number of things that can be done that would do what the other side wants to do—to pay for the extension of unemployment benefits. One of those things would be that we could save the necessary amount of money to pay for this now.

The cost of extending unemployment benefits in the Democratic proposal, by the way, is \$33 billion. That is a substantial amount of money, but there are many ways in which that could be paid for, all of which were included in my amendment last week, but let me suggest a couple of discrete parts of that amendment that might be stripped out and used to pay just for the unemployment insurance.

We can pay for the extension of the unemployment benefits by returning unspent stimulus funds, which would save \$34.5 billion. So the \$33 billion in unemployment benefits that need to be extended to people who have lost jobs in the recession could be paid for by returning unspent stimulus funds to the tune of \$34.5 billion. So there would be enough to pay for the unemployment benefits and some left over.

It could also be paid for through a 5-percent cut to the 2010 appropriations and an expansion of the affordability exemption to the individual mandate in the health care reform law, which together would save \$33.5 billion. So that would give the \$33 billion that would be necessary to pay for the extension of unemployment benefits.

Alternatively, it could be paid for with the rescission of other unspent Federal funds, which would pay for it by saving \$56 billion. So you could take care of the unemployment benefits, you would have \$33 billion that is necessary to pay for that and \$23 billion left over, hopefully to be put toward the Federal debt, which would be the best thing we could do for our children and grandchildren.

Finally, it could also be paid for with the inclusion in this bill of medical malpractice reform, which was also included in my amendment last week. That would save about \$50 billion. So you would have \$50 billion to pay for the \$33 billion in unemployment benefits and have \$17 billion left over to put toward the Federal debt, which again would be the best thing we could do for our children and grandchildren.

So all these arguments that are made by my Democratic colleagues that these things are Draconian just aren't true. These are commonsense things that would give us the necessary resources to take care of the problem that is in front of us today but do it in a way that doesn't add billions and billions of dollars to the Federal debt, exacerbating what is already a very serious circumstance facing our children and grandchildren, which the Senator from Tennessee did a very good job of outlining. If you are a child under 18 in

America today, the amount of debt you own is about \$85,000. By the year 2017, that is going to be \$196,000. So if you are a young person in America today who is under the age of 18, your share of the Federal debt is \$85,000. Ten years from now, that will be \$196,000—in fact, less than 10 years from now; in the year 2017.

I think all that leaves us with a very clear choice when it comes to how we solve problems here in Congress, here in the Senate, and how we deal with the immediate question before us this evening: How do we extend unemployment benefits to those who have lost jobs in the recession?

The other side has come forward with a proposal, again with billions and billions and billions of dollars that are not paid for, and that does go on the debt and that does get passed on to our children and grandchildren.

What we are offering are some commonsense ways, which means the Congress and the Federal Government may have to live on a little bit less. They are things that would require the Federal Government to go on a diet, if you will, in the same way the American people are having to go on a diet. The American people are being asked, because of this tough economy, to make hard choices with regard to their family budgets, with regard to their individual and personal lifestyles, with regard to their businesses. Everybody in this country is having to make decisions about cutting back a little bit. We could address this issue by just asking the Federal Government to take a little bit of a haircut, put the Federal Government on a little bit of a diet. We can achieve the savings necessary to pay for the proposal that is before us.

Again, as I said, \$33 billion fixes the unemployment benefit issue, and I have just named four ways that could be paid for, with money left over that could be put toward the Federal debts. That is what this is about. That is what the discussion here is. This is very straightforward.

My colleagues on the other side have come up here this evening and will continue to offer unanimous consent requests to go ahead and do this but not pay for it, and people on our side are getting up and saying: Wait a minute. No, I object, and here is why. And the reason is because we believe in a very straightforward way that we ought to start doing what I think the American people expect of us, and that is for us to live within our means in the same way they do.

Unfortunately, regrettably, today, that is not what is happening here in the Congress. Year over year over year, we continue to spend and spend and spend and borrow and borrow and borrow like there is no tomorrow. Well, the chickens are going to come home to roost. Someday, the bills have to be paid. People where I come from in

South Dakota understand that. There is no free lunch. When you borrow money, it has to be paid back. You can't spend money you don't have.

Those are all things that are happening here in Washington, DC today. We are spending money we don't have and we are borrowing money we don't have any idea about how we are going to pay it back. All we are simply doing is giving it to the next generation so they will have a bill facing them and a future that will shackle them with debt that they will be dealing with for their lifetimes and probably the lives of their children and grandchildren as well.

By way of illustration, because I think it is important to put things into perspective—sometimes I think it is very difficult to come to grips with what is \$1 billion, what is \$1 million, what is \$1 trillion. I tried to break that down, to put it in perspective for myself so I can understand a little better what we are talking about. The numbers, the number of zeros on the end of that number, can be almost mind boggling to the average person in this country. Most of us are not used to dealing with numbers that are in that ballpark of \$1 trillion.

What a trillion seconds is—if you took a trillion seconds, what would that translate into, by way of illustration and example—a trillion seconds, if you broke that down into years, would be almost 31,000 years; 31,746 years is what a trillion second is. If you take \$1 trillion and you make a second a dollar and try to put it into terms I think the average American can understand, a trillion seconds represents 31,746 years.

Since most of us here are probably not going to live much more than 80 years—hopefully if we are lucky, we will live beyond that. Most of us here are going to live under 100 years. When you talk about a trillion seconds, which in the last—we have seen about 15 seconds pass here, and you add that up to a trillion, that is 31,746 years. Think about what \$1 trillion represents, how much that is, the scale, the dimension we are talking about and what we are doing to future generations of Americans if we do not start taking the steps that are necessary to pay the bills around here.

This amendment I offered and that was objected to by the other side would have done that. It would have fixed the physician fee issue, not just until November of this year but for another 2 years beyond that, to the end of the year 2012. It would have addressed the issue of the expiring tax provisions which we are all concerned about. It is an important tax policy that needs to be extended that has expired and needs to be addressed. Also, as I said earlier, there is of course the issue before us this evening of unemployment benefits which, at a cost of \$33 billion, could easily be offset by any of a number of things I suggested this evening.

I see my colleague from Utah has arrived on the floor. I know he too has an amendment he wishes to offer that I think makes a lot of sense. When it comes to creating jobs, he is someone with a small business background and understands what job creation is about and I understand he will have a request he will make of our colleagues on the other side as well, so at this point I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I thank my colleague from South Dakota for the comments he has made and appreciate the time he put into this effort.

We are talking about jobs. That is the issue. The House bill, H.R. 4853, has to do with taxes that would supposedly increase the number of jobs. In that atmosphere, I wish to revisit the Main Street Revitalization Act of 2010 which I offered some time ago, which has to do with small business and tax activities with respect to small businesses.

Let me remind the Senate that small businesses are the economic engine of our economy. Historically, small businesses have been responsible for all of the net new job creation in the United States. At times when large businesses downsize, small businesses grow. Many times, small businesses are created by people who have lost their jobs with the large business and, in an effort to find someplace to find work, they create businesses of their own. I have had that experience. I have lost my job and said, somewhat facetiously but with more accuracy, I had to start my own business because nobody else would hire me. Many of the businesses I started or was involved with failed, but enough of them succeeded that we were able to create jobs, not only for me but for all of the other people who were involved with me.

When I was the CEO of a business that started out with four—I was the fifth employee hired—we took it ultimately to the New York Stock Exchange and hired 4,000 people. This was a demonstration of what could happen with small businesses. With that business I was able to overcome all of the financial losses that occurred in the businesses I started that didn't work.

As I pointed out before, we did that during what the New York Times has called the decade of greed, because that was the period when Ronald Reagan was President and the top marginal tax rate was 28 percent. I understand the impact of a tax rate at 28 percent because we financed that business with internally generated funds. Yes, we had a line at the bank but we didn't sell stock—because I am not sure anybody would have bought it. We got to keep 72 cents out of every dollar we earned during the decade of greed. That is what allowed us to go from 4 jobs to 4,000 jobs over about that 10-year period.

Today the top marginal rate, when you add the additions that have been made with respect to the Medicare taxes, is over 40 percent, a very significant increase from the 28 percent we had during the time the New York Times was so scandalized by the fact that small businesses were not taxed enough. I can tell you they are not only taxed enough now, they are taxed too much. This recession has hit small businesses particularly hard.

One of the problems dealing with the challenge of creating a small business as you try to get capital is not just the higher tax rate but a lack of certainty in the capital marketplace. Unfortunately, this lack of certainty has been exacerbated by some of the activities of this administration.

My bill, the Main Street Revitalization Act, tries to address these issues and make a circumstance where a business can have a degree of certainty with respect to their tax position and an opportunity to grow the business in an atmosphere that will move a little closer to that atmosphere with which I was so familiar during the Reagan years. There are three targeted tax breaks in my bill that I wish to talk about in detail.

The first one provides a 10-year net operating loss carryback provision for qualifying businesses whose average gross incomes are \$5 million or less. One of the things you learn when you start a small business is that the only thing slightly better, but still bad, for a small business is earning a profit. The worst thing, of course, is a loss. But as soon as you earn a profit the tax man shows up and says "I want mine." I want my 28 percent, if you are in the Reagan years. I want my 42 percent now in the Obama years.

But I haven't got the cash, you say, if you are running a small business. I can't pay the taxes. That money I have shown on a profit and loss statement is tied up in inventory and accounts receivable.

No, says the tax man, I want it now and I want it in cash.

If you have a net operating loss carryback, you can say let me go back and take those years in which we were not earning a profit and apply them, average them in with this time when we have started to earn a profit and thereby avoid paying that tax at this crucial time when I need the cash to grow the business. That is the first thing. We provide a 10-year net operating loss carryback provision for qualifying businesses. It is only, as I say, for businesses with average gross income less than \$5 million—genuinely a small business.

No. 2, the bill expands the definition of section 179

Expensing to include structural changes to the physical property and it makes the current \$250,000 deduction limit permanent. Again, you are starting the business. You have earned some

money. You have had to put that money into a physical improvement on your property. But the tax man says I want it in cash. You can't do it, you can't make the business grow without investing it in your property. We expand the definition of this expensing so that you get a tax advantage there.

No. 3, there is, under current law, a startup cost deduction of \$5,000. That is fine but it is not enough in today's world to make a difference for a business to survive. My bill would increase the current startup cost deduction from \$5,000 to \$20,000. This would encourage entrepreneurs to invest now rather than wait for the economy to improve. This says we will exempt this amount up to \$20,000. It will produce a significant increase in the number of small businesses.

Nationally there are 5 million to 6 million small businesses that would qualify and benefit from this bill. In Utah we have done the examination. It would be about 70,000 small businesses. If the 70,000 small businesses that would benefit from this would each hire one additional person, that is 70,000 more jobs in the State of Utah. If they were to hire two additional persons, that would be 140,000 new jobs, which is more than the national increase in hiring that occurred last month. It is not a big deal, one employee per business, if we adopt this bill. It would be a very big deal for the impact on the economy as a whole.

Because it is for only businesses with revenues of \$5 million or less, we can be sure this is not going to be something that big business is going to take advantage of. We can be sure that all of the concern about bailout of large corporations—it does not apply; my bill would not make any impact at all on that end of the economy.

I have a small business owner in Utah who wrote me a letter with respect to all of his challenges. Let me share with you some of the points he made in his letter that I think apply. He said:

I own a small business here in Utah . . . that had employed 20 people and now I am down to 4 people, as I cannot get financing.

I have put close to \$2 million into technology development and we are ready to launch, but we have run out of funds and can't find investor groups . . . willing to take a risk.

I would hire 25 to 30 new people if I could receive the funding that I need to launch my product. Banks won't lend, people are holding onto cash . . . and I don't want to violate the SEC rules so raising funds is difficult.

I had hoped the government would have made Stimulus funds easier to receive by those businesses that could make a difference in the lives of so many looking for employment.

I have a lot of potential business . . . but may need to shut the business down and lay-off the rest of the workers, due to lack of funding.

I believe the tax provisions that are in my bill would make it possible, or

easier at least, for this particular small businessman to find the funding he needs and to hire those additional people he talks about. His business plan is sound but his financial circumstance is very difficult.

What this letter tells me, and my own observation elsewhere, is that the stimulus that was supposed to save our economy has not gotten down to small business one bit. This is exactly why I opposed the stimulus bill in the first place. Most of it has been spent in public arenas and has not hit the small business world. The Main Street Revitalization Act will help enable this company to quickly and efficiently access the capital they need to keep the business running, create new jobs, and eventually help them grow and expand.

UNANIMOUS CONSENT REQUEST—H.R. 4853

With that background in mind, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4853, that all after the enacting clause be stricken and the text of S. 3083 be inserted; that the bill as amended be read a third time and passed, the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Ms. STABENOW. Mr. President, reserving the right to object, I first commend my friend from Utah for speaking about small business. This is something that we share a very strong passion regarding. In fact, we are operating right now under some small business reforms that have already been passed this year and a 5-year net loss operating carryback—not the 10 years my friend has talked about, but we have begun that with 5 years.

The section 179 expensing was passed in the jobs bill, which is very important. I am hopeful we will be able to join together on a bipartisan basis when our leaders bring to the floor a small business bill that will exempt capital gains for small business, increase the availability of loans, and that we might work together on the other provisions that my friend has suggested from his bill.

At this point, I will object but look forward to working with him on these very important measures.

The PRESIDING OFFICER. Objection is heard.

Mr. BENNETT. Mr. President, I thank the Senator from Michigan for her spirit of cooperation. I am sorry she is required to object. I must confess, I am not particularly surprised. But I appreciate the opportunity to have this discussion and deal with this challenge. If I may close my presentation with, once again, making a comparison between what happened in the 1980s when we created the business that I described and what we are dealing with now.

I remember, in a business prior to the one I just talked about that I was run-

ning, during the Carter administration, I went to the bank begging—that is the operative word—begging for a loan, without which we could not meet payroll. I was overjoyed when the banker finally agreed to give us a loan at 21 percent interest.

That was the circumstance through which we were living in those times. We talk about the Great Depression of the 1930s. I remember, very vividly, the great inflation of the 1970s—21 percent interest so that I could meet payroll. That business, to use Abraham Lincoln's words for his store in New Salem, IL, winked out. We did repay the bank loan, but we could not keep the doors open. It was just a few years later that we started the other business during the Reagan administration when the tax circumstances had been changed dramatically.

The Reagan administration inherited the results of the great inflation from the Carter administration, much as the Obama administration has inherited the results of the great housing bubble from the days of the Bush administration. I will not make any attempt to put blame on a partisan basis, but those were the time lines. It was the Carter administration that was there during the time of great inflation; it was the Bush administration that was there when the housing bubble burst. So each President had a dilemma thrust upon it.

Ronald Reagan approached his economic challenge with tax cuts, and it produced the kind of job creation and ultimate economic growth that we are talking about. Reagan was very unpopular in the election that followed his election for President, and his party lost a considerable number of seats in that period. But 2 years later, the economy was roaring forward on such a strong basis, as a result of the Reagan tax cuts, that he was reelected in a landslide.

President Obama chose a different economic theory from that which Ronald Reagan embraced. President Obama followed the advice of the Keynesians and instead of trying to have tax policy that would stimulate the economy, he went to a spending policy to stimulate the economy.

The political pundits are saying President Obama will see losses in November the same way President Reagan did in the off-term election following his Presidential inauguration. My fear is that we will not see the recovery following that because of the Keynesian economics embraced by President Obama. My fear is this recovery will continue to be sluggish, and the unemployment rate will stay very close to double digits.

There are a lot of people who dismissed Ronald Reagan as something of an uneducated, almost simple-minded individual. I would point out Ronald Reagan was the only President we have

ever had whose college degree, from his days in Illinois, was in classical economics, pre-Keynesian economics, back in the days when a college degree from any kind of college was something of a rarity. He brought that concept of classical economics into the Presidency and saw a reversal and an end of the great inflation and set off a period of great prosperity for a long time and is considered one of the pivotal Presidents of the last century.

I disagree with the economic policies of this President. I hope I am wrong and that the recession we are now in ends with the same kind of success story that Ronald Reagan had. But I am afraid I am right and we will see this recession drag on for a longer period of time.

With that little bit of nostalgia, I thank the Senators for their indulgence.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### KAGAN NOMINATION

Mr. BARRASSO. Mr. President, I just returned from spending a weekend in Wyoming talking to many people around the Cowboy State who are concerned about our Nation, concerned about the growing debt, concerned about jobs and the economy, and the concern that Washington has taken our eye off the ball.

They also have considerable concerns and questions specifically about the nominee to the Supreme Court, Elena Kagan. I heard this when I was in Thermopolis, WY; when I was in Sheridan; when I was in Casper.

So what I want to do is spend a few minutes discussing and questioning the views on the second amendment of Elena Kagan. The second amendment in Wyoming, as you know, is nothing we take for granted. It is something we hold very dear. We do not take it for granted because our lives depend upon it.

The second amendment allows us to defend ourselves from harm. It also puts food on our tables. These are the values and the virtues that make this issue so important to Wyoming. I understand next week Ms. Kagan's hearings will begin. It is my hope we will have a clear picture of where she stands on the right to keep and to bear arms.

The window into her views is small. I hope the hearing will open that window wider for the American people. Her clerkship to Justice Thurgood Marshall

and the documents connected to her time in the Clinton White House only crack that window a little bit. I want to hear from her.

I want to hear why Ms. Kagan recommended to throw out the *Sandridge v. the United States* case from the Supreme Court. This is a case that involved an individual charged with possession of a handgun and ammunition in the District of Columbia.

In a one-paragraph recommendation to Justice Marshall, Ms. Kagan wrote:

The petitioner's sole contention is that the District of Columbia's firearms statutes violate his constitutional right to keep and bear arms.

She went on to write:

I am not sympathetic.

I want to know why she was not sympathetic to Mr. Sandridge. The second amendment explicitly says:

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Well, as we know today, the DC gun ban, the law, was clearly unconstitutional. The individual right to keep and bear arms has been affirmed by the Heller case. Mr. Sandridge's rights were violated. Ms. Kagan had the opportunity to recommend that the Court hear the case, but she did not recommend it.

Was this recommendation a legal opinion or was it a political opinion? The second amendment is pretty clear: The right of the people to keep and bear arms shall not be infringed.

During the Clinton administration, Ms. Kagan served as associate White House counsel. The role of the White House counsel's office is to provide the President with the best legal advice possible. This is not a political office.

According to a 1996 memorandum released by the Clinton Library, Ms. Kagan raised concerns that certain organizations would be exempted from liability under the Volunteer Protection Act. This legislation was aimed at providing protections to volunteers, to nonprofit organizations and governmental entities in lawsuits based on the activities of volunteers.

In a memorandum she wrote, she branded some of these organizations as "bad guy orgs." I assume that is bad guy organizations. The bad guy organizations she was referring to she listed as the Ku Klux Klan and the National Rifle Association. So in her capacity as counsel to the President, I want to know why she was concerned that the NRA, the National Rifle Association, would be covered in the Volunteer Protection Act. I want to know why she grouped a violent racist hate organization with the NRA. The NRA, the national organization and chapters around the country, is very active in Wyoming. It teaches firearm safety. It advocates for second amendment rights. Again, this gets to the question

of whether Ms. Kagan is able to separate politics from policy.

We have seen Ms. Kagan's resume. Now we need to hear from her. Next week I look forward to hearing her testimony. I also look forward to meeting with Ms. Kagan to discuss these issues and the importance of the second amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. How much time remains on this side?

The PRESIDING OFFICER. There is 15 minutes 13 seconds.

Mr. GRASSLEY. I thank the Chair.

#### BIODIESEL TAX CREDIT

Mr. GRASSLEY. Mr. President, I have a unanimous consent request but I will wait until a Member from the other side is here to make it. As a predicate to that, I will make a statement on my reason for doing so.

As the majority continues to struggle in an attempt to pass another massive deficit spending bill through Congress, biodiesel plants in Iowa and throughout the country continue to lay off workers because the Democratically controlled Congress has not extended the biodiesel tax credit. This is a simple and noncontroversial tax extension that will likely reinstate 20,000 jobs nationwide and about 2,000 jobs in my State of Iowa all by itself. These jobs have fallen victim to a tactic used by the Democratic leadership to hold this popular and noncontroversial tax provision hostage to out-of-control deficit spending in Washington.

This past February, I worked out a bipartisan deal with Chairman BAUCUS to extend the expired tax provision, including the biodiesel tax credit. However, the Senate Democratic leadership decided to put partisanship ahead of job security for thousands of workers in the biodiesel industry. I am here again to try to put thousands of workers back to work, American workers, in the process of producing a clean and renewable fuel. We already stripped out and passed the so-called doctor fix from the larger extenders bill last week. We should do the same with the biodiesel tax credit right now.

Also there is a difference between the biodiesel tax credit and the other tax provisions in the tax extenders bill. The failure to extend the biodiesel tax credit before it expires has ground the industry to a halt, because biodiesel is now more expensive than gasoline and gas stations know they can't sell it. So, of course, naturally, they don't buy it. Therefore, biodiesel producers have stopped producing it because they have nobody to sell it to. While the other tax provisions are important, they are not as time sensitive as biodiesel, because they are not transactional tax incentives like the biodiesel tax credit

but instead are based on the taxable year.

I am going to reserve my unanimous consent request until the Senator from Michigan returns. I will go to other remarks I want to make at this point.

I see the Senator has returned so I will make my unanimous consent request at this point.

UNANIMOUS CONSENT REQUEST—H.R. 4853

I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4853, that all after the enacting clause be stricken and the text of S. 3440, to extend the biodiesel fuel tax credit, be inserted; that the bill, as amended, be read a third time and passed and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection?

Ms. STABENOW. Mr. President, reserving the right to object, I thank my colleague for his courtesy in allowing me to return to the Chamber and also indicate that this particular provision on biodiesel, which I strongly support, is in the underlying jobs bill. We hope to have this passed in a couple of days. We will have another opportunity to vote on this shortly. As a result of that, I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—H.R. 4853

Mr. GRASSLEY. Mr. President, I have a further unanimous consent request. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4853; that all after the enacting clause be stricken and that an amendment at the desk, which is the text of S. 3421, be agreed to; that the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Ms. STABENOW. Reserving the right to object, I again say to my colleague, we will have an opportunity to address this. We had two opportunities last week to address it and did not get the votes. Hopefully, in the next couple days, we will be able to resolve these issues. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRASSLEY. Mr. President, may I ask how much time remains?

The PRESIDING OFFICER. There is 10 minutes.

Mr. GRASSLEY. I thank the Chair.

Mr. President, this morning we saw yet another replay of a dialog between some of my friends on the other side and some on my side of the aisle. It kind of goes like this. Republicans make a proposal to make a pending Democratic leadership proposal such as the extenders bill deficit neutral. The Democratic leadership marshals the votes and defeats the deficit-neutral proposal on a largely party-line basis. After the vote, debate ensues. My

friends on the other side define the proposal that they defeat in an incorrect way. They define it as a proposal to carry out the policy of a fiscally responsible manner as opposition to the underlying policy in the proposal. Republicans counter that the Republican deficit-neutral proposal carries most, if not all, of the policy contained in the Democratic leadership's proposal.

When the smoke clears, the true differences between the two sides' approaches become very clear. My friends on the other side want to add to the deficit to carry out the underlying initiative—be it an extension of unemployment benefits or a lot of other things in the bill. On this side, we want deficit neutrality at a minimum by rolling back future bloated spending. The Democratic leadership wants to keep in place the future bloated spending. Tax increases are OK, if they are offset. Bring on hundreds of billions of dollars of tax increase, whether they hit individuals, small businesses, or what have you. As an example, the latest tax is due to hit next week. Next Tuesday, July 1, users of tanning bed services will face a new 10-percent tanning bed excise tax. God help us if someone proposes to make the government even a little bit leaner. That proposal will be met with a brick wall of resistance, even if it is a proposal to roll back future unobligated, unallocated stimulus spending, which stimulus spending has not accomplished what it was intended to accomplish, keeping unemployment under 8 percent.

The upshot is this: For my friends in the Democratic leadership, keeping the spending spigot all the way open trumps deficit reduction. Keep the spending going, in other words. Worry about our deficit sometime down the road. Let our grandchildren worry about it.

On the Republican side, we want to trim the spending and save some taxpayers money by managing priorities. That is a worthwhile debate. It is an intellectually honest debate. It is the kind of debate that can inform fiscal policy judgments. But my friends in the Democratic leadership are not content to have the debate on that basis. Instead, we have seen a pattern where they want to change the subject. Instead of focusing on the present and the future, my friends on the other side want to revisit the past. In veering away from current choices and future fiscal consequences, my friends on the other side take the discussion in a whole different direction. My friends on the other side claim they cannot deal with these problems in a fiscally responsible manner because of Republicans. Republicans only left them with fiscal problems.

People watching C-SPAN witnessed this back and forth last Thursday, and around lunchtime the Senate voted on

Senator THUNE's alternative to the Democratic leadership's extender bill. The Thune amendment took the exact opposite approach to the Democratic leadership's substitute. It cut taxes by \$26 billion by extending current law. It cut spending by over \$100 billion and reduced the deficit by \$68 billion. Those are not this Senator's numbers. They come from the nonpartisan Congressional Budget Office and the nonpartisan Joint Committee on Taxation.

According to the Congressional Budget Office, the last version of the Democratic leadership's extender substitute would have increased direct spending by about \$105 billion through the year 2020, and raised revenues by about \$50 billion over that period, resulting in a net deficit increase of about \$55 billion. As an aside, last Friday Chairman BAUCUS and I prevailed on the leadership to clear the deficit-neutral bill that extended the so-called Medicare doctor fix. That action will cut those numbers a little bit.

On the larger bill, however, the contrast could not be clearer. The Republican Conference, along with one member of the Democratic caucus, voted to change the bottom line fiscal effects of the Democratic leadership's extender substitute. If Senator THUNE had prevailed, his amendment would have reduced the deficit by \$13 billion more than the amount the Democratic leadership's extender substitute would have added to the deficit. The Thune amendment reached this better fiscal result by simple common sense of restraining Federal spending. All but one Member of the Democratic caucus then in attendance, 57 Senators, voted against the Thune amendment. One of the Senators who voted for the Thune amendment came to the Senate floor to highlight the differences between the Democratic caucus and the Republican Conference in the approach to this extenders bill.

A Member of the Democratic leadership also made some comments on the current fiscal problems. Instead of focusing on the question of whether to offset the policy or not, that Member decided to change the subject. As we saw this morning, that Member of the Democratic leadership wanted to go back several years and talk about fiscal history.

This morning, like last week, there was a lot of revision or perhaps editing of the recent budget history. I expect more of it from some on the other side.

The President signaled as much in an interview with George Stephanopoulos a few months ago. I agree with the President that there is a lot of revisionism in the debate.

The revisionist history basically boils down to two conclusions: One, that all of the "good" fiscal history of the 1990s was derived from a partisan tax increase bill of 1993; and, two, that all of the "bad" fiscal history of this

decade to date is attributable to the bipartisan tax relief plans.

Not surprisingly, nearly all of the revisionists who spoke generally oppose tax relief and—do you know what—support tax increases. The same crew generally supports spending increases and opposes spending cuts.

In the debate so far, many on this side have pointed out some key undeniable facts. The stimulus bill passed by the Senate, with interest included, increases the deficit by over \$1 trillion. The stimulus bill was a heavy stew of spending increases and refundable tax credits, seasoned with small pieces of tax relief.

The bill passed by the Senate had new temporary spending that, if made permanent, will burden future budget deficits by over \$2.5 trillion. That is not Senate Republicans adding that up. It is the official congressional scorekeeper, the Congressional Budget Office, nonpartisan as they are. In fact, the deficit effects of the stimulus bill passed a year ago March—passed within a short time after the Democrats assumed full control of the Federal Government—roughly exceeded the deficit impact of the 8 years of bipartisan tax relief.

All of this occurred in an environment where the automatic economic stabilizers, thankfully, kicked in to help the most unfortunate in America with unemployment insurance, food stamps, and other benefits.

That antirecessionary spending, together with lower tax receipts, and the TARP activities, has set a fiscal table of a deficit of \$1.4 trillion for the fiscal year that ended several months ago. That is the highest deficit, as a percentage of the economy, in post-World War II history.

It is not a pretty fiscal picture, and it is going to get a lot uglier with the budget put forward by the President this year. It is the same result under the budget crafted last year by the Democratic leadership.

So for the folks who see this bill as an opportunity to “recover” America with government taking a larger share of the economy over the long term, I say congratulations. America has been recovered with a vast expansion of government and the American People have a lot of red ink to look forward to.

Members who voted for the budget and the fiscal policy envisioned in it put us on the path to a bigger role for the government. But supporters of that fiscal policy need to own up to the fiscal course they are charting.

That is where the revisionist history comes from. From the perspective of those on our side, it seems to be a strategy to divert, through a twisted blame game, from the facts before us. How is the history revised? Let's take each conclusion one by one.

The first conclusion is that all of the “good” fiscal history was derived from

the 1993 tax increase. To test that assertion, all you have to do is take a look at data from the Clinton administration.

The much-ballyhooed 1993 partisan tax increase accounts for 13 percent of the deficit reduction in the 1990s—13 percent. That 13 percent figure was calculated by the Clinton administration's Office of Management and Budget.

The biggest source of deficit reduction, 35 percent, came from a reduction in defense spending. Of course, that fiscal benefit originated from President Reagan's stare-down of the Communist regime in Russia. The same folks on that side who opposed President Reagan's defense buildup take credit for the fiscal benefit of the “peace dividend.”

The next biggest source of deficit reduction, 32 percent, came from other revenue.

Basically, this was the fiscal benefit from pro-growth policies, like the bipartisan capital gains tax cut in 1997, and the freetrade agreements President Clinton, with Republican votes, established.

The savings from the policies I have pointed out translated to interest savings. Interest savings account for 15 percent of the deficit reduction.

Now, for all the chest-thumping about the 1990s, the chest-thumpers, who push for big social spending, didn't bring much to the deficit reduction table in the 1990s. Their contribution was 5 percent.

What is more, the fiscal revisionist historians in this body tend to forget who the players were. They are correct that there was a Democratic President in the White House. But they conveniently forget that Republicans controlled the Congress for the period where the deficit came down and turned to surplus.

They tend to forget they fought the principle of a balanced budget that was the centerpiece of Republican fiscal policy.

Remember the government shutdown of late 1995, my friends on the Democratic side? Remember what that was about? It was about a plan to balance the budget. We are constantly reminded of the political price paid by the other side for the record tax increase they put in the law in 1993. Republicans paid a political price for forcing the balanced budget issue in 1996. But, in 1997, President Clinton agreed. Recall as well all through the 1990s what the year-end battles were about.

On one side, congressional Democrats and the Clinton administration pushed for more spending. On the other side, congressional Republicans were pushing for tax relief.

In the end, both sides compromised. That is the real fiscal history of the 1990s.

Let's turn to the other conclusion of the revisionist fiscal historians. That

conclusion is that, in this decade, all fiscal problems are attributable to the widespread tax relief enacted in 2001, 2003, 2004, and 2006.

In 2001, President Bush came into office. He inherited an economy that was careening downhill. Investment started to go flat in 2000. The tech-fueled stock market bubble was bursting. After that came the economic shocks of the 9/11 terrorist attacks. Add in the corporate scandals to that economic environment.

And it is true, as fiscal year 2001 came to close, the projected surplus turned to a deficit. But it is wrong to attribute the entire deficit occurring during this period to the bipartisan tax relief. According to CBO, the bipartisan tax relief is responsible for only 25 percent of the deficit change, while 44 percent is attributable to higher spending, and 31 percent is attributable to economic and technical changes.

At just the right time, the 2001 tax relief plan started to kick in. As the tax relief hit its full force in 2003, the deficits grew smaller. This pattern continued up through 2007.

If my comments were meant to be partisan shots, I could say this favorable fiscal path from 2003 to 2007 was the only period, aside from 6 months in 2001, where Republicans controlled the White House and the Congress. But, unlike the fiscal history revisionists, I am not trying to make any partisan points, I am just trying to get to the fiscal facts.

There is also data that compares the tax receipts for 4 years after the much-ballyhooed 1993 tax increase and the 4-year period after the 2003 tax cuts. I have a chart that tracks those trends.

In 1993, the Clinton tax increase brought in more revenue as compared to the 2003 tax cut. That trend reversed as both policies moved along.

Over the first few years, the extra revenue went up over time relative to the flat line of the 1993 tax increase.

So, let's get the fiscal history right.

The progrowth tax and trade policies of the 1990s, along with the “peace dividend,” had a lot more to do with the deficit reduction in the 1990s than the 1993 tax increase. In this decade, deficits went down after the tax relief plans were put in full effect.

No economist I am aware of would link the bursting of the housing bubble with the bipartisan tax relief plans of 2001 and 2003.

Likewise, I know of no economic research that concludes that the bipartisan tax relief of 2001 and 2003 caused the financial meltdown of September and October 2008. I have a chart that shows what the President inherited from a Democratic Congress and a Republican President.

As I said, from the period of 2003 through 2007, after the bipartisan tax relief program was in full effect, the general pattern was this: revenues went up and deficits went down.

That is the past. We need to make sure we understand it. But what is most important is the future. People in our States send us here to deal with future policy. They don't send us here to flog one another, like partisan cartoon cut-out characters, over past policies. They don't send us here to endlessly point fingers of blame.

The substitute before us takes us in the direction of more deficits and debt. The Thune amendment, which was rejected by most of the Democratic Caucus, would have put us on a path in the opposite fiscal direction. My friends on the other side fool no one if they pretend that the fiscal choices made by the Democratic leadership and the President over the last year have nothing to do with this rapidly rising debt.

President Obama rightly focused us on the future with his eloquence during the campaign. I would like to paraphrase a quote from the President's nomination acceptance speech: We need a President who can face the threats of the future, not grasping at the ideas of the past.

President Obama was right.

We need a President, and, I would add, Congressmen and Senators who can face the threats of the future. Grasping at ideas of the past or playing the partisan blame game will not deal with the threats to our fiscal future.

It is not too late to correct the excesses of the stimulus bill or the bloated appropriations bills that will come. The Senate missed an opportunity with a partisan rejection of Senator THUNE's alternative.

We took a small, bipartisan step last Friday. The Senate unanimously approved a paid-for Medicare doc fix bill, led by my friend, Chairman BAUCUS. That was the way we need to go.

There are more bipartisan fiscally responsible efforts underway. Senator MCCASKILL's and Senator SESSIONS' amendment, which calls for a timeout on the exponentially rising levels of appropriations spending, is a good start. The President called on the Democratic leadership to do something similar.

That is what the American people want and need. There is a way to reach a real bipartisan compromise. It is right in front of the Democratic leadership. Efforts to change the subject and blame Republican Congresses of many years ago won't answer the questions about what needs to be done now.

Efforts to blame every fiscal problem on a Republican President who retired a year and a half ago is no answer. It is a strategy that avoids responsibility for the trillions of new spending that the Democratic leadership and this President have muscled through with large majorities. It is time to match the power with responsibility. The American People expect no less.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRASSLEY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, it is my understanding that the Republican time has now ended.

The PRESIDING OFFICER. That is correct.

Ms. STABENOW. We have 15 minutes to wrap up. Is that my understanding?

The PRESIDING OFFICER. That is correct.

Ms. STABENOW. First, as a courtesy to my colleagues, I will offer a unanimous consent request at the beginning of our comments, and this relates to the nearly 1 million people who have lost their jobs who have now lost their unemployment benefits because of the inability to move this forward in terms of extending unemployment benefits through the end of November.

UNANIMOUS CONSENT REQUEST—S. 3520

So, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3520, the Unemployment Extension Act of 2010, that the bill be read a third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, reserving the right to object, the Republicans have offered a bill, and it is fully paid for. We have the same concerns. We think, though, we should not be adding to the debt and the deficit. We know the President's budget doubles the national debt in 5 years, triples it in 10. The recommendation here being offered is one that would add to the burden of the debt on our children and grandchildren.

As a result, Mr. President, I do object.

The PRESIDING OFFICER. Objection is heard.

Ms. STABENOW. Mr. President, I would like to now speak both in response to some of what my friends on the other side of the aisle have said and also to talk about why we are here this evening, why we started this whole discussion this evening.

I remember when we, in fact, balanced the budget. We passed a balanced budget under President Clinton. I was against deficits then when I voted, for the first time in 30 years, to balance the budget. I was against deficits when I supported a different way to go with the largest surpluses created by the policies of President Clinton, when I said just focusing on the wealthy in this country and tax benefits for the wealthy not only was not fair, but it was going to balloon the deficit; that not paying for two wars was going to balloon the deficit; that not paying for

really any major policy during the 8 years of the Bush administration would balloon the deficit. I was against deficits at that time as well, and I am still against deficits.

When we talk about what happened in the last 8 years, it is not to go back, but it is to learn from what did not work for the American people. One of my friends on the other side of the aisle said they were for private-sector jobs and we were for public-sector jobs. Well, the reality is, during the last 8 years, when deficits did not matter—I will never forget the former Vice President saying deficits did not matter. When they were trying to pass their policies that affected the wealthiest in the country, at the expense of the middle class, deficits did not matter.

But we lost 6 million private-sector jobs during that time—6 million manufacturing jobs—when there was a focus on cheap products instead of American jobs. We lost jobs. Well, deficits mattered to me at that time too, as well as deficits in jobs, which is the main engine of our economy: middle class jobs.

Well, it is true. When we came into the majority and President Obama came into office, after that time of losing 750,000 jobs a month, we took a different tack. We did. We said: Do you know what. Instead of focusing on big bailouts for Wall Street, and losing 8 million jobs because of that, or people losing their pensions or 401(k)s, we think we ought to have a different set of priorities. We think we ought to focus on the middle class in this country and working people and people who spend all their lives playing by the rules who are saying: What about us?

So we did something different. We put in an investment jobs plan that our colleagues have spent the last year and a half trying to talk down, trying to make sure it did not work. But we put in place a jobs plan to begin to turn things around. And that 750,000 jobs that were lost a month that President Obama inherited went down to zero by the end of the year.

As shown on this chart, this is where we were on jobs in the Bush administration. If their approach had worked, I would say great. If people in my State had not been hit by an economic tsunami during this time, I would say great. I would be out here promoting it. I would be promoting what they are talking about—if it had worked for the majority of Americans. The problem is it did not work.

Now, people listening I know get very confused because there are all kinds of back and forth and different versions of what happened in history. I would ask people just to think about their own lives.

As shown on this chart, it did not work here, starting in 2002, 2003, 2004, 2005. I can tell you, in my State, where we lost a million jobs, these policies

did not work. So we tried something else, when we started focusing on people, investing in innovation, partnering with manufacturers—private-sector jobs.

Yesterday, I went to a facility groundbreaking for a battery manufacturing plant. We have 16 different battery manufacturing facilities in Michigan now because of the Recovery Act that are creating private-sector jobs. The manufacturing tax credit we put in for alternative energies is creating private-sector jobs. Now, they are not as fast as we want. They are not as fast as we need. But we are beginning to turn this huge economic ship around. The ship that was going down, down, down—we are beginning to turn it around. We are beginning to turn it around.

My colleagues say we should help people who are out of work by taking money away from this. Let's stop this. Let's take money away from creating jobs to help people out of work.

Well, that does not make any sense. What we have said is we want to continue this. That is why we are saying no to the proposals. That is why I objected to proposals tonight on the floor that sound great on the surface. They sound great. Well, why not just pay for it? Well, you are talking about taking money away from jobs in order to be able to put it into something that is desperately needed as well—both are needed—helping people who are out of work.

We say no. Keep investing. Keep moving it forward, and at the same time—at the same time—let's help people who are out of work in the same way every President—Republican and Democrat—for decades has done; that is, we call it an emergency. It is an emergency in this country when over 15 million people are out of work. And the reality is, from an economic standpoint, we will never get out of a deficit with over 15 million people not working and contributing to the tax base and contributing to the economy, buying things as consumers. We will never get out of debt.

So, yes, we do have a different view. We do. We have a view that worked under President Clinton when 22 mil-

lion jobs were created. We have that same view now, that same view that says we are going to move ourselves out of this by investing in the middle class of this country, working people. We are going to invest in innovation. We are going to partner with our businesses. They are competing with countries around the world right now to create good private-sector jobs.

And, yes, to support small business, we have done more in tax policies related to small business, and we intend to do even more than I think at any other time I can think of in terms of support for small business. All of that is true.

Mr. President, in order for my colleague from Pennsylvania to speak, will you please tell me when there is 5 minutes left of our time. I do not want to lose the opportunity for the Senator from Pennsylvania to be able to speak.

The PRESIDING OFFICER. The Senator has a minute and a half.

Ms. STABENOW. Before the 5 minutes?

The PRESIDING OFFICER. That is correct.

Ms. STABENOW. Mr. President, I thank you very much.

Let me conclude by saying we are moving in the right direction, but we inherited a huge hole. By the way, the folks who created the hole want us to give them more shovels to go back and create another hole, a deeper hole. We are saying, do you know what. Take away the shovels. Take them away. We need to fill in the hole, not dig a deeper one.

So that is what we have been doing. But here is the reality. It was six people out of work for every one job. Now it is five. OK, it is moving in the right direction. We have a long ways to go. But five people are looking and trying to find every one job. That is what this debate is all about.

Millions of people—most of them worked all their lives, never been out of work in their entire life and are humiliated at the idea they have to ask for help from anybody—find themselves in a position where they are going to lose their house, they are not going to be able to care for their kids, unless we give them the dignity of temporary

help. That is all this is, the dignity of temporary help, and the dignity of saying, yes, this is an emergency; yes, we are not changing the rules just for you. We are not going to have a different set of rules for the wealthy in this country and separate rules for somebody who is out of work who is 55 years old who has worked all their life.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW. That is what this is about, and it is my great pleasure tonight, as we end, and as we continue to fight for these Americans, to turn our final 5 minutes over to the Senator from Pennsylvania, who has been a real champion standing up for working families in this country.

The PRESIDING OFFICER. Senator, there are now 4½ minutes.

Mr. CASEY. Mr. President, first of all, I commend Senator STABENOW for her words tonight to put in perspective what this debate is all about. It really is a question of jobs—not only creating jobs, as we have been able to do, and still have a long way to go to get out of the ditch, but also preserving jobs. Also, I commend the Senator for her stamina tonight. She has spent a lot of time on the Senate floor.

I want to make two points. One is about unemployment insurance and one is about COBRA premium assistance for health care.

First, with regard to unemployment insurance—the debate we are having on the bill this week and last week, for a number of days now—one of the real points of contention is what we do about those who are out of work through no fault of their own.

I can just tell you what it means for Pennsylvania. Here is the reality in Pennsylvania—and I will ask consent that the following document be made a part of the RECORD: Estimated Exhaustions of All Available Unemployment Compensation Benefits, calendar year 2010. Mr. President, I ask unanimous consent that document be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### ESTIMATED EXHAUSTIONS OF ALL AVAILABLE UNEMPLOYMENT COMPENSATION BENEFITS (UP TO A MAXIMUM OF 99 WEEKS) CALENDAR YEAR 2010

(These estimates reflect the total number of individuals in each month projected to exhaust all available state and federal unemployment compensation (UC) benefits under current law—Regular UC, Emergency Unemployment Compensation (EUC), and High Unemployment Period Extended Benefits (HUP EB).)

	YTD Through April	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Total
EUC/EB phase-out beginning June 2 <sup>1</sup>	30,000	5,200	111,000	94,000	65,000	41,000	32,000	25,000	26,000	429,200
EUC/EB phase-out extended to Dec 31 <sup>2</sup>	30,000	5,200	4,800	5,600	5,900	6,600	9,100	7,300	64,000	138,500

<sup>1</sup> These projected exhaustions are based on current law, whereby the phase-out of EUC begins on June 2, 2010 (last payable week of EUC is week ending November 6, 2010) and the last payable week of HUP EB is week ending June 5, 2010.

<sup>2</sup> These projections reflect the estimated number of exhaustions that would occur if the phase-out of EUC and EB was extended to December 31, 2010.

Mr. CASEY. What this says is if we don't act to extend unemployment insurance, to give people some help, to get from joblessness to a job, to get across that long bridge, 111,000 Penn-

sylvanians will be out of unemployment insurance by the end of June. Unfortunately, that number goes up by another 94,000 at the end of July if we do nothing. By the end of this year,

429,200 Pennsylvanians will have no unemployment insurance.

We have to act on that. It makes all the sense in the world when we are recovering—and we are in recovery,

thank goodness, but we have a way to go—that we give people the opportunity to at least have the peace of mind to know they have unemployment insurance.

Secondly, with regard to COBRA, if anyone has any doubts as to what this means to real people, I would submit one part of one sentence from a single Pennsylvanian by the name of Lisa. She sent a letter to me talking about chemotherapy treatments she needs and the COBRA premium assistance. She said: “COBRA benefits have kept me alive.” That is exactly what we are talking about here—about life and death. Why should a family—as they are trying to get a job, trying to find their way out of joblessness—why should they have to worry and have the additional nightmare of having no health insurance? We can help so many Americans as we did in the Recovery Act. Two million households across the country were helped by the COBRA premium assistance program in 2009. In our State, over 107,000 Pennsylvanians had the benefit of that.

So as we wrap up this debate about preserving jobs and creating jobs—and I think in a sense getting a sense of whose side you are on—are you going to be on the side of slowing things down and playing games or are you going to be on the side of helping the unemployed get a job and help them with their family’s health care. As we wrap up this debate, it is about saving jobs and preserving jobs and literally, in some cases, saving lives, not only by way of health care but also by way of the additional debate we are having on Medicaid and what that means to vulnerable people as well as what it means to public safety and other priorities. We can get this right, but we need to have our colleagues on the other side of the aisle recognize that this is a high stakes game they are engaged in and that the loser here in the end is not going to be some political party. Those who will be left out are very vulnerable people who, in addition, are without a job.

With that, I yield the floor to my colleague from Michigan.

Ms. STABENOW. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. There is 20 seconds remaining.

Ms. STABENOW. On that note, I will simply say again that we are here and we will continue to be here fighting on behalf of people who are counting on us to do the right thing. We remember what it is like for too many families right now whose breadwinner cannot bring home any bread because there is no job. We want to remember them and we want to help them and support them as they are looking for work, as all Americans want to be able to have a job and the dignity of work, and that is what we are fighting for.

Thank you, Mr. President. I yield the floor.

#### TRIBUTE TO FRED ANVIL NEWTON III

Mr. REID. Mr. President, I rise today to recognize the extraordinary work of Fred Anvil Newton III, who is retiring this week. During his 28 years with the Intergovernmental Program Office, his distinguished career elevated him to the highest levels of decisionmaking in one of our government’s most sensitive programs. His work greatly enhanced the safety and security of the United States Senate, staff, and visitors.

Mr. Newton dedicated his professional life to mission accomplishment, while always ensuring that the people he led were well-trained and cared for. He managed resources in the most efficient and effective manner possible. Mr. Newton cultivated and maintained partnerships with the U.S. Capitol Police, the offices of the U.S. Senate Sergeant at Arms and the U.S. House of Representatives Sergeant at Arms. Regarded as the dean of the continuity community, he has been at the forefront of strategic continuity planning and his innovative approach to problem solving has set the standard for many of today’s continuity programs.

Mr. Newton has many significant accomplishments including the oversight, response, and mitigation of the effects of the public disclosure of a very sensitive national strategic continuity asset. He developed a new strategy for effective use of private sector assets in fulfilling a strategic continuity mission; the result being minimal cost to government and maximum flexibility for planners.

Mr. Newton provided advice and counsel to national level emergency managers attempting to mitigate and recover from the effects of a biological warfare attack on the United States Senate. Additionally, Mr. Newton held a great ability to identify subject matter experts, which significantly reduced recovery time and expense.

During his tenure, Mr. Newton oversaw the acquisition, staffing, and operation of multiple relocation assets in support of the strategic continuity mission. He also advocated and oversaw the development of a purpose-built tactical waterborne evacuation asset whose capabilities significantly enhance the efficient and timely movement of essential government personnel from threat zones.

He also oversaw a major chemical, biological, radiological and explosives defense effort protecting a highly symbolic national asset. This effort uniquely combines surveillance/identification technologies, defensive measures, and incident management and mitigation capabilities to form a standard by which other large-scale protective efforts are now measured.

I, along with my colleagues in the Senate, congratulate Fred on his well-deserved retirement. We wish Mr. Newton all the best in his future endeavors.

#### TRIBUTE TO ANDREA ROGERS

Mr. LEAHY. Mr. President, today I honor Andrea Rogers, the CEO and founding executive director of the Flynn Center for the Performing Arts. I have had the privilege to congratulate Andrea over the years on her many accomplishments within the arts community, including her most recent award from the Vermont Arts Council, the Walter Cerf Lifetime Achievement in the Arts award. Today, I once again recognize her decades of invaluable service to Vermonters and I wish her future success as she retires from her executive director position at the Flynn Center for the Performing Arts after 30 years of dedicated service.

In 1980, Andrea led a campaign to purchase an old movie house in downtown Burlington, with the hope of turning it into a home for performing arts groups. She was successful, and the old building became an independent theatre. Andrea organized many fundraising efforts to restore the antiquated space, and within the next 5 years, the Flynn succeeded in hosting over 350 performances presented by 50 different organizations. Today, 30 years later, the Flynn Theatre is known as the Flynn Center for the Performing Arts and is firmly embedded into Chittenden County and Vermont’s cultural landscape.

Since its founding, the Flynn has expanded and renovated its space, hosted thousands of diverse performances, opened an art gallery and created many educational programs. Because of Andrea’s leadership, the Flynn has received several awards across the state, the country, and even the world. It was the only organization honored by both the Ford Foundation and the Doris Duke Charitable Foundation in 2000. The Flynn’s educational program has also been recognized by the Dana Foundation as one of eight outstanding arts programs in the country, and has recently received the Outstanding Historic American Theatre Award at a national conference put on by the League of Historic American Theatres.

I am proud to say that all of these accomplishments happened under Andrea’s tenure. She is widely recognized for her passion for performing arts and community development, and her dedication has had an extraordinary impact on the arts in Vermont. Marcelle and I have spent some of our most memorable evenings at the Flynn, and Andrea’s enthusiasm for her work and for her colleagues will be dearly missed. I ask unanimous consent to have printed in the RECORD the following article to permanently recognize Andrea’s contribution to the State of Vermont.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press]

FLYNN CENTER DIRECTOR EXITS, STAGE RIGHT  
(By Sally Pollak)

A monoprint of a jazz trombone quartet hangs above Andrea Rogers' desk in her office at the Flynn Center for the Performing Arts. The piece is alive with color—golds and purple—and appears at first to be an abstract work. But a second look reveals players, instruments, music stands: art and music in vibrant harmony. "I love the alive feeling of it," Rogers said. "I have all this artwork, and no place at home to put it."

Rogers has until the end of the month to find wall space in her Burlington house. The last day of June will be the final day of Rogers' tenure as executive director of the Flynn. She will be succeeded by John Killacky, who has been manager of the arts and culture program for the San Francisco Foundation. Rogers, who will turn 70 on July 14, has guided the Flynn since before its creation—when she and other community members recognized potential in a dilapidated Main Street theater being used as a cinema. "The Flynn was of interest to me—the potential of the theater to serve as a performing-arts center," Rogers said. She was intrigued by the idea of preserving a historic building, one whose existence was threatened, and adapting it to community use.

"It's something that I saw that needed to be done. I never dreamed I'd be the director. . . . Burlington was my home, and I could see there was a need. If people want something, and there's a reasonable chance that they can come together to make it happen, it can happen. There were many times when I cried, and wondered if we could pull it off. But I went to the public: Every step forward we made, it was because the community was behind us. It was very organic." Thirty years after accepting the job she never dreamed of, Rogers is stepping down as the only executive director the Flynn has had.

She has both envisioned the nonprofit performing-arts center, and guided its growth: The Flynn has a \$6 million endowment, an education department that presents student matinees, offers classes and develops and implements arts curriculums in local schools.

The theater presents its own season of shows, commissions work and plays host to artists' residencies. The Flynn's own programming has grown from about three shows a year to 50 to 60 annual performances, Rogers said. It serves as a performance space for other organizations, such as the Vermont Symphony Orchestra and Lyric Theatre. The smaller FlynnSpace is a venue for more experimental pieces, where about 40 percent of the shows are Flynn presentations.

"I love the Flynn," said Jaime Laredo of Guilford, VSO music director and a violinist and conductor who performs around the world. "It's one of the most vibrant arts centers anywhere, not just in the state of Vermont. 'It's so amazing what goes on there, the range of things—from symphonies to country music to Broadway shows to recitals to jazz. I don't know many places like that. I think it's fantastic. And I think what Andrea has done is miraculous.'"

Bob Dylan and Phish played at the Flynn in the 1990s; Mikhail Baryshnikov has performed on its main stage three times; the World Saxophone Quartet blew free jazz on a winter's night in the late '80s. The contemporary dancer/choreographer Bill T. Jones presented his first full version of "Last Supper at Uncle Tom's Cabin/The Promised Land," outside of New York City, at the Flynn. The major work, co-commissioned by the Flynn and addressing hot-button issues,

included workshops with Jones and dozens of community members naked on stage as part of the performance.

#### ART AND COMMUNITY

The Jones piece could serve as Exhibit A in what people say is Rogers' most important contribution to Burlington: bringing together art and community, with each step of the building of the Flynn a commitment to that ideal.

"Andrea has allowed her life to be defined by the mission of what the Flynn Center is all about," guitarist Paul Asbell said. "You do it out of love and a sense of mission. It is her vision that has been implemented." Asbell knows the Flynn as a performer and an audience member, and he knows Burlington before the Flynn existed.

"The contribution to Burlington is too deep to even count it all," Asbell said. "It's been remarked thousands of times that for the size of the city, it's incredible the type of cultural events and musical events and artistic awareness in Burlington. It's unbelievable what we've grown accustomed to."

Along the way, the Flynn has earned a national reputation among arts organizations and arts funders for its programming, its audience-building and its community engagement.

"To this day, the Flynn stands as model of how to do it right, how to have a strong artistic program and at the same time be a central node for community," said Philip Bither, senior curator of performing arts at the Walker Art Center in Minneapolis. He is the former Flynn director of programming/artistic director of the Burlington Discover Jazz Festival.

"We talk about attempting to create cultural commons, places that a diverse range of audiences can gather and celebrate live performing arts," Bither said. "The Flynn is that. It's really a remarkable success story. Andrea has been there from Day 1, and has really had the vision to see how to get to that place."

The audience ranges from wealthy patrons who attend frequent performances to children in Burlington's Old North End. Kids not only attend shows, but also participate in mini-artist workshops: Third-graders at the Integrated Arts Academy recently had a song swap with singers in the African Children's Choir—trading and singing songs to gether.

"For many children, the only time they walk down Church Street is when they go with their class to the Flynn," said Joyce Irvine, principal of IAA.

#### ACTIVE TILL HER EXIT

With retirement three weeks away, Rogers has little time to think about her exit. In fact, pending retirement never looked so active. She tracks jazz festival ticket sales every day, comparing numbers with last year and the year before—an activity that shows Rogers takes nothing for granted, including next season's existence.

"It takes a lot to keep this going," Rogers said. "It's not a shoo-in. We start from scratch every year, raising an operating budget." Rogers is immersed in putting together next season's sponsorship, and then comes the budget for fiscal 2011. "The biggest part of what I do is supporting everybody else," Rogers said. She has evening jazz festival events and shows to attend. "That part never felt like work," Rogers said. She notes a particular change that will come with retirement: "I have to pay now. I'm going to be a good patron."

#### A COMMUNITY ORGANIZER

Rogers came to her work at the Flynn through community organizing. She grew up

in New Britain, Conn., and attended college at the University of Michigan, where she studied history, history of art and French. After college, Rogers moved to New York City, where she lived for almost 10 years. She worked for the American Field Service, doing community-service work with teenagers.

She moved here in 1970, interested in living in a small city and drawn to Burlington by a beloved great aunt and uncle who lived here, and by her love for skiing and sailing. Soon after arriving, Rogers started working in community-based drug-prevention efforts. The job combined her interests in community organization and working with young people. She liked the community involvement, setting up and organizing systems—but the core issue was not where her true interests lay, Rogers said.

After four years working in drug-abuse prevention, Rogers became founding director of the Church Street Center for Community Education, a university-affiliated center that preceded the Firehouse Center for Visual Arts. Her involvement with a community effort, spearheaded by Lyric Theatre, to purchase and renovate the Flynn led to her hiring as its first director. She was writing grants for the project and doing other organizational work when Rogers was asked if she'd open an office, she recalled.

"Well," she replied, "you have to pay me." It was only a "pittance," she said, but it was enough to persuade her to devote herself to the Flynn effort. Syndi Zook, executive director of Lyric Theatre, was a Lyric performer when the company endeavored to return the theater—then owned by Merrill Jarvis—to a live performance space. "We wanted to put on plays," Zook said. "We didn't want to be engaged in the multimillion-dollar campaign that it would take to bring that beautiful building back to its historic stature." That was left to the newly created Flynn board, and to Rogers.

"What we were trying to do was save it from the wrecking ball," Zook said. "What Andrea has done is save this beautiful historic landmark that is just a jewel in the center of the city."

During her years at the Flynn, Rogers said her artistic sensibility grew to include an appreciation for contemporary dance. She had always enjoyed music—listening, singing and playing piano—and contemporary art. "I found the merging of music and movement and abstract ideas to be really eye-opening and exciting," Rogers said. "I came to really appreciate it, and not to feel the need to totally understand it."

#### COURAGE AND AMBITION

Ambiguity and complex, challenging works would become part of the Flynn's programming. Although Rogers said she had the authority to manage programming, she chose not to exercise it. This is the purview of artistic director Arnie Malina and Bither, his predecessor.

Bither came to the Flynn in 1988 from the Brooklyn Academy of Music, where he curated experimental music and avant-garde jazz. Conversations with Rogers before he was hired indicated the direction she wanted to take the theater. It was not necessarily what one might have predicted, given the Flynn's previous programming, Bither said.

"She said she wanted the kind of new thinking, and sometimes provocative programming," Bither said. "She wanted the freshest, most interesting artists that are happening, not just in New York City but around the world."

The notion that this kind of programming would work in a city the size of Burlington was "a leap of faith, to say the least," Bither said. In those days, management would pin up fliers for Flynn shows on trips to the supermarket, part of the effort to fill the house, Bither recalled.

A fund to honor Rogers, Andrea's Legacy Fund, was created by the Flynn board to raise money for programming and education, initiatives the board identified as key to Rogers' tenure. Board chairman Fred "Chico" Lager said the goal of raising \$1.5 million in cash is nearly met. With deferred donations, Andrea's Legacy Fund totals almost \$2 million, he said.

"Andrea is fiercely committed that we not retreat in any way, as is the board," Lager said. "She's leaving us in great shape. The legacy fund will ensure that we will be able to sustain everything that we are doing, and actually continue to grow."

Rogers has her own ideas about her legacy, which she believes is centered on connecting themes: artistic excellence and community involvement. "You never had one without the other," she said. And though events are planned around her retirement, including a free evening of entertainment June 26 at the Flynn, called "Exit Laughing," Rogers has her own ideas about how she'd like to leave: "Personally," she said, "I would've put a barrel on my head and snuck out the door."

#### ADDITIONAL STATEMENTS

##### REMEMBERING CHIEF JUSTICE WILLIAM S. RICHARDSON

• Mr. AKAKA. Mr. President, in Hawaii all beaches are public. It is one of the things that makes our State a special place, and it is due to a landmark 1968 ruling by the Hawaii Supreme Court authored by Chief Justice William S. Richardson. As a military veteran, attorney, political party leader, elected official, State supreme court justice and trustee of Hawaii's largest private landowner, Chief Justice Richardson's many contributions helped shape our Nation's youngest State. This great man, a dear brother and friend, died yesterday at the age of 90.

As Chief Justice of the Hawaii Supreme Court from 1966 to 1982, C.J., as many of us affectionately knew him, did so much to preserve Hawaii's rich culture and heritage. As he explained it:

Hawaii has a unique legal system, a system of laws that was originally built on an ancient and traditional culture. While that ancient culture had largely been displaced, nevertheless many of the underlying guiding principles remained. During the years after the illegal overthrow of the Hawaiian Kingdom in 1893 and through Hawaii's territorial period, the decisions of our highest court reflected a primarily Western orientation and sensibility that wasn't a comfortable fit with Hawaii's indigenous people and the immigrant population. Thus, we made a conscious effort to look to Hawaiian custom and tradition in deciding our cases—and consistent with Hawaiian practice.

A self-described "local boy from Hawaii," C.J. graduated from Roosevelt High School and the University of Ha-

wai at Manoa, and received his law degree from the University of Cincinnati. In World War II, he joined the U.S. Army and served as a platoon leader with the 1st Filipino Infantry Regiment. He was later inducted into the Infantry Officer Candidate School Hall of Fame. C.J. served as the chairman of the Hawaii Democratic Party and as the State's first Lieutenant Governor of Hawaiian ancestry. Upon retirement from the Hawaii Supreme Court, Chief Justice Richardson served as a trustee of the Kamehameha Schools.

C.J.'s modest beginnings influenced his future dedication to the underrepresented, minority, and indigenous communities of Hawaii. His mixed heritage of native Hawaiian, Chinese, and Caucasian ancestry reflected the diverse culture and history of the people. He understood the issues most important to the people and fought hard to ensure that the legal system provided remedies for the most vulnerable populations. He will also be remembered for his work to establish the State's only law school—The William S. Richardson School of Law. Chief Justice Richardson fought vigorously for its creation because he believed Hawaii students who could not travel to or afford mainland law schools should have an opportunity to study law nevertheless.

Chief Justice Richardson was a true son of Hawaii. He lived his life in service to others and did so with a warm and kind disposition. We celebrate his life, achievements, and contributions to the State of Hawaii.●

##### EMERADO, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today, I am pleased to recognize a community in North Dakota that is celebrating its 125th anniversary. On July 10, the residents of Emerado, ND, will gather to celebrate their community's founding.

When the railroad came to Emerado in 1882, a town began to take shape on the Hancock homestead. The town site was platted in September 1885 by Henry Hancock, originally of Ontario, Canada, and by Lewis Emery, Jr., from Bradford, PA. The village was named for Emery, owner of one of the first bonanza farms in North Dakota, consisting of 4,480 acres of land.

Among the early businesses were Fred Ludwick and Henry Raymond, blacksmith; Plup and Morgans Grocery Store; Emery Hotel, built about 1882; the Virginia Hotel, built around 1915 by A.A. Hood; Dakota St. Anthony Elevator; Farmers Elevator; and Bill Hancock Hardware. The first post office was established on November 25, 1885, with Edmund Gale, Jr., serving as the postmaster.

The mill was built in the late 1890s by J.R. Cooper. Over time, other businesses were developed. Among these were the Gritzmacher General Store; Seebart Brothers painters and decora-

tors; S.S. Hood General Merchandise; William L. Sibell, barber; Charles Emery Ford Car and International dealer; George Dean Grocery; Fosnes Hardware and Machinery; Ralph Bosard, blacksmith; S.S. Grantham Coop Store; Mary Kelly Cafe; and the "Blind Pig" pool hall and barber shop operated by Nick Hickson.

Emerado was a thriving small town until the disastrous events of May 9, 1928. Ashes cleaned out of a nearby locomotive ignited, leading to a fire that razed 24 structures, including the town's church, town hall, elevator, several businesses, homes, and barns. The church, elevator, town hall, and one home were soon rebuilt.

Emerado is very proud of the Emerado Elementary School, home of the Bulldogs. Students from kindergarten through eighth grade are privileged to be taught by caring professionals who share the belief that "each student is the most important person in school."

In honor of the city's 125th anniversary, community leaders have organized a parade, carnival games, an all-school reunion, and many other fun and exciting events.

I ask that my colleagues in the U.S. Senate join me in congratulating Emerado, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Emerado and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Emerado that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Emerado has a proud past and a bright future.●

##### TRIBUTE TO HARRIET O'NEILL

• Mr. CORNYN. Mr. President, on June 20, Texas Supreme Court Justice Harriet O'Neill retired after a judicial career of more than 17 years. On behalf of the people of Texas, I would like to take this time to recognize her many accomplishments.

After graduating with honors from the University of South Carolina School of Law and practicing for a decade in the field of complex business litigation, Justice O'Neill was elected to Texas' 152 District Court in 1992. On that court, her ability to conduct fair and impartial hearings was widely-recognized and won her the praise of lawyers on both sides of the civil bar.

Less than 3 years later, Justice O'Neill's superior record in the district court earned her an appointment and subsequent election to Texas' 14 Court of Appeals. As an appeals court judge, she once again stood out from the crowd. In the words of her colleague, Judge David West, "Harriet was considered one of the most reliable judges

we had. . . She was absolutely flawless."

After earning a 91 percent approval rating from the Houston Bar Association, the highest on her nine-member court, the people of Texas elected Justice O'Neill to the Texas Supreme Court in 1998, where she served with honor ever since. In 2002, and again in 2006, the Texas Association of Civil Trial and Appellate Specialists named her the Appellate Justice of the Year. Even more profoundly, in the case of TGS-NOPEC v. Combs, Justice O'Neill broke down a long-term barrier when she became the first woman ever elected to the Texas Supreme Court to preside as Chief Justice.

As a Judge in the Texas Court System, Justice O'Neill has been a model for judicial restraint and faithfully interpreting the law, as written. Her opinions have consistently explained the law and the judicial role in a manner accessible to the general public. Clearly, she has provided an example for all judges to follow.

Justice O'Neill's service to the State of Texas, however, has extended far beyond the courtroom doors. Most admirably, she has been an unwavering champion for the legal rights of our society's most vulnerable citizens.

Since its inception in 2001, Justice O'Neill has been an active member of the Texas Access to Justice Commission. Through her work with this organization, she has helped to develop and implement initiatives designed to ensure that the court system is available to meet the basic legal needs of low-income Texans. In particular, she was heavily involved in creating and distributing a self-help Protective Order Kit that enables victims of domestic violence to file their own applications for court-ordered protection for themselves and their children. Because so many of our most important rights depend upon judicial enforcement, her efforts have ensured that countless Texans will be able to enjoy the equal justice under the law so central to the American dream.

Justice O'Neill has also worked to protect Texas' most innocent and disadvantaged citizens through serving as the chairwoman of the Permanent Judicial Commission for Children, Youth and Families. After spearheading the creation of this commission in 2007, she has worked tirelessly to strengthen court practices in the Texas child-protection system. Thanks to her efforts, Texas' 30,000 abused and neglected foster children can rest assured that they will be able to look forward to a better tomorrow.

Justice O'Neill's dedication to protecting the vulnerable has also been recognized at the national level. In 2006, she was appointed by Attorney General Alberto Gonzales to serve on the Department of Justice's National Advisory Committee on Violence

Against Women. In this capacity, she assisted with the implementation of the Violence Against Women Act and supplied policy advice on programs addressing domestic violence, sexual assault and stalking. Because these crimes are so heinous and their victims are so defenseless, Justice O'Neill's work in this area is particularly important and praiseworthy.

Although her professional accolades are impressive in their own right, Justice O'Neill's personal accomplishments are equally so. While devoting countless hours to serving the people of Texas, she has simultaneously managed to serve as a loving wife to her husband Kerry and a dedicated mother to her three children. Despite 17 years of full caseloads, she has found the time to stay actively involved with her family, including a tenure coaching her daughters' youth basketball teams. In this busy day and age, Justice O'Neill has provided all of us with an example of what it truly means to fulfill our duty.

While June 20 marked the end of her service on the Texas Supreme Court, I have no doubt that Justice O'Neill will remain active in the causes that she cares so deeply about. On behalf of the people of Texas, I thank her for her many contributions. We can only hope that her next 17 years will be as remarkable.●

#### TRIBUTE TO LINDA TYLER

● Mrs. LINCOLN. Mr. President, today I congratulate State Representative Linda Tyler of Conway, who was recently elected by her peers as the majority leader for the Arkansas State House of Representatives. She is the first female elected to the position, and I commend her for this significant achievement.

Along with my staff, I have worked with Representative Tyler on behalf of our constituents, and she has always done an excellent job representing the needs of those in her district. As a small business owner, she knows the economic challenges that face so many Arkansas families, and she works tirelessly to help them access the resources and help they need.

Along with all Arkansans, I thank Linda and the entire Arkansas Legislature for their leadership and their dedication to keeping our State strong. I also recognize the other representatives who were recently elected to leadership positions:

David "Bubba" Powers, D-District 3, Majority Whip; Charolette Wagner, D-District 17, Secretary; Barbara Nix, D-District 28, Treasurer; Butch Wilkins, D-District 74, 1st District Whip; Fred Allen, D-District 33, 2nd District Whip; Greg Leding, D-District 92, 3rd District Whip; and Johnnie Roebuck, D-District 20, 4th District Whip.●

#### TRIBUTE TO MICHAEL K. NEAL

● Mrs. LINCOLN. Mr. President, today I recognize Arkansas wildlife officer Michael K. Neal, who put himself in harm's way earlier this year to save the lives of his fellow law enforcement officers.

Officer Neal is credited by the West Memphis police for stopping a shootout with suspects in the deaths of two of their fellow officers. On May 20, Officer Neal rammed his truck into a van occupied by a father and son suspected of gunning down West Memphis officers Brandon Paudert and Bill Evans during a traffic stop on Interstate 40, before exchanging gunfire with law officers who cornered them in a parking lot.

Officer Neal was one of 13 officers from multiple agencies involved in the shootout, and I commend the bravery and heroism of every law enforcement officer involved in this tragic event. I also send my heartfelt condolences to the families and loved ones of those who lost their lives.

Mr. President, I am also proud that Officer Neal's bravery and heroism were recently honored during a ceremony at the Arkansas Game and Fish Commission, where he was presented with the Medal of Valor by Governor Mike Beebe. Officer Neal has received recognition from West Memphis-area legislators, the city of West Memphis and its police department, and by the Crittenden County Quorum Court and sheriff's office.

Officer Neal represents the best of Arkansas, and he is more than deserving of these honors. I commend him for his valor, bravery, and selflessness.●

#### 30TH ANNIVERSARY OF BRICKFEST

● Mrs. LINCOLN. Mr. President, today I congratulate the residents of Malvern in my home State of Arkansas as they celebrate the 30th anniversary of Brickfest, a time-honored tradition that commemorates the importance of brick production to the history of the city of Malvern and Hot Spring County. Abundant clay in the area makes it a prime location for brick production, and since 1887, the industry has played a leading role in the area's economic development.

Nicknamed "The Brick Capital of the World," Malvern celebrates Brickfest each year on the last weekend of June. I am looking forward to attending this year's event, which will take place June 24-26 at Malvern City Park, complete with live entertainment, a 5K race, a car and tractor show, motorcycle show, and awards for best dressed brick, brick toss, brick car derby, and much more.

Acme, now the only brick company operating in the Malvern area, provides a display of its product, and every year it manufactures dated mini-bricks that are distributed as souvenirs.

I salute the entire community of Malvern and Hot Spring County as

they celebrate this historic milestone. I commend them for keeping the history and heritage of their community alive.●

#### ARKANSAS' NATIONAL HISTORY DAY WINNERS

● Mrs. LINCOLN. Mr. President, today I congratulate the Arkansas elementary and secondary school students who recently joined students from across the Nation to participate in the annual Kenneth E. Behring National History Day Contest in Washington, DC. This contest in our Nation's Capitol is the final stage of a series of National History Day contests throughout the school year at the State and local level.

Each year, more than half a million students, encouraged by thousands of teachers nationwide, participate in National History Day. Students choose historical topics related to a theme and conduct research through libraries, archives, museums, oral history interviews and historic sites. The students then present their work in original papers, Web sites, exhibits, performances, and documentaries, which are evaluated by professional historians and educators.

I commend the commitment to learning so clearly on display from the young Arkansans who took part in this event. Their hard work and dedication represents the best of our State, and I am proud of their achievements. By participating in events like National History Day, our young citizens can develop critical thinking and problem-solving skills, along with confidence and self-esteem. These skills will prepare them for the future and help keep our State and Nation strong.

Arkansas students recognized in the annual Kenneth E. Behring National History Day Contest are:

#### SPECIAL AWARD: HISTORY IN THE FEDERAL GOVERNMENT

Conway High School East  
Conway  
Senior Group Exhibit: The Road to Innovation: The Federal-Aid Highway Act of 1956  
Teachers: William Richardson & Charles Williams  
Students: Lauren Hart, Anna Jordan, Annie Patton

#### OUTSTANDING ENTRIES FOR ARKANSAS

Lisa Academy-North  
Sherwood, AR  
Best Junior Division Project: Sputnik: The Sky is Never the Limit  
Teacher: Dustin Seaton  
Students: Morgan Depriest, Alena Higgins, Yulia Batalina  
Alma High School  
Alma  
Best Senior Division Project: Disney Animations: A Lifetime of Innovation  
Teachers: Toney McMurray, Erin Mills, Manesseh Moore  
Students: Courtney Craft, Breanna Witherspoon

#### JUNIOR GROUP DOCUMENTARY

Lisa Academy-North

Sherwood  
Project: Sputnik: The Sky is Never the Limit  
Teacher: Dustin Seaton  
Students: Morgan Depriest, Alena Higgins, Yulia Batalina

Northridge Middle School  
Van Buren  
Project: Weather Satellites: The Difference Between Survival and Death  
Teacher: Jeanie Perkins  
Students: Braydon Montgomery, Peyton Bettencourt

#### JUNIOR INDIVIDUAL EXHIBIT

Carl Stuart Middle School  
Conway  
Project: Crossett Experiment of 1916: An Innovation That Changed Malaria Eradication  
Teachers: Sherry Holder, Kaye McMillian  
Student: Rebecca Philpott

#### JUNIOR PAPER

Russellville Jr. High School  
Russellville  
Project: The Innovation of the Flushing Toilet: The Beginning of Human Civilization  
Teacher: Aimee Mimms  
Student: Emily Austin

#### SENIOR GROUP EXHIBIT

Conway High School East  
Conway  
Project: The Road to Innovation: The Federal-Aid Highway Act of 1956  
Teacher: William Richardson, Charles Williams  
Students: Lauren Hart, Anna Jordan, Annie Patton

#### SENIOR INDIVIDUAL DOCUMENTARY

Conway High School East  
Conway  
Project: A Picture is Worth A Thousand Words: The Innovation of Photojournalism  
Teachers: William Richardson, Charles Williams  
Student: Elisa Detogni

#### SENIOR GROUP PERFORMANCE

Conway High School East  
Conway  
Project: One Giant Leap for Mankind: Apollo 11 and The Innovative Idea To Put A Man On The Moon  
Teachers: William Richardson, Charles Williams  
Students: Jeannie Corbitt, Rachel Ford

#### SENIOR WEB SITE

Pulaski Academy  
Little Rock  
Project: Deng Xiaoping: China's Economic Revolution  
Teacher: Jody Musgrove  
Student: Tc Zhang●

#### ARKANSAS' "40 UNDER 40"

● Mrs. LINCOLN. Mr. President, today I honor and congratulate 40 of Arkansas's brightest young professionals who were recently named to Arkansas Business' "40 Under 40" list for 2010.

These young adults represent the best of our State, and I am proud to see them earn this recognition. I am particularly proud to see one of my own staffers on this list, Little Rock native Tamika Edwards. I have seen Tamika's hard work and dedication firsthand, and I know that her work ethic is shared by all of the recipients of this prestigious honor.

These honorees now join an elite group of business and community leaders, and I look forward to working with them as they continue to grow in their careers.

I also commend the editors and readers of Arkansas Business for choosing to highlight these young individuals and their efforts for our State.

Members of the 2010 "40 Under 40" group, as named by Arkansas Business, are:

Alexandru Biris, 36—UALR Nanotechnology Center  
Chris Bates, 38—The Computer Hut  
Allison Cox, 35—Windstream Corp.  
John E. Heard, 38—McGehee-Desha County Hospital  
Josh Jenkins, 36—Parker Cadillac  
Mandy Kelley, 38—Greater Hot Springs Chamber of Commerce  
Deanna Newberry, 38—Honeywell International Inc.  
Brian Vandiver, 35—Mitchell Williams Selig Gates & Woodyard PLLC  
Michele Simmons Allgood, 39—Williams & Anderson PLC  
Kristine G. Baker, 39—Quattlebaum Grooms Tull & Burrow PLC  
Elizabeth Bintliff, 33—Heifer International  
Shannon E. Butler, 32—City Year Little Rock/North Little Rock  
Craig Shelly, 34—USA Truck Inc.  
Jim Chidester, 39—Chidester Engineering PLLC  
Courtney Henry, 37—Arkansas Court of Appeals and Arkansas Supreme Court  
Audrey House, 32—Chateau Aux Arc Vineyards & Winery  
Sam O'Bryant III, 30—Pulaski County Government  
Dan Young, 37—Rose Law Firm  
Tom Leonard Jr., 35—PricewaterhouseCoopers LLP  
Robert Coon, 30—Impact Management Group  
John Bacon, 39—eStem Public Charter Schools  
Chad Evans, 39—Arvest Bank  
Kyle Allmendinger, 33—Datek Inc.  
Tim Hicks, 38—Bank of the Ozarks  
Cristian Murdock, 39—Arkansas State University  
Jason Taylor, 35—First Community Bank  
Justin Aciri, 36—KABZ-FM, 103.7  
Jean C. Block, 36—Office of the Arkansas Attorney General, Health Care Bureau  
Chris Cranford, 37—Jones Film Video  
Tamika Edwards, 31—Office of Senator Blanche Lincoln  
Tara Smith, 31—Arkansas Department of Higher Education  
Brooke Vines, 37—Vines Media  
Shayla Copas, 36—Shayla Copas Interiors  
Russell Harris, 39—Entergy Arkansas Inc.  
Roberts Lee, 39—Meadors Adams & Lee  
Gwendolyn Bryant-Smith, 35—Central Arkansas Veterans Healthcare System  
Melissa Hendricks, 37—Pulaski Technical College  
Scott Shirey, 34—KIPP Delta Public School  
Kevin Keech, 39—Keech Law Firm  
Melissa Snell, 33—Snell Prosthetic & Orthotic Laboratory●

#### TRIBUTE TO COLONEL ED JACKSON

● Mr. PRYOR. Mr. President, today I wish to recognize the service of COL Donald E. "Ed" Jackson, Jr., as the

Commander of the Little Rock District, U.S. Army Corps of Engineers, from June 28, 2007, to June 15, 2010. Colonel Jackson has been assigned to serve as chief of staff of the 8th U.S. Army in Korea where I have no doubt he will go on to serve our country in a proud and loyal fashion. He has been a pleasure to work with and I wish him well on his next mission.

While Commander of the Little Rock District, Colonel Jackson displayed excellent leadership for one of the most diverse Army Corps of Engineer districts in the United States while managing roughly 730 employees, 13 locks and dams, 12 multipurpose lakes and 7 powerplants. Colonel Jackson showed exemplary skill in working with stakeholders, building relationships, and providing necessary leadership to execute the district's programs.

Under his command, the district initiated many major projects including construction on Ozark Hydro-electric powerplant rehabilitation and the landmark White River Minimum Flow Project along the Upper-White River Basin. These were not easy assignments, but under his leadership, Arkansas made significant headway. I also commend him for the critical leadership he provided for his neighboring districts to improve quality of service at Corps of Engineers operated campgrounds. And, he did an excellent job of implementing the American Recovery and Reinvestment Act funding for the Little Rock District, which provided much needed investments in aging infrastructure. He did this while also overseeing the operation and maintenance of the McClellan-Kerr Navigation Channel, which is one of our nation's best navigation systems serving as a critical component of our economy.

To go along with his service on energy and water infrastructure projects, he played a critical role in overseeing and executing a \$750 million program of military construction for the Little Rock Air Force Base and Pine Bluff Arsenal to improve the quality of life and work for our soldiers. Colonel Jackson also developed strong relationships with the Regional Veteran's Administration by assisting with \$175 million in projects critical to the healthcare system, and he assumed a new mission by managing the world-wide Air Force Medical Command O&M program with a \$180 million budget.

In addition to his skills in managing scheduled operations, Colonel Jackson exhibited adaptability and care for the people during local and regional emergencies in different major events. During record Arkansas flooding in the spring of 2008, Colonel Jackson successfully directed the district's management and control of water in the Upper-White River Basin to minimize flood related losses. He also deployed to the State of Texas to assist in the

recovery from Hurricane Ike in Galveston, TX.

Colonel Jackson is a proven leader of people and organizations. His passion, leadership, and influence have greatly increased the readiness and effectiveness of the Little Rock District. I fully believe that he helped shape the district to meet the future needs of the people of Arkansas. I appreciate his service to the people of Arkansas, and I wish him well in his continued service to our country.●

#### REMEMBERING CLARENCE WOLF GUTS

● Mr. THUNE. Mr. President, today I pay tribute to Clarence Wolf Guts, of Wanblee, SD. Clarence passed away on June 16, 2010, at the age of 86.

The last surviving Oglala Lakota code talker, Clarence Wolf Guts was an American hero. Serving in World War II as a Native American code talker, Clarence helped win the war by transmitting critical military messages in his native language, which the Japanese and German militaries could not translate.

Clarence enlisted in the U.S. Army on June 17, 1942, at age 18. One of 11 South Dakotan Lakota, Nakota, and Dakota Native American code talkers, Clarence was recruited to help develop a phonetic alphabet based on the Lakota language. This alphabet was eventually used to develop the Lakota code.

Serving as a code talker, Clarence's primary job was transmitting coded messages from a general to his chief of staff in the field. Courageous and self-sacrificing, the efforts of Clarence and other code talkers were essential for the Allied victory.

Honorably discharged on January 13, 1946, Pfc. Wolf Guts was a man willing and able to serve his country. I have a great deal of respect for Clarence and for the extraordinary contributions Mr. Wolf Guts made to our country. The efforts of the Lakota Code Talkers saved the lives of many soldiers, and Clarence Wolf Guts was a true American hero.

Today I wish to celebrate the life of an extraordinary man. As we mourn the loss of this great South Dakotan, I extend my thoughts, prayers and best wishes to Clarence's family, friends, and loved ones.●

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6301. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the

Northeastern United States; Atlantic Bluefish Fishery; 2010 Atlantic Bluefish Specifications" (RIN0648-XQ49) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6302. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 31; Correction" (RIN0648-AX67) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6303. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Red Snapper Closure" (RIN0648-AX75) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6304. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Shark Management Measures; Amendment 3" (RIN0648-AW65) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6305. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Restrictions and Observer Requirements in Purse Seine Fisheries for 2009-2011" (RIN0648-XW12) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6306. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer" (RIN0648-XW47) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6307. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 m) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XW55) received in the Office of the President of the Senate on June 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6308. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Encryption Export Controls: Revision of License Exception ENC and Mass Market Eligibility, Submission Procedures, Reporting

Requirements, License Application Requirements, and Addition of Note 4 to Category 5, Part 2" (RIN0694-AE89) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6309. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Relaxation of Handling Requirements" (Docket Nos. AMS-FV-09-0085; FV10-925-1 FIR) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6310. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Changes to Reporting and Assessment Due Dates" (Docket Nos. AMS-FV-10-0020; FV10-956-1 FR) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6311. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin; Order Amending Marketing Order No. 930" (Docket Nos. AO-370-A8; AMS-FV-06-0213; FV07-930-2) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6312. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2010-2011 Marketing Year" (Docket Nos. AMS-FV-09-0082; FV10-985-1 FR) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6313. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2009-2010 Crop Year" (Docket Nos. AMS-FV-09-0069; FV09-930-2 FR) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6314. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sweet Cherries Grown in Designated Counties in Washington; Change in the Handling Regulation" (Docket Nos. AMS-FV-09-0033; FV09-923-1 FR) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6315. A communication from the Administrator of the Fruit and Vegetable Pro-

grams, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Increased Assessment Rates" (Docket Nos. AMS-FV-09-0091; FV10-916-917-2 FR) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6316. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Blueberry Promotion, Research, and Information Order; Increase Membership" (Docket Nos. AMS-FV-09-0022; FV-09-705) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6317. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "User Fees for 2010 Crop Cotton Classification Services to Growers" (Docket Nos. AMS-CN-09-0011; CN-10-001) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 3104. A bill to permanently authorize Radio Free Asia, and for other purposes (Rept. No. 111-214).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. AKAKA:

S. 3517. A bill to amend title 38, United States Code, to improve the processing of claims for disability compensation filed with the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEAHY (for himself, Mr. SESSIONS, Mr. SPECTER, Mr. SCHUMER, and Mr. LIEBERMAN):

S. 3518. A bill to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments in United States Courts where those judgments undermine the first amendment to the Constitution of the United States, and to provide a cause of action for declaratory judgment relief against a party who has brought a successful foreign defamation action whose judgment undermines the first amendment; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mr. KOHL, and Mr. LIEBERMAN):

S. 3519. A bill to stabilize the matching requirement for participants in the Hollings Manufacturing Partnership Program; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself, Mr. MERKLEY, Mr. FRANKEN, Mr. BROWN of Ohio, and Mr. WHITEHOUSE):

S. 3520. A bill to provide for an extension of unemployment insurance; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 3521. A bill to provide for the reestablishment of a domestic rare earths materials production and supply industry in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FRANKEN (for himself, Mr.

KOHL, Mr. MENENDEZ, Ms. KLOBUCHAR, Mr. FEINGOLD, Mr. DURBIN, and Mrs. FEINSTEIN):

S. 3522. A bill to protect children affected by immigration enforcement actions, and for other purposes; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 311

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 311, a bill to prohibit the application of certain restrictive eligibility requirements to foreign non-governmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 334

At the request of Mr. LUGAR, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 334, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Moldova.

S. 457

At the request of Mr. THUNE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 457, a bill to establish pilot projects under the Medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies.

S. 478

At the request of Mr. DEMINT, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 478, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 565

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 565, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 714

At the request of Mr. WEBB, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 1055

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1237

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1237, a bill to amend title 38, United States Code, to expand the grant program for homeless veterans with special needs to include male homeless veterans with minor dependents and to establish a grant program for reintegration of homeless women veterans and homeless veterans with children, and for other purposes.

S. 1360

At the request of Mr. BINGAMAN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1360, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1445

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1545

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1545, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 1598

At the request of Mr. SCHUMER, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 1598, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 2750

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2750, a bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services to make grants to eligible States for the purpose of reducing the student-to-school nurse ratio in public secondary schools, elementary schools, and kindergarten.

S. 2801

At the request of Mr. FRANKEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2801, a bill to provide children in foster care with school stability and equal access to educational opportunities.

S. 2882

At the request of Mr. KERRY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2882, a bill to amend the Internal Revenue Code of 1986 to modify the rules relating to the treatment of individuals as independent contractors or employees, and for other purposes.

S. 2903

At the request of Mr. BURR, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2903, a bill to amend the Child Care and Development Block Grant Act of 1990 to require criminal background checks for child care providers.

S. 3058

At the request of Mr. DORGAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3108

At the request of Mr. MENENDEZ, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3108, a bill to amend title 31 of the United States Code to require that Federal children's programs be separately displayed and analyzed in the President's budget.

S. 3234

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3234, a bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 3320

At the request of Mr. WHITEHOUSE, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3339

At the request of Mr. KERRY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3339, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 3345

At the request of Mr. WHITEHOUSE, the name of the Senator from New

Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3345, a bill to amend title 46, United States Code, to remove the cap on punitive damages established by the Supreme Court in *Exxon Shipping Company v. Baker*.

S. 3347

At the request of Mr. VITTER, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Georgia (Mr. ISAKSON) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 3347, a bill to extend the National Flood Insurance Program through December 31, 2010.

S. 3364

At the request of Mr. UDALL of Colorado, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3364, a bill to amend the Energy Policy and Conservation Act to establish the Office of Energy and Renewable Energy as the lead Federal agency for coordinating Federal, State, and local assistance provided to promote the energy retrofitting of schools.

S. 3479

At the request of Mrs. HAGAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3479, a bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program.

S. 3481

At the request of Mr. CARDIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 3481, a bill to amend the Federal Water Pollution Control Act to clarify Federal responsibility for stormwater pollution.

S. 3512

At the request of Mrs. HUTCHISON, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 3512, a bill to provide a statutory waiver of compliance with the Jones Act to foreign flagged vessels assisting in responding to the Deepwater Horizon oil spill.

S. 3513

At the request of Mr. BAUCUS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3513, a bill to amend the Internal Revenue Code of 1986 to extend for one year the special depreciation allowances for certain property.

S. RES. 411

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 411, a resolution recognizing the importance and sustainability of the United States hardwoods industry and urging that United States hardwoods and the products derived from United

States hardwoods be given full consideration in any program to promote construction of environmentally preferable commercial, public, or private buildings.

S. RES. 541

At the request of Mr. CONRAD, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. Res. 541, a resolution designating June 27, 2010, as "National Post-Traumatic Stress Disorder Awareness Day".

S. RES. 546

At the request of Mr. SPECTER, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Florida (Mr. LEMIEUX) were added as cosponsors of S. Res. 546, a resolution recognizing the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, as the only museum in the United States dedicated exclusively to exploring and preserving the American Jewish experience.

S. RES. 552

At the request of Mr. BENNET, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. Res. 552, a resolution designating June 23, 2010, as "Olympic Day".

AMENDMENT NO. 4342

At the request of Ms. SNOWE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 4342 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 3517. A bill to amend title 38, United States Code, to improve the processing of claims for disability compensation filed with the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, as Chairman of the Senate Committee on Veterans' Affairs, I introduce the proposed Claims Processing Improvement Act of 2010, to focus on enhancements that can be made to adjudicate veterans' disability compensation claims in a more timely and accurate manner.

VA has seen a dramatic rise in the number of claims, driven by a number of factors, including the aging of the general veteran population and our prolonged involvement in two overseas conflicts. Further complicating matters, many claims are increasing in complexity, as veterans seek service-connection for multiple disabilities and for disabilities that are difficult to diagnose, such as traumatic brain injury and post traumatic stress disorder.

Claims adjudication is an intricate process that has seen many piecemeal changes in recent years. Unfortunately, these changes have yet to produce the results that veterans deserve. My goal, a goal that I am sure is widely shared, is to ensure that veterans are provided accurate and timely resolution to their claims.

This legislation I am introducing today would make several improvements in the claims adjudication process. Provisions in title I of the bill would establish a pilot program that would utilize ICD codes to identify disabilities of the musculoskeletal system. Over fifty percent of Operations Iraqi and Enduring Freedom veterans that the Department of Veterans Affairs has had some health care contact with have a possible musculoskeletal diagnosis. ICD codes are standard medical condition identification codes used in electronic records that have been adapted by the Secretary of Health and Human Services for electronic transmission of medical data.

This proposed pilot program would take place in six to ten regional offices and require VA to develop a new method of rating claims, which would consider the frequency, severity, and duration of symptoms of the disability in rating the claim, rather than the current rating schedule published in the Code of Federal Regulations. The current rating schedule adds to the complexity of claims adjudication, because many disabilities claimed are not exactly as described in the regulation and several rating codes may need to be considered. The new rating schedule would focus on the impact of the disability, for example, an inability to walk normally, rather than a particular VA rating code classification. All limitations resulting from all disabilities of the musculoskeletal system would be combined to provide one rating, rather than separate ratings for each individual disability. This information would be placed into an organized and searchable electronic record. A veteran could elect to not participate in the pilot program. I believe that such an approach will result in fairer, comprehensive ratings for the entire musculoskeletal system.

Title II of the bill includes a number of provisions that are intended to yield some near-term changes to the claims processing system and should help reduce the overall time a claim is under consideration by VA. During the last several years, the Committee has held oversight hearings on the claims processing system. Many of the provisions in this legislation were first suggested by veterans service organizations and other interested parties in connection with those hearings. Others have been recommended by the administration. The legislation I am introducing today serves as a starting point to move forward in our effort to improve VA's claims adjudication process.

Provisions in title II would allow for VA to issue partial ratings of claims that include multiple issues for those issues that can adjudicated expeditiously; give equal deference to private medical opinions during the rating process; and clarify that the Secretary is required to provide notice to claimants of additional information and evidence required only when additional evidence is actually required. It would also modify filing periods for notices of disagreement from one year to 180 days and require a claimant to file a substantive appeal within 60 days of the Department issuing a post-Notice of Disagreement decision both of these modifications would contain good cause exceptions to the filing deadlines.

Other provisions in title II would automatically waive the review of new evidence by the agency of original jurisdiction, usually a Regional Office, so that any evidence submitted after the initial decision would be subject to initial review at the Board of Veterans' Appeals unless the claimant or the claimant's representative requests in writing that the agency of original jurisdiction initially review such evidence. This legislation would also replace the Secretary's obligation to provide a Statement of the Case with an obligation to provide a post-Notice of Disagreement decision. The post-Notice of Disagreement decision would be in plain language and contain a description of the specific facts in the case that support the decision including, if applicable, an assessment as to the credibility of any lay evidence pertinent to the issue or issues with which disagreement has been expressed; a citation to pertinent laws and regulations that support the decision; the decision on each issue and a summary of the reasons why the evidence relied upon supports such decision under the specific laws and regulations applied; and the date by which a substantive appeal must be filed in order to obtain further review of the decision. The Secretary would also be required to send, with a rating decision, a form that if completed and returned, would suffice as a notice of disagreement.

This is not a comprehensive recitation of all of the provisions within this important veterans' legislation but does, I hope, provide an overview of the changes encompassed in this bill.

Everyone involved realizes that there is no quick fix to solving the myriad issues associated with disability claims processing, but the Committee intends to do everything within its power to improve this situation. To bring optimal change to a system this complicated and critical, we must be deliberative, focused, and open to input from all who are involved in this process.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3517

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Claims Processing Improvement Act of 2010”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

## **TITLE I—RATING OF SERVICE-CONNECTED DISABILITIES MATTERS**

Sec. 101. Pilot program on evaluation and rating of service-connected disabilities of the musculoskeletal system.

## **TITLE II—ADJUDICATION AND APPEAL MATTERS**

Sec. 201. Partial adjudication of claims for disability compensation consisting of multiple issues one or more of which can be quickly adjudicated.

Sec. 202. Clarification that requirement of Secretary of Veterans Affairs to provide notice to claimants of additional information and evidence required only applies when additional information or evidence is actually required.

Sec. 203. Equal deference to private medical opinions in assessing claims for disability compensation.

Sec. 204. Improvements to disability compensation claim review process.

Sec. 205. Provision by Secretary of Veterans Affairs of notice of disagreement forms to initiate appellate review with notices of decisions of Department of Veterans Affairs.

Sec. 206. Modification of filing period for notice of disagreement to initiate appellate review of decisions of Department of Veterans Affairs.

Sec. 207. Modification of substantive appeal process.

Sec. 208. Provision of post-notice of disagreement decisions to claimants who file notice of disagreements.

Sec. 209. Automatic waiver of agency of original jurisdiction review of new evidence.

Sec. 210. Authority for Board of Veterans' Appeals to determine location and manner of appearance for hearings.

Sec. 211. Decision by Court of Appeals for Veterans Claims on all issues raised by appellants.

Sec. 212. Good cause extension of period for filing notice of appeal with United States Court of Appeals for Veterans Claims.

Sec. 213. Pilot program on participation of local and tribal governments in improving quality of claims for disability compensation submitted to Department of Veterans Affairs.

## **TITLE I—RATING OF SERVICE-CONNECTED DISABILITIES MATTERS**

### **SEC. 101. PILOT PROGRAM ON EVALUATION AND RATING OF SERVICE-CONNECTED DISABILITIES OF THE MUSCULOSKELETAL SYSTEM.**

(a) **PILOT PROGRAM REQUIRED.**—The Secretary of Veterans Affairs shall carry out a

pilot program to assess the feasibility and advisability of applying an alternative schedule for rating service-connected disabilities of the musculoskeletal system.

(b) **SCHEDULE FOR RATING SERVICE-CONNECTED DISABILITIES.**—

(1) **IN GENERAL.**—Not later than 240 days after the date of the enactment of this Act, the Secretary shall establish an alternative schedule for rating service-connected disabilities of the musculoskeletal system.

(2) **PUBLICATION IN FEDERAL REGISTER.**—Not later than 270 days after the date of the enactment of this Act, the Secretary shall publish the alternative schedule established under paragraph (1) in the Federal Register.

(3) **COLLABORATION.**—The Secretary shall establish the alternative schedule required by paragraph (1) collaboratively through the Under Secretary for Benefits, the Under Secretary for Health, and the General Counsel.

(4) **ELEMENTS.**—The alternative schedule for rating disabilities under paragraph (1) shall include the following:

(A) The use of the International Classification of Diseases, as adopted by the Secretary of Health and Human Services under section 1173(c) of the Social Security Act (42 U.S.C. 1320d-2(c)) and any successor revisions to such classification so adopted, for purposes of identifying disabilities of the musculoskeletal system.

(B) A residual functional capacity assessment instrument to describe the functional musculoskeletal loss resulting from any disability of the musculoskeletal system.

(C) Mechanisms for the assignment of one residual functional capacity rating for all musculoskeletal disabilities determined to be service-connected, which mechanisms shall take into account the following:

(i) Frequency of symptoms affecting residual functional capacity of the musculoskeletal system, set forth as a range of—

(I) infrequent (once a year or less);

(II) several (two to six) times a year;

(III) occasional (seven to twelve times a year);

(IV) weekly; and

(V) daily or continuous.

(ii) Severity of symptoms affecting residual functional capacity of the musculoskeletal system resulting in loss of functional capacity of the musculoskeletal system, set forth as a range of—

(I) minimal (symptoms present but requiring no treatment);

(II) slight (such as requiring minor alteration of activity or treatment with over-the-counter medication);

(III) mild (such as requiring rest of relevant body part and use of over-the-counter medication, prescription medication, or therapy, such as ice or heat to an affected part);

(IV) moderate (such as requiring medical evaluation and treatment or prescription medication for pain or symptom control with side effects which can be expected to interfere with full performance of work-related activities); and

(V) moderately severe to severe (such as requiring the need to use assistive devices for ambulation, use of opioid or similar prescription medication to control pain which precludes driving or being around machinery, in-patient hospitalization or rehabilitation or frequent out-patient treatment physical therapy, or loss or loss of use of functional capacity in both arms or feet, or one arm and one foot, or requiring a wheelchair for mobility).

(iii) Duration of symptoms affecting residual functional capacity of the musculo-

skeletal system resulting in reduced functional capacity of the musculoskeletal system, set forth as a range of—

(I) one day or less to one week;

(II) more than one week but less than four weeks;

(III) four weeks or more but less than six months;

(IV) six months or more but less than one year; and

(V) one year or more.

(D) Mechanisms for the assignment of ratings of disability in certain cases as follows:

(i) If the veteran has an active musculoskeletal cancer or other active musculoskeletal disability likely to result in death, a rating of 100 percent.

(ii) If the veteran would qualify for a temporary disability rating under section 1156 of title 38, United States Code, the rating provided under that section.

(iii) If the veteran would qualify for a temporary disability rating under any regulations prescribed by the Secretary not provided for under this section, the rating assigned under such regulations.

(E) Such other mechanisms as the Secretary considers appropriate for the pilot program.

### **(5) FORMS FOR RECORDING RESIDUAL FUNCTIONAL CAPACITY ASSESSMENTS.**—

(A) **IN GENERAL.**—The Secretary shall establish one or more functional capacity assessment forms to be used in performing assessments with the instrument required by paragraph (4)(B).

(B) **AVAILABILITY.**—The Secretary shall make the forms established under subparagraph (A) available to the public in an electronic format for use by any physician or other medical provider in assessing the residual functional capacity related to disabilities of the musculoskeletal system.

(6) **EXEMPTION FROM APA.**—The establishment of the alternative schedule required by paragraph (1) shall not be subject to the requirements of subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”).

### **(c) APPLICATION OF ALTERNATIVE SCHEDULE.**—

(1) **IN GENERAL.**—In carrying out the pilot program, the Secretary shall apply the alternative schedule for rating disabilities established under subsection (b) to veterans described in paragraph (3) who have a condition of the musculoskeletal system that has been determined to be a disability incurred or aggravated during military service to determine the rating to be assigned for such disability.

(2) **APPLICATION THROUGH REGIONAL OFFICES.**—

(A) **IN GENERAL.**—The Secretary shall apply the alternative schedule for rating service-connected disabilities under this subsection through not fewer than six and not more than ten regional offices of the Department of Veterans Affairs selected by the Secretary for purposes of the pilot program.

(B) **DIVERSITY OF SELECTION.**—In selecting regional offices under subparagraph (A), the Secretary shall select—

(i) at least one regional office considered by the Secretary to be a small office;

(ii) at least one regional office considered by the Secretary to be a large office; and

(iii) regional offices representing a variety of geographic settings.

(3) **COVERED VETERANS.**—Veterans described in this paragraph are veterans who—

(A) submit to the Secretary more than one year after their date of discharge or release

from the active military, naval, or air service an original claim for benefits under the laws administered by the Secretary;

(B) allege in the claim described in subparagraph (A) the existence of a condition of the musculoskeletal system that was incurred or aggravated in such military, naval, or air service;

(C) file such claim with a regional office of the Department with original jurisdiction of the claim that is participating in the pilot program; and

(D) have not expressly declined participation in the pilot program.

(4) **RELATION TO COMBINED RATINGS TABLE.**—A rating assigned for a musculoskeletal service-connected disability under the pilot program shall be determined without regard to the Combined Ratings Table in title 38, Code of Federal Regulations, except that in determining the final rating of all service-connected disabilities, the rating for musculoskeletal disabilities as determined under the pilot program shall be combined with any other disabilities using such table.

(5) **TREATMENT OF DISABILITY RATINGS FOR LOSS OF BODILY INTEGRITY.**—Compensation under laws administered by the Secretary for a disability receiving a disability rating under the schedule established under subsection (b)(1) shall be, as applicable, in addition to or consistent with any compensation otherwise provided under subsections (k) through (s) of section 1114 of title 38, United States Code.

(d) **LIMITATIONS ON DENIAL OF SERVICE CONNECTION.**—During the pilot program, the Secretary may not determine a musculoskeletal condition of a veteran to be not service-connected for purposes of the veteran's participation in the pilot program unless the Secretary—

(1) obtains, or receives a report of, a medical examination of the veteran which—

(A) includes a brief history of the veteran's military service relevant to the condition;

(B) identifies the diagnosed musculoskeletal disabilities in accordance with the classification required by subsection (b)(4)(A); and

(C) describes the functional limitations of such conditions, and if applicable, any secondary conditions related to such alleged conditions or any non-service connected disability aggravated by the alleged conditions; and

(2) obtains or receives a medical opinion on—

(A) the nexus between any diagnosed musculoskeletal condition alleged to be service-connected and the active military, naval, or air service of the veteran; and

(B) if applicable, the relationship between any service-connected disabilities of the veteran and any secondary disabilities related to such disabilities or any non-service connected disability aggravated by the alleged conditions.

(e) **RECORDS.**—

(1) **IN GENERAL.**—The Secretary shall maintain for purposes of the pilot program a separate searchable electronic file on each veteran covered by the pilot program.

(2) **ELEMENTS.**—The electronic file maintained with respect to a veteran under paragraph (1) shall include for the following:

(A) An index of the documents contained in the electronic file.

(B) The claim of the veteran for benefits under the laws administered by the Secretary, including any reapplication with respect to such claim.

(C) The service treatment records of the veteran from medical care received while

serving in the active military, naval, or air service and any other medical treatment records of the veteran from service during periods of active or inactive duty for training.

(D) The personnel records of service of the veteran—

(i) in the active military, naval, or air service; and

(ii) in the reserve components of the Armed Forces.

(E) Such other private or public medical records of the veteran as the Secretary considers appropriate.

(F) Records of any medical examinations and medical opinions on the residual functional capacity of the musculoskeletal system of the veteran, including any examinations and opinions obtained under subsection (d).

(G) Records of any medical examinations and medical opinions concerning any non-musculoskeletal disabilities claimed by the veteran as service-connected.

(H) Any non-medical evidence applicable to the claim.

(I) Current information and evidence on any dependents of the veteran for purposes of the laws administered by the Secretary.

(J) Ratings and decisions of the Secretary with respect to the claims of the veteran.

(K) Information concerning the amount of compensation paid to the veteran under laws administered by the Secretary.

(L) Any notices or correspondence sent by the Secretary to the veteran or any correspondence submitted by the veteran to the Secretary in connection with the claim that does not contain evidence or information applicable to the claims of the veteran.

(3) **ORGANIZATION.**—Each file required by paragraph (1) shall be stored or displayed with separate sections for each element required under paragraph (2).

(f) **TERMINATION OF APPLICATION.**—The Secretary shall cease the application to veterans under subsection (c) of the alternative schedule for rating service-connected disabilities under subsection (b) for purposes of the pilot program on the date that is 4 years after the date of the enactment of this Act.

(g) **PRESERVATION OF RATINGS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), a disability rating assigned under the alternative schedule established under subsection (b) shall not be reduced during or after termination of the pilot program absent evidence of clear and unmistakable error in the original assignment of the rating or evidence of an improvement in the musculoskeletal disability manifested by less frequent, less severe, or shorter duration of symptoms measured over a period of at least six months in the year prior to any reevaluation.

(2) **EXCEPTION.**—Paragraph (1) shall not apply to ratings assigned for temporary periods as provided in subsection (b)(4)(D).

(h) **RELATIONSHIP TO OTHER PROVISIONS OF LAW ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.**—Except as otherwise specifically provided in this section, all applicable provisions of law administered by the Secretary shall apply to decisions of the Secretary made under the pilot program.

(i) **INTERIM REPORT.**—

(1) **IN GENERAL.**—Not later than 300 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives an interim report on the pilot program.

(2) **ELEMENTS.**—The interim report required by paragraph (1) shall include the following:

(A) A description of the alternative schedule for rating service-connected disabilities established under subsection (b).

(B) The rationale for the alternative schedule as described under subparagraph (A).

(C) A description of the policies and procedures established under the pilot program.

(j) **REPORT.**—

(1) **IN GENERAL.**—Not later than 3 years and 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the pilot program.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) A copy of the alternative schedule for rating service-connected disabilities established under subsection (b) and any changes made to such schedule during the pilot program.

(B) A description and assessment of the application of the alternative schedule for rating service-connected disabilities of veterans, including—

(i) the total number of veterans to which the alternative schedule was applied;

(ii) the total number of veterans determined to have a service-connected disability consisting of a condition of the musculoskeletal system; and

(iii) the ratings of disability assigned to veterans described in clause (ii), set forth by percentage of disability assigned.

(C) An assessment of the feasibility and advisability of applying the alternative schedule for rating service-connected disabilities to additional claimants.

(D) A comparison of a representative sample of decisions rendered by different regional offices for similar disabilities participating in the pilot program.

(E) The number of appeals filed for claims adjudicated under the pilot program.

(F) An assessment of the effectiveness of the electronic file maintained under subsection (e) in—

(i) the adjudication of claims under the pilot program; and

(ii) improving the efficiency of decision making by the Department.

(G) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

(k) **DEFINITIONS.**—In this section:

(1) The term "active military, naval, or air service" has the meaning given that term in section 101(24) of title 38, United States Code.

(2) The term "non-service-connected", with respect to a disability, has the meaning given that term in section 101(17) of title 38, United States Code.

(3) The term "service-connected", with respect to a disability, has the meaning given that term in section 101(16) of title 38, United States Code.

## TITLE II—ADJUDICATION AND APPEAL MATTERS

### SEC. 201. PARTIAL ADJUDICATION OF CLAIMS FOR DISABILITY COMPENSATION CONSISTING OF MULTIPLE ISSUES ONE OR MORE OF WHICH CAN BE QUICKLY ADJUDICATED.

(a) **IN GENERAL.**—Section 1157 of title 38, United States Code, is amended—

(1) by striking "The Secretary" and inserting the following:

"(a) **IN GENERAL.**—The Secretary"; and

(2) by adding at the end the following new subsection:

“(b) ASSIGNMENT OF PARTIAL RATINGS.—(1) In the case of a veteran who submits to the Secretary a claim for compensation under this chapter for more than one condition and the Secretary determines that a disability rating can be assigned without further development for one or more conditions but not all conditions in the claim, the Secretary shall—

“(A) expeditiously assign a disability rating for the condition or conditions that the Secretary determined could be assigned without further development; and

“(B) continue development of the remaining conditions.

“(2) If the Secretary is able to assign a disability rating for a condition described in paragraph (1)(B) with respect to a claim, the Secretary shall assign such rating and combine such rating with the rating or ratings previously assigned under paragraph (1)(A) with respect to that claim.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to claims filed on or after the date that is 60 days after the date of the enactment of this Act.

**SEC. 202. CLARIFICATION THAT REQUIREMENT OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE NOTICE TO CLAIMANTS OF ADDITIONAL INFORMATION AND EVIDENCE REQUIRED ONLY APPLIES WHEN ADDITIONAL INFORMATION OR EVIDENCE IS ACTUALLY REQUIRED.**

(a) IN GENERAL.—Section 5103(a)(1) of title 38, United States Code, is amended by striking the first sentence and inserting the following: “If the Secretary receives a complete or substantially complete application that does not include information or medical or lay evidence not previously provided to the Secretary that is necessary to substantiate the claim, the Secretary shall, upon receipt of such application, notify the claimant and the claimant’s representative, if any, that such information or evidence is necessary to substantiate the claim.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to claims filed on or after the date that is 60 days after the date of the enactment of this Act.

**SEC. 203. EQUAL DEFERENCE TO PRIVATE MEDICAL OPINIONS IN ASSESSING CLAIMS FOR DISABILITY COMPENSATION.**

(a) PROVISION OF DEFERENCE.—

(1) IN GENERAL.—Subchapter I of chapter 51 of title 38, United States Code, is amended by inserting after section 5103A the following new section:

**“§5103B. Treatment of private medical opinions**

“(a) IN GENERAL.—If a claimant submits a private medical opinion in support of a claim for disability compensation in accordance with standards established by the Secretary, such opinion shall be treated by the Secretary with the same deference as a medical opinion provided by a Department health care provider.

“(b) SUPPLEMENTAL INFORMATION.—(1) If a private medical opinion submitted as described in subsection (a) is found by the Secretary to be competent, credible, and probative, but otherwise not entirely adequate for purposes of assigning a disability rating and the Secretary determines a medical opinion from a Department health care provider is necessary for such purpose, the Secretary shall obtain from an appropriate Department health care provider (as deter-

mined pursuant to the standards described in subsection (a)) a medical opinion that is adequate for such purposes.

“(2) If the Secretary obtains a medical opinion from a Department health care provider under paragraph (1), the Secretary shall ensure that the medical opinion is obtained from a health care provider of the Department that has professional qualifications that are at least equal to the qualifications of the provider of the private medical opinion described in such paragraph.

“(c) DEPARTMENT HEALTH CARE PROVIDER DEFINED.—In this section, the term ‘Department health care provider’ includes a provider of health care who provides health care under contract with the Department.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of such title is amended by inserting after the item relating to section 5103A the following new item:

“5103B. Treatment of private medical opinions.”

(3) EFFECTIVE DATE.—Section 5103B of such title, as added by paragraph (1), shall take effect on the date of the enactment of this Act, and shall apply with respect to claims pending or filed on or after the date that is 270 days after the date of the enactment of this Act.

(b) NOTICE.—

(1) IN GENERAL.—Section 5103(a) of such title is amended by adding at the end the following new paragraph:

“(3) A notice provided under this subsection shall inform a claimant, as the Secretary considers appropriate with respect to the claimant’s claim—

“(A) of the rights of the claimant to assistance under section 5103A of this title; and

“(B) if the claimant submits a private medical opinion in support of a claim for disability compensation, how such medical opinion will be treated under section 5103B of this title.”

(2) EFFECTIVE DATE.—Paragraph (3) of such section 5103(a), as added by paragraph (1), shall take effect on the date that is 270 days after the date of the enactment of this Act.

**SEC. 204. IMPROVEMENTS TO DISABILITY COMPENSATION CLAIM REVIEW PROCESS.**

(a) ESTABLISHMENT OF FAST TRACK CLAIM REVIEW PROCESS.—

(1) IN GENERAL.—Subchapter I of chapter 51 of title 38, United States Code, is amended by inserting after section 5103B, as added by section 203 of this Act, the following new section:

**“§5103C. Expedited review of initial claims for disability compensation**

“(a) PROCESS REQUIRED.—The Secretary shall establish a process for the rapid identification of initial claims for disability compensation that should, in the adjudication of such claims, receive priority in the order of review.

“(b) REVIEW OF INITIAL CLAIMS.—As part of the process required by subsection (a), the Secretary shall assign employees of the Department who are experienced in the processing of claims for disability compensation to carry out a preliminary review of all initial claims for disability compensation submitted to the Secretary in order to identify whether—

“(1) the claims have the potential of being adjudicated quickly;

“(2) the claims qualify for priority treatment under paragraph (2) of subsection (c); and

“(3) a temporary disability rating could be assigned with respect to the claims under section 1156 of this title.

“(c) PRIORITY IN ADJUDICATION OF INITIAL CLAIMS.—(1) As part of the process required by subsection (a) and except as provided in paragraph (2), the Secretary shall, in the adjudication of initial claims for disability compensation submitted to the Secretary, give priority in the order of review of such claims to claims identified under subsection (b)(1) as having the potential of being adjudicated quickly.

“(2) The Secretary may, under regulations the Secretary shall prescribe, provide priority in the order of review of initial claims for disability compensation for the adjudication of the following:

“(A) Initial claims for disability compensation submitted by homeless claimants.

“(B) Initial claims for disability compensation submitted by veterans who are terminally ill.

“(C) Initial claims for disability compensation submitted by claimants suffering severe financial hardship.

“(D) Partially adjudicated claims for disability compensation under section 1157(b) of this title.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of such title is amended by inserting after the item relating to section 5103B, as so added, the following new item:

“5103C. Expedited review of initial claims for disability compensation.”

(3) EFFECTIVE DATE.—Section 5103C of such title, as added by paragraph (1), shall take effect on the date that is 90 days after the date of the enactment of this Act.

(b) AUTHORITY FOR CLAIMANTS TO END DEVELOPMENT OF CLAIMS.—

(1) IN GENERAL.—Such subchapter is further amended by inserting after section 5103C, as added by subsection (a), the following new section:

**“§5103D. Procedures for fully developed claims**

“Upon notification received from a claimant that the claimant has no additional information or evidence to submit, the Secretary may determine that the claim is a fully developed claim. The Secretary shall then undertake any development necessary for any Federal records, medical examinations, or opinions relevant to the claim and may decide the claim based on all the evidence of record.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of such title is amended by inserting after the item relating to section 5103C, as added by subsection (a), the following new item:

“5103D. Procedures for fully developed claims.”

(3) EFFECTIVE DATE.—Section 5103D of such title, as added by paragraph (1), shall take effect on the date of the enactment of this Act.

**SEC. 205. PROVISION BY SECRETARY OF VETERANS AFFAIRS OF NOTICE OF DISAGREEMENT FORMS TO INITIATE APPELLATE REVIEW WITH NOTICES OF DECISIONS OF DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Section 5104 of title 38, United States Code, is amended—

(1) in subsection (a), by striking the second sentence; and

(2) in subsection (b), by striking “also include (1) a” and all that follows and inserting the following: “include the following:

“(1) A statement of the reasons for the decision.

“(2) A summary of the evidence relied upon by the Secretary in making the decision.

“(3) An explanation of the procedure for obtaining review of the decision.

“(4) A form that, once completed, can serve as a notice of disagreement under section 7105(a) of this title.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

**SEC. 206. MODIFICATION OF FILING PERIOD FOR NOTICE OF DISAGREEMENT TO INITIATE APPELLATE REVIEW OF DECISIONS OF DEPARTMENT OF VETERANS AFFAIRS.**

(a) **FILING OF NOTICE OF DISAGREEMENT BY CLAIMANTS.**—

(1) **IN GENERAL.**—Paragraph (1) of section 7105(b) of title 38, United States Code, is amended—

(A) by striking “one year” and inserting “180 days” in the first sentence; and

(B) by striking “one-year” and inserting “180-day” in the third sentence.

(2) **ELECTRONIC FILING.**—Such paragraph is further amended by inserting “or transmitted by electronic means” after “post-marked”.

(3) **GOOD CAUSE EXCEPTION FOR UNTIMELY FILING OF NOTICES OF DISAGREEMENT.**—Such section 7105(b) is amended by adding at the end the following new paragraph:

“(3)(A) A notice of disagreement not filed within the time prescribed by paragraph (1) shall be treated by the Secretary as timely filed if—

“(i) the Secretary determines that the claimant, legal guardian, or other accredited representative, attorney, or authorized agent filing the notice had good cause for the lack of filing within such time; and

“(ii) the notice of disagreement is filed not later than 186 days after the period prescribed by paragraph (1).

“(B) For purposes of this paragraph, good cause shall include the following:

“(i) Circumstances relating to any physical, mental, educational, or linguistic limitation of the claimant, legal guardian, representative, attorney, or authorized agent concerned (including lack of facility with the English language).

“(ii) Circumstances relating to significant delay in the delivery of the initial decision or of the notice of disagreement caused by natural disaster or factors relating to geographic location.

“(iii) A change in financial circumstances, including the payment of medical expenses or other changes in income or net worth that are considered in determining eligibility for benefits and services on an annualized basis for purposes of needs-based benefits under chapters 15 and 17 of this title.”.

(b) **APPLICATION BY DEPARTMENT FOR REVIEW ON APPEAL.**—Section 7106 of such title is amended in the first sentence by striking “one-year period described in section 7105” and inserting “period described in section 7105(b)(1)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply with respect to claims filed on or after the date of the enactment of this Act.

**SEC. 207. MODIFICATION OF SUBSTANTIVE APPEAL PROCESS.**

(a) **IN GENERAL.**—Section 7105 of title 38, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (3), by striking “The claimant will be afforded” and all that follows through the end of the paragraph; and

(B) by striking paragraphs (4) and (5); and

(2) by adding at the end the following new subsection:

“(e)(1) A claimant shall be afforded a period of 60 days from the date the post-notice of disagreement decision is mailed under subsection (d) to file a substantive appeal.

“(2)(A) The period under paragraph (1) may be extended for an additional 60 days for good cause shown on a request for such extension submitted in writing within such period.

“(B) For purposes of this paragraph, good cause shall include the following:

“(i) Circumstances relating to any physical, mental, educational, or linguistic limitation of the claimant, legal guardian, or other accredited representative, attorney, or authorized agent filing the request (including lack of facility with the English language).

“(ii) Circumstances relating to significant delay in the delivery of the initial decision or of the notice of disagreement caused by natural disaster or factors relating to geographic location.

“(iii) A change in financial circumstances, including the payment of medical expenses or other changes in income or net worth that are considered in determining eligibility for benefits and services on an annualized basis for purposes of needs-based benefits under chapters 15 and 17 of this title.

“(3) A substantive appeal under this subsection shall identify the particular determination or determinations being appealed and allege specific errors of fact or law made by the agency of original jurisdiction in each determination being appealed.

“(4) A claimant in any case under this subsection may not be presumed to agree with any statement of fact contained in the post-notice of disagreement decision to which the claimant does not specifically express disagreement.

“(5) If the claimant does not file a substantive appeal in accordance with the provisions of this chapter within the period afforded under paragraphs (1) and (2), as the case may be, the agency of original jurisdiction shall dismiss the appeal and notify the claimant of the dismissal. The notice shall include an explanation of the procedure for obtaining review of the dismissal by the Board of Veterans’ Appeals.

“(6) In order to obtain review by the Board of a dismissal of an appeal by the agency of original jurisdiction, a claimant shall file a request for such review with the Board within the 60-day period beginning on the date on which notice of the dismissal is mailed pursuant to paragraph (5).

“(7) If a claimant does not file a request for review by the Board in accordance with paragraph (6) within the prescribed period or if such a request is timely filed and the Board affirms the dismissal of the appeal, the determination of the agency of original jurisdiction regarding the claim for benefits under this title shall become final and the claim may not thereafter be reopened or allowed, except as may otherwise be provided by regulations not inconsistent with this title.

“(8) If an appeal is not dismissed by the agency of original jurisdiction, the Board may nonetheless dismiss any appeal which is—

“(A) untimely; or

“(B) fails to allege specific error of fact or law in the determination being appealed.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to claims filed on or after the date that is 180 days after the date of the enactment of this Act.

**SEC. 208. PROVISION OF POST-NOTICE OF DISAGREEMENT DECISIONS TO CLAIMANTS WHO FILE NOTICE OF DISAGREEMENTS.**

(a) **IN GENERAL.**—Section 7105 of title 38, United States Code, is amended—

(1) by striking “statement of the case” each place it appears and inserting “post-notice of disagreement decision”; and

(2) in subsection (d), as amended by section 207 of this Act—

(A) in paragraph (1), by striking subparagraphs (A) through (C) and inserting the following new subparagraphs:

“(A) A description of the specific facts in the case that support the agency’s decision, including, if applicable, an assessment as to the credibility of any lay evidence pertinent to the issue or issues with which disagreement has been expressed.

“(B) A citation to pertinent laws and regulations that support the agency’s decision.

“(C) A statement that addresses each issue and provides the reasons why the evidence relied upon supports the conclusions of the agency under the specific laws and regulations applied.

“(D) The date by which a substantive appeal must be filed in order to obtain further review of the decision.”; and

(B) by adding at the end the following new paragraph:

“(4) The post-notice of disagreement decision shall be written in plain language.”.

(b) **CONFORMING AMENDMENT.**—Section 7105A of such title is amended by striking “statement of the case” each place it appears and inserting “post-notice of disagreement decision”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply with respect to notices of disagreements filed on or after the date that is 180 days after the date of the enactment of this Act.

**SEC. 209. AUTOMATIC WAIVER OF AGENCY OF ORIGINAL JURISDICTION REVIEW OF NEW EVIDENCE.**

(a) **IN GENERAL.**—Section 7105 of title 38, United States Code, as amended by section 207 of this Act, is further amended by adding at the end the following new subsection:

“(f) If, either at the time or after the agency of original jurisdiction receives a substantive appeal, the claimant or the claimant’s representative, if any, submits evidence to either the agency of original jurisdiction or the Board of Veterans’ Appeals for consideration in connection with the issue or issues with which disagreement has been expressed, such evidence shall be subject to initial review by the Board unless the claimant or the claimant’s representative, as the case may be, requests in writing that the agency of original jurisdiction initially review such evidence. Such request for review shall accompany the submittal of the evidence or be made within 30 days of the submittal.”.

(b) **EFFECTIVE DATE.**—Subsection (f) of such section, as added by subsection (a), shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply with respect to claims for which a substantive appeal is filed on or after the date that is 180 days after the date of the enactment of this Act.

**SEC. 210. AUTHORITY FOR BOARD OF VETERANS’ APPEALS TO DETERMINE LOCATION AND MANNER OF APPEARANCE FOR HEARINGS.**

(a) **LOCATION.**—Subsection (d) of section 7107 of title 38, United States Code, is amended—

(1) in paragraph (1), by striking “An appellant” and all that follows through the end

and inserting the following: "Upon request by an appellant for a hearing before the Board, the Board shall determine whether the hearing will be held at its principal location or at a facility of the Department, or other appropriate Federal facility, located within the area served by a regional office of the Department as the Secretary considers most appropriate to schedule the earliest possible date for the hearing."; and

(2) by adding at the end the following new paragraph:

"(4) A determination by the Board under paragraph (1) with respect to the location of a hearing shall be final unless the appellant demonstrates, on motion, good cause or special circumstances warranting a different location."

(b) MANNER OF APPEARANCE.—Subsection (e) of such section is amended—

(1) in paragraph (2)—

(A) by striking "afford the appellant an opportunity" and inserting ", as the Chairman determines appropriate, require the appellant"; and

(B) by striking the last sentence; and

(2) by adding at the end the following new paragraph:

"(3) A determination by the Chairman under paragraph (2) with respect to the participation of an appellant in a hearing shall be final unless the appellant demonstrates, on motion, good cause or special circumstances warranting a different determination."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply with respect to requests for hearings filed on or after the date that is 180 days after the date of the enactment of this Act.

#### **SEC. 211. DECISION BY COURT OF APPEALS FOR VETERANS CLAIMS ON ALL ISSUES RAISED BY APPELLANTS.**

Section 7261 of title 38, United States Code, is amended—

(1) in subsection (a), in the matter before paragraph (1), by striking ", to the extent necessary to its decision and when presented, shall" and inserting "shall, when presented";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following new subsection (c):

"(c) In carrying out a review of a decision of the Board of Veterans' Appeals, the Court shall render a decision on every issue raised by an appellant within the extent set forth in this section."

#### **SEC. 212. GOOD CAUSE EXTENSION OF PERIOD FOR FILING NOTICE OF APPEAL WITH UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.**

(a) IN GENERAL.—Section 7266 of title 38, United States Code, is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(2) by inserting after subsection (a) the following new subsection (b):

"(b)(1) The Court may extend the initial period for the filing of a notice of appeal set forth in subsection (a) for an additional period not to exceed 120 days from the expiration of such initial period upon a motion—

"(A) filed with the Court not later than 120 days after the expiration of such initial period; and

"(B) showing good cause for such extension.

"(2) If a motion for extension under paragraph (1) is filed after expiration of the initial period for the filing of a notice of appeal set forth in subsection (a), the notice of ap-

peal shall be filed concurrently with, or prior to, the filing of the motion."; and

(3) in subsection (e), as redesignated by paragraph (1), by striking "subsection (c)(2)" and inserting "subsection (d)(2)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to notices of appeal filed on or after the date of the enactment of this Act.

#### **SEC. 213. PILOT PROGRAM ON PARTICIPATION OF LOCAL AND TRIBAL GOVERNMENTS IN IMPROVING QUALITY OF CLAIMS FOR DISABILITY COMPENSATION SUBMITTED TO DEPARTMENT OF VETERANS AFFAIRS.**

(a) PILOT PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of entering into memorandums of understanding with local governments and tribal organizations—

(1) to improve the quality of claims submitted to the Secretary for compensation under chapter 11 of title 38, United States Code; and

(2) to provide assistance to veterans who may be eligible for such compensation in submitting such claims.

(b) MINIMUM NUMBER OF PARTICIPATING TRIBAL ORGANIZATIONS.—In carrying out the pilot program required by subsection (a), the Secretary shall enter into memorandums of understanding with at least two tribal organizations.

(c) TRIBAL ORGANIZATION DEFINED.—In this section, the term "tribal organization" has the meaning given that term in section 3765 of title 38, United States Code.

By Mr. LEAHY (for himself, Mr. SESSIONS, Mr. SPECTER, Mr.

SCHUMER, and Mr. LIEBERMAN):

S. 3518. A bill to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments in United States Courts where those judgments undermine the first amendment to the Constitution of the United States, and to provide a cause of action for declaratory judgment relief against a party who has brought a successful foreign defamation action whose judgment undermines the first amendment; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, two years ago the United Nations' Human Rights Committee observed a problem that "discourage[d] critical media reporting on matters of serious public interest, adversely affect[ed] the ability of scholars and journalists to publish their work," and "affect[ed] freedom of expression worldwide on matters of valid public interest." That problem was "libel tourism," a troubling trend of foreign lawsuits that have stifled Americans' First Amendment rights. Today, I am introducing legislation to put a stop to this harmful trend.

The First Amendment is a cornerstone of American democracy. Freedom of speech and the press enable vigorous debate over issues of national importance, and enable an exchange of ideas that shapes our political process. Authors, reporters and publishers are primary sources of this information,

and their ability to disseminate their writings is critical to our democracy.

Over recent years, American authors, reporters and publishers have fallen victim to libel lawsuits in countries with significantly weaker free speech protections that what our First Amendment affords. In many cases, the foreign plaintiff sought out that country, where there is no regard for freedom of the press, so that they could easily prevail. These suits occur regardless of whether the plaintiff or the publication has significant connections to the foreign forum. On a broad scale, this results in a race to the bottom, and causes U.S. persons to defer to the country with the most chilling and restrictive free speech standard, to determine what they can or cannot write or publish. This is libel tourism. As the son of a printer, I consider this a matter of great national importance.

Today, I am introducing with Senators SESSIONS, SPECTER, SCHUMER and LIEBERMAN legislation that will ensure American authors, journalists and publishers are shielded from the chilling effects of libel tourism. This legislation guarantees that a foreign defamation judgment cannot be enforced in the United States if that country's libel standards are inconsistent with American law. Our legislation also provides American victims of unconstitutional libel suits the opportunity to clear their name by filing for a declaratory judgment in an American court.

Over the past several years, the problem of libel tourism has grown. Today, countries whose weak libel laws impact American authors are no longer confined to a small number. England, Brazil, Australia, Indonesia, and Singapore are just a few of the countries whose weak libel protections have attracted libel lawsuits against American journalists and authors. This threat to American free speech must end, and the time to act is now.

New accounts of libel tourism lawsuits emerge every day. This is because the dissemination of materials through the Internet, as well as the increased number of worldwide newspapers and periodicals, has compounded their threat. The likelihood that a book or story will have some contact with a foreign country is simply that much higher, as is the probability that a foreign court will determine that it has a basis for asserting jurisdiction over an American author or publisher. As we heard at a recent Judiciary Committee hearing, this has a dramatic chilling effect on Americans' free speech.

The impact and extreme nature of these foreign libel lawsuits is best understood through examples. The most well known is the case of American journalist Rachel Ehrenfeld, who wrote a book about the financiers of the 9/11 attacks. She did not market her book in England yet was sued for libel there by a Saudi businessman she linked to

terrorism. The content of her publication would have been protected under our laws, but a British court applying its laws issued a multimillion dollar default judgment against her. Today, Ms. Ehrenfeld continues to experience reluctance from American publishers who fear that plaintiffs will target her and bring another libel action against anything she writes on the subject of terrorism financing.

The scientific community has also been affected by libel tourism. An article last year in *New Scientist* magazine notes that now "Challenging the scientific validity of a product or claim can be fraught with danger. . . [because] such challenges are leaving scientists and science writers [to] face an expensive libel action before the English high court. Many individuals and publications have been threatened with libel actions, and some have had proceedings launched against them. Many more writers have had their work edited before publication to avoid any risk of such legal action." Publications exposing financial improprieties, consumer protection issues, medical malpractice, and sexual abuse have all fallen victim to libel tourism lawsuits around the world.

Even Roman Polanski sued *Vanity Fair* for libel in England. Mr. Polanski, a fugitive from justice who fled America after being convicted of sexually abusing a young girl, filed the suit in 2004. He has fought extradition while living in Europe. The *Vanity Fair* article recounted a story of his alleged aggressive sexual advances made just after his wife was murdered, and portrayed him as being insensitive to her death. The article was written in the U.S., edited in the U.S., and primarily sold in the U.S., but the British court claimed jurisdiction, and ruled in favor of Mr. Polanski.

Foreign libel judgments impact American authors' livelihood, credibility and employment potential. They also have the potential to limit the types of books and articles that talented and reputable authors can get published in the future. But most importantly, their suppression limits the information that Americans have a constitutional right to access. Journalists writing about issues of national security and safety should not be chilled. These lawsuits are designed to stifle the dissemination of that information in both the United States and the world. Journalists willing to investigate and write about such important issues deserve protection.

I am encouraged that some countries have taken steps to strengthen their libel protections and jurisdictional requirements in the wake of these lawsuits, but that is not enough. As one country tightens its libel protections, another may just emerge as the next-best-available forum of choice for libel plaintiffs willing to travel to file suit.

I want to thank the ranking member of the Judiciary Committee, Senator SESSIONS, for working with me on this legislation. I also want to thank Senators SCHUMER and SPECTER, for their support in moving toward a legislative compromise on this important issue. Their bills provided a valuable basis from which the bipartisan compromise that we are introducing today emerged.

We cannot legislate changes to foreign law that are chilling protected speech in our country. What we can do, however, is ensure that our courts do not become a tool to uphold foreign libel judgments that undermine our First Amendment or due process rights. We can also provide American authors and reporters the ability to clear their name in our courts.

I hope all Senators will support our bipartisan effort to pass this important legislation this summer to protect the free speech rights of all Americans.

By Ms. SNOWE (for herself, Mr. KOHL, and Mr. LIEBERMAN):

S. 3519. A bill to stabilize the matching requirement for participants in the Hollings Manufacturing Partnership Program; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, today I am introducing legislation, along with Senators KOHL and LIEBERMAN, to reduce the cost share amount that Manufacturing Extension Partnership, or MEP, centers face in obtaining their annual funding. The MEP is a nationwide public-private network of counseling and assistance centers that offer our nation's nearly 350,000 small and medium manufacturers services and access to resources that enhance growth, improve productivity, and expand capacity. In Fiscal Year 2009 alone, MEP clients created or retained roughly 53,000 jobs; provided cost savings in excess of \$1.41 billion; and generated over \$9.1 billion in sales. Similarly, clients of the Maine MEP reported saving or retaining 550 jobs, experiencing \$8.3 million in cost savings, and generating over \$78.3 million in sales in 2009. As such, the MEP's contribution to the health of American manufacturing is indisputable.

At present, individual MEP centers must raise a full 2/3 of their funding after their fourth year of operation, placing a heavy burden on these centers. The National Institute of Standards and Technology, NIST, at the Department of Commerce, in turn, provides one-third of the centers' funding. MEP centers can meet their portion of the cost share requirement through funds from universities, State and local governments, and other institutions.

In today's tumultuous economy, these centers are experiencing increased difficulties finding adequate funding from both private and public sources. As economic concerns weigh down on all of us, states, organizations,

and groups that traditionally assist MEP centers in meeting this cost share are reluctant to expend the money—or do not have the resources to do so.

Our bill, which is a modified version of S. 695 that I and several of my colleagues introduced last March, is simple and straightforward. It would reduce the statutory cost share that MEP centers face to 50 percent for fiscal years 2011 through 2013 as a temporary stimulative measure. Frankly, the Nation's MEP centers are subject to an unnecessarily restrictive cost share requirement. And it is inequitable, as the MEP is the only initiative out of the 80 programs funded by the Department of Commerce that is subject to a statutory cost share of greater than 50 percent. There is no reason for this to persist, particularly not during this trying economy when so many manufacturers are trying to remain afloat.

Clearly, Congress must act swiftly to bolster our country's manufacturing industry rather than sitting on the sidelines as other countries surpass our nation's economic leadership in a variety of areas. Indeed, last Sunday's *Financial Times* included an article titled "US manufacturing crown slips" highlighting that, "The U.S. remained the world's biggest manufacturing nation by output last year, but is poised to relinquish this slot in 2011 to China—thus ending a 110-year run as the number one country in factory production." This news should be a clarion call that investing in the manufacturing sector is critical given the detrimental ramifications that losing our leadership would have to our overall economy.

The MEP is an essential resource for the small and medium manufacturers that will help reinvigorate our Nation's economy. With centers in all 50 states, as well as Puerto Rico, its reach is unmatched and its experience in counseling manufacturers is unrivaled. It is my hope that my colleagues will support this legislation as a direct way to bolster an industry that is indispensable to our nation's economy health.

By Ms. MURKOWSKI:

S. 3521. A bill to provide for the reestablishment of a domestic rare earths materials production and supply industry in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation in the Senate to help the United States minerals industry resume production of rare earths in this country. These metals are increasingly important to our military, strategic, and economic priorities due to their use in clean energy technologies and many other high-tech applications.

For many years the United States was a leader in the mining and processing of rare earths—a group of 17 elements that, while widespread in nature, are difficult to find in concentration, extract from the earth, and process for commercial use. Rare earths are increasingly vital to a host of modern defense technologies, from radar and sonar systems to weapons systems and advanced lasers. They are essential to the production of clean energy technologies, including advanced batteries, electric motors, high-efficiency light bulbs, solar panels, and wind turbines.

The U.S. is estimated to contain 15 percent of the world's rare earth reserves, but with the closure of the nation's only operating rare earth mine at Mountain Pass, CA, America has become dependent upon China for imports of nearly all rare earths, oxides, and alloys. In fact, China now produces 97 percent of the world's rare earth supply.

More importantly, China recently moved to implement rules announced in March that will cut production and exportation of rare earths in an effort to raise world prices for the minerals. While the world demand for rare earths tripled to 120,000 tons per year over the past decade, China announced on June 2nd that it will stop issuing new domestic licenses for rare earth production and cap production at 89,200 tons for this year. As a result, only 35,000 tons of rare earths will be exported annually over the next five years, on average.

These actions may work out well for China, but they will harm the United States. Fortunately, we can do something about it. Rather than sit on our hands while China corners the market on these strategic minerals, we can and should pursue timely production of the rare earth supplies that exist within our own borders.

Efforts are currently underway to reopen Molycorp Minerals' California mine and Ucore Uranium is continuing exploration of a large rare earth deposit found near Bokan Mountain in Alaska, about 37 miles from Ketchikan. Ucore's new Alaska subsidiary, Rare Earth One LLC, has been working to study the deposit on Dotson Ridge at Bokan Mountain since 2007. The U.S. Bureau of Mines more than 20 years ago estimated the site contains at least 374 million pounds of recoverable rare earths, which is more than enough to break China's stranglehold on the market and protect America's access to the rare earths that are vital to the production of cutting-edge technologies in this country.

So what should we be doing to reestablish domestic rare earth? My answer is a companion measure to legislation introduced earlier this spring in the House by Rep. MIKE COFFMAN, a fellow Republican from Colorado. My bill would establish it as the policy of the

United States to take appropriate actions to increase investment in, exploration for, and development of domestic rare earths. To do that it would require—under the leadership of the Secretary of the Interior—the Secretaries of Energy, Agriculture, Defense, Commerce, and State along with the Director of OMB and the Chairman of CEQ to expedite permitting, review supply chains, and consider strategic stockpiling of rare earths. The bill would also provide the rare earth industry with access to federal loan guarantee programs meant to advance clean energy technologies.

There is a great deal of emphasis on the need for expansion of clean energy manufacturing in the United States. Promises of "green jobs" abound, but they will only be realized if American industries have access to the raw materials needed to produce these new technologies. This legislation represents an important first step in our efforts to grow domestic manufacturing of clean energy technologies. The bill will also help to create more jobs in America's minerals industry, where firms provide good, high-wage jobs and pay taxes that will help to reduce our deficit. Furthermore, decreasing our reliance on foreign minerals will reduce our balance of payments deficit and strengthen national security.

I hope this bill advances quickly, and I encourage my colleagues to join as cosponsors of the measure. We have an ambitious agenda given the small amount of time that remains in the current Congress, but there is too much at stake for our military strength and our clean energy goals to ignore the problems we have in accessing affordable and secure supplies of rare earths.

By Mr. FRANKEN (for himself, Mr. KOHL, Mr. MENENDEZ, Ms. KLOBUCHAR, Mr. FEINGOLD, Mr. DURBIN, and Mrs. FEINSTEIN):

S. 3522. A bill to protect children affected by immigration enforcement actions, and for other purposes; to the Committee on the Judiciary.

Mr. FRANKEN. Mr. President, on December 12, 2006, Immigration and Customs Enforcement staged raids on Swift & Company meatpacking plants in six states—Colorado, Iowa, Nebraska, Texas, Utah, and my home State of Minnesota.

Over 1,500 unauthorized immigrants were arrested in these raids. They also left countless children—most of them citizens and legal residents—without their parents and with no way of finding them. One second-grader in Worthington, MN—a U.S. citizen—came home that Tuesday night to find his 2-year-old brother alone and his mother and father missing.

For the next week, this boy stayed at home caring for his 2-year-old brother while his grandmother traveled to Worthington to care for her grandchildren.

On June 22, 2007, ICE agents staged another raid, this one in the Jackson Heights Manufactured Home Park in Shakopee, MN. Early that Friday morning, around 6 a.m., Federal agents seized a husband and his wife for suspected immigration violations. Somehow, they didn't even notice their daughter, who was sleeping. So later that morning, that 7-year-old girl was found wandering the park, looking for her parents.

Stories like these happen every day. They are happening to innocent children, most of them United States citizens. Children who have committed no crime, who have hurt no one, but who have had their lives torn apart because of the sins of their parents.

According to the U.S. Customs and Immigration Service, over 100,000 parents of U.S. citizen children were deported in the past 10 years. Four million U.S. citizen children in our country have at least one undocumented immigrant parent. Forty thousand of those children live in Minnesota.

Our country is not doing enough to protect these innocent kids. That is why Senator KOHL and I have crafted a bill to fix that.

So I am proud to stand today with Senators KOHL, MENENDEZ, KLOBUCHAR, FEINGOLD, DURBIN and FEINSTEIN to introduce the Humane Enforcement and Legal Protections for Separated Children Act, or the HELP Separated Children Act. This is a simple but strong bill to protect our Nation's kids from unnecessary harm from immigration enforcement actions.

I want to take a few moments to talk about what this bill does—the problems it solves, and how it solves them.

But before I do that, I want to take a second to talk about what this bill does not do. This bill is strictly about protecting children. It doesn't change our laws on immigrant admission, exclusion, or removal. No one is going to get in or stay in this country because of this bill. It has nothing to do with so-called amnesty or any decisions about deportation.

So what does this bill actually do?

This bill fixes four problems in our immigration enforcement system.

The first problem is notice to State authorities. Invariably, in almost all immigration enforcement actions, it is our local communities that have to clean up after the government's dirty work.

It's state and child welfare services that take in kids who have lost their mom or dad in a raid. It's local shelters and churches that feed those kids—again, most of whom are citizens—when their family breadwinner is taken away. And it's local schools that have to take care of kids when no one picks them up after soccer practice.

After the Swift raids, the Bush administration finally understood this. And so in 2007, it put in place humanitarian guidelines that call upon ICE to

reach out to state authorities and child welfare services before major enforcement actions. Again, that is the Bush administration. President Obama expanded these guidelines in 2009 so that they would cover more worksite actions.

But it still isn't enough. Local authorities still don't find out about actions until way too late—and when they are notified, they aren't given enough time to help. In 2008, after these guidelines were put into place, the New Mexico Children, Youth, and Families Department testified before the House of Representatives that they still did not receive notice of enforcement actions before they happened.

State authorities in Massachusetts were notified months ahead of a raid in New Bedford. But almost immediately after it happened, the detainees were transferred to Texas, leaving state agencies unable to help. Governor Deval Patrick called it a “race to the airport.”

Our bill makes sure that whenever possible, the Governor, local and state law enforcement, and child welfare agencies find out about raids ahead of time. It also makes sure that schools and community centers are notified after these actions so that they too can help.

That brings me to the second problem. If they want to help, state child welfare agencies and community organizations must be allowed to help identify detainees who have children at home. Mothers and fathers detained in enforcement actions often don't tell ICE agents that they have children at home—because they are afraid that ICE will detain them, too.

As Troy Tucker, the sheriff of Clark County, Arkansas said after an action there, ICE is “not doing their job by simply questioning [people] and asking them whether they have children and not contacting anyone locally.”

Even though the Bush administration guidelines allow state authorities and local non-profits to help screen detainees, this is not happening often enough. So our bill requires ICE and State agencies enforcing immigration laws to allow these groups to confidentially screen detainees and identify those who have kids at home.

Our bill makes another critical fix in our immigration enforcement system. The Bush and ICE detention guidelines require authorities to give detainees free emergency phone calls. But again, it isn't being done enough, and it isn't being done right.

In the Swift raid in Worthington, one mother told ICE agents that she had kids at home, but still wasn't allowed to call them or let anyone know what had happened until later the next day. In Iowa, after a raid in Postville, some children went 72 hours without seeing their parents or knowing what happened to them.

Any parent knows how scared kids get just when you come home late. Can you imagine how scared they would get if you went missing for a whole day? For 3 days? Can you imagine what would happen if they didn't know who to call? Can you imagine what would happen if they didn't have anything to eat?

Our bill requires Federal and State authorities to allow parents, legal guardians, or primary caregivers to make free phone calls to their family, to lawyers, and to child welfare agencies to make sure that their kids aren't abandoned.

Finally, our bill averts one other major problem.

When a parent is detained, even if their kids know where they are, it is still extremely difficult for kids and parents to stay in contact. And it is extremely difficult for parents to participate in legal proceedings that affect their kids.

This means that parents can't tell a family court judge about a brother or sister or neighbor that could take care of their child. Children have actually been adopted by well-meaning families or put into foster care because their parents were unable to participate in custody proceedings.

Our bill makes sure that after they're detained, parents can continue to have access to phones to call their kids, their lawyers, and family courts. Our bill also requires ICE to consider the best interests of children in decisions to transfer detainees between facilities, or put them into reliable and cost-effective supervised release programs.

Our immigration system isn't broken. It is in shambles. And while our bill doesn't fix 99.9 percent of those problems, it takes a small but important step to make sure our kids don't suffer any more than they have to already.

I am proud to say that because this is such a critical, albeit narrowly targeted measure, our bill has gained the support of the top faith, child welfare, and immigrant advocacy organizations in the country.

I'm also proud to say that it has won the support of faith leaders across Minnesota, the Minnesota Chamber of Commerce, Chief Tom Smith of the St. Paul Police Department, and countless immigrant advocacy groups in the State.

While immigration may be complicated, protecting our kids isn't. It's something we can all agree on.

Mr. President, I ask unanimous consent that the text of the bill and a list of supporters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3522

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Humane Enforcement and Legal Protections for Separated Children Act” or the “HELP Separated Children Act”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **APPREHENSION.**—The term “apprehension” means the detention, arrest, or custody by officials of the Department of Homeland Security or cooperating entities.

(2) **CHILD.**—The term “child” has the meaning given to the term in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)).

(3) **CHILD WELFARE AGENCY.**—The term “child welfare agency” means the State or local agency responsible for child welfare services under subtitles B and E of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(4) **COOPERATING ENTITY.**—The term “cooperating entity” means a State or local entity acting under agreement with, or at the request of, the Department of Homeland Security.

(5) **DETENTION FACILITY.**—The term “detention facility” means a Federal, State, or local government facility, or a privately owned and operated facility, that is used to hold individuals suspected or found to be in violation of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(6) **IMMIGRATION ENFORCEMENT ACTION.**—The term “immigration enforcement action” means the apprehension of, detention of, or request for or issuance of a detainer for, 1 or more individuals for suspected or confirmed violations of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) by the Department of Homeland Security or cooperating entities.

(7) **LOCAL EDUCATION AGENCY.**—The term “local education agency” has the meaning given to the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(8) **NGO.**—The term “NGO” means a non-governmental organization that provides social services or humanitarian assistance to the immigrant community.

#### SEC. 3. APPREHENSION PROCEDURES FOR IMMIGRATION ENFORCEMENT-RELATED ACTIVITIES.

(a) **NOTIFICATION.**—

(1) **ADVANCE NOTIFICATION.**—Subject to paragraph (2), when conducting any immigration enforcement action, the Department of Homeland Security and cooperating entities shall notify the Governor of the State, the local child welfare agency, and relevant State and local law enforcement before commencing the action, or, if advance notification is not possible, immediately after commencing such action, of—

(A) the approximate number of individuals to be targeted in the immigration enforcement action; and

(B) the primary language or languages believed to be spoken by individuals at the targeted site.

(2) **HOURS OF NOTIFICATION.**—Whenever possible, advance notification should occur during business hours and allow the notified entities sufficient time to identify resources to conduct the interviews described in subsection (b)(1).

(3) **OTHER NOTIFICATION.**—When conducting any immigration action, the Department of Homeland Security and cooperating entities shall notify the relevant local education agency and local NGOs of the information described in paragraph (1) immediately after commencing the action.

(b) **APPREHENSION PROCEDURES.**—In any immigration enforcement action, the Department of Homeland Security and cooperating entities shall—

(1) as soon as possible and not later than 6 hours after an immigration enforcement action, provide licensed social workers or case managers employed or contracted by the child welfare agency or local NGOs with confidential access to screen and interview individuals apprehended in such immigration enforcement action to assist the Department of Homeland Security or cooperating entity in determining if such individuals are parents, legal guardians, or primary caregivers of a child in the United States;

(2) as soon as possible and not later than 8 hours after an immigration enforcement action, provide any apprehended individual believed to be a parent, legal guardian, or primary caregiver of a child in the United States with—

(A) free, confidential telephone calls, including calls to child welfare agencies, attorneys, and legal services providers, to arrange for the care of children or wards, unless the Department of Homeland Security has reasonable grounds to believe that providing confidential phone calls to the individual would endanger public safety or national security; and

(B) contact information for—

(i) child welfare agencies in all 50 States, the District of Columbia, all United States territories, counties, and local jurisdictions; and

(ii) attorneys and legal service providers capable of providing free legal advice or free legal representation regarding child welfare, child custody determinations, and immigration matters;

(3) ensure that personnel of the Department of Homeland Security and cooperating entities do not—

(A) interview individuals in the immediate presence of children; or

(B) compel or request children to translate for interviews of other individuals who are encountered as part of an immigration enforcement action; and

(4) ensure that any parent, legal guardian, or primary caregiver of a child in the United States—

(A) receives due consideration of the best interests of his or her children or wards in any decision or action relating to his or her detention, release, or transfer between detention facilities; and

(B) is not transferred from his or her initial detention facility or to the custody of the Department of Homeland Security until the individual—

(i) has made arrangements for the care of his or her children or wards; or

(ii) if such arrangements are impossible, is informed of the care arrangements made for the children and of a means to maintain communication with the children.

(c) **NONDISCLOSURE AND RETENTION OF INFORMATION ABOUT APPREHENDED INDIVIDUALS AND THEIR CHILDREN.**—

(1) **IN GENERAL.**—Information collected by child welfare agencies and NGOs in the course of the screenings and interviews described in subsection (b)(1) about an individual apprehended in an immigration enforcement action may not be disclosed to Federal, State, or local government entities or to any person, except pursuant to written authorization from the individual or his or her legal counsel.

(2) **CHILD WELFARE AGENCY OR NGO RECOMMENDATION.**—Notwithstanding paragraph (1), a child welfare agency or NGO may—

(A) submit a recommendation to the Department of Homeland Security or cooperating entities regarding whether an apprehended individual is a parent, legal guardian, or primary caregiver who is eligible for the protections provided under this Act; and

(B) disclose information that is necessary to protect the safety of the child, to allow for the application of subsection (b)(4)(A), or to prevent reasonably certain death or substantial bodily harm.

**SEC. 4. ACCESS TO CHILDREN, LOCAL AND STATE COURTS, CHILD WELFARE AGENCIES, AND CONSULAR OFFICIALS.**

(a) **IN GENERAL.**—The Secretary of Homeland Security shall ensure that all detention facilities operated by or under agreement with the Department of Homeland Security implement procedures to ensure that the best interest of the child, including the best outcome for the family of the child, can be considered in any decision and action relating to the custody of children whose parent, legal guardian, or primary caregiver is detained as the result of an immigration enforcement action.

(b) **ACCESS TO CHILDREN, STATE AND LOCAL COURTS, CHILD WELFARE AGENCIES, AND CONSULAR OFFICIALS.**—At all detention facilities operated by, or under agreement with, the Department of Homeland Security, the Secretary of Homeland Security shall—

(1) ensure that individuals who are detained by reason of their immigration status may receive the screenings and interviews described in section 3(b)(1) not later than 6 hours after their arrival at the detention facility;

(2) ensure that individuals who are detained by reason of their immigration status and are believed to be parents, legal guardians, or primary caregivers of children in the United States are—

(A) permitted daily phone calls and regular contact visits with their children or wards;

(B) able to participate fully, and to the extent possible in-person, in all family court proceedings and any other proceeding impacting upon custody of their children or wards;

(C) able to fully comply with all family court or child welfare agency orders impacting upon custody of their children or wards;

(D) provided with contact information for family courts in all 50 States, the District of Columbia, all United States territories, counties, and local jurisdictions;

(E) granted free and confidential telephone calls to child welfare agencies and family courts;

(F) granted free and confidential telephone calls and confidential in-person visits with attorneys, legal representatives, and consular officials;

(G) provided United States passport applications for the purpose of obtaining travel documents for their children or wards;

(H) granted adequate time before removal to obtain passports and other necessary travel documents on behalf of their children or wards if such children or wards will accompany them on their return to their country of origin or join them in their country of origin; and

(I) provided with the access necessary to obtain birth records or other documents required to obtain passports for their children or wards; and

(3) facilitate the ability of detained parents, legal guardians, and primary caregivers to share information regarding travel arrangements with their children or wards, child welfare agencies, or other caregivers well in advance of the detained individual's departure from the United States.

**SEC. 5. MEMORANDA OF UNDERSTANDING.**

The Secretary of Homeland Security shall develop and implement memoranda of understanding or protocols with child welfare agencies and NGOs regarding the best ways to cooperate and facilitate ongoing communication between all relevant entities in cases involving a child whose parent, legal guardian, or primary caregiver has been apprehended or detained in an immigration enforcement action to protect the best interests of the child and the best outcome for the family of the child.

**SEC. 6. MANDATORY TRAINING.**

The Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services and independent child welfare experts, shall require and provide in-person training on the protections required under sections 3 and 4 to all personnel of the Department of Homeland Security and of States and local entities acting under agreement with the Department of Homeland Security who regularly come into contact with children or parents in the course of conducting immigration enforcement actions.

**SEC. 7. RULEMAKING.**

Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to implement this Act.

**SEC. 8. SEVERABILITY.**

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

**NATIONAL ORGANIZATIONS SUPPORTING THE HELP SEPARATED CHILDREN ACT**

AFL-CIO; America's Promise Alliance; American Humane Association; American Immigration Lawyers Association; American Muslim Voice; American Nursery & Landscape Association; Amnesty International USA; Arizona Council of Human Service Providers; Asian & Pacific Islander American Health Forum; Asian American Justice Center; Asian Pacific American Labor Alliance; Bridging Group; Catholic Charities USA; Center for Asian Pacific Islander; Center for Farmworker Families; Child Welfare League of America; Church World Service, Immigration and Refugee Program; The Episcopal Church; Every Child Matters Education Fund; Family Violence Prevention Fund; First Focus Campaign for Children; Foster Care Alumni of America; Foster Family-based Treatment Association; Friends Committee on National Legislation; Hebrew Immigrant Aid Society (HIAS); Human Rights Watch; Immigrant Legal Resource Center; Immigration Equality; Juvenile Law Center; Kids in Need of Defense (KIND); Latino Commission on AIDS; Legal Momentum; Lutheran Immigrant and Refugee Service (LIRS); Lutheran Immigration and Refugee Service (LIRS); Mennonite Central Committee U.S.—Washington Office; Midwest Coalition for Human Rights; Moms Rising; National Association for the Education of Homeless Children and Youth; National Association of Social Workers; National Consumers League; National Council of Jewish Women; National Council of La Raza; National Federation of Filipino American Associations; National Foster Care Coalition; National Immigrant Justice Center; National Immigration Forum; National Immigration

Law Center; National Korean American Service & Education Consortium; National Latino AIDS Action Network; National Policy Partnership; OCA; Physicians for Human Rights; Saavedra Law Firm; Sargent Shriver National Center on Poverty Law; Sisters of Mercy of the Americas, South Central Community; Sojourners; South Asian Americans Leading Together (SAALT); Southeast Asia Resource Action Center; U.S. Committee for Refugees and Immigrants; Union for Reform Judaism; Unitarian Universalist Association of Congregations; United Methodist Church, General Board of Church and Society; Voices for America's Children; Women's Refugee Commission; Youth Build USA; Zero to Three.

STATE AND LOCAL ORGANIZATIONS SUPPORTING THE HELP SEPARATED CHILDREN ACT

ARIZONA

Arizona Council of Human Service Providers; Children's Action Alliance; Florence Project; Global Family Legal Services; MEChA Arizona Student Union; Tumbleweed, Center for Youth Development.

ARKANSAS

Arkansas Voices.

CALIFORNIA

Asian Law Alliance; California Immigrant Policy Center; Children Now; Coalition for Humane Immigrant Rights of Los Angeles; East Bay Community Law Center; International Institute of the Bay Area; Public Counsel.

COLORADO

Lutheran Advocacy Ministries; Rocky Mountain Immigrant Advocacy Network.

CONNECTICUT

Connecticut Voices for Children.

DISTRICT OF COLUMBIA

Ayuda; The Episcopal Church.

FLORIDA

Florida Immigrant Advocacy Center; Florida Legal Services, Inc.; Gulfcoast Legal Services, Inc.; Legal Aid Society of the Orange County Bar Association, Inc.; Legal Ministry H.E.L.P., Inc.

GEORGIA

Asian American Legal Advocacy Center, Inc. (AALAC) of Georgia; Georgia Rural Urban Summit; Latinos for Education & Justice Organization.

ILLINOIS

Instituto del Progreso Latino; Maria Baldini-Potermine & Associates.

IOWA

Child and Family Policy Center; Lutheran Services in Iowa; National Association of Social Workers, Iowa Chapter.

KENTUCKY

Kentucky Youth Advocates.

LOUISIANA

New Orleans Workers' Center for Racial Justice.

MAINE

Immigrant Legal Advocacy Project; Maine Children's Alliance.

MARYLAND

CASA de Maryland; Lutheran Office on Public Policy.

MICHIGAN

Bethany Children's Services; Immigrant Legal Advocacy Project; Michigan's Children.

MINNESOTA

Advocates for Human Rights; American Immigration Lawyers Association, Min-

nesota/Dakotas Chapter; Ascension Church; Benedictine-Franciscan Immigrant Justice Commission (St. Joseph & Little Falls, MN); Casa Guadalupe; Catholic Charities of St. Paul & Minneapolis; Center for Asian Pacific Islanders; Center for Mission, Archdiocese of St. Paul and Minneapolis; Children's Defense Fund Minnesota; Children's Law Center of Minnesota; Chinese Social Service Center; Church World Service; Congregational Council, the Miracle Lutheran Church; Department of Social Concerns, Catholic Charities of the Diocese of St. Cloud; Family & Children's Service; Franciscan Sisters of Little Falls; Great River Interfaith Partnership; Hmong American Partnership; Hospitality Minnesota; Immigrant Law Center of Minnesota; Immigration Task Force, Minnesota Conference United Church of Christ; Interfaith Coalition on Immigration; ISAIH; Jewish Community Action; Justice Commission of the Sisters of St. Joseph of Carondelet and Consociates; Latin America & Haiti Focus Group, St. Luke's Presbyterian Church; Legal Rights Center; Lutheran Coalition for Public Policy in Minnesota; Lutheran Social Service of Minnesota; Metropolitan Consortium of Community Developers; Mid-Minnesota Legal Assistance; Midwest Food Processors Association; Minnesota Advocates for Human Rights; Minnesota AFL-CIO; Minnesota Agri-Growth Council; Minnesota Alliance With Youth; Minnesota Business Immigration Coalition; Minnesota Catholic Conference; Minnesota Chamber of Commerce; Minnesota Fathers & Families Network; Minnesota Hispanic Bar Association; Minnesota Hispanic Chamber of Commerce; Minnesota Lodging Association; Minnesota Milk Producers Association; Minnesota Nursery & Landscape Association; Minnesota Restaurant Association; Minnesota School Social Workers Association; Minnesota Strengthening Our Lives (SOL); No More Children Left Behind; Office of Justice, Peace & Integrity of Creation, School Sisters of Notre Dame, Mankato; Project for Pride in Living; Service Employees International Union (SEIU), Local 26—Minneapolis; Service Employees International Union (SEIU), Minnesota State Council; Sisters Online; Social Concerns & Family Office, Diocese of New Ulm; Sowers Leadership Team, Guardian Angels Catholic Church; St. John Neumann Catholic Church; The Minneapolis Foundation; UFCW Local 1161—Worthington; UFCW Local 789—South St. Paul; UNITE Here, Minnesota State Council; United Cambodian Association of Minnesota; United Food and Commercial Workers (UFCW), Local 1161—Worthington; United Food and Commercial Workers (UFCW), Local 789—South St. Paul; Willmar Area Comprehensive Immigration Reform; YWCA of Minneapolis.

MINNESOTA FAITH LEADERS, ELECTED OFFICIALS & COMMUNITY ADVOCATES SUPPORTING THE HELP SEPARATED CHILDREN ACT

Rabbi Morris J. Allen, Beth Jacob Congregation; Rabbi Renee Bauer, Mayim Rabin Congregation; Rev. Ralph Baumgartner, Galilee Lutheran Church, Roseville, MN; Rev. Chris Becker, Peace Lutheran Church, Inver Grove Heights, MN; Pastor Chris Berthelsen, First Lutheran Church, St. Paul, MN; Rev. Mariann Budde, St. John's Episcopal Church, Minneapolis, MN; Pastor Sarah Campbell, Mayflower Community Congregational Church, Minneapolis, MN; Mayor Chris Coleman, City of St. Paul; Rev. Doug Donley, University Baptist Church, Minneapolis, MN; Rabbi Amy Eilberg, Jay Phillips Center for

Jewish-Christian Learning; Pastor Paul Erickson, Evangelical Lutheran Church of America, St. Paul, MN; Rev. James Erlandson, Lutheran Church of the Redeemer, St. Paul, MN; Rev. G. Allen Foster, Citadel of Hope Church, Brooklyn Park, MN; Pastor Pam Fickenscher, Edina Community Lutheran Church, Edina, MN; Luz Maria Frías, Human Rights & Equal Economic Opportunity Dept., City of St. Paul; Pastor Dan Garnaas, Grace University Lutheran Church, Minneapolis, MN; Rev. Chad Gilbertson, Willmar, MN; Revs. Patrick & Luisa Cabello Hansel, Minneapolis Area Synod, Evangelical Lutheran Church in America, Minneapolis, MN; Rev. Richard Headen, Presbyterian Church USA, Plymouth, MN; Allan D. Henden, Lay Leader, United Church of Christ, Minneapolis, MN; Rev. Karen Hering, Unity Unitarian Church, St. Paul, MN; Rev. Anita C. Hill, St. Paul, MN; Loan T. Huynh, Attorney at Law; Bishop Craig E. Johnson, Minneapolis Area Synod, Evangelical Lutheran Church in America, Minneapolis, MN; Elder Karen Larson, St. Luke Presbyterian Church, Minnetonka, MN; Rabbi Michael Latz, Shir Tikvah Congregation; Charles & Hertha Lutz, Peace and Justice Advocates, Evangelical Lutheran Church in America, Minneapolis, MN; Miguel Lucas Lindgren, DFL Latino Caucus Treasurer, Roseville, MN; Brianna MacPhee, Executive Board, Minnesota Latino Caucus, Minneapolis, MN; Pastor Rod Maeker, Faculty (ret.), Luther Seminary, St. Paul, MN; Rev. Naomi Mahler, Paz y Esperanza Lutheran Church, Willmar, MN; Pastor Susan Maetzold Moss, Episcopal Diocese of Minnesota; Sen. Mee Moua (Dist. 67), Chair, Minnesota Senate Judiciary Committee, St. Paul, MN; Lauren Morse-Wendt, Mission and Ministry Developer, Edina, MN; Pastor Richard Mork, Evangelical Lutheran Church in America, St. Paul, MN; Rev. Jen Nagel, Salem English Lutheran, Minneapolis, MN; Rev. Karsten Nelson, Our Redeemer Lutheran Church, St. Paul, MN; Rev. Keith H. Olstad, St. Paul-Reformation Lutheran Church, St. Paul, MN; Rafael Ortega, Ramsey County Commissioner; Pastor Paul Slack, New Creation Community Church, Brooklyn Park, MN; Rev. Dr. Karen Smith Sellers, Minnesota Conference United Church of Christ; Roxanne Smith, Social Justice Dir., St. Joseph the Worker Church, Maple Grove, MN; Chief Tom Smith, St. Paul Police Department; Pastor Grant Stevens, St. Matthew's Lutheran Church, St. Paul, MN; Rabbi Adam Stock Spilke, Mount Zion Temple; Pastor Eric Strand, Edina Community Church, Edina, MN; Rev. Dale Stuepfert, Director of Chaplaincy (ret.), Hennepin County Medical Center, Minneapolis, MN; Pastor Steve Sylvester, Our Savior's Lutheran Church, Circle Pines, MN; Linda Thompson, Lay Leader, St. Luke Presbyterian Church, Plymouth, MN; Sen. Patricia Torres Ray (District 62); Rev. Jill Tollefson, La Mision San Jose Obrero de Episcopal, Montgomery, MN; Rev. Susan Tjornehoj, Minneapolis Area Synod, Evangelical Lutheran Church in America, Minneapolis, MN; Pastor Jason Van Hunnik, Westwood Lutheran Church, St. Louis Park, MN; Pastor Mark Vinge, House of Hope Lutheran Church, New Hope, MN; Rev. David Wangaard, Minneapolis Area Synod, Evangelical Lutheran Church in America, Minneapolis, MN; Pastor Mark Wegener, Woodlake Lutheran Church, Richfield, MN; Rev. Bruce M. Westphal, Westwood Lutheran Church, St. Louis Park, MN; Rev. Jonathan Zielske, Hope Lutheran Church.

## NEW JERSEY

Association for Children of New Jersey; Casa Esperanza; IRATE & First Friends; Statewide Parent Advocacy Network.

## NEW MEXICO

For Families, LLC.; Lutheran Advocacy Ministry; New Mexico Children, Youth and Families Protective Services Division; New Mexico Women's Justice Project; PBJ Family Services, Inc.

## NEW YORK

Coalition for Asian American Children and Families; Make the Road New York; The Osborne Association; Schuyler Center for Analysis and Advocacy.

## NORTH CAROLINA

Action for Children North Carolina; The Exceptional Children's Assistance Center.

## OKLAHOMA

Oklahoma Institute for Child Advocacy.

## OREGON

Immigration Counseling Services (Portland, OR).

## SOUTH CAROLINA

South Carolina Appleseed.

## TEXAS

Catholic Charities of Dallas, Inc., Immigration & Legal Services; Center for Public Policy Priorities; Daya Inc.; Wilco Justice Alliance.

## VIRGINIA

Voices for Virginia's Children.

## WASHINGTON

Children's Home Society of Washington; Northwest Immigrant and Refugee Rights Project.

## NOTICE OF HEARING

## COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to add two bills for the previously announced hearing scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, June 24, 2010, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to hear testimony on the following bills: S. 3497, a bill to amend the Outer Continental Shelf Lands Act to require leases entered into under that Act to include a plan that describes the means and timeline for containment and termination of an ongoing discharge of oil, and for other purposes; and, S. 3431, a bill to improve the administration of the Minerals Management Service, and for other purposes.

Adding bills: S. 3509, a bill to amend the Energy Policy Act of 2005 to promote the research and development of technologies and best practices for the safe development and extraction of natural gas and other petroleum resources, and for other purposes; and, S. 3516, a bill to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify

by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Abigail.Campbell@energy.senate.gov.

For further information, please contact Linda Lance at (202) 224-7556 or Abigail Campbell at (202) 224-1219.

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON ARMED SERVICES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 22, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 22, 2010, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on June 22, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 22, 2010, at 9:30 a.m., to hold a hearing entitled "Iran Policy in the Aftermath of United Nations Sanctions."

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate to conduct a hearing entitled "The ADA and Olmstead Enforcement: Ensuring Community Opportunities for Individuals with Disabilities" on June 22, 2010. The hearing will commence at 2:30 p.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SELECT COMMITTEE ON INTELLIGENCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on June 22, 2010 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON SUPERFUND, TOXICS, AND ENVIRONMENTAL HEALTH

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Toxics, and Environmental Health of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on June 22, 2010, at 2:30 p.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania.

## EXECUTIVE SESSION

## NOMINATION DISCHARGED

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Environment and Public Works Committee be discharged of the following nomination: PN1573, Rafael Moure-Eraso, to be a member of the Chemical Safety and Hazardous Investigation Board, and that the nomination then be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE CALENDAR

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed en bloc to Calendar Nos. 945, 946, 947, 949, 950, and 951; that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, any statements relating to the nominations be printed in the RECORD, as if read, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

## INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

Cynthia Chavez Lamra, of New Mexico, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2010.

JoAnn Lynn Balzer, of New Mexico, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2012.

## NATIONAL INDIAN GAMING COMMISSION

Tracie Stevens, of Washington, to be Chairman of the National Indian Gaming Commission for the term of three years.

## DEPARTMENT OF JUSTICE

Pamela Cothran Marsh, of Florida, to be United States Attorney for the Northern District of Florida for the term of four years.

Peter J. Smith, of Pennsylvania, to be United States Attorney for the Middle District of Pennsylvania for the term of four years.

Kevin Anthony Carr, of Wisconsin, to be United States Marshal for the Eastern District of Wisconsin for the term of four years.

### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

### ORDERS FOR WEDNESDAY, JUNE 23, 2010

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, June 23; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks, the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PROGRAM

Mr. CASEY. Mr. President, tomorrow, we expect to resume consideration of the House message on H.R. 4213, the tax extenders legislation. Rollcall votes are expected to occur throughout the day.

### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CASEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 9:51 p.m., adjourned until Wednesday, June 23, 2010, at 9:30 a.m.

### DISCHARGED NOMINATION

The Senate Committee on Environment and Public Works was discharged from further consideration of the following nomination by unanimous consent and the nomination was placed on the Executive Calendar:

\*RAFAEL MOURE-ERASO, OF MASSACHUSETTS, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

\*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

### CONFIRMATIONS

Executive nominations confirmed by the Senate, Tuesday, June 22, 2010:

### NATIONAL LABOR RELATIONS BOARD

BRIAN HAYES, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2012.

MARK GASTON PEARCE, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2013.

### AMTRAK BOARD OF DIRECTORS

ANTHONY R. COSCIA, OF NEW JERSEY, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS.

ALBERT DICLEMENTE, OF DELAWARE, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR THE REMAINDER OF THE TERM EXPIRING JULY 26, 2011.

### NATIONAL TRANSPORTATION SAFETY BOARD

MARK R. ROSEKIND, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2014.

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

JIM R. ESQUEA, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

### DEPARTMENT OF STATE

JUDITH ANN STEWART STOCK, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (EDUCATIONAL AND CULTURAL AFFAIRS).

### DEPARTMENT OF ENERGY

PATRICIA A. HOFFMAN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ELECTRICITY DELIVERY AND ENERGY RELIABILITY).

### NATIONAL COUNCIL ON DISABILITY

ARI NEEMAN, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2012.

### DEPARTMENT OF TRANSPORTATION

DAVID T. MATSUDA, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR OF THE MARITIME ADMINISTRATION.

### MARINE MAMMAL COMMISSION

MICHAEL F. TILLMAN, OF CALIFORNIA, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR A TERM EXPIRING MAY 13, 2011.

DARYL J. BONESS, OF MAINE, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR A TERM EXPIRING MAY 13, 2010.

DARYL J. BONESS, OF MAINE, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR A TERM EXPIRING MAY 13, 2013.

### NATIONAL TRANSPORTATION SAFETY BOARD

EARL F. WEENER, OF OREGON, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 31, 2010.

### AMTRAK BOARD OF DIRECTORS

JEFFREY R. MORELAND, OF TEXAS, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS.

### ENVIRONMENTAL PROTECTION AGENCY

ARTHUR ALLEN ELKINS, JR., OF MARYLAND, TO BE INSPECTOR GENERAL, ENVIRONMENTAL PROTECTION AGENCY.

### PEACE CORPS

CAROLYN HESSLER RADLET, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR OF THE PEACE CORPS.

### OVERSEAS PRIVATE INVESTMENT CORPORATION

ELIZABETH L. LITTLEFIELD, OF THE DISTRICT OF COLUMBIA, TO BE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

### INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

LANA POLLACK, OF MICHIGAN, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA.

### FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

DANA KATHERINE BILYEU, OF NEVADA, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2011.

MICHAEL D. KENNEDY, OF GEORGIA, TO BE A MEMBER OF FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2010.

MICHAEL D. KENNEDY, OF GEORGIA, TO BE A MEMBER OF FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2014.

### SPECIAL PANEL ON APPEALS

DENNIS P. WALSH, OF MARYLAND, TO BE CHAIRMAN OF THE SPECIAL PANEL ON APPEALS FOR A TERM OF SIX YEARS.

### THE JUDICIARY

MILTON C. LEE, JR., OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

TODD E. EDELMAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

JUDITH ANNE SMITH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

### DEPARTMENT OF ENERGY

DONALD L. COOK, OF WASHINGTON, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL NUCLEAR SECURITY ADMINISTRATION.

### DEPARTMENT OF DEFENSE

SHARON E. BURKE, OF MARYLAND, TO BE DIRECTOR OF OPERATIONAL ENERGY PLANS AND PROGRAMS.

KATHERINE HAMMACK, OF ARIZONA, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

MICHAEL J. MCCORD, OF VIRGINIA, TO BE PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE (COMPTROLLER).

ELIZABETH A. MCGRATH, OF VIRGINIA, TO BE DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.

### DEPARTMENT OF ENERGY

JEFFREY A. LANE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS).

### FEDERAL ENERGY REGULATORY COMMISSION

CHERYL A. LAFLEUR, OF MASSACHUSETTS, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2014.

PHILIP D. MOELLER, OF WASHINGTON, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2015.

### OVERSEAS PRIVATE INVESTMENT CORPORATION

MICHAEL JAMES WARREN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2011.

### NATIONAL BOARD FOR EDUCATION SCIENCES

ADAM GAMORAN, OF WISCONSIN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2011.

DEBORAH LOEWENBERG BALL, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2012.

MARGARET R. MCLEOD, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2012.

BRIDGET TERRY LONG, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2012.

### EXECUTIVE OFFICE OF THE PRESIDENT

DAVID K. MINETA, OF CALIFORNIA, TO BE DEPUTY DIRECTOR FOR DEMAND REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY.

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

SHERRY GLIED, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

### SMALL BUSINESS ADMINISTRATION

MARIE COLLINS JOHNS, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.

### INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

CYNTHIA CHAVEZ LAMAR, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2010.

JOANN LYNN BALZER, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2012.

### NATIONAL INDIAN GAMING COMMISSION

TRACIE STEVENS, OF WASHINGTON, TO BE CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION FOR THE TERM OF THREE YEARS.

### NATIONAL TRANSPORTATION SAFETY BOARD

EARL F. WEENER, OF OREGON, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2015.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

## EXECUTIVE OFFICE OF THE PRESIDENT

BENJAMIN B. TUCKER, OF NEW YORK, TO BE DEPUTY DIRECTOR FOR STATE, LOCAL, AND TRIBAL AFFAIRS, OFFICE OF NATIONAL DRUG CONTROL POLICY.

## DEPARTMENT OF JUSTICE

JOHN H. LAUB, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF JUSTICE.

JAMES P. LYNCH, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE BUREAU OF JUSTICE STATISTICS.

## DEPARTMENT OF EDUCATION

EDUARDO M. OCHOA, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR POSTSECONDARY EDUCATION, DEPARTMENT OF EDUCATION.

## DEPARTMENT OF LABOR

JAMES L. TAYLOR, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF LABOR.

## NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

ROBERT WEDGEWORTH, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2013.

CARLA D. HAYDEN, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2014.

JOHN COPPOLA, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2013.

WINSTON TABB, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2013.

LAWRENCE J. PIJEUX, JR., OF ALABAMA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2014.

## STATE JUSTICE INSTITUTE

DANIEL J. BECKER, OF UTAH, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2010.

JAMES R. HANNAH, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2010.

GAYLE A. NACHTIGAL, OF OREGON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2012.

JOHN B. NALBANDIAN, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2010.

MARSHA J. RABITEAU, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2010.

HERNÁN D. VERA, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2012.

## DEPARTMENT OF JUSTICE

THOMAS EDWARD DELAHANTY II, OF MAINE, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MAINE FOR THE TERM OF FOUR YEARS.

WENDY J. OLSON, OF IDAHO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF IDAHO FOR THE TERM OF FOUR YEARS.

JAMES A. LEWIS, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE CENTRAL DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.

DONALD J. CAZAYOUX, JR., OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.

HENRY LEE WHITEHORN, SR., OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.

KEVIN CHARLES HARRISON, OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.

CHARLES GILLEN DUNNE, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.

PAMELA COTHRAN MARSH, OF FLORIDA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS.

PETER J. SMITH, OF PENNSYLVANIA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS.

KEVIN ANTHONY CARR, OF WISCONSIN, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS.

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH DAVID A. SCORE AND ENDING WITH DEMIAN A. BAILEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 8, 2010.

## EXTENSIONS OF REMARKS

HONORING LT. COL. DUDLEY R.  
CANNON, JR., TITUSVILLE, FL

### HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Lt. Col. D.R. Cannon Jr. who, on June 25th of this year, will be retiring after 28 years of service to the United States Air Force. Today, we celebrate his dedication to his family, our country, and the Judge Advocate General's Corp.

Col. Cannon was a direct appointee to the United States Air Force Judge Advocate General's Department, starting as first lieutenant in June 1982. He began active duty in July 1982 and served four years at Hanscom Air Force Base, Massachusetts. Upon leaving active duty in June 1986, he joined the active reserves and was stationed at Eglin Air Force Base, FL until June 31, 1988. From August 1986 until June 1988, he served a split attachment with his tour at Eglin Air Force Base and inactive training at Patrick Air Force Base, Florida. In June of 1988, Col. Cannon was reattached to the Office of the Staff Judge Advocate, Eastern Space and Missile Center (now 45th Space Wing), at Patrick Air Force Base. After leaving active duty, Col. Cannon started working for the National Aeronautics and Space Administration with the office of Chief Council at Kennedy Space Center. Since November 2004, he has been the Director of Procurement at Kennedy.

Among his various awards, Col. Cannon has been awarded the Air Force Meritorious Service Medal with two oak leaf clusters, the Air Force Commendation Medal with one oak leaf cluster, NASA's Exceptional Achievement Medal, NASA's Exceptional Service Medal, and the NASA Small Business Administrator's Cup Award for Fiscal Year 2009.

In addition to his professional accomplishments, Col. Cannon has remained a dedicated and caring leader, husband and father; putting his all in everything he does. His legacy will continue in the hundreds of JAG Corps personnel he has mentored through the years.

Madam Speaker, please join me in congratulating Lt. Col. Dudley Cannon on the occasion of his retirement and thanking him for his service to our great nation.

### SUPPORT TAIWAN

### HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. GARRETT of New Jersey. Madam Speaker, as a long-time friend of Taiwan, and as one of the 140 bipartisan Members of the

Congressional Taiwan Caucus, I urge my colleagues to join me in supporting an issue that my Taiwanese-American constituents and I care deeply about.

During the previous Congress, I introduced H. Con. Res. 250, which supports Taiwan's full membership in international organizations such as the United Nations. To me, it seems only fair that a country with a population of 23 million be represented in the U.N. and its affiliated organizations.

If it weren't for China's disapproval, Taiwan would likely have become a member of the U.N. long ago. China consistently blocks Taiwan's membership in the U.N. because China opposes international recognition of Taiwan's status as a sovereign and independent country. And since China is a large country, and Taiwan a small one, Taiwan's involvement in international organizations has become contingent upon Chinese approval.

A prime example of China's influence occurred just a short while ago. In early April of this year, the media reported that China would permit Taiwan's Health Minister to attend the annual summit of the World Health Organization (WHO) in Geneva for the second year in a row.

Then, in mid-April, our State Department sent a report to Congress supporting "meaningful participation" by Taiwan in the WHO. It read: "As we plan for the 63rd WHA [World Health Assembly] session this May, the U.S. welcomes the extension of WHA's invitation once again to Taiwan to send an observer delegation. [...] The invitation to attend the 2009 WHA was issued after the People's Republic of China agreed to Taiwan's participation." Clearly, Taiwan attended this year's summit only because China allowed it to do so.

I am concerned that other countries and international organizations will now begin to view China as Taiwan's suzerain. If this view becomes the accepted international norm, Taiwan's current status as an independent, sovereign state will be undermined further.

Some applaud the fact that Taiwan had any presence in this year's summit. I would like to point out though that, due to Chinese pressure, Taiwan participated under the name "Chinese Taipei," even though the name of the country is "Taiwan." Taipei is merely Taiwan's capital. In addition, Taiwan participated in the WHA session as a mere "observer." This meant that Taiwan's representatives did not have the right to vote during the weeklong meeting. Furthermore, Taiwan's participation was not permanent; it came under Beijing's sponsorship on a one-year-at-a-time basis.

Rather than supporting "meaningful participation," I believe the U.S. should promote Taiwan's full membership in international organizations such as the WHO. I therefore urge my colleagues to join me in supporting Taiwan's full and equal membership in the United Nations, the WHO, and other international organizations.

A TRIBUTE TO SERGEANT  
ZACHARY WALTERS

### HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Ms. GRANGER. Madam Speaker, I rise today to honor Marine Sergeant Zachary Walters who was killed in Helmand, Afghanistan on June 8, 2010 while serving with the 2nd Battalion, 6th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force based out of Camp Lejeune, North Carolina.

Sergeant Walters attended Flagler Palm Coast High School and was a member of the Junior Reserve Officer Training Corps (JROTC). He graduated in 2005 and joined the United States Marine Corps the next day, passing up college scholarships and job offers so he could serve the country he loved. During his initial tour in the Marine Corps, he deployed from August 2008 to March 2009 in support of Operation Iraqi Freedom.

After his initial enlistment was complete, Sergeant Walters could have returned to civilian life, but he instead chose to re-enlist in the Marine Corps. Sergeant Walters learned that the Marines whom he had trained would be deployed to Afghanistan, and he felt it was his duty to lead the Marines he had prepared into combat. He selflessly chose to answer the call once again. Sergeant Walters shipped out in May for Afghanistan, just days before his 24th birthday.

Sergeant Walters lost his life to a roadside bomb while doing what he had chosen to do: leading men into combat. Our Nation can never repay the debt we owe to this brave man and his family. Sergeant Walters represents the best values of this Nation and the Marine Corps, embodying the Corps' values of Honor, Courage and Commitment.

I cannot state it any better than Sergeant Walters' mother, Regina Walters, did, when she said: "I've never been prouder in my life. My precious boy made the ultimate sacrifice. He would not have had it any other way."

I wish to extend my condolences to Sergeant Walters' family and hope that they continue to find solace in his lasting impact on both his grateful Nation and his proud Corps.

IN HONOR OF THE 51ST ANNUAL  
DINNER OF THE CLEVELAND  
CHAPTER OF THE NAACP

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the 51st Annual Dinner of the Cleveland Chapter NAACP. The Cleveland Chapter and all NAACP Chapters were a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

driving force behind our nation's civil rights movement. Founded in 1912, the Cleveland Chapter continues to serve as a source of support and strength on behalf of the rights and freedoms of minorities.

While the Cleveland Chapter began as a small group, they quickly grew to 1,600 members by 1922. The population of African Americans in Northeast Ohio increased during the 1920s and 1930s, allowing political leadership to organize and emerge. In 1923, supported by the Cleveland Chapter of the NAACP, Thomas W. Fleming was elected the first-ever African American to Cleveland City Council. A few years later, three more African Americans were elected to serve on the Cleveland City Council. In 1927, Harry E. Davis was elected to serve on the Cleveland Civil Service Commission and Mary Martin Brown was elected as a member of the Cleveland City School Board. They too were the first African Americans to hold these positions.

During its first few decades, the Cleveland Chapter of the NAACP fought fiercely against racism. Chapter leaders and members rallied and organized for fair housing, educational and job opportunities, and an end to segregation. The Cleveland Chapter of the NAACP filed lawsuits against theaters, restaurants and other establishments that discriminated against African Americans. Chapter members also worked diligently behind the scenes to persuade white business owners to stop discriminatory practices.

Madam Speaker and colleagues, please join me in honor and recognition of the members and leaders, past and present, of the Cleveland Chapter of the NAACP as they gather to celebrate their 51st Annual Dinner. Since their formation in 1912, members have risked their lives and their livelihoods to fight for equality and tear down the walls of racism. In their quest for freedom they paved the way for a society where equal opportunity and justice exist for many as never before and where someday, will exist for all.

#### HONORING LAURA DESTEFANO

#### HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to recognize Laura DeStefano, the Award of Merit Winner for the 4th Congressional District's high school art competition, "An Artistic Discovery." An Artistic Discovery recognizes and encourages the artistic talent in the Nation, as well as in each congressional district. The Congressional Art Competition began in 1982 to provide an opportunity for Members of Congress to encourage and recognize the artistic talents of their young constituents. Since then, over 650,000 high school students have been involved with the nationwide competition.

Laura DeStefano, a resident of the 4th Congressional District, is currently a senior at East Meadow High School in East Meadow, New York. Ms. DeStefano offered her digital photography piece, "Where the Side Walk Ends." Laura's eye for beauty is certainly a testament to her achievement.

The contest in the 4th Congressional District continues to flourish and I owe it to all of the talented students like Laura from our high schools that submitted their art to be displayed in this distinguished contest. It is essential for art programs and curricula to remain in our schools and communities. I believe that having a forum for our young people to express themselves in a creative way is extraordinarily important and I will continue to work in Congress to ensure that the arts are preserved.

The future of this country depends on the hopes and dreams of its children. Our community, and our Nation, is enhanced by the contributions of students like Laura DeStefano. Additionally, I would like to recognize the work of the teachers and administrators at East Meadow High School who dedicate their lives to their students. The staff is the backbone of the students' success and I thank them for all that they do on a daily basis.

Madam Speaker, it is with pride and admiration I offer my thanks and recognition to Laura DeStefano.

#### TRIBUTE TO FORMER SHAWNEE CITY COUNCILMEMBER FRANK GOODE

#### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to Frank Goode, who recently concluded 32 years of public service to the citizens of Shawnee, Kansas. In April, Frank Goode concluded a 30-year tenure as an elected member of the Shawnee City Council, which was preceded by 2 years of service on the Shawnee City Planning Commission.

On April 12, the City of Shawnee announced that it is naming the city's Public Works Service Center after former Councilmember Goode, in recognition of his long and distinguished service to Shawnee. As Mayor Jeff Meyers said in making the announcement, "I'm sure we couldn't find but a handful of individuals across the county who have served their community for 32 years. That kind of commitment to the community deserves recognition that a plaque could never give."

Frank Goode grew up in Shawnee, attending St. Joseph Grade School and St. Joseph High School. He also attended Donnelly College, Rockhurst College and Finlay Engineering School. A Korean War veteran, Goode was a division sales manager for the Stuart Hall Company. He first became involved with local issues when he was appointed to the Planning Commission in 1977; in the following year, he launched his first campaign for City Council.

As Council member, Goode focused on expanding the city and improving its infrastructure, while holding the line on taxes. He was particularly supportive of tax abatements, particularly those for Bayer Animal Healthcare, which he credits with keeping that major employer in Shawnee.

Having left the Council at age 80, Frank Goode is certainly entitled to a relaxing retire-

ment. Nonetheless, he's still going strong, having spent the past few years also working at Goode Brothers Asphalt, a business started by his brothers at about the same time he first was elected to the Council. I know Frank will also remain aware of and involved with local issues before the Shawnee government.

Madam Speaker, I know that you and all Members of this House join with me in paying tribute to a dedicated public servant who has been key to the growth and prosperity of Shawnee, Kansas, for the past several decades. I am pleased to have this opportunity to recognize former Shawnee City Council Member Frank Goode.

#### IN RECOGNITION OF THE ORDER OF THE KNIGHTS OF RIZAL, CLEVELAND CHAPTER, AND THE 149TH ANNIVERSARY OF THE BIRTH OF DR. JOSE PROTACIO RIZAL

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the contribution of the Cleveland Chapter of the Order of the Knights of Rizal and to honor Dr. Jose Protacio Rizal on the occasion of the 149th anniversary of his birth.

A hero of the Filipino Independence movement in the 1800s, Dr. Rizal continues to inspire. His heroic and poignant writings and efforts focused on freedom from oppression and liberty for all. He inspired and energized people beyond his native Philippines.

A young and idealistic doctor, Dr. Rizal wrote of freedom and independence from Spain. His writings soon struck a chord and he went on to found the Filipino independence movement, Luga Filipina, in Manila in 1892. By 1898, an armed struggle for independence had begun, and government officials accused Dr. Rizal of leading the charge. On the evening of December 30, 1896, Dr. Rizal was executed by firing squad in what is now known in Manila as Rizal Park. The night before his scheduled execution, he wrote the poem 'Mi Ultimo Adios,' a heart-rending and poignant expression of his love for country and people of the Philippines.

Madam Speaker and colleagues, please join me in honoring and celebrating the life of Dr. Jose Protacio Rizal, and in recognition of the members of the Order of the Knights of Rizal, Cleveland Chapter. Dr. Jose Rizal's story is the embodiment of the innate human quest for freedom, justice and liberty.

#### RECOGNIZING JACOB COSTELLO FOR EARNING THE CONGRESSIONAL AWARD GOLD MEDAL

#### HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. BOOZMAN. Madam Speaker, I would like to ask my colleagues to join me in recognizing Jacob Costello from Wesley, Arkansas

for achieving the Congressional Award Gold Medal. This prestigious award is the highest honor given to America's youth by the U.S. Congress.

The Congressional Award Program recognizes excellence and service among young Americans who are challenged to set goals and carry through in public service, personal development and physical fitness and expedition or exploration.

Jacob had the motivation and resolve to achieve this major accomplishment; completing 400 hours of voluntary public service, 200 hours of personal development activities, 200 hours of physical fitness and 4 consecutive days and nights of an exploration or expedition.

Reflecting on his efforts and the time it took to accomplish this award, Jacob said that he "realized that personal growth can go hand-in-hand with service to others." It is refreshing to see that young Americans in my district and all across the country are working so hard to improve themselves and their communities.

I want to congratulate Jacob for his determination and dedication and encourage him to continue working towards his goals.

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RECOGNIZING JAMES A.  
PARETTI, JR.

**HON. JOHN KLINE**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. KLINE of Minnesota. Madam Speaker, those of us privileged to serve in the U.S. House of Representatives do not do our jobs alone. We rely on the expertise and tireless energy of staff members who share our commitment to serving our constituents and our nation. As one of my staff members prepares to depart, I recognize and applaud his years of service to this, The People's House.

James A. Paretti, Jr. first came to Capitol Hill in 1987, and has served on the staff of the Education and Labor Committee since 2003. As Workforce Policy Counsel, Jim has helped reform and modernize employment policy with the overarching goal of protecting workers and fostering innovation among American employers. As an attorney, his dedication to and understanding of the law has been the hallmark of his service.

Jim's quick wit and powerful intellect have served members of the Education and Labor Committee well. He has proven to be a deft negotiator able to put principle above party and craft legislation in the best interest of the nation. Jim's contributions to the House are many, and we wish him well as he enters the next phase of a career dedicated to upholding, interpreting, and improving the laws that affect American workers and employers.

ACKNOWLEDGING SANDRA  
JAKOVljeVIC

**HON. RUSS CARNAHAN**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. CARNAHAN. Madam Speaker, I rise today to honor and acknowledge Sandra Jakovljevic.

Sandra has been a valued district staff member of mine for the past 3 years, specializing in outreach to the Bosnian community and providing excellent customer service to my constituents.

The Bosnian community is a significant part of my district. More than 30,000 have decided to make the St. Louis area their new home, and Sandra has been an excellent liaison to my Bosnian-American constituents. Sandra has assisted many with questions about immigration processes and procedures, and has been able to help them make St. Louis and America feel more like home.

I have received many accolades from citizens all across my district who received critical assistance outstanding service from Sandra. From visa issues to emergency passport problems, Sandra went the extra mile to help resolve their problem in the most professional and timely manner possible. Many times, she came to the office very early or stayed very late to make calls across different international time zones to help bring resolution to problems, something my constituents have come to truly appreciate.

I admire Sandra for the many challenges she has overcome in her lifetime. My staff and I have learned much from Sandra, and I hope she has learned from her experience with my office as well. May Sandra enjoy success and peace with her new husband-to-be Bernard, and we wish her well as she begins this new chapter in her life. I, along with all of my staff, will miss her very much.

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IN HONOR OF GEORGE AND CLARA  
ZABOROWSKI ON THE OCCASION  
OF THEIR 65TH WEDDING ANNIVERSARY

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of George and Clara Zaborowski, as they celebrate sixty-five years of marriage and devotion to one another. On this special day, they also celebrate their family and many friends throughout the community.

George Zaborowski grew up on Cleveland's eastside and worked at White Motor Company for nearly forty years. Clara Sokolowski grew up in the Tremont neighborhood in the apartment above her parents' restaurant, the Sokolowski's University Inn. Established in 1923, the Sokolowski's University Inn remains one of Cleveland's most beloved culinary landmarks. Mr. Zaborowski joined the Marines and served his nation during World War II.

George and Clara, both of Polish heritage and fluent in Polish, met in 1941. On June 23, 1945, they wed at St. John Cantius Church in Cleveland, Ohio. Together, they lovingly raised their children—Thomas and Christine. Their shared love for each other has extended through each new generation. Their family continues to be the center of their lives, as they are close to their grandchildren, Lisa, Maureen, Kim and Jessica, as well as their great-grandchildren, Joshua, Craig, Kyle, Malcom, Cassy, Alex, Spencer and Henry.

To this day, Mr. and Mrs. Zaborowski continue to honor Polish traditions and customs, especially during the holiday season. They have instilled within their children, grandchildren, and great-grandchildren a sense of their family heritage.

Madam Speaker and Colleagues, please join me in honor and recognition of Mr. and Mrs. Zaborowski, as they celebrate sixty-five years of marriage. I wish Mr. and Mrs. Zaborowski an abundance of health, happiness and peace in all of their future endeavors.

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RECOGNIZING THE COMMUNITY  
ACTIVISM OF MR. MICHAEL  
SLAYMAKER

**HON. ALAN GRAYSON**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. GRAYSON. Madam Speaker, I rise today to recognize the outstanding public service of Mr. Michael Slaymaker, president of the Orlando Youth Alliance, in honor of Gay & Lesbian Pride Month. Under the direction of Mr. Slaymaker, the Orlando Youth Alliance serves to educate parents, academia, health care workers, and others about the development and diversity of sexual identity and make them more attentive to the concerns and needs of gay, lesbian, bi-sexual and transgendered youth.

Mr. Slaymaker moved to Central Florida in 1995 from Iowa. He graduated from Central College, Pella, Iowa, in 1983 with a bachelor of arts degree in Communications & Theatre and minor degrees in Business Management and German. In 1999, he earned his master of arts degree in Human Resources at Rollins College in Winter Park, Florida.

Mr. Slaymaker has worked with numerous non-profit organizations that have contributed greatly to the Central Florida community. From 1983 through 1993, he worked for the American Heart Association, first at a field representative, then as the Special Events Director, and finally as the Director of Field Services. He successfully designed a major gifts program and increased the annual revenue generation by \$1 million and he was recognized nationally for his exceptional work. From 1995 to 1996, he served at the Executive Director for the Hope and Help Center in Central Florida, whose mission is to treat and prevent the spread of HIV/AIDS. Mr. Slaymaker's outstanding service continued there as he initiated many programs to benefit the people of Florida and repaired the financially troubled state of the organization. In 1998, he joined

the Orlando Gay Chorus as a volunteer singer and was quickly recruited to help with fundraising. For 10 years, he served as the Development Director for the Orlando Gay Chorus, increasing their budget by more than \$150,000. In 2000, he founded the Orlando Anti-Discrimination Ordinance Committee to fight local discrimination, and has been the driving force behind this highly successful volunteer group ever since. From 2001 to 2010, he was the Human Resources & Development Director of the La Amistad Foundation, Inc., where his innovations helped enhance the quality of life for adults with chronic mental illnesses.

Currently, Mr. Slaymaker is the President of the Orlando Youth Alliance, a non-profit organization which has the vital purpose in the Central Florida community to provide a safe and nurturing environment for LGBT youth between the ages of 13 and 20. The Orlando Youth Alliance was formed in 1990 under the name "Delta Youth Alliance" as a support group to help struggling LGBT youth. The group gathers every week to talk about their concerns and discuss issues that are important to them. Through the years, this organization has lent a hand to hundreds of Central Florida's youth and has expanded its outreach into the Orlando community. Mr. Slaymaker's exceptional efforts have helped make our Central Florida safer, our community more dynamic, and our people more conscientious. He has inspired our youth and empowered them to be proud of who they are.

Madam Speaker, I am honored to pay tribute to Mr. Michael Slaymaker for his outstanding work and leadership both in the Gay & Lesbian community and in our Florida community as a whole. He is a fantastic community activist and a source of pride to Florida.

#### AGC RECOGNIZES THE BEST IN THE INDUSTRY

#### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, the Magazine of the Associated General Contractors of America proudly recognizes the new Margot and Bill Winspear Opera House and the AT&T Performing Arts Center Dee and Charles Wylly Theatre in Dallas, TX. Both buildings received an Aon Build America Award for their pioneering projects, commitment to safety, and community outreach. The one-of-a-kind 80,000-sq-ft AT&T Performing Arts Center Dee and Charles Wylly Theatre wins in the "Building New" category. Complimentary, the Margot and Bill Winspear Opera House is the grand award winner for "Construction Management New."

The eye-catching opera house is built in the center of Dallas' arts district which anchors the AT&T Performing Arts Center Dee and Charles Wylly Theatre. The complexity and stunning aesthetics of the Dallas Opera House, constructed by Linbeck Group, received AGC's highest award. This European style opera house, built at \$197 million, includes a performance hall that accommodates

opera, musical theater, ballet, and many other dance forms.

One of the most visually stunning elements in the theater is the red glass wall panels that encase the performance hall. This red curtain wall is made up of a shocking 1,100 glass panels. It includes a great feature that allows three operable sections to be lowered opening the building to the outdoors.

For more than two decades these impressive awards were given to projects selected by a panel of tough critics and contractors. Now, Dallas can cheerfully accept this award and relish in their "job well done!"

#### IN HONOR OF THE STRONGSVILLE VFW, POST 3345 ON THE OCCASION OF THEIR 75TH ANNIVERSARY

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor of the veteran and auxiliary members of Strongsville Veterans of Foreign Wars (VFW) Post 3345, as they celebrate the Post's 75th anniversary and dedicate a Veterans Memorial on June 19, 2010.

Strongsville VFW Post 3345 was chartered on June 22, 1935 with only three members in attendance. Today, it is one of the largest VFW posts in the state with nearly 1,200 members.

Strongsville VFW Post 3345 has a legacy of community outreach and volunteer service throughout the western communities of Greater Cleveland. The members of Post 3345 have reached out to veterans and the families of military personnel, providing support and assistance wherever possible. Post 3345 provides numerous college scholarships and sponsors an annual Teacher of the Year Award. Members also volunteer thousands of hours annually for charity and at local Veterans Administration hospitals.

Members of VFW Post 3345 raised funds to construct a Veterans Memorial to publicly honor and commemorate the lives of all American soldiers who made the ultimate sacrifice on behalf of our nation.

Madam Speaker and Colleagues, please join me in honoring the members of Strongsville VFW Post 3345 and all veterans for their contributions to community and country.

#### HONORING THE SERVICE AND SACRIFICE OF UNITED STATES AIR FORCE SENIOR AIRMAN BENJAMIN D. WHITE

#### HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Ms. GIFFORDS. Madam Speaker, I rise today to honor United States Air Force Senior Airman Benjamin D. White, who was killed in action on June 9, 2010.

Benjamin grew up in Johnson City, Tennessee and graduated from Science Hill High School in 2004. He attended East Tennessee State University before entering the Air Force in July 2006.

A Pararescueman assigned to the 48th Rescue Squadron at Davis-Monthan Air Force Base, Benjamin belonged to a highly regarded and specialized unit known throughout the military for their skills and willingness to risk their lives to save others.

The motto of Pararescue units, "That Others May Live", speaks to the dedication that Benjamin and his brothers in arms share. He perished doing what he loved, alongside other Air Force Rescue personnel, on a mission to save a British Soldier's life.

We remember Senior Airman White and offer our deepest condolences and sincerest prayers to his family. My words cannot effectively convey the feeling of great loss, nor can they offer adequate consolation. However, it is my hope that in future days, his family may take some comfort in knowing that Benjamin made a difference in the lives of many others and serves as an example of a competent and caring leader and friend that will live on in the hearts and minds of all those he touched.

Senior Airman White is survived by his mother Brenda, father Tony and brother Mark.

This body and this country owe Benjamin and his family our deepest gratitude, and we will today and forevermore honor and remember him and his service to our country.

#### SUPPORT FOR ISRAEL

#### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. ANDREWS. Madam Speaker, I rise today to strongly support the right of Israel to act in self-defense, which requires the inspection of cargo going into area controlled by the terrorist organization Hamas surrounding the Gaza territory. The inspections are vital because Hamas has smuggled in thousands of rockets to attack and terrorize Israeli civilians. Hamas has clearly stated its goal is the destruction of the State of Israel and the leaders of the Gaza flotilla, particularly those on the *Mavi Marmara*, set out to intentionally use force to confront the blockade. If the blockade were to be broken, it would be impossible to tell which vessels were carrying humanitarian supplies and which were carrying deadly rockets.

As a sovereign nation, Israel has the right to protect its people from the threat of terrorism. Israel warned the boats that they were in violation of a lawful blockade and offered them an alternative where the humanitarian aid would be off-loaded and delivered to Gaza. The flotilla, however, insisted on attempting to circumvent the blockade because their primary motivation was confrontation.

Israel is a long-standing democratic ally of the United States. We must stand with Israel and defend their right to defend the Israeli people.

RECOGNIZING THE ONE YEAR ANNIVERSARY OF THE FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

**HON. TODD RUSSELL PLATTS**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. PLATTS. Madam Speaker, today marks the one year anniversary of the enactment of the Family Smoking Prevention and Tobacco Control Act. I was proud to have partnered with Representative HENRY WAXMAN in introducing this bill and seeing its passage through the House of Representatives.

The Family Smoking Prevention and Control Act took important steps to educate the American public about the harmful effects of tobacco-use. The law provides the Food and Drug Administration (FDA) with the authority to regulate tobacco products and ensures that these products are not advertised or sold to children.

While many of the provisions of this law are still being implemented by the FDA, a number of important changes have already taken place. For example, a ban on flavored cigarettes is now being enforced. Cigarettes with flavors such as strawberry and lemon were clearly marketed toward children and lured young adults into trying their first cigarette.

In addition, tobacco companies are now prohibited from sponsoring athletic and cultural events, which are widely attended and viewed by millions of children each year. No longer will a child's favorite race car driver be covered in tobacco ads nor will a favorite baseball player hit a homerun over a large cigarette banner.

The FDA has also begun enforcing the prohibition of vending machines that sell tobacco products in settings in which children are present. Vending machines served as an easy way for minors to access tobacco products since no age verification is present. Because the vast majority of all smokers try their first cigarette between the ages of twelve and twenty, these important changes will go a long way toward preventing children from trying their first cigarette, and becoming smokers as adults.

Thus far, the FDA has moved expeditiously in their implementation of the Family Smoking Prevention and Tobacco Control Act. I hope that they will continue their efforts to discourage our nation's young people from smoking and educate them of the harmful effects of tobacco use. For too long tobacco companies have targeted our nation's children through cartoon ads, event sponsorship, and free merchandise. I am confident that the continued implementation of this law will lead to generations of fewer tobacco-addicted youth.

HONORING ATHLETE AND HUMANITARIAN MANUTE BOL

**HON. DENNIS MOORE**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to Sudanese athlete

and humanitarian Manute Bol, who sadly passed away on June 19, 2010, at the age of 47.

Seven-foot 7-inches tall, Manute Bol joined the National Basketball Association (NBA) in 1985 with the Washington Bullets, after catching the eye of an American basketball coach working in Sudan. When he arrived in the United States, he didn't speak any English and hadn't completed any schooling beyond a basic elementary level. His exceptional height and shot blocking ability made him an instant hit in the NBA, and, in addition to two stints with Washington, his 10-year career took him to Golden State, Philadelphia and Miami. He twice led the league in the number of blocked shots per game and shares the record as the tallest person to ever play in the NBA.

While many undoubtedly knew Mr. Bol due to his prowess on the basketball court, he was perhaps most proud of the humanitarian work he did to help his native Sudan. In 2007, after relocating to Olathe, Kansas, Mr. Bol partnered with a Kansas-based relief organization, Sudan Sunrise, to help educate and improve living conditions for children in Sudan. He pledged money and support to help construct a school in his native Turalei, Sudan, which was partially completed in January 2010, and now serves 300 children a day.

Ravaged by prolonged civil wars, Sudan lacks many of the basic services that you and I take for granted. Eighty-five percent of the population in Southern Sudan is illiterate. Only about seven percent of teachers in the southern part of the country have any professional training, and it is not uncommon to visit a school where the teachers themselves have not been educated beyond fourth grade. Drawing from his own experiences and struggles due to a lack of basic education as a young man, Mr. Bol came to place a high value on learning. He felt that one of the keys to peace in Sudan is education for its children, and dedicated his life to improving the educational opportunities in his native country.

While Mr. Bol was helping Sudan make significant strides forward in its education system, it is clear that there is still much work to be done. It is my hope that we in Congress, and others across the globe, are inspired by the work of Manute Bol to help children in Sudan and that together, we continue the mission he has begun.

IN RECOGNITION OF BUD AND SHERRY GRINSTEAD'S 50TH WEDDING ANNIVERSARY

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. ROGERS of Alabama. Madam Speaker, I would like to pay tribute to a very special occasion today—the 50th wedding anniversary of Bud and Sherry Grinstead.

Bud Grinstead of Gary, IN, and Sherry Ryzenga of Holland, MI, met at Bryan University in Dayton, TN. In September of 1959, the couple transferred to Tennessee Temple University in Chattanooga, Tennessee.

On June 4, 1960, Bud and Sherry were married at Rose Park Baptist Church in Sher-

ry's hometown by Revs. Garland Cofield and James Gurley. After college graduation in June of 1962, the couple moved to Jacksonville, Florida to serve at Victory Baptist Church where their first two children were born. On May 26, 1965, Bud was ordained as a Baptist minister.

The family relocated to Oxford, Alabama in 1969 where Bud served as minister of music and taught the young adult class at Trinity Baptist Church. Their third child was born in 1970. That same year, Bud started Trinity Christian Academy (TCA). The school added a grade each year until their first graduating class graduated in 1979. Bud also started a radio broadcast in 1979. During their time at Trinity, Sherry taught piano lessons and a music class.

In 1975, the family joined the Tom Williams Evangelistic Team and traveled from church to church ministering to all. In 1978, they moved back to Oxford to serve at Trinity Baptist Church and in 1980, Bud accepted the position of pastor. The radio station, WTBJ, aired for the first time in 1994. Bud has ministered in every continent of the world except Antarctica and Sherry has taught full time at TCA for 28 years and is retiring this year.

Bud and Sherry have three children: Debbie, Darryl and Dawn and nine grandchildren. A reception in their honor will be held on June 26th at Trinity Baptist Church.

I salute my friends, Bud and Sherry, on the 50th year of their life together and join their family in honoring them on this special occasion.

IN HONOR AND RECOGNITION OF KARL ERTL

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Karl Ertle, whose dedication has helped improve the education and opportunities for hundreds of young women and men throughout southeast Cleveland, Ohio, and beyond.

Mr. Ertle has been the President and Principal of Cleveland Central Catholic High School, an urban high school located in the Slavic Village neighborhood, since 2004. He has turned the school around, managing a \$13 million capital improvement program and overseeing an increase in enrollment of more than forty percent.

Mr. Ertle grew up in the Cleveland area. He studied at St. Ignatius High School and then later began his teaching career there. He earned a bachelor's degree in English from Borromeo College and a master's degree in religious studies from John Carroll University. Between 1983 and 2004 he performed a number of different roles at St. Ignatius, including theology teacher, director of admissions, assistant principal for student services, and vice president of the Mission of St. Ignatius.

Madam Speaker and colleagues, please join me in honor and recognition of Karl Ertle on the occasion of his retirement. He has continuously and unstintingly served the young people of Cleveland, displaying integrity, kindness,

and an unwavering commitment to bettering the lives of countless students. I wish Mr. Ertle, his wife Carol, and his children: Tim, Katie, Mary, Annie, Danny and Joe, health, peace and happiness.

CONGRATULATING THE  
NEEDVILLE LADY BLUE JAYS

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. OLSON. Madam Speaker, I rise to congratulate the Needville Lady Blue Jays on an outstanding season. The Lady Blue Jays fought hard giving it everything they had, but lost a heartbreaking game in the bottom of the 11th inning in the Texas 3A semifinal matchup.

Although they did not clinch the title, these athletes have shown they have the dedication, determination, and drive to reach their goals. I know these ladies are the pride of their school and community. The Needville Lady Blue Jays' demonstrate excellence in both academics and athletics, and I applaud them on a great season.

HONORING DANIELLE FUENTES

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to recognize Danielle Fuentes, the Award of Achievement Winner for the 4th Congressional District's high school art competition, "An Artistic Discovery." An Artistic Discovery recognizes and encourages the artistic talent in the nation, as well as in each congressional district. The Congressional Art Competition began in 1982 to provide an opportunity for Members of Congress to encourage and recognize the artistic talents of their young constituents. Since then, over 650,000 high school students have been involved with the nationwide competition.

Danielle Fuentes, a resident of the 4th Congressional District, is currently a senior at Oceanside High School in Oceanside, New York. Ms. Fuentes offered her piece called "Dead Ringer", which was a pencil still life. Danielle's eye for beauty and shadowing skills are certainly a testament to her achievement.

The contest in the 4th Congressional District continues to flourish and I owe it to all of the talented students like Danielle from our high schools that submitted their art to be displayed in this distinguished contest. It is essential for art programs and curricula to remain in our schools and communities. I believe that having a forum for our young people to express themselves in a creative way is extraordinarily important and I will continue to work in Congress to ensure that the arts are preserved.

The future of this country depends on the hopes and dreams of its children. Our community, and our nation, is enhanced by the contributions of students like Danielle Fuentes.

Additionally, I would like to recognize the work of the teachers and administrators at Oceanside High School who dedicate their lives to their students. The staff is the backbone of the students' success and I thank them for all that they do on a daily basis.

Madam Speaker, it is with pride and admiration I offer my thanks and recognition to Danielle Fuentes.

TRIBUTE TO SCAPPOOSE HIGH  
SCHOOL

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. WU. Madam Speaker, I rise today to congratulate Scappoose High School on winning the Oregon School Activities Association's, OSAA, 4A boys baseball championship. Scappoose finished their season with 22 wins and six losses, beating top-ranked Astoria High School 2-1 in eight innings on June 5, 2010, to capture their first State championship since 1982.

I ask my colleagues to join me in congratulating Principal Eric Clendenin, Athletic Director Jim Jones, Head Coach Robert Medley, Assistant Coaches Joe Girres, Matt Bailey, and Neal Lordos, and all of the Scappoose Indians—Cody Backus, Brandon Bernardi, Dillion Davidson, Aaron Egger, Austin Egger, Willy Fouts, Cory Hendryx, Torin Huff, Nathan Kranyak, DJ Maloney, Tanner Meyer, Brad Morrison, Chris Neifert, Nick Paxton, Paul Revis, Jason Sawyer, Max Updike, and Jacob Watt—for winning the OSAA 4A boys baseball championship.

INTRODUCING A RESOLUTION SUP-  
PORTING THE GOALS AND  
IDEALS OF NATIONAL POLLI-  
NATOR WEEK

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution honoring National Pollinator Week, which takes place from June 21 to 27, 2010. It is my pleasure to announce that with the leadership of the Pollinator Partnership, a majority of States as well as a number of federal agencies, including the Department of Agriculture, have officially recognized the occasion to reflect upon the importance of and challenges facing these species vital to our ecosystem and agriculture.

Responsible for almost \$20 billion worth of products in the United States alone, an estimated one-third of all food and beverages is derived from pollinators. With 75 percent of all flowering plant species relying on animals like birds, bees, bats, and butterflies as the vehicle for transferring pollen for fertilization, there is no escaping the fact that pollinators are essential not just for plants, but for the sustainability and security of our food supply.

Because new threats are emerging against these animals all the time, we should use Na-

tional Pollinator Week to learn about how to help protect and encourage pollinators' growth and survival. There are many things we can do. For example, we can plant a garden with native flowering plants supplying pollinators with nectar, pollen and homes as well as work to minimize pollution and use of chemicals that contaminate their habitats. We can also educate our friends on the importance of pollinators and can learn even more from the Pollinator Partnership's Web site, which can be found at [www.pollinator.org](http://www.pollinator.org).

Madam Speaker, National Pollinator Week provides us an opportunity to recognize how important pollinators are to the sustainability of our environment. I urge my colleagues to join me in supporting the goals and ideals of National Pollinator Week.

HONORING THE CAREER OF  
DOROTHY MANN

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Ms. SCHWARTZ. Madam Speaker, I rise today to recognize Dorothy Mann and celebrate her retirement after 33 years as the bold and visionary Executive Director of the Family Planning Council in Philadelphia.

The Family Planning Council administers all public funds for family planning services in the five-country Philadelphia region. Under Dorothy's leadership, the Council worked to prevent teen pregnancy, HIV infection and other STDs; to provide care to HIV positive women, children and families; and to provide breast and cervical cancer screening programs for uninsured women and so much more. In 2008, the Council served 145,000 patients, and in 2009 was the 6th largest provider of Title X family planning services in the nation.

Dorothy has worked tirelessly to improve reproductive health care for women and men in the United States. Beginning as a family planning outreach worker in California, she went on to play a key role in the development of groundbreaking research paving the way for the Title X Family Planning program we know today.

Arriving in Pennsylvania in the early 1970's, Ms. Mann was instrumental in opening the first federally funded family planning programs in the Commonwealth. A tenacious advocate, Dorothy Mann took her leadership to a national level where she testified before Congress and served on two Institute of Medicine panels about the importance of preventing STIs and the perinatal transmission of HIV. In addition, Ms. Mann is a founding member and former Board President of National Family Planning & Reproductive Health Association (NFPRA) and the AIDS Alliance for Children, Youth & Families.

On personal note, I am grateful to be among those with the honor of calling Dorothy Mann a colleague and a friend. We have spent many years working closely together, and I am very proud of our work.

Today we recognize the achievements of Dorothy Mann and her preeminent career in

the field of public health. She has done vital work to advance the Title X Family Planning Program and promote the critical link between preventive health care and opportunity for women are the hallmarks of her career.

HONORING DR. JAMES "JEFF"  
KIMPEL

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. LUCAS. Madam Speaker, it is unusual that America has an opportunity to thank an individual citizen for his contributions to protecting lives and property of our citizens, but in the case of Dr. James "Jeff" Kimpel, the Director of NOAA's Severe Storms Laboratory in Norman, Oklahoma, we have just this kind of individual tirelessly dedicated to improving the research and development of weather and meteorology programs, Jeff Kimpel is now retiring on June 18 to spend more time with his 5 children and 2 grandchildren in Norman, Oklahoma.

During his last 13 years of federal service Jeff Kimpel has served the nation by working to improve the lead-time and accuracy of severe weather forecasts and weather warnings in order to save the lives of many Americans and to save property from being destroyed. In the state of Oklahoma, severe weather is a massive problem, and accurate estimates of the true threats from severe weather are especially of interest to not just our state, but to a wide range of users. This includes weather forecasters, the insurance industry, emergency management communities and the general public. Dr. Kimpel has worked with the NSSL and was able to establish strong programs that have helped speed up the construction of the National Weather Center building, which is shared with the National Weather Service (NWS), and the University of Oklahoma Meteorology Program.

Dr. Kimpel has been a pioneer in the field of technology and meteorology. The NSSL has been able to expound on many programs to enhance their technology, all under the watch of Dr. Kimpel. The NSSL has performed research that has led to the upgrade of NEXRADs (NEXT generation weather RADar) from propriety to open systems, which also added super resolution capability and designed dual polarization upgrades.

As a long serving member of the House of Science and Technology Committee, I commend the work of Dr. Jeff Kimpel and recognize his outstanding science related positions including President of the American Meteorological Society, National Science Foundation positions, Department of Energy, and a participant in major decision making policy in the environmental, and meteorological and atmospheric areas for NOAA and other government agencies. Dr. Kimpel was instrumental in establishing support for NSSL that led to the construction of a magnificent national weather center building shared with the National Weather Service and the University of Oklahoma's meteorology program. He is truly one of the world's foremost authorities on severe

weather including tornados, thunderstorms, hail, strong winds, heavy rainfall, ice storms, flooding and winter storms who has explored new technologies during his career for using weather information to assist government forecasters and federal, university, and private sector partners.

Today we would like to thank you for your service and dedication, and for all the work that you have put in. Thank you and best of luck with all your future undertakings.

HONORING SERGEANT DONALD  
LAMAR, USMC

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. WITTMAN. Madam Speaker, I rise today to honor and remember a United States Marine who serves as an example of courage and patriotism to us all. Sergeant Donald J. Lamar II, of the United States Marine Corps, recently gave the last full measure of devotion and sacrifice for our beloved nation while supporting combat operations in the Helmand Province of Afghanistan. Men such as Sergeant Lamar epitomize the core value of selfless service that we all hold so dear in the United States, and especially in the United States Marine Corps.

Sergeant Lamar grew up in Stafford County, Virginia, and graduated from Stafford High School in 2004. There, he was known by his teachers, coaches, and friends as a well-rounded leader who excelled in sports, particularly wrestling and football. After graduation, Sergeant Lamar joined the Marine Corps and was assigned to the First Battalion, Second Marine Regiment, Second Marine Division, of the Second Marine Expeditionary Force at Camp Lejeune, North Carolina. Although already among America's elite fighting force as an infantryman, Sergeant Lamar chose to be part of an even more exclusive group—Marine Sniper. He stood out at every opportunity and always gave his utmost.

Sergeant Lamar's awards at the time of his deployment included the Marine Corps Good Conduct Medal, National Defense Service Medal, Global War on Terrorism Service Medal, Iraq Campaign Medal, and Afghanistan Campaign Medal. To add to his list of accolades, he was recently meritoriously promoted to Sergeant, a unique and fitting distinction for a combat-proven leader of Sergeant Lamar's caliber.

A man of character and fortitude, Sergeant Lamar bravely served two combat tours in Iraq. He was most recently serving his third combat tour in the Helmand Province of Afghanistan, where fierce fighting was taking place daily during 2010. Tragically, on May 12th, 2010, Sergeant Lamar exhibited the ultimate sacrifice for his country, family, and friends while engaged in combat operations there. His leadership in the Marine Corps and his local community will not be forgotten.

I extend to Sergeant Lamar's entire family my sincere condolences and deep appreciation for their sacrifices and service to our nation. He is survived by his wife, Stephanie

Lamar, and daughter, Madison; his parents, Don and Coleen Lamar; and two younger brothers. The liberties and freedoms we enjoy here in the United States are in place because of brave and courageous men such as Sergeant Lamar who routinely answer the call to duty and place sacrifice above self. We are eternally grateful to him and his family for their service to our nation.

INTRODUCTION OF THE MAKING  
WORK AND MARRIAGE PAY ACT

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. PETRI. Madam Speaker, today, I am introducing the Making Work and Marriage Pay Act of 2010. This legislation will establish a bipartisan commission to study the negative impact that high effective marginal rates can have on families as they attempt to improve their circumstances through work or marriage. The National Commission on Effective Marginal Tax Rates for Low-Income Families would provide an important opportunity for removing the disincentives that hold many back, in spite of their personal efforts to get ahead.

Federal and state governments provide financial assistance to low-income families through many means-tested programs and a variety of income tax credits. Each of these benefits is income-based, and as income rises benefits are reduced through phase-outs. These reductions occur at various earnings levels and on differing schedules.

While it is appropriate for benefits to be withdrawn as family income increases, little thought has been given to the combined impact on behavior of these multiple phase-outs. Different programs are created within separate Congressional committees and are implemented by assorted federal and state agencies. No one entity has the authority to consider our vast system as a whole. The Commission established under this Act would be given this task and charged with the responsibility to propose a legislative package to remove the disincentives to work and marriage that these high effective marginal rates impose.

Marginal rates matter. Economists have long contended that high tax rates affect the investment decisions of affluent individuals. People at all income levels, however, respond rationally to economic incentives and disincentives. If we want people to work their way into the middle class, we need to change a system which says that if you're poor and you struggle to earn a higher income, you won't be able to keep enough of it to make it all seem really worthwhile.

I have looked at the impact these marginal rates have on a typical single mother with two children living in Wisconsin. From \$17,000 to \$40,000 in earnings, this single parent would experience combined effective marginal tax rates in excess of 50 percent—averaging 59 percent between \$24,000 and \$41,000. At lower income levels, she even approaches a rate of 100 percent. Putting this into perspective, the U.S. corporate tax rate is 35 percent

(one of the highest in the industrialized world). The highest U.S. income tax rate for individuals is also 35 percent.

Thus, for every dollar of new income earned by increased effort or the acquisition of new skills, this single mother finds herself only incrementally ahead and, perhaps, wondering whether her hard work is being justly rewarded. Despite the good intentions, these programs, in effect, offer no incentive to get ahead. Rather, the incentives are backwards and low-income workers often are encouraged to stay where they are.

The same dynamic can also affect an individual's decision whether to marry. Experts from across the political divide agree that marriage is good. Government policy, however, as enacted in this assortment of programs and phase-outs actually discourages marriage among low-income couples.

Varying benefit levels across the fifty states produce different results, but in Wisconsin, for a married couple with two children, the marriage penalty starts rising from about zero at \$19,000 of combined income to \$7,000 in after-tax income at \$28,000 of combined earnings, which is what you get if two people earn minimum wage. At \$42,000, the cost of being married reaches \$8,154. That's a high price for a marriage license.

This penalty results from the high effective marginal tax rates produced by taxes and the phaseout of various benefit programs. As income rises, taxes go up and benefits go down. The couple that has combined their lives and their income sees a steeper loss of income than does the comparable couple that has remained unmarried. If marriage is a recognized good for both society and the individual couples, then government policy should not stand in the way of people choosing to marry.

It's time that Congress rationalizes this web of programs to ensure that hard work brings rewards by removing the punishingly high effective marginal tax rates faced by low-income individuals and families.

This is why I am introducing the Making Work and Marriage Pay Act.

My bill would authorize a Commission made up of Cabinet Secretaries, Governors, and recognized policy experts to recommend solutions for the problems posed by these high effective marginal tax rates. The Commission would be constructed to achieve partisan balance, input from states offering a varying level of income support, and expert participation from government and private sector experts.

The Commission would be charged with seeking a solution along certain policy lines, but would have full authority to offer additional policy recommendations. The Commission's recommendations would be in the form of a legislative blueprint to ease consideration of its comprehensive solution by the wide range of Congressional committees.

For too long, Congress has neglected to clean up the mess of uncoordinated federal benefit programs. The Making Work and Marriage Pay Act is the first step toward a benefit structure that rewards work and effort and reflects our shared belief that marriage is the basis of stable communities. I urge my colleagues to support this important legislation.

## HONORING TIMBERLY DINGLAS

### HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to recognize Timberly Dinglas, the Award of Achievement Winner for the 4th Congressional District's high school art competition, "An Artistic Discovery." An Artistic Discovery recognizes and encourages the artistic talent in the nation, as well as in each congressional district. The Congressional Art Competition began in 1982 to provide an opportunity for Members of Congress to encourage and recognize the artistic talents of their young constituents. Since then, over 650,000 high school students have been involved with the nationwide competition.

Timberly Dinglas, a resident of the 4th Congressional District, is currently a junior at Valley Stream South High School in Valley Stream, New York. Ms. Dinglas offered her piece called "The Black Eye", which was a colored pencil portrait of a young man with a black eye. Timberly's eye for color and blending skills are evident in this piece and are certainly a testament to her achievement.

The contest in the 4th Congressional District continues to flourish and I owe it to all of the talented students like Timberly from our high schools that submitted their art to be displayed in this distinguished contest. It is essential for art programs and curricula to remain in our schools and communities. I believe that having a forum for our young people to express themselves in a creative way is extraordinarily important and I will continue to work in Congress to ensure that the arts are preserved.

The future of this country depends on the hopes and dreams of its children. Our community, and our nation, are enhanced by the contributions of students like Timberly Dinglas. Additionally, I would like to recognize the work of the teachers and administrators at Valley Stream South High School who dedicate their lives to their students. The staff is the backbone of the students' success and I thank them for all that they do on a daily basis.

Madam Speaker, it is with pride and admiration I offer my thanks and recognition to Timberly Dinglas.

## CONGRATULATING THE CLEMENTS RANGERS

### HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. OLSON. Madam Speaker, I rise today to congratulate the Clements Rangers Baseball team on an outstanding season. They were the Region 3 Champions which qualified them for 5A Texas finals.

I congratulate their coach, Israel De Los Santos, for his steering the team to this successful season. The Rangers made their community and school very proud through their play. I wish their seniors Brian Heathcoat, Dillon Huff, Ryan Berger, Kenny Hutchison, Tyler

Kruse, Andrew Riddle, Matthew Sugar, Scott Ballard, John Stanford, and Mike Garcia the best of luck in all their future endeavors.

## RECOGNIZING THE LIFE OF RICHARD BURTON

### HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. BILBRAY. Madam Speaker, I rise today to honor Mr. Richard Allyn Burton and the contributions he has made to our nation. Mr. Burton, born to Clarence and Fern Burton in Pleasant Hill, Missouri, is a shining example for future generations to follow.

Mr. Burton came to California during the Great Depression with his four brothers and mother in search of work. Denied access at the state line, they made the arduous journey back to Missouri, yet upon their return they received word that Richard's uncle had found work for them in Escondido, California. After making the trip once again, the Burton family settled down in Escondido.

Upon the United States' entry into World War II, the Burtons answered the call to service and all four brothers enlisted in the military. After completing basic training and 16 weeks of "A" School to become an Electrician's Mate, Mr. Burton served with Task Forces 92 and 94 in the North Pacific supporting offensive operations against the Japanese. He then passed through the Panama Canal and supported operations in the Caribbean. Upon his separation from the military, Mr. Burton had been awarded the Combat Action Ribbon, the Asiatic-Pacific Campaign Medal (with a bronze star), the American Campaign Medal and the World War II Victory Medal.

After returning from the war, Richard married Ms. Eloise Flanders of Escondido, and the two enjoyed 53 years of marriage. They raised two children, two grandchildren, and a great-grandchild.

Mr. Burton is the epitome of what we now refer to as the "Greatest Generation." He served his country well in her time of need, and he has exemplified the hard work and determination that makes America great.

## HONORING SUZANNE M. OVERDORF

### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to honor Mrs. Suzanne "Sue" Overdorf for her years of service as a devoted teacher, wife, mother and influential community member. Sue deserves the utmost admiration for her service as a dedicated mentor and role model to the youth of the community. As Sue's friend, I am honored to recognize her many achievements.

Suzanne Mae Fox was born on April 11, 1943 in South Buffalo, New York. She began

her education at St. Thomas Aquinas elementary school, later graduating from Mount Mercy Academy in 1960. Sue went on to study at Buffalo State College for two years before beginning her teaching career at St. Bonaventure Elementary School. Sue continued on the path toward teaching excellence when she pursued her degree in education at St. Rose College in Albany, graduating summa cum laude in 1979.

Sue married her high school sweetheart Ted "Ozzie" Overdorf 46 years ago. While living in Lansing, Michigan they began their family which continued to grow when they relocated to Albany. In 1979 Sue, Ted and their six children moved back to their hometown of Hamburg, New York where Sue taught and coordinated CCD at St. Peter and Paul Parish and Nativity Parish in Orchard Park. The Overdorf family grew with the addition of 2 more children and in 1993, now the mother of eight, Sue continued her teaching career at Mount Mercy Academy and Bishop Timon St. Jude High School. Sue demonstrated great love and dedication to her roots by teaching the young men and women in the neighborhood where she was raised. One year later, Sue became a religion instructor and senior class moderator at Bishop Timon St. Jude High School. Sue was a beloved and respected teacher who served as a role model and spiritual guide for her students. She retired on December 1, 2009, after 16 years of devotion.

Sue continually went above and beyond the norm during her teaching career. She found time while raising a family of eight children to found the Peace Club and the Thanksgiving for Others and Christmas for Others programs at Bishop Timon St. Jude High School. There, she was also awarded the Franciscan award twice and was received into the Franciscan Order Holy Name Province as an affiliate.

Madam Speaker, it is my distinct honor to recognize Sue Overdorf for her service as a devoted teacher, counselor, friend, wife and mother, excelling in all areas. Sue was a guide as a religious educator to her students, and also showed her values through her charitable and extracurricular activities. Her involvement in community life benefitted everyone around her. It is my honor to congratulate Sue Overdorf, a woman I am pleased to call my friend, for a career filled with such accomplishments.

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HONORING THE AIR FORCE  
THUNDERBIRDS

**HON. JAMES L. OBERSTAR**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. OBERSTAR. Madam Speaker, I rise to honor the long and dedicated service of the United States Air Force Thunderbirds Aerial Demonstration Team and to commend its latest of many visits to Duluth, Minnesota, in my Congressional District.

The theme for the 2010 Duluth Air Show is "Generations"—the generations of aircraft and American men and women who have flown them for more than a century. No other unit reflects this theme more than the Thunderbirds, who have captivating audiences with

their precise, intricate aerial performances for half of a century. The Air Force Thunderbirds truly span generations, with thousands of pilots and many different aircraft, from the F-84 Thunderstreak to the current F-16 Fighting Falcon. Since 1953, the pilots and support crew of the Thunderbirds have displayed unparalleled professionalism, dedication, patriotism and ability. Their commitment to the communities they visit is unmatched. Whether on the ground or in the air, the Thunderbirds bring great credit to themselves, the Air Force and the United States.

On behalf of the millions of people who have witnessed the Thunderbirds' extraordinary flight demonstrations, I wish to offer my hearty thank you to the men and women in the unit and acknowledge their service to our great nation.

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IN MEMORY OF JUDGE TERRY D.  
LEWIS OF FORT WORTH, TEXAS

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. BURGESS. Madam Speaker, I proudly rise today to honor the memory of one of Fort Worth's most respected and active community leaders, Judge Terry D. Lewis. Judge Lewis worked his entire life supporting his family, serving God and the Fort Worth community for which he cared so deeply.

Terry D. Lewis was the 4th child of 10, graduating from Dunbar High School in 1969, where he was an Honor Student, receiving the National Merit Achievement Award at graduation. While he was there, he was a member of the Charles L. Scott Jazz Band, on the debate team, four-year letterman in football, and Vice President of the Student Council. He was recruited to go to the University of Chicago by a former Dunbar student, Dr. Calvin Lee Dixon. He attended the University of Chicago for four years and graduated in 1973 with a bachelor's degree in Political Science. While at the University of Chicago, he was a member of the school wrestling team, and developed a passion for the martial arts. From there, he became a commissioned officer in the U.S. Marine Corps, where he was twice promoted before leaving active duty in 1976. While serving as a Marine Corps Officer, he participated in the evacuations of both Saigon and Cambodia.

After leaving the Marine Corps, Terry went to work in the business world. He worked for Johnson & Johnson, Xerox, and Jewel Food Stores prior to finding his calling of working with juvenile delinquents and emotionally disturbed teenagers in Chicago.

In 1987, while holding a full-time position and raising a family, he attended Chicago-Kent School of Law and served on the Law Review Committee, receiving his Doctor of Jurisprudence in 1991, and being honored with the Golden Gavel Award from his graduating law class for his publications and volunteerism while in law school. He was then employed by the Office of Cook County Public Defender, where he specialized in law concerning the abuse and neglect of children.

Upon moving home to Fort Worth in 1995, he acquired his license to practice law in the State of Texas, and worked with his brother, the Honorable Glenn Lewis and the Tarrant County District Attorney's Office. At the time of his death, he was serving as a Municipal Court Judge with the City of Fort Worth, where he was perhaps most proud of his efforts to match homeless people who appeared before him with social service programs. As recently as June 4, 2010, he is said to have written in an email to his colleagues:

Some people share the socio-political philosophy that government should not or cannot afford to help those on the lower economic rungs of our social ladder . . . Then there are those of us who believe that government cannot afford to neglect them. We all share this City whether our income is considerable or nil. Fort Worth Star-Telegram (June 16, 2010).

Madam Speaker, it is with great honor that I rise today to remember Judge Terry Lewis for his legacy and service to the city of Fort Worth and specifically the community in which he was raised. Judge Lewis' indomitable spirit will always live here among those whom he has touched. We have been honored to have had the grace of his presence in our lives. As we stand today to celebrate the extraordinary life of this extraordinary man, I am proud to have represented such an outstanding citizen from the 26th District of Texas in the U.S. House of Representatives.

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HONORING JORGE J. LAMBRINOS  
FOR MORE THAN 38 YEARS OF  
SERVICE ON BEHALF OF OLDER  
AMERICANS AND ON THE OCCA-  
SION OF HIS RETIREMENT FROM  
THE UNIVERSITY OF SOUTHERN  
CALIFORNIA ROYBAL INSTITUTE  
ON AGING

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to honor Jorge J. Lambrinos, founding director of the University of Southern California (USC) Roybal Institute on Aging, who is retiring this month after more than 38 years of working in and out of government on behalf of older Americans.

Jorge was born in Panama City, Panama and arrived to this country at the age of 11 speaking no English. He fondly recalls his first job, at age 12, shining shoes in the barber-shop where his father worked. From then on, Jorge's strong work ethic and love for our country motivated him on a non-stop mission in pursuit of the American Dream—not only for himself but for our nation's elderly as well.

Jorge first got involved in advocating for seniors as Director of Latin Americans for Social and Economic Development. There, he was instrumental in getting the City of Detroit to establish a senior center in the Latino community of southwest Detroit. Jorge's leadership in his adopted hometown led to a prestigious fellowship opportunity in our nation's capital. As one of 10 national Health, Education, and Welfare Fellows, Jorge worked under Arthur

S. Flemming, the U.S. Commissioner on Aging at the Administration on Aging.

After his one-year fellowship ended, Jorge became director of the U.S. Administration on Aging's Executive Secretariat and Special Assistant to the Commissioner on Aging. During that time, as an advisor to Commissioner Flemming, Jorge played a key role in the establishment of four national minority aging organizations. He also worked to ensure that minority communities had a voice in the emerging field of gerontology.

Building on this area of expertise, in 1977, Jorge joined my father, Congressman Edward R. Roybal, as Director of the Subcommittee on Housing and Consumer Interests of the House Select Committee on Aging. During that time, Jorge guided the development of the Congregate Housing Services legislation signed into law by President Jimmy Carter, which authorizes all Sec. 202 senior housing to provide temporary supportive services to ailing residents. When my father became chair of the full Committee on Aging, Jorge served as the full committee's staff director—becoming one of the first Latino staffers to hold such a position.

Several years later, Jorge then moved on to become my father's Chief of Staff. Together, they worked to address many critical priorities for older Americans, including the availability of congregate meals and stepping up research initiatives into the aging process as well as Alzheimer's disease and diabetes. Jorge is particularly proud of his work with my father to strengthen the Centers for Disease Control and Prevention (CDC).

Jorge was integral in the formation of the Roybal Institute on Applied Gerontology. In my father's last few years in office, seniors from East Los Angeles petitioned California State University Los Angeles to establish an endowed chair in Congressman Roybal's name. Jorge's strategic recommendations resulted in the establishment of the Edward R. Roybal Foundation and the creation of the Institute.

After my father's retirement in 1993, Jorge joined him at Cal State Los Angeles and became the first full time director of the Roybal Institute. He was responsible for the management of several health promotion and disease prevention projects, including a collaborative research project with the CDC to determine the levels of older adult vaccinations in the Latino community of East Los Angeles. He also collaborated with USC's Alzheimer's Disease Research Center to translate findings from its clinical trials research to community application. In addition, Jorge was the Principal Investigator of a project funded by the Association of Teachers of Preventive Medicine to develop interventions to reduce the incidence of falls and injuries among older adults. Jorge moved with the center from Cal State LA to its new home at the University of Southern California in 2006.

Jorge Lambrinos has received numerous awards and appointments, including being named as one of the "Top 100 Most Influential Hispanics in the U.S." by Hispanic Business Magazine. He has served as a member of the National Advisory Council of the National Institute on Aging, the California Commission on Aging and the Executive Council of AARP California, where he continues to serve as health policy advisor.

In addition to his work in public service, Jorge's dedication to our country is also evident through his distinguished military service. A graduate of the U.S. Army War College and a decorated Bronze Star Gulf War veteran, Jorge retired as a Lt. Colonel after 27 years of military service.

Madam Speaker, I ask my colleagues to please join me in recognizing Jorge's long record of service to our country. His significant contributions have made life healthier and more just for older Americans from all walks of life and I wish him many more years of fulfillment and success in retirement.

SALUTING ELDER GOLDWIRE  
MCLENDON, PHILADELPHIA'S  
PREMIER GOSPEL SINGER

### HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2010

Mr. FATTAH. Madam Speaker, an incredibly talented Gospel singer from Philadelphia has been sharing his gift with a national audience through "Sunday Best," the BET network's closely watched gospel singing competition.

The results were announced this Sunday, and our own Elder Goldwire McLendon was selected as runner-up to a young lady from Florida, LeAndria Johnson. Elder McLendon's many, many fans in Philadelphia and across the nation may be mildly disappointed, but they are immensely proud of the man, his powerful voice and his faith.

Annette John-Hall, a talented writer for the Philadelphia Inquirer, captured the drama and the impact of this remarkable man and his quest, in her column in today's newspaper. I share her column and extend my congratulations to this Philadelphia Gospel superstar.

[From the Philadelphia Inquirer, June 22, 2010]

AT 79, ELDER MCLENDON SHARES THE GIFT OF  
HIS VOICE

(By Annette John-Hall)

All you have to do is watch the audience react to Elder Goldwire McLendon every time he sings to understand the profound impact he has.

People get choked up. Some weep outright. Heck, just watching him perform on YouTube puts a lump in your throat.

See, McLendon sings gospel. And he has for, oh, 70 years, ever since he was 9 and singing in Sunday school in Jacksonville, Fla., his hometown.

He has sung in prisons, in concert halls, and at his own place of worship, Mount Olive Baptist Church in Philadelphia, where he has ministered for 40 years.

But it wasn't until McLendon decided to audition for Sunday Best, BET's gospel singing competition, that the whole nation understood just how remarkable his gift was.

At 79, McLendon was easily the oldest contestant by at least 30 years. And yes, he'd sometimes forget the lyrics.

But his life experience came through whenever he hit the stage. After a typically moving performance early in the competition, judge Tina Campbell of Mary Mary, the gospel sister duo, told McLendon: "You got a standing ovation from God. He's all over you."

Outsinging a field of 20, McLendon made it all the way to Sunday's finals before losing to 27-year-old powerhouse LeAndria Johnson.

But it didn't matter. What matters is that now, in the winter of his life, McLendon's season is finally here.

GIFT FROM GOD

Call it what you want. Wisdom. Talent. Showmanship.

McLendon chooses to credit his gift and the effect it has to a higher power.

"The Lord set me up and used me," he said before performing in concert with other Sunday Best contestants at New Covenant Church of Philadelphia Saturday.

He almost didn't allow himself to be used. "Do you know how old I am?" he'd ask his children when they'd urge him to audition.

Never comfortable in a crowd, McLendon could easily have taken one look at the hundreds of hopefuls at the Convention Center audition on that cold March morning and said, "I don't want to be bothered with all of those people," says his daughter-in-law, Karen McLendon, 56. But she says he stuck it out because of "the prodding from the Lord."

Possessing a silky smooth tenor reminiscent of Sam Cooke, with a smidgen of James Cleveland's thunder thrown in, McLendon sang as a soloist in the Savettes Choral Ensemble and the Brockington Choral Ensemble in the '60s and '70s. He was ordained as a minister in 1978 and pastored St. James Holy Church in Tennille, Ga., for 16 years before reuniting with his family—five children, 15 grands and 14 great-grands—in Philly.

They all sing, but Pops, as his family lovingly calls him, is arguably the best.

There's just something about him.

NATIONAL RECOGNITION

"Not only is he anointed, but his [life] experience has to do with his being anointed," says Orlando Wright, who placed third in the competition. "All these years, he's been faithful—not perfect—but faithful, and God has to honor that."

McLendon is enjoying a national recognition he had never known before. He's in the midst of a 40-city tour featuring Sunday Best contestants, where he's the headliner. He gets fan mail every day from viewers inspired to go back to church or pursue a passion late in life because of him.

McLendon's only regret is that Ruth, his wife of 59 years, is in the final stages of Alzheimer's disease and cannot enjoy his season with him. He has cared for her since 2003.

"Beautiful high soprano," he says of his wife's voice. "She wrote music, and we used to harmonize all the time. . . . I'm trying to control myself talking about her."

Still, despite personal heartache, there's much to enjoy—and be thankful for.

"It ain't over," he says, "till God says it's over."

LA-Z-BOY SOUTH COMMEMORATES  
50TH ANNIVERSARY

### HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2010

Mr. HARPER. Madam Speaker, on June 16, 2010, employees, retirees and the company leadership of La-Z-Boy South celebrated 50 years of production. La-Z-Boy founders, Edward M. Knabusch and Edwin J. Shoemaker opened the Newton, Mississippi plant in 1960

when they were seeking to expand production. The Newton facility has grown to 800,000 square feet from the original 60,000 when the plant officially opened. The company credits this half century of success to the men and women of the La-Z-Boy family and to the support they have received from the Newton community.

Founded in Monroe, Michigan, Newton, Mississippi was selected as the first out-of-state plant because of the friendly people and the city's access to raw materials. The first recliner was produced on June 6, 1960, and was raffled off during the opening of a local supermarket. Since that time, La-Z-Boy South has celebrated many milestones including the December 9, 1980 production of its three-millionth chair and the September 17, 2003 production of its 10-millionth chair. Now employing 600 Newton-area residents, the Mississippi facility produces over one hundred different styles of furniture and custom-builds 1,100 pieces every day.

This facility has spurred economic growth in Mississippi outside of the Newton community. From manufacturing to shipping to management, the economy has blossomed as La-Z-Boy's business has increased nationally. In appreciation to the community, La-Z-Boy South has made contributions to many local businesses and organizations, as well as numerous charities and youth programs.

In today's struggling economy, La-Z-Boy has maintained a skilled workforce providing optimism for many hard-working Mississippians. As our nation continues to recover from the economic slide, our state will rely on successful companies like La-Z-Boy to provide work for jobless Mississippians. I congratulate La-Z-Boy for 50 years of manufacturing excellence and for their involvement in the Newton community and the state of Mississippi.

#### RECOGNIZING WORLD REFUGEE DAY

**HON. JIM McDERMOTT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. McDERMOTT. Madam Speaker, I rise today to recognize June 20, 2010 as World Refugee Day. There are more than 42 million people in the world—16 million of them refugees—who have fled their homes due to war, political conflict, or persecution in their country. We have the responsibility to support these men, women and children, many of whom have struggled in the face of unfathomable violence. Despite the trauma refugees experience, these are people who remain hopeful that one day their lives will return to normal and they will once again be safe from harm.

Today is not the time to dwell on the daunting number of people who are fleeing from their home country, but rather to celebrate the will to live, demonstrated daily by the millions of refugees who attempt to find a better place to call home. We should learn a lesson from those who have lost or given up so much and we must find that kind of courage to support our refugee communities here at home and abroad.

Although much has been done to assist newly arrived refugees, our challenge is far from over. I would like to thank my community organizations who work directly with newly arrived refugees into Washington State. They are the ones who rise to the occasion and should be commended for the great work they have accomplished. Organizations such as The Lutheran Community Services Northwest, The International Rescue Committee, the Refugee Women's Alliance, the Coalition for Refugees from Burma, and the Southwest Youth and Family Services are only a few of the many whose constant advocacy has been a tremendous asset in the lives of my constituents. Community organizations are not the only ones to be recognized. I would be remiss if I didn't recognize the hard work of community individuals who volunteer their time and resources to assist newly arrived refugees to Washington State, many of whom arrived to the US as refugees themselves.

World Refugee Day is a time to come together and spread the word to the global community about a sometimes forgotten population so that we can ensure that we remember our responsibility to aid those whose spirits have not broken and optimism has never wavered. Let us recognize World Refugee Day and honor the millions of refugees worldwide who must daily persevere through hardship and adversity.

#### IN RECOGNITION OF DR. FRANCES K. KOCHAN

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. ROGERS of Alabama. Madam Speaker, I would like to pay tribute today to the professional teaching career of Dr. Frances K. Kochan.

Dr. Kochan received a degree in elementary education from the State University of New York at Fredonia in June 1962, and began teaching English as a second language on the Island of Yap in September of 1963. After returning to the United States, she served as an adult teacher at the Retarded Citizens Center in Medina, New York, then as an elementary school teacher in the Mannford County School District in Oklahoma.

In the summer of 1970, Dr. Kochan resumed her international teaching career in Guam, where she taught for four years. While overseas, Dr. Kochan received a master's degree in reading education from the University of Guam in 1974.

After returning from Guam, Dr. Kochan began her career with Wakulla County Schools in Crawfordville, Florida, where she served as a reading specialist, reading and language arts projects director, principal and finally as assistant superintendent and curriculum director.

In 1985, Dr. Kochan began her work in higher education at Florida State University, and received her Ph.D. in Adult Education and Policy Studies in 1994. She served there nine years before beginning at Auburn University.

In 1994, Dr. Kochan began at Auburn University serving as an associate professor, and

then later becoming the Director of the Truman Pierce Institute. She began working as a full professor in November of 1999, served as Associate Dean of Administration and Research and finally became Dean of the School of Education in July of 2005, where she will serve until stepping down this summer.

Dr. Kochan has received a number of awards throughout her career, including the 2002 Distinguished Educator Award from Florida State University and the Wayne T. Smith Distinguished Professor Award from Auburn University.

A celebration of her teaching career will be held July 22 at Auburn University. I congratulate Dr. Frances Kochan for her 47 years of service as an educator and join her friends and family in honoring her on this special occasion.

#### HONORING THE SERVICE AND SACRIFICE OF UNITED STATES AIR FORCE TECHNICAL SERGEANT MICHAEL PAUL FLORES

**HON. GABRIELLE GIFFORDS**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Ms. GIFFORDS. Madam Speaker, I rise today to honor United States Air Force Technical Sergeant Michael Paul Flores, who was killed in action on June 9, 2010.

Michael was a decorated 12-year Air Force veteran. During his eight deployments to Iraq and Afghanistan, he earned the Distinguished Flying Cross and twelve Air Medals. He grew up in San Antonio, Texas, where he graduated from John Marshall High School before enlisting in 1997.

A Pararescue Non-Commissioned Officer assigned to the 48th Rescue Squadron at Davis-Monthan Air Force Base, Michael belonged to a highly regarded and specialized unit known throughout the military for their skills and willingness to risk their lives to save others.

The motto of Pararescue units, "That Others May Live", speaks to the dedication that Michael and his brothers in arms share. He perished doing what he loved alongside other Air Force Rescue personnel, on a mission to save a British Soldier's life.

We remember Tech Sergeant Flores and offer our deepest condolences and sincerest prayers to his family. My words cannot effectively convey the feeling of great loss, nor can they offer adequate consolation. However, it is my hope that in future days, his family may take some comfort in knowing that Michael made a difference in the lives of many others and serves as an example of a competent and caring leader and friend that will live on in the hearts and minds of all those he touched.

Technical Sergeant Flores is survived by his wife Marisa, daughter Eliana and son Michael.

This body and this country owe Michael and his family our deepest gratitude, and we will today and forevermore honor and remember him and his service to our country.

ONGOING HUMANITARIAN CRISIS  
IN KYRGYZSTAN**HON. RUSS CARNAHAN**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. CARNAHAN. Madam Speaker, as Chairman of the House Foreign Affairs Subcommittee on International Organizations, Human Rights, and Oversight, I wanted to call attention to the ongoing humanitarian crisis in Kyrgyzstan.

Since the ousting of former President Kurmanbek Bakiyev's government on April 7, 2010, the southern Kyrgyzstan region along the Uzbekistan border has been plagued with ethnic violence. Instability and waves of violence have continued in Osh and Jalal-Abad, resulting in killings, rapes, beatings, and widespread pillaging and destruction of homes and communities. Moreover, there are reportedly at least 400,000 displaced persons, of which many are ethnic Uzbeks seeking refuge in Uzbekistan. Those remaining in Osh are isolated and living in fear of the next violent clash. Meanwhile, the Kyrgyzstan interim government continues to struggle to stabilize the region.

I am encouraged by recent actions taken by the U.S. Government and the international community in response to the humanitarian crisis. Last week, the State Department announced \$32.267 million in aid programs for humanitarian relief, reconstruction, and community stabilization. I look forward to working with the Administration to help ensure that taxpayer resources are spent efficiently, transparently, and effectively to help those Kyrgyz and Uzbeks most in need and establish lasting stability.

Additionally last week, the UN Human Rights Council condemned the ethnic violence in Kyrgyzstan and called on its interim government to conduct a complete and transparent investigation into the events of April 7 that led to the ouster of the previous government, as well as the ongoing ethnic violence.

Healing the wounds of ethnic violence and achieving long-term stability will not be easy in a region with such burgeoning ethnic tensions. It is important that the international community, including the United States, remains committed to addressing the humanitarian needs and achieving meaningful and sustainable progress in Kyrgyzstan.

TRIBUTE TO MILDRED DAVIS OF  
KANSAS CITY, KANSAS**HON. DENNIS MOORE**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to a resident of Kansas' Third Congressional District who will shortly celebrate her hundredth birthday—a goal that many aspire to, but few achieve. Mildred Davis of Kansas City, Kansas, will celebrate her hundredth birthday on June 30th. I know that you and all House Members join with me in wishing Mildred Davis many happy

returns of the day, and I am pleased to place in the RECORD a short biography of her, which was written by her friend, Joyce Dickens:

Ava Mildred Finnie Davis was born June 30, 1910, to Lillie Dedman Finnie and Lewis Finnie in Commerce, Texas. She was the youngest of five children—three brothers and a sister. Her parents and all brothers and sister have preceded her in death. Though her given name is Ava, she soon became known to all as Mildred.

She accepted Christ at an early age and was united with the New Hope Baptist Church of Greenville, Texas, before moving to Kansas City, Kansas, and uniting with Olivet Institutional Baptist Church where she has been a faithful and loyal member and worker for over 50 years. She served dutifully in the Women's Missionary Department, Baptist Training Union and the Sunday School for many years. She has encouraged and counseled many young people spiritually.

Mildred attended prep school and two years of college at Langston University in Langston, Oklahoma. In those days you could teach school in Texas with two years of college and she taught school at a small country school. She married Grady L. Davis (now deceased) in Paris, Texas, and they moved to Kansas City in the early 1940s. She worked at the old munitions plant in the Fairfax Industrial District during the war and after the war she began to work for well-to-do families in Johnson County cleaning and cooking. They soon discovered she was a superior cook and began to use her skills in the kitchen for their entertaining. In 1945 she and Grady bought their first home, at 615 Freeman Avenue, where she resided for over 60 years. She was childless and when my large family moved next door to her in 1954 she befriended me and took me under her wings making me clothes and encouraging me in my endeavors. I was only 12 years old and I loved going next door where she would regale me with stories of her youth and life. She was not only a fun person but also a wise mentor.

In the late 1950s Mildred began to work for the Internal Revenue Service during tax season. Eventually she was hired full time at the Social Security Administration where she retired after over 20 years of service.

She belonged to several community organizations including the Turtle Hill Homeowners Association, which was organized in her living room. This organization was instrumental in the redevelopment of the Turtle Hill area, which now has many new homes. She was also a long-time member of the now inactive L'Esprit Social Club and when meetings were held in her home, all members attended mainly because they knew the food and company would be excellent.

Mildred Davis is now a resident at Medicalodge Post Acute Care and continues to be loved and admired by many friends, associates and a foster daughter.

RECOGNIZING THE 145TH ANNIVERSARY OF JUNETEENTH AND THE 17TH CELEBRATION OF THE JUNETEENTH FREEDOM & HERITAGE FESTIVAL IN MEMPHIS, TENNESSEE

**HON. STEVE COHEN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. COHEN. Madam Speaker, I rise today to recognize June 19, 2010 as the 145th anniversary of the observance of Juneteenth in the United States and the 17th celebration in Memphis, Tennessee. While the Emancipation Proclamation was signed by President Abraham Lincoln in September 1862, it was not until June 19, 1865 that Union Soldiers led by Major General Gordon Granger proclaimed freedom to the last slaves in the far corners of the South in Galveston, Texas. To commemorate this day in our history and the political contributions of many African-Americans to our nation, the Memphis Juneteenth Freedom and Heritage Festival has chosen the theme, "A Tribute to African-Americans in Politics from Reconstruction to Present."

Hiram R. Revels of Mississippi, the first African-American to serve by appointment in the U.S. Senate in 1870 and Joseph Hayne Rainey of South Carolina, the first African-American elected to the U.S. House of Representatives in 1871, made tremendous political strides by paving the way for other African-Americans. Jefferson Long, although the shortest serving African-American in the U.S. House of Representatives, was the first to speak on the floor in 1870. Blanche Bruce of Mississippi was the first African American and only former slave to preside over the U.S. Senate in 1879 and William Dawson of Illinois was the first to chair a standing Congressional committee in 1949. Shirley Chisholm of New York was the first African-American woman elected to Congress in 1968. From my home of Memphis, Harold Ford, Sr. was the first African-American from Tennessee to be elected to the U.S. House of Representatives. His son, Harold Ford, Jr., was the first African-American Member to succeed his father. Today, we all have our first African-American President, Barack Obama.

From Reconstruction to the Sanitation Workers Union Strike in 1968, Memphis has been at the center of the movement for racial equality. Memphis is home to many prominent political figures including Robert R. Church, Jr., a political leader and founder of the first Tennessee chapter of the NAACP in 1917, and in 1964, A. W. Willis became the first African-American elected to the Tennessee General Assembly after Reconstruction.

Dr. Benjamin L. Hooks, former Executive Director/CEO of the NAACP and Dr. Vasco Smith, the first African-American elected to the Shelby County Commission and influential in the founding of The MED, both resided in Memphis until their recent deaths. Former Tennessee State Senator and civil rights judge Russell Sugarmon currently resides in Memphis and is still politically active. I am privileged to have worked alongside these men and to call them friends.

Since 1865, communities have gathered to celebrate Juneteenth through readings of the Emancipation Proclamation, singing of spirituals, and large gatherings of family and friends. For the past 17 years in Memphis, Juneteenth has been held in the historic Douglass Community, named after Frederick Douglass. The land on which the community sits was once owned by Reverend William Rush-Plummer, the son of a slave from Africa and a slave owner.

Madam Speaker, it is in the spirit of these great men and women and countless others that I ask my colleagues to join me in observing our nation's 145th anniversary of Juneteenth and the celebrations in Memphis. This is a time to reflect upon the end of slavery in America and to recognize the many contributions from African-Americans. As Dr. Martin Luther King, Jr. said, the Emancipation Proclamation "came as a joyous daybreak to end the long night of their captivity."

#### HOUSE SMALL BUSINESS LEGISLATION

#### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. SKELTON. Madam Speaker, one of the surest ways government can help generate economic activity, innovation, and job growth is by cutting taxes on small businesses, which are the backbone of the U.S. economy and employ more than half of all American workers.

I have voted for and cosponsored a number of small business tax cut bills during the 111th Congress and was pleased to vote last week in support of H.R. 5486, the Small Business Jobs Tax Relief Act. Among other things, this bill would cut capital gains taxes for small businesses and would quadruple the tax deduction for business start-up expenses from \$5,000 to \$20,000. H.R. 5486 is common sense legislation and ought to be quickly enacted.

Another way to stimulate business activity and create jobs is to help America's community banks lend money to small businesses. Business owners in Missouri tell me they want to expand but cannot because of a lack of financing. A second bill considered in the House last week, H.R. 5297, would allow small banks to tap into a \$30 billion fund at the Treasury Department so they can issue loans to healthy small businesses thirsting for capital to expand operations and hire workers. These funds would bypass Wall Street and go directly to Missouri communities where they can do the most good for small businesses.

Because the creation of this small bank lending fund is so important to economic development and job creation, it is supported by America's home town banks, small businesses, Realtors, and home builders, among others. I was pleased to support H.R. 5297 and encouraged that it passed the House with bipartisan support. I urge prompt action in the Senate.

#### RECOGNIZING THE LIFE AND PUBLIC SERVICE OF DERRYL ALBERT DUMERMUTH

#### HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. NUNES. Madam Speaker, I rise today to recognize the life and public service of retired teacher Derryl Albert Dumermuth. Derryl was an inspiration to all those who knew him, impacting the lives of his students and the surrounding community.

Derryl Dumermuth was the fifth of six children, growing up on his family farm in Fayette, Iowa. He attended Upper Iowa University and Iowa State College until he enlisted in the Marine Corps early in 1944. After World War II, he earned his bachelor's of science degree from Upper Iowa University and in 1955 he received the master of arts degree at Northern Arizona University. When the huge influx of students studying on the G.I. Bill threatened to swamp the faculty at Upper Iowa University, Derryl was hired to teach mathematics; the start of a successful career in public education.

In 1962, Derryl brought his family to my hometown of Tulare, California. Here he served as Tulare Union High School Math Department Chairman for 28 years, retiring in 1990. Derryl taught the first class of computer programming ever offered in the city of Tulare and developed the first Advanced Placement course for Tulare county schools, AP Calculus. High school yearbooks were dedicated to Mr. Dumermuth in 1952 and in 1981, he was chosen as the "Outstanding Math/Science Teacher in Tulare/Kings Counties," and was chosen as a mentor teacher for two consecutive years.

In addition to his devotion to education, Derryl was an active member of the community. He was the coordinator of the Docent Program at the Tulare City Historical Museum and church historian for the United Methodist Church of Tulare. He was also an active member of several organizations including the Tulare High School CTA and the Kiwanis Club of Greater Tulare. In 2001, Derryl wrote "A Town Called Tulare" as a fundraiser for the Tulare Historical Museum and two years later published "Tulare Legends and Trivia from A to Z."

Derryl was someone who I knew personally. He was a dedicated teacher and mentor, inspiring everyone he taught. His life's values and commitment to education will live on through his family, friends, and community.

#### HONORING REVEREND MARY MARGARET ECKHARDT

#### HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Reverend Mary Margaret Eckhardt, Pastor of St. Matthew's United Methodist Church in Livonia,

Michigan, upon her retirement after more than 30 years of service in ministry.

Reverend Eckhardt became an ordained minister in 1979 after having obtained her bachelor of science and master of science degrees from the University of Tennessee, going on to pursue her Master of Divinity from United Theological Seminary in Ohio. Reverend Eckhardt has served in four United Methodist Churches in Michigan, spending the last 8 years at St. Matthew's as an exceptional preacher, adult Bible Study leader and mission trip leader. She serves on the UMC district level as a Hunger Coordinator and at the conference level as an UMCOR Disaster Coordinator.

Serving her church as well as her community, Reverend Eckhardt has been an active supporter and member of the Rotary Club of Livonia and currently holds the position of Secretary. She avidly enjoys the outdoors as a hiker and bicyclist. Reverend Eckhardt has proven to be a woman of dedicated and irreplaceable service. She will be missed by the members of her congregation as she pursues the next chapter of her life.

Madam Speaker, for more than 30 years Reverend Mary Margaret Eckhardt has faithfully served her congregation, her church, her community and her Lord. As she enters the next phase of her life, she leaves behind a legacy of dedication, integrity, and excellence. Today, I ask my colleagues to join me in congratulating Reverend Mary Margaret Eckhardt upon her retirement and recognizing her years of loyal service to our community and country.

#### TRIBUTE TO KARA GORMLEY

#### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a popular television personality in Columbia, South Carolina as she leaves her post as a morning news anchor on Tuesday, June 22, 2010. Kara Gormley is a familiar face to Columbians who have watched her professionally report the news at WIS-TV for more than a decade. Her presence on the Sunrise program will be sorely missed.

Kara Gormley is a native of Carthage, New York, and is the daughter of the late Barbara and Robert Gormley. After graduating from Providence College in Rhode Island, Kara took her first broadcast journalism job in Wausau, Wisconsin. Midlands viewers first came to know Kara when she joined WIS News 10 in 1996 as co-host of the Sunrise program. She later took an assignment to anchor the evening news at 5:00 p.m., and serve as a featured health reporter.

In 2000, she was lured away from WIS, and became the morning news anchor at the NBC sister station in Raleigh, North Carolina. Her heart remained in Columbia, and Kara married Banks Meador, a native of Chester, in 2002, which led to her return to WIS. Back in Columbia, she anchored the weekend news and served as a weekday reporter. Later she re-joined the Sunrise program, where her journey at WIS began.

Kara has been recognized for her journalism talent by the Associated Press and the South Carolina Broadcasters Association. She has also earned the prestigious Edward R. Murrow Award of Excellence.

She has been very active in the Midlands community. Kara has generously donated her time and her talents to the National Alliance of the Mentally Ill, Special Olympics South Carolina, Project Pet, Sistercare, Camp Kemo, the Children's Miracle Network and Palmetto Health Children's Hospital. She is also an active supporter of Winston's Wish, a foundation of autistic children, and the national Safety Council's "Alive at 25" program, which promotes safe driving habits among drivers under 25.

Kara takes great pride in her contribution to Faces of Freedom, a book that profiles fallen heroes who lost their lives in Iraq and Afghanistan. The proceeds of the book go to charities that benefit military families.

As a former competitive swimmer and scholarship athlete, Kara is dedicated to promoting physical fitness. She helped create and build Limitless Sports, an organization that helps wheelchair-bound children and adults participate in athletics.

Kara and her husband will remain in Columbia, where she will focus on raising their three young sons—Dalton, Evan and Cooper.

Madam Speaker, I ask you and my colleagues to join me on congratulating Kara Gormley for her contributions to the field of broadcast journalism and to her dedication to making her community a better place to live. She has enriched the lives of so many during her years at WIS-TV, and I wish her all the best as she pursues other endeavors.

#### OUR UNCONSCIONABLE NATIONAL DEBT

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,040,053,515,762.18.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,401,627,769,468.38 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

#### HONORING REPRESENTATIVE PATRICIA B. SUTHERLAND

#### HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. MICHAUD. Madam Speaker, I rise today to recognize the accomplishments of Representative Patricia B. Sutherland and congratulate her on her pending retirement from the Maine Legislature.

Currently serving her second term in the Maine Legislature, Representative Sutherland has shown a continued dedication to serving the people of Maine and has been a tireless advocate for education and economic development in the state.

After receiving a bachelor's degree in English from Saint Joseph's College, Pat began her career teaching high school English, and a little over twenty years ago, Northern Maine Community College in Presque Isle, then Northern Maine Technical College, was fortunate enough to bring her on as their director of development and community relations. While Pat's retirement from that role was cause for some sadness, it provided an occasion to show her dedication to increasing Maine students' opportunities for higher learning. As the House Chair of the Maine Education and Cultural Affairs Committee, Pat has worked hard to improve education for all Maine students.

Pat is also a champion of economic development in Maine. Her commitment to economic development is exemplified by her contributions to Aroostook County's economic development initiatives, including the critical Aroostook County Empowerment Zone. Pat also chairs the Northern Maine Empowerment Council and is a board member of the Northern Maine Development Commission and the Leaders Encouraging Aroostook Development program. In addition, she is a member of the Presque Isle Kiwanis Club and is on the Town of Chapman's board of selectmen.

Patricia Sutherland continues to leave lasting marks on Maine. I am confident that she will continue to find ways to express her passion for educational and economic development during this new and exciting chapter in her life. On behalf of the people of Maine, it is with pride that I congratulate Representative Sutherland for her excellent work.

Madam Speaker, please join me in honoring Representative Patricia B. Sutherland for her continued dedication to serving the people of Maine.

#### TRIBUTE TO MONSIGNOR LOUIS ANTONELLI

#### HON. GREGORIO KILILI CAMACHO SABLAN

OF THE NORTHERN MARIANA ISLANDS  
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. SABLAN. Madam Speaker, I rise today to pay tribute to a man truly blessed by his Creator: a man who is religious, honest, faithful, devoted, and obedient to his calling. The man to whom I refer is the Reverend Monsignor Louis Antonelli, the pastor of San Isidro Church on the island of Rota.

Monsignor Antonelli was born on September 23, 1918, in Sheppron, Pennsylvania. He began his studies for the priesthood at the Stigmatine Minor Seminary in Waltham, Massachusetts in 1931, at the tender age of 13 years. He continued his studies at the Stigmatine Major Seminary in Wellesley, Massachusetts until he was ordained a priest on June 11, 1949, and immediately became an assistant pastor at the Sacred Heart Church, in Milford, Massachusetts.

Four years later in 1953, he was assigned to the U.S. territory of Guam, where he taught at Father Duenas Memorial School, a Catholic high school, until being reassigned to the mainland United States in 1959.

In 1970 he returned to Guam, this time as Assistant Pastor at the Agana Cathedral and San Vicente Church. He also served as Director of the Permanent Diaconate Program on Guam.

In 1973, he was sent to the Northern Mariana Islands, first for two weeks on Tinian, then to the permanent position of Pastor of San Francisco De Borja Church in Songsong, Rota. There he served until 1991, when he initiated and built the Rota San Isidro Mission at Sinapalu on Rota, becoming its Pastor and serving at the Mission up to the present day.

In his ministry, Monsignor Antonelli presided over countless masses, baptisms, catechism classes, counseling sessions, weddings and funerals. His daily work involves administering communion to hospital patients, prison inmates, the sick and the elderly.

In partnership with the Sisters of Mercy from Guam, he established the Escuelan San Francisco De Borja on Rota in 1985. Today, the school continues to provide grade school education to children on Rota. He is also directly responsible for the beautification and maintenance of the San Pedro Cemetery on Rota, which some have referred to as a mini Arlington National Cemetery because of the care Monsignor Antonelli has given this ground.

While ministering to his flock, Monsignor Antonelli also has found time to breed and raise cattle and to experiment with a variety of grasses to use as feed. He has a herd of nearly 100 head of cattle on his small Rota ranch. Many would say that the Monsignor has bred the best cattle and maintains the best grazing lands on Rota.

Monsignor Antonelli's service and activities have won wide recognition. Among the honors he has received during his service on Rota is recognition as the "Conservationist of the Year" in 1990 by the Luta Soil and Water Conservation District; and in 1996, Pope John Paul II named him "Prelate of Honor", which gave him the title of Monsignor.

Monsignor Antonelli has been a priest for 61 years, 37 of which he ministered to the spiritual health of the people of Rota, volunteered as a high school teacher and assisted farmers and cattle ranchers. He has declared and affirmed that Rota is his home for the rest of his life and also where he wants to rest in peace.

On behalf of the people of the Northern Mariana Islands, I wish to express my gratitude to Monsignor Antonelli for all his exceptional service and wish him good health and much happiness as he continues his ministry to our people: We look forward to his 92nd birthday in September!

HONORING MERTON WILLIAMS  
MIDDLE SCHOOL OF HILTON,  
NEW YORK, FOR BEING RECOGNIZED  
AS ONE OF THE TOP MIDDLE  
SCHOOLS IN THE COUNTRY

**HON. CHRISTOPHER JOHN LEE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. LEE of New York. Madam Speaker, I ask that the House join me in recognizing Merton Williams Middle School of Hilton, NY, for being recognized as one of the top middle schools in the country.

The National Forum to Accelerate Middle Grades Reform recently recognized Merton Williams Middle School as a School to Watch. Only 90 of the nation's 21,000 public middle schools are honored each year, and only 17 of New York's 1,121 public middle schools are honored this year.

Until the establishment of Merton Williams Middle School in 1964, middle school students in Hilton attended six different area schools. Today, Merton Williams lives up to the motto of the Hilton School District: "Maximizing the Potential of the Individual Learner."

The teachers and staff of Merton Williams are truly to be commended for their hard work and service to their students. Credit is especially due to Principal Carol Stehm and Assistant Principal Suzanne Goff for their exceptional leadership. But most importantly, I would like to congratulate the students of Merton Williams. Through their hard work and devotion to their schoolwork and their community, they stood out as an exceptional group of young adults.

I ask that this House once again join with me in congratulating Merton Williams Middle School for receiving this commendation and serving as an example to middle schools and junior high schools everywhere.

RECOGNIZING THE CENTRAL  
CATHOLIC SHAMROCKS

**HON. THADDEUS G. McCOTTER**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. McCOTTER. Madam Speaker, today I rise to acknowledge the Division 1 State Champion Golf team from my alma mater, Detroit Catholic Central High School. On June 12, 2010 the Catholic Central Shamrocks raised the MHSAA championship trophy after besting defending champion Grand Rapids Forest Hills Central by 14 strokes.

Under the tutelage of Coach Bill Hayes, the Shamrocks tied for second place in the Catholic High School League and seemed to get stronger with every step toward the finals of the state tourney. After securing a place in Division 1 District 7 on May 28, CC moved on to regionals on June 3, finishing behind top ranked Birmingham Brother Rice and Hartland.

The 8th ranked Shamrocks took to the links after round one with a slim 4-shot lead over Grand Rapids Forest Hills Central and sum-

marily set a new state final round record of 281. More impressive yet, CC set a new state tournament record of 569 besting the old record by 13 strokes. Remarkably, all four starters broke par, a feat no veteran golf coach at the course could recall ever seeing in a state final.

This championship marked the 2nd state golf title of the decade for Catholic Central. Indeed a remarkable accomplishment for this close knit group of young men, the hard work and dedication it took epitomizes what it means to be a Shamrock. By the teaching of our Basilian Fathers through goodness, discipline and knowledge the entire Catholic Central family, including this alumnus, shares in this unprecedented 6th Division 1 Championship brought home to Catholic Central during the 2009–2010 school year.

Madam Speaker, the 2010 Catholic Central Shamrocks deserve to be recognized for their dedication, achievement and spirit and I am very proud of their determination and effort. I ask my colleagues to join me in congratulating the Shamrocks for obtaining yet another title as well as for their devotion to our community and country. Live and die for CC High!

TRIBUTE TO MAYOR ROBERT D.  
COBLE

**HON. JAMES E. CLYBURN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 2010*

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a dear friend and outstanding public servant, the Honorable Robert D. Coble. Mayor Coble is retiring from public life after 25 years of service, the last two decades as Mayor of Columbia, South Carolina. He has served as a tireless advocate for the city and its residents, and his tremendous leadership will be missed.

Mayor Bob, as he is affectionately known, is a native of Chesterfield, South Carolina, but came to live in the city he now leads as a child. He is a graduate of Dreher High School, and went on to earn a bachelor's degree from the University of South Carolina. At USC's School of Law, Mayor Bob distinguished himself as a member of the Order of the Wig and Robe and graduated with a Juris Doctor cum laude.

Today he is a partner in the law firm of Nexsen Pruet. He has dedicated his legal career to practicing in the areas of economic development, health care, regulatory law and governmental representation. This expertise is a reflection of the issues he is passionate about in his public service.

In 1985, Bob Coble won a seat on Richland County Council where he served for 5 years before being elected Mayor of Columbia in 1990. During his 20 years at the helm of the city, Mayor Bob has focused on revitalizing downtown and the neighborhoods that surround it. Today, the city that Mayor Coble manages is almost unrecognizable from the one he inherited. The once gritty industrial corridor, just blocks from the State Capitol, has been transformed into a vibrant commercial thoroughfare known as the Vista. A riverfront

that was once dominated by the state's largest correctional facility is now home to a park, new residential developments and two popular museums. Former barrack-style public housing developments have been razed and replaced with affordable housing that families are proud to call home. These are just a few examples of the tremendous changes that have taken place in Columbia under Mayor Bob leadership.

The name Mayor Bob exemplifies the affable way he approaches the office and the people he serves. No issue is too small and no person is too insignificant for this humble public servant. He has met Presidents and Popes, but has never lost the common touch. He treats everyone with respect and dignity no matter their status in life.

His style of governing is one I can appreciate—consensus-building. This style was born in part because of his natural disposition, but also because of his role as a who held no more voting power than any other member of City Council. Despite this weak mayor form of government, Mayor Bob was anything but weak. He led the way in setting the agenda for the city and ensuring that his vision was carried out. And his influence went beyond the City of Columbia.

Mayor Bob was a vocal opponent of the Confederate flag flying over the State Capitol. He was also an integral player in the fight to save Fort Jackson from closure during two rounds of the base realignment process. I feel certain that it was because of his and other community leaders making such a strong case for Fort Jackson that its mission grew as other facilities were being closed.

Personally, I will never forget being rocked by images of the suffering and chaos after Hurricane Katrina and picking up the phone to ask Mayor Bob to help me bring survivors of that disaster to Columbia. He didn't hesitate, and worked throughout the Labor Day weekend to set up a one-of-a-kind center to provide all the services evacuees would need. The City of Columbia ultimately became the destination for more than 2,000 New Orleans residents who had no place to call home, and thanks to Mayor Bob they found a community that welcomed them with open arms.

Outside of his work on the city's behalf, Mayor Bob has also been personally committed to improving the community in which he lives. He has served on numerous boards and commissions and volunteered countless hours of his time. He started the City of Columbia's Lunch Buddy program and has been a lunch buddy for 12 years. Mayor Bob and his wife, Beth, founded the "First Ladies Walk for Life" to raise funds for breast cancer research.

He has served as the President of the Municipal Association of South Carolina and Chairman of the Fighting Back Task Force for Alcohol and Drug Abuse. He was instrumental in creating the Central Midlands Regional Transit Authority and has been the fundraising chairman of the United Negro College Fund. Mayor Bob is also a former member of the advisory board for the Medical University of South Carolina, the Council on Aging, the South Carolina Special Olympics and the Bethlehem Community Center. He is currently a board member with the River Alliance, Ingenuity, and the Central Carolina Economic Development Alliance.

Mayor Bob has received numerous awards during his 25 years of public service including the Chamber of Commerce's Ambassador of the Year (2004), Central Midlands Council of Governments Regional Leadership Award (2007), induction into Richland School District One's Hall of Fame (2007) and the Global Vision Award from the World Affairs Council (2008).

He is married to the former Beth McLeod and they are the proud parents of six children and two grandsons. They are members of Trenholm Road United Methodist Church, where he has taught Sunday school and was a Boy Scout leader for a number of years.

Madam Speaker, I ask you and our colleagues to join me in thanking Bob Coble for his tremendous record of public service. Even

though he is stepping aside to let a new leader take over the helm in Columbia, the city will forever reflect the many positive contributions Mayor Bob has made. He is a true leader and great example for anyone entering public service today to follow.

## HOUSE OF REPRESENTATIVES—Wednesday, June 23, 2010

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
June 23, 2010.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,  
Speaker of the House of Representatives.

### PRAYER

Reverend Steven Boes, National Executive Director, Boys Town, Nebraska, offered the following prayer:

Creator God, we ask Your blessings upon these men and women of the United States House of Representatives. Give them the wisdom of Father Edward Flanagan, the founder of Boys Town, who once said, "Any enterprise that does not have God at the heart of it is bound to fail."

Help them to clearly see the needs of America's children, families, and communities. Father Flanagan taught America, "There are no bad boys; only bad environment, bad training, bad example." Help them to understand that there are no bad families either. Every family has at least one member who loves their children and wants them to succeed.

Please inspire these Members to work together to strengthen our families and communities so that our children can become stronger in body, mind, and spirit.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Vermont (Mr. WELCH) come forward and lead the House in the Pledge of Allegiance.

Mr. WELCH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### WELCOMING REVEREND STEVEN BOES

The SPEAKER pro tempore. Without objection, the gentleman from Nebraska, Congressman TERRY, is recognized for 1 minute.

There was no objection.

Mr. TERRY. Mr. Speaker, I rise today to recognize our guest chaplain, a constituent of the Second District of Nebraska, Father Steven Boes. On July 1, Father Boes will celebrate 5 years as the national executive director of Boys Town, one of the largest nonprofit, nonsectarian child care organizations in the United States. He is the fourth priest to succeed Father Edward Flanagan who founded Boys Town in 1917.

A native of Carroll, Iowa, Father Boes holds a bachelor's degree in sociology and master's degree in theology and divinity from the University of St. Thomas in St. Paul, Minnesota. He also holds a master's degree in counseling from Creighton University in Omaha.

A priest of the Omaha archdiocese, Father Boes previously served as the director of St. Augustine Indian Mission in Winnebago, Nebraska, before coming to Boys Town. He has over 20 years of experience in nonprofit administration and youth advocacy and will be a great leader in carrying out Boys Town's mission in the 21st century.

For 93 years, Boys Town has helped at-risk youth and families through a variety of services, and the organization has now expanded to 12 locations nationally. Last year, the organization served nearly 370,000 children and adults across the U.S., Canada and the U.S. territories, as well as in several foreign countries.

Boys Town has grown significantly since Father Flanagan's era. In 1977, the Boys Town National Research Hospital opened its doors and has become a national treatment center for children with hearing and speech problems and other communication disorders. Boys Town also opened its national hotline in 1989. Currently, Boys Town is implementing its Integrated Continuum of Care, which allows each child or family to make progress within the same treatment model while still getting individualized care.

Today, I honor Father Steven Boes. He is dedicated to the children and families throughout our Nation, representing the true spirit and tradition of Boys Town.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

### WHERE'S THE MONEY?

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, this past Monday the Wall Street Journal ran an excellent article on the challenges facing small businesses. It began with a question that small businesses all across America are asking: Where is the money?

The Journal article cites a survey by the National Federation of Independent Business that found that half of the small businesses that tried to get the loans last year were either denied the loans or they were not given the money that they needed.

We found that small businesses in the Joint Economic Committee report have been badly hurt by the tighter lending standards that resulted from the financial crisis. That is why passing the Small Business Lending Fund Act last week was such an important step forward and sending it to the Senate.

Where is the money is an important question to ask, and the answer is, it is on the way. We hope that the Senate will act quickly and pass this important legislation.

### IN RECOGNITION OF JOHN BRUTON

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, it is an honor for me to thank John Bruton for serving the 2nd Congressional District with distinction. For the past 2 years, John has ensured South Carolina residents receive timely and accurate updates about the happenings in Congress. John has also been a key adviser on issues of science and technology, postal issues, and welfare. John's dedication and creativity will certainly be hard to replace as he heads off to law school at the University of South Carolina.

John Bruton is the son of Jean and John Bruton of Columbia, South Carolina, two parents who have been instrumental in their son's success. He is the grandson of the late judge J. Bratton

Davis, a legend of integrity and competence for the legal profession.

I am confident that John's education at my alma mater, Washington and Lee University, his experiences as a Sigma Alpha Epsilon, and his dedication as a congressional staffer have made John prepared for success in the field of law. He is a credit to the people of South Carolina. I wish him Godspeed.

In conclusion, God bless our troops, and we will never forget September 11th in the Global War on Terrorism. Congratulations to primary victors Nikki Haley, Ken Ard, Alan Wilson and Mick Zais.

#### KEEP THE DURBIN AMENDMENT IN THE WALL STREET REFORM BILL

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Mr. Speaker, the gentleman from Pennsylvania (Mr. SHUSTER) and I are speaking to you today about credit card relief for small businesses and merchants, and as we are, credit card lobbyists are roaming the halls trying to water down a very key provision in the Wall Street reform legislation. They know that if the conferees keep the Durbin swipe fee amendment in the bill, small business and consumers will gain, and the monopoly pricing of the credit card industry will lose.

Just yesterday, several Vermont small business owners told me how much the credit card and debit swipe fees are hurting their business. Katy Lesser, who owns Healthy Living Market in Burlington, told me her business paid \$250,000 in fees last year. This year it will be \$350,000. And Sheryl Trainor, who runs a Mobil station in Queechee, told me she could plow the money she spends on swipe fees into better wages and more jobs.

I call on my colleagues in the conference committee to put small businesses before the credit card industry and maintain the Durbin amendment in the final package.

#### SUPPORT THE DURBIN AMENDMENT

(Mr. SHUSTER asked and was given permission to address the House for 1 minute.)

Mr. SHUSTER. Mr. Speaker, I want to associate myself with the gentleman from Vermont's remarks and urge my colleagues not to be swayed by the lobbyists from the credit card companies that are trying to eliminate the Durbin amendment from this important legislation.

Let me make this point clear. The compromise reached in the conference committee does not eliminate the interchange fee or allow the Federal

Government to set the interchange fee. The amendment simply creates a level playing field for banks and small businesses to negotiate interchange fees like any other business contract.

The Sheetz Corporation, which has 363 stores in 6 States, is headquartered in my district, and last year, the Sheetz Corporation paid twice as much in interchange fees as they took in in net income after tax. Their second largest expense after payroll is the interchange fee. That means that for Sheetz, the interchange fee eclipsed the company's cost in rent for their 363 stores, and they are paying 1½ times the cost of providing health care to their nearly 13,000 employees.

The compromise reached by the conference committee benefits merchants, retains flexibility of small community banks and credit unions, and ultimately benefits the American consumer.

I urge the conference committee and my colleagues to support the Durbin amendment.

□ 1010

#### CAPPING CARBON DIOXIDE

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, we now are at a critical juncture to determine whether or not we will respond to a terrible problem in the oceans, and that is not just the oil spill in the gulf; it is the acidification of the oceans now caused by carbon dioxide that comes from the oil and gas industry and some other fossil fuel industries.

I would suggest Members may want to take a look at a new report. It was in Science magazine, published 2 days ago by the American Association for the Advancement of Science. This is their conclusion: "The world's oceans are virtually choking on rising greenhouse gases, destroying marine ecosystems and breaking down the food chain, irreversible changes that have not occurred for several million years."

We have a chance to restrict and restrain this pollutant, carbon dioxide, in a bill now pending in the U.S. Senate. We hope that in conversations with the President next week we come out with a firm, clear cap on carbon dioxide so we can stop what will otherwise be irreversible changes in our oceans.

#### PROMOTING SAFE AMERICAN ENERGY PRODUCTION

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Mr. Speaker, I rise to applaud the Federal District Court ruling yesterday overturning the ad-

ministration's job-killing moratorium on American energy production in the deep water of the Gulf of Mexico. This moratorium on drilling will ship thousands of good-paying jobs overseas. It will also make us more dependent on foreign oil. And finally, it's contrary to and in fact distorts the recommendations by a panel of independent scientists and engineers that the administration put together. It distorts their whole view that this industry-wide moratorium will in fact hurt safety by pushing the most experienced workers overseas and actually shipping all of our most advanced drilling rig technology overseas. It will hurt safety.

I urge the administration to back down from this ill-conceived, job-killing, arbitrary moratorium on American energy production.

#### HONORING THE SISTERS OF ST. JOSEPH

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Mr. Speaker, I rise today to honor the Sisters of St. Joseph of Northwestern Pennsylvania.

This year marks the 150th anniversary of service to the Diocese of Erie by the Sisters of St. Joseph. Since 1860, the Sisters of St. Joseph have cared for the people of Erie. They have provided quality education for our children, including establishing schools like my alma mater, Villa Maria Academy. To care for the sick and elderly, the sisters founded St. Vincent Hospital in Erie and the St. Vincent School of Nursing.

The dedication of the Sisters of St. Joseph has no bounds. They serve as nurses, teachers, social workers, ministers, and community leaders. As a former student of the sisters, I am eternally grateful for their love and guidance.

Mr. Speaker, it is my privilege to honor the Sisters of St. Joseph of Northwestern Pennsylvania today, and I thank them for 150 years of service to our community.

#### VAT TAX IS ONE TAX AMERICA CAN'T AFFORD

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, we've heard a lot lately about the need for a European-style value-added tax in the U.S. to solve our budget problem. And just yesterday, the ruling coalition in Britain announced that it wants to raise their nation's value-added tax from 17.5 percent to 20 percent. It's estimated that this increase would cost 163,000 jobs and reduce consumer spending by \$5.3 billion in the United Kingdom.

It's not a surprise that the VAT tax is creeping up in Britain. The average rate in Europe is now around 20 percent, and Greece raised their VAT rate to 21 percent as part of their bailout agreement. This is yet more evidence that the VAT taxes are easy for countries to raise during times of fiscal crisis.

With so much discussion about an American VAT, we have to be aware of what the true cost of such a tax would be to our own job growth and consumer spending. Early proposals might call for a 5 percent VAT tax, but in truth, the seemingly easy revenue would make it all too easy for the U.S. Government to quickly raise taxes to European levels. This seemingly easy tax revenue would have a great cost—American jobs. The VAT tax is one tax we can't afford in America.

#### HONORING MARNA DAVIDSON

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Mr. Speaker, today I rise to honor Marna Davidson, a great educator and leader in our community. Marna has worked in the south Florida office of the United Federation of Teachers for many years and has helped to run an extraordinary program for retired teachers in our community. After a total career of 45 years, Marna has decided to retire this year, and I would personally like to thank her for her service and wish her a wonderful retirement.

People like Marna are what make south Florida the best place to live in the country. Her lifelong dedication to teachers and her tireless dedication and commitment have had a real and lasting impact in our community. Of her decision to retire this year, Marna said she wants to "leave while I'm still in love." That sentiment truly captures Marna's spirit. And while the Boca Raton-based UFT office will surely be sad to see her go, we all respect her wise decision and wish her the very best in the next phase of her life.

Thank you, Marna.

#### AMERICA SPEAKING OUT

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, from the bailouts to the failed stimulus bills to the government takeover of health care to the failure to prevent and respond timely to the BP spill disaster, Americans are sick and tired of being ignored by their government. Republicans have heard this outcry and believe it is time to let Americans lead the way, so we've launched a new initiative aimed at giving every American a voice in Washington.

America Speaking Out was created as a platform for Americans to share their priorities and ideas for a national policy agenda. In addition to open forum town halls held across the country, we've launched Americaspeakingout.com, an online tool where Americans can go and express their opinion about what issues they believe government should be addressing regardless of party affiliation.

Through initiatives like America Speaking Out, Americans can make their voices heard in Washington. Now is your time to speak out, America.

#### JOB CREATION

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to discuss a very important matter, job creation.

2010 has shown that America is slowly getting back to its feet in terms of recovery. The newest job numbers indicate that over 419,000 jobs were created last month. According to a recent Associated Press release, Texas has the greatest amount of job creation in 2010.

Texas employers expanded payrolls by 43,600 during the month of May, making it the State's largest monthly gain in more than 3 years. Companies like American Airlines, AT&T, and Texas Instruments are creating jobs in my district because north Texas is a good place to do business.

As a country, we are getting stronger and stronger, but we still have a long ways to go. We must continue to invest in American businesses and in the American people. I urge my colleagues both in the House and Senate to come together to enact policies that create and encourage job creation.

□ 1020

#### WHY DOES THE ADMINISTRATION WANT TO PURPOSELY AND PUNITIVELY DESTROY JOBS?

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, a Federal judge stated yesterday the administration's ban on deepwater drilling was improper and illegal. The government imposed a 6-month moratorium after the BP disaster. Non-BP oil-related industries sued, saying the ban would put them out of business and cost thousands of jobs.

The government tried to justify the ban, but the judge said, "The government's explanation abuses reason and common sense." The government claimed its engineers supported the ban, but that's just not true.

The judge granted the injunction, stating the ban was "arbitrary", "ca-

pricious" and "punitive". In other words, the administration had no scientific basis for this absurd moratorium. The judge stated the oil-related industries "would suffer irreparable harm" by the moratorium. Of course, the administration doesn't care. Determined to stop deepwater drilling, the administration is going to appeal and issue another moratorium.

Mr. Speaker, why does the administration hate the energy industry in the gulf? Why does the administration want to purposely destroy American jobs? President Reagan was right: "The government is the problem."

And that's just the way it is.

#### DISCLOSE ACT

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute.)

Ms. EDWARDS of Maryland. Mr. Speaker, I rise with regret today to express my concern about proposed changes to the DISCLOSE Act that I cosponsored. One particular change is deeply troubling—both on the politics and the policy. Having worked on campaign finance and ethics reform for many years, I didn't come to this conclusion lightly or uninformed. I was among the first to say that the Supreme Court decision in Citizens United was both wrong and shouldn't have given corporations a blank check in our elections.

As an early cosponsor of DISCLOSE, I am dismayed that, in order to gain passage, we have fallen prey to bullying and threats from one of the most powerful special interest lobbying organizations in the country. Carving out an exception on behalf of one big group like this is just not the way to do reform. Shame on us.

I proposed an amendment that would treat all of these organizations the same and guard against unfair, undisclosed contributions. Corporations would be required to disclose if they had received more than 15 percent from any corporation or from donors who had contributed more than \$100,000 regardless of the number of members or whether they are on the right or the left. We shouldn't draw these arbitrary lines. We should be looking at the corrupting influence.

The question is "Who owns our elections?" Yet, before we answer that, we need to know who owns us—the NRA or the American people. You decide.

#### BUDGET

(Mr. WITTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WITTMAN. Mr. Speaker, yesterday, we heard Washington won't have a budget blueprint this year. For the first time in modern history, Congress

will not perform one of its primary responsibilities.

I believe it is simply not acceptable to pass the buck at a time when families are feeling uncertain about what comes next in this economy. All across this Nation, families are making tough choices. Is this decision to forgo a budget simply to pass on making tough choices? Without a budget, Congress is avoiding the tough choices American families and small businesses must make every day.

This failure to govern and to lead is especially alarming as spending deficits and debt continue to spiral out of control. The Treasury Department reported recently that the Federal Government is now \$13 trillion in the red, marking the first time the government has sunk that far into debt.

The United States simply cannot continue on an unchecked spending spree that will put the future of our economic strength in jeopardy in the short term and for the next generation. We have to control spending in Washington. It must start now. American individuals and families are looking for leadership.

I ask leaders of this House today to reconsider this decision and to perform the duties we are elected to do.

#### ENERGY REFORM

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, I understand the Republican party's love affair with fossil fuels. After all, the fossil industry has dominated the direction of energy policy in this country for the last generation, but the American people know that our future is not with fossil fuels, that it is not with oil and that it is not with coal. It is with alternative and renewable energy. They know also that this is the way we will help create new jobs in the economy.

In a recent poll, almost 70 percent of the people said they thought an emphasis on alternative renewable fuels, just like we have done in our ACES Act, will create jobs for the American economy—in one estimate, up to 2 million jobs. In my own district, General Electric is bringing back 800 jobs to build energy-efficient appliances—400 of them coming back from China.

Energy reform is a job creator. The American people know it. I hope the Republican Party will join us in bringing the energy situation in this country into the 21st century and will join us in creating new jobs for a new American economy.

#### BP OIL SPILL

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, the difference could not be any clearer. As tar balls continue to roll onto the beaches of the gulf coast States, my colleagues on the other side of the aisle are apologizing to BP for the government's holding them accountable. While they continue to chant "drill, baby, drill" and to put forward ideas that benefit Big Oil, Democrats are moving America in a new direction.

I rise today to stand with the families, the small businesses, the communities, and the economy of the gulf coast and our country to say that we can no longer be held hostage by our gluttonous dependence on dirty oil, most of which is imported from our enemies around the world. Instead, we must change our priorities and stand up to special interests by continuing to promote a clean energy economy and to create good-paying American jobs for American families. In fact, 87 percent of Americans support requiring utilities to produce more energy from renewable sources, sources that cannot be outsourced or imported.

A clean energy economy will make our country safer, more energy independent and will create jobs. In the meantime, let's be strong and steadfast and hold BP accountable.

#### DUMPSTER DIVE

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, I rise today out of disgust over recent comments by Rush Limbaugh about child hunger.

A few days ago, I was sent Mr. Limbaugh's response to the news that more than 16 million children will face "a summer of hunger" because they won't have access to free or discounted meals they usually get at school.

Mr. Limbaugh ultimately recommended these children dumpster dive—dumpster dive to find food until school starts back up. In the midst of a deep recession that has forced millions of Americans to face the daily fear of losing their homes and of failing to provide food for their kids, all Mr. Limbaugh can contribute is another awful example of shameless and callous commentary.

Ask yourselves: When is the last time that Rush Limbaugh missed a meal? Take a look. You judge for yourselves.

#### FELLOW AMERICANS, LET US REMEMBER OUR OWN BASIC DECENCY AS A PEOPLE

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, I want to put something on our minds.

When President Obama, head of the executive branch of our Federal Gov-

ernment and as an invited guest speaker of the House of Representatives, has his remarks interrupted in defiance of the rules of the House by a Member of this House, shouting "you lie"—and no amount of apology can remove the scar on this House's dignity—when the commander of the United States forces in Afghanistan—General McChrystal—and his subordinates feel free to make mocking criticisms of their Commander in Chief, Barack Obama, to the national media and when these acts of disrespect and insubordination are openly directed at President Obama, our Nation has entered into an era of negativity and cynicism unprecedented in this Republic's history.

Only one question comes immediately and painfully to mind with these outrageous words and accusations, which would once have been universally deplored and which would have been far beyond and beneath the pale of what Americans and America are all about.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### REQUIRING CERTIFICATION FOR SMALL BUSINESS LENDING FUND

Ms. KOSMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5551) to require the Secretary of the Treasury to make a certification when making purchases under the Small Business Lending Fund Program, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5551

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CERTIFICATION UNDER THE SMALL BUSINESS LENDING FUND PROGRAM.

Before the Secretary of the Treasury makes the first purchase (including a commitment to purchase) under the Small Business Lending Fund Program under the Small Business Jobs and Credit Act of 2010, the Secretary shall certify, under oath, to the Inspector General of the Department of the Treasury, with a copy to the Comptroller General of the United States, that the purchase-decision process has been designed so that each purchase decision is made solely on the basis of economic fundamentals and not because of any political considerations.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. KOSMAS) and the gentleman from Texas (Mr. NEUGEBAUER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. KOSMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. KOSMAS. I yield myself 3 minutes.

Mr. Speaker, last Friday, the House approved H.R. 5297, the Small Business Lending Fund Act, which creates important programs designed to increase access to capital for small businesses and which allows them to create new jobs.

□ 1030

I would like to thank Chairman FRANK, Congressman GARY PETERS, Congresswoman MELISSA BEAN, and Chairwoman NYDIA VELÁZQUEZ for their hard work and effort on this legislation. The bill will encourage new lending by financial institutions, and this will help small businesses access the capital they need to continue innovating, growing, and creating jobs in our communities.

During the debate on this bill, the minority offered a good suggestion for the oversight of the Small Business Lending Fund, specifically regarding the disbursement of the funds provided for under the program. Today, we are here to take action on their suggestion to enhance this oversight.

I am pleased to sponsor, along with Mr. DRIEHAUS, H.R. 5551, which will require the Secretary of the Treasury to certify, under oath, to the Inspector General that determinations on the disbursements from the Small Business Lending Fund are based on economic need and not political considerations. We believe this enhanced oversight to be a good addition to the already existing oversight for the program, and we believe that it will go further to make sure that the necessary funds are made available to the small businesses in the areas of the country and of the economy that need it the most. H.R. 5551, together with H.R. 5297, will provide much-needed assistance to small businesses across the Nation. I urge my colleagues to support this effort.

Mr. Speaker, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Speaker, I yield myself such time as I may consume.

Last week I did offer a motion to recommit that would have required Treasury to certify that every transaction made from the \$30 billion TARP Jr lending fund be made on the basis of economics and not politics. As we pointed out during our debate last

week, there are several examples of lending to banks out of the first TARP fund that raise questions of whether political considerations were involved in deciding which banks received this money.

When we voted on the issue last week, 237 Members of the other side of the aisle voted against having Treasury certify that each transaction using the taxpayers' \$30 billion is based on economics and not politics. Those same Members all voted against putting an experienced and effective regulator over the new program, simply because the regulator has TARP in his title. When the Treasury Department lends \$30 billion more of taxpayers' money out to banks, the taxpayers deserve better protection than they are getting.

The majority last week exposed the taxpayers to greater likelihood of waste, fraud, and abuse and added to the cost of setting up a new regulator when we already had one. Today, the majority is back on the floor trying to make amends for their vote against the taxpayers.

During the debate last week, Chairman FRANK said, We'll go you one better in this effort. Let me repeat that. We'll go you one better. If the bill on the floor today is "one better" than our proposal, I would hate to see what happened if the majority tried to go "one less."

The bill today does not require a certificate for each investment transaction, as our motion to recommit would have required. Instead, this bill only asks Treasury to certify that the purchase decision process has been designed to ensure decisions are made because of political considerations. Let me repeat that: Certifying that the purchase decision process is designed so that decisions are made based on economics and not political is not going one better than certifying that each actual purchase with the taxpayers' money was made based on economics and not politics.

I'm sure the purchase decision process for the original TARP was not intended to bring any politics into play. While I may not have supported TARP, the purchase decision process was aimed at investing capital in healthy banks to support banks in lending. However, when the individual investment decisions were made with the first TARP, legitimate questions have come up whether political and considerations involving certain banks receiving funds were in fact taken into consideration.

As we recreate this second TARP for smaller banks, we need to make sure that our past problems are not repeated. This bill falls short of a motion to recommit that we offered last week. Last week, Chairman FRANK said, We'll come forward with further reinforcement of the oath-taking—we'll even

make it oath-taking. Having Treasury certify under oath that the decision process for this new TARP fund for small banks is based on economics and not political is not further reinforcement. It is not even the same as requiring Treasury to certify that each specific investment decision is based on economics or not politics, and I think the taxpayers are smart enough to see the difference.

Mr. Speaker, let me just make an example here. What this process that our colleagues on the other side have brought is the same promise that every 16-year-old young woman or young man makes to their parents when they get their driver's license and borrow the car: promise me you won't ever get any tickets. And they promise. And so basically what we're going to have is the Treasury is going to take an oath that we promise we won't let politics be involved in this process. But we'll have no certification on whether politics, as these transactions play out, whether politics or influence was used to influence how these investments were made. And so we're going to take an oath up front, but no certification during the process. I don't think that's good policy.

With that, I reserve the balance of my time.

Ms. KOSMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. DRIEHAUS).

Mr. DRIEHAUS. Mr. Speaker, I thank the cosponsor of this resolution, Ms. KOSMAS, for yielding.

Last week, we passed the Small Business Lending Fund Act. I offered an amendment at that time that would create the Office of Small Business Lending Fund Oversight under the authority of the Treasury Inspector General. This office would strengthen accountability by helping ensure that loans are being put to use where they're most needed and put to use in a way responsible to taxpayers. The bill we're now considering would further improve oversight by requiring the Treasury Secretary to certify to the Treasury Inspector General, under oath, that loan disbursements are based on economic need and not political considerations.

Credit where credit is due, Mr. Speaker. This idea was brought to the floor last week in a Republican motion to recommit. However, that measure would have required a special certification to the Special Inspector General for TARP, which is not the appropriate oversight body for this bill. The Small Business Lending Fund is not part of TARP, and it isn't reliant upon TARP funds. But it is critically important that these loans are helping small businesses to invest and create jobs.

This legislation will provide greater assurance that the Small Business Lending Fund is most effective in aiding our recovery, and I urge speedy

passage. However, I think I would be remiss if I weren't to comment on the gentleman from Texas's comments, and that is this comparison between the oath being taken by the Treasury Secretary and a 16-year-old driver. I do in fact believe an oath taken by the Secretary of the Treasury, just like an oath taken before a committee of Congress, means something, and it means something very serious.

Now, as much as the gentleman from Texas and his colleagues would have us want to talk about the TARP, this is not the TARP. This was never the TARP. And I want to remind the Members about the Inspector General at Treasury because we treat the Inspector General at Treasury as if he hasn't done this before. Several references were made last week to his inability.

So I want to talk just a minute about this. The Small Business Lending Fund will not be a TARP program. It will not be funded with TARP money, and the oversight body should not be TARP either. In fact, we're giving it to the Inspector General at Treasury, Mr. Thorson, who served as the Inspector General for the Small Business Administration from 2006 to 2008. In that short time, Mr. Speaker, his office uncovered what is believed to be the largest government-backed loan fraud scheme in history. He's not an amateur. Roughly \$75 million was uncovered in that loan investigation. As a result of their investigation, they arrested 15 people in one day and convicted the executive vice president of one bank and the vice president of another.

Again, this is not TARP money. I realize that doesn't fit with the overall political objective of the opposition to suggest that we are extending yet another TARP. This is not TARP. This is about getting money to small businesses and creating jobs in the United States.

Mr. NEUGEBAUER. Mr. Speaker, I appreciate the Democrats wanting to bring a little bit of additional oversight into this. So I would ask unanimous consent, then, that we take the language from the motion to recommit that says the Secretary shall have to certify every transaction and make that a part of the text of this bill.

The SPEAKER pro tempore. The proponent of the motion would have to withdraw and offer a new form of the motion to achieve that end.

Mr. NEUGEBAUER. So I guess my colleagues are not really serious about making this oversight stronger. We're going to go with the watered-down language, which basically says the Secretary is going to certify that we're going to put together a little process here and we think that, one, it will not be based on politics or influence from outside, but we're not going to make him accountable for each billion-dollar investment or millions of dollars of in-

vestment of the taxpayers' money into these banks. And so I wish my colleagues on the other side were actually serious about what we're doing here.

I appreciate the majority's trying to address these shortcomings. However, I've already covered that today's bill falls short of the protections for taxpayers offered in the motion last week. At the same time, the majority said those protections were just another bureaucratic layer in the process. I don't think the taxpayers see it that way. Just like the Capital Purchase Program within TARP, this new \$30 billion lending fund will make capital investment in banks with taxpayers' dollars. Unlike the TARP program, however, this new program will lack the strong oversight provided by the Inspector General for TARP or SIGTARP. That same SIGTARP last week announced a \$2 billion fraud indictment involving an attempt by a bank to obtain TARP money. The regulator put in charge of this new TARP-like fund, the Treasury Inspector, was not even involved in this fraud case.

□ 1040

According to GAO and the Treasury Inspector General's report, the Treasury Inspector General is currently focused on material loss reviews required for failed banks due to the large number of bank failures. Adding oversight of the \$30 billion lending fund will require more resources, creating more bureaucracy when we already have in place an agency that can do this job.

SIGTARP has considerable experience overseeing a program in which government purchases preferred stocks in banks—TARP and TARP 2, both the same program. If we create a new TARP program that will also purchase shares in banks, we should use the same oversight agency that has a proven track record and expertise. Doing less is a disservice to the taxpayers. Merely requiring certification that the process the Treasury intends to use will prevent politics from coming into play is not the same as requiring Treasury to certify that each transaction made was based on economics and not politics.

The majority can't have it both ways. You can't say you are going to go "one better" than the protections in our motion to recommit that you called another "bureaucratic layer" and then do less, which basically is the bill that they brought before us today.

I reserve the balance of my time.

Ms. KOSMAS. Mr. Speaker, I yield such time as he might consume to the gentleman from Ohio (Mr. DRIEHAUS).

Mr. DRIEHAUS. I thank the gentleman for yielding.

Mr. Speaker, again, this is a straightforward amendment. If you want to make sure that politics isn't involved in the Small Business Lending Fund, you want to make sure that the Treas-

ury is sticking to their oath and making sure that these are based on economic decisions, then you vote for this bill. If you believe politics should be part of it, then vote against it.

We keep missing the mark here in terms of the Republicans. The Republicans want to talk about SIGTARP. This isn't about TARP. No more should SIGTARP be overseeing the Department of Defense than should they be overseeing small business lending. This is about Treasury and making sure that politics aren't part of the decisions being made at Treasury. Again, if the Republicans think politics should be part of the decision, they can vote "no," but we took them at their word that they didn't think politics should be part of the Treasury function. We've taken it away through the Inspector General. The Inspector General has an incredible track record. We respect that track record. And if the Republicans don't respect it, they can, with all due respect, vote against this. But again, this is not TARP money. As much as they would like to have us believe that this is, again, another TARP, it is not. And I realize that doesn't fit into the political rhetoric that is so often used around here, but it is the reality.

Mr. NEUGEBAUER. I will remind the gentleman that the original TARP program was the Federal Government investing taxpayer dollars into the preferred stock of banks. I would encourage the gentleman to read the text of this bill that we passed last Friday. And what does that say? It says the Federal Government will tax the taxpayers' money and provide preferred stock. Now you can try to call it something else, but it's a TARP program.

I want to go back to something that happened last week. During that debate, the gentlewoman from New York (Ms. VELÁZQUEZ) said that those of us on this side of the aisle wanted to keep TARP going. Let's go back to the record here. I didn't get a chance to respond then, so I want to set the record straight.

TARP was supposed to expire on December 31, 2009, and there was strong support for allowing TARP to expire. In fact, more than 100 of us on this side of the aisle sent a letter to Treasury Secretary Geithner that urged him to let TARP expire. In fact, we introduced legislation to force the expiration of TARP. We voted against the majority's legislation to divert TARP funds for other spending. But the Treasury Secretary extended TARP through this October, and the majority did nothing to stop it.

Just as we are, again, getting close to having TARP expire, the majority brings up a bill that creates what is essentially a second TARP program, and it will last for years. So who wants to keep TARP going? Rather than doing something that creates more certainty

for small businesses to grow and add jobs to this economy, the majority is repeating the same failed initiatives that have helped grow our national debt to over \$13 trillion in the past 2 years.

We've had record bank failures, including four banks that were TARP recipients. When those TARP recipient banks failed, the taxpayers' investment of \$2.6 billion was essentially wiped out. More than 100 banks that have received TARP funds have missed their dividend payments. These missed dividend payments have cost the American taxpayers more than \$200 million. The sad thing is that there are things Congress could do that actually help small businesses. Instead, the majority has chosen to pass a bill that will cost taxpayers billions of dollars and do nothing, really, to help small businesses. And today the majority has chosen to provide fewer taxpayer protections than we offered last week.

Mr. Speaker, I appreciate the fact that the majority thought we had a good idea. I just wish they would have used our idea. So the vote today is, Do you want to make sure that the taxpayers have a strong oversight, or do you want a watered-down version?

I yield back the balance of my time.

Ms. KOSMAS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. KOSMAS) that the House suspend the rules and pass the bill, H.R. 5551, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. KOSMAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### RECOGNIZING NATIONAL HOMEOWNERSHIP MONTH

Ms. KOSMAS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1434) recognizing National Homeownership Month and the importance of homeownership in the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1434

Whereas the month of June is recognized as National Homeownership Month;

Whereas the people of the United States are one of the best-housed populations in the world;

Whereas owning a home is a fundamental part of the American dream and is the larg-

est personal investment many families will ever make;

Whereas homeownership provides economic security for homeowners by aiding them in building wealth over time and strengthens communities through a greater stake among homeowners in local schools, civic organizations, and churches;

Whereas creating affordable homeownership opportunities requires the commitment and cooperation of the private, public, and nonprofit sectors, including the Federal Government and State and local governments;

Whereas homeownership can be sustained through appropriate homeownership education and informed borrowers; and

Whereas affordable homeownership will play a vital role in resolving the crisis in the United States housing market: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) fully supports the goals and ideals of National Homeownership Month;

(2) recognizes the importance of homeownership in building strong communities and families; and

(3) reaffirms the importance of homeownership in the Nation's economy and its central role in our national economic recovery.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. KOSMAS) and the gentleman from California (Mr. GARY G. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

#### GENERAL LEAVE

Ms. KOSMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. KOSMAS. Mr. Speaker, I yield myself 2 minutes.

This bipartisan resolution supports the goals and ideals of National Homeownership Month and reaffirms Congress' commitment to helping working families fulfill a fundamental part of the American Dream. Importantly, this resolution recognizes the vital role that homeownership plays, together with safe and affordable rental housing, and building strong communities and families, and it affirms the central role that responsible homeownership plays in our economic recovery.

I hope my colleagues will join in support of this resolution that will send an important signal to the American people that creating fair and responsible homeownership opportunities requires commitment and cooperation, and that Washington is up to the challenge.

Mr. Speaker, I reserve the balance of my time.

Mr. GARY G. MILLER of California. I yield myself such time as I may consume.

Today I rise in support of House Resolution 1434, recognizing the significance of homeownership in America.

Every year, this body comes together to designate June as National Homeownership Month. To continue this long record of recognition, H.R. 1434 provides congressional recognition of National Homeownership Month and the importance of homeownership in the United States.

Owning a home is a fundamental part of the American Dream and is the largest personal investment most families will ever make. For millions of families across this country, a home is more than just the symbol of the American Dream. It's the backbone of the American way of life. Moreover, in addition to providing financial benefits to individuals, homeownership helps strengthen communities. Since homeowners are investing not only in themselves, but in the community, they have a greater stake in the success of their local schools, civic organizations, and churches.

For the past several years, this country has experienced significant upheaval in the United States housing market. The turmoil being experienced by homeowners has been devastating and swift moving, and Americans are looking to their leaders in government to end the terrible housing situation without placing an additional burden on the taxpayers.

□ 1050

My home State of California, in particular, has been heavily impacted by the mortgage crisis, with thousands of families losing their homes. Thirty-four percent of homeowners in my State currently have negative equity in their home. It is crucial that the body recognize the impact of the problems facing the housing market so it can take steps to ensure that equity and liquidity return to the marketplace.

Despite all that is occurring in the current housing market, we need to remember that home ownership has historically been the single largest creator of wealth for most Americans. As someone who has been involved in the industry for over 35 years as a developer, I have seen my fair share of the housing market downturns.

From these experiences, I have learned at times of stress it is important to ensure that liquidity continues to flow to the housing market in order to keep the market functioning. Accordingly, the loan limit increases passed by this body are finally providing affordable, safe mortgages for homeowners in the high cost areas who were previously forced to resort to risky loans and impaired their ability to keep their home.

Additionally, to bring stability to the housing market and encourage responsible home ownership, I have sponsored legislation to allow homeowners going through foreclosure to stay in their homes and have the option of

buying them back in the future. During these economically challenging times, it is more important than ever to provide relief to hardworking Americans.

In conclusion, in the first quarter of 2010 the national home ownership rate decreased to 67.1 percent. This is the lowest home ownership rate since the first quarter of 2000. Additionally, in the first-time buyer age group of under 35 years old, the home ownership rate fell to 38.9 percent, which is the lowest level since 1997.

Assisting home buyers and homeowners by permanently increasing the loan limits, enabling borrowers in financially distressed homes to stay in their homes, must be a priority for this body. These efforts will help maintain the Nation's home ownership level and speed up the overall recovery of the housing market.

I reserve the balance of my time.

Ms. KOSMAS. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of House Resolution 1434, recognizing June 2010 as National Homeownership Month. I am proud to be an original cosponsor of this important resolution, and I commend my good friend and colleague, Congressman GARY MILLER from California, for its introduction.

This year's theme is Protecting the American Dream. American families deserve the opportunity to achieve and sustain the dream of home ownership. This administration and Congress have been taking the necessary measures to help existing homeowners stay in their homes, to offer a second chance to millions of responsible families, to encourage wise and affordable home purchases, and to stabilize our households, neighborhoods, and communities.

The House of Representatives passed the Federal Housing Administration Reform Act of 2010. Sponsored by Chairwoman MAXINE WATERS of California, the bill also helps families realize the American Dream of home ownership, protects Americans from mortgage fraud, and saves taxpayers money. The legislation ensures that the Federal Housing Administration remains viable and continues to provide qualified borrowers with access to prime credit.

FHA insurance has been particularly important for minority communities, for low-income families, and for first-time home buyers, and will continue to help my congressional district, which is 80 percent Hispanic and poor.

The Homebuyer Tax Credit the House has extended several times has increased home sales and helped stabilize the housing market. Estimates suggest that this credit and several extensions will have resulted in 1 million additional home purchases and saved an average of \$21,000 in equity for American homeowners who indirectly benefited from the stabilization of house values.

In my capacity as chairman of the Congressional Rural Housing Caucus, I have managed to collaborate with my colleagues in obtaining a substantial amount of money for the USDA Section 502 Single Family Direct Loan program. Recently, I worked closely with the USDA's Department of Rural Housing Service on additional commitment authority for the Section 502 Single Family Guaranteed Loan program. The House of Representatives and USDA's Rural Housing Service have done our jobs. It's my sincere hope that the Senate will act quickly on the 502 Single Family Guaranteed Loan program so that banks can close on loans.

The House has passed antipredatory lending legislation and is now in conference with the Senate on legislation that will increase consumer protection by reforming our financial services regulations and legislation. Moreover, the House of Representatives has passed legislation reauthorizing the National Flood Insurance Program that will help Americans in their times of need. Hundreds of thousands of first time home buyers will be unable to close on their homes if they are located in floodplains and require flood insurance. I humbly ask that the Senate reauthorize the National Flood Insurance Program as quickly as possible.

Mr. Speaker, dozens of communities across the Nation have planned events and activities throughout June to highlight the benefits of home ownership and share information on ways families can remain successful homeowners.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. KOSMAS. I yield an additional 10 seconds to the gentleman.

Mr. HINOJOSA. I am glad that we are in Congress acknowledging their efforts through this resolution.

I urge all my colleagues to support this important resolution.

CONGRESS OF THE  
UNITED STATES,

Washington, DC, June 17, 2010.

Hon. NANCY PELOSI,  
Speaker, U.S. House of Representatives, Washington, DC.

Hon. JOHN BOEHNER,  
Minority Leader, U.S. House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER: The homebuyer tax credit has been extremely successful in increasing home sales and stabilizing the housing market. Early estimates suggest that when complete the credit will have created 1 million additional home purchases, and saved an average of \$21,000 in equity for American homeowners who indirectly benefited from the stabilizing of house values.

However, many relatively new challenges to the industry have delayed the closing for too many homebuyers who made every effort available to sign for a house by April 30, 2010 and close by the June 30, 2010 deadline. Lenders involved with short sales and foreclosures have not been able to respond fast enough to allow homebuyers to close. Federal programs, such as FHA, VA loans and

USDA Rural Development have not always kept up with demand. USDA's single family home loan guarantee program ran out of funds in early May, thus eliminating a lending source for qualified homeowners and builders who had planned on the government program as early as last year. All of these delays were not foreseen by homebuyers or even Congress who set 60 additional days as an appropriate window of time to complete a closing.

We ask that the June 30, 2010 deadline be extended for those homeowners who entered into a binding contract by April 30, 2010. The Nationals Association of Realtors estimated that up to 180,000 eligible homebuyers who signed contracts will be unable to close before the June 30, 2010 deadline. We support the bipartisan effort in the Senate to include an extension of the deadline in legislation making its way to the President and would also support an extension as a standalone bill. The housing market remains fragile and vulnerable to the uncertainty created by thousands of potential homebuyers not knowing if they will receive their tax credit. Passing an extension sooner rather than later will help avoid the inertia and bottleneck in home sales created by the unknown outcome of so many pending closings.

Extending the deadline is the fair thing to do, and so Congressional action would be both appropriate and beneficial to thousands of our constituents. H.R. 3548 which extended the homebuyer tax credit was supported by both sides of the aisle on November 5, 2009 by a vote of 403-12. This provision was pushed by both Republicans and Democrats who wanted it extended to April. Therefore, ensuring the tax credit can be administered efficiently and fairly is shared by both parties. As you consider additional measures to strengthen the economy and support job growth we urge to support a fix to the homebuyer tax credit.

Sincerely,

Joe Courtney; Shelley Berkley; Bob Filner; Solomon P. Ortiz; Maurice D. Hinchey; Rosa DeLauro; Ike Skelton; Carol Shea-Porter; Kathy Dahlkemper; John Boozman; John J. Duncan, Jr.; Jerry Moran; Sanford D. Bishop, Jr.; Paul Tonko; Gene Taylor; Lincoln Davis; Ileana Ros-Lehtinen; Kathy Castor; Eddie Bernice Johnson; Nick Rahall; Madeleine Z. Bordallo; Jim Costa; Frank Pallone, Jr.; Timothy Bishop; Dean Heller; Chris Van Hollen; John Boccieri; Ron Paul; Larry Kissell; Dan Burton; Dina Titus; Thomas S.P. Perriello; Michael E. McMahon; John Adler; Baron P. Hill; Dennis Cardoza; Marcy Kaptur; Vernon J. Ehlers; Mike McIntyre; Lloyd Doggett; John Spratt; Brad Ellsworth; Alcee L. Hastings; Daniel Maffei; Betty Sutton; Bobby Bright; Leonard L. Boswell; Donald A. Manzullo; Bruce L. Braley; Steve Israel; Jerry McNerney; Ruben Hinojosa; Thomas Rooney; Phil Hare; Timothy J. Walz; Harry E. Mitchell; Suzanne M. Kosmas; Ander Crenshaw; Deborah L. Halvorson; Bill Foster; Paul E. Kanjorski; Henry E. Brown, Jr.; Patrick J. Murphy; Nita M. Lowey; Edolphus Towns; Howard L. Berman; John Barrow; Brad Sherman; Steve Kagen; Russ Carnahan; Joe Wilson; Henry Cuellar; Gerald E. Connolly; Dave Loebsack; Walter B. Jones; Pete Stark.

Mr. GARY G. MILLER of California. I yield myself the balance of my time.

As I said, owning a home is a fundamental part of the American Dream,

and I have been honored to introduce this resolution, I think, for the past 12 years. It is a fundamental part, but that doesn't mean that everybody necessarily is in a position to own a home at a given time. And that's something people need to strive for in their lives and look for in the future.

And if you look at the situation—and my colleague was talking about FHA—FHA, Freddie, and Fannie are providing about 92 percent of all the loans in this country. If it were not for that, people in this country could not buy or sell a home basically because there is not liquidity in the marketplace to deal with it other than the GSEs.

But at the same time, we need to understand that underwriting standards for FHA, Freddie, and Fannie need to be very solid, thereby not putting any of the agencies or the taxpayers at risk. I think FHA has done a good job recently increasing their underwriting standards, requiring people to be in a better position to be able to repay their mortgages, and this is essential.

The National Association of Realtors is strongly behind this resolution. Although this is a statement that Congress is making, it doesn't require any action, it's a significant statement. It's being made on behalf of the American people who believe they want to own a home, they have a right to own a home, and if they are in a position to do that, we are encouraging that.

The Realtors say that 5½ million taxpayers depend on the NFIP to protect them from flooding. We are going to deal with that in the next bill. They also came and supported the resolution we are putting before us today. So there are two resolutions in a row that are very important to home ownership in this debate today. The one we have before us is the concept that people should have a right to own a home.

With that, I yield back the balance of my time, and I ask for an "aye" vote on this resolution.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in support of H. Res. 1434 to recognize National Homeownership Month and the importance of homeownership in America. As you know, homeownership is an important portion of our economy and a central piece of American culture that lies within the idea of the "American Dream".

The idea of homeownership being central to the "American Dream" has a long history. Some believe that its roots date all the way back to 1776, where in the Declaration of Independence, Jefferson stated that all men have the right to "life, liberty, and the pursuit of happiness." In American culture, home ownership is often used as a proxy for the promised prosperity that was to be included in the interpretation of "liberty" and "happiness." In 1931, James Truslow Adams invented the term "American Dream" and used it to exemplify the idea that with enough hard work, anyone can achieve what they desire in life. For many Americans, homeownership is a central aspiration and the key to happiness and prosperity.

Our great nation has long supported this theme in American culture. In response to the Great Depression and a failing housing industry, the U.S. government created the Federal Housing Administration in 1934. The FHA then became a part of the Department of Housing and Urban Development office in 1965. Together, the mission of these organizations is to create strong, sustainable, inclusive communities and quality affordable homes for all. Since its inception in 1934, the FHA and HUD have insured over 34 million home mortgages and 47,205 multifamily project mortgages. In the 1920s only about 4 out of 10 homes were owned. Thanks to the work of the FHA the homeownership rate in America is now upwards of 66%. FHA insurance has been especially important for minority communities, low-income families, and first-time homeowners.

Mr. Speaker, homeownership does not only serve as a centralized American idea, but also as a fundamental source of growing capital and investment for the American people and economy. The purchase of a home is one of the biggest investments one can make. It strengthens both a homeowner's individual economic growth as well as the local communities as the effects of a growing housing market will trickle down in the form of jobs, building suppliers, tax bases, schools, and other 3 forms of revenue. Until recently, the U.S. gross domestic product has always been very closely tied to the total American housing valuation. Housing is a form of wealth that increases American consumption and the growth of the economy.

With consideration to the significance of homeownership in America, the House recently passed H.R. 5072, the FHA Reform Act of 2010. This act will serve to crack down on fraud and misrepresentation from lenders, improve the FHA's internal controls and risk management, and provide more transparency and information to the public. This act is crucial to the future growth of the American housing industry, and it signifies the congressional recognition of the extreme importance of homeownership in our economy.

For these reasons, Mr. Speaker, I rise in support of H. Res. 1434 to recognize National Homeownership month and give praise to home owners in America.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in strong support of National Homeownership Month. This month marks the 42nd anniversary of the landmark 1968 Fair Housing Act which opened the dialogue of equal homeowner opportunities and growth. National Homeownership Month continues its same principles by promoting the very core of American values of fairness, opportunity, and growth.

National Homeownership Month reflects the importance of homeownership and the American dream. For most Americans, owning their own home will be their largest and most significant financial investment. It represents security, builds neighborhood pride, and is essential in creating positive productive communities.

National Homeownership Month reaffirms the importance of homeownership in the Nation's economy and its central role in our national economic recovery. Home affordability and financial education is the key to over-

coming the housing crisis and promote good housing practices and policies. Financial education not only directly benefits American families, but, in turn, helps to ensure a robust and strong economy.

Mr. Speaker, it is vital that we continue to empower people of all races, economic status, and backgrounds who desire to own their own home. It is a valuable stabilizer for both families and communities.

Mr. DAVIS of Illinois. Mr. Speaker, I would like to express my support and recognition of National Homeownership Month and the importance of owning a home. Homeownership is a signifying mark of hard work and informed decisionmaking. Therefore it is in the interest of us all to ensure that our decisions about homeownership are informed.

During National Homeownership Month, there is an emphasis placed on the importance of providing first time home buyers and those who have acquired home information that is imperative to them making informed decisions. In light of the current economic recession, it is crucial that information of this nature is provided to the people in an effort to revive the economy.

The recognition of National Homeownership Month is especially important as it pertains to my constituents. In the 7th Congressional District of Illinois, the community of North Lawndale has real estate values estimated at six figures, the median income of the people that live there is estimated to be five figures, and there have been over 200 foreclosures as of June 16, 2010. I firmly believe that the foreclosure of those homes could have been prevented had the constituents been informed and privy to the information necessary to make the best decision for themselves and their families.

It is also important to recognize the importance of owning a home given the social and familial ties that are associated with and can be cultivated by homeownership. Homeownership is essential to building the foundations of longstanding social networks. It is imperative that there is stability in the society for the purpose of cultivating and expanding the social networks we develop into meaningful relationships aimed at making substantial change through these relationships.

Ms. KOSMAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. KOSMAS) that the House suspend the rules and agree to the resolution, H. Res. 1434.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. KOSMAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

# NATIONAL FLOOD INSURANCE PROGRAM EXTENSION ACT of 2010

Ms. KOSMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5569) to extend the National Flood Insurance Program until September 30, 2010.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5569

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "National Flood Insurance Program Extension Act of 2010".

## SEC. 2. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) PROGRAM EXTENSION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking "September 30, 2008" and inserting "September 30, 2010".

(b) FINANCING.—Section 1309(a) of such Act (42 U.S.C. 4016(a)) is amended—

(1) by striking "September 30, 2008" and inserting "September 30, 2010"; and

(2) by striking "\$20,775,000,000" and inserting "\$20,725,000,000".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall be considered to have taken effect on May 31, 2010.

## SEC. 3. BUDGET COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. KOSMAS) and the gentleman from California (Mr. GARY G. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

### GENERAL LEAVE

Ms. KOSMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. KOSMAS. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Texas who earlier spoke on this particular issue.

Mr. Speaker, I rise today to speak about this crucial bill, H.R. 5569, the National Flood Insurance Program Extension Act of 2010, which would extend the National Flood Insurance Program through the end of September this year.

The flood insurance program provides valuable protection for approximately 5.5 million homeowners. Unfortunately,

the lack of a long-term authorization has placed this program at risk. The program has lapsed three times now since the beginning of this year: for 2 days in March, for 18 days in April, and again since June 1.

□ 1100

These lapses meant that FEMA was not able to write new policies, renew expiring policies, or increase coverage limits. This also means that each day 1,400 home buyers who wanted to purchase homes located in flood plains are unable to close on their homes. Given the current crisis in the housing market, this instability in the flood insurance program is hampering the market's recovery, and it must be addressed.

This bill would simply extend the current program through September 30, 2010, to address the immediate issue of individuals being able to close on their homes.

Soon I will be able to support Ms. WATERS in bringing comprehensive flood insurance reform to the floor. This bill passed out of the Financial Services Committee on a simple voice vote in April. Ms. WATERS' bill would restore stability to the flood insurance program by reauthorizing the program for 5 years and would address the impact of new flood maps by delaying the mandatory purchase requirement for 5 years and then phasing in actuarial rates for another 5 years.

Ms. WATERS' bill also makes other improvements to the program by phasing in actuarial rates for pre-FIRM properties, raising maximum coverage limits, providing notice to renters about contents insurance, and establishing a flood insurance advocate similar to the taxpayer advocate at the Internal Revenue Service.

In the meantime, we must extend the current National Flood Insurance Program. This country is reeling from major floods in Tennessee, Arkansas, and Oklahoma. And we are now officially in hurricane season. I urge my colleagues to stand with me in support of this important extension, and I thank Ms. WATERS and Chairman FRANK, and urge my colleagues to vote in favor of this bill.

I reserve the balance of my time.

Mr. GARY G. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to speak on another temporary short-term extension of the National Flood Insurance Program, NFIP, which expired more than 3 weeks ago on May 31, 2010. This is the third time this year that the flood insurance program has expired, causing disruption in the housing market in cases where individuals are trying to purchase a home located in a floodplain which requires them to buy flood insurance to close on a federally backed mortgage.

It is unfortunate that the fate of the National Flood Insurance Program has to be authorized on a temporary basis because of other unrelated issues. The result has created uncertainty and instability in the market at a time when this country can least afford it. Immediate action is needed to support homeowners and small businesses owners who depend on flood insurance for an important measure of financial security, especially during the June to November storm season.

This bill provides for a temporary extension through the end of the current fiscal year, September 30, 2010. The bill would also make the reauthorization retroactive to May 31, 2010, and offset the cost by reducing the NFIP's borrowing authority by \$50 million from \$20.775 billion to \$20.725 billion. As a result, according to consultations with CBO, this bill would have no net impact on the Federal budget.

Congress also needs to move forward this year with serious long-term reforms of the flood insurance program. The NFIP carries a debt of more than \$18 billion and continues to subsidize premium rates of nearly 25 percent of all insured properties. The program cannot continue on this path with a built-in shortfall.

On April 27, 2010, the Financial Services Committee reported this bill, the Flood Insurance Reform Priority Act, to reauthorize and reform the NFIP for 5 years. This bill includes several important provisions that represent a good first step toward repairing the financial soundness of the NFIP, but more reforms are urgently needed. I support the extension of the NFIP program and encourage my colleagues to vote for it today.

I reserve the balance of my time.

Ms. KOSMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of H.R. 5569, extending the National Flood Insurance Program until September 30, 2010, making it retroactive to May 31, 2010.

I commend Chairwoman MAXINE WATERS for introducing this timely bill. Congress must extend authority for the National Flood Insurance Program to write or renew flood insurance policies which are required in order to obtain a mortgage in a 100-year floodplain.

Now that the National Flood Insurance Program authorization has lapsed, property owners in federally designated areas across nearly 20,000 communities nationwide are unable to obtain a mortgage or flood insurance to protect their properties. We are well into hurricane season. Congress must pass this legislation. Congress must reauthorize as soon as possible the National Flood Insurance Program to provide my constituents in Texas and all other constituents across the United

States access to a program they will need should they become victims of a hurricane. I encourage my colleagues to support this important legislation.

Mr. GARY G. MILLER of California. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank my good friend for the time.

Mr. Speaker, I rise in strong support of this bill to extend the National Flood Insurance Program, as administered by FEMA, until September 30, 2010. About 90 percent of all flood insurance policies nationwide are provided through the National Flood Insurance Program, and nearly half of those policies are held in my home State of Florida.

Flood insurance in a hurricane-prone State is not merely a necessity; it is a requirement for those homeowners with mortgages. For nearly 1 month, prospective homeowners in my congressional district of south Florida have been in limbo. Unable to secure the required flood insurance, these individuals and families have been unable to close on their homes. Their frustration is palpable. New buyers in the housing market are needed to help my congressional district recover from this economic downturn.

At a time when the Federal Government is increasing incentives for homeownership, it is utterly bizarre that Congress would fail to extend a program that is required for many mortgages to be finalized. The National Flood Insurance Program is a necessity, and its extension should not be subject to partisan politics.

This bill extends the program until the end of September, but it must be extended for several years so that homeowners can buy and sell their properties without worries. This uncertainty produced by Band-Aid extensions of the flood insurance program is hurting an already ailing housing market.

I am a cosponsor of Congressman CAO's bill, which extends the program for 3 years; and I encourage my colleagues to cosponsor the bill of the gentleman from Louisiana, H.R. 5553, and I will also be introducing a bill to further extend this popular flood insurance program.

Mr. Speaker, we have extended this program three times since it has expired. Let's get this right. Flood insurance is critically important for homeowners. Also, let's reform it so it does not face continual financial shortfalls.

I urge my colleagues to join me in voting "yes" for this much-needed, way overdue, important extension.

Ms. KOSMAS. Mr. Speaker, I yield myself 1 minute to make a comment.

I want to suggest how important I think this legislation is and to also say as a member of the National Association of Realtors myself for over 30

years, and having been an active member of the realty community assisting friends and neighbors in my community to achieve the American Dream of homeownership, I am pleased to offer a letter of support from the NAR and include it for the RECORD.

NATIONAL ASSOCIATION OF  
REALTORS®,

Washington, DC, June 23, 2010.

U.S. HOUSE OF REPRESENTATIVES,  
Washington, DC.

DEAR REPRESENTATIVE: The National Association of REALTORS® strongly supports H.R. 5569. The bill would extend authority for the National Flood Insurance Program (NFIP) until September 30, 2010.

Five and a half million taxpayers depend on the NFIP as their main source of protection against flooding, the most common natural disaster in the United States. Since May 31, the NFIP has not had the statutory authority to issue new or renewal policies. By law, flood insurance is required to obtain federally related mortgage loans in nearly 20,000 communities nationwide. This has resulted in the delay, if not cancellation, of thousands of real estate transactions during one of the worst down-turns in residential and commercial real estate markets since the Great Depression.

We urge immediate approval of H.R. 5569 to extend NFIP authority and avoid exacerbating the uncertainty for taxpayers who rely on the program, particularly in a recovering real estate market.

Sincerely,

VICKI COX GOLDER, CRB,  
2010 President, National Association of  
REALTORS®.

Mr. GARY G. MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana (Mr. CAO).

Mr. CAO. I thank the gentleman from California for yielding me this time.

Mr. Speaker, I rise today in support of H.R. 5569 to focus attention on an important issue that has left our constituents financially and economically vulnerable. The National Flood Insurance Program, NFIP, has lapsed for the third time this year, meaning that life decisions have to be put on hold, leaving our constituents to wait out congressional action.

When I was in New Orleans over the weekend, a constituent came up to me and sadly stated: I could not sell my home because the buyer could not purchase flood insurance.

□ 1110

Today, I also read in the U.S. News and World Report that home sales have slipped 2 percent in May, even though Federal stimulus efforts kept real estate transactions artificially elevated. One of the contributing elements is the lapse in the NFIP. Many potential sales are being delayed by an interruption in the National Flood Insurance Program, according to the National Association of Realtors.

Mr. Speaker, the most recent NFIP lapse couldn't have come at a worse time. As we deal with the worst oil spill in history, we are facing what is predicted to be an active hurricane sea-

son along the gulf coast. Now, more than ever, we need to be supporting our constituents during these difficult times.

Many of the fishermen and others who have had their livelihoods turned upside down because of the oil spill also live in flood-prone areas. Therefore, we must act not only to extend this program in the short term but ensure that in the future communities devastated by the oil spill will have affordable access to insurance.

That is why on Thursday I introduced H.R. 5553 that would extend the NFIP for 3 years and would include a sense of Congress that the program should not expire again. This extension would remove uncertainty and would show our desire to see real reform to an inefficient program.

I appreciate the gentlelady from California's, MAXINE WATERS, attention to this important issue, and I hope that we can work together in reforming this critical program for both of our people in the future.

I urge my colleagues to support H.R. 5569.

Ms. KOSMAS. Mr. Speaker, I have no further requests for time, and I continue to reserve the balance of my time.

Mr. GARY G. MILLER of California. I yield 3 minutes to the gentlelady from Michigan, Mrs. CANDICE MILLER.

Mrs. MILLER of Michigan. I thank the gentleman for yielding.

Mr. Speaker, I rise today to express my very serious concerns about this program and to remind my colleagues that this program is actually a very bad deal for my constituents in the State of Michigan and many other States in the Great Lakes Basin as well.

For the past few years, FEMA has been engaged doing what Congress did direct them to do, and that is updating and modernizing our flood maps across the entire Nation. We all recognize that with technology we can and we should update the maps to reflect our best science and to convert our existing outdated maps into user-friendly digital format. Let me just make clear, I totally support that effort and those objectives.

However, property owners in the Great Lakes are being treated very unfairly by these new maps which have taken effect in my district and all through the basin during the past several years, and the net effect is that we can show how these property owners whose properties very rarely flood, nor have the potential to flood, are being treated badly because, in fact, they are being abused by the National Flood Insurance Program.

My constituents, many of them on the water, are paying very, very high flood insurance premiums, and yet we very rarely even claim on this or receive any money for our claims. Essentially, Michigan and other States in

the Great Lakes Basin are being forced to subsidize those in other States who are prone to severe weather events. If that's what we are going to do, we should just call it what it is and have a national catastrophic fund as opposed to this national flood insurance fund. In other words, let everybody pay. Why should the people in the Great Lakes Basin have to subsidize this particular program?

A GAO report on this program that was published in April found that nearly one in four property owners pay subsidized rates for their flood insurance that do not reflect the full risk of flooding. You have to ask, no wonder this program is \$19 billion in debt, and to add insult to injury, this program keeps paying claims year after year so some Americans can continue to live in flood-prone areas. That's fine if they want to live there, but I don't know why those people in the Great Lakes have to keep paying for these repetitive claims year after year. It's only 1 percent of the policy, but it is 25 percent of all of the claims.

I think it is well past time that this program either be scrapped entirely or reformed. My constituents in Michigan, with little risk of flooding, again who have experienced little or no flooding, are funding the National Flood Insurance Program at astronomical rates. States that we see flooded year after year and, again, allow people to keep building and rebuilding in a floodplain, or who keep experiencing hurricanes, are essentially using this FEMA fund as an ATM machine, and I don't think it's fair. Really, if we're going to have a National Flood Insurance Program, I think everybody should be paying fairly. Again, I think a national catastrophic fund would be the most fair approach to this.

I think, if this situation continues, that Michigan and other States should consider opting out of this national plan and self-insuring. I've written a letter to our Governor, and I hope that she considers that.

In Michigan, I would say this: We look down at the water.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. GARY G. MILLER of California. I yield the gentlewoman an additional 30 seconds.

Mrs. MILLER of Michigan. I thank the gentleman for yielding me another 30 seconds.

In Michigan, we look down at the water. We don't look up at the water, and we just think it is very unfair that we have to keep subsidizing all of the other areas just because we live on the water as well. I think this program needs to be revamped, and I would say again, we should have a national catastrophic fund.

We have great empathy and sympathy for those who want to live in a flood-prone area, but I don't know why

those of us on the shores of the Great Lakes have to be the only ones in the Nation to subsidize this. I think it is very unfair.

HOUSE OF REPRESENTATIVES,  
Washington, DC, April 3, 2008.

Hon. JENNIFER GRANHOLM,  
Lansing, MI.

DEAR GOVERNOR GRANHOLM: I write to bring to your attention an issue of great importance to the economic health and well-being of the State of Michigan.

The Federal Emergency Management Agency (FEMA) is in the process of updating and modernizing flood maps across the entire nation. This process is necessary to account for property development and growth over the past several decades as well as changes in topography. If done properly, this process would bring more fairness for those who live in flood plains and are required to purchase flood insurance.

Unfortunately, property owners in Michigan are being treated unfairly by these new maps, which have recently taken effect in my district and other parts of the state. These property owners, whose properties very rarely flood—nor have the potential to flood—are paying very high flood insurance premiums and yet they very rarely receive claims.

In regards to FEMA's proposal for remapping in the Great Lakes region, they are raising the base flood elevation an additional 14 inches—they say to accurately reflect the risk of flooding. This is predicated on data from 1988, 2 years after the absolute highest recorded levels for the Great Lakes. However, in Lake St. Clair alone, the lake levels have dropped over 3 feet since then and are now 5½ feet below the old base flood elevation. In spite of this, FEMA's new base flood elevation is now 6½ feet above the current lake level.

I have been trying to stop FEMA from implementing their new flood maps until the International Joint Commission's Upper Great Lakes study has been completed. This study will be the most comprehensive study of this region ever undertaken. Nevertheless, my constituents are currently paying much higher premiums for an insurance plan that they will likely not ever file a claim on. These new maps will cost my constituents literally millions of dollars at a time when lake levels are at historic all time lows. This means that they are not going to be making claims, but they will be subsidizing other parts of the country through the National Flood Insurance Program.

What is happening is that many states and their property owners, with little risk of flooding, who have experienced little or no flooding, are funding the National Flood Insurance Program at astronomical rates. Between 1978, the year the National Flood Insurance Program began, and 2002, there were 10 states that received more in claims than what they paid in policies. In fact over \$1.5 billion dollars more—and the average premium for policyholders in those states was only \$223.

Michigan, on the other hand, paid almost \$120 million more into the program than it received back in claims, yet the average premium for Michigan policyholders was \$257 dollars. As you can see, this program is draining millions of dollars from Michigan and dispensing it throughout other areas of the country.

As you know, the residents of our state are already experiencing tremendous economic strain due to rising gasoline costs, the high unemployment rate, and the housing crisis.

They do not need to spend an additional several hundred dollars each year on insurance they will likely never need. And they should not be mandated to sacrifice for residents of other states much more prone to severe weather events.

One of the potential solutions to this disparity is for the State of Michigan to take action to opt out of the National Flood Insurance Program and self insure. While I realize that some will consider this a rather drastic measure, this problem is having such a negative impact on our constituents that I believe it must be considered.

If Michigan were to opt out of this program, it would undoubtedly save our constituents millions of dollars each year which could then be used to further stimulate our state's economy. I urge you to work with the state legislature and the Commissioner of Financial and Insurance Services to explore this option to see if it could result in significant savings to Michigan taxpayers.

Thank you for your attention to this issue. I look forward to working with you on this important matter.

Sincerely,

CANDICE S. MILLER,  
Member of Congress.

Mr. GARY G. MILLER of California. I yield myself the balance of my time.

It is very unfortunate that the fate of the National Flood Insurance Program has to be authorized on a temporary basis because of unrelated issues. What the marketplace needs today is certainty and stability, and we should do whatever we can to create that.

I ask for an "aye" vote.

Mr. BRADY of Texas. Mr. Speaker, I rise in support of H.R. 5569—To extend the National Flood Insurance Program until September 30, 2010. It's Hurricane Season—we cannot put off the reauthorization of this program. We can no longer wait on the extenders package—we must pass an extension now.

I have constituents in Southeast Texas both in flood-prone and hurricane-prone areas that are unable to access flood insurance. This is a major problem for potential homeowners, if their lender requires flood insurance before closing.

Though I am supportive of this measure, I am advocating for a longer term extension of the National Flood Insurance Program through May 31, 2011. I hope my colleagues will join me in advancing such a measure.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in support of keeping promises to the American people. To speak plainly about it, I do not support the federal government's growing role in the private sector.

But for reasons known to all of my colleagues, the federal government has, for some time, been the primary provider of flood insurance to America's homeowners. Because of Congress' inaction, that insurance is no longer available.

Simply put, as a matter of principle and responsible public policy, when the government makes commitments to the American people, and families and businesses come to rely on the fulfillment of those commitments, it is flat out wrong to fail to live up to them. That is where we are right now.

Mr. Speaker, the Democrats have control over every lever of government and your majorities in both chambers are significant. So to

allow the National Flood Insurance Program, the "SGR", the state sales tax deduction, and others to expire demonstrates a complete lack of responsibility and an inability to govern.

This is hurting my constituents. My district, like many in Florida, has been pummeled by the housing crisis. And while the President may believe that press conferences touting his foreclosure initiatives are sufficient to addressing the problem, my constituents know that the only thing that will turn their situation around is a recovery in demand.

I am sure that Members on both sides of the aisle can understand my frustration when I get calls from realtors in my district explaining that three of their clients can't close on houses because the Flood Insurance program has lapsed.

There is nothing they can do about it and they want answers. They want to know when the government is going to get the situation fixed. And frankly, I don't know what to tell them. To me, the idea that a single-party government can't pass must-pass legislation is incomprehensible.

So I would like to thank the gentlelady from California, Ms. WATERS, for stepping up to the plate and bringing this legislation to the floor. And while I support the bill and will be the first of my colleagues to vote for it, my constituents also want assurances from the Speaker and Majority Leader that this isn't just "pat ourselves on the back" legislation—that it isn't just "pass it to say we did" legislation. My constituents want real results and that means actually getting the Flood Insurance program, the tax cuts, and other commitments that this government have made extended quickly. It is simply the right thing to do.

Mr. GARY G. MILLER of California. I yield back the balance of my time.

Ms. KOSMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. KOSMAS) that the House suspend the rules and pass the bill, H.R. 5569.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## CONGRESSIONAL AWARD PROGRAM REAUTHORIZATION ACT OF 2009

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2865) to reauthorize the Congressional Award Act (2 U.S.C. 801 et seq.), and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2865

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Award Program Reauthorization Act of 2009".

### SEC. 2. CONGRESSIONAL AWARD PROGRAM.

(a) IMPLEMENTATION AND PRESENTATION.—Section 102 of the Congressional Award Act (2 U.S.C. 802) is amended—

(1) in the matter following subsection (b)(5), by striking "under paragraph (3)"; and (2) in subsection (c), in the second sentence, by striking "during" and inserting "in connection with".

(b) TERMS OF APPOINTMENT AND REAPPOINTMENTS.—Section 103 of the Congressional Award Act (2 U.S.C. 803) is amended by striking subsection (b) and inserting the following:

"(b) TERMS OF APPOINTED MEMBERS; REAPPOINTMENT.—

"(1) Appointed members of the Board shall continue to serve at the pleasure of the officer by whom they are appointed, and (unless reappointed under paragraph (2)) shall serve for a term of 4 years.

"(2)(A) Subject to the limitations in subparagraph (B), members of the Board may be reappointed, except that no member may serve more than 2 full consecutive terms. Members may be reappointed to 2 full consecutive terms after being appointed to fill a vacancy on the Board.

"(B) Members of the Board shall not be subject to the limitation on reappointment in subparagraph (A) during their period of service as Chairman of the Board and may be reappointed to an additional full term after termination of such Chairmanship.

"(3)(A) Notwithstanding paragraph (1) or (2), the term of each member of the Board shall begin on October 1 of the even numbered year which would otherwise apply with one-half of the Board positions having terms which begin in each even numbered year.

"(B) Subparagraph (A) shall apply to appointments made to the Board on or after the date of enactment of the Congressional Award Program Reauthorization Act of 2009."

(c) REQUIREMENTS REGARDING FINANCIAL OPERATIONS.—Section 104(c) of the Congressional Award Act (2 U.S.C. 804(c)) is amended—

(1) in paragraph (1), in the third sentence, by striking ", in any calendar year," and inserting "in any fiscal year"; and

(2) by striking paragraph (2) and inserting the following:

"(2)(A) The Comptroller General of the United States shall determine for each fiscal year whether the Director has substantially complied with paragraph (1). The findings made by the Comptroller General under the preceding sentence shall be included in the reports submitted under section 107(b).

"(B) If the Director fails to substantially comply with paragraph (1), the Board shall instruct the Director to take such actions as may be necessary to correct such deficiencies, and shall remove and replace the Director if such deficiencies are not promptly corrected."

(d) FUNDING AND EXPENDITURES.—Section 106(a) of the Congressional Award Act (2 U.S.C. 806(a)) is amended by striking paragraph (1) and inserting the following:

"(1) The Board shall carry out its functions and make expenditures with—

"(A) such resources as are available to the Board from sources other than the Federal Government; and

"(B) funds awarded in any grant program administered by a Federal agency in accordance with the law establishing that grant program."

(e) STATEWIDE CONGRESSIONAL AWARD COUNCILS.—Section 106(c) of the Congressional Award Act (2 U.S.C. 806(c)) is amended by striking paragraph (4) and inserting the following:

"(4) Each Statewide Council established under this section may receive contribu-

tions, and use such contributions for the purposes of the Program. The Board shall adopt appropriate financial management methods in order to ensure the proper accounting of these funds. Each Statewide Council shall comply with subsections (a), (d), (e), and (h) governing the Board."

(f) CONTRACTING AND USE OF FUNDS FOR SCHOLARSHIPS.—Section 106 of the Congressional Award Act (2 U.S.C. 806) is amended—

(1) in subsection (d), by inserting "to be" after "expenditure is"; and

(2) in subsection (e)(1)(A), by inserting "or for scholarships" after "local program".

(g) NONPROFIT CORPORATION.—Section 106 of the Congressional Award Act (2 U.S.C. 806) is amended by striking subsection (i) and inserting the following:

"(i)(1) The Board shall provide for the incorporation of a nonprofit corporation to be known as the Congressional Award Foundation (together with any subsidiary nonprofit corporations determined desirable by the Board, collectively referred to in this title as the 'Corporation') for the sole purpose of assisting the Board to carry out the Congressional Award Program, and shall delegate to the Corporation such duties as it considers appropriate, including the employment of personnel, expenditure of funds, and the incurrence of financial or other contractual obligations.

"(2) The articles of incorporation of the Congressional Award Foundation shall provide that—

"(A) the members of the Board of Directors of the Foundation shall be the members of the Board, with up to 24 additional voting members appointed by the Board, and the Director who shall serve as a nonvoting member; and

"(B) the extent of the authority of the Foundation shall be the same as that of the Board.

"(3) No director, officer, or employee of any corporation established under this subsection may receive compensation, travel expenses, or benefits from both the Corporation and the Board."

(h) TERMINATION.—

(1) IN GENERAL.—Section 108 of the Congressional Award Act (2 U.S.C. 808) is amended by striking "October 1, 2009" and inserting "October 1, 2013".

(2) EFFECTIVE DATE.—This subsection shall take effect as of October 1, 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentlewoman from Washington (Mrs. McMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

#### GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on S. 2865 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2865, which reauthorizes the Congressional Award Program. The Congressional Award is a public-private partnership created by Congress in 1979

that works to recognize the initiative, achievement, and service of America's youth, ages 14 to 23. Participants earn recognition and bronze, silver, and gold Congressional Award certificates or medals based on their involvement in four key areas: volunteer service, personal development, physical fitness, and exploration.

Participants in the Congressional Award Program set and achieve personally challenging goals based on their individual interests, needs, and abilities. Because these participants set their own goals, the program is open and inclusive of youth of all ability levels.

S. 2865 provides for the reauthorization of the Congressional Award Program until October 2013. It will allow the Congressional Awards Foundation to confer awards to the many youth who have completed their goals and service. We recognize the outstanding contributions of over 27,700 individuals who have participated in the Congressional Award Program since its inception, and over 1,500 youth from 45 States earned certificates or medals at one of the six award levels this current year. We congratulate them on their achievement and thank them for an outstanding 2.5 million hours of combined volunteer service.

□ 1120

In fact, this morning, Members of Congress and community leaders will join together to honor 252 recipients of the Congressional Award Gold Medal. These recipients will represent the best of the best of the young people working to meet their goals. They will be congratulated by NFL star Michael Oher and Deputy Secretary of Education Anthony Miller. We wish these young people continued success in their personal, professional and educational goals.

We also thank Congresswoman SHEILA JACKSON LEE and Congressman GUS BILIRAKIS, who serve on the Congressional Award board of directors. Their contributions to the program are an important part of this Congress' support of the outstanding youth who participate in the Congressional Award Program.

Mr. Speaker, once again I express my support for Senate bill 2865 and the reauthorization of the Congressional Award Program. I urge my colleagues to join me in support of this bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2865, the Congressional Award Program Reauthorization Act of 2009. This bill reauthorizes the Congressional Award Program and the board that administers the program, which is a public-private partnership created by Congress to promote and recognize excel-

lence in America's youth ages 14 to 23. Applicants excel in service, personal development, physical fitness, expedition, and exploration, and receive various levels of the award, including bronze, silver, and gold certificates and medals. The Congressional Award Program also provides scholarships to select winners for participation in the People to People Program and the Presidential Classroom, and for select incoming freshmen to Drexel University.

The Congressional Award Program was founded in 1979 and has recognized outstanding youth since that time. To earn the award, youth are encouraged to set their own goals in one of four areas of volunteer service, personal development, physical fitness, and expedition and exploration. The award recognizes youth that complete their goals in these areas. It encourages adolescents and young adults to set and achieve their own challenging goals and recognizes them for doing such.

I urge my colleagues to support S. 2865.

Ms. JACKSON LEE OF Texas. Mr. Speaker, I rise in support of S. 2865, an act that seeks the reauthorization of the Congressional Award Program. I also want to thank my colleague, Senator LIEBERMAN, for introducing this important legislation.

Today we acknowledge the continued success of the Congressional Award Program and seek its reauthorization contingent with a few amendments. This program enriches America's youth by instilling four principle areas in the contestant's life. The four program areas include voluntary community service, personal development, physical fitness, and expedition and exploration. Performance of these activities strengthens the mind, body, and soul of the youth. By providing service to others and the greater community at large, developing personal interests, social or employment skills, improving quality of life through physical fitness activities, and by undertaking an outdoor, wilderness or venture experience (historical, cultural or environmental), the participating youth are well rounded.

I have relentlessly sought better education and jobs for our youth in this great nation, because they fuel the future of the country. As a member of the board of the Congressional Award Program I also believe that in order to truly produce a well rounded society, we should be supporting all aspects of life. Education is a very important factor in a youth's life, and the four program areas of the Congressional Award Program also work to shape the knowledge acquired through that education to mold successful youths.

This reauthorization act will strengthen the program's leadership amending the appointments provisions such as to revise requirements for appointment and reappointment of members of the Congressional Award Board, especially the limitation of service on the Board to two consecutive terms. This act exempts a member from the two-term limit during a period of service as Board Chairman, permits reappointment of such individual to an additional full term after termination of such

Chairmanship, requires a Board member's term to begin on October 1 of the even numbered year, with one-half of the Board positions having terms which begin in each even numbered year, and changes from calendar to fiscal year the annual period for which the Director is required to ensure that the Board's liabilities do not exceed its assets.

For the foregoing reasons, I stand with Senator LIEBERMAN in support of this act to reauthorize the Congressional Award Program.

I urge my colleagues to support this bill.

Mrs. McMORRIS RODGERS. I yield back the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield back the balance of my time and urge the support of Senate bill 2865, the Congressional Award Program Reauthorization Act, to the full body.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and pass the bill, S. 2865.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### SUPPORTING DESIGNATION OF YEAR OF THE FATHER

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 285) recognizing the important role that fathers play in the lives of their children and families and supporting the goals and ideals of designating 2010 as the Year of the Father.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

#### H. CON. RES. 285

Whereas Father's Day was founded in 1910 by Mrs. John B. Dodd after attending a Mother's Day celebration in 1909 and believing that fathers should receive the same recognition;

Whereas Mrs. John B. Dodd, Sonora Smart Dodd, founded the day in celebration of her father, William Smart;

Whereas William Smart, a Civil War veteran, raised six children on his own after the death of his wife;

Whereas Spokane, Washington, recognized and hosted the first celebration of Father's Day on June 19, 1910;

Whereas in 1924, President Calvin Coolidge recognized Father's Day and urged States to follow suit;

Whereas in 1966, President Lyndon B. Johnson signed a proclamation calling for the third Sunday in June to be recognized as Father's Day and requested that flags be flown that day on all government buildings;

Whereas President Richard Nixon signed a proclamation in 1972 permanently observing Father's Day on the third Sunday in June;

Whereas Father's Day is celebrated in over 50 countries around the world;

Whereas there are an estimated 64.3 million fathers around the Nation today;

Whereas it is well documented that children involved with loving fathers are significantly more likely to have healthy self-esteem, exhibit empathy and prosocial behavior, avoid high risk behaviors, have reduced antisocial behavior and delinquency in boys, have better peer relationships, and have higher occupational mobility relative to parents;

Whereas fathers who live with their children are more likely to have a close, enduring relationship with their children than those who do not; and

Whereas the 100th anniversary of Father's Day will be celebrated in Spokane, Washington, on June 20, 2010: Now, therefore, be it  
*Resolved by the House of Representatives (the Senate concurring), That Congress—*

(1) recognizes the important role that fathers play in the lives of their children and families; and

(2) supports the goals and ideals of the Year of the Father.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentlewoman from Washington (Mrs. McMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

#### GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Concurrent Resolution 285 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 285, which honors and celebrates the observance of the centennial anniversary of Father's Day this past Sunday, and to recognize the importance of fatherhood. This resolution highlights the long history of Father's Day, first celebrated on June 19, 1910, to honor the love and commitment that fathers give our children and their families.

Every year on the third Sunday in June, families across this Nation stop to thank fathers for the hard work and dedication it takes to be a supportive and involved parent. The tradition of Father's Day began 100 years ago in Spokane, Washington. The day was first recognized nationally by President Coolidge in 1924, who urged States to follow suit. President Nixon signed the proclamation in 1972 permanently observing Father's Day as the third Sunday in June.

Supportive fathers play a significant and influential role in their child's development. Children with loving fathers generally have healthier self-esteem, better peer relationships, more pro-social behavior, and an enjoyment of learning new skills. A positive environment at home also helps children thrive academically and get involved in extracurricular activities.

By commending the hard work and dedication of fathers during the centennial celebration of Father's Day, we encourage responsible fatherhood and happy, successful, and stronger families and communities.

I want to thank Representative McMORRIS RODGERS for bringing this resolution to the floor and urge my colleagues to pass this resolution.

Mr. Speaker, I reserve the balance of my time.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 285, recognizing the important role that fathers play in the lives of their children and family, and recognizing this year, 2010, as the "year of the father."

Unbeknownst to many, Father's Day has an especially significant meaning to the people of Spokane, Washington. This past Sunday, the city of Spokane celebrated the 100th anniversary of the founding of Father's Day, a national tradition that began in 1909 by a local Spokane woman, Sonora Smart Dodd. Looking for a way to recognize her father and those like him, Sonora Dodd publicly recognized her father in 1909, a Civil War veteran who raised six children on his own after the death of his wife. From there, the city of Spokane established the first celebration of Father's Day at the local YMCA in 1910, and in the years following the celebration spread around the Nation. The resolution that we are considering today is a way to demonstrate our appreciation to fathers everywhere and to recognize the critical role they play in our lives.

Research in the field confirms that children whose fathers play a significant role in their lives are much more likely to lead productive and healthy lives. Moreover, children with involved fathers are much more likely to have close, enduring relationships.

I would like to congratulate Spokane on its 100th anniversary and recognize all the fathers out there like my own who have and continue to do so much for their children and families.

I urge my colleagues to support this important resolution.

I yield back the balance of my time.

Mr. PAYNE. Mr. Speaker, I urge the support of House Concurrent Resolution 285.

As a father of three, grandfather of triplet grandchildren and another—four grandchildren, and one great grandchild, I certainly am here to say that I think that Father's Day is a wonderful day. I was very privileged to have my children take me to a wonderful brunch, as they do every Father's Day.

Mr. Speaker, I ask the House to vote in favor of this resolution.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in order to express my support for

H. Con. Res. 285, which recognizes the important role that fathers play in the lives of their children and families and supports the goals and ideals of designating 2010 as the Year of the Father. I would also like to commend Representative McMORRIS RODGERS for sponsoring this bill and showing her commitment to recognizing the crucial role of fathers.

I grew up with both of my parents in my life. My father worked for the Department of Justice for a large portion of his career. He eventually became the Director of Classifications and Paroles for the Bureau of Prisons and was the highest ranking African-American in the Bureau at that time. I saw my father work hard everyday in an effort to provide for his family. His value system transferred to me, and I make it a point to influence my children in the same way my father positively influenced me. I know without a doubt that my father helped me to develop into the man I am today.

There are numerous studies and statistics that all show fathers are crucial to the development of a child. Children who grow up with the love and care of their fathers are more likely to exhibit strong self-confidence and are more likely to avoid high-risk behaviors.

In honoring fathers with this resolution, I would also like to offer a challenge to all fathers to make an effort to develop healthy, loving relationships with their children. I challenge fathers not to be in the words of the Temptations "rolling stones," but solid rocks on which their families can depend on.

Mr. Speaker, it is with upmost sincerity that I support this solution and I urge my colleagues to do the same. It is my hope that this resolution serves as an inspiration for fathers all across this great Nation.

Mr. DAVIS of Illinois. Mr. Speaker, I wish to take this opportunity to support the designating of 2010 as the Year of the Father. One-hundred years ago, Father's Day was founded by a mother who recognized the vitally important role of fatherhood. As a father myself, I am honored and humbled by this annual day of recognition and celebration, and happily recall all the positive memories and influences my own father had with me.

I'm sure that most people in this room already know of the importance of fathers. Fathers bring love, care, and emotional support that work in tandem with the support of mothers to bring about positive development for their children. For some, however, fatherhood is a foreign concept. Twenty-three percent of families with children in 2008 were maintained by single mothers. Approximately sixty percent of children born during the 1990s lived or would live significant portions of their lives without fathers. For minorities, the numbers are even more daunting, with only thirty-five percent of African American children living with two married parents, and only fifty percent of children having regular contact with their fathers.

For these same minority families, being a father is simply not the same. Barriers like education and access to jobs continue to restrict the involvement of men who would otherwise be involved fathers. While it is important to promote and celebrate the significance of fathers, it is equally important to recognize that fatherhood comes with varying obstacles

and responsibilities for every background. To fully promote a healthy nation and support the ideals behind designating 2010 as the Year of the Father, it is crucial that we pursue more opportunities for non-custodial and would-be fathers to live up to their potential, and the potential of our present and future generations.

It is my hope that by declaring 2010 as the Year of the Father, we would not only be honoring and recognizing the importance of fathers to the family, but also encouraging reform to make fatherhood a reality for countless Americans.

Mr. PAYNE. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 285.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PAYNE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1130

#### SUPPORTING THE IMPORTANCE OF BRAILLE IN THE LIVES OF BLIND PEOPLE

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1034) expressing support for designation of July 2010 as "Braille Literacy Month", as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1034

Whereas since its invention by Louis Braille (1809–1852), the reading and writing code for the blind that bears his name has become the accepted method of reading and writing for the blind the world over;

Whereas the Braille code is used to represent not only the alphabets of most written languages, but is also used for mathematical and scientific notation and the reproduction of musical scores;

Whereas while technology has improved the lives of blind people by facilitating quick access to information, Braille literacy gives blind people the ability to read and to write and to do the two interactively;

Whereas despite its efficiency, versatility, and universal acceptance by the blind, the rate of Braille literacy in the United States has declined to the point where only 10 percent of blind children are learning the code;

Whereas Braille is an important tool in the independence, productivity, and success for blind people;

Whereas while 70 percent of the blind are unemployed, 85 percent of those who are employed know Braille;

Whereas the United States Congress officially recognized the importance of Braille

by passing the Louis Braille Bicentennial-Braille Literacy Commemorative Coin Act authorizing the striking of a United States silver dollar marking the 200th anniversary of the birth of Louis Braille and emphasizing the connection between learning Braille and true independence and opportunity for the blind; and

Whereas the National Federation of the Blind, the Nation's oldest and largest organization of blind people and a leading advocate for Braille literacy in the United States, has launched a national "Braille Readers are Leaders" campaign to promote awareness of the importance of Braille and to increase the availability of competent Braille instruction and of Braille reading materials in this country: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the importance of Braille and the role that Braille plays in the lives of blind people;

(2) recognizes the 70th anniversary of the National Federation of the Blind; and

(3) supports the efforts of the National Federation of the Blind and other organizations to promote Braille literacy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentlewoman from Washington (Mrs. McMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

##### GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1034 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 1034, which recognizes the importance of braille in the lives of blind people. We know that education is the key to success and that every American deserves an equal opportunity to a good education. Literacy, or the ability to read and write, is the key to this education.

Braille has been a recognized reading and writing code for the blind since its invention by Louis Braille in 1821. Braille translates to most written languages, and it is even used in converting figures in the areas of math, science, and music. Braille code has improved the lives of blind people by facilitating quick access to information and technology resources. It has even given blind persons the ability to read and write simultaneously.

Despite the freedom that comes from learning braille, fewer than 10 percent of the 1.3 million people who are legally blind in the United States are braille readers. According to the American Printing House for the Blind, there are approximately 58,000 legally blind children in the United States, but only 10 percent of these children are

learning the code. This resolution honors, celebrates, and encourages the learning of braille, but it also recognizes the need for more education in the teaching of braille so that America's blind children can learn this important code.

In 2006, Congress recognized the importance of braille by passing the Louis Braille Bicentennial-Braille Literacy Commemorative Coin Act. This act authorizes the striking of a United States silver dollar, marking the 200th anniversary of the birth of Louis Braille, and emphasizes the connection between the learning of braille and the empowerment of blind people everywhere. A portion of the sale of each coin goes towards a braille literacy campaign that will help provide more blind youth and adults with access to this important code.

Mr. Speaker, let us continue to emphasize the importance of learning braille by supporting House Resolution 1034. I urge my colleagues to support this legislation, which celebrates braille and which pays much needed attention to braille literacy in America.

I reserve the balance of my time.

Mrs. McMORRIS RODGERS. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1034, expressing support for the designation of July 2010 as Braille Literacy Month.

The braille language was developed by Louis Braille in 1821. Unbeknownst to many, each braille character is comprised of six raised dots that, when put in various positions, form 64 possible combinations, combinations which allow individuals to communicate in most written languages as well as in mathematics and in musical scores.

Literacy involves the ability to acquire information, to understand it, and to communicate it with others. It is the ability to gain access to written information, information that is stored so that it can be referred to again and again. The braille code gives the blind the gift of literacy—the ability to communicate through reading and writing.

Despite the advantages of learning and knowing braille, only 10 percent of blind children today are learning the braille code. In 1960, 50 percent of legally blind school-aged children were able to read braille. The decline in braille literacy is a cause for concern. According to a 2007 study, there are over 57,000 legally blind children in the United States. Just as television and computers cannot replace the written word, technology cannot replace the benefits of learning the braille code for thousands of blind children and adults.

Supporting the designation of July 2010 as Braille Literacy Month highlights the importance of braille literacy and of the benefits it offers to blind children. I urge all of my colleagues to support House Resolution 1034, expressing support for designating July 2010 as Braille Literacy Month.

I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I am pleased to yield such time as he may consume the sponsor of this resolution, the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I thank the gentleman for yielding.

Mr. Speaker, literacy is a fundamental building block for individuals to thrive in our society and in a constantly changing world. Literacy can have an impact on an individual's ability to be self-sufficient, and it is essential in overcoming social and economic barriers. Low literacy skills, on the other hand, are associated with poor health, lower income levels, and social exclusion.

Braille is an internationally recognized method of reading and writing for the blind community and is the key to literacy. It provides the blind community with the tools they need to succeed and to improve their lives. Yet braille literacy has declined to 10 percent in the United States compared to 50 percent in the 1960s.

House Resolution 1034, which I was proud to introduce and which has cosponsorship among both Republicans and Democrats, recognizes the importance of braille for success and adult independence. Studies show that braille literacy leads to higher educational levels, better employment, and increased financial independence. While 70 percent of blind adults face unemployment, 85 percent of those who are employed are able to read and write braille fluently.

I am pleased to have worked with the National Federation of the Blind in developing this resolution that calls attention to the need for a renewed commitment to braille literacy. The National Federation of the Blind, which is the Nation's largest blind membership organization and is headquartered in my congressional district, helps blind persons achieve self-confidence and self-respect, and it acts as a vehicle for collective self-expression by the blind community. The NFB has been a champion of braille literacy over the years, and I would like to congratulate them on their efforts.

Mr. Speaker, literacy provides individuals with basic life skills that can lead to access to higher educational opportunities and economic success. By promoting literacy within all communities, we can help our Nation and its citizens reach their full potential. I hope my colleagues will join me in supporting this resolution.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I join my colleagues in supporting the designation of July 2010 as "Braille Literacy Month," and in congratulating the National Federation of the Blind for seventy years of outstanding service. I am delighted that we have this opportunity to

reflect on the progress made to services for the blind, and to build on this progress for the future of Braille literacy.

One-hundred-eighty years ago, the first Braille book was published—an accomplishment that has since allowed for millions of people, who are blind or of low vision, to read, write and communicate. For a person who is blind, Braille has become a basic skill that lies at the center of the continuing efforts for fairness and equal education. The National Federation of the Blind, as both the oldest and largest organization of blind people in the United States, is integral to this continuous fight for equality. For the past several decades, the National Federation of the Blind has advocated strongly for the translation of more books and textbooks into Braille so as to both promote Braille literacy and help integrate blind persons into society. As policymakers, we must support the advancement of equality and knowledge that is imbibed in the actions of the NFB. Declaring July 2010 as "Braille Literacy Month" would be one step, but an important one, in our efforts towards promoting equality and education for all persons in the United States.

In my hometown of Chicago, there is a nonprofit organization called the Chicago Lighthouse that has provided services and support for the blind for several decades, much like the NFB. Amongst their many accomplishments in education and job training, the Chicago Lighthouse is also responsible for the manufacturing of the many clocks that you see in the U.S. government today—a testament to the skills, talent, and work of the people they serve. Though only one of many achievements, the clocks that you see around you today demonstrate the continuing need to provide equal access to job opportunities and education to those who are blind so as to fulfill their potentials.

In declaring July 2010 as Braille Literacy Month, we would not only be promoting literacy for the blind, but progressing down a road of true equality as well.

Mr. PAYNE. Mr. Speaker, I would ask that the House move in favor of H. Res. 1034.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 1034, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Expressing support for the importance of Braille in the lives of blind people."

A motion to reconsider was laid on the table.

□ 1140

#### SUPPORTING NATIONAL PHYSICAL EDUCATION AND SPORT WEEK

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the reso-

lution (H. Res. 1373) expressing support for designation of the week beginning May 2, 2010, as "National Physical Education and Sport Week".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1373

Whereas the week beginning May 2, 2010, is observed as National Physical Education and Sport Week;

Whereas a decline in physical activity has contributed to an unprecedented epidemic of childhood obesity in the United States, which has more than tripled since 1980;

Whereas regular physical activity is necessary to support normal and healthy growth in children and is essential to their continued health and well-being;

Whereas, according to the Centers for Disease Control and Prevention, overweight adolescents have a 70 to 80 percent chance of becoming overweight adults, increasing their risk for chronic disease, disability, and death;

Whereas physical activity reduces the risk of heart disease, high blood pressure, diabetes, and certain types of cancers;

Whereas type 2 diabetes can no longer be referred to as "late in life" or "adult onset" diabetes because it occurs in children as young as 10 years old;

Whereas the Physical Activity Guidelines for Americans, published by the Department of Health and Human Services, recommend that children engage in at least 60 minutes of physical activity on most, and preferably all, days of the week;

Whereas, according to the Centers for Disease Control and Prevention, only 17 percent of high school students meet that goal of 60 minutes of physical activity a day;

Whereas children spend many of their waking hours at school and therefore need to be active during the school day to meet the recommendations of the Physical Activity Guidelines for Americans;

Whereas, according to the Centers for Disease Control and Prevention, 1 in 4 children in the United States does not attend any school physical education classes and fewer than 1 in 4 children in the United States engage in 20 minutes of vigorous physical activity each day;

Whereas teaching children about physical activity and sports not only ensures that they are physically active during the school day, but also educates them on how to be physically active and the importance of being physically active;

Whereas, according to a 2006 survey by the Department of Health and Human Services, 3.8 percent of elementary schools, 7.9 percent of middle schools, and 2.1 percent of high schools provide daily physical education classes or the equivalent for the entire school year, and 22 percent of schools do not require students to take any physical education classes at all;

Whereas, according to that survey, 13.7 percent of elementary schools, 15.2 percent of middle schools, and 3.0 percent of high schools provided physical education at least 3 days per week, or the equivalent thereof, for the entire school year for students in all grades in the school;

Whereas research shows that fit and active children are more likely to thrive academically;

Whereas increased time in physical education classes can improve children's attention and concentration and result in higher test scores;

Whereas participation in sports teams and physical activity clubs, which are often organized by schools and run outside the regular school day, can improve students' grade point averages, attachment to schools, educational aspirations, and the likelihood of graduating;

Whereas participation in sports and other physical activities also improves self-esteem and body image in children and adults;

Whereas children and youth who take part in physical activity and sports programs develop improved motor skills, healthy lifestyles, improved social skills, a sense of fair play, strong teamwork skills, and self-discipline and avoid risky behaviors;

Whereas the social and environmental factors affecting children are in the control of the adults and the communities in which children live, and therefore the Nation shares a collective responsibility in reversing the childhood obesity trend;

Whereas efforts to improve the fitness level of children who are not physically fit may also result in improvements in academic performance; and

Whereas the House of Representatives strongly supports efforts to increase physical activity and participation of youth in sports: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the designation of "National Physical Education and Sport Week";

(2) recognizes the central role of physical education and sports in creating healthy lifestyles for all children and youth;

(3) encourages school districts to implement local wellness policies, as described in section 204 of the Child Nutrition and WIC Reauthorization Act of 2004 (42 U.S.C. 1751 note), that include ambitious goals for physical education, physical activity, and other activities addressing the childhood obesity epidemic and promoting child wellness; and

(4) encourages schools to offer physical education classes to students and to work with community partners to provide opportunities and safe spaces for physical activities before and after school and during the summer months for all children and youth.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentlewoman from Washington (Mrs. McMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

#### GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1373 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1373, which recognizes the critical importance of physical education and physical activity for all of our Nation's children and youth by celebrating National Physical Edu-

cation and Sport Week. Participation in physical education and sports programs not only helps children stay physically fit, but contributes to a range of academic, social, and personal gains. With the observance of this week, coaches, educators, and parents around the country will promote greater youth participation in physical education and help tackle the growing problem of childhood obesity.

Since 1980, the childhood obesity rate in America has more than tripled. The increase in obesity is, in large part, due to a decrease in regular physical exercise. Fewer than one in five adolescents now meet the Center for Disease Control's recommended 60 minutes of physical activity per day. Many children do not have the opportunity to participate in physical education. Only a fraction of the Nation's elementary, middle, and high schools are provided regular physical education classes.

Physical activity reduces the risk of heart attack, heart disease, high blood pressure, diabetes, and certain types of cancer. Research shows that children who have the opportunity to engage in physical activity regularly are more likely to thrive academically and graduate. In addition to improved academic performance, participation in sports teams and other physical activities can improve behavior, increase self-esteem, develop social skills, and help kids lead a healthy lifestyle as an adult. We are responsible for educating our children about physical education and for providing opportunities for fitness. National Physical Education and Sport Week reaffirms the importance of healthy bodies and healthy minds in our communities and schools.

Mr. Speaker, I once again express my support for House Resolution 1373, the National Physical Education and Sport Week. I thank Congressman ALTMIRE for introducing this resolution, and I urge my colleagues to support this fine resolution.

I reserve the balance of my time.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1373, expressing support for designating the week beginning May 2, 2010, as National Physical Education and Sport Week. Today, childhood obesity rates are alarmingly high and continue to increase. Over 33 percent of America's elementary school children are overweight or obese and 13 percent of America's high school children. These increasing rates are associated with increased rates of diseases in children that were only seen in adults until recently. Obese children have been shown to be at an increased risk of coronary heart disease, diabetes, respiratory problems, and numerous other debilitating diseases. In addition childhood obesity can significantly increase the risk that a child will be obese in adulthood.

Physical activity is key to preventing these kinds of illnesses in both children and adults. Regular physical activity substantially reduces the risk of coronary heart disease, strokes, colon cancer, diabetes, and high blood pressure. It's important to treat and address obesity and begin and sustain the weight loss process. Physical activity need not be strenuous to be beneficial, but America's youth are participating at an ever decreasing rate.

Physical education and sports encourage children to participate in physical activity on a regular basis in a group setting that can foster teamwork, competition, and a sense of accomplishments. Participation of children in organizing sports has grown in recent decades. However, the percentage of children participating in daily physical activity has declined. The Centers for Disease Control and Prevention recommends that children engage in 60 minutes of physical activity on most or all days of the week. However, only 17 percent of high school students are meeting this recommendation.

National Physical Education and Sport Week highlights the benefits of physical education and sports in the lives of America's children. Highlighting the importance of such benefits encourages our children to begin healthy physical activity and habits that continue throughout their lives. I ask my colleagues to support this resolution.

I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I am pleased to yield such time as he may consume to the sponsor of H. Res. 1373, the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. I thank the gentleman from New Jersey for yielding.

Mr. Speaker, I rise in support of my resolution to honor National Physical Education and Sport Week. More than one-third of America's elementary school children are overweight or obese, and more than 13 percent of America's high school children are overweight or obese. As a result, these children are now developing diseases and vascular conditions that were once thought to affect only the middle-aged, such as type II diabetes, high blood pressure, and high cholesterol. In addition, research has shown that children that participate in physical activity perform better in the classroom. So the Centers for Disease Control and Prevention recommend that children engage in 60 minutes of physical activity 5 or more days per week. However, only 35 percent of our Nation's children regularly meet this recommendation.

This resolution, which I introduced, acknowledges that physical activity and sports play a central role in creating an opportunity for children to build lifelong healthy habits. And it's

for this reason, Mr. Speaker, that I introduced this resolution, and I encourage all of my colleagues to support it.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield back the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I thank the gentleman for yielding.

I just wanted to commend my colleague, Congressman ALTMIRE, for introducing this resolution to designate the week beginning May 2 as National Physical Education and Sport Week.

Today, the President is going to be launching at Bell Multicultural High School in Columbia Heights, here in the District of Columbia, the President's Council on Fitness, Sport, and Nutrition, which expands on the President's Council on Physical Fitness and Sports, which has been in place since the Kennedy administration, the Eisenhower administration. It brings the kind of focus to physical fitness and sports and nutrition that Congressman ALTMIRE has signaled with this resolution.

Again, I commend him for bringing that attention to this issue, and I urge support of this resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I would like to communicate my support for designating the week of May 2, 2010 as "National Physical Education and Sport Week." America faces an obesity crisis, and this problem is particularly harmful to our children. The childhood obesity rate has more than tripled since 1980, and today the CDC places the rate at approximately 17%. This crisis, however, does not affect all children equally. It disproportionately affects children from racial/ethnic minority groups and from low-income families. Although only 16% of Caucasians aged 12–19 are obese, 24% of African Americans and 21% of Hispanics are obese. Obesity in childhood is particularly troubling given that obese children often develop many diseases in their youth that typically occur in adults, such as Type II diabetes. Frequently, these children also develop risk factors for cardiovascular disease, including high cholesterol and high blood pressure. Furthermore, obesity in childhood increases the likelihood of obesity and its associated health problems in adulthood, including coronary heart disease, stroke, and cancer. In addition to the negative health effects of childhood obesity, the crisis also proves costly to the health care system. It is estimated that childhood obesity costs the U.S. approximately \$3 billion a year, and this number will only grow worse if we fail to correct this problem.

Although many factors contribute to the increased obesity of our children, including the lack of nutrition in many children's diets, a key variable is that the American life style has changed to be more sedentary both in school and at home. Physical activity during the school day is restricted much more now than in the past. Only 15% of middle schools and 3% of high schools offer all their students physical education three or more days a week.

Many schools offer PE only once a week, with recess seen as an extra rather than a key part of child development. In the past, children played outside for hours after school, but active outdoor time is now much rarer. A 2009 study found that children ages 8–18 watch an average of three hours of television a day. Although these factors affect all children, they are intensified for minority and low income children. Schools in low income areas often cut physical education to one day a week to focus on reading and math. Minimum wage jobs rarely offer the flexibility needed to get kids to sports practices and events; doing so is even harder when public transportation is necessary. Some communities lack safe places to play outdoors, so children engage in more sedentary activities inside. Frequently, low income communities lack grocery stores and options for fresh produce. We must work to reemphasize the importance of physical activity, so that each child has an equal chance at living a healthy life.

We cannot allow this unwholesome future to become the destiny of America's children. Let us instead face this problem, and help these children. We can begin to fight this epidemic by recognizing the importance of physical education and sport in children's lives. Therefore, I urge my colleagues to support House Resolution 1373.

Mr. PAYNE. Mr. Speaker, I have no further requests for time but would like to urge that House Resolution 1373 be passed. We also in my district on Saturday will be having a community meeting dealing with obesity, in line with the President and First Lady Obama's initiative to battle obesity. We've been doing this now for the past decade. It's in epidemic proportions in some districts. So we do urge the people to come out to Metropolitan Church on Saturday to participate. But we believe that this is very important. The health of our Nation is at stake. And so I certainly urge support of the National Physical Education and Sport Week, House Resolution 1373, and urge passage.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 1373.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PAYNE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 5551, by the yeas and nays;

House Resolution 1434, by the yeas and nays;

House Resolution 1369, de novo.

Remaining postponed proceedings will resume later.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## REQUIRING CERTIFICATION FOR SMALL BUSINESS LENDING FUND

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5551) to require the Secretary of the Treasury to make a certification when making purchases under the Small Business Lending Fund Program, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. KOSMAS) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 21, as follows:

[Roll No. 379]

YEAS—411

Ackerman	Boyd	Cole
Aderholt	Brady (PA)	Conaway
Adler (NJ)	Brady (TX)	Connolly (VA)
Akin	Braley (IA)	Conyers
Alexander	Bright	Cooper
Altmire	Brown (GA)	Costa
Andrews	Brown, Corrine	Costello
Arcuri	Brown-Waite,	Courtney
Austria	Ginny	Crenshaw
Baca	Buchanan	Critz
Bachmann	Burgess	Crowley
Bachus	Burton (IN)	Cuellar
Baird	Butterfield	Culberson
Baldwin	Calvert	Cummings
Barrow	Camp	Dahlkemper
Bartlett	Campbell	Davis (CA)
Barton (TX)	Cantor	Davis (IL)
Bean	Cao	Davis (KY)
Becerra	Capito	Davis (TN)
Berkley	Capps	DeFazio
Berman	Capuano	DeGette
Berry	Cardoza	Delahunt
Biggert	Carnahan	DeLauro
Billbray	Carney	Dent
Billirakis	Carson (IN)	Deutch
Bishop (GA)	Carter	Diaz-Balart, L.
Bishop (NY)	Cassidy	Diaz-Balart, M.
Bishop (UT)	Castle	Dicks
Blackburn	Castor (FL)	Dingell
Blumenauer	Chaffetz	Djou
Blunt	Chandler	Doggett
Bocciari	Childers	Donnelly (IN)
Boehner	Chu	Doyle
Bonner	Clarke	Dreier
Bono Mack	Clay	Driehaus
Boozman	Cleaver	Duncan
Boren	Clyburn	Edwards (MD)
Boswell	Coble	Edwards (TX)
Boucher	Coffman (CO)	Ehlers
Boustany	Cohen	Ellison

Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Fox  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves (GA)  
Graves (MO)  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Hereth Sandlin  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham

LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loeb  
Loeb  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Owens  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (NC)

Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberti  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland

Whitfield  
Wilson (OH)  
Wilson (SC)  
  
Barrett (SC)  
Brown (SC)  
Buyer  
Davis (AL)  
Fallin  
Garamendi  
Griffith

Wittman  
Wolf  
Woolsey  
  
Hill  
Hodes  
Hoekstra  
Ingilis  
Kirk  
Matheson  
Meeks (NY)

Wu  
Yarmuth  
Young (AK)  
  
Platts  
Price (GA)  
Putnam  
Roskam  
Rush  
Wamp  
Young (FL)

## NOT VOTING—21

□ 1217

Mr. CLEAVER changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## RECOGNIZING NATIONAL HOMEOWNERSHIP MONTH

The SPEAKER pro tempore (Ms. McCOLLUM). The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1434) recognizing National Homeownership Month and the importance of homeownership in the United States, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. KOSMAS) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 6, not voting 21, as follows:

[Roll No. 380]

## YEAS—405

Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggart  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Bocieri  
Boehner  
Bonner  
Bono Mack  
Boozman

Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Bright  
Braley (IA)  
Brown, Corrine  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Caster (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke

Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Critz  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Deutch  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell

Djou  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driebehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Fleming  
Forbes  
Fortenberry  
Foster  
Fox  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves (MO)  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Hereth Sandlin  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
Kingston  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas

Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loeb  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Matsui  
McCarthy (NY)  
McCaul  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Owens  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)

Pitts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz

Wasserman	Weiner	Wittman
Schultz	Welch	Wolf
Waters	Westmoreland	Woolsey
Watson	Whitfield	Wu
Watt	Wilson (OH)	Yarmuth
Waxman	Wilson (SC)	Young (AK)

## NAYS—6

Broun (GA)	Flake	Paul
Brown-Waite, Ginny	Graves (GA)	McClintock

## NOT VOTING—21

Baird	Griffith	Matheson
Barrett (SC)	Hill	McCarthy (CA)
Brown (SC)	Hodes	Platts
Buyer	Hoekstra	Putnam
Davis (AL)	Inglis	Schiff
Fallin	Johnson (GA)	Wamp
Garamendi	Kirk	Young (FL)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1227

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## RECOGNIZING NATIONAL CARIBBEAN-AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1369) recognizing the significance of National Caribbean-American Heritage Month.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. MATSUI. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 22, as follows:

[Roll No. 381]

YEAS—410

Ackerman	Bean	Bonner
Aderholt	Becerra	Bono Mack
Adler (NJ)	Berkley	Boozman
Akin	Berman	Boren
Alexander	Berry	Boswell
Altmire	Biggart	Boucher
Andrews	Bilbray	Boustany
Arcuri	Bilirakis	Boyd
Austria	Bishop (GA)	Brady (PA)
Baca	Bishop (NY)	Brady (TX)
Bachmann	Bishop (UT)	Braley (IA)
Bachus	Blackburn	Bright
Baldwin	Blumenauer	Brown (GA)
Barrow	Blunt	Brown, Corrine
Bartlett	Boccieri	Brown-Waite, Ginny
Barton (TX)	Boehner	

Buchanan	Goodlatte	Marchant
Burgess	Gordon (TN)	Markey (CO)
Burton (IN)	Granger	Markey (MA)
Butterfield	Graves (GA)	Marshall
Calvert	Graves (MO)	Matsui
Camp	Grayson	McCarthy (NY)
Campbell	Green, Al	McCauley
Cantor	Green, Gene	McClintock
Cao	Grijalva	McCollum
Capito	Guthrie	McCotter
Capps	Gutierrez	McDermott
Capuano	Hall (NY)	McGovern
Cardoza	Hall (TX)	McHenry
Carnahan	Halvorson	McIntyre
Carney	Hare	McKeon
Carson (IN)	Harman	McMahon
Carter	Harper	McMorris
Cassidy	Hastings (FL)	Rodgers
Castle	Hastings (WA)	McNerney
Castor (FL)	Heinrich	Meek (FL)
Chaffetz	Heller	Meeks (NY)
Chandler	Hensarling	Melancon
Childers	Herger	Mica
Chu	Herseth Sandlin	Michaud
Clarke	Higgins	Miller (FL)
Clay	Hill	Miller (MI)
Cleaver	Himes	Miller (NC)
Clyburn	Hinchey	Miller, Gary
Coble	Hinojosa	Miller, George
Coffman (CO)	Hirono	Minnick
Cohen	Holden	Mitchell
Cole	Holt	Mollohan
Conaway	Honda	Moore (KS)
Connolly (VA)	Hoyer	Moore (WI)
Conyers	Hunter	Moran (KS)
Cooper	Inslee	Moran (VA)
Costa	Israel	Murphy (CT)
Costello	Issa	Murphy (NY)
Courtney	Jackson (IL)	Murphy, Patrick
Crenshaw	Jackson Lee	Murphy, Tim
Critz	(TX)	Myrick
Crowley	Jenkins	Nadler (NY)
Cuellar	Johnson (GA)	Napolitano
Culberson	Johnson (IL)	Neal (MA)
Cummings	Johnson, E. B.	Neugebauer
Dahlkemper	Johnson, Sam	Nunes
Davis (CA)	Jones	Nye
Davis (IL)	Jordan (OH)	Oberstar
Davis (KY)	Kagen	Obey
Davis (TN)	Kanjorski	Ortiz
DeFazio	Kaptur	Owens
DeGette	Kennedy	Pallone
DeLauro	Kildee	Pascarell
Dent	Kilpatrick (MI)	Pastor (AZ)
Deutch	Kilroy	Paul
Diaz-Balart, L.	Kind	Paulsen
Diaz-Balart, M.	King (IA)	Payne
Dingell	King (NY)	Pence
Djau	Kingston	Perlmutter
Doggett	Kirkpatrick (AZ)	Perriello
Donnelly (IN)	Kissell	Peters
Doyle	Klein (FL)	Peterson
Dreier	Kline (MN)	Petri
Driehaus	Kosmas	Pingree (ME)
Duncan	Kratovil	Pitts
Edwards (MD)	Kucinich	Poe (TX)
Edwards (TX)	Lamborn	Polis (CO)
Ehlers	Lance	Pomeroy
Ellison	Langevin	Posey
Ellsworth	Larsen (WA)	Price (GA)
Emerson	Larson (CT)	Price (NC)
Engel	Latham	Quigley
Eshoo	LaTourette	Radanovich
Etheridge	Latta	Rahall
Farr	Lee (CA)	Rangel
Fattah	Lee (NY)	Rehberg
Filner	Levin	Reichert
Flake	Lewis (CA)	Reyes
Fleming	Lewis (GA)	Richardson
Forbes	Linder	Rodriguez
Fortenberry	Lipinski	Roe (TN)
Foster	LoBiondo	Rogers (AL)
Fox	Loebach	Rogers (KY)
Frank (MA)	Lofgren, Zoe	Rogers (MI)
Frank (AZ)	Lowey	Rohrabacher
Frankinghuysen	Lucas	Rooney
Fudge	Luetkemeyer	Ros-Lehtinen
Gallely	Lujan	Roskam
Garamendi	Lummis	Ross
Garrett (NJ)	Lungren, Daniel	Rothman (NJ)
Gerlach	E.	Roybal-Allard
Giffords	Lynch	Royce
Gingrey (GA)	Mack	Ruppersberger
Gohmert	Maffei	Rush
Gonzalez	Maloney	Ryan (OH)
	Manzullo	Ryan (WI)

Salazar	Slaughter	Tsongas
Sanchez, Linda T.	Smith (NE)	Turner
Sanchez, Loretta	Smith (NJ)	Upton
Sarbanes	Smith (TX)	Van Hollen
Scalise	Smith (WA)	Velázquez
Schakowsky	Snyder	Visclosky
Schauer	Space	Walden
Schmidt	Speier	Walz
Schock	Spratt	Wasserman
Schrader	Stark	Schultz
Schwartz	Stearns	Waters
Scott (GA)	Stupak	Watson
Scott (VA)	Sullivan	Watt
Sensenbrenner	Sutton	Waxman
Serrano	Tanner	Weiner
Sessions	Taylor	Welch
Sestak	Teague	Westmoreland
Shadegg	Terry	Whitfield
Shea-Porter	Thompson (CA)	Wilson (OH)
Sherman	Thompson (MS)	Wilson (SC)
Shimkus	Thompson (PA)	Wittman
Shuler	Thornberry	Wolf
Shuster	Tiberi	Woolsey
Simpson	Tierney	Wu
Sires	Titus	Yarmuth
Skelton	Tonko	Young (AK)
	Towns	

## NOT VOTING—22

Baird	Hodes	Platts
Barrett (SC)	Hoekstra	Putnam
Brown (SC)	Inglis	Schiff
Buyer	Kirk	Tiahrt
Davis (AL)	Matheson	Wamp
Dicks	McCarthy (CA)	Young (FL)
Fallin	Olson	
Griffith	Oliver	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining.

□ 1234

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. SCHIFF. Madam Speaker, on rollcall Nos. 380 and 381, had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Mr. PUTNAM. Madam Speaker, on Tuesday, June 22, 2010, and Wednesday, June 23, 2010, I was not present for six recorded votes. Had I been present, I would have voted the following way: Roll No. 376—"yea"; roll No. 377—"yea"; roll No. 378—"yea"; roll No. 379—"yea"; roll No. 380—"yea"; roll No. 381—"yea."

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

# CALLING CARD CONSUMER PROTECTION ACT

Ms. MATSUI. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3993) to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3993

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Calling Card Consumer Protection Act".

## SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions apply:

(1) The term "Commission" means the Federal Trade Commission.

(2) The term "prepaid calling card" has the meaning given the term "prepaid calling card" by section 64.5000(a) of the Federal Communications Commission's regulations (47 C.F.R. 64.5000(a)). Such term shall also include calling cards that use VoIP service or a successor protocol. Such term shall also include an electronic or other mechanism that allows users to pay in advance for a specified amount of calling. Such term shall not include—

(A) calling cards or other rights of use that are provided for free or at no additional cost as a promotional item accompanying a product or service purchased by a consumer;

(B) any card, device, or other right of use, the purchase of which establishes a customer-carrier relationship with a provider of wireless telecommunications service or wireless hybrid service, or that provides access to a wireless telecommunications service or wireless hybrid service account wherein the purchaser has a pre-existing relationship with the wireless service provider; or

(C) payphone service, as that term is defined in section 276(d) of the Communications Act of 1934 (47 U.S.C. 276(d)).

(3) The term "prepaid calling card provider" has the meaning given the term "prepaid calling card provider" by section 64.5000(b) of the Federal Communications Commission's regulations (47 C.F.R. 64.5000(b)). Such term shall also include—

(A) a provider of a prepaid calling card that uses VoIP service or a successor protocol; and

(B) a provider of a prepaid calling card that allows users to pay in advance for a specified amount of minutes through an electronic or other mechanism.

(4) The term "prepaid calling card distributor" means any entity or person that purchases prepaid calling cards from a prepaid calling card provider or another prepaid calling card distributor and sells, re-sells, issues, or distributes such cards to one or more distributors of such cards or to one or more retail sellers of such cards. Such term shall not include—

(A) any retail seller whose only activity with respect to the sale of prepaid calling cards is point-of-sale transactions with end-user customers; or

(B) any person whose only activity with respect to the sale of prepaid calling cards is the transport or delivery of such cards.

(5) The term "wireless hybrid service" is defined as a service that integrates both commercial mobile radio service (as defined by section 20.3 of the Federal Communica-

tions Commission's regulations (47 C.F.R. 20.3)) and VoIP service.

(6) The term "VoIP service" has the meaning given the term "interconnected Voice over Internet protocol service" by section 9.3 of the Federal Communications Commission's regulations (47 C.F.R. 9.3). Such term shall include any voice calling service that utilizes a voice over Internet protocol or any successor protocol in the transmission of the call.

(7) The term "fees" includes all charges, fees, taxes, or surcharges applicable to a prepaid calling card that are—

(A) required by Federal law or regulation or order of the Federal Communications Commission or by the laws and regulations of any State or political subdivision of a State; or

(B) expressly permitted to be assessed under Federal law or regulation or order of the Federal Communications Commission or under the laws and regulations of any State or political subdivision of a State.

(8) The term "additional charge" means any charge assessed by a prepaid calling card provider or prepaid calling card distributor for the use of a prepaid calling card, other than a fee or rate.

(9) The term "international preferred destination" means one or more specific international destinations named on a prepaid calling card or on the packaging material accompanying a prepaid calling card.

## SEC. 3. REQUIRED DISCLOSURES OF PREPAID CALLING CARDS.

(a) REQUIRED DISCLOSURE.—Any prepaid calling card provider or prepaid calling card distributor shall accurately disclose the following information relating to the terms and conditions of the prepaid calling card:

(1) The name of the prepaid calling card provider and such provider's customer service telephone number and hours of service, except that the hours of service may not be required to be disclosed if the provider's customer service is provided and available 24 hours a day, 7 days per week.

(2)(A) The number of domestic interstate minutes available from the prepaid calling card and the number of available minutes for all international preferred destinations served by the prepaid calling card at the time of purchase; or

(B) the dollar value of the prepaid calling card, the domestic interstate rate per minute provided by such card, and the applicable per minute rates for all international preferred destinations served by the prepaid calling card at the time of purchase.

(3)(A) The applicable per minute rate for all individual international destinations served by the card at the time of purchase; or

(B) a toll-free customer service number and website (if the provider maintains a website) where a consumer may obtain the information described in subparagraph (A) and a statement that such information may be obtained through such toll-free customer service number and website.

(4) The following terms and conditions pertaining to, or associated with, the use of the prepaid calling card:

(A) Any applicable fees associated with the use of the prepaid calling card.

(B) A description of any additional charges associated with the use of the prepaid calling card and the amount of such charges.

(C) Any limitation on the use or period of time for which the promoted or advertised minutes or rates will be available.

(D) A description of the applicable policies relating to refund, recharge, and any pre-

determined decrease in value of such card over a period of time.

(E) Any expiration date applicable to the prepaid calling card or the minutes available with such calling card.

## (b) LOCATION OF DISCLOSURE AND LANGUAGE REQUIREMENT.—

(1) CLEAR AND CONSPICUOUS.—

(A) CARDS.—The disclosures required under subsection (a) shall be printed in plain English language (except as provided in paragraph (2)) in a clear and conspicuous manner and location on the prepaid calling card, except as the Commission may provide under paragraph (3). If the card is enclosed in packaging that obscures the disclosures on the card, such disclosures also shall be printed on the outside packaging of the card.

(B) ONLINE SERVICES.—In addition to the requirements under subparagraph (A), in the case of a prepaid calling card that consumers purchase via the Internet, the disclosures required under subsection (a) shall be displayed in plain English language (except as provided in paragraph (2)) in a clear and conspicuous manner and location on the Internet website that the consumer must access prior to purchasing such card.

(C) ADVERTISING AND OTHER PROMOTIONAL MATERIAL.—Any advertising or other promotional material for a prepaid calling card that contains any representation, expressly or by implication, regarding the dollar value, the per minute rate, or the number of minutes provided by the card shall include in a clear and conspicuous manner and location all the disclosures described in subsection (a), except as the Commission may provide under paragraph (3).

(2) FOREIGN LANGUAGES.—If a language other than English is prominently used on a prepaid calling card, its packaging, or in point-of-sale advertising, Internet advertising, or promotional material for such card, the disclosures required by this section shall be disclosed in that language on such card, packaging, advertisement, or promotional material.

(3) DIFFERENT LOCATION OF CERTAIN INFORMATION AS DETERMINED BY COMMISSION.—Notwithstanding the requirements of paragraph (1), the Commission may determine that some of the information required to be disclosed pursuant to subsection (a) does not need to be disclosed on the prepaid calling card, advertising, or other promotional material, if the Commission by regulation—

(A) requires the information to be otherwise disclosed and available to consumers; and

(B) determines that—

(i) such disclosures provide for easy comprehension and comparison by consumers; and

(ii) the remaining disclosures on the prepaid calling card, advertising, or other promotional material, include sufficient information to allow a consumer to effectively inquire about or seek clarification of the services provided by the calling card.

(c) MINUTES ANNOUNCED, PROMOTED, OR ADVERTISED THROUGH VOICE PROMPTS.—Any information provided to a consumer by any voice prompt given to the consumer at the time the consumer uses the prepaid calling card relating to the remaining value of the calling card or the number of minutes available from the calling card shall be accurate, taking into account the application of the fees and additional charges required to be disclosed under subsection (a).

(d) DISCLOSURES REQUIRED UPON PURCHASE OF ADDITIONAL MINUTES.—If a prepaid calling card permits a consumer to add value to the

card or purchase additional minutes after the original purchase of the prepaid calling card, any changes to the rates or additional charges required to be disclosed under subsection (a) shall apply only to the additional minutes to be purchased and shall be disclosed clearly and conspicuously to the consumer before the completion of such purchase.

(e) **NO FALSE, MISLEADING, OR DECEPTIVE DISCLOSURES.**—No prepaid calling card, packaging, advertisement, or other promotional material containing a disclosure required pursuant to this section shall contain any false, misleading, or deceptive representations relating to the terms and conditions of the prepaid calling card.

#### SEC. 4. FEDERAL TRADE COMMISSION AUTHORITY.

(a) **UNFAIR AND DECEPTIVE ACT OR PRACTICE.**—A violation of section 3 shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) **AUTHORITY OF THE COMMISSION.**—The Commission shall enforce this Act in the same manner and by the same means as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act. Notwithstanding any provision of the Federal Trade Commission Act or any other provision of law, common carriers subject to the Communications Act of 1934 (47 U.S.C. 151 et seq.) and any amendment thereto shall be subject to the jurisdiction of the Commission for purposes of this Act.

(c) **RULEMAKING AUTHORITY.**—Not later than 1 year after the date of enactment of this Act, the Commission shall, in consultation with the Federal Communications Commission and in accordance with section 553 of title 5, United States Code, issue regulations to carry out this Act. In promulgating such regulations, the Commission shall—

(1) take into consideration the need for clear disclosures that provide for easy comprehension and comparison by consumers, taking into account the size of prepaid calling cards; and

(2) give due consideration to the views of the Federal Communications Commission with regard to matters for which that Commission has particular expertise and authority and shall take into consideration the views of States.

In promulgating such regulations, the Commission may prescribe requirements concerning the order, format, presentation, and design of disclosures required by this Act and may establish and require the use of uniform terms, symbols, or categories to describe or disclose fees and additional charges, if the Commission finds that such requirements will assist consumers in making purchasing decisions and effectuate the purposes of this Act. The Commission shall not issue regulations that otherwise specify the rates, terms, and conditions of prepaid calling cards.

(d) **SAVINGS PROVISION.**—Nothing in this Act shall be construed to limit the authority of the Commission under any other provision of law. Except to the extent expressly provided in this Act, nothing in this Act shall be construed to alter or affect the exemption for common carriers provided by section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)). Nothing in this Act is intended to limit the authority of the Federal Communications Commission.

(e) **COORDINATION.**—If the Federal Communications Commission initiates a rulemaking

proceeding to establish requirements relating to the disclosure of terms and conditions of prepaid calling cards, the Federal Communications Commission shall coordinate with the Federal Trade Commission to ensure that any such requirements are not inconsistent with the requirements of this Act and the regulations issued under subsection (c).

#### SEC. 5. STATE ENFORCEMENT.

(a) **IN GENERAL.**—

(1) **CIVIL ACTIONS.**—In any case in which the attorney general of a State, a State utility commission, or other consumer protection agency has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that is prohibited under this Act, the State utility commission or other consumer protection agency, if authorized by State law, or the State, as *parens patriae*, may bring a civil action on behalf of the residents of that State in an appropriate district court of the United States or any other court of competent jurisdiction to—

(A) enjoin that practice;

(B) enforce compliance with this Act;

(C) obtain damages, restitution, or other compensation on behalf of residents of the State; or

(D) obtain such other relief as the court may consider to be appropriate.

(2) **NOTICE TO THE COMMISSION.**—

(A) **IN GENERAL.**—Before filing an action under paragraph (1), the State shall provide to the Commission—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) **EXEMPTION.**—

(i) **IN GENERAL.**—Subparagraph (A) shall not apply with respect to the filing of an action by a State under this subsection, if the attorney general or other appropriate officer determines that it is not feasible to provide the notice described in that subparagraph before the filing of the action.

(ii) **NOTIFICATION.**—In an action described in clause (i), the State shall provide notice and a copy of the complaint to the Commission at the same time as the State files the action.

(b) **INTERVENTION BY COMMISSION.**—

(1) **IN GENERAL.**—On receiving notice under subsection (a)(2), the Commission shall have the right to intervene in the action that is the subject of the notice.

(2) **EFFECT OF INTERVENTION.**—If the Commission intervenes in an action under subsection (a), it shall have the right—

(A) to be heard with respect to any matter that arises in that action;

(B) to remove the action to the appropriate United States District Court; and

(C) to file a petition for appeal.

(c) **CONSTRUCTION.**—For purposes of bringing any civil action under subsection (a), nothing in this section shall be construed to prevent an attorney general of a State, a State utility commission, or other consumer protection agency authorized by State law from exercising the powers conferred on the attorney general or other appropriate official by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations;

(3) compel the attendance of witnesses or the production of documentary and other evidence; or

(4) enforce any State law.

(d) **ACTION BY THE COMMISSION MAY PRECLUDE STATE ACTION.**—In any case in which an action is instituted by or on behalf of the Commission for violation of this Act, or any regulation issued under this Act, no State

may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action for violation of this Act or regulation.

#### SEC. 6. APPLICATION.

This Act shall apply to—

(1) any prepaid calling card issued or placed into the stream of commerce beginning 180 days after the date on which final regulations are promulgated pursuant to section 4(c); and

(2) any advertising, promotion, point-of-sale material or voice prompt regarding a prepaid calling card that is disseminated beginning 180 days after the date on which final regulations are promulgated pursuant to section 4(c).

#### SEC. 7. EFFECT ON STATE LAWS.

After the date on which final regulations are promulgated pursuant to section 4(c), no State or political subdivision of a State may establish or continue in effect any provision of law that contains requirements regarding disclosures to be printed on prepaid calling cards or packaging unless such requirements are identical to the requirements of section 3.

#### SEC. 8. STUDIES.

(a) **GAO STUDY.**—Beginning 2 years after the date on which final regulations are promulgated pursuant to section 4(c), the Comptroller General shall conduct a study of the effectiveness of this Act and the disclosures required under this Act and shall submit a report of such study to Congress not later than 3 years after the date of enactment of this Act.

(b) **FTC STUDY.**—The Commission shall, in consultation with the Federal Communications Commission, conduct a study of the extent to which the business practices of the prepaid calling card industry intended to be addressed by this Act exist in the prepaid wireless industry and shall submit a report of such study, including recommendations, if any, to Congress not later than 3 years after the date of enactment of this Act.

The **SPEAKER pro tempore**. Pursuant to the rule, the gentlewoman from California (Ms. MATSUI) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Ms. MATSUI. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The **SPEAKER pro tempore**. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 3993, the Calling Card Consumer Protection Act. I want to thank Mr. ENGEL for introducing this important piece of legislation, and Chairmen WAXMAN and RUSH for their leadership in guiding the bill through the committee.

I am pleased that the House is taking up this important bipartisan measure

which will prevent fraud and abuse in the prepaid calling card industry. The bill was voice-voted out of the Energy and Commerce Committee.

American consumers spend billions of dollars on prepaid calling cards. These cards are generally marketed to a particular group of consumers, including immigrants, college students, seniors, and military personnel. Unfortunately, the prepaid calling card market is rife with fraudulent and deceptive practices. Many prepaid calling cards fail to deliver the full number of advertised minutes. Cards often contain hidden charges, such as connection fees, maintenance fees, and disconnect fees, as well as inconsistent rates per minute.

In short, consumers often find that because of misleading information, inconsistent claims, and buried disclosures, they are left with an insufficient product with little or no recourse. To address these issues and protect American consumers, H.R. 3993 will require calling card providers and distributors to clearly and conspicuously disclose all relevant information so that consumers can make informed choices.

□ 1240

These disclosures would include critical information such as contact information for the provider, the number of minutes available or the dollar value of the card.

Importantly, H.R. 3993 would mean the end of hidden fees in the prepaid calling card market. Entities would be required to disclose all fees, charges, limitations, changes in value, or other terms that impact the use of the card.

Consumers who purchase prepaid calling cards should get what they pay for. If they don't, consumers should have recourse, and bad actors should face tough enforcement.

I urge my colleagues to support H.R. 3993, and I reserve the balance of my time.

Mr. WHITFIELD. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 3993, the Calling Card Consumer Protection Act. We have a lot of students and military personnel around this country who depend on prepaid calling cards. Unfortunately, we have discovered that the majority of prepaid cards only deliver 50 to 60 percent of the minutes advertised. While a private enterprise certainly has the right to shape its business model as it sees fit, it does not have the right to misinform and to mistreat customers with exorbitant hang-up fees and maintenance fees, and as I said, many people who have prepaid cards simply do not know what they actually provide them.

That is why H.R. 3993 is so important. It is going to go a long way toward preventing these occurrences in the future. This legislation will ensure that consumers are better informed by requiring an accurate and reasonable

disclosure of the terms and conditions of prepaid telephone calling cards and services.

Under the bill, prepaid calling card providers would have to clearly disclose how many minutes they offer and the prices for those minutes. They would also have to clearly disclose any additional fees levied on the consumer as well as the card's expiration date and other relevant information.

I want to especially thank my colleagues on the other side of the aisle—and certainly Mr. ENGEL, who introduced this bill—for working so closely with the minority on this important issue. Because of our working together, we have a bill that, I believe, helps consumers without unduly hampering the industry. This legislation includes commonsense preemption standards, liability exemptions for retailers, which is very important, and, of course, strong protections for the consumer.

I would urge all of my colleagues to support this important legislation, and I reserve the balance of my time.

Ms. MATSUI. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ENGEL), the sponsor of this bill.

Mr. ENGEL. I thank the gentleman from California, my good friend, Congresswoman MATSUI, and I thank the gentleman, Mr. WHITFIELD, for his kind remarks.

Madam Speaker, I stand here in support of my legislation, H.R. 3993, the Calling Card Consumer Protection Act.

I want to thank my good friends Chairman WAXMAN, who is the chairman of our Energy and Commerce Committee; BOBBY RUSH, who is the chairman of the Consumer Protection Subcommittee; as well as JOE BARTON and GEORGE RADANOVICH, who are the ranking members of the full committee and subcommittee.

As my colleagues have mentioned, calling cards are an invaluable resource for a number of people who make frequent long distance or overseas calls. Students, members of the Armed Forces, and those whose families live outside of the country regularly use these cards to call home. The cards are also popular among people who either choose not to subscribe to long distance telephone services or who cannot afford them. They are a necessary tool for keeping in touch with friends or with family members. Calling cards that provide the services that the companies advertise can save consumers a great deal of money when they call home.

Unfortunately, as my colleagues have mentioned, as we see all too often, a number of unscrupulous companies are failing to keep their advertised terms. I first learned of this issue about 3 years ago when I heard from a number of constituents who said that their prepaid calling cards were not delivering the number of minutes that they ad-

vertised. In fact, many were not even close to delivering the promised number of minutes.

When I heard about these problems, I purchased a calling card to investigate the problem for myself. What shocked me—although, it should come as no surprise to anybody now—is that I found the exact same problems my constituents were having. One of those companies promised me a certain number of minutes, and I found that it was a complete fabrication. I did not receive even close to the number of minutes that the card advertised. This is when I decided to introduce my legislation to ban this practice.

I have read studies conducted by States' attorneys general as well as by independent groups showing that many calling cards provide far fewer minutes than are advertised. One study by the Hispanic Institute found, on average, that the caller only received about 60 percent of the minutes guaranteed by the card. I recently read that the prepaid calling card industry takes in \$4 billion a year in revenue. If the cards are only providing 60 percent of the minutes, each one of us can do the math.

This deception is costing consumers and honest companies hundreds of millions of dollars every year. Calling card fraud harms segments of the population which are among the most vulnerable to being victimized by unscrupulous companies only seeking to make quick profits. Companies will target poor, minority, and immigrant populations, and they don't stop there. They have even preyed upon our soldiers in Iraq and Afghanistan. This is unconscionable.

As was mentioned, there are so many ways that they use fraudulent terms. There are different fees. If you call and don't get anyone home, there is a fee. If you call and someone hangs up, there is a fee. There are all kinds of hidden fees in terms of what time you can call and what day you can call. It just gets ridiculous.

In an article in *BusinessWeek* magazine, the author detailed one example of a company that marketed toward Spanish-speaking consumers. It had packaging with Spanish language information, but the fine print that detailed all the various fees they would charge the user was in English. When confronted about this deception, the company simply said, "We're in America." They had the audacity to claim that, even when they put Spanish language advertisements in markets with Spanish-speaking consumers, they could hide all of their fees in English.

This legislation will put a stop to a number of deceptive practices employed by unscrupulous companies. It would simply require calling cards and advertisements to include the clear disclosure of all terms, conditions, and

fees in the language in which the calling card is advertised. Just like the nutrition information on a box of cereal, consumers should be able to quickly and easily compare two products side by side.

I would strongly encourage all Members to support this bipartisan and, as Mr. WHITFIELD pointed out, well-thought-out legislation. I thank everyone for marking up this legislation today.

Mr. WHITFIELD. Madam Speaker, this issue is so important that I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I won't take 2 minutes, Madam Speaker.

I would just like to say that my colleague who just spoke, Mr. ENGEL, and I became aware of this some time ago when one of the people we know, who is in this business, brought to our attention the way some of these companies have been so unscrupulous in bilking the public out of the minutes that they pay for.

I am very happy that Congressman ENGEL has introduced this bill. Though, I only wish I'd known about it because I certainly would have wanted to have been a cosponsor on it. You may rest assured that I will support it, and I hope that all of my colleagues will because it is unconscionable that the American people would buy something like this, especially military personnel, knowing that they are going to be able to call their loved ones, then to find out that they've been short-changed. It's almost a criminal act. I think we ought to look down the road. If this is being done intentionally by these calling card companies, there possibly ought to be some prosecutions that take place.

Mr. WHITFIELD. Madam Speaker, I yield back the balance of my time.

Ms. SCHAKOWSKY. Madam Speaker, I rise today in support of H.R. 3993, the Calling Card Consumer Protection Act. I congratulate my colleague Mr. ENGEL for introducing it.

Today, more than 276 million American households—89 percent of the U.S. population—have cell phones. But prepaid calling cards remain a huge industry—worth \$4 billion in 2007.

They are particularly popular among college students, as well as military personnel and immigrant communities—people who frequently make international calls.

My district is one of the most diverse and international in the Nation. Almost one-third, 31.6 percent, of my constituents are foreign-born, first-generation American residents. So calling cards are very important for them.

Unfortunately, the calling card industry is full of deceptive advertising and hidden fees. A card may say it is worth 250 minutes, but you may get 200 or 100 once you actually use it. Too often, calling cards have no information listed about connection fees, varying rates-per-minute, fees charged each week that you do not use the card, or even fees for just hanging up. When those fees aren't fully dis-

closed to consumers, we have a serious problem.

Earlier this year, in the wake of the devastating earthquake in Haiti, I heard from many of my Haitian constituents who were using calling cards to try to reach their loved ones. Because of the high fees placed on the cards and the lack of clarity about fees and terms, they were going through dozens of cards without ever having a call connected.

At the time, I sent letters to a number of calling card companies. I encouraged them to reach out to their local Haitian communities and to give refunds or issue free cards to customers who bought their cards and had the time run out before the call connected.

Mr. ENGEL's bill would ensure that fees, rates, expiration dates or limitations of calling cards are clearly and fully disclosed to consumers. This is an important consumer protection bill and I encourage all of my colleagues to support it.

Ms. SUTTON. Madam Speaker, I rise today in strong support for the Calling Card Protection Act (H.R. 3993) and would like to commend Rep. ENGEL for his leadership on this issue.

The Calling Card Protection Act provides common-sense solutions to protect consumers from fraud and abuse.

When buying a calling card, a consumer should receive the full amount of time purchased to talk to their family or friends.

Unfortunately, because of hidden fees and charges, this is not the case.

H.R. 3993 requires that calling card providers accurately and clearly disclose any fees and charges . . . and provide an accurate representation of how many minutes the card will provide.

Madam Speaker, our troops use pre-paid calling cards to call their loved ones while they are fighting for us overseas.

They deserve the full amount of time when calling their family.

Ms. MATSUI. Madam Speaker, H.R. 3993 will protect consumers from faulty and deceptive calling cards.

Again, I want to thank my colleague, Representative ENGEL, for his work on this legislation.

This bill is bipartisan, and I urge my colleagues to support this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. MATSUI) that the House suspend the rules and pass the bill, H.R. 3993, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. MATSUI. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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## FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS ACT

Ms. MATSUI. Madam Speaker, I move to suspend the rules and pass the bill (S. 1660) to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1660

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Formaldehyde Standards for Composite Wood Products Act".

### SEC. 2. FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS.

(a) AMENDMENT.—The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following:

#### "TITLE VI—FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS

##### "SEC. 601. FORMALDEHYDE STANDARDS.

"(a) DEFINITIONS.—In this section:

"(1) FINISHED GOOD.—

"(A) IN GENERAL.—The term 'finished good' means any good or product (other than a panel) containing—

"(i) hardwood plywood;

"(ii) particleboard; or

"(iii) medium-density fiberboard.

"(B) EXCLUSIONS.—The term 'finished good' does not include—

"(i) any component part or other part used in the assembly of a finished good; or

"(ii) any finished good that has previously been sold or supplied to an individual or entity that purchased or acquired the finished good in good faith for purposes other than resale, such as—

"(I) an antique; or

"(II) secondhand furniture.

"(2) HARDBOARD.—The term 'hardboard' has such meaning as the Administrator shall establish, by regulation, pursuant to subsection (d).

"(3) HARDWOOD PLYWOOD.—

"(A) IN GENERAL.—The term 'hardwood plywood' means a hardwood or decorative panel that is—

"(i) intended for interior use; and

"(ii) composed of (as determined under the standard numbered ANSI/HPVA HP-1-2009) an assembly of layers or plies of veneer, joined by an adhesive with—

"(I) lumber core;

"(II) particleboard core;

"(III) medium-density fiberboard core;

"(IV) hardboard core; or

"(V) any other special core or special back material.

"(B) EXCLUSIONS.—The term 'hardwood plywood' does not include—

"(i) military-specified plywood;

"(ii) curved plywood; or

"(iii) any other product specified in—

"(I) the standard entitled 'Voluntary Product Standard—Structural Plywood' and numbered PS 1-07; or

"(II) the standard entitled 'Voluntary Product Standard—Performance Standard for Wood-Based Structural-Use Panels' and numbered PS 2-04.

"(C) LAMINATED PRODUCTS.—

"(i) RULEMAKING.—

"(I) IN GENERAL.—The Administrator shall conduct a rulemaking process pursuant to

subsection (d) that uses all available and relevant information from State authorities, industry, and other available sources of such information, and analyzes that information to determine, at the discretion of the Administrator, whether the definition of the term 'hardwood plywood' should exempt engineered veneer or any laminated product.

"(II) MODIFICATION.—The Administrator may modify any aspect of the definition contained in clause (ii) before including that definition in the regulations promulgated pursuant to subclause (I).

"(ii) LAMINATED PRODUCT.—The term 'laminated product' means a product—

"(I) in which a wood veneer is affixed to—

"(aa) a particleboard platform;

"(bb) a medium-density fiberboard platform; or

"(cc) a veneer-core platform; and

"(II) that is—

"(aa) a component part;

"(bb) used in the construction or assembly of a finished good; and

"(cc) produced by the manufacturer or fabricator of the finished good in which the product is incorporated.

"(4) MANUFACTURED HOME.—The term 'manufactured home' has the meaning given the term in section 3280.2 of title 24, Code of Federal Regulations (as in effect on the date of promulgation of regulations pursuant to subsection (d)).

"(5) MEDIUM-DENSITY FIBERBOARD.—The term 'medium-density fiberboard' means a panel composed of cellulosic fibers made by dry forming and pressing a resinated fiber mat (as determined under the standard numbered ANSI A208.2-2009).

"(6) MODULAR HOME.—The term 'modular home' means a home that is constructed in a factory in 1 or more modules—

"(A) each of which meet applicable State and local building codes of the area in which the home will be located; and

"(B) that are transported to the home building site, installed on foundations, and completed.

"(7) NO-ADDED FORMALDEHYDE-BASED RESIN.—

"(A) IN GENERAL.—(i) The term 'no-added formaldehyde-based resin' means a resin formulated with no added formaldehyde as part of the resin cross-linking structure in a composite wood product that meets the emission standards in subparagraph (C) as measured by—

"(I) one test conducted pursuant to test method ASTM E-1333-96 (2002) or, subject to clause (ii), ASTM D-6007-02; and

"(II) 3 months of routine quality control tests pursuant to ASTM D-6007-02 or ASTM D-5582 or such other routine quality control test methods as may be established by the Administrator through rulemaking.

"(ii) Test results obtained under clause (i)(I) or (II) by any test method other than ASTM E-1333-96 (2002) must include a showing of equivalence by means established by the Administrator through rulemaking.

"(B) INCLUSIONS.—The term 'no-added formaldehyde-based resin' may include any resin made from—

"(i) soy;

"(ii) polyvinyl acetate; or

"(iii) methylene diisocyanate.

"(C) EMISSION STANDARDS.—The following are the emission standards for composite wood products made with no-added formaldehyde-based resins under this paragraph:

"(i) No higher than 0.04 parts per million of formaldehyde for 90 percent of the 3 months of routine quality control testing data required under subparagraph (A)(ii).

"(ii) No test result higher than 0.05 parts per million of formaldehyde for hardwood plywood and 0.06 parts per million for particleboard, medium-density fiberboard, and thin medium-density fiberboard.

"(8) PARTICLEBOARD.—

"(A) IN GENERAL.—The term 'particleboard' means a panel composed of cellulosic material in the form of discrete particles (as distinguished from fibers, flakes, or strands) that are pressed together with resin (as determined under the standard numbered ANSI A208.1-2009).

"(B) EXCLUSIONS.—The term 'particleboard' does not include any product specified in the standard entitled 'Voluntary Product Standard—Performance Standard for Wood-Based Structural-Use Panels' and numbered PS 2-04.

"(9) RECREATIONAL VEHICLE.—The term 'recreational vehicle' has the meaning given the term in section 3282.8 of title 24, Code of Federal Regulations (as in effect on the date of promulgation of regulations pursuant to subsection (d)).

"(10) ULTRA LOW-EMITTING FORMALDEHYDE RESIN.—

"(A) IN GENERAL.—(i) The term 'ultra low-emitting formaldehyde resin' means a resin in a composite wood product that meets the emission standards in subparagraph (C) as measured by—

"(I) 2 quarterly tests conducted pursuant to test method ASTM E-1333-96 (2002) or, subject to clause (ii), ASTM D-6007-02; and

"(II) 6 months of routine quality control tests pursuant to ASTM D-6007-02 or ASTM D-5582 or such other routine quality control test methods as may be established by the Administrator through rulemaking.

"(ii) Test results obtained under clause (i)(I) or (II) by any test method other than ASTM E-1333-96 (2002) must include a showing of equivalence by means established by the Administrator through rulemaking.

"(B) INCLUSIONS.—The term 'ultra low-emitting formaldehyde resin' may include—

"(i) melamine-urea-formaldehyde resin;

"(ii) phenol formaldehyde resin; and

"(iii) resorcinol formaldehyde resin.

"(C) EMISSION STANDARDS.—

"(i) The Administrator may, pursuant to regulations issued under subsection (d), reduce the testing requirements for a manufacturer only if its product made with ultra low-emitting formaldehyde resin meets the following emission standards:

"(I) For hardwood plywood, no higher than 0.05 parts per million of formaldehyde.

"(II) For medium-density fiberboard—

"(aa) no higher than 0.06 parts per million of formaldehyde for 90 percent of 6 months of routine quality control testing data required under subparagraph (A)(ii); and

"(bb) no test result higher than 0.09 parts per million of formaldehyde.

"(III) For particleboard—

"(aa) no higher than 0.05 parts per million of formaldehyde for 90 percent of 6 months of routine quality control testing data required under subparagraph (A)(ii); and

"(bb) no test result higher than 0.08 parts per million of formaldehyde.

"(IV) For thin medium-density fiberboard—

"(aa) no higher than 0.08 parts per million of formaldehyde for 90 percent of 6 months of routine quality control testing data required under subparagraph (A)(ii); and

"(bb) no test result higher than 0.11 parts per million of formaldehyde.

"(ii) The Administrator may not, pursuant to regulations issued under subsection (d), exempt a manufacturer from third party cer-

tification requirements unless its product made with ultra low-emitting formaldehyde resin meets the following emission standards:

"(I) No higher than 0.04 parts per million of formaldehyde for 90 percent of 6 months of routine quality control testing data required under subparagraph (A)(ii).

"(II) No test result higher than 0.05 parts per million of formaldehyde for hardwood plywood and 0.06 parts per million for particleboard, medium-density fiberboard, and thin medium-density fiberboard.

"(b) REQUIREMENT.—

"(1) IN GENERAL.—Except as provided in an applicable sell-through regulation promulgated pursuant to subsection (d), effective beginning on the date that is 180 days after the date of promulgation of those regulations, the emission standards described in paragraph (2), shall apply to hardwood plywood, medium-density fiberboard, and particleboard sold, supplied, offered for sale, or manufactured in the United States.

"(2) EMISSION STANDARDS.—The emission standards referred to in paragraph (1), based on test method ASTM E-1333-96 (2002), are as follows:

"(A) For hardwood plywood with a veneer core, 0.05 parts per million of formaldehyde.

"(B) For hardwood plywood with a composite core—

"(i) 0.08 parts per million of formaldehyde for any period after the effective date described in paragraph (1) and before July 1, 2012; and

"(ii) 0.05 parts per million of formaldehyde, effective on the later of the effective date described in paragraph (1) or July 1, 2012.

"(C) For medium-density fiberboard—

"(i) 0.21 parts per million of formaldehyde for any period after the effective date described in paragraph (1) and before July 1, 2011; and

"(ii) 0.11 parts per million of formaldehyde, effective on the later of the effective date described in paragraph (1) or July 1, 2011.

"(D) For thin medium-density fiberboard—

"(i) 0.21 parts per million of formaldehyde for any period after the effective date described in paragraph (1) and before July 1, 2012; and

"(ii) 0.13 parts per million of formaldehyde, effective on the later of the effective date described in paragraph (1) or July 1, 2012.

"(E) For particleboard—

"(i) 0.18 parts per million of formaldehyde for any period after the effective date described in paragraph (1) and before July 1, 2011; and

"(ii) 0.09 parts per million of formaldehyde, effective on the later of the effective date described in paragraph (1) or July 1, 2011.

"(3) COMPLIANCE WITH EMISSION STANDARDS.—(A) Compliance with the emission standards described in paragraph (2) shall be measured by—

"(i) quarterly tests shall be conducted pursuant to test method ASTM E-1333-96 (2002) or, subject to subparagraph (B), ASTM D-6007-02; and

"(ii) quality control tests shall be conducted pursuant to ASTM D-6007-02, ASTM D-5582, or such other test methods as may be established by the Administrator through rulemaking.

"(B) Test results obtained under subparagraph (A)(i) or (ii) by any test method other than ASTM E-1333-96 (2002) must include a showing of equivalence by means established by the Administrator through rulemaking.

"(C) Except where otherwise specified, the Administrator shall establish through rulemaking the number and frequency of tests

required to demonstrate compliance with the emission standards.

“(4) **APPLICABILITY.**—The formaldehyde emission standard referred to in paragraph (1) shall apply regardless of whether an applicable hardwood plywood, medium-density fiberboard, or particleboard is—

“(A) in the form of an unfinished panel; or  
“(B) incorporated into a finished good.

“(c) **EXEMPTIONS.**—The formaldehyde emission standard referred to in subsection (b)(1) shall not apply to—

“(1) hardboard;

“(2) structural plywood, as specified in the standard entitled ‘Voluntary Product Standard—Structural Plywood’ and numbered PS 1-07;

“(3) structural panels, as specified in the standard entitled ‘Voluntary Product Standard—Performance Standard for Wood-Based Structural-Use Panels’ and numbered PS 2-04;

“(4) structural composite lumber, as specified in the standard entitled ‘Standard Specification for Evaluation of Structural Composite Lumber Products’ and numbered ASTM D 5456-06;

“(5) oriented strand board;

“(6) glued laminated lumber, as specified in the standard entitled ‘Structural Glued Laminated Timber’ and numbered ANSI A190.1-2002;

“(7) prefabricated wood I-joists, as specified in the standard entitled ‘Standard Specification for Establishing and Monitoring Structural Capacities of Prefabricated Wood I-Joists’ and numbered ASTM D 5055-05;

“(8) finger-jointed lumber;

“(9) wood packaging (including pallets, crates, spools, and dunnage);

“(10) composite wood products used inside a new—

“(A) vehicle (other than a recreational vehicle) constructed entirely from new parts that has never been—

“(i) the subject of a retail sale; or

“(ii) registered with the appropriate State agency or authority responsible for motor vehicles or with any foreign state, province, or country;

“(B) rail car;

“(C) boat;

“(D) aerospace craft; or

“(E) aircraft;

“(11) windows that contain composite wood products, if the window product contains less than 5 percent by volume of hardwood plywood, particleboard, or medium-density fiberboard, combined, in relation to the total volume of the finished window product; or

“(12) exterior doors and garage doors that contain composite wood products, if—

“(A) the doors are made from composite wood products manufactured with no-added formaldehyde-based resins or ultra low-emitting formaldehyde resins; or

“(B) the doors contain less than 3 percent by volume of hardwood plywood, particleboard, or medium-density fiberboard, combined, in relation to the total volume of the finished exterior door or garage door.

“(d) **REGULATIONS.**—

“(1) **IN GENERAL.**—Not later than January 1, 2013, the Administrator shall promulgate regulations to implement the standards required under subsection (b) in a manner that ensures compliance with the emission standards described in subsection (b)(2).

“(2) **INCLUSIONS.**—The regulations promulgated pursuant to paragraph (1) shall include provisions relating to—

“(A) labeling;

“(B) chain of custody requirements;

“(C) sell-through provisions;

“(D) ultra low-emitting formaldehyde resins;

“(E) no-added formaldehyde-based resins;

“(F) finished goods;

“(G) third-party testing and certification;

“(H) auditing and reporting of third-party certifiers;

“(I) recordkeeping;

“(J) enforcement;

“(K) laminated products; and

“(L) exceptions from the requirements of regulations promulgated pursuant to this subsection for products and components containing de minimis amounts of composite wood products.

The Administrator shall not provide under subparagraph (L) exceptions to the formaldehyde emission standard requirements in subsection (b).

“(3) **SELL-THROUGH PROVISIONS.**—

“(A) **IN GENERAL.**—Sell-through provisions established by the Administrator under this subsection, with respect to composite wood products and finished goods containing regulated composite wood products (including recreational vehicles, manufactured homes, and modular homes), shall—

“(i) be based on a designated date of manufacture (which shall be no earlier than the date 180 days following the promulgation of the regulations pursuant to this subsection) of the composite wood product or finished good, rather than date of sale of the composite wood product or finished good; and

“(ii) provide that any inventory of composite wood products or finished goods containing regulated composite wood products, manufactured before the designated date of manufacture of the composite wood products or finished goods, shall not be subject to the formaldehyde emission standard requirements under subsection (b)(1).

“(B) **IMPLEMENTING REGULATIONS.**—The regulations promulgated under this subsection shall—

“(i) prohibit the stockpiling of inventory to be sold after the designated date of manufacture; and

“(ii) not require any labeling or testing of composite wood products or finished goods containing regulated composite wood products manufactured before the designated date of manufacture.

“(C) **DEFINITION.**—For purposes of this paragraph, the term ‘stockpiling’ means manufacturing or purchasing a composite wood product or finished good containing a regulated composite wood product between the date of enactment of the Formaldehyde Standards for Composite Wood Products Act and the date 180 days following the promulgation of the regulations pursuant to this subsection at a rate which is significantly greater (as determined by the Administrator) than the rate at which such product or good was manufactured or purchased during a base period (as determined by the Administrator) ending before the date of enactment of the Formaldehyde Standards for Composite Wood Products Act.

“(4) **IMPORT REGULATIONS.**—Not later than July 1, 2013, the Administrator, in coordination with the Commissioner of Customs and Border Protection and other appropriate Federal departments and agencies, shall revise regulations promulgated pursuant to section 13 as the Administrator determines to be necessary to ensure compliance with this section.

“(5) **SUCCESSOR STANDARDS AND TEST METHODS.**—The Administrator may, after public notice and opportunity for comment, substitute an industry standard or test method

referenced in this section with its successor version.

“(e) **PROHIBITED ACTS.**—An individual or entity that violates any requirement under this section (including any regulation promulgated pursuant to subsection (d)) shall be considered to have committed a prohibited act under section 15.”.

(b) **CONFORMING AMENDMENT.**—The table of contents of the Toxic Substances Control Act (15 U.S.C. prec. 2601) is amended by adding at the end the following:

“**TITLE VI—FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS**

“**Sec. 601. Formaldehyde standards.**”.

#### **SEC. 3. REPORTS TO CONGRESS.**

Not later than one year after the date of enactment of this Act, and annually thereafter through December 31, 2014, the Administrator of the Environmental Protection Agency shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing, with respect to the preceding year—

(1) the status of the measures carried out or planned to be carried out pursuant to title VI of the Toxic Substances Control Act; and

(2) the extent to which relevant industries have achieved compliance with the requirements under that title.

#### **SEC. 4. MODIFICATION OF REGULATION.**

Not later than 180 days after the date of promulgation of regulations pursuant to section 601(d) of the Toxic Substances Control Act (as amended by section 2), the Secretary of Housing and Urban Development shall update the regulation contained in section 3280.308 of title 24, Code of Federal Regulations (as in effect on the date of enactment of this Act), to ensure that the regulation reflects the standards established by section 601 of the Toxic Substances Control Act.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. MATSUI) and the gentleman from California (Mr. RADANOVICH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### **GENERAL LEAVE**

Ms. MATSUI. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material in the **RECORD**.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of S. 1660, the Formaldehyde Standards for Composite Wood Products Act. I want to thank Senators KLOBUCHAR and CRAPO for their leadership in guiding this bill through the Senate.

Madam Speaker, this is a truly bipartisan bill, with 10 out of the 19 Senate cosponsors being Republican Senators, including ISAKSON of Georgia, Senators CORKER and ALEXANDER from Tennessee, Senator VITTER from Louisiana, and Senator COCHRAN of Mississippi, just to name a few. Just last

week, this legislation was unanimously approved by the Senate. I, along with Representative VERN EHLERS, introduced the House companion, H.R. 4805.

I want to thank Chairmen WAXMAN and RUSH for their leadership in guiding H.R. 4805 through the Energy and Commerce Committee, which was reported out in a bipartisan manner by a vote of 27–10 on May 26. During the committee debate on this legislation we worked collaboratively with the minority to address the vast majority of the concerns initially raised by CTCF Subcommittee Ranking Member WHITFIELD and Representatives GINGREY and SCALISE. And I thank them for their support during the full committee's consideration. Those changes are included in this legislation that we are considering today.

On the issue of labeling, we expect that EPA will take steps to ensure that consumers are able to make informed purchases. At the same time, it is not our intention to require labeling that is more burdensome than what is already required in California.

Madam Speaker, the bill is a result of months of hard work; and we have a strong bipartisan, bicameral measure that is widely supported by a diverse coalition comprised of industries, public health advocates, environmental groups, and others. Groups that have publicly endorsed this legislation include the American Forest and Paper Association; the Engineered Wood Association; the Composite Panel Association; American Home Furnishings Association; Business and Institutional Furniture Manufacturers Association; Kitchen Cabinet Manufacturers Association; the Sierra Club; the United Steelworkers of America; the American Public Health Association; the Retail Industry Leaders Association; and others.

I am pleased that the House is taking up this important bipartisan measure today. The bill would direct that EPA establish one national standard for formaldehyde in domestic and imported composite wood products. As we all know, the emissions of formaldehyde, which is a harmful chemical widely used in a variety of composite wood product applications, are known to have adverse effects on human health and resulted in cases of toxicity for those storm victims provided FEMA trailers following Hurricane Katrina.

Formaldehyde emissions from composite wood are largely the result of cheap foreign products that enter the U.S. marketplace at much lower cost, which places U.S. manufacturers at a competitive disadvantage. This legislation will level the playing field for our domestic manufacturers by creating one national standard on formaldehyde emissions for both our domestic industry and foreign manufacturers to follow.

Simply put, we must ensure that faulty foreign wood products do not enter the U.S. market anymore. In doing so, this bill will protect and create American jobs, boost the competitiveness of our domestic manufacturing sector, and ensure that American consumers are not exposed to faulty foreign products with high formaldehyde emissions.

In closing, I would like to thank Chairman WAXMAN's staff, particularly Robin Appleberry for her hard work and effort in working in a bipartisan manner with my office and with the minority staff of the Energy and Commerce Committee to ensure that the legislation will protect consumers as well as our U.S. domestic manufacturing industries. I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. RADANOVICH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4805, the Formaldehyde Standards for Composite Wood Products Act, would set Federal formaldehyde emission standards for composite wood products based on the standards recently set by the State of California. Excessive exposure to formaldehyde can cause health problems, and health risks imposed by formaldehyde may indeed warrant a Federal emission standard for composite wood products. Although this bill has improved in several important respects since it was introduced, it still has a number of deficiencies that outweigh its benefits. Therefore, I urge all Members to vote against the bill.

Before summarizing the bill's principal deficiencies, let me note some of the changes that we were able to make on the Energy and Commerce Committee. The bill before the House today provides greater clarity regarding the actual emission standards that the EPA must promulgate and mandates "sell-through" provisions that ensure fair treatment for merchants seeking to sell inventory manufactured before the emission standards take effect.

Despite these improvements, the bill suffers from at least four critical deficiencies. First, the proponents of the bill failed to demonstrate that the emission standards themselves are reflective of the most recent scientific study and understanding. Second, the bill sets forth a theoretical national standard because it does not preempt State and local regulation. Third, the bill requires EPA to promulgate the standards without making a determination that they are technically feasible and that compliance is not prohibitively expensive. Finally, the bill requires EPA to regulate consumer products even though the CPSC appears better qualified for this task.

I will now address each of these four deficiencies in more detail. Excessive exposure to formaldehyde can cause

health problems, and we are not here to debate that point. I am concerned that this bill's stated emission standards do not reflect the levels science is telling us are necessary to prevent harm. Instead, I understand the bill relies on the increasingly outdated risk assessment conducted by the State of California in issuing its own regulations. Further, as explained and called into question by Dr. Mel Anderson in his expert testimony provided at the March 18, 2010, hearing before the Commerce, Trade, and Consumer Protection Subcommittee, the California standards are much more restrictive than necessary to protect consumers from cancer risks.

Further, assuming the health risks posed by formaldehyde in composite wood products warrant some type of Federal emission standard, the bill raises concerns because it does not preempt State regulation. The preemption provisions in section 18 of the Toxic Substances Control Act, or TSCA, would not apply to these standards. Nothing in the bill would preclude States from imposing more stringent and conflicting standards than those mandated by the bill. States could create a patchwork of differing laws and requirements, thereby frustrating the stated goal of creating a uniform national standard for formaldehyde emissions from composite wood products. In addition, the EPA is currently considering a regulation under TSCA addressing the same issues addressed by this bill. If the EPA completes its current rulemaking process, any resulting formaldehyde standard would preempt State regulation as provided in TSCA.

The bill would also require the EPA to issue the mandated emission standards regardless of whether they ultimately prove technically feasible and reasonably affordable. Congress lacks experience regarding the workability of these standards in the real world. We have learned through our experience with the Consumer Product Safety Improvement Act that we should be very careful about mandating standards based on industry segment's confidence that it can comply with them. We learned the hard way that well-meaning bills can lead to unemployment for small manufacturers, and we should not repeat that mistake, with almost 10 percent unemployment.

This bill does not provide the EPA with any discretion if one or more of these standards proves technically not feasible to meet or if the high cost of compliance with the standard would prevent any manufacturers from remaining in business. It doesn't make sense to impose a standard which has not been "road tested" and that industry potentially cannot meet.

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Moreover, the bill would provide for EPA rulemaking and enforcement of

the emissions standards under the Toxic Substances Control Act, TSCA, even though the CPSC would be in a better position to handle the program under the Federal Hazardous Substances Act. Under TSCA, the EPA regulates industrial chemicals and mixtures rather than consumer products, while the CPSC regulates unsafe consumer products under a different statutory framework.

Given that the bill addresses supposedly unsafe consumer products and provides for emissions standards as well as labeling and testing requirements, the CPSC arguably is better situated than the EPA to handle this. The CPSC's more extensive experience and expertise on issues relating to consumer product safety, sell-through, labeling, and consumer product testing suggest that we should entrust this program to the CPSC instead of handing it off to EPA.

Had the above deficiencies been resolved more satisfactorily, this bill would more likely warrant passage. Unfortunately, I cannot support the bill in its current form and urge a "no" vote.

Madam Speaker, I yield back the balance of my time.

Ms. SUTTON. Madam Speaker, I rise today in support for Formaldehyde Standards for Composite Wood Products Act (S. 1660).

And I'd like to commend my friend, Rep. MATSUI, for her leadership on this issue.

This bill will protect the health of American families from high uses of formaldehyde in common household products like flooring, paneling, cabinets, and doors.

Currently foreign manufacturers who use unsafe levels of harmful toxins like formaldehyde are able to undercut domestic manufacturers who put safety above profits.

When a family installs a new countertop or paneling, they expect that the wood products are harmless.

And we must ensure that is the case regardless of where the products are made.

Recently, the Economic Policy Institute published a report stating that 2.4 million American jobs have been lost since 2001 directly because of unfair trade tactics by China.

The report states that in the "wood products" segment, our trade deficit was a negative \$862 million in 2001.

By 2008, our trade deficit in "wood products" alone had more than doubled to \$1.8 billion.

This trade imbalance from unfair trade practices like using cheaper and often dangerous materials like formaldehyde has cost our nation millions of jobs and endangered American families.

Today, we can help to level the playing field for domestic manufacturers by taking action against unsafe amounts of formaldehyde.

Vote yes on Formaldehyde Standards for Composite Wood Products Act.

Ms. MATSUI. Madam Speaker, we can all agree that harmful formaldehyde emissions need to be addressed immediately. Formaldehyde emissions from composite woods are largely the

result of cheap foreign products that enter the U.S. marketplace at much lower costs. These emissions have harmed far too many Americans, and their foreign sources have and continue to place our domestic manufacturing industries at a competitive disadvantage. This legislation will level the playing field for our domestic industries and protect the health of American consumers.

Madam Speaker, today we have a strong bipartisan, bicameral bill that will boost our domestic manufacturing industries, create jobs, and protect American consumers. This bill is strongly supported by a large number of industries, public health advocates, and environmental groups. Again, this legislation is bipartisan, and I urge my colleagues to support S. 1660, to make certain that faulty foreign wood products do not enter the U.S. market.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. MATSUI) that the House suspend the rules and pass the bill, S. 1660.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### RECOGNIZING WORLD REFUGEE DAY

Ms. WATSON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1350) recognizing June 20, 2010, as World Refugee Day, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1350

Whereas World Refugee Day was first observed on June 20, 2001;

Whereas tens of thousands of people around the world take time to recognize the challenges and applaud the contributions of forcibly displaced persons throughout the world;

Whereas the annual commemoration of World Refugee Day is marked by a variety of events in more than 100 countries, involving government officials, humanitarian workers and volunteers, celebrities, and the forcibly displaced;

Whereas refugees are people who have been forced to flee their countries due to a well-founded fear of persecution based on their political opinions, religious beliefs, race, nationality, or membership in a particular social group;

Whereas internally displaced persons are those who have fled their homes or been uprooted but remain within the borders of their country;

Whereas of the 42,000,000 displaced persons worldwide, the United Nations Refugee Agency assists over 25,000,000, including 10,000,000 refugees and more than 14,000,000 internally displaced persons;

Whereas these vulnerable individuals rely on the United States, other governments,

the United Nations, and numerous non-governmental relief agencies for the protection of their basic human rights;

Whereas Somali refugees have lived in camps in Kenya since the early 1990s;

Whereas Burmese refugees have lived in camps inside Thailand since the mid-1980s;

Whereas decades of violence in Afghanistan have produced almost 3,000,000 refugees;

Whereas decades of violence caused by extremist groups forced up to 400,000 Colombians to seek refuge in other countries and produced 3,000,000 internally displaced persons within Colombia;

Whereas more than 4,000,000 Iraqis are displaced within their country and in the region, including Chaldeans and other minorities;

Whereas more than 2,000,000 people have been displaced by conflict in the Democratic Republic of the Congo;

Whereas ongoing conflict and violence in Sudan have forced more than 1,000,000 people to become internally displaced within Sudan and another 250,000 to flee to Chad;

Whereas some 150,000 Sudanese have sought protection in other countries around the world;

Whereas North Korean refugees inside China face trafficking, sexual exploitation, and forcible repatriation back to North Korea where they are tortured, imprisoned, and severely punished;

Whereas 2010 marks the 30th anniversary of the Refugee Act of 1980, the cornerstone of the United States' system of refugee protection and assistance;

Whereas the United States continues to be the single largest refugee resettlement country in the world; and

Whereas the United States is the largest single donor to the Office of the United Nations High Commissioner for Refugees: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) reaffirms the commitment of the United States to promote the safety, health, and well-being of the millions of refugees who flee war, famine, persecution, and torture in search of peace, nourishment, hope, and freedom;

(2) calls on the Department of State to continue to support the efforts of the United Nations High Commissioner for Refugees and to advance the work of nongovernmental organizations, especially those that also have expertise in resettlement, to protect refugees;

(3) calls on the United States Government to continue its international leadership role in response to those who have been displaced, including the most vulnerable populations who endure sexual violence, human trafficking, forced conscription, genocide, and exploitation;

(4) commends those who have risked their lives working individually and for the multitude of nongovernmental organizations, along with the United Nations High Commissioner for Refugees, who have provided life-saving assistance and helped protect those displaced by conflict around the world; and

(5) reaffirms the goals of World Refugee Day and reiterates the strong commitment to protect the millions of refugees who live without material, social, or legal protections.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from Florida (Ms. ROSELEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Madam Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

I am grateful for the opportunity to speak today on H. Res. 1350, a resolution I introduced to recognize World Refugee Day as June 20, 2010. This special day, first marked in 2001, is held every year on June 20. Tens of thousands of people around the world take time to recognize the plight of forcibly displaced people throughout the world. The annual commemoration is marked by a variety of events in more than 100 countries involving government officials, humanitarian aid workers, celebrities, civilians, and those who were forcibly displaced themselves.

With the humanitarian efforts of the United States, other nations, and organizations like the United Nations High Commissioner for Refugees, the Red Cross, the International Rescue Committee, and Refugees International, among so many others, refugees are able to flee from persecution, violence, and war in order to seek protection. Many have fled to the United States, a safe haven with a history of aiding those seeking protection from persecution, violence, and war. America has provided more assistance to refugees seeking protection than any other country.

If you have ever met a refugee, you have encountered someone who has overcome great obstacles simply to just survive. Take the case of a Somali refugee, Abdul Samatar, a young man with a childhood full of tragedy and life-threatening experiences who eventually took refuge in the United States. Abdul was born in 1984 in Somalia, at that time a peaceful land of great beauty, promise, and resources. Now, however, Somalia is overwhelmed by famine, war and violence, leaving no persons unaffected.

In 1992, Abdul's father, a religious leader in Mogadishu, the capital, was shot and killed during the civil war. After his death, Abdul lived the life of a nomad. He was afraid that, like his father, he would be killed by a rival tribe. He fled across the Somalia-Kenya border to Mandera, Kenya. Thanks to the generosity of the United Nations High Commissioner for Refugees, he was provided with food and assistance in Mandera for 2½ years. Fortunately, while Abdul was in Nairobi,

he was introduced to a refugee coordinator at the United States Embassy who, along with two other citizens, helped Abdul move to the United States. An example of success, Abdul graduated from high school in 2004 and graduated from university in May 2010 with a degree in American studies. With this education, Abdul intends to make a difference in the lives of those less fortunate. Yes, Madam Speaker, stories like that of Abdul attest to the success of our refugee program and give merit to recognizing June 20, 2010, as World Refugee Day.

And I just want to include that on last Friday, we were at the State Department. We had Abdul and his family there. And along with our Secretary of State, we celebrated, and we commended those who were involved in World Refugee Day.

I urge my colleagues to support the bipartisan H. Res. 1350.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today as a proud cosponsor of House Resolution 1350. And I want to thank my good friend and colleague from California, Ambassador WATSON, for introducing this worthy measure.

□ 1310

This issue is important to me not just as the ranking member of the Foreign Affairs Committee or as a Member who represents one of the top 20 refugee resettlement areas in the United States, but also as a former refugee. Refugees have been a core component of our wonderful Nation since its creation. Whether they were early colonists fleeing religious persecution in Europe or families of the 20th century fleeing Communist tyranny, as mine fled the Castro regime, refugees have found in this great Nation safety, freedom, and opportunity.

From the Displaced Persons Act of 1948 to the Refugees Act of 1980 until today, I am proud of the work that Congress has done over the years to keep refugee protection a priority of our government. Traditionally, the United States has resettled more refugees on an annual basis than the rest of the world combined. But our country also lives up to its own highest ideals when we reach out overseas to help and protect those most vulnerable of the vulnerable, those forced from their home by persecution. Whether due to the ethnic, sectarian, or political conflict in Africa or the Middle East, or repression by regimes like those in Burma, North Korea, or Sudan, tens of millions of children, women, and men around the world stand in need of food, shelter, and protection.

Because of this vulnerability, they are also prime targets for dehuman-

izing forms of exploitation and human trafficking. By supporting the work of the U.N. High Commissioner for Refugees and the many dedicated nongovernmental organizations, the people of the United States continue to show our generosity toward the displaced and the vulnerable.

World Refugee Day, observed for the 10th time this past weekend, is a fitting time for us to reflect on these dire human needs, to commend the bravery and service of those who assist refugees in insecure circumstances around the world, and to recommit ourselves to the protection of displaced populations as a humanitarian and human rights priority. For these reasons, Madam Speaker, I support Ambassador WATSON's measure, and I urge its prompt adoption.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. WATSON. Madam Speaker, I want to thank my cosponsor. I think that her stories, too, are very compelling. We join strongly together on this piece of legislation.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in strong support of H. Res. 1350, recognizing June 20, 2010, as World Refugee Day. I thank my colleague, Ms. WATSON, for introducing this resolution that reminds us of the importance of protecting those who are vulnerable and finding a home for those who are displaced.

The theme of this year's World Refugee Day on June 20, 2010 is "Home," in recognition of the plight of more than 40 million uprooted and displaced people around the world; approximately 10 million of whom are refugees of special concern to UNHCR.

As a Member of the Bipartisan Congressional Refugee Caucus, I have continuously stood up for the rights of the world's refugees. Today, there are more than 42 million refugees, including 16 million refugees outside their countries and 26 million others displaced internally.

This year, I am especially concerned for the people of Haiti—many of whom are facing the rainy season without a suitable home. According to Refugees International, approximately 700,000 people in Port-au-Prince are without homes or proper shelter and another 600,000 people have left the capital.

I also welcome the announcement from the United Nations High Commissioner for Refugees, António Guterres, that 100,000 people having been referred for resettlement from the Middle East to third countries since 2007.

From Iraq and Afghanistan, to Sudan and the Congo, to Burma and Colombia, the United Nations Refugee Agency, with ample support from the United States, manages to support over 25 million. Indeed, these vulnerable individuals depend on the United States, other governments, the United Nations and other agencies for the protection of their basic human rights.

The United States is in fact a global leader in the protection of refugees and internally displaced persons. In the year 2010 the United States celebrates the 30th anniversary of the

Refugee Act of 1980, a cornerstone of refugee protection and assistance which has brought the United States to be the single largest refugee resettlement country in the world, admitting a total of 65,722 in 2007. Moreover, the United States is the single largest donor to the Office of the United Nations High Commissioner for Refugees.

Madam Speaker, I urge every one of my fellow members of Congress to join Congresswoman WATSON and me in reaffirming the commitment of the United States to promote the safety, health, and well-being of millions of refugees, calling on the Department of State to continue to support the efforts of the U.N. High Commissioner for refugees, call on the U.S. Government to continue to strengthen its leadership role in protecting displaced persons, commending those who have risked their lives working to provide assistance to refugees, and reaffirming the goals of World Refugee Day. These are vulnerable people, people in need. Let us not forget them or our promise to find an end to their plight.

Mr. MCMAHON. Madam Speaker, I rise today in support of H. Res. 1350, recognizing June 20, 2010 as World Refugee Day. According to the United Nations, more than 40 million people worldwide have been displaced from their respective lands. It is important that we recognize the plight of those around the globe who no longer have a place to call home.

The world refugee crisis is a widespread tragedy, the result of political upheaval, war, genocide, and natural calamities. And, as much as world refugee day commends these brave individuals, it is also a tribute to those who devote their lives to relieve the suffering of refugees.

Unfortunately, the NGOs that provide much-needed services for refugees are working with a rapidly-growing population of refugees and under increasingly dangerous conditions.

Today, terrorism is one of the leading causes of families being uprooted from their homes. We see this phenomenon throughout Africa, Afghanistan and particularly in Northwest Frontier Province of Pakistan. Unfortunately, millions now live in fear as Al-Qaeda and the Taliban attempt to spread their extremism, while targeting those relief workers that work to feed and clothe these victims.

This year there is added significance on World Refugee Day because 2010 is the 30th anniversary of the Refugee Act of 1980. With this resolution, the United States will join over one hundred countries in recognizing the struggles of those who have been displaced from their homes and the NGO community that works to help them.

Alongside the United Nations, the U.S. Department of State is at the forefront of aiding nongovernmental organizations in helping refugees.

I urge the House of Representatives to keep in mind today the 40 million refugees across the world, of which 17 million of whom are children.

Madam Speaker, I encourage my colleagues to stand up and recognize World Refugee Day and to ensure that the United States continues to be an international leader in this regard.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to express my strong support of H.

Res. 1350 which recognizes June 20, 2010 as World Refugee Day. I want to thank Congresswoman WATSON for her acknowledgment of this important day by introducing this resolution to Congress.

The U.N. Refugee Agency defines a refugee as a person who has fled their country of nationality and who is unable or unwilling to return to that country because of a "well-founded" fear of persecution based on race, religion, nationality, political opinion or membership in a particular social group. Hostilities across the world make refugees truly a global concern. Whether the refugees are fleeing government oppression in Sudan or Iran, or fleeing intra-communal fighting, there needs to be more attention given to these displaced and struggling individuals. I believe that this resolution is an outstanding way to recognize the severity of refugees' varying situations by celebrating World Refugee Day.

In fact, the reinstitution of many refugees from abroad has happened within the 4th District of Georgia. In 2000, Clarkston, Georgia had the highest percentage of people from Somalia in the United States who sought refuge here from this hostile region. Additionally, I am very proud that numerous national, and international organizations servicing refugees call the 4th District of Georgia and metropolitan Atlanta home.

Finally, refugees also affect our nation due to the fact the United States is the single largest refugee resettlement country in the world. Therefore, I urge my colleagues to support H. Res. 1350 to express our support and protection for refugees internationally, as well as those now residing within our own nation's borders.

I urge my colleagues to support this important resolution.

Ms. WATSON. I have no further requests for time, Madam Speaker, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1350, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### RECOGNIZING THE 60TH ANNIVERSARY OF THE OUTBREAK OF THE KOREAN WAR

Ms. WATSON. Madam Speaker, I move to suspend the rules and pass the joint resolution (S.J. Res. 32) recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

S.J. RES. 32

Whereas on June 25, 1950, communist North Korea invaded the Republic of Korea with approximately 135,000 troops, thereby initiating the Korean War;

Whereas on June 27, 1950, President Harry Truman ordered the United States Armed Forces to help the Republic of Korea defend itself against the North Korean invasion;

Whereas the hostilities ended in a ceasefire marked by the signing of the armistice at Panmunjom on July 27, 1953, and the peninsula still technically remains in a state of war;

Whereas during the Korean War, approximately 1,789,000 members of the United States Armed Forces served in theater along with the forces of the Republic of Korea and 20 other members of the United Nations to defend freedom and democracy;

Whereas casualties of the United States during the Korean War included 54,246 dead (of whom 33,739 were battle deaths), more than 103,284 wounded, and approximately 8,055 listed as missing in action or prisoners of war;

Whereas the Korean War Veterans Recognition Act (Public Law 111-41) was enacted on July 27, 2009, so that the honorable service and noble sacrifice by members of the United States Armed Forces in the Korean War will never be forgotten;

Whereas President Barack Obama issued a proclamation to designate July 27, 2009, as the National Korean War Veterans Armistice Day and called upon Americans to display flags at half-staff in memory of the Korean War veterans;

Whereas since 1975, the Republic of Korea has invited thousands of American Korean War veterans, including members of the Korean War Veterans Association, to revisit Korea in appreciation for their sacrifices;

Whereas in the 60 years since the outbreak of the Korean War, the Republic of Korea has emerged from a war-torn economy into one of the major economies in the world and one of the largest trading partners of the United States;

Whereas the Republic of Korea is among the closest allies of the United States, having contributed troops in support of United States operations during the Vietnam war, Gulf war, and operations in Iraq and Afghanistan, while also supporting numerous United Nations peacekeeping missions throughout the world;

Whereas since the end of the Korean War era, more than 28,500 members of the United States Armed Forces have served annually in the United States Forces Korea to defend the Republic of Korea against external aggression, and to promote regional peace;

Whereas North Korea's sinking of the South Korean naval ship, Cheonan, on March 26, 2010, which resulted in the killing of 46 sailors, necessitates a reaffirmation of the United States-Korea alliance in safeguarding the stability of the Korean Peninsula;

Whereas from the ashes of war and the sharing of spilled blood on the battlefield, the United States and the Republic of Korea have continuously stood shoulder-to-shoulder to promote and defend international peace and security, economic prosperity, human rights, and the rule of law both on the Korean Peninsula and beyond; and

Whereas beginning in June 2010, various ceremonies are being planned in the United States and the Republic of Korea to commemorate the 60th anniversary of the outbreak of the Korean War and to honor all Korean War veterans, including the Korean War Veterans Appreciation Ceremony in the hometown of President Harry S. Truman, which will express the commitment of the United States to remember and honor all veterans of the Korean War: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—*

(1) recognizes the historical importance of the 60th anniversary of the outbreak of the Korean War, which began on June 25, 1950;

(2) honors the noble service and sacrifice of the United States Armed Forces and the armed forces of allied countries that served in Korea since 1950 to the present;

(3) encourages all Americans to participate in commemorative activities to pay solemn tribute to, and to never forget, the veterans of the Korean War; and

(4) reaffirms the commitment of the United States to its alliance with the Republic of Korea for the betterment of peace and prosperity on the Korean Peninsula.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Ms. WATSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Madam Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Madam Speaker, last week the House passed H.J. Res. 86, a joint resolution commemorating the 60th anniversary of the Korean War. That resolution was introduced by the gentleman from New York (Mr. RANGEL) and three other distinguished veterans of the Korean War: the gentleman from Michigan (Mr. CONYERS), the gentleman from Texas (Mr. JOHNSON), and the gentleman from North Carolina (Mr. COBLE).

We had hoped that the Senate would take up and pass the House version of the joint resolution and then send it over to the President for his signature before tomorrow's Korean War commemoration in Statuary Hall. However, the other body made a number of technical corrections to their version of the joint resolution subsequent to last week's House action, and, as a result, the only viable means for us to get the joint resolution to the President in a timely fashion was for the House to take up and pass the Senate Joint Resolution, which is the legislation before us today.

Madam Speaker, I urge all of my colleagues to support this resolution, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BURTON), who is the ranking member on the Foreign Affairs Subcommittee on the Middle East and South Asia.

Mr. BURTON of Indiana. I thank my good friend from Florida for yielding.

I would just like to say that South Korea has been one of our greatest allies ever since the Korean War. We worked together during the war, along with the United Nations, to stop the expansion of communism throughout that area. And ultimately, there was a resolution of the problem, although it's still kind of tenuous, when they divided Korea along the 38th parallel.

I have been over there and I have seen what's happened in Korea since the Korean War, and I have to tell you that there has never been a clearer case of freedom and democracy as opposed to a totalitarian Communist government than in Korea. In Korea, North Korea is foundering. It's under a dictator. The Communist system has created famine and a huge loss of life. The tyranny there is unbelievable. And yet you just go south of the 38th parallel and you see a blossoming country, one that has done extremely well over the past 60 years because of freedom and democracy.

I think that South Korea is one of the best allies that the United States has. And the one thing I would like to add to this little discussion today is the need for us to expand our trade relations with South Korea with a free trade agreement. That's been languishing for a long time. And I would just like to say to my colleagues that's one of the things that can enhance our relationship with South Korea, and we need to get that thing passed as quickly as possible.

With that, I would just like to say one more time, South Korea is one of our best allies in that entire region and a perfect example of where freedom and democracy really works well.

Ms. ROS-LEHTINEN. I thank my good friend from Indiana. I wholeheartedly agree with his remarks.

Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of this important resolution which honors, as the inscription at the Korean War Memorial reads, our "sons and daughters who answered the call to defend a country they never knew and a people they never met."

On a predawn Sunday morning in June 1950, while the world slept and the church bells of Seoul had yet to ring, North Korea launched a sudden, unprovoked military strike on the Republic of Korea. President Harry Truman, when he received the news, immediately returned to Washington and summoned his Cabinet. Within 48 hours, the President had directed General Douglas MacArthur to undertake a vigorous defense of South Korea and her people. The rest is history, history of what has come to be known as The Forgotten War.

The conflict in Korea became the first test of the mettle of the West in

confronting Communist aggression in the Cold War. Over 50,000 of the boys and young men and women of the summer of 1950 who left for Korea did not return, including over 33,000 who fell in combat. In the sweltering heat of that summer, in the monsoon rains, on the windswept expanse of the Yalu River, and in the bloody withdrawal from the icy Chosin Reservoir the following winter, they gave, in some cases, their last full measure of devotion.

Names like Heartbreak Ridge, Pork Chop Hill, Gloucester Valley, where British, Belgian, and Philippine troops joined with their American comrades in arms, echo down to us in the slowly fading memories of aging warriors.

Were their great sacrifices worth the cost, worth the blood, sweat, and tears of the boys of summer of 1950? One only has to look at the faces of those living in freedom in South Korea. One only has to look at the gleaming towers of the bright skyline of Seoul in contrast to the darkness, the impoverishment, and the fear that lies north of the 38th parallel to say thank God for those brave men and women who risked all to save so many from Communist oppression.

□ 1320

However, we were unable to help save them all. One need only reflect on the huddled refugees, crossing the vastness of China on the underground "Seoul train."

One need only think of the young North Korean women, escaping the hopelessness of sexual bondage in China for freedom in South Korea, to know that those who answered Harry Truman's call truly made a difference.

I was a proud sponsor of the reauthorization of the North Korean Human Rights Act during the last Congress to help address some of those issues.

Today, dark clouds hang once again over the Korean peninsula. The vibrant economy and flourishing democracy of a South Korea which had risen from the ashes of war is again under the threat of the tyrannical and belligerent north.

In March, in a clear violation of the armistice agreement, North Korea launched another sudden, unprovoked attack, torpedoing a South Korean naval vessel and murdering 46 young South Korean sailors. And Pyongyang's provocation is not limited to military strikes. In actions which are clearly those of a state sponsor of terrorism, North Korea sent a hit squad of agents to Seoul to assassinate a leading dissident and attempted to ship weapons via Bangkok to designated terrorist organizations Hamas and Hezbollah.

Madam Speaker, now is the time for our President to show some of the mettle that defined our Nation 60 years ago and stand up to the North Koreans by redesignating their country as a state

sponsor of terrorism. Our South Korean, Japanese, and Israeli allies are depending on us to help shield them from North Korean provocations and weapons of mass destruction.

In the crisis on the Korean peninsula, Beijing has played a cynical game, calling for denuclearization of the Korean peninsula on one hand, and shielding its North Korean cronies on the other hand. Beijing even had the audacity to publicly warn South Korea not to let the aircraft carrier *USS George Washington* enter waters lying between the Korean peninsula and China for a proposed joint U.S.-South Korean naval exercise.

Well, we have news for Beijing: If you don't want the *USS George Washington* in your backyard, then you had better rein in the bullies in Pyongyang.

Another sterling legacy of the Forgotten War is the vibrant Korean American community. Immigrants from Korea over the past six decades have contributed immeasurably to the American mosaic, impacting positively this Nation's economic, educational, scientific, and cultural life. Economic and trade ties have also boomed between our two countries in the decades since the war, ties which could be greatly invigorated by prompt congressional action on the proposed free trade agreement with South Korea.

Thus, it is perfectly clear that the world is a better place because of the heroism in Korea of the Boys of Summer 60 years ago this month. The 60th anniversary of the outbreak of war in Korea is an appropriate time to demonstrate that we continue to stand with our South Korean allies. The people of South Korea should be assured that we stood with you in the summer of 1950; we stood with you during the recent *Cheonan* crisis; and we shall stand with you until the day of peaceful reunification with your abused and besieged brethren in the north.

Madam Speaker, I strongly and enthusiastically urge my colleagues to support this joint resolution.

I reserve the balance of my time.

Ms. WATSON. Madam Speaker, I want to thank my colleague for her strong support and giving us the background for which this resolution was introduced.

I have the largest Korean, South Korean, community in the United States in my district, all of Koreatown; and they are struggling with the challenge ahead of them. We are there behind them to support them, and I want you to know in August I will be going to Korea. I invite my colleague to go with us if she can spare the time. What we do, we spread good will and let the South Koreans know how appreciative we are with them coming here to America. And particularly in Los Angeles, with their stimulating and vigorous entrepreneurship, they have added so much to the culture, and that

added value makes us a little stronger. I hope that we can return the favor to add value to South Korea.

Mr. MANZULLO. Madam Speaker, as the senior Republican on the Asia Subcommittee of the House Foreign Affairs Committee, I rise in support of recognizing the 60th anniversary of the Korean War and reaffirming the U.S.-Korea alliance. During this time of anxiety on the Korean peninsula, it is critical that Congress sends a bipartisan message of solidarity with our friends in South Korea.

The Korean War started on June 25, 1950, when communist North Korean forces crossed the infamous 38th Parallel in the attempt to force South Korea to submit to their regime. The U.S. and other allied nations successfully stopped and reversed the invasion by pro-communist forces but at a high cost—over 54,000 American deaths. It led to a divided peninsula that is still with us today.

However, the 1953 Armistice agreement allowed a pocket of freedom to bloom. South Korea is now a fully-fledged democracy, with competitive, freely held elections. In addition, South Korea is now the world's 14th largest economy. Three years ago, I had the honor of hosting the South Korean Ambassador in northern Illinois. I was impressed with his quest to personally thank and honor as many Korean War veterans as possible for their service and sacrifice.

Unfortunately, South Korea is once again threatened with war from the North if the United Nations reprimands North Korea for sinking a South Korean warship. This is outrageous. The U.N. should not be intimidated by such bellicose rhetoric. That is why this resolution is so important to reaffirm our commitment to the alliance with the Republic of Korea for the betterment of peace and prosperity in the Korean peninsula. I urge my colleagues to support S.J. Res. 32.

Mr. GARRETT of New Jersey. Madam Speaker, sixty years ago today, half a world away, the Democratic People's Republic of Korea invaded the Republic of Korea. Soon after, President Harry Truman committed American forces to assist the South Koreans. So began a struggle between those seeking freedom and those seeking to expand the dark shadow of communism. An estimated one hundred thousand Americans were wounded, fifty thousand killed, and five thousand missing in action during the conflict.

Korean War veterans are a unique class of Americans. Those who served their country during 1950 to 1953 were raised during the Depression and had experienced World War II, either in the military or on the home front. They grew up in a time of great patriotism—a time when words like duty, honor, and country carried great weight. When their tour of duty ended, most of them returned to the States with little fanfare, picked up their pre-war lives, and carried on.

In the eyes of history, the Korean War is often referred to as the "Forgotten War." But millions of Americans, including me, have not forgotten the heroism exhibited by the men and women who placed themselves in harm's way. Without their sacrifice, it is unlikely that South Korea would have become the free and prosperous nation that it is today. Therefore, I was honored to cosponsor H.J. Res. 86, which

recognizes the 60th anniversary of the outbreak of the Korean War and reaffirms the U.S.-Korea Alliance. I'm pleased that this resolution recently passed the House by voice vote.

While we must not forget the past, we must also act swiftly and decisively in the present. In May, after the tragic sinking of the *Cheonan*, I cosponsored H. Res. 1382 to express sympathy for the families of those killed by North Korea, and solidarity with the Republic of Korea. As evidence of the U.S. commitment to defending the Republic of Korea, this Resolution passed with overwhelming bipartisan support. Tolerating continued North Korean hostility will only serve to weaken inter-Korean relations and result in the further destabilization of the region.

Despite the recently-renewed conflict, we should recognize that South Korea's progress is an encouragement and a model for other nations. After hostilities subsided in 1953, Korea was faced with the daunting task of recovering from the carnage and bloodshed of war. South Korea was an economically weak nation; in fact it was one of the poorest nations on earth. Yet today, the Republic of Korea has one of the most vibrant and successful export-oriented economies in the world. This historical record provides hope that, with our persistent efforts, both harmony and prosperity are possible on the Korean Peninsula.

We must remember the brave men and women who sacrificed their lives so that South Korea could be the free and flourishing nation that it is today. In their honor, we continue the struggle for peace on the Korean Peninsula.

Ms. ROS-LEHTINEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. WATSON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and pass the joint resolution, S.J. Res. 32.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

#### RECOGNIZING 50TH ANNIVERSARY OF UNITED STATES-JAPAN TREATY OF MUTUAL COOPERATION AND SECURITY

Ms. WATSON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1464) recognizing the 50th anniversary of the conclusion of the United States-Japan Treaty of Mutual Cooperation and Security and expressing appreciation to the Government of Japan and the Japanese people for enhancing peace, prosperity, and security in the Asia-Pacific region.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1464

Whereas January 19, 2010, marked the 50th anniversary of the signing of the United States-Japan Treaty of Mutual Cooperation and Security which has played an indispensable role in ensuring the security and prosperity of both the United States and Japan, as well as in promoting regional peace and stability;

Whereas the United States-Japan Treaty of Mutual Cooperation and Security, a cornerstone of United States security interests in the Asia-Pacific region in general and of the United States-Japan alliance, specifically, entered into force on June 23, 1960;

Whereas the robust forward presence of the United States Armed Forces in Japan, including in Okinawa, provides the deterrence and capabilities necessary for the defense of Japan and for the maintenance of Asia-Pacific peace, prosperity, and regional stability;

Whereas the United States-Japan alliance has allowed the United States and Japan to become the world's two largest economies, with Japan occupying the position of the United States fourth-largest trading partner;

Whereas the United States-Japan alliance has encouraged Japan to play a larger role on the world stage and make important contributions to stability around the world;

Whereas the United States-Japan alliance is based upon shared values, democratic ideals, free markets, and a mutual respect for human rights, individual liberties, and the rule of law;

Whereas the hosting by Japan of approximately 36,000 members of the United States Armed Forces has been a source of stability for both Japan and the Asia-Pacific region;

Whereas, on May 1, 2006, the United States-Japan Roadmap for Realignment Implementation (hereinafter referred to as "the Roadmap") was approved in which Japan agreed to provide \$6,090,000,000 including \$2,800,000,000 in direct cash contributions, for projects to develop facilities and infrastructure on Guam for the relocation of approximately 8,000 III Marine Expeditionary Force (MEF) personnel and their approximately 9,000 dependents from Okinawa to Guam;

Whereas the Roadmap will lead to a new phase in alliance cooperation and reduce the burden on local communities, especially those on Okinawa, thereby providing the basis for enhanced public support for the United States-Japan alliance;

Whereas the Guam International Agreement, signed by Secretary of State Hillary Rodham Clinton and then-Japanese Foreign Minister Hirofumi Nakasone on February 17, 2009, reinforces the May 2006 Roadmap to realign the United States Armed Forces in Japan and strengthen the alliance;

Whereas, on May 28, 2010, the United States-Japan Security Consultative Committee (SCC) reaffirmed its commitment to the 2006 Roadmap and the February 17, 2009, Guam International Agreement for the realignment of the United States Armed Forces in Japan;

Whereas the United States-Japan security arrangements underpin cooperation on a wide range of global and regional issues as well as foster prosperity in the Asia-Pacific region;

Whereas Japan has contributed significantly to the stabilization of South Asia with a pledge in November 2009 to provide \$5,000,000,000 in economic assistance to Afghanistan over the next 5 years, becoming the second largest international contributor

to Afghanistan, and with a pledge in April 2009 to provide \$1,000,000,000 to Pakistan over the next 2 years;

Whereas in 2010, Japan's Maritime Self Defense Force is sending a ship to Vietnam and Cambodia from May until July to participate in the United States Navy's Pacific Partnership, an annual medical aid mission aimed at enhancing Asia-Pacific countries' capabilities in disaster relief, extending medical support, and carrying out cultural exchanges;

Whereas the Government of Japan provided rapid and selfless humanitarian aid to the Republic of Haiti, including sending a Japan Self Defense Force unit to carry out disaster relief activities, specifically medical activities, with regard to the earthquake of January 2010;

Whereas North Korea's escalating missile and nuclear programs present a direct and imminent threat to Japan, including long-range missiles fired over northern Japan on August 31, 1998, and April 5, 2009;

Whereas Japan has been a staunch ally in United States diplomatic efforts to denuclearize North Korea, having moved forward United Nations Security Council Resolution 1718 during Japan's Presidency of the United Nations Security Council in October 2006; and

Whereas North Korea's abduction of innocent Japanese civilians during the 1970s and 1980s represents a continuing tragedy for the victims and their family members and must remain a major human rights concern of the United States Government: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes Japan as an indispensable security partner of the United States in providing peace, prosperity, and stability to the Asia-Pacific region;

(2) recognizes that the broad support and understanding of the Japanese people are indispensable for the stationing of the United States Armed Forces in Japan, the core element of the United States-Japan security arrangements that protect both Japan and the Asia-Pacific region from external threats and instability;

(3) expresses its appreciation to the people of Japan, and especially on Okinawa, for their continued hosting of the United States Armed Forces;

(4) encourages Japan to continue its international engagement in humanitarian, development, and environmental issues; and

(5) anticipates another 50 years of unshakeable friendship and deepening cooperation under the auspices of the United States-Japan Treaty of Mutual Cooperation and Security.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from Florida (Ms. ROSELEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Madam Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

This resolution commemorates the 50th anniversary of the United States-Japan Treaty of Mutual Cooperation and Security, which entered into force on June 23, 1960. This treaty formed the basis for the presence of U.S. Armed Forces in Japan, which has contributed to Japan's security and prosperity and to regional peace and stability.

Our alliance with Japan has advanced American interests by ensuring a stable balance of power in the Asia-Pacific region, providing a platform for managing tensions on the Korean peninsula and serving as a means to enlist Japan's cooperation on regional and global security issues.

For example, Japan is the second largest international contributor to Afghanistan, pledging \$5 million in economic assistance over the next 5 years.

□ 1330

Japan sent rapid humanitarian aid to Haiti, and the Japanese Self-Defense Force provided medical relief following the earthquake there this past January.

Japan to this day remains a steadfast ally with the United States in combating the nuclear threat from North Korea and responding to the North's provocative behavior.

The success of our alliance with Japan would not have been possible without Japan's broad support and understanding, and I would like to thank the Government of Japan and the Japanese people, and especially the people of Okinawa where I taught for 2 years, for their continued hosting of American Armed Forces in Japan. I taught the children of these Armed Forces.

While Japan is an important partner and friend and we agree on many important issues, there is one important matter on which we disagree: the issue of American children taken to Japan by one parent against the wishes of the other parent. This issue is a very real and serious concern for those left-behind parents and for those of us representing them here in Congress. It is imperative that our two governments create the best possible situation for these tragic cases to be resolved, not only for the sake of those families but to ensure that U.S.-Japan relations continue on a positive trajectory.

As we commemorate this week the 50th anniversary of our alliance with Japan, we know that the importance of this alliance remains as vital as ever, even if the treaty's original Cold War backdrop has long faded from view. We only have to look at North Korea's belligerent actions over the past few years to be reminded of the relevance of the U.S.-Japan security treaty. Now is the right time to pursue an ambitious, forward-looking agenda to ensure that the

fundamentals of the alliance remain in place and to expand our security cooperation to meet the many challenges of the 21st century.

I would like to thank my friend, the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN), the ranking member of the House Committee on Foreign Affairs, for introducing this resolution, and I urge all of my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I rise in support of this resolution recognizing the mutual benefits for the United States and Japan of a treaty which went into effect exactly 50 years ago today. The Asia Pacific region was a dangerous neighborhood a half a century ago. The United States and our allies had just fought the first hot battles of the Cold War on the Korean peninsula. Tensions were high in the Taiwan Strait, and the war in Vietnam was just then emerging on the horizon.

A half century later, Asia, while now the prosperous trading hub of the world, is still dangerous. One need only look to the recent torpedoing of a South Korean naval vessel by a reckless North Korea to recognize that the Asia Pacific region is not yet truly pacific.

Through all the perils in the Pacific, the United States-Japan Treaty of Mutual Cooperation and Security has stood as a cornerstone of a continued regional peace and prosperity. None of this would be possible without the contribution of the people of Japan, and especially those on Okinawa, through their continued hosting of our proud U.S. Armed Forces.

The smooth transition from bitter adversaries to full partners is a tribute to the resiliency and the farsightedness of two peoples on opposite sides of the Pacific: the people of the United States and the people of Japan. The recent reaffirmation of the commitment to full implementation of the 2006 Roadmap and the Guam International Agreement for realignment of U.S. Armed Forces in Japan is a concrete step forward in cementing this crucial alliance.

The mutual cooperation promised in the treaty 50 years ago, however, extends far beyond the Japanese islands. When the U.S. looked for partners in dealing with the aftermath of the devastating earthquake in Haiti earlier this year, Japan's Self-Defense Forces were there working with their American counterparts.

On the critical issue of the stabilization of the volatile situation in South Asia, Japan has been a generous contributor in economic assistance to both Afghanistan and Pakistan. And Japan has been a stalwart ally in our U.S. efforts to end the proliferation of nuclear

weapons and missile technology by the reckless regime in Pyongyang.

Both within the United Nations and during the Six-Party process in Beijing, Japan has stood shoulder-to-shoulder with its American ally in opposing continued North Korean nuclear brinkmanship. North Korean threats and aggression continue. We should immediately re-list North Korea as a state sponsor of terrorism. This is both because of Pyongyang's past abductions of Japanese citizens and because of North Korea's continued links to terrorist groups like Hezbollah and Hamas. There is no greater signal that this administration can send to the Japanese people in this treaty anniversary year than acting expeditiously to hold North Korea fully accountable for such terrorist activities.

I join in the anticipation expressed in this resolution of another 50 years of unshakable friendship and deepening cooperation with the people of Japan.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to express my support for H. Res. 1464, which recognizes the 50th anniversary of the conclusion of the United States-Japan Treaty of Mutual Cooperation and Security, and expresses appreciation to the Japanese government and people for their contribution to peace, prosperity and security in the Asia-Pacific area of the world. I am proud of the legacy of this treaty, which has enabled the U.S. and Japan to establish and maintain an alliance that has been vital to the stability of the Asia-Pacific region and the economic strength of both parties. Fifty years after the signing of the treaty, the U.S. can count Japan among its foremost allies.

Looking back at the American-Japanese relationship over the last century, the distance our nations have come from the wartime hostility of the 1940s and the tensions of the 1950s is praiseworthy and inspirational. Today, Japan is the fourth-largest trading partner of the U.S., and the security and support the U.S. has provided to Japan have enabled greater Japanese participation in humanitarian, economic, and environmental issues at home and abroad.

As the Japanese government takes commendable action toward the denuclearization of North Korea, it is important that the U.S. continue to aid Japan and its neighbor states in their stand against the North Korean regime. Japan has also shown exemplary leadership in the Asia-Pacific region, contributing generously to earthquake relief efforts in Haiti, economic programs in Afghanistan, and the U.S. Navy's Pacific Partnership.

As the world's two largest economic powerhouses and staunch military allies, Japan and the U.S. have profited immeasurably from the past 50 years of the Treaty of Mutual Cooperation and Security. I look forward to the future of the partnership of our two nations, with high hopes for what we can accomplish together.

I urge my colleagues to support this important resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in support of the resolution recognizing the 50th anniversary of

the conclusion of the United States-Japan Treaty of Mutual Cooperation and Security and expressing appreciation to the Government of Japan and the Japanese people for enhancing peace, prosperity, and security in the Asia-Pacific region.

The U.S.-Japan alliance has been tremendously beneficial to our two nations. It has affirmed our shared values and bolstered peace and stability in the Asia-Pacific region. This year, on the 50th anniversary of the establishment of the United States-Japan Treaty of Mutual Cooperation and Security, we have the chance to celebrate all our two nations have achieved and all we will achieve in the future.

Since its inception, the U.S.-Japan alliance has had to deal with an increasingly unpredictable global security landscape. Throughout decades of Cold War to more recent terrorist threats, our alliance has remained strong. This lends a context of security that has allowed the Asia-Pacific region to thrive. Thanks to this important alliance, we can anticipate greater international cooperation in the future, both within Asia and between Asia and the U.S.

Another reason our alliance with Japan has been and continues to be so effective is that it is supported by our two countries' common democratic and humanitarian values. In 2009, both Japan and the U.S. ranked among the top five nations providing foreign aid. In honoring what this alliance has done for both our great nations, we are also reiterating our commitment to provide needed humanitarian relief in the Asian-Pacific region and all over the world.

Madam Speaker, I am proud to support this resolution honoring our alliance with Japan and expressing our heartfelt thanks to the government of Japan and the Japanese people.

Mr. MCMAHON. Madam Speaker, I rise today to support H. Res. 1464, a Resolution recognizing the 50th anniversary of the United States-Japan Treaty of Mutual Cooperation and Security and expressing appreciation to the Government of Japan and the Japanese people for enhancing peace, prosperity, and security in the Asia-Pacific region.

For over 50 years, Japan has served as one of our most dependable and consistent allies. The nation has hosted over 36,000 members of the United States Armed Forces, promoting regional stability and security in the Asia-Pacific region. Japan has been a staunch supporter in our efforts to denuclearize North Korea. The nation has recently emerged as a proactive force in rebuilding third world countries in efforts to curtail the influence of terror cells. In November of 2009, Japan pledged over six billion dollars in economic assistance to Pakistan and Afghanistan in support of our missions in those countries. This special alliance has allowed Japan to establish a prominent role in the global community, further contributing to regional and global stability.

The U.S.-Japan alliance has bolstered both nations, making them two of the world's largest and most influential economies. Mutual cooperation has made Japan our fourth-largest trading partner. Apart from strengthening trade with the U.S., Japan has aided our international initiatives as well. Japan provided over six billion dollars to Guam to develop infrastructure and facilities. This valuable ally supports not only our economy, but those of our allies as well.

I am pleased with what Japan has grown to represent. Japan is a beacon of democratic thought and practice in the Asia-Pacific region. The Japanese government shares our ideals, values, and commitment to civil liberties. Despite the constant challenges facing the international community and the region, Japan has held steadfast in her commitment to egalitarian values and world peace.

Madam Speaker, I urge my colleagues in the House of Representatives to join me today in recognizing and supporting our continuing alliance by supporting this Resolution.

Mr. MANZULLO. Madam Speaker, I rise in support of recognizing the 50th anniversary of the U.S.-Japan Treaty of Mutual Cooperation and Security. This agreement laid the cornerstone for reintegrating Japan into the community of free nations and helped insure Japan's long-term security and prosperity. It also resulted in formerly establishing an alliance that facilitates the forward deployment of about 36,000 U.S. troops and other U.S. military assets in the Asia-Pacific to undergird U.S. national security strategy in the region. Too many times, we take our friends for granted. It wasn't obvious 50 years ago that this agreement would pass the Japanese Diet. But on June 19, 1960, this agreement became operational after much boisterous opposition.

Thus, it is appropriate that the House recognize and thank our Japanese friends for the role this agreement has played in advancing peace, prosperity, and security in the Pacific Rim. It allowed a country devastated by war to eventually become the fourth largest economy in the world and the fourth largest export market for U.S. products.

I deeply appreciate and value our strategic and economic relationship with Japan. Despite the change in the Japanese government, this agreement still remains as a cornerstone of our relationship. I was greatly honored that the Japanese Ambassador paid a visit to northern Illinois last April where we saw first-hand the role that Japanese foreign investment played in saving many jobs in this region, such as the Nissan forklift manufacturing facility in Marengo. We also examined possible new opportunities for trade and investment.

I want to commend my ranking Member, Representative ROS-LEHTINEN, for bringing this resolution to the floor today. I urge my colleagues to support H. Res. 1464.

Mr. RANGEL. Madam Speaker, I rise today to celebrate the 150th Anniversary of the First Japanese Diplomatic Mission to the United States as the Museum for the City of New York pays tribute to Samurai in New York—The First Japanese Delegation, 1860.

On March 17, 1860, exactly 150 years ago today, a sailing ship flying a flag never before seen in North America entered the Golden Gate. It was the Kanrin Maru, the first Japanese ship ever to cross the Pacific on its arrival to San Francisco, California. Japan had been closed to the rest of the world for more than 200 years until 1854, when Commodore Matthew Perry and his squadron of American warships forced the Japanese to open their doors to trade.

The Kanrin Maru had a difficult and stormy 37-day voyage from Japan when it set sail in the winter of 1860. During its time of isolation, the Japanese had had no oceangoing ships

and only one member of the Japanese crew had ever been beyond the sight of land. This epic voyage continued until the ship arrived in San Francisco, when the crew's first appearance was revealed on American soil.

At that time, San Franciscans were familiar with the Chinese immigrants in California, but were amazed to see this delegation of distinguished men, so noted by the senior man aboard, Admiral Yoshitake Kimura, who had a shaved head and a topknot in the manner of a samurai. It was also observed and reported by the San Francisco Evening Bulletin that there had been important officers who carried two swords and were obsessed with etiquette. It is also noted that these men always wore robes and never wore hats.

On the other hand, the Japanese were surprised that San Franciscans walked on expensive rugs with their muddy boots. They were astonished that the powerful governor of California traveled without an escort of retainers and that Americans used horses to pull their carriages. They were also amazed that American men treated women as equals.

Twelve days after the arrival of the Kanrin Maru, the USS *Powhatan* arrived bringing the first Japanese Embassy to the United States to ratify the new treaty of Friendship, Commerce and Navigation between the United States and Japan. Sent by the Tokugawa Shogunate were three Ambassadors, Masaoki Shinmi, Norimasa Muragaki and Tadamasa Oguri whom headed the mission to exchange instruments of ratification of the Treaty of Amity and Commerce. The delegation also included a group of approximately eighty samurai diplomats. The delegation officially arrived in San Francisco on March 29, stopped in Washington, DC on May 14 via Panama, then went on to Baltimore, Philadelphia, and, finally, to New York.

The arrival of the Japanese in Washington DC was a major event, and Congress granted a \$50,000 budget, almost \$1.5 million in today's dollars, to entertain them. On March 28th, the mission paid its official visit to President James Buchanan.

On June 18, 1860, hundreds of thousands of New Yorkers packed the streets of Manhattan to watch the sword-toting samurai parade on Broadway during the diplomatic two-week stay in New York. The unprecedented throng of New Yorkers lined the parade route from Lower Manhattan to Union Square, hoping to glimpse the exotic visitors. The great Walt Whitman was on hand and composed a poem in their honor. The city hosted a grand civic ball for 10,000, and members of New York society vied to entertain the visiting Japanese diplomats. Mayor Wood and the Common Council of New York held a reception in honor of the Japanese ambassadors in the Governor's Room at City Hall.

New Yorkers and the popular press were overcome with Japan mania, especially for the youngest member of the group, seventeen-year-old translator Tateishi Onojiro, also known as "Tommy." With the appearance of the popular song, the "Tommy Polka," the "Tommy" boom outlasted the departure of the delegation itself. For their part, the Japanese delegation studied American industry and technology, learned about its government and customs, and brought back ideas that would

help fuel Japan's emergence on the world stage.

Madam Speaker, although largely forgotten today, the Japanese 1860 Samurai Mission was to ratify the Treaty of Friendship, Commerce and Navigation, which had been signed several years earlier. The agreement opened the ports of Edo and four other Japanese cities to American trade, among other stipulations. In the years before the Civil War, the Japanese visitors captivated the American people and the press. This first face-to-face cultural exchange between, the Japanese and everyday Americans was one of the most elaborated spectacles of its time.

As Dean of the New York Congressional Delegation and on behalf of my colleagues and all of the residents of my district, we are honored to join Ambassador Shinichi Nishimiya, Consul General of Japan in New York, James G. Dinan and Susan Henshaw Jones in celebrating Samurai in New York—The First Japanese Delegation, 1860 at Harlem's beloved Museum of the City of New York.

Ms. BORDALLO. Madam Speaker, I rise today in support of H. Res. 1464, recognizing the 50th anniversary of the conclusion of the United States-Japan Treaty of Mutual Cooperation and Security and expressing appreciation to the Government of Japan and the Japanese people for enhancing peace, prosperity, and security in the Asia-Pacific region. I thank Chairman ENI FALEOMAVAEGA and Chairwoman ILEANA ROS-LEHTINEN for their leadership in developing this legislation. The treaty ushered in an era of greater political and economic cooperation between our two great nations. The treaty's signing in 1960 transformed the alliance between the United States and Japan and has allowed both nations to enjoy 50 years of increased economic prosperity and promoted mutual security interests for the Asia-Pacific region.

Since the enactment of the Treaty, the United States and Japan have become two of the world's largest and most productive economies as both nations have benefited from their trade relationship. Further, the longstanding forward presence of the U.S. Armed Forces in Japan has provided the deterrence capabilities necessary to ensure regional stability. Increased exchanges between our countries like the U.S.-Japan Legislative Exchange Program have fostered a greater understanding and respect between our two legislative bodies.

In the 21st century, this strong partnership with Japan will continue to evolve. Most evident is our security relationship which is undergoing change. The 2006 United States-Japan Roadmap for Realignment Implementation outlines major realignment of military forces in Japan. The establishment of a new Futenma Replacement Facility is the lynchpin to realigning 8,600 Marines and their dependents from Okinawa, Japan to Guam. The commitments of the Roadmap have since been reaffirmed by U.S. Secretary of State Hillary Rodham Clinton and former Japanese Foreign Minister Hirofumi Nakasone. The realignment of military forces underscores the continuing importance of the security relationship between our two nations. It also symbolizes the importance of more strategically aligning our forces in the Asia-Pacific region to meet current and emerging threats. The relationship

between our two nations will only continue to grow. Beyond the realignment of forces I believe our two nations can partner to provide greater leadership in the region, more opportunities for green technology in the Pacific islands, jointly combat piracy on the high-seas, and continue to invest in this important part of the world.

For those reasons and more, I believe H. Res. 1464 recognizes and encourages these important aspects of U.S.-Japanese relations and will assist in continuing our mutually beneficial relationship for decades to come.

Mr. CONYERS. Madam Speaker, I rise in support of House Resolution 1464, which commemorates the 50th Anniversary of the signing of the Treaty of Mutual Cooperation and Security and affirms our alliance with Japan and commitment to peace and prosperity for the U.S. and Japan, as well as the Asia-Pacific region.

The U.S.-Japan Alliance, rooted in our shared values and democratic ideals, provides a climate of stability for East Asia that has enabled all nations of the region to develop and prosper. I do believe the time has come to rethink our large military footprint near Okinawa. The Japanese are our partners and allies; a large military presence within their country is likely seen by a younger generation as unnecessary and unwelcome.

The U.S. and Japan should enhance regional cooperation in the Asia-Pacific region. We should work together to respond to natural disasters and to provide humanitarian relief in the region. We must make efforts to prevent the proliferation of weapons of mass destruction and seek the peace and security of a world without nuclear weapons. We must deepen our cooperation and strengthen our Alliance.

As the Treaty marks its 50th Anniversary, I urge my colleagues to support this resolution to recommit ourselves to further build a strong and cohesive U.S.-Japanese Alliance.

Ms. ROS-LEHTINEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. WATSON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1464.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. WATSON. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

# REAFFIRMING FRIENDSHIP AND ALLIANCE BETWEEN THE UNITED STATES AND COLOMBIA

Ms. WATSON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1465) reaffirming the longstanding friendship and alliance between the United States and Colombia.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

## H. RES. 1465

Whereas nearly 15,000,000 Colombians participated in the first round of Colombia's presidential elections on May 30, 2010;

Whereas no candidate received an outright majority of the vote, thereby requiring a runoff election between Juan Manuel Santos and Antanas Mockus, the two candidates with the highest vote totals;

Whereas Juan Manuel Santos, of the National Unity Party, received 46.7 percent of the votes and Antanas Mockus, of the Green Party, received 21.5 percent of the votes;

Whereas in the second round on June 20, 2010, Juan Manuel Santos received 69 percent of the votes and was thereby declared President-elect of Colombia;

Whereas Colombia has overcome tremendous challenges to build their democracy; and

Whereas Colombia remains a vital ally and friend of the United States: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) reaffirms the longstanding friendship and alliance between the United States and Colombia;

(2) recognizes Colombia's commitment to the democratic process as demonstrated by the free and fair nature of these multiparty, internationally recognized elections; and

(3) congratulates President-elect Juan Manuel Santos on his recent victory in Colombia's June 20, 2010, presidential election.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

## GENERAL LEAVE

Ms. WATSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

□ 1340

Ms. WATSON. Madam Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Madam Speaker, last month, Colombia held the first round of their presidential elections. In an outcome that surprised many observers, the Green Party and the National Unity Party both failed to receive an outright ma-

jority of the votes, so a runoff was required this past Sunday. Over 13 million Colombians participated in the second round, with former Defense Minister Juan Manuel Santos receiving 69 percent of the vote and becoming the President-elect of Colombia.

With this resolution, the House of Representatives honors the Colombian people and their commitment to democracy. Since gaining its independence from Spain in 1819, Colombia has remained democratic, sometimes as an outlier in this region. We applaud the free and fair nature of these multiparty, internationally recognized elections.

Colombia is not without problems, some of them significant. The human rights situation in Colombia leaves much to be desired, and Colombia has over 3 million internally displaced peoples, second in the world only to Sudan as a result of its long struggles with armed groups that the United States and most of the world considers terrorists. While these issues must remain on the front burner of our common agenda, it is important to recognize that Colombia remains an important friend and ally of the United States, and their resilience in the long hemispheric battle against narco trafficking is worthy of respect and admiration.

As we congratulate President-elect Juan Manuel Santos on this victory in Colombia's June 20, 2010, presidential election, we have every expectation that he and his new administration will continue the tradition of a strong relationship with the United States.

Madam Speaker, I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield 3 minutes to my good friend, the gentleman from Florida (Mr. MARIO DIAZ-BALART), a member of the Budget, Science and Technology, and Transportation Committees.

Mr. MARIO DIAZ-BALART of Florida. I thank the ranking member of the Foreign Affairs Committee from my Florida delegation, Congresswoman LEANA ROS-LEHTINEN, for yielding.

I rise to strongly support this important resolution. This past Sunday, as we have just heard, 20 million of Colombia's citizens turned out to the polls and elected former Defense Minister Juan Manuel Santos as President with a resounding 69 percent of the vote. And yet the true champion and the true winners of this presidential election were who? The Colombian people and democracy as a whole were the winners and, yes, the United States of America, because the Colombian people not only elected someone who I know will lead them with brilliance, but also a person who understands the special ties between Colombia and the United States of America.

Madam Speaker, words are important, but so are actions. It is now also

time—yes, we have to pass this important resolution, but we also have to bring forward to this House the free trade deal with Colombia that has been lingering and just waiting for congressional action.

Colombia is a strong ally, they've done everything right. The people have once again spoken—with huge numbers—and supported a person who again has been pushing for the free trade deal just like his predecessor, the current President of Colombia, President Uribe, who again has demonstrated great leadership.

It's time that we bring up the free trade deal, it's time that we passed the free trade deal, it's time that not only do we shower Colombia with kind words, but that we show with our action, this Congress, that we do care for democracy, that we understand that we have to support our allies, none more important than Colombia. It's time to pass the free trade deal with Colombia, and in the meantime, I urge your support of this important resolution.

Ms. WATSON. Madam Speaker, I have no further requests for time, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Kansas (Mr. MORAN), the ranking member on the Agriculture Subcommittee on General Farm Commodities and Risk Management.

Mr. MORAN of Kansas. I thank the gentlewoman from Florida for yielding.

I traveled to Colombia in April of 2008 to see our U.S.-Colombia partnership at work. Colombia has overcome many, many challenges and more remain, and it's essential that the United States continue a positive relationship with this critical ally in South America.

While it's good we're here today to discuss and pass this nonbinding resolution in support of Colombia, the better way to show our support for the Colombian people is to approve a still pending—4 years now—trade agreement. It has been nearly 4 years since the FTA, the free trade agreement, was signed, and yet Congress has failed to act. The longer we wait to approve the free trade agreement, the more we alienate this important ally and harm the American economy.

Currently, over 90 percent of Colombian goods enter our country duty free, but U.S. goods, including wheat and other agriculture commodities, are assessed at significant tariffs upon their entry to Colombia. If the Colombian Free Trade Agreement was approved, duties on U.S. wheat would immediately be eliminated, creating new opportunities for wheat exports.

It's harvest time in Kansas, and new market access is critical for Kansas wheat farmers who are encountering growing wheat supplies and declining prices. Unable to move wheat on the

world market, grain elevators are dropping cash prices paid to our local farmers.

I support this resolution, but it is not a substitute for what we ought to be doing, approving the U.S.-Colombia Free Trade Agreement.

Ms. ROS-LEHTINEN. Madam Speaker, I am so honored to yield 2 minutes to the gentleman from Texas (Mr. BRADY), the ranking member on the House Ways and Means Subcommittee on Trade who has been a proud proponent of passing the U.S.-Colombia Free Trade Agreement.

Mr. BRADY of Texas. I thank the gentlelady for her leadership and for yielding.

I want to congratulate the Colombian people and President-elect Santos on a successful and democratic election. Madam Speaker, I would like to enter into the RECORD this editorial from The Washington Post calling on the administration and congressional Democrats to support the incoming Santos administration by acting on the U.S.-Colombia Trade Promotion Agreement.

President-elect Santos will continue the great work done by President Uribe to strengthen the rule of law and improve the lives of all Colombians. Colombian workers are safer now than ever before. Despite this progress, Colombia faces real challenges. Venezuela has imposed a trade embargo because of Colombia's strong support for the United States, severely damaging the Colombian economy. We have a powerful tool to help Colombia weather the embargo, the U.S. Free Trade Agreement with Colombia. With this agreement, the United States would provide both economic and political support for a truly democratic government and a longstanding ally. Unfortunately, Democrats in Congress have denied us even the opportunity for a simple up-or-down vote on the agreement. But other countries aren't standing still. They are reaching agreements with Colombia, racing ahead to put their workers and their businesses ahead of ours. Just yesterday, the Canadian Legislature ratified the Canada-Colombian Trade Agreement. That agreement could go into effect in just a few months. Colombia is negotiating agreements with Europe, Panama, and South Korea, as a result, American workers are falling behind.

There is no credible reason to oppose the U.S.-Colombia Trade Agreement. It levels the playing field for American workers, creating over \$1 billion in new U.S. sales to Colombia. The bill imposes stronger labor protections for Colombian workers, which is why thousands of union workers in Colombia support the agreement. And it demonstrates America's commitment to a valuable and longstanding ally.

The administration says it wants to increase U.S. exports, create jobs, and

ensure strong U.S. foreign policy, but none of this is credible while it ignores the U.S.-Colombia Trade Promotion Agreement and does not make it ready for a vote in Congress.

[From the Washington Post, Tuesday, June 22, 2010]

WILL WASHINGTON TREAT COLOMBIA'S SANTOS AS AN ALLY?

Juan Manuel Santos has demonstrated that pro-American, pro-free-market politicians still have life in Latin America. Mr. Santos, who romped to victory in Colombia's presidential runoff on Sunday, has no interest in courting Iran, unlike Brazil's Luiz Ignácio Lula da Silva. He has rejected the authoritarian socialism of Venezuela's Hugo Chávez. A former journalist with degrees from the University of Kansas and Harvard, he values free media and independent courts. His biggest priority may be ratifying and implementing a free-trade agreement between Colombia and the United States.

So the question raised by Mr. Santos's election is whether the Obama administration and Democratic congressional leaders will greet this strong and needed U.S. ally with open arms—or with the arms-length disdain and protectionist stonewalling to which they subjected his predecessor, Alvaro Uribe.

Mr. Uribe will leave office in August as one of the most successful presidents in modern Latin American history, though you would never know it from listening to his critics in Washington. He beefed up Colombia's army and economy, and smashed the terrorist FARC movement; murders have fallen by 45 percent and kidnappings by 90 percent during his eight years in office. Though most Colombians wanted him to remain in power, he bowed to a Supreme Court ruling against a referendum on a third term—which means that unlike Mr. Chávez, he will leave behind a strong democratic system.

Colombia has nevertheless been treated more as an enemy than friend by congressional Democrats, who have steadily reduced U.S. military aid and worked assiduously to block the free-trade agreement Mr. Uribe negotiated with the Bush administration. The Obama administration, which has courted Mr. Lula and sought to improve relations with Venezuela and Cuba, has been cool to Colombia, recommending another 11 percent reduction in aid for next year and keeping the trade agreement on ice.

Mr. Santos's election offers an opportunity to revitalize the relationship. As defense minister, he demonstrated a commitment to addressing the human rights concerns that troubled some in Congress. He has pledged to seek better relations with both Venezuela and Ecuador, despite the material support those countries have provided to the FARC.

Ratification of the free-trade agreement would serve the administration's stated goal of boosting U.S. exports while bolstering a nation that could be an anchor for democracy and political moderation in the region. It would also allow the administration and Congress to demonstrate that friends of the United States will be supported and not scorned in Washington.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today as the proud author of the resolution before us, House Resolution 1465, which reaffirms the longstanding friendship and the deep alliance between the United States and Colombia.

□ 1350

Furthermore, it recognizes our shared commitment to democracy, and it congratulates Juan Manuel Santos as President-elect of Colombia.

In Colombia, we have seen the impossible become possible. Once under siege by extremist groups and drug cartels, the people of Colombia and its government have transformed a dark past into a promising bright future. The recent Presidential elections in Colombia are a testament to this progress and demonstrate the confidence that the people of Colombia have in President-elect Santos. Receiving 69 percent of the vote, President-elect Santos has a clear mandate to continue much of the progress seen under President Uribe.

Following his victory on Sunday, President-elect Santos said, "Colombia is leaving its nightmare. The FARC's time has run out. No more useless confrontations, no more divisions. The time has arrived for union. The time has arrived for work, employment and entrepreneurialism."

Juan Manuel Santos' professed commitment to the values of freedom and demonstrated ability to stand up to extremists stands in stark contrast to the tyrannical and destabilizing agendas of dictators in the region. Further, the free and fair nature of the multiparty, internationally recognized Presidential election in Colombia serves as an important reminder to some in the region of what a real and genuine democratic electoral process really looks like.

With elections scheduled soon in Venezuela and Nicaragua, we have already seen both Hugo Chavez and Daniel Ortega pulling out all the stops to question their opposition. From the media to the courts, Chavez and Ortega have no shame in their abject dismissal of the democratic processes in their countries. However, as critical as it is to call out those who affront the principles of a democratic society, it is equally important to recognize those who embrace them, which is why we are here today, Madam Speaker, standing in support of House Resolution 1465.

Colombia represents to many the light at the end of the tunnel. Colombia shows that, with hard work, determination and a commitment to fundamental freedoms, a democracy can flourish no matter what the odds. Instead of falling into a deep division, Colombia is ascending the peak of freedom and democracy. I have no doubt that the vital alliance between our country and Colombia is poised to become ever closer and more successful than ever under the leadership of President-elect Santos, and I remain ever hopeful that this alliance will soon include the passage of the U.S.-Colombia Free Trade Agreement.

Colombia has enormous potential for U.S. businesses, especially in my home State of Florida. Miami had nearly \$6

billion in total trade with Colombia last year alone. Signed nearly 4 years ago, the FTA is one of the easiest, most obvious steps that Congress can take to expand these important economic ties.

We can ask for no better partner or trusted ally than the people of Colombia. Its commitment to the democratic process, as demonstrated by this weekend's free, fair, and transparent election, shows what can be accomplished when the basic tenets of liberty are afforded to the people of a nation.

In closing, Madam Speaker, I would like to congratulate President-elect Santos on this momentous occasion, and once again, I would like to recognize the unbreakable ties between the people of the United States and Colombia.

I am so pleased to yield 2 minutes to the gentleman from Texas—they only come that way in Texas—Judge POE, an esteemed member of our Committee on Foreign Affairs.

Mr. POE of Texas. I thank the gentleman from Florida for yielding some time.

Madam Speaker, this is an important resolution. It puts the United States on record as to where we stand in our part of the world when it comes to democracy and in supporting our allies. Colombia is an ally of the United States.

When I was in Colombia in April, down in the jungle with the narcotics police—with General Patino—helping and watching how they fight the cartels and FARC, I learned from the Colombians that they like Americans, not just their government but the people of Colombia. Yet that is not universally true in South America. There are a lot of folks who don't care much for the United States, but the Colombian people are our allies, not only politically, but also, they like Americans for who we are. They support us, and we should support them.

It was a good day for democracy when President Santos was elected this past weekend. We should show Colombia and the rest of the world that we support this democracy in South America. We should also support the Colombian-American Free Trade Agreement. This is an important agreement to show that we mean business in supporting another democracy. Rather than talking about trading with the Chinese, we ought to talk about trading with democracies. This is one of those democracies, and it is being stalled for political reasons.

We need to support this. We need to pass it through this House and to make sure that the Colombians know that we mean, in word and deed, that they are our ally, especially our ally in free trade. So I commend this resolution. We must make sure that we support democracy anywhere it occurs in the world, and we must support freedom as well. Let's move a step forward, and

let's move forward with the free trade agreement with our friends, our allies, and our neighbors in Colombia.

Ms. ROS-LEHTINEN. Madam Speaker, I thank my good friend from Texas.

I have no further requests for time, Madam Speaker, and I yield back the balance of my time.

Mr. CAMP. Madam Speaker, I thank my colleague for yielding and for the introduction of this very timely resolution. Last weekend, in a free and open democratic process, Colombia elected a new President. The people of Colombia should be commended for continuing their long tradition of democracy.

President-elect Santos is a strong U.S. ally who will continue Colombia's efforts to strengthen the rule of law, restore peace and stability, and promote economic growth for all Colombians. Colombia's progress is undeniable and its workers are safer now than ever before.

So, while we should be reaffirming our alliance today, we should also be strengthening that alliance by passing the U.S.-Colombia Trade Promotion Agreement. The United States already offers Colombia almost total duty-free access to the U.S. market, yet American exports face significant tariffs entering the Colombian market. The U.S.-Colombia Trade Promotion Agreement would lift these barriers and level the playing field, increasing U.S. exports by at least \$1 billion.

The Administration and Congressional Democrats have instead allowed this agreement to languish and this valuable ally to twist in the wind. As a result, U.S. employers have paid over \$2.8 billion in unnecessary duties on American exports to Colombia. Those duties would vanish under the agreement and would allow U.S. employers to use this cash to create new job opportunities.

But that's not the worst of it. In disregarding our agreement, the Administration and Congressional leadership have allowed other countries to race ahead of us, giving foreign workers a competitive advantage.

American farmers are already experiencing the ramifications of this inaction. U.S. farmers have lost millions in potential exports to Colombia; those sales are instead being made by farmers in Argentina and Brazil, because those countries already have an agreement in place with Colombia.

The damage to American workers and farmers will only get worse if Colombia's agreements with Canada, the EU, and others go into effect before our agreement. There is absolutely no reason for this to happen. The U.S.-Colombia agreement was signed over 1,300 days ago. The United States had a huge head start that the Administration and leadership has willfully conceded. For over a year now, the Administration has promised to find a way forward on this Agreement and present Colombia with the list of things it needed to do. The Colombians are still waiting for that list.

If the Administration is serious about doubling exports and creating jobs, it must do what's necessary to bring this Agreement up for a vote.

Ms. WATSON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1465.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### CALLING FOR RELEASE OF ISRAELI SOLDIER BY HAMAS

Mr. ACKERMAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1359) calling for the immediate and unconditional release of Israeli soldier Gilad Shalit held captive by Hamas, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1359

Whereas Congress previously expressed its concern for missing Israeli soldiers in Public Law 106-89 (113 Stat. 1305; November 8, 1999), which required the Secretary of State to raise the status of missing Israeli soldiers with appropriate government officials of Syria, Lebanon, the Palestinian Authority, and other governments in the region, and to submit to Congress reports on those efforts and any subsequent discovery of relevant information;

Whereas the House of Representatives passed H. Res. 107 on March 13, 2007, regarding Gilad Shalit and other Israeli soldiers attacked and captured by terrorists;

Whereas Israel completed its withdrawal from Gaza on September 12, 2005;

Whereas on June 25, 2006, contrary to international humanitarian standards and the most basic standards of humanitarian conduct, the Foreign Terrorist Organization Hamas, together with allied terrorists, crossed into Israel to attack a military post, killing two soldiers and wounding and kidnapping a third, Gilad Shalit, in a blatantly extortionate effort to coerce the Government of Israel;

Whereas Hamas, contrary to international humanitarian standards and the most basic standards of humanitarian conduct, has prevented access to Gilad Shalit by competent medical personnel and representatives of the International Committee of the Red Cross;

Whereas Hamas, contrary to international humanitarian standards and the most basic standards of humanitarian conduct, has failed to provide Gilad Shalit the humane treatment to which all captives are entitled as a fundamental human right;

Whereas Hamas, contrary to international humanitarian standards and the most basic standards of humanitarian conduct, has refused to provide Gilad Shalit with regular contact with his family or any other party, or to allow his family to know where he is being held;

Whereas Hamas, contrary to international humanitarian standards and the most basic standards of humanitarian conduct, has compelled Gilad Shalit to appear in video and voice recordings intended to extort and coerce the Government of Israel;

Whereas Hamas, contrary to the most basic standards of humanitarian conduct, has staged plays and produced cartoons and

animated movies that have mocked Shalit, his captivity, and his family, and have promised further kidnappings of Israeli soldiers; and

Whereas Gilad Shalit has been held in captivity by Hamas for almost 4 years: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) demands that—

(A) Hamas immediately and unconditionally release Israeli soldier Gilad Shalit; and  
(B) Hamas accede to international humanitarian standards and the most basic standards of humanitarian conduct by—

(i) allowing prompt access to Gilad Shalit by competent medical personnel and representatives of the International Committee of the Red Cross;

(ii) providing Gilad Shalit the humane treatment all captives are entitled to as a fundamental human right;

(iii) facilitating regular communication by Gilad Shalit with his family and allowing his family to know where he is being held; and

(iv) ceasing to compel Gilad Shalit to appear in video and voice recordings intended to extort and coerce the Government of Israel;

(2) expresses—

(A) its vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state within recognized and secure borders;

(B) its strong support and deep interest in achieving a resolution of the Israeli-Palestinian conflict through the creation of a democratic, viable, and independent Palestinian state living in peace alongside of the State of Israel;

(C) its ongoing concern and sympathy for the family of Gilad Shalit and the families of all other missing Israeli soldiers; and

(D) its full commitment to continue to seek the immediate and unconditional release of Gilad Shalit and other missing Israeli soldiers;

(3) recalls—

(A) the barbaric attack on and kidnapping of the bodies of Ehud Goldwasser and Eldad Reggev on July 12, 2006, by the Iran-supported terrorist group Hezbollah; and

(B) the missing Israeli soldiers Zecharya Baumel, Zvi Feldman, and Yehuda Katz, missing since June 11, 1982, Ron Arad, who was captured on October 16, 1986, Guy Hever, last seen on August 17, 1997, and Majdy Halabi, last seen on May 24, 2005; and

(4) condemns—

(A) Hamas for the grossly immoral cross-border attack and kidnapping of Gilad Shalit; and

(B) Iran and Syria, the primary state sponsors and patrons of Hamas, for their ongoing support for international terrorism.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentlewoman from Florida (Ms. ROSLEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

Mr. ACKERMAN. I yield myself such time as I may consume.

I want to thank my good friend, the chairman of the Foreign Affairs Committee, for his support for this resolution and for its consideration by the House today.

Madam Speaker, Gilad Shalit is not an American. He is an Israeli soldier

who has been held captive by Hamas for 4 years.

□ 1400

His parents are not Americans. I don't know that he's ever even been to the United States. But I would contend that, nonetheless, he's one of us. Why? Most simply, because he is a soldier serving in the army of a fellow democracy, a long-standing ally that is fighting a war of survival against an Iranian-backed radical Islamist terror organization explicitly committed to the destruction of the Jewish State and the annihilation of all Jews in Israel.

Some may doubt that such shocking, vicious bigotry is really possible in the year 2010. It's not merely possible, and it's not an overstatement. It's reality. On June 11, not even 2 weeks ago, Hamas authorities in Gaza broadcast the following ceremony—and this is a quote directly from that sermon: “Whoever believes that our battle with the Jews and the crusaders has subsided or is dormant is living in delusions. The Jews are convinced that their annihilation and the destruction of their State will never be accomplished by secular, reactionary, Pan-Arabic, or Baathist regimes. Their annihilation and the destruction of their State will only be achieved through Islam.” It goes on. But that was the basis of the Hamas sermon. That's the Hamas world view. And they're not ashamed of it. We shouldn't hesitate to believe them when they say they hate Jews and they're trying to destroy Israel and they want to create an Islamic theocracy in Palestine. Just look at what they've done in Gaza.

For those who believe in universal human rights and religious rights and freedom, Hamas is your enemy. If you believe in peace and two states for two peoples, these are your foes. If you believe kidnapping and extortion are inexcusable and detonating a bomb full of nails and ball bearings inside a city bus or restaurant is barbaric, these are your adversaries. If you believe that firing rockets at homes and kindergartens filled with young kids is absolutely indefensible, and that teaching hate to children is monstrous, these are your opponents. If you support the Palestinian Authority and President Abbas and Prime Minister Fayad are Palestinian's best chance of statehood, Hamas is the opposition. If you support a democratic Jewish State of Israel and want to see Prime Minister Netanyahu take chances for peace, Hamas is the enemy desperate to ensure that he never will. If you want the United States to be active in helping Israelis and Palestinians to make peace, Hamas are the people working against our every effort.

Gilad Shalit is just one soldier, but his captivity tells you everything you need to know about Hamas. As the resolution makes clear, contrary to both

international humanitarian law and the most basic standards of human conduct, Hamas has prevented all access to Gilad Shalit by competent medical personnel and the representatives of the International Committee of the Red Cross. They've done this time and time again. And, Madam Speaker, they've just done it again today. They've denied him the humane treatment to which any captive is entitled; they've barred any communication by him with his family; and they've compelled him to appear on propaganda videos. Each of these unconscionable choices demonstrates the amoral and depraved character of Hamas.

These allegedly religious militants are nothing but thugs. Nothing more. They hold up all kinds of banners, and they champion all kinds of causes, and they claim all kinds of mandates. But their real goal is power and their true intention is a disruption of the State of Israel.

Against their enterprise of darkness and hatred and bloodshed, we need to stand up with both Palestinians and Israelis for a different vision and a different future—one where Israelis and Palestinians live side by side in peace; where the City of Jerusalem is a city of coexistence and tolerance; where the lost and the missing—all of them—all of them—are returned to their families and their people. It is this vision that motivates us, that mobilizes us to work so hard to achieve peace for others. And it is within this vision of a better future that we keep faith with our allies in the State of Israel and with the Shalit family as they wait for the return of their lost son.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Since its creation over 6 decades ago, our ally Israel has been under siege from those who seek its destruction. Israel's enemies, refusing to accept the existence of the Jewish State, have invaded Israel's borders and sought to wipe it off the map. They have launched missiles at Israeli civilians. They have sent homicide bombers to massacre innocent Israelis on buses, in schools, in synagogues, in restaurants, in hotels. They have desecrated wedding celebrations and Passover seders with acts of mass murder, turning days of joy into days of mourning. And they have killed or kidnapped Israeli soldiers.

These bloody acts were taken not to build a better life for the future of the Palestinians, but to wipe out any future for the Israelis and to destroy the Jewish State. Of course, at present, the greatest threats to Israel's security and its very existence are posed by the rogue regimes of Iran and Syria, as well as by their violent extremist proxies, such as Hamas and Hezbollah. This is the context for this important resolution before us today.

On June 25, 2006, as part of its long-standing war against the Jewish State, Hamas crossed into Israel and attacked an Israeli military post, killing two soldiers and kidnapping Gilad Shalit, who was then just 19 years old. For the last 4 years, Hamas has held Staff Sergeant Shalit hostage, denying him access to his family, access by competent medical personnel, as well as representatives of the International Committee of the Red Cross. Hamas has forced young Shalit to appear in audio recordings and video recordings used to put pressure on Israel, and has mocked Shalit, mocked his family and his captivity in plays and cartoons and animated movies. Reports indicate that Shalit's health has declined as the result of his captivity.

Madam Speaker, Hamas, its fellow violent extremist group, Hezbollah, and their state sponsors not only are at war with Israel; they seek the destruction of the United States as well. Ahmadinejad has spoken of "a world without America or Zionism," stating that "you should know that this slogan, this goal, can certainly be achieved." And the Iranian regime is no stranger to taking hostages, including the 52 American hostages that Tehran held captive for 444 days. So when we consider Hamas's holding of Gilad Shalit in captivity, we must recognize this situation is part of the broader threat posed to both the United States and to Israel.

Madam Speaker, I have met with Staff Sergeant Shalit's father, who gave me his son's dog tags. And as a parent, I can only imagine the agony that the Shalit family is enduring. Indeed, anguish over Gilad Shalit's plight is felt by millions of Israelis who have parents, siblings, spouses, or children who are serving in the Israeli Defense Forces and who have spent many anxious nights hoping and praying for the safe return of their loved one. It resonates directly with many of us who have had children and other family members and friends who, in the service of our Nation, have been in harm's way.

As Israel continues to seek Gilad Shalit's freedom, we in the United States must continue to stand with our indispensable ally. For all of these reasons, Madam Speaker, I rise today in strong support of House Resolution 1359, which reaffirms our demand for Gilad Shalit's immediate and unconditional release.

I would like to thank the chairman and the ranking member of the Subcommittee on the Middle East and South Asia, Mr. ACKERMAN and Mr. BURTON, for introducing this resolution. I ask that the House join us in voting in favor of this resolution and in support of further measures to address the comprehensive threat posed on our Nation and to our ally Israel by Iran, by Syria, and by their militant proxies.

□ 1410

Among the steps the United States should take is to stop the failed policies of engagement with the Syrian and Iranian regimes which have not advanced our interests but has lent those dictatorships undeserved legitimacy. We should also continue to stand unequivocally with our ally Israel and oppose all efforts to deny Israel its sovereign right to self-defense—the very right that Staff Sergeant Gilad Shalit was exercising when he was kidnapped by Hamas.

Madam Speaker, I reserve the balance of my time.

Mr. ACKERMAN. I want to thank the gentlewoman from Florida, the distinguished ranking member of the committee, for her statement and for her support.

Madam Speaker, now it's my pleasure to yield such time as she may consume to the gentlewoman from Nevada, SHELLEY BERKLEY, a distinguished and respected member of our committee.

Ms. BERKLEY. Madam Speaker, I want to thank my very good and dear and cherished friend from New York for yielding and for bringing much-needed attention to this issue by introducing this resolution which I proudly cosponsored.

Madam Speaker, I rise today along with my colleagues to mark a very sad occasion: The fourth anniversary of the kidnapping of Israeli soldier Gilad Shalit. If the world needs evidence of Hamas' cruelty, they need look no further than the kidnapping of this young soldier serving on the Israeli side of the Gaza border. Defying any standards of human decency and international law, Hamas has held him prisoner without access to a doctor or to the Red Cross. They have denied him contact with any outside party or even his family, who have no idea where this young man is being held. Hamas has even forced him to appear in a video that was used to pressure the Israeli Government into making concessions in exchange for his release.

The conditions of his detainment are illegal, they are deplorable, and they are immoral. For some reason, though, the world bombards Israel with criticism for the simple act of defending its citizens, while Hamas continues to violate human rights day after day. It is unjust, and it ultimately puts all peace-loving people at risk. Where is the U.N. with its outrage? Where is the Arab world? Where are our European allies? The world leaps to condemn Israel whenever it is put in the untenable situation of defending itself against terrorism. Where is the outrage against the continuous inhuman behavior of Hamas, a recognized terrorist organization? Where is the outrage against Hamas as it continues to hold Gilad Shalit, a young man just doing his duty? Just this week, Israel took enormous risks by easing their necessary and legal blockade of Gaza. It is

time—indeed, Madam Speaker, it is well past time—for Hamas to show some human decency and release Gilad Shalit back to his family.

I am the mother of a son named Sam who is the exact same age as Gilad Shalit. I can only imagine what that mother goes through day after day, week after week, month after month, year after year as she has absolutely no contact and no idea how her son is being treated, where he's being held, and what his condition is. Shame. The shame of it all. It's disgusting. I urge support for this resolution.

GENERAL LEAVE

Mr. ACKERMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution that is now under consideration.

The SPEAKER pro tempore (Ms. RICHARDSON). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to express my support for H. Res. 1359, which calls for the immediate and unconditional release of Gilad Shalit, the Israeli soldier held captive by Hamas since June 25, 2006. Today, 4 years later, Shalit remains a prisoner and Hamas has denied him medical treatment and access to his family. I agree with the resolution's sponsors that his imprisonment is not only a violation of international law and an affront to the international community, but has also impeded the peace process between Israel and Palestine.

The Israeli-Palestinian conflict has caused tragedy and loss of enormous proportions on both sides. I know that all of my colleagues oppose further loss of life and will support a lasting peace in this region. I am hopeful for the day when two states—an Israeli and a Palestinian state—can peacefully exist side by side. Until that day, both sides must work towards peace and must refrain from aggressive actions. The kidnapping and ongoing inhumane treatment of Gilad Shalit has exacerbated tensions in the region, causing heartache for Sgt. Shalit's family and country, and making peace negotiations more difficult.

I stand for peace and human rights and am proud to support this resolution. I can see no justification for Sgt. Shalit's continued imprisonment and urge Hamas to release Sgt. Shalit. I urge my colleagues to join me in supporting peace and human rights by supporting this important resolution.

Mr. GRAYSON. Madam Speaker, I rise today to call for the immediate and unconditional release of Israeli soldier Gilad Shalit. On June 25, 2006, exactly 4 years ago this Friday, Gilad was kidnapped by Hamas terrorists within Israeli territory, near the Kerem Shalom crossing. This kidnapping was a part of an unprovoked and organized military operation by Hamas terrorists who continue to hold Gilad captive in Gaza.

Throughout Gilad's captivity, the International Red Cross has requested to send representatives to assess his conditions of de-

tention and treatment, as well as to provide medical attention to Gilad. Just recently, Hamas once again refused to give the Red Cross access to check on Gilad's well being in accordance with international law. Pierre Dorbes, deputy head of the International Committee of the Red Cross in Israel and the Territories stated that, "... we have been able to visit nearly everyone detained in connection to this conflict, with the exception of Gilad Shalit."

As negotiations for his release continue, it is important to recognize the efforts of Gilad Shalit's family and friends, particularly his mother Aviva and his father Noam to secure his release. I can only imagine the heartache and frustration that they feel as they work to help secure their son's freedom.

Madam Speaker, I along with my colleagues continue to call for the unconditional release of Gilad Shalit. I urge President Obama to continue to make Gilad's release a priority for his administration as he works with all parties to resolve the ongoing conflict in the region.

Mr. MCMAHON. Madam Speaker, I rise today to support H. Res. 1359, a resolution calling for the immediate and unconditional release of Israeli soldier Gilad Shalit held captive by Hamas.

On June 25, 2006, Hamas captured 19-year-old Israeli corporal Gilad Shalit on the southern Israeli side of the Gaza Strip. This inherent and blatant disrespect for standards of international conduct was a deliberate form of extortion meant to coerce the Israeli government to release Palestinian prisoners.

Hamas has furthered the injustice by denying Shalit access to medical care from the International Red Cross or treatment as a prisoner of war. Shalit has been explicitly denied the most basic humane treatment, and we cannot allow for this abhorrent conduct to persist.

Hamas has continually utilized terrorist cells to attack Israeli soldiers even though Israel unilaterally withdrew from Gaza in 2005. This callous disregard for international humanitarian law is deeply troubling.

I am unwavering in my support for the security and welfare of the democratic nation of Israel, and the creation of a mutually acceptable two state solution. This cannot happen unless Hamas immediately and unconditionally releases Shalit and accepts the right for Israel to exist and lays down their arms for good.

Madam Speaker, I urge my colleagues in the House of Representatives to join me today in recognizing our dedication to the release of Shalit and the prospect of peace and democracy in the region by supporting this resolution.

Mr. KLEIN of Florida. Madam Speaker, I rise today to support H. Res. 1359 and mark the 4-year anniversary of the capture of IDF soldier Gilad Shalit. On June 25, 2006, Shalit was taken in a cross-border raid, remains held in Gaza, and for the past 4 years, he has been denied virtually all contact with the outside world.

When he was kidnapped, he was only 19 years old, the age of an average American college student. But instead of being able to serve his country and continue with his bright future, he has been held a prisoner for 4 years.

The plight of this soldier must not be forgotten. I want to honor the sacrifice of this young man and his family who wait every day for news of their son's circumstances. I have met the Shalit family and I have seen the pain in their eyes and the pleading in their voices. The Shalit family has also met with many communities across the United States, urging people to remember their son and speak out on his behalf. Today, I join the communities in Palm Beach and Broward County in sending a message to Gilad Shalit's captors: Let Gilad Shalit go.

As Israel faces dangerous threats from throughout the region and still makes unprecedented sacrifices for peace, America stands with Israel in its hope for the release of Gilad Shalit. American families and Israeli families are united in the hope that the Shalit family should suffer no longer.

Ms. SCHAKOWSKY. Madam Speaker, I rise today in strong support of H. Res. 1359, a resolution calling for the immediate and unconditional release of Israeli soldier Gilad Shalit.

I would like to thank Congressman ACKERMAN for introducing this important resolution, of which I am a cosponsor, and to commend him and Chairman BERMAN for their leadership on this critical issue.

On Friday, Israeli soldier Gilad Shalit will have spent 4 years in captivity. Since June 2006, Shalit has been held by Hamas and denied the humane treatment mandated by international law, including regular communication with his family and visits by the International Red Cross. He has been forced to appear in Hamas propaganda, intended to extort the Israeli government. Shalit was 19 years old at the time of his abduction.

Human beings should not be used as bargaining chips. Gilad Shalit must be immediately and unconditionally released, and all prisoners must be afforded the basic protections of international humanitarian law.

I am also proud to support this resolution because it expresses Congressional support for both the Jewish state of Israel, which must have recognized and secure borders, and a democratic, viable, and independent Palestinian state. I strongly believe that a negotiated, two-state solution offers Israelis and Palestinians alike the best prospect for long-term security and stability.

I strongly urge my colleagues to join me in supporting this resolution calling for the immediate and unconditional release of Gilad Shalit.

Mr. WAXMAN. Madam Speaker, this week the world marks 4 years since the kidnapping of Corporal Gilad Shalit, an Israeli soldier abducted from his post at Israel's Kerem Shalom border crossing with Gaza. Two Israeli soldiers were also killed in the attack.

Today, more than 1,400 days later, Gilad remains a hostage. Hamas has rejected all official requests from the International Red Cross to visit him. All it has provided is a propagandist video featuring Corporal Shalit in an address to his family. While that video was met with relief that he is still alive, it only compounded despair over the captivity of a young man who should be celebrating the most vibrant years of his life.

Tragically, Gilad Shalit was not the first soldier kidnapped by Hamas. In 1994, Hamas terrorists in the West Bank kidnapped

Nachson Wachsmann, a dual U.S. and Israeli citizen who was tortured before he was murdered by his captors during a failed attempt at his rescue.

Gilad Shalit may not be an American citizen, but he is a native son of a close strategic ally and a fellow democracy. His situation brings anguish to us all. As we consider H. Res. 1359, a resolution urging Gilad's release, let us pledge to redouble our efforts to bring about his safe return.

Mrs. MALONEY. Madam Speaker, I rise to acknowledge the fourth anniversary of the kidnapping of Israeli Staff Sergeant Gilad Shalit and call for his immediate and safe return to Israel.

Four years ago, Hamas militants attacked an Israeli outpost near the border between Israel and Gaza. Two soldiers, Staff Sergeant Pavel Slutzker and Lieutenant Hanan Barak, were killed and Staff Sergeant Gilad Shalit was kidnapped. Less than a month later, two other Israeli soldiers, Sergeant Major Ehud Goldwasser and Sergeant First Class Eldad Regev were captured and killed by Hezbollah. On July 16, 2008, their bodies were returned in exchange for over 200 prisoners demonstrating Israel's special concern for the redemption of their captured soldiers—going so far as trading live and dangerous terrorists for the remains of their fallen heroes.

Hamas continues to inhumanely hold Staff Sergeant Shalit for ransom and has denied him basic medical needs. Since his capture, Gilad Shalit has been deprived of every basic right a captured soldier should be able to expect: visits by the International Committee of the Red Cross, the ability to send and receive letters to his family, and protection from being used involuntarily for propaganda footage. The captivity of Shalit is unacceptable and in clear violation of the laws of the Geneva Convention. I urge Congress to reaffirm Israel's right to defend itself and that the path to peace in the region lies in the recognition of Israel's right to exist, the dismantling of Hamas' terrorist infrastructure, and the release of Gilad Shalit.

As we continue working to secure Staff Sergeant Shalit's safe return, we also keep Corporal Shalit's parents, Aviva and Noam, his older brother Yoel, and his younger sister Hadas in our thoughts.

Mr. GARRETT of New Jersey. Madam Speaker, earlier this year, the Jewish community celebrated the holiday of Passover, the Festival of Freedom. On that holy day, in thousands of synagogues and dining rooms, a somber yet determined prayer of hope was recited for Israeli soldiers held in captivity:

"Redeem them from amongst the kidnapped, and take them from slavery to freedom, from servitude to redemption, from darkness to light, and fully heal their wounds. Give them courage and spirit and strengthen their resilience."

Today, on the eve of a solemn anniversary, I would like to remind my colleagues of one Israeli who has remained in captivity for four years. On June 25th, 2006, Hamas and two other groups brutally and unjustifiably attacked an Israeli patrol, murdering two soldiers and kidnapping wounded Corporal Gilad Shalit, a member of the Israel Defense Forces' Armor Corps. Since then, Gilad Shalit has been de-

nied medical attention, physical contact with his family, and visits from humanitarian groups like the International Committee of the Red Cross. This treatment constitutes clear violations of the Geneva Convention.

Moreover, Hamas has refused to negotiate the release of the abducted soldier despite the involvement of credible third parties and Israel's frequent acts of goodwill. For example, Israel proposed an exchange of hundreds of Palestinians being held in Israel for Shalit's freedom. Israel also takes a proactive stance in providing adequate humanitarian aid to Gaza's civilians. In fact, Israel recently eased the Gaza blockade. Yet Hamas continues to defy Israel's cooperative efforts and international pressure. By mocking diplomatic efforts to free Corporal Shalit peacefully, Hamas is exploiting the anguish of Shalit's family.

I am proud to have recently cosponsored bipartisan H. Res. 1359, which calls for the immediate and unconditional release of Gilad Shalit from Hamas captivity. This resolution sends the strong and undeniable message that the actions of Hamas are not only in violation of international custom and law, but they are also morally reprehensible and inhumane.

Corporal Shalit's release is not merely an Israeli goal; it should be the objective of the international community. Together, we should use available resources and strategies to obtain his immediate and safe release. I strongly call on President Obama, Secretary Clinton, and Ambassador Rice to advocate for Gilad Shalit's safe return and to stand beside Israel in its efforts to protect its soldiers and defend its citizens.

Mr. HOLT. Madam Speaker, I rise today in strong support of H. Res. 1359, which calls for the immediate and unconditional release of Gilad Shalit and other Israeli soldiers who are being held illegally by terrorist organizations. On June 25, 2006, Hamas terrorists based in Gaza led an illegal raid into Israel, where they attacked a military post and killed two Israeli soldiers before kidnapping then-corporal Gilad Shalit. Since then, Hamas has held Mr. Shalit without access to medical treatment, legal counsel, or humanitarian organizations. For 4 years, Mr. Shalit has been kept from his family, which has had to watch helplessly as Hamas cynically exploited videos of their loved one.

As I have said many times before, only a just, permanent, and peaceful settlement between Israelis and Palestinians can ensure the security and welfare of both peoples. The way forward in the Middle East will require compromises by all parties, but certain things are nonnegotiable. Hamas must end terrorist activities, renounce violence, and recognize Israel. Human rights and international humanitarian law must be respected by all, and Hamas bears the responsibility to meet this standard by immediately and unconditionally releasing Gilad Shalit. I stand firmly with his family and all Israelis who continue to suffer until justice is done.

Mr. BERMAN. Madam Speaker, I rise today in support of H. Res. 1359, calling for Hamas to unconditionally release captured Israeli soldier Gilad Shalit. On June 25, 2006, Hamas terrorists illegally crossed into Israel from the Gaza strip, killed two Israeli soldiers, and kidnapped Corporal Gilad Shalit. Tomorrow

marks the fourth year Gilad Shalit continues to be held captive by Hamas. He has been held in violation of international humanitarian law, without access to proper medical care, without access to his loved ones, and without access to the International Committee of the Red Cross, despite that organization's repeated requests to visit him.

I also rise today to strongly reaffirm America's unwavering commitment to the safety and security of the Jewish State of Israel. Israel and America's shared goal of a peaceful resolution of the Israeli-Palestinian conflict can only be achieved when Hamas renounces acts of terrorism such as rocket attacks against civilian populations, suicide bombings in civilian areas, and the extortionist capture and detention of Israeli soldiers.

We continue to stand with the Shalit family in this very difficult time, and are praying for the safe and timely release of their courageous son.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time.

Mr. ACKERMAN. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1359, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ACKERMAN. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### EXPRESSING SENSE OF HOUSE REGARDING ANNIVERSARY OF DISPUTED IRANIAN ELECTIONS

Mr. COSTA. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1457) expressing the sense of the House of Representatives on the one-year anniversary of the Government of Iran's fraudulent manipulation of Iranian elections, the Government of Iran's continued denial of human rights and democracy to the people of Iran, and the Government of Iran's continued pursuit of a nuclear weapons capability.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1457

Whereas Iran's authoritarian system of government violates numerous international norms and principles of democratic governance;

Whereas June 12, 2009, was the date scheduled for Iranian presidential elections, in which only candidates approved by the Government of Iran's Guardian Council were allowed to compete;

Whereas the ensuing announcement by Iranian authorities of an "overwhelming victory" for Mahmoud Ahmadinejad was made suspiciously early;

Whereas reported vote counts in the June 12, 2009, election were inconsistent with Iranian demographics and political trends, including provinces in which more votes were allegedly cast than the number of registered voters and vote counts that indicated unusual pro-Ahmadinejad voting patterns by traditionally anti-Ahmadinejad constituencies;

Whereas the Government of Iran's unrealistic vote count and fraudulent announcement of election results prompted millions of Iranians to rush into the streets in protest and prompted unprecedented public criticism by Iranians of the authoritarian rulers of the Government of Iran;

Whereas the Government of Iran, Iranian riot police, members of the Revolutionary Guard Corps, and Basij militias engaged in a brutal crackdown on the Iranian people in the aftermath of the disputed presidential election of June 12, 2009, killing, injuring, or imprisoning many Iranians, stifling freedom of speech, press, and assembly and violating fundamental human rights;

Whereas, on June 19, 2009, the House of Representatives overwhelmingly adopted H. Res. 560 which "(1) expresses its support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties, and rule of law; (2) condemns the ongoing violence against demonstrators by the Government of Iran and pro-government militias, as well as the ongoing government suppression of independent electronic communication through interference with the Internet and cellphones; and (3) affirms the universality of individual rights and the importance of democratic and fair elections";

Whereas, on June 23, 2009, President Barack Obama denounced the Government of Iran's crackdown on the Iranian people, stating that "The United States and the international community have been appalled and outraged by the threats, the beatings and imprisonments of the last few days", that "I strongly condemn these unjust actions, and I join with the American people in mourning each and every innocent life that is lost", and that the United States must "bear witness to the courage and dignity of the Iranian people, and to a remarkable opening within Iranian society";

Whereas, on December 27, 2009, the Shiite Muslim holiday of Ashura was observed and at least eight Iranian civilians were killed and hundreds arrested in confrontations with the Iranian authorities;

Whereas the Government of Iran is violating its international and constitutional obligations to respect the human rights and fundamental freedoms of its citizens by—

(1) using arbitrary or unlawful killings, beatings, rape, torture, and cruel, inhuman, or degrading treatment or punishment, including flogging and amputations;

(2) carrying out an increasingly high rate of executions in the absence of internationally recognized safeguards, including public executions and executions of juvenile offenders;

(3) using stoning as a method of execution and maintaining a high number of persons in prison who continue to face sentences of execution by stoning;

(4) carrying out arrests, violent repression, and sentencing of women exercising their right to peaceful assembly, a campaign of intimidation against women defenders of human rights, and continuing discrimination against women and girls;

(5) permitting or carrying out increasing discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic, or other minority communities;

(6) imposing ongoing, systematic, and serious restrictions of freedom of peaceful assembly and association and freedom of opinion and expression, including the continuing closures of media outlets, arrests of journalists, the censorship of expression and of the press in newspapers and online forums such as blogs and websites, as well as blockage or disruption of Internet-based communications and of mobile phone and text messaging networks; and

(7) imposing severe limitations and restrictions on freedom of religion and belief by carrying out arbitrary arrests, indefinite detentions, and lengthy jail sentences for those exercising their rights to freedom of religion or belief and by proposing a mandatory death sentence for apostasy, the abandoning of one's faith;

Whereas according to the Department of State's Country Reports on Human Rights Practices for 2009, Iran's "poor human rights record degenerated during the year . . . the government severely limited citizens' right to change their government peacefully through free and fair elections . . . authorities held political prisoners and intensified a crackdown against women's rights reformers, ethnic minority rights activists, student activists, and religious minorities";

Whereas hundreds of political prisoners remain imprisoned by the Government of Iran;

Whereas Ahmad Jannati, who heads the Government of Iran's powerful Guardian Council, has called for the execution of more dissidents and protestors, and a senior official of the Iranian "judiciary" has stated that the Government of Iran will soon execute further dissidents;

Whereas thousands of Iranian citizens have continued to peacefully and courageously assemble and protest against the Government of Iran's denial of human rights and democracy to the people of Iran;

Whereas article 21 of the Universal Declaration of Human Rights recognizes that "(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives; (2) Everyone has the right of equal access to public service in his country; (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures";

Whereas the United States supports the right of the citizens of Iran to freedom and democratic governance, including the right to select their political leaders in free, democratic, and independent elections;

Whereas the Government of Iran is pursuing a nuclear weapons capability which, if obtained, would usher in a dangerous new era of instability in the Gulf and the Middle East, and allow the Government of Iran to act with impunity in the face of international pressure to cease its dangerous international behavior and its horrific human rights abuses;

Whereas Iran continues to enrich uranium and carry out other nuclear activities in vio-

lation of United Nations Security Council Resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), and 1929 (2010);

Whereas Iran has failed to cooperate with International Atomic Energy Agency inspectors looking into the possible military nature of the Iranian nuclear program, including by denying inspectors access to facilities, people, and documents; and

Whereas according to the Department of State's Country Reports on Terrorism, Iran remains "the most active state sponsor of terrorism", continues to provide arms, financing, training, and other support to Hamas, Hezbollah, and other groups designated by the United States as foreign terrorist organizations, in addition to providing lethal support to violent militants in Iraq and Afghanistan: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) reaffirms its support for all Iranian citizens who courageously struggle for freedom, human rights, civil liberties, and the protection of the rule of law;

(2) condemns the ongoing violence and human rights abuses against the people of Iran by the Government of Iran and pro-government militias, as well as the ongoing government suppression of independent electronic communication through interference with the Internet and cell phones;

(3) condemns the Government of Iran's continued pursuit of a nuclear weapons capability and unconventional weapons and ballistic missile capabilities, and its use of its nuclear program to distract attention from its horrific abuses of the human rights of the Iranian people;

(4) urges the immediate release of all political prisoners detained by the Government of Iran and the immediate end of all harassment and violence against the people of Iran by the Government of Iran and pro-government militias;

(5) reaffirms the universality of individual human and political rights; and

(6) calls for freedom and democracy for the people of Iran, including fair, democratic, and independent elections in Iran.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. COSTA) and the gentlewoman from Florida (Ms. ROSELEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. COSTA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include any extraneous materials on this resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COSTA. Madam Speaker, I rise in strong support of this resolution today, and I yield myself such time as I may consume.

House Resolution 1457 expresses the sense of the House of Representatives on the 1-year anniversary of the Government of Iran's manipulation of the Iranian elections, the continued denial of human rights, and their continued pursuit of a nuclear weapons capability. And I would like to thank my

friend, Congressman Judge POE of Texas, for joining me in the introduction of this important resolution.

Madam Speaker, just over a year ago, on June 12, 2009, the world watched as Iran's rulers manipulated and stole an election for their chosen candidate, Mahmoud Ahmadinejad. Thousands of Iranians took to the streets following that sham presidential election that had been orchestrated for the regime. Following that, we all know what happened. So we speak in this resolution on the anniversary of that disputed election result because I believe, and those who are supporting this resolution believe, that Congress must reaffirm its commitment to supporting democracy and freedom around the world, including in Iran.

We know that as the street protest continued against the fraudulent election and it intensified, the Government of Iran, its riot police, and members of the Revolutionary Guard Corps engaged in a brutal crackdown on the Iranian people. Sadly, many Iranians were injured, imprisoned, or killed.

Human rights in Iran, we know, have deteriorated precipitously over the years since the first election of President Ahmadinejad. But since that disputed presidential election last year, Iran's slide into what is clearly a brutal dictatorship has sharply accelerated. Iran's Revolutionary Guard, its militia, and its police arbitrarily arrest thousands of peaceful protesters and dissidents, including students, women's rights activists, lawyers, and journalists, in a clear effort to intimidate their critics and stifle dissent. This regime obviously cannot withstand these critics.

□ 1420

But as champions of freedom and democracy, the United States must, must condemn these abuses of this Iranian regime whenever possible as we witness such actions around the world. It is in our Constitution, and it is one of the reasons why we still remain a beacon of light around the world as we stand up for human rights, human rights that have sadly been abused in Iran by this regime.

But it's not just in our Constitution. In the Koran it states: Help one another in a righteousness and goodness way. Help not one another when in sin and aggression.

Clearly, this despotic regime in Iran is engaged in full-time sin and aggression of its own people. But this quote, of course, is from the Koran, which is the book of the major religion of the people of Iran. Yet they violate their own faith in this way.

Madam Speaker, the people of the United States stand behind the people of Iran, who simply want to live their lives in peace and freedom, free of the brutal oppression of their government. Let us be clear: At the end of the day,

Mahmoud Ahmadinejad is nothing more than a bully and a dictator. His regime uses every tactic they can to subdue and terrorize their own people.

And we need to recognize this phony regime for what it is. It's a killer of freedom of speech, freedom of religion, and freedom of press. And I believe that when history is written, that the record of this terrorism regime in the 21st century will compare, sadly, to those same brutal dictatorships that we witnessed in the 20th century. I am talking about Hitler, Stalin, Tojo, and Mussolini. That is the level of despotic dictatorship that we are witnessing today in Iran.

So, therefore, this resolution before us confirms Congress's support for all Iranian citizens who struggle for freedom, human rights, and civil liberties. It condemns the ongoing violence and human rights abuses against the people of Iran by their government, and it urges immediate release of all political prisoners detained by this regime.

House Resolution 1457 also calls for freedom and democracy for the people of Iran, including fair, democratic, and independent elections, unlike the ones that were held a year ago. Finally, this resolution condemns the Government of Iran's continued pursuit of nuclear weapons capability and a ballistic missiles program, for clearly we know what they are intended for.

This is especially timely, Madam Speaker, since later this week the House is expected to vote on the conference committee report H.R. 2194. We hope by the end of this week, certainly by next week. The Iran Sanctions, Accountability, and Divestment Act of 2010 is an important measure. I am proud to be a conferee on the conference committee. This piece of legislation represents, I think, a monumental step toward our fight against Iran's nuclear proliferation. These sanctions reinforce and go far beyond the enacted United Nations sanctions aimed at persuading Iran to change its conduct that was voted on over a week ago.

These tough new petroleum and financial sanctions will restrict the ability of Iran's regime and its thugs to continue their nuclear aspirations and their oppression of the Iranian people. The legislation also increases penalties for sanction violations and bolsters the U.S. trade embargo against Iran. These sanctions will send a strong signal that our Nation will not stand for the escalation of this regime's aims at a nuclear arms program, especially with violent threats against our strategic ally Israel, and the threat of that ally and its impact throughout the regions of Europe and Southeast Asia, along with the Middle East.

Clearly, their medium-range missiles are capable of reaching all of those countries within that area, and, therefore, we stand with Israel and our al-

lies. These sanctions are a powerful step forward. We must continue to take all necessary actions and to keep every option on the table to prevent nuclear arms races in that region.

Madam Speaker, I encourage my colleagues to support this important resolution and to send a strong message to Iran and the entire world that America will not stand by while these human rights abuses continue and they continue to pursue nuclear weapons capabilities.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from Texas, Judge POE, an esteemed member of our Committee on Foreign Affairs and the coauthor of this resolution before us.

Mr. POE of Texas. Madam Speaker, I thank the gentlelady from Florida for yielding. I also want to thank my friend from California (Mr. COSTA) for introducing this Resolution 1457, and I am proud to be a cosponsor of this important resolution.

The people of Iran are under the oppression of the little fellow from the desert, Ahmadinejad. And the little fella claimed that he won the election last year, but the whole world knows, including he, that he stole the election in Iran. The people of Iran want democracy, they want freedom, and so they took to the streets opposing the little fella. And what did he do? He retaliated. He used his henchmen, his goon squad to come out and brutalize his own people, who were unarmed but yet taking to the streets wanting freedom and a legitimate election. He injured them; he beat them; he hung them, and he shot them, peaceful Iranians wanting freedom and democracy.

But the folks of Iran were not going to be intimidated by the crimes committed against them in their pursuit for freedom and a free election, so they have continued to speak out. By continuing to speak out, of course, more of them get arrested. As my friend from California mentioned, it includes everybody: Women and children, lawyers and journalists. They are all arrested, brutalized, and some are killed in the name of keeping the little fella, Ahmadinejad, in power in Iran.

This past week in Paris, France, 100,000 people, mainly Iranians, marched in support of freedom and democracy for their homeland in Iran. And it's important that we in America let everybody know where we stand when it comes to freedom versus tyranny, freedom versus dictatorship, that we stand by the people of the nation who want self-determination and freedom.

The Iranians kind of wonder where we stand as a Nation. They are concerned because, you see, they get their government-controlled media and it tells them one thing, that the United States is not supportive. So we need to

make it clear to them that we do support them. And they don't want weapons. They don't want armament. They don't want even money. They just want to know that this country, the center and hope for the world when it comes to human rights and democracy, stands with the people, the people of Iran in their quest to control their own destiny and control their own government.

There is no freedom in Iran as long as this regime is in power and Ahmadinejad continues to be the dictator, the tyrant of the desert who threatens to destroy not only our ally Israel, but destroy the West as soon as he can get his hands on those nuclear weapons.

He needs to go. His time has come. It needs to go. And the way that that can happen is when the people of Iran take control of their own country. The best hope for the Iranians, the best hope for the world, Madam Speaker, is for a regime change in Iran by the people of Iran. So we should support that endeavor. We should tell those freedom-loving folks, those sons of liberty, those daughters of democracy, that we in America, halfway around the world, who believe in liberty and believe in democracy and believe in freedom, we stand with them. We support them morally, and we support them because they have the right to determine their own destiny.

Our quarrel as a Nation is not with the people of Iran. Our quarrel is with this dictator, this tyrant, the little fellow from the desert who wants to destroy his own nation and the rest of the world as well.

□ 1430

So I support this resolution and I want to compliment the gentleman from California (Mr. COSTA) for bringing this to the floor.

And that's just the way it is.

Mr. COSTA. Madam Speaker, I thank the gentleman from Texas (Mr. POE) for his good remarks, as always.

I yield such time as she may consume to the gentleman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Speaker, I want to thank the gentleman from California (Mr. COSTA). We have worked on many issues, this being one of the most important, and I thank him for yielding some time to me.

It has been 1 year since Ahmadinejad and his thugs stole the election in Iran. The world watched with shock as 1 million Iranians took to the streets of Tehran to protest the so-called results of the sham election, and dismay as the protesters were cruelly squelched. The world was horrified as we watched a beautiful Iranian woman killed in the prime of her life as she peacefully protested the election results.

I stand with the people of Iran as they protest the continued denial of

human rights and democracy by their illegal government. Iran's government is on a very dangerous path. They are the state sponsors of terrorism across the planet. They are the main sponsors of Hamas, and we watch Hamas cruelly treat the Palestinian people in the Gaza like animals more than people. We know that the Iranians are supporting Hezbollah in Lebanon and transporting weapons to them that could be used against Israel. We watch as they infiltrate South America through Venezuela, trying to spread their tentacles of hate and terrorism across the planet. We have a very serious problem with Iran. They will not join the family of civilized countries that are trying to improve this world. Quite the contrary. They are the main obstacle to peace everywhere.

In addition to their exporting of terrorism and supporting of terrorist organizations, the threat to wipe Israel off the map, what is this dangerous country doing? It is attempting to acquire nuclear weapons with all deliberate speed. When there is a president of a rogue nation that is supporting terrorism and terrorists across the planet, that is calling for the destruction of the State of Israel, that talks with great disparagement about western civilization, particularly the United States of America, when a country like this is attempting to acquire nuclear weapons, it is time for the world to wake up and recognize that they say what they mean, they mean what they say, and the Iranian Government must be stopped at all costs.

I stand with the Iranian people. I support them and I thank them for having the courage to stand up to their own government. It is not easy to do when you know if you stand up, chances are you will be killed. I thank them very much for doing that, and I thank the gentleman from California (Mr. COSTA) for bringing this to our attention through this resolution.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in discussions about the Iranian regime's pursuit of a nuclear weapons program, or its state sponsorship of violent extremists, the persecution that the thugs in Tehran inflict on ordinary Iranians, that is sometimes overlooked. This is particularly true on the international stage.

The United Nations Human Rights Council has condemned the democratic Jewish State of Israel over and over again for defending herself, but has not once condemned the Iranian regime's brutality against the Iranian people.

Iran, a regime that stones women to death, was elected by acclamation to the U.N. Commission on the Status of Women. Let me repeat that again; it is so absurd, it is almost incomprehensible. It is incomprehensible. Iran, a re-

gime that stones women to death, was elected by acclamation to the U.N. Commission on the Status of Women. This is a Kafkaesque scenario.

So it is all the more important that we in this House stand in solidarity with the Iranian people and with all of those who support and defend human rights, support and defend democracy, support and defend freedom. We must also be clear and steadfast in describing and condemning the Iranian regime's human rights abuses, of which there are many.

Those in power in Tehran practice torture, flogging, rape, amputation, and murder. The regime conducts systematic, official discrimination against women, Baha'is, Christians, Jews, dissident Muslims, and many others. No one is exempt.

All seven members of the national Baha'i leadership in Iran remain in prison, where they have been held unjustly for 2 years and are on trial for trumped-up charges that potentially carry the death penalty. Gay people are hanged from cranes, even as their very existence in Iran is denied by Ahmadinejad.

Since the sham "elections"—using the term loosely—1 year ago, the regime has intensified its repression, increasing restrictions on the freedom of religion, expression, association, assembly and the press.

What is left?

Thousands of protesters, dissidents, journalists have been arbitrarily detained or killed, with innocent people shot on the street, and the Stalinesque show-trials continue.

Even Iranians who succeed in fleeing their country are reportedly still in danger as agents of the Iranian regime threaten with death if they continue to speak out and protest human rights violations by Tehran.

Despite this repression, the people of Tehran continue to put their lives on the line in pursuit of freedom, and the United States and other responsible nations must stand with them. There are many further steps we can take to help at this critical time. Above all, we must do no harm. Negotiation with the regime legitimizes its illegitimate leaders and distracts attention from their repressive acts.

We must hit the regime where it hurts by fully implementing sanctions targeting the regime's vulnerabilities, both existing sanctions and the new ones that Congress will soon enact. The same refined petroleum products and other petro-dollars that bankrolled the regime's weapons program also bankrolled its repression of human rights. Requiring the immediate implementation and enforcement of comprehensive sanctions can help stop both of these threats.

We must also support those who seek human rights for Iran and monitor abuses, such as the Iran Human Rights

Documentation Center, which has actually seen its funding cut. And as the beacon of liberty and democracy to the entire world, the United States must do our duty to name and shame the guilty. Because we must take an all-of-the-above approach to this issue, I introduced H.R. 4649, the bipartisan Iran Human Rights Sanctions Act which was introduced in the Senate by JOHN MCCAIN and JOE LIEBERMAN. That legislation requires the President to designate and sanction those who violate the human rights of Iranians. I am gratified that some versions of this bill will be included in the Iran sanctions conference report that Congress will soon consider.

And given the importance of human rights for the Iranian people and worldwide, I am proud to strongly support the resolution before us today, H. Res. 1457. This resolution marks the 1-year anniversary of the Iranian people's mass uprising against the regime's fraud, manipulation, and repression; and it also condemns the regime's brutality.

Furthermore, the resolution reaffirms our support for all Iranians who courageously struggle for freedom. It urges the immediate release of all political prisoners and calls for freedom and democracy for the people of Iran, including fair, democratic and independent elections.

I would like to thank the authors of this resolution, distinguished members of our Foreign Affairs Committee, the gentleman from California (Mr. COSTA) and the gentleman from Texas (Mr. POE). This legislation builds on a resolution that Judge POE introduced 6 months ago, as well as a resolution introduced by the distinguished gentleman from Texas (Mr. McCAUL). I appreciate the long-standing efforts of all of these Members on this important issue.

Ultimately, the purpose of this resolution reflects the words of Holocaust survivor and Nobel Peace Prize winner Elie Wiesel, words that are salient to any discussion on the status of human rights in Iran under that brutal regime: "We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented."

□ 1440

With these words in mind, we must take sides. We must act together in support of the people of Iran. I urge my colleagues to support this important resolution.

I yield back the balance of my time.

Mr. COSTA. Madam Speaker, I, too, want to thank my friend and colleague, the gentlewoman from Florida, ILEANA ROS-LEHTINEN, for her strong bipartisan comments on a resolution that there is strong bipartisan support for, as witnessed by the statements here this afternoon.

Make no mistake about it, Madam Speaker, and to those who are listening. This resolution is about human rights violations in Iran. This resolution is about the despotic, sham regime that is currently governing in Iran that is oppressing the people of that country. This resolution speaks to the higher values and goals that are enshrined in our country's Constitution and Bill of Rights, those freedoms that we hold most dear, that are at the end of the day the basis for all human rights, not just in our country but throughout the world.

Therefore, today, the Congress must speak to these human rights violations that are existing in Iran. Today, the Congress must voice its opinion on the despotic rule of this regime, and by passing this resolution in a bipartisan fashion, we will not only put the House of Representatives firmly on record as to the year anniversary of the sham election that took place in Iran, but we will also reiterate our strong support for sanctions against this country that, in fact, is violating these human rights and that is turning its back on the rest of the world.

Make no mistake about it. The Iranian Government today, not its people but the Iranian Government today, is, in my view, the largest concern not only in the Middle East but throughout the world in terms of achieving peace that we all hold most dear. The goals of peace in the Middle East and throughout the world are at greatest risk by the actions and the activities and the supports of terrorist activities by this Iranian regime, whether it be to Hezbollah, whether it be to Hamas, or whether it be to other terrorist groups that it supports in so many different ways because they know at the end of the day they cannot support the family of nations throughout the world in expressing freedoms that we hold most dear.

So I ask my colleagues to support this bipartisan resolution.

Mr. ACKERMAN. Madam Speaker, I rise in strong support of the resolution. I want to thank the Chairman and commend Mr. COSTA and Mr. POE for their work on the resolution.

The anniversary of the uprising of the Iranian people to secure their democratic rights is a solemn occasion. The images from last year of ordinary Iranians showing unbelievable courage in challenging the ruthless and vicious theocracy that controls Iran resonated powerfully with Americans. Recalling the late 1980s and the collapse of Communism, many have begun to hope that this wholly indigenous movement, by virtue of its own success, and entirely for its own reasons, will throw on to the ash-heap of history the brutal, irresponsible, and vicious regime of the mullahs.

I don't think any one believes the current leadership of the Islamic Republic of Iran will go quietly or easily into retirement. And I think it would be foolish to assume that a reformed Iranian government would automatically be very friendly to the United States, or be less

committed to the pursuit of its own national interests. But there is good reason to think that a different Iranian government, one that was truly answerable to the aspirations of the Iranian people, would transform the politics of the Middle East, dramatically change the global struggle against violent Islamic extremism and, potentially, salvage the global non-proliferation regime.

But as we think about how we can aid the Green Movement, I believe we need to be especially careful and thoughtful. There is, unfortunately, a painful history of American intervention in Iranian affairs, and we should, at the very least, have some humility about our ability to competently shape highly politicized and dynamic events in other nations.

Iran is a sovereign state whose people are struggling bravely for their own freedom. It is natural and right for us to want to support their struggle. The question is how? It seems to me that our first obligation is "to do no harm." And our second obligation is to recognize that we are not a doctor, and Iran is not a patient.

With these caveats, I believe there are some important things that we can and should do; all of which can be done publicly and outside of Iran. First, as we are doing today, we must continue to let the people of Iran know that we have not forgotten them or their struggle for freedom. Second, we must continue to bear witness to vicious crimes the Iranian regime is perpetrating against its own citizens. A government at war with its own citizens is illegitimate by definition. Third, we and other nations truly committed to universal human rights must continue to highlight Iran's absolutely illegitimate and immoral behavior in international forums and in the United Nations. The Iranian regime's behavior can not be denied and it can not be excused.

Finally, and most critically, we absolutely must prevent Iran from acquiring the capability to produce nuclear weapons. For the sake of the people in Iran, for the sake of the people in the Middle East, for the sake of our allies in Israel, and for our own vital national security interests, Iran's nuclear ambitions absolutely must not be allowed to succeed.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to express my support for H.R. 1457, which recognizes the one-year anniversary of the Government of Iran's deceitful manipulation of Iranian elections and the Government's continued violation of Iranian citizens' democracy and their human rights.

One year ago, Mahmoud Ahmadinejad was re-elected to become the President of Iran in an unfair and manipulated election. Since then, this date, the Iranian regime, run by Mahmoud Ahmadinejad, has continually violated the human rights of innocent Iranian citizens, brutally beating back popular demonstrations against Mr. Ahmadinejad's election. This resolution is necessary and desperately important to show the world that the United States does not condone oppression and supports the Iranian people in their quest for freedom and democracy.

Our country has always prided itself on the human rights our own citizens enjoy. I believe we should strive to protect and champion the freedoms of people the world over. Unrestricted arrests of innocent individuals, killing of citizens who oppose the government, and

extreme oppression of women, all common acts by the Iranian regime, that must be stopped. There needs to be a continued strong disapproving stance taken by our nation towards the destructive and unfair way that the Iranian regime treats its people.

As a member of the Armed Services committee, I take this matter very seriously and see the continued reign of the Iranian regime as a national security threat not only to our nation at home, but also to our armed forces abroad. I urge my colleagues to stand with the Iranian people to support this important resolution.

Mr. McMAHON. Madam Speaker, I rise today in support of, H. Res 1457, the Resolution on the one-year anniversary of the June 12, 2009 Iranian Elections. Though one year has passed since the widely contested elections, the stain of Iran's government and its callous disregard for human rights continues to run through the streets of its cities. Although the protests of courageous voters have been violently crushed by the regime, the Iranian people remain proud and steadfast in their belief that this electoral atrocity will one day transition to dying authoritarianism and the birth of a democratic Iran.

The Iranian electoral system does not reflect the ideals of democracy held by the vast majority of other nations in the world, but rather demonstrates the desperation of a despotic regime clinging to power under the guise of fair elections.

For the June 12, 2009 elections, candidates had to be pre-approved by the Government of Iran's Guardian Council, Mahmoud Ahmadinejad's victory announcement was made prematurely, and the final vote tallies were inconsistent with the demographics of the nation, the number of registered voters, and common sense.

Those who protested the elections had their rights of free speech brutally denied, and were beaten, jailed, injured, and killed. The Iranian regime has spilled the blood of its own citizens in the streets to maintain its illegitimate hold on power. We were all heartstruck to see the death of Neda Agha-Soltan broadcast across the globe. It is now up to the nations who stand for democracy and freedom to support the courageous protesters in Iran.

Furthermore, following the failed Iranian elections in June, the Iranian regime has had its legitimacy wounded and its paranoia increased. The regime has taken a posture of increased repression at home and antagonism abroad. In that dangerous environment, Israel's leaders have every right to be concerned for their country's safety. While hope still exists for a free Iran, Europe, Israel and the United States must undoubtedly prepare for a more dangerous Iranian regime in the near-term.

We must be ready for the possibility that Iran will intensify its pursuit of nuclear weapons to overcome the embarrassment of the recent elections.

For this reason, I applaud the House Foreign Affairs Committee and the Senate Banking Committee on yesterday's announcement that they had reached an agreement on the Iran sanctions conference report agreement. This long-awaited sanctions package is absolutely necessary to persuade Iran to change

its conduct and its course on its nuclear program.

Madam Speaker, I urge the House of Representatives to condemn the authoritarian Iranian regime and to stand with the millions of Iranians who rushed to the streets not only to defend their right to vote, but also to defend the very ideals of democracy and free and fair societies. I call on my colleagues to support this resolution.

Mr. WAXMAN. Madam Speaker, it has been 1 year since Iran's disputed elections brought thousands into the streets to protest the regime's fierce grip on fundamental liberties. Today we pause to pay tribute to the faces of freedom that rose up in peaceful and spontaneous demonstrations across Iran only to be met with brutal violence by the thuggish paramilitaries of the Iranian revolutionary guard.

In the days and weeks following the election, dozens of protestors were killed, hundreds were injured, others were arrested and tortured and some even died while in police custody. In the year since, Iranian authorities have cracked down on numerous other gatherings and severely curtailed the ability for Iranians to gather for national and religious holidays.

Although the 2009 election was not the first subject to serious irregularities, vote tampering and corruption, the obvious vote rigging that led some provinces to report a turnout greater than 100 percent created a tipping point.

At one point the anti-election momentum fueled a "Twitter revolution," as tech-savvy Iranian youth mobilized gatherings through texting and instant messages. It was a telling sign of the opportunity for technology to surpass censorship and galvanize a freedom movement.

The Iranian people take great pride in their nation's vibrant history as a crossroads of the world, but the dangerous policies of the current government have made them more isolated than ever.

The government's reckless management of the economy has prioritized enriching the mullahs and the Iranian Revolutionary Guard Corps, while the average Iranian faces an unemployment rate approaching 30 percent.

The regime's illegal nuclear activities and dogged support for terrorist organizations have made Iran a pariah state in the community of nations. And now, with the recent passage of strict sanctions by the U.N. Security Council, the stagnant Iranian economy only stands to deteriorate further.

While tensions remain high between the United States and Iran, this resolution is a testament to our solidarity with the Iranian people and their courage to stand up for a better future. I am proud to be a cosponsor of the measure and I urge my colleagues to support its passage.

Mr. COSTA. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. COSTA) that the House suspend the rules and agree to the resolution, H. Res. 1457.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. COSTA. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### GRANTING SUBPOENA POWER TO COMMISSION INVESTIGATING BP DEEPWATER OIL SPILL

Mr. RAHALL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5481) to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5481

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SUBPOENA POWER OF THE NATIONAL COMMISSION ON THE BP "DEEPWATER HORIZON" OIL SPILL AND OFFSHORE DRILLING.

(a) SUBPOENA POWER.—The National Commission on the BP *Deepwater Horizon* Oil Spill and Offshore Drilling established by Executive Order No. 13543 of May 21, 2010 (in this section referred to as the "Commission"), may issue subpoenas to compel the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, and other documents.

(b) ISSUANCE.—

(1) AUTHORIZATION.—A subpoena may be issued under this section only by—

(A) agreement of the Co-Chairs of the Commission; or

(B) the affirmative vote of a majority of the members of the Commission.

(2) JUSTICE DEPARTMENT COORDINATION.—

(A) NOTIFICATION.—The Commission shall notify the Attorney General or his or her designee of the Commission's intent to issue a subpoena under this section, the identity of the witness, and the nature of the testimony sought before issuing such a subpoena. The form and content of such notice shall be set forth in the guidelines to be issued under subparagraph (D).

(B) CONDITIONS FOR OBJECTION TO ISSUANCE.—The Commission may not issue a subpoena under authority of this Act if the Attorney General objects to the issuance of the subpoena on the basis that the taking of the testimony is likely to interfere with any—

(i) Federal or State criminal investigation or prosecution; or

(ii) pending investigation under sections 3729 through 3732 of title 31, United States Code (commonly known as the "Civil False Claims Act") or other Federal statute providing for civil remedies, or any civil litigation to which the United States or any of its agencies is or is likely to be a party.

(C) NOTIFICATION OF OBJECTION.—The Attorney General or relevant United States Attorney shall notify the Commission of an objection raised under this paragraph without unnecessary delay and as set forth in the guidelines to be issued under subparagraph (D).

(D) GUIDELINES.—As soon as practicable, but no later than 30 days after the date of the enactment of this Act, the Attorney General, after consultation with the Commission, shall issue guidelines to carry out this subsection.

(3) SIGNATURE AND SERVICE.—A subpoena issued under this section may be—

(A) issued under the signature of either Co-Chair or any member designated by a majority of the Commission; and

(B) served by any person designated by the Co-Chairs or a member designated by a majority of the Commission.

(C) ENFORCEMENT.—

(1) REQUIRED PROCEDURES.—In the case of contumacy of any person issued a subpoena under this section or refusal by such person to comply with the subpoena, the Commission shall request the Attorney General to seek enforcement of the subpoena. Upon such request the Attorney General shall seek enforcement of the subpoena in a court described in paragraph (2). The court in which the Attorney General seeks enforcement of the subpoena shall issue an order requiring the subpoenaed person to appear at any designated place to testify or to produce documentary or other evidence, and may punish any failure to obey the order as a contempt of that court.

(2) JURISDICTION FOR ENFORCEMENT.—Any United States district court for a judicial district in which a person issued a subpoena under this section resides, is served, or may be found, or where the subpoena is returnable, shall have jurisdiction to enforce the subpoena as provided in paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

#### GENERAL LEAVE

Mr. RAHALL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, last month President Obama issued Executive Order 13543 establishing the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling. The measure we are considering today, introduced by our colleague, Representative LOIS CAPPS, would authorize the commission to issue subpoenas, if necessary, to gather information and compel testimony.

With it, we are giving the commission some teeth. The commission should be demanding and receiving a full and fair accounting to carry out its important mission. Without subpoena power, the commission runs the risk of allowing BP to write its own history of what happened in the gulf.

As amended, H.R. 5481 includes language worked out with the Justice De-

partment to ensure that any commission subpoena does not interfere with any present or future criminal investigation or prosecution or civil litigation involving the United States.

I want to commend the bill's sponsor and a valued member of our Committee on Natural Resources, Representative LOIS CAPPS, a valued member not only on our Resources Committee but in this body who has experienced oil spills in her history as many of our colleagues are today. Having lived through the Santa Barbara oil spill which was in her congressional district in 1969, Representative CAPPS has a deep understanding and a commitment to oil spill prevention and mitigation.

Madam Speaker, H.R. 5481 is just one of a number of actions that this Congress will need to take to help gather information on the causes of the BP Deepwater Horizon disaster and develop safety and environmental measures to prevent such a disaster from occurring again.

I urge my colleagues to support the passage of H.R. 5481, a commonsense bill that will help shed some light on what happened the night of this tragic explosion.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, at this very moment, oil continues to flow into the Gulf of Mexico, and the urgency to address this crisis should not be forgotten or dismissed. It is important that we get to the bottom of the causes of this terrible tragedy. We need to know what went wrong and who did precisely what wrong. At the same time, we should not lose sight of the most immediate priorities.

Those priorities are, first, the leak must be stopped. Second, the oil must be cleaned up because the livelihood of families and communities all along the gulf coast need help and support, and the well-being of wildlife and the environment must be cared for. And third, BP must be held 100 percent accountable and pay all the costs associated with this disaster.

This bill, as the distinguished chairman said, simply grants subpoena authority to the seven-member commission established and appointed by the President to look into the causes of the Deepwater Horizon accident, the resulting spill, and the response.

I support this bill and the commission having subpoena power to compel the disclosure of documents and the testimony of witnesses. Congress has passed laws to give subpoena power to similar commissions in the past, and it is fully appropriate to do so here.

To be clear, the authority granted in this bill allowing the commission to issue subpoenas covers BP and the companies involved in the drilling of this well, but it also fully covers the

agencies and departments of the Federal Government. Not only must we get to the bottom of what these companies did and the failures that occurred, but we also must know what failures occurred by the government in their regulatory oversight and in responding to this spill.

□ 1450

But there is one concern with the wording of this bill, Madam Speaker, and the impact that it could have in prolonging the work of the commission beyond its 6-month timeframe set out by the President.

The bill allows the Attorney General to object to the commission issuing subpoenas for certain specified situations. Those situations are when criminal investigations and certain civil litigation may be harmed by the taking of testimony. That's understandable, Madam Speaker. Under the wording of the bill, however, the Attorney General must act to make known such an objection to a commission's subpoena "without unnecessary delay." This vague term places no real time frame on the Attorney General to act.

When the commission itself is supposed to complete its work within 180 days of its first meeting, an open-ended delay that could occur due to the inaction of the Attorney General must be highlighted. This is particularly important, Madam Speaker, because the administration has partly justified its deepwater drilling moratorium upon allowing the commission to complete its investigation.

Under the way this bill is drafted, the moratorium—which I might add suffered a serious legal blow yesterday by a Federal judge in Louisiana—could drag on much longer than publicly promised by the President. The economic toll that a prolonged commission and a prolonged deepwater moratorium could have on the economy of the gulf and the jobs of tens of thousands is very, very real. A stricter timeline for the Attorney General to review subpoenas could have prevented such a scenario. This was not done, and there is no opportunity, obviously, to offer amendments to this suspension bill. So Madam Speaker, I raise this as an issue because the Commission and the Attorney General need to be diligent to avoid such a scenario.

This oil spill has unleashed a tragedy on the people and the environment in the gulf, but the Federal Government must not take actions that exacerbate this tragedy by not completing their work in a timely manner. The power to issue subpoenas is necessary to the commission's technical abilities to do their investigative work, but I must point out that questions are being raised about the seven persons selected and appointed by the President to his commission. So Madam Speaker, I would like to enter into the RECORD a

selection of three pieces covering the commission.

The first is an Associated Press article entitled, "Obama Spill Panel Big on Policy, Not Engineering." Another news article from The Times-Picayune entitled, "Oil Spill Commission Coordinator Has Represented Environmental Groups." And third, a Wall Street Journal editorial entitled, "The Antidrilling Commission: The White House choices seem to have made up their minds."

The questions posed in these pieces and in other venues include: Do the past statements made and positions taken by several commission members in opposition to expanded offshore drilling affect their ability to act fairly and impartially? Will the general lack of engineering expertise among the commission members hinder their ability to fully grasp and get to the bottom of what happened in this accident? Will the absence of any drilling expertise among all seven commission members affect their pace of work or understanding of the matters they are charged with investigating? Will the pro cap-and-trade positions of several commission members transform this from an investigation into what went wrong with this incident into a pitch for a national energy tax? Will the commission's report ultimately be credible to all or be compromised due to the personal perspective of the members that the President appointed? Madam Speaker, only time will answer these questions.

I hope the commission is able to fully and fairly conduct its investigation into this incident and the government's response to it. We do need to know what went wrong so that reforms can be made to ensure American drilling is the safest in the world. We've got to have the facts in order to develop informed, effective solutions to make certain an accident like this never happens again.

So, Madam Speaker, the President's commission isn't the only entity looking into these questions. Congress too has a responsibility, and Congress should act when the facts are known. As subpoena power is necessary for this commission to undertake its work, I encourage my colleagues to support this bill.

[From the Associated Press]

#### OBAMA SPILL PANEL BIG ON POLICY, NOT ENGINEERING

(By Seth Borenstein)

WASHINGTON.—The panel appointed by President Barack Obama to investigate the Gulf of Mexico oil spill is short on technical expertise but long on talking publicly about "America's addiction to oil." One member has blogged about it regularly.

Only one of the seven commissioners, the dean of Harvard's engineering and applied sciences school, has a prominent engineering background—but it's in optics and physics. Another is an environmental scientist with expertise in coastal areas and the after-effects of oil spills. Both are praised by other scientists.

The five other commissioners are experts in policy and management.

The White House said the commission will focus on the government's "too cozy" relationship with the oil industry. A presidential spokesman said panel members will "consult the best minds and subject matter experts" as they do their work.

The commission has yet to meet, yet some panel members had made their views known.

Environmental activist Frances Beinecke on May 27 blogged: "We can blame BP for the disaster and we should. We can blame lack of adequate government oversight for the disaster and we should. But in the end, we also must place the blame where it originated: America's addiction to oil." And on June 3, May 27, May 22, May 18, May 4, she called for bans on drilling offshore and the Arctic.

"Even as questions persist, there is one thing I know for certain: the Gulf oil spill isn't just an accident. It's the result of a failed energy policy," Beinecke wrote on May 20.

Two other commissioners also have gone public to urge bans on drilling.

Co-chairman Bob Graham, a Democrat who was Florida governor and later a senator, led efforts to prevent drilling off his state's coast. Commissioner Donald Boesch of the University of Maryland wrote in a Washington Post blog that the federal government had planned to allow oil drilling off the Virginia coast and "that probably will and should be delayed."

Boesch, who has made scientific assessments of oil spills' effects on the ecosystem, said usually oil spills are small. But he added, "The impacts of the oil and gas extraction industry (both coastal and offshore) on Gulf Coast wetlands represent an environmental catastrophe of massive and underappreciated proportions."

An expert not on the commission, Granger Morgan, head of the engineering and public policy department at Carnegie Mellon University and an Obama campaign contributor, said the panel should have included more technical expertise and "folks who aren't sort of already staked out" on oil issues.

Jerry Taylor of the libertarian Cato Institute described the investigation as "an exercise in political theater where the findings are preordained by the people put on the commission."

When the White House announced the commission, Interior Secretary Ken Salazar and others made compared it with the one that investigated the 1986 Challenger accident. This one, however, doesn't have as many technical experts.

The 13-member board that looked into the first shuttle accident had seven engineering and aviation experts and three other scientists. The 2003 board that looked into the Columbia shuttle disaster also had more than half of the panel with expertise in engineering and aviation.

Iraj Ersahaghi, who heads the petroleum engineering program the University of Southern California, reviewed the names of oil spill commissioners and asked, "What do they know about petroleum?"

Ersahaghi said the panel needed to include someone like Bob Bea, a prominent petroleum engineering professor at the University of California, Berkeley, who's an expert in offshore drilling and the management causes of manmade disasters.

Bea, who's conducting his own investigation into the spill, told The Associated Press that his 66-member expert group will serve

as a consultant to the commission, at the request of the panel's co-chairman, William K. Reilly, Environmental Protection Agency chief under President George H.W. Bush.

Adm. Hal Gehman, who oversaw the Columbia accident panel, said his advice to future commissions is to include subject matter experts. His own expertise was management and policy but said his engineering-oriented colleagues were critical to sorting through official testimony.

"Don't believe the first story; it's always more complicated than they (the people testifying) would like you to believe," Gehman said. "Complex accidents have complex causes."

The oil spill commission will not be at a loss for technical help, White House spokesman Ben LaBolt said.

For one, he said the panel will draw on a technical analysis that the National Association of Engineering is performing. Also, members will "consult the best minds and subject matter experts in the Gulf, in the private sector, in think tanks and in the federal government as they conduct their research."

That makes sense, said John Marburger, who was science adviser to President George W. Bush.

"It's not really a technical commission," Marburger said. "It's a commission that's more oriented to understanding the regulatory and organizational framework, which clearly has a major bearing on the incident."

[From Times-Picayune, Tuesday, June 22, 2010]

#### OIL SPILL COMMISSION COORDINATOR HAS REPRESENTED ENVIRONMENTAL GROUPS

(By Bruce Alpert)

The commission created by President Barack Obama to investigate the Gulf of Mexico oil spill appointed a Georgetown University environmental law professor Tuesday as its executive staff director.

Bob Graham, a Democrat, and William Reilly, a Republican, lead the seven-member commission to investigate the Gulf of Mexico oil spill.

Richard Lazarus, a graduate of Harvard University Law School where he was the roommate of Supreme Court Chief Justice John Roberts, has been given the task of coordinating the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, which will determine what new regulations will govern future deepwater drilling operations.

The appointment was announced by the commission's co-chairs Bob Graham, a former Democratic governor and U.S. senator from Florida, and Republican William Reilly, a former Environmental Protection Agency Administrator.

The Obama administration established a six-month moratorium on deepwater drilling to give the seven-member commission time to make recommendations, although a federal judge in New Orleans issued a temporary injunction Tuesday to block the order, saying it lacked justification and was doing economic harm to businesses and workers.

Reilly told the New York Times Monday that the panel won't meet until mid-July and probably won't complete its recommendations until early next year, signaling that, if an appeals court reverses the temporary injunction, the moratorium will be extended past the six-month deadline.

Lazarus, a former associate solicitor general, has represented the United States, state and local governments and environmental groups in 37 cases before the U.S. Supreme Court.

His primary areas of legal scholarship are environmental and natural resources law. For the past three summers, he has taught a course on Supreme Court history with his old roommate, Chief Justice Roberts.

"As staff director I would expect him to be exceedingly thorough, ask a lot of questions, seek probative answers, and reduce the chaos of the unknown to manageable proportions," said Oliver Houck, who teaches environmental law at Tulane University and co-authored a book with Lazarus. "I also expect him, as a lawyer and former associate solicitor, to be quite aware that he is a staff member and aide and not a decision-maker."

His appointment, though, led some to question whether the commission is too heavily weighted with those who favor strong environmental regulation and have been critical of the oil industry.

"The vast majority of those on the oil spill commission, as well as the staff, appear to have a predisposed bias against drilling, and it appears their conclusions will be based more on politics than on safety, which is disappointing," Rep. Steve Scalise, R-Jefferson, said.

But White House spokeswoman Moira Mack said the commission has "broad and diverse representation," including environmentalists, academics, scientists, a former EPA administrator and former governor and senator.

"The National Association of Engineering is conducting a technical analysis that the commission will draw upon," she said. "The commission will consult with the best minds and subject matter experts in the Gulf, in the private sector, in think tanks and in the federal government as they conduct their research."

The oil and gas industry needs a thorough examination, Mack said.

"There's no doubt that Minerals Management Service has been too cozy with the oil and gas industry and there are many instances in which it has allowed the industry to dictate regulations," Mack said. "No more. The commission will bring a set of fresh eyes to conduct a top to bottom review of offshore drilling regulation and the assumptions that have guided it, to ensure that the BP Deepwater Horizon Spill will never be repeated."

Obama has asked Congress to provide \$15 million to finance the commission's work.

Sen. Mary Landrieu, D-La., said she wasn't surprised when Reilly said the commission won't be able to meet the six-month deadline established by Obama. She said that federal commissions "often extend their timeline, and their jurisdiction," though she said it's important the panel complete its work fairly and expeditiously.

[From the Wall Street Journal, June 22, 2010]

#### THE ANTIDRILLING COMMISSION

The President has appointed a seven-person commission to take what he says will be an objective look at what caused the Gulf spill and the steps to make offshore drilling safe. But judging from the pedigree of his commissioners, we're beginning to wonder if his real goal is to turn drilling into a partisan election issue.

Mr. Obama filled out his commission last week, and the news is that there's neither an oil nor drilling expert in the bunch. Instead, he's loaded up on politicians and environmental activists.

One co-chair is former Democratic Senator Bob Graham, who fought drilling off Florida throughout his career. The other is William Reilly, who ran the Environmental Protec-

tion Agency under President George H.W. Bush but is best known as a former president and former chairman of the World Wildlife Fund, one of the big environmental lobbies. The others:

Donald Boesch, a University of Maryland "biological oceanographer," who has opposed drilling off the Virginia coast and who argued that "the impacts of the oil and gas extraction industry . . . on Gulf Coast wetlands represent an environmental catastrophe of massive and underappreciated proportions."

Terry Garcia, an executive vice president at the National Geographic Society, who directed coastal programs in the Clinton Administration, in particular "recovery of endangered species, habitat conservation planning," and "Clean Water Act implementation," according to the White House press release.

Fran Ulmer, Chancellor of the University of Alaska Anchorage, who is a member of the Aspen Institute's Commission on Arctic Climate Change. She's also on the board of the Union of Concerned Scientists, which opposes nuclear power and more offshore drilling and wants government policies "that reduce vehicle miles traveled" (i.e., driving in cars).

Frances Beinecke, president of the Natural Resources Defense Council, who prior to her appointment blogged about the spill this way: "We can blame BP for the disaster and we should. We can blame lack of adequate government oversight for the disaster and we should. But in the end, we also must place blame where it originated: America's addiction to oil."

On at least five occasions since the accident, Ms. Beinecke has called for bans on offshore and Arctic drilling.

Rounding out the panel is its lone member with an engineering background, Harvard's Cherry A. Murray, though her specialties are physics and optics.

Whatever their other expertise, none of these worthies knows much if anything about petroleum engineering. Where is the expert on modern drilling techniques, or rig safety, or even blowout preventers?

The choice of men and women who are long opposed to more drilling suggests not a fair technical inquiry but an antidrilling political agenda. With the elections approaching and Democrats down in the polls, the White House is looking to change the subject from health care, the lack of jobs and runaway deficits. Could the plan be to try to wrap drilling around the necks of Republicans, arguing that it was years of GOP coziness with Big Oil that led to the spill?

White House Chief of Staff Rahm Emanuel took this theme for a test drive on Sunday when he said that Republicans think "the aggrieved party here is BP, not the fisherman." He added that this ought to remind Americans "what Republican governance is like." The antidrilling commission could feed into this campaign narrative with a mid-September, pre-election report that blames the disaster on the industry and Bush-era regulators and recommends a ban on most offshore exploration. The media would duly salute, while Democrats could then take the handoff and force antidrilling votes on Capitol Hill.

Even as this commission moves forward, engineering experts across the country have agreed that there is no scientific reason for a blanket drilling ban. The Interior Department invited experts to consult on drilling practices, but as we wrote last week eight of them have since said their advice was dis-

torted to justify the Administration's six-month drilling moratorium.

Judging from that decision and now from Mr. Obama's drilling commission, the days of "science taking a back seat to ideology" are very much with us.

Madam Speaker, I reserve the balance of my time.

Mr. RAHALL. Madam Speaker, I yield myself 30 seconds.

I appreciate the gentleman's listing and submitting for the RECORD the backgrounds of this commission appointed by the President. I will not at this time, although I almost feel compelled to, ask for submission into the RECORD the financial and political background of the Federal judge that just issued a decision against the administration's moratoria this week, but I won't do that; nor the fact that the commission had some 150 scientists at their disposal as well, but I won't submit their backgrounds and history at this time.

Instead, I will yield 5 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Madam Speaker, I rise in strong support of this legislation to give the National Commission on the BP Oil Spill the power to issue subpoenas.

I want to thank three chairmen—Chairman RAHALL, Chairman OBERSTAR and Chairman CONYERS—for expediting the consideration of my bill, and I really appreciate the tireless effort of Chairman MARKEY, who has worked with me on this bill and our earlier bill which was the basis for the President's order to set up the commission in the first place. I also appreciate the Speaker and the majority leader for bringing H.R. 5481 before us today.

As we witness the continued destruction affecting the livelihood of gulf residents and the environment, a full and thorough investigation must be conducted. The American people want answers from those responsible for the devastating gulf oil spill. Providing subpoena power to the commission will ensure that no stone goes unturned, and it will enable the American people to get the truth about how and why this disaster occurred.

While the President has committed the full cooperation of the Federal Government to the commission, he does not have the authority to give it subpoena power; congressional action is required. With the investigation expected to start soon, it's vital the commission has the tools and the resources it needs to get the job done.

As I've said repeatedly on the House floor, oil drilling is never without risk, but if we're going to make it as safe as possible, we need to provide the commission with every means available to find out exactly what caused the BP disaster so we can do everything possible to prevent such a disaster from ever happening again. Arming the commission with subpoena power will help

us accomplish these goals and will help the affected communities to recover.

Madam Speaker, the need for subpoena power is certainly indicated by BP's wholly unsatisfactory response to this crisis. Unlike the gush of oil, BP has tightly controlled the flow of information following its spill. It has regularly stonewalled requests by Members of Congress, independent researchers, and the public to provide accurate and timely information.

BP has failed to tell us the amount of oil it's spilling into the gulf waters every day. BP has failed to provide health and safety data to the public, to the scientists, and the Federal Government. And BP has failed to prepare for the capture of all the oil being siphoned up from the well. Simply put, BP's behavior raises major doubts about its willingness to provide a full accounting of what went wrong when they appear before the commission.

The only way to get the information we all need from BP, Transocean, Halliburton and other private entities is for the commission to have the power to compel its disclosure. The commission just won't be able to do its work without complete access to the information it needs. So passing this bill is the appropriate and responsible thing to do. It's also consistent with Federal commission investigations that followed previous disasters, such as that on Three Mile Island.

Madam Speaker, the people of the Gulf of Mexico and the Nation deserve an explanation for all the circumstances and the decisions that led up to this disaster. Only a comprehensive, independent review with subpoena power will ensure the necessary lessons to be learned, practices changed, and future disasters averted.

So I urge my colleagues to join me in supporting this important legislation. Subpoena power is critical to hold all the parties accountable, protect taxpayers, and successfully clean up the disaster in the gulf.

□ 1500

Mr. HASTINGS of Washington. Madam Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 13 minutes remaining, and the gentleman from West Virginia has 14 minutes remaining.

Mr. HASTINGS of Washington. At this time, Madam Speaker, I am very pleased to yield 5 minutes to a member of the Natural Resources Committee, the gentleman from Louisiana (Mr. FLEMING).

Mr. FLEMING. I thank the gentleman from Washington for the time.

Madam Speaker, I stand in favor of H.R. 5481, which gives subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

As we stand here today, oil is still pouring into the Gulf of Mexico off the coast of Louisiana, and 242 miles of Louisiana shoreline are impacted by this oil. The highest priority for us must be to stop this leak and to get this mess cleaned up. BP must be held 100 percent accountable for their actions, and the administration must be accountable for their role in the response and oversight. Many questions are still without answers, the most pressing being what went wrong.

The bill we have before us today would provide subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling. This commission has been tasked by the President with providing recommendations on how we can prevent and mitigate the impact of any future spills that result from offshore drilling. Future tragedies that we are currently experiencing can only be prevented if we know what went wrong. We must find out who made the mistakes, who made the erroneous judgment, what failed, and just exactly what went wrong.

I will also interject, Madam Speaker, that, in operations like this, there are many backup systems; there are many redundancies. So, for a tragedy and a disaster like this to happen, there had to be gross error and gross negligence. This sort of thing just doesn't happen out of whole cloth.

I will support the bill today, but I share the concerns raised by my colleagues on the scope of the subpoena authority. I will voice my own concern and will urge Congress, this commission, and the administration to keep their eye on the ball to resolve the crisis affecting my State and our country and not to use this as an opportunity to advance an agenda, to shut down offshore drilling, or to impose a national energy tax.

The people of Louisiana have been hurt enough by BP's failures and by the inability of the administration to timely and effectively deal with this disaster. The last thing we need is the Federal Government's adding to this disaster by crippling one of the largest economic drivers in my State of Louisiana. The moratorium imposed by the administration would do just that. A Federal judge recently temporarily stayed the moratorium, affirming that it would cause irreparable harm. Any action by the administration, by this commission, and by this Congress must be based on science and not politics. Let's get the answers to what happened in order to stop the oil, to clean up the gulf, and to help Louisiana.

Also, I want to point out a couple of things on this bill about the actors in this situation. First of all, I want to say that I condemn BP and its actions. It is very clear that BP was negligent, if not criminal, in its actions by putting profits ahead of safety.

Let's talk about the administration for a moment. The administration failed to address well-known problems with the Minerals Management Service even well into the first 18 months of the administration. It held off high-volume skimmers from other countries that were offered within 3 days of the disaster. They barely acknowledged the spill for 9 days. They did not give permission for berm construction for almost 60 days in my home State of Louisiana. They repeatedly stopped emergency cleanup operations for trivial or unknown reasons, and that is happening even today. They repeatedly slapped moratoria, as I mentioned before, on offshore drilling that is over 500 feet, which is not, truly, deep water, and when all of the experts on this panel said that it was perfectly safe to do so.

I would like to say there is one silver lining in this entire situation, and that is my own Governor, Governor Jindal. Governor Jindal has been standing point each day in this process, doing everything that a Governor should do and must do while our President is on the golf course and while, of course, the CEO of BP is out on a yacht.

So I just want to say, in summary, Madam Speaker, that I do support H.R. 5481. This is one step in many toward finding out what happened here. We do need subpoena power to find out every bit of this, which will be going on for years, but so will the cleanup and so will the impact on my State of Louisiana, which at this point means that our tourism industry and our fisheries will be devastated, and now that the moratorium is shutting down 33 rigs, it is devastating our economy and our jobs.

Mr. RAHALL. Madam Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY of Massachusetts. I thank the chairman very much. I thank him for his excellent work and for his timely hearings on this catastrophic event.

I thank the gentlewoman from California (Mrs. CAPPs) for her excellent work on this indispensable piece of legislation and for working together in a bipartisan fashion with the minority to ensure that we have an historically accurate assessment of what has happened in the Gulf of Mexico.

Madam Speaker, President Obama established a bipartisan National Commission to investigate the causes of the BP disaster through Executive order. However, the President does not have the authority to give the commission subpoena power. That requires the Congress to act.

BP's response continues to be marked by catastrophic failures. Just today, an accident with an underwater recovery at the bottom of the sea has forced BP to remove the containment cap, and oil is now gushing into the

ocean at a rate of 25,000 to 50,000 barrels per day. BP's mistakes seem to be without end.

BP said the rig couldn't sink. It did. BP said they could respond to an Exxon Valdez-sized spill every day. They couldn't. BP initially claimed that the oil spill was 1,000 barrels a day. It wasn't. BP knew it. Internal BP documents show that, in the first week of the disaster, BP estimated the size of the spill could be as high as 14,000 barrels per day. It took BP 23 days to finally agree to release video footage of the oil spill. Even then, BP initially only released video of one of the 12 remote operating vehicles on the ocean floor.

All along, it seems that BP has been much more concerned about its own liability—they pay a fine per barrel of oil per day—than they have been with the livability of the Gulf of Mexico and with the livelihoods of the people who are dependent upon the Gulf of Mexico for their livings.

BP's actions raise significant concerns about whether it will fully cooperate with the commission. We need to ensure that neither BP, Halliburton, Transocean nor any other party could prevent the commission from getting to the bottom of what went wrong at the bottom of the ocean on April 20, 2010, when the Deepwater Horizon exploded.

Congress has granted subpoena power to Presidential commissions investigating national crises in the past, including the Kemeny Commission, which investigated the disaster at Three Mile Island, and the 9/11 Commission.

As the worst environmental disaster in our Nation's history continues to unfold in the gulf, the American people and the people of the gulf coast deserve answers so that we can prevent similar disasters in the future. This legislation will ensure that the National Commission has the power it needs to get those answers for the American people.

We have to make sure that this never happens again. We have to make sure that the lessons learned are implemented. If the oil industry is going to drill in ultra-deep waters, we have to ensure that it is ultrasafe and that there is an ultrafast response that can, in fact, ensure that there is a minimization of the harm done to the residents of the gulf. Every oil company now says they have no capacity to respond ultrafast to a catastrophic event the size of what is happening in the gulf right now. We have to make sure that none of this occurs again. Only with the subpoena power can we understand everything that happened—only with the passage of that today.

Again, I urge all Members to cast an "aye" vote.

Mr. HASTINGS of Washington. Madam Speaker, may I inquire again as to how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 8 minutes remaining, and the gentleman from West Virginia has 9½ minutes remaining.

□ 1510

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 4 minutes to the gentleman from Louisiana (Mr. CASSIDY), a member of the Natural Resources Committee.

Mr. CASSIDY. Madam Speaker, it's been 64 days since the Deepwater Horizon exploded, sank, killed 11 rig workers, and began spilling oil into the Gulf of Mexico. So I think we all agree that, first and foremost, we must stop the leak, clean up the spill, protect our coast, and hold BP accountable for damages.

Next, though, we've got to get to the bottom of what happened. And like my colleague just said, if we're going to go ultra-deep, make sure that it's ultra-safe. Now, for that to happen, we have to know the facts—a detailed account informed by understanding of what did take place, and then put in these ultra-safe safety and enforcement measures to make the United States the safest place to drill to get the resources to power our economy.

Now this was supposed to be the purpose of the National Oil Spill Commission. Instead, the members of this do not appear to be up to the challenge. Instead of appointing independent experts with knowledge and expertise of deepwater drilling, the President has packed the commission with people who lack expertise in the issues we're confronting.

First, let me say, Madam Speaker, I am for this commission having subpoena power. I am for them learning as much as they can learn. My concern is they do not have the members capable of understanding what they need to understand. There are no petroleum engineers in this commission, nor anyone else with experience in deepwater drilling.

Now, if you're going to have a commission to figure out what went wrong in a petroleum engineering circumstance in deepwater drilling, you need members who have expertise in those issues. And if we don't learn from this, if we don't figure out how not to repeat these mistakes, then we're dooming ourselves to either repeat these accidents or to have an energy future which is far less secure.

Now, Candidate Obama pledged to put science before politics, but it appears the President is rejecting science and professional expertise in responding to this. He recently imposed a moratorium that his handpicked experts said should not be put in place. These experts stated this moratorium "will have a lasting impact on the Nation's economy which may be greater than that of the oil spill." They specifically

said that the moratorium should not be blanket, but rather targeted to those rigs at risk.

Madam Speaker, I speak as someone from Louisiana. We have over 150,000 jobs at stake here. These are jobs in the energy production field, fisheries, wetlands, and our ecosystem. At stake is not only these jobs, though, but the ability of our country to provide the energy we need to power our vehicles and our businesses, to provide jobs, in a sense, to make our economy go.

Now, this spill is a disaster for the gulf coast and especially for my State. The citizens have had their lives and livelihoods upended by this spill, but the commission we're debating here today is a disappointment. To get to the bottom of what happened, we need people who are up to the task. We need to put science before politics for the sake of the gulf, our Nation, and for those whose jobs are at risk.

Mr. RAHALL. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), a member of our Committee on Natural Resources.

Mr. HOLT. I thank the chair of our committee for yielding.

Madam Speaker, I rise in support of H.R. 5481, which Mrs. CAPPS has brought before us, that would grant subpoena powers to the Presidential Commission on the BP Deepwater Horizon Oil Spill. Our Nation is in the midst of a great environmental disaster of historic scale—tens of thousands of barrels gushing into the gulf, hundreds of miles of coast line contaminated, thousands of people suffering from the economic impact. With today's news that the cap has been removed, this environmental catastrophe continues only to get worse.

BP has not been forthcoming over the past months—not forthcoming in what they were doing or how it was done or how much oil was gushing out and on and on and on. We owe it to the American people that they have an answer for what has happened; why it has happened; how it will be brought under control; what actions are being taken to prevent future spills. We can't let corporate prevarication and delay and feigned ignorance stand in the way.

I support the President's action in creating a commission to determine the answers to these questions. And as the commission begins to investigate the spill in the coming weeks, we must ensure that it has the tools necessary to succeed. Granting the commission subpoena powers will ensure that they undertake a complete inquiry on the causes of the spill and make meaningful recommendations on how to prevent similar disasters. I urge support.

I also want to point out that we need to ensure that the responsible parties are held accountable for the economic damages they've caused. The Big Oil Bailout Prevention Act, which has the support of nearly a fifth of this body,

would raise the liability limit for economic damages from the laughably small \$75 million. It's my hope that Congress will also act on this important legislation in the near future.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Louisiana (Mr. SCALISE), a member of the Energy and Commerce Committee.

Mr. SCALISE. I thank the gentleman for yielding.

Madam Speaker, I rise in support of the legislation to give subpoena powers to the commission. I would hope the commission would be an objective commission that actually looks into and helps us find out just what went wrong because I think we all need to know what went wrong on that rig to lead to the explosion that, unfortunately, took the lives of 11 people and has led to not only this human loss but this environmental loss.

I would hope that they would be objective in their deliberations. I think I do have concerns that some of the members appear to maybe come to this with a predisposed outcome. And they would be well served and the country would be well served if they put their political agendas on the side and actually focused on finding out what went wrong and coming up with real recommendations.

Now, if we look at the legislation not only here before us but also some of the problems we're dealing with on the ground, we continue to have problems and we seem to be spending more of our time fighting against this administration rather than fighting the oil because we're not getting the leadership we need from the President. Just yesterday, the sand barrier plan brought forward by our Governor that the President himself bragged about helping approve last week was stopped, halted by the Federal Government. Yet again, this kind of administrative red tape is something that's holding us back from properly responding to this disaster.

But if you look at what's happening with this ban on drilling in general, Secretary Salazar had initially put a commission together to come up with recommendations. They had a 30-day report that they issued. And these were scientists that were put together on recommendation by the National Academy of Engineers, and they came up with some solid recommendations to improve safety; but they opposed a ban on drilling. Unfortunately, Secretary Salazar set that ruling on the side, set that report on the side, and ignored the reports of scientists and put politics over safety and science and went forward with the ban that yesterday a judge ruled was not legal, not proper.

And so as this commission moves forward, I would hope that they would actually follow the rule of law and come up with objective decisions. But I think

the Secretary would be well served and the President would be well served to go back to the report that was issued by his own scientific panel that came up with suggestions to improve safety on rigs without shutting down an entire industry.

Unfortunately, the President and the Secretary continue to set those kinds of scientific recommendations on the side and allow politics to trump the science by continuing to pursue this ban, even though the judge said that their decision was arbitrary and capricious; that they did not have the legal authority to have a complete ban on drilling. In fact, the scientists recommended and suggested that a complete ban, as this moratorium that's in effect would currently have, would actually decrease safety on rigs.

So, again, I would urge the President and the Secretary to go back and read that report and follow the recommendations of his own scientists.

Mr. RAHALL. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS), the sponsor of the pending resolution.

□ 1520

Mrs. CAPPS. I thank the chairman for recognizing me.

I just want to give some information about the nature of the commission for the RECORD and to clear up some misinformation that apparently is being circulated. The truth is that the commission is not designed to be technical in nature. It is more oriented to understanding the regulatory and organizational framework, which clearly has a major bearing on the incident.

The commission is going to consult the very best minds and subject matter experts as they do their work. The commission members bring expertise in a range of relevant fields, from oil drilling to engineering to environmental science. The appointment of the commission is another step from the Obama administration to hold the oil industry accountable by ensuring that independent experts review the facts of the spill and recommend necessary environmental and safety precautions to address this disaster and to prevent future disasters. At the request of co-chair William Riley, there is a 66-member expert panel led by Robert Bea that will serve as a consultant to the commission. These technical experts are critical to sorting through all of the information that's presented, and the commission is required to draw on the technical analysis that the National Association of Engineering is currently performing.

I just want to add that Congress is also providing oversight on efforts to contain the spill and to mitigate the devastation. There are thorough investigations into what led to this tragedy, with dozens of House hearings in the past 2 weeks alone in order to hold re-

sponsible parties accountable, as well as to inform what changes must be made so that it never happens again. Although Republican leaders have scoffed at these efforts, Democrats will continue to provide the necessary oversight to hold responsible parties accountable and to ensure that every measure is taken to ensure that a disaster like this never occurs again.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. ROHRBACHER).

Mr. ROHRBACHER. Madam Speaker, let us note that this catastrophe could well have been avoided in a number of ways. What we are talking about now is the fact that standards that already are in place were not followed, and we had best practices that, of course, are required of the industry that were not being followed. And I think we're going to find that out. So the last thing we want to do is cripple the United States' production of domestic energy in order to find out and hold a certain group of people accountable for the fact that they did not follow the practices or the standards.

But let's put it this way: Congress has not done its job as well. We have spent billions of dollars on research and development for the Department of Energy. That money has been channeled into nonsense, like proving global warming rather than spending some money—which we have—spending money on research and development to make the technology that we need to have safe oil and gas production, which our country currently depends upon for our standard of living.

So we haven't done our job here. We haven't set our priorities here. And on top of that, we did not develop the technology necessary to deal with a spill of this magnitude. Kevin Costner came to our office and testified at a hearing. He's put his own money into this. So we need to set our own priorities. We need to deal with this crisis.

Mr. RAHALL. Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

Madam Speaker, this commission is necessary so the commission has subpoena power. I think everybody understands that and supports that. But we need to do the three things that I had mentioned earlier. And that is to cap the well, to clean up all of the oil that has spilled out, and to hold BP accountable. Those things I think have very, very strong bipartisan support.

The only issue is what has been addressed a few times at least from my perspective and in print about the objectivity of this commission. And of course, Madam Speaker, we all know that only time will tell when that judgment will be made. But if they work in an objective way, look at the facts, and come to a decision based on the facts

rather than a political point of view, I think we'll all be better served by that.

And with that, I urge support of this legislation.

Mr. OBERSTAR. Madam Speaker, I rise today in strong support of H.R. 5481, as amended, to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

On April 20, 2010, the Deepwater Horizon, a mobile offshore drilling unit (MODU) operating in the Gulf of Mexico off Louisiana, suffered a blowout and an uncontrollable release of gas and oil. This touched off an explosion and fire that claimed the lives of 11 men, injured many others, and resulted in the loss of the rig.

This casualty has also resulted in the release of millions of gallons of gas and oil into the Gulf of Mexico, the destruction of critical shoreline and ocean habitats, impacts to the health of potentially hundreds of workers engaged in the clean up, and catastrophic economic losses that will not be known for some time for the people of the Gulf Coast region. Gas and oil continue to gush out of control from the well nearly 65 days since the explosion.

On May 22, President Obama issued Executive Order 13543 to establish the BP Deepwater Horizon Oil Spill and Offshore Drilling Commission. The Commission's mission is to:

1. examine the facts and circumstances concerning the Deepwater Horizon oil spill disaster;
2. develop options for preventing and mitigating the impact of oil spills associated with offshore drilling including: improvements to Federal laws, regulations, and industry practices and reforms to federal agencies; and
3. submit a public report to the President with findings and options for consideration within six months of the Commission's first meeting.

There are many serious questions that need to be answered surrounding this catastrophe. The President's Executive Order establishes a framework for pursuing these questions and providing needed policy improvements regarding offshore oil drilling. However, the Commission lacks a critical tool: subpoena power.

Unfortunately, it is in the interests of certain parties to withhold important information, rather than to provide it voluntarily. I know from our own oversight work on the Committee that subpoena power is absolutely necessary to identify and to get the information required to make better policies and to protect public health, the environment, and to prevent the mistakes of the past. For the Commission to fulfill its critical mission, it must have the power to compel parties to provide it with information. Congress has provided similar powers to prior commissions and provided this same investigatory power to the Offices of Inspector General pursuant to the Inspector General Act of 1978.

The gentlewoman from California (Mrs. CAPPS) has introduced legislation (H.R. 5481) to ensure that the BP Deepwater Horizon Commission has the ability to pursue critical questions and lines of inquiry wherever they may lead. The bill allows the Commission to issue subpoenas to compel the attendance and testimony of witnesses, and produce

records and correspondence, among other items.

Passage of this legislation will give the BP Deep Horizon Oil Spill and Offshore Drilling Commission a central tool that it needs to get to the truth.

I thank the gentlewoman from California (Mrs. CAPPS) for introducing this important bill and for her unwavering commitment to this issue.

I urge my colleagues to join me in supporting H.R. 5481.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of today's legislation to give the President's bipartisan Oil Spill Commission the subpoena power it needs to get to the bottom of why the Deepwater Horizon disaster happened and what steps are needed to make sure it never happens again.

For the Commission to complete its work in a timely and effective manner, it must have unfettered access to any witness, record or piece of evidence necessary to shed light on the catastrophe unfolding in the Gulf. Once we understand exactly what happened and why, we can hold the responsible parties fully accountable and take comprehensive corrective action.

Since the Deepwater Horizon sank on April 22, 2010, Congress has held its own oversight hearings on the crisis and enacted legislation enabling the Coast Guard to obtain advances from the Oil Spill Liability Trust Fund in order to finance the ongoing mitigation efforts. Additionally, the House has passed legislation to strengthen the solvency of the Oil Spill Liability Trust Fund so that taxpayers will not have to foot the bill for the Deepwater Horizon clean up.

Madam Speaker, this is necessary legislation. It has ample precedent in previous national crises. I urge its immediate passage.

Ms. SUTTON. Madam Speaker, I rise today in strong support for H.R. 5481 and am proud to be an original cosponsor.

I'd like to commend Rep. CAPPS and Rep. MARKEY for their leadership on this issue.

The National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling must have subpoena power.

Last week, BP CEO Tony Hayward was anything but forthcoming in his answers before the Subcommittee on Oversight and Investigations.

And through Congressional investigations, we have already learned that standard methods were not followed by BP and that shortcuts were taken to maximize profits at the expense of safety.

The Commission must have subpoena power and BP must be held accountable for the consequences of their unsafe approach.

We must take the necessary actions on behalf of the American people to ensure that reckless and careless decisions at the expense of our environment, our workers, and our economy are forever abandoned.

Mr. PAUL. Madam Speaker, I oppose H.R. 5481, which gives subpoena power to the National Commission on the British Petroleum Deepwater Horizon Oil Spill and Offshore Drilling. This is an overly broad grant of power to a presidential commission. This commission was created by Executive Order without any input from Congress and appears designed to

perform oversight and policy functions that should be performed by Congress. Furthermore, this commission may be used to promote the anti-freedom and economically destructive "cap-and-trade" legislation, as well as provide justification for the administration's policies of restricting offshore drilling.

Instead of ratifying the Executive Branch's continued use of the deepwater disaster as an excuse to usurp more power, Congress should ensure that the Executive Branch actions do not allow British Petroleum to escape accountability for the damages caused by the spill and that any necessary policy changes are made by Congress.

Mrs. MALONEY. Madam Speaker, I rise in strong support of H.R. 5481, granting Subpoena Power to the Commission Investigating the BP Oil Spill. Last month, President Obama established the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, a panel that will be vital to investigating the disaster and assuring this does not happen again. However, this Commission does not have subpoena power—something critical to ensuring the full disclosure of evidence and witnesses.

In the aftermath of 9/11, I supported similar legislation that gave subpoena power to those investigating the terrorist attacks. Now we face a different kind of attack from the oil gushing out of the Gulf of Mexico. Similar to the work done post 9/11, the clean up workers are getting sick from this toxic waste.

The Commission must have the ability to investigate the shortcuts, cost-cutting and lack of oversight by BP and other responsible entities. Such unprincipled actions cost the lives of 11 men, injured 17, and continue to destroy an ecosystem and change a way of life for those along the Gulf. In order for the task force to mitigate the risks of future oil spills, the Commission must have full understanding of what led to the explosion on the Deepwater Oil Rig.

We need answers to the causes of this ecological man-made disaster. We need to be able to prevent this from happening again. The oversight inquiries Congress has already conducted into BP, Transocean and Halliburton have yielded crucial information. And now, with subpoena power, the Commission can conduct its investigation to the fullest.

Mr. HASTINGS of Washington. I yield back the balance of my time.

Mr. RAHALL. I yield back the balance of my time, Madam Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 5481, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. RAHALL. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

# PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO SECRETARY OF THE INTERIOR

Mr. RAHALL, from the Committee on Natural Resources, submitted a privileged report (Rept. No. 111-510) on the resolution (H. Res. 1406) directing the Secretary of the Interior to transmit to the House of Representatives certain information relating to the potential designation of National Monuments, which was referred to the House Calendar and ordered to be printed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 25 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1617

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. RICHARDSON) at 4 o'clock and 17 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 5481, by the yeas and nays;

H.R. 3993, by the yeas and nays;

H. Res. 1388, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## GRANTING SUBPOENA POWER TO COMMISSION INVESTIGATING BP DEEPWATER OIL SPILL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5481) to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Off-shore Drilling, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 420, nays 1, answered “present” 2, not voting 9, as follows:

[Roll No. 382]  
YEAS—420

Ackerman	Culberson	Inglis
Aderholt	Cummings	Inslie
Adler (NJ)	Dahlkemper	Israel
Akin	Davis (AL)	Issa
Alexander	Davis (CA)	Jackson (IL)
Altmire	Davis (IL)	Jackson Lee
Andrews	Davis (KY)	(TX)
Arcuri	Davis (TN)	Jenkins
Austria	DeFazio	Johnson (GA)
Baca	DeGette	Johnson (IL)
Bachmann	DeLauro	Johnson, E. B.
Bachus	Dent	Johnson, Sam
Baird	Deutch	Jones
Baldwin	Diaz-Balart, L.	Jordan (OH)
Barrow	Diaz-Balart, M.	Kagen
Bartlett	Dicks	Kanjorski
Barton (TX)	Dingell	Kaptur
Bean	Djou	Kennedy
Becerra	Doggett	Kildee
Berkley	Donnelly (IN)	Kilpatrick (MI)
Berman	Doyle	Kilroy
Berry	Dreier	Kind
Biggert	Drieaus	King (IA)
Bilbray	Duncan	King (NY)
Bilirakis	Edwards (MD)	Kingston
Bishop (GA)	Edwards (TX)	Kirkpatrick (AZ)
Bishop (NY)	Ehlers	Kissell
Bishop (UT)	Ellison	Klein (FL)
Blackburn	Ellsworth	Kline (MN)
Blumenauer	Emerson	Kosmas
Blunt	Engel	Kratovil
Boccheri	Eshoo	Kucinich
Boehner	Etheridge	Lamborn
Bonner	Fallin	Lance
Bono Mack	Farr	Langevin
Boozman	Fattah	Larsen (WA)
Boren	Filner	Larson (CT)
Boswell	Flake	Latham
Boucher	Fleming	LaTourette
Boustany	Forbes	Latta
Boyd	Fortenberry	Lee (CA)
Brady (PA)	Foster	Lee (NY)
Brady (TX)	Fox	Levin
Braley (IA)	Frank (MA)	Lewis (CA)
Bright	Franks (AZ)	Lewis (GA)
Brown (GA)	Frelinghuysen	Linder
Brown, Corrine	Fudge	Lipinski
Brown-Waite,	Gallegly	LoBiondo
Ginny	Garamendi	Loeb
Buchanan	Garrett (NJ)	Lofgren, Zoe
Burgess	Gerlach	Lowey
Burton (IN)	Giffords	Lucas
Butterfield	Gingrey (GA)	Luetkemeyer
Buyer	Gohmert	Lujan
Calvert	Gonzalez	Lummis
Camp	Goodlatte	Lungren, Daniel
Campbell	Gordon (TN)	E.
Cantor	Granger	Lynch
Cao	Graves (GA)	Mack
Capito	Graves (MO)	Maffei
Capps	Grayson	Maloney
Capuano	Green, Al	Manzullo
Cardoza	Green, Gene	Marchant
Carnahan	Griffith	Markey (CO)
Carney	Grijalva	Markey (MA)
Carson (IN)	Guthrie	Marshall
Carter	Gutierrez	Matheson
Cassidy	Hall (NY)	Matsui
Castle	Hall (TX)	McCarthy (CA)
Castor (FL)	Halvorson	McCarthy (NY)
Chaffetz	Hare	McCaul
Chandler	Harman	McClintock
Childers	Harper	McCollum
Chu	Hastings (FL)	McCotter
Clarke	Hastings (WA)	McDermott
Clay	Heinrich	McGovern
Cleaver	Heller	McHenry
Clyburn	Hensarling	McIntyre
Coble	Herger	McKeon
Coffman (CO)	Herseth Sandlin	McMahon
Cohen	Higgins	McMorris
Cole	Hill	Rodgers
Conaway	Himes	McNerney
Connolly (VA)	Hinche	Meek (FL)
Conyers	Hinojosa	Meeks (NY)
Cooper	Hirono	Melancon
Costa	Hodes	Mica
Costello	Hoekstra	Michaud
Courtney	Holden	Miller (FL)
Crenshaw	Holt	Miller (MI)
Critz	Honda	Miller (NC)
Crowley	Hoyer	Miller, George
Cuellar	Hunter	Minnick

Mitchell	Richardson	Snyder
Mollohan	Rodriguez	Space
Moore (KS)	Roe (TN)	Speier
Moore (WI)	Rogers (AL)	Spratt
Moran (KS)	Rogers (KY)	Stark
Moran (VA)	Rogers (MI)	Stearns
Murphy (CT)	Rohrabacher	Stupak
Murphy (NY)	Rooney	Sullivan
Murphy, Patrick	Ros-Lehtinen	Sutton
Murphy, Tim	Roskam	Tanner
Myrick	Ross	Taylor
Nadler (NY)	Rothman (NJ)	Teague
Napolitano	Roybal-Allard	Terry
Neal (MA)	Royce	Thompson (CA)
Neugebauer	Ruppersberger	Thompson (MS)
Nye	Rush	Thompson (PA)
Oberstar	Ryan (OH)	Thornberry
Obey	Ryan (WI)	Tiahrt
Olson	Salazar	Tiberi
Olver	Sánchez, Linda	Tierney
Ortiz	T.	Titus
Owens	Sanchez, Loretta	Tonko
Pallone	Sarbanes	Towns
Pascarella	Scalise	Tsongas
Pastor (AZ)	Schakowsky	Turner
Paulsen	Schauer	Upton
Payne	Schiff	Van Hollen
Pence	Schmidt	Velázquez
Perlmutter	Schock	Walden
Perriello	Schrader	Walz
Peters	Schwartz	Wasserman
Peterson	Scott (GA)	Schultz
Petri	Scott (VA)	Waters
Pingree (ME)	Sensenbrenner	Watson
Pitts	Serrano	Watt
Poe (TX)	Sessions	Waxman
Polis (CO)	Shadeegg	Weiner
Pomeroy	Shea-Porter	Welch
Posey	Sherman	Westmoreland
Price (GA)	Shimkus	Whitfield
Price (NC)	Shuler	Wilson (OH)
Putnam	Shuster	Wilson (SC)
Quigley	Simpson	Wittman
Radanovich	Sires	Wolf
Rahall	Skelton	Woolsey
Rangel	Slaughter	Wu
Rehberg	Smith (NE)	Yarmuth
Reichert	Smith (TX)	Young (AK)
Reyes	Smith (WA)	Young (FL)

NAYS—1

Paul

ANSWERED “PRESENT”—2

Miller, Gary

Nunes

NOT VOTING—9

Barrett (SC)	Kirk	Smith (NJ)
Brown (SC)	Platts	Visclosky
Delahunt	Sestak	Wamp

□ 1648

Messrs. WU, SCHRADER, POE of Texas, PETERS, SHADEGG, and GUTIERREZ changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MOMENT OF SILENCE IN MEMORY OF FORMER REPRESENTATIVE THOMAS LUDLOW ASHLEY

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Madam Speaker, it is with a sad but grateful heart that I rise today on behalf of my Ohio colleagues to inform the House that Congressman Thomas Ludlow Ashley of Toledo, Ohio, passed from this life on June 15, 2010.

Lud ably served in our Congress from 1955 to 1981, a career that spanned a quarter century, after he returned home as a corporal in the Army during World War II, serving in the Pacific theater.

As the Toledo Blade editorial reminds us, "The late Senator Edward Kennedy once said: 'Americans sleep in better housing today because of Lud Ashley.'" As chair of the House Subcommittee on Housing and Community Development, Lud led America in urban and small town revitalization, improving our condition as a society a home and block at a time. He voted for the Civil Rights Act of 1964 and authored many pieces of legislation to rebuild America following the civil rights movement of that period.

In 1977, Mr. Ashley was selected by his beloved friend and Speaker, Thomas "Tip" O'Neill, to lead the House in the first ad hoc Energy Committee after the first Middle East oil embargo threw America into a deep recession. As Speaker O'Neill said at the time, "Lud has a toughness and a never-say-die attitude, and who, when he was put on the first team, could run with the ball."

Born on January 11, 1923, in Toledo, Lud was raised on Robinwood Avenue. He has been laid to rest nearby at Woodlawn Cemetery. He was the great grandson of James Mitchell Ashley of Ohio, who served before him from 1859-1869 and coauthored the 13th Amendment to the U.S. Constitution outlawing slavery. In that tradition, Lud Ashley's legacy was his abiding spirit of equal justice that moved civil rights forward in the post-World War II era.

It is appropriate this Congress has honored both Congressmen in passing legislation that named the Federal courthouse at Toledo forever in their memory.

Our prayers go out to the Ashley family: to his daughter Lisa and sons Meredith and his wife Monica, to Mark, brother Charles, sister-in-law Gerry, and many nieces and nephews. He was preceded in death by his wife, Kathleen.

Our citizenry in the 9th Congressional District shall miss his great intellect, dogged nature, and incredible sense of humor that lifted us all to carry forward.

Thank you, Thomas Ludlow Ashley.

[From toledoBlade.com, June 16, 2010]

CONGRESSMAN KNOWN FOR AIDING HOUSING,  
CIVIL RIGHTS DIES AT 87

(By Mark Zaborney)

Thomas Ludlow "Lud" Ashley, a liberal Democrat who played key roles in passing landmark civil rights, housing, and anti-poverty legislation while representing Toledo in Congress for more than a quarter century, died yesterday of melanoma at his home in Leland, Mich. He was 87.

Mr. Ashley cut a large figure on national and local stages, a genial good companion with a ready wit. He was colorful at times but also a thoughtful, skilled legislator ca-

pable of reconciling diverse interests to produce bills that would win floor approval.

While a student at Yale University in the 1940s, he befriended George H.W. Bush, and the two remained close for more than 60 years. Yesterday, former President Bush said in a statement that he and his wife, Barbara, "mourn the loss of a very close friend" and said Mr. Ashley "might well have been my very best friend in life."

During Mr. Ashley's congressional tenure from 1955 to 1980, he brought millions of dollars home to northwest Ohio.

On Capitol Hill, he was known as "Mr. Housing," shepherding America's public-housing programs through Congress in the 1960s and 1970s—including more than \$15 million in public-housing units across Lucas County.

Through his efforts, Toledo was one of the first 30 cities in which food stamps were distributed to the poor.

With more than \$11 million he secured, the Port of Toledo was dredged and improved, creating one of the nation's leading ports.

"It seemed like when the city needed the money, Lud would come through," Harry Kessler, Toledo's mayor from 1971-77 and now deceased, told The Blade in 1997.

Mr. Ashley's son Meredith, of Ho-Ho-Kus, N.J., said yesterday that of all his father's Washington achievements, the lawmaker was proudest of what he did to help Toledo.

"There was a lot of national legislation that Dad was really proud of, but there was nothing he was more proud of than scoring that \$11 million grant for downtown Toledo," he said.

Known universally as "Lud," Mr. Ashley was the 26th man to represent the 9th Congressional District in the House. Until his defeat in 1980, he served the district longer than anyone before him.

His great-grandfather James M. Ashley represented Toledo in Congress from 1859-69 as a Republican, having left the Democratic Party because of his anti-slavery beliefs.

The federal courthouse in downtown Toledo was named the James M. and Thomas W. Ludlow Ashley United States Courthouse by an act of Congress two years ago. President George W. Bush signed the measure, which had been sponsored by U.S. Rep. Marcy Kaptur (D., Toledo), in a private White House ceremony, and the official renaming was held in Toledo on June 3, less than two weeks ago.

Miss Kaptur, who with her re-election in 2008 surpassed Lud Ashley's record for representing Toledo the longest in Congress, said yesterday that "Lud Ashley gave true meaning to the term 'public servant.' He followed admirably in the footsteps of his abolitionist great-grandfather, James, putting his genius to work in another tumultuous time and helping pass the momentous 1964 Civil Rights Act."

James Ashley's co-authorship of the 13th Amendment, which abolished slavery, and his great-grandson's work on the Housing and Community Development Acts of 1974 and 1977 "reflect the Ashley family's place in history on the scales of justice and equality for all people," Miss Kaptur said.

Mr. Ashley had been a resident in recent years of Leland, Mich., near Traverse City, but noted in 2008 that his great-grandfather chose to settle in Toledo.

"It's where he was buried, and where I'm going to be buried," Mr. Ashley told The Blade. "Toledo's home."

Mr. Ashley was first elected to Congress in 1954, defeating incumbent Frazier Reams, Sr., an independent, in a three-way race. He

proved a redoubtable vote-getter over the years, dispatching some of the best opponents the Republican Party could muster.

He rose to a position of leadership in the House of Representatives, becoming a close ally and personal friend of House Speaker Thomas P. "Tip" O'Neill, Jr.

In 1977, Mr. O'Neill named Mr. Ashley chairman of a special committee created to handle a package of bills submitted by President Jimmy Carter to deal with the energy crisis.

When energy legislation cleared Congress more than a year later, Mr. O'Neill sent Mr. Ashley a letter of praise.

"Somebody said that it couldn't be done, but they didn't know that Tip O'Neill had a friend who had knowledge, ability, toughness, and a never-say-die attitude, and who, when he was put on the first team, could run with the ball," the House Speaker wrote.

There were other instances of political courage.

In 1959, more than a decade before President Richard Nixon's landmark visit to the People's Republic of China, Mr. Ashley was one of two House members to openly support that nation's admission to the United Nations.

In 1961, he was one of only six congressmen who voted to cut off funds for the House Un-American Activities Committee.

Mr. Ashley also became a senior and influential member of three permanent House committees: budget; banking, finance, and urban affairs; and merchant marine and fisheries, serving briefly in 1980 as chairman of the latter panel.

Mr. Ashley was known especially for his expertise in housing and community development legislation.

He was chairman of the housing and community development subcommittee of the House banking, finance, and urban affairs committee, and much of the legislation dealing with urban housing and development problems that was passed in the 1970s bore his imprint.

In October, 1979, President Carter, at a White House ceremony marking the anniversary of a community development program, praised Mr. Ashley's legislative abilities.

"He cares about people, and he is superb in his ability to conceive legislative programs and have them passed by Congress," President Carter said.

Mr. Ashley loyally supported Democratic presidents, but he had good relations with President Gerald Ford, a Republican, and many Republican members of Congress.

While Mr. Ashley and President George H.W. Bush were Yale undergraduates, the two were tapped to be members of the elite secret student society Skull and Bones. In an old stone building owned by the society and known as the Tomb, the members confessed deep secrets to one another as part of their initiation.

"It allowed us to come to know more about one another," Mr. Ashley told The Blade in 1997. And from that sprang a lifelong friendship.

After Mr. Bush was elected president, Mr. Ashley spent many days with him at Camp David and the White House, especially in times of crisis.

In 1990, he went to Camp David to buck up the president after his budget was spurned by Congress, leading to a temporary shutdown of the federal government.

"I have a lifetime of memories of friendship between those two that stretch back to my youngest days," Meredith Ashley said yesterday. "We'd go up to Kennebunkport

[Maine] during the summer, well before he became vice president and president, and nothing ever changed in their friendship after he became vice president. If anything, their friendship got stronger.”

Mr. Ashley joined Mr. Bush at the opening of the Bush Presidential Library and Museum in Texas, where the Toledo congressman's name appears prominently in biographies and videos of the 41st president.

Mr. Ashley, born Jan. 11, 1923, to Alida and William Ashley, was raised on Robinwood Avenue in the Old West End and attended Glenwood Elementary School.

His father owned a small steel manufacturing firm on Tracy Road and nearly lost his business during the Great Depression. The business rebounded, and the family moved to Front Street in Perrysburg. His parents sent their son to Kent School in Kent, Conn., from 1939 to 1942.

His older brother William, the heir apparent to the Ashley political legacy, was killed at age 22 in May, 1944, when his Army bomber exploded during a training mission over Massachusetts. All 10 aboard died.

Decades later, Mr. Ashley said he was greatly affected by the loss. “We were inseparable friends,” Mr. Ashley said.

Mr. Ashley was a corporal in the Army during World War II, serving in the Pacific Theater.

He graduated from Yale in 1948 and was associated with the Toledo Publicity and Efficiency Commission that year.

Michael DiSalle, then mayor of Toledo and later governor of Ohio, encouraged him to study law, and Mr. Ashley enrolled in the University of Toledo law school. He later transferred to Ohio State University, from which he received a law degree in 1951.

Mr. Ashley was hired to be a special projects coordinator for Radio Free Europe and was stationed briefly in New York City.

In 1954, Mr. DiSalle was looking for a candidate to challenge Mr. Reams, the independent 9th District incumbent. Mr. DiSalle provided Mr. Ashley with considerable advice and aid. Mr. Ashley provided the energy and image in what was the first local campaign to make extensive use of television. Mr. Reams was defeated by 4,000 votes.

In 1980, when he was defeated by Republican challenger Ed Weber, some political analysts linked it to the landslide presidential victory of Ronald Reagan. But Mr. Ashley told *The Blade* in 1997 that it was his own fault, saying it was “tough to get enthusiastic about another campaign. And that's when you get beaten. I just didn't get the job done.”

Miss Kaptur defeated Mr. Weber in 1982.

Mr. Ashley was married twice. He and the former Margaret Mary Sherman of Toledo married in August, 1956, in Manassas, Va., but separated that fall.

In 1967, he married Kathleen Lucey, a graduate of Georgetown University law school who'd begun working as an assistant in his office in 1962.

Mr. Ashley was a student of history and politics with a personal library that testified to those passions. He also loved opera and gardening.

His decision to make Leland, Mich., his home came a few years after the death of Kathleen in 1997.

Mr. Ashley was a member of the George H.W. Bush Presidential Library Foundation at the time of his death and earlier served on numerous other boards including those of Fannie Mae and Freddie Mac, the nation's two largest mortgage lenders.

He is survived by sons Meredith (Monica) Ashley of Ho-Ho-Kus, N.J., and Mark Ashley

of Washington; daughter, Lise Murphy of Washington; brother, Charles S. Ashley, and sister-in-law Gerry Ashley, of Leland, and many nieces and nephews.

A reception for family and friends will be held from 3-6 p.m. Sunday in the Ashley home, 402 Mill St., Leland. A memorial service will be held later in Washington and interment will be in Toledo's Historic Woodlawn Cemetery.

The family requests that any donations be to the Leland Township Library. Martinson Funeral Home is handling arrangements.

#### ASHLEYS SERVED WITH HONOR, VIGOR

(By James M. Ashley IV)

This Thursday, Toledo's new federal courthouse will be dedicated to two men—both past congressmen from our city, both named Ashley. I am proud to claim kinship with both men.

James M. Ashley and Thomas Ludlow Ashley served their constituencies and their country with vigor, honesty, and a firm resolution to achieve what they saw as the best courses of action for the people. They served our state for more than 16 percent of the time from when Ohio was admitted to the United States in 1803 to the present day.

James Ashley served in Congress during the most difficult period of our history, from 1859 through 1869—the era of John Brown, the Civil War, and the impeachment of President Andrew Johnson. He saw slavery firsthand while he worked on riverboats in the South during his youth. He became a passionate and dedicated abolitionist, working within the Underground Railroad.

The turmoil of the decade before the Civil War led to the formation of the Republican Party. Like Abraham Lincoln, James Ashley was stirred into action by the growing national emergency and ran for public office as a Republican. Both men put their strongly held beliefs into action.

In Congress, James Ashley adamantly opposed secession and any compromise on slavery. He worked zealously and skillfully to make the emancipation of America's slaves a reality. Expressing his hard-line outlook and frontier upbringing, he proposed that a congressman who favored a slavery compromise should be “kicked by a steam Jackass from Washington to Illinois.”

Such no-nonsense dedication was useful to Lincoln in his efforts at emancipation. As president, Lincoln could not express or overtly back anything that might weaken support from border states or moderates within the Union. James Ashley became Lincoln's go-to man in Congress.

When Lincoln issued the Emancipation Proclamation during the Civil War, it immediately freed only a few thousand slaves. But it turned the war from a sectional struggle into a crusade to free the millions of African-Americans who were still held in bondage.

The stage was set for the Constitutional amendment that would finally outlaw chattel slavery throughout the country, forever. James Ashley focused on the complexities of achieving necessary harmony within Congress to pass this monumental amendment.

With help from the president, James Ashley garnered the necessary votes and support. To those who wavered, Lincoln stated that “whatever Ashley had promised should be performed.”

The Thirteenth Amendment, authored by James Ashley, became the law of the land in 1865. “Neither slavery nor involuntary servitude” without due process for crimes committed would ever again stain America.

Thomas Ludlow Ashley, the abolitionist's great-grandson, represented Toledo in Congress as a Democrat from 1955 through 1981. During that time, his influence and impact on both Congress and this community grew immensely.

Toledo's ethnic blue-collar voters provided Lud Ashley's power base during the latter part of the industrial heyday the city enjoyed during the mid-20th century. But instead of riding that wave of prosperity to become part of the industrial establishment, he pursued a congressional career noted for liberal causes.

“I think probably one of the most lasting contributions was my role in housing,” Thomas Ashley said in retirement. Sen. Edward Kennedy concurred: “Americans sleep in better homes today because of Lud Ashley.”

Thomas Ashley fought urban sprawl with legislation. He warned his colleagues about the tremendous flight of Americans to suburbs from the inner cities—a crushing fact of national life in the 21st century.

Thomas Ashley's stance on civil rights, community block grants, and enterprise tax zones contributed to his image as an urban liberal. But the late Judge William Skow, a former aide to the congressman, noted that he was a moderate on fiscal issues.

Whatever the label, Thomas Ashley's career centered on fighting racism and poverty. It was a natural extension of his family legacy. Like James Ashley, he fought the good fight.

James M. Ashley IV, of Maumee, is a senior lecturer in sociology and anthropology at the University of Toledo. He is a great-grandson of James M. Ashley and first cousin of Thomas L. Ashley.

#### THOMAS LUDLOW ASHLEY

The late Sen. Edward Kennedy once said: “Americans sleep in better homes today because of Lud Ashley.” He was right.

Mr. Ashley, the longtime Toledo congressman who died this week at age 87, chaired a House committee on housing and community development. For years, he worked hard to provide federal grants to improve low and moderate-income housing nationally, as well as close to home.

Thomas Ludlow Ashley also was important to and instrumental in the development of the city where he was born, which he represented in Congress from 1955 until 1981.

“Lud” Ashley was the great-grandson of James Ashley, who settled in frontier Toledo, changed political parties because of his opposition to slavery, and represented Toledo in Congress during the Civil War. James Ashley was a co-author of the 13th Amendment, which outlawed slavery. In that tradition, his great-grandson sought to free Americans from the squalor of terrible housing.

Lud Ashley served in the Pacific during World War II before he attended Yale University. He and George H.W. Bush, who would become President decades later, were classmates and fellow members of the ultra-elite secret society Skull and Bones. Though they were of different political parties, the men remained longtime friends.

Mr. Ashley earned a law degree at Ohio State University and worked for Radio Free Europe before he returned home in 1954 to campaign for Congress. He ousted independent Rep. Frazier Reams, in part because of the support of the late Paul Block, Jr., publisher of *The Blade*, who felt Toledo's interests would be best represented by a member of Congress with ties to a major political party.

During his career, Mr. Ashley landed millions of dollars for public housing in Lucas County. He got a crucial \$11 million to improve Toledo's port.

Late in his career, during the energy crisis of the 1970s, Mr. Ashley was chairman of a special committee that successfully steered through Congress a controversial package of bills proposed by President Jimmy Carter that were designed to reduce oil consumption.

That assignment won him some enemies in the auto industry but high praise from then-House Speaker Thomas "Tip" O'Neill, who counted Mr. Ashley as a personal friend.

In 1980, Mr. Ashley was defeated for reelection by Republican Ed Weber in a stunning upset. Mr. Ashley fell victim to Ronald Reagan's landslide victory and huge negative feeling against the Carter administration.

His death came days after the federal courthouse in Toledo was renamed in both his and his great-grandfather's honor. That tribute is appropriate.

When the energy bills were passed, Rep. Ashley knew the legislation was unpopular with Jeep. But he responded: "My view is that my district elected me to represent, when called upon, a wider national interest."

That is who Thomas Ludlow Ashley was. As he is laid to rest in his hometown, that is how Toledo's congressman should be remembered.

#### 'GRACIOUS' RIGHT LABEL FOR ASHLEY

It always saddens me when a great warrior dies, and among other things Lud Ashley was a warrior ("Congressman known for aiding housing, civil rights dies at 87," June 16).

In the 1980 campaign, we debated at least six times. Although an incumbent's strategy would usually be to deny the opponent the public forum of a debate, Lud never failed to accept any challenge.

Of course, he was well informed, and I believe our joint appearances led to a clarification of the issues and opposing viewpoints in an intelligent and civil manner that we don't always see at election time.

Lud Ashley's name is etched in the history of Toledo and Lucas County. For 26 years, he was an important member of the liberal Democratic wing that controlled the House of Representatives. Always a strong advocate of Toledo, he brought millions of dollars to Toledo and the area during his tenure in office.

He was a likable person, with good friends on both sides of the aisle. At the time of his defeat, he was very gracious to me. Two years later, at the time of my defeat, he was equally gracious and considerate.

It is very fitting that the federal courthouse here is now named for Lud Ashley and his great-grandfather James Ashley, the Republican abolitionist congressman during the Civil War.

ED WEBER.

[From the Washington Post, June 16, 2010]  
OHIO CONGRESSMAN AND PUBLIC HOUSING SUPPORTER THOMAS W. LUDLOW ASHLEY DIES AT 87

(By T. Rees Shapiro)

Thomas W. Ludlow Ashley, 87, a 13-term Ohio Democrat in the U.S. House of Representatives who was chiefly known for his work on housing and addressing the energy crisis of the 1970s, died of melanoma June 15 at his home in Leland, Mich.

Mr. Ashley—known colloquially as "Lud"—served Ohio's 9th District, which includes Lucas County and the city of Toledo, from 1955 to 1981.

As chairman of a House subcommittee on housing and community development, Mr. Ashley was a key supporter of legislation to provide federal grants to cities and counties to improve low- and moderate-income housing.

"Americans sleep in better homes today because of Lud Ashley," Sen. Edward M. Kennedy (D-Mass.) once said of Mr. Ashley's extensive work on low-income housing legislation.

In 1977, Mr. Ashley was appointed to an ad hoc energy committee by House Speaker Thomas P. "Tip" O'Neill Jr. (D-Mass.), who said he picked Mr. Ashley because he had "toughness, and a never-say-die attitude, and who, when he was put on the first team, could run with the ball."

A year later, Mr. Ashley helped the 40-member bipartisan group pass a series of energy bills aimed at reducing the nation's use of oil and increasing the budget for research into alternative energy sources.

Upon his appointment to the position, Mr. Ashley assured critics that he would not be close to the automobile industry. At the time, Toledo housed the headquarters of many car-parts manufacturers and an American Motors plant that produced Jeeps.

"That district is a part of me," Mr. Ludlow told the New York Times in 1977. "It is responsible for the perspective I bring with me. But my view is that my district elected me to represent, when called upon, a larger national interest."

Thomas William Ludlow Ashley was born Jan. 11, 1923, in Toledo. His great-grandfather, James Mitchell Ashley, served Ohio's 9th District from 1859 to 1869 as a Republican, having switched from the Democratic Party because he was vehemently opposed to slavery.

The elder Ashley co-authored the 13th Amendment abolishing slavery and led the campaign to impeach President Andrew Johnson, who he claimed had conspired to assassinate Abraham Lincoln in order to assume the presidency. He was also chairman of a committee on territories and helped choose the names for Wyoming and Montana.

After Army service in the Pacific during World War II, the younger Mr. Ashley graduated from Yale University in 1948. At Yale, he became close friends with George H.W. Bush when they were members of the Skull and Bones secret society.

He received a law degree from Ohio State University in 1951 and practiced law for a short time with his father before moving to New York to work for Radio Free Europe.

Before losing his House seat in the Reagan landslide of 1980, the only time Mr. Ashley had come close to being defeated was in 1974. The race occurred only months after he'd been convicted of drunken driving and resisting arrest in Toledo, and Mr. Ashley eked out a victory over his Republican opponent by a margin of 3,500 votes.

Mr. Ashley directed federal funds toward his district, including more than \$15 million for public housing units and \$11 million for the improvement of the Port of Toledo. By an act of Congress in recent years, the city's federal courthouse was named in his and his great-grandfather's honor.

His marriage to Margaret Mary Sherman ended in divorce. His second wife, Kathleen Lucey Ashley, died in 1997.

He had two children from his first marriage; two children from his second marriage; and a brother.

Mr. BOEHNER. Madam Speaker, Thomas "Lud" Ashley was a tireless public servant who ably served Ohio and our nation for more than a quarter century.

A World War II veteran, Lud was raised in Toledo in a family with deep Ohio roots and a strong sense of patriotism. Lud's brother William was killed in an army training accident in 1944. His great grandfather, James Ashley, represented Toledo and Ohio's 9th Congressional District as a Republican during the Civil War era, co-authoring the 13th Amendment to abolish slavery.

As a member of Congress, Lud added to his great-grandfather's legacy, helping pass the landmark Civil Rights Act of 1964, along with fellow Ohio Republican Congressman Bill McCulloch. Lud was also a strong advocate for the Toledo area. To this day he is remembered for his role in securing federal support to build the Port of Toledo into one of the nation's key hubs for trade and industry.

Though an unabashed Democrat, Lud was well-liked and respected on both sides of the aisle. That George H.W. Bush would count him among his best life-long friends certainly speaks to Lud's character. Lud will be missed, and my thoughts and prayers go out to his family and friends.

Mr. RYAN of Ohio. Madam Speaker, I rise today to commemorate the life and public service of former Congressman Thomas Ludlow Ashley. Representing Ohio's 9th District, "Lud" Ashley served in the House of Representatives for 26 years. Throughout his tenure, Congressman Ashley successfully balanced his loyalty towards his home city of Toledo and his responsibility to the country at large.

As Chairman of the House Subcommittee on Housing and Community Development, Lud was an important figure in passing legislation which provided federal grants that improved low and moderate-income housing nationwide. During the 1970's oil crisis, he was appointed to an Ad Hoc energy committee that passed a series of bills which reduced the nation's oil use and increased the budget for researching alternative energy sources. Among his many other accomplishments, Lud secured millions of dollars in federal grants to improve the Port of Toledo and maintain this vital Midwestern economic pathway.

His achievements were products of his tenacity. Former Speaker of the House Tip O'Neill praised Ashley for his "toughness, and a never-say-die attitude, and who, when he was put on the first team, could run with the ball." Furthermore, Lud did not hesitate to work with Republican lawmakers. He was a lifelong friend of President George H.W. Bush, had a good relationship with President Gerald Ford, and made countless other alliances with members across the aisle. I will remember his commitment to public service and helping the American people.

Ms. KAPTUR. I ask that my colleagues now do rise and remember him and his service with a moment of silence.

The SPEAKER pro tempore. The House will observe a moment of silence.

□ 1650

## CALLING CARD CONSUMER PROTECTION ACT

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3993) to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. MATSUI) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 381, nays 41, not voting 10, as follows:

[Roll No. 383]

YEAS—381

Ackerman	Carson (IN)	Fattah
Aderholt	Carter	Filner
Adler (NJ)	Cassidy	Fleming
Alexander	Castle	Forbes
Altmire	Chandler	Fortenberry
Andrews	Childers	Foster
Arcuri	Chu	Frank (MA)
Austria	Clarke	Frelinghuysen
Baca	Clay	Fudge
Bachmann	Cleaver	Galleghy
Bachus	Clyburn	Garamendi
Baird	Coffman (CO)	Gerlach
Baldwin	Cohen	Giffords
Barrow	Cole	Gingrey (GA)
Bartlett	Connolly (VA)	Gohmert
Barton (TX)	Conyers	Gonzalez
Bean	Cooper	Gordon (TN)
Becerra	Costa	Granger
Berkley	Costello	Graves (MO)
Berman	Courtney	Grayson
Berry	Crenshaw	Green, Al
Biggart	Critz	Green, Gene
Billbray	Crowley	Griffith
Bilirakis	Cuellar	Grijalva
Bishop (GA)	Culberson	Guthrie
Bishop (NY)	Cummings	Gutierrez
Blackburn	Dahlkemper	Hall (NY)
Blumenauer	Davis (AL)	Hall (TX)
Blunt	Davis (CA)	Halvorson
Boccieri	Davis (IL)	Hare
Boehner	Davis (KY)	Harman
Bonner	Davis (TN)	Harper
Bono Mack	DeFazio	Hastings (FL)
Boozman	DeGette	Hastings (WA)
Boren	DeLauro	Heinrich
Boswell	Dent	Heller
Boucher	Deutch	Herseth Sandlin
Boustany	Diaz-Balart, L.	Higgins
Boyd	Diaz-Balart, M.	Hill
Brady (PA)	Dicks	Himes
Brady (TX)	Dingell	Hinchee
Braley (IA)	Djou	Hinojosa
Bright	Doggett	Hirono
Brown, Corrine	Donnelly (IN)	Hodes
Brown-Waite,	Doyle	Hoekstra
Ginny	Dreier	Holden
Buchanan	Driehaus	Holt
Burton (IN)	Duncan	Honda
Butterfield	Edwards (MD)	Hoyer
Buyer	Edwards (TX)	Hunter
Calvert	Ehlers	Inglis
Camp	Ellison	Inslee
Cao	Ellsworth	Israel
Capito	Emerson	Jackson (IL)
Capps	Engel	Jackson Lee
Capuano	Eshoo	(TX)
Cardoza	Etheridge	Jenkins
Carnahan	Fallin	Johnson (GA)
Carney	Farr	Johnson, E. B.

Jones	Miller (NC)	Schakowsky
Kagen	Miller, Gary	Schauer
Kanjorski	Miller, George	Schiff
Kaptur	Minnick	Schmidt
Kildee	Mitchell	Schrader
Kilpatrick (MI)	Mollohan	Schwartz
Kilroy	Moore (KS)	Scott (GA)
Kind	Moore (WI)	Scott (VA)
King (IA)	Moran (KS)	Serrano
King (NY)	Moran (VA)	Sessions
Kirk	Murphy (CT)	Shea-Porter
Kirkpatrick (AZ)	Murphy (NY)	Sherman
Kissell	Murphy, Patrick	Shimkus
Klein (FL)	Murphy, Tim	Shuler
Kline (MN)	Myrick	Shuster
Kosmas	Nadler (NY)	Simpson
Kratovil	Napolitano	Sires
Kucinich	Neal (MA)	Skelton
Lance	Nye	Slaughter
Larsen (WA)	Oberstar	Smith (NE)
Larson (CT)	Obey	Smith (NJ)
Latham	Olson	Smith (TX)
LaTourette	Olver	Smith (WA)
Latta	Ortiz	Snyder
Lee (CA)	Owens	Space
Lee (NY)	Pallone	Speier
Levin	Pascarell	Spratt
Lewis (CA)	Pastor (AZ)	Stark
Lewis (GA)	Paulsen	Stearns
Linder	Payne	Stupak
Lipinski	Pence	Sullivan
LoBiondo	Perlmutter	Sutton
Loeb sack	Perriello	Tanner
Lofgren, Zoe	Peters	Taylor
Lowe y	Peterson	Teague
Lucas	Pingree (ME)	Terry
Luetkemeyer	Pitts	Thompson (CA)
Lujan	Polis (CO)	Thompson (MS)
Lummis	Pomeroy	Thompson (PA)
Lungren, Daniel	Posey	Thornberry
E.	Price (NC)	Tiahrt
Lynch	Putnam	Tiberi
Maffei	Quigley	Tierney
Maloney	Radanovich	Titus
Manzullo	Rahall	Tonko
Markey (CO)	Rangel	Towns
Markey (MA)	Rehberg	Tsongas
Marshall	Reichert	Turner
Matheson	Reyes	Upton
Matsui	Richardson	Van Hollen
McCarthy (CA)	Rodriguez	Velázquez
McCarthy (NY)	Roe (TN)	Walden
McCaul	Rogers (AL)	Walz
McCollum	Rogers (KY)	Wasserman
McCotter	Rogers (MI)	Schultz
McDermott	Ros-Lehtinen	Waters
McGovern	Roskam	Watson
McHenry	Ross	Watt
McIntyre	Rothman (NJ)	Waxman
McKeon	Roybal-Allard	Weiner
McMahon	Ruppersberger	Welch
McMorris	Rush	Whitfield
Rodgers	Ryan (OH)	Wilson (OH)
McNerney	Ryan (WI)	Wilson (SC)
Meek (FL)	Salazar	Wittman
Meeks (NY)	Sánchez, Linda	Wolf
Melancon	T.	Woolsey
Mica	Sanchez, Loretta	Wu
Michaud	Sarbanes	Yarmuth
Miller (MI)	Scalise	Young (FL)

NAYS—41

Akin	Graves (GA)	Nunes
Bishop (UT)	Hensarling	Paul
Brown (GA)	Herger	Petri
Burgess	Issa	Poe (TX)
Campbell	Johnson (IL)	Price (GA)
Cantor	Johnson, Sam	Rohrabacher
Chaffetz	Jordan (OH)	Rooney
Coble	Kingston	Royce
Conaway	Lamborn	Schock
Flake	Mack	Sensenbrenner
Foxx	Marchant	Shadegg
Franks (AZ)	McClintock	Westmoreland
Garrett (NJ)	Miller (FL)	Young (AK)
Goodlatte	Neugebauer	

NOT VOTING—10

Barrett (SC)	Kennedy	Visclosky
Brown (SC)	Langevin	Wamp
Castor (FL)	Platts	
Delahunt	Sestak	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1659

Mr. FRANKS of Arizona changed his vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## SUPPORTING NATIONAL HURRICANE PREPAREDNESS WEEK

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1388) supporting the goals and ideals of National Hurricane Preparedness Week.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CARNAHAN) that the House suspend the rules and agree to the resolution.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. CONNOLLY of Virginia. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 419, noes 0, not voting 13, as follows:

[Roll No. 384]

AYES—419

Ackerman	Bono Mack	Castor (FL)
Aderholt	Boozman	Chaffetz
Adler (NJ)	Boren	Chandler
Akin	Boswell	Childers
Alexander	Boucher	Chu
Altmire	Boustany	Clarke
Andrews	Brady (PA)	Clay
Arcuri	Brady (TX)	Cleaver
Austria	Braley (IA)	Clyburn
Baca	Bright	Coble
Bachmann	Brown (GA)	Coffman (CO)
Bachus	Brown, Corrine	Cohen
Baird	Brown-Waite,	Cole
Ginny		Conaway
Baldwin	Buchanan	Connolly (VA)
Barrow	Burgess	Conyers
Bartlett	Burton (IN)	Cooper
Barton (TX)	Butterfield	Costa
Bean	Buyer	Costello
Becerra	Calvert	Courtney
Berkley	Camp	Crenshaw
Berman	Campbell	Critz
Berry	Cantor	Cuellar
Biggart	Cao	Culberson
Billbray	Capito	Cummings
Bilirakis	Capps	Dahlkemper
Bishop (GA)	Capuano	Davis (AL)
Bishop (NY)	Cardoza	Davis (CA)
Bishop (UT)	Carnahan	Davis (IL)
Blackburn	Carney	Davis (KY)
Blumenauer	Carson (IN)	Davis (TN)
Blunt	Carter	DeFazio
Boccieri	Cassidy	DeGette
Boehner	Castle	DeLauro
Bonner		

Dent  
Deutch  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Djou  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Fox  
Frank (MA)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves (GA)  
Graves (MO)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseht Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inlee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski

Kaptur  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loebach  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCauley  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar

Obey  
Olson  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarelli  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skellton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry

Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner

## NOT VOTING—13

Barrett (SC)  
Boyd  
Brown (SC)  
Crowley  
Delahunt  
Ehlers  
Franks (AZ)  
Kennedy  
Platts  
Sestak  
Visclosky  
Wamp  
Woolsey

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1708

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Ms. KAPTUR. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on 1-minute speeches dedicated to Congressman Thomas "Lud" Ashley.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

□ 1710

## REQUESTING RETURN OF OFFICIAL PAPERS ON H.R. 5136

Mr. OWENS. Madam Speaker, I offer House Resolution 1467 and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the resolution is as follows:

## H. RES. 1467

*Resolved*, That the Clerk of the House of Representatives request the Senate to return to the House the bill (H.R. 5136) entitled "An Act to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes."

The resolution was agreed to.

A motion to reconsider was laid on the table.

## HONORING KEY WEST POLICE SERGEANT PABLO RODRIGUEZ

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I rise today to honor Sergeant Pablo Rodriguez of the Key West Police Department. This dedicated officer has been named the 2009 Key West Police Officer of the Year.

Sergeant Rodriguez has served our community proudly since he joined the department 10 years ago. His commitment to keeping Key West a safe place in which to live and visit has been truly extraordinary. As Police Officer of the Year, Sergeant Rodriguez was specifically recognized for his tireless work to combat the negative influences of illicit drugs. This is an important and noble goal, Madam Speaker, and I know that the entire Keys community is proud of his selfless service.

I thank Sergeant Rodriguez and all of his colleagues in the Key West Police Department for all they have done and will continue to do for our wonderful Monroe County Key West community. Congratulations, Sergeant Rodriguez.

## CONGRATULATIONS TO BOB MAYER ON HIS RETIREMENT

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute.)

Mr. LINCOLN DIAZ-BALART of Florida. Bob Mayer is south Florida's most tenured television newscaster. He has logged more hours both in the field and at the anchor desk than any other south Florida television journalist.

Bob joined WTVJ News in June of 1969. Over the years, he has held numerous positions at TVJ, such as investigative and consumer reporter, crime reporter, business reporter, general assignment reporter, and talk show cohost. In addition, he served as anchor of TVJ's early evening newscasts, weekend newscasts, and midday morning newscasts. Bob has been co-anchoring the NBC 6 morning show "Today in South Florida" since 1990. He is an extraordinary journalist.

Bob Mayer retires this week from NBC 6, and our entire community will miss his professionalism and objectivity dearly. Congratulations for a job well done, Bob. The best to you and your family.

## CONGRATULATING THE GREY MARE SOCIETY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to commend the Grey Mare Society, a group

of seven women friends who have been riding horses and mules together for as long as 30 years. They are over age 50 and still heading out on the trail together.

When one of their number developed breast cancer, they decided to do something to fight the disease. Across the country there are races and fundraisers, walks, and other proposals, but the Grey Mare Society decided to do what comes natural to them and ride. They came up with an organization, Ride the Trail to a Cure. They raised money for the Pennsylvania Breast Cancer Coalition and Breast Cancer Awareness of Cumberland Valley. The first annual Grey Mare Society trail ride was held on October 14, 2006. Seventy-seven riders from three States brought their horses to the Michaux Forest at Mont Alto, Pennsylvania for an 8-mile ride and they raised more than \$10,000.

This year's ride will also be held in the Michaux Forest on Saturday, September 25. The group has the support of the Pennsylvania Equine Council and looks forward to another successful ride.

I congratulate these friends who use their love of riding to add resources to the search for a cure.

#### CBS SHOULD GIVE AMERICANS ALL THE FACTS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, most Americans say President Obama lacks a clear plan to deal with the oil spill in the gulf, energy issues, and job creation, according to a new CBS News-New York Times poll. By a 2-to-1 margin, Americans say the President does not have a clear plan to handle the oil spill; 6 in 10 say his response to the disaster was too slow; and less than one-third of Americans have a lot of confidence in the President's ability to handle the crisis. Just 4 in 10 say the President has a clear plan for developing new sources of energy, and only one-third say he has a clear plan to create jobs. But for some reason, CBS News downplayed the results of their own poll.

Monday's CBS Evening News failed to even mention these findings and instead focused on Americans' disapproval of BP's handling of the oil spill. CBS should give Americans all the facts, not conceal their own poll results to protect the President.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. DAHLKEMPER). The Chair will remind all persons in the gallery that they are here as guests of the House and that

any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

#### NO BUDGET IS NO ANSWER

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Well, it's becoming more obvious every day to the American people that this administration was slow to respond in the gulf, and the Democrats still don't have a plan. They don't have a clear plan to contain the sea of oil in the gulf and, remarkably, here on Capitol Hill, Democrats don't even have a plan to contain the sea of red ink in Washington, D.C.

Announcing this week, Majority Leader STENY HOYER confirmed the Democrats' response to runaway Federal spending is to not do a budget. Failing to lead is not leadership. Not doing a budget is not an answer. The Democrats' refusal to write a budget is a shocking abdication of duty and a historic failure of leadership.

There has been a lot of talk these days about governing philosophies here on Capitol Hill, but their governing philosophy? Don't govern. This Congress owes the American people a budget, a list of priorities, and an outline of the hard choices that are necessary to put our fiscal house in order. No budget is no answer.

□ 1720

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### A NEW STRATEGY FOR A BETTER RESULT IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, the President has today been given a unique opportunity with the firing of General McChrystal. General McChrystal was the principal author and advocate of the surge of U.S. forces in Afghanistan.

His theory was that it would be a clear hold and transfer—that is, a transfer to the Afghan police, who do not exist, to the Afghan security forces, which are in a state of disarray, and to the Afghan Government, which does not exist meaningfully outside of the capital. He tested his theory in Marjah this spring.

The U.S. and allied forces performed admirably, with tremendous sacrifice and effort. They did, in fact, go into a

very hostile area, and they did, in fact, at least temporarily, drive the Taliban and other dissident elements out or underground.

Then he said he was going to bring in government in a box, that it was ready to come in. Now, there wasn't, unfortunately, any government in a box. There is unbelievable corruption rife through the Karzai regime at the national level, through the police and through the security forces. They brought in some police who were not of the area, not of that tribe, and that didn't work out too well. They brought in security forces who refused to do their mission, and they brought in a few, again, government officials who had no local support. They have since left, and pretty much, Marjah has devolved to what it was.

Even before he was fired, General McChrystal admitted that this was going to take a lot longer and was going to be a lot harder than he thought, which means President Obama's dictate of beginning the withdrawal next year is a fantasy. That was part of the criticism that General McChrystal and his allies at the Pentagon put forward.

So there is really a choice here—to get into a very long-term, a very high-level engagement in Afghanistan at a cost of \$30 billion a year and with tremendous sacrifice by our troops on a strategy that has, thus far, not worked or to rethink that strategy, perhaps more along the lines of Vice President BIDEN's ideas, which were also derided by General McChrystal and by some of his colleagues. Actually, what Vice President BIDEN said was, look, mostly this is an internal issue. It's an inter- and intratribal fight. Yes, there are some radical Taliban elements, and there are some radical Pakistani Taliban elements and very few al Qaeda.

How about we guarantee that we will take care of any intervening forces—that is, terrorist forces—coming in from outside, in any number, with a smaller troop presence and with our technology? How about we let the Afghans work out their intertribal/intratribal conflicts that they have been carrying on about for 600 years, and we encourage them to do that and to adopt policies to help them meaningfully rebuild their country?

Instead, General McChrystal won the day, but now he is gone. Now, I understand that the President has said this does not mean a change in policy. I think that he should step back from that remark and should consult again with all of his best security advisers and with the Vice President, and he should look at the results so far and find out what those critical comments were which were mentioned in that article where, basically, the Pentagon is saying, hey, this is going to be years and years and a much bigger force, and

maybe there will have to be a second surge into Afghanistan.

Starting to sound like Vietnam to anybody here?

With huge amounts of money, we prop up a government that has no relationship to the rest of the country. They have huge corruption. They don't have support in the countryside. That government falls, and another one comes in and another one. This echoes that failure.

So, in the strongest terms possible, I would urge the President to reconsider, to reconvene his advisers now that General McChrystal is gone, and to think very carefully about a much less expensive, much less troop-intensive strategy to bring about a better result in Afghanistan.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

#### JUDGE ROBERT CHATIGNY— UNQUALIFIED JUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, sexual predators, sexual deviates, sexual criminals are the most despicable of all persons in our society. We can see, maybe, why somebody steals, and maybe we can see why people use drugs, but we as a society do not understand, nor should we, why a person would sexually violate somebody else. You see, when a sex offender commits a crime against another person, in many cases, that person loses their dignity. The predator tries to destroy their humanity, tries to destroy their soul.

I spent a lot of time at the courthouse—8 years—prosecuting cases. I saw a lot of those people. I tried death penalty cases and spent 20 years on the bench hearing everything from stealing to killing. During that time, I saw a lot of these victims of sexual predators come to the courthouse. Many of them during that time seemed, after the crimes were over, to have sort of lost their way. They tried. They tried to recover. They tried to recruit their dignity, but they didn't. I even had victims, years after those cases were over with, call me and try to get other bearings in their lives. Some, unfortunately, even committed suicide based upon those sexual crimes committed against them by sexual predators. Society needs to understand that these real people have real emotional problems.

But, Madam Speaker, there is a rogue judge loose who is out of touch

with victims. He seems to be a judge who is very sympathetic to the criminal who commits sexual predator crimes. Let me give you some examples.

In the State of Connecticut, that State passed a version of Megan's Law which requires sexual offenders to register after they're convicted. This Federal judge said, Ah, that's unconstitutional because, as he said, "It stigmatizes the sex offenders." In other words, it hurts their little feelings that they have to register on a sexual database. It seems to me that he was a criminal sympathizer, but the United States Supreme Court unanimously overruled the Federal judge and said his actions were wrong; they were in violation of the Constitution and were in poor judgment.

The same judge consistently reduced the sentences of defendants who were connected to crimes regarding child pornography, and he made excuses for these offenders. He said, Well, it's not really their fault. They had bad childhoods.

You know, I was on the bench a long time. I heard a lot of excuses, and this was one of them.

He also said, Well, it wasn't really their fault. They had addictions.

This one I like the best. He said, Well, it's not really their fault because they had posttraumatic stress because of the fact they were being prosecuted and people knew about it.

Well, yeah. Of course. Hopefully, they had some kind of reaction in that they felt like they were being insulted by being prosecuted. It's kind of like those folks in California, the Menendez brothers, who killed their parents and then complained to the judge that they should get sympathy and compassion because they were now orphans. That's what the judge sort of says in these cases.

He also, in those types of cases, reduced the convictions of sex tourism. Those are the guys, the deviates, who get on the Internet and lure girls to have sex with them. He reduced those sentences, saying, Well, they're generally law-abiding citizens.

That's not all.

In the famous case of the Roadside Strangler in Connecticut, Michael Ross, here is the kind of guy he was. He kidnapped, sexually assaulted and murdered eight women in Connecticut. He is tried by jury. The jury gives him the death penalty—yes, even in Connecticut. This was in 1987. Finally, the day of reckoning came in 2004. He is supposed to get executed, and this Federal judge intervenes in this case. The judge excused the killer because he suffered, according to what the judge said, from a disorder of sexual sadism.

□ 1730

What is that? In other words, because of the perversion, he should have a de-

fense? Of course, that is not a legal defense in any court in the country. But the Federal judge said he should be excused from that conduct. So the judge made up a defense for the individual, stayed the execution for a long time, in spite of the jury's verdict that the person should get the death penalty; in spite of the fact that Michael Ross said, If I didn't get caught by the police, I would do it again; in spite of the fact that Michael Ross told the media that he should be executed for the sake of the families. The Supreme Court, rightfully so, overruled the judge, withdrew the stay, and ordered Michael Ross to be executed, and he met his maker in 2005.

And now this judge, Robert Chatigny, is to be appointed to the Federal Court of Appeals at the second circuit appellate court. This judge lacks judgment. This judge doesn't follow the law. This judge is apparently biased in favor of sexual predators. This judge places his personal opinions above the law. And this judge should be in the Judges Hall of Shame, not on the appellate court of the United States hearing cases. The Senate should not confirm this person to be an appellate judge in the United States.

And that's just the way it is.

#### WHAT YOU DON'T KNOW . . .

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Madam Speaker, according to the latest figures from OSHA, at this time there are over 27,000 workers employed by BP or its contractors and more than 2,000 Federal employees directly involved in the massive cleanup operation now underway in the gulf coast. At a hearing last week, another Federal agency, the CDC, tried to assure Congress that it was doing all it could to keep these workers safe and that it is closely tracking surveillance data across the Gulf Coast States for health effects that may be related to the oil spill. This was good to hear.

But a workshop held by the Institute of Medicine down in New Orleans this week made one thing abundantly clear. When there are that many people engaged in such a complex cleanup effort of such unprecedented size over such an unforeseeably long time, the true danger levels for exposure simply are not known. As a story in USA Today put it: "While some health officials say they don't think long-term illnesses are likely, they've never seen pollution of this scale, and there are just too many unknowns to say for sure."

The Institute for Medicine workshop participants noted that proper protective gear can help keep exposure at safe levels, but the problem comes when heat and humidity cause workers

to remove their gear. The average day-time high temperatures in New Orleans for the next 2 months is 91, very hot and very humid.

Now, consider an assessment of BP's overall attitude toward worker safety that was contained in a letter sent to BP by an OSHA official back in May: "The organizational systems that BP has in place, particularly those related to worker safety and health training, protective equipment, and site monitoring, are not adequate for the current situation or the projected increase in cleanup operations." The letter also noted that "these are not isolated problems. They appear to be indicative of a general systematic failure on BP's part to ensure the safety and health of those responding to this disaster."

The unknowable risks of an environmental disaster of this scale, the foreseeable weather conditions of the near future, and the known failures of BP in the recent past should all raise some great big red warning flags for OSHA, for the Centers for Disease Control, and for NIOSH. I am writing OSHA to ensure that the workers have the proper protective gear, such as respirators, in order to ensure their safety and to protect their health.

This is a region of the country that was previously devastated by a natural disaster that was made worse by the Bush administration's failure to respond with timely assistance and adequate safeguards. Many lost their lives. The gulf coast is now under siege by a manmade disaster. Far too many have already lost their livelihood. The entire region is at risk for losing a way of life. No one should also lose their health simply because we failed to help them when more help was clearly needed.

In my great City of New York, we have witnessed firsthand the terrible price that can be paid over time by those who labor day after day in a toxic environment helping their city recover from a terrible blow on 9/11. I hope that this Congress will do everything in its power to ensure that those who have been asked to clean up this mess and are cleaning up this mess are not asked to pay for their efforts with the loss of their health.

#### REMEMBERING ED CLOUGH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. PAULSEN) is recognized for 5 minutes.

Mr. PAULSEN. Madam Speaker, I rise to remember an inspiring and patriotic America, Master Sergeant Edward William Clough, of Maple Grove, Minnesota. Edward embodies the love for this Nation that has been critical to American success throughout our history and will serve as an example of dedication and service for generations to come.

Ed was born in the Bronx, raised in the Hell's Kitchen neighborhood of Manhattan, and enlisted in the Army the moment he became eligible for service back in 1949. He served in Korea, where he was injured in battle, and received a Purple Heart; and despite being offered the opportunity to return home, he persevered and overcame painful reconstructive surgeries on both of his feet so that he could continue to serve in the United States Army.

Just as our Nation has overcome many painful challenges, Ed overcame his injuries and continued to serve with profound distinction and success. He eventually joined the Special Forces and in 1961 became one of the very first 100 Green Berets. He used his success and his knowledge of the Special Forces to great effect as an instructor for many years; and although he was seen as a natural leader, Ed was careful to remain humble while being awarded numerous medals, badges, and commendations. Following his distinguished service, he devoted himself to his wife, children, and extended family. He loved having the freedom to fish with his grandchildren and skydive recreationally periodically, but these were not the only freedoms that stirred Ed's passion.

Too often these days, Congress is overly partisan and forgets our need to focus on issues of importance and getting things done and on service. And now, more than ever, when we are facing as a country great significant issues of national importance, we should absolutely remember the leadership of people Ed Clough and his devotion, when he proudly stated, "I may not agree with every American's opinion, but I spent my life protecting the freedom they have to express it."

And now, Madam Speaker, as we approach the Fourth of July holiday and we consider our independence as a Nation and a country, we must pay tribute to citizens like Ed, who have devoted their lives to protecting our sovereignty. We are a Nation of free citizens who may speak honestly and display our beliefs proudly. But without the men and women who bravely serve in our military—men and women like Master Sergeant Clough—none of our cherished freedoms would exist today.

Master Sergeant Clough, I honor you and I thank you for your service. I also thank the family that supported you and loved you throughout your distinguished career. My hope is that today and each day in the future we will be conscious of the dedication and service of the men and women in our Armed Forces. We must always acknowledge the importance of remaining resilient and brave in the face of great challenges, just as Master Sergeant Clough did throughout his entire life.

#### APPOINTMENT AS MEMBERS TO COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore. Pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following members on the part of the House to the Commission on International Religious Freedom:

Ms. Elizabeth W. Prodromou, Boston, Massachusetts, for a 2-year term ending May 14, 2012, to succeed herself.

And upon the recommendation of the Minority Leader:

Mr. Ted Ven Der Meid, Rochester, New York, for a 2-year term ending May 14, 2012, to succeed Ms. Nina Shea

□ 1740

#### HONORING RON GETTELFINGER FOR HIS LEADERSHIP OF THE UAW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Michigan (Mr. DINGELL) is recognized for 60 minutes as the designee of the majority leader.

#### GENERAL LEAVE

Mr. DINGELL. Madam Speaker, I ask unanimous consent on behalf of my colleagues that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Madam Speaker, I rise today to honor a dear friend to many of us and a man that many of us here admire greatly on his retirement as UAW President. I refer to Ron Gettelfinger, a great citizen, a great patriot, a great leader of labor, and a wonderful human being. Ron Gettelfinger did not want to have any recognition of his labors on behalf of working men and women and on behalf of the people at this particular time. But I think he will forgive us if we go on to say a few of the things about the respect in which he is held and why that be so.

For the last 8 years, Ron Gettelfinger has led the UAW as their president, and he has done so both loyally and ably through some of the most difficult economic times facing our Nation or facing the union. Through his hard work and dedication to his brothers and sisters of the UAW, we have witnessed the auto industry to right itself and to begin to come out of some of the worst times which it has confronted in its history. It is interesting to note that as the head of one of the most democratic unions in the world, Ron

Gettelfinger was able to lead the union in a way which saved the industry and which enabled the industry to have negotiations about give-backs and other things always difficult to sell to the rank and file.

Elected in 2002 as international president of the UAW, Ron Gettelfinger rose through the ranks, beginning his career first as a member of UAW Local 862 in 1964. He worked in Ford's Louisville assembly plant as a chassis line repairman while he attended Indiana University Southeast at night, and it is the workers there who first recognized Ron's extraordinary qualities and elected him to represent them. He then went on to serve as Region 3 UAW director and UAW vice president.

Throughout his time in these roles, he fought relentlessly and tirelessly to ensure workers had the quality of life they deserve by making health care accessible and affordable to all, ensuring new jobs in industry through the manufacturing of advanced technology vehicles, and addressing workers' rights provisions in fair trade agreements. He gave extraordinary leadership not just to the union and the industry but to the country.

As we have all known, Ron does not back down from a challenge. During the most difficult times in the auto industry, he worked together with business in a very close fashion to assure the survival of the industry and the companies which the UAW had negotiated agreements with. He negotiated a new round of contracts with The Big Three, creating voluntary beneficiary associations to provide health care to retirees in the Big Three and to save huge amounts of money to the auto companies. He was one of the leadership in not only determining that government assistance would be needed but in seeing to it that the union's voice was heard and that the saving of the auto industry was participated in very actively by the UAW and by the members that he served. He once said of himself, We did what we had to do to save the industry. And now, less than a year later, the auto industry is once again profitable and expanding production. In fact, Chrysler is hiring again for the first time in 10 years.

Fortunately, cars from the Big Three, when the companies and the unions and their members work together, are safe and reliable, and this year have earned the highest quality ratings in J.D. Power and Associates' annual Initial Quality Study, beating import brands by satisfying margins. It is the workers and the members and the leaders of the UAW who have worked so hard to ensure that through times of turmoil, our domestic auto industry continues to produce the best and the safest vehicles while increasing in extraordinary ways the productivity of the workplace.

And at a time when union membership is at its lowest in years, it has

fought relentlessly to ensure that workers who want to organize can do so. Together with his other colleagues in labor, he has advocated for the Employee Free Choice Act, for legislation which will allow workers to decide if they want to use a majority sign-up to form a union, protecting them from employer coercion. But he has gone well beyond the needs and the concerns of labor. He has worked for education, for health care, for a clean and wholesome environment, for the health of our young and old, and for the protection of the rights of Americans.

Now, like Ron, I think our country agrees that these things are necessary and helpful; but he understands, as do many of his admirers, that labor's responsibilities and duties go far beyond the simple concerns of labor, and go to seeing to it that this country is the best that we, working together, can make it be.

Ron Gettelfinger and I and most of us here share the belief that the future success of the auto industry is going to be dependent on developing advanced batteries and electric and hybrid cars here at home and other technologies which will enable us to compete in the savagely competitive world marketplace. He is one who has supported training workers in these technologies not only to help the companies and the industry but also to provide workers with continued job opportunities. He has been there through ebbs and flows.

And the one thing that you can always count on Ron Gettelfinger having was honesty, integrity, and steadfastness. Whether he was delivering good news or bad, he always dealt with the facts. It is because of his honesty in his dealings with everyone, his brothers and sisters, business management, and labor join me tonight in praising and pointing out that he has properly earned the trust, admiration, and respect of all with whom he works. Ron Gettelfinger once said, We don't accept the notion that America is a country where a privileged few can live well while the rest of us struggle to meet our daily expenses. We are going to fight for something better. Ron Gettelfinger, you have led a fight for something better since the first day that you entered the labor movement, and I am glad that I was able to be your friend and partner in many of those fights.

I rise today to honor my dear friend Ron Gettelfinger on his retirement as UAW President.

For the last eight years, Ron has led the UAW as their President loyally and ably through some of the most difficult economic times facing our Nation.

Through his hard work and dedication to his brothers and sisters of the UAW, we have witnessed the auto industry right itself.

Elected as UAW President in 2002, Ron rose through the ranks beginning his career first as a member of the UAW Local 862 in 1964.

He worked at Ford's Louisville Assembly plant as a chassis line repairman, attending Indiana University Southeast at night. It is the workers there who first elected Ron to represent them.

He then went on to serve as UAW Region 3 Director and UAW Vice President. Throughout his time in these roles he has fought tirelessly to ensure workers have a quality of life they deserve. By making health care accessible and affordable for all, ensuring new jobs in industry through the manufacturing of advanced technology vehicles, and workers' rights provisions in fair trade agreements.

And as we have all seen, Ron does not back down from a challenge.

During the most difficult of times for the auto industry, he has worked together with business to ensure its survival, negotiating through a new round of contracts with the Big Three in 2007, creating a Voluntary Beneficiary Association to provide health care to the retirees in the Big Three, and standing with the Big Three when it was determined government assistance would be needed.

As he has said himself, "We did what we had to do to save the industry." And now, less than a year later the auto industry is once again profitable and expanding production. In fact, Chrysler is hiring again for the first time in ten years.

Fortunately, cars from the Big Three continue to be safe and reliable, and this year have earned higher quality ratings in J.D. Power and Associates' annual Initial Quality Study beating import brands for the first time.

It is the workers and leaders of the UAW who have helped to ensure that throughout times of turmoil, our domestic auto industry continues to produce the safest vehicles and increase productivity in the workplace.

And at a time when union membership is at its lowest in many years, he has fought relentlessly to ensure that workers who want to organize can. Together with his other colleagues in labor, he has advocated for the Employee Free Choice Act or legislation that would allow workers to decide if they want to use majority sign-up to form a union, protecting them from employer coercion.

Like Ron, I believe that this legislation is sorely needed and I am hopeful that this will be passed before November.

Ron and I also share the belief that the future success of the auto industry is going to be dependent on developing advanced batteries and electric and hybrid cars here at home. Together we both supported training workers in these technologies not only to help the auto industry, but also to provide workers with continued job opportunities.

Throughout the ebbs and flows, the one thing you could always count on from Ron was honesty. Whether he was delivering good news or bad, I always knew that Ron was giving me the facts.

It is because of his honesty to me, his brothers and sisters, business management and the Members who join me here tonight, Ron was able to earn the trust, admiration and respect of those he worked with.

Ron once said, "We don't accept the notion that America is a country where a privileged few live well while the rest of us struggle to meet our daily expenses. We're going to fight for something better."

Ron you led the fight for something better, and I am glad I was able to be your partner in that fight.

I now will yield to my good friends from Michigan and from elsewhere around the country who have a desire to express, as do I, compliments for our dear friend who is now retiring. I yield first to my dear friend, Congressman DALE KILDEE of Michigan.

Mr. KILDEE. I thank the gentleman for yielding.

Madam Speaker, I rise today to commend Ron Gettelfinger on his leadership of the United Auto Workers for the past 8 years and to wish him all the best in his retirement.

Since 1964, when Ron joined the UAW as a chassis line repairman in Louisville, Kentucky, he began a lifetime of service that led him to become the international president of the UAW in 2002. As president, Ron's leadership has helped guide the organization through some of the most difficult times the auto industry has faced. With his characteristic straight talk and common sense, he has worked with a broad range of stakeholders and has been willing to negotiate to try to find solutions to the recent downturn in the domestic auto industry and help protect our auto communities.

□ 1750

This has helped lead to an American auto industry that is well positioned to once again be the economic engine that drives the American recovery. Ron Gettelfinger has been a tireless advocate for American workers and has fought every day to keep American manufacturing jobs from being shipped overseas.

I congratulate Ron on his retirement and thank him for his years of advocacy on behalf of American workers. God bless you, Ron. Thank you for all you have done for the UAW, for all you have done for this country.

Mr. DINGELL. Madam Speaker, I yield now to my distinguished friend from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. I thank the gentleman from Michigan. I thank him for all of his guidance and his advice in this institution, one of which is being that on these swampy, humid, hot days, a son of Detroit can wear seersucker to beat the heat.

The other that I wish to thank him for is his constant reminder to us, through his example, that we work for the people who send us here, and that in very difficult times it is crucial that we look past our perceived differences and be able to come together on behalf of the people who have entrusted us with office to help solve problems for them.

We in Michigan went through this when we saw an entire cherished way of life endangered, and we united to come together to help solve that problem. The crisis has not passed. It con-

tinues to this day, but we are on the road to recovery.

Former president of the United Auto Workers, Ron Gettelfinger is a man who understands positions of trust, a man who understands the need to do everything he can to honor that trust. As a democratically elected president of the United Auto Workers, he did everything within his power, in an exceedingly difficult time, to ensure the union's survival, to ensure the survival of the auto industry, and to help ensure Michiganders' cherished way of life as a manufacturing State and as the former arsenal of democracy.

And I think that this is critical not only for us to remember in Michigan as we go forward, but as an example that I hope is set for many others in this country and in this Chamber that in a great and good country we learn more and show our true measure not by being merely able to see the character of our allies, but to see the character and virtues of our now erstwhile opponents.

Ron Gettelfinger's integrity and devotion to the people who trusted him with his position is something that he would not talk about because he is a humble, honest, hardworking man. It is left to us to do it for him, and in some ways despite him. Having been on the other side of Mr. Gettelfinger, and at times being on the same side, I assure you it is more fun to be his ally than his opponent. But I will tell you this: That from this strange bedfellow, I wish former UAW President Ron Gettelfinger well in his future endeavors, and I have no doubt that whatever the Lord holds in store for him, Mr. Gettelfinger will be up to the challenge, and our country will be the better for it.

I can truly say that I am honored to have known him, and I am glad that he has done his duty to his union and our Nation.

Mr. DINGELL. I thank the gentleman, and I yield now to the distinguished gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK of Michigan. I thank the chairman for yielding.

I rise in honor, respect, and duty to give President Ron Gettelfinger all he deserves for his 30-plus years of hard work as an organizer, as a laborer, and rising to the presidency of the United Auto Workers.

Congratulations, Ron. Congratulations for all the work you have done, for all the coalition building you have done, keeping our workers front and center, in good-paying jobs with benefits that they earned every day, building the best cars in America and around the world right through the workers of the United Auto Workers.

We rise today to say, Good for you. As you go into your retirement with your lovely wife and family, just know that we appreciate all that you have

done. Just know that as workers and builders and all of that of America that we might have a strong economy, that your commitment, your dedication to seeing that workers have adequate wages, that workers have clean environments in which to work, that workers are able to earn a great day's pay for the work that they do for our economy and for our country, thank you, Ron Gettelfinger.

Many have come before you as president of the United Auto Workers, and you can bet you are right there with them, having given and served as long as you have. Our recent battle together was the health care debate. You, your leadership, your dedication, working with the leaders in the House and the Senate and the Presidency for the first time to bring to our country a health care bill that will cover 95 percent of Americans, we thank you for that.

No longer will people be charged or not covered for preexisting conditions. Soon, in September, all young people over the age of 21 will now be able to stay on their parents' health care until they are 26. As we know in our economy, many young people who graduate from high school and then on to college are unable to find work. So the health care bill will help them be accessible, be able to be covered.

This health care bill—and Ron Gettelfinger, thank you for your hard work in bringing us to this point—it's not perfect, but it's certainly better than the status quo. Our status quo health care situation in our State is not sustainable. People getting dropped for no reason when they become ill, you stopped that as we worked on this health care bill. Thank you, Ron Gettelfinger.

Our seniors will now be able to have their wellness covered, that they will have preventive health covered. Our seniors, who now because of a Medicare part D program that doesn't always cover their prescriptions as prescriptions go higher and higher, for the first time, Mr. Gettelfinger, working with the coalition and our leaders here in the House and Senate and the Presidency, will now have help paying for their prescription medications. Thank you.

Thank you for your leadership. Fighting for workers, helping to put together, finally, a health care bill that we can all be proud of, being able to be that president that your men and women of the United Auto Workers, as well as all of us, have looked to for leadership, we thank you, Ron. Your mild manner, your smile, and your strength, we will never forget you.

So enjoy your retirement, Mr. President. You have earned it. And we promise, as we work here in the House of Representatives, we will continue to work, as you have worked for all of these 30-plus years, to make sure that all Americans, all Americans have an

opportunity to work in a clean environment, to receive adequate pay for a day's work and, yes, have health care benefits to protect them and their family.

Enjoy your retirement. God bless you, Mr. President.

Madam Speaker, in an era in which progressive activists are rarer and rarer, it is my honor to speak in respect, honor and praise of the three decades of service of Mr. Ron Gettelfinger, president of the United Auto Workers or UAW. For over 30 years Mr. Gettelfinger has shown his dedication to the rights and fair treatment of all workers. Rising through the ranks of the United Auto Workers union to his leadership position that he has today, Mr. Gettelfinger embodies the hard work ethic, dedication to a cause bigger than yourself, and respect for family embodied in what the UAW represents. Manufacturing, specifically the automotive industry, is the backbone of the State economy of Michigan. The UAW has been the backbone of the worker. Ron Gettelfinger is known as a fierce advocate and fearless leader in fighting for the people who make this country run—the worker.

From Mr. Gettelfinger's humble beginnings with the union as a line repairman in 1964 at Ford Motor Company's Louisville Assembly Plant, to his leadership role as president of the UAW in 2002, Mr. Gettelfinger has remained faithful to his beliefs. He believes in the fact that we are all created equal. He believes that the everyday line worker is just as valuable as the CEO of the corporations in which they are employed. He has continued to be a voice for the worker, while negotiating new union contracts that were not popular to workers or management. He has championed the cause of the worker, and for that, the worker has championed him.

If not for the unwavering and unyielding belief that all Americans deserve access to affordable health care, sweeping health care reform would still be a dream in the United States of America. Mr. Gettelfinger, like me, believes that all hard working, taxpaying Americans should not face discrimination for pre-existing conditions. If you are in the hospital, you should not be dropped from your health care plan just because you are ill. We are already beginning to see the effects of health care reform, such as seniors receiving subsidies to help pay for prescriptions, children allowed to stay on their parents' plans until the age of 26, and insurance companies not allowed to drop coverage once the patient needs it most. Mr. Gettelfinger has also been instrumental in negotiating fair trade agreements that include provisions for workers' rights and environmental provisions. He has stood strong against what he called the vicious "corporate global chase for the lowest wages, which creates a race to the bottom, in which no worker can win." He has been, and still remains, a powerful, uncompromising voice for all workers.

From access to affordable healthcare, to labor protection in fair trade agreements, to keeping our manufacturing jobs right here in the U.S. by investing in technologically advanced American vehicles, Mr. Gettelfinger has been there. He not only talks, but knows

and lives the values of the labor union while working with management to ensure a safe and profitable workplace. During a time in which we saw General Motors and Chrysler file for bankruptcy—two of the largest corporations in our Nation, and the world—Ron Gettelfinger always fought for the protection of workers. He saw both sides of an issue, and negotiated difficult but necessary compromises to the benefit of management and labor. Even with his retirement, this leader's legacy will not be forgotten, it will become legend. God bless and Godspeed to you, Ron Gettelfinger.

Mr. DINGELL. I thank the distinguished gentlewoman.

And now I yield to my dear friend from Maryland, the Honorable DONNA EDWARDS.

Ms. EDWARDS of Maryland. Thank you.

It's really my pleasure to stand here with my good friend Congressman DINGELL in honoring the incredible life and career and advocacy of Ron Gettelfinger, who retired just last week after a distinguished union career that began in 1964, when I was just a kid. But I will tell you, for the benefits that all of us as Americans and as workers have received for his good work with the United Auto Workers, we are all grateful.

And you don't have to be from Michigan to understand the contributions that Mr. Gettelfinger has made. He has been a fierce advocate on behalf of workers. He understood that in his position as president of the United Auto Workers, he needed to try to address the current needs of his workers as well as the future needs that may come up.

In 2006, Mr. Gettelfinger pushed to renew America's grasp on technology and innovation. He called for a renewal of America's industrial base through incentives to manufacture energy-saving advanced technology vehicles right here in the United States. And as a member of the Science and Technology Committee, I can assure you that there is a need for America and a desire for our workforce to do exactly what Mr. Gettelfinger has called for, to be on the cutting edge of this technology. And he has been right there pushing all the time for incentives and innovations. And this isn't new.

□ 1800

Mr. Gettelfinger was one of the loudest voices, and I was happy to sing in his choir for health care reform, for single-payer health care reform, because he understood that health care accessibility and affordability is necessary, not just for the unionized and organized workforce, but for all Americans.

Under his leadership, the UAW has continued its fight for fair trade agreements that include provisions for workers' rights and environmental protection. The union has loudly criticized the corporate global chase for the low-

est wage that creates a race to the bottom that no workers in any country can win.

We have to continue Ron Gettelfinger's fight. We know that he is retiring, but we know he is not down and we know his influence will carry across this country as we struggle for the working families of America. So it is with great honor that I stand here to pay tribute to our good friend, to a career of someone who has fought for workers, for equality, justice, and for quality of life.

So thank you, Ron Gettelfinger, for your service and for your career.

Mr. DINGELL. I thank the distinguished gentlewoman from Maryland.

I now yield to the distinguished gentleman from Michigan (Mr. LEVIN), the chairman of the Ways and Means Committee.

Mr. LEVIN. Mr. Speaker, I am privileged to join with JOHN DINGELL, a true champion of the automobile industry of this country for over 50 years, as we join together to honor Ron Gettelfinger.

As we know, he recently retired as president of the United Auto Workers. Through a period of unprecedented difficulty, and I emphasize that, for this industry of ours, Ron Gettelfinger worked tirelessly on behalf of auto workers and helped the industry and the union emerge reinvigorated and more competitive. So it is my privilege to join others to pay tribute to you, Ron, today.

A proud auto worker, Ron Gettelfinger joined the UAW in 1964 as a chassis line repairman at Ford's Louisville assembly plant. The workers at the plant elected him to represent him as committee person, bargaining chair, and in 1984 as president of Local 862. His leadership and vigorous commitment to auto workers soon elevated him to the Ford-UAW bargaining committee; to the head of UAW Region 3 representing Indiana and Kentucky; and to UAW vice president. And in 2002, Ron Gettelfinger was elected president of the union and reelected in 2006.

His tenure as UAW president saw exceptional challenges—to understate it—that critics said neither the union nor the automakers could overcome. This indeed was a period of painful job loss for tens of thousands of families. And during this difficult time, Ron Gettelfinger's dedication to working families never waned as he fought to preserve jobs while helping to keep the industry afloat. I am proud to have been among those who worked with him during this period of great uncertainty. This was a collaborative effort. It took leadership and at times political risk. Key leaders stepped up to the plate, management and labor, and the public sector, led by the President and his administration, and Members of the House and Senate.

In the wake of immense challenge, the American automotive industry is

emerging anew. Exciting new vehicle technologies, growing consumer confidence and strong quality and safety ratings offer hope for the new prosperity for the American auto industry and its workers.

Ron Gettelfinger's commitment to the American auto industry and its workers has been unyielding over his career.

Mr. Speaker, I ask my colleagues to join in congratulating Mr. Gettelfinger; his wife, Judy; and their children and grandchildren on the occasion of his retirement from the union he loved so deeply, the UAW.

Mr. DINGELL. I thank my good friend from Michigan, and I yield now to another distinguished gentleman from Michigan (Mr. SCHAUER).

Mr. SCHAUER. I thank you, Mr. DINGELL, and it is an honor to be here during this hour to talk about a man who has shaped our Nation's economy and manufacturing; and it is an honor to follow Congressman SANDY LEVIN, also from Michigan, who has been a fighter for jobs.

Ron Gettelfinger, from my experience I can best describe him in a couple of stories. We are here to congratulate him on his retirement and his legacy with the United Auto Workers. Chairman DINGELL and a bipartisan delegation from the House of Representatives visited the auto show, the North American International Auto Show, at the beginning of this year.

We met with the top leadership of Ford, GM and Chrysler. Ron Gettelfinger was right there. It was apparent, as these companies have worked through a very challenging time, they had a true partnership in their workers; the best workers in the world, and their leader, Ron Gettelfinger, was there as each of the management leaders of Ford, GM and Chrysler talked about their new technology. They talked about their innovations, and they talked about retraining of their workers. They talked about more efficient and cost-efficient manufacturing processes. Ron Gettelfinger was there as a true partner with each of those companies as they talked about their exciting new products made in the United States of America by American workers that Ron Gettelfinger represented. The best products in the world, the best automobiles in the world, that is Ron Gettelfinger.

Another story hits close to home for me. I represent a lot of auto workers and a lot of families that earn their living from manufacturing. I have an automotive assembly plant in my district. It is General Motors Lansing Delta Township Assembly Plant in Eaton County in my congressional district. It is the auto industry's most modern, efficient plant in the world.

Just a year and a half ago or so, that plant was down to just one shift mak-

ing a crossover vehicle. At that time it was the GMC Acadia; the Buick Enclave; the Saturn Outlook, a great, best in class, most fuel-efficient vehicle in its class. They were down to one shift. Ron Gettelfinger, in partnership with General Motors management, made some important decisions about that plant, about its products, about its company. That plant, which is represented by UAW Local 602, Brian Fredline is their president, now today is back to three shifts plus overtime. And in addition is making the Chevy Traverse. It is a world-class vehicle; and Ron Gettelfinger, through his partnership with this automotive company, has put people to work. In fact, Michigan, which has struggled with high unemployment over the years, actually saw about 450 families move from Tennessee to work in that plant. And I thank Ron Gettelfinger and I thank General Motors for that.

By the way, the Buick version of this vehicle made in my district by UAW Local 602 workers is China's number one imported vehicle.

What Ron Gettelfinger's work and career and his legacy mean to me is he is a champion for manufacturing, and in this country we must fight for manufacturing. It is a national security issue. This is the industry, the auto industry that built our middle class and that is part of Ron's legacy.

Another is fair trade. We must continue to fight for fair trade, as Ron Gettelfinger did in his career, to make sure that our workers, the best workers in the world, the most innovative companies in the world have a chance to compete on a level playing field. Ron Gettelfinger fought for fair labor practices for his workers. He helped transform America's economy. And retirees to Ron Gettelfinger were more than legacy costs, as some consider them. They are real people.

So to Ron Gettelfinger, congratulations and thank you for your commitment to the United States of America for good jobs, a middle class, for advanced manufacturing and an industry that is on its feet again. Bob King will be a very able new president. I wish him well, but I am here today, Chairman DINGELL, to thank Ron Gettelfinger for all he has done for the United States of America.

Mr. DINGELL. I thank my distinguished friend from Michigan.

I yield now to the distinguished gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Thank you, Mr. Chairman. And to the Speaker, whenever JOHN DINGELL raises his voice to join in honoring a leader, you always have to take his affirmation really as an honor of that leader. And so no one wants to be left out when it comes to honoring someone Chairman DINGELL has designated as deserving that honor.

I come far away from Michigan, from Texas, and to be able to say that Ron Gettelfinger is an American hero, and America thanks him, because he understood the various assets of wealth. He might have understood a family in New York or down in Houston, or maybe in Alabama who was able to get that first American-made car, made by the men and women of the United States, and in this instance those who reside in Michigan. Buying a car was a big deal, and I think this president, past president of the UAW, understood that. And I am grateful for him understanding that. That is why he fought for the men and women of the UAW.

And so I rise today to join in this Special Order to honor Ron Gettelfinger and to thank him for caring about America, for those families who work every day all the time to ensure that they might buy that first car, that family car, that they could load up a family of two, three, four, five or more in a car that they knew would work, that had all of the bells and whistles and had the investment of the hard-earning and the hardworking men and women of the UAW. We want to thank him for his hard and exemplary work with organized labor, and we want to acknowledge him at this time of his retirement.

There is no doubt that for his 40 years of service in the interest of the average American worker, he deserves the praise of Congress. He agreed with something I think that I wholeheartedly agree with: it is important for Americans to make things. And how proud we were that we could point to the American automobile industry as being made by the hands of those who worked hard and made good and made good products. America has got to get back to making things; and Mr. Gettelfinger, who was involved in the union and worker activities since 1964, I believe understood that well.

Ever since he was elected to represent Ford's Louisville assembly plant as committee person, bargaining chair and president, he has tirelessly worked for the betterment of the average American worker. It should be noted as the UAW votes rose, as they improved their working conditions, and of course the contractual conditions and agreements, others likewise benefited. His organizing and people skills are legendary, as is his steadfast commitment to the American worker, all of which made him a symbol of the union movement in the United States and an icon to many Americans.

Mr. Gettelfinger first became a member of the Ford United Auto Workers bargaining committee in 1987. Since then, he has held several management positions before being elected to his first term of president of the UAW in 2002. Under his leadership, UAW was able to lobby effectively for labor protections and fair trade agreements, including provisions for workers' rights

and environmental protections. He was a visionary. With the voice of the average worker as his motivational mantra, he fervently criticized corporate global initiatives designed to strip workers of their right to a living wage in the face of economic decline. In addition, he toiled to keep American jobs here. He believed in America making things.

□ 1815

I hope he will leave that legacy, because we've got to get back to making things. Mr. Speaker, this is the kind of man who embodies the American spirit and symbolizes the importance of the average American worker to the success and way of life that we cherish. There is nothing wrong with working with your hands and having a decent living. He believed in technology, better ways of making cars, more efficiency, but he didn't believe in undermining the worker, the American worker. Our democracy has been made stronger by the efforts of this unique individual. It is only fitting that we honor former president of the UAW Ron Gettelfinger for his life's work and give him special praise on his retirement.

Again for these reasons, I rise in support of Chairman DINGELL's special order and would only leave you to say this: He is a great American. We would do well to follow in the footsteps of this great American and learn that America is at her best when she can make things for the American people and people around the world.

Mr. Speaker, I rise in support of my colleague JOHN DINGELL's special order to honor Ron Gettelfinger, immediate past president of the United Auto Workers, UAW, for his exemplary work with the men and women of organized labor, and on the event of his retirement. There is no doubt that for his 40 years of service in the interest of the average American worker, Mr. Gettelfinger deserves the praise of the Congress.

Mr. Gettelfinger has been involved in union and worker activities since 1964. Ever since he was elected to represent the Ford's Louisville Assembly Plant as committeeperson, bargaining chair, and president, he has tirelessly worked for the betterment of the average American worker. His organizing and people skills are legendary as is his steadfast commitment to the American worker; all of which make him a symbol of the union movement in the United States and an icon to many Americans.

Mr. Gettelfinger first became a member of the Ford-United Auto Workers, UAW, bargaining committee in 1987. Since then, he has held several other management positions before being elected to his first term as president of UAW in 2002. Under his leadership, UAW was able to lobby effectively for labor protections and fair trade agreements, including provisions for workers' rights and environmental protections. With the voice of the average worker as his motivational mantra, he fervently criticized corporate global initiatives designed

to strip workers of their right to a living wage in the face of economic decline. In addition, he toiled to keep U.S. jobs here in America.

Mr. Speaker, this is the kind of man who embodies the American spirit and symbolizes the importance of the average American worker to the success and way of life that we cherish. Our democracy has been made stronger by the efforts of this unique individual. It is only fitting that we honor Ron Gettelfinger for his life's work and give him special praise on his retirement.

Again, for these reasons I rise in support of my friend and colleague, JOHN DINGELL's special order.

Mr. DINGELL. I thank the distinguished gentlewoman from Texas.

I yield now to the distinguished gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. I would like to thank Congressman DINGELL for hosting this special hour this evening where we can pay tribute to an outstanding leader, businessman and champion of organized labor, Mr. Ron Gettelfinger.

I came to Congress with the promise of standing up for workers' rights, a mission that Ron has crusaded for since his days as an assemblyman for the Ford Motor Company. His leadership has influenced my approach to policy and enhanced the vision of organized labor.

Ron's 8 years as president of the UAW have ushered in a number of defining accomplishments for the American worker. He fought vigorously to assure worker protections in major trade agreements while understanding that a reformed health care system will better serve America's workforce and our entire country.

Ron's success is defined by a willingness to work with industry and construct bipartisan agreements that achieve results, a strategy I admire and wish we would see more of here in Congress. As we emerge from the worst economic crisis since the Great Depression, Ron's leadership has been stalwart.

As Americans see thousands of jobs headed overseas, Ron made sure that well-paying jobs stayed right here in the United States of America. At a time when workers' rights were in jeopardy, Ron never thought to back down or make concessions. That's real leadership.

Ron, on behalf of the working men and women of my district in western Pennsylvania and all organized labor, thank you. You leave a wonderful legacy that has shaped a higher standard for the American worker. I wish you the very best in your days ahead. I am proud to stand here with the gentleman from Michigan to honor you here tonight.

Mr. DINGELL. I thank the distinguished gentlewoman.

I yield now with a great deal of pleasure and respect to my good friend from

New York, the Honorable EDOLPHUS TOWNS.

Mr. TOWNS. Thank you very much.

I am delighted to come and participate in this special order this evening, to be here with the longest serving member of the United States House of Representatives, JOHN DINGELL. We come tonight to say thank you to Ron Gettelfinger for 40 years of service to the UAW, and 8 years as its president. So I rise in order to honor him tonight because of the outstanding job that Ron was able to do.

It is easy to admire Ron by just looking back over his long career. From his early work as a chassis line repairman in 1964 at a Louisville assembly plant to being elected to the United Auto Workers top leadership post in 2002, where he became the face of one of the largest and most diverse unions in North America, he has shown a remarkable drive and work ethic that made him a role model as he fought for health care and so many issues that improved the quality of life for so many.

Ron was not a selfish person. He felt that if I can help somebody, then my living is not in vain. In addition to his work in the auto industry, he has had a positive effect on Federal and State public policy. Mr. Gettelfinger is a hardworking individual who has been an outspoken advocate for so many good causes.

Under his leadership, the UAW also lobbied for new technologies and environmental standards, supporting smart policies for solid jobs, and, of course, clean air. These are issues that have been and continue to be very important to me and the people of the 10th Congressional District.

Ron was once quoted as saying, "We don't accept the notion that America is a country where a privileged few live while the rest of us struggle to meet our daily expenses. We're going to fight for something better." And I want you to know he did.

And, of course, we look back tonight and we say, Ron, thank you. Thank you for the outstanding job that you did on behalf of the UAW. Thank you for the outstanding job that you have done on behalf of the people of this Nation. We thank you for the leadership; and as a result, people throughout were able to see you as a role model.

So I come tonight to say thank you again and we wish you Godspeed. We know that you will be out there doing some things in a positive way which will continue to improve the quality of life.

Mr. DINGELL. I want to thank my dear friend from New York for his kindness, his fine words, and for his great patience. He is my dear friend.

Mr. Speaker, I have the remarks of many of our other colleagues which will be inserted into the RECORD paying tribute to our great friend, Ron Gettelfinger.

I simply want to observe two things: first, we are saying good-bye tonight to a giant, a patriot, a wonderful human being, a man who cared about his fellow Americans and who spent his lifetime making it the best he could for his fellow Americans, especially members of the trade union movement.

He was never afraid to give leadership to causes that were important, and he never was afraid to speak the truth, including to work with me and with the companies to address problems that those companies had here in Washington, and he was never afraid to tell the truth, even to his own members when that was necessary to be done.

I am pleased to report that in his leaving of office, he leaves behind him a great and respected trade union movement, and a wonderful union in the UAW. And I am pleased to report to my colleagues that his successor, the new president, Bob King, will serve with great distinction and as a worthy successor in all aspects of this very important leadership responsibility. I congratulate him and wish him well.

Mr. TIERNEY. Mr. Speaker, on behalf of working men and women of the Sixth District of Massachusetts, I rise today to commend Ron Gettelfinger for his extraordinary service and leadership during his recently completed tenure as president of the United Auto Workers of America.

Over the last 8 years, Ron Gettelfinger has helped steer his brothers and sisters in organized labor through one of the most difficult economic periods in history with great statesmanship and considerable care. And despite the unprecedented challenges the auto industry has faced, the UAW has emerged from the recent crisis well-positioned for the future thanks in no small measure to Ron's vision and leadership.

Ron's tenure at the UAW was marked by a string of victories for American workers and their families. An outspoken advocate to make health care accessible and affordable for all Americans, Ron played a critical role in helping to see health care reform enacted into law. He fought for children's health insurance and fair pay legislation, labor protections in fair trade agreements, and championed retaining manufacturing jobs here in the United States through investments in advanced technology vehicles. And through the most serious economic downturn since the Great Depression and the loss of thousands of jobs to companies overseas, Ron Gettelfinger always worked to ensure that UAW workers and their families were treated fairly.

Though he rose to the very top of the UAW leadership, Ron Gettelfinger never forgot where he came from. He was most proud simply to be known as a chassis line repairman. A member of UAW since 1964, it was the needs and perspectives of the workers at Ford's Louisville Assembly plant with whom he worked side-by-side for so many years that always shaped his priorities and concerns.

With profound appreciation for Ron Gettelfinger's consensus-building among business and labor leaders that has helped to pre-

serve a vibrant American auto industry for millions of American workers and their families, I join my colleagues in thanking Ron for his service and wishing him and his family well in the years ahead.

Ms. KAPTUR. Mr. Speaker, please allow me to express my sincerest gratitude to UAW President Ron Gettelfinger for his leadership during this extraordinary moment of transition for the U.S. auto industry. His strength, composure, intellect, and resolve have turned a new day for this bedrock U.S. industry.

Ronald A. Gettelfinger, born August 1, 1944, was elected to his first term as president of the UAW at the 33rd Convention in 2002. He was elected to a second term on June 14, 2006, at the UAW's 34th Convention in Las Vegas. A son of the midwest, Ron Gettelfinger is a 1976 graduate of Indiana University Southeast in New Albany, Indiana.

He began his union involvement in 1964 in Louisville, Kentucky, at the Louisville Assembly Plant run by Ford Motor Company while working as chassis line repairman.

The workers at Ford's Louisville Assembly plant elected Gettelfinger to represent them as committeeperson, bargaining chair and president. He was elected president of local union 862 in 1984. In 1987, he became a member of the Ford-UAW bargaining committee. Afterwards, he held other positions: director of UAW Region 3 and the UAW chaplaincy program. For six years he served as the elected director of UAW Region 3, which represents UAW members in Indiana and Kentucky, before being elected a UAW vice president in 1998.

Ron has been an outspoken advocate for national single-payer health care in the United States. Under his leadership, the UAW has lobbied for fair trade agreements that include provisions for workers' rights and environmental provisions; and the union has loudly criticized what it calls "the corporate global chase for the lowest wage which creates a race to the bottom that no workers, in any country, can win".

Mr. Gettelfinger's leadership of the UAW has led to a more competitive American auto industry. His stalwart and trustworthy negotiations gave new hope to a beleaguered industrial sector.

The U.S. auto industry, long the backbone of the American economy, reached an important milestone last week—and I think this accomplishment did not get the coverage that it deserved.

The respected J.D. Power & Associates initial quality study revealed that U.S. automakers defeated the imports in what the L.A. Times calls "a key benchmark of quality."

That's right. The American automakers are Number One again.

It has been a long, tough road, but they have gotten the job done—and they did it in extremely difficult circumstances.

This achievement involved a lot of sacrifice and a good measure of "tough love," but it has paid off. A cornerstone industry of the American economy has turned the corner.

We congratulate the UAW, because a lot of people—including Members of this body—said it couldn't be done. A lot of people said the automakers weren't worthy of our support. A lot of people wrote them off—and the hun-

dreds of thousands of jobs that the auto industry supports in this country.

Truly, the autoworkers, auto dealers, parts suppliers—and all the people who support this giant industry—deserve our commendation.

Mr. Speaker, this has never happened before. In the quarter of a century that J.D. Power quality surveys have been conducted, the U.S. automakers never defeated the foreign competition. Until this year.

As a J.D. Power official told the L.A. Times: "This is a landmark in the quality history of the auto industry." He got that right. It is a landmark event, and it's a landmark event with great implications for our nation.

The day when the buying public regarded imported cars as superior to American cars? It's over.

The American automakers have been steadily closing the gap on their foreign competition for several years. And this year, they finally passed them.

If you want quality, buy American. Take it from J.D. Power.

There is still a lot of work ahead, but make no mistake: the American carmakers are back. Our confidence in them and their workers has been rewarded.

And Ron Gettelfinger, as he officially retires, can be confident his life made a difference to millions and millions of others, and to communities across our nation that depended on him to lead his great union into a new era for the U.S. auto industry.

Thank you, Ron, for your effort, your service, your patriotism and your achievements. May God bless you and yours in the coming years.

Mr. SERRANO. Mr. Speaker, today, I rise to honor Ron Gettelfinger, who retired last week from being president of the United Auto Workers. Mr. Gettelfinger first joined the UAW as a line repairman in 1964 and has now spent a lifetime fighting for the best interests of working Americans.

Mr. Gettelfinger was elected to the Presidency of the UAW in 2002 and provided excellent leadership through a difficult time in the history of the auto industry in the United States. The auto industry faced great hardships during his tenure and as a whole needed to make a lot of changes. Mr. Gettelfinger recognized the great changes that needed to be made and ably defended his members while working hard to address the long term needs of the industry. He understood that the automakers and the unions needed to work together to insure that they both could go forward stronger than before.

During his time as President he worked hard not only for his own members, but for the rights of all American workers and of all workers around the world. In addition to his efforts working for workers, he understood the importance of universal health care to having a healthy and competitive workforce and he spoke out in favor of health care for all Americans. While I think that he and I would both have liked to see even more extensive reaching reform, we have taken an important step and I applaud his efforts on behalf of health-care reform.

Mr. Gettelfinger has spent a lifetime of serving working Americans and making sure that they are given a fair chance at a fair wage

and fair work. I wish him the best of luck in whatever he does next, which I am sure will include continuing efforts to defend the rights of workers and all Americans.

Mr. GONZALEZ. Mr. Speaker, I rise today to salute Ronald A. Gettelfinger as he steps down after eight years as president of the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America. Since 1964, Mr. Gettelfinger has been a part of the American automotive industry. When Bob King assumed the presidency of UAW on June 15, 2010, it marked the end of an era.

As a chassis line repairman, after his election by his fellow UAW members to represent the workers at Ford's Louisville Assembly plant, and his during his twelve years in the leadership of UAW, Ron Gettelfinger has worked to ensure that his workers, American workers, get a fair deal. He has fought to protect a strong manufacturing sector in the United States of America, so that the Arsenal of Democracy could continue to lead the world, not just through our production but through the standards we hold dear. His priorities have been a just and decent wage for honest work. Recognizing the importance of ending our dependence on foreign and fossil fuels, as President of UAW he pushed for a national investment in new technologies to produce energy-saving vehicles.

These past 44 years have seen great changes in the automotive industry. There have been good times and bad. Through it all, Ron Gettelfinger never forgot for whom he worked. The past two years may have been some of the toughest. But the reorganizations of General Motors and Chrysler have marked a turning point and things are looking up. The new GM is leaner and tougher than we have seen in years, with the Chevrolet Volt leading the way into a bright future. We all look forward to that bright future, and I trust that Ron Gettelfinger looks to it with pride in the role he played in making it possible.

Mr. ANDREWS. Mr. Speaker, I rise today to honor Ronald Gettelfinger, president of the United Auto Workers, and longtime advocate of workers everywhere. I stand to recognize him for his vision for America.

Mr. Gettelfinger's first experience with Ford Motor Company's labor unions occurred in 1964 when he started working as a chassis line repairman at the Louisville Assembly Plant. After a few years, his co-workers elected him committeeperson, bargaining chair, and president of the local union. He worked his way up through UAW Region 3, was elected national vice president in 1988, and president in 2002. His second term as president will expire with the election of a new president at the UAW convention in Detroit later this week.

Mr. Gettelfinger's down-to-earth personality has been a huge asset to him as UAW president. He has stood by the Union's mission to secure economic and social justice for all people, and believes that every person and every job is important.

Mr. Speaker, Ron Gettelfinger's leadership as president of the United Auto Workers and advocate for health care reform should not go unrecognized. I wish him the best of luck in his future endeavors.

Mr. DOYLE. Mr. Speaker, I rise today to honor a man of great dedication and loyalty to the working men and women of America. Mr. Ron Gettelfinger recently retired from his position as President of the United Auto Workers and I want to take this opportunity to honor him for his longtime advocacy for the American worker.

Mr. Gettelfinger began his union involvement in 1964 as a chassis line repairman at the Ford Motor Company's Louisville Assembly Plant in Louisville, Kentucky. Twenty years later, following his election as committeeperson and, soon thereafter, bargaining chair, he was elected president of Local Union 862. He took on greater and greater responsibility in the UAW, serving as director, vice president, and starting in 2002, president of the union. He was reelected for second term in 2006. However, in 2009, he announced he would retire at the end of his second term as president.

Mr. Gettelfinger's accomplishments include, but certainly are not limited to, his steadfast determination which aided him in his fight for both labor protection in fair trade agreements and affordable health care for all. Most notably, Mr. Gettelfinger proved himself a strong leader during the most serious economic downfall in decades, when he negotiated tirelessly with corporate leaders in order to protect his workers' rights.

Mr. Gettelfinger has served the working men and women of the UAW with skill and dedication for decades, and I want to take this opportunity to commend him for all his efforts as a determined advocate for American workers. I want to congratulate Mr. Gettelfinger, and extend to him and his family best wishes for a well-deserved retirement.

Mr. ENGEL. Mr. Speaker, I rise today to honor Ron Gettelfinger for his tremendous leadership and to congratulate him on the good work he has done representing the members of the United Auto Workers (UAW). Ron served the UAW as President, Vice President, and as a member of the Local 862. I wish him all the best retirement has to offer.

Since 1964, Ron Gettelfinger has been a proud member of the UAW, and served as President since 2002. During this time he advanced the rights of working men and women by securing fair wages, better working conditions, and fairer trade deals. Ron Gettelfinger also guided the UAW through the tough times of the past several years, when the auto industry was struggling and our nation's economy was in a deep recession. He made sure that his workers were treated fairly during these difficult times.

As the son of a lifelong iron worker, I am a strong supporter of a worker's right to engage in collective bargaining through membership in labor unions. I have, and will continue to assist them in achieving common goals such as fair wages, safe workplaces and enhanced job opportunities.

I ask my colleagues to join with me in congratulating Ron Gettelfinger and wishing him all the best in his retirement.

Mr. OBERSTAR. Mr. Speaker, I rise today to offer my sincere appreciation of the enormous contributions that Ron Gettelfinger has made to our nation and to the labor movement as President of the United Auto Workers

(UAW). Thank you, Ron, for your unmatched record, and your superb service as an effective labor leader.

As a result of your tireless and dedicated leadership, you succeeded in making our vital domestic auto industry able to compete in the global auto marketplace. Your vision to secure a sound future for the auto industry was not limited to just your membership; your skilled efforts also benefitted our steelworkers on the Iron Range in Minnesota who work in the taconite mines to produce the ore for our domestic steel industry. I am profoundly grateful for your contributions that will never be forgotten, and your quote "We did what we had to do to get to tomorrow" is a testament to your lasting legacy of leadership.

I hope your retirement is filled with many years of continued growth and good health, and that you never cease to share your ability to lead and inspire. I know that you will continue to apply your trademark dedication and energy to all your endeavors in the future.

It is indeed a pleasure to send my very best wishes to a man who has touched the lives of so many people in as many ways as you have.

Congratulations, Ron, on your retirement and your extraordinary work for working men and women.

Ms. BALDWIN. Mr. Speaker, I rise today to join my colleagues in paying tribute to a great man much beloved around the country, including in my home state of Wisconsin: I speak of Ron Gettelfinger.

Anyone who has ever needed a friend knows the difference between the fair-weather friend and the friend who stands by you in your time of need. Ron Gettelfinger has stood by his UAW brothers and sisters in their time of need.

When my constituents talk about Ron, they talk about him as a fighter for working men and women. Over the past 8 years, while he served as the president of the United Auto Workers, Ron saw the auto industry challenged as never before. He saw its workers beaten down.

Hundreds of my constituents lost their jobs when the GM plant in Janesville, Wisconsin closed down. Ron and the UAW stood by those workers, providing them with support, assistance and advocacy to bridge the gap to new employment.

But Ron didn't just stand by the workers without jobs—he knew something needed to be done to stop the bleeding and help save the auto industry. So he did the unpopular thing, and helped renegotiate General Motors contract with the auto workers. It was such a difficult decision in a difficult time—but we are beginning to see the positive results from it now. The auto industry seems to be turning around.

As president of the UAW, Ron has been a champion for all American workers. He has worked tirelessly for labor protections in fair trade agreements, accessible and affordable health care for all, and protection of American jobs through investments in advance technology vehicles.

So my gratitude and my admiration go to Ron, on behalf of the thousands of Wisconsinites he represented so bravely and ably for the past 8 years.

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to join my good friend, the gentleman from Michigan (Mr. DINGELL) in recognizing Mr. Ronald A. Gettelfinger on his well-deserved retirement.

A few weeks ago, I had the opportunity to be with Mr. Gettelfinger and the UAW members to celebrate their 75th anniversary. They have been stalwart partners in the movement for civil rights and social change. It was truly a homecoming, and I was proud to be with Ron during one of his last official acts as UAW president.

For nearly half a century, Mr. Gettelfinger has dedicated himself to the rights of American auto workers. Ron began his career as chassis line repairman in 1964. When his colleagues at Ford's Louisville Assembly plant elected him as their committeeperson, bargaining chair, and president, he rose to the challenge and went on to serve in various leadership positions for the United Auto Workers (UAW) membership for the next 26 years.

During his tireless years as a UAW leader, Mr. Gettelfinger constantly recommitted himself to the values that were so important to—as he would say—my “sisters and brothers”. Through trials and tribulation, the UAW has defended human dignity in the auto industry and been a strong ally in the struggle for social justice both in the United States and around the world. Mr. Gettelfinger embodied these values and was a constant, vocal advocate for health care, workers' rights, and trade policy reforms. I thank him for his service and for his commitment to the forgotten, the underserved, and the backbone of our global economy—America's workers.

Again, let me congratulate Ron, his wife Judy, and their family on this momentous occasion and exciting new chapter in their life. Mr. Speaker, Mr. DINGELL, as you know, his leadership will be missed, but never forgotten.

Mr. HARE. Mr. Speaker, I rise today to celebrate the achievements of Mr. Ron Gettelfinger, President of the United Auto Workers, and to thank him for his unwavering commitment to the American worker. His retirement is surely a bittersweet moment for us all. Through his eight years as President of UAW, Mr. Gettelfinger navigated some of the most difficult and trying times that the labor movement has faced in recent history. During the economic downturn and with countless jobs moving overseas, his steadfast leadership has helped restore faith in our auto industry and has helped workers feel secure during this period of great instability and change. I am deeply moved by Mr. Gettelfinger's unwavering resolve in his fight for labor protections, accessible and affordable health care for all, and his push for keeping manufacturing jobs in the United States.

I speak today on behalf of the Illinois members of the UAW in thanking Mr. Gettelfinger for all of his work. Workers throughout Illinois have played a large role in supplying our automakers and are one small part in a much larger supply chain. Because of this connection, the UAW itself has deep roots in Illinois, and Mr. Gettelfinger's work has touched countless Illinois families. I would like to thank Mr. Gettelfinger for his efforts to make life better for workers across my home state of Illinois and across the United States. The people of

Illinois will not soon forget what Mr. Gettelfinger has accomplished for them.

Mr. Speaker, it is with pride and admiration that I offer my thanks and recognition to Mr. Ron Gettelfinger for his service to the UAW and to our nation.

Mr. COHEN. Mr. Speaker, I rise today to recognize Ron Gettelfinger for his leadership at the United Auto Workers, UAW, and to congratulate him on his retirement after a lifelong dedication to the auto industry. He is a former chassis line repairman at a Ford factory in Indiana and a former director of UAW Region 3 which represents Indiana and Kentucky. A member of the UAW Local 862 since 1964, Mr. Gettelfinger was the right man to lead the UAW during the worst economic downturn in recent years for the automobile industry and our country. He is proof that optimism and dedication during tough times can yield positive results.

Ron Gettelfinger was first elected president of the UAW at the 33rd Constitutional Convention in 2002 and re-elected to a second term in 2006. During the economic downturn of 2006 and 2007, he had to make tough and sometimes unpopular decisions to ultimately save America's Big Three auto companies. He reached agreements to provide buyouts and other retirement incentives for tens of thousands of workers, forfeited holiday pay and bonuses, and applied overtime pay only to work weeks exceeding 40 hours as opposed to work days exceeding 8 hours.

In a continued effort to save the auto industry and foreseeing the effect of globalization on manufacturing wages, Mr. Gettelfinger agreed to job layoffs and contract concessions that would make it easier for the Big Three to secure the help they needed. In 2008 and 2009, he made the tough decision to end lifetime job guarantees, traditional pension plans and carefree retiree health insurance plans. He also agreed to end the UAW's job bank program which allowed laid-off workers to continue collecting almost full pay—a program that was often seen as paying workers for not working. As a result of these and other measures taken to address the effects on wages, a study by the Center for Automotive Research concluded that the Detroit Three will achieve “labor cost superiority” by 2015 and will hire thousands of new workers.

Ron Gettelfinger worked tirelessly on behalf of automobile manufacturing workers and felt a sense of responsibility to them and the country as a whole. He advocated for incentives to manufacture energy-saving advanced technology vehicles and their key components in the United States. He fought for fair trade agreements that included provisions for workers' rights and environmental protections. He was also critical of “race to the bottom” practices whereby corporations sought to maximize profits by paying the lowest wages possible.

Mr. Gettelfinger was a supporter of accessible and affordable health care for every man, woman, and child here in America. In order to save the financial books of GM and Chrysler and still provide pensioners' health care coverage, UAW assumed the health care cost through a trust known as Voluntary Employees' Beneficiary Associations, VEBA.

While in my hometown of Memphis, Tennessee, Ron Gettelfinger spoke at the con-

servative Economic Club of Memphis in early 2009. He was introduced by his cousin, Mr. Tom Gettelfinger—a practicing ophthalmologist in Memphis. Ron Gettelfinger acknowledged the important role shared by the auto industry and Tennessee, which ranks 9th in the United States in terms of auto industry employment with an annual \$2.8 billion payroll. While in the lion's den, Mr. Gettelfinger spoke on U.S. banks and investment firms as the foundation of the global system and the disarray they were in. He spoke on the need for the government to jump-start the economy and to address the thousands of Americans losing their jobs and their homes to foreclosures. Mr. Gettelfinger told attendees that President Obama and Congress did the right thing by passing the economic stimulus package and that the plan would put money back into the hands of the American people and would energize the lagging economy. We are seeing all of these things come to fruition today.

Ron Gettelfinger pulled our automobile manufacturing industry from the brink of devastation and saved hundreds of thousands of jobs. By saving the Detroit Three, Mr. Gettelfinger played a pivotal role in keeping the American economy away from total disaster. Mr. Speaker, I ask all of my colleagues to join me today in wishing Ron Gettelfinger the best and congratulating him on his retirement from the United Auto Workers.

Mr. RUSH. Mr. Speaker, I rise today to pay tribute to a hero of the American workforce: Ron Gettelfinger. For the past eight years Mr. Gettelfinger has dedicated himself to fighting for our Nation's auto workers as president of the UAW. Many of the fights that Mr. Gettelfinger undertook helped not only his constituency but Americans as a whole.

Mr. Gettelfinger's priorities are not unique to the UAW but are shared by many members of this body, myself included. Whether fighting for single-payer healthcare, labor protections, or investment in America's industry Mr. Gettelfinger had made it his life's work to advocate for the American worker.

I am proud to rise today to honor a fine man on the occasion of his retirement and commend him for the excellent work he's done. Mr. Speaker, it is because of individuals like Ron Gettelfinger that our workforce functions as well as it does.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to join our distinguished Dean of the House, Representative JOHN DINGELL, to honor Ron Gettelfinger for his years of service to the United Auto Workers (UAW). Ron recently announced that he will retire after serving as President since 2002, and a lifelong commitment of service to the organization. As President, he worked closely over the years with my regional UAW Directors, outgoing Director Bob Madore and his predecessor Phil Wheeler, on issues important to Connecticut. Ron presided during a time of economic difficulty and a historic health reform debate, and did so with great poise and a never subsiding commitment to the men and women he represented. I once again commend him on his years of service and join with my colleagues in saluting him.

Mr. PETERS. Mr. Speaker, today I would like to honor Mr. Ron Gettelfinger, a lifelong champion of the American labor movement

and President of the United Auto Workers Union, on his retirement after forty-five years of dedicated service. As a Member of Congress it is both my privilege and honor to recognize President Gettelfinger for his many years of service and his contributions which have enriched and strengthened our country, the State of Michigan, and Oakland County.

In his career, President Gettelfinger has been a tireless advocate for working families and workers' rights. In 1964, he was hired at Ford's Louisville Assembly plant as a chassis line repairman and a member of UAW Local 862. As a member of UAW Local 862, he was elected to serve as a committeeperson, bargaining chair and eventually president. In 1992, he was elected as the director of UAW Region 3, representing members in Indiana and Kentucky and served in that role for six years. In 1998, he was elected as a UAW National Vice President under then UAW President Steven Yokich. In 2002, Mr. Gettelfinger was elected as President of the UAW International Union, the position he has held until his retirement.

The American auto industry has faced unprecedented challenges in recent years. During this time, President Gettelfinger has provided steadfast, thoughtful, and effective leadership. During his tenure, the American auto companies have faced their greatest challenges since the Great Depression. Following the economic downturn of September 2008, in which irresponsible decisions on Wall Street created an economic crisis for businesses and families across the United States, President Gettelfinger's bold action and leadership was critical in securing the future of the American auto industry. He was instrumental in the forging of a set of sustainable contracts, which have allowed the American automakers to remain globally competitive. President Gettelfinger's leadership has saved hundreds of thousands of American jobs, while upholding the ideals and standards of a hard day's work for a fair day's pay.

Mr. Speaker, I ask my colleagues to join me today to honor President Ron Gettelfinger for his many contributions to our community and his leadership at the United Auto Workers Union. I wish him many more years of health, happiness, and productive service.

Mr. STARK. Mr. Speaker, I rise to recognize retiring United Auto workers President Ron Gettelfinger. Mr. Gettelfinger has dedicated his career to advancing the interests of working people around our country and the world. He has worked for safer and more equitable workplaces and to make the idea that hard work should translate into a good wage and a stable job a reality. His work has also directly benefited my district.

The UAW has represented nearly 5,000 autoworkers at the NUMMI plant in Fremont, California for nearly 30 years. With the UAW's representation, these workers were able to earn a good wage and benefits that allowed them to build solid middle class lives. In turn, they built some of the best cars in the world and won numerous awards for quality and craftsmanship.

Unfortunately, the NUMMI plant ceased production in April. Mr. Gettelfinger and the UAW worked tirelessly to keep the plant open. Since the closure, I've worked with Mr. Gettelfinger

to secure job training and Trade Adjustment Assistance for the many workers who have lost their jobs. Recently, Tesla Motors purchased the NUMMI factory and they will be building electric cars there. I will keep working with the UAW and incoming President Bob King to ensure that the UAW is recognized and former NUMMI workers are hired to fill the new jobs.

It has been a pleasure to work with Mr. Gettelfinger. On behalf of the thousands of my constituents that have benefited from his service, I say "thank you."

Mr. COURTNEY. Mr. Speaker, I rise today to honor Ron Gettelfinger who recently retired as President of the United Auto Workers. Ron has been President of UAW since 2002, though his ardent support for the American worker extends back to his days as a rank and file UAW member and chassis line repairman at Ford's Louisville plant.

Ron led his members through one of the most devastating economic downturns since the Great Depression. He should be particularly lauded for his efforts to fight for those employees in the auto industry who have lost their jobs in recent years. He worked tirelessly to secure opportunities for and ensure the fair treatment of his members during this time and I thank him for those efforts.

Ron has also been a staunch advocate for expansive and affordable health care in this country. He should be proud of his role in supporting and passing the expansion of SCHIP in 2009 and the historic health care reform package passed earlier this year. When I led the effort in the House of Representatives to oppose the excise tax on health care plans, I was proud to have Ron and his members working side by side with me to protect the benefits of working families in our country.

In my state of Connecticut, I have worked closely with the men and women of the UAW. Whether they are the men and women who work at Foxwoods casino or those helping design the next generation of submarines at Electric Boat in Groton, UAW members are among the hardest working individuals in our country.

I commend Ron for his service to improve the quality of life for so many American working families and I ask my colleagues to join me in thanking Ron for his work and wishing him a happy retirement.

Mr. VISCLOSKEY. Mr. Speaker, it is with great pleasure that I take this time to honor one of America's great leaders, retiring president of the United Auto Workers Union, Ron Gettelfinger. Mr. Gettelfinger served as president of the UAW from 2002 until 2010.

Mr. Gettelfinger became a member of the UAW in 1964 when he became a chassis line repairman in Ford's Louisville factory. In 1984 Mr. Gettelfinger was elected by the membership of the UAW Local 862 chapter in Louisville to represent them as their committee person, bargaining chair, and president, and in 1992 Mr. Gettelfinger was elected to be the director of UAW's Region 3, which represents the UAW membership of Indiana and Kentucky. Then in 1998 Mr. Gettelfinger was elected vice president of the UAW, and he served in that position until June 5, 2002, when at the UAW's 33rd constitutional convention Mr. Gettelfinger was elected president.

Throughout Mr. Gettelfinger's rise to the top within the UAW he was driven by the sole purpose of fighting for the rights of the American worker. He fought for fair trade agreements that would protect the rights and health of American workers and the environment. He steadfastly worked to prevent a race to the bottom environment in countries around the world, and was an outspoken advocate for a national single-payer health care system. He fought for all of these ideals while having to lead the UAW through the worst economic downturn since the Great Depression, and I wish there were more exemplary fighters out there like Ron Gettelfinger.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in commending Mr. Ron Gettelfinger for his 46 years of service as both a member and leader of the United Auto Workers Union, and in wishing him all the best in his retirement.

Mr. RYAN of Ohio. Mr. Speaker, I rise today to honor and thank the outgoing President of the United Auto Workers Union, Mr. Ron Gettelfinger. Mr. Gettelfinger has admirably represented the nearly 1 million active and retired members of the UAW. Under Ron's leadership, the Union has continued its fight for improved health care benefits and the enforcement of fair trade provisions on human rights, and fair labor standards.

Ron and I share a lot in common. We both were voted into current office in 2002, we both have been fortunate enough to be reelected by our constituents, and we both understand the substantial value of our Nation's auto workers. My district in Northeastern Ohio is home to UAW Local 1112 and Local 1714. These UAW locals represent over 7,500 active and 4,000 retired GM Lordstown Assembly Plant employees. The men and women of the Lordstown plant have manufactured the Chevrolet Cavalier, the Pontiac Sunfire, the Chevrolet Cobalt, and will soon begin production on the new Chevrolet Cruze. These workers represent the best of American production, manufacturing, and ingenuity.

At a time of unprecedented catastrophe for America's automotive industry, Ron Gettelfinger provided much needed leadership. On behalf of the United Autoworkers in my district and those in my district whose livelihoods depend on UAW jobs, I thank Mr. Gettelfinger for his years of service and leadership and wish him well in retirement.

Mr. CLYBURN. Mr. Speaker, I rise today to recognize Ron Gettelfinger today upon his retirement from the United Auto Workers or UAW. Ron devoted his long and distinguished career to helping his colleagues and the American people achieve the American dream; and as he leaves the working world, it is my great pleasure to honor his professional efforts and accomplishments.

Growing up with 11 brothers and sisters in Frenchtown, Indiana, Ron got some early lessons in negotiating with others. After graduating high school in 1962, he moved to Louisville, Kentucky and in 1964 was hired as a chassis line repairman at the Louisville Assembly Plant of Ford Motor Company.

In one of his earliest jobs Ron so impressed those around him that the workers in the plant elected him to represent them as committeeperson, bargaining chairperson and

president. Ron excelled in these positions and also functioned as a delegate to the National Ford Council and Sub-Council # 2.

After twenty years of work in the auto industry, Ron was elected president of local union 862. In 1987, he became a member of the Ford-UAW bargaining committee. When he was asked by Car and Driver magazine about what prompted this move into the union arena, he simply responded "I just thought I should apply my education to helping the workers."

Ron moved on to other union positions, including director of United Auto Workers Region 3, which represents United Auto Workers' members in Indiana and Kentucky. After six years in this role, he was elected UAW vice president in 1998.

As Vice President, Ron was director of the UAW Aerospace Department and the UAW Ford Department, where he led negotiations in 1999 that focused on "Bargaining for Families." In 2002, he was elected president of the UAW and was re-elected in 2006. On March 19, 2009, Ron announced his intent to retire at the end of his term.

During his tenure at the helm of the UAW, Ron has been an outspoken advocate for national single-payer health care in the United States. Under his leadership, the UAW has lobbied for fair trade agreements that include provisions for workers' rights and environmental provisions. With the help of these efforts, Congress enacted legislation to reform health, expand the children health insurance program (S-CHIP), the economic stimulus package, auto restructuring, the Lilly Ledbetter equal pay legislation, as well as a minimum wage increase.

During his presidency the UAW successfully lobbied for the enactment of compromise CAFE legislation in 2007, which included the Section 136 program to provide funds to encourage investment in domestic production of advanced technology vehicles and their key components. With Ron's help Congress was also able to facilitate agreement on a national standard for regulating greenhouse gas emissions and fuel economy for light, medium and heavy duty vehicles. All of these accomplishments have come in the face of trying times for organized labor. In the words of U.S. Labor Secretary Hilda Solis, American workers are endangered by "the corporate global chase for the lowest wage which creates a race to the bottom that no workers, in any country, can win."

With Ron as their advocate, UAW members have endured and succeeded in these difficult times. He will be remembered for his leadership role in putting the UAW at the forefront of the struggle for civil rights, better schools and pensions, tougher workplace health and safety standards, and stronger workers compensation benefits. His impact stretches beyond the auto industry and will be felt for years to come.

Mr. Speaker, I ask you and my colleagues to join me in wishing Ron Gettelfinger the best in his retirement. I am certain he will enjoy his newfound free time with his wife Judy, and their two children and four grandchildren. I can think of no one more deserving of having a long, happy and healthy post-career life. He will be sorely missed at the UAW, but if his successors follow the examples he set for so

many years, American workers will continue to be well represented.

Mr. COSTELLO. Mr. Speaker, first, let me thank my colleague, friend, and the Dean of the House, Congressman JOHN DINGELL, for leading tonight's Special Order.

I rise today to honor a true champion of the American working family, Ron Gettelfinger. Since 1935, the United Auto Workers (UAW) have led the fight to create and protect the rights of autoworkers and working people across our country—the basic work place protections that have made the United States the most productive country in history. For eight years as the UAW president, Ron has carried that charge, advocating tirelessly to improve the lives of his union brothers and sisters.

A member of UAW Local 862 since 1964, he spent his career fighting for equity and justice in the workplace, ensuring labor and wage standards in fair trade agreements, advocating for quality and affordable health care for all, and raising the quality of life for workers worldwide. Ron relished being close to line workers and advocating for them on a daily basis. For six years, he served as the director of UAW Region 3 before being elected UAW vice president in 1998.

The last two years have been a historic period for the auto industry as the country recovers from the worst economic downturn since the Great Depression. Amid drastic job cuts, plant closures, and financial hardship, Ron steered his organization to emerge on a solid footing, ensuring that his workers were treated fairly. Tough choices were made, but Ron understood that working with the industry was necessary to secure stability for the automakers and his workers. This willingness contributed significantly to the industry's survival and saved the jobs of thousands of auto workers.

This year also marked the passage of landmark health care reform legislation. I was proud to support this legislation, and am grateful for the efforts of Ron and his fellow union members in support of health care reform.

It is my honor to recognize Ron for his years of service and contributions to organized labor. His leadership and warm demeanor will be missed among his fellow union members, but his legacy will live on. I look forward to working closely with UAW's new president Bob King and I wish Ron a happy and healthy retirement.

Mr. HOLT. Mr. Speaker, I rise tonight to honor Ron Gettelfinger for his years of service leading the United Auto Workers.

Mr. Gettelfinger spent his entire career in the car business; his first job was at Ford's truck plant in Louisville, KY. He has been part of the United Auto Workers since 1964 while he was working as a chassis line repairman. After working all day on the line, he went to school at night for a degree in business. While working on his degree, he made the decision that he would apply his education to helping his fellow workers with their daily problems while remaining close to the assembly line. Holding true to this philosophy, he advanced through the UAW organization, becoming president in 2002.

His time as president came during some of the most difficult economic times in our Nation's history. As president, he has served as

an effective partner to the major domestic automobile manufacturers during their restructuring. He steered the UAW through this catastrophic period and played an important role in saving the American car industry and the jobs of the workers in the UAW.

During his presidency, Mr. Gettelfinger has fought for basic American values. He has labored to ensure that workers receive a fair share when they help a company prosper. He has championed the rights of workers to receive good health care if they get sick. He has worked to make sure that each worker receives a secure pension for their lifetime of loyal service.

Thanks to the work of leaders like Ron and his predecessors, working people have come a long way—an eight-hour work day, pensions, safer job conditions, and health benefits.

Most notably, Ron Gettelfinger has been known for his outspoken advocacy to make health care accessible and affordable for every woman, man, and child in the United States. I agree with him on this goal and long have supported universal health coverage. I am pleased that this year Congress has passed into law health reform legislation that provides secure coverage to almost all Americans and gives workers more control over their health care.

I again congratulate Mr. Gettelfinger on his retirement and thank him again for his service.

Ms. LINDA T. SANCHEZ of California. Mr. Speaker, I rise today for a man who dedicated his entire life to rising up for hardworking men and women in this country.

Ron Gettelfinger, known to many as "the chaplain" for his drink-free, smoke-free habits, started out as a chassis line repairman at a Ford factory in Indiana. He would later succeed in leading automotive employees for 8 years as president of the United Auto Workers union.

Mr. Gettelfinger spent a significant amount of his presidency guiding over 500,000 men and women through a period of disheartening job cuts, plant closures, and financial hardship.

And yet, he never relented in his fight for others. He never quit standing up for the people and the principles he believed in.

As one of 12 siblings from a small farming town, President Gettelfinger has always had a way of bringing people together in solidarity. I have no doubt that he will, for the rest of his life, greet his union members as "brother" and "sister."

He found dignity in all work and refused to accept the notion, much in fashion these days, that working men and women don't deserve a middle class wage that allows them to own a home, provide for their families, send their children to college, and afford quality health care.

His make-no-apology approach saved countless jobs and even the viability of some businesses. To his core, he believes in respect for the working men and women of America.

As President Gettelfinger begins the next stage of his life, we should all pay heed to a motto he lived by: Every job we save is an important job—that is what we are all about.

It is an ideal we should all be about. He is a man to whom we should all give our gratitude.

I urge my colleagues to join me in honoring Ron Gettelfinger for his commendable service to others and leadership in the face of adversity.

Ms. WOOLSEY. Mr. Speaker, Ron Gettelfinger, one of this nation's great labor leaders, retired this year as President of the United Auto Workers. We will sorely miss him.

Born in 1944, Ron has a long distinguished history with the United Auto Workers, starting when he went to work at Ford Motor's Louisville, Kentucky, assembly plant as a chassis line repairman. Because of his dedicated advocacy for the rights of his fellow workers, he quickly ascended the ranks of the UAW. In 1984, he was elected president of his local union, and, in 1987, he became a member of the Ford-UAW Bargaining Committee. He held several other positions before being elected the union's vice-president in 1998, and then of course its president.

Ron has been a leading advocate of single-payer health care, and was a key player in the health reform process. In addition, Ron has worked tirelessly for investment in American manufacturing and for fair-trade agreements with strong workers' rights provisions. Just last year, in Detroit, he received the Edward H. McNamara Goodfellow of the Year Award for his significant contributions to the community.

As Chair of the Workforce Protections Subcommittee, I know first-hand the significance of Ron's accomplishments on behalf of America's working families. Congratulations, Ron, we honor you, and thank you for your contributions.

Mr. VAN HOLLEN. Mr. Speaker, I join my colleague JOHN DINGELL today to recognize the career of Ron Gettelfinger as president of the United Auto Workers. Ron joined the union in 1964 when he was working at the Ford Motor Company's Louisville assembly plant in Kentucky and soon took on a leadership role there. He later became a member of the Ford-UAW bargaining committee and director of UAW Region 3. In 1998, he was elected UAW vice president and in 2002 he became president.

Ron has been a strong advocate for his brothers and sisters—fighting for health care benefits, defending American manufacturing, and supporting labor protections in trade agreements. He guided the UAW through some of the most challenging times for the U.S. auto industry, making tough decisions to save jobs and keep the plants running. His focus has always been on Main Street—on a fair deal for American workers.

I congratulate Ron on his service and wish him all the best in retirement.

Mr. STUPAK. Mr. Speaker, I join my colleagues today to honor the career and dedicated service of Ron Gettelfinger, who recently retired from his post as president of the United Auto Workers (UAW).

Mr. Gettelfinger was elected to lead UAW in 2002 after many years in national and local roles in the union.

During his tenure as president, he led UAW through the greatest economic crisis since the Great Depression; through the restructuring of General Motors and Chrysler; and through multiple negotiations and bargaining agreements.

The past two years were a challenging time for the domestic auto industry, and especially

for autoworkers. As two of Detroit's "Big 3" automakers entered bankruptcy, Mr. Gettelfinger fought to ensure the millions of UAW workers and retirees received the best deal possible under excruciatingly difficult circumstances.

During his tenure, Mr. Gettelfinger was a steadfast supporter of workers' rights. He has been a tireless advocate for workers on key policy issues, such as trade and health care.

Ron Gettelfinger has been a strong advocate of renewing America's industrial base, especially the manufacturing sector, because he recognizes that good-paying manufacturing jobs are critical to a strong middle class, and a strong middle class is key to a healthy economy.

American workers need more leaders committed to the future of our domestic manufacturing base. Mr. Gettelfinger, thank you for your work on behalf of UAW and the American worker. I am pleased to join my colleagues in honoring your commitment to workers in Michigan and throughout the country. On behalf of UAW workers and retirees everywhere, I wish you well in retirement and all future endeavors.

Mr. DRIEHAUS. Mr. Speaker, I want to pay tribute to the dedicated service of Ron Gettelfinger, the outgoing president of the United Auto Workers.

As UAW president for the last 8 years, Ron worked tirelessly to renew America's manufacturing sector, and move American manufacturing forward with focuses on advanced technology and renewable energy development.

During a time when American manufacturing was on the decline, and the American economy began sinking into the deepest recession in generations, Ron fought hard to keep jobs here at home, and was a leading voice for workers' rights.

Whether pushing for a fair wage or standing up for expanded access to health care, Ron Gettelfinger has been an unwavering advocate for all of America's working families. He understood that the middle class and manufacturing are the backbone of our Nation's economy and the root of America's prosperity.

His leadership will be missed.

Mrs. MILLER of Michigan. Mr. Speaker, when people think of achieving the American Dream, it is largely a middle class dream to which they aspire. People want to be able to have a stable job, own their own home, get their kids a good education, and maybe have a little left over to invest in a boat or an RV to relax on the weekends. They do not need to have the biggest house on the street or the most expensive car; they just want security for themselves and their family.

In my humble opinion, there is no place that embodies the ideal of the American Dream better than the state of Michigan. The reason for that, Mr. Speaker, is that for all the great inventions to come out of Michigan, perhaps the best is the American middle class.

Over the last 100 years, GM, Ford, and Chrysler were some of the largest companies in America and they provided jobs for millions over that time. People from around the country and around the world flocked to Detroit for a brighter future and a chance at achieving the American Dream.

As these companies prospered, the Big Three and the UAW collaborated for decades

to provide good-paying jobs, health benefits, and a secure retirement of millions of workers and their families not only in Michigan, but around the rest of the country as well. There were some bumps in the road in that relationship, but both management and labor prospered from the success of these companies. The result was the creation of the American middle class.

Unfortunately, the last few years have not been as kind to the domestic auto industry as the previous 100 years had been. We can talk about all the different reasons for that, but the point is that the president of the UAW was put in a position that no other UAW leader had ever been.

Ron Gettelfinger had to negotiate significant reductions in pay and benefits for his members, and then convince those members that these actions were necessary to save the companies on which their livelihoods depended. Some called it the most difficult job in Detroit—and they may have been right.

Ron Gettelfinger in some ways represents the perfect image for the UAW. He works hard. He doesn't seek out the media spotlight. He simply tries to do the very best he can for the men and women who have placed their trust in him. He is just like so many hard-working men and women of the UAW.

And in what was a true crisis that threatened the American Dream for so many, Ron Gettelfinger stepped up to the plate. As he had always done, he fought for the best interests of his members—which ultimately meant sacrificing some hard negotiated benefits so that the Big Three could survive.

And let there be no doubt, were it not for his practical and pragmatic leadership, the fate of the Big Three could have turned out very differently. The end of GM and the likely liquidation of Chrysler were very real possibilities. Instead, Ford, GM, and Chrysler are now moving forward in a profitable way that ensures future generations will also have an opportunity at achieving the American Dream through the auto industry.

As Ron moves on to a new chapter in his life, I wish him the very best and I thank him for the quiet courage and dedication he showed in a very difficult situation. All of us and all of Michigan owe him a tremendous debt of gratitude.

Ms. SUTTON. Mr. Speaker, thank you, Representative DINGELL and thank you for organizing this special order hour to honor Ron Gettelfinger.

I rise today to honor Ron Gettelfinger as he retires from the United Auto Workers where he has served for the last eight years as President.

Thank you President Gettelfinger for your service—not only to your membership but to our Nation.

You have made a difference and you have made our Nation a stronger and a better place.

Your efforts have strengthened the middle class.

In 1964, Ron Gettelfinger became a member of UAW Local 862.

He worked as a chassis line repairman and was elected by the workers at Ford's Louisville Assembly plant to represent them.

Ron served as Director of UAW Region 3, which includes Indiana and Kentucky.

Ron exemplified what it means to be a leader.

Through his leadership, the UAW has navigated the difficult waters of the financial collapse in 2008 and the current recession.

And as unfair trade deals have devastated U.S. manufacturing jobs, Ron Gettelfinger stood strong in the fight for a new approach to trade.

Fair trade that works with our workers and businesses, not against them.

Ron Gettelfinger has called for fair trade agreements that include workers' rights and environmental provisions.

And Ron Gettelfinger has called for the so-called Free Trade Agreement with South Korea to be renegotiated.

This Bush-negotiated trade agreement would allow unfair advantages for Korean automakers to persist.

In 2009, our trade deficit with South Korea in autos was \$7.8 billion.

Korean automakers control 95 percent of their domestic auto market.

And Ron Gettelfinger led the charge for reciprocity of market access, calling on Korea to open their market.

Ron knows, as we know, that our workers are the very best in the world and can compete on a level-playing field.

Ron negotiated deals for working families and our trade representative must also negotiate good deals with our working families in mind.

Because of Ron's leadership during his eight years as President and his service to UAW members since 1964, I am proud to represent 8,700 active and retired UAW members in my Congressional District.

In Ohio, we have at least 111,000 active and retired UAW members.

Thank you again Ron for your outstanding service to the UAW, to American manufacturing, and to our Nation.

Mr. SARBANES. Mr. Speaker, I rise today to recognize Mr. Ron Gettelfinger who is retiring from his role as president of the United Auto Workers after years of outstanding service.

Mr. Gettelfinger has spent his entire career in the auto industry. His union involvement began in 1964 with his first job at Ford's truck plant in Louisville, Kentucky as a line repairman. There he was elected committee member, bargaining chair and president for the plant. After excelling in these roles he soon moved on to be elected president of his local union in 1984. With diligence, hard work and constant concern for his fellow worker, Mr. Gettelfinger quickly rose through the union ranks, serving 6 years as director of UAW region 3 until his election as the UAW Vice President in 1998. Mr. Gettelfinger's career as UAW president began with his election in 2002, and was reconfirmed in 2006.

At 65, Mr. Gettelfinger is retiring, following a longstanding union precedent that asks union presidents not run for reelection beyond this age. He will long be remembered for his dedication to his fellow workers, whom he warmly refers to as his "brothers" and "sisters." We can only hope that future presidents will share his inspiring work ethic and thoughtful concern for those whom he was charged to represent.

Mr. Speaker, I want to again offer congratulations to Mr. Ron Gettelfinger for his tenure

as UAW president and to wish him the best of luck as he moves onward from his post.

Mr. MCGOVERN. Mr. Speaker, Ron Gettelfinger, a lifelong defender and advocate for workers' rights, retired last week as President of the United Auto Workers, UAW. From the start, working on the assembly line in 1964 at Ford Motors in Louisville, Kentucky, to his recent retirement as the UAW President, Ron has tirelessly fought for labor rights for the American worker. In addition, Ron has been willingly worked in a pragmatic fashion with the automobile industry, helping to stabilize business and labor relations.

Whether it's been pushing for health care reform, fair trade agreements, or collective bargaining rights, Ron has been a staunch and steadfast leader. Fighting hard against what the UAW has dubbed "the corporate global chase for the lowest wage which creates a race to the bottom that no workers, in any country, can win," Ron has been a galvanizing figure in workers' rights here in America and across the globe.

While Ron will surely be missed at the UAW, but the mark he has left there will continue to serve as a source of inspiration. I thank Ron Gettelfinger for his service to workers and to his country.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in recognition of the tremendous leadership of the outgoing President of the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Ron Gettelfinger.

Ron is a recognized leader and advocate for the rights and dignity of working Americans everywhere.

Ron began his association with the UAW in 1964, where he was a chassis line repairman at Ford's Louisville Assembly plant. It was on the assembly line that Ron won the support of his colleagues, who elected him to be their representative—first as a committeeperson, then as a bargaining chairperson and president, and later as a delegate to the National Ford Council and Sub-Council #2.

In 1992, Ron served as Director of UAW Region 3, which covers the States of Indiana and Kentucky. Six years later, Ron was elected a UAW Vice President. As Vice President, Ron was director of the UAW Aerospace Department and the UAW Ford Department, where he led negotiations in 1999 that focused on "Bargaining for Families."

Since 2002, Ron has serviced as president. As the head of the union, Ron has had to navigate the UAW through difficult times in the automotive industry. He was instrumental in working with the then newly-elected Obama Administration, Chrysler and General Motors in keeping two of the Big Three afloat while also negotiating for the rights and concerns of autoworkers.

During his 8-year tenure as President of the UAW, Ron was a pragmatic visionary, who in 2006 called for a "Marshall Plan" to renew America's industrial base through incentives to promote manufacturing of energy-saving advanced technological vehicles and their key components in the United States. Ron has also led the UAW's fight for improving workers' rights and environmental provisions in bi- and multilateral trade agreements. In our nation's recent debate on health care reform,

Ron was an outspoken advocate for accessible and affordable health care coverage for all Americans.

Today, Ron is seen as a statesman in organized labor. He provided tremendous leadership during a time of crisis. Due to much of his hard work and dedication, there is renewed hope that our country may be at the dawn of a renaissance in the automobile industry. From January to May of 2010, automobile sales at General Motors were up 14 percent. Over the same period of time, sales were increased 8 percent for Chrysler.

As Ron returns home to his wife, Judy, his two children and four grandchildren, I just want to thank him for his vision and support for working families and working Americans.

I want to commend Chairman Emeritus DINGELL for bringing up this special order.

Mr. SHERMAN. Mr. Speaker, today, many of us are honoring Mr. Ron Gettelfinger whose second term as president of the United Auto Workers (UAW) is coming to a close. I would like to add my thanks to Mr. Gettelfinger for his service to this important American institution.

Rising through the ranks from local UAW leadership to president, Mr. Gettelfinger has stood at the helm of the UAW during one of our nation's most tumultuous economic periods. Mr. Gettelfinger first joined the UAW as a chassis line repairman in Louisville, Kentucky, and, over his 44 years with the organization, he has seen many changes in the American automobile industry.

Still now, as when it began, the United Auto Workers continues its nearly 80 year fight on behalf of this nation's workers. The UAW seeks to ensure that all of America's workers are rewarded for their contribution to our country's economy and continue to live their lives in dignity.

I commend Mr. Gettelfinger for his contribution to the UAW's important work.

Mrs. HALVORSON. Mr. Speaker, I wish to join my colleagues in congratulating Ron Gettelfinger upon his retirement. Ron has been a true champion for American families, a leading advocate for American workers, and a dedicated president of the United Auto Workers.

I came to Congress to work on jumpstarting our economy and I'm reassured to know that under Ron's leadership, the UAW has been a steadfast voice for protecting American jobs and the rights of the hundreds of workers in my district. Prior to coming to Congress, I served in the Illinois State Senate and was proud to represent the hard working men and women, members of UAW Local 588, who work at the Ford Stamping Plant in Chicago Heights, Illinois. I'm now proud to represent members of UAW Local 2488, who work at the Mitsubishi Plant in Bloomington, Illinois. It has been an honor to represent all of these working families.

Ron's vision that our country's success is rooted in everyday working men and women is something many of us share and we are lucky to have had such a passionate advocate for this cause over the past eight years. It is this belief that has protected and advanced the rights of the American worker during Ron's tenure as UAW President. On behalf of the 11th Congressional District of Illinois, I thank

Ron for his service and wish him the best of luck in his future endeavors.

#### THE ECONOMY AND OTHER CURRENT ISSUES

The SPEAKER pro tempore (Mr. CARSON of Indiana). Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Thank you very much, Mr. Speaker. I appreciate a moment here to get our charts lined up and to talk about a subject that we have been talking about for some time but which is very much on the minds and hearts of people in America, and that is the situation of jobs, the economy, and the condition of our solvency as a nation, and the challenges to leadership and the way forward.

Now in order to try to get a perspective on where we are, it's helpful to look back a little bit and to see where we have come from. Those of us perhaps who have been paying a little attention to what has been going on over the last couple of years, there have been some changes, changes of a recession that has come, changes in terms of unemployment, people having trouble making their mortgage payments, people having trouble keeping or getting jobs, and also a sense that the economy is not all that it should be. These things didn't happen just by accident. They were a result to a large degree of government policy. Many of the problems that we are experiencing actually were caused by decisions that were made right here in this Chamber, and some of those decisions now turn out to be not wise at all.

I would like to go back a number of years to part of what created this entire real estate bubble which then collapsed our economy and put us in the condition that we are now. I hope to conclude with some very positive suggestions as to what we have to do to go forward. America is not in someplace that we haven't been before. We're not in over our head, but we're getting close to it. There are things that we can do to mediate and to take care of some of the problems that have been created, but we must act decisively and we're going to have to act immediately.

Going back a little bit, it became popular over a couple of different administrations to allow people who couldn't really make their mortgage payments to get mortgages to buy houses. So what we did was we created a law that actually said to bankers and to people who were going to give people home loans that you have to give loans to people who can't afford to pay some of them, or who may be a bad credit risk would be a better way to state it. And so we had these laws saying that a certain percent of loans have to be

given to people who were bad credit risks. Over a period of time, what happened was those percentages were increased. In President Clinton's last year in office, they increased those percentages up. In the meantime, the economy had a series of different things that occurred with Greenspan creating a great deal of liquidity because of the recession in 2000-2001. So what you had was this real estate bubble where a lot of people were putting money into houses, the housing prices were going up rapidly, everybody was flipping these home loans and making lots of money. As long as the music continued to play, everybody was happy. When the music stopped, there were a lot of people without chairs to sit down in. Well, this tremendous bubble that ended up bursting in the home mortgage area was not something that took everybody by surprise. Many people took advantage of it. Many people were hurt very badly by it. But it was not something that people didn't understand was going on. In fact, on September 11 in 2003, which goes back quite a number of years now, President Bush saw this coming; and so he is recorded here in the New York Times, not exactly a conservative oracle, saying that "the Bush administration today recommended the most significant regulatory overhaul in the housing finance industry since the savings and loan crisis a decade ago."

□ 1830

What the President wanted was more authority to regulate Freddie and Fannie because he saw that Freddie and Fannie were out of control. But that's not such an easy thing to do to control Freddie and Fannie. They were quasi-private agencies that were loaning money like mad to people that wanted to buy houses. The trouble was they had just lost a billion here or there, so things weren't going quite right for Freddie and Fannie.

But Freddie and Fannie had a way to fight back. They had many, many lobbyists in Washington, D.C., and they gave lots of money away to Senators and other political people. So the President is asking for authority to control Freddie and Fannie. The President got the bill through because Republicans controlled the House at the time, got a bill through the House, it went to the Senate. But because the Republicans did not have 60 votes in the Senate, the bill was killed by the Democrats in the Senate.

In the meantime, the congressional Democrats disagreed with the idea of regulating Freddie and Fannie more. And of course Congressman FRANK, who is now the one in charge of this committee, saw it very different than President Bush did. He said, these two entities, Freddie and Fannie, are not facing any kind of financial crisis. The more people exaggerate these prob-

lems, the more pressure there is on these companies and the less we'll see in terms of affordable housing. So he did not want to regulate Freddie and Fannie. He didn't see a particular financial problem; he said they're just fine financially. This is the same article, New York Times, September 11, 2003. Of course as it turns out, through the eye of history we can look back and say of course Congressman FRANK was completely wrong and President Bush was right; we should have done something about Freddie and Fannie.

So you start to get this real estate collapse and mortgage problem. So the economy starts to go down and a lot of people blamed President Bush for it. But anyway, the economy starts going down, it's because of this congressional policy of allowing these mortgages to be made to people who couldn't afford to pay. What happened was of course Wall Street took them, chopped the mortgages up into little pieces, packaged it all up into these mortgage-backed securities and sold them all over the world. The whole crisis was compounded by the different ratings agencies like Standard & Poor's and Moody's, giving them all Triple A ratings—in fact, these things were not Triple A at all; they were a lot of trouble waiting to happen.

So the real estate crisis then drug the rest of the financial market into trouble, along with some accounting rules that were so rigid and strict that they couldn't deal with the situation that occurred. Following that, of course, President Obama is elected and the economy is going down. And so he proposes a series of solutions and things that hopefully are going to make things better. Part of his solution, of course, was a whole lot of taxes and a whole lot of spending.

And so his policies started out, first of all—actually, it started out with the stimulus package. The stimulus package was one of these things that were supposed to help us get some jobs. He told us what we were going to do with the stimulus package, we were going to spend—it was originally \$787 billion, but as it turned out it was \$800 billion in the stimulus package. And here's what was said by the President about it. Our stimulus plan will likely save or create 3 to 4 million jobs. Ninety percent of these jobs will be created by the private sector, the remaining 10 percent mainly public sector jobs.

So this looked like a pretty good deal. We were told if you don't pass the stimulus bill, what's going to happen is you may get 8 percent unemployment if you don't pass it. And so because the Democrats were totally in charge, we passed it. The Republicans all voted no. We had seen this before. It was not even a legitimate stimulus package. It was a whole lot of big spending on a lot of giveaway government programs, but it was not going to do anything to improve the economy, we believed. Now

we've had a chance to see how did that \$800 billion go? Well, it went to pay the pensions of a lot of States that had been irresponsible and had not managed their pensions properly.

And so now we've seen how that worked. Well, the private sector has lost nearly 8 million jobs since 2008. The government has gained 656,000 jobs—mostly the census-type jobs—and there was very, very little job creation in the private sector. Well, is it because Republicans were such wizards that they could figure out it wasn't going to work? Well, no, we just know something about history. In fact, we would have hoped that the Democrats might have learned from history from the days of FDR, who took a recession and turned it into the Great Depression.

These are the comments from a Keynesian economist in a way, he was somebody that was about the same time period historically as Little Lord Keynes. His name was Henry Morgenthau, he was FDR's head of Treasury. He said, We have tried spending money. We have spent more money than we've ever spent before—this is after 8 years of the Federal Government spending lots of money—it doesn't work. I'd say after 8 years of the administration we have just as much unemployment as when we started, and an enormous debt to boot.

So, so much for the stimulus bill. It wasn't even FDR kinds of concrete and asphalt types of pork; a lot of it was just giveaways to various States that had mismanaged their budget. So that's what happened. So we could have learned. And the Republicans did know that the stimulus bill didn't work, we didn't vote for it. And what was the result of it? Well, we should have learned at least from Henry Morgenthau because here's the results. This is when the stimulus bill was put in. It was projected that we're going to have unemployment going down. If you pass the stimulus bill, it's going to go down here; if you don't pass it, it may get up to 8 or 9. In fact, we passed the stimulus bill, it gets to 9.7.

If you take a look at the other graphs—I don't know that I have that graph here today—what you find is that the employment in the private sector has been going steadily down and the government employment has been going steadily up. So, so much for the first step of economic policies in the administration. That was followed, of course, by all of these different nifty big tax increases. Now, that says something's wrong when you have a recession and you're doing tax increases.

I'm joined in the Chamber tonight by a fellow that is very aware of how these things interact, has done a fantastic job for his district, and I'd like to invite him to join me in our discussion tonight, Congressman SCALISE, please.

Mr. SCALISE. I'd like to thank my friend from Missouri for leading tonight's discussion about the economic problems that we're facing today in our country. And of course, as you showed those comments from Henry Morgenthau, who was the Treasury Secretary under FDR, who in fact not only pointed out the problems of the massive spending back then, but really was kind of prescient because some of the things he talked about back then are still as relevant, if not more, today because he predicted the problems, he discussed the problems of government spending and spending and borrowing and borrowing with no results, and in fact with detrimental results because of the damage it's done. And of course here we are today seeing the results of that same failed policy of history, unfortunately, repeating itself.

Mr. AKIN. We just didn't learn.

Mr. SCALISE. And of course those who are running things right now—the liberals who are not only in the White House, but here in Congress—have not learned the lesson of history. And there is that saying that if you don't learn from history, then you're doomed to repeat it. Unfortunately, we've been trying to prevent history from repeating itself, and yet we're seeing that happen right now.

I represent southeast Louisiana, and of course we are battling this devastating oil disaster—

Mr. AKIN. Maybe I should just interrupt for a moment and recognize, gentleman, you have really studied up on the whole oil spill situation and shown tremendous leadership there. I'm very thankful for the fact that you have stepped into what appears to many Americans and many conservative Congressmen as a leadership vacuum. You have really stepped in, and I'm very thankful for you doing that. I would encourage you to make the connections here.

Mr. SCALISE. I thank the gentleman for his kind comments. All I've been trying to do is not only represent the people of my district and my State, but also to make sure that the President is meeting his responsibility under the law. And of course under the law in this case, with the Oil Pollution Act, the President himself is responsible for directing the recovery, and the responsible party, BP, is responsible for paying.

BP ought to be paying. The problem is the President is allowing BP to still run the show on the ground in too many different areas, which is not his job. And now something that has really added insult to injury is that the President came out a few weeks ago with this ban, this moratorium on offshore drilling across the board, not focusing on finding out what went wrong on that rig, why the Horizon exploded—and we still continue to battle this oil today. In many cases our local leaders

tell me, including just yesterday, our local leaders are spending more time fighting the Federal Government than fighting the oil, which is inexcusable, and it's still going on to this day.

Mr. AKIN. Could you hold that right there for a minute because I think you're on something that I think we ought to be exploring a little bit here tonight, but we do have an item of business.

I yield to the gentleman from New York (Mr. ARCURI).

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5175, DEMOCRACY IS STRENGTHENED BY CASTING LIGHT ON SPENDING IN ELECTIONS ACT

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111-511) on the resolution (H. Res. 1468) providing for consideration of the bill (H.R. 5175) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### THE ECONOMY AND OTHER CURRENT ISSUES

Mr. AKIN. Mr. Speaker, I think we were just talking a little bit about the situation in the gulf that's gotten everybody's attention.

My background is engineering, gentleman, and my first reaction when there's a problem is, how do you fix it? That's the first thing I'm saying. What has puzzled me and actually made me pretty frustrated is it seems that the administration is more interested in affixing blame than they are in fixing the problem.

I recall that President Bush took a whale of a beating after Hurricane Katrina because it took him about 2 or 3 days after he had been rebuffed by the Governor and the Mayor of New Orleans, it took him a couple of days before they sort of got going. And then of course our FEMA didn't respond very well; the Federal response was a bit weak in terms of the magnitude of the disaster. And yet, by comparison, what we're dealing with here in the gulf is it took 50 days for the President to call the head of BP. Now, he had the power, if I'm not mistaken, is it right, he had the power to basically declare that a national emergency, get together a team of people, a fusion cell, get the very top resources in America. They could have pulled that together, they could have processed the different questions, sorted through the conflicting claims and started to put this

thing together, put together a series of. We're going to do this, this and this. If this doesn't work, this backup plan is already getting set up.

We could have managed the process. Instead, after 50 days he calls the head of BP and just wants to ream the guy out. Well, BP did a terrible job, but after the crisis started it was the administration's problem to deal with, and I didn't see it fixing the problem. Am I mistaken in that? I mean, that's just an outsider looking in. I'm up in Missouri, we don't have too much coastline up there.

Mr. SCALISE. Well, obviously you've been studying this. I know you, and I have spoken about the problems on the ground, and I appreciate your concern and the interest you have in trying to help us. I wish that the President had that much interest in helping us in the day-to-day problems we're facing. Just the other day I was talking to one of the local fire chiefs who was there on the ground after Katrina, who is there on the ground right now battling the oil, and he said that the level of government dysfunction is higher today—more dysfunction today—than it was during Katrina. A case in point just happened yesterday when this sand barrier plan that our Governor and our entire congressional delegation fought for over 3 weeks to get the President to finally approve. In fact, last week, when the President gave his address to the Nation from the Oval Office, he actually bragged about the fact that he approved this sand barrier plan. Well, yesterday the Federal Government shut it down.

Mr. AKIN. Wait. The President approved the sand barrier plan that we've been waiting a month to get approved, and now it's been shut down by the Federal Government?

□ 1845

Mr. SCALISE. It was shut down yesterday by the Federal Government. Spoke to our Governor's office about it. They basically said it was a Federal agency that shut them down. I talked to the Federal agency today, and they said they didn't shut them down. We went round and round, and of course they were shut down by the Federal agency. Again, this is a classic problem we have had every day.

Mr. AKIN. The Federal agency said they didn't shut them down. Yet, in fact, they weren't telling the truth. They did shut them down.

Mr. SCALISE. Yes. I don't know whether the people in D.C. didn't know what their Federal agents on the ground in south Louisiana knew what they were doing, but it's happening every single day. It seems like we have problems like this every day, so you can't just say it's miscommunication. Clearly, it's a lack of leadership. The President, under the law, is responsible for that leadership, and clearly, he is

not doing his job, and he is not engaged.

Mr. AKIN. It is a vacuum of leadership, isn't it?

Mr. SCALISE. It is very sad that it is a vacuum of leadership, because the law is clear that, under the Oil Pollution Act, when there is a spill, the President is responsible for directing the recovery, and the responsible party, in this case BP, is responsible for writing the check.

Now, for whatever reason, the President is allowing BP to still make decisions on the ground even though they have proven they are incompetent. Yet he is not doing his job. The President is not doing his job under the law. Now, if he doesn't like that law, he should try to repeal it, but in the meantime, he ought to follow the law.

Mr. AKIN. The thing that struck me about it was—because I heard about this sand barrier thing. I mean there are a lot of different ways you could try to mitigate the oil that is in the water. There are dispersants. You can put hay in the water. There are a lot of things. One thing you could do is you could dredge up a little sandbar, which is very flexible. I mean you could pump it away a week later if you wanted to. That sandbar could protect these very delicate ecosystems along the edge of the water. They could trap the oil.

You know, some years ago, there was a place that had some good food in Missouri. It was one of those truck stop-type places, and it had a picture that was kind of a cute one. It had a beautiful John Deere green wagon, and it had these two little kids dressed up in the high-bibbed, blue-and-white-striped overalls. One of them had a handle on the wagon and was pulling on it. The other one was pushing. Apparently, the wagon had sort of gotten stuck in a bump, so he is looking back over his shoulder, and the caption reads, "Are you pulling or pushing back there?"

I've got to think of poor Governor Jindal. You're trying to get permission to build a sand barrier to try to protect your environment, which is what the Federal Government is supposed to be demanding that we do. We have all of these expensive bills to supposedly protect our environment. He says let us build a simple sandbar to catch the oil on it, and then we can take it away later. Yet it takes the government a month to try to make a decision. The oil is already into all of these delicate ecosystems while the Federal Government is dithering around, trying to make a decision.

If I were the Governor of that State, I'd be jumping up and down mad. It's just a vacuum of leadership is what we've seen. Now you're saying the President said they could build them, and then they can't build them. There is no one in charge, it seems like.

Mr. SCALISE. You know, the gentleman is correct about not only the

Governor but about the people, who all throughout the gulf coast are jumping up mad because they're seeing this kind of dysfunction, this lack of leadership from the President, every day in different ways, and there is no reason for it. The President is giving speeches, talking about how he is in charge, but any time anything goes wrong, you can't find anybody who is in charge. Nobody takes responsibility. Nobody wants to be held accountable. Yet nobody wants to actually help us solve the problem.

You were talking about food. Just Monday, I was in New Orleans. I ate at one of the great restaurants, Drago's, and I was eating my shrimp po-boy. The seafood is still great to eat. Unfortunately, a lot of the seafood beds are closed right now. There are still seafood beds open, and when you can find good seafood, it's still good to eat, and the shrimp po-boy I ate was wonderful. The problem, though, is with some of those seafood beds we've been trying to protect. Just weeks ago, some of those seafood beds had no oil. Today, oil is starting to come in.

That's what this whole barrier plan is about—protecting our marshes, our estuaries, and the pelican nesting areas. In some of the other areas that haven't been affected by oil, we are trying to keep the oil out, and so we've come up with a plan. Unfortunately, the Federal Government didn't have a plan. So you would think that they would be working with us to help us implement our plan. In fact, they've been fighting us. It took us over 3 weeks to get the President to finally approve the Governor's plan, but he only approved 25 percent of it. He spoke last week in his national address as if he'd approved the whole plan. There is still 75 percent of that sand barrier plan that has not been approved, so there are still a whole lot of seafood beds and marshes that haven't been protected.

Here we had at least 25 percent that we were working with to build up these barriers. Then yesterday the Federal Government comes and shuts it down. Again, this is something we fought for for over 3 weeks, and the Federal Government finally permitted. They were so successful, supposedly, that the President bragged about it on national TV. Then yesterday they just shut it down quietly, but we're not going to let this go by quietly because this is something that is their job, and they're not doing it.

Mr. AKIN. The question that raises my blood pressure is it seems to me like President Bush was almost accused for bringing on Hurricane Katrina. Yet we've got one of the biggest leadership vacuums in terms of this oil spill every time you hear about something. There was also that moratorium about we're not going to drill any more wells at all. The equivalent would be, if an airplane falls down,

we're going to cancel every air flight in America. You know, there were some reasons there was this disaster. From what we're hearing, there were enough coverups and different things, so we don't really know exactly what happened. Though, apparently, the equipment, at least if it's functioning properly and has been properly checked out, should work. So there was some human error involved, clearly, and possibly some equipment that was not properly inspected. There are some problems, but that doesn't mean you shut every oil rig in the gulf down while you're trying to figure out who did something wrong.

Wasn't it over 100,000 jobs that were just going to, all of a sudden, disappear?

Mr. SCALISE. That's exactly correct.

In fact, when the President came out with this ban—and he calls it a temporary pause—if they do what the President said he wanted to do, which is for 6 months to allow no drilling in the gulf, ultimately, those rigs, each of them, will lose about \$1 million a day. They're being lured by other countries, countries that want these valuable assets and the skilled workers that go with them. Now some of them are starting to go to places like Brazil and West Africa. So, over the next couple of weeks, you will see a chipping away of not only the ability to generate natural resources in America, which provides billions—\$6 billion by last estimates—of Federal revenues that will go away but of also the jobs. In Louisiana alone, it will be over 40,000 jobs that we will lose.

Mr. AKIN. Is that 40,000 jobs just in the oil industry alone?

Mr. SCALISE. Just directly related to those rigs. Of course, you've got service industries, and you've got restaurants. You've got all of the secondary spending that goes along that you can't even calculate because it's so big. These are high-paying jobs. These are skilled jobs that will leave our country, and some of them are already starting to.

Ultimately, if you go back, the President is trying to say this is a fight between safety and jobs. Unfortunately, he probably—or maybe he hasn't even read the recommendations of his own scientists who came up with a report. Right after the explosion on the rig, they asked to have a panel of scientific experts, who were assembled by the President and by the Secretary of the Interior, put together a report. They asked for a 30-day report. Sure enough, this panel of scientists came back with a 30-day report of specific recommendations to increase safety, to make sure you go and you inspect every rig. For the ones that are working, fine, like every other one is, and you allow them to do what they're doing. If there are any problems you find, you address those problems, but you don't shut

down an entire industry because one company didn't follow the rules.

In fact, the Federal regulator, under President Obama, didn't enforce the laws that were on the books. The recommendation came back and said to look at these safety guidelines we're giving you, but don't shut the industry down. Well, the President conveniently discarded, threw away, the recommendations of the scientific panel, and he recommended the moratorium. They actually pointed out, No, we didn't. You're misstating what we said. They apologized for that, but they still went forward with this moratorium.

Then, just yesterday, a Federal judge in New Orleans said, You cannot have this moratorium because it's not based on fact; it's not based on science, and it doesn't help safety. In fact, it could decrease safety. Yet they still continue to ignore the fact that they are throwing away science and are trumping it with politics. They are playing politics with this decision, and they are still going to try to ignore now a ruling of a Federal judge and of their own scientific experts to run 40-plus thousand jobs in Louisiana and over 150,000 good, high-paying jobs in this country to foreign countries and are going to make us more dependent on Middle Eastern oil.

Mr. AKIN. Just from what we've talked about in 10 minutes tonight in terms of this leadership vacuum, we are seeing a threat to 40,000 jobs. Just in your State alone, it's 40,000. We're not talking about the barbers and the restaurateurs and all of the other people who are supported by it. It's just 40,000 hard jobs which are being thrown down the drain when a panel of people who really have studied and know the industry are simply saying, Look, go out to the different oil rigs. Make sure that they're inspected and up to spec because, by the way, MMS, the Federal agency supposedly doing this, has not done that. Make sure that they're up to spec, and then let them go ahead because there is nothing wrong.

We have drilled thousands of wells in water, and they have worked fine. Just because one goes bad, you don't shut the whole industry down. So we are threatening 40,000 jobs. Also, in spite of what the panel recommended the President do, we are continuing to endanger the environment, and they are always screaming they care so much about the environment. Though, they are the very ones preventing you from trying to protect the environment.

The thing that strikes me is: Why do we put so much trust in the competence of the Federal Government? That's what is striking me. That's part of the reason I thought it was good to take off a little bit and talk about the gulf situation.

We've got this proposal now. The President wants to use the fact that a company mismanaged its oil well and

that he and his administration have made a complete mess of the management of that crisis to say now what we need to do is to have the Federal Government do this cap-and-tax bill, which is more taxes, more red tape and government regulation. When the last government agencies didn't even do their jobs, now he wants us to buy more of this, not to mention the fact that we've already passed this huge tax increase for health care. Now we're supposed to trust the Federal Government to take care of our own bodies. We took a look at what it's doing down there in the gulf. I sure don't want the Federal Government tampering with my body. I'll end up with two left arms, which would be a pretty terrible fate for a conservative like me.

Mr. SCALISE. You know, if you look at what the President said in his speech last week, I and many others were angered by the fact that he spent almost as much time trying to exploit this crisis to promote his cap-and-trade energy tax as he did in talking about the oil spill and how we can battle the oil and keep it out of our marsh. In fact, if he just were doing his job and were focusing on what his responsibility is under the law, then he actually would be focusing exclusively on helping us battle the oil instead of, not only blocking our attempts on the ground, but of then diverting it and trying to exploit it to talk about this cap-and-trade energy tax.

Then you go into so many of the other things that are happening on the ground that are causing so much frustration for our local leaders, who should all be not only working with the government to battle the oil, but they should be empowered. They should be given ideas from Federal agencies.

Look, I'm for smaller government. Right now, we've got the largest government in the history of our country, but whether you're for bigger government or for smaller government, I think we should all be able to expect competent government. Clearly, we are not getting that now.

Mr. AKIN. Well, you know, the thing that strikes me—and maybe it's because I'm an engineer and I see it this way. For most Americans I know, if you've got this big hole in the middle of the gulf and if it's pouring out all of this oil all over the place, the reaction of most people is, Well, let's fix it. You know? Let's get the job done. Whether you believe in big government or in little government, what you want to do as Americans is to have this "can do" attitude. Well, we made a problem. Now we've got to get in and fix it. We've got to figure out what we did wrong. We've got to make sure we don't make those mistakes again, and we're going to move forward.

I don't like being negative. I like fixing problems, and I know you're the same kind of temperament. We've been

kind of complaining about the fact of a vacuum of leadership in the administration, and it's a vacuum that's evident in the gulf oil spill. It's evident in Afghanistan, and it's evident in a lot of policies. Let's stop for a minute. I don't want to be negative. Okay. Let's say that we are President and that we have this oil spill. What would be an appropriate response?

My thinking is I know the military has these things they call "fusion cells." They're teams of people who get together. It's a clearinghouse for all kinds of information. You get the top resources all over America of what you need in different areas. You put a plan together and say, This is our first attempt to stop this well up. If this doesn't work, we're going to do this. That means we've got to have this, this, and this piece of equipment ready to go. It means we've got to clear this, this, and this with this agency.

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We've got Governor this; Governor this; Governor this asking for permission. We've got to consider that, take a look at the law, move fast if we have to change the law or change some policy, and we need to get back to them within 12 hours. And you've got a whole team that is on top of it, managing this thing. That's my sense of where we would be going. You have to be able to look at all of the data, get the right people in the loop, and make decisions. We're not seeing any of that.

Mr. SCALISE. No. Another thing that needs to happen is you need to have a real clear command structure on the ground where decisions are made quickly and decisively; and if things go wrong, there are people you can hold accountable to go fix them. Not to sit around and point fingers, but to get things done. The problem that we continue to have—and we're over 2 months into this now and there was no excuse for these kinds of delays 3 or 4 days after the rig exploded, but especially 2 months later, when everybody knows how important this is, how much national significance it has not only for the 11 lives lost, for the environmental damage, but now for the economic and energy security issues that are being raised, you would think that this would be the number one priority of this President and he would be focusing all of his resources.

And when local leaders have ideas like our local leaders have had ideas, the Federal Government is right there working with them saying, How do we get this done today instead of 3 weeks going by, fighting with the Federal Government to get approval for things that should have been approved on day one, if this was the top focus. And then where the Federal Government is even coming up with ideas.

I watched the movie "Apollo 13," and it's an inspiring movie. It's one of

those movies you watch if you really want to get your juices boiling. And you can see what American ingenuity is all about. This was a case where the American spirit was alive and well and those NASA folks sat in that room and said, We're not leaving until we get our men back home safely. "No" was not going to be an answer and no excuse was going to be accepted. You don't have that same can-do spirit today by the Federal bureaucrats, who continue to block our attempts to protect our marsh, to keep the oil out of those seafood beds, to protect those pelicans and the other wildlife that are threatened every day, when we have ideas to protect them.

Again, if they've got a better idea, wonderful. We'd love to hear. Unfortunately, not only did they not have any ideas to help us, but they're spending their time blocking our attempts to save our marsh. And there's no excuse for that.

Mr. AKIN. It's got to be terribly, terribly frustrating. As I took a look at it, my daughter actually was taking a biology class and she did a paper on the whole oil spill and some of the different technologies for mitigating all this really raunchy oil that's floating around. One of the things is there's a company that has in barrels a powder-like yeast—these little critters that will eat that oil. When the critters eat the oil, when they get done eating it, if there's no more oil, they just die because there's no more food and other creatures can eat them, and the whole thing just cleans up the mess biologically, naturally.

Now, I don't know whether that's a great solution or not, but it sure seems to make a lot of sense. And then you've got other people in the Midwest areas, we've got plenty of straw and hay. And there's even these YouTube's and people are saying, Here's one way to fix it. Put a bunch of straw and stuff in this water. All of this very sticky oil clings to the straw, you bring it in, pile it up, and burn it in an incinerator or whatever. But Americans have ideas how to do this, and our government is standing around saying, You can't do it. No, we don't like that idea either. In the meantime, the oil is piling up on the shores, and we're just asking for some legitimate government.

My friend, Congressman BROWN from Georgia, is here, a medical doctor and also a guy with some strong ideas and a lot of common sense. It's a pleasure to have you.

Mr. BROWN of Georgia. Thank you, Mr. AKIN. I appreciate you yielding me some time. As you were talking about putting straw or hay on the oil, we can make electricity out of that. Just think about that. What better source of electricity than doing that?

Before Mr. SCALISE leaves, I want to just tell him just for his edification—I think he knows what I'm fixing to tell

the American people and Madam Speaker—is that we recently—in fact, just in the last day—sent a letter to the Internal Revenue Service to ask them to give a special exemption for taxes on the money of all the people who are being harmed economically by this disastrous oil spill. They won't have to pay taxes on the money they get, which is absolutely fair.

We saw that happen. The Internal Revenue Service was going to tax the recipients money that they received in Hurricane Katrina, as you know, in your own home city there in New Orleans. And Congress had to act to say to the Internal Revenue Service, Don't tax that money. But I wrote the Internal Revenue Service and said, Please give a special exemption to all those businesses and individuals that have been harmed. And it's absolutely critical because these people have been out of work, many of them for 2 months now. They're struggling just to make ends meet. And it's absolutely critical.

And I hope that the Internal Revenue Service and this administration will immediately give a special exemption to all those people who are harmed—those businesses and those individuals that are harmed. And I hope that the American people will just have a tremendous outcry and have a heart for those that are harmed and say to this Federal Government, to the Internal Revenue Service, Don't tax these folks. And I've made an appeal to the Internal Revenue Service and hope you all will join me in trying to get the Internal Revenue Service to not tax these people who are already damaged and already hurt, and it's only fair to those people.

I just wanted to tell my good friend from Louisiana that we're fighting for folks—not only those in Louisiana, but those in Alabama, Mississippi, and Florida, and all over the gulf coast. It may even affect people on the east coast. It may even affect my own home State of Georgia. So we're fighting for those folks, and hopefully the administration will come forward to say, Don't tax these benefits because they're not benefits. They're actually moneys to just try to help them get their lives back on track.

Mr. AKIN. That all goes to the same thing we're just talking about. I don't really naturally like to be dumping on people for mismanaging something, but this is so outrageous. I mean, the only thing that could top the outrageousness of BP is the outrageousness of the administration to be sitting here 2 months after this situation without a clear-cut plan. I would think the President would have some boards like this and say, Look, the first thing we've got to do—and this is just like somebody has been hit in an automobile accident. They're bleeding. You're a doctor, Dr. BROWN. And you stop the bleeding, is one of the first things you do.

I would say, Well, we've got to stop that oil coming out of the floor of the ocean, and here's the plan to do it and we'll do this, this, this, and this, in this order. And it's going to require these resources and we're putting the team together and the plan to do that. Now we've got this situation with jobs down there. And Congressman BROWN's got an idea to help on the income tax side of it. Congressman SCALISE has got a plan as to what to do with some sand berms to stop this oil from coming into the harbor. And you put the team together to make decisions and deal with this. And so instead of fixing blame, you fix the problem. And all we've heard is the government getting in the way.

My understanding is private companies have more oil booms out there to collect oil than the Federal Government did. And there are types of booms—I heard they're called fire booms—where they're a material that's more or less fireproof. It corrals the oil. Light the oil on fire and they can burn the stuff up before it drifts onto the shore and causes a lot of trouble.

And the thing that drives me crazy is here is this example of the government just totally failing and the gall of the administration to turn around and say we've got to pass a great big tax increase and we're going to give the Federal Government power to tell you you've got to put a 220-volt plug in your garage for your electric car and you can't build a wing on your house without making sure the carbon footprint is right and we're going to tax anybody every time you flip a light switch and we're going to try and pass this piece-of-trash bill, and the excuse for this is the fact that we haven't dealt with the problem in the ocean. I don't understand how people can have such great, great faith in the Federal Government. It just blows my mind.

And, of course, you know, gentleman, the health care bill. Every day that comes out, we find more and more problems, all things that we were saying were going to happen. And it shows that the real objective here isn't health care at all. That's the ironic thing. This Obama benchmark progress report. Here's the thing about jobs. Is it going to help with jobs? No. It fails this measurement. Costs. Today, I want to lay out the details of a plan that not only guarantees coverage for every American but also brings down health care costs. Is it going to bring down health care costs? No. The whole thing is a scam because all it does is businesses will dump their employees in the Federal Government.

And so why do we have so much trust the Federal Government should be entrusted with health care? You're a doctor. Would you want to trust your body to the Federal Government when we've seen this record?

Mr. BROWN of Georgia. Mr. AKIN, you're exactly right. The American

people get it, though. The administration doesn't. That's the problem. In fact, whether it's the oil spill and the disaster that's going on there and their disastrous response to that or forcing ObamaCare through against the will of the American people, all this administration is showing the American people is its arrogance, its ignorance, and its incompetence. That's exactly what the American people have seen. In fact, just on the oil spill, just the other day I was talking to a fireman in my district and he asked me about this oil disaster and the poor response that this administration has shown. This working guy, just a guy trying to make a living and take care of his family and struggling to make ends meet, asked me if this administration was purposely not responding to this oil spill just so that they could force through their cap-and-trade. I call it tax-and-trade. Because President Obama himself said this was about revenue. He had to have that revenue from this energy tax to pay for his health care plan for ObamaCare. And that's what we see over and over again.

And the American people get it. They understand that this administration is bungling the oil spill, the ObamaCare, and you're talking about a budget. We're asking, Where's the budget? Back in the ObamaCare debate, the leadership here in the House said that they were going to deem and pass. Deem and pass. That sounds like a bad place in a spaghetti western where the bad guys are setting up to ambush the good guys. And that's exactly what was happening.

Now, on the budget, Leader HOYER is saying that we're not going to have a budget and that they're going to deem the budget. So we're having another deem and pass by the leadership in the House to not even set forth a budget. And why? Because Democrats don't want to—a lot of the Democrats, particularly Blue Dogs, don't want to vote and those vulnerable Democrats don't want to vote for the massive debt that's being created and incurred—or already incurred, actually. Tremendous debt that's already incurred by this administration and by this leadership in the House and the Senate. They don't want to have to vote on that again because they're scared what the American people are going to do in November.

Mr. AKIN. The funny thing is, the very words they spoke kind of come back to condemn them. They're kind of condemning themselves because here's the Democratic whip, Congressman HOYER, he's saying, Budget is the most basic responsibility of governing. That's 2006. The most basic responsibility of governing is what? The budget.

Mr. BROWN of Georgia. Passing a budget.

Mr. AKIN. And here's the guy in charge of the budget, Congressman

SPRATT, If you can't budget, you can't govern. So this is what they're saying in 2006. And now we take a look at what's coming forward and we say, Where's the budget? Here's the Hill: Skipping a budget resolution this year would be unprecedented. The House has never failed to pass an annual budget resolution since the current budget rules were put into place in 1974, according to a Congressional Research Service report.

So, since 1974, Republicans and Democrats have met in this Chamber and every year they put a budget together. Some of them were a lot better than others. Some were tighter. Some tried to balance the budget. But they have always had a budget. Didn't always get passed. Didn't get taken care of. But they always had a budget. Until when? Until this year. And why? Why is it Democrat leadership says it's absolutely essential to have a budget, and they don't have one this year? Why do you think that is?

Mr. BROWN of Georgia. Before you take that down, if the gentleman would yield.

Mr. AKIN. I do yield.

Mr. BROWN of Georgia. The folks watching on C-SPAN tonight, Mr. AKIN, may wonder if Congressional Research Service is some far-out right-wing group that might be trying to hammer the Democrats and trying to castigate them in a negative light. But that's not so, is it?

Mr. AKIN. The Congressional Research Service is a bunch of professionals that are paid by the U.S. Congress and they try to be as objective as they can. They're not always right. But they at least have very good access to historical records and the history of the Congress. This statement that the House has never failed to pass an annual budget resolution, that's a historic fact.

So what we're seeing here is we're in uncharted ground, at least since 1974, that there is no budget. Well, why is there not a budget? You made reference to it. And here's the nasty little picture. We were told that George Bush spent too much money. President Bush.

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Mr. BROWN of Georgia. And he did.

Mr. AKIN. And he did spend too much money. In fact, you and I, gentleman, voted "no" on some of the things he wanted to spend money on. His worst budget, though, was when Speaker PELOSI was in charge of this Congress in 2008, right here. That was his worst deficit, \$459 billion in deficit that year. Not proud of that, \$459 billion. The people said that Bush spent too much money. And here we come to the very first year of President Obama, and it's \$1.4 trillion. That's three times the worst Bush deficit. And so if you had that followed by an even bigger deficit

this year, you had unemployment at 9 percent, if you were one of the Democrats, would you want to pass a budget right now? I think they're running for cover.

You know, we have an expression in Missouri, it's called "hunkered down"—"hunkered down like a toad in a hail storm." It seems like to me, if I had anything to do with that level of deficit spending, I would be hunkered down. In fact, I think I would have resigned and gone to try to do something else with my time because this is totally destructive to our country.

And you raised the question, Is the objective to precipitate such a crisis that they consolidate power in the Federal Government? At least it seems like to me the American people are going to go, Oh, my goodness. You're going to need to create an awful good crisis for us to ever trust the Federal Government with the kind of quality of leadership that we've been seeing.

Mr. BROUN of Georgia. Mr. AKIN, if you would yield.

Mr. AKIN. I do yield.

Mr. BROUN of Georgia. Saul Alinsky in his book "Rules for Radicals"—and I am reading the book to try to garner some information about the battle plan of the progressives. There's another word for progressives in my opinion; it's socialists, Marxists. You can use other terms.

Mr. AKIN. Well, Saul Alinsky was a Communist, wasn't he?

Mr. BROUN of Georgia. He was.

Mr. AKIN. And that's a historic fact that he was a Communist. And Obama studied under him, right?

Mr. BROUN of Georgia. That's what I understand. In fact, he dedicated the book "Rules for Radicals" to the first great radical, Lucifer.

Mr. AKIN. The first great radical, Lucifer, Satan.

Mr. BROUN of Georgia. It is right there in the book. That is the first thing I looked at.

Mr. AKIN. Did he have all of his bolts together? What was his problem?

Mr. BROUN of Georgia. Well, Lucifer rebelled against our creator, God, and was thrown out of heaven. And we're trying to fight all of those spiritual wars today because of that. But the thing is, what the progressives or radicals or socialists—whatever you want to call them—are trying to do or the proposal from people like Saul Alinsky and others is that you just totally destroy your enemy, and then you build up a socialistic society out of it.

I've had person after person in my district, just working folks—not politicians, just working folks, say to me, PAUL, why is President Obama trying to destroy the free enterprise system? Because that's exactly what he's doing. I hear that over and over again from lower middle class working people all the way up to small businessmen and -women who are just saying, Why are

we trying to destroy the free enterprise system? Why are we creating all this debt? And the people in my district in Georgia are just seriously questioning all this huge debt. What this chart shows is the deficits for each year. That doesn't reflect the debt that's accumulated. The debt would be an exponential curve if we showed that.

Mr. AKIN. Yes. Now an average guy on the street—let's just say they're reading some newspaper headlines over the last 18 months. Now what's the impression they get? First of all, there's this huge bailout, a Wall Street bailout. So you get these firms on Wall Street that are getting billions of dollars of taxpayers' money. That, of course, makes people get really happy and excited about that. So we're bailing out Wall Street first of all. Now there are people that are making a case that the economy was in very bad shape and that we had to drop \$700 billion. We didn't vote for that. But there are people that make the case that, Well, there were these things that were failing.

So we drop all this money into Wall Street. We bail out banks. We bail out insurance companies. And then the bailout fever really gets started, which we predicted would happen if the Federal Government basically opens the kitty to any group that wants to bail out anything, and we start buying out Government Motors—I think it used to be called General Motors before—and Chrysler. So we're doing that. And then we decide, Hey, it would be a great idea if we bailed out college kids who want to get loans. The government's going to take that over. And now the government is in the process of collecting other things that it can own. Of course notably, 17 percent of the free side of the economy which used to be where you worked, Doctor, in health care. So now the government's taking over 17 percent of the U.S. economy in the health care area. They're nibbling and just salivating about taking over the energy business.

So if you're an average guy on the street, and you start connecting the dots—which many people may not. But when you start to think about it, the government's taking over everything. So it's not an odd thing for somebody just taking a look at the headlines and looking back at the last 18 months to say, Holy smokes, what's going on here?

Mr. BROUN of Georgia. In fact, it's my understanding that we've nationalized more of our private economy in our country just since the Obama administration took over from the Bush administration—we've nationalized more of our private economy under this administration than Hugo Chavez has in Venezuela, in the whole time the Communist dictator Hugo Chavez has in his country down there in Venezuela.

Mr. AKIN. I know America likes to win, but I don't know that we want to do better than Hugo Chavez. That's not exactly where most Americans want to be going, I don't think.

Mr. BROUN of Georgia. Well, during the Bush administration, we had the TARP funds, the Troubled Asset Relief Program that the Bush administration promoted. It was actually through his Secretary of the Treasury, Hank Paulson, who came to us and said, The sky is falling, we had to pass a TARP or the economy would crash. I voted against that because I wasn't in favor of bailing out the incompetent Wall Street bankers for their malfeasance. I want to bail out Main Street, small businessmen and -women. I want to bail out the small community banks by getting the Federal regulatory burden off them so that they can compete in an open marketplace.

I believe very firmly that the free marketplace, unencumbered by government regulation and taxes, is the best way to control quality, quantity, and costs of all goods and services, whether it's banking services or health care, in my business as a medical doctor, or selling tires and gasoline and automobile parts and appliances, like my dad did, or any other good or service. The best way to control it is through an open marketplace unencumbered by taxes and regulations. And the more taxes and regulations we put on business and industry, the higher the price goes, the quality goes down, and we have less of those things for the people who are consuming. And we're going to see that in health care.

Mr. AKIN. Well, I appreciate, gentleman, your perspective on all of these things, and I appreciate you sharing what a lot of your constituents are telling you because it very much reflects what I am hearing when I go home. And the question mark is, Really, what is the game plan of this administration? It seems that one thing you can say, whether it is the Katrina oil spill, whether it is the attempt to try to do the cap-and-tax or cap-and-trade or whatever you want to call it—a government takeover of energy is what I would call it—and whether you want to talk about socialized medicine, whether you want to talk about a whole series of different things, it seems like the pattern is that every single thing the administration does is to try to create an entitlement class, a victim class, a group of people that are totally dependent on the government. And perhaps the worst of all of those things, as you know, Doctor, is the socialized medicine, because if your body is physically dependent on the government to give you your health care, it makes you truly one of these dependent classes. And it seems like the government is trying to turn all of us into a bunch of people totally dependent to the government—in fact, slaves to the

government. It reminds me as we start approaching the Fourth of July how it was that the people in this country said, We really don't want the government to be our master. We don't really believe the philosophy that the government should provide everything for everybody. And I think the public is waking up to this.

I would be happy to yield you a minute if you'd like, gentleman.

Mr. BROUN of Georgia. Well, thank you. I appreciate you yielding back. We have got about 2 more minutes left. I just wanted to add something to what you just said about being enslaved. My good friend Star Parker who, by the way, is running for Congress in California, in Los Angeles, whose welfare mom got saved. She accepted Jesus Christ as her own Lord and Savior. She started looking at her lifestyle, and she started trying to break out of that welfare state that she was in and had a great deal of difficulty. She wrote a book called "Uncle Sam's Plantation" where she described all that. And she's been a great voice against this government largesse—socialism, if you will, because she knows how it destroys families, it destroys communities, it destroys everything. And we are headed in a direction in this country where freedom is being taken away from the American people.

The American people need to stand up and say "no" to the steamroller of socialism and say "yes" to freedom. Let's stop all this government spending. Let's stop all this bigger government and government takeover, and let's put us back on the course of the Constitution with limited government. And that's what the Tea Party movement is all about. I yield back.

Mr. AKIN. I really appreciate you mentioning Star Parker. She is really a fun person. She has a great personality, is a lot of fun. She's cute, and she is very articulate. And she has an amazing story about how the government tried to trap her into all of this welfare stuff and all of the behaviors that would destroy her life. She came out of it through the power of Jesus Christ, started her own business. Now the government gives her trouble. While she is trying to run a business, doing the right thing, the government is taking shots at her. And she says, Whose side are you on, government? You know, when I was doing the wrong stuff, you were encouraging me. When I am doing the right things, you are giving me a hard time. What's the story here?

As I said, I started with a picture of that little green wagon and those two kids. One of them pulling, the other one pushing. The guy looking over his shoulder said, Are you pushing or pulling back there? You know, it just seems like, is the government trying to help us or is it trying to destroy us? And it seems like every decision we

have seen is more dependency on Big Government.

Thank you, Doctor. It's a pleasure to join you, and God bless America.

#### CONFERENCE REPORT ON H.R. 2194, COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2010

Mr. BERMAN (during the Special Order of Mr. AKIN) submitted the following conference report and statement on the bill (H.R. 2194) to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran:

##### CONFERENCE REPORT (H. REPT. 111-512)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2194), to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

##### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Sense of Congress regarding the need to impose additional sanctions with respect to Iran.

##### TITLE I—SANCTIONS

Sec. 101. Definitions.

Sec. 102. Expansion of sanctions under the Iran Sanctions Act of 1996.

Sec. 103. Economic sanctions relating to Iran.

Sec. 104. Mandatory sanctions with respect to financial institutions that engage in certain transactions.

Sec. 105. Imposition of sanctions on certain persons who are responsible for or complicit in human rights abuses committed against citizens of Iran or their family members after the June 12, 2009, elections in Iran.

Sec. 106. Prohibition on procurement contracts with persons that export sensitive technology to Iran.

Sec. 107. Harmonization of criminal penalties for violations of sanctions.

Sec. 108. Authority to implement United Nations Security Council resolutions imposing sanctions with respect to Iran.

Sec. 109. Increased capacity for efforts to combat unlawful or terrorist financing.

Sec. 110. Reports on investments in the energy sector of Iran.

Sec. 111. Reports on certain activities of foreign export credit agencies and of the Export-Import Bank of the United States.

Sec. 112. Sense of Congress regarding Iran's Revolutionary Guard Corps and its affiliates.

Sec. 113. Sense of Congress regarding Iran and Hezbollah.

Sec. 114. Sense of Congress regarding the imposition of multilateral sanctions with respect to Iran.

Sec. 115. Report on providing compensation for victims of international terrorism.

##### TITLE II—DIVESTMENT FROM CERTAIN COMPANIES THAT INVEST IN IRAN

Sec. 201. Definitions.

Sec. 202. Authority of State and local governments to divest from certain companies that invest in Iran.

Sec. 203. Safe harbor for changes of investment policies by asset managers.

Sec. 204. Sense of Congress regarding certain ERISA plan investments.

Sec. 205. Technical corrections to Sudan Accountability and Divestment Act of 2007.

##### TITLE III—PREVENTION OF DIVERSION OF CERTAIN GOODS, SERVICES, AND TECHNOLOGIES TO IRAN

Sec. 301. Definitions.

Sec. 302. Identification of countries of concern with respect to the diversion of certain goods, services, and technologies to or through Iran.

Sec. 303. Destinations of Diversion Concern.

Sec. 304. Report on expanding diversion concern system to address the diversion of United States origin goods, services, and technologies to certain countries other than Iran.

Sec. 305. Enforcement authority.

##### TITLE IV—GENERAL PROVISIONS

Sec. 401. General provisions.

Sec. 402. Determination of budgetary effects.

##### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The illicit nuclear activities of the Government of Iran, combined with its development of unconventional weapons and ballistic missiles and its support for international terrorism, represent a threat to the security of the United States, its strong ally Israel, and other allies of the United States around the world.

(2) The United States and other responsible countries have a vital interest in working together to prevent the Government of Iran from acquiring a nuclear weapons capability.

(3) The International Atomic Energy Agency has repeatedly called attention to Iran's illicit nuclear activities and, as a result, the United Nations Security Council has adopted a range of sanctions designed to encourage the Government of Iran to suspend those activities and comply with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the "Nuclear Non-Proliferation Treaty").

(4) The serious and urgent nature of the threat from Iran demands that the United States work together with its allies to do everything possible—diplomatically, politically, and economically—to prevent Iran from acquiring a nuclear weapons capability.

(5) The United States and its major European allies, including the United Kingdom, France, and Germany, have advocated that sanctions be strengthened should international diplomatic efforts fail to achieve verifiable suspension of Iran's uranium enrichment program and an end to its nuclear weapons program and other illicit nuclear activities.

(6) The Government of Iran continues to engage in serious, systematic, and ongoing violations of human rights, including suppression of freedom of expression and religious freedom, illegitimately prolonged detention, torture, and executions. Such violations have increased in

the aftermath of the fraudulent presidential election in Iran on June 12, 2009.

(7) The Government of Iran has been unresponsive to President Obama's unprecedented and serious efforts at engagement, revealing that the Government of Iran is not interested in a diplomatic resolution, as made clear, for example, by the following:

(A) Iran's apparent rejection of the Tehran Research Reactor plan, generously offered by the United States and its partners, of potentially great benefit to the people of Iran, and endorsed by Iran's own negotiators in October 2009.

(B) Iran's ongoing clandestine nuclear program, as evidenced by its work on the secret uranium enrichment facility at Qom, its subsequent refusal to cooperate fully with inspectors from the International Atomic Energy Agency, and its announcement that it would build 10 new uranium enrichment facilities.

(C) Iran's official notification to the International Atomic Energy Agency that it would enrich uranium to the 20 percent level, followed soon thereafter by its providing to that Agency a laboratory result showing that Iran had indeed enriched some uranium to 19.8 percent.

(D) A February 18, 2010, report by the International Atomic Energy Agency expressing "concerns about the possible existence in Iran of past or current undisclosed activities related to the development of a nuclear payload for a missile. These alleged activities consist of a number of projects and sub-projects, covering nuclear and missile related aspects, run by military-related organizations."

(E) A May 31, 2010, report by the International Atomic Energy Agency expressing continuing strong concerns about Iran's lack of cooperation with the Agency's verification efforts and Iran's ongoing enrichment activities, which are contrary to the longstanding demands of the Agency and the United Nations Security Council.

(F) Iran's announcement in April 2010 that it had developed a new, faster generation of centrifuges for enriching uranium.

(G) Iran's ongoing arms exports to, and support for, terrorists in direct contravention of United Nations Security Council resolutions.

(H) Iran's July 31, 2009, arrest of 3 young citizens of the United States on spying charges.

(8) There is an increasing interest by State governments, local governments, educational institutions, and private institutions, business firms, and other investors to disassociate themselves from companies that conduct business activities in the energy sector of Iran, since such business activities may directly or indirectly support the efforts of the Government of Iran to achieve a nuclear weapons capability.

(9) Black market proliferation networks continue to flourish in the Middle East, allowing countries like Iran to gain access to sensitive dual-use technologies.

(10) Economic sanctions imposed pursuant to the provisions of this Act, the Iran Sanctions Act of 1996, as amended by this Act, and the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), and other authorities available to the United States to impose economic sanctions to prevent Iran from developing nuclear weapons, are necessary to protect the essential security interests of the United States.

### SEC. 3. SENSE OF CONGRESS REGARDING THE NEED TO IMPOSE ADDITIONAL SANCTIONS WITH RESPECT TO IRAN.

It is the sense of Congress that—

(1) international diplomatic efforts to address Iran's illicit nuclear efforts and support for international terrorism are more likely to be effective if strong additional sanctions are imposed on the Government of Iran;

(2) the concerns of the United States regarding Iran are strictly the result of the actions of the Government of Iran;

(3) the revelation in September 2009 that Iran is developing a secret uranium enrichment site on a base of Iran's Revolutionary Guard Corps near Qom, which appears to have no civilian application, highlights the urgency that Iran—

(A) disclose the full nature of its nuclear program, including any other secret locations; and

(B) provide the International Atomic Energy Agency unfettered access to its facilities pursuant to Iran's legal obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the "Nuclear Non-Proliferation Treaty") and Iran's safeguards agreement with the International Atomic Energy Agency;

(4) because of the involvement of Iran's Revolutionary Guard Corps in Iran's nuclear program, international terrorism, and domestic human rights abuses, the President should impose the full range of applicable sanctions on—

(A) any individual or entity that is an agent, alias, front, instrumentality, representative, official, or affiliate of Iran's Revolutionary Guard Corps; and

(B) any individual or entity that has conducted any commercial transaction or financial transaction with an individual or entity described in subparagraph (A);

(5) additional measures should be adopted by the United States to prevent the diversion of sensitive dual-use technologies to Iran;

(6) the President should—

(A) continue to urge the Government of Iran to respect the internationally recognized human rights and religious freedoms of its citizens;

(B) identify the officials of the Government of Iran and other individuals who are responsible for continuing and severe violations of human rights and religious freedom in Iran; and

(C) take appropriate measures to respond to such violations, including by—

(i) prohibiting officials and other individuals the President identifies as being responsible for such violations from entry into the United States; and

(ii) freezing the assets of the officials and other individuals described in clause (i);

(7) additional funding should be provided to the Secretary of State to document, collect, and disseminate information about human rights abuses in Iran, including serious abuses that have taken place since the presidential election in Iran on June 12, 2009;

(8) with respect to nongovernmental organizations based in the United States—

(A) many of such organizations are essential to promoting human rights and humanitarian goals around the world;

(B) it is in the national interest of the United States to allow responsible nongovernmental organizations based in the United States to establish and carry out operations in Iran to promote civil society and foster humanitarian goodwill among the people of Iran; and

(C) the United States should ensure that the organizations described in subparagraph (B) are not unnecessarily hindered from working in Iran to provide humanitarian, human rights, and people-to-people assistance, as appropriate, to the people of Iran;

(9) the United States should not issue a license pursuant to an agreement for cooperation (as defined in section 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(b))) for the export of nuclear material, facilities, components, or other goods, services, or technology that are or would be subject to such an agreement to a country that is providing similar nuclear material, facilities, components, or other goods, services, or technology to another country that is not in full compliance with its obligations under the Nuclear Non-Proliferation Treaty, including its ob-

ligations under the safeguards agreement between that country and the International Atomic Energy Agency, unless the President determines that the provision of such similar nuclear material, facilities, components, or other goods, services, or technology to such other country does not undermine the nonproliferation policies and objectives of the United States; and

(10) the people of the United States—

(A) have feelings of friendship for the people of Iran;

(B) regret that developments in recent decades have created impediments to that friendship; and

(C) hold the people of Iran, their culture, and their ancient and rich history in the highest esteem.

## TITLE I—SANCTIONS

### SEC. 101. DEFINITIONS.

In this title:

(1) AGRICULTURAL COMMODITY.—The term "agricultural commodity" has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note), as amended by section 102 of this Act.

(3) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(4) FAMILY MEMBER.—The term "family member" means, with respect to an individual, a spouse, child, parent, sibling, grandchild, or grandparent of the individual.

(5) IRANIAN DIPLOMATS AND REPRESENTATIVES OF OTHER GOVERNMENT AND MILITARY OR QUASI-GOVERNMENTAL INSTITUTIONS OF IRAN.—The term "Iranian diplomat or representative of another government or military or quasi-governmental institution of Iran" means any of the Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran (as that term is defined in section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note)).

(6) KNOWINGLY.—The term "knowingly", with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(7) MEDICAL DEVICE.—The term "medical device" has the meaning given the term "device" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(8) MEDICINE.—The term "medicine" has the meaning given the term "drug" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(9) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(10) UNITED STATES PERSON.—The term "United States person" means—

(A) a natural person who is a citizen or resident of the United States or a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))); and

(B) an entity that is organized under the laws of the United States or any State.

### SEC. 102. EXPANSION OF SANCTIONS UNDER THE IRAN SANCTIONS ACT OF 1996.

(a) IN GENERAL.—Section 5 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) SANCTIONS WITH RESPECT TO THE DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN, PRODUCTION OF REFINED PETROLEUM PRODUCTS IN IRAN, AND EXPORTATION OF REFINED PETROLEUM PRODUCTS TO IRAN.—

“(1) DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN.—

“(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose 3 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010—

“(i) makes an investment described in subparagraph (B) of \$20,000,000 or more; or

“(ii) makes a combination of investments described in subparagraph (B) in a 12-month period if each such investment is of at least \$5,000,000 and such investments equal or exceed \$20,000,000 in the aggregate.

“(B) INVESTMENT DESCRIBED.—An investment described in this subparagraph is an investment that directly and significantly contributes to the enhancement of Iran’s ability to develop petroleum resources.

“(2) PRODUCTION OF REFINED PETROLEUM PRODUCTS.—

“(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose 3 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, sells, leases, or provides to Iran goods, services, technology, information, or support described in subparagraph (B)—

“(i) any of which has a fair market value of \$1,000,000 or more; or

“(ii) that, during a 12-month period, have an aggregate fair market value of \$5,000,000 or more.

“(B) GOODS, SERVICES, TECHNOLOGY, INFORMATION, OR SUPPORT DESCRIBED.—Goods, services, technology, information, or support described in this subparagraph are goods, services, technology, information, or support that could directly and significantly facilitate the maintenance or expansion of Iran’s domestic production of refined petroleum products, including any direct and significant assistance with respect to the construction, modernization, or repair of petroleum refineries.

“(3) EXPORTATION OF REFINED PETROLEUM PRODUCTS TO IRAN.—

“(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose 3 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010—

“(i) sells or provides to Iran refined petroleum products—

“(I) that have a fair market value of \$1,000,000 or more; or

“(II) that, during a 12-month period, have an aggregate fair market value of \$5,000,000 or more; or

“(ii) sells, leases, or provides to Iran goods, services, technology, information, or support described in subparagraph (B)—

“(I) any of which has a fair market value of \$1,000,000 or more; or

“(II) that, during a 12-month period, have an aggregate fair market value of \$5,000,000 or more.

“(B) GOODS, SERVICES, TECHNOLOGY, INFORMATION, OR SUPPORT DESCRIBED.—Goods, services, technology, information, or support described in this subparagraph are goods, services,

technology, information, or support that could directly and significantly contribute to the enhancement of Iran’s ability to import refined petroleum products, including—

“(i) except as provided in subparagraph (C), underwriting or entering into a contract to provide insurance or reinsurance for the sale, lease, or provision of such goods, services, technology, information, or support;

“(ii) financing or brokering such sale, lease, or provision; or

“(iii) providing ships or shipping services to deliver refined petroleum products to Iran.

“(C) EXCEPTION FOR UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.—The President may not impose sanctions under this paragraph with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance for the sale, lease, or provision of goods, services, technology, information, or support described in subparagraph (B).”;

(2) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the right;

(B) by striking “The President shall impose” and inserting the following:

“(1) IN GENERAL.—The President shall impose”; and

(C) in paragraph (1), as redesignated by subparagraph (B) of this paragraph, by striking “two or more” and all that follows through “of this Act” and inserting “3 or more of the sanctions described in section 6(a) if the President determines that a person has, on or after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010”; and

(D) by adding at the end the following:

“(2) ADDITIONAL MANDATORY SANCTIONS RELATING TO TRANSFER OF NUCLEAR TECHNOLOGY.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in any case in which a person is subject to sanctions under paragraph (1) because of an activity described in that paragraph that relates to the acquisition or development of nuclear weapons or related technology or of missiles or advanced conventional weapons that are designed or modified to deliver a nuclear weapon, no license may be issued for the export, and no approval may be given for the transfer or retransfer, directly or indirectly, to the country the government of which has primary jurisdiction over the person, of any nuclear material, facilities, components, or other goods, services, or technology that are or would be subject to an agreement for cooperation between the United States and that government.

“(B) EXCEPTION.—The sanctions described in subparagraph (A) shall not apply with respect to a country the government of which has primary jurisdiction over a person that engages in an activity described in that subparagraph if the President determines and notifies the appropriate congressional committees that the government of the country—

“(i) does not know or have reason to know about the activity; or

“(ii) has taken, or is taking, all reasonable steps necessary to prevent a recurrence of the activity and to penalize the person for the activity.”;

“(C) INDIVIDUAL APPROVAL.—Notwithstanding subparagraph (A), the President may, on a case-by-case basis, approve the issuance of a license for the export, or approve the transfer or re-

transfer, of any nuclear material, facilities, components, or other goods, services, or technology that are or would be subject to an agreement for cooperation, to a person in a country to which subparagraph (A) applies (other than a person that is subject to the sanctions under paragraph (1)) if the President—

“(i) determines that such approval is vital to the national security interests of the United States; and

“(ii) not later than 15 days before issuing such license or approving such transfer or retransfer, submits to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate the justification for approving such license, transfer, or retransfer.

“(D) CONSTRUCTION.—The restrictions in subparagraph (A) shall apply in addition to all other applicable procedures, requirements, and restrictions contained in the Atomic Energy Act of 1954 and other related laws.

“(E) DEFINITION.—In this paragraph, the term ‘agreement for cooperation’ has the meaning given that term in section 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(b)).

“(F) APPLICABILITY.—The sanctions under subparagraph (A) shall apply only in a case in which a person is subject to sanctions under paragraph (1) because of an activity described in that paragraph in which the person engages on or after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010.”;

(3) in subsection (c)—

(A) by striking “(b)” each place it appears and inserting “(b)(1)”; and

(B) by striking paragraph (2) and inserting the following:

“(2) any person that—

“(A) is a successor entity to the person referred to in paragraph (1);

“(B) owns or controls the person referred to in paragraph (1), if the person that owns or controls the person referred to in paragraph (1) had actual knowledge or should have known that the person referred to in paragraph (1) engaged in the activities referred to in that paragraph; or

“(C) is owned or controlled by, or under common ownership or control with, the person referred to in paragraph (1), if the person owned or controlled by, or under common ownership or control with (as the case may be), the person referred to in paragraph (1) knowingly engaged in the activities referred to in that paragraph.”;

(4) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking “(b)” and inserting “(b)(1)”; and

(B) in paragraph (2), by striking “section 301(b)(1) of that Act (19 U.S.C. 2511(b)(1))” and inserting “section 301(b) of that Act (19 U.S.C. 2511(b))”.

(b) DESCRIPTION OF SANCTIONS.—Section 6 of such Act is amended—

(1) by striking “The sanctions to be imposed” and inserting the following:

“(a) IN GENERAL.—The sanctions to be imposed”;

(2) in subsection (a), as redesignated by paragraph (1)—

(A) by redesignating paragraph (6) as paragraph (9); and

(B) by inserting after paragraph (5) the following:

“(6) FOREIGN EXCHANGE.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest.

“(7) BANKING TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of

credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person.

“(8) **PROPERTY TRANSACTIONS.**—The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

“(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, importing, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the sanctioned person has any interest;

“(B) dealing in or exercising any right, power, or privilege with respect to such property; or

“(C) conducting any transaction involving such property.”; and

(3) by adding at the end the following:

“(b) **ADDITIONAL MEASURE RELATING TO GOVERNMENT CONTRACTS.**—

“(1) **MODIFICATION OF FEDERAL ACQUISITION REGULATION.**—Not later than 90 days after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, the Federal Acquisition Regulation issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) shall be revised to require a certification from each person that is a prospective contractor that the person, and any person owned or controlled by the person, does not engage in any activity for which sanctions may be imposed under section 5.

“(2) **REMEDIES.**—

“(A) **IN GENERAL.**—If the head of an executive agency determines that a person has submitted a false certification under paragraph (1) on or after the date on which the revision of the Federal Acquisition Regulation required by this subsection becomes effective, the head of that executive agency shall terminate a contract with such person or debar or suspend such person from eligibility for Federal contracts for a period of not more than 3 years. Any such debarment or suspension shall be subject to the procedures that apply to debarment and suspension under the Federal Acquisition Regulation under subpart 9.4 of part 9 of title 48, Code of Federal Regulations.

“(B) **INCLUSION ON LIST OF PARTIES EXCLUDED FROM FEDERAL PROCUREMENT AND NONPROCUREMENT PROGRAMS.**—The Administrator of General Services shall include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the Administrator under part 9 of the Federal Acquisition Regulation issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) each person that is debarred, suspended, or proposed for debarment or suspension by the head of an executive agency on the basis of a determination of a false certification under subparagraph (A).

“(3) **CLARIFICATION REGARDING CERTAIN PRODUCTS.**—The remedies set forth in paragraph (2) shall not apply with respect to the procurement of eligible products, as defined in section 308(4) of the Trade Agreements Act of 1974 (19 U.S.C. 2518(4)), of any foreign country or instrumentality designated under section 301(b) of that Act (19 U.S.C. 2511(b)).

“(4) **RULE OF CONSTRUCTION.**—This subsection shall not be construed to limit the use of other remedies available to the head of an executive agency or any other official of the Federal Government on the basis of a determination of a false certification under paragraph (1).

“(5) **WAIVERS.**—The President may on a case-by-case basis waive the requirement that a person make a certification under paragraph (1) if the President determines and certifies in writing to the appropriate congressional committees, the

Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives, that it is in the national interest of the United States to do so.

“(6) **EXECUTIVE AGENCY DEFINED.**—In this subsection, the term ‘executive agency’ has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

“(7) **APPLICABILITY.**—The revisions to the Federal Acquisition Regulation required under paragraph (1) shall apply with respect to contracts for which solicitations are issued on or after the date that is 90 days after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010.”.

(c) **PRESIDENTIAL WAIVER.**—Section 9 of such Act is amended—

(1) in subsection (a), by striking “5(b)” each place it appears and inserting “5(b)(1)”; and

(2) in subsection (c)—

(A) by striking “section 5(a) or (b)” each place it appears and inserting “section 5(a) or 5(b)(1)”; and

(B) in paragraph (1), by striking “important to the national interest” and inserting “necessary to the national interest”; and

(C) in paragraph (2), by striking subparagraph (C) and inserting the following:

“(C) an estimate of the significance of the conduct of the person in contributing to the ability of Iran to, as the case may be—

“(i) develop petroleum resources, produce refined petroleum products, or import refined petroleum products; or

“(ii) acquire or develop—

“(I) chemical, biological, or nuclear weapons or related technologies; or

“(II) destabilizing numbers and types of advanced conventional weapons; and”.

(d) **REPORTS ON GLOBAL TRADE RELATING TO IRAN.**—Section 10 of such Act is amended by adding at the end the following:

“(d) **REPORTS ON GLOBAL TRADE RELATING TO IRAN.**—Not later than 90 days after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, and annually thereafter, the President shall submit to the appropriate congressional committees a report, with respect to the most recent 12-month period for which data are available, on the dollar value amount of trade, including in the energy sector, between Iran and each country maintaining membership in the Group of 20 Finance Ministers and Central Bank Governors.”.

(e) **EXTENSION OF IRAN SANCTIONS ACT OF 1996.**—Section 13(b) of such Act is amended by striking “December 31, 2011” and inserting “December 31, 2016”.

(f) **CLARIFICATION AND EXPANSION OF DEFINITIONS.**—Section 14 of such Act is amended—

(1) in paragraph (2), by striking “the Committee on Banking and Financial Services, and the Committee on International Relations” and inserting “the Committee on Financial Services, and the Committee on Foreign Affairs”; and

(2) in paragraph (9), in the flush text following subparagraph (C), by striking “The term ‘investment’ does not include” and all that follows through “technology.”;

(3) by redesignating paragraphs (12), (13), (14), (15), and (16) as paragraphs (13), (14), (15), (17), and (18), respectively;

(4) by inserting after paragraph (11) the following:

“(12) **KNOWINGLY.**—The term ‘knowingly’, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.”;

(5) in paragraph (14), as redesignated by paragraph (3) of this subsection—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and moving such clauses, as so redesignated, 2 ems to the right;

(B) by striking “The term ‘person’ means—” and inserting the following:

“(A) **IN GENERAL.**—The term ‘person’ means—”;

(C) in subparagraph (A), as redesignated by this paragraph—

(i) in clause (ii), by inserting “financial institution, insurer, underwriter, guarantor, and any other business organization,” after “trust,”; and

(ii) in clause (iii), by striking “subparagraph (B)” and inserting “clause (ii)”; and

(D) by adding at the end the following:

“(B) **APPLICATION TO GOVERNMENTAL ENTITIES.**—The term ‘person’ does not include a government or governmental entity that is not operating as a business enterprise.”;

(6) in paragraph (15), as redesignated by paragraph (3) of this subsection, by striking “petroleum and natural gas resources” and inserting “petroleum, refined petroleum products, oil or liquefied natural gas, natural gas resources, oil or liquefied natural gas tankers, and products used to construct or maintain pipelines used to transport oil or liquefied natural gas”; and

(7) by inserting after paragraph (15), as so redesignated, the following:

“(16) **REFINED PETROLEUM PRODUCTS.**—The term ‘refined petroleum products’ means diesel, gasoline, jet fuel (including naphtha-type and kerosene-type jet fuel), and aviation gasoline.”.

(g) **WAIVER FOR CERTAIN PERSONS IN CERTAIN COUNTRIES; MANDATORY INVESTIGATIONS AND REPORTING; CONFORMING AMENDMENTS.**—Section 4 of such Act is amended—

(1) in subsection (b)(2), by striking “(in addition to that provided in subsection (d))”;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “The President may” and inserting the following:

“(A) **GENERAL WAIVER.**—The President may”; and

(ii) by adding at the end the following:

“(B) **WAIVER WITH RESPECT TO PERSONS IN COUNTRIES THAT COOPERATE IN MULTILATERAL EFFORTS WITH RESPECT TO IRAN.**—The President may, on a case by case basis, waive for a period of not more than 12 months the application of section 5(a) with respect to a person if the President, at least 30 days before the waiver is to take effect—

“(i) certifies to the appropriate congressional committees that—

“(I) the government with primary jurisdiction over the person is closely cooperating with the United States in multilateral efforts to prevent Iran from—

“(aa) acquiring or developing chemical, biological, or nuclear weapons or related technologies; or

“(bb) acquiring or developing destabilizing numbers and types of advanced conventional weapons; and

“(II) such a waiver is vital to the national security interests of the United States; and

“(ii) submits to the appropriate congressional committees a report identifying—

“(I) the person with respect to which the President waives the application of sanctions; and

“(II) the actions taken by the government described in clause (i)(I) to cooperate in multilateral efforts described in that clause.”; and

(B) by striking paragraph (2) and inserting the following:

“(2) **SUBSEQUENT RENEWAL OF WAIVER.**—At the conclusion of the period of a waiver under subparagraph (A) or (B) of paragraph (1), the President may renew the waiver—

“(A) if the President determines, in accordance with subparagraph (A) or (B) of that paragraph (as the case may be), that the waiver is appropriate; and

“(B)(i) in the case of a waiver under subparagraph (A) of paragraph (1), for subsequent periods of not more than six months each; and

“(ii) in the case of a waiver under subparagraph (B) of paragraph (1), for subsequent periods of not more than 12 months each.”;

(3) by striking subsection (d);

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively; and

(5) in subsection (e), as redesignated by paragraph (4) of this subsection—

(A) in paragraph (1)—

(i) by striking “should initiate” and inserting “shall initiate”; and

(ii) by striking “investment activity in Iran as” and inserting “an activity”;

(B) in paragraph (2)—

(i) by striking “should determine” and inserting “shall (unless paragraph (3) applies) determine”; and

(ii) by striking “investment activity in Iran as” and inserting “an activity”; and

(C) by adding at the end the following:

“(3) **SPECIAL RULE.**—The President need not initiate an investigation, and may terminate an investigation, under this subsection if the President certifies in writing to the appropriate congressional committees that—

“(A) the person whose activity was the basis for the investigation is no longer engaging in the activity or has taken significant verifiable steps toward stopping the activity; and

“(B) the President has received reliable assurances that the person will not knowingly engage in an activity described in section 5(a) in the future.”.

(h) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall—

(A) take effect on the date of the enactment of this Act; and

(B) except as provided in this subsection or section 6(b)(7) of the Iran Sanctions Act of 1996, as amended by subsection (b) of this section, apply with respect to an investment or activity described in subsection (a) or (b) of section 5 of the Iran Sanctions Act of 1996, as amended by this section, that is commenced on or after such date of enactment.

(2) **APPLICABILITY TO ONGOING INVESTMENTS PROHIBITED UNDER PRIOR LAW.**—A person that makes an investment described in section 5(a) of the Iran Sanctions Act of 1996, as in effect on the day before the date of the enactment of this Act, that is commenced before such date of enactment and continues on or after such date of enactment, shall, except as provided in paragraph (4), be subject to the provisions of the Iran Sanctions Act of 1996, as in effect on the day before such date of enactment.

(3) **APPLICABILITY TO ONGOING ACTIVITIES RELATING TO CHEMICAL, BIOLOGICAL, OR NUCLEAR WEAPONS OR RELATED TECHNOLOGIES.**—A person that, before the date of the enactment of this Act, commenced an activity described in section 5(b) of the Iran Sanctions Act of 1996, as in effect on the day before such date of enactment, and continues the activity on or after such date of enactment, shall be subject to the provisions of the Iran Sanctions Act of 1996, as amended by this Act.

(4) **APPLICABILITY OF MANDATORY INVESTIGATIONS TO INVESTMENTS.**—The amendments made by subsection (g)(5) of this section shall apply on and after the date of the enactment of this Act—

(A) with respect to an investment described in section 5(a)(1) of the Iran Sanctions Act of 1996, as amended by subsection (a) of this section, that is commenced on or after such date of enactment; and

(B) with respect to an investment described in section 5(a) of the Iran Sanctions Act of 1996, as in effect on the day before the date of the enactment of this Act, that is commenced before such date of enactment and continues on or after such date of enactment.

(5) **APPLICABILITY OF MANDATORY INVESTIGATIONS TO ACTIVITIES RELATING TO PETROLEUM.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the amendments made by subsection (g)(5) of this section shall apply on and after the date that is 1 year after the date of the enactment of this Act with respect to an activity described in paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996, as amended by subsection (a) of this section, that is commenced on or after the date that is 1 year after the date of the enactment of this Act or the date on which the President fails to submit a certification that is required under subparagraph (B) (whichever is applicable).

(B) **SPECIAL RULE FOR DELAY OF EFFECTIVE DATE.**—

(i) **REPORTING REQUIREMENT.**—Not later than 30 days before the date that is 1 year after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report describing—

(I) the diplomatic and other efforts of the President—

(aa) to dissuade foreign persons from engaging in activities described in paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996, as amended by subsection (a) of this section; and

(bb) to encourage other governments to dissuade persons over which those governments have jurisdiction from engaging in such activities;

(II) the successes and failures of the efforts described in subclause (I); and

(III) each investigation under section 4(e) of the Iran Sanctions Act of 1996, as amended by subsection (g)(5) of this section and as in effect pursuant to subparagraph (C) of this paragraph, or any other review of an activity described in paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996, as amended by subsection (a) of this section, that is initiated or ongoing during the period beginning on the date of the enactment of this Act and ending on the date on which the President is required to submit the report.

(ii) **CERTIFICATION.**—If the President submits to the appropriate congressional committees, with the report required by clause (i), a certification that there was a substantial reduction in activities described in paragraphs (2) and (3) of section 5(a) of the Iran Sanctions Act of 1996, as amended by subsection (a) of this section, during the period described in clause (i)(III), the effective date provided for in subparagraph (A) shall be delayed for a 180-day period beginning after the date provided for in that subparagraph.

(iii) **SUBSEQUENT REPORTS AND DELAYS.**—The effective date provided for in subparagraph (A) shall be delayed for additional 180-day periods occurring after the end of the 180-day period provided for under clause (ii), if, not later than 30 days before the 180-day period preceding such additional 180-day period expires, the President submits to the appropriate congressional committees—

(I) a report containing the matters required in the report under clause (i) for the period beginning on the date on which the preceding report was required to be submitted under clause (i) or this clause (as the case may be) and ending on the date on which the President is required to submit the most recent report under this clause; and

(II) a certification that, during the period described in subclause (I), there was (as compared

to the period for which the preceding report was submitted under this subparagraph) a progressive reduction in activities described in paragraphs (2) and (3) of section 5(a) of the Iran Sanctions Act of 1996, as amended by subsection (a) of this section.

(iv) **CONSEQUENCE OF FAILURE TO CERTIFY.**—If the President does not make a certification at a time required by this subparagraph—

(I) the amendments made by subsection (g)(5) of this section shall apply on and after the date on which the certification was required to be submitted by this subparagraph, with respect to an activity described in paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996, as amended by subsection (a) of this section, that—

(aa) is referenced in the most recent report required to be submitted under this subparagraph; or

(bb) is commenced on or after the date on which such most recent report is required to be submitted; and

(II) not later than 45 days after the date on which the certification was required to be submitted by this subparagraph, the President shall make a determination under paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996 (as the case may be), as amended by subsection (a) of this section, with respect to relevant activities described in subclause (I)(aa).

(C) **APPLICABILITY OF PERMISSIVE INVESTIGATIONS.**—During the 1-year period beginning on the date of the enactment of this Act and during any 180-day period during which the effective date provided for in subparagraph (A) is delayed pursuant to subparagraph (B), section 4(e) of the Iran Sanctions Act of 1996, as amended by subsection (g)(5) of this section, shall be applied, with respect to an activity described in paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996, as amended by subsection (a) of this section, by substituting “should” for “shall” each place it appears.

(6) **WAIVER AUTHORITY.**—The amendments made by subsection (c) shall not be construed to affect any exercise of the authority under section 9(c) of the Iran Sanctions Act of 1996, as in effect on the day before the date of the enactment of this Act.

### SEC. 103. ECONOMIC SANCTIONS RELATING TO IRAN.

(a) **IN GENERAL.**—Notwithstanding section 101 of the Iran Freedom Support Act (Public Law 109–293; 120 Stat. 1344), and in addition to any other sanction in effect, beginning on the date that is 90 days after the date of the enactment of this Act, the economic sanctions described in subsection (b) shall apply with respect to Iran.

(b) **SANCTIONS.**—The sanctions described in this subsection are the following:

(1) **PROHIBITION ON IMPORTS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), no good or service of Iranian origin may be imported directly or indirectly into the United States.

(B) **EXCEPTIONS.**—The exceptions provided for in section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)), including the exception for information and informational materials, shall apply to the prohibition in subparagraph (A) of this paragraph to the same extent that such exceptions apply to the authority provided under section 203(a) of that Act.

(2) **PROHIBITION ON EXPORTS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), no good, service, or technology of United States origin may be exported to Iran from the United States or by a United States person, wherever located.

(B) **EXCEPTIONS.**—

(i) **PERSONAL COMMUNICATIONS; ARTICLES TO RELIEVE HUMAN SUFFERING; INFORMATION AND INFORMATIONAL MATERIALS; TRANSACTIONS INCIDENT TO TRAVEL.**—The exceptions provided for

in section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)), including the exception for information and informational materials, shall apply to the prohibition in subparagraph (A) of this paragraph to the same extent that such exceptions apply to the authority provided under section 203(a) of that Act.

(ii) **FOOD; MEDICINE; HUMANITARIAN ASSISTANCE.**—The prohibition in subparagraph (A) shall not apply to the exportation of—

(I) agricultural commodities, food, medicine, or medical devices; or

(II) articles exported to Iran to provide humanitarian assistance to the people of Iran.

(iii) **INTERNET COMMUNICATIONS.**—The prohibition in subparagraph (A) shall not apply to the exportation of—

(I) services incident to the exchange of personal communications over the Internet or software necessary to enable such services, as provided for in section 560.540 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling);

(II) hardware necessary to enable such services; or

(III) hardware, software, or technology necessary for access to the Internet.

(iv) **GOODS, SERVICES, OR TECHNOLOGIES NECESSARY TO ENSURE THE SAFE OPERATION OF COMMERCIAL AIRCRAFT.**—The prohibition in subparagraph (A) shall not apply to the exportation of goods, services, or technologies necessary to ensure the safe operation of commercial aircraft produced in the United States or commercial aircraft into which aircraft components produced in the United States are incorporated, if the exportation of such goods, services, or technologies is approved by the Secretary of the Treasury, in consultation with the Secretary of Commerce, pursuant to regulations issued by the Secretary of the Treasury regarding the exportation of such goods, services, or technologies, if appropriate.

(v) **GOODS, SERVICES, OR TECHNOLOGIES EXPORTED TO SUPPORT INTERNATIONAL ORGANIZATIONS.**—The prohibition in subparagraph (A) shall not apply to the exportation of goods, services, or technologies that—

(I) are provided to the International Atomic Energy Agency and are necessary to support activities of that Agency in Iran; or

(II) are necessary to support activities, including the activities of nongovernmental organizations, relating to promoting democracy in Iran.

(vi) **EXPORTS IN THE NATIONAL INTEREST.**—The prohibition in subparagraph (A) shall not apply to the exportation of goods, services, or technologies if the President determines the exportation of such goods, services, or technologies to be in the national interest of the United States.

(3) **FREEZING ASSETS.**—

(A) **IN GENERAL.**—At such time as the President determines that a person in Iran, including an Iranian diplomat or representative of another government or military or quasi-governmental institution of Iran (including Iran's Revolutionary Guard Corps and its affiliates), satisfies the criteria for designation with respect to the imposition of sanctions under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the President shall take such action as may be necessary to freeze, as soon as possible—

(i) the funds and other assets belonging to that person; and

(ii) any funds or other assets that person transfers, on or after the date on which the President determines the person satisfies such criteria, to any family member or associate acting for or on behalf of the person.

(B) **REPORTS TO THE OFFICE OF FOREIGN ASSETS CONTROL.**—The action described in subparagraph (A) includes requiring any United

States financial institution that holds funds or assets of a person described in that subparagraph or funds or assets that person transfers to a family member or associate described in that subparagraph to report promptly to the Office of Foreign Assets Control information regarding such funds and assets.

(C) **REPORTS TO CONGRESS.**—Not later than 14 days after a decision is made to freeze the funds or assets of any person under subparagraph (A), the President shall report the name of the person to the appropriate congressional committees. Such a report may contain a classified annex.

(D) **TERMINATION.**—The President shall release assets or funds frozen under subparagraph (A) if the person to which the assets or funds belong or the person that transfers the assets or funds as described in subparagraph (A)(ii) (as the case may be) no longer satisfies the criteria for designation with respect to the imposition of sanctions under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(E) **UNITED STATES FINANCIAL INSTITUTION DEFINED.**—In this paragraph, the term “United States financial institution” means a financial institution (as defined in section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note)) that is a United States person.

(c) **PENALTIES.**—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of this section or regulations prescribed under this section to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(d) **REGULATORY AUTHORITY.**—

(1) **IN GENERAL.**—The President shall prescribe regulations to carry out this section, which may include regulatory exceptions to the sanctions described in subsection (b).

(2) **APPLICABILITY OF CERTAIN REGULATIONS.**—No exception to the prohibition under subsection (b)(1) may be made for the commercial importation of an Iranian origin good described in section 560.534(a) of title 31, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act), unless the President—

(A) prescribes a regulation providing for such an exception on or after the date of the enactment of this Act; and

(B) submits to the appropriate congressional committees—

(i) a certification in writing that the exception is in the national interest of the United States; and

(ii) a report describing the reasons for the exception.

**SEC. 104. MANDATORY SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS THAT ENGAGE IN CERTAIN TRANSACTIONS.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Financial Action Task Force is an intergovernmental body whose purpose is to develop and promote national and international policies to combat money laundering and terrorist financing.

(2) Thirty-three countries, plus the European Commission and the Cooperation Council for the Arab States of the Gulf, belong to the Financial Action Task Force. The member countries of the Financial Action Task Force include the United States, Canada, most countries in western Europe, Russia, the People's Republic of China, Japan, South Korea, Argentina, and Brazil.

(3) In 2008 the Financial Action Task Force extended its mandate to include addressing “new and emerging threats such as proliferation

financing”, meaning the financing of the proliferation of weapons of mass destruction, and published “guidance papers” for members to assist them in implementing various United Nations Security Council resolutions dealing with weapons of mass destruction, including United Nations Security Council Resolutions 1737 (2006) and 1803 (2008), which deal specifically with proliferation by Iran.

(4) The Financial Action Task Force has repeatedly called on members—

(A) to advise financial institutions in their jurisdictions to give special attention to business relationships and transactions with Iran, including Iranian companies and financial institutions;

(B) to apply effective countermeasures to protect their financial sectors from risks relating to money laundering and financing of terrorism that emanate from Iran;

(C) to protect against correspondent relationships being used by Iran and Iranian companies and financial institutions to bypass or evade countermeasures and risk-mitigation practices; and

(D) to take into account risks relating to money laundering and financing of terrorism when considering requests by Iranian financial institutions to open branches and subsidiaries in their jurisdictions.

(5) At a February 2010 meeting of the Financial Action Task Force, the Task Force called on members to apply countermeasures “to protect the international financial system from the ongoing and substantial money laundering and terrorist financing (ML/TF) risks” emanating from Iran.

(b) **SENSE OF CONGRESS REGARDING THE IMPOSITION OF SANCTIONS ON THE CENTRAL BANK OF IRAN.**—Congress—

(1) acknowledges the efforts of the United Nations Security Council to impose limitations on transactions involving Iranian financial institutions, including the Central Bank of Iran; and

(2) urges the President, in the strongest terms, to consider immediately using the authority of the President to impose sanctions on the Central Bank of Iran and any other Iranian financial institution engaged in proliferation activities or support of terrorist groups.

(c) **PROHIBITIONS AND CONDITIONS WITH RESPECT TO CERTAIN ACCOUNTS HELD BY FOREIGN FINANCIAL INSTITUTIONS.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations to prohibit, or impose strict conditions on, the opening or maintaining in the United States of a correspondent account or a payable-through account by a foreign financial institution that the Secretary finds knowingly engages in an activity described in paragraph (2).

(2) **ACTIVITIES DESCRIBED.**—A foreign financial institution engages in an activity described in this paragraph if the foreign financial institution—

(A) facilitates the efforts of the Government of Iran (including efforts of Iran's Revolutionary Guard Corps or any of its agents or affiliates)—

(i) to acquire or develop weapons of mass destruction or delivery systems for weapons of mass destruction; or

(ii) to provide support for organizations designated as foreign terrorist organizations under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) or support for acts of international terrorism (as defined in section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note));

(B) facilitates the activities of a person subject to financial sanctions pursuant to United Nations Security Council Resolution 1737 (2006), 1747 (2007), 1803 (2008), or 1929 (2010), or any other resolution that is agreed to by the Security

Council and imposes sanctions with respect to Iran;

(C) engages in money laundering to carry out an activity described in subparagraph (A) or (B);

(D) facilitates efforts by the Central Bank of Iran or any other Iranian financial institution to carry out an activity described in subparagraph (A) or (B); or

(E) facilitates a significant transaction or transactions or provides significant financial services for—

(i) Iran's Revolutionary Guard Corps or any of its agents or affiliates whose property or interests in property are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or

(ii) a financial institution whose property or interests in property are blocked pursuant to that Act in connection with—

(I) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction; or

(II) Iran's support for international terrorism.

(3) **PENALTIES.**—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under paragraph (1) of this subsection to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(d) **PENALTIES FOR DOMESTIC FINANCIAL INSTITUTIONS FOR ACTIONS OF PERSONS OWNED OR CONTROLLED BY SUCH FINANCIAL INSTITUTIONS.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations to prohibit any person owned or controlled by a domestic financial institution from knowingly engaging in a transaction or transactions with or benefitting Iran's Revolutionary Guard Corps or any of its agents or affiliates whose property or interests in property are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(2) **PENALTIES.**—The penalties provided for in section 206(b) of the International Emergency Economic Powers Act (50 U.S.C. 1705(b)) shall apply to a domestic financial institution to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act if—

(A) a person owned or controlled by the domestic financial institution violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under paragraph (1) of this subsection; and

(B) the domestic financial institution knew or should have known that the person violated, attempted to violate, conspired to violate, or caused a violation of such regulations.

(e) **REQUIREMENTS FOR FINANCIAL INSTITUTIONS MAINTAINING ACCOUNTS FOR FOREIGN FINANCIAL INSTITUTIONS.**—

(1) **IN GENERAL.**—The Secretary of the Treasury shall prescribe regulations to require a domestic financial institution maintaining a correspondent account or payable-through account in the United States for a foreign financial institution to do one or more of the following:

(A) Perform an audit of activities described in subsection (c)(2) that may be carried out by the foreign financial institution.

(B) Report to the Department of the Treasury with respect to transactions or other financial services provided with respect to any such activity.

(C) Certify, to the best of the knowledge of the domestic financial institution, that the foreign financial institution is not knowingly engaging in any such activity.

(D) Establish due diligence policies, procedures, and controls, such as the due diligence policies, procedures, and controls described in section 5318(i) of title 31, United States Code, reasonably designed to detect whether the Secretary of the Treasury has found the foreign financial institution to knowingly engage in any such activity.

(2) **PENALTIES.**—The penalties provided for in sections 5321(a) and 5322 of title 31, United States Code, shall apply to a person that violates a regulation prescribed under paragraph (1) of this subsection, in the same manner and to the same extent as such penalties would apply to any person that is otherwise subject to such section 5321(a) or 5322.

(f) **WAIVER.**—The Secretary of the Treasury may waive the application of a prohibition or condition imposed with respect to a foreign financial institution pursuant to subsection (c) or the imposition of a penalty under subsection (d) with respect to a domestic financial institution on and after the date that is 30 days after the Secretary—

(1) determines that such a waiver is necessary to the national interest of the United States; and

(2) submits to the appropriate congressional committees a report describing the reasons for the determination.

(g) **PROCEDURES FOR JUDICIAL REVIEW OF CLASSIFIED INFORMATION.**—

(1) **IN GENERAL.**—If a finding under subsection (c)(1), a prohibition, condition, or penalty imposed as a result of any such finding, or a penalty imposed under subsection (d), is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)) and a court reviews the finding or the imposition of the prohibition, condition, or penalty, the Secretary of the Treasury may submit such information to the court *ex parte* and in camera.

(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to confer or imply any right to judicial review of any finding under subsection (c)(1), any prohibition, condition, or penalty imposed as a result of any such finding, or any penalty imposed under subsection (d).

(h) **CONSULTATIONS IN IMPLEMENTATION OF REGULATIONS.**—In implementing this section and the regulations prescribed under this section, the Secretary of the Treasury—

(1) shall consult with the Secretary of State; and

(2) may, in the sole discretion of the Secretary of the Treasury, consult with such other agencies and departments and such other interested parties as the Secretary considers appropriate.

(i) **DEFINITIONS.**—

(1) **IN GENERAL.**—In this section:

(A) **ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.**—The terms “account”, “correspondent account”, and “payable-through account” have the meanings given those terms in section 5318A of title 31, United States Code.

(B) **AGENT.**—The term “agent” includes an entity established by a person for purposes of conducting transactions on behalf of the person in order to conceal the identity of the person.

(C) **FINANCIAL INSTITUTION.**—The term “financial institution” means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (M), or (Y) of section 5312(a)(2) of title 31, United States Code.

(D) **FOREIGN FINANCIAL INSTITUTION; DOMESTIC FINANCIAL INSTITUTION.**—The terms “foreign financial institution” and “domestic financial institution” shall have the meanings of those terms as determined by the Secretary of the Treasury.

(E) **MONEY LAUNDERING.**—The term “money laundering” means the movement of illicit cash

or cash equivalent proceeds into, out of, or through a country, or into, out of, or through a financial institution.

(2) **OTHER DEFINITIONS.**—The Secretary of the Treasury may further define the terms used in this section in the regulations prescribed under this section.

**SEC. 105. IMPOSITION OF SANCTIONS ON CERTAIN PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN HUMAN RIGHTS ABUSES COMMITTED AGAINST CITIZENS OF IRAN OR THEIR FAMILY MEMBERS AFTER THE JUNE 12, 2009, ELECTIONS IN IRAN.**

(a) **IN GENERAL.**—The President shall impose sanctions described in subsection (c) with respect to each person on the list required by subsection (b).

(b) **LIST OF PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN CERTAIN HUMAN RIGHTS ABUSES.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of persons who are officials of the Government of Iran or persons acting on behalf of that Government (including members of paramilitary organizations such as Ansar-e-Hezbollah and Basij-e Mostaz'afin), that the President determines, based on credible evidence, are responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Iran or their family members on or after June 12, 2009, regardless of whether such abuses occurred in Iran.

(2) **UPDATES OF LIST.**—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

(A) not later than 270 days after the date of the enactment of this Act and every 180 days thereafter; and

(B) as new information becomes available.

(3) **FORM OF REPORT; PUBLIC AVAILABILITY.**—

(A) **FORM.**—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(B) **PUBLIC AVAILABILITY.**—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

(4) **CONSIDERATION OF DATA FROM OTHER COUNTRIES AND NONGOVERNMENTAL ORGANIZATIONS.**—In preparing the list required by paragraph (1), the President shall consider credible data already obtained by other countries and nongovernmental organizations, including organizations in Iran, that monitor the human rights abuses of the Government of Iran.

(c) **SANCTIONS DESCRIBED.**—The sanctions described in this subsection are ineligibility for a visa to enter the United States and sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), including blocking of property and restrictions or prohibitions on financial transactions and the exportation and importation of property, subject to such regulations as the President may prescribe, including regulatory exceptions to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international obligations.

(d) **TERMINATION OF SANCTIONS.**—The provisions of this section shall terminate on the date on which the President determines and certifies to the appropriate congressional committees that the Government of Iran has—

(1) unconditionally released all political prisoners, including the citizens of Iran detained in the aftermath of the June 12, 2009, presidential election in Iran;

(2) ceased its practices of violence, unlawful detention, torture, and abuse of citizens of Iran while engaging in peaceful political activity;

(3) conducted a transparent investigation into the killings, arrests, and abuse of peaceful political activists that occurred in the aftermath of the June 12, 2009, presidential election in Iran and prosecuted the individuals responsible for such killings, arrests, and abuse; and

(4) made public commitments to, and is making demonstrable progress toward—

(A) establishing an independent judiciary; and

(B) respecting the human rights and basic freedoms recognized in the Universal Declaration of Human Rights.

**SEC. 106. PROHIBITION ON PROCUREMENT CONTRACTS WITH PERSONS THAT EXPORT SENSITIVE TECHNOLOGY TO IRAN.**

(a) *IN GENERAL.*—Except as provided in subsection (b), and pursuant to such regulations as the President may prescribe, the head of an executive agency may not enter into or renew a contract, on or after the date that is 90 days after the date of the enactment of this Act, for the procurement of goods or services with a person that exports sensitive technology to Iran.

(b) *AUTHORIZATION TO EXEMPT CERTAIN PRODUCTS.*—The President is authorized to exempt from the prohibition under subsection (a) only eligible products, as defined in section 308(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)), of any foreign country or instrumentality designated under section 301(b) of that Act (19 U.S.C. 2511(b)).

(c) *SENSITIVE TECHNOLOGY DEFINED.*—

(1) *IN GENERAL.*—The term “sensitive technology” means hardware, software, telecommunications equipment, or any other technology, that the President determines is to be used specifically—

(A) to restrict the free flow of unbiased information in Iran; or

(B) to disrupt, monitor, or otherwise restrict speech of the people of Iran.

(2) *EXCEPTION.*—The term “sensitive technology” does not include information or informational materials the exportation of which the President does not have the authority to regulate or prohibit pursuant to section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)).

(d) *GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON EFFECT OF PROCUREMENT PROHIBITION.*—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives, a report assessing the extent to which executive agencies would have entered into or renewed contracts for the procurement of goods or services with persons that export sensitive technology to Iran if the prohibition under subsection (a) were not in effect.

**SEC. 107. HARMONIZATION OF CRIMINAL PENALTIES FOR VIOLATIONS OF SANCTIONS.**

(a) *IN GENERAL.*—

(1) *VIOLATIONS OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS IMPOSING SANCTIONS.*—Section 5(b) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(b)) is amended—

(A) by striking “find not more than \$10,000” and inserting “fined not more than \$1,000,000”; and

(B) by striking “ten years” and all that follows and inserting “20 years, or both.”.

(2) *VIOLATIONS OF CONTROLS ON EXPORTS AND IMPORTS OF DEFENSE ARTICLES AND DEFENSE SERVICES.*—Section 38(c) of the Arms Export Control Act (22 U.S.C. 2778(c)) is amended by striking “ten years” and inserting “20 years”.

(3) *VIOLATIONS OF PROHIBITION ON TRANSACTIONS WITH COUNTRIES THAT SUPPORT ACTS OF INTERNATIONAL TERRORISM.*—Section 40(j) of the Arms Export Control Act (22 U.S.C. 2780(j)) is amended by striking “10 years” and inserting “20 years”.

(4) *VIOLATIONS OF THE TRADING WITH THE ENEMY ACT.*—Section 16(a) of the Trading with the Enemy Act (50 U.S.C. App. 16(a)) is amended by striking “if a natural person” and all that follows and inserting “if a natural person, be imprisoned for not more than 20 years, or both.”.

(b) *STUDY BY UNITED STATES SENTENCING COMMISSION.*—Not later than 1 year after the date of the enactment of this Act, the United States Sentencing Commission, pursuant to the authority under sections 994 and 995 of title 28, United States Code, and the responsibility of the United States Sentencing Commission to advise Congress on sentencing policy under section 995(a)(20) of title 28, United States Code, shall study and submit to Congress a report on the impact and advisability of imposing a mandatory minimum sentence for violations of—

(1) section 5(a) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(a));

(2) sections 38, 39, and 40 of the Arms Export Control Act (22 U.S.C. 2778, 2779, and 2780); and

(3) the Trading with the enemy Act (50 U.S.C. App. 1 et seq.).

**SEC. 108. AUTHORITY TO IMPLEMENT UNITED NATIONS SECURITY COUNCIL RESOLUTIONS IMPOSING SANCTIONS WITH RESPECT TO IRAN.**

In addition to any other authority of the President with respect to implementing resolutions of the United Nations Security Council, the President may prescribe such regulations as may be necessary to implement a resolution that is agreed to by the United Nations Security Council and imposes sanctions with respect to Iran.

**SEC. 109. INCREASED CAPACITY FOR EFFORTS TO COMBAT UNLAWFUL OR TERRORIST FINANCING.**

(a) *FINDINGS.*—Congress finds the following:

(1) The work of the Office of Terrorism and Financial Intelligence of the Department of the Treasury, which includes the Office of Foreign Assets Control and the Financial Crimes Enforcement Network, is critical to ensuring that the international financial system is not used for purposes of supporting terrorism and developing weapons of mass destruction.

(2) The Secretary of the Treasury has designated, including most recently on June 16, 2010, various Iranian individuals and banking, military, energy, and shipping entities as proliferators of weapons of mass destruction pursuant to Executive Order 13382 (50 U.S.C. 1701 note), thereby blocking transactions subject to the jurisdiction of the United States by those individuals and entities and their supporters.

(3) The Secretary of the Treasury has also identified an array of entities in the insurance, petroleum, and petrochemicals industries that the Secretary has determined to be owned or controlled by the Government of Iran and added those entities to the list contained in Appendix A to part 560 of title 31, Code of Federal Regulations (commonly known as the “Iranian Transactions Regulations”), thereby prohibiting transactions between United States persons and those entities.

(b) *AUTHORIZATION OF APPROPRIATIONS FOR OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE.*—There are authorized to be appropriated to the Secretary of the Treasury for the Office of Terrorism and Financial Intelligence—

(1) \$102,613,000 for fiscal year 2011; and

(2) such sums as may be necessary for each of the fiscal years 2012 and 2013.

(c) *AUTHORIZATION OF APPROPRIATIONS FOR THE FINANCIAL CRIMES ENFORCEMENT NET-*

*WORK.*—Section 310(d)(1) of title 31, United States Code, is amended by striking “such sums as may be necessary for fiscal years 2002, 2003, 2004, and 2005” and inserting “\$100,419,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 and 2013”.

(d) *AUTHORIZATION OF APPROPRIATIONS FOR BUREAU OF INDUSTRY AND SECURITY OF THE DEPARTMENT OF COMMERCE.*—There are authorized to be appropriated to the Secretary of Commerce for the Bureau of Industry and Security of the Department of Commerce—

(1) \$113,000,000 for fiscal year 2011; and

(2) such sums as may be necessary for each of the fiscal years 2012 and 2013.

**SEC. 110. REPORTS ON INVESTMENTS IN THE ENERGY SECTOR OF IRAN.**

(a) *INITIAL REPORT.*—

(1) *IN GENERAL.*—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report—

(A) on investments in the energy sector of Iran that were made during the period described in paragraph (2); and

(B) that contains—

(i) an estimate of the volume of energy-related resources (other than refined petroleum), including ethanol, that Iran imported during the period described in paragraph (2); and

(ii) a list of all significant known energy-related joint ventures, investments, and partnerships located outside Iran that involve Iranian entities in partnership with entities from other countries, including an identification of the entities from other countries; and

(iii) an estimate of—

(I) the total value of each such joint venture, investment, and partnership; and

(II) the percentage of each such joint venture, investment, and partnership owned by an Iranian entity.

(2) *PERIOD DESCRIBED.*—The period described in this paragraph is the period beginning on January 1, 2006, and ending on the date that is 60 days after the date of the enactment of this Act.

(b) *UPDATED REPORTS.*—Not later than 180 days after submitting the report required by subsection (a), and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report containing the matters required in the report under subsection (a)(1) for the 180-day period beginning on the date that is 30 days before the date on which the preceding report was required to be submitted by this section.

**SEC. 111. REPORTS ON CERTAIN ACTIVITIES OF FOREIGN EXPORT CREDIT AGENCIES AND OF THE EXPORT-IMPORT BANK OF THE UNITED STATES.**

(a) *REPORT ON CERTAIN ACTIVITIES OF EXPORT CREDIT AGENCIES OF FOREIGN COUNTRIES.*—

(1) *IN GENERAL.*—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on any activity of an export credit agency of a foreign country that is an activity comparable to an activity described in subsection (a) or (b) of section 5 of the Iran Sanctions Act of 1996, as amended by section 102 of this Act.

(2) *UPDATES.*—The President shall update the report required by paragraph (1) as new information becomes available with respect to the activities of export credit agencies of foreign countries.

(b) *REPORT ON CERTAIN FINANCING BY THE EXPORT-IMPORT BANK OF THE UNITED STATES.*—Not later than 30 days (or, in extraordinary circumstances, not later than 15 days) before the Export-Import Bank of the United States approves cofinancing (including loans, guarantees, other credits, insurance, and reinsurance)

in which an export credit agency of a foreign country identified in the report required by subsection (a) will participate, the President shall submit to the appropriate congressional committees a report identifying—

(1) the export credit agency of the foreign country; and

(2) the beneficiaries of the financing.

**SEC. 112. SENSE OF CONGRESS REGARDING IRAN'S REVOLUTIONARY GUARD CORPS AND ITS AFFILIATES.**

It is the sense of Congress that the United States should—

(1) persistently target Iran's Revolutionary Guard Corps and its affiliates with economic sanctions for its support for terrorism, its role in proliferation, and its oppressive activities against the people of Iran;

(2) identify, as soon as possible—

(A) any foreign individual or entity that is an agent, alias, front, instrumentality, official, or affiliate of Iran's Revolutionary Guard Corps;

(B) any individual or entity that—

(i) has provided material support to any individual or entity described in subparagraph (A); or

(ii) has conducted any financial or commercial transaction with any such individual or entity; and

(C) any foreign government that—

(i) provides material support to any such individual or entity; or

(ii) conducts any commercial transaction or financial transaction with any such individual or entity; and

(3) immediately impose sanctions, including travel restrictions, sanctions authorized pursuant to this Act or the Iran Sanctions Act of 1996, as amended by section 102 of this Act, and the full range of sanctions available to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), on the individuals, entities, and governments described in paragraph (2).

**SEC. 113. SENSE OF CONGRESS REGARDING IRAN AND HEZBOLLAH.**

It is the sense of Congress that the United States should—

(1) continue to counter support received by Hezbollah from the Government of Iran and other foreign governments in response to Hezbollah's terrorist activities and the threat Hezbollah poses to Israel, the democratic sovereignty of Lebanon, and the national security interests of the United States;

(2) impose the full range of sanctions available to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) on Hezbollah, affiliates and supporters of Hezbollah designated for the imposition of sanctions under that Act, and persons providing Hezbollah with commercial, financial, or other services;

(3) urge the European Union, individual countries in Europe, and other countries to classify Hezbollah as a terrorist organization to facilitate the disruption of Hezbollah's operations; and

(4) renew international efforts to disarm Hezbollah and disband its militias in Lebanon, as called for by United Nations Security Council Resolutions 1559 (2004) and 1701 (2006).

**SEC. 114. SENSE OF CONGRESS REGARDING THE IMPOSITION OF MULTILATERAL SANCTIONS WITH RESPECT TO IRAN.**

It is the sense of Congress that—

(1) in general, effective multilateral sanctions are preferable to unilateral sanctions in order to achieve desired results from countries such as Iran; and

(2) the President should continue to work with allies of the United States to impose such sanctions as may be necessary to prevent the Government of Iran from acquiring a nuclear weapons capability.

**SEC. 115. REPORT ON PROVIDING COMPENSATION FOR VICTIMS OF INTERNATIONAL TERRORISM.**

Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on equitable methods for providing compensation on a comprehensive basis to victims of acts of international terrorism who are citizens or residents of the United States or nationals of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))).

**TITLE II—DIVESTMENT FROM CERTAIN COMPANIES THAT INVEST IN IRAN**

**SEC. 201. DEFINITIONS.**

In this title:

(1) **ENERGY SECTOR OF IRAN.**—The term “energy sector of Iran” refers to activities to develop petroleum or natural gas resources or nuclear power in Iran.

(2) **FINANCIAL INSTITUTION.**—The term “financial institution” has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(3) **IRAN.**—The term “Iran” includes the Government of Iran and any agency or instrumentality of Iran.

(4) **PERSON.**—The term “person” means—

(A) a natural person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

(C) any successor, subunit, parent entity, or subsidiary of, or any entity under common ownership or control with, any entity described in subparagraph (A) or (B).

(5) **STATE.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(6) **STATE OR LOCAL GOVERNMENT.**—The term “State or local government” includes—

(A) any State and any agency or instrumentality thereof;

(B) any local government within a State, and any agency or instrumentality thereof;

(C) any other governmental instrumentality of a State or locality; and

(D) any public institution of higher education within the meaning of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

**SEC. 202. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM CERTAIN COMPANIES THAT INVEST IN IRAN.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should support the decision of any State or local government that for moral, prudential, or reputational reasons divests from, or prohibits the investment of assets of the State or local government in, a person that engages in investment activities in the energy sector of Iran, as long as Iran is subject to economic sanctions imposed by the United States.

(b) **AUTHORITY TO DIVEST.**—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (d) to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities in Iran described in subsection (c).

(c) **INVESTMENT ACTIVITIES DESCRIBED.**—A person engages in investment activities in Iran described in this subsection if the person—

(1) has an investment of \$20,000,000 or more in the energy sector of Iran, including in a person that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran; or

(2) is a financial institution that extends \$20,000,000 or more in credit to another person, for 45 days or more, if that person will use the credit for investment in the energy sector of Iran.

(d) **REQUIREMENTS.**—Any measure taken by a State or local government under subsection (b) shall meet the following requirements:

(1) **NOTICE.**—The State or local government shall provide written notice to each person to which a measure is to be applied.

(2) **TIMING.**—The measure shall apply to a person not earlier than the date that is 90 days after the date on which written notice is provided to the person under paragraph (1).

(3) **OPPORTUNITY FOR HEARING.**—The State or local government shall provide an opportunity to comment in writing to each person to which a measure is to be applied. If the person demonstrates to the State or local government that the person does not engage in investment activities in Iran described in subsection (c), the measure shall not apply to the person.

(4) **SENSE OF CONGRESS ON AVOIDING ERRONEOUS TARGETING.**—It is the sense of Congress that a State or local government should not adopt a measure under subsection (b) with respect to a person unless the State or local government has made every effort to avoid erroneously targeting the person and has verified that the person engages in investment activities in Iran described in subsection (c).

(e) **NOTICE TO DEPARTMENT OF JUSTICE.**—Not later than 30 days after adopting a measure pursuant to subsection (b), a State or local government shall submit written notice to the Attorney General describing the measure.

(f) **NONPREEMPTION.**—A measure of a State or local government authorized under subsection (b) or (i) is not preempted by any Federal law or regulation.

(g) **DEFINITIONS.**—In this section:

(1) **ASSETS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term “assets” refers to public monies and includes any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled by a State or local government.

(B) **EXCEPTION.**—The term “assets” does not include employee benefit plans covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(2) **INVESTMENT.**—The “investment” includes—

(A) a commitment or contribution of funds or property;

(B) a loan or other extension of credit; and

(C) the entry into or renewal of a contract for goods or services.

(h) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2) or subsection (i), this section applies to measures adopted by a State or local government before, on, or after the date of the enactment of this Act.

(2) **NOTICE REQUIREMENTS.**—Except as provided in subsection (i), subsections (d) and (e) apply to measures adopted by a State or local government on or after the date of the enactment of this Act.

(i) **AUTHORIZATION FOR PRIOR ENACTED MEASURES.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of this section or any other provision

of law, a State or local government may enforce a measure (without regard to the requirements of subsection (d), except as provided in paragraph (2)) adopted by the State or local government before the date of the enactment of this Act that provides for the divestment of assets of the State or local government from, or prohibits the investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities in Iran (determined without regard to subsection (c)) or other business activities in Iran that are identified in the measure.

(2) APPLICATION OF NOTICE REQUIREMENTS.—A measure described in paragraph (1) shall be subject to the requirements of paragraphs (1) and (2) and the first sentence of paragraph (3) of subsection (d) on and after the date that is 2 years after the date of the enactment of this Act.

**SEC. 203. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.**

(a) IN GENERAL.—Section 13(c)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a-13(c)(1)) is amended to read as follows:

“(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, no person may bring any civil, criminal, or administrative action against any registered investment company, or any employee, officer, director, or investment adviser thereof, based solely upon the investment company divesting from, or avoiding investing in, securities issued by persons that the investment company determines, using credible information available to the public—

“(A) conduct or have direct investments in business operations in Sudan described in section 3(d) of the Sudan Accountability and Divestment Act of 2007 (50 U.S.C. 1701 note); or

“(B) engage in investment activities in Iran described in section 202(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010.”.

(b) SEC REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Securities and Exchange Commission shall issue any revisions the Commission determines to be necessary to the regulations requiring disclosure by each registered investment company that divests itself of securities in accordance with section 13(c) of the Investment Company Act of 1940 to include divestments of securities in accordance with paragraph (1)(B) of such section, as added by subsection (a) of this section.

**SEC. 204. SENSE OF CONGRESS REGARDING CERTAIN ERISA PLAN INVESTMENTS.**

It is the sense of Congress that a fiduciary of an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)), may divest plan assets from, or avoid investing plan assets in, any person the fiduciary determines engages in investment activities in Iran described in section 202(c) of this Act, without breaching the responsibilities, obligations, or duties imposed upon the fiduciary by subparagraph (A) or (B) of section 404(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(a)(1)), if—

(1) the fiduciary makes such determination using credible information that is available to the public; and

(2) the fiduciary prudently determines that the result of such divestment or avoidance of investment would not be expected to provide the employee benefit plan with—

(A) a lower rate of return than alternative investments with commensurate degrees of risk; or

(B) a higher degree of risk than alternative investments with commensurate rates of return.

**SEC. 205. TECHNICAL CORRECTIONS TO SUDAN ACCOUNTABILITY AND DIVESTMENT ACT OF 2007.**

(a) ERISA PLAN INVESTMENTS.—Section 5 of the Sudan Accountability and Divestment Act of 2007 (Public Law 110-174; 50 U.S.C. 1701 note) is amended—

(1) by striking “section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104)” and inserting “subparagraph (A) or (B) of section 404(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(a)(1))”; and

(2) by striking paragraph (2) and inserting the following:

“(2) the fiduciary prudently determines that the result of such divestment or avoidance of investment would not be expected to provide the employee benefit plan with—

“(A) a lower rate of return than alternative investments with commensurate degrees of risk; or

“(B) a higher degree of risk than alternative investments with commensurate rates of return.”.

(b) SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.—

(1) IN GENERAL.—Section 13(c)(2)(A) of the Investment Company Act of 1940 (15 U.S.C. 80a-13(c)(2)(A)) is amended to read as follows:

“(A) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to create, imply, diminish, change, or affect in any way whether or not a private right of action exists under subsection (a) or any other provision of this Act.”.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply as if included in the Sudan Accountability and Divestment Act of 2007 (Public Law 110-174; 50 U.S.C. 1701 note).

**TITLE III—PREVENTION OF DIVERSION OF CERTAIN GOODS, SERVICES, AND TECHNOLOGIES TO IRAN**

**SEC. 301. DEFINITIONS.**

In this title:

(1) ALLOW.—The term “allow”, with respect to the diversion through a country of goods, services, or technologies, means the government of the country knows or has reason to know that the territory of the country is being used for such diversion.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) COMMERCE CONTROL LIST.—The term “Commerce Control List” means the list maintained pursuant to part 774 of the Export Administration Regulations (or any corresponding similar regulation or ruling).

(4) DIVERT; DIVERSION.—The terms “divert” and “diversion” refer to the transfer or release, directly or indirectly, of a good, service, or technology to an end-user or an intermediary that is not an authorized recipient of the good, service, or technology.

(5) END-USER.—The term “end-user”, with respect to a good, service, or technology, means the person that receives and ultimately uses the good, service, or technology.

(6) EXPORT ADMINISTRATION REGULATIONS.—The term “Export Administration Regulations” means subchapter C of chapter VII of title 15, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(7) GOVERNMENT.—The term “government” includes any agency or instrumentality of a government.

(8) INTERMEDIARY.—The term “intermediary” means a person that receives a good, service, or technology while the good, service, or technology is in transit to the end-user of the good, service, or technology.

(9) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—The term “International Traffic in Arms Regulations” means subchapter M of chapter I of title 22, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(10) IRAN.—The term “Iran” includes the Government of Iran and any agency or instrumentality of Iran.

(11) IRANIAN END-USER.—The term “Iranian end-user” means an end-user that is the Government of Iran or a person in, or an agency or instrumentality of, Iran.

(12) IRANIAN INTERMEDIARY.—The term “Iranian intermediary” means an intermediary that is the Government of Iran or a person in, or an agency or instrumentality of, Iran.

(13) STATE SPONSOR OF TERRORISM.—The term “state sponsor of terrorism” means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to—

(A) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or any successor thereto);

(B) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(C) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).

(14) UNITED STATES MUNITIONS LIST.—The term “United States Munitions List” means the list maintained pursuant to part 121 of the International Traffic in Arms Regulations (or any corresponding similar regulation or ruling).

**SEC. 302. IDENTIFICATION OF COUNTRIES OF CONCERN WITH RESPECT TO THE DIVERSION OF CERTAIN GOODS, SERVICES, AND TECHNOLOGIES TO OR THROUGH IRAN.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the President, the Secretary of Defense, the Secretary of Commerce, the Secretary of State, the Secretary of the Treasury, and the appropriate congressional committees a report that identifies each country the government of which the Director believes, based on all information available to the Director, is allowing the diversion through the country of goods, services, or technologies described in subsection (b) to Iranian end-users or Iranian intermediaries.

(b) GOODS, SERVICES, AND TECHNOLOGIES DESCRIBED.—Goods, services, or technologies described in this subsection are goods, services, or technologies—

(1) that—

(A) originated in the United States;

(B) would make a material contribution to Iran’s—

(i) development of nuclear, chemical, or biological weapons;

(ii) ballistic missile or advanced conventional weapons capabilities; or

(iii) support for international terrorism; and

(C) are—

(i) items on the Commerce Control List or services related to those items; or

(ii) defense articles or defense services on the United States Munitions List; or

(2) that are prohibited for export to Iran under a resolution of the United Nations Security Council.

(c) UPDATES.—The Director of National Intelligence shall update the report required by subsection (a)—

(1) as new information becomes available; and

(2) not less frequently than annually.

(d) FORM.—The report required by subsection (a) and the updates required by subsection (c) may be submitted in classified form.

**SEC. 303. DESTINATIONS OF DIVERSION CONCERN.****(a) DESIGNATION.—**

(1) **IN GENERAL.**—The President shall designate a country as a Destination of Diversion Concern if the President determines that the government of the country allows substantial diversion of goods, services, or technologies described in section 302(b) through the country to Iranian end-users or Iranian intermediaries.

(2) **DETERMINATION OF SUBSTANTIAL.**—For purposes of paragraph (1), the President shall determine whether the government of a country allows substantial diversion of goods, services, or technologies described in section 302(b) through the country to Iranian end-users or Iranian intermediaries based on criteria that include—

(A) the volume of such goods, services, and technologies that are diverted through the country to such end-users or intermediaries;

(B) the inadequacy of the export controls of the country;

(C) the unwillingness or demonstrated inability of the government of the country to control the diversion of such goods, services, and technologies to such end-users or intermediaries; and

(D) the unwillingness or inability of the government of the country to cooperate with the United States in efforts to interdict the diversion of such goods, services, or technologies to such end-users or intermediaries.

(b) **REPORT ON DESIGNATION.**—Upon designating a country as a Destination of Diversion Concern under subsection (a), the President shall submit to the appropriate congressional committees a report—

(1) notifying those committees of the designation of the country; and

(2) containing a list of the goods, services, and technologies described in section 302(b) that the President determines are diverted through the country to Iranian end-users or Iranian intermediaries.

(c) **LICENSING REQUIREMENT.**—Not later than 45 days after submitting a report required by subsection (b) with respect to a country designated as a Destination of Diversion Concern under subsection (a), the President shall require a license under the Export Administration Regulations or the International Traffic in Arms Regulations (whichever is applicable) to export to that country a good, service, or technology on the list required under subsection (b)(2), with the presumption that any application for such a license will be denied.

(d) **DELAY OF IMPOSITION OF LICENSING REQUIREMENT.**—

(1) **IN GENERAL.**—The President may delay the imposition of the licensing requirement under subsection (c) with respect to a country designated as a Destination of Diversion Concern under subsection (a) for a 12-month period if the President—

(A) determines that the government of the country is taking steps—

(i) to institute an export control system or strengthen the export control system of the country;

(ii) to interdict the diversion of goods, services, or technologies described in section 302(b) through the country to Iranian end-users or Iranian intermediaries; and

(iii) to comply with and enforce United Nations Security Council Resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), and 1929 (2010), and any other resolution that is agreed to by the Security Council and imposes sanctions with respect to Iran;

(B) determines that it is appropriate to carry out government-to-government activities to strengthen the export control system of the country; and

(C) submits to the appropriate congressional committees a report describing the steps speci-

fied in subparagraph (A) being taken by the government of the country.

(2) **ADDITIONAL 12-MONTH PERIODS.**—The President may delay the imposition of the licensing requirement under subsection (c) with respect to a country designated as a Destination of Diversion Concern under subsection (a) for additional 12-month periods after the 12-month period referred to in paragraph (1) if the President, for each such 12-month period—

(A) makes the determinations described in subparagraphs (A) and (B) of paragraph (1) with respect to the country; and

(B) submits to the appropriate congressional committees an updated version of the report required by subparagraph (C) of paragraph (1).

(3) **STRENGTHENING EXPORT CONTROL SYSTEMS.**—If the President determines under paragraph (1)(B) that it is appropriate to carry out government-to-government activities to strengthen the export control system of a country designated as a Destination of Diversion Concern under subsection (a), the United States shall initiate government-to-government activities that may include—

(A) cooperation by agencies and departments of the United States with counterpart agencies and departments in the country—

(i) to develop or strengthen the export control system of the country;

(ii) to strengthen cooperation among agencies of the country and with the United States and facilitate enforcement of the export control system of the country; and

(iii) to promote information and data exchanges among agencies of the country and with the United States;

(B) training officials of the country to strengthen the export control systems of the country—

(i) to facilitate legitimate trade in goods, services, and technologies; and

(ii) to prevent terrorists and state sponsors of terrorism, including Iran, from obtaining nuclear, biological, and chemical weapons, defense technologies, components for improvised explosive devices, and other defense articles; and

(C) encouraging the government of the country to participate in the Proliferation Security Initiative, such as by entering into a ship boarding agreement pursuant to the Initiative.

(e) **TERMINATION OF DESIGNATION.**—The designation of a country as a Destination of Diversion Concern under subsection (a) shall terminate on the date on which the President determines, and certifies to the appropriate congressional committees, that the country has adequately strengthened the export control system of the country to prevent the diversion of goods, services, and technologies described in section 302(b) to Iranian end-users or Iranian intermediaries.

(f) **FORM OF REPORTS.**—A report required by subsection (b) or (d) may be submitted in classified form.

**SEC. 304. REPORT ON EXPANDING DIVERSION CONCERN SYSTEM TO ADDRESS THE DIVERSION OF UNITED STATES ORIGIN GOODS, SERVICES, AND TECHNOLOGIES TO CERTAIN COUNTRIES OTHER THAN IRAN.**

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that—

(1) identifies any country that the President determines is allowing the diversion, in violation of United States law, of items on the Commerce Control List or services related to those items, or defense articles or defense services on the United States Munitions List, that originated in the United States to another country if such other country—

(A) is seeking to obtain nuclear, biological, or chemical weapons, or ballistic missiles; or

(B) provides support for acts of international terrorism; and

(2) assesses the feasibility and advisability of expanding the system established under section 303 for designating countries as Destinations of Diversion Concern to include countries identified under paragraph (1).

(b) **FORM.**—The report required by subsection (a) may be submitted in classified form.

**SEC. 305. ENFORCEMENT AUTHORITY.**

The Secretary of Commerce may designate any employee of the Office of Export Enforcement of the Department of Commerce to conduct activities specified in clauses (i), (ii), and (iii) of section 12(a)(3)(B) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(a)(3)(B)) when the employee is carrying out activities to enforce—

(1) the provisions of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.));

(2) the provisions of this title, or any other provision of law relating to export controls, with respect to which the Secretary of Commerce has enforcement responsibility; or

(3) any license, order, or regulation issued under—

(A) the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)); or

(B) a provision of law referred to in paragraph (2).

**TITLE IV—GENERAL PROVISIONS****SEC. 401. GENERAL PROVISIONS.**

(a) **SUNSET.**—The provisions of this Act (other than sections 105 and 305 and the amendments made by sections 102, 107, 109, and 205) shall terminate, and section 13(c)(1)(B) of the Investment Company Act of 1940, as added by section 203(a), shall cease to be effective, on the date that is 30 days after the date on which the President certifies to Congress that—

(1) the Government of Iran has ceased providing support for acts of international terrorism and no longer satisfies the requirements for designation as a state sponsor of terrorism (as defined in section 301) under—

(A) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or any successor thereto);

(B) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(C) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)); and

(2) Iran has ceased the pursuit, acquisition, and development of nuclear, biological, and chemical weapons and ballistic missiles and ballistic missile launch technology.

**(b) PRESIDENTIAL WAIVERS.—**

(1) **IN GENERAL.**—The President may waive the application of sanctions under section 103(b), the requirement to impose or maintain sanctions with respect to a person under section 105(a), the requirement to include a person on the list required by section 105(b), the application of the prohibition under section 106(a), or the imposition of the licensing requirement under section 303(c) with respect to a country designated as a Destination of Diversion Concern under section 303(a), if the President determines that such a waiver is in the national interest of the United States.

**(2) REPORTS.—**

(A) **IN GENERAL.**—If the President waives the application of a provision pursuant to paragraph (1), the President shall submit to the appropriate congressional committees a report describing the reasons for the waiver.

(B) **SPECIAL RULE FOR REPORT ON WAIVING IMPOSITION OF LICENSING REQUIREMENT UNDER SECTION 303(c).**—In any case in which the President

waives, pursuant to paragraph (1), the imposition of the licensing requirement under section 303(c) with respect to a country designated as a Destination of Diversion Concern under section 303(a), the President shall include in the report required by subparagraph (A) of this paragraph an assessment of whether the government of the country is taking the steps described in subparagraph (A) of section 303(d)(1).

(c) **AUTHORIZATIONS OF APPROPRIATIONS.—**

(1) **AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF STATE AND THE DEPARTMENT OF THE TREASURY.**—There are authorized to be appropriated to the Secretary of State and to the Secretary of the Treasury such sums as may be necessary to implement the provisions of, and amendments made by, titles I and III of this Act.

(2) **AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF COMMERCE.**—There are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out title III.

**SEC. 402. DETERMINATION OF BUDGETARY EFFECTS.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

And the Senate agree to the same.  
From the Committee on Foreign Affairs, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

HOWARD L. BERMAN,  
GARY L. ACKERMAN,  
BRAD SHERMAN,  
JOSEPH CROWLEY,  
DAVID SCOTT,  
JIM COSTA,  
RON KLEIN,  
ILEANA ROS-LEHTINEN,  
DAN BURTON,  
EDWARD R. ROYCE,  
MIKE PENCE,

From the Committee on Financial Services, for consideration of secs. 3 and 4 of the House bill, and secs. 101–103, 106, 203, and 401 of the Senate amendment, and modifications committed to conference:

BARNEY FRANK,  
GREGORY W. MEEKS,  
SCOTT GARRETT,

From the Committee on Ways and Means, for consideration of secs. 3 and 4 of the House bill, and secs. 101–103 and 401 of the Senate amendment, and modifications committed to conference:

SANDER M. LEVIN,  
JOHN S. TANNER,  
DAVE CAMP,

*Managers on the Part of the House.*

CHRISTOPHER J. DODD,  
JOHN F. KERRY,  
JOSEPH I. LIEBERMAN,  
ROBERT MENENDEZ,  
RICHARD C. SHELBY,  
ROBERT F. BENNETT,  
RICHARD G. LUGAR,

*Managers on the Part of the Senate.*

**JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE**

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the

amendment of the Senate to the bill (H.R. 2194), to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

**SUMMARY AND PURPOSE**

H.R. 2194, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, would strengthen the underlying Iran Sanctions Act (ISA) by imposing an array of tough new economic penalties aimed at persuading Iran to change its conduct. The Act reinforces and goes far beyond recently-enacted UN Sanctions. Targets of the Act range from business entities involved in refined petroleum sales to Iran or support for Iran's domestic refining efforts to international banking institutions involved with Iran's Islamic Revolutionary Guards Corps (IRGC) or with Iran's illicit nuclear program or its support for terrorism.

The Conference text would augment the sanctions regime envisioned in the earlier versions of the Act passed by the House and the Senate by supplementing the energy sanctions in those versions with an additional, powerful set of banking prohibitions. The Act would impose severe restrictions on foreign financial institutions doing business with key Iranian banks or the IRGC. In effect, the Act presents foreign banks doing business with blacklisted Iranian entities a stark choice—cease your activities or be denied critical access to America's financial system. The Act also would hold U.S. banks accountable for actions by their foreign subsidiaries (U.S. companies have long been banned from all the activities for which foreign entities will be sanctionable under this Act).

In addition to new financial sector and refined petroleum-focused sanctions, the Act would also provide a legal framework by which U.S. states, local governments, and certain other investors can divest their portfolios of foreign companies involved in Iran's energy sector and establishes a mechanism to address concerns about diversion of sensitive technologies to Iran through other countries. Sanctions under this Act are subject to several waivers with varying thresholds. The sanctions could terminate either in 2016 or, as provided for in the Sunset clause of the Conference text, could terminate once the President certifies to Congress that Iran (1) has ceased its support for acts of international terrorism and no longer satisfies the requirements for designation as a state-sponsor of terrorism under U.S. law; and (2) has ceased its efforts to develop or acquire nuclear, biological, and chemical weapons and ballistic missiles and ballistic-missile launch technology.

The effectiveness of this Act will depend on its forceful implementation. The Conferees

urge the President to vigorously impose the sanctions provided for in this Act.

Conferees urge friends and allies of the United States to follow the U.S. lead in cutting off key economic relationships with Iran until Iran terminates its illicit nuclear program. Few objective observers now dispute that Iran's nuclear program represents a threat to global stability. All concur that Iran is pursuing its nuclear program in defiance of the demands of the international community. Conferees believe it is time for responsible actors to cease any economic involvement with Iran that contributes to its ability to finance its nuclear weapons capability.

**BACKGROUND AND NEED FOR THE LEGISLATION**

Iran poses a significant threat to the United States and its allies in the Middle East and elsewhere. A nuclear Iran would intimidate its neighbors; be further emboldened in pursuing terrorism abroad and oppression at home; represent an imminent threat to Israel and other friends and allies of the United States; and likely spark a destabilizing Middle East arms race that would deal a major blow to U.S. and international non-proliferation efforts and threaten vital U.S. national security interests.

Iran's persistent deception regarding its nuclear program, its general unresponsiveness to diplomacy, and its rejection of international community demands regarding its nuclear program have deepened Congressional concerns about that program. Since 2006 the UN Security Council has been calling on Iran to suspend its uranium enrichment program and increase its cooperation with the International Atomic Energy Agency (IAEA)—to no avail.

Notwithstanding the additional costs imposed on Iran as a result of previous U.S. and UN Security Council sanctions, Iran's development of its nuclear program continues. The International Atomic Energy Agency (IAEA) now estimates that Iran has produced and stockpiled sufficient low-enriched uranium, if further enriched, for two nuclear explosive devices. For these reasons, Conferees assess that additional and tougher sanctions are needed in order to persuade Iran to cease its nuclear program. Conferees believe that the imminence and seriousness of the threat posed to U.S. interests by Iran's nuclear weapons program warrants the enactment of H.R. 2194.

Conferees take note of and applaud recent adoption by the U.N. Security Council of Resolution 1929 regarding Iran's nuclear program. Conferees believe the resolution is a powerful statement of opposition by the international community to Iran's ongoing illicit nuclear activities and a critical step in strengthening the multilateral sanctions regime intended to persuade Iran to suspend those activities. Conferees believe this legislation will complement UNSCR 1929 and will deepen efforts to thwart Iran's efforts to obtain a nuclear weapons capability.

**BACKGROUND: U.S. SANCTIONS**

Iran's economy, and Iran's ability to fund its nuclear program, is heavily dependent on the revenue derived from energy exports. Accordingly, an important part of U.S. efforts to prevent Iran from acquiring nuclear weapons has focused on deterring investment in Iran's energy sector.

U.S. individuals and companies have been prohibited from investing in Iran's petroleum sector since Executive Order 12957 was issued on March 15, 1995, by President William J. Clinton as a follow-on to his Administration's assessment that "the actions and

policies of the Government of Iran constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.” The White House spokesman at that time, Michael McCurry, made clear that the objectionable activities were Iran’s pursuit of weapons of mass destruction, its support of international terrorism, and its efforts to undermine the Middle East peace process.

A subsequent executive order, E.O. 12959, issued on May 8, 1995, banned all new investment in Iran by U.S. individuals and companies. The same executive order banned virtually all trade with Iran. In conjunction with the latter executive order, then-Secretary of State Warren Christopher warned the international community that the path Iran was following was a mirror image of the steps taken by other nations that had sought nuclear weapons capabilities. A trade embargo was thus implemented in furtherance of the President’s powers exercised pursuant to the International Emergency Powers Act (IEEPA, 50 U.S.C. 1701 et seq.), which authorizes the President to block transactions and freeze assets to deal with the “unusual and extraordinary threat,” in this case posed by Iran.

With the U.S. having voluntarily removed itself from the Iran market, Congress in 1996 passed the Iran and Libya Sanctions Act, P.L. 104-172 (‘ILSA,’ now usually referred to as the Iran Sanctions Act, or ‘ISA,’ following termination of applicability of sanctions to Libya in 2006), to encourage foreign persons to withdraw from the Iranian market. ILSA authorized the President to impose sanctions on any foreign entity that invested \$20 million or more in Iran’s energy sector. ILSA was passed in 1996 for a five-year period and has been renewed twice, in 2001 and 2006, for additional five-year periods. (H.R. 2194 would extend ISA another five years, through 2016.)

Although ILSA was enacted more than a decade ago, no Administration has sanctioned a foreign entity for investing \$20 million or more in Iran’s energy sector, despite a number of such investments. Indeed, on only one occasion, in 1998, did the Administration make a determination regarding a sanctions-triggering investment, but the Administration waived sanctions against the offending persons. Conferees believe that the lack of enforcement of relevant enacted sanctions may have served to encourage rather than deter Iran’s efforts to pursue nuclear weapons.

Despite successive Executive Branch failures to implement ISA, the legislation has made a positive contribution to United States national security. Arguably, the supply of capital to the Iranian petroleum sector has been constrained by the mere threat of sanctions. Further, by highlighting the threat from Iran, ISA has emerged as a deterrent to additional investment, and it has encouraged increased international community involvement with the Iranian nuclear issue.

To further strengthen sanctions targeting foreign investment in Iran’s energy sector, Congress passed the ‘Iran Freedom Support Act’ (IFSA), a bill subsequently signed into law (P.L. 109-293) by President George W. Bush in September 2006. Among other provisions, the IFSA strengthened sanctions under ISA, including raising certain waiver thresholds to ‘vital to the national security interests of the United States,’ enlarging the scope of those who might be subject to sanctions, and enhancing tools for using financial means to address Iran’s activities of concern.

In addition, in June 2007, the Senate passed the International Emergency Powers En-

hancement Act, with the House following suit and the President’s signing it into law (P.L. 110-96) four months later. The Act greatly increased penalties for violators of U.S. sanctions. As a result, U.S. persons who illegally trade with Iran now face civil fines up to \$250,000 or twice the amount of the transaction. In addition, the Act increased criminal penalties to \$1 million with a maximum jail sentence of 20 years. Unlike ISA, these measures have been exercised extensively by the Department of the Treasury’s Office of Foreign Assets Control and the Department of Justice to enforce the U.S. trade embargo on Iran.

#### MULTILATERAL SANCTIONS EFFORTS

Conferees strongly support multilateral efforts aimed at curbing Iran’s nuclear program. The United Nations Security Council (UNSC) has passed a number of resolutions condemning Iran’s nuclear activities and urging compliance with its international obligations. For example, on December 23, 2006, UNSC Resolution 1737 was unanimously approved, banning supply of nuclear technology and equipment to Iran and freezing the assets of organizations and individuals involved in Iran’s nuclear program, until Iran suspends enrichment of uranium and halts Plutonium reprocessing-related activities. UNSC Resolution 1747 was unanimously approved on March 24, 2007, imposing a ban on Iranian arms sales, expanding the freeze on assets, and setting a deadline for Iranian compliance two months later.

Absent compliance, further sanctions were adopted in UNSC Resolution 1803 on March 3, 2008, including a ban on sales of dual-use items; authorization of inspections of cargo suspected of containing WMD-related goods; an expanded Iranian travel-ban list; and a call to ban transactions with Iran’s Bank Melli and Bank Saderat. On August 7, 2008, the European Union (EU) implemented the sanctions specified in Resolution 1803, including an assertion of authority to inspect suspect shipments, and called on its members to refrain from providing new credit guarantees on exports to Iran. On September 27, 2008, the Security Council adopted Resolution 1835, calling on Iran to comply with previous resolutions. On June 9, 2010, Resolution 1929 was adopted, strengthening existing sanctions in a variety of ways, including further targeting Iran’s Revolutionary Guard Corps; authorizing an inspection regime for ships suspected to be carrying contraband to Iran; prohibiting countries from allowing Iran to invest in uranium mining and related nuclear technologies, or nuclear-capable ballistic missile technology; banning sales of most heavy arms to Iran; requiring countries to insist that their companies refrain from doing business with Iran if there is reason to believe that such business could further Iran’s WMD programs; and adopting other similar measures. Iran has contemptuously dismissed all of these UNSC resolutions, with President Ahmadinejad labeling them “illegal.”

#### CONTENTS OF H.R. 2194

H.R. 2194 contains four Titles: Title I (Sanctions), Title II (Divestment from Certain Companies That Invest in Iran); Title III (Prevention of Diversion of Certain Goods, Services, and Technologies to Iran); and Title IV (General Provisions).

##### TITLE I: SANCTIONS

Title I of H.R. 2194 strengthens the U.S. sanctions regime by requiring severe limitations on U.S. correspondent banking for foreign financial institutions doing business with relevant Iranian banks. The Act further

strengthens existing legislation by broadening the categories of transactions that trigger sanctions, increasing the number of sanctions the President can impose on foreign companies whose activities trigger sanctions, and requiring the President to investigate reports of sanctionable activities to determine whether sanctionable activity has indeed occurred.

In broadening the categories of transactions that trigger sanctions, the bill focuses on sales to Iran of refined petroleum and assistance to Iran for its own domestic refining capacity. Under H.R. 2194, companies engaged in either of these activities would be subject to the same sanctions as companies that invest \$20 million or more in Iran’s energy sector (the original category of sanctionable activity established under ISA). Despite being one of the world’s leading oil producers, Iran reportedly imports between 25 and 40 percent of its refined oil needs, due to its limited domestic refining capacity. Accordingly, Conferees believe that imposition of refined-petroleum-related sanctions could have a powerful impact on Iran’s economy and, as a result, on its decision-making regarding its nuclear program.

The bill likewise imposes sanctions on companies that sell Iran goods, services, or know-how that assist it in developing its energy sector. As is the case with refined-petroleum-related sanctions, companies that engage in such transactions would be subject to the same sanctions as companies that invest \$20 million or more in Iran’s energy sector. Furthermore, energy investment now covers the sale of petroleum-related goods, services, and technology to Iran, which was a category of activity that was not previously covered by the U.S. sanctions regime.

The bill also expands in other ways the universe of activities to be considered sanctionable.

H.R. 2194 establishes three new sanctions, in addition to the menu of six sanctions that already exists under ISA. The three new sanctions are, respectively, a prohibition on access to foreign exchange in the U.S., a prohibition on access to the U.S. banking system, and a prohibition on property transactions in the United States. H.R. 2194 requires the President to impose at least three of the nine sanctions on a company involved in sanctionable activity, in addition to other mandatory sanctions.

The bill also toughens the sanctions regime by requiring the President (a) to investigate any report of sanctionable activity for which there is credible evidence; and (b) to make a determination in writing to Congress whether such activity has indeed occurred. The President would then be expected either to impose or waive sanctions. Under current law, the President is authorized to investigate and make a determination but is not required to do so. In fact, the President has made only one determination under current law, despite at least two dozen credible reports of sanctionable activity. That determination, in 1998, was made for the purpose of waiving sanctions.

H.R. 2194 is designed to impose considerable additional pressure on Iran by mandating a new financial sanction that, if implemented appropriately, will substantially reduce Iran’s access to major segments of the global financial system. The Act requires the Secretary of the Treasury to prohibit or impose strict conditions on U.S. banks’ correspondent relationships with foreign financial institutions that (1) engage in financial transactions that facilitate Iranian efforts to

develop WMD or promote terrorist activities, including through money-laundering or through enabling an Iranian financial institution—including the Central Bank of Iran, for example—to facilitate such efforts; (2) facilitate or otherwise contribute to a transaction or provides financial services for a financial institution that the Office of Foreign Assets Control at the Department of the Treasury has designated to be supporting the proliferation of weapons of mass destruction or financing of international terrorism; or (3) involve the Islamic Revolutionary Guard Corps (IRGC) or its affiliates or agents. In addition, H.R. 2194 prohibits any US financial institution or its foreign subsidiaries from engaging in any financial transaction with IRGC entities.

Indeed, the IRGC, its affiliates, and agents have reportedly extended their reach heavily into various parts of the Iranian economy, dominating critical financial services, construction, energy, shipping, telecommunications, and certain manufacturing sectors throughout the country. Thus, in addition to playing pivotal roles in Tehran's proliferation of weapons of mass destruction, financing of international terrorism, and gross human rights abuses, the IRGC is now a key source of wealth for the Iranian regime. Conferees join the administration and international community in seeking to combat the IRGC's growing power, and to curb the IRGC's access to capital, which is used to further Tehran's various ambitions.

Other major measures in Title I include:

- visa, property, and financial sanctions on Iranians the President determines to be complicit in serious human rights abuses against other Iranians on or after June 12, 2009, the date of Iran's most recent Presidential election;

- a ban on U.S. government procurement contracts for any company that exports to Iran technology used to restrict the free flow of information or to disrupt, monitor, or otherwise restrict freedom of speech;

- an authorization for the President to prescribe regulations for the purpose of implementing Iran-related sanctions in UN Security Council resolutions; and

- an authorization for FY 2011 appropriations of slightly more than \$100 million each to the Secretary of the Treasury for the Office of Terrorism and Financial Intelligence; to the Secretary of the Treasury for the Financial Crimes Enforcement Network; and to the Secretary of Commerce for the Bureau of Industry and Security, for the purposes of reinforcing the U.S. trade embargo, combating diversion of sensitive technology to Iran, and preventing the international financial system from being used to support terrorism or develop WMD.

#### TITLE II: DIVESTMENT FROM CERTAIN COMPANIES THAT INVEST IN IRAN

*State and local divestment efforts.*—In recent years, there has been increasing interest by U.S. state and local governments, educational institutions, and private institutions to divest from companies and financial institutions that directly or indirectly provide support for the Government of Iran. Financial advisors, policy-makers, and fund managers may find prudential or reputational reasons to divest from companies that accept the business risk of operating in countries subject to international economic sanctions or that have business relationships with countries, governments, or entities with which any United States company would be prohibited from dealing because of economic sanctions imposed by the United States.

In addition to the wide range of diplomatic and economic sanctions that have been imposed by the U.N. Security Council, the U.S. and other national governments, many U.S. states and localities have begun to enact measures restricting their agencies' economic transactions with firms that do business with, or in, Iran. More than twenty states and the District of Columbia have already enacted some form of divestment legislation or otherwise adopted divestment measures, and legislation is pending in additional state legislatures. Other states and localities have taken administrative action to facilitate divestment. Also joining this movement are colleges and universities, large cities, non-profit organizations, and pension and mutual funds.

Conferees concluded that Congress and the President have the constitutional power to authorize states to enact divestment measures and that Federal consent removes any doubt as to the constitutionality of those measures. Thus, the Act explicitly states the sense of Congress that the United States should support the decisions of state and local governments to divest from firms conducting business operations in Iran's energy sector and clearly authorizes divestment decisions made consistent with the standards the legislation articulates. It also provides a 'safe harbor' for changes of investment policies by private asset managers, and it expresses the sense of Congress that certain divestments, or avoidance of investment, do not constitute a breach of fiduciary duties under the Employee Retirement Income Security Act (ERISA). With regard to preemption, the legislation supports state and local efforts to divest from companies conducting business operations in Iran by clearly stating that these efforts are not preempted by any Federal law or regulation.

#### TITLE III: PREVENTION OF DIVERSION OF CERTAIN GOODS, SERVICES, AND TECHNOLOGIES TO IRAN

In recent years, studies by the Government Accountability Office, the Commerce Department, and others have asserted that Iran continues to circumvent sanctions and receive sensitive equipment, including some of U.S. origin. This equipment, which facilitates Iran's nuclear activities, may be transshipped illegally to Iran via other countries.

Title III is meant to disrupt international black-market proliferation networks that have reportedly thrived for years, even after the discovery and subsequent arrest of notorious weapons technology peddler A. Q. Khan. This provision requires the Director of National Intelligence to report to the President and Congress as to which governments he believes are allowing the re-export, transshipment, transfer, re-transfer, or diversion to Iranians of key goods, services, or technologies that could be used for weapons of mass destruction proliferation or acts of terrorism. Following receipt of that report, the President may designate a country a Destination of Diversion Concern. Such a designation would provide for the U.S. to work with the host government of that country to help it strengthen its export control system. If the President determines that the government of that country is unresponsive or otherwise fails to strengthen its export control system so that substantial re-export, transshipment, transfer, re-transfer, or diversion of certain goods, services, or technologies continues, the President shall impose severe restrictions on U.S. exports to that country.

#### TITLE IV: GENERAL PROVISIONS

The Act will terminate once the President certifies to Congress that Iran both (1) has

ceased its support for acts of international terrorism and no longer satisfies the requirements for designation as a state-sponsor of terrorism under U.S. law; and (2) has ceased its efforts to develop or acquire nuclear, biological, and chemical weapons, as well as ballistic missiles and ballistic-missile launch technology. The Act also provides various waivers related to economic sanctions and exchange of technology. Finally, the Act authorizes such sums as may be necessary for the Departments of State, Treasury, and Commerce to implement the Act.

#### SECTION-BY-SECTION ANALYSIS AND DISCUSSION

##### Section 2. Findings

This section articulates the findings that frame the basis for the additional sanctions and the purpose of the bill. The findings in section 2 draw from both S. 2799 and H.R. 2194.

Subsection (1) finds that the illicit nuclear activities of the Government of Iran, combined with its development of unconventional weapons and ballistic missiles and its support for international terrorism, represent a threat to the security of the United States, its strong ally Israel, and other allies of the United States around the world.

Subsection (2) asserts that the United States and other responsible countries have a vital interest in working together to prevent the Iranian regime from acquiring a nuclear weapons capability.

Subsection (3) finds that the International Atomic Energy Agency has repeatedly called attention to Iran's illicit nuclear activities and, as a result, the United Nations Security Council has adopted a range of sanctions designed to encourage the Government of Iran to suspend those activities and comply with its obligations under the Treaty on Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the "Nuclear Non-Proliferation Treaty").

Subsection (4) finds that the serious and urgent nature of the threat from Iran demands that the United States work together with its allies to do everything possible—diplomatically, politically, and economically—to prevent Iran from acquiring a nuclear weapons capability.

Subsection (5) finds the United States and its major European allies, including the United Kingdom, France, and Germany, have advocated that sanctions be strengthened should international diplomatic efforts fail to achieve verifiable suspension of Iran's uranium enrichment program and an end to its nuclear weapons program and other illicit nuclear activities.

Subsection (6) finds that the Government of Iran continues to engage in serious, systematic, and ongoing violations of human rights, including suppression of freedom of expression and religious freedom, illegitimately prolonged detention, torture, and executions. Such violations have increased in the aftermath of the fraudulent presidential election in Iran on June 12, 2009.

Subsection (7) finds that the Iranian regime has been unresponsive to President Obama's unprecedented and serious efforts at engagement, revealing that the Government of Iran does not appear to be interested in a diplomatic resolution, as made clear by its recent actions detailed in this section.

Subsection (8) finds that there is an increasing interest by State governments, local governments, educational institutions, and private institutions, business firms, and other investors to disassociate themselves

from companies that conduct business activities in the energy sector of Iran, since such business activities may directly or indirectly support the efforts of the Government of Iran to achieve a nuclear weapons capability.

Subsection (9) finds that black market proliferation networks continue to flourish in the Middle East, allowing countries like Iran to gain access to sensitive dual-use technologies.

Subsection (10) finds that economic sanctions imposed pursuant to the provisions of this Act, the Iran Sanctions Act of 1996, as amended by this Act, and the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), and other authorities available to the United States to impose economic sanctions to prevent Iran from developing nuclear weapons, are necessary to protect the essential security interest of the United States.

*Section 3—Sense of Congress Regarding Illicit Nuclear Activities and Violations of Human Rights in Iran.* Section 3 of the Senate bill expresses the Sense of Congress regarding Iran's continuing illicit nuclear activities and ongoing violations of human rights in Iran. The House bill contains no such provision. The House recedes.

Paragraph (1) states that international diplomatic efforts to address Iran's illicit nuclear efforts and support for international terrorism are more likely to be effective if strong additional sanctions are imposed on the Government of Iran.

Paragraph (2) states that concerns of the United States regarding Iran are strictly the result of the Government of Iran's behavior.

Paragraph (3) states that the revelation in September 2009 that Iran is developing a secret uranium enrichment site on a base of Iran's Revolutionary Guard Corps near Qom, which appears to have no civilian application, highlights the urgency for Iran to disclose fully the nature of its nuclear program, including any other secret locations; to provide the International Atomic Energy Agency unfettered access to its facilities pursuant to Iran's legal obligations under the Nuclear Non-Proliferation Treaty and Iran's Safeguards Agreement with the International Atomic Energy Agency.

Paragraph (4) states that due to the Iranian Revolutionary Guard Corps' involvement in Iran's nuclear program, international terrorism activities, and domestic human rights abuses, the President should impose the full range of applicable sanctions against them. Those liable for sanctions would include any individual or entity that is an agent, alias, front, instrumentality, representative, official, or affiliate of Iran's Revolutionary Guard Corps, and any individual or entity that has conducted any commercial or financial transaction with such an individual or entity.

Paragraph (5) states that additional measures should be adopted by the United States to prevent the diversion and transshipment of sensitive dual-use technologies to Iran.

Paragraph (6) outlines Congress' view of appropriate Executive Branch responses to the human rights situation in Iran. It states that the President should continue to press the Government of Iran to respect the internationally-recognized human rights and religious freedoms of its citizens, and identify the officials of the Government of Iran that are responsible for continuing and severe violations of human rights and religious freedom in Iran. The paragraph also urges the President to take appropriate measures to respond to such violations by prohibiting

officials the President identifies as being responsible for such violations from entry into the United States and freezing the assets of those officials.

Paragraph (7) states that additional funding should be provided to the Secretary of State to document, collect, and disseminate information about human rights abuses in Iran, including serious abuses that have taken place since the presidential election in Iran conducted on June 12, 2009.

Paragraph (8) states that it is in the national interest of the United States for responsible nongovernmental organizations based in the United States to establish and carry out operations in Iran to promote civil society and foster humanitarian goodwill among the people of Iran and the United States should ensure that such nongovernmental organizations are not unnecessarily hindered from working in Iran.

Paragraph (9) states that the United States should not issue a license pursuant to an agreement for cooperation (a "123 agreement" for civil nuclear cooperation) for the export of nuclear material, facilities, components, or other goods, services, or technology that are or would be subject to such an agreement to a country that is providing similar nuclear material, facilities, components, or other goods, services, or technology to another country that is not in full compliance with its obligations under the Nuclear Non-Proliferation Treaty.

Paragraph (10) states that the people of the United States have feelings of friendship for the people of Iran; regret that developments in recent decades have created impediments to that friendship; and hold the people of Iran, their culture, and their ancient and rich history in the highest esteem.

#### TITLE I—SANCTIONS

Section 101. Definitions. S. 2799 included definitions for sanctions. H.R. 2194 contained no such provisions. Reflecting the approach in S. 2799, this section defines terms used in this title, including: agricultural commodity, executive agency, family member, knowingly, appropriate Congressional Committees, information and informational materials, investment, Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran, United States person, U.S. state, medical device, and medicine.

Section 102. Expansion of Sanctions under the Iran Sanctions Act of 1996.

*Summary.* The amendments to the ISA in this section address the major role of Iran's oil and gas industry in generating revenue for the regime's proliferation and international terrorism activities; they require the President to impose at least three out of a menu of nine sanctions on 'persons' that knowingly engage in activities related to Iran's refined petroleum industry, in addition to other mandatory sanctions. These activities include making an 'investment' of more than \$20 million annually in Iran's energy sector; selling, leasing or providing to Iran goods, services, or other support to facilitate Iran's domestic oil production of refined petroleum; or providing Iran with refined petroleum products with an aggregate fair market value of \$5 million. The sanctions (Section 6 of the ISA) include the following underlying six sanctions: (1) denial of any guarantee, insurance, or extension of credit from the U.S. Export-Import Bank; (2) denial of licenses for the U.S. export of military or militarily-useful technology to the entity; (3) denial of U.S. bank loans exceeding \$10 million in one year to the entity; (4) if the entity is a financial institution, a pro-

hibition on its service as a primary dealer in U.S. government bonds; and/or a prohibition on its serving as a repository for U.S. government funds (each counts as one sanction); (5) prohibition on U.S. government procurement from the entity; and (6) restriction on imports from the entity, in accordance with the International Emergency Economic Powers Act (IEEPA, 50 U.S.C. 1701). The Act would provide for three new sanctions: (1) prohibitions on any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which a sanctioned person has any interest; (2) prohibitions on any transfers of credit or payments between, by, through, or to any financial institution, to the extent such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person; and (3) restrictions on property transactions with respect to which a sanctioned person has any interest. The President may waive the sanctions if he determines that it is necessary to the national interest of the U.S. to do so.

*Development of Petroleum Resources of Iran.* Subsection (a) amends section 5(a) of the Iran Sanctions Act of 1996 (ISA) by requiring the President to impose three or more sanctions under ISA if a person has knowingly made an investment of \$20 million or more (or any combination of investments of at least \$5 million each, which in the aggregate equals or exceeds \$20 million in any 12-month period) that directly and significantly contributed to Iran's ability to develop its petroleum resources.

In the context of investment, the House-passed legislation amends section 5(a) by shifting the *mens rea* standard for investment in petroleum resources from 'actual knowledge' to 'knowingly.' The Senate amendment contained no such provision. The Senate recedes to the House language. The new standard will expand the range of conduct potentially subject to sanctions, thereby making it easier to implement sanctions under ISA.

*Production and Exportation of Refined Petroleum Products.* Subsection (a) further amends section 5(a) of ISA to require that the President impose three or more mandatory sanctions described in section 6(a) of the Act if a person: (1) knowingly sells, leases, or provides to Iran any goods, services, technology, information, or support, that could directly and significantly facilitate the maintenance or expansion of Iran's domestic production of refined petroleum products, including any direct and significant assistance with respect to construction, modernization, or repair of petroleum refineries; or (2) if a person knowingly provides Iran with refined petroleum products or provides goods, services, technology, information, or support that could directly and significantly contribute to Iran's ability to refine petroleum or import refined petroleum resources, including providing ships, vehicles, or other means of transportation to deliver refined petroleum products to Iran or providing insurance or financing services for such activities.

Subsection (a) of the Act further clarifies the categories of persons against which sanctions are to be imposed to include the parent and foreign subsidiary of a person determined by the President to be engaged in sanctionable activities. The Act further amends the *mens rea* standard for a parent by: (1) requiring sanctions to be imposed on a parent that either had actual knowledge or "should have known" that its affiliate or subsidiary engaged in the sanctionable activities described in section 5(a); and (2) requiring sanctions to be imposed on an affiliate or a subsidiary of a person determined

to be carrying out sanctionable activities if the affiliate or subsidiary knowingly engaged in sanctionable activities.

The Act provides a “safe harbor” for a person that provides underwriting services or insurance or reinsurance, if that person exercises due diligence to ensure it does not provide insurance or reinsurance for the sale, lease, or provision of goods, services, technology, information, or support that could directly and significantly contribute to the enhancement of Iran’s ability to import refined petroleum products. Such due diligence would include procedures and controls to prevent such underwriting or the entry into contracts for such purposes, and the designation of an official with responsibility for enforcing the policy. The Act further establishes that the fair market value of the goods, services, technology, information, or support provided by such activities must exceed \$1 million to be subject to the requirement of Section 102(a). The combination of such sales, leases, or provision of support in any 12-month period, or to be provided under contracts entered into in any 12-month period, must exceed \$5 million.

Subsection (a) also prohibits the issuance of export licenses pursuant to an agreement for peaceful civil nuclear cooperation for any country whose nationals have engaged in activities with Iran relating to the acquisition or development of nuclear weapons or related technology, or of missiles or other advanced conventional weapons that have been designed or modified to deliver a nuclear weapon.

This prohibition can be set aside for a government if the President determines and notifies the appropriate Congressional committees that such government does not know or have reason to know about the activity, or has taken, or is taking, all reasonable steps necessary to prevent a recurrence of the activity and penalize the person(s) involved. Further, notwithstanding the prohibition on issuance of export licenses, the President may, on a case-by-case basis, approve the issuance of a license for the export, or approve the transfer or retransfer, of any nuclear material, facilities, components, or other goods, services, or technology that are or would be subject to an agreement for cooperation, to a person in a country otherwise restricted by this paragraph (except to a person that is subject to sanctions under paragraph (1)) if the President determines that such approval is vital to U.S. national security interests and pre-notifies Congress not less than 15 days before approving the license, transfer, or retransfer. This sanction would apply only in a case in which a person is subject to sanctions for an activity engaged on or after the date of enactment of the Act.

The Conferees believe that as a general principle, the United States cannot and should not reward any country with U.S. civil nuclear trade if that country’s nationals are able to advance Iran’s nuclear weapons programs and/or their means of delivery.

Subsection 102(b) of the Act adds three new, sweeping sanctions to the now nine possible sanctions from which the President must choose three. If invoked, the sanctions would prohibit, respectively, foreign exchange, banking, and property transactions with persons involved in activities related to refined petroleum products, as specified in section 5(a) of the ISA, as amended. The Act clarifies that the prohibition on banking activities extends solely to those transfers or payments that are subject to the jurisdiction of the United States and involve any interest

of the sanctioned person. The banking sanction in the Act will complement restrictions on financial institutions available in the underlying ISA, including a prohibition on US financial institutions from making loans or providing credits to any sanctioned person totaling more than \$10 million in any 12 month period.

Finally, subsection 102(b) amends ISA by adding a new section which requires each prospective contractor submitting a bid to the Federal Government to certify that the contractor or a person owned or controlled by the contractor does not conduct any activity for which sanctions may be imposed under section (5). Conferees believe that exercising control as a “parent company” over subsidiaries or affiliates should be considered in functional terms, as the ability to exercise certain powers over important matters affecting an entity. “Control” may also be defined according to ownership of a majority or a dominant minority of the total outstanding voting interest in an entity, board representation, proxy voting, a special share, or contractual arrangements, to direct important matters affecting an entity. The prospective contractor, when making the certification pursuant to this subsection, must certify that it is not engaged in any activity sanctionable under section 5 of ISA. The Act mandates the head of an executive agency that determines that a person has submitted a false certification under paragraph (1) after the date on which the Federal Acquisition Regulation is revised to implement the requirements of this subsection, to terminate a contract or agreement or debar or suspend such person from eligibility for Federal contracts or such agreements for a period not to exceed 3 years. The Act requires the Administrator of General Services to include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs each person that is debarred, suspended, proposed for debarment, or declared ineligible by the head of an executive agency on the basis of a determination of a false certification. The Act authorizes the President to waive the certification requirement on a case-by-case basis if the President determines and certifies that it is in the national interest to do so. Conferees believe that one of the instances where the President may exercise the waiver is where a company has demonstrated that it is taking steps to extricate itself from all sanctionable activities with Iran.

Subsection 102(c) amends the standard for the President to waive sanctions under ISA to “necessary to the national interest of the United States”. The Senate recedes to the House in elevating the waiver standard. Subsection (c) further amends the reporting requirements of section 9(c)(2) of ISA relating to a waiver by requiring the President to include (1) an estimate of the significance of a sanctioned action to Iran’s ability to develop its petroleum resources, produce refined petroleum products, or import refined petroleum products; or (2) acquire or develop chemical, biological, or nuclear weapons or related technologies or destabilizing numbers and types of advanced conventional weapons.

Subsection 102(d) incorporates a reporting requirement in H.R. 2194 on the dollar value amount of trade, including in the energy sector, between Iran and each country maintaining membership in the Group of Twenty Finance Ministers and Central Bank Governors.

Consistent with subsection (h) of section 3 of the House bill, Subsection 102(e) amends

ISA to extend the operative date of that legislation from 2011 to 2016. The Senate bill has no such provision. The Senate recedes. ISA was initially passed for a five-year period. It was extended for five years in 2001 and again in 2006. Given the urgency of the Iranian nuclear problem and the conviction of Conferees that this problem will persist beyond 2011 and that Iran almost certainly will not meet the criteria for terminating ISA in 2011, Conferees have decided to extend the law for another five years.

Finally, subsection (f) amends ISA to expand the definition of a “person” subject to sanctions to include a financial institution, insurer, underwriter, guarantor, any other business organization, including any foreign subsidiary, parent, or affiliate of such a business organization, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise. The term “person” does not include a government or governmental entity that is not operating as a business enterprise.

Subsection (f) also defines the term “knowingly” to include a person who has actual knowledge of sanctionable activities or should have known, of the conduct, the circumstance, or the result. The Conferees intend to prevent persons from evading sanctions by relying on the prior standard of “actual knowledge.” This prior standard might otherwise be used to enable certain persons to deliberately avoid knowledge of sanctionable activities.

Subsection (f) amends the definition of “investment” in the underlying ISA to include entry into, performance, or financing of a contract to sell or purchase goods, services, or technology. The Conferees believe that expanding the definition of investment to include the activities above, will deter persons from doing business in the Iranian energy sector. Based on the expanded definition of “investment” and “petroleum resources,” the Conferees intend that, for example, sales of technology for natural gas would now be considered a sanctionable offense falling into the category of “investment,” provided such a sale reached the \$20 million threshold.

Subsection (f) expands the term “petroleum resources” to include petroleum, refined petroleum products, oil or liquefied natural gas, natural gas resources, oil or liquefied natural gas tankers, and products used to construct or maintain pipelines used to transport oil or liquefied natural gas.

The House version of H.R. 2194 defines the term “refined petroleum products” to include gasoline, kerosene, diesel fuel, residual fuel oil, and distillates and other goods classified in headings 2709 and 2710 of the Harmonized Tariff Schedule of the United States. The Senate bill defines “refined petroleum products” as “diesel, gasoline, jet fuel (including naphtha-type and kerosene-type jet fuel), and aviation gasoline.

The House recedes.

*Section 102(g) Waiver for certain persons in certain countries, mandatory investigations and reporting; conforming amendments*

*Waiver for Certain Persons in Certain Countries.* The conference agreement amends subsection (c) of Section 4 of the Iran Sanctions Act to provide an additional exception to the underlying requirement that the President impose sanctions for certain activities. Under this additional exception, the President would be authorized to waive sanctions for a period not longer than 12 months (as opposed to the 6 months now authorized) on a case by case basis for persons under the jurisdiction of governments that are closely

cooperating with the United States in multilateral efforts to prevent Iran from acquiring or developing chemical, biological, or nuclear weapons or related technologies, including ballistic missiles or delivery systems; or acquiring or developing destabilizing numbers and types of conventional weapons. The President must further certify that the waiver is vital to the national security interests of the United States and submit a report to the appropriate congressional committees. It is the understanding of the Conferees that this waiver would not be available as a preemptive waiver; rather, in order to exercise the waiver, the President must initiate an investigation and make a determination pursuant to section 4(f).

To utilize this exception, the President would have to provide advance notice to Congress and provide a certification of the person with respect to which the President will waive the application of sanctions; the actions taken by the government cooperating in multilateral efforts; and that the waiver is vital to the national security interests of the United States. "Cooperating actions" must include a substantial number of the following types of actions:

- restricting Iran's access to the global financial system;
- limiting Iran's import of refined petroleum products and refinery equipment;
- strictly enforcing UN sanctions
- prohibiting commercial activities with the Iran Revolutionary Guard Corps;
- cooperating with U.S. anti-terrorism initiatives against the IRGC and other Iranian elements;
- taking concrete, verifiable steps to impede Iran's WMD programs and its support for international terrorism;
- restricting trade with Iran, including provision of export credits.

The President may renew the waiver in six month increments if the President determines that the waiver threshold is met.

**Investigations.** H.R. 2194 requires that the President shall immediately investigate a person upon receipt of credible information that such person is engaged in sanctionable activity as described in section 5. The House-passed bill further requires the President, not later than 180 days after an investigation is initiated, to make a determination whether a person has engaged in sanctionable activity described in section 5. The Senate-passed bill contained no such language. The Senate recedes. The Conferees believe that a statutory mandate is required to ensure sanctionable entities are pursued and prosecuted. By not enforcing current sanctions law, the United States has sent mixed messages to the corporate world when it comes to doing business in Iran by rewarding companies whose commercial interests conflict with American security goals.

**Special Rule.** However, in order to provide an incentive for companies that are withdrawing from Iran, the Act provides that the President need not initiate an investigation, and may terminate an investigation, if the President certifies that the person whose activities were the basis for the investigation is no longer engaging in such activities; and the President has received reliable, verifiable assurances that the person will not knowingly engage in such activities in the future.

The Conferees provided this Special Rule to allow firms to avoid sanction for activities described in the revised Section 5 of the Iran Sanctions Act by taking steps to curtail and eventually eliminate such activities. Ideally, in order to benefit, a firm would pro-

vide the President the required assurances that it will not undertake Section 5 activity in the future, and any other assurances required by the president, in writing. Such assurances should be credible and transparently verifiable by the United States government. Firms should also be strongly encouraged to provide the President a detailed catalog of their existing activity in Iran, and a plan for winding down any activity covered by Section 5 as soon as possible. The goal of this measure is to facilitate their withdrawal from such activities.

To the extent a person benefitting from the special rule continues activities described in section 5, such continuing activities should be pursuant solely to a contract or other legally binding commitment. Conferees expect that any firm seeking to take advantage of this special rule will commit to refuse any expansion or extension of business or investment pursuant to a clause in a contract that allows the firm to elect to do so. Binding commitments should be narrowly construed and any firm seeking to benefit from this rule should be encouraged to provide assurances that it will do only the minimum required by an agreement involving Iran. The Conferees intend to evaluate carefully any certifications under this Special Rule.

**Section 102(h). Effective Date.** In order to clarify the timing of application of the Act, subsection 102(h) further provides that the provisions of section 102 shall take effect on the date of enactment of the Act. Investments sanctionable under the underlying ISA shall continue to be unlawful. However, pursuant to subsection (g) of this section, the President shall, in the context of investment, commence an investigation of a person which engaged in conduct prior to the passage of this Act that would be sanctionable under ISA and that continues after the date of enactment. This differs from the underlying ISA by requiring the President to commence an investigation of sanctionable activities. Likewise, a person that conducts activities related to the development of Iranian chemical, biological, or nuclear weapons or related technologies shall be subject immediately upon enactment of the Act to the new provisions under the Act. With respect to refined petroleum-related activities described in paragraph (2) or (3) of section 5(a) of ISA (as amended by subsection 102(a) of the Act), the new requirement to commence an investigation shall apply one year after the date of enactment.

Not later than 30 days before the date that is one year after the date of enactment, the President shall issue a report describing the President's efforts to dissuade foreign persons from engaging in sanctionable activity described in paragraphs (2) and (3) (facilitation of Iran's production and import of refined petroleum), along with a list of each investment under section 4(e) of ISA, that is initiated or ongoing during the previous one-year period. If the President certifies that there was a substantial reduction in the sanctionable activities described in paragraphs (2) and (3) of ISA, the requirement to commence an investigation shall be delayed by six months. Conferees understand "substantial reduction" to mean a roughly 20-30% reduction in such activities, a similar reduction in the volume of refined petroleum imported by Iran, and/or a similar reduction in the amount of refined petroleum Iran produces domestically. The President may continue to defer the requirement to commence an investigation every six months by issuing a report containing the above-mentioned

items, along with a certification regarding reduction of activities, for the previous six-month period. If the President fails to make the certification, the requirement to commence an investigation shall apply on the date the certification was due, and he would then be required to make a determination in 45 days.

#### *Section 103. Economic Sanctions Relating to Iran.*

The Senate bill contained a provision building on actions taken under the Iran Freedom Support Act (IFSA) (P.L. 109-293) codifying critical restrictions on imports from and exports to Iran, currently authorized by the President in accordance with IEEPA. The House-passed bill contained no such provision. The House recedes. This provision strengthens the current trade embargo by eliminating certain import exceptions for luxury and other goods from Iran made under the Clinton administration. Consistent with IEEPA, exceptions to the import ban are made for informational materials that may be used, for example, in the conduct of news reporting, or in mapping for air travel over land. Similarly, exceptions to the export ban include food, medicine, humanitarian assistance, informational materials, goods used to ensure safety of flight for U.S.-made aircraft, aid necessary to support IAEA efforts in Iran, and democracy promotion initiatives. The exception related to internet communications extends to personal communications, as provided for in section 560.540 of the Code of Federal Regulations; it does not apply to the Iranian Government or any affiliated entities. Notwithstanding the exceptions, the standard requirements pursuant to IEEPA to seek a license for such activities remain in effect.

Consistent with his existing regulatory authority, the President is authorized to issue regulations, orders, and licenses to implement these provisions. In addition, this section requires asset freezes for persons, including officials of Iranian agencies specified in ISA and certain of their affiliates that have engaged in activities such as terrorism or weapons proliferation under IEEPA sanction. To limit sanctioned persons' ability to evade U.S. scrutiny and penalty, this section further stipulates that the assets freeze should extend to those assets which sanctioned persons transfer to family members or associates. The Conferees recognize that agencies involved in implementing these measures will require time to prepare appropriate evidentiary materials before executing corresponding sanctions, which this section requires to be imposed as soon as possible.

**Section 104—Mandatory Sanctions with Respect to Financial Institutions that Engage in Certain Transactions.** Section 104 establishes a sanction in addition to those enumerated in section 6(a) of ISA, as amended. The additional sanction would require the Secretary of the Treasury to prohibit from or impose strict sanctions on U.S. financial institutions that establish, maintain, administer, or manage a correspondent or payable-through account by a foreign financial institution if that institution engages in certain financial transactions. Targets of this provision include foreign banks that: (A) Facilitate the Iranian government's efforts to acquire weapons of mass destruction (WMD) or to support international terrorism; (B) Engage in dealings with Iranian companies sanctioned by the U.N. Security Council; (C) Help launder money, to aid Iran's WMD programs, to support Iran's sponsorship of terrorism, or to support companies/persons

under sanction by the U.N. Security Council; (D) Facilitate efforts by the Central Bank of Iran to aid Iran's WMD programs, to support Iran's sponsorship of terrorism, or to support companies sanctioned by the U.N. Security Council; or (E) Conduct significant business with Iran's Revolutionary Guard Corps, its front companies, or its affiliates, and other key Iranian financial institutions currently blacklisted by the U.S. Department of the Treasury. These measures are roughly patterned after Section 311 of the USA Patriot Act (31 U.S.C. 5318A), which Conferees recognize as some of our government's most effective targeted financial sanctions. However, while the USA Patriot Act measures are generally regarded as *defensive* of the U.S. financial system from special money laundering concerns, these new sanctions are to be deployed in an *offensive* fashion. Under the Comprehensive Iran Sanctions, Accountability, and Divestment Act, the Department of the Treasury is mandated to pursue relentlessly foreign banks engaged in business with blacklisted Iranian entities. Conferees expect any conditions imposed on U.S. correspondent accounts under this Act to be stringent and temporary. Most important, if foreign institutions do not cease their business with blacklisted Iranian entities, after an appropriate warning, the Treasury Department is to direct U.S. banks to sever immediately their correspondent or payable through account services with these foreign institutions.

Under the Act, U.S. banks maintaining *correspondent* or *payable through* accounts for foreign financial institutions will be required to take appropriate steps to ensure that they remain in full compliance with this law, which may include due diligence policies, procedures and controls. Subsection (f) provides for a mechanism for domestic financial institutions to conduct audits of their correspondent or payable-through accounts report to the Treasury Department on compliance, and certify that the foreign financial institutions using such accounts are not engaged in sanctionable activities. Subsection (g) authorizes the Secretary of the Treasury to waive the application of sanctions with respect to a foreign financial institution opening a correspondent or payable-through account and with respect to a domestic institution engaging in transactions with the IRGC if the Secretary determines that such a waiver is necessary to the national interest of the United States. Those U.S. financial institutions that fail to comply with the directives of the Department of the Treasury—imposing strict conditions, prohibiting correspondent or payable through accounts, following appropriate auditing, reporting, due diligence, or certification measures—are to be subject to the same penalties as U.S. banks that fail to comply with Title III of the USA PATRIOT Act.

Once the legislation is enacted, the Conferees expect representatives of the Administration to take all necessary actions to fully implement this section, including by directly engaging the numerous foreign financial institutions banking with Iranian financiers and supporters of WMD proliferation and international terrorism. Severing U.S. correspondent relations with these foreign financial institutions is merely a means to an end. The goal is the termination of international commerce with Iranian businesses that threaten global peace and security.

In general, subparagraph (c)(2)(A) is a conduct-based prohibition. Thus, if the Secretary of the Treasury determines that a for-

eign financial institution has engaged in transactions that facilitate Iran's efforts to develop WMD or support terrorism, among other activities, the Secretary need not designate such entities before restricting that entity's opening or maintaining a correspondent account or a payable-through account in the United States. However, a financial institution doing business with an entity on the designated list pursuant to IEEPA would also be barred. Subparagraph (c)(2)(E) further requires that the Secretary prohibit or impose strict conditions on a foreign financial institution that (1) facilitates a transaction involving the IRGC, regardless of what the transaction was for; or (2) facilitates a transaction with any entity on the designated list maintained by the Department of Treasury pursuant to its authority under IEEPA, regardless of the type or reason for the transaction.

Section 104 would further require the Secretary to prohibit foreign subsidiaries of U.S. financial institutions from engaging in any transaction involving Iran's Islamic Revolutionary Guard Corps (IRGC), its agents or affiliates. U.S. companies already face severe civil and criminal penalties for doing business in Iran under IEEPA, as amended by the International Emergency Economic Powers Enhancement Act of 2007 (P.L. 110-96). This provision imposes similar judicial procedures and penalties on U.S. banks if their foreign subsidiaries are doing any business with the IRGC, its front companies, or affiliates. Thus, companies and financial institutions may be subjected to civil penalties of as much as either \$250,000 or an amount twice the value of the actual transaction. Criminal penalties may be as high as \$1 million per transaction and/or entail prison sentences of up to 20 years.

Subsection (j) defines key terms, including "correspondent" and "payable-through" account.

*Section 105—Imposition of sanctions on certain persons who are complicit in human rights abuses committed against citizens of Iran or their family members after the June 12, 2009, elections in Iran.*

Section 105 requires the President to impose sanctions on persons who are citizens of Iran that the President determines, based on credible evidence, are complicit in, or responsible for ordering, controlling, or otherwise directing the commission of serious human rights abuses against citizens of Iran or their family members on or after the Presidential elections of June 12, 2009, regardless of whether such abuses occurred in Iran. The President is to do so no later than 90 days after the date of enactment of this legislation. The President will also provide appropriate Congressional committees with a list of those persons the President determines meet the criteria for sanctions, and the President will also be required to submit to the appropriate Congressional committees updates to the list of Iranian citizens eligible for sanction not later than 270 days after the date of enactment and every 180 days thereafter, and as new information becomes available. Furthermore, the unclassified portion of this list will be made available to the public on the websites of the Department of the Treasury and the Department of State. In addition, the President's list must consider credible data already obtained by other countries and non-governmental organizations, including in Iran, that monitor the human rights abuses of the Government of Iran.

The President shall impose two sanctions on the Iranian human rights violators listed

in his report to the appropriate Congressional committees. The first is a visa ban making those human rights violators ineligible to enter the United States. The second is financial sanctions authorized under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.). These sanctions include the blocking of property; restrictions or prohibitions on financial transactions; and the exportation and importation of property. This section provides for regulatory exceptions, including those to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international agreements.

The President may waive the sanctions required by Section 105 if the President determines that such a waiver is in the national interest of the United States and submits to the appropriate Congressional committees a report describing the reasons for the waiver determination.

The provisions of Section 105 shall cease to have force and effect on the date on which the President determines and certifies to the appropriate Congressional committees that the Government of Iran has unconditionally released all political prisoners, including the citizens of Iran detained in the aftermath of the June 12, 2009, presidential election in Iran; ceased its practices of violence, unlawful detention, torture, and abuse of citizens of Iran while engaging in peaceful political activity; conducted a transparent investigation into the killings, arrest, and abuse of peaceful political activists in Iran and prosecuted those responsible; and made progress toward establishing an independent Judiciary and respecting internationally-recognized human rights.

*Section 106. Prohibition of procurement contracts with persons that export sensitive technology to Iran.* This section would prohibit the head of any U.S. executive agency from entering into procurement contracts with an entity that the President determines has exported to Iran sensitive communications technology to be used for monitoring, jamming, or other disruption of communications by the people of Iran. This section further requires the Comptroller General to submit a report assessing the impact of sanctions on executive agencies' procurement of goods of services with persons that export sensitive technology to Iran.

*Section 107. Harmonization of Criminal Penalties for Violations of Sanctions.* This section harmonizes penalties for violating export controls and U.S. sanctions across various statutes with the strongest such penalty standards in the U.S. Code, consistent with the International Emergency Economic Powers Enhancement Act of 2007 (P.L. 110-96). The section specifically increases criminal penalties for violators of the provisions of the Arms Export Control Act, Trading with the Enemy Act, and the United Nations Participation Act to up to \$1 million and 20 years in prison.

*Section 108. Authority to Implement United Nations Security Council Resolutions Imposing Sanctions with Respect to Iran.* This section authorizes the President to prescribe regulations as may be necessary to implement a resolution imposing sanctions with respect to Iran agreed to by the United Nations Security Council on or after the date of enactment of this Act.

*Section 109. Increased capacity for efforts to combat unlawful or terrorist financing.* This

section authorizes funding of \$102.6 million in fiscal year 2011 for the Office of Terrorism and Financial Intelligence of the Department of the Treasury, and such sums as may be necessary for each of the fiscal years 2012 and 2013. This section also authorizes \$100.4 million for the Financial Crimes Enforcement Network and \$113 million for the Department of Commerce. This section also acknowledges the Treasury Department's recent designation of various Iranian individuals and banking, military, energy, and shipping entities as proliferators of weapons of mass destruction pursuant to Executive Order 13382 (50 U.S.C. 1701 note), along with designation of entities in the insurance, petroleum, and petrochemicals industries that the Secretary has determined to be owned or controlled by the Government of Iran.

*Section 110. Reports on Investments in the Energy Sector of Iran.* The Act requires the President, within 90 days of enactment of the bill and every 180 days thereafter, to report to the appropriate congressional committees on an estimate of the volume of energy-related resources (other than refined petroleum) including ethanol, that Iran imported since January 1, 2006, along with a list of all known energy-related joint ventures, investments, and partnerships located outside Iran that involve Iranian entities in partnership with entities from other countries. It is the intention of the Conferees that the report be undertaken by the Secretary of Energy and parallel the format of previous reports, including one provided as recently as 2006, and should include updated information as provided by the Energy Information Administration (EIA). The report shall also include information on the effect of Iranian know-how in the energy sector as a result of joint energy-related ventures with other countries.

*Section 111. Reports on certain activities of foreign export credit agencies and of the Export-Import Bank of the United States.* This section requires the President—90 days after the date of enactment—to submit a report on any activity of an export credit agency of a foreign country that would be engaged in activities comparable to those which would otherwise be sanctionable under subsection (a) or (b) of section 5 of ISA, as amended by this Act. Not later than 30 days (or, in extraordinary circumstances, not later than 15 days) prior to the Export-Import Bank of the United States approving cofinancing with an export credit agency of a foreign country identified in the above-mentioned report, the President shall inform Congress of such action and of the beneficiaries of the financing. The Conferees intend to raise awareness about which countries and persons are engaged in activities comparable to those which would trigger U.S. sanctions and which may benefit from financing provided by the Export-Import Bank.

*Section 112. Sense of Congress on Iran's Revolutionary Guard Corps (IRGC) and its Affiliates.* Expresses the sense of Congress that (1) the U.S. should persistently target with sanctions Iran's Revolutionary Guard Corps, its supporters and affiliates, and any foreign governments determined to be providing material support for the IRGC; (2) identify any foreign individual or entity that is an agent, alias, front, instrumentality, official, or affiliate of Iran's Revolutionary Guard Corps or providing material support to the IRGC; and (3) immediately impose sanctions on the individuals, entities, and governments described in paragraph (2).

*Section 113. Sense of Congress Regarding Iran and Hezbollah.* Expresses the Sense of Con-

gress that the U.S. should continue to: (1) work to counter support for Hezbollah from Iran and other foreign governments; (2) target with sanctions Hezbollah, its affiliates and supporters; (3) urge other nations to do the same; and (4) take steps to renew international efforts to disarm Hezbollah.

*Section 114. Sense of Congress Regarding the Imposition of Multilateral Sanctions with Respect to Iran.* Expresses the Sense of Congress that, in general, multilateral sanctions are more effective than unilateral sanctions against countries like Iran, and that the President should continue to work with our allies to impose multilateral sanctions if diplomatic efforts to end Iran's illicit nuclear activities fail.

*Section 115. Report on Providing Compensation for Victims of International Terrorism.* This section requires the President to submit a report within 180 days of enactment on equitable methods for providing compensation on a comprehensive basis to victims of acts of international terrorism who are citizens or residents of the United States or nationals of the United States. The Conferees intend to address concerns presented by numerous plaintiffs groups that have yet to gain compensation for terrorist attacks.

#### TITLE II—DIVESTMENT

*Section 201—Definitions.* This section defines terms used in this title including: energy sector, financial institution, Iran, person, state, and state or local government.

*Section 202—Authority of state and local governments to divest from certain companies that invest in Iran.* This section authorizes States and localities to divest from companies involved in investments of \$20 million or more in Iran's energy sector and sets standards for them to do so. While not mandating divestment, this section authorizes State and local governments, if they so choose, to divest public assets from entities doing business in Iran. Authorization to divest afforded under this Act does not extend to business conducted under a license from the Office of Foreign Assets Control, or that is expressly exempted under Federal law from the requirement to be conducted under such a license. For example, such licenses or exemptions might include humanitarian trade in agricultural and medical products. In its formulation of this section, the Conferees recognized that divestment actions are being taken by investors for prudential and economic reasons, as expressed in subsection (a), including to address investor concerns about reputational and financial risks associated with investment in Iran and to sever indirect business ties to a government that is subject to international sanctions.

The Conferees require that a state or local government provide notice to the Department of Justice when it enacts an Iran-related divestment law. Persons are to be informed in writing by the State or local government before divestment. Persons then have at least 90 days to comment on that decision.

*Subsection (i)—Authorization for Prior Enacted Measures.* Subsection (i) constitutes a "grandfather clause"—it authorizes a state or local government to enforce a divestment measure without regard to the procedural requirements and scope of this section up to two years after the date of the enactment of the Act. After two years, if the state or locality has complied with the procedural requirements required by the Act regarding notice, the state or locality may enforce a measure that provides for divestment, notwithstanding any other provision of law. In order to secure the protections of the Act,

state and local entities which have not enacted or adopted divestment measures prior to the date of enactment must abide by both the scope and procedural requirements it outlines.

*Section 203—Safe harbor for changes in investment policies by asset managers.* This section adds to measures authored by the Senate and enacted last year authorizing divestment from certain Sudan-related assets (Public Law 110-174), allowing private asset managers, if they so choose, to divest from the securities of companies investing \$20 million or more in Iran's energy sector, and provides a "safe harbor" for divestment decisions made in accordance with the Act. A major concern inhibiting divestment has been the possibility of a breach of fiduciary responsibility by asset managers who decide to divest. The Conferees thus find that fund managers may have financial or reputational reasons to divest from companies that accept the business risk of operating in countries subject to international economic sanctions. Fund managers will still be required to observe all other normal fiduciary responsibilities. The Securities and Exchange Commission is required to promulgate rules as necessary that require fund managers to disclose their divestment decisions made pursuant to Section 203 of this legislation in regular periodic reports filed with the Commission.

*Section 204—Sense of Congress regarding certain ERISA Plan investments.* This section expresses the sense of Congress affirming pension managers' rights to divest from companies investing \$20 million or more in Iran's energy sector if the fiduciary makes the divestment decision based upon credible public information, and determines that the action would not provide a lower rate of return than alternate investments with a commensurate degree of risk, or provides for a higher degree of risk than alternate investments with commensurate rates of return. Section 205 makes certain technical corrections to Sudan Accountability and Divestment Act of 2007, to clarify the divestment standards contained in this Act.

*Section 205—Technical Corrections to Sudan Accountability and Divestment Act of 2007:* This section is designed to clarify that Congress did not intend, in the Sudan Divestment legislation, to imply the creation of a new private right of action under the Investment Company Act of 1940.

#### TITLE III—PREVENTION OF DIVERSION OF CERTAIN ORIGIN GOODS, SERVICES, AND TECHNOLOGIES TO IRAN

Title III of the Senate version of the bill provides new authority and imposes new responsibilities to stop the diversion from the U.S. to Iran of critical goods through other countries. The House recedes to the Senate. This provision relates to (1) U.S.-origin goods, services and technologies that are controlled for export from the United States, and (2) items denied for export to Iran by a United Nations Security Council resolution. The purpose is to shut off Iran's clandestine acquisition of items and technologies that would contribute to its weapons development programs, its other defense capabilities and its support for international terrorism. While U.S.-origin items do not make a significant contribution to Iran's military or terrorism capabilities, by utilizing U.S. global jurisdiction over our export-controlled items, effective leverage can be utilized to identify and shut down Iran's black-market technology acquisition and proliferation around the world.

*Section 301—Definitions.* This section defines terms used in this title including:

allow, Commerce List, end user, entity owned or controlled by the Government of Iran, Export Administration Regulations, government, Iran, state sponsor of terrorism, as well as diversion.

Section 302 requires the Director of National Intelligence to identify, on an ongoing basis, those countries that allow diversion to Iran, either directly or through indirect routes, of U.S.-origin goods services and technologies and items prohibited for Iran under a UN Security Council resolution. The Director shall report such countries to the President, relevant departments and the Congress.

Section 303 requires the President to designate Destinations of Diversion Concern and authorizes U.S.-provided training, technical assistance and law enforcement support to strengthen other governments' capability to stop diversions to Iran. For governments that take effective action against diversion to Iran, the President removes the designation. Specific standards are required to be met by a country in halting diversions to Iran.

Further under Section 303, for governments identified under Section 302 that are deemed resistant to U.S. engagement, or where U.S. assistance fails to secure cooperation, the President must require a license, under the Export Administration Regulations, for the export from the U.S. of any good, service or technology that, if diverted to Iran, would contribute to Iran's weapons programs, defense capabilities or support of terrorism. There would be a presumption of denial for all applications for such licenses. The requirement for a license could be delayed during efforts by the U.S. to assist a

country to take effective action to stop diversions to Iran.

Section 304 requires a report to Congress by the President on other countries that may be allowing diversion of certain U.S.-origin items to other countries, aside from Iran, that may be seeking nuclear and other weapons of mass destruction, other defense technologies, or other capabilities for terrorist support.

Section 305 clarifies and reinforces the statutory law enforcement authority for agents of the enforcement division of the Commerce Department's Bureau of Industry and Security, so that they can fully carry out the expanded duties required by enactment of this legislation.

#### TITLE IV. GENERAL PROVISIONS

*Sunset.* The House-passed bill contained a "sunset" provision specifying the conditions for termination of petroleum-specific sanctions. The Senate contained no such provision. Adopting the House approach, section 105(a) provides that—except for several provisions—the provisions of the Act shall terminate if the President determines and certifies to the appropriate congressional committees that Iran: (1) has ceased providing support for acts of international terrorism and is no longer a state sponsor of terrorism; and (2) has ceased the pursuit, acquisition, and development of nuclear, biological, and chemical weapons and ballistic missiles and ballistic missile launch technology.

*Waiver.* Subsection (b) provides that the President may waive the application of sanctions under section 103(b), the requirement to impose or maintain sanctions with respect to a person under section 105(a), the requirement to include a person on the list required

by section 105(b), the application of the prohibition under section 106(a), or the imposition of the licensing requirement under section 303(c) with respect to a country designated as a Destination of Diversion Concern under section 303(a) if the President determines that such a waiver is in the national interest of the United States. If the President does elect to use the waiver of 303(c) rather than delay imposition of export restrictions, he must provide an assessment to Congress of the steps being taken by the country to institute or strengthen an export control system; to interdict the diversion of goods, services, or technologies described in section 302(b) through the country to Iranian end-users or Iranian intermediaries; and to comply with and enforce appropriate U.N. Security Council Resolutions. The Conferees intend that the waiver authority in this section shall be case by case and shall not be used as a general waiver.

*Authorization of Appropriations.* Subsection (c) provides that there are authorized to be appropriated to the Secretary of State and the Secretary of the Treasury such sums as may be necessary to carry out Titles I and III of this Act. Further, the Act authorizes to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out Title III.

#### COMPLIANCE WITH CLAUSE 9 OF RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, neither this conference report nor the accompanying joint statement of managers contains any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR THE CONFERENCE REPORT TO ACCOMPANY H.R. 2194, THE COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2010, AS PROVIDED TO CBO ON JUNE 23, 2010 (FILENAME MAR10519)

	By fiscal year in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET INCREASE OR DECREASE (–) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

Note: H.R. 2194 would ban certain imports from Iran and impose sanctions on certain entities that conduct business with Iran. The act would reduce customs duties and impose civil and criminal penalties, but CBO estimates those effects would not be significant in any year.

From the Committee on Foreign Affairs, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

HOWARD L. BERMAN,  
GARY L. ACKERMAN,  
BRAD SHERMAN,  
JOSEPH CROWLEY,  
DAVID SCOTT,  
JIM COSTA,  
RON KLEIN,  
ILEANA ROS-LEHTINEN,  
DAN BURTON,  
EDWARD R. ROYCE,  
MIKE PENCE,

From the Committee on Financial Services, for consideration of secs. 3 and 4 of the House bill, and secs. 101–103, 106, 203, and 401 of the Senate amendment, and modifications committed to conference:

BARNEY FRANK,  
GREGORY W. MEEKS,  
SCOTT GARRETT,

From the Committee on Ways and Means, for consideration of secs. 3 and 4 of the House bill, and secs. 101–103 and 401 of the Senate amendment, and modifications committed to conference:

SANDER M. LEVIN,  
JOHN S. TANNER,

DAVE CAMP,  
*Managers on the Part of the House.*

CHRISTOPHER J. DODD,  
JOHN F. KERRY,  
JOSEPH I. LIEBERMAN,  
ROBERT MENENDEZ,  
RICHARD C. SHELBY,  
ROBERT F. BENNETT,  
RICHARD G. LUGAR,

*Managers on the Part of the Senate.*

#### BROKEN PROMISES

The SPEAKER pro tempore (Ms. MARKEY of Colorado). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, it's an honor to have the opportunity to address you here on the floor of the House of Representatives, and picking up where my colleagues left off, they have given, I think, a good presentation over the last 60 minutes that covered a lot of important territory with regard to the budget and the spending. I think they've made the point that since the rules of the House

required a budget resolution, this House has never before failed to pass a budget. There are political reasons for that.

I happen to see a quote over on the wall that I hadn't picked up before, and it didn't attribute it to anyone, but I am pretty sure it wasn't a Republican, Madam Speaker. It was a quote that, generally speaking, was this, that, well, until the deficit reduction commission would meet and produce a decision, we couldn't possibly pass a budget here in the House. And that would be—oh, let me see, a week or two or so after the election in November. Imagine, Congress can't do its work unless the President appoints a deficit commission, and that deficit commission couldn't possibly return a recommendation to this Congress until after the people have spoken.

It's amazing to me, Madam Speaker. The people have spoken. The people in this country have elected their Representatives that serve on this side of the aisle over here in the majority, on this side of the aisle over here in the

minority. We have a responsibility to step forward and bring a budget, and that budget needs to be the reflection of spending discipline and the spending priorities of the House of Representatives.

According to the Constitution, all spending starts here—not in the Senate. It starts here. And traditionally, the House has received the President's budget, his budget recommendation. We've evaluated that budget in the process of moving a budget resolution here in the House—in a responsible fashion when Republicans were in charge at least. I think in a less responsible fashion, but at least it got done before when Democrats were in charge, until now.

□ 1930

But the spending has been so irresponsible that even the irresponsible overspending Democrats don't have enough will to bring a budget to the floor and allow it to be debated and voted upon here on the floor of the House, where the rules require us to do so. Because why? Because the President has appointed a Deficit Reduction Commission, after spending trillions of dollars irresponsibly, and now he has put these brains to work to figure out how to solve an unsolvable problem.

I know what that feels like, Madam Speaker. I remember going through the farm crisis in the eighties. I remember when asset values were going in a downward spiral and opportunities for increasing revenue were also going in a downward spiral, and the customer base that I had was doing what was happening to me. My bank was closed down by the FDIC. All accounts were frozen. Commerce came to a halt. I had two pennies in my pocket, a payroll to meet, kids to feed, a business to run, bank loans to pay even though the bank was closed by the FDIC, opened up next Monday by new owners. I know how that thing works.

You set your priorities. You step up to your responsibilities. But I have sat there at my desk during those years with my legal pad and my calculator trying to figure out how to make it work. And I know what it feels like when you think that there is something wrong with your brain because you can't solve a problem.

Well, there is something wrong with the people's brains that spent all this money all right. And now the problem they can't solve is how to present a budget to the Congress because they have created an intractable, unsolvable budget problem not by being caught in an economic downward spiral exclusively, but by going into a downward spiral where Federal revenues are being reduced in proportion to the downward economic spiral while they are increasing the spending like they are in an upward economic spiral. These two things are going opposite directions. Federal

revenues are going down; Federal spending is going up.

The divergence of these two lines, the income and the outgo, have gotten so far apart that even the people without a conscience towards balancing a budget, and I mean the Democrats in this Congress, they are having a little trouble selling the idea to the Blue Dogs. Yes, Blue Dogs have gone underground. They have been quiet. They haven't been as active as they were in the past. They are certainly not as bold as they have been when I used to stand here and take lectures from the Blue Dogs that said, We want to balance the budget. What's wrong with Republicans that they can't balance the budget?

Well, nothing wrong with me, because I voted for every balanced budget that's been offered on the floor of this House since I came here. And I don't know why I wouldn't continue to do that. And we are looking for a chance to bring a balanced budget to the floor again, and we will. We will if we can break the mold here.

But this House, led by the Speaker, NANCY PELOSI, has so kowtowed to the President's spending priorities and spent trillions unnecessarily. The number that I had added up in my head standing on the floor here a week or two ago was \$2.34 trillion of unnecessary spending, \$2.34 trillion.

And the President's budget as he presented it, it's the only budget we've got to go with. No conscience to try to balance it. No conscience to try to limit it. Today a baby born in America, their share of the national debt—you just might say that here's the IOU that that little old baby, when their footprint goes down on the birth certificate is an acknowledgement that their share of the national debt that they owe Uncle Sam is \$44,000. And we worry about that little child, all the money that it takes to provide health care and education and clothing and housing and nurture and love to bring that child up into responsible adulthood. That little old child that grows into responsible adulthood, we worry about them carrying a student loan debt that might be, oh, let's say—pick a number in the ballpark. It's not a statistical number. It's a ballpark number. Maybe \$40,000 worth of student loans when they finish college.

That burden of servicing the interest and the principal on a \$40,000 student loan, we worry about that. Well, I would be happy to take that \$40,000 loan and a guarantee of a college degree and think that child could pay that off.

But for nothing. They don't get a college degree. They don't get an education. They just get access to citizenship of the United States of America for their \$44,000 that's their share of the national debt, a little baby with ink on their foot stamped right there on the birth certificate. There is one in

this country we haven't seen, but the footprint on those we have seen, those little babies owe Uncle Sam \$44,000.

And, Madam Speaker, when that little child enters into fifth grade, and I picked fifth grade because that's the budget cycle. We do 10-year budget cycles, and we calculate our revenue stream. We calculate our outgo over a 10-year period of time. We put a number figure on something like, oh, let's say ObamaCare, what does that cost? That's over a 10-year period of time. So when that little child, from 10 years to the time they are born, they will be starting fifth grade. When they start fifth grade, that little child that owes Uncle Sam \$44,000 that was born today owes Uncle Sam at that point, starting in the fifth grade, \$88,000 under President Obama's budget. Doubles the individual national debt share just projecting the President's budget. And that, Madam Speaker, is with the President's own numbers. It's that bad.

There isn't going to be a solution coming out of the deficit commission because there is an intractable problem that's been created by irresponsible overspending and a myopic, wrong-headed view that John Maynard Keynes had the right idea when he came up with this cooked-up theory back before the Great Depression began that if you wanted to recover from an economic downward trend you would just take a lot of government money and borrow it from somewhere and dump it into the economy, give it to people, and get them to spend it. That's the Keynesian economic theory.

Government would put money into the hands of people; people would go spend the money, and spending that money would stimulate the economy. That was his plan coming into the thirties. When FDR was elected, that's what they did. They overspent. They spent the country into more deficit than they had seen before, and borrowed money and put it into the economy in all kinds of programs. The WPA, the CCC come to mind as some of those programs.

Now, that was nice for the people there that got the government jobs, and it was nice to have the soup lines. But here's what I know. When government is putting out borrowed money to pay people to do something else that's in competition with the private sector or pay people not to work, it's awfully hard to recover economically, because it takes the private sector to bring us out of this economy.

So this White House now has taken a look at the model of the thirties, and the President of the United States, his lesson, his takeaway from the whole lesson of the Great Depression was this: FDR lost his nerve. That's what the President said, February 10, 2009, before our conference, ten feet away from me, said FDR lost his nerve. He should have spent a lot more money. If

he had spent more money, the President's opinion, this country would have come out of the Great Depression almost before it—he didn't say this word—but you know, before we got into the depths of it. And he argued that FDR lost his nerve, should have spent more money. If he had done that, we would not have had the depression that lasted a full decade and more.

And he argued that because FDR lost his nerve and failed to spend enough government money, what we had was—and this is according to the President's words—a recession within a depression, and unemployment numbers that went up during that period of time instead of down. And then he said along came World War II, which was the greatest economic stimulus plan ever.

I would even take issue with that statement. But I am going to concede his point there and not make an argument about it, Madam Speaker, because there is some basis for that statement. It's not completely off base at all. There is just a different perspective that I would emphasize.

But I would argue that sending this Nation into debt and borrowing money and putting it into the hands of people not in exchange for production, but just in exchange sometimes for make-work or doing something was not the right way to come out of a depression or a recession. What we need to do is increase productivity. We need to get the private sector more competitive. And he has done everything but let the private sector get more competitive.

But this Keynesian economist on steroids, which is our President, has not made what he considered to be the same mistake that Franklin Delano Roosevelt made. Remember, Roosevelt lost his nerve. He didn't spend enough money. The President hasn't lost his nerve. He spent a lot more money than FDR would have thought of spending. He spent a lot more money than John Maynard Keynes would have thought of spending.

Keynes's argument was this. He said, I will solve all the unemployment in America for you, and here is how I will do it. We will go get a whole bunch of American cash—now, I am paraphrasing here; there is an exact quote that does take this message out—a whole bunch of American cash, American dollars, and I will find an abandoned coal mine. And we will go out and we will drill holes with a drill rig all over into that abandoned coal mine, and we will stuff these holes full of cash. And then we will haul garbage in there and fill that abandoned coal mine up with garbage—this is before the EPA, you might remember—and then we will just turn the entrepreneurs loose to go in and dig up the money. We will solve all the unemployment problem.

People will go in and dig up the money. There will be a whole industry

involved, almost like mining it for gold. I am adding an embellishment here, because I have included Keynes's image of this and I am adding the embellishment beyond. So his idea was, though, that people would go in, dig through the garbage, dig up the money out of the holes in the abandoned coal mine, and it would become an industry. And they would probably need some equipment. They would need shovels at least, and there would be people industriously digging through garbage and pulling the cash out and taking it to town. It wouldn't even be like gold where they had to go to the assay office. Cash was just as good.

It reminds me of the movie that was produced that had the Beatles in it years and years ago called "The Magic Christian." And in "The Magic Christian" movie, they wanted to emphasize that there were a lot of greedy people in the world. And they filled this swimming pool full of all kinds of sewage and garbage and junk and things that would be revolting to jump into. And then there is a scene in the movie where doctors and lawyers and professionals and probably gangsters and every character that you can think of that they wanted to denigrate—they filled it full of garbage and junk and sewage and then dumped a bunch of cash in there. They had people diving into that, fighting over the cash. That image in "The Magic Christian" is the same image, a similar image that's created by John Maynard Keynes. But those things don't produce an economy. They don't produce wealth.

We have to be an economy that produces goods and services that are essential first for the survival of humanity and then essential to improve the productivity of humanity. And the next level is so that there is a savings or disposable income component to this so that we can go do the things we enjoy doing. But if an economy compresses down to the essentials, it will be a survivalist economy where our effort and our industry goes towards staying alive.

The next level is the level of productivity where our endeavor increases our productivity so that we can be competitive and we can compile wealth and use that wealth to increase our productivity that then increases our standard of living and our quality of life. And if the survival component of the economy and the increased productivity component of the economy gets high enough, then there is disposable wealth for us to spend to enjoy life, like go to the ball game, go on a vacation, take the kids fishing, go to Disney World, take the family out to Washington, D.C., see the monuments, go to the National Archives and to Arlington Cemetery. Those things, that's from disposable income that comes out, the recreational travel, the non-essential things that we spend money on, and that creates another industry.

But as you chase those industries down, you will chase them down to those components that are essential for the survival of Homo sapiens on this planet. That's the real economy. That's the economy we've got to stimulate. That's the one we have to let grow. It's stimulated by low taxes; it's stimulated by low regulation, and it's stimulated by entrepreneurs that understand the idea that they can invest some money or create an endeavor that will produce a profit for them that feeds their family and builds up some capital that can be used to increase their productivity so that the business can grow and they can hire employees and people have jobs. That's the economy we are supposed to support.

I think it's completely outside the understanding of the White House. I look around and I wonder who in the White House has actually signed the front side of the paycheck. Who's had employees? Who's started a business? Who's bought a business? Who's maintained and expanded an existing business that's in the White House circle? Who thinks like a free enterprise capitalist or like an entrepreneur? Is there anybody there that has an instinctive understanding of what it's like to start with something or maybe even start with nothing and create jobs and wealth? That's what America has done.

We have had the scenario that lets us do that. We have had the entrepreneurs. We have had the people with the dream that came to the United States because they knew this was a place where they could be allowed to succeed, and no one could come and take away the fruit of their labor and their endeavor. That's been the American Dream and it's been the American guarantee.

And now, now the White House can go in and order the terms of a bankruptcy for Chrysler or General Motors and direct that 17.5 percent of the shares of General Motors be handed over to the labor unions, the United Auto Workers who didn't have skin in the game except the potential for a future job. And yes, they had a benefits package out there, but their skin in the game wasn't conceded. They didn't concede a single point. Maybe some outside claims on insurance that could come in later years that all of them at the table believed was going to be replaced by ObamaCare anyway. There was no risk on UAW. They got handed 17.5 percent of the ownership of General Motors at what, the expense of the secured creditors, the stockholders, the bondholders that had the first mortgage on the asset values of General Motors taken out by the White House.

□ 1945

Never before in America have we seen a scenario like that where it was testified under oath by the Treasurer of the State of Indiana that in the case of

Chrysler, the Obama White House went into the bankruptcy court and dictated terms going in, and the terms that came out after chapter 11 were exactly the terms dictated by the White House. Of the testimony that took place in the chapter 11 bankruptcy hearings, there wasn't one jot or tittle that was changed as a result of the testimony because the White House dictated the terms.

The Obama administration were the only ones that were evaluating the assets of Chrysler going into chapter 11. And who is the only buyer on the other side? Well, the White House. Never before in a bankruptcy court. That is unjust. You can't get justice out of a scenario of a chapter 11 bankruptcy court that allows the same entity that is setting the terms to be the entity that is buying.

The White House is saying here is what the value of Chrysler is and here is what we are willing to pay and nobody else gets to be a bidder. And in the case of General Motors, take these shares away from the shareholders, take the assets away from the secured bond holders, push them over there and turn them over to the United Auto Workers.

So what, so they can run the business of General Motors for the benefit of the people affected by it. Doesn't that sound good. Doesn't that sound great, Madam Speaker. Run a Fortune 500 company for the benefit of the people affected by it. Where have I heard that language before? Run a business for the benefit of the people affected by it. Oh, yes, I know where I have heard that language before, Madam Speaker. I read it on the Socialist Web site. You can go read it yourself, dsausa.org. They want to nationalize the Fortune 500 companies which would include General Motors and Chrysler. I don't know if it includes BP, but I imagine they are in their sights today.

And they say we are not Communists; we are Socialists. We don't want to nationalize every business in America; we just want to nationalize the Fortune 500 companies and a few others that catch our attention. And we want to manage them for the benefit of the people affected by them. That is a quote: manage them for the benefit of the people affected by them. Dsausa.org, it is the Socialist Web site, who, by the way, tell us they don't run candidates on the Socialist ticket as if they were Democrats, Republicans, Libertarians or Communists. They run candidates on the Democrat ticket as Progressives, and they say the Progressives are the legislative arm of the Socialists.

So I read this and I am thinking, all right, but why would I take that seriously? They are attaching themselves to the Progressives in Congress, so I research a little more. I find out that there is a Web site for the Progressives

here in Congress. The gentleman from Arizona (Mr. GRIJALVA), it is a Web site that has his name on it now. It is often up here on a blue board with white letters that is presented by KETH ELLISON of Minnesota. I see him constantly advertising the Progressives.

So I go back and do a little research, and I find out that the Socialists were the ones that managed the Progressive Web site until 1999. Yes, they are an offshoot. They are joined together at the hip. They are Siamese twins. The Progressives here in Congress are the Siamese twin of the Socialists of America. The Socialists ran their Web site until they took a little heat in 1999, and then they decided the Socialists running the Progressive Web site was a little too obvious a link, so the Progressives took over their own Web site and started to run it from there. But the Socialists still have on their Web site the proud bond between them and the Progressives in the United States Congress.

The last time I looked at the list of the Progressives on the Progressive Web site, there were 77 Members of Congress that were listed. Of these 77 Members, they would be obviously among the most liberal left wing Members of Congress. But the people in America don't think of liberal left wing Democrats as Socialists. They think of them as people who are for a little more social justice, but they don't think of them as Socialists. If they would read the Socialist Web site, I think that would be a pretty good description of what a Socialist is.

When you read on the Web site that they want to nationalize the Fortune 500 companies, and then you can minimize your dsausa.org Web site, and then open up the Progressive Web site and read on there what they want to do. Well, let me see. They want to nationalize the energy industry in America. They want to nationalize the oil refinery in America. Those would be statements written and said, stated by MAXINE WATERS of California and MAURICE HINCHEY of New York respectively. I read those statements through the press, and I hear them make them. I go back and look at the Progressive Web site, and it says on there: Proud Member of the Progressive Caucus, MAXINE WATERS, MAURICE HINCHEY. And then I go over to the Socialist Web site and I read on there, We want to nationalize the Fortune 500 companies. We want to nationalize the energy industry. We want to nationalize the oil refinery industry.

You see the pattern here, Madam Speaker. What is on the Socialist Web site is an agenda. It is on the Progressive Members of Congress caucus Web site as an agenda. And this agenda is being carried out by the White House and people are proudly advocating for these ideas while never admitting that they are a Siamese twin of the Social-

ists, who brought this out, and they have done this for a couple of decades or more and made this advocacy.

Senator BERNIE SANDERS of Vermont is the one member of the Progressive Caucus, at least on the list, he is not in the House but he is in the Senate, Madam Speaker, Senator BERNIE SANDERS. He is a self-avowed Socialist. I know of no one who has tried to rebut his statement that he is a Socialist. He is a proud Socialist United States Senator. He remains, I believe, a member in good standing as a member of the Progressive Caucus over here. BERNIE SANDERS advocates many of the things that are on the Progressive Web site, and certainly they are tied together. I have explained how that works. He is the highest profile Socialist in the United States of America, and no one has challenged his position that he is a Socialist. That would be like someone saying STEVE KING is not a Republican, Madam Speaker. And so I take him at his word. Senator SANDERS from Vermont is a Socialist. They have elected him; that is how it goes. I don't like it, but that is how it goes. I don't dislike him; I just disagree with him philosophically. But that is how it goes in America.

So he is a Progressive and a Socialist, and we have 77 Progressives in this Congress. Well, are they Socialists? I think many are. I don't know if all are. But I know this: if you look at the voting records of President Obama when he was in the United States Senate serving with BERNIE SANDERS, it is clear that President Obama voted to the left of Socialist Senator SANDERS of Vermont, consistently to the left.

So, Madam Speaker, the argument is not what is the ideology of our President. It is what is to the left of a Socialist. That is the argument that is out there and what we need to consider and contemplate. I believe this, that if you want to declare something not to be Socialism, however it is Socialism, you have to figure out how to redefine something to the American people. They are smart enough to know what words mean. They know what Socialism is. They know what irresponsible overspending is.

They know when a President and a Congress, led by Speaker PELOSI and Majority Leader REID, disagree with the will of the American people. They understand that it is free enterprise that has driven the economy of this Nation to success, and economically has been the component that allowed for the United States of America to be the unchallenged greatest Nation in the world. They understand that the bogged down economies, managed economies, whether it was central planning in the Soviet Union that finally collapsed in 1991, or whether it is the unstimulating economy that has bogged down Western Europe for a long time, that the vitality in this American economy that keeps chugging

along is rooted in the individual entrepreneurs that are the invisible hands that are making decisions every day that turns this economy and makes it move.

We are not about to give up on free enterprise even though we have people that don't believe in it that own the gavels today, even though we have a President of the United States and a White House staff and a lot of the Cabinet that don't understand, nor do they appreciate or believe in free enterprise capitalism. I doubt if there is anybody out there in the White House that can say, Yes, I read "Wealth of Nations." I understand it. I understand the division of labor. I understand the comparative advantage that Adam Smith wrote about. No, they understand Karl Marx, but they don't understand Adam Smith.

This is where we are, and it is why we have to push the reset button in November. This Nation is resilient. We can come back from this. We have a lot of debt and deficit that we have to pay off. We have a lowering national image abroad. We have a military that took a serious reset today, and I pray that it gets turned out for the best.

I think that some of our tasks are very difficult, but finding our soul is going to be the most difficult one. America will produce and bring us to a greater level of greatness yet if we find our soul, if we redefine and identify the pillars of American exceptionalism and chart ourselves down that path that goes beyond the shining city on the hill that Ronald Reagan so well spoke of and take us to the level that we can achieve, that we can see just beyond our horizons now.

Truthfully, I didn't come here to speak about any of the things I have spent the last half hour discussing. I wrote a number of subject matters down on a piece of paper, and I would like to refer over. I mentioned, Madam Speaker, the ObamaCare issue. And here is where we are. Whether it was 2 months or 3 months ago today that ObamaCare passed, I think this is a monthly anniversary of that tragic day when this Congress refused to use its common sense and refused to listen to the will of the people. Somehow they seem to be shut up here in Washington, and the constituents couldn't get to them and they hammered through and force fed an ObamaCare bill on the American people that today is the law of the land.

There was a cry that went out for almost a year from this country of the people that said I don't want my health care taken over and nationalized by the Federal Government. And bills that came in, 1,994 pages dropped on us near the end of October. It was a Thursday, 1,994 pages. We held a quick meeting a couple of hours after the bill was out. We didn't get a warning. Nobody is working with our side of the aisle. This

is all drop the ambush on them if you can. Don't give them time to regroup their forces. We are going to bring this ObamaCare bill and try to turn it into law.

Well, a couple of hours after it was electronically available, our very astute staff put together an analysis of ObamaCare. And after that 2 hours, they presented us in the period of about an hour what they thought was in it in a quick cursory example. They broke it apart in titles and went down through the titles and told us what they thought we had. I thought they did a very good job of it, and it was very accurate. I appreciate the work that was done. We understood this: we had to kill the bill. We put all kinds of effort into that. People from every State came to this city to lend their voices in trying to kill ObamaCare because they wanted to keep their freedom.

□ 2000

I want to keep my freedom, and I joined with them.

We came very, very close in November, December, right down to Christmas Eve when HARRY REID, the old scrooge, put the bitter pill out there on the floor of the Senate and America was force-fed that bitter pill that took away the liberty of the American people and nationalized our skin and everything inside it. That passed the Senate on Christmas Eve, and then it still had to face a cloture vote in the Senate. The people from Massachusetts rose up and decided they were going to do the improbable and the impossible, and they elected Scott Brown to the United States Senate, who said, I will oppose ObamaCare, and he came here to do just that. And in an unusual and in an unexpected and a unique tactic, they circumvented the vote in the Senate and shoved a vote here on the floor of the House on a promise that there would be another package passed through the Senate.

So we had this scenario that happened. When ObamaCare passed—and I'm talking about the bill, not the recissions package that came along afterwards—at the moment that ObamaCare passed, it could not have passed the Senate. When it passed the House and went to the President's desk, it could not have passed the Senate. And it did not enjoy a majority support here in the House unless there was a promise that they would pass a recissions bill afterwards that would give some of the holdouts the things that they thought they needed to amend the bill.

So they toyed with the idea of actually amending a bill that hadn't become law. That was the effort. There couldn't be an honest effort to put together a bill that was debated and perfected and amended in committee and on the floor so that it could become the

will of the House or the will of the Senate. Neither the will of the House nor the Senate was passed that day when ObamaCare was passed. Maybe that's inside baseball, Madam Speaker, but here's where the American people are today. Wherever I go in this country I hear people say, "I want my country back." They have seen this administration—and, yes, some of it started in the previous administration—but it had everything that I'm about to list, it had 100 percent support of Barack Obama whether he was a United States Senator, whether he was the President-elect, or whether he was the President of the United States, had most of it under his guidance as President of the United States.

Here's what happened. This Federal Government took over, nationalized—and when I say nationalized, I mean ownership, management, or control of—three large investment banks, AIG, Fannie Mae, Freddie Mac, General Motors, Chrysler—where am I going? There's more to this. All the student loan programs in America, all of that swallowed up by the Obama administration. And I'm going to go through that, that's one-third of the private sector activity according to Professor Boyles at Arizona State University, one-third.

And then, along came ObamaCare, which passed. The gentleman earlier talked about that being 17 percent of our economy. The number I see is 17.5 percent. Well, we're close, we're within half a percentage point, who really knows? But when I add it up, I added 18 to 31 percent, that takes us to 51 percent. The question is, whether it's 50.5 percent or 51 percent of the private sector activity taken over by this Federal Government—three large investment banks, AIG, Fannie Mae, Freddie Mac, General Motors, Chrysler, all the student loans in America, now the nationalization of our bodies, of our health care, taking away a person's individual choices on how they will manage their health care, what insurance policies they will buy because, after all, the Health Choices Administration czar—they call him a commissioner, I call him a "commizarissioner"—will write the rules later.

There isn't a single health care policy in America that the President of the United States can say I guarantee that this policy will be available to you when ObamaCare is implemented, not one. Remember, he promised America that if you like your health insurance policy, you get to keep it. He promised that over and over again. It was no guiding light, it was no promise, except a broken one. And I began to wonder—there's a Web site out there that's a whole list of all of the broken Obama promises. It goes on and on and on. I wonder if he doesn't have a czar that's charged with keeping track of all of the Obama promises and making sure

that he can break every single one of them in his first term. He's got a great start. But I know the American people don't see a guarantee and a promise from the President anymore.

If you like your health insurance policy, you get to keep it, I promise. Well, so what? Your promise means nothing because what we know today is there isn't a single policy in America that anybody believes that they get to keep on the other side of the implementation of ObamaCare.

And so if I'd stitch this back together, the list that I've gone through—the banks, AIG, Fannie and Freddie, General Motors, Chrysler, student loans, all of that, a third of private sector activity—ObamaCare, 17.5 percent of the private sector activity of the health care swallowed up, taken over by the time this is implemented in 2014. And so now we're at 51 percent of the former private sector activity now nationalized, taken over, under the ownership, management, or control of the Federal Government.

The gentleman earlier talked about Hugo Chavez. I remember seeing a picture of the President glad handing his handshake with Hugo Chavez almost a year ago. And I said at the time, when it comes to nationalizing companies—Hugo Chavez had just taken over a Cargill rice plant in Venezuela, but when it comes to nationalizing companies, Hugo Chavez is a piker; he cannot hold a candle to the President of the United States. And that's just a fact, Madam Speaker, it's not an embellished fact, it's just a fact.

So today we've lost 51 percent of our private sector activity to the nationalization of this Federal Government. They have nationalized, under ObamaCare, our skin and everything inside it. The most sovereign thing that we have, now we can't manage it the way we managed it before. It will be that we can only manage our health care in the future under the permission of the Federal Government. And by the way, nationalize our skin and everything inside it. And let's just say that if your daughter is getting ready for the prom or a wedding and she wants to go to the tanning salon, ObamaCare taxes the outside of your skin too, to the tune of 10 percent. What is that about? Couldn't they restrain themselves? Why do something that's so blatant as that that it embellishes the argument that the nanny state is going to prevail? Are they really worried about somebody's health?

They wanted to tax a non-diet pop. They want to manage behavior, they want to control diets. They're involved in an effort to take 1.5 trillion calories out of the diet of kids because one-third of our youth are obese. And Secretary Gates, I believe, has spoken about this, our Secretary of Defense, that there is a higher percentage of young people that don't qualify to go

into the military because they've got too much blubber around their belt, so they can't qualify. I would say this then: If they're healthy otherwise, bring them in. If they meet all other standards but they're a little too fat, bring them into basic training, just keep them there a while longer. By the time you run them around the field in combat boots a few more times and put them on a diet and exercise plan, you'll get them where you want them to be. They're still good shells of physical specimens, they just need to be cracked into shape. It doesn't mean we have a national security problem because too many kids are fat. I think we do have a problem, though, a nanny security program if this Federal Government is going to try to control the diets of our kids in this country. Taking away our liberty, taking away our freedom, disregarding the vitality of America that comes from our individualism, from being able to make choices, being held responsible for choices.

So ObamaCare has got to go, Madam Speaker. And there are those who think, oh, we can't get it done. It's hopeless now, the bill is passed, let's move on. We need to look ahead, not backwards. Well, listen, if we're going to look ahead, we have to look backwards and determine that ObamaCare is a terrible idea. It's an unconstitutional thing, it's an unconscionable thing to do to a free people.

□ 2010

America, with its vitality, loses a chunk of its vitality when you take away our individualism and our liberty, and if people think we can't repeal ObamaCare, let me lay out this scenario. It works like this:

Every single Republican voted "no" on ObamaCare. There were 34 Democrats who voted "no" on ObamaCare. There was only one thing bipartisan about ObamaCare, and that was the opposition to ObamaCare—in the House and in the Senate. So ObamaCare is the law of the land, but the implementation of it doesn't get completed until 2014. That's when we are really saddled with the juggernaut of this "taking our decisions away from us and creating the dependency on people so that they no longer think about the freedom and liberty of making their own choices." So here is how we repeal ObamaCare.

First of all, there is MICHELE BACHMANN, PARKER GRIFFITH, BOB INGLIS, I believe, JERRY MORAN—and there may be TODD AKIN—and I. Those people I can think of have all introduced legislation to repeal ObamaCare, a stand-alone repeal of ObamaCare that is simply this: A 100 percent repeal of ObamaCare. Pull it out by the roots. Pull it out root and branch and lock, stock and barrel so there is not one particle of ObamaCare DNA left behind. This has become a toxic stew that we have ingested now, and it is

turning into a malignant tumor that will start to metastasize in 2014 when ObamaCare is fully implemented. So here is what we do:

Of my bill and others' bills, we have 90-some cosponsors on this legislation. I have introduced a discharge petition. I think it's discharge petition No. 11. I'm not certain of the number. I think that's the number. I've signed it. A lot of others have signed it. A lot more need to sign it because of this: If a discharge petition gets 218 signatures on it here in the well of the House, it has to come to the floor for a vote unamended. That means we can force a vote even over the will of the Speaker of the House, who, surely, would do everything she could do to resist the repeal of ObamaCare. We could force a vote, but the process of getting to 218 signatures on a discharge petition identifies—separates, let's say—the men from the boys and the women from the girls.

Now, if you really were sincerely against ObamaCare, it's one thing to vote against it, and 34 Democrats did. NANCY PELOSI let them off the hook because they were afraid they would lose their seats in their districts, but who knows how many of them were serious. When we actually had the motion to recommit on no mandates, on no Federal mandates to buy insurance, there were only 21 Democrats who voted with that as opposed to the 34 who voted "no" on ObamaCare. So you've seen the conviction drop by 13 just in that little exchange.

How many of those 21 really have conviction?

We'll find out because the discharge petition is here, and I challenge those 21. In fact, I challenge those 34—and everybody else who is opposed to ObamaCare—to sign the discharge petition. Let's bring that discharge petition to the floor and repeal ObamaCare. Let's pull it out by the roots. Let's send it over to the Senate. Let's see what JIM DEMINT and others can get done over there. That's what we need to do here in the House of Representatives.

Now, maybe that doesn't get itself accomplished and get ObamaCare repealed, because people in America, Mr. Speaker, can think in sequences, in logical, multiple sequences. All of the solutions are out there in America. I trust the judgment of our voters. They know this: If we are successful in getting 218 signatures on a discharge petition and if we pass the repeal of ObamaCare and if it goes down the hallway and across, through the Rotunda and over to HARRY REID, of course he'll do everything he can to kill it.

Maybe they'll find a way to get that done over in the Senate. Then it would go to the President, and we know what would happen. He would veto the bill. So it would come back to the House or

to the Senate for an opportunity to override the Presidential veto.

It's not something you would consider to be politically possible today. Maybe there is an outside chance that it could be possible by the time we get to November. I doubt it, too—I'm skeptical about that—but we'll have put the marker down, Mr. Speaker. We will have separated the women from the girls and the men from the boys with the discharge petition. We'll have set the stage for the other side of November, the other side into the next Congress, when, I believe, the gavels will come into different hands from our side of the aisle, in which case we can move a repeal of ObamaCare as a standalone, a 100 percent repeal of ObamaCare as a standalone. We can do that. When that would happen, we would recognize President Obama would veto that, and we would have to figure out how to come up with a two-thirds majority to overturn the Presidential veto.

Again, that's a very, very high bar, but this Constitution here in my jacket pocket tells me all spending has to start here in the House, Mr. Speaker. All spending has to start here in the House. So a House controlled with a gavel in the hands of Republicans would simply refuse to fund any dollars. Any American taxpayer dollars would be prohibited to be used to implement ObamaCare. That could work really well in a Republican majority in 2011 and in 2012. So ObamaCare wouldn't be implemented. It would be sitting there without implementation, and Republicans would have passed a repeal of ObamaCare at least once during that period of time, maybe more times. Then we elect a President in 2012 who takes, as a matter of his campaign and his oath, his number one priority, which is to sign the repeal of ObamaCare. Pull it out by the roots.

So I have this vision of a President of the United States taking the oath of office, Mr. Speaker, with pen in hand: I swear to the best of my ability to preserve, protect, and defend the Constitution of the United States, so help me God. Pen in hand.

Normally, the President will turn and shake hands with the Chief Justice and with the outgoing President, and there will be a great celebration up there on the west portico of the Capitol. I would like to see him interrupt that for one thing. I'd like to see that pen in his hand when he takes the oath. I'd like to see the repeal of ObamaCare right there at the podium on the west portico, right by the bible that he chooses to take the oath on, and I'd like to hear him take that oath "so help me God" and bring his hand right down to the document that is the repeal of ObamaCare and sign the repeal of ObamaCare right there in the first instant of the new administration that begins on January 20, 2013.

Don't tell me we can't repeal ObamaCare. Yes, we can. We have to

move a discharge petition now. We have to separate the women from the girls and the men from the boys on that subject. We've got to identify it so the voters know what to do when they go to the polls in November. When the time comes that the new majority is here and is being sworn in in January, probably on January 3 of 2011, we will refuse to fund ObamaCare, because the funding has to start here, and you can't get around that. No President can get around that. No Senator can get around that. The Constitution says it starts here. We control all spending in this House. There will be no funding to fund the implementation of ObamaCare. We hold the line in 2011 and 2012, and we elect a President who will sign the repeal of ObamaCare on January 20, 2013, right there on the podium at the west portico of the Capitol. It's right through those doors. Take a left. It's out on the portico where great events takes place.

That's what needs to happen—the full repeal of ObamaCare. Move this discharge petition now so we can separate those who are for a standalone, 100 percent repeal of ObamaCare and those who seem to lack the will to put their markers down and to be clear with the voters in America. That has got to happen.

Now, I didn't leave a lot of time for some of the other subject matters that I felt the urge to address, but I'll go through a list of them. A lot of them have to do with immigration, Mr. Speaker.

One of them is regarding the Secretary of Labor, who is using our tax dollars to run ads to tell people: Call this number. If you're legal or illegal, it doesn't matter. You deserve a reasonable wage, so we'll protect you with our labor laws. If you're working in the United States illegally, we're not going to ask you for your Social Security number or where you were born or what your lawful present status is or whether you are legal to work in America. If you're illegal and if your boss isn't paying you a going wage or is not treating you right under America's labor laws, call us. We'll keep you confidential, and we'll go punish the employer.

They're spending—it has to be millions of dollars—out of the Department of Labor budget to tell people who have broken into this country, who have unlawfully entered the United States or who have unlawfully overstayed their visas and who cannot lawfully work in America, that they are going to use the law to punish the employers if they don't treat them right.

Now, I don't say that an employer should be able to abuse their employees, but I do say the Secretary of Labor gets this way wrong if she thinks that she is going to use my tax dollars, Mr. Speaker, or is going to use your tax dollars to advertise to people working

in America illegally, who are taking jobs away from Americans and from people who can work legally in this country, and reward them with the objective of their crimes by bringing the force of the Department of Labor against their employers.

□ 2020

I tell you, I don't know where they find these people to appoint them to the Cabinet. This is one. I want to look at the full text of her remarks and come on tomorrow with a decision on what position I want to take. But this is a marker that needs to be down. We don't use American tax dollars to advertise and reward illegals for coming into this country. That is a form of amnesty being advertised in the television airwaves across America, with American tax dollars, at the direction of the Secretary of Labor; her face up there saying, Trust me. I will protect you. I won't enforce the law against you.

Amnesty. To grant amnesty is to pardon immigration lawbreakers and award them with the objective of their crimes. That's what she's saying. She's saying, We're not going to bring the law against you. We won't enforce the law. We'll keep your name confidential. Trust us. If your objective is a good job, we'll make sure we come down on your employer, not on you. But all the while she knows that anybody working in the United States illegally had to falsify their identification to get the job in the first place. And they probably did an identity theft or purchased the theft product from someone's identity in order to work in America. That is a serious crime. When someone's identity is stolen, they never get it back again. It is being implicitly encouraged by the Secretary of Labor. And that's got to stop, Mr. Speaker.

Now, Arizona law. Let's just say Arizona. Fox News today ran a story—I think they started it last night in some text that I read—about the spotters down in Arizona that occupy the mountaintops along the transportation routes coming up through Arizona. Now what is going on is drug smugglers, people smugglers, contraband smugglers, occupy these locations on top of the mountains in Arizona. A lot of mountains in Arizona are shaped like volcanoes. Some is volcanic, as I notice, anyway. They come to a point. They're a cone.

And up on top of them—or whether it's a ridge—they will pick a spot where they can see an intersection of highways coming from two or three different directions or more, and the employees—these are paramilitary armed personnel that are organized as a military force taking position, strategic positions on top of mountaintops in Arizona, and they will take the stones and they'll stack them around like a

gun emplacement and hunker down with optical equipment and they will watch the traffic.

And they have communications equipment with scramblers and descramblers in it so they can talk to their people and we can't listen in on them. We know the frequencies. I've heard it on the radio. I've flown over there in a helicopter and listened to the excited chatter as we fly toward some of those mountaintops to try to pick those spotters off of there before they come off the mountaintop and go hide in the desert. You can hear the chatter intensify up to a fever pitch and then all of a sudden it goes dark. Silent. That's because they come off the mountain right before you get there and they go down and hide.

I have pictures. I have hundreds of pictures from the top of these spotter locations. These are tactical positions in America. They're used to facilitate the smuggling of drugs and people, all kinds of contraband, and some of those people may well be terrorist suspects. They're from nations that we should be concerned about.

That traffic is going on through Arizona and other States. And these locations aren't just sitting along the border. These locations go all the way up the highway. Not just to Tucson. All the way to Phoenix. They control the transportation routes there. They tell them when to go, when to stop. They run decoys with a small amount of drugs in them. When the Border Patrol and other law enforcement officers converge on a vehicle, they sacrifice one of their people for the means of bringing a truckload through while they're diverted. That happens. It happens regularly.

We have a massive number of illegal border crossings. We have backpackers that are marching through the desert. We have 110-pound guys with 50-pound packs or more on their back and they march for a hundred or more miles sometimes. You look at some of those guys with calves like that on them. They're in shape because that's what they do—they walk back and forth in

the desert and get paid to smuggle drugs in and out of the United States. And we sit here and we allow drug smugglers to occupy tactical positions on the tops of mountains, controlling the transportation routes in America, all the way up to Phoenix, and we're not able to go snap those people off those mountains and lock them up or put them through the shakedown and find out who they're affiliated with.

And we can listen in on the radio, but we can't understand it because it's a scrambled chatter and their equipment is at least as good as ours—and maybe better. And they supply them and they bring them food and drink and other things they need, as well as weapons. And I've been there to see these locations and optical equipment.

Mr. Speaker, we've got to take the spotters off the top of these lookout mountains. We cannot have the drug smugglers in tactical positions that control our transportation routes, however difficult it is. And there are tactical ways to do this. Our Special Forces know how. A lot of our law enforcement officers know how. They just need a mission. And last year I was able to get an appropriations amendment that directed a million dollars to take the spotters off of the lookouts in Arizona. And that appropriation went over to the Senate, where it was killed and died, Mr. Speaker.

So we've got to wake up. We've got to defend this country. We've got to shut off this border; build a wall; build a fence; stop the bleeding at the border; take the lookouts, the spotters off the lookout mountains in Arizona; shut off the magnet on jobs; get back to the rule of law. Let's reward people that respect the law and punish the people that violate the law without regard to race, creed, color, ethnicity, or national origin. Take it right out of title 7 of the Civil Rights Act. By the way, without violating Arizona law or Arizona's Constitution or the United States Constitution or any other State Constitution, for that matter.

Those are a number of the things on my mind, Mr. Speaker. And I'm very

well aware that within the next 60 seconds I will have reached the balance of my time. And so I want to acknowledge and appreciate being recognized to address you here on the floor of the House of Representatives.

And I would yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for June 22 and today until 2 p.m. on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, June 30.

Mr. JONES, for 5 minutes, June 30.

Mr. MORAN of Kansas, for 5 minutes, June 25, 29, and 30.

Mr. PAULSEN, for 5 minutes, today and June 24.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Thursday, June 24, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5569, the National Flood Insurance Program Extension Act of 2010, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 5569, THE NATIONAL FLOOD INSURANCE PROGRAM EXTENSION ACT OF 2010, AS INTRODUCED ON JUNE 22, 2010

By fiscal year, in millions of dollars—												
2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (–) in the Deficit												
Statutory Pay-As-You-Go Impact <sup>a</sup>	50	0	0	–50	0	0	0	0	0	0	0	0

<sup>a</sup>H.R. 5569 would authorize the Federal Emergency Management Agency to pay flood insurance claims that would otherwise go unpaid during the lapse in the National Flood Insurance Program's authority to write and renew policies by making the new authorization retroactive. The bill also would reduce the program's ability to borrow funds from the Treasury in years where program expenses exceeded premium income. CBO estimates that the enacting these provisions would have no net effect on the federal budget over the 2010–2015 and 2010–2020 periods.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8025. A letter from the Under Secretary, Department of Defense, transmitting letter addressing the acquisition strategy, requirements, and cost estimates for the Army tactical ground network program, pursuant to Public Law 110-84 section 218; to the Committee on Armed Services.

8026. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's "Major" final rule — Interim Final Rules for Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan Under the Patient Protection and Affordable Care Act (RIN: 1210-AB42) received June 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8027. A letter from the Director, Office of Workers' Compensation Programs, Department of Labor, transmitting annual report on Operations of the Office of Workers' Compensation Programs for Fiscal year 2008; to the Committee on Education and Labor.

8028. A letter from the Director, Office of Workers' Compensation Programs, Department of Labor, transmitting annual report on Operations of the Office of Workers' Compensation Programs for Fiscal year 2007; to the Committee on Education and Labor.

8029. A letter from the Deputy Director, OSHA Standards and Guidance, Department of Labor, transmitting the Department's final rule — Revising the Notification Requirements in the Exposure Determination Provisions of the Hexavalent Chromium Standards [Docket No.: OSHA-H054a-2006-0064] (RIN: 1218-AC43) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8030. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Interim Final Rules for Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan under the Patient Protection and Affordable Care Act (RIN: 0991-AB68) received June 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8031. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's "Major" final rule — Revision of Fee Schedules; Fee Recovery for FY 2010 [NRC-2009-0333] (RIN: 3150-AI70) received June 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8032. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Implementation of Changes from the 2009 Annual Review of the Entity List [Docket No.: 100311137-0138-01] (RIN: 0694-AE88) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8033. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Export Administration Regulations: Technical Corrections [Docket No.: 0907271167-91198-01] (RIN: 0694-AE69) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8034. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List of infrasound sensors that have both military and civil applications, pursuant to Section 38(f)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8035. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-002, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8036. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's fiscal year 2009 annual report prepared in accordance with Section 203(a) of the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

8037. A letter from the Chairman and President, Export-Import Bank, transmitting the semiannual report of the Inspector General for the period ending September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

8038. A letter from the Director, Office of Personnel Management, transmitting the Office's Annual Privacy Activity Report to Congress for 2009, pursuant to Public Law 108-447, section 522; to the Committee on Oversight and Government Reform.

8039. A letter from the Chairman, Securities and Exchange Commission, transmitting the Semiannual Report of the Inspector General and a separate management report for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8040. A letter from the Assistant Attorney General, Department of Justice, transmitting the annual report of the Office of Justice Programs' Bureau of Justice Assistance for Fiscal Year 2008, pursuant to 42 U.S.C. 3712(b); to the Committee on the Judiciary.

8041. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report providing an estimate of the dollar amount of claims (together with related fees and expenses of witnesses) that, by reason of the acts or omissions of free clinic health professionals will be paid for 2011; to the Committee on the Judiciary.

8042. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; CSX Railroad, Trout River, mile 0.9, Jacksonville, FL [Docket No.: USCG-2009-0249] (RIN: 1625-AA09) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8043. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Lower Grand River, Iberville Parish, LA [Docket No.: USCG-2009-0686] (RIN: 1625-AA09) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8044. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Lake Champlain

Bridge Construction Zone, NY and VT [Docket No.: USCG-2010-0176] (RIN: 1625-AA11) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8045. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Patuxent River, Solomons Island Harbor, MD [Docket No.: USCG-2010-0179] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8046. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Desert Storm, Lake Havasu, AZ [Docket No.: USCG-2009-0809] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8047. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; United Portuguese SES Centennial Festa, San Diego Bay, San Diego, CA [Docket No.: USCG-2010-0065] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8048. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Chehalis River, Aberdeen, WA, Schedule Change [Docket No.: USCG-2009-0959] (RIN: 1925-AA09) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8049. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Port of Coos Bay Railroad Bridge, Coos Bay, North Bend, OR [Docket No.: USCG-2009-0840] (RIN: 1625-AA09) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8050. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red River, MN [Docket No.: USCG-2010-0198] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8051. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; BW PIONEER at Walker Ridge 249, Outer Continental Shelf FPSO, Gulf of Mexico [Docket No.: USCG-2009-0571] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8052. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Clarification of Parachute Packing Authorization [Docket No.: FAA-2007-28518, Amendment No. 65-54] (RIN: 2120-AJ08) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8053. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Security Zone; Potomac River, Washington Channel, Washington, DC [Docket No.: USCG-2010-0050] (RIN: 1625-AA87) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8054. A letter from the Assistant Secretary, Legislative Affairs, Department of State,

transmitting notification of the determination that a continuation of a waiver currently in effect for the Republic of Belarus will substantially promote the objectives of section 402, of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 111–126); to the Committee on Ways and Means and ordered to be printed.

8055. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — This revenue procedure provides guidance with respect to the United States and area median gross income figures that are to be used by issuers of qualified mortgage bonds (Rev. Proc. 2010-23) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8056. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — This revenue procedure modifies the inflation adjusted amounts in Rev. Proc. 2009-50, 2009-45 I.R.B. 617, that apply to taxpayers who elect to expense certain depreciable assets (Rev. Proc. 2010-24) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8057. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be part of the National Defense Authorization Act for Fiscal Year 2011; jointly to the Committees on Foreign Affairs and Oversight and Government Reform.

8058. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal entitled, "Federal Civilian Employees in Zones of Armed Conflict Benefits Act of 2010"; jointly to the Committees on Foreign Affairs and Oversight and Government Reform.

8059. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft of proposed legislation entitled, "Veterans Benefits Programs Improvement Act of 2010"; jointly to the Committees on Veterans Affairs and Energy and Commerce.

8060. A letter from the Board Members, Railroad Retirement Board, transmitting a report on the actuarial status of the railroad retirement system, including any recommendations for financing changes, pursuant to 45 U.S.C. 231f-1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. House Resolution 1406. Resolution directing the Secretary of the Interior to transmit to the House of Representatives certain information relating to the potential designation of National Monuments (Rept. 111–510). Referred to the House Calendar.

Mr. MCGOVERN: Committee on Rules. House Resolution 1468. Resolution providing for consideration of the bill (H.R. 5175) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes (Rept. 111–511). Referred to the House Calendar.

Mr. BERMAN: Committee of Conference. Conference report on H.R. 2194. A bill to

amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran (Rept. 111–512). Ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. MALONEY (for herself, Mr. SMITH of New Jersey, Mr. BLUMENAUER, Mr. COHEN, Mr. POE of Texas, Ms. RICHARDSON, and Mr. WU):

H.R. 5575. A bill to establish a grant program to benefit domestic minor victims of sex trafficking, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REICHERT (for himself, Mr. GARY G. MILLER of California, and Mr. MATHESON):

H.R. 5576. A bill to provide construction, architectural, and engineering entities with qualified immunity from liability for negligence when providing services or equipment on a volunteer basis in response to a declared emergency or disaster; to the Committee on the Judiciary.

By Mr. KUCINICH (for himself, Mr. DEFAZIO, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. STARK, and Ms. WOOLSEY):

H.R. 5577. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, and the Poultry Products Inspection Act to require that food that contains a genetically engineered material, or that is produced with a genetically engineered material, be labeled accordingly; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. DEFAZIO, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. STARK, and Ms. WOOLSEY):

H.R. 5578. A bill to prohibit the open-air cultivation of genetically engineered pharmaceutical and industrial crops, to prohibit the use of common human food or animal feed as the host plant for a genetically engineered pharmaceutical or industrial chemical, to establish a tracking system to regulate the growing, handling, transportation, and disposal of pharmaceutical and industrial crops and their byproducts to prevent human, animal, and general environmental exposure to genetically engineered pharmaceutical and industrial crops and their byproducts, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of genetically engineered foods, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. DEFAZIO, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. STARK, and Ms. WOOLSEY):

H.R. 5579. A bill to provide additional protections for farmers and ranchers that may be harmed economically by genetically engineered seeds, plants, or animals, to ensure fairness for farmers and ranchers in their dealings with biotech companies that sell genetically engineered seeds, plants, or animals, to assign liability for injury caused by genetically engineered organisms, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUNES (for himself, Mr. SIMPSON, Mr. BISHOP of Utah, Mr. MCCLINTOCK, Mr. MCKEON, Mr. HERGER, Mr. REHBERG, Mr. WALDEN, Mr. LAMBORN, and Mr. HUNTER):

H.R. 5580. A bill to amend the Act popularly known as the Antiquities Act of 1906 to require certain procedures for designating national monuments, and for other purposes; to the Committee on Natural Resources.

By Mr. KIND (for himself and Mr. HIGGINS):

H.R. 5581. A bill to amend the Internal Revenue Code of 1986 to make qualified biogas property eligible for the energy credit and to permit new clean renewable energy bonds to finance qualified biogas property; to the Committee on Ways and Means, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SULLIVAN (for himself, Mr. BROUN of Georgia, Mr. LUCAS, Mr. KLINE of Minnesota, Mr. SHIMKUS, Mr. CULBERSON, Mr. BURTON of Indiana, Mr. ROONEY, Mr. MARCHANT, Mr. POSEY, Mr. HERGER, Mrs. SCHMIDT, Mr. SHADEGG, Mr. FRANKS of Arizona, Mr. HALL of Texas, Mr. ROGERS of Michigan, Mr. BURGESS, Mr. GOHMERT, Mr. GINGREY of Georgia, and Mr. FLEMING):

H.R. 5582. A bill to authorize appropriations for the Department of Commerce and to prohibit Federal economic development funds to States that carry out public takings for private purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SHEA-PORTER:

H.R. 5583. A bill to require cell phone early termination fees to be pro-rated over the term of a subscriber's contract, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CARTER:

H.R. 5584. A bill to designate the facility of the United States Postal Service located at 500 East Whitestone Boulevard in Cedar Park, Texas, as the "Army Specialist Matthew Troy Morris Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. CARTER (for himself, Mr. CULBERSON, Mr. OLSON, Mr. DJOU, Mr. MCCAUL, Mr. SMITH of Texas, Mr. PUTNAM, Mr. SENSENBRENNER, Mr. ROONEY, Mr. FLEMING, Mr. BOYD, Mr. STEARNS, Mr. GOHMERT, and Mr. HARPER):

H.R. 5585. A bill to provide a statutory waiver of compliance with the Jones Act to

foreign-flagged vessels assisting in responding to the Deepwater Horizon oil spill, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE (for himself, Mr. GUTHRIE, and Mr. POLIS):

H.R. 5586. A bill to support high-achieving, educationally disadvantaged elementary school students in high-need local educational agencies, and for other purposes; to the Committee on Education and Labor.

By Mr. ROHRABACHER:

H.R. 5587. A bill to establish a United States Commission on Planetary Defense, and for other purposes; to the Committee on Science and Technology.

By Mr. SCHRADER (for himself, Ms. SCHAKOWSKY, Ms. MATSUI, and Mr. LARSON of Connecticut):

H.R. 5588. A bill to amend title XVIII of the Social Security Act to provide for additional opportunities to enroll under part B of the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATSON:

H.R. 5589. A bill to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy; to the Committee on Foreign Affairs.

By Mr. CHAFFETZ (for himself and Mr. JORDAN of Ohio):

H.J. Res. 93. A joint resolution disapproving of the action of the District of Columbia Council in approving the Legalization of Marijuana for Medical Treatment Amendment Act of 2010; to the Committee on Oversight and Government Reform.

By Mr. OWENS:

H. Res. 1467. A resolution requesting return of official papers on H.R. 5136; considered and agreed to.

By Mr. CAMPBELL:

H. Res. 1469. A resolution providing that the House of Representatives should pass a budget resolution for a fiscal year before the House considers any appropriation bill for that year; to the Committee on Rules.

By Mr. DJOU (for himself and Ms. HIRONO):

H. Res. 1470. A resolution honoring the life, achievements, and distinguished career of Chief Justice William S. Richardson; to the Committee on the Judiciary.

By Mr. GINGREY of Georgia (for himself, Mr. KINGSTON, Mr. GRAVES of Georgia, Mr. WESTMORELAND, Mr. PRICE of Georgia, Mr. BROWN of Georgia, Mr. NEUGEBAUER, Mr. PITTS, Mrs. SCHMIDT, Mr. MACK, and Mr. POSEY):

H. Res. 1471. A resolution expressing support for the private property rights protections guaranteed by the 5th Amendment to the Constitution on the 5th anniversary of the Supreme Court's decision of *Kelo v. City of New London*; to the Committee on the Judiciary.

## MEMORIALS

Under clause 4 of rule XXII,

319. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 162 expressing dismay that the U.S. Supreme Court did not take up the Asian carp issue; jointly to the Committees on the Judiciary and Transportation and Infrastructure.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 197: Mr. GRAVES of Georgia.  
H.R. 205: Mr. GRAVES of Georgia and Mr. DJOU.  
H.R. 303: Mr. GINGREY of Georgia and Mr. LARSEN of Washington.  
H.R. 333: Mr. MORAN of Virginia.  
H.R. 482: Mr. RYAN of Ohio.  
H.R. 614: Mr. CAMPBELL, Mr. GOHMERT, Mr. MICA, Mr. BUCHANAN, and Mr. GARY G. MILLER of California.  
H.R. 634: Ms. JENKINS.  
H.R. 745: Mr. BUCHANAN, Mr. WILSON of Ohio, Ms. CASTOR of Florida, Mrs. BONO MACK, Mr. RODRIGUEZ, Mr. THOMPSON of Pennsylvania, Mr. UPTON, Mr. HALL of Texas, and Mr. KING of New York.  
H.R. 775: Mr. COLE, Mr. CRITZ, Mr. KING of New York, Mr. COOPER, Mr. BUTTERFIELD, Mr. MARKEY of Massachusetts, Ms. SUTTON, and Mr. GEORGE MILLER of California.  
H.R. 881: Mr. BROWN of South Carolina.  
H.R. 1021: Mr. HERGER.  
H.R. 1036: Mrs. DAHLKEMPER, Mr. ELLISON, and Mr. MILLER of North Carolina.  
H.R. 1161: Mr. CARNAHAN.  
H.R. 1189: Mr. COSTELLO.  
H.R. 1324: Mr. ADLER of New Jersey.  
H.R. 1547: Mr. SPRATT.  
H.R. 1708: Mr. DEUTCH.  
H.R. 1740: Mr. CRITZ.  
H.R. 1822: Mr. ALEXANDER, Mr. BONNER, Mr. JONES, Mr. GOHMERT, Mr. RADANOVICH, and Mr. CANTOR.  
H.R. 1826: Mr. TOWNS.  
H.R. 1874: Ms. BALDWIN.  
H.R. 2000: Mr. PAYNE, Mr. LEWIS of Georgia, and Mr. LEWIS of California.  
H.R. 2067: Mr. SCHAUER, Mr. SHERMAN, Ms. ZOE LOFGREN of California, and Mr. HODES.  
H.R. 2109: Mr. SCOTT of Virginia, Mr. MELANCON, and Ms. FUDGE.  
H.R. 2132: Mrs. DAVIS of California.  
H.R. 2273: Mr. PETERSON.  
H.R. 2324: Ms. NORTON.  
H.R. 2328: Mr. VAN HOLLEN.  
H.R. 2381: Mr. ELLISON.  
H.R. 2417: Mr. BLUMENAUER.  
H.R. 2565: Mr. PAULSEN.  
H.R. 2697: Mr. KILDEE and Mr. HALL of New York.  
H.R. 2807: Ms. SLAUGHTER.  
H.R. 2882: Ms. ROYBAL-ALLARD.  
H.R. 2900: Mr. GARY G. MILLER of California.  
H.R. 3359: Mr. POLIS.  
H.R. 3415: Mr. REYES.  
H.R. 3441: Mr. CUMMINGS.  
H.R. 3531: Mr. ELLISON.  
H.R. 3586: Mr. WU.  
H.R. 3720: Mr. GARAMENDI.  
H.R. 3721: Mr. DAVIS of Illinois.  
H.R. 3729: Mr. ELLSWORTH.  
H.R. 3764: Mr. HONDA and Mr. CARNAHAN.  
H.R. 4144: Mr. VAN HOLLEN.  
H.R. 4148: Mr. BACA.  
H.R. 4195: Ms. HERSETH SANDLIN and Mr. HEINRICH.  
H.R. 4278: Mr. CHILDERS, Ms. GINNY BROWN-WAITE of Florida, Mr. ADLER of New Jersey, and Mr. SIREN.  
H.R. 4296: Mr. HODES and Mr. VAN HOLLEN.  
H.R. 4303: Mr. BOREN.  
H.R. 4321: Mr. KENNEDY, Mr. MARKEY of Massachusetts, Mr. RODRIGUEZ, Mr. TONKO, and Ms. BALDWIN.  
H.R. 4330: Mr. HEINRICH.  
H.R. 4505: Ms. PINGREE of Maine and Mr. DJOU.  
H.R. 4530: Mr. LARSON of Connecticut.

H.R. 4533: Ms. WATSON and Mrs. CAPPS.  
H.R. 4544: Ms. BALDWIN.  
H.R. 4645: Ms. BALDWIN, Mr. OBERSTAR, and Mr. JONES.  
H.R. 4662: Mrs. DAHLKEMPER, Mr. BARROW, and Mr. CUMMINGS.  
H.R. 4684: Mr. ELLSWORTH.  
H.R. 4692: Mr. DAVIS of Illinois.  
H.R. 4693: Mr. TEAGUE.  
H.R. 4751: Mr. VAN HOLLEN.  
H.R. 4755: Mr. HINCHEY.  
H.R. 4788: Mr. HODES, Mr. BRADY of Pennsylvania, Mr. CARSON of Indiana, and Mr. DINGELL.  
H.R. 4806: Mr. SABLON and Mr. WU.  
H.R. 4830: Mr. GARAMENDI and Mr. HINCHEY.  
H.R. 4903: Mr. GRAVES of Georgia.  
H.R. 4912: Mr. COHEN.  
H.R. 4972: Mr. SMITH of Nebraska.  
H.R. 4973: Mr. CASTLE.  
H.R. 5015: Ms. TSONGAS.  
H.R. 5029: Mr. REHBERG and Mrs. BONO MACK.  
H.R. 5033: Ms. MOORE of Wisconsin, Mr. GRIJALVA, Ms. NORTON, Mrs. NAPOLITANO, Ms. CHU, Mr. LUJÁN, Mr. SERRANO, Mr. REYES, Mr. SABLON, Mr. HINOJOSA, Mr. SIREN, Mr. GONZALEZ, and Mr. GUTIERREZ.  
H.R. 5040: Mr. RODRIGUEZ.  
H.R. 5041: Mr. VAN HOLLEN.  
H.R. 5081: Mr. OLSON.  
H.R. 5087: Ms. ZOE LOFGREN of California.  
H.R. 5095: Mr. BURTON of Indiana.  
H.R. 5141: Ms. JENKINS and Mr. MILLER of Florida.  
H.R. 5142: Mr. VAN HOLLEN and Mr. MEEK of Florida.  
H.R. 5143: Ms. ESHOO.  
H.R. 5162: Mr. BUCHANAN, Mr. CRITZ, and Mr. KLINE of Minnesota.  
H.R. 5192: Mr. BISHOP of Utah.  
H.R. 5214: Ms. BALDWIN, Mr. PETERS, Mr. ADLER of New Jersey, Ms. SHEA-PORTER, and Mr. WALZ.  
H.R. 5235: Mr. WESTMORELAND.  
H.R. 5328: Mr. STARK and Ms. LINDA T. SANCHEZ of California.  
H.R. 5358: Ms. WASSERMAN SCHULTZ, Mr. MEEK of Florida, Mr. DEUTCH, and Mr. GRAYSON.  
H.R. 5421: Mr. LAMBORN.  
H.R. 5425: Mr. NEUGEBAUER.  
H.R. 5434: Mr. ACKERMAN, Mr. BLUMENAUER, Mrs. LOWEY, and Ms. BORDALLO.  
H.R. 5449: Mr. MICHAUD, Mr. CUMMINGS, and Mr. COHEN.  
H.R. 5458: Mr. ANDREWS.  
H.R. 5481: Ms. LEE of California.  
H.R. 5497: Mr. CHANDLER, Mr. MELANCON, Mr. ANDREWS, Mr. SHULER, Mr. KRATOVIL, Mr. DONNELLY of Indiana, Mr. DAVIS of Tennessee, and Mr. BOSWELL.  
H.R. 5498: Ms. RICHARDSON, Mrs. MILLER of Michigan, Ms. JACKSON LEE of Texas, Mr. CARNEY, Ms. NORTON, and Mr. AL GREEN of Texas.  
H.R. 5503: Mr. BERMAN.  
H.R. 5510: Ms. FUDGE.  
H.R. 5529: Mr. SIMPSON, Mr. MCCARTHY of California, Mr. GARY G. MILLER of California, Mr. MARIO DIAZ-BALART of Florida, and Mr. LINCOLN DIAZ-BALART of Florida.  
H.R. 5533: Mr. EHLERS, Mr. LOEBSACK, Mr. ELLISON, Mr. OBERSTAR, Mr. CAPUANO, and Mr. HOLT.  
H.R. 5535: Mr. JONES.  
H.R. 5539: Mr. FORBES, Mr. JORDAN of Ohio, and Mr. POE of Texas.  
H.R. 5552: Mr. RAHALL, Mr. REHBERG, Mr. NYE, Mr. BOCCIERI, Mr. WILSON of Ohio, Ms. TITUS, Mr. McMAHON, Mr. JONES, Mr. GORDON of Tennessee, Mrs. KIRKPATRICK of Arizona, Ms. DELAURO, Mr. MICHAUD, Mr. MOLLOHAN, Mr. GUTHRIE, Mr. SCHOCK, Mr. BURTON of Indiana, Mr. BOUSTANY, and Mr. PETRI.

H.R. 5566: Mr. MORAN of Kansas, Mr. GINGREY of Georgia, Mr. GRAVES of Missouri, Mr. MCCARTHY of California, Mr. SHUSTER, Mr. DAVIS of Kentucky, Mr. PETRI, Mr. PLATTS, Mr. BISHOP of New York, Mr. HILL, Mrs. HALVORSON, Mr. BARROW, Mr. DOYLE, and Ms. ESHOO.

H.R. 5569: Ms. GINNY BROWN-WAITE of Florida, Mr. HINOJOSA, Mr. HASTINGS of Florida, and Mr. COOPER.

H. Con. Res. 256: Mr. PETERSON.

H. Con. Res. 266: Mr. PETERSON and Mr. SHULER.

H. Con. Res. 267: Mr. TANNER.

H. Con. Res. 281: Mr. BURTON of Indiana, Mr. PITTS, Mr. GRAVES of Georgia, and Mr. TIAHRT.

H. Con. Res. 284: Mr. SAM JOHNSON of Texas, Mr. AUSTRIA, and Mr. CASSIDY.

H. Res. 22: Mr. CARNAHAN.

H. Res. 111: Mr. SERRANO, Mr. HINOJOSA, and Mrs. MCMORRIS RODGERS.

H. Res. 173: Mr. THOMPSON of California, Mr. PIERLUISI, and Ms. WATSON.

H. Res. 236: Mr. CALVERT.

H. Res. 363: Ms. SLAUGHTER and Ms. NORTON.

H. Res. 771: Mr. SCHOCK.

H. Res. 1019: Mr. HEINRICH.

H. Res. 1207: Mr. SMITH of Texas, Mr. KLINE of Minnesota, and Mr. KRATOVIL.

H. Res. 1217: Mr. KLINE of Minnesota, Mr. TURNER, Mr. TEAGUE, Mr. WILSON of South Carolina, Ms. BORDALLO, Mr. SMITH of Washington, Mr. HALL of New York, Mr. LARSEN of Washington, Mr. MCGOVERN, Mr. BARTLETT, and Mr. HUNTER.

H. Res. 1226: Mr. SULLIVAN and Mrs. CHRISTENSEN.

H. Res. 1291: Mr. MCINTYRE.

H. Res. 1326: Mr. MILLER of Florida.

H. Res. 1350: Ms. ROS-LEHTINEN.

H. Res. 1359: Mr. WOLF, Mr. WEINER, Mr. TOWNS, Mr. JOHNSON of Illinois, Mrs. MCCARTHY of New York, Mr. QUIGLEY, Mr. NADLER of New York, Mr. RUSH, Mr. GARRETT of New Jersey, Mr. HINCHEY, Mr. LEVIN, Mr. GRIFFITH, Mr. SARBANES, Mr. DRIEHAUS, Mr. HODES, Mr. COSTELLO, Mr. SIRES, Ms. RICHARDSON, Ms. JENKINS, Mrs. LOWEY, Mr. FIL-

NER, Mrs. HALVORSON, Ms. GIFFORDS, Mr. LIPINSKI, Ms. LINDA T. SANCHEZ of California, Mr. POE of Texas, Mr. SESTAK, Mr. MARSHALL, Mrs. MCMORRIS RODGERS, Ms. ROS-LEHTINEN, Mr. MORAN of Kansas, Mr. KIRK, Mr. TIBERI, and Mr. SHIMKUS.

H. Res. 1370: Mr. ELLISON.

H. Res. 1393: Mr. ROHRABACHER.

H. Res. 1401: Mr. GERLACH, Mr. BUCHANAN, Mr. JOHNSON of Illinois, Mr. POE of Texas, Mr. CONNOLLY of Virginia, Mr. GUTHRIE, Ms. GIFFORDS, Mr. CHILDERS, and Mr. YOUNG of Alaska.

H. Res. 1411: Mrs. MCMORRIS RODGERS, Mr. MURPHY of New York, Mr. NEAL of Massachusetts, Mr. NYE, Mr. PASCARELL, Ms. PINGREE of Maine, Mr. PRICE of North Carolina, Ms. LORETTA SANCHEZ of California, Mr. SCHRAEDER, Ms. SHEA-PORTER, Mr. SIMPSON, Mr. SKELTON, Mr. SMITH of Washington, Mr. SNYDER, Mr. SPRATT, Mr. STARK, Mr. STUPAK, Ms. SUTTON, Mr. UPTON, Mr. TAYLOR, Ms. TSONGAS, Mr. WU, Mr. YARMUTH, Mr. ANDREWS, Mr. ARCURI, Mr. BARTLETT, Mrs. BONO MACK, Mr. BOREN, Mr. CAMP, Mr. CARDOZA, Mr. CASTLE, Ms. CHU, Mr. CROWLEY, Mr. CONAWAY, Mr. CONYERS, Mr. COOPER, Mr. COURTNEY, Mrs. DAVIS of California, Mr. DEFazio, Mrs. EMERSON, Ms. FALLIN, Mr. GARAMENDI, Ms. GIFFORDS, Mrs. HALVORSON, Mr. HARE, Mr. HASTINGS of Florida, Mr. HEINRICH, Mr. HINCHEY, Mr. JOHNSON of Georgia, Mr. JONES, Mrs. KIRKPATRICK of Arizona, Mr. KISSELL, Mr. KRATOVIL, Mr. LAMBORN, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LOBIONDO, Mr. LOEBACK, Mrs. LOWEY, Mr. MACK, Mr. MARSHALL, Mr. MATHESON, and Mr. MCINTYRE.

H. Res. 1412: Mr. HASTINGS of Florida and Mr. ISRAEL.

H. Res. 1420: Ms. LEE of California and Ms. MCCOLLUM.

H. Res. 1433: Mr. BACHUS, Mr. WU, Mr. SNYDER, and Ms. NORTON.

H. Res. 1450: Mr. GOHMERT and Mr. CULBERSON.

H. Res. 1454: Mr. MCGOVERN.

H. Res. 1457: Mr. WU, Mr. DEUTCH, Mr. HODES, Mr. TOWNS, Mr. WAXMAN, Ms. WASSERMAN SCHULTZ, Mr. MCGOVERN, Mr.

CARNAHAN, Ms. SCHAKOWSKY, Mrs. KIRKPATRICK of Arizona, Mr. NYE, Mr. GARRETT of New Jersey, and Mr. CARDOZA.

H. Res. 1464: Mr. POE of Texas.

H. Res. 1465: Mr. HERGER, Mr. SMITH of New Jersey, Mr. BRADY of Texas, Mr. LAMBORN, Mr. CRENSHAW, Mr. BILIRAKIS, Mr. ROGERS of Michigan, Mr. THOMPSON of Pennsylvania, Mr. CONAWAY, Mr. RYAN of Wisconsin, Mr. REICHERT, and Mr. HASTINGS of Washington.

### PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the Clerk's desk and referred as follows:

153. The SPEAKER presented a petition of the City and County of San Francisco, California, relative to Resolution No. 164-10 declaring April 24, 2010 as Armenian Genocide Commemoration Day in the City and County of San Francisco; to the Committee on Foreign Affairs.

154. Also, a petition of Council, District of Columbia, relative to Resolution 18-18 to approve, on an emergency basis, the transfer of jurisdiction over a portion of Fort Dupont Park; to the Committee on Natural Resources.

155. Also, a petition of Fish, Game, and Forestry Senate Committee, South Carolina, relative to Senate Concurrent Resolution S. 1386 memorializing the Congress to take any measure within its power to mitigate or overturn any Executive Order issued to implement recommendations by the Interagency Ocean Policy Task Force; jointly to the Committees on Natural Resources and Transportation and Infrastructure.

156. Also, a petition of American Bar Association, Illinois, relative to Recommendation 110 urging the Congress, state, territorial, tribal, and local governments to enact child welfare financing laws; jointly to the Committees on Ways and Means and Education and Labor.

**SENATE—Wednesday, June 23, 2010**

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father in Heaven in whom we live and move and have our being, we glorify Your Name today as we take this moment to remember Your grace and provision. Lord, we ask that You would guide our lawmakers as they influence the future course of this Nation. Lead them with Your wisdom, direct them with Your patience, and protect them with Your power.

We pray that our Senators will faithfully fulfill the duties set before them, providing for the common defense, striving to bring domestic tranquility, and working to ensure liberty and justice for all.

Likewise, we pray that You would lead and bless American citizens as they enjoy the freedoms of this land and work to spread these liberties from sea to shining sea.

We pray in Your righteous Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 23, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for 1 hour. During that period of time, Senators will be allowed to speak for up to 10 minutes. Republicans will control the first 30 minutes, the majority will control the final 30 minutes.

Today we expect to resume consideration of the House message to H.R. 4213, the tax extenders legislation, and I hope we will have rollcall votes throughout the day.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that we change the consent agreement that is now before the Senate, that we be in morning business until 2 o'clock today; that the first half hour is controlled by the Republicans, the second half hour is controlled by the majority. After that, if there are enough speakers, we will alternate back and forth. Otherwise, people will just come and talk. There will, of course, be the 10-minute limitation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**RESERVATION OF LEADER TIME**

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

**MORNING BUSINESS**

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each, with Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes and alternating back and forth thereafter.

The Senator from Wyoming is recognized.

**A SECOND OPINION ON HEALTH CARE**

Mr. BARRASSO. Mr. President, I come to the floor today as someone who has practiced medicine and taken care of families in Wyoming since 1983. Again this weekend I was home in Wyoming visiting with families across the State. I was in Thermopolis for Father's Day. I was in Sheridan and in Casper. In all those communities I had a chance to visit with people who are concerned about the direction of the country and are concerned about this new health care law.

Mr. President, I tell you this because I ran into a number of people I have taken care of as their doctor. This happened at church on Sunday morning, where people asked the question: With this new health care law, will I be able to keep my doctor? So I come to you because there is more news as a result of the changes in the health care law in this country. I bring to you my doctor's second opinion as to what the impact of this health care law is going to be on the families across the country.

Specifically, at church, I was hearing from someone I operated on and somebody on Medicare, and they were saying: Am I going to keep my doctor under Medicare? These people have a right to be concerned. It is because of what has come out in this past week. It is a front-page article, USA TODAY: "Doctors Limit New Medicare Patients."

I have said from the beginning, as this body was debating and discussing the health care bill that has now come to be law, that I believed this was going to be bad for patients, bad for payers—the American taxpayers who have to pay for the care as well as people who pay for their individual care—and bad for providers, the nurses and doctors and hospitals that take care of all of these patients.

So I come to you with a second opinion because I think what has become law—a bill that cuts Medicare, cuts payment for our seniors on Medicare by \$½ trillion—not to help seniors, not to help save Medicare, but to start a whole new government program for other people is resulting in devastating impacts for families all around the country who are on Medicare or will soon be on Medicare.

One of the interesting things about this article in USA TODAY—this was Monday's USA TODAY—there is a list, a table of the number of people who are currently on Medicare and who will be on Medicare by the year 2015 and will be on Medicare by the year 2020. What we are seeing is, as Americans are living longer due to advances in medicine,

advances in technology—people are living longer—more and more people every day are turning Medicare age, so the number of people on Medicare continues to grow.

As a matter of fact, if you do the math, there are over 4,000 Americans every day being added to the Medicare ranks. That is almost 1.5 million Americans a year. The question is, Who will the doctors be? Where will the health care providers come from to take care of these people? It is fascinating, when you read the article and you see the complete disconnect between Washington and the reality of the rest of America.

Because, according to this article, the people from the Centers for Medicare and Medicaid Services say 97 percent of doctors accept Medicare, so do not worry. That is what the Centers for Medicare and Medicaid say.

The American Medical Association says 17 percent of over 9,000 doctors who were surveyed are actually restricting the number of Medicare patients in their practice. Among primary care doctors—which is key for our seniors to be able to see primary care doctors—31 percent of primary care doctors are restricting access to Medicare patients. Just since the first of the year in North Carolina, 117 doctors have opted out of Medicare. That does not include the ones who had opted out before. We are talking since January 1, 117 doctors in North Carolina have opted out of Medicare.

In Illinois, in the President's home State, 18 percent of doctors restrict the number of Medicare patients in their practice. In New York State, about 1,100 doctors have left Medicare. Even the president of the Medical Society of New York is not taking new Medicare patients. No new Medicare patients. You say: Why are these physicians no longer taking Medicare patients? It has to do a lot with the way Washington deals with Medicare patients, Medicare and the doctors around the country.

At this point, there is going to be a cut of 21 percent in what Medicare pays doctors for services they give. Prior to that, Medicare always has been kind of a deadbeat payor when it comes to paying for health care. Medicare has not kept up with medical inflation in this country. So as physicians, it is a challenge to take care of patients on Medicare. With 4,000 new people joining the ranks of Medicare on a daily basis, who will care for those people?

You can imagine, I was fairly surprised when the President of the United States yesterday visited with a number of people at the White House. He put out remarks printed from the White House and talked about what his new plan does. He says Americans—this is astonishing. The President of the United States said yesterday: Americans will be able to keep the primary care doctor or pediatrician they

choose. He says these protections preserve America's choice of doctors.

What happens if your doctor cannot afford to keep you? We have the President of the United States, for well over a year, making statements just like the one he made a year ago: If you like your health care plan, you will be able to keep your health care plan. Period. That is what the President said. He said: No one will take it away. Period. No matter what. Period.

Yet here we are looking at the facts. Doctors are limiting new Medicare patients, and 4,000 new patients every day are joining the Medicare rolls looking for doctors. We see it all across the United States.

That is why the public remains very skeptical about this new health care law, and why 58 percent of Americans want this law repealed. That is why the American people, when they heard NANCY PELOSI say: We have to pass the bill before you get to find out what is in it, why the American people who are now finding out what is in it are very distressed. They were hoping to take the President at his word when he said he was trying to lower costs and improve quality and increase access to care.

But this body did not pass into law, nor did the House, a reform package that will do those things the American people had wanted, had asked for, and had heard from their President they would get—something that would lower costs, improve quality, and increase access to care. What the American people are seeing is the cost of their care is going to continue to go up, and the quality and the availability is likely to go down. That is not what the American people asked for in this health care law. That is why so many Americans are opposed to it. I talked with people all across Wyoming, and they think of what the impact is going to be on their own lives and their own family. People all across this country are worried for their own health care, that they are going to end up paying more and getting less. That is why the public remains very skeptical about what has been passed into law.

Twenty States have filed suit against the Federal Government because of a national mandate that people have to buy insurance. The Department of Health and Human Services, which says 97 percent of doctors are still taking care of Medicare patients, there actually has been a new nominee to take care of that Department. We have not yet had hearings in the Senate. We have not been able to ask those specific questions of that nominee: What about taking care of these patients? How will they find doctors under this new law and this new plan?

Here we are, 90 days after the health care law has been enacted, signed into law, 90 days ago this became law. The White House is holding press con-

ferences and again repeating promises to the American people that the American people know have been broken. There is a litany of broken promises. It just seems that every week something new comes out that the American people look at and say: You know, it is amazing because we saw this coming. Yet this Congress, this Senate, jammed through a bill that is not going to provide better coverage. It is going to jam 16 million more people onto Medicaid—16 million more onto Medicaid. We know that almost half of the doctors in the country do not take Medicaid patients.

Now we are seeing more and more physicians and hospitals saying: How do we keep the doors open with what Medicare is paying? As fewer and fewer physicians are willing to take care of patients on Medicare, limiting their practice on Medicare and on Medicaid, and Congress now stymied with what is known as the doc fix, huge cuts in additional reimbursement to doctors who take care of our seniors, it is going to be increasingly difficult for the American people to be able to find a doctor.

That is why I come to the floor with my second opinion about this health care law, telling you it is time to repeal this legislation and replace it with legislation that delivers more patient-centered solutions, delivers more personal responsibility, more opportunities for individuals to take control of their own health and their own care, which is what I tried to do as the medical director of the Wyoming Health Fairs: give people information they could use to keep healthy and drive down the cost of their care.

Half of all the money we spend on health care in this country is on just 5 percent of the people. There are patient-based solutions: allowing people to buy insurance across State lines, giving individuals who buy their own health insurance personally the same tax relief the large companies get when they pay for health insurance, deal with lawsuit abuse, allow small businesses to join together to lower the cost of insurance, and provide individual incentives for people who do take personal responsibility for their own health.

Those are the things that will actually help get down the cost of care. Those are the things that will help Americans stay healthy. But they are not in this health care law that has been passed by the House, passed by the Senate, and signed by the President. That is why I come to the floor this week, as I have week after week since the law has been signed, to offer my second opinion; and that opinion is, it is time to repeal and replace this health care law with a law that will work for the American people.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

## HEALTH CARE

Mr. JOHANNIS. Mr. President, I rise today to say at the outset how much I appreciate the very thoughtful advice that has been given by Dr. BARRASSO during this debate. He comes to the floor, he is carefully prepared, he has done his homework, he has done the analysis, but most importantly as a doctor, he understands what the health care system is about. We would all benefit if we listened to his advice.

The problems with this health care legislation just continue and continue. Each week this 2,000-plus page health care bill just produces more bad news, and it produces more unwelcome revelations. Not surprising.

Not that long ago, the President, at every opportunity he had, would allay public concerns by saying to people and promising them: If you like your health insurance, you get to keep it. Those proponents wrote a provision into the new health care law in an attempt to fulfill this promise by grandfathering existing plans.

Recently, the Department of Health and Human Services issued a new regulation on these "grandfathered" health plans. Lo and behold, what did the new regulations show? It showed that 51 percent of American workers will be in plans without "grandfathered" status by 2013, in just 3 short years.

In fact, under the worst case analysis, as many as four of five small business employees and 69 percent of all American workers will lose their current coverage. Almost 70 percent of those who were comforted by the President's promises are going to be sorely disappointed very quickly. You do not have to believe me. All you have to do is look at the Obama administration's own estimates. Yet instead of solving this problem and fulfilling the promise, the administration has a different approach: ramping up the public relations strategy.

According to the Washington Post, the White House has hired "a senior official whose sole portfolio will be to sell the health care overhaul to the public in the months leading up to the November elections."

The administration is spending millions of taxpayer dollars to sell the law to the American public. But let's look at reality versus what we are hearing. The Congressional Budget Office recently estimated that less than 12 percent of small businesses—less than 12 percent of small businesses—will benefit from the much touted small business tax credit. Yet the small business tax credit is one of the main talking points used to convince Americans that this law is actually good for them. In fact, the Internal Revenue Service recently sent out 4.4 million postcards to let small businesses know they might be eligible for small business tax credits.

The IRS spent \$1 million in taxpayer dollars on those postcards alone. It

does not stop there, though. The Centers for Medicare and Medicaid Services recently mailed a brochure to senior citizens to "inform them" about the new law. Well, who paid the bill for that? Taxpayers are footing the \$18 million bill for marketing of a piece of legislation to themselves that they did not want in the first place. This classy brochure outlines provisions such as closing the doughnut hole and preventative health care services. However, there are some important details that are not in the brochure. CMS neglects to mention some very key information. For example, less than 10 percent of Medicare beneficiaries will actually receive the \$250 rebate for entering the doughnut hole coverage gap. Yet the new health care law will cause all prescription drug Part D premiums to rise, according to the Congressional Budget Office.

When our seniors heard the word "reform," they never would have imagined it meant they all pay more while getting less than 10 percent benefit.

Let me repeat that. Prescription drug premiums go up for all participants, and only 1 in 10 will see the \$250 check. Over \$1½ billion in Medicare savings will be redirected toward creating a new entitlement program. The brochure also claims the new law preserves Medicare.

Yet according to the Obama administration's own Medicare Actuary, Medicare Advantage enrollment will be cut in half. More than one in seven hospitals could become unprofitable as a result of the law "possibly jeopardizing access to care for Medicare beneficiaries."

Before I came over here, I had a meeting with those in the oncologist area who were saying: This is a problem. What are they going to have to do to solve it? They will have to pull in satellite facilities, and rural health care suffers. Rural beneficiaries feel the pain of this legislation.

The New York Times recently published an article entitled "White House and Allies Set Up to Build Up Health Law." The article stated:

President Obama and his allies, concerned about the deep skepticism over his landmark health care overhaul, are orchestrating an elaborate campaign to sell the public on the new law, including a new tax exempt group that will spend millions on advertising to beat back attacks on the measure and Democrats who voted for it.

The article also highlights that many outside groups are now running campaigns to try to sell the bill to the public, in some cases with very direct help from the administration.

With all this going on, with all of this in mind, it is appropriate to ask a few questions—for example, should not the administration be concerned more about implementing the law, especially considering they have missed several deadlines? Is this taxpayer-funded marketing effort crossing boundaries be-

tween policy and good politics? Why do we have to spend taxpayer dollars to win over the public if the merits of this law are so solid?

People in Nebraska are not fooled by glossy brochures and media blitzes, especially when the facts are so clear. Facts are stubborn things. The administration's own regulation predicts many employees will not be able to keep their insurance plan. Their own Actuary confirms that Americans will still see health care costs rise because this new law does not bend the health care cost curve down. And the marketing campaign is not going to convince seniors that when they are losing services, they somehow benefit from this new law, especially since it makes it more difficult for them to access home health care services which have a bull's-eye for cuts, hospice services which have a bull's-eye for cuts, and home nursing services which have a bull's-eye for cuts.

We will continue to try to talk about what this health care bill really means to Americans.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. I ask unanimous consent to speak in morning business on the Democratic time for about 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNEMPLOYMENT INSURANCE

Mr. BROWN of Ohio. Mr. President, I come to the floor to plead with our Republican colleagues to pass the extension of unemployment benefits. I still am amazed, as are so many Ohioans and so many Coloradans and people from all over the country, that all of a sudden my colleagues care so much about the budget deficit, when if we go back 10 years, we had a budget surplus. Then three things happened. One was the war in Iraq. The Presiding Officer opposed it, as did I. But more than that, we went to war and didn't pay for it. We put the cost of the war on our children and grandchildren. There was not an outcry from anybody on the other side of the aisle saying we should pay for that war, that we should not go to war and charge it to the children and grandchildren.

Around the same time, President Bush came to the Congress and asked for major tax cuts for the richest Americans. Again, the Presiding Officer and I opposed these tax cuts and

said, at a minimum, if we are going to give tax cuts to the richest Americans, we need to find a way to pay for them. There was no interest on that side of the aisle when they were in the majority in paying for the tax cuts.

Then soon after that, President Bush came to this body and the House, where the Presiding Officer and I served in those days, and asked for a huge subsidy for the drug companies and the insurance companies in the name of Medicare privatization. We both opposed that, but not only did we oppose it because we thought it wasn't done right—it was not the way to provide a drug benefit to seniors—but it was not paid for either. There was nary an outcry on that side of the aisle.

So when it was a \$1 trillion war, tax cuts for the richest Americans, and subsidies for the drug and insurance companies, there was no interest in paying for it; just charge that to the grandchildren. But now that it is workers who lose jobs, people who lose their insurance, people who then lose their homes, there seems to be an outcry: We can't do this.

Forget the statistics; forget that there are 900,000 Americans losing their unemployment; forget the numbers. Listen to what people say. I am going to read four letters from around my State. I know the Presiding Officer gets them from Boulder and Colorado Springs and Denver. I know my colleagues get them from Tallahassee and Omaha and New York, letters from people who played by the rules, worked hard, lost their jobs through no fault of their own, who keep fighting to find jobs, keep sending out resumes. You have to do that if you are going to receive unemployment. And then their unemployment insurance ran out.

I wonder sometimes if my colleagues on the other side of the aisle who are voting no every time we try to bring this up, if they know anybody who lost a job, if they know anybody who lost insurance, if they know anybody who lost a home. I plead with them, I ask them, the people who have voted no, to try some empathy. Try to imagine you are a father or a mother and you have lost a job, lost your insurance. You have a sick child. You are borrowing money. You are trying every week to find a job, and you are three payments behind on your home. You have to sit down at dinner one night—a pretty inadequate dinner because you are stretching every cent you have—and you have to explain to your son and daughter, 10- and 12-year-olds, that they will have to move out of their room, out of the house.

Where are we going to go?

I don't know yet, but we don't have much space. What you have collected in your room, we will have to give some of that away.

What school will I go to?

We don't know that yet either.

I wish they would think of the human cost of what this means when people can't get unemployment insurance or can't get assistance in continuing health care insurance, so-called COBRA, with the subsidy the government paid for the last year and a half—something that had never been done before—so people can keep their health insurance.

Zoe from Columbiana, a county just south of Youngstown, writes:

I lost my job at the end of August. Until then I was gainfully employed. I worked hard to support my 13 year old twins at home. I am 50 years old. If [unemployment insurance] is not extended, things don't look good for my family. We have lived in a rural area for 12 years and chose this community because it is great for the kids. My house is not fancy or expensive. We don't waste money. We are falling behind payments on our electric bill. Pretty soon our service might be cut. We are just trying to hang on. Please make opponents of the extension realize that most people who are unemployed are not lazy. We lost our jobs, which can happen to anyone. Please help me.

My colleagues don't understand, people voting against this don't understand that unemployment insurance is not welfare; it is insurance. You pay into it when you are working. You get help when you lose your job. That is the whole point. Most people hope they never draw unemployment insurance, of course. But that is what insurance is. Just like car insurance, you hope you don't have to use it. If you have health insurance, you hope you don't have to use it except for regular check-ups.

Monica from Hamilton County—Cincinnati, Norwood, that area, southwest Ohio—writes:

My son was laid off last year. He soon enrolled in college at Cincinnati State to obtain an engineering degree because he was hoping to be more marketable in the future. He works hard. He is doing well. He is excited about a new life. But soon his [unemployment insurance] will expire. With other expenses, he is now afraid he may have to quit school and not be able to support his son. Please continue to work to pass an unemployment extension right away. This support is so vital to so many people right now.

Joseph from Stark County writes:

My July 4th will be nothing to celebrate since I will be out of unemployment benefits. Folks are not finding the jobs or the income to supplant the cash that goes to pay their mortgages and other expenses. Helping a whole lot of people to prevent another failure—like massive foreclosures—will save more in the long run. Please consider a vote to help us.

He is right. The thing about unemployment benefits, it doesn't just help the family who gets the benefits; it helps them pay insurance and helps them stay in their home. Think of the ripple effect when they don't get it. It means if your home is foreclosed on, your next door neighbor's home declines in value. And then two streets away, somebody else is foreclosed on. Somebody else is foreclosed on across

the street. The whole neighborhood begins to unravel. These are people's personal stories, people's lives. It absolutely matters.

The other thing unemployment benefits do—JOHN MCCAIN, the Republican Presidential candidate, one of his top economic advisers said unemployment is the best stimulus to the economy because every dollar put in the pocket of Joseph from Stark County or Monica from Cincinnati or Zoe from Columbiana County, every dollar we give them in unemployment compensation gets spent.

It is spent. It is spent in Canton and Cincinnati and Lisbon and East Liverpool. The dollars are spent going into the economy, and they have a multiplier effect that Senator MCCAIN's economic adviser used to talk about, that that multiplier effect means generating economic benefits for everyone in the community—the hardware store, the local school, because you pay your property taxes, all the things that come with that.

The last letter I will read is from Gerald from Wood County, south of Toledo, Bowling Green. Wood County is the site of the terrible tornado in Millbury that happened a couple weeks ago, where we are working with President Obama to get help for people whose homes were destroyed, and there were many. Gerald writes:

I know Republicans are holding an extension to unemployment benefits. Quite frankly it makes me sick.

I'm unemployed and am looking for a job—but the jobs are not out there.

Most people must not realize what will happen when unemployment insurance runs out.

We will suddenly have millions of people without the support they need to live on. Just think of what that will do to the nation's economy.

Again, this is not a welfare program. It is an insurance program. It is not something people want to stay on. They have to show they are working to find a job. They have to continue to apply for jobs during this whole period. Most people in this country want to work. Most people want to protect their family and provide for their family and be good citizens.

This is a bridge. Unemployment benefits—it is a bridge that has gone on longer than we had hoped because of the terrible economy President Obama inherited in January 2009, where three-quarters of a million jobs were lost that month. There has been some good economic news. Ohio, my State, in April had more jobs created than any other State in the country—37,000. Not enough, not where we need to go, not sustained yet, but some good economic news.

But the unemployment benefits provide that bridge so people can get along until they find that job where they can begin again to rebuild their lives and join the middle class, as most of these

people have been a part of for most of their lives.

So I ask my colleagues, this time please vote to extend unemployment benefits, please support the help for COBRA, health insurance so people can stay insured and can get their lives in order until the economy improves enough where they are actually able to find a job.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

#### APPROVING THE USE AND SALE OF E15 GASOLINE

Mr. HARKIN. Mr. President, I come to the floor today to speak about the Federal Government's unnecessary and unacceptable delay in deciding to approve the use and sale of E15 gasoline at all the gasoline stations in this country.

Last Friday, we were told by the Environmental Protection Agency and the Department of Energy that they will not make a decision on E15, a gasoline blend that includes 15 percent ethanol, until sometime this fall. Quite frankly, this is an abdication of responsibility, and it couldn't come at a worse time.

To give a little history for those who don't understand this, we have for about 30 years now had approval of a blend of 10 percent ethanol with gasoline. In the old days, it was called gasohol; now it is called E10. When you pull into your gasoline station, you will see E10 pumps all over. There used to be big signs. Now it is hardly noticed because it is so widely used. I will get into that more later.

There has been testing done over about the last 15 years or more as to how much ethanol you can actually use in a gasoline blend without hurting any of the engines or vehicles we use in America. A lot of testing has gone on, and the results of those tests have shown there is absolutely no problem if you increase from 10 percent to 15 percent. As a matter of fact, a lot of the tests that have been done privately show that maybe as much as 20 to 25 percent could be added without any damage whatsoever.

This issue of approval of E15 has been at the EPA and the Department of Energy for a long time. Increasing the blend rate—that is what we call it, the blend rate—from 10 percent to 15 percent is critical to reducing our addiction to oil and accelerating the transition to biofuels. We all understand how

important this is. It will strengthen our national security, create jobs, boost our economy, and help the environment.

What makes the dithering at EPA and the Department of Energy all the more baffling and outrageous is that it is happening in the midst of the appalling catastrophe in the Gulf of Mexico. The blowout at the BP Deepwater Horizon well has cast a spotlight on the terrible price we pay for our dependency on petroleum. But instead of spurring EPA and the Department of Energy into action, they have hit the snooze button and given themselves 5 or 6 more months to try to reach a decision. We can't wait until the fall. In the face of the BP disaster, we need a decision on E15 with the utmost urgency.

We have decried our dependence on oil for decades. Going back to the mid-seventies, we have talked—and we have talked and we have talked—about the national security risks associated with our ever-increasing oil dependency. We have decried the fact that we are dependent on oil from nations that are unstable or unfriendly, or both, to the United States. We have been embroiled in conflict after conflict, war after war, in the Middle East because of oil. As we have talked, our total oil usage and our oil imports have risen steadily.

In recent years, there have been some glimmers of hope. In 2007, we passed the Energy Independence and Security Act which mandates an increase in the efficiency of our automobiles and light trucks as well as increasing levels of biofuels in our transportation sector. These two steps—increasing vehicle efficiencies and encouraging the use of domestic alternative fuels—are the two fastest and most effective ways to reduce our dependency on petroleum-based fuels in transportation.

In particular, I wish to highlight what we have accomplished with biofuels. In just the past decade, we have increased the contribution of biofuels for highway transportation from about 2 percent in the year 2000 to almost 10 percent today. I want to repeat that because I don't think most Americans grasp the significance of what our biofuels industry has accomplished in just one decade. Current ethanol production exceeds 9 percent and is quickly approaching 10 percent of total gasoline demand in the United States. To put that in perspective, ethanol now contributes more to our transportation fuel demand than all of our oil imports from Mexico, Venezuela, or Nigeria. I will repeat that. Ethanol contributes more to our transportation fuel than our oil imports from Mexico, or Venezuela, or Nigeria. Only imports from Canada and Saudi Arabia provide more fuel for transport than our domestic ethanol industry. So this is tremendously heartening news.

Congress recognized the potential of biofuels in the 2007 Energy bill. We

called for increasing levels of biofuels that roughly match what the industry has accomplished to date. In that bill, we called for that contribution to rise steadily over the next 12 years, reaching 36 billion gallons by 2022. That would put us on a trajectory to get about 25 percent of our transportation fuels from domestic biofuels by 2025. We need to stay on that trajectory because biofuels offer one of our very best alternatives for reducing dependence on petroleum.

However, while our biofuels industry has stepped up to the plate, our fuel markets are lagging behind. Today, nearly all ethanol is used in the form, as I said earlier, of E10, a blend of 10 percent ethanol with gasoline, used in almost all of our cars and light trucks. Since ethanol production is very close to 10 percent of total gasoline demand, we are at what is commonly called the blend wall. In other words, our ethanol production is close to the total amount we can use at that 10 percent blend rate, so we have this blend wall of 10 percent.

So we have to do three things. First and second, we must transition to a fleet of cars and light trucks capable of using higher blends, and we must make higher blends available through the installation of blender pumps. Senator LUGAR and I introduced a bill to accomplish both of these actions last fall. Our Consumer Fuels and Vehicles Choice Act of 2009, which is S. 1627, would mandate the manufacture of an increasing number of flex-fuel vehicles as well as installation of increasing numbers of blender pumps.

Again, this is not some pie-in-the-sky thing. I would point out that in the nation of Brazil, every single car produced in Brazil—by Ford, I might add, or by General Motors, I can also add, or by the Japanese manufacturers that are manufacturing cars in Brazil—every single car is 100 percent flex-fuel, and the cost of doing that is—well, if you did it to every car, it would be almost minuscule. So we need every car produced in America to be totally flex-fuel, just as they are in Brazil. That is what our bill would mandate.

Then, we need to increase the number of blender pumps out there. This is the old chicken-and-egg argument I have heard for so many years. You go to the oil companies—which we have done; Senator LUGAR and I both have done this—you talk to the oil companies.

Why don't you put in more blender pumps?

They say: Well, we can't put in more blender pumps because there are not that many flex-fuel cars out there to use the higher blends.

You go to the automobile manufacturers and say: Why don't you manufacture flex-fuel cars?

They say: Well, we don't have the blender pumps to supply higher blends.

Back and forth we go. So our bill would do both of those things.

I also noticed that this flex-fuel vehicle mandate is a part of an energy bill Senator LUGAR introduced just a few weeks ago here in the Senate.

The third action we need is approval of E15 right now—right now—for use in all gasoline-fueled vehicles. The EPA has the responsibility for making this decision.

A trade association called Growth Energy applied to the EPA for approval of E15 in March of 2009, more than a year ago. Under the Clean Air Act as amended in the 2007 Energy bill, the EPA is required to take final action to grant or deny such a request within 270 days. But at the end of 270 days, in November of 2009, EPA simply reported that they were going to wait for the results of more Department of Energy testing of vehicles running on E15 before making the mandated decision. However, last November, they also indicated they expected to approve E15 for all vehicles of model year 2001 or newer by mid-2010 provided that the test results continued to be supportive. But now we are being told their decision will be further delayed—further delayed.

First of all, the bill is clear. They were mandated to make this decision within 270 days. That was last November. They said we need a little bit more time. The tests were all supportive. The tests all looked very good. And they told us they expected to approve E15 for all model year cars 2001 and later by June of 2010.

Now what has happened? They're kicking the ball down the field again. They said maybe this fall.

Again, what we are told—I do not know this is factual—what we are told is this is a consequence of testing delays and additional test requirements at the Department of Energy.

I have to ask the question: If this is so, why is the Department of Energy dragging its feet? What is Secretary Chu doing about this? I think Secretary Chu needs to explain these delays. Is it because there is a bias at the Department of Energy against biofuels? There is some indication there just might be that kind of a bias. I would like to know the answer to that question. I hope, if anybody is watching at the Department of Energy, they will tell their boss that Senator HARKIN intends to ask the Secretary in a more formal setting why they are dragging their feet on this in the midst of an oil crisis, the likes of which we have never seen.

If I sound upset, I am. There is absolutely no reason for this foot dragging—none whatsoever. This slow walking may be business as usual for a bureaucracy in ordinary times, but these are not ordinary times, and bureaucratic business as usual is not acceptable. We are in the midst of what

many consider the worst environmental disaster in American history, perhaps even world history.

The root cause of this situation is our addiction to oil. We have not just an environmental and national security imperative in that addiction, now we have a profound moral imperative as well. We cannot tolerate any further delay in accelerating our transition to clean, domestically produced, renewable biofuels produced not in the Middle East or in the middle of the fragile Gulf of Mexico but in the middle of our country wherever corn or sorghum or sugarcane or sugar beets or switchgrass or any other feedstocks for ethanol are grown and renewed every single year.

I have come to the floor of the Senate today not just to urge but to demand that the EPA and the Department of Energy give this decision the highest and the most urgent priority. We cannot wait until this fall. It is time for the EPA and the Department of Energy to get off that stump and move ahead aggressively. They had their 270 days last year. We have already gone over that. The law is clear. It is unacceptable that they are dragging their feet.

Both the EPA and the Department of Energy owe us, the Congress, a better accounting for the current delay and the excuses we have been given. Most important, it is time for them to end the delay and the dithering around. We need a decision, and we need it now.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNEMPLOYMENT INSURANCE BENEFITS

Mr. BINGAMAN. Mr. President, I wish to speak briefly about the issue of unemployment insurance benefits. We, the Congress, allowed these benefits to expire 21 days ago. I believe there is a major misperception on the part of some about what the effect of this is.

This proposal to extend these benefits is talked about as a so-called extension of unemployment insurance. That suggests that the provision simply provides additional weeks of unemployment compensation payments to people who have used up all their benefits. Understandably, there are people in my State and around the country who say: Wait a minute. At some point you don't want to keep adding more and more weeks of unemployment benefits.

What we need to understand is that is not what we are proposing to do here.

What we have been trying to do is not to add more weeks but merely to allow the unemployed to continue drawing the same number of weeks of benefits that they were able to draw prior to the expiration of the program we are trying to extend.

The provision does not provide additional payments to anyone who has exhausted his or her Federal and State benefits before the authorization of this program expired on June 2. It does not extend the number of weeks of benefits under the programs. Rather, it simply allows the programs to continue operating for people who use up the weeks of State-provided unemployment benefits that are available to them.

In plain language, what this provision will do is give a person who lost his or her job last month the same unemployment compensation benefits as someone who lost his or her job a full year ago.

What are we talking about as far as the amount of these benefits? There is an editorial in the New York Times this morning indicating that the average unemployment check is \$309 a week. It is not that high in my State. Mr. President, \$295 a week is the average. We are not talking about a vast amount of money, particularly if a person is trying to support a family and trying to pay some portion of their bills while they seek another job. People need to understand also that you cannot draw unemployment benefits under the State programs or the Federal programs unless you continue to be actively seeking employment.

In plain language, what this provision would do is give a person who lost his or her job just recently the same opportunity that people who lost their jobs some time ago have had.

The bill we are debating would allow what we call the Emergency Unemployment Compensation Program to continue operating. A person who loses his job is eligible to receive up to 26 weeks of benefits through the State unemployment compensation program. When those benefits are exhausted, some States add additional benefits through what they call the extended benefit program, and many do not. Once all the State benefits have been exhausted, the person may be eligible to receive additional benefits through this Emergency Unemployment Compensation Program, which is the subject of our discussion. That program is what we are debating today as part of this extenders package.

Clearly, the date on which a person becomes eligible for the Emergency Unemployment Compensation Program depends on when that person lost his or her job.

Moreover, the number of payments for which that person is eligible also depends on when he lost that job because the benefits are paid in a series

of four tiers, with each tier lasting a certain number of weeks.

Because this program has been forced to stop operating, people who lost their job recently will not receive as much unemployment compensation or as many weeks of unemployment compensation as people who lost their jobs months ago.

Continuing the Emergency Unemployment Compensation Program is simply a matter of fairness to those people if they continue to seek employment.

From the week of June 2—21 days ago when this program expired—until the end of last week, there were right at 4,000 people in my State who had run out of State benefits. Those individuals then would find they did not have the benefit they could have had had they run out of State benefits and lost their jobs a few weeks earlier.

Until the Congress acts, none of these people will be eligible for the Emergency Unemployment Compensation Program. An additional 4,600 people who are in one of the lower tiers of the Emergency Unemployment Compensation Program will exhaust their tier of benefits and be unable to receive the next tier of benefit. That is roughly 8,000 New Mexicans who will be affected by the expiration of this Federal program.

In my view, the obstruction that has forced this program to stop is not fair to those New Mexicans. It is not fair to many Americans. These are people who worked for companies that were able to hang on to their employees longer than other companies once the recession hit. Cutting the benefits of these individuals is not fair. These individuals are ones who primarily live in States such as my home State of New Mexico where the recession hit hardest a few months later than it had hit in other parts of the country. It is not fair that the people in these States should be eligible for fewer weeks of benefits when they have paid into the unemployment insurance system just like everybody else.

It is easy to find maps on the Internet to show States that are disadvantaged by what the Senate has failed to do. There are animated maps that show how high unemployment spread across the country. It started on the east coast and the west coast. It crept toward the middle of the country. States such as New Mexico, Texas, Oklahoma, Kansas, Nebraska, Wyoming, South Dakota, and Colorado, I say to the Presiding Officer, were among the last to be affected by the recession. It is the people of these States who are being disadvantaged because the Emergency Unemployment Compensation Program has been allowed to lapse.

I want to be clear that I do not believe this program needs to be continued indefinitely, not least because of the substantial cost involved. When the

job market improves, we need to find a way to phase out these costs. In my view, the fair thing to do would be to choose a date and say people who lose their job after that date and begin drawing unemployment benefits after that date will not be eligible to receive the extra weeks of benefits that the Federal Government is adding to what the States are providing.

The economy is much better than it was last year when the country was losing 750,000 jobs every month. The free-fall has stopped. The private sector is once again creating jobs at a very modest level. But the unemployment rate is still at 8.7 percent in my State of New Mexico and at 9.7 nationally. Now is not the time to eliminate the assistance this program has been providing to the many people who have been forced to lose their jobs during this recession.

I urge my colleagues to support the continuation of this Emergency Unemployment Compensation Program until we can find a fairer way to phase it out and terminate these extra Federal benefits.

Mr. President, I yield the floor. I see a colleague seeking recognition.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. LEMIEUX. Mr. President, I ask unanimous consent that at the conclusion of my remarks, the senior Senator from New Hampshire be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### GULF OILSPILL

Mr. LEMIEUX. Mr. President, America is facing a lot of challenges. We have the issue of unemployment compensation that my colleague just mentioned and how to pay for that so we do not put this country into further debt. We have the two wars we are fighting in Afghanistan and Iraq and a myriad of other challenges that are facing this country. But a clear and present danger exists right now in the Gulf of Mexico, a clear and present danger to my home State of Florida.

I have come to the floor almost every day over the past week while we have been in session to talk about the need for the Federal Government to have a more robust response in preventing this oil from coming ashore.

Unfortunately, the situation has gotten worse. In a report this morning on television that I saw by Mark Potter, the oil now is coming ashore in Pensacola in a way that is profoundly worse than it has been. As he described it: It is oil as far as the eye can see. Watching those pristine white beaches covered in brown splotches of oil this morning—it breaks my heart. It breaks my heart for what it is going to mean for the people of northwest Florida, what it will mean for the environment; but it breaks my heart even more be-

cause I think a lot of this could have been prevented. Many Members of this body, as well as the one down the hall, have been asking for weeks, where is the Federal response? Where are the skimmers off our coast to suck up this oil before it gets on our beaches, into our waterways and into our estuaries?

Frankly, I have been extremely frustrated with the response from this government. I believe—and there are many who believe this as well—that the Federal Government should not be involved in all aspects of our lives. But what the government does, the government should do well. And one thing the Federal Government should do, and should be uniquely qualified to do, is to help in a time of disaster. In this circumstance, however, the government has fallen far short.

One thing that has been very frustrating to me is trying to determine how many skimmers are in fact off the coast of Florida. Skimmers are these vessels which are equipped to suck the oil off the water, bring it on to a place where it can be contained and disposed of and get that oil out of the ocean. As of yesterday, we found out that there were 20 skimmers off the coast of Florida, plus an additional 5 skimmers that the State of Florida went out on its own and rented.

When I met with the President a week ago yesterday in Pensacola, I raised the issue with him: Why are there not more resources stopping this oil from coming ashore? Admiral Allen, who was at that meeting, and who is the head of the response—the former Commandant of the Coast Guard—told us there are 2,000 skimmers in the United States. So why are there only 20 off of Florida? I have asked the Coast Guard and even the Navy, why are there not more skimmers? I have come to find out that we cannot even determine how many skimmers there are.

The State of Florida, as of yesterday, in their Deepwater Horizon incident report, shows 20. We know an additional five were rented. The Federal Government's report, the National Incident Command Report, says there are 108 skimmers. We asked the Federal Government—the Coast Guard—why this number is different than the number in the State Incident Command Report. We can't get a good answer. And when we drilled down on this 108 last week, we were told: Well, that number isn't correct.

In followup, and having met with the Navy yesterday, and the Coast Guard—and I thank Secretary Mabus for making the Navy and the Coast Guard available to us to talk to them about this issue—we got a more detailed response about skimmers that the Coast Guard reports are off the coast of Florida, and now the number appears to be 86. So we have the State telling us 25, we have the incident report from the Federal Government saying 108, and

now the Coast Guard says it is 86. We can't get a straight answer.

This gets to the base of the problem, which is that we don't know what we are doing down there in the Gulf of Mexico. The Federal Government is not putting the focus and attention on this issue that it should be. When I met with Admiral Allen, I asked him about the 2,000 skimmers he had reported were available in this country and why those skimmers weren't in the Gulf of Mexico now, some 65 days after this disaster first started. I got answers ranging from, well, some are obligated to be other places in case there is an oilspill—to me, that is like saying your house is burning down and we can't send a firetruck because we may need a firetruck for another house that might burn down—to this answer: They are legally constrained. This is what I heard from the Navy yesterday when I met with them. Some 35 skimmers they would like to bring down are legally constrained.

I asked this question yesterday: Why aren't we approaching this issue with a sense of urgency? Why doesn't the President sign an Executive order waiving any legal constraints? Why aren't we doing everything possible to marshal those resources into the Gulf of Mexico?

I have received a new piece of information from the U.S. Coast Guard. It is the National Response Resource Inventory of skimmers and capabilities throughout the whole country.

This document shows the different districts in this country. I will get this blown up and, hopefully, come to the floor tomorrow and show this in greater detail. It has the country broken up by area into districts. Florida is in a district with Georgia and South Carolina. That is district 7. These are Coast Guard districts, for the most part. It shows how many skimmers there are. These are not skimmers offshore, of foreign countries, which we will talk about in a moment. These are skimmers here in this country.

In district 7, Florida, Georgia and South Carolina, there are 251 skimmers—251. In the Texas district, district 8, there are 599. So between the gulf coast of Texas to Florida there are 850 skimmers, and we have somewhere between 25 to 86 to 108, depending on whose number is right. Perhaps they are all incorrect, but given the best accounting possible, there are 108. Where are the other 742 skimmers, and why aren't they being deployed? And that is just in the gulf coast.

In the district that includes California, there are 227 skimmers. In the district that includes Washington State, there are 158. In the district that includes Michigan and other Great Lakes States, there are 72. In the district that includes Maine, New Hampshire, and Vermont, there are 160. In the district that includes the mid-At-

lantic, there are still another 157. Why are these skimmers not headed to the Gulf of Mexico? Why are they not there already?

It is not a good answer that they are needed for another oilspill, because we have an oilspill—the worst oilspill that we have ever seen in this country, and one that is washing sheets of oil this morning onto the beaches of Pensacola in my home State of Florida.

That is the national picture. Internationally, the State Department came out with a report which I talked about yesterday—it came out last Friday—that talks about all the offers of assistance from foreign countries, offers that were made by Belgium on June 15, the European Maritime Safety Agency on May 13, by the Republic of Korea on May 2, by the United Arab Emirates on May 10 to give us skimmers, and all of them are still under consideration. Months have gone by and the U.S. Government hasn't returned a phone call to these offers of help.

It is amazing to me that we would not be accepting these offers of assistance to bring in these skimmers from foreign countries. When there is a disaster around the world, whether it is a tsunami in the Far East or an earthquake in Haiti, the United States of America is the first to answer the call. We, because of the goodness of our people, go in and help these countries, as we should. Now they are offering to do for us what we have done for the world and give us assistance, yet we are saying no. That is also beyond belief. The State Department, as of last Friday, reported 56 offers of assistance from 28 countries or international groups. We have accepted 5—5 out of 56—BP has accepted 3, and 46 remain under consideration.

I want to talk about one of these offers specifically. This ship is a Dutch ship from a company called Dockwise. This ship is the *Swan*. This is a huge vessel that, when equipped with skimming equipment, can suck up 20,000 tons of water and oil—20,000 tons. It was offered to the United States on May 6—May 6—and we never answered the call. Instead, a ship that has one-twentieth of its capability was accepted by the Coast Guard.

I received some followup information yesterday, and here is the response as to why the Coast Guard did not accept this superskimmer for use in the Gulf of Mexico. The response was that it was going to be equipped with arms—sweeping arms, which are what skims the oil into the boat—and BP was able to purchase two sets of these arms from another company and, therefore, the ship wasn't needed. The arms sweep the oil into a ship; the ship holds the oil. The arms are only half of the equation. And if this ship holds 20,000 tons of oil and water mixture, it is certainly needed.

Saying that we didn't need it because we got the arms and we put them on

another ship makes no sense. The ship that was used instead has one-twentieth of the capability. That is an American ship, and I am glad we are using it, but we should be using both of them. We should be using every ship possible. And why should we be using every ship possible? Because oil is washing up on the shore of my State and the Federal Government seems anemic, at best, in its response.

What is this doing to our oceans, our waterways? The Mote Marine Laboratory in Sarasota—which I had the privilege to visit a couple of weekends ago—does wonderful work with marine life and has these unique, almost torpedo-like automated vehicles that go out in the water to check to see whether the oil has spread. It is one of the vehicles that helped us determine that this plume of oil, in fact, does exist beyond what you see on the surface. They are reporting yesterday, in an article that was published, that rare plankton-eating sharks are moving toward the coast of Florida. Ten healthy whale sharks were found Friday about 23 miles southwest of Sarasota. They are moving away from the oil—this oil that is growing not just on the surface but underneath.

What will be the long-range implications of this disaster, not just on our economy but on our environment? It is hard to tell. This morning, Florida State's marine biologists are reporting that the fish population has been severely damaged in the Gulf of Mexico.

Mr. President, I will continue to come to the floor every day we are here to sound the siren, to ring the bell and call for more response and a better effort to protect my State of Florida, as well as the other States in the gulf. This response is anemic, and our failure to act is outrageous. This government must do a better job.

With that, Mr. President, I yield the floor to my friend and colleague from New Hampshire.

THE PRESIDING OFFICER. The Senator from New Hampshire.

#### THE NATIONAL DEBT

Mr. GREGG. Mr. President, first, all of us express our deepest concern for what the Senator from Florida, the people of Florida, and those along the gulf coast are going through. It is an unconscionable situation going on down there. I think the Senator has correctly indicted the failure of the people responsible to bring the resources that are available on site in order to try to address at least the skimming of as much of the oil as possible. I appreciate his doing this on a daily basis until we can get something done. This is critical, obviously.

I want to speak today, however, about an issue that is equally threatening to our Nation—although not as ominous, in many ways—and that is

our debt and the continued spending by this Congress in a way that ignores the fact that we are on the path to passing on to our children a nation which they will not be able to afford as a result of the massive debt which is being put on their backs.

We heard today from a number of Senators from the other side of the aisle how we have to pass this extender bill. There is some irony in this, in that they are claiming that it is necessary in order to address what are significant stresses on Americans who find themselves confronted with this economic slowdown. What they do not address, of course, is the fact that in passing this bill in the way they have structured it, they are going to put even greater stress on the next generation of Americans by creating even more debt for them to pay off.

There are some legitimate ideas and programs in this extenders bill, but they should be paid for. They should all be paid for. They shouldn't simply be put on the credit card and passed on to the next generation. These are issues which address costs of today—unemployment insurance, the tax extenders. They are issues which affect today's spending and they should be paid for with today's dollars. We shouldn't borrow from the next generation in order to pay for this problem—the problems and the issues which this bill tries to address.

Yet that is the proposal that comes to us. Three times now they have brought these extender programs forward. Once they were going to add \$79 billion—\$79 billion—to the deficit, and it failed on a point of order brought by myself on the issue of budget fiscal responsibility. Then they brought forward a proposal to spend \$50 billion that was not paid for, and again it failed. Now we are going to get a third proposal today, and I suspect it will also be a deficit proposal where we add to the debt and pass the bill on to our kids for something we want to do today that is politically attractive.

But this is just a small tip of the iceberg for what has been happening around here. Since we passed pay-go legislation and we heard all these grandiose statements by the President and by the Democratic leadership of the Senate and the House that they were going to use pay-go to discipline spending around here so we would not be passing these bills on to our kids, since we passed that bill—now almost 2 months ago—we have spent or put in the pipeline to spend \$200 billion—\$200 billion of new spending that violates the pay-go rules, that adds to the debt of this country.

But that, again, is only a small tip of the iceberg. When we look at what is happening to the Federal debt, this is the line. This is where Federal debt is going as a percentage of gross national product. Historically, our Federal

debts have been about 35 percent of gross national product. But since the Obama administration came into office and this Democratic Congress took control of fiscal policy in this country, that debt has gone right through the ceiling, and there is no stop to it. It is going up and up, to the point now where total debt as a percentage of GDP has passed the tipping point.

What is the tipping point? That is what Greece found. That is what Iceland found. That is what, regrettably, maybe Spain may be finding. It is when you get so much debt on the books that people stop believing you can really pay it back in an effective and efficient way. People in the world who are supposed to lend us this money—regrettably, it is other countries now: Saudi Arabia, China, Russia—they start asking themselves: Can they really pay that debt back? Shouldn't I charge a lot more to lend them money because I am not too sure they can pay the debt back? That tipping point is 60 percent of GDP. When your debt to the gross national product exceeds 60 percent of GDP, it is generally accepted in the world community that you passed the tipping point. When it gets up to around 90 percent of GDP, you are in junk bond status. You are on your way to bankruptcy. You are on your way to becoming Greece. We have an advantage over Greece. We can do something called monetizing our debt. But we still have the same problem.

We passed 60 percent this year. Why are we doing that? Because we are spending a lot of money we don't have on the extender program and on the other \$200 billion of spending that has come to this floor on pay-go, on the stimulus package, on the health care bill. The health care bill expanded the size of this government by \$2.5 trillion. All of that is an expense which grows the government at a rate we cannot afford.

Under the President's own budget as he sent it up here—and where is the budget, by the way? Did I miss something? Isn't the Congress of the United States supposed to do a budget? Isn't that what we are supposed to do as a responsible steward of our financial house and of the American taxpayers' dollars? Where is the budget? Under the desk here? Maybe it is down where that paper was that just fell. Nobody can find it. Why is that? Because the other side of the aisle does not want to show the American people what the deficits are, how much spending they are planning to do that they do not plan to pay for—not only in this year but for the next 10 years.

The President at least had the integrity—I guess under law he had to do it—to send up a budget. His own budget projects a \$1.4 trillion deficit this year. That is 4 times larger—3.5 times larger than the biggest budget under the Bush administration—biggest budget deficit.

It is the largest budget deficit in our history, \$1.4 trillion. But that is not the end of it. For the next 10 years, the President's budget projects a \$1 trillion deficit on average every year for the next 10 years. The practical effect of the President's own budget is that the debt of this country doubles in 5 years and triples in 10 years. These are staggering numbers. These are numbers that lead to bankruptcy of our Nation from the standpoint of fiscal policy. You don't have to look too far to see what these types of numbers mean. Just look at what is happening in Greece and other countries that have grossly overextended their debt. Doubling the debt in 5 years, tripling it in 10 years is an unacceptable action.

The numbers are so big, it is hard to put them in context. But to try to put them in some sort of context, if you take all the debt rung up by Presidents since the beginning of this country starting with George Washington through George W. Bush, that is \$5.8 trillion. That is all the debt of all the Presidents who came before President Obama and this Democratic Congress. Under the budget sent up by the President, the debt that will be added will be three times that, almost three times that. The amount run up over all these 232 years we have been a nation—in 10 years, we will be adding more debt than occurred in the first 232 years by a factor of almost 2½—over 2½.

It is incredible. Yet nobody around here says anything or does anything about it on the other side of the aisle. What we hear from the other side of the aisle: Let's bring out another bill. Let's game the entitlements. Let's game the pay-go rules one more time, as the extender bill does—or tries to do—and let's spend some more money we don't have and add it to the deficit and the debt. Bill after bill is brought to this floor to do that—spend money we don't have and add it to the debt.

What does it mean in real terms? Children born at the beginning of President Obama's administration and this Democratic Congress, this liberal Congress—it should not even be called a democratic Congress because it is so liberal—had an \$85,000 debt on their backs—think of that—when they were born. However, as of today they have a \$114,000 debt on their backs. That means kids born just 4 years ago—not even 4 years ago; 1½ years ago—have had added to their burden—and they are going to have to bear this burden. This is not theoretical. This debt is owed. It is owed to China. It is owed to Russia. It is owed to Saudi Arabia. This debt has to be paid back by these people, our children. Just in the last 1½ years, it has gone up by almost \$30,000. By the end of this Presidency, should the President be reelected—or even a little bit past that—by the end of the budget projected by this President, that debt on these children will

be \$196,000. That is what they will have to pay. How are they supposed to buy a home, buy a car, send their kids to college if they have to pay off this debt, which they will have to do through the tax burden? It is inexcusable what we are doing.

Then you have to couple it with the larger picture. Is anything being done to improve this situation? Here are the President's own numbers. Historically, taxes have been about 18 percent of GDP. You will hear a lot of people on the other side of the aisle say we just need to raise taxes more. Under the President's own budget, they are projecting that taxes are going to go up rather dramatically, to almost 20 percent of GDP. What they don't tell you is that spending has historically been about 20 percent of GDP. If we had the tax revenues they are projecting, we wouldn't have hardly a deficit at all. We would be in pretty good shape.

But that is not what is happening here. As a result of the President's programs—note here how this line goes up sharply during the depression. It is estimated to come back down because of the stimulus being taken out of the spending stream—a very badly flawed decision, by the way, to pass the stimulus in the form it was passed—but then it goes straight back up. If we were to extend this line, it is way up here. What is that caused by? That is caused by the health care bill, \$2.5 trillion of new spending, and by the aging of the population. There is no attempt to take this line and bring it down where it should be going, so we close that figure.

No, this area in here is a structural deficit that has been grossly—not structural. It is a created deficit that has been grossly aggravated by the policies of this administration and is being aggravated by the policies of this Congress, as we have seen more and more bills brought forward which are unpaid for and end up adding to this red line going up. It is not a tax issue. It is not a revenue issue. The President's own budget—these are the President's own budget numbers—shows that it is not a revenue issue. Revenues, they project, will be very robust and will be well above the historic highs fairly soon.

Why would they do this? Why would people be doing this to our Nation, running us into bankruptcy like this, putting this burden on the next generation that is so extraordinary? I think there is a philosophy here. The philosophy is pretty simple: This administration is very committed to moving the American model. They want to take us down the road of a European-style social welfare state democracy where you actually have cradle-to-grave coverage of all sorts of social concerns and you have an ever-expanding, dramatically expanding public sector. The President is very honest about this. He said that

the way you create prosperity is to grow the government. I don't think anybody ever believed he would grow it quite this much, but he was honest about it, at least. But the implications of it are that because of the fact that we do not have the capacity to pay for this government, we are driving ourselves right into a ditch as a nation. We are putting ourselves into a totally unstable situation which will inevitably lead to some sort of fiscal crisis which will be cataclysmic for our country and will lead to a lower standard of living. That is what this inevitably leads to—a lower standard of living, not a higher standard of living for the next generation.

The European model is not a good model for us to pursue. It simply is not. Look at what is happening in Europe—anemic growth, lack of creativity in the area of economic growth, very little productivity, and basically countries wallowing in a debt structure they cannot get out from under because they are not willing to make the tough decisions. Are we going to take that path also? It appears that way. Under this administration, in this Congress, that appears to be the choice. But it is the wrong choice.

There are ways to address this. To begin with, we could stop spending—very simple. Stop spending money we don't have. Stop bringing bills to the floor that have high deficits attached to them.

We need to address the entitlement programs and recognize that they are, in their present structure, not affordable.

We need to address our tax laws, which are not structured in order to create an incentive for productivity and capital formation but are instead replete with special benefits to special interest groups. We can reduce the rates on all Americans, and especially we can reduce the rates on the productive side of the ledger, on our corporate rates which are now the second highest in the world, and still generate significantly more revenues if we do a total tax reform along the lines of what Senator WYDEN and I have actually proposed.

We need to change our energy policy. We have to stop shipping all this money overseas and buying energy. We need American production of energy. We need more nuclear; we need more natural gas; we obviously need more conservation; we need better cars—hybrids, electric; and sure, we need renewables, but renewables are not going to solve the problem. It is in production of American energy that we need to solve the problem, primarily, and in conservation.

Most important, we need to abandon this idea that we should follow the European model because it stifles productivity, entrepreneurship, risk taking. We need a model that says to the

American people: Be creative. That has been at the essence of what has made us strong as a nation.

It has always been one of our unique advantages over the rest of the world—willing to take a risk, willing to make an investment, willing to go out and push the envelope. As a result, they have created jobs in the most prosperous Nation in the history of the world. But that is all at risk now because we decided to depart on this path of massive deficit and debt in order to recreate the European form of government: a social welfare state, which is, first, not sustainable, and, secondly, is not a model for prosperity.

It is time to change, and let's begin the change right here right now by rejecting any extender bill that comes to this floor that is not fully paid for.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Delaware.

MR. KAUFMAN. I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

MR. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

#### RECOVERY ACT

MR. KAUFMAN. Mr. President, I rise today to remind my colleagues that the Recovery Act has worked and is still working. It has been almost a year and a half since I took office and since President Obama was sworn in. Remember, we came into office in the midst of the worst economic crisis since the Great Depression. Our financial system was collapsing. We had already lost millions of jobs and were losing millions more at a truly frightening pace.

We had roughly a \$2 trillion hole in our economy, and instead of a surplus of \$710 billion that was projected in 2001 for 2009, we wound up with a \$1.6 trillion deficit.

Remember back in 2001 when the Bush administration came in? One of the problems was our surpluses were growing too fast. We had projected a \$5 trillion surplus through 2009.

What did we end up with? We ended up with \$5 trillion in deficits during that period, a \$10 trillion turnaround. In 2009 where we had projected a surplus of \$710 billion, we ended up with a \$1.6 trillion deficit.

Fortunately, the Recovery Act brought us back from the precipice of disaster. It saved us from another full-blown depression and allowed us to rebuild our economy and add jobs.

The nonpartisan Congressional Budget Office just recently completed an analysis that demonstrated what a big

impact the Recovery Act has had. The CBO, nonpartisan CBO, indicated that in the first quarter of this year, the Recovery Act accounted for anywhere between 1.8 million and 4.1 million more jobs, 2 to 4 million jobs. I would call that a success.

The CBO also told us unemployment was .7 percent to 1½ percent lower because of the Recovery Act. Our gross domestic product was 1.7 percent to 4.2 percent higher. The CBO is not the only one telling us this story. The Conference Board reported the latest version of its Leading Economic Index. The chart I have shows this index since last January, since the President and I took office. This is when we passed the Recovery Act.

As my colleagues can see, it bottomed out in March 2009, shortly after passage of the Recovery Act, and has been steadily climbing ever since. Other major economic indicators tell a similar story. Take the Dow Jones Industrial Average. Now, take the Dow Jones Industrial Average as a guide to the health of our financial markets.

This chart shows that shortly after passing the Recovery Act, the markets hit bottom with the Dow at 6,547 on March 9, 2009. I wonder what happened in March that caused the Dow Jones to go up like this? The Dow since then has risen dramatically, rising above 11,000 a couple of months ago, and even remaining above 10,000 amidst recent market turmoil.

Take a look at this chart. Let's throw the last chart up here again. In March 2009, we passed the Recovery Act, and guess what happened. The Dow Jones average takes off. March 2009, guess what. We passed the Recovery Act and the major economic indicators take off. Let's look at another one.

How about the Purchasing Managers Index, a leading indicator of business confidence. Any score over 50 means the businesses around the country believe conditions are better than they were the previous month, and we are headed in the right direction.

Take a look at this chart. Oh, my goodness. Guess what. Early 2009, we are crashing. Now we are up. I wonder what happened during March 2009 to cause this Purchasing Managers Index to go up. Why all of a sudden did businesses around the country believe conditions were getting better? I wonder what that was all about?

Let's look at another chart. Let's look at gross domestic product, one of the very best indicators of our health. From 2007 to the first quarter of 2010 it tells the same story: Things started getting better after the Recovery Act was passed.

Here is the first quarter of 2009. Oh, my goodness, look at this. Going straight down. We get to the first quarter of 2009, straight up.

Either this is one of the truly great coincidences of our time, or the Recov-

ery Act turned this economy around. The key point, as we have said all along, is not the economy, but it is jobs. So let's take a look at jobs.

The most recent unemployment report indicated that we added 431,000 jobs last month. Unemployment is still too high, much too high. Without our efforts to help the economy, most notably the Recovery Act, it would be even higher still.

Take a look at this chart. Here we are, folks. March 2009. What happened in March? I wonder what happened in March 2009. I wonder why jobs went from losing 753,000, which is what we lost in March of last year, to gaining 431,000 in May. I wonder. What could have happened to these charts?

We know the unfortunate thing about this is the economy is coming back, and the economy is coming back because of the Recovery Act. But we know from past experience that job growth lags behind economic recovery, and this chart shows how long that took from previous postwar recessions.

The problem is not that the Recovery Act did not work. It worked and the economy came back. The problem is, if you look back—and we knew this at the time—if you go back to 1949 where the jobs lagged by 5 months, or you go back to more recent history, November 2001, where jobs lagged 22 months, the problem is not that the Recovery Act did not work, the problem is the time it takes from when the economy comes back until jobs come back. That is not hard to explain.

Businesses need to use up their existing capacity and they need to feel confident in the economic climate before they start expanding again. That just makes sense. The process can be especially painful during a financial collapse where businesses and households are forced to pare down their savings and reduce their spending, thus tamping down economic and employment growth.

Due to this lag, which was totally predictable, the jobs have been slower to return than anyone likes. But make no mistake, thanks to the Recovery Act, we have gotten our economy back on track and growing again. We must not, however, take these results for granted. For those who said at the time we could get by with less, my Republican friends—and they are my friends, and I hold them in high regard—but to those who said the economy will come back without the Recovery Act, just look at the example of Japan in 1990.

Remember on this floor, and the vote against this was almost complete, against the Recovery Act. I think we ended up getting three Republican votes. They were saying: We do not need to do anything. The economy will come back.

Let me show you something. Japan tried that. Approximately 20 years ago,

Japan also experienced a serious economic downturn that was precipitated by the bursting of speculative bubbles in real estate and financial assets. Sound familiar?

However, Japan was slow not only to address the crisis in the banking sector, but also to use fiscal stimulus to help jumpstart the economy. This chart shows the results. They call it the "lost decade" in Japan. Literally no growth in gross domestic product. That is what happens if you do nothing, if we had done nothing. We must not allow that to happen here.

There are those who continue to present a false choice between balancing the budget and fiscal stimulus necessary to get our economy back on track. This is a false choice. But we should know by now there are times in which fiscal stimulus and deficits are necessary—necessary. Good deficits to spur growth and get our economy on track. There are other times when deficits are unnecessary and short-sighted. Deficits are sometimes necessary, looking back through history, to allow fiscal stimulus to jumpstart an economy that is contracting due to a precipitous decline in private sector investment and consumer spending.

There is a hole in the economy because private sector investment and consumer spending stopped. The economy is frozen. That is the time you have to get the economy going. If you have a \$2 trillion hole in the economy, you can't let it sit there, as Japan did, and fester. You have to do something. That is what the Recovery Act did. It put money into the economy.

However, my friends on the other side of the aisle are absolutely right when they say deficits are inappropriate during good economic times, which is what we had for the 8 years previous to this. At those times, they are typically the result of irresponsible decisions to cut taxes and put in place unfunded spending programs—tax cuts that were not paid for; the wars in Iraq and Afghanistan, not paid for; Medicare prescription drugs, not paid for. So during a period when the Congressional Budget Office said: In 2001, we are going to run a \$5 billion surplus, we ran a \$5.6 trillion deficit because we went out and spent and spent and spent with no provision for paying for it.

I cannot believe it when I am presiding here and colleagues come to the floor and talk about the unemployment extension like, man, this is a bad situation. These folks are going to spend money and not pay for it, because we have these incredible deficits.

These deficits didn't just show up in the last year. The deficit in the last year was to get the economy moving again. It was a good idea. Where did the \$10 trillion turnaround come from between 2001 and 2008, when time after time, on big programs such as tax cuts and going to war, the decision was

made not to pay for it? That is where we got the deficits. That is where the deficits came from. Those are the bad deficits. We were irresponsible. We had good times. That is when we should have built up the deficits. That is when the bipartisan CBO said we would have surpluses, remember? In fact, the rationale for the first tax cut was: It is better in their pockets than in our pocket. We should not have been giving out these tax cuts. But let's just give them to the American people because of the surplus. And we ran up a \$5 trillion deficit.

While we have serious structural and budgetary problems—and we do—that need to be resolved for the long term, getting our economy growing again has to be our first priority, and had to be. President Obama has established a bipartisan commission to address those long-term problems. In the short-term, we need to grow ourselves out of deficits—a phrase my colleagues across the aisle have invoked many times in the past. They are absolutely right. We have to grow out of this.

One of the ways we grow out of this is to get the economy moving. One of the ways to get the economy moving is by the Recovery Act. I remember February 2009 all too well. No one in the Senate should ever forget what it was actually like in February 2009. We were looking into the abyss before we passed the Recovery Act. The American economy was in free fall, and another Great Depression was imminent. Those were truly scary days. The Recovery Act helped divert another Great Depression. It has our economy growing again. It has improved our fiscal situation. Imagine the size of our budget deficits if we had another Great Depression, which was an all-too-real possibility just over a year ago. Do you think these deficits are bad? Suppose we had the Great Depression.

We are now on the path to recovery, but it is a narrow ridge, not a broad field. If we do not keep our eyes forward, we will too easily lose our way. We have a fragile economic recovery that has been made even more so by the massive oilspill in the gulf and by serious fiscal and financial strains in Europe. We could have a double-dip. We could turn this around. This is a very fragile time for the economy. Given these perilous circumstances, we need to be vigilant to avoid another double-dip recession.

To conclude, the Recovery Act has done its job and will continue to do so. Now, as we get through this crisis, as this recession passes, we need to create new jobs. That is the key. It isn't enough to try to win back the jobs we lost. We have to do that. To keep pace with our population and keep a sacred promise to our children and grandchildren, we need to create a whole new generation of jobs.

As former President Clinton said in recent years: In the last 10 years, we

were creating jobs in three areas—housing, finance, and consumer economy. Unfortunately, all three of these have suffered in this economy. All three of these have benefited from loose credit and easy money to build up a bubble. I am sorry to say that many of these jobs are not coming back, especially in the short term. We cannot look forward to the day or depend on the day where carpenters were scarce because we built more housing than people could afford to buy. We do not need a revitalized legion of clever bankers any more than we need another Starbucks one block closer.

Going forward, we need to transform our economy by revolutionizing how we produce and consume energy. To do this, we will need more scientists and engineers. It is in this area where future job and economic growth will happen. The Recovery Act, thank goodness, began this process, not only by turning our economy around but also by promoting green jobs and investment in clean energy initiatives. Our challenge in the future will be to build upon its foundation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

#### NOMINATION OF JOHN S. PISTOLE

Mr. CARDIN. Mr. President, I rise to speak in support of the nomination of John S. Pistole to be Administrator of the Transportation Security Administration and talk about collective bargaining for TSA employees.

The TSA has been without a Senate-confirmed leader for a year and a half. During the last 5 months, we have experienced two major transportation security incidents: the unsuccessful December 25 bombing of Northwest flight 253 and the near escape of the failed Times Square bomber. I welcome the President's nomination of a career FBI official with extensive counterterrorism experience, FBI Deputy Director John S. Pistole, to head the TSA. I look forward to the Senate's swift confirmation of Mr. Pistole for this critical position.

During the confirmation hearings for Mr. Pistole, the issue of collective bargaining for TSA employees was raised. Mr. Pistole stated that he is going to study the issue, gather all the information he can from stakeholders, and make a recommendation to Secretary Napolitano.

Some Members of Congress, however, are strongly opposed to collective bargaining for TSA employees. Their opposition is grounded in the concern that we need to adapt quickly and effectively to specific aviation threats. The underlying premise of this argument is that we must choose between protecting the Nation from threats to aviation and collective bargaining. This choice, however, is a false choice

because national security and what I call smart collective bargaining are not mutually exclusive. Under smart collective bargaining agreements, if circumstances and true emergencies were to exist, TSA would be fully capable to deploy assets without there being any negative impact from the collective bargaining agreement.

At his confirmation hearing, Mr. Pistole stated that “we have to be able to surge resources at any time . . . not only nationwide but worldwide.” I certainly agree. A smart collective bargaining agreement would enable us to do exactly that.

Moreover, a smart collective bargaining agreement would enhance national security because it would enable TSA to recruit and retain veteran employees. Our Nation's history with labor unions teaches us that collective bargaining boosts morale and allows employees to have a voice in their workplace and increases stability and professionalism. On the other hand, poor workforce management can lead directly to high attrition, job dissatisfaction, and increased costs, which lead to gaps in aviation security. There have been reports that TSA has low worker morale, which can undermine the Agency's mission and our national security.

The fact is, DHS, Customs and Border Patrol officers, some of whom work at the same airports as TSA employees, as well as employees of DHS's Federal Protection Services, and the Capitol Police all operate under collective bargaining agreements. Are members of the flying public less safe because the CPB officers, who work side-by-side with TSA employees, work under a collective bargaining agreement? I don't believe so, nor do I think my colleagues believe that. Are Members of Congress less safe because the Capitol Police work under a collective bargaining agreement? I have heard all my colleagues compliment the efficiency of our Capitol Police.

As the late Senator Kennedy noted in August 2009 when he cosponsored a collective bargaining rights bill for public safety officers, tomorrow morning, thousands of State and local public safety officers, police officers, and firefighters will wake up and go to work to protect us. We should be there to help them. They will put their lives on the line responding to emergencies, policing neighborhoods, and protecting us in Maryland and communities all across the Nation. These dedicated public servants will patrol our streets and run into burning buildings to keep us safe. No one believes for a moment that we are less safe because they have secured collective bargaining rights.

If opponents of collective bargaining for TSA employees want to invoke 9/11 to support their views, they will soon discover that the legacy of 9/11 shows clearly that national security will not

be compromised by collective bargaining. It shows just the reverse. Those who helped us save lives during 9/11 were covered under collective bargaining rights. Before 9/11, the New York Port Authority police worked 8-hour days, 4 days on and 2 days off. By the end of the day on 9/11, however, vacations and personal time were canceled and workers were switched to 12-hour tours, 7 days a week. Indeed, schedules did not return to normal for 3 years. The union did not file a grievance, and everyone recognized it was a real crisis.

If there is any doubt about whether collective bargaining will enhance our ability to recruit and retain the best TSA employees to protect us, all we need to do is think about Donnie McIntyre, a Port Authority police officer, one of the many selfless heroes killed on 9/11, and these memorable words written in the third stanza of "America the Beautiful" by Katherine Lee Bates:

O beautiful for heroes proved, in liberating strife. Who more than self, their country loved, and mercy more than life.

We learned about the story of Donnie McIntyre from his partner, Paul Nunziato, vice president of the New York Port Authority Police Benevolent Association. He testified before Congress in June of 2007 regarding the Public Safety Employer-Employee Cooperation Act of 2007, a bill almost identical to the amendment offered by Senator REID.

Donnie was one of the 37 port authority police officers who lost their lives on 9/11 at the World Trade Center evacuation effort. He was married with two children, and his wife Jeannie was pregnant with their third child when he died on September 11. While nothing will make up for the loss of Donnie to his family, Jeannie does not have to worry about paying bills or providing health care for her children, largely because of the benefits the union negotiated for its members.

Collective bargaining for TSA employees will not endanger national security. It will make us more safe. I urge colleagues to support collective bargaining for TSA employees. It will improve our ability to recruit and retain the best employees, like Donnie McIntyre and the countless other American heroes who work every day to protect us and keep us safe under collective bargaining agreements. Moreover, smart collective bargaining for TSA employees will increase stability and professionalism in the workplace and will dramatically reduce attrition rates, job dissatisfaction, and increased costs, which will enhance transportation security.

I urge my colleagues to swiftly confirm John S. Pistole to be the TSA Director and to understand the importance of protecting all of our workers, particularly those who put their lives on the line for us, by giving them basic collective bargaining rights.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

(The remarks of Mr. GRASSLEY pertaining to the submission of S. Res. 562 are printed in today's RECORD under "Submitted Resolutions.")

Mr. GRASSLEY. Mr. President, I yield the floor.

Since I do not see any other Members present to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR RECESS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate stand in recess from 1:00 to 2:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURRIS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

#### UNEMPLOYMENT AND COBRA BENEFITS

Mr. BURRIS. Madam President, near the end of May, we learned that the unemployment rate in my home State of Illinois had fallen to about 10.8 percent, down from 11.2 percent in March. That is the first time the unemployment rate has gone down since 2006, when it stood at only 4.4 percent.

I am the first to celebrate the creation of even a single well-paying job. I am happy for each and every Illinoisan we can put back to work because one job will help someone put food on the table, and it will help one family stand just a little taller. It will give people the opportunity to participate in the economy again, buying the goods and services they need.

That, in turn, means more jobs. One by one, these folks will turn our economy around from the bottom up. So I do not dismiss this recent jobs report. This is a step in the right direction. It is welcome news. But it is only a drop in the bucket. For every person we have put back to work, many others are still hurting—and hurting badly.

Our landmark stimulus law, which we enacted more than a year ago, has

done a great deal to stop the economy from collapsing and set Americans back on the road to recovery. The economy is growing again. Many key indicators have turned around. I am proud to say the American Recovery and Reinvestment Act has been instrumental in preventing a second Great Depression.

But job creation continues to lag behind. We have made progress in some areas, but we still have a long way to go. That is why I urge my colleagues to come together and support job creation measures so we can keep putting people back to work.

At the same time, I urge them to support further extensions of unemployment and COBRA benefits so we can help people keep their heads above water until the recovery is complete.

These are difficult times. Through no fault of their own, millions of people have suddenly found themselves without a job. These folks are the victims of reckless behavior on Wall Street, but they, rather than Wall Street, have been forced to pay the price.

More Americans are classified as "long-term unemployed" and "disadvantaged workers" than ever before. Many have exhausted their unemployment benefits or they are dangerously close to doing so.

I believe we must pass this extenders package and restore stability by helping States cover the rising cost of unemployment insurance.

We need to increase access to COBRA so that people can remain on their old health insurance for a period of time after they lose their jobs.

We need to extend these benefits to more hard-working Americans who are struggling to find work during this time of uncertainty.

Just last month, after a long partisan battle, we passed a temporary extension of these programs. But that extension expired on June 2, almost a month ago. So it is time to take up a new measure that will carry unemployment benefits and COBRA through at least another 6 months—I would love to see more time—as our friends in the House of Representatives have discussed. This proposal would make more Americans eligible for existing benefits. It would not increase the current 99-week limit on these programs, but it would offer a helping hand to those who have lost their jobs recently and make sure they have access to the same resources.

This extension would not be a comprehensive fix, but it would help ease the situation and the strain on the victims of this financial crisis until the full effects of our stimulus law have taken hold and the unemployment rate begins to decline at a steady rate.

This extenders package will provide needed relief to those who need it most. That is why I am deeply disappointed that some of my colleagues have proposed cuts to this legislation.

Some say we should cut \$25 a week in extra unemployment compensation.

Relative to the overall legislation, these cuts would be minimal. But to a family who has been hit hard by this crisis, \$25 a week could make a tremendous difference. Some will say we cannot afford to provide these benefits in light of our continued recovery. But what do I say? I say we cannot afford not to.

We cannot afford to nickel and dime these people who are barely scraping by as it is. We need to give them the support they deserve. Let's dispense with this hollow rhetoric about fiscal responsibility from those who have lost their credibility on this issue.

Over the last decade, Republicans squandered our surplus by spending wildly on massive tax breaks for the wealthy and the special interests, a war not paid for, and a medical program not paid for. During the years when they were in control, Senate Republicans voted seven times to increase the debt limit. They refused to pay for major initiatives, they cut revenue, and they increased spending.

It doesn't take a financial expert to recognize that this is just plain irresponsible. It is easy to say their record simply does not match their rhetoric.

Let's be honest with the American people. Let's work together to solve this problem rather than hiding behind the same irresponsible policies that got us here in the first place.

I recognize that job creation must remain our top priority, and I am confident that Democrats and Republicans can agree we need to help people get back to work. In the meantime, let's pass this extension so that folks can get food on the table and get access to the medical care they need. Let's stand up for those who have been hit hardest by this crisis and send them a message loud and clear: We haven't forgotten you and, hopefully, help is on the way. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I ask unanimous consent that I may speak for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF ELENA KAGAN

Mr. SPECTER. Madam President, I have sought recognition to comment on the range of questions for Solicitor General Kagan on her forthcoming hearings before the Senate Judiciary Committee.

Solicitor General Kagan has issued a fairly broad invitation, in effect, on questioning. In an article that she published in the *Chicago Law Review* back in 1995, her comment at that time was, in part, as follows:

When the Senate ceases to engage nominees in meaningful discussion of legal issues,

the confirmation process takes on an air of vacuity . . . and the Senate becomes incapable of either properly evaluating nominees or appropriately educating the public. For nominees, the safest and surest route to the prize lay in alternating platitudinous statements and judicial silence. Who would have done anything different in the absence of pressure from Members of Congress?

That is a fair-sized invitation for a little pressure from Members of the Senate. I think she is right in her pronouncements, and it is something we ought to do. She goes on to write in the law review article:

Chairman Biden and Senator Specter, in particular, expressed impatience with the game as played. Specter warned that the Judiciary Committee one day would "rear up on its hind legs" and reject a nominee who refused to answer questions. Senators do not insist that any nominee reveal what kind of a Justice she would make by disclosing her views on important legal issues. Senators have not done so since the hearings on the nomination of Judge Bork.

Solicitor General Kagan goes on to write:

A nominee lacking a public record would have an advantage over a highly prolific author.

There has been some questioning as to whether this nominee has such a small paper trail that it will be doubly difficult, or significantly more difficult, to find out her views. But in her law review article, noting the difference with that kind of a paper trail is, again, another invitation.

The author of the law review article, Solicitor General Kagan, goes on to write:

The Senators' consideration of a nominee, and particularly the Senate's confirmation hearing, ought to focus on substantive issues.

Well, that, then, raises the question about how do you get answers on substantive issues, and what is the value of the substantive issues when the nominee, after being confirmed, is on the bench?

Earlier this week, I made an extensive statement reviewing the records of Chief Justice Roberts and Justice Alito in their confirmation hearings. Although both professed to give great deference to Congress on findings of the facts of the record, when it came to making a decision—for example, in *Citizens United*—their judicial views were much different.

Both Chief Justice Roberts and Justice Alito talked at length about how it was the legislative function to have hearings, compile the record and find the facts; that it was not a judicial function, and that when judges engaged in that, they were engaging in legislation. But when it came to the case of *Citizens United*, overturning a century of a prohibition on corporations engaging in paying for political advertising, both Chief Justice Roberts and Justice Alito found the 100,000-page record insufficient. Both of them talked about stare decisis and the value of precedent

and the factors that led to the strengthening of stare decisis. Chief Justice Roberts spoke emphatically about not giving the legal system a "jolt." Well, that is hardly what has happened during their tenure on the bench.

So the question which we will put to Solicitor General Kagan, among others, is, How does Congress get those promises translated into actual practice? And in making the comments about Chief Justice Roberts and Justice Alito, I do so without challenging their good faith. There is a big difference between answering questions in a Judiciary Committee hearing and deciding a case in controversy. But the question remains as to how we handle that.

As expressed in my statement earlier this week, I am very much concerned about the fact that there has been a denigration of the strong constitutional doctrine of separation of power and that we have moved to a concentration of power. That has happened by the Supreme Court taking on the proportionality and congruence test, which, as Justice Scalia noted in a dissent, is a "flabby" test designed for judicial legislation.

The Court has also ceded enormous powers to the executive by refusing to decide cases where there are conflicts between the executive and legislative branches. I spoke at length earlier this week about the failure of the Supreme Court to deal with the conflict between Congress's Article I powers in enacting the Foreign Intelligence Surveillance Act versus the President's authority as Commander in Chief. I did that in the context of noting that the Supreme Court has time for deciding many more cases.

These are, I think, impressive statistics. In 1886, the Supreme Court had 1,396 cases on its docket and decided 451 cases. In 1987, a century later, the Supreme Court issued 146 opinions. By 2006, the Supreme Court heard argument on 78 cases, wrote opinions in 68. In 2007, they heard argument in 75 cases, wrote opinions in 67 cases. In 2008, they heard arguments in 78 cases, wrote opinions in 75 cases.

In addition to not deciding cases such as the terrorist surveillance program and the sovereign immunities case, which I talked about extensively earlier this week, the Supreme Court has allowed many circuit splits to remain unchecked. There is an informative article in the July/August 2006 edition of the *Atlantic* entitled "Of Clerks and Perks," written by Stuart Taylor, Jr. and Benjamin Wittes. In that article, the authors point out about how much time the Supreme Court Justices have, noting that one Justice produced four popular books on legal themes while on the bench, another is working on a \$1.5 million memoir, and another Justice took 28 trips in 2004 alone and published books in 2002, 2003, and 2005.

Madam President, I ask unanimous consent to have printed in the RECORD the full article to which I just referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Atlantic, July/August 2006]  
OF CLERKS AND PERKS

WHY SUPREME COURT JUSTICES HAVE MORE  
FREE TIME THAN EVER—AND WHY IT SHOULD  
BE TAKEN AWAY

(By Stuart Taylor Jr. and Benjamin Wittes)

There are few jobs as powerful as that of Supreme Court justice—and few jobs as cushy. Many powerful people don't have time for extracurricular traveling, speaking, and writing, let alone for three-month summer recesses. Yet the late Chief Justice William Rehnquist produced four popular books on legal themes while serving on the bench. Clarence Thomas has been working on a \$1.5 million memoir. And Sandra Day O'Connor, who retired to general adulation, took twenty-eight paid trips in 2004 alone, and published books in 2002, 2003, and 2005.

All this freelancing time breeds high-handedness. Ruth Bader Ginsburg tars those who disagree with her enthusiasm for foreign law with the taint of apartheid and Dred Scott; Antonin Scalia calls believers in an evolving Constitution "idiots," and carries on a public feud with a newspaper over whether a dismissive gesture he made after Sunday Mass—flicking fingers out from under his chin—was obscene. Meanwhile, on the bench the justices behave like a continuing constitutional convention, second-guessing elected officials on issues from school discipline to the outcome of the 2000 election, while leaving unresolved important, if dusty, legal questions that are largely invisible to the public.

Many lawmakers are keen to push back against a self-regarding Supreme Court, but all of the obvious levers at their disposal involve serious assaults on judicial independence—a cure that's worse than the disease of judicial unaccountability. The Senate has already politicized the confirmation process beyond redemption, and attacking the federal courts' jurisdiction, impeaching judges, and squeezing judicial budgets are all bludgeons that legislators have historically avoided, and for good reason.

So what's an exasperated Congress to do? We have a modest proposal: let's fire their clerks.

Eliminating the law clerks would force the justices to focus more on legal analysis and, we can hope, less on their own policy agendas. It would leave them little time for silly speeches. It would make them more "independent" than they really want to be, by ending their debilitating reliance on twentysomething law-school graduates. Perhaps best of all, it would effectively shorten their tenure by forcing them to do their own work, making their jobs harder and inducing them to retire before power corrupts absolutely or decrepitude sets in.

No justice worth his or her salt should need a bunch of kids who have never (or barely) practiced law to draft opinions for him or her. Yet that is exactly what the Court now has—four clerks in each chamber to handle the lightest caseload in modern history. The justices—who, unlike lower-court judges, don't have to hear any case they don't wish to—have cut their number of full decisions by more than half, from over 160 in 1945 to about 80 today. During the same period they have quadrupled their retinue of clerks.

Because Supreme Court clerks generally follow a strict code of omertà, the individual justices' dependence on them is hard to document. But some have reportedly delegated a shocking amount of the actual opinion writing to their clerks.

Justice Harry Blackman's papers show that, especially in his later years, clerks did most of the opinion writing and the justice often did little more than minor editing, as well as checking the accuracy of spelling and citations. Ginsburg, Thomas, and Anthony Kennedy reportedly have clerks write most or all of their first drafts—according to more or less detailed instructions—and often make few substantial changes. Some of O'Connor's clerks have suggested that she rarely touched clerk drafts; others say she sometimes did substantial rewrites, depending on the opinion.

There's no reason why seats on the highest court in the land, which will always offer their occupants great power and prestige, should also allow them to delegate the detailed writing to smart but unseasoned underlings. Any competent justice should be able to handle more than the current average of about nine majority opinions a year. And those who don't want to work hard ought to resign in favor of people who do.

Cutting the clerks out of the writing will also improve the justices' decision-making, by forcing them to think issues through. As the eighty-six-year-old John Paul Stevens, the only justice who habitually writes his own first drafts, once told the journalist Tony Mauro: "Part of the reason [I write my own drafts] is for self-discipline . . . I don't really understand a case until I write it out."

This is not to suggest that the justices should have to spend their time on scut work—reading all 8,000 petitions for review filed in a typical year, or hitting the library to dig up obscure precedents. These are the tasks that law clerks used to do. And this sort of thing is all they will have time to do if Congress cuts each justice's clerk complement from four back to one, as legal historian David Garrow has suggested.

For much of American history, the life of a justice was something of a grind. Watching the strutting pomposity of modern justices, this "original understanding" of the job—as a grueling immersion in cases, briefs, and scholarship—seems increasingly attractive.

Justice Louis Brandeis once said that the reason for the Supreme Court justices' relatively high prestige was that "they are almost the only people in Washington who do their own work." That was true then. It should be true again.

Mr. SPECTER. Madam President, this raises the issue about deciding these cases where the workload is not very high, where there is a recess of some 3 months, extensive travels, and extensive lectures. Now they may do what they please, and they will, but there is a balance here. The question is: How do you get more cases decided? How do you deal with the question of having the Justices put into practice, once they are on the bench, what they are talking about in the confirmation hearings? That is hard to determine.

The best way, in my view, and I have spoken about this in some length, is by publicizing their failures. I think when we take up their budget, for example, it is fair to consider how many clerks they need, given their workload. The

number started at one, went to two and three, and is now at four. Is it fair to consider the recess period? In evaluating their budget, we have to be very careful not to intrude upon judicial independence, which is the hallmark of our Republic. But on the issue of publicizing what the Court does, I think it is fair game; preeminently reasonable.

For decades now, I have been pressing to have the Supreme Court proceedings televised. Only a very limited number of people can fit inside the chamber—a couple of hundred; less than 300. People are permitted to stay there for only 3 or 4 minutes. Twice the Judiciary Committee has passed out legislation by substantial margins—12–6, and in the current term 13–6—calling on the Supreme Court to be televised.

When the case of *Bush v. Gore* was argued, Senator Biden and I wrote to the Chief Justice asking that the television cameras be permitted to come in. The Chief Justice declined, but did—in a rather unusual way—authorize a simultaneous audio.

There have been continuing efforts by C-SPAN to have more access to the Court, and I ask unanimous consent to have printed in the RECORD a document entitled "C-SPAN Timeline: Cameras in the Court" at the conclusion of this presentation.

THE PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Madam President, I don't have time to go into it now, with the limited time available, but the reader of the CONGRESSIONAL RECORD can see how frequently the Court has denied access to even the audio.

It is a matter of general knowledge that the Supreme Court Justices engage in television interviews with some frequency. Justice Scalia, for example, appeared on the CBS News program "60 Minutes" on April 27 of 2008; Justice Thomas was on "60 Minutes" on September 30, 2007; Justices Breyer and Scalia have engaged in several televised debates, including a debate on December 5, 2006. All Justices have sat for television interviews conducted by C-SPAN.

A point I have made with some frequency on the floor of the Senate is the great importance of the Supreme Court in our government. The Supreme Court has the final word. There is nothing in the Constitution which gives the Supreme Court the final word, but they took it in the celebrated case of *Marbury v. Madison*, and I believe it has been for the betterment of the country. You find the inability of the Congress to act. The most noteworthy illustration of that was segregation, for years the practice in this country. The executive branch did not handle it, but the Court was able to integrate our schools in a recognition of the changing values and the flexible interpretation of a living Constitution.

It is often said that the Court is not final because they are right, but they are right because they are final. Somebody has to make these final decisions, and I think the Court should do it. But I do believe it is of great value if the people in this country understood what the Court is deciding.

Madam President, I ask unanimous consent to have printed in the RECORD a statement of some 11 cases entitled "List of Cutting-Edge Decisions of the Roberts' Court."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF CUTTING-EDGE DECISIONS OF THE ROBERTS' COURT

*Citizens United v. Federal Election Commission* (2010). A five-four majority of the Court struck down as facially unconstitutional section 203 of the McCain-Feingold Act, despite an extensive body of Congressional findings, two Supreme Court precedents explicitly uphold section 203 (*Austin* (1990) and *McConnell* (2003)), and prohibition on corporation money in federal elections stretching back to 1907.

*Parents Involved in Community Schools v. Seattle School District No. 1* (2007). In a 5-4 opinion by Chief Justice Roberts, the Court struck down narrowly tailored race-conscious remedial plans adopted by two local boards designed to maintain racially integrated school districts, contrary to a "long-standing and unbroken line of legal authority tells us that the Equal Protection Clause [of the Fourteenth Amendment] permits local school boards to use race-conscious criteria to achieve positive race-related goals, even when the Constitution does not compel it."

*Hein v. Freedom from Religion Foundation, Inc.* (2007). In a 5-4 opinion by Justice Alito, the Court held that an individual taxpayer did not have standing to challenge the constitutionality of government expenditures to religious organizations under the Bush administration's "faith-based initiatives" program. That conclusion ran counter to a four-decade-old precedent holding that taxpayers have standing to challenge federal expenditures as violative of the Establishment Clause (*Flast v. Cohen* (1968)).

*Morse v. Frederick*, (2007). In a 5-4 opinion by Chief Justice Roberts, the Court held that the suspension of high school students for displaying a banner across the street from their school that read "BONG Hits 4 JESUS" did not violate the First Amendment. That holding ran counter to a long-standing precedent, *Tinker* (1969), which held unconstitutional the discipline of a public-school student for engaging in First Amendment-protected speech unless it disrupts school activities.

*Penn Plaza, LLC v. Pyett* (2009). In a 5-4 opinion by Justice Thomas, the Court upended the Court's unanimous 1974 decision in *Alexander v. Gardner-Denver Co.* (1974), which held that an employee cannot be compelled to arbitrate a statutory discrimination claim under a collectively bargained-for arbitration clause to which he did not consent. The Court held otherwise in *Pyett*, thereby depriving many employees of their right to bring statutory discrimination claims in federal court.

*Leegin Creative Leather Products, Inc. v. PSKS* (2007). In a 5-4 opinion by Justice Kennedy, the Court overturned a century-old precedent holding that vertical price-fixing

agreements per-se violate the federal anti-trust laws.

*Federal Election Commission v. Wisconsin Right to Life* (2007). In a 5-4 opinion by Justice Roberts, the Court ruled that the McCain-Feingold Act's limitations on political advertising were unconstitutional as they applied to issue ads like WRTL's (which in this case encouraged viewers to contact two U.S. Senators and tell them to oppose filibusters of judicial nominees). Justice Scalia went so far as to accuse Chief Justice Roberts and Justice Alito of practicing what he called "faux judicial restraining" by effectively overruling *McConnell* (2003) "without expressly saying so."

*Northwest Austin Municipal Utility District v. Holder* (2009). An opinion by Chief Justice Roberts discussed whether the 2006 extension of 5 of the Voting Rights Act of 1965 was supported by an adequate legislative record. Although the court ultimately decided the case on a narrow statutory ground, Roberts made clear that he was disinclined to accept Congress's legislative finding as to the need for §5, despite an extensive record amassed over ten months in 21 hearings.

*Ledbetter v. Goodyear Tire and Rubber Company* (2007). In a 5-4 opinion by Justice Alito, the Court ruled that Ledbetter's employment discrimination claim was time-barred by Title VII's limitations period, despite the fact that she had only recently found out that the discrimination was occurring.

*Ashcroft v. Iqbal* (2009) and *Bell Atlantic v. Twombly* (2007). In these decisions, the Court fundamentally changed the long-standing rules of pleadings under the Federal Rules of Civil Procedure while refusing to acknowledge that a change had been made. These decisions created a heightened pleading standard that may impair the ability of American to access the courts.

*District of Columbia v. Heller* (2008). In a 5-4 decision, the Court held that the Second Amendment guarantees an individual right to bear arms unconnected with service in a state militia, and, in doing, struck down a District of Columbia gun control law that had been in place for over three decades. The majority and minority opinion diverged sharply on the framer's original understanding of the Second Amendment.

Mr. SPECTER. There is insufficient time to go over them now, but most of them are 5-4 decisions. The Supreme Court decides everything from life to death, *Roe vs. Wade* to the death penalty cases and double jeopardy. These cases involve the integration issue, religious freedom, freedom of speech, collective bargaining, the antitrust laws, and all of the cutting-edge questions are decided.

It is my hope that we will find time on the Senate's agenda—with as many quorum calls as we have had we ought to find some time—to take up the issue of televising the Supreme Court. And as we approach next Monday's hearings on Solicitor General Kagan, we will be pursuing these very important issues.

In the remaining time available, one other matter which I wish to comment about—and I have sent Solicitor General Kagan three letters setting forth the areas of questioning which I intend to make—is a remarkable, perhaps unprecedented, action by the Supreme Court invalidating the Arizona clean elections law.

Arizona set up a law to provide matching funds. The District Court in Arizona declared it unconstitutional, but the Ninth Circuit overturned the district court. The district court had issued an injunction—that is, to prevent the law from being carried out—on matching funds. The Ninth Circuit reversed that. The Supreme Court—in an unusual decision, to put it mildly—earlier this month, on June 8, put the injunction back into effect.

This is in the context where there hasn't even been a petition for certiorari filed. The regular practice—the regular order—is a petition for cert, briefs, argument. That is the way cases are decided. But here, in the wake of *Citizens United*, invalidating a key part of McCain-Feingold, we have the Supreme Court invalidating the Arizona law without even the customary procedures.

All of this is in the face of congressional action and action by states to try to respond to public opinion. A recent Hart poll showed that some 95 percent of the American people think that corporations make contributions to exert political influence, and 85 percent of the people feel that corporations ought not to be able to contribute to political campaigns.

These are among the questions which we will be considering with the confirmation proceeding on Solicitor General Kagan. I cited at some length her law review article where she is inviting us to do so, committing at least in her law review article in 1995 to provide substantive answers and acknowledging that someone with a thin paper trail, as she has, is under more of an obligation to respond.

I note the time has expired.

EXHIBIT 1

C-SPAN TIMELINE: CAMERAS IN THE COURT

C-SPAN has sought to provide its audience with coverage of the Judiciary, just as it has covered the Legislative and Executive branches of government. The prohibition of televised coverage of the Supreme Court's oral arguments has been an obstacle to fulfilling that goal. Below is a record of C-SPAN's efforts to make the Court more accessible to the public.

1981—C-SPAN televises its first Supreme Court Senate confirmation hearing with gavel-to-gavel coverage, with the nomination of Sandra Day O'Connor.

1985—C-SPAN launches "America & the Courts," a weekly program focusing on the Judiciary with an emphasis on the Supreme Court.

1987—Court permits C-SPAN to originate live interview and call-in programs from its Press Room.

2/1988—First letter to Chief Justice Rehnquist requesting camera coverage of Supreme Court.

11/1988—Participated in demonstration of potential camera coverage in Supreme Court.

9/1990—C-SPAN airs first live telecast of a federal court proceeding from a military appeals court.

1991—C-SPAN is instrumental in advocating and implementing a 4-year experiment with the Judicial Conference to test

television coverage of civil cases before two federal Courts of Appeals and six District Courts.

11/2000—Letter to Chief Justice Rehnquist requesting camera coverage of *Bush v. Palm Beach County Canvassing Board*. Court agreed to release audio only.

12/2000—Letter to Chief Justice Rehnquist requesting live audio release of *Bush v. Gore*. Received early audio release, not live.

2003—Sent letter requesting early audio release of *Grutter v. Bollinger* and *Gratz v. Bollinger*. (Affirmative action cases) Court agreed.

2003—Requested early audio release of *McConnell v. FEC*. (Campaign finance rules) Court agreed.

5/2003—Justice O'Connor participates in C-SPAN's "Student and Leaders" with students at Gonzaga College High School in Washington, DC.

5/2003—Justice Thomas participates in C-SPAN's "Student and Leaders" with students at Banneker High School.

2004—Requested early audio release in the following cases. *Rasul v. Bush* and *Al Oday v. United States*; *Cheney v. U.S. District Court*; *Hamdi v. Rumsfeld*; *Rumsfeld v. Padilla*. Court agreed.

2004—Requested early audio release of *Roper v. Simmons*. (Execution of juveniles) Denied.

2005—Requested early audio release of *Van Orden v. Perry* and *McCreary County v. ACLU of Kentucky*. (Separation of church and state) Denied.

1/2005—Senator Arlen Specter (R-PA) introduces legislation to televise the Supreme Court Statement. Read

4/2005—C-SPAN airs live a "Constitutional Conversation" moderated by Tim Russert with Justices Breyer, O'Connor and Scalia. They discuss the role and operation of the Court, among other subjects. Watch

10/2005—First letter to Chief Justice Roberts offering C-SPAN capabilities to provide gavel-to-gavel camera coverage of Supreme Court.

11/2005—Requested early audio release of: *Ayotte v. Planned Parenthood of Northern New England* (abortion) and *Rumsfeld v. Forum for Academic and Institutional Rights* ("don't ask, don't tell" policy). Agreed.

11/2005—C-SPAN CEO Brian Lamb testifies before the Senate Judiciary Committee hearing on the issue of cameras in the Supreme Court. Watch/Read

11/2005—U.S. House passes provisions of *Sunshine in the Courtroom Act* Statement. Read

2006—Requested audio release of tape of the investiture of Justice Alito. Denied.

2006—Requested early audio release of voting rights act cases. *League of United Latin v. Perry*; *Travis County, Texas v. Perry*; *Jackson v. Perry*; *GI Forum v. Perry*. Denied.

3/2006—Requested early audio release of *Hamdan v. Rumsfeld*. (Military Tribunals) Court agreed. Press Release

3/2006—Sens. Grassley (R-IA) and Schumer (D-NY) introduced *Sunshine in the Courtroom Act*. Press Release

6/2006—Letter to Chief Justice Roberts requesting simultaneous release of all oral arguments beginning with 2006 term. Denied.

8/2006—C-SPAN's Brian Lamb interviews Chief Justice John Roberts in one of his first television interviews since joining the court. Transcript/Watch

10/2006—Requested early audio release of *Gonzalez v. Planned Parenthood* and *Gonzalez v. Carhart* (abortion). Court agreed. Press Release

10/2006—C-SPAN airs live a discussion between Justice Scalia and Nadine Strossen, President of the ACLU, called "The State of Civil Liberties." Watch

11/2006—Sent letter requesting early audio release of *Parents Involved v. Seattle School District No. 1* and *Meredith v. Jefferson County Board of Education* (affirmative action). Court agreed.

11/2006—Requested early audio release of oral arguments in *Parents Involved v. Seattle School District No. 1* and *Meredith v. Jefferson County Board of Education* (Affirmative action) Court agreed. Press Release

1/2007—Sent letter requesting early audio release of *Davenport v. Washington Education Association* and *Washington v. Washington Education Association* (Union dues). Denied.

1/2007—Introduction of the *Sunshine in the Courtroom Act* of 2007 in the 110th Congress, co-sponsored by Sens. Grassley (R-IA), Leahy (D-VT) and Schumer (D-NY).

1/2007—Sen. Arlen Specter (R-PA) introduces cameras in the Supreme Court legislation. Watch

2/2007—Sent letter requesting early audio release of *Rita v. United States* and *Claborn v. United States* (Federal sentencing guidelines). Denied

2/2007—Rep. Ted Poe (D-TX/2nd), a former judge, delivers a floor speech about opening the court to cameras. Watch

2/2007—Sens. Specter and Cornyn discuss cameras in the courts with Justice Anthony Kennedy during Judiciary Committee hearing. Sen. Specter questions Justice Kennedy directly. Watch/Sen. Cornyn remarks on his experience with cameras. Watch/Watch Hearing

3/2007—Justices Kennedy and Thomas comment on cameras in the court before a House Appropriations Subcommittee hearing on the FY08 Supreme Court budget. Watch Justice Kennedy/Watch Justice Thomas

3/2007—Sent letter requesting early audio release of *FEC v. Wisconsin Right to Life* and *McCain v. Wisconsin Right to Life* (Campaign Finance). Denied.

3/7/2007—Sent letter requesting camera coverage of 3rd circuit CBS vs. FCC hearing on Television Indecency Standards. Received permission for audio only.

8/16/2007—Aired camera footage of Ninth Circuit Court of Appeals 8/15/07 oral argument in two cases on the government's warrantless wiretapping program. *Al-Haramain Islamic Foundation, Inc. v. Bush* *Hepting v. AT&T*

9/11/2007—Aired same-day audio of CBS vs. FCC hearing on Television Indecency Standards.

9/27/2007—C-SPAN President Susan Swain testifies before House Judiciary Committee on H.R. 2128, *Sunshine in the Courtroom Act* of 2007. Watch/Read Testimony

9/2007—Sent letter requesting early audio release of *Medellin v. Texas* (Presidential Powers) and *Stoneridge Investment v. Scientific-Atlanta* (Securities Fraud). Denied.

10/2007—Sent letter requesting early audio release of *Boumediene v. Bush* & *Al Odah v. U.S.* (Guantanamo Detainees) Court Agreed. Press Release

11/16/2007—9th Circuit Court of Appeals opinion in *Al-Haramain Islamic Foundation v. Bush* cites C-SPAN's request to record oral argument and date footage was televised. See footnote 5, page 14969.

12/06/2007—Senate Judiciary Committee votes in favor of sending S. 344 to the full Senate for a vote. The bill would require television coverage of the Supreme Court's

open sessions unless a majority of justices vote to block cameras for a particular case.

1/2008—Request for same-day audio release of oral argument in *Baze v. Rees* (Lethal Injection). Court agreed. Press Release

1/02/2008—Request for same-day audio release of oral argument in *Crawford v. Marion County* (Voting Rights). Denied.

1/16/2008—NY Times Editorial on Cameras in the Supreme Court.

3/2008—Request denied for same-day audio release of oral argument in *United States v. Ressam* ("Millennium Bomber" case).

3/2008—Request granted for same-day audio release of oral argument in *District of Columbia v. Heller* (DC Gun Law). Press Release

3/6/2008—The Senate Judiciary Committee passes the "Sunshine in the Courtroom Act" which allows cameras in federal court rooms with a vote of 10-8 with one member abstaining. The bill is referred to the full senate for consideration. Press Release

3/21/2008—Rochester Democrat and Chronicle Editorial on allowing cameras in the Supreme Court.

4/14/08—Request for same-day audio release of oral argument in *Kennedy v. Louisiana* (Death Penalty for Rape) denied.

9/26/2008—Request for same-day audio release of oral argument in *Altria Group, Inc. v. Good* (Marketing of "Light" Cigarettes) and *Winter v. Natural Resources* denied. Request Letter

10/15/2008—Request for same-day audio release of oral argument in *FCC v. Fox Television Stations* (Television Indecency Standards) denied. Request Letter Story

11/12/2008—Request for audio release of oral argument in *Pleasant Grove City v. Summum* (Free Speech) denied.

12/3/2008—Request for audio release of oral argument in *Phillip Morris USA Inc. v. Williams* (Supreme Court-State Court authority) denied.

12/10/2008—Request for same-day audio release of oral argument in *Ashcroft v. Iqbal* (Can President's Cabinet be sued for constitutional violations by subordinates) denied.

3/3/2009—Request for audio release of oral argument in *Caperton v. A.T. Massey* (Should elected state judges recuse themselves) denied.

3/27/2009—Joint request for same-day audio release of oral argument in *Northwest Austin Municipal Utility District Number One v. Holder* 4-291 granted. Request Letter Article

7/2009—Judge Sotomayor questioned about cameras in the court during her confirmation hearings. Sen. Specter on Opinion Poll Sen. Specter on Cameras in the Court Sen. Kohl on Cameras in the Court

7/2009—British Supreme Court decides to televise events from inside the court's three chambers. Article

8/7/2009—Boston Herald op-ed by Wayne Woodlief: "Televised justice would be for all." Article

9/9/2009—Request for *Citizens United v. Federal Election Commission* (Campaign Finance). Agreed.

11/2009—Requests for audio releases of oral arguments in *Jones v. Harris Associates* (Investment fund fees), *Graham v. Florida* (life sentence for minor), and *Sullivan v. Florida* (life sentence for minor). Denied.

2/16/10—Request for request for same-day audio release of oral argument in *Holder v. Humanitarian Law Project*. Denied.

2/26/10—C-SPAN requests for same-day audio release of oral arguments in *Skilling v. United States* and *McDonald v. City of Chicago* on Tuesday, March 2nd—denied.

4/7/10—C-SPAN requests same-day audio release of oral argument in *Christian Legal Society Chapter v. Martinez* on April 19. Denied.

4/15/10—During hearing of House Appropriations-Subcommittee on Financial Services and General Services, Supreme Court Justice Stephen Breyer comments on cameras in the court. Click here to watch

4/29/10—C-SPAN statement on today's Senate Judiciary Committee passage of two bills concerning TV cameras in the Supreme Court. Press Release

5/10/10—Pres. Obama nominates U.S. Solicitor General Elena Kagan. She gave remarks on cameras in the court during a Ninth Circuit Judicial Conference from July, 23, 2009. Click here to watch

### RECESS

The PRESIDING OFFICER. The Senate stands in recess, under the previous order, until 2:30 p.m.

Thereupon, the Senate, at 1:01 p.m., recessed until 2:30 p.m., and reassembled when called to order by the Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that Senator NELSON of Florida be recognized for up to 11 minutes as in morning business and Senator DEMINT be recognized for up to 10 minutes; that during this time that has been requested, there be no amendments or motions in order, and that upon use or yielding back of the time, I be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Florida is recognized.

### THE GULF COAST DISASTER

Mr. NELSON of Florida. Mr. President, in my at least weekly report to the Senate about what is happening down on the Gulf Coast, I am sad to report to you that as of this moment, one of the remote operating vehicles has bumped into that top hat process that was funneling the oil off of the big structure, the blowout preventer from the pipe, the riser pipe, with the result that all of that oil now is not being siphoned off. The estimates now are upwards and probably pretty close to 60,000 barrels a day of oil gushing into the Gulf of Mexico.

Remember, when it started off, oh, it was only 1,000 barrels a day. Then it was only 5,000 barrels a day. Then it was maybe 12,000 barrels a day but max 20,000 barrels a day. Senator BOXER and I were able to get the streaming video out so the scientists could look and they could make their estimates, their calculations. Anyway, it has gone on and on. It is now up to 60,000 barrels of oil a day.

The oil industry had said they had started siphoning off—first it was

10,000, then it was 15,000. They were trying to get it up to 25,000. Now, since this accident, that is being shut down—let's hope just very temporarily, but we are now back to the point that most of the oil is gushing back into the gulf. We know the result.

If this continues for another 2 months, to the end of the summer, it is going to fill up the gulf with oil and it is going to do just what it is doing now. When the wind comes this way, it brings the oil from the South to the North; it brings it in onshore. The oil is now all the way from the wellhead off Louisiana, all the way across the gulf coast of northwest Florida. The blessing we had is that the wind has kept most of it off the coast. But, inevitably, when the wind rises up in the South, it brings the tar balls up. It has brought some of that terrible-looking orange mousse. That is one of the most repulsive-looking things. When I saw that in Pensacola Bay, to think of that in a pristine bay such as that and that the tides and wind were carrying it right to downtown Pensacola—that is what we are having to deal with.

Tomorrow, the Energy Committee is having a hearing on legislation Senator MENENDEZ and I have sponsored. This is to rectify the situation that brought us to this situation in the first place; that is, the safety checks were not made, the attention to detail on the application was not paid, and the checks were not made to see that the backup devices on the blowout preventer were, in fact, going to be there. In other words, the oil regulator—the part of the U.S. Government that is supposed to do all of these safety checks—was not functioning.

Why was it not functioning? Because for better than a decade, there has been a cozy relationship between the oil industry and the regulator, called the Minerals Management Service in the Department of the Interior, and that regulator was so compromised by gifts, by trips, by jobs. Indeed, I am sad to report that the 2008 inspector general's report talked about there were parties, there was booze, there were drugs, there were illicit sexual relationships going on between the industry and the government regulators. How can you have government regulation under these conditions?

Of course, there was the revolving door. The revolving door happens in other regulated industries as well, but this one was particularly revolving and revolving. What that is, somebody would come out of the oil industry, they would go through the revolving door, they would go right into the government regulator shop, they would stay there for a while and they would supposedly be an independent regulator, but, no, the door would revolve again and they would then go right back out of the government job, back into the oil industry—the very indus-

try they were supposed to be regulating before. Is that a conflict of interest? You bet it is. Can you have an independent regulator? Of course you can't under those circumstances.

So Senator MENENDEZ and I have filed a bill. As a matter of fact, we had this back in 2008 when that inspector general's report came out. We could not get anybody to pay any attention to it back then. What is the result of lax regulation? It is exactly what has been visited upon us—this trauma so many people in that region of the Gulf of Mexico are suffering.

As the administration goes about the process of cleaning up the Minerals Management Service, reorganizing it, getting new personnel, then it is up to us to change the law to make sure there are penalties—indeed, even criminal penalties—for gifts and trips by the very industry you are supposedly regulating, which in this case claimed 11 lives and countless jobs and livelihoods and a whole way of life in a culture along the gulf coast.

The bill that will be heard tomorrow, which we are grateful for, sets new penalties. It sets a limit—a mere 2 years—so that when someone comes out of the government regulator's office, they can't be employed in that oil industry they have just regulated until a period of time of 2 years has lapsed. It also provides penalties for the gifts, the trips, the favors we have seen chronicled, not in my words but in the words of the 2008 inspector general's report; the report 2 months ago, the inspector general's report; and the report a month ago, the inspector general's report. In this last report, he particularly talked about the revolving door. It is something we have to change. Sadly, it has taken the biggest environmental disaster in U.S. history, but because of this tragic condition, this Congress ought to be poised now to crack down on the government's buddy-buddy relationships with the oil industry.

Tomorrow, the Senate Energy Committee is set to begin debating legislation aimed at cutting the oil drillers' close ties to the industry and aimed at stopping that revolving door. It is going to prohibit the employees of the Minerals Management Service or its successor—since the Secretary of Interior, Ken Salazar, is now busting it up—they are going to have to wait around for 2 years before they get a job back in the industry. The goal is obvious: to limit the degree of influence big oil has on those who are hired to keep the drillers in line. It is the least we can do for those folks down home who are suffering so much right now. They expect us to update laws to meet the times. This is such a time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

### THE CAPITAL GAINS AND DIVIDEND TAX

Mr. DEMINT. Mr. President, I wish to speak for a few minutes on the motion that relates to the coming increases in capital gains tax and dividend tax. Very few Americans are aware and I think even some people in the Senate are not aware that in about 6 months, there is going to be a tax explosion in this country—taxes on everyone from the 10-percent bracket all the way up to major corporations. Taxes are going up at a time when we know raising taxes will kill jobs in America.

The Heritage Foundation estimates that if we allow taxes to expire this year, the current rate of taxes to expire, and taxes go up in our economy, in the first year we could lose 270,000 jobs. This is really unacceptable when unemployment is already nearly 10 percent, the economy is waning, and we just got a bad housing report. As all of these companies plan for their future, they are certainly not going to risk capital to expand their companies and add people if they know their taxes are going to go up.

What I proposed as part of this debate on a tax bill is to focus on just one area that we know has a lot to do with investment, with growth of companies; that is, the capital gains tax and the dividends tax. My motion would refer the underlying bill back to committee to add the provisions that cap gains tax and dividend taxes will both stay at 15 percent. If we do not act, in 6 months the capital gains taxes will go from 15 to 20 percent and the dividend taxes, which affect a lot of senior citizens on fixed incomes, will go from 15 all the way up to nearly 40 percent. That makes absolutely no sense in a recession and with the joblessness we have across this country. Surely, as a Senate, as a Congress, we could recognize that raising taxes on investment—those who are going to risk their capital—does not make sense when we are trying to do everything we can to stimulate the economy.

We tried it the other way. We tried the government spending approach. We all know this government spending plan we call the stimulus, where we spent nearly \$1 trillion, has failed. The President promised that if we rushed that through and got stimulus immediately into the economy, over a year ago, that we could keep unemployment below 8 percent and put Americans back to work. But since then, we have lost millions of real jobs. We have added some government jobs because this is basically a government spending plan, but we certainly have not put the real economy most Americans depend on back to work.

We are continuing to lose ground. Yet we stick to this failed stimulus plan. Even when we try to pay for extending unemployment benefits with unspent stimulus money, my col-

leagues on the other side are holding so tightly to this that they will not even use that money to pay for it. Instead, they want to raise taxes and add to our debt—again, at a time when we really cannot afford this as a nation, when all of the so-called economic experts are warning us that this debt we have today is unsustainable. But almost every week in this body, the Democrats are proposing programs that add to the debt, that increase taxes—everything that is counter to improving our economy and adding to jobs and helping to build a brighter future in this country. Even some of those who were strong supporters of the stimulus bill have come out publicly and said: We guessed wrong. I am afraid we should not continue to guess.

One thing we know from history is—if we look back over several decades—when we lower capital gains and dividends we improve the economy and we increase job creation in the economy. It makes no sense for us to move ahead, sending the signal to all of the investors in this country that we are going to punish their investment at a time when we need them to step up to the plate.

I hope my colleagues will consider this. What we are asking is that the bill be sent back to the Finance Committee so they can work on ways to keep capital gains and dividend taxes the same rather than let them explode, along with all of the other taxes that are going to go up in the next 6 months.

I hope we will have a chance to vote on this bill. I understand the majority is trying to table this motion. I strongly urge my colleagues to take up this matter, to send it back to the Finance Committee where they can figure out how to make sure we do not kill more jobs in the economy like we have done with the other failed stimulus plan.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### MORNING BUSINESS

Mr. REID. Mr. President, we are working to complete work on the so-called extenders bill. We thought we would be ready to do the procedural votes to get to that a couple of hours ago. But as things happen around here, there has been changes requested by a number of Senators. As a result of that, we are going to have to go back to the Joint Committee on Taxation and get some more numbers. That is probably going to take about an hour.

So we are not jammed for time, I ask unanimous consent that the Senate proceed to a period of morning business until 4:30 p.m. today, and that during that period of time Senators be allowed to speak for up to 10 minutes each. We are not going to divide the time Democrat and Republican. What we will do is, if there is a Democrat who wants to talk, talk for 10 minutes. If there is a Republican here, then it would be their turn.

We will try to work this out by a gentlemen-and-ladies agreement to go back and forth, if in fact there are people who want to talk, with 10-minute limitations alternating time, if in fact there are the Senators. If there are two Republicans and no Democrat here, then the two Republicans and vice-versa.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

### ELENA KAGAN AS POLITICAL OPERATIVE

Mr. MCCONNELL. Mr. President, on Monday, the Senate will begin the confirmation hearings on Supreme Court nominee Elena Kagan. And I think it is safe to say most American do not know all that much about her.

But a fuller picture of this nominee is beginning to emerge.

The recent release of documents relating to Ms. Kagan's work in the Clinton White House reveals a woman who was committed to advancing a political agenda, a woman who was less concerned about objectively analyzing the law than the ways in which the law could be used to advance a political goal.

In other words, these memos and notes reveal a woman whose approach to the law was as a political advocate, the very opposite of what the American people expect in a judge.

This is the kind of thinking behind the current Democratic effort to pass the so-called DISCLOSE Act, a bill designed to respond to the Supreme Court's decision in *Citizens United* that they think puts them at a political disadvantage in the fall. That is why the bill was written by the chairman of their campaign committee.

And this is also the kind of thinking that seems to have motivated the Clinton White House to seek a similar legislative response the last time the Supreme Court issued a decision in this

area that Democrats thought put them at a political disadvantage.

I am referring here to the case of Colorado Republican Federal Campaign Committee v. FEC, a case in which the Supreme Court essentially said that the Federal Government could not limit political parties from spending money on campaign ads called “independent expenditures” that said things like, “Vote against Smith,” or “Vote for Jones.”

This was not an especially controversial decision, as evidenced by the fact that it was written by Justice Breyer, one of the Court’s most prominent liberals. But the decision put Democrats at a political disadvantage. So the Clinton administration did the same thing then that the Obama administration is trying to do today. They considered proposals to lessen its impact and to benefit Democrats over Republicans. And Elena Kagan worked to advance that goal as part of President Clinton’s campaign finance task force.

Ms. Kagan’s notes reveal that finding ways to help Democrats over Republicans was very much on her mind. According to one of her notes, she wrote:

“Free TV as balance to independent expenditures? Clearly, on mind of Dems—need a way to balance this.”

The “balance” Ms. Kagan is referring to was a way for Democrats to balance what they viewed as the Republicans’ advantage in helping their candidates with independent expenditures. And “free TV,” well, that is a reference to Democrats wanting free television to help them out in their campaigns. Providing free TV would be a “significant benefit,” Ms. Kagan wrote. It was also something the Clinton administration could bring about, she suggested, by simply having the FCC issue a new regulation, or by adding such a provision to legislation the White House was helping to craft.

But this was not the only way in which Ms. Kagan thought about stacking the deck to help Democrats over Republicans at the time. Another note reveals her approach to the issue of soft money, the money political parties used to spend outside of Federal elections. Ms. Kagan’s notes show that she thought banning it would hurt Republicans and help Democrats. She even seemed to delight in the prospect of finding ways to disadvantage Republicans. Here is what she wrote in her notes:

“Soft [money] ban—affects Repubs, not Dems!”

And if I had this quote up on a chart, you would see that she punctuated this sentence with an exclamation point.

So let me repeat that quote one more time:

“Soft [money] ban—affects Repubs, not Dems!”—punctuated with an exclamation point.

We already knew that Ms. Kagan and her office argued to the Supreme Court

at different points in the Citizens United case that the Federal Government had the power to ban political speech in videos, books and pamphlets if it did not like the speaker.

Then we learned she went out of her way to prevent lawyers at the Justice Department from officially noting their serious legal concerns with campaign finance legislation in order to help the Clinton administration achieve its political goals.

Now we learn that she thought about drafting such legislation in ways to help Democrats and hurt Republicans. And her advocacy and apparent glee at identifying some political harm to Republicans is, to my mind, another piece of her record that calls into question her ability to impartially apply the law to all who would come before her as a Justice on our Nation’s highest Court.

The more we learn about Ms. Kagan’s work as a political adviser and political operative, the more questions arise about her ability to make the necessary transition from politics to neutral arbiter. As Ms. Kagan herself once noted, during her years in the Clinton administration, she spent “most” of her time not serving “as an attorney” but as a policy adviser. And her notes and memoranda reveal that all too often her policy advice and actions were based, first and foremost, on what was good for Democrats.

This kind of thinking might be okay for a political adviser. But there is a place for politics and for advocating for one’s party, and that place is not on the Supreme Court. A political adviser may be expected to seek political advantage, but judges have a different task.

We do not know how Elena Kagan will apply the law because she has no judicial record, little experience as a private practitioner, and no significant writings for the last several years. So the question before the Senate is whether, given Ms. Kagan’s background as a political adviser and academic, we believe she could impartially apply the law to groups with which she does not agree and for which she and the Obama administration might not empathize. So far, I do not have that confidence.

As the hearings progress, we will know better whether Ms. Kagan could “administer justice without respect to persons,” as the judicial oath requires.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I understand we are in a period of morning business.

The PRESIDING OFFICER. The Senator is correct.

#### HEALTH CARE

Ms. MURKOWSKI. Mr. President, I rise to speak about the health care debate that has gone on in the Congress throughout the past year. President Obama promised that the Democrats’ health care bill would reduce the spiraling cost of health care. The promise was made that if one likes their health care plan, they can keep it. Not necessarily every day but just about every other day there is yet another report released that confirms what many of us who opposed a Federal takeover of the health care system feared all along—higher costs, less access, and unsustainable spending. The President and this Democratically controlled Congress need to repeal this bill and put in place meaningful health care reform measures that will allow individuals to exercise more control over their health benefits and see their premiums actually go down instead of up.

I wish to speak to some of the reports that have been coming out. Let’s start with a government report that came out 4 weeks after the health care bill was signed into law. It was from the President’s own Chief Actuary at the Centers for Medicare and Medicaid Services, CMS, a gentleman by the name of Rick Foster. He released his report saying that President Obama’s new health care reform law will actually increase national health care spending by \$311 billion over the next 10 years. Foster’s report also said about 14 million people would lose their employer coverage by the year 2019, largely as a result of small employers terminating coverage and workers who currently have employer coverage enrolling in Medicaid.

Mr. Foster also reports that the \$530 billion in Medicare cuts may not be what he calls “realistic and sustainable,” potentially driving 15 percent of all hospitals, nursing homes, and similar providers into the red within 10 years. This would cause providers who depend on Medicare for a substantial part of their business to be forced to drop out of the program, “possibly jeopardizing access to care”—those are Mr. Foster’s words: “jeopardizing access to care”—for our senior citizens.

The situation in my home State of Alaska is particularly dire. I have stood on this floor and I have discussed and certainly spoke to the statistics. Back in March of 2009, the Institute for Social and Economic Research at the University of Alaska reported that just 13—13—out of 75 primary care physicians in Anchorage were accepting new Medicare patients. Anchorage is our State’s largest community, and we had 13 out of 75 primary care physicians who were accepting new Medicare patients. Just 15 months after this report

was done by ISER, that number has dropped to the single digits.

Further cuts to Medicare will only worsen this situation for the most vulnerable Alaskans—our senior and disabled citizens. This is one of the main reasons I simply could not support the health care bill that came forward. The issue, as it relates to access for those who are Medicare eligible, has been a crisis in our State that only continues to worsen. But there are some other reasons for my objections.

In May—so last month—the neutral government scorekeeper, the Congressional Budget Office, or CBO, revised its initial cost estimate of the bill to say that the law will likely cost \$115 billion more in discretionary spending over 10 years than the original projection. So 2 months after the law was enacted, the American people learn from yet another new government report that their Congress has passed a bill that would increase their health care costs and reduce their benefits. Again, this was something Republicans warned about over and over again during the last year as we discussed health care.

The small businesses in this country stand to lose the most under this health care bill. They were promised a pipedream, filled with tax credits to save small businesses money, but the bill is simply not having that effect. In fact, it is having the opposite effect. The Associated Press released a “fact-check” article last month that stated point blank: The small business tax credit included in the health care reform falls short.

The story interviews a gentleman by the name of Zach Hoffman. I know this story has been repeated on the Senate floor, but it is worth repeating.

Mr. Hoffman is the owner of an Illinois furniture company. He has 24 employees. They earn an average of \$35,000 a year—clearly, a very modest wage by any standard. Yet the amount of the credit Mr. Hoffman calculated he would receive under this new law as a small business would be zero to him.

The AP article points out, the “fine print”—which many small businesses will not qualify for the credit—was left out of the administration’s press releases that touted the credit’s “broad eligibility.” But you really just need to go back to the individuals who are being impacted by this or had hoped they would be impacted positively. Go back to the Illinois small business owner and look at his comment. He says:

It leaves you with this feeling of bait-and-switch.

But thinking of how Mr. Hoffman could be eligible for the tax credit, he learned that all he needed to do was to cut his workforce to 10 employees and cut their wages. To this, the small business owner says: This does not make sense. He says:

That seems like a strange outcome, given we’ve got 10 percent unemployment.

I think we would all agree it is a strange outcome. An unacceptable outcome is what it is.

This Illinois employer’s situation is no different than any other employer regardless of what State they are in. In States such as Alaska and other particularly high-cost localities—whether it is New York City, San Francisco—where wages are higher because of the cost of living, the employers stand to lose because they will not be able to be eligible for these tax credits simply because they pay their employees higher wages than are allowed for in the health care bill.

Since enactment of the health care law, we have also heard from well-respected health care consulting firms that have released information showing that businesses fear the law’s new employer mandate penalties. According to a report, more than one in four employers—about 26 percent—and nearly two in five retailers may not be in compliance with provisions requiring coverage of all employees working over 30 hours per week. Of those, a majority—54 percent—said they would consider changing their business practices “so that fewer employees work 30 hours or more per week.” This would be a devastating blow—a devastating blow—to an already ravaged economy.

We have another well-known consulting firm, Mercer. They released a survey of the impact of the new health care law on employers just last month. The survey shows there is near unanimous belief by employers that the new law will raise employees’ premiums. Only 3 percent of employers that responded said they believed the legislative changes would not cause their premiums to rise. This does not demonstrate very much faith in how this is going to benefit them.

One-quarter of respondents believed the bill would raise premiums by at least 3 percent over and above this year’s normal rise in costs due to medical inflation.

Last week, there was a PricewaterhouseCoopers report that stated the cost for businesses providing health care coverage to employees will jump by 9 percent next year, in 2011, which analysts predict employers will shift more of the cost to workers next year. For the first time, most of the American workforce is expected to have health insurance deductibles of \$400 or more.

Also, last week, the administration’s new regulations on grandfathered health plans were released, outlining the various ways in which existing employer health plans will be forced to change under the new law. According to the Obama administration report, these regulations could result in nearly 7 out of 10 workers—and 80 percent of workers at small businesses; so 80 per-

cent of the workers in our small businesses—would see changes in their plans.

In other words, under the new health care bill, more than half of those who get insurance through their jobs may be forced to change their plans whether they want to or not. Internal administration documents reveal that up to 51 percent of employers may have to relinquish their current health care coverage because of the health care bill—which takes me back again to the statement the President initially made: If you like your health care plan, you can keep it. That simply is not what we are seeing. It is not translating in the real world.

Then, of course, we have the CBO letter that just came out. This is dated June 21—just the day before yesterday. This letter comes from Mr. Elmendorf, the Director of the Congressional Budget Office, in responding to the ranking member on the HELP Committee about the high-risk pools. That letter confirms that an additional \$5 billion to \$10 billion would be needed to fully fund all eligible enrollees in the high-risk pool expansion, and, further, that the new high-risk pool program, which was supposed to be providing health insurance coverage to Americans—but to date the government has failed to provide any funding for these new high-risk programs and those with preexisting coverage have not been able to enroll in these new high-risk pools—but, again, coming from the Congressional Budget Office, with these new estimates, in fact, the funding available for the subsidies is simply not sufficient to cover the costs of all applicants and then the additional cost that is anticipated, an additional \$5 billion to \$10 billion to cover all eligible enrollees.

With new government reports telling us this bill will not reduce the premiums, and with employer groups looking at how they can minimize the hits they are taking under this new law, we have put American businesses, particularly our small businesses, in peril of dropping employees to avoid the \$2,000-per-employee penalty, called the employer mandate. We have put these small businesses in peril of reducing employee wages in order to qualify for small business credits. We have passed a bill that hurts our small businesses during one of the worst economic downturns in the history of our Nation.

Last week, Investor’s Business Daily stated that small firms will be even more likely to lose existing plans. In fact—this is their statement—the “midrange estimate is that 66% of small employer plans and 45 percent of large employer plans will relinquish their grandfathered status by the end of 2013.”

So in the worst-case scenario, 69 percent of employers—again, 80 percent of

smaller firms—would lose that status, exposing them to far more provisions under the new health care law.

Again, it makes you ask the question: Was this what the President envisioned in health care reform when he said: “If you like what you have, you can keep it”? I think this new law has failed—has clearly failed—to keep the President’s promise to the people.

It was for these reasons I objected at the time this bill was moving through the process. I have stood up and strongly supported the efforts of the State of Alaska and other States to strike the most egregious provisions of the law through a multistate lawsuit. Again, it is why I voted to repeal the entire law when we had that opportunity this past March.

This law is not what the American people wanted, and it is not what our President promised. I believe the legislation has to be repealed. It has to be replaced with sensible alternatives that are widely supported. We know what so many of those are: buying across State lines; implementing medical malpractice reform; reimbursing for quality of service, not quantity of service. This is what the people wanted. This is what the American people expected. Yet this is not what was delivered.

It is time to help our economy rather than to kill it with this legislation that was passed.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO REGAN MURRAY

Mr. KAUFMAN. Mr. President, I rise today to recognize another of our Nation’s great Federal employees. Americans continue to watch closely the efforts in the Gulf of Mexico to clean up the worst oilspill in our Nation’s history. That oilspill has been a reminder to all of us just how important clean water is for wildlife, businesses, and our food supply.

The Federal employee I have chosen to honor today designed innovative software to identify risks and solutions to possible attacks against our Nation’s water supply.

Dr. Regan Murray is a native of Cincinnati, OH. She holds a bachelor’s degree from Kalamazoo College and a Ph.D. in applied mathematics from the

University of Arizona. After completing her doctorate, she worked in the private sector but soon realized she wanted to make a difference by serving her country.

Then came the attacks of September 11. Shortly after that tragic day, Regan started working at the Environmental Protection Agency as a mathematical statistician.

Looking back at her decision to pursue public service, Regan said:

I wanted to do more meaningful work that directly impacted people’s lives.

Regan was instrumental in leading the development team for new software that identifies security vulnerabilities in our water supply and helps devise solutions to make it safer. One of these programs, TEVA-SPOT, helps find the best locations in water utility distribution systems in which to install sensors. Another, called CANARY, is a real-time data analysis program to monitor the sensors and identify contaminants.

Regan attributes her success to a strong background in mathematics. She has said:

Math is the language of science, which is perfect when leading an interdisciplinary group of researchers.

I have spoken often on this floor about the desirability of more of our students, especially women, to consider careers in the fields of science, technology, engineering, and math, or STEM. Regan is a wonderful example of how someone who studies mathematics can make a real and important difference.

Her story, though, does not end with her success in developing these software programs. Regan also worked hard to build and maintain important relationships with water utilities in order to ensure that these programs would be put to use.

Furthermore, despite her long hours of work for the agency, Regan co-founded a nonprofit that focuses on improving the lives of children affected by HIV-AIDS and poverty in Africa. She visits Zambia annually and has raised thousands of dollars to benefit the schools there.

Outstanding government employees such as Dr. Regan Murray are making a difference each and every day. So many of them also serve as volunteers in their communities and around the world.

I hope my colleagues will join me in thanking Dr. Regan Murray and all those working at the Environmental Protection Agency for their hard work and dedicated service on behalf of the American people. They are all truly great Federal employees.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TURKEY

Mr. LAUTENBERG. Mr. President, this past weekend, 12 Turkish soldiers were killed by PKK terrorists. Yesterday, another four Turkish soldiers were killed, as well as the innocent daughter of an officer, and according to the Turkish government, the PKK is responsible for this massacre as well.

Our condolences go out to these families and all the people of Turkey. Terrorist assaults are unacceptable wherever they occur in the world, and we all have to fight together against them.

We are reminded of our common bond with Turkey, and our common fight against terrorists and terror wherever we see it. Turkey has been an important ally, a democracy in a troubled region and a force for stability.

We must keep in mind that Turkey has been a member of NATO since 1952. They established a strategic and military alliance with Israel in the 1990s, and now have boots on the ground in Afghanistan helping us there.

For many years, the bond between the United States and Turkey has been strong and unchallengeable. Despite this progress, Turkey’s current prime minister is jeopardizing and risking much of what his country and the Turkish people have accomplished over recent decades. Moving Turkey away from the middle and toward a dangerous extremist path cannot possibly be a good course of action for that country.

Prime Minister Erdogan used his vote on the U.N. Security Council to oppose sanctions on Iran. He calls Iranian President Ahmadinejad a friend, while turning away from those in Iran who would promote peace. He has normalized relations with Syria, despite its support for terrorist groups Hezbollah and Hamas.

In fact, I was on a visit recently—last year—to Turkey with two other Senators. We joined the prime minister in his conference room. Upon sitting down, he forcefully declared that “Hamas is not a terrorist organization.” That is a deeply troubling statement from a member of NATO.

Hamas has refused to accept the existence of Israel, a country of more than 7 million people, while declaring threats to destroy the country. It has unleashed more than 10,000 rockets on Israeli neighborhoods and threatens to send thousands more.

This group has sent suicide bombers into Israel, who have killed not only Israelis, but Americans also, including people from my State of New Jersey.

What puzzles me most of all is how Prime Minister Erdogan refuses to condemn Hamas for a terrorist organization for engaging in the same murderous activity as the PKK. It doesn't add up. It challenges Turkey's standing across the world.

The PKK is so dangerous to the Turkish people, their economy, and their national well-being for the very same reasons that Hamas is dangerous to Israel.

The prime minister's alignment with the most radical forces in the Middle East is a serious concern for all of us. But the situation is not irreversible.

I hope that Prime Minister Erdogan changes course, rejects his drift toward extremism, and embraces the moderate forces within Turkey and across the Middle East. If Turkey wants the standing and respect that a balanced democratic nation earns, it has to treat all peaceful nations the same and terrorists with disdain.

I was in Turkey some years ago when the PKK—primarily of Kurdish population—was thought to be a concern, but not particularly active in the terrorism that I saw, anyway, in my visit there. But we saw them then putting people in prison because they differed in opinion with the government. I thought that was a sign of censorship that didn't fit the picture, but they knew that in the Kurdish community, there was a lot of resistance to what the Turkish Government was doing.

Now we see that Turkey has 30,000 troops chasing the PKK on the border near Iraq. So it is hard to understand how a nation that has the power that Turkey could have in the Middle East—and in the world generally—is falling prey to identifying one group as friendly and another group—or one group as terrorists in one place and a good-meaning organization in another. Hamas is a terrorist organization, and everybody knows it. They have overtaken the Gaza, and they control all the flow of everything there—arms, et cetera—and maintain an arsenal with which to attack Israel.

We have to let Turkey know this is not a good way for us to continue an alliance. We have an interest in balance and respect for the countries in the Middle East. So I hope we can continue a long-time, close relationship with this great country and long-time friend.

I close with a wish that in Turkey they will take a second look at the policies they are currently condoning and join with us in the fight against terrorism.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

#### ASIAN CARP FOUND IN LAKE CALUMET

Ms. STABENOW. Mr. President, I rise today with a very urgent and critical situation from my home State and the home State of the Presiding Officer and for our Great Lakes in general.

We are just finding out today that a commercial fisherman, contracted by the government to do routine sampling of areas leading into the Great Lakes and Lake Michigan, caught a 34-inch, 20-pound Asian carp in Lake Calumet, approximately 6 miles downstream from Lake Michigan, past the barriers, and on its way to Lake Michigan. This is the first Asian carp found past the electric barriers. It represents a very serious risk to the Great Lakes' ecosystem and, frankly, to our way of life in the Great Lakes region. These fish are huge, and they are able to invade the Great Lakes. They could easily destroy our \$7 billion fishing industry and our \$16 billion recreational boating industry. Invasive species in the Great Lakes have already contributed to significant declines in fish populations. The Asian carp could completely unwind the food chain, with devastating effects for our existing fish populations. We heard in testimony before my Subcommittee on Water and Power that these fish, which can get up to 90 or 100 pounds, effectively have no stomach. They eat all the time. They eat up everything in the food chain, leaving other fish to die throughout the Great Lakes. It is extremely serious.

We have been working on this issue for a number of years with electric fencing and most recently poisoning a part of the waters in the Chicago channels to determine whether there are any of these Asian carp that have come up the Mississippi River and into the Illinois River. At the time, they didn't find anything. Unfortunately, today they did, and it was well past the electric barriers and fences for the first time.

Let me share with you one story from a few years ago that reflects what happens if these huge fish get into our precious Great Lakes. In 2003, a woman named Mary Poppett, from Peoria, IL, decided to enjoy some warm October weather with a little jet skiing on the Illinois River. As she cruised the waves, the sound of her ski's motor excited a 30-pound Asian carp swimming under the water, which then leapt up and crashed into her. Imagine being hit in the face by a bowling ball. That is how she referred to it. She was knocked unconscious. She broke her nose, fractured a vertebrae, and she would have drowned if other boaters in the area had not gotten to her in time. Imagine that. Imagine that happening

over and over again in Lake Michigan, in Lake Superior, and around our Great Lakes. I can't imagine it. I don't want to imagine it.

Mary is not alone. Since Asian carp were introduced to control algae in catfish ponds down South in the 1970s, the carp have spread at a very rapid pace, causing injuries, destroying ecosystems, and threatening entire industries. Now that an Asian carp has been found so close to Lake Michigan, it better be a huge wake-up call that we have to act swiftly to contain this threat.

Despite everyone's best efforts, this situation we find ourselves in is calling for very decisive action. I have introduced legislation to close the locks until we have a permanent solution. This has also been introduced in the House by my colleague, Congressman CAMP, and others, and I today urge in the strongest possible terms that the Army Corps close the locks between the rivers and Lake Michigan now—now, today—while they continue to determine the best way to permanently separate the Chicago area waterway system from the Great Lakes.

We know we need additional monitoring and sampling of resources applied to the area. I appreciate that last December, when there was fish DNA found above the locks, the administration worked with us very quickly to redirect resources to the Army Corps to take some immediate actions at that time. But now it is not just DNA from a dead fish. Now it is a live fish, and it is beyond the electric barrier. It is on its way in open waters into our Great Lakes, and we have to act decisively and immediately to protect our waters while a long-term solution is found.

Again, I urge the Army Corps of Engineers and the other agencies involved to take this finding very seriously and to act with the same tremendous urgency that all of us who represent Great Lakes States feel to prevent further encroachment by these Asian carp into our Great Lakes. This isn't just the economy, it is not just boating, and it is not just fishing; it really is our way of life in the Great Lakes. Despite efforts that have gone on for years to stop the fish, that hasn't happened, and now we have to take very decisive action to close the locks immediately so we can determine how best, in the long term, to solve this problem.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### CONGRATULATING THE SUMRALL BASEBALL TEAM

Mr. WICKER. Mr. President, I rise today to inform the Senate of the accomplishments of Mississippi's Sumrall High School varsity baseball team. Earlier this year, the Bobcats set a Mississippi record by winning 67 consecutive games and winning their third straight State championship, an impressive achievement worthy of recognition.

The team fell just eight wins shy of breaking the national record for consecutive wins and secured their spot as the team with the Nation's fourth longest winning streak. Some teams might have been discouraged after a loss ended such an impressive streak, but the Bobcats regrouped and went on to win their final 11 games and their third consecutive Class 3-A State Championship. The Bobcats' state title and 36-1 record earned them the top spot in USA Today's national high school baseball rankings.

Sumrall High's baseball staff consists of Head Coach Larry Knight and Assistant Coaches Steve Cooley, Andy Davis, Richard Broom, and Matt Thomas. The team members and coaching staff have demonstrated outstanding teamwork, discipline, and sportsmanship. I congratulate the Sumrall High School baseball team and wish them continued success both on and off the field.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, we are still working on this extenders bill. We thought we had it all worked out. There was one of the Senators who wanted some more changes. Each time we do that, we have to rescore the bill. It takes time. We are in the process of doing that right now. So I apologize to everyone for not having these votes.

I ask unanimous consent now that the Senate be in a period of morning business until 6 o'clock tonight, with Senators allowed to speak for up to 10 minutes each; that during this time we are involved in morning business it would be for debate only.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask for the regular order.

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

### AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

The PRESIDING OFFICER. The clerk will report the pending business. The bill clerk read as follows:

Motion to concur in the House amendment to the Senate amendment with an amendment to H.R. 4213, an act to amend the Internal Revenue Code of 1986, to extend certain expiring provisions, and for other purposes.

Pending:

Baucus motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Baucus amendment No. 4369 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute.

Coburn amendment No. 4331 (to amendment No. 4369), to pay for the cost of this act by reducing wasteful, inefficient, excessive, and duplicative government spending.

Casey/Brown (OH) amendment No. 4371 (to amendment No. 4369), to provide for the extension of premium assistance for COBRA benefits.

LeMieux amendment No. 4300 (to amendment No. 4369), to establish an expedited procedure for consideration of a bill returning spending levels to 2007 levels.

DeMint motion to refer the House message to accompany H.R. 4213, to the Committee on Finance with instructions.

### MOTION TO REFER

Mr. REID. Is the pending matter the DeMint motion?

The PRESIDING OFFICER (Mr. WARNER). It is the motion to refer.

Mr. REID. I move to table that motion and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 197 Leg.]

### YEAS—57

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Sanders
Brown (OH)	Kerry	Schumer
Burris	Klobuchar	Shaheen
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Voinovich
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

### NAYS—40

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brown (MA)	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Wicker
Corker	Kyl	
Cornyn	LeMieux	

### NOT VOTING—3

Byrd	Roberts	Rockefeller
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The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, for the benefit of all Members, we are trying to work through having an amendment Senator BAUCUS will offer when we dispose of the present amendment.

I have had one Senator come to me and ask: Once we get on the next Baucus amendment, what are we going to do? I will be happy to confer with the Republican leader and see if there is a way of moving forward. We have been on this matter for a long time—not on a contiguous basis, but this is the beginning of the end of the eighth week on this piece of legislation. But we have no desire at this time to have an outline of how we are going to get where we are going to.

I will be happy to visit with the Republican leader because one of his Senators asked me what we were going to do once we get on the Baucus amendment. The plan would be to complete tabling the Baucus amendment, and then the plan would be to recess subject to the call of the Chair. At that time, Senator BAUCUS would lay down the amendment. It is not ready. That is why we are not doing it now. And then we could decide at that time, or maybe even in the morning, how we are going to proceed. I think that gives everyone a general idea. There will be no more votes tonight after we have this one vote.

Mr. President, I move to table the Baucus motion to concur in the House amendment to the Senate amendment with amendment No. 4369, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from North Dakota (Mr. DORGAN), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 40, as follows:

[Rollcall Vote No. 198 Leg.]

#### YEAS—56

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Bayh	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson	Reed
Bingaman	Kaufman	Reid
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Burr	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	

#### NAYS—40

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brown (MA)	Graham	Risch
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Isakson	Voinovich
Collins	Johanns	Wicker
Corker	Kyl	
Cornyn	LeMieux	

#### NOT VOTING—4

Byrd	Roberts
Dorgan	Rockefeller

The motion to table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois.

### MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business and that Senators be recognized for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

### INDIAN ARTS AND CRAFTS AMENDMENTS ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 339, H.R. 725.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 725) to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Dorgan amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4391) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 725), as amended, was read the third time and passed.

### IMPROPER PAYMENTS ELIMINATION AND RECOVERY ACT OF 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 430, S. 1508.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1508) to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment, as follows:

#### S. 1508

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Improper Payments Elimination and Recovery Act of 2009".

#### SEC. 2. IMPROPER PAYMENTS ELIMINATION AND RECOVERY.

(a) SUSCEPTIBLE PROGRAMS AND ACTIVITIES.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (a) and inserting the following:

"(a) IDENTIFICATION OF SUSCEPTIBLE PROGRAMS AND ACTIVITIES.—

"(1) IN GENERAL.—The head of each agency shall, in accordance with guidance prescribed by the Director of the Office of Management and Budget, periodically review all programs and activities that the relevant agency head administers and identify all programs and activities that may be susceptible to significant improper payments.

"(2) FREQUENCY.—Reviews under paragraph (1) shall be performed for each program and activity that the relevant agency head administers during the year after which the Improper Payments Elimination and Recovery Act of 2009 is enacted and at least once every 3 fiscal years thereafter.

"(3) RISK ASSESSMENTS.—

"(A) DEFINITION.—In this subsection the term 'significant' means—

"(i) except as provided under clause (ii), that improper payments in the program or activity in the preceding fiscal year may have exceeded—

"(I) \$10,000,000 of all program or activity payments made during that fiscal year reported and 2.5 percent of program outlays; or

"(II) \$100,000,000; and

"(ii) with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget, that improper payments in the program or activity in the preceding fiscal year may have exceeded—

"(I) \$10,000,000 of all program or activity payments made during that fiscal year reported and 1.5 percent of program outlays; or

"(II) \$100,000,000.

"(B) SCOPE.—In conducting the reviews under paragraph (1), the head of each agency shall take into account those risk factors that are likely to contribute to a susceptibility to significant improper payments, such as—

"(i) whether the program or activity reviewed is new to the agency;

"(ii) the complexity of the program or activity reviewed;

"(iii) the volume of payments made through the program or activity reviewed;

"(iv) whether payments or payment eligibility decisions are made outside of the agency, such as by a State or local government;

"(v) recent major changes in program funding, authorities, practices, or procedures;

"(vi) the level and quality of training for personnel responsible for making program eligibility determinations or certifying that payments are accurate; and

"(vii) significant deficiencies in the audit report of the agency or other relevant management findings that might hinder accurate payment certification."

(b) ESTIMATION OF IMPROPER PAYMENTS.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (b) and inserting the following:

"(b) ESTIMATION OF IMPROPER PAYMENTS.—With respect to each program and activity identified under subsection (a), the head of the relevant agency shall—

"(1) produce a statistically valid or otherwise appropriate estimate of the improper payments made by each program and activity; and

"(2) include those estimates in the accompanying materials to the annual financial statement of the agency required under section 3515 of title 31, United States Code, or similar provision of law and applicable guidance of the Office of Management and Budget."

(c) REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (c) and inserting the following:

"(c) REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.—With respect to any program or activity of an agency with estimated improper payments under subsection

(b), the head of the agency shall provide with the estimate under subsection (b) a report on what actions the agency is taking to reduce improper payments, including—

“(1) a description of the causes of the improper payments, actions planned or taken to correct those causes, and the planned or actual completion date of the actions taken to address those causes;

“(2) in order to reduce improper payments to a level below which further expenditures to reduce improper payments would cost more than the amount such expenditures would save in prevented or recovered improper payments, a statement of whether the agency has what is needed with respect to—

“(A) internal controls;

“(B) human capital; and

“(C) information systems and other infrastructure;

“(3) if the agency does not have sufficient resources to establish and maintain effective internal controls under paragraph (2)(A), a description of the resources the agency has requested in its budget submission to establish and maintain such internal controls;

“(4) program-specific and activity-specific improper payments reduction targets that have been approved by the Director of the Office of Management and Budget; and

“(5) a description of the steps the agency has taken to ensure that agency managers, programs, and, where appropriate, States and localities are held accountable through annual performance appraisal criteria for—

“(A) meeting applicable improper payments reduction targets; and

“(B) establishing and maintaining sufficient internal controls, including an appropriate control environment, that effectively—

“(i) prevent improper payments from being made; and

“(ii) promptly detect and recover improper payments that are made.”

(d) **REPORTS ON ACTIONS TO RECOVER IMPROPER PAYMENTS.**—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by striking subsection (e);

(2) by redesignating subsections (d) and (f) as subsections (f) and (g), respectively; and

(3) by inserting after subsection (c) the following:

“(d) **REPORTS ON ACTIONS TO RECOVER IMPROPER PAYMENTS.**—With respect to any improper payments identified in recovery audits conducted under section 2(h) of the Improper Payments Elimination and Recovery Act of 2009 (31 U.S.C. 3321 note), the head of the agency shall provide with the estimate under subsection (b) a report on all actions the agency is taking to recover improper payments, including—

“(1) a discussion of the methods used by the agency to recover overpayments;

“(2) the amounts recovered, outstanding, and determined to not be collectable, including the percent such amounts represent of the total overpayments of the agency;

“(3) if a determination has been made that certain overpayments are not collectable, a justification for that determination;

“(4) an aging schedule of the amounts outstanding;

“(5) a summary of how recovered amounts have been disposed of;

“(6) a discussion of any conditions giving rise to improper payments and how those conditions are being resolved; and

“(7) if the agency has determined under section 2(h) of the Improper Payments Elimination and Recovery Act of 2009 (31 U.S.C. 3321 note) that performing recovery

audits for any applicable program or activity is not cost effective, a justification for that determination.

“(e) **GOVERNMENTWIDE REPORTING OF IMPROPER PAYMENTS AND ACTIONS TO RECOVER IMPROPER PAYMENTS.**—

“(1) **REPORT.**—Each fiscal year the Director of the Office of Management and Budget shall submit a report with respect to the preceding fiscal year on actions agencies have taken to report information regarding improper payments and actions to recover improper payments to—

“(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(B) the Committee on Oversight and Government Reform of the House of Representatives; and

“(C) the Comptroller General.

“(2) **CONTENTS.**—Each report under this subsection shall include—

“(A) a summary of the reports of each agency on improper payments and recovery actions submitted under this section;

“(B) an identification of the compliance status of each agency to which this Act applies;

“(C) governmentwide improper payment reduction targets; and

“(D) a discussion of progress made towards meeting governmentwide improper payment reduction targets.”

(e) **DEFINITIONS.**—Section 2 of the Improper Payment Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsections (f) (as redesignated by this section) and inserting the following:

“(f) **DEFINITIONS.**—In this section:

“(1) **AGENCY.**—The term ‘agency’ means an executive agency, as that term is defined in section 102 of title 31, United States Code.

“(2) **IMPROPER PAYMENT.**—The term ‘improper payment’—

“(A) means any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements; and

“(B) includes any payment to an ineligible recipient, any payment for an ineligible good or service, any duplicate payment, any payment for a good or service not received (except for such payments where authorized by law), and any payment that does not account for credit for applicable discounts.

“(3) **PAYMENT.**—The term ‘payment’ means any transfer or commitment for future transfer of Federal funds such as cash, securities, loans, loan guarantees, and insurance subsidies to any non-Federal person or entity, that is made by a Federal agency, a Federal contractor, a Federal grantee, or a governmental or other organization administering a Federal program or activity.

“(4) **PAYMENT FOR AN INELIGIBLE GOOD OR SERVICE.**—The term ‘payment for an ineligible good or service’ shall include a payment for any good or service that is rejected under any provision of any contract, grant, lease, cooperative agreement, or any other procurement mechanism.”

(f) **GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.**—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (g) (as redesignated by this section) and inserting the following:

“(g) **GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.**—

“(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of the Improper Payments Elimination and Recovery Act of 2009, the Director of the Office of Manage-

ment and Budget shall prescribe guidance for agencies to implement the requirements of this section. The guidance shall not include any exemptions to such requirements not specifically authorized by this section.

“(2) **CONTENTS.**—The guidance under paragraph (1) shall prescribe—

“(A) the form of the reports on actions to reduce improper payments, recovery actions, and governmentwide reporting; and

“(B) strategies for addressing risks and establishing appropriate prepayment and postpayment internal controls.”

(g) **DETERMINATION OF AGENCY READINESS FOR OPINION ON INTERNAL CONTROL.**—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget shall develop—

(1) specific criteria as to when an agency should initially be required to obtain an opinion on internal control over financial reporting; and

(2) criteria for an agency that has demonstrated a stabilized, effective system of internal control over financial reporting, whereby the agency would qualify for a multiyear cycle for obtaining an audit opinion on internal control over financial reporting, rather than an annual cycle.

(h) **RECOVERY AUDITS.**—

(1) **DEFINITION.**—In this subsection, the term ‘agency’ has the meaning given under section 2(f) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) as redesignated by this Act.

(2) **IN GENERAL.**—

(A) **CONDUCT OF AUDITS.**—Except as provided under paragraph (4) and if not prohibited under any other provision of law, the head of each agency shall conduct recovery audits with respect to each program and activity of the agency that expends \$1,000,000 or more annually if conducting such audits would be cost-effective.

(B) **PROCEDURES.**—In conducting recovery audits under this subsection, the head of an agency—

(i) shall give priority to the most recent payments and to payments made in any program or programs identified as susceptible to significant improper payments under section 2(a) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note);

(ii) shall implement this subsection in a manner designed to ensure the greatest financial benefit to the Government; and

(iii) may conduct recovery audits directly, by procuring performance of recovery audits by contract (subject to the availability of appropriations), or by any combination thereof.

(C) **RECOVERY AUDIT CONTRACTS.**—With respect to recovery audits procured by an agency by contract—

(i) subject to subparagraph (B)(iii), the head of the agency may authorize the contractor to notify entities (including persons) of potential overpayments made to such entities, respond to questions concerning potential overpayments, and take other administrative actions with respect to overpayment claims made or to be made by the agency; and

(ii) such contractor shall have no authority to make final determinations relating to whether any overpayment occurred and whether to compromise, settle, or terminate overpayment claims.

(D) **CONTRACT TERMS AND CONDITIONS.**—The agency shall include in each contract for procurement of performance of a recovery audit a requirement that the contractor shall—

(i) provide to the agency periodic reports on conditions giving rise to overpayments

identified by the contractor and any recommendations on how to mitigate such conditions; and

(ii) notify the agency of any overpayments identified by the contractor pertaining to the agency or to any other agency or agencies that are beyond the scope of the contract.

(E) AGENCY ACTION FOLLOWING NOTIFICATION.—An agency shall take prompt and appropriate action in response to a report or notification by a contractor under subparagraph (D)(ii), to collect overpayments and shall forward to other agencies any information that applies to such agencies.

(3) DISPOSITION OF AMOUNTS RECOVERED.—

(A) IN GENERAL.—Amounts collected by agencies each fiscal year through recovery audits conducted under this subsection shall be treated in accordance with this paragraph.

(B) USE FOR FINANCIAL MANAGEMENT IMPROVEMENT PROGRAM.—Not more than 25 percent of the amounts collected by an agency through recovery audits—

(i) shall be available, subject to appropriation, to the head of the agency or the State or local government administering the program or activity to carry out the financial management improvement program of the agency under paragraph (4);

(ii) may be credited, if applicable, for that purpose by the head of an agency to any agency appropriations and funds that are available for obligation at the time of collection; and

(iii) shall be used to supplement and not supplant any other amounts available for that purpose and shall remain available until expended.

(C) USE FOR ORIGINAL PURPOSE.—Not more than 25 percent of the amounts collected by an agency—

(i) [shall be credited to the appropriation or fund, if any, available for obligation at the time of collection] *shall be deposited and available subject to appropriation for the same general purposes as the appropriation or fund from which the overpayment was made; and*

(ii) shall remain available for the same period and purposes as the appropriation or fund to which credited.

(D) USE FOR INSPECTOR GENERAL ACTIVITIES.—Not more than 5 percent of the amounts collected by an agency shall be available, subject to appropriation, to the Inspector General of that agency for—

(i) the Inspector General to carry out this Act; or

(ii) any other activities of the Inspector General relating to investigating improper payments or auditing internal controls associated with payments.

(E) DEPOSIT OF PROCEEDS.—Funds made available under subparagraphs (B) and (D) by appropriations shall be—

(i) deposited into the appropriate program integrity accounts of the agency or the State or local government administering the program or activity; and

(ii) expended only as authorized in annual appropriations Acts.

(F) REMAINDER.—Amounts collected that are not applied in accordance with subparagraphs (B), (C), or (D) or to meet obligations to recovery audit contractors shall be deposited in the Treasury as miscellaneous receipts.

(G) EXCEPTIONS RELATING TO ENTITLEMENT AND TAX CREDIT PROGRAMS.—This paragraph shall not apply to amounts collected through recovery audits conducted under this subsection relating to—

(i) entitlement programs under section 3(9) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(9)); or

(ii) tax credit programs under the Internal Revenue Code of 1986.

(4) FINANCIAL MANAGEMENT IMPROVEMENT PROGRAM.—

(A) REQUIREMENT.—The head of each agency shall conduct a financial management improvement program, consistent with rules prescribed by the Director of the Office of Management and Budget.

(B) PROGRAM FEATURES.—In conducting the program, the head of the agency—

(i) shall, as the first priority of the program, address problems that contribute directly to agency improper payments; and

(ii) may seek to reduce errors and waste in other agency programs and operations.

(5) OTHER RECOVERY AUDIT REQUIREMENTS.—

(A) IN GENERAL.—Subchapter VI of chapter 35 of title 31, United States Code, is repealed.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) TABLE OF SECTIONS.—The table of sections for chapter 35 of title 31, United States Code, is amended by striking the matter relating to subchapter VI.

(ii) DEFINITION.—Section 3501 of title 31, United States Code, is amended by striking “and subchapter VI of this title”.

(iii) HOMELAND SECURITY GRANTS.—Section 2022(a)(6) of the Homeland Security Act of 2002 (6 U.S.C. 612(a)(6)) is amended by striking “(as that term is defined by the Director of the Office of Management and Budget under section 3561 of title 31, United States Code)” and inserting “under section 2(h) of the Improper Payments Elimination and Recovery Act of 2009 (31 U.S.C. 3321 note)”.

(6) RULE OF CONSTRUCTION.—Except as provided under paragraph (5), nothing in this section shall be construed as terminating or in any way limiting authorities that are otherwise available to agencies under existing provisions of law to recover improper payments and use recovered amounts.

(i) REPORT ON RECOVERY AUDITING.—Not later than 2 years after the date of the enactment of this Act, the Chief Financial Officers Council established under section 302 of the Chief Financial Officers Act of 1990 (31 U.S.C. 901 note), in consultation with the Council of Inspectors General on Integrity and Efficiency established under section 7 of the Inspector General Reform Act of 2009 (Public Law 110-409) and recovery audit experts, shall conduct a study of—

(1) the implementation of subsection (h);

(2) the costs and benefits of agency recovery audit activities, including those under subsection (h), and including the effectiveness of using the services of—

(A) private contractors;

(B) agency employees;

(C) cross-servicing from other agencies; or

(D) any combination of the provision of services described under subparagraphs (A) through (C); and

(3) submit a report on the results of the study to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(C) the Comptroller General.

**SEC. 3. COMPLIANCE.**

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term “agency” has the meaning given under section 2(f) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) as redesignated by this Act.

(2) ANNUAL FINANCIAL STATEMENT.—The term “annual financial statement” means

the annual financial statement required under section 3515 of title 31, United States Code, or similar provision of law.

(3) COMPLIANCE.—The term “compliance” means that the agency—

(A) has published an annual financial statement for the most recent fiscal year and posted that report and any accompanying materials required under guidance of the Office of Management and Budget on the agency website;

(B) if required, has conducted a program specific risk assessment for each program or activity that conforms with section 2(a) the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note);

(C) if required, publishes improper payments estimates for all programs and activities identified under section 2(b) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in the accompanying materials to the annual financial statement;

(D) publishes programmatic corrective action plans prepared under section 2(c) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) that the agency may have in the accompanying materials to the annual financial statement;

(E) publishes improper payments reduction targets established under section 2(c) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) that the agency may have in the accompanying materials to the annual financial statement for each program assessed to be at risk, and is meeting such targets; and

(F) has reported an improper payment rate of less than 10 percent for each program and activity for which an estimate was published under section 2(b) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(b) ANNUAL COMPLIANCE REPORT BY INSPECTORS GENERAL OF AGENCIES.—Each fiscal year, the Inspector General of each agency shall determine whether the agency is in compliance and submit a report on that determination to—

(1) the head of the agency;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on Oversight and Governmental Reform of the House of Representatives; and

(4) the Comptroller General.

(c) REMEDIATION.—

(1) NONCOMPLIANCE.—

(A) IN GENERAL.—If an agency is determined by the Inspector General of that agency not to be in compliance under subsection (b) in a fiscal year, the head of the agency shall submit a plan to Congress describing the actions that the agency will take to come into compliance.

(B) PLAN.—The plan described under subparagraph (A) shall include—

(i) measurable milestones to be accomplished in order to achieve compliance for each program or activity;

(ii) the designation of a senior agency official who shall be accountable for the progress of the agency in coming into compliance for each program or activity; and

(iii) the establishment of an accountability mechanism, such as a performance agreement, with appropriate incentives and consequences tied to the success of the official designated under clause (ii) in leading the efforts of the agency to come into compliance for each program and activity.

(2) NONCOMPLIANCE FOR 2 FISCAL YEARS.—

(A) IN GENERAL.—If an agency is determined by the Inspector General of that agency not to be in compliance under subsection (b) for 2 consecutive fiscal years for the same

program or activity, and the Director of the Office of Management and Budget determines that additional funding would help the agency come into compliance, the head of the agency shall obligate additional funding, in an amount determined by the Director, to intensified compliance efforts.

(B) FUNDING.—In providing additional funding described under subparagraph (A), the head of an agency shall use any reprogramming or transfer authority available to the agency. If after exercising that reprogramming or transfer authority additional funding is necessary to obligate the full level of funding determined by the Director of the Office of Management and Budget under subparagraph (A), the agency shall submit a request to Congress for additional reprogramming or transfer authority.

(3) REAUTHORIZATION PROPOSALS.—If an agency is determined by the Inspector General of that agency not to be in compliance under subsection (b) for more than 3 consecutive fiscal years for the same program or activity, the head of the agency shall, not later than 30 days after such determination, submit to Congress—

(A) reauthorization proposals for each program or activity that has not been in compliance for 3 or more consecutive fiscal years; or

(B) proposed statutory changes necessary to bring the program or activity into compliance.

(d) COMPLIANCE ENFORCEMENT PILOT PROGRAMS.—

(1) IN GENERAL.—The Director of the Office of Management and Budget may establish 1 or more pilot programs which shall test potential accountability mechanisms with appropriate incentives and consequences tied to success in ensuring compliance with this Act and eliminating improper payments.

(2) REPORT.—Not later than 5 years after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the findings associated with any pilot programs conducted under paragraph (1). The report shall include any legislative or other recommendations that the Director determines necessary.

(e) REPORT ON CHIEF FINANCIAL OFFICERS ACT OF 1990.—Not later than 1 year after the date of the enactment of this Act, the Chief Financial Officers Council established under section 302 of the Chief Financial Officers Act of 1990 (31 U.S.C. 901 note) and the Council of Inspectors General on Integrity and Efficiency established under section 7 of the Inspector General Reform Act of 2009 (Public Law 110-409), in consultation with a broad cross-section of experts and stakeholders in Government accounting and financial management shall—

(1) jointly examine the lessons learned during the first 20 years of implementing the Chief Financial Officers Act of 1990 (31 U.S.C. 901) and identify any reforms or improvements to the legislative and regulatory compliance framework for Federal financial management that will optimize Federal agency efforts to—

(A) publish relevant, timely, and reliable reports on Government finances; and

(B) implement internal controls that mitigate the risk for fraud, waste, and error in Government programs; and

(2) submit a report on the results of the examination to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(C) the Comptroller General.

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee-reported amendment be withdrawn; the Carper substitute amendment, which is at the desk, be agreed to, and the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, without intervening action or debate; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was withdrawn.

The amendment (No. 4392) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 1508), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### NATIONAL POST-TRAUMATIC STRESS DISORDER AWARENESS DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 541, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 541) designating June 27, 2010, as "National Post-Traumatic Stress Disorder Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to; that a Conrad amendment to the preamble be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution was agreed to.

The amendment (No. 4393) was agreed to as follows:

Strike the preamble and insert the following:

Whereas the brave men and women of the United States Armed Forces, who proudly serve the United States, risk their lives to protect the freedom of the United States and deserve the investment of every reasonable resource to ensure their lasting physical, mental, and emotional well-being;

Whereas up to 15 percent of Operation Iraqi Freedom and Operation Enduring Freedom veterans, 10 percent of Operation Desert Storm veterans, 30 percent of Vietnam veterans, and 8 percent of the general population of the United States suffer or have

suffered from Post Traumatic Stress Disorder (referred to in this preamble as "PTSD");

Whereas the incidence of PTSD in members of the military is rising as the United States Armed Forces conducts 2 wars, exposing hundreds of thousands of soldiers to traumatic life-threatening events;

Whereas from 2000 to 2009, approximately 76,000 Department of Defense patients were diagnosed with PTSD;

Whereas the Department of Defense patients—

(1) were hospitalized more than 5,300 times with a primary diagnosis of PTSD; and

(2) had more than 578,000 outpatient visits in which PTSD was the primary diagnosis;

Whereas PTSD significantly increases the risk of depression, suicide, and drug and alcohol related disorders and deaths;

Whereas the Departments of Defense and Veterans Affairs have made significant advances in the prevention, diagnosis, and treatment of PTSD and the symptoms of PTSD, but many challenges remain; and

Whereas the establishment of a National Post-Traumatic Stress Disorder Awareness Day will raise public awareness about issues related to PTSD: Now, therefore, be it

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, is as follows:

S. RES. 541

Whereas the brave men and women of the United States Armed Forces, who proudly serve the United States, risk their lives to protect the freedom of the United States and deserve the investment of every possible resource to ensure their lasting physical, mental, and emotional well-being;

Whereas 12 percent of Operation Iraqi Freedom veterans, 11 percent of Operation Enduring Freedom veterans, 10 percent of Operation Desert Storm veterans, 30 percent of Vietnam veterans, and at least 8 percent of the general population of the United States suffers from Post Traumatic Stress Disorder (referred to in this preamble as "PTSD");

Whereas the incidence of PTSD in members of the military is rising as the United States Armed Forces conducts 2 wars, exposing hundreds of thousands of soldiers to traumatic life-threatening events;

Whereas women, who are more than twice as likely to experience PTSD than men, are increasingly engaged in direct combat on the front lines, putting these women at even greater risk of PTSD;

Whereas—

(1) from 2003 to 2007, approximately 40,000 Department of Defense patients were diagnosed with PTSD; and

(2) from 2000 to 2009—

(A) more than 5,000 individuals were hospitalized with a primary diagnosis of PTSD; and

(B) more than 500,000 individuals were treated for PTSD in outpatient visits;

Whereas PTSD significantly increases the risk of depression, suicide, and drug and alcohol related disorders and deaths;

Whereas the Departments of Defense and Veterans Affairs have made significant advances in the prevention, diagnosis, and treatment of PTSD and the symptoms of PTSD, but many challenges remain; and

Whereas the establishment of a National Post-Traumatic Stress Disorder Awareness Day will raise public awareness about issues related to PTSD: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 27, 2010, as "National Post-Traumatic Stress Disorder Awareness Day";

(2) urges the Secretary of Veterans Affairs and the Secretary of Defense to continue working to educate servicemembers, veterans, the families of servicemembers and veterans, and the public about the causes, symptoms, and treatment of post-traumatic stress disorder; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Secretary of Veterans Affairs and the Secretary of Defense.

#### OLYMPIC DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 552 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 552) designating June 23, 2010, as "Olympic Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 552) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 552

Whereas Olympic Day celebrates the Olympic ideal of developing peace through sport;

Whereas June 23 marks the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the modern Olympics;

Whereas thousands of people in more than 170 countries will celebrate the ideals of the Olympic spirit on June 23, 2010;

Whereas for more than a century, the Olympic movement has built a more peaceful and better world by—

(1) educating young people through amateur athletics;

(2) bringing together athletes from many countries in friendly competition; and

(3) forging new relationships bound by friendship, solidarity, and fair play;

Whereas the United States Olympians and Paralympians continue to achieve competitive excellence, preserve the Olympic ideals, and inspire all people of the United States;

Whereas community celebrations of Olympic Day improve the communities of the United States and inspire the Olympic and Paralympic champions of tomorrow;

Whereas Olympic Day encourages the development of Olympic and Paralympic sport in the United States;

Whereas Olympic Day encourages the youth of the United States to participate in and support Olympic and Paralympic sport; and

Whereas, as of the date of approval of this resolution, enthusiasm for Olympic and

Paralympic sport is at an all-time high: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 23, 2010, as "Olympic Day";

(2) supports the goals and ideals of Olympic Day; and

(3) promotes—

(A) the fitness and well-being of all people of the United States; and

(B) the Olympic ideals of fair play, perseverance, respect, and sportsmanship.

#### RECESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 7:35 p.m., recessed until 9:09 p.m. and reassembled when called to order by the Presiding Officer (Mr. WARNER).

#### AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010—Continued

##### AMENDMENT NO. 4386

Mr. REID. Mr. President, I move to concur in the House amendment to the Senate amendment to the bill, with the Baucus amendment, which is at the desk. I offer this on behalf of Senator BAUCUS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for Mr. Baucus, proposes an amendment numbered 4386 to the House amendment to the Senate amendment to H.R. 4213.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

##### AMENDMENT NO. 4387 TO AMENDMENT NO. 4386

Mr. REID. Mr. President, I now call up the Baucus second-degree amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for Mr. BAUCUS, proposes an amendment numbered 4387 to amendment No. 4386.

The amendment is as follows:

At the end of the amendment, insert the following:

The provisions of this Act shall become effective 3 days after enactment.

##### CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 4213, the American Jobs and Closing Tax Loopholes Act, with a Baucus amendment No. 4386.

Harry Reid, Max Baucus, Patrick J. Leahy, Al Franken, Patty Murray, Richard J. Durbin, Sheldon Whitehouse, Roland W. Burris, Kent Conrad, Daniel K. Akaka, Robert P. Casey, Jr., Jeanne Shaheen, Edward E. Kaufman, Jeff Merkley, Jeff Bingaman, Mark L. Pryor, Sherrod Brown, Carl Levin.

MOTION TO REFER WITH AMENDMENT NO. 4388

Mr. REID. Mr. President, I have a motion to refer, with instructions, at the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID) moves to refer the House message on H.R. 4213 to the Senate Committee on Finance, with instructions of amendment No. 4388.

The amendment is as follows:

At the end, insert the following:

The Committee on Finance is requested to study the economic impact of the delay in implementing the provisions of the Act on job creation on a national and regional level.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

##### AMENDMENT NO. 4389

Mr. REID. Mr. President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID) proposes an amendment numbered 4389 to the instructions of the motion to refer to the House message No. 4213.

The amendment is as follows:

At the end, insert the following:

"and include statistical data on the specific service related positions created."

Mr. REID. On this, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

##### AMENDMENT NO. 4390 TO AMENDMENT NO. 4389

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID) proposes an amendment numbered 4390 to amendment No. 4389.

The amendment is as follows:

At the end, insert the following:

"and the impact on the local economy."

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider, en bloc, Calendar Nos. 782, 953, 954, 955, 956, and 957; that the nominations be confirmed, en bloc; that the motions to reconsider be laid upon the table, en bloc; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed, are as follows:

#### DEPARTMENT OF TRANSPORTATION

Michael Peter Huerta, of the District of Columbia, to be Deputy Administrator of the Federal Aviation Administration.

#### ENVIRONMENTAL PROTECTION AGENCY

Malcolm D. Jackson, of Illinois, to be an Assistant Administrator of the Environmental Protection Agency.

#### DELTA REGIONAL AUTHORITY

Christopher A. Masingill, of Arkansas, to be Federal Cochairperson, Delta Regional Authority.

#### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Rafael Moure-Eraso, of Massachusetts, to be Chairperson of the Chemical Safety and Hazard Investigation Board for a term of five years.

Mark A. Griffon, of New Hampshire, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

Rafael Moure-Eraso, of Massachusetts, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

#### MORNING BUSINESS

#### REMEMBERING STEPHEN YOUNG

Mr. BYRD. Mr. President, the State of West Virginia and the Nation's coal industry lost a very good man last week, and I lost a good friend. Mr. Stephen Young, a native of Buckhannon, WV, who had been the vice president of government affairs at Consol Energy for more than three decades, passed away on June 15th.

Steve and I worked together to protect and promote the best interests of coal, a vital form of energy which has helped make our country strong, and on which our Nation depends. I always, I repeat, always, found Steve Young to

be a friendly and cooperative person with whom to work, as well as a decent and considerate man. Steve was a gentleman. He was soft spoken, effective in everything he did, and respected and liked by all.

Steve was the director of State operations for Consol Energy. He had also been president of the West Virginia Coal Association and had served on the Board of Directors of a number of other State coal associations. He also served on the board of directors of the West Virginia Chamber of Commerce and was a member of its executive committee. As a tribute to his talents, a few years ago, Steve was elected to the West Virginia Coal Hall of Fame.

Mr. Young was simply devoted to the coal industry, to the progress of West Virginia, his home State which he loved dearly, and to his family. I will certainly miss him and his vast experience and expertise.

I extend my heart felt condolences to his wife Maureen, his children and grandchildren, and his sister.

#### SCENT OF THE ROSES

Let fate do her worst, there are relics of joy,  
Bright dreams of the past that she cannot destroy,

That come in the night-time of sorrow and care,  
And bring back the features that joy used to wear.

Long, long be my heart with such memories filled,  
Like the vase in which roses have once been distilled,

You may break, you may shatter the vase if you will,  
But the scent of the roses will hang round it still.—Thomas Moore.

#### INTERNATIONAL COMMISSION AGAINST IMPUNITY IN GUATEMALA

Mr. LEAHY. Mr. President, on June 7, the head of the International Commission against Impunity in Guatemala, CICIG, a U.N. supported body set up to investigate organized crime and clandestine groups in Guatemala, resigned. In a press conference, he highlighted problems with Guatemala's newly selected attorney general, who he accused of trying to undermine the Commission's investigations. He also described a general lack of cooperation from the Guatemalan Government in CICIG's mission.

Not long ago, on April 5, I spoke in this Chamber of Guatemala's need for an attorney general with the integrity, experience, courage and determination to show that justice can be a reality for all the people of Guatemala regardless of race, ethnicity, gender or economic status. Unfortunately, President Colom's choice fell short on all counts.

This concerns me greatly. The Commission was created three years ago, at the request of the Guatemalan Government and with the approval of the legislature. It was intended to support

Guatemala in investigating and dismantling powerful criminal networks deeply entrenched in state institutions and to help strengthen the capacity of the country's dysfunctional judicial system. Since its creation, CICIG has received substantial political and financial backing from the international community, including the United States. I have been a strong supporter of the Commission, and I was encouraged that the Guatemalan Government and the legislature had the political courage to back a serious effort to challenge the organized criminal structures that threaten Guatemala's fragile democracy.

Under the leadership of internationally respected Spanish jurist and prosecutor Carlos Castresana, the CICIG, with dedicated Guatemalan personnel from the Public Ministry, the police, and the support of the courts, has made significant, indeed historic, progress in combating organized crime and ending impunity. Its work has led to the successful investigation of high-profile cases, the arrest of dozens of government officials and ex-military officers, and the purge of thousands of police officers linked to illegal groups.

Having seen that progress, I was saddened to learn of Director Castresana's resignation. I commend him, the Commission's staff, and the many Guatemalans who have supported the CICIG for their courage and resolve.

The CICIG is a ground-breaking effort and one of the few successful strategies in the fight against organized crime and rampant institutional corruption in Guatemala. Its efforts must continue. Both the U.N. and the Guatemalan Government need to act swiftly and decisively if the CICIG is to continue as a meaningful body. I urge U.N. Secretary General Ban Ki Moon to appoint a new CICIG Commissioner with demonstrated expertise in investigating and prosecuting organized criminal networks so the advances of the CICIG continue under new leadership. Equally important is the integrity and continuity of CICIG's professional staff.

In Guatemala, the government needs to address the problems that so frustrated Director Castresana. Fortunately, Guatemala's Constitutional Court annulled the selection of the attorney general, who subsequently resigned. This is a positive step, but it needs to be followed up. Guatemala's next attorney general should have a strong commitment to working closely with and supporting the efforts of the CICIG, as well as reform of the National Police, the establishment of a high impact court for cases of organized crime with heightened security for judges, witnesses and prosecutors, a maximum security jail, and other initiatives by the Guatemalan Legislature that would facilitate the investigation and prosecution of organized crime.

It is not just the attorney general, however. Implementation of many of the CICIG's recommendations has been repeatedly delayed. The entire Guatemalan Government—the executive, legislature and the courts—must act decisively to demonstrate that it can implement urgent anti-impunity reforms, strengthen and professionalize its law enforcement and judicial institutions, and prove that it can be a partner in the fight against organized crime. Reforming the National Police, which is widely perceived as corrupt, ineffective and unaccountable, and whose officers are under-paid, under-trained, and under-equipped, is a critical priority. I hope there is convincing progress in these areas soon.

The United States is providing assistance to bolster Guatemala's institutions, particularly through our Central America Regional Security Initiative. But as chairman of the Appropriations Subcommittee on the Department of State and Foreign Operations, I would find it difficult to justify investing further resources in Guatemala's judicial system unless its own government demonstrates a strong commitment to ending impunity and combating organized criminal networks and corruption, which must be rooted out from their entrenched positions within Guatemala's state institutions.

I urge the Guatemalan Government to show, at this critical moment, its firm commitment to the CICIG and to taking the steps necessary to end impunity and strengthen the rule of law so the United States can continue to partner with Guatemala to tackle its many challenges.

#### EXTENDING FAMILY LEAVE

Mr. LEAHY. Mr. President, today, the Obama administration took another step toward ensuring equal treatment for all Americans by extending family leave to lesbian, gay, bisexual and transgender—LGBT—employees. Earlier this year, I praised President Obama for directing the Department of Health and Human Services to issue regulations ensuring hospital visitation rights for same-sex couples. Now these same couples will be treated fairly when their children are sick, injured, or in need of care. Both of these measures promote the value of strong families and enduring relationships.

There is a tragic history of discrimination in the workplace, but fortunately, we are making progress to end it. In 1993, Congress passed the Family Medical Leave Act, FMLA, allowing employees to take reasonable unpaid leave for certain family and medical reasons. The FMLA sought to promote equal employment opportunities for men and women. Unfortunately, the benefits of that law were not extended to LGBT families. Under the Department of Labor's new interpretation of

"son or daughter" under the FMLA, a gay or lesbian employee may now take family and medical leave to care for a newly born, newly adopted, or sick child of the employee's same-sex partner, even if the employee does not have a biological or legal relationship with the child.

The fight for equal rights protections continues in Congress. I am a proud cosponsor of the bipartisan Domestic Partnership Benefits and Obligations Act of 2009, which would provide domestic partners of Federal employees all of the protections and benefits afforded to spouses of Federal employees, including participation in applicable retirement programs, compensation for work injuries, and health insurance benefits. I also support the Tax Equity for Health Plan Beneficiaries Act of 2009, which would end the taxation of health benefits provided to domestic partners in workplaces that provide domestic partner health benefits to their employees.

Respecting the rights of all hard-working Americans to care for their children in times of crisis is something every American should support.

#### RECOGNIZING THE LOS ANGELES LAKERS

Mrs. BOXER. Mr. President, I ask my colleagues to join me in congratulating the 2009–2010 National Basketball Association champions, the Los Angeles Lakers. In winning their 16th championship, and the 5th of this decade, the Lakers cemented their status as one of the most successful and storied franchises in the history of professional sports.

Led by a dedicated management and coaching staff and with contributions from an outstanding roster of perennial all-stars, reliable veterans and exciting young players, the Lakers began their successful defense of their 2008–2009 championship by compiling the best regular season record in the Western Conference.

During the playoffs, the Lakers stood tall against challengers to their title as they defeated the Oklahoma City Thunder, the Utah Jazz, and the Phoenix Suns en route to winning the Western Conference title.

In the NBA finals, the Lakers triumphed against their archrivals, the Boston Celtics, in a fiercely contested seven-game series that gripped basketball fans from coast to coast and the world over. True to their reputation as a team of great resolve and determination, the Lakers overcame a deficit in the last quarter of the deciding game in order to ensure that the NBA championship trophy will reside in Los Angeles for at least another year.

It is my pleasure to congratulate the members of the Lakers organization who worked tirelessly to bring the championship to Los Angeles and Southern California.

As the Los Angeles Lakers and their fans celebrate the 2009–2010 championship campaign, I congratulate them on another remarkable and memorable season and wish them continued success in future seasons.

#### UNIVERSITY OF ARKANSAS ATHLETES AND COACHES

Mrs. LINCOLN. Mr. President, today I recognize University of Arkansas athletes and coaches who are leading an effort to challenge northwest Arkansas volunteers to pack 2 million meals in 24 hours for people affected by the earthquake in Haiti. They are attempting to break the one-day record for the most food packed, which was set in Kansas City earlier this year.

Under the leadership of Jeff Long, athletic director of the University of Arkansas at Fayetteville, athletes and volunteers will meet at the Randal Tyson Track Center on the University campus June 25 and 26 to work 2-hour shifts filling and sealing packets of soy power, rice, dried vegetables, and vitamins. The packets will reach Haitians 5 to 7 days later after being transported by ground and sea transportation.

Called Razorback Relief Operation Haiti, the effort is also led by former Razorback golfer Rich Morris and sophomore track athlete Terry Prentice, a member of the student athlete advisory committee.

I commend the entire northwest Arkansas community for pulling together to help their global neighbors in need. These athletes and volunteers represent the best of Arkansas, and I am proud of their efforts.

#### SECRET HOLDS

Mr. UDALL of New Mexico. Mr. President, the Senate Rules Committee held another important hearing today to review yet another example of how the Senate rules are abused. I want to thank Chairman SCHUMER again for holding these hearings—they have been invaluable in exploring ways to make the Senate work better for our country.

Over the past few months during this series of hearings, we have discussed and debated example after example of how the filibuster in particular—and the Senate's incapacitating rules in general—too often stand in the way of achieving real progress for the American people.

Today's hearing topic—secret holds and the confirmation process—was just one more example of how manipulation of the rules continues to foster a level of gridlock and obstruction unlike any we have seen before.

Senators WYDEN, GRASSLEY, and MCCASKILL testified at the hearing about their efforts to end the practice of secret holds. I applaud their work

and dedication to transparency in government. Their fight to end the practice of secret holds is a worthy one that I wholeheartedly support.

Earlier this year I was proud to sign on to Senator McCASKILL's letter to the majority and minority leaders, in which we pledged to no longer place anonymous holds and asked for Senate leadership to end the practice altogether.

At today's hearing, Senator McCASKILL said that she has gathered enough support to surpass the 67-vote threshold required to consider and amend the Senate rules. That is no small task, as everyone in the Senate would attest. She should be congratulated for her work, as should all of our colleagues—Democrat and Republican—who have signed on to this effort. This bipartisan effort is proof that we are capable of working together.

But the mere fact that we have to have this conversation, that Senator McCASKILL had to work for months for 67 votes to change rules that the Constitution clearly authorizes us to do with a simple majority vote, illustrates that secret holds are just another symptom of a much larger problem.

That problem is the Senate rules themselves.

The current rules—specifically rules V and XXII—effectively deny a majority of the Senate the opportunity to ever change its rules. This is something the drafters of the Constitution never intended.

As I have explained numerous times in committee hearings and here on the floor, a simple majority of the Senate can adopt or amend its rules at the beginning of a new Congress because it is not bound by the rules of the previous Congress.

Many colleagues, as well as constitutional scholars, agree with me. As my esteemed colleague from Utah, Senator HATCH, stated in a *National Review* article in 2005:

The Senate has been called a 'continuing body.' Yet language reflecting this observation was included in Senate rules only in 1959. The more important, and much older, sense in which the Senate is a continuing body is its ongoing constitutional authority to determine its rules. Rulings by vice presidents of both parties, sitting as the President of the Senate, confirm that each Senate may make that decision for itself, either implicitly by acquiescence or explicitly by amendment. Both conservative and liberal legal scholars, including those who see no constitutional problems with the current filibuster campaign, agree that a simple majority can change Senate rules at the beginning of a new Congress.

It is through this path—by a majority vote at the beginning of the next Congress—that we can reform the abuse of holds, secret filibusters, and the broken confirmation process. We can end the need for multiple cloture votes on the same matter, and we can instead begin to focus on the important business at hand.

Now, critics will argue that the two-thirds vote requirement for cloture on a rules change is reasonable. They'll say that Senator McCASKILL managed to gather 67 Senators, so it must be an achievable threshold.

As I said at today's hearing, I commend Senator McCASKILL for her diligence in building support to end secret holds. But I think it is also important to understand that other crucial reform efforts have failed because, inexplicably, it takes the same number of Senators to amend our rules as it takes to amend the U.S. Constitution.

As Senators WYDEN and GRASSLEY said in their testimony today, their efforts to end secret holds goes back more than a decade. Indeed, the effect of holds, on both legislation and the confirmation of nominees, is hardly a new problem.

In January 1979, Senator BYRD—then majority leader—proposed changing the Senate rules to limit debate to 30 minutes on a motion to proceed. Doing so would have significantly weakened the power of holds—and thus curbed their abuse.

At the time, Leader BYRD took to the Senate Floor and said that unlimited debate on a motion to proceed, "makes the majority leader and the majority party the subject of the control and the will of the minority. If I move to take up a matter, then one senator can hold up the Senate for as long as he can stand on his feet." Despite the moderate change that Senator BYRD proposed, it did not have the necessary 67 votes to overcome a filibuster.

Efforts to reform the motion to proceed have continued since.

In 1984, a bipartisan study group recommended placing a 2-hour limit on debate of a motion to proceed. That recommendation was ignored.

And in 1993, Congress convened the Joint Committee on the Organization of Congress to determine how it can be a better institution. Senator Pete Domenici, my immediate predecessor, was the co-vice chairman of the committee. At a hearing before the committee, he said, "If we abolish [the debatable motion to proceed], we have gone a long way to diffusing the validity of holds, because a hold is predicated on the fact that you can't get [a bill] up without a filibuster."

The final report of that joint committee stated: "There was significant agreement that the motion to proceed to a bill should not be debatable, or that debate on the motion should be limited to 2 hours." Despite the recommendation, nothing came of it.

And here we are again today—31 years after Senator BYRD tried to institute a reform that members of both parties have agreed is necessary.

Talking about change, and reform, does not solve the problem. We can hold hearings, convene bipartisan committees, and study the problem to

death. But until we agree that the Constitution provides the right for each Senate to adopt its rules of proceedings by a simple majority vote, there will be no real reform.

Recognizing our constitutional right to change Senate rules by a majority will not only allow reform, but it will help prevent abuse. Members are less likely to abuse a rule if they know that it can be changed by a majority in the next Congress. Conversely, if they think it takes 67 votes to change the rule, there is no disincentive against abuse.

I look forward to future hearings in the Rules Committee and exploring ways that we can bring needed reform to the Senate at the beginning of the 112th Congress.

I ask unanimous consent that an April 19 Roll Call article titled, "In Senate, Motion to Proceed Should be Non-Debatable" and Senator HATCH's 2005 article from the *National Review Online* be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Roll Call, Apr. 19, 2010]

STEVENSON: IN SENATE, "MOTION TO PROCEED" SHOULD BE NON-DEBATABLE

(By Charles A. Stevenson)

There's a simple step the Senate could take that would prevent a lot of the current delay and obstruction, while still permitting lawmakers to debate some controversial matters at length.

The "motion to proceed" should be made non-debatable and subject to an immediate majority-rule vote.

This may seem like an arcane parliamentary matter, but in practice the chance to kill a bill or nomination before it is open to debate and amendment is a key weapon in the hands of obstructionists. They don't even have to oppose the measure; they just argue that "now is not the time" to take it up. In fact, in the past 20 years, more than one-fourth of the cloture petitions to end debate have been on motions to proceed.

Maybe the Senate, under pressure from voters and stymied by the recent surge in filibusters, will change or repeal the current rule that requires a 60-vote supermajority to cut off debate. But that isn't likely, since it takes 67 votes to change the rules and since all Senators can envision circumstances when they might want to fight even though outnumbered.

Even if lawmakers eliminated the 60-vote rule, obstructionists would retain numerous tools to block or delay action.

A compromise might be found on the motion to proceed, which would have substantial additional benefits while still preserving the right of extended debate on substantive matters.

Right now, the motion to take up legislation is non-debatable only in very special circumstances: if the Senate has adjourned rather than recessing at the end of the previous day, if it has a period of morning business the next day and if it is in the second hour of the session. Even then, the bill goes back to the calendar if debate continues at the end of morning business.

The biggest problem in the Senate's current rules isn't that the majority can't work its will, but that a handful of Senators can

clog the legislative stream, preventing action even on broadly supported measures.

Cutting off debate requires a day's wait after the first cloture petition is filed, and then 30 more hours of debate even if cloture is invoked. This means that the leadership needs at least four days just to end debate on the motion to proceed, plus many more on controversial amendments.

Four days on one measure is four days that can't be devoted to other matters—and the Senate has averaged only 167 days in session each year this decade.

Making the motion to proceed non-debatable would not only reduce the opportunities for filibusters but would also end the practice of individual "holds" on bills and nominations.

Those holds aren't in the rules, but they are the result of rules that require, for example, the Senate to take up bills and nominations in the order they were added to the calendar—that is, oldest first, with more urgent matters or more recent versions delayed until all previous matters have been disposed of.

A non-debatable motion to proceed could still be rejected by majority vote, and a matter being debated could still be filibustered, but the opponents would have to muster their troops, whereas now a single Member can hold the whole Senate hostage.

There are other rules changes that the Senate might adopt to have a more orderly and businesslike legislative process.

It could change the rule (XIX) that requires that "all debate shall be germane and confined to the specific question then pending before the Senate" for only the first three hours and it could enforce more rigorously the section of that rule that "no Senator shall speak more than twice upon any one question in debate on the same legislative day."

Senators could also drop the provision saying that the rules continue from one Congress to another unless changed by a two-thirds vote. That was added in 1959 under pressure from Senators fighting civil rights bills in order to overturn a ruling that would have allowed each new Congress to adopt rules by majority vote—as the House of Representatives does every two years.

But if Senators are unwilling to change the basic rule on filibusters, they should at least make the motion to proceed non-debatable so that the Senate can get to work without petty delays.

[From the National Review Online, Jan. 12, 2005]

#### CRISIS MODE: A FAIR AND CONSTITUTIONAL OPTION TO BEAT THE FILIBUSTER GAME (By Senator Orrin G. Hatch)

Judicial nominations will be one of the most important issues facing the Senate in the 109th Congress and the question is whether we will return to the tradition of giving nominations reaching the Senate floor an up or down vote. The filibusters used to block such votes have mired the judicial-confirmation process in a political and constitutional crisis that undermines democracy, the judiciary, the Senate, and the Constitution. The Senate has in the past changed its procedures to rebalance the minority's right to debate and the majority's right to decide and it must do so again.

Newspaper editorials condemning the filibusters outnumber supporting ones by more than six-to-one. Last November, South Dakotans retired former Senate Minority Leader Tom Daschle, in no small part, because he led the filibuster forces. Yet within hours of

his election to succeed Senator Daschle as Minority Leader, Senator Harry Reid took to the Senate floor to defend them. Hope is fading that the shrinking Democratic minority will abandon its destructive course of using filibusters to defeat majority supported judicial nominations. Their failure to do so will require a deliberate solution.

#### DIAGNOSING THE CRISIS

If these filibusters were part of the Senate's historical practice or, as a recent NRO editorial put it, merely made confirming nominees more difficult, a deliberate solution might not be warranted. But this is a crisis, not a problem of inconvenience.

Senate rules reflect an emphasis on deliberation and debate. Either by unanimous agreement or at least 60 votes on a motion to invoke cloture under Rule 22, the Senate must end debate before it can vote on anything. From the Spanish filibustero, a filibuster was a mercenary who tries to destabilize a government. A filibuster occurs most plainly on the Senate floor when efforts to end debate fail, either by objection to unanimous consent or defeat of a cloture motion. During the 108th Congress, Senate Democrats defeated ten majority-supported nominations to the U.S. Court of Appeals by objecting to every unanimous consent request and defeating every cloture motion. This tactic made good on then-Democratic Leader Tom Daschle's February 2001 vow to use "whatever means necessary" to defeat judicial nominations. These filibusters are unprecedented, unfair, dangerous, partisan, and unconstitutional.

#### A POLITICAL CRISIS

These are the first filibusters in American history to defeat majority supported judicial nominations. Before the 108th Congress, 13 of the 14 judicial nominations on which the Senate took a cloture vote were confirmed. President Johnson withdrew the 1968 nomination of Abe Fortas to be Supreme Court chief justice the day after a failed cloture vote showed the nomination did not have clear majority support. In contrast, Democrats have now crossed the confirmation Rubicon by using the filibuster to defeat judicial nominations which enjoy clear majority support.

Focusing on President Clinton's judicial nominations in 1999, I described what has been the Senate's historical standard for judicial nominations: "Let's make our case if we have disagreement, and then vote." Democrats' new filibusters abandons this tradition and is unfair to senators who must provide the "advice and consent" the Constitution requires of them through a final up or down vote. It is also unfair to nominees who have agreed, often at personal and financial sacrifice, to judicial service only to face scurrilous attacks, trumped up charges, character assassination, and smear campaigns. They should not also be held in permanent filibuster limbo. Senators can vote for or against any judicial nominee for any reason, but senators should vote.

These unprecedented and unfair filibusters are distorting the way the Senate does business. Before the 108th Congress, cloture votes were used overwhelmingly for legislation rather than nominations. The percentage of cloture votes used for judicial nominations jumped a whopping 900 percent during President Bush's first term from the previous 25 years since adoption of the current cloture rule. And before the 108th Congress, the few cloture votes on judicial nominations were sometimes used to ensure up or down votes. Even on controversial nominees such as

Richard Paez and Marsha Berzon, we invoked cloture to ensure that we would vote on confirmation. We did, and both are today sitting federal judges. In contrast, these new Democratic filibusters are designed to prevent, rather than secure, an up or down vote and to ensure that targeted judicial nominations are defeated rather than debated.

These filibusters are also completely partisan. The average tally on cloture votes during the 108th Congress was 53-43, enough to confirm but not enough to invoke cloture and end debate. Democrats provided every single vote against permitting an up or down vote. In fact, Democrats have cast more than 92 percent of all votes against cloture on judicial nominations in American history.

#### A CONSTITUTIONAL CRISIS

Unprecedented, unfair, and partisan filibusters that distort Senate procedures constitute a political crisis. By trying to use Rule 22's cloture requirement to change the Constitution's confirmation requirement, these Democratic filibusters also constitute a constitutional crisis.

The Constitution gives the Senate authority to determine its procedural rules. More than a century ago, however, the Supreme Court unanimously recognized the obvious maxim that those rules may not "ignore constitutional restraints." The Constitution explicitly requires a supermajority vote for such things as trying impeachments or overriding a presidential veto; it does not do so for confirming nominations. Article II, Section 2, even mentions ratifying treaties and confirming nominees in the very same sentence, requiring a supermajority for the first but not for the second. Twisting Senate rules to create a confirmation supermajority undermines the Constitution. As Senator Joseph Lieberman once argued, it amounts to "an amendment of the Constitution by rule of the U.S. Senate."

But don't take my word for it. The same senators leading the current filibuster campaign once argued that all filibusters are unconstitutional. Senator Lieberman argued in 1995 that a supermajority requirement for cloture has "no constitutional basis." Senator Tom Harkin insisted that "the filibuster rules are unconstitutional" because "the Constitution sets out . . . when you need majority or supermajority votes in the Senate." And former Senator Daschle said that because the Constitution "is straightforward about the few instances in which more than a majority of the Congress must vote. . . . Democracy means majority rule, not minority gridlock." He later applied this to judicial nomination filibusters: "I find it simply baffling that a Senator would vote against even voting on a judicial nomination." That each of these senators voted for every judicial-nomination filibuster during the 108th Congress is baffling indeed.

These senators argued that legislative as well as nomination filibusters are unconstitutional. Filibusters of legislation, however, are different and solving the current crisis does not require throwing the entire filibuster baby out with the judicial nomination bathwater. The Senate's authority to determine its own rules is greatest regarding what is most completely within its jurisdiction, namely, legislation. And legislative filibusters have a long history. Rule 22 itself did not even potentially apply to nominations until decades after its adoption. Neither America's founders, nor the Senate that adopted Rule 22 to address legislative gridlock, ever imagined that filibusters would be used to highjack the judicial appointment process.

## TRYING TO CHANGE THE SUBJECT

Liberal interest groups, and many in the mainstream media, eagerly repeat Democratic talking points trying to change, rather than address, the subject. For example, they claim that, without the filibuster, the Senate would be nothing more than a "rubberstamp" for the president's judicial nominations. Losing a fair fight, however, does not rubberstamp the winner; giving up without a fight does. Active opposition to a judicial nomination, especially expressed through a negative vote, is the best remedy against being a rubberstamp.

They also try to change the definition of a filibuster. On March 11, 2003, for example, Senator Patrick Leahy, ranking Judiciary Committee Democrat, used a chart titled "Republican Filibusters of Nominees." Many individuals on the list, however, are today sitting federal judges, some confirmed after invoking cloture and others without taking a cloture vote at all. Invoking cloture and confirming nominations is no precedent for not invoking cloture and refusing to confirm nominations.

Many senators once opposed the very judicial nomination filibusters they now embrace. Senator Leahy, for example, said in 1998: "I have stated over and over again...that I would object and fight against any filibuster on a judge, whether it is somebody I opposed or supported." Since then, he has voted against cloture on judicial nominations 21 out of 26 times. Senator Ted Kennedy, a former chairman of the Judiciary Committee, said in 1995 that "Senators who believe in fairness will not let a minority of the Senate deny [the nominee] his vote by the entire Senate." Since then, he has voted to let a minority of the Senate deny judicial nominees a vote 18 out of 23 times.

Let me put my own record on the table. I have never voted against cloture on a judicial nomination. I opposed filibusters of Carter and Clinton judicial nominees, Reagan and Bush judicial nominees, all judicial nominees. Along with then-Majority Leader Trent Lott, I repeatedly warned that filibustering Clinton judicial nominees would be a "travesty" and helped make sure that every Clinton judicial nomination reaching the full Senate received a final confirmation decision. That should be the permanent standard, no matter which party controls the Senate or occupies the White House.

## SOLVING THE CRISIS

The Senate has periodically faced the situation where the minority's right to debate has improperly overwhelmed the majority's right to decide. And we have changed our procedures in a way that preserves the minority's right to debate, and even to filibuster legislation, while solving the crisis at hand.

The Senate's first legislative rules, adopted in 1789, directly reflected majority rule. Rule 8 allowed a simple majority to "move the previous question" and proceed to vote on a pending matter. Invoked only three times in 17 years, however, Rule 8 was dropped in the Senate rules revision of 1806, meaning unanimous consent was then necessary to end debate. Dozens of reform efforts during the 19th century tried to rein in the minority's abuse of the right to debate. In 1917, President Woodrow Wilson described what had become of majority rule: "The Senate of the United States is the only legislative body in the world which cannot act when its majority is ready for action. . . . The only remedy is that the rules of the Senate shall be altered." Leadership turned gridlock into reform, and that year the Senate

adopted Rule 22, by which  $\frac{2}{3}$  of Senators present and voting could invoke cloture, or end debate, on a pending measure.

Just as the minority abused the unanimous consent threshold in the 19th century, the minority abused the  $\frac{2}{3}$  threshold in the 20th century. A resolution to reinstate the previous question rule was introduced, and only narrowly defeated, within a year of Rule 22's adoption. A steady stream of reform attempts followed, and a series of modifications made until the current 60-vote threshold was adopted in 1975. The point is that the Senate has periodically rebalanced the minority's right to debate and the majority's right to decide. Today's crisis, with constitutional as well as political dimensions and affecting all three branches of government, presents an even more compelling case to do so.

These filibusters are an unprecedented shift in the kind, not just the degree, of the minority's tactics. After a full, fair, and vigorous debate on judicial nominations, a simple majority must at some point be able to proceed to a vote. A simple majority can achieve this goal either by actually amending Rule 22 or by sustaining an appropriate parliamentary ruling.

## A SIMPLE MAJORITY CAN CHANGE THE RULES

The Senate exercises its constitutional authority to determine its procedural rules either implicitly or explicitly. Once a new Congress begins, operating under existing rules implicitly adopts them "by acquiescence." The Senate explicitly determines its rules by formally amending them, and the procedure depends on its timing. After Rule 22 has been adopted by acquiescence, it requires 67 votes for cloture on a rules change. Before the Senate adopts Rule 22 by acquiescence, however, ordinary parliamentary rules apply and a simple majority can invoke cloture and change Senate rules.

Some object to this conclusion by observing that, because only a portion of its membership changes with each election, the Senate has been called a "continuing body." Yet language reflecting this observation was included in Senate rules only in 1959. The more important, and much older, sense in which the Senate is a continuing body is its ongoing constitutional authority to determine its rules. Rulings by vice presidents of both parties, sitting as the President of the Senate, confirm that each Senate may make that decision for itself, either implicitly by acquiescence or explicitly by amendment. Both conservative and liberal legal scholars, including those who see no constitutional problems with the current filibuster campaign, agree that a simple majority can change Senate rules at the beginning of a new Congress.

## A SIMPLE MAJORITY CAN UPHOLD A PARLIAMENTARY RULING

An alternative strategy involves a parliamentary ruling in the context of considering an individual nomination. This approach can be pursued at any time, and would not actually amend Rule 22. The precedent it would set depends on the specific ruling it produces and the facts of the situation in which it arises.

Speculation, often inaccurate, abounds about how this strategy would work. One newspaper, for example, offered a common description that this approach would seek "a ruling from the Senate parliamentarian that the filibuster of executive nominations is unconstitutional." Under long-standing Senate parliamentary precedent, however, the presiding officer does not decide such constitutional questions but submits them to the full

Senate, where they are debatable and subject to Rule 22's 60-vote requirement. A filibuster would then prevent solving this filibuster crisis. Should the chair rule in favor of a properly framed non-debatable point of order, Democrats would certainly appeal, but the majority could still sustain the ruling by voting for a non-debatable motion to table the appeal.

Democrats have threatened that, if the majority pursues a deliberate solution to this political and constitutional crisis, they will bring the entire Senate to a screeching halt. Perhaps they see this as way to further escalate the confirmation crisis, as the Senate cannot confirm judicial nominations if it can do nothing at all. No one, however, seriously believes that, if the partisan roles were reversed, Democrats—the ones who once proposed abolishing even legislative filibusters—would hesitate for a moment before changing Senate procedures to facilitate consideration of judicial nominations they favored.

## A FAMILIAR FORK IN THE ROAD

The United States Senate is a unique institution. Our rules allowing for extended debate protect the minority's role in the legislative process. We must preserve that role. The current filibuster campaign against judicial nominations, however, is the real attack on Senate tradition and an unprecedented example of placing short-term advantage above longstanding fundamental principles. It is not simply annoying or frustrating, but a new and dangerous kind of obstruction which threatens democracy, the Senate, the judiciary, and even the Constitution itself. As such, it requires a more serious and deliberate solution.

While judicial appointments can be politically contentious and ideologically divisive, the confirmation process must still be handled through a fair process that honors the Constitution and Senate tradition. If the fight is fair and constitutional, let the chips fall where they may. As it has before, the Senate must change its procedures to properly balance majority rule and extended debate. That way, we can vigorously debate judicial nominations and still conduct the people's business.

## REMEMBERING REPRESENTATIVE THOMAS LUDLOW "LUD" ASHLEY

Mr. BROWN of Ohio. Mr. President, as we search for solutions to our twin challenges in the housing and energy sectors, we should pause to celebrate, remember, and learn from the life of a legislator who brokered solutions to these very same problems more than 30 years ago "Lud" Ashley, the distinguished gentlemen who represented the 9th Congressional District of Ohio.

Thomas Ludlow Ashley represented the Toledo area from 1955 until 1981. He was a pragmatic progressive who knew how to broker a deal to move the Nation forward.

He was tapped by the late Speaker Tip O'Neill to lead the effort to develop a bipartisan set of proposals to address the Nation's energy crisis. His work laid the foundation for the passage of a series of bills that aimed to reduce our dependence on oil and spur the research and development of new, clean energy sources.

We could use his advice and counsel today.

Congressman Ashley made a profound difference in the well-being of everyday Americans. He was known as "Mr. Housing" for his leadership of the House Subcommittee on Housing and Community Development. In this role, he authored landmark pieces of legislation in the Housing and Community Development Acts of 1974 and 1977.

"Americans sleep in better homes today because of Lud Ashley," Senator Ted Kennedy once said of Congressman Ashley.

As a legislator, Congressman Ashley continued the family legacy of fighting for equality. His great-grandfather, who represented Toledo in Congress during the Civil War era, co-authored the 13th amendment abolishing slavery. A century later, Lud Ashley worked tirelessly to secure the passage of the 1964 Civil Rights Act.

An Army veteran, who served in the Pacific during World War II, Lud Ashley returned home to pursue his education. He earned degrees from Yale University and the Ohio State University College of Law.

Hearing the call to public service, Lud Ashley ran and won the privilege of representing the 9th Congressional District of Ohio in 1954. His service was defined by a passionate but collegial devotion to liberal causes, one that earned him the respect and friendship of his peers on both sides of the aisle.

I hope that my colleagues will take a moment to honor the life and legacy of Congressman Lud Ashley a great Ohioan and a great American.

#### ADDITIONAL STATEMENTS

##### ELGIN, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 17–20, the residents of Elgin will gather to celebrate their community's history and founding.

Elgin, a Northern Pacific Railroad town site, was first named Shanley, but became Elgin in 1910. The residents were having difficulty agreeing on a new name, and Isadore Gintzler is said to have looked at his pocket watch to check the time at a very late hour, and suggested its brand name, Elgin, as a compromise name for the town site. Elgin watches are made in Elgin, IL, which was named by founder James T. Gifford for Elgin, Scotland. The post office was established August 11, 1910. Elgin was incorporated as a village in 1911.

Some of the present day businesses and accommodations that continue to thrive within the city of Elgin include the Jacobson Memorial Hospital Care Center and Clinics, Dakota Hill Hous-

ing, a dentist, an eye clinic, a cafe and bowling alley, a grocery store, a hardware store, gas stations, a bank, accounting offices, a drug store, insurance agencies, a newspaper, the post office, a lumber yard, a motel, a new public library, and grain elevators.

Citizens of Elgin have organized numerous activities to celebrate their centennial. Some of the activities include an opening ceremony, historical power point presentation, historical bus tour, musical entertainment, an alumni football game, a magician show, and an antique parade.

I ask the U.S. Senate to join me in congratulating Elgin, ND, and its residents on the first 100 years and in wishing them well through the next century. By honoring Elgin and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Elgin that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Elgin has a proud past and a bright future.●

#### ARKANSAS'S FARM BUREAU SCHOLARSHIP WINNERS

• Mrs. LINCOLN. Mr. President, today I congratulate eight Arkansas college students who were recently selected as recipients of this year's Arkansas Farm Bureau Foundation Scholarship Program. The students will receive \$1,000 per semester for their agriculture studies in the 2010–2011 school year.

These young Arkansans represent the best of our State, and I am pleased to see them receive this funding to advance their education and prepare them for their future agriculture careers. Agriculture is the backbone of Arkansas's economy, creating more than 270,000 jobs in the State and providing \$9.1 billion in wages and salaries. In total, agriculture contributes roughly \$15.9 billion to the Arkansas economy each year.

To be eligible for the Farm Bureau scholarship, students must be Arkansas residents, members of a Farm Bureau family, and enrolled as juniors or seniors in a State-accredited university. They must also maintain a 2.5 grade-point-average and pursue an agriculture-related degree. As a seventh generation Arkansan and farmer's daughter and as chairman of the Senate Agriculture Committee, I understand firsthand and appreciate the hard work and contributions of our farm families, and these students are quite deserving of this honor.

This year's scholarship recipients are:

Anna Elizabeth Buck, 21, of Delight, Pike County, daughter of Ricky and Rebecca Buck. She is an agricultural business major with a marketing minor at Southern Arkansas University in Magnolia.

Laura Jones, 29, of Clinton, Washington County, daughter of Rosemary and Willie Jones. She is an animal science/pre-vet major at Arkansas State University in Jonesboro.

Mia Hand, 21, of Magnolia, Columbia County, daughter of Rosanne Hand. She is an agricultural education major at Southern Arkansas University in Magnolia.

Jaimie McMeechan, 23, of Gamaliel, Baxter County, daughter of William and Shirley McMeechan. She is an agriculture education major at Southern Arkansas University in Magnolia.

Jared McMillan, 20, of Pine Bluff, Jefferson County, son of Dale and Teresa McMillan. He is an animal science major at the University of Arkansas at Monticello.

Kevin Dale Morrison, 21, of Onyx, Yell County, son of Vernon and Elise Morrison. He is an agriculture business major with an emphasis in animal science at Arkansas Tech University in Russellville.

Daniel Wade Walters, 20, of Fayetteville, Washington County, son of Danny and Bonita Walters. He is an agriculture business major at Arkansas Tech University in Russellville.

Fines "Levi" Hudson, 22, of Mt. Judea, Newton County, son Richard and Anita Hudson. He is a food, human nutrition and hospitality major with a dietetics concentration at the University of Arkansas at Fayetteville.●

#### REMEMBERING REVEREND GERALD ARCHIE "G.A." MANGUN

• Mr. VITTER. Mr. President, today I wish to acknowledge Reverend Gerald Archie "G.A." Mangun of Alexandria, LA, and to honor his memory as an important spiritual leader to the citizens of central Louisiana. I would like to take some time to make a few remarks about his legacy.

Reverend Mangun passed away Thursday, June 17, 2010, at the age of 91. Reverend Mangun was born March 11, 1919, in LaPaz, IN. He was ordained a minister in 1942 and spent the years before coming to Alexandria preaching across the country. He then came to Alexandria and was elected pastor of the then-First United Pentecostal Church in 1950.

Reverend Mangun relentlessly dedicated himself to reaching out to his community through his church. His church began small, with only 35 members, but with his unyielding dedication and inspiration it continued to grow. Today, the Pentecostal Church of Alexandria has a congregation numbering more than 3,000. This growth in itself shows his spiritual leadership and positive influence in the State of Louisiana.

Through his leadership, the church grew to be an integral part of the city of Alexandria and the State of Louisiana. His leadership, however, reached far beyond his own State. For example, Reverend Mangun raised 1.13 million for mission work in 2009 alone. His impact in and outside of his own State and community have been remarkable.

Reverend Mangun suffered a stroke on May 28, 2010, and passed away on

June 17, 2010. His passing is a great loss to the State of Louisiana. However, his legacy will continue through the hearts and minds of people he touched and influenced through his ministry. His impact continues to be felt today throughout the country and around the world through his ministry and mission work. Thus today, I am proud to honor Reverend Gerald Archie Mangun for his service and leadership in his community and in the State of Louisiana.●

#### MESSAGE FROM THE HOUSE

At 12:44 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution:

H. Con. Res. 288. Concurrent resolution supporting National Men's Health Week.

#### MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 288. Concurrent resolution supporting National Men's Health Week; to the Committee on Health, Education, Labor, and Pensions.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6318. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to Part 766 of the Export Administration Regulations" (RIN0694-AE93) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6319. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled "Transportation for Individuals with Disabilities: Passenger Vessels" (RIN2105-AB87) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6320. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Jet Routes J-32, J-38, and J-538; Minnesota" ((RIN2120-AA66)(Docket No. FAA-2009-1080)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6321. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Restricted Area R-2504; Camp Roberts, CA" ((Docket No. FAA-2010-0557)(FAA Docket No. 2010-0557))

received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6322. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (53); Amdt. No. 3375" (RIN2120-AA65) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6323. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (86); Amdt. No. 3374" (RIN2120-AA65) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6324. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (13); Amdt. No. 3377" (RIN2120-AA65) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6325. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (12); Amdt. No. 3377" (RIN2120-AA65) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6326. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (12); Amdt. No. 3376" (RIN2120-AA65) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6327. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class C Airspace; Beale Air Force Base, CA" ((RIN2120-AA66)(Docket No. FAA-2010-0367)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6328. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and E Airspace; Victorville, CA" ((RIN2120-AA66)(Docket No. FAA-2009-1140)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6329. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Mount Pleasant, SC" ((RIN2120-AA66)(Docket No. FAA-2010-0069)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6330. A communication from the Senior Program Analyst, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Mount Pleasant, SC; Confirmation of Effective Date" ((RIN2120-AA66)(Docket No. FAA-2010-0069)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6331. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Panama City, Tyndall AFB, FL" ((RIN2120-AA66)(Docket No. FAA-2010-0249)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6332. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Quitman, GA" ((RIN2120-AA66)(Docket No. FAA-2010-0053)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6333. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Austin, TX" ((RIN2120-AA66)(Docket No. FAA-2009-1152)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6334. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Corpus Christi, TX" ((RIN2120-AA66)(Docket No. FAA-2010-0089)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6335. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Hoquiam, WA" ((RIN2120-AA66)(Docket No. FAA-2009-1063)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6336. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Magnolia, AR" ((RIN2120-AA66)(Docket No. FAA-2009-1179)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6337. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Kaltag, AK" ((RIN2120-AA66)(Docket No. FAA-2010-0082)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6338. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace;

Wainwright, AK'' ((RIN2120-AA66)(Docket No. FAA-2010-0080)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6339. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Nenana, AK'' ((RIN2120-AA66)(Docket No. FAA-2010-0081)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6340. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Galena, AK'' ((RIN2120-AA66)(Docket No. FAA-2010-0299)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6341. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; West Yellowstone, MT'' ((RIN2120-AA66)(Docket No. FAA-2009-1101)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6342. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation and Establishment of Class E Airspace; Nuiqsut, AK'' ((RIN2120-AA66)(Docket No. FAA-2010-0502)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6343. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Model 222, 222B, 222U, 230, and 430 Helicopters'' ((RIN2120-AA64)(Docket No. FAA-2008-0071)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6344. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Learjet Inc. Model 60 Airplanes'' ((RIN2120-AA64)(Docket No. FAA-2009-0495)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6345. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PILATUS Aircraft Ltd. Model PC-7 Airplanes'' ((RIN2120-AA64)(Docket No. FAA-2010-0250)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6346. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; CFM International, S.A. Models CFM56-3 and -3B Turbofan Engines'' ((RIN2120-

AA64)(Docket No. FAA-2009-0606)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6347. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 Series Airplanes; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model CR-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310 Series Airplanes'' ((RIN2120-AA64)(Docket No. FAA-2010-0171)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6348. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Microturbo Saphir 20 Model 095 Auxiliary Power Units (APUs'' ((RIN2120-AA64)(Docket No. FAA-2010-0512)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6349. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Arriel 2B1 Turbo-Engines'' ((RIN2120-AA64)(Docket No. FAA-2007-27009)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6350. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, and 702) Airplanes, Model CL-600-2D15 (Regional Jet Series 705) Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) Airplanes'' ((RIN2120-AA64)(Docket No. FAA-2009-1033)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6351. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca S.A. MAKILA 1A and 1A1 Turbo-Engines'' ((RIN2120-AA64)(Docket No. FAA-2009-0982)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6352. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6-45 and CF6-50 Series Turbofan Engines'' ((RIN2120-AA64)(Docket No. FAA-2010-0068)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6353. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135ER, -135KE, -135KL, and -135LR Airplanes; and

EMBRAER Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes'' ((RIN2120-AA64)(Docket No. FAA-2010-0170)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6354. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc. Auxiliary Power Unit Models GTCP36-150(R) and GTCP36-150(RR))'' ((RIN2120-AA64)(Docket No. FAA-2009-0803)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6355. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (53); Amdt. No. 3375'' ((RIN2120-AA65)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6356. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Astazou XIV B and XIV H Turbo-Engines'' ((RIN2120-AA64)(Docket No. FAA-2010-0219)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6357. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault-Aviation Model FALCON 2000 and FALCON 2000EX Airplanes'' ((RIN2120-AA64)(Docket No. FAA-2009-0791)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6358. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, and Model A340-300 Series Airplanes'' ((RIN2120-AA64)(Docket No. FAA-2009-0914)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6359. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes'' ((RIN2120-AA64)(Docket No. FAA-2010-0176)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6360. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 190-100 STD, -100 LR, -100 IGW, -200 STD, -200 LR, and -200 IGW Airplanes'' ((RIN2120-AA64)(Docket No. FAA-2010-0175)) received in the Office of the President of the Senate on June 21, 2010; to the

the Committee on Commerce, Science, and Transportation.

EC-6361. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Corporation Model MD-11 and MD-11F Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0866)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6362. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Stemme GmbH and Co. KG Model S10-VT Powered Sailplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0788)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6363. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SOCATA Model TBM 700 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0286)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6364. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; AeroSpace Technologies of Australia Pty Ltd Models N22B, N22S, and N24A Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0235)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6365. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Quartz Mountain Aerospace, Inc. Model 11E Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0261)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6366. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, -135ER, -135KE, -135KL, -135LR, -145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0132)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6367. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; AVOX Systems and B/E Aerospace Oxygen Cylinders as Installed on Various 14 CFR Part 23 and CAR 3 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0272)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6368. A communication from the Senior Program Analyst, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dowty Propellers R175/4-30-4/13; R175/4-30-4/13e; R184/4-30-4/50; R193/4-30-4/50; R193/4-30-4/61; R193/4-30-4/64; R193/4-30-4/65; R193/4-30-4/66; R.209/4-40-4.5/2; R212/4-30-4/22; R.245/4-40-4.5/13; R257/4-30-4/60; and R.259/4-40-4.5/17 Model Propellers" ((RIN2120-AA64)(Docket No. FAA-2008-0750)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6369. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604 Variants) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0169)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6370. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.) Model Gulfstream 100 Airplanes, and Model Astra SPX and 1125 Westwind Astra Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0034)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6371. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 Series Airplanes; Model A300 B4-600, B4-600R, F4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and A310 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0172)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6372. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE SYSTEMS (Operations) Limited Model BAe 146 Airplanes and Model Avro 146-RJ Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0909)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6373. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Thielert Aircraft Engines GmbH (TAE) Models TAE 125-01 and TAE 125-02-99 Reciprocating Engines Installed in, but not limited to, Diamond Aircraft Industries Model DA 42 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0201)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6374. A communication from the Senior Program Analyst, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Makila 2A Turboshaft Engines" ((RIN2120-AA64)(Docket No. FAA-2010-0411)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

S. 3249. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster hazard mitigation program and for other purposes (Rept. No. 111-215).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KOHL (for himself, Ms. SNOWE, and Mr. LIEBERMAN):

S. 3523. A bill to reauthorize the Hollings Manufacturing Extension Partnership Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. HUTCHISON:

S. 3524. A bill to authorize the Secretary of the Interior to enter into a cooperative agreement for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, to conduct a study of potential land acquisitions, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself and Mr. RISCH):

S. 3525. A bill to repeal the Jones Act restrictions on coastwise trade and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WICKER:

S. 3526. A bill to require the GAO to evaluate the propriety of assistance provided to General Motors Corporation under the Troubled Asset Relief Program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY:

S. Res. 562. A resolution to increase transparency by requiring Senate amendments to be made available to the public in a timely manner; to the Committee on Rules and Administration.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 563. A resolution recognizing the Los Angeles Lakers on their 2010 National Basketball Association Championship and congratulating the players, coaches, and staff for their outstanding achievements; to the Committee on the Judiciary.

By Mr. WEBB (for himself, Mr. INHOFE, Mr. LIEBERMAN, Mr. DODD, and Mr. BOND):

S. Res. 564. A resolution recognizing the 50th anniversary of the ratification of the Treaty of Mutual Security and Cooperation with Japan, and affirming support for the United States-Japan security alliance and relationship; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 311

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 311, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 831

At the request of Mr. KERRY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 931

At the request of Mr. FEINGOLD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 931, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1756

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1756, a bill to amend the Age Discrimination in Employment Act of 1967 to clarify the appropriate standard of proof.

S. 3232

At the request of Mr. BURR, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3232, a bill to amend the Internal Revenue Code of 1986 to make employers of spouses of military personnel eligible for the work opportunity credit.

S. 3234

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3234, a bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 3320

At the request of Mr. WHITEHOUSE, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Washington (Ms. CANTWELL), the Senator from Michigan (Ms. STABENOW), the Senator from Nevada (Mr. REID), the Senator from Hawaii (Mr. INOUE) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3335

At the request of Mr. COBURN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3335, a bill to require Congress to establish a unified and searchable database on a public website for congressional earmarks as called for by the President in his 2010 State of the Union Address to Congress.

S. 3411

At the request of Mrs. GILLIBRAND, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3411, a bill to provide for the adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010.

S. 3412

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3412, a bill to provide emergency operating funds for public transportation.

S. 3466

At the request of Mr. LEAHY, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 3466, a bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

S. 3469

At the request of Mr. BENNET, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3469, a bill to build capacity and provide support at the leadership level for successful school turnaround efforts.

S. 3471

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3471, a bill to improve access to capital, bonding authority, and job training for Native Americans and pro-

mote native community development financial institutions and Native American small business opportunities, and for other purposes.

S. 3474

At the request of Mr. FEINGOLD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3474, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 3478

At the request of Mr. SCHUMER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3478, a bill to amend title 46, United States Code, to repeal certain limitations of liability and for other purposes.

S. 3509

At the request of Mr. UDALL of Colorado, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3509, a bill to amend the Energy Policy Act of 2005 to promote the research and development of technologies and best practices for the safe development and extraction of natural gas and other petroleum resources, and for other purposes.

S. 3510

At the request of Mr. CONRAD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3510, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 3512

At the request of Mrs. HUTCHISON, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 3512, a bill to provide a statutory waiver of compliance with the Jones Act to foreign flagged vessels assisting in responding to the Deepwater Horizon oil spill.

S. 3513

At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3513, a bill to amend the Internal Revenue Code of 1986 to extend for one year the special depreciation allowances for certain property.

S. 3516

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3516, a bill to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, and for other purposes.

S.J. RES. 29

At the request of Mrs. FEINSTEIN, the names of the Senator from Minnesota (Mr. FRANKEN), the Senator from North Carolina (Mrs. HAGAN) and the Senator

from Louisiana (Ms. LANDRIEU) were added as cosponsors of S.J. Res. 29, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. CON. RES. 63

At the request of Mr. JOHNSON, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. RES. 552

At the request of Mr. BENNET, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 552, a resolution designating June 23, 2010, as "Olympic Day".

AMENDMENT NO. 4324

At the request of Mr. WHITEHOUSE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 4324 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself, Ms. SNOWE, and Mr. LIEBERMAN):

S. 3523. A bill to reauthorize the Hollings Manufacturing Extension Partnership Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. KOHL. Mr. President, I rise today to introduce legislation to reauthorize the Manufacturing Extension Partnership program. I want to thank my cosponsors, Senators SNOWE and LIEBERMAN for their support of this legislation and for their long-time support of this program.

For the last few years, there have been too many jobs lost, and the manufacturing sector has been particularly hard-hit. My home State of Wisconsin has been particularly hard hit—in the last 10 years we have lost 168,000 manufacturing jobs, nearly a 30 percent drop in the manufacturing workforce.

Despite these struggles, our Nation remains the world's largest manufacturing economy, and still employs a sizable percentage of our workforce. We must continue to do better, and work harder for our manufacturers. To put it simply, a strong manufacturing sector means a strong economy. Retaining and creating manufacturing jobs grows our prosperity.

That is why the MEP remains a good investment for our country. The MEP is the only public-private program dedicated to providing technical support and services to small and medium-

sized manufacturers, helping them provide quality jobs for American workers. The MEP is a nationwide network of proven resources that enables manufacturers to compete globally, supports greater supply chain integration, and provides access to information, training, and technologies that improve efficiency, productivity, and profitability.

MEP's results are undeniable. In fiscal year 2009 alone, based on services provided in 2008, MEP projects with small and medium-sized manufacturers created or retained 52,948 jobs nationwide, generated more than \$9.1 billion in sales, and provided cost savings of more than \$1.4 billion.

In my home State of Wisconsin, the results are just as impressive. Wisconsin is home to two MEP Centers, and in the last year, Wisconsin companies that worked with the two centers were able to save or create more than 1,200 jobs, generate \$118.6 million in sales, make \$54 million in new investments, and generate \$19.3 million in cost savings.

Our small- and medium-sized manufacturers face different challenges than larger companies, especially in this tough economy. The improvements that come to a business from working with an MEP Center can mean the difference between profitability and growth or shutting their doors. It is vital that we support our manufacturers, and so it is equally vital that we continue strong support for MEP.

The bill I have introduced today reauthorizes the MEP program for 5 years, through fiscal year 2015, and authorizes \$825 million for the base program over those 5 years. This increase is in line with what President Obama called for in his budget and is a reasonable amount of growth at a time when we must scrutinize all Federal investments.

The bill also includes Senator SNOWE's legislation to change the cost-share percentage for MEP Centers to fully-access Federal funding. At a time of tight State budgets, and at a time when manufacturers have less funding to pay for MEP services, MEP Centers are finding it harder and harder to meet the current 2/3 cost-share requirement. The time they must take to meet this requirement takes away from their time with manufacturers. The bill changes the cost share to 50/50—in line with most other programs at the Commerce Department—and calls for a study to determine if this level is reasonable for the long-term.

As I mentioned, state funding is one key component of a MEP Center's budget, and one area where funding has been constrained as of late. In response, this legislation authorizes a \$5 million State incentive program. We should encourage State participation to grow this program, and make it a true partnership between the State, Federal Government and private sector.

Finally, the bill creates a separate funding authorization for the Competitive Grant Program created in the 2007 America COMPETES Bill. This will ensure that funding for the base MEP program goes to the existing MEP centers and allows Congress and the Commerce Department to separately fund new, innovative services for our manufacturers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3523

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Hollings Manufacturing Extension Partnership Program Reauthorization Act of 2010".

#### SEC. 2. REAUTHORIZATION OF HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.

(a) HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP PROGRAM COST-SHARING.—Section 25(c) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)) is amended by adding at the end the following:

"(7) Notwithstanding paragraphs (1), (3), and (5), for each of the fiscal years 2011 through 2013, the Secretary may not provide a Center with more than 50 percent of the costs incurred by such Center and may not require that a Center's cost share exceed 50 percent.

"(8) Not later than 2 years after the date of the enactment of this paragraph, the Secretary shall submit a report to Congress on the cost share requirements under the Centers program, which shall—

"(A) analyze various cost share structures, including—

"(i) the cost share structure in place before the date of the enactment of this paragraph;

"(ii) the cost share structure in place under paragraph (7); and

"(iii) the effect of such cost share structures on individual Centers and the overall program; and

"(B) include a recommendation for structuring the cost share requirement after fiscal year 2013 to best provide for the long-term sustainability of the program."

(b) STATE INCENTIVE PROGRAM.—Section 25 of such Act (15 U.S.C. 278k) is amended by adding at the end the following:

"(g) STATE INCENTIVE PROGRAM.—If a State provides financial support to a Center in excess of 25 percent of the capital and annual operating and maintenance funds required to create and maintain such Center, the Secretary shall provide such Center assistance that is—

"(1) in addition to assistance otherwise provided to such Center under this section; and

"(2) in an amount determined according to a formula the Secretary shall establish for purposes of this subsection."

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out subsections (a) through (e) of such section 25—

(A) \$145,000,000 for fiscal year 2011;

(B) \$155,000,000 for fiscal year 2012;

(C) \$165,000,000 for fiscal year 2013;

(D) \$175,000,000 for fiscal year 2014; and

(E) \$185,000,000 for fiscal year 2015.

(2) COMPETITIVE GRANT PROGRAM.—There is authorized to be appropriated to carry out subsection (f) of such section \$5,000,000 for each of the fiscal years 2011 through 2015.

(3) STATE INCENTIVE PROGRAM.—There is authorized to be appropriated to carry out subsection (g) of such section, as added by subsection (b) of this section, \$5,000,000 for each of the fiscal years 2011 through 2015.

(d) DESIGNATION OF PROGRAM.—

(1) IN GENERAL.—Such section 25 (15 U.S.C. 278k) is further amended by adding at the end the following:

“(h) DESIGNATION.—

“(1) HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.—The program under this section shall be known as the ‘Hollings Manufacturing Extension Partnership Program’.

“(2) HOLLINGS MANUFACTURING EXTENSION CENTERS.—The Regional Centers for the Transfer of Manufacturing Technology created and supported under subsection (a) shall be known as the ‘Hollings Manufacturing Extension Centers’ (in this Act referred to as the ‘Centers’).”.

(2) CONFORMING AMENDMENT TO CONSOLIDATED APPROPRIATIONS ACT, 2005.—Division B of title II of the Consolidated Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2879; 15 U.S.C. 278k note) is amended under the heading “INDUSTRIAL TECHNOLOGY SERVICES” by striking “2007: *Provided further, That*” and all that follows through “Extension Centers.” and inserting “2007.”.

(3) TECHNICAL AMENDMENT.—Section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)) is amended in the matter preceding paragraph (1) by striking “Regional Centers for the Transfer of Manufacturing Technology” and inserting “regional centers for the transfer of manufacturing technology”.

By Mrs. HUTCHISON:

S. 3524. A bill to authorize the Secretary of the Interior to enter into a cooperative agreement for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, to conduct a study of potential land acquisitions, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. HUTCHISON. Mr. President, today I rise to speak on the San Antonio Missions National Historical Park Boundary Expansion Act of 2010. This legislation will preserve and enhance one of Texas’ most historic regions. Additionally, it will provide for a new education center so folks from around the nation can learn more about one of the many historic gems Texas has to offer.

I would like to commend Congressman CIRO RODRIGUEZ for his leadership and dedication to the San Antonio Missions. The legislation I have introduced today is a Senate companion to legislation that Congressman RODRIGUEZ introduced earlier this year.

During the 1700s, Spain greatly influenced the San Antonio area. As Spanish explorers travelled through modern-day Texas, Catholic missionaries and soldiers accompanied the group and established the missions and forts

we now benefit from in the San Antonio Missions National Historical Park. The missions and forts were originally established to protect Spanish land claims from the French in Louisiana. The missions and forts were also important to Spain in order to spread their influence and recruit new citizens for Spain’s expanding empire. The San Antonio Missions National Historical Park preserves the 18th century missions on site and offers visitors an opportunity to learn about the historical importance that the area played in vocational and educational training during the 1700s.

Furthermore, the park exemplifies the diverse cultural influences we enjoy in Texas. The park’s cultural influences can be seen through the formation of San Antonio Missions National Historical Park, the largest concentration of historical Catholic missions in North America. The park also has some of the most effectively maintained Spanish colonial architecture in the United States. The rich history of the San Antonio Missions Historic Park must be preserved for future generations to enjoy. I am pleased to join Congressman RODRIGUEZ in supporting the San Antonio Missions.

By Mr. MCCAIN (for himself and Mr. RISCH):

S. 3525. A bill to repeal the Jones Act restrictions on coastwise trade and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, today I am pleased to introduce legislation that would fully repeal the Jones Act, a 1920s law that hinders free trade and favors labor unions over consumers. Specifically, the Jones Act requires that all goods shipped between waterborne ports of the United States be carried by vessels built in the United States and owned and operated by Americans. This restriction only serves to raise shipping costs, thereby making U.S. farmers less competitive and increasing costs for American consumers.

This was highlighted by a 1999 U.S. International Trade Commission economic study, which suggested that a repeal of the Jones Act would lower shipping costs by approximately 22 percent. Also, a 2002 economic study from the same Commission found that repealing the Jones Act would have an annual positive welfare effect of \$656 million on the overall U.S. economy. Since these studies are the most recent statistics available, imagine the impact a repeal of the Jones Act would have today: far more than a \$656 million annual positive welfare impact—maybe closer to \$1 billion. These statistics demonstrate that a repeal of the Jones Act could prove to be a true stimulus to our economy in the midst of such difficult economic times.

The Jones Act also adds a real, direct cost to consumers—particularly con-

sumers in Hawaii and Alaska. A 1988 GAO report found that the Jones Act was costing Alaskan families between \$1,921 and \$4,821 annually for increased prices paid on goods shipped from the mainland. In 1997, a Hawaii government official asserted that “Hawaii residents pay an additional \$1 billion per year in higher prices because of the Jones Act. This amounts to approximately \$3,000 for every household in Hawaii.”

This antiquated and protectionist law has been predominantly featured in the news as of late due to the Gulf Coast oil spill. Within a week of the explosion, 13 countries, including several European nations, offered assistance from vessels and crews with experience in removing oil spill debris, and as of June 21, the State Department has acknowledged that overall “it has had 21 aid offers from 17 countries.” However, due to the Jones Act, these vessels are not permitted in U.S. waters.

The Administration has the ability to grant a waiver of the Jones Act to any vessel—just as the previous Administration did during Hurricane Katrina—to allow the international community to assist in recovery efforts. Unfortunately, this Administration has not done so.

Therefore, some Senators have put forward legislation to waive the Jones Act during emergency situations, and I am proud to cosponsor this legislation. However, the best course of action is to permanently repeal the Jones Act in order to boost the economy, saving consumers hundreds of millions of dollars. I hope my colleagues will join me in this effort to repeal this unnecessary, antiquated legislation in order to spur job creation and promote free trade.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 562—TO INCREASE TRANSPARENCY BY REQUIRING SENATE AMENDMENTS TO BE MADE AVAILABLE TO THE PUBLIC IN A TIMELY MANNER

Mr. GRASSLEY submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 562

*Resolved,*

### SECTION 1. AVAILABILITY TO THE PUBLIC.

Not later than 6 months after the date of adoption of this resolution, the Secretary of the Senate shall make the Senate amendment database (ats.senate.gov or a similar amendment database) available to the public on a public website in a manner that will allow the public to view amendments as soon as they are made widely available to Members of Congress and staff.

### SEC. 2. UPGRADES TO THE WEBSITE.

Not later than 6 months after the date of adoption of this resolution, the Secretary of the Senate shall improve the Senate amendment website and any other amendment

website made available to the public by ensuring that—

(1) all amendments are scanned and posted on the website in their entirety;

(2) all submitted amendments have their purpose inputted when they are entered into the website;

(3) all amendments are identified on the website as first degree or second degree and by what bill or amendment they are offered, if available;

(4) all amendments on the website have the dates they were submitted, proposed, and disposed of; and

(5) all amendments and any associated metadata are permanently available on the website or the Legislative Information System (LIS)/THOMAS sites.

### SEC. 3. FUNDING.

It is the sense of the Senate that appropriations should be made available through the appropriations process to carry out this resolution.

Mr. GRASSLEY. Mr. President, I address my colleagues for the purpose of submitting a resolution that will bring about greater transparency in government. I think my colleagues know I have a long history in promoting this sort of transparency. I believe the more people are aware of what we are doing in the Senate and the Congress, or in Washington generally, the more accountable we are. The more accountable we are, the better job we will do. I hope everybody agrees that is a pretty simple concept.

Today, the purpose I come to the Senate floor is to submit a resolution that will improve transparency in this body and hold us all more accountable to the people we serve; in other words, reminding the people that we work for them; they do not work for us.

This resolution requires the Secretary of the Senate to make filed amendments publicly available as soon as they are made available to Members and staff. I will show, in just a minute, that they are almost immediately made available to Members and staff. So why not the public?

In this day and age you would think this was already happening. We live in a world of 24-hour news. We live in a world of instant coverage over the Internet of just about everything. Yet we have not been allowing the general public to get this information real time. My proposal would add more transparency to how the Senate works and what we are debating on the Senate floor.

Some might question whether this is necessary. Under the current system, the public is usually able to see an amendment the next day in the CONGRESSIONAL RECORD. So I want to say why that is not good enough. In many cases, that may simply be too late.

Under the current system, the public may not be able to see the amendment until after debate has begun or even after the Senate has already voted. This would be even more common during some of the controversial debates that stretch late into the evening. You

might remember the late evening votes we had on health care reform last December and again in March where hundreds of amendments were filed and votes were cast well past midnight.

In fact, today we make the vote count public on the Internet within an hour of when a vote takes place. But we might not be able to make the substance of what we voted on available until the next day. So we let the public see how we voted, but we do not always let them see what we voted on. Of course, that does not make sense.

Just last night, Members tried to call up and pass various amendments. But only the most experienced Washington insider would have been able to actually find copies of those amendments. Shouldn't we have some kind of searchable system for amendments to allow our constituents the same access to information that some seasoned lobbyist or some seasoned congressional staffer has?

Don't we want to give our constituents a chance to see the amendments before we vote on them, if they are interested in reading them? Don't we want to know what our constituents think about amendments before we vote on them?

In order for that to happen, they have to know what those amendments are that have been filed. Of course, I am not talking about an amendment that might change a word here or a word there—although those should be publicly available as well. Some amendments I am talking about are hundreds of pages long and even constitute a complete rewrite of an underlying bill.

Today, we will likely see our fifth version of the extenders bill that is now the pending business on the floor of the Senate, and that fifth version would be in the form of an amendment. But our constituents may not be able to see that until tomorrow.

Shouldn't the public be able to see that amendment as soon as we Members or our staffs can read that amendment? This is a representative system of government, and it is impossible to represent the American people if they do not have access to the same information we have.

In addition to those who will question whether this is necessary, others might wonder whether it is even possible, like technically possible.

In fact, we are already doing it. That is right. The amendments are already available electronically to Senate offices almost immediately after they are filed, but they are not available to the public—not necessarily intentionally hidden from the public, but the public cannot get them like everybody in the Senate and in our offices can get them.

I have a chart in the Chamber that shows there is already an Amendment Tracking System Web site that is only

available to Members of Congress and staff. It provides a copy of the amendment, the purpose of the amendment, the sponsor of the amendment, and the status of that amendment.

My resolution is this simple: It would simply make this or a similar Web site available to the public, much like already is done with the Legislative Information System site or the Thomas site at the Library of Congress.

That way, the public gets to see exactly what we Members and our staffs are seeing almost immediately after filing. They get the same information and can provide their input prior to a vote.

There is a lot of distrust of government these days. People believe Congress is ignoring what the public thinks and what the public wants. Some of this is the result of the policies that are being considered around here. But it also has to do with the lack of transparency and accountability in government.

I am not saying this resolution is going to fix all that is wrong with that distrust that is expressed—because it will not—but this resolution is one more step toward letting a little more sunshine into this Chamber. This straightforward resolution will increase transparency, it will promote accountability, and it will make us all better representatives of the people we serve.

I hope the Senate will consider this resolution at some point in the near future, and I also urge my colleagues to support it. The public deserves access to this information on the same basis as those of us who are closely connected to this institution—meaning the Members and our staffs.

### SENATE RESOLUTION 563—RECOGNIZING THE LOS ANGELES LAKERS ON THEIR 2010 NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP AND CONGRATULATING THE PLAYERS, COACHES, AND STAFF FOR THEIR OUTSTANDING ACHIEVEMENTS

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on the Judiciary:

#### S. RES. 563

Whereas on June 17, 2010, the Los Angeles Lakers won the 2010 National Basketball Association (NBA) Championship with a 83-79 victory over the Boston Celtics in Game 7 of the NBA Finals;

Whereas during the 2010 NBA Playoffs, the Lakers defeated the Oklahoma City Thunder, Utah Jazz, Phoenix Suns, and Boston Celtics en route to the storied franchise's 16th championship and 11th in Los Angeles;

Whereas the 2010 Lakers honored the franchise's tradition of excellence that dates back to its establishment in 1947 in Minneapolis, Minnesota, where the Lakers were named for the "Land of 10,000 Lakes" and

won 5 championships before moving to Los Angeles in 1960;

Whereas this marks the Lakers' 5th NBA championship since 1999, the most by any franchise during that period, and matches the run by the "Showtime" Lakers of the 1980's that featured Hall of Fame players Earvin "Magic" Johnson, Kareem Abdul-Jabbar, and James Worthy;

Whereas Phil Jackson has won more championships than any other coach in NBA history, recording his 11th championship this year and 5th with the Lakers;

Whereas the 2010 NBA Championship marks the 10th for the Lakers owner Gerald Hatten Buss;

Whereas general manager Mitch Kupchak has built a team that has exemplified the talent, character, and resilience necessary to repeat as NBA Champions;

Whereas Kobe Bryant won his 5th NBA Championship, tying him with Earvin "Magic" Johnson and Derek Fisher for the most by a Lakers player;

Whereas Kobe Bryant averaged 28.6 points, 8.0 rebounds, and 3.9 assists during the NBA Finals, en route to winning his 2nd consecutive NBA Finals Most Valuable Player Award and becoming just the 8th player to win the award on multiple occasions;

Whereas Ron Artest, whose hustle and defensive tenacity were critical to the Lakers' win, recorded 20 points and 5 steals during Game 7 of the NBA Finals;

Whereas the frontcourt of Pau Gasol, Andrew Bynum, and Lamar Odom played stifling defense and helped the Lakers out-rebound the Celtics in the decisive Game 7;

Whereas Derek Fisher consistently showed toughness and leadership and scored 16 critical points in Game 3 in Boston;

Whereas the Lakers bench scored 25 points in a pivotal Game 6, and players Jordan Farmar, Luke Walton, Sasha Vujacic, Shannon Brown, Josh Powell, and DJ Mbenga all contributed to the team's 2010 Championship;

Whereas the Lakers posted a record of 57–25 during the regular season, the best record in the Western Conference and 3rd best in the NBA; and

Whereas the Los Angeles Lakers have demonstrated that they are both champions on the court and in the community through the team's involvement in charity and outreach programs throughout the Southern California community: Now, therefore, be it

*Resolved*, That the Senate recognizes and congratulates—

(1) the Los Angeles Lakers for winning the 2010 NBA Finals;

(2) the Boston Celtics for winning the NBA Eastern Conference Championship and continuing a timeless rivalry; and

(3) coach Phil Jackson for winning his record-setting 11th championship.

#### SENATE RESOLUTION 564—RECOGNIZING THE 50TH ANNIVERSARY OF THE RATIFICATION OF THE TREATY OF MUTUAL SECURITY AND COOPERATION WITH JAPAN, AND AFFIRMING SUPPORT FOR THE UNITED STATES-JAPAN SECURITY ALLIANCE AND RELATIONSHIP

Mr. WEBB (for himself, Mr. INHOFE, Mr. LIEBERMAN, Mr. DODD, and Mr. BOND) submitted the following resolution; which was referred to the Committee on Foreign Relations:

#### S. RES. 564

Whereas Japan became a treaty ally of the United States with the signing of the Treaty of Mutual Cooperation and Security on January 19, 1960;

Whereas the treaty entered into force on June 19, 1960, after its ratification by the Japanese Diet and the United States Senate;

Whereas, in furtherance of the treaty, Japan hosts approximately 36,000 members of the United States Armed Forces, 43,000 dependents, and 5,000 civilian employees of the Department of Defense, with a majority located on the island of Okinawa;

Whereas the United States and Japan signed the Roadmap for Realignment Implementation on May 1, 2006, to strengthen the alliance by maintaining defense capabilities while reducing burdens on local communities;

Whereas the United States and Japan signed the Guam Agreement on February 17, 2009, on the relocation of approximately 8,000 Marines assigned to the III Marine Expeditionary Force (MEF) personnel and their approximately 9,000 dependents from Okinawa to Guam, which would reduce the presence of the Marine Corps on Okinawa by nearly half;

Whereas the Governments of the United States and Japan maintain a strong security partnership through joint exercises between the United States Armed Forces and Japan's Self-Defense Forces;

Whereas Japan's Self-Defense Forces have contributed broadly to global security missions, including relief operations following the tsunami in Indonesia in 2005, reconstruction in Iraq from 2004 to 2006, relief assistance following the earthquake in Haiti in 2010, and maritime security operations in the Gulf of Aden;

Whereas Japan assists in the United States-led effort in Afghanistan where it ranks as the second-largest donor after the United States, pledging \$5,000,000,000 over five years to improve infrastructure, education, and health, in addition to underwriting, with the United Kingdom, a reintegration trust fund for former Taliban fighters;

Whereas Japan's Self-Defense Forces have played a vital role in United Nations peace-keeping operations around the world, beginning in 1992 when Japan dispatched two 600-member engineering battalions to the United Nations Transitional Authority in Cambodia (UNTAC);

Whereas the sinking of the Republic of Korea's Cheonan naval ship by North Korea was a direct provocation intended to destabilize Northeast Asia and demonstrates the importance of cooperation between the United States and Japan on regional security issues;

Whereas recent maritime activities by China's People's Liberation Army Navy to challenge Japan's sovereignty claims in waters contested by Japan and China underscore the vital nature of the United States-Japan alliance to maintaining a balance of security in the region;

Whereas, on May 28, 2010, members of the United States-Japan Security Consultative Committee reconfirmed that, in this 50th anniversary year of the signing of the Treaty of Mutual Cooperation and Security, the United States-Japan alliance remains "indispensable not only to the defense of Japan, but also to the peace, security, and prosperity of the Asia-Pacific region";

Whereas the security alliance has served as the foundation for deep cultural, political, and economic ties between the people of the United States and the people of Japan; and

Whereas Japan remains a steadfast global partner with shared values of freedom, democracy, and liberty: Now, therefore, be it

*Resolved*, That the Senate—

(1) affirms its commitment to the United States-Japan security alliance and the deep friendship of both countries that is based on shared values;

(2) recognizes the benefits of the alliance to the national security of the United States and Japan, as well as to regional peace and security;

(3) recognizes the contributions of and expresses appreciation for the people of Japan, and in particular the people of Okinawa, in hosting members of the United States Armed Forces and their families in Japan;

(4) values the involvement of Japan's Self-Defense Forces in regional and global security operations;

(5) promotes the implementation of the Roadmap for Realignment to reduce the burden on local communities while maintaining the United States strategic posture in Asia; and

(6) anticipates the continuation of the steadfast alliance with its invaluable contribution to global peace, democracy, and security.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4386. Mr. REID (for Mr. BAUCUS) proposed an amendment to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

SA 4387. Mr. REID (for Mr. BAUCUS) proposed an amendment to amendment SA 4386 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 4213, *supra*.

SA 4388. Mr. REID proposed an amendment to the bill H.R. 4213, *supra*.

SA 4389. Mr. REID proposed an amendment to amendment SA 4388 proposed by Mr. REID to the bill H.R. 4213, *supra*.

SA 4390. Mr. REID proposed an amendment to amendment SA 4389 proposed by Mr. REID to the amendment SA 4388 proposed by Mr. REID to the bill H.R. 4213, *supra*.

SA 4391. Mr. DURBIN (for Mr. DORGAN (for himself, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Ms. CANTWELL, Mr. KYL, Mr. MCCAIN, Mr. TESTER, Mr. THUNE, Mr. UDALL of New Mexico, and Mr. UDALL, of Colorado)) proposed an amendment to the bill H.R. 725, to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

SA 4392. Mr. DURBIN (for Mr. CARPER) proposed an amendment to the bill S. 1508, to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars.

SA 4393. Mr. DURBIN (for Mr. CONRAD) proposed an amendment to the resolution S. Res. 541, designating June 27, 2010, as "National Post-Traumatic Stress Disorder Awareness Day".

#### TEXT OF AMENDMENTS

**SA 4386.** Mr. REID (for Mr. BAUCUS) proposed an amendment to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

**SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “American Jobs and Closing Tax Loopholes Act of 2010”.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in titles I, II, and IV of this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

**TITLE I—INFRASTRUCTURE INCENTIVES**

- Sec. 101. Extension of Build America Bonds.
- Sec. 102. Exempt-facility bonds for sewage and water supply facilities.
- Sec. 103. Extension of exemption from alternative minimum tax treatment for certain tax-exempt bonds.
- Sec. 104. Extension and additional allocations of recovery zone bond authority.
- Sec. 105. Allowance of new markets tax credit against alternative minimum tax.
- Sec. 106. Extension of tax-exempt eligibility for loans guaranteed by Federal home loan banks.
- Sec. 107. Extension of temporary small issuer rules for allocation of tax-exempt interest expense by financial institutions.

**TITLE II—EXTENSION OF EXPIRING PROVISIONS****Subtitle A—Energy**

- Sec. 201. Alternative motor vehicle credit for new qualified hybrid motor vehicles other than passenger automobiles and light trucks.
- Sec. 202. Incentives for biodiesel and renewable diesel.
- Sec. 203. Credit for electricity produced at certain open-loop biomass facilities.
- Sec. 204. Extension and modification of credit for steel industry fuel.
- Sec. 205. Credit for producing fuel from coke or coke gas.
- Sec. 206. New energy efficient home credit.
- Sec. 207. Excise tax credits and outlay payments for alternative fuel and alternative fuel mixtures.
- Sec. 208. Special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.
- Sec. 209. Suspension of limitation on percentage depletion for oil and gas from marginal wells.
- Sec. 210. Direct payment of energy efficient appliances tax credit.
- Sec. 211. Modification of standards for windows, doors, and skylights with respect to the credit for non-business energy property.

**Subtitle B—Individual Tax Relief****PART I—MISCELLANEOUS PROVISIONS**

- Sec. 221. Deduction for certain expenses of elementary and secondary school teachers.
- Sec. 222. Additional standard deduction for State and local real property taxes.
- Sec. 223. Deduction of State and local sales taxes.
- Sec. 224. Contributions of capital gain real property made for conservation purposes.

Sec. 225. Above-the-line deduction for qualified tuition and related expenses.

Sec. 226. Tax-free distributions from individual retirement plans for charitable purposes.

Sec. 227. Look-thru of certain regulated investment company stock in determining gross estate of non-residents.

Sec. 228. First-time homebuyer credit.

**PART II—LOW-INCOME HOUSING CREDITS**

Sec. 231. Election for direct payment of low-income housing credit for 2010.

Sec. 232. Low-income housing grant election.

**Subtitle C—Business Tax Relief**

- Sec. 241. Research credit.
- Sec. 242. Indian employment tax credit.
- Sec. 243. New markets tax credit.
- Sec. 244. Railroad track maintenance credit.
- Sec. 245. Mine rescue team training credit.
- Sec. 246. Employer wage credit for employees who are active duty members of the uniformed services.
- Sec. 247. 5-year depreciation for farming business machinery and equipment.
- Sec. 248. 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.
- Sec. 249. 7-year recovery period for motor-sports entertainment complexes.
- Sec. 250. Accelerated depreciation for business property on an Indian reservation.
- Sec. 251. Enhanced charitable deduction for contributions of food inventory.
- Sec. 252. Enhanced charitable deduction for contributions of book inventories to public schools.
- Sec. 253. Enhanced charitable deduction for corporate contributions of computer inventory for educational purposes.
- Sec. 254. Election to expense mine safety equipment.
- Sec. 255. Special expensing rules for certain film and television productions.
- Sec. 256. Expensing of environmental remediation costs.
- Sec. 257. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
- Sec. 258. Modification of tax treatment of certain payments to controlling exempt organizations.
- Sec. 259. Exclusion of gain or loss on sale or exchange of certain brownfield sites from unrelated business income.
- Sec. 260. Timber REIT modernization.
- Sec. 261. Treatment of certain dividends of regulated investment companies.
- Sec. 262. RIC qualified investment entity treatment under FIRPTA.
- Sec. 263. Exceptions for active financing income.
- Sec. 264. Look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.
- Sec. 265. Basis adjustment to stock of S corps making charitable contributions of property.
- Sec. 266. Empowerment zone tax incentives.

Sec. 267. Tax incentives for investment in the District of Columbia.

Sec. 268. Renewal community tax incentives.

Sec. 269. Temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.

Sec. 270. Payment to American Samoa in lieu of extension of economic development credit.

Sec. 271. Election to temporarily utilize unused AMT credits determined by domestic investment.

Sec. 272. Study of extended tax expenditures.

**Subtitle D—Temporary Disaster Relief Provisions****PART I—NATIONAL DISASTER RELIEF**

- Sec. 281. Waiver of certain mortgage revenue bond requirements.
- Sec. 282. Losses attributable to federally declared disasters.
- Sec. 283. Special depreciation allowance for qualified disaster property.
- Sec. 284. Net operating losses attributable to federally declared disasters.
- Sec. 285. Expensing of qualified disaster expenses.

**PART II—REGIONAL PROVISIONS****SUBPART A—NEW YORK LIBERTY ZONE**

- Sec. 291. Special depreciation allowance for nonresidential and residential real property.
- Sec. 292. Tax-exempt bond financing.

**SUBPART B—GO ZONE**

- Sec. 295. Increase in rehabilitation credit.
- Sec. 296. Work opportunity tax credit with respect to certain individuals affected by Hurricane Katrina for employers inside disaster areas.
- Sec. 297. Extension of low-income housing credit rules for buildings in GO zones.

**TITLE III—PENSION FUNDING RELIEF****Subtitle A—Single-Employer Plans**

- Sec. 301. Extended period for single-employer defined benefit plans to amortize certain shortfall amortization bases.
- Sec. 302. Application of extended amortization period to plans subject to prior law funding rules.
- Sec. 303. Suspension of certain funding level limitations.
- Sec. 304. Lookback for credit balance rule.
- Sec. 305. Information reporting.
- Sec. 306. Rollover of amounts received in airline carrier bankruptcy.

**Subtitle B—Multiemployer Plans**

- Sec. 311. Optional use of 30-year amortization periods.
- Sec. 312. Optional longer recovery periods for multiemployer plans in endangered or critical status.
- Sec. 313. Modification of certain amortization extensions under prior law.
- Sec. 314. Alternative default schedule for plans in endangered or critical status.
- Sec. 315. Transition rule for certifications of plan status.

**TITLE IV—REVENUE OFFSETS****Subtitle A—Foreign Provisions**

- Sec. 401. Rules to prevent splitting foreign tax credits from the income to which they relate.
- Sec. 402. Denial of foreign tax credit with respect to foreign income not subject to United States taxation by reason of covered asset acquisitions.

Sec. 403. Separate application of foreign tax credit limitation, etc., to items resourced under treaties.

Sec. 404. Limitation on the amount of foreign taxes deemed paid with respect to section 956 inclusions.

Sec. 405. Special rule with respect to certain redemptions by foreign subsidiaries.

Sec. 406. Modification of affiliation rules for purposes of rules allocating interest expense.

Sec. 407. Termination of special rules for interest and dividends received from persons meeting the 80-percent foreign business requirements.

Sec. 408. Source rules for income on guarantees.

Sec. 409. Limitation on extension of statute of limitations for failure to notify Secretary of certain foreign transfers.

#### Subtitle B—Personal Service Income Earned in Pass-thru Entities

Sec. 411. Partnership interests transferred in connection with performance of services.

Sec. 412. Income of partners for performing investment management services treated as ordinary income received for performance of services.

Sec. 413. Employment tax treatment of professional service businesses.

#### Subtitle C—Corporate Provisions

Sec. 421. Treatment of securities of a controlled corporation exchanged for assets in certain reorganizations.

Sec. 422. Taxation of boot received in reorganizations.

#### Subtitle D—Other Provisions

Sec. 431. Modifications with respect to Oil Spill Liability Trust Fund.

Sec. 432. Time for payment of corporate estimated taxes.

Sec. 433. Denial of deduction for punitive damages.

Sec. 434. Elimination of advance refundability of earned income credit.

### TITLE V—UNEMPLOYMENT, HEALTH, AND OTHER ASSISTANCE

#### Subtitle A—Unemployment Insurance and Other Assistance

Sec. 501. Extension of unemployment insurance provisions.

Sec. 502. Coordination of emergency unemployment compensation with regular compensation.

Sec. 503. Extension of the Emergency Contingency Fund.

Sec. 504. Requiring States to not reduce regular compensation in order to be eligible for funds under the emergency unemployment compensation program.

#### Subtitle B—Health Provisions

Sec. 511. Extension of section 508 reclassifications.

Sec. 512. Repeal of delay of RUG-IV.

Sec. 513. Limitation on reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.

Sec. 514. Funding for claims reprocessing.

Sec. 515. Medicaid and CHIP technical corrections.

Sec. 516. Addition of inpatient drug discount program to 340B drug discount program.

Sec. 517. Continued inclusion of orphan drugs in definition of covered outpatient drugs with respect to children's hospitals under the 340B drug discount program.

Sec. 518. Conforming amendment related to waiver of coinsurance for preventive services.

Sec. 519. Establish a CMS-IRS data match to identify fraudulent providers.

Sec. 520. Clarification of effective date of part B special enrollment period for disabled TRICARE beneficiaries.

Sec. 521. Physician payment update.

Sec. 522. Adjustment to Medicare payment localities.

Sec. 523. Clarification of 3-day payment window.

Sec. 524. Extension of ARRA increase in FMAP.

Sec. 525. Clarification for affiliated hospitals for distribution of additional residency positions.

Sec. 526. Treatment of certain drugs for computation of Medicaid AMP.

### TITLE VI—OTHER PROVISIONS

#### Subtitle A—General Provisions

Sec. 601. Extension of national flood insurance program.

Sec. 602. Allocation of geothermal receipts.

Sec. 603. Small business loan guarantee enhancement extensions.

Sec. 604. Emergency agricultural disaster assistance.

Sec. 605. Summer employment for youth.

Sec. 606. Housing Trust Fund.

Sec. 607. The Individual Indian Money Account Litigation Settlement Act of 2010.

Sec. 608. Appropriation of funds for final settlement of claims from In re Black Farmers Discrimination Litigation.

Sec. 609. Expansion of eligibility for concurrent receipt of military retired pay and veterans' disability compensation to include all chapter 61 disability retirees regardless of disability rating percentage or years of service.

Sec. 610. Extension of use of 2009 poverty guidelines.

Sec. 611. Refunds disregarded in the administration of Federal programs and federally assisted programs.

Sec. 612. State court improvement program.

Sec. 613. Qualifying timber contract options.

Sec. 614. Extension and flexibility for certain allocated surface transportation programs.

Sec. 615. Community College and Career Training Grant Program.

Sec. 616. Extensions of duty suspensions on cotton shirting fabrics and related provisions.

Sec. 617. Modification of Wool Apparel Manufacturers Trust Fund.

Sec. 618. Department of Commerce Study.

Sec. 619. ARRA planning and reporting.

Sec. 620. Amendment of Travel Promotion Act of 2009.

Sec. 621. Limitation on penalty for failure to disclose reportable transactions based on resulting tax benefits.

Sec. 622. Report on tax shelter penalties and certain other enforcement actions.

#### Subtitle B—Additional Offsets

Sec. 631. Sunset of temporary increase in benefits under the supplemental nutrition assistance program.

Sec. 632. Rescissions.

### TITLE VII—TRANSPARENCY REQUIREMENTS FOR FOREIGN-HELD DEBT

Sec. 701. Short title.

Sec. 702. Definitions.

Sec. 703. Sense of Congress.

Sec. 704. Quarterly report on risks posed by foreign holdings of debt instruments of the United States.

Sec. 705. Annual report on risks posed by the Federal debt of the United States.

Sec. 706. Corrective action to address unacceptable and unsustainable risks to United States national security and economic stability.

### TITLE VIII—TRANSPARENCY REQUIREMENTS FOR FOREIGN-HELD DEBT

Sec. 801. Short title.

Sec. 802. Definitions.

Sec. 803. Sense of Congress.

Sec. 804. Annual report on risks posed by foreign holdings of debt instruments of the United States.

Sec. 805. Annual report on risks posed by the Federal debt of the United States.

Sec. 806. Corrective action to address unacceptable risks to United States national security and economic stability.

### TITLE IX—OFFICE OF THE HOMEOWNER ADVOCATE

Sec. 901. Office of the Homeowner Advocate.

Sec. 902. Functions of the Office.

Sec. 903. Relationship with existing entities.

Sec. 904. Rule of construction.

Sec. 905. Reports to Congress.

Sec. 906. Funding.

Sec. 907. Prohibition on participation in Making Home Affordable for borrowers who strategically default.

Sec. 908. Public availability of information.

### TITLE X—BUDGETARY PROVISIONS

Sec. 1001. Budgetary provisions.

### TITLE I—INFRASTRUCTURE INCENTIVES

#### SEC. 101. EXTENSION OF BUILD AMERICA BONDS.

(a) IN GENERAL.—Subparagraph (B) of section 54AA(d)(1) is amended by striking “January 1, 2011” and inserting “January 1, 2013”.

(b) EXTENSION OF PAYMENTS TO ISSUERS.—

(1) IN GENERAL.—Section 6431 is amended—

(A) by striking “January 1, 2011” in subsection (a) and inserting “January 1, 2013”; and

(B) by striking “January 1, 2011” in subsection (f)(1)(B) and inserting “a particular date”.

(2) CONFORMING AMENDMENTS.—Subsection (g) of section 54AA is amended—

(A) by striking “January 1, 2011” and inserting “January 1, 2013”; and

(B) by striking “QUALIFIED BONDS ISSUED BEFORE 2011” in the heading and inserting “CERTAIN QUALIFIED BONDS”.

(c) REDUCTION IN PERCENTAGE OF PAYMENTS TO ISSUERS.—Subsection (b) of section 6431 is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”;

(2) by striking “35 percent” and inserting “the applicable percentage”; and

(3) by adding at the end the following new paragraph:

“(2) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term ‘applicable percentage’ means the percentage determined in accordance with the following table:

“In the case of a qualified bond issued during calendar year:	The applicable percentage is:
2009 or 2010 .....	35 percent
2011 .....	32 percent
2012 .....	30 percent.”.

(d) CURRENT REFUNDINGS PERMITTED.—Subsection (g) of section 54AA is amended by adding at the end the following new paragraph:

“(3) TREATMENT OF CURRENT REFUNDING BONDS.—

“(A) IN GENERAL.—For purposes of this subsection, the term ‘qualified bond’ includes any bond (or series of bonds) issued to refund a qualified bond if—

“(i) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

“(ii) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

“(iii) the refunded bond is redeemed not later than 90 days after the date of the issuance of the refunding bond.

“(B) APPLICABLE PERCENTAGE.—In the case of a refunding bond referred to in subparagraph (A), the applicable percentage with respect to such bond under section 6431(b) shall be the lowest percentage specified in paragraph (2) of such section.

“(C) DETERMINATION OF AVERAGE MATURITY.—For purposes of subparagraph (A)(i), average maturity shall be determined in accordance with section 147(b)(2)(A).”.

(e) CLARIFICATION RELATED TO LEVEES AND FLOOD CONTROL PROJECTS.—Subparagraph (A) of section 54AA(g)(2) is amended by inserting “(including capital expenditures for levees and other flood control projects)” after “capital expenditures”.

#### SEC. 102. EXEMPT-FACILITY BONDS FOR SEWAGE AND WATER SUPPLY FACILITIES.

(a) BONDS FOR WATER AND SEWAGE FACILITIES EXEMPT FROM VOLUME CAP ON PRIVATE ACTIVITY BONDS.—

(1) IN GENERAL.—Paragraph (3) of section 146(g) is amended by inserting “(4), (5),” after “(2).”.

(2) CONFORMING AMENDMENT.—Paragraphs (2) and (3)(B) of section 146(k) are both amended by striking “(4), (5), (6),” and inserting “(6)”.

(b) TAX-EXEMPT ISSUANCE BY INDIAN TRIBAL GOVERNMENTS.—

(1) IN GENERAL.—Subsection (c) of section 7871 is amended by adding at the end the following new paragraph:

“(4) EXCEPTION FOR BONDS FOR WATER AND SEWAGE FACILITIES.—Paragraph (2) shall not apply to an exempt facility bond 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of which are to be used to provide facilities described in paragraph (4) or (5) of section 142(a).”.

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 7871(c) is amended by striking “paragraph (3)” and inserting “paragraphs (3) and (4)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

#### SEC. 103. EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS.

(a) IN GENERAL.—Clause (vi) of section 57(a)(5)(C) is amended—

(1) by striking “January 1, 2011” in subclause (I) and inserting “January 1, 2012”; and

(2) by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(b) ADJUSTED CURRENT EARNINGS.—Clause (iv) of section 56(g)(4)(B) is amended—

(1) by striking “January 1, 2011” in subclause (I) and inserting “January 1, 2012”; and

(2) by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

#### SEC. 104. EXTENSION AND ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY.

(a) EXTENSION OF RECOVERY ZONE BOND AUTHORITY.—Section 1400U-2(b)(1) and section 1400U-3(b)(1)(B) are each amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY BASED ON UNEMPLOYMENT.—Section 1400U-1 is amended by adding at the end the following new subsection:

“(c) ALLOCATION OF 2010 RECOVERY ZONE BOND LIMITATIONS BASED ON UNEMPLOYMENT.—

“(1) IN GENERAL.—The Secretary shall allocate the 2010 national recovery zone economic development bond limitation and the 2010 national recovery zone facility bond limitation among the States in the proportion that each such State’s 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all of the States.

“(2) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under paragraph (1) for each State to the extent necessary to ensure that no State (prior to any reduction under paragraph (3)) receives less than 0.9 percent of the 2010 national recovery zone economic development bond limitation and 0.9 percent of the 2010 national recovery zone facility bond limitation.

“(3) ALLOCATIONS BY STATES.—

“(A) IN GENERAL.—Each State with respect to which an allocation is made under paragraph (1) shall reallocate such allocation among the counties and large municipalities (as defined in subsection (a)(3)(B)) in such State in the proportion that each such county’s or municipality’s 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all the counties and large municipalities (as so defined) in such State.

“(B) 2010 ALLOCATION REDUCED BY AMOUNT OF PREVIOUS ALLOCATION.—Each State shall reduce (but not below zero)—

“(i) the amount of the 2010 national recovery zone economic development bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone economic development bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof), and

“(ii) the amount of the 2010 national recovery zone facility bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone facility bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof).

“(C) WAIVER OF SUBALLOCATIONS.—A county or municipality may waive any portion of an allocation made under this paragraph. A county or municipality shall be treated as having waived any portion of an allocation made under this paragraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this subparagraph may be used or reallocated by the State.

“(D) SPECIAL RULE FOR A MUNICIPALITY IN A COUNTY.—In the case of any large municipality any portion of which is in a county, such portion shall be treated as part of such municipality and not part of such county.

“(4) 2009 UNEMPLOYMENT NUMBER.—For purposes of this subsection, the term ‘2009 unemployment number’ means, with respect to any State, county or municipality, the number of individuals in such State, county, or municipality who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

“(5) 2010 NATIONAL LIMITATIONS.—

“(A) RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS.—The 2010 national recovery zone economic development bond limitation is \$10,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U-2 in the same manner as an allocation of national recovery zone economic development bond limitation.

“(B) RECOVERY ZONE FACILITY BONDS.—The 2010 national recovery zone facility bond limitation is \$15,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U-3 in the same manner as an allocation of national recovery zone facility bond limitation.”.

(c) AUTHORITY OF STATE TO WAIVE CERTAIN 2009 ALLOCATIONS.—Subparagraph (A) of section 1400U-1(a)(3) is amended by adding at the end the following: “A county or municipality shall be treated as having waived any portion of an allocation made under this subparagraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this subparagraph may be used or reallocated by the State.”.

#### SEC. 105. ALLOWANCE OF NEW MARKETS TAX CREDIT AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(4), as amended by the Patient Protection and Affordable Care Act, is amended by redesignating clauses (v) through (ix) as clauses (vi) through (x), respectively, and by inserting after clause (iv) the following new clause:

“(v) the credit determined under section 45D, but only with respect to credits determined with respect to qualified equity investments (as defined in section 45D(b)) initially made before January 1, 2012.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined with respect to qualified equity investments (as defined in section 45D(b) of the Internal Revenue Code of 1986) initially made after March 15, 2010.

#### SEC. 106. EXTENSION OF TAX-EXEMPT ELIGIBILITY FOR LOANS GUARANTEED BY FEDERAL HOME LOAN BANKS.

Clause (iv) of section 149(b)(3)(A) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

#### SEC. 107. EXTENSION OF TEMPORARY SMALL ISSUER RULES FOR ALLOCATION OF TAX-EXEMPT INTEREST EXPENSE BY FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Clauses (i), (ii), and (iii) of section 265(b)(3)(G) are each amended by striking “or 2010” and inserting “, 2010, or 2011”.

(b) CONFORMING AMENDMENT.—Subparagraph (G) of section 265(b)(3) is amended by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

## TITLE II—EXTENSION OF EXPIRING PROVISIONS

### Subtitle A—Energy

#### SEC. 201. ALTERNATIVE MOTOR VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES OTHER THAN PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) IN GENERAL.—Paragraph (3) of section 30B(k) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2009.

#### SEC. 202. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

#### SEC. 203. CREDIT FOR ELECTRICITY PRODUCED AT CERTAIN OPEN-LOOP BIOMASS FACILITIES.

(a) IN GENERAL.—Clause (ii) of section 45(b)(4)(B) is amended—

(1) by striking “5-year period” and inserting “6-year period”; and

(2) by adding at the end the following: “In the case of the last year of the 6-year period described in the preceding sentence, the credit determined under subsection (a) with respect to electricity produced during such year shall not exceed 80 percent of such credit determined without regard to this sentence.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to electricity produced and sold after December 31, 2009.

#### SEC. 204. EXTENSION AND MODIFICATION OF CREDIT FOR STEEL INDUSTRY FUEL.

(a) CREDIT PERIOD.—

(1) IN GENERAL.—Subclause (II) of section 45(e)(8)(D)(ii) is amended to read as follows:

“(II) CREDIT PERIOD.—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the date that the facility first produces steel industry fuel that is sold to an unrelated person after September 30, 2008, and ending 2 years after such date.”.

(2) CONFORMING AMENDMENT.—Section 45(e)(8)(D) is amended by striking clause (iii) and by redesignating clause (iv) as clause (iii).

(b) EXTENSION OF PLACED-IN-SERVICE DATE.—Subparagraph (A) of section 45(d)(8) is amended—

(1) by striking “(or any modification to a facility)”; and

(2) by striking “2010” and inserting “2011”.

(c) CLARIFICATIONS.—

(1) STEEL INDUSTRY FUEL.—Subclause (I) of section 45(c)(7)(C)(i) is amended by inserting

“, a blend of coal and petroleum coke, or other coke feedstock” after “on coal”.

(2) OWNERSHIP INTEREST.—Section 45(d)(8) is amended by adding at the end the following new flush sentence:

“With respect to a facility producing steel industry fuel, no person (including a ground lessor, customer, supplier, or technology licensor) shall be treated as having an ownership interest in the facility or as otherwise entitled to the credit allowable under subsection (a) with respect to such facility if such person’s rent, license fee, or other entitlement to net payments from the owner of such facility is measured by a fixed dollar amount or a fixed amount per ton, or otherwise determined without regard to the profit or loss of such facility.”.

(3) PRODUCTION AND SALE.—Subparagraph (D) of section 45(e)(8), as amended by subsection (a)(2), is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

“(iii) PRODUCTION AND SALE.—The owner of a facility producing steel industry fuel shall be treated as producing and selling steel industry fuel where that owner manufactures such steel industry fuel from coal, a blend of coal and petroleum coke, or other coke feedstock to which it has title. The sale of such steel industry fuel by the owner of the facility to a person who is not the owner of the facility shall not fail to qualify as a sale to an unrelated person solely because such purchaser may also be a ground lessor, supplier, or customer.”.

(d) SPECIFIED CREDIT FOR PURPOSES OF ALTERNATIVE MINIMUM TAX EXCLUSION.—Subclause (II) of section 38(c)(4)(B)(iii) is amended by inserting “(in the case of a refined coal production facility producing steel industry fuel, during the credit period set forth in section 45(e)(8)(D)(ii)(II))” after “service”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall apply to fuel produced and sold after September 30, 2008.

(2) CLARIFICATIONS.—The amendments made by subsection (c) shall take effect as if included in the amendments made by the Energy Improvement and Extension Act of 2008.

#### SEC. 205. CREDIT FOR PRODUCING FUEL FROM COKE OR COKE GAS.

(a) IN GENERAL.—Paragraph (1) of section 45K(g) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to facilities placed in service after December 31, 2009.

#### SEC. 206. NEW ENERGY EFFICIENT HOME CREDIT.

(a) IN GENERAL.—Subsection (g) of section 45L is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2009.

#### SEC. 207. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.

(a) ALTERNATIVE FUEL CREDIT.—Paragraph (5) of section 6426(d) is amended by striking “after December 31, 2009” and all that follows and inserting “after—

“(A) September 30, 2014, in the case of liquefied hydrogen,

“(B) December 31, 2010, in the case of fuels described in subparagraph (A), (C), (F), or (G) of paragraph (2), and

“(C) December 31, 2009, in any other case.”.

(b) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) is amended by striking “after December 31, 2009” and all that follows and inserting “after—

“(A) September 30, 2014, in the case of liquefied hydrogen,

“(B) December 31, 2010, in the case of fuels described in subparagraph (A), (C), (F), or (G) of subsection (d)(2), and

“(C) December 31, 2009, in any other case.”.

(c) PAYMENT AUTHORITY.—

(1) IN GENERAL.—Paragraph (6) of section 6427(e) is amended by striking “and” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting “, and”, and by adding at the end the following new subparagraph:

“(E) any alternative fuel or alternative fuel mixture (as so defined) involving fuel described in subparagraph (A), (C), (F), or (G) of section 6426(d)(2) sold or used after December 31, 2010.”.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 6427(e)(6) is amended by inserting “or (E)” after “subparagraph (D)”.

(d) EXCLUSION OF BLACK LIQUOR FROM CREDIT ELIGIBILITY.—The last sentence of section 6426(d)(2) is amended by striking “or biodiesel” and inserting “biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

#### SEC. 208. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) IN GENERAL.—Paragraph (3) of section 451(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) MODIFICATION OF DEFINITION OF INDEPENDENT TRANSMISSION COMPANY.—

(1) IN GENERAL.—Clause (i) of section 451(i)(4)(B) is amended to read as follows:

“(i) who the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the Federal Power Act (16 U.S.C. 824b) or by declaratory order—

“(I) is not itself a market participant as determined by the Commission, and also is not controlled by any such market participant, or

“(II) to be independent from market participants or to be an independent transmission company within the meaning of such Commission’s rules applicable to independent transmission providers, and”.

(2) RELATED PERSONS.—Paragraph (4) of section 451(i) is amended by adding at the end the following flush sentence:

“For purposes of subparagraph (B)(i)(I), a person shall be treated as controlled by another person if such persons would be treated as a single employer under section 52.”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to dispositions after December 31, 2009.

(2) MODIFICATIONS.—The amendments made by subsection (b) shall apply to dispositions after the date of the enactment of this Act.

#### SEC. 209. SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.

(a) IN GENERAL.—Clause (ii) of section 613A(c)(6)(H) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

#### SEC. 210. DIRECT PAYMENT OF ENERGY EFFICIENT APPLIANCES TAX CREDIT.

In the case of any taxable year which includes the last day of calendar year 2009 or

calendar year 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for 2009 and 2010, but once made shall be irrevocable. No amount shall be includible in gross income or alternative minimum taxable income by reason of this section.

**SEC. 211. MODIFICATION OF STANDARDS FOR WINDOWS, DOORS, AND SKYLIGHTS WITH RESPECT TO THE CREDIT FOR NONBUSINESS ENERGY PROPERTY.**

(a) IN GENERAL.—Paragraph (4) of section 25C(c) is amended by striking “unless” and all that follows and inserting “unless—

“(A) in the case of any component placed in service after the date which is 90 days after the date of the enactment of the American Jobs and Closing Tax Loopholes Act of 2010, such component meets the criteria for such components established by the 2010 Energy Star Program Requirements for Residential Windows, Doors, and Skylights, Version 5.0 (or any subsequent version of such requirements which is in effect after January 4, 2010),

“(B) in the case of any component placed in service after the date of the enactment of the American Jobs and Closing Tax Loopholes Act of 2010 and on or before the date which is 90 days after such date, such component meets the criteria described in subparagraph (A) or is equal to or below a U factor of 0.30 and SHGC of 0.30, and

“(C) in the case of any component which is a garage door, such component is equal to or below a U factor of 0.30 and SHGC of 0.30.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

**Subtitle B—Individual Tax Relief**

**PART I—MISCELLANEOUS PROVISIONS**

**SEC. 221. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.**

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking “or 2009” and inserting “2009, or 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 222. ADDITIONAL STANDARD DEDUCTION FOR STATE AND LOCAL REAL PROPERTY TAXES.**

(a) IN GENERAL.—Subparagraph (C) of section 63(c)(1) is amended by striking “or 2009” and inserting “2009, or 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 223. DEDUCTION OF STATE AND LOCAL SALES TAXES.**

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 224. CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.**

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) is amended by striking “Decem-

ber 31, 2009” and inserting “December 31, 2010”.

(b) CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

**SEC. 225. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.**

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

(c) TEMPORARY COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS.—In the case of any taxpayer for any taxable year beginning in 2010, no deduction shall be allowed under section 222 of the Internal Revenue Code of 1986 if—

(1) the taxpayer's net Federal income tax reduction which would be attributable to such deduction for such taxable year, is less than

(2) the credit which would be allowed to the taxpayer for such taxable year under section 25A of such Code (determined without regard to sections 25A(e) and 26 of such Code).

**SEC. 226. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.**

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2009.

**SEC. 227. LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.**

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after December 31, 2009.

**SEC. 228. FIRST-TIME HOMEBUYER CREDIT.**

(a) IN GENERAL.—Paragraph (2) of section 36(h) is amended by striking “paragraph (1) shall be applied by substituting ‘July 1, 2010’” and inserting “and who purchases such residence before October 1, 2010, paragraph (1) shall be applied by substituting ‘October 1, 2010’”.

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 36(h)(3) is amended by inserting “and for ‘October 1, 2010’” after “for ‘July 1, 2010’”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to residences purchased after June 30, 2010.

**PART II—LOW-INCOME HOUSING CREDITS**  
**SEC. 231. ELECTION FOR DIRECT PAYMENT OF LOW-INCOME HOUSING CREDIT FOR 2010.**

(a) IN GENERAL.—Section 42 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) ELECTION FOR DIRECT PAYMENT OF CREDIT.—

“(1) IN GENERAL.—The housing credit agency of each State shall be allowed a credit in an amount equal to such State's 2010 low-in-

come housing refundable credit election amount, which shall be payable by the Secretary as provided in paragraph (5).

“(2) 2010 LOW-INCOME HOUSING REFUNDABLE CREDIT ELECTION AMOUNT.—For purposes of this subsection, the term ‘2010 low-income housing refundable credit election amount’ means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—

“(A) the sum of—

“(i) 100 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), plus any credits returned to the State attributable to section 1400N(c) (including credits made available under such section as applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008), and

“(ii) 40 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (ii) and (iv) of such subsection, plus any credits for 2010 attributable to the application of such section 702(d)(2) and 704(b), multiplied by

“(B) 10.

For purposes of subparagraph (A)(ii), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) shall be applied without regard to clause (i)

“(3) COORDINATION WITH NON-REFUNDABLE CREDIT.—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).

“(4) SPECIAL RULE FOR BASIS.—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.

“(5) PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.—The Secretary shall pay to the housing credit agency of each State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting ‘January 1, 2012’ for ‘January 1, 2011’.”.

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting “42(n),” after “36C,”.

**SEC. 232. LOW-INCOME HOUSING GRANT ELECTION.**

(a) CLARIFICATION OF ELIGIBILITY OF LOW-INCOME HOUSING CREDITS FOR LOW-INCOME HOUSING GRANT ELECTION.—Paragraph (1) of section 1602(b) of the American Recovery and Reinvestment Tax Act of 2009 is amended—

(1) by inserting “, plus any increase for 2009 or 2010 attributable to section 1400N(c) of such Code (including credits made available under such section as applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008)” after “1986” in subparagraph (A), and

(2) by inserting “, plus any credits for 2009 attributable to the application of such section 702(d)(2) and 704(b)” after “such section” in subparagraph (B).

(b) APPLICATION OF ADDITIONAL HOUSING CREDIT AMOUNT FOR PURPOSES OF 2009 GRANT ELECTION.—Subsection (b) of section 1602 of

the American Recovery and Reinvestment Tax Act of 2009, as amended by subsection (a), is amended by adding at the end the following flush sentence:

“For purposes of paragraph (1)(B), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) of such Code shall be applied without regard to clause (i).”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply as if included in the enactment of section 1602 of the American Recovery and Reinvestment Tax Act of 2009.

#### Subtitle C—Business Tax Relief

##### SEC. 241. RESEARCH CREDIT.

(a) **IN GENERAL.**—Subparagraph (B) of section 41(h)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **CONFORMING AMENDMENT.**—Subparagraph (D) of section 45C(b)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

##### SEC. 242. INDIAN EMPLOYMENT TAX CREDIT.

(a) **IN GENERAL.**—Subsection (f) of section 45A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

##### SEC. 243. NEW MARKETS TAX CREDIT.

(a) **IN GENERAL.**—Subparagraph (F) of section 45D(f)(1) is amended by inserting “and 2010” after “2009”.

(b) **CONFORMING AMENDMENT.**—Paragraph (3) of section 45D(f) is amended by striking “2014” and inserting “2015”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to calendar years beginning after 2009.

##### SEC. 244. RAILROAD TRACK MAINTENANCE CREDIT.

(a) **IN GENERAL.**—Subsection (f) of section 45G is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2009.

##### SEC. 245. MINE RESCUE TEAM TRAINING CREDIT.

(a) **IN GENERAL.**—Subsection (e) of section 45N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **CREDIT ALLOWABLE AGAINST AMT.**—Subparagraph (B) of section 38(c)(4), as amended by section 105, is amended—

(1) by redesignating clauses (vii) through (x) as clauses (viii) through (xi), respectively; and

(2) by inserting after clause (vi) the following new clause:

“(vii) the credit determined under section 45N.”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(2) **ALLOWANCE AGAINST AMT.**—The amendments made by subsection (b) shall apply to credits determined for taxable years beginning after December 31, 2009, and to carrybacks of such credits.

##### SEC. 246. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) **IN GENERAL.**—Subsection (f) of section 45P is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to payments made after December 31, 2009.

##### SEC. 247. 5-YEAR DEPRECIATION FOR FARMING BUSINESS MACHINERY AND EQUIPMENT.

(a) **IN GENERAL.**—Clause (vii) of section 168(e)(3)(B) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

##### SEC. 248. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) **IN GENERAL.**—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **CONFORMING AMENDMENTS.**—

(1) Clause (i) of section 168(e)(7)(A) is amended by striking “if such building is placed in service after December 31, 2008, and before January 1, 2010;”.

(2) Paragraph (8) of section 168(e) is amended by striking subparagraph (E).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after December 31, 2009.

##### SEC. 249. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) **IN GENERAL.**—Subparagraph (D) of section 168(i)(15) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

##### SEC. 250. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) **IN GENERAL.**—Paragraph (8) of section 168(j) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

##### SEC. 251. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) **IN GENERAL.**—Clause (iv) of section 170(e)(3)(C) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to contributions made after December 31, 2009.

##### SEC. 252. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.

(a) **IN GENERAL.**—Clause (iv) of section 170(e)(3)(D) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to contributions made after December 31, 2009.

##### SEC. 253. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.

(a) **IN GENERAL.**—Subparagraph (G) of section 170(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

##### SEC. 254. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) **IN GENERAL.**—Subsection (g) of section 179E is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

##### SEC. 255. SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.

(a) **IN GENERAL.**—Subsection (f) of section 181 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to productions commencing after December 31, 2009.

##### SEC. 256. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) **IN GENERAL.**—Subsection (h) of section 198 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2009.

##### SEC. 257. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) **IN GENERAL.**—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking “first 4 taxable years” and inserting “first 5 taxable years”; and

(2) by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

##### SEC. 258. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) **IN GENERAL.**—Clause (iv) of section 512(b)(13)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to payments received or accrued after December 31, 2009.

##### SEC. 259. EXCLUSION OF GAIN OR LOSS ON SALE OR EXCHANGE OF CERTAIN BROWNFIELD SITES FROM UNRELATED BUSINESS INCOME.

(a) **IN GENERAL.**—Subparagraph (K) of section 512(b)(19) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property acquired after December 31, 2009.

##### SEC. 260. TIMBER REIT MODERNIZATION.

(a) **IN GENERAL.**—Paragraph (8) of section 856(c) is amended by striking “means” and all that follows and inserting “means December 31, 2010.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Subparagraph (I) of section 856(c)(2) is amended by striking “the first taxable year beginning after the date of the enactment of this subparagraph” and inserting “a taxable year beginning on or before the termination date”.

(2) Clause (iii) of section 856(c)(5)(H) is amended by inserting “in taxable years beginning” after “dispositions”.

(3) Clause (v) of section 857(b)(6)(D) is amended by inserting “in a taxable year beginning” after “sale”.

(4) Subparagraph (G) of section 857(b)(6) is amended by inserting “in a taxable year beginning” after “In the case of a sale”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

##### SEC. 261. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) **IN GENERAL.**—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by

striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 262. RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.**

(a) **IN GENERAL.**—Clause (ii) of section 897(h)(4)(A) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall take effect on January 1, 2010. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) **AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.**—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2009, and before the date of the enactment of this Act; and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code,

such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

**SEC. 263. EXCEPTIONS FOR ACTIVE FINANCING INCOME.**

(a) **IN GENERAL.**—Sections 953(e)(10) and 954(h)(9) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **CONFORMING AMENDMENT.**—Section 953(e)(10) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

**SEC. 264. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.**

(a) **IN GENERAL.**—Subparagraph (C) of section 954(c)(6) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

**SEC. 265. BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.**

(a) **IN GENERAL.**—Paragraph (2) of section 1367(a) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

**SEC. 266. EMPOWERMENT ZONE TAX INCENTIVES.**

(a) **IN GENERAL.**—Section 1391 is amended—

(1) by striking “December 31, 2009” in subsection (d)(1)(A)(i) and inserting “December 31, 2010”; and

(2) by striking the last sentence of subsection (h)(2).

(b) **INCREASED EXCLUSION OF GAIN ON STOCK OF EMPOWERMENT ZONE BUSINESSES.**—Subparagraph (C) of section 1202(a)(2) is amended—

(1) by striking “December 31, 2014” and inserting “December 31, 2015”; and

(2) by striking “2014” in the heading and inserting “2015”.

(c) **TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.**—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to periods after December 31, 2009.

**SEC. 267. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.**

(a) **IN GENERAL.**—Subsection (f) of section 1400 is amended by striking “December 31, 2009” each place it appears and inserting “December 31, 2010”.

(b) **TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.**—Subsection (b) of section 1400A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **ZERO-PERCENT CAPITAL GAINS RATE.**—

(1) **ACQUISITION DATE.**—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i)(I) of section 1400B(b) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(2) **LIMITATION ON PERIOD OF GAINS.**—

(A) **IN GENERAL.**—Paragraph (2) of section 1400B(e) is amended—

(i) by striking “December 31, 2014” and inserting “December 31, 2015”; and

(ii) by striking “2014” in the heading and inserting “2015”.

(B) **PARTNERSHIPS AND S-CORPS.**—Paragraph (2) of section 1400B(g) is amended by striking “December 31, 2014” and inserting “December 31, 2015”.

(d) **FIRST-TIME HOMEBUYER CREDIT.**—Subsection (i) of section 1400C is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(e) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) **TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.**—The amendment made by subsection (b) shall apply to bonds issued after December 31, 2009.

(3) **ACQUISITION DATES FOR ZERO-PERCENT CAPITAL GAINS RATE.**—The amendments made by subsection (c) shall apply to property acquired or substantially improved after December 31, 2009.

(4) **HOMEBUYER CREDIT.**—The amendment made by subsection (d) shall apply to homes purchased after December 31, 2009.

**SEC. 268. RENEWAL COMMUNITY TAX INCENTIVES.**

(a) **IN GENERAL.**—Subsection (b) of section 1400E is amended—

(1) by striking “December 31, 2009” in paragraphs (1)(A) and (3) and inserting “December 31, 2010”; and

(2) by striking “January 1, 2010” in paragraph (3) and inserting “January 1, 2011”.

(b) **ZERO-PERCENT CAPITAL GAINS RATE.**—

(1) **ACQUISITION DATE.**—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i) of section 1400F(b) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(2) **LIMITATION ON PERIOD OF GAINS.**—Paragraph (2) of section 1400F(c) is amended—

(A) by striking “December 31, 2014” and inserting “December 31, 2015”; and

(B) by striking “2014” in the heading and inserting “2015”.

(3) **CLERICAL AMENDMENT.**—Subsection (d) of section 1400F is amended by striking “and ‘December 31, 2014’ for ‘December 31, 2014’”.

(c) **COMMERCIAL REVITALIZATION DEDUCTION.**—

(1) **IN GENERAL.**—Subsection (g) of section 1400I is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) **CONFORMING AMENDMENT.**—Subparagraph (A) of section 1400I(d)(2) is amended by striking “after 2001 and before 2010” and inserting “which begins after 2001 and before the date referred to in subsection (g)”.

(d) **INCREASED EXPENSING UNDER SECTION 179.**—Subparagraph (A) of section 1400J(b)(1) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(e) **TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.**—In the case of a designation of a renewal community the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A) of section 1400E(b)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(f) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) **ACQUISITIONS.**—The amendments made by subsections (b)(1) and (d) shall apply to acquisitions after December 31, 2009.

(3) **COMMERCIAL REVITALIZATION DEDUCTION.**—

(A) **IN GENERAL.**—The amendment made by subsection (c)(1) shall apply to buildings placed in service after December 31, 2009.

(B) **CONFORMING AMENDMENT.**—The amendment made by subsection (c)(2) shall apply to calendar years beginning after December 31, 2009.

**SEC. 269. TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.**

(a) **IN GENERAL.**—Paragraph (1) of section 7652(f) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2009.

**SEC. 270. PAYMENT TO AMERICAN SAMOA IN LIEU OF EXTENSION OF ECONOMIC DEVELOPMENT CREDIT.**

The Secretary of the Treasury (or his designee) shall pay \$18,000,000 to the Government of American Samoa for purposes of economic development. The payment made under the preceding sentence shall be treated for purposes of section 1324 of title 31, United States Code, as a refund of internal revenue collections to which such section applies.

**SEC. 271. ELECTION TO TEMPORARILY UTILIZE UNUSED AMT CREDITS DETERMINED BY DOMESTIC INVESTMENT.**

(a) **IN GENERAL.**—Section 53 is amended by adding at the end the following new subsection:

“(g) ELECTION FOR CORPORATIONS WITH NEW DOMESTIC INVESTMENTS.—

“(1) IN GENERAL.—If a corporation elects to have this subsection apply for its first taxable year beginning after December 31, 2009, the limitation imposed by subsection (c) for such taxable year shall be increased by the AMT credit adjustment amount.

“(2) AMT CREDIT ADJUSTMENT AMOUNT.—For purposes of paragraph (1), the term ‘AMT credit adjustment amount’ means, the lesser of—

“(A) 50 percent of a corporation’s minimum tax credit for its first taxable year beginning after December 31, 2009, determined under subsection (b), or

“(B) 10 percent of new domestic investments made during such taxable year.

“(3) NEW DOMESTIC INVESTMENTS.—For purposes of this subsection, the term ‘new domestic investments’ means the cost of qualified property (as defined in section 168(k)(2)(A)(i))—

“(A) the original use of which commences with the taxpayer during the taxable year, and

“(B) which is placed in service in the United States by the taxpayer during such taxable year.

“(4) CREDIT REFUNDABLE.—For purposes of subsection (b) of section 6401, the aggregate increase in the credits allowable under this part for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C (and not under any other subpart). For purposes of section 6425, any amount treated as so allowed shall be treated as a payment of estimated income tax for the taxable year.

“(5) ELECTION.—An election under this subsection shall be made at such time and in such manner as prescribed by the Secretary, and once made, may be revoked only with the consent of the Secretary. Not later than 90 days after the date of the enactment of this subsection, the Secretary shall issue guidance specifying such time and manner.

“(6) TREATMENT OF CERTAIN PARTNERSHIP INVESTMENTS.—For purposes of this subsection, a corporation shall take into account its allocable share of any new domestic investments by a partnership for any taxable year if, and only if, more than 90 percent of the capital and profits interests in such partnership are owned by such corporation (directly or indirectly) at all times during such taxable year.

“(7) NO DOUBLE BENEFIT.—

“(A) IN GENERAL.—A corporation making an election under this subsection may not make an election under subparagraph (H) of section 172(b)(1).

“(B) SPECIAL RULES WITH RESPECT TO TAXPAYERS PREVIOUSLY ELECTING APPLICABLE NET OPERATING LOSSES.—In the case of a corporation which made an election under subparagraph (H) of section 172(b)(1) and elects the application of this subsection—

“(i) ELECTION OF APPLICABLE NET OPERATING LOSS TREATED AS REVOKED.—The election under such subparagraph (H) shall (notwithstanding clause (iii)(II) of such subparagraph) be treated as having been revoked by the taxpayer.

“(ii) COORDINATION WITH PROVISION FOR EXPEDITED REFUND.—The amount otherwise treated as a payment of estimated income tax under the last sentence of paragraph (4) shall be reduced (but not below zero) by the aggregate increase in unpaid tax liability determined under this chapter by reason of the revocation of the election under clause (i).

“(iii) APPLICATION OF STATUTE OF LIMITATIONS.—With respect to the revocation of an election under clause (i)—

“(I) the statutory period for the assessment of any deficiency attributable to such revocation shall not expire before the end of the 3-year period beginning on the date of the election to have this subsection apply, and

“(II) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

“(C) EXCEPTION FOR ELIGIBLE SMALL BUSINESSES.—Subparagraphs (A) and (B) shall not apply to an eligible small business as defined in section 172(b)(1)(H)(v)(II).

“(8) REGULATIONS.—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection, including to prevent fraud and abuse under this subsection.”

(b) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by inserting “53(g),” after “53(e).”

(2) Section 1324(b)(2) of title 31, United States Code, is amended by inserting “53(g),” after “53(e).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

#### SEC. 272. STUDY OF EXTENDED TAX EXPENDITURES.

(a) FINDINGS.—Congress finds the following:

(1) Currently, the aggregate cost of Federal tax expenditures rivals, or even exceeds, the amount of total Federal discretionary spending.

(2) Given the escalating public debt, a critical examination of this use of taxpayer dollars is essential.

(3) Additionally, tax expenditures can complicate the Internal Revenue Code of 1986 for taxpayers and complicate tax administration for the Internal Revenue Service.

(4) To facilitate a better understanding of tax expenditures in the future, it is constructive for legislation extending these provisions to include a study of such provisions.

(b) REQUIREMENT TO REPORT.—Not later than November 30, 2010, the Chief of Staff of the Joint Committee on Taxation, in consultation with the Comptroller General of the United States, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on each tax expenditure (as defined in section 3(3) of the Congressional Budget Impoundment Control Act of 1974 (2 U.S.C. 622(3)) extended by this title.

(c) ROLLING SUBMISSION OF REPORTS.—The Chief of Staff of the Joint Committee on Taxation shall initially submit the reports for each such tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) in order of the tax expenditure incurring the least aggregate cost to the greatest aggregate cost (determined by reference to the cost estimate of this Act by the Joint Committee on Taxation). Thereafter, such reports may be submitted in such order as the Chief of Staff determines appropriate.

(d) CONTENTS OF REPORT.—Such reports shall contain the following:

(1) An explanation of the tax expenditure and any relevant economic, social, or other context under which it was first enacted.

(2) A description of the intended purpose of the tax expenditure.

(3) An analysis of the overall success of the tax expenditure in achieving such purpose, and evidence supporting such analysis.

(4) An analysis of the extent to which further extending the tax expenditure, or making it permanent, would contribute to achieving such purpose.

(5) A description of the direct and indirect beneficiaries of the tax expenditure, including identifying any unintended beneficiaries.

(6) An analysis of whether the tax expenditure is the most cost-effective method for achieving the purpose for which it was intended, and a description of any more cost-effective methods through which such purpose could be accomplished.

(7) A description of any unintended effects of the tax expenditure that are useful in understanding the tax expenditure’s overall value.

(8) An analysis of how the tax expenditure could be modified to better achieve its original purpose.

(9) A brief description of any interactions (actual or potential) with other tax expenditures or direct spending programs in the same or related budget function worthy of further study.

(10) A description of any unavailable information the staff of the Joint Committee on Taxation may need to complete a more thorough examination and analysis of the tax expenditure, and what must be done to make such information available.

(e) MINIMUM ANALYSIS BY DEADLINE.—In the event the Chief of Staff of the Joint Committee on Taxation concludes it will not be feasible to complete all reports by the date specified in subsection (a), at a minimum, the reports for each tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) shall be completed by such date.

#### Subtitle D—Temporary Disaster Relief Provisions

#### PART I—NATIONAL DISASTER RELIEF

#### SEC. 281. WAIVER OF CERTAIN MORTGAGE REVENUE BOND REQUIREMENTS.

(a) IN GENERAL.—Paragraph (11) of section 143(k) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) SPECIAL RULE FOR RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—Paragraph (13) of section 143(k), as redesignated by subsection (c), is amended by striking “January 1, 2010” in subparagraphs (A)(i) and (B)(i) and inserting “January 1, 2011”.

(c) TECHNICAL AMENDMENT.—Subsection (k) of section 143 is amended by redesignating the second paragraph (12) (relating to special rules for residences destroyed in federally declared disasters) as paragraph (13).

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendment made by this section shall apply to bonds issued after December 31, 2009.

(2) RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—The amendments made by subsection (b) shall apply with respect to disasters occurring after December 31, 2009.

(3) TECHNICAL AMENDMENT.—The amendment made by subsection (c) shall take effect as if included in section 709 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008.

#### SEC. 282. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Subclause (I) of section 165(h)(3)(B)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) \$500 LIMITATION.—Paragraph (1) of section 165(h) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to federally declared disasters occurring after December 31, 2009.

(2) \$500 LIMITATION.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2009.

**SEC. 283. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED DISASTER PROPERTY.**

(a) IN GENERAL.—Subclause (I) of section 168(n)(2)(A)(ii) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disasters occurring after December 31, 2009.

**SEC. 284. NET OPERATING LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.**

(a) IN GENERAL.—Subclause (I) of section 172(j)(1)(A)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to losses attributable to disasters occurring after December 31, 2009.

**SEC. 285. EXPENSING OF QUALIFIED DISASTER EXPENSES.**

(a) IN GENERAL.—Subparagraph (A) of section 198A(b)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures on account of disasters occurring after December 31, 2009.

**PART II—REGIONAL PROVISIONS**

**Subpart A—New York Liberty Zone**

**SEC. 291. SPECIAL DEPRECIATION ALLOWANCE FOR NONRESIDENTIAL AND RESIDENTIAL REAL PROPERTY.**

(a) IN GENERAL.—Subparagraph (A) of section 1400L(b)(2) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 292. TAX-EXEMPT BOND FINANCING.**

(a) IN GENERAL.—Subparagraph (D) of section 1400L(d)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2009.

**Subpart B—GO Zone**

**SEC. 295. INCREASE IN REHABILITATION CREDIT.**

(a) IN GENERAL.—Subsection (h) of section 1400N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2009.

**SEC. 296. WORK OPPORTUNITY TAX CREDIT WITH RESPECT TO CERTAIN INDIVIDUALS AFFECTED BY HURRICANE KATRINA FOR EMPLOYERS INSIDE DISASTER AREAS.**

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking “4-year” and inserting “5-year”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2009.

**SEC. 297. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.**

Section 1400N(c)(5) is amended by striking “January 1, 2011” and inserting “January 1, 2013”.

**TITLE III—PENSION FUNDING RELIEF**

**Subtitle A—Single-Employer Plans**

**SEC. 301. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.**

(a) ERISA AMENDMENTS.—

(1) IN GENERAL.—Section 303(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)(2)) is amended by adding at the end the following subparagraphs:

“(D) SPECIAL RULE.—

“(i) IN GENERAL.—In the case of the shortfall amortization base of a plan for any applicable plan year, the shortfall amortization installments are the amounts described in clause (ii) or (iii), if made applicable by an election under clause (iv). In the absence of a timely election, such installments shall be determined without regard to this subparagraph.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments described in this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the applicable plan year, interest on the shortfall amortization base (determined by using the effective interest rate for the applicable plan year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the balance of such shortfall amortization base in level annual installments over such last 7 plan years (determined using the segment rates determined under subparagraph (C) of subsection (h)(2) for the applicable plan year, applied under rules similar to the rules of subparagraph (B) of subsection (h)(2)).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments described in this clause are the amounts under subparagraphs (A) and (B) determined by substituting ‘15 plan-year period’ for ‘7-plan-year period’.

“(iv) ELECTION.—

“(i) IN GENERAL.—The plan sponsor may, with respect to a plan, elect, with respect to any of not more than 2 applicable plan years, to determine shortfall amortization installments under this subparagraph. An election under either clause (ii) or clause (iii) may be made with respect to either of such applicable plan years.

“(II) ELIGIBILITY FOR ELECTION.—An election may be made to determine shortfall amortization installments under this subparagraph with respect to a plan only if, as of the date of the election—

“(aa) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

“(bb) there are no unpaid minimum required contributions with respect to the plan for purposes of section 4971 of the Internal Revenue Code of 1986,

“(cc) there is no lien in favor of the plan under subsection (k) or under section 430(k) of such Code, and

“(dd) a distress termination has not been initiated for the plan under section 4041(c).

“(III) RULES RELATING TO ELECTION.—Such election shall be made at such times, and in such form and manner, as shall be prescribed by the Secretary of the Treasury and shall be irrevocable, except under such limited circumstances, and subject to such conditions, as such Secretary may prescribe.

“(E) APPLICABLE PLAN YEAR.—

“(i) IN GENERAL.—For purposes of this paragraph, the term ‘applicable plan year’ means, subject to the election of the plan sponsor under subparagraph (D)(iv), each of

not more than 2 of the plan years beginning in 2008, 2009, 2010, or 2011.

“(ii) SPECIAL RULE RELATING TO 2008.—A plan year may be elected as an applicable plan year pursuant to this subparagraph only if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after March 10, 2010.

“(F) INCREASES IN SHORTFALL AMORTIZATION INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR CERTAIN DIVIDENDS OR STOCK REDEMPTIONS.—

“(i) IN GENERAL.—If, with respect to an election for an applicable plan year under subparagraph (D), there is an installment acceleration amount with respect to a plan for any plan year in the restriction period (or if there is an installment acceleration amount carried forward to a plan year not in the restriction period), then the shortfall amortization installment otherwise determined and payable under this paragraph for such plan year shall be increased by such amount.

“(ii) BACK-END ADJUSTMENT TO AMORTIZATION SCHEDULE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an applicable plan year is required to be increased for any plan year under clause (i), subsequent shortfall amortization installments with respect to such base shall be reduced, in reverse order of the otherwise required installments beginning with the final scheduled installment, to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this subparagraph) to the present value of the remaining unamortized shortfall amortization base.

“(iii) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this subparagraph—

“(I) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an applicable plan year, the sum of—

“(aa) the aggregate amount of excess employee compensation determined under clause (iv) for the plan year, plus

“(bb) the dividend and redemption amount determined under clause (v) for the plan year.

“(II) CUMULATIVE LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(aa) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under subparagraph (D) with respect to the shortfall amortization base with respect to an applicable year, determined without regard to subparagraph (D) and this subparagraph, over

“(bb) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of subparagraph (D) (and in the case of any preceding plan year, after application of this subparagraph).

“(III) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(aa) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to subclause (II)) exceeds the limitation under subclause (II), then, subject to item (bb), such excess shall be treated as an installment acceleration amount for the succeeding plan year.

“(bb) CAP TO APPLY.—If any amount treated as an installment acceleration amount under item (aa) or this item with respect any

succeeding plan year, when added to other installment acceleration amounts (determined without regard to subclause (II)) with respect to the plan year, exceeds the limitation under subclause (II), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(cc) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FORWARD.—No amount shall be carried forward under item (aa) or (bb) to a plan year which begins after the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under subparagraph (D)(iii)).

“(dd) ORDERING RULES.—For purposes of applying item (bb), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under subclause (II) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(iv) EXCESS EMPLOYEE COMPENSATION.—

“(I) IN GENERAL.—For purposes of this paragraph, the term ‘excess employee compensation’ means the sum of—

“(aa) with respect to any employee, for any plan year, the excess (if any) of—

“(AA) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(BB) \$1,000,000, plus

“(bb) the amount of assets set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, during the calendar year by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor.

“(II) NO DOUBLE COUNTING.—No amount shall be taken into account under subclause (I) more than once.

“(III) EMPLOYEE; REMUNERATION.—For purposes of this clause, the term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of the Internal Revenue Code of 1986 for the taxable year ending during such calendar year, and the term ‘remuneration’ shall include earned income of such an individual.

“(IV) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—There shall not be taken into account under subclause (I)(aa) any remuneration consisting of nonqualified deferred compensation, restricted stock (or restricted stock units), stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(V) ONLY REMUNERATION FOR POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under subclause (I)(aa) only to the extent attributable to services performed by the employee for the plan sponsor after December 31, 2009.

“(VI) COMMISSIONS.—

“(aa) IN GENERAL.—There shall not be taken into account under subclause (I)(aa) any remuneration payable on a commission

basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(bb) SPECIFIED EMPLOYEES.—Item (aa) shall not apply in the case of any specified employee (within the meaning of section 409A(a)(2)(B)(i) of the Internal Revenue Code of 1986) or any employee who would be such a specified employee if the plan sponsor were a corporation described in such section.

“(VII) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under subclause (I)(aa)(BB) shall be increased by an amount equal to—

“(aa) such dollar amount, multiplied by

“(bb) the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986 for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$20,000, such increase shall be rounded to the next lowest multiple of \$20,000.

“(v) CERTAIN DIVIDENDS AND REDEMPTIONS.—

“(I) IN GENERAL.—The dividend and redemption amount determined under this clause for any plan year is the lesser of—

“(aa) the excess of—

“(AA) the sum of the dividends paid during the plan year by the plan sponsor, plus the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, over

“(BB) an amount equal to the average of adjusted annual net income of the plan sponsor for the last 5 fiscal years of the plan sponsor ending before such plan year, or

“(bb) the sum of—

“(AA) the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, plus

“(BB) the excess of dividends paid during the plan year by the plan sponsor over the dividend base amount.

“(II) DEFINITIONS.—

“(aa) ADJUSTED ANNUAL NET INCOME.—For purposes of subclause (I)(aa)(BB), the term ‘adjusted annual net income’ with respect to any fiscal year means annual net income, determined in accordance with generally accepted accounting principles (before after-tax gain or loss on any sale of assets), but without regard to any reduction by reason of depreciation or amortization, except that in no event shall adjusted annual net income for any fiscal year be less than zero.

“(bb) DIVIDEND BASE AMOUNT.—For purposes of this clause, the term ‘dividend base amount’ means, with respect to a plan year, an amount equal to the greater of—

“(AA) the median of the amounts of the dividends paid during each of the last 5 fiscal years of the plan sponsor ending before such plan year, or

“(BB) the amount of dividends paid during such plan year on preferred stock that was issued on or before May 21, 2010, or that is replacement stock for such preferred stock.

“(III) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of subclause (I) (other than for purposes of calculating the dividend base amount), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(IV) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group

shall not be taken into account under subclause (I).

“(V) EXCEPTION FOR STOCK DIVIDENDS.—Any distribution by the plan sponsor to its shareholders of stock issued by the plan sponsor shall not be taken into account under subclause (I).

“(VI) EXCEPTION FOR CERTAIN REDEMPTIONS.—The following shall not be taken into account under subclause (I):

“(aa) Redemptions of securities which, at the time of redemption, are not listed on an established securities market and—

“(AA) are made pursuant to a pension plan that is qualified under section 401 of the Internal Revenue Code of 1986 or a shareholder-approved program, or

“(BB) are made on account of an employee’s termination of employment with the plan sponsor, or the death or disability of a shareholder.

“(bb) Redemptions of securities which are not, immediately after issuance, listed on an established securities market and are, or had previously been—

“(AA) held, directly or indirectly, by, or for the benefit of, the Federal Government or a Federal reserve bank, or

“(BB) held by a national government (or a government-related entity of such a government) or an employee benefit plan if such shares are substantially identical to shares described in subitem (AA).

“(vi) OTHER DEFINITIONS AND RULES.—For purposes of this subparagraph—

“(I) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 302(d)(3)).

“(II) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any applicable plan year with respect to which an election is made under subparagraph (D)—

“(aa) except as provided in item (bb), the 3-year period beginning with the applicable plan year (or, if later, the first plan year beginning after December 31, 2009), or

“(bb) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the applicable plan year, the 5-year period beginning with such plan year (or, if later, the first plan year beginning after December 31, 2009).

“(III) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under subparagraph (D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this subparagraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan’s relative reduction in the plan’s shortfall amortization installment for the first plan year in the amortization period described in clause (i) (determined without regard to this subparagraph).

“(G) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of subparagraphs (D) and (F) in any case where there is a merger or acquisition involving a plan sponsor making the election under subparagraph (D).

“(H) REGULATIONS AND GUIDANCE.—The Secretary of the Treasury may prescribe such regulations and other guidance of general applicability as such Secretary may determine necessary to achieve the purposes of subparagraphs (D) and (F).”.

(2) NOTICE REQUIREMENT.—Section 204 of such Act (29 U.S.C. 1054) is amended—

(A) by redesignating subsection (k) as subsection (l); and

(B) by inserting after subsection (j) the following new subsection:

“(k) NOTICE IN CONNECTION WITH SHORT-FALL AMORTIZATION ELECTION.—

“(1) IN GENERAL.—Not later 30 days after the date of an election under clause (iv) of section 303(c)(2)(D) in connection with a single-employer plan, the plan administrator shall provide notice of such election in accordance with this subsection to each plan participant and beneficiary, each labor organization representing such participants and beneficiaries, and the Pension Benefit Guaranty Corporation.

“(2) MATTERS INCLUDED IN NOTICE.—Each notice provided pursuant to this subsection shall set forth—

“(A) a statement that recently enacted legislation permits employers to delay pension funding;

“(B) with respect to required contributions—

“(i) the amount of contributions that would have been required had the election not been made;

“(ii) the amount of the reduction in required contributions for the applicable plan year that occurs on account of the election; and

“(iii) the number of plan years to which such reduction will apply;

“(C) with respect to a plan’s funding status as of the end of the plan year preceding the applicable plan year—

“(i) the liabilities determined under section 4010(d)(1)(A); and

“(ii) the market value of assets of the plan; and

“(D) with respect to installment acceleration amounts (as defined in section 303(c)(2)(F)(iii)(I))—

“(i) an explanation of section 303(c)(2)(F) (relating to increases in shortfall amortization installments in cases of excess compensation or certain dividends or stock redemptions); and

“(ii) a statement that increases in required contributions may occur in the event of future payments of excess employee compensation or certain share repurchasing or dividend activity and that subsequent notices of any such payments or activity will be provided in the annual funding notice provided pursuant to section 101(f).

“(3) OTHER REQUIREMENTS.—

“(A) FORM.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant. The Secretary of the Treasury shall prescribe a model notice that a plan administrator may use to satisfy the requirements of paragraph (1).

“(B) PROVISION TO DESIGNATED PERSONS.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

“(4) EFFECT OF EGREGIOUS FAILURE.—

“(A) IN GENERAL.—In the case of any egregious failure to meet any requirement of this subsection with respect to any election, such election shall be treated as having not been made.

“(B) EGREGIOUS FAILURE.—For purposes of subparagraph (A), there is an egregious failure to meet the requirements of this subsection if such failure is in the control of the plan sponsor and is—

“(i) an intentional failure (including any failure to promptly provide the required notice or information after the plan administrator discovers an unintentional failure to meet the requirements of this subsection);

“(ii) a failure to provide most of the participants and beneficiaries with most of the information they are entitled to receive under this subsection, or

“(iii) a failure which is determined to be egregious under regulations prescribed by the Secretary of the Treasury.

“(5) USE OF NEW TECHNOLOGIES.—The Secretary of the Treasury may, in consultation with the Secretary, by regulations or other guidance of general applicability, allow any notice under this subsection to be provided using new technologies.”.

(C) SUBSEQUENT SUPPLEMENTAL NOTICES.—Section 101(f)(2)(C) of such Act (29 U.S.C. 1021(f)(2)(C)) is amended—

(i) by striking “and” at the end of clause (i);

(ii) by redesignating clause (ii) as clause (iii); and

(iii) by inserting after clause (i) the following new clause:

“(ii) any excess employee compensation amounts and any dividends and redemptions amounts determined under section 303(c)(2)(F) for the preceding plan year with respect to the plan, and”.

(3) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS IN DETERMINING QUARTERLY CONTRIBUTIONS.—Section 303(j)(3) of such Act (29 U.S.C. 1083(j)(3)) is amended by adding at the end the following new subparagraph:

“(F) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(2)(F).”.

(4) CONFORMING AMENDMENT.—Section 303(c)(1) of such Act (29 U.S.C. 1083(c)(1)) is amended by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”.

(b) IRC AMENDMENTS.—

(1) IN GENERAL.—Section 430(c)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following subparagraph:

“(D) SPECIAL RULE.—

“(i) IN GENERAL.—In the case of the shortfall amortization base of a plan for any applicable plan year, the shortfall amortization installments are the amounts described in clause (ii) or (iii), if made applicable by an election under clause (iv). In the absence of a timely election, such installments shall be determined without regard to this subparagraph.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments described in this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the applicable plan year, interest on the shortfall amortization base (determined by using the effective interest rate for the applicable plan year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the balance of such shortfall amortization base in level annual installments over such last 7 plan years (determined using the segment rates determined under subparagraph (C) of subsection (h)(2) for the applicable plan year, applied under rules similar to the rules of subparagraph (B) of subsection (h)(2)).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments described in this clause are the amounts under subparagraphs (A) and (B) determined by substituting ‘15 plan-year period’ for ‘7-plan-year period’.

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor may, with respect to a plan, elect, with respect to any of not more than 2 applicable plan years, to determine shortfall amortization installments under this subparagraph. An election

under either clause (ii) or clause (iii) may be made with respect to either of such applicable plan years.

“(II) ELIGIBILITY FOR ELECTION.—An election may be made to determine shortfall amortization installments under this subparagraph with respect to a plan only if, as of the date of the election—

“(aa) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

“(bb) there are no unpaid minimum required contributions with respect to the plan for purposes of section 4971,

“(cc) there is no lien in favor of the plan under subsection (k) or under section 303(k) of the Employee Retirement Income Security Act of 1974, and

“(dd) a distress termination has not been initiated for the plan under section 4041(c) of such Act.

“(III) RULES RELATING TO ELECTION.—Such election shall be made at such times, and in such form and manner, as shall be prescribed by the Secretary and shall be irrevocable, except under such limited circumstances, and subject to such conditions, as the Secretary may prescribe.

“(E) APPLICABLE PLAN YEAR.—

“(i) IN GENERAL.—For purposes of this paragraph, the term ‘applicable plan year’ means, subject to the election of the plan sponsor under subparagraph (D)(iv), each of not more than 2 of the plan years beginning in 2008, 2009, 2010, or 2011.

“(ii) SPECIAL RULE RELATING TO 2008.—A plan year may be elected as an applicable plan year pursuant to this subparagraph only if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after March 10, 2010.

“(F) INCREASES IN SHORTFALL AMORTIZATION INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR CERTAIN DIVIDENDS OR STOCK REDEMPTIONS.—

“(i) IN GENERAL.—If, with respect to an election for an applicable plan year under subparagraph (D), there is an installment acceleration amount with respect to a plan for any plan year in the restriction period (or if there is an installment acceleration amount carried forward to a plan year not in the restriction period), then the shortfall amortization installment otherwise determined and payable under this paragraph for such plan year shall be increased by such amount.

“(ii) BACK-END ADJUSTMENT TO AMORTIZATION SCHEDULE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an applicable plan year is required to be increased for any plan year under clause (i), subsequent shortfall amortization installments with respect to such base shall be reduced, in reverse order of the otherwise required installments beginning with the final scheduled installment, to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this subparagraph) to the present value of the remaining unamortized shortfall amortization base.

“(iii) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this subparagraph—

“(I) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an applicable plan year, the sum of—

“(aa) the aggregate amount of excess employee compensation determined under clause (iv) for the plan year, plus

“(bb) the dividend and redemption amount determined under clause (v) for the plan year.

“(II) CUMULATIVE LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(aa) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under subparagraph (D) with respect to the shortfall amortization base with respect to an applicable year, determined without regard to subparagraph (D) and this subparagraph, over

“(bb) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of subparagraph (D) (and in the case of any preceding plan year, after application of this subparagraph).

“(III) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(aa) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to subclause (II)) exceeds the limitation under subclause (II), then, subject to item (bb), such excess shall be treated as an installment acceleration amount for the succeeding plan year.

“(bb) CAP TO APPLY.—If any amount treated as an installment acceleration amount under item (aa) or this item with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to subclause (II)) with respect to the plan year, exceeds the limitation under subclause (II), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(cc) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FORWARD.—No amount shall be carried forward under item (aa) or (bb) to a plan year which begins after the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under subparagraph (D)(iii)).

“(dd) ORDERING RULES.—For purposes of applying item (bb), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under subclause (II) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(iv) EXCESS EMPLOYEE COMPENSATION.—

“(I) IN GENERAL.—For purposes of this paragraph, the term ‘excess employee compensation’ means the sum of—

“(aa) with respect to any employee, for any plan year, the excess (if any) of—

“(AA) the aggregate amount includible in income under chapter 1 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(BB) \$1,000,000, plus

“(bb) the amount of assets set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, during the calendar year by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor.

“(II) NO DOUBLE COUNTING.—No amount shall be taken into account under subclause (I) more than once.

“(III) EMPLOYEE; REMUNERATION.—For purposes of this clause, the term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term ‘remuneration’ shall include earned income of such an individual.

“(IV) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—There shall not be taken into account under subclause (I) any remuneration consisting of nonqualified deferred compensation, restricted stock (or restricted stock units), stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(V) ONLY REMUNERATION FOR POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under subclause (I)(aa) only to the extent attributable to services performed by the employee for the plan sponsor after December 31, 2009.

“(VI) COMMISSIONS.—

“(aa) IN GENERAL.—There shall not be taken into account under subclause (I)(aa) any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(bb) SPECIFIED EMPLOYEES.—Item (aa) shall not apply in the case of any specified employee (within the meaning of section 409A(a)(2)(B)(i)) or any employee who would be such a specified employee if the plan sponsor were a corporation described in such section.

“(VII) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under subclause (I)(aa)(BB) shall be increased by an amount equal to—

“(aa) such dollar amount, multiplied by

“(bb) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$20,000, such increase shall be rounded to the next lowest multiple of \$20,000.

“(v) CERTAIN DIVIDENDS AND REDEMPTIONS.—

“(I) IN GENERAL.—The dividend and redemption amount determined under this clause for any plan year is the lesser of—

“(aa) the excess of—

“(AA) the sum of the dividends paid during the plan year by the plan sponsor, plus the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, over

“(BB) an amount equal to the average of adjusted annual net income of the plan sponsor for the last 5 fiscal years of the plan sponsor ending before such plan year, or

“(bb) the sum of—

“(AA) the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, plus

“(BB) the excess of dividends paid during the plan year by the plan sponsor over the dividend base amount.

“(II) DEFINITIONS.—

“(aa) ADJUSTED ANNUAL NET INCOME.—For purposes of subclause (I)(aa)(BB), the term ‘adjusted annual net income’ with respect to any fiscal year means annual net income, determined in accordance with generally accepted accounting principles (before after-tax gain or loss on any sale of assets), but

without regard to any reduction by reason of depreciation or amortization, except that in no event shall adjusted annual net income for any fiscal year be less than zero.

“(bb) DIVIDEND BASE AMOUNT.—For purposes of this clause, the term ‘dividend base amount’ means, with respect to a plan year, an amount equal to the greater of—

“(AA) the median of the amounts of the dividends paid during each of the last 5 fiscal years of the plan sponsor ending before such plan year, or

“(BB) the amount of dividends paid during such plan year on preferred stock that was issued on or before May 21, 2010, or that is replacement stock for such preferred stock.

“(III) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of subclause (I) (other than for purposes of calculating the dividend base amount), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(IV) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under subclause (I).

“(V) EXCEPTION FOR STOCK DIVIDENDS.—Any distribution by the plan sponsor to its shareholders of stock issued by the plan sponsor shall not be taken into account under subclause (I).

“(VI) EXCEPTION FOR CERTAIN REDEMPTIONS.—The following shall not be taken into account under subclause (I):

“(aa) Redemptions of securities which, at the time of redemption, are not listed on an established securities market and—

“(AA) are made pursuant to a pension plan that is qualified under section 401 or a shareholder-approved program, or

“(BB) are made on account of an employee’s termination of employment with the plan sponsor, or the death or disability of a shareholder.

“(bb) Redemptions of securities which are not, immediately after issuance, listed on an established securities market and are, or had previously been—

“(AA) held, directly or indirectly, by, or for the benefit of, the Federal Government or a Federal reserve bank, or

“(BB) held by a national government (or a government-related entity of such a government) or an employee benefit plan if such shares are substantially identical to shares described in subitem (AA).

“(vi) OTHER DEFINITIONS AND RULES.—For purposes of this subparagraph—

“(I) PLAN SPONSOR.—The term ‘plan sponsor’ includes any group of which the plan sponsor is a member and which is treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

“(II) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any applicable plan year with respect to which an election is made under subparagraph (D)—

“(aa) except as provided in item (bb), the 3-year period beginning with the applicable plan year (or, if later, the first plan year beginning after December 31, 2009), or

“(bb) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the applicable plan year, the 5-year period beginning with such plan year (or, if later, the first plan year beginning after December 31, 2009).

“(III) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under subparagraph (D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this subparagraph to such plans,

including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in clause (i) (determined without regard to this subparagraph).

“(G) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of subparagraphs (D) and (F) in any case where there is a merger or acquisition involving a plan sponsor making the election under subparagraph (D).

“(H) REGULATIONS AND GUIDANCE.—The Secretary may prescribe such regulations and other guidance of general applicability as the Secretary may determine necessary to achieve the purposes of subparagraphs (D) and (F).”.

(2) NOTICE REQUIREMENT.—

(A) IN GENERAL.—Section 4980F of such Code is amended—

(i) by striking “subsection (e)” each place it appears in subsection (a) and paragraphs (1) and (3) of subsection (c) and inserting “subsections (e) and (f)”;

(ii) by striking “subsection (e)” in subsection (c)(2)(A) and inserting “subsection (e), (f), or both, as the case may be”; and

(iii) by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f) NOTICE IN CONNECTION WITH SHORTFALL AMORTIZATION ELECTION.—

“(1) IN GENERAL.—Not later 30 days after the date of an election under clause (iv) of section 430(c)(2)(D) in connection with a plan, the plan administrator shall provide notice of such election in accordance with this subsection to each plan participant and beneficiary, each labor organization representing such participants and beneficiaries, and the Pension Benefit Guaranty Corporation.

“(2) MATTERS INCLUDED IN NOTICE.—Each notice provided pursuant to this subsection shall set forth—

“(A) a statement that recently enacted legislation permits employers to delay pension funding;

“(B) with respect to required contributions—

“(i) the amount of contributions that would have been required had the election not been made;

“(ii) the amount of the reduction in required contributions for the applicable plan year that occurs on account of the election; and

“(iii) the number of plan years to which such reduction will apply;

“(C) with respect to a plan's funding status as of the end of the plan year preceding the applicable plan year—

“(i) the liabilities determined under section 4010(d)(1)(A) of the Employee Retirement Income Security Act of 1974; and

“(ii) the market value of assets of the plan; and

“(D) with respect to installment acceleration amounts (as defined in section 430(c)(2)(F)(iii)(I))—

“(i) an explanation of section 430(c)(2)(F) (relating to increases in shortfall amortization installments in cases of excess compensation or certain dividends or stock redemptions); and

“(ii) a statement that increases in required contributions may occur in the event of future payments of excess employee compensation or certain share repurchasing or dividend activity and that subsequent notices of any such payments or activity will be pro-

vided in the annual funding notice provided pursuant to section 101(f) of the Employee Retirement Income Security Act of 1974.

“(3) OTHER REQUIREMENTS.—

“(A) FORM.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations or other guidance of general applicability prescribed by the Secretary) to allow plan participants and beneficiaries to understand the effect of the election. The Secretary shall prescribe a model notice that a plan administrator may use to satisfy the requirements of paragraph (1).

“(B) PROVISION TO DESIGNATED PERSONS.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.”.

(B) CONFORMING AMENDMENT.—Subsection (g) of section 4980F of such Code is amended by inserting “or (f)” after “subsection (e)”.

(3) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS IN DETERMINING QUARTERLY CONTRIBUTIONS.—Section 430(j)(3) of such Code is amended by adding at the end the following new subparagraph:

“(F) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(2)(F).”.

(4) CONFORMING AMENDMENT.—Paragraph (1) of section 430(c) of such Code is amended by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

**SEC. 302. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.**

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

**“SEC. 107. APPLICATION OF FUNDING RELIEF TO PLANS WITH DELAYED EFFECTIVE DATE.**

**“(A) ALTERNATIVE ELECTIONS.—**

“(1) IN GENERAL.—Subject to this section, a plan sponsor of a plan to which section 104, 105, or 106 of this Act applies may either elect the application of subsection (b) with respect to the plan for not more than 2 applicable plan years or elect the application of subsection (c) with respect to the plan for 1 applicable plan year.

“(2) ELIGIBILITY FOR ELECTIONS.—An election may be made by a plan sponsor under paragraph (1) with respect to a plan only if at the time of the election—

“(A) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

“(B) there are no accumulated funding deficiencies (as defined in section 302(a)(2) of the Employee Retirement Income Security Act of 1974 (as in effect immediately before the enactment of this Act) or in section 412(a) of the Internal Revenue Code of 1986 (as so in effect)) with respect to the plan,

“(C) there is no lien in favor of the plan under section 302(d) (as so in effect) or under section 412(n) of such Code (as so in effect), and

“(D) a distress termination has not been initiated for the plan under section 4041(c) of the Employee Retirement Income Security Act of 1974.

“(b) ALTERNATIVE ADDITIONAL FUNDING CHARGE.—If the plan sponsor elects the application of this subsection with respect to the plan, for purposes of applying section 302(d) of the Employee Retirement Income Security Act of 1974 (as in effect before the amendments made by this subtitle and subtitle B) and section 412(l) of the Internal Revenue Code of 1986 (as so in effect)—

“(1) the deficit reduction contribution under paragraph (2) of such section 302(d) and paragraph (2) of such section 412(l) for such plan for any applicable plan year, shall be zero, and

“(2) the additional funding charge under paragraph (1) of such section 302(d) and paragraph (1) of such section 412(l) for such plan for any applicable plan year shall be increased by an amount equal to the installment acceleration amount (as defined in sections 303(c)(2)(F)(iii)(I) of such Act (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) and 430(c)(2)(F)(iii)(I) of such Code (as so amended)) with respect to the plan sponsor for such plan year, determined by treating the later of such plan year or the first plan year beginning after December 31, 2009, as the restriction period.

“(c) APPLICATION OF 15-YEAR AMORTIZATION.—If the plan sponsor elects the application of this subsection with respect to the plan, for purposes of applying section 302(d) of such Act (as in effect before the amendments made by this subtitle and subtitle B) and section 412(l) of such Code (as so in effect)—

“(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in paragraph (4)(C) of such section 302(d) and paragraph (4)(C) of such section 412(l) for any pre-effective date plan year beginning with or after the applicable plan year shall be the ratio of—

“(A) the annual installments payable in each plan year if the increased unfunded new liability for such plan year were amortized in equal installments over the period beginning with such plan year and ending with the last plan year in the period of 15 plan years beginning with the applicable plan year, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

“(B) the increased unfunded new liability for such plan year,

“(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section, and

“(3) the additional funding charge with respect to the plan for a plan year shall be increased by an amount equal to the installment acceleration amount (as defined in section 303(c)(2)(F)(iii) of such Act (as amended by the American Jobs and Closing Tax Loopholes Act of 2010 and section 430(c)(2)(F)(iii) of such Code (as so amended)) with respect to the plan sponsor for such plan year, determined without regard to subclause (II) of such sections 303(c)(2)(F)(iii) and 430(c)(2)(F)(iii).

“(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) APPLICABLE PLAN YEAR.—

“(A) IN GENERAL.—The term ‘applicable plan year’ with respect to a plan means, subject to the election of the plan sponsor under subsection (a), a plan year beginning in 2009, 2010, or 2011.

“(B) ELECTION.—

“(i) IN GENERAL.—The election described in subsection (a) shall be made at such times,

and in such form and manner, as shall be prescribed by the Secretary of the Treasury.

“(ii) **REDUCTION IN YEARS WHICH MAY BE ELECTED.**—The number of applicable plan years for which an election may be made under section 303(c)(2)(D) of the Employee Retirement Income Security Act of 1974 (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) or section 430(c)(2)(D) of the Internal Revenue Code of 1986 (as so amended) shall be reduced by the number of applicable plan years for which an election under this section is made.

“(C) **ALLOCATION OF INSTALLMENT ACCELERATION AMOUNT FOR MULTIPLE PLAN ELECTION.**—In the case of an election under this section with respect to 2 or more plans by the same plan sponsor, the installment acceleration amount shall be apportioned ratably with respect to such plans in proportion to the deficit reduction contributions of the plans determined without regard to subsection (b)(1).

“(2) **PLAN SPONSOR.**—The term ‘plan sponsor’ shall have the meaning provided such term in section 303(c)(2)(F)(vi)(I) of the Employee Retirement Income Security Act of 1974 (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) and section 430(c)(2)(F)(vi)(I) of the Internal Revenue Code of 1986 (as so amended).

“(3) **PRE-EFFECTIVE DATE PLAN YEAR.**—The term ‘pre-effective date plan year’ means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

“(4) **INCREASED UNFUNDED NEW LIABILITY.**—The term ‘increased unfunded new liability’ means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan’s assets determined under subsection 302(c)(2) of such Act (as in effect before the amendments made by this subtitle and subtitle B) and section 412(c)(2) of such Code (as so in effect) equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act (as so in effect) and 412(l)(8)(B) of such Code (as so in effect)) of the plan for the second plan year preceding the first applicable plan year of such plan for which an election under this section is made.

“(5) **OTHER DEFINITIONS.**—The terms ‘unfunded new liability’ and ‘current liability’ shall have the meanings set forth in section 302(d) of such Act (as so in effect) and section 412(l) of such Code (as so in effect).

“(6) **ADDITIONAL FUNDING CHARGE INCREASE NOT TO EXCEED RELIEF.**—

“(A) **ELECTION UNDER SUBSECTION (B).**—In the case of an election under subsection (b), an increase resulting from the application of subsection (b)(2) in the additional funding charge with respect to a plan for a plan year shall not exceed the excess (if any) of—

“(i) the deficit reduction contribution under section 302(d)(2) of such Act (as so in effect) and section 412(l)(2) of such Code (as so in effect) for such plan year, determined as if the election had not been made, over

“(ii) the deficit reduction contribution under such sections for such plan (determined without regard to any increase under subsection (b)(2)).

“(B) **ELECTION UNDER SUBSECTION (C).**—An increase resulting from the application of subsection (c)(3) in the additional funding charge with respect to a plan for a plan year shall not exceed the excess (if any) of—

“(i) the sum of the deficit reduction contributions under section 302(d)(2) of such Act

(as so in effect) and section 412(l)(2) of such Code (as so in effect) for such plan for such plan year and for all preceding plan years beginning with or after the applicable plan year, determined as if the election had not been made, over

“(ii) the sum of the deficit reduction contributions under such sections for such plan years (determined without regard to any increase under subsection (c)(3)).

“(e) **NOTICE.**—Not later 30 days after the date of an election under subsection (a) in connection with a plan, the plan administrator shall provide notice pursuant to, and subject to, rules similar to the rules of sections 204(k) of the Employee Retirement Income Security Act of 1974 (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) and 4980F(f) of the Internal Revenue Code of 1986 (as so amended).”

(b) **ELIGIBLE CHARITY PLANS.**—Section 104 of such Act is amended—

(1) by striking “eligible cooperative plan” wherever it appears in subsections (a) and (b) and inserting “eligible cooperative plan or an eligible charity plan”; and

(2) by adding at the end the following new subsection:

“(d) **ELIGIBLE CHARITY PLAN DEFINED.**—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if—

“(1) the plan is maintained by one or more employers employing employees who are accruing benefits based on service for the plan year,

“(2) such employees are employed in at least 20 States,

“(3) each such employee (other than a de minimis number of employees) is employed by an employer described in section 501(c)(3) of such Code and the primary exempt purpose of each such employer is to provide services with respect to children, and

“(4) the plan sponsor elects (at such time and in such form and manner as shall be prescribed by the Secretary of the Treasury) to be so treated.

Any election under this subsection may be revoked only with the consent of the Secretary of the Treasury.”

(c) **REGULATIONS.**—The Secretary of the Treasury may prescribe such regulations as may be necessary to carry out the purposes of the amendments made by this section.

(d) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall apply to plan years beginning on or after January 1, 2009.

(2) **ELIGIBLE CHARITY PLANS.**—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2009.

**SEC. 303. SUSPENSION OF CERTAIN FUNDING LEVEL LIMITATIONS.**

(a) **LIMITATIONS ON BENEFIT ACCRUALS.**—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 (Public Law 110-458; 122 Stat. 5118) is amended—

(1) by striking “the first plan year beginning during the period beginning on October 1, 2008, and ending on September 30, 2009” and inserting “any plan year beginning during the period beginning on October 1, 2008, and ending on December 31, 2011”; and

(2) by striking “substituting” and all that follows through “for such plan year” and inserting “substituting for such percentage the plan’s adjusted funding target attainment percentage for the last plan year ending before September 30, 2009,”; and

(3) by striking “for the preceding plan year is greater” and inserting “for such last plan year is greater”.

(b) **SOCIAL SECURITY LEVEL-INCOME OPERATIONS.**—

(1) **ERISA AMENDMENT.**—Section 206(g)(3)(E) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new sentence: “For purposes of applying clause (i) in the case of payments the annuity starting date for which occurs on or before December 31, 2011, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 204(b)(1)(G)).”

(2) **IRC AMENDMENT.**—Section 436(d)(5) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: “For purposes of applying subparagraph (A) in the case of payments the annuity starting date for which occurs on or before December 31, 2011, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 411(a)(9)).”

(3) **EFFECTIVE DATE.**—

(A) **IN GENERAL.**—The amendments made by this subsection shall apply to annuity payments the annuity starting date for which occurs on or after January 1, 2011.

(B) **PERMITTED APPLICATION.**—A plan shall not be treated as failing to meet the requirements of sections 206(g) of the Employee Retirement Income Security Act of 1974 (as amended by this subsection) and section 436(d) of the Internal Revenue Code of 1986 (as so amended) if the plan sponsor elects to apply the amendments made by this subsection to payments the annuity starting date for which occurs on or after the date of the enactment of this Act and before January 1, 2011.

(C) **APPLICATION OF CREDIT BALANCE WITH RESPECT TO LIMITATIONS ON SHUTDOWN BENEFITS AND UNPREDICTABLE CONTINGENT EVENT BENEFITS.**—With respect to plan years beginning on or before December 31, 2011, in applying paragraph (5)(C) of subsection (g) of section 206 of the Employee Retirement Income Security Act of 1974 and subsection (f)(3) of section 436 of the Internal Revenue Code of 1986 in the case of unpredictable contingent events (within the meaning of section 206(g)(1)(C) of such Act and section 436(b)(3) of such Code) occurring on or after January 1, 2010, the references, in clause (i) of such paragraph (5)(C) and subparagraph (A) of such subsection (f)(3), to paragraph (1)(B) of such subsection (g) and subsection (b)(2) of such section 436 shall be disregarded.

**SEC. 304. LOOKBACK FOR CREDIT BALANCE RULE.**

(a) **AMENDMENT TO ERISA.**—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

“(D) **SPECIAL RULE FOR CERTAIN PLAN YEARS.**—

“(i) **IN GENERAL.**—For purposes of applying subparagraph (C) for plan years beginning after June 30, 2009, and on or before December 31, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

“(I) such ratio, as determined without regard to this subparagraph, or

“(II) the ratio for such plan for the plan year beginning after June 30, 2007, and on or before June 30, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) **SPECIAL RULE.**—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2008, and on or before December 31, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before July 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.”.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN PLAN YEARS.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after June 30, 2009, and on or before December 31, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

“(I) such ratio, as determined without regard to this subparagraph, or

“(II) the ratio for such plan for the plan year beginning after June 30, 2007, and on or before June 30, 2008, as determined under rules prescribed by the Secretary.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2008, and on or before December 31, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before July 1, 2007, as determined under rules prescribed by the Secretary.”.

#### SEC. 305. INFORMATION REPORTING.

(a) IN GENERAL.—Section 401(b) of the Employee Retirement Security Act of 1974 (29 U.S.C. 1310(b)) is amended by striking paragraph (1) and inserting the following:

“(1) either of the following requirements are met:

“(A) the funding target attainment percentage (as defined in subsection (d)(2)(B)) at the end of the preceding plan year of a plan maintained by the contributing sponsor or any member of its controlled group is less than 80 percent; or

“(B) the aggregate unfunded vested benefits (as determined under section 4006(a)(3)(E)(iii)) of plans maintained by the contributing sponsor and the members of its controlled group exceed \$75,000,000 (disregarding plans with no unfunded vested benefits);”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after 2009.

#### SEC. 306. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY.

(a) GENERAL RULES.—

(1) ROLLOVER OF AIRLINE PAYMENT AMOUNT.—If a qualified airline employee receives any airline payment amount and transfers any portion of such amount to a traditional IRA within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act), then such amount (to the extent so transferred) shall be treated as a rollover contribution described in section 402(c) of the Internal Revenue Code of 1986. A qualified airline employee making such a transfer may exclude from gross income the amount transferred, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier.

(2) TRANSFER OF AMOUNTS ATTRIBUTABLE TO AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER TO ROTH IRA.—A qualified airline employee who has contributed an airline payment amount to a Roth IRA that is treated as a qualified rollover contribution pursuant

to section 125 of the Worker, Retiree, and Employer Recovery Act of 2008 may transfer to a traditional IRA, in a trustee-to-trustee transfer, all or any part of the contribution (together with any net income allocable to such contribution), and the transfer to the traditional IRA will be deemed to have been made at the time of the rollover to the Roth IRA, if such transfer is made within 180 days of the date of the enactment of this Act. A qualified airline employee making such a transfer may exclude from gross income the airline payment amount previously rolled over to the Roth IRA, to the extent an amount attributable to the previous rollover was transferred to a traditional IRA, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier. No amount so transferred to a traditional IRA may be treated as a qualified rollover contribution with respect to a Roth IRA within the 5-taxable year period beginning with the taxable year in which such transfer was made.

(3) EXTENSION OF TIME TO FILE CLAIM FOR REFUND.—A qualified airline employee who excludes an amount from gross income in a prior taxable year under paragraph (1) or (2) may reflect such exclusion in a claim for refund filed within the period of limitation under section 6511(a) (or, if later, April 15, 2011).

(b) TREATMENT OF AIRLINE PAYMENT AMOUNTS AND TRANSFERS FOR EMPLOYMENT TAXES.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an airline payment amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is excluded from the qualified airline employee's gross income under subsection (a).

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AIRLINE PAYMENT AMOUNT.—

(A) IN GENERAL.—The term “airline payment amount” means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007; and

(ii) in respect of the qualified airline employee's interest in a bankruptcy claim against the carrier, any note of the carrier (or amount paid in lieu of a note being issued), or any other fixed obligation of the carrier to pay a lump sum amount.

The amount of such payment shall be determined without regard to any requirement to deduct and withhold tax from such payment under sections 3102(a) and 3402(a).

(B) EXCEPTION.—An airline payment amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) QUALIFIED AIRLINE EMPLOYEE.—The term “qualified airline employee” means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code; and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) TRADITIONAL IRA.—The term “traditional IRA” means an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) which is not a Roth IRA.

(4) ROTH IRA.—The term “Roth IRA” has the meaning given such term by section 408A(b) of such Code.

(d) SURVIVING SPOUSE.—If a qualified airline employee died after receiving an airline payment amount, or if an airline payment amount was paid to the surviving spouse of a qualified airline employee in respect of the qualified airline employee, the surviving spouse of the qualified airline employee may take all actions permitted under section 125 of the Worker, Retiree and Employer Recovery Act of 2008, or under this section, to the same extent that the qualified airline employee could have done had the qualified airline employee survived.

(e) EFFECTIVE DATE.—This section shall apply to transfers made after the date of the enactment of this Act with respect to airline payment amounts paid before, on, or after such date.

#### Subtitle B—Multiemployer Plans

#### SEC. 311. OPTIONAL USE OF 30-YEAR AMORTIZATION PERIODS.

(a) ELECTIVE SPECIAL RELIEF RULES.—

(1) ERISA AMENDMENT.—Section 304(b) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new paragraph:

“(8) ELECTIVE SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—The plan sponsor of a multiemployer plan with respect to which the solvency test under subparagraph (B) is met may elect to treat the portion of any experience loss or gain for a plan year that is attributable to the allocable portion of the net investment losses incurred in either or both of the first two plan years ending on or after June 30, 2008, as an experience loss separate from other experience losses or gains to be amortized in equal annual installments (until fully amortized) over the period—

“(I) beginning with the plan year for which the allocable portion is determined, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year following the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If an election is made under clause (i) for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the plan year for which the election under this subparagraph is made, such extension shall not result in such amortization period exceeding 30 years.

“(iii) DEFINITIONS AND RULES.—For purposes of this subparagraph—

“(I) NET INVESTMENT LOSSES.—

“(aa) IN GENERAL.—The net investment loss incurred by a plan in a plan year is equal to the excess of—

“(AA) the expected value of the assets as of the end of the plan year, over

“(BB) the market value of the assets as of the end of the plan year,

including any difference attributable to a criminally fraudulent investment arrangement.

“(bb) EXPECTED VALUE.—For purposes of item (aa), the expected value of the assets as of the end of a plan year is the excess of—

“(AA) the market value of the assets at the beginning of the plan year plus contributions made during the plan year, over

“(BB) disbursements made during the plan year.

The amounts described in subitems (AA) and (BB) shall be adjusted with interest at the valuation rate to the end of the plan year.

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

“(III) AMOUNT ATTRIBUTABLE TO ALLOCABLE PORTION OF NET INVESTMENT LOSS.—The amount attributable to the allocable portion of the net investment loss for a plan year shall be an amount equal to the allocable portion of net investment loss for the plan year under subclauses (IV) and (V), increased with interest at the valuation rate determined from the plan year after the plan year in which the net investment loss was incurred.

“(IV) ALLOCABLE PORTION OF NET INVESTMENT LOSSES.—Except as provided in subclause (V), the net investment loss incurred in a plan year shall be allocated among the 5 plan years following the plan year in which the investment loss is incurred in accordance with the following table:

<b>Plan year after the plan year in which the net investment loss was incurred</b>	<b>Allocable portion of net investment loss</b>
1st .....	1/2
2nd .....	0
3rd .....	1/6
4th .....	1/6
5th .....	1/6

“(V) SPECIAL RULE FOR PLANS THAT ADOPT LONGER SMOOTHER PERIOD.—If a plan sponsor elects an extended smoothing period for its asset valuation method under subsection (c)(2)(B), then the allocable portion of net investment loss for the first two plan years following the plan year the investment loss is incurred is the same as determined under subclause (IV), but the remaining 1/2 of the net investment loss is allocated ratably over the period beginning with the third plan year following the plan year the net investment loss is incurred and ending with the last plan year in the extended smoothing period.

“(VI) SPECIAL RULE FOR OVERSTATEMENT OF LOSS.—If, for a plan year, there is an experience loss for the plan and the amount described in subclause (III) exceeds the total amount of the experience loss for the plan year, then the excess shall be treated as an experience gain.

“(VII) SPECIAL RULE IN YEARS FOR WHICH OVERALL EXPERIENCE IS GAIN.—If, for a plan year, there is no experience loss for the plan, then, in addition to amortization of net investment losses under clause (i), the amount described in subclause (III) shall be treated as an experience gain in addition to any other experience gain.

“(B) SOLVENCY TEST.—

“(i) IN GENERAL.—An election may be made under this paragraph if the election includes certification by the plan actuary in connection with the election that the plan is projected to have a funded percentage at the end of the first 15 plan years that is not less than 100 percent of the funded percentage for the plan year of the election.

“(ii) FUNDED PERCENTAGE.—For purposes of clause (i), the term ‘funded percentage’ has the meaning provided in section 305(i)(2), except that the value of the plan’s assets referred to in section 305(i)(2)(A) shall be the market value of such assets.

“(iii) ACTUARIAL ASSUMPTIONS.—In making any certification under this subparagraph, the plan actuary shall use the same actuarial estimates, assumptions, and methods as those applicable for the most recent certification under section 305, except that the plan actuary may take into account benefit reductions and increases in contribution rates, under either funding improvement plans adopted under section 305(c) or under section 432(c) of the Internal Revenue Code of 1986 or rehabilitation plans adopted under section 305(e) or under section 432(e) of such Code, that the plan actuary reasonably anticipates will occur without regard to any change in status of the plan resulting from the election.

“(C) ADDITIONAL RESTRICTION ON BENEFIT INCREASES.—If an election is made under subparagraph (A), then, in addition to any other applicable restrictions on benefit increases, a plan amendment which is adopted on or after March 10, 2010, and which increases benefits may not go into effect during the period beginning on such date and ending with the second plan year beginning after such date unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the election to have this paragraph apply to the plan, and

“(II) the plan’s funded percentage and projected credit balances for the first 3 plan years ending on or after such date are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

“(D) TIME, FORM, AND MANNER OF ELECTION.—An election under this paragraph shall be made not later than June 30, 2011, and shall be made in such form and manner as the Secretary of the Treasury may prescribe.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such election to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Pension Benefit Guaranty Corporation may prescribe.”

(2) IRC AMENDMENT.—Section 431(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(8) ELECTIVE SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—The plan sponsor of a multiemployer plan with respect to which the solvency test under subparagraph (B) is met may elect to treat the portion of any experience loss or gain for a plan year that is attributable to the allocable portion of the net investment losses incurred in either or both of the first two plan years ending on or after June 30, 2008, as an experience loss separate from other experience losses and gains to be amortized in equal annual installments (until fully amortized) over the period—

“(I) beginning with the plan year for which the allocable portion is determined, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year following the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If an election is made under clause (i) for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the plan year for which the election under this subparagraph is made, such extension shall not result in such amortization period exceeding 30 years.

“(iii) DEFINITIONS AND RULES.—For purposes of this subparagraph—

“(I) NET INVESTMENT LOSSES.—

“(aa) IN GENERAL.—The net investment loss incurred by a plan in a plan year is equal to the excess of—

“(AA) the expected value of the assets as of the end of the plan year, over

“(BB) the market value of the assets as of the end of the plan year,

including any difference attributable to a criminally fraudulent investment arrangement.

“(bb) EXPECTED VALUE.—For purposes of item (aa), the expected value of the assets as of the end of a plan year is the excess of—

“(AA) the market value of the assets at the beginning of the plan year plus contributions made during the plan year, over

“(BB) disbursements made during the plan year.

The amounts described in subitems (AA) and (BB) shall be adjusted with interest at the valuation rate to the end of the plan year.

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

“(III) AMOUNT ATTRIBUTABLE TO ALLOCABLE PORTION OF NET INVESTMENT LOSS.—The amount attributable to the allocable portion of the net investment loss for a plan year shall be an amount equal to the allocable portion of net investment loss for the plan year under subclauses (IV) and (V), increased with interest at the valuation rate determined from the plan year after the plan year in which the net investment loss was incurred.

“(IV) ALLOCABLE PORTION OF NET INVESTMENT LOSSES.—Except as provided in subclause (V), the net investment loss incurred in a plan year shall be allocated among the 5 plan years following the plan year in which the investment loss is incurred in accordance with the following table:

<b>Plan year after the plan year in which the net investment loss was incurred</b>	<b>Allocable portion of net investment loss</b>
1st .....	1/2
2nd .....	0
3rd .....	1/6
4th .....	1/6
5th .....	1/6

“(V) SPECIAL RULE FOR PLANS THAT ADOPT LONGER SMOOTHER PERIOD.—If a plan sponsor elects an extended smoothing period for its asset valuation method under subsection (c)(2)(B), then the allocable portion of net investment loss for the first two plan years following the plan year the investment loss is

incurred is the same as determined under subclause (IV), but the remaining  $\frac{1}{2}$  of the net investment loss is allocated ratably over the period beginning with the third plan year following the plan year the net investment loss is incurred and ending with the last plan year in the extended smoothing period.

“(VI) SPECIAL RULE FOR OVERSTATEMENT OF LOSS.—If, for a plan year, there is an experience loss for the plan and the amount described in subclause (III) exceeds the total amount of the experience loss for the plan year, then the excess shall be treated as an experience gain.

“(VII) SPECIAL RULE IN YEARS FOR WHICH OVERALL EXPERIENCE IS GAIN.—If, for a plan year, there is no experience loss for the plan, then, in addition to amortization of net investment losses under clause (i), the amount described in subclause (III) shall be treated as an experience gain in addition to any other experience gain.

“(B) SOLVENCY TEST.—

“(i) IN GENERAL.—An election may be made under this paragraph if the election includes certification by the plan actuary in connection with the election that the plan is projected to have a funded percentage at the end of the first 15 plan years that is not less than 100 percent of the funded percentage for the plan year of the election.

“(ii) FUNDED PERCENTAGE.—For purposes of clause (i), the term ‘funded percentage’ has the meaning provided in section 432(i)(2), except that the value of the plan’s assets referred to in section 432(i)(2)(A) shall be the market value of such assets.

“(iii) ACTUARIAL ASSUMPTIONS.—In making any certification under this subparagraph, the plan actuary shall use the same actuarial estimates, assumptions, and methods as those applicable for the most recent certification under section 432, except that the plan actuary may take into account benefit reductions and increases in contribution rates, under either funding improvement plans adopted under section 432(c) or under section 305(c) of the Employee Retirement Income Security Act of 1974 or rehabilitation plans adopted under section 432(e) or under section 305(e) of such Act, that the plan actuary reasonably anticipates will occur without regard to any change in status of the plan resulting from the election.

“(C) ADDITIONAL RESTRICTION ON BENEFIT INCREASES.—If an election is made under subparagraph (A), then, in addition to any other applicable restrictions on benefit increases, a plan amendment which is adopted on or after March 10, 2010, and which increases benefits may not go into effect during the period beginning on such date and ending with the second plan year beginning after such date unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the election to have this paragraph apply to the plan, and

“(II) the plan’s funded percentage and projected credit balances for the first 3 plan years ending on or after such date are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I or to comply with other applicable law.

“(D) TIME, FORM, AND MANNER OF ELECTION.—An election under this paragraph shall be made not later than June 30, 2011, and shall be made in such form and manner as the Secretary may prescribe.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such election to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Pension Benefit Guaranty Corporation may prescribe.”.

(b) ASSET SMOOTHING FOR MULTIEMPLOYER PLANS.—

(1) ERISA AMENDMENT.—Section 304(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(c)(2)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

“(B) EXTENDED ASSET SMOOTHING PERIOD FOR CERTAIN INVESTMENT LOSSES.—The Secretary of the Treasury shall not treat the asset valuation method of a multiemployer plan as unreasonable solely because such method spreads the difference between expected and actual returns for either or both of the first 2 plan years ending on or after June 30, 2008, over a period of not more than 10 years. Any change in valuation method to so spread such difference shall be treated as approved, but only if, in the case that the plan sponsor has made an election under subsection (b)(8), any resulting change in asset value is treated for purposes of amortization as a net experience loss or gain.”.

(2) IRC AMENDMENT.—Section 431(c)(2) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

“(B) EXTENDED ASSET SMOOTHING PERIOD FOR CERTAIN INVESTMENT LOSSES.—The Secretary shall not treat the asset valuation method of a multiemployer plan as unreasonable solely because such method spreads the difference between expected and actual returns for either or both of the first 2 plan years ending on or after June 30, 2008, over a period of not more than 10 years. Any change in valuation method to so spread such difference shall be treated as approved, but only if, in the case that the plan sponsor has made an election under subsection (b)(8), any resulting change in asset value is treated for purposes of amortization as a net experience loss or gain.”.

(c) EFFECTIVE DATE AND SPECIAL RULES.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as of the first day of the first plan year beginning after June 30, 2008, except that any election a plan sponsor makes pursuant to this section or the amendments made thereby that affects the plan’s funding standard account for any plan year beginning before October 1, 2009, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to that plan year.

(2) DEEMED APPROVAL FOR CERTAIN FUNDING METHOD CHANGES.—In the case of a multiemployer plan with respect to which an election has been made under section 304(b)(8) of the Employee Retirement Income Security Act of 1974 (as amended by this section) or section 431(b)(8) of the Internal Revenue Code of 1986 (as so amended)—

(A) any change in the plan’s funding method for a plan year beginning on or after July 1, 2008, and on or before December 31, 2010, from a method that does not establish a base for experience gains and losses to one that does establish such a base shall be treated as

approved by the Secretary of the Treasury; and

(B) any resulting funding method change base shall be treated for purposes of amortization as a net experience loss or gain.

#### SEC. 312. OPTIONAL LONGER RECOVERY PERIODS FOR MULTIEMPLOYER PLANS IN ENDANGERED OR CRITICAL STATUS.

(a) ERISA AMENDMENTS.—

(1) FUNDING IMPROVEMENT PERIOD.—Section 305(c)(4) of the Employee Retirement Income Security Act of 1974 is amended—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

“(C) ELECTION TO EXTEND PERIOD.—The plan sponsor of an endangered or seriously endangered plan may elect to extend the applicable funding improvement period by up to 5 years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary of the Treasury may prescribe.”.

(2) REHABILITATION PERIOD.—Section 305(e)(4) of such Act is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) in last sentence of subparagraph (A), by striking “subparagraph (B)” each place it appears and inserting “subparagraph (C)”; and

(C) by inserting after subparagraph (A) the following new subparagraph:

“(B) ELECTION TO EXTEND PERIOD.—The plan sponsor of a plan in critical status may elect to extend the rehabilitation period by up to five years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary of the Treasury may prescribe.”.

(b) IRC AMENDMENTS.—

(1) FUNDING IMPROVEMENT PERIOD.—Section 432(c)(4) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

“(C) ELECTION TO EXTEND PERIOD.—The plan sponsor of an endangered or seriously endangered plan may elect to extend the applicable funding improvement period by up to 5 years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary may prescribe.”.

(2) REHABILITATION PERIOD.—Section 432(e)(4) of such Code is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) in last sentence of subparagraph (A), by striking “subparagraph (B)” each place it appears and inserting “subparagraph (C)”; and

(C) by inserting after subparagraph (A) the following new subparagraph:

“(B) ELECTION TO EXTEND PERIOD.—The plan sponsor of a plan in critical status may elect to extend the rehabilitation period by up to five years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011,

and in such form and manner as the Secretary may prescribe.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to funding improvement periods and rehabilitation periods in connection with funding improvement plans and rehabilitation plans adopted or updated on or after the date of the enactment of this Act.

**SEC. 313. MODIFICATION OF CERTAIN AMORTIZATION EXTENSIONS UNDER PRIOR LAW.**

(a) **IN GENERAL.**—In the case of an amortization extension that was granted to a multiemployer plan under the terms of section 304 of the Employee Retirement Income Security Act of 1974 (as in effect immediately prior to enactment of the Pension Protection Act of 2006) or section 412(e) of the Internal Revenue Code (as so in effect), the determination of whether any financial condition on the amortization extension is satisfied shall be made by assuming that for any plan year that contains some or all of the period beginning June 30, 2008, and ending October 31, 2008, the actual rate of return on the plan assets was equal to the interest rate used for purposes of charging or crediting the funding standard account in such plan year, unless the plan sponsor elects otherwise in such form and manner as shall be prescribed by the Secretary of Treasury.

(b) **REVOCAION OF AMORTIZATION EXTENSIONS.**—The plan sponsor of a multiemployer plan may, in such form and manner and after such notice as may be prescribed by the Secretary, revoke any amortization extension described in subsection (a), effective for plan years following the date of the revocation.

**SEC. 314. ALTERNATIVE DEFAULT SCHEDULE FOR PLANS IN ENDANGERED OR CRITICAL STATUS.**

(a) **ERISA AMENDMENTS.**—

(1) **ENDANGERED STATUS.**—Section 305(c)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(c)(7)) is amended by adding at the end the following new subparagraph:

“(D) **ALTERNATIVE DEFAULT SCHEDULE.**—

“(i) **IN GENERAL.**—A plan sponsor may, for purposes of this paragraph, designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (A).

“(ii) **REQUIREMENTS.**—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.”.

(2) **CRITICAL STATUS.**—Section 305(e)(3) of such Act (29 U.S.C. 1085(e)(3)) is amended by adding at the end the following new subparagraph:

“(D) **ALTERNATIVE DEFAULT SCHEDULE.**—

“(i) **IN GENERAL.**—A plan sponsor may, for purposes of subparagraph (C), designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (C)(i).

“(ii) **REQUIREMENTS.**—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.”.

(b) **INTERNAL REVENUE CODE AMENDMENTS.**—

(1) **ENDANGERED STATUS.**—Section 432(c)(7) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(C) **ALTERNATIVE DEFAULT SCHEDULE.**—

“(i) **IN GENERAL.**—A plan sponsor may, for purposes of this paragraph, designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (A).

“(ii) **REQUIREMENTS.**—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.”.

(2) **CRITICAL STATUS.**—Section 432(e)(3) of such Code is amended by adding at the end the following new subparagraph:

“(D) **ALTERNATIVE DEFAULT SCHEDULE.**—

“(i) **IN GENERAL.**—A plan sponsor may, for purposes of subparagraph (C), designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (C)(i).

“(ii) **REQUIREMENTS.**—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to designations of default schedules by plan sponsors on or after the date of the enactment of this Act.

(d) **CROSS-REFERENCE.**—For sunset of the amendments made by this section, see section 221(c) of the Pension Protection Act of 2006.

**SEC. 315. TRANSITION RULE FOR CERTIFICATIONS OF PLAN STATUS.**

(a) **IN GENERAL.**—A plan actuary shall not be treated as failing to meet the requirements of section 305(b)(3)(A) of the Employee Retirement Income Security Act of 1974 and section 432(b)(3)(A) of the Internal Revenue Code of 1986 in connection with a certification required under such sections the deadline for which is after the date of the enactment of this Act if the plan actuary makes such certification at any time earlier than 75 days after the date of the enactment of this Act.

(b) **REVISION OF PRIOR CERTIFICATION.**—

(1) **IN GENERAL.**—If—

(A) a plan sponsor makes an election under section 304(b)(8) of the Employee Retirement Income Security Act of 1974 and section 431(b)(8) of the Internal Revenue Code of 1986, or under section 304(c)(2)(B) of such Act and section 432(c)(2)(B) of such Code, with respect to a plan for a plan year beginning on or after October 1, 2009; and

(B) the plan actuary's certification of the plan status for such plan year (hereinafter in this subsection referred to as “original certification”) did not take into account any election so made,

then the plan sponsor may direct the plan actuary to make a new certification with respect to the plan for the plan year which takes into account such election (hereinafter in this subsection referred to as “new certification”) if the plan's status under section 305 of such Act and section 432 of such Code would change as a result of such election. Any such new certification shall be treated

as the most recent certification referred to in section 304(b)(3)(B)(iii) of such Act and section 431(b)(8)(B)(iii) of such Code.

(2) **DUE DATE FOR NEW CERTIFICATION.**—Any such new certification shall be made pursuant to section 305(b)(3) of such Act and section 432(b)(3) of such Code; except that any such new certification shall be made not later than 75 days after the date of the enactment of this Act.

(3) **NOTICE.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), any such new certification shall be treated as the original certification for purposes of section 305(b)(3)(D) of such Act and section 432(b)(3)(D) of such Code.

(B) **NOTICE ALREADY PROVIDED.**—In any case in which notice has been provided under such sections with respect to the original certification, not later than 30 days after the new certification is made, the plan sponsor shall provide notice of any change in status under rules similar to the rules such sections.

(4) **EFFECT OF CHANGE IN STATUS.**—If a plan ceases to be in critical status pursuant to the new certification, then the plan shall, not later than 30 days after the due date described in paragraph (2), cease any restriction of benefit payments, and imposition of contribution surcharges, under section 305 of such Act and section 432 of such Code by reason of the original certification.

**TITLE IV—REVENUE OFFSETS**

**Subtitle A—Foreign Provisions**

**SEC. 401. RULES TO PREVENT SPLITTING FOREIGN TAX CREDITS FROM THE INCOME TO WHICH THEY RELATE.**

(a) **IN GENERAL.**—Subpart A of part III of subchapter N of chapter 1 is amended by adding at the end the following new section:

**“SEC. 909. SUSPENSION OF TAXES AND CREDITS UNTIL RELATED INCOME TAKEN INTO ACCOUNT.**

“(a) **IN GENERAL.**—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by the taxpayer, such tax shall not be taken into account for purposes of this title before the taxable year in which the related income is taken into account under this chapter by the taxpayer.

“(b) **SPECIAL RULES WITH RESPECT TO SECTION 902 CORPORATIONS.**—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by a section 902 corporation, such tax shall not be taken into account—

“(1) for purposes of section 902 or 960, or

“(2) for purposes of determining earnings and profits under section 964(a),

before the taxable year in which the related income is taken into account under this chapter by such section 902 corporation or a domestic corporation which meets the ownership requirements of subsection (a) or (b) of section 902 with respect to such section 902 corporation.

“(c) **SPECIAL RULES.**—For purposes of this section—

“(1) **APPLICATION TO PARTNERSHIPS, ETC.**—In the case of a partnership, subsections (a) and (b) shall be applied at the partner level. Except as otherwise provided by the Secretary, a rule similar to the rule of the preceding sentence shall apply in the case of any S corporation or trust.

“(2) **TREATMENT OF FOREIGN TAXES AFTER SUSPENSION.**—In the case of any foreign income tax not taken into account by reason of subsection (a) or (b), except as otherwise provided by the Secretary, such tax shall be so taken into account in the taxable year referred to in such subsection (other than for

purposes of section 986(a)) as a foreign income tax paid or accrued in such taxable year.

“(d) DEFINITIONS.—For purposes of this section—

“(1) FOREIGN TAX CREDIT SPLITTING EVENT.—There is a foreign tax credit splitting event with respect to a foreign income tax if the related income is (or will be) taken into account under this chapter by a covered person.

“(2) FOREIGN INCOME TAX.—The term ‘foreign income tax’ means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

“(3) RELATED INCOME.—The term ‘related income’ means, with respect to any portion of any foreign income tax, the income (or, as appropriate, earnings and profits) to which such portion of foreign income tax relates.

“(4) COVERED PERSON.—The term ‘covered person’ means, with respect to any person who pays or accrues a foreign income tax (hereafter in this paragraph referred to as the ‘payor’)—

“(A) any entity in which the payor holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value),

“(B) any person which holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value) in the payor,

“(C) any person which bears a relationship to the payor described in section 267(b) or 707(b), and

“(D) any other person specified by the Secretary for purposes of this paragraph.

“(5) SECTION 902 CORPORATION.—The term ‘section 902 corporation’ means any foreign corporation with respect to which one or more domestic corporations meets the ownership requirements of subsection (a) or (b) of section 902.

“(e) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provides—

“(1) appropriate exceptions from the provisions of this section, and

“(2) for the proper application of this section with respect to hybrid instruments.”.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter N of chapter 1 is amended by adding at the end the following new item:

“Sec. 909. Suspension of taxes and credits until related income taken into account.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) foreign income taxes (as defined in section 909(d) of the Internal Revenue Code of 1986, as added by this section) paid or accrued after May 20, 2010; and

(2) foreign income taxes (as so defined) paid or accrued by a section 902 corporation (as so defined) on or before such date (and not deemed paid under section 902(a) or 960 of such Code on or before such date), but only for purposes of applying sections 902 and 960 with respect to periods after such date.

Section 909(b)(2) of the Internal Revenue Code of 1986, as added by this section, shall not apply to foreign income taxes described in paragraph (2).

**SEC. 402. DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.**

(a) IN GENERAL.—Section 901 is amended by redesignating subsection (m) as subsection

(n) and by inserting after subsection (l) the following new subsection:

“(m) DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.—

“(1) IN GENERAL.—In the case of a covered asset acquisition, the disqualified portion of any foreign income tax determined with respect to the income or gain attributable to the relevant foreign assets—

“(A) shall not be taken into account in determining the credit allowed under subsection (a), and

“(B) in the case of a foreign income tax paid by a section 902 corporation (as defined in section 909(d)(5)), shall not be taken into account for purposes of section 902 or 960.

“(2) COVERED ASSET ACQUISITION.—For purposes of this section, the term ‘covered asset acquisition’ means—

“(A) a qualified stock purchase (as defined in section 338(d)(3)) to which section 338(a) applies,

“(B) any transaction which—

“(i) is treated as an acquisition of assets for purposes of this chapter, and

“(ii) is treated as the acquisition of stock of a corporation (or is disregarded) for purposes of the foreign income taxes of the relevant jurisdiction,

“(C) any acquisition of an interest in a partnership which has an election in effect under section 754, and

“(D) to the extent provided by the Secretary, any other similar transaction.

“(3) DISQUALIFIED PORTION.—For purposes of this section—

“(A) IN GENERAL.—The term ‘disqualified portion’ means, with respect to any covered asset acquisition, for any taxable year, the ratio (expressed as a percentage) of—

“(i) the aggregate basis differences (but not below zero) allocable to such taxable year under subparagraph (B) with respect to all relevant foreign assets, divided by

“(ii) the income on which the foreign income tax referred to in paragraph (1) is determined (or, if the taxpayer fails to substantiate such income to the satisfaction of the Secretary, such income shall be determined by dividing the amount of such foreign income tax by the highest marginal tax rate applicable to such income in the relevant jurisdiction).

“(B) ALLOCATION OF BASIS DIFFERENCE.—For purposes of subparagraph (A)(i)—

“(i) IN GENERAL.—The basis difference with respect to any relevant foreign asset shall be allocated to taxable years using the applicable cost recovery method under this chapter.

“(ii) SPECIAL RULE FOR DISPOSITION OF ASSETS.—Except as otherwise provided by the Secretary, in the case of the disposition of any relevant foreign asset—

“(I) the basis difference allocated to the taxable year which includes the date of such disposition shall be the excess of the basis difference with respect to such asset over the aggregate basis difference with respect to such asset which has been allocated under clause (i) to all prior taxable years, and

“(II) no basis difference with respect to such asset shall be allocated under clause (i) to any taxable year thereafter.

“(C) BASIS DIFFERENCE.—

“(i) IN GENERAL.—The term ‘basis difference’ means, with respect to any relevant foreign asset, the excess of—

“(I) the adjusted basis of such asset immediately after the covered asset acquisition, over

“(II) the adjusted basis of such asset immediately before the covered asset acquisition.

“(ii) BUILT-IN LOSS ASSETS.—In the case of a relevant foreign asset with respect to which the amount described in clause (i)(II) exceeds the amount described in clause (i)(I), such excess shall be taken into account under this subsection as a basis difference of a negative amount.

“(iii) SPECIAL RULE FOR SECTION 338 ELECTIONS.—In the case of a covered asset acquisition described in paragraph (2)(A), the covered asset acquisition shall be treated for purposes of this subparagraph as occurring at the close of the acquisition date (as defined in section 338(h)(2)).

“(4) RELEVANT FOREIGN ASSETS.—For purposes of this section, the term ‘relevant foreign asset’ means, with respect to any covered asset acquisition, any asset (including any goodwill, going concern value, or other intangible) with respect to such acquisition if income, deduction, gain, or loss attributable to such asset is taken into account in determining the foreign income tax referred to in paragraph (1).

“(5) FOREIGN INCOME TAX.—For purposes of this section, the term ‘foreign income tax’ means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

“(6) TAXES ALLOWED AS A DEDUCTION, ETC.—Sections 275 and 78 shall not apply to any tax which is not allowable as a credit under subsection (a) by reason of this subsection.

“(7) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including to exempt from the application of this subsection certain covered asset acquisitions, and relevant foreign assets with respect to which the basis difference is de minimis.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to covered asset acquisitions (as defined in section 901(m)(2) of the Internal Revenue Code of 1986, as added by this section) after—

(A) May 20, 2010, if the transferor and the transferee are related; and

(B) the date of the enactment of this Act in any other case.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any covered asset acquisition (as so defined) with respect to which the transferor and the transferee are not related if such acquisition is—

(A) made pursuant to a written agreement which was binding on May 20, 2010, and at all times thereafter,

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(3) RELATED PERSONS.—For purposes of this subsection, a person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b) of the Internal Revenue Code of 1986.

**SEC. 403. SEPARATE APPLICATION OF FOREIGN TAX CREDIT LIMITATION, ETC., TO ITEMS RESOURCED UNDER TREATIES.**

(a) IN GENERAL.—Subsection (d) of section 904 is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

“(6) SEPARATE APPLICATION TO ITEMS RESOURCED UNDER TREATIES.—

“(A) IN GENERAL.—If—

“(i) without regard to any treaty obligation of the United States, any item of income would be treated as derived from sources within the United States.

“(ii) under a treaty obligation of the United States, such item would be treated as arising from sources outside the United States, and

“(iii) the taxpayer chooses the benefits of such treaty obligation, subsections (a), (b), and (c) of this section and sections 902, 907, and 960 shall be applied separately with respect to each such item.

“(B) COORDINATION WITH OTHER PROVISIONS.—This paragraph shall not apply to any item of income to which subsection (h)(10) or section 865(h) applies.

“(C) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance which provides that related items of income may be aggregated for purposes of this paragraph.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SEC. 404. LIMITATION ON THE AMOUNT OF FOREIGN TAXES DEEMED PAID WITH RESPECT TO SECTION 956 INCLUSIONS.**

(a) IN GENERAL.—Section 960 is amended by adding at the end the following new subsection:

“(c) LIMITATION WITH RESPECT TO SECTION 956 INCLUSIONS.—

“(1) IN GENERAL.—If there is included under section 951(a)(1)(B) in the gross income of a domestic corporation any amount attributable to the earnings and profits of a foreign corporation which is a member of a qualified group (as defined in section 902(b)) with respect to the domestic corporation, the amount of any foreign income taxes deemed to have been paid during the taxable year by such domestic corporation under section 902 by reason of subsection (a) with respect to such inclusion in gross income shall not exceed the amount of the foreign income taxes which would have been deemed to have been paid during the taxable year by such domestic corporation if cash in an amount equal to the amount of such inclusion in gross income were distributed as a series of distributions (determined without regard to any foreign taxes which would be imposed on an actual distribution) through the chain of ownership which begins with such foreign corporation and ends with such domestic corporation.

“(2) AUTHORITY TO PREVENT ABUSE.—The Secretary shall issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which prevent the inappropriate use of the foreign corporation's foreign income taxes not deemed paid by reason of paragraph (1).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to acquisitions of United States property (as defined in section 956(c) of the Internal Revenue Code of 1986) after May 20, 2010.

**SEC. 405. SPECIAL RULE WITH RESPECT TO CERTAIN REDEMPTIONS BY FOREIGN SUBSIDIARIES.**

(a) IN GENERAL.—Paragraph (5) of section 304(b) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

“(B) SPECIAL RULE IN CASE OF FOREIGN ACQUIRING CORPORATION.—In the case of any acquisition to which subsection (a) applies in

which the acquiring corporation is a foreign corporation, no earnings and profits shall be taken into account under paragraph (2)(A) (and subparagraph (A) shall not apply) if more than 50 percent of the dividends arising from such acquisition (determined without regard to this subparagraph) would neither—

“(i) be subject to tax under this chapter for the taxable year in which the dividends arise, nor

“(ii) be includible in the earnings and profits of a controlled foreign corporation (as defined in section 957 and without regard to section 953(c)).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to acquisitions after May 20, 2010.

**SEC. 406. MODIFICATION OF AFFILIATION RULES FOR PURPOSES OF RULES ALLOWING INTEREST EXPENSE.**

(a) IN GENERAL.—Subparagraph (A) of section 864(e)(5) is amended by adding at the end the following: “Notwithstanding the preceding sentence, a foreign corporation shall be treated as a member of the affiliated group if—

“(i) more than 50 percent of the gross income of such foreign corporation for the taxable year is effectively connected with the conduct of a trade or business within the United States, and

“(ii) at least 80 percent of either the vote or value of all outstanding stock of such foreign corporation is owned directly or indirectly by members of the affiliated group (determined with regard to this sentence).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SEC. 407. TERMINATION OF SPECIAL RULES FOR INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.**

(a) IN GENERAL.—Paragraph (1) of section 861(a) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) GRANDFATHER RULE WITH RESPECT TO WITHHOLDING ON INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.—

(1) IN GENERAL.—Subparagraph (B) of section 871(i)(2) is amended to read as follows:

“(B) The active foreign business percentage of—

“(i) any dividend paid by an existing 80/20 company, and

“(ii) any interest paid by an existing 80/20 company.”.

(2) DEFINITIONS AND SPECIAL RULES.—Section 871 is amended by redesignating subsections (l) and (m) as subsections (m) and (n), respectively, and by inserting after subsection (k) the following new subsection:

“(1) RULES RELATING TO EXISTING 80/20 COMPANIES.—For purposes of this subsection and subsection (i)(2)(B)—

“(1) EXISTING 80/20 COMPANY.—

“(A) IN GENERAL.—The term ‘existing 80/20 company’ means any corporation if—

“(i) such corporation met the 80-percent foreign business requirements of section 861(c)(1) (as in effect before the date of the enactment of this subsection) for such corporation's last taxable year beginning before January 1, 2011,

“(ii) such corporation meets the 80-percent foreign business requirements of subparagraph (B) with respect to each taxable year after the taxable year referred to in clause (i), and

“(iii) there has not been an addition of a substantial line of business with respect to

such corporation after the date of the enactment of this subsection.

“(B) FOREIGN BUSINESS REQUIREMENTS.—

“(i) IN GENERAL.—Except as provided in clause (iv), a corporation meets the 80-percent foreign business requirements of this subparagraph if it is shown to the satisfaction of the Secretary that at least 80 percent of the gross income from all sources of such corporation for the testing period is active foreign business income.

“(ii) ACTIVE FOREIGN BUSINESS INCOME.—For purposes of clause (i), the term ‘active foreign business income’ means gross income which—

“(I) is derived from sources outside the United States (as determined under this subchapter), and

“(II) is attributable to the active conduct of a trade or business in a foreign country or possession of the United States.

“(iii) TESTING PERIOD.—For purposes of this subsection, the term ‘testing period’ means the 3-year period ending with the close of the taxable year of the corporation preceding the payment (or such part of such period as may be applicable). If the corporation has no gross income for such 3-year period (or part thereof), the testing period shall be the taxable year in which the payment is made.

“(iv) TRANSITION RULE.—In the case of a taxable year for which the testing period includes 1 or more taxable years beginning before January 1, 2011—

“(I) a corporation meets the 80-percent foreign business requirements of this subparagraph if and only if the weighted average of—

“(aa) the percentage of the corporation's gross income from all sources that is active foreign business income (as defined in subparagraph (B) of section 861(c)(1) (as in effect before the date of the enactment of this subsection)) for the portion of the testing period that includes taxable years beginning before January 1, 2011, and

“(bb) the percentage of the corporation's gross income from all sources that is active foreign business income (as defined in clause (ii) of this subparagraph) for the portion of the testing period, if any, that includes taxable years beginning on or after January 1, 2011,

is at least 80 percent, and

“(II) the active foreign business percentage for such taxable year shall equal the weighted average percentage determined under subclause (I).

“(2) ACTIVE FOREIGN BUSINESS PERCENTAGE.—Except as provided in paragraph (1)(B)(iv), the term ‘active foreign business percentage’ means, with respect to any existing 80/20 company, the percentage which—

“(A) the active foreign business income of such company for the testing period, is of

“(B) the gross income of such company for the testing period from all sources.

“(3) AGGREGATION RULES.—For purposes of applying paragraph (1) (other than subparagraphs (A)(i) and (B)(iv) thereof) and paragraph (2)—

“(A) IN GENERAL.—The corporation referred to in paragraph (1)(A) and all of such corporation's subsidiaries shall be treated as one corporation.

“(B) SUBSIDIARIES.—For purposes of subparagraph (A), the term ‘subsidiary’ means any corporation in which the corporation referred to in subparagraph (A) owns (directly or indirectly) stock meeting the requirements of section 1504(a)(2) (determined by substituting ‘50 percent’ for ‘80 percent’ each

place it appears and without regard to section 1504(b)(3)).

“(4) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provide for the proper application of the aggregation rules described in paragraph (3).”

(c) CONFORMING AMENDMENTS.—

(1) Section 861 is amended by striking subsection (c) and by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(2) Paragraph (9) of section 904(h) is amended to read as follows:

“(9) TREATMENT OF CERTAIN DOMESTIC CORPORATIONS.—In the case of any dividend treated as not from sources within the United States under section 861(a)(2)(A), the corporation paying such dividend shall be treated for purposes of this subsection as a United States-owned foreign corporation.”

(3) Subsection (c) of section 2104 is amended in the last sentence by striking “or to a debt obligation of a domestic corporation” and all that follows and inserting a period.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(2) GRANDFATHER RULE FOR OUTSTANDING DEBT OBLIGATIONS.—

(A) IN GENERAL.—The amendments made by this section shall not apply to payments of interest on obligations issued before the date of the enactment of this Act.

(B) EXCEPTION FOR RELATED PARTY DEBT.—Subparagraph (A) shall not apply to any interest which is payable to a related person (determined under rules similar to the rules of section 954(d)(3)).

(C) SIGNIFICANT MODIFICATIONS TREATED AS NEW ISSUES.—For purposes of subparagraph (A), a significant modification of the terms of any obligation (including any extension of the term of such obligation) shall be treated as a new issue.

#### SEC. 408. SOURCE RULES FOR INCOME ON GUARANTEES.

(a) AMOUNTS SOURCED WITHIN THE UNITED STATES.—Subsection (a) of section 861 is amended by adding at the end the following new paragraph:

“(9) GUARANTEES.—Amounts received, directly or indirectly, from—

“(A) a noncorporate resident or domestic corporation for the provision of a guarantee of any indebtedness of such resident or corporation, or

“(B) any foreign person for the provision of a guarantee of any indebtedness of such person, if such amount is connected with income which is effectively connected (or treated as effectively connected) with the conduct of a trade or business in the United States.”

(b) AMOUNTS SOURCED WITHOUT THE UNITED STATES.—Subsection (a) of section 862 is amended by striking “and” at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting “; and”, and by adding at the end the following new paragraph:

“(9) amounts received, directly or indirectly, from a foreign person for the provision of a guarantee of indebtedness of such person other than amounts which are derived from sources within the United States as provided in section 861(a)(9).”

(c) CONFORMING AMENDMENT.—Clause (ii) of section 864(c)(4)(B) is amended by striking “dividends or interest” and inserting “divi-

dends, interest, or amounts received for the provision of guarantees of indebtedness”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to guarantees issued after the date of the enactment of this Act.

#### SEC. 409. LIMITATION ON EXTENSION OF STATUTE OF LIMITATIONS FOR FAILURE TO NOTIFY SECRETARY OF CERTAIN FOREIGN TRANSFERS.

(a) IN GENERAL.—Paragraph (8) of section 6501(c) is amended—

(1) by striking “In the case of any information” and inserting the following:

“(A) IN GENERAL.—In the case of any information”; and

(2) by adding at the end the following:

“(B) APPLICATION TO FAILURES DUE TO REASONABLE CAUSE.—If the failure to furnish the information referred to in subparagraph (A) is due to reasonable cause and not willful neglect, subparagraph (A) shall apply only to the item or items related to such failure.”

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 513 of the Hiring Incentives to Restore Employment Act.

#### Subtitle B—Personal Service Income Earned in Pass-thru Entities

#### SEC. 411. PARTNERSHIP INTERESTS TRANSFERRED IN CONNECTION WITH PERFORMANCE OF SERVICES.

(a) MODIFICATION TO ELECTION TO INCLUDE PARTNERSHIP INTEREST IN GROSS INCOME IN YEAR OF TRANSFER.—Subsection (c) of section 83 is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

“(4) PARTNERSHIP INTERESTS.—Except as provided by the Secretary, in the case of any transfer of an interest in a partnership in connection with the provision of services to (or for the benefit of) such partnership—

“(A) the fair market value of such interest shall be treated for purposes of this section as being equal to the amount of the distribution which the partner would receive if the partnership sold (at the time of the transfer) all of its assets at fair market value and distributed the proceeds of such sale (reduced by the liabilities of the partnership) to its partners in liquidation of the partnership, and

“(B) the person receiving such interest shall be treated as having made the election under subsection (b)(1) unless such person makes an election under this paragraph to have such subsection not apply.”

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 83(b) is amended by inserting “or subsection (c)(4)(B)” after “paragraph (1)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interests in partnerships transferred after the date of the enactment of this Act.

#### SEC. 412. INCOME OF PARTNERS FOR PERFORMING INVESTMENT MANAGEMENT SERVICES TREATED AS ORDINARY INCOME RECEIVED FOR PERFORMANCE OF SERVICES.

(a) IN GENERAL.—Part I of subchapter K of chapter 1 is amended by adding at the end the following new section:

#### “SEC. 710. SPECIAL RULES FOR PARTNERS PROVIDING INVESTMENT MANAGEMENT SERVICES TO PARTNERSHIP.

“(a) TREATMENT OF DISTRIBUTIVE SHARE OF PARTNERSHIP ITEMS.—For purposes of this title, in the case of an investment services partnership interest—

“(1) IN GENERAL.—Notwithstanding section 702(b)—

“(A) any net income with respect to such interest for any partnership taxable year shall be treated as ordinary income, and

“(B) any net loss with respect to such interest for such year, to the extent not disallowed under paragraph (2) for such year, shall be treated as an ordinary loss.

All items of income, gain, deduction, and loss which are taken into account in computing net income or net loss shall be treated as ordinary income or ordinary loss (as the case may be).

“(2) TREATMENT OF LOSSES.—

“(A) LIMITATION.—Any net loss with respect to such interest shall be allowed for any partnership taxable year only to the extent that such loss does not exceed the excess (if any) of—

“(i) the aggregate net income with respect to such interest for all prior partnership taxable years, over

“(ii) the aggregate net loss with respect to such interest not disallowed under this subparagraph for all prior partnership taxable years.

“(B) CARRYFORWARD.—Any net loss for any partnership taxable year which is not allowed by reason of subparagraph (A) shall be treated as an item of loss with respect to such partnership interest for the succeeding partnership taxable year.

“(C) BASIS ADJUSTMENT.—No adjustment to the basis of a partnership interest shall be made on account of any net loss which is not allowed by reason of subparagraph (A).

“(D) PRIOR PARTNERSHIP YEARS.—Any reference in this paragraph to prior partnership taxable years shall only include prior partnership taxable years to which this section applies.

“(3) NET INCOME AND LOSS.—For purposes of this section—

“(A) NET INCOME.—The term ‘net income’ means, with respect to any investment services partnership interest for any partnership taxable year, the excess (if any) of—

“(i) all items of income and gain taken into account by the holder of such interest under section 702 with respect to such interest for such year, over

“(ii) all items of deduction and loss so taken into account.

“(B) NET LOSS.—The term ‘net loss’ means, with respect to such interest for such year, the excess (if any) of the amount described in subparagraph (A)(ii) over the amount described in subparagraph (A)(i).

“(4) SPECIAL RULE FOR DIVIDENDS.—Any dividend taken into account in determining net income or net loss for purposes of paragraph (1) shall not be treated as qualified dividend income for purposes of section 1(h).

“(b) DISPOSITIONS OF PARTNERSHIP INTERESTS.—

“(1) GAIN.—Any gain on the disposition of an investment services partnership interest shall be—

“(A) treated as ordinary income, and

“(B) recognized notwithstanding any other provision of this subtitle.

“(2) LOSS.—Any loss on the disposition of an investment services partnership interest shall be treated as an ordinary loss to the extent of the excess (if any) of—

“(A) the aggregate net income with respect to such interest for all partnership taxable years to which this section applies, over

“(B) the aggregate net loss with respect to such interest allowed under subsection (a)(2) for all partnership taxable years to which this section applies.

“(3) ELECTION WITH RESPECT TO CERTAIN EXCHANGES.—Paragraph (1)(B) shall not apply to the contribution of an investment services

partnership interest to a partnership in exchange for an interest in such partnership if—

“(A) the taxpayer makes an irrevocable election to treat the partnership interest received in the exchange as an investment services partnership interest, and

“(B) the taxpayer agrees to comply with such reporting and recordkeeping requirements as the Secretary may prescribe.

“(4) DISPOSITION OF PORTION OF INTEREST.—In the case of any disposition of an investment services partnership interest, the amount of net loss which otherwise would have (but for subsection (a)(2)(C)) applied to reduce the basis of such interest shall be disregarded for purposes of this section for all succeeding partnership taxable years.

“(5) DISTRIBUTIONS OF PARTNERSHIP PROPERTY.—In the case of any distribution of property by a partnership with respect to any investment services partnership interest held by a partner—

“(A) the excess (if any) of—

“(i) the fair market value of such property at the time of such distribution, over

“(ii) the adjusted basis of such property in the hands of the partnership,

shall be taken into account as an increase in such partner's distributive share of the taxable income of the partnership (except to the extent such excess is otherwise taken into account in determining the taxable income of the partnership),

“(B) such property shall be treated for purposes of subpart B of part II as money distributed to such partner in an amount equal to such fair market value, and

“(C) the basis of such property in the hands of such partner shall be such fair market value.

Subsection (b) of section 734 shall be applied without regard to the preceding sentence. In the case of a taxpayer which satisfies requirements similar to the requirements of subparagraphs (A) and (B) of paragraph (3), this paragraph and paragraph (1)(B) shall not apply to the distribution of a partnership interest if such distribution is in connection with a contribution (or deemed contribution) of any property of the partnership to which section 721 applies pursuant to a transaction described in paragraph (1)(B) or (2) of section 708(b).

“(6) APPLICATION OF SECTION 751.—

“(A) IN GENERAL.—In applying section 751, an investment services partnership interest shall be treated as an inventory item.

“(B) EXCEPTION FOR CERTAIN DISPOSITIONS OF INTERESTS IN A PUBLICLY TRADED PARTNERSHIP.—Except as provided by the Secretary, this paragraph shall not apply in the case of any (direct or indirect) disposition of an interest in a publicly traded partnership (as defined in section 7704) which is not an investment services partnership interest in the hands of the person disposing of such interest (or the hands of the person holding such interest indirectly).

“(c) INVESTMENT SERVICES PARTNERSHIP INTEREST.—For purposes of this section—

“(1) IN GENERAL.—The term ‘investment services partnership interest’ means any interest in a partnership which is held (directly or indirectly) by any person if it was reasonably expected (at the time that such person acquired such interest) that such person (or any person related to such person) would provide (directly or, to the extent provided by the Secretary, indirectly) a substantial quantity of any of the following services with respect to assets held (directly or indirectly) by the partnership:

“(A) Advising as to the advisability of investing in, purchasing, or selling any specified asset.

“(B) Managing, acquiring, or disposing of any specified asset.

“(C) Arranging financing with respect to acquiring specified assets.

“(D) Any activity in support of any service described in subparagraphs (A) through (C).

“(2) SPECIFIED ASSET.—The term ‘specified asset’ means securities (as defined in section 475(c)(2) without regard to the last sentence thereof), real estate held for rental or investment, interests in partnerships, commodities (as defined in section 475(e)(2)), or options or derivative contracts with respect to any of the foregoing.

“(3) EXCEPTION FOR FAMILY FARMS.—The term ‘specified asset’ shall not include any farm used for farming purposes if such farm is held by a partnership all of the interests in which are held (directly or indirectly) by members of the same family. Terms used in the preceding sentence which are also used in section 2032A shall have the same meaning as when used in such section.

“(4) EXCEPTION FOR PARTNERSHIPS WITH PRO RATA ALLOCATIONS BASED ON CAPITAL.—Except as provided by the Secretary, the term ‘investment services partnership interest’ shall not include any interest in a partnership if all distributions and all allocations of the partnership, and of any other partnership in which the partnership directly or indirectly holds an interest, are made pro rata on the basis of the capital contributions of each partner which constitute qualified capital interests under subsection (d).

“(5) RELATED PERSONS.—A person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b).

“(d) EXCEPTION FOR CERTAIN CAPITAL INTERESTS.—

“(1) IN GENERAL.—In the case of any portion of an investment services partnership interest which is a qualified capital interest, all items of income, gain, loss, and deduction which are allocated to such qualified capital interest shall not be taken into account under subsection (a) if—

“(A) allocations of items are made by the partnership to such qualified capital interest in the same manner as such allocations are made to other qualified capital interests held by partners who do not provide any services described in subsection (c)(1) and who are not related to the partner holding the qualified capital interest, and

“(B) the allocations made to such other interests are significant compared to the allocations made to such qualified capital interest.

“(2) AUTHORITY TO PROVIDE EXCEPTIONS TO ALLOCATION REQUIREMENTS.—To the extent provided by the Secretary in regulations or other guidance—

“(A) ALLOCATIONS TO PORTION OF QUALIFIED CAPITAL INTEREST.—Paragraph (1) may be applied separately with respect to a portion of a qualified capital interest.

“(B) NO OR INSIGNIFICANT ALLOCATIONS TO NONSERVICE PROVIDERS.—In any case in which the requirements of paragraph (1)(B) are not satisfied, items of income, gain, loss, and deduction shall not be taken into account under subsection (a) to the extent that such items are properly allocable under such regulations or other guidance to qualified capital interests.

“(C) ALLOCATIONS TO SERVICE PROVIDERS' QUALIFIED CAPITAL INTERESTS WHICH ARE LESS THAN OTHER ALLOCATIONS.—Allocations shall not be treated as failing to meet the require-

ment of paragraph (1)(A) merely because the allocations to the qualified capital interest represent a lower return than the allocations made to the other qualified capital interests referred to in such paragraph.

“(3) SPECIAL RULE FOR CHANGES IN SERVICES.—In the case of an interest in a partnership which is not an investment services partnership interest and which, by reason of a change in the services with respect to assets held (directly or indirectly) by the partnership, would (without regard to the reasonable expectation exception of subsection (c)(1)) have become such an interest—

“(A) notwithstanding subsection (c)(1), such interest shall be treated as an investment services partnership interest as of the time of such change, and

“(B) for purposes of this subsection, the qualified capital interest of the holder of such partnership interest immediately after such change shall not be less than the fair market value of such interest (determined immediately before such change).

“(4) SPECIAL RULE FOR TIERED PARTNERSHIPS.—Except as otherwise provided by the Secretary, in the case of tiered partnerships, all items which are allocated in a manner which meets the requirements of paragraph (1) to qualified capital interests in a lower-tier partnership shall retain such character to the extent allocated on the basis of qualified capital interests in any upper-tier partnership.

“(5) EXCEPTION FOR NO-SELF-CHARGED CARRY AND MANAGEMENT FEE PROVISIONS.—Except as otherwise provided by the Secretary, an interest shall not fail to be treated as satisfying the requirement of paragraph (1)(A) merely because the allocations made by the partnership to such interest do not reflect the cost of services described in subsection (c)(1) which are provided (directly or indirectly) to the partnership by the holder of such interest (or a related person).

“(6) SPECIAL RULE FOR DISPOSITIONS.—In the case of any investment services partnership interest any portion of which is a qualified capital interest, subsection (b) shall not apply to so much of any gain or loss as bears the same proportion to the entire amount of such gain or loss as—

“(A) the distributive share of gain or loss that would have been allocated to the qualified capital interest (consistent with the requirements of paragraph (1)) if the partnership had sold all of its assets at fair market value immediately before the disposition, bears to

“(B) the distributive share of gain or loss that would have been so allocated to the investment services partnership interest of which such qualified capital interest is a part.

“(7) QUALIFIED CAPITAL INTEREST.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified capital interest’ means so much of a partner's interest in the capital of the partnership as is attributable to—

“(i) the fair market value of any money or other property contributed to the partnership in exchange for such interest (determined without regard to section 752(a)),

“(ii) any amounts which have been included in gross income under section 83 with respect to the transfer of such interest, and

“(iii) the excess (if any) of—

“(I) any items of income and gain taken into account under section 702 with respect to such interest, over

“(II) any items of deduction and loss so taken into account.

“(B) ADJUSTMENT TO QUALIFIED CAPITAL INTEREST.—

“(i) DISTRIBUTIONS AND LOSSES.—The qualified capital interest shall be reduced by distributions from the partnership with respect to such interest and by the excess (if any) of the amount described in subparagraph (A)(iii)(II) over the amount described in subparagraph (A)(iii)(I).

“(ii) SPECIAL RULE FOR CONTRIBUTIONS OF PROPERTY.—In the case of any contribution of property described in subparagraph (A)(i) with respect to which the fair market value of such property is not equal to the adjusted basis of such property immediately before such contribution, proper adjustments shall be made to the qualified capital interest to take into account such difference consistent with such regulations or other guidance as the Secretary may provide.

“(8) TREATMENT OF CERTAIN LOANS.—

“(A) PROCEEDS OF PARTNERSHIP LOANS NOT TREATED AS QUALIFIED CAPITAL INTEREST OF SERVICE PROVIDING PARTNERS.—For purposes of this subsection, an investment services partnership interest shall not be treated as a qualified capital interest to the extent that such interest is acquired in connection with the proceeds of any loan or other advance made or guaranteed, directly or indirectly, by any other partner or the partnership (or any person related to any such other partner or the partnership). The preceding sentence shall not apply to the extent the loan or other advance is repaid before the date of the enactment of this section unless such repayment is made with the proceeds of a loan or other advance described in the preceding sentence.

“(B) REDUCTION IN ALLOCATIONS TO QUALIFIED CAPITAL INTERESTS FOR LOANS FROM NON-SERVICE-PROVIDING PARTNERS TO THE PARTNERSHIP.—For purposes of this subsection, any loan or other advance to the partnership made or guaranteed, directly or indirectly, by a partner not providing services described in subsection (c)(1) to the partnership (or any person related to such partner) shall be taken into account in determining the qualified capital interests of the partners in the partnership.

“(e) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—

“(1) IN GENERAL.—If—

“(A) a person performs (directly or indirectly) investment management services for any entity,

“(B) such person holds (directly or indirectly) a disqualified interest with respect to such entity, and

“(C) the value of such interest (or payments thereunder) is substantially related to the amount of income or gain (whether or not realized) from the assets with respect to which the investment management services are performed,

any income or gain with respect to such interest shall be treated as ordinary income. Rules similar to the rules of subsections (a)(4) and (d) shall apply for purposes of this subsection.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) DISQUALIFIED INTEREST.—

“(i) IN GENERAL.—The term ‘disqualified interest’ means, with respect to any entity—

“(I) any interest in such entity other than indebtedness,

“(II) convertible or contingent debt of such entity,

“(III) any option or other right to acquire property described in subclause (I) or (II), and

“(IV) any derivative instrument entered into (directly or indirectly) with such entity or any investor in such entity.

“(ii) EXCEPTIONS.—Such term shall not include—

“(I) a partnership interest,

“(II) except as provided by the Secretary, any interest in a taxable corporation, and

“(III) except as provided by the Secretary, stock in an S corporation.

“(B) TAXABLE CORPORATION.—The term ‘taxable corporation’ means—

“(i) a domestic C corporation, or

“(ii) a foreign corporation substantially all of the income of which is—

“(I) effectively connected with the conduct of a trade or business in the United States, or

“(II) subject to a comprehensive foreign income tax (as defined in section 457A(d)(2)).

“(C) INVESTMENT MANAGEMENT SERVICES.—The term ‘investment management services’ means a substantial quantity of any of the services described in subsection (c)(1).

“(f) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance to—

“(1) provide modifications to the application of this section (including treating related persons as not related to one another) to the extent such modification is consistent with the purposes of this section,

“(2) prevent the avoidance of the purposes of this section, and

“(3) coordinate this section with the other provisions of this title.

“(g) SPECIAL RULES FOR INDIVIDUALS.—In the case of an individual—

“(1) IN GENERAL.—Subsection (a)(1) shall apply only to the applicable percentage of the net income or net loss referred to in such subsection.

“(2) DISPOSITIONS, ETC.—The amount which (but for this paragraph) would be treated as ordinary income by reason of subsection (b) or (e) shall be the applicable percentage of such amount.

“(3) PRO RATA ALLOCATION TO ITEMS.—For purposes of applying subsections (a) and (e), the aggregate amount treated as ordinary income for any such taxable year shall be allocated ratably among the items of income, gain, loss, and deduction taken into account in determining such amount.

“(4) SPECIAL RULE FOR RECOGNITION OF GAIN.—Gain which (but for this section) would not be recognized shall be recognized by reason of subsection (b) only to the extent that such gain is treated as ordinary income after application of paragraph (2).

“(5) COORDINATION WITH LIMITATION ON LOSSES.—For purposes of applying paragraph (2) of subsection (a) with respect to any net loss for any taxable year—

“(A) such paragraph shall only apply with respect to the applicable percentage of such net loss for such taxable year,

“(B) in the case of a prior partnership taxable year referred to in clause (i) or (ii) of subparagraph (A) of such paragraph, only the applicable percentage (as in effect for such prior taxable year) of net income or net loss for such prior partnership taxable year shall be taken into account, and

“(C) any net loss carried forward to the succeeding partnership taxable year under subparagraph (B) of such paragraph shall—

“(i) be taken into account in such succeeding year without reduction under this subsection, and

“(ii) in lieu of being taken into account as an item of loss in such succeeding year, shall be taken into account—

“(I) as an increase in net loss or as a reduction in net income (including below zero), as the case may be, and

“(II) after any reduction in the amount of such net loss or net income under this subsection.

A rule similar to the rule of the preceding sentence shall apply for purposes of subsection (b)(2)(A).

“(6) COORDINATION WITH TREATMENT OF DIVIDENDS.—Subsection (a)(4) shall only apply to the applicable percentage of dividends described therein.

“(7) APPLICABLE PERCENTAGE.—For purposes of this subsection—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the term ‘applicable percentage’ means 75 percent.

“(B) EXCEPTION FOR DISPOSITION OF ASSETS HELD BY INVESTMENT SERVICES PARTNERSHIPS AT LEAST 5 YEARS.—The applicable percentage shall be 50 percent with respect to any net income or net loss under subsection (a)(1) which is properly allocable to gain or loss from the disposition (or a distribution under subsection (b)(5)) of any asset (other than an investment services partnership interest) which has been held by the investment services partnership for at least 5 years.

“(C) EXCEPTION FOR DISPOSITION OF INVESTMENT SERVICES PARTNERSHIP INTERESTS HELD AT LEAST 5 YEARS.—

“(i) IN GENERAL.—The applicable percentage shall be 50 percent with respect to—

“(I) net income or net loss under subsection (a)(1) which is properly allocable to gain or loss from the disposition (or a distribution under subsection (b)(5)) of an investment services partnership interest which has been held at least 5 years, and

“(II) gain or loss under subsection (b) on the disposition of an investment services partnership interest which has been held for at least 5 years,

but only to the extent such gain or loss is attributable to assets held by the investment services partnership for at least 5 years.

“(ii) APPLICATION IN THE CASE OF TIERED PARTNERSHIPS, ETC.—For purposes of determining whether the assets of the investment services partnership have been held for at least 5 years under clause (i), an investment services partnership shall be treated as owning its proportionate share of the property of any other partnership in which it has held an investment services partnership interest for at least 5 years.

“(iii) REGULATIONS.—The Secretary may by regulation or other guidance extend the application of clause (ii) to entities other than investment services partnerships if necessary to prevent the avoidance of the purposes of this subparagraph.

“(D) TREATMENT OF GOODWILL AND OTHER SECTION 197 INTANGIBLES.—For purposes of this paragraph, in the case of any section 197 intangible of an entity through which services described in subparagraphs (A) through (D) of subsection (c)(1) are directly or indirectly provided—

“(i) the holding period of such intangible shall not be less than the holding period of the investment services partnership interest in the partnership, and

“(ii) the value of such intangible shall be determined in a manner consistent with the regulations described in subparagraph (E).

“(E) VALUATION METHODS.—The Secretary shall prescribe regulations or guidance which provide—

“(i) the acceptable valuation methods for purposes of this subparagraph, except that such methods shall not include any valuation method which is inconsistent with the method used by the taxpayer for other purposes (including reporting asset valuations

to partners or potential partners in the partnership or any related partnership) if such inconsistent valuation method would result in the treatment of a greater amount of gain as attributable to a section 197 intangible than would result under the valuation method used by the taxpayer for such other purposes.

“(ii) circumstances under which valuations are sufficiently independent to provide an accurate determination of fair market value, and

“(iii) any information required to be furnished to the Secretary by the parties to the disposition with respect to such valuation.

“(F) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

“(i) INVESTMENT SERVICES PARTNERSHIP.—The term ‘investment services partnership’ means, with respect to any investment services partnership interest, the entity in which such interest is held.

“(ii) SECTION 197 INTANGIBLE.—The term ‘section 197 intangible’ has the meaning given such term in section 197(d).

“(iii) APPLICATION TO DISQUALIFIED INTERESTS.—Rules similar to the rules of this paragraph shall apply with respect to income or gain with respect to a disqualified interest under subsection (e).

“(h) CROSS REFERENCE.—For 40 percent penalty on certain underpayments due to the avoidance of this section, see section 6662.”.

(b) TREATMENT FOR PURPOSES OF SECTION 7704.—Subsection (d) of section 7704 is amended by adding at the end the following new paragraph:

“(6) INCOME FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS NOT QUALIFIED.—

“(A) IN GENERAL.—Items of income and gain shall not be treated as qualifying income if such items are treated as ordinary income by reason of the application of section 710 (relating to special rules for partners providing investment management services to partnership). The preceding sentence shall not apply to any item described in paragraph (1)(E) (or so much of paragraph (1)(F) as relates to paragraph (1)(E)).

“(B) SPECIAL RULES FOR CERTAIN PARTNERSHIPS.—

“(i) CERTAIN PARTNERSHIPS OWNED BY REAL ESTATE INVESTMENT TRUSTS.—Subparagraph (A) shall not apply in the case of a partnership which meets each of the following requirements:

“(I) Such partnership is treated as publicly traded under this section solely by reason of interests in such partnership being convertible into interests in a real estate investment trust which is publicly traded.

“(II) 50 percent or more of the capital and profits interests of such partnership are owned, directly or indirectly, at all times during the taxable year by such real estate investment trust (determined with the application of section 267(c)).

“(III) Such partnership meets the requirements of paragraphs (2), (3), and (4) of section 856(c).

“(ii) CERTAIN PARTNERSHIPS OWNING OTHER PUBLICLY TRADED PARTNERSHIPS.—Subparagraph (A) shall not apply in the case of a partnership which meets each of the following requirements:

“(I) Substantially all of the assets of such partnership consist of interests in one or more publicly traded partnerships (determined without regard to subsection (b)(2)).

“(II) Substantially all of the income of such partnership is ordinary income or section 1231 gain (as defined in section 1231(a)(3)).

“(C) TRANSITIONAL RULE.—Subparagraph (A) shall not apply to any taxable year of the

partnership beginning before the date which is 10 years after the date of the enactment of this paragraph.”.

(c) IMPOSITION OF PENALTY ON UNDERPAYMENTS.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (7) the following new paragraph:

“(8) The application of subsection (e) of section 710, the regulations or other guidance prescribed under section 710(f) to prevent the avoidance of the purposes of section 710, or the regulations or other guidance prescribed under section 710(g)(7)(E).”.

(2) AMOUNT OF PENALTY.—

(A) IN GENERAL.—Section 6662 is amended by adding at the end the following new subsection:

“(k) INCREASE IN PENALTY IN CASE OF PROPERTY TRANSFERRED FOR INVESTMENT MANAGEMENT SERVICES.—In the case of any portion of an underpayment to which this section applies by reason of subsection (b)(8), subsection (a) shall be applied with respect to such portion by substituting ‘40 percent’ for ‘20 percent’.”.

(B) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) is amended by striking “or (i)” and inserting “(i), or (k)”. (3) SPECIAL RULES FOR APPLICATION OF REASONABLE CAUSE EXCEPTION.—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(B) by striking “paragraph (3)” in paragraph (5)(A), as so redesignated, and inserting “paragraph (4)”; and

(C) by inserting after paragraph (2) the following new paragraph:

“(3) SPECIAL RULE FOR UNDERPAYMENTS ATTRIBUTABLE TO INVESTMENT MANAGEMENT SERVICES.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to any portion of an underpayment to which section 6662 applies by reason of subsection (b)(8) unless—

“(i) the relevant facts affecting the tax treatment of the item are adequately disclosed,

“(ii) there is or was substantial authority for such treatment, and

“(iii) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

“(B) RULES RELATING TO REASONABLE BELIEF.—Rules similar to the rules of subsection (d)(3) shall apply for purposes of subparagraph (A)(iii).”.

(d) INCOME AND LOSS FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS TAKEN INTO ACCOUNT IN DETERMINING NET EARNINGS FROM SELF-EMPLOYMENT.—

(1) INTERNAL REVENUE CODE.—Section 1402(a) is amended by striking “and” at the end of paragraph (16), by striking the period at the end of paragraph (17) and inserting “; and”, and by inserting after paragraph (17) the following new paragraph:

“(18) notwithstanding the preceding provisions of this subsection, in the case of any individual engaged in the trade or business of providing services described in section 710(c)(1) with respect to any entity, any amount treated as ordinary income or ordinary loss of such individual under section 710 with respect to such entity shall be taken into account in determining the net earnings from self-employment of such individual.”.

(2) SOCIAL SECURITY ACT.—Section 211(a) of the Social Security Act is amended by striking “and” at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting “; and”, and by inserting after paragraph (16) the following new paragraph:

“(17) Notwithstanding the preceding provisions of this subsection, in the case of any individual engaged in the trade or business of providing services described in section 710(c)(1) of the Internal Revenue Code of 1986 with respect to any entity, any amount treated as ordinary income or ordinary loss of such individual under section 710 of such Code with respect to such entity shall be taken into account in determining the net earnings from self-employment of such individual.”.

(e) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 731 is amended by inserting “section 710(b)(4) (relating to distributions of partnership property),” after “to the extent otherwise provided by”.

(2) Section 741 is amended by inserting “or section 710 (relating to special rules for partners providing investment management services to partnership)” before the period at the end.

(3) The table of sections for part I of subchapter K of chapter 1 is amended by adding at the end the following new item:

“Sec. 710. Special rules for partners providing investment management services to partnership.”.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years ending after December 31, 2010.

(2) PARTNERSHIP TAXABLE YEARS WHICH INCLUDE EFFECTIVE DATE.—In applying section 710(a) of the Internal Revenue Code of 1986 (as added by this section) in the case of any partnership taxable year which includes December 31, 2010, the amount of the net income referred to in such section shall be treated as being the lesser of the net income for the entire partnership taxable year or the net income determined by only taking into account items attributable to the portion of the partnership taxable year which is after such date.

(3) DISPOSITIONS OF PARTNERSHIP INTERESTS.—Section 710(b) of the Internal Revenue Code of 1986 (as added by this section) shall apply to dispositions and distributions after December 31, 2010.

(4) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—Section 710(e) of such Code (as added by this section) shall take effect on December 31, 2010.

#### SEC. 413. EMPLOYMENT TAX TREATMENT OF PROFESSIONAL SERVICE BUSINESSES.

(a) IN GENERAL.—Section 1402 is amended by adding at the end the following new subsection:

“(m) SPECIAL RULES FOR PROFESSIONAL SERVICE BUSINESSES.—

“(1) SHAREHOLDERS PROVIDING SERVICES TO DISQUALIFIED S CORPORATIONS.—

“(A) IN GENERAL.—In the case of any disqualified S corporation, each shareholder of such disqualified S corporation who provides substantial services with respect to the professional service business referred to in subparagraph (C) shall take into account such shareholder's pro rata share of all items of income or loss described in section 1366 which are attributable to such business in determining the shareholder's net earnings from self-employment.

“(B) TREATMENT OF FAMILY MEMBERS.—Except as otherwise provided by the Secretary, the shareholder's pro rata share of items referred to in subparagraph (A) shall be increased by the pro rata share of such items of each member of such shareholder's family (within the meaning of section 318(a)(1)) who

does not provide substantial services with respect to such professional service business.

“(C) **DISQUALIFIED S CORPORATION.**—For purposes of this subsection, the term ‘disqualified S corporation’ means—

“(i) any S corporation which is a partner in a partnership which is engaged in a professional service business if substantially all of the activities of such S corporation are performed in connection with such partnership, and

“(ii) any other S corporation which is engaged in a professional service business if 80 percent or more of the gross income of such business is attributable to service of 3 or fewer shareholders of such corporation.

“(2) **PARTNERS.**—In the case of any partnership which is engaged in a professional service business, subsection (a)(13) shall not apply to any partner who provides substantial services with respect to such professional service business.

“(3) **PROFESSIONAL SERVICE BUSINESS.**—For purposes of this subsection, the term ‘professional service business’ means any trade or business (or portion thereof) providing services in the fields of health, law, lobbying, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, investment advice or management, or brokerage services.

“(4) **REGULATIONS.**—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection, including regulations which prevent the avoidance of the purposes of this subsection through tiered entities or otherwise.

“(5) **CROSS REFERENCE.**—For employment tax treatment of wages paid to shareholders of S corporations, see subtitle C.”

(b) **CONFORMING AMENDMENT.**—Section 211 of the Social Security Act is amended by adding at the end the following new subsection:

“(1) **SPECIAL RULES FOR PROFESSIONAL SERVICE BUSINESSES.**—

“(1) **SHAREHOLDERS PROVIDING SERVICES TO DISQUALIFIED S CORPORATIONS.**—

“(A) **IN GENERAL.**—In the case of any disqualified S corporation, each shareholder of such disqualified S corporation who provides substantial services with respect to the professional service business referred to in subparagraph (C) shall take into account such shareholder's pro rata share of all items of income or loss described in section 1366 of the Internal Revenue Code of 1986 which are attributable to such business in determining the shareholder's net earnings from self-employment.

“(B) **TREATMENT OF FAMILY MEMBERS.**—Except as otherwise provided by the Secretary of the Treasury, the shareholder's pro rata share of items referred to in subparagraph (A) shall be increased by the pro rata share of such items of each member of such shareholder's family (within the meaning of section 318(a)(1) of the Internal Revenue Code of 1986) who does not provide substantial services with respect to such professional service business.

“(C) **DISQUALIFIED S CORPORATION.**—For purposes of this subsection, the term ‘disqualified S corporation’ means—

“(i) any S corporation which is a partner in a partnership which is engaged in a professional service business if substantially all of the activities of such S corporation are performed in connection with such partnership, and

“(ii) any other S corporation which is engaged in a professional service business if 80 percent or more of the gross income of such

business is attributable to service of 3 or fewer shareholders of such corporation.

“(2) **PARTNERS.**—In the case of any partnership which is engaged in a professional service business, subsection (a)(12) shall not apply to any partner who provides substantial services with respect to such professional service business.

“(3) **PROFESSIONAL SERVICE BUSINESS.**—For purposes of this subsection, the term ‘professional service business’ means any trade or business (or portion thereof) providing services in the fields of health, law, lobbying, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, investment advice or management, or brokerage services.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

#### Subtitle C—Corporate Provisions

#### SEC. 421. TREATMENT OF SECURITIES OF A CONTROLLED CORPORATION EXCHANGED FOR ASSETS IN CERTAIN REORGANIZATIONS.

(a) **IN GENERAL.**—Section 361 (relating to nonrecognition of gain or loss to corporations; treatment of distributions) is amended by adding at the end the following new subsection:

“(d) **SPECIAL RULES FOR TRANSACTIONS INVOLVING SECTION 355 DISTRIBUTIONS.**—In the case of a reorganization described in section 368(a)(1)(D) with respect to which stock or securities of the corporation to which the assets are transferred are distributed in a transaction which qualifies under section 355—

“(1) this section shall be applied by substituting ‘stock other than nonqualified preferred stock (as defined in section 351(g)(2))’ for ‘stock or securities’ in subsections (a) and (b)(1), and

“(2) the first sentence of subsection (b)(3) shall apply only to the extent that the sum of the money and the fair market value of the other property transferred to such creditors does not exceed the adjusted bases of such assets transferred (reduced by the amount of the liabilities assumed (within the meaning of section 357(c))).”

(b) **CONFORMING AMENDMENT.**—Paragraph (3) of section 361(b) is amended by striking the last sentence.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to exchanges after the date of the enactment of this Act.

(2) **TRANSITION RULE.**—The amendments made by this section shall not apply to any exchange pursuant to a transaction which is—

(A) made pursuant to a written agreement which was binding on March 15, 2010, and at all times thereafter;

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

#### SEC. 422. TAXATION OF BOOT RECEIVED IN REORGANIZATIONS.

(a) **IN GENERAL.**—Paragraph (2) of section 356(a) is amended—

(1) by striking “If an exchange” and inserting “Except as otherwise provided by the Secretary—

“(A) **IN GENERAL.**—If an exchange”;

(2) by striking “then there shall be” and all that follows through “February 28, 1913” and inserting “then the amount of other property or money shall be treated as a divi-

dend to the extent of the earnings and profits of the corporation”;

(3) by adding at the end the following new subparagraph:

“(B) **CERTAIN REORGANIZATIONS.**—In the case of a reorganization described in section 368(a)(1)(D) to which section 354(b)(1) applies or any other reorganization specified by the Secretary, in applying subparagraph (A)—

“(i) the earnings and profits of each corporation which is a party to the reorganization shall be taken into account, and

“(ii) the amount which is a dividend (and source thereof) shall be determined under rules similar to the rules of paragraphs (2) and (5) of section 304(b).”

(b) **EARNINGS AND PROFITS.**—Paragraph (7) of section 312(n) is amended by adding at the end the following: “A similar rule shall apply to an exchange to which section 356(a)(1) applies.”

(c) **CONFORMING AMENDMENT.**—Paragraph (1) of section 356(a) is amended by striking “then the gain” and inserting “then (except as provided in paragraph (2)) the gain”.

(d) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to exchanges after the date of the enactment of this Act.

(2) **TRANSITION RULE.**—The amendments made by this section shall not apply to any exchange between unrelated persons pursuant to a transaction which is—

(A) made pursuant to a written agreement which was binding on May 20, 2010, and at all times thereafter;

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described in a public announcement or filing with the Securities and Exchange Commission on or before such date.

(3) **RELATED PERSONS.**—For purposes of this subsection, a person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b) of the Internal Revenue Code of 1986.

#### Subtitle D—Other Provisions

#### SEC. 431. MODIFICATIONS WITH RESPECT TO OIL SPILL LIABILITY TRUST FUND.

(a) **EXTENSION OF APPLICATION OF OIL SPILL LIABILITY TRUST FUND FINANCING RATE.**—Paragraph (2) of section 4611(f) is amended by striking “December 31, 2017” and inserting “December 31, 2020”.

(b) **INCREASE IN OIL SPILL LIABILITY TRUST FUND FINANCING RATE.**—Subparagraph (B) of section 4611(c)(2) is amended to read as follows:

“(B) the Oil Spill Liability Trust Fund financing rate is 49 cents a barrel.”

(c) **INCREASE IN PER INCIDENT LIMITATIONS ON EXPENDITURES.**—Subparagraph (A) of section 9509(c)(2) is amended—

(1) by striking “\$1,000,000,000” in clause (i) and inserting “\$5,000,000,000”;

(2) by striking “\$500,000,000” in clause (ii) and inserting “\$2,500,000,000”; and

(3) by striking “\$1,000,000,000 PER INCIDENT, ETC.” in the heading and inserting “PER INCIDENT LIMITATIONS”.

(d) **EFFECTIVE DATE.**—

(1) **EXTENSION OF FINANCING RATE.**—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) **INCREASE IN FINANCING RATE.**—The amendment made by subsection (b) shall apply to crude oil received and petroleum products entered during calendar quarters beginning more than 60 days after the date of the enactment of this Act.

**SEC. 432. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.**

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 36 percentage points.

**SEC. 433. DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.**

(a) **DISALLOWANCE OF DEDUCTION FOR PUNITIVE DAMAGES.**—

(1) **IN GENERAL.**—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking “If” and inserting:

“(1) **TREBLE DAMAGES.**—If”, and

(C) by adding at the end the following new paragraph:

“(2) **PUNITIVE DAMAGES.**—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).”.

(2) **CONFORMING AMENDMENT.**—The heading for section 162(g) is amended by inserting “OR PUNITIVE DAMAGES” after “LAWS”.

(b) **INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.**—

(1) **IN GENERAL.**—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

**“SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.**

“Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer’s liability (or agreement) to pay punitive damages.”.

(2) **REPORTING REQUIREMENTS.**—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

“(h) **SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.**—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person’s liability (or agreement) to pay punitive damages.”.

(3) **CONFORMING AMENDMENT.**—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

“Sec. 91. Punitive damages compensated by insurance or otherwise.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to damages paid or incurred after December 31, 2011.

**SEC. 434. ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.**

(a) **IN GENERAL.**—The following provisions are repealed:

(1) Section 3507.

(2) Subsection (g) of section 32.

(3) Paragraph (7) of section 6051(a).

(b) **CONFORMING AMENDMENTS.**—

(1) Section 6012(a) is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(2) Section 6302 is amended by striking subsection (i).

(3) The table of sections for chapter 25 is amended by striking the item relating to section 3507.

(c) **EFFECTIVE DATE.**—The repeals and amendments made by this section shall apply to taxable years beginning after December 31, 2010.

**TITLE V—UNEMPLOYMENT, HEALTH, AND OTHER ASSISTANCE****Subtitle A—Unemployment Insurance and Other Assistance****SEC. 501. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.**

(a) **IN GENERAL.**—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “June 2, 2010” each place it appears and inserting “November 30, 2010”;

(B) in the heading for subsection (b)(2), by striking “JUNE 2, 2010” and inserting “NOVEMBER 30, 2010”; and

(C) in subsection (b)(3), by striking “November 6, 2010” and inserting “April 30, 2011”.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “June 2, 2010” each place it appears and inserting “December 1, 2010”; and

(B) in subsection (c), by striking “November 6, 2010” and inserting “May 1, 2011”.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “November 6, 2010” and inserting “April 30, 2011”.

(b) **FUNDING.**—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (D), by striking “and” at the end; and

(2) by inserting after subparagraph (E) the following:

“(F) the amendments made by section 501(a)(1) of the American Jobs and Closing Tax Loopholes Act of 2010; and”.

(c) **CONDITIONS FOR RECEIVING EMERGENCY UNEMPLOYMENT COMPENSATION.**—Section 4001(d)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended, in the matter preceding subparagraph (A), by inserting before “shall apply” the following: “(including terms and conditions relating to availability for work, active search for work, and refusal to accept work)”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the Continuing Extension Act of 2010 (Public Law 111-157).

**SEC. 502. COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.**

(a) **CERTAIN INDIVIDUALS NOT INELIGIBLE BY REASON OF NEW ENTITLEMENT TO REGULAR BENEFITS.**—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by adding at the end the following:

“(g) **COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.**—

“(1) If—

“(A) an individual has been determined to be entitled to emergency unemployment compensation with respect to a benefit year,

“(B) that benefit year has expired,

“(C) that individual has remaining entitlement to emergency unemployment compensation with respect to that benefit year, and

“(D) that individual would qualify for a new benefit year in which the weekly benefit amount of regular compensation is at least either \$100 or 25 percent less than the individual’s weekly benefit amount in the benefit year referred to in subparagraph (A),

then the State shall determine eligibility for compensation as provided in paragraph (2).

“(2) For individuals described in paragraph (1), the State shall determine whether the individual is to be paid emergency unemployment compensation or regular compensation for a week of unemployment using one of the following methods:

“(A) The State shall, if permitted by State law, establish a new benefit year, but defer the payment of regular compensation with respect to that new benefit year until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph (1)(A);

“(B) The State shall, if permitted by State law, defer the establishment of a new benefit year (which uses all the wages and employment which would have been used to establish a benefit year but for the application of this paragraph), until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph (1)(A);

“(C) The State shall pay, if permitted by State law—

“(i) regular compensation equal to the weekly benefit amount established under the new benefit year, and

“(ii) emergency unemployment compensation equal to the difference between that weekly benefit amount and the weekly benefit amount for the expired benefit year; or

“(D) The State shall determine rights to emergency unemployment compensation without regard to any rights to regular compensation if the individual elects to not file a claim for regular compensation under the new benefit year.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to individuals whose benefit years, as described in section 4002(g)(1)(B) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by this section, expire after the date of enactment of this Act.

**SEC. 503. EXTENSION OF THE EMERGENCY CONTINGENCY FUND.**

(a) **IN GENERAL.**—Section 403(c) of the Social Security Act (42 U.S.C. 603(c)) is amended—

(1) in paragraph (2)(A), by inserting “, and for fiscal year 2011, \$2,500,000,000” before “for payment”; and

(2) by striking paragraph (2)(B) and inserting the following:

“(B) **AVAILABILITY AND USE OF FUNDS.**—

“(i) **FISCAL YEARS 2009 AND 2010.**—The amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2009 shall remain available through fiscal year 2010 and shall be used to make grants to States in each of fiscal years 2009 and 2010 in accordance with paragraph (3), except that the amounts shall remain available through fiscal year 2011 to make grants and payments to States in accordance with paragraph (3)(C) to cover expenditures to subsidize employment positions held by individuals placed in the positions before fiscal year 2011.

“(ii) **FISCAL YEAR 2011.**—Subject to clause (iii), the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011 shall remain available through fiscal year 2012 and shall be used to make grants to States based on expenditures in fiscal year 2011 for benefits and services provided in fiscal year 2011 in accordance with the requirements of paragraph (3).

“(iii) **RESERVATION OF FUNDS.**—Of the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011, \$500,000 shall be placed in reserve for use in fiscal year 2012, and shall be used to award grants for any expenditures described

in this subsection incurred by States after September 30, 2011.”;

(3) in paragraph (2)(C), by striking “2010” and inserting “2012”;

(4) in paragraph (3)—

(A) in clause (i) of each of subparagraphs (A), (B), and (C)—

(i) by striking “year 2009 or 2010” and inserting “years 2009 through 2011”;

(ii) by striking “and” at the end of subclause (I);

(iii) by striking the period at the end of subclause (II) and inserting “; and”; and

(iv) by adding at the end the following:

“(III) if the quarter is in fiscal year 2011, has provided the Secretary with such information as the Secretary may find necessary in order to make the determinations, or take any other action, described in paragraph (5)(C).”; and

(B) in subparagraph (C), by adding at the end the following:

“(iv) LIMITATION ON EXPENDITURES FOR SUBSIDIZED EMPLOYMENT.—An expenditure for subsidized employment shall be taken into account under clause (ii) only if the expenditure is used to subsidize employment for—

“(I) a member of a needy family (without regard to whether the family is receiving assistance under the State program funded under this part); or

“(II) an individual who has exhausted (or, within 60 days, will exhaust) all rights to receive unemployment compensation under Federal and State law, and who is a member of a needy family.”;

(5) by striking paragraph (5) and inserting the following:

“(5) LIMITATIONS ON PAYMENTS; ADJUSTMENT AUTHORITY.—

“(A) FISCAL YEARS 2009 AND 2010.—The total amount payable to a single State under subsection (b) and this subsection for fiscal years 2009 and 2010 combined shall not exceed 50 percent of the annual State family assistance grant.

“(B) FISCAL YEAR 2011.—Subject to subparagraph (C), the total amount payable to a single State under subsection (b) and this subsection for fiscal year 2011 shall not exceed 30 percent of the annual State family assistance grant.

“(C) ADJUSTMENT AUTHORITY.—If the Secretary determines that the Emergency Fund is at risk of being depleted before September 30, 2011, or that funds are available to accommodate additional State requests under this subsection, the Secretary may, through program instructions issued without regard to the requirements of section 553 of title 5, United States Code—

“(i) specify priority criteria for awarding grants to States during fiscal year 2011; and

“(ii) adjust the percentage limitation applicable under subparagraph (B) with respect to the total amount payable to a single State for fiscal year 2011.”; and

(6) in paragraph (6), by inserting “or for expenditures described in paragraph (3)(C)(iv)” before the period.

(b) CONFORMING AMENDMENTS.—Section 2101 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(1) in subsection (a)(2)—

(A) by striking “2010” and inserting “2011”; and

(B) by striking all that follows “repealed” and inserting a period; and

(2) in subsection (d)(1), by striking “2010” and inserting “2011”.

(c) PROGRAM GUIDANCE.—The Secretary of Health and Human Services shall issue program guidance, without regard to the re-

quirements of section 553 of title 5, United States Code, which ensures that the funds provided under the amendments made by this section to a jurisdiction for subsidized employment do not support any subsidized employment position the annual salary of which is greater than, at State option—

(1) 200 percent of the poverty line (within the meaning of section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section 673(2)) for a family of 4; or

(2) the median wage in the jurisdiction.

#### **SEC. 504. REQUIRING STATES TO NOT REDUCE REGULAR COMPENSATION IN ORDER TO BE ELIGIBLE FOR FUNDS UNDER THE EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.**

Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by adding at the end the following new subsection:

“(g) NONREDUCTION RULE.—An agreement under this section shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that the method governing the computation of regular compensation under the State law of that State has been modified in a manner such that—

“(1) the average weekly benefit amount of regular compensation which will be payable during the period of the agreement occurring on or after June 2, 2010 (determined disregarding any additional amounts attributable to the modification described in section 2002(b)(1) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438)), will be less than

“(2) the average weekly benefit amount of regular compensation which would otherwise have been payable during such period under the State law, as in effect on June 2, 2010.”.

#### **Subtitle B—Health Provisions**

#### **SEC. 511. EXTENSION OF SECTION 508 RECLASSIFICATIONS.**

(a) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), and sections 3137(a) and 10317 of Public Law 111-148, is amended by striking “September 30, 2010” and inserting “September 30, 2011”.

(b) CONFORMING AMENDMENT.—Section 117(a)(3) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), is amended by inserting “in fiscal years 2008 and 2009” after “For purposes of implementation of this subsection”.

#### **SEC. 512. REPEAL OF DELAY OF RUG-IV.**

Effective as if included in the enactment of Public Law 111-148, section 10325 of such Act is repealed.

#### **SEC. 513. LIMITATION ON REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.**

Section 3122 of Public Law 111-148 is repealed and the provision of law amended by such section is restored as if such section had not been enacted.

#### **SEC. 514. FUNDING FOR CLAIMS REPROCESSING.**

For purposes of carrying out the provisions of, and amendments made by, this Act that relate to title XVIII of the Social Security Act, and other provisions of such title that

involve reprocessing of claims, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, \$175,000,000. Amounts appropriated under the preceding sentence shall remain available until expended.

#### **SEC. 515. MEDICAID AND CHIP TECHNICAL CORRECTIONS.**

(a) REPEAL OF EXCLUSION OF CERTAIN INDIVIDUALS AND ENTITIES FROM MEDICAID.—Section 6502 of Public Law 111-148 is repealed and the provisions of law amended by such section are restored as if such section had never been enacted. Nothing in the previous sentence shall affect the execution or placement of the insertion made by section 6503 of such Act.

(b) INCOME LEVEL FOR CERTAIN CHILDREN UNDER MEDICAID.—Effective as if included in the enactment of Public Law 111-148, section 2001(a)(5)(B) of such Act is amended by striking all that follows “is amended” and inserting the following: “by inserting after ‘100 percent’ the following: ‘(or, beginning January 1, 2014, 133 percent)’.”.

(c) CALCULATION AND PUBLICATION OF PAYMENT ERROR RATE MEASUREMENT FOR CERTAIN YEARS.—Section 601(b) of the Children’s Health Insurance Program Reauthorization Act of 2009 (Public Law 111-3) is amended by adding at the end the following: “The Secretary is not required under this subsection to calculate or publish a national or a State-specific error rate for fiscal year 2009 or fiscal year 2010.”.

(d) CORRECTIONS TO EXCEPTIONS TO EXCLUSION OF CHILDREN OF CERTAIN EMPLOYEES.—Section 2110(b)(6) of the Social Security Act (42 U.S.C. 1397jj(b)(6)) is amended—

(1) in subparagraph (B)—

(A) by striking “PER PERSON” in the heading; and

(B) by striking “each employee” and inserting “employees”; and

(2) in subparagraph (C), by striking “, on a case-by-case basis.”.

(e) ELECTRONIC HEALTH RECORDS.—Effective as if included in the enactment of section 4201(a)(2) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), section 1903(t) of the Social Security Act (42 U.S.C. 1396b(t)) is amended—

(1) in paragraph (3)(E), by striking “reduced by any payment that is made to such Medicaid provider from any other source (other than under this subsection or by a State or local government)” and inserting “reduced by the average payment the Secretary estimates will be made to such Medicaid providers (determined on a percentage or other basis for such classes or types of providers as the Secretary may specify) from other sources (other than under this subsection, or by the Federal government or a State or local government)”; and

(2) in paragraph (6)(B), by inserting before the period the following: “and shall be determined to have met such responsibility to the extent that the payment to the Medicaid provider is not in excess of 85 percent of the net average allowable cost”.

(f) CORRECTIONS OF DESIGNATIONS.—

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10), in the matter following subparagraph (G), by striking “and” before “(XVI) the medical” and by striking “(XVI) if” and inserting “(XVII) if”; and

(B) in subsection (ii)(2), by striking “(XV)” and inserting “(XVI)”.

(2) Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended by redesignating the subparagraph (N) of that section added by 2101(e) of Public Law 111-148 as subparagraph (O).

**SEC. 516. ADDITION OF INPATIENT DRUG DISCOUNT PROGRAM TO 340B DRUG DISCOUNT PROGRAM.**

(a) ADDITION OF INPATIENT DRUG DISCOUNT.—Title III of the Public Health Service Act is amended by inserting after section 340B (42 U.S.C. 256b) the following:

**“SEC. 340B-1. DISCOUNT INPATIENT DRUGS FOR INDIVIDUALS WITHOUT PRESCRIPTION DRUG COVERAGE.**

“(a) REQUIREMENTS FOR AGREEMENTS WITH THE SECRETARY.—

“(1) IN GENERAL.—

“(A) AGREEMENT.—The Secretary shall enter into an agreement with each manufacturer of covered inpatient drugs under which the amount required to be paid (taking into account any rebate or discount, as provided by the Secretary) to the manufacturer for covered inpatient drugs (other than drugs described in paragraph (3)) purchased by a covered entity on or after January 1, 2011, does not exceed an amount equal to the average manufacturer price for the drug under title XIX of the Social Security Act in the preceding calendar quarter, reduced by the rebate percentage described in paragraph (2). For a covered inpatient drug that also is a covered outpatient drug under section 340B, the amount required to be paid under the preceding sentence shall be equal to the amount required to be paid under section 340B(a)(1) for such drug. The agreement with a manufacturer under this subparagraph may, at the discretion of the Secretary, be included in the agreement with the same manufacturer under section 340B.

“(B) CEILING PRICE.—Each such agreement shall require that the manufacturer furnish the Secretary with reports, on a quarterly basis, of the price for each covered inpatient drug subject to the agreement that, according to the manufacturer, represents the maximum price that covered entities may permissibly be required to pay for the drug (referred to in this section as the ‘ceiling price’), and shall require that the manufacturer offer each covered entity covered inpatient drugs for purchase at or below the applicable ceiling price if such drug is made available to any other purchaser at any price.

“(C) ALLOCATION METHOD.—Each such agreement shall require that, if the supply of a covered inpatient drug is insufficient to meet demand, then the manufacturer may use an allocation method that is reported in writing to, and approved by, the Secretary and does not discriminate on the basis of the price paid by covered entities or on any other basis related to the participation of an entity in the program under this section.

“(2) REBATE PERCENTAGE DEFINED.—

“(A) IN GENERAL.—For a covered inpatient drug purchased in a calendar quarter, the ‘rebate percentage’ is the amount (expressed as a percentage) equal to—

“(i) the average total rebate required under section 1927(c) of the Social Security Act (or the average total rebate that would be required if the drug were a covered outpatient drug under such section) with respect to the drug (for a unit of the dosage form and strength involved) during the preceding calendar quarter; divided by

“(ii) the average manufacturer price for such a unit of the drug during such quarter.

“(B) OVER THE COUNTER DRUGS.—

“(i) IN GENERAL.—For purposes of subparagraph (A), in the case of over the counter

drugs, the ‘rebate percentage’ shall be determined as if the rebate required under section 1927(c) of the Social Security Act is based on the applicable percentage provided under section 1927(c)(3) of such Act.

“(ii) DEFINITION.—The term ‘over the counter drug’ means a drug that may be sold without a prescription and which is prescribed by a physician (or other persons authorized to prescribe such drug under State law).

“(3) DRUGS PROVIDED UNDER STATE MEDICAID PLANS.—Drugs described in this paragraph are drugs purchased by the entity for which payment is made by the State under the State plan for medical assistance under title XIX of the Social Security Act.

“(4) REQUIREMENTS FOR COVERED ENTITIES.—

“(A) PROHIBITING DUPLICATE DISCOUNTS OR REBATES.—

“(i) IN GENERAL.—A covered entity shall not request payment under title XIX of the Social Security Act for medical assistance described in section 1905(a)(12) of such Act with respect to a covered inpatient drug that is subject to an agreement under this section if the drug is subject to the payment of a rebate to the State under section 1927 of such Act.

“(ii) ESTABLISHMENT OF MECHANISM.—The Secretary shall establish a mechanism to ensure that covered entities comply with clause (i). If the Secretary does not establish a mechanism under the previous sentence within 12 months of the enactment of this section, the requirements of section 1927(a)(5)(C) of the Social Security Act shall apply.

“(iii) PROHIBITING DISCLOSURE TO GROUP PURCHASING ORGANIZATIONS.—In the event that a covered entity is a member of a group purchasing organization, such entity shall not disclose the price or any other information pertaining to any purchases under this section directly or indirectly to such group purchasing organization.

“(B) PROHIBITING RESALE, DISPENSING, OR ADMINISTRATION OF DRUGS EXCEPT TO CERTAIN PATIENTS.—With respect to any covered inpatient drug that is subject to an agreement under this subsection, a covered entity shall not dispense, administer, resell, or otherwise transfer the covered inpatient drug to a person unless—

“(i) such person is an inpatient of the entity; and

“(ii) such person does not have health plan coverage (as defined in subsection (c)(3)) that provides prescription drug coverage in the inpatient setting with respect to such covered inpatient drug.

For purposes of clause (ii), a person shall be treated as having health plan coverage (as defined in subsection (c)(3)) with respect to a covered inpatient drug if benefits are not payable under such coverage with respect to such drug for reasons such as the application of a deductible or cost sharing or the use of utilization management.

“(C) AUDITING.—A covered entity shall permit the Secretary and the manufacturer of a covered inpatient drug that is subject to an agreement under this subsection with the entity (acting in accordance with procedures established by the Secretary relating to the number, duration, and scope of audits) to audit at the Secretary’s or the manufacturer’s expense the records of the entity that directly pertain to the entity’s compliance with the requirements described in subparagraph (A) or (B) with respect to drugs of the manufacturer. The use or disclosure of information for performance of such an audit

shall be treated as a use or disclosure required by law for purposes of section 164.512(a) of title 45, Code of Federal Regulations.

“(D) ADDITIONAL SANCTION FOR NONCOMPLIANCE.—If the Secretary finds, after notice and hearing, that a covered entity is in violation of a requirement described in subparagraph (A) or (B), the covered entity shall be liable to the manufacturer of the covered inpatient drug that is the subject of the violation in an amount equal to the reduction in the price of the drug (as described in subparagraph (A)) provided under the agreement between the Secretary and the manufacturer under this subsection.

“(E) MAINTENANCE OF RECORDS.—

“(i) IN GENERAL.—A covered entity shall establish and maintain an effective record-keeping system to comply with this section and shall certify to the Secretary that such entity is in compliance with subparagraphs (A) and (B). The Secretary shall require that hospitals that purchase covered inpatient drugs for inpatient dispensing or administration under this subsection appropriately segregate inventory of such covered inpatient drugs, either physically or electronically, from drugs for outpatient use, as well as from drugs for inpatient dispensing or administration to individuals who have (for purposes of subparagraph (B)) health plan coverage described in clause (ii) of such subparagraph.

“(ii) CERTIFICATION OF NO THIRD-PARTY PAYER.—A covered entity shall maintain records that contain certification by the covered entity that no third party payment was received for any covered inpatient drug that is subject to an agreement under this subsection and that was dispensed to an inpatient.

“(5) TREATMENT OF DISTINCT UNITS OF HOSPITALS.—In the case of a covered entity that is a distinct part of a hospital, the distinct part of the hospital shall not be considered a covered entity under this subsection unless the hospital is otherwise a covered entity under this subsection.

“(6) NOTICE TO MANUFACTURERS.—The Secretary shall notify manufacturers of covered inpatient drugs and single State agencies under section 1902(a)(5) of the Social Security Act of the identities of covered entities under this subsection, and of entities that no longer meet the requirements of paragraph (4), by means of timely updates of the Internet website supported by the Department of Health and Human Services relating to this section.

“(7) NO PROHIBITION ON LARGER DISCOUNT.—Nothing in this subsection shall prohibit a manufacturer from charging a price for a drug that is lower than the maximum price that may be charged under paragraph (1).

“(b) COVERED ENTITY DEFINED.—In this section, the term ‘covered entity’ means an entity that meets the requirements described in subsection (a)(4) that has applied for and enrolled in the program described under this section and is one of the following:

“(1) A subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act) that—

“(A) is owned or operated by a unit of State or local government, is a public or private non-profit corporation which is formally granted governmental powers by a unit of State or local government, or is a private nonprofit hospital which has a contract with a State or local government to provide health care services to low income individuals who are not entitled to benefits under title XVIII of the Social Security Act or eligible for assistance under the State plan for

medical assistance under title XIX of such Act; and

“(B) for the most recent cost reporting period that ended before the calendar quarter involved, had a disproportionate share adjustment percentage (as determined using the methodology under section 1886(d)(5)(F) of the Social Security Act as in effect on the date of enactment of this section) greater than 20.20 percent or was described in section 1886(d)(5)(F)(i)(II) of such Act (as so in effect on the date of enactment of this section).

“(2) A children’s hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(iii) of the Social Security Act that would meet the requirements of paragraph (1), including the disproportionate share adjustment percentage requirement under subparagraph (B) of such paragraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act.

“(3) A free-standing cancer hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(v) of the Social Security Act that would meet the requirements of paragraph (1), including the disproportionate share adjustment percentage requirement under subparagraph (B) of such paragraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act.

“(4) An entity that is a critical access hospital (as determined under section 1820(c)(2) of the Social Security Act), and that meets the requirements of paragraph (1)(A).

“(5) An entity that is a rural referral center, as defined by section 1886(d)(5)(C)(i) of the Social Security Act, or a sole community hospital, as defined by section 1886(d)(5)(C)(iii) of such Act, and that both meets the requirements of paragraph (1)(A) and has a disproportionate share adjustment percentage equal to or greater than 8 percent.

“(c) OTHER DEFINITIONS.—In this section:

“(1) AVERAGE MANUFACTURER PRICE.—

“(A) IN GENERAL.—The term ‘average manufacturer price’—

“(i) has the meaning given such term in section 1927(k) of the Social Security Act, except that such term shall be applied under this section with respect to covered inpatient drugs in the same manner (as applicable) as such term is applied under such section 1927(k) with respect to covered outpatient drugs (as defined in such section); and

“(ii) with respect to a covered inpatient drug for which there is no average manufacturer price (as defined in clause (i)), shall be the amount determined under regulations promulgated by the Secretary under subparagraph (B).

“(B) RULEMAKING.—The Secretary shall by regulation, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, establish a method for determining the average manufacturer price for covered inpatient drugs for which there is no average manufacturer price (as defined in subparagraph (A)(i)). Regulations promulgated with respect to covered inpatient drugs under the preceding sentence shall provide for the application of methods for determining the average manufacturer price that are the same as the methods used to determine such price in calculating rebates required for such drugs under an agreement between a manufacturer and a State that satisfies the requirements of section 1927(b) of the Social Security Act, as applicable.

“(2) COVERED INPATIENT DRUG.—The term ‘covered inpatient drug’ means a drug—

“(A) that is described in section 1927(k)(2) of the Social Security Act;

“(B) that, notwithstanding paragraph (3)(A) of section 1927(k) of such Act, is used in connection with an inpatient service provided by a covered entity that is enrolled to participate in the drug discount program under this section; and

“(C) that is not purchased by the covered entity through or under contract with a group purchasing organization.

“(3) HEALTH PLAN COVERAGE.—The term ‘health plan coverage’ means—

“(A) health insurance coverage (as defined in section 2791, and including coverage under a State health benefits risk pool);

“(B) coverage under a group health plan (as defined in such section, and including coverage under a church plan, a governmental plan, or a collectively bargained plan);

“(C) coverage under a Federal health care program (as defined by section 1128B(f) of the Social Security Act); or

“(D) such other health benefits coverage as the Secretary recognizes for purposes of this section.

“(4) MANUFACTURER.—The term ‘manufacturer’ has the meaning given such term in section 1927(k) of the Social Security Act.

“(d) PROGRAM INTEGRITY.—

“(1) MANUFACTURER COMPLIANCE.—

“(A) IN GENERAL.—From amounts appropriated under subsection (f), the Secretary shall provide for improvements in compliance by manufacturers with the requirements of this section in order to prevent overcharges and other violations of the discounted pricing requirements specified in this section.

“(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

“(i) The establishment of a process to enable the Secretary to verify the accuracy of ceiling prices calculated by manufacturers under subsection (a)(1) and charged to covered entities, which shall include the following:

“(I) Developing and publishing through an appropriate policy or regulatory issuance, precisely defined standards and methodology for the calculation of ceiling prices under such subsection.

“(II) Comparing regularly the ceiling prices calculated by the Secretary with the quarterly pricing data that is reported by manufacturers to the Secretary.

“(III) Conducting periodic monitoring of sales transactions by covered entities.

“(IV) Inquiring into any discrepancies between ceiling prices and manufacturer pricing data that may be identified and taking, or requiring manufacturers to take, corrective action in response to such discrepancies, including the issuance of refunds pursuant to the procedures set forth in clause (ii).

“(ii) The establishment of procedures for manufacturers to issue refunds to covered entities in the event that there is an overcharge by the manufacturers, including the following:

“(I) Providing the Secretary with an explanation of why and how the overcharge occurred, how the refunds will be calculated, and to whom the refunds will be issued.

“(II) Oversight by the Secretary to ensure that the refunds are issued accurately and within a reasonable period of time.

“(iii) The provision of access through the Internet website supported by the Department of Health and Human Services to the applicable ceiling prices for covered inpatient drugs as calculated and verified by the

Secretary in accordance with this section, in a manner (such as through the use of pass-word protection) that limits such access to covered entities and adequately assures security and protection of privileged pricing data from unauthorized re-disclosure.

“(iv) The development of a mechanism by which—

“(I) rebates, discounts, or other price concessions provided by manufacturers to other purchasers subsequent to the sale of covered inpatient drugs to covered entities are reported to the Secretary; and

“(II) appropriate credits and refunds are issued to covered entities if such discounts, rebates, or other price concessions have the effect of lowering the applicable ceiling price for the relevant quarter for the drugs involved.

“(v) Selective auditing of manufacturers and wholesalers to ensure the integrity of the drug discount program under this section.

“(vi) The establishment of a requirement that manufacturers and wholesalers use the identification system developed by the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered inpatient drugs under this section, including the processing of chargebacks for such drugs.

“(vii) The imposition of sanctions in the form of civil monetary penalties, which—

“(I) shall be assessed according to standards and procedures established in regulations to be promulgated by the Secretary not later than January 1, 2011;

“(II) shall not exceed \$10,000 per single dosage form of a covered inpatient drug purchased by a covered entity where a manufacturer knowingly charges such covered entity a price for such drug that exceeds the ceiling price under subsection (a)(1); and

“(III) shall not exceed \$100,000 for each instance where a manufacturer withholds or provides materially false information to the Secretary or to covered entities under this section or knowingly violates any provision of this section (other than subsection (a)(1)).

“(2) COVERED ENTITY COMPLIANCE.—

“(A) IN GENERAL.—From amounts appropriated under subsection (f), the Secretary shall provide for improvements in compliance by covered entities with the requirements of this section in order to prevent diversion and violations of the duplicate discount provision and other requirements specified under subsection (a)(4).

“(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

“(i) The development of procedures to enable and require covered entities to update at least annually the information on the Internet website supported by the Department of Health and Human Services relating to this section.

“(ii) The development of procedures for the Secretary to verify the accuracy of information regarding covered entities that is listed on the website described in clause (i).

“(iii) The development of more detailed guidance describing methodologies and options available to covered entities for billing covered inpatient drugs to State Medicaid agencies in a manner that avoids duplicate discounts pursuant to subsection (a)(4)(A).

“(iv) The establishment of a single, universal, and standardized identification system by which each covered entity site and each covered entity’s purchasing status under sections 340B and this section can be identified by manufacturers, distributors, covered entities, and the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered inpatient

drugs under this section, including the processing of chargebacks for such drugs.

“(v) The imposition of sanctions in the form of civil monetary penalties, which—

“(I) shall be assessed according to standards and procedures established in regulations promulgated by the Secretary; and

“(II) shall not exceed \$10,000 for each instance where a covered entity knowingly violates subsection (a)(4)(B) or knowingly violates any other provision of this section.

“(vi) The termination of a covered entity’s participation in the program under this section, for a period of time to be determined by the Secretary, in cases in which the Secretary determines, in accordance with standards and procedures established by regulation, that—

“(I) the violation by a covered entity of a requirement of this section was repeated and knowing; and

“(II) imposition of a monetary penalty would be insufficient to reasonably ensure compliance with the requirements of this section.

“(vii) The referral of matters, as appropriate, to the Food and Drug Administration, the Office of the Inspector General of the Department of Health and Human Services, or other Federal or State agencies.

“(3) ADMINISTRATIVE DISPUTE RESOLUTION PROCESS.—From amounts appropriated under subsection (f), the Secretary may establish and implement an administrative process for the resolution of the following:

“(A) Claims by covered entities that manufacturers have violated the terms of their agreement with the Secretary under subsection (a)(1).

“(B) Claims by manufacturers that covered entities have violated subsection (a)(4)(A) or (a)(4)(B).

“(e) AUDIT AND SANCTIONS.—

“(1) AUDIT.—From amounts appropriated under subsection (f), the Inspector General of the Department of Health and Human Services (referred to in this subsection as the ‘Inspector General’) shall audit covered entities under this section to verify compliance with criteria for eligibility and participation under this section, including the antidiversion prohibitions under subsection (a)(4)(B), and take enforcement action or provide information to the Secretary who shall take action to ensure program compliance, as appropriate. A covered entity shall provide to the Inspector General, upon request, records relevant to such audits.

“(2) REPORT.—For each audit conducted under paragraph (1), the Inspector General shall prepare and publish in a timely manner a report which shall include findings and recommendations regarding—

“(A) the appropriateness of covered entity eligibility determinations and, as applicable, certifications;

“(B) the effectiveness of antidiversion prohibitions; and

“(C) the effectiveness of restrictions on inpatient dispensing and administration.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2011 and each succeeding fiscal year.”.

(b) RULEMAKING.—Not later than January 1, 2011, the Secretary shall promulgate regulations implementing section 340B-1 of the Public Health Service Act (as added by subsection (a)).

(c) CONFORMING AMENDMENT TO SECTION 340B.—Paragraph (1) of section 340B(a) of the Public Health Service Act (42 U.S.C. 256b(a)) is amended by adding at the end the fol-

lowing: “Such agreement shall further require that, if the supply of a covered outpatient drug is insufficient to meet demand, then the manufacturer may use an allocation method that is reported in writing to, and approved by, the Secretary and does not discriminate on the basis of the price paid by covered entities or on any other basis related to the participation of an entity in the program under this section. The agreement with a manufacturer under this paragraph may, at the discretion of the Secretary, be included in the agreement with the same manufacturer under section 340B-1.”.

(d) CONFORMING AMENDMENTS TO MEDICAID.—Section 1927 of the Social Security Act (42 U.S.C. 1396r-8) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the first sentence, by striking “and paragraph (6)” and inserting “, paragraph (6), and paragraph (8)”; and

(B) by adding at the end the following new paragraph:

“(8) LIMITATION ON PRICES OF DRUGS PURCHASED BY 340B-1-COVERED ENTITIES.—

“(A) AGREEMENT WITH SECRETARY.—A manufacturer meets the requirements of this paragraph if the manufacturer has entered into an agreement with the Secretary that meets the requirements of section 340B-1 of the Public Health Service Act with respect to covered inpatient drugs (as defined in such section) purchased by a 340B-1-covered entity on or after January 1, 2011.

“(B) 340B-1-COVERED ENTITY DEFINED.—In this subsection, the term ‘340B-1-covered entity’ means an entity described in section 340B-1(b) of the Public Health Service Act.”; and

(2) in subsection (c)(1)(C)(i)(I)—

(A) by striking “or” before “a covered entity”; and

(B) by inserting before the semicolon the following: “, or a covered entity for a covered inpatient drug (as such terms are defined in section 340B-1 of the Public Health Service Act)”.

#### SEC. 517. CONTINUED INCLUSION OF ORPHAN DRUGS IN DEFINITION OF COVERED OUTPATIENT DRUGS WITH RESPECT TO CHILDREN’S HOSPITALS UNDER THE 340B DRUG DISCOUNT PROGRAM.

(a) DEFINITION OF COVERED OUTPATIENT DRUG.—

(1) AMENDMENT.—Subsection (e) of section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by striking “covered entities described in subparagraph (M)” and inserting “covered entities described in subparagraph (M) (other than a children’s hospital described in subparagraph (M))”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 2302 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152).

(b) TECHNICAL AMENDMENT.—Subparagraph (B) of section 1927(a)(5) of the Social Security Act (42 U.S.C. 1396r-8(a)(5)) is amended by striking “and a children’s hospital” and all that follows through the end of the subparagraph and inserting a period.

#### SEC. 518. CONFORMING AMENDMENT RELATED TO WAIVER OF COINSURANCE FOR PREVENTIVE SERVICES.

Effective as if included in section 10501(i)(2)(A) of Public Law 111-148, section 1833(a)(3)(A) of the Social Security Act (42 U.S.C. 1395l(a)(3)(A)) is amended by striking “section 1861(s)(10)(A)” and inserting “section 1861(ddd)(3)”.

#### SEC. 519. ESTABLISH A CMS-IRS DATA MATCH TO IDENTIFY FRAUDULENT PROVIDERS.

(a) AUTHORITY TO DISCLOSE RETURN INFORMATION CONCERNING OUTSTANDING TAX DEBTS

FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(22) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

“(A) IN GENERAL.—The Secretary shall, upon written request from the Secretary of Health and Human Services, disclose to officers and employees of the Department of Health and Human Services return information with respect to a taxpayer who has applied to enroll, or reenroll, as a provider of services or supplier under the Medicare program under title XVIII of the Social Security Act. Such return information shall be limited to—

“(i) the taxpayer identity information with respect to such taxpayer;

“(ii) the amount of the delinquent tax debt owed by that taxpayer; and

“(iii) the taxable year to which the delinquent tax debt pertains.

“(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of Health and Human Services for the purposes of, and to the extent necessary in, establishing the taxpayer’s eligibility for enrollment or reenrollment in the Medicare program, or in any administrative or judicial proceeding relating to, or arising from, a denial of such enrollment or reenrollment, or in determining the level of enhanced oversight to be applied with respect to such taxpayer pursuant to section 1866(j)(3) of the Social Security Act.

“(C) DELINQUENT TAX DEBT.—For purposes of this paragraph, the term ‘delinquent tax debt’ means an outstanding debt under this title for which a notice of lien has been filed pursuant to section 6323, but the term does not include a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122, or a debt with respect to which a collection due process hearing under section 6330 is requested, pending, or completed and no payment is required.”.

(2) CONFORMING AMENDMENTS.—Section 6103(p)(4) of such Code, as amended by sections 1414 and 3308 of Public Law 111-148, in the matter preceding subparagraph (A) and in subparagraph (F)(ii), is amended by striking “or (17)” and inserting “(17), or (22)” each place it appears.

(b) SECRETARY’S AUTHORITY TO USE INFORMATION FROM THE DEPARTMENT OF TREASURY IN MEDICARE ENROLLMENTS AND REENROLLMENTS.—Section 1866(j)(2) of the Social Security Act (42 U.S.C. 1395cc(j)), as inserted by section 6401(a) of Public Law 111-148, is further amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) USE OF INFORMATION FROM THE DEPARTMENT OF TREASURY CONCERNING TAX DEBTS.—In reviewing the application of a provider of services or supplier to enroll or reenroll under the program under this title, the Secretary shall take into account the information supplied by the Secretary of the Treasury pursuant to section 6103(l)(22) of the Internal Revenue Code of 1986, in determining whether to deny such application or to apply enhanced oversight to such provider of services or supplier pursuant to paragraph (3) if the Secretary determines such provider of services or supplier owes such a debt.”.

(c) **AUTHORITY TO ADJUST PAYMENTS OF PROVIDERS OF SERVICES AND SUPPLIERS WITH THE SAME TAX IDENTIFICATION NUMBER FOR MEDICARE OBLIGATIONS.**—Section 1866(j)(6) of the Social Security Act (42 U.S.C. 1395cc(j)(6)), as inserted by section 6401(a) of Public Law 111-148 and as redesignated by section 1304 of Public Law 111-152, is amended—

(1) in the paragraph heading, by striking “PAST-DUE” and inserting “MEDICARE”;

(2) in subparagraph (A), by striking “past-due obligations described in subparagraph (B)(ii) of an” and inserting “amount described in subparagraph (B)(ii) due from such”; and

(3) in subparagraph (B)(ii), by striking “a past-due obligation” and inserting “an amount that is more than the amount required to be paid”.

**SEC. 520. CLARIFICATION OF EFFECTIVE DATE OF PART B SPECIAL ENROLLMENT PERIOD FOR DISABLED TRICARE BENEFICIARIES.**

Effective as if included in the enactment of Public Law 111-148, section 3110(a)(2) of such Act is amended to read as follows:

“(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply to elections made after the date of the enactment of this Act.”.

**SEC. 521. PHYSICIAN PAYMENT UPDATE.**

Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended—

(1) in paragraph (10), in the heading, by striking “PORTION” and inserting “JANUARY THROUGH MAY”; and

(2) by adding at the end the following new paragraph:

“(11) **UPDATE FOR JUNE THROUGH NOVEMBER OF 2010.**—

“(A) **IN GENERAL.**—Subject to paragraphs (7)(B), (8)(B), (9)(B), and (10)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2010 for the period beginning on June 1, 2010, and ending on November 30, 2010, the update to the single conversion factor shall be 2.2 percent.

“(B) **NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR REMAINING PORTION OF 2010 AND SUBSEQUENT YEARS.**—The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on December 1, 2010, and ending on December 31, 2010, and for 2011 and subsequent years as if subparagraph (A) had never applied.”.

**SEC. 522. ADJUSTMENT TO MEDICARE PAYMENT LOCALITIES.**

(a) **IN GENERAL.**—Section 1848(e) of the Social Security Act (42 U.S.C. 1395w-4(e)) is amended by adding at the end the following new paragraph:

“(6) **TRANSITION TO USE OF MSAS AS FEE SCHEDULE AREAS IN CALIFORNIA.**—

“(A) **IN GENERAL.**—

“(i) **REVISION.**—Subject to clause (ii) and notwithstanding the previous provisions of this subsection, for services furnished on or after January 1, 2012, the Secretary shall revise the fee schedule areas used for payment under this section applicable to the State of California using the Metropolitan Statistical Area (MSA) iterative Geographic Adjustment Factor methodology as follows:

“(I) The Secretary shall configure the physician fee schedule areas using the Metropolitan Statistical Areas (each in this paragraph referred to as an ‘MSA’), as defined by the Director of the Office of Management and Budget as of the date of the enactment of this paragraph, as the basis for the fee schedule areas.

“(II) For purposes of this clause, the Secretary shall treat all areas not included in an MSA as a single rest-of-State MSA and any reference in this paragraph to an MSA shall be deemed to include a reference to such rest-of-State MSA.

“(III) The Secretary shall list all MSAs within the State by Geographic Adjustment Factor described in paragraph (2) (in this paragraph referred to as a ‘GAF’) in descending order.

“(IV) In the first iteration, the Secretary shall compare the GAF of the highest cost MSA in the State to the weighted-average GAF of all the remaining MSAs in the State. If the ratio of the GAF of the highest cost MSA to the weighted-average of the GAF of remaining lower cost MSAs is 1.05 or greater, the highest cost MSA shall be a separate fee schedule area.

“(V) In the next iteration, the Secretary shall compare the GAF of the MSA with the second-highest GAF to the weighted-average GAF of all the remaining MSAs (excluding MSAs that become separate fee schedule areas). If the ratio of the second-highest MSA’s GAF to the weighted-average of the remaining lower cost MSAs is 1.05 or greater, the second-highest MSA shall be a separate fee schedule area.

“(VI) The iterative process shall continue until the ratio of the GAF of the MSA with highest remaining GAF to the weighted-average of the remaining MSAs with lower GAFs is less than 1.05, and the remaining group of MSAs with lower GAFs shall be treated as a single rest-of-State fee schedule area.

“(VII) For purposes of the iterative process described in this clause, if two MSAs have identical GAFs, they shall be combined.

“(ii) **TRANSITION.**—For services furnished on or after January 1, 2012, and before January 1, 2017, in the State of California, after calculating the work, practice expense, and malpractice geographic indices that would otherwise be determined under clauses (i), (ii), and (iii) of paragraph (1)(A) for a fee schedule area determined under clause (i), if the index for a county within a fee schedule area is less than the index that would otherwise be in effect for such county, the Secretary shall instead apply the index that would otherwise be in effect for such county.

“(B) **SUBSEQUENT REVISIONS.**—After the transition described in subparagraph (A)(ii), not less than every 3 years the Secretary shall review and update the fee schedule areas using the methodology described in subparagraph (A)(i) and any updated MSAs as defined by the Director of the Office of Management and Budget. The Secretary shall review and make any changes pursuant to such reviews concurrent with the application of the periodic review of the adjustment factors required under paragraph (1)(C) for California.

“(C) **REFERENCES TO FEE SCHEDULE AREAS.**—Effective for services furnished on or after January 1, 2012, for the State of California, any reference in this section to a fee schedule area shall be deemed a reference to a fee schedule area established in accordance with this paragraph.”.

(b) **CONFORMING AMENDMENT TO DEFINITION OF FEE SCHEDULE AREA.**—Section 1848(j)(2) of the Social Security Act (42 U.S.C. 1395w(j)(2)) is amended by striking “The term” and inserting “Except as provided in subsection (e)(6)(C), the term”.

**SEC. 523. CLARIFICATION OF 3-DAY PAYMENT WINDOW.**

(a) **IN GENERAL.**—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended—

(1) by adding at the end of subsection (a)(4) the following new sentence: “In applying the first sentence of this paragraph, the term ‘other services related to the admission’ includes all services that are not diagnostic services (other than ambulance and maintenance renal dialysis services) for which payment may be made under this title that are provided by a hospital (or an entity wholly owned or operated by the hospital) to a patient—

“(A) on the date of the patient’s inpatient admission; or

“(B) during the 3 days (or, in the case of a hospital that is not a subsection (d) hospital, during the 1 day) immediately preceding the date of such admission unless the hospital demonstrates (in a form and manner, and at a time, specified by the Secretary) that such services are not related (as determined by the Secretary) to such admission.”; and

(2) in subsection (d)(7)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period and inserting “, and”; and

(C) by adding at the end the following new subparagraph:

“(C) the determination of whether services provided prior to a patient’s inpatient admission are related to the admission (as described in subsection (a)(4)).”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to services furnished on or after the date of the enactment of this Act.

(c) **NO REOPENING OF PREVIOUSLY BUNDLED CLAIMS.**—

(1) **IN GENERAL.**—The Secretary of Health and Human Services may not reopen a claim, adjust a claim, or make a payment pursuant to any request for payment under title XVIII of the Social Security Act, submitted by an entity (including a hospital or an entity wholly owned or operated by the hospital) for services described in paragraph (2) for purposes of treating, as unrelated to a patient’s inpatient admission, services provided during the 3 days (or, in the case of a hospital that is not a subsection (d) hospital, during the 1 day) immediately preceding the date of the patient’s inpatient admission.

(2) **SERVICES DESCRIBED.**—For purposes of paragraph (1), the services described in this paragraph are other services related to the admission (as described in section 1886(a)(4) of the Social Security Act (42 U.S.C. 1395ww(a)(4)), as amended by subsection (a)) which were previously included on a claim or request for payment submitted under part A of title XVIII of such Act for which a reopening, adjustment, or request for payment under part B of such title, was not submitted prior to the date of the enactment of this Act.

(d) **IMPLEMENTATION.**—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of this section (and amendments made by this section) by program instruction or otherwise.

(e) **RULE OF CONSTRUCTION.**—Nothing in the amendments made by this section shall be construed as changing the policy described in section 1886(a)(4) of the Social Security Act (42 U.S.C. 1395ww(a)(4)), as applied by the Secretary of Health and Human Services before the date of the enactment of this Act, with respect to diagnostic services.

**SEC. 524. EXTENSION OF ARRA INCREASE IN FMAP.**

Section 5001 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(1) in subsection (a)(3), by striking “first calendar quarter” and inserting “first 3 calendar quarters”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(B) by adding at the end the following:

“(3) PHASE-DOWN OF GENERAL INCREASE.—

“(A) SECOND QUARTER OF FISCAL YEAR 2011.—For each State, for the second quarter of fiscal year 2011, the FMAP for the State shall be increased under paragraph (1) or (2) (as applicable) by 3.2 percentage points.

“(B) THIRD QUARTER OF FISCAL YEAR 2011.—For each State, for the third quarter of fiscal year 2011, the FMAP for the State shall be increased under paragraph (1) or (2) (as applicable) by 1.2 percentage points.”;

(3) in subsection (c)—

(A) in paragraph (2)(B), by striking “July 1, 2010” and inserting “January 1, 2011”;

(B) in paragraph (3)(B)(i), by striking “July 1, 2010” and inserting “January 1, 2011” each place it appears; and

(C) in paragraph (4)(C)(ii), by striking “the 3-consecutive-month period beginning with January 2010” and inserting “any 3-consecutive-month period that begins after December 2009 and ends before January 2011”;

(4) in subsection (e), by adding at the end the following:

“Notwithstanding paragraph (5), effective for payments made on or after January 1, 2010, the increases in the FMAP for a State under this section shall apply to payments under title XIX of such Act that are attributable to expenditures for medical assistance provided to nonpregnant childless adults made eligible under a State plan under such title (including under any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) who would have been eligible for child health assistance or other health benefits under eligibility standards in effect as of December 31, 2009, of a waiver of the State child health plan under the title XXI of such Act.”;

(5) in subsection (g)—

(A) in paragraph (1), by striking “September 30, 2011” and inserting “March 31, 2012”;

(B) in paragraph (2), by inserting “of such Act” after “1923”; and

(C) by adding at the end the following:

“(3) CERTIFICATION BY CHIEF EXECUTIVE OFFICER.—No additional Federal funds shall be paid to a State as a result of this section with respect to a calendar quarter occurring during the period beginning on January 1, 2011, and ending on June 30, 2011, unless, not later than 45 days after the date of enactment of this paragraph, the chief executive officer of the State certifies that the State will request and use such additional Federal funds.”; and

(6) in subsection (h)(3), by striking “December 31, 2010” and inserting “June 30, 2011”.

#### **SEC. 525. CLARIFICATION FOR AFFILIATED HOSPITALS FOR DISTRIBUTION OF ADDITIONAL RESIDENCY POSITIONS.**

Effective as if included in the enactment of section 5503(a) of Public Law 111-148, section 1886(h)(8) of the Social Security Act (42 U.S.C. 1395ww(h)(8)), as added by such section 5503(a), is amended by adding at the end the following new subparagraph:

“(I) AFFILIATION.—The provisions of this paragraph shall be applied to hospitals which are members of the same affiliated group (as defined by the Secretary under paragraph (4)(H)(ii)) and the reference resident level for each such hospital shall be the reference

resident level with respect to the cost reporting period that results in the smallest difference between the reference resident level and the otherwise applicable resident limit.”.

#### **SEC. 526. TREATMENT OF CERTAIN DRUGS FOR COMPUTATION OF MEDICAID AMP.**

Effective as if included in the enactment of Public Law 111-148, section 1927(k)(1)(B)(i)(IV) of the Social Security Act (42 U.S.C. 1396r-8(k)(1)(B)(i)(IV)), as amended by section 2503(a)(2)(B) of Public Law 111-148 and section 1101(c)(2) of Public Law 111-152, is amended by adding at the end the following: “, unless the drug is an inhalation, infusion, or injectable drug that is not dispensed through a retail community pharmacy; and”.

### **TITLE VI—OTHER PROVISIONS**

#### **Subtitle A—General Provisions**

#### **SEC. 601. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.**

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), as amended by section 7(a) of Public Law 111-157, is amended by striking “by substituting” and all that follows through the period at the end, and inserting “by substituting December 31, 2010, for the date specified in each such section.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have taken effect on May 31, 2010.

#### **SEC. 602. ALLOCATION OF GEOTHERMAL RECEIPTS.**

Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

#### **SEC. 603. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.**

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for “Small Business Administration—Business Loans Program Account”, \$505,000,000, to remain available through December 31, 2010, for the cost of—

(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151), as amended by this section; and

(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 152), as amended by this section.

Such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF PROGRAMS.—

(1) FEES.—Section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151) is amended by striking “September 30, 2010” each place it appears and inserting “December 31, 2010”.

(2) LOAN GUARANTEES.—Section 502(f) of division A of the American Recovery and Rein-

vestment Act of 2009 (Public Law 111-5; 123 Stat. 153) is amended by striking “May 31, 2010” and inserting “December 31, 2010”.

(c) APPROPRIATION.—There is appropriated for an additional amount, out of any funds in the Treasury not otherwise appropriated, for administrative expenses to carry out sections 501 and 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), \$5,000,000, to remain available until expended, which may be transferred and merged with the appropriation for “Small Business Administration—Salaries and Expenses”.

#### **SEC. 604. EMERGENCY AGRICULTURAL DISASTER ASSISTANCE.**

(a) DEFINITIONS.—Except as otherwise provided in this section, in this section:

(1) DISASTER COUNTY.—

(A) IN GENERAL.—The term “disaster county” means a county included in the geographic area covered by a qualifying natural disaster declaration for the 2009 crop year.

(B) EXCLUSION.—The term “disaster county” does not include a contiguous county.

(2) ELIGIBLE AQUACULTURE PRODUCER.—The term “eligible aquaculture producer” means an aquaculture producer that during the 2009 calendar year, as determined by the Secretary—

(A) produced an aquaculture species for which feed costs represented a substantial percentage of the input costs of the aquaculture operation; and

(B) experienced a substantial price increase of feed costs above the previous 5-year average.

(3) ELIGIBLE PRODUCER.—The term “eligible producer” means an agricultural producer in a disaster county.

(4) ELIGIBLE SPECIALTY CROP PRODUCER.—The term “eligible specialty crop producer” means an agricultural producer that, for the 2009 crop year, as determined by the Secretary—

(A) produced, or was prevented from planting, a specialty crop; and

(B) experienced specialty crop losses in a disaster county due to drought, excessive rainfall, or a related condition.

(5) QUALIFYING NATURAL DISASTER DECLARATION.—The term “qualifying natural disaster declaration” means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(6) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(7) SPECIALTY CROP.—The term “specialty crop” has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108-465; 7 U.S.C. 1621 note).

(b) SUPPLEMENTAL DIRECT PAYMENT.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary to make supplemental payments under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to eligible producers on farms located in disaster counties that had at least 1 crop of economic significance (other than specialty crops or crops intended for grazing) suffer at least a 5-percent crop loss on a farm due to a natural disaster, including quality losses, as determined by the Secretary, in an amount equal to 90 percent of the direct payment the eligible producers received for the 2009 crop year on the farm.

(2) ACRE PROGRAM.—Eligible producers that received direct payments under section 1105 of the Food, Conservation, and Energy

Act of 2008 (7 U.S.C. 8715) for the 2009 crop year and that otherwise meet the requirements of paragraph (1) shall be eligible to receive supplemental payments under that paragraph in an amount equal to 112.5 percent of the reduced direct payment the eligible producers received for the 2009 crop year under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753).

(3) **RELATIONSHIP TO OTHER LAW.**—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(c) **SPECIALTY CROP ASSISTANCE.**—

(1) **IN GENERAL.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$300,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to a natural disaster affecting the 2009 crops, of which not more than—

(A) \$150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of drought; and

(B) \$150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of excessive rainfall or a related condition.

(2) **NOTIFICATION.**—Not later than 45 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible specialty crop producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible specialty crop producers.

(3) **PROVISION OF GRANTS.**—

(A) **IN GENERAL.**—The Secretary shall make grants to States for disaster counties on a pro rata basis based on the value of specialty crop losses in those counties during the 2009 calendar year, as determined by the Secretary.

(B) **ADMINISTRATIVE COSTS.**—State Secretary of Agriculture may not use more than five percent of the funds provided for costs associated with the administration of the grants provided in paragraph (1).

(C) **ADMINISTRATION OF GRANTS.**—State Secretary of Agriculture may enter into a contract with the Department of Agriculture to administer the grants provided in paragraph (1).

(D) **TIMING.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(E) **MAXIMUM GRANT.**—The maximum amount of a grant made to a State for counties described in paragraph (1)(B) may not exceed \$40,000,000.

(4) **REQUIREMENTS.**—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to issue payments to eligible specialty crop producers;

(B) provide assistance to eligible specialty crop producers not later than 60 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible specialty crop producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided by type of specialty crop; and

(iii) the process by which the State determined the levels of assistance to eligible specialty crop producers.

(D) **RELATION TO OTHER LAW.**—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(d) **COTTONSEED ASSISTANCE.**—

(1) **IN GENERAL.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$42,000,000 to provide supplemental assistance to eligible producers and first-handlers of the 2009 crop of cottonseed in a disaster county.

(2) **GENERAL TERMS.**—Except as otherwise provided in this subsection, the Secretary shall provide disaster assistance under this subsection under the same terms and conditions as assistance provided under section 3015 of the Emergency Agricultural Disaster Assistance Act of 2006 (title III of Public Law 109-234; 120 Stat. 477).

(3) **DISTRIBUTION OF ASSISTANCE.**—The Secretary shall distribute assistance to first handlers for the benefit of eligible producers in a disaster county in an amount equal to the product obtained by multiplying—

(A) the payment rate, as determined under paragraph (4); and

(B) the county-eligible production, as determined under paragraph (5).

(4) **PAYMENT RATE.**—The payment rate shall be equal to the quotient obtained by dividing—

(A) the total funds made available to carry out this subsection; by

(B) the sum of the county-eligible production, as determined under paragraph (5).

(5) **COUNTY-ELIGIBLE PRODUCTION.**—The county-eligible production shall be equal to the product obtained by multiplying—

(A) the number of acres planted to cotton in the disaster county, as reported to the Secretary by first handlers;

(B) the expected cotton lint yield for the disaster county, as determined by the Secretary based on the best available information; and

(C) the national average seed-to-lint ratio, as determined by the Secretary based on the best available information for the 5 crop years immediately preceding the 2009 crop, excluding the year in which the average ratio was the highest and the year in which the average ratio was the lowest in such period.

(e) **AQUACULTURE ASSISTANCE.**—

(1) **IN GENERAL.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$25,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible aquaculture producers for losses associated with high feed input costs during the 2009 calendar year.

(2) **NOTIFICATION.**—Not later than 45 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible aquaculture producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible aquaculture producers.

(3) **PROVISION OF GRANTS.**—

(A) **IN GENERAL.**—The Secretary shall make grants to States under this subsection on a

pro rata basis based on the amount of aquaculture feed used in each State during the 2009 calendar year, as determined by the Secretary.

(B) **TIMING.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(4) **REQUIREMENTS.**—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to assist eligible aquaculture producers;

(B) provide assistance to eligible aquaculture producers not later than 60 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible aquaculture producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided per species of aquaculture; and

(iii) the process by which the State determined the levels of assistance to eligible aquaculture producers.

(5) **REDUCTION IN PAYMENTS.**—An eligible aquaculture producer that receives assistance under this subsection shall not be eligible to receive any other assistance under the supplemental agricultural disaster assistance program established under section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) and section 901 of the Trade Act of 1974 (19 U.S.C. 2497) for any losses in 2009 relating to the same species of aquaculture.

(6) **REPORT TO CONGRESS.**—Not later than 240 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that—

(A) describes in detail the manner in which this subsection has been carried out; and

(B) includes the information reported to the Secretary under paragraph (4)(C).

(f) **HAWAII TRANSPORTATION COOPERATIVE.**—Notwithstanding any other provision of law, the Secretary shall use \$21,000,000 of funds of the Commodity Credit Corporation to make a payment to an agricultural transportation cooperative in the State of Hawaii, the members of which are eligible to participate in the commodity loan program of the Farm Service Agency, for assistance to maintain and develop employment.

(g) **LIVESTOCK FORAGE DISASTER PROGRAM.**—

(1) **DEFINITION OF DISASTER COUNTY.**—In this subsection:

(A) **IN GENERAL.**—The term “disaster county” means a county included in the geographic area covered by a qualifying natural disaster declaration announced by the Secretary in calendar year 2009.

(B) **INCLUSION.**—The term “disaster county” includes a contiguous county.

(2) **PAYMENTS.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$50,000,000 to carry out a program to make payments to eligible producers that had grazing losses in disaster counties in calendar year 2009.

(3) **CRITERIA.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), assistance under this subsection shall be determined under the same criteria as are used to carry out the programs under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(B) DROUGHT INTENSITY.—For purposes of this subsection, an eligible producer shall not be required to meet the drought intensity requirements of section 531(d)(3)(D)(ii) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(D)(ii)) and section 901(d)(3)(D)(ii) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(D)(ii)).

(4) AMOUNT.—Assistance under this subsection shall be in an amount equal to 1 monthly payment using the monthly payment rate under section 531(d)(3)(B) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(B)) and section 901(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(B)).

(5) RELATION TO OTHER LAW.—An eligible producer that receives assistance under this subsection shall be ineligible to receive assistance for 2009 grazing losses under the program carried out under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(h) EMERGENCY LOANS FOR POULTRY PRODUCERS.—

(1) DEFINITIONS.—In this subsection:

(A) ANNOUNCEMENT DATE.—The term “announcement date” means the date on which the Secretary announces the emergency loan program under this subsection.

(B) POULTRY INTEGRATOR.—The term “poultry integrator” means a poultry integrator that filed proceedings under chapter 11 of title 11, United States Code, in United States Bankruptcy Court during the 30-day period beginning on December 1, 2008.

(2) LOAN PROGRAM.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$75,000,000, to remain available until expended, for the cost of making no-interest emergency loans available to poultry producers that meet the requirements of this subsection.

(B) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, emergency loans under this subsection shall be subject to such terms and conditions as are determined by the Secretary.

(3) LOANS.—

(A) IN GENERAL.—An emergency loan made to a poultry producer under this subsection shall be for the purpose of providing financing to the poultry producer in response to financial losses associated with the termination or nonrenewal of any contract between the poultry producer and a poultry integrator.

(B) ELIGIBILITY.—

(i) IN GENERAL.—To be eligible for an emergency loan under this subsection, not later than 90 days after the announcement date, a poultry producer shall submit to the Secretary evidence that—

(I) the contract of the poultry producer described in subparagraph (A) was not continued; and

(II) no similar contract has been awarded subsequently to the poultry producer.

(ii) REQUIREMENT TO OFFER LOANS.—Notwithstanding any other provision of law, if a poultry producer meets the eligibility requirements described in clause (i), subject to the availability of funds under paragraph (2)(A), the Secretary shall offer to make a loan under this subsection to the poultry producer with a minimum term of 2 years.

(4) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—A poultry producer that receives an emergency loan under this subsection may use the emergency loan proceeds only to repay the amount that the poultry producer owes to any lender for the purchase, improvement, or operation of the poultry farm.

(B) CONVERSION OF THE LOAN.—A poultry producer that receives an emergency loan under this subsection shall be eligible to have the balance of the emergency loan converted, but not refinanced, to a loan that has the same terms and conditions as an operating loan under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.).

(i) STATE AND LOCAL GOVERNMENTS.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (f)(6)—

(A) in subparagraph (A), by inserting “and subparagraph (C)” after “subsection (d)”; and

(B) by adding at the end the following:

“(C) CONSERVATION RESERVE PROGRAM.—Subparagraph (A) shall not apply to payments under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII if—

“(i) except as otherwise provided in this paragraph or section 1234(f)(4), the payments are generally subject to the same limits applicable to other payees;

“(ii) the payments, and any payments made under other programs to a State under subsection (g), are not subject to limits on adjusted gross income under section 1001D;

“(iii) the Secretary establishes an exemption to the limitation on the payments that is similar to the public school land exception under subsection (g) except that under this subparagraph, all States may receive the unlimited school land exemption as applicable without regard to the size of the population of the State; and

“(iv) for purposes of the payments, a State and any political subdivisions and agencies of the State shall be treated as 1 entity.”;

(2) in subsection (g), by adding at the end the following:

“(3) EXCEPTION FOR ADJUSTED GROSS INCOME LIMITATION.—The limitations described in section 1001D shall not apply to this subsection.”

(j) ADMINISTRATION.—

(1) REGULATIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to implement this section and the amendment made by this section.

(B) PROCEDURE.—The promulgation of the regulations and administration of this section and the amendment made by this section shall be made without regard to—

(i) the notice and comment provisions of section 553 of title 5, United States Code;

(ii) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(iii) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(C) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this paragraph, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(2) ADMINISTRATIVE COSTS.—Of the funds of the Commodity Credit Corporation, the Secretary may use up to \$10,000,000 to pay administrative costs incurred by the Secretary that are directly related to carrying out this Act.

(3) PROHIBITION.—None of the funds of the Agricultural Disaster Relief Trust Fund established under section 902 of the Trade Act of 1974 (19 U.S.C. 2497a) may be used to carry out this Act.

#### SEC. 605. SUMMER EMPLOYMENT FOR YOUTH.

There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for “Department of Labor—Employment and Training Administration—Training and Employment Services” for activities under the Workforce Investment Act of 1998 (“WIA”), \$1,000,000,000 shall be available for obligation on the date of enactment of this Act for grants to States for youth activities, including summer employment for youth: *Provided*, That no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA: *Provided further*, That for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities in the fiscal year does not exceed \$1,000,000,000: *Provided further*, That with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting “age 24” for “age 21”: *Provided further*, That the work readiness performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer employment for youth provided with such funds: *Provided further*, That an amount that is not more than 1 percent of such amount may be used for the administration, management, and oversight of the programs, activities, and grants carried out with such funds, including the evaluation of the use of such funds: *Provided further*, That funds available under the preceding proviso, together with funds described in section 801(a) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), and funds provided in such Act under the heading “Department of Labor—Departmental Management—Salaries and Expenses”, shall remain available for obligation through September 30, 2011.

#### SEC. 606. HOUSING TRUST FUND.

(a) FUNDING.—There is hereby appropriated for the Housing Trust Fund established pursuant to section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568), \$1,065,000,000, for use under such section: *Provided*, That of the total amount provided under this heading, \$65,000,000 shall be available to the Secretary of Housing and Urban Development only for incremental project-based voucher assistance to be allocated to States to be used solely in conjunction with grant funds awarded under such section 1338, pursuant to the formula established under section 1338 and taking into account different per unit subsidy needs among states, as determined by the Secretary.

(b) AMENDMENTS.—Section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568) is amended—

(1) in subsection (c)—

(A) in paragraph (4)(A) by inserting after the period at the end the following: “Notwithstanding any other provision of law, for the fiscal year following enactment of this sentence and thereafter, the Secretary may make such notice available only on the Internet at the appropriate government website or websites or through other electronic media, as determined by the Secretary.”;

(B) in paragraph (5)(C), by striking “(8)” and inserting “(9)”; and

(C) in paragraph (7)(A)—

(i) by striking “section 1335(a)(2)(B)” and inserting “section 1335(a)(1)(B)”; and

(ii) by inserting “the units funded under” after “75 percent of”; and

(2) by adding at the end the following new subsection:

“(k) ENVIRONMENTAL REVIEW.—For the purpose of environmental compliance review, funds awarded under this section shall be subject to section 288 of the HOME Investment Partnerships Act (12 U.S.C. 12838) and shall be treated as funds under the program established by such Act.”.

**SEC. 607. THE INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT ACT OF 2010.**

(a) **SHORT TITLE.**—This section may be cited as the “Individual Indian Money Account Litigation Settlement Act of 2010”.

(b) **DEFINITIONS.**—In this section:

(1) **AMENDED COMPLAINT.**—The term “Amended Complaint” means the Amended Complaint attached to the Settlement.

(2) **LAND CONSOLIDATION PROGRAM.**—The term “Land Consolidation Program” means a program conducted in accordance with the Settlement and the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) under which the Secretary may purchase fractional interests in trust or restricted land.

(3) **LITIGATION.**—The term “Litigation” means the case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, United States District Court, District of Columbia, Civil Action No. 96-1285 (JR).

(4) **PLAINTIFF.**—The term “Plaintiff” means a member of any class certified in the Litigation.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(6) **SETTLEMENT.**—The term “Settlement” means the Class Action Settlement Agreement dated December 7, 2009, in the Litigation, as modified by the parties to the Litigation.

(7) **TRUST ADMINISTRATION CLASS.**—The term “Trust Administration Class” means the Trust Administration Class as defined in the Settlement.

(c) **PURPOSE.**—The purpose of this section is to authorize the Settlement.

(d) **AUTHORIZATION.**—The Settlement is authorized, ratified, and confirmed.

(e) **JURISDICTIONAL PROVISIONS.**—

(1) **IN GENERAL.**—Notwithstanding the limitation of jurisdiction of district courts contained in section 1346(a)(2) of title 28, United States Code, the United States District Court for the District of Columbia shall have jurisdiction over the claims asserted in the Amended Complaint for purposes of the Settlement.

(2) **CERTIFICATION OF TRUST ADMINISTRATION CLASS.**—

(A) **IN GENERAL.**—Notwithstanding the requirements of the Federal Rules of Civil Procedure, the court overseeing the Litigation may certify the Trust Administration Class.

(B) **TREATMENT.**—On certification under subparagraph (A), the Trust Administration Class shall be treated as a class under Federal Rule of Civil Procedure 23(b)(3) for purposes of the Settlement.

(f) **TRUST LAND CONSOLIDATION.**—

(1) **TRUST LAND CONSOLIDATION FUND.**—

(A) **ESTABLISHMENT.**—On final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the “Trust Land Consolidation Fund”.

(B) **AVAILABILITY OF AMOUNTS.**—Amounts in the Trust Land Consolidation Fund shall be made available to the Secretary during the 10-year period beginning on the date of final approval of the Settlement—

(i) to conduct the Land Consolidation Program; and

(ii) for other costs specified in the Settlement.

(C) **DEPOSITS.**—

(i) **IN GENERAL.**—On final approval (as defined in the Settlement) of the Settlement, the Secretary of the Treasury shall deposit in the Trust Land Consolidation Fund \$2,000,000,000 of the amounts appropriated by section 1304 of title 31, United States Code.

(ii) **CONDITIONS MET.**—The conditions described in section 1304 of title 31, United States Code, shall be considered to be met for purposes of clause (i).

(D) **TRANSFERS.**—In a manner designed to encourage participation in the Land Consolidation Program, the Secretary may transfer, at the discretion of the Secretary, not more than \$60,000,000 of amounts in the Trust Land Consolidation Fund to the Indian Education Scholarship Holding Fund established under paragraph 2.

(2) **INDIAN EDUCATION SCHOLARSHIP HOLDING FUND.**—

(A) **ESTABLISHMENT.**—On the final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the “Indian Education Scholarship Holding Fund”.

(B) **AVAILABILITY.**—Notwithstanding any other provision of law governing competition, public notification, or Federal procurement or assistance, amounts in the Indian Education Scholarship Holding Fund shall be made available, without further appropriation, to the Secretary to contribute to an Indian Education Scholarship Fund, as described in the Settlement, to provide scholarships for Native Americans.

(3) **ACQUISITION OF TRUST OR RESTRICTED LAND.**—The Secretary may acquire, at the discretion of the Secretary and in accordance with the Land Consolidation Program, any fractional interest in trust or restricted land.

(4) **TREATMENT OF UNLOCATABLE PLAINTIFFS.**—A Plaintiff the whereabouts of whom are unknown and who, after reasonable efforts by the Secretary, cannot be located during the 5 year period beginning on the date of final approval (as defined in the Settlement) of the Settlement shall be considered to have accepted an offer made pursuant to the Land Consolidation Program.

(g) **TAXATION AND OTHER BENEFITS.**—

(1) **INTERNAL REVENUE CODE.**—For purposes of the Internal Revenue Code of 1986, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement—

(A) shall not be included in gross income; and

(B) shall not be taken into consideration for purposes of applying any provision of the Internal Revenue Code of 1986 that takes into account excludable income in computing adjusted gross income or modified adjusted gross income, including section 86 of that Code (relating to Social Security and tier 1 railroad retirement benefits).

(2) **OTHER BENEFITS.**—Notwithstanding any other provision of law, for purposes of determining initial eligibility, ongoing eligibility, or level of benefits under any Federal or federally assisted program, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be treated for any household member, during the 1-year period beginning on the date of receipt—

(A) as income for the month during which the amounts were received; or

(B) as a resource.

**SEC. 608. APPROPRIATION OF FUNDS FOR FINAL SETTLEMENT OF CLAIMS FROM IN RE BLACK FARMERS DISCRIMINATION LITIGATION.**

(a) **DEFINITIONS.**—In this section:

(1) **SETTLEMENT AGREEMENT.**—The term “Settlement Agreement” means the settlement agreement dated February 18, 2010 (including any modifications agreed to by the parties and approved by the court under that agreement) between certain plaintiffs, by and through their counsel, and the Secretary of Agriculture to resolve, fully and forever, the claims raised or that could have been raised in the cases consolidated in *In re Black Farmers Discrimination Litigation*, No. 08-511 (D.D.C.), including Pigford claims asserted under section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2209).

(2) **PIGFORD CLAIM.**—The term “Pigford claim” has the meaning given that term in section 14012(a)(3) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2210).

(b) **APPROPRIATION OF FUNDS.**—There is hereby appropriated to the Secretary of Agriculture \$1,150,000,000, to remain available until expended, to carry out the terms of the Settlement Agreement if the Settlement Agreement is approved by a court order that is or becomes final and nonappealable. The funds appropriated by this subsection are in addition to the \$100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2212) and shall be available for obligation only after those Commodity Credit Corporation funds are fully obligated. If the Settlement Agreement is not approved as provided in this subsection, the \$100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 shall be the sole funding available for Pigford claims.

(c) **USE OF FUNDS.**—The use of the funds appropriated by subsection (b) shall be subject to the express terms of the Settlement Agreement.

(d) **TREATMENT OF REMAINING FUNDS.**—If any of the funds appropriated by subsection (b) are not obligated and expended to carry out the Settlement Agreement, the Secretary of Agriculture shall return the unused funds to the Treasury and may not make the unused funds available for any purpose related to section 14012 of the Food, Conservation, and Energy Act of 2008, for any other settlement agreement executed in *In re Black Farmers Discrimination Litigation*, No. 08-511 (D.D.C.), or for any other purpose.

(e) **RULES OF CONSTRUCTION.**—Nothing in this section shall be construed as requiring the United States, any of its officers or agencies, or any other party to enter into the Settlement Agreement or any other settlement agreement. Nothing in this section shall be construed as creating the basis for a Pigford claim.

(f) **CONFORMING AMENDMENTS.**—Section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2209) is amended—

(1) in subsection (c)(1)—

(A) by striking “subsection (h)” and inserting “subsection (g)”; and

(B) by striking “subsection (i)” and inserting “subsection (h)”;;

(2) by striking subsection (e);

(3) in subsection (g), by striking “subsection (f)” and inserting “subsection (e)”;;

(4) in subsection (i)—

(A) by striking “(1) IN GENERAL.—Of the funds” and inserting “Of the funds”; and

(B) by striking paragraph (2);  
 (5) by striking subsection (j); and  
 (6) by redesignating subsections (f), (g), (h), (i), and (k) as subsections (e), (f), (g), (h), and (i), respectively.

**SEC. 609. EXPANSION OF ELIGIBILITY FOR CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS' DISABILITY COMPENSATION TO INCLUDE ALL CHAPTER 61 DISABILITY RETIREES REGARDLESS OF DISABILITY RATING PERCENTAGE OR YEARS OF SERVICE.**

(a) PHASED EXPANSION CONCURRENT RECEIPT.—Subsection (a) of section 1414 of title 10, United States Code, is amended to read as follows:

“(a) PAYMENT OF BOTH RETIRED PAY AND DISABILITY COMPENSATION.—

“(1) PAYMENT OF BOTH REQUIRED.—

“(A) IN GENERAL.—Subject to subsection (b), a member or former member of the uniformed services who is entitled for any month to retired pay and who is also entitled for that month to veterans' disability compensation for a qualifying service-connected disability (in this section referred to as a ‘qualified retiree’) is entitled to be paid both for that month without regard to sections 5304 and 5305 of title 38.

“(B) APPLICABILITY OF FULL CONCURRENT RECEIPT PHASE-IN REQUIREMENT.—During the period beginning on January 1, 2004, and ending on December 31, 2013, payment of retired pay to a qualified retiree is subject to subsection (c).

“(C) PHASE-IN EXCEPTION FOR 100 PERCENT DISABLED RETIREES.—The payment of retired pay is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004, in the case of the following qualified retirees:

“(i) A qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent.

“(ii) A qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability.

“(D) TEMPORARY PHASE-IN EXCEPTION FOR CERTAIN CHAPTER 61 DISABILITY RETIREES; TERMINATION.—Subject to subsection (b), during the period beginning on January 1, 2011, and ending on September 30, 2012, subsection (c) shall not apply to a qualified retiree described in subparagraph (B) or (C) of paragraph (2).

“(2) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section:

“(A) 50 PERCENT RATING THRESHOLD.—In the case of a member or former member receiving retired pay under any provision of law other than chapter 61 of this title, or under chapter 61 with 20 years or more of service otherwise creditable under section 1405 or computed under section 12732 of this title, the term ‘qualifying service-connected disability’ means a service-connected disability or combination of service-connected disabilities that is rated as not less than 50 percent disabling by the Secretary of Veterans Affairs. However, during the period specified in paragraph (1)(D), members or former members receiving retired pay under chapter 61 with 20 years or more of creditable service computed under section 12732 of this title, but not otherwise entitled to retired pay under any other provision of this title, shall qualify in accordance with subparagraphs (B) and (C).

“(B) INCLUSION OF MEMBERS NOT OTHERWISE ENTITLED TO RETIRED PAY.—In the case of a member or former member receiving retired pay under chapter 61 of this title, but who is not otherwise entitled to retired pay under

any other provision of this title, the term ‘qualifying service-connected disability’ means a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (which, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

“(i) January 1, 2011, rated 100 percent, or a rate payable at 100 percent by reason of individual unemployability or rated 90 percent.

“(ii) January 1, 2012, rated 80 percent or 70 percent.

“(iii) January 1, 2013, rated 60 percent or 50 percent.

“(C) ELIMINATION OF RATING THRESHOLD.—In the case of a member or former member receiving retired pay under chapter 61 regardless of being otherwise eligible for retirement, the term ‘qualifying service-connected disability’ means a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (which, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

“(i) January 1, 2014, rated 40 percent or 30 percent.

“(ii) January 1, 2015, any rating.

“(3) LIMITED DURATION.—Notwithstanding the effective date specified in each clause of subparagraphs (B) and (C) of paragraph (2), the clause—

“(A) shall apply only if the termination date specified in paragraph (1)(D) would occur during or after the calendar year specified in the clause; and

“(B) shall not apply beyond the termination date specified in paragraph (1)(D).”.

(b) CONFORMING AMENDMENT TO SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES.—Subsection (b) of such section is amended to read as follows:

“(b) SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES WHEN ELIGIBILITY HAS BEEN ESTABLISHED FOR SUCH RETIREES.—

“(1) GENERAL REDUCTION RULE.—The retired pay of a member retired under chapter 61 of this title is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the members retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

“(2) CHAPTER 61 RETIREES NOT OTHERWISE ENTITLED TO RETIRED PAY.—

“(A) BEFORE TERMINATION DATE.—If a member with a qualifying service-connected disability (as defined in subsection (a)(2)) is retired under chapter 61 of this title, but is not otherwise entitled to retired pay under any other provision of this title, and the termination date specified in subsection (a)(1)(D) has not occurred, the retired pay of the member is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.

“(B) AFTER TERMINATION DATE.—Subsection (a) does not apply to a member described in subparagraph (A) if the termination date specified in subsection (a)(1)(D) has occurred.”.

(c) CONFORMING AMENDMENT TO FULL CONCURRENT RECEIPT PHASE-IN.—Subsection (c) of such section is amended by striking “the second sentence of”.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

**“§ 1414. Concurrent receipt of retired pay and veterans' disability compensation”.**

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item related to section 1414 and inserting the following new item:

“1414. Concurrent receipt of retired pay and veterans' disability compensation.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2011.

**SEC. 610. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.**

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), as amended by section 6 of the Continuing Extension Act of 2010 (Public Law 111-157), is amended—

(1) by striking “before May 31, 2010”; and

(2) by inserting “for 2011” after “until updated poverty guidelines”.

**SEC. 611. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.**

(a) IN GENERAL.—Subchapter A of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**“SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.**

“(a) IN GENERAL.—Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

“(b) TERMINATION.—Subsection (a) shall not apply to any amount received after December 31, 2010.”.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

“Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2009.

**SEC. 612. STATE COURT IMPROVEMENT PROGRAM.**

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended—

(1) in subsection (c)(2)(A), by striking “2010” and inserting “2011”; and

(2) in subsection (e), by striking “2010” and inserting “2011”.

**SEC. 613. QUALIFYING TIMBER CONTRACT OPERATIONS.**

(a) DEFINITIONS.—In this section:

(1) QUALIFYING CONTRACT.—The term “qualifying contract” means a contract that has not been terminated by the Bureau of

Land Management for the sale of timber on lands administered by the Bureau of Land Management that meets all of the following criteria:

(A) The contract was awarded during the period beginning on January 1, 2005, and ending on December 31, 2008.

(B) There is unharvested volume remaining for the contract.

(C) The contract is not a salvage sale.

(D) The Secretary determined there is not an urgent need to harvest under the contract due to deteriorating timber conditions that developed after the award of the contract.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of Bureau of Land Management.

(3) **TIMBER PURCHASER.**—The term “timber purchaser” means the party to the qualifying contract for the sale of timber from lands administered by the Bureau of Land Management.

(b) **MARKET-RELATED CONTRACT EXTENSION OPTION.**—Upon a timber purchaser’s written request, the Secretary may make a one-time modification to the qualifying contract to add 3 years to the contract expiration date if the written request—

(1) is received by the Secretary not later than 90 days after the date of enactment of this Act; and

(2) contains a provision releasing the United States from all liability, including further consideration or compensation, resulting from the modification under this subsection of the term of a qualifying contract.

(c) **REPORTING.**—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report detailing a plan and timeline to promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(d) **REGULATIONS.**—Not later than 2 years after the date of the enactment of this Act, the Secretary shall promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(e) **NO SURRENDER OF CLAIMS.**—This section shall not have the effect of surrendering any claim by the United States against any timber purchaser that arose under a timber sale contract, including a qualifying contract, before the date on which the Secretary adjusts the contract term under subsection (b).

#### **SEC. 614. EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED SURFACE TRANSPORTATION PROGRAMS.**

(a) **MODIFICATION OF ALLOCATION RULES.**—Section 411(d) of the Surface Transportation Extension Act of 2010 (Public Law 111-147; 124 Stat. 80) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “1301, 1302,”; and

(ii) by striking “1198, 1204,”; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking “apportioned under sections 104(b) and 144 of title 23, United States Code,” and inserting “specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),”; and

(ii) in clause (ii) by striking “apportioned under such sections of such Code” and inserting “specified in such section 105(a)(2) (except the high priority projects program),”; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “1301, 1302,”; and

(ii) by striking “1198, 1204,”; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking “apportioned under sections 104(b) and 144 of title 23, United States Code,” and inserting “specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),”; and

(ii) in clause (ii) by striking “apportioned under such sections of such Code” and inserting “specified in such section 105(a)(2) (except the high priority projects program),”; and

(3) by adding at the end the following:

“(5) **PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE AND NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAMS.**—

“(A) **REDISTRIBUTION AMONG STATES.**—Notwithstanding sections 1301(m) and 1302(e) of the SAFETEA-LU (119 Stat. 1202 and 1205), the Secretary shall apportion funds authorized to be appropriated under subsection (b) for the projects of national and regional significance program and the national corridor infrastructure improvement program among all States such that each State’s share of the funds so apportioned is equal to the State’s share for fiscal year 2009 of funds apportioned or allocated for the programs specified in section 105(a)(2) of title 23, United States Code.

“(B) **DISTRIBUTION AMONG PROGRAMS.**—Funds apportioned to a State pursuant to subparagraph (A) shall be—

“(i) made available to the State for the programs specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program), and in the same proportion for each such program that—

“(I) the amount apportioned to the State for that program for fiscal year 2009; bears to

“(II) the amount apportioned to the State for fiscal year 2009 for all such programs; and

“(ii) administered in the same manner and with the same period of availability as funding is administered under programs identified in clause (i).”

(b) **EXPENDITURE AUTHORITY FROM HIGHWAY TRUST FUND.**—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended by striking “Surface Transportation Extension Act of 2010” and inserting “American Jobs and Closing Tax Loopholes Act of 2010”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect upon the date of enactment of the Surface Transportation Extension Act of 2010 (Public Law 111-147; 124 Stat. 78 et seq.) and shall be treated as being included in that Act at the time of the enactment of that Act.

(d) **SAVINGS CLAUSE.**—

(1) **IN GENERAL.**—For fiscal year 2010 and for the period beginning on October 1, 2010, and ending on December 31, 2010, the amount of funds apportioned to each State under section 411(d) of the Surface Transportation Extension Act of 2010 (Public Law 111-147) that is determined by the amount that the State received or was authorized to receive for fiscal year 2009 to carry out the projects of national and regional significance program and national corridor infrastructure improvement program shall be the greater of—

(A) the amount that the State was authorized to receive under section 411(d) of the Surface Transportation Extension Act of 2010 with respect to each such program according to the provisions of that Act, as in effect on the day before the date of enactment of this Act; or

(B) the amount that the State is authorized to receive under section 411(d) of the Surface Transportation Extension Act of 2010

with respect to each such program pursuant to the provisions of that Act, as amended by the amendments made by this section.

(2) **OBLIGATION AUTHORITY.**—For fiscal year 2010, the amount of obligation authority distributed to each State shall be the greater of—

(A) the amount that the State was authorized to receive pursuant to section 120(a)(4)(A) (as it pertains to the Appalachian Development Highway System program) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111-117) and sections 120(a)(4)(B) and 120(a)(6) of such title, as of the day before the date of enactment of this Act; or

(B) the amount that the State is authorized to receive pursuant to section 120(a)(4)(A) (as it pertains to the Appalachian Development Highway System program) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111-117) and sections 120(a)(4)(B) and 120(a)(6) of such title, as of the date of enactment of this Act.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to carry out this subsection.

(4) **INCREASE IN OBLIGATION LIMITATION.**—The limitation under the heading “Federal-aid Highways (Limitation on Obligations) (Highway Trust Fund)” in Public Law 111-117 is increased by such sums as may be necessary to carry out this subsection.

(5) **CONTRACT AUTHORITY.**—Funds made available to carry out this subsection shall be available for obligation and administered in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(6) **AMOUNTS.**—The dollar amount specified in section 105(d)(1) of title 23, United States Code, the dollar amount specified in section 120(a)(4)(B) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111-117), and the dollar amount specified in section 120(b)(10) of such title shall each be increased as necessary to carry out this subsection.

#### **SEC. 615. COMMUNITY COLLEGE AND CAREER TRAINING GRANT PROGRAM.**

(a) **IN GENERAL.**—Section 278(a) of the Trade Act of 1974 (19 U.S.C. 2372(a)) is amended by adding at the end the following:

“(3) **RULE OF CONSTRUCTION.**—For purposes of this section, any reference to “workers”, “workers eligible for training under section 236”, or any other reference to workers under this section shall be deemed to include individuals who are, or are likely to become, eligible for unemployment compensation as defined in section 85(b) of the Internal Revenue Code of 1986, or who remain unemployed after exhausting all rights to such compensation.”

(b) **DEFINITION OF ELIGIBLE INSTITUTION.**—Section 278(b)(1) of the Trade Act of 1974 (19 U.S.C. 2372(b)(1)) is amended—

(1) by striking “section 102” and inserting “section 101(a),”; and

(2) by striking “1002” and inserting “1001(a).”

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 279 of the Trade Act of 1974 (19 U.S.C. 2372a) is amended—

(1) in subsection (a), by striking the last sentence; and

(2) by adding at the end the following:

“(c) **ADMINISTRATIVE AND RELATED COSTS.**—The Secretary may retain not more than 5 percent of the funds appropriated under subsection (b) for each fiscal year to administer, evaluate, and establish reporting systems for

the Community College and Career Training Grant program under section 278.

“(d) **SUPPLEMENT NOT SUPPLANT.**—Funds appropriated under subsection (b) shall be used to supplement and not supplant other Federal, State, and local public funds expended to support community college and career training programs.

“(e) **AVAILABILITY.**—Funds appropriated under subsection (b) shall remain available for the fiscal year for which the funds are appropriated and the subsequent fiscal year.”.

**SEC. 616. EXTENSIONS OF DUTY SUSPENSIONS ON COTTON SHIRTING FABRICS AND RELATED PROVISIONS.**

(a) **EXTENSIONS.**—Each of the following headings of the Harmonized Tariff Schedule of the United States is amended by striking the date in the effective date column and inserting “12/31/2013”:

(1) Heading 9902.52.08 (relating to woven fabrics of cotton).

(2) Heading 9902.52.09 (relating to woven fabrics of cotton).

(3) Heading 9902.52.10 (relating to woven fabrics of cotton).

(4) Heading 9902.52.11 (relating to woven fabrics of cotton).

(5) Heading 9902.52.12 (relating to woven fabrics of cotton).

(6) Heading 9902.52.13 (relating to woven fabrics of cotton).

(7) Heading 9902.52.14 (relating to woven fabrics of cotton).

(8) Heading 9902.52.15 (relating to woven fabrics of cotton).

(9) Heading 9902.52.16 (relating to woven fabrics of cotton).

(10) Heading 9902.52.17 (relating to woven fabrics of cotton).

(11) Heading 9902.52.18 (relating to woven fabrics of cotton).

(12) Heading 9902.52.19 (relating to woven fabrics of cotton).

(13) Heading 9902.52.20 (relating to woven fabrics of cotton).

(14) Heading 9902.52.21 (relating to woven fabrics of cotton).

(15) Heading 9902.52.22 (relating to woven fabrics of cotton).

(16) Heading 9902.52.23 (relating to woven fabrics of cotton).

(17) Heading 9902.52.24 (relating to woven fabrics of cotton).

(18) Heading 9902.52.25 (relating to woven fabrics of cotton).

(19) Heading 9902.52.26 (relating to woven fabrics of cotton).

(20) Heading 9902.52.27 (relating to woven fabrics of cotton).

(21) Heading 9902.52.28 (relating to woven fabrics of cotton).

(22) Heading 9902.52.29 (relating to woven fabrics of cotton).

(23) Heading 9902.52.30 (relating to woven fabrics of cotton).

(24) Heading 9902.52.31 (relating to woven fabrics of cotton).

(b) **EXTENSION OF DUTY REFUNDS AND PIMA COTTON TRUST FUND; MODIFICATION OF AFFIDAVIT REQUIREMENTS.**—Section 407 of title IV of division C of the Tax Relief and Health Care Act of 2006 (Public Law 109-432; 120 Stat. 3060) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “amounts determined by the Secretary” and all that follows through “5208.59.80” and inserting “amounts received in the general fund that are attributable to duties received since January 1, 2004, on articles classified under heading 5208”; and

(B) in paragraph (2), by striking “October 1, 2008” and inserting “December 31, 2013”;

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting “annually” after “provided”; and

(B) in paragraph (1), by inserting “during the year in which the affidavit is filed and” after “imported cotton fabric”; and

(3) in subsection (f)—

(A) in the matter preceding paragraph (1), by inserting “annually” after “provided”; and

(B) in paragraph (1), by inserting “during the year in which the affidavit is filed and” after “United States”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act and apply with respect to affidavits filed on or after such date of enactment.

**SEC. 617. MODIFICATION OF WOOL APPAREL MANUFACTURERS TRUST FUND.**

(a) **IN GENERAL.**—Section 4002(c)(2)(A) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108-429; 118 Stat. 2600) is amended by striking “chapter 51” and inserting “chapter 62”.

(b) **FULL RESTORATION OF PAYMENT LEVELS IN FISCAL YEAR 2010.**—

(1) **TRANSFER OF AMOUNTS.**—

(A) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury shall transfer to the Wool Apparel Manufacturers Trust Fund, out of the general fund of the Treasury of the United States, amounts determined by the Secretary of the Treasury to be equivalent to amounts received in the general fund that are attributable to the duty received on articles classified under chapter 62 of the Harmonized Tariff Schedule of the United States, subject to the limitation in subparagraph (B).

(B) **LIMITATION.**—The Secretary of the Treasury shall not transfer more than the amount determined by the Secretary to be necessary for—

(i) U.S. Customs and Border Protection to make payments to eligible manufacturers under section 4002(c)(3) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amount of such payments, when added to any other payments made to eligible manufacturers under section 4002(c)(3) of such Act for calendar year 2010, equal the total amount of payments authorized to be provided to eligible manufacturers under section 4002(c)(3) of such Act for calendar year 2010; and

(ii) the Secretary of Commerce to provide grants to eligible manufacturers under section 4002(c)(6) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amounts of such grants, when added to any other grants made to eligible manufacturers under section 4002(c)(6) of such Act for calendar year 2010, equal the total amount of grants authorized to be provided to eligible manufacturers under section 4002(c)(6) of such Act for calendar year 2010.

(2) **PAYMENT OF AMOUNTS.**—U.S. Customs and Border Protection shall make payments described in paragraph (1) to eligible manufacturers not later than 30 days after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund. The Secretary of Commerce shall promptly provide grants described in paragraph (1) to eligible manufacturers after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund.

(c) **RULE OF CONSTRUCTION.**—The amendment made by subsection (a) shall not be

construed to affect the availability of amounts transferred to the Wool Apparel Manufacturers Trust Fund before the date of the enactment of this Act.

**SEC. 618. DEPARTMENT OF COMMERCE STUDY.**

Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce shall report to Congress detailing—

(1) the pattern of job loss in the New England, Mid-Atlantic, and Midwest States over the past 20 years;

(2) the role of the off-shoring of manufacturing jobs in overall job loss in the regions; and

(3) recommendations to attract industries and bring jobs to the region.

**SEC. 619. ARRA PLANNING AND REPORTING.**

Section 1512 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 287) is amended—

(1) in subsection (d)—

(A) in the subsection heading, by inserting “PLANS AND” after “AGENCY”; and

(B) by striking “Not later than” and inserting the following:

“(1) **DEFINITION.**—In this subsection, the term ‘covered program’ means a program for which funds are appropriated under this division—

“(A) in an amount that is—

“(i) more than \$2,000,000,000; and

“(ii) more than 150 percent of the funds appropriated for the program for fiscal year 2008; or

“(B) that did not exist before the date of enactment of this Act.

“(2) **PLANS.**—Not later than July 1, 2010, the head of each agency that distributes recovery funds shall submit to Congress and make available on the website of the agency a plan for each covered program, which shall, at a minimum, contain—

“(A) a description of the goals for the covered program using recovery funds;

“(B) a discussion of how the goals described in subparagraph (A) relate to the goals for ongoing activities of the covered program, if applicable;

“(C) a description of the activities that the agency will undertake to achieve the goals described in subparagraph (A);

“(D) a description of the total recovery funding for the covered program and the recovery funding for each activity under the covered program, including identifying whether the activity will be carried out using grants, contracts, or other types of funding mechanisms;

“(E) a schedule of milestones for major phases of the activities under the covered program, with planned delivery dates;

“(F) performance measures the agency will use to track the progress of each of the activities under the covered program in meeting the goals described in subparagraph (A), including performance targets, the frequency of measurement, and a description of the methodology for each measure;

“(G) a description of the process of the agency for the periodic review of the progress of the covered program towards meeting the goals described in subparagraph (A); and

“(H) a description of how the agency will hold program managers accountable for achieving the goals described in subparagraph (A).

“(3) **REPORTS.**—

“(A) **IN GENERAL.**—Not later than”; and

(C) by adding at the end the following:

“(B) **REPORTS ON PLANS.**—Not later than 30 days after the end of the calendar quarter ending September 30, 2010, and every calendar quarter thereafter during which the

agency obligates or expends recovery funds, the head of each agency that developed a plan for a covered program under paragraph (2) shall submit to Congress and make available on a website of the agency a report for each covered program that—

“(i) discusses the progress of the agency in implementing the plan;

“(ii) describes the progress towards achieving the goals described in paragraph (2)(A) for the covered program;

“(iii) discusses the status of each activity carried out under the covered program, including whether the activity is completed;

“(iv) details the unobligated and unexpired balances and total obligations and outlays under the covered program;

“(v) discusses—

“(I) whether the covered program has met the milestones for the covered program described in paragraph (2)(E);

“(II) if the covered program has failed to meet the milestones, the reasons why; and

“(III) any changes in the milestones for the covered program, including the reasons for the change;

“(vi) discusses the performance of the covered program, including—

“(I) whether the covered program has met the performance measures for the covered program described in paragraph (2)(F);

“(II) if the covered program has failed to meet the performance measures, the reasons why; and

“(III) any trends in information relating to the performance of the covered program; and

“(vii) evaluates the ability of the covered program to meet the goals of the covered program given the performance of the covered program.”;

(2) in subsection (f)—

(A) by striking “Within 180 days” and inserting the following:

“(1) IN GENERAL.—Within 180 days”; and

(B) by adding at the end the following:

“(2) PENALTIES.—

“(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the Attorney General may bring a civil action in an appropriate United States district court against a recipient of recovery funds from an agency that does not provide the information required under subsection (c) or knowingly provides information under subsection (c) that contains a material omission or misstatement. In a civil action under this paragraph, the court may impose a civil penalty on a recipient of recovery funds in an amount not more than \$250,000. Any amounts received from a civil penalty under this paragraph shall be deposited in the general fund of the Treasury.

“(B) NOTIFICATION.—

“(i) IN GENERAL.—The head of an agency shall provide a written notification to a recipient of recovery funds from the agency that fails to provide the information required under subsection (c). A notification under this subparagraph shall provide the recipient with information on how to comply with the necessary reporting requirements and notice of the penalties for failing to do so.

“(ii) LIMITATION.—A court may not impose a civil penalty under subparagraph (A) relating to the failure to provide information required under subsection (c) if, not later than 31 days after the date of the notification under clause (i), the recipient of the recovery funds provides the information.

“(C) CONSIDERATIONS.—In determining the amount of a penalty under this paragraph for a recipient of recovery funds, a court shall consider—

“(i) the number of times the recipient has failed to provide the information required under subsection (c);

“(ii) the amount of recovery funds provided to the recipient;

“(iii) whether the recipient is a government, nonprofit entity, or educational institution; and

“(iv) whether the recipient is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), with particular consideration given to businesses with not more than 50 employees.

“(D) APPLICABILITY.—This paragraph shall apply to any report required to be submitted on or after the date of enactment of this paragraph.

“(E) NONEXCLUSIVITY.—The imposition of a civil penalty under this subsection shall not preclude any other criminal, civil, or administrative remedy available to the United States or any other person under Federal or State law.

“(3) TECHNICAL ASSISTANCE.—Each agency distributing recovery funds shall provide technical assistance, as necessary, to assist recipients of recovery funds in complying with the requirements to provide information under subsection (c), which shall include providing recipients with a reminder regarding each reporting requirement.

“(4) PUBLIC LISTING.—

“(A) IN GENERAL.—Not later than 45 days after the end of each calendar quarter, and subject to the notification requirements under paragraph (2)(B), the Board shall make available on the website established under section 1526 a list of all recipients of recovery funds that did not provide the information required under subsection (c) for the calendar quarter.

“(B) CONTENTS.—A list made available under subparagraph (A) shall, for each recipient of recovery funds on the list, include the name and address of the recipient, the identification number for the award, the amount of recovery funds awarded to the recipient, a description of the activity for which the recovery funds were provided, and, to the extent known by the Board, the reason for non-compliance.

“(5) REGULATIONS AND REPORTING.—

“(A) REGULATIONS.—Not later than 90 days after the date of enactment of this paragraph, the Attorney General, in consultation with the Director of the Office of Management and Budget and the Chairperson, shall promulgate regulations regarding implementation of this section.

“(B) REPORTING.—

“(i) IN GENERAL.—Not later than July 1, 2010, and every 3 months thereafter, the Director of the Office of Management and Budget, in consultation with the Chairperson, shall submit to Congress a report on the extent of noncompliance by recipients of recovery funds with the reporting requirements under this section.

“(ii) CONTENTS.—Each report submitted under clause (i) shall include—

“(I) information, for the quarter and in total, regarding the number and amount of civil penalties imposed and collected under this subsection, sorted by agency and program;

“(II) information on the steps taken by the Federal Government to reduce the level of noncompliance; and

“(III) any other information determined appropriate by the Director.”; and

(3) by adding at the end the following:

“(i) TERMINATION.—The reporting requirements under this section shall terminate on September 30, 2013.”.

## SEC. 620. AMENDMENT OF TRAVEL PROMOTION ACT OF 2009.

(a) TRAVEL PROMOTION FUND FEES.—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended—

(1) by striking “subsection (d) of section 11 of the Travel Promotion Act of 2009.” in clause (ii) and inserting “subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d))”; and

(2) by striking “September 30, 2014.” in clause (iii) and inserting “September 30, 2015.”.

(b) IMPLEMENTATION BEGINNING IN FISCAL YEAR 2011.—Subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)) is amended—

(1) by striking “For fiscal year 2010, the” in paragraph (2)(A) and inserting “The”;

(2) by striking “quarterly, beginning on January 1, 2010,” in paragraph (2)(A) and inserting “monthly, immediately following the collection of fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I))”; and

(3) by striking “fiscal years 2011 through 2014,” in paragraph (2)(B) and inserting “fiscal years 2012 through 2015.”;

(4) by striking “fiscal year 2010,” in paragraph (3)(A) and inserting “fiscal year 2011.”;

(5) by striking “fiscal year 2011,” each place it appears in paragraph (3)(A) and inserting “fiscal year 2012.”; and

(6) by striking “fiscal year 2010, 2011, 2012, 2013, or 2014” in paragraph (4)(B) and inserting “fiscal year 2011, 2012, 2013, 2014, or 2015”.

## SEC. 621. LIMITATION ON PENALTY FOR FAILURE TO DISCLOSE REPORTABLE TRANSACTIONS BASED ON RESULTING TAX BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 6707A of the Internal Revenue Code of 1986 is amended to read as follows:

“(b) AMOUNT OF PENALTY.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, the amount of the penalty under subsection (a) with respect to any reportable transaction shall be 75 percent of the decrease in tax shown on the return as a result of such transaction (or which would have resulted from such transaction if such transaction were respected for Federal tax purposes).

“(2) MAXIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any reportable transaction shall not exceed—

“(A) in the case of a listed transaction, \$200,000 (\$100,000 in the case of a natural person), or

“(B) in the case of any other reportable transaction, \$50,000 (\$10,000 in the case of a natural person).

“(3) MINIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any transaction shall not be less than \$10,000 (\$5,000 in the case of a natural person).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to penalties assessed after December 31, 2006.

## SEC. 622. REPORT ON TAX SHELTER PENALTIES AND CERTAIN OTHER ENFORCEMENT ACTIONS.

(a) IN GENERAL.—The Commissioner of Internal Revenue, in consultation with the Secretary of the Treasury, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual report on the penalties assessed by the Internal Revenue Service during the preceding year under each of the following provisions of the Internal Revenue Code of 1986:

(1) Section 6662A (relating to accuracy-related penalty on understatements with respect to reportable transactions).

(2) Section 6700(a) (relating to promoting abusive tax shelters).

(3) Section 6707 (relating to failure to furnish information regarding reportable transactions).

(4) Section 6707A (relating to failure to include reportable transaction information with return).

(5) Section 6708 (relating to failure to maintain lists of advisees with respect to reportable transactions).

(b) **ADDITIONAL INFORMATION.**—The report required under subsection (a) shall also include information on the following with respect to each year:

(1) Any action taken under section 330(b) of title 31, United States Code, with respect to any reportable transaction (as defined in section 6707A(c) of the Internal Revenue Code of 1986).

(2) Any extension of the time for assessment of tax enforced, or assessment of any amount under such an extension, under paragraph (10) of section 6501(c) of the Internal Revenue Code of 1986.

(c) **DATE OF REPORT.**—The first report required under subsection (a) shall be submitted not later than December 31, 2010.

#### **Subtitle B—Additional Provisions**

#### **SEC. 631. SUNSET OF TEMPORARY INCREASE IN BENEFITS UNDER THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.**

Section 101(a) of title I of division A of Public Law 111-5 (123 Stat. 120) is amended—

(1) in paragraph (1), by inserting before the period, “, if the value of such benefits and block grants would thereby be greater than in the absence of this subsection”; and

(2) by striking paragraph (2) and inserting the following:

“(2) **TERMINATION.**—The authority provided by this subsection shall terminate after May 31, 2014.”

#### **SEC. 632. RESCISSIONS.**

(a) **ARRA RESCISSIONS.**—There are hereby rescinded the following amounts from the specified accounts:

(1) \$300,000,000, from unobligated balances under the heading “DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM” under the heading “RURAL UTILITIES SERVICE” under the heading “DEPARTMENT OF AGRICULTURE” in title I of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 118).

(2) \$300,000,000, from unobligated balances under the heading “BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM” under the heading “NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION” under the heading “DEPARTMENT OF COMMERCE” in title II of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 128).

(3) \$55,000,000 from unobligated balances under the heading “OPERATION AND MAINTENANCE, ARMY” under the heading “OPERATION AND MAINTENANCE” in title III of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 132).

(4) \$55,000,000 from unobligated balances under the heading “OPERATION AND MAINTENANCE, NAVY” under the heading “OPERATION AND MAINTENANCE” in title III of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 132).

(5) \$15,000,000 from unobligated balances under the heading “OPERATION AND MAINTENANCE, AIR FORCE” under the heading “OPERATION AND MAINTENANCE” in title III of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 132).

(6) \$12,000,000 from unobligated balances under the heading “OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD” under the heading “OPERATION AND MAINTENANCE” in title III of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 132).

(7) \$25,000,000 from unobligated balances under the heading “DEFENSE HEALTH PROGRAM” under the heading “OTHER DEPARTMENT OF DEFENSE PROGRAMS” in title III of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 134).

(8) \$98,000,000 from unobligated balances, other than those of the Energy Conservation Investment Program, under the heading “MILITARY CONSTRUCTION, DEFENSE-WIDE” under the heading “DEPARTMENT OF DEFENSE” in title X of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 192).

(b) **ADDITIONAL RESCISSIONS.**—

(1) Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

“Other Procurement, Army, 2008/2010”, \$75,000,000.

“Aircraft Procurement, Navy, 2008/2010”, \$150,000,000.

“Aircraft Procurement, Air Force, 2008/2010”, \$100,000,000.

“Other Procurement, Air Force, 2008/2010”, \$50,000,000.

“Research, Development, Test and Evaluation, Army, 2009/2010”, \$75,000,000.

“Research, Development, Test and Evaluation, Air Force, 2009/2010”, \$150,000,000.

“Research, Development, Test and Evaluation, Defense-Wide, 2009/2010”, \$125,000,000.

(2) Of the funds appropriated under the heading “PROCUREMENT, MARINE CORPS” under the heading “PROCUREMENT” in title IX of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 122 Stat. 2401) \$100,000,000 are hereby rescinded.

(3) Of the funds appropriated under the heading “PROCUREMENT, MARINE CORPS” under the heading “PROCUREMENT” in title III of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1866) \$75,000,000 are hereby rescinded.

#### **TITLE VII—TRANSPARENCY REQUIREMENTS FOR FOREIGN-HELD DEBT**

##### **SEC. 701. SHORT TITLE.**

This title may be cited as the “Foreign-Held Debt Transparency and Threat Assessment Act”.

##### **SEC. 702. DEFINITIONS.**

In this title:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, the Committee on Finance, and the Committee on the Budget of the Senate.

(B) The Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on the Budget of the House of Representatives.

(2) **DEBT INSTRUMENTS OF THE UNITED STATES.**—The term “debt instruments of the United States” means all bills, notes, and bonds issued or guaranteed by the United States or by an entity of the United States

Government, including any Government-sponsored enterprise.

##### **SEC. 703. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the growing Federal debt of the United States has the potential to jeopardize the national security and economic stability of the United States;

(2) the increasing dependence of the United States on foreign creditors has the potential to make the United States vulnerable to undue influence by certain foreign creditors in national security and economic policymaking;

(3) the People's Republic of China is the largest foreign creditor of the United States, in terms of its overall holdings of debt instruments of the United States;

(4) the current level of transparency in the scope and extent of foreign holdings of debt instruments of the United States is inadequate and needs to be improved, particularly regarding the holdings of the People's Republic of China;

(5) through the People's Republic of China's large holdings of debt instruments of the United States, China has become a super creditor of the United States;

(6) under certain circumstances, the holdings of the People's Republic of China could give China a tool with which China can try to manipulate the domestic and foreign policymaking of the United States, including the United States relationship with Taiwan;

(7) under certain circumstances, if the People's Republic of China were to be displeased with a given United States policy or action, China could attempt to destabilize the United States economy by rapidly divesting large portions of China's holdings of debt instruments of the United States; and

(8) the People's Republic of China's expansive holdings of such debt instruments of the United States could potentially pose a direct threat to the United States economy and to United States national security. This potential threat is a significant issue that warrants further analysis and evaluation.

#### **SEC. 704. QUARTERLY REPORT ON RISKS POSED BY FOREIGN HOLDINGS OF DEBT INSTRUMENTS OF THE UNITED STATES.**

(a) **QUARTERLY REPORT.**—Not later than March 31, June 30, September 30, and December 31 of each year, the President shall submit to the appropriate congressional committees a report on the risks posed by foreign holdings of debt instruments of the United States, in both classified and unclassified form.

(b) **MATTERS TO BE INCLUDED.**—Each report submitted under this section shall include the following:

(1) The most recent data available on foreign holdings of debt instruments of the United States, which data shall not be older than the date that is 7 months preceding the date of the report.

(2) The country of domicile of all foreign creditors who hold debt instruments of the United States.

(3) The total amount of debt instruments of the United States that are held by the foreign creditors, broken out by the creditors' country of domicile and by public, quasi-public, and private creditors.

(4) For each foreign country listed in paragraph (3)—

(A) an analysis of the country's purpose in holding debt instruments of the United States and long-term intentions with regard to such debt instruments;

(B) an analysis of the current and foreseeable risks to the long-term national security

and economic stability of the United States posed by each country's holdings of debt instruments of the United States; and

(C) a specific determination of whether the level of risk identified under subparagraph (B) is acceptable or unacceptable.

(c) **PUBLIC AVAILABILITY.**—The President shall make each report required by subsection (a) available, in its unclassified form, to the public by posting it on the Internet in a conspicuous manner and location.

**SEC. 705. ANNUAL REPORT ON RISKS POSED BY THE FEDERAL DEBT OF THE UNITED STATES.**

(a) **IN GENERAL.**—Not later than December 31 of each year, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the risks to the United States posed by the Federal debt of the United States.

(b) **CONTENT OF REPORT.**—Each report submitted under this section shall include the following:

(1) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by the Federal debt of the United States.

(2) A specific determination of whether the levels of risk identified under paragraph (1) are sustainable.

(3) If the determination under paragraph (2) is that the levels of risk are unsustainable, specific recommendations for reducing the levels of risk to sustainable levels, in a manner that results in a reduction in Federal spending.

**SEC. 706. CORRECTIVE ACTION TO ADDRESS UNACCEPTABLE AND UNSUSTAINABLE RISKS TO UNITED STATES NATIONAL SECURITY AND ECONOMIC STABILITY.**

In any case in which the President determines under section 704(b)(4)(C) that a foreign country's holdings of debt instruments of the United States pose an unacceptable risk to the long-term national security or economic stability of the United States, the President shall, within 30 days of the determination—

(1) formulate a plan of action to reduce the risk level to an acceptable and sustainable level, in a manner that results in a reduction in Federal spending;

(2) submit to the appropriate congressional committees a report on the plan of action that includes a timeline for the implementation of the plan and recommendations for any legislative action that would be required to fully implement the plan; and

(3) move expeditiously to implement the plan in order to protect the long-term national security and economic stability of the United States.

**TITLE VIII—TRANSPARENCY REQUIREMENTS FOR FOREIGN-HELD DEBT**

**SEC. 801. SHORT TITLE.**

This title may be cited as the “Foreign-Held Debt Transparency and Threat Assessment Act”.

**SEC. 802. DEFINITIONS.**

In this title:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Budget of the Senate.

(B) The Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Ways and Means, the Committee on Financial Services, and the Committee on the Budget of the House of Representatives.

(2) **DEBT INSTRUMENTS OF THE UNITED STATES.**—The term “debt instruments of the United States” means all bills, notes, and bonds held by the public and issued or guaranteed by the United States or by an entity of the United States Government.

**SEC. 803. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the growing Federal debt of the United States has the potential to jeopardize the national security and economic stability of the United States;

(2) large foreign holdings of debt instruments of the United States have the potential to make the United States vulnerable to undue influence by foreign creditors in national security and economic policymaking;

(3) the People's Republic of China, Japan, and the United Kingdom are the 3 largest foreign holders of debt instruments of the United States; and

(4) the current level of transparency in the scope and extent of foreign holdings of debt instruments of the United States is inadequate and needs to be improved.

**SEC. 804. ANNUAL REPORT ON RISKS POSED BY FOREIGN HOLDINGS OF DEBT INSTRUMENTS OF THE UNITED STATES.**

(a) **ANNUAL REPORT.**—Not later than March 31 of each year, the Secretary of the Treasury shall submit to the appropriate congressional committees a report on the risks posed by foreign holdings of debt instruments of the United States, in both classified and unclassified form.

(b) **MATTERS TO BE INCLUDED.**—Each report submitted under this section shall include the following:

(1) The most recent data available on foreign holdings of debt instruments of the United States, which data shall not be older than the date that is 9 months preceding the date of the report.

(2) The total amount of debt instruments of the United States that are held by foreign residents, broken out by the residents' country of domicile and by public and private residents.

(3) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by foreign holdings of debt instruments of the United States.

(c) **PUBLIC AVAILABILITY.**—The Secretary of the Treasury shall make each report required by subsection (a) available, in its unclassified form, to the public by posting it on the Internet in a conspicuous manner and location.

**SEC. 805. ANNUAL REPORT ON RISKS POSED BY THE FEDERAL DEBT OF THE UNITED STATES.**

(a) **IN GENERAL.**—Not later than March 31 of each year, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the risks to the United States posed by the Federal debt of the United States.

(b) **CONTENT OF REPORT.**—Each report submitted under this section shall include the following:

(1) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by the Federal debt of the United States.

(2) Specific recommendations for reducing the levels of risk resulting from the Federal debt.

**SEC. 806. CORRECTIVE ACTION TO ADDRESS UNACCEPTABLE RISKS TO UNITED STATES NATIONAL SECURITY AND ECONOMIC STABILITY.**

If the President determines that foreign holdings of debt instruments of the United

States pose an unacceptable risk to the long-term national security or economic stability of the United States, the President shall, within 30 days of the determination—

(1) formulate a plan of action to reduce such risk;

(2) submit to the appropriate congressional committees a report on the plan of action that includes a timeline for the implementation of the plan and recommendations for any legislative action that would be required to fully implement the plan; and

(3) move expeditiously to implement the plan in order to protect the long-term national security and economic stability of the United States.

**TITLE IX—OFFICE OF THE HOMEOWNER ADVOCATE**

**SEC. 901. OFFICE OF THE HOMEOWNER ADVOCATE.**

(a) **ESTABLISHMENT.**—There is established in the Department of the Treasury an office to be known as the “Office of the Homeowner Advocate” (in this title referred to as the “Office”).

(b) **DIRECTOR.**—

(1) **IN GENERAL.**—The Director of the Office of the Homeowner Advocate (in this title referred to as the “Director”) shall report directly to the Assistant Secretary of the Treasury for Financial Stability, and shall be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code.

(2) **APPOINTMENT.**—The Director shall be appointed by the Secretary, after consultation with the Secretary of the Department of Housing and Urban Development, and without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or the Senior Executive Service.

(3) **QUALIFICATIONS.**—An individual appointed under paragraph (2) shall have—

(A) experience as an advocate for homeowners; and

(B) experience dealing with mortgage servicers.

(4) **RESTRICTION ON EMPLOYMENT.**—An individual may be appointed as Director only if such individual was not an officer or employee of either a mortgage servicer or the Department of the Treasury during the 4-year period preceding the date of such appointment.

(5) **HIRING AUTHORITY.**—The Director shall have the authority to hire staff, obtain support by contract, and manage the budget of the Office of the Homeowner Advocate.

**SEC. 902. FUNCTIONS OF THE OFFICE.**

(a) **IN GENERAL.**—It shall be the function of the Office—

(1) to assist homeowners, housing counselors, and housing lawyers in resolving problems with the Home Affordable Modification Program of the Making Home Affordable initiative of the Secretary, authorized under the Emergency Economic Stabilization Act of 2008 (in this title referred to as the “Home Affordable Modification Program”);

(2) to identify areas, both individual and systematic, in which homeowners, housing counselors, and housing lawyers have problems in dealings with the Home Affordable Modification Program;

(3) to the extent possible, to propose changes in the administrative practices of the Home Affordable Modification Program, to mitigate problems identified under paragraph (2);

(4) to identify potential legislative changes which may be appropriate to mitigate such problems; and

(5) to implement other programs and initiatives that the Director deems important to assisting homeowners, housing counselors, and housing lawyers in resolving problems with the Home Affordable Modification Program, which may include—

(A) running a triage hotline for homeowners at risk of foreclosure;

(B) providing homeowners with access to housing counseling programs of the Department of Housing and Urban Development at no cost to the homeowner;

(C) developing Internet tools related to the Home Affordable Modification Program; and

(D) developing training and educational materials.

(b) **AUTHORITY.**—

(1) **IN GENERAL.**—Staff designated by the Director shall have the authority to implement servicer remedies, on a case-by-case basis, subject to the approval of the Assistant Secretary of the Treasury for Financial Stability.

(2) **RESOLUTION OF HOMEOWNER CONCERNS.**—The Office shall, to the extent possible, resolve all homeowner concerns not later than 30 days after the opening of a case with such homeowner.

(c) **COMMENCEMENT OF OPERATIONS.**—The Office shall commence its operations, as required by this title, not later than 3 months after the date of enactment of this Act.

(d) **SUNSET.**—The Office shall cease operations as of the date on which the Home Affordable Modification Program ceases to operate.

#### **SEC. 903. RELATIONSHIP WITH EXISTING ENTITIES.**

(a) **TRANSFER.**—The Office shall coordinate and centralize all complaint escalations relating to the Home Affordable Modification Program.

(b) **HOTLINE.**—The HOPE hotline (or any successor triage hotline) shall reroute all complaints relating to the Home Affordable Modification Program to the Office.

(c) **COORDINATION.**—The Office shall coordinate with the compliance office of the Office of Financial Stability of the Department of the Treasury and the Homeownership Preservation Office of the Department of the Treasury.

#### **SEC. 904. RULE OF CONSTRUCTION.**

Nothing in this section shall prohibit a mortgage servicer from evaluating a homeowner for eligibility under the Home Affordable Foreclosure Alternatives Program while a case is still open with the Office of the Homeowner Advocate. Nothing in this section may be construed to relieve any loan services from otherwise applicable rules, directives, or similar guidance under the Home Affordable Modification Program relating to the continuation or completion of foreclosure proceedings.

#### **SEC. 905. REPORTS TO CONGRESS.**

(a) **TESTIMONY.**—The Director shall be available to testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not less frequently than 4 times a year, or at any time at the request of the Chairs of either committee.

(b) **REPORTS.**—Once annually, the Director shall provide a detailed report to Congress on the Home Affordable Modification Program. Such report shall contain full and substantive analysis, in addition to statistical information, including, at a minimum—

(1) data and analysis of the types and volume of complaints received from home-

owners, housing counselors, and housing lawyers, broken down by category of servicer, except that servicers may not be identified by name in the report;

(2) a summary of not fewer than 20 of the most serious problems encountered by Home Affordable Modification Program participants, including a description of the nature of such problems;

(3) to the extent known, identification of the 10 most litigated issues for Home Affordable Modification Program participants, including recommendations for mitigating such disputes;

(4) data and analysis on the resolutions of the complaints received from homeowners, housing counselors, and housing lawyers;

(5) identification of any programs or initiatives that the Office has taken to improve the Home Affordable Modification Program;

(6) recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by Home Affordable Modification Program participants; and

(7) such other information as the Director may deem advisable.

#### **SEC. 906. FUNDING.**

Amounts made available for the costs of administration of the Home Affordable Modification Program that are not otherwise obligated shall be available to carry out the duties of the Office. Funding shall be maintained at levels adequate to reasonably carry out the functions of the Office.

#### **SEC. 907. PROHIBITION ON PARTICIPATION IN MAKING HOME AFFORDABLE FOR BORROWERS WHO STRATEGICALLY DEFAULT.**

No mortgage may be modified under the Making Home Affordable Program, or with any funds from the Troubled Asset Relief Program, unless the servicer of the mortgage loan has determined, in accordance with standards and requirements established by the Secretary of the Treasury, that the mortgagor cannot afford to make payments under the terms of the existing mortgage loan. The Secretary of the Treasury, in consultation with the Secretary of Housing and Urban Development, shall issue rules to carry out this section not later than 90 days after the date of enactment of this Act. This section shall not apply to any refinancing or modifications made under the “FHA Program Adjustments to Support Refinancings for Underwater Homeowners,” announced by the Department of the Treasury and the Department of Housing and Urban Development on March 26, 2010, as long as the program continues to be structured so that borrowers participating in the FHA refinance program cannot be in default on their primary mortgage at the time of refinance and their eligibility in the program is not helped if they are in default on their second mortgage, and thus lack a strategic reason to go into default on either their first or second mortgage to participate in the program.

#### **SEC. 908. PUBLIC AVAILABILITY OF INFORMATION.**

(a) **PUBLIC AVAILABILITY OF DATA.**—The Secretary of the Treasury shall revise the guidelines for the Home Affordable Modification Program of the Making Home Affordable initiative of the Secretary of the Treasury, authorized under the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), to establish that the data collected by the Secretary of the Treasury from each mortgage servicer and lender participating in the Program is made public in accordance with subsection (b).

(b) **CONTENT.**—Not more than 60 days after each monthly deadline for submission of

data by mortgage servicers and lender participating in the program, the Treasury shall make all data tables available to the public at the individual record level. This data shall include but not be limited to—

(1) higher risk loans, including loans made in connection with any program to provide expanded loan approvals, shall be reported separately;

(2) disclose—

(A) the rate or pace at which such mortgages are becoming seriously delinquent;

(B) whether such rate or pace is increasing or decreasing;

(C) if there are certain subsets within the loans covered by this section that have greater or lesser rates or paces of delinquency; and

(D) if such subsets exist, the characteristics of such subset of mortgages;

(3) with respect to the loss mitigation efforts of the loan—

(A) the processes and practices that the reporter has in effect to minimize losses on mortgages covered by this section; and

(B) the manner and methods by which such processes and practices are being monitored for effectiveness;

(4) disclose, with respect to loans that are or become 60 or more days past due, (provided that for purposes of disclosure under this paragraph that each loan should have a unique number that is not the same as any loan number the borrower, originator, or servicer uses), the following attributes—

(A) the original loan amount;

(B) the current loan amount;

(C) the loan-to-value ratio and combined loan-to-value ratio, both at origination and currently, and the number of liens on the property;

(D) the property valuation at the time of origination of the loan, and all subsequent property valuations and the date of each valuation;

(E) each relevant credit score of each borrower obtained at any time in connection with the loan, with the date of the credit score, to the extent allowed by existing law;

(F) whether the loan has any mortgage or other credit insurance or guarantee;

(G) the current interest rate on such loan;

(H) any rate caps and floors if the loan is an adjustable rate mortgage loan;

(I) the adjustable rate mortgage index or indices for such loan;

(J) whether the loan is currently past due, and if so how many days such loan is past due;

(K) the total number of days the loan has been past due at any time;

(L) whether the loan is subject to a balloon payment;

(M) the date of each modification of the loan;

(N) whether any amounts of loan principal has been deferred or written off, and if so, the date and amount of each deferral and the date and amount of each writedown;

(O) whether the interest rate was changed from a rate that could adjust to a fixed rate, and if so, the period of time for which the rate will be fixed;

(P) the amount by which the interest rate on the loan was reduced, and for what period of time it was reduced;

(Q) if the interest rate was reduced or fixed for a period of time less than the remaining loan term, on what dates, and to what rates, could the rate potentially increase in the future;

(R) whether the loan term was modified, and if so, whether it was extended or shortened, and by what amount of time;

(S) whether the loan is in the process of foreclosure or similar procedure, whether judicial or otherwise; and

(T) whether a foreclosure or similar procedure, whether judicial or otherwise, has been completed.

(C) **GUIDELINES AND REGULATIONS.**—The Secretary of the Treasury shall establish guidelines and regulations necessary—

(1) to ensure that the privacy of individual consumers is appropriately protected in the reports under this section;

(2) to make the data reported under this subsection available on a public website with no cost to access the data, in a consistent format;

(3) to update the data no less frequently than monthly;

(4) to establish procedures for disclosing such data to the public on a public website with no cost to access the data; and

(5) to allow the Secretary to make such deletions as the Secretary may determine to be appropriate to protect any privacy interest of any loan modification applicant, including the deletion or alteration of the applicant's name and identification number.

(d) **EXCEPTION.**—No data shall have to be disclosed if it voids or violates existing contracts between the Secretary of Treasury and mortgage servicers as part of the Making Home Affordable Program.

#### **TITLE X—BUDGETARY PROVISIONS**

##### **SEC. 1001. BUDGETARY PROVISIONS.**

(a) **STATUTORY PAYGO.**—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

(b) **EMERGENCY DESIGNATIONS.**—Section 501—

(1) is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g));

(2) in the House of Representatives, is designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**SA 4387.** Mr. REID (for Mr. BAUCUS) proposed an amendment to amendment SA 4386 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the end of the amendment, insert the following:

The provisions of this Act shall become effective 3 days after enactment.

**SA 4388.** Mr. REID proposed an amendment to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the end, insert the following:

The Committee on Finance is requested to study the economic impact of the delay in

implementing the provisions of the Act on jobs creation on a national and regional level.

**SA 4389.** Mr. REID proposed an amendment to amendment SA 4388 proposed by Mr. REID to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the end, insert the following:

"And include statistical data on the specific service related positions created."

**SA 4390.** Mr. REID proposed an amendment to amendment SA 4389 proposed by Mr. REID to the amendment SA 4388 proposed by Mr. REID to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the end, insert the following:

"And the impact on the local economy."

**SA 4391.** Mr. DURBIN (for Mr. DORGAN (for himself, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Ms. CANTWELL, Mr. KYL, Mr. MCCAIN, Mr. TESTER, Mr. THUNE, Mr. UDALL of New Mexico, and Mr. UDALL of Colorado)) proposed an amendment to the bill H.R. 725, to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes; as follows:

At the end, add the following:

#### **DIVISION B—TRIBAL LAW AND ORDER**

##### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "Tribal Law and Order Act of 2010".

(b) **TABLE OF CONTENTS.**—The table of contents of this division is as follows:

#### **DIVISION B—TRIBAL LAW AND ORDER**

Sec. 1. Short title; table of contents.

Sec. 2. Findings; purposes.

Sec. 3. Definitions.

Sec. 4. Severability.

Sec. 5. Jurisdiction of the State of Alaska.

Sec. 6. Effect.

#### **TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION**

Sec. 101. Office of Justice Services responsibilities.

Sec. 102. Disposition reports.

Sec. 103. Prosecution of crimes in Indian country.

Sec. 104. Administration.

#### **TITLE II—STATE ACCOUNTABILITY AND COORDINATION**

Sec. 201. State criminal jurisdiction and resources.

Sec. 202. State, tribal, and local law enforcement cooperation.

#### **TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES AND TRIBAL GOVERNMENTS**

Sec. 301. Tribal police officers.

Sec. 302. Drug enforcement in Indian country.

Sec. 303. Access to national criminal information databases.

Sec. 304. Tribal court sentencing authority.

Sec. 305. Indian Law and Order Commission.

Sec. 306. Exemption for tribal display materials.

#### **TITLE IV—TRIBAL JUSTICE SYSTEMS**

Sec. 401. Indian alcohol and substance abuse.

Sec. 402. Indian tribal justice; technical and legal assistance.

Sec. 403. Tribal resources grant program.

Sec. 404. Tribal jails program.

Sec. 405. Tribal probation office liaison program.

Sec. 406. Tribal youth program.

Sec. 407. Improving public safety presence in rural Alaska.

#### **TITLE V—INDIAN COUNTRY CRIME DATA COLLECTION AND INFORMATION SHARING**

Sec. 501. Tracking of crimes committed in Indian country.

Sec. 502. Criminal history record improvement program.

#### **TITLE VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROSECUTION AND PREVENTION**

Sec. 601. Prisoner release and reentry.

Sec. 602. Domestic and sexual violence offense training.

Sec. 603. Testimony by Federal employees.

Sec. 604. Coordination of Federal agencies.

Sec. 605. Sexual assault protocol.

Sec. 606. Study of IHS sexual assault and domestic violence response capabilities.

#### **SEC. 2. FINDINGS; PURPOSES.**

(a) **FINDINGS.**—Congress finds that—

(1) the United States has distinct legal, treaty, and trust obligations to provide for the public safety of Indian country;

(2) Congress and the President have acknowledged that—

(A) tribal law enforcement officers are often the first responders to crimes on Indian reservations; and

(B) tribal justice systems are often the most appropriate institutions for maintaining law and order in Indian country;

(3) less than 3,000 tribal and Federal law enforcement officers patrol more than 56,000,000 acres of Indian country, which reflects less than 1/2 of the law enforcement presence in comparable rural communities nationwide;

(4) the complicated jurisdictional scheme that exists in Indian country—

(A) has a significant negative impact on the ability to provide public safety to Indian communities;

(B) has been increasingly exploited by criminals; and

(C) requires a high degree of commitment and cooperation among tribal, Federal, and State law enforcement officials;

(5)(A) domestic and sexual violence against American Indian and Alaska Native women has reached epidemic proportions;

(B) 34 percent of American Indian and Alaska Native women will be raped in their lifetimes; and

(C) 39 percent of American Indian and Alaska Native women will be subject to domestic violence;

(6) Indian tribes have faced significant increases in instances of domestic violence, burglary, assault, and child abuse as a direct result of increased methamphetamine use on Indian reservations; and

(7) crime data is a fundamental tool of law enforcement, but for decades the Bureau of Indian Affairs and the Department of Justice have not been able to coordinate or consistently report crime and prosecution rates in tribal communities.

(b) **PURPOSES.**—The purposes of this division are—

(1) to clarify the responsibilities of Federal, State, tribal, and local governments with respect to crimes committed in Indian country;

(2) to increase coordination and communication among Federal, State, tribal, and local law enforcement agencies;

(3) to empower tribal governments with the authority, resources, and information necessary to safely and effectively provide public safety in Indian country;

(4) to reduce the prevalence of violent crime in Indian country and to combat sexual and domestic violence against American Indian and Alaska Native women;

(5) to prevent drug trafficking and reduce rates of alcohol and drug addiction in Indian country; and

(6) to increase and standardize the collection of criminal data and the sharing of criminal history information among Federal, State, and tribal officials responsible for responding to and investigating crimes in Indian country.

### SEC. 3. DEFINITIONS.

(a) IN GENERAL.—In this division:

(1) INDIAN COUNTRY.—The term “Indian country” has the meaning given the term in section 1151 of title 18, United States Code.

(2) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) TRIBAL GOVERNMENT.—The term “tribal government” means the governing body of a federally recognized Indian tribe.

(b) INDIAN LAW ENFORCEMENT REFORM ACT.—Section 2 of the Indian Law Enforcement Reform Act (25 U.S.C. 2801) is amended by adding at the end the following:

“(10) The term ‘tribal justice official’ means—

“(A) a tribal prosecutor;

“(B) a tribal law enforcement officer; or

“(C) any other person responsible for investigating or prosecuting an alleged criminal offense in tribal court.”.

### SEC. 4. SEVERABILITY.

If any provision of this division, an amendment made by this division, or the application of such a provision or amendment to any individual, entity, or circumstance, is determined by a court of competent jurisdiction to be invalid, the remaining provisions of this division, the remaining amendments made by this division, and the application of those provisions and amendments to individuals, entities, or circumstances other than the affected individual, entity, or circumstance shall not be affected.

### SEC. 5. JURISDICTION OF THE STATE OF ALASKA.

Nothing in this Act limits, alters, expands, or diminishes the civil or criminal jurisdiction of the State of Alaska, any subdivision of the State of Alaska, or any Indian tribe in that State.

### SEC. 6. EFFECT.

Nothing in this Act confers on an Indian tribe criminal jurisdiction over non-Indians.

## TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION

### SEC. 101. OFFICE OF JUSTICE SERVICES RESPONSIBILITIES.

(a) DEFINITIONS.—Section 2 of the Indian Law Enforcement Reform Act (25 U.S.C. 2801) is amended—

(1) by striking paragraph (8);

(2) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(3) by redesignating paragraph (9) as paragraph (1) and moving the paragraphs so as to appear in numerical order; and

(4) in paragraph (1) (as redesignated by paragraph (3)), by striking “Division of Law

Enforcement Services” and inserting “Office of Justice Services”.

(b) ADDITIONAL RESPONSIBILITIES OF OFFICE.—Section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802) is amended—

(1) in subsection (b), by striking “(b) There is hereby established within the Bureau a Division of Law Enforcement Services which” and inserting the following:

“(b) OFFICE OF JUSTICE SERVICES.—There is established in the Bureau an office, to be known as the ‘Office of Justice Services’, that”;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “Division of Law Enforcement Services” and inserting “Office of Justice Services”;

(B) in paragraph (8), by striking “and” at the end;

(C) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(10) the development and provision of dispatch and emergency and E-911 services;

“(11) communicating with tribal leaders, tribal community and victims’ advocates, tribal justice officials, indigent defense representatives, and residents of Indian country on a regular basis regarding public safety and justice concerns facing tribal communities;

“(12) conducting meaningful and timely consultation with tribal leaders and tribal justice officials in the development of regulatory policies and other actions that affect public safety and justice in Indian country;

“(13) providing technical assistance and training to tribal law enforcement officials to gain access and input authority to utilize the National Criminal Information Center and other national crime information databases pursuant to section 534 of title 28, United States Code;

“(14) in coordination with the Attorney General pursuant to subsection (g) of section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732), collecting, analyzing, and reporting data regarding Indian country crimes on an annual basis;

“(15) on an annual basis, sharing with the Department of Justice all relevant crime data, including Uniform Crime Reports, that the Office of Justice Services prepares and receives from tribal law enforcement agencies on a tribe-by-tribe basis to ensure that individual tribal governments providing data are eligible for programs offered by the Department of Justice;

“(16) submitting to the appropriate committees of Congress, for each fiscal year, a detailed spending report regarding tribal public safety and justice programs that includes—

“(A)(i) the number of full-time employees of the Bureau and tribal governments who serve as—

“(I) criminal investigators;

“(II) uniform police;

“(III) police and emergency dispatchers;

“(IV) detention officers;

“(V) executive personnel, including special agents in charge, and directors and deputies of various offices in the Office of Justice Services; and

“(VI) tribal court judges, prosecutors, public defenders, appointed defense counsel, or related staff; and

“(ii) the amount of appropriations obligated for each category described in clause (i) for each fiscal year;

“(B) a list of amounts dedicated to law enforcement and corrections, vehicles, related

transportation costs, equipment, inmate transportation costs, inmate transfer costs, replacement, improvement, and repair of facilities, personnel transfers, detailees and costs related to their details, emergency events, public safety and justice communications and technology costs, and tribal court personnel, facilities, indigent defense, and related program costs;

“(C) a list of the unmet staffing needs of law enforcement, corrections, and court personnel (including indigent defense and prosecution staff) at tribal and Bureau of Indian Affairs justice agencies, the replacement and repair needs of tribal and Bureau corrections facilities, needs for tribal police and court facilities, and public safety and emergency communications and technology needs; and

“(D) the formula, priority list or other methodology used to determine the method of disbursement of funds for the public safety and justice programs administered by the Office of Justice Services;

“(17) submitting to the appropriate committees of Congress, for each fiscal year, a report summarizing the technical assistance, training, and other support provided to tribal law enforcement and corrections agencies that operate relevant programs pursuant to self-determination contracts or self-governance compacts with the Secretary; and

“(18) promulgating regulations to carry out this Act, and routinely reviewing and updating, as necessary, the regulations contained in subchapter B of title 25, Code of Federal Regulations (or successor regulations).”;

(3) in subsection (d)—

(A) in paragraph (1), by striking “Division of Law Enforcement Services” and inserting “Office of Justice Services”; and

(B) in paragraph (4)(i), in the first sentence, by striking “Division” and inserting “Office of Justice Services”;

(4) in subsection (e), by striking “Division of Law Enforcement Services” each place it appears and inserting “Office of Justice Services”; and

(5) by adding at the end the following:

“(f) LONG-TERM PLAN FOR TRIBAL DETENTION PROGRAMS.—Not later than 1 year after the date of enactment of this subsection, the Secretary, acting through the Bureau, in coordination with the Department of Justice and in consultation with tribal leaders, tribal courts, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including—

“(1) a description of proposed activities for—

“(A) the construction, operation, and maintenance of juvenile (in accordance with section 4220(a)(3) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2453(a)(3)) and adult detention facilities (including regional facilities) in Indian country;

“(B) contracting with State and local detention centers, upon approval of affected tribal governments; and

“(C) alternatives to incarceration, developed in cooperation with tribal court systems;

“(2) an assessment and consideration of the construction of Federal detention facilities in Indian country; and

“(3) any other alternatives as the Secretary, in coordination with the Attorney General and in consultation with Indian tribes, determines to be necessary.”.

(c) LAW ENFORCEMENT AUTHORITY.—Section 4 of the Indian Law Enforcement Reform Act (25 U.S.C. 2803) is amended—

(1) in paragraph (2)(A), by striking “), or” and inserting “or offenses processed by the Central Violations Bureau); or”; and

(2) in paragraph (3)—

(A) in subparagraph (B), by striking “), or” at the end and inserting a semicolon;

(B) in subparagraphs (B) and (C), by striking “reasonable grounds” each place it appears and inserting “probable cause”;

(C) in subparagraph (C), by adding “or” at the end; and

(D) by adding at the end the following:

“(D)(i) the offense involves—

“(I) a misdemeanor controlled substance offense in violation of—

“(aa) the Controlled Substances Act (21 U.S.C. 801 et seq.);

“(bb) title IX of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (21 U.S.C. 862a et seq.); or

“(cc) section 731 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (21 U.S.C. 865);

“(II) a misdemeanor firearms offense in violation of chapter 44 of title 18, United States Code;

“(III) a misdemeanor assault in violation of chapter 7 of title 18, United States Code; or

“(IV) a misdemeanor liquor trafficking offense in violation of chapter 59 of title 18, United States Code; and

“(ii) the employee has probable cause to believe that the individual to be arrested has committed, or is committing, the crime;”.

#### SEC. 102. DISPOSITION REPORTS.

Section 10 of the Indian Law Enforcement Reform Act (25 U.S.C. 2809) is amended by striking subsections (a) through (d) and inserting the following:

“(a) COORDINATION AND DATA COLLECTION.—

“(1) INVESTIGATIVE COORDINATION.—Subject to subsection (c), if a law enforcement officer or employee of any Federal department or agency terminates an investigation of an alleged violation of Federal criminal law in Indian country without referral for prosecution, the officer or employee shall coordinate with the appropriate tribal law enforcement officials regarding the status of the investigation and the use of evidence relevant to the case in a tribal court with authority over the crime alleged.

“(2) INVESTIGATION DATA.—The Federal Bureau of Investigation shall compile, on an annual basis and by Field Division, information regarding decisions not to refer to an appropriate prosecuting authority cases in which investigations had been opened into an alleged crime in Indian country, including—

“(A) the types of crimes alleged;

“(B) the statuses of the accused as Indians or non-Indians;

“(C) the statuses of the victims as Indians or non-Indians; and

“(D) the reasons for deciding against referring the investigation for prosecution.

“(3) PROSECUTORIAL COORDINATION.—Subject to subsection (c), if a United States Attorney declines to prosecute, or acts to terminate prosecution of, an alleged violation of Federal criminal law in Indian country, the United States Attorney shall coordinate with the appropriate tribal justice officials regarding the status of the investigation and the use of evidence relevant to the case in a tribal court with authority over the crime alleged.

“(4) PROSECUTION DATA.—The United States Attorney shall submit to the Native American Issues Coordinator to compile, on an annual basis and by Federal judicial district, information regarding all declinations

of alleged violations of Federal criminal law that occurred in Indian country that were referred for prosecution by law enforcement agencies, including—

“(A) the types of crimes alleged;

“(B) the statuses of the accused as Indians or non-Indians;

“(C) the statuses of the victims as Indians or non-Indians; and

“(D) the reasons for deciding to decline or terminate the prosecutions.

“(b) ANNUAL REPORTS.—The Attorney General shall submit to Congress annual reports containing, with respect to the applicable calendar year, the information compiled under paragraphs (2) and (4) of subsection (a)—

“(1) organized—

“(A) in the aggregate; and

“(B)(i) for the Federal Bureau of Investigation, by Field Division; and

“(ii) for United States Attorneys, by Federal judicial district; and

“(2) including any relevant explanatory statements.

“(c) EFFECT OF SECTION.—

“(1) IN GENERAL.—Nothing in this section requires any Federal agency or official to transfer or disclose any confidential, privileged, or statutorily protected communication, information, or source to an official of any Indian tribe.

“(2) FEDERAL RULES OF CRIMINAL PROCEDURE.—Nothing in this section affects or limits the requirements of Rule 6 of the Federal Rules of Criminal Procedure.

“(3) REGULATIONS.—The Attorney General shall establish, by regulation, standards for the protection of the confidential or privileged communications, information, and sources described in this section.”.

#### SEC. 103. PROSECUTION OF CRIMES IN INDIAN COUNTRY.

(a) APPOINTMENT OF SPECIAL PROSECUTORS.—

(1) IN GENERAL.—Section 543 of title 28, United States Code, is amended—

(A) in subsection (a), by inserting before the period at the end the following: “, including the appointment of qualified tribal prosecutors and other qualified attorneys to assist in prosecuting Federal offenses committed in Indian country”; and

(B) by adding at the end the following:

“(c) INDIAN COUNTRY.—In this section, the term ‘Indian country’ has the meaning given that term in section 1151 of title 18.”.

(2) SENSE OF CONGRESS REGARDING CONSULTATION.—It is the sense of Congress that, in appointing attorneys under section 543 of title 28, United States Code, to serve as special prosecutors in Indian country, the Attorney General should consult with tribal justice officials of each Indian tribe that would be affected by the appointment.

(b) TRIBAL LIAISONS.—

(1) IN GENERAL.—The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) is amended by adding at the end the following:

#### “SEC. 13. ASSISTANT UNITED STATES ATTORNEY TRIBAL LIAISONS.

“(a) APPOINTMENT.—The United States Attorney for each district that includes Indian country shall appoint not less than 1 assistant United States Attorney to serve as a tribal liaison for the district.

“(b) DUTIES.—The duties of a tribal liaison shall include the following:

“(1) Coordinating the prosecution of Federal crimes that occur in Indian country.

“(2) Developing multidisciplinary teams to combat child abuse and domestic and sexual violence offenses against Indians.

“(3) Consulting and coordinating with tribal justice officials and victims’ advocates to

address any backlog in the prosecution of major crimes in Indian country in the district.

“(4) Developing working relationships and maintaining communication with tribal leaders, tribal community and victims’ advocates, and tribal justice officials to gather information from, and share appropriate information with, tribal justice officials.

“(5) Coordinating with tribal prosecutors in cases in which a tribal government has concurrent jurisdiction over an alleged crime, in advance of the expiration of any applicable statute of limitation.

“(6) Providing technical assistance and training regarding evidence gathering techniques and strategies to address victim and witness protection to tribal justice officials and other individuals and entities that are instrumental to responding to Indian country crimes.

“(7) Conducting training sessions and seminars to certify special law enforcement commissions to tribal justice officials and other individuals and entities responsible for responding to Indian country crimes.

“(8) Coordinating with the Office of Tribal Justice, as necessary.

“(9) Conducting such other activities to address and prevent violent crime in Indian country as the applicable United States Attorney determines to be appropriate.

“(c) EFFECT OF SECTION.—Nothing in this section limits the authority of any United States Attorney to determine the duties of a tribal liaison officer to meet the needs of the Indian tribes located within the relevant Federal district.

#### “(d) ENHANCED PROSECUTION OF MINOR CRIMES.—

“(1) IN GENERAL.—Each United States Attorney serving a district that includes Indian country is authorized and encouraged—

“(A) to appoint Special Assistant United States Attorneys pursuant to section 543(a) of title 28, United States Code, to prosecute crimes in Indian country as necessary to improve the administration of justice, and particularly when—

“(i) the crime rate exceeds the national average crime rate; or

“(ii) the rate at which criminal offenses are declined to be prosecuted exceeds the national average declination rate;

“(B) to coordinate with applicable United States district courts regarding scheduling of Indian country matters and holding trials or other proceedings in Indian country, as appropriate;

“(C) to provide to appointed Special Assistant United States Attorneys appropriate training, supervision, and staff support; and

“(D) to provide technical and other assistance to tribal governments and tribal court systems to ensure that the goals of this subsection are achieved.

“(2) SENSE OF CONGRESS REGARDING CONSULTATION.—It is the sense of Congress that, in appointing Special Assistant United States Attorneys under this subsection, a United States Attorney should consult with tribal justice officials of each Indian tribe that would be affected by the appointment.”.

(2) SENSE OF CONGRESS REGARDING EVALUATIONS OF TRIBAL LIAISONS.—

(A) FINDINGS.—Congress finds that—

(i) many residents of Indian country rely solely on United States Attorneys offices to prosecute felony and misdemeanor crimes occurring on Indian land; and

(ii) tribal liaisons have dual obligations of—

(I) coordinating prosecutions of Indian country crime; and

(II) developing relationships with residents of Indian country and serving as a link between Indian country residents and the Federal justice process.

(B) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General should—

(i) take all appropriate actions to encourage the aggressive prosecution of all Federal crimes committed in Indian country; and

(ii) when appropriate, take into consideration the dual responsibilities of tribal liaisons described in subparagraph (A)(ii) in evaluating the performance of the tribal liaisons.

#### SEC. 104. ADMINISTRATION.

(a) OFFICE OF TRIBAL JUSTICE.—

(1) DEFINITIONS.—Section 4 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3653) is amended—

(A) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) DIRECTOR.—The term ‘Director’ means the Director of the Office of Tribal Justice.”.

(2) STATUS.—Title I of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 is amended—

(A) by redesignating section 106 (25 U.S.C. 3666) as section 107; and

(B) by inserting after section 105 (25 U.S.C. 3665) the following:

#### “SEC. 106. OFFICE OF TRIBAL JUSTICE.

“(a) IN GENERAL.—Not later than 90 days after the date of enactment of the Tribal Law and Order Act of 2010, the Attorney General shall establish the Office of Tribal Justice as a component of the Department.

“(b) PERSONNEL AND FUNDING.—The Attorney General shall provide to the Office of Tribal Justice such personnel and funds as are necessary to establish the Office of Tribal Justice as a component of the Department under subsection (a).

“(c) DUTIES.—The Office of Tribal Justice shall—

“(1) serve as the program and legal policy advisor to the Attorney General with respect to the treaty and trust relationship between the United States and Indian tribes;

“(2) serve as the point of contact for federally recognized tribal governments and tribal organizations with respect to questions and comments regarding policies and programs of the Department and issues relating to public safety and justice in Indian country; and

“(3) coordinate with other bureaus, agencies, offices, and divisions within the Department of Justice to ensure that each component has an accountable process to ensure meaningful and timely consultation with tribal leaders in the development of regulatory policies and other actions that affect—

“(A) the trust responsibility of the United States to Indian tribes;

“(B) any tribal treaty provision;

“(C) the status of Indian tribes as sovereign governments; or

“(D) any other tribal interest.”.

(b) NATIVE AMERICAN ISSUES COORDINATOR.—The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 103(b)) is amended by adding at the end the following:

#### “SEC. 14. NATIVE AMERICAN ISSUES COORDINATOR.

“(a) ESTABLISHMENT.—There is established in the Executive Office for United States Attorneys of the Department of Justice a position to be known as the ‘Native American Issues Coordinator’.

“(b) DUTIES.—The Native American Issues Coordinator shall—

“(1) coordinate with the United States Attorneys that have authority to prosecute crimes in Indian country;

“(2) coordinate prosecutions of crimes of national significance in Indian country, as determined by the Attorney General;

“(3) coordinate as necessary with other components of the Department of Justice and any relevant advisory groups to the Attorney General or the Deputy Attorney General; and

“(4) carry out such other duties as the Attorney General may prescribe.”.

### TITLE II—STATE ACCOUNTABILITY AND COORDINATION

#### SEC. 201. STATE CRIMINAL JURISDICTION AND RESOURCES.

(a) CONCURRENT AUTHORITY OF UNITED STATES.—Section 401(a) of the Indian Civil Rights Act of 1968 (25 U.S.C. 1321(a)) is amended—

(1) by striking the section designation and heading and all that follows through “The consent of the United States” and inserting the following:

#### “SEC. 401. ASSUMPTION BY STATE OF CRIMINAL JURISDICTION.

“(a) CONSENT OF UNITED STATES.—

“(1) IN GENERAL.—The consent of the United States”;

(2) by adding at the end the following:

“(2) CONCURRENT JURISDICTION.—At the request of an Indian tribe, and after consultation with and consent by the Attorney General, the United States shall accept concurrent jurisdiction to prosecute violations of sections 1152 and 1153 of title 18, United States Code, within the Indian country of the Indian tribe.”.

(b) APPLICABLE LAW.—Section 1162 of title 18, United States Code, is amended by adding at the end the following:

“(d) Notwithstanding subsection (c), at the request of an Indian tribe, and after consultation with and consent by the Attorney General—

“(1) sections 1152 and 1153 shall apply in the areas of the Indian country of the Indian tribe; and

“(2) jurisdiction over those areas shall be concurrent among the Federal Government, State governments, and, where applicable, tribal governments.”.

#### SEC. 202. STATE, TRIBAL, AND LOCAL LAW ENFORCEMENT COOPERATION.

The Attorney General may provide technical and other assistance to State, tribal, and local governments that enter into cooperative agreements, including agreements relating to mutual aid, hot pursuit of suspects, and cross-deputization for the purposes of—

(1) improving law enforcement effectiveness;

(2) reducing crime in Indian country and nearby communities; and

(3) developing successful cooperative relationships that effectively combat crime in Indian country and nearby communities.

### TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES AND TRIBAL GOVERNMENTS

#### SEC. 301. TRIBAL POLICE OFFICERS.

(a) FLEXIBILITY IN TRAINING LAW ENFORCEMENT OFFICERS SERVING INDIAN COUNTRY.—Section 3(e) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(e)) (as amended by section 101(b)(4)) is amended—

(1) in paragraph (1)—

(A) by striking “(e)(1) The Secretary” and inserting the following:

“(e) STANDARDS OF EDUCATION AND EXPERIENCE AND CLASSIFICATION OF POSITIONS.—

“(1) STANDARDS OF EDUCATION AND EXPERIENCE.—

“(A) IN GENERAL.—The Secretary”;

(B) by adding at the end the following:

“(B) REQUIREMENTS FOR TRAINING.—The training standards established under subparagraph (A)—

“(i) shall be consistent with standards accepted by the Federal Law Enforcement Training Accreditation commission for law enforcement officers attending similar programs; and

“(ii) shall include, or be supplemented by, instruction regarding Federal sources of authority and jurisdiction, Federal crimes, Federal rules of criminal procedure, and constitutional law to bridge the gap between State training and Federal requirements.

“(C) TRAINING AT STATE, TRIBAL, AND LOCAL ACADEMIES.—Law enforcement personnel of the Office of Justice Services or an Indian tribe may satisfy the training standards established under subparagraph (A) through training at a State or tribal police academy, a State, regional, local, or tribal college or university, or other training academy (including any program at a State, regional, local, or tribal college or university) that meets the appropriate Peace Officer Standards of Training.

“(D) MAXIMUM AGE REQUIREMENT.—Pursuant to section 3307(e) of title 5, United States Code, the Secretary may employ as a law enforcement officer under section 4 any individual under the age of 47, if the individual meets all other applicable hiring requirements for the applicable law enforcement position.”.

(2) in paragraph (3), by striking “Agencies” and inserting “agencies”; and

(3) by adding at the end the following:

“(4) BACKGROUND CHECKS FOR TRIBAL JUSTICE OFFICIALS.—

“(A) IN GENERAL.—The Office of Justice Services shall develop standards and deadlines for the provision of background checks to tribal law enforcement and corrections officials.

“(B) TIMING.—If a request for a background check is made by an Indian tribe that has contracted or entered into a compact for law enforcement or corrections services with the Bureau of Indian Affairs pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Office of Justice Services shall complete the check not later than 60 days after the date of receipt of the request, unless an adequate reason for failure to respond by that date is provided to the Indian tribe in writing.”.

(b) SPECIAL LAW ENFORCEMENT COMMISSIONS.—Section 5 of the Indian Law Enforcement Reform Act (25 U.S.C. 2804) is amended—

(1) by striking “(a) The Secretary may enter into an agreement” and inserting the following:

“(a) AGREEMENTS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2010, the Secretary shall establish procedures to enter into memoranda of agreement”;

(2) in the second sentence, by striking “The Secretary” and inserting the following:

“(2) CERTAIN ACTIVITIES.—The Secretary”;

and

(3) by adding at the end the following:

“(3) PROGRAM ENHANCEMENT.—

“(A) TRAINING SESSIONS IN INDIAN COUNTRY.—

“(i) IN GENERAL.—The procedures described in paragraph (1) shall include the development of a plan to enhance the certification and provision of special law enforcement commissions to tribal law enforcement officials, and, subject to subsection (d), State and local law enforcement officials, pursuant to this section.

“(ii) INCLUSIONS.—The plan under clause (i) shall include the hosting of regional training sessions in Indian country, not less frequently than biannually, to educate and certify candidates for the special law enforcement commissions.

“(B) MEMORANDA OF AGREEMENT.—

“(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2010, the Secretary, in consultation with Indian tribes and tribal law enforcement agencies, shall develop minimum requirements to be included in special law enforcement commission agreements pursuant to this section.

“(ii) SUBSTANCE OF AGREEMENTS.—Each agreement entered into pursuant to this section shall reflect the status of the applicable certified individual as a Federal law enforcement officer under subsection (f), acting within the scope of the duties described in section 3(c).

“(iii) AGREEMENT.—Not later than 60 days after the date on which the Secretary determines that all applicable requirements under clause (i) are met, the Secretary shall offer to enter into a special law enforcement commission agreement with the Indian tribe.”.

(C) INDIAN LAW ENFORCEMENT FOUNDATION.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

**“TITLE VII—INDIAN LAW ENFORCEMENT FOUNDATION**

**“SEC. 701. DEFINITIONS.**

“In this title:

“(1) BOARD.—The term ‘Board’ means the Board of Directors of the Foundation.

“(2) BUREAU.—The term ‘Bureau’ means the Office of Justice Services of the Bureau of Indian Affairs.

“(3) COMMITTEE.—The term ‘Committee’ means the Committee for the Establishment of the Indian Law Enforcement Foundation established under section 702(e)(1).

“(4) FOUNDATION.—The term ‘Foundation’ means the Indian Law Enforcement Foundation established under section 702.

“(5) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

**“SEC. 702. INDIAN LAW ENFORCEMENT FOUNDATION.**

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—As soon as practicable after the date of enactment of this title, the Secretary shall establish, under the laws of the District of Columbia and in accordance with this title, a foundation, to be known as the ‘Indian Law Enforcement Foundation’.

“(2) FUNDING DETERMINATIONS.—No funds, gift, property, or other item of value (including any interest accrued on such an item) acquired by the Foundation shall—

“(A) be taken into consideration for purposes of determining Federal appropriations relating to the provision of public safety or justice services to Indians; or

“(B) otherwise limit, diminish, or affect the Federal responsibility for the provision of public safety or justice services to Indians.

“(b) NATURE OF CORPORATION.—The Foundation—

“(1) shall be a charitable and nonprofit federally chartered corporation; and

“(2) shall not be an agency or instrumentality of the United States.

“(c) PLACE OF INCORPORATION AND DOMICILE.—The Foundation shall be incorporated and domiciled in the District of Columbia.

“(d) DUTIES.—The Foundation shall—

“(1) encourage, accept, and administer, in accordance with the terms of each donation, private gifts of real and personal property, and any income from or interest in such gifts, for the benefit of, or in support of, public safety and justice services in American Indian and Alaska Native communities; and

“(2) assist the Office of Justice Services of the Bureau of Indian Affairs and Indian tribal governments in funding and conducting activities and providing education to advance and support the provision of public safety and justice services in American Indian and Alaska Native communities.

“(e) COMMITTEE FOR THE ESTABLISHMENT OF THE INDIAN LAW ENFORCEMENT FOUNDATION.—

“(1) IN GENERAL.—The Secretary shall establish a committee, to be known as the ‘Committee for the Establishment of the Indian Law Enforcement Foundation’, to assist the Secretary in establishing the Foundation.

“(2) DUTIES.—Not later than 180 days after the date of enactment of this section, the Committee shall—

“(A) carry out such activities as are necessary to incorporate the Foundation under the laws of the District of Columbia, including acting as incorporators of the Foundation;

“(B) ensure that the Foundation qualifies for and maintains the status required to carry out this section, until the date on which the Board is established;

“(C) establish the constitution and initial bylaws of the Foundation;

“(D) provide for the initial operation of the Foundation, including providing for temporary or interim quarters, equipment, and staff; and

“(E) appoint the initial members of the Board in accordance with the constitution and initial bylaws of the Foundation.

“(f) BOARD OF DIRECTORS.—

“(1) IN GENERAL.—The Board of Directors shall be the governing body of the Foundation.

“(2) POWERS.—The Board may exercise, or provide for the exercise of, the powers of the Foundation.

“(3) SELECTION.—

“(A) IN GENERAL.—Subject to subparagraph (B), the number of members of the Board, the manner of selection of the members (including the filling of vacancies), and the terms of office of the members shall be as provided in the constitution and bylaws of the Foundation.

“(B) REQUIREMENTS.—

“(i) NUMBER OF MEMBERS.—The Board shall be composed of not less than 7 members.

“(ii) INITIAL VOTING MEMBERS.—The initial voting members of the Board—

“(I) shall be appointed by the Committee not later than 180 days after the date on which the Foundation is established; and

“(II) shall serve for staggered terms.

“(iii) QUALIFICATION.—The members of the Board shall be United States citizens with knowledge or experience regarding public safety and justice in Indian and Alaska Native communities.

“(C) COMPENSATION.—A member of the Board shall not receive compensation for service as a member, but shall be reimbursed for actual and necessary travel and subsistence expenses incurred in the performance of the duties of the Foundation.

“(g) OFFICERS.—

“(1) IN GENERAL.—The officers of the Foundation shall be—

“(A) a Secretary, elected from among the members of the Board; and

“(B) any other officers provided for in the constitution and bylaws of the Foundation.

“(2) CHIEF OPERATING OFFICER.—

“(A) SECRETARY.—Subject to subparagraph (B), the Secretary of the Foundation may serve, at the direction of the Board, as the chief operating officer of the Foundation.

“(B) APPOINTMENT.—The Board may appoint a chief operating officer in lieu of the Secretary of the Foundation under subparagraph (A), who shall serve at the direction of the Board.

“(3) ELECTION.—The manner of election, term of office, and duties of the officers of the Foundation shall be as provided in the constitution and bylaws of the Foundation.

“(h) POWERS.—The Foundation—

“(1) shall adopt a constitution and bylaws for the management of the property of the Foundation and the regulation of the affairs of the Foundation;

“(2) may adopt and alter a corporate seal;

“(3) may enter into contracts;

“(4) may acquire (through gift or otherwise), own, lease, encumber, and transfer real or personal property as necessary or convenient to carry out the purposes of the Foundation;

“(5) may sue and be sued; and

“(6) may perform any other act necessary and proper to carry out the purposes of the Foundation.

“(i) PRINCIPAL OFFICE.—

“(1) IN GENERAL.—The principal office of the Foundation shall be located in the District of Columbia.

“(2) ACTIVITIES; OFFICES.—The activities of the Foundation may be conducted, and offices may be maintained, throughout the United States in accordance with the constitution and bylaws of the Foundation.

“(j) SERVICE OF PROCESS.—The Foundation shall comply with the law on service of process of each State in which the Foundation is incorporated and of each State in which the Foundation carries on activities.

“(k) LIABILITY OF OFFICERS, EMPLOYEES, AND AGENTS.—

“(1) IN GENERAL.—The Foundation shall be liable for the acts of the officers, employees, and agents of the Foundation acting within the scope of the authority of the officers, employees, and agents.

“(2) PERSONAL LIABILITY.—A member of the Board shall be personally liable only for gross negligence in the performance of the duties of the member.

“(l) RESTRICTIONS.—

“(1) LIMITATION ON SPENDING.—Beginning with the fiscal year following the first full fiscal year during which the Foundation is in operation, the administrative costs of the Foundation shall not exceed the percentage described in paragraph (2) of the sum of—

“(A) the amounts transferred to the Foundation under subsection (n) during the preceding fiscal year; and

“(B) donations received from private sources during the preceding fiscal year.

“(2) PERCENTAGES.—The percentages referred to in paragraph (1) are—

“(A) for the first 2 fiscal years described in that paragraph, 25 percent;

“(B) for the following fiscal year, 20 percent; and

“(C) for each fiscal year thereafter, 15 percent.

“(3) APPOINTMENT AND HIRING.—The appointment of officers and employees of the

Foundation shall be subject to the availability of funds.

“(4) STATUS.—A member of the Board or officer, employee, or agent of the Foundation shall not by reason of association with the Foundation be considered to be an officer, employee, or agent of the United States.

“(m) AUDITS.—The Foundation shall comply with section 10101 of title 36, United States Code, as if the Foundation were a corporation under part B of subtitle II of that title.

“(n) FUNDING.—For each of fiscal years 2011 through 2015, out of any unobligated amounts available to the Secretary, the Secretary may use to carry out this section not more than \$500,000.

#### **“SEC. 703. ADMINISTRATIVE SERVICES AND SUPPORT.**

“(a) PROVISION OF SUPPORT BY SECRETARY.—Subject to subsection (b), during the 5-year period beginning on the date on which the Foundation is established, the Secretary—

“(1) may provide personnel, facilities, and other administrative support services to the Foundation;

“(2) may provide funds for initial operating costs and to reimburse the travel expenses of the members of the Board; and

“(3) shall require and accept reimbursements from the Foundation for—

“(A) services provided under paragraph (1); and

“(B) funds provided under paragraph (2).

“(b) REIMBURSEMENT.—Reimbursements accepted under subsection (a)(3)—

“(1) shall be deposited in the Treasury of the United States to the credit of the applicable appropriations account; and

“(2) shall be chargeable for the cost of providing services described in subsection (a)(1) and travel expenses described in subsection (a)(2).

“(c) CONTINUATION OF CERTAIN SERVICES.—The Secretary may continue to provide facilities and necessary support services to the Foundation after the termination of the 5-year period specified in subsection (a) if the facilities and services are—

“(1) available; and

“(2) provided on reimbursable cost basis.”.

(d) TECHNICAL AMENDMENTS.—The Indian Self-Determination and Education Assistance Act is amended—

(1) by redesignating title V (25 U.S.C. 458bbb et seq.) as title VIII and moving the title so as to appear at the end of the Act;

(2) by redesignating sections 501, 502, and 503 (25 U.S.C. 458bbb, 458bbb-1, 458bbb-2) as sections 801, 802, and 803, respectively; and

(3) in subsection (a)(2) of section 802 and paragraph (2) of section 803 (as redesignated by paragraph (2)), by striking “section 501” and inserting “section 801”.

(e) ACCEPTANCE AND ASSISTANCE.—Section 5 of the Indian Law Enforcement Reform Act (25 U.S.C. 2804) is amended by adding at the end the following:

“(g) ACCEPTANCE OF ASSISTANCE.—The Bureau may accept reimbursement, resources, assistance, or funding from—

“(1) a Federal, tribal, State, or other government agency; or

“(2) the Indian Law Enforcement Foundation established under section 701(a) of the Indian Self-Determination and Education Assistance Act.”.

#### **SEC. 302. DRUG ENFORCEMENT IN INDIAN COUNTRY.**

(a) EDUCATION AND RESEARCH PROGRAMS.—Section 502 of the Controlled Substances Act (21 U.S.C. 872) is amended in subsections (a)(1) and (c), by inserting “tribal,” after “State,” each place it appears.

(b) PUBLIC-PRIVATE EDUCATION PROGRAM.—Section 503 of the Comprehensive Methamphetamine Control Act of 1996 (21 U.S.C. 872a) is amended—

(1) in subsection (a), by inserting “tribal,” after “State,”; and

(2) in subsection (b)(2), by inserting “, tribal,” after “State”.

(c) COOPERATIVE ARRANGEMENTS.—Section 503 of the Controlled Substances Act (21 U.S.C. 873) is amended—

(1) in subsection (a)—

(A) by inserting “tribal,” after “State,” each place it appears; and

(B) in paragraphs (6) and (7), by inserting “, tribal,” after “State” each place it appears; and

(2) in subsection (d)(1), by inserting “, tribal,” after “State”.

(d) POWERS OF ENFORCEMENT PERSONNEL.—Section 508(a) of the Controlled Substances Act (21 U.S.C. 878(a)) is amended in the matter preceding paragraph (1) by inserting “, tribal,” after “State”.

(e) EFFECT OF GRANTS.—Nothing in this section or any amendment made by this section—

(1) allows the grant to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

(2) has any effect other than to authorize, award, or deny a grant of funds to a federally recognized Indian tribe for the purposes described in the relevant grant program.

#### **SEC. 303. ACCESS TO NATIONAL CRIMINAL INFORMATION DATABASES.**

(a) ACCESS TO NATIONAL CRIMINAL INFORMATION DATABASES.—Section 534 of title 28, United States Code, is amended—

(1) in subsection (a)(4), by inserting “Indian tribes,” after “the States,”;

(2) by striking subsection (d) and inserting the following:

“(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit tribal and Bureau of Indian Affairs law enforcement agencies—

“(1) to access and enter information into Federal criminal information databases; and

“(2) to obtain information from the databases.”;

(3) by redesignating the second subsection (e) as subsection (f); and

(4) in paragraph (2) of subsection (f) (as redesignated by paragraph (3)), in the matter preceding subparagraph (A), by inserting “, tribal,” after “Federal”.

(b) REQUIREMENT.—

(1) IN GENERAL.—The Attorney General shall ensure that tribal law enforcement officials that meet applicable Federal or State requirements be permitted access to national crime information databases.

(2) SANCTIONS.—For purpose of sanctions for noncompliance with requirements of, or misuse of, national crime information databases and information obtained from those databases, a tribal law enforcement agency or official shall be treated as Federal law enforcement agency or official.

(3) NCIC.—Each tribal justice official serving an Indian tribe with criminal jurisdiction over Indian country shall be considered to be an authorized law enforcement official for purposes of access to the National Crime Information Center of the Federal Bureau of Investigation.

#### **SEC. 304. TRIBAL COURT SENTENCING AUTHORITY.**

(a) INDIVIDUAL RIGHTS.—Section 202 of the Indian Civil Rights Act of 1968 (25 U.S.C. 1302), is amended—

(1) in the matter preceding paragraph (1), by striking “No Indian tribe” and inserting the following:

“(a) IN GENERAL.—No Indian tribe”;

(2) in subsection (a) (as designated by paragraph (1))—

(A) in paragraph (6) by inserting “(except as provided in subsection (b)) after ‘assistance of counsel for his defense’”; and

(B) by striking paragraph (7) and inserting the following:

“(7)(A) require excessive bail, impose excessive fines, or inflict cruel and unusual punishments;

“(B) except as provided in subparagraph (C), impose for conviction of any 1 offense any penalty or punishment greater than imprisonment for a term of 1 year or a fine of \$5,000, or both;

“(C) subject to subsection (b), impose for conviction of any 1 offense any penalty or punishment greater than imprisonment for a term of 3 years or a fine of \$15,000, or both; or

“(D) impose on a person in a criminal proceeding a total penalty or punishment greater than imprisonment for a term of 9 years.”;

and

(3) by adding at the end the following:

“(b) OFFENSES SUBJECT TO GREATER THAN 1-YEAR IMPRISONMENT OR A FINE GREATER THAN \$5,000.—A tribal court may subject a defendant to a term of imprisonment greater than 1 year but not to exceed 3 years for any 1 offense, or a fine greater than \$5,000 but not to exceed \$15,000, or both, if the defendant is a person accused of a criminal offense who—

“(1) has been previously convicted of the same or a comparable offense by any jurisdiction in the United States; or

“(2) is being prosecuted for an offense comparable to an offense that would be punishable by more than 1 year of imprisonment if prosecuted by the United States or any of the States.

“(c) RIGHTS OF DEFENDANTS.—In a criminal proceeding in which an Indian tribe, in exercising powers of self-government, imposes a total term of imprisonment of more than 1 year on a defendant, the Indian tribe shall—

“(1) provide to the defendant the right to effective assistance of counsel at least equal to that guaranteed by the United States Constitution; and

“(2) at the expense of the tribal government, provide an indigent defendant the assistance of a defense attorney licensed to practice law by any jurisdiction in the United States that applies appropriate professional licensing standards and effectively ensures the competence and professional responsibility of its licensed attorneys;

“(3) require that the judge presiding over the criminal proceeding—

“(A) has sufficient legal training to preside over criminal proceedings; and

“(B) is licensed to practice law by any jurisdiction in the United States;

“(4) prior to charging the defendant, make publicly available the criminal laws (including regulations and interpretative documents), rules of evidence, and rules of criminal procedure (including rules governing the recusal of judges in appropriate circumstances) of the tribal government; and

“(5) maintain a record of the criminal proceeding, including an audio or other recording of the trial proceeding.

(d) SENTENCES.—In the case of a defendant sentenced in accordance with subsections (b) and (c), a tribal court may require the defendant—

“(1) to serve the sentence—

“(A) in a tribal correctional center that has been approved by the Bureau of Indian

Affairs for long-term incarceration, in accordance with guidelines to be developed by the Bureau of Indian Affairs (in consultation with Indian tribes) not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2010;

“(B) in the nearest appropriate Federal facility, at the expense of the United States pursuant to the Bureau of Prisons tribal prisoner pilot program described in section 304(c) of the Tribal Law and Order Act of 2010;

“(C) in a State or local government-approved detention or correctional center pursuant to an agreement between the Indian tribe and the State or local government; or

“(D) in an alternative rehabilitation center of an Indian tribe; or

“(2) to serve another alternative form of punishment, as determined by the tribal court judge pursuant to tribal law.

“(e) DEFINITION OF OFFENSE.—In this section, the term ‘offense’ means a violation of a criminal law.

“(f) EFFECT OF SECTION.—Nothing in this section affects the obligation of the United States, or any State government that has been delegated authority by the United States, to investigate and prosecute any criminal violation in Indian country.”.

(b) REPORT.—Not later than 4 years after the date of enactment of this Act, the Attorney General, in coordination with the Secretary of the Interior, shall submit a report to the appropriate committees of Congress that includes—

(1) a description of the effectiveness of enhanced tribal court sentencing authority in curtailing violence and improving the administration of justice on Indian lands; and

(2) a recommendation of whether enhanced sentencing authority should be discontinued, enhanced, or maintained at the level authorized under this division.

(c) BUREAU OF PRISONS TRIBAL PRISONER PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this division, the Director of the Bureau of Prisons shall establish a pilot program under which the Bureau of Prisons shall accept offenders convicted in tribal court pursuant to section 202 of the Indian Civil Rights Act of 1968 (25 U.S.C. 1302) (as amended by this section), subject to the conditions described in paragraph (2).

(2) CONDITIONS.—

(A) IN GENERAL.—As a condition of participation in the pilot program described in paragraph (1), the tribal court shall submit to the Attorney General a request for confinement of the offender, for approval by the Attorney General (or a designee) by not later than 30 days after the date of submission.

(B) LIMITATIONS.—Requests for confinement shall be limited to offenders convicted of a violent crime (comparable to the violent crimes described in section 1153(a) of title 18, United States Code) for which the sentence includes a term of imprisonment of 2 or more years.

(C) CUSTODY CONDITIONS.—The imprisonment by the Bureau of Prisons shall be subject to the conditions described in section 5003 of title 18, United States Code, regarding the custody of State offenders, except that the offender shall be placed in the nearest available and appropriate Federal facility, and imprisoned at the expense of the United States.

(D) CAP.—The Bureau of Prisons shall confine not more than 100 tribal offenders at any time.

(3) RESCINDING REQUESTS.—

(A) IN GENERAL.—The applicable tribal government shall retain the authority to rescind the request for confinement of a tribal offender by the Bureau of Prisons under this paragraph at any time during the sentence of the offender.

(B) RETURN TO TRIBAL CUSTODY.—On rescission of a request under subparagraph (A), a tribal offender shall be returned to tribal custody.

(4) REASSESSMENT.—If tribal court demand for participation in this pilot program exceeds 100 tribal offenders, a representative of the Bureau of Prisons shall notify Congress.

(5) REPORT.—Not later than 3 years after the date of establishment of the pilot program, the Attorney General shall submit to Congress a report describing the status of the program, including recommendations regarding the future of the program, if any.

(6) TERMINATION.—Except as otherwise provided by an Act of Congress, the pilot program under this paragraph shall expire on the date that is 4 years after the date on which the program is established.

(d) GRANTS AND CONTRACTS.—Section 1007(b) of the Economic Opportunity Act of 1964 (42 U.S.C. 2996(b)) is amended by striking paragraph (2) and inserting the following:

“(2) to provide legal assistance with respect to any criminal proceeding, except to provide assistance to a person charged with an offense in an Indian tribal court;”.

#### SEC. 305. INDIAN LAW AND ORDER COMMISSION.

The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 104(b)) is amended by adding at the end the following:

##### “SEC. 15. INDIAN LAW AND ORDER COMMISSION.

“(a) ESTABLISHMENT.—There is established a commission to be known as the Indian Law and Order Commission (referred to in this section as the ‘Commission’).

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The Commission shall be composed of 9 members, of whom—

“(A) 3 shall be appointed by the President, in consultation with—

“(i) the Attorney General; and

“(ii) the Secretary;

“(B) 2 shall be appointed by the Majority Leader of the Senate, in consultation with the Chairpersons of the Committees on Indian Affairs and the Judiciary of the Senate;

“(C) 1 shall be appointed by the Minority Leader of the Senate, in consultation with the Vice Chairperson and Ranking Member of the Committees on Indian Affairs and the Judiciary of the Senate;

“(D) 2 shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairpersons of the Committees on the Judiciary and Natural Resources of the House of Representatives; and

“(E) 1 shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Members of the Committees on the Judiciary and Natural Resources of the House of Representatives.

“(2) REQUIREMENTS FOR ELIGIBILITY.—Each member of the Commission shall have significant experience and expertise in—

“(A) the Indian country criminal justice system; and

“(B) matters to be studied by the Commission.

“(3) CONSULTATION REQUIRED.—The President, the Speaker and Minority Leader of the House of Representatives, and the Majority Leader and Minority Leader of the Senate shall consult before the appointment of members of the Commission under paragraph (1) to achieve, to the maximum extent prac-

ticable, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

“(4) TERM.—Each member shall be appointed for the life of the Commission.

“(5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

“(6) VACANCIES.—A vacancy in the Commission shall be filled—

“(A) in the same manner in which the original appointment was made; and

“(B) not later than 60 days after the date on which the vacancy occurred.

“(c) OPERATION.—

“(1) CHAIRPERSON.—Not later than 15 days after the date on which all members of the Commission have been appointed, the Commission shall select 1 member to serve as Chairperson of the Commission.

“(2) MEETINGS.—

“(A) IN GENERAL.—The Commission shall meet at the call of the Chairperson.

“(B) INITIAL MEETING.—The initial meeting shall take place not later than 30 days after the date described in paragraph (1).

“(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

“(4) RULES.—The Commission may establish, by majority vote, any rules for the conduct of Commission business, in accordance with this Act and other applicable law.

“(d) COMPREHENSIVE STUDY OF CRIMINAL JUSTICE SYSTEM RELATING TO INDIAN COUNTRY.—The Commission shall conduct a comprehensive study of law enforcement and criminal justice in tribal communities, including—

“(1) jurisdiction over crimes committed in Indian country and the impact of that jurisdiction on—

“(A) the investigation and prosecution of Indian country crimes; and

“(B) residents of Indian land;

“(2) the tribal jail and Federal prisons systems and the effect of those systems with respect to—

“(A) reducing Indian country crime; and

“(B) rehabilitation of offenders;

“(3)(A) tribal juvenile justice systems and the Federal juvenile justice system as relating to Indian country; and

“(B) the effect of those systems and related programs in preventing juvenile crime, rehabilitating Indian youth in custody, and reducing recidivism among Indian youth;

“(4) the impact of the Indian Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) on—

“(A) the authority of Indian tribes;

“(B) the rights of defendants subject to tribal government authority; and

“(C) the fairness and effectiveness of tribal criminal systems; and

“(5) studies of such other subjects as the Commission determines relevant to achieve the purposes of the Tribal Law and Order Act of 2010.

“(e) RECOMMENDATIONS.—Taking into consideration the results of the study under paragraph (1), the Commission shall develop recommendations on necessary modifications and improvements to justice systems at the tribal, Federal, and State levels, including consideration of—

“(1) simplifying jurisdiction in Indian country;

“(2) improving services and programs—

“(A) to prevent juvenile crime on Indian land;

“(B) to rehabilitate Indian youth in custody; and

“(C) to reduce recidivism among Indian youth;

“(3) adjustments to the penal authority of tribal courts and exploring alternatives to incarceration;

“(4) the enhanced use of chapter 43 of title 28, United States Code (commonly known as ‘the Federal Magistrates Act’) in Indian country;

“(5) effective means of protecting the rights of victims and defendants in tribal criminal justice systems (including defendants incarcerated for a period of less than 1 year);

“(6) changes to the tribal jails and Federal prison systems; and

“(7) other issues that, as determined by the Commission, would reduce violent crime in Indian country.

“(f) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the President and Congress a report that contains—

“(1) a detailed statement of the findings and conclusions of the Commission; and

“(2) the recommendations of the Commission for such legislative and administrative actions as the Commission considers to be appropriate.

“(g) POWERS.—

“(1) HEARINGS.—

“(A) IN GENERAL.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be advisable to carry out the duties of the Commission under this section.

“(B) PUBLIC REQUIREMENT.—The hearings of the Commission under this paragraph shall be open to the public.

“(2) WITNESS EXPENSES.—

“(A) IN GENERAL.—A witness requested to appear before the Commission shall be paid the same fees and allowances as are paid to witnesses under section 1821 of title 28, United States Code.

“(B) PER DIEM AND MILEAGE.—The fees and allowances for a witness shall be paid from funds made available to the Commission.

“(3) INFORMATION FROM FEDERAL, TRIBAL, AND STATE AGENCIES.—

“(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers to be necessary to carry out this section.

“(B) TRIBAL AND STATE AGENCIES.—The Commission may request the head of any tribal or State agency to provide to the Commission such information as the Commission considers to be necessary to carry out this section.

“(4) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

“(5) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

“(h) COMMISSION PERSONNEL MATTERS.—

“(1) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

“(2) DETAIL OF FEDERAL EMPLOYEES.—On the affirmative vote of  $\frac{3}{4}$  of the members of the Commission and the approval of the appropriate Federal agency head, an employee of the Federal Government may be detailed to the Commission without reimbursement,

and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

“(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—On request of the Commission, the Attorney General shall provide to the Commission, on a reimbursable basis, reasonable and appropriate office space, supplies, and administrative assistance.

“(i) CONTRACTS FOR RESEARCH.—

“(1) RESEARCHERS AND EXPERTS.—

“(A) IN GENERAL.—On an affirmative vote of  $\frac{3}{4}$  of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out the duties of the Commission under this section.

“(B) NATIONAL INSTITUTE OF JUSTICE.—The National Institute of Justice may enter into a contract with the researchers and experts selected by the Commission under subparagraph (A) to provide funding in exchange for the services of the researchers and experts.

“(2) OTHER ORGANIZATIONS.—Nothing in this subsection limits the ability of the Commission to enter into contracts with any other entity or organization to carry out research necessary to carry out the duties of the Commission under this section.

“(j) TRIBAL ADVISORY COMMITTEE.—

“(1) ESTABLISHMENT.—The Commission shall establish a committee, to be known as the ‘Tribal Advisory Committee’.

“(2) MEMBERSHIP.—

“(A) COMPOSITION.—The Tribal Advisory Committee shall consist of 2 representatives of Indian tribes from each region of the Bureau of Indian Affairs.

“(B) QUALIFICATIONS.—Each member of the Tribal Advisory Committee shall have experience relating to—

“(i) justice systems;

“(ii) crime prevention; or

“(iii) victim services.

“(3) DUTIES.—The Tribal Advisory Committee shall—

“(A) serve as an advisory body to the Commission; and

“(B) provide to the Commission advice and recommendations, submit materials, documents, testimony, and such other information as the Commission determines to be necessary to carry out the duties of the Commission under this section.

“(k) FUNDING.—For the fiscal year after the date of enactment of the Tribal Law and Order Act of 2010, out of any unobligated amounts available to the Secretary of the Interior or the Attorney General, the Secretary or the Attorney General may use to carry out this section not more than \$2,000,000.

“(l) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the report of the Commission under subsection (f).

“(m) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.”.

#### SEC. 306. EXEMPTION FOR TRIBAL DISPLAY MATERIALS.

(a) IN GENERAL.—Section 845(a) of title 18, United States Code is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) in paragraph (6), by striking the period at the end and inserting “and”; and

(3) by adding at the end the following:

“(7) the transportation, shipment, receipt, or importation of display fireworks materials for delivery to a federally recognized Indian tribe or tribal agency.”.

(b) DEFINITION OF INDIAN TRIBE.—Section 841 of title 18, United States Code is amended by adding at the end the following:

“(t) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).”.

(c) TECHNICAL AMENDMENTS.—Section 845 of title 18, United States Code is amended—

(1) in subsection (a), by striking “subsections” in the first place it appears and inserting “subsection”; and

(2) in subsection (b), by striking “Secretary” each place it appears and inserting “Attorney General”.

#### TITLE IV—TRIBAL JUSTICE SYSTEMS

##### SEC. 401. INDIAN ALCOHOL AND SUBSTANCE ABUSE.

(a) CORRECTION OF REFERENCES.—

(1) INTER-DEPARTMENTAL MEMORANDUM OF AGREEMENT.—Section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking “Not later than 120 days after the date of enactment of this subtitle” and inserting “Not later than 1 year after the date of enactment of the Tribal Law and Order Act of 2010”; and

(II) by inserting “, the Attorney General,” after “Secretary of the Interior”;

(ii) in paragraph (2)(A), by inserting “, Office of Justice Programs, Substance Abuse and Mental Health Services Administration,” after “Bureau of Indian Affairs,”;

(iii) in paragraph (4), by inserting “, Department of Justice, Substance Abuse and Mental Health Services Administration,” after “Bureau of Indian Affairs”;

(iv) in paragraph (5), by inserting “, Department of Justice, Substance Abuse and Mental Health Services Administration,” after “Bureau of Indian Affairs”;

(v) in paragraph (7), by inserting “, the Attorney General,” after “Secretary of the Interior”;

(B) in subsection (c), by inserting “, the Attorney General,” after “Secretary of the Interior”; and

(C) in subsection (d), by striking “the date of enactment of this subtitle” and inserting “the date of enactment of the Tribal Law and Order Act of 2010”.

(2) TRIBAL ACTION PLANS.—Section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412) is amended—

(A) in subsection (b), in the first sentence, by inserting “, the Office of Justice Programs, the Substance Abuse and Mental Health Services Administration,” before “and the Indian Health Service service unit”;

(B) in subsection (c)(1)(A)(i), by inserting “, the Office of Justice Programs, the Substance Abuse and Mental Health Services Administration,” before “and the Indian Health Service service unit”;

(C) in subsection (d)(2), by striking “fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000” and inserting “the period of fiscal years 2011 through 2015”;

(D) in subsection (e), in the first sentence, by inserting “, the Attorney General,” after “the Secretary of the Interior”; and

(E) in subsection (f)(3), by striking “fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000” and inserting “fiscal years 2011 through 2015”.

(3) DEPARTMENTAL RESPONSIBILITY.—Section 4207 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2413) is amended—

(A) in subsection (a), by inserting “, the Attorney General” after “Bureau of Indian Affairs”;

(B) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—To improve coordination among the Federal agencies and departments carrying out this subtitle, there is established within the Substance Abuse and Mental Health Services Administration an office, to be known as the ‘Office of Indian Alcohol and Substance Abuse’ (referred to in this section as the ‘Office’).

“(B) DIRECTOR.—The director of the Office shall be appointed by the Administrator of the Substance Abuse and Mental Health Services Administration—

“(i) on a permanent basis; and

“(ii) at a grade of not less than GS-15 of the General Schedule.”;

(ii) in paragraph (2)—

(I) by striking “(2) In addition” and inserting the following:

“(2) RESPONSIBILITIES OF OFFICE.—In addition”;

(II) by striking subparagraph (A) and inserting the following:

“(A) coordinating with other agencies to monitor the performance and compliance of the relevant Federal programs in achieving the goals and purposes of this subtitle and the Memorandum of Agreement entered into under section 4205”;

(III) in subparagraph (B)—

(aa) by striking “within the Bureau of Indian Affairs”;

(bb) by striking the period at the end and inserting “; and”;

(IV) by adding at the end the following:

“(C) not later than 1 year after the date of enactment of the Tribal Law and Order Act of 2010, developing, in coordination and consultation with tribal governments, a framework for interagency and tribal coordination that—

“(i) establish the goals and other desired outcomes of this Act;

“(ii) prioritizes outcomes that are aligned with the purposes of affected agencies;

“(iii) provides guidelines for resource and information sharing;

“(iv) provides technical assistance to the affected agencies to establish effective and permanent interagency communication and coordination; and

“(v) determines whether collaboration is feasible, cost-effective, and within agency capability.”;

(iii) by striking paragraph (3) and inserting the following:

“(3) APPOINTMENT OF EMPLOYEES.—The Administrator of the Substance Abuse and Mental Health Services Administration shall appoint such employees to work in the Office, and shall provide such funding, services, and equipment, as may be necessary to enable the Office to carry out the responsibilities under this subsection.”;

(C) in subsection (c)—

(i) by striking “of Alcohol and Substance Abuse” each place it appears;

(ii) in paragraph (1), in the second sentence, by striking “The Assistant Secretary of the Interior for Indian Affairs” and inserting “The Administrator of the Substance Abuse and Mental Health Services Administration”;

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking “Youth” and inserting “youth”; and

(II) by striking “programs of the Bureau of Indian Affairs” and inserting “the applicable Federal programs”.

(4) REVIEW OF PROGRAMS.—Section 4208a(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2414a(a)) is amended in the matter preceding paragraph (1) by inserting “, the Attorney General,” after “the Secretary of the Interior”.

(5) FEDERAL FACILITIES, PROPERTY, AND EQUIPMENT.—Section 4209 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2415) is amended—

(A) in subsection (a), by inserting “, the Attorney General,” after “the Secretary of the Interior”;

(B) in subsection (b)—

(i) in the first sentence, by inserting “, the Attorney General,” after “the Secretary of the Interior”;

(ii) in the second sentence, by inserting “, nor the Attorney General,” after “the Secretary of the Interior”;

(iii) in the third sentence, by inserting “, the Department of Justice,” after “the Department of the Interior”;

(C) in subsection (c)(1), by inserting “, the Attorney General,” after “the Secretary of the Interior”.

(6) REVIEW.—Section 4211(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2431(a)) is amended in the matter preceding paragraph (1) by inserting “, the Attorney General,” after “the Secretary of the Interior”.

(b) INDIAN EDUCATION PROGRAMS.—Section 4212 of the Indian Alcohol and Substance Abuse Prevention Act of 1986 (25 U.S.C. 2432) is amended by striking subsection (a) and inserting the following:

“(a) SUMMER YOUTH PROGRAMS.—

“(1) IN GENERAL.—The head of the Indian Alcohol and Substance Abuse Program, in coordination with the Assistant Secretary for Indian Affairs, shall develop and implement programs in tribal schools and schools funded by the Bureau of Indian Education (subject to the approval of the local school board or contract school board) to determine the effectiveness of summer youth programs in advancing the purposes and goals of this Act.

“(2) COSTS.—The head of the Indian Alcohol and Substance Abuse Program and the Assistant Secretary shall defray all costs associated with the actual operation and support of the summer youth programs in a school from funds appropriated to carry out this subsection.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the programs under this subsection \$5,000,000 for each of fiscal years 2011 through 2015.”.

(c) EMERGENCY SHELTERS.—Section 4213(e) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended—

(1) in paragraph (1), by striking “fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.” and inserting “each of fiscal years 2011 through 2015.”;

(2) in paragraph (2), by striking “each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.” and inserting “each of fiscal years 2011 through 2015.”;

(3) by indenting paragraphs (4) and (5) appropriately.

(d) REVIEW OF PROGRAMS.—Section 4215(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2441(a)) is amended by inserting “, the Attorney General,” after “the Secretary of the Interior”.

(e) ILLEGAL NARCOTICS TRAFFICKING; SOURCE ERADICATION.—Section 4216 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2442) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking the comma at the end and inserting a semicolon;

(ii) in subparagraph (B), by striking “, and” at the end and inserting a semicolon;

(iii) in subparagraph (C), by striking the period at the end and inserting “; and”;

(iv) by adding at the end the following:

“(D) the Blackfeet Nation of Montana for the investigation and control of illegal narcotics traffic on the Blackfeet Indian Reservation along the border with Canada.”;

(B) in paragraph (2), by striking “United States Custom Service” and inserting “United States Customs and Border Protection, the Bureau of Immigration and Customs Enforcement, and the Drug Enforcement Administration”;

(C) by striking paragraph (3) and inserting the following:

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$2,000,000 for each of fiscal years 2011 through 2015.”;

(2) in subsection (b)(2), by striking “for the fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000” and “for each of fiscal years 2011 through 2015.”.

(f) LAW ENFORCEMENT AND JUDICIAL TRAINING.—Section 4218 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2451) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) TRAINING PROGRAMS.—

“(1) IN GENERAL.—The Secretary of the Interior, in coordination with the Attorney General, the Administrator of the Drug Enforcement Administration, and the Director of the Federal Bureau of Investigation, shall ensure, through the establishment of a new training program or by supplementing existing training programs, that all Bureau of Indian Affairs and tribal law enforcement and judicial personnel have access to training regarding—

“(A) the investigation and prosecution of offenses relating to illegal narcotics; and

“(B) alcohol and substance abuse prevention and treatment.

“(2) YOUTH-RELATED TRAINING.—Any training provided to Bureau of Indian Affairs or tribal law enforcement or judicial personnel under paragraph (1) shall include training in issues relating to youth alcohol and substance abuse prevention and treatment.”;

and

(2) in subsection (b), by striking “as may be necessary” and all that follows through the end of the subsection and inserting “as are necessary for each of fiscal years 2011 through 2015.”.

(g) JUVENILE DETENTION CENTERS.—Section 4220 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2453) is amended—

(1) in subsection (a)—

(A) by striking “The Secretary” the first place it appears and inserting the following:

“(1) IN GENERAL.—The Secretary”;

(B) in the second sentence, by striking "The Secretary shall" and inserting the following:

"(2) CONSTRUCTION AND OPERATION.—The Secretary shall"; and

(C) by adding at the end the following:

"(3) DEVELOPMENT OF PLAN.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Secretary and the Attorney General, in consultation with tribal leaders and tribal justice officials, shall develop a long-term plan for the construction, renovation, and operation of Indian juvenile detention and treatment centers and alternatives to detention for juvenile offenders.

"(B) COORDINATION.—The plan under subparagraph (A) shall require the Bureau of Indian Education and the Indian Health Service to coordinate with tribal and Bureau of Indian Affairs juvenile detention centers to provide services to those centers."; and

(2) in paragraphs (1) and (2) of subsection (b)—

(A) by striking "for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000" each place it appears and inserting "for each of fiscal years 2011 through 2015"; and

(B) by indenting paragraph (2) appropriately.

#### SEC. 402. INDIAN TRIBAL JUSTICE, TECHNICAL AND LEGAL ASSISTANCE.

(a) INDIAN TRIBAL JUSTICE.—

(1) BASE SUPPORT FUNDING.—Section 103(b) of the Indian Tribal Justice Act (25 U.S.C. 3613(b)) is amended by striking paragraph (2) and inserting the following:

"(2) the employment of tribal court personnel, including tribal court judges, prosecutors, public defenders, appointed defense counsel, guardians ad litem, and court-appointed special advocates for children and juveniles";.

(2) TRIBAL JUSTICE SYSTEMS.—Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended—

(A) in subsection (a)—

(i) by striking "the provisions of sections 101 and 102 of this Act" and inserting "sections 101 and 102"; and

(ii) by striking "the fiscal years 2000 through 2007" and inserting "fiscal years 2011 through 2015";

(B) in subsection (b)—

(i) by striking "the provisions of section 103 of this Act" and inserting "section 103"; and

(ii) by striking "the fiscal years 2000 through 2007" and inserting "fiscal years 2011 through 2015";

(C) in subsection (c), by striking "the fiscal years 2000 through 2007" and inserting "fiscal years 2011 through 2015"; and

(D) in subsection (d), by striking "the fiscal years 2000 through 2007" and inserting "fiscal years 2011 through 2015".

(b) TECHNICAL AND LEGAL ASSISTANCE.—

(1) TRIBAL CIVIL LEGAL ASSISTANCE GRANTS.—Section 102 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3662) is amended by inserting "(including guardians ad litem and court-appointed special advocates for children and juveniles)" after "civil legal assistance".

(2) TRIBAL CRIMINAL LEGAL ASSISTANCE GRANTS.—Section 103 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3663) is amended by striking "criminal legal assistance to members of Indian tribes and tribal justice systems" and inserting "defense counsel services to all de-

fendants in tribal court criminal proceedings and prosecution and judicial services for tribal courts".

(3) FUNDING.—The Indian Tribal Justice Technical and Legal Assistance Act of 2000 is amended—

(A) in section 107 (as redesignated by section 104(a)(2)(A)), by striking "2000 through 2004" and inserting "2011 through 2015"; and

(B) in section 201(d) (25 U.S.C. 3681(d)), by striking "2000 through 2004" and inserting "2011 through 2015".

#### SEC. 403. TRIBAL RESOURCES GRANT PROGRAM.

Section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) in subsection (b)—

(A) in each of paragraphs (1) through (4) and (6) through (17), by inserting "to" after the paragraph designation;

(B) in paragraph (1), by striking "State and" and inserting "State, tribal, or";

(C) in paragraphs (9) and (10), by inserting ", tribal," after "State" each place it appears;

(D) in paragraph (15)—

(i) by striking "a State in" and inserting "a State or Indian tribe in";

(ii) by striking "the State which" and inserting "the State or tribal community that"; and

(iii) by striking "a State or" and inserting "a State, tribal, or";

(E) in paragraph (16), by striking "and" at the end

(F) in paragraph (17), by striking the period at the end and inserting "; and";

(G) by redesignating paragraphs (6) through (17) as paragraphs (5) through (16), respectively; and

(H) by adding at the end the following:

"(17) to permit tribal governments receiving direct law enforcement services from the Bureau of Indian Affairs to access the program under this section for use in accordance with paragraphs (1) through (16)."

(2) in subsection (i), by striking "The authority" and inserting "Except as provided in subsection (j), the authority"; and

(3) by adding at the end the following:

"(j) GRANTS TO INDIAN TRIBES.—

"(1) IN GENERAL.—Notwithstanding subsection (i) and section 1703, and in acknowledgment of the Federal nexus and distinct Federal responsibility to address and prevent crime in Indian country, the Attorney General shall provide grants under this section to Indian tribal governments, for fiscal year 2011 and any fiscal year thereafter, for such period as the Attorney General determines to be appropriate to assist the Indian tribal governments in carrying out the purposes described in subsection (b).

"(2) PRIORITY OF FUNDING.—In providing grants to Indian tribal governments under this subsection, the Attorney General shall take into consideration reservation crime rates and tribal law enforcement staffing needs of each Indian tribal government.

"(3) FEDERAL SHARE.—Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection—

"(A) shall be 100 percent; and

"(B) may be used to cover indirect costs.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$40,000,000 for each of fiscal years 2011 through 2015.

"(k) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall submit to Congress a report describing the extent and effective-

ness of the Community Oriented Policing (COPS) initiative as applied in Indian country, including particular references to—

"(1) the problem of intermittent funding;

"(2) the integration of COPS personnel with existing law enforcement authorities; and

"(3) an explanation of how the practice of community policing and the broken windows theory can most effectively be applied in remote tribal locations.".

#### SEC. 404. TRIBAL JAILS PROGRAM.

(a) IN GENERAL.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by striking subsection (a) and inserting the following:

"(a) RESERVATION OF FUNDS.—Notwithstanding any other provision of this part, of amounts made available to the Attorney General to carry out programs relating to offender incarceration, the Attorney General shall reserve \$35,000,000 for each of fiscal years 2011 through 2015 to carry out this section.".

(b) REGIONAL DETENTION CENTERS.—

(1) IN GENERAL.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by striking subsection (b) and inserting the following:

"(b) GRANTS TO INDIAN TRIBES.—

"(1) IN GENERAL.—From the amounts reserved under subsection (a), the Attorney General shall provide grants—

"(A) to Indian tribes for purposes of—

"(i) construction and maintenance of jails on Indian land for the incarceration of offenders subject to tribal jurisdiction;

"(ii) entering into contracts with private entities to increase the efficiency of the construction of tribal jails; and

"(iii) developing and implementing alternatives to incarceration in tribal jails;

"(B) to Indian tribes for the construction of tribal justice centers that combine tribal police, courts, and corrections services to address violations of tribal civil and criminal laws;

"(C) to consortia of Indian tribes for purposes of constructing and operating regional detention centers on Indian land for long-term incarceration of offenders subject to tribal jurisdiction, as the applicable consortium determines to be appropriate.

"(2) PRIORITY OF FUNDING.—In providing grants under this subsection, the Attorney General shall take into consideration applicable—

"(A) reservation crime rates;

"(B) annual tribal court convictions; and

"(C) bed space needs.

"(3) FEDERAL SHARE.—Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection shall be 100 percent.".

(2) CONFORMING AMENDMENT.—Section 20109(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(c)) is amended by inserting "or consortium of Indian tribes, as applicable," after "Indian tribe".

(3) LONG-TERM PLAN.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by adding at the end the following:

"(d) LONG-TERM PLAN.—Not later than 1 year after the date of enactment of this subsection, the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with tribal leaders, tribal law enforcement officers, and tribal corrections

officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including—

“(1) a description of proposed activities for—

“(A) construction, operation, and maintenance of juvenile (in accordance with section 4220(a)(3) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2453(a)(3)) and adult detention facilities (including regional facilities) in Indian country; and

“(B) contracting with State and local detention centers, on approval of the affected tribal governments; and

“(C) alternatives to incarceration, developed in cooperation with tribal court systems;

“(2) an assessment and consideration of the construction of Federal detention facilities in Indian country; and

“(3) any other alternatives as the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with Indian tribes, determines to be necessary.”.

#### SEC. 405. TRIBAL PROBATION OFFICE LIAISON PROGRAM.

Title II of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3681 et seq.) is amended by adding at the end the following:

##### “SEC. 203. ASSISTANT PROBATION OFFICERS.

“To the maximum extent practicable, the chief judge or chief probation or pretrial services officer of each judicial district, in coordination with the Office of Tribal Justice and the Office of Justice Services, shall—

“(1) appoint individuals residing in Indian country to serve as probation or pretrial services officers or assistants for purposes of monitoring and providing services to Federal prisoners residing in Indian country; and

“(2) provide substance abuse, mental health, and other related treatment services to offenders residing on Indian land.”.

#### SEC. 406. TRIBAL YOUTH PROGRAM.

(a) INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.—Section 504 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5783) is amended—

(1) in subsection (a), by inserting “, or to federally recognized Indian tribe or consortia of federally recognized Indian tribes under subsection (d)” after “subsection (b)”;

and

(2) by adding at the end the following:

“(d) GRANTS FOR TRIBAL DELINQUENCY PREVENTION AND RESPONSE PROGRAMS.—

“(1) IN GENERAL.—The Administrator shall make grants under this section, on a competitive basis, to eligible Indian tribes or consortia of Indian tribes, as described in paragraph (2)—

“(A) to support and enhance—

“(i) tribal juvenile delinquency prevention services; and

“(ii) the ability of Indian tribes to respond to, and care for, juvenile offenders; and

“(B) to encourage accountability of Indian tribal governments with respect to preventing juvenile delinquency and responding to, and caring for, juvenile offenders.

“(2) ELIGIBLE INDIAN TRIBES.—To be eligible to receive a grant under this subsection, an Indian tribe or consortium of Indian tribes shall submit to the Administrator an application in such form and containing such information as the Administrator may require.

“(3) CONSIDERATIONS.—In providing grants under this subsection, the Administrator shall take into consideration, with respect to the Indian tribe to be served, the—

“(A) juvenile crime rates;

“(B) dropout rates; and

“(C) number of at-risk youth.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$25,000,000 for each of fiscal years 2011 through 2015.”.

(b) COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 206(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(2)) is amended—

(1) in subparagraph (A), by striking “Nine” and inserting “Ten”; and

(2) in subparagraph (B), by adding at the end the following:

“(iv) One member shall be appointed by the Chairman of the Committee on Indian Affairs of the Senate, in consultation with the Vice Chairman of that Committee and the Chairman and Ranking Member of the Committee on Natural Resources of the House of Representatives.”.

#### SEC. 407. IMPROVING PUBLIC SAFETY PRESENCE IN RURAL ALASKA.

(a) DEFINITIONS.—In this section:

(1) STATE.—

(A) IN GENERAL.—The term “State” means the State of Alaska.

(B) INCLUSION.—The term “State” includes any political subdivision of the State of Alaska.

(2) VILLAGE PUBLIC SAFETY OFFICER.—The term “village public safety officer” means an individual employed as a village public safety officer under the program established by the State pursuant to Alaska Statute 18.65.670.

(3) TRIBAL ORGANIZATION.—The term “tribal organization” has the meaning given that term in section 4 of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450b(1)).

(b) COPS GRANTS.—The State and any Indian tribe or tribal organization in the State that employs a village public safety officer shall be eligible to apply for a grant under section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) (provided that only an Indian tribe or tribal organization may receive a grant under the tribal resources grant program under subsection (j) of that section) on an equal basis with other eligible applicants for funding under that section.

(c) STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANTS.—The State and any Indian tribe or tribal organization in the State that employs a village public safety officer shall be eligible to apply for a grant under the Staffing for Adequate Fire and Emergency Response program under section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a) on an equal basis with other eligible applicants for funding under that program.

(d) TRAINING FOR VILLAGE PUBLIC SAFETY OFFICERS AND TRIBAL LAW ENFORCEMENT POSITIONS FUNDED UNDER COPS PROGRAM.—

(1) IN GENERAL.—Any village public safety officer or tribal law enforcement officer in the State shall be eligible to participate in any training program offered at the Indian Police Academy of the Federal Law Enforcement Training Center.

(2) FUNDING.—Funding received pursuant to grants approved under section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) may be used for training of officers at programs described in paragraph (1) or at a police academy in the State certified by the Alaska Police Standards Council.

(e) FUNDS FOR COURTS OF LAW ENFORCEMENT OFFICERS.—Section 112(a) of the Con-

solidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 62) is amended—

(1) by striking paragraph (1);

(2) by redesignating subparagraphs (A) and (B) of paragraph (2) as paragraphs (1) and (2), respectively, and indenting appropriately; and

(3) by redesignating clauses (i) through (iv) of paragraph (2) (as so redesignated) as subparagraphs (A) through (D), respectively, and indenting appropriately.

#### TITLE V—INDIAN COUNTRY CRIME DATA COLLECTION AND INFORMATION SHARING

##### SEC. 501. TRACKING OF CRIMES COMMITTED IN INDIAN COUNTRY.

(a) GANG VIOLENCE.—Section 1107 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (28 U.S.C. 534 note; Public Law 109-162) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (8) through (12) as paragraphs (9) through (13), respectively;

(B) by inserting after paragraph (7) the following:

“(8) the Office of Justice Services of the Bureau of Indian Affairs;”;

(C) in paragraph (9) (as redesignated by subparagraph (A)), by striking “State” and inserting “tribal, State,”; and

(D) in paragraphs (10) through (12) (as redesignated by subparagraph (A)), by inserting “tribal,” before “State,” each place it appears; and

(2) in subsection (b), by inserting “tribal,” before “State,” each place it appears.

(b) BUREAU OF JUSTICE STATISTICS.—Section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

(1) in subsection (c)—

(A) in each of paragraphs (3) through (6), by inserting “tribal,” after “State,” each place it appears;

(B) in paragraph (7), by inserting “and in Indian country” after “States”;

(C) in paragraph (9), by striking “Federal and State Governments” and inserting “Federal Government and State and tribal governments”;

(D) in each of paragraphs (10) and (11), by inserting “, tribal,” after “State” each place it appears;

(E) in paragraph (13), by inserting “, Indian tribes,” after “States”;

(F) in paragraph (17)—

(i) by striking “State and local” and inserting “State, tribal, and local”; and

(ii) by striking “State, and local” and inserting “State, tribal, and local”;

(G) in paragraph (18), by striking “State and local” and inserting “State, tribal, and local”;

(H) in paragraph (19), by inserting “and tribal” after “State” each place it appears;

(I) in paragraph (20), by inserting “, tribal,” after “State”; and

(J) in paragraph (22), by inserting “, tribal,” after “Federal”;

(2) in subsection (d)—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and indenting the subparagraphs appropriately;

(B) by striking “To insure” and inserting the following:

“(1) IN GENERAL.—To ensure”; and

(C) by adding at the end the following:

“(2) CONSULTATION WITH INDIAN TRIBES.—The Director, acting jointly with the Assistant Secretary for Indian Affairs (acting through the Office of Justice Services) and

the Director of the Federal Bureau of Investigation, shall work with Indian tribes and tribal law enforcement agencies to establish and implement such tribal data collection systems as the Director determines to be necessary to achieve the purposes of this section.”;

(3) in subsection (e), by striking “subsection (d)(3)” and inserting “subsection (d)(1)(C)”;

(4) in subsection (f)—

(A) in the subsection heading, by inserting “, Tribal,” after “State”; and

(B) by inserting “, tribal,” after “State”; and

(5) by adding at the end the following:

“(g) **REPORTS.**—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Director shall submit to Congress a report describing the data collected and analyzed under this section relating to crimes in Indian country.”.

(c) **EFFECT OF GRANTS.**—Nothing in this section or any amendment made by this section—

(1) allows the grant to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

(2) has any effect other than to authorize, award, or deny a grant of funds to a federally recognized Indian tribe for the purposes described in the relevant grant program.

#### **SEC. 502. CRIMINAL HISTORY RECORD IMPROVEMENT PROGRAM.**

(a) **IN GENERAL.**—Section 1301(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h(a)) is amended by inserting “, tribal,” after “State”.

(b) **EFFECT OF GRANTS.**—Nothing in this section or any amendment made by this section—

(1) allows the grant to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

(2) has any effect other than to authorize, award, or deny a grant of funds to a federally recognized Indian tribe for the purposes described in the relevant grant program.

#### **TITLE VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROSECUTION AND PREVENTION**

##### **SEC. 601. PRISONER RELEASE AND REENTRY.**

(a) **DUTIES OF BUREAU OF PRISONS.**—Section 4042 of title 18, United States Code, is amended—

(1) in subsection (a)(4), by inserting “, tribal,” after “State”;

(2) in subsection (b)(1), in the first sentence, by striking “officer of the State and of the local jurisdiction” and inserting “officers of each State, tribal, and local jurisdiction”; and

(3) in subsection (c)(1)—

(A) in subparagraph (A), by striking “officer of the State and of the local jurisdiction” and inserting “officer of each State, tribal, and local jurisdiction”; and

(B) in subparagraph (B), by inserting “, tribal,” after “State” each place it appears.

(b) **AUTHORITY OF INSTITUTE; TIME; RECORDS OF RECIPIENTS; ACCESS; SCOPE OF SECTION.**—Section 4352(a) of title 18, United States Code, is amended—

(1) in paragraphs (1), (3), (4), and (8), by inserting “tribal,” after “State,” each place it appears;

(2) in paragraph (6)—

(A) by inserting “and tribal communities,” after “States”; and

(B) by inserting “, tribal,” after “State”; and

(3) in paragraph (12) by inserting “, tribal,” after “State”.

##### **SEC. 602. DOMESTIC AND SEXUAL VIOLENCE OFFENSE TRAINING.**

Section 3(c)(9) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(c)(9)) (as amended by section 101(a)(2)) is amended by inserting before the semicolon at the end the following: “, including training to properly interview victims of domestic and sexual violence and to collect, preserve, and present evidence to Federal and tribal prosecutors to increase the conviction rate for domestic and sexual violence offenses for purposes of addressing and preventing domestic and sexual violent offenses”.

##### **SEC. 603. TESTIMONY BY FEDERAL EMPLOYEES.**

The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 305) is amended by adding at the end the following:

##### **“SEC. 16. TESTIMONY BY FEDERAL EMPLOYEES.**

“(a) **APPROVAL OF EMPLOYEE TESTIMONY OR DOCUMENTS.**—

“(1) **IN GENERAL.**—The Director of the Office of Justice Services or the Director of the Indian Health Service, as appropriate (referred to in this section as the ‘Director concerned’), shall approve or disapprove, in writing, any request or subpoena from a tribal or State court for a law enforcement officer, sexual assault nurse examiner, or other employee under the supervision of the Director concerned to provide documents or testimony in a deposition, trial, or other similar criminal proceeding regarding information obtained in carrying out the official duties of the employee.

“(2) **DEADLINE.**—The court issuing a subpoena under paragraph (1) shall provide to the appropriate Federal employee (or agency in the case of a document request) notice regarding the request to provide testimony (or release a document) by not less than 30 days before the date on which the testimony will be provided.

“(b) **APPROVAL.**—

“(1) **IN GENERAL.**—The Director concerned shall approve a request or subpoena under subsection (a) if the request or subpoena does not violate the policy of the Department to maintain impartiality.

“(2) **FAILURE TO APPROVE.**—If the Director concerned fails to approve or disapprove a request or subpoena for testimony or release of a document by the date that is 30 days after the date of receipt of notice of the request or subpoena, the request or subpoena shall be considered to be approved for purposes of this section.”.

##### **SEC. 604. COORDINATION OF FEDERAL AGENCIES.**

Any report of the Secretary of Health and Human Services to Congress on the development of Indian victim services and victim advocate training programs shall include any recommendations that the Secretary determines to be necessary to prevent the sex trafficking of Indian women.

##### **SEC. 605. SEXUAL ASSAULT PROTOCOL.**

The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 603) is amended by adding at the end the following:

##### **“SEC. 17. POLICIES AND PROTOCOL.**

“The Director of the Indian Health Service, in coordination with the Director of the Office of Justice Services and the Director of the Office on Violence Against Women of the Department of Justice, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall develop standardized sexual assault policies and protocol for the facilities of the Service, based on similar protocol that

has been established by the Department of Justice.”.

##### **SEC. 606. STUDY OF IHS SEXUAL ASSAULT AND DOMESTIC VIOLENCE RESPONSE CAPABILITIES.**

(a) **STUDY.**—The Comptroller General of the United States shall—

(1) conduct a study of the capability of Indian Health Service facilities in remote Indian reservations and Alaska Native villages, including facilities operated pursuant to contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.), to collect, maintain, and secure evidence of sexual assaults and domestic violence incidents required for criminal prosecution; and

(2) develop recommendations for improving those capabilities.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the results of the study under subsection (a), including the recommendations developed under that subsection, if any.

**SA 4392.** Mr. DURBIN (for Mr. CARPER) proposed an amendment to the bill S. 1508, to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars; as follows:

Strike all after the enacting clause and insert the following:

##### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Improper Payments Elimination and Recovery Act of 2010”.

##### **SEC. 2. IMPROPER PAYMENTS ELIMINATION AND RECOVERY.**

(a) **SUSCEPTIBLE PROGRAMS AND ACTIVITIES.**—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (a) and inserting the following:

“(a) **IDENTIFICATION OF SUSCEPTIBLE PROGRAMS AND ACTIVITIES.**—

“(1) **IN GENERAL.**—The head of each agency shall, in accordance with guidance prescribed by the Director of the Office of Management and Budget, periodically review all programs and activities that the relevant agency head administers and identify all programs and activities that may be susceptible to significant improper payments.

“(2) **FREQUENCY.**—Reviews under paragraph (1) shall be performed for each program and activity that the relevant agency head administers during the year after which the Improper Payments Elimination and Recovery Act of 2010 is enacted and at least once every 3 fiscal years thereafter. For those agencies already performing a risk assessment every 3 years, agencies may apply to the Director of the Office of Management and Budget for a waiver from the requirement of the preceding sentence and continue their 3-year risk assessment cycle.

“(3) **RISK ASSESSMENTS.**—

“(A) **DEFINITION.**—In this subsection the term ‘significant’ means—

“(i) except as provided under clause (ii), that improper payments in the program or activity in the preceding fiscal year may have exceeded—

“(I) \$10,000,000 of all program or activity payments made during that fiscal year reported and 2.5 percent of program outlays; or

“(II) \$100,000,000; and

“(ii) with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget, that improper payments in the program or activity in the preceding fiscal year may have exceeded—

“(I) \$10,000,000 of all program or activity payments made during that fiscal year reported and 1.5 percent of program outlays; or  
“(II) \$100,000,000.

“(B) SCOPE.—In conducting the reviews under paragraph (1), the head of each agency shall take into account those risk factors that are likely to contribute to a susceptibility to significant improper payments, such as—

“(i) whether the program or activity reviewed is new to the agency;

“(ii) the complexity of the program or activity reviewed;

“(iii) the volume of payments made through the program or activity reviewed;

“(iv) whether payments or payment eligibility decisions are made outside of the agency, such as by a State or local government;

“(v) recent major changes in program funding, authorities, practices, or procedures;

“(vi) the level, experience, and quality of training for personnel responsible for making program eligibility determinations or certifying that payments are accurate; and

“(vii) significant deficiencies in the audit report of the agency or other relevant management findings that might hinder accurate payment certification.”.

(b) ESTIMATION OF IMPROPER PAYMENTS.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (b) and inserting the following:

“(b) ESTIMATION OF IMPROPER PAYMENTS.—With respect to each program and activity identified under subsection (a), the head of the relevant agency shall—

“(1) produce a statistically valid estimate, or an estimate that is otherwise appropriate using a methodology approved by the Director of the Office of Management and Budget, of the improper payments made by each program and activity; and

“(2) include those estimates in the accompanying materials to the annual financial statement of the agency required under section 3515 of title 31, United States Code, or similar provision of law and applicable guidance of the Office of Management and Budget.”.

(c) REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (c) and inserting the following:

“(c) REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.—With respect to any program or activity of an agency with estimated improper payments under subsection (b), the head of the agency shall provide with the estimate under subsection (b) a report on what actions the agency is taking to reduce improper payments, including—

“(1) a description of the causes of the improper payments, actions planned or taken to correct those causes, and the planned or actual completion date of the actions taken to address those causes;

“(2) in order to reduce improper payments to a level below which further expenditures to reduce improper payments would cost more than the amount such expenditures would save in prevented or recovered improper payments, a statement of whether the agency has what is needed with respect to—

“(A) internal controls;

“(B) human capital; and

“(C) information systems and other infrastructure;

“(3) if the agency does not have sufficient resources to establish and maintain effective internal controls under paragraph (2)(A), a description of the resources the agency has requested in its budget submission to establish and maintain such internal controls;

“(4) program-specific and activity-specific improper payments reduction targets that have been approved by the Director of the Office of Management and Budget; and

“(5) a description of the steps the agency has taken to ensure that agency managers, programs, and, where appropriate, States and localities are held accountable through annual performance appraisal criteria for—

“(A) meeting applicable improper payments reduction targets; and

“(B) establishing and maintaining sufficient internal controls, including an appropriate control environment, that effectively—

“(i) prevent improper payments from being made; and

“(ii) promptly detect and recover improper payments that are made.”.

(d) REPORTS ON ACTIONS TO RECOVER IMPROPER PAYMENTS.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by striking subsection (e);

(2) by redesignating subsections (d) and (f) as subsections (f) and (g), respectively; and

(3) by inserting after subsection (c) the following:

“(d) REPORTS ON ACTIONS TO RECOVER IMPROPER PAYMENTS.—With respect to any improper payments identified in recovery audits conducted under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010 (31 U.S.C. 3321 note), the head of the agency shall provide with the estimate under subsection (b) a report on all actions the agency is taking to recover improper payments, including—

“(1) a discussion of the methods used by the agency to recover overpayments;

“(2) the amounts recovered, outstanding, and determined to not be collectable, including the percent such amounts represent of the total overpayments of the agency;

“(3) if a determination has been made that certain overpayments are not collectable, a justification of that determination;

“(4) an aging schedule of the amounts outstanding;

“(5) a summary of how recovered amounts have been disposed of;

“(6) a discussion of any conditions giving rise to improper payments and how those conditions are being resolved; and

“(7) if the agency has determined under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010 (31 U.S.C. 3321 note) that performing recovery audits for any applicable program or activity is not cost-effective, a justification for that determination.

“(e) GOVERNMENTWIDE REPORTING OF IMPROPER PAYMENTS AND ACTIONS TO RECOVER IMPROPER PAYMENTS.—

“(1) REPORT.—Each fiscal year the Director of the Office of Management and Budget shall submit a report with respect to the preceding fiscal year on actions agencies have taken to report information regarding improper payments and actions to recover improper overpayments to—

“(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(B) the Committee on Oversight and Government Reform of the House of Representatives.

“(2) CONTENTS.—Each report under this subsection shall include—

“(A) a summary of the reports of each agency on improper payments and recovery actions submitted under this section;

“(B) an identification of the compliance status of each agency to which this Act applies;

“(C) governmentwide improper payment reduction targets; and

“(D) a discussion of progress made towards meeting governmentwide improper payment reduction targets.”.

(e) DEFINITIONS.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsections (f) (as redesignated by this section) and inserting the following:

“(f) DEFINITIONS.—In this section:

“(1) AGENCY.—The term ‘agency’ means an executive agency, as that term is defined in section 102 of title 31, United States Code.

“(2) IMPROPER PAYMENT.—The term ‘improper payment’—

“(A) means any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements; and

“(B) includes any payment to an ineligible recipient, any payment for an ineligible good or service, any duplicate payment, any payment for a good or service not received (except for such payments where authorized by law), and any payment that does not account for credit for applicable discounts.

“(3) PAYMENT.—The term ‘payment’ means any transfer or commitment for future transfer of Federal funds such as cash, securities, loans, loan guarantees, and insurance subsidies to any non-Federal person or entity, that is made by a Federal agency, a Federal contractor, a Federal grantee, or a governmental or other organization administering a Federal program or activity.

“(4) PAYMENT FOR AN INELIGIBLE GOOD OR SERVICE.—The term ‘payment for an ineligible good or service’ shall include a payment for any good or service that is rejected under any provision of any contract, grant, lease, cooperative agreement, or any other funding mechanism.”.

(f) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (g) (as redesignated by this section) and inserting the following:

“(g) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—

“(1) IN GENERAL.—Not later than 6 months after the date of enactment of the Improper Payments Elimination and Recovery Act of 2010, the Director of the Office of Management and Budget shall prescribe guidance for agencies to implement the requirements of this section. The guidance shall not include any exemptions to such requirements not specifically authorized by this section.

“(2) CONTENTS.—The guidance under paragraph (1) shall prescribe—

“(A) the form of the reports on actions to reduce improper payments, recovery actions, and governmentwide reporting; and

“(B) strategies for addressing risks and establishing appropriate prepayment and postpayment internal controls.”.

(g) DETERMINATIONS OF AGENCY READINESS FOR OPINION ON INTERNAL CONTROL.—Not later than 1 year after the date of enactment

of this Act, the Director of the Office of Management and Budget shall develop—

(1) specific criteria as to when an agency should initially be required to obtain an opinion on internal control over improper payments; and

(2) criteria for an agency that has demonstrated a stabilized, effective system of internal control over improper payments, whereby the agency would qualify for a multiyear cycle for obtaining an audit opinion on internal control over improper payments, rather than an annual cycle.

(h) RECOVERY AUDITS.—

(1) DEFINITION.—In this subsection, the term “agency” has the meaning given under section 2(f) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) as redesignated by this Act.

(2) IN GENERAL.—

(A) CONDUCT OF AUDITS.—Except as provided under paragraph (4) and if not prohibited under any other provision of law, the head of each agency shall conduct recovery audits with respect to each program and activity of the agency that expends \$1,000,000 or more annually if conducting such audits would be cost-effective.

(B) PROCEDURES.—In conducting recovery audits under this subsection, the head of an agency—

(i) shall give priority to the most recent payments and to payments made in any program or programs identified as susceptible to significant improper payments under section 2(a) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note);

(ii) shall implement this subsection in a manner designed to ensure the greatest financial benefit to the Government; and

(iii) may conduct recovery audits directly, by using other departments and agencies of the United States, or by procuring performance of recovery audits by private sector sources by contract (subject to the availability of appropriations), or by any combination thereof.

(C) RECOVERY AUDIT CONTRACTS.—With respect to recovery audits procured by an agency by contract—

(i) subject to subparagraph (B)(iii), and except to the extent such actions are outside the agency's authority, as defined by section 605(a) of the Contract Disputes Act of 1978 (41 U.S.C. 605(a)), the head of the agency may authorize the contractor to notify entities (including persons) of potential overpayments made to such entities, respond to questions concerning potential overpayments, and take other administrative actions with respect to overpayment claims made or to be made by the agency; and

(ii) such contractor shall have no authority to make final determinations relating to whether any overpayment occurred and whether to compromise, settle, or terminate overpayment claims.

(D) CONTRACT TERMS AND CONDITIONS.—

(i) IN GENERAL.—The agency shall include in each contract for procurement of performance of a recovery audit a requirement that the contractor shall—

(I) provide to the agency periodic reports on conditions giving rise to overpayments identified by the contractor and any recommendations on how to mitigate such conditions;

(II) notify the agency of any overpayments identified by the contractor pertaining to the agency or to any other agency or agencies that are beyond the scope of the contract; and

(III) report to the agency credible evidence of fraud or vulnerabilities to fraud, and con-

duct appropriate training of personnel of the contractor on identification of fraud.

(ii) REPORTS ON ACTIONS TAKEN.—Not later than November 1 of each year, each agency shall submit a report on actions taken by the agency during the preceding fiscal year to address the recommendations described under clause (i)(I) to—

(I) the Office of Management and Budget; and

(II) Congress.

(E) AGENCY ACTION FOLLOWING NOTIFICATION.—An agency shall take prompt and appropriate action in response to a report or notification by a contractor under subparagraph (D)(i)(I) or (II), to collect overpayments and shall forward to other agencies any information that applies to such agencies.

(3) DISPOSITION OF AMOUNTS RECOVERED.—

(A) IN GENERAL.—Amounts collected by agencies each fiscal year through recovery audits conducted under this subsection shall be treated in accordance with this paragraph. The agency head shall determine the distribution of collected amounts, less amounts needed to fulfill the purposes of section 3562(a) of title 31, United States Code, in accordance with subparagraphs (B), (C), and (D).

(B) USE FOR FINANCIAL MANAGEMENT IMPROVEMENT PROGRAM.—Not more than 25 percent of the amounts collected by an agency through recovery audits—

(i) shall be available to the head of the agency to carry out the financial management improvement program of the agency under paragraph (4);

(ii) may be credited, if applicable, for that purpose by the head of an agency to any agency appropriations and funds that are available for obligation at the time of collection; and

(iii) shall be used to supplement and not supplant any other amounts available for that purpose and shall remain available until expended.

(C) USE FOR ORIGINAL PURPOSE.—Not more than 25 percent of the amounts collected by an agency—

(i) shall be credited to the appropriation or fund, if any, available for obligation at the time of collection for the same general purposes as the appropriation or fund from which the overpayment was made;

(ii) shall remain available for the same period and purposes as the appropriation or fund to which credited; and

(iii) if the appropriation from which the overpayment was made has expired, shall be newly available for the same time period as the funds were originally available for obligation, except that any amounts that are recovered more than five fiscal years from the last fiscal year in which the funds were available for obligation shall be deposited in the Treasury as miscellaneous receipts, except that in the case of recoveries of overpayments that are made from trust or special fund accounts, such amounts shall revert to those accounts.

(D) USE FOR INSPECTOR GENERAL ACTIVITIES.—Not more than 5 percent of the amounts collected by an agency shall be available to the Inspector General of that agency—

(i) for—

(I) the Inspector General to carry out this Act; or

(II) any other activities of the Inspector General relating to investigating improper payments or auditing internal controls associated with payments; and

(ii) shall remain available for the same period and purposes as the appropriation or fund to which credited.

(E) REMAINDER.—Amounts collected that are not applied in accordance with subparagraph (A), (B), (C), or (D) shall be deposited in the Treasury as miscellaneous receipts, except that in the case of recoveries of overpayments that are made from trust or special fund accounts, such amounts shall revert to those accounts.

(F) DISCRETIONARY AMOUNTS.—This paragraph shall apply only to recoveries of overpayments that are made from discretionary appropriations (as that term is defined by paragraph 7 of section 250 of the Balanced Budget and Emergency Deficit Control Act of 1985) and shall not apply to recoveries of overpayments that are made from discretionary amounts that were appropriated prior to enactment of this Act.

(G) APPLICATION.—This paragraph shall not apply to recoveries of overpayments if the appropriation from which the overpayment was made has not expired.

(4) FINANCIAL MANAGEMENT IMPROVEMENT PROGRAM.—

(A) REQUIREMENT.—The head of each agency shall conduct a financial management improvement program, consistent with rules prescribed by the Director of the Office of Management and Budget.

(B) PROGRAM FEATURES.—In conducting the program, the head of the agency—

(i) shall, as the first priority of the program, address problems that contribute directly to agency improper payments; and

(ii) may seek to reduce errors and waste in other agency programs and operations.

(5) PRIVACY PROTECTIONS.—Any nongovernmental entity that, in the course of recovery auditing or recovery activity under this subsection, obtains information that identifies an individual or with respect to which there is a reasonable basis to believe that the information can be used to identify an individual, may not disclose the information for any purpose other than such recovery auditing or recovery activity and governmental oversight of such activity, unless disclosure for that other purpose is authorized by the individual to the executive agency that contracted for the performance of the recovery auditing or recovery activity.

(6) OTHER RECOVERY AUDIT REQUIREMENTS.—

(A) IN GENERAL.—(i) Except as provided in clause (ii), subchapter VI of chapter 35 of title 31, United States Code, is repealed.

(ii) Section 3562(a) of title 31, United States Code, shall continue in effect, except that references in such section 3562(a) to programs carried out under section 3561 of such title, shall be interpreted to mean programs carried out under section 2(h) of this Act.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) TABLE OF SECTIONS.—The table of sections for chapter 35 of title 31, United States Code, is amended by striking the matter relating to subchapter VI.

(ii) DEFINITION.—Section 3501 of title 31, United States Code, is amended by striking “and subchapter VI of this title”.

(iii) HOMELAND SECURITY GRANTS.—Section 2022(a)(6) of the Homeland Security Act of 2002 (6 U.S.C. 612(a)(6)) is amended by striking “(as that term is defined by the Director of the Office of Management and Budget under section 3561 of title 31, United States Code)” and inserting “under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010 (31 U.S.C. 3321 note)”.

(7) RULE OF CONSTRUCTION.—Except as provided under paragraph (5), nothing in this

section shall be construed as terminating or in any way limiting authorities that are otherwise available to agencies under existing provisions of law to recover improper payments and use recovered amounts.

(i) **REPORT ON RECOVERY AUDITING.**—Not later than 2 years after the date of the enactment of this Act, the Chief Financial Officers Council established under section 302 of the Chief Financial Officers Act of 1990 (31 U.S.C. 901 note), in consultation with the Council of Inspectors General on Integrity and Efficiency established under section 7 of the Inspector General Reform Act of 2009 (Public Law 110-409) and recovery audit experts, shall conduct a study of—

- (1) the implementation of subsection (h);
- (2) the costs and benefits of agency recovery audit activities, including—
  - (A) those activities under subsection (h); and
  - (B) the effectiveness of using the services of—
    - (i) private contractors;
    - (ii) agency employees;
    - (iii) cross-servicing from other agencies; or
    - (iv) any combination of the provision of services described under clauses (i) through (iii); and
- (3) submit a report on the results of the study to—
  - (A) the Committee on Homeland Security and Governmental Affairs of the Senate;
  - (B) the Committee on Oversight and Government Reform of the House of Representatives; and
  - (C) the Comptroller General.

**SEC. 3. COMPLIANCE.**

(a) **DEFINITIONS.**—In this section:

(1) **AGENCY.**—The term “agency” has the meaning given under section 2(f) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) as redesignated by this Act.

(2) **ANNUAL FINANCIAL STATEMENT.**—The term “annual financial statement” means the annual financial statement required under section 3515 of title 31, United States Code, or similar provision of law.

(3) **COMPLIANCE.**—The term “compliance” means that the agency—

- (A) has published an annual financial statement for the most recent fiscal year and posted that report and any accompanying materials required under guidance of the Office of Management and Budget on the agency website;
- (B) if required, has conducted a program specific risk assessment for each program or activity that conforms with section 2(a) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note); and
- (C) if required, publishes improper payments estimates for all programs and activities identified under section 2(b) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in the accompanying materials to the annual financial statement;

(D) publishes programmatic corrective action plans prepared under section 2(c) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) that the agency may have in the accompanying materials to the annual financial statement;

(E) publishes improper payments reduction targets established under section 2(c) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) that the agency may have in the accompanying materials to the annual financial statement for each program assessed to be at risk, and is meeting such targets; and

(F) has reported an improper payment rate of less than 10 percent for each program and activity for which an estimate was published

under section 2(b) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(b) **ANNUAL COMPLIANCE REPORT BY INSPECTORS GENERAL OF AGENCIES.**—Each fiscal year, the Inspector General of each agency shall determine whether the agency is in compliance and submit a report on that determination to—

- (1) the head of the agency;
- (2) the Committee on Homeland Security and Governmental Affairs of the Senate;
- (3) the Committee on Oversight and Government Reform of the House of Representatives; and
- (4) the Comptroller General.

(c) **REMEDATION.**—

(1) **NONCOMPLIANCE.**—

(A) **IN GENERAL.**—If an agency is determined by the Inspector General of that agency not to be in compliance under subsection (b) in a fiscal year, the head of the agency shall submit a plan to Congress describing the actions that the agency will take to come into compliance.

(B) **PLAN.**—The plan described under subparagraph (A) shall include—

- (i) measurable milestones to be accomplished in order to achieve compliance for each program or activity;
- (ii) the designation of a senior agency official who shall be accountable for the progress of the agency in coming into compliance for each program or activity; and
- (iii) the establishment of an accountability mechanism, such as a performance agreement, with appropriate incentives and consequences tied to the success of the official designated under clause (ii) in leading the efforts of the agency to come into compliance for each program and activity.

(2) **NONCOMPLIANCE FOR 2 FISCAL YEARS.**—

(A) **IN GENERAL.**—If an agency is determined by the Inspector General of that agency not to be in compliance under subsection (b) for 2 consecutive fiscal years for the same program or activity, and the Director of the Office of Management and Budget determines that additional funding would help the agency come into compliance, the head of the agency shall obligate additional funding, in an amount determined by the Director, to intensified compliance efforts.

(B) **FUNDING.**—In providing additional funding described under subparagraph (A), the head of an agency shall use any reprogramming or transfer authority available to the agency. If after exercising that reprogramming or transfer authority additional funding is necessary to obligate the full level of funding determined by the Director of the Office of Management and Budget under subparagraph (A), the agency shall submit a request to Congress for additional reprogramming or transfer authority.

(3) **REAUTHORIZATION AND STATUTORY PROPOSALS.**—If an agency is determined by the Inspector General of that agency not to be in compliance under subsection (b) for more than 3 consecutive fiscal years for the same program or activity, the head of the agency shall, not later than 30 days after such determination, submit to Congress—

- (A) reauthorization proposals for each program or activity that has not been in compliance for 3 or more consecutive fiscal years; or
- (B) proposed statutory changes necessary to bring the program or activity into compliance.

(d) **COMPLIANCE ENFORCEMENT PILOT PROGRAMS.**—

(1) **IN GENERAL.**—The Director of the Office of Management and Budget may establish 1 or more pilot programs which shall test po-

tential accountability mechanisms with appropriate incentives and consequences tied to success in ensuring compliance with this Act and eliminating improper payments.

(2) **REPORT.**—Not later than 5 years after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the findings associated with any pilot programs conducted under paragraph (1). The report shall include any legislative or other recommendations that the Director determines necessary.

(e) **REPORT ON CHIEF FINANCIAL OFFICERS ACT OF 1990.**—Not later than 1 year after the date of the enactment of this Act, the Chief Financial Officers Council established under section 302 of the Chief Financial Officers Act of 1990 (31 U.S.C. 901 note) and the Council of Inspectors General on Integrity and Efficiency established under section 7 of the Inspector General Reform Act of 2009 (Public Law 110-409), in consultation with a broad cross-section of experts and stakeholders in Government accounting and financial management shall—

- (1) jointly examine the lessons learned during the first 20 years of implementing the Chief Financial Officers Act of 1990 (31 U.S.C. 901) and identify reforms or improvements, if any, to the legislative and regulatory compliance framework for Federal financial management that will optimize Federal agency efforts to—
  - (A) publish relevant, timely, and reliable reports on Government finances; and
  - (B) implement internal controls that mitigate the risk for fraud, waste, and error in Government programs; and
- (2) jointly submit a report on the results of the examination to—
  - (A) the Committee on Homeland Security and Governmental Affairs of the Senate;
  - (B) the Committee on Oversight and Government Reform of the House of Representatives; and
  - (C) the Comptroller General.

**SA 4393.** Mr. DURBIN (for Mr. CONRAD) proposed an amendment to the resolution S. Res. 541, designating June 27, 2010, as “National Post-Traumatic Stress Disorder Awareness Day”; as follows:

Strike the preamble and insert the following:

Whereas the brave men and women of the United States Armed Forces, who proudly serve the United States, risk their lives to protect the freedom of the United States and deserve the investment of every reasonable resource to ensure their lasting physical, mental, and emotional well-being;

Whereas up to 15 percent of Operation Iraqi Freedom and Operation Enduring Freedom veterans, 10 percent of Operation Desert Storm veterans, 30 percent of Vietnam veterans, and 8 percent of the general population of the United States suffer or have suffered from Post Traumatic Stress Disorder (referred to in this preamble as “PTSD”);

Whereas the incidence of PTSD in members of the military is rising as the United States Armed Forces conducts 2 wars, exposing hundreds of thousands of soldiers to traumatic life-threatening events;

Whereas from 2000 to 2009, approximately 76,000 Department of Defense patients were diagnosed with PTSD;

Whereas the Department of Defense patients—

(1) were hospitalized more than 5,300 times with a primary diagnosis of PTSD; and

(2) had more than 578,000 outpatient visits in which PTSD was the primary diagnosis;

Whereas PTSD significantly increases the risk of depression, suicide, and drug and alcohol related disorders and deaths;

Whereas the Departments of Defense and Veterans Affairs have made significant advances in the prevention, diagnosis, and treatment of PTSD and the symptoms of PTSD, but many challenges remain; and

Whereas the establishment of a National Post-Traumatic Stress Disorder Awareness Day will raise public awareness about issues related to PTSD: Now, therefore, be it

#### NOTICE OF HEARING

##### COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 30, 2010, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building to conduct a business meeting on pending committee issues to be followed immediately by an oversight hearing entitled "A Way Out of the diabetes Crisis in Indian Country and Beyond."

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON FINANCE

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 23, 2010, at 2:30 p.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "The U.S.-China Trade Relationship: Finding a New Path Forward."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 23, 2010, at 2:30 p.m., to conduct a hearing entitled "Finding Common Ground with a Rising China."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on The Judiciary be authorized to meet during the session of the Senate on June 23, 2010, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Oversight of the Office of the Intellectual Property Enforcement Coordinator."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON RULES AND ADMINISTRATION

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on June 23, 2010, at 10 a.m., to conduct a hearing entitled "Examining the Filibuster: Silent Filibusters, Holds and the Senate Confirmation Process."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on June 23, 2010, at 2:30 p.m., to conduct a hearing entitled "Having Their Say: Customer and Employee Views on the Future of the U.S. Postal Service."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Laura Cilek and Marshall Fisher of my staff be granted the privilege of the floor for the duration of the day's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Kevin Wenderoth and Leah Paisner of my office be granted the privilege of the floor for today, June 23.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent that privileges of the floor be granted to Scott Glick, a Department of Justice detailee to the Judiciary Committee assigned to my staff, during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR THURSDAY, JUNE 24, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it adjourn until 9:30 a.m. on Thursday, June 24; that following the prayer and

pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks, the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each during that time, with the majority controlling the first 30 minutes and the Republicans controlling the final 30 minutes; and that following morning business, the Senate resume the House message to accompany H.R. 4213.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, I tell everyone that tomorrow we hope to reach an agreement to consider the Iran sanctions conference report. Senators should expect rollcall votes throughout the day.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 9:15 p.m., adjourned until Thursday, June 24, 2010, at 9:30 a.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, June 23, 2010:

##### DEPARTMENT OF TRANSPORTATION

MICHAEL PETER HUERTA, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION.

##### ENVIRONMENTAL PROTECTION AGENCY

MALCOLM D. JACKSON, OF ILLINOIS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

##### DELTA REGIONAL AUTHORITY

CHRISTOPHER A. MASINGILL, OF ARKANSAS, TO BE FEDERAL COCHAIRPERSON, DELTA REGIONAL AUTHORITY.

##### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

RAFAEL MOURE-ERASO, OF MASSACHUSETTS, TO BE CHAIRPERSON OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

MARK A. GRIFFON, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

RAFAEL MOURE-ERASO, OF MASSACHUSETTS, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

## EXTENSIONS OF REMARKS

REMEMBERING EUGENE  
MCCAMMON

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. RYAN of Ohio. Madam Speaker, I rise to remember Eugene Blair McCammon of New Springfield, Ohio who passed away last Thursday, June 17, 2010.

Mr. McCammon was born on May 15, 1927, in Youngstown, Ohio and worked as a railroad yard clerk for the Erie Lackawanna Railroad and as a school bus driver for the Boardman schools. He served the community of New Springfield as a member of the VFW, a member of the Church of God, an EMT, and a volunteer firefighter.

After his graduation from Rayen High School, he served in the United States Navy and later enlisted in the United States Marine Corps. In November and December of 1950, Eugene McCammon fought in the Battle of Chosin Reservoir known as the Frozen Chosin and fought by the Chosin Few. Following the onslaught of the Chinese Army across the Yalu River, U.S. and U.N. forces were overwhelmed and began a seventeen-day battle as a Siberian cold front dropped the temperature to 35 degrees below zero. The fighting at Chosin Reservoir was some of the most violent small unit fighting in the history of American warfare as our forces struggled along a 78-mile-long narrow road toward the port of Hungnam. Eugene McCammon received a Purple Heart and a Silver Star for gallantry in action and valor in the face of the enemy.

Mr. McCammon is survived by two daughters, Kathleen Connolly and Jeri Westover, his nephew Robert McLaughlin, two brothers, Earl McCammon and Donald McCammon, two sisters, Rose Margaret Maizel and Dorothy Wiscott, granddaughter Molly Kathleen, and many friends and extended family members.

On behalf of a grateful Nation we remember the patriotic service and the life of our friend and neighbor Eugene Blair McCammon.

RECOGNIZING KEITH BURKE, RECIPIENT OF THE ARIZONA GANG INVESTIGATORS ASSOCIATION'S LIFETIME ACHIEVEMENT AWARD

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. MITCHELL. Madam Speaker, I rise today to recognize Mr. Keith Burke of Tempe, the recipient of the Arizona Gang Investigators Association's Lifetime Achievement Award. Keith has dedicated the past 18 years of his career to the development of gang prevention

programs in the city of Tempe. As a former mayor and lifelong resident of Tempe, and now my hometown's representative in Congress, I wish to congratulate Keith on this achievement and thank him for his efforts within our community.

Keith's commitment to the development of Escalante Community Center has made a tremendous positive impact on that neighborhood and the broader community. His dedication and leadership helped lead to the expansion of the Escalante Community Center, which has grown from 3,000 square feet to 37,000 square feet. These facilities operate as an essential tool to provide a safe and entertaining place for teenagers and children.

Through the center, Keith has established programs geared toward reducing gang-related crimes. His efforts at the Escalante Community Center have provided a model for similar community centers throughout Tempe.

Madam Speaker, please join me in recognizing Keith Burke, a truly valuable and inspirational member of our community, for earning this Lifetime Achievement Award.

EAGLE SCOUT RECOGNITION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. WITTMAN. Madam Speaker, I rise today to recognize three outstanding young men from Montross, Virginia who have exhibited the finest qualities of citizenship and leadership by taking an active part in Troop 252 of the Boy Scouts of America and earning the prestigious title of Eagle Scout. Each of the scouts selflessly dedicated his time and resources to benefit the surrounding community, and they are all fine representatives of my hometown.

Murphy Bailey, a 2009 graduate of Washington and Lee High School, used his Eagle Scout project to help the citizens of nearby Kinsale, Virginia, pouring concrete bases and building picnic tables to enhance visitors' experiences in the town park. Murphy is currently farming in Westmoreland County.

Trent Jones, a recent graduate of Washington and Lee High School, rebuilt a dilapidated fence at Beulah Baptist Church in Lyelles, Virginia. Trent raised the project funds, formulated a budget, and managed the workers who assisted in the fence's reconstruction. Trent plans to attend Virginia Tech in the fall.

G. E. "Bubby" Miles, also a recent graduate of Washington and Lee High School, volunteered a considerable amount of his time at the Cople District Fire Department in Coles Point. Bubby plans to attend college in the fall.

Madam Speaker, I proudly ask you to join me in commending Murphy Bailey, Trent

Jones, and Bubby Miles for their accomplishments with the Boy Scouts of America and for the efforts each of them put forth in achieving the prestigious rank of Eagle Scout.

CONGRATULATING SEAN NANK, RECIPIENT OF THE PRESIDENTIAL AWARD FOR EXCELLENCE IN MATHEMATICS AND SCIENCE TEACHING

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. ISSA. Madam Speaker, I rise today to recognize Sean Nank, a teacher at El Camino High School in Oceanside, California and congratulate him on receiving the Presidential Award for Excellence in Mathematics and Science Teaching (PAEMST). This remarkable achievement is the highest recognition that a kindergarten through twelfth grade mathematics or science teacher may receive for outstanding teaching in the United States.

Mr. Nank has proven to be an outstanding educator who has taken his teaching to the next level. This prestigious award justly recognizes his curriculum content that has led to enhanced student learning through unique classroom instruction.

With 13 years of teaching experience, Mr. Nank is currently a secondary mathematics teacher of Algebra I, Geometry, and Algebra II courses. He has demonstrated an unwavering commitment to the needs of students by promoting the principles of a quality and challenging curriculum.

PAEMST is administered by the National Science Foundation on behalf of The White House Office of Science and Technology Policy. This award recognizes teachers for their outstanding contributions to teaching and learning and their ability to help students make progress in mathematics and science.

As a well deserving recipient of this tremendous award, I am honored to represent constituents in the 49th District who are devoted to furthering the educational advancement of our nation's young people and encouraging and inspiring our next generation of leaders. This award represents a heartfelt salute of appreciation to Mr. Nank as an extraordinary teacher committed to helping students achieve academic success.

Madam Speaker, I would like to commend Mr. Nank's leadership and his dedication to advancing excellence in mathematics. Once again, I congratulate him on receiving this incredible honor and applaud his contributions to the education of future generations.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING THE LIFE AND SERVICE  
OF SGT JOSHUA AKONI SABLAN  
LUKEALA

**HON. MADELEINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Ms. BORDALLO. Madam Speaker, I rise today to honor the service and sacrifice of United States Army Sergeant Joshua Akoni Sablan Lukeala. SGT Lukeala served in the 101st Airborne Division's Air Assault team based out of Fort Campbell, Kentucky, and on June 9, 2010, SGT Lukeala passed away in support of Operation Enduring Freedom in Afghanistan. He was 23 years old.

SGT Lukeala was born on February 19, 1987, to Anthony and Dorothy Lukeala of Yigo, Guam. The son of a retired Army veteran and Junior Reserve Officer Training Corps instructor, SGT Lukeala's career began with the JROTC at Simon Sanchez High School where he excelled as an expert marksman. In 2005, he enlisted in the U.S. Army soon after his high school graduation. He was deployed to Iraq under the Stryker Brigade Combat Team, 25th Infantry Division in 2007, and during his deployment, SGT Lukeala was wounded by an improvised explosive device that detonated nearby while on foot patrol. The force of the blast caused SGT Lukeala to suffer partial hearing loss, and he was later awarded the Purple Heart in recognition of his service in Iraq.

Although he sustained injuries during his previous tour in Iraq, SGT Lukeala continued his service to our nation with the 101st Airborne Division in support of operations in Afghanistan. His commitment to the cause of freedom and to serving our nation on multiple tours of duty is to be commended. On June 9, 2010, SGT Lukeala paid the ultimate sacrifice in answering the call of duty, and I join our community in mourning the loss of SGT Lukeala and, on behalf of a grateful nation, I offer condolences to his wife, Deniece Nave Lukeala; his daughter; his parents, Anthony and Dorothy Lukeala; his brother, Anthony Keoni Lukeala; and to his many family and friends. We will never forget the sacrifice SGT Lukeala made for our freedom.

May God bless the family and friends of SGT Joshua Akoni Sablan Lukeala, God bless Guam, and God bless the United States of America.

IN MEMORY OF FRED LEWIS  
"SONNY" ANDERSON, JR.

**HON. KEITH ELLISON**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. ELLISON. Madam Speaker, it is with great sadness I rise today to mourn the passing of my friend and Minnesota criminal defense investigator, Fred Lewis "Sonny" Anderson, Junior.

Sonny was born and raised in Minneapolis and graduated from North High School in 1966. He went on to attend the University of

Minnesota, where he majored in criminal justice. He served his country in the United States Army from 1968–1970, and later served his community for 25 years as a Criminal Defense Investigator with the Legal Rights Center in the Hennepin County Public Defender's Office. Sonny was an avid sportsman, and was a loving and loyal father, son, brother, uncle, grandfather and friend.

Sonny was the Chief Investigator during my tenure as Executive Director at the Legal Rights Center in Minneapolis, MN. Through Sonny's tireless and courageous work, many Minnesotans received high quality representation without regard to income or wealth. Sonny's pursuit of the truth was relentless. He stopped at nothing to find the elusive witness, document, or film footage for the sake of truth and justice. Sonny always worked for the indigent criminal defendant, but he believed that the quality of justice his clients received was a barometer for the quality of justice to which everyone is entitled.

Madam Speaker, Sonny had a profound impact on his country, his community, his friends and family, and will be missed by all who knew him.

**MAJOR GENERAL DOUGLAS BURNETT,  
FLORIDA'S ADJUTANT  
GENERAL, RETIRES AFTER 47  
YEARS IN UNIFORM**

**HON. C. W. BILL YOUNG**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. YOUNG of Florida. Madam Speaker, our state of Florida and our nation will lose one of our nation's uniformed heroes Friday when Florida Adjutant General, Major General Douglas Burnett, retires after serving our state as Adjutant General for almost nine years.

In fact his 47 years, four months and 12 days in uniform make him our nation's longest serving Air Force officer. That is correct, General Burnett led the Florida National Guard while wearing a blue Air Force uniform. He was the first Air Guard officer selected by a Governor to lead Florida's National and Air Guard.

General Burnett led his troops with passion and compassion. He rose through the ranks of a life-long National Guard career, beginning as an enlisted aircraft radio repairman in 1963 and securing his officer's commission and flight wings in 1969. Throughout his career, he served at all levels of the Florida Guard, including five tours as Assistant Adjutant General Air and Commander of the Florida Air Guard.

Florida Governor Jeb Bush recognized this strong and steady record of leadership when just two months after one of our nation's darkest days, September 11, 2001, he selected General Burnett to serve as Florida's Adjutant General. It was a tall task for any officer but the right task for this General.

General Burnett quickly established the respect and confidence of his troops as he over saw a force of 11,000 soldiers and airmen who deployed to two wars in Iraq and Afghanistan, responded to 14 hurricanes, five dan-

gerous years of forest fires, untold tornadoes, and even a mission to secure the U.S.-Mexico border. In fact, the current deployment of Florida Guardsmen in support of Operation Enduring Freedom is the largest deployment of Florida troops since World War II.

Despite this hectic pace of operations over the past nine years, General Burnett never lost sight of his mission to ensure the readiness of his troops and availability of the equipment they would need to carry out their missions safely and successfully. First and foremost, though, was the morale of his guardsmen and their families. As he told the Florida Air National Guard publication *The Eagle's Eye*, "I felt that when you get to know the people and you get to know their mission and you get to know their needs, you can lead them better. I really dug in to know the culture, the needs."

Following my remarks, Madam Speaker, I will include the full story about General Burnett entitled "A Leader's Legacy" written by Master Sergeant Thomas Kielbasa because it captures the essence of a leader who carries out his duties equally focused on his mission and the needs of his troops.

My wife Beverly and I know of General Burnett's commitment to standing up for the needs of his troops. We took many of his calls and e-mails in the middle of the night when others tried to deploy his troops with insufficient equipment, when they left his troops sitting on a tarmac without an aircraft waiting to return home, or when they readied his troops for deployment by putting them in inferior housing. Together we solved those problems but only because General Burnett had the courage to stand up for his troops and their families.

As a career guardsman, General Burnett knew that there is no distinction between the abilities and professionalism of guard and active duty troops. And he always made sure that our nation's military leadership knew that and respected the special skills of our Citizen Soldiers.

Throughout his life in uniform, General Burnett served side by side with his wife Judy who shared his commitment to taking care of the needs of his soldiers and particularly their families. She understood the stress of long deployments on spouses and children. This included financial and emotional strains.

Madam Speaker, Major General Douglas Burnett has raised the bar to a new level when it comes to leadership. He has devoted his life to securing our state and securing our nation. He has helped shepherd us through some of our most difficult and dangerous times and done it with great skill. He has also trained his replacement, Major General Emmett R. Titshaw, Jr., well as this Air Guardsmen will step right in prepared to lead Florida's troops wherever their mission takes them.

Our nation owes a tremendous debt of gratitude to Major General Douglas Burnett for his lifetime of service to our state and our nation and to the cause of freedom and liberty. He has followed in the greatest tradition of all those who have worn our nation's uniform from the Minutemen, our nation's earliest citizen soldiers, to the heroes who continue to carryout the international war on terrorism.

In behalf of the people of Florida and the United States of America, and all those General Burnett has served with and led these past 47 years, thank you for a job well done.

[From The Eagle's Eye]

A LEADER'S LEGACY: MAJOR GENERAL DOUGLAS BURNETT, ADJUTANT GENERAL OF FLORIDA, REFLECTS ON 47 YEARS OF SERVICE

(By Master Sgt. Thomas Kielbasa)

ST. AUGUSTINE, FL (June 17, 2010).—It's been a long, fast flight for Douglas Burnett. His career took off on a sunny morning nearly 50 years ago when he was a young Airman climbing into the cockpit of an F-102 fighter jet to repair a pilot's radio.

In what felt like just a few heartbeats to the Florida Guardsman and aspiring jet pilot, his career sped by like a supersonic fighter.

Now the 65-year-old major general and current Adjutant General of Florida knows his 47 years of military service are nearly over. On June 26 Maj. Gen. Burnett will retire from the Florida National Guard, but he clearly remembers that day he first sat in a fighter jet and decided to make a lifetime commitment to the National Guard.

"It seems like yesterday," the general said during a recent interview at his home in St. Augustine. "I came back from tech school as an electronics specialist and I went out onto the flight line to repair a radio. I had to get into the cockpit to make sure it worked, and there was something about it that was bigger than anything I had seen in my life. Just sitting in that airplane . . . that was just a really big deal."

That moment in 1963 jumpstarted the young Burnett's career as an Air Force officer and fighter pilot, and when that career ends after 47 years, four months and 12 days, it will set a record making him the longest serving Air Force officer.

#### A CAREER TAKES OFF

A native of Jacksonville, Fla., Burnett grew up interested in electronics and developed a strong respect for the military that led him to enlist in the Florida Air National Guard. Shortly after high school he attended basic training at Lackland Air Force Base, Texas, and then the U.S. Air Force Electronics School at Keesler Air Force Base, Miss. For the next six years he served at the 125th Fighter Group in Jacksonville as an aircraft radio repairman.

"Being around folks in the Air Guard was just a joy to me," he recollected. "I was into drag racing at the time; the guys that had the best looking cars and the fastest cars were in the Air Guard as well."

With his sights set on being a fighter pilot and an officer, he earned a degree in Business Administration from the University of Southern Mississippi and received a direct commission in 1969. After fighter pilot training he was no longer just dreaming of flying the F-102 Delta Dagger, but was actually a full-time alert pilot and later a commercial pilot for Pan American World Airways and United Airlines.

After holding several key positions in the Florida Air National Guard and accumulating more than 20,000 flying hours in everything from the F-102 Delta Dagger to the C-130 Hercules, Burnett was selected as the Adjutant General of Florida in late 2001.

#### ENGAGED LEADERSHIP

For the first time in the history of the Florida National Guard an Air Guard officer had been chosen to lead the more than 12,000 Soldiers and Airmen in the state. This broke the tradition of only Army general officers

serving as The Adjutant General (TAG) of Florida.

"I had spent many years in the Florida Air National Guard and I knew my service—the 'blue suit' side—pretty well," the general explained. "As the new TAG I knew I had to get knee-deep into Soldier things—right down to the equipment our Soldiers used—everything."

Burnett admitted he had a learning curve to familiarize himself with every aspect of the Army National Guard; he studied everything from basic Infantry tactics to even learning the proper usage of the word "Hooah."

"I learned the Army language," he said. "It's almost like being bilingual . . . you come to appreciate the Army's culture, which is the rugged business of 'fieldcraft.'"

Throughout the next nine years Maj. Gen. Burnett would be seen jumping into a foxhole next to a young private to test a .50-calibre machine gun, looking under the hood of a mud-speckled Humvee, and even donning a Kevlar helmet to watch engineers rig explosives. Soldiers throughout the state would stare wide-eyed as the two-star general approached them, asked about their jobs or families, and discussed the similarities between the Army and the Air Force.

"There are a lot of similarities," Burnett said. "That crew chief on the flight line is just as committed to working in tough conditions as that Army Infantry Soldier who is out there in the foxhole and crawling through the mud."

He admitted that some people might call his leadership style "micromanagement," but he calls it "engaged leadership."

"I felt that when you get to know the people and you get to know their mission and you get to know their needs, you can lead them better," he explained. "I really dug in to know the culture, the needs."

#### WARTIME TAG

When he assumed the role of Adjutant General in November 2001, Maj. Gen. Burnett knew he was taking charge during an unprecedented time in the Florida National Guard. The Sept. 11 terrorist attacks were fresh wounds on the American psyche, and no one could exactly predict how that would affect those serving in uniform; during the next nine years the "Global War on Terrorism" would draw the talents of more than 11,000 Florida Army National Guard Soldiers and Airmen to locations and combat zones around the world.

"Not only were we engaged in combat operations in two wars in Afghanistan and Iraq and other places in harm's way, but we responded to 14 hurricanes, five firefighting seasons, major tornadoes, and we've done it all at the same time," the general noted. "And while we were doing this we also sent Florida Guardsmen to the U.S.-Mexico border security mission called 'Operation Jump Start.'"

Burnett said this showed the Department of Defense, the Departments of the Army and Air Force, and the National Guard Bureau, that "Florida can fight major wars, respond to natural disasters and still perform domestic security operations at the same time. The nation has a right to expect us to step up in all three venues."

But as the Florida National Guard moved into the uncharted territory of a 21st century battlefield, the general met the challenges and pressures of being a "wartime TAG."

"I can think of many occasions that kept me up at night," Burnett admitted. "The rapid deployment of the 53rd Brigade to Iraq

in 2002 was one of the roughest periods, because we literally called Soldiers the day after Christmas and in five or six days we were moving them to Fort Stewart."

He said the biggest question he kept asking himself was whether the more than 1,500 Florida National Guard Soldiers were trained enough for combat operations against Saddam Hussein's forces.

"I was concerned if we had the right weapons," he explained. "For example, body armor: we did not start with the Interceptor body armor that the Active Duty had. And we didn't know if we were going to have it until right before we went through that berm between Jordan and Iraq. I was very concerned we weren't going to have it."

Thanks to support by congressional leaders, National Guard Soldiers and Airmen throughout Florida were equipped and ready, Burnett noted.

"Our congressional delegation has been magnificent in our support of the Florida National Guard, particularly in the funding of new equipment," he said. "The Constitution says that the Congress will equip the Guard, and they've done that. Congressman C.W. Bill Young has been an absolute hero in leading the charge for the modernization of equipment and facilities for the Florida National Guard. Our senators and the rest of the delegation have been superb as well."

Later in 2003 uncertainty about the redeployment dates of the Florida Infantry units serving in Iraq brought a storm of media coverage and outcry from concerned family members. The general's answer was to address the concerns of the families and the public directly during a series of unprecedented and personal "town hall meetings."

"Initially our Soldiers believed they would only be gone for six months," Maj. Gen. Burnett recollected. "As it became obvious they would spend a year of 'boots on the ground' our families were frightened and they were frustrated. I felt the only way to get the message to them was to do it personally."

In a little over a week he participated in ten meetings from South Florida to the Panhandle, meeting with family groups and letting them know why the Soldiers would continue to serve in the combat zone.

"It was a pick-up game at that point; things were changing daily," he said. "I was working on behalf of the governor to carry facts to these families. And it was a very difficult mission because the senior leaders in Iraq were telling Guardsmen that they were going to be going home at the six-month point. And the information I was getting from the Pentagon was that we were going to be there for a year. I had to go out and deliver that news, and it was very difficult to look these families in the eyes and tell them their Soldiers would be gone another six months."

#### "NOT YOUR GRANDFATHER'S NATIONAL GUARD"

The extensive deployments for the Soldiers and Airmen of the Florida National Guard after 2001 demanded a commitment to a tenet that the Adjutant General addressed throughout his career: Readiness.

"Readiness and high states of readiness are confidence builders," he explained. "These successes ensure (Department of Defense) support and Congressional funding. You just can't operate a National Guard with anything less than the highest standards."

Burnett's mantra of the Guard moving from "a force in reserve to a force in being" was echoed throughout the Florida National Guard during his tenure and evidenced each time an Army or Air unit left for deployment. He said Active Duty counterparts and

Florida citizens deserved to know how ready and reliable the Florida National Guard actually was, especially during high-profile missions like Operations Noble Eagle, Iraqi Freedom, or Enduring Freedom.

"I think we've been able to transcend a lot of concerns about Guard readiness in the past, because over seven years of combat operations in Afghanistan and Iraq they have found the Guard highly capable," he said.

The general pointed to high ratings by the Florida Air National Guard on Operational Readiness Inspections, and by the Florida Army National Guard on Command Logistics Review inspections, as proof of this.

"That's the way to send the signal that we 'get it,'" he said. "This is not your grandfather's National Guard."

"I really hope the commitment to excellence that I've tried to instill, has become a mindset in our Soldiers and Airmen," Burnett added. "If you don't want to be part of the best National Guard state in America, you probably don't want to serve here. And I can assure you that almost all of our people feel that way. We have fighter pilots wanting to join the 125th Fighter Wing because of its high standards of excellence. We have young people that stay with us on the Army side because they want to be on a winning team. And we are a winning team."

#### LEGACY OF PEOPLE

When he entered the military during the heyday of the Cold War, Airman Burnett was working with equipment and aircraft that now can probably only be seen in military museums. Almost half a century later the Guard's equipment has changed, but the high level of commitment and service found in its people has remained.

According to the Adjutant General, he believes his own commitment to those members of the Florida National Guard's enlisted and officer corps will serve as his lasting legacy.

"I would hope that my biggest legacy is that I was a leader who was engaged in the full spectrum of our missions, but was mostly concerned about people," he said. "Because, it is the people that make the National Guard what it is. We've always done the missions even though we haven't always had the best equipment. We've got good equipment now, but it's the same great people we've always had."

Burnett lauded the non-commissioned officers (NCOs) he has served with during his long career, noting that while their professionalism has remained high, they have become increasingly "technically and professionally proficient" over the years.

"I still hold in awe the NCOs that led us during the 60s, the 70s and the 80s; they were absolutely astounding," he explained. "We've always had strong NCOs, but they've stepped up, they're taking on more responsibility earlier, they're exerting strong leadership skills earlier."

He noted that as a senior leader he always tried to focus his own energy on meeting the needs of the junior enlisted and junior officers.

"I've been concerned with making sure our leaders understand how important it is to reach out to every individual Guardsman so that they know how important we think they are," he said. "And they are very important to us."

The general and his wife Judy were also ever-present supporters of the Guard's expanding Family Readiness initiatives; whether it was at a unit deployment or a welcome-home ceremony, the Burnetts could be found meeting with Soldiers, Airmen, and their Families.

"I've been honored to serve alongside some unbelievable people, both Army and Air," he said. "I've tried to shift our focus from simply taking care of Soldiers and Airmen to actually meeting our service members' expectations. Let me tell you, there's a big difference between taking care of Guardsmen and meeting their expectations. You have to think a little more and you certainly have to work a lot harder."

#### FINAL APPROACH

Each generation of Guardsmen has a leader that represents its period of service, and those Florida Soldiers and Airmen who served during the first decade of the 21st Century will see Burnett as this generation's leader. After Maj. Gen. Burnett hangs up his uniform for the final time, he will stand among those leaders who helped carry on a tradition of military service in Florida that stretches back to 1565.

"I'm going to miss the people," Burnett said. "That is what this business is all about; being around Guardsmen has been my life."

He said he won't miss the status or the rank that went with being the Adjutant General, but rather will miss wearing his military uniform and interacting with his fellow Guard members.

"I'll miss wearing the uniform because it identifies you with people who have a similar commitment to something bigger than yourself," he added. "For me the National Guard has been my passion. I loved to fly, but being able to make a difference and make the lives of our people better is a passion that has consumed me. That is what I'll miss."

As his 47-year-long sortie comes to an end, and he pushes back the cockpit canopy of an historic career one last time, Douglas Burnett will know the flight lasted just a few seconds—nearly 1.5 billion seconds.

And the Florida National Guard is grateful for every second he has given to our state and nation. Well done, sir . . . well done!

#### CONGRATULATING KELLER INDEPENDENT SCHOOL DISTRICT FOR WINNING THE 2010 TEXAS SAFE SCHOOLS AWARD

#### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. BURGESS. Madam Speaker, I rise today to recognize the Keller Independent School District in Keller, Texas. Keller ISD is the winner of the 2010 Texas Safe School Award, which is given to the school district with the most comprehensive security plan in the State.

Keller ISD has implemented a system where campus doors are locked and visitors are buzzed in at one or two locations. At most schools, visitors are routed directly to the office where drivers' licenses are scanned through the Raptor System. The program compares the identification with sex offender databases and issues an alert if necessary. The system also prints out a sticker with the person's name and driver's license photo.

Districts were judged on their collaborative efforts with local law enforcement and emergency personnel, the number of student resource officers, staff development and student training for emergencies, violence and drug abuse prevention, anti-bullying and safe dating

initiatives, mentoring and community participation and innovations.

Madam Speaker, I would like to submit for the Record the names of the Keller ISD staff that were instrumental in achieving this honor:

Jeff Baker—Director of Planning and Development

Cliff Jaynes—Coordinator of Emergency Management and Security

Danny Mitchell—Security Specialist

Scott Kessel—Director of Guidance and Counseling

Marcene Weatherall—Coordinator of Drug and Alcohol Prevention

The Texas School Safety Center solicits nominations each year for districts that demonstrate a multi-layered approach to security. The award will be presented at the annual Texas Safe Schools Conference.

Madam Speaker, I proudly rise today to recognize Keller ISD, winner of the 2010 Texas Safe School Award. Keller ISD is to be highly commended for their ongoing efforts to ensure the safety of its students, faculty and staff. It is an honor to represent Keller ISD in the U.S. House of Representatives.

#### IN HONOR OF STATE REPRESENTATIVE WILLIAM A. OBERLE, JR.

#### HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. CASTLE. Madam Speaker, it is with great honor that I recognize today the career of the Honorable State Representative William A. Oberle, Jr. A member of Delaware's General Assembly for over 34 years, Representative Oberle has served his constituents, his community and his state with genuine devotion, and his presence will be greatly missed.

For over three decades Bill has worked diligently as a representative of the 24th Representative District, ensuring that his constituents have had a strong voice in the General Assembly. I worked with Bill for eight years at Legislative Hall in Dover, Delaware and was able to witness first hand his steadfastness and spirit. Bill will leave behind an indelible legacy in the General Assembly—for his countless years of dedicated service and, most of all, for his outstanding commitment to the constituents whom he represented. His history of determination and resolve serves as a template for all public servants.

Bill holds the distinct title of the General Assembly's longest serving Republican ever, which he achieved through years of hard work, putting aside party differences and reaching across the aisle to arrive at policies which were most beneficial to his constituents and the state of Delaware. Over his career, Bill has been the champion of imperative legislation which brought much needed change to our state. A strong labor supporter, his work on the issues of neighborhood schooling, workers compensation, and the support he lent to various police forces have been efficacious in elevating Delaware's communities.

I am proud to have served with Bill for the eight years that I did, and pleased to have this opportunity to honor him on the occasion of

his retirement from the Delaware House of Representatives. He has been unwavering in his mission to represent the 24th Representative District, and will be remembered for his countless contributions to his constituents, and the state of Delaware. Bill has had a terrific career of public service and I wish both him and his wife, Sally, the best on this momentous occasion.

IN RECOGNITION OF MS. BECKY  
PISCITELLA

**HON. MARK S. CRITZ**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. CRITZ. Madam Speaker, I rise today to recognize Ms. Becky Piscitella, an outstanding teacher who was awarded the Presidential Award for Excellence in Mathematics and Science Teaching (PAEMST) by President Barack Obama earlier this month.

Ms. Piscitella teaches eleventh grade mathematics at Richland High School, located in Johnstown, Pennsylvania. She is the only teacher in Pennsylvania to receive this prestigious award this year.

The PAEMST award is given annually to the country's top pre-college level science and mathematics teachers. Ms. Piscitella's award is well deserved as her work promotes science, technology, engineering and math (STEM) education. The opportunity for students to receive STEM education is crucial for our nation's competitiveness and future economic welfare. I am delighted that students in the 12th Congressional District of Pennsylvania are able to become the next generation of innovators and leaders because of educators like Ms. Piscitella.

Madam Speaker, I conclude my remarks by congratulating her on this exceptional recognition of her talents, her dedication, and her passion for helping our students succeed. I wish her well as she continues to inspire our young scholars.

PERSONAL EXPLANATION

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. WILSON of South Carolina. Madam Speaker, I submit the following remarks regarding my absence from votes which occurred on June 22, 2010. Listed below is how I would have voted if I had been present.

Roll No. 376—H. Con. Res. 288—supporting National Men's Health Week—"aye"; Roll No. 377—H. Res. 546—recognizing the historical significance of Juneteenth Independence Day, and expressing the sense of the House of Representatives that history should be regarded as a means for understanding the past and more effectively facing the challenges of the future—"aye"; Roll No. 378—H. Res. 1407—supporting the goals and ideals of High-Performance Building Week—"aye."

RECOGNITION OF CONNOR  
ELLISON

**HON. DANIEL E. LUNGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise today to recognize and honor Connor Ellison.

This past Saturday, June 19, 2010, Connor's Hope-Team Donate Life successfully completed a 3,005 mile-long bike ride across the United States in 6 days, 20 hours, and 39 minutes in the Race Across America. The team started their journey in Oceanside, California and completed the crossing in Annapolis, Maryland. Team Donate Life is a non-profit organization dedicated to promoting organ donation and transplantation.

Connor Ellison, a 12-year-old Folsom, California resident, became the youngest rider to ever compete and finish the Race Across America—the world's toughest bicycle race. Connor is an inspiration to all of us, as he accomplished this great feat while battling a serious liver disease called Congenital Hepatic Fibrosis.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Connor Ellison and Connor's Hope-Team Donate Life.

IN HONOR OF REPRESENTATIVE  
PAMELA THORNBURG

**HON. MICHAEL N. CASTLE**

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. CASTLE. Madam Speaker, it is with great honor that I recognize today the career and accomplishments of The Honorable State Representative Pamela Thornburg. As a member of Delaware's General Assembly for 10 years, Representative Thornburg has given much to her community and state while faithfully serving her constituents of the 29th District. Representative Thornburg is retiring after an admirable career in the General Assembly, and her presence in the State House will be greatly missed.

First elected to the State Legislature in 2000, Pam has successfully sponsored a number of high-profile laws and initiatives. A cornerstone of her legislative career was a 2007 law to reduce the number of false alarms from automated alarm systems. This visionary legislation sought to streamline emergency response by cutting down on the 99-percent false alarm rate which diverted and distracted essential emergency personnel.

As a State Representative for the 29th District and a member of the House's Agriculture Committee, Pam has worked tirelessly to defend Delaware's environmental interests. She is an agricultural advocate and a champion of preservation; she has ensured that countless acres of forestland have been protected, and, as further testament to her commitment, she also assisted in a separate initiative that secured permanent funding to preserve Delaware farmland from development.

Over her career, Pam has resolutely served the constituents of the 29th District, fighting for their interests while ensuring their voices were heard in the State House. Pam has had an excellent career in public service, and I wish her the best of luck in her new position as Executive Director of the Delaware Farm Bureau.

HONORING EDNA V. BAEHRE,  
PH.D., COLLEGE PRESIDENT OF  
HACC, CENTRAL PENNSYLVANIA'S  
COMMUNITY COLLEGE

**HON. TIM HOLDEN**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. HOLDEN. Madam Speaker, I wish to honor Dr. Edna Victoria Baehre for service as College President for HACC, Central Pennsylvania's Community College. Dr. Baehre has been the longest serving President of HACC, having held the position for 13 years.

Dr. Baehre is a 1971 graduate of Paedagogische Hochschule in Heidelberg, Germany and holds M.A. and Ph.D. degrees from the State University of New York at Buffalo. Her dedication to education has been displayed throughout her life, having held executive positions at community colleges in Illinois and New York before accepting the position of President of HACC in 1997.

During her time at HACC, Dr. Baehre has led the institution through four successive strategic plans, and has laid the groundwork for a fifth. Her vision and leadership have aided the college in meeting the ever-changing and increasing demands for a trained and educated workforce within South-Central Pennsylvania. Dr. Baehre's contribution to the college is also displayed in the undergraduate student enrollment increase from 10,250 in 1997 to nearly 25,000 today. Additionally, 50,000 citizens are currently enrolled in non-credit programs, workforce training, and public safety training.

I congratulate Dr. Baehre on her achievements as President of HACC and for her contribution in aiding the college to expand both in numbers and in status. Her dedication and leadership are to be admired and celebrated, and I wish her the best of luck as she takes her new post as President of Napa Valley Community College.

HONORING ABIGAIL FRONICK AND  
NATASHA SANFORD

**HON. RUSS CARNAHAN**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. CARNAHAN. Madam Speaker, I rise to honor and acknowledge Abigail Fronick and Natasha Sanford, two young people from the Third Congressional District who are truly a credit to both the State of Missouri and the nation as a whole.

Abigail and Natasha have been selected to receive the Congressional Award for their outstanding efforts in community service and personal development. Each devoted over four

hundred hours of voluntary public service to St. Louis Irish Arts, where they taught and performed traditional Irish dance for the benefit of people of all ages.

As is required for the Congressional Award, each of these young women also completed an expedition of personal discovery, traveling to Ireland to become immersed in a different culture and study Irish music.

Natasha and Abigail have both demonstrated a passion for self-discovery through the examination of traditional Irish culture, and extended that passion to the education and betterment of others within their community.

Young people such as these show a promising future for the United States, and I am proud and honored to have such individuals in the Third Congressional District of the great state of Missouri. I find it fitting that we should recognize their achievements here today, and I look forward to how they will continue to apply themselves in the future.

CONGRATULATING CHELSEY  
HOFER AND ANGEL MILLENDER,  
WINNERS OF THE 2010 CONGRESSIONAL AWARD GOLD MEDAL

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to congratulate two of my constituents, Chelsey Marie Hofer and Angel Millender, the recipients of the 2010 Congressional Award Gold Medal, the United States Congress' only award for American youth. Earning this award requires at least 400 hours of community service, including 200 hours of both personal development and physical fitness activities, and a four-night expedition or exploration. Since 1979, the Congressional Award has inspired our Nation's youth to set and achieve personally challenging goals that build character and foster community service, personal development, and citizenship.

I have done a lot during my lifetime, yet I was amazed to see how much these two have accomplished at such a young age. Having volunteered at organizations like the American Red Cross, Girl Scouts of the USA, and People to People International, Ms. Chelsie Marie Hofer has shown great humility and perseverance. As Ms. Hofer said: "I learned that by setting goals and working hard, I can achieve anything." Mr. Angel Millender is passionate and determined. He took the initiative to be of service at his local hospital's Intensive Care Unit to assist individuals dealing with traumatic experiences. Mr. Millender also surrounded himself with positive young men by joining the "Men of Tomorrow" youth group. Both award winners traveled internationally for their "Expedition Experience"—Ms. Hofer to Japan and Mr. Millender to Panama, where they embraced the local culture and history.

Madam Speaker, Martin Luther King, Jr., said: "Life's most persistent and urgent question is, 'What are you doing for others?'" The recipients of the Gold Medal are shining examples of a sense of civic duty at an early age. I congratulate both Ms. Chelsie Hofer

and Mr. Angel Millender of West Palm Beach, Florida, on this incredible achievement. I am inspired by their energy, passion and commitment to service their community.

Madam Speaker, it is my pleasure to recognize the 23rd Congressional District of Florida's recipients of the 2010 Congressional Award Gold Medal for all they have done to serve the Palm Beach County community and I wish them much success in their future endeavors.

PERSONAL EXPLANATION

**HON. CAROLYN MCCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mrs. MCCARTHY of New York. Madam Speaker, yesterday, I missed 3 votes. Had I been present, I would have voted as follows.

Rollcall No. 376, on the Motion to Suspend the Rules and Agree to H. Con. Res. 288, I would have voted "yea."

Rollcall No. 377, on the Motion to Suspend the Rules and Agree to H. Res. 546, I would have voted "yea."

Rollcall No. 378, on the Motion to Suspend the Rules and Agree to H. Res. 1407, I would have voted "yea."

PERSONAL EXPLANATION

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Ms. WOOLSEY. Madam Speaker, on June 17, 2010, I was unavoidably detained and was unable to record my vote for Rollcall No. 372. Had I been present I would have voted: Rollcall No. 372: "yes"—Cao of Louisiana Amendment.

IN HONOR OF JEFFREY POTTER

**HON. THADDEUS G. MCCOTTER**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. MCCOTTER. Madam Speaker, today I rise to honor the extraordinary life of Jeffrey Potter and to mourn him upon his passing at the age of 58.

Born on June 15, 1952, Jeff Potter dedicated his life to serving his community and his country. A graduate of Eastern Michigan University, Jeff retired from Ford Motor Company after 30 years of employment. Jeff loved his community and his community loved him.

Jeff was elected to the South Lyon City Council in November 1987 serving until November 1989 when he was elected mayor of South Lyon, serving 13 years until being elected to serve on the Oakland County Board of Commissioners. During his tenure on the Oakland County Commission, Mr. Potter chaired the public services committee and served on the general government and finance commit-

tees. He hoped to continue to represent the constituents of Oakland County's 8th district by retaining his seat this fall. Jeff also served as a Member/Delegate to SEMCOG and was a member of the Oakland County Library Board.

Jeffrey Potter was an active proponent of community partnerships, hoping to reduce the cost of government while adding to Oakland County's quality of life. He was an organizer and founding community sponsor of the Huron Valley Trail System, which connects many Oakland communities and area parks. Jeff Potter authored a Strategic Land Acquisition project in an effort to preserve land for "green space" and future parks. As then-Mayor Potter, Jeff was honored with the Distinguished Leadership in Joint Public Services Award, 1998, and Outstanding Project Award, 1998, for southeastern Michigan.

Regrettably, on June 21, 2010, Jeffrey Potter passed from this earthly world to his eternal reward. He is survived by his beloved wife, Andra, his sons, Michael and Daniel and his daughter, Jessica. A courageous and honorable man, Jeff will be sorely missed.

Madam Speaker, Jeff will be long remembered as a compassionate father, a dedicated husband, a leader, and a friend. Jeff was a man who deeply treasured his family, friends, community and his country. Today, as we bid Jeff farewell, I ask my colleagues to join me in mourning his passing and honoring his unwavering patriotism and legendary service to our country and our community.

CONGRATULATIONS TO THE WELLINGTON-NAPOLEON BOYS  
TRACK AND FIELD TEAM

**HON. IKE SKELTON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. SKELTON. Madam Speaker, it is my honor to inform the House that on Saturday, May 22, 2010, the Wellington-Napoleon High School Tigers boys track and field team became the 2010 Missouri Class 1 High School State Champions.

The Tigers competed in a field of more than 120 teams throughout the state of Missouri. The hard work and dedication that these young men displayed throughout the season was rewarded with their high school's first track and field championship in 19 years. This is a truly remarkable achievement, and I am so very proud of these young men and their selfless coaches.

Members of the team include: Ethan Arndt, Nathan Arndt, Cody Banner, Blaine Beissenherz, Christian Bryant, Taylor Bryant, Johnny Good, Brandon Niendick, Dylan Register, Blake Seitz, Dustin Seitz, Michael Strickler, Brian Wallman, Cody Willard, and Michael Woodall. The team was coached by Quenton Bainbridge, Michelle McKown, and Tristan Layman.

Madam Speaker, the members of the Wellington-Napoleon High School Tigers track and field team have distinguished themselves as the 2010 Missouri Class 1 High School Track and Field State Champions. I am sure that my

colleagues will join me in wishing Coaches Bainbridge, McKown, and Layman and this remarkable team all the best.

IN HONOR OF CHIEF CLERK JOANN HEDRICK

**HON. MICHAEL N. CASTLE**

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. CASTLE. Madam Speaker, it is with great honor that I take the opportunity today to recognize the career and accomplishments of the retiring Chief Clerk of the Delaware House of Representatives, JoAnn Hedrick. Ms. Hedrick has provided three decades of invaluable service to Delaware's General Assembly and her presence will be greatly missed.

JoAnn has served my home state of Delaware with dedication and grace. Since starting in the House Republican Caucus in 1979, she has shown the utmost devotion to the General Assembly. JoAnn has held the position of Chief Clerk for more than 25 years and has always put the needs of the Legislature first. She is known for going above and beyond the call of duty, willing to work late hours and lend a hand when necessary.

In 2005, in recognition of her commitment to and outstanding efforts in the General Assembly, JoAnn was honored with the National Conference of State Legislatures' prestigious Legislative Staff Achievement Award. She has held positions in various professional organizations including a leadership role in the American Society of Legislative Clerks and Secretaries.

It was my great pleasure to have been able to work with JoAnn during my eight years as Governor and I am honored to be able to recognize her today. JoAnn will be remembered for her loyalty and dedication to her profession over the years, which has brought inspiration to the staff and the members of Delaware's Legislature. Her service to the state of Delaware is commendable, and I wish her a safe and happy retirement.

DONNA JEVEN'S TRIBUTE

**HON. TOM McCLINTOCK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. McCLINTOCK. Madam Speaker, I rise today to join Congressman GALLEGLY in mourning the loss of Donna Jevens, a dedicated and devoted servant of our state of California and of our nation.

I had the honor to work with Donna for a decade while I served in the California State Assembly. As my field representative, she attended to the needs of every constituent who sought our assistance and threw her heart and soul into the personal crises that they brought her. In a business where the standard advice is not to get emotionally involved, she cared deeply about everyone she dealt with and it showed.

In the highly pressurized atmosphere of a district office, she was always the positive,

sunny and cheerful personality that kept everyone else in the office motivated and upbeat.

My heart goes out to her family. They do not mourn alone—the loss of Donna is keenly felt by all of us who knew her, who worked with her, or who number among the countless legion whom she helped during more than two decades of selfless public service.

HONORING THE SERVICE AND SACRIFICE OF UNITED STATES ARMY SPECIALIST CHRISTIAN M. ADAMS

**HON. GABRIELLE GIFFORDS**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Ms. GIFFORDS. Madam Speaker, I rise today to honor U.S. Army SPC Christian M. Adams, who passed away on June 11, 2010.

Christian was born at Fort Bragg in North Carolina, and spent his childhood growing up in Sierra Vista, Arizona where he attended Carmichael and Bella Vista elementary schools, then Sierra Vista Middle School before graduating from Buena High School in 2003. Well known in the community, Christian enlisted in the Army soon after high school.

Assigned to the 20th Engineer Battalion, 36th Engineer Brigade at Fort Hood, Texas, Christian was a tracked vehicle mechanic on his second combat deployment when he passed away on June 11, 2010 in Kandahar, Afghanistan.

We remember Christian and offer our deepest condolences and sincerest prayers to his family. My words cannot effectively convey the feeling of great loss nor can they offer adequate consolation. However, it is my hope that in future days, his family may take some comfort in knowing that Christian made a difference in the lives of many others and serves as an example of a competent and caring leader and friend that will live on in the hearts and minds of all those he touched.

SPC Christian Adams leaves behind his beloved wife Amanda, daughter Faith, mother Donna, stepfather John and father Anthony.

This body and this country owe Christian and his family our deepest gratitude, and we will today and forevermore honor and remember him and his service to our country.

RECOGNITION OF STANLEY MARKS

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. PALLONE. Madam Speaker, I rise today to recognize the lifetime achievements of Stanley Marks, an outstanding member of his community in Manalapan, New Jersey, and a devoted family man. He continues to epitomize the concept of responsible citizenship by giving back to society in many ways, making him worthy of this body's recognition. Mr. Marks' commendable achievements make him a deserving recipient of the 2010 Homeowners of Covered Bridge Person of the Year Award.

Stanley Marks was born in 1939 in Brooklyn, New York, where he spent his entire youth and much of his adult life. After graduating from the Boys High School, he joined the RCA Institute and studied electronics. In his professional life, Mr. Marks has worked for the Avion Corp. as well as a prominent Long Island City electronics distributor. In 1998, he moved to New Jersey and joined the Covered Bridge community in Manalapan. Mr. Marks has lived there ever since. A committed family man, he has been married for over 50 years to his wife, Jackie. They have two children and four grandchildren.

Mr. Marks has dedicated much of his life to serving each community of which he has been a part, both in New York and New Jersey. He has been committed to a variety of important causes through his support of various community organizations. Mr. Marks was a member of the Mill Basin, New York Civic Association and the chancellor commander of Harmony Lodge #709 of the Knights of Pythias Domain of New York. Currently, he is the vice chancellor of the Covered Bridge Lodge #536 of the Domain of New Jersey. Mr. Marks has also served as the president of the Covered Bridge Homeowners Association. He is presently a member of the association's board of directors. In his work with the Covered Bridge Homeowners Association, Mr. Marks has actively worked to improve the quality of life of his fellow residents. He has also been involved with Meals on Wheels and has helped organize transportation for the handicapped.

Madam Speaker, I would once more like to thank Mr. Stanley Marks for his contributions to the community and congratulate him again on his 2010 Person of the Year Award from the Homeowners of Covered Bridge. Mr. Marks' professional accomplishments, work for the betterment of society, and dedication to family should be an inspiration to us all.

INTRODUCTION OF THE DOMESTIC MINOR SEX TRAFFICKING DETERRENCE AND VICTIM SUPPORT ACT OF 2010

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mrs. MALONEY. Madam Speaker, today I am pleased to introduce the Domestic Minor Sex Trafficking Deterrence and Victim Support Act of 2010, bipartisan legislation that would take a multi-disciplinary, cooperative approach to shutting down human sex trafficking of children in the United States. I am pleased to be joined by original cosponsor Mr. CHRIS SMITH, who along with me co-chairs the Human Trafficking Caucus. Representatives BLUMENAUER, STEVEN COHEN, TED POE, LAURA RICHARDSON, and DAVID WU also join me as original cosponsors. The legislation is the House companion to S. 2925, introduced by Senators RON WYDEN and JOHN CORNYN in the Senate.

While many think that child sex trafficking is a problem only in foreign countries, experts estimate that over 100,000 children in the United States are currently exploited through commercial sex. Although it is hard to believe,

the average age of first exploitation is 12–13. We can no longer ignore that children in our country are being so horrifically exploited for economic gain.

The legislation takes a comprehensive approach to reducing trafficking of minors. It would create block grants to provide shelter and care for the victims, ensure adequate resources for law enforcement and prosecutors to rescue victims and put pimps behind bars, strengthen deterrence and prevention programs aimed at buyers, and require timely and accurate reporting of missing children.

We have a moral obligation to help the neglected victims of sex trafficking and to crack down on their abusers.

IN HONOR OF THE RETIREMENT  
OF DAVID C. SAVIANO OF BIL-  
LERICA, MASSACHUSETTS AND  
PIPEFITTERS LOCAL 537

**HON. STEPHEN F. LYNCH**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. LYNCH. Madam Speaker, I rise today in honor of David C. Saviano, born December 21, 1950, to Anthony and Bernadina Saviano, in South Medford, Massachusetts.

Dave's family moved to Billerica when he was 13 years old. He graduated from Billerica Memorial High School in 1970, where his athletic abilities as a wrestler, baseball player, and football captain earned him Athlete of the Year honors his senior year.

Dave's father, Tony, a retired member of Pipefitters Local 537's refrigeration division, inspired Dave to follow in his footsteps. Dave became a pipefitter apprentice in September 1971 and was initiated into Pipefitters Local 537 in March 1975. After working his way through the ranks, Dave ran for, and was elected in 1989, to the executive board of Pipefitters Local 537. Three years later, he was elected vice president of Pipefitters Local 537 and re-elected to that position again in 1995. Dave's leadership and experience earned him a hiatus from serving his Local 537 brothers and sisters in an elected capacity, as Dave ran one of the largest co-generation power plant construction jobs in the country from 1999 to 2002 in Everett, Massachusetts. But he came back to Local 537 politics, was elected and re-elected as business agent in 2002 and 2004; and in 2007 was elected assistant business manager. During his career with Pipefitters Local 537 Dave also served as an educational board trustee, attended United Association national conventions and New England Pipe Trade conventions.

Dave is also dedicated to his community and for many years, has served on the Democratic Town Committee, attended the Democratic State Convention and has been an elected town meeting member. Most recently Dave won a seat on the Town Planning Board.

Dave and his wife of more than 25 years, Rosemary, continue to live in Billerica. Their sons, David and Jeff, are now married, David to Gail and Jeff to Deb, and Dave and Rose are the proud new grandparents of David Phil-

ip Saviano, born to David and his wife, Gail, on May 21, 2010. An active member and leader of Pipefitters Local 537 for 39 years and a dedicated father and husband, Dave's commitment and hard work to his members and family earned him a new title at this stage in his life, retired grandfather.

Madam Speaker, it is my distinct honor to take the Floor of the House today, to join with Dave's family, friends and contemporaries to recognize and thank him for a career dedicated to the men, women and families of Pipefitters Local 537. I urge my colleagues to join me in celebrating David C. Saviano's distinguished career and wish him a happy and full retirement.

COMMEMORATING THE LIFE OF  
DR. EDNA SAFFY

**HON. CORRINE BROWN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise today to honor the memory of my dear, lifelong friend, Dr. Edna Saffy. We were students at the University of Florida in the 1970s and we worked together for 16 years at Florida Community College of Jacksonville. Everyone knew her as one of the great women leaders of our generation and she often led merely by example. For instance, she was one of the first women I know who did not take her husband's last name.

Dr. Saffy was a human rights activist, college professor and founder of NOW chapters in Jacksonville and Gainesville. Her public service to the Third District included mayoral appointments to the Duval County Hospital Authority, Jacksonville Human Rights Commission, advisory committee on LaVilla Cultural Heritage District and the Jacksonville Area Planning Board. She was active with numerous groups including Planned Parenthood, Marjorie Kinnan Rawlings Society, Hubbard House, Karples Manuscript Museum and the American Association of University Women.

Dr. Saffy's influence spread far beyond Jacksonville, however. She was appointed by President Clinton to the Advisory Committee on the Arts of the John F. Kennedy Center for Performing Arts from 1995–2001, and by President Gerald Ford in 1976 as a delegate to the International Women's Conference. Active in Mideast peace groups and a member of the American Arab Institute, President Clinton invited her to witness the signing of the Mid-East Peace Accord in 1993.

Finally, she worked hard for the Democratic Party. Dr. Saffy was a member of the Duval County Democratic Executive Committee for 35 years, was a Florida State delegate to all the Democratic National Conventions from 2000 and served as president of the Florida Women's Political Caucus.

Like the Apostle Paul, she fought the good fight, she finished the course, and she kept the faith. Now, it is up to us to carry on her work.

My thoughts and prayers are with her husband of 41 years, Grady E. Johnson Jr. God has blessed us by allowing us to have Dr. Saffy in our lives.

TRIBUTE TO CHAMPLAIN VALLEY  
PHYSICIANS HOSPITAL

**HON. WILLIAM L. OWENS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. OWENS. Madam Speaker, I rise today to congratulate the Champlain Valley Physicians Hospital of Plattsburgh, New York in the wake of the 100th anniversary of the admission of the facility's first patient on June 22, 1910.

CVPH was created in 1972 by the merger of Physicians Hospital with Champlain Valley Hospital. This association of private and charitable hospitals increased the level of access to quality health care for our community, and the CVPH Medical Center has remained the foundation of Plattsburgh's health for decades.

CVPH, through its board, management and employees, has proved their dedication to our community's health by instituting ambitious programs to expand their services. In their relentless mission to provide our region with education, awareness, and strength—in addition to the gold standard of health care for which they are known—the Champlain Valley Physicians Hospital is a vital part of our community that cannot be replaced.

CVPH has always endeavored to find new ways to increase and expand the level of care it offers. From advanced cardiology services and mental health care to its community outreach efforts, our facility knows that the best approach to the overall health of an area involves every part of every individual.

Madam Speaker, I would like to offer my sincere congratulations to the Champlain Valley Physicians Hospital on their 100th anniversary, as well as my undying appreciation for the consistent level of service they provide our region.

A SALUTE TO DR. JAMES F.  
"JEFF" KIMPEL

**HON. TOM COLE**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. COLE. Madam Speaker, I rise today to honor an outstanding Oklahoman devoted to being the best public servant ever for the people of the United States, working tirelessly to help save lives and protect property, Dr. James "Jeff" Kimpel, director NOAA National Severe Storms Laboratory in Norman, Oklahoma. He is a close friend who will be retiring in Norman, Oklahoma this week. After 13 years of federal service Dr. Kimpel served the Nation and the people of our State and city and is recognized internationally as one of the world's leading experts on weather and meteorology, having served as the past president of the American Meteorological Society in 2000. Jeff Kimpel will be sorely missed in NOAA and I know that I will miss his active participation day by day in all matters relating to meteorology.

Madam Speaker, Jeff Kimpel's impact in Norman, Oklahoma which is in the fourth Congressional District has been ongoing and direct on all matters relating to severe weather

and weather related research and development. We have been considerably blessed with the location of the National Severe Storms Laboratory in Norman as well as the University of Oklahoma, and The Weather Center including many major weather private sector companies who advance the future of weather research in the United States. Dr. Kimpel has made a mark on weather forecasting that will be felt for decades to come.

Dr. Kimpel has been one of the main proponents of improving the connection of Doppler-radar systems, or NEXRAD, which would advance and improve radar resolution and increase the accuracy of rain, snow and other weather predictions. This program, which was created under Dr. Kimpel, has also generated forecast models and has largely improved the ability to predict tornados, windstorms, lighting, and other types of severe precipitation. These programs are extremely vital and important to Oklahoma in particular, but Dr. Kimpel has brought them into other regions that also deal with inclement weather and specific weather storms.

Madam Speaker, currently the upgrade of the current NEXRAD system for advanced notice of severe weather and tornados embodied in the Multi-purpose Phased Array Radar will ultimately improve the effectiveness and will also cut costs. Dr. Kimpel's tireless and diligent efforts to develop the Multi-purpose Phased-Array Radar technology have paid off and are being rewarded with amplified financial support for the upcoming 2011 Fiscal Year. Dr. Kimpel's successor will surely continue to work hard on this project and continue to work to create even more developments for this form of radar technology.

Madam Speaker, throughout his career, Dr. Kimpel has held important positions in several different organizations in the field of weather including a member of the National Research Council's Board on Natural Disasters of the National Academy of Sciences, an active official of the National Science Foundation including past chair of the Advisory Committee for Atmospheric Sciences, the University Corporation for Atmospheric Research, the American Meteorological Society, and NOAA's U.S. Weather Research Program development team.

Dr. Kimpel's dedication goes above and beyond the field of meteorology and weather. He has epitomized and displayed leadership qualities that are very often hard to come by. He has been awarded the Bronze Star Medal while serving under the United States Air Force in Vietnam, has received the University of Oklahoma Student Association Faculty Award for Outstanding Teaching and Service to Students, and among many other awards and honors has been given the Oklahoma University Regents' Award for Superior University and Professional Service.

Madam Speaker, I applaud and congratulate Dr. Kimpel on the many accomplishments that he has achieved throughout his lifetime and I thank him for his life's commitment to weather, science, and severe-storm prediction. Additionally, I would like to thank Dr. Kimpel for the example he has set for future meteorologists and researchers to follow, and for the fine career in which he has dedicated his life's work to. Madam Speaker, I am genuinely pleased

to be able to say that I represent Dr. Kimpel and his family, and the laboratory that he created and worked so diligently for. I wish him luck in his future endeavors.

#### TRIBUTE TO SPECIALIST JOSEPH JOHNSON

#### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. KILDEE. Madam Speaker, it is with great sadness that I rise today to pay tribute to Army SPC Joseph Dennis Johnson. Specialist Johnson was killed on June 16, 2010 in Kunduz, Afghanistan by a roadside bomb. Funeral services will be held on June 26 at Flint Central Nazarene Church.

After graduating from Carmen-Ainsworth High School in 2004, Specialist Johnson enlisted in the U.S. Army in 2006 and served as an Airborne Engineer disarming improvised devices. He had been stationed in Afghanistan since December 2009. Specialist Johnson considered it a privilege and honor to serve his country. I had the opportunity to meet and talk to Specialist Johnson when we flew from Washington, DC to Michigan together several years ago. I was attending the funeral of a friend, Jack Maxwell, and Jack was Specialist Johnson's great-grandfather. As I sat next to him on the airplane and again at the funeral, I was impressed by his deep love for our country, his passion for his work and his devotion to his family.

Specialist Johnson will be deeply missed by his parents, Dennis and Teri Johnson, his sister Jennifer Pollak, grandparents Eugene and Lois Johnson and Glenna Maxwell; his special friend Amanda Gauthier, many nieces, nephews and close friends.

Madam Speaker, I ask the House of Representatives to stand and take a moment of silence to remember SPC Joseph Johnson. He has made the ultimate sacrifice for the country he loved deeply and our nation is grateful for his steadfast duty. His enthusiasm for life is an inspiration to all that knew him and his integrity is a credit to his parents and family. I extend my condolences to his parents, family and friends and I mourn his passing.

#### CONGRATULATING GASTONIA, NORTH CAROLINA

#### HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mrs. MYRICK. Madam Speaker, I would like to congratulate Gastonia, NC—one of the recipients of the 2010 All-America City Award from the National Civic League. Gastonia, for the third time, has achieved this honor, which highlights the innovation, inclusiveness, civic engagement, and cross sector collaboration of this unique town.

This year, representatives to the competition highlighted two of Gastonia's most important civic programs. The first is The Shelter of

Gaston County, a transitional home for battered women. The second is "Run for the Money," an annual fundraiser that has raised more than \$9 million for non-profits in our area.

It was clear that Gastonia made quite an impression—they were one of only two in the entire competition to receive unanimous support from this year's judges.

Not only was Gastonia recognized with this honor, but Gastonia team member Luis Rios, president of the Mayor's Youth Leadership Council, won the inaugural All-America City Teen of the Year Award.

In addition to the hard work of the people of Gastonia, I would also like to extend special congratulations to Mayor Jennie Stultz. A native of Gastonia, Mayor Stultz provides the leadership necessary for the City of Gastonia and its citizens to live up to their fullest potential—with great gusto.

It is truly a privilege to represent Gastonia in Congress. Gastonia is well-deserving of being named an All-America City, and I commend the city for the commitment it shows to its citizens and the dedication it has to the traditions and values that make Gastonia so special.

#### RECOGNIZING RICHARD HUNSUCKER AND THE WALK ACROSS AMERICA TEAM

#### HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. ISSA. Madam Speaker, I rise today to honor Richard "Ric" Hunsucker, a United States Marine Corps veteran, and the Walk Across America Team for their selfless efforts to bring awareness to disabled veterans across the country.

Mr. Hunsucker, an ironworker from Green Bay, Wisconsin, has completed a challenging yet worthy undertaking that has achieved great success—all in the name of disabled veterans. On Veterans Day, November 11, 2009, Mr. Hunsucker set out to begin his 202 day walk across America to raise donations and awareness for the struggles faced by disabled veterans.

Starting at the Duval County War Memorial in Jacksonville, Florida, Mr. Hunsucker and his support teammate, Jack Dixon, visited countless veterans medical centers and outpatient clinics to meet with disabled veterans, doctors, nurses, family members and the public.

This 2,600-mile journey took them through four time zones and eight states, ending proudly at the Balboa Park War Memorial in San Diego, California on Memorial Day, May 31, 2010. He carried a 5-foot by 3-foot navy blue Disabled American Veterans flag the entire route. All donations raised went to the Disabled American Veterans organization, a non-profit that advocates and assists those injured while serving their country.

Mr. Hunsucker trained for six months for his 202-day walk and has since gone through three pairs of sneakers and countless aches and pains. Walking an average of 17 miles a day, meeting the families of those killed in action in Iraq and Afghanistan were among the most memorable moments.

Mr. Hunsucker's patriotism and desire to raise awareness for veterans was best explained when he recently stated, "You can build a memorial for those who have been killed, but how can you remember those who are disabled? You take care of them."

Madam Speaker, I would like to extend my personal accolades to the Walk Across America Team for such a remarkable and dedicated journey.

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TRIBUTE TO STEVE ZATKIN

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. STARK. Madam Speaker, my colleague HENRY WAXMAN and I join together to mark an important occasion for California's and the nation's health care policy community. After leading the public policy and government relations team at Kaiser Permanente for the past 20 years, Steve Zatin has announced that he will retire at the end of this month. He reached this conclusion after having seen a long-awaited event—the enactment of comprehensive health care reform—finally come to pass.

Following his graduation from the University of California at Berkeley in 1969, Steve began his career in health policy, like many other national experts, as a staff person in the California legislature. After starting out as an Intern and Analyst in the California Assembly, Steve served throughout the middle and late 1970s as Senior Consultant to the Assembly Health Subcommittee on Health Personnel, the Joint Committee on Health Sciences Education and the Joint Committee on the Siting of Teaching Hospitals. During his senior staff tenure in Sacramento, he developed major legislation and budget policy on health care workforce and training issues, an area of abiding and continuing interest for him.

While working in the legislature, Steve earned his degree at the McGeorge School of Law and was admitted to the California Bar. In 1978, he joined Kaiser Permanente as a staff counsel focusing on government relations. In addition to leading Kaiser Permanente's government relations function since 1990, he has chaired its Health Policy Committee since its inception in 1996. Since 2004, he has also served as Senior Vice President and General Counsel of Kaiser Foundation Health Plan and Kaiser Foundation Hospitals.

Steve has long been recognized as a leader in the health plan and integrated care delivery sector. He served on the Boards of Directors of the Alliance of Community Health Plans, the California Association of Health Plans and the American Association of Health Plans. In the late 1990s, Steve served on the California Governor's Managed Care Improvement Task Force. He has also served as a member of the National Association of Insurance Commissioners' Health Care Insurance Access Advisory Committee.

In his role as a health plan leader, Steve has ably represented Kaiser Permanente as it has grown to serve over 8.6 million people, including over 6 million individuals in our home state of California. Throughout his time as a

senior leader at Kaiser Permanente, Steve has been a strong and consistent public voice within the industry for comprehensive health reform. An article he co-authored in the journal Health Affairs in 2006 with Kaiser Permanente leaders George Halvorson and Dr. Jay Crosson served as a model for the exciting, if ultimately unsuccessful effort to enact health reform in California during the legislative session in 2008. The efforts in California demonstrated the potential to bring together health care providers, health plans, businesses, labor unions and consumers in support of comprehensive health reform legislation that could improve both the functioning of health markets and the quality of care, and at the same time help subsidize coverage for those who cannot afford it. The progress made in California, along with the success of reform in Massachusetts and strong efforts in other states, no doubt contributed important momentum necessary to achieve health care reform in this Congress.

As the critical effort to implement national health reform moves forward, we will need industry leaders like Steve to help their organizations and policymakers focus on the tasks at hand—to continuously improve quality and to successfully extend affordable coverage to the millions who currently don't have access to it.

Madam Speaker, we would like to offer the heartfelt thanks of the health policy community for Steve Zatin's key leadership over many years, and our warmest congratulations on his well-deserved retirement.

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100TH ANNIVERSARY OF LAREDO  
COCA-COLA BOTTLING COMPANY

**HON. HENRY CUELLAR**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. CUELLAR. Madam Speaker, I rise today to honor the Laredo Coca-Cola Bottling Company's 100th year in operation. The Coca-Cola Bottling Company has provided Coca-Cola bottled products to the Rio Grande Valley of South Texas and the Laredo community for 100 years. This bottling company has accomplished a century of service to our community throughout the years.

In 1899, Joseph B. Whitehead and Benjamin F. Thomas convinced The Coca-Cola Company that Coke should be sold in bottles, not just as a fountain drink. A few years later, in 1910, the Laredo Coca-Cola Bottling Company was established by Samuel N. "Silas" Johnson with an initial purchase of 51 gallons of syrup from The Coca-Cola Company in Atlanta, Georgia. The first address for the company was 2202 Montezuma Street. In the early years, bottling equipment was hand and foot-operated, and one hard-working employee could bottle 200 cases in 10 hours of work.

In 1930, Samuel N. Johnson Jr. assumed ownership of the family bottling company and beer distributorship following the death of his father. Following the civic lead of his father, Samuel N. Johnson Jr. believed in the city of Laredo's potential to grow and prosper through innovation and team work.

Samuel N. Johnson Jr. ran the Laredo Coca-Cola Bottling Company until his death in 1962. Under the terms of his will, the Company was held in a trust for two years and subsequently purchased by siblings Betsy Johnson Gill and Samuel N. Johnson, III, in 1964. Lamar Gill, Betsy Johnson Gill's husband, who was from a Coca-Bottling family in Beeville, Texas, took charge of the Company as president and manager; Betsy Johnson Gill served as vice-president; and Sam Johnson III served as president and sole owner of the S.N. Johnson Distributor and secretary-treasurer of the Laredo Coca-Cola Bottling Company.

In 1973, plans were made to relocate the plant to North Laredo, moving the production end of the company in 1974 and the office in 1975 to the Del Mar Industrial Park—where the company still resides at 1402 Industrial Boulevard. On December 15, 1992, the company was sold to Coca-Cola Enterprises, and Tino Villarreal was appointed general manager, a position he still holds today.

Laredo Coca-Cola Bottling Company has a long history of giving back to the community by supporting a variety of organizations and events throughout the area. The Laredo Coca-Cola Bottling Company currently has 98 employees and delivers beverages to more than 2,700 customers in four counties, covering 5,206 square miles. Many of the details of how the bottling business is run have changed greatly over the last century. From one package and one brand to more than 200 brands and 500 packages, the company now offers a portfolio of products that promotes total hydration and an active lifestyle.

Madam Speaker, I am honored to have the time to recognize the 100th anniversary of the Laredo Coca-Cola Bottling Company. The Laredo Coca-Cola Bottling Company is celebrating 100 years of service for our community and continuing its mission for South Texas.

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PERSONAL EXPLANATION

**HON. BOB GOODLATTE**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. GOODLATTE. Madam Speaker, on rollcall No. 376 on H. Con. Res. 288, rollcall No. 377 on H. Res. 546, and rollcall No. 378 on H. Res. 1407, I am not recorded because I was attending the funeral service of a fallen soldier in my district, Army SPC Brian M. Anderson, who was killed in action while serving his country in Afghanistan. Had I been present, I would have voted "aye" on all three resolutions.

ROBERT A. TAFT MIDDLE SCHOOL  
NAMED SCHOOL TO WATCH

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. VISCLOSKY. Madam Speaker, it gives me great pleasure to pay tribute to the outstanding achievements of Robert A. Taft Middle School, located in Indiana's First Congressional District. After undergoing a very selective application and interview process, Robert A. Taft Middle School received the distinct honor of being named one of the "Schools to Watch" by the National Forum to Accelerate Middle-Grades Reform. For accomplishing an extraordinary feat and exerting remarkable efforts, Robert A. Taft Middle School will receive recognition at a gala dinner during the Schools to Watch Annual Conference. This prestigious event will take place in Washington, D.C. on Thursday, June 24, 2010.

The "Schools to Watch" program honors middle schools that exemplify exceptional performance in education. This rigorous program was developed in 1999 by the National Forum to Accelerate Middle-Grades Reform. To date, there are eighteen States that participate in this national initiative. Candidates for the "Schools to Watch" program must demonstrate four main criteria: academic excellence, developmental responsiveness, social equity, and organizational structure. The middle schools that are chosen for the "Schools to Watch" program exceed these standards.

Robert A. Taft Middle School provides education to 6th, 7th, and 8th grade students in the Crown Point, Cedar Lake, and Winfield communities in Indiana. In recent years, Robert A. Taft Middle School implemented a program involving innovative educational techniques which made significant contributions to the school's success. Important factors of the new program include interdisciplinary teams that allow staff to create personalized environments, flexible schedules to ensure comprehension, and team planning and preparation periods that provide students with high-quality teachers and learning opportunities. Additionally, the implementation of the "Creating a Safe School" anti-bullying effort made Robert A. Taft Middle School an even stronger candidate for this prestigious honor.

Madam Speaker, I would like to once again extend my most heartfelt congratulations to Robert A. Taft Middle School faculty, staff, and students, as well as Principal Michael Hazen, on being named one of the "Schools to Watch" for 2010. The dedication exhibited by the school and the community serves to inspire us and to encourage other schools across the Nation. It is my honor to have been given this opportunity to recognize such a supreme middle school, and I am honored to have Robert A. Taft Middle School in my district.

PERSONAL EXPLANATION

**HON. JEFF FORTENBERRY**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. FORTENBERRY. Madam Speaker, on Tuesday, June 22, 2010, I was absent and thus I missed rollcall votes Nos. 376–378. Had I been present, I would have voted "aye" on all three votes.

PERSONAL EXPLANATION

**HON. JIM JORDAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. JORDAN of Ohio. Madam Speaker, I was absent from the House Floor during yesterday's three rollcall votes.

Had I been present, I would have voted in favor of H. Con. Res. 288, H. Res. 546, and H. Res. 1407.

A TRIBUTE TO MICHAEL F.  
ESCALANTE, ED.D.

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. SCHIFF. Madam Speaker, I rise today to honor Dr. Michael Escalante, whose tenure as Superintendent of the Glendale Unified School District has contributed substantially to its increases in student achievement. This feat is especially commendable considering the significant fiscal challenges the district has been and is currently facing.

The Glendale Unified School District is an impressive school system in its own right, encompassing 27,000 students and 2,500 employees at 31 schools—twenty-three of which have been recognized as California Distinguished Schools, nine as National Blue Ribbon schools, and 11 as Title 1 Achieving Schools.

As its Superintendent, Dr. Escalante has guided GUSD towards many more distinctions and accomplishments. Under his leadership, the district has garnered many state and national awards for student achievement, helped establish and expand programs such as the Foreign Language Academies of Glendale, and created Focus on Results, a district-wide professional development plan.

Even more impressively, Dr. Escalante's accomplishments stretch back before his role as superintendent. Prior to joining GUSD, Dr. Escalante began his teaching career at the elementary and high school levels and served for seven years in this capacity. He subsequently rose through the ranks to enter other administrative assignments, including Assistant Superintendent of Business Services, administrative assistant, elementary principal, intermediate principal, and two separate tenures as a high school principal. Dr. Escalante's experience is extensive and he has worked in

several school districts, including Hawthorne, Centinela Valley, Santa Monica, Malibu, Palos Verdes Peninsula, and Long Beach Unified. As evidenced by the GUSD's successes, his wide breadth and sheer depth of experience has clearly been invaluable to its development.

Dr. Michael Escalante has been a tremendous asset to the Glendale Unified School District and to the City of Glendale, and I ask all members to join me in thanking him for his dedicated service to education.

HONORING JOSE TAMAYO

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Ms. WOOLSEY. Madam Speaker, I rise today to honor Jose Tamayo, who passed away on June 10, 2010, in Santa Rosa, California. His legacy as a philanthropist and entrepreneur has enriched Sonoma County and the entire San Francisco Bay Area.

As a young immigrant from Mexico, Mr. Tamayo moved to this country with a bright vision for his family's future. He quickly recognized Sonoma County as uniquely endowed with a rich agricultural, culinary, and environmental tradition that lent itself well to the production of wholesome, handcrafted foods. After settling in Santa Rosa, Mr. Tamayo and his wife Mary opened their first "Mexican-tessen," bringing a taste of their heritage to Sonoma County customers.

The Tamayos built on their success, founding La Tortilla Factory in 1977 and branching out into new products and new ventures. From a tiny family business run entirely on Jose and Mary Tamayo's hard work and dedication, La Tortilla Factory grew into a nationally recognized leader with hundreds of local employees. It also continues to be an industry innovator. Over the several decades that La Tortilla Factory has been in operation, it has consistently been at the forefront of new, health-conscious, high-quality wraps, breads, and tortillas.

In spite of the demands of a growing business, Jose and Mary Tamayo remained committed to their family and community. They worked tirelessly to give their children the education and grounding they would need to succeed in their own right, and to create a family centered on the principles of hard work and service. In 1986, Jose and Mary Tamayo passed La Tortilla Factory on to their sons and rededicated themselves to contributing to the people of Sonoma County.

The Tamayos were particularly active in a number of community organizations, from food banks to local schools and youth-support organizations. The Mary and Jose Tamayo House, a residence for former foster children at Sonoma County's Social Advocates for Youth, is just one example of their efforts to provide all children the same opportunities they provided their own. This is a legacy of compassion and civic-mindedness that will live on in our region.

Jose Tamayo was predeceased by his wife Mary and his son Bernie Tamayo. He is survived by his sons Carlos, Jose, Mike, and

Willie Tamayo, and by his eleven grandchildren and six great-grandchildren.

Madam Speaker, I ask you to join in me in celebrating the life of a man who gave back more than he received, who measured his success in his service to others. Jose Tamayo's story reminds us of how much we can all achieve when we pursue our goals with passion and integrity.

OUR UNCONSCIONABLE NATIONAL  
DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,046,652,647,591.81.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,408,226,901,298.01 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

GRADUATES OF CRISTO REY NEW  
YORK HIGH SCHOOL BEAT THE  
ODDS

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. RANGEL. Madam Speaker, I am honored to commend the fifty graduates from Cristo Rey New York High School in East Harlem, who have beaten the odds to achieve this success. Every student in this class has been accepted to college in the fall.

Cristo Rey students dream big. Many aspire to become lawyers, forensic pathologists, journalists, psychologists and a wide variety of professions. The students will attend prestigious universities and colleges, in and out of New York, including Fordham University, Brooklyn College, John Jay College, New York University, Pace University, Georgetown University, Lehigh University, and Boston College.

The school is part of a network of twenty-four Cristo Rey schools throughout the country—Catholic, co-ed, college prep schools, where students of all faiths are welcomed.

Cristo Rey has played a special role in helping these students overcome obstacles they have faced in their young lives. Some have had financial difficulties, and others have faced the dangers and temptations of the streets.

In addition to academics, the students received hands-on experience in the workplace, even before being handed their diplomas. One day a week, they worked in some very high powered firms such as JPMorgan, Chase and Citigroup. The students performed office work and received guidance from mentors who helped them identify desired career paths.

Many of these firms pay sixty-percent of the school's expense.

Cristo Rey's motto is, "transforming Urban America, One Student at a Time". The transformation of these fifty students shows what hard work and dedication can achieve. Cristo Rey has laid the educational foundation for these students. The sky is the limit for them in what they can achieve, in their working careers.

Here are the names of the students whose achievements we celebrate: Lucio Reynoso, Steven Gonzalez, David Luna, Andrew Sanabria, Andy Paulino, Jonathan Balbuena, Aleksander Perpalaj, Daniel Estevez, Joel Frias, Bryan Santos, Charles Perez, Randy Nunez, Melany Rodriguez, Sade Gonzalez, Michelizabeth Sainvill, Nyesha Johnson, Tiffany Tejeda, Steven Saverino, Amaury de Dios, Stanley Majors, Jr., Christian Guzman, Angel-Alvarez, Laury Veudna; Devany Baez, Celia Martinez, Lizbel Escamilla, Sheniqua Green, Katherine Santiago, Olivia McBride, Vitoria Velazquez, Marisol Almonte, Ashley Garcia, Asia Davis, Angelique Agudo, Stephanie Ortiz, Amanda Rodriguez, Lidibeth Iona, Ashley Saucedo, Genesis Cedeno, Vanessa Ruiz, Noelia Taveras, Raquel Salgado, Cailyn Asturias, Jessica Vargas, Patricia Diaz, Stephanie Medaivilla, Tamika Flores, Paola Peguero.

THE NATIONAL MONUMENT DESIGNATION TRANSPARENCY AND ACCOUNTABILITY ACT OF 2010  
(H.R. 5580)

**HON. DEVIN NUNES**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. NUNES. Madam Speaker, I rise today upon the introduction of the National Monument Designation Transparency and Accountability Act of 2010 which will ensure that any national monument designation is done on an informed basis and is accomplished through a transparent process fully involving Congress.

Pursuant to the "Property Clause", Article IV, Section 3, Clause 2, of the United States Constitution, Congress has the expressed power to "make needful Rules and Regulations respecting the Territory and other Property belonging to the United States." Through the Antiquities Act of 1906 and other acts, Congress has delegated considerable land management authority to the President. For example, the Antiquities Act, which was enacted in response to thefts from and the destruction of archeological sites, allows the President to proclaim national monuments on Federal lands that "contain historic landmarks, historic and prehistoric structures, and other objects of historic and scientific interest."

President Theodore Roosevelt first used the authority to create Devil's Tower in Wyoming. Today, there are 71 monuments covering approximately 136 million acres. While the Act has been used appropriately in some instances, it also has been abused.

For example, President Clinton, asserting that Congress had not acted quickly enough, used his authority 22 times to proclaim 19 new

monuments and to expand three others; with one exception, the monuments were designated in his last year of office. They also totaled 5.9 million acres. Moreover, in the instance of the Giant Sequoia National Monument, they devastated the timber industry in Tulare County, California, and left an enduring legacy of double-digit unemployment and diminished communities.

As a life-long resident of Tulare County, I saw, and in fact still see, the devastation caused by that stroke of the President's pen. I well understand the anger and frustration that many of my constituents felt when, with no meaningful opportunity to provide input on this momentous decision, their lives and communities were changed forever.

Congress must not allow such abuses of the Antiquities Act to be repeated. Rather, if the Antiquities Act is going to remain law, it must be improved, particularly in the revelation that the current Administration might use the Act to designate monuments totaling as many as 13 million acres.

The National Monument Designation Transparency and Accountability Act of 2010 would provide the necessary improvements. It would also provide much-needed transparency to what is currently an opaque process.

It is important to point out that the bill preserve the right of the President to act quickly to protect national treasures that are under threat, but it ensures his or her actions are confirmed by Congress. Specifically, Congress would have two years to affirm the President's decision to protect the national treasure in perpetuity. This will restore the balance between executive decisions and public input.

The bill would also require the President to provide notice and the actual language of the proposed designation to Congress, Governors, local governments, and tribes within the boundaries of the proposed monument. Additionally, it would require the Administration to provide notice of public hearings and allow opportunity for public comments. The President would then have to report to Congress on how the designation would impact local tax revenues, national energy security, land interests, rights, and uses.

These reforms would ensure the Antiquities Act is used appropriately and in accordance with its original intent. Any monument decisions would be made with all the pertinent information available, with full public participation, and Congressional approval rather than in the dark of the night and at the behest of radical environmentalists.

HONORING THE GAY, LESBIAN, BISEXUAL, AND TRANSGENDERED  
ROUND TABLE OF THE AMERICAN  
LIBRARY ASSOCIATION

**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. QUIGLEY. Madam Speaker, I rise today to recognize the Gay, Lesbian, Bisexual, and Transgendered Round Table, GLBTRT, of the American Library Association, the first professional gay organization in the United States,

which celebrates its 40th anniversary this year.

Throughout its 40 years, the GLBTRT has worked to ensure information and access needs for gay, lesbian, bisexual, and transgendered individuals. In this welcoming and inclusive forum, they have worked to improve the lives of librarians, archivists, other information specialists, and library users who are part of the GLBT community.

The GLBTRT acts on many different levels to advocate for their community. Through their work in revising classification schemes, subject heading lists, and indices, the GLBTRT removes derogatory and hurtful terms. They also strive to eliminate job discrimination based on sexual orientation. Additionally, they promote education awareness of all library patrons by ensuring unrestricted access to information by or about the GLBT community. They also support other minority groups advocating for better representation and equal opportunity in the Association.

Madam Speaker, I ask my colleagues to join me in celebrating the anniversary of the Gay, Lesbian, Bisexual, and Transgendered Round Table and congratulating them on their successes and further efforts to reach equality in the library and information communities.

**RECOGNIZING MASTER SERGEANT  
VANDIVER K. HOOD ON THE OC-  
CASION OF RECEIVING A THIRD  
BRONZE STAR MEDAL**

**HON. G. K. BUTTERFIELD**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. BUTTERFIELD. Madam Speaker, I rise to congratulate MSgt Vandiver "Van" Hood of the 4th Civil Engineer Squadron, 4th Explosive Ordnance Disposal Flight at Seymour Johnson Air Force Base in Goldsboro, North Carolina, on receiving his third Bronze Star. Master Sergeant Hood's actions while serving in Operation Iraqi Freedom saved the lives of his fellow servicemen and provided invaluable intelligence toward ending the ongoing global war on terror.

Master Sergeant Van Hood was born in Winston Salem, North Carolina on November 19, 1973. He was an extremely active young man. He participated competitively in soccer and swimming, leading him to varsity letters all 4 years of high school. Master Sergeant Hood graduated from Page High School in Greensboro in 1992 and joined the United States Air Force less than 2 years later on April 26, 1994.

Master Sergeant Hood was first stationed at Cannon Air Force Base in New Mexico. While there, he excelled, and won the First Sergeants Association's Diamond Sharp Award, was named the Master Blaster of the Year, and in 1997, was selected as Cannon Air Force Base's Airman of the Year. Master Sergeant Hood served at Cannon Air Force Base for over 4 years before being assigned to Ramstein Air Base in Germany.

After arriving at Ramstein Air Base in June 1999, then-Sergeant Hood was promoted to staff sergeant. He conducted explosive ord-

nance disposal testing on large caliber munitions as part of the U.S. Air Forces in Europe's, USAFE's, Projectile Attack Trials, yielding beneficial data for U.S. military efforts. While at Ramstein Air Base, Master Sergeant Hood won the USAFE Major General Eugene A. Lupia Military Technician of the Year award. Further, the unit he led received three "excellent" ratings on nuclear surety inspections. Following his 4 years at Ramstein Air Base, Master Sergeant Hood was stationed to Fort Dix, New Jersey, to work at the Air Mobility Warfare Center.

After arriving at Fort Dix, Master Sergeant Hood completed degrees in Explosive Ordnance Disposal and in Technology and Military Science. The latter afforded Master Sergeant Hood the opportunity to teach new airmen and prepare them for the rigors of the military.

Twice deployed to Iraq in support of Operation Iraqi Freedom, during his first tour, Master Sergeant Hood safely destroyed and recovered 164 improvised explosive devices, IEDs, unexploded ordnances, and weapons caches. Master Sergeant Hood led five separate missions where his team encountered enemy fire. On one such mission, he and his team were targeted with a rocket-propelled grenade, RPG. The RPG missed Master Sergeant Hood by less than 5 feet, but unfortunately struck a vehicle and injured a member of the Army's Quick Reaction Force. Master Sergeant Hood administered immediate medical care to the injured soldier and after support arrived, Master Sergeant Hood completed his initial mission. For this and other heroic efforts, Master Sergeant Hood received his first Bronze Star Medal.

Master Sergeant Hood was redeployed to Iraq as a Weapons Intelligence Team Leader in 2007. While there, he and his team successfully completed over 90 combat missions including 80 IED responses, recovery of several weapons caches, and serving in four named missions. One of those missions found Master Sergeant Hood and his team in danger of a radio-controlled IED. Through his quick thinking, Master Sergeant Hood immediately cleared the engagement zone from first responders and local citizens. He and his team were successful at rendering the IED safe, protecting local residents, first responders, and American warfighters. Master Sergeant Hood also designed a comprehensive curriculum on proper sensitive sight exploitation and conducted over 10 hours of training for the Iraqi Army Bomb Disposal Unit. His actions during his second deployment earned him his second Bronze Star Medal.

When Master Sergeant Hood returned to the United States, he received a promotion to the rank of Technical Sergeant. After nearly five years at Fort Dix, Master Sergeant Hood was stationed at Seymour Johnson Air Force Base in Goldsboro, North Carolina.

Master Sergeant Hood was at Seymour Johnson for less than a year when he deployed to Wardak Province, Afghanistan, to serve as leader for an Explosive Ordnance Disposal team. His third deployment to the region, Master Sergeant Hood again put himself in harm's way, saving the lives of his team and others. While on counter-IED operations, Master Sergeant Hood identified a hidden IED in rough terrain. Unable to remotely inspect

the IED, he approached the device in a bomb suit and successfully disabled the hazard. Master Sergeant Hood and his team were responsible for an area over 6,000 square miles. He was instrumental in safely resolving over 150 emergency response missions including 75 IED incidents as well as 16 weapons caches. For his outstanding and distinguished service, Master Sergeant Hood received his third Bronze Star Medal. When he returned from Afghanistan, then-Technical Sergeant Hood was promoted into the senior non-commissioned officer ranks as a master sergeant.

Madam Speaker, I am honored to share MSgt Vandiver Hood's story. He has bravely and selflessly served the United States for over 16 years. I ask my colleagues to join me in congratulating Master Sergeant Hood for having received three Bronze Star Medals. I also ask my colleagues to join me in thanking Master Sergeant Hood for his meritorious service to the United States.

**PERSONAL EXPLANATION**

**HON. JOHN A. YARMUTH**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. YARMUTH. Madam Speaker, I was unable to cast the recorded votes for Rollcall 355, 356, and 357. Had I been present I would have voted yes for these measures.

BILL: H. RES. 1368—On Motion to Suspend the Rules and Agree, Rollcall No. 355—Vote "yes," H. RES. 1409—On Motion to Suspend the Rules and Agree, Rollcall No. 356—Vote "yes," H.R. 5502—On Motion to Suspend the Rules and Pass, Rollcall No. 357—Vote "yes."

**THE PRIVATE PROPERTY RIGHTS  
PROTECTION AND GOVERNMENT  
ACCOUNTABILITY ACT**

**HON. JOHN SULLIVAN**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. SULLIVAN. Madam Speaker, I rise today to introduce H.R. 5582, the Private Property Rights Protection and Government Accountability Act of 2010.

Previously, the U.S. Constitution specifically limited government taking of private property through a relatively narrow exception for "public use." Public use has historically referred to roads, schools, firehouses, etc. You may remember the infamous 2005 Supreme Court decision, *Kelo v. City of New London*, where the court broadened the government's ability to take your home, farm, business or place of worship. The negative effects of this far-reaching Supreme Court decision place millions of private property owners nationwide at risk.

Some states are trying to correct this injustice and have enacted restrictions on the use of eminent domain, in this case, when the government seizes private property, with varied effectiveness. However, Congress has not taken action to restore private property rights

and the abusive use of eminent domain has continued.

That is why I am introducing the Private Property Rights Protection and Government Accountability Act of 2010. This legislation will restrict certain federal economic development funds for 10 years to any state or locality in which eminent domain is used to take private property for a private purpose. It will also allow private property owners the legal recourse they deserve to fight baseless private property takings by state and local governments.

Examples of eminent domain abuse can be seen across Oklahoma, from Oklahoma City to Muskogee, and throughout this country.

No family, business operator or place of worship is safe if the government decides that their property does not measure up, and that "public purpose" would be better served if it were torn down and replaced by something bigger, glitzier and more taxable. I encourage all my colleagues to support this important legislation.

#### RECOGNIZING TINA WALTER

#### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. SHUSTER. Madam Speaker, I rise today to recognize Tina Walter, who has been selected as the Bedford Rotary Club's 2010 Citizen of the Year.

Tina Walter is an exemplary citizen of New Enterprise, Pennsylvania, where she has worked as an Emergency Medical Technician for 26 years. Mrs. Walter is a founding member and manager of the Southern Cove Ambulance Service where she presently serves as an EMT, CPR, and First Responder Instructor. She is also a highly regarded firefighter who serves as the President of the Board of Directors of the Southern Cove Fire Company. Mrs. Walter has helped secure over \$200,000 in state and federal grant funds by serving as the grant writer for the Southern Cove Ambulance and Fire Company.

Mrs. Walter has been married for 29 years to the Chief of the Southern Cove Fire Company, Brian Walter. She has two children, one of whom has a severe handicap and requires twenty-four hour care. Because of her schedule as an EMT and Fire Fighter, Mrs. Walter relies on friends and family to help care for her son.

In her spare time, Tina Walter volunteers in nursing homes, schools, service clubs and churches. She also helped form and is the current director of the Southern Cove Fireman's Choir, which is scheduled to sing the National Anthem during a Pittsburgh Pirates game in August. Furthermore, Mrs. Walter is currently spearheading a Rotary committee to bring the first annual "Bluegrass Festival" to New Enterprise in July of this year to benefit the Fire Company.

Tina's efforts and accomplishments serve to exemplify great service of self, service to family, and service to community. I commend those who have seen fit to honor Tina Walter as this year's Bedford Rotary Club's 2010 Citizen of the Year, and I too recognize and congratulate Tina Walter for all she has done.

#### HONORING THE NEW JERSEY CONSERVATION FOUNDATION

#### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the New Jersey Conservation Foundation, headquartered in Far Hills, New Jersey, which is celebrating fifty years of successful land preservation.

The New Jersey Conservation Foundation, NJCF, began in 1960 with a small group of concerned citizens determined to fight a plan by the Port Authority of New York to build the region's fourth major airport in the middle of the Great Swamp near Morristown, New Jersey. With great determination and perseverance, the group succeeded. In 1964, they turned over 1,400 acres to the Federal government and on May 29th of that same year, the Great Swamp National Wildlife Refuge was officially dedicated. It became New Jersey's first National Wildlife Refuge and the first federally designated wilderness area east of the Mississippi.

After this triumphant battle, the committee members made the decision to take the environmental health of the entire state as its responsibility. In 1975, the group officially organized as the New Jersey Conservation Foundation.

NJCF has grown from its roots in the Great Swamp to become one of the Nation's foremost land conservation organizations. Through the support of its staff and trustees, they have helped protect over 100,000 acres of New Jersey farmland, forest and natural areas. From the cedar swamps of the Pine Barrens to the urban parks of Newark and Camden, from the forests of the Highlands to the marshland of the Delaware Bay, NJCF has provided New Jersey land with the protection it deserves.

In addition, NJCF has been at the forefront of every key legislative initiative to protect farmland, forests, and water quality throughout the State. The foundation has been a leader in the passage of historic legislation to protect the Pine Barrens and the Highlands—respectively the Pinelands Protection Act and the New Jersey Highlands Water Protection and Planning Act—as well as every Green Acre bond initiative.

Today, NJCF continues their good work across the State: from Cape May to the Highlands, from the Hudson to the Delaware.

Madam Speaker, I ask you and my colleagues to join me in congratulating the New Jersey Conservation Foundation for its 50 years of dedicated work on behalf of the great State of New Jersey.

#### HONORING LEE'S SUMMIT, MISSOURI, MAYOR KAREN MESSERLI

#### HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. CLEAVER. Madam Speaker, I proudly rise today to pay tribute to Mayor Karen

Messerli, who has graciously served the City of Lee's Summit, Missouri, for twenty-one years as an elected official.

Karen Rose Messerli was elected Mayor on April 4, 1994, becoming the first woman to hold that office in the history of Lee's Summit, a fast-growing community of over 93,000 residents, in the Metropolitan Kansas City Area. This year, Mayor Messerli completed sixteen years of dedicated service as Mayor, a tenure which has been prolific for Lee's Summit as well as Missouri's Fifth Congressional District.

Mayor Messerli is widely recognized as an active leader in the metropolitan area on a variety of regional issues. She was a founding member of the Tri City Mayors Coalition, a coalition of mayors from three major cities in Eastern Jackson County. She also served as a member of the Eastern Jackson County Betterment Council, and worked on the successful campaign for the Bi-State Cultural Tax to renovate Kansas City's Union Station. In October 2000, Mayor Messerli was elected as President of the Missouri Municipal League, an organization of over 610 municipalities in Missouri. Prior to this, she served as Vice President and on the Board of Directors. She has also been extremely active in her support of Hope House, an organization serving battered women, as a member of the Board of Directors and serving as co-chair for the Capital Campaign to build a domestic violence shelter in Lee's Summit.

Mayor Messerli has received numerous awards, including being named the Woman of the Year by the State of Missouri Business and Professional Women Organization in 1998. In 2002, she was one of sixty women featured in the book, "A Power of Her Own" by Kathryn Sommer, a collection of stories about women from the Kansas City area who were the first to make significant strides for women. She was also the recipient of the 2004 Missouri Parks and Recreation Association Public Official Achievement Award. In 2009, she received the Dick King Award from the Missouri Economic Development Financing Association to honor her commitment to economic development and community betterment.

The citizens of Lee's Summit know Mayor Messerli as a respected leader whose integrity has brought trust to the city government. To her family, she is a loving wife, a caring mother of two, and an adoring grandmother of three. In addition to her achievements as a public official, Mayor Messerli is also an accomplished equestrian and has won many awards showing Arabian and national show horses in local, regional, and national circuits.

I first met Karen when I was serving as Mayor of Kansas City, Missouri, and we developed a friendship that has lasted long past my mayoral terms. One of my greatest memories is attending a concert that featured musical legends such as Smokey Robinson and Stevie Wonder with Mayor Messerli while she was visiting Washington, D.C.

Madam Speaker, I ask that you and our colleagues in the House join me in saluting the former Mayor of Lee's Summit, Karen Messerli, for her leadership and many accomplishments for the City of Lee's Summit, Missouri. We wish her the very best as she leaves public office and pursues other endeavors. Thank you to Karen Messerli for choosing

to serve. Her time as Mayor not only enriched the community and residents of Lee's Summit, Missouri, but also the entire Fifth Congressional District.

HONORING THE CONTRIBUTIONS  
OF THE NATIONAL NEWSPAPER  
PUBLISHERS ASSOCIATION

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. RANGEL. Madam Speaker, I rise today to honor the monumental contributions of the National Newspaper Publishers Association (NNPA) on its 70th anniversary. Founded in 1940 by John H. Sengstacke, the NNPA has served as the voice and advocate of African-Americans, highlighting the historical challenges facing their communities. For several decades, the NNPA has been on the frontlines of the struggle for justice and defense of the rights of African Americans. Its impact has extended beyond publishing to affect the lives and livelihoods of African Americans and the history of the nation.

On June 18th, I was humbled to be honored by the National Newspaper Publishers Association (NNPA) at its 70th Annual Convention in New York City. Alongside Berry Gordy, the iconic founder of Motown Records and a long-time leader in the entertainment industry, I was presented with the Legacy of Excellence Award.

I would like to thank Danny Bakewell, Sr., Chairman of the NNPA and publisher of the Los Angeles Sentinel, the oldest and largest African American newspaper on the West Coast. Under Mr. Bakewell's leadership, the NNPA has thrived as an organization, which he has headed since July of 2009.

I also wish to recognize two stalwart publishers in the New York City NNPA family: Walter Smith, president of the Northeast Publishers Association and publisher of the New York Beacon; and Elinor Tatum, publisher of The New York Amsterdam News, who took over for her father, the great Wilbert A. Tatum, who passed away in February of 2009.

The history of the Black press in the United States dates back to the early 19th century. The first African-American newspaper, Freedom's Journal, was founded in March of 1827 in New York City. Two of its founders, Reverend Samuel Cornish and John B. Russwurm, proclaimed in the very first issue, "Too long have others spoken for us . . . We wish to plead our own cause." The goals of the Black press were to create their own channels of communication for African Americans, expressing their views on social, political, and economic issues of their time.

The existential mission of the Black press was to fiercely oppose, condemn and agitate against the institution of slavery, the atrocities of lynching, the insults of racial segregation and the brutal injustices against African Americans that denied them their civil and political rights, not to mention their humanity. Freedom's Journal and the African American newspapers that followed laid the foundation for Black publishers, editors, journalists, columnists and cartoonists.

Years later, in March of 1940, John H. Sengstacke of the Chicago Defender organized many of this nation's Black publishers at the first annual convention of what was then the National Negro Publishers Association in Chicago. The objective was to provide a venue for Black publishers to acquaint themselves with each other and to jointly address the problems ailing their industry. A total of 22 Black publications from 16 cities, including Detroit, Philadelphia and Chicago, were represented. This gathering was the birth of what is now known as the National Newspaper Publishers Association, which even today is widely considered as the most powerful and influential Black organization in the United States.

For seven decades, the NNPA has succeeded in championing the concerns, dreams, and triumphs of African Americans in this country. While there have been many successes, there is much work to be done. We need the Black press today as much as ever. They remain our champions in the fight for economic opportunity, affordable health care, quality education, and political representation.

Madam Speaker, I recognize the contributions of the NNPA, which represents over 200 publishers in the United States and the U.S. Virgin Islands. The NNPA has made an important contribution to democracy by ensuring that the voices of African Americans are heard. I invite my colleagues to honor the legacy of the National Newspaper Publishers Association and their enduring contributions to this country's publishing industry, the African American community, and to the nation.

HONORING STEVE SCHMIDT

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. KILDEE. Madam Speaker, I ask the House of Representatives to join me in congratulating Steve Schmidt for being a 2010 inductee into the National Junior College Athletic Association Hall of Fame. Coach Schmidt serves as the Head Men's Basketball Coach at Mott Community College in Flint, Michigan. There will be a salute to his achievements at the college tomorrow.

Steve Schmidt became the Men's Head Basketball Coach at Mott Community College in 1991 and over the past 19 years he has led his team to 3 national championships in 2003, 2007, and 2008. During this time they have never posted a losing record and have won 25 or more games in the last 15 seasons. Under Coach Schmidt's leadership his teams have won 12 conference titles, 7 state championships, and 6 regional championships. At the end of the 2009–2010 season Coach Schmidt's career record is 504–119. He has been named the National Junior College Athletic Association Coach of the Year 3 times, has coached 3 NJCAA Players of the Year and 15 All-Americans.

Coach Schmidt began his coaching career at Lansing Waverly High School and Lansing Community College working without pay. At the age of 28 he was given the job as Men's

Head Basketball Coach at Mott Community College and his success with the team has been recognized throughout the community. Three years ago he was inducted into the Greater Flint Sports Hall of Fame and a year ago the gymnasium at Ballenger Fieldhouse was named in his honor.

He credits teamwork as an integral part of his success and has said, "The fact of the matter is I've not won a single game by myself. I've been part of a team. All of this is possible because of the efforts of all these players. That's a perspective I've never lost."

Madam Speaker, please join me in applauding the work of Coach Steve Schmidt's work and dedication to his players. I commend him for his skill, his enthusiasm, and his respect for the players. I wish him continued success in his career coaching men's basketball.

TRIBUTE TO THE ELM SPRING  
BAPTIST CHURCH

**HON. IKE SKELTON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Mr. SKELTON. Madam Speaker, let me take this means to congratulate the Elm Spring Baptist Church of Holden, Missouri, on the occasion of its 150th anniversary.

The Elm Spring Baptist Church has undergone many changes since the church's first pastor, George Minton, led the 15 founding members in worship for the first time in July of 1860. Pastor Minton led the congregation until the Civil War disrupted their worship services for six years. After this brief disruption, the church resumed services and constructed the first building on land graciously donated by the Jonathan Newman family. As the congregation has grown, so too has the church's campus; today, the original building is joined by an educational building, a baptistery, and a parsonage. The newest structure is a Fellowship Hall built in 2000.

In recent years, members of the church have focused on serving communities across the United States and the world. To this end, the congregation has led mission trips to Pittsburgh, Orlando, Greenville, and Palissa, Uganda. For 150 years, the Elm Spring Baptist Church has been "Growing the Family of God," and they show no sign of stopping.

Madam Speaker, I trust my fellow Members of the House will join me in congratulating the Elm Spring Baptist Church on the occasion of its 150th anniversary and in wishing its members the best of luck in all future endeavors.

THE FEDERAL HOUSING ADMINIS-  
TRATION REFORM ACT OF 2010

**HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 2010*

Ms. MCCOLLUM. Madam Speaker, I rise in strong support of the Federal Housing Administration Reform Act of 2010 (H.R. 5072). This

legislation will help ensure the availability of affordable home loans while safeguarding the interests of the American taxpayer.

The Federal Housing Administration (FHA) has played a crucial role in stabilizing the nation's housing market during the current recession. Since the financial crisis and credit crisis that followed, nearly 40 million qualified Americans became homeowners and are insured through the FHA. The FHA was critical to keeping mortgage loans flowing to credit-worthy home buyers during the foreclosure crisis. As private lenders fled the housing market, the insurance provided by the FHA helped prevent the housing decline from becoming even more severe.

The FHA Reform Act of 2010 will strengthen the FHA loan insurance program and help keep credit available and affordable to responsible homebuyers. Over the last year, the FHA implemented a number of policy changes aimed at curbing risk and increasing its capital reserves. This legislation builds on these reforms and helps reduce risk by increasing net worth requirements for FHA loan originators and providing the FHA with authority to prevent fraudulent lending. In addition, this bill increases accountability by requiring the FHA to modernize its reporting systems to better manage risk and to provide transparent data to the public and Congress.

This legislation helps restore fiscal accountability by reducing our deficit by \$2.5 billion over five years.

The Federal Housing Administration Reform Act of 2010 makes essential reforms to strengthen the financial footing of the Federal Housing Administration and stabilize the mortgage market. I urge my colleagues to support this bill.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 24, 2010 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

JUNE 28

12:30 p.m.  
Judiciary  
To hold hearings to examine the nomination of Elena Kagan, of Massachusetts, to be an Associate Justice of the Supreme Court of the United States.

SD-216

JUNE 29

10 a.m.  
Joint Economic Committee  
To hold hearings to examine fueling local economies, focusing on research, innovation and jobs.

SD-106

2:30 p.m.  
Foreign Relations  
To hold hearings to examine the nominations of Rose M. Likins, of Virginia, to be Ambassador to the Republic of Peru, and Peter Michael McKinley, of Virginia, to be Ambassador to the Republic of Colombia, both of the Department of State, Mark Feierstein, of Virginia, to be an Assistant Administrator of the United States Agency for International Development, and Mimi E. Alemayehou, of the District of Columbia, to be Executive Vice President of the Overseas Private Investment Corporation.

SD-419

Health, Education, Labor, and Pensions  
To hold hearings to examine the continuing needs of workers and communities affected by 9/11.

SD-430

Intelligence  
To hold closed hearings to consider certain intelligence matters.

SH-219

JUNE 30

9:30 a.m.  
Agriculture, Nutrition, and Forestry  
To hold hearings to examine farm bill reauthorization, focusing on maintaining our domestic food supply through a strong United States farm policy.

SR-328A

Indian Affairs  
Business meeting to consider pending calendar business; to be immediately followed by an oversight hearing to examine diabetes in Indian country and beyond.

SD-628

10 a.m.  
Commerce, Science, and Transportation  
To hold hearings to examine the Deepwater Horizon tragedy, focusing on holding industry accountable.

SR-253

Homeland Security and Governmental Affairs  
To hold hearings to examine nuclear terrorism, focusing on strengthening our domestic defenses, part 1.

SD-342

2 p.m.  
Aging  
To hold hearings to examine drug waste and disposal, focusing on when prescriptions become poison.

SD-106

2:30 p.m.  
Homeland Security and Governmental Affairs  
Contracting Oversight Subcommittee  
To hold hearings to examine interagency contracts (part II).

SD-342

JULY 1

9:30 a.m.  
Energy and Natural Resources  
To hold hearings to examine S. 3452, to designate the Valles Caldera National Preserve as a unit of the National Park System.

SD-366

Veterans' Affairs  
To hold hearings to examine veterans' claims processing, focusing on if current efforts are working.

SR-418

10 a.m.  
Health, Education, Labor, and Pensions  
Employment and Workplace Safety Subcommittee  
To hold hearings to examine workplace safety and worker protections at BP.

SD-430

2:30 p.m.  
Homeland Security and Governmental Affairs  
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee  
To hold hearings to examine preventing and recovering government payment errors.

SD-342

Intelligence  
To hold closed hearings to consider certain intelligence matters.

SH-219

JULY 21

9:30 a.m.  
Veterans' Affairs  
To hold hearings to examine improvements to the post-9/11 Government Issue (GI) Bill.

SR-418

AUGUST 5

9:30 a.m.  
Veterans' Affairs  
Business meeting to consider pending calendar business.

SR-418

SEPTEMBER 22

9:30 a.m.  
Veterans' Affairs  
To hold hearings to examine a legislative presentation focusing on the American Legion.

345, Cannon Building

SEPTEMBER 23

9:30 a.m.  
Veterans' Affairs  
To hold an oversight hearing to examine Veterans' Affairs disability compensation, focusing on presumptive disability decision-making.

SR-418

**SENATE—Thursday, June 24, 2010**

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

**PRAYER**

The PRESIDING OFFICER. Today's opening prayer will be offered by guest Chaplain Rev. Marvin Ray Gant from Central Christian Church in Henderson, NV.

The guest Chaplain offered the following prayer:

Let us pray.

Almighty God, we thank You for our very health and ability to be here today. We pray that You will inspire the minds of our Senators to whom You have committed the responsibility of government and the leadership of the United States of America. Give to them the wisdom and truth and justice that by their wisdom and counsel people of all races and creeds can, from your legislators, receive the dignity they deserve and, even more, side by side with the people of this great Nation, feel their pain, share their joys, dream their dreams, and strive to accompany them truly to life, liberty, justice, and the pursuit of happiness. I therefore this day lift up our Senate and President to You. Give them the wisdom they need to strengthen and prosper our Nation and our future.

In Your Holy Name we all pray. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 24, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**THE GUEST CHAPLAIN**

Mr. REID. Madam President, it was really a pleasure for me this morning to listen to and visit with Rev. Marvin Gant. Marvin is from the town where I went to high school. When I went to high school there, Henderson was a relatively small community, but, of course, now it is the second largest city in Nevada. It is a metropolitan area. But when Reverend Gant first started preaching in Henderson, it was a much smaller community. So I am happy to have him here. He is now part of—not a small church like he has been involved in in other phases of his life but a huge church—a megachurch, it is called, the largest in Nevada, led by a man by the name of Judd Wilhite.

Judd Wilhite is a man who has such a great presence, as we say. The first time I witnessed his presence was at a funeral service he conducted for a police officer who was killed, a U.S. marshal who was killed. There were thousands of people there. When it came time for him to talk, he did speak and it was for less than 5 minutes, but he was conducting the ceremony and did it in a unique and brilliant and spiritual way.

I am very happy to have my friend Reverend Gant here. He brings honor to Nevada and to all the congregations he has served over many years in his pastoral duties. I am glad to call him my friend.

**SCHEDULE**

Mr. REID. Madam President, following leader remarks, there will be a period of morning business for an hour, with Senators permitted to speak for up to 10 minutes each. The majority will control the first 30 minutes and Republicans will control the final 30 minutes.

Following morning business, the Senate will resume consideration of the House message on H.R. 4213, the tax extenders legislation. Last week, I filed a motion to invoke cloture with the Baucus substitute amendment. The cloture vote will occur tomorrow morning unless an agreement can be reached to vote today.

We also hope to reach an agreement to consider the Iran sanctions conference report today or we will do it to-

morrow, if necessary. It is something we need to do. Senators will be notified when any votes are scheduled.

**TAX EXTENDERS**

Mr. REID. Madam President, this morning I want to take just a few minutes and update the Senate on our work here in the Senate. Not only do I want to update our fellow Senators but also our constituents watching around the country about the bill currently before this body.

For people around America, for people in the State of New York, the State of the Presiding Officer, I have received calls from the Governor of New York on many occasions, and I mean many occasions. We have had long discussions about how this money that is in this bill is so necessary for the State of New York.

Yesterday, I met with Mayor Bloomberg. Mayor Bloomberg was here trying to reach out on a bipartisan basis to get this bill passed. He called a number of Republican Governors and reported to me as to those conversations. Without a single exception, Republican Governors, Democratic Governors—I have not talked personally to any Republican Governors, but, as I indicated, Mayor Bloomberg did—I have talked to Democratic Governors who have called me about how desperate parts of this country are for this money. It is not only the money we refer to as FMAP, the money for teachers, the money for police officers, firefighters, but it is all other moneys.

The State of New York, I have been told—I say New York because the Presiding Officer is here, but this story could be told many times over in the Senate Chamber about other States—the State of New York badly needs these summer jobs. It may be the only opportunity these young men and women will have to learn how to work. You have to learn how to work.

The bill that is before the Senate creates jobs, cuts taxes, and closes corporate loopholes. We are closing many of those loopholes used by people who are shipping jobs overseas, in effect, cheating the government, according to our constituents.

This is really a good bill, a necessary bill, and it would make our economy stronger. It is a bill we are fighting for because the recession has hit Nevada. Unemployment rates there are extremely high. I am personally fighting for it because we need to help small businesses grow and hire and once again be the engine that runs our country. I am fighting for it because I don't

think big business should get rewarded for shipping jobs out of America when so many here at home are desperate for a paycheck and the dignity of a day's work.

I didn't recognize here on the Senate floor the distinguished Senator from the State of Michigan. No Senator has fought harder for the underprivileged and the unemployed than the Senator from Michigan, Ms. STABENOW. I appreciate her ability to communicate a message, and the message we all have to communicate is that this money is going to help our States, it will save jobs, and it will create jobs.

This is the eighth week since March that we have tried to find a resolution for this issue. We have gone back and forth countless times, considering ideas, compromising when necessary, and courting support. But I have come to the conclusion that the other side does not want a solution. We have changed, we have moved—you want this, we will give you this. Everything in this bill is paid for—everything is paid for except unemployment compensation. FMAP, the money for firefighters, police officers and teachers and nurses, is paid for. Everything is paid for except the long-term unemployed.

We have tried to bring it to the floor, but the Republicans have said no. Once we finally succeeded in bringing it to the floor, we tried to bring it to a vote. The Republicans said no. Somewhere along the line throughout these charades, this job-creating, tax-cutting, loophole-closing bill has become a political football, and that is really too bad. The debate is focused more on winning and losing than on doing what is right.

I want to take a step back and talk about what is really in the text of this legislation. Let's be really clear about all the good things a "yes" vote enables our country to do—this is not what it allows the Senate to do; this is what will benefit the country—and what a "no" vote stops us from doing. Remember, everything is paid for except unemployment compensation.

This bill has an extension of a tax deduction for tuition.

It has an extension of the deduction for State and local sales tax.

It has an extension of the standard deduction for property taxes. If this bill does not pass, they are not there.

It has an extension of a deduction for cost of classroom supplies purchased by teachers. This is not much. It may not seem like much to most people. Teachers under this legislation get a \$250 deduction for the supplies they buy. My niece teaches high school. She buys lots of stuff because the school district doesn't supply the supplies that are needed. She will get a \$250 tax credit. That is not much, but it means a lot to her, and it means a lot to the millions of teachers around this country. That is in this legislation.

We have in this bill a \$4 billion extension of Build America Bonds that provide low-cost financing for infrastructure investments. We had that first of all in the economic recovery package, the so-called stimulus bill, and that has created hundreds of thousands of jobs all over America. We put a few dollars in it in our last jobs package, we put some money in. That money is gone now, Build America money. State and local governments are begging for these moneys. This \$4 billion would create jobs all over America, jobs that are needed for infrastructure development.

This legislation has in it an extension of the Small Business Administration lending programs that provide low-cost loans to small businesses.

This legislation includes a \$2.5 billion fund for State wage assistance programs to move people from welfare to work, the so-called TANF Program. This was created during the Clinton years to do something about getting people off welfare and to work. It has been a wonderful program, but it is out of money. The State of Michigan and the State of New York are desperately in need of this money.

This legislation before the Senate extends a research and development tax credit and provides more than \$6 billion in assistance to firms conducting research on new technology.

This legislation provides \$5 billion in new markets tax credits that encourage investments in economically distressed areas.

Everything I have talked about is job creating.

This legislation has in it something that is so important. We have had a program here that was initiated and continued and was the brainchild of Senator ISAKSON, from Georgia. It said: The housing market is very depressed. There are a lot of houses on the market. For first-time home buyers, why don't we give them an incentive. And we did. We called it a first-time home buyers tax credit. It was \$8,000. Millions of homes have been purchased on that program. Right now, we have lots of people who have qualified for these first-time home buyer loans. They are totally qualified, but the banks and other financial institutions are moving very slowly. That money will be unavailable after June 30 unless we extend this. We want to extend this for 90 days. It is totally fair. It is totally paid for, again.

The legislation we have before us allows retail and restaurant businesses to write off property investments over 15 years rather than over 39 years.

This bill provides tax credits to assist mining firms with rescue team training and virtual safety equipment.

This bill provides wage assistance so firms can continue to pay normal wages to employees who are members of the military's Reserves and are Active Duty.

The bill contains incentives to encourage film and television production in the United States. Most television production now is going some other place outside the United States.

I have only talked about a few of the things in this legislation that are so very important. Later today, we will hold a vote on all these items I talked about and more. Those who want to help middle-class America will vote yes. Those who want to help business in America will vote yes—big business, small business. This is not just for the middle class, it is for helping create jobs in America.

Those who want to protect corporate America with not having them do their fair share should vote no. If they want to continue to allow these jobs to be shipped overseas and have these companies get tax benefits for doing so, then they should vote no. If they want those billionaires in our country—billionaires, these hedge fund operators and others who pay less taxes than someone who draws minimum wage—then they should vote no if they want to continue that.

Many people I have met who run these hedge funds and are wealthy people have called me and said: You are doing the right thing. There is no reason that we should pay a less percentage of our tax than somebody who draws minimum wage.

Those who want to create jobs and create the conditions for recovery will vote yes. Those who want to kill jobs, want to stop our recovery in its tracks and want to keep things the way they are, will vote no. Those who want our economy to prosper and succeed will vote yes. Those who want this Congress and this country to fail will vote no.

There are people betting on our country to fail. Maybe that will help them in November. Those who put people first will vote yes. Those who put politics first will vote no.

The American people are watching and they are waiting for us to act. They demand that their Senators understand what they are going through and how they are struggling.

I met a man who is back in Washington to attend seminary. He writes insurance for small contractors. One problem. There are no contractors to write insurance for. There is no work.

The American people are watching and they are waiting for us to act. I do my very best to understand. I know what the people of Nevada are going through. I have heard from the Senator from Michigan what the people of Michigan are going through. I have heard from the Senator from New York, the Presiding Officer, what the people of New York are going through.

But it is not just Nevada, New York, and Michigan; it is, with very few exceptions, everywhere in America. I know how much good a bill like this would help a family in Nevada, a family in Michigan, a family in New York.

We are not Senators from New York, Senators from Michigan, Senators from Nevada. We are United States Senators. We have an obligation to protect our States, and we do our utmost to do that. But we also have to recognize national problems. That is why we are United States Senators.

I do hope other Senators here, for the sake of those in Nevada and New York and Michigan and States all around the country, for the sake of those in our States, for the sake of our Nation's economy will vote yes. For those who still do not see the value in creating jobs, cutting taxes, and closing corporate loopholes, I hope they will take some time today to come to the floor and listen to their fellow Senators who believe in this legislation.

I hope they will listen with an open mind and with their constituents' best interests in mind. The time to decide is closing in on us. But it is not over yet. It is not too late to do what is right.

#### RECOGNITION OF THE MINORITY LEADER.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### DEFICIT EXTENDERS

Mr. MCCONNELL. Madam President, last night Senate Democrats introduced their latest version of the deficit extenders bill.

It has one thing in common with every other version they have offered: it adds new taxes and over \$30 billion to an already staggering \$13 trillion national debt despite consistent bipartisan rejection of that idea.

Both sides have offered ways to address the programs in this bill that both sides agree should be extended. And now we even agree on redirecting untimely and untargeted money from the failed stimulus bill. The only difference is that the Republican proposal reduces the deficit while the Democrat proposal adds to it.

So the only thing Democrats are insisting on in this debate is that we add to the debt.

The principle they are defending here is not some program. The principle Democrats are defending is that they will not pass a bill unless it adds to the debt.

#### DISCLOSE ACT

Mr. MCCONNELL. Madam President, as I stand here this morning, House Democrats are desperately trying to round up the votes they need to pass Congress's latest effort to do what the first amendment specifically says it cannot, namely, to make a law abridging the freedom of speech.

The first thing to say about the so-called DISCLOSE Act is that it was au-

thored behind closed doors without even a flicker of sunlight. In other words, a bill that is purportedly about bringing transparency to the electoral system was written without any. Just yesterday, a 45-page amendment was proposed to the bill without any public oversight.

The second thing to say about this bill is that it was written by the House Democrats' campaign committee chairman, who has been out trumpeting it as a "response" to the Supreme Court's recent decision in *Citizens United*.

As I noted yesterday, Democrats have done this before with free speech rulings they have found to be politically inconvenient. In the mid-1990s, they did not like Justice Breyer's decision in *Colorado Republicans*, so the Clinton administration and Elena Kagan set about finding ways to benefit Democrats at the expense of Republicans. So past is prologue.

This bill is not about preserving any principle of transparency. It is about protecting incumbent Democrat politicians. As for the substance, a brief review of the bill itself shows that the DISCLOSE Act is about as ill-named as the American Recovery and Reinvestment Act of 2009 and ensures as much freedom as the poorly named Employee Free Choice Act. But, of course, House Democrats have said they do not care what they pass. They just want to pass something. Now that is quite the way to legislate.

Supporters of the bill say it is needed to deal with special interests. But the loopholes Democrats wrote into it show that they view some interests as more special than others. Take for example the spate of new speech prohibitions that did not exist prior to the *Citizens United* decision.

That is right, this bill goes far beyond what the court held to muzzle the speech of some while granting a pass for others.

Expansive new restrictions on government contractors and TARP recipients, but not their unions or government unions.

Expansive new speech restrictions on domestic subsidiaries which employ Americans who pay American taxes, without restricting unions at these same companies or international unions.

And that is just in the first few pages. Over the next few weeks I will highlight more of these "winners and losers" provisions Democrats are advocating in this bill.

If there were any doubt that this one-sided bill is not about principle but about changing the rules to the political game, just look at the special treatment House Democrats have been shopping around for weeks in an effort to sell this bill. They have engaged in a game of special interest carve outs which is the legislative equivalent of a game of Twister.

For example, in drafting a bill that House Democrats say is designed to deal with special interests, they have deliberately exempted what they have long called one of the biggest special interests of all: the National Rifle Association.

So in writing a bill that is supposedly about diminishing the influence of special interests, Democrat leaders cut a deal to allow a chosen few to operate unfettered by its restrictions, thereby enhancing the power of those chosen few. Apparently they did not learn their lesson from the reaction they got to the Cornhusker Kickback or the Louisiana Purchase.

What is transpiring in the House right now with this bill turns the first amendment on its head. Incumbent politicians are intentionally protecting some large groups so they can muster the votes to restrict many more citizens groups that have less political clout but whose participation in the political process the incumbent politicians find inconvenient.

Let me be clear. I support the second amendment, and I support the NRA's vigorous exercise of its first amendment rights in order to defend the second amendment rights of its members. But this is not about the Democrats' affinity for the second amendment. If it were, they would have carved out an exception for the Gun Owners of America as well. As it is, the GOA vehemently opposes this bill. Why? Because they know it restricts first amendment rights.

This bill is opposed by over 350 groups ranging from the Sierra Club and the ACLU, to the Chamber, the NFIB, and National Right to Life.

That is right, Democrats have done a unique thing here: they have united the left and the right in opposition to the effort to take away political speech from some and enhance it for others. These organizations, standing on firm first amendment principles, have been vigorously opposing this effort to stifle their speech.

And I stand with them in asking each and every one of my colleagues to join me in honoring the oath we took to protect and uphold the Constitution of the United States of America, and, in particular, the first amendment to free speech.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first 30 minutes, and the Republicans controlling the final 30 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

## UNEMPLOYMENT INSURANCE

Ms. STABENOW. Madam President, with all due respect to our Republican leader, I have to express concern on a couple of points. He was just talking about court decisions, a court decision that said BP is a person; that said all big corporations have the same rights as individuals. What we are trying to do, both in the House and the Senate, is to make sure that, in fact, the democratic process can work and that huge corporate interests that have controlled too much of this country are not allowed to do even more in terms of overriding elections and putting money into elections.

I also have to disagree with our distinguished Republican colleague when he says this is all about the deficit. As we would say in Michigan, that is a bunch of bunk. This is about who we care about and how we think we should move forward as a country in terms of what is best for the majority of the American people. Very different views. Very different beliefs.

Our Republican colleagues have believed if we give tax breaks to the wealthiest Americans and wait for it to trickle down, things will get better. If we back up and let corporations police themselves, everything will be OK.

Well, we saw that for 8 years, 6 years of which they had control of the whole system. I tell you what, it did not trickle down to the people in Michigan. After the Wall Street collapse and what we saw with BP in the gulf and what we have seen with miners' loss of life, I would suggest that view, that belief, has not worked for the majority of people.

So we have a different view. We have a different view. It is one that actually worked in the 1990s under President Clinton when 22 million jobs were created. Yes, we believe this is about jobs. This is about how we get out of deficit.

I also find it amazing that the people who dug the hole, the deepest hole we have ever had in the history of the country, when they were handed a surplus—they dug the hole—now want us

to give the shovels back. They want more shovels to dig even deeper.

So this is a difference of opinion on how we believe we should move the country forward and who we are trying to move it for—not the large corporate interests that the Republican leader just talked about who want to be able to give millions of dollars for elections and have no rules and regulations and be able to control the democratic process of elections in this country.

It is not about the folks who are concerned about paying their fair share in this jobs bill, with the tax loopholes we want to close so they cannot take jobs overseas and requiring people to pay their fair share. That is not what we are about. What we are about is creating jobs for the American people. The bill in front of us, the bill we are going to have a chance to vote on one more time, is all about jobs and who we are fighting for. That is what it is about. It is about whether we believe we should only invest in what the wealthy and powerful of this country care about or should we invest in the majority of Americans and create good-paying, middle-class jobs.

It really is a philosophy right now about how we get out of debt. They say more tax cuts to the wealthiest Americans. We will have an estate tax fight where they say: Oh, we ought to be more and more for the top few hundred families, billionaires in the country. Give them more tax relief.

We say, in this bill, what we ought to be doing is focusing on creating jobs to grow out of debt. We are all opposed to debt. I was opposed to the debt when I voted to balance the budget. I was opposed to debt when they got us into debt in the last 8 years, 10 years, when they were focusing on racking up debt. I was opposed then.

Now the question is, How do we get out of debt? We say we have to create jobs, and we have to help the people who are out of work be able to get some help to be able to get some training to be able to keep a roof over their heads and food on their tables while they look for a job.

That is what we believe. That is what this is about. We believe we will never get out of deficit with over 15 million out of work, having to ask for temporary assistance. We will never get out of debt unless we are creating jobs. We have begun to do that. Our colleagues on the other side of the aisle say: We want to stop that.

Let's look at what happened. I talk about the previous administration not only to focus on the past, but these are the same ideas that are on the floor today. They are promoting the ideas that got us into these job losses. When President Obama came into office, we were losing about 750,000 jobs a month. That is what he inherited. We said: This hasn't been working for the majority of people. It didn't work for the

majority of people in Michigan. We want to go back to investing in people and communities, helping businesses get the capital to grow, supporting small businesses, focusing on manufacturing, making things in this country. Let's take away the incentives to take jobs overseas. We are in a global economy, but we want to export our products, not our jobs.

This bill takes away incentives to go offshore, overseas, keeps the jobs here. It creates more capital for manufacturers. I was pleased to craft a provision that will create the ability to buy more equipment and facilities to create jobs. It helps small businesses keep jobs. That is what we believe. We have put in place the Recovery Act. We have begun to climb out. We are not out. But these guys are going: Stop. Oh, my gosh, it is beginning to work. This may affect the elections. Let's do everything we can to stop the recovery. Let's take the resources that have been used to invest in a battery manufacturing plant, private sector, in Midland, MI, where I attended a groundbreaking on Monday, Dow Kokam. Let's take that money away now. We will say: We have too big deficits. We can't invest in jobs. We can't invest in jobs.

They want to take that away and come over and say: We will take the money that is creating jobs and we will give it to people who don't have a job.

Wait a minute. So you want to use the Recovery Act money that is beginning to create jobs and put it over here to help people who don't have a job, and then we will create more people who don't have jobs?

We say that is a bunch of hooey, that is a bunch of bunk. In Michigan, we have stronger words for that, but I won't say them on the Senate floor. My people in Michigan are sick and tired of this.

It is pretty bad when we have one side in this Chamber rooting for failure every day. I have people in my State, Republicans who are out of work, small businesses that are Republican. They don't have capital, manufacturers that are Republicans who want us to pass legislation to give them more capital. This is not a partisan issue. This is about whose side we are on in this country. It is about whether we embrace a philosophy that will work for the majority of Americans or work for only a few. That is what this is about.

What we have from the other side is a litany of no, no, no. We will be yes, if you take away the money for the recovery, which they all voted against—most, excuse me, not all but most—we will take away those dollars because that will slow us down, that will make sure this President is not successful. God help us if this President is successful and this majority is successful. Let's keep people hurting as long as possible, because maybe that will help us pick up some seats.

No wonder people are angry. No wonder people are cynical. I am pretty angry myself.

There are real people's lives at stake in all of this. All we get is no, no, no—cynical, political games on the other side. Even though things are moving up slowly but surely—way too slow from my perspective but, thank God, they are not continuing to go down, it is beginning to work. Instead of letting it work—and it certainly is not everything we want, but it is beginning, it is turning—instead, they want to stop it. The election is coming up. Let's make sure people are as mad as possible, and then we will blame the people who were in the majority, even though we are stopping them every day. We are stopping them from doing things. We filibuster. The cynical view is that the public won't understand that so we will keep making sure that nothing happens so people are hurting. That is what is happening here.

Let's talk about unemployment benefits and the fact that we do have people hurting. We do, in fact, have 3 million jobs available and 15 million people looking for work. Some say: Those folks are just lazy. Go get a job. I would like to show them the real world and what is happening for too many families. The numbers are changing. When I first started coming to the floor, we were talking about six people out of work for every one job opening. Now it is five. I don't celebrate that because I want to make it one for one. It is getting better. It is creeping around. It is turning around. It is turning around because the Recovery Act incentivized people to buy a new home which, in this bill, we want to extend for people, to get as many people who have benefited from that \$8,000 tax credit as possible, or the \$6,500. But our colleagues on the other side say no.

Realtors tell me in Michigan things are turning around because of support from the Recovery Act. The stimulus has helped begin to turn things. But, oh, my gosh, no, we cannot possibly continue to support something that is actually working, because it might have had political effects. People might not be hurting as much or as mad, and that may not help us in the election.

We have today people who are looking for work, have been looking for work for months, some longer than a year—in some cases, 2 years. People did what we told them to do. They went back to school. They are living off of unemployment for their family while they are going to school. They are trying to do everything they can. These are people who have done nothing but work hard and take care of their families and love this country. They assume, just as in every other economic downturn in the country, that we will understand, we will get it. The Congress will get it and support them to turn their lives around without losing

their homes and the ability to care for their families.

I want to read a few letters from people in Michigan. We have thousands of e-mails and letters. It breaks our heart. People cannot believe what in the world is going on around here that we are not doing everything conceivable to create jobs. These artificial debates about deficits—again, it is a very big issue, these deficits, but it is pretty hard for us to be lectured by the people who created the deficits who are now saying: We can't help people caught in this economic recession because of deficits. It is pretty hard to accept their view, the way they would get us out, which didn't get us out, which created more deficit, that somehow we should go back to that rather than what has worked in the past which is putting people to work, having people work so they can pay into the system and contribute and buy things. They become part of the economy. Then deficits begin to go away. We begin to come out of the hole. That is what we believe, focusing on people.

Kim from Flint says:

I am writing today to beseech you to urge Congress to act quickly to extend federal unemployment benefits. In this unprecedented economy, especially where I live in Michigan, extra time is much needed to find employment. Many of my family, friends and neighbors are in the same situation I am. I personally was laid off from what I thought was a stable position back in July and despite having experience and a BBA, I have not been able to find comparable work. Our no worker left behind program in Michigan is out of funding. My college career services department has not been helpful. While I'm trying to keep hope in pursuing job leads and even looking at going back to school for an entirely different field, I fear what will happen to me if these benefits are not extended. I will lose everything. I am indeed writing from my own self-interest but not only for my own interests. With so many people in the same situation as I am, what will happen to them? Will you have a large segment of your constituent population suffer so, or will you have the economic situation in Michigan worsen as many become unable to even provide the bare necessities for themselves and their families? Or will you act quickly to extend much needed unemployment benefits?

Kim, we are trying to act as quickly as we can. We have been trying to. I know it is no consolation. It feels so frustrating and empty to talk about differences between Republicans and Democrats when people are hurting. But the reality is, we don't have one Republican right now willing to step forward, as one, and stop this filibuster that has been going on for weeks. We have been dealing with this now every time we bring up the extension. We don't have one colleague, people with whom we work in good faith on so many different issues, not one has been willing up to this point to step up and join us based on the larger good, not the political pressure, not the partisanship but the larger good of making sure somebody who is out of work knows

that they have at least the bare minimum so they can continue and not lose a house and be homeless on top of job loss and then try to figure out what to do to take care of the kids. We don't have one colleague who has been willing to do that, to step up and have the courage to join us in stopping this incredibly irresponsible filibuster that has been going on.

We will have an opportunity later today. We fully expect the same result, unfortunately. The politics of the moment seem to be overwhelming. It is amazing to me. But I guess if it works, people will keep doing it. That is the question, whether it will work with the American people. With all of the mumbo-jumbo going on, numbers and so on, the bottom line in the world in which I live and the world in which my family lives in Michigan and the people I represent is a world that is very different from here. We in Michigan, Democrats and Republicans, are rooting for success as Americans. We want things to get better. We want our country to be safe. We want it to get better for everybody. We will go on, have another day to fight about differences, ideological differences on issues. But we are at least rooting for the country to succeed, for the President, for the government to be working together to do the right thing so we can get out of this hole.

When we look at what is happening around the world, when we look at the brink of disaster last year when President Obama came in and we were on the edge of the cliff—some would say over the cliff—holding on with our fingers, losing 750,000 jobs a month, we began to walk it back through some very bold things that had to be done at the time, such as investing in people and jobs.

In the previous administration, when they stepped up and did what was called the Wall Street bailout, a lot of folks in Michigan said: What about us? Who is going to bail out us working people? Well, the Recovery Act, in my judgment, was that. It was the people's bail out. It was focusing on people, jobs, and job training, and helping those who are temporarily out of work while they get their lives together and find another job, and investing in the future.

That is what that was about. And that is what it is still about. It is a 2-year effort, and it is beginning to work. We can go back and look at the numbers again. We are certainly not where we want to be, but it is turning around. We are coming out of the hole. Step by step, we are coming out of the hole. Now the folks who created the hole say: Oh, give us more shovels so we can dig some more. We are saying: No, let's keep it going. Let's give it a try. We can tinker with it. We can change some things that we need to, but let's keep it going, let's give it a try here so we can

keep this thing moving in the right direction. These folks are saying no. In order to do the bill in front of us on jobs, we want to take money away from jobs, slow this down in order to be able to “pay” for the bill in front of us.

Well, what is in front of us? We have a bill today that provides tax cuts to businesses, tax relief to State and local governments to help them invest and create jobs. The other side of the aisle has said no.

We have a bill in front of us to provide tax cuts that are going to put dollars back into the pockets of working families trying to make it. The other side has said no.

We have a bill that is going to help restore credit to small businesses. It is the one thing I hear over and over, and I want to thank our leader for keeping small businesses at the forefront, and we are working on additional legislation to help small businesses. We have to free up capital. Too many cannot get their line of credit or get the loan they need to operate or to be able to expand. That is certainly true in Michigan. But this bill has provisions to help small businesses expand, hire new workers. The other side has said no.

It would expand career training so the people we want to be able to get off unemployment benefits and to be able to get into jobs will have an opportunity to focus on new careers. This bill includes provisions to help people get career training to get new jobs. The other side has said no.

It would extend help for people who are out of work right now, people who have had the dignity of working their whole lives, breadwinners who are no longer bringing home the bread. It would help them keep a roof over their head and food on the table and maybe a little gas in the car so they can go look for a job while they are moving through this difficult time and while we are focusing on job creation. The other side has said no.

This bill would ensure that senior citizens, military servicemembers, and Americans with disabilities would continue to have access to their doctors. We did get agreement to pull out that one provision to be able to extend it for 6 months, which I hope will get done very quickly. But the rest of this, frankly, is being held up, in my judgment, because—even though it is all paid for. None of this I have just talked about—other than unemployment benefits, which are always funded differently as an emergency because it is an emergency—the rest of this is entirely paid for, does not add a penny to the deficit. But I do think it then brings up the question: Why would they be objecting?

Well, we are paying for jobs and job training by closing some tax loopholes. You will no longer get tax benefits if you take the jobs overseas. We want

the jobs in America. We want to stop that. The other side says no.

We want to make sure people who are very wealthy but whose income comes in in a different way are paying their fair share, contributing just like middle-class people, low-income people. We close some loopholes to pay for this. They say no.

We also have in this bill a provision that would increase the dollars, by pennies—49 cents—on every barrel of oil to be able to clean up the spill in the gulf, to be able to add money to the Oil Spill Liability Trust Fund. In the past, oil companies only had to kick in 8 cents a barrel. Well, given what has happened in the gulf, that is not enough. So we have said 49 cents for every barrel. A barrel of oil—I do not know the price now but \$70, \$80 a barrel, whatever it is: 49 cents.

The oil companies probably do not like that. So the other side said no. In fact, the day the distinguished Republican Congressman in committee was apologizing to BP on the House side—that same day—Republican colleagues here were doing the bidding of the oil companies by voting “no” on increasing their contributions by 41 cents a barrel into the liability trust fund to clean up the oil spills.

I think it is pretty clear whose side we are on, whose side they are on, what is happening right now. We have a stalemate going on. We have tried and tried, and our leader and the chairman of the Finance Committee, who has worked and worked and worked and worked, as he always does, in good faith to find some compromise, to be able to move this jobs bill forward and help people who are out of work. It appears right now we do not have one Republican colleague willing to join us in that effort. There have been discussions, but there has been no agreement.

So we have the votes. That is the darnedest thing about this place. We have the votes. We just cannot stop a filibuster. Somehow in our democracy, with men and women fighting around the world for our democratic process of majority rule—when you win an election, you have to get one more than the other guy, one more vote than the other guy to win the election. And here, instead of having majority rule, they are using the political processes and tricks in a way so as to tie us up in a pretzel like I have never seen before, unprecedented, using rules in a way that is absolutely unprecedented so that the public shakes their head and says: What is going on here? What are these people doing?

But they are doing this in a way so that instead of majority rule, you have to get a supermajority. That is what we are talking about: Trying to get 60 votes, not 51, which is majority rule in every town and city and State and every Federal election; you have to get one more than the other guy. But be-

cause of a gross misuse of the rules in the last year and a half, we have to now get 60 for everything. And we cannot—up to this point—get even one Republican colleague to join us. So that is where we are.

I would ask, Madam President, how much time is remaining on the majority side?

The ACTING PRESIDENT pro tempore. One minute forty-five seconds.

Ms. STABENOW. I am sorry?

The ACTING PRESIDENT pro tempore. One minute forty-five seconds.

Ms. STABENOW. Thank you.

Let me indicate again, there is a huge difference in view as to how to get us out of the deficit hole. One side, with a set of policies—I am sure they were sincere—a set of policies that said: We will give it to the wealthiest Americans—tax cuts—and then it will trickle down, coupled with 8 years of not paying for things—two wars and a whole series of other things—created red lines down, job loss, so that President Obama came in at losing about 750,000 jobs a month.

We have tried a different view. We have said the only way to get out of deficit is to focus on jobs, putting money in the pocket of middle-class families, and growing our way out by focusing on the middle class, working people, the majority of people, small businesses, with manufacturers making things again in this country.

We both care about deficits. We have different views about how we got to those deficits, and certainly different views about how to get out of deficit. What we will not support is taking money away from efforts that have begun to get us on a road to recovery. We have a long way to go, but it has begun to get us out of the ditch. We no longer are losing 750,000 jobs every month. We are now gaining jobs. It is not as even as we would like, but we are gaining jobs. The question is, do we allow this to continue, while helping people who are out of work right now, and grow our way out of this deficit by creating jobs, or do we go back to the old philosophy, the old beliefs that got us into the hole in the first place?

That is the basic debate on the floor of the Senate. That is the debate. We have one view that worked in the 1990s, creating 22 million jobs over the course of 8 years in the Clinton Presidency, and one view that has lost us jobs. Now we are back again to that philosophy to create jobs, and that is what this is about.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. STABENOW. Thank you, Madam President.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

#### NOMINATION OF ELENA KAGAN

Mr. HATCH. Madam President, next week the Judiciary Committee will

hold its hearing on the nomination of Elena Kagan to replace Supreme Court Justice John Paul Stevens. The Senate's role of advice and consent, especially for Supreme Court Justices, is one of our most important constitutional duties. I wish to share a few thoughts about how I will approach this task.

America's Founders designed the judiciary to be, as Alexander Hamilton described it, the weakest and least dangerous branch of government. Things have not worked out as planned. The judiciary today is, instead, the most powerful, and potentially the most dangerous, branch of our government. Rather than being accountable to the people by being subject to the people's Constitution, activist judges often make the people accountable to them by seeking to control the people's Constitution. My objective in this confirmation process is to find out which kind of Justice Ms. Kagan would be if confirmed to the Supreme Court.

Judicial qualifications fall into two categories: legal experience and judicial philosophy. Legal experience is a summary of what a nominee has done in the past and can be described in a resume or on a questionnaire. Judicial philosophy describes how a nominee will approach the task of judging in the future. It is harder to determine, but I believe it is much more important.

Let me first look at Ms. Kagan's legal experience. I have never believed that judicial experience is necessary for Supreme Court service or, to put it another way, I have never believed it to be a disqualification if you do not have judicial experience. In fact, 39 Supreme Court Justices—about one-third—had no previous judicial experience. What they did have, however, was extensive experience in the actual practice of law, an average of more than 20 years. These are Justices such as George Sutherland, one of my predecessors as Senator from Utah, who practiced for 23 years, or Robert Jackson, who practiced for 21 years and served as both Solicitor General and Attorney General. In other words, Supreme Court Justices have had experience behind the bench as a judge, before the bench as a lawyer, or both.

Ms. Kagan has neither. She spent only 2 years as a new associate in a large law firm. She never litigated a case or argued before any appellate court before becoming Solicitor General last year.

And her work in the Clinton administration was focused on policy and legislation. As the Washington Post described it recently, Ms. Kagan would bring to the Court experience "in the political circus that often defines Washington." Some people may see little difference between the legal and the political, but I do and am concerned about blurring the lines even further.

Last week, one of my Democratic colleagues with whom I serve on the

Judiciary Committee talked about Ms. Kagan's qualifications and claimed that some Senators question her fitness for the Supreme Court solely because she has never been a judge. No one has made that argument. This Democratic colleague identified Justices Byron White, William Rehnquist, Louis Brandeis, and Lewis Powell as among those with no prior judicial experience. These Justices had practiced, respectively, for 14, 16, 37, and 39 years and Justice Powell had also been president of the American Bar Association. There really is no comparison.

So on this first element of legal experience, we have to be honest about what the record shows. Unlike other Supreme Court nominees, Ms. Kagan has no judicial experience and virtually no legal practice experience. That leaves her academic and political experience. The Democratic Senator I mentioned identified as among Ms. Kagan's strongest qualifications for the Supreme Court her experience crafting policy and her ability to build consensus. Judges, however, are not supposed to be crafting policy, and consensus-building only begs the question of what a consensus is being built to support.

This relatively light record of legal experience only places more importance on judicial philosophy, the other qualification for judicial service. Frankly, finding reliable clues about judicial philosophy is often harder in an academic and political record such as Ms. Kagan's than in a judicial record. This is especially true when, like Ms. Kagan, a nominee has rarely written directly about the topic. This does not mean that reliable clues do not exist, just that they are harder to find. I have to take Ms. Kagan's record as it is because I have to base my decision on evidence, not blind faith.

Judicial philosophy refers to the process of interpreting and applying the law to decide cases. That is what judges do, but they can do it in radically different ways. Notice I said this is about the process of deciding cases, not the results of those cases. Many people, including some of my Senate colleagues and many in the media, focus only on the results that judges reach, apparently believing that the political ends justify the judicial means.

That is the wrong standard for evaluating either judicial decisions or judicial nominees. Politics can focus on the results, but the law must focus on the process of reaching those results. Rather than the desirable ends justifying the means, the proper means must legitimate the ends. It makes no difference which side wins, which political interest comes out on top, or whether the result can be labeled liberal or conservative. If the judge correctly interprets and applies the law in a particular case, then the result is correct.

So I wish to pin down, as best I can, what kind of Justice Ms. Kagan would be. Will the Constitution control her or will she try to control the Constitution? Will she care more about the judicial process or the political results? As I said, those clues come primarily from her record, secondarily from next week's hearing. So let me briefly focus on a few areas of Ms. Kagan's record and mention some questions that need to be answered and some concerns that need to be addressed.

First, while in graduate school, Ms. Kagan wrote that the Supreme Court may overturn previous decisions "on the ground that new times and circumstances demand a different interpretation of the Constitution." Not a different application, mind you, but a different interpretation. She wrote quite candidly that it is "not necessarily wrong or invalid" for judges to "mold and steer the law in order to promote certain ethical values and achieve certain social ends."

In a 1995 law journal article, she agreed that in most cases that come before the Supreme Court, the judge's own experience and values become the most important element in the decision. In her words, "many of the votes a Supreme Court Justice casts have little to do with technical legal ability and much to do with conceptions of value." That sounds a lot like President Obama, who said as a Senator that judges decide cases based on their own deepest values, core concerns, the depth and breadth of their empathy, and what is in their heart. If that is too results oriented, Ms. Kagan wrote, so be it.

While Ms. Kagan has not herself been a judge, those judges she has singled out for particular praise have this same activist judicial philosophy. In a tribute she wrote for her mentor Justice Thurgood Marshall, for example, she described his judicial philosophy as driven by the belief that the role of the courts and the very purpose of constitutional interpretation is to "safeguard the interests of people who had no other champion. The Court existed primarily to fulfill this mission. . . . And however much some recent Justices have sniped at that vision, it remains a thing of glory."

In 2006, when she was dean of Harvard Law School, Ms. Kagan praised as her judicial hero Aharon Barak, who served on the Supreme Court of Israel for nearly 30 years. She called him "the judge or justice in my lifetime whom I think best represents and has best advanced the values of democracy and human rights, of the rule of law, and of justice." That is not simply high praise, but the highest praise possible, for she said that Justice Barak was literally the very best judge anywhere during her entire lifetime in representing and advancing the rule of law.

Who is this judge who, for Ms. Kagan at least, is literally the best representation of the rule of law? Judge Richard Posner has described Justice Barak as “one of the most prominent of the aggressively interventionist foreign judges” who “without a secure constitutional basis... created a degree of judicial power undreamt of by our most aggressive Supreme Court justices.” Judge Posner concluded that to Justice Barak, “the judiciary is a law unto itself.”

These and other examples, over a period of more than two decades, fit consistently together. They indicate that for most of her career, Ms. Kagan has endorsed, and has praised others who endorse, an activist judicial philosophy. She appears to have accepted that judges may base their decisions on their own sense of fairness or justice, their own values of what is good and right, their own vision of the way society ought to be. This activist philosophy, she has said, is a thing of glory and best represents the rule of law. That is what her record shows, and we will have to see what next week’s hearing uncovers on this important subject.

There are also some specific subjects or controversies that must be explored. These might have been less important if Ms. Kagan did not have the record I just described. If she had not endorsed and praised judges making decisions based on their personal values and objectives, then evidence of her own personal values or objectives would obviously be less relevant. But as Ms. Kagan said in a 2004 interview, since a judge’s personal attitudes and views make a difference in how they reach their decisions, “the Senate is right to take an interest in who these people are and what they believe.”

I wish to note two of the areas in which it appears Ms. Kagan’s personal or political views have driven her legal views. The first is abortion. When she clerked for Justice Marshall, she recommended against the Court reviewing the decision in a case titled *Lanzaro v. Monmouth County Correctional Institutional Inmates*. The U.S. Court of Appeals for the Third Circuit held that prison inmates have a right to elective abortions and that by refusing to pay for them, the county violated the Constitution’s eighth amendment ban on cruel and unusual punishment. Ms. Kagan properly rejected this bizarre holding, even calling parts of the analysis ludicrous. Yet she urged against the Court reviewing this decision because, as she put it, “this case is likely to become the vehicle that this court uses to create some very bad law on abortion and/or prisoners’ rights.” Broader policy objectives seemed more important than even reviewing a ludicrous constitutional decision.

The record also shows that later Ms. Kagan was a key player behind the Clinton administration’s extreme abor-

tion policy. In May 1997, after President Clinton had vetoed the Partial Birth Abortion Ban Act, Ms. Kagan wrote a memo recommending that he support the substitutes for the ban being offered by Senators Daschle and FEINSTEIN. She recommended this solely for political reasons, because it might attract some votes from Senators who would otherwise vote to override his veto. Had that strategy worked, of course, the substitutes would not have passed and partial birth abortion would have remained legal. The barbaric practice of partial-birth abortion would have remained legal.

Significantly, however, Ms. Kagan noted that the Office of Legal Counsel had concluded that these substitute amendments were unconstitutional under the Supreme Court’s *Roe v. Wade* decision. There is no indication that she disagreed with this conclusion. The point is that Ms. Kagan urged a purely political position on abortion that was at odds with what the Clinton administration then believed the Constitution required. Once again, it looks as though politics trumped the law.

Another controversy involved the military’s ability to recruit at Harvard Law School during Ms. Kagan’s tenure as dean. Ms. Kagan made her personal views and values as plain as anyone could make them, saying repeatedly that she abhorred the military’s policy with regard to homosexuals and calling it a profound wrong and a “moral injustice of the first order.” Federal law, known as the Solomon amendment, denies Federal funds to schools with policies or practices that have the effect of preventing military recruiters the same access to campus or to students that other employers have. A group called the Forum for Academic and Institutional Rights, or FAIR, challenged the law in court.

Ms. Kagan first joined a legal brief filed in support of FAIR’s challenge with the U.S. Court of Appeals for the Third Circuit. Within 24 hours of the court enjoining enforcement of the Solomon amendment, Ms. Kagan again banned military recruiters from access to Harvard’s Office of Career Services. She was not required to do this because the Third Circuit does not include Massachusetts. She kept the ban in place even after the Third Circuit stayed its own injunction while it was being appealed to the Supreme Court. In other words, Ms. Kagan denied military recruiters access even though the law still required access. She could have opposed the military’s policy in various ways, but chose to do so in a way that undermined military recruitment during wartime. And the recruitment ban was lifted only after the president of Harvard University stepped in and overrode Ms. Kagan’s decision.

Ms. Kagan then joined a group of law professors filing a brief with the Supreme Court. To its credit, FAIR actu-

ally agreed with the government about the proper reading of the Solomon amendment. But Ms. Kagan and her fellow professors urged the courts to read the statute in an artificial and unnatural way that actually contradicted both the plain terms of the statute and the position of the very party on whose behalf she had filed her brief. The statute required that the military be treated the same as employers who are granted access to campus. Ms. Kagan argued instead that the military be treated the same as employers who are denied access to campus. Not surprisingly, the Supreme Court unanimously rejected Ms. Kagan’s position, saying that her group of law professors simply misinterpreted the statute in a way that would literally negate it and make it “a largely meaningless exercise.” She did everything she could, including defying Federal law and making legal arguments that even Justice Stevens could not accept, to pursue her political objective.

In closing, I wanted to come to the floor today to describe for my colleagues the approach I am taking to evaluate Ms. Kagan’s nomination to the Supreme Court. The most important qualification for the position is her judicial philosophy, the kind of Justice she will be. The evidence for her judicial philosophy comes primarily from her record, and I have touched on some areas of concern that must be examined more closely.

This is a grave decision. It is about more than simply one person. The liberty we enjoy in America requires that the people govern themselves and that, in turn, depends upon the kind of Justices who sit on the highest court in the land. George Washington said this in his farewell address: “The basis of our political systems is the right of the people to make and alter their constitutions of government. But the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all.” Judges who bend the Constitution to their own values and who use the Constitution to pursue their own vision for society take this right away from the people and undermine liberty itself.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. I ask unanimous consent to speak for up to 15 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### IMMIGRATION

Mr. CORNYN. Madam President, last week the media reported that 17 Afghan military trainees had gone AWOL—absent without leave—from

the Defense Language Institute at Lackland Air Force base in San Antonio, TX. The shocking thing about this is not that 17 Afghan trainees left the military base without leave, but that we hadn't heard anything about it. Even though these officers went missing over a period of 2 years, neither the Department of Homeland Security, the U.S. Air Force, nor the Department of Defense notified me. No one advised the Congress or the American people, to my knowledge, that this had happened. Obviously, it created a lot of consternation and concern.

The fact is, this is just one example—really the tip of the iceberg—of some of the problems with our broken immigration system—our inability to track individuals who come into the United States with visas, whether it is a tourist visa, a student visa, or a visa like those issued to the Afghan military officers. We have virtually no ability to track individuals who overstay their visa and then simply choose to melt into the great American landscape.

This is true in spite of the fact that in 2007, Congress passed on a recommendation of the 9/11 Commission, which highlighted visa overstays as a potential national security threat to our country. All we have to do is recall people like Ramzi Yousef, the mastermind of the 1993 World Trade Center bombings, an example of people who came into the country and overstayed their visa. The recent attempt of a would-be terrorist to bomb a skyscraper in Dallas, TX, is another example of people who enter the country legally and do so with the clear intent to overstay their visa and do us harm.

Congress passed a law in 2007 that required the Department of Homeland Security to come up with a plan by June 2009 to track every entry into the country pursuant to a visa and biometrically track those individuals who overstay their visas. Obviously, that has not happened yet or else the Department of Homeland Security would have been able to track the 17 Afghan military officers. As far as we have been informed, we don't have clear information as to exactly where all of these individuals are.

We have talked a lot about border security, and appropriately so, particularly in light of the exploding violence in Mexico and the cartel drug wars that have killed 23,000 people since 2006. Many have expressed concerns that our borders, which are still too porous, will allow people to come across but not just people who want to work. Our porous borders will allow people to enter who want to smuggle drugs, smuggle weapons, and who potentially want to do us harm. Last year alone, about 50,000—or closer to 45,000 individuals from countries other than Mexico—so-called OTMs—have been detained coming across our southern border. These OTMs have come from coun-

tries such as Somalia, Yemen, Afghanistan, Iran, China—you name it. The southern border is being used as a means to enter our country without detection and in violation of our laws.

The problem I wish to highlight today is that apparently the Administration is just now waking up to this danger along our border. I say that because only in the last couple of days, the President has requested an emergency supplemental appropriation of \$600 million for southern border enforcement. Unfortunately, in spite of the fact that it is a large sum of money, it simply does not go far enough.

Recently, I introduced a border security amendment that was defeated—even though it got a majority vote, but didn't get the 60 votes it needed to pass. It was on the Defense supplemental appropriations bill. It would have been paid for; it was not deficit spending. It would have provided an additional \$2 billion to make up for shortfalls in funding to Federal, State, and local agencies that are on the front line and need that funding to get the job done.

Some critics have said that Members of Congress have focused too much on border security and that the real solution is to pass a comprehensive immigration reform bill. I disagree. Until we have credible border security and a credible system of tracking visa overstays, the American people are simply not going to believe we have either the credibility or the competence to enforce whatever law we pass. All you have to do is to look at where we find ourselves now. You also need to look back to 1986, when President Ronald Reagan signed an amnesty for 3 million people. He did so premised on the belief that we were actually going to pass an immigration law that could be and would be enforced. We know, from our sad experience, that even though an amnesty was adopted, enforcement did not follow. That is why I say the American people simply don't believe we have the credibility or even the competence, as demonstrated so far, to get the job done.

I don't think the American people believe we have done a good job of controlling illegal immigration, let alone national and domestic security. If Washington was doing its job, we would not see States such as Arizona and Nebraska passing laws trying to deal with immigration at the State and local level. If Washington was doing its job, we would not continue to hear about the many illegal immigrants who have committed heinous crimes in the United States and who have been deported multiple times, only to reenter the United States and commit further crimes. If Washington had been doing its job, we would not continue to hear about terrorists exploiting our lax immigration enforcement—terrorists who

are in this country right now trying to do us harm, such as the Christmas Day bomber, who had a valid visa—amazing as it sounds—and the foreign national who overstayed his visa who I mentioned a moment ago, who tried to blow up a Dallas skyscraper recently—a plot foiled by the FBI.

I believe we need credible immigration reform, but first we need to demonstrate to the American people that we are serious about border security by making sure the resources—both the boots on the ground and the technology—are in place to help, as a force multiplier, provide the kind of border security that will allow us to know with a much greater certainty who is coming into the country and why they are here.

The other component of our nation's security has to do with the visa overstay issue, which is a huge part of the problem. Put another way, even if we were able to secure the border today and know with certainty who was coming across our southern or northern border and what their purpose was for entering, we would still have a huge, gaping hole in our immigration enforcement system because of the problem of visa overstays.

Most Americans probably don't realize that between 40 and 50 percent of the people who have come into the country and who are here without a valid visa—an estimated 4.5 to 6 million people—are visa overstays. In other words, they came in legally but simply ran out the clock and overstay their visa, and now they have attempted to just melt into the American landscape.

Unfortunately, notwithstanding the recommendations of the 9/11 Commission and Congress's mandate to the Department of Homeland Security to come up with a way to biometrically track visa overstays coming in through our airports—the Department of Homeland Security still has yet to come up with a credible and workable solution to deal with this very real problem. We know the visa overstays come from countries all around the world, not just Mexico or countries to our south. These overstays come from places such as Iraq, Iran, Pakistan, Afghanistan, Syria, and Sudan.

It seems just as plain as the nose on my face to say that America's security depends on our tracking not just people who illegally come over the border, but also those who come in legally and then illegally overstay their visas. Our failure to track visa overstays and enforce our immigration laws has already put our country in jeopardy.

I mentioned some of the examples a moment ago. The World Trade Center mastermind was a visa overstay. The 9/11 hijackers, lest we forget, were visa overstays, people who came in under false pretenses as students, only to try to do our Nation harm and then killing

thousands of people in the process. I mentioned the Dallas office tower attempted bomber, who was a visa overstayer. Most recently, the 17 Afghan pilots in training at Lackland Air Force Base in San Antonio, TX, my hometown. These were visa overstays. Yet when you ask the Air Force, the Department of Defense, and the Department of Homeland Security where they are now and what they are doing, we have yet to get a comprehensive and complete report. Why? Because the U.S. Government simply doesn't have a workable and effective and efficient means of tracking people who come into the country legally on a temporary visa but then choose to overstay.

Foreign nationals overstaying their visas is not a new issue, but, as we have seen, it can be a national security issue. Even the Department of Homeland Security, the Government Accountability Office, the Pew Hispanic Center have highlighted the number of overstays in the United States.

Like its predecessor, the Immigration and Naturalization Service, the Department of Homeland Security has a real inability to track down and remove aliens who overstay their visas. Each year, approximately 300,000 foreign nationals who come to the United States legally, overstay their visa. That is 300,000 a year.

My amendment, which was defeated last month by a narrow vote, would have given the U.S. Immigration and Customs Enforcement the personnel and money needed for additional investigators, detention officers, and detention space.

We need a plan, our government needs a plan from the administration to enforce our immigration laws regarding visa overstays or the American people will continue to see threats to our national security materialize before their very eyes.

Madam President, I ask unanimous consent to have printed in the RECORD my letter to Secretary Napolitano at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. Madam President, there are a number of think tanks—and I will allude to just one—that have come up with a strategy to do what needs to be done to deal with visa overstays. I refer to a Backgrounder, published by the Heritage Foundation, dated January 25, 2010, entitled “Biometric Exit Program Shows Need for New Strategy to Reduce Visa Overstays.”

I think we need to put our best minds together and devote our efforts to dealing with this problem. Just like our broken border, unless Congress and the Administration come up with a credible plan to deal with this problem of

visa overstays, I don't think the American people will have the confidence they demand and are entitled to when it comes to enacting a credible immigration enforcement program.

I thank the Chair and yield the floor.

#### EXHIBIT 1

U.S. SENATE,  
Washington, DC, June 22, 2010.

Secretary JANET NAPOLITANO,  
U.S. Department of Homeland Security, Nebraska Avenue Complex, Washington, DC.

DEAR SECRETARY NAPOLITANO: Last week, the media reported that 17 Afghan military officers had gone Absent Without Leave (AWOL) from a Defense language training institute at Lackland Air Force Base in Texas. Needless to say, I was deeply disturbed by this report and by the fact that I had not received official notification from either the Departments of Defense or Homeland Security.

On Friday, I sent a letter to Secretary of the Air Force Michael Donley requesting an immediate explanation and report on how such a serious violation of security occurred, as well as an assessment of the potential threat posed by these 17 officers. In statements to the media, the Air Force stated that they work in close coordination with DHS and “[w]hen the Defense Department learns an international student has gone missing, DHS Immigration and Customs Enforcement is immediately notified and appropriate action is taken.”

I have been informed by ICE the majority of these missing Afghan officers have not been located. According to the recent media reports, these Afghan officers disappeared over a 2-year period. Two years is a significant period of time and I find it alarming that we are still unable to locate these officers in the United States.

I recognize that tracking visa overstays in the United States is a challenge. However, I continue to see a disturbing pattern that began with Ramzi Yousef and the 1993 World Trade Center bombings, came to fruition with the 9/11 hijackers, and has continued recently with Hosam Maher Husein Smadi's planned attempts to bomb of a skyscraper in Dallas, Texas—terrorists using legal visas to gain entry into the United States with the clear intent to overstay and do harm. The 9/11 Commission pointed out this area as a vulnerability and the Government Accountability Office (GAO) has echoed concerns about visa overstays and our ability to track and remove them from the United States.

According to one study, the number of current overstays in the United States ranges anywhere from 4.5 million to 6 million, approximately 40 to 50% of the total illegal immigration population. Overstays come from every continent, and from many nations known to harbor terrorists, including Iraq, Iran, Afghanistan, Pakistan, Syria, and Sudan. Given that this number is growing each year by approximately 300,000 additional aliens, it is imperative that your Department make identifying and removing visa overstays a national priority.

In a public statement, ICE indicated that they notified the U.S. law enforcement community about the missing officers and had “no information that any of these individuals pose a national security threat.” As you can imagine, I am not assured by this statement, especially given the fact that these officers remain at large in the United States with their whereabouts unknown to the U.S. government. I view this situation as a clear security failure that needs to be remedied immediately.

I would appreciate a response as soon as possible on how you intend to locate these officers immediately and remove them from the United States. I would also ask that you provide me with the Department's strategic plan to deal with visa overstays.

Sincerely,

JOHN CORNYN,  
U.S. Senator.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

#### TAX EXTENDERS

Mr. WHITEHOUSE. Madam President, I wish to say a few words about an amendment I had offered to the original tax extenders bill as No. 4324, which has also been offered as an amendment to the current package. It very much appears that in the crucible of the pressures the bill has had to go through in order to get to its present status, this amendment will not succeed.

The chairman of the Finance Committee is on the Senate floor. I thank him for his persistent efforts to try to get it into the agreed package and for his patience with my even more persistent efforts to try to get it into the agreed package.

It is a bipartisan amendment. I thank the five Republican colleagues who cosponsored it. I particularly thank Senator SESSIONS, who is the ranking member on the Judiciary Committee. He was an early, initial cosponsor. We introduced it together in the Judiciary Committee. It passed out of the committee uneventfully. It was a pleasure to work with Senator SESSIONS. I was delighted he was willing to not only support it as a bill on the Senate floor but also to cosponsor it as an amendment to this tax extenders package. I extend a particular appreciation to him and to his staff for working with us on this legislation.

Let me say briefly what it is about. If you are an American business and you are doing business in a different State, in a State in which you are incorporated and domiciled, you would ordinarily have to file an agent for service of process in that State so that if your conduct or product injures somebody in that State, service can be achieved in the place of the injury.

We have a world economy, and we are undoubtedly the world's greatest importer of goods. Some of these goods are harmful. Most of them are good for Americans, good for the economy, good for our consumers, but some are not. The wallboard that came from China filled with sulfur so that when it was installed in houses, the sulfur leached, corroded piping, made the occupants unhealthy, required a complete stripout and rebuild not only of the walls but also of plumbing and other fixtures and air-conditioning—that was a disastrous imported product.

Toys with lead that children could absorb: We all know what damage lead

will do to developing brains of young children, particularly Chinese toys with lead in them. Pharmaceutical products with unacceptable chemicals added to them: There have been a lot of products that have come in from overseas and have harmed Americans.

If you are a big, legitimate foreign manufacturer, you probably have an office here. If somebody is hurt, it is not too hard for the person representing you to find the office and file suit and seek recovery for whatever injury was sustained. Many foreign manufacturers even have manufacturing facilities in this country. That makes it very easy to locate them. But some do not. Some live in a shadowy world where they send their products into the United States, get the money out, but when their defective product injures an American, trying to find them is like trying to grasp a handful of fog. They have disappeared, and they hide behind complicated international treaties and foreign laws in their home countries, making both service of process, getting the papers on the lawsuit to them, and actually getting your hands on them legally under our due process—long-arm statutes—is very challenging and difficult.

We heard from people who spent literally tens of thousands of dollars trying to have their pleadings translated into a foreign language, work their way through all the complex ministries in the foreign country, all trying to find a company that, in many cases, simply reforms itself in a new corporate form and leaves them with nothing at the end of the chase.

When that happens, it is a very unfortunate result for American people, and it is a very unfortunate result for American businesses. The unfortunate result for American people is that somebody who was injured, whose child was lead-poisoned, for instance, has no one from which to seek recovery, and they lose the opportunity we ordinarily enjoy as Americans when we are injured by a product to get compensation for the injury. It is the family who gets hurt in that circumstance. That is one way it is bad.

The other way it is bad is because commerce is often a chain. When the wrongdoing foreign manufacturer disappears, the other folks who are still in the chain are still around to be sued. Under our theory of joint and several liability, the American company has to pick up the liability for the foreign company that absconded after it created the injury.

We had a very good example in our committee of an Alabama contractor who had a very good reputation, who built developments and homes. He got caught with this Chinese drywall. There was no Chinese drywall manufacturer to sue, but both for purposes of protecting his own reputation with the people for whom he had built these

houses and because the liability now fell on him as the joint and several liability party, he had to go in and clean it all up. He had to put up the people who were living in these houses. He had to rebuild their air-conditioning systems and their plumbing systems. He had to strip out all the drywall and rebuild it all back. It was an immense expense, and it fell on the American company because the Chinese company had absconded and was not amenable to service and, consequently, to our laws.

The very simple premise of this bill is, if you are a foreign manufacturer that exports goods into the United States of America, with your export has to come an agent for service of process. You have to file agent of service for process. When that Chinese drywall, when that defective pharmaceutical, when that lead-poisoned toy hits an American consumer, hits an American home, hits an American family, they can go to that agent for service of process and find the wrongdoer, and they are amenable to justice in our courts.

It is from a competitiveness point of view wrong that foreign manufacturers should be able to underprice American companies because they know they can dodge liability, dodge the consequences for their actions, and have an American company have to charge more, knowing they have to bear that liability.

Setting aside the whole public safety and consumer protection piece, it is a systemic disadvantage to American industry to not fill this loophole and make our workers' international competitors hit the same bar that American companies have to hit in terms of being available for suit when their products create an injury.

Obviously, the tax extenders legislation has not proven to be the vehicle for this legislation. My contention for my colleagues is that because this is a bipartisan bill, because Senator SESSIONS and I worked so hard on it, because all of the initial concerns that were raised by the U.S. Chamber of Commerce have been cleared and it is now good to go with the Chamber of Commerce—which I know has a significant voice in the views of my colleagues on the other side of the aisle—and because this is a simple mechanism that will treat foreign companies no differently than American companies are treated and put them on a level playing field and protect American jobs, as well as consumers, I look forward to continuing to pursue this legislation and look for further opportunities and further vehicles to find a way to remedy what is now an unjust situation for American consumers, an anticompetitive and unfair situation for American businesses, and a tilted situation against America's interests for the American economy.

I thank again the distinguished chairman of the Finance Committee

who I know is supportive of our efforts. As I said at the outset, the intensity of the crucible of the negotiations that finally appears to be moving this tax extenders bill forward in an unfortunately diminished way, but in the best way we have been able to do it, did not permit this particular amendment to proceed. But it was not for his lack of effort.

I appreciate his courtesy with my persistent lobbying and his support.

I yield the floor.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message with respect to H.R. 4213, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to concur in the House amendment to the Senate amendment with an amendment to H.R. 4213, an act to amend the Internal Revenue Code of 1986, to extend certain expiring provisions, and for other purposes.

Pending:

Reid (for Baucus) motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Baucus Amendment No. 4386 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute.

Reid (for Baucus) amendment No. 4387 (to amendment No. 4386), to change the enactment date.

Reid motion to refer in the amendment of the House to the amendment of the Senate to the bill to the Committee on Finance, with instructions, Reid amendment No. 4388, to provide for a study.

Reid amendment No. 4389 (to the instructions (amendment No. 4388) of the motion to refer), of a perfecting nature.

Reid amendment No. 4390 (to amendment No. 4389), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, we are on the message now.

First, I commend my colleague from Rhode Island for his efforts to enact legislation which will level the playing field. It is only proper that foreign companies that operate in the United States have the same ability of service of process that American companies have. I commend him and tell my friend from Rhode Island that at the first opportunity, I will work hard to include his provision in an appropriate bill so it can pass and be enacted into law.

I remind my colleagues that for several weeks now the Senate has been working to pass this important bill that is before us, the so-called extenders bill. This week marks at least the

eight week the Senate has spent most of the week on this bill to extend current tax law and safety net provisions.

This is a bill that would remedy serious challenges that American families face as a result of this great recession. This is a bill that works to build a stronger economy. Americans want that. It is a bill to put Americans back to work. Clearly, with national unemployment hovering around 10 percent, Americans want that, too.

With this bill, we have fought to pass policies to create jobs. We have fought for tax cuts for businesses. We have fought for small business loans. We have fought for career training programs, and we have fought for infrastructure investment.

We have fought to pass tax cuts for families paying for college. We have fought to pass tax cuts for Americans paying property taxes and sales taxes.

We have fought to extend eligibility for unemployment insurance, health care tax credits, and housing assistance for people who have lost their jobs.

As of this week, 900,000 out-of-work Americans have stopped receiving unemployment insurance benefits. Why? Because of the Senate's failure to enact this bill.

We have fought to help States cover the cost of low-income health care programs so that families in need can continue to get quality health care.

Unfortunately, this has been a difficult fight. I don't know why, but it has been difficult. Those provisions I mentioned are clearly provisions the American public would like.

For months now, we have been trying to address Senators' concerns. Senators expressed concern about the size of the bill. So we cut the total size of the bill. We cut it from \$200 billion to \$140 billion. Then we cut further to \$118 billion, then to \$112 billion, then to less than \$110 billion today.

We cut spending on health care benefits to unemployed workers under the COBRA program. We cut spending on the \$25 bonus payments to recipients of unemployment insurance. We cut spending on the relief to doctors in Medicare and TRICARE. We have now cut spending on the help to States for Medicaid by one-third. We have provided additional offsets for the package. Senators requested that.

Since the first time the Senate passed this bill, we have sought and found more than \$75 billion in new offsets, and the bill is now more than two-thirds paid for.

We have revised the carried interest provisions in at least eight different ways to address concerns raised by Senators.

We have modified the S corporation loophole closer to limit its effect on firms with fewer than four partners.

We heard Senators express an interest in more spending cuts. The sub-

stitute before us today comes forward with additional spending cuts.

We have fought mightily to adjust the bill to address Senators' concerns. But in the fight for this legislation, let's not lose sight of what the real fight is about. For many families, this is a fight for the roof over their heads. This is a fight for the food on their tables. This is a fight for the jobs they desperately need. And this is a fight for the opportunity they hope will come through.

I urge my colleagues to support this amendment to create jobs this economy needs. I encourage my colleagues to support this amendment for the families who are counting on us to come through. I urge my colleagues, at long last, to pass this bill.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### UNANIMOUS CONSENT REQUEST—H.R. 2194

Mr. REID. Madam President, I ask unanimous consent that today at 12:30 p.m., the Senate proceed to the consideration of the conference report to accompany H.R. 2194, the Iran Refined Petroleum Sanctions Act, notwithstanding receipt of the official papers from the House; that debate on the conference report be limited to 2½ hours, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, the conference report be set aside and that the vote on adoption of the conference report occur at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate having received the official papers from the House, and without further intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Ms. LANDRIEU. Madam President, I ask unanimous consent to speak as in morning business for about 15 minutes. It might go to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### GULF DISASTER

Ms. LANDRIEU. Madam President, I come to the floor today to add some comments to the RECORD about this horrendous environmental and economic disaster unfolding in the gulf and to try to provide some additional perspective on behalf of the people I represent, the people of Louisiana. I have been proud to represent them over the last 14 years in the Senate, and in that capacity I have had the opportunity, on a variety of occasions, to speak up strongly for our neighboring States, the gulf coast, America's working coast—a coast that does the work of this country in many ways. We produce most of the oil and gas off the shores of our Nation. We provide a great percentage of petrochemicals that are relied on by men and women in every part of the world, including those in our own country.

I could go on and on, from agriculture, to seafood, to navigation of the Mississippi River. We work hard down South, and we are proud of the work we do.

We are extremely troubled, as you can imagine, by what is happening today. I would like to share just a few thoughts and potential suggestions for a way forward.

It has been 66 days now since the tragic explosion of the Deepwater Horizon that unleashed one of the worst manmade disasters this Nation has ever witnessed. Every day you can simply turn on the television or many sites on the Internet and find pictures, disturbing pictures of that well still gushing uncontrollably into the Gulf of Mexico.

Millions of Americans, including 105 million who call the Louisiana coast home, watch, in some ways helplessly, as this brown sludge washes up onto our beaches and into our marshes. It is not only staining our lands but threatening our way of life. We must move decisively.

This is an emotional issue for me, for many people I represent, from the broad political spectrum of liberals to conservatives, Democrats to Republicans to Independents, from individuals to families, people of all ages. We try to debate the appropriate way forward.

It is important for us not to lose focus that 66 days ago our Nation lost 11 men. More importantly, more directly, 21 children lost their fathers, and hundreds of families lost members, friends, and coworkers. They lost these men, and we will keep them forever in our memory.

We must also remember these 11 men were just like literally thousands of other men and women who put on their blue jeans and overalls and work outside for a living on the land and on the water in Louisiana, Mississippi, Texas, and all over the United States, who engage in difficult work, and at times

dangerous work, to produce what our country needs to operate—many of us can work in the comfort of air-conditioning in buildings like this.

In fact, in my State, there are more than 300,000 men and women working in the oil and gas industry alone. Every day, they go to work with the risk associated with offshore and onshore development, but they understand what I understand, that this country needs to produce more, not less, oil and gas domestically for our economy and, I would contend, for our environment—and I will get to that point in a minute—and for our national security.

As I said on the floor of the Senate last week, I fully supported a thorough review of offshore drilling safety standards. Obviously, we need them. Not only do we need new standards, we need to enforce the ones we have. I have welcomed the efforts of Department of Interior Secretary Salazar to rewrite, reorganize, and retool an agency that has fallen down on the job, and in some ways been part of the disaster—in many ways. We now have a new agency emerging, and we most desperately need it.

However, if we are going to ensure that an incident of this magnitude never happens again, this new agency—whatever it ends up being called—must train, recruit, and pay the most qualified people to carry out this new urgent mission. Robust oversight, greater transparency, strong safety standards, and high ethical standards must be maintained.

This administration did not inherit, obviously, a perfectly well run, well-tuned agency. It inherited a mess. I share their desire to see it cleaned up, retooled, and refocused. I commend the Secretary and the new appointee, Michael Bromwich, whom I had the opportunity to meet for the first time this morning, in their efforts to do so. That is an important step forward and one this Congress seems to be willing to take, both from the Republican and Democratic sides of the aisle. I am looking forward to working in a non-partisan way as we strive to find the right way forward.

But the President and his administration have imposed a very arbitrary and, in my view, ill-conceived 6-month moratoria on new deepwater drilling in the Gulf of Mexico—the only place in the country now where we drill in depths, and one of the few places that allows drilling off the coast at any depth of water. The first well was drilled off our coast 12 feet off the shore many decades ago in just a few feet of water. Now, as we know, we are drilling in thousands of feet and have successfully done that, safely done that, for now 20 years—until this undescrivable blowout that has occurred.

In Louisiana, unfortunately, we are coming to terms with what a prolonged

moratoria will mean for our families and our businesses, large and small, and it is not a pretty picture. It is painful, it is frightening, it is upsetting, and it needs to be told.

A 6-month moratoria on all of these 33 rigs that operate in the Gulf of Mexico will wreak economic havoc on this region. Right now, there are thousands of people out of work—fishermen, oystermen, boat captains, recreational. They cannot fish. It is not safe. No one is coming down to Louisiana. They are going to Florida. They are going to Mississippi because there are actually beaches that are still clean and available for people.

But in Louisiana, we do not have that many beaches actually. We have America's great wetlands. These boat captains have—I have met with them on many occasions. As to these people, their clients contract with them months in advance. They do not come down to sunbathe and take their kids on a few little rides here and there and then occasionally rent a boat. They come down to rent the boats to fish in some of the greatest, most wonderful fishing places in the world. They are closed down.

In addition to them being closed down and not being able to work at all in many instances—these are small businesses that can generate anywhere from a few thousand dollars a month to millions of dollars a month, and companies worth millions of dollars—the President and the administration have slapped down an ill-conceived 6-month moratoria without any real timeframes.

I am encouraged that just this morning—I came to the floor right after the energy hearing—Ken Salazar, who continues to have my great respect and support despite my differences of opinion with him on some of these issues, spoke before our committee and said that based on the judge's decision, with which I agree, and comments made by the Secretary's own experts that “a blanket moratorium is not the answer. It will not measurably reduce risk further and it will have a lasting impact on the nation's economy which may be greater than that of the oil spill. . . . We do not believe punishing the innocent is the right thing to do”—these are not Mary Landrieu's words. These are not words from the congressional delegations that represent the gulf coast. These are words from the Secretary's own experts.

We urge—I urge—the Secretary and the President to listen to these men who submitted the first report and try to find a better way forward.

Marty Feldman—a judge I know well—I hold in the highest esteem. He is more conservative than some Members here but, nonetheless, has served with distinction. He said the moratorium was arbitrary and capricious. He said:

[A] blanket, generic, indeed punitive, moratorium on deepwater oil and gas drilling is not the way to go.

He said:

The blanket moratorium, with no parameters, seems to assume that because one rig failed and although no one yet fully knows why, all companies and rigs drilling new wells over 500 feet also universally present an imminent danger.

He goes on to a well-reasoned argument that has been well published and well debated.

I hope, as the Secretary said this morning, he and the President are trying to find the way forward that would involve reaching very high safety, more certification of the engineers and managers on these rigs. That is obvious since this looks like, in many instances, it might be more human error than equipment error that caused this. So I think we should focus on the humans in charge and try to make sure they are up to the task on all of these 33 rigs. That could be done well within 6 months.

There needs to be, in other words, some more urgency to find the safety level that is now being demanded by the American people, and rightly so. No one wants it more than the women who lost their husbands. They sat with me at my kitchen table just 2 weeks ago and said those words to me: Senator, no one in America could want this to be more safe than we do. But they also said: We believe the moratorium is wrong. We cannot stand by and not say this because our neighbors, the husbands of our best friends, are being laid off. People we know in our community are being irreparably harmed. They said: We told this to the President. Do you think, Senator, he will listen?

I have assured them that the President is listening, that the President is a man with a great mind and a great heart. I have assured them that Secretary Salazar could not be a more honest broker. He has been beat up on both sides. The environmentalists do not think he is tough enough. The oil and gas industry beats him up all the time. So that convinces me he is probably the right person for this job.

But this moratorium that idles these 33 rigs is dangerous, and I will tell you why. These rigs can move, and they will move. There is more oil to be found in this world. There are reserves off many coasts, and there is more oil than there are rigs able to drill. Since the world is a thirsty sponge, it just continues to need billions and billions of barrels of oil to operate.

In the United States, we use 20 million barrels a day. We used 20 million barrels yesterday. We will use 20 million barrels today. None of that is changing. So the world is needing this oil. There are fewer rigs than there is oil. They cannot and will not sit idly in the Gulf of Mexico while we try to decide what to do. They will leave, and

they will not then be coming back any time soon.

I will submit for the RECORD—because it really got me upset this morning, and it should get everyone upset who reads it—a very moving article in the New York Times about what is happening in the Niger Delta, a delta we don't pay a lot of attention to here. Why would we? There are just a lot of poor people who live there, and we don't represent them here. But in the Niger Delta, I read this morning, they have to put up with a spill equal to the Valdez. They put up with it, the size of it, every year. The mangroves that I read about—the mangroves I can imagine in my mind because we have them in Louisiana and in Florida and in places I have been—are destroyed. The swamp is lifeless.

Madam President, I tell my Democratic colleagues: If you drive this oil drilling off our shore, you will simply drive it to places with greater environmental degradation than either you or anyone you know could probably imagine.

I ask unanimous consent for 5 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. That is what is going to happen. This is not Mary Landrieu's opinion; this is just the nature of this business. They don't have to stay in the gulf. They can break these contracts. They are doing that as I speak. There are lawsuits being filed from Houston to Mobile to New Orleans. This is a great boon for lawyers, a bad day for people, and a terrible day for our environment.

I am begging this administration to look worldwide. We are a world leader. We are up to the task of finding out what happened quickly, getting these rigs back drilling, and setting an example for the world and showing some sympathy for people who are much less powerful than we are. I would like to hear a leader stand up and say: I am concerned about Niger. I am concerned about Africa. I am concerned about Brazil and South America and what happens off the coast, even in places we are not very happy with right now such as Venezuela or Cuba. Cuba is only 90 miles from Florida. Do you think we can control what Cuba does in offshore drilling? No, ma'am. All we can do is try to do the best we can in America, as we have done for decades and decades and generations and generations, and lead by example and show the world the technology that can work. We can make rational and reasonable decisions in a public arena such as this—very transparent, as corruption-free as possible, as rational and as educated as possible. That is what the world expects of us.

I am not going to stand here and let this Congress run with its tail between its legs and overreact to a situation, as

horrible as this one is. We most certainly know; we are swimming in the oil.

I will come down several times in the next week to try to make as clear an argument as I can that there must be a better way forward than shutting down this industry so that they move to places that have less protection and less ability, while we guzzle most of the oil. What a hypocritical situation this puts us in. I don't know what to tell the people of Niger. I don't even know what to tell the people of Louisiana. I am going to think about it and come back.

Madam President, I yield the floor.

#### COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2010—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 2194, the Iran Refined Petroleum Sanctions Act. There will be 2½ hours of debate equally divided between the leaders or their designees.

The Senator from Utah.

Mr. BENNETT. Madam President, I see the chairman of the Banking Committee. If I have preempted him, I will be happy to delay my remarks.

Mr. DODD. No, please proceed.

Mr. BENNETT. Madam President, I was a member of the conference that dealt with the bill that is now before the Senate, and I wish to make a few remarks in favor of the conference report.

Iran poses an interesting threat to the United States and to our allies in the Middle East. The Iranian regime is arguably the most anti-American regime in the world. There may be some who would put forth North Korea or some other countries, and I won't debate with them where on the list they would be, but Iran is very much at the top of the list of regimes that hate America. Ironically, every indication is that the Iranian people do not support the position of their government and that the Iranian people, if they had a legitimate government; that is, one that was chosen by a legitimate election, would be strongly pro-America. So we have this very challenging dichotomy here of a regime that is bent on mischief or worse throughout the region, and a very clear hatred for America, presiding over a population that is strongly in favor of America.

I make that point because many people will say: Well, it is the people of Iran who will be punished if this sanctions bill goes forward.

I say it is the people of Iran who are desiring relief from their own government, and anything we can do to punish that government, make the situation more untenable, and ultimately

help bring it down will be for the benefit of the people of Iran. So I am standing here as an advocate in favor of the Iranian population even as I have harsh things to say about the Iranian Government.

There are those who say: Well, the Iranians have every right to a nuclear capability. They are a sovereign nation. They have the right to build a nuclear plant within their borders so they can have the benefits of nuclear power. And you, Senator BENNETT, are a supporter of nuclear energy, so why do you oppose the Iranian effort with respect to their nuclear program?

I do not oppose a program that would move toward peaceful exploitation of nuclear power. Indeed, I would welcome it and support it. In the world today, it is certainly possible, and, indeed, many countries do have nuclear capability without creating the capacity to produce a nuclear weapon. The two are not necessarily simultaneous and co-terminous. A nuclear capacity to provide electricity, to provide power for the populous as a whole, is a good thing, a benign thing, and something I support.

The Iranians oppose any kind of effort to put limits on their plan, on their program. They say: We are doing this just for domestic power purposes. But they refuse to take the kinds of steps other nations have taken that will allow them to have all of the benefits of a domestic nuclear plant and none of the challenges that go with the creation of a nuclear weapon.

There was a time—the Cold War and shortly after the Second World War—when nuclear weapons were seen as a very viable part of the military arsenal. We have such an arsenal. The Soviet Union did. Some of our allies joined us, and nuclear weapons were seen in the classic power struggle between nation states. Today, however, the situation has changed, and a nuclear weapon is seen primarily as a blackmailing device for one nation to threaten another nation in a circumstance different from the kind of confrontation we had with the Soviet Union. If Iran got a nuclear weapon, they would use it as a destabilizing instrument throughout the Middle East, which is already one of the least stable portions of the world, and other countries all around Iran would say: Well, if they are going to have a nuclear weapon for blackmail purposes within foreign policy discussions, we will have to have one too. And if Iran is allowed to get a nuclear weapon, the proliferation of nuclear weapons in the region will be enormous.

As long as they just use it as a blackmail weapon and talk about it, one could say it is really not that big of a deal. Inevitably, the creation of such weapons, the proliferation of such weapons in an area as unstable as the Middle East runs a very high risk that

one of those weapons will be used. Then we will see the opening of a nuclear holocaust the likes of which we have not seen before. The last time a nuclear weapon was used was when we were in the midst of a horrendous war where the projections were that if we stayed in a conventional pattern and invaded Japan in a conventional way, the casualties would be overwhelming on both sides. And by using a nuclear weapon to bring the Second World War to an end, we tragically cost tens of thousands of lives in Hiroshima and Nagasaki, but we saved millions of lives on the beaches and in the streets of Tokyo and in the other places that would have been lost if the war had continued with conventional weapons.

We cannot do anything that would encourage Iran with respect to its nuclear program, and that is why this act is so important.

People will say: Well, it is economic sanctions, it is financial sanctions, things of that kind. Yes, it is all of those things, but it is aimed primarily at and focused entirely on Iran's efforts with respect to the creation of a nuclear weapon.

Iran could get out from under these sanctions immediately if they would say: We will follow the pattern of other peaceful nations and pursue a nuclear domestic program for energy purposes in such a way that it will not lead to the creation of a capability for nuclear weapons. I stress again the division between the two: You can have nuclear power for energy and electricity without producing the kinds of things that are necessary to produce a nuclear weapon. Iran could go down that road if they choose to, and if the Iranian regime were to make that very wise decision—wise for themselves and their own ability to remain at the head of a country whose population hates them; wise for the region; wise for the world as a whole—I would be one of the first to stand and say that this bill of sanctions for Iran should be withdrawn. The initiative rests with them, not with us, as to what will happen in the Middle East.

All right. Some specifics about the legislation. If it is implemented, it would dramatically raise the price Iran will have to pay for their activities because it will increase the scope of sanctions already authorized under the Iranian sanctions act by imposing sanctions on foreign companies that sell Iran goods, services, or know-how that would assist in its nuclear sector. It includes a provision with respect to refined petroleum being exported to Iran. It is interesting that Iran is one of the major sources of crude oil, but they do not have refined petroleum available to them in the quantities they need within their own shores.

So they import it and this sanctions act will seriously hamper the importation of refined products. The legisla-

tion mandates that in order to do business with the U.S. Government, a company must certify that it—or its subsidiaries—does not engage in sanctionable activities with respect to Iran.

Financial. The conference report imposes severe restrictions on foreign financial institutions that are doing business with key Iranian banks, and it bans U.S. banks from engaging in financial transactions with foreign banks doing business with the IRGC, the Islamic Revolutionary Guard Corps.

In effect, the act says to foreign banks doing business with the blacklisted Iranian entity that you have a stark choice: Cease your activities, or be denied access to the American financial system.

There are other provisions, which I will not take the time to outline. I close by making it clear, once again, that this is not a knee-jerk reaction on the part of Americans in a fit of pique with respect to the Iranians because the Iranian President says stupid things in international fora. This is a deadly serious attempt to see to it that a significant threat in the region does not go forward. In the end, this is an attempt to help free the Iranian people from the tyranny of one of the most repressive and difficult governments that any country is forced to abide by in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. Madam President, I ask unanimous consent to speak as in morning business for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING JOHN ISNER

Mr. BURR. Madam President, it is appropriate that the occupant of the Chair and I are here at the same time.

I rise to congratulate North Carolina native John Isner for not only surviving the longest tennis match in Wimbledon history but for emerging victorious over Nicolas Mahut of France. Clocking in at over 11 hours, this first round match was historic in its length and its number of games—138 in the fifth set alone.

Picking up this morning at 59-59 in the fifth set, the match continued with no break points until John hit a final backhand to finish the match in front of a packed, standing-room only crowd of amazed fans. Throughout that grueling competition, Isner maintained an impressive sense of calm under pressure, serving his opponent a record-breaking 112 aces.

In addition to impressive play, John showed great respect and honor for his opponent after the match, and he displayed the kind of sportsmanship and chivalry that are often forgotten in today's sports world.

This extraordinary match will not only be remembered in the history

books but by all sports fans who witnessed the incredible competitive spirit of these two great athletes.

John, congratulations to you, and we are pulling for you in the next round.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, before the Senator leaves the floor, I didn't watch the match. I am in a conference committee, and that process has gone on for about a year and a half—for years—which may be a record as well. I also commend that young man from North Carolina. I congratulate the Presiding Officer and the other Senator from North Carolina—the young man, more importantly, who went through the grueling process of a lengthy tennis match.

Mr. BURR. I thank the Senator.

Mr. DODD. Madam President, I ask unanimous consent that Senator MIKULSKI be recognized after I complete my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, as chairman of the Banking, Housing, and Urban Affairs Committee, and as the cochair of the conference committee, along with HOWARD BERMAN, the Congressman from California, I want to begin by thanking my fellow conferees.

You have heard from Senator BENNETT of Utah, a conferee; Senator MENENDEZ, of New Jersey; JOHN KERRY, of Massachusetts; my colleague from Connecticut, JOE LIEBERMAN; Senator SHELBY of Alabama; Senator LUGAR, the former chairman of the Senate Foreign Relations Committee—JOHN KERRY is currently the chairman of the Foreign Relations Committee, and Senator LIEBERMAN is the chairman of the Homeland Security Committee. So we have had some very active members, along with the House conferees. Numerous members in the House, as well, have played a significant role in the development of this conference report.

I also commend the administration, and particularly the Secretary of State, our former colleague, Secretary of State Hillary Clinton, and her staff for the remarkable job they have done over these many weeks, when we have tried to craft this very important piece of legislation. They were excellent in their work and did a wonderful job.

Obviously, the President, first and foremost, deserves credit for insisting upon a multilateral approach, which they, to a large extent, achieved.

This legislation complements that international effort. Three decades ago, when I was serving in the other body—with a full head of black hair in those days, so that is going back in time—the House International Relations Committee collaborated with the Senate Banking Committee to produce what was called landmark legislation in 1977. It was called the International

Emergency Economic Powers Act, known as IEEPA, which is how I will refer to the International Emergency Economic Powers Act.

To this day, IEEPA empowers Presidents of the United States to apply strong sanctions against any nation, organization, or person that poses an "unusual and extraordinary threat" to the United States. It is with these authorities that American Presidents, over the years, have effectively enforced trade embargoes against, in this case, Iran, banning exports and imports, and freezing key Iranian assets.

While IEEPA authorities have kept the U.S. businesses from entering Iran, years ago, it had become very clear—abundantly clear—that much more was needed to be done, not only in the case of Iran but other nations as well.

That is why, in 1996, the Senate Banking Committee and the House Foreign Affairs Committee once again collaborated to develop new sanctions on non-U.S. businesses investing in Iran's energy sector.

Oil and gas was providing Iran's terrorist regime with key sources of revenue, and action was needed to be taken. In those days, the resulting Iran-Libya Sanctions Act—later named the Iran sanctions act because Libya complied with the concerns we had at the time. As a result of them stepping forward and renouncing terrorism, we were able to drop Libya from the title of that bill. As I heard Senator BENNETT say—and I think other colleagues would join in this—there is no great joy in crafting this bill. We are doing so out of defense of our Nation and over a threat being posed by the Government of Iran. We hope that they will understand the seriousness of this endeavor, the collaborative nature of our efforts, and we hope they will see the light as Libya did, and we urge them to take the proper steps to remove the threat they are presently posing.

Regrettably, despite a very clear mandate, American Presidents have failed to comply with the law, ISA legislation, adopted back in 1996, despite billions of dollars in oil and gas investments.

How have administrations avoided complying with the law we passed in 1996? Frankly, that has been the subject of considerable discourse within the Banking Committee over the last number of years.

First, when the Iran sanctions act mandates that American Presidents "shall" impose two out of a menu of six penalties on sanctionable foreign companies, it only says that Presidents "should" investigate credible evidence of energy investments and "should" make determinations that they have, in fact, engaged in sanctionable acts.

Thus, administrations since 1996 have simply avoided launching investigations and making those determinations.

Executive branch officials of both parties have conceded that they did not even want to waive sanctions. Waiving imposition of sanctions, they have contended, is an admission of a foreign company's guilt. If we are, in effect, imposing a sanction on a company, and then officially relieving them of U.S. penalties, we are impinging on those companies' reputation and implying that the companies outside the U.S. jurisdiction are nonetheless in violation of our laws.

Such extraterritorial provocations might be grounds for retribution—either through reciprocal sanction or trade barriers. Thus, administrations—Democrats and Republicans—have avoided even launching the ISA investigations called for in 1996 or, of course, making any determinations so as not to resort to sanctions waivers.

Administrations have certainly used the threat of imposing these sanctions to some effect. But as multiple reports by the Congressional Research Service and the GAO have indicated, investments in Iran's energy sector have continued, and the regime in Iraq has benefited from those revenues.

This measure that I am today managing, along with others, marks a new chapter in Congress's long history of confronting the Iranian threat. But far more importantly, the conference report, which we will be voting on later this afternoon, we are considering makes profound changes to the law, which, if implemented correctly, will bring about strong pressure to bear on Tehran in order to combat its proliferation of weapons of mass destruction, support for international terrorism, and gross human rights abuses.

The act says, in no uncertain terms, that Presidents shall be required, if they have established that credible evidence of a firm engaging in ISA-sanctionable activity exists, to launch investigations, make determinations, and ultimately impose sanctions on those companies investing in Iran's energy sector.

Moreover, it imposes new sanctions on companies providing refined petroleum products or helping to build Iran's domestic refineries.

In response to Tehran's terrible abuses of its own people—Senator LIEBERMAN has gone on at some length about this, and he is absolutely correct, a major part of the report focuses on the Iranian people and what they are subjected to on an hourly basis by a government which the majority of people in that country abhor. In the wake of what they have been doing and Iran's fraudulent presidential election, the conference report and the act imposes visa, property, and financial sanctions on Iranians the President determines to be complicit in serious human rights abuses against other Iranians on or after the date of Iran's election.

The conference report and the act imposes a U.S. Government procurement ban on foreign companies doing energy business in Iran or helping the Iranian Government to monitor and jam communications among its people. No longer will U.S. taxpayers' money be used to support Iran's corporate sponsors.

The act further codifies trade restrictions in law and ends the few remaining Iranian imports allowed into the United States.

Similarly, the legislation also allows States, local governments, and private investors to exercise their own right to divest from companies investing in Iran's energy sector.

The act explicitly states the sense of Congress that the United States should support the decisions of State and local governments to divest from these firms and clearly authorizes divestment decisions made consistent with the standards of the act.

Elsewhere in the act and the conference report legislation is a provision cracking down on the international black market weapons trade, which rogue countries, such as North Korea and Iran, have long exploited. Under this act, the United States will identify countries that are allowing sensitive U.S. technology that can be used for weapons of mass destruction or terrorism to be transshipped into Iran, and it will force these countries to cooperate in establishing appropriate customs, intelligence gathering, and trade restrictions. If they refuse to cooperate with the United States, the act requires imposition of severe export restrictions on those countries.

Finally, the act establishes a very strong new banking section to be undertaken by the Under Secretary of the Treasury for Terrorism and Financial Intelligence, Stuart Levey, and his colleagues. Stuart Levey has worked in two administrations now and should be highly commended, by the way, for the remarkable work he has done over the years. This is an official of the Treasury Department who is so knowledgeable on this subject matter and was invaluable in helping us craft this legislation. I especially mention him and thank him for his contribution.

This new section takes aim squarely at Iran's powerful Revolutionary Guard Corps—or the IRGC, as it is known—and attempts to choke it off from an increasingly important source of power—international financial investment.

Section 104 of the act has two principal parts. First, the Treasury will direct American banks to prohibit or impose strict conditions on correspondent or payable-through accounts of any foreign financial institutions working with key Iranian entities.

For example, foreign banks conducting substantial business with the IRGC, its front companies or affiliates,

will be cut off from its American accounts. Hypothetically, then, if an Asian or Latin American bank were to provide services to an IRGC-owned construction company, for instance, building a major gas pipeline, that bank would be shut off from U.S. correspondent banking.

In addition, foreign banks servicing the various Iranian banks blacklisted by the Treasury Department and the UN Security Council will also be targeted under this section.

Section 104 directs the Treasury to restrict correspondent banking for foreign banks directly involved in Iran's weapons of mass destruction proliferation and terrorist financing, as well as money laundering toward those aims.

In the end, the act presents foreign banks doing business with blacklisted Iranian entities a very stark choice: Cease your activities or be denied critical access to America's financial system.

The second part of section 104 would hold U.S. banks accountable for actions by their foreign subsidiaries. Under IEEPA, which I described earlier, U.S. companies have long been banned from doing business with Iran. Now under this act, this conference report, foreign entities owned or controlled by U.S. banks will also be prohibited from doing business with the IRGC. If their foreign subsidiaries continue to do so, the U.S. parent companies will be subjected to severe penalties—civil fines amounting to twice the value of the transaction or \$250,000 and criminal fines if there is proven willful intent, up to \$1 million, and 20 years in jail.

To be sure, we have included waivers in the act. We believe that the President of the United States must have flexibility in executing foreign policy. We all agree with that point. As I mentioned before, foreign nations consider ISA waivers to have extraterritorial impact on companies in their jurisdiction.

For the most part, waivers of the sanctions in this act may only be exercised if they are deemed necessary to the national interest or, in the case of energy investment and refined petroleum sanctions, if the companies are from nations cooperating in multilateral efforts against Iran. Reports to Congress are to be detailed about the particular investments or transactions considered sanctionable, as well as why these waivers are invoked.

Only in the case of refined petroleum sanctions do we allow for some additional flexibility. In that case, the President of the United States may delay making determinations about the sanctionability of specific transactions every 6 months if the President can demonstrate progressively greater reductions in refined petroleum transportation in Iran.

These are very tough unilateral measures, but Congress does not expect

them to effect change in a vacuum. Unilateral sanctions are but one tool of statecraft available to American Presidents to effect such change. In my view, they are less likely to be effective than tough, coordinated, multilateral sanctions.

All of us recognize that acting alone we may achieve some results. Acting together, we have the opportunity to truly bring about the desired change we all seek.

These unilateral sanctions must be exercised as part of a comprehensive, coordinated diplomatic and political effort conducted in cooperation with our allies and designed to achieve the real results we all seek.

I believe President Obama has been both thoughtful and deliberate in his approach to pressuring Iran to change its conduct. Having just this month achieved UN Security Council approval of Resolution 1929 and European Union endorsement of additional energy and financial measures on Iran, the President of the United States is clearly setting the stage for what we all hope is strong, targeted, and effective multilateral and multilayered pressure on Tehran.

These measures are not ends but merely a means to an end, first and foremost, to suspend Iran's illicit nuclear program, to protect Israel and our other friends and allies, to combat Tehran's proliferation of weapons of mass destruction, and express support for human rights in their country.

I see my colleague from Arizona. I believe it was his suggestion that the human rights effort be part of this legislation. I did not have a chance to mention him earlier in my remarks. I thank my colleague for this proposal which includes very strong language and a message to the Iranian people that this is not about them, this is about their government. It is very important that all of us in our remarks today make it clear that we are tremendously sympathetic to what they are going through and, therefore, part of our proposal has strong language that allows us to address—at least to try to address—the issue of human rights abuses in Tehran. Again, I appreciate all the hard work.

I mentioned the conferees earlier: my colleague from Connecticut, Senator LIEBERMAN, Senator MENENDEZ, Senator KERRY, Senator SHELBY, Senator BENNETT, and Senator LUGAR, from the Senate perspective who were part of drafting this bill, as well as our House conferees, led by HOWARD BERMAN of California. I extend a special thank you to all of them for their leadership.

I also thank Senator REID, the majority leader, and Senator MCCONNELL. None of this ever happens without the majority leader of the Senate taking a leadership role and insisting this matter move forward, insisting it be addressed before we break for the July 4

recess period coming up next week and in the midst of all the other things in which we have been involved. My colleagues know we have been involved in a very lengthy conference regarding financial reform. I am delighted to take some time out from that effort to address this particular proposal and urge our colleagues to be supportive of this proposal.

I also want to support what I mentioned earlier—President Obama's approach—and I appreciate his team's work in helping us improve this important legislation. I mentioned earlier our Secretary of State and former colleague. We had extensive meetings with her, National Security Adviser, General Jones, Deputy Secretary of State Steinberg, Under Secretary of the Treasury Levey—I mentioned the tremendous work he has done, Stuart Levey in the Department of Treasury—Assistant Secretary of State Verma, Assistant Secretary of the Treasury Cohen, and Office of Foreign Assets Control Director Adam Szubin. All of these people, and many others, along with our staffs—and I am particularly grateful to my staff for the work they have done, led by Colin McGinnis of my office, who did a remarkable job in pulling this together to see to it that we worked with our counterparts, and there are many others on my staff as well I should mention.

Neal Orringer from my office deserves great credit for his work as well. It has been a great pleasure working with Rick Kessler, Shanna Winters, Alan Makovsky, and Daniel Silverberg.

Additionally, I thank Ranking Member Richard Shelby, along with his talented counsel, John O'Hara.

I also thank Margaret Roth-Warren, our brilliant, detail-oriented legislative counsel who spent weeks on end working with my staff and me and others to make this, hopefully, the most comprehensive and effective sanctions legislation that we can include.

I have hopefully mentioned all the appropriate members of the staff. There is always a danger of leaving someone out. I do not want to do that. They work very hard. These are the unknown people we do not always get to recognize. They spent countless hours pulling this most comprehensive sanctions conference report together. We are very grateful to all of them and the tremendous work they do every single day.

I know my colleague from Maryland wishes to be heard. I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to support the passage of the Comprehensive Iran Sanctions conference report.

Mr. President, you know me. I am a plain and a straight talker, so I am not going to use the flowery language of diplomacy or Senate speak on a lot of

the language. I am going to say this in plain English.

Today, if you want to improve the safety and security of the United States of America, you want to pass this bill. If you want to make sure we ensure the safety and security of our allies in the Middle East, you want to pass this bill. If you want to identify who is one of the major enemies of the United States and our allies, it is Iran.

If one looks at the world, peace in the Middle East lies not through Jerusalem but lies through Tehran. What does Tehran do? Tehran funds Hamas, which is causing untold heartbreak and bloodshed in Gaza. No. 2, it funds Hezbollah, funding untold terrorist activity in the north of Israel and in Lebanon. No. 3, it is also working to develop nuclear weapons. We do not want Iran to have nuclear weapons.

What has Iran been doing over the last several years? They have had a record of denial and deception in developing nuclear weapons, in processing weapons-grade uranium. They have also been developing the method for delivering nuclear weapons, the so-called Shahab-3 ballistic missile. It is capable of striking Israel, U.S. troops in Iraq and Afghanistan, and even parts of Europe. We do not want Iran to continue to develop nuclear weapons.

We have been down this road before. And people say: Right, let's stop them, let's go to the U.N., hoo-ha for the U.N. We have done hoo-ha with the U.N. We have had several sanctions. We had one most recently passed that our administration worked very hard on, and we thank our allies for that. But the U.N. sanctions, though a good first step, are quite tepid. They are tepid because there are other members of the Security Council who want to keep doing that business with Iran. You might want to do business with Iran, but Iran has no business developing nuclear weapons.

The United States, therefore, has to pass these unilateral sanctions. That is why I support them. It is the United States, the indispensable Nation, that can come up with the muscle to be able to do this.

This is a very serious matter. If Iran continues to develop these weapons, it is going to destabilize the world. First of all, it emboldens the regime that is currently in power. That regime is no friend to peace, it is no friend to stability, it is no friend to us or our allies.

Second, a nuclear Iran would destabilize pro-western Arab states. Those states with strong ties to the United States are apprehensive about Iran continuing to develop nuclear weapons capability.

Also, nuclear arms and missiles could pose a major threat to the United States. A nuclear Iran would spur in the region a nuclear arms race, and it would end a lot of our antiproliferation efforts.

These sanctions are absolutely important. I think they are very creative, and I think they go right to the heart of the Iranian leadership's pocketbook.

One of the most creative aspects of this legislation is the sanctions on Iran's petroleum industry. Iran has oil wells, but it does not have a major refining capacity. It imports over 40 percent of its gasoline.

This legislation in this bill that targets refined petroleum products I believe could have a crippling effect. With its importation of 40 percent gasoline and the need for them to have enormous subsidies to keep gasoline low with their population will be very effective.

It also targets Iran's banking system. Essentially, it says it requires foreign financial institutions to choose between doing business with Iran or doing business with U.S. banks. Make your choice. If you think the future lies with doing business with Iran, that is one view. But if you see your future doing business with U.S. banks, I think the path is clear, and they will choose the safety and security and reliability of doing business in the United States. I also like the fact that it strengthens the prohibitions on activities on the nuclear program.

What was also spoken about—and I salute my colleague from Arizona also insisting on this—is the support for human rights in Iran.

We all remember that awful day when this wonderful, heroic young woman who wanted to engage in the civic activities in her own country—Neda—was gunned down in her own country by her own people. Recently, I watched a very telling and poignant documentary about Neda and the dissidents in Iran. What a wonderful group of young people there is in that country. Wow, wouldn't we like to see them flourish? Wouldn't we like to see a modern Iran that joins the community of nations, promoting peace, stability, increased literacy, and opportunity in that country?

I am for those human rights' people. I am not only going to mourn Neda as a symbol, but I think the way we can mourn Neda is to back the people like her in Iran. And I really do support this human rights activity by imposing travel restrictions and financial penalties on those who crack down on human rights in Iran.

Some countries on the Security Council, as I said, are more concerned about their relationships with Iran for investment purposes. We have to start thinking about investing in the safety and stability of the world.

I urge the passage of this Comprehensive Iran Sanctions Act, and I say this is a good and important step. And those who vote for it—and we are going to do it on a bipartisan basis because when we do that, we govern the best—are also going to have to stand ready

to really have a very muscular and aggressive approach to the enforcement of these sanctions.

I look forward to working with my colleagues on both sides of the aisle to minimize the opportunity for Iran to continue to get its nuclear weapons and to practice its denial and deception, to promote a free and open Iran, to stand with the dissidents, and to promote human rights. Let's look for a more modern Iran in the 21st century. They have a great history. I want them to have a great future and to join the community of nations in a non-proliferation environment and work for the good of us all.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCain. Mr. President, I congratulate the Senator from Maryland on her good remarks and her continued advocacy for human rights throughout the world.

I rise to speak on behalf of the legislation before us—the Iran Sanctions Accountability and Divestment Act. It has been a long time in the works, and a lot of Members and staff have put a tremendous amount of work into it, and I appreciate that commitment. This is an important piece of legislation. It comes at a critically important time.

Despite a year and a half of engagement, the Iranian Government continues to respond to the President's outstretched hand with an unclenched fist. The regime continues to support terrorism and violent Islamic extremist groups that are destabilizing governments and societies in the region. It continues to race toward a nuclear weapons capability, in full violation of its international agreements and contrary to the repeated demands of the community of civilized nations. Beyond all of this, the Iranian regime, now more than ever, continues to brutalize and oppress its own people, denying them their most basic human rights.

This bill represents the most powerful sanctions ever imposed by the Congress on the Government of Iran. It will target industries—especially Iran's energy sector—that help to sustain the Iranian regime's pursuit of nuclear weapons. The bill will create significant new incentives for multinational companies to divest from the Iranian economy. Because of this legislation, we will be posing a choice to companies around the world: Do you want to do business with Iran or do you want to do business with the United States? We don't think that is much of a choice, but we will force companies to make it. They can't have it both ways.

I didn't wish to confine our sanctions efforts only to those persons in Iran who threaten our security and that of our allies. I also wanted to bring the full force of America's economic power

to bear against those in Iran who threaten that country's peaceful human rights and democracy advocates. That is why, earlier this year, my good friend Senator JOE LIEBERMAN and I joined with a broad bipartisan group of Senators to cosponsor legislation to create a new regime of targeted sanctions against human rights abusers in Iran. The provisions of our legislation have been included in this comprehensive sanctions legislation, and I would like to thank the conferees and the leaders of both parties for agreeing to include it.

Our part of this comprehensive sanctions bill has two parts:

First, it will require the President to compile a public list of individuals in Iran who—starting with the fraudulent Presidential election last June—are responsible for or complicit in human rights violations against Iranian citizens and their families no matter where in the world those abuses occur. It doesn't matter whether these individuals are officials in the Iranian Government or serving as their agents in paramilitary groups and other bands of thugs; we will find and uncover them all. I want to stress that this will be a public list, posted for all the world to see on the Web sites of the State Department and Treasury Department. We will shine a light on Iran's human rights abusers. We will publish their names and their faces, and we will make them famous for their crimes.

Second, this bill will then ban these Iranian human rights abusers from receiving visas and impose on them the full battery of sanctions under the International Emergency Economic Powers Act—that means freezing any assets and blocking any property they hold under U.S. jurisdiction and ending all of their financial transactions with U.S. banks and other entities. These provisions mark the first time the U.S. Government has ever imposed punitive measures against persons in Iran because of their human rights violations. In short, under this legislation, Iranian human rights abusers will be completely cut off from the global reach of the U.S. financial system, and that will send a powerful signal to every country, company, and bank in the world that they should think twice about doing business with the oppressors of the Iranian people.

It also sends an unequivocal and powerful message to the people in Iran who are demonstrating and working peacefully for their human rights that we share their interests and their struggles. We are not simply focused on the regime's nuclear program, although that remains a key concern, nor are we solely focused on the regime's support for terrorism, although that too remains a high priority. We are also making the human rights of Iran's people an equal priority of our government.

Now more than ever, it is urgent and essential that we support the peaceful aspirations of the Iranian people. One year ago, the conventional wisdom in the West held that the prospect for political evolution in Iran was dim and distant. But, as it often is, that conventional wisdom was utterly wrong. After the Iranian people were denied their right to a free and fair election, the world watched in awe as a sea of protestors—by some estimates, as many as 3 million Iranians—swelled in the streets all around the country. Ordinary Iranians realized they could not remain neutral in the struggle for human rights in their country, and they became part of it. As a result, history was made before our very eyes. One year ago, democratic change in Iran looked rather improbable. Just 1 week later, it looked virtually inevitable.

Unfortunately, the ensuing crackdown has been and continues to be as swift as it is brutal. Peaceful protestors have been attacked in the streets by masked agents of the Iranian regime, then dragged away to the darkest corners of cruelty. Many have been raped and worse. Many of Iran's best and brightest have been forced to flee in fear from the land they love and to seek asylum in places such as Iraq and Turkey, where they remain today as refugees. We have all read the desperate pleas of terrorized Iranians as they shout for help through whatever cracks they continue to try to make in Iran's government-censored Internet. And, of course, on June 20 of last year, the entire world watched as a young woman named Neda bled to death in the streets of Tehran. On that day, I believe we witnessed the beginning of the end of this offensive government in Iran.

The past year's events have demonstrated the true character of Iran's people: proud, talented, the stewards of a great culture, eager to engage with the world, and relentless in their quest for justice—and a nation that should be a natural ally of the United States.

The past year's events have also highlighted the true character of the Iranian regime: a violent and militarized tyranny, self-serving and unconcerned with the welfare of Iran's people, with no shred of legitimacy left to justify its rule.

Any more, we cannot separate the behavior of Iran's government from its character. After all, is it any wonder that a regime that has no regard whatsoever for the rights, the dignity, the very lives of its own people would also show the same blatant disregard for its own international agreements, for the sovereignty and security of its neighbors, and for the responsibilities of all civilized nations? And is it any wonder that this Iranian regime has been and will always be uncompromising in its pursuit of a nuclear weapons capa-

bility—not just because it would be a source of power in the world but perhaps more importantly because it would be a source of safety and survival for its corrupt, unjust system at home.

My friends, I believe that when we consider the many threats and crimes of Iran's Government, we are led to one inescapable conclusion: It is the character of this Iranian regime, not just its behavior, that is the deeper threat to peace and freedom in our world and in Iran. Furthermore, I believe it will only be a change in the Iranian regime itself—a peaceful change, chosen by and led by the people of Iran—that could finally produce the changes we seek in Iran's policy.

Even now, though, we hear it said again that Iran's democratic opposition has been beaten into submission. And I would not deny that a regime such as this one, which knows no limits to its ruthlessness, will achieve many of its goals for now. But when Iran's rulers are too afraid of their own people to tolerate even routine public demonstrations on regime holidays, as they recently have been, that is not a government that is succeeding. It is a cabal of criminals who understand that their morally bankrupt regime is now on the wrong side of Iranian history.

The question we must answer is, What side of Iranian history are we on? We must also ask ourselves another question: Is the goal of our sanctions and those of our friends and allies to persuade Iran's rulers to finally sit down and negotiate in good faith, to stop pursuing nuclear weapons, supporting terrorism, and abusing their own people? I truly hope this is possible, but that assumption seems totally at odds with the character of this Iranian regime.

For that reason, I would suggest a different goal: to mobilize our friends and allies and like-minded countries, both in the public sphere and the private sector, to challenge the legitimacy of this Iranian regime and to support Iran's people in changing the character of their government—peacefully, politically, on their own terms, and in their own ways.

Of course, the United States should never provide its support where it is unrequested and unwanted, but when young Iranian demonstrators write their banners of protest in English, when they chant “Obama, Obama, are you with us or are you with them?” that is a pretty good indication that we can do more, and should do more, to support their just cause.

We need to stand up for the Iranian people. We need to make their goals our goals, their interests our interests, their work our work. We need a grand national undertaking to broadcast information freely into Iran and to help Iranians access the tools to evade their

government's censorship of the Internet. We need to name and shame, pressure and even penalize any company that sells Iran's government the tools it uses to oppress its people and block their access to information. We need to let the political prisoners in Iran's gruesome gulags know they are not alone, that their names and their cases are known to us and that we will hold their torturers and tormenters accountable for their crimes.

Finally, we need the administration to use the new authorities this bill creates to impose crippling sanctions on Iranian human rights abusers—to go after their assets, their ability to travel, and their access to the international financial system.

If there were ever any doubt, the birth of the Green Movement over the past year should convince us that Iran will have a democratic future. That future may be delayed for a while, but it will not be denied. Now is the time for the United States to position ourselves squarely on the right side of Iranian history. The Green Movement lives on. Its struggle endures, and I am confident that eventually—maybe not tomorrow or next year or even the year after that—eventually Iranians will achieve the democratic changes they seek for their country. The Iranian regime may appear intimidating now, but it is rotting inside. It has only brute force and fear to sustain it, and Iranians won't be afraid forever.

I am pleased we have finally finished this important piece of legislation. I am pleased it contains tough, targeted human rights sanctions. I urge my colleagues on a bipartisan basis to pass this bill.

Mr. LIEBERMAN. Mr. President, the Senate has now turned its attention to the conference report on the Comprehensive Iran Sanctions Accountability and Divestment Act of 2010.

It is a very significant piece of legislation, an excellent conference report that holds some hope of being effective and as important as anything. It is totally bipartisan which, as we know, does not happen here every day. It speaks to the unity of Members of Congress and the American people on the threat represented by the nuclear weapons development program of Iran.

More than a year ago, Senator JON KYL of Arizona, Senator EVAN BAYH, and I joined to introduce the Iran Refined Petroleum Sanctions Act. Over the course of last year, more than three-quarters of the Members of the Senate decided to cosponsor our bill. The core provisions of that legislation have now been incorporated into this conference report. To me that means that today, as a body, we have the opportunity to reaffirm the overwhelming bipartisan support for Iran sanctions that exists in Congress and, by doing so, send an unambiguous and united message of determination and

strength to the fanatical anti-American regime in Tehran.

It was my privilege to serve on the conference committee that produced the legislation that is before us. This bill, when enacted, will be the most powerful and comprehensive package of sanctions against the current regime in Iran that has ever been passed by Congress. I am tremendously grateful to the leadership of the conference co-chairs, beginning with my senior colleague and dear friend for so long, Senator CHRISTOPHER DODD of Connecticut and, on the House side, a great legislator and leader, Congressman HOWARD BERMAN of California. These two guided this critically important legislation to the point we are at now, which is the verge of passage by both Houses of Congress.

I also want to say how grateful I am to the majority and Republican leaders of the Senate, Senators REID and MCCONNELL, for their steadfast bipartisan leadership in ensuring we adopt this time-sensitive legislation as soon as possible. Particularly, the goal was before July 4. I hope and believe the Senate will pass this legislation today, and the House of Representatives will do the same shortly thereafter, maybe even before. I also hope and believe President Obama will then sign the bill into law.

Just as importantly, it is critical that the Obama administration forcefully and proactively implement the provisions of this legislation once it becomes law. The measures imposed by this conference report, together with the sanctions adopted at the United Nations and by like-minded nations, including particularly our allies in Europe and around the world, offer our last best hope of peacefully preventing Iran from acquiring a nuclear weapons capability and thereby making our world much more dangerous than it is today. The stakes for our security are great, and time is of the essence.

It is also critical that the Obama administration quickly makes use of these new authorities provided by this legislation, particularly the new authority to cut off foreign banks from the U.S. financial system, if they continue doing business with the Iranian Revolutionary Guard Corps, its front companies, and designated Iranian banks. We are, in this legislation, when implemented, giving foreign banks a choice. Do they want to do business in the United States or do they want to continue to do business with the fanatical regime in Iran? Our government must investigate and then impose sanctions—and I will use Secretary Clinton's words, "crippling sanctions"—on those foreign companies that prop up the Iranian regime by continuing to invest in its energy sector or by exporting refined petroleum products to Iran.

This legislation gives the administration a strong new opportunity to make

clear also that America is on the side of the Iranian people, the brave Iranian people who are struggling against the repressive regime in Tehran. What the administration can do is use the new authority it is given in this legislation to publicly identify those individuals in the Iranian Government responsible for perpetrating human rights violations in Iran since the June 12, 2009 election and holding those people accountable for those abuses through targeted sanctions.

It is always important to remember—and we have seen this throughout history—that a nation that represses the rights of its own people is much more likely to be a nation that will be a danger to the people and countries in its neighborhood and, with modern weapons, intercontinental ballistic missiles, nuclear weapons, ultimately, the people of the entire world.

I am pleased that this provision on human rights in Iran is in this sanctions legislation, because I believe history has shown that America's foreign policy is always at its best and most effective when we are true to the fundamental human values that defined our Nation at its birth and at our best ever since—the self-evident truth that all people are created equal and endowed by our Creator with those equal rights to life and liberty and the pursuit of happiness. The people of Iran are denied those rights by their own government. We are saying in this legislation that that ought to be also, as well as the support of their nuclear weapons program, a sanctionable offense.

I hope and pray the combined sanctions—U.N., EU, and now U.S.—will change the mindset, the calculations of the Iranian regime. But we must also recognize that every day that passes brings Iran closer to the point of nuclear no return and greatly increases the danger and insecurity throughout the Middle East and throughout the world. With every day that passes, the Iranians enrich more uranium and their stockpile of fissile material grows. Ultimately, we must do whatever is necessary to prevent Iran from acquiring nuclear weapons capability.

Almost everybody—really everybody I have heard speak on this subject—regardless of party or position in the American Government, makes that statement. It is unacceptable to the United States and the world for Iran—this fanatical state, this rogue state—to acquire nuclear weapons capability, and we must do whatever is necessary to prevent this from happening—through peaceful and diplomatic means, if we possibly can; through military force, if we absolutely must.

Iran must not be allowed to become a nuclear power. That is the bottom line. That is precisely why I am so grateful and proud and hopeful, as we take up and—I am confident—adopt this conference report and this legislation today.

I yield the floor.

Mr. LEVIN. Mr. President, the conference report before us today attempts to deal with one of the most important and difficult national security challenges we face: the Islamic Republic of Iran—a country whose leaders disregard international norms, abuse the rights of their own people, support terrorist groups, and threaten regional and global stability.

Iran's continued refusal to be open and transparent about its nuclear program jeopardizes the security of its neighbors and other countries in the Middle East. There is a strong, bipartisan determination in this Congress to stop Iran from acquiring nuclear weapons. President Obama has focused considerable effort towards that goal. He has said "the long-term consequences of a nuclear-armed Iran are unacceptable" and that he doesn't "take any options off the table with respect to Iran." I support that view, and if Iran pursues a nuclear weapon, all options, including military options, should be on the table.

The United States and the international community remain committed to trying to solve these especially difficult problems peacefully. The administration has sought through a variety of means to engage the government of Iran and make clear the benefits to their nation and its people if Iran complies with international norms. Through six U.N. Security Council resolutions, the latest passed just this month, along with numerous U.S. laws and executive orders, the United States has sought, unilaterally and with our international partners, to persuade Iran to abide by its international obligations. The goal of all these actions has been to make Iran understand in practical terms the consequences of its actions.

So far, Iran has refused to listen. That is why the conference report we consider today is so important. If we are to resolve our differences with Iran, hopefully without resorting to military action, we must exhaust every opportunity to make clear, without any room for doubt, the price Iran will pay for its continued violations of U.N. resolutions.

The measure before us will sanction Iran for its willful misbehavior, and it will penalize multinational firms that support Iran. More specifically, it will sanction firms that sell Iran refined petroleum or refining products, or goods, services or information that help it develop its energy sector; ban U.S. banks from transacting with foreign financial institutions that do business with Iran's Islamic Revolutionary Guard Corps, an organization that combines a key component of Iran's military establishment with an extensive business empire that represses Iran's citizens; broaden sanctions available under the Iran Sanctions Act by adding to the

menu of available sanctions a ban on access to foreign exchange in the United States, a ban on access to the U.S. financial sector and a ban on U.S. property transactions; ban companies that assist Iran in blocking the free flow of information or restricting its citizens' freedom of speech from contracting with the U.S. Government, and require that companies bidding on U.S. Government contracts certify that they and their subsidiaries do not engage in sanctionable conduct; and strengthen the U.S. trade embargo against Iran by putting into law longstanding executive orders and limiting the goods exempted from the embargo.

While passage of this conference report—just like the U.N. Security Council's passage of Resolution 1929 on Iran—is important, it is critical that this law be implemented vigorously. It also will be critical that the U.N. panel created by Security Council Resolution 1929 is active in its efforts to identify non-compliance of any U.N. member states. Iran's continued unwillingness to disclose fully and completely information about its nuclear program surely means that Iran is either pursuing a nuclear weapon or preserving options to develop a nuclear weapon. It is only from full implementation of this law and pressure from the international community that Iran may be dissuaded from this course.

The measures contained in this conference report would exact a real price from Iran for its continuing threats to international peace and security. Only by forcing Iran to pay such a price, and by penalizing the abettors of Iran's actions in violation of U.N. resolutions, can we bring Iran into compliance with its responsibilities under international law and human rights standards.

Mr. KERRY. Mr. President, today, Congress takes an important and forceful step to address one of our most serious national security challenges to America and our allies. A nuclear armed Iran would pose an intolerable threat to our ally Israel, risk igniting an arms race in what is already one of the world's most dangerous regions, and undermine our global effort to halt the spread of nuclear weapons.

These steps to increase pressure are necessary because Iran continues to defy the international community, the International Atomic Energy Agency, and the U.N. Security Council. Iran's publicly disclosed stocks at its Natanz enrichment facility now include more than 2,400 kilograms of reactor-grade low enriched uranium. It is especially troubling that Iran has recently begun enriching small quantities of uranium to a concentration of around 20 percent, crossing yet another nuclear threshold.

That is why, as part of a comprehensive and international effort to persuade Iran to alter its current dangerous course, we in Congress have

worked together to pass tough new sanctions that will increase the cost that Iran must pay for its continued defiance. In particular, this legislation targets businesses involved in refined petroleum sales to Iran, support for Iran's Revolutionary Guard Corps, and Iran's nuclear program. It imposes strong penalties on those in the Iranian government who have abused the rights of their own people. It tightens the enforcement of those sanctions already on the books. And it takes important steps to ensure that companies receiving U.S. Government contracts are not also doing business that enables, directly or indirectly, Iran's nuclear program.

This cannot be an American effort alone and, thankfully, it isn't. Our own efforts are now joined by U.N. Security Council Resolution 1929, as well as a range of follow-on efforts from European and other allies. It is very important that we work to ensure that all of these efforts are coordinated into a comprehensive strategy—and I am confident that we have done so.

As we implement these new sanctions, expanding and preserving a muscular international effort must remain a priority. The joint explanatory statement accompanying the act suggests that, before exercising the 4(c)(B) waiver, a determination of sanctionability must be made. We understand that some may believe that the closely cooperating waiver may be available without a determination having been made. While different from the views in the joint explanatory statement, we accept that this may be a fair reading of the obligations under section 4(c)(B).

In the face of a serious threat, Congress has put aside bipartisan divisions to act decisively. Even as we negotiated the details, we were united by a common goal: to bring maximum leverage to bear on Iran to change its behavior and abandon its nuclear weapons ambitions.

It is important to note that the President's willingness to explore a diplomatic solution is a crucial reason why today it is Iran—not those who seek to pressure Iran—who is isolated. Recent experience suggests that neither sanctions nor engagement alone will convince Iran to abandon its nuclear program. Only by combining both pressure and diplomacy into a comprehensive and coordinated strategy will we have a chance at altering Iran's behavior.

Finally, we do not seek to punish the people of Iran, but to persuade the Iranian regime to do what is in their best interests and the world's. These sanctions bring us one step closer to peacefully resolving this grave threat.

Ms. SNOWE. Mr. President, I rise today in strong support of the conference agreement on H.R. 2194, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010.

Through both its actions and statements, the government of Iran has proved itself to be a destabilizing and dangerous regime in an already volatile region. The Iranian government's ongoing uranium enrichment program, its deplorable human rights record, and its material support of terrorist organizations dictate that we confront the threat it poses to the world.

Two weeks ago, the United Nations Security Council voted to approve a fourth round of sanctions against Iran, and I commend President Obama and his Administration for working with our partners at the U.N. to send a powerful message about the willingness of the global community to stand firmly in the face of Iranian aggression. However, the specter of an Iran which has the fissile materials necessary to fuel a nuclear weapon is too great a threat to leave entirely to multilateral institutions. The United States and other concerned nations must buttress the U.N. Security Council's actions individually to ensure maximum pressure on the Iranian government.

That is why I am proud to vote today in support of the conference agreement on the Comprehensive Iran Sanctions, Accountability, and Divestment Act. The bill before us would impose new economic penalties against foreign companies that sell Iran goods and services that assist it in developing its energy sector, and it would give the President the tools to hold accountable those entities linked to Iran's brutal Islamic Revolutionary Guard Corps, its illicit nuclear program, or its support for terrorism.

By broadening the categories of transactions that trigger sanctions and increasing the number of sanctions available to the President, this legislation will bolster our diplomatic efforts by targeting the Iranian regime at its weakest point: its economy, which is still highly dependent on its petroleum sector.

Lastly, while this legislation represents a vital step forward in our efforts to constrain the Iranian government's hostile policies, it is absolutely crucial that this Congress work closely with the administration to make certain these new tools are implemented and applied effectively to achieve our objectives. Many of our global partners maintain trade and investment ties with the Iranian regime, and I implore the President and the Secretary of State to utilize this month's growing momentum to ensure the global community is speaking with one voice when it comes to preventing the rise of a nuclear Iran.

I am proud to join my colleagues in the Senate in passing the Comprehensive Iran Sanctions, Accountability, and Divestment Act, and I am hopeful this will send a compelling message to the rest of the world as the global community works together to halt Iran's uranium enrichment program.

Mr. SHELBY. Mr. President, I rise today to speak in strong support of the conference report to accompany the Comprehensive Iran Sanctions, Accountability, and Divestment Act. I want to thank my colleagues, Chairman DODD, and House Foreign Affairs Chairman HOWARD BERMAN and Ranking Member ILEANA ROS-LEHTINEN for working cooperatively to complete work on this conference report.

There is general agreement that the existing Iran Sanctions Act has not worked either in practice or in its intent to stop Iran's nuclear program or its support of terror. Iran, today, is a more dangerous rogue state than ever before.

Though not a silver bullet, the Comprehensive Iran Sanctions, Accountability, and Divestment Act is undoubtedly one of the toughest sanctions measures that Congress has produced and promises to be more effective than current law.

The act continues to prohibit investments of \$20 million in Iran's energy sector, but now we have closed an earlier investment loophole that allowed for sales of petroleum-related goods, services, and technology to Iran.

The act also broadens the categories of transactions that trigger sanctions to include sales to Iran of refined petroleum products and prohibits any assistance to Iran to either increase or maintain its domestic refining capacity.

In addition to the existing menu of six sanctions, we have established three new sanctions on foreign exchange, access to the U.S. banking system, and against property transactions. Under current law, the President must choose two from a menu of six sanctions. He now must impose at least three of the nine sanctions.

Despite dozens of credible reports of investment violations over successive administrations, there has been but one Presidential determination of a violation made 12 years ago. In that particular instance, the President waived the imposition of sanctions.

This act will put an end to that practice. The sanctions regime will now require the President to investigate a report of sanctionable activity and make a determination whether a violation has occurred. That determination must be reported to Congress and if a violation has occurred, the President must impose sanctions or give the specific reasons why a waiver of the sanctions is necessary. Prior law merely authorized a President to investigate. It did not require a President to investigate or make a determination if he chose to investigate.

A brand new mandatory financial sanction imposes severe restrictions on foreign banks doing business with Iranian banks or the IRGC—Iranian Revolutionary Guard Corps—and its affiliates, which are increasingly seen to

command vital sectors of the Iranian economy.

The act also establishes a legal framework for States and local governments and a safe harbor for fund managers to divest their portfolios of foreign companies involved in Iran's energy sector. We have also created a system to address black market diversion of sensitive technologies to Iran through other countries.

In order to accommodate the President's constitutional authorities in the conduct of foreign affairs, we have had to preserve the prior construct of waivers and exceptions to these sanctions throughout the act. We have tried, however, to give the President as narrow an opening as possible for diplomatic delays. Even though the window for delay remains slightly open, this legislation is a vast improvement over prior law, and ensures that the President must make a determination to impose sanctions or provide Congress with a timely and written rationale for any delays or waivers.

During the conference process, the administration insisted that we include a so-called closely cooperating countries exemption. Such an exemption would spare a country and its firms from any public risk to reputation and imposition of sanctions because an exemption, as opposed to a waiver, allows the country in question to avoid the specter of an investigation altogether.

Instead, an already existing waiver for countries that cooperate with the United States in multilateral efforts to prevent Iran from acquiring nuclear weapons technology was modified to give a country and its firms, on a case-by-case basis, more time to cure their behavior.

This waiver for cooperation can only be used, however, after the President first initiates an investigation, makes his determination whether sanctionable activity exists, and then certifies to Congress who would get the waiver. He must then explain exactly what actions that particular government is taking to cooperate with multilateral efforts and why the waiver is "vital to the national security interests of the United States."

Once enacted, this law will allow the Treasury Department to put key companies and countries on notice that the clock is running, investigations are to begin immediately, and there is little room to avoid determinations of potential violations. In other words, there is no place left to hide.

Once again, nothing that we have done in this conference report will curb Iran's nuclear ambitions. But, targeting Iran's oil and gas sectors will certainly raise the stakes for Iran's leaders, perhaps enough for them to consider confining their nuclear ambitions to peaceful uses.

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for

the conference report on the Iran Refined Petroleum Sanctions Act.

This conference report expands sanctions authorized by the Iranian Sanctions Act of 1996 to foreign companies who sell Iran refined petroleum, support Iran's domestic refining capacity or sell Iran goods, services, or know-how that assist it in developing its energy sector; bans U.S. banks from engaging in financial transactions with foreign banks who do business with Iran's Islamic Revolutionary Guards Corps or facilitate Iran's nuclear program and its support for terrorism; establishes three new sanctions the President may impose on violators of the Iranian Sanctions Act and requires the President to impose at least three of nine possible sanctions authorized by that act; bans U.S. government procurement contracts to companies that export technology to Iran that inhibits the free flow of information; and authorizes States and local governments to divest from companies involved in Iran's energy sector.

The sanctions will terminate when the President certifies to Congress that Iran is no longer a state-sponsor of terrorism and has ceased efforts to acquire nuclear, biological, and chemical weapons and ballistic missiles and technology.

Let me be clear: I am deeply concerned about Iran's uranium enrichment program and its refusal to abide by United Nations Security Council resolutions calling on Tehran to cease its activities and, once and for all, come clean about its nuclear program.

A nuclear Iran would represent a serious threat to the security of the United States, Israel, and the international community.

The question is, What is the best way to convince Iran to abandon its uranium enrichment program?

During the previous administration, the United States sat on the sidelines and refused to talk to Iran.

We let the United Kingdom, France, and Germany do the hard work of negotiating with Tehran as we remained silent.

And it got us nowhere. Iran's uranium enrichment program accelerated and became more advanced.

We had to try a different approach.

I strongly supported the Obama administration's decision to break with this past and pursue a robust, diplomatic initiative with Iran.

I am disappointed we have not made more progress. Indeed, Iran has taken steps in the wrong direction.

A new, secret enrichment facility at Qom was uncovered.

Iran refused to accept a U.S.-Russian proposal to ship its low enriched uranium to Russia and France for further processing for medical isotopes.

And it continues to drag its feet on revealing to the International Atomic Energy Agency the full extent of its nuclear program.

But the commitment this administration made to diplomacy gave us the leverage we needed to secure the backing for a fourth round of sanctions at the United Nations Security Council.

There was no question that China and Russia were skeptical about additional sanctions.

Securing their support and maintaining the support of our allies required principled, sustained, and deft diplomacy and I congratulate the administration for its success.

Yet I recognize that the U.N. resolution could have been stronger and that unilateral action, such as the sanctions included in this legislation, will complement the U.N. efforts.

And that is why I support passage of this legislation.

Nevertheless, I believe it is critical for the United States to continue to pursue the diplomacy track.

We must develop a "Plan B" to deal with the possibility that Iran's nuclear ambitions progress.

Iran has been able to withstand previous sanctions initiatives and there is no guarantee that this latest round will be more effective.

We know that China and Russia are unlikely to support tougher measures at this time.

Military action is not a "Plan B". A strike would likely only delay, not destroy, Iran's nuclear program and lead to more violence and instability in the region.

In my view, we must use the passage of the latest U.N. Security Council resolution and passage of this legislation as an opportunity to reach out to Tehran again on a fresh diplomatic initiative, not just on the nuclear program but on other issues where we can find some level of common ground and avenues of cooperation.

Two months ago I had lunch with Iran's ambassador to the United Nations, Mohammad Khazaei, and I was struck by the lack of trust and understanding between our two countries.

If we can find ways to build that trust, we may be able to secure progress on the most intractable issues.

As chair of the Caucus on International Narcotics Control, I strongly suggest that cooperation on counter-narcotics efforts is a good place to start.

For example, Iran has suffered greatly from the influx of Afghan opium: based on U.N. Office of Drugs and Crime annual assessments, approximately 140 tons of Afghan heroin enter Iran each year from Afghanistan—105 tons—and from Pakistan—35 tons; the estimated heroin user population in Iran is around 400,000 individuals, consuming, at a rate of about 35 grams per year, almost 14 tons of heroin annually; drug trafficking is considered such a major security threat that the government has spent over US\$600 mil-

lion to dig ditches, build barriers and install barbed wire to stop well-armed drug convoys from entering the country; and more than 3,500 Iranian border guards have been killed in the past three decades by drug traffickers.

Given that the Iranian drug use epidemic is providing funding for the insurgency in Afghanistan, it seems logical to begin a cooperative dialogue with Iran on this area of mutual concern to build trust between both sides and promote progress on other matters, particularly Iran's nuclear program.

I am hopeful that the passage of this legislation will not cease efforts on a diplomatic solution, but open the door to finding new ways to build trust and understanding between Iran and the international community.

There is no guarantee that we will be successful in convincing Iran to suspend its uranium enrichment program but we have to explore every possible avenue.

I firmly believe that we can still find a solution and work out our differences.

I am hopeful that this legislation will bring us closer to that goal.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from New Jersey.

**MR. MENENDEZ.** Mr. President, I rise today in strong support of this conference report for robust sanctions against Iran. I was proud to serve with, among others of my colleagues, Senator DODD, on the conference committee. I want to recognize the hard work he has done to create a strong sanctions bill.

These sanctions, I believe, will deter the threat Iran poses to U.S. national security because of its suspected nuclear weapons program. A country that has huge oil reserves clearly does not need nuclear power for nuclear energy. Therefore, the difference between its stated goals and its actions creates, I believe, a threat to the national security of the United States.

I have been eager for today's vote. During the process of the conference committee, I have advocated for the strongest sanctions possible.

I believe deeply that we must apply maximum pressure to the Iranian regime, that it is a growing threat to the region, the world, and a threat to its own people. In my view, tightening the screws on the Iranian regime genuinely advances the cause of stability and peace in the Middle East as well as our own national security. These sanctions are an essential means to that end.

I have seen what the United Nations has done, and I am glad we got some multilateral response. But, in my view, they are not strong enough. That is why I think it is essential that we continue to lead many of our allies, who will be more robust in their actions if we pass this legislation today.

In my view, it is essential that we freeze the assets of Iranian officials who have supported terrorism—with this legislation we will do that—that we impose sanctions against companies that engage in oil-related business with the Iranian regime—and with this legislation we will do that—that we monitor Iran's usage of energy-related resources other than refined petroleum, especially ethanol, to ensure Iran is not allowed to replace its current petroleum needs with ethanol which would, in essence, severely undercut the intent behind these sanctions. So I am glad we have pushed for language that will follow that.

We need the ban on trade with Iran to be strong, to be significant, and to be airtight. We need to press the Iranian Government to respect its citizens' human rights and freedoms, to identify Iranian officials responsible for violating those rights and impose financial penalties and travel restrictions on these human rights abusers.

We need to prohibit the U.S. Government from contracting with those companies that export communication-jamming or monitoring technology to Iran. We simply cannot allow the regime to restrict communications between Iranians and between Iran and the outside world as happened during the postelection protests.

We clearly see there is a desire among the average Iranians to be able to change the nature of their lives. We saw those willing to risk their freedom, willing to risk their lives. We cannot have the U.S. Government contracting with those companies that export communication-jamming or monitoring technology to Iran that in essence allows the regime to do exactly that.

We need to ban trade with Iran with exceptions for the export of food, medicines, humanitarian aid, and the exchange of informational materials.

There is something I included in the Senate bill before it went to conference, and I am glad to see it is largely still in the legislation we will vote on today. We needed targeted sanctions against the Iranian Revolutionary Guard Corps, its supporters and affiliates, and any foreign governments that provide the Iranian Revolutionary Guard Corps with support.

I am pleased to see this report will ban U.S. banks from engaging in financial transactions with foreign banks that do business with the Revolutionary Guard or facilitate Iran's illicit nuclear program. The Revolutionary Guard has now spread like a cancer throughout Iranian society, and it is involved in almost everything in Iran. We need to specifically target the IRGC, the Iranian Revolutionary Guard Corps, and this legislation does that.

The robust sanctions against the Iranian regime that I will vote for today, and that I helped fashion, are a posi-

tive and necessary step to increase pressure on Iran so the regime fully understands the world will not only not tolerate its deceit and deception any longer, but it cannot tolerate its march to nuclear power and ultimately nuclear weapons. I will vote for these sanctions because they are robust, because they are in our national security interests and in the interests of the region and the world.

I hope my colleagues, on a strong bipartisan basis, will join in casting similar votes because when we do, we send a message, No. 1, to the administration that there is, I hope, near unanimous support for the type of sanctions we are advocating that strengthens the hand of the President as he deals with other countries in the world, as he deals in the international forum, and it sends a clear message to Ahmadinejad that the United States is serious about stopping its march to nuclear weaponry.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I rise today to share my concerns as well about Iran and to express my support for tough sanctions against Iran. Iran poses a threat to the United States as well as to the international community. It continues to support terrorist organizations around the world, including Hamas and Hezbollah. Iran has also called for the destruction of the democratic State of Israel. These actions illustrate Iran's destructive intentions.

Iran continues to pursue nuclear capabilities. While Iran claims its nuclear programs are intended for civilian use only, this is very difficult to believe. In fact, reports from the International Atomic Energy Agency of February of 2008 and May of 2010 question Iran's claim of pursuing nuclear capabilities for purely peaceful purposes. Nuclear capabilities and proper management of these capabilities is a serious responsibility. Iran has neither earned the right nor the trust for this nuclear responsibility.

Iran continues to develop its nuclear programs without giving the International Atomic Energy Agency sufficient access, access to and information regarding its nuclear program. I understand the need for energy and the complexities surrounding the dual use nature of nuclear technology. However, Iran placed itself under obligations to the international community and agreed to comply with international safeguards and inspections.

Iran has not fulfilled its commitments. It has not fulfilled its commitment to be transparent with the International Atomic Energy Agency or to maintain obligations under the Nuclear Nonproliferation Treaty.

Iran does not want to join the international community efforts on curbing the development of nuclear weapons. I

believe without serious consequences for the proliferation activities there is little if any incentive for Iran or any other country considering nuclear weapon-related activities to refrain from doing so. So I believe it is imperative that the United States work to increase comprehensive economic sanctions on Iran.

The United States and the international community continue to threaten Iran with more sanctions. On June 9, the U.N. Security Council adopted resolution 1929. This represents the fourth round of sanctions against Iran from the international community. It is past time that this Congress act, act to put teeth into our threats of additional sanctions. I believe it is time today to implement economic sanctions to the full extent possible.

Iran's leaders must be forced to realize that while they may be able to survive political isolation, they cannot ignore the adverse consequences to their ability to function in a global economy.

I believe the status quo is not working in our dealings with Iran. I do not believe Iran is a country that we can quietly watch and hope that nothing serious is happening behind closed doors. Terrorism does not allow anyone to do so. It is time to act, and I call upon this Congress to support economic sanctions against Iran.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. I ask unanimous consent that the time in the quorum call be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I think I have 10 minutes. Is that right? Would the Chair advise me when 10 minutes expires?

The PRESIDING OFFICER. The Chair will do so.

Mr. GRAHAM. I take the floor today in support of the conference report that has been agreed to by the conferees regarding Iran sanctions. I wish

to compliment Senators DODD, SHELBY, LUGAR, KERRY, LIEBERMAN and others who were involved in negotiating this compromise.

The Iranian sanctions bill will give the President tools he does not have today that will allow us as a nation to be more forceful when it comes to trying to alter Iranian behavior. I think most people in this body see the Iranian regime up to no good, that the Iranian regime has been oppressing its own people, and they present a great threat in terms of the region and the world at large. They are one of the greatest sponsors of terrorism of any nation in the world. This sanctions legislation, which is bipartisan, will allow the President more tools. It will prevent access to foreign exchange in the United States. It will prevent access to our banking system by people who do business with Iran in unhealthy ways, and it will prevent the purchase of property in the United States in case the Iranians are looking for a place to put their money. We are going to take our banks and our real estate off the table so they cannot use us to profit from their brutal behavior.

It gives the ability to the President to waive these sanctions when it comes to countries that are cooperating with us. The whole goal of this legislation is to empower the administration and our Nation with tools that would create a downside for the Iranian Government to continue to try to develop a nuclear weapon and support terrorist organizations.

I am hopeful this will have some deterrent effect. The United Nations is beginning to act. The European Union, Russia, and China seem to be more helpful to the Obama administration. Anything we can do to help, we will. The idea of trying to get Iran to change its behavior through internal cooperation is a worthy idea to pursue. I hope it works.

Senator SCHUMER and I offered legislation not long ago that would prohibit companies that do business with the Iranian regime in the area empowering the regime in terms of technology to interfere with the Internet and stop the people of Iran from communicating with each other. That made it into the bill. I want to thank the conferees. What Senator SCHUMER and I came up with months ago, right after the massacre of the students by the Iranian regime, one of the things that led to this people's revolt in Iran, was the ability to Twitter and talk to each other, use the Internet. The Iranian regime has been trying to suppress the ability of the Iranian people to talk to each other, and we created legislation that told the international community: Any company that empowers this regime to suppress the free flow of information among the Iranian people would lose business when it came to American business. That made it in the bill. I hope that will help.

The Iranian people have had a very difficult time. The election, as seen by the Iranian people and the world at large, of Ahmadinejad has been, quite frankly, a fraud and a joke. About a year ago, a little over a year ago, a young lady captured international attention and the hearts and minds of the world—I think her name was Neda—who was killed in the streets of Tehran. She was a beautiful young girl who had taken to the streets to try to defy this regime's oppressive behavior.

So as we look at the world here in the middle of June regarding Iran, there is a lot of hope I have that the Iranian people have turned the corner in terms of what they want for their future. We need to be their partner in a constructive way. It is one thing to empower the people, it is another thing to empower the regime that oppresses the people. Some of the sanctions we are proposing would make life difficult for the every-day Iranian, but I think they would welcome that, if it would give them the ability to weaken the regime they no longer tolerate or support.

The sanctions route with Russia and China has potential. If the world will speak with one voice and support President Obama in terms of making the consequences that the Iranian nuclear program is a support of terrorism unacceptable economically, including refined petroleum products, it would be good for the world at large.

Our friends in Israel are very concerned, as they should be, about the way Iran is moving toward supporting Hezbollah and Hamas and other organizations that are bent on the destruction of Israel. A nuclear weapon in the hands of this regime would be a nightmare for the world at large, but it would be horrible for the State of Israel. It is my hope we can avoid that. I hope sanctions work. However, the world must understand that sanctions is a tool to change behavior. It is worthy of our time to try to change behavior with these sanctions.

What is unacceptable is to practice a policy of containment, to accept a nuclear-armed Iran and hope that we contain it. To me that is a folly. That is a scenario that would lead to the unthinkable. If Iran ever does acquire a nuclear weapon, you are not going to contain it. You are going to have a Mideast where other people want a nuclear weapon to hedge their bets against Iran. You will have a world where a regime has a nuclear weapon and could be no better friend of the terrorists than Iran. I think President Clinton, when I was in Israel with him, spoke well of this.

He talked about his biggest fear if Iran got a nuclear weapon. It would not be so much an attack against Israel or our allies as would be it falling into the hands of a terrorist organization that would use it against Israel or our al-

lies. I think President Clinton is correct in being worried about that.

So this is a good day. We cannot agree on much here in Congress. We are in a pretty partisan environment right now. I hope that will pass one day. But when it comes to Iranian sanctions, we came together as a body. We are giving tools to the administration to hopefully change the behavior of this regime. I am proud of our colleagues who negotiated this deal with the House. I am hopeful it will help.

I will conclude with one final thought: Whatever tools it takes to change the behavior of the Iranian Government we need to keep on the table, and the best tool is a peaceful tool. But if military force is ever required to change Iranian behavior, I hope that will be at least considered as the last option, not the first option. I hope we never go down that road. But it may be a road you have to explore if all this fails.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. RISCH. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RISCH. Mr. President, I ask unanimous consent that the quorum calls be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RISCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

Mr. KYL. Mr. President, I wish to speak on the Iran sanctions conference report which I assume we will be approving in a matter of a few minutes. This is a very important event in the Congress and could play a very significant role in the history of our country. I support the conference report. It is designated as H.R. 2194. I reiterate, I believe it is crucial that the Senate approve the conference report and that the President sign it into law as soon as possible. I fully predict both of those things will occur.

Let me mention three of the most important provisions of the bill so we know what it does. It deals with sanctions against Iran. There are two reasons: No. 1, to prevent Iran from acquiring a nuclear capability, and No. 2, to support the aspirations of the people

of Iran for a more representative government.

What the bill does first is to expand the scope of existing sanctions against companies that invest in Iran's energy sector, and it includes measures to punish firms that export gasoline to Iran. We would think a country such as Iran would have plenty of gasoline, but they do not have refinery capacity to create the finished product which their people must use. So something on the order of at least 40 percent of their gasoline has to be imported. Because of this heavy dependence on imported gasoline, it is vulnerable to outside pressure, and that is why this particular sanction is an important step. By putting a squeeze on Iran's gas supplies and dissuading energy firms from investing in the country, we can hopefully force the Iranian regime to make difficult decisions about its finances, thereby further increasing its unpopularity.

Second, the bill limits nuclear cooperation agreements between the United States and countries which sell illicit materials to Iran. It also limits licenses under any such current agreements. A country that allows its citizens or companies to provide equipment or technologies or materials to Iran that make a material contribution to its nuclear capabilities should not benefit from nuclear cooperation with the United States, and we make it clear that won't be permitted under this provision.

The third thing the bill does is it includes the so-called McCain language that requires the President to compile a list of Iranian officials, specific people who have brutalized the Iranian people, and to impose sanctions against those particular individuals identified as human rights violators. The administration can use the new authority it is given in this legislation to publicly identify those people in the Iranian Government who are actually responsible for perpetrating human rights violations in Iran since the fraudulent elections in June of 2009. It can hold these people accountable through these targeted sanctions. The measure also requires that such persons be subject to restrictions on financial and property transactions. It also makes such persons ineligible for U.S. visas.

We can see there is a broad array of targeted kinds of sanctions that, combined, could have a significant impact on our policy with Iran.

While I am pleased that the conferees concluded their work and the legislation is here on the floor, I do wish to note in passing that it is long overdue. At the request of the administration, Congress has repeatedly delayed action on bilateral sanctions legislation. Because sanctions take time to work, we have given up some time here.

In some respects, we have wasted too much time waiting for the United Na-

tions to finally act, as it eventually did earlier this month. The U.N. Security Council resolution, however, will do very little to slow down or stop Iran's nuclear weapons program or even prevent its support for terrorism around the world. Its provisions—the bulk of them—are voluntary. They don't deal with Iran's energy sector. This is primarily because of the demand of the Chinese Government. It also excludes Russia's cooperation with Iran on the Bushehr powerplant as well as the sale by Russia of the S-300 missile system to Iran, a very modern and effective anti-aircraft system which could certainly play a role in defending Iran against an attack on its nuclear facilities.

In addition, the divided vote of the Security Council displays to Iran that the world is not united in dealing with its illicit conduct. In fact, I argue that, in a way, we are in a worse position than we were 18 months ago when the President started his diplomacy in dealing with Iran. Up to then, all of the resolutions that had been passed against Iran had been unanimous. This one was not unanimous. In some respects, we have lost ground.

It is clear that the President's effort to get the Iranian regime to negotiate for that 18-month period did not achieve anything except allow the Iranians more time to develop their weaponry. The U.S. sanctions resolution is not going to be very effective in going any further than that, in my view, nor will the European Union add much to the U.N. resolution, although they will add something.

Before I conclude, let me ponder for a second a question others have asked, which is, How important is it that we do everything we can to prevent Iran from acquiring a nuclear weapon? What would happen if it did acquire a nuclear weapon? What would be the big deal?

Imagine a world in which Iran does have a nuclear weapon. Lay aside the fact that we have a picture of the Iranian leader, Ahmadinejad, with a nuclear weapon and just imagine what he would do with that. Would it really be possible to contain a nuclear Iran using conventional deterrence mechanisms?

Some would say: We lived with a nuclear-armed Soviet Union for four decades. It worked with Moscow; why would it not work with Tehran? To some extent, it depends on the definition of "work." Will it work?

Remember that while the Soviets never actually used their nuclear weapons, the fact that they possessed the weapons made a big difference in political events over those 40 years. It allowed them to subjugate Eastern Europe, and we had no way of responding. Had we tried to respond, there was the nuclear threat against us. It allowed them to foment a Communist revolution around the world and to sponsor a range of international terrorist groups

during this period of time. When the Soviets invaded Hungary in 1956 in order to crush a democratic uprising, they knew the risk of a nuclear exchange would prevent the United States from responding with military force. I remember at that time the disappointment of the Hungarians who thought the United States had led them to think we would be supportive. In effect, there was nothing we could do that wouldn't potentially provoke a nuclear attack by Russia, and nobody wanted that. In other words, Moscow's nuclear arsenal served as the ultimate deterrent. It allowed the Kremlin to undermine U.S. interests across the globe without fear of an American reprisal. The Soviets didn't need to use their nuclear weapons in order to achieve results; the mere fact that it had nuclear weapons dramatically increased both its strategic power and its leverage over foreign policy and, to some extent, over the United States.

The same would be true if Iran acquired nuclear weapons. Even if the mullahs never actually detonated a nuclear bomb, their acquisition of a nuclear capability would forever change Iran's regional and global influence, and it would certainly forever change the Middle East. If Iran went nuclear, its neighbors—thinking particularly of Egypt, Saudi Arabia, and Turkey—might feel compelled to pursue their own nuclear arsenals. Tehran could easily trigger a dangerous chain reaction of nuclear proliferation. Once they had nuclear weapons, the Iranians would be much more aggressive in supporting terrorist organizations that are killing even American troops, for example, in Iraq. The Iranians would also ramp up their support for Hezbollah and Hamas and possibly provide them with nuclear materials. They would be emboldened to conduct economic warfare against the West, for example, by disrupting oil shipments traveling through the Straits of Hormuz. Iran would also be more confident about expanding its footprint in Latin America, where it has established a close working relationship with Venezuelan strongman Hugo Chavez. Governments around the world would lose faith in America's reliability as a strategic partner. U.S. credibility would be irrevocably weakened.

Remember, this is not the worst-case scenario. We are assuming that a self-preservation instinct would dissuade the Iranians from ever launching nuclear weapons against our allies or even the United States. But then again, is this really a safe assumption? Iranian leader Ahmadinejad has repeatedly expressed his desire to destroy the State of Israel, and given his radical, millenarian religious views and the viciously anti-Semitic ideology espoused by the Iranian theocracy, we can't simply dismiss the idea that Iran would attack Israel with nuclear weapons.

Because the United Nations took so long to act and because its sanctions are relatively weak, there is also the possibility, as the Jerusalem Post pointed out in an article entitled "Too Little, Too Very Late," that U.N. sanctions could lull the international community into a false sense of security. That is where the action we take today could really help.

Here is what the Post wrote:

Breaking and evading these sanctions—

Talking about the U.S. sanctions—

ought to be a breeze for Ahmadinejad. A full year after Iran's deceptive elections, which spurred countrywide demonstrations, he may be less popular but his position is stable. After the regime brutally quashed his opposition, it is very doubtful that stunted sanctions will destabilize his hold on power. . . . [The U.N.] sanctions . . . are not the antidote to the Iranian nuclear threat that Israel had hoped for and that the free world so badly needs. In some ways, they may even exacerbate Israel's predicament. They will lend the appearance of an international mobilization to curb Iran's nuclear weapons ambitions, but in actuality will achieve nothing—the worst of all worlds.

That is why I think the United States separate sanctions authorized by the legislation we will vote on shortly are so important to come in behind the United Nations sanctions and what the European Union might do to supplement those actions in a way that will truly be meaningful.

Finally, I want to note something that, frankly, is as important as everything else I have said and should be seen as part and parcel to our action in adopting this sanctions legislation. It has nothing to do with nuclear weapons, but it has everything to do with human rights. We need to make it very clear to the Iranian people that we care about them, we care about their aspirations for more freedom, for more representative government, and for the ability to take advantage of the opportunities their country should be presenting for them.

We can help the people of Iran achieve those aspirations by putting pressure on the people who prevent that from occurring, the regime in Tehran, the mullah-led government. These sanctions can have an impact on those mullahs and, in turn, help the Iranian people achieve their goals.

We need to be lending moral and rhetorical support to the Iranian activists. These are the people who poured into the streets last summer in protest of a fraudulent election. Just as we championed the cause of Soviet and Eastern European dissidents during the Cold War, I believe we should promote the efforts of Iranian freedom fighters and, frankly, shine a spotlight on the regime's brutal repression. That can be done especially through the McCain provisions that are part of the Iran sanctions legislation we are considering.

Had the United Nations imposed strong sanctions on Iran a long time

ago when it was first found to be in violation of the Nuclear Non-Proliferation Treaty, I would be more optimistic about our chances of success. Iran's economy would have been under severe strain for an extended period, and the government would have had fewer resources to fund its nuclear program and less power to repress its people.

As I said, there is still time, and because we are able to approve this conference report today and send it to the President for his signature, we are able to add to the sanctions that the rest of the world is willing to impose in such a way as to not only have an opportunity to dissuade the Iranian leaders from pursuing their nuclear program but, as I said, just as importantly, to demonstrate to the Iranian people we aim to support them in their quest for greater freedom.

So I hope my colleagues will send a very strong message with a unanimous vote for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2009. I hope the President will sign this legislation immediately and begin to implement its provisions.

Mr. President, there is a long list of folks to thank: Representatives BERMAN and HARMAN and CANTOR in the House of Representatives are just some who come to mind; Senator LIEBERMAN and Senator BAYH, colleagues in the Senate; the leaders, Leader REID and Leader MCCONNELL, who have worked to bring this report to us for a vote today in an expedited way. I think this is a very good example of cooperation both between the House and the Senate and between Democrats and Republicans to accomplish something that is not just good for the people of the United States of America but people around the world—in the Middle East, and in particular the people of Iran.

So I urge my colleagues to unanimously support the conference report when we have an opportunity to vote on it shortly.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I rise today in strong support of the conference report for the Iran Refined Petroleum Sanctions Act.

First, I would like to commend Senator DODD for putting forth a comprehensive plan to arm the administration with the tools they need to put a stop to Iran's rogue nuclear program.

I believe when it comes to Iran, we should never take the military option off the table. But I have long argued that economic sanctions are the pre-

ferred and probably the most effective way to choke Iran's nuclear ambitions.

The Obama administration initiated direct diplomatic negotiations with Iran, but that government, led by President Mahmoud Ahmadinejad, stubbornly refused to suspend their nuclear program despite President Obama's genuine attempts at diplomacy.

Iran's nuclear weapons program represents a severe threat to American national interests because their acquisition of nuclear weapons could lead to the proliferation of nuclear weapons throughout the Middle East and beyond, ending any hopes for a nuclear weapons-free world.

Make no mistake, a nuclear Iran would be destabilizing to its neighbors, encourage terrorism against the United States and Israel, and the risk of both conventional and nuclear war in the Middle East would rise considerably.

President Mahmoud Ahmadinejad has already threatened to "wipe Israel off the map," so we know for a fact that a nuclear Iran would pose a potential threat to our closest ally in the region, the State of Israel.

These tough new sanctions have such overwhelming support because Members of the House and Senate, Democrat and Republican, are united in doing what is necessary to stop Iran's drive to obtain a nuclear weapons capability.

It will also impose sanctions on financial institutions doing business with Iran's Islamic Revolutionary Guard Corps or with certain Iranian banks blacklisted by the Department of Treasury.

The bill sanctions companies that export gasoline to Iran. This is one of the few pressure points where we can act unilaterally and have a real effect. The world knows Iran does not currently have the refining capacity to meet its domestic gasoline needs and is dependent on imported gasoline. So now is the time to reduce Iran's energy supply if it fails to suspend its nuclear enrichment program.

I am also glad we will be strengthening export controls to stop the illegal export of sensitive technology to Iran. During the recent Iranian elections, we witnessed the Iranian regime go so far as to block the Internet and mobile phone communications of their own citizens.

That is why Senator LINDSEY GRAHAM and I introduced the Reduce Iranian Cyber Suppression Act, or RICA, a bipartisan bill that would bar companies that export sensitive communications technology to Iran from applying for or renewing procurement contracts with the U.S. Government. I am pleased these provisions have been preserved in the conference.

I also applaud the conferees for not carving out companies from countries that are U.S. allies. There must be one

standard when it comes to punishing companies that continue to invest in Iran.

So, in conclusion, Chairman DODD has done an excellent job crafting a comprehensive plan to arm the administration with the tools it needs to put a stop to Iran's rogue nuclear program. I strongly urge my colleagues to support this plan, and I look forward to the President signing this important legislation. It is a tremendous accomplishment for Congress, and it is going to go a long way to address the real security threat that Iran poses to the United States and our world.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I rise today in strong support of the comprehensive Iran Sanctions Accountability and Divestment Act of 2010. I wish to particularly thank my colleagues on the Banking Committee for working to bring this conference report to the floor.

I have said many times before that we don't have a moment to waste when it comes to Iran. We must focus like a laser beam on Iran's dangerous refusal to cease uranium enrichment in defiance of the Nuclear Nonproliferation Treaty and multiple United Nations Security Council resolutions, because we know that Iran could not only use any weapons it acquires, but it could proliferate nuclear material and technologies to terrorist groups and rogue regimes around the world. We must act today. Iran is a threat to the security of the United States, the Middle East, and the rest of the globe.

Let me list a few of the many important provisions of this bill. First, it would specifically target companies involved in refined petroleum sales to Iran and those who are supporting Iran's domestic refining efforts. This is critical, because countless experts have told us that the way to pressure Iran is to target its oil and gas sectors. I have believed this for a long time, and I have been pushing for this bill for a long time.

According to the Government Accountability Office:

In recent years, oil export revenues have accounted for 24 percent of Iran's gross domestic product and between 50 and 76 percent of the Iranian government's revenues.

So we need to go after their revenues, because they are being used to push forward their nuclear program, which is so dangerous. We have to take away those resources, and this sanctions bill is a very good way to do that.

Second, this bill would also prohibit U.S. banks from engaging in transactions with foreign financial institutions that continue to do business with Iranian banks and Iran's Islamic Revolutionary Guard Corps. I think Chairman DODD and Chairman BERMAN captured best what this provision means:

Cease your activities or be denied critical access to America's financial system.

Third, the bill would also place significant penalties on Iran's human rights abusers. I don't think I have to explain why this is essential. Like many of my colleagues, I have watched human rights violations inside of Iran, including the brutal suppression of the opposition "Green Movement" that has sought to have its voice heard.

Fourth, I am especially pleased that the bill includes a provision requiring companies bidding on a U.S. Government procurement contract to certify that they are not engaged in sanctionable conduct. This is so important, because a recent GAO study found that the U.S. Government awarded \$880 million to seven companies between fiscal years 2005 and 2009 that were also doing business in Iran's energy sector. Taxpayer dollars from hard-working Americans must never be used to purchase goods or supplies from companies who are working to develop Iran's energy sector or who are engaged in any behavior that is prohibited by sanctions.

Finally, this bill codifies in law longstanding Executive orders that prohibit American companies from doing business in Iran. American firms, including through their subsidiaries, must never be allowed to value a quick profit over the national security of America.

I know we are going to pass this conference report today, and I know it will have strong support in the Senate. But what we must do next is be vigilant in ensuring that the new sanctions created by this bill are enforced to the fullest extent possible. I asked the administration if they are ready to enforce this law should it pass, and they said absolutely.

The situation is grave. We must send a clear and resounding message to Iran that it will pay a very heavy price for its continued defiance of international law and its reckless behavior which, again, threatens the Middle East and threatens the entire world.

So I am looking forward to voting for this and making sure as a member of the Foreign Relations Committee that this sanctions act is enforced.

Thank you very much.

I yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the world has watched as Iran has oppressed its own people, violated United Nations resolutions, challenged America, and threatened Israel.

The Senate is taking an important step forward today as we pass the conference report that will impose tough new sanctions on Iran. We are passing these sanctions because we believe we must stop Iran from developing a nuclear weapon—a weapon that would surely threaten the national security of the United States and Israel. Our goal is to target Iran where it would hurt the regime the most. These new economic sanctions are related to Iran's refined petroleum sector and international financial institutions that do business with Iran's Islamic Revolutionary Guard and Iranian banks.

The Senate has worked hard to pass this legislation. I thank Senator DODD, who worked tirelessly with Senator KERRY and the other conferees to get the final version of the bill completed. I also thank a man who came to the House of Representatives with me years ago, HOWARD BERMAN, chairman of the House Foreign Affairs Committee, who led the effort on the other side of the Capitol.

Once these sanctions become law, they will expand the multilateral sanctions passed by the United Nations and the new sanctions the European Union is discussing.

The Senate has a critical role to play by taking clear and decisive action to get the Iranian regime to change its behavior, and we have done that with passage of this conference report. I look forward to its passing later today.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. REID. Will my friend withhold for a brief minute?

Mr. MCCONNELL. Yes.

Mr. REID. Mr. President, I ask unanimous consent that following the remarks of the Republican leader, the Senate vote on adoption of the conference report to accompany H.R. 2194, the Iran Refined Petroleum Sanctions Act, with the previous order remaining in effect; provided further that upon conclusion of the vote, the following Senators be recognized to speak or engage in colloquies: Senators CORNYN and BINGAMAN for a total of 10 minutes, Senator DORGAN for up to 15 minutes, and Senators MURRAY and BOND for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I rise to briefly comment on the Iran sanctions conference report, which we will be voting on shortly.

I am pleased with the bill before the Senate, as I have been urging enactment of this legislation for some time.

I brought it up with the President on numerous occasions over the last 6 to 8 months. I cosponsored it in the last Congress and in the current one.

Congress has been slow to act as the Iranian program to enrich uranium has progressed.

Iran has also taken advantage of the delay to blunt the impact of this measure.

Just today a headline in the Washington Post read that “Iran is prepared for fuel sanctions.”

But this legislation should be viewed as only a part of a broader, comprehensive effort by the U.S. to harness the various means of national power to ensure that Iran does not secure a nuclear weapon.

As President Obama has stated, Iran’s “development of nuclear weapons would be unacceptable”.

We must work with our allies in the gulf to make clear to Iran that the cost of developing a weapon exceed the prestige they think they would gain from acquiring this capability.

First and foremost, the sanctions in this legislation need to be implemented and implemented quickly, not waived.

The time for further delay is past.

The collective strength of the recent U.N. Security Council resolution and this conference report must be combined to strike at Iranian shadow companies and the regime’s leaders.

The need for urgency should be obvious because the threat posed to the U.S. and its allies by the revolutionary Iranian regime is grave. Its president has called for Israel to be wiped off the map. An Iranian nuclear weapon threatens to set off an arms race in the Middle East, and embolden the regime in its support of terrorist groups.

Passage of Iranian sanctions is an important first step, but only a first step.

I agree with the President that the U.S. and our allies must make clear to Iran that the development of a nuclear weapon is unacceptable.

That is why I urge passage of this conference report and all other necessary measures to deter the Iranian regime.

Mr. President, I yield the floor.

Mr. REID. Mr. President, please report the bill.

The PRESIDING OFFICER. The clerk will report the conference report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the Houses on the amendment of the Senate to the bill (H.R. 2194) to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran and by expanding economic sanctions against Iran, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same. Signed by

all of the conferees on the part of both Houses.

Mr. CONRAD. Mr. President, after consultation with the chairman of the House Budget Committee, and on behalf of both of us, I hereby submit this Statement of Budgetary Effects of PAYGO Legislation for the conference report to H.R. 2194, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010. This statement has been prepared pursuant to section 4 of the Statutory Pay-As-You-Go Act of 2010, Public Law 111-139, and is being submitted for printing in the CONGRESSIONAL RECORD prior to passage by the Senate of the conference report to H.R. 2194.

Total Budgetary Effects of H.R. 2194:

2010–2015: \$0.

2010–2020: \$0.

Total Budgetary Effects of H.R. 2194 for the 5-year Statutory PAYGO Scorecard: \$0.

Total Budgetary Effects of H.R. 2194 for the 10-year Statutory PAYGO Scorecard: \$0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR THE CONFERENCE REPORT TO ACCOMPANY H.R. 2194, THE COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2010, AS PROVIDED TO CBO ON JUNE 23, 2010

	By fiscal year, in millions of dollars—													
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020	
	Net Increase or Decrease (–) in the Deficit													
Statutory Pay-As-You-Go Impact .....	0	0	0	0	0	0	0	0	0	0	0	0	0	

Note: H.R. 2194 would ban certain imports from Iran and impose sanctions on certain entities that conduct business with Iran. The act would reduce customs duties and impose civil penalties, but CBO estimates those effects would not be significant in any year.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the conference report.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—99

Akaka	Boxer	Casey
Alexander	Brown (MA)	Chambliss
Barrasso	Brown (OH)	Coburn
Baucus	Brownback	Cochran
Bayh	Bunning	Collins
Begich	Burr	Conrad
Bennet	Burris	Corker
Bennett	Cantwell	Cornyn
Bingaman	Cardin	Crapo
Bond	Carper	DeMint

Dodd	Klobuchar	Reid
Dorgan	Kohl	Risch
Durbin	Kyl	Roberts
Ensign	Landrieu	Rockefeller
Enzi	Lautenberg	Sanders
Feingold	Leahy	Schumer
Feinstein	LeMieux	Sessions
Franken	Levin	Shaheen
Gillibrand	Lieberman	Shelby
Graham	Lincoln	Snowe
Grassley	Lugar	Specter
Gregg	McCain	Stabenow
Hagan	McCaskill	Tester
Harkin	McConnell	Thune
Hatch	Menendez	Udall (CO)
Hutchison	Merkley	Udall (NM)
Inhofe	Mikulski	Vitter
Inouye	Murkowski	Voinovich
Isakson	Murray	Warner
Johanns	Nelson (NE)	Webb
Johnson	Nelson (FL)	Whitehouse
Kaufman	Pryor	Wicker
Kerry	Reed	Wyden

NOT VOTING—1

Byrd

The conference report was agreed to.

Mr. BROWNBACK. Mr. President, I rise to speak in relation to the Comprehensive Iran Sanctions, Accountability and Divestment Act of 2010 and to congratulate my colleagues on its unanimous passage. This legislation is

vital not only to sanction Iran for bad behavior but to signal to the Government of Iran our determination to keep them from developing or acquiring unclear weapons and from supporting terrorism throughout the Middle East region and around the world.

It did not have to be this way. Iran has been given every opportunity to change its ways and has chosen not to do so. Iran represents one of the biggest threats to our security, and these sanctions should help restrict Iran’s ability to operate.

Specifically, this legislation will expand sanctions on foreign companies that do business in Iran. It will ban U.S. banks from conducting financial transactions with foreign banks that are connected to the Iranian nuclear program or Iran’s terrorist enterprises.

It imposes a variety of new financial sanctions on Iran, limiting the mullahs’ access to the international banking system. And, among other provisions, provides a framework for U.S., state, and local governments to divest

their portfolios of foreign companies that work in the Iranian energy sector.

In the past, the United States has not fully utilized its sanctions authority when it comes to Iran. Obviously, enforcement is crucial. Sanctions are only effective when they are actually applied. I urge the administration, in the strongest terms possible, to make full use of the sanctions Congress has authorized in this bill.

It is no secret that Iran is openly hostile to the United States and our important allies, and failing to act would be foolish and irresponsible. The Government of Iran has rejected every opportunity to develop good relations with the rest of the world and sanctions are a logical and necessary response.

We must send a strong, unified message to Tehran and to those who aid their tyrannical ambitions. Terrorism, oppression, and subjugation ought not have any place in society. This legislation imposes financial sanctions and travel restrictions on human rights abusers in Iran. Passage of this legislation helps demonstrate that we reject the repression of the rulers in Tehran and support the efforts of the Iranian people to change their government.

And, I hope that the people of Iran will understand that is our goal here. We support the people of Iran. We support their right to choose their own leaders and chart their own future. We stand with them against the tyranny of the mullahs.

Iranians have a long and proud history, and are some of the most passionate and courageous people I have met. They are just as opposed to the actions of the Iranian regime as we are.

In fact, a little over a year ago, the people of Iran went to the polls to vote for a leader and saw their hopes for a democratically elected leader brutally crushed by a regime unwilling to cede its power. People around the world stood breathlessly, hoping the brave men and women of the Green Revolution would see their efforts rewarded.

Instead of listening to the people of Iran, Ahmadinejad and his cronies killed, imprisoned, and tortured those who were brave enough to speak out in opposition to tyranny.

Unfortunately, this violent course of action is not a recently developed tactic. To this day, there are members of the Green Revolution sitting in prison. Christians are killed for worshipping the God of their choosing, the free press has been silenced, women are brutally oppressed. The human rights abuses of Iran are extensive.

These sanctions are necessary because of the terrible nature of the regime. The rulers in Tehran have demonstrated that they cannot be trusted. They have subverted the interests of the Iranian people. They have manipulated the political process.

We in the United States of America have a duty to stand with the thou-

sands of men and women in Iran who long for the basic rights that we in America take for granted. Freedom of speech, freedom of assembly, freedom of religion, freedom of the press. These are the things the Iranian people long for, and these are the things I am confident they will one day enjoy.

Obviously, freedom for the Iranian people will require much more than legislation from the U.S. Congress, but we ought to do what we can, and this bill sends a strong signal at a key time for our efforts to halt Iran's nuclear program and for the people of Iran who seek a more representative government. I hope we take additional steps to support the Iranian people's free and unfettered access to the internet, boost their ability to receive unbiased news and information and provide the support and assistance they need to sustain the reform movement in the face of a hostile and repressive government.

Senator CORNYN and I have introduced the Iran Democratic Transition Act, which supports the transition to a freely elected democratic government in Iran by assisting eligible Iranian democratic opposition organizations with communications and distribution of information. It is an important bill to aid the courageous people of Iran, and it is my hope that in the coming weeks the Senate will be able to bring this bill to the floor for a vote.

Today is a great step forward. I look forward to working with my colleagues on other ways that we can strengthen opposition to the regime, halt the development of nuclear weapons, and support the Iranian people's drive for freedom.

The PRESIDING OFFICER. The Senator from Texas is recognized.

#### ISRAEL'S UNDENIABLE RIGHT TO SELF-DEFENSE

Mr. CORNYN. Mr. President, the terrorist group Hamas, which is supported by Iran, took control of the Gaza Strip in 2007. When Hamas did so, Israel put in place a legitimate and justified blockade of Gaza out of concern for the safety of its citizens. Hamas and its allies have fired more than 10,000 rockets and mortars from Gaza into Israel since 2001, killing at least 18 Israelis and wounding dozens of others. The Israeli defense minister said this week that Israel considers the Gaza Strip to be essentially an Iranian military base, just 3 kilometers from an Israeli town and 60 kilometers from Tel Aviv, Israel's second largest city.

The Israeli blockade has been effective in reducing the flow of weapons into Gaza and the firing of rockets from Gaza into southern Israel. Were Iran and other supporters of Hamas allowed access to the ports of Gaza, the people of Israel would be put directly in harm's way.

On May 27, the Israeli Navy, maintaining the integrity of the blockade,

intercepted the so-called "Free Gaza" flotilla and peacefully boarded five of the six ships. The sixth ship was filled with extremists whose stated intent was martyrdom. Those extremists brutally attacked members of the Israeli Navy, who were forced to act in self-defense and, in some instances, use lethal force. Although Israel was exercising its right to self-defense, which every nation is entitled to do, the incident raised an international outcry, just as it was designed to do.

Some even condemned the actions of the Israeli Navy. The "Free Gaza" flotilla was a disgraceful and premeditated attempt to break the blockade and provoke a violent confrontation with Israel, hidden under the cloak of a humanitarian relief effort. This type of despicable conduct must be condemned, especially by friends and allies of Israel.

Every country has the right to defend itself, and Israel is no different. The calls from United Nations leaders and others for an investigation into the actions of Israel have been troubling. In my view, these calls have served only to question Israel's right to self defense.

To its credit, Israel has unilaterally established a five-person panel to conduct an investigation into the flotilla incident, and its work will be monitored by two foreign observers. Yet U.N. officials are not satisfied and continue to push for a separate, international probe into the incident. As such, I believe the U.N. is unfairly singling out Israel for criticism and using a double-standard.

According to news reports, there may be new flotillas literally looming on the horizon, preparing to challenge Israel's legitimate sea blockade of Gaza. Iran's "Children of Gaza" flotilla may set sail for Gaza as soon as this weekend, according to the spokesman for the Iranian Red Crescent. Iran has directly bolstered Hamas' ability to strike Israel, and its leaders have repeatedly called for the destruction of Israel. Now, they may be sending ships. No good can come from this.

Furthermore, another group in Lebanon has announced its intention to sail its ships toward the Gaza blockade soon. Hassan Nasrallah, the leader of the terrorist group Hezbollah, has called on Lebanese citizens to help break the blockade of Gaza. So, Israel has legitimate concerns that this flotilla might be used to smuggle weapons into Gaza. I only hope the Lebanese government will do the right thing and put a stop to it.

At a time of great instability in the Middle East, these flotillas serve only as additional destabilizing forces. The Middle East does not need further violence. Israel has the solemn right to defend itself and its citizens against these flotillas and any other security threats, which continue to gather.

Israel needs friends more than ever right now.

Mr. President, I have offered a sense-of-the-Senate resolution which does a number of things: First, it reaffirms the United States' strong support of Israel, our friend and steadfast ally. It expresses the sense of the Senate that Israel's right to self-defense is inherent and undeniable. It condemns the violent attack and provocation by the extremists aboard the Mavi Marmara and any future attempts to break Israel's legal blockade of Gaza. It condemns Hamas for its failure to recognize Israel's right to exist, and the Government of Iran for its support of Hamas and its undermining of Israel's security.

This resolution also encourages the Government of Turkey to recognize that continued strong relations with Israel are of the utmost importance. The resolution supports our friend and ally, Israel, and it does so unequivocally. By passing this important resolution, the Senate will help remind the world that the United States stands with our ally—Israel.

Mr. President, there are 14 Senators who have cosponsored this resolution, and at this point I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate now proceed to the consideration of S. Res. 548.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 548) to express the sense of the Senate that Israel has an undeniable right to self-defense, and to condemn the recent destabilizing actions by extremists aboard the ship Mavi Marmara.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CORNYN. Mr. President, several colleagues had some constructive suggestions about amendments to this measure, and there were two amendments that we modified the original resolution with. At this point, I ask unanimous consent that the amendment at the desk be agreed to, and I urge adoption of the resolution, as amended.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4396) was agreed to, as follows:

On page 7, strike lines 22–24

The PRESIDING OFFICER. Is there further debate on the resolution, as amended?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, before the Senate votes on Senate Resolution 548, I wish to speak briefly in opposition to it.

This resolution speaks to this so-called "flotilla incident" that occurred a few weeks ago near Gaza. I am con-

cerned that this resolution does not help either the United States or Israel. I support Israel. I have done so during all my years here in the Senate. But I also believe that the only way to ensure Israel's long-term security is to have a genuine peace agreement between Israel and the Palestinians. This resolution does not bring us closer to that peace.

No one questions Israel's right to defend itself. I know that questions have been raised about the relationship between the Humanitarian Relief Foundation and Hamas, and I am concerned about those questions and they need to be answered. But I am also concerned that Israel's response to the flotilla and the deaths onboard the Mavi Marmara once again shows to Israel's enemies that they can provoke Israel into taking actions that undermine international support for Israel.

Israel was able to board five of the ships with no loss of life, as my colleague from Texas indicated, and that needs to be acknowledged. But this incident has distracted the attention of the international community away from the peace process. It has overshadowed the kidnapping of Israeli soldier Gilad Shalit, which occurred nearly 4 years ago today—in fact, on June 25, 2006. Hamas should immediately release Gilad Shalit. Unfortunately, I do not believe this resolution will help to make that happen.

Nor does this resolution talk about the humanitarian situation in Gaza. Israel has allowed humanitarian supplies into Gaza, but it is evident from the conditions in Gaza that those supplies have not been sufficient. One U.S. charity estimates that 400 trucks of basic food supplies are needed in Gaza every day, but on average only 171 trucks of basic nutritional aid enter Gaza each week.

Israel has a right to prevent arms from entering Gaza, but I do not see a reason for the Senate to pass a resolution supporting a policy that has the effect of restricting humanitarian supplies. Moreover, Israel itself has decided to change that policy. I am encouraged by Israel's decision last week to ease the restrictions on the flow of goods into Gaza. I agree with the White House that this new policy, once implemented, will significantly improve the conditions for the Palestinians in Gaza. As Prime Minister Netanyahu told the Knesset:

This new policy is the best one for Israel because it eliminates Hamas' main propaganda claim and allows us and our international allies to face our real concerns in the realm of security.

The resolution the Senate is considering at this point would put the Senate on record in support of a policy that Israel itself has determined to change.

One more obvious point is the Senate has not fully debated this resolution.

There have been no hearings on the flotilla incident or any version of this resolution in either the Senate or in the House. To my knowledge, the administration has not expressed its views on this resolution either. I believe with regard to foreign policy matters, the administration should always be consulted.

Let me close by saying no one should question the U.S. support for Israel. I do not believe anyone seriously questions that. I say again that I do not believe this resolution furthers the effort to bring peace between Israel and the Palestinians, which is the only way to ensure Israel's long-term security.

For those reasons I would like to be recorded in opposition to enactment of the resolution.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I reiterate my unanimous consent request that the amendment at the desk be agreed to and urge adoption of the resolution as amended.

The PRESIDING OFFICER. The amendment has been agreed to. Is there further debate? If not, the question is on agreeing to the resolution, as amended.

The resolution (S. Res. 548), as amended, was agreed to.

Mr. CORNYN. I ask unanimous consent the amendment to the preamble be agreed to, the preamble as amended be agreed to, and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4397) was agreed to, as follows:

Strike the 14th clause in the preamble.

The preamble, as amended, was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 548

Whereas the State of Israel, since its founding in 1948, has been a strong and steadfast ally of the United States, standing alone in its commitment to democracy, individual liberty, and free-market principles in the Middle East, a region characterized by instability and violence;

Whereas the special bond between the United States and Israel, forged through common values and mutual interests, must never be broken;

Whereas Israel has an undeniable right to defend itself against any threat to its security, as does every nation;

Whereas Hamas is a terrorist group, formally designated as a Foreign Terrorist Organization by the Secretary of State, and similarly designated by the European Union;

Whereas Hamas is committed to the annihilation of Israel and opposes the peaceful resolution of the Israeli-Palestinian conflict;

Whereas Hamas took control of the Gaza Strip in 2007 through violent means and has maintained control ever since;

Whereas Hamas routinely violates the human rights of the residents of Gaza, including attempting to control and intimidate political rivals through extra-judicial killing, torture, severe beatings, maiming, and arbitrary detentions;

Whereas Hamas continues to hold prisoner Israeli Staff Sergeant Gilad Shalit, who was seized on Israeli soil and has been denied basic rights, including contact with the International Red Cross;

Whereas the military build-up of Hamas has been enabled by the smuggling of arms and other materiel into Gaza;

Whereas the Government of Iran has materially aided and supported Hamas by providing extensive funding, weapons, and training;

Whereas since 2001, Hamas and other Palestinian terrorist organizations have fired more than 10,000 rockets and mortars from Gaza into Israel, killing at least 18 Israelis and wounding dozens more;

Whereas approximately 860,000 Israeli civilians, more than 12 percent of Israel's population, reside within range of rockets fired from Gaza and live in fear of attacks;

Whereas in 2007, the Government of Israel, out of concern for the safety of its citizens, put in place a legitimate and justified blockade of Gaza, which has been effective in reducing the flow of weapons into Gaza and the firing of rockets from Gaza into southern Israel;

Whereas according to Michael Oren, the Israeli Ambassador to the United States, "If the sea lanes are open to Hamas in Gaza . . . they will acquire thousands of rockets that will threaten every single citizen in the state of Israel and also kill the peace process. . . . Hamas armed with thousands of rockets not only threatens 7,500,000 Israelis but it's the end of the peace process.";

Whereas the Israeli blockade has not hindered the transfer of approximately 1,000,000 tons of humanitarian supplies into Gaza over the last 18 months to aid its 1,500,000 residents;

Whereas, on May 28, 2010, the "Free Gaza" flotilla, which included the Mavi Marmara and 5 other ships, departed from a port in Turkey and sailed towards Israel's defensive naval blockade of Gaza;

Whereas the sponsor of the flotilla was a Turkish organization, the Humanitarian Relief Foundation;

Whereas the Humanitarian Relief Foundation has aided al Qaeda in the past, "basically helping al Qaeda when [Osama] bin Laden started to want to target U.S. soil," according to statements by a former French counterterrorism official, in a June 2, 2010, Associated Press interview;

Whereas the Humanitarian Relief Foundation has a clear link to Hamas, according to a 2008 order of the Government of Israel, and the Humanitarian Relief Foundation is a member of the Union for Good, a United States-designated terrorist organization created by Hamas leaders in 2000 to help fund Hamas;

Whereas there were at least 5 active terrorist operatives among the passengers on the Mavi Marmara, with affiliations with terrorist groups such as al Qaeda and Hamas, according to the Israel Defense Forces;

Whereas the flotilla's primary aim was to break the Israeli blockade of Gaza, under the guise of delivering humanitarian aid to the residents of Gaza;

Whereas, on May 27, 2010, while the flotilla was moving towards Gaza, one of its organizers admitted, "This mission is not about delivering humanitarian supplies, it's about breaking Israel's siege on 1,500,000 Palestinians," according to news reports;

Whereas based on interviews with Mavi Marmara passengers after the incident, the actual intention of passengers on the Mavi Marmara had been to achieve "martyrdom" at the hands of the Israel Defense Forces;

Whereas Saleh Al-Azraq, a journalist who was aboard the ship, recounted that, "The moment the ship set sail, the cries of 'Allahu Akbar' began . . . It made you feel as if you were going on an Islamic conquest or raid," according to an interview recorded on Al-Hiwar TV on June 4, 2010;

Whereas Hussein Orush, a Humanitarian Relief Foundation official, read from the diary of a dead Mavi Marmara passenger: "The last lines he wrote before the attack were: 'Only a short time left before martyrdom. This is the most important stage of my life. Nothing is more beautiful than martyrdom, except for one's love for one's mother. But I don't know what is sweeter—my mother or martyrdom.'", and also stated, "All the passengers on board the ship were ready for this outcome. Everybody wanted and was ready to become a martyr. . . . Our goal was to reach Gaza or to die trying. All the ship's passengers were ready for this. IHH was ready for this too.", according to an interview recorded on Al-Jazeera TV on June 5, 2010;

Whereas Ali Haider Banjinin, another dead Mavi Marmara passenger, told his family before departing on the flotilla, "I am going to be a martyr, I dreamed about it," according to news reports in Turkey;

Whereas Ali Ekber Yaratilmis, another dead Mavi Marmara passenger, "always wanted to become a Martyr," one of his friends told Al-Hayat Al-Jadida newspaper in an interview on June 3, 2010;

Whereas one female passenger on the deck of the Mavi Marmara stated, "Right now we face one of two happy endings: either martyrdom or reaching Gaza," according to Al Jazeera footage taken prior to the incident;

Whereas the Government of Israel had extended a reasonable offer to transfer the flotilla's humanitarian cargo to Gaza;

Whereas the Mavi Marmara and the other ships of the flotilla ignored repeated Israeli calls to turn around or be peacefully escorted to an Israeli port outside of Gaza;

Whereas, on May 31, 2010, the Israeli Navy intercepted the Mavi Marmara 75 miles west of Haifa, Israel, in an effort to maintain the integrity of the blockade and prevent potential smuggling of arms and other materiel into the hands of Hamas;

Whereas upon the boarding of the Mavi Marmara by the Israeli Navy, the Mavi Marmara's passengers brutally and violently attacked the members of the Israeli Navy with knives, clubs, pipes, and other weapons, injuring several of them;

Whereas the members of the Israeli Navy, under attack and in grave danger, reacted in self-defense and used lethal force against their attackers on the Mavi Marmara, shooting and killing 9 of them;

Whereas the incident has fomented unwarranted international criticism of Israel and its blockade of Gaza;

Whereas in the time since the attack, the United Nations has unjustly criticized the actions of the Government of Israel and called for an investigation of such actions; and

Whereas the actions of the United Nations are undermining Israel's inherent right to self-defense, compromising its sovereignty, and helping to legitimize Hamas: Now, therefore, be it

*Resolved*, That it is the sense of the Senate—

(1) that Israel has an inherent and undeniable right to defend itself against any threat to the safety of its citizens;

(2) to reaffirm that the United States stands with Israel in pursuit of shared security goals, including the security of Israel;

(3) to condemn the violent attack and provocation by extremists aboard the Mavi Marmara, who created a highly destabilizing incident in a region that cannot afford further instability;

(4) to condemn any future such attempts to break the Israeli blockade of Gaza for the purpose of creating or provoking violent confrontation or otherwise undermining the security of Israel;

(5) to condemn Hamas for its failure to recognize the right of Israel to exist, its human rights abuses against the residents of Gaza, and its continued rejection of a constructive path to peace for the Israeli and Palestinian people;

(6) to condemn the Government of Iran for its role, past and present, in directly supporting Hamas and undermining the security of Israel;

(7) to encourage the Government of Turkey to recognize the importance of continued strong relations with Israel and the necessity of closely scrutinizing organizations with potential ties to terrorist groups.

Mr. CORNYN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, my friend and colleague from North Dakota has been kind enough to allow me to speak because of some scheduling concerns, and I ask unanimous consent when I complete my remarks he be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. I thank the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 3538 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

#### TRIBAL LAW AND ORDER ACT OF 2010

Mr. DORGAN. Mr. President, on occasion there are some things that happen in this Chamber that get precious little attention but represent very good news. Last evening, with virtually no attention, a piece of legislation was passed by the Senate unanimously, a piece of legislation, called the Tribal Law and Order Act, affecting Indian tribes across this country. It was bipartisan. My colleagues and I, as chairman of the Indian Affairs Committee, working with Republicans and Democrats, Senator BARRASSO, and Senator JON KYL especially was helpful in recent days, and on our side, Senator TESTER and Senator UDALL and so many others—have gotten a piece of legislation through the Senate, which we hope will get through the House and be signed by the President, dealing with law and order on Indian reservations.

Lewis and Clark spent the winter in North Dakota on their expedition in 1805. When they came through North

Dakota, there were Indian villages and settlements in North Dakota that had been there a long time. They were farming on the banks of the Missouri River. That is true all across the country. When new people exploring our country came upon Indian tribes, they had been there for a long while. They were the first Americans, and we displaced them, and we have sad chapters in American history that are described as "Trail of Tears," the "Massacre at Wounded Knee," and I could go on for a great length of time.

Native Americans were, in many cases, rounded up, placed on reservations, and then the Federal Government, for taking their property away from them, said: We will sign agreements with you. We will make deals with you. We will have treaties. We will accept a trust responsibility. We will educate you. We promised that since we have taken your land away, we will provide for your children's education, we will provide for your health care, and we will provide for your law enforcement.

It is what the Federal Government signed to do in treaties and the Government has systematically avoided the responsibility of meeting those conditions ever since.

I have talked at length on this floor about Indian health care and Indian education and Indian housing. In many areas on Indian reservations, it mirrors what we consider Third World-country conditions: people living in overcrowded housing, if they have housing at all; sending kids to schools whose desks are 1 inch apart, with 30 kids to a classroom, in a dilapidated building; people going hungry; people having very serious health care problems and not able to get adequate health.

We passed in this Chamber the Indian Health Care Improvement Act as a part of the health care reform bill. I am enormously proud of having done that. It is the first time in 17 years this Congress did something on the Indian Health Care Improvement Act. We worked and worked and worked. I am proud it is done.

This is another significant piece of work. We have had I believe 14 hearings on this subject in the Indian Affairs Committee. Twenty-two Senate colleagues cosponsored my legislation, Republicans and Democrats.

If anyone doubts the need for this legislation, let me demonstrate just in this week with three headlines, one in Indian Country Today. "Rape on the Rez" is the title.

The mother tries to be strong, looking at the photos of her dead daughter's beaten and bruised face. She tries not to cry, but eventually the images prove too much. "That's what they did to her," the mother says.

Marquita Marie Walking Eagle died November 1, 2009, the victim of a violent sexual assault. The 19-year-old Rosebud Sioux woman's alleged killer: a 17-year-old classmate from St. Francis High School in South Dakota.

Just one headline, but, we also have studies. One in 3 American Indian and Alaska Native women will be raped and sexually assaulted in her lifetime—1 in 3; not 1 in 10, 1 in 3. Think of that. Think of the violence on too many of these Indian reservations.

Another headline from this week: "Addicted On The Rez," about drug abuse and crimes that are infiltrating the reservation. Another headline this week: "Indian reservations on both U.S. borders are becoming drug pipelines," conduits for Mexican drug cartels and others to move drugs into this country and particularly addict young Indian children on those drugs and have them become carriers. Those are three articles from this week sitting on top of a mountaintop of other articles.

In my home state of North Dakota right now, on the Standing Rock Indian Reservation that actually is on the border of North and South Dakota—it is an area the size of the State of Connecticut. They had nine law enforcement officers for 24 hours a day, 7 days a week coverage. Well, that means that very often there would be no more than one law enforcement officer patrolling an area the size of the State of Connecticut. So a woman being raped, sexually assaulted, a burglary or a robbery in progress, a violent crime, a gun crime, and a plea and a call, a frantic call, might mean that 3 or 4 hours later—maybe not until the next day would someone in a police car show up to investigate that crime. That is what they have been facing.

On the Standing Rock Indian Reservation, the year before last, the rate of violent crime wasn't double what most Americans experience; it wasn't triple; it wasn't quadruple; it was eight times the national average—eight times the rate of violent crime on the Standing Rock Reservation. There has been some improvement. In 2009 it was simply five times worse than what most Americans experience.

The question is, What can we do about those things? One Bureau of Indian Affairs officer on the Standing Rock Reservation—again, as I indicated, an area the size of the State of Connecticut, with nine law enforcement officers—what he said was: "I felt like I was standing in the middle of a river trying to hold back a flood." He said they were forced to "triage" rape cases. He said: We only took a rape case if there was a confession; if not, didn't happen. This is not a Third World country. This is in America on Indian reservations.

Last summer, the Department of Justice issued a report to our committee. I am quoting now:

Native gangs are now involved in more violent offenses like sexual assault, gang rapes, home invasions, drive-by shootings, beatings, and elder abuse on Indian reservations.

This is on the Pine Ridge Reservation, a photograph that was brought to

a hearing I held on increased gang activity on reservations. This is another photo from the same hearing. These are very serious problems.

We have a war on terror and a war on drugs, and all too often across this country, Indian reservations are left to their own, told "you do it," despite the fact that this country promised to provide law enforcement assistance. This entire system isn't working. It is the courts, the jails, law enforcement—it doesn't work.

That is why, with 22 colleagues, we introduced this legislation and now last night, thankfully, have passed it through the Senate. This does a number of very important things. It forces the BIA to consult with tribal leaders on joint law enforcement.

It says to the U.S. attorneys—by the way, U.S. attorneys are the ones who are relied upon to prosecute felonies on Indian reservations, and all too often it is part of the back room of the U.S. Attorney's Office: You know what, we don't have time; we are not going to do it. The declination rate—that means declining to prosecute—the declination rate for murders is 50 percent, according to Department of Justice information we received in the committee. The declination rate, that is, declining to prosecute, for rape and sexual assault is 70 percent. So 70 percent of the time, they don't prosecute because they are working on something else. It is on an Indian reservation. Hard to investigate, they say. Well, this legislation will change that.

This legislation will add the necessary tools to enable tribal governments to better fight crime locally. It will give police improved access to national criminal databases. Judges on reservations will have added authority to sentence violent offenders in tribal courts. Can you imagine that judges in tribal courts, under current law, can sentence to no more than 1 year for an Indian offender? No more than 1 year. Rape, murder, armed robbery—1 year. That is absurd.

The fact is, we have put together a bill that finally offers the tools to strengthen this justice system, that also works to cross-deputize Indian police in the Federal criminal system so that Indian reservations and those who patrol on the reservations can work hand-in-hand with those in the adjacent counties, the county sheriffs, police chiefs, and others.

This bill will reauthorize and improve existing programs designed to strengthen the tribal justice systems, prevent alcohol and substance abuse, which is the No. 1 cause of violence on reservations, and improve opportunities for youth on the reservations.

I am very pleased and proud that we have been able to get this done. We have worked long and hard. If this Congress completes its work having done the Indian Health Care Improvement

Act and now the Tribal Law and Order Act, if in one Congress we will have made that kind of stride to address the issue of health care and crime and justice on Indian reservations, we will have done something very significant.

I ask people who think, well, this is just something that is out of sight, out of mind: Go to an Indian reservation and take a look at the condition of the housing. Go visit with the kids in school. I have done that. Go sit around, if you can, with 10 or 12 kids and ask them about their lives. Where do they get hope and inspiration and belief that they can be part of something bigger than themselves, that they can get educated, that they have an opportunity to do whatever they want to do? Where do they get that? The fact is, we have created circumstances, abysmal circumstances and broken promises, and it has lasted for a couple of centuries.

You know, we have been trying now for almost 6 months to get the Cobell settlement through the Senate. The Cobell settlement is a group of plaintiffs who are Indians whose property and land and resources from that land have largely been stolen from them for a couple of hundred years. The Interior Department has been managing the trust of these Indians for well over 100, 150 years.

The other day on the floor of the Senate, I showed a picture of a woman who had six oil wells on her land, and she lived in a little bungalow and never had anything all of her life. Well, why didn't someone who had six oil wells on her land have anything? Because the U.S. Department of the Interior was managing it, and she never got the money. That has been going on for 150 years. And now there is a court action that has gone on for 14 years and finally an agreement to settle the court action, and the judge gave us 30 days in Congress to settle this after it had been agreed to by the Interior Secretary, by the plaintiffs. Finally some justice after 100, 150 years, and the judge has had to extend that deadline now three or four times and we have still not gotten it done. It is in this underlying bill, the one that is being objected to by the minority.

The reason I mentioned that is there are so many injustices in this country to the people who were here first. The first Americans deserve better. The first Americans deserve to have this government keep its promise at long, long last. And this is but one; the providing of law enforcement. How many Americans would like to live in an area where the rate of violent crime is 5 times, 8 times, or 10 times the national average? Well, there are a whole lot of young men and women, young boys and girls, and elders living exactly in those circumstances in this country. And that violence exists every day.

We need to do something about it.

One final point. I have talked to the BIA at great length. There are some things happening right now experimentally to try to move some additional resources into tribal lands to promote greater law and order. It is true on the Standing Rock Reservation and others as well. But the Tribal Law and Order Act, which I have reason to believe will now be passed by the House as well, is a big step forward. We not only negotiated that in the Senate, but we worked very hard with Members of the House as we put this legislation together with their ideas as well. If we do this, we will be able to say this country, at long last, on this issue at least, kept its promise and began the long effort to make sure we are meeting our trust responsibilities to those who were the first Americans.

I thank many of my colleagues who helped us achieve this goal, and end as I began, by saying there is plenty of reason to be concerned about the lack of getting things done in this Chamber, but this is a good piece of legislation. Good news doesn't sell quite as well as bad news these days in our system. I hope all of us will be able to take some satisfaction in doing something that represents the public good for people living in this country who certainly deserve it.

I yield the floor.

#### CRIMINAL JURISDICTION

Mr. DORGAN. Mr. President, I rise to speak on S. 797, the Tribal Law and Order Act of 2010. I offered the text of this bill to H.R. 725, the Indian Arts and Crafts Act Amendments, and last night, the Senate passed this bill as amended by unanimous consent.

As chairman of the Committee on Indian Affairs, I have presided over 14 hearings relating to public safety on our Nation's tribal lands over the past three years. These hearings revealed a longstanding crisis of violence in many parts of Indian country. Indian reservations on average suffer rates of violence more than 2.5 times the national rate. In my home State of North Dakota, the Standing Rock Sioux Reservation suffered 8.6 times the national rate of violence in 2008. In early 2008, there were 9 police officers patrolling this 2.3 million acre Reservation, which meant at times there was no 24-hour police response service. As a result, victims of violence reported waiting hours and sometimes days before receiving a response to their distress calls. With this level of response, crime scenes can become compromised, and justice is not served to the victims, their families, or the community.

Our hearings found that violence against Indian women has reached epidemic levels. The Justice Department and the Centers for Disease Control and Prevention report that more than 1 in 3 American Indian and Alaska Native women will be raped in their lifetime and more than 2 in 5 will be subject to domestic or partner violence.

The broken and divided system of justice in place on Indian lands that was devised by dozens of Federal laws and Federal court decisions enacted and handed down over the past 150 years is not well-suited to address the violence in Indian country. Because of these laws and decisions, responsibility to investigate and prosecute crime on the reservation is divided among the Federal, tribal, and in some locations, state governments.

Based on this authority, these governments should be diligent in preventing and prosecuting these crimes. Thus, one of the primary purposes of the bill is to ensure that the United States upholds its treaty promises and legal obligation to investigate and prosecute violent crimes on Indian lands. Our Nation made treaty promises, and enacted laws—specifically the General and Major Crimes Acts—that provided for Federal criminal jurisdiction over Indian lands. At the same time, the United States limited tribal government authority to punish offenders in tribal courts to no more than 1 year for any one offense.

The Tribal Law and Order Act of 2010 takes steps to hold the United States to these solemn promises, and will address the restriction on tribal court penal authority over defendants in tribal court where certain protections are met.

Mr. KYL. I thank my colleague from North Dakota for his work on this important bill. We held a field hearing in my State of Arizona on an early version of this bill. There we heard from tribal leaders about violence in their communities. In 2009, the Bureau of Indian Affairs reported that in my home State of Arizona the San Carlos Apache Tribe endured a violent crime rate that is more than six times the national average and the White Mountain Apache Tribe suffered a violent crime rate more than four times the national average. On the southern border, the Tohono O'odham Nation needs assistance in addressing the onslaught of Mexican drug and human traffickers that exploit the sprawling reservation, which is the size of the State of Connecticut.

I would like to address changes made to section 201 of the Tribal Law and Order Act that concern Public Law No. 83-280, commonly known as Public Law 280. This law was enacted on August 15, 1953. Public Law 280 removed the Federal Government's special Indian country law enforcement jurisdiction over almost all Indian lands in the States of Alaska, upon statehood, California, Minnesota, Nebraska, Oregon, and Wisconsin, and permitted these States to exercise criminal jurisdiction over those lands. The act specifically provides that these states "shall have jurisdiction over offenses committed by or against Indians in the areas of Indian country . . . to the same extent

that such State . . . has jurisdiction over offenses committed elsewhere within the State . . . and the criminal laws of such State . . . shall have the same force and effect within such Indian country as they have elsewhere within the State.”

Public Law 280 has been a mixed bag for both tribes and States. The States that are subject to Public Law 280 possess authority and responsibility to investigate and prosecute crimes committed on reservations, but, because of subsequent court decisions that sharply limited the extent of Public Law 280’s grant of civil jurisdiction to affected states, these states have almost no ability to raise revenue on Public Law 280 lands. And to the extent that tribal governments retained concurrent jurisdiction over crimes committed by Indians on these lands, such authority is currently limited, as my colleague from North Dakota states, to no more than 1 year for any one offense. Thus, residents of reservations subject to Public Law 280 have to rely principally on sometimes underfunded local and state law enforcement authorities to prosecute reservation crimes.

Section 201 of the Tribal Law and Order Act of 2010 allows the Federal Government to reassume criminal jurisdiction on Public Law 280 lands when the affected Indian tribe requests the U.S. Attorney General do so. If the Attorney General concurs, the United States will reassume jurisdiction to prosecute violations of the General and Major Crimes Acts, sections 1152 and 1153 of title 18, that occur on the requesting tribe’s reservation.

The bill makes clear that, once the United States reassumes jurisdiction pursuant to this provision, criminal authority on the affected reservation will be concurrent among the Federal and State governments and, “where applicable,” tribal governments.

Mr. President, I would like to ask the sponsor of the bill to make clear that nothing in the Tribal Law and Order Act retracts jurisdiction from the State governments, and nothing in the act will grant criminal jurisdiction in Indian country to an Indian tribe that does not currently have criminal jurisdiction over such land.

Mr. DORGAN. That is correct. The phrase that jurisdiction “shall be concurrent among the Federal Government, State governments, and, where applicable, tribal governments” is intended to clarify that the various State governments that are currently subject to Public Law 280 will maintain such criminal authority and responsibility. In addition, this provision intends to make clear that tribal governments subject to Public Law 280 maintain concurrent criminal authority over offenses by Indians in Indian country where the tribe currently has such authority. Nothing in this provision will

change the current lay of criminal jurisdiction for state or tribal governments. It simply seeks to return criminal authority and responsibility to investigate and prosecute major crimes in Indian country to the United States where certain conditions are met.

Mr. KYL. Mr. President, I concur with the interpretation of this provision expressed by my colleague from North Dakota.

#### AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010—Continued

The PRESIDING OFFICER. The Senator from Washington State is recognized.

Mrs. MURRAY. Mr. President, I rise to express my disappointment that we have gotten to this point on this very important piece of legislation that is before us, the tax extenders bill, the jobs package we have been trying to get passed. We have worked very hard to put together a bill that will provide much needed help to families and communities across the country. It is a bill that will make sure our recovery is not jeopardized. It is a bill that would extend tax credits to individuals and small businesses that both of our parties think are important. It provides incentives for clean energy companies to expand and create jobs at a time when we need them. It allows families in States such as mine to deduct local sales tax from their Federal returns, an important boost to the economy. It provides critical support for States that are struggling today to provide health care for their families in these very tough economic times. And it will extend unemployment benefits to support those in our communities who, through no fault of their own, have lost a job and now, as the economy is getting back on track, need support for a few months longer so they can get a job and go back to work. It is a commonsense bill to help our economy get back on track. When we originally brought this bill to the floor, every single Republican said no to supporting our communities. Instead of walking away on this side, instead of furthering their goal of partisan gridlock, we extended a hand to our minority colleagues and worked with them. We trimmed sections they wanted trimmed. We reduced the support we thought was important for our families, but we reduced it in order to get their support and brought it back to the floor again. But once again, they said no to American families. So we went back and a third time trimmed it back even further. We did exactly what they asked us to do.

Now I am saying to our Republican colleagues, it is time to stop saying no. It is time to stop saying no to clean energy companies in my home State and across the country that depend on

these tax credits to stay competitive. It is time to say stop saying no to the thousands of police officers and corrections officers and so many others who will lose their jobs in my home State and everywhere if this bill does not pass and our State has to further slash its budget. It is time to stop saying no to the men and women across the country who are desperately trying to find work today but need a little more help to keep their heads above water in these tough economic times. It is time to stop saying no to middle-class families across Washington State who depend on that sales tax deduction that would be extended in this underlying bill to help. They will be out hundreds of millions of dollars if this bill continues to be blocked.

We have tried very hard. Senator BAUCUS, chairman of the Finance Committee, deserves our gratitude for reaching across the aisle time and time again to work with the other side. We have compromised, and then we compromised again and then again. It is disheartening that the other side has refused to work with us. I say enough already. I go back home to Washington State every weekend. I talk to my constituents. I try to explain what we are doing here in Washington, DC. To be honest, I am having a heck of a lot of trouble explaining why when big banks and Wall Street were on the brink of failure and threatening to blow up our economy, Republicans immediately came together with us to help step us back from the brink. But now that Wall Street is fine, regular families and communities are continuing to struggle, those same Republicans are nowhere to be found. I don’t have an answer for the families at home who ask me about this. Quite honestly, I don’t get it myself. Because the fact is, we have had put together a bill that is fully paid for with the exception of unemployment benefits, that is a direct stimulus to the economy, that has been passed as emergency spending time and time again under both Democratic and Republican control, because that is exactly what it is. We have done all we can. If those on the other side say no again, it is pretty clear to me they are putting their interests before the interests of our hard-working families who are struggling today.

I know in the State of the Presiding Officer and in my State families are hurting. They are fighting every day to stay on their feet. I am not going to stop fighting to be on their side. There is a tremendous lot at stake in this bill.

I urge all of my colleagues to follow our example and put families and communities and States above partisan politics and goals and work with us to pass this bill so hundreds and thousands of American families can wake up tomorrow and know the Senate was on their side.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF ELENA KAGAN

Mr. WICKER. Mr. President, I rise today to speak briefly on the upcoming hearings the Judiciary Committee will hold on President Obama's nomination of Elena Kagan to be a Justice on the U.S. Supreme Court. I am not a member of the Senate Judiciary Committee, and I do not envy the difficult task before the committee members. However, I would like to highlight a few things I will be watching, as a Member of this body with the constitutional duty to advise and consent, and listening for as Ms. Kagan's nomination hearings begin on Monday.

First and foremost, I will be listening for indications on how closely Ms. Kagan will adhere to the Constitution and the laws of our Nation as written. The judicial oath requires judges to apply the law impartially to the facts before them—without respect to their social, moral, or political views.

Although Ms. Kagan certainly has an impressive resume in academia and as a political adviser in the Clinton and Obama administrations, she lacks key courtroom experience as either a judge or as a private lawyer. Therefore, it is appropriate and vitally important that members of the committee perform their due diligence to question her judicial philosophy.

This is a line of questioning that Ms. Kagan herself has endorsed. In a 1995 University of Chicago Law Review article, she wrote:

The kind of inquiry that would contribute most to understanding and evaluating a nomination is . . . discussion first, of the nominee's broad judicial philosophy and second, of her views on particular constitutional issues. By "judicial philosophy" . . . I mean such things as the judge's understanding of the role of courts in our society, of the nature and values embodied in our Constitution, and of the proper tools and techniques of interpretation, both constitutional and statutory.

I could not agree more with Ms. Kagan. I hope she will live up to her own measuring stick and provide the Senate with the open and constructive answers which she has herself advocated.

In addition to her general judicial philosophy, I hope my colleagues on the Judiciary Committee will question Ms. Kagan on two specific issues im-

portant to many Americans and many of my constituents in the State of Mississippi; that is, her views on abortion and the second amendment.

I am concerned that many of the documents from Ms. Kagan's service as a law clerk for the late Justice Marshall and as a political adviser during the Clinton administration reflect a troubling bias.

Two years ago, the Supreme Court ruled, in *District of Columbia v. Heller*, that the second amendment guarantees an individual's right to keep and bear arms. Ms. Kagan has said publicly that she views *Heller* as settled precedent of the Court. But as a law clerk for Justice Marshall, Ms. Kagan wrote a strikingly personal memo on gun rights.

The case in question on that earlier occasion challenged the District of Columbia's handgun ban that was markedly similar to the *Heller* case. In her 1987 memo urging Justice Marshall to vote against hearing the case, Ms. Kagan stated:

[The petitioner's] sole contention is that the District of Columbia's firearm statutes violate his constitutional right "to keep and bear arms." I'm not sympathetic.

The recommendation itself is troubling, but the personal note she employed is even more disturbing. Rather than pointing to text and precedent, rooting her analysis in law or looking to the Constitution, Ms. Kagan chose the personal pronoun saying: "I'm not sympathetic."

This should concern Senators because it seems to indicate a personal aversion to the right to bear arms. I hope members of the committee will question Ms. Kagan on this issue.

Ms. Kagan's work in the Clinton administration raises further questions about her views of the second amendment. According to records at the Clinton Presidential Library in Little Rock, Ms. Kagan was a key adviser to President Clinton on gun control efforts. She drafted an Executive order restricting the importation of certain semiautomatic rifles and was involved in the creation of another order requiring all Federal law enforcement officers to install locks on their weapons. She advocated various other gun control proposals, including gun tracing initiatives, legislation requiring background checks for all secondary market gun purchases, and efforts to design a gun that would automatically restrict the ability for most adults to use it.

In a May article, the *Los Angeles Times* put it this way:

As gun rights advocates viewed it, there was one clear message: The Clinton White House wanted to remove as many guns from the market as it could.

Records show that Ms. Kagan was a key player in this effort.

I believe the upcoming hearings present an opportunity to hear more about Ms. Kagan's views on the second

amendment—a right clearly enumerated in the Bill of Rights—and whether she views it as binding on all levels of government. I am confident I will not be the only one following her answers closely.

With regard to the second issue, with regard to abortion, Ms. Kagan, having neither served as a judge nor spent any significant time in a courtroom, lacks a judicial record to give us insight into her views on abortion. But there are several red flags that show the need for pointed questions from Judiciary Committee members on this issue.

First, Ms. Kagan has extensively criticized the 1991 Supreme Court decision *Rust v. Sullivan*, where the Court upheld the constitutionality of the Department of Health and Human Services' regulations that prohibit title X family planning funds from being "used in programs where abortion is a method of family planning."

The rulings in that case and others like that case are absolutely vital to protecting the unborn. Congress has the constitutional duty to maintain the power of the purse. If, as Ms. Kagan argues, that authority should be limited in the name of free speech, then the American people will lose the ability for their elected Representatives to prohibit abortion funding and provide any balance to the executive branch.

One of the most noteworthy issues on which Ms. Kagan advised President Clinton during her time at the White House was partial-birth abortion—a truly reprehensible procedure. Memos from Ms. Kagan to President Clinton indicate she believed partial-birth abortion is constitutionally protected. I have profound concerns about that point of view and believe this raises serious questions about how she would interpret the Constitution if confirmed to the Supreme Court.

In closing, there is no doubt these are important issues deserving lengthy and deliberate consideration by the Senate Judiciary Committee, particularly for a lifetime position on the highest Court in our Nation.

I hope Ms. Kagan will adhere to her own advice and be open and forthright with the committee as to her judicial philosophy and views on the specific constitutional questions I have mentioned. I look forward to joining many Americans in closely following Ms. Kagan's responses.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Maine.

Ms. SNOWE. Madam President, today I rise to express my concerns about the pending tax extenders legislation that we are debating and will be voting on in the Senate shortly. As you know, we have had a series of votes on this particular question, to no avail. There is no substantive reason for the impasse

at which we have arrived on this package. It certainly could have been different. I have been involved in a number of discussions over the last 2 weeks with respect to how we could reach a resolution on some of these questions, so I think it is important to set the record straight.

Frankly, I think it is the result of the yawning chasm that exists between the artificially generated political landscape in Washington and the actual real-world state of our economy that Americans have been experiencing on a daily basis beyond the Capital Beltway.

If we are serious about creating jobs, we absolutely could identify a pathway to extend the expiring tax provisions in this legislation which are important to America's job generators, without simultaneously and inexplicably raising taxes on our small businesses—the very entities we look to in order to lead us out of this recession—in the name of increased spending and a more expansive tax extenders package. This approach simply makes no sense and lays bare the stark disconnect between Washington and the entire rest of the country.

We hear the mantra of “jobs, jobs, jobs” as our No. 1 priority, as it should be. Concerns about the economy are foremost on the minds of the American people, rightfully. That is why there is so much anxiety across America today on Main Street. They do not think it is being replicated in the Senate and the overall Congress with respect to the actions we should be taking.

Yet what is proposed for legislation today—which highlights the disconnect between here and the rest of America—is “taxes, taxes, taxes” and “spending, spending, spending,” which will do nothing to grow our economy. In fact, we still have not considered a small business jobs package, and it is now almost July.

What is it that we do not understand? What is happening on the economic landscape and among small businesses upon whom we depend to create jobs? It is not exactly that we are mass producing jobs in America's economy today. In fact, I met yesterday with the president of the Boston Federal Reserve, Eric Rosengren, and as he pointed out, the growth the economy has demonstrated thus far is, for the most part, in inventory. This is not exactly real growth. It is drawing down inventory. But the economy has not demonstrated an ability to create jobs and real economic growth because there is uncertainty among the business sector and, in particular, small businesses that do not want to take the risk of investments or hiring additional people because of the uncertainty of the policies that are emanating from Washington.

Last month, as we discovered with the unemployment numbers: of the

431,000 jobs that were created, 411,000 were due to temporary government workers—that is why our national unemployment rate is not worse than it is. So, ultimately, our government is the only real growth industry in this country, and I challenge anyone to seriously argue that is a sustainable path to a brighter economic future.

The fact is, growth is not occurring in our economy. I have heard that time and time again. I have heard that from small businesses, medium-sized businesses, large businesses, every organization that represents businesses in America. They are saying there is no real growth in our economy, and they are not going to be hiring, they are not going to be making the investments necessary because of the uncertainty coming from Washington with respect to taxes, with respect to regulation, with respect to the health care legislation that became law this year.

So what will it require? In the Federal Reserve's analysis, it will require, in terms of reducing the unemployment rate in this country—just in order to reduce the unemployment rate to, let's say, 5 percent by 2012—in the charts they gave me yesterday, it would require at least a 6-percent annual growth rate in GDP in order to equalize the losses in jobs we have already experienced and suffered.

That rate would be slightly higher than the level of growth we experienced during the recovery from the 1982 recession and approximately double the growth following the 1991 and 2001 recessions.

So when you think about it, in order to achieve a 5-percent unemployment rate by 2012, it would require approximately a 6-percent annual growth rate in 2011 and 2012. Would it be possible under the scenario that is occurring? Probably not because the growth is not occurring, and job creation certainly is not. That is disturbing, and it is deeply troubling.

In fact, I was talking to someone today who is in the business community who said small businesses are not going to take those risks. You will not see the kinds of startups in America because of the state of the economy, because of the policies that are coming out of Washington that mean more taxes and more spending, which gets to the tax extenders package that is before us today. And that is my concern, with the detachment we have between what is happening in America on Main Street and what is happening in Washington, DC, in the House of Representatives and the Senate. There isn't that reality check, and that is obviously exemplified by the kind of legislation we are trying to ram through the Congress, once again, that means more taxes and more spending and that is going to cost more jobs. It is going to provide more risk in the economy. Therefore, we are not going to see the

kind of economic growth the American people deserve.

Somehow, we think there is not a cause and effect and a correlation between what we do here and what happens across America. I know that in speaking to my constituents and to small businesses, I hear it day in and day out. I go home and I talk to them and I listen, more importantly, and I hear what they are saying. They are uniformly saying the same thing: that the policies coming out of Washington cause them great pause. It causes them alarm. Therefore, they will not take the risk. They will not make the investments to increase the number of employees and to add to their personnel or to make the capital investments, because they do not know how much the Federal Government is going to cost them with respect to taxes, with respect to regulation and, of course, the new health care law, as well as all of the other tax consequences that have now resulted in this legislation that is pending before the Senate. Somehow, people think it won't matter.

Then I am beginning to think that maybe people haven't read these provisions to understand exactly how they work, and that is why there is so much concern and apprehension across America. That is why Congress has such a low approval rating that has certainly crossed the historic thresholds in terms of how low it is, and understandably so, because there is no connection. There is no correlation between what we are doing and what is happening in America and in small businesses and in family households which have lost their jobs and are enduring anxiety and apprehension about where the next job is going to come from and how they are going to make ends meet.

So we truly have our work cut out for us when we look at the low economic growth, the inability to create jobs and, frankly, the fear. When we think about what has been created in this economy, from their standpoint, it isn't so much the problems we are dealing with today, it is the direction Congress is taking with respect to the issues that matter most to them in order to take the risks we need them to take in order to reverse this economic cycle.

Also, when we think about the projections for economic growth, this bill doesn't take into account the potential effects of what is happening in Europe and the economic turmoil that certainly could engulf our own economy or the potential fallout from the BP disaster in the gulf. That has not manifested itself in the unemployment numbers or economic growth. It is a travesty what is happening there, and it certainly is devastating a way of life and so many small business owners. So that is another dimension and component we will have to incorporate in our

calculations for the future. Certainly, that will have an impact on the bottom line with respect to job creation and our ability to see the kind of growth we require in order to reverse the declining growth in America.

We certainly have our work cut out for us. That is what makes me wonder exactly what world we are living in here in Congress as we pay lip service to job creation, when in reality we are instead on a glidepath toward higher taxes on America's job generators and at precisely a moment in time when we should be providing the kind of relief I have been advocating for through small business legislation. I have been championing it for 6 months now—6 long months. I started in January. I thought it was going to be on the front burner. It is still languishing on the back burner. So much for jobs being a priority. So much for depending on small businesses to create those jobs. So we have paid no deference to the greatest issue that is facing America today, and that is job creation and the economy. That is the No. 1 priority of the American people. But here we are approaching July and it is yet to be on the legislative calendar, even though I have been promised. I know the Presiding Officer, who serves on the Small Business Committee, has been a great advocate and a champion for small business tax relief and creating jobs and how vital it is. We have had numerous hearings on that question before our committee which underscores the imperative of passing a small business tax relief program so they can generate jobs because they are the one entity that creates jobs in America. But we have yet to consider the small business tax relief jobs package. It is approaching July. I had a package prepared in mid-March and I was asked to defer because we were promised that we will be considering a small business jobs package before the April recess. Well, April has come and gone. May has come and gone. June has come and gone. Obviously, July will come and go, before it becomes law—so it is regrettable.

It is a red herring to suggest that a potential \$12 billion small business jobs bill might mitigate the damage of some of the initiatives that are incorporated in this tax extenders bill that is now pending before the Senate and that we will vote on shortly with respect to cloture. That is my point here today. Because when we do consider a small business jobs relief package, and we provide the billions of dollars that are necessary to jump-start our economy to small businesses with tax relief, at the same time we are imposing additional taxes on small businesses in the tax extenders package, that will not neutralize the circumstances for small businesses. It only makes it worse. So on one hand we could provide some benefits and on the other hand we take them away.

Let us remember that those increases will be in addition to the tax increases on the small business flow-through income that is expected to increase from the current rate of 35 percent to 39.6 percent, as well as a tax on capital gains that is scheduled to rise from 15 percent to 20 percent at the end of this year. Astoundingly, the tax rate on dividends 6 months from now will rise from 15 percent to as high as 39.6 percent, which is a 264-percent increase. That is not even taking into account some of the marginal tax effects such as the phaseout of itemized deductions that will raise the rate even higher, or the tidal wave of uncertainty headed toward the business community as they evaluate and grapple with, as I said earlier, the health mandates resulting from the legislation that was passed in December. It doesn't even incorporate the Medicare payroll taxes that were imposed on small business in the health care reform law: \$210 billion worth of taxes that were inserted in the health care legislation that became law in December, that imposes a payroll tax on small businesses. It also taxes unearned income and investments for the purposes of the Medicare payroll tax that also will affect small businesses to the point that there will be a net increase of 67 percent in capital gains on small businesses as a result of that legislation that became law in December.

So the cumulative effect of all of these tax increases is going to be pronounced on the ability of small business to create jobs, let alone make investments in equipment that is so essential to expanding and to growing.

As my colleagues see on this chart I have on display that was issued in May of 2010 by the National Federation of Independent Business, the foremost organization that represents small businesses in America, small business optimism at an unprecedented low. It is not surprising, given the status of the economy today. In fact, there is virtually no economic growth occurring, because we don't have a growth strategy. We have a tax strategy, we have a spending strategy, but we don't have a growth strategy. The administration doesn't have a growth strategy. Congress doesn't have a growth strategy. There has been no regard or deference to a growth strategy that ultimately would encourage small businesses, or any size business in America today, to take the risks to make those investments, because there is too much uncertainty, in addition to all of the potential tax increases that will occur at the end of this year, not to mention those that have already occurred and the ones that are pending in this tax extenders legislation we will be voting on shortly with respect to cloture.

In the tax extenders bill, we are imposing a \$9 billion tax on small businesses and \$13 billion of retroactive

new taxes on global businesses. On companies that do business abroad, there are retroactive taxes as well. Retroactive tax increases are a bad habit. It is a bad practice. It is bad policy to reach back and now tell businesses: Oh, by the way, we have changed our mind. Let's reach back and tax you. You might ask: Well, how far back? Because that is the question I have asked. How far back do you tax? Well, guess what. Back to the first event that represents a capital gains event, as far back as it goes because we have changed our mind.

Well, it is very difficult, when you have to meet a bottom line—which is anathema to Congress because we don't have to meet a bottom line. We don't have to balance our budgets. We don't have to worry about how much we spend and how much we tax, because we don't have to balance it out, but businesses do, in a very challenging and fragile economy. Yet we are suggesting, oh, by the way, let's have retroactive tax increases.

It is regrettable that we have to go that far, exhibiting a total disregard for the effect it is going to have ultimately on the average person in America who is seeking to get a job and can't find one because businesses aren't hiring. They are virtually at a standstill, and rightfully so, in their hesitancy and their reluctance, because they don't know what is coming next out of Congress. We don't even know, because a lot of these provisions were sort of dumped in there that we didn't have hearings about. So by the way, we have changed our mind and we are going to reach back and tax you. Maybe it is a year, maybe it is 2 years. Whenever you have that first event that is taxable under this provision, we will reach back and we will tax you.

The tax offsets in this bill are worse than the lack of an extension of the existing policy. That is why the provisions in the bill are too high a price for any major business or organization, from the Chamber to NFIB to Business Roundtable, to support it in its current form.

It didn't have to be this way. I certainly laid out a blueprint. I want to be very clear about this. I laid out a blueprint of how we could proceed to a consensus solution to passing a responsible tax extenders package. I worked diligently. I answered every call. I went to every meeting for the last few weeks since this became an issue, in good faith, to attempt to extend the unemployment benefits that I think people rightfully deserve, as well as to help with the reimbursement for doctors that, by the way, we have known has been a problem for more than a year. I know I stood on this floor last fall, during the time we were considering the health care bill that was pending before the Senate, and after which \$210 billion worth of Medicare taxes were

inserted in the health care bill—\$210 billion that was a tax on small businesses.

I said: If you are going to take that route, if that is the policy you are going to embrace, then why not defer it and pay for the doctors reimbursement to avert the 21-percent reduction. Why not use it for that purpose? If you are going to raise Medicare payroll taxes, at least use the revenues from Medicare, within the Medicare system—knowing this was a serious problem.

With a 21-percent reduction in doctors reimbursements in the Medicare Program that was scheduled for January, we knew we had a problem. Yet, on one hand, we raised Medicare taxes on small businesses, and we used it for other purposes—to expand other programs—rather than targeting it to the very problem and issue that existed in the Medicare Program that we knew about. How practical is that? Of course, it is not practical.

We knew with that \$210 billion we could have arrived at a permanent solution at least for 10 years on the doctors reimbursements—for 10 years. We would have had a decade solution, rather than this ad hoc approach, where we are reconsidering it every 6 months or every year and putting the patients as well as the doctors through this endless cycle, which has almost become perpetual, as to whether we are going to provide for the reimbursements or allow the cuts to go forward. It becomes gamesmanship that is, unfortunately, at the expense of Medicare patients, because they hear from the doctors: We don't know what we are going to be able to do. We hear it from the providers who are challenged, because Medicare rates are hardly reflective of the true cost of delivering that care. My State has the second lowest rate of Medicare reimbursements in the country. We know doctors are dropping Medicare patients. So it has a pernicious effect. We could have taken care of that proactively and done something reasonable and pragmatic. We could have funded a 10-year solution that we knew was in the area of \$200 billion, because we had another bill on the floor that said let's do the doctor fix but let's not pay for it. It was in the approximately \$200 billion range. But that wasn't to be. It certainly didn't have to be this way.

I have sought to balance the necessities by identifying tax offsets, urging that the stimulus money be reprogrammed so these funds are spent in a timely manner, as was the intention when this body passed the stimulus bill.

With respect to the unemployment benefits extension in this legislation, I have long advocated for this, and I voted for them in the past, obviously. I think we have a responsibility to pass extensions until the economy improves and until we can demonstrate that the

economy can create jobs. I understand and appreciate some of my colleagues who believe these extensions should be fully offset. I just don't happen to be in that category, until we can turn the economy around and produce jobs—particularly at this time of high unemployment, which is at the rate of 9.7 percent, and that has been the status quo with minimal changes. That means Congress has to enact economic policy to foster job creation. I would not impede unemployment benefits by insisting they are not emergency spending and should be fully paid for. I believe there is a majority that supports that policy.

I recommended, why not separate the unemployment benefits and move that along? Why put people at risk who are unemployed? We could have done that and separated this out several weeks ago, which I proposed and recommended, and we could have separated the doctor fix and paid for it. Actually, we ended up doing that. That is what we did 2 weeks later. We could have done the same with unemployment benefits—separated it and moved it along, assuming that, of course, we had unanimous support on the majority side for that. We could have done that. I certainly would have supported that.

It is important so that people aren't kept in turmoil, wondering whether they are going to have additional benefits. I thought we should have addressed it as a separate matter, rather than entangle it with other muddled policies being swallowed up in this legislative morass pending today.

I supported State aid for Medicaid. As I said, this program should be offset by unobligated stimulus funds. In the stimulus bill, we provided for additional funding for Medicaid. Had we known then what we know now, we could have provided an additional year, instead of lower priority, longer term, less effective spending. After all, stimulus is supposed to be timely, targeted, and temporary. If the money hasn't been obligated, obviously, it is none of those things at this point. So why not redirect it for more stimulative purposes? And certainly doing it for the Medicaid Program is highly stimulative, along with unemployment benefits. That is the maximum stimulus you can provide in the economy today. I said let's redirect those funds and spend them on FMAP.

In the substitute extenders package proposed last night there was a breakthrough on that issue that became a consensus item for a brief and shining moment. Apparently, some on the other side objected to the overall package on several of the other issues I will get to in a moment. I have had some serious concerns with some of the proposals that small businesses in this legislation have, particularly when it comes to subchapter S corporations.

There was an indication that, as I was told last week, those new taxes would be removed because of the punitive effect they would have primarily on small businesses, again, the group we are depending on to create jobs. Yet, last night, the tide turned again, and I was informed that they would in fact remain in the tax extenders legislation.

These revenue provisions that have never been the subject of hearings, have never been seen by the public, would significantly damage the business environment for businesses both large and small, just at a time we should be creating businesses, not curtailing them. The egregious provision regarding subchapter S corporations would harm millions of small businesses in their ability to create those jobs. Under section 413, a new burdensome payroll tax of 15.3 percent is imposed on subchapter S corporations on the dividend distributions paid to employee owners, to family members, who are shareholders or partners, and unbelievably, retained earnings in the business when distributions are kept in the business for reinvestment. At a time of festering high unemployment, this is exactly the wrong prescription for job creation.

The provision is aimed, as I have been told, at a specific abuse of the S corporations wrapped in a partnership, which is a business format that allows a business owner to inappropriately divert more money than is justified to nonsalary distributions that are not subject to payroll taxes. Unfortunately, in order to prevent this specific abuse, the authors had to write a very expansive anti-abuse provision causing collateral damage to taxpayers who are not abusing the system and imposing payroll taxes on retained earnings on small businesses. This is a job killer, because retained earnings are the most reliable form of capital available to small businesses. While there have been clear abuses of existing law regarding reasonable compensation, it should be noted that the IRS successfully prosecutes cases where business owners inappropriately divert salary income to dividend distribution.

In fact, the ruling as recent as May 27 of this year in *David E. Watson PC v. United States* proves that the "reasonable compensation" standard can be workable. Yet, it is not a clear bright line test that is either easy for the IRS to enforce or for taxpayers to understand.

That is why I worked diligently, along with my staff, to find a way to address this abuse and agree that if we could find a way to improve upon and make clearer the "reasonable compensation" standard, we should do so. In fact, my staff, last week, was at Joint Tax to do just that. Then I was informed that the subchapter S provision would be removed in its entirety from the tax extenders bill, so we

didn't proceed any further, because I was told it was not going to be in this legislation. Obviously, that all changed last night when it summarily was reinstated.

Unfortunately, the new regime that would be created in this legislation is less effective for either compliance by taxpayers or enforcement by the IRS; it is the current reasonable compensation standard.

One week ago, the majority leader offered to remove the provision from the bill and I accepted this. Unfortunately, negotiations must not have been as clear, because last night that offer to drop that provision was fully rescinded. The provision in S. 4213 replaces 20 years of law with wholly untested, expensive, very difficult to administer new standards that attempt to address situations that, under current law and practices, are already not permitted. Specifically, this provision would impose Medicare and Social Security taxes at a rate of 15.3 percent on the first \$106,800 of both wages and dividends, as well as 2.9 percent on amounts retained in the business, even when distributions are kept in the business for reinvestment. Retained earnings are the most reliable form of capital for a small business because the owner doesn't need to go to a bank to apply for a loan or to investors to seek infusion of equity.

This tax would appreciably reduce that capital at a time when other sources remain exceedingly difficult to access. At a time of high unemployment, this is exactly the wrong direction for job creation. In fact, this new levy would kill jobs and discourage hiring throughout the economy.

While I commend the authors of the bill for attempting to rein in the game playing that can take place, this bill is extraordinarily more broad than addressing just that problem. Unfortunately, in their critique of my efforts to address these problems, neither the Washington Post nor the New York Times editorial pages have taken into account anything but a pithy one-line description of the effects of these provisions. It is unfortunate because this new tax on small businesses and medium-size businesses is a broadside attack on what has been for decades a job-creating engine of the economy.

The substitute pending before the Senate would create vague new terms and tests for the IRS interpretation and taxpayer confusion as to whether payroll taxes are owed. These new terms and tests would replace the reasonable compensation standard for a list of specific service-based businesses. The new test would impose payroll taxes on certain professional service businesses, if 80 percent of the income of the business is attributable to three or fewer shareholders of the firm. While these terms are certainly less onerous than an earlier version of the

substitute, each of these new terms will be subject to IRS rulings and inevitable litigation.

I will start outlining my concerns with the "attributable" to shareholders' concepts. This standard is no easier for the IRS to inform or taxpayers to understand than is the current "reasonable compensation" standard. Does "attributable" mean that if a law firm partner brings another partner and an associate to meet with a prospective client, that the income generated is "attributable" three ways? Or does it depend on who performs the most billable hours? If the associate performs the majority of billable hours with only sign-off from the partner, to whom is this income "attributable"?

Frankly, this new proposed standard is no clearer than the current "reasonable compensation" standard that is also very dependent upon specific "facts and circumstances." Why would we replace one standard with something no more enforceable by the IRS and is just a trap for taxpayers?

Another component of the bill that is no clearer than "reasonable compensation" is the test of "substantially all of the activities" of the firm. Two issues arise with respect to this phrase. First, this is clearly not an objective revenue test; it is a subjective "activity" test, meaning that these employers would now be required to keep timesheets of all their employees, even if a firm or profession doesn't currently track billable hours. This would create a whole new expensive paperwork morass with no point other than compliance with mindless tax rules.

Further, whether "substantially all" means more than half, three-quarters, or 90 percent of "activities" is not defined in the statute. We simply do not know the definition of "substantially all." Neither would the IRS or the business owners. This doesn't advance compliance or enforcement to a level any better than the existing "reasonable compensation" standard.

Turning now to the additional provisions, I want to point out that the list of "professional service businesses" in the legislation is at best obtuse, and at worst, it is simply a quagmire for litigation. Professions targeted for this tax include services "in the fields of: health, law, lobbying, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, investment advice or management, or brokerage services."

While it is sometimes clear which businesses are included, for other businesses and professions the new definition is not so clear-cut. We can only assume that with the expansive regulatory authority granted in this bill that other service providers would be ensnared. Years of regulatory effort and litigation will eventually sort out whether the following would be subject

to this provision: Web designers, who are not software "engineers;" interior designers, who are not "architects;" tax preparers, who are not "accountants;" real estate or insurance agents, who are not "brokers;" writers, who are not "performers;" beauticians, who are not in "health."

Then there are other service providers who would be ensnared the next time Congress is seeking additional revenues, including plumbers, electricians, hairdressers, construction contractors, heating oil distributors, car mechanics, recruiting and staffing firms, and professional fundraisers, just to name a few.

Every day this provision has been public—and that is a total of only 1 month 4 days—we seem to find another unintended consequence of the provision. Five days from now, we are likely to find five more unintended consequences.

I wish to specifically raise two additional unintended consequences that have been brought to my attention. The first of these, of which my colleagues may be unaware, is that this provision would reduce the Social Security benefits of early retirees who invest in a family member's business. This issue was raised by the American Institute of Certified Public Accountants and results because the shareholder would be deemed to have additional wages through the proposal's family attribution rules, which then reduces Social Security early retirement benefits. I am disappointed that the sponsors of this provision have not addressed this problem despite having known about it for at least two iterations of their bill.

If a parent invests as a shareholder in the business being set up by their adult child, then this legislation would count the dividend distributions as earned income subject to a payroll tax, which reduces the early retirement benefit of the parent. This tax would either be a shock to investors who had no idea about this complication or invariably, to the extent it is known, it would reduce investment by family members in entrepreneurial businesses. Of course, this would reduce a critical form of capital for startup businesses. Why does the majority feel the need to starve young entrepreneurs of the ability to get startup capital from their parents?

A second specific unintended consequence concerns the complex web of anti-abuse rules that is created to prevent "leakage" from the S corp shareholder provision. It ensnares limited partners of partnerships. The bill imposes payroll taxes on the limited partnership income of employees for whom these limited partnership shares are like an employee stock purchase plan. Employees are not subject to payroll taxes on stock purchase plans distributions. Further, limited partners are not

subject to payroll taxes because this is investment income. But to combine the two and for some reason to impose a 15.3-percent payroll tax on the investments of middle-income employees is inexplicable. Despite this known problem, it was not addressed even in the version of the bill that was released last night and pending before the Senate.

I want to be clearly understood that this provision was publicly released on May 20 and was adopted by the other body on May 28 with virtually no debate on an \$11 billion tax hike. There have been no hearings on this proposal in either the House or the Senate. While the chairman has modified his initial proposal and it is now a \$9 billion tax, significant concerns remain. Notably, the number of groups that are supporting my amendment to strike this provision sent a letter to both the chairman of the committee and the ranking member about that earlier version, emphasizing that "this new tax is an excellent example of what happens when the legislative process is short circuited."

This chart is an illustration of the number of organizations that have written letters to Chairman BAUCUS and Ranking Member GRASSLEY of the Senate Finance Committee about this legislation. It says new taxes would hurt job creation, would reduce the capital these employers have to create jobs and invest in their businesses—an excellent example of what would happen when you short-circuit the legislative process.

That is exactly the end result of this legislation. It is ill-timed, and it is poorly targeted. I appreciate the support from Senators ENZI and ENSIGN, who joined me in offering an amendment—unfortunately, we have not had the ability to offer it—to strike it in its entirety so we can take a step back and address only the abusive situations without capturing everybody else. That is going to affect job creation in small businesses and entrepreneurs in America at a time when we desperately need them.

We are now making a broadside attack on job generators. Regrettably, this will affect small and medium-size businesses. They are not in a position to shoulder this enormous burden as we look to them to create the jobs our economy so desperately requires right now.

I have been asking for months on end, as I said earlier in my statement, for a small business tax relief and jobs package that is so central to what we require in our economy today because of virtually no economic growth, no job creation. We are nearly into July, so 6 months into this legislative calendar and there is no legislative package on small businesses yet. What are we doing? More taxes and more spending—that is exactly what is represented in the tax extenders bill.

I attempted to address these issues over the last few weeks and to reach a consensus and solution. As I said, removing the doctor fix and paying for it separately—eventually that happened, and that was important; removing unemployment benefits to move that along so people can get their unemployment benefits without having them lapse and expire during this challenging economy; and then, of course, address all the other issues to make sure we are getting it right. That is what it is all about.

It is a matter of practicality and reasonableness that we get it right and not force more taxes on the very entities we depend on to create the jobs people deserve in America today to go back to work and to support their foundation of financial security rather than removing it.

At a time when we should be encouraging and nurturing small businesses, we are stifling the entrepreneurial spirit by adding \$9 billion more in taxes with an ill-conceived provision that has had no hearings, no examination, no evaluation. It is a terrifying template for additional taxes on small businesses when they are already facing more taxes as a result of the health care bill. No wonder small businesses are bewildered and are unwilling to hire new employees.

In the final analysis, America's small businesses would benefit greatly from the extension of myriad tax provisions, but they do not want this bill at any cost, not when they are going to have to be paying some very onerous and punitive taxes under this legislation. Because it will be virtually all small businesses that are going to face and bear the brunt of the consequences of this legislation and the taxes it represents. It is going to continue the stagnation with respect to job creation. It is going to further that and the deteriorating trend within our economy with respect to job creation and with the lagging economic growth that is reflected in today's economic environment.

For all those reasons, I will not be voting for the tax extenders package. I regret it because I thought we had reached a consensus. Obviously, that was not to be. Hopefully, we can continue our discussions at a time when we can reach a consensus.

But I think it is important in the final analysis to state the fact that these impasses and the stalemate and the deadlock that result time and time again that require cloture votes are really not necessary if we are willing to listen to one another, to reach across the political aisle, and to build a consensus on the issues that are so important to America and so crucial to reversing the economic direction of our country, where more than 70 percent of the American people believe America is moving in the wrong direction with respect to the economy and yet we have

failed to address it satisfactorily because we are not willing to listen, not willing to work, not willing to do the things necessary to create the right kind of legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I have a unanimous consent request which the Senator from Arizona will appreciate. I ask unanimous consent that the cloture vote on the Reid motion to concur in the House amendment to the Senate amendment to H.R. 4213 with the Baucus amendment No. 4386 occur at 5:14 p.m. today, with Senator KYL recognized to speak for up to 2 minutes and Senator BAUCUS recognized to speak for up to 2 minutes prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. KYL. Madam President, I will not take 2 minutes.

First let me say that I associate myself fully with the remarks of my colleague, the senior Senator from Maine. Her analysis and criticism of the so-called S corp provision and retroactive tax provisions should be heeded by all of us.

I thank my colleague from Maine for her indefatigable work on this bill and her leadership to reduce its costs and fix its bad policy. She has spent countless hours working in a bipartisan way to develop an approach that will extend unemployment benefits, ensure physicians are paid properly for caring for Medicare patients, and reduce the fiscal impact of the bill. It is certainly through no fault of her own that the product before us remains unsupportable. No one has fought harder to support the small businesses that create jobs in America than Senator SNOWE.

We need to extend the tax provisions in this bill and achieve its other objectives. Like my colleague, I hope we can reach the right result, one that responds to our constituents' pleas that we stop spending and taxing and focus on job creation and economic growth.

The other side has offered several versions of the so-called tax extenders legislation. Unfortunately, each version has had at least two things in common with the previous versions—an increase in taxes and spending that leads to increased deficits. The provisions raising taxes are permanent changes even though they are being used to offset short-term tax cuts. I would like to focus on one of these tax increases that will be particularly harmful to many of our Nation's small businesses, which are incorporated as S corporations.

Currently, limited partners pay payroll and other employment taxes on payments received for the services that they provide. Partners in small businesses organized as S corporations pay

employment taxes on their compensation even if the earnings are not distributed. The Baucus substitute filed last night would essentially require partners providing "professional services" to pay payroll taxes on their investment income as well.

The intent of the provision is to prevent cases of abuse as when former Senator John Edwards used the organization of an S corporation to avoid paying the 2.9 percent Medicare tax he owed as a lawyer on his wages. Edwards earned \$26.9 million during the late 1990s while only reporting \$360,000 in salary.

However, the IRS has the ability to go after firms and individuals who do not pay themselves a reasonable wage using the reasonable compensation test. The service has already successfully litigated cases where compensation was considered less than reasonable. A few examples are *Radtke v. US*, 712 F.Supp. 143 (7th Cir., 1990) and *Spicer Accounting v. US*, 918 F.2d 90 (9th Cir., 1990).

Furthermore, Congress just gave the IRS another anti-abuse tool when it codified the economic substance doctrine as part of the healthcare bill. Consequently, if the structure of the business is designed solely with the intent of avoiding the Medicare payroll tax, it would lack economic substance and the IRS could disallow it.

Not only does the IRS already have the ability to go after those who try to avoid paying taxes through S corporation revenue abuse, but the provision as it is currently drafted will create uncertainty, cause additional compliance problems and unfairly hit those it is not intended to impact.

One problem with the current proposal is that it will be very difficult to trace the hours of work for certain shareholders and link it back to the firm's revenues. Lawyers and CPAs can track their hours because that is how their businesses operate, but other service professionals such as engineers and architects do not.

As such, this will be especially burdensome for a number of the covered businesses at a time when we are counting on these same small businesses to generate jobs.

The provision also does not define what amount of participation in professional services activities determines if one must pay the new tax. The House version says "substantially all." The Senate version seems to suggest that even very limited participation in any of the activities listed under the new definition of professional services would be subjected to the tax. Is that the intention?

Finally, the family attribution rules would appear to hit inactive family members who are solely shareholders and do not actively participate in the day-to-day operations of the business by subjecting their investment income to payroll taxes.

The bottom line is that this provision unnecessarily treats the income of 4 million small businesses organized as S corps all as wages, which undermines the entire rationale for having flow-through entities: to avoid the double taxation of entrepreneur's income. How are small businesses suppose to grow and hire more workers to get us out of this recession if we keep creating impediments to expanding investment opportunities?

The most galling aspect of this debate is that if the extenders bill passes with this roughly \$10 billion tax increase on small business, the next tax bill we expect to consider is a bill to help small businesses with just \$5 billion in tax relief. So the net effect of these two bills would amount to a \$5 billion tax increase on small business. I just don't understand the logic. Of course, the real logic is simple: Supporters of the bill need more offsets to pay for the increased spending. I support the efforts of the senior Senator from Maine to strike this tax on small businesses, and I commend her for leading the effort to solve this problem.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, let us remember what this bill is all about. This bill will help American families face this great recession. This bill works to strengthen our economy and put Americans back to work. This bill would create jobs. That is what people want. It would cut taxes for businesses. That is what people want. It would facilitate small business loans. It would foster investment in highways and other infrastructure. This bill would cut taxes for families paying for college. It would cut taxes for teachers. It would cut taxes for Americans paying property taxes and sales taxes. It would extend unemployment insurance, health care tax credits, housing assistance for people who have lost their jobs. It would help States cover the cost of low-income health care programs.

This week, 900,000 out-of-work Americans have stopped receiving unemployment insurance benefits. Why? Because Congress has failed to enact this bill.

This has been a difficult fight, but it does not have to be difficult. In previous recessions, in previous Congresses, it was not this hard. But for months now, we have addressed Senators' concerns.

Senators expressed concern about the size of the bill. So we cut the total size from \$200 billion, then down to \$140 billion, then down to \$118 billion, now less than \$110 billion. We cut spending on health care benefits to unemployed workers under COBRA. We cut spending on the \$25 bonus payments to recipients of unemployment insurance. We cut spending on the relief to doctors in Medicare and TRICARE. We cut spending on help to States for Medicaid

by one-third. Senators asked for more spending cuts. We came forward with more spending cuts. Since the first time the Senate passed this bill, we found \$77 billion in new offsets. This bill is now 70 percent paid for.

I just want to say that there is a great need for this bill. Americans want this bill passed, and, frankly, I very much hope this bill does pass. We do need the 60 votes.

We do not need the 60 votes; the American people want us to pass this legislation.

I yield back the remainder of my time.

#### CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 4213, the American Jobs and Closing Tax Loopholes Act, with a Baucus amendment No. 4386.

Harry Reid, Max Baucus, Patrick J. Leahy, Al Franken, Patty Murray, Richard J. Durbin, Sheldon Whitehouse, Roland W. Burris, Kent Conrad, Daniel K. Akaka, Robert P. Casey, Jr., Jeanne Shaheen, Edward E. Kaufman, Jeff Merkley, Jeff Bingaman, Mark L. Pryor, Sherrod Brown, Carl Levin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur with amendment No. 4386 in the House amendment to the Senate amendment to H.R. 4213, the American Workers, State, and Business Relief Act of 2010, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

Further, if present and voting, the Senator from Alaska (Ms. MURKOWSKI) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 200 Leg.]

#### YEAS—57

Akaka	Bingaman	Cardin
Baucus	Boxer	Carper
Bayh	Brown (OH)	Casey
Beigich	Burris	Conrad
Bennet	Cantwell	Dodd

Dorgan	Landrieu	Reid
Durbin	Lautenberg	Rockefeller
Feingold	Leahy	Sanders
Feinstein	Levin	Schumer
Franken	Lieberman	Shaheen
Gillibrand	Lincoln	Specter
Hagan	McCaskill	Stabenow
Harkin	Menendez	Tester
Inouye	Merkley	Udall (CO)
Johnson	Mikulski	Udall (NM)
Kaufman	Murray	Warner
Kerry	Nelson (FL)	Webb
Klobuchar	Pryor	Whitehouse
Kohl	Reed	Wyden

## NAYS—41

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	LeMieux	

## NOT VOTING—2

Byrd	Murkowski
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The PRESIDING OFFICER. On this vote the yeas are 57, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Republican leader.

Mr. MCCONNELL. Madam President, I indicated to my friends on the other side of the aisle I would be propounding a consent agreement. Let me make a few brief observations and then I will do precisely that.

The majority wants to make this debate about Republicans opposing something. Let me be perfectly clear: The only things Republicans have opposed in this debate are job-killing taxes and adding to the national debt. We have offered ways of paying for these programs and we have been eager to approve them.

What we are not willing to do is to use worthwhile programs as an excuse to burden our children and our grandchildren with an even bigger national debt than we already have. So the biggest reason the cloture vote we just had failed is because Democrats simply refused to pass a bill that does not add to the debt. That is the principle we are fighting for in this debate, and let me suggest that I can prove it. In a moment I will offer a 1-month extension of the expired unemployment insurance benefits, COBRA subsidy, flood insurance program, small business lending program, and the 2009 poverty guidelines. This extension would be fully paid for using the very same stimulus funds that our friends on the other side just voted—almost unanimously—to redirect for these purposes. Let me repeat that. We would pay for the extension with a Democratically approved stimulus offset.

If the Democrats object to extending these programs using their own stimulus offset to pay for them, then they will be saying loudly and clearly that

their commitment to deficit spending trumps their desire to help the unemployed.

Let's be clear about the principle that is at stake here. Are our friends on the other side willing to extend these programs without adding to the debt? That is the real question in this debate.

So, in that regard, I ask consent that the Senate proceed to the immediate consideration of H.R. 4853; that all after the enacting clause be stricken and the McConnell amendment at the desk be agreed to; that the bill as amended be read a third time and passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, Madam President, for 8 weeks Senator BAUCUS and Senator REID have negotiated with Republicans in an attempt to pass this important jobs bill. They have been asked to make the package smaller, which they did. They have been asked to pay for portions of the package, which they did. And still Republicans continue to filibuster and stop this bill.

What the Senator from Kentucky wants to do would be virtually unprecedented, that we would pay for the emergency spending for unemployment compensation by removing money from our jobs program, the stimulus program. So he is going to kill jobs on one side to pay for the unemployed on the other side. It makes no sense economically and it is certainly not within the tradition of the Senate, and I object.

The PRESIDING OFFICER. The objection is heard.

Mr. MCCONNELL. Madam President, I would only briefly offer that the offset I offered was one that the majority just voted for. Obviously they did not find it offensive in the context of the measure that was defeated.

We will continue to work on this in the hopes that we can pass this worthwhile measure without adding to the national debt.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. The filibuster that has been waged by the Republicans in the Senate has gone on now for 2 months to stop unemployment benefits. What the minority leader just offered was a 1-month extension. We have been limping and dragging our way from one short extension to another, and that is not fair.

It is not fair to 80,000 people in Illinois, unemployed, who just lost their unemployment benefits because of the Republican filibuster. Why do the Republicans oppose this bill? Well, the good reason they say is the deficit. But let me tell you the real reason. The real reason is because this bill pays for virtually all of the programs except un-

employment by making changes in the Tax Code, changes to which the Republicans object.

Let me give you an example. One of the changes would eliminate the loopholes in the Tax Code which allow American businesses to relocate American jobs overseas. We know what that means to manufacturing in this country. We are losing good-paying jobs right and left, and the Tax Code rewards the companies that make those bad decisions. We want to eliminate that, and the Republicans want to protect it.

Secondly, this bill provides help to small businesses across America, and we pay for it. Third, this bill will provide money to governments so we would not have to lay off teachers, policemen, firefighters, and nurses. That is going to happen. We are trying to send emergency money back to the States to avoid that.

The Republicans continue to filibuster it and to say no—no to plugging up the loopholes so jobs will not move overseas, no to the assistance for small businesses so they can create jobs, and, no, so that we can help to protect the jobs of the people who protect us in our homes and communities and schools.

I do not understand the Republican sentiment. There used to be a bipartisan sentiment that when America faced a disaster, we would pull together, whether it was the flooding and hurricanes in Louisiana or the disastrous situation in the Gulf of Mexico. We have a national emergency with this recession and 14 million Americans out of work.

We are asking only—only—to extend them an unemployment check so they can feed their families—literally feed their families for the next few months. The Republicans continue to filibuster and continue to say no.

The record is clear. It is a party of no which is hoping the voters will vote yes in November. I hope they will remember that the Republicans had no alternative when it came to this disastrous economic situation, and we are doing our best to create jobs and help those who have lost their jobs through no fault of their own.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

## GULF OIL SPILL

Mr. NELSON of Florida. Madam President, I want to show the Senate Pensacola Beach yesterday. It has hit us full force. That white is the natural sugary sand of the northwest Florida beaches. You can see as far as the eye can see down to the beach. It is covered with this black tar-like sludge.

This was yesterday. More rolled in last night. There have been attempts to get out and scoop this up. This, as you can see, is not the tar balls, the little quarter-sized or dime-sized tar balls that have hit the beaches before.

No. What this is showing is when you have 60,000 barrels a day gushing into the Gulf of Mexico now for more than 2 months, and that very likely will continue to gush for the rest of the summer—that is another 2½ months. It shows you what is the potential that is being portended.

Another picture here from yesterday, Pensacola Beach. This is where the pier is. Here is the gulf. Here are the waves crashing in. This is far over this sugary white sand that you can see how much oil has collected.

In the middle of the day when the Sun is beating down, it stays almost fluid like this. As the Sun goes down and it cools, this will start to become a more viscous consistency. As much as we want the people to come and enjoy our beaches—and this is the height of the season on the world's most beautiful beaches—is this going to be an incentive for them to come? You can imagine the lost income from the hotels, the restaurants, and all of the ancillary businesses.

So this is a saddening reality, but it is a glimpse of what it is yet to become with that much oil out there in the Gulf of Mexico.

Let me just give you a couple of iterations. They have said by putting this top hat—that is like a funnel to siphon off a lot of it until they can finally kill the well. They are saying it is going to be the end of August, the first part of September before they can get down to the bottom, the 18,000 feet below the seabed, intercept the well pipe, and then put cement down in it to kill the well.

Until that point, they are trying to siphon it off at the well head, which is where the blowout preventer failed. Remember, they went in with one of those big shears and they clamped off the pipe called the riser pipe, and they put this kind of funnel over it called a top hat, and they are siphoning off.

They said they have been able to siphon off 25,000 barrels a day. Well, that is very good, except 60,000 barrels a day are gushing. So as much as they can continue to siphon that off, at least maybe, certainly not half but at least some is being siphoned off and taken up to a tanker on the surface 5,000 feet above the seabed.

But you know, check the Weather Channel. There is a tropical wave that is now developing in the South Caribbean. If you look at the National Weather Service projection of where it is going to go, it is going to intensify. It is going to become a tropical depression. Then it is going to likely become a tropical storm. Who knows, it may be a hurricane. And its projected path is to go right up in the Gulf of Mexico toward this damaged well. What happens? The ships cannot stay out there if a hurricane is coming. They have to go in and find safe port. So some 5 days before the arrival of the hurricane, the

ships would have to decouple, stop the siphoning off of the 25,000 barrels, and, therefore, the entire 60,000 barrels a day would be gushing.

Well, for how long? It would be 5 days before the hurricane and another 5 days after the hurricane passes before they can get back out there, reposition their ships, reattach the top hat. We are talking about a total of 10 days with no siphoning that 60,000 barrels a day and 600,000 barrels will have gushed into the gulf. That is three times the amount of oil that was spilled by the Exxon Valdez just in that 10-day period.

So, of course, what I am asking is that the U.S. Navy preposition ships so we can have a surge of ships to come to the site after a hurricane has passed, so that extra 600,000 barrels of oil that has gushed from when they had to shut down would be skimmed.

Now, let me tell you about the skimmers. Still today there is not a sufficient command-and-control structure as much as this Senator has continued to ask the incident command and the unified command: How many ships do you have out there? What kind are they? What are their positions? I still cannot get a straight answer to that. What is more is that the Navy has a series of smaller boats that are skimmers in port. That is pursuant to the law. Where you have a port, under the Clean Water Act and under the Oil Spill Act, and all of those existing laws, you have to have the capability, if there is a spill in port, to go in and clean it up. The Navy has some 45 vessels that can do that.

Out of those, only six have been deployed to the gulf. These are boats that are basically 30 feet long. We cannot use them out in the gulf, but we can sure use them in the bays. When the oil goes through the pass or the inlet into the bays, we can have those additional smaller boats that skim up the oil before it gets into the bays.

Out of those 40 boats, the Navy has identified another 27. Would you believe that until 2 days ago they still had not approved getting those 27 boats which the Navy has identified that they can put on trailers and bring to the gulf coast to preposition them in those bays to protect the estuaries?

This Senator has called the head of the EPA, Lisa Jackson. Fortunately, on that very afternoon, she had approved the EPA signing off with a waiver for those boats, to allow those boats to leave those ports to get to the place where the big oilspill is. It has only been going on for over 2 months now. But at least that approval is in.

But as of this afternoon—that was over 2 days ago. But as of this afternoon, this Senator cannot get those boats on trailers and on their way.

Let me give an example. All along this beautiful beach there are several passes. Others call them inlets. At the

State line, the Alabama-Florida State line, is Perdido Pass. That goes into Perdido Bay. That is shared by Alabama and Florida.

Further to the east is Pensacola Pass. That goes into Pensacola Bay, the cradle of Naval aviation, at Pensacola Naval Air Station. It is right there on Pensacola Bay. That is where 2½ years ago, in a Fish and Wildlife boat in Pensacola Bay, that orange mousse that looked so awful was flowing in and flowing right toward downtown Pensacola. We gave a longitude and latitude position, and I think somebody got it before it got downtown. That is where the smaller boats can help and need to be prepositioned.

Go further east. We have an interesting different kind of pass. It is called Destin Pass. It is the only inlet going into a huge bay that borders Eglin Air Force Base, called Choctawhatchee Bay. It is huge, with a lot of wetlands.

This pass, unlike Pensacola Pass, is shallow. But because it is shallow, the incoming tide rushes through. You can imagine the force of that current, that once the oil gets to that point it is going to carry it into the bay. It is all the more reason we need the small Navy boats in the bays to skim it up before it gets into the wetlands.

Because of all of the booming we have done—and I was just there Monday inspecting the booming—when that tide comes rushing in, a lot of those booms are not going to hold it. They even have sophisticated systems that we are trying to get. Since it is a shallow pass, you put on the bottom a pipe that shoots air up and therefore would get oil suspended below the surface, shoot it to the surface so you could collect it with booms, if the booms will hold in that onrushing high tide.

Go further to the east, it is the pass going into Panama City, St. Andrews Bay, again, a deepwater pass, a similar situation. We need the skimmers in there. And then go further to the east, to a place where my grandfather came on a boat, my great-great-grandfather, 181 years ago, when my family came to Florida in 1829 to Port St. Joe, inside a natural bay that is created because of the arm of a cape called Cape San Blas. From the tip of that cape to the mainland is only about a mile and a half. It is hard to boom that. There, again, is why we need additional skimmers in that bay. If the skimmers out in the gulf can't get it all—and with so much oil in the gulf, that is going to be a chore—then at least we have a fighting chance of getting it in the bay.

It is with a heavy heart that I show a picture from yesterday in Pensacola Beach. It is a fact. This isn't the only time. We are going to be faced with this for months, indeed, probably for years. It is not only going to be the gulf coast, because when this oil shifts to the south and gets in a current

called the Loop Current, that will carry it south to the Florida Keys, which becomes the gulf stream, which will take it up the east coast of not only Florida but the eastern seaboard of the United States.

I remember after Hurricane Andrew that valiant emergency operations center director who said, when there was no Federal resources coming in: Where is the cavalry?

I am asking now: Where is the cavalry? The cavalry is all these extra skimmers for the bays. The cavalry is the extra surge capacity of additional skimming, when a hurricane comes through and all that extra oil is gushed out. I am asking for the cavalry.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Florida is recognized.

Mr. LEMIEUX. Mr. President, I thank my colleague, the senior Senator from Florida, for his comments, bringing the proper focus to the issue of skimmers. It is something I have been talking about for weeks. I have been coming to the floor for the past week to talk about the lack of response from the Federal Government in keeping oil off our beaches, out of our intercoastal waterways, out of our estuaries in Florida. I said earlier this week that I would come to the floor every day until we had good answers as to where the skimmers are. It makes absolutely no sense that we do not have a more robust effort from the Federal Government to keep the oil from coming onshore. Right now we have not only tar balls on our beaches, we have large swathes of brown oily slop that have come ashore in Pensacola. It breaks one's heart to see it.

When I was there last week meeting with the President, I talked to a woman who was working at the dock, right on the pier. She is a woman who sells food to folks coming to the pier. I asked her: Are people coming out since we have had the oilspill to see the beach?

She said: Yes. The folks who are coming haven't seen the beach in a long time. They are coming to see the beach one last time, as if they are visiting a family member who is on his or her deathbed.

We know BP is responsible. We know they cut corners. We know they are responsible for ultimately paying for all of the economic damages. But there is another part of this equation, and that is the Federal Government. The Federal Government is here to do what local and State governments cannot do at a time of disaster, and that is to marshal unbelievable resources to prevent harm to the people, to the environment, and to the economy.

As I have come to the floor over the past week, I have talked about the fact that we can't get a straight answer as to how many skimmers are actually off

the coast of Florida. These are ships that suck the oil off of the water and keep the oil from coming onshore. Today we still don't have a straight answer. The Federal Government tells us in their shore operations report from the National Incident Command that there are 118 skimmers. But yesterday they told us these reports are not accurate and that there are, in fact, 86 skimmers. So we have the number 118 and we have the number 86. We have a number from the State of Florida that is different. The number from the State of Florida was 31, 25 plus 6 additional skimmers that the State of Florida had to go out on their own and get. They took the initiative to get the skimmers on their own because they were not getting them from the Federal Government.

Today the report is different. It is shown in a different way. When we called to ask the State of Florida, they couldn't tell us how many skimmers there were. Yesterday it was 31. The Fed said 118. But then they say the number is really 86. Whether it is 31, 86, or 118, it is not enough.

Why is it not enough? There is a huge area between Pensacola and Panama City that needs to be treated by the skimmers, let alone the rest of the area that goes all the way over to Louisiana. We know there are about 400 skimmers in the Gulf of Mexico, but there are 2,000 skimmers in the United States.

Before I talk about domestic skimmers, I want to talk about the offers of assistance that have been made by foreign countries to help us. We are the greatest country in the world. When there are disasters, whether they be in Southeast Asia with the tsunami or Haiti with an earthquake or Central or South America with an earthquake, we send resources, volunteers, teams of people, aid. We are there to help them. The world community has been offering us assistance—some of it free, some of it they want paid for, but assistance nonetheless. We are coming to find out that we are not responding to their offers of help. The State Department has reported as of last week that we had 56 offers of assistance from 28 countries or international groups. But we have only accepted 5 of these offers, 5 offers of assistance out of 56. We have a lot of great skimmers that are working in the Gulf of Mexico, but some of them are pretty small, to be honest. We are happy they are there. A small skimmer is better than no skimmer.

But let me show a skimmer that was offered to the United States that is not a small skimmer. In fact, it is a huge vessel. This was offered to us by a Dutch company called Dockwise. This ship is called the Swan. It could be outfitted with skimming arms. It was available to go to the gulf. The U.S. Government didn't return the call. It was offered on May 6. Now some 50 days

later, it still has not been responded to. It is still under consideration. This ship is able to take up 20,000 tons of material, whether it be oil, or an oil/water mixture, 20,000 tons. This is not some skimmer that can go on the back of a train or on a boat or an airplane and be flown down to the gulf or trucked or trained down to the gulf. We are happy to get those too. This is a serious piece of ship equipment. We haven't called them back.

Guess what. This is no longer available. Instead it was replaced by a ship with one-twentieth of the capacity, a U.S. ship. I am all for America first. I am all for using U.S. assets. But this is not an either/or situation. We should be using American ships and international ships. We gave up a ship with 20 times the capability that could be out there in the gulf sucking up this oil, perhaps keeping it off the beaches of my State, off the beaches of Pensacola, and we didn't return the phone call. Nor did we return the phone call to the other 51 offers of assistance. It is beyond belief.

Let me go back a second and talk about the domestic skimmers. This map I have in the Chamber is going to be a little hard for you to see, but I want to walk through it. This shows different parts of the country, broken up by districts. In each of these districts, there are skimmers.

Where did we get this information? We got this information from the U.S. Government, from the Coast Guard because Admiral Allen said, a week ago, there are 2,000 skimmers in the United States.

Why are not the vast majority of those skimmers in the gulf right now? What is the holdup? We hear about legal entanglements. Is it the Jones Act, is it Federal law, is it local law, is it EPA restrictions that are keeping skimmers in different parts of the country in case there is an oilspill?

I asked the President of the United States about this last week in Pensacola, and he said: Well, we are trying to get all the skimmers we can. Obviously, Admiral Allen wants to get all the skimmers we can, but some of those skimmers need to stay in place in case there is an oilspill.

Well, Mr. President, there is an oilspill. It is in the Gulf of Mexico. And saying we are not going to bring skimmers because of legal entanglements or constraints from other parts of the country because there might be an oilspill there is like me saying we are not going to send the fire engine to your house that is on fire because there might be another fire someplace else. This is the worst environmental disaster in the history of this country and every available resource should be used.

As shown on the map, this is district 8 right here, which is the Texas area. This is district 7, which is Florida,

Georgia, South Carolina. The number of skimmers in the Texas area is 599. The number of skimmers in the Florida district is 251. So between these two areas, 850 skimmers, just between Texas and all the way up to South Carolina.

How can it be that there are 850 skimmers in, basically, the Gulf of Mexico States—with the exception of going around to South Carolina; but we are talking about Georgia, Florida, Alabama, Mississippi, Louisiana, Texas—how can there be this many skimmers—850—but we only have 400 in the gulf right now, if that number is correct? How can that be? How can we be 65-plus days into this and not have those skimmers in the Gulf of Mexico, when they are virtually there anyway, according to this report, or right next door?

Beyond this 850 in the district that encompasses all the way from North Carolina up to the mid-Atlantic, we have another 157 skimmers. Up here, in the New England area, there are another 160 skimmers. Up near Michigan, there are 72 skimmers. If you go over to California—and we can bring these things through the Panama Canal or, if they are smaller, they can be flown in—in this California district, there are 227.

So we are literally talking about more than 1,000 skimmers that are available, but we only have 400, if this number is correct, at work. It is hard to believe the response is this anemic. It is hard to believe there is this lack of urgency or sense of purpose in getting this done.

I see my colleague from Louisiana is in the Chamber. Her State has been impacted worse than any other so far, and I know she wants every available resource off the coast of Louisiana to stop this oil from coming ashore, just as our friends in Mississippi, in Alabama do, and just as we do in Florida.

This is not a partisan issue. I want the President to succeed. I want the Coast Guard to succeed. But right now it is not just oil washing up on the shore of Florida, it is failure. We have to do more. We have to get focused and get passionate and get something done about this issue.

I will keep coming to the floor to talk about this issue as long as it is a problem, as long as we keep refusing foreign help, as long as we have thousands of available skimmers in this country to do the job that should be done. I should look off the coast of Pensacola and see an armada of skimmers doing the job that needs to be done to keep this oil off our beaches, out of our waterways, and out of our estuaries. So I promise to be back until the problem is solved. I hope I do not have to come back because I hope I can report in a positive way that the Federal Government has gone into action and we are doing what we should be

doing for our people and for our environment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, before I speak briefly about the subject I came to the floor to speak about, which is small business—I am chair of the Small Business Committee—I want to thank our colleague from Florida for his advocacy for the gulf coast, as we struggle as to how to stop this gusher in the gulf and to clean up what has been done.

We have recently seen some terrible photographs from the beaches of Florida. We have photographs equally as troubling from the marshes of Louisiana. I want to thank the Senator for his leadership, and we are all going to double our efforts to get this job done, and to do it in a balanced way.

As upsetting as this oil is, in trying to clean it up, and keep it from our shores—both the beaches and the marshes—we also have to find a balance as to how to let this industry at some point move forward with these 33 rigs or we are going to lose the entire deepwater gulf drilling, which will put thousands—tens of thousands—of people out of work, some of whom live in Florida; and some of the businesses benefit, as well as so many in Louisiana.

But I thank my colleague for his continued effort, and we will look into some of the issues he has raised and push as hard as we can from Louisiana as well.

Mr. President, I know my colleagues are on the floor to speak about job creation. That is why I am here as the chair of the Small Business Committee.

I say to the Presiding Officer, you have had a great deal of experience in your own role, before being a Senator, as a bank president and as a lender for small business. You know how important it is.

I start by sharing this graph I have in the Chamber that shows that from 1993 to 2009, 65 percent of the net new jobs created were created by small firms with 1 to 500 employees—65 percent of the jobs. Large firms created 35 percent of the jobs. So I suggest this is a very important topic for us to be discussing, and I am very pleased the leader wants to bring this small business bill to the floor next week.

We have been—many of us—clamoring to get to this debate, and I want to see this bill move forward if we can work out a few minor differences. This package has been put together with very good bipartisan cooperation, from my view as the chair of the Small Business Committee, both from our committee and then the Finance Committee has done its part as well. But there are a few items I wish to highlight because there are some agree-

ments that must be reached and some points I wish to make briefly.

First of all, let me briefly describe the small business provisions. One is the increase in 7(a) loans from \$2 million to \$5 million; 504 loans from \$1.5 million to \$5.5 million; and microloans from \$35,000 to \$50,000. If I could, I would lay an amendment down to raise that to \$100,000.

We have had testimony from business advocates—from conservative to moderate to liberal advocates—saying this is one of the most important things we need to do to stimulate lending to small businesses through the Small Business Administration, to give capital, to give credit to these small businesses that can create the jobs I am talking about. We must get credit into the hands of small businesses from Maine to California to Texas to Louisiana to Washington State, and these small businesses, if we can strengthen the SBA programs, can, in fact, begin to turn this recession into a job creation era and opportunity. That is in the bill. It passed our committee 17 to 1—a great bipartisan vote.

The Small Business Export Enhancement and International Trade Act, which Senator SNOWE has worked so hard on—and I want to commend her for her work; and I have worked with her on this as well—this is a challenge for us. Less than 1 percent of small businesses in America are exporting. I want to say that again. Less than 1 percent of America's small businesses are exporting.

The market is overseas. The population growth is overseas. If we do not help our small businesses with technical assistance and support to be able to allow them to position to market, particularly with the ability of the Internet today—an extraordinarily exciting tool—with broadband, high-speed Internet, there are opportunities for a person, whether they are in Chicago, IL, or in New Orleans, LA. If they have a product, they can go on the Internet, show the product, and it can be shipped to China or India or any other country in the world, and the profits can come home right here and jobs can be created. That is in this bill, and it is extremely important we move to it and figure out the few problems we have with it.

There is the Small Business Contracting Improvement Act that has not been completely worked out, but I want to take a moment to speak about it. The Federal Government is one of the largest purchasers of goods and services in the world. If we are going to try to help businesses, we most certainly, in my view, should strengthen the opportunity to contract with small businesses so the Federal Government can purchase goods and services. We want to allow small businesses to do that. There is a problem we are trying to work out that Senator THUNE has

raised, and I look forward to working with him over the weekend to work through that.

The fourth section of the bill is the Small Business Community Partner Relief Act. This would allow SBA, upon request by a woman business center or a microloan intermediary, to waive or reduce the non-Federal share. Why is this important? We have also added \$50 million to the small business development centers. Small businesses cannot necessarily create the jobs they want to create without help and support. We have a great network. We have a great backbone, a great reach through women business centers, through university-based centers, and this bill we are going to bring to the floor next week has support for them so they can then reach out and help small businesses on Main Street.

This bill is not about Wall Street. I have heard as much about Wall Street as I want to hear and so have the people in my State. We want to start hearing about Main Street at home, businesses that are struggling and need our support and our help.

We also have some additional sections for the 8(a) improvements, and I have offered a section of the bill that I think is very important to help the 11,700 businesses that, unfortunately, on the gulf coast are still paying off loans from the last disasters 5 years ago, Hurricanes Katrina and Rita.

As you heard Senator LEMIEUX from Florida and as you have heard Senator NELSON from Florida, now we have another catastrophe along the gulf. I have asked, in this bill, for some interest relief for these businesses. Some of these businesses are paying \$1,000 a month—\$700 in interest, \$300 on principal. And that is the example that Jaimie Bergeron of Fleur de Lis Car Care in New Orleans presented to our committee. This bill would allow the owners, the Bergerons, right now—where their sales are down; the region is threatened—to go from paying \$1,100 a month down to \$300 or \$400 a month.

We can afford to do this now. We have to be able to give these small businesses some relief. There is some opposition to this provision. I hope people will think about how important this is for these gulf coast businesses. We have had support not only from our local newspaper, the Times-Picayune, but even the New York Times has said the people of the gulf coast deserve a break. We need a little help, and we need it now. Giving these small businesses some interest relief would be a great help.

Finally, in this bill, the White House has put forward, and I support, \$30 billion for small business lending. We have the estate small business credit initiative developed by Senator WARNER, Senator LEVIN, and others. We have \$1 billion going to community development finance institutions that are

not banks but lend money to neighborhood-based, grassroots organizations that then turn around and lend money to small businesses. So there are some great provisions to include in this bill.

We have a few things to work out over the weekend with my colleagues from the other side. I just want to say that no one could be working harder than our committee, both Democrats and Republicans, to try to bring a consensus to this floor.

In good faith, I come to ask my ranking member, Senator SNOWE, please let's work hard over the weekend to work these final provisions out so we can provide to the American people not only a bill that works for them—and Senator STABENOW helps us grow small business—but a bill we can actually enthusiastically support in a bipartisan way. I think the American people deserve our best efforts. I am going to work double-time over the weekend, even doing some other things I need to do in my home State to get this work done, and I look forward to being here on Monday to see if we have been able to achieve that.

Ms. STABENOW. Mr. President, would my friend be willing to yield for a question?

Ms. LANDRIEU. Yes.

Ms. STABENOW. First, if I might, I wish to take a moment to say thank you to the senior Senator from Louisiana for her leadership on small business. Her efforts in terms of job creation and availability of capital and so on is right on point.

My question would be, is it the Senator's desire to have this done by the end of next week so we can move this forward and hopefully have these benefits take place as quickly as possible for our small businesses?

Ms. LANDRIEU. Absolutely. It is my desire to have many conversations over the weekend. There are just a few points that need to be worked out. The Finance Committee has done its portion of the work, and I thank Senator BAUCUS and Senator GRASSLEY. Senator SNOWE and I have a few other things to work out.

The Senator from Michigan is correct. This effort on the part of the Small Business Administration is crucial to change these programs, to lift their limits, provide some support for them to be able to help reach out and support our small business growth throughout the country.

The White House has worked very hard on this \$30 billion capital infusion to the banks. The Independent Bankers of America supports the \$30 billion in additional capital that would be available to them, again, not for lending on Wall Street or Fancy Street but on Main Street where the Senator from Michigan and I come from, to get money into the hands of small businesses. It is imperative particularly for women-owned and minority-owned

businesses that have been particularly hard hit by this recession. Some of the provisions reach right to those disadvantaged neighborhoods in our country that need the most help right now in creating jobs for people of every different walk of life.

Ms. STABENOW. Mr. President, I wish to thank the Senator from Louisiana again because she is focusing on jobs. That is what we are focusing on every day here, with every bill: jobs, putting people to work, supporting small businesses, supporting manufacturers, and getting this economy going. So I thank her for her leadership.

AUTHORITY TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the majority leader be authorized to sign any duly enrolled bills and joint resolutions on today, June 24.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, this evening we had a vote that I find to be extremely concerning. Once again, after 8 weeks of trying to work out some kind of an agreement with our colleagues on the other side of the aisle to overcome a Republican filibuster—changing our jobs bill over and over and over again, and every time there was a change, then there was something else and something else—we finally hit a brick wall tonight, when we didn't know what else to do. Once again, we did not have one Republican colleague willing to vote with us to overcome a filibuster. We have the votes on the floor to pass this jobs bill, which includes incredibly important benefits for people who are currently out of work, to extend unemployment benefits.

People who have worked hard all of their lives, through no fault of their own, find themselves in this situation, and they are asking us to simply help them be able to keep a roof over their head and food on the table for their families and maybe a little bit of gas in the car so they can go look for work, while we can continue to focus on creating jobs in what has been a terrible economic crisis for our country.

We have the votes. If we were doing a majority vote, we would have the votes. We have more than enough votes, but what we don't have is enough votes to overcome a filibuster. That takes at least one Republican colleague, and we don't have that. We don't have any at this point. So, therefore, it is estimated that by the end of this month, over 87,000 people in my great State of Michigan will lose their unemployment benefits, the little bit of help they get to be able to help them keep going. A lot of people are going back to school, but unemployment benefits are paying for the rent or food. People are trying desperately not to lose their houses on top of losing their

jobs. This is a desperate situation for almost 1 million people across this country.

All we get over and over again is, no. We are creating jobs in this bill, putting money and partnerships in with manufacturers to create capital for manufacturers, and all we hear is no; capital for small businesses to be able to invest and grow their businesses and hire people, and all we are getting is no; the ability for States and local governments to keep police officers and teachers and firefighters on the job, and all we hear is no.

The resounding no has been to help anyone who currently finds themselves out of work because of no fault of their own and needs to count on the ability for us to have unemployment benefits. This is an outrageous situation.

Before turning it over to my colleague from Ohio, who I know shares my deep concern about what has been happening, let me remind people that despite the fact that we are beginning to grow the economy, we have turned the corner. When President Obama came into office, we were losing 750,000 jobs a month. With the Recovery Act, we got that down to zero. We are turning the corner, but we still have five people out of work for every one job opening. What happens to them, while we are working as hard as possible to turn this economy around? What happens to them? Those are the people we are fighting for every single day. They are the people we care about here on the floor of the Senate, and we are going to keep coming back and fighting because they deserve to know there are people here who understand what they are going through.

I will now turn it over to my colleague from Ohio for a few moments. Then I will make a few more comments.

**THE PRESIDING OFFICER.** The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I thank the Senator from Michigan. I think the Senator said it exactly right. She talks about statistics and so many people being laid off. Yes, 750,000 people a month were losing their jobs when President Obama started in office. We are seeing job growth now but not as much as we would like.

In Ohio, in April, we had the largest job growth in the country, with 37,000, which is not great, but it is better than when President Obama inherited this economy from President Bush. I think when you speak to individual people, you understand it.

I want to share a handful of letters from constituents. I know Senator STABENOW gets letters like this from Lansing, Grand Rapids, all over Detroit, and everywhere in her State, from people who have been affected by the failure of the Republicans to want to extend unemployment benefits.

It seems to me that our Republican colleagues—the people who consist-

ently voted no on something as simple as extending unemployment benefits—some of them view unemployment as welfare, when it is called unemployment insurance not unemployment welfare. When you have a job, whether you live in Detroit or Columbus or whether you live in Dayton or Toledo, you pay into the unemployment insurance fund when you are working, and you get assistance when you are not. That is the whole point of unemployment insurance. You hope you never need it, like you hope you never need your car insurance, to cash in your car insurance, or you hope you don't need your health insurance. You want it to protect yourself. That is what unemployment insurance is. I think some of my colleagues, who are so ultra conservative, think it is welfare. I don't understand that because very few people in the public think that.

Too many colleagues—the people who vote no on extending unemployment insurance—don't know anybody who lost their job or they don't know anybody who has lost her insurance or anybody who has lost their home.

Senator STABENOW is out all the time in Michigan. She is all over the State. I will be in Columbus tomorrow, and I will also be in Lorraine and Cleveland tomorrow. I think a lot of colleagues who vote no on extending unemployment insurance simply don't meet with people who might have lost their job. They hang around with other Senators and with people who are pretty privileged. Do they look somebody in the eye and say: What is it like to lose your insurance or your home?

Try to imagine somebody—a parent or a husband and wife or a mother and father—who lost their job and lost their health insurance and are about to lose their home, and they have to explain to their 12- or 13-year-old child: We are going to have to move and don't know where we will be living, and I don't know what school district we will be in yet. Just think of the uncertainty and sadness of that. I don't think they think about that.

Maybe we can help by sharing a few real letters from people in Akron and Lima and Cleveland and Urbana, around Ohio. I will share these.

Ellen from Summit County, in Akron, writes:

I am writing to make you aware of my situation, which I fear is very similar to that of many other people.

If an unemployment insurance extension is not passed, it will in essence destroy my family. We are struggling to keep our bills paid and have come to the point of alternating months on paying our mortgage and utility bills.

Think of that—one month you pay your mortgage and the next month you pay your utility bills, hoping that neither will your utilities be cut off nor your home foreclosed on.

We need this extension. Until my husband lost his job, he worked over 20 years in the

banking industry—he has more than paid into the system to receive his fair share of compensation.

We are nine years into our 30-year mortgage and are at risk of losing our home. We are fighting just to stay above water.

A UI extension will in no way guarantee our future, but it will at least give us a chance.

Like most people who have worked for years, people don't ever choose to lose their jobs. They are not getting rich on unemployment. It is a bridge until they find a job. As you know, unemployment insurance allows you to receive the benefits you need to keep looking for work. You send in résumés. I get letters from people all the time saying: I drive in a five-county area looking for a job, I apply more, and I send in résumés and nobody answers half the time because they are buried with résumés.

Aaron, from Allen County, near the Indiana border in Lima, writes:

I worked at a company for 19 years before it was closed and moved to Mexico.

Since then, I went back to college to earn a mechanical engineering degree, while working part-time.

But I recently lost my unemployment benefits, which means I won't be able to support my family.

There are so many people in my situation. If unemployment benefits are extended, it would help thousands of dislocated workers and their families.

Mr. President, it is not just the individual help for these families, it is their next-door neighbor because if Aaron's house is foreclosed on, the next-door neighbor's home drops in value. If he gets his unemployment, the local hardware store will get some of that money, as will the local clothing store and the local restaurant or grocery store where they are spending this money. The unemployment insurance that people receive—according to former Presidential candidate, JOHN MCCAIN and one of his top economic advisers—has the biggest multiplier effect of any stimulus. It doesn't stay in the pockets of the unemployed workers very long. It immediately goes into the community and is spent and respent.

Here are the last two letters I will read. This is from Elizabeth from Cuyahoga County, the Cleveland area:

I turned 60 this year and have spent the last 30 years as a computer programmer. Since losing my job, I have tried to learn new programming skills to make me a stronger applicant.

In the meantime, I apply for every single job that I can possibly perform. I have hoped beyond hope for jobs at grocery stores, home health care agencies, and retail stores.

I am now at the end of my rope. I don't have any other ideas of what to do. I have worked for 42 years, since high school, and even full-time while attending college.

Those who are not unemployed or have no one in their family who is unemployed, don't understand what it feels like. I have other friends who are losing their unemployment benefits now and in the coming weeks. I am not out here by myself.

I simply cannot imagine someone voting against extending unemployment to Elizabeth or Aaron or Ellen or if they know people who have lost their benefits, who have lost their jobs, their health care, or their homes. I cannot imagine anybody standing on the floor of the Senate, when their names are called, saying Mr. BURRIS, Ms. STABENOW, or Mr. BROWN, and saying no.

Lastly, Jane, from Champaign County, west of Columbus near Dayton, in Urbana:

I am an unemployed mother of two children. I will lose my unemployment benefits by the end of the month.

I go above and beyond the minimum requirements to receive unemployment benefits. I apply to 4 to 10 jobs per week.

It's not that I don't want to work, as some people are implying. I worked in the same job for ten years, since I was 19 years old.

I lost that job through no fault of my own, which is the story of most unemployed Americans today.

I have lost my house and my car. My family's American dream has been crushed. If this bill doesn't pass, my family's nightmare will be just the beginning.

Please do whatever you can to urge your fellow Senators that this extension is needed. This vote shouldn't be about anything else except the American people.

Mr. President, they could not have said it better. I can read their letters and meet with people like this, but I cannot understand because that has never happened to me. I wish my colleagues—those people who walk down in this well when their name is called and vote no on extending unemployment benefits to these workers—these people live in every State and, frankly, they should be ashamed of themselves for voting no.

I yield the floor.

Ms. STABENOW. Mr. President, I thank my friend from Ohio. There are many things we share in common: a love of the Great Lakes, and we have a rivalry in football and baseball and our great universities, and so on. But we also share a tremendous passion for what is happening to our people. I thank Senator BROWN for his fight on behalf of manufacturers and the people who, in fact, need a voice. I thank him very much for that.

It is so hard to know what to say when you read these letters or e-mails or take phone calls. Most people cannot understand what in the world is going on around here. But what is going on? Don't we get it? What is going on here?

Unfortunately, I think the Senator from Ohio, when he says that maybe it is that folks have never met someone who lost their job or had it happen in their families—it has happened in my family. About half of the families in Michigan have somebody who has lost their job. We certainly get it, and we understand what is going on now. We know people are lining up for work. Whenever there is an announcement for jobs, 50 jobs are hiring at a business

or 100 jobs, literally I have seen people lined up around the block—hundreds and thousands of people—because people want to work.

The people who are out of work now are people who have worked all their lives. They have played by the rules. They are now trying to figure out what happens and how they can turn it around for their families and keep going.

The bill in front of us, like many things we have put forward in the Senate this year, has been all about jobs. That is where we are. It is not a slogan to say jobs, jobs, jobs. That is what we are focused on. Next week, we are going to focus on small business jobs. We will see what happens in the Senate.

The jobs bill that we have been focused on for 8 weeks has major provisions to help manufacturers. I was pleased to include provisions that helped manufacturers be able to get some refunds on their taxes if they put it back into equipment and hiring people, and there are other provisions in the bill. It is about jobs.

Frankly, we have two different views of the world, two different beliefs that I think are reflected in what has happened to our country. I look back only because we are debating the same values, the same choices that got us where we were and where we are today. Those are the same kinds of choices that our friends on the other side of the aisle are suggesting we make for the future.

It is important to look at what has worked and what has not worked. Under the previous administration, they looked at the world very differently. They said: All right, we are going to stimulate the economy and keep things going by focusing on the wealthiest Americans. We are going to give them big tax cuts and it will trickle down and everyone will benefit and there will be jobs.

Well, it didn't work. It didn't work. If it had worked, I would be celebrating because an awful lot of people in my State would be doing much better than they are today. What we saw was an economic policy that said we are going to focus on the privileged few, and then it will help everybody else; it is going to trickle down.

What we saw was—these are job loss numbers—down, down, down under that policy.

I will also say those job numbers come from the fact that the same people said: You know what. We believe corporations, corporate interests can police themselves. So we are going to back up. We are going to let Wall Street go to town. They are going to make a lot of money, and it is going to be good for the economy.

They backed up. They let Wall Street police itself. They let mining firms police themselves and oil companies police themselves. We lost lives. We lost

8 million jobs because of what happened on Wall Street. People lost their savings, 401(k)s, their pensions because of a set of ideas, because of what they believed. They believed that by backing up, corporate America would police itself and everything would be OK: Let's give to those at the top. It will trickle down, and we will get jobs.

Those two things combined to create the largest number of crises that I certainly have seen in my lifetime that have brought down the middle class of this country. We saw jobs go down, down, more and more job loss. When President Obama came into office, about 750,000 jobs a month were being lost. It was an economic tsunami. If that is not a crisis and an emergency, I don't know what is. If over 15 million people being out of work right now is not an emergency, I don't know what is.

We went to work and we focused on a different set of ideas, a different approach. Where they were focusing on the privileged few, we said we are going to focus on middle-class Americans, on working people, on investing in manufacturing jobs.

I am very pleased to say we are beginning to feel that in Michigan. Sixteen companies have benefited from the battery manufacturing money we put into the Recovery Act, the stimulus. I was at an opening on Monday in Midland, MI, a new manufacturing facility, that is going to put 1,000 people to work in construction and 800 people to work at the facility. That is a different approach. We said: We are going to invest in America, invest in the American people. We are going to invest in opportunity, and we are going to help the people who are out of work because we know we are not talking about people who are lazy. We are talking about people who lost their jobs, a lot of them because of either lack of accountability and oversight of what was going on on Wall Street or people not paying attention when our jobs were going overseas.

Through no fault of their own, people were caught in this economy. We decided on a different approach. President Obama came in and the numbers began to change. I would prefer they were much faster, but they are moving in the right direction. We have gone to zero job loss into the positive column. We are gaining jobs every month.

Our colleagues on the other side of the aisle are saying: Wait, stop, stop. I know if things are going to turn around, maybe in an election year people do not like that and they want to be sure things continue to be bad, that somehow it benefits them. That is a pretty cynical view.

These folks who are gaining jobs, as well as the people who lost jobs, are Republicans, Democrats, and Independents. This is not a partisan issue. We ought to be rooting for America and

rooting for what is getting people back to work instead of fighting along partisan lines. The policies we put in place are beginning to do that. They are not done. They are beginning to do that. We are putting back the oversight and the accountability and commonsense regulation on Wall Street and on the oil companies and the miners. We are putting back in place middle-class tax cuts instead of just the privileged few. We are focusing on jobs, investing in private sector jobs, partnering with the private sector, with businesses to help create investment in innovation, and we are beginning to turn things around.

The problem we have is, we still have too many people caught because the changes we have been able to make have not caught up to them, and there is much more to do.

The bill that was on the Senate floor, the bill we are going to continue, we are going to put it aside. We are going to be ready if one or two Republican colleagues say: Yes, we want to stop a Republican filibuster. We can come back to it and get this done.

But what we have seen is a continual effort for 8 weeks to block us from the next step in the recovery, from investing in jobs, from keeping people employed—police officers, firefighters, teachers—and from focusing on those who have lost their jobs, to be able to help them keep a roof over their heads and food on their tables until they can get that next job.

I see my friend from Rhode Island on the Senate floor, and I will turn to him in a moment. He has been a real champion and fighter on this issue. We should also know that in this bill there are some important provisions that have been opposed by the other side of the aisle to make sure wealthy investors actually pay their fair share—not somebody who is middle class but wealthy investors pay their fair share.

We also put in place provisions to take away incentives for shipping our jobs overseas. I could go on for an awful long time about why we have lost a lot of jobs in Michigan because of unfair trade practices and losing our jobs overseas. This bill takes away incentives to ship our jobs overseas.

This bill also added a few more cents to an oilspill trust fund to make sure the oil companies are actually paying for the cleanup in the gulf.

On one side we have jobs, investing in jobs and partnering with manufacturers and small businesses and helping people who are out of work to keep things going. That is our side. On the other side we have wealthy investors who do not like this, and oil companies that do not like another 41 cents on every barrel of oil to be put toward the cleanup. We have people who ship jobs overseas who do not want us to close those loopholes. That is on the other side.

Which side did our Republican colleagues pick? They picked the wealthy investors, the oil companies, and the people who ship jobs overseas.

The American people are counting on us to understand what is going on in their lives, to get it, to be willing, as in any other time in our history—Republican or Democratic President, any other time in our history when unemployment has been this high; this Congress has stepped forward to extend unemployment benefits for people who were temporarily out of work, Democratic or Republican Presidents. Now we have a situation where after 8 weeks, we cannot get even one of our colleagues from the other side of the aisle to come forward and help us break this filibuster.

I don't know what to say beyond the fact that we are going to keep fighting. We are going to keep doing everything we can to get through this logjam. We are going to keep doing everything we can to keep this economy recovering and keep creating jobs. But there is something wrong with the system right now that has gotten so divided, so warped, so partisan that we cannot come together on behalf of almost 1 million people in this country who are counting on us right now because they may have no other option for themselves and their families.

There is one job for every five people who are unemployed. Prior to the Recovery Act, that number was six people. It is a little bit better. There is a lot more to do, but we cannot just say to somebody: Why don't you get a job, when there are five people out there for every one job opening.

I see my friends on the floor. I see my partner from Michigan on the floor. I will turn to him if he wishes to say a few words because he and I understand what we have been through in Michigan. We have been hit harder, longer, and deeper than anyplace else in this country. When we look at the fact that over 87,000 people in Michigan will lose their unemployment insurance benefits by the end of this month because of what has happened—inaction, the constant naysayers blocking, obstructing, saying no—it is more than I can tolerate.

I yield to my friend from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, first, I thank Senator STABENOW for her tenacity and her efforts. I join them with a full heart at a very sad moment when we see an unconscionable Republican filibuster succeed again today against the extension of unemployment benefits and the other parts of this American jobs bill.

I asked Senator WHITEHOUSE if he would yield to me for a moment. He was on the floor before me. I will not take advantage of his good nature and good grace other than to say we are not

going to abandon this effort. We are going to proceed with every tool we have at our disposal to make sure people who desperately need the extension of these benefits are protected, as intended by this program.

The financial crisis and resulting recession that continue to trouble our Nation have called for sustained action on the part of the Congress. From passage of the American Recovery and Reinvestment Act to the Hiring Incentives to Restore Employment Act to the Wall Street reform legislation now taking its final shape, we have sought to reduce the harm this recession has caused our fellow citizens. Passage of the legislation that we were denied the chance to consider today would have been another significant step in fulfilling that task.

The legislation we failed to take up would extend unemployment benefits through November of this year. For the more than half a million residents of my State who are receiving unemployment benefits, and millions more across the country, this extension is crucial. For many families, these benefits are all that is keeping food on the table and a roof over their head. The income they provide is important not only to families receiving the benefits, but to the communities in which they live and to the businesses for whom those families are customers.

But now opponents of extending unemployment insurance are, once again, filibustering this legislation. So under Senate rules, 60 votes are required to invoke cloture and bring an end to debate.

The opponents of this extension say they are concerned about deficit spending. This would be more convincing if not for two factors. First, many of these same opponents were in favor of massive, unpaid-for tax cuts benefiting the wealthiest Americans, tax cuts which, according to independent analysts, made a far greater contribution to our deficit than any of the measures we have taken to address the financial crisis and recession.

Second, concern about long-term deficits in the middle of a continued recession is the equivalent of pulling out fire hoses in the middle of a flood. The catastrophe we face today is that millions of Americans are without work and will not be able to find work until we can generate real growth in our economy. The danger to them and to our economy today is not deficit spending; it is recession. It is the fact that factory floors remain silent, that shops lack shoppers, that businesses are without customers. Failure to pass this measure does nothing to address that shortfall.

Surely my colleagues understand that assistance to families in need is not just an aid to those families. It helps all of us by helping us pull out of the recession. Direct assistance to

Americans in need is the single most effective tool we have in boosting our economy. Aid such as unemployment assistance has a greater bang for the buck than any other stimulus effort we can make. If we abandon the drive to extend these benefits, we abandon a key effort to strengthen our economy.

The stakes are enormous. The people who need these benefits are not abstractions. They are real people, flesh and blood, who are paying the price, who have been paying the price for months and months, for a crisis bred on Wall Street. More than half a million of them live in my State, which was suffering in recession even before the crisis hit. These are people who desperately want to work, who want to provide for their families, who want to give a better life to their children. They have done so in the past. They want to do so again. What they ask from us is a small measure of assistance so they can continue to feed and shelter their families while they search for work.

Literally thousands of emails and letters have flowed into my office from people asking us to extend these benefits. One from Waterford, MI, from a worker whose benefits expired in April, reads: "Our life savings are gone! At some point we will be homeless, no doubt about it. We need help from Washington." Another, from Burton, MI, wrote to me: "I know things will get better but we need help to make ends meet until then."

Those stories, those pleas, have come in by letter and email by the thousands. The many months of on-again, off-again extensions of unemployment benefits have added painful anxiety and uncertainty to what is already a tragedy for hundreds of thousands of Michigan families. Time and again, we have delayed and debated on whether to extend these benefits. On more than one occasion, a single Senator—just one—has obstructed our consideration of legislation to extend them. Now it appears that our colleagues across the aisle, despite enormous effort by the majority leader and Senator BAUCUS and others, have decided they simply will not allow an up-or-down vote on the extension.

We will have failed a basic responsibility to our constituents if we abandon the effort to approve an extension of unemployment benefits. Millions of Americans ask only that their government provide the safety net that keeps them from falling deeper into tragic uncertainty and debt. The Republican filibuster of that help is unconscionable. It leaves millions of families all across this country without help in their hour of need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, we lost this important vote today 57 to 41.

For people who are watching who may not be familiar with the peculiarities of the Senate, you might think to yourself: How on Earth did you lose 57 to 41? It sounds to the ordinary person like you won by 16. What do you mean you lost 57 to 41? How could that have happened?

That happened because the other party, as it has done throughout the Obama administration, has used an arcane Senate procedure called the filibuster more times than ever in the history of this country to block progress for this administration.

The rule requires that the majority get to 60 when the minority so demands, and they have been demanding that 60 on everything over and over. There have been years when it was almost never used. There have been years when it was used two or three times. In really bad years, it might have been used 14, 15 times. This group of Republican colleagues has set the record. They use it on everything.

I think we are over 100 acts of obstruction and delay around this filibuster rule as a result. If one is wondering why we lost 57 to 41—if that sounds strange—we got the 57 votes, they got the 41, and we lost—it is because they are pulling out of the rule book this procedural trick so that the majority does not rule, so they can block progress.

They are doing it for what they claim is concern about deficits. I have to say, being lectured by our Republican colleagues about deficits and debt is like being lectured by Evel Knievel about safe driving. They should have a little sense of, at minimum, irony about that.

They say the past is prologue. Let me review a little bit of the past.

When George Bush took office, President Clinton, a Democrat, and the Democratic Congress at the time had left an annual budget that was in surplus. It was returning more money to the Federal Government than we were spending. It was an annual budget in surplus. We had a national debt at the time, but with the annual budget in surplus, our Congressional Budget Office—the nonpartisan, not Republican, not Democratic, professional Congressional Budget Office—had estimated that, when George Bush took office, we would be a debt-free nation by 2009. We would be a debt-free nation by 2009. That was the trajectory that Democratic President Bill Clinton and the Democratic Congress left, along with those annual budget surpluses, when George Bush and the Republicans took office.

So 2009 came and went. How did we do? Did we get to a debt-free nation? Are we at zero debt? No. Something changed when the Republicans took power, and when the Bush administration left, it left \$9 trillion in debt—not a debt-free nation but \$9 trillion in

debt and an economy in which Americans were losing 700,000 jobs a month. They left \$9 trillion in debt and families losing 700,000 jobs a month. That is the situation President Obama inherited—a little different from what President Bush inherited.

So have we spent since then? Yes, because every economist worth their salt knows that when family spending is contracting, when business spending is contracting, when municipal and State spending is contracting, the entire economy can contract to the point that it seizes up unless the Federal Government does what an economist would call countercyclical spending. If the economy is dying for lack of spending, if it is seizing up, the Federal Government can put money back into it to try to bring it back to life. As Senator STABENOW's graph has shown, it has brought it back to life. We have gone from losing 700,000-plus jobs a month to losing no jobs a month—actually gaining a few. So it worked.

In that context, to say to the people who are still out of work—the ones who lost their jobs back when 700,000 jobs a month were out the window and going overseas; the Bush legacy—to say that we can't help those people any longer, to say that we are cutting off their unemployment insurance, their lifeline, because we are concerned about the debt, I have to ask: Where was the concern about the debt when they were taking a trajectory toward a debt-free America and turning it into a \$9 trillion debt? Where was the concern then? Where was the concern when it was tax breaks for billionaires?

We just had our first billion-plus-dollar estate pass under the Bush tax cuts, where the estate tax was eliminated. As a result, a \$9 billion estate of a Texas tycoon went to his heirs tax free. How much tax? Zero dollars. Zero dollars. At the prevailing tax rate that has stood for most of this time, you would have paid \$4 billion in estate taxes and your heirs would have had to suffer through with only \$5 billion to divide amongst themselves. That \$4 billion in lost revenue added to our debt and deficit doesn't bother our friends on the other side at all. They couldn't be happier. That is their plan. Those are the Bush tax cuts. America loses \$4 billion, and they smile. It is their plan. But when we are talking about people who lost their jobs because of those very policies, because of letting Wall Street run unregulated and having that financial meltdown, and now regular families across this country who got hit by that tsunami of misery are out of work, now they are concerned about the debt. Now they are concerned about the deficit. They were OK with the billion-dollar family passing its estate tax free, but they can't have ordinary working Americans keep that unemployment insurance lifeline.

I think those are backward policies. I think those are upside-down policies,

and they hit very hard in my home State. My home is Rhode Island. For over a year, we have had double-digit unemployment. We have been in the top three or four States every month for unemployment. I know Michigan has suffered immensely, and that is why Senator STABENOW and Senator LEVIN were here. But I have to say that my small State of Rhode Island, with only 1 million people, is not far behind. We have 70,000 families out of work, and because it has been a long recession in Rhode Island, those families—all their assets, everything they had salted away, they have gone through that. What is left is the unemployment insurance lifeline. It is the basic lifeline. To cut that off, frankly, I think it is disgraceful.

This is a low moment in this body—70,000 families missing a paycheck, 70,000 families with a provider who is out of work, 70,000 families with kids wondering where the income for mom and dad is coming from. This money would go right into the economy. It would be spent instantly. It would be spent on shoes. It would be spent on food. It would be spent on paying the electric bill. It would be spent on putting some gas in the car to get out to the job interviews. It would have been spent immediately on the necessities of life.

But that is not good enough. That is not good enough. Those are the families in the toughest circumstances whom our friends want to cut off because of the debt, because of the deficit. The billionaires can go untaxed, but the working families who have lost jobs through no fault of their own are the ones who have to bear the brunt of this. And it hits home to real people, real families, with real fears, who, late at night, sitting at the kitchen table, with the bills laid out in front of them and the kids asleep upstairs, are adding them up—adding up what they have and what is coming in—and realizing they are not going to make it that month, that something is going to have to go. That is a cold and lonely moment for a family. When families are having that cold and lonely moment, that late night at the kitchen table with the bills they can't pay, that is the time when we are supposed to provide the insurance to protect them against unemployment. That is the policy of this Nation.

It is discouraging. It is discouraging to Dan, a Rhode Islander, in East Greenwich. He has worked in sales. He has been unemployed since April of 2009. His wife is disabled. He is looking for work, but in Rhode Island, as in Michigan, people can look as hard as they like and they are lucky to find a job because there are more people looking than there are jobs. The jobs just aren't there, and Dan has not been able to find one. Without unemployment insurance, he has let my office know that

he and his wife are likely to be evicted from their apartment. That is the human consequence of today's decision for one person in Rhode Island—Dan.

Bill, from North Kingstown, contacted us. He is 56 years old. He has been unemployed for a while now—since January of 2009. This has been a persistent recession in Rhode Island. He used to work in the engineering field. He is a talented man, but he has been twice faced with eviction as his unemployment insurance has been put at risk. He received only \$200 over the last 3-week period, as his benefits have expired. He is in that first leading group for whom the benefits have expired. He has lost his COBRA benefits. He needs heart medication. Without COBRA benefits, how can he pay for his health insurance that will provide the heart medication? The real cost of today's shameful decision comes home hard to somebody like Bill.

Nancy, in Portsmouth, RI, is 59 years old. She has been unemployed for a while, too—21 months. She has been looking for work for 21 months, looking through the classifieds, going online, reaching out to all her friends and contacts to try to find somebody who has a job for her. She has a bachelor's degree, she has several different industry certifications, and she has an extensive background in sales and marketing. She is somebody who, in an ordinary economy, would have no trouble finding a job. But after the Wall Street meltdown sent that tsunami of misery across our country, she got caught in it. For 15 years, she worked in the insurance industry, and now she can't find a job. She will soon lose her unemployment benefits if we don't continue to fight for it.

So behind all the big brave talk about how we have to fight the deficits—ironic talk coming from the people who were responsible for virtually all of these debts and deficits—are the human stories that are just being ignored here, and it is wrong. We have to change our direction and start putting people first instead of the big corporations.

Let me mention one other topic. There were winners today and there were losers today. The people who lost today were Dan and Bill and Nancy and many, many others like them in Rhode Island and across the country. The people who won today—among them—were the big Wall Street financiers, the hedge fund hotshots, the ones who have been earning millions of dollars every year and through clever legal tricks have got their million-plus-dollar salaries treated as if they were capital gains. So the hedge fund superstar out there in his private jet, getting ready to fly down for a weekend in the Caribbean in the private jet, looking out the window at the fellow stuffing his luggage into the hold of the private jet, the guy in the jet is paying a lower tax

rate than the guy outside with the earmuffs on and the jumpsuit stuffing the luggage in the hold. The guy in the private jet is paying a lower tax rate than the guy outside working day-to-day and putting his luggage in the hold. The guy being driven around in his car is paying a lower tax rate than the man behind the wheel who is driving him around.

Who is the biggest, best, most prominent capitalist in America? I would submit that it is Warren Buffett. Warren Buffett is a legendary investor, a spectacular investor. He is one of the great success stories of American capitalism. He has come to lobby us about this issue. He has come to lobby us about the fact that he pays a lower tax rate than his secretary. He has come to lobby us about it because it is wrong, because he finds it embarrassing that, in a country like ours, somebody who has been as successful as he has, who has received such remarkable benefit from his talent and his energy, ends up paying a lower tax rate than the secretary who does his mail and takes his phone calls. He knows that is wrong and we should know that is wrong.

We could have corrected that. That was one of the ways that the benefits for regular working folks in this bill could have been paid for.

That is who won and that is who lost: Dan and Bill and Nancy lost. Tonight when they get word about this they are going to sit in their homes and they are going to worry. They are going to be anxious. They are going to be heart-sick. They are going to be looking at a future that is filled with uncertainty.

Our friends on the other side will say no, once they get off unemployment insurance that is just a spur, that is an incentive to get out and find a job; get off the dole and get back out in the workforce. Not in Rhode Island, not with a 12.3-percent unemployment rate. At a rate like that Dan, Bill, Nancy—the three of them might go out looking for a job, but there will only be one for the three. These are people who have been looking for work for over a year. These are people who have had a lifetime of work experience. These are people who want to be back to work. Their character, their sense of self is that they are people who work and support themselves. They want to be back to work. The argument that they are going to fritter away their time on unemployment insurance until it ends and then they will get serious and get back to work is nonsense. It is nonsense. The suffering they are going to face as a result of this is real.

Those are the people in the column who lost today. In the column of the people who won is Warren Buffett. Based on what he said when he has come here to lobby us, I will bet you dollars against Dunkin' Donuts that he is embarrassed to be in the winners column. But he knows that it is not right,

in this great country of ours, for the people who have been most successful, who have earned financial rewards beyond what ordinary people can dream of, to be able to pay a lower tax rate than the regular working people who come to their offices everyday and serve in their businesses. It is wrong. It is topsy-turvy.

I cannot tell you how discouraging a day it is. First in the real regular world you would have thought we had won today, 57 votes to 41. But, no, there is this procedural trick. So because we did not get to 60, we lost. Because we lost, Dan and Bill and Nancy lost. And the wealthiest people in our country won in a way that embarrasses probably America's greatest capitalist, Warren Buffett.

I see the majority leader is on the floor. I will inquire to see if the majority leader desires the floor? If so, I will gladly yield.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, before the Senator leaves the floor, I so appreciate his advocacy for the people of Rhode Island, but in speaking for the people of Rhode Island he is speaking for the people of this country. We are United States Senators. The States of Rhode Island and Nevada are having a very difficult time.

As I heard my friend say when manipulation of Wall Street finally caught up with them, it wrecked our two economies. I have so admired my friend and his colleague, the other REED in the Senate, JACK REED, and their wonderful presentations explaining that these are not just numbers that we talk about. These are people who have no jobs.

I was looking at the headlines from the Boston newspaper a few minutes ago in the cloakroom, after this failed vote. One man said: I hope politicians understand what I'm going through. My unemployment benefits will run out in 2 weeks. I have a wife who is working part time. I have two children. I lost my job 2 years ago.

These are not deadbeats out there looking for a handout. These are people who are desperate, looking for a job. So I do say to my friend, I appreciate his speaking—I repeat, not only for the people of Rhode Island but for the people of Nevada and the rest of the country.

Mr. President, I was going to ask consent that we proceed to the Small Business Lending Fund Program but I have been told by my friends on the other side of the aisle are not here and they would object anyway, so there is no need that I propound that request.

#### SMALL BUSINESS LENDING FUND ACT OF 2010—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 435, H.R. 5297. I have a

cloture motion at the desk that relates to that.

#### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 435, H.R. 5297, the Small Business Lending Fund Act of 2010.

Harry Reid, Debbie Stabenow, Dianne Feinstein, Mark Begich, Jeff Merkley, Bernard Sanders, Carl Levin, Edward E. Kaufman, Mark L. Pryor, Richard Durbin, Frank R. Lautenberg, Jeanne Shaheen, Daniel K. Inouye, Barbara Boxer, Roland W. Burris, Sherrod Brown, Mary L. Landrieu.

Mr. REID. Mr. President, I ask unanimous consent that at 5:30 p.m., Monday, June 28, the Senate return to legislative session and vote on the motion to invoke cloture on the motion to proceed to H.R. 5297; that notwithstanding rule XXII, the Senate then proceed to executive session and vote on confirmation of the nomination of Calendar No. 814, Gary Feinerman to be a United States District Judge, with the time running postcloture; and that upon confirmation, the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. As in executive session, I ask unanimous consent that on Monday, June 28, at 5 p.m., the Senate proceed to executive session to consider Calendar No. 814, the nomination of Gary Feinerman to be a United States District Judge for the Northern District of Illinois; that debate on the nomination extend to 5:30 p.m., with the time equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that upon confirmation, the motion to consider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNEMPLOYMENT

Ms. STABENOW. In closing, I wish to take a few more minutes to stress again how disappointing and, frankly, outrageous I find what happened tonight to be as it relates to the continual 8 weeks of blocking the jobs bill in front of us, for the ability for people who are out of work to be able to get some temporary help just to be able to keep things going for their family while they are looking for that next job. There are almost 1 million people who find themselves in a situation now where they have lost their jobs and have lost their insurance benefits, insurance benefits paid in when they were working to then be able to get help when they are not working, as any of us would want for ourselves and our families.

We are in a situation where we cannot get beyond—we cannot get even beyond one, and we need two Republican colleagues—we cannot even get one to be able to join with us to overturn this filibuster. We have a bill, a jobs bill in front of us that would provide tax cuts to businesses, provide help to State and local and municipal governments to keep police officers, firefighters, and teachers on the job in our communities for our children, and the other side has said no.

Time after time, no. We are putting much needed tax cuts, money back into the pockets of middle-class families. The other side has said no. We wanted to help small businesses be able to restore credit to create jobs. They said no. We want to help people who are going back to school to start a new career, people who have been looking for work, and they have said no. And we want to make sure we are investing in the kinds of jobs that are going to rebuild America—roads and bridges, other kinds of construction efforts, good-paying jobs for engineers, construction workers. Those provisions were in this bill, and they have said no. For people who are out of work, they have gotten a great big no, no way, time and time again from colleagues on the other side of the aisle.

We know that for every \$1 we put into unemployment insurance benefits, we get, according to Mark Zandi, an economist, and certainly many other economists, at least \$1.40 back in investment. Why? Because somebody goes to the store and buys some food with that \$200 or \$300 a month in unemployment benefits. They go buy some shoes for the kids. They put gas in the car. They keep the lights on. They are able to pay their rent or the mortgage or do other things we all want to be able to do for our families, for our children. So when you give unemployment insurance benefits to someone who is out of work, they, unfortunately for themselves, have to turn right around and spend it. But from an economic standpoint, that is stimulus, which is

why that is viewed as one of the best economic stimuli you can have, to be able to provide assistance for people who are going to turn around and spend it in the economy.

We are struggling now. Even though we have the majority in the Senate, we do not have a supermajority, enough to stop filibusters. And we are struggling with a perversion of the Senate rules that has taken place. I think, frankly, our forefathers would be rolling over in their graves to see the perversion that has gone on here. Instead of using a majority vote like any of us would use if we were in an election—one more vote than the other guy wins the election—here one more vote than the other guy does not get us moving forward because of the efforts to block, obstruct, and filibuster that go on every single day and require 60 votes in order to overcome.

So what are they saying no to? Why are they blocking and stopping? Why do we see this continual effort to go back to the way it was, to go back to the policies that got us where we are today? We are in a situation now where we want to go forward. We want to change things. We want to go forward. And all we get are efforts to take us back.

Well, what was happening then? What was happening at the place they want to go? Well, in the last Presidency, when they were in charge, we saw us lose jobs, more and more jobs throughout the 8 years of this former President. And there were a number of reasons: wrong economic policies; wrong investments; investing in people who were very wealthy hoping that it would trickle down; not enforcing our trade laws; not stopping the incentives to ship our jobs overseas; not paying attention to manufacturing and making things in this country; and, frankly, not paying for things; two wars, not paid for; Medicare prescription drug benefit, not paid for—nothing was paid for. Everything was put on the credit card. And now the people who got us into this ditch, amazingly, are arguing for policies to take us back into the ditch. They dug the ditch, and now they want us to give them back the shovel and get more shovels to dig a bigger one.

We have a very different view and, frankly, a different set of priorities on whom we are fighting for. We are losing the middle class of this country. We are losing the middle class of this country because of the policies that have focused not on jobs, not on things that matter to middle-class families, working-class families, but on what the privileged few care about.

The philosophy that got us where we are, which this President inherited, President Obama, was a philosophy that said that a tax cut to the wealthy solves every problem and, by the way, step back and let corporate America

regulate themselves, police themselves, and everything will be OK.

Well, we saw what happened on Wall Street—millions of jobs lost, 401(k)s gone, pensions gone, savings gone. We have seen what happened in the gulf when the oil companies policed themselves. We saw what happened in West Virginia, where the miners lost their lives because the mines were policing themselves. And we saw what happened economically in terms of job loss.

This really is a bigger fight than just the jobs bill in front of us. It is about whose side you are on. It is about what your values and priorities are. And I can tell you, just as a practical matter, I am going to support whatever works for the people I represent, whatever works for the people in Michigan.

This did not work, this red ink getting longer and longer and longer. President Obama comes in; 750,000 jobs lost a month. We put in a jobs bill, a Recovery Act to focus on manufacturing and small businesses, job training, to help the people who lost their jobs. It has been slow because the hole was so deep, but we have begun to turn it around. By the end of the year, we got it to zero jobs lost, and now we are gaining jobs. Now we have to keep gaining jobs. We are returning accountability and commonsense regulation to Wall Street, to the oil industry, and to other areas where lives could be lost and there is a public interest.

So we are in the middle of a major debate in this country. And what I find most disturbing is that too many on the other side of the aisle are rooting for failure. They want the President to fail. They want our majority to fail. But in the process of that, we all will fail. The country will fail if we do not have a set of economic policies and investments and partnerships that work, if we do not focus on the people who need temporary help and support right now while they hold their family together and look for a job.

When I think about the men and women fighting overseas, fighting in two wars around the world for our great democracy, they want to know that they are coming home to a job; that their family has a house; that the kids are going to be able to go to college; that they are going to be able to breathe fresh air and drink clean water; and that somehow that they were fighting not for some craziness, some crazy political battlefield here, but for a sense of love and thought about our country and the people in our country.

Patriotism really is, when it comes to our country, against other countries in the world, it is fighting for our side—not our side of the aisle but our country, not rooting for people to fail just so you can get a short-term political advantage. I hope that does not work. Obviously, you could say for personal reasons, we do not want it to

work, but I hope it does not work for our country because we have to get beyond this and be able to work together because too many people are counting on us.

In closing this evening, I want to express an apology to everyone who is caught in this economic tsunami. I am not going to stand here and apologize to BP, but I am going to apologize to the people who are out of work in this country for what has happened today because it is shameful. And over 87,000 people in my State are going to be directly affected by this by the end of next week. I apologize to them for what has happened because it is wrong. It is wrong. And we are going to do everything we can to turn this around because people are counting on us to do that.

#### MORNING BUSINESS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING STEWART UDALL

Mr. UDALL of Colorado. Mr. President, the oilspill in the gulf looks to become one of the greatest environmental disasters in our lifetime. This accident, which has been brought on by our addiction to oil, is another tragic reminder—as if we needed one—of the sad inevitability of human error. This spill in the gulf is also a reminder of the fragile balance we must maintain between the development of resources and protecting the environment from which they spring. It puts me in mind of our generation's responsibility to our children and the challenge of fueling prosperity with newer, cleaner, and more sustainable energy sources.

As the world watches our efforts to contain this disaster, I cannot help but think about how another generation of Americans might have responded. In particular, I have one man in mind.

A few months ago—March 10, to be precise—my family mourned the loss of a great and good man who was beloved by everyone in our clan, from the eldest to the youngest among us. On that day, we lost my uncle, Stewart Udall, at the grand age of 90. Of course, our family is no different from any other American family. Death occurs every day, every hour, and every minute, and families cope with the loss, however it comes. It harkens us to cherish those all-too-brief moments we have with the people we love.

I would not take to the floor of the Senate to discuss personal loss, but I hope my colleagues will indulge me in taking a few moments to honor Stewart Udall, not because he was a member of our family and because we loved

him dearly but because his contributions to America deserve our recognition. So it is not my uncle I wish to recognize; it is Stewart Udall, Secretary of the Interior, Stewart Udall the conservationist, Stewart Udall the civil rights activist, author, historian, and public servant I wish to honor today.

Stewart never confused power with greatness. He was quoted saying as much. He knew that the power given to him by the people of Arizona to represent them in Congress, the power President John F. Kennedy bestowed upon him as Secretary of the Interior, and the power he subsequently had in private life as a man whose words and opinions mattered in the public arena—all of these manifestations of power were, for him, fleeting and not of deep consequence, except for the opportunity it gave him to make a difference in the world. And he did make a difference, a very big difference.

Under his leadership in the Kennedy-Johnson years, the Department of Interior was a beacon of conservation, wildland preservation, and environmental stewardship. As the *New York Times* recently noted, “Few corners of the Nation escaped Mr. Udall’s touch.”

For the wildlife, lands, and water of this country, his touch was a Midas touch. He added 3.85 million acres to the public lands inventory, including 4 national parks, 6 national monuments, 9 national recreation areas, 20 national historic sites, 50 wildlife refuges, and 8 national seashores.

While serving as Secretary of Interior, he also found time to write the first of many books in his long career as an author. His book “*A Quiet Crisis*” is considered a landmark work. His words provided a manifesto to an emerging public movement on behalf of the environment. Before Stewart Udall’s time at Interior, the term “environmental policy” was not even a part of the public debate. By the time Stewart left public service, no politician in the country could run for office without addressing environmental concerns and issues.

While Stewart is deeply associated with the cause of conservation, his conscience was broader than the landscapes he helped protect. He cared deeply about the environment, but he cherished human beings. That is why he said:

Plans to protect air and water, wilderness and wildlife are, in fact, plans to protect man.

That is also why he took up the cause of Native Americans and why he was an early champion of civil rights and an unrelenting opponent of racial segregation.

Friends and colleagues noted that he had a rare reputation in political life. It has been said that he “never advanced his own ambitions by tearing down a fellow human being.” I know

this is true of Stewart Udall because even his fiercest political opponents respected his sense of fairness and welcomed his friendship.

Mark Twain said:

The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time.

Stewart Udall was a man who lived life fully. He had a zest for life and a thirst for knowledge and experience that was truly without bounds. I cannot say where this enthusiasm for experience was rooted, but it must have been nourished by the intimate and painful memories from no less than 50 missions as a tail gunner during the Second World War. I still marvel at this feat of endurance and bravery. The average life expectancy for a B-17 crew in the European theater was allegedly 14 missions. He flew 50. It was something he rarely spoke about.

I know if he were here with us today, Stewart would be in the thick of our debate about energy, the threat of climate change, and lessons to be drawn from our painful experience in the gulf. In a moving letter he drafted for his grandchildren, Stewart anticipated the challenges of our time and acknowledged the mistakes of his own. To that end, he wrote:

Operating on the assumption that energy would be both cheap and superabundant led my generation to make misjudgments that have come back and now haunt and perplex your generation. We designed cities, buildings, and a national system of transportation that were inefficient and extravagant. Now, the paramount task of your generation will be to correct those mistakes with an efficient infrastructure that respects the limitations of our environment to keep up with damages we are causing.

I cannot improve on words Stewart spoke in defense of conservation some years ago. Given the challenges we face today, I believe they still ring true, and I wish to close my tribute to his public service by recalling them now.

He said:

Over the long haul of life on this planet, it is the ecologists, and not the bookkeepers of business, who are the ultimate accountants.

Our progress as a society cannot be measured solely or even in part by the output of our economy, the number or complexity of our machines, or the brilliance of our technology. Our progress and success as human beings cannot be defined by gross domestic product, billions expended or invested, profit margins, trade balances, or numbers of hits on a Web page. In the end, our progress in any category of endeavor depends on our survival, and our survival is tied to the health and well-being of the planet we share. Stewart Udall illuminated this simple truth and made it the centerpiece of his public service. I am proud to have known him, I am honored that he was my uncle, and grateful, as are so many, to have been his pupil. His voice will be missed, but his wisdom endures.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I wish to thank my colleague from Colorado for that beautiful and meaningful tribute to Stewart Udall and the lessons he has given us through his life and through this wonderful tribute. We very much appreciate it this evening.

#### CONVENTION AGAINST TORTURE

Mr. LEAHY. Mr. President, this week, we commemorate the United Nations International Day in Support of Victims of Torture. June 26, 2010, marks the 23rd anniversary of the day on which the Convention Against Torture—CAT—took effect. I am proud that the United States is a signatory to this important Convention and defends human dignity by criminalizing acts of torture. Along with the other 75 nations that have ratified the Convention, we affirm our commitment to hold those responsible for torture accountable for their actions.

I have worked hard for many years to improve the investigation and prosecution of international human rights abusers. I worked for several years to develop and secure passage of the Anti-Atrocity Alien Deportation Act. This act, which became law in 2004, expanded the mission of the Office of Special Investigations at the Department of Justice from denaturalizing Nazi war criminals, to investigating, extraditing, or denaturalizing any alien who participated in genocide, torture, or extrajudicial killing abroad. It has prompted, among other accomplishments, the deportation of a former Ethiopian official, Kelbessa Negewo. Negewo was accused of abuse and torture during the period of the Red Terror in Ethiopia in the mid-1970s. He is now serving a life sentence for torture and multiple killings in Ethiopia. This case proves that those who have committed reprehensible acts of torture and seek safe haven in the United States will not find refuge here.

In order to further improve our ability to identify and prosecute human rights abusers, I am proud to have cosponsored the Human Rights Enforcement Act of 2009. Signed into law at the end of last year, this legislation created a new section within the criminal division of the Department of Justice with responsibility for prosecuting serious human rights offenses. Additionally, it amends a section of the Immigration and Nationality Act to prevent those who have ordered, incited, assisted, or otherwise participated in genocide from obtaining eligibility for protection under our asylum laws.

In addition to strengthening our ability to investigate and hold human rights violators accountable, I have worked hard to ensure that victims of atrocity can find protection here in the United States. In March of this year, I

introduced S.3113, the Refugee Protection Act. This law will renew America's commitment to the ideals embodied in the Refugee Convention and eliminate cumbersome procedural delays currently faced by refugees who flee persecution or torture.

For those who have suffered mental, physical, and emotional harm as a result of torture, I have consistently supported funding for rehabilitation and treatment. In my work on the State and Foreign Operations Appropriations Subcommittee, we secured \$7,100,000 in the fiscal year 2010 Omnibus Appropriations Act for the United Nations Voluntary Fund for Victims of Torture and an additional \$13,000,000 for Victims of Torture programs and activities at U.S. Agency for International Development. In order to help these victims heal, we must continue to provide resources to aid physical and psychological recovery.

Vermont has also become home to many resettled refugees who have been victims of torture. A group called New England Survivors of Torture and Trauma—NESTT—has been established by the Department of Psychology at the University of Vermont and the Vermont Immigration and Asylum Advocates to offer medical, psychological, legal and social services in an effort to help address the needs of this community.

As we mark this year's United Nations International Day in Support of Victims of Torture, we must acknowledge that the United States has not always lived up to its ideals. Under the previous administration, abhorrent acts were authorized by a series of Office of Legal Counsel, OLC, memoranda, and a dark chapter in American history was written. Under questionable legal guidance that failed to meet ethical standards, acts occurred in the interrogation of terrorist suspects that failed to reflect the fundamental American ideals of justice, dignity, and human equality. Nothing has done more to damage our world standing and moral authority than this revelation. It is vital that the United States reclaim its historic role as a world leader on issues of human rights.

The claim by some that there is a necessary choice between ensuring security and upholding liberty is a falsehood. Until we understand what led to the production of the OLC memos and the acts that followed, we cannot move forward with a clear moral conscience. The imperative to discover what led to these events is stronger than ever. I remain a committed advocate of the establishment of an independent, non-partisan Commission of Inquiry to gather facts about how we arrived at this place. We must understand the mistakes of the previous administration to ensure that they never happen again. We cannot, and we must not ignore this chapter in the history of our Nation.

As we mark the Day in Support of Victims of Torture, we can begin to right these wrongs by renewing our commitment to recognize those who have suffered atrocities but fight on with enormous courage. To those around the world who have endured the unspeakable, we remember you. To those who have survived torture, inhuman, or degrading treatment at the hands of their government, we call upon your voices to help end these reprehensible acts. And as the United States, we call upon every nation to join us in the fight to eradicate torture in all of its forms.

#### BLOODY SUNDAY

Mr. LEAHY. Mr. President, I rise to congratulate the people of Great Britain and Northern Ireland for taking another step down the long road towards peace. Last week the Saville Inquiry, the result of a 10-year investigation into the "Bloody Sunday" tragedy in Northern Ireland on January 30, 1972, was finally made public.

The inquiry definitively concluded that British Army soldiers were responsible for the shooting deaths of 14 pro-Catholic marchers. The terrible events, which took place against a backdrop of years of rioting, paramilitary violence and police brutality, contributed to increased hatred and mistrust on both sides, and led to over two more decades of violence and terror for the people of Northern Ireland.

The findings reversed those of a 1972 commission which had laid blame for the killings on the victims themselves. Parents passed away without the knowledge that their children killed that day were not at fault.

Upon the release of the new report, British Prime Minister David Cameron publicly accepted responsibility for the killings and apologized on behalf of his country for the unjustified actions of the Army. He acknowledged the great complexity engrained in the dozens of years of fighting in Northern Ireland—thousands of people were killed and terrible atrocities committed by all parties. But he also stated that the facts in this report cannot be overlooked: British Army soldiers unjustly took the lives of innocent civilians.

Self-reflection is an indispensable quality in a democracy. It is difficult for a nation to admit that the men and women protecting us are responsible for reprehensible acts, but it is undeniable that, in furtherance of truth and justice, no one in our society can be above the law.

Lasting peace comes about through the hard work, honesty and patience of those on all sides.

I extend my deepest condolences to the families of the victims and am grateful to them for their years of patience during the investigation.

I commend the people of Northern Ireland for their continued commit-

ment to resolving their differences through the political process, as challenging as it often is, and working to leave behind the violent divisions of the past.

And I also applaud Prime Minister Cameron, the Inquiry, and the British people for acknowledging a painful truth after 38 years, and, in doing so, helping to further the cause of peace in Northern Ireland.

I ask unanimous consent that the Prime Minister's statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### STATEMENT TO THE HOUSE OF COMMONS ON THE SAVILLE INQUIRY

(By the Prime Minister, the Rt Hon David Cameron MP on 15 June 2010)

With permission, Mr Speaker, I would like to make a statement.

Today, my Rt Hon Friend, the Secretary of State for Northern Ireland is publishing the report of the Saville Inquiry . . .

. . . the Tribunal set up by the previous Government to investigate the tragic events of 30th January 1972—a day more commonly known as "Bloody Sunday".

We have acted in good faith by publishing the Tribunal's findings as quickly as possible after the General Election.

Mr Speaker, I am deeply patriotic.

I never want to believe anything bad about our country.

I never want to call into question the behaviour of our soldiers and our Army who I believe to be the finest in the world.

And I have seen for myself the very difficult and dangerous circumstances in which we ask our soldiers to serve.

But the conclusions of this report are absolutely clear.

There is no doubt. There is nothing equivocal. There are no ambiguities.

What happened on Bloody Sunday was both unjustified and unjustifiable.

It was wrong.

Lord Saville concludes that the soldiers of Support Company who went into the Bogside "did so as a result of an order . . . which should have not been given" by their Commander . . .

. . . on balance the first shot in the vicinity of the march was fired by the British Army . . .

. . . that "none of the casualties shot by soldiers of Support Company was armed with a firearm" . . .

. . . that "there was some firing by republican paramilitaries . . . but . . . none of this firing provided any justification for the shooting of civilian casualties" . . .

. . . and that "in no case was any warning given before soldiers opened fire".

He also finds that Support Company "reacted by losing their self-control . . . forgetting or ignoring their instructions and training" with "a serious and widespread loss of fire discipline".

He finds that "despite the contrary evidence given by the soldiers . . . none of them fired in response to attacks or threatened attacks by nail or petrol bombers" . . .

. . . and that many of the soldiers "knowingly put forward false accounts in order to seek to justify their firing".

What's more—Lord Saville says that some of those killed or injured were clearly fleeing or going to the assistance of others who were dying.

The Report refers to one person who was shot while "crawling . . . away from the soldiers" . . .

. . . another was shot, in all probability, "when he was lying mortally wounded on the ground" . . .

. . . and a father was "hit and injured by Army gunfire after he had gone to . . . tend his son".

For those looking for statements of innocence, Saville says:

"The immediate responsibility for the deaths and injuries on Bloody Sunday lies with those members of Support Company whose unjustifiable firing was the cause of the those deaths and injuries" . . .

. . . and—crucially—that "none of the casualties was posing a threat of causing death or serious injury, or indeed was doing anything else that could on any view justify their shooting".

For those people who were looking for the Report to use terms like murder and unlawful killing, I remind the House that these judgements are not matters for a Tribunal—or for us as politicians—to determine.

Mr Speaker, these are shocking conclusions to read and shocking words to have to say.

But Mr Speaker, you do not defend the British Army by defending the indefensible.

We do not honour all those who have served with distinction in keeping the peace and upholding the rule of law in Northern Ireland by hiding from the truth.

So there is no point in trying to soften or equivocate what is in this Report.

It is clear from the Tribunal's authoritative conclusions that the events of Bloody Sunday were in no way justified.

I know some people wonder whether nearly forty years on from an event, a Prime Minister needs to issue an apology.

For someone of my generation, this is a period we feel we have learned about rather than lived through.

But what happened should never, ever have happened.

The families of those who died should not have had to live with the pain and hurt of that day—and a lifetime of loss.

Some members of our Armed Forces acted wrongly.

The Government is ultimately responsible for the conduct of the Armed Forces.

And for that, on behalf of the Government—and indeed our country—I am deeply sorry.

Mr. Speaker, just as this Report is clear that the actions of that day were unjustifiable . . . so too is it clear in some of its other findings.

Those looking for premeditation, those looking for a plan, those looking for a conspiracy involving senior politicians or senior members of the Armed Forces—they will not find it in this Report.

Indeed, Lord Saville finds no evidence that the events of Bloody Sunday were premeditated . . .

. . . he concludes that the United Kingdom and Northern Ireland Governments, and the Army, neither tolerated nor encouraged "the use of unjustified lethal force".

He makes no suggestion of a Government cover-up.

And Lord Saville credits the UK Government with working towards a peaceful political settlement in Northern Ireland.

Mr Speaker, the Report also specifically deals with the actions of key individuals in the army, in politics and beyond . . .

. . . including Major General Ford, Brigadier MacLellan and Lieutenant Colonel Wilford.

In each case, the Tribunal's findings are clear.

It also does the same for Martin McGuinness.

It specifically finds he was present and probably armed with a "sub-machine gun" but concludes "we are sure that he did not engage in any activity that provided any of the soldiers with any justification for opening fire".

Mr. Speaker, while in no way justifying the events of January 30th 1972, we should acknowledge the background to the events of Bloody Sunday.

Since 1969 the security situation in Northern Ireland had been declining significantly.

Three days before 'Bloody Sunday', two RUC officers—one a Catholic—were shot by the IRA in Londonderry, the first police officers killed in the city during the Troubles.

A third of the city of Derry had become a no-go area for the RUC and the Army.

And in the end 1972 was to prove Northern Ireland's bloodiest year by far with nearly 500 people killed.

And let us also remember, Bloody Sunday is not the defining story of the service the British Army gave in Northern Ireland from 1969–2007.

This was known as Operation Banner, the longest, continuous operation in British military history, spanning thirty-eight years and in which over 250,000 people served.

Our Armed Forces displayed enormous courage and professionalism in upholding democracy and the rule of law in Northern Ireland.

Acting in support of the police, they played a major part in setting the conditions that have made peaceful politics possible . . .

. . . and over 1,000 members of the security forces lost their lives to that cause.

Without their work the peace process would not have happened.

Of course some mistakes were undoubtedly made.

But lessons were also learned.

Once again, I put on record the immense debt of gratitude we all owe those who served in Northern Ireland.

Mr. Speaker, may I also thank the Tribunal for its work—and all those who displayed great courage in giving evidence.

I would also like to acknowledge the grief of the families of those killed.

They have pursued their long campaign over thirty-eight years with great patience.

Nothing can bring back those that were killed but I hope, as one relative has put it, the truth coming out can set people free.

John Major said he was open to a new inquiry.

Tony Blair then set it up.

This was accepted by the then Leader of the Opposition.

Of course, none of us anticipated that the Saville Inquiry would last 12 years or cost £200 million.

Our views on that are well documented.

It is right to pursue the truth with vigour and thoroughness . . .

. . . but let me reassure the House that there will be no more open-ended and costly inquiries into the past.

But today is not about the controversies surrounding the process.

It's about the substance, about what this report tells us.

Everyone should have the chance to examine the complete findings—and that's why the report is being published in full.

Running to more than 5000 pages, it's being published in 10 volumes.

Naturally, it will take all of us some time to digest the report's full findings and understand all the implications.

The House will have the opportunity for a full day's debate this autumn—and in the meantime I have asked my Rt Hon Friends the Secretaries of State for Northern Ireland and Defence to report back to me on all the issues that arise from it.

Mr Speaker, this report and the Inquiry itself demonstrate how a State should hold itself to account . . .

. . . and how we are determined at all times—no matter how difficult—to judge ourselves against the highest standards.

Openness and frankness about the past—however painful—do not make us weaker, they make us stronger.

That's one of the things that differentiates us from terrorists.

We should never forget that over 3,500 people—people from every community—lost their lives in Northern Ireland, the overwhelming majority killed by terrorists.

There were many terrible atrocities.

Politically-motivated violence was never justified, whichever side it came from.

And it can never be justified by those criminal gangs that today want to drag Northern Ireland back to its bitter and bloody past.

No Government I lead will ever put those who fight to defend democracy on an equal footing with those who continue to seek to destroy it.

But neither will we hide from the truth that confronts us today.

In the words of Lord Saville—

"What happened on Bloody Sunday strengthened the Provisional IRA, increased nationalist resentment and hostility towards the Army and exacerbated the violent conflict of the years that followed. Bloody Sunday was a tragedy for the bereaved and the wounded, and a catastrophe for the people of Northern Ireland."

These are words we can not and must not ignore.

But what I hope this Report can also do is to mark the moment when we come together, in this House and in the communities we represent.

Come together to acknowledge our shared history, even where it divides us.

And come together to close this painful chapter on Northern Ireland's troubled past.

That is not to say that we must ever forget or dismiss that past.

But we must also move on.

Northern Ireland has been transformed over the past twenty years . . .

. . . and all of us in Westminster and Stormont must continue that work of change, coming together with all the people of Northern Ireland to build a stable, peaceful, prosperous and shared future.

It is with that determination that I commend this statement to the House.

## ANGOLA

Mr. FEINGOLD. Mr. President, the National Security Strategy released last month rightly states:

[d]ue to increased economic growth and political stability, individual nations are increasingly taking on powerful regional and global roles and changing the landscapes of international cooperation. To achieve a just and sustainable order that advances our shared security and prosperity, we are, therefore, deepening our partnerships with emerging powers and encouraging them to

play a greater role in strengthening international norms and advancing shared interests.

The strategy goes on to note that expanding our partnerships with emerging powers includes a number of African nations, specifically South Africa. Indeed, I have great respect for South Africa's leadership on the continent and internationally and am glad that we are seeking to deepen our bilateral relationship. From peace and security to climate change to nuclear non-proliferation, we should continue to look for areas where we can team up with the South Africans.

I would also like to highlight another emerging power in Sub-Saharan Africa that we should not ignore: Angola. Many of my colleagues will recall the brutal civil war that devastated Angola. In my first trip as a Senator to Africa, in 1994, I traveled with Senator REID and Senator Paul Simon to Angola to observe the tragic consequences of this conflict. Decades of war left an estimated 1 million people dead, a third of the country's population displaced, and millions of landmines littered throughout the countryside.

Yet since the war ended in 2002, Angolans have made tremendous strides to secure the peace and rebuild their country. According to a recent UNICEF study, since 2002 the percentage of children attending primary school has increased from 56 to 76 percent and infant mortality has fallen by 22 percent. At the same time, Angola's economy has registered double-digit GDP growth over recent years, mostly driven by increasing oil production. Angola's future growth prospects, however, are more diverse than just oil. According to the September 15, 2009, New York Times article, "Angola is poised to become a hub of liquefied natural gas and diamond exports."

With its economic growth and stability, Angola is also poised to play a greater role on regional, continental, and international issues. It has already become a major player in the Organization of Petroleum Exporting Countries, OPEC, and although it is not a member of the G-20, President Dos Santos has been invited to some G-20 meetings. Angola has also become involved in critical issues relating to the Gulf of Guinea, which sits to its north. It supported the launch of the Gulf of Guinea Commission in 2006 to resolve maritime disputes and ensure regional cooperation and hosted a summit for heads of the state of the commission in 2008. Finally, Angola has the potential to play a much more active future role on issues facing the Southern African Development Community, SADC.

For all these reasons, the United States has a strong interest in deepening and broadening our relationship with Angola. Secretary Clinton's visit to the country last year—in which she became the first U.S. Secretary of

State to stay overnight in the country—was a major step to that end. She committed to developing a "comprehensive strategic partnership" with Angola and to expanding our engagement in the areas of trade, agriculture, health, and education.

To follow through on this commitment, we now need to ensure that our Embassy in Luanda has the necessary programs and tools to pursue such a partnership. We need to ensure there are sufficient incentives and encouragement to attract Foreign Service officers to Angola given the inordinately high cost of living and other hardships. And we should try to ensure that we have the right staff, including representatives from other agencies that can bring expertise on issues of commerce and agriculture.

But expanding our engagement with Angola should not mean ignoring or downplaying troubling issues of human rights and governance. In fact, it should be quite the opposite; we need to actively encourage reform in these important areas if we are going to pursue a truly comprehensive and long-term partnership with Angola.

According to the State Department's 2009 Human Rights Report for Angola, "The government's human rights record remained poor, and there were numerous, serious problems." Last weekend, the Wall Street Journal reported that there continue to be abuses and killings by soldiers and private security guards around diamond mines in Angola. The international community should investigate these reports and ensure that Angola is fully living up to its commitments in the Kimberley Process. If it is not, there should be serious consequences.

More broadly, we should also consider whether certain gaps in the Kimberley Process, such as promoting greater protection for human rights, can be incorporated into the oversight procedures of participating countries. We need to be realistic about what is possible with a voluntary organization, but we cannot allow ongoing human rights abuses involving diamonds to be ignored.

Issues of governance are also especially important for Angola's development prospects. While the country has seen tremendous overall economic growth in recent years, most Angolans have seen little, if any, direct benefit. Corruption remains a serious and deep-seated problem in Angola, including in the oil sector. For 2009, Transparency International ranked Angola 162nd out of 180 countries in its annual Corruption Perceptions Index. A report released in February by the Senate's Permanent Subcommittee on Investigations documented how certain Angolan officials have sought to use U.S. banks and financial institutions to conceal funds acquired through corruption.

The Angolan Government has acknowledged that it needs to improve

its fiscal management and practices, and President Dos Santos has called for a "zero tolerance" policy against corruption. I am pleased that the President has said this, and we should look for ways to help the government give real meaning to such a policy. At the same time, we should explore ways that we and our international partners can put pressure on corrupt officials in Angola to cease their illicit actions, including travel bans and assets freezes, and more.

In terms of governance, it is also important that the Angolan Government create the space for a strong civil society to develop—one that allows for the free flow of information and includes independent watchdog institutions that can demand accountability and transparency. We should seek to expand our engagement with civil society organizations and, as is appropriate, to help strengthen their capacity and amplify their voices in policy debates.

Within the government, Angola's National Assembly has the potential to play a strong oversight role, and I am pleased that Secretary Clinton met directly with the National Assembly during her visit to Luanda last year. We should look for ways, such as technical assistance and parliamentary exchanges, that we can support and strengthen the National Assembly's oversight roles.

Mr. President, none of this will be easy. Some in the Angolan Government are still unwelcoming toward the United States because of positions we took during their civil war. Many Angolans are also skeptical about whether we genuinely have interests beyond accessing oil. We need to take these perspectives seriously. But I believe we can break through the suspicion and mistrust by demonstrating—through greater resources and a more visible presence—that we seek a mutually beneficial, long-term partnership with the people of Angola. In the months and years ahead, I look forward to working with the administration to that end.

#### REMEMBERING JUDGE GERALD W. HEANEY

Mr. FRANKEN. Mr. President, today I note with sorrow the passing of one of America's great jurists, Judge Gerald W. Heaney. Judge Heaney died Tuesday in Duluth, MN. Judge Heaney served with distinction and honor for 40 years on the U.S. Court of Appeals for the Eighth Circuit. He played a leading role in enforcing *Brown v. Board of Education* by desegregating schools in, among other places, Kansas City, Omaha, and St. Louis. A giant of the law, Judge Heaney will be remembered as not only a brilliant jurist but a judge who helped make the promise of equality under the law a reality for many Americans.

Judge Heaney received both a bachelor's and law degree from the University of Minnesota. During World War II, Judge Heaney served with distinction in the Army, landing on Omaha Beach on D-day and staying in Germany after the war to help reform local labor laws. After returning from the war, Judge Heaney practiced labor law for 20 years. He negotiated the contract that made Duluth public schools the first in the State to adopt equal pay for women.

Judge Heaney's civic accomplishments before joining the Eighth Circuit are a testament to one of Minnesota's most public-spirited sons. He was instrumental in creating Duluth's Seaway Port Authority and the local public broadcasting station. He also served as a regent for the University of Minnesota and was a lifelong champion of the University of Minnesota Duluth.

As an appellate judge, Judge Heaney was devoted to enforcing the Constitution's promise of equal protection and expanding equality to all citizens, regardless of race, sex, religion, age, or disability. On the occasion of his retirement 4 years ago, Minnesota Public Radio interviewed Latonya Davis, a former student in the St. Louis public schools. Because of Judge Heaney's desegregation orders, Ms. Davis had the opportunity to attend a suburban school that she says changed her life:

"I didn't even expect to go to college," she recalls. "My junior year in high school, I had a teacher say, 'So what college you going to?' and I was like, 'I'm not going.' Because I just knew it was expensive, and I didn't think to go. I had bunch of teachers push me, and help me find ways to pay for it. They really wanted me to succeed in life."

Ms. Davis is now a teacher herself with an advanced degree.

For Judge Heaney, equality of opportunity was also personal: he hired the Eighth Circuit's first African-American and female law clerks.

Judge Heaney was a leading jurist on criminal justice issues. His opinions on the fourth amendment were exceedingly influential, including an argument in dissent concerning probable cause for a warrant that later was adopted by the Supreme Court. Judge Heaney's scholarship on Federal sentencing was an impassioned plea for humanity and decency in sentencing.

Judge Heaney is survived by Eleanor, his wife of 64 years, his daughter Carol, son Bill, sister Elizabeth, six grandchildren, and eight great-grandchildren. I offer my deepest sympathies to all who knew and loved him. Vice President Mondale said it best when he said that Judge Heaney was "a great and decent human being, a superb judge and a really caring human being."

Fittingly, the Federal courthouse in Duluth, MN, is named for Judge

Heaney. It stands as a lasting monument to the cause of Judge Heaney's life—providing equal justice under the law.

#### ADDITIONAL STATEMENTS

##### WING, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 16 to 18, 2010, the residents of Wing will gather to celebrate their community's history and founding.

Wing, a Northern Pacific Railroad town site, was founded in 1910, and named after Charles Kleber Wing, who plotted many town sites, including McClusky, Wing, Pingree, Robinson, and Regan. Leslie B. Draper established the first post office on April 15, 1911. Wing was later incorporated as a village in 1921.

Today, Wing's school and residential market continue to prosper. The rural area remains rich in wildlife, attracting many out-of-state and in-state hunters. The residents of Wing place great importance on involvement within the community. A strong Wing fire and ambulance service exists in town, with many local residents and farmers volunteering to perform much needed services.

Citizens of Wing have organized numerous activities to celebrate their centennial. Some of the celebratory festivities include socials, a class parade, pitchfork fondue, a concert, and a street dance.

Mr. President, I ask the Senate to join me in congratulating Wing, ND, and its residents on the first 100 years and in wishing them well through the next century. By honoring Wing and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Wing that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Wing has a proud past and a bright future.●

##### TRIBUTE TO SUE FELLEN

• Mr. CRAPO. Mr. President, today I offer tribute to a true leader and advocate for the rights of women and children in my home State of Idaho who deserve protection from abusive relationships. Sue Fellen has been executive director for the Idaho Coalition Against Sexual and Domestic Violence for more than a decade. She is announcing a well-deserved retirement at the end of this month. Her work on behalf of Idaho women, children and family protection is one well worth noting by all Americans who cherish family and personal security and freedom.

Sue Fellen's track record of service on behalf of Idahoans will remain long after she leaves active service. While she has headed the state's largest advocacy program to stop violence for 16 years now, she has been working nearly twice that long in other capacities to stop domestic violence and protect families, women and children across Idaho.

Sue Fellen began her career to stop domestic violence in the trenches. She was a shelter manager and director for the Women and Children's Association from 1982 through 1993. When she went on to head the Idaho Coalition, she built a statewide network of more than 80 organizations, including law enforcement, prosecutors, health care providers, victim advocates, victim witness coordinators, universities, and other professionals dedicated to preventing domestic violence and assisting victims of violence.

She is a trailblazer for Federal legislation protecting women. I know because I worked directly with Sue to pass the first-ever Federal law that recognizes the rights of dating partners in abusive relationships and offered them Federal assistance for the first time. We were able to shepherd that groundbreaking legislation through the Congress and saw it signed into law in 2004. "Cassie's Law" was named for Cassie Dehl of Idaho, who died following an abusive dating relationship. Sue Fellen, as a leader of the effort to stop abusive relationships in Idaho, was also a member of the National Network to End Domestic Violence. In her role in Idaho and nationally, Sue helped get the word out that this Idaho legislation should become a national model and I am proud to have partnered with her in these efforts.

Sue and I worked with a large group of Idahoans and found the funding and commitment to the first one-stop response center for response, treatment and prosecution in domestic violence and sexual assault cases in Idaho. I am proud to say that the FACES Center—for Family Advocacy Center and Education Services—has now been open nearly 5 years.

Sue Fellen and I have worked together on many other Federal issues. Congress has a penchant to want to spend money and on many occasions, leaders in both political parties have seen fit to borrow from the Victims of Crime Act, or VOCA. This fund is replenished by those who perpetrate crime and is intended as an ongoing fund to benefit the victims of crime and family members who need assistance. By working with advocates like Sue Fellen and my colleagues here in the Senate such as the chairman of the Judiciary Committee, my friend PATRICK LEAHY of Vermont, we have been able to keep that VOCA funding intact, and away from being spent on programs for which that money was never intended.

I have been proud to partner with Sue and the National Network with other Senate colleagues as we strengthened the Violence Against Women Act, provided improved DNA and rape assistance kits to speed the conviction of assault cases and worked with private partners such as the Liz Claiborne Foundation to broaden the audience for the critical message that domestic and sexual violence should not be tolerated. Not by Congress. Not by men. Not by anyone.

Surveys show that, out of the teenagers questioned, more than half, 62 percent, know someone who has been in an abusive relationship with their boyfriend. Two in five know someone who has been put down or called stupid, many of them through the social media on their computers and texts on their phones.

One in five between the ages of 13 and 14 know of friends and peers who have been hit, kicked, slapped or punched in anger. These statistics should alarm all of us. I have often said men should not stand by and observe any domestic violence.

Thankfully, there are people who do not just stand by. They jump in. They dedicate their lives to improving the safety of women, children and families. They are people like Sue Fellen and I am glad to call Sue my friend and colleague in this effort.

Thank you, Sue. You and your husband Sherm, and even your dog Belle, can look forward to a most well-deserved retirement.●

#### TRIBUTE TO JACOB COSTELLO

● Mrs. LINCOLN. Mr. President, today I recognize Arkansan Jacob Costello of Wesley, winner of the Congressional Award Gold Medal, the highest honor bestowed upon young people by the U.S. Congress. It is the first and only award for youth legislated by the U.S. Congress. I was proud to meet with Jacob in Washington this week and learn more about his experiences achieving this great honor.

Earning the Congressional Award Gold Medal requires a significant commitment. Participants must spend 2 years or more completing at least 400 hours of community service, 200 hours of personal development and physical fitness activities, and a 4-night "Expedition or Exploration."

Upon completion of these requirements, young leaders like Jacob from across the United States gather in Washington to honor their commitment to community service and personal improvement. They also have the opportunity to learn more about the federal government and visit Washington's museums and memorials.

Jacob represents the best of our Arkansas values of hard work and determination. His dedication to volunteerism and public service is to be

admired by all Arkansans, and I commend him for this tremendous honor.●

#### RECOGNIZING GAY ISLAND OYSTER COMPANY

● Ms. SNOWE. Mr. President, one of the most beloved summer traditions we have in coastal Maine is enjoying fresh seafood from our State's numerous bays and harbors. While Maine is of course famous for its exquisite lobster, parts of our State are also undergoing a renaissance in oyster harvesting, particularly in the midcoast region. Today, I rise to recognize one of the companies involved in this reinvigoration of the industry, the Gay Island Oyster Company, a small family-run business founded in 2000 in the small seaside town of Cushing by Tara and Barrett Lynde.

A historic source of food in Maine, oysters have been gathered off the State's coast for over 5,000 years. Certain excavations have even found piles of shucked oysters, also known as "middens," over 30 feet deep near the Damariscotta River near present-day route 1. Unfortunately, by 1949, climate changes, development, overfishing, and pollution had all but eliminated Maine's native oyster population. In response, Maine's Department of Sea and Shore Fisheries began a concerted effort to return this unique bivalve to local waters.

The Gay Island Oyster Company is one of the pioneering small businesses to take advantage of this reintroduction and has helped to revolutionize Maine's aquaculture industry. The owners of the company, Tara and Barrett Lynde, also hold a special distinction as a dynamic mother-and-son oyster harvesting team. Their oyster farm is unique in its harvesting methods, using floating mesh bags which bring Gay Island's oysters to the water's surface exposing them to tidal water flows. Tara and Barrett say that by bringing oysters, which are normally found on the bottom of the ocean, to the surface, the oysters benefit from constant movement which translates into deeper oysters, narrower shells, and a cleaner taste. This method ensures that Gay Island oysters are full and sweet with perfect salinity and consistent taste.

To harvest these oysters, Tara and Barrett first place oyster seedlings in the calmer and less salty waters of the Meduncook River. After about a year they are moved a short distance away to an area between Gay and Morse islands, just off the coast of Cushing. The oysters then remain there for 2 more years before they are ready for harvest and consumption.

Gay Island Oyster Company is proud to remain a small business, and Tara and Barrett believe that their individual attention to detail allows them to ensure that the quality of their oys-

ters will remain high. As a small family owned and operated business, Gay Island Oyster Company's efforts at responsible and sustainable oyster cultivation are a positive contribution towards a sensible use of such a precious resource. While Gay Island oysters are found in numerous restaurants, they can also be ordered from anywhere in the United States online, and are shipped the same day they are harvested to guarantee an unmatched freshness.

Maine's coastal heritage is critical to the past, present, and future of our State. While we often recognize the lobstermen and fishermen who spend long hours hauling in their catches, oystermen and other shellfishermen deserve credit for the intensity of their labors. I congratulate Tara and Barrett Lynde for founding Gay Island Oysters and recapturing a lost part of Maine's aquaculture, and I wish them all the best for many more successful years to come.●

#### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 10:19 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills and joint resolution, without amendment:

S. 1660. An act to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 2865. An act to reauthorize the Congressional Award Act (2 U.S.C. 801 et seq.), and for other purposes.

S.J. Res. 32. Joint resolution recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3993. An act to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services.

H.R. 5481. An act to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

H.R. 5551. An act to require the Secretary of the Treasury to make a certification when making purchases under the Small Business Lending Fund Program.

H.R. 5569. An act to extend the National Flood Insurance Program until September 30, 2010.

The message further announced that the Clerk be directed to request the Senate to return to the House of Representatives the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At 1:27 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431), and the order of the House of January 6, 2009, the Speaker appointed the following members on the part of the House of Representatives to the Commission on International Religious Freedom: Ms. Elizabeth W. Prodromou of Boston, Massachusetts, for a 2-year term ending May 14, 2012, to succeed herself, and upon the recommendation of the Minority Leader: Mr. Ted Van Der Meid of Rochester, New York, for a 2-year term ending May 14, 2012, to succeed Ms. Nina Shea.

ENROLLED BILLS AND JOINT RESOLUTION  
SIGNED

At 4:46 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 1660. An act to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 2865. An act to reauthorize the Congressional Award Act (2 U.S.C. 801 et seq.), and for other purposes.

S.J. Res. 32. Joint resolution recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance.

The enrolled bills and joint resolution were signed by the Acting President pro tempore (Mr. REID).

ENROLLED BILL SIGNED

At 7:19 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3962. An act to provide a physician payment update, to provide pension funding relief, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

At 7:31 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks,

announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2194) to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 3962) to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3993. An act to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services; to the Committee on Commerce, Science, and Transportation.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 5481. An act to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

H.R. 5551. An act to require the Secretary of the Treasury to make a certification when making purchases under the Small Business Lending Fund Program.

EXECUTIVE AND OTHER  
COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6375. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiamethoxam; Pesticide Tolerances" (FRL No. 8830-4) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6376. A communication from the Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report entitled "2010 Report to Congress on Sustainable Ranges"; to the Committee on Armed Services.

EC-6377. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Ownership or Control by a Foreign Government" (DFARS Case 2010-D010) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Armed Services.

EC-6378. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Payments in Support of Emergencies and Contingency Operations" (DFARS Case

2009-D020) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Armed Services.

EC-6379. A joint communication from the President and Chief Executive Officer and the Chief Accounting and Administrative Officer and Corporate Secretary, Federal Home Loan Bank of Seattle, transmitting, pursuant to law, the Bank's 2009 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-6380. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13348 relative to the former Liberian regime of Charles Taylor; to the Committee on Banking, Housing, and Urban Affairs.

EC-6381. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Canada and Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-6382. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled, "Fundamental Properties of Asphalts and Modified Asphalts-III"; to the Committee on Commerce, Science, and Transportation.

EC-6383. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report entitled "National Action Plan on Demand Response"; to the Committee on Energy and Natural Resources.

EC-6384. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Fee Schedules; Fee Recovery for FY 2010" (RIN3150-A170) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Environment and Public Works.

EC-6385. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Ohio; Final Approval and Promulgation of State Implementation Plans; Carbon Monoxide and Volatile Organic Compounds" (FRL No. 9159-3) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Environment and Public Works.

EC-6386. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Massachusetts: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 9165-8) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Environment and Public Works.

EC-6387. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment for PM10 for the Sandpoint PM10 Nonattainment Area, Idaho" (FRL No. 9165-2) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Environment and Public Works.

EC-6388. A communication from the Director of the Regulatory Management Division,

Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oklahoma: Incorporation by Reference of Approved State Hazardous Waste Management Program" (FRL No. 9162-7) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Environment and Public Works.

EC-6389. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Arkansas: Final Authorization of State-initiated Changes and Incorporation by Reference of State Hazardous Waste Management Program" (FRL No. 9161-9) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Environment and Public Works.

EC-6390. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rules on Certain Chemical Substances" ((RIN2070-AB27)(FRL No. 8824-6)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Environment and Public Works.

EC-6391. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—July 2010" (Rev. Rul. 2010-18) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Finance.

EC-6392. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Interest and Penalty Suspension Provisions Under Section 6404(g) of the Internal Revenue Code" ((TD 9488)(RIN1545-BE07)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Finance.

EC-6393. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rules Relating to Status as a Grandfathered Health Plan Under the Patient Protection and Affordable Care Act" ((TD 9489)(RIN1545-BJ51)) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Finance.

EC-6394. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Sweden and Norway for the manufacture of F414-GE-400 engine components in support of U.S. Navy Commercial and FMS contracts in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-6395. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Centers for Independent Living Program—Training and Technical Assistance" (CFDA No. 84.400B) received in the Office of the President of the Senate on June

22, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-6396. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Research and Training Centers (RRTCs)—Employment Outcomes for Individuals who are Blind or Visually Impaired" (CFDA No. 84.133B-6) received in the Office of the President of the Senate on June 22, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-6397. A communication from the Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "General Schedule Locality Pay Areas" (RIN3206-AL96) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6398. A communication from the Inspector General, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2009 through September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-6399. A communication from the Secretary of Labor, transmitting, pursuant to law, the Semiannual Report of the Office of Inspector General of the Pension Benefit Guaranty Corporation for the period from April 1, 2009, through September 30, 2009 and the Director's Semiannual Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations; to the Committee on Homeland Security and Governmental Affairs.

EC-6400. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 3466. A bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

\*Dennis J. Toner, of Delaware, to be a Governor of the United States Postal Service for the remainder of the term expiring December 8, 2012.

\*John S. Pistole, of Virginia, to be an Assistant Secretary of Homeland Security.

By Mr. LEAHY for the Committee on the Judiciary.

Cathy Jo Jones, of Ohio, to be United States Marshal for the Southern District of Ohio for the term of four years.

Edward L. Stanton, III, of Tennessee, to be United States Attorney for the Western District of Tennessee for the term of four years.

Stephen R. Wigginton, of Illinois, to be United States Attorney for the Southern District of Illinois for the term of four years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN of Ohio:

S. 3527. A bill to amend title XVIII of the Social Security Act to ensure access to chest radiography (x-ray) services that use Computer-Aided Detection for the purpose of early detection of lung cancer; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. LAUTENBERG, Mr. WHITEHOUSE, Ms. COLLINS, Mrs. SHAHEEN, Mrs. BOXER, Mr. KERRY, Ms. CANTWELL, Mr. REED, and Mr. BEGICH):

S. 3528. A bill to promote coastal jobs creation, promote sustainable fisheries and fishing communities, revitalize waterfronts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. HAGAN:

S. 3529. A bill to require that certain Federal job training and career education programs give priority to programs that provide an industry-recognized and nationally portable credential; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PRYOR (for himself and Mr. WARNER):

S. 3530. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to provide for prize competitions to stimulate innovations that advance the missions of Federal agencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SANDERS (for himself, Mrs. MURRAY, and Mr. LEAHY):

S. 3531. A bill to amend the Dairy Production Stabilization Act of 1983 to establish a dairy market stabilization program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 3532. A bill to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects; to the Committee on Energy and Natural Resources.

By Mr. SANDERS (for himself, Mr. WHITEHOUSE, Mr. HARKIN, Mr. BROWN of Ohio, and Mr. FRANKEN):

S. 3533. A bill to amend the Internal Revenue Code of 1986 to reinstate estate and generation-skipping taxes, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Mr. DORGAN):

S. 3534. A bill to establish a Native American entrepreneurial development program in the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

By Mr. BURR (for himself and Mr. CHAMBLISS):

S. 3535. A bill to enhance the energy security of the United States by promoting the production of natural gas, nuclear energy, and renewable energy, and for other purposes; to the Committee on Finance.

By Mr. BENNETT (for himself and Ms. KLOBUCHAR):

S. 3536. A bill to enhance aviation security and protect personal privacy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. UDALL of Colorado (for himself, Mr. BENNETT, Mr. BENNET, and Mr. HATCH):

S. 3537. A bill to provide for certain land exchanges in Gunnison County, Colorado, and Uintah County, Utah; to the Committee on Energy and Natural Resources.

By Mr. BOND (for himself and Mr. HATCH):

S. 3538. A bill to improve the cyber security of the United States and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MERKLEY (for himself, Mr. FRANKEN, Mr. BROWN of Ohio, Mr. BEGICH, Mr. KERRY, Mr. WYDEN, Mrs. SHAHEEN, Ms. CANTWELL, Mrs. FEINSTEIN, Mrs. BOXER, Ms. MIKULSKI, Mrs. MURRAY, and Mrs. GILLIBRAND):

S. Res. 565. A resolution supporting and recognizing the achievements of the family planning services programs operating under title X of the Public Health Service Act; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 28

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 28, a bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons.

S. 306

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 306, a bill to promote biogas production, and for other purposes.

S. 332

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.

332, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 435

At the request of Mr. CASEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 435, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

S. 678

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 678, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 797

At the request of Mr. DORGAN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 797, a bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes.

S. 831

At the request of Mr. KERRY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 1674

At the request of Mr. WYDEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1674, a bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. 2792

At the request of Mrs. GILLIBRAND, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 2792, a bill to amend the Federal Meat Inspection Act to develop an effective sampling and testing program to test for E. coli O157:H7 in boneless beef manufacturing trimmings and other raw ground beef components, and for other purposes.

S. 3029

At the request of Mr. KERRY, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 3029, a bill to establish an employ-

ment-based immigrant visa for alien entrepreneurs who have received significant capital from investors to establish a business in the United States.

S. 3036

At the request of Mr. BAYH, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3171

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3171, a bill to amend title 38, United States Code, to provide for the approval of certain programs of education for purposes of the Post-9/11 Educational Assistance Program.

S. 3192

At the request of Mr. SPECTER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3192, a bill to amend title 38, United States Code, to provide for the tolling of the timing of review for appeals of final decisions of the Board of Veterans' Appeals, and for other purposes.

S. 3196

At the request of Mr. KAUFMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3196, a bill to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

S. 3213

At the request of Mr. LEVIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3213, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 3278

At the request of Mr. BENNET, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 3278, a bill to establish the Meth Project Prevention Campaign Grant Program.

S. 3320

At the request of Mr. WHITEHOUSE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3335

At the request of Mr. COBURN, the names of the Senator from Massachusetts (Mr. BROWN), the Senator from Pennsylvania (Mr. CASEY) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 3335, a bill to require Congress to establish a unified and searchable database on a public website for congressional earmarks as called for by the President in his 2010 State of the Union Address to Congress.

S. 3347

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 3347, a bill to extend the National Flood Insurance Program through December 31, 2010.

S. 3371

At the request of Mrs. McCASKILL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3371, a bill to amend title 10, United States Code, to improve access to mental health care counselors under the TRICARE program, and for other purposes.

S. 3479

At the request of Mrs. HAGAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3479, a bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program.

S. 3481

At the request of Mr. CARDIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3481, a bill to amend the Federal Water Pollution Control Act to clarify Federal responsibility for stormwater pollution.

S. 3505

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3505, a bill to prohibit the purchases by the Federal Government of Chinese goods and services until China agrees to the Agreement on Government Procurement, and for other purposes.

S. 3512

At the request of Mrs. HUTCHISON, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 3512, a bill to provide a statutory waiver of compliance with the Jones Act to foreign flagged vessels assisting in responding to the Deepwater Horizon oil spill.

S. RES. 519

At the request of Mr. DEMINT, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law

in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 554

At the request of Mr. ENZI, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Res. 554, a resolution designating July 24, 2010, as "National Day of the American Cowboy".

S. RES. 564

At the request of Mr. WEBB, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Indiana (Mr. LUGAR) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. Res. 564, a resolution recognizing the 50th anniversary of the ratification of the Treaty of Mutual Security and Cooperation with Japan, and affirming support for the United States-Japan security alliance and relationship.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself, Mr. LAUTENBERG, Mr. WHITEHOUSE, Ms. COLLINS, Mrs. SHAHEEN, Mrs. BOXER, Mr. KERRY, Ms. CANTWELL, Mr. REED, Mr. BARRASSO, and Mr. BEGICH):

S. 3528. A bill to promote coastal jobs creation, promote sustainable fisheries and fishing communities, revitalize waterfronts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Coastal Jobs Creation Act of 2010. This bill would establish a grant program within the Department of Commerce to enhance employment opportunities for coastal communities by increasing support for cooperative research programs, revitalization of coastal infrastructure, and stewardship of coastal and marine resources. As Ranking Member of the Senate Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, and as a Senator from a State which relies heavily on its coastal region as an economic driver, I am acutely aware of the hardships that have been visited on these areas in recent years.

I particularly want to thank my lead cosponsor on this key piece of legislation, Senator LAUTENBERG. Clearly, his home State of New Jersey shares many of the same issues we face in Maine when it comes to ensuring the vitality of our historic fishing and coastal industries, and I greatly appreciate his support of this initiative. I also want to thank the bill's additional cosponsors, Senators WHITEHOUSE, COLLINS, SHAHEEN, BOXER, KERRY, and CANTWELL, for their vital contributions.

As our Nation struggles to recover from the ongoing recession, it is critical that we do all we can to create em-

ployment opportunities. I have said it before, and I will say it again: the jobless recovery that our Nation is currently experiencing is not a true economic recovery. While the most recent unemployment figures may have shown a decline from 9.9 to 9.7 percent—of course, welcome news—the private sector is not creating jobs. Indeed, there were 411,000 temporary Census employees hired in May, as opposed to the 41,000 new jobs in the private sector. This does not bode well for our future economic health, and does not instill confidence in our fragile economy.

Ultimately, what affects our coastal economy drives our Nation's economy. More than 75 percent of growth in this country from 1997 to 2007, whether measured in population, jobs, or GDP, occurred in coastal States, and more than half of U.S. citizens live in coastal communities. As the Nation's economy has struggled through the ongoing recession, maritime industries have experienced more than their share of hardship. This has been compounded in the fishing industry by regulatory changes mandated by the Magnuson-Stevens Fishery Conservation and Management Act which we reauthorized in 2006. The law now requires strict, science-based annual catch limits to be imposed in all fisheries by 2011. While we expect these changes will ultimately be beneficial to the health of the fish stocks, they have dire economic implications today.

On April 18, 2010, Bumble Bee Foods shuttered the last sardine cannery in the United States, which had been located in Prospect Harbor, Maine. This closure can be attributed to a single cause: the National Marine Fisheries Service's decision to slash the catch limit for herring by 38 percent for 2010, meaning there were not enough fish available to supply the plant. Scientists did not recommend this reduction because herring is overfished—it is not—but rather because they did not have the data to provide sufficient confidence in the stock assessment. In addition to impacts on the herring and lobster fisheries, this lack of data has directly resulted in a century-old fish processing plant closing its doors, costing an economically depressed community 130 jobs and spelling the end of an entire industry in the United States. If the law's new mandates are to be effective, they will require an infusion of better scientific data. The grant program authorized in this legislation will lead to more cooperative research to improve fishery-dependent data and increase employment opportunities for fishermen by involving them in the research process.

An additional concern this bill would help alleviate is the rapid decline in availability of working waterfront property. As Americans move to the coast in greater numbers, the demand for waterfront property increases,

boosting prices and raising the tax burdens on waterfront property owners. According to a report by Maine Sea Grant and the Island Institute, a non-profit advocacy group, of the more than 5,300 miles of Maine's coastline, just 20 miles remain in use as working waterfront property—less than half of one percent of the potential area. This bill would authorize grants to recapitalize working waterfront property to stem the loss of this vital infrastructure without which our coastal industries will simply vanish.

If enacted, this critical legislation would greatly enhance the health and vitality of our Nation's coastal communities, and help put our Nation on a path to a true economic recovery, driven by small businesses and private sector job creation. Once again, I thank Senator LAUTENBERG, and all of my co-sponsors again for their efforts in developing this vital legislation.

By Mrs. HAGAN:

S. 3529. A bill to require that certain Federal job training and career education programs give priority to programs that provide an industry-recognized and nationally portable credential; to the Committee on Health, Education, Labor, and Pensions.

Mrs. HAGAN. Mr. President, today, I am proud to introduce an important piece of legislation to spur job growth across America. The American Manufacturing Efficiency and Retraining Investment Collaboration Achievement Works Act also known as the AMERICA Works Act is part of the solution to the Nation's unemployment problem.

With the national unemployment rate at 9.7 percent, and at 10.8 percent in my home state of North Carolina, we need to do everything we can to reinvigorate the American workforce.

The United States needs a strong technical workforce. Our country is facing a widening skills gap between older workers with advanced technical skills who will be retiring in the next few years, and the younger workers who have not yet received adequate training to replace them. The benefits of industry-recognized credentials are widely known, but too often those credentials do not count toward educational requirements, do not match the needs of local employers, or require too much time to earn just one credential. Ultimately, the system ends up breaking down, to the detriment of instructors, employers, and employees.

The AMERICA Works Act would give priority to Federal job training programs that provide an industry-recognized and nationally-portable credential. The legislation encourages national industries to come together and agree upon common standards, defining the skill sets needed in employees. Once industries have agreed upon standards, they can work with edu-

cational institutions to turn the standards into workable curriculums with tiered or stackable credentials. Ultimately, local workforce boards can help workers seeking training and employment opportunity by directing them toward job training programs that have priority under existing Federal programs.

The AMERICA Works Act would require certain Federal job training and career development education programs to give priority to programs that provide an industry-recognized and nationally-portable credential. This credentialing system starts out with basic competencies that prepare individuals for the workplace. Once basic competencies are completed, individuals can work toward high performance technical competencies and then progress further to highly skilled technical and management competencies. The credentialing levels are stackable, allowing workers flexibility along their career tracks. Stackable credentials provide straight forward paths, with clear entry and exit points, for workers to advance their careers and attain high quality jobs.

In North Carolina, we have an advanced manufacturing skills program at Forsyth Technical Community College in Winston-Salem. Forsyth Technical Community College is participating in the National Association of Manufacturers Endorsed Skills Certification System, which offers credit programs toward nationally-recognized, stackable credentials. Currently, they have 207 students enrolled in their programs. Forsyth Technical has already collaborated with State and local businesses to begin the process of incorporating their credentials into job descriptions. They believe that introducing graduates with skill certifications into the local workforce will help improve the hiring process, and these nationally-recognized credentials will increase employment opportunities.

The AMERICA Works Act will benefit business. When businesses clearly identify skills they need in their employees, educational institutions can tailor programs to teach those skills and workers will be better suited to meet their needs—starting on day one.

This legislation will benefit workers. Stackable credentials benefit workers by offering several on-ramps and off-ramps to a two-year technical degree: workers in training can exit the system having earned a basic, industry-recognized credential that qualifies them for employment, but without having completed the full two-year technical degree, and they can easily re-enter the system later to move up within their field and work toward the more advanced degree.

The AMERICA Works Act will benefit educational programs. Local educational institutes want to provide

their students with the most useful skills possible. Open lines of communication between businesses, workforce boards and workers will better enable them to do just that.

This legislation will benefit local economies. Local workforce boards will have the chance to determine which skills training programs are most valuable for their region, today and into the future. Local areas with well-trained workforces can more effectively lure new businesses. While this bill mentions manufacturing, it would benefit any industry that meets the criteria established in the legislation.

I want to do everything I can to create jobs and make sure our workers have the skills needed to help our businesses grow and thrive. By incentivizing companies to work with educational institutes and develop industry-recognized, nationally-portable, and stackable credentialing curricula, we can ensure that we have the best businesses, with the best workers, trained at the best institutes.

I urge my other colleagues to join me in supporting this important bill to enhance employment opportunity for hardworking Americans.

By Ms. LANDRIEU (for herself and Mr. DORGAN):

S. 3534. A bill to establish a Native American entrepreneurial development program in the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, as Chair of the Committee on Small Business and Entrepreneurship, I am pleased to introduce the Native American Small Business Assistance and Entrepreneurial Growth Act of 2010. This vital and timely legislation codifies and builds upon the Small Business Administration's, SBA, existing efforts through the Office of Native American Affairs, which is responsible for overseeing and implementing programs that are specifically tailored to meet the needs of the Native American community. By strengthening and improving these programs, the SBA will be able to reach even more Native Americans, helping them to achieve their dream of starting or growing their own small businesses and spurring vital and necessary growth within tribal communities.

According to the most recent report released by the U.S. Census bureau, the "three year average poverty rate for American Indians and Alaska Natives was 25.9 percent higher than for any other race groups." Additionally, research shows that entrepreneurial development is playing a significant role in promoting healthy tribal economies, and fostering much needed economic growth in various industries. Data from the 2000 U.S. Census shows that since 1997, the number of Native American-owned businesses has risen by 84

percent to 197,300, and that their gross incomes have increased by 179 percent to \$34.5 billion.

However, in the face of historically high unemployment and tight credit, particularly for Native Americans, starting a business has never been more difficult. During the 111th Congress, the Committee has heard from industry experts, organizational leaders and entrepreneurs working in or on behalf of Native American communities. From them, we know that, despite the growth we are seeing in Native American-owned businesses, more resources are needed to provide additional technical assistance and business development opportunities so as to ensure the economic sustainability and growth within tribal communities. According to the Aspen Institute, "training and technical assistance are arguably the most important components of microenterprise development services in the United States, particularly when those services are aimed at low-income clients." Additionally, according to the Corporation for Enterprise Development, this is particularly true for Native American entrepreneurs operating in environments that have not traditionally been geared towards private enterprise. For these reasons, it is critical that we do more to provide necessary resources for Native American entrepreneurial development programs that are working to address critical sustainability issues in tribal communities.

That is why today I am introducing the Native American Small Business Assistance and Entrepreneurial Growth Act of 2010. Since its establishment, SBA's Office of Native American Affairs worked to promote and support Native American entrepreneurs and to encourage important entrepreneurial activity in Native American communities. This legislation will further enhance and improve the existing programs within the Office of Native American Affairs, as well as create a new program that provides financial assistance to eligible entities to create Native American business centers which will conduct projects to provide culturally tailored business development training and related services to Native Americans and Native American small business concerns.

In introducing this important piece of legislation today, I would note that many of the provisions in this bill were included in S. 1229, the Entrepreneurial Development Act of 2009, which I introduced earlier this Congress and which passed out of Committee with unanimous and bi-partisan support in June of 2009. It is also the basis for many of the SBA related provisions included in the Native American Employment Act of 2010 that Senator DORGAN, Chairman of the U.S. Senate Committee on Indian Affairs introduced earlier this month. Given the importance of this

legislation to hundreds of thousands of Native American-owned businesses, and the potential we have before us to strengthen one of America's greatest emerging markets, I have decided to re-introduce these provisions as a stand-alone bill. I look forward to working with my colleagues in the Senate to bring this legislation to the President's desk in the coming months.

In closing, I would like to thank Chairman DORGAN for his continued leadership on behalf of existing and future Native American small business owners, and especially for his cosponsorship of this important legislation. Chairman DORGAN has been a tireless advocate for Native American communities across the country and in his home state of North Dakota, and I am pleased to have his support on this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3534

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Small Business Assistance and Entrepreneurial Growth Act of 2010".

#### SEC. 2. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 4(b)(1) (15 U.S.C. 633(b)(1))—

(A) in the fifth sentence, by striking "five Associate Administrators" and inserting "6 Associate Administrators"; and

(B) by inserting after the fifth sentence the following: "1 Associate Administrator shall be the Associate Administrator of the Office of Native American Affairs established by section 44.";

(2) by redesignating section 44 as section 45; and

(3) by inserting after section 43 (15 U.S.C. 657o) the following:

#### "SEC. 44. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ASSOCIATE ADMINISTRATOR.—The term 'Associate Administrator' means the Associate Administrator of the Office of Native American Affairs established under subsection (b).

"(2) CENTER; NATIVE AMERICAN SMALL BUSINESS CENTER.—The terms 'center' and 'Native American business center' mean a center established under subsection (c).

"(3) ELIGIBLE APPLICANT.—The term 'eligible applicant' means—

"(A) a tribal college;

"(B) a private, nonprofit organization—

"(i) that provides business and financial or procurement technical assistance to 1 or more Native American communities; and

"(ii) that is dedicated to assisting one or more Native American communities; or

"(C) a small business development center, women's business center, or other private organization participating in a joint project.

"(4) JOINT PROJECT.—The term 'joint project' means a project that—

"(A) combines the resources and expertise of 2 or more distinct entities at a physical

location dedicated to assisting the Native American community; and

"(B) submits to the Administration a joint application that contains—

"(i) a certification that each participant of the project—

"(I) is an eligible applicant;

"(II) employs an executive director or program manager to manage the center; and

"(ii) information demonstrating a record of commitment to providing assistance to Native Americans and;

"(iii) information demonstrating that the participants in the joint project have the ability and resources to meet the needs, including the cultural needs, of the Native Americans to be served by the project.

"(5) NATIVE AMERICAN SMALL BUSINESS CONCERN.—The term 'Native American small business concern' means a small business concern that is at least 51 percent owned and controlled by —

"(A) an Indian tribe or a Native Hawaiian Organization, as the terms are described in paragraphs (13) and (15) of section 8(a), respectively; or

"(B) 1 or more individuals members of an Indian tribe or Native Hawaiian Organization.

"(6) NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.—The term 'Native American small business development program' means the program established under subsection (c).

"(7) SMALL BUSINESS CONCERN.—The term 'small business concern' has the same meaning as in section 3.

"(8) SMALL BUSINESS DEVELOPMENT CENTER.—The term 'small business development center' means a small business development center described in section 21.

"(9) TRIBAL COLLEGE.—The term 'tribal college' has the meaning given the term 'tribally controlled college or university' in section 2(a) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)).

"(10) TRIBAL LAND.—The term 'tribal land' has the meaning given the term 'reservation' in section 3 of the Indian Financing Act ( 25 U.S.C. 1452).

"(b) OFFICE OF NATIVE AMERICAN AFFAIRS.—

"(1) ESTABLISHMENT.—There is established within the Administration the Office of Native American Affairs, which, under the direction of the Associate Administrator, shall implement the programs of the Administration for the development of business enterprises by Native Americans.

"(2) PURPOSE.—The purpose of the Office of Native American Affairs is to help Native American small business concerns—

"(A) to start, operate, and increase the business of small business concerns;

"(B) to develop management and technical skills;

"(C) to seek Federal procurement opportunities;

"(D) to increase employment opportunities for Native Americans through the establishment and expansion of small business concerns; and

"(E) to increase the access of Native Americans to capital markets.

"(3) ASSOCIATE ADMINISTRATOR.—

"(A) APPOINTMENT.—The Administrator shall appoint a qualified individual to serve as Associate Administrator of the Office of Native American Affairs in accordance with this paragraph.

"(B) QUALIFICATIONS.—The Associate Administrator appointed under subparagraph (A) shall have—

“(i) knowledge of Native American culture; and

“(ii) experience providing culturally tailored small business development assistance to Native Americans.

“(C) EMPLOYMENT STATUS.—The Administrator shall establish the position of Associate Administrator, who shall—

“(i) be an appointee in the Senior Executive Service (as defined in section 3132(a) of title 5, United States Code); and

“(ii) shall report to and be responsible directly to the Administrator.

“(D) RESPONSIBILITIES AND DUTIES.—The Associate Administrator shall—

“(i) administer and manage the Native American small business development program;

“(ii) formulate, execute, and promote the policies and programs of the Administration that provide assistance to small business concerns owned and controlled by Native Americans;

“(iii) act as an ombudsman for full consideration of Native Americans in all programs of the Administration;

“(iv) recommend the annual administrative and program budgets for the Office of Native American Affairs;

“(v) consult with Native American business centers in carrying out the Native American small business development program;

“(vi) recommend appropriate funding levels;

“(vii) review the annual budgets submitted by each applicant for the Native American small business development program;

“(viii) select applicants to participate in the Native American small business development program;

“(ix) implement this section; and

“(x) maintain a clearinghouse for the dissemination and exchange of information between all Administration-sponsored business centers.

“(E) CONSULTATION REQUIREMENTS.—In carrying out the responsibilities and duties described in this paragraph, the Associate Administrator shall confer with and seek the advice of—

“(i) officials of the Administration working in areas served by Native American business centers; and

“(ii) eligible applicants.

“(c) NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.—

“(1) FINANCIAL ASSISTANCE.—

“(A) IN GENERAL.—The Administration, acting through the Associate Administrator, shall provide financial assistance to eligible applicants to establish Native American business centers in accordance with this section.

“(B) USE OF FUNDS.—The financial and resource assistance provided under this subsection shall be used to establish a Native American business center to overcome obstacles impeding the establishment, development, and expansion of small business concerns, in accordance with this section.

“(2) 5-YEAR PROJECTS.—

“(A) IN GENERAL.—Each Native American business center that receives assistance under paragraph (1)(A) shall conduct a 5-year project that offers culturally tailored business development assistance in the form of—

“(i) financial education, including training and counseling in—

“(I) applying for and securing business credit and investment capital;

“(II) preparing and presenting financial statements; and

“(III) managing cash flow and other financial operations of a business concern;

“(ii) management education, including training and counseling in planning, organizing, staffing, directing, and controlling each major activity and function of a small business concern; and

“(iii) marketing education, including training and counseling in—

“(I) identifying and segmenting domestic and international market opportunities;

“(II) preparing and executing marketing plans;

“(III) developing pricing strategies;

“(IV) locating contract opportunities;

“(V) negotiating contracts; and

“(VI) using varying public relations and advertising techniques.

“(B) BUSINESS DEVELOPMENT ASSISTANCE RECIPIENTS.—The business development assistance under subparagraph (A) shall be offered to prospective and current owners of Native American small business concerns.

“(3) FORM OF FEDERAL FINANCIAL ASSISTANCE.—

“(A) DOCUMENTATION.—The financial assistance to Native American business centers authorized under this subsection may be made by grant, contract, or cooperative agreement.

“(B) PAYMENTS.—

“(i) TIMING.—Payments made under this subsection may be disbursed in periodic installments, at the request of the recipient.

“(ii) ADVANCE.—The Administrator may disburse not more than 25 percent of the annual amount of Federal financial assistance awarded to a Native American business center after notice of the award has been issued.

“(C) NON-FEDERAL CONTRIBUTIONS.—

“(i) IN GENERAL.—

“(I) INITIAL FINANCIAL ASSISTANCE.—Except as provided in subclause (II), an eligible applicant that receives financial assistance under this subsection shall provide non-Federal contributions for the operation of the Native American business center established by the eligible applicant in an amount equal to—

“(aa) in each of the first and second years of the project, not less than 33 percent of the amount of the financial assistance received under this subsection; and

“(bb) in the third through fifth years of the project, not less than 50 percent of the amount of the financial assistance received under this subsection.

“(II) RENEWALS.—An eligible applicant that receives a renewal of financial assistance under this subsection shall provide non-Federal contributions for the operation of a Native American business center established by the eligible applicant in an amount equal to not less than 50 percent of the amount of the financial assistance received under this subsection.

“(III) EXCEPTIONS.—The requirements of this section may be waived at the discretion of the Administrator, based on an evaluation of the ability of the eligible applicant to provide non-Federal contributions.

“(4) CONTRACT AND COOPERATIVE AGREEMENT AUTHORITY.—A Native American business center may enter into a contract or cooperative agreement with a Federal department or agency to provide specific assistance to Native American and other underserved small business concerns located on or near tribal land, to the extent that the contract or cooperative agreement is consistent with and does not duplicate the terms of any assistance received by the Native American business center from the Administration.

“(5) APPLICATION PROCESS.—

“(A) SUBMISSION OF A 5-YEAR PLAN.—Each applicant for assistance under paragraph (1)

shall submit a 5-year plan to the Administration on proposed assistance and training activities.

“(B) CRITERIA.—

“(i) IN GENERAL.—The Administrator shall evaluate applicants for financial assistance under this subsection in accordance with selection criteria that are—

“(I) established before the date on which eligible applicants are required to submit the applications;

“(II) stated in terms of relative importance; and

“(III) publicly available and stated in each solicitation for applications for financial assistance under this subsection made by the Administrator.

“(ii) CONSIDERATIONS.—The criteria required by this subparagraph shall include—

“(I) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of current or potential owners of Native American small business concerns;

“(II) the ability of the applicant to commence a project within a minimum amount of time;

“(III) the ability of the applicant to provide quality training and services to a significant number of Native Americans;

“(IV) previous assistance from the Administration to provide services in Native American communities;

“(V) the proposed location for the Native American business center, with priority given based on the proximity of the center to the population being served and to achieve a broad geographic dispersion of the centers; and

“(VI) demonstrated experience in providing technical assistance, including financial, marketing, and management assistance.

“(6) CONDITIONS FOR PARTICIPATION.—Each eligible applicant desiring a grant under this subsection shall submit an application to the Administrator that contains—

“(A) a certification that the applicant—

“(i) is an eligible applicant;

“(ii) employs a full-time executive director, project director, or program manager to manage the Native American business center; and

“(iii) agrees—

“(I) to a site visit by the Administrator as part of the final selection process;

“(II) to an annual programmatic and financial examination; and

“(III) to the maximum extent practicable, to remedy any problems identified pursuant to that site visit or examination;

“(B) information demonstrating that the applicant has the ability and resources to meet the needs, including cultural needs, of the Native Americans to be served by the grant;

“(C) information relating to proposed assistance that the grant will provide, including—

“(i) the number of individuals to be assisted; and

“(ii) the number of hours of counseling, training, and workshops to be provided;

“(D) information demonstrating the effectiveness and experience of the applicant in—

“(i) conducting financial, management, and marketing assistance programs designed to educate or improve the business skills of current or prospective Native American business owners;

“(ii) providing training and services to a representative number of Native Americans;

“(iii) using resource partners of the Administration and other entities, including institutions of higher education, Indian tribes, or tribal colleges; and

“(iv) the prudent management of finances and staffing;

“(E) the location at which the applicant will provide training and services to Native Americans;

“(F) a 5-year plan that describes—

“(i) the number of Native Americans and Native American small business concerns to be served by the grant;

“(ii) if the Native American business center is located in the continental United States, the number of Native Americans to be served by the grant; and

“(iii) the training and services to be provided to a representative number of Native Americans; and

“(G) if the applicant is a joint project—

“(i) a certification that each participant in the joint project is an eligible applicant;

“(ii) information demonstrating a record of commitment to providing assistance to Native Americans; and

“(iii) information demonstrating that the participants in the joint project have the ability and resources to meet the needs, including the cultural needs, of the Native Americans to be served by the grant.

“(7) REVIEW OF APPLICATIONS.—The Administrator shall approve or disapprove each completed application submitted under this subsection not later than 90 days after the date on which the eligible applicant submits the application.

“(8) PROGRAM EXAMINATION.—

“(A) IN GENERAL.—Each Native American business center established under this subsection shall annually provide to the Administrator an itemized cost breakdown of actual expenditures made during the preceding year.

“(B) ADMINISTRATION ACTION.—Based on information received under subparagraph (A), the Administration shall—

“(i) develop and implement an annual programmatic and financial examination of each Native American business center assisted pursuant to this subsection; and

“(ii) analyze the results of each examination conducted under clause (i) to determine the programmatic and financial viability of each Native American business center.

“(C) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to renew a grant, contract, or cooperative agreement with a Native American business center, the Administration—

“(i) shall consider the results of the most recent examination of the center under subparagraph (B), and, to a lesser extent, previous examinations; and

“(ii) may withhold the renewal, if the Administrator determines that—

“(I) the center has failed to provide the information required to be provided under subparagraph (A), or the information provided by the center is inadequate;

“(II) the center has failed to provide adequate information required to be provided by the center for purposes of the report of the Administrator under subparagraph (E);

“(III) the center has failed to comply with a requirement for participation in the Native American small business development program, as determined by the Administrator, including—

“(aa) failure to acquire or properly document a non-Federal contribution;

“(bb) failure to establish an appropriate partnership or program for marketing and outreach to reach new Native American small business concerns;

“(cc) failure to achieve results described in a financial assistance agreement; and

“(dd) failure to provide to the Administrator a description of the amount and sources of any non-Federal funding received by the center;

“(IV) the center has failed to carry out the 5-year plan under in paragraph (6)(F); or

“(V) the center cannot make the certification described in paragraph (6)(A).

“(D) CONTINUING CONTRACT AND COOPERATIVE AGREEMENT AUTHORITY.—

“(i) IN GENERAL.—The authority of the Administrator to enter into contracts or cooperative agreements in accordance with this subsection shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts.

“(ii) RENEWAL.—After the Administrator has entered into a contract or cooperative agreement with any Native American business center under this subsection, the Administrator may not suspend, terminate, or fail to renew or extend any such contract or cooperative agreement unless the Administrator—

“(I) provides the center with written notification that describes the reasons for the action of the Administrator; and

“(II) affords the center an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.

“(E) ANNUAL MANAGEMENT REPORT.—

“(i) IN GENERAL.—The Administrator shall prepare and submit to the Committee on Small Business and Entrepreneurship and the Committee on Indian Affairs of the Senate and the Committee on Small Business and the Committee on Natural Resources of the House of Representatives an annual report on the effectiveness of all projects conducted by Native American business centers under this subsection and any pilot programs administered by the Office of Native American Affairs.

“(ii) CONTENTS.—Each report submitted under clause (i) shall include, with respect to each Native American business center receiving financial assistance under this subsection—

“(I) the number of individuals receiving assistance from the Native American business center;

“(II) the number of startup business concerns established with the assistance of the Native American business center;

“(III) the number of existing businesses in the area served by the Native American business center seeking to expand employment;

“(IV) the number of jobs established or maintained, on an annual basis, by Native American small business concerns assisted by the center since receiving funding under this section;

“(V) to the maximum extent practicable, the amount of the capital investment and loan financing used by emerging and expanding businesses that were assisted by a Native American business center;

“(VI) any additional information on the counseling and training program that the Administrator determines to be necessary; and

“(VII) the most recent examination, as required under subparagraph (B), and the determination made by the Administration under that subparagraph.

“(9) ANNUAL REPORTS.—Each Native American business center receiving financial assistance under this subsection shall submit to the Administrator an annual report on the services provided with the financial assistance, including—

“(A) the number of individuals assisted, by tribal affiliation;

“(B) the number of hours spent providing counseling and training for those individuals;

“(C) the number of startup small business concerns established or maintained with the assistance of the Native American business center;

“(D) the gross receipts of small business concerns assisted by the Native American business center;

“(E) the number of jobs established or maintained by small business concerns assisted by the Native American business center; and

“(F) the number of jobs for Native Americans established or maintained at small business concerns assisted by the Native American business center.

“(10) RECORD RETENTION.—

“(A) APPLICATIONS.—The Administrator shall maintain a copy of each application submitted under this subsection for not less than 7 years.

“(B) ANNUAL REPORTS.—The Administrator shall maintain copies of the certification submitted under paragraph (6)(A) indefinitely.

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out the Native American small business development program \$10,000,000 for each of fiscal years 2011 through 2013.

“(2) ADMINISTRATION.—Not more than 10 percent of funds appropriated for a fiscal year may be used for the costs of administering the programs under this section.”

By Mr. UDALL of Colorado (for himself, Mr. BENNETT, Mr. BENNETT, and Mr. HATCH):

S. 3537. A bill to provide for certain land exchanges in Gunnison County, Colorado, and Uintah County, Utah; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, I rise today to speak about legislation I am introducing, co-sponsored by Senators BENNETT, HATCH, and BENNETT of Colorado, to effectuate a relatively small land exchange involving lands in Colorado and Utah. The exchange involves a private ranch, the U.S. Bureau of Land Management and the National Park Service.

In a nutshell, the private Bear Ranch in central-west Colorado is completely bisected by a narrow strip of BLM land, mostly 1/4 to 1/2 mile wide, which is of limited public use due to its narrow configuration. The Bear Ranch would like to acquire the BLM strip in order to consolidate its ranch holdings for more efficient land, ranch and wildlife management, and to improve wildlife enhancement. There is also an issue of inadvertent trespass onto the Bear Ranch from the neighboring BLM land that would be eliminated by the Bear Ranch's acquisition of the BLM land strip.

In return for the BLM land, the Bear Ranch has purchased or optioned two magnificent tracts of land in Colorado and Utah that would be added into the National Park System. The first is a 911 acre property near the shores of the

heavily used Blue Mesa Reservoir in the Curecanti National Recreation Area outside of Gunnison, CO. This property has an important sage grouse habitat, superb views of both the Blue Mesa Reservoir and the spectacular Dillon Pinnacles, and an important elk and deer winter range. A portion of it might also be utilized for a future park visitor center.

In Utah, the Bear Ranch has optioned 80 acres located inside Dinosaur National Monument. The so-called Orchid Draw property is about 1 mile west of the Monument's Quarry Visitor Center and is thought to contain rich dinosaur and vertebrate fossil resources. It is also within an area of special botanic interest, with nine sensitive plant species. The Park Service has been trying to acquire this property for a long time.

There are several other special features of our legislation which deserve special mention.

First, the Bear Ranch will place a permanent conservation status on all the land it acquires from the BLM which will limit future use of the land to ranching, wildlife conservation, open space and recreational purposes only.

Second, the BLM land will be appraised at its full market value before the conservation easement is put in place so that the U.S. taxpayers will get full value for the land they convey to the Bear Ranch.

Third, if the land Bear Ranch conveys to the Park Service appraises higher than the BLM land, the Bear Ranch will forego any cash equalization payment which might otherwise be due from the U.S., and will instead donate the excess value to the U.S.

Fourth, the Bear Ranch has committed to donate up to \$250,000 for new trail, trailhead and other outdoor recreational improvements in the vicinity of the land exchange in order to improve public access and enhance recreational opportunities on nearby Forest Service and BLM lands. Exactly where, and how, those funds will be used will be determined by BLM and Forest Service planning that is currently underway.

Our legislation has received the support of the local county and town governments of jurisdiction in both Colorado and Utah, and from numerous environmental, conservation, recreation, historic and natural preservation organizations. Those include Gunnison County, CO, Uintah County, UT, the City of Gunnison, CO, City of Vernal, UT, the Nature Conservancy, National Parks & Conservation Association, Thunder Mountain Wheelers, Intermountain Natural History Association, and several others.

The bill also effectuates another small land for right of way exchange near Marble, CO, in order to facilitate a proposed small hydroelectric project

and to acquire a new public trailhead to access the popular Maroon Bells-Snowmass Wilderness Area. That exchange is endorsed by the Aspen Valley Land Trust, Holy Cross Electric Association, a rural electric cooperative, the Town of Marble, CO and Gunnison County, CO, among others.

In summary, this legislation represents a true "win-win" for both the general public and numerous local communities. I thank my colleagues, Senators BENNETT, HATCH, and BENNETT for joining me in sponsoring the bill, and for Congressmen JOHN SALAZAR, JIM MATHESON and MIKE THOMPSON for introducing an identical bill in the House. I am looking forward to the Senate's expeditious consideration and approval so that it can become law this year.

By Mr. BOND (for himself and Mr. HATCH):

S. 3538. A bill to improve the cyber security of the United States and for other purposes; to the Committee on Homeland Security and Government Affairs.

Mr. BOND. Mr. President, over the past several months, our Homeland has experienced direct terrorist attacks against two military bases and attempted terrorist attacks on Christmas Day and in Times Square. These attacks quickly captured the attention of the American public and stand as stark reminders of the threats our Nation continues to face from terrorists across the globe.

After these recent attacks, I have no doubt that every American is aware of the threat from a terrorist with a bomb, which could take out a city block or bring down an airplane. But I am afraid that right now, the American public is largely unaware of a silent threat that could devastate our entire Nation—cyber attacks.

These cyber attacks happen every day, but have remained largely under the public radar. Our government, businesses, citizens, and even social networking sites all have been hit. Cyber attacks are on the rise and unless our private sector and Congress start down a better path to protect our information networks, serious damage to our economy and our national security will follow.

In an ever-increasing cyber age, where our financial system conducts trades via the Internet, families pay bills online, and the government uses computers to calculate benefits and implement war strategies, successful cyber attacks can be devastating. The nightmare scenarios no longer exist just in Hollywood movies. Imagine if a terrorist disrupted our air traffic control on an average day with more than 28,000 commercial aircraft in our skies; if a hacker took down Wall Street trading for just hours; or if an attack destroyed an electrical grid in a major city.

Scenarios like these make it even more important that we listen to the recent comments by former Director of National Intelligence Mike McConnell who testified that "[i]f we were in a cyber war today, the United States would lose." That is no insignificant statement coming from a military and intelligence veteran like Mike McConnell and it should cause all of us to pause and take a look at how we should neutralize this rising threat. Our networks and way of life could be taken down by an enemy state, a terrorist group, or a single hacker. That is why Senator HATCH and I are introducing the National Cyber Infrastructure Protection Act of 2010 today.

Let me be blunt here: our enemies won't wait for us to do our homework, solve our turf battles, or modernize our laws before using our networks as a deadly weapon; in fact, the attacks have already started. We do not have another day to waste, and I believe our bill is the best solution to address this threat.

This act is built on three principles: first, we must be clear about where Congress should, and, more importantly, should not legislate. Congress should set lanes in the road to protect our Nation's cyber security, but leave flexibility for the private sector and government to adapt to changing threats within those lanes.

In 1978, when the Foreign Intelligence Surveillance Act was enacted, it put into law certain technologies. Those technologies changed and thus FISA was ineffective in enabling us to listen in on cell phone and e-mail traffic between terrorists in foreign countries.

We have seen within the past few years the national security problems that can arise when laws are too rigid to keep pace with technology. We have also heard repeated concerns from industry, the private sector, and those operating critical infrastructure that overlegislating by Congress ultimately will make it harder to protect our networks as innovation and quick response get overrun by unnecessary regulatory schemes and mandates.

Second, right now virtually every Federal department or agency has someone who is responsible for cyber security issues. But who makes sure that all those departments and agencies work together to protect all of our government networks? Who is the one person responsible, with authority to impact our cyber security strategies and activities? Unfortunately, right now, the answer is "no one."

To solve this problem, our bill establishes a National Cyber Center and designates a single, Senate-confirmed individual, accountable to the Congress and the American people and reporting directly to the President, to serve as the Director. The Director has the statutory responsibility and authority

to coordinate activities to protect government networks and develop policies and procedures to help Federal agencies do the job.

In order to reduce the center's operating costs and to capitalize on the cyber expertise we all know resides in the Department of Defense, the National Cyber Center is administratively placed in DOD. But, out of deference to concerns that the military should not have too much control over government networks, the center is not run by the Defense Department and the Director does not report to the Secretary of Defense.

Because a key part of the center is to make sure the right people are talking to each other, the act requires those parts of DOD, the Department of Homeland Security, the Office of the Director of National Intelligence, and the Federal Bureau of Investigation needed to carry out the center's missions to collocate and integrate within the center, much like the National Counterterrorism Center integrates elements of the intelligence community. Other Federal agencies may also participate in the center.

As we put this bill together, former senior intelligence community officials told us that providing strong budget authority was essential for the Director to have the clout needed to do the job. And so, this act gives the Director clear input into cyber budgets across all Federal agencies, much like the Federal drug czar has in coordinating counterdrug budgets across different agencies. To hit this point home, the act also creates a National Cyber Security Program, similar to the National Intelligence Program. Such influence—*influence that the current cyber czar simply does not have—is essential to creating a comprehensive, cost-effective approach to securing our government information networks.*

The third and final principle underlying this act is the idea that there must be a venue for the government and the private sector to collaborate and share information on cyber-related matters. The private sector is often on the front lines of cyber attacks, so any information it can provide to increase government awareness of the source and nature of cyber threats will make both government and the private sector stronger. The corollary to this is that the Government must share its own cyber threat information, including classified or declassified intelligence, with the private sector.

Moreover, this collaboration, in order to be effective, must be voluntary. Once the private sector stands to gain technical advice and greater access to cyber threat information, there will be a clear incentive to join with the government in protecting our networks.

Our bill codifies this collaboration, creating a public-private partnership known as the Cyber Defense Alliance

to facilitate the flow of information about cyber threats and the latest technologies between the private sector and the government. The Alliance will be the clearinghouse for passing sensitive cyber threat information to the private and critical infrastructure entities on the front lines, but without compromising our intelligence sources and methods.

We agree with intelligence experts and private sector representatives who have told us if the heavy hand of government drives this collaboration, it will not be effective. Therefore, the alliance will be managed by a board of directors consisting largely of private sector representatives and located in the Department of Energy, where the existing National Labs have great expertise to share. Because our private partners must know the information will not be compromised or other consequences will occur, the act gives solid protections from FOIA, antitrust restrictions, and other limitations.

This bill is one of many cyber-bills introduced in Congress, so some may be asking why this approach is better.

A key aspect of this bill is that it provides a practical public-private cyber infrastructure designed to address effectively the cyber threat rather than preserve the jurisdictional turf of any one agency or congressional oversight committee. In other words—I don't have a dog in this fight—I just want to pass the best bill to protect our networks. The cyber threat will only be eliminated when we get all of the public and private players working together in harmony under a common vision toward common mission objectives.

Our bill does not impose mandates on industry and the private sector—mandates and regulations that form the core of other bills, raising substantial concerns among our industry and private sector partners. Our economy is in turmoil as it is and the last thing we need are mandates imposed on U.S. businesses that will put them at a serious competitive disadvantage and jeopardize their proprietary information in the global marketplace. Many industry partners have told us that if we mandate this it would put them at a competitive disadvantage.

Finally, our bill moves away from the notion that creating a statutory cyber coordinator in the Executive Office of the President will solve the cyber security problem. The current cyber security coordinator in the White House has neither the authority nor the staff to coordinate the government's wide-range of cyber operations and strategies. Simply enshrining his position in statute will not overcome the claims of "Executive Privilege" that are bound to come when Congress asks for information and it will not guarantee the leadership necessary to address the cyber threat.

Also, I think many of my colleagues would agree that now is not the time to give the Department of Homeland Security more responsibility, as some of the cyber bills out there want to do. I don't think many in this Chamber would disagree that DHS is already overburdened.

The bill we are introducing today has already earned praise from the electric power sector because of the cooperative relationship that the Cyber Defense Alliance created in this bill fosters between the government and private sector. The entities that are part of the electric power sector recognize that this bill builds on what is already working and creates the infrastructure necessary to ensure a cooperative relationship between all of the relevant public and private cyber players to address the evolving cyber-security threat. I ask unanimous consent that this statement from the electric power sector be made a part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE NATIONAL CYBER INFRASTRUCTURE  
PROTECTION ACT OF 2010

Protecting the North American electric grid and ensuring a reliable supply of power is the electric power industry's top priority. Reliability is more than a buzzword for the electric industry—it's a mandate. In fact, electric companies can be assessed substantial penalties for failure to comply with reliability standards.

This focus on reliability, resiliency and recovery requires the power sector to take an all-hazards approach, recognizing risks from natural phenomena such as hurricanes or geomagnetic disturbances to intentional cyber attacks. The electric power sector works closely with the North American Electric Reliability Corporation (NERC) and federal agencies to enhance the cyber security of the bulk power system. This includes coordination with the Federal Energy Regulatory Commission (FERC), the Department of Homeland Security (DHS), and the Department of Energy (DOE), as well as federal intelligence and law enforcement agencies, and various federal and provincial authorities in Canada.

To complement its cyber security efforts and to address rapidly changing intelligence on evolving threats, the industry welcomes a cooperative relationship with federal authorities to protect against situations that threaten national security or public welfare, and to prioritize the assets that need enhanced security. A well-practiced, public-private partnership utilizes all stakeholders' expertise, including the government's ability to gather and share timely and actionable threat information with critical infrastructure asset owners and operators, upon which they can formulate appropriate mitigation strategies to prevent significant adverse consequences to utility operations or assets. The comprehensive draft cyber security legislation under development in the Senate Select Committee on Intelligence attempts to create such a cooperative relationship by:

\* \* \*

Mr. BOND. In addition, because, the vice chairman of the Intelligence Committee, believe no legislation in this area should impede the intelligence

community's ability to protect our nation from terrorist attacks and other threats, we asked the Office of the Director of National Intelligence for an informal assessment of our bill. They told us that, unlike other bills that have been introduced, this bill protects intelligence community equities, especially with respect to protecting classified intelligence sources and methods.

The National Cyber Infrastructure Protection Act of 2010 provides broad lanes in the road, without micromanaging, to give all partners in cyber security, whether government or private, the flexibility to defend against threats from our enemies. The private sector already has a tremendous incentive to protect their own networks; all the Federal Government needs to do is support them with technology and information and get out of the way.

Cyber attackers have been stealing intellectual property, threatening to take down our critical infrastructure, and gaining insight into our national security networks. The longer Congress waits to act, the more our vulnerability to these attacks increases. The National Cyber Infrastructure Protection Act will put the Government, our critical infrastructure companies, and the private sector on the right path to securing our networks. I urge my colleagues to join us in supporting this important legislation.

Mr. HATCH. Mr. President, today I rise to express my support as a cosponsor of the National Cyber Infrastructure Protection Act. At long last, our Nation is finally recognizing the increasing danger posed by cyber threats and the devastating disruption that they can cause because of the interdependent nature of information systems that support our Nation's critical infrastructure.

As a Nation, we must develop a strategy that provides a strategic framework to prevent cyber attacks against America's critical infrastructures. As a government, we must reduce national vulnerability to cyber attacks and minimize the damage and recovery time from cyber attacks should they occur. I believe that the legislation that my colleague from Missouri and I are introducing today will provide a sure foundation to put our Nation on a path to begin to address cyber vulnerabilities.

The challenge to protect cyberspace is vast and complex and ultimately requires the efforts of the entire government. As a Nation, we must recognize that cyber threats are multi-faceted and global in nature. These threats operate in an environment that rapidly changes. The sharing of information between government and the private sector is crucial to our overall national and economic viability.

Last January, McAfee issued a report that concluded that the use of cyber attacks as a strategic weapon by gov-

ernments and political organizations is on the rise. The U.S. is the most targeted nation in the world—and our military, government, and private sector systems are often attacked with impunity. Our Nation has experienced large-scale malicious cyber intrusions from individuals, groups and nations. These attacks have dramatically increased in number and complexity.

Just last year, Google and over 30 other companies linked to our energy, finance, defense, technology and media sectors fell prey to costly cyber attacks. Too many nations either directly sanction this activity or give it tacit approval by failing to investigate or prosecute the perpetrators. Many of the major incidents are presently coming out of Russia and China.

The National Cyber Infrastructure Protection Act would establish a National Cyber Center, housed within the Department of Defense. The mission of the National Cyber Center would be to serve as the primary organization for coordinating Federal Government defensive operations, cyber intelligence collection and analysis, and activities to protect and defend Federal Government information networks. Critical in achieving this mission would be the sharing of information between the private sector and federal agencies regarding cyber threats. This center would be led by a Senate-confirmed director modeled after the Director of National Intelligence position. The director reports directly to the President and would coordinate cyber activities to protect and defend Federal Government information networks. The director would serve as the President's principal adviser on such matters and developing policies for securing Federal Government information networks.

In our Nation today, over 3/4 of our Nation's critical infrastructure is under the control of the private sector. One such example is smart grid technology for power grids. The Smart Grid will use automated meters, two-way communications and advanced sensors to improve electricity efficiency and reliability. The nation's utilities have embraced the concept and are installing millions of automated meters on homes across the country. However, cyber security experts have determined that some types of meters can be hacked. As we rely on technology developed by private industry, we must ensure that we harden this technology against threats that could leave our citizens vulnerable.

The opening salvos of future conflicts will be launched in cyberspace. In 2008, we saw this occur when Russian forces launched a cyber attack on Georgian defense and information networks. The Russians essentially blinded the Georgian military during the South Ossetia conflict. Our reliance on technology and integrated networks certainly makes our military and critical

infrastructure more efficient. However, that efficiency can have its price in the form of cyber vulnerability.

As Americans, we must be prepared to fight back should we be attacked. We must also harden our networks against the tools that criminals use to steal a person's identity and a company's trade secrets. These are the same tools that today can and will be used by terrorists in the future to attack and erode our infrastructure and defense systems. The stakes are too high and the risks are too grave to delay. If we don't move now to protect our national cyber infrastructure, the consequences to our economy, security and citizens could be dire. This is a fight we must win. The only way to win is to be prepared.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 565—SUPPORTING AND RECOGNIZING THE ACHIEVEMENTS OF THE FAMILY PLANNING SERVICES PROGRAMS OPERATING UNDER TITLE X OF THE PUBLIC HEALTH SERVICE ACT

Mr. MERKLEY (for himself, Mr. FRANKEN, Mr. BROWN of Ohio, Mr. BEGICH, Mr. KERRY, Mr. WYDEN, Mrs. SHAHEEN, Ms. CANTWELL, Mrs. FEINSTEIN, Mrs. BOXER, Ms. MIKULSKI, Mrs. MURRAY, and Mrs. GILLIBRAND) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 565

Whereas 2010 marks the 40th anniversary of the family planning services programs operating under title X of the Public Health Service Act which has for 40 years provided low-income people in the United States access to contraceptive services, supplies, and information regardless of their ability to pay for these services;

Whereas a 2009 report from the Institute of Medicine echoed the Centers for Disease Control and Prevention's finding that, "family planning is one of the most significant public health achievements of the twentieth century";

Whereas the family planning services programs operating under title X are the only dedicated source of Federal funding for family planning services in the United States;

Whereas in 2008, 17,400,000 people were in need of publicly funded services and supplies;

Whereas in 2008, title X-funded family planning providers worked tirelessly to serve over 5,000,000 low-income men and women;

Whereas publicly supported family planning services, such as those provided by title X, help to prevent 1,500,000 unintended pregnancies each year;

Whereas the contribution of family planning services in assisting women in the planning and spacing of their pregnancies is linked to a reduction in infant mortality;

Whereas every dollar spent to provide services in the nationwide network of publicly funded family planning clinics saves \$3.74 in Medicaid-related costs;

Whereas title X funds allow health centers to provide an array of confidential preventive health services, including contraceptive services, pelvic exams, pregnancy testing, screening for cervical and breast cancer, screening for high blood pressure, anemia, and diabetes, screening for STDs, including HIV, basic infertility services, health education, and referrals for other health and social services;

Whereas in 2008, title X centers provided over 2,200,000 Pap tests and over 2,300,000 clinical breast exams; and

Whereas women who have access to family planning services have better health outcomes: Now, therefore, be it

*Resolved*, That the Senate—

(1) acknowledges the family planning services programs operating under title X of the Public Health Service Act as a critical component of the United States public health care system, providing high-quality family planning services and other preventive health care to low-income or uninsured individuals who may otherwise lack access to health care;

(2) recognizes family planning providers at Title X health centers who work tirelessly to provide quality care to millions of low-income women and men in the United States; and

(3) supports the mission of the family planning services programs operating under title X which provide men and women the opportunity to maintain their reproductive health which contributes to the health, social, and economic well-being of families in the United States.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4394. Mr. WHITEHOUSE (for himself, Mr. BENNET, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CORKER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. KAUFMAN, Ms. LANDRIEU, Mr. LEAHY, Mr. LEMIEUX, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. NELSON of Florida, Mr. PRYOR, Mr. SCHUMER, Mr. SESSIONS, Mr. SPECTER, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 4386 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 4395. Mr. HARKIN (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 4386 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 4213, *supra*; which was ordered to lie on the table.

SA 4396. Mr. CORNYN (for Mr. KERRY) proposed an amendment to the resolution S. Res. 548, to express the sense of the Senate that Israel has an undeniable right to self-defense, and to condemn the recent destabilizing actions by extremists aboard the ship Mavi Marmara.

SA 4397. Mr. CORNYN (for Mr. KERRY) proposed an amendment to the resolution S. Res. 548, *supra*.

#### TEXT OF AMENDMENTS

SA 4394. Mr. WHITEHOUSE (for himself, Mr. BENNET, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CORKER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. KAUFMAN, Ms. LANDRIEU, Mr. LEAHY, Mr. LEMIEUX, Mrs.

MCCASKILL, Mr. MENENDEZ, Mr. NELSON of Florida, Mr. PRYOR, Mr. SCHUMER, Mr. SESSIONS, Mr. SPECTER, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 4386 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 407, between lines 18 and 19, insert the following:

#### TITLE X—REGISTRATION OF AGENTS OF FOREIGN MANUFACTURERS AUTHORIZED TO ACCEPT SERVICE OF PROCESS

##### SEC. 1001. FINDINGS.

Congress makes the following findings:

(1) Each year, many people in the United States are injured by defective products manufactured or produced by foreign entities and imported into the United States.

(2) Both consumers and businesses in the United States have been harmed by injuries to people in the United States caused by defective products manufactured or produced by foreign entities.

(3) People in the United States injured by defective products manufactured or produced by foreign entities often have difficulty recovering damages from the foreign manufacturers and producers responsible for such injuries.

(4) The difficulty described in paragraph (3) is caused by the obstacles in bringing a foreign manufacturer or producer into a United States court and subsequently enforcing a judgment against that manufacturer or producer.

(5) Obstacles to holding a responsible foreign manufacturer or producer liable for an injury to a person in the United States undermine the purpose of the tort laws of the United States.

(6) The difficulty of applying the tort laws of the United States to foreign manufacturers and producers puts United States manufacturers and producers at a competitive disadvantage because United States manufacturers and producers must—

(A) abide by common law and statutory safety standards; and

(B) invest substantial resources to ensure that they do so.

(7) Foreign manufacturers and producers can avoid the expenses necessary to make their products safe if they know that they will not be held liable for violations of United States product safety laws.

(8) Businesses in the United States undertake numerous commercial relationships with foreign manufacturers, exposing the businesses to additional tort liability when foreign manufacturers or producers evade United States courts.

(9) Businesses in the United States engaged in commercial relationships with foreign manufacturers or producers often cannot vindicate their contractual rights if such manufacturers or producers seek to avoid responsibility in United States courts.

(10) One of the major obstacles facing businesses and individuals in the United States who are injured and who seek compensation for economic or personal injuries caused by foreign manufacturers and producers is the challenge of serving process on such manufacturers and producers.

(11) An individual or business injured in the United States by a foreign company must rely on a foreign government to serve process when that company is located in a

country that is a signatory to the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters done at The Hague November 15, 1965 (20 UST 361; TIAS 6638).

(12) An injured person in the United States must rely on the cumbersome system of letters rogatory to effect service in a country that did not sign the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters. These countries do not have an enforceable obligation to serve process as requested.

(13) The procedures described in paragraphs (11) and (12) add time and expense to litigation in the United States, thereby discouraging or frustrating meritorious lawsuits brought by persons injured in the United States against foreign manufacturers and producers.

(14) Foreign manufacturers and producers often seek to avoid judicial consideration of their actions by asserting that United States courts lack personal jurisdiction over them.

(15) The due process clauses of the fifth amendment to and section 1 of the fourteenth amendment to the Constitution govern United States courts' personal jurisdiction over defendants.

(16) The due process clauses described in paragraph (15) are satisfied when a defendant consents to the jurisdiction of a court.

(17) United States markets present many opportunities for foreign manufacturers.

(18) In choosing to export products to the United States, a foreign manufacturer or producer subjects itself to the laws of the United States. Such a foreign manufacturer or producer thereby acknowledges that it is subject to the personal jurisdiction of the State and Federal courts in at least one State.

##### SEC. 1002. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) foreign manufacturers and producers whose products are sold in the United States should not be able to avoid liability simply because of difficulties relating to serving process upon them;

(2) to avoid such lack of accountability, foreign manufacturers and producers of foreign products distributed in the United States should be required, by regulation, to register an agent in the United States who is authorized to accept service of process for such manufacturer or producer;

(3) it is unfair to United States consumers and businesses that foreign manufacturers and producers often seek to avoid judicial consideration of their actions by asserting that United States courts lack personal jurisdiction over them;

(4) those who benefit from exporting products to United States markets should expect to be subject to the jurisdiction of at least one court within the United States;

(5) exporting products to the United States should be understood as consent to the accountability that the legal system of the United States ensures for all manufacturers and producers, foreign, and domestic;

(6) exporters recognize the scope of opportunities presented to them by United States markets but also should recognize that products imported into the United States must satisfy Federal and State safety standards established by statute, regulation, and common law;

(7) foreign manufacturers should recognize that they are responsible for the contracts they enter into with United States companies;

(8) foreign manufacturers should act responsibly and recognize that they operate

within the constraints of the United States legal system when they export products to the United States;

(9) United States laws and the laws of United States trading partners should not put burdens on foreign manufacturers and producers that do not apply to domestic companies;

(10) it is fair to ensure that foreign manufacturers, whose products are distributed in commerce in the United States, are subject to the jurisdiction of State and Federal courts in at least one State because all United States manufacturers are subject to the jurisdiction of the State and Federal courts in at least one State; and

(11) it should be understood that, by registering an agent for service of process in the United States, the foreign manufacturer or producer acknowledges consent to the jurisdiction of the State in which the registered agent is located.

#### SEC. 1003. DEFINITIONS.

In this title:

(1) **APPLICABLE AGENCY.**—The term “applicable agency” means, with respect to covered products—

(A) described in subparagraphs (A) and (B) of paragraph (4), the Food and Drug Administration;

(B) described in paragraph (4)(C), the Consumer Product Safety Commission;

(C) described in subparagraphs (D) and (E) of paragraph (4), the Environmental Protection Agency; and

(D) described in subparagraph (F) of paragraph (4)—

(i) the Food and Drug Administration, if the item is intended to be a component part of a product described in subparagraphs (A) and (B) of paragraph (4);

(ii) the Consumer Product Safety Commission, if the item is intended to be a component part of a product described in paragraph (4)(C); and

(iii) the Environmental Protection Agency, if the item is intended to be a component part of a product described in subparagraphs (D) and (E) of paragraph (4).

(2) **COMMERCE.**—The term “commerce” means trade, traffic, commerce, or transportation—

(A) between a place in a State and any place outside of the State; or

(B) which affects trade, traffic, commerce, or transportation described in subparagraph (A).

(3) **COMMISSIONER OF U.S. CUSTOMS AND BORDER PROTECTION.**—The term “Commissioner of U.S. Customs and Border Protection” means the Commissioner responsible for U.S. Customs and Border Protection of the Department of Homeland Security.

(4) **COVERED PRODUCT.**—The term “covered product” means any of the following:

(A) Drugs, devices, and cosmetics, as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(B) A biological product, as such term is defined in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)).

(C) A consumer product, as such term is used in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052).

(D) A chemical substance or new chemical substance, as such terms are defined in section 3 of the Toxic Substances Control Act (15 U.S.C. 2602).

(E) A pesticide, as such term is defined in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(F) An item intended to be a component part of a product described in subparagraph

(A), (B), (C), (D), or (E) but is not yet a component part of such product.

(5) **DISTRIBUTE IN COMMERCE.**—The term “distribute in commerce” means to sell in commerce, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce.

#### SEC. 1004. REGISTRATION OF AGENTS OF FOREIGN MANUFACTURERS AUTHORIZED TO ACCEPT SERVICE OF PROCESS IN THE UNITED STATES.

(a) **REGISTRATION.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act and except as otherwise provided in this subsection, the head of each applicable agency shall require foreign manufacturers and producers of covered products distributed in commerce to establish a registered agent in the United States who is authorized to accept service of process on behalf of such manufacturer or producer—

(A) for the purpose of any civil or regulatory proceeding in State or Federal court relating—

(i) to a covered product; and

(ii) to—

(I) commerce in the United States;

(II) an injury or damage suffered in the United States; or

(III) conduct within the United States; and

(B) if such service is made in accord with the State or Federal rules for service of process in the State of the civil or regulatory proceeding.

(2) **LOCATION.**—The head of each applicable agency shall require that an agent of a foreign manufacturer or producer registered under this subsection with respect to a covered product be located in a State with a substantial connection to the importation, distribution, or sale of the covered product.

(3) **MINIMUM SIZE.**—This subsection shall only apply to foreign manufacturers and producers that manufacture or produce covered products in excess of a minimum value or quantity the head of the applicable agency shall prescribe by rule for purposes of this section. Such rules may include different minimum values or quantities for different subcategories of covered products prescribed by the head of the applicable agency for purposes of this section.

(b) **REGISTRY OF AGENTS OF FOREIGN MANUFACTURERS.**—

(1) **IN GENERAL.**—The Secretary of Commerce shall, in cooperation with each head of an applicable agency, establish and keep up to date a registry of agents registered under subsection (a).

(2) **AVAILABILITY.**—The Secretary of Commerce shall make the registry established under paragraph (1) available—

(A) to the public through the Internet website of the Department of Commerce; and

(B) to the Commissioner of U.S. Customs and Border Protection.

(c) **CONSENT TO JURISDICTION.**—A foreign manufacturer or producer of covered products that registers an agent under this section thereby consents to the personal jurisdiction of the State or Federal courts of the State in which the registered agent is located for the purpose of any civil or regulatory proceeding relating—

(1) to a covered product; and

(2) to—

(A) commerce in the United States;

(B) an injury or damage suffered in the United States; or

(C) conduct within the United States.

(d) **DECLARATIONS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act,

any person importing a covered product manufactured outside the United States shall provide a declaration to U.S. Customs and Border Protection that—

(A) the person has made appropriate inquiry, including seeking appropriate documentation from the exporter of the covered product and consulting the registry of agents of foreign manufacturers described in subsection (b); and

(B) to the best of the person's knowledge, with respect to each importation of a covered product, the foreign manufacturer or producer of the product has established a registered agent in the United States as required under subsection (a).

(2) **PENALTIES.**—Any person who fails to provide a declaration required under paragraph (1), or files a false declaration, shall be subject to any applicable civil or criminal penalty, including seizure and forfeiture, that may be imposed under the customs laws of the United States or title 18, United States Code, with respect to the importation of a covered product.

(e) **REGULATIONS.**—Not later than the date described in subsection (a)(1), the Secretary of Commerce, the Commissioner of U.S. Customs and Border Protection, and each head of an applicable agency shall prescribe regulations to carry out this section, including the establishment of minimum values and quantities under subsection (a)(3).

#### SEC. 1005. STUDY ON REGISTRATION OF AGENTS OF FOREIGN FOOD PRODUCERS AUTHORIZED TO ACCEPT SERVICE OF PROCESS IN THE UNITED STATES.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture and the Commissioner of Food and Drugs shall jointly—

(1) complete a study on the feasibility and advisability of requiring foreign producers of food distributed in commerce to establish a registered agent in the United States who is authorized to accept service of process on behalf of such producers for the purpose of all civil and regulatory actions in State and Federal courts; and

(2) submit to Congress a report on the findings of the Secretary with respect to such study.

#### SEC. 1006. STUDY ON REGISTRATION OF AGENTS OF FOREIGN MANUFACTURERS AND PRODUCERS OF COMPONENT PARTS WITHIN COVERED PRODUCTS.

Not later than 1 year after the date of the enactment of this Act, the head of each applicable agency shall—

(1) complete a study on determining feasible and advisable methods of requiring manufacturers or producers of a component parts within covered products manufactured or produced outside the United States and distributed in commerce to establish registered agents in the United States who are authorized to accept service of process on behalf of such manufacturers or producers for the purpose of all civil and regulatory actions in State and Federal courts; and

(2) submit to Congress a report on the findings of the head of the applicable agency with respect to the study.

#### SEC. 1007. RELATIONSHIP WITH OTHER LAWS.

Nothing in this title shall affect the authority of any State to establish or continue in effect a provision of State law relating to service of process or personal jurisdiction, except to the extent that such provision of law is inconsistent with the provisions of this title, and then only to the extent of such inconsistency.

**SA 4395.** Mr. HARKIN (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 4386 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

**Subtitle C—Fee Disclosure**

**SEC. 321. SHORT TITLE OF SUBTITLE.**

This subtitle may be cited as the “Defined Contribution Fee Disclosure Act of 2010”.

**SEC. 322. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.**

(a) REQUIREMENTS RELATING TO SERVICE PROVIDERS AND PLAN ADMINISTRATORS OF INDIVIDUAL ACCOUNT PLANS.—

(1) IN GENERAL.—Part 1 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended—

(A) by redesignating section 111 (29 U.S.C. 1031) as section 113; and

(B) by inserting after section 110 (29 U.S.C. 1030) the following new sections:

**“SEC. 111. REQUIREMENT TO PROVIDE NOTICE OF PLAN FEE INFORMATION TO PLAN ADMINISTRATORS.**

“(a) INITIAL STATEMENT OF SERVICES PROVIDED AND REVENUES RECEIVED.—

“(1) IN GENERAL.—In any case in which a service provider enters into a contract or arrangement to provide services to an individual account plan, the service provider shall, before entering into such contract or arrangement, provide to the plan administrator a single written statement which includes, with respect to the first plan year covered under such contract or arrangement, the following information:

“(A) A detailed description of the services which will be provided to the plan by the service provider, the amount of total expected annual revenue with respect to such services, the manner in which such revenue will be collected, and the extent to which such revenue varies between specific investment options.

“(B)(i) In the case of a service provider who is providing recordkeeping services with respect to any investment option, such information as is necessary for the plan administrator to satisfy the requirements of subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2) and paragraphs (1) and (3) of section 112(a) with respect to such option, including specifying the method used by the service provider in disclosing or estimating expenses under subparagraphs (C)(iv) and (E) of section 105(a)(2).

“(ii) To the extent provided in regulations issued by the Secretary, clause (i) shall not apply in the case of a service provider described in such clause if the service provider receives a written notification from the plan administrator that the information described in such clause in connection with the investment option is provided by another service provider pursuant to a contract or arrangement to provide services to the plan.

“(C) A statement indicating—

“(i) the identity of any investment options offered under the plan with respect to which the service provider provides substantial investment, trustee, custodial, or administrative services, and

“(ii) in the case of any investment option, whether the service provider expects to receive any component of total expected an-

nual revenue described in paragraph (2)(A)(ii)(I) with respect to such option and the amount of any such component.

“(D) The portion of total expected annual revenue which is properly allocable to each of the following:

“(i) Administration and recordkeeping.

“(ii) Investment management.

“(iii) Other services or amounts not described in clause (i) or (ii).

“(2) DEFINITION OF TOTAL EXPECTED ANNUAL REVENUE.—For purposes of this section—

“(A) IN GENERAL.—The term ‘total expected annual revenue’ means, with respect to any plan year—

“(i) any amount expected to be received during such plan year from the plan (including amounts paid from participant accounts), any participant or beneficiary, or any plan sponsor in connection with the contract or arrangement referred to in paragraph (1), and

“(ii) any amount not taken into account under clause (i) which is expected to be received during such plan year by the service provider in connection with—

“(I) plan administration, recordkeeping, consulting, management, or investment or other service activities undertaken by the service provider with respect to the plan, or

“(II) plan administration, recordkeeping, consulting, management, or investment or other service activities undertaken by any other person with respect to the plan.

“(B) EXPRESSED AS DOLLAR AMOUNT OR PERCENTAGE OF ASSETS.—Total expected annual revenue and any amount indicated under paragraph (1)(C)(ii) may be expressed as a dollar amount or as a percentage of assets (or a combination thereof), as appropriate. To the extent that total expected annual revenue is expressed as a percentage of assets, such percentage shall be properly allocated among clauses (i), (ii), and (iii) of paragraph (1)(D).

“(C) PROVISION OF FEE SCHEDULE FOR CERTAIN PARTICIPANT INITIATED TRANSACTIONS.—In the case of amounts expected to be received from participants or beneficiaries under the plan (or from an account of a participant or beneficiary) as a fee or charge in connection with a transaction initiated by the participant (other than loads, commissions, brokerage fees, and other investment related transactions)—

“(i) such amounts shall not be taken into account in determining total expected annual revenue, and

“(ii) the service provider shall provide to the plan administrator, as part of the statement referred to in paragraph (1), a fee schedule which describes each such fee or charge, the amount thereof, and the manner in which such amount is collected.

“(3) ESTIMATIONS.—In determining under this section any amount which is to be disclosed by the service provider, the service provider may provide a reasonable estimate of such amount but only if the service provider indicates that such amount disclosed is an estimate. Any such estimate shall be based on reasonable assumptions specified in writing to the plan administrator.

“(4) DISCLOSURE OF DIFFERENT PRICING OF INVESTMENT OPTIONS.—In the case of investment options with more than one share class or price level, the Secretary shall prescribe regulations for the disclosure of the different share classes or price levels available as part of the statement in paragraph (1). Such regulations shall provide guidance with respect to the disclosure of the basis for qualifying for such share classes or price levels, which may include amounts invested, number of participants, or other factors.

“(5) DISCLOSURE OF INVESTMENT TRANSACTION COSTS.—To the extent provided in regulations issued by the Secretary, a service provider shall separately disclose the transaction costs (including sales commissions) for each investment option for the preceding year or the plan’s allocable share of such costs for the preceding year. The Secretary shall, before making a determination to issue any final rule under this subsection, conduct, and report to the Congress on the results of, a study regarding the feasibility and benefits of requiring the disclosure of transaction costs to plan sponsors.

“(b) ANNUAL STATEMENTS.—With respect to each plan year after the plan year covered by the statement described in subsection (a), the service provider shall provide the plan administrator a single written statement which includes the information described in subsection (a) with respect to such subsequent plan year.

“(c) MATERIAL CHANGE STATEMENTS.—In the case of any event or other change during a plan year which causes the information included in any statement described in subsection (a) or (b) with respect to such plan year to become materially incorrect, the service provider shall provide the plan administrator a written statement providing the corrected information not later than 30 days after the service provider knows, or exercising reasonable diligence would have known, of such event or other change.

“(d) TIME AND MANNER OF PROVIDING STATEMENT AND OTHER MATERIALS.—The statement referred to in subsections (a)(1) and (b) shall be made at such time and in such manner as the Secretary may provide. Other materials required to be provided under this section shall be provided in such manner as the Secretary may provide. All information included in such statements and other materials shall be presented in a manner which is easily understood by the typical plan administrator.

“(e) EXCEPTION FOR SMALL SERVICE PROVIDERS.—The requirements of this section shall not apply with respect to any contract or arrangement for services provided with respect to an individual account plan for any plan year if—

“(1) the total annual revenue expected by the service provider to be received with respect to the plan for such plan year is less than \$5,000, and

“(2) the service provider provides a written statement to the plan administrator that the total annual revenue expected by the service provider to be received with respect to the plan is less than \$5,000.

Service providers who expect to receive de minimis annual revenue from the plan need not provide the written statement described in paragraph (2). The Secretary may by regulation or other guidance adjust the dollar amount specified in this subsection.

“(f) DEFINITION OF SERVICE PROVIDER.—For purposes of this section—

“(1) IN GENERAL.—The term ‘service provider’ includes any person providing administration, recordkeeping, consulting, investment management services, or investment advice to an individual account plan under a contract or arrangement.

“(2) CONTROLLED GROUPS TREATED AS ONE SERVICE PROVIDER.—All persons which would be treated as a single employer under subsection (b) or (c) of section 414 of the Internal Revenue Code of 1986 if section 1563(a)(1) of such Code were applied—

“(A) except as provided by subparagraph (B), by substituting ‘more than 50 percent’ for ‘at least 80 percent’ each place it appears therein, or

“(B) for purposes of subsection (a)(1)(C)(i), by substituting ‘at least 20 percent’ for ‘at least 80 percent’ each place it appears therein, shall be treated as one person for purposes of this section.

**“SEC. 112. REQUIREMENT TO PROVIDE NOTICE TO PARTICIPANTS OF PLAN FEE INFORMATION.**

“(a) DISCLOSURES TO PARTICIPANTS AND BENEFICIARIES.—

“(1) ADVANCE NOTICE OF AVAILABLE INVESTMENT OPTIONS.—

“(A) IN GENERAL.—The plan administrator of an applicable individual account plan shall provide to the participant or beneficiary notice of the investment options available under the plan before—

“(i) the earliest date provided for under the plan for the participant’s initial investment of any contribution made on behalf of such participant, and

“(ii) the effective date of any change in the list of investment options available under the plan, unless such advance notice is impracticable, and in such case, as soon as is practicable.

“(B) INFORMATION INCLUDED IN NOTICE.—The notice required under subparagraph (A) shall—

“(i) set forth, with respect to each available investment option—

“(I) the name of the option,

“(II) a general description of the option’s investment objectives and principal investment strategies, principal risk and return characteristics, and the name of the option’s investment manager,

“(III) whether the investment option is designed to be a comprehensive, stand-alone investment for retirement that provides varying degrees of long-term appreciation and capital preservation through a mix of equity and fixed income exposures,

“(IV) the extent to which the investment option is actively managed or passively managed in relation to an index and the difference between active management and passive management,

“(V) where, and the manner in which, additional plan-specific, option-specific, and generally available investment information may be obtained, and

“(VI) a statement explaining that investment options should not be evaluated solely on the basis of the charges for each option but should also be based on consideration of other key factors, including the risk level of the option, the investment objectives of the option, historical returns of the option, and the participant’s personal investment objectives,

“(ii) include a statement of the right under paragraph (2) of participants and beneficiaries to request, and a description of how a participant or beneficiary may request, a copy of the statements received by the plan administrator under section 111 with respect to the plan, and

“(iii) include the plan fee comparison chart described in subparagraph (C).

“(C) PLAN FEE COMPARISON CHART.—

“(i) IN GENERAL.—

“(I) IN GENERAL.—The notice provided under this paragraph shall include a plan fee comparison chart consisting of a comparison of the service and investment charges that will or could be assessed against the account of the participant or beneficiary with respect to the plan year.

“(II) EXPRESSED AS DOLLAR AMOUNT OR FORMULA.—For purposes of this subparagraph, such charges shall be provided in the form of

a dollar amount or as a formula (such as a percentage of assets), as appropriate.

“(ii) CATEGORIZATION OF CHARGES.—The plan fee comparison chart shall provide information in relation to the following categories of charges that will or could be assessed against the account of the participant or beneficiary:

“(I) ASSET-BASED CHARGES SPECIFIC TO INVESTMENT.—Charges that vary depending on the investment options selected by the participant or beneficiary, including the annual operating expenses of the investment option and investment-specific asset-based charges (such as loads, commissions, brokerage fees, exchange fees, redemption fees, and surrender charges). Except as provided by the Secretary in regulations under this section, the information relating to such charges shall include a statement noting any charges for 1 or more investment options which pay for services other than investment management.

“(II) RECURRING ASSET-BASED CHARGES NOT SPECIFIC TO INVESTMENT.—Charges that are assessed as a percentage of the total assets in the account of the participant or beneficiary, regardless of the investment option selected.

“(III) ADMINISTRATIVE AND TRANSACTION-BASED CHARGES.—Administration and transaction-based charges, including fees charged to participants to cover plan administration, compliance, and recordkeeping costs, plan loan origination fees, possible redemption fees, and possible surrender charges, that are not assessed as a percentage of the total assets in the account and are either automatically deducted each year or result from certain transactions engaged in by the participant or beneficiary.

“(IV) OTHER CHARGES.—Any other charges which may be deducted from participants’ or beneficiaries’ accounts and which are not described in subclauses (I), (II), and (III).

“(iii) FEES AND HISTORICAL RETURNS.—The plan fee comparison chart shall include—

“(I) the historical returns, net of fees and expenses, for the previous year, 5 years, and 10 years (or for the period since inception, if shorter) with respect to such investment option, and

“(II) the historical returns of an appropriate benchmark, index, or other point of comparison for each such period.

“(D) MODEL NOTICES.—The Secretary shall prescribe one or more model notices that may be used for purposes of satisfying the requirements of this paragraph, including model plan fee comparison charts.

“(E) ESTIMATIONS.—For purposes of providing the notice required under this paragraph, the plan administrator may provide a reasonable and representative estimate for any charges or percentages disclosed under subparagraph (B) or (C) and shall indicate whether the amount of any such charges or percentages disclosed is an estimate.

“(2) DISCLOSURE OF SERVICE PROVIDER STATEMENTS.—The plan administrator shall provide to any participant or beneficiary a copy of any statement received pursuant to section 111 within 30 days after receipt of a request for such a statement.

“(3) NOTICE OF MATERIAL CHANGES.—In the case of any event or other change which causes the information included in any notice described in paragraph (1) to become materially incorrect, the plan administrator shall provide participants and beneficiaries a written statement providing the corrected information not later than 30 days after the plan administrator knows, or exercising reasonable diligence would have known, of such event or other change.

“(4) TIME AND MANNER OF PROVIDING NOTICES AND DISCLOSURES.—

“(A) IN GENERAL.—The notices described in paragraph (1) shall be provided at such times and in such manner as the Secretary may provide. Other notices and materials required to be provided under this subsection shall be provided in such manner as the Secretary may provide.

“(B) MANNER OF PRESENTATION.—

“(i) IN GENERAL.—All information included in such notices or explanations shall be presented in a manner which is easily understood by the typical participant.

“(ii) GENERIC EXAMPLE OF OPERATING EXPENSES OF INVESTMENT OPTIONS.—The information described in paragraph (1)(C)(ii)(I) shall include a generic example describing the charges that would apply during an annual period with respect to a \$10,000 investment in the investment option.

“(b) APPLICABLE INDIVIDUAL ACCOUNT PLAN.—For purposes of this section, the term ‘applicable individual account plan’ means the portion of any individual account plan which permits a participant or beneficiary to exercise control over assets in his or her account.

“(c) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which—

“(1) provide a later deadline for providing the notice of investment menu changes described in subsection (a)(3) in appropriate circumstances, and

“(2) provide guidelines, and a safe harbor, for the selection of an appropriate benchmark, index, or other point of comparison for an investment option under subsection (a)(1)(C)(iii)(II).”

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 111 and inserting the following new items:

“Sec. 111. Requirement to provide notice of plan fee information to plan administrators.

“Sec. 112. Requirement to provide notice to participants of plan fee information.

“Sec. 113. Repeal and effective date.”

(b) QUARTERLY BENEFIT STATEMENTS.—Section 105 of such Act (29 U.S.C. 1025) is amended—

(1) in subsection (a)(2)—

(A) by redesignating subparagraph (C) as subparagraph (G);

(B) in subparagraph (B)(ii)—

(i) in subclause (II), by striking “diversified, and” and inserting “diversified,”;

(ii) in subclause (III) by striking the period and inserting “, and”;

(iii) by adding after subclause (III) the following new subclause:

“(IV) with respect to the portion of a participant’s account for which the participant has the right to direct the investment of assets, the information described in subparagraph (C).”; and

(C) by inserting after subparagraph (B) the following new subparagraphs:

“(C) QUARTERLY BENEFIT STATEMENTS.—The plan administrator shall provide to each participant and beneficiary, at least once each calendar quarter, an explanation describing the investment options in which the participant’s or beneficiary’s account is invested as of the last day of the preceding quarter. Such explanation shall provide, to the extent applicable, the following for the preceding quarter:

“(i) As of the last day of the quarter, a statement of the different asset classes that

the participant's or beneficiary's account is invested in and the percentage of the account allocated to each asset class.

“(ii) A statement of the starting and ending balance of the participant's or beneficiary's account for such quarter.

“(iii) A statement of the total contributions made to the participant's or beneficiary's account during the quarter and a separate statement of—

“(I) the amount of such contributions, and the total amount of any restorative payments, which were made by the employer during the quarter, and

“(II) the amount of such contributions which were made by the employee.

“(iv) A statement of the total fees and expenses which were directly deducted from the participant's or beneficiary's account during the quarter and an itemization of such fees and expenses.

“(v) A statement of the net returns for the year to date, expressed as a percentage, and a statement as to whether the net returns include amounts described in clause (iv).

“(vi) With respect to each investment option in which the participant or beneficiary was invested as of the last day of the quarter, the following:

“(I) A statement of the percentage of the participant's or beneficiary's account that is invested in such option as of the last day of such quarter.

“(II) A statement of the starting and ending balance of the participant's or beneficiary's account that is invested in such option for such quarter.

“(III) A statement of the annual operating expenses of the investment option.

“(IV) A statement of whether the disclosure described in clause (iv) includes the annual operating expenses of the investment options of the participant or beneficiary.

“(vii) The statement described in section 112(a)(1)(B)(i)(VI).

“(viii) A statement regarding how a participant or beneficiary may access the information required to be disclosed under section 112(a)(1).

“(D) MODEL EXPLANATIONS.—The Secretary shall prescribe one or more model explanations that may be used for purposes of satisfying the requirements of subparagraph (C).

“(E) DETERMINATION OF EXPENSES.—For purposes of subparagraph (C)(vi)(III)—

“(i) Expenses may be expressed as a dollar amount or as a percentage of assets (or a combination thereof).

“(ii) The plan administrator may provide disclosure of the expenses for the quarter or may provide a reasonable and representative estimate of such expenses and shall indicate any such estimate as being an estimate. Any such estimate shall be based on reasonable assumptions stated together with such estimate.

“(iii) To the extent that estimated expenses are expressed as a percentage of assets, the disclosure shall also include one of the following, stated in dollar amounts:

“(I) an estimate of the expenses for the quarter based on the amount invested in the option; or

“(II) an example describing the expenses that would apply during the quarter with respect to a hypothetical \$10,000 investment in the option.

“(F) ANNUAL COMPLIANCE FOR SMALL PLANS.—A plan that has fewer than 100 participants and beneficiaries as of the first day of the plan year may provide the explanation described in subparagraph (C) on an annual rather than a quarterly basis.”.

(c) ASSISTANCE FROM THE DEPARTMENT OF LABOR.—Section 105 of such Act (29 U.S.C. 1025) is amended by adding at the end the following new subsections:

“(d) ASSISTANCE TO SMALL EMPLOYERS.—The Secretary shall make available to employers with 100 or fewer employees—

“(1) educational and compliance materials designed to assist such employers in selecting and monitoring service providers for individual account plans which permit a participant or beneficiary to exercise control over the assets in the account of the participant or beneficiary, investment options under such plans, and charges relating to such options, and

“(2) services designed to assist such employers in finding and understanding affordable investment options for such plans and in comparing the investment performance of, and charges for, such options on an ongoing basis against appropriate benchmarks or other appropriate measures.

“(e) ASSISTANCE TO PLAN SPONSORS AND PLAN PARTICIPANTS AND BENEFICIARIES.—The Secretary shall provide plan administrators and plan sponsors of individual account plans and participants and beneficiaries under such plans assistance with any questions or problems regarding compliance with the requirements of subparagraphs (B)(ii)(IV) and (C) of subsection (a)(2) and section 112.”.

(d) ENFORCEMENT.—

(1) PENALTIES.—Section 502 of such Act (29 U.S.C. 1132) is amended—

(A) in subsection (a)(6), by striking “under paragraph (2)” and all that follows through “subsection (c)” and inserting “under paragraph (2), (4), (5), (6), (7), (8), (9), (10), (11), or (12) of subsection (c)”;

(B) in subsection (c), by redesignating the second paragraph (10) as paragraph (13), and by inserting after the first paragraph (10) the following new paragraphs:

“(11)(A) In the case of any failure by a service provider (as defined in section 111(f)(1)) to provide a statement in violation of section 111, the service provider may be assessed by the Secretary a civil penalty of up to \$1,000 for each day in the noncompliance period.

“(B) For purposes of subparagraph (A), the noncompliance period with respect to the failure to provide any statement is the period beginning on the date that such statement was required to be provided and ending on the date that such statement is provided or the failure is otherwise corrected.

“(C)(i) The total amount of a penalty assessed under this paragraph on any service provider with respect to any individual account plan for any plan year shall not exceed an amount equal to the lesser of—

“(I) 10 percent of the assets of the plan, determined as of the first day of such plan year, or

“(II) \$1,000,000.

“(ii) No penalty shall be imposed by subparagraph (A) on any failure if—

“(I) the service provider subject to liability for the penalty under subparagraph (A) exercised reasonable diligence to meet the requirement with respect to which the failure relates, and

“(II) such service provider provides the information required under section 111 during the 30-day period beginning on the date such person knew, or exercising reasonable diligence would have known, that such failure existed.

“(iii) In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty under subparagraph (A) to the

extent that the payment of such penalty would be excessive or otherwise inequitable relative to the failure involved.

“(D) The penalty imposed under this paragraph with respect to any failure shall be reduced by the amount of any tax imposed on such person with respect to such failure under section 4980J of the Internal Revenue Code of 1986.

“(12)(A) Any plan administrator with respect to a plan who fails or refuses to provide a notice, explanation, or statement to participants and beneficiaries in accordance with subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2) and section 112 may be assessed by the Secretary a civil penalty of up to \$110 for each day in the noncompliance period.

“(B) For purposes of subparagraph (A), the noncompliance period with respect to the failure to provide any notice, explanation, or statement referred to in subparagraph (B)(ii)(IV) or (C) of section 105(a)(2) or section 112 with respect to any participant or beneficiary is the period beginning on the date that such notice, explanation, or statement is provided or the failure is otherwise corrected.

“(C)(i) The total amount of penalty assessed under this paragraph with respect to any plan for any plan year shall not exceed an amount equal to the lesser of—

“(I) 10 percent of the assets of the plan, determined as of the first day of such plan year, or

“(II) \$500,000.

“(ii) No penalty shall be imposed under subparagraph (A) on any failure to meet the requirements of subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2) and section 112 if—

“(I) any person subject to liability for the penalty under subparagraph (A) exercised reasonable diligence to meet such requirements, and

“(II) such person provides the notice, explanation, or statement to which the failure relates during the 30-day period beginning on the date such person knew, or exercising reasonable diligence would have known, that such failure existed.

“(iii) In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary shall waive part or all of the penalty under subparagraph (A) to the extent that the payment of such penalty would be excessive or otherwise inequitable relative to the failure involved.

“(iv) The penalty imposed under this paragraph with respect to any failure shall be reduced by the amount of any tax imposed on such person with respect to such failure under section 4980K of the Internal Revenue Code of 1986.”.

(2) ENFORCEMENT COORDINATION AND REVIEW BY THE DEPARTMENT OF LABOR.—Section 502 of such Act (29 U.S.C. 1132) is amended by adding at the end the following new subsection:

“(n) ENFORCEMENT COORDINATION OF CERTAIN DISCLOSURE REQUIREMENTS RELATING TO INDIVIDUAL ACCOUNT PLANS AND REVIEW BY THE DEPARTMENT OF LABOR.—

“(1) NOTIFICATION AND ACTION RELATING TO SERVICE PROVIDERS.—The Secretary shall notify the applicable regulatory authority in any case in which the Secretary determines that a service provider is engaged in a pattern or practice that precludes compliance by plan administrators with subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2) and section 112. The Secretary shall, in consultation with the applicable authority, take such

timely enforcement action under this title as is necessary to assure that such pattern or practice ceases and desists and assess any appropriate penalties.

“(2) ANNUAL AUDIT OF REPRESENTATIVE SAMPLING OF INDIVIDUAL ACCOUNT PLANS.—The Secretary shall annually audit a representative sampling of individual account plans covered by this title to determine compliance with the requirements of subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2), section 111, and section 112. The Secretary shall annually report the results of such audit and any related recommendations of the Secretary to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.”.

(e) REVIEW AND REPORT TO THE CONGRESS BY SECRETARY OF LABOR RELATING TO REPORTING AND DISCLOSURE REQUIREMENTS.—

(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Secretary of Labor shall review the reporting and disclosure requirements of part 1 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 and related provisions of the Pension Protection Act of 2006.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of the Treasury, shall make such recommendations as the Secretary of Labor considers appropriate to the appropriate committees of the Congress to consolidate, simplify, standardize, and improve the applicable reporting and disclosure requirements so as to simplify reporting for employee pension benefit plans and ensure that needed understandable information is provided to participants and beneficiaries of such plans.

#### SEC. 323. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 (relating to qualified pension, etc. plans) is amended by adding at the end the following new sections:

##### “SEC. 4980J. FAILURE TO PROVIDE NOTICE OF PLAN FEE INFORMATION TO PLAN ADMINISTRATORS.

“(a) IMPOSITION OF TAX.—

“(1) IN GENERAL.—There is hereby imposed a tax on each failure of a service provider to meet the requirements of paragraph (2) with respect to any applicable defined contribution plan.

“(2) FAILURES DESCRIBED.—The failures described in this paragraph are—

“(A) any failure to provide an initial statement described in subsection (d),

“(B) any failure to provide an annual statement described in subsection (e), and

“(C) any failure to provide a material change statement described in subsection (f).

“(b) AMOUNT OF TAX.—

“(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure shall be \$1,000 for each day in the noncompliance period.

“(2) NONCOMPLIANCE PERIOD.—For purposes of paragraph (1), the noncompliance period with respect to the failure to provide any statement is the period beginning on the date that such statement was required to be provided and ending on the date that such statement is provided or the failure is otherwise corrected.

“(c) LIMITATIONS.—

“(1) AGGREGATE LIMITATION.—The total amount of tax imposed by this section on any service provider with respect to any applicable defined contribution plan for any

plan year shall not exceed an amount equal to the lesser of—

“(A) 10 percent of the assets of the plan, determined as of the first day of such plan year, or

“(B) \$1,000,000.

“(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

“(A) the service provider subject to liability for the tax under subsection (a) exercised reasonable diligence to meet the requirement with respect to which the failure relates, and

“(B) such service provider provides the information required under subsection (a) during the 30-day period beginning on the date such person knew, or exercising reasonable diligence would have known, that such failure existed.

“(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

“(d) INITIAL STATEMENT OF SERVICES PROVIDED AND REVENUES RECEIVED.—

“(1) IN GENERAL.—Before entering into any contract or arrangement to provide services to an applicable defined contribution plan, the service provider shall provide to the plan administrator a single written statement which includes, with respect to the first plan year covered under such contract or arrangement, the following:

“(A) A detailed description of the services which will be provided to the plan by the service provider, the amount of total expected annual revenue with respect to such services, the manner in which such revenue will be collected, and the extent to which such revenue varies between specific investment options.

“(B)(i) In the case of a service provider who is providing recordkeeping services with respect to any investment option, such information as is necessary for the plan administrator to satisfy the requirements of paragraphs (1), (2) and (4) of section 4980K(e) with respect to such option, including specifying the method used by the service provider in disclosing or estimating expenses under subparagraphs (A)(iv) and (C) of such paragraph (2).

“(ii) To the extent provided in regulations issued by the Secretary of Labor, clause (i) shall not apply in the case of a service provider described in such clause if the service provider receives a written notification from the plan administrator that the information described in such clause in connection with the investment option is provided by another service provider pursuant to a contract or arrangement to provide services to the plan.

“(C) A statement indicating—

“(i) the identity of any investment options offered under the plan with respect to which the service provider provides substantial investment, trustee, custodial, or administrative services, and

“(ii) in the case of any investment option, whether the service provider expects to receive any component of total expected annual revenue described in paragraph (2)(A)(ii)(II) with respect to such option and the amount of any such component.

“(D) The portion of total expected annual revenue which is properly allocable to each of the following:

“(i) Administration and recordkeeping.

“(ii) Investment management.

“(iii) Other services or amounts not described in clause (i) or (ii).

“(2) DEFINITION OF TOTAL EXPECTED ANNUAL REVENUE.—For purposes of this section—

“(A) IN GENERAL.—The term ‘total expected annual revenue’ means, with respect to any plan year—

“(i) any amount expected to be received during such plan year from the plan (including amounts paid from participant accounts), any participant or beneficiary, or any plan sponsor in connection with the contract or arrangement referred to in paragraph (1), and

“(ii) any amount not taken into account under clause (i) which is expected to be received during such plan year by the service provider in connection with—

“(I) plan administration, recordkeeping, consulting, management, or investment or other service activities undertaken by the service provider with respect to the plan, or

“(II) plan administration, recordkeeping, consulting, management, or investment or other service activities undertaken by any other person with respect to the plan.

“(B) EXPRESSED AS DOLLAR AMOUNT OR PERCENTAGE OF ASSETS.—Total expected annual revenue and any amount indicated under paragraph (1)(C)(ii) may be expressed as a dollar amount or as a percentage of assets (or a combination thereof), as appropriate. To the extent that total expected annual revenue is expressed as a percentage of assets, such percentage shall be properly allocated among clauses (i), (ii), and (iii) of paragraph (1)(D).

“(C) PROVISION OF FEE SCHEDULE FOR CERTAIN PARTICIPANT INITIATED TRANSACTIONS.—In the case of amounts expected to be received from participants or beneficiaries under the plan (or from the account of a participant or beneficiary) as a fee or charge in connection with a transaction initiated by the participant (other than loads, commissions, brokerage fees, and other investment related transactions)—

“(i) such amounts shall not be taken into account in determining total expected annual revenue, and

“(ii) the service provider shall provide to the plan administrator, as part of the statement referred to in paragraph (1), a fee schedule which describes each such fee or charge, the amount thereof, and the manner in which such amount is collected.

“(3) ESTIMATIONS.—In determining under this section any amount which is to be disclosed by the service provider, the service provider may provide a reasonable estimate of such amount but only if the service provider indicates that such amount disclosed is an estimate. Any such estimate shall be based on reasonable assumptions specified in writing to the plan administrator.

“(4) DISCLOSURE OF DIFFERENT PRICING OF INVESTMENT OPTIONS.—In the case of investment options with more than one share class or price level, the Secretary of Labor shall prescribe regulations for the disclosure of the different share classes or price levels available as part of the statement in paragraph (1). Such regulations shall provide guidance with respect to the disclosure of the basis for qualifying for such share classes or price levels, which may include amounts invested, number of participants, or other factors.

“(5) DISCLOSURE OF INVESTMENT TRANSACTION COSTS.—To the extent provided in regulations issued by the Secretary of Labor, a service provider shall separately disclose the transaction costs (including sales commissions) for each investment option for the preceding year or the plan's allocable share

of such costs for the preceding year. The Secretary of Labor shall, before making a determination to issue any final rule under this subsection, conduct, and report to the Congress on the results of, a study regarding the feasibility and benefits of requiring the disclosure of transaction costs to plan sponsors.

“(e) ANNUAL STATEMENTS.—With respect to each plan year after the plan year covered by the statement described in subsection (d), the service provider shall provide the plan administrator a single written statement which includes the information described in subsection (d) with respect to such subsequent plan year.

“(f) MATERIAL CHANGE STATEMENTS.—In the case of any event or other change during a plan year which causes the information included in any statement described in subsection (d) or (e) with respect to such plan year to become materially incorrect, the service provider shall provide the plan administrator a written statement providing the corrected information not later than 30 days after the service provider knows, or exercising reasonable diligence would have known, of such event or other change.

“(g) TIME AND MANNER OF PROVIDING STATEMENT AND OTHER MATERIALS.—The statement referred to in subsections (d)(1) and (e) shall be made at such time and in such manner as the Secretary of Labor may provide. Other materials required to be provided under this section shall be provided in such manner as such Secretary may provide. All information included in such statements and other materials shall be presented in a manner which is easily understood by the typical plan administrator.

“(h) EXCEPTION FOR SMALL SERVICE PROVIDERS.—The requirements of this section shall not apply with respect to any contract or arrangement for services provided with respect to an individual account plan for any plan year if—

“(1) the total annual revenue expected by the service provider to be received with respect to the plan for such plan year is less than \$5,000, and

“(2) the service provider provides a written statement to the plan administrator that the total annual revenue expected by the service provider to be received with respect to the plan is less than \$5,000.

Service providers who expect to receive de minimis annual revenue from the plan need not provide the written statement described in paragraph (2). The Secretary of Labor may by regulation or other guidance adjust the dollar amount specified in this subsection.

“(i) DEFINITIONS.—For purposes of this section—

“(1) SERVICE PROVIDER.—

“(A) IN GENERAL.—The term ‘service provider’ includes any person providing administration, recordkeeping, consulting, investment management services, or investment advice to an applicable defined contribution plan under a contract or arrangement.

“(B) CONTROLLED GROUPS TREATED AS ONE SERVICE PROVIDER.—All persons which would be treated as a single employer under subsection (b) or (c) of section 414 if section 1563(a)(1) were applied—

“(i) except as provided by subparagraph (B), by substituting ‘more than 50 percent’ for ‘at least 80 percent’ each place it appears therein, or

“(ii) for purposes of subsection (d)(1)(C)(i), by substituting ‘at least 20 percent’ for ‘at least 80 percent’ each place it appears therein,

shall be treated as one person for purposes of this section.

“(2) APPLICABLE DEFINED CONTRIBUTION PLAN.—The term ‘applicable defined contribution plan’ means any defined contribution plan described in clauses (iii) through (vi) of section 402(c)(8)(B).

“(3) PLAN ADMINISTRATOR.—The term ‘plan administrator’ has the meaning given such term by section 414(g).

**“SEC. 4980K. FAILURE TO PROVIDE NOTICE TO PARTICIPANTS OF PLAN FEE INFORMATION.**

“(a) IMPOSITION OF TAX.—

“(1) IN GENERAL.—There is hereby imposed a tax on each failure of a plan administrator of an applicable defined contribution plan to meet the requirements of paragraph (2) with respect to any participant or beneficiary.

“(2) FAILURES DESCRIBED.—The failures described in this paragraph are—

“(A) any failure to provide an advance notice of available investment options described in subsection (e)(1),

“(B) any failure to provide an account explanation described in subsection (e)(2),

“(C) any failure to provide a service provider statement referred to in subsection (e)(3), and

“(D) any failure to provide a notice of material change described in subsection (e)(4).

“(b) AMOUNT OF TAX.—

“(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure with respect to any participant or beneficiary shall be \$100 for each day in the non-compliance period.

“(2) NONCOMPLIANCE PERIOD.—For purposes of paragraph (1), the noncompliance period with respect to the failure to provide any notice, explanation, or statement referred to in subsection (a)(2) with respect to any participant or beneficiary is the period beginning on the date that such notice, explanation, or statement was required to be provided and ending on the date that such notice, explanation, or statement is provided or the failure is otherwise corrected.

“(c) LIMITATIONS ON AMOUNT OF TAX.—

“(1) AGGREGATE LIMITATION.—The total amount of tax imposed by this section with respect to any plan for any plan year shall not exceed an amount equal to the lesser of—

“(A) 10 percent of the assets of the plan, determined as of the first day of such plan year, or

“(B) \$500,000.

“(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

“(A) any person subject to liability for the tax under subsection (a) exercised reasonable diligence to meet the requirements of subsection (e), and

“(B) such person provides the notice, explanation, or statement to which the failure relates during the 30-day period beginning on the date such person knew, or exercising reasonable diligence would have known, that such failure existed.

“(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary shall waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

“(d) LIABILITY FOR TAX.—The plan administrator shall be liable for the tax imposed by subsection (a).

“(e) DISCLOSURES TO PARTICIPANTS AND BENEFICIARIES.—

“(1) ADVANCE NOTICE OF AVAILABLE INVESTMENT OPTIONS.—

“(A) IN GENERAL.—The plan administrator of an applicable defined contribution plan

shall provide to the participant or beneficiary notice of the investment options available under the plan before—

“(i) the earliest date provided for under the plan for the participant’s initial investment of any contribution made on behalf of such participant, and

“(ii) the effective date of any change in the list of investment options available under the plan, unless such advance notice is impracticable, and in such case, as soon as is practicable.

“(B) INFORMATION INCLUDED IN NOTICE.—The notice required under subparagraph (A) shall—

“(i) set forth, with respect to each available investment option—

“(I) the name of the option,

“(II) a general description of the option’s investment objectives and principal investment strategies, principal risk and return characteristics, and the name of the option’s investment manager,

“(III) whether the investment option is designed to be a comprehensive, stand-alone investment for retirement that provides varying degrees of long-term appreciation and capital preservation through a mix of equity and fixed income exposures,

“(IV) the extent to which the investment option is actively managed or passively managed in relation to an index and the difference between active management and passive management,

“(V) where, and the manner in which, additional plan-specific, option-specific, and generally available investment information may be obtained, and

“(VI) a statement explaining that investment options should not be evaluated solely on the basis of the charges for each option but should also be based on consideration of other key factors, including the risk level of the option, the investment objectives of the option, historical returns of the option, and the participant’s personal investment objectives.

“(ii) include a statement of the right under paragraph (3) of participants and beneficiaries to request, and a description of how participant or beneficiary may request, a copy of the statements received by the plan administrator under section 4980J with respect to the plan, and

“(iii) include the plan fee comparison chart described in subparagraph (C).

“(C) PLAN FEE COMPARISON CHART.—

“(i) IN GENERAL.—

“(I) IN GENERAL.—The notice provided under this paragraph shall include a plan fee comparison chart consisting of a comparison of the service and investment charges that will or could be assessed against the account of the participant or beneficiary with respect to the plan year.

“(II) EXPRESSED AS DOLLAR AMOUNT OR FORMULA.—For purposes of this subparagraph, such charges shall be provided in the form of a dollar amount or as a formula (such as a percentage of assets), as appropriate.

“(ii) CATEGORIZATION OF CHARGES.—The plan fee comparison chart shall provide information in relation to the following categories of charges that will or could be assessed against the account of the participant or beneficiary:

“(I) ASSET-BASED CHARGES SPECIFIC TO INVESTMENT.—Charges that vary depending on the investment options selected by the participant or beneficiary, including the annual operating expenses of the investment option and investment-specific asset-based charges (such as loads, commissions, brokerage fees, exchange fees, redemption fees, and surrender charges). Except as provided by the

Secretary of Labor in regulations under this section, the information relating to such charges shall include a statement noting any charges for 1 or more investment options which pay for services other than investment management.

“(II) RECURRING ASSET-BASED CHARGES NOT SPECIFIC TO INVESTMENT.—Charges that are assessed as a percentage of the total assets in the account of the participant or beneficiary, regardless of the investment option selected.

“(III) ADMINISTRATIVE AND TRANSACTION-BASED CHARGES.—Administration and transaction-based charges, including fees charged to participants to cover plan administration, compliance, and recordkeeping costs, plan loan origination fees, possible redemption fees, and possible surrender charges, that are not assessed as a percentage of the total assets in the account and are either automatically deducted each year or result from certain transactions engaged in by the participant or beneficiary.

“(IV) OTHER CHARGES.—Any other charges which may be deducted from participants’ or beneficiaries’ accounts and which are not described in subclauses (I), (II), and (III).

“(iii) FEES AND HISTORICAL RETURNS.—The plan fee comparison chart shall include—

“(I) the historical returns, net of fees and expenses, for the previous year, 5 years, and 10 years (or for the period since inception, if shorter) with respect to such investment option, and

“(II) the historical returns of an appropriate benchmark, index, or other point of comparison for each such period.

“(D) MODEL NOTICES.—The Secretary of Labor shall prescribe one or more model notices that may be used for purposes of satisfying the requirements of this paragraph, including model plan fee comparison charts.

“(E) ESTIMATIONS.—For purposes of providing the notice required under this paragraph, the plan administrator may provide a reasonable and representative estimate for any charges or percentages disclosed under subparagraph (B) or (C) and shall indicate whether the amount of any such charges or percentages disclosed is an estimate.

“(2) QUARTERLY BENEFIT STATEMENT.—

“(A) REQUIREMENTS.—The plan administrator shall provide to each participant and beneficiary, at least once each calendar quarter, an explanation describing the investment options in which the participant’s or beneficiary’s account is invested as of the last day of the preceding quarter. Such explanation shall provide, to the extent applicable, the following for the preceding quarter:

“(i) As of the last day of the quarter, a statement of the different asset classes that the participant’s or beneficiary’s account is invested in and the percentage of the account allocated to each asset class.

“(ii) A statement of the starting and ending balance of the participant’s or beneficiary’s account for such quarter.

“(iii) A statement of the total contributions made to the participant’s or beneficiary’s account during the quarter and a separate statement of—

“(I) the amount of such contributions, and the total amount of any restorative payments, which were made by the employer during the quarter, and

“(II) the amount of such contributions which were made by the employee.

“(iv) A statement of the total fees and expenses which were directly deducted from the participant’s or beneficiary’s account during the quarter and an itemization of such fees and expenses.

“(v) A statement of the net returns for the year to date, expressed as a percentage, and a statement as to whether the net returns include amounts described in clause (iv).

“(vi) With respect to each investment option in which the participant or beneficiary was invested as of the last day of the quarter, the following:

“(I) A statement of the percentage of the participant’s or beneficiary’s account that is invested in such option as of the last day of such quarter.

“(II) A statement of the starting and ending balance of the participant’s or beneficiary’s account that is invested in such option for such quarter.

“(III) A statement of the annual operating expenses of the investment option.

“(IV) A statement of whether the disclosure described in clause (iv) includes the annual operating expenses of the investment options of the participant or beneficiary.

“(vii) The statement described in paragraph (1)(B)(i)(VI).

“(viii) A statement regarding how a participant or beneficiary may access the information required to be disclosed under paragraph (1).

“(B) MODEL EXPLANATIONS.—The Secretary of Labor shall prescribe one or more model explanations that may be used for purposes of satisfying the requirements of this paragraph.

“(C) DETERMINATION OF EXPENSES.—For purposes of subparagraph (A)(vi)(III)—

“(i) Expenses may be expressed as a dollar amount or as a percentage of assets (or a combination thereof).

“(ii) The plan administrator may provide disclosure of the expenses for the quarter or may provide a reasonable and representative estimate of such expenses and shall indicate any such estimate as being an estimate. Any such estimate shall be based on reasonable assumptions stated together with such estimate.

“(iii) To the extent that estimated expenses are expressed as a percentage of assets, the disclosure shall also include one of the following, stated in dollar amounts:

“(I) an estimate of the expenses for the quarter based on the amount invested in the option; or

“(II) an example describing the expenses that would apply during the quarter with respect to a hypothetical \$10,000 investment in the option.

“(3) DISCLOSURE OF SERVICE PROVIDER STATEMENTS.—The plan administrator shall provide to any participant or beneficiary a copy of any statement received pursuant to section 4980J within 30 days after receipt of a request for such a statement.

“(4) NOTICE OF MATERIAL CHANGES.—In the case of any event or other change which causes the information included in any notice described in paragraph (1) to become materially incorrect, the plan administrator shall provide participants and beneficiaries a written statement providing the corrected information not later than 30 days after the plan administrator knows, or exercising reasonable diligence would have known, of such event or other change.

“(5) TIME AND MANNER OF PROVIDING NOTICES AND DISCLOSURES.—

“(A) IN GENERAL.—The notices described in paragraph (1) shall be provided at such times and in such manner as the Secretary of Labor may provide. Other notices and materials required to be provided under this subsection shall be provided in such manner as such Secretary may provide.

“(B) MANNER OF PRESENTATION.—

“(i) IN GENERAL.—All information included in such notices or explanations shall be presented in a manner which is easily understood by the typical participant.

“(ii) GENERIC EXAMPLE OF OPERATING EXPENSES OF INVESTMENT OPTIONS.—The information described in paragraphs (1)(C)(ii)(I) shall include a generic example describing the charges that would apply during an annual period with respect to a \$10,000 investment in the investment option.

“(C) ANNUAL COMPLIANCE FOR SMALL PLANS.—A plan that has fewer than 100 participants and beneficiaries as of the first day of the plan year may provide the explanation described in paragraph (2) on an annual rather than a quarterly basis.

“(f) DEFINITIONS.—

“(1) APPLICABLE DEFINED CONTRIBUTION PLAN.—The term ‘applicable defined contribution plan’ means the portion of any defined contribution plan which—

“(A) permits a participant or beneficiary to exercise control over assets in his or her account, and

“(B) is described in clauses (iii) through (vi) of section 402(c)(8)(B).

“(2) PLAN ADMINISTRATOR.—The term ‘plan administrator’ has the meaning given such term by section 414(g).

“(g) REGULATIONS.—The Secretary of Labor shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which—

“(1) provide a later deadline for providing the notice of investment menu changes described in subsection (e)(4) in appropriate circumstances, and

“(2) provide guidelines, and a safe harbor, for the selection of an appropriate benchmark, index, or other point of comparison for an investment option under subsection (e)(1)(C)(iii)(II).”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 43 of such Code is amended by adding at the end the following new items:

“Sec. 4980J. Failure to provide notice of plan fee information to plan administrators.

“Sec. 4980K. Failure to provide notice to participants of plan fee information.”.

#### SEC. 324. REGULATORY AUTHORITY AND COORDINATION.

(a) REGULATORY AUTHORITY.—The Secretary of Labor shall prescribe regulations or other guidance to the extent the Secretary determines necessary or appropriate to carry out the purposes of sections 105, 111, and 112 of the Employee Retirement Income Security Act of 1974 and sections 4980J and 4980K of the Internal Revenue Code of 1986, including regulations or other guidance which—

(1) provide safe harbor and simplified methods for making the allocations described in subsection (a)(1)(D) of such section 111 and subsection (d)(1)(D) of such section 4980J; and

(2) provide special rules for the application of such sections to—

(A) investments with a guaranteed rate of return;

(B) investments with an insurance component; and

(C) employer sponsored retirement plans funded through an individual retirement account.

(3) address notices with respect to investments provided through participant directed brokerage trading;

(4) address the disclosure of information that is not proprietary to the service provider; and

(5) provide rules to allow service providers to consolidate information to satisfy the requirements of such sections with respect to all such service providers.

(b) CERTAIN ELECTRONIC DISCLOSURES PERMITTED.—Any disclosure required under section 112 of the Employee Retirement Income Security Act of 1974 or section 4980K of the Internal Revenue Code of 1986 may be provided through an electronic medium under such rules as shall be prescribed under such section by the Secretary of Labor not later than 1 year after the date of the enactment of this Act. Such rules shall be similar to those applicable under the Internal Revenue Code of 1986 with respect to notices to participants in pension plans. Such Secretary shall regularly modify such rules as appropriate to take into account new developments, including new forms of electronic media, and to fairly take into consideration the interests of plan sponsors, service providers, and participants. The rules prescribed by such Secretary pursuant to this subsection shall provide for a method for the typical participant or beneficiary to obtain without undue burden any such disclosure in writing on paper in lieu of receipt through an electronic medium.

#### SEC. 325. EFFECTIVE DATE OF SUBTITLE.

(a) IN GENERAL.—The amendments made by this subtitle shall apply to plan years beginning after December 31, 2011.

(b) APPLICATION OF SERVICE PROVIDER DISCLOSURES TO EXISTING CONTRACTS AND ARRANGEMENTS.—For purposes of section 111 of the Employee Retirement Income Security Act of 1974 and section 4980J of the Internal Revenue Code of 1986, any contract or arrangement to provide services to a plan which is in effect on January 1, 2012, shall be treated as a new contract or arrangement entered into on such date.

(c) SPECIAL RULE FOR COMPLIANCE WITH SUBTITLE.—Until 12 months after final regulations are issued by the Secretary of Labor pursuant to the amendments made by this subtitle, a service provider or plan administrator shall be treated as having complied with such amendments if such service provider or plan administrator complies with a reasonable good faith interpretation of such amendments.

**SA 4396.** Mr. CORNYN (for Mr. KERRY) proposed an amendment to the resolution S. Res. 548, to express the sense of the Senate that Israel has an undeniable right to self-defense, and to condemn the recent destabilizing actions by extremists aboard the ship *Mavi Marmara*; as follows:

On page 7, strike lines 22–24.

**SA 4397.** Mr. CORNYN (for Mr. KERRY) proposed an amendment to the resolution S. Res. 548, to express the sense of the Senate that Israel has an undeniable right to self-defense, and to condemn the recent destabilizing actions by extremists aboard the ship *Mavi Marmara*; as follows:

Strike the 14th clause in the preamble.

#### NOTICE OF HEARING

##### SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the infor-

mation of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Thursday, July 1, 2010, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this oversight hearing is to examine the Federal response to the discovery of the aquatic invasive species Asian carp in Lake Calumet, Illinois.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Gina.Weinstock@energy.senate.gov.

For further information, please contact Tanya Trujillo at (202) 224-5479 or Gina Weinstock at (202) 224-5684.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 24, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 24, 2010, at 10 a.m., in Room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on June 24, 2010, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 24, 2010, at 10 a.m., to conduct a hearing entitled “The New START Treaty (Treaty Doc. 111-5): Implementation—Inspections and Assistance.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

Foreign Relations be authorized to meet during the session of the Senate on June 24, 2010, at 2:30 p.m., to conduct a hearing entitled “The New START Treaty (Treaty Doc. 111-5): Benefits and Risks.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “Emerging Risk? An Overview of the Federal Investment in For-Profit Education” on June 24, 2010. The hearing will commence at 10 a.m. in room 124 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 24, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 24, 2010, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 24, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. MENENDEZ. Mr. President, I ask unanimous consent the privilege of the floor be granted to a member of my staff, Heide Bronke Fulton, during the pendency of the Conference Report to accompany H.R. 2194, Iran Refined Petroleum Sanctions Act, for each day that the measure is pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEASURES READ THE FIRST TIME—H.R. 5481 AND H.R. 5551

Ms. STABENOW. Mr. President, I understand there are two bills at the

desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5481) to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

A bill (H.R. 5551) to require the Secretary of the Treasury to make certification when making purchases under the Small Business Lending Fund Program.

Ms. STABENOW. I now ask for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will receive their second reading on the next legislative day.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

Ms. STABENOW. I ask the Chair to lay before the Senate a message from the House with respect to H.R. 5136.

The PRESIDING OFFICER. The clerk will state the message.

The assistant legislative clerk read as follows:

*Ordered,* That the Clerk be directed to request the Senate to return to the House of

Representatives the bill (H.R. 5136) entitled "An Act to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes."

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate agree to the request that the Senate return to the House H.R. 5136, the Department of Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR FRIDAY, JUNE 25, 2010

Ms. STABENOW. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, June 25; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks, the Senate resume consideration of the motion to proceed to H.R. 5297, the small business jobs bill. Finally, I ask that the quorum with respect to the cloture motion be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Ms. STABENOW. Mr. President, there will be no rollcall votes during Friday's session of the Senate. Senators should expect the next votes to begin at 5:30 p.m. on Monday, June 28.

#### ADJOURNMENT UNTIL 9:30 TOMORROW

Ms. STABENOW. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:02 p.m., adjourned until Friday, June 25, 2010, at 9:30 a.m.

#### NOMINATIONS

Executive nomination received by the Senate:

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

GEN. DAVID H. PETRAEUS

# HOUSE OF REPRESENTATIVES—Thursday, June 24, 2010

The House met at 10 a.m. and was called to order by the Speaker.

## PRAYER

Reverend Byron Brought, Calvary United Methodist Church, Annapolis, Maryland, offered the following prayer:

For a few passing years, O God, You have entrusted these Representatives with the gift of authority and leadership. May they do no harm. Keep them free from the temptation of seeking personal gain or glory. Save them from the mediocrity of trivial debate. Guide them in these challenging days.

May there ever be mutual respect and cooperation among them. Remind them that they are servants of the people, and through their actions may the people be served, the poor lifted up, and Your creation respected. Give them the grace and the wisdom to discern what is right, and give them the courage to do it. May justice and peace flourish throughout this good land.

In Your Holy Name we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 725. An act to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1508. An act to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars.

## WELCOMING REVEREND BYRON BROUGHT

The SPEAKER. Without objection, the gentleman from Maryland (Mr. SARBANES) is recognized for 1 minute.

There was no objection.

Mr. SARBANES. Madam Speaker, it is my great pleasure and honor to welcome Reverend Byron Brought to Congress this morning. Reverend Brought is retiring this month after serving the Maryland community for more than 40 years as a spiritual leader and mentor.

Since 1992, Reverend Brought has served as Senior Pastor at Calvary United Methodist Church in Annapolis, Maryland. Prior to his appointment at Calvary, he presided over several United Methodist ministries in the Baltimore-Washington Conference. His many accomplishments include serving on various community councils, including terms as President of the Baltimore-Washington Conference Board of Pensions and the Council on Finance and Administration.

Reverend Brought is the proud husband of Mary Kay, father to two children, and grandfather to soon to be four grandchildren. I ask my colleagues in the House of Representatives to join with me in congratulating Reverend Brought on a career of dedication and service.

□ 1010

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 additional 1-minute speeches on each side of the aisle.

## INTRODUCING THE SWEEP ACT

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Madam Speaker, this week, Congressman GLENN NYE and I introduced the SWEEP Act.

This legislation would require that an independent, bipartisan commission be established to review Federal programs and to make recommendations for those that should be eliminated, consolidated, or have their funding reduced. Most importantly, this bill would require Congress to have an up-or-down vote on the commission's recommendations. There are many pro-

grams that have outlived their original purpose. The SWEEP Act will help us to weed out programs that are no longer needed, and that will help our bottom line.

This bill is part of a comprehensive 10-bill package that I'm either cosponsoring or writing to help tackle our national debt. Each of the 10 bills in my plan does one of three things that working families do as they deal with their own finances: They make commonsense spending decisions. They trim the fat. They chip away at their everyday debt.

The SWEEP Act will help trim the fat, and I am proud to help bring this bill to Congress. I urge my colleagues to cosponsor this important bill.

## BUDGET

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute.)

Mr. COFFMAN of Colorado. Madam Speaker, the majority has now finally admitted what we have suspected for months: They have no intention of fulfilling their obligation to draft and pass a Federal budget.

This fiscal irresponsibility on display in Washington is affecting American citizens, and it is further damaging our economy and job growth. It is widely known and, thankfully, widely reported that the reason we won't be seeing a budget this year is to evade calling further attention to an addiction to reckless spending.

The Federal debt has gone up by nearly \$2.4 trillion since January of 2009 and by \$240 billion just since the budget was due back in April of this year. Undoubtedly and correctly, Democrat leaders fear that the public will be shocked at this figure, and will be shocked at the future debt that a budget would show.

So they seek to hide behind a 1-year "deeming motion," but the consequences of their shame shows a lack of fiscal discipline and a lack of responsible economic policy. America needs a reasonable, pro-growth economic policy to promote job growth and business development.

## JOBS

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, the failed policies of the Bush administration brought our economy to the brink

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

2 years ago, and while our economy is showing signs of growth, unemployment is still at unacceptable levels.

There are still too many families having to sit down at the table, who are having to decide which bills they can afford to pay each month. There are still families finding themselves with underwater mortgages—many of them losing their homes.

I ask my colleagues: How would you feel if this were your family or a family member you knew?

We need to make sure that hard-working Americans are able to come home with a sense of pride after a day's work, not with a sense of fear about bills they can't afford. Too many of our families are struggling to make ends meet. Let's build a momentum of job creation as with the HomeStar, the HIRE Act, and the Small Business Lending Fund Act, which provide incentives for growth and innovation.

America deserves better from their government. I am committed to making sure that happens, but Republicans and Democrats must come together for the betterment of this country.

#### MORE MEDDLING BY MEXICO

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, Mexico has joined a lawsuit against Arizona's new illegal immigration enforcement law.

In its legal brief, Mexico says the Arizona law is unconstitutional. That's right. The foreign country of Mexico is lecturing us on our Constitution.

I guess President Calderon, like our Attorney General, hasn't read Arizona's law either, because the Arizona law is constitutional. President Calderon just doesn't want the law enforced. He wants open borders so illegals can illegally come to America.

By the way, hypocritical Mexico enforces its own immigration laws, but it doesn't want us to do the same. President Calderon should not meddle in U.S. affairs.

If the Feds join the lawsuit against Arizona, it will be Mexico and the U.S. Government vs. Arizona. Ironically, Mexico and the U.S. Government together will be arguing against border security and public safety while Arizona will be arguing for the basic right to protect its citizens.

Isn't there something wrong with that concept?

And that's just the way it is.

#### GOOD NEWS FOR THE ECONOMY OF SOUTHEASTERN CONNECTICUT

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Madam Speaker, this past Monday, southeastern Con-

necticut received blockbuster news when it was announced that Electric Boat will be acquiring 700,000 square feet of office space from Pfizer pharmaceutical company. This is space from which Pfizer was going to be departing as part of its global reorganization. EB's decision to come in and acquire this space is huge, and it is good news for the economy of southeastern Connecticut.

It is not happening in a vacuum. This space is needed because the workforce is growing. There are new jobs in southeastern Connecticut because this Congress recognized that our submarine fleet, which had been underfunded under the prior administration, was running into end dates for the Ohio class submarine program.

We have invested, over the last 3 years, in growing the workforce and in research, development, and engineering. These new jobs will ensure that we will have a submarine fleet well into the later stages of the 21st century. It will provide stability for the economy of southeastern Connecticut, and it will maintain that Groton, Connecticut, will become and will remain the submarine capital of the world.

#### IN PRAISE OF DON MOSS, THE WORLD'S HARDEST-WORKING VOLUNTEER

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, I rise today in tribute to Don Moss of Pilot Mountain, North Carolina, who is a dedicated volunteer at Wake Forest University Baptist Medical Center.

Why is Mr. Moss so special? Because, over the past three decades, he has racked up 47,000 volunteer hours at the hospital—a Guinness World Record.

Mr. Moss currently donates 48 hours of his time each week to the hospital—working 12 hours a day and serving up a healthy dose of good cheer and plain old helpfulness. He has a well-deserved reputation for looking out for patients and for his humor and humility.

North Carolina is, indeed, blessed to be the home of people like Mr. Moss. His service to the community and his staggering number of volunteer hours illustrate a true spirit of selfless generosity to those in need.

I congratulate Mr. Moss on his record-breaking time of service, and I hope that others will be inspired by his example to invest their time and abilities in their communities.

#### CONGRATULATING PRESIDENT-ELECT OF COLOMBIA, JUAN MANUEL SANTOS

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Madam Speaker, I rise today to celebrate the orderly and

peaceful election that took place in Colombia. I congratulate the President-elect of Colombia, Juan Manuel Santos, and I commend the people of Colombia for their relentless dedication to the democratic process that was shown through this election.

In an increasingly volatile region, Colombia has continued on the path towards reform while combating drug trafficking and terrorism, efforts which have had a positive effect on Colombian and American national security. Additionally, Colombia has made remarkable progress on other fronts, emerging as an important growth market and as a leading center for Latin American business.

In the face of hostility towards U.S. interests and values, Colombia has consistently proven itself to be an important friend, a reliable partner, and a champion for democracy. The positive bilateral relationship between the United States and Colombia has been based on many common strategic and ideological interests, reaffirming Colombia's position as an important ally and as a longtime friend of the United States.

Again, I congratulate President-elect Juan Manuel Santos on his victory. I look forward to a continued partnership between our two nations.

□ 1020

#### THE WHITE HOUSE JOBS PROBLEM

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. A recent New York Times poll indicates 54 percent of the public believe the President does not have a clear plan for creating jobs. Clearly, the failed \$1 trillion stimulus plan created to keep unemployment below 8 percent shows the President's inability to lead. The dismal numbers come as the Democrats neglected to produce a budget and the majority leader announced the Democrats will raise taxes to pay for more government spending. I say: Cut government spending so you don't have to raise taxes.

While they should be focused on creating jobs, the Democrats have proven the only thing they can do well is tax and spend. Here's a novel idea that the American people know from personal experience: Stop spending money you don't have.

#### CONGRATULATING BRYCE HARPER

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Madam Speaker, I rise to congratulate my constituent Bryce Harper on being selected by the Washington Nationals as the first overall

pick in the Major League Baseball draft.

Harper, a native of southern Nevada, who is just 17 years old, led the College of Southern Nevada and the Scenic West Athletic Conference in virtually every offensive category. In recognition of his outstanding performance, he was the SWAC 2010 Player of the Year and was named to the First Team AWC All-Conference team. During the 2010 season, he set a CSN school record for home runs. He belted 31, shattering the previous record of 12.

So, Madam Speaker, I look forward to welcoming Bryce to Washington and watching him play just down the street as he stars for the Nationals for years to come.

#### STOP PLAYING POLITICS WITH TROOP FUNDING

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. The House should stop playing politics with troop funding. The money is being held up by liberal lawmakers so they can add billions of dollars to the so-called "stimulus" funds and special interest moneys to the troop funding package.

Partisan special interest moneys and a hodgepodge of wasteful spending has no place in a true funding bill. We need a clean bill that will pass easily so our military operations will not be disrupted. Secretary Gates has warned us not to hold up this essential spending or else defense spending will suffer, meaning our troops will be at risk.

As a veteran with four sons in the military, nothing is more important to me than making sure our troops on the front lines receive the funding they need. With two counterinsurgency operations going on in Afghanistan and Iraq, it's highly irresponsible to hold this up any longer.

In conclusion, God bless our troops, and we will never forget September 11th in the global war on terrorism.

#### SAFETY OF CENSUS WORKERS

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Speaker, we should all be greatly concerned for the safety of our U.S. census workers. According to the Census Bureau, there have been 379 incidents involving threats and abuse towards census employees so far this year. That's more than double the violence that occurred during the last census in 2000, and there are still 3 weeks remaining in this year's census taking.

The reported incidents have consisted of robberies, assault, violent threats, being held against their will,

and carjacking. They are doing very important work and getting paid very little for it. They should not be subjected to this kind of abusive treatment. Ironically, it is the work of census takers that will ensure that each American receives their fair share of Federal resources. They are performing a very important public service.

I'm afraid that this abuse may be directly tied to some of the antigovernment rhetoric that is coming from some people in this body and the Republican noise machine; in other words, Rush Limbaugh, Glenn Beck, and countless other so-called "shock jocks." Rather than disparaging Federal employees, this body should be applauding the excellent and courageous work that they are performing.

#### HONORING SERGEANT FIRST CLASS ROBERT FIKE AND STAFF SERGEANT BRYAN HOOVER

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I rise today to honor two sons of southwestern Pennsylvania who gave their lives to their country. While on patrol in Afghanistan, Sergeant First Class Robert Fike and Staff Sergeant Bryan Hoover were killed by a suicide bomber. They became the 35th and 36th members of the Pennsylvania National Guard to be killed in Iraq and Afghanistan.

Sergeant Fike was described as "one of those guys you just liked instantly." He graduated in 1989 from Penn-Trafford High School, joined the National Guard in 1993, and served in Panama, Italy, Saudi Arabia, and Iraq. His experience in military as well as a State prison guard made him an excellent leader of the younger troops. It was said of him that the guys respected everything he said. They trusted and liked him.

Staff Sergeant Hoover graduated from Elizabeth Forward High School in 2000, where he was a standout athlete in track, football, and wrestling. He enlisted in the Marines and served in Iraq and then served in the Army Reserves before joining the National Guard. Back home, Bryan Hoover was an assistant track and cross country coach at Elizabeth Forward High School. He also volunteered to coach low-income children at the YMCA. While he is no longer with us, Bryan left a mark on his students. One described him as an "inspirational coach."

These two guardsmen were friends, having served together with the 28th Military Police Company in Iraq in 2007 and 2008. It was also their shared commitment to community and country that led them to join the military, where together they protected the reconstruction teams, building schools

and infrastructure for the people of Afghanistan.

Hundreds gathered to pay their respects this past week for Sergeant Fike and Staff Sergeant Hoover as they were laid to rest. As we mourn with these families, we know there are two more heroes keeping watch over us from above. On behalf of a grateful Nation, we thank them for their service and sacrifice. May God bless their families and the country they loved.

#### WAR IN AFGHANISTAN

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. A great deal of attention has been focused on the recent Rolling Stone article which resulted in the resignation of General Stanley McChrystal. But even more troublesome to me than the general's inappropriate remarks were the comments by senior military officials about the state of the war and the future of our involvement in Afghanistan, which seem to contradict what the Obama administration has told us. "If Americans pulled back and started paying attention to this war, it would become even less popular," a senior military adviser said. Another said, "Instead of beginning to withdraw troops next year, as Obama promised, the military hopes to ramp up its counterinsurgency campaign even further."

Madam Speaker, the American people and our troops deserve to know the truth about what we are doing in Afghanistan. We need clarity. We should have clarity before we bring up any war supplemental appropriations bill.

#### OIL SPILL PREVENTION ACT

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Madam Speaker, this week, I introduced the Oil Spill Prevention Act of 2010. This Deepwater spill is the worst environmental disaster in U.S. history. My bill would prevent future disasters from happening.

Number one, we want to reform the Interior Department by separating revenues—a structural separation of revenues in leasing from inspections. In other words, we've got people that are doing the leases on the revenue side cutting deals on environmental exemptions.

Second, strengthen the oversight of inspections. Sixteen inspections were missed with BP. That's got to stop with BP and the industry. We need to reschedule and make sure every safety inspection is done.

Three, eliminate the liability caps on major oil spills. Today, it's at \$75 million. That's a joke. This is going to be tens of billions of dollars to fix.

We need to act now. I ask my colleagues on both sides of the aisle to support my bill and we'll eliminate spills.

□ 1030

#### HOLDING BIG OIL ACCOUNTABLE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, the gulf coast catastrophe underscores the need for comprehensive energy and climate reform to rein in Big Oil and reduce our reliance on dirty and foreign fuels. For too long under the Bush administration, Big Oil was able to operate with complete disregard for safety; and instead of standing up for the people, businesses and the environment, House Republicans continued to side with Big Oil.

The Democratic-led Congress is moving America in a new direction for energy independence, working to lower costs for consumers, making America more secure, and launching a cleaner, smarter, more cost-effective energy future that creates millions of clean energy jobs and reduces global warming.

#### HONORING MARINE LANCE CORPORAL TIMOTHY G. SERWINOWSKI

(Mr. LEE of New York asked and was given permission to address the House for 1 minute.)

Mr. LEE of New York. I rise today to honor a great man, Marine Lance Corporal Timothy G. Serwinowski. Just 21 years old, Lance Corporal Serwinowski was killed in action while serving in southern Afghanistan this past Sunday. A native of Tonawanda, New York, and a 2007 graduate of North Tonawanda High School, Tim enjoyed singing and playing the guitar. He played football throughout high school and was honored by his coaches during his senior year for his "excellence and leadership," and he took those traits to the marines.

When asked why he wanted to enlist with the marines, he said, "If you're going to do it, you go with the best." Tim strove to be the best, and his life was taken far too soon. Both Tim and his family—some who I know personally—have paid the ultimate sacrifice for our country, and we owe it to them our renewed commitment to bring our men and women home as soon as possible. Tim served our Nation with valor and with honor, and he will be deeply missed by the many whose lives he has touched.

#### PASS A JOBS BILL BY PUTTING PARTISAN POLITICS ASIDE

(Ms. BERKLEY asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, it's time to put partisan politics aside and pass a jobs bill that would do the following: extend unemployment benefits to the thousands and thousands of our fellow citizens that find themselves unemployed due to no fault of their own, that would protect the health of our seniors dependent on Medicare by restoring a 21 percent cut in Medicare reimbursement to our doctors, and extend tax credits and benefits essential to the American people.

Surely there are three Republican Senators that are willing to break with their partisan beliefs and stand up with the American people so that those that are unemployed can get their benefits and take care of their families; the doctors can continue to take care of Medicare patients; our seniors will continue to see their doctors; and we can provide the necessary tax credits and benefits that the American people are demanding and asking for.

I ask everybody to think of the American people instead of their own narrow interests. Let's get this thing done.

#### PROTECT FREEDOM OF POLITICAL SPEECH FROM THE DISCLOSE ACT

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, in a few minutes, we're going to start talking about a rule and then go into the substance of a bill called the DISCLOSE Act. The DISCLOSE Act supposedly talks merely about disclosure of political speech, but what it really does is affect the First Amendment to the Constitution which says, Congress shall make no law abridging the freedom of speech. It does not say, Congress will pass laws which allow some people to speak but not others, and yet that's what the bill does that's being brought to us.

If you happen to be a big organization, a large special interest with a lot of money and have been around a long time, you are exempt from the disclosure requirements. But if you happen to be somebody like, oh, the tea party or a smaller group or you don't have all the money or you haven't been around for 10 years, you have the imposition of the burden of disclosure which, in some cases, will make it impossible for you to exercise free speech.

You know, the First Amendment talks about speech. My friends on the other side of the aisle love to talk about how it protects, oh, nude dancing or something like that. How about talking about political speech.

#### PROVIDING FOR CONSIDERATION OF H.R. 5175, DEMOCRACY IS STRENGTHENED BY CASTING LIGHT ON SPENDING IN ELECTIONS ACT

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1468 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1468

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5175) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on House Administration. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on House Administration now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such further amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. In the case of sundry further amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on House Administration or his designee. The Chair may not

entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 3. It shall be in order at any time through the legislative day of June 25, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

SEC. 4. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of June 25, 2010, providing for consideration or disposition of a measure that includes a subject matter addressed by H.R. 4213.

The SPEAKER pro tempore (Ms. BERKLEY). The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from North Carolina, Dr. FOXX. All time yielded during consideration of the rule is for debate only.

#### GENERAL LEAVE

Mr. MCGOVERN. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD on House Resolution 1468.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

□ 1040

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the resolution provides for consideration of H.R. 5175, the DISCLOSE Act, under a structured rule. The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The resolution provides 1 hour of debate on the bill. The resolution provides that the substitute amendment, recommended by the House Administration Committee, modified by the amendment printed in part A of the Rules Committee report, shall be considered as adopted.

The resolution makes in order five amendments printed in part B of the Rules Committee report. The resolution waives all points of order against such amendments except those arising under clause 9 or 10 of rule XXI. The resolution provides one motion to recommit without or without instructions, provides that the Chair may entertain a motion to rise only if offered by the chair of the House Administration Committee or his designee, and provides that the Chair may not entertain a motion to strike the enacting words of the bill.

The resolution permits the Speaker to entertain motions to suspend the rules through the legislative day of Friday, June 25, 2010.

The resolution waives a requirement of clause 6(a) of rule XIII for a two-thirds vote for same day consideration of a report from the Rules Committee through the legislative day of Friday, June 25, on a measure that includes a subject matter in H.R. 4213.

Madam Speaker, I rise in strong support of this rule and in strong support of the underlying bill. During my time in Congress, I haven't had a single constituent say to me, "You know, JM, I think there should be more special interest money in politics."

Obviously, the conservative activist judges that now make up the majority of the Supreme Court don't live in my district. Because in January, the court tossed aside decades of established law and legal precedent by ruling that corporations and unions can spend unlimited amounts of money in Federal elections.

As Justice John Paul Stevens pointed out in his dissent, the decision "would appear to afford the same protection to multinational corporations controlled by foreigners as to individual Americans."

It is a sad state of affairs when Swift Boating has entered the language as a verb. Unfortunately, the Supreme Court's decision makes Swift Boating easier for the special interests. Large multinational corporations would now be able to create shadowy groups and pour millions and millions of dollars into supporting or defeating candidates. If BP doesn't like somebody, they could create "Americans For Sensible Energy" and run attack ad after attack ad after attack ad.

While we cannot undo the court's decision, we can and we must try to minimize its impact. That is why the sensible, bipartisan legislation before us today is so important. The DISCLOSE Act will go a long way toward restoring openness and transparency in our political process. I want to commend CHRIS VAN HOLLEN and MIKE CASTLE for their work on this bill.

The legislation does several important things. It requires the heads of these third-party organizations to stand by their ad, just like political candidates are required to do. It requires the organization to list its top five contributors onscreen at the end of the ad.

It would ban U.S. corporations that are controlled by foreign interests and foreign companies like BP from making political expenditures in our elections. I know there are some on the other side who have been apologists for BP who may be troubled by that, but I think most Americans believe that foreign influences should not dictate our elections.

And it would prohibit entities that receive large amounts of taxpayer money like Wall Street banks and Government contractors from pouring money into politics.

The bill is supported by the League of Women Voters, Public Citizen, Common Cause, and other national reform groups.

To be sure, the bill isn't perfect. It contains an exemption for certain, long-standing organizations that take a small amount of corporate or union money. I know a lot of us are not particularly pleased with that change, but we cannot let the perfect be the enemy of the good.

Moving forward, I would urge my colleagues to examine a bill offered by my colleague from Massachusetts, MIKE CAPUANO, the Shareholder Protection Act. This bill would give shareholders a voice in how companies spend their money.

Opponents of this bill that we are considering today have already begun making noises about challenging it in court. I would remind them that polls show that the American people are overwhelmingly supportive of this reform. We must do all we can to bring more openness and transparency to our political process. The DISCLOSE Act before us today is a vital step. I urge my colleagues to support the rule and the underlying bill.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I thank my colleague from Massachusetts for yielding me this time.

I rise today in defense of the First Amendment to the Constitution and to urge my colleagues to oppose this rule for H.R. 5175, the so-called DISCLOSE Act, and the underlying bill.

I yield 2 minutes to the distinguished gentleman from Virginia (Mr. CANTOR), the Republican whip.

Mr. CANTOR. I thank the gentleman from North Carolina for yielding.

Madam Speaker, today I rise in opposition to the previous question motion and in support of the latest YouCut spending reduction sent to the floor directly from the American people. This week's proposal, sponsored by the gentleman from Michigan (Mr. UPTON), will restore \$15 billion to the American taxpayer by stopping new IRS funding for the purpose of hiring employees to enforce a controversial individual mandate under the Democratic majority's health care overhaul.

To the Democratic majority, who has worked tirelessly to discredit the YouCut movement, Madam Speaker, I continue to urge them to join us. But I would also like to give a wake-up call. This week we received the one millionth vote, an amazing milestone that reflects the discomfort from coast to coast about Washington's runaway spending spree.

Sadly, my friends on the other side of the aisle continue to ignore the will of the people and their desire to see us act with the same responsibility with their money that they do around their own kitchen tables.

America is at a crossroads. Our message to the Democratic leadership is crystal clear: Stop ignoring the American people. Stop spending money we don't have. Stop ruining the next generation's future. It is time for us to come together to cut wasteful spending now. I urge a "no" vote on the previous question.

Mr. MCGOVERN. Madam Speaker, I would just want to point out to the previous speaker that the American people want us to fix this economy, which we are trying to do. And I would also point out that we have created more jobs this year than in the entire 8 years of the Bush administration. I think what we are doing is the American people's work.

I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished Speaker of the House.

Ms. PELOSI. I thank the gentleman for yielding and for making the point he just made.

Madam Speaker, I also would like to make a further point, which is that 87.5 percent of the American people support what the DISCLOSE Act will do, which is to shed light on elections.

Madam Speaker, nearly a century ago, Supreme Court Justice Louis Brandeis wrote about the dangers of corporate interests dominating our economy, stifling competition, and harming our Nation. And he reminded us in the face of these forces that sunlight is the best of disinfectants.

Today, many of us will rise, and I do now in that same tradition, to shed sunlight on our democratic process and preserve the integrity of our elections, to call on my colleagues to pass the DISCLOSE Act, and in doing so to protect the voices and the votes of the American people.

I want to acknowledge key leaders on both sides of the aisle who have taken leadership on this legislation. Chairman CHRIS VAN HOLLEN certainly has been tireless in his efforts to pass this DISCLOSE Act, as has Chairman ROBERT BRADY, chair of the House Administration Committee. I also thank Congressman MIKE CASTLE and Congressman WALTER JONES, who early on supported this legislation.

Earlier this year, the Supreme Court overturned decades of precedents in a court case called the Citizens United case. The decision undermines democracy and empowers the powerful. It opens the floodgates to corporate takeover of our elections and invites unrestricted special interest dollars in our campaigns. And it even left open the door to donations from companies owned by foreign governments. Imagine.

In response, Congress and the President immediately went to work on the DISCLOSE Act.

□ 1050

This legislation restores transparency and accountability to Federal

campaigns and ensures that Americans know when Wall Street, Big Oil, and health insurers are the ones behind political advertisements. The bill requires corporate CEOs to stand by their ads in the same way candidates do, prevents corporations controlled by foreign or even hostile governments from spending money in Federal elections, and keeps government contractors and TARP recipients from making political expenditures. Imagine a TARP recipient getting taxpayer money to bail them out, using that money to impact elections. And it compels corporations and outside groups to disclose their campaign spending to shareholders, members, and the public.

In the spirit of Justice Brandeis, these landmark provisions will add sunlight to our campaigns, which is why the DISCLOSE Act has gained the support of good government advocates such as the League of Women Voters, Common Cause, Public Citizen, Democracy 21, and Citizens for Responsibility and Ethics in Washington, to name a few. These organizations, like so many Members of Congress, agree with the words of the President's State of the Union Address this year when he said, "Elections should be decided by the American people."

The DISCLOSE Act reaffirms a fundamental American value: The right to vote is afforded to the people, not the special interests. With this bill, no longer will corporations be able to drown out the voices of ordinary citizens. By voting "yes," we are putting power back into the hands of the voters.

I urge my colleagues to vote "aye" today on this legislation.

Ms. FOXX. Madam Speaker, I will now yield 1 minute to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Madam Speaker, our national debt is over \$13 trillion and our annual deficit is expected to be nearly \$1.6 trillion this year alone. The American people have had enough of this out-of-control spending. And today House Republicans offer another measure to cut spending that was chosen by the American people in the YouCut program.

This provision will cut funding for the IRS, which is authorized to hire thousands of new agents to enforce the unconstitutional individual health care mandate. This cut will save taxpayers up to \$10 billion. The purpose of the health care law was supposed to be to reduce costs and to make health care more affordable. Does anyone truly believe that thousands of new IRS agents will really reduce health care costs? The new IRS agents' job will be to verify that you have acceptable government-approved health care, or they have the authority to impose a fine of up to 2 percent of your income.

What we need to do is to help to create new jobs, not hire an army of new

IRS agents to impose job-killing taxes, new mandates, and new penalties on the American people.

I urge my colleagues to vote "no" on the previous question so that we can make this commonsense cut in spending under our YouCut program.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

My Republican colleagues claim that they have the best interests of the American people at heart, that they want to help the taxpayers. Yet I find it somewhat ironic that they propose that we cut money for jobs, money for health care, money for senior citizens, and then at the same time they defend British Petroleum and tell the American people that the American people should pay for the cleanup of that terrible oil spill and not British Petroleum.

Look, what we are talking about here is a bill to require disclosure so that companies like British Petroleum, other foreign-owned companies, can't come into the United States and influence elections. Now, I don't know why that's so controversial. I guess if a particular interest was overly generous to me, like Big Oil is to my friends on the Republican side, that they would have objections. But look, I think the American people overwhelmingly want transparency and disclosure.

If some oil company is going to come into my district and Swift Boat me and try to hide who they are by saying that they are a committee for clean oceans, that's deception. The American people ought to know that it's being paid for by Big Oil. We have, right now, all across the country, ads that are distorting the health care bill that was passed here in the Congress. But they are all paid for by the insurance industry, yet you can't find the words "insurance industry" on any of those ads.

People deserve to know who is spending millions and millions of dollars on these ads. Whether you are a Democrat or a Republican, you ought to be for transparency. And that is what this bill is about.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, every citizen in this country, in fact, every school child above the fifth grade ought to know what the First Amendment of the Constitution says. But we know that our education is lacking these days, so I am going to read the amendment. And I am hoping that as our speakers speak, we keep it on the floor so people can read it, because I think folks need to be reminded of what it says. "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." It's very simple, but it's very important.

I now yield 5 minutes to my distinguished colleague from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I am sorry the Speaker is no longer here because she, frankly, hopefully inadvertently, misstated the law. She said that with the decision by the Supreme Court, it would allow companies, even those that are controlled by foreign countries or foreign governments, to affect our elections. That is absolutely dead wrong. It did nothing with the prohibition that remains that does not allow and has not allowed for decades foreign governments or foreign nationals to affect our campaigns. This decision by the Supreme Court does not.

The problem with this is I haven't found a single person on the other side of the aisle that read the opinion. If they did, they would know what they are saying is absolutely wrong. They call it the DISCLOSE Act. It is, in fact, the disguise act. It was designed in secret. No effort to bring those of us on the committee on the Republican side into it. I asked for copies of it. They refused to give it to us. We, in fact, got their last manager's amendment 2 hours, yesterday, before we had to go to the Rules Committee to talk about our amendments. They disallow, in this rule, a single amendment brought forward by any of us on the committee that held the hearings.

I had five amendments I asked to present. Several of them would require the unions to be treated the same as corporations. That was denied. They don't want you to have a chance to level the playing field. Look, in "Alice in Wonderland," it is said, "If I had a world of my own, everything would be nonsense. Nothing would be what it is, because everything would be what it isn't. And contrarywise, what is, it wouldn't be. And what it wouldn't be, it would. You see?" That basically sums up the Speaker's statement.

If I had the chance under the House rules to speak to the public, this is what I would say. This is your First Amendment. It's not my First Amendment. It's not the Democratic leadership's First Amendment. And yet they are auctioning off parts of this First Amendment by this bill. Why do I say that? Some people are more equal than others.

If you happen to be a special interest that's existed for 10 years, if you happen to have a certain amount of money in your coffers that come from corporations, if you happen to have a certain number of members—it was a million, but some special interest said, We don't have a million; let's bring it down to 500,000. Okay. Now it's 500,000. So those people, those interests are exempted from all of the disclosure requirements in here.

And here is the other thing they do under this rule. This bill allows the law

to go into effect within 30 days without any regulations being promulgated. In fact, it's impossible for regulations to be promulgated. So those who have a true exemption don't have to worry about the law. Those who are trying to figure out how to comply with the law have to worry about if they make a mistake because, if they do, what happens?

□ 1100

They are subject to criminal penalties. We're talking about the First Amendment to the Constitution, the First Amendment. That's talking about robust political speech, and you heard what my friends on the other side said: oh, my God, we've had these ads against us; oh, we don't like that; oh, my gosh, we've got to do something about it.

There is nothing this bill does about the suppression ads that were run against me in the last campaign 3 hours before we closed, "robocalls" to my district, including to my house, in which they say, this is a news alert, news alert, President Obama's won the election. It doesn't matter what happens in California. It's already decided. This has been a news alert.

Now, no one specified an individual. No one specified a party. Very, very clever. The idea was to suppress those who were supporting the Republicans from coming out. It does nothing with that. I mean, people ought to understand this is a precious gift given to us by God, then recognized by our Founding Fathers, and we're fooling around with it here.

Let me just tell you this. This bill allows us 1 hour to talk about this, 1 hour. Guess what we have spent 10 hours doing in this Congress. Naming post offices. We've named 61 post offices in this Congress. We are ridding the world of unnamed post offices. We can spend 10 hours on post offices, but we can't spend more than an hour talking about the Constitution, talking about the First Amendment.

And they're auctioning pieces of the First Amendment in this bill. If you happen to be one of those lucky enough to win the auction, you don't have these disclosure rules, and you can continue to talk and you can continue to make your political statement; but if you didn't win the lottery—

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman an additional 30 seconds.

Mr. DANIEL E. LUNGREN of California. If you didn't win the lottery, you're left out.

This is an affront to the Constitution. This is an affront to the proceedings of this House, and just because someone says it is doesn't make it so.

This is a DISCLOSE Act that was designed in secret, giving unions and in-

terests special exemptions. If you happen to be on the lucky side of the draw, you may like it, but you ought to read it because this is a destruction of the First Amendment in the name of partisanship.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

One of the reasons why the American people overwhelmingly support the DISCLOSE Act is because quite frankly they are concerned, and rightly so, that money is becoming more and more of an influence in politics. Not just money from big corporations in the United States; they are also justifiably concerned about foreign influences.

Sovereign wealth funds, the investment funds controlled by foreign governments of foreign interests, could be controlled by China. If they're here in the United States, they have the right to be able to under an innocuous name spend millions and millions of dollars in negative ads against a candidate or positive ads for a candidate. Why should anybody want a foreign government or foreign interest to have a greater impact on American elections than regular people?

One of the reasons why this is important is to let the sunshine in, for there to be transparency, for those who run these ads to be able to stand by their ads. All of us have to stand by our ads when we stand for reelection to Congress. I have to say that it's paid for and authorized by JIM MCGOVERN. That's what we have to do.

What is so wrong with requiring big corporations to do the same thing? What is so wrong with saying we don't want foreign interests to influence our elections? These are American elections. We don't want China involved in these elections or any other country; and we know that they can, under the status quo, influence our elections and play a role in our elections through these sovereign wealth funds.

So I would simply say I think the American people are right. There's nothing in the First Amendment that says we can't ask somebody to stand by their words. We're not inhibiting free speech. We're just saying if British Petroleum is going to run a Swift Boat ad against anybody here, they ought to say who they are, not make up some name that somehow they're dedicated to clean oceans or to a good environment.

With that, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. I thank the gentlewoman for yielding.

Let me reiterate to my good friend from Massachusetts what the gentleman from California said. Citizens United did not do anything to repeal

the ban against foreign money influencing American elections. So this bill has nothing to do with what the gentleman from Massachusetts just said.

I rise in opposition to the bill and to the rule. While H.R. 5175 is being touted by its supporters as increasing disclosure and transparency, the bill will ultimately serve as a roadblock to Americans who wish to exercise their First Amendment rights. The Supreme Court explicitly stated in *Citizens United v. Federal Election Commission* that there is "no basis for the proposition that, in the context of political speech, the government may impose restrictions on certain disfavored speakers." We've sure heard a list of those disfavored speakers from the other side of the aisle. However, this is exactly what this unconstitutional bill will do.

The *Citizens United* decision struck down provisions of campaign finance law because of the unconstitutional restrictions on free speech, a right explicitly guaranteed by the First Amendment. The bill is simply a legislative workaround to *Citizens United*. The Supreme Court was very clear that prohibitions on full legal speech are unconstitutional and will only be a matter of time should this bill become law that it's struck down as well.

The most glaring of this bill's unconstitutional provisions is the banning of political speech by government contractors and companies with as much as 80 percent ownership by American citizens. While a business may receive only a limited portion of its revenue from a government contract, under this bill, that business would be prohibited from engaging in political dialogue on issues that are vital to its operations.

Additionally, this bill punishes companies that attract overseas investors by banning political speech on companies where foreign nationals have at least a 20 percent stake. It is unfortunate that the supporters of this bill want to silence the voice of predominantly American companies. The bill further complicates matters for publicly traded corporations by forcing them to determine the percentage of company stock ownership by the nationality of the investor, which will most likely prove to be impossible.

It is clear that the DISCLOSE Act will institute unconstitutional restrictions. However, the crafters of this legislation have been careful to exempt labor unions from the restrictions. The desire to treat unions and corporations differently abandons the government's long-standing policy that treats them equally. However, this is not unexpected given a story published in *The Hill* newspaper last month which revealed that the American Federation of State, County and Municipal Employees plan to spend in excess of \$50 million in this fall's elections, part of which will go to protecting incum-

bents. It is no wonder that the Democratic supporters of this bill—

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. Madam Speaker, I yield the gentleman an additional 30 seconds.

Mr. SENSENBRENNER. It is no wonder that the Democratic supporters of this bill have made special exceptions for unions, and that any attempts in the House Administration Committee to rectify this discrimination between unions and corporations were defeated on party-line votes.

It is evident that, while this legislation increases disclosure requirements, it imposes unconstitutional restrictions on free speech just in time to influence the outcome of the midterm elections.

I urge my colleagues to vote "no" on the DISCLOSE Act and vote "no" on the rule and uphold their oath of office.

Mr. MCGOVERN. Madam Speaker, let me again point out that one of the reasons why the American people overwhelmingly support this bill is because they don't want financial institutions, TARP recipients, to be able to use taxpayer money to run negative ads.

One of the reasons why the American people overwhelmingly support this act is because they know the status quo basically is the BP protection policy, which is you allow foreign companies to be able to set up these sovereign wealth funds and be able to funnel money into elections to run ads for and against people.

We know that the insurance industry wants to spend a lot of money in this election, but they don't want to tell anybody they're an insurance industry when they attack the health care plan.

We know that the Big Oil companies are going to want to run a lot of ads to try to keep their friends in Congress, those who apologize for their bad behavior; but they also know if they announce to the American people that oil companies are paying for this that they will get a different reaction.

□ 1110

So this is important. And I think the American people are way ahead of my colleagues on the other side of the aisle.

At this point, Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), a member of the Judiciary Committee.

Ms. JACKSON LEE of Texas. I thank the distinguished manager of the Rules Committee for his leadership.

I thought I would just hold up this book that has many items in it, but the most precious document is the Constitution. And I do want to say that it is clear that the First Amendment, the number one amendment in the Bill of Rights, is not violated, but enhanced by this legislation. That's why the commonsense judgment of Americans are wholeheartedly supporting this.

I had my doubts because there are exemptions here that may help organizations that I would disagree with and do not support, but frankly, this legislation reflects the First Amendment because what it says is we want transparency that in essence tells us who you are. That is no greater affirmation of the First Amendment than one could imagine.

So it is important to acknowledge concerns expressed, but it is equally important to say that we stand on the side of a fair and impartial election, an un-ugly election. And when you get unfettered money in elections, it becomes ugly. So that if you were in the hurricane plains, if you will, of the gulf region and you had a referendum to ask your utility company to stop putting utility poles above ground, spend some money to put them underground so we're not in the dark for 8 and 9 weeks during a campaign season and they take their money in the referendum and work hard to defeat it, that is to undermine the needs of the people of that region. Or you have insurance companies who are not seeing what the American people are now seeing, that, wow, this health care bill really can help me, and they begin to massively campaign against the implementation of the health care bill against America's interests.

This is what this is about because when you see who's putting these political ads up—maybe helping another candidate, a pro-insurance, big business candidate who cares nothing about the people of this Nation—you will say, you know what? I want to side with letting this health bill work itself out. I want to side with young people being covered. I want to side with seniors getting money back from health reform. That's what legislation is about.

So I would offer to say to my colleague on the other side of the aisle you are wrong. This Constitution and the First Amendment provides that no law should impede your right to access, to association, and to freedom of speech, but impeding it does not mean don't tell us who you are, it does not mean contributions can hide in the dark. And every single candidacy, be it city council, or mayor, or be it a Federal election, will have the opportunity to have funds dumped on them with a means of replying.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield 1 additional minute to the gentlewoman.

Ms. JACKSON LEE of Texas. I thank the gentleman.

Here's what I'd like to do in an election—I'd like us to be able to engage and tell you what our issues are, whatever we're running for. And yes, we have to run with the resources that we raise; and when I say that, no matter what office you are running for, no

matter what party you are in. Without this legislation big money will control the people's voice.

But what we most want to do is to break the locks and chains that big money causes in elections. We want to take away the right of those who want to demonize someone who, for example, may be interested in comprehensive immigration reform. That's their viewpoint, they're running on that. Maybe they're not. Or someone who's running against it. We don't want to have big money demonize a perspective that maybe the public should hear.

So I don't know what the opposition is on the other side because the First Amendment is protected. And I believe, though it's a struggle because we know that there are elements that do raise the concern to some, but I would argue that we should want to break those locks and break those chains of big money telling the American people what to do.

I ask my colleagues to support H.R. 5175, the underlying bill, and the rule.

Madam Speaker, after weighing the pros and cons of H.R. 5175, the DISCLOSE Act, I have decided to support the bill. This was a decision that took a lot of deliberation, but in the end it is clear that in the absence of supporting H.R. 5175, we run the risk of witnessing the greatest deluge of unreported cash from the richest corporations and special interests that has occurred throughout the history of American politics.

Without some mechanism to ensure that the American people know who is spending potentially millions to influence their vote, we threaten the fundamental core of our democracy—the result will amount to a corporate special interest takeover of our elections. This is the reality. This is what is at stake.

Right now, any corporation can spend unlimited amounts of money on our elections. The bill is not perfect, but it provides unprecedented transparency and disclosure of political expenditures by powerful special interests. Much has been said, and many of you have concerns, about exemptions in the bill. Let me be clear: all groups will be forced to disclose more than they do now.

Every single 501(c)(4) will be forced to “stand by their ad” so you know exactly which group sponsors the advertisement. Additionally, any exempted groups will be prevented from spending a single corporate dollar on campaign-related expenditures. We are far better off with these reforms than with nothing at all.

Madam Speaker, I want to remind my colleagues that this legislation is bipartisan. Our former colleagues, Marty Meehan of Massachusetts, and Christopher Shays of Connecticut helped authored the bipartisan campaign reform act. Yesterday, they released a joint statement in support of the DISCLOSE Act: “Voters have a fundamental right to know who is spending money to influence their elections and where that money is coming from. With hundreds of millions of dollars being spent by corporations and labor unions to influence elections, secrecy about these expenditures is simply unacceptable. We urge

our former colleagues in the House to vote for the DISCLOSE Act and for the right of citizens to know who is spending money to influence their votes.”

The DISCLOSE Act ensures that shadowy special interests and sham organizations are not able to hide their funders, and is critical if we ever hope to keep our constituents informed on who is trying to influence their vote. This bill breaks the “locks and chains” of “big money” in our democratic process of elections. I would submit this is the time to move forward. As such, I urge my colleagues to support the DISCLOSE Act, H.R. 5175

HOUSE OF REPRESENTATIVES,  
Washington, DC June 23, 2010.

CONGRESSWOMAN JACKSON LEE URGES  
SUPPORT FOR H.R. 5175, THE DISCLOSE ACT

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Very truly yours,

SHEILA JACKSON LEE.

Ms. FOXX. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Madam Speaker, I rise in opposition to the rule.

While other matters are being debated in the course of this, this rule also provides for consideration of a conference report on the Iran Sanctions, Accountability, and Divestment Act, and I rise in strong support of this legislation with a word of caution.

It was my great privilege to serve on the conference committee for this Iran sanctions bill that will be considered today. I believe this legislation represents measurable and meaningful

progress in the United States' effort to economically and diplomatically isolate Iran in the midst of its headlong rush to obtain nuclear weapons, and I urge my colleagues to support it.

My word of caution is directed both to my colleagues in Congress, though, and to this administration. It is important not only that we adopt the Iran sanctions bill today, it is important that this administration implement this legislation.

We know the nature of the threat. Iran has made no secret of its intent to use nuclear weapons to threaten the United States or our allies, especially our most cherished ally, Israel. President Ahmadinejad said in 2005 in Iran that humankind “shall soon experience a world without the United States and without Zionism.” Led by this anti-American, anti-Israeli president, Iran has a long history of associating with terrorist organizations. If Iran obtains a nuclear bomb, it will only be a matter of time before terrorist organizations around the globe have access to this technology, and America and our allies—and our most cherished ally—will be threatened as a result.

It is also essential that we consider this legislation in the wake of the failed leadership at the United Nations. The adoption of so-called “sanctions” by the U.N. is nothing more than a hollow gesture which will do nothing except embolden Iran in its nuclear ambitions. We must lead by example.

I urge my colleagues to adopt this bill. I urge the President to sign this bill. But a word of caution: These sanctions include a number of waivers demanded by the Obama administration, but it is essential that President Obama carry out the clear congressional intent and cripple Iran's energy and financial sectors in implementing this legislation.

Iran could be merely months away from acquiring nuclear weapons; they continue to test vehicles that could deliver it. This is a time for decisive action by the American Congress and the American administration. Failure to act by this Congress or failure to implement these sanctions by this administration could lead to a second Holocaust. If we act and this administration implements these sanctions, we may yet see a future of security and peace in the Middle East, but if we fail to act, history will judge the Congress and this government in the harsh aftermath of a flash of light, a rush of wind, and a second historic tragedy.

Let us act. Let us adopt Iran sanctions. And Mr. President, do not waive these sanctions.

Mr. MCGOVERN. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

□ 1120

Mr. DOGGETT. Madam Speaker, let's keep America the best democracy, not

the best democracy that money can buy.

The pollution of our political process with tens of millions of dollars in spending by the world's largest multinational corporations strikes at the very heart of our American democracy. Whatever these giant interests cannot already get with their army of lobbyists here in Washington and with the millions of dollars that their executives already contribute to campaigns, they now want to buy directly with money from their corporate treasuries—and they are no fools.

The limitless dollars that these folks lavish on elections are simply wise investments for many of them. They are well designed to spend a few million now in order to claim a few billion dollars in unjustified spending from the public treasury later. Often, the same folks who are reaching into the public purse are the folks who, through special tax expenditures and tax loopholes, don't contribute but pennies on the dollar compared to what a small business might be having to pay in its corporate tax rate or what a working or middle-class family might be having to pay, struggling to make ends meet.

Without the DISCLOSE Act, a tobacco company can come here masquerading as a phony "health care" coalition. A Wall Street bank can come and ask for another bailout, claiming that it is part of a "consumer alliance." A polluter can defeat those who want to hold it accountable by asserting that it is part of "Citizens for Clean Air and Clean Beaches." Insurance monopolies determined to deny American families access to care at prices they can afford are already out there with groups like Americans for Better Health Care, which is really designed to stymie families efforts to access health care.

DISCLOSE Act opponents have a great deal not to disclose. They want to be assassins, silent assassins of character, where they buy one hate ad after another while denying the public an opportunity to know that the views being expressed in that 30 seconds are, in fact, limited to those of a narrow corporate self-interest that is determined never to be held accountable for its misconduct.

The public, without the power of these corporate deep pockets, would also be denied access to the knowledge of who is really wielding the power. Who can look at Washington these days and say that the problem up here is too little influence of corporate cash?

A vote for the DISCLOSE Act is a vote to stop the corruption of our political system and to stop the slide into plutocracy. It is a vote for a fully-informed and fully-empowered American people to take charge of our democracy and to ensure the change that will make a meaningful difference in the lives of our families.

I urge its adoption.

Ms. FOXX. Madam Speaker, the ability to speak on the floor of this House is a great honor and a very powerful thing. However, simply saying something on the floor does not make it true.

I would like to now yield 2 minutes to my colleague, the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. Madam Speaker, I rise today in opposition to this incredibly restrictive rule and to the underlying legislation.

The lack of democracy and openness that exists in this House is evident when the House Rules Committee self-executes a 45-page manager's amendment to a 92-page bill and then makes in order only 5 of the other 36 submitted amendments. By the way, only one of those amendments made in order was offered by a Republican.

This, of course, has all been done in the name of a bill cynically titled Democracy is Strengthened by Casting Light on Spending in Elections Act. I've got a suggestion to my friends: How about strengthening democracy by actually allowing robust debate and unlimited amendments? That would actually help restore comity and bipartisanship to this polarized House.

With that said, Madam Speaker, I would like to also address the underlying legislation.

In this bill, the majority is engaged in a self-serving, hypocritical political exercise. The underlying legislation is a response to a 5-4 Supreme Court decision in the Citizens United vs. Federal Election Commission case. Good people can disagree about that case and about its ramifications. However, when the majority party decides to reshape the political playing field with a bill written by its political tacticians and introduced by the chairman of its own campaign committee, we have reached a new low.

The clear aim of this legislation is to tilt the political playing field in favor of the Democratic Party. Simply put, this bill facilitates the involvement and political activities of groups supportive of the Democratic Party while limiting the political activities of those who may not support the Democratic agenda. A clear example of this is where the bill applies onerous restrictions on corporations which may wish to involve themselves in political activity while the bill carves out large exceptions for unions, which traditionally support the Democratic agenda.

Madam Speaker, this bill is a prescription for chicanery in our elections, and it will fundamentally restrict our First Amendment rights. Therefore, I urge Members to oppose this rule and the underlying legislation. Limiting the freedom of speech in pursuit of partisan political advantage is fundamentally wrong.

Mr. MCGOVERN. I yield myself such time as I may consume.

Madam Speaker, I think it is important to remind everybody that the Supreme Court decision in the Citizens United case essentially allows unlimited special interest money, corporate money, to drown out the voices of everyday people. That is really what the issue is here. The majority of Americans, I think, are alarmed by that. That is why an overwhelming majority support the passage of this DISCLOSE Act.

Those of us who are arguing for the passage of this bill believe the voters have a fundamental right to know who is spending money to influence their elections and where that money is coming from. I am puzzled that my friends on the other side of the aisle, who are speaking out against this, don't share that same concern; but voters deserve to know who is spending money to influence their elections. They deserve to know whether it is a Big Oil company or a union, and they deserve to know whether it is a foreign special interest that is trying to influence the election.

So I would urge my colleagues to get behind this effort, an effort that is overwhelmingly supported by the American people.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I am sure it is not intentional, but falsehoods are being spread on this floor.

There is no poll that shows the American people support the DISCLOSE Act. It would be amazing if they did since we didn't get the last version of it until 2 hours before we went to the Rules Committee yesterday. The poll they are referring to took place back in February or March, which was before they had their backroom deals coming up with this particular bill.

We now have 438 organizations which oppose this. Among them are the American Civil Liberties Union, the National Right to Life Committee, and the Sierra Club. Why would those people be getting together to oppose this bill? Because they believe in the First Amendment, and they understand that the First Amendment says all should be treated the same.

That is not the cornerstone of this bill. They are specifically not treated the same. The bigger you are, the stronger you are, the less disclosure you have. The smaller you are, the newer you are, the more disclosure that is required. They even have put something in this bill that will make it impossible for certain ads to play on television. They have increased the number of names that have to appear, such that, in some cases, it will take 17 seconds to say all of those names and

all of those organizations. There are things known as 15 second ads now. I guess you have minus time on TV.

They say that unions have to be exempt, but corporations have to be affected. Now, remember, corporations are not just for profit. They keep talking about oil companies. They forget about the National Right to Life. They forget about all of these other organizations that actually have a corporate structure. Most political organizations do. That's what we are talking about.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman an additional 30 seconds.

Mr. DANIEL E. LUNGREN of California. Then they say, Well, we don't want to be controlled by foreign entities. We offered an amendment in the Rules Committee to cover that. It was defeated on a party-line vote by the majority party.

So, please, let's at least be honest. If you're going to disclose, disclose your motivations. Disclose the words in here. Disclose the deals that you've made. Disclose who has won the auction for their piece of the First Amendment.

Mr. MCGOVERN. I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I now yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Madam Speaker, I rise in opposition to the previous question and the rule because American families continue to struggle with rising health care costs.

Recently, the Congressional Budget Office and the Centers for Medicare and Medicaid Services reported that health care costs for families and for services will rise even higher due to this massive new health care law.

□ 1130

Today's YouCut vote helps to stop one of the major problems with the new health care law, and it could save taxpayers across this country between \$5 billion and \$10 billion.

Under the new health care law, the IRS will be in charge of verifying that every American taxpayer has obtained government-approved, acceptable health coverage for every month of the year. In other words, if the IRS determines that a taxpayer lacks government-approved health insurance for even a single month, then the IRS can have the power to withhold tax refunds. This is an unprecedented new role for the IRS—one that injects the IRS even farther into the personal lives of American families. So today's YouCut vote would prevent the IRS from hiring thousands of examiners and auditors required to implement this new individual mandate.

As a former heart surgeon, I know we can do better and I know we can agree on many commonsense approaches to

cutting health care costs for families and for seniors. We have many proposals to do this which are not part of this health care law. But I'll tell you this: An individual mandate enforced by the IRS is not one of them.

I urge my colleagues to oppose this rule and vote against this rule. Join me and cut \$5 billion to \$10 billion from the IRS while preventing yet another mandate on health care from the Federal Government.

Mr. MCGOVERN. Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I now yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Madam Speaker, I rise in support of defeating the previous question, which is the next vote here on the House floor. I worked for Ronald Reagan. We have a \$1.5 trillion deficit this year. The last thing that we should do is to raise taxes. The first thing that we should do is cut spending.

As many folks here know, the Republican side has been offering five different proposals every week for the last month or so, letting folks across America vote on the proposal that they think merits the most sense. This week, it was my proposal that won. That is, we are going to tell the IRS that we're not going to hire another 15,000-some IRS agents in the next couple of years to monitor health care, and we will save the taxpayers \$5 billion to \$10 billion—billion, as in big. That's not a bad proposal. Save the taxpayers some money by not hiring 15,000 more bureaucrats.

What are these folks going to do? They're going to make sure that every American verifies that they have health insurance. Maybe they will look at page 737 in the health care bill, which says that every business will have to file a new 1099 with the IRS for any \$600 business-to-business transaction. So if you're a homebuilder and you just happen to show up at that same Chevron or Shell gas station every other week to fill up your car or your pickup and you spend more than \$600 over the course of the year there, you're going to have to file a 1099.

Let's fight the deficit—not by raising taxes but by cutting spending. This proposal does that. We were denied at the Rules Committee to allow this amendment to be offered, which is why we want to defeat the previous question, offer this amendment to cut spending, and help the taxpayers across the country.

Madam Speaker, I would urge all my colleagues to support this.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

I find it puzzling to hear my friends on the other side of the aisle all of a sudden talk about the deficit. When Bill Clinton left office, he left the Re-

publicans and George Bush a record surplus. There was no deficit. We were paying down the debt. They took that surplus and they turned it around and drove this economy into a ditch.

President Obama gets elected to office; he inherits the worst economy. It's just a Great Depression. My friends on the other side don't take any responsibility for that. In 1 year under President Obama, we have created more jobs in this country than George Bush did during 8 years while he was in office. The American people want us to focus on jobs and job creation.

I would just make another suggestion, since we're talking about how we protect the taxpayers. I would urge my friends on the other side of the aisle to stop apologizing for the way the Federal Government is treating BP, to stop apologizing for the fact that this administration wants British Petroleum to live up to its responsibility and pay for the cleanup of that mess in the gulf. I wish my friend on the other side of the aisle would stop trying to defend Big Oil from taking its responsibility. BP should pay for it, not the American taxpayer. If you want to do something for the American taxpayer, then demand that BP do what it is right.

With that, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I now yield 1 minute again to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I'm shocked that my friend from the other side of the aisle would criticize the President's relationship with BP in terms of the massive contributions that he received while he was running for office. I don't think that ought to be part of this debate.

But you ask about treatment. I have here just an example of one, two, three, four, five sections of the bill in which there's a specific exemption given to unions versus corporations. That is the kind of favored versus disfavored status created by the government that is, on its face, unconstitutional. People ought to understand that when you start making these distinctions, you are creating an unconstitutional act, because we do not want government saying that certain groups are okay and certain groups are not okay, that certain language is okay and other language is not okay, depending on who happens to be in office. This is an attack on the First Amendment. And here you have one, two, three, four, five sections of the bill made in order.

Mr. MCGOVERN. I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

We have to constantly remind our colleagues across the aisle that Republicans were in charge of the Congress when President Clinton was in office

his last 6 years and that Democrats were in charge of Congress the last 2 years of Mr. Bush's administration. We know that Democrats created the economic crisis. And we are not apologizing to BP. We know that BP should pay for all of the problems that have been caused in the gulf. However, we'd like to see this administration do something to respond to the disaster down there and stop blaming others as they do on everything.

In a little over a week, on July 4th, we will be celebrating our Nation's independence. John Adams wrote in a letter to his wife, Abigail, that it "ought to be commemorated as the day of deliverance."

Today, we're not liberating the American people, as our Founding Fathers did. Instead, our colleagues are attempting just the opposite. They're attempting to erode our right to free speech when there's so many other pressing issues that our Nation faces today.

For one, we could be addressing the 21 percent cut in Medicare reimbursement payments to doctors that went into effect on June 18. The Senate, after some debate, was able to pass, by unanimous consent, a 6-month extension on the 21 percent cuts last Friday. This legislation would provide a 6-month extension, fully paid for. However, the Speaker has said she sees "no reason to pass this inadequate bill until we see jobs legislation coming out of the Senate." But the Democrats in charge have seen these disastrous pay cuts to physicians coming for some time but have only offered bills full of budget gimmicks or 1-month extensions. I've heard from physicians in my district who are fearful of these cuts and the negative impact they have on their patients when they will no longer be able to afford to see Medicare patients. This is a real crisis we should be dealing with instead of a bill riddled with assaults on our constitutional rights.

Even some Democrat Members have some concerns with this bill. To quote one Democrat Member who spoke during the Rules Committee yesterday, with this bill "we are auctioning off parts of the First Amendment. Don't make this bill unconstitutional on purpose." H.R. 5175 contracts our freedoms when we should be expanding them.

□ 1140

Madam Speaker, I ask unanimous consent that the text of the amendment and extraneous material be placed in the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Ms. FOXX. Madam Speaker, I am going to urge my colleagues to vote "no" on the previous question so that I

can amend the rule to allow all Members of Congress the opportunity to vote to cut spending. Republican Whip Eric Cantor recently launched the YouCut initiative which gives people an opportunity to vote for Federal spending they would like to see Congress cut. Hundreds of thousands of Americans have cast their votes, and this week they've directed their Representatives in Congress to consider H.R. 5570.

According to the Republican whip's YouCut Web site, the Congressional Budget Office has estimated that "over the next 10 years, the IRS will require between \$5 billion and \$10 billion in funding to implement the Patient Protection and Affordable Care Act, also known as the new health care law. These funds will be used to hire thousands of additional IRS agents and employees. Reforming our health care system shouldn't require expanding the IRS. By prohibiting funding for the expansion of the IRS for this purpose, we can protect taxpayers while we work to repeal and replace the law."

H.R. 5570 would prohibit taxpayer funds from being appropriated to the Internal Revenue Service for the purpose of hiring new agents to enforce the Democrats' health care law. Under the new law, additional agents would be specifically hired to enforce the Democrats' unconstitutional individual health care mandate. By preventing their hire, this week's YouCut vote could save the taxpayers between \$5 billion and \$10 billion. In order to provide for consideration of this common-sense legislation, I urge my colleagues to vote "no" on the previous question and "no" on the rule.

I yield back the balance of my time.

Mr. MCGOVERN. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman has 9 minutes.

Mr. MCGOVERN. I yield myself the balance of my time.

Madam Speaker, first of all, the underlying bill that we are talking about here today does not violate the First Amendment of the Constitution. That's just a ridiculous argument. And we are supporting this bill because we believe that no one spending large sums of money on campaigns should be able to hide behind a made-up shell. I don't think that's controversial. I don't care whether you are a Republican or a Democrat; you should want to know who is spending all this money, who is behind these ads. Why is that such a terrible idea?

You know, I don't think it's too much to ask that these organizations identify in their campaign ads those entities providing funding for those ads. This is about sunlight and transparency. This is about giving the American people the information that I think they all want. Who is behind these ads? Who is funding these ads?

My friends on the other side of the aisle seem to be clinging to secrecy. Well, secrecy in elections does nothing except to advance deception. And so when a Member of the Republican Party, for example, apologizes for the way the Federal Government is treating BP, BP can then under the status quo set up a mechanism to funnel money into ads in favor of that candidate or, you know, against his opponent, and BP does not have to identify itself. It could fund this under a shell of Citizens for Good Government or Citizens for a Clean Environment.

We need to understand that one of the problems is the way that our government has evolved here. Money has played too big of a role. I cannot believe that our Founding Fathers could ever have imagined that money would play such a big role in campaigns, millions and millions and millions of dollars spent on congressional campaigns, on Senate campaigns. Too much time is devoted to raising money. Too much emphasis is placed on money to be able to run for office. This says nothing about capping how much we can spend on campaigns, but what it does say is that those entities that are running ads in favor of us or against us have to tell the American people who they are.

I think the reason why so many Americans support this effort is because they get it, and they want to know the truth. I think the reason why so many Americans support this is they don't want foreign governments or foreign special interests to influence our elections. As I said before, these sovereign wealth funds can be set up. China can set one up based here in the United States, come up with a shell name for the organization, and actually spend millions and millions of dollars in an election to influence the outcome. That should not be. I don't care what your political philosophy is. We should not want foreign governments or foreign interests to influence our elections. Elections here should be decided by the people of the United States, not by other countries, not by foreign interests.

And I would again remind my colleagues that as we speak, there are millions and millions of dollars being spent on negative ads all over the country against Republicans and against Democrats, and they are sponsored by organizations that have nice names, but may be funded by an industry that has a particular interest in the outcome of that election. I think it is important when these negative health care ads are being run, that people know they're being paid for by the insurance industry. I think it's important to know that when we have ads defending the behavior of BP, that we know they are to be spent by interests that are tied directly to Big Oil.

So this is about transparency. This is about full disclosure. This has nothing

to do with abridging anybody's right to speech. It just says that you have got to stand by what you say. That's not a radical idea. It's an idea that everybody in this House—I don't care what your political philosophy is—should embrace.

So I would urge my colleagues to support the underlying bill, and I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Ms. FOXX is as follows:

AMENDMENT TO H. RES. 1468 OFFERED BY MS. FOXX OF NORTH CAROLINA

At the end of the resolution add the following new section:

SEC. 5. Immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5570) to provide that no funds are authorized to be appropriated to the Internal Revenue Service to expand its workforce in order to implement, enforce, or otherwise carry out either the Patient Protection and Affordable Care Act or the Health Care and Education Reconciliation Act of 2010. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 5570.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) de-

scribes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. MCGOVERN. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on:

Adopting House Resolution 1468, if ordered;

Suspending the rules with regard to House Concurrent Resolution 285; and

Suspending the rules and agreeing to House Resolution 1464, if ordered.

The vote was taken by electronic device, and there were—yeas 243, nays 181, not voting 8, as follows:

[Roll No. 385]

YEAS—243

Ackerman	Grayson	Napolitano
Adler (NJ)	Green, Al	Neal (MA)
Altmire	Green, Gene	Nye
Andrews	Grijalva	Oberstar
Arcuri	Gutierrez	Obey
Baca	Hall (NY)	Olver
Baird	Halvorson	Ortiz
Baldwin	Hare	Owens
Barrow	Harman	Pallone
Bean	Hastings (FL)	Pascarell
Becerra	Heinrich	Pastor (AZ)
Berkley	Herseht Sandlin	Payne
Berman	Higgins	Perlmutter
Berry	Himes	Perriello
Bishop (GA)	Hinchey	Peters
Bishop (NY)	Hinojosa	Peterson
Blumenauer	Hirono	Pingree (ME)
Bocchieri	Hodes	Polis (CO)
Boren	Holden	Pomeroy
Boswell	Holt	Price (NC)
Boucher	Honda	Quigley
Boyd	Hoyer	Rahall
Brady (PA)	Inslee	Rangel
Braley (IA)	Israel	Reyes
Brown, Corrine	Jackson (IL)	Richardson
Butterfield	Jackson Lee	Rodriguez
Capps	(TX)	Ross
Capuano	Johnson (GA)	Rothman (NJ)
Cardoza	Johnson, E. B.	Roybal-Allard
Carnahan	Kagen	Ruppersberger
Carney	Kanjorski	Rush
Carson (IN)	Kaptur	Ryan (OH)
Castor (FL)	Kennedy	Salazar
Chandler	Kildee	Sanchez, Linda
Chu	Kilpatrick (MI)	T.
Clarke	Kilroy	Sanchez, Loretta
Clay	Kind	Sarbanes
Cleaver	Kirkpatrick (AZ)	Schakowsky
Clyburn	Kissell	Schauer
Cohen	Klein (FL)	Schiff
Connolly (VA)	Kosmas	Schrader
Conyers	Kratovil	Schwartz
Cooper	Kucinich	Scott (GA)
Costa	Langevin	Scott (VA)
Costello	Larsen (WA)	Serrano
Courtney	Larson (CT)	Sestak
Critz	Lee (CA)	Shea-Porter
Crowley	Levin	Sherman
Cuellar	Lewis (GA)	Shuler
Cummings	Lipinski	Sires
Dahlkemper	Loeb sack	Skelton
Davis (AL)	Lofgren, Zoe	Slaughter
Davis (CA)	Lowey	Smith (WA)
Davis (IL)	Lujan	Snyder
Davis (TN)	Lynch	Space
DeFazio	Maffei	Speier
DeGette	Maloney	Spratt
Delahunt	Markey (CO)	Stark
DeLauro	Markey (MA)	Stupak
Deutch	Marshall	Sutton
Dicks	Matheson	Tanner
Dingell	Matsui	Teague
Doggett	McCarthy (NY)	Thompson (CA)
Donnelly (IN)	McCollum	Thompson (MS)
Doyle	McDermott	Tierney
Driehaus	McGovern	Titus
Edwards (MD)	McMahon	Tonko
Edwards (TX)	McNerney	Towns
Ellsworth	Meek (FL)	Tsongas
Engel	Meeks (NY)	Van Hollen
Eshoo	Michaud	Velázquez
Etheridge	Miller (NC)	Walz
Farr	Miller, George	Wasserman
Fattah	Minnick	Schultz
Filner	Mollohan	Waters
Foster	Moore (KS)	Watson
Frank (MA)	Moran (VA)	Watt
Fudge	Murphy (CT)	Waxman
Garamendi	Murphy (NY)	
Gonzalez	Murphy, Patrick	
Gordon (TN)	Nadler (NY)	

Weiner  
Welch

Wilson (OH)  
Woolsey

Wu  
Yarmuth

## RECORDED VOTE

Ms. FOXX. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 205, not voting 8, as follows:

[Roll No. 386]

AYES—220

NAYS—181

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Bartlett  
Barton (TX)  
Biggert  
Billbray  
Billirakis  
Bishop (UT)  
Blackburn  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Childers  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Davis (KY)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Djou  
Dreier  
Duncan  
Ehlers  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Foxx  
Franks (AZ)  
Frelinghuysen  
Gallegly

Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves (GA)  
Graves (MO)  
Griffith  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hill  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McIntyre  
McKeon  
McMorris  
Rodgers  
Melancon  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary

Mitchell  
Moran (KS)  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Olson  
Paul  
Paulsen  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Rehberg  
Radanovich  
Reichert  
Berry  
Bishop (NY)  
Blumenauer  
Boccheri  
Boswell  
Boucher  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (AL)  
Davis (CA)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Deutsch  
Dicks  
Dingell  
Doggett  
Doyle  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ellison  
Ellsworth  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Foster  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez

Ackerman  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Becerra  
Berkley  
Berman  
Berry  
Bishop (NY)  
Blumenauer  
Boccheri  
Boswell  
Boucher  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (AL)  
Davis (CA)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Deutsch  
Dicks  
Dingell  
Doggett  
Doyle  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ellison  
Ellsworth  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Foster  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez

Hall (NY)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Holden  
Holt  
Honda  
Hoyer  
Inlee  
Israel  
Jackson Lee  
(TX)  
Reyes  
Richardson  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Loftgren, Zoe  
Lowey  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Matheeson  
Matsui  
McCollum  
McDermott  
McGovern  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michael  
Miller (NC)  
Miller, George  
Mollohan  
Moore (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Oberstar  
Obey

Olver  
Ortiz  
Owens  
Pallone  
Pascarella  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Perriello  
Peters  
Peterson  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Ryan (OH)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schrader  
Sherman  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Sutton  
Tanner  
Teague  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Waxman  
Weiner  
Welch  
Wilson (OH)  
Woolsey  
Yarmuth

Biggert  
Billbray  
Billirakis  
Bishop (GA)  
Bishop (UT)  
Blackburn  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boustany  
Boyd  
Brady (TX)  
Bright  
Broun (GA)  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Childers  
Coble  
Coffman (CO)  
Cole  
Conaway  
Cooper  
Culberson  
Dahlkemper  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Djou  
Donnelly (IN)  
Dreier  
Duncan  
Ehlers  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Foxx  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Goodlatte

Granger  
Graves (GA)  
Graves (MO)  
Griffith  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Hill  
Hodes  
Hunter  
Inglis  
Issa  
Jackson (IL)  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Kratovil  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCotter  
McHenry  
McIntyre  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Minnick  
Mitchell  
Moore (WI)  
Moran (KS)  
Murphy, Tim

Myrick  
Neugebauer  
Nunes  
Nye  
Olson  
Paul  
Paulsen  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Quigley  
Radanovich  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Sestak  
Shadegg  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Stearns  
Stupak  
Sullivan  
Taylor  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Watt  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Wu  
Young (AK)  
Young (FL)

NOT VOTING—8

Barrett (SC)  
Blunt  
Brown (SC)

Brown-Waite,  
Ginny  
Crenshaw

Hoekstra  
Visclosky  
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1223

Messrs. BISHOP of Georgia and JACKSON of Illinois changed their vote from “aye” to “no.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING DESIGNATION OF  
YEAR OF THE FATHER

The SPEAKER pro tempore (Mr. SALAZAR). The unfinished business is

Barrett (SC)  
Blunt  
Brown (SC)

Ellison  
Hoekstra  
Moore (WI)

Visclosky  
Wamp

□ 1214

Messrs. FLEMING, HUNTER, NEUGEBAUER, Mrs. MYRICK, Messrs. CAO, KING of New York, Ms. FALLIN and Mr. MCINTYRE changed their vote from “yea” to “nay.”

Mr. DAVIS of Illinois changed his vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

NOES—205

Aderholt  
Adler (NJ)  
Akin  
Alexander

Austria  
Bachmann  
Bachus  
Baldwin

Barrow  
Bartlett  
Barton (TX)  
Bean

the vote on the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 285) recognizing the important role that fathers play in the lives of their children and families and supporting the goals and ideals of designating 2010 as the Year of the Father, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the concurrent resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 9, as follows:

[Roll No. 387]

YEAS—423

Ackerman	Carter	Fleming
Aderholt	Cassidy	Forbes
Adler (NJ)	Castle	Portenberry
Akin	Castor (FL)	Foster
Alexander	Chaffetz	Fox
Altmire	Chandler	Frank (MA)
Andrews	Childers	Franks (AZ)
Arcuri	Chu	Frelinghuysen
Austria	Clarke	Fudge
Baca	Clay	Gallagher
Bachmann	Cleaver	Garamendi
Bachus	Clyburn	Garrett (NJ)
Baird	Coble	Gerlach
Baldwin	Coffman (CO)	Giffords
Barrow	Cohen	Gingrey (GA)
Bartlett	Cole	Gohmert
Barton (TX)	Conaway	Gonzalez
Bean	Connolly (VA)	Goodlatte
Becerra	Conyers	Gordon (TN)
Berkley	Cooper	Granger
Berman	Costa	Graves (GA)
Berry	Costello	Graves (MO)
Biggert	Courtney	Grayson
Bilbray	Crenshaw	Green, Al
Bilirakis	Critz	Green, Gene
Bishop (GA)	Crowley	Griffith
Bishop (NY)	Cuellar	Grijalva
Bishop (UT)	Culberson	Guthrie
Blackburn	Cummings	Gutierrez
Blumenauer	Dahlkemper	Hall (NY)
Bocieri	Davis (AL)	Hall (TX)
Boehner	Davis (CA)	Halvorson
Bonner	Davis (IL)	Hare
Bono Mack	Davis (KY)	Harman
Boozman	Davis (TN)	Harper
Boren	DeFazio	Hastings (FL)
Boswell	DeGette	Hastings (WA)
Boucher	Delahunt	Heinrich
Boustany	DeLauro	Heller
Boyd	Dent	Hensarling
Brady (PA)	Deutch	Herger
Brady (TX)	Diaz-Balart, L.	Herseth Sandlin
Braley (IA)	Diaz-Balart, M.	Higgins
Bright	Dicks	Hill
Broun (GA)	Djou	Himes
Brown, Corrine	Doggett	Hinche
Brown-Waite,	Donnelly (IN)	Hinojosa
Ginny	Doyle	Hirono
Buchanan	Dreier	Hodes
Burgess	Driehaus	Holden
Burton (IN)	Duncan	Holt
Butterfield	Edwards (MD)	Honda
Buyer	Edwards (TX)	Hoyer
Calvert	Ehlers	Hunter
Camp	Ellison	Inglis
Campbell	Ellsworth	Inslee
Cantor	Emerson	Israel
Cao	Engel	Issa
Capito	Eshoo	Jackson (IL)
Capps	Etheridge	Jackson Lee
Capuano	Fallin	(TX)
Cardoza	Farr	Jenkins
Carnahan	Fattah	Johnson (GA)
Carney	Filner	Johnson (IL)
Carson (IN)	Flake	Johnson, E. B.

Johnson, Sam	Miller (MI)	Sarbanes
Jones	Miller (NC)	Scalise
Jordan (OH)	Miller, Gary	Schakowsky
Kagen	Miller, George	Schauer
Kanjorski	Minnick	Schiff
Kaptur	Mitchell	Schmidt
Kennedy	Mollohan	Schock
Kildee	Moore (KS)	Schrader
Kilpatrick (MI)	Moore (WI)	Schwartz
Kilroy	Moran (KS)	Scott (GA)
Kind	Moran (VA)	Scott (VA)
King (IA)	Murphy (CT)	Sensenbrenner
King (NY)	Murphy (NY)	Serrano
Kingston	Murphy, Patrick	Sessions
Kirk	Murphy, Tim	Sestak
Kirkpatrick (AZ)	Myrick	Shadegg
Kissell	Nadler (NY)	Shea-Porter
Klein (FL)	Neal (MA)	Sherman
Kline (MN)	Neugebauer	Shimkus
Kosmas	Nunes	Shuler
Kratovil	Nye	Shuster
Kucinich	Oberstar	Simpson
Lamborn	Obey	Sires
Lance	Olson	Skelton
Langevin	Olver	Slaughter
Larsen (WA)	Ortiz	Smith (NE)
Larson (CT)	Owens	Smith (NJ)
Latham	Pallone	Smith (TX)
LaTourette	Pascarell	Smith (WA)
Latta	Pastor (AZ)	Snyder
Lee (CA)	Paul	Space
Lee (NY)	Paulsen	Speier
Levin	Payne	Spratt
Lewis (CA)	Pence	Stark
Lewis (GA)	Perlmutter	Stearns
Linder	Perriello	Stupak
Lipinski	Peters	Sullivan
LoBiondo	Peterson	Sutton
Loebach	Petri	Tanner
Lowe	Pingree (ME)	Taylor
Lucas	Pitts	Teague
Luetkemeyer	Platts	Terry
Lujan	Poe (TX)	Thompson (CA)
Lummis	Polis (CO)	Thompson (MS)
Lungren, Daniel	Pomeroy	Thompson (PA)
E.	Posey	Thornberry
Lynch	Price (GA)	Tiahrt
Mack	Price (NC)	Tiberi
Maffei	Putnam	Tierney
Maloney	Quigley	Titus
Manzullo	Radanovich	Tonko
Marchant	Rahall	Towns
Markey (CO)	Rangel	Tsongas
Markey (MA)	Rehberg	Turner
Marshall	Reichert	Upton
Matheson	Reyes	Van Hollen
Matsui	Richardson	Velázquez
McCarthy (CA)	Rodriguez	Walden
McCarthy (NY)	Roe (TN)	Walz
McCaul	Rogers (AL)	Wasserman
McClintock	Rogers (KY)	Schultz
McCollum	Rogers (MI)	Waters
McCotter	Rohrabacher	Watson
McDermott	Rooney	Watt
McGovern	Ros-Lehtinen	Waxman
McHenry	Roskam	Weiner
McIntyre	Ross	Welch
McKeon	Rothman (NJ)	Westmoreland
McMahon	Roybal-Allard	Whitfield
McMorris	Royce	Wilson (OH)
Rodgers	Ruppersberger	Wilson (SC)
McNerney	Rush	Wittman
Meek (FL)	Ryan (OH)	Wolf
Meeks (NY)	Ryan (WI)	Woolsey
Melancon	Salazar	Wu
Mica	Sanchez, Linda	Yarmuth
Michaud	T.	Young (AK)
Miller (FL)	Sanchez, Loretta	Young (FL)

NOT VOTING—9

Barrett (SC)	Dingell	Napolitano
Blunt	Hoekstra	Visclosky
Brown (SC)	Lofgren, Zoe	Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1231

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# RECOGNIZING 50TH ANNIVERSARY OF UNITED STATES-JAPAN TREATY OF MUTUAL COOPERATION AND SECURITY

The SPEAKER pro tempore (Mrs. HALVORSON). The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1464) recognizing the 50th anniversary of the conclusion of the United States-Japan Treaty of Mutual Cooperation and Security and expressing appreciation to the Government of Japan and the Japanese people for enhancing peace, prosperity, and security in the Asia-Pacific region.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

RECORDED VOTE

Mr. KUCINICH. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

# PERMISSION TO CONTROL TIME IN GENERAL DEBATE DURING CONSIDERATION OF H.R. 5175

Mr. BRADY of Pennsylvania. Madam Speaker, I ask unanimous consent that, during consideration of H.R. 5175 pursuant to House Resolution 1468, the gentleman from Michigan (Mr. CONYERS), or his designee, may control 10 minutes of the general debate time allocated to the chair of the Committee on House Administration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

# GENERAL LEAVE

Mr. BRADY of Pennsylvania. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 5175 and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

# DEMOCRACY IS STRENGTHENED BY CASTING LIGHT ON SPENDING IN ELECTIONS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1468 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5175.

□ 1235

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5175) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes, with Mr. SALAZAR in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time. Pursuant to the rule and the order of the House of today, the gentleman from Pennsylvania (Mr. BRADY) will control 20 minutes, the gentleman from California (Mr. DANIEL E. LUNGREN) will control 30 minutes, and the gentleman from Michigan (Mr. CONYERS) will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. BRADY of Pennsylvania. I yield myself 3 minutes.

Mr. Chairman, I stand with the American people and the House leadership in support of H.R. 5175, the Democracy is Strengthened by Casting Light on Spending in Elections Act, or the DISCLOSE Act.

The legislation is designed to bring greater disclosure and transparency to election spending. The importance of this objective was reinforced in the Supreme Court's accompanying 8-1 decision that reaffirmed "the constitutionality and necessity of laws that require the disclosure of political spending."

Our democracy requires transparency and accountability in our political campaigns. Knowing the source of political spending allows voters to investigate the motives and to better assess the truthfulness and accuracy of the claims of the spenders and the candidates.

The DISCLOSE Act is a careful response to address the likely consequences of the Citizens United decision. The bill enhances disclosure requirements for corporations, unions, and other groups that decide to make campaign-related expenditures or to transfer funds to other organizations for the purpose of engaging in campaign-related activity.

This improvement to current disclosure requirements allows voters to fol-

low the money and ensure that special-interest money cannot hide behind sham organizations and shell corporations. If outside groups spend their funds in campaigns, the Supreme Court has recognized it as essential to hold them accountable. Voters have a right to know who is trying to buy our elections.

The bill expands disclaimers to require CEOs or highest-ranking officials of organizations that sponsor political advertisements to record "stand by your ad" disclaimers as well as to protect taxpayer dollars from misuse by preventing certain government contractors and TARP beneficiaries from making campaign-related expenditures.

The DISCLOSE Act also closes a loophole created by Citizens United to ensure that foreign corporations and foreign governments are not able to influence American elections by spending unlimited sums through their U.S. subsidiaries or affiliates. By allowing these entities to fund campaign communications, foreign-controlled corporations could use potentially bottomless coffers to influence the course of political debate and play a role in writing U.S. policy.

Considerable attention has been focused on a narrow exemption included in the bill, which is designed to accommodate nonprofit issue advocacy groups, which long have participated in political activity of which its dues-paying members are aware of and support. To be eligible for the exemption, an organization must have more than 500,000 dues-paying members, with a presence in all 50 States, have had tax-exempt status for the previous 10 years, and derive no more than 15 percent of its funding from corporate or union sources. It cannot use any corporate or union money to pay for campaign-related expenditures.

The narrowness of the existing exemption will prevent future organizations from being formed to function only as "dummy," or sham groups, existing only to make campaign expenditures but without needing to disclose their major funders.

□ 1240

Exempted groups will still be required to file publicly available reports disclosing their campaign-related expenditures, and the CEOs of these groups will still have to appear in and take responsibility for all campaign-related ads run by their group.

The CHAIR. The time of the gentleman has expired.

Mr. BRADY of Pennsylvania. Mr. Chairman, I yield myself 30 additional seconds.

The DISCLOSE Act ensures transparency and enhances accountability. It provides prompt and honest disclosure of political spending by those seeking to influence our elections.

A total of six hearings were held in the House and Senate, with more than 36 expert witnesses testifying. Concerned citizens have been vocal about the potential consequences of the Citizens United decision, sending nearly 2,500 emails and making roughly 4,500 phone calls in 1 week to the Committee on House Administration, urging Congress to quickly consider legislation that addresses the loopholes created by the Citizens United ruling.

The CHAIR. The time of the gentleman has again expired.

Mr. BRADY of Pennsylvania. Mr. Chairman, I yield myself 30 additional seconds.

This outcry of support reveals the DISCLOSE Act reflects the will of the American people and commands the support of their representatives. In addition, with 114 cosponsors and a broad spectrum of support, H.R. 5175 promotes openness in our politics. If Congress does not adopt the DISCLOSE Act, the public will be left in the dark to wonder whose interests are truly being served by a flood of negative advertising that will come to dominate campaigns.

I urge all Members to support this legislation.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chair, obviously, if you attempt to speak on the floor and your microphone is not near you or they have turned it off, you can't exercise your right to represent your constituents here—I yield myself such time as I may consume—and that is the problem with this bill. It does not allow the free exercise of the First Amendment right to speech.

The Constitution of the United States refers to that First Amendment. And, unfortunately, in many, many decisions by the Supreme Court, they've talked about everything other than political speech. Yet in the Citizens United v. Federal Election Commission case, the court finally got it right. The majority opinion says the First Amendment stands against attempts to disfavor certain subjects or viewpoints prohibited to or restrictions differing among different speakers allowing speech by some but not by others. Unfortunately, Mr. Chairman, that's exactly what this bill does.

Benjamin Franklin stated: Whoever would overthrow the liberty of a Nation must begin by subduing the freeness of speech. Unfortunately, that is what we have here before us, Mr. Chairman. Just because you call something "disclose" or "disclosure" does not make it so. When you prohibit speech, as has been done here; when you have onerous disclosure obligations placed on some but not all; when you make no distinguishing, that is, constitutionally justifiable distinguishing differences between groups, that is, you cause some to be subjected

to provisions of disclosure and others not; when you specifically have five or six provisions in which you exempt unions as opposed to corporations of all stripes, then you have rendered the bill unconstitutional.

Mr. Chairman, I would have asked if it were proper to have a unanimous consent request to extend our debate for 4 hours, but I know that's not in order. The majority has decided to stifle debate by allowing only a single hour of debate on this issue dealing directly with the First Amendment. We have spent in excess of 10 hours in this Congress talking about the naming of post offices, but we have determined that we do not have more time than an hour to discuss something as important as the First Amendment to the Constitution.

When we allow ourselves to become an auction house for the First Amendment, where some, because of their power and influence, are allowed to exercise First Amendment rights, unfettered, and others are not, it is a sorry day. And to do it under the rubric of disclosure is even worse, but that's what we have here.

Mr. Chairman, in the time given to us, I hope that we can explain exactly what this bill does and what it does not do and why it, in fact, not only is dangerous to the First Amendment but is directed at the heart of the First Amendment, which is vigorous political speech, particularly close to an election. It may make some Members uncomfortable. As a matter of fact, in some of the hearings and markup of this bill, we had Members saying, If I had my way, I'd make sure no one could say anything about our campaigns except those of us who are candidates. Unfortunately, there's something called the First Amendment. And I know it's bothersome to some on the other side. I know it's an obstacle to what they want to do. But when I came here, I took an oath to uphold the Constitution and all parts, not just the Second Amendment by way of specific exemption, but of all amendments, the first as well as the second, and every other.

With that, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Ladies and gentlemen of the House, this is the most disturbing debate that I have engaged in in the 111th Congress. And to hear what I've already heard from one of the most distinguished members of this Judiciary Committee is a little bit dismaying to me. Let me say this. I'll answer one of his questions. What does the bill do? And I agree, I'd love 4 hours. Perhaps we'll be debating this bill after the vote, regardless of its outcome.

This bill rolls back the decision—the blatant decision—of Citizens United in the Supreme Court by using the three

tools that the Court said that we could do to make their decision different. First, we can increase disclosure; two, we can require disclaimer requirements on advertisements; and, three, we can limit foreign influence in our elections. One, two, three.

The danger of the Citizens United decision, the most shocking decision I have read in the Supreme Court in many, many years, is the threat of groups who attack candidates for office without ever having to tell people which corporations are bankrolling these ads. This is what the DISCLOSE Act, the bill on the floor, is designed to prevent. This bill permits some long-established advocacy groups to forego some of the new disclosure requirements. But if these groups take more than 15 percent of their money from corporations, then all the requirements of the DISCLOSE Act kick in and they have to stand by their ads, just like candidates do.

In Citizens United, Justice Stevens, who argued with much more persuasive reasoning his position in this case, dissenting, said this: "The Constitution does, in fact, permit numerous 'restrictions on the speech of some in order to prevent a few from drowning out the many; for example, restrictions on ballot access and on legislators' floor time.'"

He stated that corporations are categorically different from individuals. Here's what he said: "In the context of election to public office, the distinction between corporate and human speakers is significant. Although they make enormous contributions to our society, corporations are not actually members of it. They cannot vote or run for office. Because they may be managed and controlled by nonresidents, their interests may conflict in fundamental respects with the interests of eligible voters."

□ 1250

And then he closed with this sentence: "Our lawmakers have a compelling constitutional basis, if not a democratic duty, to take measures designed to guard against the potentially deleterious effects of corporate spending in local and national races."

Mr. Chair, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Chairman, I yield 4 minutes to the gentlady from California (Ms. ZOE LOFGREN), a valued member of the Committee on House Administration.

Ms. ZOE LOFGREN of California. Mr. Chair, the Supreme Court's decision in the Citizens United case fundamentally altered the political landscape. As a result of the Court's ruling, all organizations, corporations and unions are free to take unlimited corporate money and make unlimited political expenditures. This could allow corporations to simply take over the political system.

According to a report released late last year by Common Cause, the average amount spent for winning a House seat in the 2008 cycle was \$1.4 million. During the same cycle, Exxon-Mobil recorded \$80 billion in profits. If Exxon-Mobil chose to use just 1 percent of their profits on political activity, it would be more than what all 435 winning congressional candidates spent in that election cycle, and that's just 1 percent of the profits of one corporation.

Now according to the Supreme Court, we cannot limit what corporations can say or what they can spend, but we can require them to disclose what they are doing to the American public. And I will read you what the Court said in its decision: "The First Amendment protects political speech, and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages." And that's what this bill does. It does exactly what the Supreme Court said that we could do and should do, and that is to require disclosure, to require transparency.

In the past, transparency has been a bipartisan issue. Senator MITCH MCCONNELL was quoted in April saying, "We need to have real disclosure." Why would a little disclosure be better than a lot of disclosure? Republican leader JOHN BOEHNER in 2007 said, "I think what we ought to do is we ought to have full disclosure." And went on to say, "I think that sunlight is the best disinfectant."

This measure, the DISCLOSE Act, has been supported by government reform groups, including Common Cause, the League of Women Voters, Public Citizens, Senate Majority Leader HARRY REID; and the chairman of the Senate Rules Committee have released a letter indicating their strong commitment to Senate action on the DISCLOSE Act. The White House strongly supports the DISCLOSE Act. The President says he will sign this bill when it comes to his desk.

Now, I ask my colleagues, will you stand with the American people in calling for disclosure and transparency in the political process, or will you allow corporations to overtake our democracy with the expenditure of undisclosed, limitless amounts of money? I think that we should stand with the American people. We should vote for the DISCLOSE Act. Disclosure is good. Voters need to know who is saying what.

Mr. DANIEL E. LUNGREN of California. At this time, Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. HARPER), a valued member of our committee.

Mr. HARPER. Mr. Chairman, if there is anything the hearings on this bill

and the subsequent discussion taught us, it is that the bill is far from clear. The authors of the bill say it does one thing; the experts say it does another; the majority's own witnesses have said that it will be up to the FEC to decide what the language means.

This confusion and ambiguity would be bad enough in any bill, but it is especially bad here. This bill has implementing language that makes it take effect 30 days after enactment regardless of whether the FEC has published regulations. Indeed, one of the majority's witnesses said at a hearing that it would be next to impossible for the FEC to promulgate regulations before the November elections. That means as we move toward elections just 4 months away and Americans consider how to express their views, there will be no guidance to clear up the bill's ambiguity, no instructions for how to comply, and no way to participate in the political process with confidence that your speech will not land you in jail.

Mr. Chairman, this bill is going to impose civil and criminal penalties on speakers without them having any notice that their behavior may be against the law. What that means is that rather than exercising their First Amendment rights, speakers are just going to stay silent. As former United States Solicitor General Ted Olson stated at our committee's May 6 hearing, "So we are saying that you have to guess what the law is because the government can't even tell you what the law is. And if you guess wrong, you may be sent to jail or you may be prosecuted."

Those who seek to challenge this bill's ambiguous and potentially unconstitutional provisions in court are going to be faced with a judicial review process designed for delay and frustration. The procedure in this bill conflicts with the processes created in both the Federal Election Campaign Act and the Bipartisan Campaign Reform Act, opening the door to collateral litigation to decide what court to be in before the case is even heard. Section 401 of this bill is congressional forum shopping.

The only conclusion one can draw from the immediate implementation without regulatory guidance and the protracted court process is that this bill is designed to affect the outcome of the 2010 elections. Indeed, one need not guess to know that this is true. A letter sent earlier this week from Senate majority leadership to House majority leadership pledged to work "tirelessly" so that the bill "can be signed by the President in time to take effect for the 2010 elections."

And there it is, Mr. Chairman. The proponents of the bill want this House to pass legislation in time to affect the outcomes of the 2010 elections. They have refused our proposals to make this bill effective in 2011 because they

want to change the law this year to affect this election—no matter that there will be no explanatory regulations and no review to ensure that the law complies with the Constitution.

The CHAIR. The time of the gentleman from Mississippi has expired.

Mr. DANIEL E. LUNGREN of California. I yield the gentleman 1 additional minute.

Mr. HARPER. So the end result is the bill's proponents are rushing it into effect before the regulators or the regulated community are ready, doing what they can to delay court review, and taking those steps despite their obvious expectation that parts of the bill will not survive judicial scrutiny. The only reason that makes sense has to do with the elections coming up in just over 4 months. The House should reject this attempt to pass a law that can alter the outcome of its own upcoming elections, and let the voters decide this for themselves. I urge my colleagues to oppose this bill.

Mr. BRADY of Pennsylvania. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland, CHRIS VAN HOLLEN.

Mr. VAN HOLLEN. Mr. Chair, I want to start by thanking Chairman BRADY, Ms. LOFGREN, and the other members of the committee, as well as Chairman CONYERS, Mr. NADLER, and those on the Judiciary Committee, and to MIKE CASTLE and all the other cosponsors of this legislation, which addresses the very serious threats to our democracy created by the Supreme Court's decision in *Citizens United*, which in a very radical departure from precedent said that major corporations, including foreign-controlled corporations operating in the United States, will be treated like American citizens for the purposes of being able to spend unlimited amounts of money in our elections.

This bill addresses this issue in three ways. First we say, if you're a foreign-controlled corporation—if you are British Petroleum, if you are a Chinese wealth fund that controls a corporation here in the United States, if you are Citgo, controlled by Hugo Chavez, you have no business spending money in U.S. elections overtly or secretly. And if we don't do something about that now, they will be able to do either of those things.

□ 1300

Number two, we say if you are a Federal contractor, if you are getting over \$10 million from the American taxpayer or you are AIG, you shouldn't be recycling those moneys into elections to try and influence the body that gave you the contracts because there is a greater danger of corruption in the expenditure of those moneys.

Third, we require disclosure. We believe that the voter has the right to know. You would think from the comments from the other side of the aisle

we are restricting what people can say. That is not true. You can say anything you want in any ad you want. What you can't do is hide behind the darkness, not tell people who you are. Voters have a right to know when they see an ad going on with a nice-sounding name, the Fund For a Better America, they have the right to know who is paying for it. They have a right to know if BP is paying for it. They have a right to know if any corporation or big-bucks individual is paying for it because it is a way to give them information to assess the credibility of the ad.

You vote "no" on this, you are saying go ahead and spend millions of dollars, corporations or individuals, and say whatever you want, which is fine, but we are not going to let the voters know who you are. That is what a lot of these interests want. And the reason the League of Women Voters—no big special interest group there—League of Women Voters, Common Cause, Public Citizen, Democracy 21, all of the organizations that have devoted themselves to clean and fair elections support this legislation because they understand that the American voter has a right to know who is spending all of these moneys on these ads, and they don't want foreign-controlled corporations dumping millions of dollars into U.S. elections.

So, my colleagues, I hope we will move forward on this to make sure that the voice of citizens is not drowned out by secret spending by the biggest corporations, including foreign-controlled corporations.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the chairman of the Constitution Subcommittee, the gentleman from New York (Mr. NADLER).

Mr. NADLER of New York. Mr. Chairman, I rise in support of the DISCLOSE Act.

Earlier this year, a majority of the Supreme Court reversed decades of precedent and struck down a whole series of reform laws limiting the influence of corporate money in elections. The court ruled that corporations are people, just like you and me, and have a corresponding absolute constitutional right to pump as much money as they want into our elections. It revived the fears of concentrated corporate powers, distorting our democratic process, fears that have been held by believers in a republican form of government from the days of Jefferson and Madison and Jackson.

The very real danger now is that corporations will be able to use vast sums of concentrated money to further corrupt our political process and drown out the voices of everyone else. Without action, as a result of this latest activist Supreme Court decision, our electoral system will once again be at the mercy of large moneyed interests.

This bill takes several critical steps to reclaim our elections. The most important one is that it would require disclosure by corporations and labor unions of donors providing money for political purposes in certain circumstances, and would mandate that corporate CEOs appear in company political ads to say that they "approve this message," just as candidates would do.

With these and several other provisions, the DISCLOSE Act will constitutionally set some limits on the role of big money in politics, not by limiting the corporate money, unfortunately, but by requiring disclosure of the sources of the corporate money, and thus providing voters with valuable information on which wealthy interests are behind which political advertising so voters can better evaluate that advertising.

I know many people on the other side of the aisle who opposed contribution limits previously, in the McCain-Feingold Act, for instance, always said, Don't limit political expenditures. The solution is disclosure. Let people know who is sponsoring the ads, that will safeguard the integrity of our elections. Well, I don't think disclosure is enough, but it is all the Supreme Court will allow us to do. And to hear all of the people on the other side of the aisle now, people who argued for disclosure for years, now suddenly claim that requiring disclosure is a limit on free speech is very disturbing, to put it mildly.

The CHAIR. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 1 minute.

Mr. NADLER of New York. It is important that voters know whether the ad sponsored by Citizens for a Clean Environment are really bank-rolled by British Petroleum, or perhaps by the Sierra Club, in order to judge the ad's credibility.

Now, I know there is a great deal of concern by some people about one part of the legislation which would exempt the category of organizations from the obligation to disclose their contributors, not from other obligations of the bill, but from the obligation to disclose their contributors. By limiting the exemption of this one requirement to include only those organizations which have been in existence for at least a decade, have 500,000 dues-paying members, have dues-paying members in each of the 50 States, and receive no more than 15 percent of their funding from corporations and unions, the bill would still require disclosure from the kind of corporations who seek to buy elections secretly and with unlimited cash. We cannot allow the perfect to become the enemy of the good. The DISCLOSE Act would make a vast and substantial difference in protecting the integrity of our elections, and I cannot

think of a more important bill if this country is going to remain a democracy with a small "d" and not a captive of large corporations.

I urge all of my colleagues to support this bill despite its imperfections.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MCCARTHY), a valued member of our committee.

Mr. MCCARTHY of California. Mr. Chairman, just a block away from this Capitol stands the Supreme Court. Like many other courthouses across this country, it bears the image of the Goddess of Justice. Many of you know the statue. She holds a set of scales symbolizing the fairness and equality of law. She wears a blindfold symbolizing impartiality. Unfortunately, this bill does not represent either of those issues.

Like so many other bills this House Democratic leadership has forced onto the floor, this bill suffers the same taint. The provisions in this bill are a result of backroom negotiations and special deals to exempt some powerful interest groups at the expense of smaller ones.

But the unfortunate thing about this bill today is rather than respecting the First Amendment promise to protect the speech of all Americans, it attempts to use the First Amendment as a partisan sledgehammer to silence certain speakers in favor of others, especially unions.

Mr. Chairman, this bill bans corporations with government contracts over \$10 million from political speech. The sponsor says that is because those contractors might try to influence decisions by government officials. But this bill does nothing for the labor unions who are parties to collective bargaining agreements with the government. Even though unions have huge amounts of money at stake and every incentive to influence decisions about the contracts by government officials, it does nothing.

We offered an amendment to uphold fairness and equality, but that was rejected in committee.

A second example, Mr. Chairman, is we all agree that foreign citizens shouldn't influence our elections, whether they are foreign citizens that are part of the foreign corporation, or foreign citizens that are part of a union with interests in the United States.

This bill requires CEOs to certify, under penalty of perjury, that their companies are not foreign nationals, under the newly expanded standard of the bill. But the bill does nothing to ensure that when labor unions are spending money on elections, that money did not come from people who are themselves prohibited from spending money to influence American elections.

Again, we offered an amendment to treat corporations and unions equally

under the bill by requiring the same certification of labor union chiefs, but again, it was rejected.

Mr. Chairman, a third example: I point to the centerpiece provision of this bill, the so-called disclosure requirement. The bill requires organizations to disclose information about the individuals who gave more than \$600. But the Federal Election Committee asked everybody else to do it at \$200.

The CHAIR. The time of the gentleman has expired.

Mr. DANIEL E. LUNGREN of California. I yield the gentleman an additional 1 minute.

Mr. MCCARTHY of California. As one of the majority members of our committee asked, Where did that number come from? Well, it is just high enough to make sure that unions will not have to report any of their dues, because as you see, the average for a union is \$377 in 2004, so it treats them different than we treat every other American and every other campaign. So while candidates and political parties have to itemize contributions from donors above \$200, we have a different rule in this bill, a rule apparently designed for the convenience of unions.

Again, we offered an amendment to make this disclosure requirement the same as how all Federal laws have long required disclosure of donors to candidates and political parties, but again, it was rejected.

□ 1310

Rather than spending time today listening to Americans and addressing the number one priority in this country, helping to create jobs and grow our economy, again and again I watch this Congress mired in its own partisan priorities. I listened to the gentleman from Maryland. He happens also to be the chairman of the Democratic Congressional Committee.

The CHAIR. The time of the gentleman has again expired.

Mr. DANIEL E. LUNGREN of California. I yield the gentleman 30 additional seconds.

Mr. MCCARTHY of California. As I listened, I remembered last week as we sat on this floor thinking this bill would come together, but the backroom deal was not done. As I started the speech, thinking of the Goddess of Justice, and I go through this bill, the blindfold is taken off and the thumb is put on the scale to weigh to one side. This does not honor the First Amendment. This does not honor the fairness of what this building represents.

I ask for a "no" vote.

Mr. BRADY of Pennsylvania. Mr. Chairman, I am pleased to yield 2 minutes to the gentlelady from California (Mrs. DAVIS), another valued member of the House Administration Committee.

Mrs. DAVIS of California. Mr. Chairman, I rise today in support of the DISCLOSE Act. Under current law, yes, it

is correct that groups must disclose their name in advertisements and file a disclosure form, but, you know, that doesn't tell anyone very much at all.

Right now, voters see TV ads sponsored by organizations they have never heard of, groups like the American Future Fund, American Leadership Project, Citizens for Strength and Security, Common Sense in America, and today I am getting calls from the Campaign for Liberty. But they will not tell us who they are. Does anybody know who they are?

In 2008, there were over 80 of these groups, and they bought \$135 million in advertisements. I, for one, don't think our constituents should go through another election cycle in the dark. Voters want to know: Who's behind that ad? Who stands to gain from it? Why isn't an actual person, a corporation, or a union taking responsibility for it? The DISCLOSE Act will finally put that information in voters' hands with tough disclosure and disclaimer requirements.

I want to tell you because the DISCLOSE Act also sets some important limits to protect taxpayer dollars. I ask those opposed to the bill: Do we want ads from banks that still have TARP funds? Do we want subsidiaries of foreign-controlled companies meddling in our elections? Well, I would think the answer is clearly "no."

The DISCLOSE Act is just like other consumer protection bills this body has passed. I can think of no single time that I regretted giving my constituents more information so they can make wise, informed decisions.

Mr. BRADY of Pennsylvania. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New Mexico (Mr. TEAGUE).

Mr. TEAGUE. Mr. Chairman, I rise today in strong support of the DISCLOSE Act, a bill that I am proud to cosponsor. Several months ago, in the Citizens United case, the Supreme Court made a dangerous decision to allow unlimited corporate and union money into our elections. The consequences of this decision for our democracy are dire.

Unless we act, massive corporations can secretly funnel hundreds of millions of dollars through shadowy front groups to influence elections. A foreign company like British Petroleum could even retaliate against Members of Congress who want to hold them accountable by secretly funding millions in attack ads.

If we don't act to stop this injustice, limitless corporate money will flood into our political system and drown out the voice of the American people. Debates between citizens will be replaced by hours of televised ads secretly funded by corporate interests.

Some people say this is a First Amendment free speech issue. Of course it is. The court decision actu-

ally lets foreign corporations influence our elections. What this bill does is protect the speech of American citizens.

Mr. Chair, the DISCLOSE Act says free speech is for people. The DISCLOSE Act also says pick a side. Do you support protecting the voice of the American people?

I ask everyone to support the bill.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, at this time I yield 2 minutes to the gentleman from Texas (Mr. SMITH), the ranking member of the Judiciary Committee.

Mr. SMITH of Texas. Mr. Chairman, first of all, I want to thank the ranking member of this committee, and my colleague on the Judiciary Committee, for yielding me time.

Mr. Chairman, earlier this year, in *Citizens United v. Federal Election Commission*, the Supreme Court struck down several provisions of Federal law on the grounds they violated organizations' First Amendment rights. Yet the DISCLOSE Act would subject corporations and other organizations to yet more regulations that unduly restrict their freedom of speech. It would do this while unfairly sparing unions and other preferred groups from the same regulations.

This legislation is plainly unconstitutional. The DISCLOSE Act would unconstitutionally ban political speech by government contractors and companies with as much as 80 percent ownership by U.S. citizens. It would unconstitutionally limit the amount of information that organizations can include in ads stating their political opinions. It would unconstitutionally require the disclosure of an organization's donors, in violation of their right to free association. And it would unconstitutionally exempt favored organizations from its requirements.

The DISCLOSE Act is unconstitutional, and it should be soundly rejected by the House today.

Mr. CONYERS. Mr. Chair, I am pleased to yield 1 minute to JARED POLIS of Colorado, a great member of our committee.

Mr. POLIS. Mr. Chairman, I rise in strong support of H.R. 5175, the DISCLOSE Act.

Corporations are not human beings. Corporations may employ and be owned by human beings, all of whom in their individual capacity enjoy their constitutional rights, but corporations themselves are not alive. Their mothers can't die of cancer. Their sons can't be sent off to war. Corporations are political zombies, knowing only the pursuit of the flesh of profit, which is fine in an economic context, which is the economic reason that corporations exist. But in the political context, there is negative civic value to such advocacy, especially without the reasonable restrictions that were tossed out by the recent Supreme Court decision in *Citizens United v. FEC*.

In a capitalist system, when government gives politically connected corporations an advantage over their less politically connected competitors, everyone suffers, and it undermines the confidence of liberals, conservatives, all citizens. That's why the DISCLOSE Act is so urgently needed: to provide safeguards, disclosure about the flood of special interest money into our elections, and to protect the free speech of individual Americans.

Mr. BRADY of Pennsylvania. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. Mr. Chairman, I rise today to strongly support H.R. 5175, the DISCLOSE Act. The Supreme Court's decision in *Citizens United* was disastrous and gave corporations not just the rights of persons, but way more rights than persons have. You or I as an individual, any citizen, has a limit on how much they can donate in any given campaign cycle; whereas, under the current court decision, corporations have no limit.

One of the most important provisions of the bill we are talking about would prevent foreign-owned companies from buying U.S. elections. And I would like to thank Chairman VAN HOLLEN's willingness to work with me in including a similar provision in the bill to one that I introduced in my Freedom from Foreign-Based Manipulation in American Elections Act, to prevent companies like BP from deciding who is elected to Congress.

This should be about representing our people, and our friends on both sides of the aisle like to say that we represent the people. Well, a poll just came out showing 87 percent of Republicans and 91 percent of Independents—91 percent of Independents—support this bill.

I urge all Members to vote for it.

□ 1320

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

Mr. Chairman, there has been a discussion about the different groups that support this bill. Interestingly enough, as debate started on the rule today, we have received word from 18 more groups that they oppose this bill. Now we're up to 456 groups that oppose this bill officially, including the American Civil Liberties Union, National Right to Life, and the Sierra Club.

Let me quote, if I might, from the ACLU's letter that is dated June 17, 2010, because much has been made on the other side of the aisle of groups that support this, but yet why not talk about groups that are known for protecting the First Amendment. The ACLU says in their letter:

"To the extent that restrictions on free speech might be tolerated at all, it is essential that they refrain from discriminating based on the identity of

the speaker.” And they’re referring specifically to this bill.

“The ACLU welcomes reforms that improve our democratic elections by improving the information available to voters. While some elements of this bill move in that direction, the system is not strengthened by chilling free speech and invading the privacy of even modest donors to controversial causes.”

That, of course, refers to the seminal case on this by the Supreme Court and I believe in 1948, *NCAA v. Alabama* where they showed that revelation of members or donors to certain groups that are disfavored can lead to intimidation.

They go on to say here: “Indeed, our Constitution embraces public discussion of matters that are important to our Nation’s future, and it respects the right of individuals to support those conversations without being exposed to unnecessary risks of harassment or embarrassment. Only reforms that promote speech, rather than limit it, and apply evenhandedly, rather than selectively, will bring positive change to our elections. Because the DISCLOSE Act misses both of these targets, the ACLU opposes its passage and urges a ‘no’ vote on H.R. 5175.”

I made a mistake earlier when I referred to the amount of time we are allowed to debate the naming of post offices in this Congress. As a matter of fact, 41 hours have been granted by the Rules Committee or under suspension under our rules to the debate on the naming of post offices, but we could only give 1 hour to this debate.

Ironic, isn’t it, that they talk about this being the DISCLOSE Act. The guts of the bill were not disclosed to those of us on the committee. I even asked if I could see a copy. In fact, I asked a Member of this House who had received a copy, and he was told that he was prohibited from showing it to those of us on the Republican side because the leadership on the Democratic side did not want us to know what they were doing.

The DISCLOSE Act? They didn’t disclose the actual bill that we have here until 2 hours before we went to the Rules Committee yesterday. And maybe one of the reasons they didn’t want to disclose it is that in addition to those exemptions specifically given to labor unions, allowing labor unions to be exempt from the disclosure that all other—not just the major corporations you keep talking about. Remember, corporations are the usual associated legal apparatus used by most advocacy groups. So that’s who you are talking about.

And you keep saying, well, you can have foreign companies and foreign countries under this decision by the Supreme Court control the message and campaign. That’s just utterly untrue. It’s not allowed by law before. It

wasn’t changed by the Supreme Court decision, and so at least you ought to talk about what the law is. It is not true. That’s a dog that won’t hunt, and you keep putting it up here and you keep putting it up here, and either you haven’t read your own bill, you haven’t read the Supreme Court decision, or there’s an attempt to not tell people exactly what is happening.

But one of the reasons I believe that perhaps we didn’t get an opportunity to see the latest version of the bill is because it contains a huge, new, big union loophole; and it allows the transfer of all kinds of funds, unlimited funds among affiliated unions so long as not a single member is responsible for \$50,000. I doubt that many members are responsible for \$50,000, which means there will be no limitation whatsoever with respect to unions here.

So let’s get the facts straight. There was an auction in this House behind closed doors. Certain groups won the auction; other groups did not. That’s one of the reasons the ACLU is against it. That’s why we should be against it.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 45 seconds to the gentleman from Georgia (Mr. JOHNSON), the distinguished subcommittee chairman on Courts and Competition.

Mr. JOHNSON of Georgia. Let’s get right down to it. Why are the Republicans opposed to restricting campaign donations in American campaigns both local, State, and Federal? Why? It’s because Republicans favor Big Business and Big Business favors Republicans. With all of these unlimited dollars flowing through, we’ll see more Republicans getting elected, both local, State, and Federal.

What it means is that BP, a corporate wrongdoer, foreign corporation, can influence elections. It means Goldman Sachs and other corporate miscreants can influence elections, no limit, no boundaries. That’s what will happen if we don’t pass the DISCLOSE Act.

Mr. BRADY of Pennsylvania. Mr. Chairman, may I inquire how much time is left?

The CHAIR. The gentleman from Pennsylvania (Mr. BRADY) has 6 minutes, the gentleman from Michigan (Mr. CONYERS) has 45 seconds, and the gentleman from California (Mr. DANIEL E. LUNGREN) has 11 minutes remaining.

Mr. BRADY of Pennsylvania. Mr. Chairman, at this time, I am pleased to yield 1½ minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the DISCLOSE Act. I would like to thank Mr. VAN HOLLEN and his office for their work on this as well.

I believe that this is relatively simple. I think that all of us in this country have a right to know who is putting

forth ads for or against candidates as the campaigns run on. We do that as elected officials. The political parties do that. We also file all those who contribute money to us above certain amounts, and that I believe also should be done.

This act that we are trying to pass basically is one of transparency. You can call it DISCLOSE, whatever you wish; but it basically indicates that foreign corporations cannot spend dollars in U.S. elections, and Federal contractors cannot get involved. But those who can, the corporations, unions, not-for-profits, must disclose who is paying for it in terms of the CEO coming forward and major contributors being posted so that people know who is paying for it.

It does not limit what they can say. I do not believe it’s in any way a violation of the First Amendment as has been stated here on repeated occasions.

I will be the first to tell you I do not like the manager’s amendment that was in the rule with respect to the exemptions for certain entities—not because there’s anything wrong with the entities—but my judgment is this should be applicable to everybody who would fall into these categories. Perhaps that will be fixed in the Senate.

□ 1330

But the bottom line is, this is a disclosure act so that the people of this country will know who is advertising. We’ve all been subjected to it. We’ve all seen these ads where you wonder just who is running that ad, and now we’ll have a pretty good idea. I hope our body will support it.

Mr. DANIEL E. LUNGREN of California. I would extend 1 minute of my time to the gentleman from Michigan, who I understand needs more time.

Mr. CONYERS. Could the gentleman spare us a couple minutes?

Mr. DANIEL E. LUNGREN of California. Well, let’s start with 1 minute and we’ll see where we go from there.

The CHAIR. The gentleman from Michigan is recognized for 1 minute.

Mr. CONYERS. I am very pleased now to yield 1 minute to the distinguished senior member of the Judiciary Committee, SHEILA JACKSON LEE of Texas.

Ms. JACKSON LEE of Texas. Thank you very much, Mr. Chairman, for your leadership and boldness on this issue.

Mr. Chairman, I hold in my hand a version of the Constitution that is in this very distinct book of rules. And clearly I think it is important for the American people to understand really the action items of this legislation.

Can you imagine a government contractor being paid by your tax dollars—they might be doing the right thing, we don’t know—but advocating with your tax dollars for a position you do not want without you knowing that that is occurring?

This bill is under the First Amendment because it says that we give you more transparency. If we read the Constitution in its entirety, the opening says that "We have come together to form a more perfect Union." That means if people are dissatisfied with this bill, they have a right to petition the courts. But we believe we are erring on the side of rightness, breaking those bold chains of big money around your neck and allowing people to either be elected or run for office, dominated, slammed down on the basis of big money.

This is a good change. I ask for my colleagues to support this legislation.

Mr. Chair, I rise in strong support of the DISCLOSE Act, H.R. 5175. I have said repeatedly that this has been one of the most difficult decisions of my political career. However, I strongly believe that if we do not support H.R. 5175, we will be overwhelmed during this election cycle by the richest corporations and individuals in the U.S. I do not believe we will be able to even begin to estimate how much might be spent in the mid-term elections.

I do know that without some mechanism to prevent political opponents from tapping into an unlimited supply of cash, we will be setting the stage for our own demise, as well as a dangerous precedent for future elections. U.S. politics will never be the same after the mid-term elections if we do not pass the DISCLOSE Act.

Of course, arguments have been made involving the First Amendment. Many arguments opposing the bill on constitutional grounds are legitimate. Yet, these arguments negate the fact that the DISCLOSE Act will actually expand First Amendment rights that might otherwise be drowned out because the legislation provides fair access for all parties, while breaking the chain big money has in American politics. Sitting on the fence on this bill might be considered tempting, although if we sit on the fence today we will pay a price tomorrow.

While the DISCLOSE Act exempts large established 501(c)(4) from some of the bill's disclosure requirements, it addresses the fundamental issue of eliminating the possibility that a rich corporation or individual can hide behind their money. Transparency as it relates to campaign financing is the principle behind the DISCLOSE Act.

After years of the Abramoff scandal, special interests lobbyists writing legislation and an explosion of earmarks, the New Direction Congress is working to restore honest leadership and open government.

Congressional Republicans support Wall Street banks, credit card companies, Big Oil, and insurance companies—special interests that benefited from Bush's policies and created the worst financial crisis since the Great Depression—and are working to be rewarded by their corporate friends.

The DISCLOSE ACT will accomplish a number of things, including:

Prevent Large Government Contractors from Spending Money on Elections: Prevents government contractors with over \$10 million in contract money from making independent expenditures and electioneering communica-

tions. Before the Citizens United case, corporations could not make political expenditures in federal elections.

Prevent TARP recipients from Spending Money on Elections: Prohibits bailout beneficiaries from making independent expenditures or electioneering communications in federal elections until the government money is repaid.

Limit Foreign Influence in American Elections: Extends existing prohibitions on campaign contributions and expenditures by foreign nationals to domestic corporations in which foreign nationals own more than 20% of voting shares, make up a majority of the board of directors, and/or have the power to dictate decision-making of the domestic corporation.

Strengthen Disclosure of Election Ads: Expands electioneering communications that must be disclosed under the bill to broadcast ads referring to a candidate in the 120 days before the general election, expanded from 60 days before the general under current law.

Mr. BRADY of Pennsylvania. Mr. Chairman, I am pleased again to yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank the chairman for yielding.

I just want to emphasize again, as Justice Stevens pointed out in his dissent, that the Supreme Court decision did open the door to foreign-controlled corporations spending money directly in U.S. elections. If you have a U.S. subsidiary of a foreign corporation that's controlled by that corporation, when the Supreme Court essentially said all corporations could spend money directly in U.S. elections, they opened the door very clearly to that. And it's an area where it's also clear Congress can move to legislate.

Number two, it's no surprise that you have lots of organizations on the right and the left—love what they stand for or hate what they stand for—that are opposing this bill because they don't want voters in many instances to know who is funding their ads. That's not a surprise at all. That's why those organizations who are devoted solely to clean campaign elections, like the League of Women Voters and Common Cause, are for this bill while all the others are against it.

Let me say something with respect to unions. There is no such thing as a U.S. subsidiary of a foreign union. So this is a red herring issue.

Second, under U.S. law, we have never defined collective bargaining agreements as Federal contracts like those contracts that go to the corporations themselves.

Number three, I draw to the attention of the body a statement that was made by Trevor Potter, President of the Campaign Legal Center, who was the Republican Commissioner on the FEC, the Federal Election Commission, from 1991 to 1995, who said, "This bill requires funding disclosure for all election advertising—union and corporate," and goes on to say, "Based on

the legislative language's equality of treatment, claims of union favoritism seem to be unsupported efforts to discredit the bill and stave off its primary goal: disclosure of those underwriting the massive independent expenditure campaigns that are coming to dominate our elections." That's the Republican commissioner.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I find it instructive that one of the Members on the other side of the aisle, when she got down here to talk about the Constitution, said, I have this version of the Constitution. As far as I know there's only one version of the Constitution, except if you happen to be on the majority side dealing with this bill. Why do I say that? Because the Constitution very clearly in the First Amendment says, "Congress shall make no law"—no law—"abridging free speech." What is it about "no" that you don't understand—I would say rhetorically because I can't address the majority on this floor. But I would say, if I could, what is it about "no" that you don't understand? It says no law.

Now, if some would say, well, wait a second, the courts do allow some laws in the area of campaign finance and disclosure and so forth; yes, they do. But what are they predicated on? They say the countervailing principle or concern about corruption or the appearance of corruption. That's the only basis upon which you can create these laws. And they, therefore, say you can not distinguish between two sets of groups where that same analysis would come forward. In other words, you can't say we're going to favor unions but disfavor corporations who stand essentially in the same shoes in the area of potential corruption. They say if you have a government contract over \$10 million—and they started at \$5 million, now they're up to \$10 million to include certain groups, we're not sure exactly who they are, but there have been some whispers as to who they are—but the whole argument is that there is a potential corruption between those who have government contracts and those who might have influence in giving those contracts. So we said, okay, what about unions that represent the workers for those companies whose pay comes from the taxpayers by virtue of these contracts? It's the same argument. And they said, oh, no, we can't do that, that would be unfair to unions. And we said, what about the fact where you have union bargaining agreements with government entities, wouldn't that be the same? Oh, no, no, that's different than corporations. What's the basis? There is no basis. And what they do, by the terms of the bill, is render this bill unconstitutional because the courts say you can't distinguish among different groups unless you use the same basis.

And they use the highest level of scrutiny, strict scrutiny. Why? Because it involves an essential right protected under the Constitution. That's what is so disturbing here today, not because we disagree on the legislation because we do that often, but the fact of the matter is that we are so cavalierly dealing with the First Amendment. We are so cavalierly dealing with free speech. We are so cavalierly dealing with essential political free speech, particularly when it's involved in elections. That's when it's most important. And yet we have seen a bidding war here, an auction—not on the floor because it took place behind closed doors—and yet we're told—just look at the title, look at the title. You know, if you put the name Cadillac on a Yugo, it would still be a Yugo. If it can't drive, putting another name on it is not going to make it better.

And to say this is the DISCLOSE Act when you refuse to disclose the parts of it to us until 2 hours before the Rules Committee yesterday undercuts everything you argue that this bill is about. This is not sunlight. This is putting some in the cellar where there is no light and others get the light. This is allowing some to be involved in the debate and others not.

Our Founding Fathers did not think the antidote to bad speech was to prohibit speech. It was to encourage robust debate and give others the opportunity. We can agree on disclosure, but not when you bring it in this form because it isn't disclosure that is fairly imposed on all parties.

And I am sure of this; this will be declared unconstitutional. But the dirty little secret in this is you have put in here the appellate process so it won't be decided until after this election, so that those who should be able to exercise their First Amendment rights will be afraid to exercise them for fear they might make a mistake. What a tragedy. What a travesty.

We should do better on this floor. We owe it to ourselves. And if we don't think we're worthy, maybe the Constitution is worthy. Maybe our constituents are worthy. To hide behind the words "disclosure" and "disclose" when in fact that's not what you're doing is the ultimate in insult to the Constitution.

□ 1340

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time.

Members of the House, I have been on the Judiciary Committee longer than anyone in the House of Representatives. Save one other court decision, there has been no decision that they have ever rendered that I have considered more abhorrent and more onerous than the results that will flow from this measure of the Citizens United decision. I say that because what we are doing is a matter of whether corporate

control of the body politic now goes completely and totally without any halt or reservation whatsoever.

So, please, support this measure.

The CHAIR. The time of the gentleman has expired.

Mr. BRADY of Pennsylvania. Mr. Chairman, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, at this time, it is my distinct honor to yield 1 minute to the distinguished leader of the Republicans here in the House, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. I want to thank my colleague for yielding.

"Congress shall make no law abridging the freedom of speech."

We all know that that is part of our First Amendment to the Constitution. It is first for a reason, because freedom of speech is the basis for our democracy, but today, the majority wants to pass a bill restricting speech, violating that very First Amendment to the Constitution. Oh, no, they don't want to restrict it for everyone. They want to use their majority here in the House to silence their political opponents, pure and simple, for just one election.

Is there any other explanation for this bill? Is there any other reason why, under this bill, small businesses will get muffled, but big businesses are going to be fine? Labor unions, they're not going to have to comply with this. They are exempted from this. They are going to get their rights protected.

Why is the National Rifle Association protected but not the National Right to Life organization? Obviously, no one wants to answer.

The National Rifle Association is carved out of this bill, and they get a special deal. Now, the NRA is a big defender of the Second Amendment of the Constitution—the right to bear arms. Yet they think it's all right to throw everybody else under the table, so they can get a special deal, while requiring everyone else to comply with all of the rules outlined in this bill. Frankly, I think it is disappointing.

Why does the Humane Society of America get to speak freely but not the national Farm Bureau? Why does AARP get protected under this bill, but if you belong to 60 Plus, no, you've got to comply with all of this?

Since the Supreme Court's decision to uphold the First Amendment, Democrats here have maintained their bill would apply equally across the board to corporations, to labor unions, and to advocacy organizations alike. Instead, they have produced a bill that is full of loopholes, designed to help their friends while silencing their political opponents.

We in this House take an oath to preserve, to protect, and to defend our Constitution. Anyone who votes for this bill today, I'll tell you, is violating the oath that they took when they became Members of this organization.

Mr. BRADY of Pennsylvania. Mr. Chairman, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. I yield myself the balance of my time.

Mr. Chairman, I have been privileged to serve in this House for a number of years. During that period of time, I have had the opportunity to vote, probably, thousands of times on many, many, many different issues. Sometimes the result of the votes, of the collective votes of this House and the Senate and the signature of the President during the course of time that I have been here, has resulted in legislation which subsequently was ruled to be, in part or in whole, unconstitutional.

I have had conversations on the floor of the House with Members who have said at times, I'm not concerned about the Constitution. I mean don't let me worry about that. The courts decide that.

I've always said to them in response, We have an obligation when we take an oath of office to uphold the Constitution, and we ought to do it as we consider legislation.

Though, I am not sure that I have ever seen a frontal assault on the Constitution as this bill is. Why do I say that? I say that because this deals with the First Amendment. It deals with political speech. It deals with political speech at its most effective, which is in the context of a political campaign, and we ought to deal with that very, very carefully.

I would say to my friend from Michigan, if we were so concerned about the Constitution, why did our committee waive jurisdiction here after only having this bill for a day? Other times, we insist on dealing with constitutional questions, but yet we gave it up.

You look at this bill, and you see that it violates the contours of the decision by the Supreme Court. If you want to amend the Constitution, bring an amendment to the floor. It violates it in so many ways, and it is a continual violation, as the auction block was established on the other side of the aisle. We kept hearing day after day, week after week, They don't have the votes. They don't have the votes. They're going to make this deal. They're going to make that deal.

What did they do? They expanded the exemption.

They decided, yes, the National Rifle Association got a special exemption. I guess AARP did. I guess the Humane Society did. We don't know who else did because they've just changed the definition in the last couple of days from a million members to a half a million members, but we know that most groups now will not be exempt, just a privileged few. That violates what the decisions of the courts going back decades tell us. You cannot discriminate among groups. You cannot

have disfavored and favored groups, and that is what we are doing right here on the floor, not just about something dealt with by the Constitution, but the essential of the First Amendment.

I am surprised that my liberal friends are not down here on this floor, condemning provisions of this bill. They say it's not a perfect bill. No, it's not perfect. It's unconstitutional. It is unconstitutional by its very terms. In the last 2 weeks and even yesterday, it became more unconstitutional because they carved out exemptions even further for unions and for selected groups of large size.

Mr. Chairman, we should do better than this. We should do better than this. If we are not concerned about protecting the Constitution, who is?

You know, as was said basically by our leader, we take an oath to protect and to defend all parts of the Constitution—the First Amendment as well as the Second Amendment. The fact of the matter is we take an oath to uphold the Constitution. To only allow an hour's worth of debate when we give far more time to naming post offices is a disgrace in this House—a disgrace. To not allow amendments that deal with some of the very subjects that my friends on the other side talk about is a disgrace.

Mr. Chairman, I ask for a “no” vote on this bill.

The CHAIR. The time of the gentleman has expired.

Mr. BRADY of Pennsylvania. Mr. Chairman, I yield myself the balance of my time.

First, let me thank the staff of House Administration—Jamie Fleet, Matt Pinkus, Tom Hicks, and Jennifer Daehn—for the hard work they've done on this bill. There was a lot of moving around and a lot of moving parts to be able to put it back together so we could be here today.

I would also like to thank Karen Robb, who I am sure, right now, is probably the most relieved person in knowing that this is finally coming to an end, and I appreciate all her help.

□ 1350

Despite all the rhetoric that we've heard about this bill, the simple purpose, Mr. Chairman, is: Who's saying it; who's paying it. All I want to know when I run or if I run or anybody runs for reelection, if somebody's running an ad against me, I'd like to know who that person is, or if somebody is writing an ad in my favor, I'd like to know who that person is.

We talked about the unions as opposed to corporations. The unions pay dues and they take out at an hourly rate a checkoff to go to a PAC committee, a PAC fund. They also have the right not to do that. They can say, I don't want to send any money to a PAC fund. But if they do, they now vote.

They sit and vote for every single candidate that that union is supporting, whether or not they want to support that candidate or not, and every union puts a tagline saying who they're supporting and they're paying for that.

Corporations. I could be a member and a stockholder of a corporation like AT&T and have stocks, and they can run against me and I don't even know it. Also, those corporations don't vote. I'm a stockholder; I don't vote. I can't vote to say what they do with my money, even though they spend the money for an opponent against me. Again, Mr. Chairman, all we're saying is, who's saying it and who's paying for it.

With that, Mr. Chairman, I urge my colleagues to support this legislation.

Mr. DINGELL. Mr. Chair, I rise in support of H.R. 5175, the DISCLOSE Act, as a cosponsor and strong proponent of this legislation.

The DISCLOSE Act is a bipartisan response to the Supreme Court's reckless decision in *Citizens United v. Federal Election Commission* to give corporations the same rights as American citizens with respect to political speech. The decision overturned decades of precedent upholding common-sense campaign finance laws that kept special interests at bay in our elections. Corporations—think Big Oil and Wall Street—can now speak louder and more forcefully than the ordinary American without any restrictions. Moreover, *Citizens United* opened up the very real possibility that other countries—many of which do not have America's best interest in mind—can spend money to influence our elections. Maybe the opponents of this legislation don't understand that by voting “no” they've allowed China Telecom or Venezuela's CITGO the same rights as ordinary Americans when it comes to spending money in our elections.

Since we are not yet politically at a point where we have the votes to overturn this reckless Supreme Court decision, the DISCLOSE Act is a step towards ensuring corporations now have these rights, they must spend money in the light of day. For one thing, corporations cannot hide behind shadow groups that do not have to disclose their donors to the public. If corporations choose to advertise close to Election Day, they must report their donors to the Federal Election Commission and include a hyperlink to their disclosure report on their websites. Moreover, chief executive officers will have to stand behind their ads and top donors will be listed on advertisements. American citizens have the right to know and deserve to know who it is exactly that is telling them to vote for or against a candidate.

The DISCLOSE Act prevents foreign cash in our elections, and also prevents corporations receiving large government contracts, and corporations that are using money out of the Troubled Asset Relief Fund from spending taxpayer money out of their general treasuries on American elections. These practical limitations are necessary to ensure that American elections are not co-opted by foreign entities and special interests looking out only for their own interests and bottom lines.

Mr. Chair, the DISCLOSE Act represents months of hard work and compromise so that

American citizens would still have a strong voice in our elections. Most Americans, in fact, did not agree with the Supreme Court's decision because they understand that corporations and individuals are not one in the same. I strongly urge my colleagues to join me in voting “yes” on this legislation and ensure that American's voices are still heard in our elections.

Mr. STARK. Mr. Chair, I rise today to support taking a first step in repairing our broken election system. The cornerstone of our democracy is that voters—not corporations and special interests—should decide elections. Congress must act to reserve the Supreme Court's mistaken decision in *Citizens United* and prevent corporations from completely taking over our elections.

Earlier this year, the Supreme Court overturned important campaign finance reform laws that limited the ability of corporations to fund and influence federal elections. By overturning these restrictions, the Supreme Court has freed corporations to secretly spend millions of dollars on political campaigns and advertisements without any public disclosure of those expenditures. The American people have a right to know who is paying for all the expensive advertising during campaigns. The DISCLOSE Act (H.R. 5175) would remedy this situation.

This bill requires corporations, unions, and special interest groups to disclose both the identity of their organization and those of their top donors when they engage in electioneering. Campaign contributions from corporations with government contracts and those made by foreign nationals or foreign-controlled domestic corporations would be prohibited. Individuals spending more than \$10,000 on electioneering communications are required to file an electronic report with the Federal Elections Commission (FEC) that will be publicly available.

I oppose the inclusion of a donor disclosure exemption that primarily benefits the National Rifle Association. The NRA still has the ability to kill a bill in Congress. The overall impact of the bill is still positive and an improvement on the status quo.

We must go further on campaign finance reform and rid our politics of corporate money. I am a cosponsor of the Fair Elections Now Act (H.R. 1826), which would provide public financing for federal campaigns. Candidates who raise a specified number of small donations would be eligible for matching funds. This would return fundraising to its proper place—from community support rather than special interests.

I will keep working for public financing. The DISCLOSE Act is a first step in the right direction. Special interests representing oil companies, Wall Street, and health insurance companies should not be able to buy elections. I will vote for the DISCLOSE Act and urge all of my colleagues to support stronger campaign finance laws.

Mrs. CAPPS. Mr. Chair, I rise today in strong support of H.R. 5175, the DISCLOSE Act.

Fair, free elections are the foundation of our democracy. As Members of Congress, it is our duty to uphold the Constitution and ensure the voices of our constituents are heard. But in its

Citizens United ruling, the Supreme Court overturned nearly a century of precedent and threatened the legitimacy of our elections by opening the flood gates to unlimited corporate spending on elections.

This ruling is sadly just a continuation of the failed policies that thrived under Republican leadership, when special interests dominated Washington. Fueled by big donations from special interests, for years Republicans allowed Big Oil to run amok, stood by and watched as Wall Street's greed nearly destroyed our financial system, and sat on their hands as health insurers raked in record profits at the expense of struggling American families.

Thankfully, things have changed under Democratic leadership. Under Democratic leadership, corporate influence in Washington is diminishing. Health Reform. Wall Street Reform. Energy Reform. Special interests have fought these efforts tooth and nail from the start, and they have failed.

The DISCLOSE Act is Democrats' latest effort to fight back against corporate special interests. This legislation begins to roll back the gaping loopholes in Citizens United that threaten the integrity of our elections and will drown out the voices of everyday American voters.

It prevents corporations controlled by foreign—or even hostile—governments from dumping in secret money to influence U.S. elections and drown out the voice of American voters.

It prohibits government contractors and TARP recipients from making political expenditures with taxpayer dollars.

And it throws a little sunshine on who is behind the ads in our elections. It does that by requiring disclosure by corporations, unions and advocacy groups that spend money on elections. It requires corporate CEOs to show their face and stand by their ads just like candidates must do.

The DISCLOSE Act helps ensure transparency and accountability in our federal elections. Voters deserve to know when Wall Street, Big Oil or credit card companies are the ones behind political advertisements. Shareholders deserve to know what their companies are spending their investment dollars on. And Americans deserve to know when special interests like health insurers and energy companies set up sham organizations meant to trick and deceive them into voting against their own interests.

Mr. Chair, transparency works. We need look no further than my home state of California, where just weeks ago voters soundly defeated a ballot measure after learning that the sham group "Californians to Protect the Right to Vote" that supported it was actually funded by energy giant Pacific Gas & Electric.

Mr. Chair, it is time to act. It is time to stop special interests and their billions of dollars from drowning out the voices of American voters. It is time to put the interests of American voters above those of corporations.

I urge my colleagues to join me in voting yes on the DISCLOSE Act.

Ms. KILPATRICK of Michigan. Mr. Chair, as a member of the House Progressive Caucus, I am proud to say that it has been progressives who have fought the undue influence of

corporations in campaigns, beginning since at least the late 1800s. In 1907, the Tillman Act was signed into law, which prohibits any contribution by any corporation and national bank to federal political campaigns. This ban remains in effect to this very day.

Michigan has a particular role in corporations and campaign finance issues. In the Supreme Court case of *Austin v. Michigan Chamber of Commerce* in 1990, in which the Michigan Chamber of Commerce wanted to use its general funds to run a newspaper ad supporting a specific candidate against Michigan State law, the Court upheld Michigan law. Furthermore, the Court found that the government must prevent "the corrosive and distorting effects" of corporate money in politics.

I agree, and I do believe that the ruling in *Citizens United* will allow wealthy corporations to spend unlimited amounts of money on campaigns. President Barack Obama criticized this decision during his annual State of the Union address, saying, "... last week the Supreme Court reversed a century of law that I believe will open the floodgates for special interests—including foreign corporations—to spend without limit in our elections. I don't think American elections should be bankrolled by America's most powerful interests, or worse, by foreign entities. They should be decided by the American people. And I'd urge Democrats and Republicans to pass a bill that helps to correct some of these problems."

Unfortunately, this is not that bill. Congress must take action to counteract the negative effect of the *Citizens United* decision. I believe in the basic principle that Americans have the right to know the identities of groups spending money to influence elections. I believe in transparency. I believe in fairness. This bill, designed to protect against undue, unfair, and unwanted influence by corporations, contains a carve-out or exemption for the National Rifle Association. This exemption is not good policy, is not right, and is not fair. It is simply baffling to me that the party that has led the fight against assault weapons, in support of stronger handgun registration requirements, and helped to see the Brady law come to reality would support such an exemption for the one organization against stronger gun laws.

In Detroit, Michigan, we have regrettably seen too many young people die due to gun violence. This is almost a direct result of simply this—there are too many guns on our streets. Combine the plethora of guns on the street with record high unemployment, home foreclosures, and industries leaving Michigan, and it is no secret why deaths due to gun violence in our nation are soaring.

Like most Americans, I want to keep the light on who, what and how campaigns are financed. Amendments to level the playing field for all organizations were offered, but rejected. Congress should defeat this bill in its current form, and take a stand against the National Rifle Association.

Mr. SHULER. Mr. Chair, there are valid concerns that the DISCLOSE Act, H.R. 5175, could unconstitutionally hinder the free speech of certain long-standing, member-driven organizations that have historically acted in good faith. In an effort to fix this, I filed an amendment with the House Rules Committee to exempt any 501(c)(4) organization that meets

certain criteria from the Disclose Act's reporting and disclosure requirements.

A modified version of my amendment was included as part of Representative BRADY's "manager's amendment" made in order by the Rules Committee. The manager's amendment creates a special class of exempt 501(c)(4) organizations to which the reporting and disclosure provisions of H.R. 5175 do not apply.

These "exempt 501(c)(4) organizations" would need to:

Be a 501(c)(4) organization for each of the past 10 years;

Have at least 500,000 dues-paying members;

Have at least one dues-paying member in each of the 50 states;

Receives no more than 15 percent of its annual revenue from corporations, excluding revenue from commercial transactions occurring in the ordinary course of business;

Not use any funds received from corporations for electioneering communications.

The organization's CEO would need to certify to the Federal Election Commission (FEC) that it meets these qualifications. To protect individuals rights of freedom of speech the FEC would not be allowed to require any donor lists, or financial or membership information of any kind from organizations seeking exemption. Such compelled disclosure to the FEC would raise serious First Amendment questions.

There is no question that we need to prevent enormous amounts of corporate and foreign money from flooding campaigns without transparency, and to prevent illegitimate shadow organizations from cropping up and overpowering the voice of Americans. However, many organizations exist solely to give individuals with common interests a voice in the political process. This narrowly tailored exemption for this special class of exempt 501(c)(4) organizations is necessary to achieve the compelling government interest that non-profit membership organizations funded largely by individuals be allowed to speak freely in the political arena. Long-standing, member-driven, non-profit organizations are at the heart of the First Amendment's protections of political speech and association and are distinct from for-profit corporations, just as media corporations are distinct from other for-profit corporations.

Including this exemption for exempt 501(c)(4) organizations is critical to passage and enactment of H.R. 5175. Were a court to try and sever the exemption from the bill and leave the remainder of its provisions intact, it would violate the clear intent of Congress. We need to ensure that these long-standing, non-profit membership organizations funded largely by individuals can continue to speak freely on behalf of their members.

Mr. LEVIN. Mr. Chair, I rise today in support of the Democracy is Strengthened by Casting Light on Spending in Elections Act, known as the DISCLOSE Act. This legislation, quite simply, is about giving voters information on who is trying to influence an election and how much money they are spending to do so. The American people deserve the benefit of this information as they decide how to vote.

Unfortunately, the trend in recent years has been toward less transparency in election

spending. Organizations hiding behind generic or even misleading names have spent millions of dollars in political advertising, often not to promote their own ideas but to attack a candidate or cause. Posing as grassroots citizens groups, too often advertisements turn out to be astroturf campaigns funded by corporations, industry trade associations, and political interests. Their purposes may be to confuse or even deceive voters and, without the ability to know an advertisement's sponsors, the voters are missing vital information that would help them arrive at their own conclusions.

This trend in political advertisements was already on an unsustainable path when the Supreme Court overturned the prohibition on direct corporate and union spending on elections. This decision opened the floodgates to a wave of new money, all of which could be spent from behind a curtain of secrecy.

The DISCLOSE Act pulls back the curtain. It requires the CEO or President of the sponsoring corporation, union, or advocacy organization to stand by their ad, just as candidates must. The bill requires these organizations to inform their members or shareholders of their election-related spending so that the decision makers can be held accountable. It requires spending amounts to be posted online and, for those shadow groups that seem to form overnight, advertisements will be required to list their top five funders, and the organization will need to make a list of their large donors available to the public.

The DISCLOSE Act also steps in to bar spending from those who should not be able to interfere in elections: corporations controlled by foreigners as well as government contractors and TARP recipients who should not be able to spend taxpayer money on election activities.

There is no doubt that the DISCLOSE Act represents a significant improvement over current law and a step worth taking. It is time to pull back the curtain and I hope my colleagues will join me in supporting this important legislation.

Mr. VAN HOLLEN. Mr. Chair,

INTERNET RULES REMAIN UNCHANGED

H.R. 5175 extends the existing rules on coordination to apply to any "covered communication," and defines the term "covered communication." In so doing, the bill repeats the language of the existing media exemption and incorporates that exemption into the definition of "covered communication." The existing language of the media exemption has been interpreted by FEC regulation to include an exemption for media activities on the Internet. 11 CFR 100.132. By incorporating the existing language of the media exemption into the coordination provisions in the DISCLOSE Act, the sponsors intend to ensure that the media exemption in the DISCLOSE Act will be interpreted by the FEC in the same way that the FEC has interpreted the media exemption in existing law, to include media activities on the Internet within the media exemption.

INDEPENDENT EXPENDITURES INFLUENCE ELECTED OFFICIALS

Independent expenditures and electioneering communications can influence elected officials and produce gratitude, indebtedness, and access. Although such influence is not per se problematic, it may be improper in certain

contexts. In particular, such influence is improper if it has the potential to affect the outcome of federal contracting decisions or if it is exercised by a foreign-controlled entity.

According to a recent report by Professor Wilcox of Georgetown University, "Donors who seek to gain access and influence care primarily that their contribution is noticed and appreciated, not that it is handled directly by the candidate's campaign treasurer." The report notes that contributions to groups that make independent expenditures "can be conceived as indirect contributions—instead of giving the money directly to the candidate's campaign committee, they are given to an independent committee that also helps the candidate win." Indeed some experts believe that large independent expenditures on behalf of candidates can produce greater influence than direct campaign contributions that are subject to legal limits: "With almost all of the 527s associating themselves with the two major parties and their candidates, and with the great majority of contributions coming from donors giving in the millions, rather than thousands or even tens of thousands of dollars, big 527 donors today are positioned to garner more attention and consideration from parties and candidates than those who give the maximum direct contribution of \$2,000–\$25,000."

In California, recent legislation limiting direct contributions has produced an "explosion" of independent expenditures. According to Ross Johnson, Chairman of the California Fair Political Practices Commission and a former Republican Party leader in both houses of the California legislature, "independent expenditures have provided sophisticated wealthy individuals and special interests the means to circumvent [contribution] limits and create the appearance of corruption, or gain undue influence on, candidates and officeholders."

Recent examples illustrate that independent expenditures are used to try to influence elected officials.

In 1998 a group with an interest in gaming issues attempted to bribe former Republican Kansas Congressman Snowbarger by signaling that they would conduct an independent spending campaign on his behalf. According to Snowbarger's campaign manager, the offer "was an attempt to get him to change his position by offering to do independent spending that would help him win re-election." Congressman Snowbarger rejected the offer. His campaign manager later explained the rationale behind the proposal: "[T]he people behind th[e] effort offered to do an independent expenditure rather than make contributions because contributions are limited. If only a small number of people are involved, they are unable to promise to give that much. Even a corrupt Congressman would not risk accepting a bribe of only \$5,000.00 or \$6,000.00. Independent expenditures, on the other hand, can involve sums of money of an entirely different magnitude."

Former Wisconsin State Senate Majority Leader Chvala was convicted on corruption charges in 2005 for illegally soliciting funds in exchange for political favors. According to Wisconsin lobbyist Michael Bright, who lobbied Chvala on numerous occasions, "[t]here was essentially a 'menu' of different ways that clients could contribute: they could give directly

to candidates in contested races, to the parties, or to groups that made independent expenditures or independent candidate-focused 'issue' ads . . . These were all acceptable ways to meet Chvala's contribution expectations, to get 'credit' in Chvala's world." (emphasis added). Chvala would indicate to interested parties that "whichever bucket [they] put the money into, it would be used effectively to support Democratic senate candidates and would be appreciated by those candidates." According to Bright, "there was not any ambiguity about it: he was suggesting that the candidates benefited would properly credit the client for the contributions no matter which entity they were made to, and the candidate would be just as appreciative as if the money had all been given directly to the candidate's campaign."

Recent polling reveals that independent expenditures also create an appearance of influence. A 2008 Zogby poll found that 82 percent of respondents believe "that if an individual contributed \$100,000 or more to a group to spend on an advertising campaign supporting a congressional candidate it is likely that the candidate will do a political favor for the contributor once elected to office."

THE UNIQUE CONTEXTS OF GOVERNMENT CONTRACTING AND FOREIGN INFLUENCE

Although Citizens United prohibits restrictions on independent expenditures that apply to corporations and unions generally, independent expenditures and electioneering communications by government contractors and foreign-controlled entities pose unique concerns. Congress has a substantial interest in protecting a merit-based government contracting process and in protecting U.S. interests from foreign influence, and Congress therefore has the power to regulate independent expenditures and electioneering communications in these particular domains.

Independent expenditures and electioneering communications by government contractors warrant distinct concern. Government contracting decisions should be based on an objective evaluation of how well potential contractors meet the relevant legal criteria. Elaborate federal regulations reflect this commitment to a fairly and impartially-administered contracting system. However, contractors may seek to improperly influence elected officials in order to maximize their chances of receiving contracts. Contractors may also feel pressure, whether explicitly exerted by government officials or not, to make expenditures in order to obtain contracts. A company seeking to renew an existing contract may be especially vulnerable to such pressure because it is likely to have significant reliance interests in maintaining its business relationship with the government.

The need to protect the integrity of government contracting is evidenced by recent pay-to-play scandals. Former Illinois Gov. George Ryan went to federal prison in 2007 for issuing state contracts in exchange for financial contributions and gifts over a period of 10 years. In Connecticut, a pay-to-play probe brought down former Governor Rowland, who admitted taking gifts from state contractors. In 1998, New Jersey awarded a seven-year, \$392 million contract to Parsons Infrastructure & Technology Group Inc. to privatize automobile inspections. A subsequent state investigation

found that Parsons had tainted the competitive bidding process by contributing more than a half million dollars to state officials and that the “mammoth boondoggle” cost taxpayers an additional \$200 million after the contract was awarded. Randy “Duke” Cunningham resigned from Congress in 2005 after pleading guilty to using his official position to extract bribes from multiple defense contractors. In March, 2010, the New York state pension fund’s former chief investment officer pleaded guilty to directing public dollars to firms that made political contributions to former Democratic state comptroller Alan G. Hevesi. Financial companies have so far paid \$120 million in settlements to resolve their roles in the ongoing pay to play scandal. Even when a direct quid-pro-quo cannot be definitively proven, the relationship between political expenditures and contract awards can still give rise to the appearance of improper influence. For instance, a University of Michigan study found that donors to former Wisconsin Governor Tommy Thompson’s campaign were awarded an average of \$20 million in contracts, while non-contributors were only awarded an average of \$870,000.

Independent expenditures and electioneering communications by foreign-controlled domestic corporations also warrant distinct concern. In 2005, the general treasuries of these companies totaled approximately \$3.5 trillion. After Citizens United, these companies are now free to spend unlimited sums from their general treasuries to influence federal elections, and undermine U.S. interests. The DISCLOSE Act would prevent this foreign intervention in U.S. elections.

Mr. PENCE. Mr. Chair, I rise in opposition to H.R. 5175, the Democracy is Served by Casting Light on Spending in Elections—DISCLOSE—Act.

However, I must say, rarely has a bill fallen so short of doing what its title says. In fact, this bill does the opposite of its name by limiting free speech in the political process.

The First Amendment says “Congress shall make no law . . . abridging the freedom of speech.” That right is cherished by all Americans and is to be protected by this Congress. Unfortunately, this bill is a naked attempt to cloud the free speech rights of millions of Americans; rights that were clearly affirmed in January by the Supreme Court.

It’s for that reason that I am profoundly disappointed that the Democratic majority is trying to overturn the High Court’s Citizens United decision. The justices were clear about the freedom of Americans to collectively participate in the political process through organizations. And the fact that the Court overturned a 20-year precedent speaks volumes about the importance of this issue.

But, instead of standing on the side of free speech and the American people, this bill will cloud the court’s decision and cause uncertainty about federal election law. And that would happen during the months leading up to the November midterm elections.

Democrats suggest that the bill deals with corporations and unions even-handedly. That is false. In the interest of full disclosure, the American people should know that this legislation is sponsored by the two Democrats who are chiefly responsible for the election of Democrats to the House and Senate this fall.

Perhaps that explains why this bill’s provisions include enormous exclusions for union expenditures but place extraordinary limits on corporations to hinder their ability to participate in the political process, despite the clear directive of the Citizens United case.

Corporations will have to make burdensome new identifying disclaimers.

Companies that are government contractors or that received TARP bailout money will be banned from political speech. And this bill will suppress speech by those who choose to speak out through associations, a fundamental right guaranteed by the Constitution.

This legislation is nothing more than an attempt to bring confusion to the political process and to discourage millions of Americans and thousands of organizations from becoming involved in the political debate.

Campaign finance is an issue that I’ve been committed to since I first came to Congress. I’ve worked with Republicans and Democrats alike in an effort to bring more freedom to everyone involved in the political process.

This bill sets back the freedoms affirmed just months ago by the Supreme Court.

Mr. Chair, I believe that instead of greater government control of political speech, more freedom is the answer. And while such liberty may be a bit more chaotic and inconvenient for some in the political class, as Thomas Jefferson said, “I would rather be exposed to the inconveniences attending too much liberty than those attending too small a degree of it.”

The answer to problems in politics in a free society is more freedom, not less.

I urge this body not to diminish the First Amendment for the sake of politics. Let’s reject this bill and allow the American people to exercise their right of free speech and participate fully in the political process, as our Constitution intended.

Mr. TIAHRT. Mr. Chair, the passage today of the so-called DISCLOSE Act, is a travesty. This bill is a hasty, ill-conceived, un-Constitutional response to the near unanimous decision of the U.S. Supreme Court in Citizens United vs The Federal Election Committee. The DISCLOSE Act takes us down a familiar road of the Democratic majority attempting to remove the First Amendment rights of the minority, including the rights of those who are fighting to defend the sanctity of life. For over a year, the Democrat majority in Congress and the White House have held the voice of the American people in contempt, whether at town halls or on the National Mall. Instead of listening, they would rather find ways to silence us. This bill is a direct attack on our rights and will not stand up to the scrutiny of the courts. This hallowed body should not have even considered it. I urge the Senate to send this bill back to where it deserves to go, the trash bin.

Mr. CASTLE. Mr. Chair, I rise today to support the DISCLOSE Act, legislation to boost transparency and accountability in U.S. elections.

The January, 5–4 Supreme Court decision in the Citizen’s United v. FEC case allows for unprecedented corporate and union influence in our elections, overturning many years of banning these groups from spending their general treasury funds on political expenditures in Federal elections.

With the 2010 election season months away, it is imperative that we not let individual voices be drowned out by billions of dollars in special interest funds. For this reason, I am pleased to have worked with Representative CHRIS VAN HOLLEN (D–MD) on the bill before us today, the DISCLOSE Act.

Critics have argued that this legislation stifles free speech in election advertising, when in reality, under this bill, campaign advertisements will continue as before, only now, we will know who is spending money to air the ad. Opponents have also claimed that the bill gives special treatment to unions over corporations, yet the bill requires the same disclosure for both unions and corporations alike. I believe in protecting the right of every American to know who is behind the advertisements they see every campaign season, and under the disclosure requirements in this bill, they will know this information.

The DISCLOSE Act will require corporations and unions to disclose to the FEC and to the American people who is funding their campaign advertisements; and it also requires a CEO, Union Leader, or leader of any other covered organization, to “stand by their ad” and say they approve a campaign message, just like candidates are currently required.

I have worked to ensure all groups that seek to influence the outcome of elections—both unions and corporations—are equally subject to the same disclosure and disclaimer provisions set forth in this bill. As a longtime supporter of strengthening the nation’s campaign finance laws, I remain deeply concerned with efforts to carve out exemptions from this requirement for certain groups, and continue to oppose creating loopholes that will weaken them. For this reason, I opposed the Manager’s Amendment.

The DISCLOSE Act will help bring greater transparency to political advertising, and I encourage my colleagues to support passage of this important measure.

Mr. TIAHRT. Mr. Chair, I stand in vehement opposition to H.R. 5175, the Democracy is Strengthened by Casting Light on Spending in Elections Act. The DISCLOSE Act is a hasty, ill-conceived, un-Constitutional response to the near unanimous decision of the U.S. Supreme Court in Citizens United vs The Federal Election Committee. In that ruling, Justice Kennedy, writing for the majority, stated that:

When Government seeks to use its full power, including the criminal law, to command where a person may get his or her information or what distrusted source he or she may not hear, it uses censorship to control thought. This is unlawful. The First Amendment confirms the freedom to think for ourselves.

The DISCLOSE Act takes us down a familiar road of the majority acting to remove the First Amendment rights of the minority, including the rights of those who are fighting to defend the sanctity of life. For over a year, the Democrat majority in Congress and the White House have held the voice of the American people in contempt, whether at town halls or on the National Mall. Instead of listening, they would rather find ways to silence us.

The DISCLOSE Act is designed to impact this year’s election by immediately placing its provisions into effect without the normal regulatory vetting process that occurs when a bill

is signed into law. It is also a discriminatory bill, with requirements that do not apply equally to all citizens, but are based on the type of activity or speech they are involved in. Nowhere in the Constitution does the Federal Government have the right to decide who has the right to speak up. It is specifically designed to exempt most Unions from the reporting requirements. It requires CEOs of corporations to appear in any ads that their companies have funded, in whole or in part, and state the name of the company, twice. These limits on First Amendment rights are not in keeping with the intentions of the Founding Fathers.

This bill is an abhorrent attack on our rights and it will not stand up to the scrutiny of the courts. This hallowed body should not even be considering it. I urge my colleagues to send this bill back to where it deserves to go, the dust bin.

Ms. ESHOO. Mr. Chair, I rise in support of the DISCLOSE Act. I believe this appropriately named piece of legislation is a critical step forward to improving transparency and limiting the influence of corporations in electoral politics, and I'm pleased to be a cosponsor of it.

In January, the Supreme Court issued its controversial ruling in *Citizens United v. the Federal Election Commission*, overturning limits on corporate campaign activity that had been settled law for over 100 years. This created a guarantee of a free-for-all in campaign spending. I strongly disagree with the decision, and I'm pleased that the DISCLOSE Act will reverse the damage that the Supreme Court has created.

I have been a supporter of campaign finance reform since I was first elected to Congress. Over a decade ago I was proud to cosponsor the Shays-Meehan campaign reform legislation to prevent corporations from buying elections.

Today's legislation takes a number of important steps forward. It prevents corporations from spending money in campaigns, including those who receive large government contracts; those who are controlled by foreign entities; or those who received a government bailout through the TARP program.

It also forces corporations to stand by their ads by requiring their CEOs to appear on camera to say they endorse the message, just as candidates must do. The bill would also strengthen disclosure requirements in the critical weeks before an election.

Under DISCLOSE, corporations will not be able to hide behind organizations with innocuous or vague sounding names when they run political ads. Organizations that sprout up overnight to participate in campaigns will be required to disclose their donors so voters will know who is sponsoring their ads, while at the same time allowing well-established issue-advocacy groups to protect the privacy of their donor base.

The American people deserve to know who attempts to influence their elections. Once they know who sponsors an ad, they can judge the content for themselves and vote accordingly. The DISCLOSE Act will help voters make their own decisions, a principle that is at the core of our democracy.

I urge my colleagues to vote for this highly important legislation.

Mrs. MALONEY. Mr. Chair, I rise in support of H.R. 5175, the Democracy is Strengthened by Casting Light on Spending in Elections, or DISCLOSE Act. This legislation addresses serious concerns raised by the recent Supreme Court ruling in *Citizens United v. FEC* by increasing transparency in our electoral process. My colleague from Maryland, Mr. VAN HOLLEN, and my fellow New Yorker, Senator SCHUMER deserve thanks for their leadership on this issue.

The recent Supreme Court ruling grants even greater influence to powerful special interests—effectively drowning out the voices of average Americans. This legislation provides voters with the opportunity to make informed decisions—shedding light on the millions of dollars being spent with the intent to influence elections and politicians in Washington.

The DISCLOSE Act eliminates “pay-to-play” by preventing government contractors—and TARP recipients—from spending money on elections. The bill extends the current ban on political spending by foreign nationals to include domestic corporations controlled by foreign nationals, requires corporate CEOs to stand by their political ads in the same way candidates must, and enhances disclosure requirements for political expenditures by organizations who lobby government officials.

The legislation before us today is not a perfect bill, but it is a necessary first step to rein in the influence of special interests in our political process. The American people are greatly concerned by the recent Supreme Court ruling, and they rightly fear that only big money and special interests get a hearing in Washington. Passage of the DISCLOSE Act will bring transparency and accountability to campaigns and ensure Americans' voices are not drowned out by corporate dollars.

I urge my colleagues to support this bill.

Mr. LANGEVIN. Mr. Chair, I rise in support of H.R. 5175, the Democracy Is Strengthened by Casting Light On Spending in Elections (DISCLOSE) Act and I urge my colleagues to support this important bipartisan bill that will improve transparency and accountability in our federal elections. I would like to thank Chairman BRADY and Congressman VAN HOLLEN for their efforts to quickly move this bill to the floor.

I share the concern of many Rhode Islanders who were disappointed with the Supreme Court's decision in *Citizens United v. FEC*, which would allow corporations to fund political ads without disclosing their funding sources. Unfortunately, this could facilitate unlimited political spending by anonymous donors in campaigns across the nation, allowing special interests and corporations to go unchecked in our democratic process.

Contrary to some arguments that have been made on this Floor today, this bill does nothing to restrict free speech. It simply ensures that our citizens know who is speaking.

This legislation takes several critical steps to protect the integrity of our elections and shine light on who is funding campaign advertisements. First, it prohibits large government contractors, those with over \$10 million in contracts, from making campaign expenditures. The bill further bars those companies that received TARP funding from participating in federal campaigns until the government is repaid.

Additionally, this bill ensures that foreign governments do not influence our elections by banning corporations controlled by foreign nationals from making campaign contributions and expenditures.

I am especially pleased that the DISCLOSE Act contains strong language to require CEOs to stand by their ads by requiring them to appear on camera to “approve the message,” just as candidates do today. Additionally, top donors must be listed in ads so that individuals know exactly who is financing the message. Again, this does not curb the freedom to speak or advocate for an issue or candidate, it simply ensures transparency. Finally, this legislation requires corporations and other organizations to disclose campaign related expenditures to their shareholders, members, and on their websites.

While I am disappointed with the inclusion of an exemption for certain organizations, I believe that this bill takes an enormous step towards improving our laws to bring greater transparency and accountability to our nation's campaigns. As a former Secretary of State and a proud representative of Rhode Island, I believe free and fair elections are fundamental to our democracy, and I urge my colleagues to support the DISCLOSE Act.

Ms. FOXX. Mr. Chair, in January 2010, the Supreme Court in *Citizens United v. Federal Election Commission* held that corporations and unions alike have the right under the First Amendment to speak out in political races. What that decision overturned was the portion of current law that allows political speech to be banned based on the speaker's corporate identity. The Supreme Court ruled that this ban is unconstitutional and violates the First Amendment right to free speech and I share this sentiment.

The Constitution clearly states “Congress shall make no law, abridging the freedom of speech.” Upholding the Constitution and our freedoms does not in any way degrade our democratic process. The First Amendment has long been applied not only to isolated individuals but also to groups and associations whose members gather for a wide variety of purposes ranging from political to commercial.

Political speech is indispensable to decision-making in a republic and this is no less true because the speech comes from a corporation. If the government can ban expenditures related to political speech, it could easily apply that to any communication. In the argument before the Supreme Court, Deputy Solicitor General Malcolm Stewart even asserted that under current law the government has the authority to “prohibit the publication” of books and movies by corporations containing even one line of advocacy for or against a candidate for public office. That statement is chilling.

During the drafting of H.R. 5175, the so-called “DISCLOSE” Act, Democrats dismissed Republican requests to collaborate and wrote the bill behind closed doors. Due to lack of support for this unconstitutional bill, they were forced to pull it from consideration on at least two occasions. After weeks of opposition to this very bad bill which was opposed by the U.S. Chamber of Commerce, Citizens Against Government Waste and National Taxpayers Union, the Democrats were able to craft language acceptable to the NRA which then lifted

its opposition because it became exempt from the bill. That action alone violates what the Supreme Court said which is that all groups must be treated the same.

The DISCLOSE Act's effort to limit political speech is not even-handed, those favored by the Democrats are excluded from the requirements, and it encourages partisan advantages. But the bill is more than inequitable treatment; it is an outright attack on free speech and the First Amendment. It is government censorship and I oppose H.R. 5175.

Mr. VISCLOSKY. Mr. Chair, I rise in support of H.R. 5175, and strongly believe that the legislation is vital to our democracy.

While I believe that personal speech should be protected by the First Amendment of the U.S. Constitution, I feel that corporate speech was never meant to be protected and extending Constitutional safeguards to it is corrosive to our democracy. By providing unprecedented transparency, H.R. 5175 goes a long way to hold corporations who participate in U.S. elections accountable to the American people.

At its core, H.R. 5175 protects the constitutional right of voters to know the identity of the organizations spending money to influence their elections and the sources of the money they are spending.

Without the establishment of strong new disclosure rules, the Supreme Court's decision in *Citizens United v. FEC* will give corporations incredible power to influence elections. That is why I believe that H.R. 5175 is necessary to ensure that people know who is trying to influence our country's elections.

I also believe that this legislation prevents those who should not interfere in our elections, such as corporations controlled by foreign interests, from doing so.

This legislation strikes the appropriate balance and I urge my colleagues to support this important measure.

Mr. JOHNSON of Georgia. Mr. Chair, I rise to urge my colleagues to support the rule and the underlying bill, the DISCLOSE Act. I strongly support the DISCLOSE Act, which recognizes the significant contributions of libraries, librarians, and library workers to our nation's communities.

In *Citizens United v. Federal Election Commission*, the Supreme Court opened the floodgates to unrestricted special interest campaign donations in American elections—even from entities controlled by foreign governments. In that case, the Supreme Court ruled that all organizations, corporations, and unions are free to take unlimited corporate money and make unlimited political expenditures.

The DISCLOSE Act would strengthen disclosure of election ads and would force corporate CEO's to stand by their ads by appearing on camera to say that he or she "approves this message."

This bipartisan legislation would control the flood of special interest money into America's elections. Powerful special interests and their lobbyists should not be able to drown out the voices of the American people with their pocketbooks.

The DISCLOSE Act would establish touch disclosure requirements for election-related spending by big oil corporations, Wall Street and other special interests, so the American people can follow the money and see clearly

which special interests are funding political campaign activity and trying to buy representation in our government. This legislation would also prohibit foreign entities from manipulating the outcomes of American elections and help close other special interest loopholes.

Further, the DISCLOSE Act would ensure that social welfare organizations with membership of 500,000 or more, stand by their political ads and prohibits them from using corporate dollars for campaign purposes, while respecting privacy of their contributors.

I believe that people need to know who is paying to influence their elections.

According to a recent Washington Post-ABC poll, the American people agree. Eight in ten Americans opposed the high court's ruling, including seven out of ten Republicans, and 72 percent favored congressional action to curb the ruling.

Congress should act now to pass this important bill.

I strongly support the DISCLOSE Act and urge my colleagues to do the same.

Mr. BRADY of Pennsylvania. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The committee amendment in the nature of a substitute modified by the amendment printed in part A of House Report 111-511 is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

#### H.R. 5175

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Democracy is Strengthened by Casting Light on Spending in Elections Act" or the "DISCLOSE Act".

(b) *TABLE OF CONTENTS.*—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

#### TITLE I—REGULATION OF CERTAIN POLITICAL SPENDING

Sec. 101. Prohibiting independent expenditures and electioneering communications by government contractors.

Sec. 102. Application of ban on contributions and expenditures by foreign nationals to foreign-controlled domestic corporations.

Sec. 103. Treatment of payments for coordinated communications as contributions.

Sec. 104. Treatment of political party communications made on behalf of candidates.

Sec. 105. Restriction on internet communications treated as public communications.

#### TITLE II—PROMOTING EFFECTIVE DISCLOSURE OF CAMPAIGN-RELATED ACTIVITY

Subtitle A—Treatment of Independent Expenditures and Electioneering Communications Made by All Persons

Sec. 201. Independent expenditures.

Sec. 202. Electioneering communications.

Sec. 203. Mandatory electronic filing by persons making independent expenditures or electioneering communications exceeding \$10,000 at any time.

#### Subtitle B—Expanded Requirements for Corporations and Other Organizations

Sec. 211. Additional information required to be included in reports on disbursements by covered organizations.

Sec. 212. Rules regarding use of general treasury funds by covered organizations for campaign-related activity.

Sec. 213. Optional use of separate account by covered organizations for campaign-related activity.

Sec. 214. Modification of rules relating to disclaimer statements required for certain communications.

#### Subtitle C—Reporting Requirements for Registered Lobbyists

Sec. 221. Requiring registered lobbyists to report information on independent expenditures and electioneering communications.

#### TITLE III—DISCLOSURE BY COVERED ORGANIZATIONS OF INFORMATION ON CAMPAIGN-RELATED ACTIVITY

Sec. 301. Requiring disclosure by covered organizations of information on campaign-related activity.

#### TITLE IV—OTHER PROVISIONS

Sec. 401. Judicial review.

Sec. 402. Severability.

Sec. 403. Effective date.

#### TITLE I—REGULATION OF CERTAIN POLITICAL SPENDING

##### SEC. 101. PROHIBITING INDEPENDENT EXPENDITURES AND ELECTIONEERING COMMUNICATIONS BY GOVERNMENT CONTRACTORS.

(a) PROHIBITION APPLICABLE TO GOVERNMENT CONTRACTORS.—

(1) PROHIBITION.—

(A) IN GENERAL.—Section 317(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441c(a)(1)) is amended by striking "purpose or use; or" and inserting the following: "purpose or use, to make any independent expenditure, or to disburse any funds for an electioneering communication; or".

(B) CONFORMING AMENDMENT.—The heading of section 317 of such Act (2 U.S.C. 441c) is amended by striking "CONTRIBUTIONS" and inserting "CONTRIBUTIONS, INDEPENDENT EXPENDITURES, AND ELECTIONEERING COMMUNICATIONS".

(2) THRESHOLD FOR APPLICATION OF BAN.—Section 317 of such Act (2 U.S.C. 441c) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(B) by inserting after subsection (a) the following new subsection:

"(b) To the extent that subsection (a)(1) prohibits a person who enters into a contract described in such subsection from making any independent expenditure or disbursing funds for an electioneering communication, such subsection shall apply only if the value of the contract is equal to or greater than \$10,000,000."

(b) APPLICATION TO RECIPIENTS OF ASSISTANCE UNDER TROUBLED ASSET PROGRAM.—Section 317(a) of such Act (2 U.S.C. 441c(a)) is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) who enters into negotiations for financial assistance under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et

seq.) (relating to the purchase of troubled assets by the Secretary of the Treasury), during the period—

“(A) beginning on the later of the commencement of the negotiations or the date of the enactment of the Democracy is Strengthened by Casting Light on Spending in Elections Act; and

“(B) ending with the later of the termination of such negotiations or the repayment of such financial assistance;

directly or indirectly to make any contribution of money or other things of value, or to promise expressly or impliedly to make any such contribution to any political party, committee, or candidate for public office or to any person for any political purpose or use, to make any independent expenditure, or to disburse any funds for an electioneering communication; or”.

(c) **TECHNICAL AMENDMENT.**—Section 317 of such Act (2 U.S.C. 441c) is amended by striking “section 321” each place it appears and inserting “section 316”.

**SEC. 102. APPLICATION OF BAN ON CONTRIBUTIONS AND EXPENDITURES BY FOREIGN NATIONALS TO FOREIGN-CONTROLLED DOMESTIC CORPORATIONS.**

(a) **APPLICATION OF BAN.**—Section 319(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b)) is amended—

(1) by striking “or” at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting “; or”; and

(3) by adding at the end the following new paragraph:

“(3) any corporation which is not a foreign national described in paragraph (1) and—

“(A) in which a foreign national described in paragraph (1) or (2) directly or indirectly owns 20 percent or more of the voting shares;

“(B) with respect to which the majority of the members of the board of directors are foreign nationals described in paragraph (1) or (2);

“(C) over which one or more foreign nationals described in paragraph (1) or (2) has the power to direct, dictate, or control the decision-making process of the corporation with respect to its interests in the United States; or

“(D) over which one or more foreign nationals described in paragraph (1) or (2) has the power to direct, dictate, or control the decision-making process of the corporation with respect to activities in connection with a Federal, State, or local election, including—

“(i) the making of a contribution, donation, expenditure, independent expenditure, or disbursement for an electioneering communication (within the meaning of section 304(f)(3)); or

“(ii) the administration of a political committee established or maintained by the corporation.”.

(b) **CERTIFICATION OF COMPLIANCE.**—Section 319 of such Act (2 U.S.C. 441e) is amended by adding at the end the following new subsection:

“(c) **CERTIFICATION OF COMPLIANCE REQUIRED PRIOR TO CARRYING OUT ACTIVITY.**—Prior to the making in connection with an election for Federal office of any contribution, donation, expenditure, independent expenditure, or disbursement for an electioneering communication by a corporation during a year, the chief executive officer of the corporation (or, if the corporation does not have a chief executive officer, the highest ranking official of the corporation), shall file a certification with the Commission, under penalty of perjury, that the corporation is not prohibited from carrying out such activity under subsection (b)(3), unless the chief executive officer has previously filed such a certification during the year. Nothing in this subsection shall be construed to apply to any contribution, donation, expenditure, independent expenditure, or disbursement from a separate

segregated fund established and administered by a corporation under section 316(b)(2)(C).”.

(c) **NO EFFECT ON CERTAIN ACTIVITIES OF DOMESTIC CORPORATIONS.**—Section 319 of such Act (2 U.S.C. 441e), as amended by subsection (b), is further amended by adding at the end the following new subsection:

“(d) **NO EFFECT ON CERTAIN ACTIVITIES OF DOMESTIC CORPORATIONS.**—

“(1) **SEPARATE SEGREGATED FUNDS.**—Nothing in this section shall be construed to prohibit any corporation which is not a foreign national described in paragraph (1) of subsection (b) from establishing, administering, and soliciting contributions to a separate segregated fund under section 316(b)(2)(C), so long as none of the amounts in the fund are provided by any foreign national described in paragraph (1) or (2) of subsection (b) and no foreign national described in paragraph (1) or (2) of subsection (b) has the power to direct, dictate, or control the establishment or administration of the fund.”.

“(2) **STATE AND LOCAL ELECTIONS.**—Nothing in this section shall be construed to prohibit any corporation which is not a foreign national described in paragraph (1) of subsection (b) from making a contribution or donation in connection with a State or local election to the extent permitted under State or local law, so long as no foreign national described in paragraph (1) or (2) of subsection (b) has the power to direct, dictate, or control such contribution or donation.

“(3) **OTHER PERMISSIBLE CORPORATE CONTRIBUTIONS AND EXPENDITURES.**—Nothing in this section shall be construed to prohibit any corporation which is not a foreign national described in paragraph (1) of subsection (b) from carrying out any activity described in subparagraph (A) or (B) of section 316(b)(2), so long as none of the amounts used to carry out the activity are provided by any foreign national described in paragraph (1) or (2) of subsection (b) and no foreign national described in paragraph (1) or (2) of subsection (b) has the power to direct, dictate, or control such activity.”.

(d) **NO EFFECT ON OTHER LAWS.**—Section 319 of such Act (2 U.S.C. 441e), as amended by subsections (b) and (c), is further amended by adding at the end the following new subsection:

“(e) **NO EFFECT ON OTHER LAWS.**—Nothing in this section shall be construed to affect the determination of whether a corporation is treated as a foreign national for purposes of any law other than this Act.”.

**SEC. 103. TREATMENT OF PAYMENTS FOR COORDINATED COMMUNICATIONS AS CONTRIBUTIONS.**

(a) **IN GENERAL.**—Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended—

(1) by striking “or” at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting “; or”; and

(3) by adding at the end the following new clause:

“(iii) any payment made by any person (other than a candidate, an authorized committee of a candidate, or a political committee of a political party) for a coordinated communication (as determined under section 324).”.

(b) **COORDINATED COMMUNICATIONS DESCRIBED.**—Section 324 of such Act (2 U.S.C. 441k) is amended to read as follows:

**“SEC. 324. COORDINATED COMMUNICATIONS.**

“(a) **COORDINATED COMMUNICATIONS DEFINED.**—

“(1) **IN GENERAL.**—For purposes of this Act, the term ‘coordinated communication’ means—

“(A) a covered communication which, subject to subsection (c), is made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, an authorized committee of a candidate, or a political committee of a political party; or

“(B) any communication that republishes, disseminates, or distributes, in whole or in part, any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, an authorized committee of a candidate, or their agents.

“(2) **EXCEPTION.**—The term ‘coordinated communication’ does not include—

“(A) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate; or

“(B) a communication which constitutes a candidate debate or forum conducted pursuant to the regulations adopted by the Commission to carry out section 304(f)(3)(B)(iii), or which solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum.”.

“(b) **COVERED COMMUNICATION DEFINED.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (4), for purposes of this subsection, the term ‘covered communication’ means, for purposes of the applicable election period described in paragraph (2) and with respect to the coordinated communication involved, a public communication (as defined in section 301(22)) that refers to the candidate described in subsection (a)(1)(A) or an opponent of such candidate and is publicly distributed or publicly disseminated during such period.

“(2) **APPLICABLE ELECTION PERIOD.**—For purposes of paragraph (1), the ‘applicable election period’ with respect to a communication means—

“(A) in the case of a communication which refers to a candidate for the office of President or Vice President, the period—

“(i) beginning with the date that is 120 days before the date of the first primary election, preference election, or nominating convention for nomination for the office of President which is held in any State; and

“(ii) ending with the date of the general election for such office; or

“(B) in the case of a communication which refers to a candidate for any other Federal office, the period—

“(i) beginning with the date that is 90 days before the earliest of the primary election, preference election, or nominating convention with respect to the nomination for the office that the candidate is seeking; and

“(ii) ending with the date of the general election for such office.

“(3) **SPECIAL RULE FOR PUBLIC DISTRIBUTION OF COMMUNICATIONS INVOLVING CONGRESSIONAL CANDIDATES.**—For purposes of paragraph (1), in the case of a communication involving a candidate for an office other than President or Vice President, the communication shall be considered to be publicly distributed or publicly disseminated only if the dissemination or distribution occurs in the jurisdiction of the office that the candidate is seeking.

“(c) **NO FINDING OF COORDINATION BASED SOLELY ON SHARING OF INFORMATION REGARDING LEGISLATIVE OR POLICY POSITION.**—For purposes of subsection (a)(1), a covered communication shall not be considered to be made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, an authorized committee of a candidate, or a political committee of a political party solely on the grounds that a person or an agent thereof engaged in discussions with the candidate or committee regarding that person’s position on a legislative or policy matter (including urging the candidate or party to adopt that person’s position), so long as there is no discussion between the person and the candidate or committee regarding the candidate’s campaign plans, projects, activities, or needs.

“(d) **PRESERVATION OF CERTAIN SAFE HARBORS AND FIREWALLS.**—Nothing in this section may be construed to affect 11 CFR 109.21(g) or (h), as in effect on the date of the enactment of the Democracy is Strengthened by Casting Light on Spending in Elections Act.

“(e) **TREATMENT OF COORDINATION WITH POLITICAL PARTIES FOR COMMUNICATIONS REFERRING TO CANDIDATES.**—For purposes of this section, if a communication which refers to any clearly identified candidate or candidates of a political party or any opponent of such a candidate or candidates is determined to have been made in cooperation, consultation, or concert with or at the request or suggestion of a political committee of the political party but not in cooperation, consultation, or concert with or at the request or suggestion of such clearly identified candidate or candidates, the communication shall be treated as having been made in cooperation, consultation, or concert with or at the request or suggestion of the political committee of the political party but not with or at the request or suggestion of such clearly identified candidate or candidates.”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—This section and the amendments made by this section shall apply with respect to payments made on or after the expiration of the 30-day period which begins on the date of the enactment of this Act, without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

(2) **TRANSITION RULE FOR ACTIONS TAKEN PRIOR TO ENACTMENT.**—No person shall be considered to have made a payment for a coordinated communication under section 324 of the Federal Election Campaign Act of 1971 (as amended by subsection (b)) by reason of any action taken by the person prior to the date of the enactment of this Act. Nothing in the previous sentence shall be construed to affect any determination under any other provision of such Act which is in effect on the date of the enactment of this Act regarding whether a communication is made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, an authorized committee of a candidate, or a political committee of a political party.

#### **SEC. 104. TREATMENT OF POLITICAL PARTY COMMUNICATIONS MADE ON BEHALF OF CANDIDATES.**

(a) **TREATMENT OF PAYMENT FOR PUBLIC COMMUNICATION AS CONTRIBUTION IF MADE UNDER CONTROL OR DIRECTION OF CANDIDATE.**—Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)), as amended by section 103(a), is amended—

(1) by striking “or” at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting “; or”; and

(3) by adding at the end the following new clause:

“(iv) any payment by a political committee of a political party for the direct costs of a public communication (as defined in paragraph (22)) made on behalf of a candidate for Federal office who is affiliated with such party, but only if the communication is controlled by, or made at the direction of, the candidate or an authorized committee of the candidate.”.

(b) **REQUIRING CONTROL OR DIRECTION BY CANDIDATE FOR TREATMENT AS COORDINATED PARTY EXPENDITURE.**—

(1) **IN GENERAL.**—Paragraph (4) of section 315(d) of such Act (2 U.S.C. 441a(d)) is amended to read as follows:

“(4) **SPECIAL RULE FOR DIRECT COSTS OF COMMUNICATIONS.**—The direct costs incurred by a political committee of a political party for a communication made in connection with the campaign of a candidate for Federal office shall not be subject to the limitations contained in

paragraphs (2) and (3) unless the communication is controlled by, or made at the direction of, the candidate or an authorized committee of the candidate.”.

(2) **CONFORMING AMENDMENT.**—Paragraph (1) of section 315(d) of such Act (2 U.S.C. 441a(d)) is amended by striking “paragraphs (2), (3), and (4)” and inserting “paragraphs (2) and (3)”.

(c) **EFFECTIVE DATE.**—This section and the amendments made by this section shall apply with respect to payments made on or after the expiration of the 30-day period which begins on the date of the enactment of this Act, without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

#### **SEC. 105. RESTRICTION ON INTERNET COMMUNICATIONS TREATED AS PUBLIC COMMUNICATIONS.**

(a) **IN GENERAL.**—Section 301(22) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(22)) is amended by adding at the end the following new sentence: “A communication which is disseminated through the Internet shall not be treated as a form of general public political advertising under this paragraph unless the communication was placed for a fee on another person’s Web site.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

#### **TITLE II—PROMOTING EFFECTIVE DISCLOSURE OF CAMPAIGN-RELATED ACTIVITY**

##### **Subtitle A—Treatment of Independent Expenditures and Electioneering Communications Made by All Persons**

#### **SEC. 201. INDEPENDENT EXPENDITURES.**

(a) **REVISION OF DEFINITION.**—Subparagraph (A) of section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) is amended to read as follows:

“(A) that, when taken as a whole, expressly advocates the election or defeat of a clearly identified candidate, or is the functional equivalent of express advocacy because it can be interpreted by a reasonable person only as advocating the election or defeat of a candidate, taking into account whether the communication involved mentions a candidacy, a political party, or a challenger to a candidate, or takes a position on a candidate’s character, qualifications, or fitness for office; and”.

(b) **UNIFORM 24-HOUR REPORTING FOR PERSONS MAKING INDEPENDENT EXPENDITURES EXCEEDING \$10,000 AT ANY TIME.**—Section 304(g) of such Act (2 U.S.C. 434(g)) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) **INDEPENDENT EXPENDITURES EXCEEDING THRESHOLD AMOUNT.**—

“(A) **INITIAL REPORT.**—A person (including a political committee) that makes or contracts to make independent expenditures in an aggregate amount equal to or greater than the threshold amount described in paragraph (2) shall electronically file a report describing the expenditures within 24 hours.

“(B) **ADDITIONAL REPORTS.**—After a person files a report under subparagraph (A), the person shall electronically file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures in an aggregate amount equal to or greater than the threshold amount with respect to the same election as that to which the initial report relates.

“(C) **THRESHOLD AMOUNT DESCRIBED.**—In this paragraph, the ‘threshold amount’ means—

“(i) during the period up to and including the 20th day before the date of an election, \$10,000; or

“(ii) during the period after the 20th day, but more than 24 hours, before the date of an election, \$1,000.

“(2) **PUBLIC AVAILABILITY.**—Notwithstanding any other provision of this section, the Commission shall ensure that the information required to be disclosed under this subsection is publicly available through the Commission website not later than 24 hours after receipt in a manner that is downloadable in bulk and machine readable.”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall apply with respect to contributions and expenditures made on or after the expiration of the 30-day period which begins on the date of the enactment of this Act, without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

(2) **REPORTING REQUIREMENTS.**—The amendment made by subsection (b) shall apply with respect to reports required to be filed after the date of the enactment of this Act.

#### **SEC. 202. ELECTIONEERING COMMUNICATIONS.**

(a) **EXPANSION OF PERIOD COVERING GENERAL ELECTION.**—Section 304(f)(3)(A)(i)(II)(aa) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(f)(3)(A)(i)(II)(aa)) is amended by striking “60 days” and inserting “120 days”.

(b) **EFFECTIVE DATE; TRANSITION FOR COMMUNICATIONS MADE PRIOR TO ENACTMENT.**—The amendment made by subsection (a) shall apply with respect to communications made on or after the date of the enactment of this Act, without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments, except that no communication which is made prior to the date of the enactment of this Act shall be treated as an electioneering communication under section 304(f)(3)(A)(i)(II) of the Federal Election Campaign Act of 1971 (as amended by subsection (a)) unless the communication would be treated as an electioneering communication under such section if the amendment made by subsection (a) did not apply.

#### **SEC. 203. MANDATORY ELECTRONIC FILING BY PERSONS MAKING INDEPENDENT EXPENDITURES OR ELECTIONEERING COMMUNICATIONS EXCEEDING \$10,000 AT ANY TIME.**

Section 304(d)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(d)(1)) is amended—

(1) by striking “or (g)”; and

(2) by adding at the end the following: “Notwithstanding any other provision of this section, any person who is required to file a statement under subsection (f) or subsection (g) shall file the statement in electronic form accessible by computers, in a manner which ensures that the information provided is searchable, sortable, and downloadable.”.

##### **Subtitle B—Expanded Requirements for Corporations and Other Organizations**

#### **SEC. 211. ADDITIONAL INFORMATION REQUIRED TO BE INCLUDED IN REPORTS ON DISBURSEMENTS BY COVERED ORGANIZATIONS.**

(a) **INDEPENDENT EXPENDITURE REPORTS.**—Section 304(g) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(g)) is amended by adding at the end the following new paragraph:

“(5) **DISCLOSURE OF ADDITIONAL INFORMATION BY COVERED ORGANIZATIONS MAKING PAYMENTS FOR PUBLIC INDEPENDENT EXPENDITURES.**—

“(A) **ADDITIONAL INFORMATION.**—If a covered organization makes or contracts to make public independent expenditures in an aggregate amount equal to or exceeding \$10,000 in a calendar year, the report filed by the organization under this subsection shall include, in addition to the information required under paragraph (3), the following information subject to Subparagraph (B)(iv):

“(i) If any person made a donation or payment to the covered organization during the

covered organization reporting period which was provided for the purpose of being used for campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity—

“(I) subject to subparagraph (C), the identification of each person who made such donations or payments in an aggregate amount equal to or exceeding \$600 during such period, presented in the order of the aggregate amount of donations or payments made by such persons during such period (with the identification of the person making the largest donation or payment appearing first); and

“(II) if any person identified under subclause (I) designated that the donation or payment be used for campaign-related activity with respect to a specific election or in support of a specific candidate, the name of the election or candidate involved, and if any such person designated that the donation or payment be used for a specific public independent expenditure, a description of the expenditure.

“(ii) The identification of each person who made unrestricted donor payments to the organization during the covered organization reporting period—

“(I) in an aggregate amount equal to or exceeding \$600 during such period, if any of the disbursements made by the organization for any of the public independent expenditures which are covered by the report were not made from the organization's Campaign-Related Activity Account under section 326; or

“(II) in an aggregate amount equal to or exceeding \$6,000 during such period, if the disbursements made by the organization for all of the public independent expenditures which are covered by the report were made exclusively from the organization's Campaign-Related Activity Account under section 326 (but only if the organization has made deposits described in subparagraph (D) of section 326(a)(2) into that Account during such period in an aggregate amount equal to or greater than \$10,000), presented in the order of the aggregate amount of payments made by such persons during such period (with the identification of the person making the largest payment appearing first).

“(B) TREATMENT OF TRANSFERS MADE TO OTHER PERSONS.—

“(i) IN GENERAL.—Subject to clause (iii), for purposes of the requirement to file reports under this subsection (including the requirement under subparagraph (A) to include additional information in such reports), a covered organization which transfers amounts to another person (other than the covered organization itself) for the purpose of making a public independent expenditure by that person or by any other person, or (in accordance with clause (ii)) which is deemed to have transferred amounts to another person (other than the covered organization itself) for the purpose of making a public independent expenditure by that person or by any other person, shall be considered to have made a public independent expenditure.

“(ii) RULES FOR DEEMING TRANSFERS MADE FOR PURPOSE OF MAKING EXPENDITURES.—For purposes of clause (i), in determining whether a covered organization which transfers amounts to another person shall be deemed to have transferred the amounts for the purpose of making a public independent expenditure, the following rules apply:

“(I) The covered organization shall be deemed to have transferred the amounts for the purpose of making a public independent expenditure if—

“(aa) the covered organization designates, requests, or suggests that the amounts be used for public independent expenditures and the person to whom the amounts were transferred agrees to do so;

“(bb) the person making the public independent expenditure or another person acting

on that person's behalf expressly solicited the covered organization for a donation or payment for making or paying for any public independent expenditures;

“(cc) the covered organization and the person to whom the amounts were transferred engaged in written or oral discussion regarding the person either making, or paying for, any public independent expenditure, or donating or transferring the amounts to another person for that purpose;

“(dd) the covered organization which transferred the funds knew or had reason to know that the person to whom the amounts were transferred intended to make public independent expenditures; or

“(ee) the covered organization which transferred the funds or the person to whom the amounts were transferred made one or more public independent expenditures in an aggregate amount of \$50,000 or more during the 2-year period which ends on the date on which the amounts were transferred.”.

“(II) The covered organization shall not be deemed to have transferred the amounts for the purpose of making a public independent expenditure if—

“(aa) the transfer was a commercial transaction occurring in the ordinary course of business between the covered organization and the person to whom the amounts were transferred, unless there is affirmative evidence that the amounts were transferred for the purpose of making a public independent expenditure; or

“(bb) the covered organization and the person to whom the amounts were transferred mutually agreed (as provided in section 325(b)(1)) that the person will not use the amounts for campaign-related activity.”.

“(iii) SPECIAL RULE REGARDING TRANSFERS AMONG AFFILIATES.—

“(I) SPECIAL RULE.—In the case of an amount transferred by one covered organization to another covered organization which is treated as a transfer between affiliates under subclause (II), clause (i) and (ii) shall apply to the covered organization which transfers the amount only if the aggregate amount transferred during the year by such covered organization is equal to or greater than \$50,000.

“(II) DESCRIPTION OF TRANSFERS BETWEEN AFFILIATES.—A transfer of amounts from one covered organization to another covered organization shall be treated as a transfer between affiliates if—

“(aa) one of the organizations is an affiliate of the other organization; or

“(bb) each of the organizations is an affiliate of the same organization,

except that the transfer shall not be treated as a transfer between affiliates if one of the organizations is established for the purpose of disbursing funds for campaign-related activity.

“(III) DETERMINATION OF AFFILIATE STATUS.—For purposes of subclause (II), a covered organization is an affiliate of another covered organization if—

“(aa) the governing instrument of the organization requires it to be bound by decisions of the other organization;

“(bb) the governing board of the organization includes persons who are specifically designated representatives of the other organization or are members of the governing board, officers, or paid executive staff members of the other organization, or whose service on the governing board is contingent upon the approval of the other organization; or

“(cc) the organization is chartered by the other organization.

“(IV) COVERAGE OF TRANSFERS TO AFFILIATED SECTION 501(C)(3) ORGANIZATIONS.—This clause shall apply with respect to an amount transferred by a covered organization to an organiza-

tion described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code in the same manner as this clause applies to an amount transferred by a covered organization to another covered organization.

“(iv) SPECIAL THRESHOLD FOR DISCLOSURE OF DONORS.—Notwithstanding clause (i) or (ii) of subparagraph (A), if a covered organization is required to include the identification of a person described in such clause in a report filed under this subsection because the covered organization is deemed (in accordance with clause (ii)) to have transferred amounts for the purpose of making a public independent expenditure, the organization shall include the identification of the person only if the person made donations or payments (in the case of a person described in clause (i)(I) of subparagraph (A)) or unrestricted donor payments (in the case of a person described in clause (ii) of subparagraph (A)) to the covered organization during the covered organization reporting period involved in an aggregate amount equal to or exceeding \$10,000.

“(v) WAIVER OF REQUIREMENT TO FILE REPORT.—Notwithstanding clause (i), a covered organization which is considered to have made a public independent expenditure under such clause shall not be required to file a report under this subsection if—

“(I) the organization would be required to file the report solely because the organization is deemed (in accordance with clause (ii)) to have transferred amounts for the purpose of making a public independent expenditure;

“(II) no person made donations or payments (in the case of a person described in clause (i)(I) of subparagraph (A)) or unrestricted donor payments (in the case of person described in clause (ii) of subparagraph (A)) to the covered organization during the covered organization reporting period involved in an aggregate amount equal to or exceeding \$10,000; and

“(III) all of the persons who made donations or payments (in the case of a person described in clause (i)(I) of subparagraph (A)) or unrestricted donor payments (in the case of a person described in clause (ii) of subparagraph (A)) to the covered organization during the covered organization reporting period in any amount were individuals.”.

“(C) EXCLUSION OF AMOUNTS DESIGNATED FOR OTHER CAMPAIGN-RELATED ACTIVITY.—For purposes of subparagraph (A)(i), in determining the amount of a donation or payment made by a person which was provided for the purpose of being used for campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity, there shall be excluded any amount which was designated by the person to be used—

“(i) for campaign-related activity described in clause (i) of section 325(d)(2)(A) (relating to independent expenditures) with respect to a different election, or with respect to a candidate in a different election, than an election which is the subject of any of the public independent expenditures covered by the report involved; or

“(ii) for any campaign-related activity described in clause (ii) of section 325(d)(2)(A) (relating to electioneering communications).

“(D) EXCLUSION OF AMOUNTS PAID FROM SEPARATE SEGREGATED FUND.—In determining the amount of public independent expenditures made by a covered organization for purposes of this paragraph, there shall be excluded any amounts paid from a separate segregated fund established and administered by the organization under section 316(b)(2)(C).

“(E) DETERMINATION OF AMOUNT OF CERTAIN PAYMENTS AMONG AFFILIATES.—For purposes of determining the amount of any donation, payment, or transfer under this subsection which is made by a covered organization to another covered organization which is an affiliate of the

covered organization or each of which is an affiliate of the same organization (as determined in accordance with subparagraph (B)(iii)), to the extent that the donation, payment, or transfer consists of funds attributable to dues, fees, or assessments which are paid by individuals on a regular, periodic basis in accordance with a per-individual calculation which is made on a regular basis, the donation, payment, or transfer shall be attributed to the individuals paying the dues, fees, or assessments and shall not be attributed to the covered organization.”

“(F) COVERED ORGANIZATION REPORTING PERIOD DESCRIBED.—In this paragraph, the ‘covered organization reporting period’ is, with respect to a report filed by a covered organization under this subsection—

“(i) in the case of the first report filed by a covered organization under this subsection which includes information required under this paragraph, the shorter of—

“(I) the period which begins on the effective date of the Democracy is Strengthened by Casting Light on Spending in Elections Act and ends on the last day covered by the report, or

“(II) the 12-month period ending on the last day covered by the report; and

“(ii) in the case of any subsequent report filed by a covered organization under this subsection which includes information required under this paragraph, the period occurring since the most recent report filed by the organization which includes such information.

“(G) COVERED ORGANIZATION DEFINED.—In this paragraph, the term ‘covered organization’ means any of the following:

“(i) Any corporation which is subject to section 316(a) “, other than a corporation which is an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.”

“(ii) Any labor organization (as defined in section 316).

“(iii) Any organization described in paragraph (4), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code “, other than an exempt section 501(c)(4) organization (as defined in section 501(27)).”

“(iv) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act.

“(H) OTHER DEFINITIONS.—In this paragraph—

“(i) the terms ‘campaign-related activity’ and ‘unrestricted donor payment’ have the meaning given such terms in section 325; and

“(ii) the term ‘public independent expenditure’ means an independent expenditure for a public communication (as defined in section 301(22)).”

(b) ELECTIONEERING COMMUNICATION REPORTS.—

(1) IN GENERAL.—Section 304(f) of such Act (2 U.S.C. 434(f)) is amended—

(A) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8); and

(B) by inserting after paragraph (5) the end the following new paragraph:

“(6) DISCLOSURE OF ADDITIONAL INFORMATION BY COVERED ORGANIZATIONS.—

“(A) ADDITIONAL INFORMATION.—If a covered organization files a statement under this subsection, the statement shall include, in addition to the information required under paragraph (2), the following information (subject to subparagraph (B)(iv)):

“(i) If any person made a donation or payment to the covered organization during the covered organization reporting period which was provided for the purpose of being used for campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity—

“(I) subject to subparagraph (C), the identification of each person who made such donations or payments in an aggregate amount equal to or exceeding \$1,000 during such period, presented in the order of the aggregate amount of donations or payments made by such persons during such period (with the identification of the person making the largest donation or payment appearing first); and

“(II) if any person identified under subclause (I) designated that the donation or payment be used for campaign-related activity with respect to a specific election or in support of a specific candidate, the name of the election or candidate involved, and if any such person designated that the donation or payment be used for a specific electioneering communication, a description of the communication.

“(ii) The identification of each person who made unrestricted donor payments to the organization during the covered organization reporting period—

“(I) in an aggregate amount equal to or exceeding \$1,000 during such period, if the organization made any of the disbursements which are described in subclause (II) from a source other than the organization’s Campaign-Related Activity Account under section 326; or

“(II) in an aggregate amount equal to or exceeding \$10,000 during such period, if the organization made from its Campaign-Related Activity Account under section 326 all of its disbursements for electioneering communications during such period which are, on the basis of a reasonable belief by the organization, subject to treatment as disbursements for an exempt function for purposes of section 527(f) of the Internal Revenue Code of 1986 (but only if the organization has made deposits described in subparagraph (D) of section 326(a)(2) into that Account during such period in an aggregate amount equal to or greater than \$10,000).”

presented in the order of the aggregate amount of payments made by such persons during such period (with the identification of the person making the largest payment appearing first).

“(B) TREATMENT OF TRANSFERS MADE TO OTHER PERSONS.—

“(i) IN GENERAL.—Subject to clause (iii), for purposes of the requirement to file statements under this subsection (including the requirement under subparagraph (A) to include additional information in such statements), a covered organization which transfers amounts to another person (other than the covered organization itself) for the purpose of making an electioneering communication by that person or by any other person, or (in accordance with clause (ii)) which is deemed to have transferred amounts to another person (other than the covered organization itself) for the purpose of making an electioneering communication by that person or by any other person, shall be considered to have made a disbursement for an electioneering communication.

“(ii) RULES FOR DEEMING TRANSFERS MADE FOR PURPOSE OF MAKING COMMUNICATIONS.—For purposes of clause (i), in determining whether a covered organization which transfers amounts to another person shall be deemed to have transferred the amounts for the purpose of making an electioneering communication, the following rules apply:

“(I) The covered organization shall be deemed to have transferred the amounts for the purpose of making an electioneering communication if—

“(aa) the covered organization designates, requests, or suggests that the amounts be used for electioneering communications and the person to whom the amounts were transferred agrees to do so;

“(bb) the person making the electioneering communication or another person acting on that person’s behalf expressly solicited the covered

organization for a donation or payment for making or paying for any electioneering communications;

“(cc) the covered organization and the person to whom the amounts were transferred engaged in written or oral discussion regarding the person either making, or paying for, any electioneering communications, or donating or transferring the amounts to another person for that purpose;

“(dd) the covered organization which transferred the funds knew or had reason to know what the person to whom the amounts were transferred intended to make electioneering communications; or

“(ee) the covered organization which transferred the funds or the person to whom the amounts were transferred made one or more electioneering communications in an aggregate amount of \$50,000 or more during the 2-year period which ends on the date on which the amounts were transferred.”

“(II) The covered organization shall not be deemed to have transferred the amounts for the purpose of making an electioneering communication if—

“(aa) the transfer was a commercial transaction occurring in the ordinary course of business between the covered organization and the person to whom the amounts were transferred, unless there is affirmative evidence that the amounts were transferred for the purpose of making an electioneering communication; or

“(bb) the covered organization and the person to whom the amounts were transferred mutually agreed (as provided in section 325(b)(1)) that the person will not use the amounts for campaign-related activity.”

“(iii) SPECIAL RULE REGARDING TRANSFERS AMONG AFFILIATES.—

“(I) SPECIAL RULE.—In the case of an amount transferred by one covered organization to another covered organization which is treated as a transfer between affiliates under subclause (II), clause (i) and (ii) shall apply to the covered organization which transfers the amount only if the aggregate amount transferred during the year by such covered organization to that same covered organization is equal to or greater than \$50,000.

“(II) DESCRIPTION OF TRANSFERS BETWEEN AFFILIATES.—A transfer of amounts from one covered organization to another covered organization shall be treated as a transfer between affiliates if—

“(aa) one of the organizations is an affiliate of the other organization; or

“(bb) each of the organizations is an affiliate of the same organization,

except that the transfer shall not be treated as a transfer between affiliates if one of the organizations is established for the purpose of disbursing funds for campaign-related activity.

“(III) DETERMINATION OF AFFILIATE STATUS.—For purposes of subclause (II), a covered organization is an affiliate of another covered organization if—

“(aa) the governing instrument of the organization requires it to be bound by decisions of the other organization;

“(bb) the governing board of the organization includes persons who are specifically designated representatives of the other organization or are members of the governing board, officers, or paid executive staff members of the other organization, or whose service on the governing board is contingent upon the approval of the other organization; or

“(cc) the organization is chartered by the other organization.

“(IV) COVERAGE OF TRANSFERS TO AFFILIATED SECTION 501(C)(3) ORGANIZATIONS.—This clause shall apply with respect to an amount transferred by a covered organization to an organization described in paragraph (3) of section 501(c)

of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code in the same manner as this clause applies to an amount transferred by a covered organization to another covered organization.

“(iv) **SPECIAL THRESHOLD FOR DISCLOSURE OF DONORS.**—Notwithstanding clause (i) or (ii) of subparagraph (A), if a covered organization is required to include the identification of a person described in such clause in a statement filed under this subsection because the covered organization is deemed (in accordance with clause (ii)) to have transferred amounts for the purpose of making an electioneering communication, the organization shall include the identification of the person only if the person made donations or payments (in the case of a person described in clause (i)(I) of subparagraph (A)) or unrestricted donor payments (in the case of a person described in clause (ii) of subparagraph (A)) to the covered organization during the covered organization reporting period involved in an aggregate amount equal to or exceeding \$10,000.

“(v) **WAIVER OF REQUIREMENT TO FILE STATEMENT.**—Notwithstanding clause (i), a covered organization which is considered to have made a disbursement for an electioneering communication under such clause shall not be required to file a report under this subsection if—

“(I) the organization would be required to file the report solely because the organization is deemed (in accordance with clause (ii)) to have transferred amounts for the purpose of making an electioneering communication;

“(II) no person made donations or payments (in the case of a person described in clause (i)(I) of subparagraph (A)) or unrestricted donor payments (in the case of a person described in clause (ii) of subparagraph (A)) to the covered organization during the covered organization reporting period involved in an aggregate amount equal to or exceeding \$10,000; and

“(III) all of the persons who made donations or payments (in the case of a person described in clause (i)(I) of subparagraph (A)) or unrestricted donor payments (in the case of a person described in clause (ii) of subparagraph (A)) to the covered organization during the covered organization reporting period in any amount were individuals.”

“(C) **EXCLUSION OF AMOUNTS DESIGNATED FOR OTHER CAMPAIGN-RELATED ACTIVITY.**—For purposes of subparagraph (A)(i), in determining the amount of a donation or payment made by a person which was provided for the purpose of being used for campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity, there shall be excluded any amount which was designated by the person to be used—

“(i) for campaign-related activity described in clause (ii) of section 325(d)(2)(A) (relating to electioneering communications) with respect to a different election, or with respect to a candidate in a different election, than an election which is the subject of any of the electioneering communications covered by the statement involved; or

“(ii) for any campaign-related activity described in clause (i) of section 325(d)(2)(A) (relating to independent expenditures consisting of a public communication).

“(D) **DETERMINATION OF AMOUNT OF CERTAIN PAYMENTS AMONG AFFILIATES.**—For purposes of determining the amount of any donation, payment, or transfer under this subsection which is made by a covered organization to another covered organization which is an affiliate of the covered organization or each of which is an affiliate of the same organization (as determined in accordance with subparagraph (B)(iii)), to the extent that the donation, payment, or transfer consists of funds attributable to dues, fees, or assessments which are paid by individuals on a regular, periodic basis in accordance with a

per-individual calculation which is made on a regular basis, the donation, payment, or transfer shall be attributed to the individuals paying the dues, fees, or assessments and shall not be attributed to the covered organization.”

“(E) **COVERED ORGANIZATION REPORTING PERIOD DESCRIBED.**—In this paragraph, the ‘covered organization reporting period’ is, with respect to a statement filed by a covered organization under this subsection—

“(i) in the case of the first statement filed by a covered organization under this subsection which includes information required under this paragraph, the shorter of—

“(I) the period which begins on the effective date of the Democracy is Strengthened by Casting Light on Spending in Elections Act and ends on the disclosure date for the statement, or

“(II) the 12-month period ending on the disclosure date for the statement; and

“(ii) in the case of any subsequent statement filed by a covered organization under this subsection which includes information required under this paragraph, the period occurring since the most recent statement filed by the organization which includes such information.

“(F) **COVERED ORGANIZATION DEFINED.**—In this paragraph, the term ‘covered organization’ means any of the following:

“(i) Any corporation which is subject to section 316(a), other than a corporation which is an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

“(ii) Any labor organization (as defined in section 316).

“(iii) Any organization described in paragraph (4), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, other than an exempt section 501(c)(4) organization (as defined in section 301(27)).

“(iv) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act.

“(G) **OTHER DEFINITIONS.**—In this paragraph, the terms ‘campaign-related activity’ and ‘unrestricted donor payment’ have the meaning given such terms in section 325.”

(2) **CONFORMING AMENDMENT.**—Section 304(f)(2) of such Act (2 U.S.C. 434(f)(2)) is amended by striking “If the disbursements” each place it appears in subparagraphs (E) and (F) and inserting the following: “Except in the case of a statement which is required to include additional information under paragraph (6), if the disbursements”.

(c) **EXEMPTION OF CERTAIN SECTION 501(c)(4) ORGANIZATIONS.**—Section 301 of such Act (2 U.S.C. 431) is amended by adding at the end the following:

“(27) **EXEMPT SECTION 501(C)(4) ORGANIZATION.**—The term ‘exempt section 501(c)(4) organization’ means, with respect to disbursements made by an organization during a calendar year, and organization for which the chief executive officer of the organization certifies to the Commission (prior to the first disbursement made by the organization during the year) that each of the following applies:

“(A) The organization is described in paragraph (4) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and was so described and so exempt during each of the 10 previous calendar years.

“(B) The organization has at least 500,000 individuals who paid membership dues during the previous calendar year (determined as of the last day of that year).

“(C) The dues-paying membership of the organization includes at least one individual from each State. For purposes of this subparagraph,

the term ‘State’ means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(D) During the previous calendar year, the portion of funds provided to the organization by corporations (as described in section 316) or labor organizations (as defined in section 316), other than funds provided pursuant to commercial transactions occurring in the ordinary course of business, did not exceed 15 percent of the total amount of all funds provided to the organization from all sources.

“(E) The organization does not use any of the funds provided to the organization by corporations (as described in section 316) or labor organizations (as defined in section 316) for campaign-related activity (as defined in section 325).”

## **SEC. 212. RULES REGARDING USE OF GENERAL TREASURY FUNDS BY COVERED ORGANIZATIONS FOR CAMPAIGN-RELATED ACTIVITY.**

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

### **“SEC. 325. SPECIAL RULES FOR USE OF GENERAL TREASURY FUNDS BY COVERED ORGANIZATIONS FOR CAMPAIGN-RELATED ACTIVITY.**

“(a) **USE OF FUNDS FOR CAMPAIGN-RELATED ACTIVITY.**—

“(1) **IN GENERAL.**—Subject to any applicable restrictions and prohibitions under this Act, a covered organization may make disbursements for campaign-related activity using—

“(A) amounts paid or donated to the organization which are designated by the person providing the amounts to be used for campaign-related activity;

“(B) unrestricted donor payments made to the organization; and

“(C) other funds of the organization, including amounts received pursuant to commercial activities in the regular course of a covered organization’s business.

“(2) **NO EFFECT ON USE OF SEPARATE SEGREGATED FUND.**—Nothing in this section shall be construed to affect the authority of a covered organization to make disbursements from a separate segregated fund established and administered by the organization under section 316(b)(2)(C).

“(b) **MUTUALLY AGREED RESTRICTIONS ON USE OF FUNDS FOR CAMPAIGN-RELATED ACTIVITY.**—

“(1) **AGREEMENT AND CERTIFICATION.**—If a covered organization and a person mutually agree, at the time the person makes a donation, payment, or transfer to the organization which would require the organization to disclose the person’s identification under section 304(g)(5)(A)(ii) or section 304(f)(6)(A)(ii), that the organization will not use the donation, payment, or transfer for campaign-related activity, then not later than 30 days after the organization receives the donation, payment, or transfer the organization shall transmit to the person a written certification by the chief financial officer of the covered organization (or, if the organization does not have a chief financial officer, the highest ranking financial official of the organization) that—

“(A) the organization will not use the donation, payment, or transfer for campaign-related activity; and

“(B) the organization will not include any information on the person in any report filed by the organization under section 304 with respect to independent expenditures or electioneering communications, so that the person will not be required to appear in a significant funder statement or a Top 5 Funders list under section 318(e).

“(2) **EXCEPTION FOR PAYMENTS MADE PURSUANT TO COMMERCIAL ACTIVITIES.**—Paragraph (1) does not apply with respect to any payment or

transfer made pursuant to commercial activities in the regular course of a covered organization's business.

“(c) CERTIFICATIONS REGARDING DISBURSEMENTS FOR CAMPAIGN-RELATED ACTIVITY.—

“(1) CERTIFICATION BY CHIEF EXECUTIVE OFFICER.—If, at any time during a calendar quarter, a covered organization makes a disbursement of funds for campaign-related activity using funds described in subsection (a)(1), the chief executive officer of the covered organization or the chief executive officer's designee (or, if the organization does not have a chief executive officer, the highest ranking official of the organization or the highest ranking official's designee) shall file a statement with the Commission which contains the following certifications:

“(A) None of the campaign-related activity for which the organization disbursed the funds during the quarter was made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate, or political committee of a political party or agent of any political party.

“(B) The chief executive officer or highest ranking official of the covered organization (as the case may be) has reviewed and approved each statement and report filed by the organization under section 304 with respect to any such disbursement made during the quarter.

“(C) Each statement and report filed by the organization under section 304 with respect to any such disbursement made during the quarter is complete and accurate.

“(D) All such disbursements made during the quarter are in compliance with this Act.

“(E) No portion of the amounts used to make any such disbursements during the quarter is attributable to funds received by the organization “that were subject to a mutual agreement (as provided in subsection (b)(1)) that the organization will not use the funds for campaign-related activity”, by the person who provided the funds from being used for campaign-related activity pursuant to subsection (b).

“(2) APPLICATION OF ELECTRONIC FILING RULES.—Section 304(d)(1) shall apply with respect to a statement required under this subsection in the same manner as such section applies with respect to a statement under subsection (c) or (g) of section 304.

“(3) DEADLINE.—The chief executive officer or highest ranking official of a covered organization (as the case may be) shall file the statement required under this subsection with respect to a calendar quarter not later than 15 days after the end of the quarter.

“(d) DEFINITIONS.—For purposes of this section, the following definitions apply:

“(1) COVERED ORGANIZATION.—The term ‘covered organization’ means any of the following:

“(A) Any corporation which is subject to section 316(a), other than a corporation which is an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.”.

“(B) Any labor organization (as defined in section 316).

“(C) Any organization described in paragraph (4), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code “, other than an exempt section 501(c)(4) organization (as defined in section 301(27)).”.

“(D) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act.

“(2) CAMPAIGN-RELATED ACTIVITY.—

“(A) IN GENERAL.—The term ‘campaign-related activity’ means—

“(i) an independent expenditure consisting of a public communication (as defined in section

301(22)), a transfer of funds to another person (other than the transferor itself) for the purpose of making such an independent expenditure by that person or by any other person (subject to subparagraph (c)), or (in accordance with subparagraph (B) and subject to subparagraph (C)) a transfer of funds to another person (other than the transferor itself) which is deemed to have been made for the purpose of making such an independent expenditure by that person or by any other person; or

“(ii) an electioneering communication, a transfer of funds to another person (other than the transferor itself) for the purpose of making an electioneering communication by that person or by any other person (subject to subparagraph (C)), or in accordance with subparagraph (B) and subject to subparagraph (C) a transfer of funds to another person (other than the transferor itself) which is deemed to have been made for the purpose of making an electioneering communication by that person or by any other person.

“(B) RULE FOR DEEMING TRANSFERS MADE FOR PURPOSE OF CAMPAIGN-RELATED ACTIVITY.—For purposes of subparagraph (A), in determining whether a transfer of funds by a covered organization to another person shall be deemed to have been made for the purpose of making an independent expenditure consisting of a public communication or an electioneering communication, the following rules apply:

“(i) The transfer shall be deemed to have been made for the purpose of making such an independent expenditure or an electioneering communication if—

“(I) the covered organization designates, requests, or suggests that the amounts be used for such independent expenditures or electioneering communications and the person to whom the amounts were transferred agrees to do so;

“(II) the person making such independent expenditures or electioneering communications or another person acting on that person's behalf expressly solicited the covered organization for a donation or payment for making or paying for any such independent expenditure or electioneering communication;

“(III) the covered organization and the person to whom the amounts were transferred engaged in written or oral discussion regarding the person either making, or paying for, such independent expenditures or electioneering communications, or donating or transferring the amounts to another person for that purpose;

“(IV) the covered organization which transferred the funds knew or had reason to know that the person to whom the amounts were transferred intended to make such independent expenditures or electioneering communications; or

“(V) the covered organization which transferred the funds or the person to whom the amounts were transferred made one or more such independent expenditures or electioneering communications in an aggregate amount of \$50,000 or more during the 2-year period which ends on the date on which the amounts were transferred”.

“(ii) The transfer shall not be deemed to have been made for the purpose of making such an independent expenditure or an electioneering communication if—

“(I) the transfer was a commercial transaction occurring in the ordinary course of business between the covered organization and the person to whom the amounts were transferred, unless there is affirmative evidence that the amounts were transferred for the purpose of making such an independent expenditure or electioneering communication; or

“(II) the covered organization and the person to whom the amounts were transferred mutually agreed (as provided in subsection (b)(1)) that

the person will not use the amounts for campaign-related activity.

“(C) SPECIAL RULE REGARDING TRANSFERS AMONG AFFILIATES.—

“(I) SPECIAL RULE.—In the case of a transfer of an amount by one covered organization to another covered organization which is treated as a transfer between affiliates under clause (ii), subparagraphs (A) and (B) shall apply to the transfer only if the aggregate amount transferred during the year by such covered organization to that same covered organization is equal to or greater than \$50,000.

“(ii) DETERMINATION OF AMOUNT OF CERTAIN TRANSFERS AMONG AFFILIATES.—In determining the amount of a transfer between affiliates for purposes of clause (I), to the extent that the transfer consists of funds attributable to dues, fees, or assessments which are paid by individuals on a regular, periodic basis in accordance with a per-individual calculation which is made on a regular basis, the transfer shall be attributed to the individuals paying the dues, fees, or assessments and shall not be attributed to the covered organization.

“(iii) DESCRIPTION OF TRANSFERS BETWEEN AFFILIATES.—A transfer of amounts from one covered organization to another covered organization shall be treated as a transfer between affiliates if—

“(I) one of the organizations is an affiliate of the other organization; or

“(II) each of the organizations is an affiliate of the same organization, except that the transfer shall not be treated as a transfer between affiliates if one of the organizations is established for the purpose of disbursing funds for campaign-related activity.

“(iv) DETERMINATION OF AFFILIATE STATUS.—For purposes of clause (ii), a covered organization is an affiliate of another covered organization if—

“(I) the governing instrument of the organization requires it to be bound by decisions of the other organization;

“(II) the governing board of the organization includes persons who are specifically designated representatives of the other organization or are members of the governing board, officers, or paid executive staff members of the other organization, or whose service on the governing board is contingent upon the approval of the other organization; or

“(III) the organization is chartered by the other organization.

“(v) COVERAGE OF TRANSFERS TO AFFILIATED SECTION 501(C)(3) ORGANIZATIONS.—This subparagraph shall apply with respect to an amount transferred by a covered organization to an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code in the same manner as this subparagraph applies to an amount transferred by a covered organization to another covered organization.

“(3) UNRESTRICTED DONOR PAYMENT.—The term ‘unrestricted donor payment’ means a payment to a covered organization which consists of a donation or payment from a person other than the covered organization, except that such term does not include—

“(A) any payment made pursuant to commercial activities in the regular course of a covered organization's business; or

“(B) any donation or payment which is designated by the person making the donation or payment to be used for campaign-related activity or made in response to a solicitation for funds to be used for campaign-related activity.”.

**SEC. 213. OPTIONAL USE OF SEPARATE ACCOUNT BY COVERED ORGANIZATIONS FOR CAMPAIGN-RELATED ACTIVITY.**

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.),

as amended by section 212, is further amended by adding at the end the following new section:

**“SEC. 326. OPTIONAL USE OF SEPARATE ACCOUNT BY COVERED ORGANIZATIONS FOR CAMPAIGN-RELATED ACTIVITY.**

“(a) **OPTIONAL USE OF SEPARATE ACCOUNT.—**“(1) **ESTABLISHMENT OF ACCOUNT.—**

“(A) **IN GENERAL.—**At its option, a covered organization may make disbursements for campaign-related activity using amounts from a bank account established and controlled by the organization to be known as the Campaign-Related Activity Account (hereafter in this section referred to as the ‘Account’), which shall be maintained separately from all other accounts of the organization and which shall consist exclusively of the deposits described in paragraph (2).

“(B) **MANDATORY USE OF ACCOUNT AFTER ESTABLISHMENT.—**If a covered organization establishes an Account under this section, it may not make disbursements for campaign-related activity from any source other than amounts from the Account, other than disbursements for campaign-related activity which, on the basis of a reasonable belief by the organization, would not be treated as disbursements for an exempt function for purposes of section 527(f) of the Internal Revenue Code of 1986.”.

“(C) **EXCLUSIVE USE OF ACCOUNT FOR CAMPAIGN-RELATED ACTIVITY.—**Amounts in the Account shall be used exclusively for disbursements by the covered organization for campaign-related activity. After such disbursements are made, information with respect to deposits made to the Account shall be disclosed in accordance with section 304(g)(5) or section 304(f)(6).

“(2) **DEPOSITS DESCRIBED.—**The deposits described in this paragraph are deposits of the following amounts:

“(A) Amounts donated or paid to the covered organization by a person other than the organization for the purpose of being used for campaign-related activity, and for which the person providing the amounts has designated that the amounts be used for campaign-related activity with respect to a specific election or specific candidate.

“(B) Amounts donated or paid to the covered organization by a person other than the organization for the purpose of being used for campaign-related activity, and for which the person providing the amounts has not designated that the amounts be used for campaign-related activity with respect to a specific election or specific candidate.

“(C) Amounts donated or paid to the covered organization by a person other than the organization in response to a solicitation for funds to be used for campaign-related activity.

“(D) Amounts transferred to the Account by the covered organization from other accounts of the organization, including from the organization’s general treasury funds.

“(3) **NO TREATMENT AS POLITICAL COMMITTEE.—**The establishment and administration of an Account in accordance with this subsection shall not by itself be treated as the establishment or administration of a political committee for any purpose of this Act.

“(b) **REDUCTION IN AMOUNTS OTHERWISE AVAILABLE FOR ACCOUNT IN RESPONSE TO DEMAND OF GENERAL DONORS.—**

“(1) **IN GENERAL.—**If a covered organization which has established an Account obtains any revenues during a year which are attributable to a donation or payment from a person other than the covered organization, and if the organization and any such person have mutually agreed (as provided in section 325(b)(1)) that the organization will not use the person’s donation, payment, or transfer for campaign-related activity, the organization shall reduce the amount of

its revenues available for deposits to the Account which are described in subsection (a)(3)(D) during the year by the amount of the donation or payment which is subject to the mutual agreement.”.

“(2) **EXCEPTION.—**Paragraph (1) does not apply with respect to any payment made pursuant to commercial activities in the regular course of a covered organization’s business.

“(c) **COVERED ORGANIZATION DEFINED.—**In this section, the term ‘covered organization’ means any of the following:

“(1) Any corporation which is subject to section 316(a), other than a corporation which is an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code.”.

“(2) Any labor organization (as defined in section 316).

“(3) Any organization described in paragraph (4), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, other than an exempt section 501(c)(4) organization (as defined in section 301(27)).”.

“(4) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act.

“(d) **CAMPAIGN-RELATED ACTIVITY DEFINED.—**In this section, the term ‘campaign-related activity’ has the meaning given such term in section 325.”.

(b) **CLARIFICATION OF TREATMENT AS SEPARATE SEGREGATED FUND.—**A Campaign-Related Activity Account (within the meaning of section 326 of the Federal Election Campaign Act of 1971, as added by subsection (a)) may be treated as a separate segregated fund for purposes of section 527(f)(3) of the Internal Revenue Code of 1986.

**SEC. 214. MODIFICATION OF RULES RELATING TO DISCLAIMER STATEMENTS REQUIRED FOR CERTAIN COMMUNICATIONS.**

(a) **APPLYING REQUIREMENTS TO ALL INDEPENDENT EXPENDITURE COMMUNICATIONS.—**Section 318(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)) is amended by striking “for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate” and inserting “for an independent expenditure consisting of a public communication”.

(b) **STAND BY YOUR AD REQUIREMENTS.—**

(1) **MAINTENANCE OF EXISTING REQUIREMENTS FOR COMMUNICATIONS BY POLITICAL PARTIES AND OTHER POLITICAL COMMITTEES.—**Section 318(d)(2) of such Act (2 U.S.C. 441d(d)(2)) is amended—

(A) in the heading, by striking “OTHERS” and inserting “POLITICAL COMMITTEES”;

(B) by striking “subsection (a)” and inserting “subsection (a) which is paid for by a political committee (including a political committee of a political party), other than a political committee which is described in subsection (e)(7)(B)”; and

(C) by striking “or other person” each place it appears.

(2) **SPECIAL DISCLAIMER REQUIREMENTS FOR CERTAIN COMMUNICATIONS.—**Section 318 of such Act (2 U.S.C. 441d) is amended by adding at the end the following new subsection:

“(e) **COMMUNICATIONS BY OTHERS.—**

“(1) **IN GENERAL.—**Any communication described in paragraph (3) of subsection (a) which is transmitted through radio or television (other than a communication to which subsection (d)(2) applies because the communication is paid for by a political committee, including a political committee of a political party, other than a political committee which is described in paragraph (7)(b)) shall include, in addition to the requirements of that paragraph, the following:

“(A) The individual disclosure statement described in paragraph (2) (if the person paying

for the communication is an individual) or the organizational disclosure statement described in paragraph (3) (if the person paying for the communication is not an individual).

“(B) If the communication is an electioneering communication or an independent expenditure consisting of a public communication and is paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325, the significant funder disclosure statement described in paragraph (4) (if applicable), unless, on the basis of criteria established in regulations promulgated by the Commission, the communication is of such short duration that including the statement in the communication would constitute a hardship to the person paying for the communication by requiring a disproportionate amount of the communication’s content to consist of the statement.

“(C) If the communication is an electioneering communication or an independent expenditure consisting of a public communication and is paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325, the Top Five Funders list described in paragraph (5) (if applicable), unless, on the basis of criteria established in regulations promulgated by the Commission, the communication is of such short duration that including the Top Five Funders list in the communication would constitute a hardship to the person paying for the communication by requiring a disproportionate amount of the communication’s content to consist of the Top Five Funders list.

“(2) **INDIVIDUAL DISCLOSURE STATEMENT DESCRIBED.—**The individual disclosure statement described in this paragraph is the following: ‘I am \_\_\_\_\_, and I approve this message.’, with the blank filled in with the name of the applicable individual.

“(3) **ORGANIZATIONAL DISCLOSURE STATEMENT DESCRIBED.—**The organizational disclosure statement described in this paragraph is the following: ‘I am \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, and \_\_\_\_\_ approves this message.’, with—

“(A) the first blank to be filled in with the name of the applicable individual;

“(B) the second blank to be filled in with the title of the applicable individual; and

“(C) the third and fourth blank each to be filled in with the name of the organization or other person paying for the communication.

“(4) **SIGNIFICANT FUNDER DISCLOSURE STATEMENT DESCRIBED.—**

“(A) **STATEMENT IF SIGNIFICANT FUNDER IS AN INDIVIDUAL.—**If the significant funder of a communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325 is an individual, the significant funder disclosure statement described in this paragraph is the following: ‘I am \_\_\_\_\_, I helped to pay for this message, and I approve it.’, with the blank filled in with the name of the applicable individual.

“(B) **STATEMENT IF SIGNIFICANT FUNDER IS NOT AN INDIVIDUAL.—**If the significant funder of a communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325 is not an individual, the significant funder disclosure statement described in this paragraph is the following: ‘I am \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_ helped to pay for this message, and \_\_\_\_\_ approves it.’, with—

“(i) the first blank to be filled in with the name of the applicable individual;

“(ii) the second blank to be filled in with the title of the applicable individual; and

“(iii) the third, fourth, and fifth blank each to be filled in with the name of the significant funder of the communication.

“(C) SIGNIFICANT FUNDER DEFINED.—

“(i) INDEPENDENT EXPENDITURES.—For purposes of this paragraph, the ‘significant funder’ with respect to an independent expenditure consisting of a public communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325 shall be determined as follows:

“(I) If any report filed by any organization with respect to the independent expenditure under section 304 during the 12-month period which ends on the date of disbursement includes information on any person who made a payment to the organization in an amount equal to or exceeding \$100,000 which was designated by the person to be used for campaign-related activity consisting of that specific independent expenditure (as required to be included in the report under section 304(g)(5)(A)(i)), the person who is identified among all such reports as making the largest such payment.

“(II) If any report filed by any organization with respect to the independent expenditure under section 304 during the 12-month period which ends on the date of disbursement includes information on any person who made a payment to the organization in an amount equal to or exceeding \$100,000 which was designated by the person to be used for campaign-related activity with respect to the same election or in support of the same candidate (as required to be included in the report under section 304(g)(5)(A)(i)) but subclause (I) does not apply, the person who is identified among all such reports as making the largest such payment.

“(III) If any report filed by any organization with respect to the independent expenditure under section 304 during the 12-month period which ends on the date of disbursement includes information on any person who made a payment to the organization in an amount equal to or exceeding \$10,000 which was provided for the purpose of being used for campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity (as required to be included in the report under section 304(g)(5)(A)(i)) but subclause (I) or subclause (II) does not apply, the person who is identified among all such reports as making the largest such payment.

“(IV) If none of the reports filed by any organization with respect to the independent expenditure under section 304 during the 12-month period which ends on the date of the disbursement includes information on any person (other than the organization) who made a payment to the organization in an amount equal to or exceeding \$10,000 which was provided for the purpose of being used for campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity, but any of such reports includes information on any person who made an unrestricted donor payment to the organization (as required to be included in the report under section 304(g)(5)(A)(ii)) in an amount equal to or exceeding \$10,000, the person who is identified among all such reports as making the largest such unrestricted donor payment.

“(ii) ELECTIONEERING COMMUNICATIONS.—For purposes of this paragraph, the ‘significant funder’ with respect to an electioneering communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325, shall be determined as follows:

“(I) If any report filed by any organization with respect to the electioneering communication under section 304 during the 12-month pe-

riod which ends on the date of the disbursement includes information on any person who made a payment to the organization in an amount equal to or exceeding \$100,000 which was designated by the person to be used for campaign-related activity consisting of that specific electioneering communication (as required to be included in the report under section 304(f)(6)(A)(i)), the person who is identified among all such reports as making the largest such payment.

“(II) If any report filed by any organization with respect to the electioneering communication under section 304 during the 12-month period which ends on the date of the disbursement includes information on any person who made a payment to the organization in an amount equal to or exceeding \$100,000 which was designated by the person to be used for campaign-related activity with respect to the same election or in support of the same candidate (as required to be included in the report under section 304(f)(6)(A)(i)) but subclause (I) does not apply, the person who is identified among all such reports as making the largest such payment.

“(III) If any report filed by any organization with respect to the electioneering communication under section 304 during the 12-month period which ends on the date of the disbursement includes information on any person who made a payment to the organization in an amount equal to or exceeding \$10,000 which was provided for the purpose of being used for campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity (as required to be included in the report under section 304(f)(6)(A)(i)) but subclause (I) or subclause (II) does not apply, the person who is identified among all such reports as making the largest such payment.

“(IV) If none of the reports filed by any organization with respect to the electioneering communication under section 304 during the 12-month period which ends on the date of the disbursement includes information on any person who made a payment to the organization in an amount equal to or exceeding \$10,000 which was provided for the purpose of being used for campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity, but any of such reports includes information on any person who made an unrestricted donor payment to the organization (as required to be included in the report under section 304(f)(6)(A)(ii)) in an amount equal to or exceeding \$10,000, the person who is identified among all such reports as making the largest such unrestricted donor payment.

“(5) TOP 5 FUNDERS LIST DESCRIBED.—With respect to a communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325, the Top 5 Funders list described in this paragraph is—

“(A) in the case of a disbursement for an independent expenditure consisting of a public communication, a list of the 5 persons (or, in the case of a communication transmitted through radio, the 2 persons) who provided the largest payments of any type in an aggregate amount equal to or exceeding \$10,000 which are required under section 304(g)(5)(A) to be included in the reports filed by any organization with respect to that independent expenditure under section 304 during the 12-month period which ends on the date of the disbursement, together with the amount of the payments each such person provided; or

“(B) in the case of a disbursement for an electioneering communication, a list of the 5 persons (or, in the case of a communication transmitted through radio, the 2 persons) who provided the largest payments of any type in an aggregate amount equal to or exceeding \$10,000 which are

required under section 304(f)(6)(A) to be included in the reports filed by any organization with respect to that electioneering communication under section 304 during the 12-month period which ends on the date of the disbursement, together with the amount of the payments each such person provided.

“(6) METHOD OF CONVEYANCE OF STATEMENT.—

“(A) COMMUNICATIONS TRANSMITTED THROUGH RADIO.—In the case of a communication to which this subsection applies which is transmitted through radio, the disclosure statements required under paragraph (1) shall be made by audio by the applicable individual in a clearly spoken manner.

“(B) COMMUNICATIONS TRANSMITTED THROUGH TELEVISION.—In the case of a communication to which this subsection applies which is transmitted through television, the information required under paragraph (1)—

“(i) shall appear in writing at the end of the communication in a clearly readable manner, with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 6 seconds; and

“(ii) except in the case of a Top 5 Funders list described in paragraph (5), shall also be conveyed by an unobscured, full-screen view of the applicable individual, or by the applicable individual making the statement in voice-over accompanied by a clearly identifiable photograph or similar image of the individual.

“(7) APPLICATION TO CERTAIN PACS.—

“(A) APPLICATION.—This subsection shall apply with respect to an electioneering communication, and to an independent expenditure consisting of a public communication, which is paid for in whole or in part with a payment by a political committee described in subparagraph (B) in the same manner as this subsection applies with respect to an electioneering communication and an independent expenditure consisting of a public communication which is paid for in whole or in part with a payment which is treated as a disbursement by a covered organization under section 325, except that—

“(i) in applying paragraph (4)(C), the ‘significant funder’ with respect to such an electioneering communication or such an independent expenditure shall be the person who is identified as providing the largest aggregate amount of contributions, donations, or payments to the political committee during the 12-month period which ends on the date the committee made the disbursement for the electioneering communication or independent expenditure (as determined on the basis of the information contained in all reports filed by the committee under section 304 during such period); and

“(ii) in applying paragraph (5), the ‘Top 5 Funders list’ shall be a list of the 5 persons who are identified as providing the largest aggregate amounts of contributions, donations, or payments to the political committee during such 12-month period (as determined on the basis of the information contained in all such reports).

“(B) POLITICAL COMMITTEE DESCRIBED.—A political committee described in this subparagraph is a political committee which receives or accepts contributions or donations which do not comply with the contribution limits or source prohibitions of this Act.”

“(8) APPLICABLE INDIVIDUAL DEFINED.—In this subsection, the term ‘applicable individual’ means, with respect to a communication to which this paragraph applies—

“(A) if the communication is paid for by an individual or if the significant funder of the communication under paragraph (4) is an individual, the individual involved;

“(B) if the communication is paid for by a corporation or if the significant funder of the communication under paragraph (4) is a corporation, the chief executive officer of the corporation (or, if the corporation does not have a

chief executive officer, the highest ranking official of the corporation);

“(C) if the communication is paid for by a labor organization or if the significant funder of the communication under paragraph (4) is a labor organization, the highest ranking officer of the labor organization; or

“(D) if the communication is paid for by any other person or if the significant funder of the communication under paragraph (4) is any other person, the highest ranking official of such person.

“(9) COVERED ORGANIZATION DEFINED.—In this subsection, the term ‘covered organization’ means any of the following:

“(A) Any corporation which is subject to section 316(a), other than a corporation which is an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.”.

“(B) Any labor organization (as defined in section 316).

“(C) Any organization described in paragraph (4), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, other than an exempt section 501(c)(4) organization (as defined in section 301(27)).”.

“(D) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act.

“(10) OTHER DEFINITIONS.—In this subsection, the terms ‘campaign-related activity’ and ‘unrestricted donor payment’ have the meaning given such terms in section 325.”.

(3) APPLICATION TO CERTAIN MASS MAILINGS.—Section 318(a)(3) of such Act (2 U.S.C. 441d(a)(3)) is amended to read as follows:

“(3) if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state—

“(A) the name and permanent street address, telephone number, or World Wide Web address of the person who paid for the communication;

“(B) if the communication is an independent expenditure consisting of a mass mailing (as defined in section 301(23)) which is paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325, or which is paid for in whole or in part by a political committee described in subsection (e)(7)(B), the name and permanent street address, telephone number, or World Wide Web address of—

“(i) the significant funder of the communication, if any (as determined in accordance with subsection (e)(4)(C)(i) or (e)(7)(A)(i)); and

“(ii) each person who would be included in the Top 5 Funders list which would be submitted with respect to the communication if the communication were transmitted through television, if any (as determined in accordance with subsection (e)(5)) or (e)(7)(A)(ii)); and

“(C) that the communication is not authorized by any candidate or candidate’s committee.”.

(4) APPLICATION TO POLITICAL ROBOCALLS.—Section 318 of such Act (2 U.S.C. 441d), as amended by paragraph (2), is further amended by adding at the end the following new subsection:

“(f) SPECIAL RULES FOR POLITICAL ROBOCALLS.—

“(1) REQUIRING COMMUNICATIONS TO INCLUDE CERTAIN DISCLAIMER STATEMENTS.—Any communication consisting of a political robocall which would be subject to the requirements of subsection (e) if the communication were transmitted through radio or television shall include the following:

“(A) The individual disclosure statement described in subsection (e)(2) (if the person paying for the communication is an individual) or the

organizational disclosure statement described in subsection (e)(3) (if the person paying for the communication is not an individual).

“(B) If the communication is an electioneering communication or an independent expenditure consisting of a public communication and is paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325 or which is paid for in whole or in part by a political committee described in subsection (e)(7)(B), the significant funder disclosure statement described in subsection (e)(4) or (e)(7) (if applicable).

“(2) TIMING OF CERTAIN STATEMENT.—The statements required to be included under paragraph (1) shall be made at the beginning of the political robocall, unless, on the basis of criteria established in regulations promulgated by the Commission, the communication is of such short duration that including the statement in the communication would constitute a hardship to the person paying for the communication by requiring a disproportionate amount of the communication’s content to consist of the statement.”.

“(3) POLITICAL ROBOCALL DEFINED.—In this subsection, the term ‘political robocall’ means any outbound telephone call—

“(A) in which a person is not available to speak with the person answering the call, and the call instead plays a recorded message; and

“(B) which promotes, supports, attacks, or opposes a candidate for election for Federal office.”.

#### SEC. 215. INDEXING OF CERTAIN AMOUNTS.

Title III of the Federal Election Campaign Act of 1971, as amended by section 213, is amended by adding at the end the following new section:

#### “SEC. 327. INDEXING OF CERTAIN AMOUNTS.

“(a) INDEXING.—In any calendar year after 2010—

“(1) each of the amounts referred to in subsection (b) shall be increased by the percent difference determined under subparagraph (A) of section 315(c)(1), except that for purposes of this paragraph, such percent difference shall be determined as if the base year referred to in such subparagraph were 2009;

“(2) each amount so increased shall remain in effect for the calendar year; and

“(3) if any amount after adjustment under paragraph (1) is not a multiple of \$100, such amount shall be rounded to the nearest multiple of \$100.

“(b) AMOUNTS DESCRIBED.—The amounts referred to in this subsection are as follows:

“(1) The amount referred to in section 304(g)(5)(A)(i)(I).

“(2) The amount referred to in section 304(g)(5)(A)(ii)(I).

“(3) Each of the amounts referred to in section 304(g)(5)(A)(ii)(II).

“(4) The amount referred to in section 304(g)(5)(B)(ii)(I)(ee).

“(5) The amount referred to in section 304(g)(5)(B)(iii)(I).

“(6) The amount referred to in section 304(f)(6)(A)(i)(I).

“(7) The amount referred to in section 304(f)(6)(A)(ii)(I).

“(8) Each of the amounts referred to in section 304(f)(6)(A)(ii)(II).

“(9) The amount referred to in section 304(f)(6)(B)(ii)(I)(ee).

“(10) The amount referred to in section 304(f)(6)(B)(iii)(I).

“(11) The amount referred to in section 317(b).

“(12) Each of the amounts referred to in section 318(e)(4)(C).

“(13) The amount referred to in section 325(d)(2)(B)(i)(V).

“(14) The amount referred to in section 325(d)(2)(C)(i).”.

#### Subtitle C—Reporting Requirements for Registered Lobbyists

#### SEC. 221. REQUIRING REGISTERED LOBBYISTS TO REPORT INFORMATION ON INDEPENDENT EXPENDITURES AND ELECTIONEERING COMMUNICATIONS.

(a) IN GENERAL.—Section 5(d)(1) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(d)(1)) is amended—

(1) by striking “and” at the end of subparagraph (F);

(2) by redesignating subparagraph (G) as subparagraph (I); and

(3) by inserting after subparagraph (F) the following new subparagraphs:

“(G) the amount of any independent expenditure (as defined in section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) equal to or greater than \$1,000 made by such person or organization, and for each such expenditure the name of each candidate being supported or opposed and the amount spent supporting or opposing each such candidate;

“(H) the amount of any electioneering communication (as defined in section 304(f)(3) of such Act (2 U.S.C. 434(f)(3)) equal to or greater than \$1,000 made by such person or organization, and for each such communication the name of the candidate referred to in the communication; and”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to reports for semiannual periods described in section 5(d)(1) of the Lobbying Disclosure Act of 1995 that begin after the date of the enactment of this Act.

#### TITLE III—DISCLOSURE BY COVERED ORGANIZATIONS OF INFORMATION ON CAMPAIGN-RELATED ACTIVITY

#### SEC. 301. REQUIRING DISCLOSURE BY COVERED ORGANIZATIONS OF INFORMATION ON CAMPAIGN-RELATED ACTIVITY.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 215, is amended by adding at the end the following new section:

#### “SEC. 328. DISCLOSURES BY COVERED ORGANIZATIONS TO SHAREHOLDERS, MEMBERS, AND DONORS OF INFORMATION ON DISBURSEMENTS FOR CAMPAIGN-RELATED ACTIVITY.

“(a) INCLUDING INFORMATION IN REGULAR PERIODIC REPORTS.—

“(1) IN GENERAL.—A covered organization which submits regular, periodic reports to its shareholders, members, or donors on its finances or activities shall include in each such report the information described in paragraph (2) with respect to the disbursements made by the organization for campaign-related activity during the period covered by the report.

“(2) INFORMATION DESCRIBED.—The information described in this paragraph is, for each disbursement for campaign-related activity—

“(A) the date of the independent expenditure or electioneering communication involved;

“(B) the amount of the independent expenditure or electioneering communication involved;

“(C) the name of the candidate identified in the independent expenditure or electioneering communication involved and the office sought by the candidate;

“(D) in the case of a transfer of funds to another person, the information required by subparagraphs (A) through (C), as well as the name of the recipient of the funds and the date and amount of the funds transferred;

“(E) the source of such funds; and

“(F) such other information as the Commission determines is appropriate to further the purposes of this subsection.

“(b) HYPERLINK TO INFORMATION INCLUDED IN REPORTS FILED WITH COMMISSION.—

“(1) **REQUIRING POSTING OF HYPERLINK.**—If a covered organization maintains an Internet site, the organization shall post on such Internet site a hyperlink from its homepage to the location on the Internet site of the Commission which contains the following information:

“(A) The information the organization is required to report under section 304(g)(5)(A) with respect to public independent expenditures.

“(B) The information the organization is required to include in a statement of disbursements for electioneering communications under section 304(f)(6).

“(2) **DEADLINE; DURATION OF POSTING.**—The covered organization shall post the hyperlink described in paragraph (1) not later than 24 hours after the Commission posts the information described in such paragraph on the Internet site of the Commission, and shall ensure that the hyperlink remains on the Internet site of the covered organization until the expiration of the 1-year period which begins on the date of the election with respect to which the public independent expenditures or electioneering communications are made.

“(c) **COVERED ORGANIZATION DEFINED.**—In this section, the term ‘covered organization’ means any of the following:

“(1) Any corporation which is subject to section 316(a), other than a corporation which is an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.”

“(2) Any labor organization (as defined in section 316).

“(3) Any organization described in paragraph (4), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, other than an exempt section 501(c)(4) organization (as defined in section 301(27)).

“(4) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act.”

#### **TITLE IV—OTHER PROVISIONS**

##### **SEC. 401. JUDICIAL REVIEW.**

(a) **SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.**—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia, and an appeal from a decision of the District Court may be taken to the Court of Appeals for the District of Columbia Circuit.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(b) **INTERVENTION BY MEMBERS OF CONGRESS.**—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is raised, any member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate who satisfies the requirements for standing under Article III of the constitution shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) **CHALLENGE BY MEMBERS OF CONGRESS.**—Any Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate may bring an action,

subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

##### **SEC. 402. NO EFFECT ON PROTECTIONS AGAINST THREATS, HARASSMENTS, AND REPRISALS.**

Nothing in this Act or in any amendment made by this Act shall be construed to affect any provision of law or any rule or regulation which waives a requirement to disclose information relating to any person in any case in which there is a reasonable probability that the disclosure of the information would subject the person to threats, harassments, or reprisals.

##### **SEC. 403. SEVERABILITY.**

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

##### **SEC. 404. EFFECTIVE DATE.**

Except as otherwise provided, this Act and the amendments made by this Act shall take effect upon the expiration of the 30-day period which begins on the date of the enactment of this Act, and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

The CHAIR. No further amendment to the bill, as amended, is in order except those printed in part B of the report. Each further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. ACKERMAN

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 111-511.

Mr. ACKERMAN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 85, line 10, strike “such report” and insert “such report, in a clear and conspicuous manner,”.

The CHAIR. Pursuant to House Resolution 1468, the gentleman from New York (Mr. ACKERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ACKERMAN. Mr. Chairman, I rise in strong support of the DISCLOSE Act and offer a very simple but also very important amendment which simply adds the words “clear and conspicuous” as a requirement to the disclosures that covered organizations are required to submit to shareholders, members, or donors under the bill.

In the wake of the Supreme Court’s ruling in *Citizens United*, corporations now have a First Amendment right to spend millions or even billions of dol-

lars of shareholder money to defeat or support candidates for public political office. While this ruling is now United States law, the DISCLOSE Act takes the appropriate step of mandating that corporations tell their shareholders how they’re using the money. After all, investors in a company have a right to know how their company is using their money. But the underlying bill fails to ensure that these corporate disclosures are made clearly and understandably or that they are printed in such a way that allows shareholders to see them.

Mr. Chairman, Congress has insisted on disclosure requirements for corporations before, and anyone who receives a credit card offer knows that this is what we get—tiny, unreadable text in 5-point font. Even if you could read it, which you can’t without a magnifying glass, you would have to have degrees in law or advanced mathematics to be able to understand it.

The central theme of the DISCLOSE Act is empowering American investors by mandating that companies disclose their political expenditures. My amendment very simply imposes and adds the words “clear and conspicuous” as a requirement for all organizations covered under the bill so that American investors have a chance to actually see and understand those disclosures. As Congress takes the very reasonable approach of mandating corporate disclosures of political expenditures, we must ensure that corporations present that information clearly and understandably to all of their shareholders.

I thank the Rules Committee for making my very straightforward, commonsense amendment in order.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. ACKERMAN’s amendment is an interesting amendment because, among other things, it was allowed to be considered on this floor, while any amendment offered by any Republican Member on the committee of jurisdiction was disallowed. We had, on our side, several amendments which would make it clear that the disclosure requirements in this bill are required equally of unions as of corporations.

As I listened carefully to Mr. ACKERMAN’s statement concerning his amendment, I noticed he referred only to corporations and to the obligation of corporations to make reports to their shareholders. There was not a single mention of the responsibility of unions to inform their members of how they spend their money in a political way in a “clear and conspicuous” manner.

He said his amendment is fairly straightforward, almost as if it’s unnecessary or so obvious. And yet that

amendment was allowed to be in order, but one that would make it clear that his "clear and conspicuous" requirement and every other requirement of disclosure contained in this law which would affect corporations of all types—and remember, I'm talking about not just for-profit corporations but corporations of any type—would equally apply to the unions was not allowed. And so the gentleman has made the case that we have been making all along: This bill does not, in fact, treat unions the same as it does other organizations, many of whom, as I say, have a corporate structure but they would not be identified by the average person as a corporation. They'd be identified as an advocacy organization.

And so, once again, we see in this amendment an attempt to unbalance the playing field by ensuring that a particular obligation that may be an appropriate obligation with respect to corporations is not placed on unions, once again. And, for that reason, I would have to oppose the gentleman's amendment. But we can't have time to discuss whether unions ought to be dealt with.

The argument that the potential corruption is there with contractors would certainly be there with representatives of union member public employees. I'm not saying they're corrupt. What I am saying is the legal analysis is the same. I don't think my friends on the other side of the aisle would suggest that every corporation is corrupt, but it is because of the possibilities of corruption that we're allowed, under the Supreme Court's interpretation of the First Amendment, to have these kinds of disclosure requirements.

All I'm saying is, once again, the gentleman's amendment proves the point we've been trying to make on the floor. This bill does not fairly treat everybody. There are those that are favored by the majority and there's the rest of the world. Those favored by the majority get special treatment. Those not favored by the majority do not get that special treatment. It will render this bill unconstitutional, as it should.

With that, I yield back the balance of my time.

Mr. ACKERMAN. Mr. Chairman, the purpose of this bill, as I understand it, is for transparency and for people to understand what's happening out there as people spend lots of money—other people's money, very often—to advocate for or against candidates. In the case of unions, unions are very transparent in who they're supporting and who they're not supporting when they decide to take that kind of action. Union members pay voluntarily with their dues money, and the unions disclose who they are and who they're supporting.

People who invest in corporations, presumably for the purpose of investing money and furthering America's

economic and their own economic interest, have a right to know how those corporations are spending their money that they thought was being invested for the purpose of capitalism and free enterprise rather than to be diverted into anybody's personal political agendas. Unions do that because their members vote; corporations do not. And I would have no idea of a corporation that I may invest in, whether they're spending my initial investment money to work against my interests or even your interests—or for them, for that matter. This is just to let people know.

The second point, the amendment that I offer covers every organization that is covered under the bill equally.

I yield back the balance of my time.

□ 1400

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. ACKERMAN).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. KING OF IOWA

The Acting CHAIR (Mr. SERRANO). It is now in order to consider amendment No. 2 printed in part B of House Report 111-511.

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end of title I the following new section:

**SEC. 106. REMOVAL OF LIMITATIONS ON FEDERAL ELECTION CAMPAIGN CONTRIBUTIONS.**

Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) The limitations established under this subsection shall not apply to contributions made during calendar years beginning after 2009."

The Acting CHAIR. Pursuant to House Resolution 1468, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, my amendment is simple in its language and is perhaps a little more complicated when one starts to understand all the freedom that would be exercised, should my amendment become law. And it simply does this: my amendment eliminates—it strikes all limitations on Federal election campaign contributions. It takes out the \$2,000 limit, the \$5,000 limit, all of the limits set there because it reverts us back to the constitutional principle that contributions to campaigns are free speech, funding is free speech. And to limit our ability as individual Americans with constitutional rights, to make contributions to political campaigns is an unconstitutional limitation.

And by the way, to react to a Supreme Court decision by bringing a piece of legislation like this, which is an immediate and exactly a reaction to the Citizens United case, I think tells America where this Congress would like to go in limiting the constitutional rights of the people in this country. I am for reestablishing those rights to the maximum amount. That's what this allows, the individuals and the corporations that choose to donate.

We don't touch anything that has to do with disclosure. I am for full disclosure. I am for sunshine. And I think the American people and the voters can discern where they want to place their vote and where they want to place their political contributions if we just allow for the disclosure. But the limitations are unconstitutional limitations, and this amendment simply strikes all of those limitations that are in statute that are unconstitutional, Mr. Chairman.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. I claim the time in opposition.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. ZOE LOFGREN of California. Mr. Chairman, Representative KING's amendment would, as he has indicated, eliminate all limitations on Federal election campaign contributions, corporations and unions. Individuals could donate unlimited amounts of money to candidates, political parties, and committees. I think this is a fairly cynical amendment designed to undermine all support for additional disclosure and reasonable regulation.

Since the Federal Election Campaign Act of 1971 was first challenged, the Supreme Court has always upheld reasonable contribution limits to candidates and political parties, and they did so as a reasonable means to prevent corruption. Even the Citizens United decision itself did not question the Federal Election Campaign Act's limits on direct contributions to candidates, and they reaffirmed that the Court was concerned that large contributions could be given to secure a political quid pro quo.

I quote the Court decision where they refer favorably to the Buckley court: "Nevertheless, sustained limits on direct contributions in order to ensure against the reality or appearance of corruption." That case did not extend the rationale to independent expenditures, and the Court didn't do so in Citizens United. But it did quote the Buckley court favorably on the limitation of expenditures when it came to candidates or political parties.

Money has a corrosive effect on the electoral process, and eliminating campaign limits would start a political arms war. Candidates have to raise millions of dollars to run competitive campaigns; and if Mr. KING's amendment passes, candidates are going to

turn to wealthy donors, special interests, corporations to get their money, and the voices of average Americans will not be heard. If this amendment is passed, the voices of the American people will be drowned out by wealthy corporations and other interest groups. This isn't what we should do. It's not what the Court suggested we do. And I would urge that we oppose the King amendment.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

I would make a point in response to the remarks of the gentlelady from California that—and of course my recollection of the Citizens United case is that they didn't challenge those constitutional limits. There may have been a comment in the decision, but I don't believe they challenged them before the Court.

And I would add to this that to put arbitrary limits on PAC contributions at \$5,000, and let inflation then over time render those contributions to be of minimal value, even though they've indexed individual contributions to increase supposedly with inflation, distorts the balance that they tried to create in the very legislation itself. It shows what's wrong with contribution limits.

Additionally, we just need full disclosure. We have that disclosure. But what's happening is, people like George Soros are pouring money into their entities and their organizations. Their voice is heard. They're not limited. They're exactly advantaged by the current scenario that we have. If we eliminate the limits, what we're able to do then is hold the candidates accountable for the expenditure of those dollars and directly analyze the positions of the candidates and their contributors. This way it's distorted.

The real sunlight is to require the candidates to report when they do that reporting. Then we'll be able to evaluate their positions rather than having that money laundered through, or I'll say diffused through, a whole series of entities that are structured out there, like 527s, for example, that have added to the acrimony of our campaigns, and they've diminished the honesty that we have in our elections.

Mr. Chairman, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I would like to note, going back again to the Court decision, that although the Citizens United case did not attack—it was not about the constraint on individual contributions to candidates—the Court did, as I mentioned to you earlier and quoted, reference favorably the Buckley court, sustaining the constitutionality of those constraints.

It's worth noting that the Federal Election Campaign Act of 1971 has been

the law for nearly 40 years. It's 39 years. It's helped clean up the role of money in politics. It's been improved over the years. I mentioned earlier under general debate the case of how much is spent in any given year; and I used the example 2008, the last big election, where 435 Members of Congress spent about \$840 million. That's the equivalent of 1 percent of the profits of Exxon-Mobil for 1 year.

What Mr. KING's amendment would allow would be for an oil corporation Member of Congress to go to the oil corporation and say, Write me a check that's half a percent of your profit; and that would be legal. That's not what we want in America. We don't want corporations pouring money into individual campaigns, disclosed or not. That's going to drown out the voices of regular Americans. It's not what the law permits today. The Court decision does not ask us to change the law, and I would urge that we defeat Mr. KING's amendment.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Of course I disagree with the gentlelady from California. We need to allow these contributions to go into the campaign accounts rather than be laundered through a whole series of entities that are set up to diffuse and confuse the actual source of the voice. And the distortion that comes with this—it may be that this has been law for 41 years. But Citizens United, the ink is barely dry, and the Democrats are here on the floor seeking to gain a legislative advantage when the Supreme Court has said, Give the people an opportunity to have their voice heard in the elections.

□ 1410

Even so far as in the underlying bill, this bill requires CEOs of organizations to appear in the ads and state their name and organization two different times. CEOs. The President of the United States himself said: I don't want to talk to the CEOs; they'll just tell me what they want me to hear.

So now we are legislating, telling the CEOs what they have to say twice in an ad. I don't know how we can afford to buy commercials and ads to run in a political campaign if our CEOs have to spend all of their time in them. And especially when the President says he doesn't want to listen to the CEOs. I think it is an ironic situation that we have.

I want to eliminate the limits. That is what my amendment does. It strikes all of the limits that are there in the current statute, 441(a) limitations on contributions and expenditures, a dollar limitation of the contributions, strikes them all, and it leaves all of the reporting intact so that the people in the country can make that determina-

tion that it is not constricted by amounts that are unnecessarily plugged into this legislation, and it lets people in America have a full-throated vote of liberty when they go to the polls to decide who they want to direct the destiny of the United States of America here in the United States Congress.

I yield to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I would just point out that 441(b) is the section that prohibits corporate contributions. So the gentleman's amendment does not do what the gentlelady from California said, which would allow corporations to give contributions.

Ms. ZOE LOFGREN of California. Mr. Chairman, I urge opposition to the amendment. From the gentleman's comments, he favors disclosure. I hope, therefore, he votes for the DISCLOSE Act. But we didn't need to open the door to unlimited funds by corporations to candidates. We know it will be sleazy. In order to get disclosure, vote "no" on the King amendment and "yes" on the DISCLOSE Act.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. KUCINICH

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 111-511.

Mr. KUCINICH. Mr. Chairman, I rise to offer an amendment to the DISCLOSE Act.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 15, insert after line 15 the following:

(c) APPLICATION TO PERSONS HOLDING LEASES FOR DRILLING IN OUTER CONTINENTAL SHELF.—Section 317(a) of such Act (2 U.S.C. 441c(a)) is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) who enters into negotiations for a lease for exploration for, and development and production of, oil and gas under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), during the period—

"(A) beginning on the later of the commencement of the negotiations or the date of the enactment of the Democracy is Strengthened by Casting Light on Spending in Elections Act; and

"(B) ending with the later of the termination of such negotiations or the termination of such lease;

directly or indirectly to make any contribution of money or other things of value, or to promise expressly or impliedly to make any such contribution to any political party, committee, or candidate for public office or to any person for any political purpose or use, to make any independent expenditure, or to disburse any funds for an electioneering communication; or”.

Page 15, line 16, strike “(c)” and insert “(d)”.

The Acting CHAIR. Pursuant to House Resolution 1468, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, the underlying bill would extend an existing ban on campaign contributions by government contractors to also include independent expenditures and electioneering communications by contractors.

My amendment would clarify that this provision applies to companies with leases with the Federal Government allowing them to drill for oil and gas in the Outer Continental Shelf. If we ever needed a stark reminder of one of the many problems that arise from our addiction to oil, we have it now, as many as a half-million gallons of oil is erupting from an underwater volcano of oil into one of the most fragile ecosystems on Earth every single day from the Deepwater Horizon drilling site alone.

This disaster was preventable. We had a warning of the consequences of our dependence on oil in the 1970s; we ignored it. We could have built upon the increased awareness to continue on a path of weaning ourselves off oil, but we squandered it. There can be no doubt that the oil industry has strategically and brilliantly used its powerful influence to maintain or even worsen the addiction.

They are not entirely to blame, though. Blame does rest with Congress for being addicted to oil company contributions. We have to begin to break the addiction and do it now. According to [opencrets.org](http://opencrets.org), the oil and gas industry has given close to a quarter-of-a-billion dollars to candidates and parties since the 1990 election cycle. In the 2008 cycle alone, the oil and gas industry donated \$36 million. In the 2010 cycle, they are on track to exceed that with \$13 million donated so far. The mere perception of undue influence by the companies whose products are so profoundly destructive to our water, air, and health is toxic to our democracy.

Mr. Chairman, I am urging a “yes” vote for the Kucinich amendment that relates to the Outer Continental Shelf leaseholder status.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Well, here we go again, Mr. Chairman. Let's make sure this bill is unconstitutional. Why not just tear up the First Amendment right here in front of everybody so they know what we are doing?

The court has said you cannot establish disfavored groups over favored group. The gentleman has just expressed, perhaps an appropriately conditioned animus, toward those who are engaged in offshore drilling. So we are going to say they, those corporations, because they engage in offshore drilling, with leases, cannot participate in the political process in the way anybody else can. Now, he doesn't do it with leases for those who are on shore. He doesn't do it for those who have mineral leases on U.S. land.

So what is the justification? The justification can't be what the gentleman just said in terms of the fragile ecological infrastructure. That is not the legal basis for which you can make a distinction. It is, why is the group that you are saying is singled out for this special treatment uniquely involved in corruption or the appearance of corruption, as opposed to all other groups similarly situated?

And the gentleman, instead of arguing that point, talks about this terrible tragedy in the gulf, about which we all agree, but then says that is the basis for creating this distinction under the narrow allowance the Supreme Court has articulated over really two centuries of jurisprudence.

And so what we are doing here is, we are finding what disfavored group do we have today, and let us treat them differently than everybody else; not in terms of whether they can negotiate for contract, but whether they can be involved in political speech as identified by the Supreme Court in their decision interpreting the First Amendment.

Now, I realize that many on that side of the aisle love to refer to, I guess, a movie called “The Inconvenient Truth,” but the true inconvenient truth in this body today is the First Amendment. The Constitution is inconvenient. There are things that you wish you could do but you are not allowed to do. And the fact of the matter is once again I find it incredible that my friend from Ohio would be fearful of robust debate and rather would say, well, this is an area in which we can refuse to allow debate. I mean, that is basically what the court has said to us. They said the cure for bad speech, intemperate speech, dishonest speech, speech we don't like, is not to somehow suppress that speech, but to allow more speech. To allow greater robust debate. And that's the tragedy here; we are confined by a rule that allows very few amendments, confined by a rule that limits debate about that great Constitution which enhances the idea of robust debate.

□ 1420

So, once again, we are seeking to have an amendment adopted here which will move in the direction of less debate rather than more debate, create favored groups versus disfavored groups, give an advantage to some over the others rather than say let's have an equal playing field and make sure that everybody has the opportunity to be heard.

I reserve the balance of my time.

Mr. KUCINICH. I ask the Chair how much time is remaining.

The Acting CHAIR. The gentleman from California has 1 minute remaining. The gentleman from Ohio has 3 minutes remaining.

Mr. KUCINICH. I yield myself 1 minute.

I would let my friend from California know that there is no First Amendment right to drill for oil and gas in the Outer Continental Shelf. There is no constitutional right that anyone has to a government contract. This provision relates to the Outer Continental Shelf leases, and not all oil and gas leases, because these leases in the Outer Continental Shelf are inherently more dangerous, more risky. It's especially true as we have seen with deepwater drilling. It's true of all drilling in the Outer Continental Shelf. These spills are impossible to clean up.

We are still living with the effects of the Valdez catastrophe. We will be living with the effects of the Deepwater Horizon catastrophe for generations. We are not just talking about mopping up the shores and spreading toxic dispersants and then everyone goes home happy. This oil is going to be in the water column, on the sea floor for a very long time, ramifications for our delicate ecosystem, forcing a lot of persistent toxic compounds like metals into our food supply. These oil companies could conceivably intervene in our political process, using money that they are getting from leases with the Federal Government to place our environment at further risk.

Mr. DANIEL E. LUNGREN of California. I yield myself the balance of my time.

Mr. Chairman, once again, the gentleman's response is off the target. If you want to ban offshore oil drilling, ban offshore oil drilling, but you are trying to ban speech. The idea is to cap the well, not cap speech. The idea here is to honor the First Amendment, not tear it up. The idea is not to use to your advantage a tragedy of enormous proportions to somehow render asunder the First Amendment.

We are talking about debate. We are talking about speech. We are not talking about whether they can drill or not. The gentleman from Ohio has been one of those who has expressed himself with controversial at times and disfavored positions, and yet he honors this House by being here and arguing

his position. I am surprised that someone who has been so proud of his ability to speak out on controversial issues would want to deny others the opportunity.

This has nothing to do with drilling in the gulf. It has everything to do with selecting disfavored groups, which is something the Constitution does not allow us to do. Let's not tear up the Constitution as the environment is torn up by an offshore drilling mess.

Mr. KUCINICH. I yield myself the balance of my time.

To my good friend from California, the *Buckley v. Valeo* decision equated money with free speech. The oil and gas industry, over a period of 20 years, has contributed close to a quarter of a billion dollars to the political process. There is no question of the influence they have had. There is no question of the incestuous relationship between the oil industry and the regulators which led us to this deepwater drilling catastrophe.

What this legislation aims at doing is curbing the influence of these oil companies on our political process so they can't get a lease, use the revenue from that lease, put it back in the political process, and ka-ching, ka-ching, ka-ching. We can't let the oil companies do that anymore. We have to protect our government here; we have to protect the Constitution of the United States, and we can't give them the ability to usurp the Constitution, trying to do it in the name of free speech.

I would like to conclude by saying this: The language that is in this amendment is the same language as that for TARP recipients, so there is nothing special about the language. It's the same one for TARP recipients, saying that someone that gets Federal money, they shouldn't be able to use their position to go back to the government and get people elected who are going to give them more money.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield?

Mr. KUCINICH. I yield to my good friend.

Mr. DANIEL E. LUNGREN of California. The difference between TARP and this is that recipients of TARP get money. In this case, these people get leases, which allow them to pay money to the Federal Government. It's just the opposite.

Mr. KUCINICH. I thank the gentleman.

Reclaiming my time, the oil companies, let us stipulate, are not eleemosynary or charitable organizations. They make huge profits at the expense of the taxpayers. And they are making even more profit because the fact of the matter is we now have to monetize the cost of all the pollution that's coming out of the gulf. No matter what BP pays, we will be paying for generations to come.

Support the Kucinich amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. PASCRELL

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 111-511.

Mr. PASCRELL. I present an amendment to this legislation.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 319(b)(3) of the Federal Election Campaign Act of 1971, as proposed to be added by section 102(a) of the bill, strike subparagraph (A) and insert the following:

“(A) in which a foreign national described in paragraph (1) or (2) directly or indirectly owns or controls—

“(i) 5 percent or more of the voting shares, if the foreign national is a foreign country, a foreign government official, or a corporation principally owned or controlled by a foreign country or foreign government official; or

“(ii) 20 percent or more of the voting shares, if the foreign national is not described in clause (i);

“(B) in which two or more foreign nationals described in paragraph (1) or (2), each of whom owns or controls at least 5 percent of the voting shares, directly or indirectly own or control 50 percent or more of the voting shares;”.

The Acting CHAIR. Pursuant to House Resolution 1468, the gentleman from New Jersey (Mr. PASCRELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PASCRELL. I yield myself 2 minutes.

The DISCLOSE Act is an important piece of legislation. I want to commend Mr. VAN HOLLEN, Chairman BRADY, and their staff. I also want to thank Mr. PERRIELLO and Mr. GRAYSON for working with me on this important amendment.

One of the most troubling aspects of the Citizens United decision was the opening of a loophole that could allow multinational corporations with significant foreign ownership to spend prolifically in American elections. Who in God's name would want to have foreign governments involved investing in our elections? The DISCLOSE Act, as written, attempts to limit the ability of foreign nationals to launder their cash through these domestic corporations by imposing limitations on foreign ownership, foreign membership on corporate boards, and executive power.

This amendment would strengthen this provision in two important ways. My amendment lowers the allowable foreign ownership percentage from 20 percent to 5 percent when the foreign owner is a foreign government, foreign government official, or foreign government-controlled company like a sovereign wealth fund. I believe it is important to draw this distinction between the average foreign citizen and

foreign governments who could seek to exploit this loophole to influence our elections based on the policies of their governments and not the citizens of our country.

The second provision of my amendment would close a potential loophole that could allow a majority foreign-owned corporation to continue to make political expenditures so long as no single shareholder owns more than 20 percent of the company. My amendment would prohibit expenditures by corporations who have a majority of their shares owned by foreign nationals even if no single shareholder meets the 20 percent threshold.

I believe this is an important amendment. These commonsense provisions will ensure strong protections for our elections from unprecedented foreign influence and spending.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. I believe the gentleman said at the very end of his comments that his amendment was necessary if the shares owned by foreign nationals added up to over 20 percent. I believe that is a reasonable interpretation of the bill as it stands and not that it would have to be an individual organization that had 20 percent.

Mr. Chairman, once again, you can see the selective nature of the amendments that are allowed. We offered to present a number of amendments which would even the playing field between unions and corporations, and it was rejected outright both in the committee and before the Rules Committee.

□ 1430

They said it would be too hard for unions to be able to determine who their membership is, that is, the nationality of their members, so they wouldn't be able to determine whether over 20 percent of the union were individuals who were not American citizens, that is, foreign nationals. And it's just again, Mr. Chairman, a continued example of how this bill is not evenhanded.

There are at least five provisions under this bill which treat unions differently than corporations and, again I say, not just for-profit corporations. We're talking about corporations. Many advocacy groups have a corporate structure, and so they are treated differently than unions. This has been recognized by any number of individuals. I've already read into the RECORD the serious disability with this bill, and this amendment continues that disability as expressed by the American Civil Liberties Union.

Another letter dated May 19, 2010, signed by eight former members of the

FEC going back to the beginning of that commission's existence, talks about how the act abandons the historical matching treatment of unions and corporations, and they say that this will in itself cause a substantial portion of the public to doubt the law's fairness and impartiality.

So once again, Mr. Chairman, we have an example of where we have disparate treatment depending on whether you happen to be members of a favored class or otherwise.

I offered amendments in the full committee to try and really define very well what we meant by foreign interests. In fact, we actually replicated current law, making it sure, making it absolutely sure that if you were a corporate structure that was dominated by foreign interests, you could not participate in this way to make decisions. If you were a U.S. wholly-owned subsidiary of a foreign corporation, only moneys that were made in the United States and decisions made by American nationals would allow for any kind of participation in the political process as viewed and anticipated by this law and by the decision by the Supreme Court.

So once again, Mr. Chairman, I just say and somewhat—I don't know—I lament, I guess, the fact that we while we're talking about free speech and we're talking about influence, undue or otherwise, we have another example on this floor of a denial of Members' consideration of amendments that would make this a fair, balanced, evenhanded bill.

I would hope that when we're dealing with the First Amendment at least there the majority would grant us the ability of fair treatment; at least there the majority might say we have enough time in this body to discuss things because, you know, the Constitution's pretty important and so is the First Amendment. But I've heard criticism after criticism on this floor of the U.S. Supreme Court decision which doesn't match what was in the Court decision, and all I can say is either Members on the other side haven't read the decision or they seek not to repeat what's actually in the decision because I've heard on this floor talk about how that decision allowed foreign countries and foreign-dominated companies to now be directly involved in political processes. That's just not true. They didn't change the other underlying law.

So Mr. PASCRELL's amendment continues in that same direction.

The Acting CHAIR. The time of the gentleman has expired.

Mr. PASCRELL. Mr. Speaker, I yield 10 seconds to the majority leader, Mr. HOYER.

Mr. HOYER. I thank my friend for yielding, and I rise in strong support of this piece of legislation.

For more than a century, Mr. Chairman, America has limited the role of

private money in public elections. We've done so because we believe that huge sums of money from unknown sources, from unknown sources—I reference that and emphasize it because I'm going to refer to it in some comments of our Republican leadership in years past regarding money from unknown sources—dominates elections; and especially when it does so in the dark, the interests of ordinary citizens are too often the victim.

America's work toward open and fair elections has been, as it has been in every country, imperfect but better here than almost anywhere in the world; but it took a severe blow this winter when the Supreme Court voted in the Citizens United case to overturn longstanding precedent, allowing corporations and unions to spend unlimited amounts of their treasury funds—not of private unions that their employees contributed, which I support, but their corporate funds and their union treasury funds—in unrestrained fashion to influence elections directly.

The gentleman who is my friend, former Attorney General of the State of California and a good friend of mine—we've served together for a long time—says correctly that we do not want to limit free speech. I agree with that. The First Amendment is one of the sacred amendments that our Founding Fathers adopted to make our country not only unique but one of the freest countries the world has ever seen.

But without transparency, without knowing the source of the speech that you hear, without having the ability to analyze who is telling me that this is good or this is bad, what is the source of the interest that is saying that this legislation is bad or this legislation is good—obviously all of us have said from time to time, Consider the source. We all say that. When somebody who we know doesn't like A or doesn't like B says something bad about A or B, we say, Consider the source. But if we don't know the source, we can't consider the source, and if we can't consider the source, we do not know the validity of the information that is transmitted to us.

That is the key to this legislation. That is the essence of what we're saying, not that a corporation or a union can't try to influence the American public to support a candidate or a proposition that it believes to be in its best interest. That's the American way. What we are saying, however, is that given the Supreme Court's decision, that we ought to make sure that citizens know who's talking to them; otherwise they will not have the ability to make a judgment on the credibility of the information they are receiving.

Now, as I said a little earlier, that is a goal that many of my colleagues, including my Republican colleagues, have supported in the past. My friend

Eric Cantor, who is the minority whip, said this: "Anything that moves us back towards that notion of transparency and real-time reporting of donations and contributions I think would be a helpful move towards restoring confidence of voters." This tries to do exactly that, restore the confidence of voters that they will know who's spending much money to influence their votes, their opinion, their actions.

Former Speaker Gingrich said this, that in an ideal system "the country knows where the money is coming from. That would be transparent, simple, and fair."

□ 1440

While he was not speaking on behalf of this bill, that applies to this bill.

Minority Leader BOEHNER said this, "I think what we ought to do is we ought to have full disclosure, full disclosure of all the money that we raise and how it's spent." That's what we're saying in this bill.

When you receive a 1-minute or a 30-second ad on TV, who's talking to me? How are they spending their money? If they spend it through a third party, they do so in many ways to hide the source. Whether it's a special interest on the right or the left or in the middle, a business interest, a labor interest, whatever interest it is, as a voter, I need to know who's talking to me so I can judge the credibility of the information that I am receiving.

I agree with the thoughts that have just been quoted by my three Republican colleagues, and I think they support the passage of this bill. Therefore, Mr. Chairman, I want to thank Chairman BRADY for the outstanding leadership he has shown in bringing this bill to the floor. I want to thank my other friends who have worked so hard on this.

And I would be remiss if I did not mention specifically my friend and colleague from the State of Maryland, CHRIS VAN HOLLEN, who has been tireless in his work on behalf of the DISCLOSE Act. Surely you can do it, surely you can have free speech, you can say anything you want, but tell me who you are. Do not hide under a cloak. Lift that cloak up and find out who's talking. If we do that, America's elections will be better. The people will be better informed and more confident that they can rely on the information they seek.

Consider the source, vote for this bill.

#### PARLIAMENTARY INQUIRIES

Mr. DANIEL E. LUNGREN of California. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIR. The gentleman from California will state his parliamentary inquiry.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, in the years I've

been here in the House, I know there is allowed under the rules a tradition that the leaders of either the majority or minority or the Speaker is granted 1 minute speaking time by their side, taken out of their time, and yet, shall we say, a judicious minute is allowed.

It was my understanding that under the rules and, as interpreted, the tradition that has developed, that it was predicated on a dedication of 1 minute out of the time of the side. And yet, as I understand it, the request has been made for just 10 seconds. My parliamentary inquiry is, is that allowed under the rules? And if it is, when did the rules change?

The Acting CHAIR. The Chair will advise that it is a matter of custom, not rules.

Mr. DANIEL E. LUNGREN of California. Well, then I would ask, if it's a matter of custom, when did the custom change from 1 minute to 10 seconds?

The Acting CHAIR. The Chair is honoring the custom of the various leaders speaking longer than the time allocated, and that is what happened today.

Mr. DANIEL E. LUNGREN of California. I understand that. My question is the time that's taken out of the side. I granted 1 minute to the Republican leader earlier in the debate because I was told that that is both under the rules allowed and that is the tradition.

I know I've only been a Member of this House now for 16 years, but I have never seen this in my time, and I am just wondering whether this is the new rule or the new tradition.

And further parliamentary inquiry, whether I would have been recognized to grant 10 seconds to the distinguished leader of the Republican side and therefore had only 10 seconds taken out of my time.

The Acting CHAIR. The Chair will advise the gentleman that the nominal time granted is unrelated to the time that the leaders might speak, and here the leader spoke for the longer time that he wished to speak.

Mr. DANIEL E. LUNGREN of California. I appreciate that. I think the Chair misunderstands my inquiry. My inquiry isn't about the amount of time graciously granted to either leader or the Speaker, but rather the time subtracted from that that appears in the rule given to the side granting the time to the leader.

The Acting CHAIR. The nominal amount that a Member chooses to yield to the leader to speak for the time that he or she wishes is not a matter of regulation.

Mr. DANIEL E. LUNGREN of California. Is that amount of time deducted from the side which grants the speaker the time?

The Acting CHAIR. Yes, the nominal amount of time is deducted.

Mr. DANIEL E. LUNGREN of California. So if I would say 5 seconds, it

would be 5 seconds rather than if I had said 1 minute; is that correct?

The Acting CHAIR. The gentleman is correct. That is a matter of technique or choice.

Mr. DANIEL E. LUNGREN of California. I see. I shall be much more judicious in my grant of time in the future now that I have had this information conveyed. Thank you.

Mr. PASCRELL. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. PERRIELLO).

Mr. PERRIELLO. Mr. Chairman, where I come from, people stand by their word. If they have something to say, they stand up and say it and they're not afraid to say this is who I am. We do it in our own campaign ads.

The Bible says, "You shall not hide your light under a bushel." Why should the same not apply? If one is going to choose to be part of our sacred democratic process, why on Earth would it not be part of that to say this is who I am? The DISCLOSE Act simply does that. It says I'm willing to stand up and speak and I'm willing to tell you who I am. Back on Main Street, back in rural communities, that's just a basic sense of decency and accountability, and it's a Main Street value that does well in Washington as well.

It's also important that we make sure that "We the People" is not "We the foreign corporations." This is an important amendment to make sure that foreign corporations are not allowed to come in and unduly affect our elections. China already owns too much of our debt. Don't let them buy our democracy as well. It's important that no country and no company be able to come in and own this democracy.

The Acting CHAIR. The gentleman from New Jersey has 1 minute and 50 seconds remaining.

Mr. PASCRELL. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. BOCCIERI).

Mr. BOCCIERI. Mr. Chairman, the people of our country have spoken time and time again: They want less money in politics, not more. And what I hear from our colleagues on the other side is that we should roll back 100 years of legislative action by this body.

The regressive decision by the Supreme Court has turned the keys of electoral government over to big corporations in the United States. Make no mistake, it's as if the Supreme Court rolled up to the drive-thru window and just super-sized the campaign contributions of corporate America.

In the Constitution it says "We the people." "We the People," not "We the corporations." "We the people of the United States of America." Corporations don't vote in our electoral process, people do. This is about the people of our country and not having their voices drowned out in the electoral process.

We need to make sure that the DISCLOSE Act gives further teeth so that foreign governments don't influence our domestic elections. We're not going to outsource and offshore our elections. Let's stand up for the American people and the balance of power in our country.

Mr. PASCRELL. Mr. Chairman, I yield myself the balance of my time.

First of all, Mr. Chairman, the courts will apply section 102 of the DISCLOSE Act to labor unions as well as corporations. Unions will be required to certify that they are in compliance with the safeguards against foreign ownership and control.

It is our duty, Mr. Chairman, to pass the strongest possible restrictions to keep foreign money out of our elections, and keep American elections decided by the American people.

The DISCLOSE Act is a good first step towards empowering the American citizens in our elections. I urge the House to approve this amendment and to strengthen this important piece of legislation. And I want to commend Mr. VAN HOLLEN and Mr. BRADY.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. PASCRELL).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. PATRICK J. MURPHY OF PENNSYLVANIA

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 111-511.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 318(e) of the Federal Election Campaign Act of 1971, as proposed to be added by section 214(b)(2) of the bill, strike paragraphs (2) and (3) and insert the following:

"(2) INDIVIDUAL DISCLOSURE STATEMENT DESCRIBED.—The individual disclosure statement described in this paragraph is the following: 'I am \_\_\_\_\_, of \_\_\_\_\_, and I approve this message.', with—

"(A) the first blank filled in with the name of the applicable individual;

"(B) the second blank filled in with the local jurisdiction in which the applicable individual resides; and

"(C) the third blank filled in with the State in which the applicable individual resides.

"(3) ORGANIZATIONAL DISCLOSURE STATEMENT DESCRIBED.—The organizational disclosure statement described in this paragraph is the following: 'I am \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, located in \_\_\_\_\_, and \_\_\_\_\_ approves this message.', with—

"(A) the first blank to be filled in with the name of the applicable individual;

"(B) the second blank to be filled in with the title of the applicable individual;

“(C) the third blank to be filled in with the name of the organization or other person paying for the communication;

“(D) the fourth blank to be filled in with the local jurisdiction in which such organization’s or person’s principal office is located;

“(E) the fifth blank to be filled in with the State in which such organization’s or person’s principal office is located; and

“(F) the sixth blank to be filled in with the name of such organization or person.”

In section 318(e)(4) of the Federal Election Campaign Act of 1971, as proposed to be added by section 214(b)(2) of the bill, strike subparagraphs (A) and (B) and insert the following:

“(A) STATEMENT IF SIGNIFICANT FUNDER IS AN INDIVIDUAL.—If the significant funder of a communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325 is an individual, the significant funder disclosure statement described in this paragraph is the following: ‘I am \_\_\_\_\_, of \_\_\_\_\_, \_\_\_\_\_, I helped to pay for this message, and I approve it.’, with—

“(i) the first blank filled in with the name of the applicable individual;

“(ii) the second blank filled in with the local jurisdiction in which the applicable individual resides; and

“(iii) the third blank filled in with the State in which the applicable individual resides.

“(B) STATEMENT IF SIGNIFICANT FUNDER IS NOT AN INDIVIDUAL.—If the significant funder of a communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325 is not an individual, the significant funder disclosure statement described in this paragraph is the following: ‘I am \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, located in \_\_\_\_\_, \_\_\_\_\_, helped to pay for this message, and \_\_\_\_\_ approves it.’, with—

“(i) the first blank to be filled in with the name of the applicable individual;

“(ii) the second blank to be filled in with the title of the applicable individual;

“(iii) the third blank to be filled in with the name of the significant funder of the communication;

“(iv) the fourth blank to be filled in with the local jurisdiction in which the significant funder’s principal office is located;

“(v) the fifth blank to be filled in with the State in which the significant funder’s principal office is located; and

“(vi) the sixth and seventh blank each to be filled in with the name of the significant funder of the communication.”

In section 318(e)(5) of the Federal Election Campaign Act of 1971, as proposed to be added by section 214(b)(2) of the bill—

(1) in subparagraph (A), strike “provided;” and insert “provided and the local jurisdiction and State in which each such person lives (in the case of a person who is an individual) or is located (in the case of any other person);”;

(2) in subparagraph (B), striking “provided,” and insert “provided and the local jurisdiction and State in which each such person lives (in the case of a person who is an individual) or is located (in the case of any other person).”

The Acting CHAIR. Pursuant to House Resolution 1468, the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

□ 1450

Mr. PATRICK J. MURPHY of Pennsylvania. I yield myself such time as I may consume.

Mr. Chairman, I am happy that we are addressing campaign finance reform in this session of Congress by taking up the DISCLOSE Act today. This bill goes a long way toward increasing transparency in campaign spending by forcing individuals and organizations to stand by their television and radio ads that they fund.

I would like to thank my colleagues Mr. VAN HOLLEN, Mr. CASTLE, Mr. JONES, and especially Chairman BOB BRADY for their hard work on this important and critical piece of legislation.

By making funders identify themselves in ads, the DISCLOSE Act takes a significant step in giving people the information they need to understand who is funding the ad. Mr. Chairman, shouldn’t people know where these ads and the money to fund them are coming from?

Let me give you an example:

If Halliburton pays for an ad endorsing a politician, shouldn’t the voters know that not only is the company paying for the ad but also that it is based in Houston, Texas? People have a right to know if people or companies outside their States are trying to influence their elections.

My amendment, Mr. Chairman, is a commonsense addition that both Republicans and Democrats should support. Whether they are living in Bristol, Pennsylvania, or in Bristol, Tennessee, people should know who is trying to impact their votes.

This amendment is very simple. It enhances the ad disclaimers by including the location of the funder. Specifically, this amendment requires that the city and the State of the funder’s residence or principal place of business be included in the disclaimers. It also requires this location information be added to the Top Funders list that will appear on screen, at the end of the ad, under the bill. These simple additions will give people valuable information about the people and organizations funding the ads they are seeing and hearing.

By knowing where the money is coming from, people will have a better understanding of who the funder is and the motivations behind an ad. This is not a Democratic or a Republican idea. All citizens deserve to know if a special interest completely unrelated to their districts and to the issues that affect their daily lives is trying to influence their elections.

I urge my colleagues to support my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, this would sound like a commonsensical amendment until you actually realize its impact.

By the additional disclaimers required on broadcast ads, we have already determined that, in some cases, very easily, one would have to use 15 to 17 seconds of a 15- or a 30-second ad to make the disclaimer. If you add additional requirements, as the gentleman suggests, you could have as much as 20 seconds, which will mean that you won’t be able to do 15-second ads. Now, that may be a good idea, frankly, but I’m not sure we should reach that so indirectly.

Secondly, I ask this. In the State of California, we just had a controversial proposition called Proposition 8. Following the successful passage of Proposition 8, people who were known as funders of the program were intimidated. Actions were taken against them by others who disagreed with the fact that they had been involved in the audacity of presenting a political position. So now you’re going to make sure that the hometown, city, and State of the ad funder’s residence is known.

Would that be less likely or more likely to lead to intimidation or to retaliation by individuals who disagree? I suspect it would be more likely.

If the idea is you’ve got to show that you’re in the district or out of the district, what does that do to major metropolitan areas?

I’m from Los Angeles. Well, there are about 26 Members of Congress, I think, or something like that, representing LA County. What does that tell you about whether you’re in the district or not in the district? It doesn’t tell you anything except that you do live in that city, and I suppose someone then could look up the name of the individual and the home address of the individual, perhaps, to protest at that individual’s residence.

I mean we’re getting a little silly here. We’re now talking about disclaimers that are going to take the entire time of a commercial. I don’t like these commercials any better than anybody else does. You know, I’ve had commercials that have been running against me for the last 2 years by the DCCC—radio commercials that are suggesting I’ve done this, that and the other thing. You know, do I like that? No, but what the heck. That’s part of the game.

I have seen people harassed after campaigns. I have seen people, who are at their homes, who have had protesters show up at their houses. Now, maybe you think that’s part of the robust debate that we want around here. But what are you really doing by making known the residence and hometown

of the individual there? Frankly, I think it is going to lead to the greater possibility of intimidation.

Maybe this is what this is supposed to be. We want to chill speech. We've already done that directly. Now, maybe, we'll do it indirectly. I mean it sounds good. I don't have any trouble with the principal office of a corporation, but the home, the residence, of an individual involved? What are we doing here? You're going to have to subject yourself to the possibility of criminal penalties if you dare allow your corporation to use funds, because we have made sure that the FEC will not have the time to put out regulations during this election period, or we will chill speech by passing this bill, by making it a law and by making people afraid to exercise their First Amendment right.

Man, that's the kind of stuff that our Founding Fathers were against. The Federalist Papers. I guess they actually used assumed names for the Federalist Papers. I don't think they identified what their home residences were. King George should have thought of some of this stuff.

I reserve the balance of my time.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. How much time does each side have, Mr. Chair?

The Acting CHAIR. The gentleman from Pennsylvania has 2½ minutes remaining. The gentleman from California has 30 seconds remaining.

Mr. DANIEL E. LUNGREN of California. I would just say, Mr. Chairman, once again, that we are moving down the wrong track here. We are chilling speech already. Now we are creating the possibility of direct intimidation by those by requiring the residence and hometown of the people who might appear there.

Though, if we're going to go part of the way, let's go all the way. We really want to make sure no one is going to be able to use their First Amendment right. This will help seal the deal. So, if that's what you want, vote for this amendment. Otherwise, please support the Constitution and the First Amendment, and defeat this amendment.

The Acting CHAIR. The time of the gentleman has expired.

Mr. PATRICK J. MURPHY of Pennsylvania. I yield myself the balance of my time.

Mr. Chairman, first, your location in your campaign ad takes less than 2 seconds. In that time, voters get valuable information about any special interests which are trying to influence their votes. Second, if the ad is short and if timing is an issue, funders may be able to get a hardship exemption which makes sure that there is always time for the substantive message in their ads.

Mr. Chairman, quite simply, a vote to oppose the Murphy amendment will

be a vote to keep your constituents in the dark about the sources of their campaign spending. Campaign ads can now be funded from unlimited corporate sources. At the very least, we must give people the facts that they need about these ads and about the special interests that are sometimes behind them.

□ 1500

This amendment is a critical edition to the DISCLOSE Act because it does exactly that—it provides people with a key piece of information about the source of the ad. Knowing whether the ads are promoting an interest in the voter's own district or State will allow voters to better evaluate those ads and make informed decisions when they go to the polling place. The more information that's available, the more transparent and fair all elections will be, and I urge my colleagues to support this commonsense amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 111-511 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. KING of Iowa;

Amendment No. 5 by Mr. PATRICK J. MURPHY of Pennsylvania.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

#### AMENDMENT NO. 2 OFFERED BY MR. KING OF IOWA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 57, noes 369, not voting 12, as follows:

[Roll No. 388]

#### AYES—57

Bartlett	Graves (GA)	Neugebauer
Bishop (UT)	Hall (TX)	Nunes
Blackburn	Hastings (WA)	Olson
Brady (TX)	Hensarling	Paul
Broun (GA)	Herger	Poe (TX)
Burton (IN)	Hunter	Price (GA)
Campbell	Issa	Rehberg
Cantor	Johnson, Sam	Rohrabacher
Carter	Jordan (OH)	Royce
Chaffetz	King (IA)	Sessions
Conaway	Kingston	Shadegg
Culberson	Lamborn	Shimkus
Dreier	Lummis	Smith (NE)
Ehlers	Lungren, Daniel	Thompson (PA)
Flake	E.	Thornberry
Franks (AZ)	Mack	Tiahrt
Garrett (NJ)	McCauley	Westmoreland
Gingrey (GA)	McClintock	Young (AK)
Goodlatte	McHenry	
Granger	Miller, Gary	

#### NOES—369

Ackerman	Coffman (CO)	Hall (NY)
Aderholt	Cohen	Halvorson
Adler (NJ)	Cole	Hare
Akin	Connolly (VA)	Harman
Alexander	Conyers	Harper
Altmire	Cooper	Hastings (FL)
Andrews	Costa	Heinrich
Arcuri	Costello	Heller
Austria	Courtney	Herseth Sandlin
Baca	Crenshaw	Higgins
Bachmann	Critz	Hill
Bachus	Crowley	Himes
Baird	Cuellar	Hinchee
Baldwin	Cummings	Hinojosa
Barrow	Dahlkemper	Hirono
Barton (TX)	Davis (AL)	Hodes
Bean	Davis (CA)	Holden
Becerra	Davis (IL)	Holt
Berkley	Davis (KY)	Honda
Berman	Davis (TN)	Hoyer
Berry	DeFazio	Inglis
Biggert	DeGette	Inslee
Bilbray	Delahunt	Israel
Bilirakis	DeLauro	Jackson (IL)
Bishop (GA)	Dent	Jackson Lee
Bishop (NY)	Deutch	(TX)
Blumenauer	Diaz-Balart, L.	Jenkins
Bocciari	Diaz-Balart, M.	Johnson (GA)
Boehner	Dicks	Johnson (IL)
Bonner	Dingell	Johnson, E. B.
Bono Mack	Djou	Jones
Boozman	Doggett	Kagen
Bordallo	Donnelly (IN)	Kanjorski
Boren	Doyle	Kaptur
Boswell	Driehaus	Kennedy
Boucher	Duncan	Kildee
Boustany	Edwards (MD)	Kilpatrick (MI)
Boyd	Edwards (TX)	Kilroy
Brady (PA)	Ellison	Kind
Braley (IA)	Ellsworth	King (NY)
Bright	Emerson	Kirk
Brown, Corrine	Engel	Kirkpatrick (AZ)
Brown-Waite,	Eshoo	Kissell
Ginny	Etheridge	Klein (FL)
Buchanan	Fallin	Kline (MN)
Burgess	Farr	Kosmas
Butterfield	Fattah	Kratovil
Buyer	Filmer	Kucinich
Calvert	Fleming	Lance
Camp	Forbes	Langevin
Cao	Fortenberry	Larsen (WA)
Capito	Foster	Larson (CT)
Capps	Fox	Latham
Capuano	Frank (MA)	LaTourette
Cardoza	Frelinghuysen	Latta
Carnahan	Fudge	Lee (CA)
Carney	Gallegly	Lee (NY)
Carson (IN)	Garamendi	Levin
Cassidy	Gerlach	Lewis (CA)
Castle	Giffords	Lewis (GA)
Castor (FL)	Gonzalez	Linder
Chandler	Gordon (TN)	Lipinski
Childers	Graves (MO)	LoBiondo
Christensen	Grayson	Loebach
Chu	Green, Al	Lofgren, Zoe
Clarke	Green, Gene	Lowey
Clay	Griffith	Lucas
Cleaver	Grijalva	Luetkemeyer
Clyburn	Guthrie	Lujan
Coble	Gutierrez	Lynch

Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCollum  
McCotter  
McDermott  
McGovern  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nye  
Oberstar  
Obey  
Olver  
Ortiz  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Paulsen  
Payne

## NOT VOTING—12

Barrett (SC)  
Blunt  
Brown (SC)  
Faleomavaega

□ 1530

Messrs. BERRY, BISHOP of New York, ROE of Tennessee, SIREs, GUTIERREZ, Ms. CASTOR of Florida, Messrs. THOMPSON of California, BURGESS, Ms. FALLIN, Messrs. DAVIS of Illinois, CARSON of Indiana, GRAYSON, PERRIELLO, ELLSWORTH, Mrs. LOWEY, Messrs. DAVIS of Tennessee, SULLIVAN, FRANK of Massachusetts, and CRENSHAW changed their vote from “aye” to “no.”

Messrs. CARTER and OLSON changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. PATRICK J. MURPHY OF PENNSYLVANIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 274, noes 152, not voting 12, as follows:

[Roll No. 389]

## AYES—274

Ackerman  
Adler (NJ)  
Altmire  
Andrews  
Arcuri  
Baca  
Bachus  
Baird  
Baldwin  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bocieri  
Bonner  
Bordallo  
Boren  
Bowell  
Boyd  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Buchanan  
Burgess  
Butterfield  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castle  
Castor (FL)  
Chandler  
Childers  
Christensen  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Driehaus  
Edwards (MD)

Edwards (TX)  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Finer  
Fortenberry  
Foster  
Frank (MA)  
Fudge  
Garamendi  
Gerlach  
Giffords  
Gonzalez  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Herseht Sandlin  
Higgins  
Hill  
Himes  
Hincheey  
Hinojosa  
Hirono  
Hodes  
Holt  
Honda  
Hoyer  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
LaTourette  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Loebach

Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (NJ)  
Smith (NJ)  
Smith (WA)  
Space  
Speier

Spratt  
Stark  
Stearns  
Stupak  
Sutton  
Tanner  
Taylor  
Teague  
Thompson (CA)  
Thompson (MS)  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Van Hollen

Velázquez  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Whitfield  
Wilson (OH)  
Woolsey  
Yarmuth  
Young (AK)  
Young (FL)

## NOES—152

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Barrow  
Bartlett  
Barton (TX)  
Biggert  
Billbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Bono Mack  
Boozman  
Boucher  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown-Waite,  
Ginny  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Carter  
Cassidy  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Critz  
Culberson  
Davis (KY)  
Diaz-Balart, L.  
Diaz-Balart, M.  
Djou  
Dreier  
Duncan  
Ehlers  
Fallin  
Flake  
Fleming  
Forbes  
Fox  
Franks (AZ)  
Frelinghuysen

## NOT VOTING—12

Barrett (SC)  
Blunt  
Boehner  
Brown (SC)

Faleomavaega  
Gordon (TN)  
Hoekstra  
Norton

Pence  
Rothman (NJ)  
Visclosky  
Wamp

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. There are 2 minutes remaining in this vote.

□ 1540

So the amendment was agreed to. The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Ms. NORTON. Mr. Chair, on June 24, 2010, I was not able to be present for votes on amendments to H.R. 5175, the Democracy is Strengthened by Casting Light on Spending in Elections Act. Had I been present, I would

have voted "no" on rollcall 388 and "aye" on rollcall 389.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PASTOR of Arizona) having assumed the chair, Mr. SERRANO, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5175) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes, and pursuant to House Resolution 1468, reported the bill, as amended pursuant to that resolution, back to the House with sundry further amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 1468, the question on adoption of the further amendments will be put en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mr. DANIEL E. LUNGREN of California. I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DANIEL E. LUNGREN of California. I certainly am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Daniel E. Lungren of California moves to recommit the bill H.R. 5175 to the Committee on House Administration with instructions to report the same back to the House forthwith with the following amendment:

Strike section 401 and insert the following:

#### SEC. 401. TREATMENT OF CERTAIN LOBBYISTS AS FOREIGN NATIONALS.

Section 319(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b)), as amended by section 102(a), is further amended—

(1) by striking "or" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "or"; and

(3) by adding at the end the following new paragraph:

"(4) any person who is a registered lobbyist under the Lobbying Disclosure Act of 1995 whose clients under such Act include—

"(A) a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Admin-

istration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism; or

"(B) any other foreign national described in this subsection."

#### SEC. 402. PROHIBITING USE OF CAMPAIGN FUNDS FOR POLITICAL ROBOCALLS MADE TO INDIVIDUALS ON DO-NOT-CALL REGISTRY.

Section 318(f) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(f)), as added by section 214(b)(4), is further amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) COMPLIANCE WITH DO-NOT-CALL REGISTRY.—No contribution, independent expenditure, electioneering communication, or other donation of funds which is subject to the requirements of this Act may be used for a political robocall which is made to a telephone number which is registered on the national do-not-call registry implemented by the Federal Trade Commission."

#### SEC. 403. JUDICIAL REVIEW.

(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act, including an action brought to challenge the constitutionality of granting an unfair advantage in representation in the House of Representatives to residents of the District of Columbia, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to expedite to the greatest possible extent the disposition of the action and appeal.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is raised (including but not limited to an action described in subsection (a)), any member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an ac-

tion, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

Mr. DANIEL E. LUNGREN of California (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. BRADY of Pennsylvania. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

□ 1550

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, this motion to recommit is of three parts. I would like to ask the gentleman from Texas, the ranking Republican on the Judiciary Committee, to explain one of the parts as it deals with a very important constitutional issue.

Mr. SMITH of Texas. I thank the gentleman from California (Mr. LUNGREN), the ranking member of the subcommittee, for yielding.

Mr. Speaker, this motion to recommit would add to H.R. 5175 the same expedited judicial review process that Congress approved as part of the McCain-Feingold campaign finance reform law. Because H.R. 5175 raises the same constitutional issues that were at issue in the Citizens United case, expedited review should be included in this legislation as well.

The base bill does not contain the reference to 28 U.S.C. 2284 that Congress specifically designed and has used repeatedly to assure the prompt resolution of constitutional claims. Judicial review may not have been included because the base bill was designed to stall judicial review by the Supreme Court until after the 2010 elections. I hope that is not the case. But this House can only dispel that suspicion and facilitate the prompt constitutional review of this legislation by approving this motion to recommit.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, as I mentioned, this motion to recommit is in three parts. It applies the act's expanded ban on expenditures by foreign nationals to include lobbyists who register under the Lobbying Disclosure Act to represent countries defined as state sponsors of terrorism or to represent a foreign national as defined by the act.

It also provides that political robocalls which are not authorized by a candidate may only be made if none of the individuals who are called are listed on the Federal do-not-call registry. It does nothing with our robocalls by the candidate or by tele-town halls either as a candidate or as a Member of Congress.

Finally, as was mentioned by the gentleman from Texas, this repairs, hopefully, an unintentional problem in this bill—perhaps intentional. This bill does not have the expedited appellate procedure that we've had in every other campaign finance law. And what this motion to recommit does is says that same process that we've had which allows an expedited review of the underlying constitutionality of this bill will be in this bill as it has been in the past. Why? Because we are dealing with the First Amendment to the Constitution, and people ought to know sooner rather than later whether the law we passed is constitutional.

If in fact your intent is to ensure there is vagueness for this election period so that those who are protected in this bill—that is, the exemptions given to the unions applies, but there is uncertainty on the part of other corporate entities, either for-profit or not-for-profit, that will have a chilling effect on the latter group, and that will create an uneven playing field for the balance of this election period. The only way in which you might not have that uneven playing field is to have an expedited consideration all the way to the Supreme Court of the underlying constitutionality.

We have spent 40 hours in this Congress naming post offices; can't we spend a little bit of time protecting the First Amendment to the Constitution of the United States? And also, make sure that the judicial branch has an opportunity to review this so that people can know when they are able to speak. We're talking about political speech, the essence of the First Amendment, and for us not to allow that consideration by the courts in an accelerated manner, as we have every other time, is unworthy of this place, is unworthy of our constituents, and is unworthy of the Constitution that we take an oath to uphold.

I would ask for a unanimous vote in support of this motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Chairman, I claim time in opposition to the motion.

The SPEAKER pro tempore. Is the gentleman from Pennsylvania opposed to the motion?

Mr. BRADY of Pennsylvania. I am.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. BRADY of Pennsylvania. Mr. Speaker, this motion to recommit is a needless distraction from the core mission of the underlying legislation. All the legislation says basically is, who is saying it, who is paying it? We have a right to know who's talking about us; we have a right to know who's talking for us. That's all this says. I urge the Members to defeat this motion.

I would like to yield to the author of this legislation, the distinguished gen-

tleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank the chairman of the committee.

This legislation, as we all know, by its terms says that if you're a foreign-controlled entity in the United States, you can not be spending money to influence elections. The proposal put forward here actually prohibits U.S. citizens from contributing as they're allowed to do under the Constitution, or from expending their own funds. It is blatantly constitutional. Given all the conversation we had and the resistance to the notion that we're going to prevent foreign-controlled entities from spending money, it's a little surprising we would now say that U.S. citizens can't be either contributing or spending, number one.

Number two, with respect to the ban on robocalls, what this legislation has been all about is disclosure. If you're going to spend money on TV or radio or whatever for political expenditure purposes, tell the voters who you are and who's paying for it. We've been hearing all day about how you don't want to impinge on the First Amendment, and what you do here is an outright bar on legal calls made. We're just saying when you make those calls, tell us who's paying for them, tell the voters who's paying for them. Whether you like the group or whether you don't like the group, the voter has a right to know.

Finally, you've injected into this motion to recommit a provision with respect to how we would deal with challenges to D.C. voting rights. As you well know, we have not even passed a piece of legislation out of this Congress on D.C. voting rights that has gone to the President's desk, and yet you've inserted that totally unrelated matter into this legislation. So it's interesting, after all the comments we heard from the other side of the aisle about the time you had to consider the DISCLOSE Act, that we got 5 minutes to look at this, but 5 minutes was more than enough time to determine that it's blatantly unconstitutional. You're not just saying inform the voter, you're denying American citizens and voters the right to contribute to campaigns, to participate freely in campaigns. You're saying that you can't exercise your legal rights with robocalls even if you're telling people who is spending it.

And finally, you've injected a total spurious and unrelated provision with respect to D.C. voting rights. Let's give the voters the right to know. Let's make sure that we pass legislation so that foreign-controlled interests can not spend money in U.S. elections, whether it's British Petroleum or any other organization. And let's make sure that, whether you like the group or don't like the group, that voters have the information when they see

that television set with the nice-sounding name like the Fund for a Greater America, that they have the right to get the information and judge for themselves about who's paying for it.

So this is a blatant attempt to distract this effort at the last minute. Again, I point out that the League of Women Voters—that's no political organization—Common Cause, Public Citizen, all the organizations that have devoted themselves to clean campaigns and fair elections support this legislation.

I urge the rejection of the motion to recommit and the passage of the bill.

Mr. BRADY of Pennsylvania. Again, Mr. Chairman, all we need to know and the voters need to know is who's saying it and who's paying it.

With that, I would ask for a "no" vote on the motion to recommit and a "yes" vote on the disclosure bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 5175, if ordered; and suspension of the rules with regard to House Resolution 1464.

The vote was taken by electronic device, and there were—ayes 208, noes 217, not voting 8, as follows:

[Roll No. 390]

#### AYES—208

Aderholt	Brown-Waite,	Diaz-Balart, M.
Akin	Ginny	Djou
Alexander	Buchanan	Donnelly (IN)
Altmire	Burgess	Dreier
Arcuri	Burton (IN)	Duncan
Austria	Buyer	Edwards (TX)
Bachmann	Calvert	Ehlers
Bachus	Camp	Ellsworth
Barrow	Campbell	Emerson
Bartlett	Cantor	Fallin
Barton (TX)	Cao	Flake
Bean	Capito	Fleming
Biggart	Carter	Forbes
Bilbray	Cassidy	Fortenberry
Bilirakis	Castle	Foster
Bishop (UT)	Chaffetz	Fox
Blackburn	Chandler	Franks (AZ)
Bocci	Childers	Frelinghuysen
Boehner	Coble	Gallely
Bonner	Coffman (CO)	Garrett (NJ)
Bono Mack	Cole	Gerlach
Boozman	Conaway	Giffords
Boren	Crenshaw	Gingrey (GA)
Boucher	Cuellar	Gohmert
Boustany	Culberson	Goodlatte
Brady (TX)	Davis (KY)	Granger
Bright	Davis (TN)	Graves (GA)
Broun (GA)	Dent	Graves (MO)
	Diaz-Balart, L.	Griffith

Guthrie	Manzullo	Rogers (MI)	Payne	Sarbanes	Thompson (CA)	Johnson, E. B.	Mollohan	Schiff
Hall (TX)	Marchant	Rohrabacher	Pelosi	Schakowsky	Thompson (MS)	Kagen	Moore (KS)	Schrader
Harper	Marshall	Rooney	Perlmutter	Schauer	Tierney	Kanjorski	Moore (WI)	Schwartz
Hastings (WA)	McCarthy (CA)	Ros-Lehtinen	Peters	Schiff	Tonko	Kaptur	Moran (VA)	Scott (GA)
Heller	McCaul	Roskam	Pingree (ME)	Schrader	Towns	Kennedy	Murphy (CT)	Scott (VA)
Hensarling	McClintock	Royce	Polis (CO)	Schwartz	Tsongas	Kildee	Murphy (NY)	Serrano
Herger	McCotter	Ryan (WI)	Pomeroy	Scott (GA)	Van Hollen	Kilroy	Murphy, Patrick	Sestak
Herseth Sandlin	McHenry	Scalise	Price (NC)	Scott (VA)	Velázquez	Kind	Nadler (NY)	Shea-Porter
Hill	McIntyre	Schmidt	Quigley	Serrano	Walz	Kirkpatrick (AZ)	Napolitano	Sherman
Hodes	McKeon	Schock	Rahall	Sestak	Wasserman	Kissell	Neal (MA)	Shuler
Hunter	McMorris	Sensenbrenner	Rangel	Shea-Porter	Schultz	Klein (FL)	Oberstar	Sires
Inglis	Rodgers	Sessions	Reyes	Sherman	Waters	Kosmas	Obey	Skelton
Issa	McNerney	Shadegg	Richardson	Sires	Watson	Kucinich	Oliver	Slaughter
Jenkins	Mica	Shimkus	Rodriguez	Skelton	Watt	Langevin	Ortiz	Smith (WA)
Johnson (IL)	Miller (FL)	Shuler	Ross	Slaughter	Waxman	Larsen (WA)	Pallone	Snyder
Johnson, Sam	Miller (MI)	Shuster	Roybal-Allard	Smith (WA)	Weiner	Larson (CT)	Pascarell	Space
Jones	Miller, Gary	Simpson	Ruppersberger	Snyder	Welch	Lee (CA)	Pastor (AZ)	Speier
Jordan (OH)	Minnick	Smith (NE)	Rush	Speier	Wilson (OH)	Levin	Pelosi	Spratt
King (IA)	Mitchell	Smith (NJ)	Ryan (OH)	Spratt	Lewis (GA)	Lewis (GA)	Perlmutter	Stark
King (NY)	Moran (KS)	Smith (TX)	Salazar	Stark	Lipinski	Perriello	Perriello	Stupak
Kingston	Murphy, Tim	Space	Sánchez, Linda	Stupak	Loeb sack	Peters	Peters	Sutton
Kirk	Myrick	Stearns	T.	Sutton	Lofgren, Zoe	Pingree (ME)	Pingree (ME)	Tanner
Kirkpatrick (AZ)	Neugebauer	Sullivan	Sanchez, Loretta	Tanner	Lowey	Polis (CO)	Polis (CO)	Teague
Klein (FL)	Nunes	Taylor			Lujan	Pomeroy	Pomeroy	Thompson (CA)
Kline (MN)	Nye	Teague			Lynch	Price (NC)	Price (NC)	Tierney
Kratovil	Olson	Terry	Barrett (SC)	Hoekstra	Maffei	Quigley	Quigley	Titus
Lamborn	Paulsen	Thompson (PA)	Blunt	Pence	Maloney	Rahall	Rahall	Tonko
Lance	Perriello	Thornberry	Brown (SC)	Rothman (NJ)	Markey (CO)	Rangel	Rangel	Towns
Latham	Peterson	Tiahrt			Markey (MA)	Reyes	Reyes	Tsongas
LaTourette	Petri	Tiberi			Matheson	Richardson	Richardson	Van Hollen
Latta	Pitts	Titus			Matsui	Rodriguez	Rodriguez	Velázquez
Lee (NY)	Platts	Turner			McCollum	Ross	Ross	Walz
Lewis (CA)	Poe (TX)	Upton			McDermott	Roybal-Allard	Roybal-Allard	Wasserman
Linder	Posey	Walden			McGovern	Ruppersberger	Ruppersberger	Schultz
LoBiondo	Price (GA)	Westmoreland			McMahon	Ryan (OH)	Ryan (OH)	Watson
Lucas	Putnam	Whitfield			McNerney	Salazar	Salazar	Waxman
Luetkemeyer	Radanovich	Wilson (SC)			Meek (FL)	Sánchez, Linda	Sánchez, Linda	Weiner
Lummis	Rehberg	Wittman			Meeks (NY)	T.	T.	Welch
Lungren, Daniel	Reichert	Wolf			Melancon	Sanchez, Loretta	Sanchez, Loretta	Wilson (OH)
E.	Roe (TN)	Young (AK)			Michaud	Sarbanes	Sarbanes	Woolsey
Mack	Rogers (AL)	Young (FL)			Miller (NC)	Schakowsky	Schakowsky	Wu
Maffei	Rogers (KY)				Miller, George	Schauer	Schauer	Yarmuth

## NOT VOTING—8

□ 1617

Messrs. LEVIN and SCHRADER changed their vote from “aye” to “no.”

Messrs. ALTMIRE, HODES, and HILL changed their vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. BARTON of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 219, noes 206, not voting 8, as follows:

[Roll No. 391]

## AYES—219

Ackerman	Dingell	Kind	Ackerman	Cleaver	Filner
Adler (NJ)	Doggett	Kissell	Adler (NJ)	Clyburn	Foster
Andrews	Doyle	Kosmas	Altmi re	Cohen	Frank (MA)
Baca	Drie ha us	Kucinich	Andrews	Connolly (VA)	Garamendi
Baird	Edwards (MD)	Langevin	Arcuri	Conyers	Giffords
Baldwin	Ellison	Larsen (WA)	Baca	Cooper	Gonzalez
Becerra	Engel	Larson (CT)	Baird	Costa	Gordon (TN)
Berkley	Eshoo	Lee (CA)	Baldwin	Costello	Grayson
Berman	Etheridge	Levin	Becerra	Courtney	Green, Al
Berry	Farr	Lewis (GA)	Berkley	Crowley	Green, Gene
Bishop (GA)	Fattah	Lipinski	Berman	Cuellar	Grijalva
Bishop (NY)	Filner	Loeb sack	Berry	Cummings	Gutierrez
Blumenauer	Frank (MA)	Lofgren, Zoe	Bishop (NY)	Davis (AL)	Hall (NY)
Boswell	Fudge	Lowey	Blumenauer	Davis (CA)	Halvorson
Boyd	Garamendi	Lujan	Boccheri	DeFazio	Hare
Brady (PA)	Gonzalez	Lynch	Boswell	DeGette	Harman
Braley (IA)	Gordon (TN)	Maloney	Boucher	Delahunt	Heinrich
Brown, Corrine	Grayson	Markey (CO)	Brady (PA)	DeLauro	Higgins
Butterfield	Green, Al	Markey (MA)	Braley (IA)	Deutch	Himes
Capps	Green, Gene	Matheson	Brown, Corrine	Dicks	Hinches
Capuano	Grijalva	Matsui	Cao	Dingell	Hinojosa
Cardoza	Gutierrez	McCarthy (NY)	Capps	Doggett	Hirono
Carnahan	Hall (NY)	McCollum	Capuano	Doyle	Hodes
Carney	Halvorson	McDermott	Cardoza	Drie ha us	Holt
Carson (IN)	Hare	McGovern	Carnahan	Edwards (TX)	Honda
Castor (FL)	Harman	McMahon	Carney	Ellison	Hoyer
Chu	Hastings (FL)	Meek (FL)	Castor (IN)	Ellsworth	Insl ee
Clarke	Heinrich	Meeks (NY)	Castle	Engel	Israel
Clay	Higgins	Melancon	Castor (FL)	Eshoo	Jackson (IL)
Cleaver	Himes	Michaud	Chandler	Etheridge	Jackson Lee
Clyburn	Hinches	Miller (NC)	Chu	Farr	(TX)
Cohen	Hinojosa	Mollohan	Clay	Fattah	Johnson (GA)
Connolly (VA)	Hirono	Moore (KS)			
Conyers	Holden	Moore (WI)			
Cooper	Holt	Moran (VA)			
Costa	Honda	Murphy (CT)			
Costello	Hoyer	Murphy (NY)			
Courtney	Insl ee	Murphy, Patrick			
Critz	Israel	Nadler (NY)			
Crowley	Jackson (IL)	Napolitano			
Cummings	Jackson Lee	Neal (MA)			
Dahlkemper	(TX)	Oberstar			
Davis (AL)	Johnson (GA)	Obey			
Davis (CA)	Johnson, E. B.	Oliver			
Davis (IL)	Kagen	Ortiz			
DeFazio	Kanjorski	Owens			
DeGette	Kaptur	Pallone			
Delahunt	Kennedy	Pascarell			
DeLauro	Kildee	Pastor (AZ)			
Deutch	Kilpatrick (MI)	Paul			
Dicks	Kilroy				

## NOES—206

Davis (IL)	Kilpatrick (MI)
Davis (KY)	King (IA)
Davis (TN)	King (NY)
Dent	Kingston
Diaz-Balart, L.	Kirk
Diaz-Balart, M.	Kline (MN)
Djou	Kratovil
Donnelly (IN)	Lamborn
Dreier	Lance
Duncan	Latham
Edwards (MD)	LaTourette
Ehlers	Latta
Emerson	Lee (NY)
Fallin	Lewis (CA)
Flake	Linder
Fleming	LoBiondo
Forbes	Lucas
Fortenberry	Luetkemeyer
Fox	Lummis
Franks (AZ)	Lungren, Daniel
Frelinghuysen	E.
Fudge	Mack
Gallegly	Manzullo
Garrett (NJ)	Marchant
Gerlach	Marshall
Gingrey (GA)	McCarthy (CA)
Gohmert	McCarthy (NY)
Goodlatte	McCaul
Granger	McClintock
Graves (GA)	McCotter
Graves (MO)	McHenry
Griffith	McIntyre
Guthrie	McKeon
Hall (TX)	McMorris
Harper	Rodgers
Hastings (FL)	Mica
Hastings (WA)	Miller (FL)
Heller	Miller (MI)
Hensarling	Miller, Gary
Herger	Minnick
Herseth Sandlin	Mitchell
Hill	Moran (KS)
Holden	Murphy, Tim
Hunter	Myrick
Inglis	Neugebauer
Issa	Nunes
Jenkins	Nye
Johnson (IL)	Olson
Johnson, Sam	Owens
Jones	Paul
Jordan (OH)	Paulsen

Payne	Roskam	Terry	Brown, Corrine	Gerlach	Lynch	Roybal-Allard	Shuster	Titus
Peterson	Royce	Thompson (MS)	Brown-Waite,	Giffords	Mack	Royce	Simpson	Tonko
Petri	Rush	Thompson (PA)	Ginny	Gingrey (GA)	Maffei	Ruppersberger	Sires	Towns
Pitts	Ryan (WI)	Thornberry	Buchanan	Gohmert	Maloney	Rush	Skelton	Tsongas
Platts	Scalise	Tiahrt	Burgess	Gonzalez	Manzullo	Ryan (OH)	Slaughter	Turner
Poe (TX)	Schmidt	Tiberi	Burton (IN)	Goodlatte	Marchant	Ryan (WI)	Smith (NE)	Upton
Posey	Schock	Turner	Butterfield	Gordon (TN)	Markey (CO)	Salazar	Smith (NJ)	Van Hollen
Price (GA)	Sensenbrenner	Upton	Buyer	Granger	Markey (MA)	Sánchez, Linda	Smith (TX)	Velázquez
Putnam	Sessions	Walden	Calvert	Graves (GA)	Marshall	T.	Smith (WA)	Walden
Radanovich	Shadegg	Waters	Camp	Graves (MO)	Matheson	Sanchez, Loretta	Snyder	Walz
Rehberg	Shimkus	Watt	Cantor	Green, Al	Matsui	Sarbanes	Space	Wasserman
Reichert	Shuster	Westmoreland	Cao	Green, Gene	McCarthy (CA)	Scalise	Speier	Schultz
Roe (TN)	Simpson	Whitfield	Capito	Griffith	McCarthy (NY)	Schakowsky	Spratt	Watson
Rogers (AL)	Smith (NE)	Wilson (SC)	Capps	Grijalva	McCaul	Schauer	Stark	Watt
Rogers (KY)	Smith (NJ)	Wittman	Capuano	Guthrie	McClintock	Schiff	Stearns	Waxman
Rogers (MI)	Smith (TX)	Wolf	Cardoza	Gutierrez	McCollum	Schmidt	Stupak	Weiner
Rohrabacher	Stearns	Young (AK)	Carnahan	Hall (NY)	McCotter	Schock	Sullivan	Welch
Rooney	Sullivan	Young (FL)	Carney	Hall (TX)	McDermott	Schrader	Sutton	Westmoreland
Ros-Lehtinen	Taylor		Carson (IN)	Halvorson	McGovern	Schwartz	Tanner	Whitfield
			Carter	Hare	McHenry	Scott (GA)	Taylor	Wilson (OH)
			Cassidy	Harman	McIntyre	Scott (VA)	Teague	Wilson (SC)
			Castle	Harper	McKeon	Sensenbrenner	Terry	Wittman
			Castor (FL)	Hastings (FL)	McMahon	Serrano	Thompson (CA)	Wolf
			Chaffetz	Hastings (WA)	McMorris	Sestak	Thompson (MS)	Woolsey
			Chandler	Heinrich	Rodgers	Shadegg	Thompson (PA)	Wu
			Childers	Heller	McNerney	Shea-Porter	Thornberry	Yarmuth
			Chu	Hensarling	Meek (FL)	Sherman	Tiahrt	Young (FL)
			Clarke	Hereth Sandlin	Meeks (NY)	Shimkus	Tiberi	
			Clay	Higgins	Melancon	Shuler	Tierney	
			Cleaver	Hill	Mica			
			Clyburn	Himes	Michaud			
			Coble	Hinchey	Miller (FL)			
			Coffman (CO)	Hinojosa	Miller (MI)			
			Cohen	Hirono	Miller (NC)			
			Cole	Hodes	Miller, Gary			
			Conaway	Holden	Miller, George			
			Connolly (VA)	Holt	Minnick			
			Conyers	Honda	Mitchell			
			Cooper	Hoyer	Mollohan			
			Costa	Hunter	Moore (KS)			
			Costello	Inglis	Moore (WI)			
			Courtney	Inslee	Moran (KS)			
			Crenshaw	Israel	Moran (VA)			
			Critz	Issa	Murphy (CT)			
			Crowley	Jackson (IL)	Murphy (NY)			
			Cuellar	Jackson Lee	Murphy, Patrick			
			Culberson	(TX)	Murphy, Tim			
			Cummings	Jenkins	Myrick			
			Dahlkemper	Johnson (GA)	Nadler (NY)			
			Davis (AL)	Johnson (IL)	Napolitano			
			Davis (CA)	Johnson, E. B.	Neal (MA)			
			Davis (IL)	Jones	Neugebauer			
			Davis (KY)	Jordan (OH)	Nunes			
			Davis (TN)	Kagen	Nye			
			DeFazio	Kanjorski	Oberstar			
			DeGette	Kaptur	Obey			
			DeLauro	Kennedy	Olson			
			Dent	Kildee	Olver			
			Deutch	Kilpatrick (MI)	Ortiz			
			Diaz-Balart, L.	Kilroy	Owens			
			Diaz-Balart, M.	Kind	Pallone			
			Dingell	King (IA)	Pascarella			
			Djou	King (NY)	Pastor (AZ)			
			Doggett	Kingston	Paulsen			
			Donnelly (IN)	Kirk	Payne			
			Doyle	Kirkpatrick (AZ)	Perlmutter			
			Dreier	Kissell	Perriello			
			Driehaus	Klein (FL)	Peters			
			Duncan	Kline (MN)	Peterson			
			Edwards (MD)	Kosmas	Petri			
			Edwards (TX)	Kratovil	Pingree (ME)			
			Ehlers	Lamborn	Pitts			
			Ellison	Lance	Platts			
			Ellsworth	Langevin	Poe (TX)			
			Emerson	Larsen (WA)	Polis (CO)			
			Engel	Larson (CT)	Pomeroy			
			Eshoo	Latham	Posey			
			Etheridge	LaTourette	Price (GA)			
			Fallin	Latta	Price (NC)			
			Farr	Lee (CA)	Putnam			
			Fattah	Lee (NY)	Quigley			
			Finer	Levin	Radanovich			
			Flake	Lewis (CA)	Rahall			
			Fleming	Lewis (GA)	Rehberg			
			Forbes	Linder	Reichert			
			Fortenberry	Lipinski	Reyes			
			Foster	LoBlundo	Richardson			
			Fox	Loebuck	Rodriguez			
			Frank (MA)	Lofgren, Zoe	Roe (TN)			
			Frank (AZ)	Lowey	Rogers (AL)			
			Frelinghuysen	Lucas	Rogers (KY)			
			Fudge	Luetkemeyer	Rogers (MI)			
			Gallegly	Luján	Rohrabacher			
			Garamendi	Lummis	Rooney			
			Garrett (NJ)	Lungren, Daniel	Ros-Lehtinen			
				E.	Ross			

## NOT VOTING—8

Barrett (SC)	Hoekstra	Visclosky
Blunt	Pence	Wamp
Brown (SC)	Rothman (NJ)	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1629

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## RECOGNIZING 50TH ANNIVERSARY OF UNITED STATES-JAPAN TREATY OF MUTUAL COOPERATION AND SECURITY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1464) recognizing the 50th anniversary of the conclusion of the United States-Japan Treaty of Mutual Cooperation and Security and expressing appreciation to the Government of Japan and the Japanese people for enhancing peace, prosperity, and security in the Asia-Pacific region, on which a recorded vote was ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 412, noes 2, not voting 18, as follows:

[Roll No. 392]

AYES—412

Ackerman	Bartlett	Bocieri
Aderholt	Barton (TX)	Boehner
Adler (NJ)	Bean	Bonner
Akin	Becerra	Bono Mack
Alexander	Berkley	Boozman
Altmire	Berman	Bosman
Andrews	Berry	Boswell
Arcuri	Biggart	Boucher
Austria	Bilbray	Boustany
Baca	Bilirakis	Boyd
Bachmann	Bishop (GA)	Brady (PA)
Bachus	Bishop (NY)	Brady (TX)
Baird	Bishop (UT)	Braley (IA)
Baldwin	Blackburn	Bright
Barrow	Blumenauer	Brown (GA)

## NOES—2

Kucinich	Paul	
Barrett (SC)	Herger	Rothman (NJ)
Blunt	Hoekstra	Sessions
Brown (SC)	Johnson, Sam	Visclosky
Campbell	Pence	Wamp
Dicks	Rangel	Waters
Grayson	Roskam	Young (AK)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CAPUANO) (during the vote). There is 1 minute remaining in this vote.

□ 1638

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. PENCE. Madam Speaker, I was absent from the House floor during rollcall votes 388 through 392. Had I been present, I would have voted "yes" on rollcall Nos. 388, 390 and 392; I would have voted "no" on rollcall Nos. 389 and 391.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5299

Mr. POE of Texas. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 5299.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2194) "An Act to

amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.”

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

□ 1640

#### AFFORDABLE HEALTH CARE FOR AMERICA ACT

Mr. LEVIN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3962) to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the “Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010”.

##### TITLE I—HEALTH PROVISIONS

##### SEC. 101. PHYSICIAN PAYMENT UPDATE.

(a) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended—

(1) in paragraph (10), in the heading, by striking “PORTION” and inserting “JANUARY THROUGH MAY”; and

(2) by adding at the end the following new paragraph:

“(11) UPDATE FOR JUNE THROUGH NOVEMBER OF 2010.—

“(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), and (10)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2010 for the period beginning on June 1, 2010, and ending on November 30, 2010, the update to the single conversion factor shall be 2.2 percent.

“(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR REMAINING PORTION OF 2010 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on December 1, 2010, and ending on December 31, 2010, and for 2011 and subsequent years as if subparagraph (A) had never applied.”.

(b) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House

acting first on this conference report or amendment between the Houses.

##### SEC. 102. CLARIFICATION OF 3-DAY PAYMENT WINDOW.

(a) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended—

(1) by adding at the end of subsection (a)(4) the following new sentence: “In applying the first sentence of this paragraph, the term ‘other services related to the admission’ includes all services that are not diagnostic services (other than ambulance and maintenance renal dialysis services) for which payment may be made under this title that are provided by a hospital (or an entity wholly owned or operated by the hospital) to a patient—

“(A) on the date of the patient’s inpatient admission; or

“(B) during the 3 days (or, in the case of a hospital that is not a subsection (d) hospital, during the 1 day) immediately preceding the date of such admission unless the hospital demonstrates (in a form and manner, and at a time, specified by the Secretary) that such services are not related (as determined by the Secretary) to such admission.”; and

(2) in subsection (d)(7)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period and inserting “, and”; and

(C) by adding at the end the following new subparagraph:

“(C) the determination of whether services provided prior to a patient’s inpatient admission are related to the admission (as described in subsection (a)(4)).”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to services furnished on or after the date of the enactment of this Act.

(c) NO REOPENING OF PREVIOUSLY BUNDLED CLAIMS.—

(1) IN GENERAL.—The Secretary of Health and Human Services may not reopen a claim, adjust a claim, or make a payment pursuant to any request for payment under title XVIII of the Social Security Act, submitted by an entity (including a hospital or an entity wholly owned or operated by the hospital) for services described in paragraph (2) for purposes of treating, as unrelated to a patient’s inpatient admission, services provided during the 3 days (or, in the case of a hospital that is not a subsection (d) hospital, during the 1 day) immediately preceding the date of the patient’s inpatient admission.

(2) SERVICES DESCRIBED.—For purposes of paragraph (1), the services described in this paragraph are other services related to the admission (as described in section 1886(a)(4) of the Social Security Act (42 U.S.C. 1395ww(a)(4)), as amended by subsection (a)) which were previously included on a claim or request for payment submitted under part A of title XVIII of such Act for which a reopening, adjustment, or request for payment under part B of such title, was not submitted prior to the date of the enactment of this Act.

(d) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of this section (and amendments made by this section) by program instruction or otherwise.

(e) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as changing the policy described in section 1886(a)(4) of the Social Security Act (42 U.S.C. 1395ww(a)(4)), as applied by the Secretary of Health and Human Services before the date of the enactment of this Act, with respect to diagnostic services.

##### SEC. 103. ESTABLISH A CMS-IRS DATA MATCH TO IDENTIFY FRAUDULENT PROVIDERS.

(a) AUTHORITY TO DISCLOSE RETURN INFORMATION CONCERNING OUTSTANDING TAX DEBTS

FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(22) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

“(A) IN GENERAL.—The Secretary shall, upon written request from the Secretary of Health and Human Services, disclose to officers and employees of the Department of Health and Human Services return information with respect to a taxpayer who has applied to enroll, or reenroll, as a provider of services or supplier under the Medicare program under title XVIII of the Social Security Act. Such return information shall be limited to—

“(i) the taxpayer identity information with respect to such taxpayer;

“(ii) the amount of the delinquent tax debt owed by that taxpayer; and

“(iii) the taxable year to which the delinquent tax debt pertains.

“(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of Health and Human Services for the purposes of, and to the extent necessary in, establishing the taxpayer’s eligibility for enrollment or reenrollment in the Medicare program, or in any administrative or judicial proceeding relating to, or arising from, a denial of such enrollment or reenrollment, or in determining the level of enhanced oversight to be applied with respect to such taxpayer pursuant to section 1866(j)(3) of the Social Security Act.

“(C) DELINQUENT TAX DEBT.—For purposes of this paragraph, the term ‘delinquent tax debt’ means an outstanding debt under this title for which a notice of lien has been filed pursuant to section 6323, but the term does not include a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122, or a debt with respect to which a collection due process hearing under section 6330 is requested, pending, or completed and no payment is required.”.

(2) CONFORMING AMENDMENTS.—Section 6103(p)(4) of such Code, as amended by sections 1414 and 3308 of Public Law 111-148, in the matter preceding subparagraph (A) and in subparagraph (F)(ii), is amended by striking “or (17)” and inserting “(17), or (22)” each place it appears.

(b) SECRETARY’S AUTHORITY TO USE INFORMATION FROM THE DEPARTMENT OF TREASURY IN MEDICARE ENROLLMENTS AND REENROLLMENTS.—Section 1866(j)(2) of the Social Security Act (42 U.S.C. 1395cc(j)), as inserted by section 6401(a) of Public Law 111-148, is further amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) USE OF INFORMATION FROM THE DEPARTMENT OF TREASURY CONCERNING TAX DEBTS.—In reviewing the application of a provider of services or supplier to enroll or reenroll under the program under this title, the Secretary shall take into account the information supplied by the Secretary of the Treasury pursuant to section 6103(l)(22) of the Internal Revenue Code of 1986, in determining whether to deny such application or to apply enhanced oversight to such provider of services or supplier pursuant to paragraph (3) if the Secretary determines such provider of services or supplier owes such a debt.”.

(c) AUTHORITY TO ADJUST PAYMENTS OF PROVIDERS OF SERVICES AND SUPPLIERS WITH THE

SAME TAX IDENTIFICATION NUMBER FOR MEDICARE OBLIGATIONS.—Section 1866(j)(6) of the Social Security Act (42 U.S.C. 1395cc(j)(6)), as inserted by section 6401(a) of Public Law 111-148 and as redesignated by section 1304 of Public Law 111-152, is amended—

(1) in the paragraph heading, by striking “PAST-DUE” and inserting “MEDICARE”;

(2) in subparagraph (A), by striking “past-due obligations described in subparagraph (B)(ii) of an” and inserting “amount described in subparagraph (B)(ii) due from such”; and

(3) in subparagraph (B)(ii), by striking “a past-due obligation” and inserting “an amount that is more than the amount required to be paid”.

## TITLE II—PENSION FUNDING RELIEF

### Subtitle A—Single Employer Plans

#### SEC. 201. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan

years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

“(I) give notice of the election to participants and beneficiaries of the plan, and

“(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”.

(2) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

“(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such

amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A of the Internal Revenue Code of 1986) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1) of such Code) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of non-qualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

“(I) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

“(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

“(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

“(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor’s income, and interest accrues on any unpaid dividends with respect to such stock.

“(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term ‘applicable preferred stock’ means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of this title).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 302(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan’s relative reduction in the plan’s shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

“(I) give notice of the election to participants and beneficiaries of the plan, and

“(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”.

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an install-

ment acceleration amount with respect to the succeeding plan year.

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

“(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a non-qualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1)) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of non-qualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

“(I) the adjusted net income (within the meaning of section 4043 of the Employee Retirement Income Security Act of 1974) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

“(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

“(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

“(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor’s income, and interest accrues on any unpaid dividends with respect to such stock.

“(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term ‘applicable

preferred stock' means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of title I of Employee Retirement Income Security Act of 1974).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 412(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan’s relative reduction in the plan’s shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”.

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

#### SEC. 202. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

#### “SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.

“(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an ‘election year’), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to ‘such Act’ or ‘such Code’ shall be to such Act or such Code as in effect before the amendments made by this subtitle and subtitle B.

“(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

“(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(l)(9) of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

“(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(l) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

“(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

“(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(c) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(l) of such Code—

“(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

“(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

“(B) the increased unfunded new liability for such plan year, and

“(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(d) ELECTION.—

“(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

“(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

“(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

“(e) DEFINITIONS.—For purposes of this section—

“(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

“(2) PRE-EFFECTIVE DATE PLAN YEAR.—The term ‘pre-effective date plan year’ means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

“(3) INCREASED UNFUNDED NEW LIABILITY.—The term ‘increased unfunded new liability’ means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan’s assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(l)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

“(4) OTHER DEFINITIONS.—The terms ‘unfunded new liability’ and ‘current liability’ shall have the meanings set forth in section 302(d) of such Act and section 412(l) of such Code.”.

(b) ELIGIBLE CHARITY PLANS.—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking “eligible cooperative plan” wherever it appears in subsections (a) and (b) and inserting “eligible cooperative plan or an eligible charity plan”, and

(2) by adding at the end the following new subsection:

“(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer (determined without regard to section 414(c) of the Internal Revenue Code) and 100 percent of the employers are described in section 501(c)(3) of such Code.”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) ELIGIBLE CHARITY PLAN.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

#### SEC. 203. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.

(a) IN GENERAL.—

(1) AMENDMENT TO ERISA.—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

“(D) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(i) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(I) such percentage, as determined without regard to this subparagraph, or

“(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) APPLICABLE PROVISION.—For purposes of this subparagraph, the term ‘applicable provision’ means—

“(I) paragraph (3), but only for purposes of applying such paragraph to a payment which,

as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(II) paragraph (4).”

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(3) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(A) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(i) such percentage, as determined without regard to this paragraph, or

“(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

“(B) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

“(C) APPLICABLE PROVISION.—For purposes of this paragraph, the term ‘applicable provision’ means—

“(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(ii) subsection (e).”

(b) INTERACTION WITH WRERA RULE.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

#### SEC. 204. LOOKBACK FOR CREDIT BALANCE RULE FOR PLANS MAINTAINED BY CHARITIES.

(a) AMENDMENT TO ERISA.—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

“(I) such ratio, as determined without regard to this subparagraph, or

“(II) the ratio for such plan for the plan year beginning after August 31, 2007, and before September 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2008, and before January 1, 2011, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3) of the Internal Revenue Code of 1986.”

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year of a plan shall be the greater of—

“(I) such ratio, as determined without regard to this subsection, or

“(II) the ratio for such plan for the plan year beginning after August 31, 2007 and before September 1, 2008, as determined under rules prescribed by the Secretary.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary.

“(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3).”

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after August 31, 2009.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2008.

#### Subtitle B—Multiemployer Plans

#### SEC. 211. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period —

“(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subclauses (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan’s funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such application to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

“(b) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period —

“(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subparagraphs (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan’s funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such application to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan’s funding standard account for the first plan year beginning after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

### TITLE III—BUDGETARY PROVISIONS

#### SEC. 301. BUDGETARY PROVISIONS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by ref-

erence to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Amend the title so as to read: “An Act to provide a physician payment update, to provide pension funding relief, and for other purposes.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from California (Mr. HERGER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that 10 minutes of my time be controlled by the gentleman from California (Mr. WAXMAN), the chairman of the Energy and Commerce Committee, on the Senate amendments to H.R. 3962.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I shall use.

This is a flawed bill that we are now considering. We are forced to consider it because of the Republican filibuster of action on the jobs and tax bill now pending in the other body. This bill does not adequately address the need for a longer-term solution to avoid the disastrous cut in Medicare physician reimbursement that is currently impacting doctors and, most importantly, seniors and military servicemembers.

Republicans in the other body have been stonewalling the basic bill, the jobs bill, week after week after week. Doing so, they have placed a hammerlock on the lives of millions of Americans. A much better course would be for Republicans in the other body to begin to side with the American people instead of stonewalling against them, and not with their party leaders nor the Tea Party, and allow a straight up-or-down vote on the comprehensive jobs bill pending in the other body.

Instead, they are willing to put politics before people, and they are leaving millions of unemployed workers thrown out of work by this recession through no fault of their own without their unemployment insurance benefits. Instead, they seem willing to let loopholes that permit jobs to be shipped overseas continue to remain open. Republicans, in a word, are saying to the American people that they care more about their political futures than they do the daily lives of millions and millions of Americans.

We will not let that stand. We will continue to stand on the side of seniors and the physicians who treat them, on the side of unemployed workers and their families, on the side of millions who are looking for jobs, on the side of youth seeking employment, and on the side of those who would benefit from

tax measures and bond measures that are supporting millions of jobs.

I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

For the fourth time in 6 months, Democrats' inability to properly manage the Medicare program is causing doctors to confront a 21 percent cut in their Medicare reimbursement rates. In fact, this cut went into effect on June 1, forcing Medicare to pay claims for physicians' services with the 21 percent cut. In practical terms, this means that for a standard office visit, physicians are now being paid \$8 less than they received in 2007. This is unacceptable and irresponsible.

As a result of the Democrats' failure to address this issue in a timely manner, tens of millions of taxpayer dollars will be required to reprocess these claims and send new checks to doctors, all because the majority Democrats could not finish their work on time.

Physicians' practices, like most small businesses, are hurt by the dereliction of duty. Dr. Joel Bolen from Montgomery, Alabama, said about the delayed payments, quote, "We have already eliminated one staff position, and that has resulted in a major reduction in some services." Dr. Jen Brull from Plainville, Kansas, had to juggle a \$10,000 temporary drop in revenue while claims were held up when payments were delayed for 15 days in April of this year, a major stress on a small practice.

Senior citizens have been hurt as well. Earlier this week, one of my constituents visited my office in Redding, California, to share his story. His doctor is not accepting any more Medicare patients until Congress deals with the 21 percent cut. As a result, he has been forced to postpone an essential surgery.

The new president of the American Medical Association, Dr. Cecil Wilson, said, "This is no way to run a major health coverage program. Already the instability caused by repeated short-term delays is taking its toll." The newspaper *Politico* declared that "never before has Congress allowed such a deep Medicare cut to go into effect at this scale."

The legislation before us provides physicians with a 6-month reprieve of the 21 percent cut by providing them a 2.2 percent rate increase through November. But after November, the 21 percent cut returns. And 1 month after that, the cut goes even deeper, totaling 26 percent in January. Perhaps my friends on the other side of the aisle believe this will be someone else's problem in December.

Mr. Speaker, ironically, the bill before us today uses the same bill number as the Democrats' health bill that passed the House in November of last year. It's ironic, because Republicans argued for months that the Democrats

should address the flawed Medicare physician payment formula in their health care overhaul. After all, if they could find more than one-half trillion dollars in cuts to Medicare, you would think they could find a couple dollars to fix the SGR; except, they didn't, allowing them to shield the true cost of their trillion-dollar government takeover of health care. It's one of the many reasons we should replace that flawed law with reform Americans can afford, and then we can address a true long-term fix for our doctors.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I rise in support of this suspension, and I yield myself such time as I may consume.

After all is said and done, no one can say this is a great bill. It's a disappointment. It's an embarrassment that we are here today to ask for only 5 months' extension for the doctors who take care of our Medicare patients to be paid for the work that they are doing. But it has come to this.

Because of the dysfunctional rules in the United States Senate, they could not get a bill for jobs passed. They could not get FMAP to assist the States for their Medicaid payment. They couldn't get extension of unemployment insurance. People are losing their unemployment insurance, or if they lose their jobs, they won't have it available to them.

What we have before us is one little piece. It is at least for 5 months to extend the physician fee reimbursement. I can't say that we should be proud of this. This should have been fixed permanently. And this is the best we can do, so let's vote "aye."

I reserve the balance of my time and urge my colleagues to support the suspension.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

□ 1650

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act that we have before us.

For too long my Democrat colleagues have been playing games with the physician reimbursement fix. Playing chicken with the deadline time and time and time again and putting Medicare beneficiaries at risk while hurting small businesses across the country.

I've the highest number of constituents on Medicare of any Member of Congress. Believe me, I have heard from them loud and clear that they are disgusted with how long it took because their doctors are indeed refusing to take patients.

Whether it's the handling of the oil spill or their inability to put together

a budget, it seems that even the basic responsibilities of running the government have become far too difficult for them. I'm glad to see this bill finally come before the House today, but I would remind all of our constituents that this could have been prevented. Months ago, my Republican colleagues and I offered and voted for a longer fix that would have been fully paid for.

Americans are tired of the credit card mentality of Washington. This is a voting card, ladies and gentlemen. It is not a credit card.

Mr. LEVIN. I yield 1 minute to the gentlewoman from Nevada (Ms. BERKLEY), a distinguished member of the Ways and Means Committee.

Ms. BERKLEY. Thank you, Mr. Chairman, for your extraordinary work.

Every day I receive calls from dedicated physicians who tell me that if this 21 percent cut goes through they are no longer going to be able to continue to treat their Medicare patients. They're not threatening me when they say it. They're talking the truth. They simply can no longer afford to treat their senior patients.

Doctors are small business people. They've got payrolls to make and rent to pay, utilities, just like the rest of us; but time is long past due to permanently fix the way doctors in this country get compensated for treating Medicare patients. We need to fix this SGR. We need to fix it permanently.

We're playing a very dangerous political game with our seniors' health care, and we are forcing doctors to make unspeakable choices. I am supporting this 6-month fix to keep the doctors working and to give seniors the health care that they deserve and that they are entitled to, but I would urge my Republican colleagues in the Senate that they should do what's right by the American people and let's get this thing permanently fixed.

Mr. HERGER. I yield 1 minute to the gentleman from Tennessee (Mr. ROE), who is also a physician.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Why was this so hard? House Republicans have been saying for months that we'd be happy to support legislation ensuring seniors have access to doctors. They were warned to cut spending to stop the deficits from going any higher. Doctors and patients both are benefiting under this legislation, but today's headline should be this: bipartisan solutions are possible when the majority tries to meet the minority halfway.

When we cut spending, we can address many of the critical problems facing our country. Hopefully, today's bill isn't the end of bipartisan cooperation. Our economy is still in dire straits, and Republicans can help Democrats get people back to work only if the majority lets us. Otherwise,

the job loss and exploding deficits we've seen for the past 18 months will only continue, and no one benefits from that.

I can tell you as a physician three things will happen with these cuts: one, patients lose access to doctors; two, the quality of their care goes down; and, three, their costs will go up.

I urge my colleagues to support this legislation.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE), distinguished chairman of the Health Subcommittee of Energy and Commerce.

Mr. PALLONE. Thank you, Mr. WAXMAN.

I'm listening to the debate on the other side of the aisle, and I just can't believe what I hear. We passed, the House Democrats, the majority, passed a comprehensive permanent fix to the SGR, and we only had one Republican vote on the other side.

I heard the gentleman from California say it's not someone else's problem. That's true. It's also the Republican problem. You have a responsibility as Republicans to help us out, and you're not helping us out at all. When this jobs bill that included the SGR, and that was a 2-year fix, passed a couple of weeks ago here in the House, we had just a handful of Republican votes; and that's what it's been all along, Republicans not willing to do anything for any kind of permanent fix for this SGR for the physicians' reimbursement rate or not voting for 2 years. Now, we're down to 6 months because that's all we have left.

And I don't like it anymore than anybody else, but I'm going to vote for it today; and I hope that all of you will join us in voting for it. When you talk about the fact we have a problem here, the problem is you're not willing to help us out.

I heard the gentleman from Tennessee who is a physician say, well, it's got to be paid for. Well, where are the cuts that he's proposing to pay for it? In other social programs and other jobs? That's the problem here. We had a comprehensive jobs package that included this SGR. It would have had a summer jobs program. It had a lot of things to put Americans back to work, bring jobs back from overseas, tax cuts, and changes in the Tax Code that would have made a difference.

But we don't get any Republican support. We don't get anything. All you do is sit there and say that you want to solve this problem, but don't put up any votes or come up with any solutions whatsoever. So we're forced today to deal with this and we're going to vote for it, but if I keep hearing more and more about permanent fix, there's no support on the other side of the aisle for permanent fix. Don't kid those doctors and make them believe that you're going to vote for some kind

of permanent fix. You never have. I don't see it.

I remember when you were in the majority and we kept kicking the can down the road. We inherited this mess from all of you. So don't sit here and talk about what you're going to do to make a difference. You're not helping at all. You're not solving the problem. You're part of the problem, not part of the solution.

Mr. HERGER. Just in response, we as Republicans last November had a 4-year fix that was paid for, and I might mention that the legislation that the gentleman was referring to that we opposed had a \$200 billion deficit on it, and that's why we opposed it.

Mr. Speaker, while I intend to support this bill and urge its passage, our work does not end here. We must find a long-term, stable and fiscally responsible solution to this problem.

I yield the balance of my time to the gentleman from Illinois (Mr. SHIMKUS).

The SPEAKER pro tempore. Without objection, the gentleman from Illinois will control the time.

There was no objection.

Mr. SHIMKUS. I yield such time as he may consume to the gentleman from Texas, Dr. BURGESS.

Mr. BURGESS. I thank the gentleman for yielding.

Just as a historical note, I think I should point out when it comes to this issue, there's actually plenty of blame to go around because after all it was in 1988 when a Democratic Congress, voting under the Omnibus Budget Reconciliation Act of 1988, created this problem under the guise of the RVRBS, and it's gone through several names and several acronyms since then. But that's when it began.

It was really a very predictable consequence of Congress' interference in the practice of medicine. Since 1988, there have been multiple Congresses; there have been multiple administrations, both Republican and Democratic. The opportunity to fix this thing has been there, but it has not been taken.

Patching the payment system is extremely unsatisfactory, but the alternative is absolutely unthinkable. Let me tell you this for a minute what it means in a one- or two-doctor office practicing primary care when the head of CMS holds your paycheck for 1 week, 2 weeks, now 3 weeks. Even if you're doing as little as 15 percent Medicare in your business, that cash flow that's disrupted across the counter means that that doctor's office is likely not going to be able to take a paycheck that month; and what's even worse, they may have to go out and borrow money for operational expenses.

I know that never troubles this Congress to borrow money for operational expenses—we do it all the time—but when you're a small businessperson

and you're borrowing for operational expenses, it's extremely frightening because you don't know when you're going to be able to make that up.

Now, we have a bill that's retroactive to the first of the month so those checks will be reissued, and that's a good thing. Unfortunately, the expiration date on this bill is November 30. As was pointed out previously by the ranking member on the Ways and Means Health Subcommittee on December 31 of this year a 26 percent reduction occurs.

What happens in early November of this year is that every private insurance company that pegs its reimbursement to Medicare is going to recalculate its reimbursement based on that 26 percent if we don't do something before then.

□ 1700

Let us commit, with this window of opportunity that we have given ourselves between now and November 30, that we are going to work on this problem.

I've had a bill up there some time, H.R. 3693. Yes, it's problematic because of the cost, but it's not a real cost because we've already dispensed that money to the doctors; the doctors have already used that to run their practices. This is "Bernie Madoff" accounting that should make any one of us in this body ashamed to continue it.

Let's recommit to fixing this problem. Let's redouble our efforts. Let's leave aside the partisanship. I will remind some of the speakers on the other side, I have voted with you on this issue in the past. I didn't like the policy you put forward. I thought it was very bad policy at the time, but it was worth it to me to get this issue solved because our Nation's seniors, our patients, our doctors depend upon this.

Mr. LEVIN. Mr. Speaker, I yield myself 15 seconds.

The gentleman acknowledges he voted for a permanent fix. He was the only one on the Republican side. There was nobody else. You have refused, on the Republican side, to vote for a permanent fix.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield myself another 15 seconds.

Instead, we're stuck with this bill because we could not get a single vote for a bill that is better than this in the Senate from a Republican. That's why we're here today.

I now yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. We have a unique opportunity today. I've heard from the other side, the Republicans, who are saying that they want to have a permanent fix. We on the Democratic side have shown that by pushing forward, we had a \$68 billion bill that went over to the Senate that would do that.

Now, ladies and gentlemen, people all across this Nation are paining, they are crying to see this House of Representatives work in a bipartisan way, and there is no more critical or important issue to show that than on this issue.

The future of our health care system rests on the ability to be able to have our physicians to be able to receive payment for their services. I've talked to physicians—I talked to a group of them today—and many of them not only are refusing to serve Medicare patients now, but they're losing hope in the health care system.

We've just passed a new health care bill. It's going to bring 37 million more people on, many of them are going to be senior citizens. We're growing more senior citizens. Let's be fair to our physicians. Let's save our health care system. And let us come together as Democrats and Republicans this day and come back and get a permanent fix on this issue.

Mr. SHIMKUS. Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I am pleased at this time to yield 1 minute to the chairman emeritus of the Energy and Commerce Committee, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, we have before us a wonderful opportunity; we can begin to solve a problem that's going to destroy our medical care system in this country.

Doctors are abandoning Medicare patients because they can no longer afford to serve them. And it is turning out that we are now finding that we are losing the capability of addressing one of the greatest health problems we've got, and that is seeing to it that physicians do take care of our people and that they have the necessary resources to do it.

This is a proposal which has to be adopted today. I commend the gentleman from Texas who has urged the House to work together, and I commend him for having had the courage to say so, but it is something that we must do.

We came close to having this issue solved with a permanent fix. The law of interest, compounded interest, tells us that we have a big problem. The numbers in this have grown to \$210 billion, and they will grow more. It is time that the House resolves this question so we can assure that we take care of our people, we deal with their health, we preserve Medicare, and we do what is necessary to carry out our responsibility in a fiscally responsible way.

We are, in good part, in this mess because of the United States Senate, which diligently disregards its responsibilities on all matters of this kind. And regrettably, as we look to see, we find that this is the best thing that we can do because they refuse to do better.

They will tell us that because of their incompetence, we must therefore bow to them and do things the way they only can do them.

I urge my colleagues to vote for this legislation. And then let us prepare to work together to try and resolve this matter because the time is wasting and the whole system is about to collapse because of our failure to properly address it.

Mr. SHIMKUS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. MAFFEI).

Mr. MAFFEI. Mr. Speaker, many of the doctors in my Upstate New York district have started to turn away new Medicare patients because of the 21 percent cut that has already started, and seniors are fearful that their physicians may soon drop out of Medicare altogether. Those doctors who still accept seniors have taken huge risks with their practice. At a time when we should be promoting improved access to physicians, a doctor payment cut of this magnitude will only decrease access, especially for our seniors, and sometimes with tragic results.

Seniors and their doctors should not pay the price for partisan politics. They should have the peace of mind to know that the doctor of their choice will be available to see them. And physicians should know that the work they perform will be reimbursed fairly, without having to worry about cuts month after month.

Now, Mr. Speaker, while it is clear that the Medicare payment system is broken and needs to be fixed permanently, there is an urgent need to provide an immediate and temporary solution. If you cannot cure the patient, at least find a treatment. If you cannot administer a long-term treatment, at least stop the bleeding.

Mr. Speaker, this band-aid is just that. It stops the bleeding temporarily. But lives and livelihoods are hanging in the balance. We have made a commitment to provide for our seniors, and I will stand with our seniors and our physicians.

Mr. SHIMKUS. I continue to reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 1 minute to a very important member of our committee, the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. I thank the chair of the full Energy and Commerce Committee for yielding.

To my Republican colleagues, we make history on the floor of the House, and we did when we passed the health care bill, but you can't rewrite it. The House passed a bill, H.R. 3961, that only had one Member from the Republican Party who voted for that bill that was the permanent fix for this doctor situa-

tion so that our doctors wouldn't be cut 21 percent as of last week. One vote, and it was my colleague from Texas, Dr. BURGESS. That's why this is so important today.

We wish we could pass a better bill and a long-term fix, but we can't get it through the United States Senate; so we're going to November. You had a chance to step up and do it, but you didn't do it. We passed that bill with only one Republican vote.

This legislation is so important because Medicare is so important. Our seniors need to be able to go to a doctor, and yet we're seeing doctors say they can't afford to treat them anymore because we didn't do the permanent fix. That's why this bill is so important today, to get us through November. Hopefully we will be able to then do a permanent fix so doctors will be able to see our senior citizens.

Mr. Speaker, I rise today in support of Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act.

This legislation will prevent a 21-percent cut in Medicare physician payment reimbursements through November 30, and makes the so-called doc fix retroactive to June 1, when a previous stop gap measure expired.

While Congress enacted stop-gap measures for rate cuts scheduled for several months, yesterday CMS began mailing reimbursement checks to physicians who accept Medicare with the 21-percent reduction in their reimbursement.

This legislation before us today is another temporary fix and amends the legislation we sent to the Senate, which would be a permanent fix to the Medicare physician payment system, but we need to ensure that our seniors will continue to have access to their physicians and doctors will continue to accept Medicare.

It is clear that this current physician payment system contains some inherent flaws that must be addressed to ensure the long term viability of Medicare and access to beneficiaries.

My hometown of Houston contains some of the world's best medical facilities, where the scope of care is unmatched.

Yet, I meet physicians working in every medical specialty who say that this current Medicare physician payment system threatens our Medicare beneficiaries' access to the health care that they provide.

I support the legislation today to ensure our physicians will not receive a 21-percent cut in their Medicare reimbursement rates, but in November we will need to revisit this issue and enact a permanent fix to the physician payment system.

Mr. SHIMKUS. I continue to reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Thank you for yielding, Mr. Chairman.

Mr. Speaker, this is not what we should be doing. What is needed is a

permanent fix for the SGR. But I do urge my colleagues to vote for at least a short-term measure that would stop the 21 percent cut in physician reimbursement.

As a family physician who had a practice that was at least one-third Medicare patients, I know how low the reimbursement is for the important work we do after long years of training. That cut and the one slated to follow would have caused many physicians to close their doors to some of the individuals who need it most. Even when I was in practice over 14 years ago, the fees were so low that I was one of a handful of doctors who saw Medicare patients. It has only gotten worse since then.

And it is not that doctors don't want to take care of the elderly and disabled patients, it is what we went into the profession to do; but to be able to do that, we have to be able to meet our overhead, pay staff, purchase supplies, and take care of our families. The 2.2 percent increase is a start, but doctors need certainty and stability.

□ 1710

The other body and our colleagues on the other side of the aisle need to step up and support what Democrats tried to do during health care reform. We need to help doctors provide the care that they want to provide to our seniors. Let us fix the SGR once and for all, even if we have to do it as part of a supplemental. Ensuring the care of some of our most vulnerable is that important and that urgent.

Mr. SHIMKUS. Mr. Speaker, I continue to reserve the balance of my time.

#### GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the Senate amendments to H.R. 3962.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I am pleased at this time to yield 1 minute to another important member of our committee, the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I rise in favor of this piece of legislation. As we only have about a minute, my observation, after listening to all of my colleagues and to my dear friends, is thank God physicians don't practice medicine the way we practice enacting legislation.

Can you imagine if you were wheeled into the emergency room? You'd have five qualified physicians, and they'd all start arguing about, "How are we going to save the life of this particular pa-

tient?" They don't come to any real conclusion. Some say, We need to do this immediately. Some of them say, We can wait 6 months. Others say, We can wait 2 years.

It doesn't work. It doesn't work in that operating room, and it shouldn't work in this Chamber. We are all in agreement. We are all in agreement that it is broken, and now we have given the other side a chance to work with us.

Last year, as it has already been pointed out, we had something that was for an extended period of time that was going to work on a solution which would give the doctors the kind of predictability they require in order to have practices where they can open their doors in the morning, but we only got one vote from the other side. You know, let's all put that aside today. Let's start working together. It's 6 months. It's not long enough. We acknowledge it. Let us just rededicate ourselves to making sure that doctors can practice medicine.

Mr. SHIMKUS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I am pleased at this time to yield 1 minute to the gentlewoman from Texas (Ms. SHEILA JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to support the permanent fix for doctors. That's what we have been saying as Democrats for more than a year.

I want to thank the leadership, who has taken the calls of Members who are representing their doctors and seniors and who are saying we have got to do this.

So let me tell the doctors of America: Look at what your friends look like—Democrats, who have been fighting over and over again. I promised physicians in my area, the doctors who work in inner city neighborhoods, that we were not going to leave them without help.

I hope the other body and my friends on the other side of the aisle, the Republicans, will really understand the facts. We have to join together. Doctors help save lives. They tend to our seniors. It is important that they have the reimbursement they need.

We rise today to support the 6-month fix, but we rise today to say the Democrats have been fighting to get this right. We are going to get it right. We are going to provide for the physicians. We are going to stop this 21 percent cut, and we are going to provide doctors for Americans who are waiting for us to do our jobs.

Support the legislation.

Physicians, your friends are us.

Mr. Speaker, I rise today in strong support of H.R. 3962, the "Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010," a provision that retroactively reverses the 21 percent cut in Medi-

care payments to physicians scheduled for June 1, 2010; and also provides a 2.2 percent status report to physician payments through November 30, 2010. This provision also protects TRICARE military families dedicated to the service of this nation.

Mr. Speaker, I would like to pay special tribute to my good friend, Chairman HENRY WAXMAN, for his lifetime of devoted service to the cause of affordable health care for all Americans. I also thank the Democratic leadership, led by Speaker PELOSI, making health care affordable for Medicare beneficiaries a central issue. Democrats promised to chart a new direction for America if given the chance to lead. Today, we take another giant step toward fulfilling that promise.

For nearly a decade, Medicare patients and the doctors who treat them have been held hostage by short-term patches to an unworkable Sustainable Growth Rate (SGR) formula. In the months to come, I look forward to working with Members of Congress from both sides of the aisle to repeal the SGR formula and to replace it with a permanent physician payment system for Medicare that rewards value and ends the uncertainty for patients and providers alike. In addition, the bill provides enhanced Medicaid funding to states to assist them with the added costs of providing health coverage to underserved and underrepresented individuals and for home and community based services that must be extended.

Under current law, all outpatient services provided within three days before an inpatient admission and are related to the inpatient admission must be included in the bundled payment for that admission. The provision closes a loophole that had allowed the unbundling of services and submission of adjustment claims seeking separate and additional Medicare payments. This provision provides temporary, targeted funding relief for single employer and multiemployer pension plans that suffered significant losses in asset value due to the steep market slide in 2008. Employers that elect the relief would be required to make additional contributions to the plan if they pay compensation to any employee in excess of \$1 million, pay extraordinary dividends, or engage in extraordinary stock buybacks during the first part of the relief period. Additional relief is available to certain plans sponsored by charitable organizations.

Mr. Speaker, this provision will provide much needed fiscal relief to the states and to unemployed individuals.

Although this fix is for 6 months, I am committed to working with my colleagues to deliver a permanent fix for our nation's physicians, and I am committed to fight for critical job-creating measures, on behalf of all of the American people and to strengthen our economy, as well as such vital provisions as extending unemployment benefits for the millions who have lost their jobs through no fault of their own.

We must uphold our responsibility to the seniors and persons with disabilities who depend upon the Medicare program and the military families who depend upon the TRICARE program. The 21 percent cut in fees that physicians are seeing now is jeopardizing the relationship between Medicare and TRICARE patients and their doctors, and we cannot

allow that to stand. This is a matter of whether seniors will have access to care or whether that access to care will be diminished because doctors will no longer be able to afford to continue to sustain their businesses with the cuts under the SGR for Medicare. That is why I support passage of this legislation. Over the months we struggled with Republicans over this issue.

I continuously spoke to doctors in my district to say, I would not forget this important issue. I worked with the leadership, voted for a permanent fix and continued to call on the Senate to move this bill. Now we have a temporary fix of 6 months.

However, I will work for a permanent fix with the Democratic leadership in spite of those of my Republican colleagues who oppose it. I believe in bipartisanship to help doctors and patients including seniors, get reimbursed and get the care they need.

I support this legislation.

Mr. SHIMKUS. Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

Mr. Speaker, a lot of Americans seem to have been misled that they are not going to be able to see their doctors under Medicare anymore because of some legislation that came out of here. This bill today makes it emphatically clear that that is emphatically not true.

The bill today restores the full reimbursement rate for doctors and for other providers who see America's senior citizens. The majority of us wanted to make that a permanent fix last summer. Only one minority Member voted for that. Just a few weeks ago, the majority of us wanted to extend that far beyond this. Almost no one on the minority side voted for that. Today, I assume just about everybody is going to vote for this, and I'm glad, but let the record be clear: No one here is prepared to see a day when Medicare doctors turn their patients away. That is not the truth.

Mr. SHIMKUS. Mr. Speaker, I yield myself the balance of my time.

I appreciate the comments. I was going to be cool, calm, and collected, of course, as I normally am on the committee, Mr. Chairman, as you know. But of course, I am required to respond to just a couple of points.

I agree with my colleague who just spoke that we want to get this fixed and that we want to do it now, and I'm going to talk about the importance of paying for it. Though, the public has to understand that we are 39 seats in the minority. The only bipartisan vote was the "no" vote on the health care bill. For the protestations that, from the Republicans, there was only one vote, the reality is you could do whatever you want, but the bipartisan vote was "no" against the health care bill.

Why? \$500 billion cuts in Medicare—and we talked about this yesterday in

committee—not on Medicare Advantage but on hospital cuts, on doc cuts across the board, and on tax increases. \$1 trillion in new spending.

You'd think, if you're going to spend \$1 trillion more, you could fix this. In fact, you all promised it, but because of the policy and the politics, you had to accept the Senate bill that really didn't do it. The promises you made to some doctor organization you could not keep. That is why we are here again.

We know the CBO and we know the CMS actuary say premiums are going to go up and that benefits are going to be cut. Our health care system is going to change because we are going to migrate away from the employer-based health care system. Some of us believe that was the intent of the law that you passed. So there is an important part of this debate:

First of all, we have a \$13.5 trillion debt. Now, I'm not going to lay that all on my colleagues' shoulders, because a lot of it is our fault. We get it. We were put in the minority because of our frivolous, reckless spending, but I think you'd better be very, very careful that you're going down that same path. A \$13.5 trillion debt makes the argument to the public today that we have to pay for things, that we have to pay for the services that we think are important.

As for all of the other things on the spending side that this was connected to, we didn't pay for it all. I don't know about you and your districts, but my folks are saying, Stop going into debt. Stop obligating yourselves to things that we cannot pay for. Stop mortgaging our grandchildren's futures.

So that's what this is about. That's why we support this bill, because you know what? It's paid for. Maybe we are getting the message. Maybe we are turning the corner. Maybe we realize now that, if it's important enough to have, it's important enough to pay for.

This costs \$6.4 billion. It is a 2.2 percent increase in reimbursement levels. If the bill is not passed, Medicare physicians will face a 20 percent reduction in reimbursement rates. We want them to see our seniors, and we want them to be paid for their services.

It's curious. It ends in November. Things happen in November. December is not paid for. January is not paid for. In fact, as we went along this process, we had month extensions throughout this process instead of addressing the issue early on. I'll be honest, Mr. Speaker, we'll accept a lot of our blame for the position we're in.

□ 1720

But we're not in the majority now. And the public has changed, and they say, Start paying for the services that you think are important, whether it's discretionary or it's entitlement. And that's why we support this bill. The doctors need it.

I appreciate my colleagues and their support in the debate.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, in the 30 seconds I have left, let's pass this bill and go on to fix this problem. We owe it to the seniors who were promised Medicare coverage. And Medicare coverage means that they ought to have access to physicians who are paid for the care that they give those Medicare recipients.

I urge an "aye" vote.

I yield back the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself the balance of my time.

I understand the Senate is about to vote—I think has begun its vote—on the comprehensive jobs bill, helping to pay for it, so that companies don't ship jobs overseas. So what we're doing now, in view of what seems inevitable in the Senate, is take up one piece of that bill. The SGR provision is in the bill now before the Senate, and that, I'm afraid, will be turned down. And what the fact is, we have to act because patients, military personnel, their physicians, need action. But it's the inaction of Republicans in the other House; it really is bringing us to this point.

And despite efforts, and valiant efforts, by the majority leader in the Senate, in the other House, and the Finance chair in the other body, it now seems absolutely certain there won't be a single Republican vote for that comprehensive bill that has this piece in it.

What the Democrats in the other body have faced is a Republican phalanx, without a single one on the minority side willing to step up and vote for a bill that this country needs. So I serve notice: We on this side will not give up. A million and half Americans today who are out of work, who are looking for work, have lost their benefits because of the phalanx in the other body. There's reference to turning the corner here. No. The minority in the other House, as was true here, have been turning their backs.

So much is at stake. I mentioned just a few parts of that bill—the R&D tax credit; Build America Bonds that have helped put millions of people to work; provisions regarding housing; summer employment for 300,000 young people who want to work, who need work. So because of this phalanx among Republicans in the other body, as was true here, we were faced with this alternative to pass this so-called fix now.

And it's interesting. We tried some months ago to have a permanent resolution of this. And, as mentioned, only one Republican voted for it. In May, we had a 19-month provision in the jobs bill, and it just could not pass the Senate, apparently, and very, very few, if any, here on the Republican side supported it.

So here we are. A Republican phalanx. So we're going to act on this bill.

And I assure you, we on this side will not give up on the basic interest of the American people.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of legislation to retroactively reverse a 21 percent payment cut for doctors in Medicare and TRICARE and update the flawed Medicare physician payment formula.

Rather than the 21 percent payment cut, physicians will see a 2.2 percent update in their payment rates through November 30, 2010. Though I would prefer a permanent, long-term solution to this problem, this legislation is necessary so that Medicare beneficiaries can continue to see their doctor of choice and access the care they need. The uncertainty of payments is causing difficulties for physicians who provide services under Medicare because their practices cannot adequately plan for the expenses they incur for treating Medicare beneficiaries.

Congress needs to fix this problem in a permanent manner. The House has passed legislation this Congress that would have done exactly that. Unfortunately, it was blocked in the Senate.

Mr. Speaker, while I urge my colleagues to support this bill before us, I also urge all my colleagues in both the House and Senate to recommit themselves to passing legislation that will permanently fix Medicare payments to physicians.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of provisions contained in H.R. 3962, which will temporarily fix the Sustainable Growth Rate—or SGR—formula. This legislation will undo the twenty-one percent cut in Medicare reimbursements to physicians that took place on June 1st. Without prompt action, these cuts will do serious harm to physicians and patients alike.

With a 21 percent cut, payments to physicians would be well below their overhead costs and could jeopardize continued access for Medicare beneficiaries to their physicians. We have a duty to our retirees to be there for them when they are in need, so I fully and enthusiastically support the provisions that restore Medicare reimbursement rates.

However, I want to register my profound concern over a provision in H.R. 3962 that utilizes a new application of what's known as the "72-hour rule" as an offset for the SGR temporary fix. This provision dictates how a hospital must bundle certain Medicare payments for reimbursement.

My home state of Florida was among the states included in the first round of the Recovery Audit Contractors Program, overseeing the 72-hour rule. Some Florida hospitals that have undergone audits had either inadvertently overbilled or underbilled.

Hospitals that inadvertently overbilled are obligated to repay the appropriate amount, and have already done so. But, hospitals that inadvertently underbilled, would be immediately precluded, if this passes, from resubmitting claims in compliance with existing regulations to recoup underpayments.

It is my understanding that many hospitals are still reviewing a large number of possible underpayments for submittal. If they are precluded from resubmitting claims because of changes in this legislation, Florida hospitals could face \$225 million in losses. This retro-

active application constitutes changing the rules of the game after the services were provided, and is simply not fair to providers.

We owe it to both our physicians and our hospitals to treat them fairly when they care for our seniors under Medicare. Assuming this legislation becomes law, I strongly encourage the Centers for Medicare and Medicaid Services to administer this new application of the 72-hour rule in the most equitable manner possible and limit the adverse impacts on hospitals to the greatest extent possible.

Ms. SCHAKOWSKY. Mr. Speaker, this week, the first round of provider payments with a 21 percent cut was sent to physicians who treat Medicare beneficiaries.

This drastic reduction in reimbursements is quite simply unacceptable. Doctors in my district who provide life-saving care to seniors and people with disabilities have called me to say they won't be able to see Medicare patients much longer. Patients have called begging that we prevent the cuts.

I am a strong supporter of a permanent fix to the flawed sustainable growth rate that continues to create instability for providers and uncertainty for Medicare beneficiaries.

H.R. 3961, which passed the House in November 2009, would have responsibly fixed the flawed formula—but Senate Republicans have refused to come to the table to negotiate a permanent solution. For that reason, while I will vote for this bill to stop the pay cuts, I think it falls far short of what is needed.

Under the pay-go agreement, we had agreed to fix physician payments without taking money from other parts of Medicare until December 31, 2011. I am disappointed that we have not stuck to this original agreement.

Senate Amendments to H.R. 3962—also known as the physician payment fix—is not perfect legislation. But without action this cut will create a crisis for Medicare beneficiaries and providers. I simply cannot allow that to happen, and will vote in support of this bill.

This bill will ensure that doctors who see Medicare patients over the next six months receive fair payments. It will ensure that senior citizens and persons with disabilities have access to their doctors. And it gives us time to permanently fix the flawed formula. It is not perfect, but it would be irresponsible not to act.

Mr. RYAN of Wisconsin. Mr. Speaker, I voted for this legislation because it avoided deep reductions to Medicare physician pay but was offset to avoid any increase in the deficit. While I support this legislation, I have some concerns about where this leads us in the future.

First, this legislation illustrates why we must fundamentally reform Medicare. Our Nation's physicians who treat Medicare beneficiaries currently face a 21 percent reduction. It is critically important that we correct this. Although this legislation provides a much-needed temporary solution, it makes the Medicare physician problem even greater when this short-term fix expires in six months, requiring a 26 percent reduction to payment rates. That is completely untenable.

Unfortunately, that is precisely the path that the health care bill enacted earlier this year puts us on. In addition to Medicare and Medicaid's obligations, that bill created two new

health care entitlements. I think this legislation is the sign of things to come. We will increasingly face difficult reductions to medical providers or require that health care be rationed through government bureaucracies. We will be told that to avoid this we need to either run up the debt or raise taxes on the American people. I think that is a false choice and we should instead fundamentally reform these programs to put them on a sustainable path.

Second, I have some concerns with the pension relief provisions of this bill. Companies are struggling to get by due to a stagnant economy. This legislation will provide temporary pension relief. Under our cash-based budget, these pension relief provisions produce savings over the next ten years. We do not have a full analysis of the long-term consequences of the pension provisions, but it appears these savings are likely to be more than offset by greater federal obligations that will appear outside the ten year window we use to enforce the budget. While this pension relief may make sense in today's economic environment, we need to explore the budgetary impact of these pension provisions to get a better understanding of the full impact before we pursue this as an offset for future legislation.

Mr. VISCLOSKEY. Mr. Speaker, I rise today in support of Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act.

This important legislation will ensure that Medicare and TRICARE beneficiaries will be able to keep their doctors by retroactively reversing a 21 percent decrease in physician reimbursement that occurred on June 1, 2010. Additionally, this measure would provide physicians a 2.2 percent increase in physician reimbursements through November 30, 2010.

While I am pleased that the House is considering a 6 month fix, I continue to support a permanent solution. It is not fair to medical providers to face the continued uncertainty of temporary fixes. I am proud that I supported and the House passed a permanent fix last November, and would urge my colleagues in both the House and Senate to recommit themselves to passing legislation to permanently fix this problem.

Mrs. MALONEY. Mr. Speaker, I rise in support of H.R. 3962, which will protect patient access to their doctors and prevent a 21 percent cut in Medicare payments to doctors, and also boost physician payments by 2.2 percent through November 30.

Congress has spent the last decade—under both Republican and Democratic leadership—overriding the Sustainable Growth Rate, SGR, formula to prevent America's doctors from facing pay cuts in Medicare and to ensure seniors can keep their doctor.

Last November, the House passed H.R. 3961, the Medicare Physician Payment Reform Act, permanently fixing the SGR. Democrats have long recognized that this formula is fundamentally flawed and have been working to fix it only to be stymied by Republicans in the Senate. This bill, though necessary, will require Congress to review the formula again in December when the current fix expires.

Temporary fixes are not the answer. We must have a permanent solution to this problem to protect our Medicare patients and retired military veterans.

I urge my colleagues to work toward a permanent fix of the Sustainable Growth Rate.

Mr. LEVIN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3962.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SHIMKUS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1730

#### CONFERENCE REPORT ON H.R. 2194, COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2010

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 2194) to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

The Clerk read the title of the bill.

(For conference report and statement, see proceedings of the House of June 23, 2010, at page 11431.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I ask unanimous consent to extend the period of debate on this conference report by 10 minutes, 5 minutes on each side, equally divided between the ranking member and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I yield myself 4 minutes.

The conference agreement for H.R. 2194 is by far the most comprehensive Iran sanctions legislation Congress has

ever passed. This legislation greatly strengthens our Nation's overall sanctions regime regarding Iran, enhances the prospect that we will be able to dissuade Tehran from pursuing its nuclear ambitions in blatant defiance of the international community as reaffirmed once again this month in U.N. Security Council Resolution 1929.

Like the House bill passed in December, the conference agreement imposes sanctions on foreign entities that sell refined petroleum to Iran or assist Iran with its domestic refining capacity. It also plugs a critical gap in our sanctions regime by imposing sanctions on foreign entities that sell Iran goods or services that help it develop its energy sector.

Some believe that Iran has prepared itself for tougher energy sanctions by reducing its dependence on the import of refined petroleum. To ensure that our sanctions are as effective as possible, we added a potent new financial measure in conference that, if applied effectively by the administration, has the potential to be a game-changer. That provision sanctions foreign banks that deal with Iran's Revolutionary Guard Corps or other blacklisted Iranian institutions, including Iranian banks involved with WMD or terrorism. Foreign banks involved in facilitating such activities would be shut out of the U.S. financial system, and U.S. banks would not be allowed to deal with them.

The conference report also requires the executive branch to pursue all credible evidence of sanctionable activity. We have been profoundly unhappy over the years that successive administrations failed to implement the 1996 Iran Sanctions Act. Our bill will also put an end to the absurd practice of the U.S. Government awarding contracts to companies engaged in sanctionable activity. In addition, the legislation imposes penalties on Iran's human rights abusers and sanctions foreign entities that provide Iran with the means to stifle freedom of expression. This portion of the bill will absolutely not terminate until Iran unconditionally releases all political prisoners, ends unlawful detention, torture, and abuse of citizens engaged in peaceful activity, and punishes the abusers.

Finally, the conference agreement will help empower Iran's democratic opposition by exempting from our embargo the transfer of technologies that can help them overcome the regime's apparatus of oppression.

I don't know if sanctions will work in bringing Iran's leadership to its senses. But I do know this: doing nothing certainly won't work. In light of Iran's rapid progress toward achieving a nuclear weapons capability, Tehran's repeated rejection of President Obama's diplomatic overtures, the measures in this conference agreement, if implemented effectively by the administra-

tion, are our best and, I believe, only hope for a positive and peaceful resolution of the nuclear issue.

The two alternatives to strong sanctions are both horrible and horrifying—either employing the military option or, even worse, accepting the inevitability of Iran as a nuclear power.

The U.S. Congress needs to do everything it can to ensure we avoid both of these miserable results. We have taken some steps in the past, but we can do far more today by voting to pass the enhanced sanctions in H.R. 2194.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Throughout history, there have been many examples of states that were openly targeted by rising enemies but which failed to take effective action to prevent a potential threat from becoming a mortal one. This is at the crux of today's debate. The Congress will be sending to the President a long list of sanctions for him to implement. If all are implemented vigorously, this legislation could constitute decisive action to compel the Iranian regime to end its nuclear weapons pursuit, to end its chemical and biological weapons and missile programs, to end its state sponsorship of global jihadists; and in doing so, cease being a significant threat to our Nation, to our interests, and to our important critical allies, such as the democratic Jewish State of Israel.

If, as successive U.S. administrations have done, the sanctions are ignored, then we will have failed the American people. The Iranian regime has been constructing the means to make nuclear weapons, along with the missiles with which to strike other countries, for decades. Fifteen years ago, the U.S. took the lead to stop Iran. The U.S. demonstrated its commitment by withdrawing from commercial activities involving this rogue state. Congress then enacted the Iran Sanctions Act, hoping to use it as leverage for cooperation from our allies in preventing the Iranian threat from escalating.

The 1996 law sought consultations first, but called for the imposition of sanctions unless allied governments had "taken specific and effective actions, including, as appropriate, the imposition of penalties to terminate the involvement" of their nationals in the sanctionable activity.

But as the Iranian threat has grown, our allies have taken very limited steps regarding Iran. The international community has merely supported tepid U.N. Security Council resolutions that impose modest sanctions on the regime while restating the willingness to engage in negotiations and offer concessions to Tehran. Some countries have actively opposed placing any punitive measures on the Iranian regime despite the fact that its violations of its international obligations have been repeatedly demonstrated by the International

Atomic Energy Agency. Russia and China, in particular, have acted as surrogates for Iran and have watered down every proposed Security Council resolution. The regime in Tehran has reason to be grateful for their efforts and their tireless work on their behalf. How sad.

Now the U.S. has chosen to reward the likes of Russia by removing sanctions on entities assisting the Iranian nuclear and missile programs and offering the Russian Federation a nuclear cooperation agreement on the same day that the Russian president offered the same nuclear deal to the Syrian regime.

We are at a defining moment, Mr. Speaker. The opportunity we have before us in the form of this conference report may well prove to be one of our last best hopes to force Iran to end its nuclear weapons program and its policies that threaten our security.

When appointed as a conferee for this bill, my goal was for the final product to have a comprehensive crippling sanction policy targeting the Iranian regime. In principle, this conference report is a step forward. It expands the types of sanctions and the range of actors and activities to be sanctioned in an effort to strike at the Iranian regime's key vulnerabilities, especially its dependence on refined petroleum. The most important are a set of financial measures that, if implemented, would force foreign financial institutions to choose between doing business with Iran or with us in the United States. It also increases penalties on violators.

Unfortunately, this act also contains a key element that could significantly undercut its effectiveness, multiple exceptions and waivers for the President and executive branch officials.

□ 1740

That means by a stroke of a pen, substantive provisions can be transformed into mere recommendations or options. We must not allow this to happen.

Mr. Speaker, I yield 30 seconds to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. I thank the ranking member for yielding.

I also want to thank my colleague, ROB ANDREWS, because we wrote the first version of this legislation in 2005. It has been 5 years of work. I want to commend the chairman for bringing it to the floor. I have a prepared statement I will insert in the RECORD with one simple statement: Mr. President, sign this bill and then seal off Iran's gas. That is the best way to empower diplomacy. The gasoline sanction is the only sanction which has a chance of working. This legislation has overwhelming bipartisan consensus, already supported by 512 Members of Congress to back this. And I want to really thank my original partner on this, the gentleman from New Jersey (Mr. ANDREWS).

Mr. Speaker, as the Iranians accelerate their nuclear program, what are our options?

We know Iran's greatest weakness: its dependence on foreign gasoline. Despite being a leading OPEC oil exporter, Iran has grossly mishandled its economy since 1979 and is now forced to import the bulk of its domestic supply.

Realizing this crucial vulnerability, I wrote the first gasoline sanctions resolution with my colleague Congressman ROB ANDREWS in 2005. Over time, my colleagues and I built a bipartisan, bicameral congressional coalition with Congressman SHERMAN, Senator KYL and Senator LIEBERMAN behind a policy of ending Iranian gasoline sales.

After 5 years, Congress finally considers our gasoline restriction legislation today. It comes not a moment too soon. According to experts, Iran has managed to reduce its dependence on foreign gasoline over the last 4 years. As the Washington Post reports today, Iran spent more than \$10 billion since 2008 to boost its strategic reserves.

In going down the failed path of diplomacy without crippling sanction, we are losing critical leverage to halt Iranian progress toward a nuclear bomb.

For the bill before us to be effective, it must be vigorously enforced. No administration has ever enforced the Iran Sanctions Act, passed more than a decade ago. According to the Congressional Research Service, at least 20 companies are currently violating the 1996 law.

I thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their leadership on this issue. Now it's time for all of us to join together in a clear bipartisan call: Mr. President, sign it and seal it. Sign this bill and seal off Iran's gasoline.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), the chairman of the Armed Services Committee.

Mr. SKELTON. I thank the gentleman from California for yielding to me.

I rise in strong support of this bill. This bill is a good bill, and I urge my colleagues to support it. In my capacity as chairman of the House Armed Services Committee, I am very familiar with the potential threat posed by the Iranian nuclear weapons program to the United States and to our allies.

An Iran armed with nuclear weapons and the missiles to deliver them, governed by fanatics, would pose a grave threat to the United States, our troops in the region, and our allies, particularly Israel. That is why it is so important we pass this bill.

This administration has taken significant steps to dissuade Iran from heading down the path of developing nuclear weapons. President Obama pushed sanctions through the United Nations Security Council and developed a new missile defense program in Europe to show the Iranian government that their weapon programs cannot harm us, only themselves.

The administration has made significant strides, but Congress can help

those efforts, and this bill would sanction those companies that sell technology, services, or know-how to help Iran develop its energy sector. It would lock out of the United States market any bank that deals with the Iranian Revolutionary Guard Corps, the nuclear program, or terrorism. And it imposes penalties on those foreign entities which provide Iran with the ability to stifle freedom of speech.

Mr. Speaker, these are real sanctions, targeted in the right way to hopefully head off a real threat. Sanctions are our best hope of dissuading Iran from developing nuclear weapons. We have reached out to them and tried to deal with them diplomatically, but they refused to deal openly and honestly. Sanctions are the right step to take at this time. I encourage my colleagues to vote in favor of this bill.

Ms. ROS-LEHTINEN. Mr. Speaker, I proudly yield 3 minutes to the gentleman from Virginia (Mr. CANTOR), the esteemed minority whip.

Mr. CANTOR. I thank the gentlelady from Florida, and I commend her leadership as well as the gentleman from California in accomplishing this momentous feat of bringing this conference report to the floor, Mr. Speaker. I rise in favor of this conference report.

Mr. Speaker, Winston Churchill famously said "the price of greatness is responsibility." With each passing day, the ruling regime in Iran defiantly moves one step closer to acquiring nuclear weapons, a prospect that everyone knows would have fatal and irreparable consequences across the globe.

As the free world's unparalleled moral, economic, and military power, we have a responsibility to provide strong leadership to head off the Iranian threat. It is time to see the Iranian regime not for what we wish it was, but for how it really is.

Seventeen months of engagement has yielded us just one U.N. resolution, defanged by countries such as Russia and China. But it has yielded Tehran 18 critical months to ramp up uranium enrichment.

Today this House will vote on the most sweeping and biting set of sanctions that Iran has yet to face. By penalizing international companies and banks that enrich the Iranian regime and thus enable its nuclear program, this legislation represents our strongest hope yet to bring peaceful resolution to this crisis.

Mr. Speaker, Congress and the administration must resolve to do all we can to cut off Iran's economic lifeline.

Once this legislation moves past Congress, the ball is in the White House's court. The ability to hold international companies accountable rests with the President. I urge him to sign the bill and immediately implement these tough sanctions.

I urge my colleagues to vote "yes" on this conference report.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to the chairman of the Middle East and South Asia Subcommittee, who has been a wonderful partner on this legislation, the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. I thank the chairman for his leadership.

Mr. Speaker, this bill has teeth, real teeth, great big, nasty sharp teeth that are finally going to force businesses and banks around the world to choose between the American economy and financial system, or business as usual with Iran's theocratic dictatorship.

This bill has real sanctions. Not maybe sanctions, not sort of sanctions, but real sanctions. This bill has real sanctions—investigation requirements, not maybe we will look at it. And not, we will try to get to it when we can, but clear and legal requirements to investigate potential violations.

In short, this is a bill that forces the question, will the world watch passively as Iran crosses the nuclear arms threshold, or will we join together to compel Iran to pull back from the nuclear brink?

We cannot guarantee the success of these measures. Ultimately, the choices lie with the regime in Tehran. But it should be clear that we are doing all that we can to impose on Iran the highest possible costs for its defiance, that we are demonstrating by our actions and by our efforts the depths of our commitment to peacefully ending Iran's illegal nuclear activities.

We are trying diplomacy. We are trying unilateral sanctions. We are trying multilateral sanctions. We are trying our utmost to avoid making conflict inevitable. But there should be no question about the absolute determination of the United States to prevent Iran from acquiring the capability to produce nuclear weapons. Iran's illicit nuclear activities and programs must stop. Above all other considerations, above all other costs, without any doubt or uncertainty, Iran's nuclear program must be stopped. It must be stopped, and we begin that today.

Ms. ROS-LEHTINEN. Mr. Speaker, I am so pleased to yield 3 minutes to the gentleman from Indiana (Mr. PENCE), the chairman of the House Republican Conference, a member of the Committee on Foreign Affairs and a House conferee on this measure.

Mr. PENCE. Mr. Speaker, I thank the distinguished gentlelady for yielding and for her leadership on this important legislation.

I also want to commend Chairman BERMAN, who worked in good faith on this legislation as well. It was an honor to serve on the conference committee, and I rise in support of the Iran Sanctions, Accountability, and Divestment Act.

I believe this legislation is urgent, and it represents measurable and

meaningful progress in the United States effort to economically and diplomatically isolate Iran in the midst of its headlong rush to obtain a usable nuclear weapon. It is important not only that we adopt the Iran sanctions bill today; it is important that this administration forcefully implement this legislation. We know the nature of the threat. Iran has made no secret of its intent to use nuclear weapons to threaten the United States and our allies.

President Ahmadinejad said in 2005, humankind "shall soon experience a world without the United States and without Zionism." Led by this anti-American, anti-Israel president, Iran has long associated with terrorist organizations, and this is the central point. Not only would this rogue regime come into possession of usable nuclear weapons should sanctions fail, but it would only be a matter of time before terrorist organizations around the world would have access to this technology. And that is unacceptable.

□ 1750

But as we adopt these important sanctions, a word of caution. As has been noted, these sanctions include a number of waivers demanded by the Obama administration. It is essential that the Obama administration carry out the clear congressional intent of passing crippling sanctions on the energy and financial sectors in Iran. As the joint explanatory statement provides, "The effectiveness of this act will depend on its forceful implementation."

Iran could be merely months away from acquiring nuclear weapons. They continue to test vehicles that could deliver it. Now is the moment for decisive action by the Congress and decisive implementation. If we act and this administration forcefully implements these sanctions, we may yet see a future of security and peace in the Middle East. But if we fail to act, or if these sanctions are not forcefully implemented, history may well judge this Congress and this government in the harsh aftermath of a flash of light, a rush of wind, and a second historic tragedy. Let that not be the case. Let us act in concert today. Let us adopt these Iran sanctions. And, Mr. President, do not waive these sanctions.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to the chairman of the House Ways and Means Committee, a key member of the conference committee on this bill, a bill that has a number of areas within the jurisdiction of the Ways and Means Committee, my friend, the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. I want to congratulate Mr. BERMAN and the ranking member that this indeed is a critical achievement not only because it sends a clear and unambiguous message that Iran

must end its pursuit of nuclear weapons, but because it provides the President with powerful tools to achieve this crucial objective.

It will reinforce and enhance the administration's efforts regarding Iran. It provides the administration with a renewed mandate and substantial leverage to employ against the regime of Iran toward the goal of stopping its development of weapons of mass destruction and support of terrorism. What could be more important?

It is also not only fundamentally in the national interest but in the interests of the international community. A nuclearized Iran that supports terrorism is simply unacceptable. And it's encouraging that the U.S. is not acting alone. The international community has spoken. Thanks to the administration's leadership, supported by this Congress and the support of key allies, the U.N. Security Council adopted expansive and severe sanctions on Iran. And this legislation builds off of the Security Council sanctions.

Diplomacy and strong multilateral sanctions have been a critical part of this process. The more countries that participate in this mission, the more effective it will be. And this bill, thanks to the leadership here, has built on this essential premise.

I look forward to the passage of this legislation, and I thank the administration for its leadership on this issue, and you, Mr. Chairman, for your tremendous work on moving this legislation forward.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON), the ranking member of the Foreign Affairs Subcommittee on the Middle East and South Asia, as well as a House conferee on this important measure.

Mr. BURTON of Indiana. Mr. Speaker, if I were talking to the President right now, I would remind him that Lord Chamberlain flew to Munich in the late thirties and signed an agreement with Herr Hitler that led to 60 million people being killed in World War II. Sixty million. We were not in the nuclear age at that time, but we still lost 60 million people in this world. We are now in the nuclear age, and that's why this legislation is so important.

There are waivers in this bill, and that really troubles me. I didn't want there to be any waivers in this conference report, but they are there. The President can waive these sanctions. And I would just like to say, if I were talking to the President, look at history, Mr. President. Look at what happened because of a weak-kneed approach back in the late thirties that led to 60 million people dying in World War II, and don't let that happen now. We need to let Ahmadinejad and the leaders in Iran know that we mean business. And that means don't waive

any of the sanctions we are passing here today. You have the authority, but don't do it. They are building a nuclear weapon. Everybody in the world knows it. And if a nuclear weapon is set off, millions will die, and it could lead to a conflagration that would be worldwide in scope.

So I would just like to say there are problems with this bill. I would like to thank the chairman and the ranking member for the hard work they put into it. I wish those waivers weren't there, but they are. And so we are talking now, if I were talking to the President, that's what I would say to him. And I would also like to say, Don't let the Russians get away with continuing to give nuclear technology and other technology to the Iranians.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 4 minutes to my friend from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I thank the gentleman for yielding.

I rise in reluctant opposition, but I want to acknowledge the hard work of my friend and colleague, Chairman BERMAN, in piloting this legislation through difficult times. He made some important improvements, and I appreciate his willingness to delay final action while the administration negotiated far-reaching multinational sanctions against the Iranian regime.

I'm also reluctant because I understand what animates this legislation. We are all appalled at the repressive behavior of the regime towards its own people, the destabilizing effort it has in the international arena, and we all recoil at the prospect of nuclear weapons falling in the hands of this regime.

The problem is the legislation is not likely to accomplish these ends and poses problems for this—indeed, any—administration to be able to conduct the foreign policy of the United States. I would also oppose restrictions of this nature on the Clinton administration or the Bush administration.

The irony is that Congress seeks to impose its will at exactly the time the Obama administration has secured significant diplomatic success. I am concerned that enacting the legislation undercuts our credibility going forward.

As long as the global economy runs on oil, Iran's massive reserves continue to make them a player. The world will buy their oil and the world will sell them refined oil products. Even with additional sanctions, the question is not "will it work?" but "who is profiting and how?" It stands likely that the Revolutionary Guard and countries like China will benefit, and not one member of the Iranian elite will lack for gasoline, while ordinary Iranians will go without. This is particularly counterproductive when one notes, by all accounts, that everyday Iranians still like Americans. Yet this legislation allows the regime to rally support

by blaming the United States for hardships.

They will use this as an opportunity to end their current unsustainable subsidies for petroleum products, which they would have been forced to do anyway, only now they get to blame America. This approach has been a failure in the past, notably with Cuba, where our unyielding aggressive sanctions policy, if anything, has propped up a regime that would have fallen into the dustbin of history years ago. They didn't stop North Korea from nuclear weapons. The sanctions policy against Iraq produced suffering for the people but made no difference to Saddam Hussein. Most recently, years of harsh sanctions in Gaza, much easier to enforce than against Iran, did not topple Hamas but strengthened it, while it created a very difficult humanitarian situation.

This legislation will undoubtedly pass. While it makes some people feel better to seem like they are doing something, I strongly suspect it will have little constructive result on Iranian behavior—perhaps undercut support of the Iranian people for the United States and our principles—and is setting a precedent for Congress seeking to direct the conduct of American foreign policy. This goes beyond Republicans and Democrats, beyond the Obama administration. It's a path that I think we should all be reluctant to take, and it's why I am voting "no."

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2½ minutes to the gentleman from California, Mr. ED ROYCE, the ranking member on the Foreign Affairs Subcommittee on Terrorism, Nonproliferation and Trade, and a House conferee on this measure.

Mr. ROYCE. I thank the gentlelady for yielding.

And in response to the previous speaker, I will remind my colleagues that sanctions did work in South Africa, and that South Africa gave up its atomic weapons program.

The threat, my friends, in Iran is crystal clear, and its regime closes in on a nuclear weapon. So a crystal clear response by us is urgent.

While I support this bill, much of this legislation, unfortunately, is a muddle. Good sanctions, good sanctions in this bill are weakened by delays and by the possibility of waiver after waiver.

□ 1800

For this, the Obama administration gets the main blame. From the beginning, it has insisted on excessive leeway to implement new sanctions. It doesn't want to be forced into dramatic action. So, yes, we do provide the tools with this bill. They're in there. But there is little guarantee that those tools will be used.

For example, the House-passed bill aimed to target Iran's energy sector. Yet with this conference report, a foreign oil company assisting Iran's petro-

leum sector could avoid even the investigation required to sanction it for at least 1 year. And the many companies from China and elsewhere rapidly building Iran's energy facilities today will be surely exempted from these sanctions.

This report's aggressive financial sanctions rightly aim at Iran's Revolutionary Guard Corps. While important, they too can be waived. The so-called "mandatory financial sanctions" aren't even mandatory. This report does require a barrage of reports, certifications and other executive branch paper. Meanwhile, in the real world, Iran marches on.

I would be less critical if the Obama administration, or if previous administrations, had applied a single sanction using existing Iran sanctions legislation. Instead, the Obama administration has naively given Iran time with its "engagement policy."

I'll be supporting this bill because it does give the administration the tools should it wish to use those tools. More likely, it will have to be pressured into action.

Mr. Speaker, even robust sanctions might not deter Iran from nuclear weapons. We need to give the intelligence community what it needs, strengthen our missile defense, target Iran's human rights abusers, and bolster its opposition movement. The clock is ticking.

Mr. BERMAN. Mr. Speaker, I yield myself 30 seconds.

My friend from California raises, as others have, the issue of waivers. I just want to remind the body this legislation has increased the standard for waivers, tightened the situations when waivers can be given. And, remember, we're talking about a process I hope will be rarely used, and I think we have to push that notion. We're not talking about Ahmadinejad giving the waivers, the Supreme Leader giving the waivers, the violating company giving the waivers. We're talking about a President of the United States, hopefully quite rarely, utilizing the enhanced standard waiver authority, a President who has spent more time diplomatically and in every other way trying to estop Iran from achieving this goal than any other President in the history of this country has ever done.

I'll stand with this legislation, with this authority, with this President as the toughest, most comprehensive sanctions ever on the Iran nuclear weapons program.

I would now like to yield 2 minutes to the gentleman from New York, a key supporter of this legislation, the chairman of the Western Hemisphere Subcommittee, ELIOT ENGEL.

Mr. ENGEL. I thank my friend, Chairman BERMAN, for letting me speak; and I strongly support the Comprehensive Iran Sanctions, Accountability and Divestment Act. I am a

proud cosponsor of the bill. This is a bipartisan bill, as you can hear, and should be passed.

Last fall, the world learned of the secret Iranian nuclear enrichment facility near the city of Qom. If there was ever any doubt that Iran was trying to build nuclear weapons, this revelation dispelled any shred of that doubt. We need strong sanctions on Iran to halt their development of nuclear weapons. Iran must not be allowed to have a nuclear bomb.

I commend President Obama and Secretary Clinton for achieving a strong fourth round of U.N. sanctions against Iran and for bringing Russia and China on board.

As chairman of the Western Hemisphere Subcommittee, I would like to call attention to the fact that Venezuelan President Hugo Chavez at one time agreed to provide 20,000 barrels per day of refined gasoline to Iran and to invest in the Iranian natural gas sector. Iran is an importer of refined gas, and this bill will hit them where it hurts in their energy and financial sectors.

I would like to also express my support for section 110 of the bill which requires a report on other energy imports into Iran. The U.S. and Brazil are the world's largest ethanol producers, and I am glad to hear from Brazil's private ethanol producers that they have no plans to supply ethanol to Iran for blending into gasoline as they prefer to build a global export market, anchored by the large U.S. and European markets. That's why this bill is so important. We must continue to monitor this area as ethanol imports could undermine energy sanctions on Iran.

The U.S., our allies, and the U.N. have recognized that a nuclear-armed Iran would be a danger not only to our ally, Israel, but also to the entire Middle East and the nuclear nonproliferation regime and is unacceptable. When Ahmadinejad says he wants to wipe Israel off the face of the Earth, he means it. When he calls the U.S. the great Satan, he means it. We need this bill to hit them where it hurts, and I urge my colleagues to vote for this bill today.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT), the ranking member on the Financial Services Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, as well as a House conferee on this measure.

Mr. GARRETT of New Jersey. I thank the gentlelady for yielding.

For the past year, I have met with Iranian dissidents who continue to protest the presidential elections that occurred a little more than a year ago. Many of them have urged me to ensure that Congress enacts strong sanctions. We are all too well aware of the existential threat that a nuclear-powered Iran would be.

Today we are about to pass a conference report that was supposed to protect Americans and our allies. Yet if that was our goal, I believe we only have partial success.

As a conferee representing the Financial Services Committee, I do admit that the sanctions themselves have been improved. I was pleased to see that the legislation includes financial sanctions that would cut off the connections between the U.S. financial sector and foreign financial institutions that do business with Iran.

Yes, the conference report does add additional types of sanctions, and it extends the range of current sanctions. But I remind my colleagues that these punishments are hardly crippling, they're hardly tough, they're hardly sweeping or even expanded if they are never enforced.

Now, my colleagues on the other side of the aisle claim that this time they'll work. But let me remind them of a little bit of history. In 1996, Congress passed the original Iran sanctions legislation; but in the last 14 years, no President has imposed sanctions, even though he has had the authority from Congress to do so. In fact, only one investigation was ever initiated. I say that this conference report is really only a half measure, a half bill, because 50 percent of it depends on who? On President Obama's willingness to implement the sanctions and to do it quickly.

This legislation does in fact have seven separate waivers which the President may invoke. In addition, there are three different waiver thresholds. The end result is that the President has the option of enforcing most of the punitive measures outlined in the report.

Now, of course multiple Democrats have attempted to reassure me. They say that they will now pressure the President to implement the sanctions outlined in this legislation. But we've been hearing that for 16 months. We've been told that the President's attempts to engage the U.N. about Iran would produce diplomatic gains. Yet the recently passed U.N. security resolution was hardly that significant of a success. Furthermore, President Obama himself recognized 2 weeks ago that, A, Iran concealed a nuclear enrichment facility; B, Iran further violated its own obligations; C, Iran is enriching uranium up to 20 percent.

Mr. Speaker, for the past year, I have read about and met with Iranian dissidents who continue to protest the presidential elections that occurred a little more than a year ago. Many of them have urged me to work to ensure that Congress enacts strong sanctions. They say that they long to be free from the current regime, especially since they too are afraid of what would happen if Iran obtained a nuclear weapon.

Today, we are about to pass a conference report that was supposed to protect Ameri-

cans, our allies, and the Iranians who suffer under tyrannical leaders. Yet if this was our goal, I believe we can proclaim only partial success.

As a conferee representing the Financial Services Committee, I do admit that the sanctions themselves have been improved. I was pleased to see that this legislation includes financial sanctions that would cut off the connection between the U.S. financial sector and foreign financial institutions that do business with Iran's Islamic Guard Corps or Iranian banks under sanctions.

In addition, it establishes a legal framework for U.S. states and local governments to divest from foreign businesses that have economic ties to the Iranian energy sector. I am also thankful for the provision that sanctions those who commit egregious human rights violations against the Iranian people.

Yes, the conference report does add additional types of sanctions, and extends the range of current sanctions. But I remind my colleagues that these punishments are hardly "crippling" or "tough" or "sweeping" or even "expanded" if they are never enforced.

My colleagues on the opposite side of the aisle claim that this time sanctions will work. But I would like to remind them of a few historical facts:

1. In 1996, Congress passed the original Iran Sanctions legislation.

2. Yet for the past 14 years, no U.S. President has imposed sanctions—even though he has this authority and mandate from Congress.

3. In fact, only one investigation was ever initiated.

I say that this conference report is really a half measure. It's "half a bill" because 50% of it depends entirely on President Obama's willingness to implement sanctions, and to do so quickly.

This legislation has at least seven separate waivers which the President may invoke. In addition, there are three different waiver thresholds. The end result is that the President has the option of enforcing most of the punitive measures outlined in the conference report.

Of course, multiple Democrats have attempted to reassure me. They say that they will now pressure the President to implement the sanctions outlined in this legislation.

But I've been hearing the same claim for the past 16 months!

1. We have been told that the President's attempts to engage the U.N. about Iran would produce great diplomatic gains.

2. Yet the recently-passed U.N. security resolution was hardly a significant success.

3. Furthermore, President Obama himself recognized two weeks ago that:

a. "Iran concealed a nuclear enrichment facility."

b. "Iran further violated its own obligations under U.N. Security Council resolutions to suspend uranium enrichment."

c. Iran is "enriching [uranium] up to 20 percent."

d. Iran "has failed to comply fully with IAEA's requirements."

e. Iran is the only [Non-Proliferation Treaty] signatory in the world—the only one—that cannot convince the IAEA that its nuclear program is intended for peaceful purposes."

How can you justify the 18-month lapse you've already given to President Obama?

If the majority hasn't been pressuring President Obama for the last year and half, why haven't they? After all, the original Iran Sanctions legislation has been in effect since before President Obama took office.

If they have been pressuring the President—without results—why do they think that he will listen to them now? What articulation can they invoke that they failed to give before? Why would the President be more likely to listen to them now?

President Obama seems concerned only about pressuring Iran through diplomatic means; he has begged Congress to delay passage of sanctions—as if the threat of sanctions would be a distraction or roadblock to his negotiating success. And why would he seek broad latitude and carve-outs for nations like Russia if he were serious about imposing sanctions on Iran?

Given the pressure that the State Department put on the conferees, I do wonder if sanctions investigations will ever result in the actual application of sanctions.

And even if they did, the bill doesn't require prompt action. Some of the waivers allow the president to postpone sanctions for up to 12 months if a company falls into certain categories.

For example, this means that the president could choose not to enforce sanctions against BP, since BP is based in a "cooperating country"—one which voted for the U.N. Iran Sanctions resolution. In other cases, the president is given flexibility in issuing a waiver if he determines that a company has achieved a 20–30% reduction in sanctionable activities.

In other words, the president could claim that he is complying the day after he signs the conference report. But a year or even a year and a half could go by with no activity or tangible outcome. Even so, the president would technically be in compliance with this legislation.

Just think about this: we could have a new president (in 2012) before this bill would require the president to actually enforce a single sanction. He could simply continue doing what he is doing now: cite one of the seven waivers.

So . . . how did we come to this point? Why are we now considering a weaker bill than the one that passed the House last December? Why are we faced with the potential for such an ineffective outcome?

I'd like to be able to thank the Democrats for considering this in a bi-partisan and constructive manner. But the process was neither bi-partisan nor constructive.

In fact, one is hard pressed to describe to this conference as a "process" at all. I certainly don't think that one meeting—which involved opening statements only—could ever be defined as a "process."

During that first (and only) meeting, Members pledged to work together to pass tough sanctions. But Chairmen DODD and BERMAN never called another meeting. I heard nothing more. Then, my staff received an e-mail at 2:42 p.m. yesterday. The e-mail simply read: "Attached please find a final text of the conference report . . . Signature sheet will be available from 3–4 o'clock today."

In the end, we wind up right where we started—with lots of promises from the majority that they will pressure the president to do the right thing.

The numbers tell the exasperating story quite effectively:

We were allowed zero chances to offer amendments.

We were allowed zero up or down votes on any section of the report.

We were given zero chances to revise the draft conference report.

We have zero ability to offer a Motion to Re-commit.

We had one official meeting between the conferees.

We had one hour to read the 41-page final conference report before the deadline for signing it had elapsed.

These actions clearly show that the majority never intended to be held accountable for watering down the original legislation. They never wanted to give us an opportunity to oppose the demands of the White House. They never desired transparency and openness so that the American public could examine the true positions of their elected leaders.

What are the Democrats afraid of? If the answer is a veto threat, I think we should remember our oath which includes the words: "I will support and defend the Constitution of the United States against all enemies, foreign or domestic." Particularly in this case, our principles should have come before our politics.

We all know that the president of Iran has called Zionists, "the true manifestation of Satan." We also know that he has said that since the U.S. recognizes Israel, it will "burn in the fire of the Islamic nation's fury."

If we truly agree that sanctions are the best non-violent deterrent and if we agree that Iran is as little as a year away from obtaining nuclear weapon capabilities, why does this legislation grant the president so many waivers and so much time to act? Time, unfortunately, is most decidedly not on our side.

As the Joint Explanatory Statement reads, I hope that we will all now "urge the President to vigorously impose the sanctions provided for in this act."

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 1 minute to a key member of the conference committee, the gentleman from New York (Mr. CROWLEY), a member of the committee.

Mr. CROWLEY. Mr. Speaker, I was proud to be a member of the House-Senate conference committee that negotiated the Comprehensive Iran Sanctions, Accountability, and Divestment Act, and I will strongly support the passage of this agreement.

This tough set of sanctions makes it clear to the Government of Iran that the United States will not stand idly by while Iran destabilizes the Middle East, threatens its neighbors, and undermines international nonproliferation efforts.

Under this measure, any company or country doing business with Iran will undergo serious scrutiny and could be subject to tough penalties. This sanctions measure will also ensure that we expose those that have committed seri-

ous human rights abuses against Iranians who are struggling for democracy and freedom.

Right now, Iran is being led by Ahmadinejad. His authority is not only illegitimate because of how Iran's last elections were conducted, but because of his blatant disregard for the international community. He has vowed to press ahead with the uranium enrichment and boasted that the new sanctions are nothing but, and I quote, "worthless paper." He stands in clear and stark defiance of the U.N. Security Council, the International Atomic Energy Agency, and indeed the entire world's nuclear nonproliferation efforts.

For the sake of peace and stability, we must act now. We are going to show Ahmadinejad that the U.N. sanctions, and these we are about to pass today, are not "worthless paper." He is about to be proven very, very wrong. The days of the United States turning a blind eye to companies propping up Iran's regime are now officially over.

As long as Ahmadinejad and his cronies remain bent on obtaining nuclear weapons and crushing the Iranian people, this Congress and this Administration are going to take every possible step to thwart his efforts. I am proud to have served on the Conference Committee for this legislation and strongly support its final passage.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield 1 minute to the gentleman from Nebraska (Mr. FORTENBERRY), a member of the Committee on Foreign Affairs.

Mr. FORTENBERRY. I thank the gentlelady for the time and her leadership on this important issue, as well as Chairman BERMAN.

Mr. Speaker, the time to stop Iran's nuclear drive is running very short. Unless the community of responsible nations takes decisive actions, the world will soon awake to the headline, Iran has a nuclear bomb. A nuclear-armed Iran will pose a very real threat to civilization itself, increasing the dangers of a destabilizing nuclear arms race in the world's most volatile region.

Iran clearly doubts the collective resolve of world powers. It is not difficult to see why. While some European leaders vacillate, European corporations continue to do business with Iran. And Russia and China as well continue to exploit international hesitancy for their own geopolitical and financial gain.

The community of responsible nations must prevail upon Iran to abandon its dangerous nuclear ambitions and forge a new path to security and stability for itself. We all look forward to the day when Iran is governed by leaders who fully respect the rights of their own people and faithfully observe the obligations of international law. Today's Iran sanctions legislation represents an intermediate yet important

step in that sustained effort. We need to do even more.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New York (Mr. McMAHON).

Mr. McMAHON. Thank you, Mr. Chairman.

I am proud that with this conference report, our country will be at the forefront of protecting Israel and the entire international community against the growing threat of nuclear terrorism and an arms race in the Middle East.

This sanctions package takes a firm stand against an active state sponsor of terror, Iran, by broadening the categories of the Islamic Republic's sanctionable activities well beyond the realm of refined petroleum.

Furthermore, without increased global cooperation on the sanctions effort and measures to isolate Ahmadinejad's thugs from raping, murdering and censoring their own people, these sanctions would not be complete.

For this reason, I applaud the inclusion of both the McMahon reporting requirement on global energy sector trade with Iran and my bill, H.R. 4647, the Iran Human Rights Sanctions Act, into this bill.

I know that Americans will rest much more comfortably knowing that the criminals of Ahmadinejad's regime now cannot set foot on U.S. soil. This bill is necessary to the security of our ally Israel, to our Nation, and to the world.

I therefore urge all of my colleagues to vote for it.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Illinois (Mr. ROSKAM), an esteemed member of the Ways and Means Committee.

Mr. ROSKAM. I thank the gentlelady for yielding.

History is incredibly instructive and helpful for us at a time like this. August 13, 1961, Nikita Khrushchev gave an order and that was to move forward and put up the Berlin Wall. At first, it was just barbed wire that morning. And then over a period of time, as we know, it moved from barbed wire to concrete and ultimately to the wall and really the edifice that was the symbol of an impressive regime. I think we are wise to be measured and sobered by those instructions of history.

This legislation is a step toward dealing with the incrementalist vision that Ahmadinejad and the mullahs in Iran have. Now, it has been said that there are some weaknesses in the bill and the weaknesses are putting a lot of trust, frankly, in an administration that has sort of underperformed in this area. But my hope is and my expectation is that the administration will use this tool, recognize the serious threat, and recognize the type of tool that they're able to use to go after this regime. This

is an important piece of legislation, and I am pleased to support it.

Mr. BERMAN. Mr. Speaker, can I ask how much time there is remaining on each side.

The SPEAKER pro tempore. The gentleman from California has 7½ minutes, and the gentlewoman from Florida has 6½ minutes.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 1 minute to the Speaker of the House of Representatives, the gentlewoman from California.

□ 1815

Ms. PELOSI. I thank the gentleman for yielding, and I thank him for his great leadership in bringing this very important legislation to the floor.

And I want to commend Leader HOYER and Whip CANTOR for the bipartisan spirit with which this bill was brought to the floor. The leadership of the committee, Mr. BERMAN, Ranking Member ROS-LEHTINEN, thank you to both of you for your leadership in bringing us together around this very important issue.

I am proud to rise in strong support of the Comprehensive Iran Sanctions, Accountability, and Divestment Act, which will provide the President with more tools to address the looming nuclear threat from Iran.

All Members of Congress, regardless of party, agree: A nuclear Iran is simply unacceptable. It is a threat to the region, to the United States, and to our allies across the globe.

The Iranian regime has demonstrated time and again its refusal to work in good faith to eliminate the threat of nuclear weapons in the Middle East and around the world. In the last year, Iran has concealed major nuclear facilities, repeatedly blocked U.N. nuclear inspectors from doing their job, and openly threatened to, as the Iranian President said, "wipe Israel off the face of the map." These actions reflect a clear record of defiance. Now Iran must take steps to demonstrate its willingness to live as a peaceful partner in the international community, and we must use all of the tools at our disposal to stop Iran's march toward nuclear capability.

This month, under President Obama's leadership, the U.N. Security Council passed its most far-reaching set of sanctions yet, targeting Iran's nuclear program and financial system. Today, with the passage of this legislation and when it goes to the President's desk to be signed, we will give the President new tools to impose sanctions against companies that sell Iran technology, services, know-how, and materials for its energy and petroleum sector. And we offer foreign banks a choice, they can deal with institutions that support weapons of mass destruction and terrorist activities or they can do business with the United States. This is the strongest

Iran sanctions legislation ever passed by the Congress.

My colleagues, no discussion of Iran at this time is possible without condemning the actions of the Iranian regime of 1 year ago when they responded to public protests with deadly force.

The American people stand for peace and security for the people of Iran. We look forward to a relationship with them. We look forward to a day when Iran is a productive partner for us, for its neighbors, and the world. Until that day, we must ensure that Iran is prevented from obtaining the nuclear weapons that would threaten global and regional security.

Again, I thank our distinguished chairman, Mr. BERMAN, Ranking Member ILEANA ROS-LEHTINEN, Mr. HOYER, and Mr. CANTOR for giving us this opportunity, in a strong bipartisan way, to support the Comprehensive Iran Sanctions, Accountability, and Divestment Act, and hope that we can have a unanimous vote today.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Arizona (Mr. FRANKS), the chairman of the National Security Working Group of the Republican Study Committee.

Mr. FRANKS of Arizona. I thank the gentlelady for yielding.

I rise in strong support as a co-sponsor of this bill.

Mr. Speaker, we live in a moment in history when the terrorist State of Iran is on the brink of developing nuclear weapons. If that occurs, all other issues will be wiped from the table and whatever challenges we have in dealing with Iran today will pale in comparison to dealing with an Iran that has nuclear weapons.

Over the last 16 months, the Obama administration has dithered and pretended to pursue effective U.N. and U.S. sanctions against Iran, yet Mr. Obama has not enforced even one of the sanctions that already exist in the law against even one company doing business with Iran. The question now is: Will the President enforce the new sanctions we are about to pass or will he waive them like he has all of the others?

Mr. Speaker, the last window we will have ever to stop Iran from gaining nuclear weapons is rapidly closing. I pray the Obama administration will wake up in time to prevent Iran from becoming a nuclear-armed nation and from bringing nuclear terrorism to this and future generations.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 1 minute to a very distinguished member of the conference committee, the vice chair of the Foreign Affairs Subcommittee on Nuclear Nonproliferation, Terrorism and International Trade, my friend from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Thank you very much, Chairman BERMAN. I want

to commend you for the excellent leadership you have provided on this extraordinarily critical issue.

Ladies and gentlemen of the Congress, on the bleached bones of many great past civilizations are written those pathetic words, "Too late." They moved too late. Let us hope and let us pray that we are not moving too late here on this measure.

This is a critical piece of legislation. The Iranian regime, without any question, is after securing a nuclear weapon. The Iranian regime has already declared that they want to wipe Israel off the face of the Earth. This, quite honestly, is our last best chance to avoid the only other way we will be able to prevent Iran from acquiring a nuclear weapon, and that is through the use of military action.

The only necessity for the triumph of evil is for good people to do nothing. Well, we are here today as good people, and we are doing something very important by passing this strong sanctions bill.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MORAN), a member of the Agriculture, Veterans' Affairs, and Transportation Committees.

Mr. MORAN of Kansas. Mr. Speaker, today we have before us the toughest, most comprehensive Iran sanctions ever considered by Congress, and I pray that we're not too late.

Iran is the world's leading state sponsor of terrorism, funding and arming terrorist groups like Hezbollah and Hamas. It has already produced enough low enriched uranium to produce two nuclear weapons. And since February, Iran has been converting its low enriched uranium to a level of 20 percent, which represents 85 percent of the work necessary to produce weapons-grade fuel.

This legislation imposes critical energy and financial sanctions that, if implemented, will make Iran think twice—at least we hope and pray will they will think twice—about continuing their illegal nuclear program.

There is a key to all of this: These sanctions must be implemented. For too long, our efforts to stop Iran have been half-hearted. Our determination to stop Iran from acquiring nuclear weapons capability must exceed Iran's determination to get a bomb. President Obama must immediately enforce these sanctions. We cannot and must not allow Iran to have nuclear weapons capability.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 1 minute to my friend from Fresno, California (Mr. COSTA), a member of the committee and the conference committee and very helpful in our efforts here.

Mr. COSTA. Thank you very much, Mr. Chairman and the ranking member, for your good work on this legislation.

I, too, stand in strong support of the conference report, H.R. 2194, the Iran Sanctions, Accountability and Divestment Act of 2010.

As a conference committee member, I know this piece of legislation represents a monumental step forward in our fight against Iran's nuclear arms quest. These sanctions are a dramatic improvement. These tough new petroleum and financial sanctions will put further restrictions on the ability of the Iranian regime to continue their nuclear aspirations and their oppression of the Iranian people that has been well documented before and since the elections 1 year ago. These sanctions will send a strong signal that our Nation will not stand for the development of this regime's nuclear arms program, especially with such violent threats against our ally, Israel, and others in the region.

This legislation is an important part of the solution, as we keep all our options on the table, to our longstanding concern about the prospect of a nuclear Iran. I encourage my colleagues to support this important piece of legislation.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas, Judge POE, a member of our Committee on Foreign Affairs.

Mr. POE of Texas. I thank the gentleman for yielding.

Our quarrel, Mr. Speaker, is not with the people of Iran; our quarrel is with the Government of Iran and its consistent philosophy to annihilate the State of Israel, and also to the violations of human rights that it commits against its own people.

The people of Iran have spoken out against their illegitimate government, and because of that they have been brutalized, they have been jailed, they have been shot, and they have been imprisoned for a long time all because of freedom of speech.

The sanctions in this resolution go against those in the Government of Iran who deny human rights to their own people. That is one aspect of this resolution that is very important to make sure that the people of Iran, the good folks in Iran who want to replace their government have human rights, and especially that ability of freedom to speak out against their illegitimate government that seeks to destroy not only the State of Israel, but the entire West.

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that the time for debate be extended by 10 minutes, divided equally between the chair and ranking member.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. STARK. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. BERMAN. Mr. Speaker, I yield 1 minute to the majority leader of the House, a tough taskmaster on this issue because of his passion for this legislation, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I want to thank the chairman for yielding.

I want to thank Ms. ROS-LEHTINEN, my good friend, for the leadership she continues to show on a repeated basis on this issue and so many other issues. I want to thank Mr. BERMAN. I very much wanted to get this to the floor to move this week. He has done that. I want to thank Senator DODD as well for his work. And I want to thank all the members of the subcommittee. I also want to thank ROB ANDREWS of New Jersey, who was so vital to the central idea of how we could put appropriate pressure on this.

I want to say to my Republican friends who have been talking about the Obama administration, frankly, the Bush administration and the Obama administration have both been working towards trying to resolve this issue with Iran. Frankly, the Obama administration has, for the first time, gotten a strong resolution through the Security Council. We had the opportunity of just meeting with the President of Russia, Ranking Member ROS-LEHTINEN, the Speaker and I, and others, and Mr. BERMAN. He said it was a tough thing to do, but he worked very closely with President Obama and they were able to get it done. So this is not a time for pointing fingers. We're united on this. This is not a difference, but this is a unity, a unity of purpose and commitment.

Every one of us understands the deep danger of a nuclear Iran. That danger includes a new nuclear arms race as Iran's regional rivals scramble to build competing arsenals, plunging the world into a new era of proliferation. No one wants that. The danger includes as well a nuclear umbrella for terrorist groups like Hamas and Hezbollah to stage more brazen and deadly attacks, especially on our ally Israel, but not exclusively. There are 250,000 Americans in harm's way from Iran as we speak.

And the danger includes, on a more basic level, a new era of fear for all of those in range of Iran's missiles. All of those consequences will be felt even if Iran's missiles remain on the launch pad or if its nuclear weapons remain buried. Could we imagine those weapons being used? We would be foolish not to, as long as those weapons are in the hands of a regime whose President denies the Holocaust, stokes hatred, and openly threatens Iran's neighbors.

□ 1830

Even so, our administration has pursued a dual-track strategy with respect to Iran.

On the one side is the administration's policy of engagement. I support

that policy. John Kennedy said that we should never fear to negotiate, but we ought never to negotiate out of fear. I think he was correct. Jim Baker, in the days before we went into Kuwait, was talking to Saddam Hussein to see if the matter could be resolved.

On the one side, as I said, is that policy of engagement. This engagement reversed years of diplomatic silence during which Iran's nuclear program grew. It showed the world our patience; it tested Iran's willingness to negotiate in good faith, and it built international support for sanctions.

Sadly, the time limit for engagement has come and gone. It is time to pursue the second prong of the dual-track strategy—pressure. The International Atomic Energy Agency tells us that Iran has now enough low-enriched uranium for two bombs; Iran has attempted to hide nuclear facilities, and has refused to cooperate with the demands of the IAEA and the U.N. Security Council to suspend enrichment.

Let's be clear: Iran is blatantly defying the will of the international community. This is unacceptable. That is not a partisan position. It is almost a unanimous position of the administration and of this Congress. That is why this is the right time to bring strong economic pressure to bear on the Iranian regime.

I rise in strong support of this resolution. I urge its support.

I, again, thank Mr. BERMAN and Ms. ROS-LEHTINEN for their leadership in bringing this critical resolution to the floor.

I join my colleagues as well in saying that enforcement of the resolutions that Iran has adopted, that our European colleagues have adopted, and this resolution will be critical, and the understanding that it is to be enforced needs to be understood by Iran.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it may surprise some to learn that the penalties in the Iran Sanctions Act of 1996 have never been imposed on a single individual or a company. Only once has a company even been found to be in violation of its provisions, but sanctions were immediately waived by the Clinton administration due to the protests by the Russian, French, and Malaysian Governments, which did not want their companies penalized for doing business with Iran. It should be noted that the same companies—Russia's Gazprom, France's Total, and Malaysia's Petronas—are still providing the Iranian regime a vital economic lifeline through energy-related investments.

I and other members of the conference committee had hoped that this bill before us would avoid repeating past mistakes—that is, avoid undermining its effectiveness by giving the President an option of doing nothing. This was not to be.

The result is that the President is authorized to waive not only the imposition of sanctions for refined petroleum transactions, investments in Iran's energy sector, and aid to Iran's programs on weapons of mass destruction, missile, and advanced conventional weapons, but even on basic investigations and determinations of some sanctionable activities.

With respect to the inclusion of financial sanctions and a visa ban against those committing serious human rights abuses against the Iranian people, not only can the President waive the sanctions, but he can waive the requirement to name and shame these human rights abusers by listing them publicly.

Some will argue that this bill goes further than any before in forcing the President to act. However, it is disingenuous to make such a claim given that the President could have issued an Executive order to implement a wide array of additional Iran sanctions, but he didn't.

The version passed by the House prohibited the entry into force of a nuclear cooperation agreement with any country assisting Iranian proliferation. Its purpose was to prevent a country that is undermining U.S. efforts to stop Iran's nuclear weapons program from being rewarded with a lucrative nuclear cooperation agreement.

That prohibition is not included in the conference report. The text before us does include the prohibition in the House-passed bill on transfers of U.S. nuclear technology to a country that has jurisdiction over entities that have assisted Iran's proliferation programs. However, it provides the President with what amounts to a waiver to approve such transfers on a case-by-case basis, and if the President deems it to be in vital national security interest. It also wipes the slate clean regarding any proliferation violations that took place before the date that this bill is enacted. Some of us view this to be a carve-out for Russia.

Mr. Speaker, at long last, the time has come for us to act. The time is now. We should support the conference report and ensure that the sanctions are vigorously enforced.

I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, would you tell me the remaining time on each side?

The SPEAKER pro tempore. The gentleman has 3½ minutes remaining.

Mr. BERMAN. I am very pleased to yield for the purpose of making a unanimous consent request to my neighbor, the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, I rise in strong support of the strongest-ever sanctions package.

This sanctions package is not targeted at the Iranian people. Its passage signals that our government is united in Bipartisan opposi-

tion to the Iranian government's flagrant disregard of the United Nations and the world community as it recklessly pursues a nuclear weapons program.

Iran and its proxies Hamas and Hezbollah encircle Israel and threaten U.S. troops—as well as Sunni populations—in the Middle East. Increased economic sanctions pit our strength against Iran's weakness. And this package, which builds on recent U.N. and E.U. actions, bans companies from selling refined petroleum, blocks correspondent banking relationships with Iranian banks, and targets financial activities by the Revolutionary Guard or Iranian human rights abusers.

It also authorizes divestment by state and local governments from companies involved in Iran's energy sector.

Kudos to Chairman BERMAN, who negotiated a very narrow Presidential waiver, and to the Treasury Department's indomitable Stuart Levey, whose focus and talent over many years have shown lawmakers, literally, how to "follow the money" and have brought us to this point.

Mr. BERMAN. Mr. Speaker, I am pleased to yield for the purpose of making a unanimous consent request to the gentleman from Colorado, Mr. JARED POLIS.

Mr. POLIS. Mr. Speaker, I rise today in support of the Comprehensive Iran Sanctions Act to prevent Iran from developing nuclear weapons.

Mr. Speaker, a nuclear-armed Iran would pose a threat to regional stability, to Israel, and to our national security, and above all, to the world. Passing strong sanctions against the Iranian regime is a critical step that we must immediately take in order to protect the world against this threat. Ahmadinejad is not a rational actor.

Congress must do all in its power to deter Iran from getting nuclear weapons and persuade the regime to halt their nuclear program—as the international community has repeatedly demanded. Iran has rejected the Administration's attempts to engage diplomatically; if we wish to avoid either military action or accepting a nuclear-armed Iran, we must incapacitate the regime's ability to pursue these weapons through tough sanctions.

The United States and our allies are at a critical juncture in our efforts to prevent Iran from obtaining nuclear weapons. Iran continues to reject international proposals that would provide their regime with the resources to have a safe and secure civilian nuclear power program, but limit the Nation's ability to build the world's most destructive weapons. Iran now has enough low-enriched uranium that, when further enriched, could be used to fuel two nuclear weapons.

This is why Congress has acted swiftly to counter this threat and why the President also supports enacting new sanctions. While Congress has taken the lead on crafting this bill, preventing Iran from obtaining nuclear weapons has been one of the Obama Administration's top priorities.

Under the President's leadership, the U.N. Security Council recently passed a new round of strong sanctions that will help to cripple Iran's nuclear weapon program. As proof that the administration's commitment to diplomacy

is working, the U.N. resolution included support from China and Russia, who before had hesitated to press Iran to stop its nuclear program. In addition to the U.N. sanctions, the European Union is also currently in the process of instituting its own sanctions.

This powerful package of new sanctions that was developed by House and Senate Democrats would substantially augment these ongoing multilateral efforts by the U.N. Security Council, the European Union, and others.

Therefore, I urge my colleagues to support this bill. This bipartisan legislation will provide us the necessary tools to stop the spread of nuclear weapons to Iran, a nation that continues to sponsor terror, endanger our allies, and threaten our troops in the region. The sanctions are tough, focused, and results-oriented. This important step is critical to countering the threat of a nuclear Iran.

Mr. BERMAN. Mr. Speaker, I am pleased to yield for the purpose of making a unanimous consent request to a valued member of our committee, the gentlewoman from Texas, Ms. SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 2194, to avoid the nuclear attack that Iran represents to the world and to Israel. I rise to give strong support to H.R. 2194, and I ask my colleagues to support it.

Mr. Speaker, this legislation provides another tool for the President to prevent Iran from developing nuclear weapons by allowing the administration to sanction foreign firms who attempt to supply refined gasoline to Iran or provide them with the materials to enhance their oil refineries. These sanctions would further restrict the government of Iran's ability to procure refined petroleum. Currently, the availability of petroleum products is stagnant in Iran. Private firms have decided that the government of Iran's refusal to cooperate with the multilateral community on nuclear proliferation generates a significant risk to doing business with Iran.

I would like to thank Chairman BERMAN for incorporating my concerns about the human rights situation in Iran into the findings of this legislation. It is important that we acknowledge that, throughout 2009, the government of Iran has persistently violated the rights of its citizens. The government of Iran's most overt display of disregard for human rights happened in the presidential elections on June 12, 2009. As I said on June 19, 2009, "we must condemn Iran for the absence of fair and free Presidential elections and urge Iran to provide its people with the opportunity to engage in a Democratic election process." The repression and murder, arbitrary arrests, and show trials of peaceful dissidents in the wake of the elections were a sad reminder of the government of Iran's long history of human rights violations. The latest violations were the most recent iteration of the government of Iran's wanton suppression of the freedom of expression.

It is important that we are clear that our concerns are with the government of Iran and not its people. The State Department's Human Rights Report on Iran provides a bleak picture of life in Iran. The government of Iran, through its denial of the democratic process and re-

pression of dissent, has prevented the people from determining their own future. Moreover, it is the government of Iran that persecutes its ethnic minorities and denies the free expression of religion. As we proceed with consideration of this legislation, we should all remember that the sole target of these sanctions is the Iranian government.

Mr. Speaker, the government of Iran has repeatedly shown its disdain for the international community by disregarding international nonproliferation agreements. Iran's flagrant violation of nonproliferation agreements was evidenced most recently in the discovery of the secret enrichment facility at Qom. The government of Iran's continued threats against Israel, opposition to the Middle East peace process, and support of international terrorist organizations further demonstrates the necessity for action. Iran with nuclear weapons and a mindset to destroy Israel cannot be tolerated by the world community.

We must stop Iran's determination to become a nuclear power. Iran's recent actions towards the international community reflect a very small measure of progress. Iran's decision to allow International Atomic Energy Agency, IAEA, inspectors to visit this facility was a positive sign, but not a sufficient indication of their willingness to comply with international agreements. The recent announcement that Iran will accept a nuclear fuel deal is also indicative of their willingness to engage in dialogue, though it remains to be seen what amendments they will seek to the deal. While these actions indicate a small degree of improvement in Iran's position, the legislation before us today demonstrates that only continued dialogue and positive actions will soften the international community's stance towards Iran.

I would also like to emphasize that the legislation before us provides only one tool for achieving Iran's compliance with international nonproliferation agreements. I continue to support the administration's policy of engagement with Iran and use of diplomatic talks. I believe that diplomacy and multilateralism are the most valuable tools we have to create change in Iran. After those tools fail, I believe that the sanctions are an appropriate recourse.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to avoid embellishments in their unanimous consent requests.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield, unfortunately only 1 minute to the author of the mandatory procurement sanctions in this legislation, the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. Mr. Speaker, I rise today to strongly support the Iran sanctions conference report, including robust sanctions on refined petroleum in Iran.

I am proud that the final bill includes my amendment requiring companies that are applying for contracts with the United States Government to affirmatively certify that they do not conduct business with Iran.

This legislation gives companies a simple choice: Do business with the

United States or do business with Iran. We cannot allow Iran to continue its pursuit of nuclear weapons—not on our watch and certainly not on our dime.

As a conferee, I am proud that the final bill also takes into account any developments that have arisen in recent months. Iran is attempting to circumvent global sanctions, and this bill seeks to cut off their strategies, such as Iranian investments with companies like BP and joint ventures outside of Iran.

I would also like to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their leadership.

I urge my colleagues to support the conference agreement.

Mr. BERMAN. Mr. Speaker, I am pleased to yield for the purpose of making a unanimous consent request to the gentleman from Florida (Mr. DEUTCH), the author of the country's first state of Iran disinvestment legislation.

Mr. DEUTCH. I thank the gentleman for yielding.

"Today, this body has the opportunity to profoundly advance the security of our nation and our allies. Today, this body can pass crippling new economic sanctions on Iran and at long last deliver the bill to the desk of the President.

"The stakes could not be higher. Again and again, Ahmadinejad has called for the destruction of our ally Israel and he has spoken of a world without the United States. This behavior is intolerable and today Congress sends the clear message to Iran that their pursuit of nuclear weapons will not be allowed.

"The past 30 days have marked the most serious steps forward in preventing a nuclear Iran. Beginning with the UN Security Council resolution, followed by the actions of the European Union, culminating today with the efforts of this Congress to craft the most comprehensive, results-oriented legislation, Iran will finally feel the burden of crippling economic sanctions.

"This legislation is the most important step Congress can take today to thwart the development of an Iranian nuclear power. Now we look to the Administration to hold those violators accountable and ensure the stringent implementation of these crippling sanctions. Now is the time to act to stop Iran's nuclear weapons program. I urge this body to act decisively today by passing this important piece of legislation."

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS), the first Member on our side, as was mentioned earlier, to come up with a concept of sanctions on refined petroleum, the former head of the Iran Working Group.

Mr. ANDREWS. I would like to thank my friend from California for his leadership and my friend from Florida for hers. This is what bipartisan leadership looks like.

Mr. Speaker, you know, the risk that we are working against today is not simply a missile striking innocent people halfway around the world. It would

be a nuclear IED striking people around the corner.

Make no mistake about it. One of the risks that we confront is that a nuclear-weapon Iran that can make highly enriched uranium might well share that highly enriched uranium with a terrorist group, and the next SUV that is parked in Times Square might have a nuclear IED in it. Iran could very well be the source of such an attack. We must stop that, and this legislation today goes in that direction.

To those who say that the Iranians don't fear sanctions, then why did they try to strike this deal with Brazil and Turkey on the eve of the U.N. sanctions?

To people who say that energy sanctions won't work, then why have the Iranians tried to embark on a crash course to replace gasoline with natural gas?

This is the right move at the right time. I thank my chairman for authoring it, and I urge a "yes" vote.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 55 seconds to a member of our committee who has been a great supporter of this legislation, the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I wish I had time to praise the chairman. He has done just a remarkable job on this legislation.

Mr. Speaker, I rise today in strong support of this legislation. Iran's nuclear program represents as much of a threat to the United States, to Europe, and to the Arab world as it does to Israel. It is absolutely essential that we stop this terrorist-supporting and -financing, murderous, anti-Semitic, Holocaust-denying regime from reaching its ultimate goal. It seeks to destroy Israel and to dominate the entire Middle East—and to do that by acquiring nuclear weapons.

What this bill does today is it says: Not on our watch. We will not be intimidated. We will not be fooled. We will not allow Iran to acquire nuclear weapons.

If Iran acquires nuclear weapons, it will unleash a dangerous and unprecedented arms race throughout the Middle East the likes of which the world has never seen. Introducing nuclear weapons in the Middle East can only add to the destabilization of an already unstable part of the world. What a frightening thought.

I urge support for this bill.

Mr. BERMAN. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 35 seconds.

Mr. BERMAN. Mr. Speaker, I want to thank all of my colleagues who played a pivotal role.

Particularly, I would like to thank my conference co-chair, Senator CHRIS DODD, and his staff Colin McGinnis and Neal Orringer; my ranking member, ILEANA ROS-LEHTINEN; both Mr. HOYER and Mr. CANTOR; all of the conferees;

the staff director for the minority, Yleem Poblete—she drives a hard bargain—and the wonderful staff on our side, led by Rick Kessler, and particularly the efforts of Shanna Winters, Alan Makovsky, Daniel Silverberg, David Fite, Janice Kaguyutan, Ed Rice, and Robert Marcus.

With that, I urge all of my colleagues to support the legislation.

Mr. Speaker, I provide the following Joint Statement by myself and my co-chair Senator DODD:

The Chairs recognize the importance of the new authority provided to the President to waive sanctions on certain persons from countries closely cooperating with U.S. and international efforts to constrain Iran's ability to develop a nuclear weapon. The Chairs encourage the Administration to use this new authority judiciously for those most deserving of allies and other truly cooperating nations. We trust this will be an important multilateral incentive in inducing compliance with the recently passed Security Council Resolution and with other regional and unilateral measures. The closely cooperating waiver draws upon the existing authority in Section 4(c) but extends the period of time available for the waiver to 12 months. The chairs do not view this authority to be a wholly preemptive waiver. In fact, we expect a meaningful investigation, as warranted, into the conduct of the alleged violator to be conducted prior to exercising the waiver. While the joint explanatory statement accompanying the Act indicates that a determination on sanctionability must also be made prior to exercising the 4(c)(1)(B) waiver, there are differing and legitimate views on whether such a determination is required. While divergent from the views in the joint explanatory statement, we accept that this may be a fair reading of the obligations under Section 4(c)(1)(B). In the end, we encourage the Administration to use all of the tools at its disposal in this Act and under existing authorities to achieve the overriding goal of constraining Iran's nuclear weapons ambitions. But we will clearly need to monitor the implementation of this waiver.

Mr. VAN HOLLEN. Mr. Speaker, I stand in support of the Comprehensive Iran Sanctions Accountability and Divestment Act of 2010.

As a cosponsor of the Iran Sanctions Act, I congratulate the conferees for building on the best features of that bill, and the Senate version, to produce bipartisan legislation that moves beyond our initial focus on restricting refined oil supplies and creates sweeping and strong new sanctions on banks doing business with Iran.

If Iran continues with its illegal nuclear enrichment activities, it will threaten the stability of the Middle East, threaten the security of its neighbors, including Israel, and jeopardize the international counter-proliferation regime. This bill directs the President to take additional measures to stop those efforts.

The measure codifies longstanding executive orders that limit the goods exempted under the American trade embargo against Iran and includes new provisions that hold U.S. and foreign banks accountable for their actions and for the actions of their subsidiaries.

Some highlights of the bill include provisions that impose sanctions on foreign insurance, financing and shipping companies that sell en-

ergy related goods and services to Iran; new prohibitions on American banks doing business with any foreign bank that facilitates Iran's illicit nuclear program; three new sanctions that prohibit Iranian access to foreign exchange in the U.S.; new prohibitions on access to the U.S. banking system; and a prohibition on property transactions in the U.S. The bill even touches on the U.S. government procurement sector by requiring a certification from a company bidding on a U.S. government contract that it is not engaged in sanctionable conduct.

These new sanctions compliment efforts by the European Union, the United Nations and the Obama Administration, to create a web of restrictions designed to cut Iran off from the international financial community if it does not abandon its illicit enrichment activities. The European Union passed a sanctions package that places restrictions on Iran's trade, banking and insurance sectors in addition to instituting new prohibitions on key sectors of Iran's gas and oil industry. The United Nations Security Council passed its fourth round of sanctions against military purchases, trade and financial transactions carried out by the Revolutionary Guard, which controls the nuclear program and has taken a more central role in running the country and the economy.

The Obama Administration recently placed dozens of Iranian companies and senior Iranian officials on a U.S. financial industry blacklist, appointed as a special adviser on non-proliferation and arms control Robert Einhorn, a man the Chinese government calls "the dentist" for the way he extracts painful concessions during negotiations, and the administration is working with the Israeli government to ensure that Iranians who are key to Iran's nuclear program and who may want to leave Iran, are able to do so.

Iran's refusal to heed repeated warnings about its illegal enrichment activities must be met with resolve. All options must remain on the table. When combined with the efforts of the Obama Administration and our allies, this bill helps ensure that the president has at his disposal a full range of tools to deal with Iran. I encourage my colleagues to join me in support of this bill.

Ms. LEE of California. Mr. Speaker, I join my colleagues today in acknowledging the real and serious threat posed by a nuclear Iran to the United States, our allies in the Middle East, and the global nuclear nonproliferation regime that is vital to securing a safer and more prosperous world.

I would also like to acknowledge the Obama Administration, which has rightly pursued and kept open a dual-track approach of concerted diplomatic engagement and pressure with Iran.

The President's resolve proved successful in securing a coordinated and forceful international response, and I am pleased to see that this Conference agreement provides the Administration improved flexibility to ensure we do not undermine the very international partnerships that are necessary to prevent Iran from pursuing a nuclear weapons capability.

As this package of unilateral U.S. sanctions moves forward for the President's signature, let us not lose sight of our ultimate goal—a

long-term diplomatic solution to bring Iran into compliance with international nonproliferation standards and commitments.

Mr. Speaker, although I support this Conference agreement, I must reiterate my deeply held belief that sanctions should never be viewed as a checkmark on the path to war.

I remain deeply concerned by counterproductive rhetoric with regard to Iran that echoes the drumbeat to war we heard in Iraq.

The prospect of a military strike in Iran carries devastating and unacceptable consequences for United States foreign policy and security interests in the region that cannot be ignored.

Further, I believe our words and resources are better served in support of the Iranian people, their resilient civil society and determination to seek the protection of basic human rights and meaningful democratic reform despite the intransigence of the ruling regime.

We must closely scrutinize the implementation of these sanctions, which I believe could be better targeted, in order to avoid punishing the Iranian people at the expense of moderate voices and to the benefit of hardliner elements within Iran.

With that in mind, I urge my colleagues to invest as much energy in support of a coordinated and cooperative diplomatic process in Iran as they have in finalizing these punitive measures aimed at bringing them to the table.

It is this course of action that will be necessary to erase once and for all our fears of a nuclear-armed Iran and the destabilizing impact this might have in an already volatile region.

Lastly, Mr. Speaker, as a passionate advocate throughout my career for the cause of nuclear non-proliferation, I hope we can also take this opportunity to recognize and act upon our own commitments as a nuclear power to take meaningful steps toward nuclear disarmament and the realization of world free from the threat of nuclear weapons.

Mr. HOLT. Mr. Speaker, I rise today in support of the Comprehensive Iran Sanctions, Accountability, and Divestment Act. The United States does not deny Iran's lawful right to peacefully explore technologies for nuclear power, but the Iranian regime has provided just cause for skepticism about the peaceful nature of its nuclear ambitions. There is an international consensus that Iran should not attain nuclear weapons capability—a circumstance that unquestionably would accelerate a nuclear arms race in the Middle East, threatening both regional stability and the security of the United States.

For over a year and a half, the United States and the international community have worked diligently to achieve a diplomatic resolution to the Iranian regime's reckless pursuit of nuclear weapons. Yet the Iranian leadership remains defiant and shows no signs of substantive cooperation. Their actions have left us little choice but to pursue additional measures to persuade the regime that it must live up to its obligations to the international community by suspending its uranium enrichment program and verifiably ending any pursuit of nuclear weapons.

Recently, the United Nations imposed new sanctions on the Government of Iran. The

United States joined the European Union and others in taking immediate steps to implement these measures in a way that is consistent with existing law. Now Congress will provide the Administration with new tools that will allow the United States to augment these multilateral efforts.

This legislation will broaden the list of sanctionable activities and provide new mechanisms for the U.S. to sanction responsible entities. Any banks, companies, or other institutions that support Iran's refined petroleum sector or engage in transactions with Islamic Revolutionary Guard Corps (IRGC) or other blacklisted Iranian institutions will face stiff penalties and be prevented from doing business in the United States. State and local governments will have clear authorization to divest from entities that engage in business with Iran, and private asset managers will be able to undertake similar divestment without fear of breaching their fiduciary responsibilities. The Director of National Intelligence will be required to prepare a list of governments that allow re-export, trans-shipment, transfer, re-transfer, or diversion to Iran of goods or services that could be used for terrorism or the production of weapons of mass destruction. The U.S. will work with these governments to strengthen their export control systems, and the President will be required to impose new restrictions on those that fail to improve their actions.

While I believe it is necessary for the U.S. to enact these tough new measures as quickly as possible, it is important to remember that by themselves, they will not be effective. Sanctions are blunt instruments. They rarely change the behavior of intransigent regimes, but they often harm innocent citizens. I am pleased that this legislation was crafted carefully to target the IRGC and the leadership of Iran, rather than the Iranian people.

The United States continues to stand with those in Iran who oppose human rights abuses and fight for a government that is truly representative of the peoples' will. That is why this legislation explicitly exempts software and services for personal communication and internet access from the general prohibition against exports to Iran. In addition, Iranians who perpetrated or were complicit in human rights abuses against other Iranians on or after June 12, 2009 will be subject to strict new visa, property, and financial sanctions.

It is equally important to note that this legislation makes clear that the United States stands ready to lift the new sanctions and engage Iran in a productive dialogue if the regime stops threatening its neighbors and verifiably abandons its pursuit of weapons of mass destruction. Until that day comes, the United States will continue to take action to convince the Iranian leadership that this is the only viable choice. Achieving that goal is the central purpose of this legislation.

Ms. JENKINS. Mr. Speaker, there is no doubt Iran is working right now to acquire nuclear weapons. We must stop them.

The underlying bill if passed and strongly enforced by our President would impose smart crippling sanctions on Iran's nuclear program and would make it drastically more difficult for Iran to continue its illegal nuclear dealings.

Make no mistake Iran's development of nuclear weapons threatens not only our friend

Israel and the Middle East it threatens the entire world.

I urge my colleagues to support the underlying bill to impose sanctions and to stand for the safety and security of freedom loving nations around the world.

Mr. BACA. Mr. Speaker, I ask unanimous consent to address the House for one minute.

I rise to support the passage of the Comprehensive Iran Sanctions, Accountability and Divestment Act.

Since 1995, many U.S. regulations have been enacted to pressure Iran to restrict its nuclear fantasies. Previous to this Act none of those regulations had sufficient bite nor adherence.

The Government of the Islamic Republic of Iran, if allowed on its present course, could be in the possession of a nuclear weapon in less than a year. Severe restrictions must be imposed on foreign financial institutions who enable this regime to pursue its nuclear aspirations.

Nuclear terrorism is one of the greatest threats to American security. Keeping the bomb from Iran is absolutely critical to international peace and stability.

Iran has repeatedly snubbed their nose at International Atomic Energy inspectors. The government's serial deception in declaring their nuclear intentions has gone unchecked for too long. We cannot allow Iranian leaders to gain more time.

In addition to strengthening and expanding the trade embargo this comprehensive, results-oriented legislation provides for strict economic consequences to those who assist in Iran's human rights violations against its own people. It penalizes those who suppress freedom of religion and speech in Iran and the entities that aid them.

This legislation would be in effect until the day our President certifies to Congress that Iran is no longer a designated state-sponsor of terrorism, has ceased gross violations of the Nuclear Non-Proliferation Treaty, and given up its unrelenting pursuit of ballistic missile, biological and chemical weapon capability.

Mr. Speaker, I urge my colleagues to join me in unwavering support of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010.

Ms. SCHWARTZ. Mr. Speaker, I rise in strong support of the Iran Sanctions Act. This legislation makes clear to the Government of Iran that we will not tolerate their continued illicit pursuit of nuclear weapons or their support for terrorism. Supported by the ongoing multilateral efforts of the United Nations Security Council and the European Union, these tough sanctions are intended to put greater pressure on Iran to change their behavior.

President Obama will now have a range of new options to deal with the threats posed by Iran. Expanding upon previous sanctions, this legislation imposes a wide array of tough new economic, energy and financial sanctions. These sanctions target businesses involved in refined petroleum sales and those that support Iran's domestic refining efforts, as well as international banking institutions involved with the Iranian Revolutionary Guard, nuclear program or support terrorism.

Preventing Iran from obtaining nuclear weapons is one of our paramount national security priorities. Nor can we allow their flagrant

support of international terrorism continue unabated. Strong sanctions and enforcement of those sanctions make it clear that Iran must change its conduct now.

Mrs. MALONEY. Mr. Speaker, I rise to express my strong support for H.R. 2194, a powerful package of sanctions against Iran. These new measures increase pressure on Iran to do the right thing and put an end to its sponsorship of terrorism and its efforts to acquire nuclear weapons. I am pleased that the United States has worked with the United Nations to secure multilateral sanctions, but the United States should also be increasing pressure on Iran by implementing the sensible, targeted sanctions contained in this bill.

This conference report contains a package of sanctions that ups the ante on Iran's trading partners, making it clear that doing business with Iran has a price. It targets Iran's energy and banking sectors, and imposes sanctions on foreign companies that are supplying energy and know-how to Iran. It allows the government to restrict access to America for the purposes of banking, foreign exchange and property investment. It requires companies seeking procurement contracts to certify that they are not engaging in sanctionable conduct. The executive branch will have to report sanctionable activity and must either implement sanctions or waive them. Our sanctions will no longer be tough on paper and weak in implementation. Iran can secure an end to them at any time by ending its sponsorship of terrorism and by ending its quest to develop or acquire nuclear, biological, and chemical weapons and ballistic missiles and ballistic-missile launch technology.

Iran has shown, time and time again, that it is determined to acquire nuclear weapons. Earlier this week, Reuters reported that Iran has enriched 17 kilograms of uranium to 20 percent purity, and that this is a significant step toward the 90 percent enrichment required for weapons-grade uranium. In April, Iran unveiled a third generation of centrifuges and has indicated that the testing phase is nearly complete and that its scientists are working on a fourth generation. It is clear that Iran is racing toward its goal of becoming a nuclear nation.

Iran has also been one of the chief state sponsors of terrorism, sending funding, weapons and know-how to terrorist organizations like Hamas and Hezbollah. These organizations specifically target civilian populations and have no compunctions against lobbing missiles at homes, schools, hospitals and nursing homes. There are reports that Iran has backed militants in Somalia, Iraq, Afghanistan and elsewhere. Iran's leaders have also targeted their own people, viciously putting down the fledgling democratic movement last year and working to restrict communication among its own people. I am pleased that these sanctions specifically ban procurement contracts to any foreign company that exports to Iran technology used to restrict the free flow of information or to disrupt, monitor, or otherwise restrict freedom of speech. We must do everything we can to persuade Iran to change its reckless course.

A nuclear Iran will be dangerous for the entire world. Iran has been most outspoken in its threats against Israel, but Israel is not the only

Middle Eastern nation with reason to fear a nuclear Iran. There is longstanding tension between Shi'ite Iran and its Sunni neighbors. Some argue—because Iran's President has threatened to wipe Israel off the map and Iran has provided weapons and resources to terrorist organizations that are actively trying to accomplish that aim—that America is acting solely to help Israel. And indeed, when Iran threatens to annihilate Israel, I think we should take it at its word, and should assume that it intends to use its nuclear weapons to turn its threat into a reality. But, these sanctions are also necessary because a nuclear Iran threatens all of its neighbors and it has been exporting terrorism to a wide range of nations around the globe.

I urge my colleagues to join me in supporting the conference report for H.R. 2194, and in voting to increase pressure on Iran to turn from this dangerous path. These sanctions are a reasonable and necessary augmentation of existing restrictions and an additional means to put pressure on a state that seems intent on exporting terror and death throughout the world.

Mr. KUCINICH. Mr. Speaker, I rise in strong opposition to the conference report on H.R. 2194, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010. Despite the inclusion of provisions in this legislation that would improve internet access and target violators of human rights, the bill will inflict severe economic hardship on the Iranian people and have no impact on the Iranian government. I oppose nuclear proliferation for military purposes for all countries and believe that sanctions have proven to be a failed policy.

The stated purpose of this legislation is to persuade the Iranian government to halt their nuclear program. Broad sanctions can only serve to further isolate Iran from the international community and cause them to be increasingly secretive. The sanctions play directly into the hands of the Iranian government and directly undermine the efforts of the Iranian people who have courageously challenged their government—often at the cost of their lives.

The United States was unable to come to a resolution with Iran over its nuclear program, partly due to the fact that during negotiations, Iran was threatened with sanctions regardless of negotiations. At the core of the failure of negotiations was mistrust. Turkey and Brazil accomplished something the United States was unable to do in their diplomatic negotiations with Iran over a nuclear fuel swap—broker a deal based on trust. Unfortunately, the Administration missed the opportunity to capitalize on this significant breakthrough in negotiations.

It is my hope that it will not take the impending suffering of the Iranian people at the hands of U.S.-imposed sanctions to wake us up to the need to significantly change our diplomatic engagement with Iran.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of H.R. 2194, the Iran Sanctions, Accountability, and Divestment Act.

Under its current leadership, Iran is a threat—to the United States, to its neighbors, and to global stability. Stopping the Iranian regime from acquiring nuclear weapons is a top priority of this Administration and Congress.

Building on the momentum of the recent adoption of UN Security Council Resolution 1929, this bill will impose punitive sanctions to immediately squeeze the Iranian regime in an effort to force change in their reckless behavior.

With the passage of H.R. 2194, we send a clear message backed by tough sanctions: investing in Iran's energy sector, conducting business with Iran's Revolutionary Guard Corps, or facilitating investments that support Iran's illicit nuclear program have severe consequences.

Penalties and travel restrictions on Iran's human rights abusers and new sanctions in the banking and financial sector will further isolate the Iranian government, increasing the cost to Iran's leaders for their nuclear ambitions.

I thank the gentleman from California for his efforts, and I urge my colleagues to vote in support of this bill.

Mr. NADLER of New York. Mr. Speaker, I rise in strong support of the conference report on H.R. 2194, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010.

There is perhaps no greater threat to the peace and security of the world today than Iran. It supports terrorism and funds terrorist groups. And, it is bent on increasing its power and influence in the strategically important region of the Middle East.

In particular, Iran presents an existential threat to Israel, one of our closest allies. Its leader, President Mahmoud Ahmadinejad, is a holocaust denier who has threatened to wipe Israel off the map.

As such, the consequences of Iran developing or otherwise obtaining nuclear weapons would be dire. It instantly would further destabilize the Middle East and potentially lead to a nuclear arms race there.

Moreover, unlike with other countries where nuclear deterrence has worked, it may not with Iran. Its leaders have proven themselves to hold views that are extreme, irrational, and fundamentalist, and who knows for what crazy reasons they would hold the world hostage and risk their own annihilation. These leaders also could share nuclear materials or weapons with terrorists bent on killing innocent people here and around the world, like Al Qaeda. We cannot let Iran have that power.

This threat from Iran has been building for years, but, unfortunately, during the previous Administration, very little was done about it. While the rhetoric of former President George W. Bush was tough on Iran, the reality was much different. For 8 years, they dithered while Iran built its nuclear capacity.

President Obama recognized the danger from Iran and immediately adopted a sensible policy of big sticks and big carrots. We began by engaging with the Iranian regime, a necessary part of any sensible strategy. Not only are discussions a worthy first step, they are necessary if for no other reason than to explain to your adversary the severe consequences of their continuing to be a threat to peace. We also need to start with negotiations to show that we tried and thus lay the foundation for strong efforts down the road, should they be needed. Unfortunately, Iran rejected these diplomatic overtures and continues to loudly defy the international community.

Therefore, we must ratchet up our economic pressure. That is exactly what we are doing. Thanks to the leadership of President Obama and Secretary of State Hillary Clinton, the United States was able to convince other nations to adopt new sanctions on Iran. These sanctions, adopted by the United Nations Security Council, will further isolate Iran from the world economy and, as they are multilateral, represent the optimum mechanism for economic pressure.

Of course, we also can bring the economic might of the United States to bear, and that is what we are doing today with H.R. 2194. This conference report contains a vast array of provisions which will put a significant squeeze on Iran. For example, it imposes sanctions on companies that sell refined petroleum products to Iran, targeting a key weakness of the Iranian regime. It punishes foreign banks that support Iran's Revolutionary Guard Corps, cutting off its funding. It authorizes state and local governments to divest investments from firms supporting Iran's energy sector and better enables other investment managers from similarly divesting funds.

Implementing these and the other sanctions in the conference report on H.R. 2194 is a critical next step in stopping Iran from becoming a nuclear power. While military options always remain on the table, we do not want to reach a situation where the choice is between having to engage militarily and allowing Iran to have nuclear weapons. Either of those two options is racked with problems, and so we must do all we can to see that it does not come to that.

I want to thank Foreign Affairs Committee Chairman HOWARD BERMAN and all other Members who worked so hard on putting this legislation together. Like Chairman BERMAN and others in Congress, I have endeavored to make sure that the threat from Iran is recognized and dealt with. Those of us who care deeply about this issue know that for the safety of Israel, the United States, and the entire world, we must act and we must act now.

I encourage all Members to support this conference report.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support for the bill and I offer my congratulations to the Chairman of the Foreign Affairs Committee, and to all my fellow conferees on what is a remarkable piece of legislation.

This bill has teeth, real teeth, great big nasty sharp teeth that are finally going to force businesses and banks around the world to choose between access to the American economy and financial system, or business as usual with Iran's theocratic dictatorship.

This bill has real sanctions; not maybe sanctions, not sort-a sanctions, real sanctions. This bill has real sanctions investigation requirements; not maybe we'll look into it, not we'll try to get to it when we can, but a clear legal requirement to investigate potential violations. This bill creates legal safe harbor for the potential divestment of billions of dollars of equity from companies that continue to do business in Iran, the world-capital of state-sponsored terrorism. This bill has real sanctions on Iran's energy sector and all the things that keep it alive and allow it to operate. This bill will force new requirements on U.S. banks to

keep Iran's blood-tainted money from being laundered by the international financial system.

This bill imposes sanctions on those in Iran responsible for human rights violations and those companies that facilitate Iranian state repression. America will not merely bear witness to the brave struggle of the people of Iran to be free; we choose to stand with the Iranian people against the jackboot of the ayatollah's tyranny.

This bill will force action to close loopholes abroad that have allowed Iran to import, smuggle and altogether befuddle international efforts to keep dangerous technologies out of their malicious hands. With this bill there will be no more blind eyes for allies; no more sleeping at the export control switch.

In short, this is a bill that forces the question: will the world watch passively as Iran crosses the nuclear arms threshold, or will we join together to squeeze, wrangle, coerce, and compel Iran to pull back from the nuclear brink?

Iran's nuclear program is the greatest threat to peace and security in the Middle East and throughout the world. We know it. Our allies in Europe know it. Russia and China know it. All the Arab states know it. Successful nuclear proliferation by Iran would likely mean the collapse of the nuclear Non-Proliferation Treaty, the onset of a mad rush for nuclear arms in the Middle East and a vastly increased possibility of the unimaginable horror of nuclear arms being used.

This bill is also a triumph for the Leadership of this Congress and for the Obama Administration. For the entirety of their eight years, the previous Administration talked tough while the Iranian nuclear program went from crawling to walking; from walking to running; and from running to sprinting towards a nuclear bomb. The rhetoric was always very fierce, the results were always very flaccid. The previous Republican-controlled Congresses, though no less aware of the looming danger following the revelation of Iran's uranium enrichment program in 2002, also said all the right things, but somehow—somehow—never got around to passing this bill or one like it.

Look at who's in charge today. Look at who is going to get this bill done with broad bipartisan support. Look at who just put Iran's energy sector under the gun. Look at who just closed the investigations loophole and the diversion loophole. Look at who just imposed unprecedented energy, banking, and finance sector sanctions. Look at who just imposed human rights sanctions on Iran's regime of thugs.

Look also at who just got Russia and China to join with the international community in passing the toughest ever UN Security Council sanctions on Iran; sanctions that authorize the inspection of Iranian ships; that impose major new restrictions on Iranian banking, finance, shipping, and arms transactions; and that designates the Iranian Revolutionary Guard Corps and key Iranian firms and figures associated with proliferation for additional penalties. Two years ago if someone had suggested the Security Council would have adopted these positions, they would have been taken away in a straitjacket. Today it's reality.

The cowboy rhetoric and the contempt for diplomacy are gone. But the results, which are

what actually matters, are compelling. Just as we in Congress have come together to pass this historic legislation, the Obama Administration has rallied the world to stand against Iran's nuclear ambitions. Results matter.

We can not guarantee the success of these measures. Ultimately, the choice lies with the regime in Tehran to decide what price they're prepared to pay to sustain their illicit nuclear activities. But it should be clear that we are doing all that we can to impose on Iran the highest possible costs for its defiance and that we are demonstrating, by our actions and by our efforts, the depth of our commitment to peacefully ending Iran's illegal nuclear activities.

We are trying diplomacy. We are trying unilateral sanctions. We are trying multilateral sanctions. We are trying our utmost to avoid making conflict inevitable. But there should be no question about the absolute determination of the United States to prevent Iran from acquiring the capability to produce nuclear weapons.

Iran can not and must not be allowed to cross the threshold of nuclear arms. They can stop their program, or it can be stopped by others. And it would be far, far better if they stopped their nuclear program themselves. The United States and the other P5+1 nations have all made clear the benefits Iran would gain if it made this choice. The United Nations and the Congress today are showing Iran the rising costs and growing isolation it will endure if its behavior doesn't change.

Iran's illicit nuclear activities and programs must stop. Above all other considerations, above all other costs, without any doubt or uncertainty, Iran's nuclear arms program must be stopped. It must be stopped.

Mr. CAMP. Mr. Speaker, I rise in strong support of this conference agreement.

I am deeply concerned that Iran continues to pursue nuclear capabilities in defiance of the international community. Such actions pose a profound threat to our national security interests.

I have repeatedly supported efforts to give U.S. Presidents the tools and capabilities needed to prevent Iran from acquiring nuclear weapons and engaging in terrorism, and I continue to do so today through this conference agreement.

In pursuing the critical goal of preventing Iran's nuclear proliferation, I am pleased that the conference agreement expands the sanctions available to the President to include refined petroleum resources. In addition, the severe financial restrictions imposed under this agreement will prevent banks from doing business with blacklisted Iranian entities.

However, while domestic sanctions are critical, it is also important that our allies participate in an international coalition so that combating Iran's nuclear proliferation is a powerful multilateral effort. This conference agreement encourages this vital endeavor.

The original House bill, like other Iran sanctions bills that have preceded it in this chamber, was referred to the Ways & Means Committee. I am pleased that as a conferee, I have been able to work with my colleagues on the Foreign Affairs Committee to address the issues in our jurisdiction in a way that maintains the strength of the bill. This has been a

bipartisan and productive effort resulting in a robust agreement that takes powerful action against Iran, gives the Administration the best chance at continuing to cultivate and maintain international multilateral pressure, and is consistent with our trade obligations.

I thank Chairman LEVIN for his valuable efforts, as well as Chairman BERMAN and Ranking Member ROS-LEHTINEN, in achieving this exemplary outcome and urge my colleagues to support this conference agreement.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of this legislation because nuclear weapons in the hands of the Iranian regime is simply unacceptable.

Iran is a state sponsor of terror.

Iranian leaders have continually denied the Holocaust while expressing the desire to commit a second Holocaust through the destruction of Israel, our most important ally in the Middle East.

To that we must say "Never Again."

The chant of "Death to America" is seemingly the official slogan of this Iranian regime.

Those who would seek to profit by helping the Iranian regime to develop nuclear weapons or to suppress the people of Iran will no longer be able to do business with the United States or have access to our nation's financial system.

These sanctions are real and they have teeth.

We must send a clear and decisive message to the Iran and the world community that America is serious in our effort to deny Iran nuclear weapons.

To accomplish that we must pass these sanctions.

Mr. GALLEGLY. Mr. Speaker, I support targeted sanctions against the government of Iran in an effort to stop the Iranian regime's pursuit of nuclear weapons. For this reason, I voted in favor of the Conference Report on the Comprehensive Iran Sanctions, Accountability, and Divestment Act on the floor of the House today. The effectiveness of this legislation will now depend on whether the sanctions are forcefully implemented by the Obama Administration. I urge the President to work closely with our allies and use all the tools provided by the Act to prevent Iran from acquiring a nuclear capability.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of the conference report on H.R. 2194, the Comprehensive Iran Sanctions, Accountability, and Divestment Act.

I would like to thank Chairman BERMAN for introducing this legislation, of which I am a co-sponsor, and for his tireless work in support of halting Iranian aggression.

Iran's nuclear ambitions not only pose a critical threat to the security of our close ally, Israel, but they also threaten the stability of the entire Middle East region and the world. As we saw clearly last summer, the Iranian regime suppresses democracy and violates human rights at home, and they continue to sponsor terrorist organizations abroad. The bottom line is this: Iran must not be allowed to develop nuclear weapons.

This legislation builds on recent multilateral sanctions negotiated by President Obama. After strong leadership by the Obama Administration, the U.N. Security Council recently passed internationally-binding sanctions

against Iran's banking, finance, shipping, and energy sectors, as well as against Iran's Islamic Revolutionary Guard Corps (IRGC). The bill we are considering today will augment and strengthen those ongoing multilateral efforts.

This bill expands the current U.S. sanctions regime to target entities involved in selling refined petroleum to Iran or in aiding Iran's domestic refining efforts, as well financial institutions doing business with blacklisted Iranian entities. It provides a legal framework under which state and local governments can divest their portfolios of foreign companies involved in Iran's energy sector.

Mr. Speaker, time is not on our side, and Iran continues to progress toward nuclear weapons capabilities. This legislation contains the most comprehensive package of Iran sanctions ever considered by Congress, and it will give us a full range of economic tools to immediately apply strong pressure on the Iranian regime to abandon the pursuit of nuclear weapons.

This legislation sends a clear message to Tehran that the regime's nuclear program, human rights record, and support for terrorists are unacceptable. I strongly urge my colleagues to join me in support of this important legislation.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise today in strong support for H.R. 2194, the Comprehensive Iran Sanctions Accountability and Divestment Act and the stand it takes against the world's leading sponsor of terrorism.

Empowered by the past unwillingness of the international community to enforce existing sanctions, Iran continues to destabilize the region and the rest of the world in its pursuit of nuclear weapons.

Intelligence reveals that Iran has the capability to build two nuclear weapons.

As a result, our friends, our allies, and the rest of the world are threatened.

The conference report that we are considering today will cripple Iran's pursuit—targeting the external support that has enabled it to grow—cutting off relationships in the global banking system that provide financial support and those entities that fill Iran's energy needs, including refined oil.

There is no doubt that Iran has worked each and every day to jeopardize the international community's efforts to secure peace and security. However, today, we send the message that we will not tolerate these efforts anymore.

I urge my colleagues to support this conference report.

Ms. ESHOO. Mr. Speaker, I rise in support of H.R. 2194, the Iran Sanctions, Accountability, and Divestment Act. This bill will impose an array of tough new economic penalties aimed at persuading Iran to change its conduct. This act would levy sanctions against business entities involved in refined petroleum sales to Iran and Iran's domestic refining efforts.

It would also impose sanctions against international banking institutions involved with Iran's Islamic Revolutionary Guard Corps (IRGC), which has a destabilizing effect throughout the region. Most importantly, it would punish against entities involved in Iran's illicit nuclear program or its support for terrorism.

This conference agreement is an improvement over the version I supported last December by supplementing energy sanctions with an additional, powerful set of banking prohibitions.

This legislation complements sanctions imposed by the UN Security Council earlier this month. The UN Resolution demanded that Iran suspend all uranium enrichment activity, and requires Iran to fully cooperate with the International Atomic Energy Agency (IAEA) and provide inspectors access without delay to all sites, people and documents that they request. It also strengthens an arms embargo and imposes new sanctions on banks and Revolutionary Guard activities. Just this week, Iran has indicated its refusal to abide by the UN sanctions by refusing to give access to IAEA inspectors.

I am deeply concerned about the Iranian regime's lack of transparency about its nuclear program and intentions. While sources disagree about the length of time it might take Iran to develop a nuclear weapon, the destabilizing effects that action would cause are unacceptable.

As we consider ways to hold the Iranian regime accountable, we must be wary that poorly-crafted sanctions can harm the often-powerless Iranian people. We must punish their leaders, not the people in Iran, many of whom want democracy. I believe that this legislation strikes the appropriate balance. I urge my colleagues to support the legislation.

Mr. WAXMAN. Mr. Speaker. The world cannot tolerate a nuclear Iran.

With the punishing sanctions package before us today we take a major step to avoid that scenario by changing the calculus of Iran's leaders and those whose dealings with Iran contribute to its reckless policies. Most importantly, we do not stand alone in our efforts. Because of the initiative and leadership of President Obama, these sanctions will be applied within a much broader framework of multilateral sanctions approved by the United Nations Security Council and complementary sanctions efforts in Europe and Russia.

Although the goal may be straightforward, the Iran strategy at hand is a complex array of diplomatic, financial and political pressures. The fact that we have arrived at a point where nations of the world are uniting to exact a price for Iran's illegal nuclear activities and its defiance of the international community should not be taken for granted. It was not inevitable. Rather, it is the direct result of dogged and unflagging diplomacy by this Administration to convince our allies and partners why and how Iran must be stopped.

The results so far are promising. Already the European Union has initiated plans to implement and augment the U.N. sanctions and the UAE—one of Iran's biggest trading partners—has announced its intent to strictly enforce the U.N. sanctions. In addition, Russia has said that it will not deliver advanced S-300 surface-air-missile systems to Tehran, a development that would have significantly elevated the risks for any military action against Iran.

Today, we have before us the most comprehensive set of sanctions of all.

Among its key features, H.R. 2194 will impose severe restrictions on financial institutions doing business with Iranian banks controlled by Iran's Islamic Revolutionary Guard Corps (IRGC). Although U.S. banks have long been walled off from the Iranian banking system, banks in Europe and elsewhere in the world that continue business as usual with Iran will now be swiftly and entirely cut off from access to capital in the United States. It presents a stark choice that stands to have a significantly chilling effect even before the sanctions are fully implemented.

The bill will also dramatically expand the depth and scope of sanctions targeting Iran's petroleum sector by placing sanctions on any insurance, financing and shipping companies involved in exporting refined petroleum to Iran or developing its domestic refining capacity.

In addition, the bill will facilitate divestment from companies that do business in Iran by expressing support for state and local governments that choose to divest public assets and by ensuring that divestment efforts by private asset managers are not considered a breach of fiduciary duty.

Finally, this bill prioritizes human rights in Iran by hindering the sale of Internet filtration and censorship technology to Iran and blocking companies engaging in such traffic from access to U.S. government procurement contracts. While I regret that the Iranian people, already victims of tyranny, could face economic repercussions as the result of these sanctions, I firmly believe that weakening the IRGC is essential to overcome the regime's oppression.

I recognize that the window of opportunity could be limited. Iran now has partially enriched enough uranium to develop two nuclear warheads and its pursuit of nuclear weapons technology continues in earnest. But I urge my colleagues to vote yes and take serious action to pressure Iran to change course. And, once this bill is enacted, let us continue working with the President to make sure that these efforts proceed.

It is possible for a strong and coordinated sanctions regime to convince Iran to take the clear path that has been offered to end its status as a pariah state. At the very least, it is our best hope to bring about a successful diplomatic resolution of this crisis and avert the need for military action.

Ms. MOORE of Wisconsin. Mr. Speaker, I rise in support of the conference report accompanying H.R. 2194 but not without some reservations which I want to talk about.

As you all know, when this bill first came before the House, I voted against it. I was concerned that provisions in the bill: (1) limited or did not provide the President the ability to waive sanctions to advance important national security goals through diplomacy, (2) impacted disproportionately the general population of Iran who had just courageously stood up to the regime after last year's fraudulent elections, (3) and imposed unilateral measures when almost everyone agrees that if you are to use sanctions, multilateral ones have the best chance of achieving their purpose.

At that time, I said that it was my hope that as this legislation moved forward in the legislative process, further changes would be made to strengthen this bill in a way that would truly

enhance, and not hobble, strong diplomatic efforts to diplomatically engage Iran as well as to enact multilateral sanctions.

Today, we have before us a conference report that is better than the bill that came before the House in December. This conference report makes a number of changes to provide flexibility to ensure that the President can continue to engage in international diplomacy, adding elements that were missing from the version that passed the House. It would also include targeted sanctions—including the denial of U.S. visas and asset freezes—that isolate those in the Iranian government or who acted on behalf of that government, based on credible evidence, to order or direct the serious human rights abuses that occurred against Iranian protesters after the June 2009 elections. Such a provision achieves our policy goals without also broadly impacting and punishing the Iranian protestors who were the victims (and continue to be the targets) of that brutality.

I would also state and local governments to divest their investments in companies doing business with Iran, if that is a course they choose to pursue. This authority is similar to that granted by Congress only a few years ago allowing a similar divestments regarding investments in Sudan.

These changes are certainly improvements to the bill that passed the House over my opposition in December. As I have said before, the President's flexibility to conduct foreign relations and diplomatic efforts to achieve a strong international consensus against Iran is not a loophole that needs to be closed but a vital tool that needs to be supported. Diplomacy without flexibility is not diplomacy.

Additionally, even as I vote to support improvements that I think will be useful to the Administration as it pursues an engagement strategy with Iran working in close partnership with our allies in the international community, I want to make clear that I am not interested in causing more suffering to the Iranian people. I am not foolish enough to think that we can impose "crippling U.S. sanctions" that "go far beyond recently-enacted UN sanctions," according to the authors of this legislation, without causing suffering to the Iranian people. While the conference report before us states that the people of the U.S. "have feelings of friendship for the people of Iran," unfortunately even with the most expansive waiver authority, they will still bear the brunt—rather than the reckless Iranian regime—of these policies.

If we must do sanctions, they ought to be clearly targeted at the Government of Iran and individuals within that government rather than the Iranian society as a whole, in order to avoid creating hardship and inflicting harm on the Iranian people. That would send an even more unmistakable message to the people of Iran about our intentions. While not perfect, there appears to have been good faith efforts made in the conference on this bill to do that.

I also hope very much that no one in the international community takes passage of this legislation today as a sign that diplomacy is off the table or that our only other option going forward to address very serious concerns with Iran's nuclear activities is a military strike.

I join many who have expressed concerns that although sanctions when appropriately

targeted can be an important tool for pressuring Iran, they are not a full policy and certainly not an end in themselves. We need to invest in these diplomatic efforts vigorously now and continue to work with our international allies and others interested in peace and stability in the region. The aim of those efforts aren't new sanctions, they are to achieve a verifiable end to Iran nuclear enrichment activities, get it to comply with its NPT and IAEA obligations, and prevent a volatile region from becoming even more combustible.

The State Department's Under Secretary for Political Affairs, William Burns, made this point in testimony this week before the Senate Foreign Relations Committee when he stated, "Let me emphasize that sanctions are not an end in themselves. Our foremost objective—one that is shared by our international partners and our allies in the region—is a durable diplomatic solution to the world's concerns about the Iranian nuclear program and the broader issues at stake with Iran."

Treasury Secretary Geithner stated last week, "to be truly effective in ending Iran's proliferation activities and Iran's support for terrorism, we need to have in place a concerted, international approach. This is not something the United States can do alone. We need other countries to move with us."

Sanctions—even the most effective ones—cannot and should not substitute nor supplant strong diplomacy. Sanctions should not signify an end to diplomacy or alternatively be seen as the last step before a military strike, which almost everyone agrees does not serve U.S. interests or that of the international community.

Eight months ago, there was high degree of skepticism that the U.S. could push through a new U.N. sanction regime particularly given known reluctance, if not outright opposition, from Russia and China to such a move. Yet two weeks ago, the United Nations Security Council adopted Resolution 1929 committing the international community to implement "the most comprehensive sanctions" that the Iranian Government has ever faced according to the Obama Administration.

Diplomacy and engagement laid the ground work for such an effort but that doesn't mean it must stop now. United Nations Security Council Resolution 1929 also emphasized "the importance of political and diplomatic efforts to find a negotiated solution guaranteeing that Iran's nuclear programme is exclusively for peaceful purposes," an emphasis that is regrettably missing from the bill before us today.

That resolution also affirmatively supported and I would say encouraged—at the same time it was authorizing stronger sanctions—continued willingness on the part of the P+5 nations (China, France, Germany, Russia, the UK, and the U.S.) to "enhance diplomatic efforts to promote dialogue and consultations, including to resume dialogue with Iran on the nuclear issue without preconditions \* \* \* with a view to seeking a comprehensive, longterm and proper solution of this issue" and made very clear that the parties were ready to resume formal negotiations.

Lastly, it has been pointed out that this bill before us today is overwhelming silent on this point except brief mentions when it talks about using diplomacy for new sanctions. This is a

key oversight in the bill before us and one I hope neither our own Administration nor our key international allies read as an indication that it is okay to trim back their efforts at diplomatic outreach and engagement with Iran.

Mr. LARSEN of Washington. Mr. Speaker, I rise today to express my support for the conference report on H.R. 2194, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010.

Iran is a threat to regional security and stability. It has flouted international law and supplied weapons to terrorist groups throughout the Middle East.

Upon taking office in 2009, President Barack Obama attempted to engage with Iran, including offering a deal which would have allowed Iran to receive nuclear fuel for peaceful purposes. However, Iran has spurned these good-faith efforts at engagement, and the time has come to put in place comprehensive sanctions.

The international community supports our efforts to isolate Iran through sanctions. President Obama secured a landmark sanctions agreement at the United Nations Security Council several weeks ago. The European Union took further action earlier this month when it agreed to impose stringent sanctions on Iran.

This bill goes even further than the UN and the EU—it is a comprehensive and stringent package of sanctions. Among many important provisions, it will prohibit investment in Iran's oil refining industry and create a legal framework for companies and investment managers who wish to divest from companies doing business with Iran. It will force many companies to answer a question—do I work with the U.S., or do I work with Iran?

I urge my colleagues to join with me in passing H.R. 2194 and sending a clear message to Iran that their provocative actions and reckless pursuit of a nuclear weapon will not be tolerated.

Mr. REYES. Mr. Speaker, I rise today in strong support of this legislation. The provisions contained in this act come after repeated attempts by the U.S. and partner nations to halt Iran's nuclear weapons program and curtail aggressive Iranian overtures around the globe—Tehran continues to sponsor, train, and equip terrorist organizations in the Middle East, act as a destabilizing force in Iraq and Afghanistan, and deploy Iranian Revolutionary Guard Corps-Qods Force unconventional warfare operatives into the Western Hemisphere. The potential for a nuclear-armed Iran, when combined with the Iranian regime's volatile rhetoric and ambiguous intentions, poses a serious threat to the security of the United States, our troops serving in the Middle East, and our allies. The President and his administration have taken important steps to dissuade Iran from continuing to pursue nuclear weapons. The passage of this legislation sends a clear message that Iran's continued defiance will lead to significant, negative consequences for the Iranian regime.

In addition to imposing sanctions on refined petroleum to Iran, this legislation will broaden the entities affected by sanctions to include foreign entities that sell developmental energy technology, services, or information to Iran. This act also prohibits foreign banks from

doing business in the U.S. if they deal with blacklisted Iranian institutions involved in the development of weapons of mass destruction or the promotion of international terrorism.

I commend my colleagues on both sides of the aisle for demonstrating such clear solidarity on this issue. I urge Iranian leaders to carefully consider the high costs of increased isolation brought about by their continued irresponsibility.

Mr. ISRAEL. Mr. Speaker, I rise in support of the Conference Report for The Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010.

I can think of nothing more pressing to our national security than putting a stop to Iran's nuclear plans. Today, Iran learned that the United States Congress will not stop until we end the tyranny Iran's leadership is promoting.

As a member of the House Appropriations Committee's Subcommittee on State and Foreign Operations, I spend a great deal of time focused on preventing Iran from developing an enrichment program that leads to nuclear weapons. Their current leadership is unstable, provocative, and would be a danger to the entire region armed with nuclear weapons.

Non-military options—including activities to disrupt Iranian research—are similarly problematic. This then leads us to consider military options. Here, all we need to do is look at Iraq to understand the difficulties of a military response in Iran.

In fact, during an unofficial "war-game" on Iran, former National Security Council official Ken Pollack said, "Compared with Iraq, Iran has three times the population, four times the land area, and five times the problems."

Some suggest precision strikes at Iran's nuclear facilities, as the Israelis did when they successfully destroyed an Iraqi reactor in 1981. But Iran has learned from Iraq's mistakes. They have protected their facilities by burying them deep underground and dispersing them widely.

Additionally, virtually every military tool at our disposal—from limited and surgical to a major land war aimed at regime change—is impacted by one thing: oil. Iran could blockade the Straits of Hormuz and choke the supply of oil that is necessary to keep the lights on in the Pentagon and the tanks filled in our fighter jets, and double the price of fuel in the United States.

That's why the right set of economic sanctions is so badly needed, and why this conference report and the smart, tough sanctions it contains, advances our agenda of stopping Iran's quest for nuclear weapons.

This bill toughens penalties for those investing in Iran's energy sector and it also includes providing refined petroleum to Iran as a sanctionable offense. This bill also requires that any companies that want to do business with the U.S. government have to certify that they are not engaged in any activities that are considered sanctionable regarding Iran.

I am proud of this bill and what we have achieved as a Congress to bring more pressure on Iran.

Mrs. DAVIS of California. Mr. Speaker, I rise in strong support of H.R. 2194, the Comprehensive Iran Sanctions, Accountability, and Divestment Act.

Mr. Speaker, it is in the national security interests of the United States and our allies to

compel Iran's leaders to halt their nuclear program.

Sanctions, combined with unified international diplomatic pressure, are our best hope for peacefully achieving this goal.

The tools we use to confront this threat should not be go-it-alone military action, but diplomacy and international pressure.

I have long believed that Iran will only be convinced to give up their nuclear weapons program if a strong, unified international community rallies against Iran's nuclear ambitions.

With President Obama's diplomatic efforts over the past 18 months, we are getting closer to this reality.

This bill follows on President Obama's successful work to pass a very strong fourth round of sanctions through the United Nations Security Council.

The U.N. resolution brought Russia and China on board for globally-binding U.N. sanctions on Iran's banking, finance, shipping and energy sectors.

Now it is time for Congress to act.

The bill before us today complements the diplomatic gains made at the U.N. by expanding sanctions on foreign companies that sell Iran goods, services, or know-how that assist it in developing its energy sector.

In addition, H.R. 2194 imposes significant financial penalties and travel restrictions on Iran's human rights abusers.

Ultimately, this bill provides Iran, and the people and companies that do business with the Islamic Republic a stark choice: comply with the will of the international community, or face the consequences of diplomatic and financial isolation.

Until Iran makes the strategic choice to abandon their nuclear ambitions, this body and the international community have a responsibility to act.

I urge my colleagues to vote for this important legislation.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of approving stronger, tougher sanctions against Iran, protecting the security of the United States and sending a strong message that the U.S. government will not allow a nuclear-armed Iran.

As an original co-sponsor of the Comprehensive Iran Sanctions, Accountability, and Divestment Act, I am so proud that this Congress has put together the most comprehensive Iran sanctions legislation that the United States Congress has ever passed. It adds sanctions on refined petroleum, but more importantly, it broadens the categories of sanctionable activities by applying sanctions on those who sell Iran technology, services, or know-how that help the country develop its energy sector.

It can not be overstated: A nuclear-armed Iran is an urgent and deadly threat to peace and stability in the Middle East and at home. As citizens of the United States—a global power and nuclear leader—we have a priority to make sure that nuclear capability does not get into the wrong hands. We must protect ourselves, and our ally Israel, from the dangers of the Iran regime.

This legislation will help us quash Iran's continued attempts at developing nuclear weapons. With Tehran importing 25 to 40 percent of its refined petroleum needs, these economic sanctions will have a dramatic impact

on Iran's economy. They are critical to suspending Iran's nuclear program and ensuring security and stability in the Middle East and at home.

Mr. BERMAN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the conference report on the bill, H.R. 2194.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. BERMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

Motion to suspend the rules on H.R. 3962, by the yeas and nays;

Motion to suspend the rules on the conference report on H.R. 2194, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

#### AFFORDABLE HEALTH CARE FOR AMERICA ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendments to the bill (H.R. 3962) to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and concur in the Senate amendments.

The vote was taken by electronic device, and there were—yeas 417, nays 1, not voting 14, as follows:

[Roll No. 393]  
YEAS—417

Ackerman	Arcuri	Barrow
Aderholt	Austria	Bartlett
Adler (NJ)	Baca	Barton (TX)
Akin	Bachmann	Bean
Alexander	Bachus	Becerra
Altmire	Baird	Berkley
Andrews	Baldwin	Berman

Berry	Ehlers	Kratovil
Biggert	Ellison	Kucinich
Bilbray	Ellsworth	Lamborn
Bilirakis	Emerson	Lance
Bishop (GA)	Engel	Langevin
Bishop (NY)	Eshoo	Larsen (WA)
Bishop (UT)	Etheridge	Larson (CT)
Blackburn	Fallin	Latham
Blumenauer	Farr	LaTourette
Boccieri	Fattah	Latta
Bonner	Filner	Lee (CA)
Bono Mack	Flake	Lee (NY)
Boozman	Fleming	Levin
Boren	Forbes	Lewis (CA)
Boswell	Fortenberry	Lewis (GA)
Boucher	Foster	Linder
Boustany	Fox	Lipinski
Boyd	Frank (MA)	LoBiondo
Brady (PA)	Franks (AZ)	Loeb
Brady (TX)	Frelinghuysen	Lofgren, Zoe
Braley (IA)	Fudge	Lowe
Bright	Gallegly	Lucas
Broun (GA)	Garamendi	Luetkemeyer
Brown, Corrine	Garrett (NJ)	Lujan
Brown-Waite,	Gerlach	Lummi
Ginny	Giffords	Lunnen, Daniel
Buchanan	Gingrey (GA)	E.
Burgess	Gohmert	Lynch
Burton (IN)	Gonzalez	Mack
Butterfield	Goodlatte	Maffei
Buyer	Gordon (TN)	Maloney
Calvert	Granger	Manzullo
Camp	Graves (GA)	Marchant
Cantor	Graves (MO)	Markey (CO)
Cao	Grayson	Markey (MA)
Capito	Green, Al	Marshall
Capps	Green, Gene	Matheson
Capuano	Griffith	Matsui
Cardoza	Grijalva	McCarthy (CA)
Carnahan	Guthrie	McCarthy (NY)
Carney	Gutierrez	McCaul
Carson (IN)	Hall (NY)	McClintock
Carter	Hall (TX)	McCollum
Cassidy	Halvorson	McCotter
Castle	Hare	McDermott
Castor (FL)	Harman	McGovern
Chaffetz	Harper	McHenry
Chandler	Hastings (FL)	McIntyre
Childers	Hastings (WA)	McKeon
Chu	Heinrich	McMahon
Clarke	Heller	McMorris
Clay	Hensarling	Rodgers
Cleaver	Herger	McNerney
Clyburn	Herseth Sandlin	Meek (FL)
Coble	Higgins	Meeks (NY)
Coffman (CO)	Hill	Melancon
Cohen	Himes	Mica
Cole	Hinche	Michaud
Conaway	Hirono	Miller (FL)
Connolly (VA)	Hodes	Miller (MI)
Conyers	Holden	Miller (NC)
Cooper	Holt	Miller, Gary
Costa	Honda	Minnick
Costello	Hoyer	Mitchell
Courtney	Hunter	Mollohan
Crenshaw	Inglis	Moore (KS)
Critz	Inslee	Moore (WI)
Crowley	Israel	Moran (KS)
Cuellar	Issa	Moran (VA)
Culberson	Jackson (IL)	Murphy (CT)
Cummings	Jackson Lee	Murphy (NY)
Dahlkemper	(TX)	Murphy, Patrick
Davis (AL)	Jenkins	Murphy, Tim
Davis (CA)	Johnson (GA)	Myrick
Davis (IL)	Johnson (IL)	Nadler (NY)
Davis (KY)	Johnson, E. B.	Napolitano
Davis (TN)	Johnson, Sam	Neal (MA)
DeFazio	Jones	Neugebauer
DeGette	Jordan (OH)	Nunes
Delahunt	Kagen	Nye
DeLauro	Kanjorski	Obey
Dent	Kaptur	Olson
Deutch	Kennedy	Olver
Diaz-Balart, L.	Kildee	Ortiz
Diaz-Balart, M.	Kilpatrick (MI)	Owens
Dicks	Kilroy	Pallone
Dingell	Kind	Pascarell
Djou	King (IA)	Pastor (AZ)
Doggett	King (NY)	Paul
Donnelly (IN)	Kingston	Paulsen
Doyle	Kirk	Payne
Dreier	Kirkpatrick (AZ)	Pence
Driehaus	Kissell	Perlmutter
Duncan	Klein (FL)	Perriello
Edwards (MD)	Kline (MN)	Peters
Edwards (TX)	Kosmas	Peterson

Petri	Sarbanes	Tanner
Pingree (ME)	Scalise	Taylor
Pitts	Schakowsky	Terry
Platts	Schauer	Thompson (CA)
Poe (TX)	Schiff	Thompson (MS)
Polis (CO)	Schmidt	Thompson (PA)
Pomeroy	Schock	Thornberry
Posey	Schrader	Tiahrt
Price (GA)	Schwartz	Tiberi
Price (NC)	Scott (GA)	Tierney
Putnam	Scott (VA)	Titus
Quigley	Sensenbrenner	Tonko
Radanovich	Serrano	Towns
Rahall	Sessions	Tsongas
Rangel	Sestak	Turner
Rehberg	Shadegg	Upton
Reichert	Shea-Porter	Van Hollen
Reyes	Sherman	Velázquez
Rodriguez	Shimkus	Walden
Roe (TN)	Shuler	Walz
Rogers (AL)	Shuster	Wasserman
Rogers (KY)	Simpson	Schultz
Rogers (MI)	Sires	Waters
Rohrabacher	Skelton	Watson
Rooney	Slaughter	Watt
Ros-Lehtinen	Smith (NE)	Waxman
Roskam	Smith (NJ)	Weiner
Ross	Smith (TX)	Welch
Roybal-Allard	Smith (WA)	Westmoreland
Royce	Snyder	Whitfield
Ruppersberger	Space	Wilson (OH)
Rush	Speier	Wilson (SC)
Ryan (OH)	Spratt	Wittman
Ryan (WI)	Stark	Wolf
Salazar	Stearns	Woolsey
Sánchez, Linda	Stupak	Wu
T.	Sullivan	Yarmuth
Sanchez, Loretta	Sutton	Young (FL)

#### NAYS—1

Miller, George

#### NOT VOTING—14

Barrett (SC)	Hinojosa	Teague
Blunt	Hoekstra	Visclosky
Boehner	Oberstar	Wamp
Brown (SC)	Richardson	Young (AK)
Campbell	Rothman (NJ)	

#### □ 1909

Mr. GEORGE MILLER of California changed his vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### CONFERENCE REPORT ON H.R. 2194, COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the conference report on the bill (H.R. 2194) to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the conference report.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 8,

answered “present” 1, not voting 16, as follows:

[Roll No. 394]

YEAS—408

Ackerman	Davis (AL)	Issa
Aderholt	Davis (CA)	Jackson (IL)
Adler (NJ)	Davis (IL)	Jackson Lee
Akin	Davis (KY)	(TX)
Alexander	Davis (TN)	Jenkins
Altmire	DeFazio	Johnson (GA)
Andrews	DeGette	Johnson (IL)
Arcuri	Delahunt	Johnson, E. B.
Austria	DeLauro	Johnson, Sam
Baca	Dent	Jones
Bachmann	Deutch	Jordan (OH)
Bachus	Diaz-Balart, L.	Kagen
Barrow	Diaz-Balart, M.	Kanjorski
Bartlett	Dicks	Kapture
Barton (TX)	Dingell	Kennedy
Bean	Djou	Kildee
Becerra	Doggett	Kilpatrick (MI)
Berkley	Donnelly (IN)	Kissell
Berman	Doyle	Kind
Berry	Dreier	King (IA)
Biggart	Driehaus	King (NY)
Bilbray	Edwards (MD)	Kingston
Bilirakis	Edwards (TX)	Kirk
Bishop (GA)	Ehlers	Kirkpatrick (AZ)
Bishop (NY)	Ellison	Kissell
Bishop (UT)	Ellsworth	Klein (FL)
Blackburn	Emerson	Kline (MN)
Boocieri	Engel	Kosmas
Boehner	Eshoo	Kratovil
Bonner	Etheridge	Lamborn
Bono Mack	Fallin	Lance
Boozman	Farr	Langevin
Boren	Fattah	Larsen (WA)
Boswell	Filner	Larson (CT)
Boucher	Fleming	Latham
Boustany	Forbes	LaTourette
Boyd	Fortenberry	Latta
Brady (PA)	Foster	Lee (CA)
Brady (TX)	Fox	Lee (NY)
Braley (IA)	Frank (MA)	Levin
Bright	Franks (AZ)	Lewis (CA)
Broun (GA)	Frelinghuysen	Lewis (GA)
Brown, Corrine	Fudge	Linder
Brown-Waite,	Galleghy	Lipinski
Ginny	Garamendi	LoBiondo
Buchanan	Garrett (NJ)	Loebsack
Burgess	Gerlach	Lofgren, Zoe
Burton (IN)	Giffords	Lowe
Butterfield	Gingrey (GA)	Lucas
Buyer	Gohmert	Luetkemeyer
Calvert	Gonzalez	Lujan
Camp	Goodlatte	Lummis
Cantor	Gordon (TN)	Lungren, Daniel
Cao	Granger	E.
Capito	Graves (GA)	Lynch
Capps	Graves (MO)	Mack
Capuano	Grayson	Maffei
Cardoza	Green, Al	Maloney
Carnahan	Green, Gene	Manzullo
Carney	Griffith	Marchant
Carson (IN)	Grijalva	Markey (CO)
Carter	Guthrie	Markey (MA)
Cassidy	Gutierrez	Marshall
Castle	Hall (NY)	Matheson
Castor (FL)	Hall (TX)	Matsui
Chaffetz	Halvorson	McCarthy (CA)
Chandler	Hare	McCarthy (NY)
Childers	Harman	McCaul
Chu	Harper	McClintock
Clarke	Hastings (FL)	McCollum
Clay	Hastings (WA)	McCotter
Cleaver	Heinrich	McGovern
Clyburn	Heller	McHenry
Coble	Hensarling	McIntyre
Coffman (CO)	Herger	McKeon
Cohen	Herseth Sandlin	McMahon
Cole	Higgins	McMorris
Conaway	Hill	Rodgers
Connolly (VA)	Himes	McNerney
Cooper	Hinchee	Meek (FL)
Costa	Hirono	Meeks (NY)
Costello	Hodes	Melancon
Courtney	Holden	Mica
Crenshaw	Holt	Michaud
Critz	Honda	Miller (FL)
Crowley	Hoyer	Miller (MI)
Cuellar	Hunter	Miller (NC)
Culberson	Inglis	Miller, Gary
Cummings	Inslee	Miller, George
Dahlkemper	Israel	Minnick

Mitchell	Rehberg	Smith (NE)
Mollohan	Reichert	Smith (NJ)
Moore (KS)	Reyes	Smith (TX)
Moore (WI)	Richardson	Smith (WA)
Moran (KS)	Rodriguez	Snyder
Moran (VA)	Roe (TN)	Space
Murphy (CT)	Rogers (AL)	Speier
Murphy (NY)	Rogers (KY)	Spratt
Murphy, Patrick	Rogers (MI)	Stearns
Murphy, Tim	Rohrabacher	Stupak
Myrick	Rooney	Sullivan
Nadler (NY)	Ros-Lehtinen	Sutton
Napolitano	Roskam	Tanner
Neal (MA)	Ross	Taylor
Neugebauer	Roybal-Allard	Terry
Nunes	Royce	Thompson (CA)
Nye	Ruppersberger	Thompson (MS)
Obey	Rush	Thompson (PA)
Olson	Ryan (OH)	Thornberry
Oliver	Ryan (WI)	Tiahrt
Ortiz	Salazar	Tiberi
Owens	Sanchez, Linda	Tierney
Pallone	T.	Titus
Pascarella	Sanchez, Loretta	Tonko
Pastor (AZ)	Sarbanes	Towns
Paulsen	Scalise	Tsongas
Payne	Schakowsky	Turner
Pelosi	Schauer	Upton
Pence	Schiff	Van Hollen
Perlmutter	Schmidt	Velázquez
Perriello	Schrader	Walden
Peters	Schwartz	Walz
Peterson	Scott (GA)	Wasserman
Petri	Scott (VA)	Schultz
Pingree (ME)	Sensenbrenner	Watson
Pitts	Serrano	Watt
Platts	Sessions	Waxman
Poe (TX)	Sestak	Weiner
Polis (CO)	Shadegg	Welch
Pomeroy	Shea-Porter	Westmoreland
Posey	Sherman	Whitfield
Price (GA)	Shimkus	Wilson (OH)
Price (NC)	Shuler	Wilson (SC)
Putnam	Shuster	Wittman
Quigley	Simpson	Wolf
Radanovich	Sires	Wu
Rahall	Skelton	Yarmuth
Rangel	Slaughter	Young (FL)

NAYS—8

Baird	Conyers	Paul
Baldwin	Flake	Stark
Blumenauer	Kucinich	

ANSWERED “PRESENT”—1

Waters

NOT VOTING—16

Barrett (SC)	Hoekstra	Visclosky
Blunt	McDermott	Wamp
Brown (SC)	Oberstar	Woolsey
Campbell	Rothman (NJ)	Young (AK)
Duncan	Schock	
Hinojosa	Teague	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in the vote.

□ 1916

So (two-thirds being in the affirmative) the rules were suspended and the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McDERMOTT. Mr. Speaker, on rollcall No. 394, had I been present, I would have voted “yea.”

#### PERSONAL EXPLANATION

Mr. ROTHMAN of New Jersey. Mr. Speaker, I will be attending my daughter Karen's high school graduation today, and thus will be missing the votes on H.R. 2194, the Con-

ference Report on Comprehensive Iran Sanctions, Accountability, and Divestment Act; H. Res. 1359, the resolution calling for the immediate and unconditional release of Israeli soldier Gilad Shalit; and H.R. 5175, the DISCLOSE Act. Had I been present I would have voted “yes” on these measures.

#### PERSONAL EXPLANATION

Mr. TEAGUE. Mr. Speaker, I was unavoidably detained on the evening of June 24, 2010, and was unable to record my votes for rollcalls 393 and 394. Had I been present, I would have voted “yes” on the Senate Amendments to H.R. 3962, the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 and H.R. 2194, the Conference Report on Comprehensive Iran Sanctions, Accountability, and Divestment Act.

Although I believe we should legislate a permanent solution to the sustainable growth rate for Medicare and TRICARE, it is critical that we prevent impending cuts for the sake of our doctors, our seniors, and our veterans.

#### SUPPORTING NATIONAL PHYSICAL EDUCATION AND SPORT WEEK

The SPEAKER pro tempore (Mr. CRITZ). The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1373) expressing support for designation of the week beginning May 2, 2010, as “National Physical Education and Sport Week”.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### CALLING FOR RELEASE OF ISRAELI SOLDIER BY HAMAS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1359) calling for the immediate and unconditional release of Israeli soldier Gilad Shalit held captive by Hamas, and for other purposes, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Calling for the immediate and unconditional release of Israeli soldier Gilad Shalit, who is held captive by Hamas, and for other purposes."

A motion to reconsider was laid on the table.

#### EXPRESSING SENSE OF HOUSE REGARDING ANNIVERSARY OF DISPUTED IRANIAN ELECTIONS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1457) expressing the sense of the House of Representatives on the one-year anniversary of the Government of Iran's fraudulent manipulation of Iranian elections, the Government of Iran's continued denial of human rights and democracy to the people of Iran, and the Government of Iran's continued pursuit of a nuclear weapons capability.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. COSTA) that the House suspend the rules and agree to the resolution.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### HOOR OF MEETING ON TOMORROW

Mr. DEUTCH. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 4 p.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate, and further, when the House adjourns on that day, it adjourn to meet at 10:30 a.m. on Tuesday, June 29, 2010, for morning-hour debate and noon for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

#### CONGRATULATING ACWORTH, GEORGIA

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, I would like to congratulate the city of Acworth, Georgia, for being recognized as an All-American City in the recent contest sponsored by the National Civic League.

Acworth is part of Georgia's 11th Congressional District, the district

that I am privileged to represent. And after spending a good bit of time around town, I can tell you that Acworth truly embodies what is best about America.

The city recently raised \$1 million to build a special needs field which will give kids with disabilities a chance to play sports. Acworth's police department and citizens ran the bases of one of these fields for 24 hours as part of a fundraiser to build the facility. The finalists in the All-American contest traveled to Kansas City to give presentations on their efforts. Acworth sent 40 members of their delegation, along with 25 special needs children, and finished in the top 10.

Mr. Speaker, I want to offer my congratulations to the Acworth community, as I am very proud to represent this city in Congress.

#### WASHINGTON WEEK

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Mr. Speaker, we have had a good week, and I am very grateful we had the opportunity today to say to the doctors of America that we are committed to your practice and your medicine and your caring for our seniors.

In addition, we were able to say to Iran, which has called for the extinguishing of Israel, has caused the existence of Camp Ashraf in Iraq, and literally has tried to destroy dissidents and resisters for democracy, that we will not tolerate an Iran that is nuclear-armed. And so I am glad that we passed the Iran Sanctions Act.

But we have more to do. And I am grateful that the President saw fit to change command in Afghanistan. It is unfortunate that the commands of the commander in chief were not respected, but we know that this is a civilian government and the military respects the civilian leadership. That must be. But now we must turn to establishing a pathway out of Afghanistan. We must go after the terrorists that threaten us, but we must recognize a smart power, political power, diplomatic power, empowering the people, providing for education is the way to solve the Afghanistan problem, not 30,000 soldiers that are engaged in war.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### IN MEMORIAM: U.S. ARMY SPECIALIST BLAINE E. REDDING

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

Mr. FORTENBERRY. Mr. Speaker, on Tuesday morning, under the beautiful prairie sky, U.S. Army Specialist Blaine Edward Redding was laid to rest in an old and serene Plattsmouth, Nebraska, cemetery. Specialist Redding was a 22-year-old newlywed, married just 10 weeks to Nikki before a roadside bomb took his life in Afghanistan on June 7. He died along with four other soldiers, two of whom were his close friends.

Blaine Redding followed a family tradition of service to our Nation, in the footsteps of his father and grandfather. Heeding the call to duty was also important to Blaine's younger brother, Private Logan Redding, who was also serving in Afghanistan in the 101st Airborne, just 15 miles away. Upon learning of his brother's death, Private Redding dutifully escorted Blaine's flag-dragged coffin back to Dover Air Force Base to meet their parents, Teresa and Pete, as well as Nikki.

Mr. Speaker, at the funeral, dozens of Patriot Guard Riders; children with their mothers, hands over their hearts; saluting veterans; local officials; and hundreds of citizens lined the streets reverently bearing American flags to honor Specialist Redding's sacrifice. A hand-painted sign read, "Thank you, Blaine."

Also in attendance were Sally Allen and Monica Alexander, two mothers from nearby towns whose sons were killed during their service in Iraq. They came just to show their support.

By the many heartwarming accounts I heard from his loved ones on Tuesday, he was a beloved son, friend, and husband. He cared deeply about his family and his country. He had served before in Iraq, and volunteered for another tour of duty in Afghanistan.

Mr. Speaker, my heart is heavy with the loss of Specialist Redding. I am deeply humbled by his service and his sacrifice, and I wish God's blessings upon him and his family during this difficult time.

□ 1930

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mrs. DAHLKEMPER) is recognized for 5 minutes.

#### IN HONOR OF SERGEANT FIRST CLASS ROBERT FIKE AND STAFF SERGEANT BRYAN HOOVER

Mrs. DAHLKEMPER. Mr. Speaker, it is with a heavy heart that I rise today to honor the lives of two fallen heroes from western Pennsylvania. Sergeant First Class Robert Fike of Conneautville, and Staff Sergeant Bryan Hoover of Lyndora, Pennsylvania, made the ultimate sacrifice while defending our Nation in Afghanistan.

On June 11, a suicide bomber detonated an explosive near the Bullard Bazaar in Zabul province in southern Afghanistan. Sergeant First Class Fike, 38 years old, and his friend, Staff Sergeant Hoover, 29 years old, were on foot patrol. Both of these brave men were killed in the explosion. They were members of the Pennsylvania Army National Guard's Company C, 1st Battalion, 110th Infantry, based in Connelville, Pennsylvania.

Sergeants Fike and Hoover shared a passion for service to our country. They were patriots, soldiers, and good men. Robert Fike and Bryan Hoover were friends who fought, and ultimately sacrificed, side by side.

Robert Fike was the third generation of his family to be a member of the Armed Forces. He joined the Pennsylvania National Guard in 1993, after earning a degree in organic chemistry from Edinboro University in 1992. During his long military career, he served two tours overseas, in Saudi Arabia from 2002 to 2003 and in Iraq from 2007 to 2008.

Protecting his community and his country was a way of life for Robert. Every month he drove the 2 hours from his home in Crawford County to Johnstown for specialized drills with the 20th Military Police Company. Robert also worked as a prison guard at the State Correctional Institute in Albion, Pennsylvania.

He was a loving son and father. Robert is survived by his parents, James and Christine, and his 12-year-old daughter Mackenzie. He was a father figure to Chelsea Bliscik and a beloved friend to many.

For his brave service and sacrifice, Sergeant First Class Robert Fike was awarded the Purple Heart, the Army Commendation Medal, the Army Achievement Medal, the Armed Forces Reserve Medal, the Global War on Terrorism Expeditionary and Service Medals, and the Iraq Campaign Medal.

Staff Sergeant Bryan Hoover dreamt of joining the Army even as a child. He enlisted in the Army National Guard in 2005 and previously served in the Marines. Bryan served a total of four tours overseas: two in Afghanistan, one in Iraq, and one in Kuwait. He truly lived to serve our Nation.

To his fellow soldiers, he was one of them, but to the students of Elizabeth Forward High School in Elizabeth, Pennsylvania, he was known as Coach Hoover. Bryan was the assistant cross country and track coach at his alma mater, where he had graduated in 2000. Bryan loved sports, and was a talented athlete himself who particularly enjoyed hockey. He earned a degree in sports management from California University of Pennsylvania.

For his bravery in the field, Sergeant First Class Bryan Hoover was awarded the Purple Heart.

Bryan is survived by his father Melvin Hoover; his brothers, Richard and

Ben; his sister, Samantha; his grandfather, Ray Bradford; his stepmother, Elaina Evans; and his fiancée, Ashley Tack. His mother, Debra Jean, preceded Bryan in death.

It is my sad duty to enter the names of Sergeant First Class Robert Fike and Staff Sergeant Bryan Hoover in the RECORD of the United States House of Representatives for their service, sacrifice, and commitment to our country and to our freedom.

While we struggle to express our sorrow over this loss, we can certainly take pride in the examples Robert and Bryan set as soldiers and friends. Today and always, they will be remembered as true American heroes, and we cherish their legacies.

May God grant strength and peace to all those who mourn, and may God be with all of you, as I know he is with Robert and Bryan.

#### THE DOCTORS CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY of Georgia. Mr. Speaker, I thank you and I thank my leadership on the Republican side, Leader BOEHNER, and our leadership team for giving me the opportunity this evening before this packed House Chamber, of course, Mr. Speaker, with the exception of those few names that you just read off, but on this occasion of the 3-month anniversary, if you will, the 3-month anniversary of the signage into law of the health care reform bill, better known as the Patient Protection and Affordable Care Act of 2010, sometimes referred to, with no disrespect, as ObamaCare, not unlike HillaryCare of 1993, which never became law.

And, Mr. Speaker, indeed, when I say ObamaCare, I do not mean any disrespect, although I consistently, along with my colleagues on this side of the aisle, voted against the passage of that legislation. I would hope, Mr. Speaker, I would hope when we on my side of the aisle, on behalf of the American people who overwhelmingly continue, 3 months after passage of this bill, continue in all polls taken oppose this legislation, so when my Republican colleagues and I, Mr. Speaker, regain the majority and control this Chamber and we repeal ObamaCare and we replace it with legislation that I am going to talk a little bit about tonight, I would not be offended in the least, Mr. Speaker, if they called it GingreyCare, or maybe even better Dr. GingreyCare. I would be very proud of that.

Mr. Speaker, the concerns I think of the American people and their continued opposition to this reform is not that they are opposed to certain health insurance industry reforms. No, not at

all. Nor are we in the loyal minority for things like the rescission of a policy after the fact. So many of our colleagues in their own families, or maybe their distant relatives, extended families, have seen situations like that where health insurance industry abuse directly affected their families.

I have a grand-niece who went into the hospital, Mr. Speaker, to have a gall bladder removed. It was an emergency situation. And after the fact, she was told that the health insurance that they had had for a number of years—her family, of course, her mom and dad, that covered the children—was not going to cover, would not be applicable because somewhere in filling out that policy, 8, 10, 12, 14 pages worth of minutiae, they failed to dot one I or cross one T. Fortunately, as a Member of Congress, and this is what we do in regard to helping not just our constituents but our family members as well when we can work with other Members of Congress in their district, we were able to get the insurance company to pay that claim.

But people across the country are rightly outraged about health insurance abuse. And we need to change that. We need, indeed, to make sure that people with preexisting conditions have a way to be able to get affordable health insurance. And certainly that can be done and was being done even before this bill, Mr. Speaker, in a number of States where they have these high-risk pools. And the health insurance companies that are licensed to sell their product in those specific States, like my State of Georgia, are required to participate in these high-risk pools and are not allowed to charge, say, an arm and a leg—that really gets medical, doesn't it—but you know what I mean, my colleagues, way over and above four, five times what a standard policy premium would be. Well, that's a de facto denial of coverage. So we all agree that that needed to be changed and the American people would like to see that changed. Of course they would.

But their concern, and I see this, Mr. Speaker, every time I go back home. And I go home, as most of my colleagues do. As soon as we get out of here, we head to the airport so we can get back in our districts and have those town hall meetings and those tele-town hall meetings and, you know, go see folks at senior centers and church and Rotary clubs and Kiwanis clubs and wherever our constituents are, ballparks with their children on Saturdays. And we talk to them about these things and we listen to them. More importantly, we listen to them.

And what I have heard from day one, Mr. Speaker, I am talking about a year-and-a-half ago, was: Why are we doing this? Why are we doing this when 15 million of us are out of work? The unemployment rate in Georgia is 10

percent—a little higher in my 11th Congressional District of northwest Georgia. We need to go back to work. Why are you men and women in Congress, you Democratic majority, Republican minority, why aren't you all working together in a bipartisan way to stimulate this economy and to put us back to work? Many of us have been out of work for 6 months or more and we don't have health insurance but, you know what, we don't have a job either. And we will take our old job back even if we don't have health insurance. Eventually, we will be concerned about that, but right now we can't put groceries on the table. We can't clothe our children. We can't pay our taxes. We cannot pay the mortgage on our home. We are going to lose the roof over our head. And you guys are spending a year-and-a-half trying to figure out how to come up with a trillion dollars. We know how you're doing it. You're doing it by slashing the Medicare program to the bone, \$500 billion worth, and you are raising taxes \$575 billion worth. How is that going to create jobs?

So, Mr. Speaker, that's why the people were opposed to this. That's why the people in the Commonwealth of Massachusetts, the Bay State, elected SCOTT BROWN to replace Teddy Kennedy, a Senate seat I guess held by the Kennedy family going back to our former President JFK, all those years. And the whole delegation in Massachusetts is totally Democrat. But the people in the Bay State, when SCOTT BROWN was campaigning, Mr. Speaker, what was his main point to make on behalf of his candidacy? I am going to go to Washington, if you give me this opportunity over Ms. Coakley—a decent candidate in her own right. You give me this opportunity, and I am going to be the 41st vote in the United States Senate, and you know what that means. That means that stops this bill dead in its tracks under regular order, under normal operating procedures.

□ 1945

The people of Massachusetts understood that. They understood that very clearly. They were, Mr. Speaker, very concerned, weren't they, about Commonwealth Care? They had had about 2, 2½, 3 years of that, and they knew that the cost of health insurance with that kind of approach, those premiums didn't go down; they went up. They wanted no more of that. They wanted SCOTT BROWN—the Honorable Senator SCOTT BROWN now—to go to Washington and be that 41st vote, so that cloture could not be invoked, the filibuster could not be overridden, and this bill could be stopped dead in its tracks.

And it would have been, Mr. Speaker. It would have been, except for smoke and mirrors, hook or by crook, promise them everything, anything you have to

to get a vote, and then this arcane, strange stuff called reconciliation. And really, Mr. Speaker, what was done here 3 months ago, we celebrate this 3-month anniversary, a bill, a massive 2,500-page bill, was crammed down the throats of the American people.

Now they ain't done. I will say this, Mr. Speaker. It ain't over—it isn't over—it isn't over until the people win. And I tell them, I tell them in Georgia and my colleagues tell them all across the country, you resist. You continue to resist. Don't roll over and say, it's done, it's a fait accompli, it's passed, there's nothing we can do about it.

Yes, there is. Yes, there is. We can resist, we can resist, we can resist right up until November 2; and then we can make some changes. We can't change hearts, so we change faces, Mr. Speaker. And then we repeal. And then we start over. And we do this in the right way. We do it indeed by making sure that health insurance companies don't continue to literally abuse their clients by rescission of policies, by denying coverage.

All of these things we can take care of, and we could do that probably in six or eight pages' worth of legislation. It doesn't take 2,500. It doesn't take the creation of 130 new bureaucracies. It doesn't take 15,000 new IRS agents to go over with a fine toothed comb everybody's return to make sure they not only have a health insurance policy but the one the government dictates to them; and, lo and behold, if they don't, they get to pay a fine, eventually of up to something like \$695. And if they don't pay the fine, Mr. Speaker, John Q. Public gets to go to jail, spend a little time in the crossbar hotel, as my father used to call it.

Can you imagine in this country that that could happen under the ruse of the commerce clause? Indeed, what does the commerce clause of our Constitution say? I know I have it here somewhere in my pocket. I try to keep that with me all the time. In fact, I tell folks in my district, if you catch me without it, the first person that catches me, I'll have a \$5 bill in my pocket to hand to them.

But when you look at the commerce clause, it doesn't mandate commerce; it regulates commerce. And that's so important, Mr. Speaker, for our colleagues to remember. You can't mandate to someone that they engage in commerce, that they buy something against their will. If they're involved in commerce and it's interstate, and I realize most commerce is interstate, then the government's heavy hand is always involved, to regulate. But to mandate? To tell a young man or woman who has just graduated from college or maybe had a nice job opportunity straight out of high school, and they're making less than \$25,000 a year, they take care of themselves, they're healthy, they were an athlete in high

school or college, they don't smoke, they don't drink, they're not obese, they don't have a family history of heart disease or cancer. Indeed, their family seemed to have the Methuselah gene. They have grandparents in their late nineties. Those people that decide, even though maybe their employer offers health insurance and pays 60 percent of the premium or 50 percent of the premium but they've got to pay the other half, and they can't afford it. They just can't afford it. So they opt to take a chance and hope that that healthy living will serve them well, and it will be many years before they'll have a need to spend a great deal of money on health insurance.

You tell me, Mr. Speaker, my colleagues on both sides of the aisle, that they should not be allowed to do that in this country? To continue to forever be able to make that choice? I'm not as a physician Member going to stand up here and say that that's what I would advise them to do. No. I would be glad to do a public service announcement, if somebody would pay for it, saying, folks, don't take that chance now. It's kind of like riding a motorcycle without a helmet. It might look cool with your sideburns flapping in the breeze, but there's a tree up ahead, or somebody is going to run a stop sign, and you don't have much protection.

I would encourage them to try to economize and maybe have a health insurance policy that has a very low monthly premium and a high deductible. That deductible, let's say, is \$3,000 or \$4,000. In other words, they're going to have to pay the first \$3,000 or \$4,000 each and every year of health care expenditures out of their own pocket. But in return for that, their monthly premium is low, very affordable, and it gives them catastrophic coverage so that if they do hit that tree on that motorcycle without that helmet and they have a massive head injury and they're not dead but they're in a coma for a long, long time, that they're not financially totally wiped out and forced into bankruptcy. They have that kind of protection. That's called a health savings account combined with that low monthly premium, high deductible with catastrophic coverage.

Those plans, Mr. Speaker, have gotten so popular. They were limited by Teddy Kennedy back when they were first proposed a number of years ago, but since then they have been expanded and are very popular with young people. So, so many of these folks that are so-called "uninsured," they're really not uninsured; they have some coverage, and it is good coverage. But under this bill—now I know people will say, well, that doesn't kick in until 2014, 2013.

Hey, Mr. Speaker, it seemed like yesterday when I walked off the campus of St. Thomas Aquinas High School in Augusta, Georgia, in 1960, and I

thought I was done learning and grown up. And it seemed like that was yesterday. By golly, it's been 50 years ago. So the time flies. It will be like a blink of an eye, we'll be at 2014, 2015, and all these horrendous requirements in this bill, ObamaCare, will kick in: like the requirement under penalty of law with those IRS agents, 15,000 of them, looking over your returns and, ah, we caught another one. I don't know, maybe they get a bonus every time they catch some poor, young individual who's not poor enough to be eligible for Medicaid or PeachCare or SCHIP, that's taking a chance, and even those that have the insurance but it's not adequate because the Federal Government said, oh, that's not good enough, we want first-dollar coverage, we've cut this deal with the insurance company for them to go along with ObamaCare, and we're going to require first-dollar coverage.

That's the kind of thing that really, Mr. Speaker, is appalling to me as a physician Member. I am honored to be cochair of the GOP Doctors Caucus along with my good friend from Pennsylvania, psychologist TIM MURPHY, child psychologist, author of several books, and now a lieutenant commander in the Naval Reserves. These are the kind of folks on my side of the aisle.

There are about 15 of us. Most are MD's. We have probably 375 years' worth of clinical experience. The whole spectrum of specialties: whether it's OB-GYN, my specialty; or family practice, the specialty of Dr. JOHN FLEMING; gastroenterology, the specialty of Dr. BILL CASSIDY; psychology, the specialty of TIM MURPHY; cardiothoracic surgery, the specialty of Dr. CHARLES BOUSTANY; OB-GYN, again the specialty of MIKE BURGESS and PHIL ROE; orthopedic surgery, the specialty of my colleague from Georgia, TOM PRICE; family practice, indeed, house-call medicine, the specialty of my colleague again from Georgia, Dr. PAUL BROWN. I could go on and on.

These are Members on our side of the aisle who were just begging, calling, writing letters to the White House: let us participate. We know about that sanctity of the doctor-patient relationship. We know what rationing will do and the fear that our seniors have of being rationed because they're too old to have taxpayer dollars spent on their hip replacement. So you just say, no, take a couple of Advil and we'll buy you a walker, maybe even a wheelchair, although that's debatable as well.

And, Mr. Speaker, to compound this problem, ObamaCare, now our President has named the new director of CMS, Centers for Medicare and Medicaid Services, Dr. Donald Berwick. Dr. Berwick may be a fine human being, I'm sure he is, I don't know him personally, but I have read quotes and I

know that he's written a book. And one of those quotes, and I'm not going to be able to give it verbatim, but basically, Mr. Speaker, says, it's not if we need to ration; it's that we need to ration with our eyes wide open. It's not if we need to ration care, but that we ration with our eyes wide open.

I'm looking forward, as a member of the Energy and Commerce Committee and the Health Subcommittee, to having Dr. Berwick soon after his appointment as director of CMS to come before the committee and explain to us just what he means by that. So that the seniors who are relying on Medicare, like my mom, my 92-year-old mom, is she going to be able to, as she did last year, to have her knee operated on? Or is she just going to get a walker and a bottle of Advil and told, you're just too old? We can't afford it. We're going to ration care.

Again, this is what people are concerned about. Mr. Speaker, when half of the pay-for, the trillion dollars, to be able to get an additional 15 or 20 million people into some kind of health care coverage, whether it's these State exchanges, or eventually I'm convinced that the real plan is to go to a U.K.-type system, Canadian-type system and have national health insurance; the Federal Government to take over one-sixth of our economy, one-sixth of our entire gross domestic product, \$2.5 trillion a year, the Federal Government controlling this, lock, stock and barrel.

□ 2000

Madam Speaker, the American people don't want that. The American people didn't want the Federal Government to completely take over the student loan industry, but they did. This President did. This majority did, Madam Speaker. The American people don't want a cap-and-trade bill, an energy bill, that results in a \$1,500-a-year minimum increase in the cost of electricity in this country. The American people don't want that.

The American people want our borders secured, Madam Speaker—ask any of them—and not just the people in Arizona. Ask the people in Georgia. Ask the people in Michigan. They want our borders secured. They don't want amnesty. That was tried in 1986, and I think something like—I don't know—6 million, maybe, were granted amnesty, and now we've got 12 million to 14 million illegals in our country.

So it is just a fact, as I said, Madam Speaker. It's not that people don't want to have more affordable health care, lower insurance premiums, and better coverage. They want that—of course they want that—but they don't want the Federal Government to take it all over and to literally come between a doctor and her patient in an exam room:

No, no, Doctor. You can't do that. It says here in the manual that bureau-

crat No. 128 of the 131 new ones is over that, and you can't order that test because there is a cheaper way to do it.

The doctor says, Well, yeah, but you know, for this patient, I know this medication will work. We tried the other, and it didn't work for my patient. In fact, she had a bad reaction to it.

Well, you're going to have to get a waiver then, Doctor.

But, Madam Bureaucrat, the patient needs care today.

Well, you know, we'll probably have an answer for you in a week or two.

That is the kind of stuff that we are talking about. So I'm going to tell you this, Madam Speaker. That is the reason there are physicians all across this country, on both sides of the aisle, who are seeking the nomination of their party to come join us, to become one of the 435 or one of the 100 in the other body. I've never seen so many running for office, giving up, you know, more lucrative careers financially than what you earn as a Member of Congress.

They want to make a difference. They want to make a change. They are, I'm sure, pretty frustrated and disgusted about their lot, about their wonderful medical profession that many of them devoted 25, 30 years of their lives to. They probably didn't even get started until they were in their early thirties and had \$200,000 worth of student loans to pay off.

They went through all of that, and now we're going to come along and say, Well, you doctors work for us now. You work for the President. You work for Ms. Sebelius. You work for Dr. Barwick. We are going to call the shots. Not only are we going to set your salary—and, indeed, until today, you were facing a 21 percent cut, a 21 percent cut over last year in what we reimbursed you for anything: seeing a patient, doing a consultation in your office, making a diagnosis, taking out an appendix, delivering a baby, seeing someone at 2 o'clock in the morning in the emergency room—but, if they are Medicare, we are going to pay you 21 percent less.

Actually, Madam Speaker and my colleagues, that went into effect last Friday. So, for any claims that Medicare was holding, the doctors will be reimbursed. Now, yeah, okay. In this bill we passed today, they will be able to hire, I guess, a new employee who will spend the next several months re-submitting those claims. Maybe, within a year, they will get that 21 percent cut back.

Though, do you know what we did here today? It's amazing. We should have done this months ago. We certainly should have done it last Thursday so that this effect, this cut, this 21 percent cut, would not have been allowed to go into effect.

Madam Speaker wanted to hold that up so that these other things could get

done and could be attached to it. In other words, kind of using this as an incentive to pass some other things that—yes, you guessed it—involved more government spending, more deficit, and more debt. Thank goodness our colleagues on the other side of the aisle, and especially our Republican colleagues, said, no, we will not vote for that. We are \$13 trillion in debt, and our deficit for the year is \$1.6 trillion. If you look at it over a 10-year period, it is going to average to about \$850 billion worth of red ink each and every year over the next 10 years. We are not going to spend another dime on whatever you want to call it—Stimulus I, Stimulus II, Stimulus III. The first one hasn't worked. Yet our Speaker wanted to hold out for the passage of that and, really, figuratively, wanted to hold a gun to the heads of the doctors.

Well, we finally did pass it, as a stand-alone measure, to mitigate those cuts, but do you know what? Colleagues, you know what. Of course you do. We mitigate it until the end of November—barely 6 months. Then, all of a sudden, they are hit with it again. If we don't permanently fix this problem, then next year the cut will be 25 percent.

With ObamaCare, with the Patient Protection and Affordable Care Act, we had an opportunity, and the President promised the doctors at the convention of the American Medical Association in Chicago, his hometown, that tort reform would be in there, that payment reform would be in there—"in there," the bill, the Patient Protection and Affordable Care Act—but, oh, no, it was stripped out because it cost too much. Yet we gutted Medicare of \$500 billion, and \$130 billion of it was taken from the Medicare Advantage program.

Fully a fourth of our seniors on Medicare get their care from a Medicare Advantage plan. Why? Because screening procedures are offered and paid for. Annual physical examinations are offered and paid for. Nurses call the patients to make sure that they are taking their medications—and the medications are paid for.

Yes, it costs a little bit more, and our majority party said, Well, you know, we shouldn't be paying more for those programs, but look how much more you're getting if you believe in wellness rather than in just treating episodes of illness?

That's why you came up with this program, for goodness sakes. That's why we passed Medicare part D, the prescription drug part. This was when you criticized us so severely back in 2003 and said, Oh, you're not paying for that. It's going to cost another \$450 billion on the Medicare program to provide these seniors with coverage for their prescriptions.

Well, Madam Speaker and my colleagues, you know that many of these seniors—I know. I'm one of them—are

taking four, five or six medications a day to lower their cholesterol, to lower their blood pressure, or to get their blood sugar in line to make sure they don't end up on renal dialysis, to make sure they don't end up having their coronary arteries bypassed or stented.

□ 2010

In the long run, this cost of Medicare part D will be a savings because we won't be spending as much money paying cardiothoracic surgeons to crack people's chests; we won't be paying nursing homes for all these folks that couldn't take medication for the blood pressure that end up with massive strokes and, God bless them, they didn't die and they are in a nursing home for the rest of their lives, which may be another 20 years. So in the long run, that bill was a good bill, and we will save money because we will shift costs from Medicare part A and part B to part D, the prescription drug part. And isn't it a more compassionate way to treat a human being?

Madam Speaker, I'd like to suggest that we have a lot of good ideas that were ignored. But it ain't over. It ain't over.

I've got a couple of posters here I wanted to show my colleagues. I don't know how much more time I have. Maybe I will ask the Speaker how much longer we have.

The SPEAKER pro tempore (Ms. MARKEY of Colorado). The gentleman has 26 minutes remaining.

Mr. GINGREY of Georgia. Madam Speaker, thank you very much.

Well, I said, colleagues, that I'm representing the Republican minority tonight during what we call the Leadership Hour. Our Democratic colleagues will have the second hour. They may refute every word I've said, Madam Speaker. I hope not, but they could. But that's what we do up here. And it's important that we try to bring, as honestly as we can, from our own perspective our views so we can learn from each other. But, again, as representing the leadership and as cochair of the Doctors Caucus, as you can see on this first slide, this just says: Yes, today, ObamaCare. Three months later.

I'd like for my colleagues to pay attention to the easel, if you would, because I want to go through a few important things—quotes and promises. What we were promised. And this is a quote, "Health care reform that will provide access to quality, affordable health care for all Americans is now law. The enacted reforms will help bring down costs for American families and small businesses. It will give all people the security of health insurance that can't be taken away." The majority leader, the distinguished gentleman from Maryland (STENY HOYER) said that on June 23, 2010. I believe that was Wednesday. That was yesterday that STENY HOYER made that quote, that statement.

Well, that's part of what we were promised. Here's what we got. My colleagues, again, I refer you to the easel: ObamaCare hurts small businesses. And these three bullet points. Small businesses were promised a tax credit to help with compliance with ObamaCare. On paper, the credit seems to be available to companies with fewer than 25 workers and average wages of \$50,000, but in practice, a complicated formula that combines the two numbers, that works against companies that have more than 10 workers and \$25,000 in average wages.

I will give you an example on this same slide, the last bullet point. An Illinois furniture supply store owner, Zach Hoffman, he ran the math. And his small business with 24 employees and \$35,000 average wages would get—listen carefully, colleagues, if you can't see it—zero help because he created too many jobs and he paid them too much. And he's got 24 employees and an average salary of \$35,000, and he's not going to get any help. So much for the promises.

More of what we got. More of what we got. ObamaCare hurts all employees. Increased costs. The majority of employers anticipate health care reform will increase health costs. Most say they plan to pass on increases to their employees—they have no choice—or reduce health benefits and programs. Some say that less benefits will be available for retirees.

Now, I want to elaborate on this a little bit. More than three in four employers—85 percent—believe health care reform will reduce the number of large organizations offering retiree medical benefits, and 43 percent of employers that currently offer retiree medical plans plan to reduce or eliminate them. Well, let me explain that to my colleagues.

Shortly after ObamaCare became law, a number of companies—IBM was among the companies; Caterpillar. I can name several others that would be recognized, I guess, by everybody in the Chamber as Fortune 500 companies—companies that employ a lot of people, companies who have a lot of retirees who were promised that they would have a health care benefit, and if they retired at age 50, they could rely on that company providing them health care until they became eligible for Medicare, and then I guess it would become secondary to Medicare. But what a great benefit. But after all, when you work for a company—I guess a lot of people don't do that today, Madam Speaker. But if you spend 25 or 30 years, 5 days a week, 365 days a year being loyal to that company, you have earned it. It's not a gift. It's something that you have earned.

And when Medicare part D was passed, a lot of concern on the part of the Federal Government that these companies would just say, Well, okay,

we'll just drop the coverage for our retirees and they can, when they get eligible agewise for Medicare, they'll just pick up their health care then.

Well, a tax break was given to these companies on that cost that they incurred in providing the health care benefit for their retirees, and indeed it did include prescription drugs for many of these companies. And all of a sudden with this new law, ObamaCare—ObamaCare, Patient Protection and Affordable Health Care Act—that tax break was taken away. I really didn't realize it. I'm on the Energy and Commerce Committee and very involved in all the markups and back-and-forth that went on for a year, but I wasn't aware of that provision. But in the aggregate, something like \$6 billion worth of tax advantage to incentivize these companies to continue to pay the health insurance for their retirees was taken away.

Well, they were required, the companies, as this was a cost to their bottom line, the SEC requirement was that they immediately let the SEC know, to make a filing to that effect. And what they did, they were literally threatened to be drug before the Energy and Commerce Committee with the threat of subpoena to come and prove they weren't lying.

Madam Speaker, my colleagues, and the American people, that is a pretty scary scenario, is it not? Is it not? It's unbelievable is what it is. But these companies submitted all the required documents that the committee demanded and then the committee realized that the companies were right and they were wrong. This indeed was an unintended consequence. And this bill is riddled with stories like that. It's been 3 months and we're finding something new like that almost every day.

Here's also what we got, as I refer you back to the easel. ObamaCare hurts all employers. Independent Mercer Survey on ObamaCare: 97 percent of employers responded that the legislative changes would cause premiums to rise. And indeed they have.

□ 2020

The survey also examined business' fears about the law's new employer mandate penalties. More than one in four employers, 26 percent, and nearly two in five retailers, 39 percent, may not be in compliance with provisions requiring coverage of all employees working over 30 hours per week. And finally, of those, a majority, 59 percent, said they would consider changing their business practices so that fewer employees work 30 hours or more per week.

So what we're talking about, again, is that this bill, while it may get a few more people health insurance, it's going to cause so many more people to lose their jobs, to add to that 16 million. And, Madam Speaker, as I said

earlier, these people, once they've been out of work a while, they want health insurance, but they also want a paycheck because they have to support their families. And they'll do everything they can to protect their health.

You know, they won't let them walk to school on a busy highway, and they'll make sure they're wearing their helmets when they get on their bicycles. But, you know, food is not free, clothes are not free, mortgage payments are not free.

So, again, this is why the American people said, you know, we're in a rut. We're in a ditch, and we think it's time for you to stop digging. You are making it worse. You are digging the hole deeper, borrowing all of this money and us being \$13 trillion in debt. You cannot spend your way out of debt. It's impossible. It can't be done. It's never been done. Let's get this country back on its feet and get people back to work, get that unemployment rate down to 6 percent again; and then we can do the things that we need to do.

Madam Speaker, I could talk about a number of Republican alternatives. WALLY HERGER, my good friend from California who is the ranking member of the Health Subcommittee on Ways and Means, just introduced a bill within the last couple of days that does all the things that we need to do. And I can assure you, Representative WALLY HERGER's bill is not 2,500 pages long. And that's a commonsense sort of thing.

I am going to mention one other thing to my colleagues, and then I'm going to wrap up this evening. I was so disappointed, and my physician colleagues were so disappointed, Madam Speaker, when the President did not follow through on his promise to do something about medical liability reform, so-called tort reform. We've tried to many times pass that in this Chamber under a Republican majority, but we couldn't get it through the Senate. I have given a lot of thought to that. And particularly when the CBO says that we could save \$54 billion over 10 years, I think it's probably closer to \$100 billion a year. I have seen many other studies that suggest that.

But I think that the bill that I am introducing right now—it's called MEDMAL Act of 2010. MEDMAL is an acronym. It stands for Meaningful End to Defensive Medicine and Aimless Lawsuits. Doctors all across this country are ordering all of these unnecessary tests. They're getting criticized for getting a CAT Scan on everybody that comes into an emergency room with a headache. But I'm telling you, they're doing it not to gin up their own revenues. They're doing it because they're scared to death that if that one in a million situation where the person has a brain tumor or an impending stroke is missed, they will be sued and not only lose all of their assets, they

would lose their profession. We can't continue that way. And I would think Republicans and Democrats alike, if we could join hands can do something about that.

So I have introduced a bill, and, Madam Speaker, I think that it will really make a difference. And I will be talking about that a lot as we go through these remaining 6 months of the 111th Congress and trying to work my colleagues on both sides of the aisle to make sure it's something that's fair, that our trial attorneys who, for the most part, are great people and are very skilled in what they do, and they're representing their clients who have been injured maybe by some doctor or hospital practicing below the standard of care, they deserve their day in court. We don't take that away. That would not be right.

But we also try to end this frivolous jackpot justice that exists today. And I think this bill will do that. So while I don't have too much time to talk about it tonight, Madam Speaker, I certainly do plan on sharing it with my colleagues maybe as we come back next week.

Well, let me thank you for your attention tonight. I thank my leadership for giving me the opportunity. I probably needed another hour to really go over everything that I wanted to talk about. But I think it's important for us to know that the American people are not done with this. As I said, it's not over until the American people win because that's why we're up here. We're up here to win for the American people, not for the special interests, not for ourselves. We're public servants, and we're obligated to continue to work to try to do what's right for the American people. And I think we can and will do that.

#### VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute Special Order of the gentleman from Texas (Mr. GOHMERT) is vacated.

There was no objection.

#### TOPICS OF THE DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Madam Speaker, I have appreciated my colleague's insights. Somebody who has spent his entire adult life working on the issues of health care and trying to be a healer and a helper certainly has a good idea about ways to fix our health care system. It's just a shame that in the health care bill that got crammed down everyone's throat here that my friend from Georgia as well as so many

of the doctors here were not allowed any real meaningful input.

And it is interesting, as we think about the health care bill that was supposed to do so much, and you consider it in light of the Speaker's comments, that we need to pass the bill so we can find out what's in it. Well, we're beginning to find out more and more. Now, some of us read through the 1,000-page bill. We read through the 2,000-page bill, and when we got this one between 2,000 and 3,000 pages, frankly, I put off going through that.

I knew there wasn't going to be much sleep for a while while I was trying to get through that, and I think I got through about all but about 300 pages. It's tough sledding, though, of course when you are reading through a bill that references other sections and subsections and including other laws that unless you actually go look them up, then it's hard to really get a grasp. Since I have been a judge and dealt with law most of my adult life, sometimes you can pick up things others don't realize.

But it really is heartbreaking to realize as more and more people get into this new so-called health care bill just how much damage is being and will be done. You don't cut \$500 billion from Medicare and not end up having seniors that don't get the care they need. You don't end up increasing taxes by \$500 billion, like this did, and not hurt job creation in this country.

I heard a comment just today from someone who's not a Member of Congress, is an economist. He said, You can't love jobs and hate the people that create them. And that seems to be what we're dealing with. We've got a health care bill that punishes employers. If you dare try to provide health insurance for your employees, then you're going to actually end up paying more than you ever dreamed you would. If you don't pay for health care for your employees, if you have more than 50 employees, you're going to be paying \$2,000 per employee, and that's going to get pretty expensive. It's not going to help them one whit with their health insurance.

But we have done so much damage to jobs, it's just unbelievable. And I am getting more calls and emails into my office from people that are shocked because they thought once the ObamaCare bill went through, all of a sudden they would magically get health care like they never had before. Now what people are going to get for the next few years is a lot of extra taxes, \$500 billion in extra taxes, and that's not going to be good for the economy.

□ 2030

But as we approach the end of the year, a number of economists have pointed out, things should start picking up the rest of the year if the gov-

ernment doesn't keep interfering and creating problems as it has been because the economy wants to improve itself if we will just let it. But especially the next 6 months, things should be improving because when we get to January 1, 2011, there are going to be the biggest tax increases in American history. January 1 of 2011, it's coming.

And we have seen over and over, you want to hurt the economy, then just have a big tax increase. Our friends across the aisle constantly enjoy saying it is tax cuts that got us into this problem. It is not; it is the spending that went out of control. When the Republicans had Congress from 1995 to 2000, it is the Congress that got a balanced budget. The President doesn't pass a budget. He proposes one. His wasn't used. The Congress came up with a balanced budget. And despite President Clinton kicking and screaming, he finally came along and signed off on the bill, and we had a balanced budget.

The problem came when we had a Republican President and Republican House and Senate. You had Republicans get giddy and start thinking, gee, maybe the Democrats are right and you can show compassion by throwing money at a problem. You can spoil a child by doing that if you are a parent. You can destroy people's desire to work.

I wish more could have benefited from the exchange program from which I learned so much in 1973. There were eight Americans that were allowed into the Soviet Union that summer on that program. At one point the eight of us were out at a collective farm about 30 miles from Kiev in Ukraine, and I was amazed because the fields looked terrible. I am from east Texas and there is a lot of farming and ranching. I have worked on a lot of farms. I could not believe how bad their fields were. They were just pitiful. It looked like nobody had been working out there. The sun was eating them up, and they weren't doing anything about it. The fields were overgrown with weeds. Anyway, all of the farmers in mid-morning were sitting in the shade. I spoke some Russian back then, and I put together some words and tried to nicely say in Russian, When do you work? And they laughed. One of the guys said, in Russian, I make the same number of rubles if I am here or I am out there in the field, so I am here.

Well, there is your lesson on communism. When you end up paying people the same thing if they are working and sweating and killing themselves to grow crops, or if they are sitting in the shade, laughing, cutting up with their friends, they are going to sit in the shade and laugh and cut up with their friends. It is going to happen. That is why communism has never worked and it will never work.

The Pilgrims tried a form of it out of a Christian thought—if we bring every-

thing in a common storehouse and share things. Even the New Testament Church at one time tried that, and it resulted in the Apostle Paul saying: Okay, new rule; you don't work, you don't eat. The Pilgrims had to do something similar, and they got to a really novel concept: How about if we just give everybody your own private property, it is yours to do with as you wish, but you eat what you grow. You have excess, you can trade it, barter, whatever, use it to buy other things. What a novel idea, giving people private property and letting them be rewarded by the sweat of their brow instead of rewarding their neighbor.

Many people think that, and as a Christian I don't seek to ram my beliefs into someone else, but as a Christian if you care you would like for people to understand what is at risk. But I hear Christians here on the floor who have spoken up and said, You know, Jesus said, as you have done to the least of these, my children, you have done to me. He said we are to help the widows and orphans. He said we are to help the less fortunate. I was naked and you clothed me. I was hungry and you fed me. Where is that compassion in here? What they misunderstand is that Jesus never said go thee therefor, use and abuse your taxing authority, take somebody else's money, and do your charitable work. He meant for you to do it with your own money, your own effort, not go take from somebody else and legalize your stealing from somebody else so you give to your favorite charity. That is not what he intended. He knew in an orderly society you would have need of government. You would need courts. That is why Romans 13 talks about the role of government. If you do evil, be afraid, because the government is supposed to be fair. But fairness is not taking in a form of legalized stealing, taking somebody else's money to give to your favorite charity.

That is why after Zacchaeus met Jesus, the first thing he did was go and cut taxes. Fact is he even created a 4 to 1 rebate for those from whom he improperly took tax money. But you don't hear that kind of talk a whole lot here; you hear you guys are heartless and uncaring.

When you think about eagles or birds, it seems so mean and uncaring for a mother to shove that bird out of the nest and force them to learn to fly. It seems mean. It seems uncaring. But unless they do that, they are never going to learn to fly. There are people who could fly in this country, figuratively speaking, and yet the government keeps pushing just enough money into their hands to keep them subsisting and just enough money to keep them beholden to the big master here in Washington. It is as if there are people here in this city who want people across America to see us in Congress as

the big master. And you are the slave. You are the servant. We want you beholden to us. That's not what this Nation was founded on.

This Nation was founded on the ideas, and you read them and hear them if you study history—I had wonderful history teachers, and it breaks my heart to hear people who don't understand where we came from and the basis for this country. But it was not to lure people into subsistence and dependence on the government. That was never the purpose. It was to inspire people. It was to give them liberty and freedom and say you can be anything you want to be. And some of us were blessed to have parents who loved us and would say that: you can be anything you want to be.

□ 2040

And now today, unfortunately, surveys are showing, indicating 70 percent of American adults, first time in our history, are saying we don't believe our children are going to have the opportunities and liberties, the life as good as we have had it. That is tragic. And that is why some of us ran for Congress, because we are going to do everything in our power to prevent that from happening, so our children can have an even better life, better liberty, better freedoms than we had. It can still happen, but it cannot happen when this government is determined to make people completely reliant on it.

One of the things that drove me to run for Congress, to leave the judicial bench, was I knew judges were not supposed to legislate, and I didn't. Sometimes I didn't like the laws I had to follow, but if we were going to have a rule of law in this country, judges have to follow the laws, and I did. But it was seeing how many examples over and over presented themselves that had indications that government lured these people away from their God-given potential and into ruts from which they could not extricate themselves, with no hope of getting out unless they committed a crime. That's the way it would look to them. How did we get so far afield from the foundation of this Nation that inspired people to reach their heights?

And I understand, I mean we're all affected by how we're raised and the people that had an impact on our lives. And I am sure there are those in America who, if they came from a broken home, there are even people who have been given everything with a silver spoon who would seem to have come from nothing and yet had the best schools all the way up, had the greatest things. And I can understand if somebody has been given everything their whole life that they've ever wanted that they would think, Well, we need to do that for other people because, look at me, I've reached the top and, you know, I had everything given

to me. I never really had a real job, never really had to work to earn things for myself. Everything was given to me, so let's just give everything to everybody else.

Unfortunately, we come back to the quote I read earlier, "You can't love jobs and hate the people who create them." It doesn't work. And jobs are not created for very long by government without hurting the private sector, meaning eventually the government takes over everything, provides the jobs. And there's no better example of where that goes than we had in the Soviet Union.

Eventually, just like the Pilgrims, just like the New Testament church, people in leadership realize we've made a mess. Now, the question is: Can we get back on track? It was one of the Caesars that realized providing bread and circuses had made the people lazy, they were unproductive, and it was destroying the Roman Empire. And he tried to do away with bread and circuses to push people, as the mother eagle does, push the baby out of the nest so it will be forced to fly.

Unfortunately, when you have made them dependent for so long, for too long, they don't fly. They start rioting in the streets. They don't reach their potential. They start destroying what others have and what others have created for themselves, and you eventually destroy the society. They had to reinstate the bread and circuses, and they knew there was no way to avoid the eventual end because people had become too dependent on government.

Phil Gramm used to say, when you got one more in the wagon than pulling the wagon, the wagon's going to stop. We've gone from 39 percent of U.S. adults not paying income tax now approaching 50 percent. And when we get over 50 percent, if those people that do not pay any taxes all vote, then we're done for, because you'll have people picking the leaders, just as has been predicted thousands of years ago, you will have people selecting the leaders based on how much they will be promised from the public treasury, and the public treasury will go broke. And then you are put to the situation that the Soviet Union had. You can't print it fast enough to get out of debt. You can't borrow enough to sustain you any longer, so you have to announce this country is out of business. We're done. And that's where this country is going.

My friends across the aisle in 2005 and 2006 who complained bitterly about deficit spending were right. We should not have been deficit spending. It's a big reason that our friends across the aisle won the majority. But in the 4 years since, nearly 4 years, we have gone, in one case, a \$160 billion budget to a \$1.6 trillion budget. They said the right things. I thought they believed them. You've got to stop deficit spending. Yet here after the majority shift-

ed, we have found ourselves with 10 times the deficit that we were beat up for, properly, 4 or 5 years ago. The deficits have to stop. We are destroying this country.

You look back at what President Reagan did, had a great economist, Art Laffer. And he had said you need a 30 percent tax cut. If you will cut taxes 30 percent, you will see this economy explode. Unfortunately, that 30 percent tax cut was put in place over a 3-year period. In 1981, there was only like a 1½ percent tax cut; in 1982, a 10 percent tax cut; in 1983 about a 20 percent tax cut. So just as Laffer predicted, when he got so troubled when he heard that it was going to be phased in over 3 years, he said 1981 and 1982 are going to be disastrous, 1983, when the full tax cut comes through, it will be terrific. And that's what happened, and that's how President Reagan got a second term.

The big tax cuts came through. The problem was deficit spending did not stop. And it's carried on even today, with that brief interim. When the serious Republicans took the majority, 1995 to 2000, they balanced the budget. But we've got to get back to that or those 70 percent of American adults who think their kids will not have it as good as they did, they will end up being right.

Now, look at some of the judgment that is being utilized these days. You have people that say they believe in the law, and yet you had a Federal judge say you can't act arbitrarily and capriciously and just ban all offshore drilling even among people who are doing everything right.

You know, I betcha if the Federal Government had said we are going to have a moratorium on our dear friends, the big Democratic contributors from a company called British Petroleum, if we just have a moratorium on British Petroleum offshore rigs, there would have been a basis, because we knew, it appears at least, that they cut some corners. And the more you find out, the more you realize they kind of felt like somebody here in Washington had their back.

They were working with this administration, with the Democratic majority, particularly in the Senate, to pass a number of bills that most people think were not a good idea. But the TARP bill, British Petroleum supported that. The stimulus bill. Most people think, you know, oh, these big oil companies, they are all Republican. Well, if you look, just like Wall Street, Wall Street gives about four to one to Democrats over Republicans. And with British Petroleum, they were working so closely with the administration and with Democrats in the majority, as one article talks about, Senator KERRY communicating with, working with British Petroleum to try to pass the crap-and-trade bill at the very time that the Deepwater Horizon blew out.

□ 2050

It is beginning to appear that British Petroleum used a cheap way of drilling in such deep water. It shouldn't have been used in such deep water. That is what is beginning to emerge, it appears may be the case, and that it seems like there was almost an attitude that we don't have to worry; we're big buddies with the White House and with the majority. They've got our backs; we can cut corners.

We find out Minerals Management Service sent out their two-man unionized father-and-son team to be the last team of offshore inspectors that inspected the Deepwater Horizon. There's certainly plenty of anecdotal stories about how the inspections were not occurring as they should and there were gifts changing hands, all kinds of problems.

We find out that a lady who was in the Clinton administration that actually signed the notices about the deepwater leases, offshore leases, back in '99 and '98, that pulled the price adjustment language, which has now apparently cost our country billions of dollars from its Treasury where they should have gone to big companies like British Petroleum. It turns out that lady went to work for British Petroleum for 8 years, from 2001 until 2009; and then in June of 2009 she came back to work for Minerals Management Service, even though we heard from the Deputy Secretary of the Interior, oh, yeah, she's recused her from areas where she may have a conflict. Give me a break. From British Petroleum?

No wonder they thought somebody here in Washington, their Democratic majority friends, the White House, had their back, so they could go cheaply, they could cut corners and make extra profit because they were in with the powers that be here in Washington. They were in. They were in favor of the crap-and-trade bill. They had supported TARP. They had supported the stimulus. And this administration loved having a big oil company that supported them on this stuff so that they could tout that.

So, sure, BP thought they had their back covered. And it was only when, after a number of weeks when it became very clear that the American public was furious, appropriately, at British Petroleum, that the administration realized they needed to throw them under the bus, and so they finally did. But what better thing to do, if you're going to hurt one of your friends by throwing them under the bus, then just hurt all the oil companies so that they're all hurt equally, except, of course, the one we heard on television that may be George Soros' biggest individual investment, over \$900 million to drill offshore Brazil. We loaned them \$2 billion from this country even though we won't drill our own stuff and have a moratorium.

In this article about the deepwater drilling ban and the Federal judge, Feldman, that lifted it, this article, and this was from Bloomberg, indicates that Judge Feldman granted a preliminary injunction halting the moratorium and immediately prohibited the U.S. from enforcing the ban. Government lawyers told Feldman the ban was based on findings in a U.S. report following the sinking of the Deepwater Horizon rig off the Louisiana coast in April.

But then Judge Feldman, after he reviewed that, said: "The court is unable to divine or fathom a relationship between the findings and the immense scope of the moratorium." The quote continues: "The blanket moratorium, with no parameters, seems to assume that because one rig failed and although no one yet fully knows why, all companies and rigs drilling new wells over 500 feet also universally present an imminent danger."

I bet if they had just only imposed a moratorium on this administration's former dear friend and the majority, particularly in the Senate, British Petroleum, then that moratorium probably would have held, because there are, seem to be, indications they were cutting corners.

Judge Feldman said this, also: "The court cannot substitute its judgment for that of the agency, but the agency must, quote, cogently explain why it has exercised its discretion in a given manner." Judge Feldman then says "it has not done so" and that it must be "immediately prohibited" in order to avoid "irreparable harm."

And then what seemed to be offensive even more so from this administration was announcing that there would be an appeal even before the opinion was read. It's as if this administration really and truly does not care about the law. We saw that with the auto task force. Their bankruptcy laws say there have to be time for alternative plans for reorganization, secured creditors take the first, unsecured creditors take last and least. Those laws were turned, just thrown out by an auto task force meeting in the White House, appointed by the President, without any confirmation from the Senate, without any input from Congress.

We couldn't even find out what was discussed in those meetings. They just threw aside the bankruptcy law, threw aside the Constitution that says before you can take property there must be due process, threw all those laws to the side, completely dismembered the Constitution and the bankruptcy laws and found a bankruptcy judge. Perhaps since they have to be reappointed, it's not a lifetime, this bankruptcy judge was hoping to be reappointed as a bankruptcy judge, perhaps he was hoping for a lifetime appointment, but the judge signed off on it. Clearly illegal.

The Supreme Court should have stopped it but apparently the adminis-

tration scared enough of the Supreme Court judges that if they held up this bankruptcy plan and the sale to an Italian, an inferior car company, then all people in the car business would lose their jobs, and they used scare tactics and got even the Supreme Court to overtly walk away from the Constitution and ignore it. And this is the kind of thing we see now. They won't even read the opinion of the judge to see if it makes sense, just simply announces we're going to appeal.

But then again, what would you expect from an administration that didn't have the decency to call the Governor of Arizona and say, you know what, Governor, we owe you an apology. We are so sorry. We should have been doing our job as a Federal Government. We should not have allowed 75 percent of gang members who are violent in this country to be here illegally. We shouldn't have allowed illegals to destroy wilderness area national parks and put people at life and liberty at risk, property at risk. We shouldn't have allowed that to happen to Arizona. We should have done our job, and we're sorry.

Oh, no, that didn't happen. Instead, the Secretary of State was sent to Ecuador to tell Ecuador, since I guess the administration thinks we owe Ecuador more than we do one of the 50 States, of the U.S. citizens, we owe more to Ecuador apparently, so they were told about the lawsuit that would be forthcoming against Arizona's law from people who announced without ever reading the law that it was a terrible thing, it was racist, it was profiling; and they had not even read the law.

□ 2100

You know, it's scary. It's really scary what's going on around here when the law doesn't matter. I never thought I would see a time in our country's history like this when the law just didn't matter.

"We're in power."

I really enjoy Bill O'Reilly's show on Fox, but I heard him say the other night, What's wrong with the President's bringing in a company CEO and having the Attorney General there, who has already announced he is investigating them? He wants to charge them with a crime, and have him sitting there for no other reason, obviously, than to intimidate the CEO of British Petroleum and to get them to fork up a \$20 billion fund. There is a reason that one man in this country is not supposed to have that kind of authority to extort money.

Bill O'Reilly said, oh, he thought it was fine. In fact, he would even go in with a machine gun and force them to give up that kind of money. I hope and pray he got carried away when he made that comment and that he really doesn't believe that, because what that would be saying is, when someone does

something as hideous as what British Petroleum has done here—taking lives, wounding, injuring people, destroying landscape, destroying vast areas—it's okay if you become a criminal if they have been so very negligent.

It's not okay to let someone's negligence force you into becoming a criminal. We've got to be above those things, and we've got to follow the law. There are laws that say you cannot abuse your office by threatening prosecution unless someone does something financially that you direct.

Anyway, these are just amazing times when smart, people, with wisdom on most occasions, are letting that go to the wind as a result of some heinous negligence—and maybe at some point we'll find out—some criminally negligent activity, as we've seen from British Petroleum.

We owe it to Arizona and the people of the United States to enforce the borders. There are people coming into this country who want to destroy our way of life.

I talked to a retired FBI agent who said that one of the things they are looking at are terrorist cells overseas which have figured out how to game our system. It appears they would have young women who would become pregnant. They would get them into the United States to have a baby, and they wouldn't even have to pay anything for the baby. Then the babies would return back where they could be raised and coddled as future terrorists. Then one day 20, 30 years down the road, they could be sent in to help destroy our way of life because they would have figured out how stupid we've been in this country to allow our enemies to game our system, to hurt our economy, to get set up in a position to destroy our way of life. Yet we won't do anything about it. We'll even sue a State that tries to do something about it.

We have a national park down on the Arizona-Mexico border that now has signs posted to warn American citizens not to go into the area because it is being used by people illegally there. You know, it's kind of like those spaces in roads where a city just doesn't want to spend the money to fix a hole or a bump. So, instead of fixing the problem, they'll just stick up a sign, saying, "Bump." That's what we're doing. We have got a problem. People are putting life and limb and sacred fortunes at risk, and all we're doing is putting up a sign saying that this is a dangerous area and that you probably don't want to come over here.

Let's see. This is an article from Fox News, authored by Joshua Rhett Miller. Anyway, in quoting from the article:

"Roughly 3,500 acres of the Buenos Aires National Wildlife Refuge—about 3 percent of the 118,000-acre park—have been closed since October 6, 2006, when U.S. Fish and Wildlife Service officials

acknowledged a marked increase in violence along a tract of land that extends north from the border for roughly three-quarters of a mile. Federal officials say they have no plans to reopen the area."

We've just got to let the illegal, violent people have that property, and U.S. citizens can't use it. It has been closed.

The article reads, "Elsewhere, at Organ Pipe Cactus National Monument, which shares a 32-mile stretch of the border with Mexico, visitors are warned on a federally run Web site that some areas are not accessible by anyone.

"Due to our proximity to the international boundary with Mexico, some areas near the border are closed for construction and visitor safety concerns," the Web site reads.

We're not going to fix the bump in the road. We're just going to put up a sign that says, "Bump." Well, why don't you spend the money that's being spent on the sign to stop the problem? Instead, States like Arizona are driven to try to protect themselves.

Now, we have got an area down there, a wilderness area in this park, the Organ Pipe Cactus National Park, with a 32-mile stretch. It is wilderness area, so you can't even drive a vehicle. Border Patrol can't drive a vehicle into that area. A helicopter can't land in that area. Border Patrol is not allowed to adequately do their job there. How crazy is that? It's because we've got massive numbers of illegals—some violent, as we've found out—coming in there, doing damage and putting our Nation at risk. Instead, we declare it off limits to our own people. You can't keep a country going when you have that little regard for the country's future safety and current safety.

It's interesting, too. Under U.S. law, the Border Patrol can go onto private land along the U.S. border with Mexico or Canada. It can go in up to 25 miles away from the border to do their jobs except in this national park area. They're not allowed to go in to do their job there.

That's why I've prepared a bill that would direct the Secretary of the Interior or Border Patrol—and this is the way it works in this country, in this government. The law is we have to have a study done to see what would be an appropriate amount of land before we would be allowed to transfer it. This bill would require that a study be completed to determine the buffer area needed to allow for border protection and for environmental protection on lands administered by the Department of the Interior along the border of Arizona and Mexico. Then they'd have to come back very quickly. I put in 6 months. They want to have 2 years normally. We haven't got that kind of time. They'd come back and tell us how much would be appropriate to con-

vey over, away from the park, so that we could adequately control our border. It's the only thing that makes sense in that regard, and I'm hoping that many of my colleagues will sign onto that bill.

Another thing we've done here is we, today, passed a bill making tougher sanctions regarding Iran. They are tougher sanctions, and that's a good thing. The trouble is it has taken so long to get sanctions in place and the centrifuges in Iran have been spinning for so long that, according to the IAEA, they have enough nuclear material to make two bombs now.

Well, let's think about that.

I have a resolution here, and I'm hoping, Madam Speaker, that we will have people who will get on board. I think I've got around 50 cosponsors, but there is no reason that most of the Congress should not be sponsoring this bill, so I would submit the following, and this is from the bill that has been crafted and that I am proposing.

□ 2110

The whereases are as follows:

Whereas, with the dawn of modern Zionism, the national liberation movement of the Jewish people some 150 years ago, the Jewish people determined to return to their homeland in the Land of Israel from the lands of their dispersion;

Whereas, in 1922, the League of Nations mandated that the Jewish people were the legal sovereigns over the Land of Israel and that legal mandate has never been superceded;

Whereas, in the aftermath of the Nazi-led Holocaust from 1933 to 1945, in which the Germans and their collaborators murdered 6 million Jewish people in a premeditated act of genocide, the international community recognized that the Jewish State, built by Jewish pioneers, must gain its independence from Great Britain;

Whereas, the United States was the first Nation to recognize Israel's independence in 1948, and the State of Israel has since proven herself to be a faithful ally of the United States in the Middle East;

Whereas, the United States and Israel have a special friendship based on shared values, and together share the common goal of peace and security in the Middle East;

Whereas, on October 20, 2009, President Barack Obama rightly noted that the United States-Israel relationship is a "bond that is much more than a strategic alliance";

Whereas, the national security of the United States, Israel, and allies in the Middle East face a clear and present danger from the Government of the Islamic Republic of Iran seeking nuclear weapons and the ballistic missile capability to deliver them;

Whereas, Israel would face an existential threat from a nuclear weapons-armed Iran;

Whereas, President Barack Obama had been firm and clear in declaring United States opposition to a nuclear-armed Iran, stating on November 7, 2008, "Let me state—repeat what I stated during the course of the campaign. Iran's development of a nuclear weapon, I believe, is unacceptable."

If I might interject here, this bill was drafted to be extremely bipartisan to show that people on both sides of the aisle have the same concerns. We've just got to get people signed on as co-sponsors so that we can get this to the floor for a vote.

But going back to the resolution:

Whereas, on October 26, 2005, at a conference in Tehran called "World Without Zionism," Iranian President Mahmoud Ahmadinejad stated, "God willing, with the force of God behind it, we shall soon experience a world without the United States and Zionism";

Whereas, The New York Times reported that during his October 26, 2005, speech, President Ahmadinejad called for "this occupying regime—Israel—to be wiped off the map";

Whereas, on April 14, 2006, Iranian President Ahmadinejad said, "Like it or not, the Zionist regime, Israel, is heading toward annihilation";

Whereas, on June 2, 2008, Iranian President Ahmadinejad said, "I must announce that the Zionist regime—Israel—with a 60-year record of genocide, plunder, invasion, and betrayal, is about to die and will soon be erased from the geographical scene";

Whereas, on June 2, 2008, Iranian President Ahmadinejad said, "Today, the time for the fall of the satanic power of the United States has come, and the countdown to annihilation of the emperor of power and wealth has started";

Whereas, on May 20, 2009, Iran successfully tested a surface-to-surface long-range missile with an approximate range of 1,200 miles—which, by the way, if it were on a ship off the Texas coast could get it up to the middle of the country, 300 miles up, and which if exploded, as well-known among those who have looked at the issue, would create an electromagnetic pulse, an EMP, which some experts have told us will fry every computer chip in the country, and indications are even Wal-Mart would not be able to sell a product. Electricity would not be generated. It just is important to note what 1,200 miles means.

Whereas, Iran continues its pursuit of nuclear weapons;

Whereas, Iran has been caught building three secret nuclear facilities since 2002;

Whereas, Iran continues its support of international terrorism, has ordered its proxy Hezbollah to carry out catastrophic acts of international terrorism such as the bombing of the Jewish AMIA Center in Buenos Aires, Argentina, in 1994, and could give a nu-

clear weapon to a terrorist organization in the future;

Whereas, Iran has refused to provide the International Atomic Energy Agency with full transparency and access to its nuclear program;

Whereas, United Nations Security Council Resolution 1803 states that according to the International Atomic Energy Agency, "Iran has not established full and sustained suspension of all enrichment-related and reprocessing activities and heavy water-related projects as set out in Resolution 1696 (2006), 1737 (2006), and 1747 (2007), nor resumed its cooperation with the IAEA under the Additional Protocol, nor taken the other steps required by the IAEA Board of Governors, nor complied with the provisions of Security Council Resolution 1696 from 2006, 1737 from 2006, and 1747 from 2007 . . .";

Whereas, at July 2009's G-8 Summit in Italy, Iran was given a September 2009 deadline to start negotiations over its nuclear programs, and Iran offered a 5-page document lamenting the "ungodly ways of thinking prevailing in global relations," and included various subjects but left out any mention of Iran's own nuclear program, which was the true issue in question;

Whereas, the United States has been fully committed to finding a peaceful resolution to the Iranian nuclear threat, and has made boundless efforts seeking such a resolution and to determine if such a resolution is even possible;

And, whereas, the United States does not want or seek war with Iran, but it will continue to keep all options open to prevent Iran from obtaining nuclear weapons;

Now, therefore, be it resolved that the House of Representatives:

Condemns the government—number one, condemns the Government of the Islamic Republic of Iran for its threats of "annihilating" the United States and the State of Israel, for its continued support of international terrorism, and for its incitement of genocide of the Israeli people;

Two, supports using all means of persuading the Government of Iran to stop building and acquiring nuclear weapons;

Three, reaffirms the United States' bond with Israel and pledges to continue to work with the Government of Israel and the people of Israel to ensure that their sovereign nation continues to receive critical economic and military assistance, including missile defense capabilities needed to address the threat of Iran; and

Four, expresses support for Israel's right to use all means necessary to confront and eliminate nuclear threats posed by Iran, defend Israeli sovereignty, and protect the lives and safety of the Israeli people, including the use of military force if no other peaceful solution can be found within a reasonable time.

□ 2120

Now, that's what we should have passed today instead of sanctions because the sanctions have not been productive, the centrifuges continue to turn, and Ahmadinejad continues to make threats.

Another thing that's been going on is the snubbery of Israel by this administration and the incredibly hurtful vote with Israel's enemies to force them to open up and reveal their most powerful defenses, similar to what Hezekiah did back 2,000 years before there was a Mohammed—back, unfortunately, as Helen Thomas never had anybody kind enough to teach her the truth, the historic truth. Thousands of years before Mohammed, Hezekiah was in Israel—well, I guess not quite 2,000 years. But after he showed the Babylonians his treasure and all his defenses, Isaiah came and said, Because of this, everything they have seen will be taken away.

You don't show your enemies all of your defenses, your strongest defenses because they'll figure out a way to defeat them. And because this administration has been rather rude to Prime Minister Netanyahu—there's a letter that I'm hopeful, Mr. Speaker, that Members will join in signing, bipartisan, Speaker PELOSI and Leader REID. The letter simply, bipartisan in nature, says: "This letter is to simply state the obvious need for the Prime Minister of our dear friend Israel to address a joint session of Congress. He has been here in Washington on numerous occasions but has not addressed a joint session of Congress since 1996.

"In our Nation's history, we have invited over 100 leaders from 50 different countries to speak before joint sessions of Congress. At this time, with the enemies of America and Israel looking for weaknesses in our close relationship, we can show them that Israel is our friend and will be our friend, and we want to hear from its leader, Prime Minister Netanyahu.

"With the magnitude of international events and tensions swirling in recent years and the threat of nuclear proliferation in the Middle East, it is desperately important that we show the world the importance of our relationship with Israel by inviting Prime Minister Netanyahu to come address this body. The sooner we extend such an invitation, the more stabilizing it will be. We, the undersigned, urge you to extend the invitation to Prime Minister Netanyahu to speak to a joint session of Congress as soon as possible."

When the enemies of Israel were to see both sides of the aisle standing and applauding the Prime Minister of Israel, the message could not be more clear, but we need to send that message. It needs to be clear. It needs to be unequivocal. People need to know that we support our friend, and there is not

a great deal of distance between our two countries. We're close friends.

And if I might inquire how much time remains?

The SPEAKER pro tempore (Mr. MINNICK). The gentleman has about 2½ minutes remaining.

Mr. GOHMERT. Well, in closing, let me just refer to this little Bible my aunt says my uncle received going into World War II from the Federal Government when he went in the Army. It has a metal plate on it. It says: "May the Lord be with you." And I realize this will be the last couple of minutes we're in session this week. So these are the words of Franklin D. Roosevelt on the flyleaf:

"The White House, Washington. As Commander in Chief, I take pleasure in commending the reading of the Bible to all who serve in the Armed Forces of the United States. Throughout the centuries, men of many faiths and diverse origins have found in the Sacred Book words of wisdom, counsel and inspiration. It is a fountain of strength and now, as always, an aid in attaining the highest aspirations of the human soul."

Franklin Roosevelt had a good idea there. And I will commend that, Mr. Speaker.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. DAHLKEMPER) to revise and extend their remarks and include extraneous material:)

Mr. TOWNS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mrs. DAHLKEMPER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

(The following Members (at the request of Mr. FORTENBERRY) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, July 1.

Mr. JONES, for 5 minutes, July 1.

Mr. BURTON of Indiana, for 5 minutes, June 28, 29, 30, and July 1.

Ms. FOXX, for 5 minutes, today.

Mr. MACK, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

#### ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly en-

rolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3962. An act to provide a physician payment update, to provide pension funding relief, and for other purposes.

#### SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The Speaker announced her signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 1660. An act to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 2865. An act to reauthorize the Congressional Award Act (2 U.S.C. 801 et seq.), and for other purposes.

S.J. Res. 32. Joint resolution recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance.

#### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, June 25, 2010, at 4 p.m.

#### EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the second quarter of 2010 pursuant to Public Law 95-384 are as follows:

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JENNIFER M. STEWART, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 29 AND MAY 4, 2010

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Jennifer M. Stewart	4/30	5/1	Qatar		390.00		8,578.00				8,968.00
	5/1	5/2	Afghanistan		78.00						78.00
	5/2	5/3	Pakistan		721.00						721.00
Committee total											9,767.00

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN A. BOEHNER, June 10, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO QATAR, AFGHANISTAN, AND GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 6 AND MAY 10, 2010

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Nancy Pelosi	5/7	5/8	Qatar		227.00		(3)				227.00
Hon. Susan Davis	5/7	5/8	Qatar		341.00		(3)				341.00
Hon. Donna Edwards	5/7	5/8	Qatar		341.00		(3)				341.00
Hon. Niki Tsongas	5/7	5/8	Qatar		341.00		(3)				341.00
Hon. Madeleine Bordallo	5/7	5/8	Qatar		341.00		(3)				341.00
Hon. Wilson Livingood	5/7	5/8	Qatar		280.00		(3)				280.00
Wyndee Parker	5/7	5/8	Qatar		291.00		(3)				291.00
Bridget Fallon	5/7	5/9	Qatar		682.00		(3)				682.00
Kate Knudson	5/7	5/9	Qatar		682.00		(3)				682.00
Brendan Daly	5/7	5/8	Qatar		277.31		(3)				277.31
Debra Wada	5/7	5/8	Qatar		341.00		(3)				341.00
Hon. Nancy Pelosi	5/8	5/9	Afghanistan				(3)				
Hon. Susan Davis	5/8	5/9	Afghanistan		28.00		(3)				28.00
Hon. Donna Edwards	5/8	5/9	Afghanistan		28.00		(3)				28.00
Hon. Niki Tsongas	5/8	5/9	Afghanistan				(3)				
Hon. Madeleine Bordallo	5/8	5/9	Afghanistan		28.00		(3)				28.00
Hon. Wilson Livingood	5/8	5/9	Afghanistan				(3)				
Wyndee Parker	5/8	5/9	Afghanistan		10.00		(3)				10.00
Brendan Daly	5/8	5/9	Afghanistan				(3)				

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO QATAR, AFGHANISTAN, AND GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 6 AND MAY 10, 2010—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Debra Wada .....	5/8	5/9	Afghanistan .....				(?)				
Hon. Nancy Pelosi .....	5/9	5/10	Germany .....		87.00		(?)				87.00
Hon. Susan Davis .....	5/9	5/10	Germany .....		177.25		(?)				177.25
Hon. Donna Edwards .....	5/9	5/10	Germany .....		177.25		(?)				177.25
Hon. Niki Tsongas .....	5/9	5/10	Germany .....		177.25		(?)				177.25
Hon. Madeleine Bordallo .....	5/9	5/10	Germany .....		177.25		(?)				177.25
Hon. Wilson Livingood .....	5/9	5/10	Germany .....		116.25		(?)				116.25
Wyndee Parker .....	5/9	5/10	Germany .....		96.87		(?)				96.87
Bridget Fallon .....	5/9	5/10	Germany .....		230.50		3908.00				1,138.50
Kate Knudson .....	5/9	5/10	Germany .....		230.50		3908.00				1,138.50
Brendan Daly .....	5/9	5/10	Germany .....		53.25		(?)				53.25
Debra Wada .....	5/9	5/10	Germany .....		85.25		(?)				85.25
Committee total .....											7,662.93

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

HON. NANCY PELOSI, Speaker of the House, June 10, 2010.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8061. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Silver Nitrate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0663; FRL-8824-9] received June 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8062. A letter from the Under Secretary, Department of Defense, transmitting authorization of five officers to wear the authorized insignia of the grade of Rear Admiral; to the Committee on Armed Services.

8063. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to South Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to (88 Stat. 2335; 91 Stat. 1210; 92 Stat. 3724); to the Committee on Financial Services.

8064. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; PM-10; Determination of Attainment for the Coso Junction Non-attainment Area; Determination Regarding Applicability of Certain Clean Air Act Requirements [EPA-R09-OAR-2010-0172; FRL-9153-3] received June 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8065. A letter from the Director, Office of National Drug Control Policy, transmitting reports on the National Youth Anti-Drug Media Campaign for Fiscal Year 2009, pursuant to Public Law 109-469, section 203 and 503; to the Committee on Energy and Commerce.

8066. A letter from the Secretary, Department of Commerce, transmitting the annual report for FY 2009 of the Department's Bureau of Industry and Security (BIS); to the Committee on Foreign Affairs.

8067. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No.

10-11 informing of an intent to sign a Memorandum of Understanding with the Czech Republic; to the Committee on Foreign Affairs.

8068. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting determination related to Serbia under section 7072(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (Div. F, P.L. 111-117); to the Committee on Foreign Affairs.

8069. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting report on the translating of the Department's human rights reports into principal languages and the distribution on post websites, pursuant to Public Law 110-53, section 2122(b); to the Committee on Foreign Affairs.

8070. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 "Joint Communiqué" and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 "Joint Statement", together known as the Migration Accords, pursuant to Public Law 105-277, section 2245; to the Committee on Foreign Affairs.

8071. A letter from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting the 2009 management report and statements on system of internal controls of the Federal Home Loan Bank of San Francisco, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

8072. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-444, "Prohibition Against Human Trafficking Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

8073. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-435, "Brookland Streetscape Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

8074. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-439, "Solar Thermal Incentive Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

8075. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-437, "Commission on Uniform State Laws Appointment Authorization Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

8076. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-436, "Renewable Energy Incentive Program Fund Balance Rollover Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

8077. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-438, "District of Columbia Public Schools Teacher Reinstatement Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

8078. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-440, "Senior Housing Modernization Grant Fund Act of 2010"; to the Committee on Oversight and Government Reform.

8079. A letter from the Secretary, Department of the Treasury, transmitting the Department's semiannual reports from the Office of the Treasury Inspector General and the Treasury Inspector General for Tax Administration, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8080. A letter from the Chairman, National Endowment for the Arts, transmitting the Semiannual Report of the Inspector General and the Semiannual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8081. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures [Docket No.: 100217094-0195-02] (RIN: 0648-AY57) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8082. A letter from the Assistant Attorney General, Department of Justice, transmitting interim report on the feasibility of performing fingerprint-based criminal history background checks on individuals that participate in national service programs; to the Committee on the Judiciary.

8083. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Civil Penalty Inflation Adjustment for Commercial Space Adjudications [Docket No.: FAA-2009-1240; Amendment No. 406-6] (RIN: 2120-AJ63) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8084. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Extended Debris Removal in the Lake Champlain Bridge Construction Zone (between Vermont and New York), Crown Point, NY [Docket No. USCG-2010-0271] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8085. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Special Issuance of Airman Medical Certificates to Applicants Being Treated With Certain Antidepressant Medications; Re-Opening of Comment Period [Docket No.: FAA-2009-0773] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8086. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No.: FAA-2009-0714; Directorate Identifier 2009-NM-041-AD; Amendment 39-16290; AD 2010-1011] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8087. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificate No. A00010WI Previously Held By Raytheon Aircraft Company) Model 390 Airplanes [Docket No.: FAA-2010-0158; Directorate Identifier 2010-CE-006-AD; Amendment 39-16289; AD 2010-10-10] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8088. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model DC-9-30, DC-9-40, and DC-9-50 Series Airplanes [Docket No.: FAA-2009-0685; Directorate Identifier 2009-NM-113-AD; Amendment 39-16299; AD 2010-10-20] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8089. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model S-92A Helicopters [Docket No.: FAA-2010-0060; Directorate Identifier 2010-SW-06-AD; Amendment 39-16282; AD 2010-10-03] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8090. A letter from the Paralegal Specialist, Department of Transportation, trans-

mitting the Department's final rule — Amendment of Class E Airspace; Claremore, OK [Docket No.: FAA-2009-0538; Airspace Docket No. 09-ASW-15] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8091. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Jet Route J-120; Alaska [Docket No.: FAA-2009-0007; Airspace Docket No. 09-AAL-20] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8092. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 1B, 1D, 1D1, and 1S1 Turbohaft Engines [Docket No.: FAA-2005-21242; Directorate Identifier 2005-NE-09-AD; Amendment 39-16288; AD 2010-10-09] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8093. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Marion, IL [Docket No.: FAA-2009-1154; Airspace Docket No. 09-AGL-35] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8094. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, & 702) Airplanes, Model CL-600-2D15 (Regional Jet Series 705) Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2009-0972; Directorate Identifier 2009-NM-057-AD; Amendment 39-16300; AD 2010-10-21] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8095. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model BD-100-1A10 (Challenger 300) Airplanes [Docket No.: FAA-2010-0475; Directorate Identifier 2010-NM-083-AD; Amendment 39-16297; AD 2010-10-18] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8096. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Safety Zone; St. Louis River, Tallas Island, Duluth, MN [Docket No.: USCG-2010-0124] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8097. A letter from the Director, Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Copayments for Medications after June 30, 2010 (RIN: 2900-AN65) received June 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8098. A letter from the Director, Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Copayments for Medications (RIN: 2900-AN50) received June 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8099. A letter from the Director, Office of National Drug Control Policy, transmitting

update on the National Institute Justice (NIJ) field experiment of the Decide Your Time Program, pursuant to Public Law 109-469, section 1119; jointly to the Committees on Transportation and Infrastructure and the Budget and the Judiciary.

8100. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the annual reports that appear on pages 119-145 of the March 2010 "Treasury Bulletin", pursuant to 26 U.S.C. 9602(a); jointly to the Committees on Ways and Means, Transportation and Infrastructure, Natural Resources, Agriculture, Education and Labor, and Energy and Commerce.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KING of New York (for himself, Mr. DANIEL E. LUNGREN of California, Mr. ROGERS of Alabama, Mr. MCCAUL, Mr. DENT, Mr. BILIRAKIS, Mr. BROUN of Georgia, Mrs. MILLER of Michigan, Mr. OLSON, Mr. CAO, and Mr. AUSTRIA):

H.R. 5590. A bill to strengthen measures to protect the United States from terrorist attacks and to authorize appropriations for the Department of Homeland Security for fiscal year 2011, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Armed Services, Rules, the Judiciary, Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. McMORRIS RODGERS:

H.R. 5591. A bill to designate the facility of the Federal Aviation Administration located at Spokane International Airport in Spokane, Washington, as the "Ray Daves Air Traffic Control Tower"; to the Committee on Transportation and Infrastructure.

By Mr. REHBERG:

H.R. 5592. A bill to modify the purposes and operation of certain facilities of the Bureau of Reclamation to implement the water rights compact among the State of Montana, the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, and the United States, and for other purposes; to the Committee on Natural Resources.

By Ms. SUTTON (for herself, Mr. GINGREY of Georgia, and Mr. GENE GREEN of Texas):

H.R. 5593. A bill to amend title XVIII of the Social Security Act to provide for timely access to post-mastectomy items under Medicare; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARROW:

H.R. 5594. A bill to amend the Workforce Investment Act of 1998 to establish a technical school training subsidy program; to the Committee on Education and Labor.

By Mr. ELLISON:

H.R. 5595. A bill to amend section 214(b) of the Immigration and Nationality Act to create, for an alien seeking to enter the United States as a nonimmigrant to care for a relative with a serious health condition, an exemption from the presumption that the alien

is an immigrant; to the Committee on the Judiciary.

By Ms. ZOE LOFGREN of California (for herself, Ms. ESHOO, Mrs. CAPPS, Ms. MATSUI, Mr. WAXMAN, Mr. FARR, Mr. COSTA, Mr. HONDA, Mr. STARK, Ms. LEE of California, and Mr. SHERMAN):

H.R. 5596. A bill to prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Ms. MATSUI (for herself, Mr. RUSH, Mr. BRALEY of Iowa, Mr. VAN HOLLEN, Mr. GERLACH, Mr. TERRY, Mr. BRADY of Texas, and Mr. PITTS):

H.R. 5597. A bill to establish a Medicare patient IVIG access demonstration project; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MELANCON (for himself and Mr. BOYD):

H.R. 5598. A bill to exclude from gross income compensation provided by BP, PLC for victims of the explosion on and sinking of the mobile offshore drilling unit Deepwater Horizon and the discharge of oil in the Gulf of Mexico caused by such explosion and sinking, and for other purposes; to the Committee on Ways and Means.

By Mr. MURPHY of New York (for himself and Mr. GUTHRIE):

H.R. 5599. A bill to amend title 18, United States Code, to clarify the scope of the provision commonly referred to as the "Wire Act", and for other purposes; to the Committee on the Judiciary.

By Mr. POMEROY (for himself and Mr. SAM JOHNSON of Texas):

H.R. 5600. A bill to make permanent the exclusion from gross income for employer-provided educational assistance; to the Committee on Ways and Means.

By Mr. PUTNAM (for himself and Mr. MILLER of Florida):

H.R. 5601. A bill to provide relief to homeowners with mortgages insured by the FHA who are economically affected as a result of the discharge of oil in the Gulf of Mexico caused by the explosion on and sinking of the mobile offshore drilling unit Deepwater Horizon, and for other purposes; to the Committee on Financial Services.

By Mr. PUTNAM (for himself and Mr. BOUSTANY):

H.R. 5602. A bill to amend the Internal Revenue Code of 1986 to provide for distributions from retirement plans for losses as a result of the explosion on and sinking of the mobile offshore drilling unit Deepwater Horizon, the discharge of oil in the Gulf of Mexico caused by such explosion and sinking, or the effects of such discharge on the economy in the areas affected by such discharge; to the Committee on Ways and Means.

By Mr. SABLAN:

H.R. 5603. A bill to amend the Older Americans Act of 1965 to make available to Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands additional funds for community service senior opportunities; to the Committee on Education and Labor.

By Mr. CUMMINGS:

H. Con. Res. 289. Concurrent resolution directing the Clerk of the House of Representa-

tives to make a technical correction in the enrollment of H.R. 3360; to the Committee on Transportation and Infrastructure, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McDERMOTT (for himself, Mr. SMITH of Washington, Mr. LARSEN of Washington, Mrs. McMORRIS RODGERS, Mr. INSLEE, Mr. BAIRD, Ms. RICHARDSON, Ms. WATSON, Mr. GARY G. MILLER of California, Ms. WOOLSEY, Mr. JOHNSON of Georgia, Mr. DINGELL, Mr. BOYD, Mr. NADLER of New York, Mr. CHANDLER, Ms. PINGREE of Maine, Mr. BERRY, Ms. DeLAURO, Mr. COOPER, Mr. DOYLE, Mr. THOMPSON of California, Mr. CHU, Mr. ELLSWORTH, Mr. GORDON of Tennessee, Ms. ESHOO, Ms. LORETTA SANCHEZ of California, Mr. STARK, Ms. MATSUI, Mrs. DAVIS of California, Mr. GARAMENDI, Mr. FARR, Mr. WAXMAN, Ms. BALDWIN, Mr. BISHOP of New York, Mr. PERLMUTTER, Ms. KAPTUR, Mr. KILDEE, Mr. CONNOLLY of Virginia, Ms. DEGETTE, Mr. DEFazio, Mr. TAYLOR, Ms. HIRONO, Ms. JACKSON LEE of Texas, Ms. SCHAKOWSKY, Mr. PAYNE, Mr. GRIJALVA, Mr. HINCHEY, Mr. KLEIN of Florida, Mr. ANDREWS, Ms. BERKLEY, Mr. PALLONE, Mr. GENE GREEN of Texas, Mr. SCOTT of Georgia, Mrs. CHRISTENSEN, Mr. GONZALEZ, Mr. CAPUANO, Mr. GOODLATTE, Mr. SHIMKUS, Mr. PENCE, Mr. BLUMENAUER, Mr. GEORGE MILLER of California, Mr. ENGEL, Mr. HIGGINS, Mr. DEUTCH, Mr. ACKERMAN, Mr. FRANKS of Arizona, Mr. OWENS, Ms. SUTTON, Mr. OLVER, Ms. SHEA-PORTER, Mr. HOLT, Mr. HONDA, Mr. CANTOR, Mr. BURTON of Indiana, Mr. COSTA, Mr. SKELTON, Mr. REYES, Mr. LEVIN, Mr. CROWLEY, Mr. ROYCE, Mr. FORTENBERRY, Ms. HARMAN, Mr. SIREs, Mr. BACA, Ms. GIFFORDS, Ms. SCHWARTZ, Mr. ISRAEL, Mr. MINNICK, Ms. CASTOR of Florida, Mr. WALZ, Ms. EDWARDS of Maryland, Ms. KILROY, Ms. MCCOLLUM, Mr. LANGEVIN, Mrs. DAHLKEMPER, and Ms. MOORE of Wisconsin):

H. Con. Res. 290. Concurrent resolution expressing support for designation of June 30 as "National ESIGN Day"; to the Committee on Energy and Commerce.

By Mr. POLIS (for himself, Mr. GRIJALVA, Mr. HINOJOSA, Mr. HONDA, Mr. SARBANES, and Mr. YARMUTH):

H. Res. 1472. A resolution expressing support for designation of the week of September 13, 2010, as National Adult Education and Family Literacy Week; to the Committee on Education and Labor.

By Mr. REHBERG (for himself, Mr. EHLERS, Mr. BOYD, Mr. SIMPSON, and Mr. MINNICK):

H. Res. 1473. A resolution supporting backcountry airstrips and recreational aviation; to the Committee on Transportation and Infrastructure.

By Ms. RICHARDSON (for herself, Mr. CONYERS, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mr. RUSH, Ms. CORRINE BROWN of Florida, Mr. STARK, Ms. MOORE of Wisconsin, Mr. COHEN, Mr. MEEK of Florida, Ms. NORTON, Mr. WATT, and Mr. TOWNS):

H. Res. 1474. A resolution commending Harry Belafonte for receiving the Hubert H.

Humphrey Civil and Human Rights Award from the Leadership Conference on Civil and Human Rights; to the Committee on the Judiciary.

By Mr. BUTTERFIELD (for himself, Mr. PRICE of North Carolina, Mr. SHULER, Mr. KISSELL, Mr. JONES, Mrs. MYRICK, Mr. COBLE, Mr. WATT, Mr. ETHERIDGE, Mr. CLAY, Mr. CARSON of Indiana, Ms. NORTON, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. BARROW, Mr. FATTAH, Mr. CARNAHAN, Ms. SHEA-PORTER, Ms. WATSON, Ms. SPIER, Mr. HARE, Mr. BISHOP of Georgia, Ms. FUDGE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. AL GREEN of Texas, Ms. JACKSON LEE of Texas, Mr. CLYBURN, Mr. CLEAVER, Ms. CORRINE BROWN of Florida, Ms. KILPATRICK of Michigan, Ms. CLARKE, Ms. EDWARDS of Maryland, Mr. PAYNE, Mr. THOMPSON of Mississippi, Ms. MOORE of Wisconsin, Mr. SCOTT of Georgia, Mr. RUSH, Mr. HASTINGS of Florida, Mr. LEWIS of Georgia, Mr. COURTNEY, Ms. SUTTON, Mr. ELLISON, Mr. MORAN of Virginia, Mr. CUMMINGS, Ms. SLAUGHTER, Mr. CONNOLLY of Virginia, Ms. DEGETTE, Mr. GONZALEZ, Mr. COHEN, Mr. McHENRY, Mr. HILL, Mr. TAYLOR, Mr. OLVER, Mr. MCINTYRE, and Ms. FOX):

H. Res. 1475. A resolution congratulates the town of Tarboro, North Carolina, on the occasion of its 250th anniversary; to the Committee on Oversight and Government Reform.

By Ms. CHU (for herself, Ms. BALDWIN, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mrs. CAPPS, Mr. CAPUANO, Mr. CARSON of Indiana, Mr. COHEN, Ms. DEGETTE, Ms. DeLAURO, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HINCHEY, Ms. NORTON, Ms. LEE of California, Mr. LOEBSACK, Mrs. LOWEY, Mr. MAFFEI, Mrs. MALONEY, Mr. McGOVERN, Mr. NADLER of New York, Ms. SCHAKOWSKY, Ms. SLAUGHTER, and Mr. WU):

H. Res. 1476. A resolution supporting and recognizing the achievements of the family planning services programs operating under title X of the Public Health Service Act; to the Committee on Energy and Commerce.

By Mr. KILDEE:

H. Res. 1477. A resolution expressing support for the designation of May as Ehlers-Danlos Syndrome Awareness Month to increase the knowledge of this little-known, potentially fatal, genetic disease; to the Committee on Energy and Commerce.

By Ms. LEE of California:

H. Res. 1478. A resolution supporting the goals and ideals of National HIV Testing Day, and for other purposes; to the Committee on Energy and Commerce.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. KILDEE.  
H.R. 208: Mr. HOLDEN.  
H.R. 235: Mr. DEUTCH.  
H.R. 442: Mr. GRAVES of Georgia.  
H.R. 460: Ms. BALDWIN.  
H.R. 678: Mr. CHAFFETZ, Mr. TONKO, Mr. TIERNEY, Mr. LANGEVIN, and Mr. GONZALEZ.  
H.R. 758: Mr. RUSH.  
H.R. 840: Mr. ROTHMAN of New Jersey and Mr. ADLER of New Jersey.

- H.R. 878: Mr. GRAVES of Georgia and Mr. REHBERG.
- H.R. 1006: Mr. INSLEE.
- H.R. 1023: Mr. LUETKEMEYER.
- H.R. 1032: Mr. COHEN.
- H.R. 1074: Mr. GRAVES of Georgia.
- H.R. 1126: Mr. COURTNEY.
- H.R. 1205: Mr. DEUTCH.
- H.R. 1347: Mr. ETHERIDGE and Mr. COHEN.
- H.R. 1351: Mr. WESTMORELAND.
- H.R. 1362: Mr. BLUMENAUER.
- H.R. 1476: Mr. MARSHALL.
- H.R. 1625: Mr. LANGEVIN.
- H.R. 1723: Mr. DEUTCH.
- H.R. 1799: Mr. OWENS.
- H.R. 1829: Mr. BOUCHER and Mr. ARCURI.
- H.R. 1910: Mr. COHEN.
- H.R. 2057: Mr. DAVIS of Illinois.
- H.R. 2067: Ms. TITUS and Mr. ELLISON.
- H.R. 2103: Mr. ETHERIDGE and Mr. PLATTS.
- H.R. 2132: Mr. DEUTCH.
- H.R. 2262: Mr. DEUTCH.
- H.R. 2275: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. LOEBACK, Mr. OBERSTAR, Mr. NADLER of New York, Mr. SCOTT of Virginia, Mr. KLEIN of Florida, Mr. NYE, Mr. HIMES, and Ms. JACKSON LEE of Texas.
- H.R. 2296: Mr. GRAVES of Georgia.
- H.R. 2350: Mr. MOORE of Kansas.
- H.R. 2378: Mr. LUETKEMEYER.
- H.R. 2408: Mr. HIMES and Mr. BOCCIERI.
- H.R. 2425: Mr. COHEN, Mr. HIMES, and Mr. RAHALL.
- H.R. 2565: Mr. EHLERS and Mr. HOLDEN.
- H.R. 2625: Ms. MCCOLLUM.
- H.R. 2740: Mr. PETERS.
- H.R. 2746: Mr. DEUTCH.
- H.R. 2866: Mrs. BLACKBURN.
- H.R. 2906: Mr. SIRES and Mr. FILNER.
- H.R. 2999: Mr. MCNERNEY.
- H.R. 3001: Ms. MCCOLLUM.
- H.R. 3012: Mr. OLVER.
- H.R. 3035: Mr. COURTNEY.
- H.R. 3101: Ms. CLARKE.
- H.R. 3140: Mr. GRAVES of Georgia.
- H.R. 3151: Mr. ELLSWORTH.
- H.R. 3257: Mr. COHEN.
- H.R. 3286: Mrs. MALONEY.
- H.R. 3301: Mr. CONAWAY.
- H.R. 3328: Mr. DAVIS of Alabama and Mr. SCOTT of Georgia.
- H.R. 3408: Mr. TONKO.
- H.R. 3464: Mr. LUETKEMEYER and Mr. CHAFFETZ.
- H.R. 3486: Ms. KOSMAS.
- H.R. 3488: Mr. BRALEY of Iowa, Mr. GORDON of Tennessee, Mr. MURPHY of Connecticut, Ms. SCHAKOWSKY, Ms. ESHOO, Mr. WEINER, Ms. HARMAN, and Ms. HIRONO.
- H.R. 3491: Mr. COHEN.
- H.R. 3524: Mr. HARPER.
- H.R. 3525: Mr. VAN HOLLEN.
- H.R. 3567: Mr. DEUTCH.
- H.R. 3586: Mr. DELAHUNT and Mr. COURTNEY.
- H.R. 3668: Ms. GIFFORDS, Mr. MCINTYRE, Mr. PERLMUTTER, Mr. BLUMENAUER, Mr. BRIGHT, and Mr. KRATOVIL.
- H.R. 3710: Mr. BRADY of Pennsylvania, Mr. HASTINGS of Florida, Mr. WEINER, Ms. LINDA T. SANCHEZ of California, Mr. LYNCH, and Mr. CONNOLLY of Virginia.
- H.R. 3721: Mr. LEWIS of Georgia.
- H.R. 3729: Mr. SCHRADER, Mr. MCGOVERN, Ms. CHU, and Ms. WOOLSEY.
- H.R. 3907: Mr. DEUTCH.
- H.R. 3927: Mr. YARMUTH and Mr. COHEN.
- H.R. 3936: Mr. FOSTER.
- H.R. 4045: Mr. COHEN.
- H.R. 4054: Mr. LOBIONDO.
- H.R. 4115: Mr. KUCINICH and Mrs. MCCARTHY of New York.
- H.R. 4116: Mr. KRATOVIL, Mr. HOLT, Mr. LATHAM, and Mr. DAVIS of Alabama.
- H.R. 4132: Mr. BUCHANAN.
- H.R. 4195: Mr. KILDEE.
- H.R. 4241: Mrs. LOWEY.
- H.R. 4306: Mr. BUCHANAN.
- H.R. 4347: Mr. INSLEE.
- H.R. 4371: Mr. MICHAUD.
- H.R. 4376: Mr. BLUMENAUER.
- H.R. 4386: Mr. ADLER of New Jersey and Ms. MATSUI.
- H.R. 4402: Ms. PINGREE of Maine.
- H.R. 4420: Ms. CHU.
- H.R. 4427: Mr. TIM MURPHY of Pennsylvania and Mr. FILNER.
- H.R. 4443: Mr. COHEN.
- H.R. 4446: Mr. KENNEDY.
- H.R. 4455: Mr. VAN HOLLEN.
- H.R. 4525: Mr. ROGERS of Kentucky.
- H.R. 4530: Mr. LOEBACK.
- H.R. 4544: Mr. COURTNEY, Ms. SCHWARTZ, and Mr. FRANK of Massachusetts.
- H.R. 4599: Mr. HEINRICH and Mr. WELCH.
- H.R. 4632: Mr. COHEN.
- H.R. 4671: Ms. WOOLSEY.
- H.R. 4677: Ms. EDDIE BERNICE JOHNSON of Texas.
- H.R. 4684: Mr. PETERS.
- H.R. 4689: Mr. PLATTS, Mrs. MALONEY, and Mr. BARROW.
- H.R. 4692: Mr. DUNCAN.
- H.R. 4693: Mr. CALVERT.
- H.R. 4709: Mr. LOEBACK and Mr. HINCHEY.
- H.R. 4743: Mr. CONAWAY.
- H.R. 4771: Mr. GORDON of Tennessee, Ms. RICHARDSON, Mr. HOLT, Mr. CLEAVER, and Mr. DOGGETT.
- H.R. 4796: Mr. MCCARTHY of California and Mr. JOHNSON of Georgia.
- H.R. 4879: Mr. CONYERS, Mr. BAIRD, Mr. MICHAUD, Ms. HIRONO, Mr. MURPHY of Connecticut, Mr. VAN HOLLEN, Mr. DOGGETT, Mr. OLVER, Ms. RICHARDSON, and Mr. BRALEY of Iowa.
- H.R. 4883: Mr. GOODLATTE.
- H.R. 4886: Mrs. MILLER of Michigan.
- H.R. 4914: Mr. MARKEY of Massachusetts.
- H.R. 4926: Mr. MARSHALL and Mr. BLUMENAUER.
- H.R. 4947: Mr. BRIGHT.
- H.R. 4951: Mr. MCCOTTER.
- H.R. 4952: Mr. ALEXANDER.
- H.R. 4959: Ms. WOOLSEY and Mr. LINCOLN DIAZ-BALART of Florida.
- H.R. 4972: Mr. GRAVES of Georgia.
- H.R. 4985: Mr. BURTON of Indiana.
- H.R. 4993: Mr. SALAZAR, Mr. ETHERIDGE, Mrs. NAPOLITANO, Mr. BOCCIERI, Mr. DOYLE, and Ms. LINDA T. SANCHEZ of California.
- H.R. 4999: Mr. GINGREY of Georgia, Mr. CHAFFETZ, and Mr. SMITH of Nebraska.
- H.R. 5012: Mr. BERMAN and Mr. HOLDEN.
- H.R. 5016: Mr. GOHMERT, Mr. MCCARTHY of California, Mr. DUNCAN, Mr. WAMP, and Mr. FORBES.
- H.R. 5035: Mr. FILNER.
- H.R. 5041: Mr. PATRICK J. MURPHY of Pennsylvania.
- H.R. 5090: Ms. PINGREE of Maine.
- H.R. 5092: Ms. VELÁZQUEZ.
- H.R. 5117: Mr. MCGOVERN, Mr. SIRES, Mr. PRICE of North Carolina, Mr. TOWNS, Mr. KUCINICH, Mr. SERRANO, Mr. ANDREWS, Mr. MCNERNEY, Mr. WEINER, Ms. NORTON, Ms. MOORE of Wisconsin, Mr. HIMES, Mr. PAYNE, Mr. MOORE of Kansas, Mr. RYAN of Ohio, Mr. KIND, Mr. CONYERS, Mr. HEINRICH, Ms. CASTOR of Florida, and Mr. FILNER.
- H.R. 5120: Mr. COHEN.
- H.R. 5141: Mr. FORBES.
- H.R. 5142: Mrs. BIGGETT.
- H.R. 5191: Ms. DELAULO.
- H.R. 5211: Mr. COHEN.
- H.R. 5234: Mr. HIMES, Mr. OWENS, and Mr. BISHOP of Georgia.
- H.R. 5268: Mr. FRANK of Massachusetts and Mr. HOLT.
- H.R. 5309: Mr. ADLER of New Jersey.
- H.R. 5312: Ms. LINDA T. SANCHEZ of California, Mr. DEFAZIO, and Mr. WEINER.
- H.R. 5313: Mr. CALVERT.
- H.R. 5340: Mr. DUNCAN.
- H.R. 5354: Mrs. BONO MACK.
- H.R. 5412: Mr. HIMES.
- H.R. 5424: Mr. SAM JOHNSON of Texas.
- H.R. 5434: Ms. WOOLSEY, Mr. CARSON of Indiana, and Mr. BERMAN.
- H.R. 5441: Mr. LATHAM.
- H.R. 5449: Mr. SCHIFF.
- H.R. 5455: Mr. DAVIS of Illinois.
- H.R. 5457: Mr. KIND.
- H.R. 5462: Mr. HINCHEY, Mr. HALL of Texas, and Mr. MURPHY of Connecticut.
- H.R. 5497: Mr. WAXMAN, Mr. SCHRADER, Mr. DRIEHAUS, Mr. COOPER, Mr. MCNERNEY, Mr. ARCURI, and Mr. MORAN of Virginia.
- H.R. 5498: Mr. DENT.
- H.R. 5503: Ms. LORETTA SANCHEZ of California, Mr. MAFFEI, and Ms. MATSUI.
- H.R. 5506: Mr. QUIGLEY.
- H.R. 5523: Mr. HERGER.
- H.R. 5533: Mr. PLATTS.
- H.R. 5537: Mr. BURTON of Indiana and Mr. COURTNEY.
- H.R. 5538: Mr. HERGER.
- H.R. 5539: Mr. PLATTS.
- H.R. 5552: Mr. CONAWAY, Mr. PETERSON, Mr. CASSIDY, and Mr. SHUSTER.
- H.R. 5555: Mrs. LUMMIS, Mr. ROONEY, Ms. KOSMAS, and Mr. WILSON of South Carolina.
- H.R. 5561: Ms. DEGETTE, Ms. BALDWIN, Ms. LEE of California, Ms. HIRONO, Mrs. DAVIS of California, Mr. MCGOVERN, Ms. HARMAN, Ms. RICHARDSON, Mr. MOORE of Kansas, and Mr. HINCHEY.
- H.R. 5565: Mr. SAM JOHNSON of Texas, Mr. GOHMERT, Mr. THORNBERRY, Mr. CARTER, Mr. SMITH of Texas, Mr. BILBRAY, Mr. BURGESS, Mr. HALL of Texas, Ms. GRANGER, Mr. HENSARLING, Mr. POE of Texas, Mr. OLSON, Mr. MCCAUL, Mr. CONAWAY, Mr. BRADY of Texas, Mr. CULBERSON, Mr. MARCHANT, and Mr. SESSIONS.
- H.R. 5566: Mr. WITTMAN.
- H.R. 5580: Mr. CHAFFETZ.
- H.R. 5588: Mr. KISSELL and Mr. HOLT.
- H.J. Res. 1: Mr. GRAVES of Georgia.
- H.J. Res. 61: Mr. ADLER of New Jersey.
- H.J. Res. 79: Mr. TIM MURPHY of Pennsylvania.
- H. Con. Res. 195: Mr. ROHRBACHER.
- H. Con. Res. 226: Ms. BERKLEY, Mr. LUJÁN, Mr. SKELTON, Mr. LATHAM, and Ms. LORETTA SANCHEZ of California.
- H. Con. Res. 245: Mr. OWENS and Mr. FRANK of Massachusetts.
- H. Con. Res. 259: Mr. ARCURI.
- H. Con. Res. 266: Mr. ORTIZ.
- H. Con. Res. 273: Mr. GARY G. MILLER of California.
- H. Con. Res. 275: Mr. GONZALEZ, Ms. HARMAN, Mr. NADLER of New York, and Ms. DEGETTE.
- H. Con. Res. 284: Mr. MEEK of Florida.
- H. Res. 93: Mr. SHERMAN.
- H. Res. 173: Ms. DEGETTE and Ms. ROSELEHTINEN.
- H. Res. 363: Ms. CLARKE.
- H. Res. 554: Mr. GRAVES of Georgia.
- H. Res. 771: Mr. CONNOLLY of Virginia.
- H. Res. 1195: Mr. MURPHY of New York.
- H. Res. 1207: Mr. SAM JOHNSON of Texas, Mr. JORDAN of Ohio, Mr. PENCE, and Mr. SCHIFF.
- H. Res. 1244: Mr. REYES, Mr. BECERRA, Mr. FILNER, Ms. SCHAKOWSKY, Mr. SALAZAR, Mr. GENE GREEN of Texas, Mrs. LOWEY, Mr. BERRY, Ms. ROYBAL-ALLARD, Mr. PRICE of North Carolina, Mr. FARR, Mr. RUPPERSBERGER, Mr. ORTIZ, Mr. HINOJOSA, Mr. SERRANO, Mr. PIERLUISI, Mr. GRIJALVA, Mr.

SIRES, Mr. FRELINGHUYSEN, Mr. KUCINICH, Mr. SMITH of Texas, Mr. NADLER of New York, Mr. MORAN of Virginia, Ms. CLARKE, and Ms. SHEA-PORTER.

H. Res. 1264: Mr. DONNELLY of Indiana.

H. Res. 1296: Mr. HOLT, Ms. SCHWARTZ, Mr. FRANK of Massachusetts, Mr. CASTLE, Mr. EHLERS, and Mr. WU.

H. Res. 1321: Mr. CROWLEY, Ms. WATSON, Mr. TANNER, Mr. ACKERMAN, Mr. COSTA, Mr. SHERMAN, Mr. ISSA, Mr. ROSS, Mr. ENGEL, Mr. CARNAHAN, Mr. BROWN of South Carolina, Mr. RANGEL, Ms. RICHARDSON, Mr. ROHRABACHER, Mr. LARSEN of Washington, Mr. CARSON of Indiana, Mr. FLAKE, Mr. ORTIZ, and Mr. COBLE.

H. Res. 1359: Mr. JACKSON of Illinois and Mr. ROSKAM.

H. Res. 1375: Mr. SIRES and Mr. MEEK of Florida.

H. Res. 1379: Mr. HONDA.

H. Res. 1401: Mr. SHUSTER, Mr. ELLSWORTH, Mr. ALTMIRE, Mr. COHEN, Mr. PAYNE, Mr. ROGERS of Michigan, Mr. DONNELLY of Indiana, Mr. MORAN of Kansas, Ms. KOSMAS, Mr. YARMUTH, Mr. LARSEN of Washington, Mr. PASCRELL, and Mr. THOMPSON of Pennsylvania.

H. Res. 1405: Mr. JONES, Mr. CASTLE, Mr. ROYCE, Mr. EHLERS, Mr. UPTON, Mr. MANZULLO, Mr. ROHRABACHER, Mr. CAO, Mr. BILBRAY, Mr. HENSARLING, Mr. BURGESS, and Ms. WOOLSEY.

H. Res. 1420: Mr. MORAN of Virginia, Ms. KILPATRICK of Michigan, Mr. JOHNSON of Georgia, Mr. MOORE of Kansas, and Mr. CARSON of Indiana.

H. Res. 1423: Mr. POMEROY.

H. Res. 1428: Mr. THOMPSON of Mississippi, Mr. GUTIERREZ, Mr. ARCURI, Mr. BOREN, Mr.

BARROW, Mr. CONYERS, Mr. HIGGINS, Mr. QUIGLEY, Ms. SLAUGHTER, Ms. KILPATRICK of Michigan, Mr. MURPHY of New York, Mr. OWENS, Mr. NYE, and Mr. MICHAUD.

H. Res. 1460: Ms. DELAURO.

H. Res. 1471: Mrs. LUMMIS, Mrs. BIGGERT, and Mr. SULLIVAN.

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#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5299: Mr. POE of Texas.

## EXTENSIONS OF REMARKS

### RECOGNIZING THE 50TH ANNIVERSARY OF THE WILDCATS OF TRAINING SQUADRON TEN

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. MILLER of Florida. Madam Speaker, it is with great pleasure I rise to recognize the 50th anniversary of the Wildcats of Training Squadron Ten. Through times of war and through times of peace, the Wildcats have served our country with great distinction and valor. For that reason, I am proud to recognize the Wildcats of Squadron Ten for their exceptional training and excellent performance over the last 50 years.

From the first day the squadron was commissioned, the Wildcats of Training Squadron Ten have continued the legacy of training a new generation of pilots with the skill and will to fight and win. Today, Training Squadron Ten trains more than 300 Naval Flight Officers and Air Force Weapons System Officers annually, and flies approximately 13,400 flight hours each year.

Throughout the squadron's history, the Wildcats have been awarded with numerous awards and honors. In 1978 they were awarded the Towers Award. Training Squadron Ten's extensive energy conservation efforts and improved efficiency standards won the Secretary of the Navy's Energy Conservation Award in 1995, 1996, and 2002. Furthermore, the safety initiatives implemented by VT-10 have earned the squadron 21 Chief of Naval Operations Safety Awards.

Madam Speaker, on behalf of the United States Congress, I am privileged to recognize the Wildcats for going above and beyond the call of duty on their 50th anniversary. To this day, the Wildcats of Training Squadron Ten continue to provide the highest quality training to our nation's aviators. As they remain resolute and steadfast to doing their part to defend our country, we must do our part to remember their unwavering commitment with our hearts and minds.

### HONORING MS. FEDORA MANZOA

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Ms. Fedora Manzoa. Ms. Manzoa served her constituency faithfully and justly during her tenure as the Portland Tax Collector.

Public service is a difficult and fulfilling career. Any person with a dream may enter but

only a few are able to reach the end. Ms. Manzoa served her term with her head held high and a smile on her face the entire way. I have no doubt that her kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Ms. Manzoa is one of those people and that is why, Madam Speaker, I rise in tribute to her today.

### THE SWEEP ACT

**HON. GLENN C. NYE**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. NYE. Madam Speaker, on Tuesday I introduced, with my colleague Mr. WILSON, the Stop Waste by Eliminating Excessive Programs Act, otherwise known as the SWEEP act. The bill will reduce wasteful government spending by creating a means to review and abolish federal programs that are inefficient, unnecessary, or outdated.

Back home in Hampton Roads and the Eastern Shore of Virginia, families sit around the kitchen table, forced to make tough decisions about their budget and where they need to trim back—it's time Congress acted with the same responsibility.

We have already taken several important steps toward fiscal restraint and responsibility, such as voting to install statutory Pay-Go budget rules. Another area of spending Congress has tackled is the Congressional pay raise. Voted in favor of before I took office, I immediately took my unnecessary raise and donated it to Vetshouse, a local organization in my district that supports homeless veterans. In addition, I, joined by many of my colleagues, successfully voted to stop the Congressional pay raise for this year and the next. But these efforts are just the tip of the iceberg.

It is clear that we need a more comprehensive approach to reducing the federal government footprint and my bill will do just this.

Across the various federal agencies and bureaus, the government supports tens of thousands of programs. Many of which have been continuing for years without proper Congressional oversight or authorization. In effect, these programs continue to receive funding without proving their merit.

What's more, without a thorough inventory, duplicative programs have cropped up across agency lines, wasting precious taxpayer dollars on activities that are being performed elsewhere.

The SWEEP Act is a three step approach that will make sure inefficient, duplicative, or wasteful programs are eliminated.

The first step is to review current funding authorizations by creating a bi-partisan Sunset

Commission. The Commission will examine each and every government-funded program to determine its worth based on proven outcomes, cost-effectiveness, scope of interest, and whether a duplicative program exists.

The second step will require the Commission to submit a report to Congress annually, analyzing each program reviewed. This report will recommend whether each program assessed should be abolished, consolidated, transferred, reorganized or remain untouched.

The final step will require the Commission to submit a legislative proposal to Congress, which contains all programs recommended for reform or repeal. This legislation will be fast tracked and must receive an up or down vote by Congress within a month of the proposal.

Our current deficits are unsustainable and, if left unchecked, will weaken America's standing in the world. Congress has a responsibility to correct these irresponsible financial practices that continue to undermine the long term economy and national security of America. The SWEEP Act is a bold step forward that will allow Congress to roll up its sleeves and clean house.

I strongly urge all Members of the House to support this endeavor to provide legislative oversight and, program by program, rein in excessive government spending.

### HONORING 200TH ANNIVERSARY OF THE IRON AND STEEL INDUSTRY IN COATESVILLE

**HON. JIM GERLACH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. GERLACH. Madam Speaker, I rise today to recognize the 200th anniversary of the iron and steel industry in the City of Coatesville, Chester County, Pennsylvania.

During the last two centuries, men and women of great character, tremendous ingenuity and bold leadership have contributed to the longevity and success of an industry, which helped sustain a community and fueled America's growth and prosperity.

The steel mill that Isaac Pennock established on the banks of the Brandywine River in the early 19th Century developed into an industrial complex that housed the world's largest plate mill thanks to the efforts of Dr. Charles Lukens, Rebecca Lukens and several generations of Lukens descendants. Dedicated employees, all with a work ethic as strong as the steel plates they forge, also have been integral to the industry's success. These highly-skilled and extremely motivated workers have helped the industry adapt from an era of steam locomotives and iron-hulled vessels to an era of nuclear submarines and specialty steel.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Madam Speaker, I ask that my colleagues join me today in honoring the 200th anniversary of the iron and steel industry in the City of Coatesville and recognizing the exemplary work of The Graystone Society, which has meticulously chronicled and preserved the iron and steel industry's rich history in the City.

A TRIBUTE TO REVEREND EARL JONES, SR.

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Reverend Earl Jones, Sr. for his unwavering commitment and service to his faith and community.

Reverend Earl Jones, Sr. preached his trial sermon in March of 1981, and became an Associate Minister of the Universal Baptist Church. In March of 1983, Dr. John H. Nichols and the First Calvary Baptist Church called Rev. Jones to be Assistant to the Pastor. Rev. Jones served in this capacity until the Lord called Dr. Nichols from labor to reward in June of 1984, after which, the First Calvary Baptist Church called Rev. Jones to serve as interim Pastor for one year. Rev. Jones was called to the pastorate of the First Calvary Baptist Church in June of 1985.

Reverend Jones has been a man of vision and great faith, leading his congregation to spiritual heights and service not only to each other but, most importantly to those in the community. Under his leadership the church has started an Outreach Ministry; Vacation Bible School; a soup kitchen which also distributes clothing to the needy and homeless; provided clothing and other needed items to the Renaissance Women's Facility and home goods and toys to the mothers and children of the Rose Kennedy Home for Displaced Mothers and Children; established the First Calvary Baptist Church Bible Institute; undertook a total renovation of the church edifice; and added more than 1000 new members to the church membership.

Currently, Reverend Jones is solidifying the plans for "Project Kingdom," which will be the relocation of our current church to a 38,000 square ft area to include a 1,200 seat sanctuary, state of the art multi-purpose facility including a banquet hall, classrooms, administrative offices and gymnasium. Our current site will become a 53 family apartment building, including a medical facility.

Reverend Jones is also working with federal, state and local elected officials in the area of green technology, addressing environmental issues and solutions such as converting waste to energy.

Under his leadership, the church has organized a movement of pastors, churches and other lay persons to address the issue of black on black crime in our neighborhoods. Too many of our black youth are being gunned down and his message is, "If Not Now, Then When, If Not Us, Then Who." They have embraced the concept of peace action designed by Dr. Matthew Johnson, which teaches them to identify and develop strate-

gies to handle conflicts other than in a violent manner.

Reverend Jones has worked and been very successful in the financial and business industries, but he has remained faithful to his first love (God) and the work of the ministry. In June 1995, Rev. Jones was named "Minister of the Week" for his outstanding leadership and outreach to the community.

Reverend Jones has held several positions of leadership, including Moderator of the New York Missionary Baptist Association; a member of the Board of Directors of the Hampton Ministers and Musicians Conference; an officer of the Progressive National Baptist Convention; the Chairman of the Community Advisory Board of Brooklyn Hospital; and he serves on various political and civic committees throughout the city.

Reverend Jones is a pastor, preacher, teacher, husband, father, grandfather, godfather, friend and visionary whose mission is to bring people to Jesus.

Madam Speaker, I urge my colleagues to join me in recognizing the contributions of Reverend Earl Jones, Sr.

HONORING FIRST SERGEANT  
QUINTIN WATERMAN, UNITED  
STATES ARMY

**HON. JOHN CAMPBELL**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. CAMPBELL. Madam Speaker, I rise today to pay tribute to First Sergeant Quintin Waterman, United States Army. First Sergeant Waterman has served a distinguished career in the United States Army, spanning nearly thirty years, concluding here in the United States House of Representatives as the very first senior Non-Commissioned Officer to serve as a Legislative Liaison Officer. Over the course of the 28 years which First Sergeant Waterman has spent in uniform serving his country, he has been cited by his command as exhibiting outstanding initiative, leadership, and professionalism in all of his actions. In doing so, he has made significant contributions to the welfare of Soldiers, and their families, to say nothing of the service he has provided the people of this nation.

During First Sergeant Waterman's career, he has served with distinction as a military language instructor, teaching Russian at the Defense Language Institute Foreign Language Center in Monterey, California. It was there that he was selected to serve as a Brigade Command Language Program Manager. In this capacity, he was responsible for the training and professional development of four subordinate Command Language Program Managers at the largest Command Language Program in the Army's Intelligence and Security Command.

Following his assignment at the Defense Language Institute Foreign Language Center, First Sergeant Waterman was selected as First Sergeant for B Company, 741st Military Intelligence Battalion. There he led a company of over 112 Soldiers in a number of occupational specialties, providing direct support

throughout the Signals and Intelligence Directorate of the National Security Agency.

He later performed with distinction at the Deployed Security Operations Center for U.S. Central Command as the Chief of Mission for Counter-Terrorism, Force Protection, and Indications and Warnings in direct support of Operation Enduring Freedom. There is no doubt that Master Sergeant has demonstrated himself as a natural and selfless leader who is willing to lead from the front.

Perhaps his most notable service however, was as the very first senior non-commissioned officer in the United States Army to serve as a Legislative Liaison Officer in the U.S. House of Representatives, a post for which he was hand selected for by the Sergeant Major of the Army. As a Legislative Liaison Officer, First Sergeant Waterman was in a unique position to serve as a conduit between the Army, Members of Congress, and their staffs. This is a crucial role which allows the Army to train, equip, and sustain an Army, especially an Army in the time of war.

I want to thank First Sergeant Waterman for his tireless and selfless service to the people of our great nation. His career and performance has brought distinction upon himself, the commands he has served under, and the entire United States Army. It is Soldiers like First Sergeant Waterman who make up the finest Army the world has ever seen and I am grateful for his service.

TRIBUTE TO CALIFORNIA HIGH-  
WAY PATROLMAN THOMAS PHILIP  
COLEMAN

**HON. JOE BACA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. BACA. Madam Speaker, I stand here today to honor and remember a loving father and husband, son, brother, respected serviceman and dedicated officer, Mr. Thomas Philip Coleman.

Officer Coleman of Fontana, California, was killed on duty June 11, 2010, while pursuing a stolen vehicle on motorcycle, in Redlands, California. He was 33 years old.

He leaves behind a wife, Jamie Jean, a 2-year-old son, Ryan, and an 11-month old daughter, Shaylen. Born on October 6, 1976 in West Covina, California to Robert Francis Coleman and Janice Womack, he was the third of five children including his brother Joseph Coleman, and sisters, Jennifer Coleman Chagas, Kathleen Poole, and Mary Coleman Heinen.

Graduating Damien High School in La Verne, in 1994, he entered the United States Marine Corps. While enlisted, Tom served as a Land Support Specialist and a Marine Embassy Security Guard in Rome and Romania. After five years of meritorious service, he was honorably discharged at the rank of sergeant.

Officer Coleman served with the California Highway Patrol (CHP) for seven years. He was assigned to the San Bernardino Area of the Inland Division in March 2008, where he became a CHP Motorcycle Officer.

Tom was an exemplary family man and father who enjoyed spending time with his kids.

He enjoyed fulfilling his aspiration of becoming a California Highway Patrol Motorcycle Officer. His hobbies included riding, hiking, and following the NFL.

His passion, dedication to his job and strong, bear hugs which he gave at each greeting will be greatly missed, along with the way he quoted movies, making everyone laugh.

Tom's mischievous sense of humor, smile and twinkling eyes will be missed by all who knew him. Let us take the time to pay tribute to Tom and celebrate the life and the example he lived.

Although he is no longer with us, his unforgettable spirit will continue to live on through the lives of everyone he touched.

The thoughts and prayers of my wife Barbara, my family and I are with his family at this time.

Madam Speaker, let us pay our respects to Officer Thomas Philip Coleman. He will always have a place in our memories and hearts as we remember the selfless genuine devotion he gave to his family, country, the California Highway Patrol, and community.

NICK ANDERSON

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Nick Anderson who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Nick Anderson is a 12th grader at Arvada School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Nick Anderson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Nick Anderson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

TRIBUTE TO GEORGE WOOTON

### HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to pay tribute to the late George Wooton of Hyden, Kentucky who was a lifetime public servant for his hometown, advocating for progress with every breath, even at the age of 94.

In a television interview on the night before he passed on, George declared he wanted to be remembered as the number one farmer in Kentucky. While he received many state

awards for the production of shell corn with irrigated water on his farm, the people of Leslie County and Eastern Kentucky will remember him for much more. George was a veteran of World War II, having served honorably in the United States Army. His legacy is even more firmly grounded in his public service and tireless efforts for progress in one of the most rural, distressed county's in our Nation.

The people of Leslie County elected George Wooton as Sheriff for one term and County Judge Executive for three terms. George attended every event, large or small because he believed in supporting his community and their interests. In every crowd, there was no mistaking George's presence. He was the type of man who greeted everyone and gladly spoke up for anyone not bold enough to share their concerns. He will be remembered for his compassion, his tenacity and boisterous personality.

Madam Speaker, I ask my colleagues to join me in honoring George Wooton for dedicating a lifetime of service to the families of Eastern Kentucky, our Commonwealth and our great Nation.

### HONORING THE 100TH ANNIVERSARY OF RETAIL OPERATIONS AT ECKERT'S FAMILY FARMS

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the 100th Anniversary of retail operations at Eckert's Family Farms in Belleville, Illinois.

The Eckert family has been involved in farming since their ancestor, Johann Peter Eckert, came to this country from Germany in the 1830's. The first fruit trees, for which the family has become renowned in southwestern Illinois and surrounding areas, were planted near Fayetteville, Illinois, almost 150 years ago., Alvin O. Eckert opened a roadside produce stand on what was known as Turkey Hill, near Belleville, Illinois, in 1910. Thus was born a tradition that has grown and prospered for 100 years.

Currently, sixth and seventh generation Eckert family members oversee an operation that includes multiple orchards, a newly expanding country store and restaurant, garden center and wholesale operations. Generations of area families have built memories and savored the produce at Eckert's pick-your-own orchards, which are the largest family-owned and operated pick-your-own orchards in the United States.

Madam Speaker, I ask my colleagues to join me in recognizing the 100th Anniversary of retail operations at Eckert's family farms and to wish the Eckert family and all of their employees the very best for many years to come.

### HONORING THE CLUB HOUSE AT LAKE HOPATCONG YACHT CLUB

### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Club House at Lake Hopatcong Yacht Club, located in Morris County, New Jersey, which is celebrating its 100th Anniversary.

Recognized on both the National and New Jersey State Register of Historic Places, this building is the single most important surviving link to Lake Hopatcong's past grandeur as a major northeast resort. Built during the golden years of the lake's resort period, it is a tribute to an era when the lake hosted grand hotels, magnificent summer "cottages," two amusement parks and some of the most famous Americans of the day.

Appearing nearly unchanged from its construction in 1910, the Lake Hopatcong Yacht Club's Club House is a structure almost frozen in time, bearing witness to a near forgotten period in northwestern New Jersey's history. Its stately charm recounts long forgotten days when thousands made the trek to what is known as the "jewel of the mountains." The club house has endured prosperity and depression, peace and war, seen popular music move through ragtime, jazz, swing, and rock-and-roll, and witnessed the country go from the first automobile to the moon. From an origin of catboats, Fay and Bowen's and Model T's, the Lake Hopatcong Yacht Club has left behind a legacy of sailors, sportsmen and friends.

While Lake Hopatcong continues today as a wonderful recreation source with numerous marinas and waterfront restaurants, the Club House of the Lake Hopatcong Yacht Club, provides members with a lasting glimpse into the lake's great history.

Madam Speaker, I ask you and my colleagues to join me in congratulating the Club House of the Lake Hopatcong Yacht Club as it celebrates its centennial.

OLGA SLYUSAR

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Olga Slyusar who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Olga Slyusar is a 12th grader at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Olga Slyusar is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Olga Slyusar for winning the Arvada

Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

#### A TRIBUTE TO ROBERT MANNINGS

### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor the life and work of my friend Robert Mannings. Robert dedicated his life to serving his community and he will be sorely missed.

Born in Asbury Park, New Jersey, Robert Mannings was the oldest of three children. Educated in the New Jersey public school system, Robert entered the U.S. Army in 1952, serving his country during the Korean War. After his service in Korea, Robert moved to Philadelphia and quickly established strong ties to the community.

A long-time member of the Mount Carmel Baptist Church, Robert was dedicated to bettering his neighborhood. He served in various positions within the Church, such as a member of the Men Usher Board and Men of Mount Carmel. For over 20 years, Robert served as the president of the Dewey and Race Streets Civic Organization, providing outreach and necessary services to those in his community. Robert headed "Let's Talk About It" seminars and starred in a video called "Putting the Pieces Back Together", both dealing with cancer. In recognition of his hard work, Robert was awarded the American Cancer Society's Volunteer Achievement Award and the Carl Mansfield, M.D. Award.

Robert Mannings' long and impressive career showcases his commitment, service, and dedication to bettering his community. Madam Speaker, I ask that you and my other distinguished colleagues join me in celebrating the life and accomplishments of Mr. Mannings, and honor him for the great work he has done for the people of Philadelphia.

#### CELEBRATING THE BOY SCOUTS CENTENNIAL

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. PAUL. Madam Speaker, this year marks the centennial of the Boy Scouts of America. Like most Americans, I am a long-time admirer of the Boy Scouts of America organization. The Boy Scouts have taught generations of young men the values of teamwork and the importance of continually striving for excellence, as well as providing its members the opportunity to develop leadership skills at a young age.

It is therefore my pleasure to congratulate the Boy Scouts of America on the occasion of their one-hundredth anniversary. I would also like to extend a special thanks to all those who have made the great work of the Boy

Scouts possible by volunteering to serve as Troop Leaders, Den Mothers, and in other positions with their local Boy Scouts Troops.

Finally, Madam Speaker, I would like to extend special congratulations to the following Boy Scout Troops in my district who will be honored at the City of Fulsher's annual Fulsher Friday Night on July 2: Boy Scouts of America Troop 941; Boy Scouts of America, Cub Scout Pack 941; Boy Scouts of America Troop 1103; Boy Scouts of America Troop 1103, Cub Scout Pack 1103; Boy Scouts of America Troop 941, and Cub Scout Pack 941.

#### RACHEL OLSSON

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Rachel Olsson who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Rachel Olsson is a 9th grader at Faith Christian Academy and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Rachel Olsson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Rachel Olsson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

#### HONORING CONGRESSMAN SAM JOHNSON

### HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. NEUGEBAUER. Madam Speaker, as Congress commemorates the 60th Anniversary of the Korean War, I am honored to recognize Congressman SAM JOHNSON for his dedicated service to the United States. SAM spent 29 years in the United States Air Force, serving valiantly in both the Korean and Vietnam Wars. During the Vietnam War, SAM was held as a Prisoner of War for nearly seven years in Hanoi. Despite 42 months of solitary confinement, SAM's spirit was never broken. In 1991, SAM came to Washington to serve the people of the 3rd District of Texas in the United States Congress.

In honor of SAM's service to our Nation, Albert Carey Caswell, a long time House employee, authored a poem entitled, The Star of Texas. I would like to share Mr. Caswell's poem as a tribute to Congressman JOHNSON at his request.

THE STAR OF TEXAS

In the darkest days of night . . .

All in that battle, all in that fight!

To but bring our light!

All in our souls, so very bright!

As but a Freedom Fighter, who all those wrongs must right!

While, all around you such a living hell . . . All in those moments of faith and courage, that do tell!

While, all in that darkness . . . where such evil dwells!

As against all odds, Sam . . . your fine heart so chose to swell!

A Star was born!

For now Sam, the Eyes of Texas . . . are upon you, as a Hero you will live on!

With but only your most heroic heart, as against all odds you fought!

To stay the course, and rise above . . .

A Freedom Fighter, now in our Lord's heart you are but his special love!

Because, your fine heart of courage . . . so chose to swell . . .

From out of this darkness, from out of such hell!

A Star of Texas would rise, rise up to ever dwell!

Your life, has been a Tour De Force!

You Soar! As an Eagle, in The United States Air Force!

Mothers teach your children well!

All about, such heroes you must tell!

And one day Sam, you will get your new wings . . . "Come to Heaven my son," as our Lord sings!

For we need Angels like you, to fight the darkest of things!

This Star of Texas, one of our Nation's greatest beings!

For the Eyes of Texas, are upon you . . .

And as a great American Hero Sam, you will live on, YOU!

In honor of Sam Johnson, a real American Hero . . .

#### DALLAS SCHOOL NAMED BEST IN AMERICA FOR THE TALENTED AND GIFTED

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, every year Newsweek magazine selects the best high schools in America. For the third time in four years, the School for the Talented and Gifted at the Yvonne A. Ewell Townview Magnet Center located in Dallas ranks number one. The school is part of the Dallas Independent School District (DISD) that enrolls students in grades nine through twelve. Known for its intimate student-to-teacher ratio and progressive liberal arts Advanced Placement Program, the School for the Talented and Gifted is an ideal learning environment.

With a total of 277 students, Townview Magnet Center's mission is to "educate and graduate students who are college ready and who will be successful in college". This year, the 2010 senior class students combined earned scholarship and grant offers summing to approximately \$12.5 million. Furthermore, Townview is comprised of six different schools of concentration to include: (1) the School for the Talented and Gifted; (2) the School of Science and Engineering; (3) the School of

Business and Management; (4) the School of Health Professions; (5) the School of Education and Social Services; and (6) the School of Government and Law.

Madam Speaker, this public college preparatory magnet secondary school is applauded for its tremendous accomplishments, superb students, and committed faculty.

RACHEL STRAND

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Rachel Strand who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Rachel Strand is an 8th grader at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Rachel Strand is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Rachel Strand for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

A TRIBUTE TO RICHARD KLOIAN

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to pay tribute to Mr. Richard Diran Kloian, who passed away on May 1, 2010. Mr. Kloian was founder of the Armenian Genocide Resource Center of Richmond, California.

Richard Kloian and the AGRC were best known for "The Armenian Genocide: News Accounts from the American Press, 1915-1922," a landmark 1985 collection of articles reproduced from the New York Times and other sources. Painstakingly compiled from microfilm in the years before digitization and the Internet made historic newspaper stories widely accessible, this coverage of what America's newspaper of record had once called "systematic race extermination" made a powerful impact just as denial of the genocide was accelerating. Originally published in 1980 and 1981 as "Armenian Genocide: First 20th Century Holocaust," the collection's subsequent editions were expanded to cover the Hamidian massacres of the 1890s and the Adana massacre of 1909.

A fellow scholar called him "an indispensable bridge" between genocide researchers, historians, educators, and the public. Richard's interest in the Genocide was inspired by his

discovery of his father Zakaria's memoir and the harrowing story of survival of his grandmother, Khanum Palootzian, which he recorded in 1972. Realizing the effectiveness of personal narratives as a teaching tool, he would later encourage others to send family memoirs to Armenian studies centers where the stories could be preserved and shared.

To facilitate the teaching of the Armenian Genocide, Richard compiled hundreds of articles from scholarly journals and published scores of booklets and readers. He collected, edited, produced, and distributed a 400-page resource manual of maps, web sites, photographs, news reports, primary-source documents, scholarly articles on the genocide and its denial, and U.S. state-level curricula that mandated teaching about the Armenian Genocide.

Israel Charney, Executive Director of the Institute on the Holocaust and Genocide in Jerusalem wrote, "I consider him a GIANT on behalf of Armenian Genocide recognition and memory. His devotion to his work in enabling education and memory about the Armenian Genocide was immense."

May Richard's life and work live on through the tremendous contributions he made to the study and teaching of the first genocide of the 20th century.

TRIBUTE TO WILL BAKER

### HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to pay tribute to the late Will Baker of Hyden, Kentucky, a storied man who lived 102 years and was beloved by his community.

Will Baker loved his country and dedicated a lifetime of service to his community, to civic responsibility and honoring fellow military veterans. He was likely the oldest living election officer in Kentucky, dedicating more than 25 years to the electoral process late in his life, even past his 100th birthday. However, he started his service as a young man, proudly serving during World War II, in the United States Army. Following his service, he became an active member of the Leslie County D.A.V. Chapter 133 and took great pride in honoring fallen soldiers. Outside of his military service, Will Baker was a handy man. He spent many years as a carpenter, coal miner and business owner in Leslie County. Will shared his heart of gold with everyone he encountered, earning him the respect and love of hundreds of families across the region.

Madam Speaker, I ask my colleagues to join me in honoring Will Baker for dedicating a lifetime of service to the families of Eastern Kentucky, our Commonwealth and our great Nation.

RAE LANIEL

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Rae Laniel who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Rae Laniel is an 8th grader at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Rae Laniel is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Rae Laniel for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

IN HONOR OF PEGGY SPIEGLER

### HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to pay tribute to the late Peggy Spiegler, who tragically lost her battle to melanoma two years ago.

Peggy was a loving daughter, wife, mother, and grandmother. She was an extremely passionate teacher and was a great friend to the many people in her life. Despite being diagnosed with stage-four melanoma in February of 2008, the disease never weakened Peggy's spirit. Throughout her life, Peggy touched the lives of so many people with her amazing strength and positive outlook on life.

Last year, Peggy's family and friends decided to host 'Peggy's Walk,' an annual walk held in her honor to raise money for melanoma research. For their inaugural event, they raised more than \$40,000. During this year's walk on June 26th in Cooper River Park, Peggy's friends and family will aim to raise even more.

Peggy Spiegler was an inspirational human being that touched the lives of so many throughout her community. I ask my colleagues in the United States House of Representatives to join me in remembering this remarkable woman and commend her friends and family for their outstanding efforts in raising awareness for this deadly disease.

ROSA MUNGUIA

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Rosa Munguia

who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Rosa Munguia is a 7th grader at Wheat Ridge Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Rosa Munguia is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Rosa Munguia for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

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SAM ROSALES

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Sam Rosales who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Sam Rosales is a 12th grader at Arvada School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Sam Rosales is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Sam Rosales for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

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IN MEMORY OF DONNA JEVENIS

**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. GALLEGLY. Madam Speaker, I rise in memory Donna Jevens, a close friend of mine and my wife, Janice, and anyone who ever knew her or worked with her.

Donna was a vivacious woman who was the center of all that was positive. She worked with me for nearly 7 years in my Ventura County office, retiring to Surprise, Arizona, with her husband and high school sweetheart, Jim, in 2000. Donna was one of my case workers, handling every problem with efficiency and great empathy for the people whose problems she helped to solve. My staff do not consider themselves coworkers; they are family and Donna was an integral member of our family.

She also worked for another member of this chamber, Representative TOM MCCLINTOCK,

when TOM was a State representative. TOM and I both remember an unflappable personality with an ever-present smile. Her very presence brightened a room.

Just before she died earlier this month, Janice and I traveled with my district director Paula Sheil to Arizona to visit Donna and Jim. Though near death, Donna was still upbeat and positive. She was a remarkable woman and will be remembered dearly.

Prior to her work with Representative MCCLINTOCK and me, Donna was an elementary school teacher. Donna was a proud member of the Alpha Gamma Delta Sorority at the University of Wisconsin, from which she graduated in 1961. She was also a longtime member of P.E.O., Camarillo Chapter UM, in California.

During their retirement, Donna and Jim traveled the world and often visited their children and grandchildren.

Aside from Jim, her husband of nearly 50 years, Donna is survived by her son, Rob, in Chicago; and son, Tom, daughter-in-law Heather, and granddaughters Emily and Allison, in San Jose, California.

Madam Speaker, I ask my colleagues to join me in sending our condolences to Donna's family and in remembering a remarkable public servant, mom, grandmother, wife and friend whose spirit will live within us forever.

Godspeed, Donna.

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SAMANTHA HERBERT

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Samantha Herbert who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Samantha Herbert is a 7th grader at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Samantha Herbert is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Samantha Herbert for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

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PERSONAL EXPLANATION

**HON. J. GRESHAM BARRETT**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor the legislative week of Monday, June 14, 2010.

For Monday, June 14, 2010, had I been present I would have voted "aye" on rollcall vote No. 355 (on motion to suspend the rules and agree to H. Res. 1368), "aye" on rollcall vote No. 356 (on motion to suspend the rules and agree to H. Res. 1409), "aye" on rollcall vote No. 357 (on motion to suspend the rules and agree to H.R. 5502).

For Tuesday, June 15, 2010, had I been present I would have voted "aye" on rollcall vote No. 358 (on motion to suspend the rules and agree to H. Res. 1383), "no" on rollcall vote No. 359 (on agreeing to H. Res. 1436, which provides for consideration of H.R. 5486), "no" on rollcall vote No. 360 (on motion to suspend the rules and agree to H.R. 4855), "aye" on rollcall vote No. 361 (on motion to suspend the rules and agree to H. Res. 1389), "aye" on rollcall vote No. 362 (on motion to recommit H.R. 5486), "no" on rollcall vote No. 363 (on passage of H.R. 5486), "aye" on rollcall vote No. 364 (on motion to suspend the rules and agree to H. Res. 1322).

For Wednesday, June 16, 2010, had I been present I would have voted "aye" on rollcall vote No. 365 (on motion to suspend the rules and agree to H. Con. Res. 242), "aye" on rollcall vote No. 366 (on motion to suspend the rules and agree to H. Res. 1422), "aye" on rollcall vote No. 367 (on motion to suspend the rules and agree to H. Res. 1414).

For Thursday, June 17, 2010, had I been present I would have voted "no" on rollcall vote No. 368 (on ordering the previous question on H. Res. 1448), "no" on rollcall vote No. 369 (on agreeing to H. Res. 1448, which provides for consideration of H.R. 5297), "aye" on rollcall vote No. 370 (on motion to suspend the rules and agree to H. Res. 1429), "aye" on rollcall vote No. 371 (on agreeing to the Israel amendment to H.R. 5297), "aye" on rollcall vote No. 372 (on agreeing to the Cao amendment to H.R. 5297), "aye" on rollcall vote No. 373 (on agreeing to the Miller (NC) amendment to H.R. 5297), "aye" on rollcall vote No. 374 (on motion to recommit H.R. 5297), "no" on rollcall vote No. 375 (on passage of H.R. 5297).

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SARAH ELLIS

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Sarah Ellis who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Sarah Ellis is a 12th grader at Ralston Valley High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Sarah Ellis is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Sarah Ellis for winning the Arvada Wheat Ridge Service Ambassadors for Youth

award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

COMMENDING LOWE'S CHARITABLE AND EDUCATION FOUNDATION'S DONATION TO WELDON ELEMENTARY SCHOOL

**HON. G.K. BUTTERFIELD**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. BUTTERFIELD. Madam Speaker, I rise today to commend Lowe's Charitable and Education Foundation on their recent \$100,000 donation to Weldon Elementary School in Weldon, North Carolina. This much needed funding will be used to renovate facilities, make technology upgrades and improve security.

Lowe's was founded in 1946 in North Wilkesboro, North Carolina. The company now operates stores in all 50 states, Canada, and Mexico and serves over 14 million customers per week. Lowe's operates a distribution center in Garysburg, North Carolina, a small town of just over 1,200 residents, located in my Congressional District. Over 750 people are employed at the distribution center and more than 1,500 people are employed at Lowe's six home improvement stores located in my District. Many of them have friends or family that have attended Weldon Elementary School and understand the potential impact of Lowe's gracious donation.

Donating funds to needy school districts across the country is nothing new for Lowe's. Founded in 1957, Lowe's Charitable and Education Foundation is dedicated to improving the communities they serve through support of public education and community improvement projects. The Foundation donates millions of dollars annually to public schools, community organizations, and individual students.

Madam Speaker, I am encouraged by Lowe's strong involvement in communities across the country. I hope that other businesses will follow Lowe's example and work to build public-private partnerships that yield tremendous benefits for communities across the country.

I ask my colleagues to join me in thanking Lowe's for their recent donation to Weldon Elementary School and to the many other worthwhile projects they support across the country.

**SARAH ROSE**

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Sarah Rose who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Sarah Rose is an 8th grader at Arvada Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Sarah Rose is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Sarah Rose for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

HONORING U.S. AIR FORCE MAJOR GENERAL DOUGLAS BURNETT

**HON. ANDER CRENSHAW**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. CRENSHAW. Madam Speaker, I rise today to honor U.S. Air Force Major General Douglas Burnett, the Adjunct General of Florida, for 47 years of distinguished service to his country and the state of Florida. Major General Burnett exemplifies the values of a committed military officer.

General Burnett began his career with the Florida National Guard in 1963 as an electronics specialist. For the next six years, he was an aircraft radio repairman with the 125th Fighter Group stationed in his hometown of Jacksonville, Florida. It was during this time that he decided he wanted to be a fighter pilot.

Following his graduation from the University of Mississippi and his commissioning as an Air Force officer, Second Lieutenant Burnett became a full-time alert pilot with the 125th, flying the F-102 Delta Dagger. He also flew commercially for Pan American World Airways and United Airlines. He remained an active member of the Guard and over the years served as pilot, air operations officer, staff director, chief of staff, and commander of the Florida Air National Guard. In 1996, Brigadier General Burnett became the Assistant Adjunct General as well as Commander of the Florida Air National Guard.

On November 3, 2001, for the first time in the history of the Florida National Guard an Air National Guard officer was appointed The Adjunct General of Florida (TAG), overseeing 12,000 soldiers and airmen. As the new leader of all Guardsmen, MG Burnett, who was well versed in blue suit issues, immersed himself in soldier, or green suit, issues including the proper usage of the word hoorah. He studied basic infantry tactics, weaponry and other army equipment. His preparation paid off as he became a wartime TAG. General Burnett set the highest standards for excellence and then led by example to reach and surpass those goals. Using his personality, skill, resourcefulness and the ability to manage and juggle priorities to meet the support needs of the Guard and their families, General Burnett has upheld the highest traditions of the Florida National Guard. He became fluent in two languages—Army and Air Force—and understood that the crew chief on a flight line is as committed as the soldier crawling through the mud. His engaged leadership was the catalyst

behind the Florida National Guard being positioned to not only respond to the Global War on Terror but maintain its state duties and react to 14 hurricanes, five firefighting seasons, major tornadoes, and border security missions. More than 11,000 Florida Guardsmen have served in combat zones around the world over the last nine years.

General Burnett worried that his Guardsmen, who were called to active duty, would not be as well equipped as the active duty military units. He worked with the Florida Congressional Delegation and as a result, his troops received both the training and the equipment they needed in battle. This "hands-on" General saw another problem—troops were being deployed not for six months but for longer periods of time. His citizen soldiers left jobs and higher paychecks for military compensation. Debts based on the higher pay still came due even when the service member was "doing his duty." Families became frightened. So, General Burnett traveled the state explaining to families why their soldiers were serving and promising to support the families. He worked with the Florida Legislature to ensure that Florida offers the military, including Guardsmen, the best benefits of any state.

Under his watch, General Burnett made readiness the watch word of the Florida National Guard. He realized and stressed that you can't take a reserve force and put them on active duty capable of fulfilling the missions unless they are ready. His readiness mantra has served his soldiers and airmen well. The Florida National Guard has built a reputation that its members are not only ready to serve but capable of fulfilling its missions overseas as well as here in Florida.

This Saturday, June 26, 2010, Major General Douglas Burnett will retire after 47 years, four months and 12 days, setting a record as the longest serving Air Force officer. He will miss the people committed like he was to serving his country and state. Florida will miss his dedicated leadership and commitment to excellence.

And on behalf of the State of Florida and the 4th Congressional District, it is my privilege to recognize the dedication, caring and leadership that makes Major General Douglas Burnett a leader among men and an outstanding Floridian.

WELCOMING REV. LANE D. BEMBENEK

**HON. BOB INGLIS**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. INGLIS. Madam Speaker, it is my privilege to recognize and welcome Rev. Lane D. Bembenek, pastor of the Joy Lutheran Church in Moore, SC.

Pastor Bembenek studied theology in Rock Hill and Columbia, SC, and first pastored a church at the Pine Grove Lutheran Church in Lone Star, SC. In 1998, he began developing a new congregation in the Evangelical Lutheran Church in America called Joy Lutheran church. This church has grown into a thriving congregation on the west side of Spartanburg, SC.

Pastor Bembenek is married to Dianna Bonnett Bembenek. They have two sons, Jacob and William.

We very much appreciate his contribution to the people of the Fourth Congressional District of South Carolina.

TRIBUTE TO COLONEL ROBERT E. CROWLEY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to our country are exceptional. The United States has been fortunate to have dynamic and devoted men and women who willingly and unselfishly dedicate their lives in service to our country. Colonel Robert E. Crowley is one such individual. Saturday, June 26, 2010, is Colonel Crowley's change of command ceremony at March Air Reserve Base in California, when he passes on his duties as Commander of the 358th Civil Affairs Brigade and retires from the United States Army. Colonel Crowley assumed command of the 358th Civil Affairs Brigade on August 9, 2008. The brigade, headquartered at March Air Reserve Base, California, consists of four Civil Affairs Battalions located in California and Arizona.

A native of New London, Connecticut, Colonel Crowley was commissioned an Infantry Officer in 1982 through the University of New Hampshire Reserve Officers' Training Corps (ROTC) program and qualified as a Civil Affairs Officer in 1994. His previous commands include Commander, 404th Civil Affairs Battalion (Airborne) and Chief of Civil-Military Operations, United States Southern Division, HQDA. His overseas assignments include: Iraq, Haiti, Colombia, Ecuador, Bosnia, and Macedonia.

Colonel Crowley's military education includes the Infantry Officer Basic and Advanced Courses, the Combined Arms and Services Staff School, the U.S. Army Command and General Staff Officer Course, the Joint Combined Warfighting Course, and the National War College. Prior to his current assignment as the Commander of the 358th Civil Affairs Brigade, Colonel Crowley was assigned to the National Defense University in Washington, DC, where he earned a Master's of Science Degree in National Security Strategy and was selected distinguished graduate. In addition to his master's degree, Colonel Crowley holds a bachelor's degree in Political Science.

Colonel Crowley's awards include the Bronze Star Medal, Defense Meritorious Service Medal with Oak Leaf Cluster, Meritorious Service Medal with three Oak Leaf Clusters, Joint Service Commendation Medal with Oak Leaf Cluster, Joint Meritorious Unit Award, Parachutist Badge, Air Assault Badge, and Army Staff Identification Badge.

Colonel Crowley is the proud father of Elizabeth, Sarah, and Robert E. Crowley, III.

As we look at the incredibly rich military history of our country we realize that this history

is comprised of men, just like Colonel Crowley, who choose to live their lives in service to our country. He joins a unique brotherhood that, from the first shots at Lexington during our own revolution, has stood to protect us and defend the ideals of freedom and democracy. I know we are all grateful to Colonel Crowley for his lifetime of service and salute him as he retires after 28 years of honorable service in the U.S. Army.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,041,849,923,645.94.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,403,424,177,352.14 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

NO, GOP, YOU DON'T GET THE CAR KEYS BACK

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. GENE GREEN of Texas. Madam Speaker, I submit the following article: "No, GOP, you don't get the car keys back" by Gene Lyons of the Arkansas Democrat-Gazette as printed in The Baytown Sun, May 25, 2010.

One minor mystery of the Obama administration is whether the president has actually believed that the nation's most intractable problems could be solved by the wonder-working power of bipartisanship and the emollient balm of his personality. He wouldn't be the first politician whose ego convinced him he could sweet-talk his bitterest opponents.

Many Democrats think that the White House's ultimately futile quest for Republican health care votes only gave GOP imaginers more time to frighten gullible voters with falsehoods about "death panels" and such, weakening public support.

Until quite recently, it's been much the same with jobs and the economy. Despite unanimous Republican opposition to the administrations \$787 billion stimulus bill and universal predictions of doom, the White House has often acted as if the party's reasonable leadership would eventually return to the politics of negotiation and compromise.

Instead, we've seen the GOP increasingly dominated by its irrational Chicken Little wing, seeing grim portents and predicting doom. Continuing their party's decades-long war on Arithmetic, Republicans act as if the highest form of patriotism is to demand tax

cuts even as a USA Today analysis documents that "Americans paid their lowest level of taxes last year since Harry Truman's presidency . . . Federal, state and local taxes—including income, property, sales and other taxes—consumed 9.2 percent of all personal income in 2009, the lowest rate since 1950, the Bureau of Economic Analysis reports." The historic average has been 12 percent.

Meanwhile, the Bureau of Labor Statistics reports that the U.S. economy generated 290,000 jobs in April, the strongest month in four years. That brings new jobs created in 2010 to 573,000.

And how did GOP savants respond to the good news? Citing the unemployment rate, House Minority Leader John Boehner called it "disappointing news . . . Washington Democrats have no coherent agenda to create jobs, and no interest in doing anything but continue to spend money we don't have on 'stimulus' programs that don't work."

Don't work? The National Journal's Ronald Brownstein puts things in perspective: "If the economy produces jobs over the next eight months at the same pace as it did over the past four months, the nation will have created more jobs in 2010 alone than it did over the entire eight years of George W. Bush's presidency." It's a fact. Should current growth persist, the U.S. economy will gain roughly 1.7 million jobs this year. From 2001 through 2008, the Bush economy generated about 1 million.

Of course with 15.3 million Americans out of work, we're far from being out of the woods. Indeed, the nation's quickening economy has actually led to a slight uptick in the unemployment rate, as thousands who'd given up seeking work rejoined the labor market. But we can definitely see a path to greater prosperity.

Meanwhile, Republicans keep baying at the moon. On a recent "Fox News Sunday," former House Speaker Newt Gingrich gravely announced that "The (Obama) secular-socialist machine represents as great a threat to America as Nazi Germany or the Soviet Union once did."

Even host Chris Wallace was taken aback, asking "Mr. Speaker, respectfully, isn't that wildly over the top?" Gingrich didn't think so.

A sane political movement would keep a prating coxcomb like Gingrich off television. Whether Newt actually believes this rubbish, or is merely following the Tea Party fife and drum corps around the bend, strikes me as of little interest. Politically, it's pointless to reason with crazy people—make-believe or real.

Speaking recently in Buffalo, president Obama signaled that maybe he gets it. "When I took office," he said "we were losing 750,000 jobs a month. . . . I had just inherited a \$1.3 trillion deficit from the previous administration, so the last thing I wanted to do was spend money on a recovery package, or help the American auto industry keep its doors open, or prevent the collapse of Wall Street banks whose irresponsibility had helped cause this crisis. But what I knew was if I didn't act boldly and I didn't act quickly . . . we could have risked an even greater disaster."

Then, at a Manhattan fundraiser, Obama came up with the perfect metaphor. He said that Republicans had made a calculated decision to oppose all White House initiatives, and to hope for the worst. "So after they drove the car into the ditch, made it as difficult as possible for us to pull it back, now they want the keys back. No! You can't

drive! We don't want to have to go back into the ditch! We just got the car out!"

Give 'em hell, Barrack. Over and over until they get the message.

THANKING RUSSELL HENLEY, ERIK COMPTON, AND HUDSON SWAFFORD FOR THEIR FINE REPRESENTATION OF UGA AND THE STATE OF GEORGIA AT THE 2010 U.S. OPEN CHAMPIONSHIP

### HON. PAUL C. BROWN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. BROWN of Georgia. Madam Speaker, I rise today to thank three members of The Bulldawg Nation who not only competed well at the 2010 U.S. Open Championship, but also represented our great state and flagship university with class. All three have displayed the fortitude and dedication that makes them great role models for young golfers today. Hudson Swafford battled back from shoulder surgery to compete in this year's Open, Erik Compton has survived two heart transplants, and Russell Henley has worked hard to receive numerous awards, including being named Golfweek's National Player of the Year after finishing No. 1 in the final Golfweek/Sagarin Performance Index for 2009–2010. Henley also tied with one other player for low amateur status at the 2010 U.S. Open.

I urge my colleagues to join me in commending these young men. I also hope Members of the House will turn their attention to the attached article—written by author and Bulldawg great Loran Smith—on the class they exhibited at this year's U.S. Open.

FANS LOVE THE DAWGS; DAWGS LOVE THE OPEN

(By Loran Smith)

PEBBLE BEACH, CA.—At the par-4 dogleg No. 8 hole at Pebble Beach, hard by the Pacific Ocean, a fan yelled out as Russell Henley passed through in the second round on Friday: "Go Bulldogs!"

This obviously was a fan who had become attracted to the play of Henley, playing partner Erik Compton and Hudson Swafford, who was in the group behind them. If he had shouted the familiar "Go Dawgs!" it would not have given him away as a new Georgia fan.

"It has been amazing," said Compton, who missed the cut with a two round total of 158, 16 over par. "You won't believe the number of times I heard someone shouting, 'Go Dawgs!' It made me feel like I was back in Athens."

Compton has something to do with the regard for the Bulldog contingent in that his compelling story continues to attract attention. How many times do the TV networks and the Washington Post show up to interview a guy who is 16 over par?

It would only be natural that a player who has had two heart transplants would attract media attention, even when he misses the cut. That he wants to follow his dream of playing the PGA tour with his considerable challenge piques the media interest.

"Anyone going through what he has gone through makes it something special in the fact that he is here," said Chris Haack, his coach at Georgia.

There is more to the story.

"I think Russell and Hudson (Swafford) have enjoyed themselves and have played to the crowd," Haack continued. "They have made a lot of friends for the University of Georgia."

It would be easy to spot Henley and Swafford with their Georgia golf bags and Bulldog head covers. But they were not all show. They displayed shotmaking savvy that engendered respect.

"That is the thing that I have enjoyed the most," Haack added. "I think they showed the other players in the Open that they can play golf and should be joining them out here someday."

Haack met a couple from Colorado during the first round. When he showed up on the second day they were following his guys.

"We became Georgia fans after talking to you and watching your players," the Colorado couple said. "They are very nice, and it is fun to see them having such a good time and enjoying themselves."

Early in the week, Haack was in the middle of his summer golf camp when Swafford called him and said, "Coach you need to come out here and see this place. You just won't believe how unbelievable it is."

Haack was torn emotionally. He wanted to be here, but he felt responsible to the kids in his camp. At first, he hesitated.

"I haven't made any arrangements," Haack said. "I don't even have a place to stay."

With that, Swafford caused Haack to rethink his plans with an invitation to room with him. Haack discussed it with his campers, fully expecting to stay in Athens if there were any expressions of disappointment. The campers told him he ought to strike out for Pebble Beach.

"I was excited about coming out here when I got the call," Haack said. "The fact that two of our players are competing in the Open is special, and it doesn't happen very often. Might not ever happen again. The players arranged a player instructor pass for me which gave me access to the practice tee. I have had a great time. Who wouldn't enjoy Pebble Beach?"

In the first round, when Swafford was leading briefly at 2-under par, the text messages began streaming in. All Haack could think about was that his players had to be getting attention for a lot of recruiting prospects.

"These boys have done Georgia proud," he said. "I'm grateful that they wanted me to come out and join them."

In the background, the waves of the Pacific were crashing against the rocks along the 18th fairway and sea otters were cavorting energetically in the ocean. The Georgia contingent, enjoying themselves to the fullest, realize that there are few golf experiences to compare to the Open at Pebble Beach.

For Henley, there is something extra. He now has a chance to become the low amateur by nightfall Sunday.

RECOGNIZING ALLEN USA FOR UNITING FREEDOM, FAMILIES, AND FUN

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise today to recognize Allen USA for uniting freedom, families, and fun. It's hometown events that promote quality to-

gether time while celebrating the bounty of America that make Texas a great place to call home. We're proud to remind folks that we're the land of the free because of the brave! My hat is off to the great folks at the City of Allen and Allen Parks Foundation who make Allen USA a success year after year. Below is information detailing this worthy celebration. It is an honor to be a part of it. God bless you all and I salute you one and all.

Produced as a cooperative effort between the City of Allen and the Allen Parks Foundation, the Allen USA celebration is Allen's largest and most spectacular community event to say the least! Centered around the theme of being "First to the Fourth", Allen USA serves as the community's Fourth of July celebration, uniquely held the last Saturday of June every year. Being the last Saturday in June allows the event to be a stand out among area cities' celebrations and promotes attendance locally, regionally and state-wide.

Allen USA began in 1995, taking place in the intimate surroundings of Bethany Lakes Park and Joe Farmer Recreation Center amphitheater. An estimated 5,000 people attended the first event complete with fireworks, a thrilling laser show and entertainment provided by the Allen Civic Chorus and other local talent.

The phenomenal success from these humble beginnings led the event to move to a larger venue at Allen Station Park. Attendance grew to more than 20,000 as the entertainment included national recording artists such as Jerry Jeff Walker, Vince Vance and the Valiants, and others.

In 2003, Allen USA exploded in attendance with a move to Allen's new 106 acre Celebration Park. Since that time, the event has grown to a regular attendance of up to 65,000 people and has included national recording artists such as Survivor, JT Taylor from Kool and the Gang, Eddie Money, 38 Special and Three Dog Night to name a few.

There is truly something for everyone at Allen USA! A number of concessionaires will be on site selling all of your favorite festival foods and snacks. The Kids Zone hosts a multitude of bounce houses and play structures for children to enjoy. The Activity Zone provides fun and exciting entertainment for children and youth of all ages.

This year our Main Stage will be rockin' with the tunes of the Commodores and, after what promises to be an exciting performance, the evening ends with one of the largest fireworks shows set to music in North Texas! And did we mention . . . admission is FREE!

Allen USA also gives back to the community! A number of civic organizations support the event through countless volunteer hours to sell soft drinks, souvenirs and assist with festival activities. The event returns back to them a portion of the proceeds for their hard work and support!

Many people have said that it's the memories they create at Allen USA that keeps them coming back year after year. The family friendly reputation of this event is what grabs other's attention to attend for the first time! But regardless of why people attend, at the end of the night, the smiles say it all! So come party in the park with us . . . you'll be glad you did!"

SUPPORTING THE REFUGEES AT  
CAMP ASHRAF**HON. WM. LACY CLAY**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. CLAY. Madam Speaker, I rise today to support the refugees living at Camp Ashraf in Iraq. I am disturbed by reports of continued abuse of these Iranian refugees by the same Iraqi forces that are responsible for ensuring their safety. In light of the recent announcement of an upcoming U.S. troop withdrawal from the camp, I urge Congress to support the residents at Camp Ashraf by ensuring they receive the protection that they deserve.

These refugees, who have been forced from their homes in Iran, are exactly the kind of defenseless people the international community needs to ensure are protected. Unfortunately, they have been subject to bloody incursions from the Iraqi army, such as the travesty of last year's attack which killed 11 people and injured over 400. It is critical that the United States and international community work to ensure that the residents of this camp are treated humanely.

I encourage my colleagues to join me in supporting the refugees at Camp Ashraf.

HONORING SAUNDERS MIDDLE  
SCHOOL FOR BEING NAMED ONE  
OF THE TOP PERFORMING  
SCHOOLS IN THE COUNTRY**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to honor Saunders Middle School for being named as a School to Watch and as one of the top 90 performing middle-grades schools in the nation by the National Forum to Accelerate Middle Grades Reform in 2010.

Saunders Middle School provides an outstanding academic environment for its students to learn. The teachers' devotion to the students' well-being and the students' commitment to learning and challenging themselves have set Saunders Middle School above its counterparts. The staff and student body earned this award by not only being an excellent academic school, but also by being sensitive to each individual students' needs and fostering a socially equitable environment as the students begin to make their transition from adolescence to young adulthood. As a School to Watch, the students and teachers of Saunders Middle School provide a great example of what our educators and students across the nation should strive to achieve.

Madam Speaker, I ask that my colleagues join me in congratulating Saunders Middle School for this recognition and in wishing, its teachers and students continued success.

CONGRATULATING THE WINNERS  
OF THE PRESIDENTIAL AWARD  
FOR EXCELLENCE IN MATHE-  
MATICS AND SCIENCE TEACHING**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize the teachers who have been selected to receive the Presidential Award for Excellence in Mathematics and Science Teaching. Administered by the National Science Foundation (NSF) on behalf of the White House Office of Science and Technology Policy, this award recognizes exemplary teachers for their contributions to the teaching and learning of mathematics and science.

The Presidential Award for Excellence in Mathematics and Science Teaching is the highest recognition that a kindergarten through twelfth-grade math or science teacher can receive for outstanding student instruction in the United States. Enacted by Congress in 1983, this program authorizes the President to bestow up to 108 awards per year. For the 2009 award, President Obama named 103 teachers from the seventh through the twelfth grades to be recognized with a citation signed by the President and a \$10,000 award from the NSF.

Awards are given to mathematics and science teachers from each of the 50 states and four U.S. territories. In addition to honoring individual achievement, the goal of the award program is to exemplify the highest standards of math and science teaching. Honorees serve as models for their colleagues, inspire their communities, and lead in the improvement of math and science education.

Congratulations to the recipients—all of whom have demonstrated outstanding teaching ability and have contributed greatly to the education of our nation's youth. I would especially like to congratulate Kimberly Morrow-Leong of Marsteller Middle School in Bristow, VA, who has been recognized for mathematics and Dat Le of the H-B Woodlawn Secondary Program in Arlington, VA, who has been recognized for science. In the words of President Obama, these teachers "are inspirations not just to their students, but to the Nation and the world."

Madam Speaker, I ask my colleagues to join me in recognizing the accomplishments and recognition of the recipients of this Presidential award. I wish these, and all teachers, continued success in educating our nation's youth in math and science, providing for a brighter tomorrow across the country and the world.

## HONORING HELEN MAUTNER

**HON. RAÚL M. GRIJALVA**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. GRIJALVA. Madam Speaker, I rise today to honor and recognize Helen Mautner for her tireless dedication to improving the lives and protecting the rights of all people in

Arizona and throughout the United States. For many years, Mrs. Mautner has been involved in the struggle for basic human rights and social justice. She has volunteered for and been employed by organizations that assist those unable to speak or stand up for themselves all her life.

Helen Mautner was born in Chicago, Illinois, in 1930. While living in Chicago, she attended Marshall High School on the west side of the city. At the age of sixteen, she moved to California with her family and finished high school there. When Helen was growing up, her ambition was to help the slums of Chicago as an activist. This led her to become a sociology student at Los Angeles City College. She graduated from the University of California (Berkeley) and received her Bachelor's degree, then her Master's in Social Work. She taught sixth grade for several years. While employed as a school social worker in California, she was introduced to Robert Mautner. They were married from 1958 until his passing in 2004.

Helen and Robert Mautner moved to Tucson in 1965. For the next decade she immersed herself in caring for Robert and her children Erik, Chris, and Alisa, and started her impressive volunteer path to help those in need. She was a stay-at-home mom to the three kids during their elementary school years: she took pottery classes, ran the studio during school hours, met members of Tucson's politically progressive community, and expanded her awareness of how to assist marginalized populations. She volunteered for the American Civil Liberties Union (ACLU) office in Tucson, an organization that defends individual rights guaranteed to every person in the United States. In 1973, she became the ACLU's Southern Arizona Chapter Director. She also served on, and chaired, the People with AIDS Coalition (now the Southern Arizona AIDS Foundation). She has been a member of the Tucson Police Citizens Review Board, the Arizona Superior Court Judicial Review Committee, and the City of Tucson Magistrate Selection Committee.

For years, Helen was also involved in compliance with the federal Tucson Unified School District (TUSD) desegregation order. Helen has volunteered for every cause she holds dear, and still spends a great deal of time volunteering for election campaigns for those who share her vision. Her dedication and inspiration helped her to become friends with many local and national activists and political figures. She lent her time and dedication not just to politics, but to people from many walks of life. A longtime associate and friend, Cornelius Steelink, remembered her assisting a local biker group in an anti-discrimination case in the mid 1980s and saw first-hand how her beliefs and openness shone through. He remembered her saying, "You never know who's going to walk into this office, but you have to be ready to (help) them." Emojean Girard, a local activist and retired judge, recently said of her: "We esteem her for her clear thinking and dedication to the cause of civil rights. Tiny though she may be in physical structure, she is a giant of fortitude and determination." In 1997, Helen retired from the University of Arizona as the Assistant Director of the Affirmative Action Office.

When not volunteering her time, she has financially supported charities ranging from Amnesty International to The Redwing Indian Schools. Helen is a regular walker on Martin Luther King Day, and has marched many times for Cesar Chavez and the United Farm Workers union. Her children remember times when no meat, grapes or chocolate were allowed in the home in support of the causes she held dear. They treasure the values they learned during those formative years from their parents and love Helen for everything she is and what she has always stood up for.

Helen Mautner has been a fantastic mother to her children, providing positive and loving guidance and navigating the challenges of parenthood. She and Robert saw Erik die of cancer in 1987, and she has missed him ever since. Alisa and Chris would not be the people they are today without their mother. Both are employed in public and social service positions, and volunteer their own time to improve the lives of the less fortunate. Helen is now the proud grandmother of Zane, the son of her daughter Alisa and her husband BJ, and takes great joy in the time they spend together.

Helen has always balanced the turmoil of parenting teenagers with that of politics. She currently serves on the Board of the Children's Action Alliance, an advocacy group for children; volunteers with the Primavera Foundation for the homeless; and is on the executive council of the University of Arizona Retirees Association (UARA). Penelope Jacks, the Director of the Children's Action Alliance and a longtime friend and colleague of Helen's, reminisced about first meeting and working with Helen. "[I] learned who were the good guys easy, because all the good guys were Helen's friends. Together we sorted through all kinds of cases, taking turns holding my new baby, chatting, and finding how much we had in common. Our lives have seen many changes since we first met, but Helen is my first and most enduring friend in Arizona." Helen has won numerous awards and recognition for her amazing commitment to social and civil rights causes: the YWCA's Woman on the Move Achievement Award, a place in the Women's Studies Advisory Council (WOSAC) of the University of Arizona's Department of Women's Plaza of Honor, and awards from the City of Tucson's Office of the Mayor in 1981 and 1989.

As Helen turns 80 this year, her children and friends look forward to her next step in life. She is a woman who lives life to the fullest and considers nothing impossible. She is always open to new challenges. Helen Mautner has been an asset to Tucson and the State of Arizona, working tirelessly for her causes, preferring to enjoy the fruit of her labors without seeking public recognition. For these great accomplishments and in honor of her passion and dedication to all citizens rights, and on behalf of her work for the marginalized in society, we recognize Helen Mautner today.

**A PROCLAMATION HONORING  
UNION HOSPITAL FOR BEING  
NAMED THE WINNER OF THE  
HEALTHGRADES MEDICINE  
AWARD FOR 2010**

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. SPACE. Madam Speaker, Whereas, Union Hospital has served the people of the Tuscarawas Valley by providing critical health services; and

Whereas, Union Hospital is integral to the health and well-being of the Tuscarawas Valley; and

Whereas, every year, more than 40,000 local residents rely upon Union Hospital for emergency care; and

Whereas, Union Hospital is rated by HealthGrades as among the top five percent of all hospitals in the United States and achieved HealthGrades' top five star rating for emergency medicine; now, therefore, be it

Resolved that on behalf of the residents of the 18th Congressional District, I congratulate Union Hospital for being named winner of the HealthGrades Emergency Medicine Award for 2010.

**ALEXANDER PYATT**

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Alexander Pyatt. Alexander is a very special young man who has proven the finest qualities of citizenship and leadership by being selected to the People to People World Leadership Forum.

Since People to People International was founded by President Dwight D. Eisenhower in 1956, the organization has been a leader in provide educational world tours. Acceptance into the World Leadership Forum demonstrates Alexander's academic excellence, community involvement, and leadership potential. This forum will help further provide Alexander the tools to become a leader for the next generation.

Madam Speaker, I proudly ask you to join me in commending Alexander Pyatt for his acceptance into the People to People World Leadership Forum and for his efforts put forth in achieving this high distinction.

**IN RECOGNITION OF RANN AND  
NANCY CARPENTER**

**HON. DAVID P. ROE**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. ROE of Tennessee. Madam Speaker, I would like to pay tribute to a very special occasion today—the 43rd wedding anniversary of John Randolph Carpenter and Nancy Anderson Carpenter.

John Randolph Carpenter was born on April, 11, 1945 in Shelby, North Carolina. His wife, Nancy Anderson Carpenter was born on December 27, 1946 in Charlotte, North Carolina. The couple began dating when they attended Meyers Park High School and were eventually married on June 24, 1967 at Meyers Park Methodist Church in Charlotte.

As native North Carolinians, they have lived in Rutherfordton, Greenville, Washington, eventually settling in the Tar Heel state capitol of Raleigh. Together they have raised two daughters, Ragan Kathryn of Los Angeles, California & Mary Randolph of Washington, DC.

Rann enjoyed a successful career with Texasgulf, PCS Phosphate, and the North Carolina Pork Council. Nancy, a loving mother & homemaker actively enjoys working with charitable church & volunteer organizations in Raleigh.

I salute this lovely couple on the 43rd year of their life together and join their family in honoring them on this special occasion. It is a true pleasure to recognize their commitment to one another, their children, and ultimately, our Nation.

**MARTIN NEVELS**

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Martin Nevels. Martin is a very special young man who has proven the finest qualities of citizenship and leadership by being selected to the People to People World Leadership Forum.

Since People to People International was founded by President Dwight D. Eisenhower in 1956, the organization has been a leader in provide educational world tours. Acceptance into the World Leadership Forum demonstrates Martin's academic excellence, community involvement, and leadership potential. This forum will help further provide Martin the tools to become a leader for the next generation.

Madam Speaker, I proudly ask you to join me in commending Martin Nevels for his acceptance into the People to People World Leadership Forum and for his efforts put forth in achieving this high distinction.

**IN HONOR OF THE LATE WASCO  
TRIBAL CHIEF NELSON  
WALLULATUM**

**HON. GREG WALDEN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. WALDEN. Madam Speaker, I rise today to honor the great Oregon tribal leader, Chief Nelson Wallulatum of the Wasco Tribe, who passed away on Sunday, June 13, 2010. He was laid to rest in a traditional Wasco ceremony at 4:30 a.m. on Tuesday, June 15, before the Sun rose that day. He had led his

people, and served on the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, for more than 50 years. Chief Wallulatum was 84 years old.

Nelson Wallulatum became chief of the Wasco Tribe in 1959. Historically, the Wascos are a tribe of the Columbia River, particularly in the Gorge area, and in modern times they are one of the three tribes of the Confederated Tribes of the Warm Springs Reservation of Oregon. Pursuant to the Confederated Tribes of Warm Springs constitution, as chief of one of the three tribes, in 1959 he also became a lifetime tribal council member of the Confederated Tribes of Warm Springs, a duty he fulfilled with enthusiasm, dignity and intelligence.

As the Wasco chief and a tribal council member, he was steadily and deeply involved in the governance of the Confederated Tribes of Warm Springs during a period of great history and change in Indian affairs. He was an unparalleled expert in the Warm Springs constitution and the 1855 Tribes of Middle Oregon Treaty with the United States, and fought to preserve and strengthen the sovereign authority of the Warm Springs Tribes across a time that moved from federal policies of Indian termination to today's well-established self-determination and tribal-federal mutual government-to-government relations. As you might imagine, Chief Wallulatum's leadership tasks brought him on many occasions to Washington, DC, to address both the administration and the Congress on the issues of his people and all Indian people. Over the many years, he was well known and respected by members of Oregon's congressional delegation, as well as by congressional leaders in national Indian issues and policy, before whom he often testified.

Chief Wallulatum was instrumental in the return of 60,000 acres to the Warm Springs Reservation, securing and developing treaty-protected fishing access sites along the Columbia River to replace those inundated by hydroelectric reservoirs, and the settlement and safeguarding of the Confederated Warm Springs Tribes' water rights.

In addition to being a guiding hand in the governance of the Confederated Tribes of Warm Springs, as chief of the Wasco Tribe, Nelson Wallulatum was a principal keeper of the history, culture and traditions of the Wasco people. His authority in these matters was sought by Congress, and was recognized by tribes and their organizations, at whose gatherings he frequently conducted prayers and blessings.

Finally, it must be noted that, throughout conducting the affairs of his nation and his people, Chief Wallulatum did so with good humor, wisdom, and kindness. He was a gentleman of strength and dignity, and a historic leader for the Wasco people and the Confederated Tribes of Warm Springs. He will be missed.

Madam Speaker, I want to thank you and our colleagues for joining me in tribute to Chief Wallulatum.

## CELEBRATING THE 25TH ANNIVERSARY OF BETH JACOB CONGREGATION

### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Ms. McCOLLUM. Madam Speaker, today I rise to honor the members of Beth Jacob Congregation, a Jewish congregation in Mendota Heights, Minnesota, who will celebrate the 25th anniversary of their faith community on June 27th.

Beth Jacob was formed in 1985 when two Twin Cities synagogues, Sons of Jacob and New Conservative Congregation, merged. Founded as an orthodox synagogue in the early 1870s, Sons of Jacob was one of the oldest Jewish congregations in the Twin Cities, while New Conservative Congregation was one of the area's youngest congregations. Seemingly very different faith communities, the members of the two synagogues found that they possessed similar values and needs. The new faith community they formed adopted the name Beth Jacob Congregation. In 1986, the congregation selected Rabbi Morris J. Allen as its religious and educational leader, and in 1987 they broke ground to build their synagogue. Since then, Beth Jacob has steadily grown in size and influence thanks to the dedication and leadership of Rabbi Allen and the involvement and commitment of its members.

Beth Jacob is not simply a synagogue or a place of worship—it is a community. Its members are engaged in studying their faith and participating in Shabbat service. Additionally, members are active participants in their neighborhoods and cities. Beth Jacob is well known for its involvement in our community through interfaith dialogue programs, food shelf donations, assistance to immigrant workers, affordable housing initiatives, and disaster relief efforts. Its contributions to the Jewish community as well as the Twin Cities at large are unparalleled, and I am proud to say that such an active and dedicated Jewish Congregation is located in the Fourth Congressional District of Minnesota.

Madam Speaker, please join me in rising to honor the 25th anniversary of Beth Jacob Congregation, a faith community rich with tradition that is committed to serving the needs of its members and giving back to our community.

## DAXON JAMES WEAVER

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Daxon James Weaver. Daxon is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 401, and earning the most prestigious award of Eagle Scout.

Daxon has been very active with his troop, participating in many scout activities. Over the

many years Daxon has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Daxon has contributed to his community through his Eagle Scout project. Daxon designed and constructed steps and handrails at his church to aid the older generations of his church to reach the pulpit to speak.

Madam Speaker, I proudly ask you to join me in commending Daxon James Weaver for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## HONORING THE AUGUSTA STATE UNIVERSITY MEN'S GOLF TEAM FOR WINNING THE 2010 NCAA DIVISION I NATIONAL CHAMPIONSHIP

### HON. PAUL C. BROUN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. BROUN of Georgia. Madam Speaker, I rise today to honor the accomplishments of the NCAA National Champion Augusta State University men's golf team. The Jaguars, competing in their first ever Division I National Championship, beat seven larger schools from prestigious conferences to win their first national title.

In a classic "David vs. Goliath" battle, this year's NCAA national championship came down to the wire as Augusta State defeated 10-time champs Oklahoma State 3–1–1 in the final match of the 112th NCAA Championships at The Honors Course just outside Chattanooga, Tennessee. Led by this year's National Coach of the Year Josh Gregory, the Augusta State men's golf team has stamped its name in the record books and established what I hope becomes a dynasty.

Jake Amos, Olle Bengtsson, Jacob Carlsson, Taylor Floyd, Brendan Gillins, Mitch Krywulycz, Carter Newman, Henrik Norlander, Patrick Reed, Shawn Yim, Coach Josh Gregory, students, faculty, and supporters should all be immensely proud. I congratulate them all, and I ask my colleagues to join me in recognizing their success and wishing them all the best in future seasons.

## TRIBUTE TO 2LT JOHN L. McMAHAN

### HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to pay tribute to Kentucky National Guardsman 2LT John L. McMahan who earned the rare honor of receiving the Kentucky Medal of Valor for his heroic actions on January 27, 2010 in Perry County, Kentucky.

Lieutenant McMahan was en route to a military drill on that January morning when he discovered an overturned vehicle in the bitter-cold winter stream of Lotts Creek in Perry

County. In true first-responder style, his training kicked into high gear when he realized a woman was trapped inside the vehicle. McMahan dispatched a call for assistance and waded in the freezing water for more than 30 minutes, calming the woman trapped inside, until firefighters arrived to extricate her. When help arrived, he did not back away. McMahan joined the crew in carrying her out to safety.

McMahan is no stranger to risking his own life for others. In addition to service for his country, he is also a Captain and 17-year veteran with the Kentucky State Police. McMahan is only the 47th Kentucky National Guardsman to receive the Kentucky Medal of Valor and it is an honor well deserved.

Madam Speaker, I ask my colleagues to join me in honoring John L. McMahan for his selfless public protection and service to the families of eastern Kentucky, our Commonwealth and our great Nation.

#### HONORING OUR NATION'S HEROES FROM THE KOREAN WAR

#### HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. YOUNG of Florida. Madam Speaker, I rise to join my colleagues in our solemn recognition this morning of the 60th anniversary of the Korean War as we pay tribute to the American heroes who served in the finest tradition in that so called "Forgotten War."

To this member though, Korea was far from a forgotten war. It was war in which more than 36,000 Americans lost their lives defending our ideals of freedom and democracy against communist aggression.

It was 60 years ago that North Korean troops stormed across the 38th parallel into South Korea, launching a three-year conflict that culminated in an armistice in 1953. The ferocious North Korean attack caught the South Korean army by surprise—they rapidly advanced, seizing the capital in a few short days. Concerned over the spread of communism, President Truman ordered U.S. forces to defend South Korea as part of a United Nations Task Force. Unfortunately, that initial effort did little to stop the advance and our forces suffered heavy losses during their first significant engagement of the war.

For the next couple of months, the situation looked extremely dire as U.N. forces were beaten back all the way to Pusan. There, however, we held the line with the Battle of Pusan Perimeter. The now famous Inchon Landing further turned the tide by enveloping North Korean forces and forcing them to retreat. Ultimately, China entered the war, a stalemate developed, and the war ended much where it began at the 38th Parallel.

The timeline of the Korean War itself does little to capture the individual stories of heroism and sacrifice. Our soldiers endured the harshest of conditions and the coldest of winters. Ultimately, 36,000 lost their lives and many thousand more were wounded or captured. Their sacrifice was not in vain and their defense of our ideals bore fruit that can be seen today. The clearest evidence is that

South Korea has emerged as a democratic and economic powerhouse while North Korea languishes in an isolated morass of its own making.

Madam Speaker, I am proud to take the time today to reassure our heroes of the Korean War that they are not forgotten. Instead, they remain an inspiration to us and to all who have worn the uniform and who will volunteer to do so in the future. Only they have the firsthand knowledge of the hardship and challenges faced on that distant battlefield but they can rest assured that they have the heartfelt thanks and grateful appreciation of our nation for their service half a world away.

#### HONORING STAFF SERGEANT BRYAN HOOVER

#### HON. KATHLEEN A. DAHLKEMPER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mrs. DAHLKEMPER. Madam Speaker, it is with a heavy heart that I rise today to honor the life of a fallen hero from Western Pennsylvania. Staff Sergeant Bryan Hoover of Lyndora, Pennsylvania was only 29 years old when he made the ultimate sacrifice defending our nation in Afghanistan.

On June 11th, a suicide bomber detonated an explosive near the Bullard Bazaar in Zabul Province in southern Afghanistan where Staff Sergeant Hoover and his fellow soldier, Sergeant First Class Robert Fike, also of Western Pennsylvania, were on foot patrol. Both these brave men were killed in the explosion. They were members of the Pennsylvania Army National Guard's Company C, 1st Battalion, 110th Infantry, based in Connellsville.

Staff Sergeant Hoover was passionate about his service to his country, and dreamt of joining the military even as a child. He enlisted in the Army National Guard in 2005 and previously served in the Marines. Bryan served a total of four tours overseas, two in Afghanistan, one in Iraq and one in Kuwait. He truly lived to serve our nation.

To his fellow soldiers, he was one of them, but to the students of Elizabeth Forward High School in Elizabeth, Pennsylvania, he was known as Coach Hoover. Bryan was the assistant cross country and track coach at his alma mater, where he graduated in 2000. Bryan loved sports, and was a talented athlete himself who particularly enjoyed hockey. He earned a degree in sports management from California University of Pennsylvania.

For his brave service and sacrifice, Staff Sergeant Bryan Hoover was awarded the Purple Heart.

Bryan is survived by his father, Melvin Hoover; his brothers, Richard and Ben; his sister, Samantha; his grandfather, Ray Bradford; his stepmother, Elaine Evans, and his fiancé, Ashley Tack. His mother, Debra Jean, preceded Bryan in death.

It is my sad duty to enter the name of Staff Sergeant Bryan Hoover in the RECORD of the United States House of Representatives for service, sacrifice, commitment to his country and to our freedom.

While we struggle to express our sorrow over this loss, we can take pride in the exam-

ple Bryan set as a soldier. Today and always, he will be remembered by family and friends as a true American hero, and we cherish the legacy of his service and his life.

As I search for words to do justice to this valiant fallen soldier, I recall President Abraham Lincoln's words as he addressed the families of soldiers who died at Gettysburg:

We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Bryan.

#### MRS. LUCILLE ROCHS' 95TH BIRTHDAY

#### HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. CONAWAY. Madam Speaker, I rise today to pay tribute to an extraordinary woman, Mrs. Lucille Rochs, who has devoted her life to the service of her friends and neighbors in Texas.

In life, it is rare to come across an individual who is so dedicated and so driven that one can follow the path of their life. Most of us leave our marks, but only the exceptional, few leave their footprints. I am humbled and honored to share Lucille's story and to be able to brag on her today, because she is one of those rare individuals.

Lucille makes her home in the city of Fredericksburg, Texas. Although she began her career as a teacher and educator, she has continued in her retirement as an advocate, philanthropist, fundraiser, and mentor for the vulnerable and less fortunate. Mrs. Rochs has focused her time serving seniors and abused children in numerous organizations throughout Gillespie County.

She has worked tirelessly for community organizations like the Gillespie County Child Services board, the Region 8 Texas Department of Child Protection Council, and the Gillespie County Committee on Aging. In addition she has served on organizations like the Hill Country Community Needs Council, Texas Retired Teachers, the Gillespie County Cancer Society, and the Hill Country Higher Education Initiative.

What makes this lengthy record of service all the more impressive is that Sunday is Mrs. Rochs 95th Birthday. To this day, she continues her active community service and keeps a schedule that puts mine to shame. It is my great honor to represent Lucille in this House. She is a treasure to her community and an inspiration to those of us who have followed behind her.

I wish Lucille a happy and healthy birthday and hope that she is able to continue her public service for many more years. I know that I join with everyone in Fredericksburg when I thank her service. May God bless her and her family in the same way that she has been a blessing to us all.

## HONORING MARGARET DUNNING

**HON. THADDEUS G. McCOTTER**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Miss Margaret Dunning, a remarkable Michigan citizen, upon her one hundredth birthday on June 26, 2010.

Miss Dunning was born on June 26, 1910, in Redford, Michigan to Charles and Bessie (Rattenbury) Dunning. Although Margaret was given little chance of survival when her mother experienced complications during her birth, Margaret has not only survived but thrived. Margaret attended the old Plymouth High School which now houses Central Middle School graduating in 1929. After attending the University of Michigan for two years, Margaret went on to study at the Hamilton School of Business in Ypsilanti.

Miss Dunning was employed at the Phoenix Mill Ford plant during the 1930s and also worked as a bank teller and assistant cashier in local Plymouth banks. Having devoted her time to the American Red Cross during World War II, Miss Dunning purchased Goldstein's Apparel in 1947 and renamed the store Dunning's, selling it after 20 years. Margaret still resides in the home on Penniman built by her mother.

Margaret Dunning's love of her community led her to become a major benefactor when the Plymouth Historical Society expressed their desire to build a permanent home. As the result of her generosity, a 15,000 square foot building now stands at the corner of Main and Wing in her beloved Plymouth. Miss Dunning championed the Plymouth Historical Society again when they expanded their museum and is a permanent member of the Historical Society's Board of Directors. She also was instrumental in the construction of the Dunning-Hough Library.

Margaret Dunning still enjoys a love of travel, particularly to Europe. She has a notable collection of classic cars stored in her garage, which she has affectionately dubbed Gasoline Alley. Margaret selects one of her prized automobiles every August to drive in the Woodward Dream Cruise.

Madam Speaker, for one hundred years Miss Margaret Dunning has graced the world with her kindness, hard work, and community spirit. Miss Dunning's attributes her longevity to enjoying and participating in the beautiful world around her. Today, I ask my colleagues to join me in congratulating Miss Margaret Dunning upon reaching her one hundredth birthday on June 26, 2010, and to honor her commitment to her community and her country.

IN HONOR OF BILL RAMSEY

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. FARR. Madam Speaker, I rise today to recognize a modern agriculture pioneer, Mr.

Bill Ramsey of Salinas, California, on the occasion of his recognition by the Grower-Shipper Association of Central California with its E.E. "Gene" Harden Award for Lifetime Achievement. Bill is a quiet, unassuming, and humble man. One would know by looking at him that he is a giant among men for his business and civic leadership.

Beginning in the 1960s, when he assumed key leadership positions within the Mann Packing produce company, Bill helped lead the growth of the U.S. fresh produce industry. Alongside his business partner and friend, the late Don Nucci, Bill helped expand the U.S. market for broccoli and all manner of value added and ready to eat fresh produce. If you have ever eaten broccoli, you can credit Bill's leadership with helping to get it to your plate fresh, safe, and at a reasonable price.

Mr. Ramsey's peers in the agricultural industry have recognized him in several ways. Mr. Ramsey served as both the Chairman of the Board of Western Growers Association and as President of the Grower-Shipper Association of Central California. Mr. Ramsey has also been honored as the Salinas Jaycees Outstanding Young Farmer, as well as receiving the Harden Award which recognizes leadership qualities, devotion to the betterment of the agricultural industry, community service, and those with a high level of ethics and integrity.

Mr. Ramsey's devotion to his community goes well beyond the agricultural aspects. His contributions to the community of Salinas include being the President of the Salinas City School District Board of Trustees, Founder and Chairman of Valley of the World Awards for the National Steinbeck Center, Director of the California Rodeo, Distinguished Fellow (Agriculture) of CSU Monterey Bay, YMCA, Boys & Girls Club, Sun Street Center, and Salinas Rotary (Rotarian of the Year). Bill Ramsey has also honored his country by serving in the United States Navy.

Madam Speaker, I hope my fellow members of the House will join me in honoring Bill Ramsey for his many contributions to the agricultural industry, his local community, and his country. And while Bill will not hesitate to credit those around him for his success, it is appropriate that our Nation recognize what an important contribution that he has made to our health, economy, and culture.

TRIBUTE TO MONSIGNOR PAUL V.  
GARRITY

**HON. JOHN F. TIERNEY**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. TIERNEY. Madam Speaker, I rise today to recognize the accomplishments of Monsignor Paul V. Garrity. For the past eighteen years, Monsignor Garrity has served as the pastor of St. Mary's Church in Lynn, Massachusetts. During those years, his contributions, not only to St. Mary's but to the city itself, have been numerous.

Monsignor Garrity grew up in Somerville, Massachusetts. He is a graduate of St. John's College. In 1973, he was ordained a priest in

the Archdiocese of Boston. Prior to coming to St. Mary's, he served parishes in Billerica and Malden. He was also Director of the Catholic Center and was Campus Minister at the University of Massachusetts at Lowell.

In 1992, he was appointed pastor of St. Mary's in Lynn. Since then, he has transformed the parish into a vibrant, welcoming and diverse community. He has breathed new life into the St. Mary's community and engaged support from hundreds of volunteers.

During his tenure both a Haitian Community and a Congolese Community were established at St. Mary's parish. A strategic plan for St. Mary's High School was completed that led to a \$10 million capital campaign and the opening of the William F. Connell Center—a new state of the art academic building, the refurbishment of the school campus and the doubling of enrollment.

Monsignor Garrity's vision led to the conversion of a large, old convent building on the St. Mary's campus into 32 units of much-needed low income elderly housing with a service plan that is modeled like an assisted living arrangement. He was an advocate for the conversion of property located at the closed St. Jean Baptiste parish into low income housing to provide affordable home ownership opportunities.

At the request of Cardinal Sean O'Malley, he is currently serving on three Archdiocesan task forces: the Improved Financial Relationship Committee (IFRC), the Clergy Fund Review Committee and the Elementary School Task Force. Monsignor Garrity is a regular panelist on the RUACH Program, an inter-faith dialogue program on local cable TV and is active in ecumenical and interfaith activities in the Greater Lynn community. His Holiness, Pope John Paul II, named Monsignor a Prelate of Honor with the title of Very Reverend Monsignor in 1998, and Monsignor Garrity was made a Knight of the Holy Sepulcher in 1999.

Through his work, Monsignor Garrity has made a difference in the lives of so many in Lynn, and he will leave behind him an indelible imprint on the community.

I join my friends in the greater Lynn community and the St. Mary's parish family in extending my best wishes to Monsignor Garrity as he embarks upon his next assignment hoping that he understands that he will always be welcome "home" to St. Mary's and Lynn whenever he ventures this way.

COMMENDING KATHY DIXON AND  
RECOGNIZING THE IMPORTANCE  
OF FOSTER CAREGIVERS

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 24, 2010*

Mr. HASTINGS of Florida. Madam Speaker, I rise to commend the heartfelt commitment of Kathy Dixon and foster caregivers for their tireless, selfless efforts to transform the lives of children who need another chance in life. Foster parents like Kathy wrap the necessities of life in the warm heart of family, providing the opportunity for children and young adults

to recover from their pasts and reclaim their lives. Foster caregivers remind us that the act of building a quality life for others is truly a remarkable and honorable achievement. All children deserve the best shot at life. Foster caregivers are those who have determined that the best shot does not end with heartbreak, but ends instead with the resolution to succeed.

I received letters from two of Kathy Dixon's foster children, Tynequa and Tony Wardlow. Kathy represents the very best in foster parenting, a courageous woman who has devoted her heart and soul to caring for young children who needed someone to care for and nurture them. As Tynequa writes, "She took me in when I had nowhere to go." Tony says that, "she is the one who picks me up when I fall." He writes that he prayed God would send him a mother who "would hold on to me like someone with a big heart." God, he said, sent him Kathy, "and so much more." Tynequa insists that Kathy has not only saved her life, but also has taught her "to stand up for what I believe in, have faith in myself, be responsible and respectful, get my education, don't be fake, don't have low self-esteem, don't buy friendship, and most importantly, don't give up on hope." I cannot imagine a greater gift in this world than what Kathy has given to her children.

I am pleased to work with many foster care organizations in my district in South Florida. Just recently I met with a group of foster youth—in their late teens and early twenties now—who came to Washington, DC as part of the Broward County Trip of a Lifetime, an annual effort to bring these young adults to our nation's capital to meet their congressional representatives and learn how our government works. I take enormous pride in the opportunity I had to sit down with these young men and women and hear their stories and hopes and dreams for the future. Several of these youth have children of their own now and are working hard to impart to their children the wisdom, love, and affection given to them by their foster families. And it is because of the support they had from their foster families that these youth now dream of becoming engineers, entrepreneurs, social workers, nurses, and much else. In South Florida, organizations like Forever Family have proved enormously successful at changing lives, finding stable homes for children and young adults in need, and setting hundreds of young people on the right path in life.

Madam Speaker, American society is forever indebted to the hard work, deep commitment, determined sacrifice, and unconditional love demonstrated by people like Kathy Dixon. She is an inspirational role model, not just to myself or any one of us here in Congress but, more importantly, to her own children, who recognize the transformation she brought about in their lives. As Tony writes, "God has blessed me with so many gifts that I will never forget."

IN RECOGNITION OF MS. BEVERLY TERRY'S DISTINGUISHED SERVICE TO OUR COMMUNITY AS EXECUTIVE DIRECTOR OF THE MSU EXTENSION IN OAKLAND COUNTY

### HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. PETERS. Madam Speaker, I rise today to recognize Beverly Terry, Executive Director of the Oakland County Michigan State University Extension Office, on her retirement from the MSU Extension service. As a Member of Congress it is both my privilege and honor to recognize Ms. Terry for her many years of service and her contributions which have enriched and strengthened our community.

Ms. Terry's career began over 30 years ago when she joined the MSU Extension as the Presque Isle 4-H program assistant. She put her bachelors degree in community development from Central Michigan University and a masters degree in community services from Michigan State University to good use during her tenure with MSU Extension. Through her hard work, ingenuity, and dedication Ms. Terry eventually rose to the position of Executive Director of the Oakland County MSU Extension Office, serving the second largest county in the State of Michigan. As Executive Director, she has worked with her staff to develop and enhance critically important lifestyle and skill development programming.

Michigan State University Extension's mission is to help people improve their lives through an educational process that applies knowledge to critical issues, needs, and opportunities. Ms. Terry has been a tireless advocate and coordinator of this mission. She has overseen and advanced a variety of critical human services programs in Oakland County including 4-H youth development, the master gardener program, the family nutrition program, and the citizen planner program, just to name a few. Under Ms. Terry's leadership, these programs have prospered in the face of a challenging economy with uncertain funding.

Madam Speaker, I ask my colleagues to join me today to honor Ms. Beverly Terry for her many contributions to our community and her leadership at the MSU Extension. I wish her many more years of health and happiness.

HONORING DIVISION I STATE CHAMPION GIRLS' SOCCER NOVI HIGH SCHOOL

### HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. McCOTTER. Madam Speaker, today I rise to acknowledge the Division 1 State Champion Girls' Soccer Novi High School. On June 19, 2010, the Novi Lady Wildcats sealed a 2-1 victory over Plymouth, marking the 4th Division 1 State Championship under the Head Coach Brian O'Leary since 2005.

After having amassed a division record of 8-1-1 and sharing the Kensington Lake Ath-

letic Association's Central Division title with the Northville Mustangs, the Lady Wildcats headed in to district play with overall regular season tally of 14-2-2. Novi dimmed the Knights of Walled Lake Northern 1-0 before crushing the Farmington Falcons 5-0 in the district semifinal. The 'Cats eliminated the North Farmington Raiders to win the District 9 crown.

Moving on to regional match-ups, Novi got past Fraser's Ramblers by a score of 2-1. The Lady Wildcats defense would prove impenetrable against both Troy and Rochester Adams as the Green and White eked out identical 1-0 scores against the opposition in regional final and state semifinal matches, setting the stage for a Wildcat showdown.

Facing their KLAA rival Plymouth Wildcats in the final match of the season, the Novi Wildcats buried a 12 yard penalty kick midway through overtime giving Novi the right to raise high the Division 1 State Championship trophy.

Madam Speaker, with a season record of 21-2-2 and having earned an astounding 4th state title in the last 6 years, the 2010 Novi Lady Wildcats deserve to be recognized for their determination, achievement, spirit and effort. I ask my colleagues to join me in congratulating the Wildcats for obtaining this spectacular title and in honoring their devotion to our community and country.

HONORING SERGEANT FIRST CLASS ROBERT FIKE

### HON. KATHLEEN A. DAHLKEMPER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mrs. DAHLKEMPER. Madam Speaker, it is with a heavy heart that I rise today to honor the life of a fallen hero from Western Pennsylvania. Sergeant First Class Robert Fike of Conneautville, Pennsylvania was 38 years old when he made the ultimate sacrifice defending our nation in Afghanistan.

On June 11th, a suicide bomber detonated an explosive near the Bullard Bazaar in Zabul Province in southern Afghanistan where Sergeant First Class Robert Fike and his fellow soldier, Staff Sergeant Hoover, also of Western Pennsylvania, were on foot patrol. Both these brave men were killed in the explosion. They were members of the Pennsylvania Army National Guard's Company C, 1st Battalion, 110th Infantry, based in Connellsville.

Robert Fike was passionate about his service to his country, and was the third generation of his family to be a member of the Armed Forces. He joined the Pennsylvania National Guard in 1993 after earning a degree in organic chemistry from Edinboro University in 1992. During his long military career, he served two tours overseas in Saudi Arabia from 2002 to 2003 and in Iraq from 2007 to 2008.

Protecting his community and his country was a way of life for Robert Fike. Every month, he drove the two hours from his home in Crawford County to Johnstown for specialized drills with the 20th Military Police Company. Robert also worked as a prison guard at the State Correctional Institute at Albion.

For his brave service and sacrifice, Sergeant First Class Robert Fike was awarded the Purple Heart, the Army Commendation Medal, the Army Achievement Medal, the Armed Forces Reserve Medal, the Global War on Terrorism Expeditionary and Service medals and the Iraq Campaign Medal.

Robert is survived by his parents, James and Christine, and his 12 year old daughter, Mackenzie.

It is my sad duty to enter the name of Sergeant First Class Robert Fike in the Record of

the United States House of Representatives for service, sacrifice, commitment to his country and to our freedom.

While we struggle to express our sorrow over this loss, we can take pride in the example Robert set as a soldier. Today and always, he will be remembered by family and friends as a true American hero, and we cherish the legacy of his service and his life.

As I search for words to do justice to this valiant fallen soldier, I recall President Abra-

ham Lincoln's words as he addressed the families of soldiers who died at Gettysburg:

"We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Robert.

## HOUSE OF REPRESENTATIVES—Friday, June 25, 2010

The House met at 4 p.m. and was called to order by the Speaker pro tempore (Mr. CUELLAR).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, June 25, 2010.

I hereby appoint the Honorable HENRY CUELLAR to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Eternal God, strong to save.

Make us Your instrument to strengthen the union and assure the peace.

Let us speak only the truth and work for justice.

May the aspirations we hold out to Your people be rooted in the promises You have made and the Word You have spoken.

Rule over us, Lord. Rule over all our actions both now and forever.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
OFFICE OF THE CLERK,  
Washington, DC, June 25, 2010.

Hon. NANCY PELOSI,  
*The Speaker, U.S. Capitol, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 25, 2010 at 9:39 a.m.:

That the Senate returned papers to the House—H.R. 5136.

With best wishes, I am,  
Sincerely,

LORRAINE C. MILLER.

### ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2194. An act to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Monday next for morning-hour debate.

There was no objection.

Accordingly (at 4 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Monday, June 28, 2010, at 12:30 p.m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8101. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — *Bacillus thuringiensis eCry3.1Ab Protein in Corn*; Temporary Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0609; FRL-8829-9] received June 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8102. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — *Pesticide Management and Disposal*; Standards for Pesticide Containers and Containment; Change to Labeling Compliance Date [EPA-HQ-OPP-2005-0327; FRL-8830-7] received June 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8103. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — *Trifloxystrobin*; Pesticide Tolerances [EPA-HQ-OPP-2009-0278; FRL-8829-2] received June 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8104. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — *Patient Protection and Affordable Care Act: Preexisting Condition Exclusions, Lifetime and Annual Limits, Rescissions, and Patient Protections* [OCIO-9994-IFC] (RIN: 0991-AB69) received June 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8105. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — *Establishment of the Temporary Certification Program for Health Information Technology* (RIN: 0991-AB59) received June 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8106. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — *Approval and Promulgation of Air Quality Implementation Plans; Maryland; Reasonable Further Progress Plan, 2002 Base Year Emission Inventory, Contingency Measures, Reasonably Available Control Measures, and Transportation Conformity Budgets for the Philadelphia 1997 8-Hour Moderate Ozone Nonattainment Area* [EPA-R03-OAR-2009-0956; FRL-9160-3] received June 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8107. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — *Approval and Promulgation of Implementation Plans; New Mexico; Interstate Transport of Pollution* [EPA-R06-OAR-2007-0993; FRL-9160-2] received June 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8108. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — *Approval and Promulgation of Air Quality Implementation Plans; Delaware; Control of Nitrogen Oxide Emissions from Industrial Boilers and Process Heaters at Petroleum Refineries* [EPA-R03-OAR-2010-0039; FRL-9158-3] received June 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8109. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — *Approval and Promulgation of Air Quality Implementation Plans; Maryland; Reasonable Further Progress Plan, 2002 Base Year Emission Inventory, Contingency Measures, Reasonably Available Control Measures, and Transportation Conformity Budgets for the Baltimore 1997 8-Hour Moderate Ozone Nonattainment Area* [EPA-R03-OAR-2009-0957; FRL-9158-4] received June 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8110. A letter from the Director, Regulatory Management Division, Environmental

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Determination of Attainment of the 1997 Ozone Standard [EPA-R01-OAR-2009-0705; A-1-FRL-9157-4] received June 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8111. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Technical Corrections and Clarifications Rule [EPA-RCRA-2008-0678; FRL-9158-5] (RIN: 2050-AG52) received June 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8112. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Paints and Allied Products Manufacturing; Amendments [EPA-HQ-OAR-2008-0053; FRL-9158-1] (RIN: 2060-AN47) received June 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8113. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [EPA-R09-OAR-2010-0276; FRL-9139-7] received June 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8114. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Transportation Conformity Regulations [EPA-R03-OAR-2008-0871; FRL-9164-5] received June 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8115. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of the Clean Air Act, Section 112(1), Authority for Hazardous Air Pollutants: Air Emission Standards for Halogenated Solvent Cleaning Machines; State of Rhode Island Department of Environmental Management [EPA-R01-OAR-2010-0207; A-1-FRL-9163-2] received June 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8116. A letter from the Secretariat, United Nations Convention to Combat Desertification, transmitting Eighth Session of the United Nations Convention to Combat Desertification (UNCCD) Round Table; to the Committee on Foreign Affairs.

8117. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, "Auditor's Review of Compliance with Living Wage Act and First Source Act Requirements Pursuant to the Compliance Unit Establishment Act of 2008", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

8118. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's semiannual report from the office of the Inspector General for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

8119. A letter from the Administrator, Environmental Protection Agency, transmit-

ting the Agency's 2008 Clean Watersheds Needs Survey, as required by Section 561(b)(1)(B) of the Clean Water Act; to the Committee on Transportation and Infrastructure.

8120. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1902-DR for the State of Nebraska; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

8121. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1900-DR for the State of Minnesota; jointly to the Committees on Transportation and Infrastructure, Homeland Security, and Appropriations.

### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the following action was taken by the Speaker:

The Committee on Science and Technology discharged from further consideration, H.R. 4842 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PERRIELLO (for himself and Mr. SCHAUER):

H.R. 5604. A bill to rescind amounts authorized for certain surface transportation programs; to the Committee on Transportation and Infrastructure.

By Mr. CRITZ:

H.R. 5605. A bill to designate the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, as the "George C. Marshall Post Office"; to the Committee on Oversight and Government Reform.

By Mr. CRITZ:

H.R. 5606. A bill to designate the facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, as the "James M. 'Jimmy' Stewart Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. MARKEY of Massachusetts:

H.R. 5607. A bill to provide for the establishment of a program to support the development, demonstration, and commercialization of innovative technologies to prevent, stop, or capture large-scale accidental discharges of oil or other hydrocarbons from offshore oil and gas drilling operations, including deepwater and ultra-deepwater operations, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY of Massachusetts:

H.R. 5608. A bill to amend the Federal Water Pollution Control Act and the Outer Continental Shelf Lands Act to improve oil spill response plans, and for other purposes; to the Committee on Transportation and In-

frastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANCE (for himself, Mr. LEE of New York, Mr. MARKEY of Massachusetts, Mr. LANGEVIN, Ms. SHEA-PORTEr, Mr. PERLMUTTER, Mr. DELAHUNT, Mr. LOBIONDO, Mr. REICHERT, and Mr. BOOZMAN):

H. Res. 1479. A resolution supporting the United States Paralympics, honoring the Paralympic athletes, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

### MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

320. The SPEAKER presented a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 36 expressing support for repeal of the "don't ask, don't tell" policy of the United States Armed Services; to the Committee on Armed Services.

321. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 57 memorializing the President, Congress, and the Federal Communications Commission to refrain from regulating Internet broadband services as common carrier services under Title II of the Communications Act of 1934; to the Committee on Energy and Commerce.

322. Also, a memorial of the Senate of the State of Michigan, relative to Senate Concurrent Resolution No. 41 memorializing the President, the Congress, and the Federal Communications Commission to refrain from regulating Internet broadband services as common carrier services under Title II of the Communications Act of 1934; to the Committee on Energy and Commerce.

323. Also, a memorial of the House of Representatives of the State of Florida, relative to House Memorial 191 urging the Congress to encourage the Government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities and to respect the property rights and human rights of the Ecumenical Patriarchate; to the Committee on Foreign Affairs.

324. Also, a memorial of the Senate of the State of Florida, relative to Senate Concurrent Resolution 10 urging Congress to call a convention for the purpose of proposing amendments to the Constitution of the United States to provide for a balanced federal budget and limit the ability of Congress to dictate to states requirements for expenditure of federal funds; to the Committee on the Judiciary.

325. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 171 memorializing the Congress to enact the FAA Reauthorization Act of 2009 with language that treats all employees of the express carrier industry equally under the federal labor laws; jointly to the Committees on Transportation and Infrastructure and Science and Technology.

326. Also, a memorial of the Senate of the State of Florida, relative to Senate Memorial 1896 memorializing the Congress to support any commercial, civil, military, or academic endeavor, including job training and placement, which will enable the United States space program to maintain our nation's only human space flight workforce; jointly to the Committees on Science and Technology and Armed Services.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 571: Mr. KILDEE.  
H.R. 745: Mr. ETHERIDGE, Mr. SHADEGG, Mr. COOPER, and Mr. MARKEY of Massachusetts.  
H.R. 1034: Mrs. KIRKPATRICK of Arizona.  
H.R. 1255: Mr. CONAWAY.  
H.R. 1868: Mr. GRAVES of Georgia.  
H.R. 1894: Mr. MICHAUD.  
H.R. 4021: Mr. COURTNEY.  
H.R. 4116: Mr. SERRANO.  
H.R. 4662: Mr. ARCURI.

H.R. 4693: Mr. PASTOR of Arizona.  
H.R. 4785: Mr. TOWNS.  
H.R. 4860: Ms. DEGETTE.  
H.R. 5081: Mr. MEEKS of New York.  
H.R. 5476: Mr. HODES.  
H.R. 5525: Mr. CONAWAY.  
H.R. 5582: Mrs. BLACKBURN, Mr. ALEXANDER, Mr. CONAWAY, and Mr. MCCAUL.  
H. Con. Res. 259: Mr. PAYNE.  
H. Con. Res. 266: Mr. MILLER of North Carolina.

#### PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

157. The SPEAKER presented a petition of the City and County of San Francisco, California, relative to Resolution No. 198-10 encouraging the President and the Congress to pass a Comprehensive Immigration Reform Bill; to the Committee on the Judiciary.

158. Also, a petition of the Office of Management and Budget, White House, Washington, DC, relative to urging the Congress

to act quickly in enacting the FY 2010 Supplemental request related to the Oil Spill Liability Trust Fund; jointly to the Committees on Transportation and Infrastructure and the Budget.

#### DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 11 by Mr. KING of Iowa H.R. 4972: Todd Tiahrt, Marsha Blackburn, Tom Price, Paul C. Broun, Jerry Moran, Tom Graves, Rob Bishop, Joseph R. Pitts, Mike Pence, Lynn A. Westmoreland, Glenn Thompson, Jeb Hensarling, Louie Gohmert, Judy Biggert, John Boozman, Kenny Marchant, Jim Jordan, Jason Chaffetz, Gary G. Miller, Bob Goodlatte, Doug Lamborn, Robert E. Latta, Tom Cole, Trent Franks, K. Michael Conaway, Jo Bonner, and Dan Burton.

## SENATE—Friday, June 25, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our provider, we come to You in our weakness, seeking Your mercy and help. Give us this day the mercy and grace of Your love that we may become all You desire us to be. Empower our lawmakers to accept Your guidance, cherish Your precepts, and obey Your word. Keep them walking in the way everlasting. Strengthen them so to run that they may reach their goal. Enable them so to strive that they may win the victor's crown. Prepare them so to keep the faith that they may endure to the very end.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 25, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. MERKLEY thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will resume

consideration of the motion to proceed to H.R. 5297, the small business jobs bill. There will be no rollcall votes today. Senators should expect the next votes to occur Monday around 5:30.

### MEASURES PLACED ON THE CALENDAR—H.R. 5481 AND H.R. 5551

Mr. REID. I have been told there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 5481) to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

A bill (H.R. 5551) to require the Secretary of the Treasury to make a certification when making purchases under the Small Business Lending Fund Program.

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar under rule XIV.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### DISAPPOINTED AMERICANS

Mr. REID. Mr. President, today there are about 1 million people in America who are terribly disappointed at what took place yesterday—1 million people. That is 1 million in one category. There are hundreds and hundreds of thousands of others who are disappointed because of different things done to them yesterday as a result of the Republicans not supporting legislation. It was fully paid for.

The statements made by Republicans after this bill was rejected by them are simply without any fact.

There were efforts made to work with Republicans. We cut the size of the bill. We paid even for things we had never paid for before. We decided to do that in an effort to get help for millions of Americans.

One of the things we paid for was something called FMAP, which is money we would direct to the States

that they could use for police, fire, teachers, nurses—to stop layoffs from taking place there. That was rejected.

There are numerous editorials around the country rejecting what the Republicans did yesterday, and there are headlines in virtually every newspaper of America:

LA Times: "Senate GOP Blocks Jobless Aid Extension."

Business Week: "Republicans Thwart Bill With Unemployment Aid, Buyout Tax Boost."

Boston Globe: "Filibuster Halts Bill Boosting Jobless Benefits, Aid to States."

McClatchy Newspapers: "GOP Blocks Jobless-Benefit Extension Breaks."

USA TODAY: "Senate GOP Again Blocks Bill Extending Jobless Benefits, Tax Breaks."

Those tax breaks were for middle-class Americans.

The Seattle Times: "Republicans Continue Blockade of Federal Aid Bill."

The Republicans in the Senate have made the decision to do everything they can to turn the country upside down, to do everything they can to stop any economic recovery because they think it may help Barack Obama, it may help some of their people trying to run for Senate seats around the country. So they figure, as bad as they can make the economy, the better off they will be.

That is a pretty difficult view for people who are Senators. The Presiding Officer is a Senator from the State of Oregon, and that is his prime responsibility, to take care of that State. But, also, as a United States Senator, he has to be concerned with what goes on in the other 49 States. That is our job, that is our role, that is the way we were constitutionally designated.

The bill they rejected yesterday creates jobs. As the headlines say, it closes corporate loopholes. The bill yesterday that was rejected by the Republicans would stop jobs from being outsourced from American companies getting tax breaks by creating jobs overseas. Those jobs should be created here. That was rejected by the Republicans.

The bill that was before the Senate was a bill that would help small businesses grow and allow them to hire once again, to be the engine that runs our country. Big businesses should not be rewarded for shipping jobs overseas when there are so many at home desperate for a paycheck.

I have read a number of these stories. They are heartbreaking. I read the Nevada clips today. There was a statement from one man there in effect saying: What is going on back there? This

is not a partisan game. I need money to take care of my family. I need my unemployment check. I have tried to find work. I can't find work.

But that had no bearing on the Republicans yesterday because they, as we learned in the health care debate, want everything that Obama does to be his Waterloo. Everything in this bill was paid for with the exception of unemployment compensation—about which there has always been a bipartisan recognition it is an emergency or they wouldn't be asking for unemployment benefits.

The Republicans were even unwilling to allow us to bring up the bill for debate. They wanted to stop debate, stop further discussion of this bill. We could not invoke cloture to allow the debate to go forward. Every Republican voted against it.

I was surprised by statements of some coming to the floor afterward to say: Yes, but I was in favor of the unemployment benefits.

Let's be clear about all the good things a "yes" vote enables our country to do with this legislation. It would have allowed the Senate to pass this. It could have gone to the President for signature. A "no" vote stopped us from doing things to help regular guys on the street, people who are desperate for help.

Think of this one: The extension of a tax deduction for tuition. There are young men and women all over America today getting excited about going to school or going back to school. Because of what was done by the Republicans yesterday, there will be young men and women unable to go to school. They are going to have to stay out until the economy gets better, until their dad gets a job and mom gets a job because the tuition tax deduction is not going to be around. What a disappointed group of young men and women we are going to have. As sad as it is, some of those kids will never go to college because of this.

This legislation has allowed tax benefits for working men and women of this country, allowed for a deduction for property taxes. We didn't do it yesterday. It is not available now.

Teachers around America would have been able to deduct, with their income tax, not much—\$250 a year to get a tax credit for the pencils and paper and stuff they buy every year.

As you know, having been around teachers, as we all have, they spend lots of their own money for supplies for the kids. Yesterday, the Republicans took that small \$250-a-year deduction away from these teachers, all teachers.

Build America Bonds. Reading the Nevada clips today, because those monies are shrinking, there are not as many people making application for those Build America Bonds programs. This has been such a stimulus for our country since we passed that in the

economic recovery act. And we are running out of money there. The bill yesterday would have provided \$4 billion, all paid for—no running up the deficit, all paid for. That was rejected by the Republicans. They said no. That \$4 billion would have multiplied into many more dollars because if you have a contract worth \$2 or \$3 million, people go to work, they can buy groceries, they can buy shoes. It stimulates the businesses all over the community. But the Republicans said no to that.

State and local governments are begging for these moneys. Infrastructure is down. We need to do water and sewer projects, street projects. But the Republicans said no.

Legislation was rejected yesterday on an extension of the small business lending provisions that would provide low-cost loans to small businesses. The Republicans yesterday unanimously said no.

The bill provided \$2½ billion for State wage assistance programs. Starting in the Clinton administration, there was always talk by the Republicans and by everybody—not just the Republicans—about shouldn't we do more than provide welfare to people? Shouldn't we provide a way that, if they are on welfare, they can go to work? That is what this money is about. Those programs have been terminated, programs that have worked so well to have people go from welfare to work. Yesterday, the Republicans said no unanimously; let them stay on welfare; they do not need to learn how to work; they do not need to transfer to a job.

This legislation that was rejected yesterday provided tax credits for research and development. A lot of companies, especially small companies, cannot do the research and development they need to do unless they get some kind of a tax incentive to do it. It will not be done.

This bill provided \$5 billion—all paid for—in new market tax credits. What this meant is that investments could be made in economically distressed areas. They exist in Oregon. They exist in Nevada. They are going to continue to exist without any improvement because of the rejection by the Republicans yesterday.

Everything I have talked about creates jobs, and to have the Republicans come to the floor and say: We reject it because of the cost—it was rejected because they do not believe that middle-class America deserves a break; that all of the breaks should go to the fat cats.

Right now, as a result of the Republicans rejecting this legislation, someone who is working for minimum wage will continue to pay more taxes percentage-wise than Warren Buffet or one of the multibillionaires on Wall Street. They will pay more of a percentage of their income than one of those very rich people.

In this legislation, we had a provision to extend the first-time home buyers tax credit so that people who already qualified can buy a home—rejected. They even rejected a provision we had in this legislation so that someone who is called away to fight in Afghanistan or Iraq—we had a provision in this bill to allow them to make up the difference between their military pay and the pay in their job so they would not lose their home, as they have done, and put a tremendous burden on spouses left at home.

One thing my friends on the other side of the aisle should be very proud of is they protected corporate interests yesterday. They did that big time. They are betting on our country to fail. That is a sad commentary.

We are going to continue. A bill is on the floor now. It is another bill to create jobs, small-business job creation. We have worked hard to get that done—Senator LANDRIEU, Senator BAUCUS, Small Business, Finance—and we will have a vote on that Monday. Again, it is being blocked by the Republicans, blocking us from even going to it. So we will need 60 votes Monday to allow us to debate whether this country needs small businesses to create jobs. We should be on that bill today so people could start offering amendments and do something productive. But, no, what will happen on Monday is they will probably vote for it, and then they will get the 30 hours to sit around and look at each other and do nothing. That is what the rules of the Senate allow. So they have accomplished more of their wasting time to prevent the Obama administration and the rest of us from accomplishing something good for the country. We are going to continue to try. We have to do that in spite of the obstructionism of the Republicans.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### SMALL BUSINESS LENDING FUND ACT OF 2010—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 5297, which the clerk will report by title.

The bill clerk read as follows:

Motion to proceed to the consideration of H.R. 5297, a bill to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 962, the nomination of John Pistole to be Assistant Secretary of Homeland Security; that the nomination be confirmed, the motion to reconsider be laid upon the table; that any statements relating to the nomination be printed in the RECORD as if read; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

#### DEPARTMENT OF HOMELAND SECURITY

John S. Pistole, of Virginia, to be an Assistant Secretary of Homeland Security.

#### LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will now return to legislative session.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators allowed to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### MESSAGE FROM THE HOUSE

At 10:50 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 285. Concurrent resolution recognizing the important role that fathers play in the lives of their children and families and supporting the goals and ideals of designating 2010 as the Year of the Father.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 5481. An act to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

H.R. 5551. An act to require the Secretary of the Treasury to make a certification when making purchases under the Small Business Lending Fund Program.

#### ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 25, 2010, she had presented to the President of the United States the following enrolled bills and joint resolution:

S. 1660. An act to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 2865. An act to reauthorize the Congressional Award Act (2 U.S.C. 801 et seq.), and for other purposes.

S.J. Res. 32. Joint resolution recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

H.R. 908. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to reauthorize the Missing Alzheimer's Disease Patient Alert Program.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 3539. A bill to amend the Federal Water Pollution Control Act to establish a grant program to assist in the restoration of San Francisco Bay; to the Committee on Environment and Public Works.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself and Mr. LUGAR):

S. Res. 566. A resolution expressing the sense of the Senate regarding the situation in Kyrgyzstan; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 546

At the request of Mr. REID, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to

receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 3043

At the request of Mrs. GILLIBRAND, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3043, a bill to award planning grants and implementation grants to State educational agencies to enable the State educational agencies to complete comprehensive planning to carry out activities designed to integrate engineering education into K-12 instruction and curriculum and to provide evaluation grants to measure efficacy of K-12 engineering education.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 3539. A bill to amend the Federal Water Pollution Control Act to establish a grant program to assist in the restoration of San Francisco Bay; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I rise on behalf of myself and Senator BOXER to introduce legislation to further the restoration of the San Francisco Bay.

There are many areas in the country in with restoration is done, and I am pleased to introduce an authorization for restoration work in the San Francisco Bay with Senator BOXER, Chairwoman of the Senate Environment and Public Works Committee, and to work with our colleague Representative SPEIER in the U.S. House of Representatives.

As an appropriator, and Chair of the Appropriations Subcommittee on Interior, Environment, and Related Agencies, I have secured \$17 million in Federal funding for ecosystem restoration and water quality work in the San Francisco Bay in the last 3 years. I have also secured \$15 million since 2006 for the Fish and Wildlife Service to restore salt ponds to tidal wetlands in the Bay.

It is necessary to ensure that these funds continue to be appropriated and are spent on the most important projects for the ecosystem and public benefit.

To that end, this legislation will prioritize funding for projects that will protect and restore vital estuarine habitat for migratory waterfowl, shorebirds, and wildlife; improve and restore water quality and rearing habitat for fish; and ensure public benefits.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3539

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “San Francisco Bay Restoration Act”.

**SEC. 2. SAN FRANCISCO BAY RESTORATION GRANT PROGRAM.**

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

**“SEC. 123. SAN FRANCISCO BAY RESTORATION GRANT PROGRAM.**

“(a) GRANT PROGRAM.—

“(1) IN GENERAL.—The Administrator may provide grants to State and local agencies, and public or nonprofit agencies, institutions, and organizations, for ecosystem restoration projects and habitat improvement for fish, waterfowl, and wildlife, in accordance with the priorities described in the comprehensive management plan for the San Francisco estuary developed under section 320.

“(2) MAXIMUM AMOUNT OF GRANTS; NON-FEDERAL SHARE.—

“(A) MAXIMUM AMOUNT OF GRANTS.—A grant provided to any individual or entity under this section for a fiscal year shall not exceed an amount equal to 50 percent of the total cost of eligible activities that are to be carried out using funds from the grant.

“(B) NON-FEDERAL SHARE.—The non-Federal share of the total cost of any eligible activities that are carried out using funds from a grant provided under this section shall be—

“(i) not less than 50 percent; and

“(ii) provided from non-Federal sources.

“(b) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section such sums as are necessary for each of fiscal years 2011 through 2020.

“(2) ADMINISTRATIVE EXPENSES.—Of the amount made available to carry out this section for a fiscal year, the Administrator shall use not more than 5 percent to pay administrative expenses incurred in carrying out this section.”.

**SUBMITTED RESOLUTIONS****SENATE RESOLUTION 566—EXPRESSING THE SENSE OF THE SENATE REGARDING THE SITUATION IN KYRGYZSTAN**

Mr. KERRY (for himself and Mr. LUGAR) submitted the following resolution; which was considered and agreed to:

S. RES. 566

Whereas on June 10, 2010, violence erupted between ethnic Kyrgyz and Uzbek communities in the southern city of Osh, Kyrgyzstan, and later spread to the city of Jalalabad, leaving at least several hundred dead and thousands injured;

Whereas the outbreak of violence forced as many as 400,000 people to flee their homes, including an estimated 100,000 women and children who face desperate conditions along the Kyrgyzstan-Uzbekistan border;

Whereas the United Nations Children's Fund (UNICEF) and other United Nations agencies estimate that the violence could directly or indirectly affect more than 1,000,000 people;

Whereas the displacement of ethnic Uzbeks and continuing instability in the southern part of Kyrgyzstan could destabilize the Provisional Government of Kyrgyzstan and undermine the legitimacy of the referendum on constitutional reform scheduled for June 27, 2010;

Whereas the Provisional Government of Kyrgyzstan, which came to power in April 2010 following large-scale opposition protests against the regime of former president Kurmanbek Bakiyev, has yet to fully extend its authority in the south and build the capacity necessary to address underlying political, social, and economic tensions;

Whereas Kyrgyz and Uzbeks in Osh have retreated into largely self-segregated neighborhoods, creating the potential for a permanent division into ethnic enclaves that could impede the delivery of humanitarian assistance and jeopardize the long-term stability of the country;

Whereas rioting and violence in southern Kyrgyzstan could spread to other areas in the Ferghana Valley, which spans the countries of Kyrgyzstan, Uzbekistan, and Tajikistan, and further exacerbate inter-ethnic competition for resources in the region;

Whereas protracted instability in Kyrgyzstan and the wider region could provide a safe haven for extremists and criminal networks and obstruct efforts to combat the drug trade;

Whereas stability in Kyrgyzstan and the broader Central Asia region, which borders Afghanistan, Iran, China, and Russia, is important to the national security interests of the United States;

Whereas Central Asia plays a vital role in the United States strategy for Afghanistan, including the transit center at Manas International Airport in Kyrgyzstan that forms an integral part of the northern supply route for North Atlantic Treaty Organization and United States-led coalition operations in Afghanistan;

Whereas promoting stability, respect for human rights, and economic and political reform in Central Asia are important priorities for the United States;

Whereas economic growth and democratic political development in Central Asia would provide a foundation for improved cooperation with the United States in confronting an array of global challenges, from non-proliferation and counter-narcotics to energy security and climate change; and

Whereas the potential for escalating violence in Kyrgyzstan concerns not only the United States and the people of Kyrgyzstan, but also the countries in the region and the international community: Now, therefore, be it

*Resolved*, That it is the sense of the Senate—

(1) to call upon all parties in Kyrgyzstan to refrain from violence and attend to the civilians who have been displaced or injured as a result of the violence, paying particular attention to the ethnic Uzbek population along the Kyrgyzstan-Uzbekistan border;

(2) that the Provisional Government of Kyrgyzstan should—

(A) take immediate steps to restore order, the rule of law, and the democratic process;

(B) address the underlying political, social, and economic tensions that divide Kyrgyz society for all citizens of Kyrgyzstan, regardless of ethnic background; and

(C) bring to justice those responsible for the recent violence;

(3) to support calls for a full and fair investigation into the causes of the violence in southern Kyrgyzstan;

(4) to welcome the commitment of more than \$32,000,000 of the United States Government to Kyrgyzstan for programs supporting humanitarian relief, reconstruction, and community stabilization;

(5) to commend the Government of Uzbekistan for cooperating with the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, UNICEF, and other international nongovernmental organizations in meeting the urgent needs of Uzbek refugees;

(6) that the Government of Uzbekistan should maintain an open border in order to ensure that the displaced and vulnerable populations seeking refuge in Uzbekistan may avail themselves of emergency humanitarian assistance and protection services;

(7) to call upon the Organization for Security and Cooperation in Europe to help restore calm and order through—

(A) strengthening the democratic institutions of Kyrgyzstan;

(B) encouraging respect for human rights and fundamental freedoms;

(C) establishing a framework for dialogue among the ethnic communities; and

(D) promoting confidence building measures between the Provisional Government of Kyrgyzstan and ethnic communities; and

(8) to commend the efforts of relief organizations and all persons responding to the immediate humanitarian needs of those displaced by the recent outbreak of violence in Kyrgyzstan.

**PERMANENT RADIO FREE ASIA AUTHORIZATION ACT**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 439, S. 3104.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (S. 3104) to permanently authorize Radio Free Asia, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. FINDINGS.**

*Congress finds the following:*

(1) Radio Free Asia (referred to in this Act as “RFA”)—

(A) was authorized under section 309 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208);

(B) was incorporated as a private, non-profit corporation in March 1996 in the hope that its operations would soon be obviated by the global advancement of democracy; and

(C) is headquartered in Washington, DC, with additional offices in Bangkok, Hong Kong, Phnom Penh, Seoul, Ankara, and Taipei.

(2) RFA broadcasts serve as substitutes for indigenous free media in regions lacking free media outlets.

(3) The mission of RFA is “to provide accurate and timely news and information to Asian countries whose governments prohibit access to a free press” in order to enable informed decision-making by the people within Asia.

(4) RFA provides daily broadcasts of news, commentary, analysis, and cultural programming to Asian countries in several languages, including—

(A) 12 hours per day in Mandarin;  
 (B) 8 hours per day in 3 Tibetan dialects, Uke, Kham, and Amdo;  
 (C) 4 hours per day in Korean and Burmese;  
 (D) 2 hours per day in Cantonese, Vietnamese, Laotian, Khmer (Cambodian), and Uyghur; and  
 (E) 1½ hours per week in Wu (local Shanghai dialect).

(5) The governments of the countries targeted for these broadcasts have consistently denied and blocked attempts at Medium Wave and FM transmissions into their countries, forcing RFA to rely on Shortwave broadcasts and the Internet.

(6) RFA has provided continuous online news to its Asian audiences since 2004, although some countries—

(A) routinely and aggressively block RFA's website;

(B) monitor access to RFA's website; and

(C) discourage online users by making it illegal to access RFA's website.

(7) Despite these attempts, RFA has successfully managed to reach its online audiences through proxies, cutting-edge software, and active republication and repostings by its audience.

(8) RFA also provides forums for local opinions and experiences through message boards, podcasts, web logs (blogs), cell phone-distributed newscasts, and new media, including Facebook, Flickr, Twitter, and YouTube.

(9) Freedom House has documented that freedom of the press is in decline in nearly every region of the world, particularly in Asia, where none of the countries served by RFA have increased their freedom of the press during the past 5 years.

(10) In fiscal year 2010, RFA is operating on a \$37,000,000 budget, less than \$400,000 of which is available to fund Internet censorship circumvention.

(11) Congress currently provides grant funding for RFA's operations on a fiscal year basis.

## SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) public access to timely, uncensored, and accurate information is imperative for promoting government accountability and the protection of human rights;

(2) Radio Free Asia provides a vital voice to people in Asia;

(3) some of the governments in Asia spend millions of dollars each year to jam RFA's shortwave, block its Internet sites;

(4) Congress should provide additional funding to RFA and the other entities overseen by the Broadcasting Board of Governors for—

(A) Internet censorship circumvention; and

(B) enhancement of their cyber security efforts; and

(5) permanently authorizing funding for Radio Free Asia would—

(A) reflect the concern that media censorship and press restrictions in the countries served by RFA have increased since RFA was established; and

(B) send a powerful signal of our Nation's support for free press in Asia and throughout the world.

## SEC. 3. PERMANENT AUTHORIZATION FOR RADIO FREE ASIA.

Section 309 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208) is amended—

(1) in subsection (c)(2), by striking “, and shall further specify that funds to carry out the activities of Radio Free Asia may not be available after September 30, 2010”;

(2) by striking subsection (f);

(3) by redesignating subsections (g) and (h) as subsection (f) and (g), respectively; and

(4) in subsection (f), as redesignated—

(A) by striking “The Board” and inserting the following:

“(1) NOTIFICATION.—The Board”;

(B) by striking “before entering” and inserting the following: “before—

“(A) entering”;

(C) by striking “Radio Free Asia.” and inserting the following: “Radio Free Asia; or

“(B) entering into any agreements in regard to the utilization of Radio Free Asia transmitters, equipment, or other resources that will significantly reduce the broadcasting activities of Radio Free Asia.”;

(D) by striking “The Chairman” and inserting the following:

“(2) CONSULTATION.—The Chairman”; and

(E) by inserting “or Radio Free Asia broadcasting activities” before the period at the end.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

## REGARDING KYRGYZSTAN

Mr. REID. Mr. President, I ask unanimous consent to proceed to the consideration of S. Res. 566.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 566) expressing the sense of the Senate regarding the situation in Kyrgyzstan.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 566) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 566

Whereas on June 10, 2010, violence erupted between ethnic Kyrgyz and Uzbek communities in the southern city of Osh, Kyrgyzstan, and later spread to the city of Jalalabad, leaving at least several hundred dead and thousands injured;

Whereas the outbreak of violence forced as many as 400,000 people to flee their homes, including an estimated 100,000 women and children who face desperate conditions along the Kyrgyzstan-Uzbekistan border;

Whereas the United Nations Children's Fund (UNICEF) and other United Nations

agencies estimate that the violence could directly or indirectly affect more than 1,000,000 people;

Whereas the displacement of ethnic Uzbeks and continuing instability in the southern part of Kyrgyzstan could destabilize the Provisional Government of Kyrgyzstan and undermine the legitimacy of the referendum on constitutional reform scheduled for June 27, 2010;

Whereas the Provisional Government of Kyrgyzstan, which came to power in April 2010 following large-scale opposition protests against the regime of former president Kurmanbek Bakiyev, has yet to fully extend its authority in the south and build the capacity necessary to address underlying political, social, and economic tensions;

Whereas Kyrgyz and Uzbeks in Osh have retreated into largely self-segregated neighborhoods, creating the potential for a permanent division into ethnic enclaves that could impede the delivery of humanitarian assistance and jeopardize the long-term stability of the country;

Whereas rioting and violence in southern Kyrgyzstan could spread to other areas in the Ferghana Valley, which spans the countries of Kyrgyzstan, Uzbekistan, and Tajikistan, and further exacerbate inter-ethnic competition for resources in the region;

Whereas protracted instability in Kyrgyzstan and the wider region could provide a safe haven for extremists and criminal networks and obstruct efforts to combat the drug trade;

Whereas stability in Kyrgyzstan and the broader Central Asia region, which borders Afghanistan, Iran, China, and Russia, is important to the national security interests of the United States;

Whereas Central Asia plays a vital role in the United States strategy for Afghanistan, including the transit center at Manas International Airport in Kyrgyzstan that forms an integral part of the northern supply route for North Atlantic Treaty Organization and United States-led coalition operations in Afghanistan;

Whereas promoting stability, respect for human rights, and economic and political reform in Central Asia are important priorities for the United States;

Whereas economic growth and democratic political development in Central Asia would provide a foundation for improved cooperation with the United States in confronting an array of global challenges, from non-proliferation and counter-narcotics to energy security and climate change; and

Whereas the potential for escalating violence in Kyrgyzstan concerns not only the United States and the people of Kyrgyzstan, but also the countries in the region and the international community: Now, therefore, be it

*Resolved*, That it is the sense of the Senate—

(1) to call upon all parties in Kyrgyzstan to refrain from violence and attend to the civilians who have been displaced or injured as a result of the violence, paying particular attention to the ethnic Uzbek population along the Kyrgyzstan-Uzbekistan border;

(2) that the Provisional Government of Kyrgyzstan should—

(A) take immediate steps to restore order, the rule of law, and the democratic process;

(B) address the underlying political, social, and economic tensions that divide Kyrgyz society for all citizens of Kyrgyzstan, regardless of ethnic background; and

(C) bring to justice those responsible for the recent violence;

(3) to support calls for a full and fair investigation into the causes of the violence in southern Kyrgyzstan;

(4) to welcome the commitment of more than \$32,000,000 of the United States Government to Kyrgyzstan for programs supporting humanitarian relief, reconstruction, and community stabilization;

(5) to commend the Government of Uzbekistan for cooperating with the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, UNICEF, and other international nongovernmental organizations in meeting the urgent needs of Uzbek refugees;

(6) that the Government of Uzbekistan should maintain an open border in order to ensure that the displaced and vulnerable populations seeking refuge in Uzbekistan may avail themselves of emergency humanitarian assistance and protection services;

(7) to call upon the Organization for Security and Cooperation in Europe to help restore calm and order through—

(A) strengthening the democratic institutions of Kyrgyzstan;

(B) encouraging respect for human rights and fundamental freedoms;

(C) establishing a framework for dialogue among the ethnic communities; and

(D) promoting confidence building measures between the Provisional Government of Kyrgyzstan and ethnic communities; and

(8) to commend the efforts of relief organizations and all persons responding to the immediate humanitarian needs of those displaced by the recent outbreak of violence in Kyrgyzstan.

#### ORDER FOR RECORD TO REMAIN OPEN

Mr. REID. Mr. President, I ask unanimous consent that the RECORD remain

open until 12 noon for the purpose of the introduction of legislation, the insertion of statements, and any cosponsors, notwithstanding an adjournment of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ORDERS FOR MONDAY, JUNE 28, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, June 28; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks, the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate resume consideration of the motion to proceed to H.R. 5297.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, under a previous order, at 5 p.m. on Monday, the Senate will proceed to executive session to debate the nomination of Gary Feinerman to be United States

District Judge for the Northern District of Illinois, with the time until 5:30 p.m. equally divided and controlled between Senators LEAHY and SESSIONS or their designees.

At 5:30 p.m., there will be two rollcall votes. The first vote will be on the motion to invoke cloture on the motion to proceed to H.R. 5297; the second vote will be on confirmation of the Feinerman nomination.

#### ADJOURNMENT UNTIL MONDAY, JUNE 28, 2010, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 11:04 a.m., adjourned until Monday, June 28, 2010, at 2 p.m.

#### CONFIRMATION

Executive nomination confirmed by the Senate, Friday, June 25, 2010:

##### DEPARTMENT OF HOMELAND SECURITY

JOHN S. PISTOLE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## EXTENSIONS OF REMARKS

### INTRODUCTION OF STOP OIL SPILLS ACT

**HON. EDWARD J. MARKEY**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 25, 2010*

Mr. MARKEY of Massachusetts. Madam Speaker, since the explosion of the Deepwater Horizon and the death of 11 workers on April 20, 2010, the American people have watched helplessly as millions of barrels of oil have spilled into the Gulf of Mexico. It has become obvious that the technologies to drill ever deeper for oil and gas have developed rapidly, but the technologies needed to prevent or stop catastrophic spills have not. That is why I am introducing the Stop Oil Spills Act, or the SOS Act. If we are going to drill ultra-deep, we must be able to make that drilling ultra-safe and to stop any spill ultra-fast.

The SOS Act repeals Sections 999A through 999H of the Energy Policy Act of 2005 and establishes in its place the "Innovative Offshore Drilling Safety Technology Program." The bill takes \$50 million per year in oil and gas royalty payments, which currently are directed to a 2005 Energy Policy Act program that subsidizes industry development of deep-water drilling technology, and redirects those funds to a Department of Energy grant program to develop next-generation technologies to prevent or stop offshore drilling spills. This new program will help ensure that we avoid future offshore well blowouts like the one that led to the current disaster in the Gulf of Mexico, and that in the event of a blowout, that we have the right tools on hand to stop the spill quickly and effectively.

The latest estimates are that between 35,000 and 60,000 barrels of oil are spewing into our territorial waters every day. While BP gave assurance that it could respond to a spill of more than four times this amount, the reality is quite different. In attempt after failed attempt to stop the flow of oil into the Gulf, from "top kill" to "top hat" to "junk shot", BP has demonstrated that it is not prepared to deal with the consequences of a deepwater well blowout with such great pressures and depths. With other companies' spill response plans virtually mirroring those of BP's, it appears that the industry as a whole is equally unprepared.

Over the last three years, the five largest independent oil producers amassed nearly \$289 billion dollars in profits, invested a total of \$39 billion to explore for new oil and gas deposits, and invested more than \$10 billion in research and development. And yet over that time, ExxonMobil, ConocoPhillips, and BP invested an average of just \$20 million per year in research and development on safety, accident prevention, and spill response technologies and capabilities. BP CEO Tony Hayward's admission that his company lacks the tools to respond to the current spill is the di-

rect result of a pattern of investment that prioritizes ultra-deep drilling over ultra-safe drilling.

The SOS Act will not increase costs to taxpayers. The bill is paid for by redirecting royalty payments that are now being used to subsidize industry development of deepwater drilling technologies, something that industry has the resources and incentives to perform on its own. The SOS Act will ensure that the technologies we will need to respond to the next oil spill are being developed and tested with the Federal government's support and guidance.

The bill requires the Secretary of Energy, in consultation with the Secretary of Interior, to establish a program within six months to provide awards to support the development, demonstration, and commercialization of innovative technologies to prevent, stop, or capture large-scale accidental discharges of oil or other hydrocarbons from offshore oil and gas drilling operations, including deep-water and ultra-deepwater operations.

The awards will focus on new technologies or innovative improvements to existing technologies. These include blowout preventers, secondary control systems, remotely operated vehicles or technologies to stop or capture hydrocarbons from offshore wells. The bill directs the Secretary to select projects on a competitive basis, based primarily on the potential for commercialization of the relevant technology and the potential to enhance industry's capacity to prevent, stop or contain a large-scale spill from offshore drilling operations.

The program will be carried out in accordance with an annual plan prepared by the Secretary that takes into consideration recommendations from a Technical Advisory Committee established by the bill, as well as recommendations from the independent commission established by the President to investigate the Deepwater Horizon spill and the existing Interagency Coordinating Committee on Oil Pollution Research. The annual plan shall be transmitted annually to Congress and made available on the Internet.

Finally, the bill establishes a Stop Oil Spills (SOS) Fund in the U.S. Treasury and moves funds from the existing industry research and development subsidy program from the Energy Policy Act of 2005 into this new Fund. For each of fiscal years 2011 through 2017, from any Federal royalties, rents, and bonuses derived from Federal onshore and offshore oil and gas leases issued under the Outer Continental Shelf Lands Act, \$50,000,000 shall be deposited into the Fund. Monies in the Oil SOS Fund shall be available to the Secretary for obligation without fiscal year limitation and up to five percent of the monies may cover the costs of administering the program.

We will continue to be susceptible to the risk of deepwater blowouts and hydrocarbon spills as long as we are dependant on petroleum to meet our energy needs. While we

work to reduce and eliminate this dangerous dependence, we must do everything in our power to decrease the likelihood of a catastrophic spill and increase our capacity to stop it and respond to it. The SOS Act will put us on the path of improving the safety of our drilling operations and ensuring that the appropriate tools are in the toolbox to respond if another spill emergency ever occurs.

H.R. 5604, THE "SURFACE TRANSPORTATION SAVINGS ACT OF 2010"

**HON. THOMAS S. P. PERRIELLO**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 25, 2010*

Mr. PERRIELLO. Madam Speaker, today I am joined by my colleague, the gentleman from Michigan, Mr. SCHAUER, to introduce the "Surface Transportation Savings Act of 2010." This bill will reduce the Nation's deficit by \$106.8 million by rescinding contract authority made available to the National Highway Traffic Safety Administration (NHTSA) and the Federal Transit Administration (FTA) that the agencies cannot use in fiscal year (FY) 2010.

At this time of rising budget deficits and reduced revenues caused by the worst economic recession since the Great Depression, it is imperative that we take every step we can to efficiently and effectively manage taxpayer dollars. By eliminating funds that these agencies cannot use, this legislation will take steps—small as they may appear—toward reducing the Federal budget deficit, which reached \$1.4 trillion in FY 2009.

Eliminating excess funding that agencies cannot use is a common sense and practical step toward improving the nation's fiscal foundation while efforts to repair our ailing economy continue to take place across the nation.

NHTSA's safety belt performance grants program received \$124.5 million in FY 2010 to carry out this important incentive grant program. NHTSA has informed us that only three states are expected to qualify to receive an incentive grant under this program this year. Therefore, NHTSA requires no more than \$28.5 million in FY 2010 to carry out the authorized activities of this program. Since NHTSA does not have the ability to redistribute the unallocated funds in FY 2010, H.R. 5604 would rescind \$81.0 million of contract authority from this program.

The Surface Transportation Savings Act also rescinds \$8.5 million of contract authority from NHTSA's administrative expenses, National Driver Register and research and development programs. This excess contract authority was made available under the extension of current surface transportation programs passed as part of the Hiring Incentives

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to Restore Employment Act (HIRE Act). Because the amounts provided for these programs is greater than the funding levels provided by the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010, NHTSA cannot use these funds in FY 2010.

Specifically, H.R. 5604 would rescind \$6.4 million of contract authority authorized for NHTSA's administrative expenses; \$1.8 million of contract authority authorized for NHTSA's highway safety research and development program; and \$78,000 of amounts authorized for NHTSA to carry out the National Driver Register.

Finally, H.R. 5604 rescinds \$17.4 million of contract authority from FTA's formula and bus grant programs. The HIRE Act provides \$8.361 billion in FY 2010 to carry out FTA's formula and bus grant programs. This funding level is \$17.4 million greater than the funding level provided by the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010, and thus FTA cannot use these funds.

Madam Speaker, reducing the nation's growing budget deficit is crucial to our long-term financial health and economic prosperity. In these difficult economic times, we must look particularly hard for each and every opportunity to address the deficits and debt we are leaving for future generations. The legislation Mr. SCHAUER and I are introducing today is a common sense step in that direction.

#### OUR UNCONSCIONABLE NATIONAL DEBT

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,038,079,983,718.36.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,399,654,237,424.56 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

#### REMEMBER THE 60TH ANNIVERSARY OF THE KOREAN WAR

#### HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 2010

Mr. GENE GREEN of Texas. Madam Speaker, I would like to submit the following

article, "Remember the 60th anniversary of the Korean War" by Hardie Matthews, as printed in the Pasadena Citizen, June 23, 2010.

Why can't we just have a peaceful world with no war? What causes us to send the best men and women in the world off to war. I didn't want to leave my home and go fight some war in some far off place. I just wanted to stay home and enjoy my life. I admire the young men and women today who are so dedicated to defending this great country of ours.

June is a bad month for me. It was June 1945 when I was taken from my idyllic home in Lubbock, Texas, and thrust into the real world of basic training. And then five years later, away I went from Texas Tech to the Korean War.

Never will forget my college roommates and I fixing our lunch of the usual steak and hearing an interruption of the noontime radio newscast. The announcer, in his grave voice, said at eight that night, the President of the United States wanted to talk to us about the situation that had developed in Korea. We were all busy and didn't have time to think about some idiotic place called Korea.

So that night, while we were studying, Squeaky Voice Truman came on the radio. What a horrible voice he had! What made it even worse was he had a hard time reading his script. His predecessor, Franklin Delano Roosevelt, had such a melodic voice and knew exactly how to use it. Then old Squeaky Voice came on, and I lost interest in becoming President of the United States. With FDR, I wanted to be President; before I heard him in 1933, first grade, I wanted to be a truck driver, but Roosevelt just sort of hypnotized me. I wanted to be just like him.

Soooo, while we were studying, June 25, 1950, Squeaky Voice came on the radio and told us that Communist North Korea had invaded South Korea, and that the United Nations had been asked to submit troops to prevent the takeover of that peninsula by Communist North Korea.

The next day, the glaring headline in the Lubbock Avalanche Journal newspaper said that Truman had declared war on North Korea. That morning I went to the Tech library. I wanted to find Korea on the World Atlas. I did, and came home to tell my roommates.

Within days, I was on my way. I couldn't believe that rotten place called Korea. We were on a Japanese Junker ship. It kept stalling and stalling. Something was wrong with the durn motor. It would sputter along, and then stop. Then we would hear a large splash as the anchor was mechanically splashed into the water. There we would sit for hours. That went on for days and days.

As best we could determine, it took us 10 days to go the 50 miles by water from Yokohama, Japan, to Inchon, Korea. Can you imagine! Fifty miles in 10 days! What made it worse was the food. We ate spoiled Spam! When you're starving to death, you'll eat anything. Consequently, when we hit the beachhead at Inchon, I had soiled pants from dysentery, a letter in my pocket from Mom saying that she couldn't take Dad's philandering any more and was divorcing him.

What I didn't have was ammunition, food or officers. All officers stayed on board our ship. That night, we speculated that all those officers would be back in Japan receiving citation after citation for their bravery in combat. Makes me sick, now, every time I see an officer with a chest full of medals. All those medals were "earned" many miles behind the lines. So next time you see that, remember what I've told you here.

Just before we climbed over the side of that ship, we threw our duffel bags down into a landing barge. Not one bag missed that little boat. We had a rope ladder to climb down. In so doing, when we reached the bottom of the rope ladder, we had to wait until the boat rose up high enough with the tide so that we could jump from the rope to the barge. Our buddies on board would catch us and swing us onto the barge.

Cold! Goodness! And there stood "Boatman," as we called the man running the landing barge. His face was all red and puffy from frostbite. His eyes had visible white matter in them, and all he had on for protection from the coldness was a field jacket. I had on about seven layers of clothes. He was a Army Reservist just like us and this was his fourth week on that landing barge.

We all looked at him with such envy, and, in turn, he looked at us with even more envy. He had two bandoliers of ammunition; that is, two big straps from his shoulders to his waste; we had no ammo. We had heavy winter clothing; he had a light weight field jacket.

All those memories came back to me as I sat in Tom Nixon's Memory War Museum. Tom and two of his friends were telling me about the Chosin Reservoir battle they were in. There were about 10,000 Marines, approximately 2,000 Army and United Nations troops defending that reservoir. 120,000 Chinese forces were determined to annihilate those Marines and other troops, but did not. To me, it was unreal that I would be sitting there in that museum talking to two of the heroes of that horrible battle that raged for two months in sub-zero weather. The odds were completely against them, and yet, here sat two of my heroes: James H. Lewis and Lonnie Avery. How do you thank men like them and Tom Nixon, who suffered frostbite so severe that his limbs were to be amputated? There is no way to thank them, is there? Let me tell you something: Though I try to keep religion out of this column, I just have to say this: I thank God for brave men like those three. You and I wouldn't be here if the Communists of Asia hadn't been stopped by those heroes.

So on June 25 of this year, the sixtieth anniversary of the beginning of the Korean War, you and I should wish HIS richest blessing for those three good men, our own great heroes, for what they did for you and me. Just let me say, God bless the three of you. I don't know anyone more deserving than you. What an honor it is for me to sit here at this computer writing about you three modest, hard working men! It is a real honor. Thank you for the good life that is mine. I wouldn't be here pounding away on this poor old keyboard, if it weren't for you three. Thank you from the depth of my heart. Thank you.

## HOUSE OF REPRESENTATIVES—Monday, June 28, 2010

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
June 28, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair would now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUELLAR) at 2 p.m.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Beneath Your creative hand, O Lord, every garden needs more attention.

Education and formation of character is never a finished product for Your people.

Constant care and oversight as well as discerning analysis and fresh energy are required daily for governance of a good society.

Therefore, Lord God, grant Your servants patience, perseverance, and determination to work hard to attain the goals Your Providence sets before us, today and every day as long as life shall last.

Reward the long labor of Senator ROBERT BYRD. Grant him eternal rest.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### HONORING STATE TROOPER WESLEY BROWN

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise to honor the memory of one of Maryland's finest, a member of our Maryland State Police, Maryland State Trooper Wesley Brown, who was shot to death without warning while working on an off-duty security detail in the early morning of June 11. He was 24 years of age.

Though his life was cut far too short, Trooper Brown filled the years he was given with service to his community, mentoring young men, and love for his family.

It wasn't enough for Wesley to serve as a decorated State Trooper for more than 3 years. He also founded an organization called "Young Men Enlightening Younger Men," a group dedicated to teaching life and leadership skills to boys in Wesley's Seat Pleasant neighborhood, just a couple of miles from where I grew up in District Heights, Maryland.

Many of them came to regard Trooper Brown as a father figure. "I became a squared-away young man," said one of the pupils at his memorial service, "and I'll never forget that smile."

Wesley Brown's death was sudden and deeply unfair, but his community is better because he lived, and the seeds he sowed will outlive him. As the pastor said in Wesley's eulogy, "He showed us how to serve his brother man, and no one had to beg him to do it."

May all of those whom Trooper Brown left behind—his mother, Patricia Bell; his father, Sylvester Brown, Sr.; his fiancée, Ebony Norris; his seven brothers and sisters; and his grandmother, Rosella Bell—find comfort in the memory of his service and the greatness of his contribution to other young people.

We are protected every day by those who have the courage and commitment and love of country and neighbors to defend us here, our domestic defenders. Wesley Brown was one of those. God bless his soul.

### CAROLINA DAY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today all across South Carolina, residents are celebrating Carolina Day to commemorate the brave South Carolina patriots who defeated the British fleet on June 28, 1776, promoting American independence.

This victory saved Charleston from British occupation for another 4 years. It occurred at the first fort on Sullivan's Island, later named after its commander, Colonel William Moultrie. The battle at Fort Moultrie is known as the first decisive victory by American Revolutionaries.

This battle is just one example of the direct role South Carolina played in the Revolutionary War. Throughout the War for Independence, more than 200 battles and engagements took place in South Carolina, more than any other province.

One popular symbol of South Carolina's leadership in the Revolution is still seen today throughout the world: the yellow Gadsden Flag that reads, "Don't Tread on Me."

In 1775, Colonel Christopher Gadsden was representing South Carolina in the Continental Congress as five companies of Marines were about to join the Navy to intercept British ships. History has recorded that Colonel Gadsden presented his flag to the new commander-in-chief of the Navy, Commodore Esek Hopkins, before this critical mission.

In conclusion, God bless our troops, and we will never forget September 11th in the global war on terrorism.

Best wishes to the USC Gamecocks in the College World Series tonight at Omaha, Nebraska.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## BRING OUR TROOPS HOME

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. In a little more than a year, the United States flew \$12 billion in cash to Iraq, much of it in hundred dollar bills, shrinkwrapped, loaded onto pallets. Vanity Fair reported in 2004 that at least \$9 billion of the cash had gone missing, unaccounted for. Nine billion.

Today, we learned that suitcases of \$3 billion in cash have openly moved through the Kabul airport. One U.S. official quoted by the Wall Street Journal said, "A lot of this looks like our tax dollars being stolen." Three billion dollars. Consider this step as the American people sweat out extension of unemployment benefits.

Last week, the BBC reported that the U.S. military has been giving tens of millions of dollars to Afghan security firms who are funneling the money to warlords. Add to that a corrupt Afghan government, underwritten by the lives of our troops. And now reports indicate that Congress is preparing to attach \$10 billion in State education funding to a \$33 billion spending bill to keep the war going.

Back home millions of Americans are out of work, losing their homes, losing their savings, their pensions, their retirement security. We're losing our Nation to lies about the necessity of war.

Bring our troops home. End the war. Secure our economy.

## NORTH KOREA

(Mr. DJOU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DJOU. Mr. Speaker, I address the House this afternoon to remind our Nation of what has happened in the last 48 hours: The discussion of the Korean Peninsula has great impact and meaning upon our Nation as a whole.

I represent a congressional district that lies within the flight arc of North Korea's ballistic missiles. I am troubled by the report this morning in the Washington Post that the Korean Workers' Party in North Korea is trying to manage a dynastic transfer of its dictatorship from Kim Jong Il to his son, and I believe the United States must redouble its efforts to change this regime and establish a democratic and united Korea.

But I am also encouraged by the opportunity which has happened this past weekend and compliment President Obama for committing to a free trade agreement between the United States and South Korea.

Now is the time for us to further cement our bonds and our relationships between the United States and South Korea and make sure that we change the dictatorship in North Korea for the

benefit of our Nation and the world as a whole.

## CONGRATULATING STANLEY CUP CHAMPION CHICAGO BLACKHAWKS

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, I rise to congratulate the 2010 Stanley Cup Champions, the Chicago Blackhawks.

Founded in 1926, the Blackhawks are one of the National Hockey League's organizational six teams. The team has had a remarkable history, but this past season was very, very special.

On April 6, the Hawks won their 50th game of the season setting a new franchise record for wins in a season. During a game the very next night, they scored their 109th point of the season, setting yet another franchise record.

The Hawks made the playoffs for the second season in a row this year with a record of 52–22–8. They went on to defeat the Nashville Predators in the first round of the Stanley Cup, then the Vancouver Canucks, and the San Jose Sharks before facing the Philadelphia Flyers in the final round. In a tense game 6, the Hawks defeated the Flyers when Patrick Kane scored the game-winning Cup-clinching goal in sudden death overtime, marking the team's fourth Stanley Cup Championship—their first since 1961.

As the world saw during the Chicago parade in their honor, the city's sports fans moved past their long-time baseball rivalries and came together in support of the Blackhawks.

Mr. Speaker, I would like to congratulate the Blackhawks for their title and thank them on behalf of sports fans all over the metropolitan Chicago area for their contribution in making Chicago the dynamic sports city that it is.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6 p.m. today.

## RECOGNIZING THE NATIONAL COLLEGIATE CYBER DEFENSE COMPETITION

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1244) recognizing the National Collegiate Cyber Defense Competition for its now five-year effort

to promote cyber security curriculum in institutions of higher learning, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

## H. RES. 1244

Whereas, on February 27, 2004, and February 28, 2004, a group of educators, students, and government and industry representatives gathered in San Antonio, Texas, to gauge the interest in and support for the establishment of regular cyber security exercises for postsecondary students;

Whereas stakeholders in the cyber security profession sought to create a cyber security exercise template for universities nationwide, and to encourage educational institutions to offer students practical experience in information assurance;

Whereas in an effort to develop a regular, national-level cyber security exercise, the Center for Infrastructure Assurance and Security at the University of Texas at San Antonio agreed to host the first Collegiate Cyber Defense Competition (CCDC) for the Southwestern region in April 2005;

Whereas the mission of the CCDC system is to provide institutions with an information assurance or computer security curriculum in a controlled, competitive environment to assess the student's depth of understanding and operational competency in managing the challenges inherent in protecting corporate network infrastructure and business information systems;

Whereas the CCDC has attracted participation from institutions of higher education from across the United States;

Whereas 2010 regional competition hosts include Southwest host Texas A&M University, North Central host Dakota State University, Northeast host University of Maine, Pacific Rim co-hosts University of Washington and Highline Community College, Midwest co-hosts Inver Hills Community College and Moraine Valley Community College, Mid-Atlantic host Community College of Baltimore County, Southeast host Kennesaw State University, and West Coast host California State Polytechnic University, Pomona;

Whereas 2010 regional competition winners include Towson University, DePaul University, Montana Tech of the University of Montana, Northeastern University, University of Washington, Texas A&M University, University of Louisville, and California State Polytechnic University, Pomona; and

Whereas the furtherance and development of cyber security academic programs in institutions of higher education will help meet the rapidly growing demand for cyber security specialists in the public and private sectors: Now, therefore, be it

*Resolved*, That the House of Representatives recognizes the National Collegiate Cyber Defense Competition for its now five-year effort to promote cyber security curriculum in institutions of higher learning.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

## GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert

extraneous material on House Resolution 1244 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Ms. HIRONO. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1244, which recognizes the National Collegiate Cyber Defense Competition for their 5-year effort to promote cyber security curriculum at institutions of higher education. Their dedication and commitment to cyber security instruction serves an important purpose as computer and Internet software continue their vital role in our digital world.

In February of 2004, a group of educators, students, and government and industry representatives in cyber defense gathered in San Antonio, Texas, to address the growing need for cyber security education for post-secondary students. These individuals understood the growing importance of, and the world's increasing reliance, on computer and Internet software, as well as the national security interest in protecting this vital infrastructure. From the gathering in San Antonio, the Collegiate Cyber Defense Competition was born.

The competition provides students the opportunity to improve their understanding and operational competency in protecting corporate network infrastructure and business information systems. For the past 5 years, the competition has offered computer security curriculum to students at institutions of higher education across the United States.

Many teams participated in this year's regional competition with winners including Towson University, DePaul University, Montana Tech, Northeastern University, University of Washington, Texas A&M University, University of Louisville, and California State Polytechnic University at Pomona. Students from these universities learned many skills and their education will help meet the rapidly growing demand for cyber security specialists in the public and private sectors.

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Mr. Speaker, I want to thank Representative RODRIGUEZ for introducing this resolution.

Once again, I express my support for House Resolution 1244, which recognizes the importance of the National Collegiate Cyber Defense Competition and its contribution to our Nation's cyber security curriculum.

I urge my colleagues to support this resolution, and I reserve the balance of my time.

Mrs. BIGGERT. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1244, recognizing

the National Collegiate Cyber Defense Competition for its 5-year effort to promote cyber security curriculum in institutions of higher education.

In April of 2005, the University of Texas at San Antonio held the first Collegiate Cyber Defense Competition, or CCDC, for the Southwestern region. The CCDC focuses on the operational aspects of managing and protecting an existing network's infrastructure. Teams acquire points based on their ability to deduct and respond to outside threats, to maintain availability of existing services such as mail servers and Web servers, to respond to business requests such as the addition or removal of additional services, and to balance security needs against business needs.

The mission of CCDC is to provide a controlled, competitive environment to assess a student's understanding and competency in managing the challenges inherent in protecting a corporate network or business information system. The competition is supported by members of the cyber security industry and by organizations that understand the importance of innovation in the field of cyber security.

The 2010 winner of the Collegiate Cyber Defense Competition was Northeastern University.

I urge my colleagues to join me in applauding this significant achievement, and I reserve the balance of my time.

Ms. HIRONO. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Thank you for allowing me this opportunity to say a few words on cyber security in this particular exercise done by universities.

Mr. Speaker, I rise today in support of H. Res. 1244, recognizing the National Collegiate Cyber Defense Competition for its now 5-year effort to promote cyber security curriculum in institutions of higher education.

The Cyber Collegiate Defense Competition is a 3-day event and is the first competition of its kind that focuses on the operational aspect of managing and protecting an existing commercial network infrastructure. Students get a chance to test their knowledge in an operational environment and network within industry professionals who are always on the lookout for up-and-coming engineers.

On February 27 and 28 of 2004, a group of educators and students, government and industry representatives gathered in San Antonio, Texas, to discuss the feasibility and desirability of establishing such a program—this particular regular cyber security exercise with a uniformed structure for postsecondary-level students.

The Center for Infrastructure Assurance and Security at the University of Texas at San Antonio agreed to host

the first Collegiate Cyber Defense Competition for the Southwestern region in April of 2005. The University of Texas at San Antonio is the National Center of Academic Excellence in Information Assurance Education by the National Security Agency and by the Department of Homeland Security.

The University of Texas at San Antonio is in my district, and I have been continually impressed with their pioneering approach to cyber security curricula. They have outstanding faculty and staff, all of whom recognize how critical information assurance is becoming in the 21st century.

This year's regional winners included Towson University, DePaul University, Montana Tech, Northeastern University, the University of Washington, Texas A&M University, the University of Louisville, and the California State Polytechnic University at Pomona.

I am also honored and privileged to have attended this year's competition and previous events and to have personally had the opportunity to congratulate the winners from Northeastern University, the champions of the national competition.

Let me just add that it is exciting to see these young people engage in this competition. We are hoping that, as we move forward, this will grow and allow other universities to participate and get engaged as these are the youngsters, in the words of some of them who describe themselves, who are the geek warriors who defend our infrastructure throughout our country and throughout the world. It was really exciting to see them not only in the competition but to see them participating. We have these unique individuals who are extremely brilliant, who are out there doing a wonderful job, not only for the private sector but for the public sector.

In conclusion, I just want to believe that the National Collegiate Cyber Defense Competition is poised to expand and grow as cyber security becomes increasingly important for the public and the private sectors throughout the country and throughout the world. I hope this body will continue its strong work in supporting the cyber security profession while making sure we are providing the resources to train the next generation of cyber security professionals.

I want to take this opportunity to thank the chairwoman for allowing this particular legislation of recognition to come forward. Thank you very much.

Mrs. BIGGERT. Mr. Speaker, I urge the support of this resolution.

I have no further requests for time, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1244, "Recognizing the National Collegiate Cyber Defense Competition for its now five-year effort to promote cyber security curriculum in institutions of higher learning," as introduced by

my fellow member of the Texas delegation, Rep. CIRO RODRIGUEZ.

Our nation's critical infrastructure is composed of public and private institutions in the sectors of agriculture, food, water, public health, emergency services, government, defense industrial base, information and telecommunications, energy, transportation, banking and finance, chemicals and hazardous materials, and postal and shipping. Cyberspace is their nervous system—the control system of our country. Cyberspace is composed of hundreds of thousands of interconnected computers, servers, routers, switches, and fiber optic cables that allow our critical infrastructures to work. Thus, the healthy, secure, and efficient functioning of cyberspace is essential to both our economy and our national security.

One of the most significant security challenges that our Federal government faces today is ensuring that we have an abundance of adequately trained individuals defending our information infrastructure. In the past, I have been proud to sponsor bills that would increase funding for cybersecurity education programs, to ensure that we have a properly trained workforce to protect this vital infrastructure. The National Collegiate Cyber Defense Competition (CCDC) is an important piece of the cybersecurity education puzzle.

Since 2005, the National Collegiate Cyber Defense Competition has given students in the field of cybersecurity the opportunity to showcase their abilities. Rather than having students design an "ideal" network, the CCDC requires participants to assume the administrative and protective duties for an existing "commercial" network. This allows participants to show their skill at "real world" situations, as very few cybersecurity workers will have the luxury of building a perfect system from the ground up. While we obviously want to build the most secure networks possible, our experts must be able to work with the infrastructure that exists, finding and eliminating weaknesses that may already exist, and making imperfect systems secure.

Over the last few years, the contest has grown to include regional competitions in Texas, Maine, Washington, California, and Minnesota, among other locations. This year, there were more than eighty schools that participated, from all parts of the country. The students participating in this contest have not only demonstrated their knowledge and understanding of this important function, but they have also had the opportunity to hone their skills by dealing with actual, real time issues. The National Collegiate Cyber Defense Competition plays an important role in the development of our next generation of cybersecurity professionals, and I am proud to join Mr. RODRIGUEZ in recognizing it.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to express my support for H. Res. 1244, sponsored by Representative CIRO RODRIGUEZ of Texas, recognizing the National Collegiate Cyber Defense Competition (CCDC) for their five-year effort in promoting a cyber security curriculum in institutions of higher learning. I believe that because the contestants are tested on their operational and management skills in network infrastructures and keeping defense systems safe from hackers, the CCDC not only benefits the competi-

tors but support educators, students, the community, and the Government.

Cyber defense is important to my constituency in Georgia, as well as to our nation as a whole because as our technology capabilities grow nationally so does the threat to our network operations. I share the concerns of many Americans that information privacy and security is compromised as more and more information becomes electronic. Everyday, Americans fill out doctor's forms, insurance forms, credit card forms, and other documents that are digitized and stored at a data center somewhere. Too often, we find out that this information has been compromised in some way, whether intentionally by a hacker or accidentally through poor data management. Once compromised, one can never know how their personal information could have been accessed and how it may be used in the future. As more and more data becomes electronic, clearly we should invest in a cyber security system that is capable of protecting this data.

I am proud to recognize the National Collegiate Cyber Defense Competition today because it is not only a way to allow talented individuals an opportunity to provide infrastructure assurance and security; it also challenges students to protect corporate network infrastructures and business information systems.

I congratulate the 2010 National Collegiate Cyber Defense Champions on their win and I urge my colleagues to support this important resolution.

Ms. HIRONO. Once again, I would like to encourage all of my colleagues to support H. Res. 1244, the National Collegiate Cyber Defense Competition, and I congratulate all of the participants and the winners of this very important competition.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1244, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. HIRONO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### RECOGNIZING SPECIAL EDUCATION TEACHERS

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 284) recognizing the work and importance of special education teachers, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 284

Whereas, in 1972, the United States Supreme Court ruled that children with disabilities have the same right to receive a quality education in the public schools as their non-disabled peers and, in 1975, the United States Congress passed Public Law 94-142 guaranteeing students with disabilities the right to a free appropriate public education;

Whereas, according to the Department of Education, approximately 6,600,000 children (roughly 13 percent of all school-aged children) receive special education services;

Whereas there are over 370,000 highly qualified special education teachers in the United States;

Whereas the work of special education teachers requires them to be able to interact and teach students with specific learning disabilities, hearing impairments, speech or language impairments, orthopedic impairments, visual impairments, autism, combined deafness and blindness, traumatic brain injury, and other health impairments;

Whereas special education teachers are dedicated, possess the ability to understand a diverse group of students' needs, and have the capacity to be innovative in their teaching methods for their unique group of students and understanding of the differences of the children in their care;

Whereas special education teachers must have the ability to interact and coordinate with a child's parents or legal guardians, social workers, school psychologists, occupational and physical therapists, and school administrators, as well as other educators to provide the best quality education for their students;

Whereas special education teachers help to develop an individualized education program for every special education student based on the student's needs and abilities; and

Whereas these unique individuals dedicate themselves so special education students are prepared for daily life after graduation: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress—*

(1) recognizes the amount of work it requires to be a special education teacher; and

(2) commends special education teachers for their sacrifice and dedication while providing the quality life skills to individuals with special needs.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Concurrent Resolution 284 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 284, which recognizes the work and importance of special education teachers in our public education system. They serve a unique role in our country's schools, and their hard work equips

students with disabilities with high-quality instruction and important life-long skills.

The historic ruling in *Mills v. Board of Education of the District of Columbia* ruled that all students with disabilities must be offered a public education regardless of the cost, and it was critical in setting the stage for our current special education system. Today, the Individuals with Disabilities Education Act upholds this legacy by working to ensure the education of all students with disabilities. It is important for us to continue working towards equal access to education for more than 6.6 million American students.

More than 370,000 dedicated, hard-working, and highly professional special education teachers currently serve our Nation's students. These teachers educate students with many different disabilities, helping those with learning disabilities, autism, combined deafness and blindness, traumatic brain injuries, hearing, visual, speech, language or orthopaedic impairments, and other types of health impairments. Through specific training and teaching practices, special educators can help these students learn regardless of their physical barriers.

Special educators have earned and rightfully deserve our recognition. They dedicate their time and professional careers to serving students who need specific and individual education plans not offered by a traditional education setting. Special education teachers also recognize that these students are no less deserving than any other students of a high-quality public education. For these reasons and many others, special education teachers are particularly special public servants.

Mr. Speaker, I want to thank Representative SESSIONS for introducing this resolution.

Once again, I express support for House Concurrent Resolution 284, which will recognize the immense contributions of America's special education teachers. So I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mrs. BIGGERT. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 284, recognizing the work and importance of special education teachers.

Special education teachers work with children and youth who are facing a variety of disabilities. Some special education teachers work with students with severe cognitive, emotional or physical disabilities, primarily teaching them life skills and basic literacy. Many special education teachers work with children with mild to moderate disabilities, using or modifying the general education curriculum to meet a child's individual needs and providing required remedial instruction.

These gifted educators work with students who are struggling with

speech or language impairments, intellectual disabilities, autism, combined deafness and blindness, traumatic brain injury, and many other health impairments.

Special education teachers design and teach appropriate curricula, assign work geared toward each student's needs and abilities, and, of course, grade papers and homework assignments. They are involved in a student's behavioral, social and academic development, helping each student to develop emotionally and to interact effectively in social situations. Preparing special education students for daily life after graduation is also an important aspect of the job.

Special education teachers help general educators adapt curriculum materials and teaching techniques to meet the needs of students with disabilities. They coordinate the work of teachers, teacher assistants and related personnel, such as therapists and social workers, to meet the individualized needs of the student within inclusive special education programs.

Whether teaching a class of special education students or working with individual students in a general classroom, special education teachers ensure that all students have access to a quality education. Today, we salute them for their commitment and dedication.

I support this resolution, and I ask my colleagues to do the same.

I yield back the balance of my time.

Ms. HIRONO. Mr. Speaker, in closing, among the cadre of our educators all across our country who deserve our thanks and recognition, our special education teachers occupy a particularly special place.

I urge my colleagues to support this resolution.

Mr. SESSIONS. Mr. Speaker, it gives me great pleasure to discuss H. Con. Res. 284, legislation to recognize the work and importance of special education teachers in America.

In 1972, the United States Supreme Court ruled that children with disabilities have the right to the same quality public school education as their nondisabled peers. To fulfill this promise, in 1975 the United States Congress passed the Education of all Handicapped Children Act (EHA), which we now know as the Individuals with Disabilities Education Act or IDEA, guaranteeing students with disabilities the right to a quality and appropriate public education.

It has been almost 40 years that children with special needs were granted the right and opportunity to obtain an education equal to every other child's in our country.

IDEA provides these individuals the opportunity to improve their quality of life through education while translating that to job skills in the real world.

Speaking as the parent of a child with special needs, I will always be grateful and indebted to the individuals we are honoring in today's resolution. They have dedicated their

lives to improving the education of those students who begin with an intellectual or physical disadvantage than their peers.

According to the Department of Education approximately 6,600,000 children receive special education services; this is about 13 percent of our Pre-K, Elementary & Secondary student population in the United States combined.

In our school systems there are roughly 370,000 highly qualified special education teachers who wake up every day ready to educate children with special needs, while extending a hand to support the parents of these students during difficult times.

Distinct from the rest of their colleagues in the teaching profession, special education teachers work with students who have a range of disabilities that can consist of specific learning disabilities, physical impairments, speech or language impairments, autism, and other health and mental impairments.

While learning to engage and attend to every individual student's needs, special education teachers must also interact and coordinate with a child's parents or legal guardians, social workers, school psychologists, occupational and physical therapists, and school administrators, as well as other educators to provide the best quality education for their students.

In addition, these educators must produce innovative methods to maximize the learning capacity of each student, to make learning as easy as possible.

Recently I received a letter from a special education teacher in Texas,

Her name is Sunni McAsey and it reads

"I pick up my students from the bus stop 15 minutes before other teachers have students arrive in their classrooms. I am responsible for these students from the minute they arrive on campus until the minute they leave. Anything that happens with these kids is my sole responsibility. My students' abilities range from the intellectual capacity of a third grader to that of a 9 month old, all in one classroom, and each lesson that I create must be meaningful to every child in the room. My relationship with each child's parents is very close and I know more about each child than any teacher who teaches non-disabled students alone. I interact daily with parents who have accepted the cards dealt to them and are supportive of my work, but I have parents who are still grieving over their child's disability. My job includes so much more than most people are aware. I am a teacher, a nurse, a counselor, a parent, a disciplinarian, and everything else for these kids 8 hours a day. Why do I do it, you wonder? Because I truly love these kids. Even the slightest little gain is a big deal that we celebrate! Every gain is worth it in these kids' lives as well as their parents' . . . Sincerely a teacher who wants to make a difference"

Mr. Speaker, teachers like Sunni McAsey deserve to be recognized for their hard work and dedication to educating our youth.

This resolution is the first of its kind in Congress to recognize the dedication and hard work that these educators put into their jobs, day in and day out.

My colleagues on both sides of the aisle recognize the importance of these teachers and their everyday work.

We are approaching almost 40 years in which children with special needs were given the right to obtain the same quality education as their non-disabled peers, and it's time we honored those providing that education.

I ask all of my colleagues to support this resolution that recognizes the work and importance of special education teachers in America.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H. Con. Res. 284, introduced by Representative SESSIONS, which recognizes the hard work and importance of special education teachers.

In 1972, the U.S. Supreme Court ruled that people with special needs or disabilities had the same right to the quality education in public schools as their nondisabled peers. This monumental case changed the way we view children with special needs as well as the increased need for teachers who are certified for educating children with special needs. Actually, today, about 10 percent of all school-aged children receive special education services. This number shows the necessity and importance of special education teachers nationwide.

It takes an exceptional person to educate children with disabilities. Special education teachers have to adapt to a wide variety of needs ranging from children who have autism, hearing and seeing impairments, and even orthopedic impairments. Special education teachers have to come up with individual-specific plans for each child enrolled in their class, tailored to help children reach their full learning potential. Special education teachers must possess unique characteristics including extreme patience, organization capabilities, and the ability to understand each individual's needs. What makes these unique characteristics and hard work of these educators especially significant is the fact that they help improve the lives of the neediest amongst us, the special education students. Therefore, it is evident that these special education teachers' hard work and dedication is truly deserving of the appreciation that Congress offers within H. Con. Res. 284.

DeKalb County School System located in the Fourth District of Georgia has a history of focused care and concern for students with special needs. In fact, DeKalb County School System has an internationally recognized Exceptional Education and Support Services Division that provides a support system for the students with special needs as well as for their parents. I am proud of programs within my district, such as this support division, that help special education teachers by giving them the option to offer this support system to their students. I want to personally thank the special education teachers in my district and across the United States.

I urge my colleagues to support this important resolution.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H. Con. Res. 284, which recognizes the important role that special education teachers play in our Nation's schools. I thank my colleague, Congressman SESSIONS for introducing this resolution.

In 1972, the United States Supreme Court ruled that children with disabilities have the same right to receive a quality education as

their nondisabled peers. Today, approximately 10 percent of our student population receives special education services.

It truly takes a special person to work with our special needs students. These teachers often work well beyond the normal school day in designing individualized lesson plans for their students. Special education teachers have a tremendous amount of patience, flexibility, and creativity in dealing with special needs students. These teachers must also be able to adapt their teaching styles to accommodate the unique behavioral, social, emotional, or physical needs of their students.

Mr. Speaker, I would personally like to recognize the approximately 955 special education teachers in Los Angeles County. These individuals work extremely hard to provide a quality education to over 6,500 special education students. These extraordinary individuals work tirelessly and without complaint in trying to achieve successful outcomes for their students.

Lastly, Mr. Speaker, we should pay tribute to the special education aides that assist the teacher in the classroom. These individuals are often overworked and underpaid and are frequently underappreciated for the positive contributions they make to our special needs students.

Mr. Speaker, I urge my colleagues to join me in supporting H. Con. Res. 284 in recognizing the important role that special education teachers play in our schools.

Mr. FALCOMA. Mr. Speaker, I rise today before you, expressing my strong support for H. Con. Res. 284, appreciating the work and recognizing the special education teachers of our nation.

First, I would like to thank Congressman PETE SESSIONS of Texas and all of the co-sponsors, for recognizing these important people in our education system. I would also like to extend my gratitude to Chairman GEORGE MILLER and Ranking Member JOHN KLINE of the Committee on Education & Labor for supporting this resolution. This bill recognizes the profound dedication that these teachers have for their students, and the general community.

I would like to commend our special education teachers for continuing a phenomenal job. Not only do I respect their enduring patience and commitment, I applaud them on how much they have contributed to their local education systems. On a daily basis, these individuals must be able to motivate their students and push them past their limitations, and at the same time help them to mature and become productive members of society.

Not only have these teachers helped the many special needs students to achieve in school, but they have also formed a support system for the many parents and families. They are the warm counsel to the students and their loved ones. They are entrusted to help the students succeed in their education. These teachers continue to encompass a genuine and dedicated work ethic.

In American Samoa's education system, we have implemented a significant amount of special education programs into our schools. Importantly, we have integrated the special needs students in the mainstream education system. I would personally like to commend those teachers, for their enthusiasm and effort

with our children. We, as the Congress, must continue to provide the tools and support for the special needs teachers and their students, especially during these times of economic strife.

We are reminded that in 1972 the United States Supreme Court granted children with disabilities with the same right to receive 'quality' education. Without our special education teachers and the efforts of many others to provide for the children with special needs, this clearly would not have been possible.

Even as these individuals are faced with maybe, the most emotional and mentally stressful challenges, their continuous work in fostering and assisting our children is inspiring.

I strongly urge my colleagues to pass this resolution.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise before you today in support of H. Con. Res. 284, "Recognizing the work and importance of special education teachers." I would like to thank my colleague from Texas for shedding light on this very demanding and vital occupation.

Special education teachers teach students with both physical and mental impairments. A physical impairment is defined by the Americans with Disabilities Act (ADA) as: "Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine."

A mental impairment is defined by the ADA as: "Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities."

Neither the statute nor the regulations list all diseases or conditions that make up "physical or mental impairments," because it would be impossible to provide a comprehensive list, given the variety of possible impairments. However, the number of disabilities covered by the ADA continues to grow, as has the number of people diagnosed with learning disabilities. For example, it is estimated that between 3 and 5 percent of children have met criteria for diagnosis of Attention Deficit Hyperactivity Disorder (ADHD). This represents approximately 2 million children in the United States, and means that in a classroom of 25 to 30 children, it is likely that at least one will have ADHD. In total, according to the U.S. Department of Education, approximately 6,500,000 children (roughly 10 percent of all school-aged children) receive special education services.

Mr. Speaker, it is said that "The highest cost of an education is not getting one." In 1972, the United States Supreme Court ruled that children with disabilities have the same right to receive a quality education in the public schools as their nondisabled peers. Because of this ruling, special education teachers had to be prepared to handle these students and their individual needs.

Special education teachers work with children and young adults who have a range of disabilities. A small number of special education teachers work with students with severe

cognitive, emotional, or physical disabilities, primarily teaching them life skills and basic literacy. However, the majority of special education teachers work with children with mild to moderate disabilities, modifying the general education curriculum to meet the individual needs of the child and providing required corrective instruction. Today there are over 370,000 highly qualified special education teachers in the United States.

Special education teachers use various techniques to promote learning. Depending on the student, teaching methods can include intensive individualized instruction, problem-solving assignments, and small-group work. Special education teachers ensure that appropriate accommodations are provided, such as having material read orally, or lengthening the time allowed to take the test for students who need special accommodations to learn the general curriculum or to take a test. In some cases, teachers also provide students with career counseling or help them learn life skills, such as balancing a checkbook.

Helping these students can be highly rewarding and gratifying for the teacher, but the work also can be emotionally demanding and physically draining. Teachers are often consumed with paper work and burdened with a heavy workload—not to mention administrative responsibilities. The teacher is responsible for assessing the student's progress toward gaining the knowledge necessary to pass the course as well as consider the students' progress coping with their learning disability.

I applaud the steadfastness of all teachers for their diligence in teaching our youth and preparing them for the future. I am grateful for special educational instructors, who not only must deal with the curriculum of a classroom, but must also manage all of the other factors that may impede learning. Because of this, I strongly support H. Con. Res. 284 and I encourage my colleagues to join me.

Mr. HIRONO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 284, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Ms. HIRONO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1430

MAJOR GENERAL DAVID F. WHERLEY, JR. DISTRICT OF COLUMBIA NATIONAL GUARD RETENTION AND COLLEGE ACCESS ACT

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 3913) to direct the Mayor of the District of Columbia to establish a District of Columbia National Guard Educational Assistance Program to encourage the enlistment and retention of persons in the District of Columbia National Guard by providing financial assistance to enable members of the National Guard of the District of Columbia to attend undergraduate, vocational, or technical courses, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3913

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DISTRICT OF COLUMBIA NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM.**

The Act entitled "An Act to provide for the organization of the militia of the District of Columbia", approved March 1, 1889 (sec. 49—101 et seq., D.C. Official Code) is amended by adding at the end the following new title:

**"TITLE II—EDUCATIONAL ASSISTANCE PROGRAM**

**"SEC. 201. SHORT TITLE; FINDINGS.**

"(a) **SHORT TITLE.**—This title may be cited as the 'Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Act'.

"(b) **FINDINGS.**—Congress makes the following findings:

"(1) The District of Columbia National Guard is under the exclusive jurisdiction of the President of the United States as Commander-in-Chief and, unlike other National Guards, is permanently federalized.

"(2) The District of Columbia National Guard is unique and differs from the National Guards of the several States in that the District of Columbia National Guard is responsible, not only for residents of the District of Columbia, but also for a special and unique mission and obligation as a result of the extensive presence of the Federal Government in the District of Columbia.

"(3) Consequently, the President of the United States, rather than the chief executive of the District of Columbia, is in command of the District of Columbia National Guard, and only the President can call up the District of Columbia National Guard even for local emergencies.

"(4) The District of Columbia National Guard has been specifically trained to address the unique emergencies that may occur regarding the presence of the Federal Government in the District of Columbia.

"(5) The great majority of the members of the District of Columbia National Guard actually live in Maryland or Virginia, rather than in the District of Columbia.

"(6) The District of Columbia National Guard has been experiencing a disproportionate decline in force in comparison to the National Guards of Maryland and Virginia.

"(7) The States of Maryland and Virginia provide additional recruiting and retention incentives, such as educational benefits, in order to maintain their force, and their National Guards have drawn recruits from the District of Columbia at a rate that puts at risk the maintenance of the necessary force levels for the District of Columbia National Guard.

"(8) Funds for an educational benefit for members of the District of Columbia National Guard would provide an incentive to

help reverse the loss of members to nearby National Guards and allow for maintenance and increase of necessary District of Columbia National Guard personnel.

"(9) The loss of members of the District of Columbia National Guard could adversely affect the readiness of the District of Columbia National Guard to respond in the event of a terrorist attack on the capital of the United States.

**"SEC. 202. DISTRICT OF COLUMBIA NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM.**

"(a) **EDUCATIONAL ASSISTANCE PROGRAM AUTHORIZED.**—The Mayor of the District of Columbia, in coordination with the commanding general of the District of Columbia National Guard, shall establish a program under which the Mayor may provide financial assistance to an eligible member of the District of Columbia National Guard to assist the member in covering expenses incurred by the member while enrolled in an approved institution of higher education to pursue the member's first undergraduate, masters, vocational, or technical degree or certification.

"(b) **ELIGIBILITY.**—

"(1) **CRITERIA.**—A member of the District of Columbia National Guard is eligible to receive assistance under the program established under this title if the commanding general of the District of Columbia National Guard certifies to the Mayor the following:

"(A) The member has satisfactorily completed required initial active duty service.

"(B) The member has executed a written agreement to serve in the District of Columbia National Guard for a period of not less than 6 years.

"(C) The member is not receiving a Reserve Officer Training Corps scholarship.

"(2) **MAINTENANCE OF ELIGIBILITY.**—To continue to be eligible for financial assistance under the program, a member of the District of Columbia National Guard must—

"(A) be satisfactorily performing duty in the District of Columbia National Guard in accordance with regulations of the National Guard (as certified to the Mayor by the commanding general of the District of Columbia National Guard);

"(B) be enrolled on a full-time or part-time basis in an approved institution of higher education; and

"(C) maintain satisfactory progress in the course of study the member is pursuing, determined in accordance with section 484(c) of the Higher Education Act of 1965 (20 U.S.C. 1091(c)).

**"SEC. 203. TREATMENT OF ASSISTANCE PROVIDED.**

"(a) **PERMITTED USE OF FUNDS.**—Financial assistance received by a member of the District of Columbia National Guard under the program under this title may be used to cover—

"(1) tuition and fees charged by an approved institution of higher education involved;

"(2) the cost of books; and

"(3) laboratory expenses.

"(b) **AMOUNT OF ASSISTANCE.**—The amount of financial assistance provided to a member of the District of Columbia National Guard under the program may be up to \$400 per credit hour, but not to exceed \$6,000 per year. If the Mayor determines that the amount available to provide assistance under this title in any year will be insufficient, the Mayor may reduce the maximum amount of the assistance authorized, or set a limit on the number of participants, to ensure that amounts expended do not exceed available amounts.

“(c) RELATION TO OTHER ASSISTANCE.—Except as provided in section 202(b)(1)(C), a member of the District of Columbia National Guard may receive financial assistance under the program in addition to educational assistance provided under any other provision of law.

“(d) REPAYMENT.—A member of the District of Columbia National Guard who receives assistance under the program and who, voluntarily or because of misconduct, fails to serve for the period covered by the agreement required by section 202(b)(1) or fails to comply with the eligibility conditions specified in section 202(b)(2) shall be subject to the repayment provisions of section 373 of title 37, United States Code.

**“SEC. 204. ADMINISTRATION AND FUNDING OF PROGRAM.**

“(a) ADMINISTRATION.—The Mayor, in coordination with the commanding general of the District of Columbia National Guard and in consultation with approved institutions of higher education, shall develop policies and procedures for the administration of the program under this title. Nothing in this title shall be construed to require an institution of higher education to alter the institution's admissions policies or standards in any manner to enable a member of the District of Columbia National Guard to enroll in the institution.

“(b) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the District of Columbia such sums as may be necessary to enable the Mayor to provide financial assistance under the program. Funds appropriated pursuant to this authorization of appropriations shall remain available until expended.

“(2) TRANSFER OF FUNDS.—The Mayor may accept the transfer of funds from Federal agencies and use any funds so transferred for purposes of providing assistance under the program. There is authorized to be appropriated to the head of any executive branch agency such sums as may be necessary to permit the transfer of funds to the Mayor to provide financial assistance under this section.

“(3) LIMIT.—The aggregate amount authorized to be appropriated under paragraphs (1) and (2) for a fiscal year may not exceed—

“(A) for fiscal year 2011, \$370,000; and

“(B) for each succeeding fiscal year, the limit applicable under this paragraph for the previous fiscal year, adjusted by the tuition inflation index used for the year by the Secretary of Veterans Affairs for education benefits under section 3015(h)(1) of title 38, United States Code.

“(c) ACCEPTANCE OF DONATIONS.—The Mayor may accept, use, and dispose of donations of services or property for purposes of providing assistance under the program.

**“SEC. 205. DEFINITION.**

“In this title, the term ‘approved institution of higher education’ means an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) that—

“(1) is eligible to participate in the student financial assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

“(2) has entered into an agreement with the Mayor containing an assurance that funds made available under this title are used to supplement and not supplant other assistance that may be available for members of the District of Columbia National Guard.

**“SEC. 206. EFFECTIVE DATE.**

“Financial assistance may be provided under the program under this title to eligible members of the District of Columbia National Guard for periods of instruction that begin on or after January 1, 2010.”

**SEC. 2. PAYGO COMPLIANCE.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

**GENERAL LEAVE**

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as amended, H.R. 3913 would require the Mayor of the District of Columbia to establish a program to provide financial assistance to members of the District of Columbia National Guard to assist in covering higher education expenses. The Mayor would establish this program in coordination with the commander of the District of Columbia National Guard. Assistance would be capped at \$6,000 per year per National Guard member.

H.R. 3913, as amended, authorizes appropriations to the District of Columbia for the assistance program. The bill would also authorize the transfer of funds from Federal agencies for providing assistance under the program. The initial authorization for the program is \$370,000 in FY 2011. The bill would permit annual adjustments in succeeding years based on the tuition inflation index used by the Secretary of Veterans Affairs for educational benefits. As amended, H.R. 3913 complies with PAYGO requirements.

Mr. Speaker, in addition, the bill seeks to name the bill after former General David Wherley of the District of Columbia National Guard.

Mr. Speaker, I told the D.C. National Guard's 547th Transportation Company when they were deployed to Iraq about a year ago that I would introduce several D.C. National Guard bills concerning their service. Today, we consider the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Act to permanently authorize funding for a program to provide

grants for secondary education tuition to the members of the D.C. National Guard.

The bill authorizes an education incentive program recommended by former Major General David Wherley and his successor, Major General Errol Schwartz, who suggested that education grants would be useful in stemming the troublesome loss of members of the D.C. Guard to units, in part, because surrounding States offer just such educational benefits.

I am grateful that the Appropriations Committee has allotted funds in some years, with smaller contributions from the District, in the Financial Services and General Government Appropriations bill. A permanent authorization is necessary, however, to ensure that D.C. National Guard members receive equal treatment and benefits with other National Guard members on a regular basis, especially with surrounding States that do, in fact, have the higher education benefits we seek for the D.C. National Guard. The Guard for the Nation's Capital is competing for members from the pool of regional residents who find membership in Maryland and Virginia Guards more financially beneficial.

Mr. Speaker, last week, on June 22, we marked the 1-year anniversary of the commemoration of the Metro collision here involving two Red Line trains that took the lives of nine area residents, seven from the District of Columbia, including a local hero, Major General David F. Wherley, Jr., and his wife Ann. This bill is named in honor of General Wherley, who not only served his country all his adult life and never forgot the men and women who served under him at home or at war, but also was particularly attentive to the residents of the District of Columbia, especially the city's most troubled youth. Thereafter, Congressman JOSÉ SERRANO, chair of the Committee on Appropriations Financial Services Subcommittee, was good enough to offer this renaming in his appropriations bill last year and to appropriate the funds without authorization this year or in prior years.

Under General Wherley's command, the D.C. National Guard deployed several of its units to the global war on terrorism. General Wherley himself served courageously in both Iraq and Afghanistan, but at home he spent hours with me figuring out ways to get funds for programs for the District's children. We were successful, because he would show up, not only in my office, but wherever he was needed to get the funds to do the service for his men and for the children of this city.

General Wherley was a full-service leader. He not only commanded the D.C. National Guard; he worked closely with me and with city officials on programs for our city and its disadvantaged youth and for keeping our Guard

competitive as a premier force at home as well as abroad.

The education incentives in this bill serve not only to encourage high-quality recruits, but, when appropriated, have had the important benefit of helping the D.C. National Guard to maintain the force necessary to protect the Federal presence, because this funding helps equalize an important benefit compared with what is offered by Guard units in surrounding jurisdictions which also are open to D.C. National Guard members.

While the appropriators have been good enough to provide funding for the D.C. National Guard by considering it a programmatic request, it is imperative that this important educational initiative be authorized appropriately to ensure its permanent sustainability.

I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a privilege to join with my colleague, the Delegate from Washington, D.C. This bill quite appropriately is named in honor of an individual within the Federal District who served the community well and, more importantly, the context and the substance of this bill gives equity to those men and women who serve in the National Guard for the Federal District of Columbia and gives them equity with those States that surround the Federal District.

I think many times Congress is asked to give special attention to our residents in the Federal District, and I think this is one of fairness, equity, one that I think is well within our constitutional, not only our rights, but our responsibilities to represent not just those in our own districts, but to recognize that the Federal District is a district for all Americans.

Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 3913, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### CONGRATULATING THE CHICAGO BLACKHAWKS

Ms. NORTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1439) congratulating the Chicago Blackhawks on winning the 2010 Stanley Cup Championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1439

Whereas the historic Chicago Blackhawks, as one of the "Original Six", have made countless contributions to sports;

Whereas the Blackhawks and the National Hockey League have demonstrated a commitment to promoting fitness and leadership skills for youth through support for youth hockey programs and community skating facilities;

Whereas with 101 straight home game sellouts, and an NHL leading regular-season average attendance of 21,356, the Blackhawks are the pride of their hometown, Chicago, Illinois;

Whereas in just 3 years, the Blackhawks organization of Rocky Wirtz, Joel Quenneville, John McDonough, Stan Bowman, Scotty Bowman, Jay Blunk, and Dale Tallon have revitalized a franchise and reminded Chicago that it has always been a hockey town;

Whereas the Chicago Blackhawks, through amazing offense, superb defense, and unmatched depth, dominated the regular season and won 52 games;

Whereas the Blackhawks defeated the Nashville Predators in 6 games, the Vancouver Canucks in 6 games, and swept the number 1 seeded San Jose Sharks to become the Western Conference Champions and advance to the Stanley Cup Final;

Whereas in the Stanley Cup Final series, the Blackhawks held off the aggressive play and talent of the Eastern Conference Champion Philadelphia Flyers, who deserve great credit, to win in overtime, and provide one of the most exciting final series in recent history; and

Whereas the innumerable contributions from every player, coach, and the entire Blackhawks family have ended the 49-year-long championship drought and brought the roar back to Madison Street and Lord Stanley's Cup to where it belongs, sweet home Chicago: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the Chicago Blackhawks for their long distinguished history, countless contributions to sports, and their many successes as a franchise;

(2) congratulates the Blackhawks on an amazing season and for winning the 2010 Stanley Cup Championship;

(3) recognizes the players, coaches, and leadership of the Blackhawks organization; and

(4) joins with all people in the United States and hockey fans all over the world in celebrating the return of the Stanley Cup to Chicago, Illinois.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

#### GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members shall have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am pleased to present H. Res. 1439 for consideration. The bill congratulates the Chicago Blackhawks for their victory over the Philadelphia Flyers in the National Hockey League Stanley Cup Finals.

H. Res. 1439 was introduced by our colleague, the gentleman from Illinois, Representative MIKE QUIGLEY, on May 25, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it to be reported by unanimous consent on June 14, 2010. The measure has the support of over 50 Members of the House.

Mr. Speaker, on June 9, 2010, the Chicago Blackhawks defeated the Philadelphia Flyers in Philadelphia to win the NHL's Stanley Cup Final hockey series. With that win, the Chicago Blackhawks ended 49 years of Stanley Cup frustration with a 4-3 overtime victory over the Philadelphia Flyers in a game that was numbered game six and clinched the National Hockey League's best-of-seven championship series. The Philadelphia Flyers were worthy opponents and should be congratulated for a hard-fought Stanley Cup series.

Blackhawks captain Jonathan Toews, who scored seven goals in the playoffs and had 22 assists, including one on Chicago's first goal, was awarded the Conn Smythe Trophy for most valuable player for his team in the NHL playoffs.

The Philadelphia Flyers fought hard, but they were no match for the hard-hitting, exciting brand of hockey of Blackhawks general manager Stan Bowman and head coach Joel Quenneville.

Not since the days of Hall of Famers Bobby Hull, Stan Mikita and goalie Glenn Hall had the Blackhawks hoisted the cup, and Chicago unleashed nearly 50 years of frustration with a euphoric celebration on Philadelphia's home ice.

I join my colleagues in congratulating the National Hockey League champions, the Chicago Blackhawks, on their victory in the 2010 Stanley Cup Finals.

Mr. Speaker, I reserve the balance of my time.

□ 1445

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as somebody that resides in north San Diego County, I spend a lot of time in the water at the Pacific Ocean, but I have never spent very much time on the ice. As a San Diegan, I find it very interesting the entire concept of somebody playing a game on the ice. But I join today in supporting this resolution and congratulating the Blackhawks in their victory.

I still would love to learn more about the game, but I'd like to do it from afar, as long as I can stay warm.

I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Illinois, the sponsor of the bill (Mr. QUIGLEY).

Mr. QUIGLEY. To my colleagues, I appreciate their ability to pronounce names they're not necessarily so familiar with so well, and I appreciate those who cosponsored this legislation.

About 3 weeks ago, several hundred brave Chicago Blackhawks hockey fans sat in Philadelphia and wondered why Patrick Kane was flying across the ice in celebration. He scored the goal that no one saw—the goal that has brought an end to 49 years of frustration for Blackhawks fans and exorcised the ghost of the demons of Jacques Lemaire in 1971. He helped make the Chicago Blackhawks the Stanley Cup Champions.

It was a long, extraordinarily tough road for these players. Many of these players competed in over 120 games, when you count the Olympics—an extraordinarily grueling task for them to accomplish this. But that goal set off a celebration that ended with 2 million people in downtown Chicago in a parade. It set off a celebration in Philadelphia among a few fans that were there from Chicago, and among the alumni of Blackhawks, including Bobby Hull, Stan Mikita, Tony Esposito, Denis Savard, and many others. Unfortunately, many alumni are no longer with us—Hawk legends who are forever in our hearts, such as Keith Magnuson and Pit Martin. But it also set off an extraordinary celebration in Chicago, which, for many of us, is still going on.

There are many people to thank, the first of which, as far as I understand, is the only truly popular owner I know in professional sports, Rocky Wirtz, who combined his full efforts with dedication to bring a championship to Chicago; John McDonough, the president of the team; Jay Blunk, Stan Bowman, and Scotty Bowman, who were extraordinary in putting this team together and advising it; along with Dale Tallon, who's no longer with the team but to whom we owe a great deal of gratitude; defenseman Duncan Keith, the James Norris Memorial Trophy winner this year; Captain Jonathan Toews, who won the Conn Smythe Trophy; and a team of all-stars, including Brian Campbell. We had several Olympians who also competed. We have players who won the Stanley Cup and the Gold Medal in 1 year, which doesn't happen all the time.

But my main message today is to all those long-suffering, dedicated Blackhawks fans who have enjoyed this victory ever since; the fans who under-

stood what it was like to cheer for Pierre Pilote and Denis Savard and Tony Esposito in all the years in which we didn't quite make the playoffs, but they loved the "madhouse on Madison" as much as I did and look forward to many more years of excitement from this team that Mr. Wirtz has brought us. It was a wonderful night, and we appreciate your cosponsorships.

Ms. NORTON. I just want to congratulate my colleague Mr. QUIGLEY, and I understand why he and Chicago are ecstatic. I urge my colleagues to join me in supporting this measure.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I congratulate the gentleman again, and Chicago, which has had a pretty good run the last couple of years. Seeing that I know how committed the hockey fans are, I will join with my colleagues in urging the Members to support the passage of H.R. 1439.

I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 1439.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. NORTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### UNITED STATES SECRET SERVICE UNIFORMED DIVISION MODERNIZATION ACT OF 2010

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1510) to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code, as amended.

The Clerk read the title of the bill.

The text of the amendments is as follows:

Amendments:

Strike out all after the enacting clause and insert:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Secret Service Uniformed Division Modernization Act of 2010".

#### TITLE I—PERSONNEL RULES FOR UNITED STATES SECRET SERVICE UNIFORMED DIVISION

##### SEC. 101. PURPOSE.

The purpose of this title is to transfer statutory entitlements to pay and hours of work

authorized by laws codified in the District of Columbia Official Code for current members of the United States Secret Service Uniformed Division from such laws to the United States Code.

#### SEC. 102. HUMAN RESOURCES FOR UNITED STATES SECRET SERVICE UNIFORMED DIVISION.

(a) PAY FOR MEMBERS OF THE UNITED STATES SECRET SERVICE UNIFORMED DIVISION.—Subpart I of part III of title 5, United States Code, is amended by adding at the end the following:

#### "CHAPTER 102—UNITED STATES SECRET SERVICE UNIFORMED DIVISION PERSONNEL

"Sec.

"10201. Definitions.

"10202. Authorities.

"10203. Basic pay.

"10204. Rate of pay for original appointments.

"10205. Service step adjustments.

"10206. Technician positions.

"10207. Promotions.

"10208. Demotions.

"10209. Clothing allowances.

"10210. Reporting requirement.

#### "§ 10201. Definitions

"In this chapter—

"(1) the term 'member' means an employee of the United States Secret Service Uniformed Division having the authorities described under section 3056A(b) of title 18;

"(2) the term 'Secretary' means the Secretary of the Department of Homeland Security; and

"(3) the term 'United States Secret Service Uniformed Division' has the meaning given that term under section 3056A of title 18.

#### "§ 10202. Authorities

"(a) IN GENERAL.—The Secretary is authorized to—

"(1) fix and adjust rates of basic pay for members of the United States Secret Service Uniformed Division, subject to the requirements of this chapter;

"(2) determine what constitutes an acceptable level of competence for the purposes of section 10205;

"(3) establish and determine the positions at the Officer and Sergeant ranks to be included as technician positions; and

"(4) determine the rate of basic pay of a member who is changed or demoted to a lower rank, in accordance with section 10208.

"(b) DELEGATION OF AUTHORITY.—The Secretary is authorized to delegate to the designated agent or agents of the Secretary, any power or function vested in the Secretary under in this chapter.

"(c) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to administer this chapter.

#### "§ 10203. Basic pay

"(a) IN GENERAL.—The annual rates of basic pay of members of the United States Secret Service Uniformed Division shall be fixed in accordance with the following schedule of rates, except that the payable annual rate of basic pay for positions at the Lieutenant, Captain, and Inspector ranks is limited to 95 percent of the rate of pay for level V of the Executive Schedule under subchapter II of chapter 53.

"Rank	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
Officer .....	\$44,000	\$46,640	\$49,280	\$51,920	\$54,560	\$57,200	\$59,840	\$62,480	\$65,120	\$67,760	\$70,400	\$73,040	\$75,680
Sergeant .....				59,708	62,744	65,780	68,816	71,852	74,888	77,924	80,960	83,996	87,032
Lieutenant .....					69,018	72,358	75,698	79,038	82,378	85,718	89,058	92,398	95,738
Captain .....						79,594	83,268	86,942	90,616	94,290	97,964	101,638	105,312
Inspector .....						91,533	95,758	99,983	104,208	108,433	112,658	116,883	121,108
Deputy Chief .....	The rate of basic pay for Deputy Chief positions will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.												
Assistant Chief .....	The rate of basic pay the Assistant Chief position will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.												
Chief .....	The rate of basic pay the Chief position will be equal to the rate of pay for level V of the Executive Schedule.												

“(b) SCHEDULE ADJUSTMENT.—

“(1)(A) Effective at the beginning of the first pay period commencing on or after the first day of the month in which an adjustment in the rates of basic pay under the General Schedule takes effect under section 5303 or other authority, the schedule of annual rates of basic pay of members (except the Deputy Chiefs, Assistant Chief and Chief) shall be adjusted by the Secretary by a percentage amount corresponding to the percentage adjustment made in the rates of pay under the General Schedule.

“(B) The Secretary may establish a methodology of schedule adjustment that—

“(i) results in uniform fixed-dollar step increments within any given rank; and

“(ii) preserves the established percentage differences among rates of different ranks at the same step position.

“(2) Notwithstanding paragraph (1), the payable annual rate of basic pay for positions at the Lieutenant, Captain, and Inspector ranks after adjustment under paragraph (1) may not exceed 95 percent of the rate of pay for level V of the Executive Schedule under subchapter II of chapter 53.

“(3) Locality-based comparability payments authorized under section 5304 shall be applicable to the basic pay for all ranks under this section, except locality-based comparability payments may not be paid at a rate which, when added to the rate of basic pay otherwise payable to the member, would cause the total to exceed the rate of basic pay payable for level IV of the Executive Schedule.

“§ 10204. Rate of pay for original appointments

“(a) IN GENERAL.—Except as provided in subsection (b), all original appointments shall be made at the minimum rate of basic pay for the Officer rank set forth in the schedule in section 10203.

“(b) EXCEPTION FOR SUPERIOR QUALIFICATIONS OR SPECIAL NEED.—The Director of the United States Secret Service or the designee of the Director may appoint an individual at a rate above the minimum rate of basic pay for the Officer rank based on the individual's superior qualifications or a special need of the Government for the individual's services.

“§ 10205. Service step adjustments

“(a) DEFINITION.—In this section, the term ‘calendar week of active service’ includes all periods of leave with pay or other paid time off, and periods of non-pay status which do not cumulatively equal one 40-hour work-week.

“(b) ADJUSTMENTS.—Each member whose current performance is at an acceptable level of competence shall have a service step adjustment as follows:

“(1) Each member in service step 1, 2, or 3 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 52 calendar weeks of active service in the member's service step.

“(2) Each member in service step 4, 5, 6, 7, 8, 9, 10, or 11 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 104 calendar weeks of active service in the member's service step.

“(3) Each member in service step 12 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 156 calendar weeks of active service in the member's service step.

“§ 10206. Technician positions

“(a) IN GENERAL.—(1) Each member whose position is determined under section 10202(a)(3) to be included as a technician position shall, on or after such date, receive, in addition to the member's scheduled rate of basic pay, an amount equal to 6 percent of the sum of such member's rate of basic pay and the applicable locality-based comparability payment.

“(2) A member described in this subsection shall receive the additional compensation authorized by this subsection until such time as the member's position is determined under section 10202(a)(3) not to be a technician position, or until the member no longer occupies such position, whichever occurs first.

“(3) The additional compensation authorized by this subsection shall be paid to a member in the same manner and at the same time as the member's basic pay is paid.

“(b) EXCEPTIONS.—(1) Except as provided in paragraph (2), the additional compensation authorized by subsection (a)(1) shall be considered as basic pay for all purposes, including section 8401(4).

“(2) The additional compensation authorized by subsection (a)(1) shall not be considered as basic pay for the purposes of—

“(A) section 5304; or

“(B) section 7511(a)(4).

“(3) The loss of the additional compensation authorized by subsection (a)(1) shall not constitute an adverse action for the purposes of section 7512.

“§ 10207. Promotions

“(a) IN GENERAL.—Each member who is promoted to a higher rank shall receive basic pay at the same step at which such member was being compensated prior to the date of the promotion.

“(b) CREDIT FOR SERVICE.—For the purposes of a service step adjustment under section 10205, periods of service at the lower rank shall be credited in the same manner as if it was service at the rank to which the employee is promoted.

“§ 10208. Demotions

“When a member is changed or demoted from any rank to a lower rank, the Secretary may fix the member's rate of basic pay at the rate of pay for any step in the lower rank which does not exceed the lowest step in the lower rank for which the rate of basic pay is equal to or greater than the member's existing rate of basic pay.

“§ 10209. Clothing allowances

“(a) IN GENERAL.—In addition to the benefits provided under section 5901, the Director of the United States Secret Service or the designee of the Director is authorized to provide a clothing allowance to a member assigned to perform duties in normal business or work attire purchased at the discretion of the employee. Such clothing allowance shall not be treated as part of the member's basic pay for any purpose (including retirement purposes) and shall not be used for the purpose of computing the member's overtime pay, pay during leave or other paid time off, lump-sum payments under section 5551 or section 5552, workers' compensation, or any other benefit. Such allowance for any member may be discontinued at any time upon written notification by the Director of the United States Secret Service or the designee of the Director.

“(b) MAXIMUM AMOUNT AUTHORIZED.—A clothing allowance authorized under this section shall not exceed \$500 per annum.

“§ 10210. Reporting requirement

“Not later than 3 years after the date of the enactment of this chapter, the Secretary shall prepare and transmit to Congress a report on the operation of this chapter. The report shall include—

“(1) an assessment of the effectiveness of this chapter with respect to efforts of the Secretary to recruit and retain well-qualified personnel; and

“(2) recommendations for any legislation or administrative action which the Secretary considers appropriate.”

(b) ANNUAL LEAVE LIMITATION FOR MEMBERS IN THE DEPUTY CHIEF, ASSISTANT CHIEF, AND CHIEF RANKS.—Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in subparagraph (F), by striking “or” after the semicolon;

(2) in subparagraph (G), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(H) a position in the United States Secret Service Uniformed Division at the rank of Deputy Chief, Assistant Chief, or Chief.”

(c) SICK LEAVE FOR WORK-RELATED INJURIES AND ILLNESSES.—Section 6324 of title 5, United States Code, is amended—

(1) in subsection (a), by striking “Executive Protective Service force” and inserting “United States Secret Service Uniformed Division”; and

(2) in subsection (b)(3), by striking “the Treasury for the Executive Protective Service force” and inserting “Homeland Security for the United States Secret Service Uniformed Division”; and

(3) by adding at the end the following:

“(c) This section shall not apply to members of the United States Secret Service Uniformed Division who are covered under chapter 84 for the purpose of retirement benefits.”

SEC. 103. MISCELLANEOUS PROVISIONS.

(a) CONVERSION TO NEW SALARY SCHEDULE.—

## (1) IN GENERAL.—

(A) RATES OF PAY FIXED.—Effective the first day of the first pay period which begins after the date of the enactment of this Act, the Secretary shall fix the rates of basic pay for members of the United States Secret Service Uniformed Division, as defined under section 10201 of title 5, United States Code, (as added by section 102(a)) in accordance with the provisions of this subsection.

## (B) RATE BASED ON CREDITABLE SERVICE.—

(i) IN GENERAL.—Each member shall be placed in and receive basic pay at the corresponding scheduled rate under chapter 102 of title 5, United States Code, as added by section 102(a) (after any adjustment under paragraph (3) of this subsection) in accordance with the member's total years of creditable service, as provided in the table in this clause. If the scheduled rate of basic pay for the step to which the member would be assigned in accordance with this paragraph is lower than the member's rate of basic pay immediately before the date of enactment of this paragraph, the member shall be placed in and receive basic pay at the next higher service step, subject to the provisions of clause (iv). If the member's rate of pay exceeds the highest step of the rank, the rate of basic pay shall be determined in accordance with clause (iv).

Full Years of Creditable Service	Step Assigned Upon Conversion
0	1
1	2
2	3
3	4
5	5
7	6
9	7
11	8
13	9
15	10
17	11
19	12
22	13

(ii) CREDITABLE SERVICE.—For the purposes of this subsection, a member's creditable service is any police service in pay status with the United States Secret Service Uniformed Division, the United States Park Police, or the District of Columbia Metropolitan Police Department.

## (iii) STEP 13 CONVERSION MAXIMUM RATE.—

(I) IN GENERAL.—A member who, at the time of conversion, is in step 13 of any rank below Deputy Chief, is entitled to that rate of basic pay which is the greater of—

(aa) the rate of pay for step 13 under the new salary schedule; or

(bb) the rate of pay for step 14 under the pay schedule in effect immediately before conversion.

(II) STEP 14 RATE.—Clause (iv) shall apply to a member whose pay is set in accordance with subclause (I)(bb).

(iv) ADJUSTMENT BASED ON FORMER RATE OF PAY.—

(I) DEFINITION.—In this clause, the term “former rate of basic pay” means the rate of basic pay last received by a member before the conversion.

(II) IN GENERAL.—If, as a result of conversion to the new salary schedule, the member's former rate of basic pay is greater than the maximum rate of basic pay payable for the rank of the member's position immediately after the conversion, the member is entitled to basic pay at a rate equal to the member's former rate of basic pay, and increased at the time of any increase in the maximum rate of basic pay payable for the rank of the member's position by 50 percent of the dollar amount of each such increase.

(III) PROMOTIONS.—For the purpose of applying section 10207 of title 5, United States Code, relating to promotions, (as added by section 102(a)) an employee receiving a rate above the maximum rate as provided under this clause shall be deemed to be at step 13.

(2) CREDIT FOR SERVICE.—Each member whose position is converted to the salary schedule under chapter 102 of title 5, United States Code, (as added by section 102(a)) in accordance with this subsection shall be granted credit for purposes of such member's first service step adjustment made after conversion to the salary schedule under that chapter for all satisfactory service performed by the member since the member's last increase in basic pay before the adjustment under this section.

(3) ADJUSTMENTS DURING TRANSITION.—The schedule of rates of basic pay shall be increased by the percentage of any annual adjustment applicable to the General Schedule authorized under section 5303 of title 5, United States Code, or any other authority, which takes effect during the period beginning on January 1, 2010, through the last day of the last pay period preceding the first pay period which begins after the date of the enactment of this Act. The Secretary of Homeland Security may establish a methodology of schedule adjustment that results in uniform fixed-dollar step increments within any given rank and preserves the established percentage differences among rates of different ranks at the same step position.

(b) IMPACT ON BENEFITS UNDER THE DISTRICT OF COLUMBIA POLICE AND FIREFIGHTERS' RETIREMENT AND DISABILITY SYSTEM.—

(1) SALARY INCREASES FOR PURPOSES OF CERTAIN PENSIONS AND ALLOWANCES.—The conversion of positions and members of the United States Secret Service Uniformed Division to appropriate ranks in the salary schedule set forth in this title and the amendments made by this title, and the initial adjustments of rates of basic pay of those positions and individuals in accordance with this title and the amendments made by this title, shall be treated as an increase of 2.50 percent in the salary of current members for purposes of section 3 of the Act entitled “An Act to provide increased pensions for widows and children of deceased members of the Police Department and the Fire Department of the District of Columbia”, approved August 4, 1949 (sec. 5-744, D.C. Official Code) and section 301 of the District of Columbia Police and Firemen's Salary Act of 1953 (sec. 5-745, D.C. Official Code).

(2) TREATMENT OF RETIREMENT BENEFITS AND PENSIONS OF CURRENT AND FORMER MEMBERS.—Except as otherwise provided in this title, nothing in this title shall affect retirement benefits and pensions of current members and former members who have retired under the District of Columbia Police and Firefighters' Retirement and Disability System.

## SEC. 104. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—To the extent that any provision of any law codified in the District of Columbia Official Code that authorizes an entitlement to pay or hours of work for current members of the United States Secret Service Uniformed Division is not expressly revoked by this title, such provision shall not apply to such members after the effective date of this Act.

(b) TECHNICAL AND CONFORMING AMENDMENTS TO LAWS CODIFIED IN DISTRICT OF COLUMBIA OFFICIAL CODE.—The following laws codified in the District of Columbia Official Code are amended as follows:

(1) The Act entitled “An Act to provide for granting to officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, and the White House and United States Park Police forces additional compensation for working on holidays”, approved October 24, 1951, is amended—

(A) in the second sentence of section 1 (sec. 5-521.01, D.C. Official Code), by striking “the Fire Department of the District of Columbia,” and all that follows through “and the United States Park Police Force” and inserting “the Fire Department of the District of Columbia, and the United States Park Police Force”;

(B) in section 2 (sec. 5-521.02, D.C. Official Code), by striking “and with respect” and all that follows through “United States Park Police force” and inserting “and with respect to officers and members of the United States Park Police force”; and

(C) in section 3 (sec. 5-521.03, D.C. Official Code), by striking “shall be applicable” and all that follows and inserting the following: “shall be applicable to the United States Park Police force under regulations promulgated by the Secretary of the Interior.”

(2) The District of Columbia Police and Firemen's Salary Act of 1958 is amended as follows:

(A) In section 202 (sec. 5-542.02, D.C. Official Code), by striking “United States Secret Service Uniformed Division,”.

(B) In section 301(b) (sec. 5-543.01(b), D.C. Official Code), by striking “the United States Secret Service Uniformed Division,”.

(C) In section 302 (sec. 5-543.02, D.C. Official Code)—

(i) in subsection (a), by striking “the Secretary of Treasury, in the case of the United States Secret Service Uniformed Division,”;

(ii) in subsection (b), by striking “the United States Secret Service Uniformed Division or”; and

(iii) in subsection (e), by striking “the United States Secret Service Uniformed Division or”.

(D) In section 303(a)(5) (sec. 5-543.03(a)(5), D.C. Official Code), by striking “the United States Secret Service Uniformed Division and”.

(E) In section 304(d)(1) (sec. 5-543.04(d)(1)), by striking “the United States Secret Service Uniformed Division or”.

(F) In section 305 (sec. 5-543.05, D.C. Official Code)—

(i) by striking “the United States Secret Service Uniformed Division,”; and

(ii) by striking “or the Secretary of the Treasury,”.

(G) In section 501 (sec. 5-545.01, D.C. Official Code)—

(i) in subsection (a), by striking “and the United States Secret Service Uniformed Division”;

(ii) in subsection (c)(1)—

(I) by striking “the United States Secret Service Uniformed Division and”, and

(II) in the schedule set forth in such subsection, by striking “United States Secret Service Uniformed Division”;

(iii) in subsection (c)(2), by striking “the annual rates of basic compensation” and all that follows through “the Secretary of the Treasury, and”;

(iv) in subsection (c)(5), by striking “officers and members of the United States Secret Service Uniformed Division or”;

(v) in subsection (c)(6)(A), by striking “the United States Secret Service Uniformed Division or”;

(vi) in subsection (c)(7)(A), by striking “the United States Secret Service Uniformed Division or”.

(H) In section 506 (sec. 5—545.06, D.C. Official Code), by striking “, the Secretary of the Treasury.”.

(3) Section 118 of the Treasury and General Government Appropriations Act, 1998, is amended by striking subsection (b) (sec. 5—561.01, D.C. Official Code).

(4) Section 905(a)(1) of the Law Enforcement Pay Equity Act of 2000 (Public Law 106—554; sec. 5—561.02(a)(1), D.C. Official Code) is amended by striking “the Secretary of Treasury” and all that follows through “United States Secret Service Uniformed Division, and”.

(5) Subsection (k)(2)(B) of the Policemen and Firemen’s Retirement and Disability Act (sec. 5—716(b)(2), D.C. Official Code) is amended by inserting “, or, for a member who was an officer or member of the United States Secret Service Uniformed Division, or the United States Secret Service Division, 40 percent of the corresponding salary for step 5 of the Officer rank in section 10203 of title 5, United States Code” after “member’s death”.

(6) Section 1 of the Act entitled “An Act to provide a 5-day week for officers and members of the Metropolitan Police force, the United States Park Police force, and the White House Police force, and for other purposes”, approved August 15, 1950 (sec. 5—1304, D.C. Official Code), is amended—

(A) in subsection (a)(1)—

(i) by inserting “and” before “the Secretary of the Interior”; and

(ii) by striking “, and the Secretary of the Treasury in the case of the United States Secret Service Uniformed Division”;

(B) in subsection (a)(9)—

(i) by inserting “or” before “the United States Park Police force”; and

(ii) by striking “or the United States Secret Service Uniformed Division”;

(C) in subsection (b)—

(i) by inserting “or” before “the Secretary of the Interior”; and

(ii) by striking “or the Secretary of the Treasury.”;

(D) in subsection (h)(3)(A), by striking “of the United States Secret Service Uniformed Division or”; and

(E) in subsection (h)(3)(B), by striking “of the United States Secret Service Uniformed Division or”.

(7) Section 117(a) of the District of Columbia Police and Firemen’s Salary Act Amendments of 1972 (sec. 5—1305, D.C. Official Code) is amended—

(A) by striking “the Fire Department of the District of Columbia,” and all that follows through “or the United States Park Police force” and inserting “the Fire Department of the District of Columbia, or the United States Park Police force”; and

(B) by striking “, the Secretary of the Treasury.”.

(c) TECHNICAL AND CONFORMING AMENDMENTS TO THE UNITED STATES CODE.—Title 5 of the United States Code is amended—

(1) in section 5102(c)(5), by striking “the Executive Protective Service” and inserting “the United States Secret Service Uniformed Division”;

(2) in section 5541(2)(iv)(II), by striking “a member of the United States Secret Service Uniformed Division,”; and

(3) in the table of chapters for subpart I of part III by adding at the end the following:

**“102. United States Secret Service Uniformed Division Personnel ..... 10201”.**

**SEC. 105. EFFECTIVE DATE.**

This title and the amendments made by this title shall take effect on the first day of the first pay period which begins after the date of the enactment of this Act.

## **TITLE II—FEDERAL REAL PROPERTY DISPOSAL ENHANCEMENT**

**SEC. 201. SHORT TITLE.**

This title may be cited as the “Federal Real Property Disposal Enhancement Act of 2010”.

**SEC. 202. DUTIES OF THE GENERAL SERVICES ADMINISTRATION AND EXECUTIVE AGENCIES.**

(a) IN GENERAL.—Section 524 of title 40, United States Code, is amended to read as follows:

**“§ 524. Duties of the General Services Administration and executive agencies**

**“(a) DUTIES OF THE GENERAL SERVICES ADMINISTRATION.—**

**“(1) GUIDANCE.—**The Administrator shall issue guidance for the development and implementation of agency real property plans. Such guidance shall include recommendations on—

**“(A) how to identify excess properties;**

**“(B) how to evaluate the costs and benefits involved with disposing of real property;**

**“(C) how to prioritize disposal decisions based on agency missions and anticipated future need for holdings; and**

**“(D) how best to dispose of those properties identified as excess to the needs of the agency.”**

**“(2) ANNUAL REPORT.—**(A) The Administrator shall submit an annual report, for each of the first 5 years after 2010, to the congressional committees listed in subparagraph (C) based on data submitted from all executive agencies, detailing executive agency efforts to reduce their real property assets and the additional information described in subparagraph (B).

**“(B) The report shall contain the following information for the year covered by the report:**

**“(i) The aggregated estimated market value and number of real property assets under the custody and control of all executive agencies, set forth government-wide and by agency, and for each at the constructed asset level and at the facility/installation level.**

**“(ii) The aggregated estimated market value and number of surplus real property assets under the custody and control of all executive agencies, set forth government-wide and by agency, and for each at the constructed asset level and at the facility/installation level.**

**“(iii)(I) The aggregated cost for maintaining all surplus real property under the custody and control of all executive agencies, set forth government-wide and by agency, and for each at the constructed asset level and at the facility/installation level.**

**“(II) For purposes of subclause (I), costs for real properties owned by the Federal Government shall include recurring maintenance and repair costs, utilities, cleaning and janitorial costs, and roads and grounds expenses.**

**“(III) For purposes of subclause (I), costs for real properties leased by the Federal Government shall include lease costs, including base and operating rent and any other relevant costs listed in subclause (II) not covered in the lease contract.**

**“(iv) The aggregated estimated deferred maintenance costs of all real property under the custody and control of all executive agencies, set forth government-wide and by agency, and for each at the constructed asset level and at the facility/installation level.**

**“(v) For each surplus real property facility/installation disposed of, an indication of—**

**“(I) its geographic location with address and description;**

**“(II) its size, including square footage and acreage;**

**“(III) the date and method of disposal; and**

**“(IV) its estimated market value.**

**“(vi) Such other information as the Administrator considers appropriate.**

**“(C) The congressional committees listed in this subparagraph are as follows:**

**“(i) The Committee on Oversight and Government Reform and the Committee on Transportation and Infrastructure of the House of Representatives.**

**“(ii) The Committee on Homeland Security and Governmental Affairs and the Committee on Environment and Public Works of the Senate.**

**“(3) ASSISTANCE.—**The Administrator shall assist executive agencies in the identification and disposal of excess real property.

**“(b) DUTIES OF EXECUTIVE AGENCIES.—**

**“(1) IN GENERAL.—**Each executive agency shall—

**“(A) maintain adequate inventory controls and accountability systems for property under its control;**

**“(B) continuously survey property under its control to identify excess property;**

**“(C) promptly report excess property to the Administrator;**

**“(D) perform the care and handling of excess property; and**

**“(E) transfer or dispose of excess property as promptly as possible in accordance with authority delegated and regulations prescribed by the Administrator.**

**“(2) SPECIFIC REQUIREMENTS WITH RESPECT TO REAL PROPERTY.—**With respect to real property, each executive agency shall—

**“(A) develop and implement a real property plan in order to identify properties to declare as excess using the guidance issued under subsection (a)(1);**

**“(B) identify and categorize all real property owned, leased, or otherwise managed by the agency;**

**“(C) establish adequate goals and incentives that lead the agency to reduce excess real property in its inventory; and**

**“(D) when appropriate, use the authorities in section 572(a)(2)(B) of this title in order to identify and prepare real property to be reported as excess.**

**“(3) ADDITIONAL REQUIREMENTS.—**Each executive agency, as far as practicable, shall—

**“(A) reassign property to another activity within the agency when the property is no longer required for the purposes of the appropriation used to make the purchase;**

**“(B) transfer excess property under its control to other Federal agencies and to organizations specified in section 321(c)(2) of this title; and**

**“(C) obtain excess properties from other Federal agencies to meet mission needs before acquiring non-Federal property.”.**

**(b) CLERICAL AMENDMENT.—**The item relating to section 524 in the table of sections at

the beginning of chapter 5 of such title is amended to read as follows:

“524. Duties of the General Services Administration and executive agencies.”.

**SEC. 203. ENHANCED AUTHORITIES WITH REGARD TO PREPARING PROPERTIES TO BE REPORTED AS EXCESS.**

Section 572(a)(2) of title 40, United States Code, is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph:

“(B) ADDITIONAL AUTHORITY.—(i) From the fund described in paragraph (1), subject to clause (iv), the Administrator may obligate an amount to pay the direct and indirect costs related to identifying and preparing properties to be reported excess by another agency.

“(ii) The General Services Administration shall be reimbursed from the proceeds of the sale of such properties for such costs.

“(iii) Net proceeds shall be dispersed pursuant to section 571 of this title.

“(iv) The authority under clause (i) to obligate funds to prepare properties to be reported excess does not include the authority to convey such properties by use, sale, lease, exchange, or otherwise, including through leaseback arrangements or service agreements.

“(v) Nothing in this subparagraph is intended to affect subparagraph (D).”.

**SEC. 204. ENHANCED AUTHORITIES WITH REGARD TO REVERTED REAL PROPERTY.**

(a) AUTHORITY TO PAY EXPENSES RELATED TO REVERTED REAL PROPERTY.—Section 572(a)(2)(A) of title 40, United States Code, is amended by adding at the end the following:

“(iv) The direct and indirect costs associated with the reversion, custody, and disposal of reverted real property.”.

(b) REQUIREMENTS RELATED TO SALES OF REVERTED PROPERTY UNDER SECTION 550.—Section 550(b)(1) of title 40, United States Code, is amended—

(1) by inserting “(A)” after “(1) IN GENERAL.—”; and

(2) by adding at the end the following: “If the official, in consultation with the Administrator, recommends reversion of the property, the Administrator shall take control of such property, and, subject to subparagraph (B), sell it at or above appraised fair market value for cash and not by lease, exchange, leaseback arrangements, or service agreements.

“(B) Prior to sale, the Administrator shall make such property available to State and local governments and certain non-profit institutions or organizations pursuant to this section and sections 553 and 554 of this title.”.

(c) REQUIREMENTS RELATED TO SALES OF REVERTED PROPERTY UNDER SECTION 553.—Section 553(e) of title 40, United States Code, is amended—

(1) by inserting “(1)” after “THIS SECTION.—”; and

(2) by adding at the end the following: “If the Administrator determines that reversion of the property is necessary to enforce compliance with the terms of the conveyance, the Administrator shall take control of such property and, subject to paragraph (2), sell it at or above appraised fair market value for cash and not by lease, exchange, leaseback arrangements, or service agreements.

“(2) Prior to sale, the Administrator shall make such property available to State and

local governments and certain non-profit institutions or organizations pursuant to this section and sections 550 and 554 of this title.”.

(d) REQUIREMENTS RELATED TO SALES OF REVERTED PROPERTY UNDER SECTION 554.—Section 554(f) of title 40, United States Code, is amended—

(1) by inserting “(1)” after “THIS SECTION.—”; and

(2) by adding at the end the following: “If the Secretary, in consultation with the Administrator, recommends reversion of the property, the Administrator shall take control of such property and, subject to paragraph (2), sell it at or above appraised fair market value for cash and not by lease, exchange, leaseback arrangements, or service agreements.

“(2) Prior to sale, the Administrator shall make such property available to State and local governments and certain non-profit institutions or organizations pursuant to this section and sections 550 and 553 of this title.”.

**SEC. 205. AGENCY RETENTION OF PROCEEDS.**

The text of section 571 of title 40, United States Code, is amended to read as follows:

“(a) PROCEEDS FROM TRANSFER OR SALE OF REAL PROPERTY.—Net proceeds described in subsection (d) shall be deposited into the appropriate real property account of the agency that had custody and accountability for the real property at the time the real property is determined to be excess. Such funds shall be expended only for activities as described in section 524(b) of this title and disposal activities, including paying costs incurred by the General Services Administration for any disposal-related activity authorized by this title. Such funds may also be expended by the agency for maintenance and repairs of the agency’s real property necessary for its disposal or for the repair or alteration of the agency’s other real property. Such funds are available only to the extent and in the amounts provided in annual appropriations Acts, except that such funds shall not be authorized for expenditure in an appropriations Act for any repair or alteration project that is subject to the requirements of section 3307 of this title without a prospectus submitted by the General Services Administration and approved by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

“(b) EFFECT ON OTHER SECTIONS.—Nothing in this section is intended to affect section 572(b), 573, or 574 of this title.

“(c) DISPOSAL AGENCY FOR REVERTED PROPERTY.—For the purposes of this section, for any real property that reverts to the United States under sections 550, 553, and 554 of this title, the General Services Administration, as the disposal agency, shall be treated as the agency with custody and accountability for the real property at the time the real property is determined to be excess.

“(d) NET PROCEEDS.—The net proceeds referred to in subsection (a) are proceeds under this chapter, less expenses of the transfer or disposition as provided in section 572(a) of this title, from a—

“(1) transfer of excess real property to a Federal agency for agency use; or

“(2) sale, lease, or other disposition of surplus real property.

“(e) PROCEEDS FROM TRANSFER OR SALE OF PERSONAL PROPERTY.—(1) Except as otherwise provided in this subchapter, proceeds described in paragraph (2) shall be deposited in the Treasury as miscellaneous receipts.

“(2) The proceeds described in this paragraph are proceeds under this chapter from—

“(A) a transfer of excess personal property to a Federal agency for agency use; or

“(B) a sale, lease, or other disposition of surplus personal property.

“(3) Subject to regulations under this subtitle, the expenses of the sale of personal property may be paid from the proceeds of sale so that only the net proceeds are deposited in the Treasury. This paragraph applies whether proceeds are deposited as miscellaneous receipts or to the credit of an appropriation as authorized by law.”.

**SEC. 206. DEMONSTRATION AUTHORITY.**

(a) IN GENERAL.—Subchapter II of chapter 5 of title 40, United States Code, is amended by adding at the end the following new section:

**“§ 530. Demonstration program of inapplicability of certain requirements of law**

“(a) AUTHORITY.—Effective for fiscal years 2011 and 2012, the requirements of section 501(a) of the McKinney Vento Homeless Assistance Act (42 U.S.C. 11411(a)) shall not apply to eligible properties.

“(b) ELIGIBLE PROPERTIES.—A property is eligible for purposes of subsection (a) if it meets both of the following requirements:

“(1) The property is selected for demolition by an agency and is a Federal building or other Federal real property located on land not determined to be excess, for which there is an ongoing Federal need, and not to be used in any lease, exchange, leaseback arrangement, or service agreement.

“(2) The property is—

“(A) located in an area to which the general public is denied access in the interest of national security and where alternative access cannot be provided for the public without compromising national security; or

“(B) the property is—

“(i) uninhabitable;

“(ii) not a housing unit; and

“(iii) selected for demolition by an agency because either—

“(I) the demolition is necessary to further an identified Federal need for which funds have been authorized and appropriated; or

“(II) the property poses risk to human health and safety or has become an attractive nuisance.

“(c) LIMITATIONS.—

“(1) No property of the Department of Veterans Affairs may be considered an eligible property for purposes of subsection (a).

“(2) With respect to an eligible property described in subsection (b), the land underlying the property remains subject to all public benefit requirements and notifications for disposal.

“(d) NOTIFICATION TO CONGRESS.—(1) A list of each eligible property described in subsection (b) that is demolished or scheduled for demolition, by date of demolition or projected demolition date, shall be sent to the congressional committees listed in paragraph (2) and published on the Web site of the General Services Administration biannually beginning 6 months after the date of the enactment of this section.

“(2) The congressional committees listed in this paragraph are as follows:

“(A) The Committee on Oversight and Government Reform and the Committee on Transportation and Infrastructure of the House of Representatives.

“(B) The Committee on Homeland Security and Governmental Affairs and the Committee on Environment and Public Works of the Senate.

“(e) RELATIONSHIP TO OTHER PROVISIONS OF LAW.—Nothing in this section may be construed as interfering with the requirement

for the submission of a prospectus to Congress as established by section 3307 of this title or for all demolitions to be carried out pursuant to section 527 of this title.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 5 of title 40, United States Code, is amended by inserting after the item relating to section 529 the following new item:

“530. Demonstration program of inapplicability of certain requirements of law.”.

#### **SEC. 207. PUBLIC BENEFIT CONVEYANCES.**

Nothing in this title or the amendments made by this title shall be construed to modify preferences and priorities for public benefit conveyances to State or local governments or other eligible recipients as authorized under section 550 of title 40, United States Code, or other relevant law.

#### **TITLE III—WAIVER OF RECOVERY OF CERTAIN PAYMENTS UNDER DOD CIVILIAN EMPLOYEES VOLUNTARY SEPARATION INCENTIVE PROGRAM**

##### **SEC. 301. AUTHORITY FOR WAIVER OF RECOVERY OF CERTAIN PAYMENTS PREVIOUSLY MADE UNDER DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES VOLUNTARY SEPARATION INCENTIVE PROGRAM.**

(a) **AUTHORITY FOR WAIVER.**—Subject to subsection (c), the Secretary of Defense may waive the requirement under subsection (f)(6)(B) of section 9902 of title 5, United States Code, for repayment to the Department of Defense of a voluntary separation incentive payment made under subsection (f)(1) of such section 9902 in the case of an employee or former employee of the Department of Defense described in subsection (b).

(b) **PERSONS COVERED.**—Subsection (a) applies to any employee or former employee of the Department of Defense—

(1) who during the period beginning on April 1, 2004, and ending on March 1, 2008, received a voluntary separation incentive payment under subsection (f)(1) of section 9902 of title 5, United States Code;

(2) who was reappointed to a position in the Department of Defense during the period beginning on June 1, 2004, and ending on May 1, 2008; and

(3) who, as determined by the Secretary of Defense—

(A) before accepting the reappointment referred to in paragraph (2), received a written representation from an officer or employee of the Department of Defense that recovery of the amount of the payment referred to in paragraph (1) would not be required or would be waived, and

(B) reasonably relied on that representation in accepting reappointment.

(c) **REQUIRED DETERMINATION.**—The Secretary of Defense may grant a waiver under subsection (a) in the case of any individual only if the Secretary determines that recovery of the amount of the payment referred to in that subsection would be against equity and good conscience or would be contrary to the best interests of the United States.

(d) **REFUND.**—At the discretion of the Secretary of Defense, a person who has repaid to the United States all or part of the voluntary separation incentive payment for which repayment is waived under this section may receive a refund of the amount previously repaid to the United States. The Secretary may use funds authorized to be appropriated for civilian personnel for fiscal year 2011 or any year thereafter.

#### **TITLE IV—PAYGO COMPLIANCE**

##### **SEC. 401. PAYGO COMPLIANCE.**

The budgetary effects of this Act, for the purpose of complying with the Statutory

Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Amend the title so as to read: “An Act to transfer statutory entitlements to pay and hours of work authorized by laws codified in the District of Columbia Official Code for current members of the United States Secret Service Uniformed Division from such laws to the United States Code, and for other purposes.”.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

##### **GENERAL LEAVE**

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1510, the United States Secret Service Uniformed Division Modernization Act of 2010. The bill was introduced by Senator JOSEPH LIEBERMAN. It passed the Senate by unanimous consent on October 13, 2009. S. 1510 makes a long overdue change by transferring the personnel and pay authorities for the Secret Service's Uniformed Division from the District of Columbia Code to the United States Code. The bill creates a new salary table for the Uniformed Division and also provides the Secret Service with enhanced hiring flexibilities.

S. 1510 deals specifically with the Secret Service's Uniformed Division. There are approximately 1,300 Uniformed Division law enforcement officers who help protect the President, the White House, foreign dignitaries, and mission offices. The Uniformed Division helps provide protective arrangements for the President and other foreign dignitaries at venues around the world. The measure in S. 1510 was endorsed by the Bush and Obama administrations to respond to ongoing concerns about recruitment and retention within the UD.

According to the Secret Service, the Uniformed Division is currently operating under a salary schedule that is out of parity with other Federal police forces. It performs similar protective tasks as Federal police forces but has the additional duties and responsibility of frequent travel in support of the Service's protective mission. In addition, the Uniformed Division has stricter suitability requirements.

Every officer must hold a top secret clearance and undergo a polygraph exam. The Secret Service tells us that staffing shortfalls have continued to increase, despite new recruitment initiatives, and these shortfalls result in the Division incurring overtime costs that would not be required if it were at full staffing.

This is an important bill that ultimately will build a better, more effective Uniformed Division. However, there are costs associated with these improvements. CBO estimates that this legislation would increase direct spending by \$14 million over 10 years. Under House and statutory PAYGO rules, this direct spending must be offset—and this bill is offset. The Oversight Committee has identified an appropriate set of costs associated with the Secret Service bill. The bill we are considering today will actually result in a small amount of net savings for the government. The savings are captured in title II of the suspension amendment, which would add the text of H.R. 2495 to the Secret Service legislation.

H.R. 2495, or the Federal Real Property Disposal Enhancement Act, which is now title II of S. 1510, will make it easier for Federal agencies to sell property that they no longer need. This addresses a longstanding concern of the Government Accountability Office, the Oversight Committee, as well as both the Bush and Obama administrations.

H.R. 2495 was introduced by Representative DENNIS MOORE of Kansas on May 19, 2009. It enjoys bipartisan support, as similar legislation did in the last Congress. The Oversight Committee approved a similar bill in the 110th Congress, and it also passed by voice vote when it reached the House floor.

Lastly, in addition to strengthening the Secret Service and enhancing government efficiency, this legislation would correct an injustice for approximately 40 individuals who returned to government service after September 11. The provisions in title III authorize the Secretary of Defense to retroactively waive repayment of voluntary separation pay for certain individuals who were reemployed in temporary positions by DOD to help respond to terrorist attacks. Before accepting reemployment, these individuals were assured in writing that they would not be required to repay their separation pay. In making these assurances, the DOD components were apparently following guidance from the Office of Personnel Management on filling emergency positions. Unfortunately, this guidance was not applicable to DOD at that time, and DOD lawyers have determined they do not currently have the authority to retroactively waive the repayment requirement. As a result, even though these individuals received written assurances that they would not be required to repay, the Department has

since taken steps to collect the payments for these individuals. This is an injustice created by bureaucratic error and needs to be corrected. This bill provides the Secretary of Defense with the discretionary authority he needs to waive the repayment requirement for these individuals.

I want to thank Representative HANK JOHNSON and the Armed Services Committee for their work and support on title III of this legislation.

I encourage all Members to support the good government efforts in this legislation. These efforts will strengthen the Secret Service, enhance government efficiency, and correct an injustice for civilian DOD employees.

HOUSE OF REPRESENTATIVES,  
HOUSE COMMITTEE ON ARMED SERVICES,  
Washington, DC, June 28, 2010.

Hon. EDOLPHUS TOWNS,  
Chairman, Committee on Oversight and Government, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN TOWNS: I am writing to you concerning S. 1510, the United States Secret Service Uniformed Division Modernization Act. There are certain provisions in the legislation which fall within the Rule X jurisdiction of the Committee on Armed Services.

In the interest of permitting your committee to proceed expeditiously to floor consideration of this important resolution, I am willing to waive this committee's right to jurisdiction. I do so with the understanding that by waiving consideration of the resolution, the Committee on Armed Services does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction.

Please place this letter into the committee report on S. 1510 and into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Very truly yours,

IKE SKELTON,  
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,  
Washington, DC, June 28, 2010.

Hon. IKE SKELTON,  
Chairman, Committee on Armed Services, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding S. 1510, the United States Secret Service Uniformed Division Modernization Act.

I appreciate your willingness to work cooperatively on this legislation and I recognize that the Oversight Committee's floor amendment to this bill contains provisions that fall within the jurisdiction of the Committee on Armed Services. I agree that your inaction with respect to this bill does not prejudice the House Armed Services Committee's interests and prerogatives regarding this bill or similar legislation.

I will ensure that our exchange of letters is included in the Congressional Record during consideration on the House Floor of S. 1510.

Sincerely,

EDOLPHUS TOWNS,  
Chairman.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I compliment the author of this bill. It is one where priorities are being made. It may be small in the bigger picture, but at least the priority is being made. Right now, we're talking about that we have a need in this country to help enhance the compensation for some very critical public servants—not just us personally, but for the country at large.

The fact is, this bill will create a \$15 million savings by looking at surplus property that the taxpayers not only own but have to maintain at this time. Sadly, Mr. Speaker, that \$15 million is a drop in the bucket of what we could be doing. As the Office of Management and Budget estimated, the Federal Government has \$18 billion worth of real property it does not need, and rather than selling this property or marketing it, we usually give it away one way or the other to local governments, States, or nonprofits, rather than getting the fair market value.

I know historically we have always taken this attitude of, if the Federal Government can't use it, let's give it to somebody else. But I think we all agree with the budget crisis the way it is, we need to rethink those priorities and make sure that we recognize that the Federal Government is not in the position of giving their largesse out to other governments or nonprofits.

I have to remind all of us that this bill does make that priority decision. Instead of issuing it to other governments or to nonprofits, it says we need the money within the Federal family, and thus we will liquidate this asset and create the revenue so we can spend it at another location which is a higher priority.

I join in supporting this bill. I think that it sets an example that we should all be looking at, and that is: As we take this step, the question will be, If \$15 million is a good idea, where do we go when we're looking at the \$18 billion that is out there? I think most of us on Government Oversight, especially on the subcommittee that I have the privilege of being the ranking member on, Organization and Procurement, not only have a right, but a responsibility, to take a look at where else do we have resources that are not being tapped for the American people. Where else should we be liquidating our real estate and putting it back into the private market and allowing it to do the magic that the private sector has done for this country for so long? And how much longer will we horde this real estate when we do not have a foreseen or foreseeable use for it?

Mr. Speaker, I join in not only providing the resources to be able to pay our men and women who protect us every day, but I also join in a policy that says we will now look at the resources of the American people as

being that of the American people as a general welfare issue and that we will look at how best to be able to pay our bills with the resources we can generate by liquidating unneeded assets.

Mr. Speaker, I think that Mr. CHAFFETZ of Utah just 2 weeks ago brought up a bill that looked a lot like this. I know this body did not support his bill to go after and try to create that \$18 billion fund for the American people, but I think this bill gives us something we can work with, following the leadership of the gentleman from Utah, and that is, Let's take a look like any family is doing today—what do we own that we do not think we can use, and how do we liquidate that so we can get the resources and the funds that we desperately need to pay our bills?

So at this time I would again encourage my colleagues to join with us in passing this bill.

I yield back the balance of my time.

□ 1500

Ms. NORTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I, first of all, want to thank the gentlewoman from the District of Columbia for yielding.

Mr. Speaker, I rise to support the United States Secret Service Uniform Division Modernization Act, but I also rise today to congratulate the Chicago Blackhawks on their Stanley Cup win over the Philadelphia Flyers. As every sports fan in Chicago knows, the Hawks are proud to share the United Center which is in the heart of my district with that other historic team known as the Bulls. Mr. Speaker, as my daddy used to say: "Life is 95 percent anticipation." Or to use the words of the great American balladeer Bruce Springsteen: "It's been a long time comin', my dear. It's been a long time comin', but now it's here."

Hockey doesn't always get its due share of attention in many parts of America, but some of the most memorable moments in sports are found in hockey. Mr. Speaker, who doesn't know of the "Miracle on Ice" during the 1980 Winter Olympics at Lake Placid, New York, where Team USA defeated the Soviet team which was considered the best in the world. Well, Mr. Speaker, this year's Stanley Cup winner, the Chicago Blackhawks, were like Team USA, the underdogs, the David to the Goliaths of Philadelphia. We weren't the fastest or the highest-scoring team. But what we had was grit, drive, courage, determination, and vision to go with the fired-up fan base.

This is the first Stanley Cup win for the Blackhawks since 1961. The Blackhawks' recent victory has inspired all of Chicago and aroused fans of the team to a fever pitch. Chicago is red and black all over. The Hawks dominated because of their perseverance, hard work, and dedication to the

sport. Johann Gottfried Herder once said, "What destiny sends, bear. Whatever perseveres will be crowned." The Blackhawks have persevered and have been rightly crowned.

I congratulate the Blackhawks' head coach Joel Quenneville for giving his team direction and instilling the determination necessary to achieve this well-deserved victory. And while handing out congratulations, let us not forget the Blackhawks' team captain Jonathan Toews. The youngest Mr. Toews possesses superior leadership skills and ability and was able to guide his team through to victory.

So I thank, again, the gentlewoman from the District of Columbia for yielding. I was rushing hard to try to get here before this ended because I am, indeed, proud to represent the world-famous, world-known, world-renowned Chicago Blackhawks who make up a part of the heart and the spirit of the congressional district that I have the good fortune to represent.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to express my support for S. 1510, the United States Secret Service Uniformed Division Modernization Act. I support the underlying bill but I want to highlight language that would allow the Department of Defense to waive, on a case by case basis, repayment of Voluntary Separation Pay for certain individuals. I worked on this issue during the National Defense Authorization Act markup and am pleased that the House will approve this important language within this bill.

Many individuals, who had voluntarily retired, responded to their country's call and returned to service at DOD following 9/11, and several more returned following Hurricane Katrina. According to the House Armed Services Committee, an estimated 22 individuals would benefit from this language in my home State of Georgia, and an estimated 40 individuals would benefit across the nation.

Current law allows the Department of Defense to offer voluntary separation incentive pay for individuals to voluntarily retire. If an employee receives this separation pay and returns to federal service within 5 years, the individual must repay the amount received—unless the individual is considered to be the only qualified applicant available for the position. Before being rehired, these individuals were assured that they would not have to repay the VSIP—because their country needed them. This language provides short-term, limited authority to the Secretary of Defense to waive on a case-by-case basis repayment of the separation pay.

This limited, case-by-case waiver authority, meets the objectives of the Civilian Human Resources Strategic Plan to: "provide effective policies and programs related to stability of employment that support management's ability to restructure organizations while retaining needed skills of affected employees and accommodating their needs in an efficient and humane manner."

Passage of this bill, with this language, will ensure that those heroic Americans, who responded to their country's call to duty, are not penalized. I urge my colleagues to support this bill.

Ms. NORTON. Mr. Speaker, in closing, I would like to reiterate my strong support for S. 1510, as amended. The bill is PAYGO-neutral. It makes important improvements that will strengthen the Secret Service. It improves government efficiency and helps a handful of DOD civilian employees who have been wronged. I encourage all Members to support this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, S. 1510, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### PAULA HAWKINS POST OFFICE BUILDING

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5395) to designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the "Paula Hawkins Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5395

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. PAULA HAWKINS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, shall be known and designated as the "Paula Hawkins Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Paula Hawkins Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Florida (Mr. MICA) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

#### GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

On behalf of the Committee on Oversight and Government Reform, I am pleased to present H.R. 5395 for consideration. This measure designates the facility of the United States Postal

Service located at 151 North Maitland Avenue in Maitland, Florida, as the Paula Hawkins Post Office Building. H.R. 5395 was introduced by our colleague, the gentleman from Florida, Representative JOHN MICA, on May 25, 2010. It was referred to the Committee on Oversight and Government Reform which waived consideration of the measure to expedite its consideration on the floor today. It enjoys the support of the entire Florida delegation.

Paula Hawkins was a Republican Member of Congress who served a single term as a Senator from Florida, fighting to protect children and blazing a trail for women. Paula Hawkins was born on January 24, 1927, in Salt Lake City and passed away on December 3, 2009, at the age of 82. Paula Hawkins was the eldest of three children born to Paul, a naval chief warrant officer, and Leone Fickes. In 1934, the family moved to Atlanta, where her father taught at Georgia Tech. Her parents split when Paula was in high school, and Leone and the children returned to Utah. She finished high school at Richmond, Utah, in 1944, then enrolled at Utah State University. On September 5, 1947, Paula Fickes and Walter Eugene Hawkins were married and moved to Atlanta. The couple had three children before moving to Winter Park, Florida, in 1955, where Paula Hawkins became a community activist and Republican volunteer.

Ms. Hawkins was the first woman elected to a full Senate term without being preceded in politics by a husband or father. She was also the first woman to be a Senator from Florida. While in the Senate, she was the leading sponsor of the Missing Children's Act of 1982, which requires the Federal Bureau of Investigation to enter descriptive information on missing children into a national computer database that can be used by law enforcement agencies across the country.

With incredible courage, she shocked her colleagues by disclosing in a congressional hearing that she had been molested as a child by a neighbor. Besides her daughter Genean and her husband, both of Winter Park, her survivors include another daughter, Kelly McCoy, also of Winter Park; a son, Kevin, of Denver; a sister, Carole Fickes of Sacramento; 11 grandchildren; and 10 great grandchildren. Paula Hawkins was truly an inspiration to Members of Congress and to women everywhere. I therefore urge my colleagues to join me in supporting this measure.

I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased that Ms. NORTON, the gentlelady from the District of Columbia, is here today. She chairs one of the important subcommittees of Oversight and Government Reform. It's been my honor to

serve on that committee for some 18 years. I think most of that time she has been here and has done a great job in representing the citizens of the District of Columbia.

Paula Hawkins would be very proud that Ms. NORTON is here today; and I have served with the two of those individuals, both Paula Hawkins and ELEANOR NORTON. There are many similarities. They are very determined women, very accomplished women, and women who love the people they represent and do a great service for them.

I had the distinction of being the chief of staff for Senator Hawkins from 1980 to 1985. Before that, I knew her in Florida in the community of Maitland. I lived in Maitland Shores. She lived down the street in the city of Maitland. Paula Hawkins was a wonderful lady, a great human being, a patriot, and she really broke a number of the glass ceilings and barriers for women.

I might say, among her accomplishments, she was the first woman elected statewide in the history of the State of Florida, and she did that on her own. She started, actually, in her community, working on some local issues, and she took those local issues to her fellow citizens at city hall. She had their voices heard. And she wasn't elected to any position, just an active community leader. From that, she ran unsuccessfully for the State legislature. But when people saw her talent, they knew that this individual was a fighter for the people.

In fact, she gained the reputation when she got elected statewide to the first office as the "fighting housewife," "the Maitland housewife." She was known affectionately as "the Fighting Maitland housewife" during her entire lifetime, even when she was a Member of the United States Senate because she fought for the people in her community, and she didn't take any hostages. She represented them well. She had her principles, and she had her philosophy. She never wavered. I think her personal morality—she is a member of the Church of Latter-day Saints, a Mormon, strong in her beliefs, strong in her philosophy, and I think that was also a guiding light for Paula Hawkins.

Along her side during that entire journey was a wonderful individual, Gene Hawkins. Gene survived her. She passed away, as Ms. NORTON said, December 3 of last year, but her memory and her achievements do live on. Not only, as you heard Ms. NORTON describe, was she elected statewide in the State of Florida, but also was the first United States female Senator in her own right—no family member preceded her—and that was quite an accomplishment. We think that now, some 30 years ago; but it was an accomplishment even in 1980 when she achieved it.

When she came to Congress, she set her path, and she had her priorities, and one of those priorities were our

children and youth. In fact, they committed to her care a committee that was called, I believe, Family, Youth and Drugs because she was interested in family, she was interested in youth, and she was very dedicated to doing away with the scourge of illegal narcotics.

Now, some people who get involved in committee work make their mark. Paula Hawkins set the mark. She passed, as everyone knows in the country, the national missing children's legislation. She knew that missing and exploited children were a national problem, but not a national priority. I remember when she said, It's amazing that an automobile, a refrigerator can be quickly identified by our law enforcement folks but missing children could not. So she set up the mechanism that long survives her in a national missing children's center that President Reagan opened on June 13, 1984.

□ 1515

There are many accomplishments too, and I'm anxious for this legislation to be heard in the other body. Simple things like there wasn't a Senate daycare center, and that daycare center is still operating today. So not just Members of the Senate—and many of them are far beyond the age of having children eligible for daycare—but there are many hundreds of employees and staff who do have young children, and Paula Hawkins saw that their needs were taken care of. Just a small thing.

There's dramatic legislation. Most people would never know today, almost all of the labor legislation—she was on the Labor Committee in the Senate. But it was interesting to watch her because, being a male and, you know, sometimes men think a little bit differently than women. You don't think of all the problems that women have. And at that point in life, she became their champion.

So the labor laws in this country even today reflect her influence, simple things like trying to make certain that a single woman had some way to get to work, some simple way to care for the child, some consideration for the special concerns and needs of women who want to be productive in our society. And even the laws today have the mark of a great United States Senator.

So, today I know many people are focused on the death and loss of Senator BYRD, and many of us who got to know him mourn his loss and his many contributions. Paula Hawkins wasn't here as many terms as Senator BYRD. He was here for nearly half a century. Paula Hawkins was here for only one term, but her deeds and her good works prevail even to this day.

So to her husband, Gene, to her daughters, Genean and to Kelly and to Kevin, her son, we're excited about having in their community, in Paula's

community, the Maitland Post Office just down the street from where she lived for many years, a small remembrance. And it is fitting that when we do remember folks like Senator Hawkins, that the public can enjoy their memory. So on the Maitland Post Office will be a plaque dedicating that building and that postal facility to the memory of a great American leader, former United States Senator Paula Hawkins.

I reserve the balance of my time.

Ms. NORTON. I thank the gentleman from Florida for his kind and generous comparison of my service with that of Paula Hawkins. She was much admired for the breakthroughs that her service represented.

I have no further requests for time, and I reserve the balance of my time.

Mr. MICA. I yield myself the balance of my time.

Again, I am pleased that Ms. NORTON would be here today and honor the memory of my friend. I had the opportunity, as I say, to have worked with Senator Hawkins, both as she built the Florida Republican Party from precinct to the State level, as she built her reputation and service to not only the community of Maitland, of Winter Park, central Florida, Florida, the State, and the Nation, but it is fitting that we do take this step today to name this structure in her honor, a small token of our appreciation for her dedication, her service, her patriotism.

In closing, let me just say that the gentlelady from the District of Columbia probably knows some about my traits. But I have to tell her, in closing, that the one thing I learned from Senator Paula Hawkins is persistence. It beats power. It beats position. It beats wealth. It beats all the cards that may be dealt to you in a positive or negative fashion. But persistence, and I think the gentlelady knows what I mean, that I am a persistent person, and now she knows the rest of the story as to where that persistence came. And it was from the lady we honor here today, Senator Paula Hawkins.

I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, today, I rise in support of legislation to honor Senator Paula Hawkins by designating the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the "Paula Hawkins Post Office Building."

Senator Hawkins was born in Salt Lake City, Utah on January 24th, 1927 where she attended Utah State University. In 1947 she moved with her husband to Atlanta, Georgia, before finally relocating to Winter Park, Florida, in 1955 where she became active in local politics.

In 1972, she became the first woman elected to statewide office in Florida by winning a seat on the Florida Public Service Commission. After years of hard work and dedication, she ran for the U.S. Senate in 1980 and won,

becoming the first woman to be elected to the U.S. Senate with no previous familial ties to the institution.

Serving a 6-year term in the Senate, Senator Hawkins worked hard to defend abused children, fought drugs, championed stay-at-home mothers and fought for freedom across the globe. Her signature pieces of legislation were the Missing Children's Assistance Act and the creation of the National Center for Missing and Exploited Children.

We lost Senator Paula Hawkins this past December. On behalf of the Florida delegation, I would like to express my condolences to her family and friends. For her contributions as a Senator and her hard work for the State of Florida and the Nation, I rise in remembrance of the late Senator Paula Hawkins and also to express my support for this legislation in her honor.

Ms. NORTON. Mr. Speaker, I can only say that the gentleman from Florida learned all too well the lessons of persistence from Senator Paula Hawkins. And may I say, as well, whenever the gentleman from Florida is right in his persistence, he will find the gentlewoman from the District of Columbia right there beside him and in his corner.

Mr. Speaker, I again urge my colleagues to join me in supporting this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 5395.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. NORTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
OFFICE OF THE CLERK,  
Washington, DC, June 28, 2010.

Hon. NANCY PELOSI,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 28, 2010 at 9:26 a.m.:

That the Senate passed S. 3104.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 22 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1806

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MURPHY of New York) at 6 o'clock and 6 minutes p.m.

#### HOURLY MEETING ON TOMORROW

Mr. OBEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9:30 a.m. tomorrow for morning-hour debate and 10:30 a.m. for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, June 28, 2010.

Hon. NANCY PELOSI,  
*The Speaker, U.S. Capitol, House of Representatives,*  
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 28, 2010 at 5:50 p.m.:

That the Senate agreed to S. Res. 568.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### RECOGNIZING THE SERVICE OF COLONEL ED JACKSON, COM- MANDER OF THE LITTLE ROCK DISTRICT OF THE U.S. ARMY CORPS OF ENGINEERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BOOZMAN) is recognized for 5 minutes.

Mr. BOOZMAN. Mr. Speaker, as the ranking member on the Subcommittee on Water Resources, I rise today to

thank Colonel Ed Jackson, Commander of the Little Rock District of the U.S. Army Corps of Engineers, for his service, especially his last 3 years in Little Rock.

Colonel Jackson has provided forward-thinking and visionary leadership for an organization with a complex mission. This mission includes the planning and management of civil works projects ranging from navigation, flood control, and hydroelectric power to recreation, water supply, environmental protection, and fish and wildlife mitigation.

Most importantly, during Colonel Jackson's time at Little Rock, his team members have provided vital support to our warfighters deployed on the front lines in Afghanistan and Iraq. Colonel Jackson has firsthand experience with the dangers confronted by our soldiers, sailors, airmen, and marines, because he commanded the 54th Engineer Battalion during a year-long deployment in support of Operation Iraqi Freedom.

Colonel Jackson's time at Little Rock has included several serious challenges. The district has worked to reduce flood damage and repair public infrastructure affected by serious natural disasters and the effects of age. The district has strengthened its partnership with the Tulsa District in the management and improvement of the Arkansas River Navigation System, a vital transportation corridor of national economic significance.

Finally, the district is carrying out an aggressive plan to ensure that numerous projects to provide jobs and encourage economic development are carried out as quickly as possible in partnership with State and local sponsors. All of this is thanks to the steadfast and reliable leadership of Colonel Jackson.

The colonel has also made improved communication with the public a high priority, reflecting his understanding that we must be helpful and available to citizens as well as elected leaders, including State and local officials. Following floods in early 2008, the colonel recognized that the district needed to improve communication and coordination with local first responders, and the colonel implemented regularly scheduled meetings to ensure disaster preparedness will be a higher priority moving forward.

As Colonel Jackson leaves the Little Rock District, he leaves behind a united civilian leadership team, high morale among the district team leaders, a legacy focusing on and responding to the concerns of citizens and stakeholders alike. For the many successes which his team have accomplished, they can be very proud.

As Colonel Jackson moves on to his next assignment, I am confident that he will continue to render honorable and exemplary service to our country.

### RECLAIMING THE MIDDLE GROUND ON GUN OWNERSHIP

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, today the Supreme Court affirmed sensible restrictions on gun ownership are constitutional. When the Supreme Court struck down Chicago's gun ban earlier today, it reiterated that communities can keep guns away from schools and out of the hands of felons and terrorists. But, today, the gun show loophole makes a mockery of sensible prohibitions like these.

As the recent Pentagon shooting illustrates, terrorists can still easily gain access to firearms. A recent gun show audit conducted revealed that 74 percent of sellers approached by investigators completed sales to people who appeared to be criminals or straw purchasers. This is unacceptable. It is time to close the gun show loophole.

Today's decision puts to rest the tired argument that any sensible gun control restriction is a slippery slope toward the revocation of all gun-owning rights. There has never been a better time for this Congress to reclaim the middle ground and stop giving terrorists unlimited access to unlimited firepower.

□ 1815

### TRIBUTE TO LANCE CORPORAL GARRETT GAMBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. OLSON) is recognized for 5 minutes.

Mr. OLSON. Mr. Speaker, I rise today to pay tribute to Marine Lance Corporal Garrett Gamble, who was killed on March 11 while patrolling during combat operations in Helmand Province in Afghanistan. Garrett was a 2008 graduate of Stephen F. Austin High in Sugar Land, Texas. He was assigned to the 2nd Battalion, 2nd Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, North Carolina.

Garrett was a sportsman and a hockey player—that's right; a hockey player in Sugar Land, Texas—who first considered joining the Marines while a junior in high school. He was known for his big personality, his sense of adventure, and his tender heart. Friends who knew him spoke of his never-ending positive spirit and ability to make the best of a bad situation. He always put others before himself, and did so with a smile on his face and a kind word for those around him.

Garrett's mother, Michelle, shared with me a powerful story she learned about her son after his death. She was told that when he was a freshman in high school, he took it upon himself to call the mother of a student he knew to

tell her that he was worried about her son. He was concerned that her son was headed down a bad path, and he wanted her to know. Garrett never told his mom that he did that, but it made a difference in the life of another young man.

How many times have each of us had an opportunity to make a difference? Do we always seize that opportunity? Garrett Gamble not only acted on those opportunities, but touched the lives of everyone around him.

This is posted on a Facebook page dedicated to Garrett and speaks to his character. "Whether in Sugar Land, Jacksonville, or Helmand, Lance Corporal Garrett W. Gamble approached life with enthusiasm. He was caring, kind, and fun to be around, but he took his job as a U.S. Marine very seriously.

"Garrett spent a lot of time 'outside the wire,' and yesterday, that's where he laid down his life so that we may live in liberty. Thank you, Garrett, for the precious gift of freedom. May you rest in peace with our Lord, and may God's angels surround your family until you are reunited. Sincerely, Pat."

I'd like to close by reading a poem that Garrett's family and friends say epitomizes who he was. It's called "Ode to a Marine, Dedicated to all Marines, Past and Present." It's by Jeannie Salinski.

In a crowd you're bound to spot him,  
He's standing so very tall  
Not too much impresses him;  
He's seen and done it all.  
His hair is short, his eyes are sharp,  
But his smile's a little blue.  
It's the only indication  
Of the hell that he's gone through.  
He belongs to a sacred brotherhood,  
Always faithful 'til the end.  
He has walked right into battle  
And walked back out again.  
Many people think him foolish  
For having no regrets  
About having lived through many times

Others would forget.  
He's the first to go and last to know,  
But never questions why,  
On whether it is right or wrong,  
But only do or die.  
He walks the path most won't take  
He's lost much along the way,  
But he thinks a lot of freedom,  
It's a small price to pay.  
Yes, he has chosen to live a life  
Off the beaten track,  
Knowing well each time he's called,  
He might not make it back.  
So, next time you see a Devil Dog  
Standing proud and true,  
Be grateful for all he's given;  
He's given it for you.  
Don't go and ask him  
What's it like to be in a war;  
Just thank God that it's your country  
He's always fighting for.  
And thank him too for all the hell  
He's seen in that shade of green,

Thank him for having the guts  
To be a United States Marine.

Mr. Speaker, America cannot repay the debt we owe Garrett Gamble. But we can say thank you for his selfless commitment to serve our Nation and thank you to his family for raising such a strong, wonderful Marine. Lance Corporal Garrett Gamble is a true American hero—an ordinary American who did extraordinary things with a short life. A grateful Nation says thank you, Semper Paratus, and God bless.

### FUTURE OF AMERICAN SPACE EXPLORATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Utah (Mr. BISHOP) is recognized for 60 minutes as the designee of the minority leader.

Mr. BISHOP of Utah. I appreciate the opportunity of being here this morning on one of the days when obviously our time management skills are not perhaps the greatest, but it still is nonetheless an opportunity to speak on this floor before you, Mr. Speaker, on a couple of issues that are significant. I appreciate also that I will be joined by my good friend from Texas, who just spoke so eloquently about one of those who has given his all for all of us and how grateful we are for this family and this particular individual.

I think we're going to be hitting several different themes this evening as we talk about the future of this country, especially as it deals with space. And here, once again, I'm grateful the gentleman from Texas is here because Mr. OLSON has indeed been a leader in this particular issue in charting the future of America as far as space policy will be.

It is very easy in this environment to try and focus, first of all, on jobs. I think we will. Because, indeed, as this particular administration is going to begin their summer of recovery tour in which they will be touting the kinds of jobs that will be created to try and change the economic future this country is currently in, it seems almost ironic that administrative policies, especially with NASA, are going to create a vast amount of unemployed individuals—up to 30,000 individuals who will receive their pink slips and be unemployed specifically because of policies initiated by this administration and the current leadership in NASA. It's at least ironic, but we will be talking about that. However, we want to go beyond that because if you're dealing with simply jobs, that can be a very parochial issue. We're also dealing with the future of space and the importance of space. And, clearly, if indeed this administration and the leaders of NASA today seem to be de-emphasizing the role of space in our future, other nations are not. The Russians, the Chinese, even the Indian government and

the Japanese government have a unique interest in taking our position in the leadership role of space exploration. That's another issue I think we will be talking about.

I also want to make sure that we illustrate how sometimes there are unintended consequences in our actions. This administration and, once again, NASA's leadership did not take into effect the consequences of their program changes and the consequences that would have specifically related to our military preparedness, for indeed one of the things we have to realize is that the component pieces that go into the missiles that shoot somebody to the Moon are the same component pieces that go into missiles that shoot down rockets from our adversaries Iran or North Korea, and that if you harm the industrial base that creates one program, you harm the industrial base that creates the other program, and that gives us some pause to think what we're doing on the defense side of this country, which is clearly one of the few roles specifically given to Congress in the Constitution. Finally, I think I'd like to talk some about a communicate that came out from the administration today as to their future in space, and say that some of the platitudes that are very nicely written in this communicate are contradictory to the actions that indeed take place.

So with that, Mr. Speaker, I think if the gentleman from Texas is prepared to lead off, I would like to turn over as much time to Mr. OLSON from Texas, who, as I said, has for quite a while been the organizer and the leader of this effort to try and explore what this administration is doing, and maybe make some corrections, as is the role and responsibility of Congress dealing with space. Then I will be happy to make some remarks after the gentleman from Texas has completed.

Mr. OLSON. I want to thank my colleague from Utah for allowing me to speak a little bit on an incredibly important issue to our Nation's future. Five months ago, the Obama administration proposed NASA's budget for fiscal year 2011. The proposal included surprisingly drastic decisions just out of the blue to cancel the Constellation program, NASA's follow-on to the space shuttle. Constellation will provide a means and a service to utilize the International Space Station for as long as it needs to—plus, to go beyond low Earth orbit, go to the Moon and beyond. I believed at the time that such a dramatic reversal risks ceding American leadership in human space flight for the future. A lot has transpired since those 5 months, but I still believe canceling the Constellation presents more risks than rewards, creates more challenges than solutions, and raises more questions than it provides answers.

The fact that NASA and the administration cannot or will not provide co-

gent, comprehensive details related to such a radical policy change should alarm every Member of Congress. My colleagues and I are mainly concerned about our ability to maintain and utilize the international space station; the impact on the aerospace industrial base and our highly skilled workforce, as my colleague from Utah alluded to; and the financial, programmatic, and crew-safety risk of reliance on unidentified commercial crew vehicles. These concerns have not been adequately addressed by the administration. And I've long supported a balanced program that combines Constellation with an increasing role for the commercial sector, beginning with cargo flights to the space station and, over time, evolving to crewed missions. And I will continue to do so.

I'm not alone in advocating this balanced approach. As the heralded Augustine Commission report, when it was released, said that over time, within the aerospace community—even they, even the Augustine report, did not advocate canceling the Constellation. I still believe that this balance exists between government and commercial space. It can exist. And within the budget that's been proposed. Both of these sectors have experienced tremendous successes over the past months—notably the Orion pad abort test in May and the Falcon 9 launch just last month. Yet, rather than focus on the vital elements to maintain American leadership in space, the administration and NASA are distracted with programs that seem to spend money on anything but space.

Many of us are astonished by the misplaced priorities within NASA's budget. Instead of building and testing flight hardware, NASA proposes spending \$1.9 billion to cancel Constellation contracts. Even now, NASA's selective enforcement of a termination liability provision for Constellation contracts is prematurely triggering layoffs across the country. It's been determined that somewhere between 20,000 and 30,000 jobs could be lost nationwide as a result. And we're not just losing jobs. We're losing American know-how. We're losing capabilities and expertise that will be difficult and costly to get back if and when our Nation decides that it wants to explore again. Our space program does not employ people; it invests in them. And, by doing so, we strengthen our Nation's security and our economic well-being.

As if to add insult to injury, last Friday the administration came forward with a request to transfer \$100 million of NASA's already limited resources to the Labor and Commerce Departments to fund an interagency task force to spur "regional economic growth and job creation." Our Nation's best and brightest engineers and technicians don't want or need an interagency task force. They'd much rather be retained

and put to use with the critical skills building and flying American-built spacecraft. The administration claims to have focused on jobs, jobs, jobs. Yet it fails to recognize the destructive impact of canceling Constellation and shifting \$100 million to the Labor and Commerce Departments.

So as we look forward to the next 6 critical months, there are some things we must do. We must get answers from the administration. We in Congress must recognize the impacts on our workforce and our infrastructure. We must pass an authorization bill. And, perhaps most importantly, we must ensure that the final flights of the space shuttle and the continuous operation of the space station are done safely and successfully.

□ 1830

I am both humbled and inspired that while men and women in our human space flight programs watch us debate and question whether jobs will exist, they continue to excel and drive our Nation towards new achievements in space. Their focus, their sacrifice, their dedication and that of the men and women who came before them have enabled the United States to be the global leader in human space flight. Let us work to keep it that way.

If my colleague from Utah would let me, I would like to read this just to show you how important it is to the American people and some of the people that are opposed to the administration's plan. This is the letter that ran in the Orlando Sentinel prior to the President's speech in Florida on April 15. And I think it's worth reading because our Nation's experts and heroes in human space flight, this is how they feel about this administration's budget proposal:

"Dear President Obama, America is faced with the near simultaneous ending of the shuttle program and your recent budget proposal to cancel the Constellation program. This is wrong for our country for many reasons. We are very concerned about America ceding its hard-earned global leadership in space technology to other nations. We are stunned that, in a time of economic crisis, this move will force as many as 30,000 irreplaceable engineers and managers out of the space industry. We see our human exploration program, one of the most inspirational tools to promote science, technology, engineering and math to our young people, being reduced to mediocrity. NASA's human space program has inspired awe and wonder in all ages by pursuing the American tradition of exploring the unknown.

"We strongly urge you to drop this misguided proposal that forces NASA out of human space operations for the foreseeable future. For those of us who have accepted the risk and dedicated a portion of our lives to the exploration

of outer space, this is a terrible decision. Our experiences were made possible by the efforts of thousands who were similarly dedicated to the exploration of the last frontier. Success in this great national adventure was predicated on well-defined programs, an unwavering national commitment, and an ambitious challenge. We understand there are risks involved in space flight, but they are calculated risks for worthy goals whose benefits greatly exceed those risks.

"America's greatness lies in her people. She will always have men and women willing to ride rockets into the heavens. America's challenge is to match their bravery and acceptance of risk with specific plans and goals worthy of their commitment. NASA must continue at the frontiers of human space exploration in order to develop the technology and set the standards of excellence that will enable commercial space ventures to eventually succeed. Canceling NASA's human space operations after 50 years of unparalleled achievement makes that objective impossible.

"One of the greatest fears of any generation is not leaving things better for the young people of the next. In the area of human space flight, we are about to realize that fear. Your NASA budget proposal raises more questions about our future in space than it answers. Too many men and women have worked too hard and sacrificed too much to achieve America's preeminence in space, only to see that effort needlessly thrown away. We urge you to demonstrate the vision and determination necessary to keep our Nation at the forefront of human space exploration with ambitious goals and the proper resources to see them through. This is not the time to abandon the promise of the space frontier for a lack of will or an unwillingness to pay the price.

"Sincerely, in the hopes of continued American leadership in human space exploration." The letter was signed by approximately 37 astronauts who span all of our main human space flight programs, from Mercury, Gemini, Apollo, Skylab, Apollo-Soyuz, shuttle station. This is a powerful argument, my friend, as to what we're doing, and what we're doing here is wrong for our country's future. We need to develop the Constellation. We need to get beyond low Earth orbit; and we need to explore, explore like Americans have been doing ever since our forefathers left their homes to come to this country.

Mr. BISHOP of Utah. I appreciate the gentleman from Texas, the points that he made and especially the poignant letter that came out and illustrating how the overwhelming majority—in fact, I would say almost all but one—of our retired astronaut core feels very strongly that Constellation was the

right approach for this country to do and that we should continue on with that particular approach.

I would like to go back to a couple of points. I hope I am not redundant, but I think they are significant enough that even if we say them a second time, it's important. And I would hope the gentleman from Texas would stay here and try to fill in the blanks where I miss those, if we could.

There was quick mention, once again, as I said, on the jobs that we are talking about here. The Vice President recently sent out a press release, announcing that he was going on his summer tour to tout the "Summer of Recovery." Now, amongst the bullet points that they put in that press release was that this administration would be proposing programs to build up to 30,000 miles of new roads, up to 2,000 new water programs, up to 80,000 homes that might be weatherized, 800 jobs here, some there, asking this country to add a nongermane issue to the military supplemental to try to protect government worker jobs.

And I just find that so ironic, as was mentioned, that at the same time we were doing that, the policies of this administration with regard to NASA contract jobs would take between 20,000 and 30,000 people who are part of the private sector, who are doing these jobs well—many of them being scientists and engineers—and they're basically giving them the pink slip at the same time we talk about how we're trying to build jobs in some other way. It simply does not compute that that is the way we're doing it.

I readily admit, some of these jobs that have been threatened and have been lost are personal friends and neighbors of mine. I shared a picture with General Bolden, who is the head of NASA, at one of our committee hearings of a personal friend who has spent 26 years dealing with procurement issues at one of the companies, who is just in his mid-fifties and was just released simply because this is the policy of this particular administration. And I would love to be able to go to him and say, Ray, the reason that your job was terminated was because the government decided to try to save money. The problem is, none of these jobs that are going to be eliminated save the government a dime.

In fact, it is true that this administration is asking for a \$6 billion increase in the NASA budget even though they are going to be stopping the manned space program and throwing up to 30,000 high-paying jobs, employees who have proven their worth for years and years, throwing them out. There are some people who said, Well, the new programs would create new jobs within the NASA-private sector relationship. Yet the most they're talking about there is maybe up to 10,000 jobs to be offset by the 30,000 that

we're losing? That's a three-to-one loss in the process that is there.

For a fraction of that \$6 billion of new additional money above and beyond what we're already spending to be focused directly on Constellation, we could continue this program to a successful conclusion. And once again, jobs, I recognize, are parochial. I am part of that situation. But it seems ironic that in an era in which we're talking about jobs and job creation and more jobs and job creation and realizing that we're never going to get out of these economic doldrums that we're in until we actually do have jobs, we, as a government, are having a policy to try to throw out 30,000 workers who have proven their net, who have proven their worth and are moving this country forward. It just flat out does not make sense.

Mr. OLSON. If my colleague would yield, you're right: it absolutely doesn't make sense. And these just aren't some engineers who have just been doing it for a passing amount of time. These are the best in the world at what they do. These are the rocket scientists of America who led our dominance in human space flight. They have been the best for 50 years. Having been a naval officer, one thing I can tell you, in government agencies like NASA, like the military, you depend on your people to pass down their information to the young people coming up, the new generations who take that information, take that knowledge and exploit it and develop even better vehicles, better space exploration. We're going to lose that. These people are going to walk out the door and take that expertise with them.

If we try to decide as a Nation that we want to rebuild that at some point in the future, we're not going to be able to do it. Those people are going to be gone, and we are going to have to start over from scratch and teach a new generation of young Americans the lessons we learned from going to the Moon and spending 6 months in orbit at the space station. We've learned those things.

And I agree with you on the terms of the priority of the budget. This is the second largest cut in the entire budget, the Constellation program. I mean, that is the largest cut. So you figure, okay, if we're going to cut this money out of the budget, we're cutting the funding to the agency. No, as my colleague alluded to, we're actually giving \$6 billion over a 5-year period to develop global warming research, to transition to these commercial launch vehicles. And I think our priorities are just wrong here. They're wrong for, certainly, our workforce; but they're wrong for America.

One thing I would like to mention too that's hard to put a dollar value on, but the ability of human space flight to inspire youth, to get these jobs, to become astronauts and to pursue the

American Dream. I mean, I can tell you as a kid who grew up about a mile and a half from the Johnson Space Center, whose Little League football coach was Joe Engle, the pilot of the second space shuttle, and just growing up in that environment, how much those men and women inspired us, my schoolmates, to want to be astronauts, to want to be part of that. And that still exists today. I see it all around my district.

The administration doesn't seem to realize all the implications of killing this budget. We're killing 30,000 jobs, the best in the world at what they do. We're going to cede U.S. dominance in human space flight, give up some national security possibly, and we are going to lose the ability to inspire our youth. And I also must add, we don't give NASA enough credit for all the things they've developed for us back here on Earth. I mean, everybody here in this gallery has somehow benefited from NASA and their research up there.

If you've got a cell phone, if you've got a satellite GPS, if you've got a pacemaker or some sort of medical device, that's come from NASA. That research has come from NASA, and we're going to throw that away with this budget. That's why we're working very hard to stop it. And I wish the administration would just sit down and talk with us because, Mr. President, you have a voice, but you don't have the final word. The United States Congress, under the United States Constitution, has the final word.

Mr. BISHOP of Utah. I appreciate the gentleman from Texas, if I could reclaim the time briefly. Changing from just the concept of jobs and, indeed, the future of space and especially to put the emphasis on the fact that, what are we going to do to inspire people to go into science and math and become the engineers of the future. Let's face it, if you only build one new plane for our military once every 40 years or if we're only doing one new adventure into space once every 30 years, that doesn't inspire somebody. In fact, supposedly one of NASA's new goals is to try to encourage education into space. And I think, as the gentleman from Texas clearly cited, kids are not dumb; and they're realizing, if you are at a whim firing 30,000 engineers and scientists, that doesn't give you a whole lot of encouragement to try to move into that particular area.

One of the issues especially is because Constellation is the cutting edge of science. It was granted last year by Time magazine as one of the 50 best inventions of the year. In fact, it was number one of the 50 best inventions of last year, and it shows that what we are doing is right. This is the right approach, and this is the approach that is being threatened by the policies of this administration and the current NASA leadership.

The space shuttle had a couple of very sad disasters. In the last one, there was a study made on how to avoid that in the future, and they said, The most important thing we can do—and I think every astronaut understands this, which is maybe why so many of them signed that particular letter from which the gentleman from Texas read—is two goals: NASA will never be effective if, number one, the safety of our astronauts isn't in the most primary and utmost position; and, number two, you have a clear, understandable and stated goal—what we are going to accomplish.

It is true that during the Bush administration, we decided to halt the space shuttle program. It had run its course. We have been very successful in going to the space station and back, but there were some issues that we needed to go beyond simply space shuttle. So the effort was made to try to put our best minds together and see where we could go into the future that would meet those two goals: a clear statement of purpose and safety. And the reality of that was Constellation. This is the safety concept. This Constellation program is designed to be safer than the space shuttle by a factor of 10.

□ 1845

It was recognized that if you want to try and stop some of the catastrophes we've had today, you separate the cargo from the passengers. That's what Orion does in that process, allows a safety valve for the safety of the passengers, in this case, the astronauts. And in addition, we clearly realized that we needed to go with solid rocket propellants because it is much safer than liquid propellant, perhaps not as powerful, but certainly much more controllable. And, once again, the concept of safety is important. This is the future, if you really care about astronauts.

And the second one was the goal is very clear. The design was for a specific goal. The intent was for a specific goal. And I don't want to be disparaging to this administration, but the apparent goal of this administration with spaceflight is some day, maybe perhaps at some time, we might land on some asteroid somewhere. That's not a specific goal. That's not even a dream. That's not even a reality that we can deal with. That may be almost cartoonish in the approaches to deal with it.

And unfortunately, if we start scaling back, other countries are not. The Russians are still involved. The Chinese are stepping up their involvement in space exploration. As I said earlier, even the Indian Government and the Japanese Government have stated that they have a plan in mind to try and become involved in this concept.

What becomes so bizarre is the United States, that won the space race,

is now forfeiting the space future to other countries. We had a plan between the actual startup of Constellation, which is both the Arius rocket and the Orion space capsule, and the end of the space shuttle in which the Russians would have to do some of the taxi service for us. They would charge us somewhere in the neighborhood of \$30 to \$35 million per ride. That's a large amount of money. But, however, our good friends in Russia, after they left communism, have found capitalism to their liking, and they realize what a monopoly gives them the power to do.

In the 2011 budget, NASA wants to budget \$75 million per astronaut ride from Earth up to the space station and back. Now, that's the kind of cost that's coming to the taxpayers of the United States. And I would, once again, maybe be willing to accept it if that was moving America forward. But simply subsidizing the Russian space program instead of building our own program is not what I call smart use of moving us into the future.

In fact, we simply have said that this summer of recovery should be the summer of the Russian and Chinese recovery. We will be subsidizing their missile program, their space exploration program, at the tune of \$75 million every time we send an American astronaut into space on Russian technology to help their program out, to keep their jobs going. And, well, I'm sorry. That just does not make sense as to where our future should be.

Mr. OLSON. Will my colleague yield?

Mr. BISHOP of Utah. I would be happy to yield.

Mr. OLSON. Thank you.

I wanted to get back to your point about needing a goal, having some sort of focus. I'm a Rice University graduate, and we had the honor of President Kennedy coming to our school in the early sixties to make his famous speech where he said, you know, we're going to go to the moon, take a man to the moon and return by the end of this decade. That was a clear goal. Here's our goal. Here's when we're going to do it in. We're going to give you the resources to do it.

When I go home, when I go back to my district, the one thing I hear from both the government employees and the contractors at NASA are, What's our goal? I mean, what are we doing? What's our target? We're going to go to Mars sometime by 2035 or somewhere in that window. We're going to take 5 years to develop a design and make development designs for heavy-lift vehicles, and then we're going to build that 5 years from now.

That's not what makes NASA great. You give these people a goal, give them a time frame and give them the resources they need to do it, they will do it. Every time in our history, they've made some of the greatest technological advancements that mankind

will ever know. And again, this administration's budget priorities have nothing to do with that. And again, the ability it has to inspire our kids.

The thing we've gotten into with the Russians now, where we're going to have to depend on them to take our astronauts up to and from the space station—and as my colleague alluded to, you can say what you want about our former communist friends, but they have figured out capitalism in a very short time. And, you know, we were paying about, somewhere over, just over \$20 million per seat last year. That price has gone up now to just a little over 50. We signed a contract, I believe, through 2014, and it's doubtful, certainly with the administration's budget proposal, that we'll have an American vehicle that can transport us to the space station. We're going to renegotiate that contract. And as my colleague from Utah alluded to, that thing's probably going to double again. This is just a terrible position we've gotten ourselves into.

The Constellation is the program of record, been endorsed by a Republican Congress in 2005, a Democrat Congress in 2008. We need to develop Constellation and stay the course and let our engineers and let our space experts and let our astronauts do what they do to inspire our youth.

Mr. BISHOP of Utah. If I could reclaim the time, and I appreciate that comment. And once again, the fact we're throwing out different numbers of what it will cost to send Americans up there is simply because NASA doesn't know what it will cost, and that's why they're budgeting very high. Who knows if that is the actual number. Because once again the Russians realize, when they have a monopoly, they can charge what they want to charge.

Let's deal with another phrase that we often hear from this administration. They are about to commercialize space. I want to try and put that one to rest, if we could. There is no such thing as privatizing or commercializing what we are doing in space.

The Constellation program is being built by private enterprise. There were contracts let by this government that were done on a competitive bid process and won by private sectors, by the private sector, by commercial companies, which means when we cut Constellation, we're not cutting a government program. We're cutting 30,000 jobs in the private sector to build a contract that comes from here.

What the President and the NASA leaders were talking about when they say, well, we're going to commercialize the future of space is not really changing the philosophy of what we're doing. All they're doing is they're going to take the contracts from those who have them now, building Constellation, fire those people, and then we will give

some of that extra NASA money that we are going to be appropriating to other companies in the private sector who are going to be winners in the values that this administration places on those particular companies.

In fact, the companies that are talking about the so-called commercialization of space already are under contract with NASA. They are already being subsidized by NASA. They are already behind in their programs with NASA, and they are asking for more Federal dollars for NASA.

So, once again, I oftentimes hear, well, this is an administration that wants to totally change the way we deal with space and they want to try and commercialize everything. That's a cute word, but the reality is you're simply having some people in the private sector who will lose their jobs so the administration can pick other people in the private sector to have jobs, and not necessarily on a one-to-one ratio.

There is no such thing as commercialization of space or these programs, and we are not trying to come up with a free enterprise approach to the future of space. This is simply the government picking winners and losers among a lot of people who are out there in the private sector. The 30,000 jobs that are going to be lost are not government jobs. Those are private sector jobs.

Mr. OLSON. Yes, sir. My colleague from Utah makes a great point, if he'd yield a little time.

Mr. BISHOP of Utah. I yield.

Mr. OLSON. Certainly commercial has a place in our future, but they are not anywhere near being ready to do what this administration wants them to do, carry cargo to a space station. They're not there yet. They've had one launch. That's a long, long way to go from being able to carry cargo up to and from the space station.

More important, astronauts, human beings, that is a much, much greater challenge than carrying cargo, and they've got a long way to go. When I talk to experts back home, they say a decade would be a good number for the commercial operators to have manned vehicles. And they've got a long, long way to go.

And one thing I'm concerned about is safety. As my colleague from Utah alluded to earlier tonight, safety is paramount. I mean, we need to do what we've done at NASA. The 50 years they've been in existence, they have put safety of astronauts as the number one concern. And it is a very, very risky endeavor that they do. And we've got to make sure that safety is put first, and that's one of my concerns with these commercial operations.

Again, as my colleague alluded to, economically, it's no different than what we're doing now. But it concerns me that we're going to have people who don't understand NASA's—the safety

that's required. And they think that just because they get cargo to the station, they can get crew to the station.

Wrong. You have to do—there's so much more to carry a crew to and from the space station. You've got to insure they're safe. You've got to have the redundancy to the redundancy to the redundancy to the backup to the backup system to ensure that if anything happens to that vehicle from the time it pulls off that pad till the time it gets to the station and comes back down that the crew has the ability to get home safely. And I'm concerned that's one thing that this President's budget proposal doesn't take into account.

Mr. BISHOP of Utah. I appreciate that.

And reclaiming the time once again, I'm glad we're talking about the fact that these are real people in the job market that we're going to be harming. I'm glad we're talking about the overall purpose of our space exploration program and what it means to them. I'm glad the gentleman ticked off a bunch of areas. I mean, let's face it. When my kids were growing up, the fact that I could put their shoes on with Velcro was a major advantage than trying to tie their shoes. We have those examples in our life.

I'm glad that we're talking about the fact that the Constellation is the future. It is the best science that we have. It is the safest way of going forward. And I'm glad we're talking about the fact that we're not, this entire idea that we're going to privatize our space program which has caught the fancy of some of our colleagues who aren't really perhaps deeply involved in the Science Committee, as the gentleman from Texas is, to realize that's not what we're talking about here. All we're talking about is, once again, government picking winners and losers amongst the private sector to go on with programs that will still be subsidized by the taxpayers. And in some respects, perhaps this is the right approach to do it.

If I could take us into one other direction just for a minute as well, and perhaps this comes back to one of my areas of interest, because I'm on the Armed Services Committee. One of the things that this particular administration failed to do when they announced their new program of canceling Constellation for whatever new goal that they want to have in the future is they failed to communicate with other members of the administration and with other policies and programs within government to see what the impact would have in other government areas. And once again, I'm specifically talking about our military defense system.

As I said in the very beginning, we forget that the people who build rockets and have the component parts to put a man to the moon are the same people who build the component parts

and build rockets that shoot down incoming missiles from other countries.

If, indeed, we are going—and once again, as was mentioned earlier, the industrial base that creates these jobs is not something you can turn on and off like a spigot on a water fountain. You can't just decide today we're going to have these scientists; tomorrow we'll fire them and turn it off, and then the next day we'll just open it up and they'll be there again.

What we are doing, if we decimate Constellation, is we're decimating the industrial base that builds our Defense Department missiles at the same time.

The House authorization bill has intent language that tries to quantify what this is because, to be honest, as we started our hearings this year on authorization bills, both for NASA as well as for the Defense Department, we simply asked the question that if, indeed, Constellation is taken out, what impact will it have on the military. And it was clear that the military had never been broached. They had never talked about this. They had not anticipated it. However, reports going over a year now, going back to Congress simply said that there would be devastating circumstances and harmful consequences if, indeed, Constellation was stopped for the military side.

Now, in the language that will be presented in the House authorization bill, it simply says that the best estimate we have right now is the cost of military defense on everything that deals with the missile, any kind of propulsion system, is between a 40 to 100 percent increase in the cost to the defense side of our Nation if, indeed, we stop Constellation and you fire those 30,000 workers who are part of that industrial base. That simply means that anything that needs a solid rocket motor, an ICBM, the Navy missile system, double the cost of what it will take just to replace those motors to replace the work and to keep that system functioning. Any kind of strategic missile that has propulsion as part of it, and I hate to say that, but that's every kind of missile that we have, the cost will increase 40 to 100 percent simply because we are losing the expertise and the industrial base. And, indeed, oftentimes those propulsion concepts have a fixed cost to them, so if, indeed, you have to have propulsion in there, there's a fixed cost. If you have less of that, the military will be picking up what is now being shared as far as the cost with NASA at the same time.

Our land-based missile system, our kinetic energy system, even the fact that some of our laser systems in the future will have a negative impact simply because the industrial base that builds those missiles for our military is the same industrial base that builds missiles, the component part, the labor, the propulsion system for NASA for Constellation.

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You hurt one, we will hurt the other. And that was a factor that was never considered by the administration or NASA when they came up with their quick decision to try and stop Constellation for something else, some nebulous policy in the future.

Defense of this country is the role of Congress. It's a legitimate question. This administration should have asked those questions ahead of time before they announced the policy. They should have understood what the costs would be and how they planned to handle that cost. As it was, it kind of snuck up on everybody. And now people are trying to play catchup. And the best way of solving that problem is simply go with the winning program, which is Constellation, and continue on with the goal that is safe and has a clear, concise goal message to it. Don't lose the jobs, don't lose the industrial base, don't increase the costs for our military. And let us move forward in an organized, rational approach rather than this helter-skelter idea that takes place at some particular time.

Mr. OLSON. Would my colleague yield?

Mr. BISHOP of Utah. Yes, I will be happy to yield.

Mr. OLSON. One thing I am concerned about, as my colleague knows, is the fact that this administration is making NASA a partisan issue in many ways. As you alluded to, I am not sure who proposed this budget or who put it together, but they certainly didn't outreach. It seemed like a very small group of individuals at the White House over at OMB who made these decisions that have dramatic impacts for our Nation.

As you alluded to, I don't think they talked to any of the defense contractors, particularly the ones that developed the missiles for our strategic nuclear deterrence. As I understood it, nothing. They heard nothing. I represent the Johnson Space Center, the home of human space flight. Our center director, when I called him up on February 2 just to sort of get how are people doing, what's the mood there, those type questions, I asked him, when did you find out? He says, I found out about it when you did. I read the paper yesterday.

That's another point. I mean Congress has the oversight. We are the power of the purse. And I am unaware of any outreach from the administration to any Member of Congress prior to this decision being made. I am a freshman here as a Member of Congress, but I have been on the Hill for a number of years, particularly in the military and the Navy. One of the standard things was, if you are going to make a radical change in a program, you went and talked to the committees of jurisdiction, the chairman, the ranking member, and at least sort of gave

them the courtesy of what you were planning to do. And I am unaware of anything like that happening.

And again, they are playing politics with this. This thing we are doing with the termination liability, the Anti-Deficiency Act, where they are using—we think it's unprecedented. We are doing some research to find out if it's ever been done in the past. As my colleague knows, what's basically done is, NASA has told the contractors you are going to have to hold some money in reserve for termination liability. You can't spend that on developing rockets and human space flight. You are going to have to hold that in an account in case things get terminated. And what do the companies have to do? The money they were holding for September 30 is now going to be dried up sometime in the middle of August. The only solution they have is to lay off those people.

And again, I don't want to be skeptical, but that gets the administration more of what they want. If those people go, we are going to have a hard time getting them back, and the costs are going to go up. We need to stop this. We can't make NASA a partisan issue. It's been a bipartisan issue. That's its strength. Every American loves human space flight, is proud of America, what we have done in orbit and what we have done on the Moon. And we've got to go beyond that. And Constellation, as my colleague alluded to, is the best, most tried way so far to do it. There is no reason to get off that path.

Mr. BISHOP of Utah. If I could reclaim my time very briefly here again, and once again I appreciate you making those points, because they are spot-on accurate. Congress made its voice very clear last year when we specifically told NASA, Constellation is our program of record, and you will not cut funding to Constellation. It's very clear that Congress has never changed that position. Well, this is speculation, but nor do I think we would, given our own choice of what to do.

But as the gentleman from Texas clearly illustrated, there are some things that NASA is doing right now that appear—I don't want to try and ascribe motives—but they appear clearly to try and force the issue so that by the time Congress goes through its process of coming up with a budget and appropriations process and language directing what the bureaucracies will do, in this case NASA, that this will be a fait accompli.

So the idea of withholding the derivatives was not a reduction of their contracts, but it had the same effect. The idea of taking the Constellation manager and reassigning him had a specific effect. And then, as you alluded to, the idea of telling companies that they are going to have to hold out closing costs, which has never been done in NASA before, in fact there was

only one time where Congress did tell them in some way, shape, or form that they needed to close a program, but that's when Congress told them to close a program down, not when they were trying to close it down before Congress has a chance to react to it. But what that would do is simply force them to fire people now so the industrial base is gone before anything takes place.

And that is a strange approach for any kind of executive branch of government to do when the legislative branch has yet to give them any clear direction that's what we want to do, or has spoken. In fact, everything we have said so far is the exact contrary to that. So I appreciate that.

If I could just put one last thing in, and then I will yield to the gentleman from Texas again. The government apparently put out the National Space Policy of the United States today. It's an interesting document. It says that we should have a robust and competitive commercial space sector, which is good. But I promise you, if you take all the jobs away from those who are doing Constellation, there will not be a robust or competitive space program.

They say that we should strengthen U.S. leadership in space-related science. Now, once again we have said over and over again if indeed you stop Constellation, you are ceding leadership in space-related science. We're not creating leadership. They say we should retain skilled space professionals. Once again, what is happening today is the exact opposite of this effort or this directive.

They say we should reinvigorate U.S. leadership. You don't reinvigorate something if you destroy the program that is our program of record that will move us towards a leadership position. I find this document unusual.

Now, I haven't had a chance to read everything that is in it, but certainly certain things come glaring out in the process of just skimming through it, saying that what we are doing is not necessarily what our words are. If our words here were indeed what our policy is, I would be very happy and content. But what I see happening is not what this policy statement says that we should be doing.

Sometimes I wonder if we really do understand what we are doing in space. And we need to recognize the significance of it, the importance of it, and the importance it has in other aspects of the government, and to our citizens, and to the future to inspiring kids. I yield back.

Mr. OLSON. If my colleague would yield very briefly again, I am just very scared that this administration is turning NASA into a partisan political football, and it's never been that way. Let me read just another quote again from the letter I read earlier that was put together by Walt Cunningham, who

was one of our first return-to-flight astronauts after the Apollo 1 disaster. Walt flew in the next Apollo mission. And he has been very adamant and very clear about how he feels this change, this radical budget is going to affect our human space flight future.

Let me just read the three paragraphs that I think are most important. Again, Walt and about 30 other astronauts from every program, every human space flight program we have, signed this letter: "Too many men and women have worked too hard and sacrificed too much to achieve America's preeminence in space, only to see that effort needlessly thrown away. We urge you to demonstrate the vision and the determination necessary to keep our Nation at the forefront of human space exploration with ambitious goals and the proper resources to see them through. This is not the time to abandon the promise of space frontier for a lack of will or an unwillingness to pay the price." Yet that's exactly what this budget proposal does.

And I am very scared that this has become a partisan issue that doesn't serve America well, that doesn't serve our future well. As my colleague alluded, Republican Congress endorsed the Constellation, Democrat Congress endorsed the Constellation. You hear people out there say this is George Bush's plan. Yes, it was his plan, but it's been endorsed by, again, a Republican Congress and a Democrat Congress. It's not Bush's plan. It's America's plan. And we need to see it through.

Mr. BISHOP of Utah. If I could just reclaim for just one particular second right here. Once again, and I appreciate you bringing that point out, I think the pushback or the outrage in Congress has been a bipartisan pushback and outrage. Republicans and Democrats alike have said the approach this administration is taking is not necessarily the right approach. Because indeed, Constellation is a safer, better system than the space shuttle. It is the new way forward. It shows what is the best and the brightest that this country has to offer. It is something that makes us good and makes us noble. It is the direction we should go into the future.

And for us to back off now for some program that is not clear, is not understandable, has no discernible goals, that's just not the way a country moves forward. It is indeed the way a country moves backwards, and this country should not be moving backwards.

I appreciate the gentleman from Texas's leadership on this particular issue, everything that he has been doing in organizing our review, our reports, some of our complaints, too, as we try and say what we need to do is do that which moves the country forward and ennobles us as a people. Constella-

tion does that. A clear space mission does that. A mission emphasizing safety for astronauts does that. That's what we need to continue on. And I'm sorry, but what NASA is asking us to do right now does not meet those goals.

I yield back for any concluding statements the gentleman has.

Mr. OLSON. Yes, I will be very brief here. You are very aware of the Orion Pad Abort, the very successful launch test we had I believe it was in late April or early May. Good chance you could get a Time magazine from this upcoming year, and that's going to be on the cover of that magazine. That was a flawless, flawless test.

In fact, if you remember, the rocket got off the pad so quickly at White Sands that the cameras that are there to track rockets—I mean they are there to track all rockets—couldn't keep up with it because it was moving so darn fast. And that's the program of record.

And I will just conclude by saying what I tell people all across this country. The President and the administration have a voice in this process, but they don't have the final word. The United States Congress has the final word. And I am confident that at the end of the day, Constellation is still going to be the program of record. I thank my colleague, and yield back my time to him.

Mr. BISHOP of Utah. Thank you. Mr. Speaker, I appreciate your time and efforts. We yield back.

#### CONGRESSIONAL BLACK CAUCUS HOUR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. FUDGE) is recognized for 60 minutes as the designee of the majority leader.

#### GENERAL LEAVE

Ms. FUDGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. FUDGE. I appreciate the opportunity to anchor this Special Order hour on Wall Street reform for the Congressional Black Caucus. Currently, the Congressional Black Caucus, the CBC, is chaired by the Honorable BARBARA LEE from the Ninth Congressional District of California.

Mr. Speaker, I now yield to our chair, the Honorable BARBARA LEE.

Ms. LEE of California. Thank you very much. Thank you, Mr. Speaker. Let me thank Congresswoman FUDGE for once again being on the mark in terms of the Special Order tonight. She has taken the leadership on behalf of

the Congressional Black Caucus to really bring the message of the Congressional Black Caucus to the country. Tonight, Congresswoman FUDGE will be talking about the urgent need to enact regulatory reform of America's financial markets.

So thank you for your leadership. I know your district is going to benefit tremendously from this. Oftentimes we forget that regulatory reform also has a direct impact on the huge foreclosure crisis that I know your district is facing. So thank you again for your leadership.

Let me just thank, first of all, all Members who were on that Financial Services Committee for such a major effort to take this important step in protecting Americans from another financial crisis. While many provisions in the bill could be much stronger, I believe that H.R. 4713 is a critical step forward in bringing some reasonable regulations and oversight back to an out of control financial services sector.

I actually was on the Banking Committee during much of the deregulation process and could not support it then. And unfortunately, what those of us on the committee saw happening and said would happen has happened. But now this important legislation will finally make our banks and financial services institutions much more transparent, put consumer rights before corporate profits, and allow shareholders more of a say on skyrocketing CEO pay packages.

While I would have preferred a standalone Consumer Financial Protection Agency, this bill will create an independent agency that remains independent and puts consumers first. I am pleased that more transparency on CEO pay is included in these reforms. While I might have preferred some reasonable constraints, like my bill that would limit tax deductibility of executive pay, allowing shareholders to have a say on pay is a good step forward.

I remain concerned that rules on risky derivatives trading, limits on proprietary trading by our biggest banks, and controls over the operations of ratings agencies may not be strong enough to prevent continued risk to our markets and taxpayers. I had hoped that more could be done to ensure that banks pay for their failures. But I know that we must pass these reforms and we must pass them now.

So I hope that my colleagues across the aisle will join us in the effort to protect consumers, shareholders, and the open and honest functioning of the financial markets that are so critical to our continued prosperity. I hope that we have all come to understand how ridiculous it is to claim that the markets can regulate themselves, and that we can agree that the government has a critical role in ensuring that our financial services sector functions fairly, with transparency, and allows equal opportunity for all Americans.

I look forward to working with the regulators as they begin to implement these new protections for investors and consumers. I hope that we can work together to make sure that we are never again, never again held hostage to out of control greed on Wall Street and regulators who really were asleep at the switch.

Thank you again. Thank you, Congresswoman FUDGE, for your leadership.

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Ms. FUDGE. Mr. Speaker, I just want to continue to express my support for our Chair. She is very strong and courageous and keeps us on task. I just appreciate her hard work and her leadership, not only for the Congressional Black Caucus but for our caucus in general. Thank you very much, Madam Chair.

Mr. Speaker, tonight we will focus on the need for this Wall Street reform that Americans have been waiting for. Americans have faced the worst financial crisis since the Great Depression. Millions have lost their jobs, businesses have failed, housing prices have dropped, and savings have been wiped out. A year and a half after the country's banking system nearly imploded, it is still operating under the same inadequate rules and regulations. The failures that led to this crisis require bold action. We must restore responsibility and accountability in our financial system to give Americans confidence and the protections they need. We must create a sound foundation to grow the economy and to create jobs. This is in fact why Congress is set to vote this week on the Wall Street Reform and Consumer Protection Act. Despite vigorous lobbying from the banks, this bill protects the American people and the financial system from abuses that nearly caused the entire system to collapse. This bill contains commonsense reforms that hold Wall Street and the big banks accountable.

It will end bailouts by ensuring that taxpayers are never again on the hook for Wall Street's risky decisions. It will protect families' retirement funds, college savings, homes and businesses' financial futures from unnecessary risk by CEOs, lenders and speculators. It will protect consumers from predatory lending abuses, from the fine print and industry gimmicks. And it will inject transparency and accountability into a financial system that has run amok.

Wall Street reform is good for our country because it is a critical step to create jobs and grow the economy. Years without accountability from Wall Street and the big banks have cost us 8 million jobs. Having a healthy financial system will help spur lending to businesses, of course, which will grow our economy. As we rebuild our economy, the new commonsense rules from this bill will ensure that big

banks and Wall Street can't play games again with our futures.

Americans want fairness, Mr. Speaker. They deal openly and honestly with their banks, and they want their banks to treat them like the good customers that they are.

There was a meltdown. For 8 years, Mr. Speaker, under the previous administration, our allies on the other side of the aisle looked the other way as Wall Street and the big banks exploited loopholes. Americans had no clue that Wall Street barons were gambling away their money on complex schemes and being handsomely rewarded for failure and for recklessness. America's families and small businesses paid the price. We lost 8 million jobs and \$17 trillion in retirement savings and Americans' net worth in this meltdown. It was the worst financial crisis since the Great Depression.

There are tough choices. This Congress and our President, President Obama, have made tough choices and taken effective steps to bring our economy back from the brink of disaster. The Recovery Act has already saved or created up to 2.8 million jobs and much of the TARP has already been repaid. But more must be done.

The next step is the Wall Street reform. It is a critical step to create jobs and grow the economy. As we rebuild our economy, we must establish commonsense rules to ensure big banks and Wall Street can't play Russian roulette again with our futures. Wall Street may be bouncing back, but we know from experience they are not going to police themselves.

Let me just talk a bit about what is in this legislation. This bill protects hardworking Americans from the worst abuses in the financial industry. I'd like to share with you just some of the consumer protections that are included in this bill: There is protection for families and small businesses by ensuring that bank loans, mortgages, and credit card terms and disclosures are fair and understandable. Transparency in the industry will be overseen by the new Consumer Financial Protection Agency. Credit card companies will no longer be able to mislead you with pages and pages of fine print. You will no longer be subject to hidden fees and penalties, or the predatory practices of unscrupulous lenders. This bill will make lending agreements easier to understand and protect small borrowers.

It ends predatory lending practices that occurred during the subprime lending frenzy that this country experienced. The legislation outlaws many of the egregious industry practices that led to the subprime lending boom. It ensures that mortgage lenders make loans that benefit the consumer. It would establish a simple standard for all home loans: institutions must review proof of income to ensure that borrowers can repay the loans they are

sold. This legislation will force mortgage companies to play by the rules. You'll be empowered with easy-to-understand forms. And you'll have clear and concise information to make financial decisions that are best for you and your family.

Financial firms will no longer be able to engage in behavior that is so risky and irresponsible that it threatens to bring down the entire economy. This bill replaces taxpayer bailouts with new procedures to unwind failing companies that pose the greatest risk. This wind-down process will be paid for by the financial industry and not by taxpayers.

It produces tough new rules on the riskiest financial practices that gambled with your money and caused the financial crash, like the credit default swaps that devastated AIG, and commonsense regulation of derivatives and other complex financial products offered to consumers.

It provides tough enforcement and oversight with more enforcement power and funding for the Securities and Exchange Commission, including the registration of hedge funds and private equity funds. It provides enhanced oversight and transparency for credit rating agencies whose seal of approval gave way to excessively risky practices that led to a financial collapse.

It protects investors. It strengthens the SEC's power so it can better protect investors and regulate the Nation's securities markets. Reining in egregious executive compensation, allowing a "say on pay" for shareholders, requiring independent directors on compensation committees, and limiting bank executive risky pay practices that jeopardize the safety and soundness of banks.

As a member of the CBC, one important part of the bill I would like to highlight is the new Offices of Minority and Women Inclusion. At Federal banking and securities regulatory agencies, the bill establishes an Office of Minority and Women Inclusion that will, among other things, address employment and diversity contracting opportunities with the Federal Government. The offices will coordinate technical assistance to minority-owned and women-owned businesses and seek diversity in the regulatory workforce. By actively engaging minorities and women, the Nation's financial system will become stronger.

Mr. Speaker, nearly 2 years after our Nation's financial system stood on the verge of collapse, Congress is working hard to protect American consumers and to grow our economy. The Wall Street Reform and Consumer Protection Act will accomplish both goals. This sweeping new legislation will modernize America's financial rules in response to the worst economic crisis since the Great Depression. Once signed into law, these tough new regu-

lations will hold Wall Street accountable, it will end taxpayer-funded bailouts, and protect Americans from unscrupulous big banks and credit card companies. Wall Street reform is a win for the American people. This is about making the system fair and accountable. The financial crisis that unfolded in 2008 should never have happened. But since it did, this Congress has been working hard to develop legislation that will prevent a future crisis.

I support the Wall Street Reform and Consumer Protection Act because it includes commonsense reforms that hold Wall Street and the big banks accountable. But most of all, Mr. Speaker, this bill supports the American people. Let's give Americans what they deserve—fairness in the financial system.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me begin my thanking my friend and colleague, the gentlewoman from Ohio, Congresswoman FUDGE, for anchoring once again tonight's Congressional Black Caucus' special hour.

This Congress and President Obama have made tough choices and taken effective steps to bring our economy back from the brink of disaster. The Recovery Act has already saved or created up to 2.8 million jobs and much of the TARP funding repaid. Now we are taking another key step forward with a final agreement on the Dodd-Frank Wall Street Reform and Consumer Protection Act.

For many months now, members of the Congressional Black Caucus continue to be laser focused on financial reform. We have sought to engage the Obama administration, House and Senate leadership, committee chairs, and our coalition partners to develop a legislative strategy aimed at addressing the needs of millions of Americans who are struggling in this tough, economic environment.

Mr. Speaker, we must reform Wall Street to end risky practices that have caused millions of Americans to lose their jobs, their homes, and life savings. The House passed a financial reform bill that will protect consumers and prevent the irresponsible behavior that caused the financial melt down.

I was proud to join a majority of my colleagues in this body in supporting passage of Wall Street. We are committed to protect American families and their savings.

We ended the practice of "too big to fail." We established safeguards to ensure that the abuses of the past are never again repeated. Mr. Speaker, the House made Wall Street reform a priority.

Every day of delay is one more opportunity for a recurrence of economic uncertainty and even collapse. Last Thursday's roller coaster on the stock market was a clear reminder that we cannot allow a willful lack of responsible oversight to expose American families, American business, and our whole economy to such potential risk.

Mr. Speaker, Members of Congressional Black Caucus continue to support the efforts to reform Wall Street.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise to speak about the special order topic of financial reform. I would like to thank my colleague Congresswoman MARCIA FUDGE for

bringing this issue to the floor tonight. I would also like to thank CBC Chair BARBARA LEE for her leadership on continuing to shine the light on important issues that matter to the CBC and our constituents as well as the Nation as a whole.

It is past time that we take strong action to reform our financial system to ensure that we have strong measures in place to best prevent the economic crisis that we have been experiencing over the last few years. We had years without accountability for Wall Street and the Big Banks under President Bush and congressional Republicans which cost the people of this Nation 8 million jobs.

We will: Rein in Big Banks and their Big Bonuses, put an end to bailouts and the idea of "too big to fail," and create a consumer financial protection agency to protect and empower consumers to make the best decisions on homes, credit cards, and their own financial future.

Mr. Speaker, we can no longer afford to let the fox watch the henhouse. For eight years, President Bush and congressional Republicans looked the other way as Wall Street and the Big Banks exploited loopholes, gambled your money on complex schemes, and rewarded failure and recklessness. America's families and small businesses paid the price. We lost 8 million jobs and \$17 trillion in retirement savings and Americans' net worth.

This Congress and President Obama have made tough choices and taken effective steps to bring our economy back from the brink of disaster. The Recovery Act has already saved or created up to 2.8 million jobs and much of the TARP has been paid back. And now we are taking another key step forward with a final agreement on the Dodd-Frank Wall Street Reform and Consumer Protection Act.

As we rebuild our economy, we must put in place commonsense rules to ensure Big Banks and Wall Street can't play Russian Roulette again with our futures. Wall Street may be bouncing back, but we know from experience they're not going to police themselves.

Common-sense reforms that hold Wall Street and the Big Banks accountable will:

End bailouts by ensuring taxpayers are never again on the hook for Wall Street's risky decisions

Protect families' retirement funds, college savings, homes and businesses' financial futures from unnecessary risk by CEOs, lenders, and speculators

Protect consumers from predatory lending abuses, fine print, and industry gimmicks

Inject transparency and accountability into a financial system run amok

#### WHAT'S IN THE LEGISLATION?

Creating a new Consumer Financial Protection Agency to protect families and small businesses by ensuring that bank loans, mortgages, and credit cards are fair, affordable, understandable, and transparent. We currently have rules that keep companies from selling us toasters that burn down our homes. We should have similar rules that bar the financial industry from offering mortgage loans to people who can't afford repayment.

Ending predatory lending practices that occurred during the subprime lending frenzy.

Shutting down "too big to fail" financial firms before risky and irresponsible behavior threatens to bring down the entire economy.

Ending costly taxpayer bailouts with new procedures to unwind failing companies that pose the greatest risk—paid for by the financial industry and not the taxpayers.

Tough new rules on the riskiest financial practices that gambled with your money and caused the financial crash, like the credit default swaps that devastated AIG, and common sense regulation of derivatives and other complex financial products. Includes a strong “Volcker rule” that generally restricts large financial firms with commercial banking operations from trading in speculative investments.

Tough enforcement and oversight with:

More enforcement power and funding for the Securities and Exchange Commission, including requiring registration of hedge funds and private equity funds

Enhanced oversight and transparency for credit rating agencies, whose seal of approval gave way to excessively risky practices that led to a financial collapse

Reining in egregious executive compensation and retirement plans by allowing a ‘say on pay’ for shareholders, requiring independent directors on compensation committees, and limiting bank executive risky pay practices that jeopardize banks’ safety and soundness.

New protections for grocers, retailers and other small businesses facing out-of-control swipe fees that banks and other credit and debit card issuers charge these businesses for debit or prepaid-card purchases. As a result, merchants stand to save billions.

Audits the Federal Reserve’s emergency lending programs from the financial crisis and limits the Fed’s emergency lending authority.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BOOZMAN) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, July 2.

Mr. JONES, for 5 minutes, July 2.

Mr. BURTON of Indiana, for 5 minutes, July 2.

Mr. MACK, for 5 minutes, today.

Mr. BOOZMAN, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today and June 30.

Mr. OLSON, for 5 minutes, today.

Mr. FORBES, for 5 minutes, June 29.

Mr. MCHENRY, for 5 minutes, June 29, 30, July 1, and 2.

#### BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on June 24, 2010 she presented to the President of the United States, for his approval, the following bills.

H.R. 3962. To provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes.

#### ADJOURNMENT

Ms. FUDGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 27 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 29, 2010, at 9:30 a.m., for morning-hour debate.

#### BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill S.1510, the United States Secret Service Uniformed Division Modernization Act of 2010, as amended by the House, for printing in the CONGRESSIONAL RECORD.

CBO ESIMATE OF PAY-AS-YOU-GO EFFECTS FOR S. 1510, AN ACT TO TRANSFER STATUTORY ENTITLEMENTS TO PAY AND HOURS OF WORK AUTHORIZED BY LAWS CODIFIED IN THE DISTRICT OF COLUMBIA OFFICIAL CODE FOR CURRENT MEMBERS OF THE UNITED STATES SECRET SERVICE UNIFORMED DIVISION FROM SUCH LAWS TO THE UNITED STATES CODE, AND FOR OTHER PURPOSES, AS PROVIDED BY THE HOUSE COMMITTEE ON THE BUDGET ON JUNE 25, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Statutory Pay-As-You-Go Impact <sup>a</sup>	0	0	0	–1	–1	–1	–1	–1	–1	–1	–1	0	–3

<sup>a</sup> S. 1510 consists of three titles, concerning the United States Secret Service, the General Services Administration (GSA), and the Department of Defense (DOD).

Title I would increase the annuity paid to retired members of the Secret Service Uniformed Division who participate in the District of Columbia Police and Firefighters Retirement and Disability System by 2.5 percent. CBO estimates that this change would increase payments (direct spending) to retired Secret Service employees by about \$13 million over the 2010–2020 period.

Title II would amend the Federal Property and Administrative Services Act to change the disposal process for surplus federal property by allowing GSA to retain and spend, without further appropriation, a larger share of the proceeds from property sales. CBO estimates that the title would increase direct spending by more than \$15 million over the 2010–2020 period, but also would lead to the receipt of more than \$30 million from additional property sales over the same period. Thus, title II would reduce net direct spending by about \$15 million.

Title III would allow DOD to waive recovery of certain voluntary separation incentive payments. Without that waiver authority, those recovered payments would be deposited in the Treasury. Waiving those repayments would result in foregone receipts, and thus, increase direct spending by about \$1 million over the 2010–2020 period.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker’s table and referred as follows:

8122. A letter from the Principal Deputy, Department of Defense, transmitting letter providing notice that a commercial helicopter under contract with the Department was destroyed by hostile fire; to the Committee on Armed Services.

8123. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation’s final rule — benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8124. A letter from the Director, office of Policy, Reports and Disclosures, Department of Labor, transmitting the Department’s final rule — Notification of Employee Rights Under Federal Labor Laws (RIN: 1215-AB70; 1245-AA00) received June 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8125. A letter from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Atlanta, transmitting the 2009 management report and statements on system of internal controls of the Federal Home Loan Bank of Atlanta, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

8126. A letter from the First Vice President, Controller and Chief Accounting Officer, Federal Home Loan Bank of Boston, transmitting the 2009 management report and statements of internal controls of the Federal Home Loan Bank of Boston, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

8127. A letter from the President, Federal Home Loan Bank of Cincinnati, transmitting the 2009 management report and statements on system of internal controls of the Federal Home Loan Bank of Cincinnati, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

8128. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — 2010 Annual Determination for Sea Turtle Observer Requirements [Docket No.: 0906181067-0167-02] (RIN: 0648-XP96) received June 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8129. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fisheries; 2010 Atlantic Deep-Sea Red Crab Specifications [Docket No.: 100105009-0167-02] (RIN: 0648-AY51) received June 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8130. A letter from the Staff Director, Commission Civil Rights, transmitting notification that the Commission recently appointed members to the Colorado Advisory Committee; to the Committee on the Judiciary.

8131. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Louisiana Advisory Committee; to the Committee on the Judiciary.

8132. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Oregon Advisory Committee; to the Committee on the Judiciary.

8133. A letter from the Deputy Chief Financial Officer, Department of Homeland Security, transmitting notification that a transfer of \$100 million from the Oil Spill Liability Trust Fund to the Emergency Fund has occurred; to the Committee on Transportation and Infrastructure.

8134. A letter from the Deputy Associate Commissioner, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Consultative Examination — Annual Onsite Review of Medical Providers [Docket No.: SSA-2006-0109] (RIN: 0960-AH17) received June 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8135. A letter from the Secretary, Department of Energy, transmitting the Department's report to Congress concerning the Mixed Oxide (MOX) Fuel Fabrication Facility being constructed at the Department's Savannah River Site near Aiken, South Carolina, pursuant to 50 U.S.C. 4306(a)(3); jointly to the Committees on Armed Services and Energy and Commerce.

8136. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a joint report that describes activities related to the Proliferation Security Initiative, including associated funding, that are planned to be carried out by the United States over the next three fiscal years; jointly to the Committees on Foreign Affairs and Armed Services.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 1554. A bill to take certain property in McIntosh County, Oklahoma, into trust for the benefit of the Muscogee (Creek) National, and for other purposes; with an amendment (Rept. 111-513). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2340. A bill to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and

to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act; with an amendment (Rept. 111-514). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4445. A bill to amend Public Law 95-232 to repeal a restriction on treating as Indian country certain lands held in trust for Indian pueblos in New Mexico; with an amendment (Rept. 111-515). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HALL of New York (for himself and Mr. MCMAHON):

H.R. 5609. A bill to amend the Federal Election Campaign Act of 1971 to prohibit any registered lobbyist whose clients include foreign governments which are found to be sponsors of international terrorism or include other foreign nationals from making contributions and other campaign-related disbursements in elections for public office; to the Committee on House Administration.

By Mr. GEORGE MILLER of California (for himself, Ms. WOOLSEY, Mr. FILNER, and Mr. FARR):

H.R. 5610. A bill to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers; to the Committee on Education and Labor.

By Mr. LEVIN (for himself, Mr. OBERSTAR, Mr. MICA, Mr. COSTELLO, Mr. PETRI, Mr. CAMP, and Mr. LEWIS of Georgia):

H.R. 5611. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER (for himself, Mr. THOMPSON of California, Ms. BERKLEY, Ms. GIFFORDS, Mr. McDERMOTT, and Mr. GARAMENDI):

H.R. 5612. A bill to amend the Internal Revenue Code of 1986 to temporarily increase the investment tax credit for geothermal energy property; to the Committee on Ways and Means.

By Mr. COHEN (for himself, Mr. ARCURI, Mr. DEFazio, Mr. FILNER, Mr. KAGEN, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. TONKO, Mr. TIERNEY, and Mr. YARMUTH):

H.R. 5613. A bill to require that vessels used to engage in drilling for oil or gas in ocean waters that are subject to the jurisdiction of the United States must be documented under chapter 121 of title 46, United States Code; to the Committee on Transportation and Infrastructure.

By Mr. ADERHOLT (for himself, Mr. BACHUS, Mr. BISHOP of Utah, Mr. BON-

NER, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. DAVIS of Tennessee, Mr. GRIFFITH, Mr. HALL of Texas, Mr. LATTA, Mr. LATOURETTE, Mr. OLSON, Mr. POSEY, Mr. ROGERS of Alabama, and Mr. BRIGHT):

H.R. 5614. A bill to impose certain requirements on the expenditure of funds by the National Aeronautics and Space Administration for the Constellation program; to the Committee on Science and Technology.

By Mr. BILBRAY:

H.R. 5615. A bill to amend the Internal Revenue Code of 1986 to repeal the medical device tax, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY (for himself and Mr. LARSON of Connecticut):

H.R. 5616. A bill to authorize appropriations for the National Historical Publications and Records Commission through fiscal year 2015, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. McDERMOTT (for himself, Mr. BLUMENAUER, Mr. SARBANES, Ms. SCHWARTZ, and Mr. THOMPSON of California):

H.R. 5617. A bill to amend the Internal Revenue Code of 1986 to provide for home energy conservation bonds; to the Committee on Ways and Means.

By Mr. McDERMOTT (for himself and Mr. LEVIN):

H.R. 5618. A bill to continue Federal unemployment programs; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS:

H.R. 5619. A bill to amend the SAFE Port Act to provide for the eligibility of certain third party logistics providers for participation in the Customs-Trade Partnership Against Terrorism program; to the Committee on Homeland Security.

By Ms. ROS-LEHTINEN (for herself, Ms. WASSERMAN SCHULTZ, Mr. MARIO DIAZ-BALART of Florida, Mr. SRES, and Mr. LINCOLN DIAZ-BALART of Florida):

H.R. 5620. A bill to amend the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 to exclude from the United States aliens who contribute to the ability of Cuba to develop petroleum resources located off Cuba's coast and to provide for the imposition of sanctions and prohibition on facilitation of development of Cuba's petroleum resources, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Foreign Affairs, Financial Services, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SANCHEZ of California (for herself, Ms. LEE of California, and Mr. PAUL):

H.R. 5621. A bill to amend the Water Resources Development Act of 1986 to authorize funds in the Harbor Maintenance Trust Fund to be used to pay up to 100 percent of the eligible costs of preparing Federal environmental impact statements for certain navigation projects, and for other purposes; to

the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATSON:

H. Res. 1480. A resolution commending the University of Southern California Trojan men's tennis team for its victory in the 2010 National Collegiate Athletic Association (NCAA) Men's Tennis Championship; to the Committee on Education and Labor.

By Ms. SCHWARTZ (for herself and Mr. SAM JOHNSON of Texas):

H. Res. 1481. A resolution supporting the goals and ideals of "National Save for Retirement Week", including raising public awareness of the various tax-preferred retirement vehicles and increasing personal financial literacy; to the Committee on Ways and Means.

By Mr. BILBRAY (for himself and Mrs. DAVIS of California):

H. Res. 1482. A resolution commemorating the 40th annual meeting of the Society for Neuroscience; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY of Georgia (for himself and Mr. SKELTON):

H. Res. 1483. A resolution recognizing the exemplary service and sacrifice of the soldiers of the 14th Armored Division of the United States Army, known as the Liberators, during World War II; to the Committee on Armed Services.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

327. The SPEAKER presented a memorial of the House of Representatives of the State of Hawaii, relative to House Concurrent Resolution No. 282 urging the Congress to propose a constitutional amendment to clarify the distinction between the rights of natural persons and the rights of corporations; to the Committee on the Judiciary.

328. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 30 urging the President and the Congress to pass S. 1337, The

Filipino Veterans Family Reunification Act of 2009; to the Committee on the Judiciary.

329. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 1081 urging the Congress to pass H.R. 3410, the Taking Responsible Action for Community Safety Act; to the Committee on Transportation and Infrastructure.

330. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 82 urging the President and the Congress to expedite the processing of all claims for payment, and the distribution of checks to Filipino veterans under ARRA; to the Committee on Veterans' Affairs.

331. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 65 supporting congressional and state funding for broadband infrastructure in rural areas; jointly to the Committees on Agriculture and Energy and Commerce.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 442: Ms. JENKINS and Mr. MORAN of Kansas.

H.R. 484: Mr. TIAHRT.

H.R. 571: Ms. FUDGE.

H.R. 697: Mr. MARKEY of Massachusetts and Ms. RICHARDSON.

H.R. 745: Mrs. DAVIS of California.

H.R. 1034: Mr. MAFFEI.

H.R. 1036: Mr. CAPUANO.

H.R. 1203: Mr. SHERMAN.

H.R. 1230: Ms. FUDGE.

H.R. 1240: Mr. GUTHRIE.

H.R. 2083: Mr. HOEKSTRA.

H.R. 2378: Ms. SCHAKOWSKY.

H.R. 2866: Mr. GARAMENDI, Mrs. EMERSON, and Mr. PAULSEN.

H.R. 2870: Mr. YOUNG of Alaska and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3025: Mr. VAN HOLLEN.

H.R. 3286: Mr. PERLMUTTER and Mr. SABLAN.

H.R. 3408: Mr. SCHAUER, Mr. SESTAK, Mr. OWENS, Mr. CHILDERS, Mr. ELLSWORTH, Ms. CORRINE BROWN of Florida, Mr. PASCRELL, Ms. BALDWIN, and Mr. HILL.

H.R. 3487: Mr. COHEN.

H.R. 3508: Mr. DJOU.

H.R. 3729: Ms. GIFFORDS and Mr. WU.

H.R. 3790: Mr. ROSS.

H.R. 4051: Mr. FILNER.

H.R. 4128: Mr. ROTHMAN of New Jersey.

H.R. 4296: Mr. DOYLE.

H.R. 4308: Mr. FLAKE.

H.R. 4505: Mr. ISSA.

H.R. 4557: Mr. RYAN of Ohio, Mr. SCOTT of Georgia, and Mr. SIRES.

H.R. 4597: Ms. HIRONO and Mr. GRIJALVA.

H.R. 4693: Mr. HALL of New York.

H.R. 4883: Mrs. BLACKBURN.

H.R. 4894: Mr. DJOU.

H.R. 4943: Mr. SCALISE.

H.R. 5081: Mr. CARSON of Indiana and Mr. BRALEY of Iowa.

H.R. 5211: Mr. CARSON of Indiana.

H.R. 5234: Mr. BARROW and Mr. KINGSTON.

H.R. 5244: Mr. BOOZMAN.

H.R. 5258: Mr. DANIEL E. LUNGREN of California and Mr. ISSA.

H.R. 5268: Mr. ROTHMAN of New Jersey and Mr. SERRANO.

H.R. 5358: Mr. HASTINGS of Florida and Mrs. CAPPS.

H.R. 5359: Mr. BACA.

H.R. 5374: Mr. SMITH of Texas and Mr. BILBRAY.

H.R. 5426: Mrs. EMERSON and Mr. HILL.

H.R. 5434: Mr. COURTNEY and Mr. MCCOTTER.

H.R. 5457: Mr. LANGEVIN.

H.R. 5478: Mr. RUSH.

H.R. 5501: Mr. MORAN of Kansas.

H.R. 5503: Mr. BACA and Mr. THOMPSON of Mississippi.

H.R. 5523: Mr. MCCLINTOCK and Mrs. MCMORRIS RODGERS.

H.R. 5525: Mr. WESTMORELAND.

H.R. 5572: Mr. ORTIZ.

H.R. 5577: Ms. LEE of California.

H.R. 5578: Ms. LEE of California.

H.R. 5579: Ms. LEE of California.

H. Con. Res. 207: Mr. TIAHRT.

H. Con. Res. 284: Mr. SABLAN and Mr. CASTLE.

H. Con. Res. 287: Mr. MCCLINTOCK.

H. Res. 202: Mr. GORDON of Tennessee.

H. Res. 308: Ms. PINGREE of Maine.

H. Res. 510: Mr. BARTLETT and Mr. BURGESS.

H. Res. 937: Mr. PIERLUISI.

H. Res. 1207: Mr. GARAMENDI.

H. Res. 1244: Mr. POLIS of Colorado.

H. Res. 1279: Mr. CALVERT.

H. Res. 1365: Mr. EDWARDS of Texas.

H. Res. 1401: Mr. STARK, Mr. BERMAN, Mr. WOLF, Mr. PASTOR of Arizona, Mr. CRITZ, and Ms. SCHWARTZ.

H. Res. 1437: Mr. SMITH of Texas.

H. Res. 1450: Mr. SMITH of Texas.

H. Res. 1454: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 1460: Mrs. LUMMIS.

**SENATE—Monday, June 28, 2010**

The Senate met at 2 p.m. and was called to order by Nancy Erickson, Secretary of the Senate.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Immortal, invisible God only wise, the fountain of every blessing, we thank You for the life and legacy of Senator ROBERT C. BYRD, our friend and colleague whose death we grieve today. We praise You for his more than five decades of exemplary service to our Nation and the citizens of West Virginia, for the way he carried out his duties with integrity and faithfulness. We are grateful that he knew when to be the gadfly, to ask the tough questions, and to challenge the status quo.

Lord, You gave him courage to make course corrections both privately and publicly and empowered him to oppose without bitterness, to compromise with wisdom, and to yield without being defeated. I thank You that he was my friend.

Lord, we pray for his loved ones, our Senate family, and all who mourn his passing. May his many contributions to our Nation not be forgotten by this and succeeding generations. May all of us who had the privilege of knowing our Nation's longest serving legislator emulate his passion, patience, and perseverance. Give him a crown of righteousness and permit him to hear You say, "Well done, good and faithful servant."

We pray in Your merciful Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Secretary of the Senate led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**RECOGNITION OF THE MAJORITY LEADER**

The SECRETARY OF THE SENATE. The majority leader is recognized.

**MOMENT OF SILENCE**

Mr. REID. I ask that the Senate observe a moment of silence for Senator BYRD.

(Moment of silence.)

**ELECTING SENATOR DANIEL K. INOUE PRESIDENT PRO TEMPORE**

Mr. REID. I have a resolution at the desk and ask for its consideration.

The SECRETARY OF THE SENATE. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 567) to elect DANIEL K. INOUE, a Senator from the State of Hawaii, to be President pro tempore of the Senate of the United States.

The resolution (S. Res. 567) was agreed to, as follows:

**S. RES. 567**

*Resolved*, That Daniel K. Inouye, a Senator from the State of Hawaii, be, and he is hereby, elected President of the Senate pro tempore.

**ADMINISTRATION OF OATH OF OFFICE**

The SECRETARY OF THE SENATE. Without objection, Senator INOUE will be escorted to the desk.

The President pro tempore-elect, escorted by Mr. REID and Mr. AKAKA respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Secretary of the Senate; and he subscribed to the oath in the Official Oath Book.

Mr. INOUE thereupon assumed the chair as President pro tempore.

The PRESIDENT pro tempore. The majority leader.

**REMEMBERING SENATOR ROBERT C. BYRD**

Mr. REID. Mr. President, our Senate family grieves today with the Byrd family over the loss of one of the most dedicated Americans ever to serve this country; one of the most devoted men ever to serve his State; one of the most distinguished Senators ever to serve in the Senate.

ROBERT BYRD's mind was among the greatest the world has ever seen. As a boy, he was called upon, when he was in elementary school, to stand before the class and recite not paragraphs from the assignment of the night before but pages of the night before. He did this from memory.

From his graduation as valedictorian of his high school class at the age of 16 to his death this morning as the Senate's President pro tempore at age 92, he mastered everything he touched with great thoughtfulness and skill. This good man could drive from his home here in Washington to West Virginia and back—it took 8 hours—reciting classic poetry the entire time, and not recite the same poem twice.

I was asked by Senator BYRD to travel to West Virginia to do an exchange

with the British Parliament. There were a number of us there, eight or nine Senators, and a like number of British Parliamentarians. I can remember that night so well. We had the music up there he liked the best—bluegrass music—and they played. It was a festive evening.

Then it came time for the program. In the program, Senator BYRD said: I am going to say a few things. And he passed out little notebooks. He had notebooks passed out to everyone there with a little pencil. He wanted to make sure everything was just right; that people, if they had something to write, had something to write on and write with. And he proceeded, standing there without a note, to pronounce the reign of the British monarchs, from the beginning to the end. He would give the dates they served. On some of the more difficult spellings, he would spell the name. And he would, as I indicated, if it was something he really wanted to talk about that they had accomplished that he thought was noteworthy, he would tell us about that. That took about an hour and a half to do that. The British Parliamentarians were stunned. They had never heard anyone who could do anything like that, an American talking about the reign of the British monarchs. Those of us who were Senators, nothing surprised us that he could do from memory.

I can remember when he decided he was no longer going to be the Democratic leader, Senator Dole did an event for him in the Russell Building, and all Senators were there, Democratic and Republican Senators. He told us a number of things he did not do, and he told us a number of things he did do. For example, he read the Encyclopedia Britannica from cover to cover twice. He studied the dictionary. He read that from cover to cover during one of our breaks.

I have told this story on an occasion or two, but to give the depth of this man's memory—I had been to Nevada, and when I came back, he asked me: What did you do?

I said: Senator BYRD, I pulled a book out of my library on the way back. I didn't have anything to read. It was a paperback. I read "The Adventures of Robinson Crusoe."

And as those of us who can remember him, he looked at me and he held his head back a little bit and his eyes rolled back and he said: Robinson Crusoe. He proceeded to tell me—I had just read the book—how long he had been on that island: 28 years, 3 months, a week, and 2 days, or whatever it was. I was stunned. I did not know. I went

back and pulled the book out to see if he was right, and he was right. He probably had not read that book in 35 or 40 years, but he knew that. What a mind. It was really stunning, the man's memory.

The head of the political science department at the University of Nevada at Las Vegas, Andy Tuttle, taught a graduate course, based on Senator BYRD's lectures on the Roman Empire.

He gave 10 lectures here on the Senate floor on the fall of the Roman Empire. He gave a lecture because he was concerned because of the line-item veto, and he felt the line-item veto would be the beginning of the end of the Senate. He proceeded to give 10 lectures on that on the Senate floor, every one of them from memory—every one of them from memory. Timed just perfectly. They ended in 1 hour. That is how much time he had been given. The original Roman Emperors served for 1 year. He could do it from memory. He knew who they were, how long they served, knew how to spell their names—truly an unbelievably brilliant man.

He is the only person who earned his law degree while he was a Member of Congress. What he accomplished is really very long. His thirst for knowledge was simply without equal.

Senator BYRD once observed that the longer he lived, the better he understood how precious the gift of our time on Earth was.

I quote Senator BYRD:

As you get older, you see time running out. It is irretrievable and irreversible. But one should never retire from learning and growth.

ROBERT BYRD never retired from anything. He served in the Senate for more than half a century and the House of Representatives for 6 more years, and he dedicated every one of those days to strengthening the State and the Nation he loved so dearly. He never once stopped fighting for the good people of West Virginia and for the principles in our founding documents. He was forever faithful to his constituents, his Constitution, and his country. He fought for what he thought was right, and when he was wrong, he was wise enough to admit it, and he did admit it a few times.

Senator BYRD's ambition was legendary. He took his oath in this Chamber on January 3, 1959, the same day Alaska became our 49th State. He told the Charleston Gazette newspaper in that freshman year:

If I live long enough, I'd like to be Chairman of the Senate Appropriations Committee.

Thirty years later, he was, and then he lived and served for 21 more years. His legislative accomplishments are many, and those achievements fortify his incomparable legacy. But he is perhaps best known in this Chamber as the foremost guardian of the Senate's

complex rules, procedures, and customs. He did not concern himself with such precision as a pastime or mere hobby; he did so because of the unyielding respect he had for the Senate—a reverence the Senate always returned to him and now to his memory.

With ROBERT BYRD's passing, America has lost its strongest defender of its most precious traditions. It now falls to each of us to keep that flame burning.

Throughout one of the longest political careers in history, no one in West Virginia ever defeated ROBERT BYRD in a single election. In Washington, his fellow Democrats twice elected him to lead us when we were in the majority and once more when we were in the minority. Having seen both sides, he knew better than most that legislating is the art of compromise. Many years ago, in this Chamber where he served longer than any other Senator, Senator BYRD taught a heartfelt history lesson to guide our future. It was a lesson about both the Constitution and this institution. He said:

This very charter of government under which we live was created in a spirit of compromise and mutual concession. And it is only in that spirit that continuance of this charter of government can be prolonged and sustained.

In his tenure he saw partisanship and bipartisanship, war and peace, recession and recovery. His perspective and legacy are invaluable to the way we carry ourselves as United States Senators. It is instructive that the man who served the longest and saw the most concluded we must work together as partners, not partisans, for the good of our States and our country.

In 1996, ROBERT BYRD spoke to a meeting of incoming Senators and reminded them that the Senate is still the anchor of the Republic. Senator BYRD was the anchor of the Senate. There will never be another like him.

He was a Member of this Nation's Congress for more than a quarter of the time it has existed, and longer than a quarter of today's sitting Senators and the President of the United States have been alive. His political career spanned countless American advances and achievements. A dozen men called the Oval Office his own while Senator BYRD called the Capitol Building his office—and he would be the first to remind us that those two branches are equal in the eyes of the Constitution. I have heard him say so many times that we work with the President, not under the President.

The nine times the people of his State sent him to the Senate and the more than 18,500 votes he cast here will never be matched.

As the President pro tempore and I, and each of us fortunate enough to be here, have the privilege of knowing firsthand, it was an incomparable privilege to serve with him and learn

from this giant. By virtue of his endurance, ROBERT BYRD knew and worked with many of the greats of the Senate. Because of his enduring virtue, he will be forever remembered as one of them.

#### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will turn to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each. Following leader remarks, the Senate will resume consideration of the motion to proceed to H.R. 5297, the small business jobs bill. At 5 p.m., the Senate will proceed to executive session and debate the nomination of Gary Feinerman to be a Federal judge—that will be until 5:30—with the time equally divided and controlled between Senators LEAHY and SESSIONS or their designees. There will be a series of two rollcall votes at 5:30. The first vote will be on the motion to invoke cloture on the motion to proceed to the small business jobs bill. The second vote will be on the confirmation of the Feinerman nomination.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

#### REMEMBERING SENATOR ROBERT C. BYRD

Mr. McCONNELL. Mr. President, I too wish to say a few words about our departed colleague. The first thing to say is that we are sorry, first and foremost, to the family and also to the staff of Senator BYRD for their loss. The next thing to say is that it is a sad day for the Senate. Everybody who has been here for a while has a few ROBERT BYRD stories. A couple come to mind I thought I would share.

Along with Senator REID and Senator DODD, who were here on the floor earlier, Senator BYRD, in the early part of the decade, responded to my request to come down to the University of Louisville, my alma mater, to speak to the students and to a broader audience. At his age and particularly given the fact that I was a member of the opposition party, there was, frankly, no particular reason for him to do that. But he did and made an extraordinary impression on the students and inconvenienced

himself on my behalf, which I always appreciated.

My second—and really my favorite—recollection of Senator BYRD, I found myself a few years ago in a curious position, at variance with virtually everybody on my side of the aisle. I had reflexively, as I think many Members had, responded negatively to a decision of the U.S. Supreme Court in the late 1980s essentially holding that flag burning was a permissible first amendment expression of political speech. The first time that amendment came before the Senate, I voted for it. Then I began to have some pangs of discomfort about my position. Having spent a good portion of my political career focusing on political speech and the first amendment, I, frankly, decided I was wrong and in subsequent votes have opposed it.

A few years ago, it became clear it was going to be defeated in the Senate by the narrowest of margins. I remembered that Senator BYRD was always carrying around a Constitution in his pocket and had a feeling that upon reflection, he might reach the same conclusion I did. So I lobbied Senator BYRD. I thought initially it would be a futile act, but he reexamined his position. As a result, he too changed his position, and as it turns out, there was not a vote to spare the last time the Senate considered whether it would be appropriate to amend the first amendment for the first time in the history of the country to kind of carve a niche out of it to make it possible to punish an act we all find despicable. But, nevertheless, the most unfortunate of speech is probably what the first amendment was all about initially. So Senator BYRD did change his position. There was not a vote to spare, and the amendment was defeated. And from my point of view, the first amendment was saved on that important occasion.

We will all remember Senator BYRD for a variety of different things. As the majority leader pointed out, he was a unique individual in so many different ways. Those are two of my favorite stories about ROBERT BYRD.

More than anyone else in any of our lifetimes, ROBERT BYRD embodied the Senate. He not only wrote the book on it, he was a living repository of its rules, its customs, and its prerogatives. So it would be a mistake to think that Senator BYRD became synonymous with the Senate simply because he served in it longer than anybody else. Rather, it was a fitting coincidence that a man who cherished and knew this place so well would become its longest serving Member.

Yet it is probably true that he will be remembered above all for his longevity.

Everyone seems to have a different way of communicating just how long a time he spent here. For me, it is enough to note that ROBERT BYRD had

already spent nearly 20 years serving in elected office in West Virginia and in the House of Representatives before he was elected to the U.S. Senate during the Eisenhower administration.

And over the years, he would walk the floor with 4 future Presidents, 4 of the 12 he would serve alongside in a 57-year career in Congress. I won't enumerate all the legislative records Senator BYRD held, but I would venture to say that the figure that probably made him proudest of all was the nearly 70 years of marriage he spent with a coal miner's daughter named Erma.

If he was synonymous with the Senate, he was no less synonymous with West Virginia. Here is how popular ROBERT BYRD was in his home State: In the year ROBERT BYRD was first elected to the U.S. Senate, 1958, he won with 59 percent of the vote, a margin that most people around here would consider a landslide. In a record 9 Senate elections, it was the smallest margin of victory he would ever get.

Members will offer tributes of their own in the coming days.

I will close with this. Last year, in becoming the longest serving Member of Congress in history, Senator BYRD surpassed another legendary figure, Carl Hayden of Arizona. Hayden was known to many as the "silent Senator," a phrase few would use to describe Senator BYRD.

But what the two men shared was a devotion to the United States and, in particular, to the legislative branch of our Government, which the founders envisioned and established as coequal with the other two.

A few years ago, Senator BYRD's official portrait was unveiled at an event in the Old Senate Chamber. And I think that portrait pretty well sums up the image Senator BYRD wanted to leave of himself. It is the image of a dignified man, in the classical mold, supported by three things: the Bible, the U.S. Constitution, and his wife. A lot of people looked at Senator BYRD's record-long tenure in Congress, his immense knowledge of poetry, history, and the Senate, and wondered where he got the strength. With this painting, he gave us the answer. He showed us the anchors.

As I noted at that ceremony, Senator BYRD once wrote that if the question was whether to be loved or respected, he always chose to be respected. Yet his real accomplishment is that, in the end, he managed to be both.

So I join my colleagues, my fellow Americans, the people of West Virginia, and the Byrd family today in remembering our colleague. We will surely miss him.

I yield the floor.

THE PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, on this day, West Virginia has lost probably its most prominent son and

the Senate has lost probably its most able statesman. For myself, I have lost an admired colleague and a treasured friend. More than nine decades of a remarkable life and five decades as an accomplished public servant in the Senate only serve as one form of proof that ROBERT C. BYRD was and always will be an icon, particularly in his own State. A man of great character, faith, intellect, who rose to the heights of power, yet never forgot where he came from, his story holds such a profoundly significant place in both West Virginia and American history. But it was in the coalfields of southern West Virginia where a young ROBERT C. BYRD first gained the skills, the moral character, the toughness, and the shrewdness that would make him a truly great man.

After his mother passed away, he was raised by his aunt and uncle, a coalminer, he movingly called "the most remarkable man I have ever been privileged to know." From them Senator BYRD learned early in life what it meant to be loyal, to have a ferocious work ethic, really almost beyond imagination, and possess a deep faith in God. And it was these values—these innately West Virginia values, I argue—that guided his every action and made him such a unique and strong fighter for our State and who got such joy in doing that fight.

He was proud of West Virginia. He was proud of his ideals. He was proud of the service he could render to the people from whom he came. He believed with all of his heart that our breathtaking mountains, our rivers, and our deep valleys, and especially our well-rooted people, who face adversity always and face it with strength and courage, make our State a place like quite none other in the world.

He loved the music of the mountains and played his fiddle, in fact, very brilliantly. He was a master violin player. He loved to quote the ancients, lending depth to his analysis and observations, with knowledge of history and philosophy to rival any professor. Just as easily as he could quote Cicero from memory, he could sing every verse of "Amazing Grace" from memory, too, and often did.

Everything about Senator BYRD was a testament to his faith in God. This man, who wrote and debated countless laws, lived with 10 clear Commandments in his heart. His aunt and uncle kept the King James Bible in their home and instilled in him an enduring reverence for God. He always remembered that as important as the Senate and our constitutional government might be, there was always a higher law that took precedence.

He started his career humbly by any definition—as a butcher, as a welder, other things too—and then campaigned by playing his foot-stomping music, the fiddle, to get elected to the West

Virginia Legislature—that is how he did it—the very same body that decades later would deem him the “West Virginian of the 20th Century.”

It was at Mark Twain High School where a lifetime of love first began for ROBERT C. BYRD and his future wife, Erma Ora James. Calling her the “wind beneath this BYRD’s wings,” as he put it, Senator BYRD was never shy to tell you that Erma—a beloved coal miner’s daughter herself—was the reason he reached all of his goals. He believed that with all of his heart. So from the fiddle-playing young man to a history-making American icon, she loved and supported him every step of the way until her passing in 2006.

I know and I observed maybe earlier than some that Senator BYRD lost just a bit when Erma died. Watching him hurting was painful. His wife died from the same disease my mother died from; that is, Alzheimer’s, and we talked about it, especially a few years ago when he was talking more frequently. I always felt bad that I could not give him comfort and that I could not say something to him that would relinquish his pain, which was evident and obvious—very obvious in privacy. But I could not do that because you cannot do that for diseases like that one. There were not words to describe the difficulty such a devastating loss can bring, and I commend my friend for continuing on so strongly—as he did—for so long.

Erma was his soulmate, his best friend and trusted counselor. Their marriage was something to behold. My wife Sharon and I loved watching them together. He became a different person. They radiated an extraordinary faith in God, in each other, and in the beautiful family they built together, which in the end was what he loved the most. Indeed, it was the time ROBERT C. BYRD spent with Erma; their daughters, Mona and Marjorie, their husbands, and their grandchildren and their great-grandchildren that brought sheer joy—pure, unadulterated—to his life. So with sadness in my heart, I also have joy at the thought of my friend united with his precious Erma, with his dear grandson he lost at a young age. And we all know, those of us who have been here for several years, the agony he went through at the death of that young man, setting up a shrine in his office. It affected him deeply. It was interesting that a man who could be so oriented toward policy, and sometimes almost remote from personal matters, as a professional self-definition, could be so utterly moved by sadness in his own life and I think in the lives of others.

It was in the Halls of the U.S. Senate where ROBERT C. BYRD became known as the “Soul of the Senate,” a fierce defender of the Constitution, a respected historian, and an absolutely fearless legislator. He held, as has been

said many times before, more leadership posts than any other Senator, cast more votes than any other Senator, and served longer than any other Senator. And one could go on in many ways in that theme. He literally wrote the authoritative book on the rules and procedures of the Senate. He taught all of us who were freshmen in this body about that in classes which he would conduct standing in the well of the Senate. He loved and he revered this institution. Everybody says that. It is true.

Some people pass through this institution. They experience this institution. He lived this institution. Yet, still, his entire career was fundamentally an act of commitment to the State of West Virginia and its people—a day-in and day-out effort to do the best he possibly could for the people of the Mountain State; always put upon, often looked down upon, even disdained by others who did not understand where they came from, what their lives were like, and, for example, what it was like to be a coal miner. People do not understand West Virginia well. Most people do not go there. Senator BYRD sprung from West Virginia and, yes, was an intensely devoted statesman.

He put himself through law school while also serving in Congress. I know a few others have done that, but I just sort of deny that. I think it is amazing that Senator BYRD did that; therefore, any others who did it do not get my attention.

He understood that people with the fortitude to ask questions and to debate and to dissent one from another makes America stronger. He had that courage himself, standing up time and time again to defend the ideals upon which our Nation was founded. And often those ideas were very different from those of others. No matter with Senator BYRD; he always spoke for what he felt was correct.

As the minority leader has pointed out, the Senator always had the Constitution in his pocket, close to his heart. And he outlasted Presidents and Supreme Court Justices. He served with an absolute insistence on the equality of the three branches of government as envisioned by our Founding Fathers, and he, therefore, helped us as a body be more than our separate parts. He spread the words of our Constitution to young children and his colleagues alike. His patriotism was strong and confident, infusing his every action with deep devotion for our Nation and its people.

A Senator from a State that has sent legions of sons and daughters to war—out of courage, out of love of country, sometimes just out of a need to get work—he supported our troops whether he agreed with their cause or not, fought for our veterans, and worked hard to make sure those who served

our country got the respect, the support, the supplies they needed and they deserved.

He also earned the loyalty of West Virginians with a record of support for education and economic opportunity that few Senators, at any time, in any State, in my judgment, could ever match. To him, every school building or education grant was a chance for a better life for some West Virginia child or maybe quite a lot of children. He cared about that, and he helped that become true.

Every overpass, every road represented an opportunity for a more dynamic economy for our cities and towns, which might be taken casually in some places but not in West Virginia because only 4 percent of our land is flat, and unless there is a road or a bridge, you cannot build anything anywhere or virtually do anything anywhere. Every business park or government office meant the possibility of a better job for West Virginians trying to raise their families—people he fought for all his life.

Senator BYRD also believed health care is one of the most important ways to strengthen a community, and his support for medical research resulted in breakthrough medical opportunities. He spread this research all across West Virginia, to West Virginia University, to Marshall University, to institutions of all kinds. He believed in medical research and did more than most of our colleagues even know.

So in a State with rugged terrain, full of people like the family who raised him, doing their best for their family, for their country, for their God, ROBERT C. BYRD decided that somebody needed to do the best for them, and he did so each and every day of his life.

To me, he was a perfect colleague and a reliable friend, a walking example of the kind of America I believe in, and a living testament to the values that made West Virginia my own home forever. It has been my greatest privilege to serve with ROBERT C. BYRD in the U.S. Senate. I respected him and I fought side-by-side with him for causes we both believed in, and obviously I am profoundly saddened that he is gone.

So in closing, Mr. President, I think he leaves a void that probably cannot be filled. But I am lifted by the knowledge of his deep and abiding faith and that he is in the hands of the One who inspired these words in “Amazing Grace:

Yea, when this flesh and heart shall fail,  
And mortal life shall cease,  
I shall possess within the veil,  
A life of joy and peace.

I think that gives all of us some comfort. It certainly does me.

So peace and Godspeed, Senator BYRD, and peace to your family, your loyal staff, and to the loving people of West Virginia, who held you high for so long and will continue to do so.

I thank the Chair and yield my time.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Connecticut.

Mr. DODD. Mr. President, I see my friend from Tennessee. I presume we are kind of going back and forth. The Senator is in leadership. I do not want—

Mr. ALEXANDER. Mr. President, I would like to leave by 3, but I will be glad to defer to the Senator from Connecticut if he would like to go ahead.

Mr. DODD. I thank my colleague. I will not be long.

Mr. President, are we in morning business? Is that correct?

The PRESIDING OFFICER. That is correct.

#### REMEMBERING SENATOR ROBERT C. BYRD

Mr. DODD. Mr. President, let me begin by expressing my deep sorrow and my condolences to ROBERT C. BYRD's family. And that family includes, obviously, not only his direct, immediate family but obviously the literally legions of people who worked for ROBERT C. BYRD—worked with him in both the House of Representatives and this body for the more than five decades he served in the U.S. Congress.

I suspect I am one of a handful of people left who remember the day when I was 7 years old, in the gallery of the House of Representatives, watching my father be sworn in as a new Congressman, watching my father and a young 34-year-old West Virginian named ROBERT C. BYRD to be sworn in as a Member of the House on January 3, 1953. Seven years later, at the age of 14, I was in the gallery of this Chamber when I watched my father and his great friend be sworn in together on January 3, 1959, as Members of the Senate. Two years later, as a 16-year-old sitting on the very steps where these young pages sit today, in the summer of 1961, I worked with ROBERT C. BYRD. In fact, with his departure and his death, he is now the last remaining Member of the Senate who was there that day when I first arrived as a page in the summer of 1961 when all these chairs were filled by 100 Senators. For the last 25 years, I have sat next to him at this very seat to be the recipient of his good counsel, his advice, his humor, his contributions in so many ways to

me, as he was to so many others with whom he served during his tenure in the Congress.

So this is a very poignant day, one that begins, in a sense, a sense of book-marks to me and a sense of public life. It won't be the same for the remaining 6 or 7 months of my tenure here to not have this wonderful human being, ROBERT C. BYRD, as my seatmate in the Senate.

So I rise today to mark the passing and to celebrate the prolific life of ROBERT C. BYRD of West Virginia. As I have said to his family and to his staff, and, of course, to the people of West Virginia, for whom he has been such a champion throughout his public life, ROBERT BYRD loved three things above all else during the 30 years we spent together in this Chamber. He loved his wife Erma, he loved the State of West Virginia, and he loved deeply the Senate. I might say that each in turn loved him back.

Our sadness at his passing is tempered by our joy that he now joins his beloved Erma. What a love story it was. They met in grade school. They married in 1937, well before I was even born. They spent nearly 70 years on an incredible journey together, and even after passing a few years ago, his love for her was apparent in everything he did.

In 1946, when ROBERT BYRD first ran for office, West Virginia ranked at the bottom in nearly every economic indicator you could possibly think of. It was a bleak landscape pockmarked by coal fields and populated by hard-working people from hardscrabble back-grounds and communities struggling to make ends meet.

Then a young grocer from the town of Sophia arrived on the scene, asking his neighbors in those communities around Sophia for their votes in his race for the West Virginia House of Delegates. As the Washington Post noted in its obituary this morning, ROBERT C. BYRD met nearly every person—I would suspect every person—in his district, campaigning alone, with no one else, talking about the issues he cared about and those that would affect and did affect the people he wanted to represent; and when all else failed, wowing potential voters with his fiddle prowess.

He won that election, as he would every single election—every single election for which he ever ran. The people of West Virginia never could say no to ROBERT C. BYRD, and he could never say no to them. As a State legislator, a Congressman, and as a Senator, ROBERT C. BYRD fought for West Virginians, and our Nation, I might add, at every single turn.

If you travel the State of West Virginia today, you will see his name on schools and bridges and highway signs. You will perceive his influence when you see the government buildings and

research laboratories he brought to West Virginia—investments that contributed both to the State and to our national economy and to our Nation. But don't just look for his name on the sides of buildings or overpasses. Listen for it in the appreciative words of his constituents, his extended family, and of a grateful nation for his service.

No State has ever had such a deep appreciation for the Senate Appropriations Committee because no State has ever had such an effective appropriator and fighter. ROBERT C. BYRD came to Congress with my father, as I pointed out, in January of 1953, and they both arrived on the same day as they had in the House, on January 3 of 1959. In the summer of 1961, I mentioned I was a Senate page sitting on the Senate floor. I still remember the eloquent speeches of the freshman Senator from West Virginia.

It is incredible to imagine that he was once a freshman Senator. Even then, he had the same gentlemanly manner; he was kind to pages, as I recall, the same knack for triumphant oratory, and the same respect for the rules and traditions of the Senate. But he soon became a fixture and a mentor to new Senators as well. I expect that over the next few days many Senators will take this floor with a Constitution in their pockets, as I do, that they received from ROBERT C. BYRD. Here is my tattered and rather worn copy signed by ROBERT C. BYRD: "To my friend, Chris Dodd, with great personal esteem. Sincerely, Robert C. Byrd." I have carried this with me every day of my life for the last quarter of a century, given to me by my colleague in this Chamber, along, I might add, with a stern but kind lecture about Senate protocol. I have mine right here, as I said. It is a tattered and withered copy, after this many years.

For the past quarter of a century I have occupied some prime real estate on the floor of the Senate. This desk right next to me today, adorned with these flowers and this black cape, marks the seat ROBERT C. BYRD sat in for many years. As have all of us, I have been awed by his deep knowledge of this institution and his deeper commitment to preserving its place in our legislative system.

So, in many ways, ROBERT BYRD's story is one of constancy, of preservation, and of tradition. You could define his life by longevity, I suppose—his 69 years of marriage, his 52 years of service in the Senate, his 64 years of public service to the people of West Virginia. But he wouldn't have wanted it that way. This country has changed over the many years in which ROBERT C. BYRD helped to lead it and to shape it, and he grew and changed with it, I might add. His story in so many ways parallels the American story over these many years—the story of a nation on a long and difficult journey, always trying to seek that more perfect union

that our Founders described more than two centuries ago.

He wouldn't have wanted us to forget about the positions and affiliations that marked the early part of his life and career, and he did not as well. We should learn from our mistakes, as he did, draw inspiration from his journey, and credit him, I might add, for being willing to admit wrong and embrace right when he had the opportunity to do so, because, like our country, ROBERT C. BYRD grew wiser as he grew older.

So we can remember him not only as a tremendously effective legislator, not only as a powerful speaker, not only as a parliamentary wizard, but also as a human being who fought for equality with the true sense of urgency of a convert. He was a man unafraid of reflection, a man who voted to make Martin Luther King's birthday a Federal holiday because, as he put it—I remember him saying it so well—"I'm the only one who must vote for this bill."

Here was a man unafraid of progress, a man who, in one of his final acts in the Senate, voted to overturn the don't ask, don't tell rule in our military. Here was a man unafraid of conscience, a man who, as the guns of war prepared to fire in 2003, delivered one of history's most courageous and memorable pleas for peace.

So let us not remember ROBERT C. BYRD for how much he stayed the same throughout his life. Let us remember him for how the years changed him, and how he changed America for the better through so many years of his service.

Let us remember him as West Virginia's greatest champion, the Senate's gentlemanly scholar, Erma's husband, and above all, a true friend to each and every one of us who knew and loved him so well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I see the Senator from Pennsylvania and I would ask through the Chair—I plan to speak for about 5 minutes. Does that leave him time to make remarks?

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, in 1981, after a surprising election, the Republican leader, Howard Baker, became the majority leader of the Senate, and the Democratic leader, ROBERT C. BYRD, became the minority leader.

According to Senator Baker, he walked to Senator BYRD's office and said to him: BOB, I will never know the Senate rules as well as you do, so I will make you an offer. I will not surprise you if you will never surprise me.

Senator BYRD looked at Senator Baker and said: Let me think about it.

The next morning, Senator BYRD called Senator Baker and said: It is a deal. And that is the way they operated

the Senate in those 4 years when Senator Baker was the majority leader and Senator BYRD was the minority leader. They operated the Senate during that time under an agreement where Senator BYRD was careful to try to give every Senator the right of amendment. He thought that was very important. In return, Senator BYRD was able to get unanimous consent agreements on amendments that many Senators thought were frivolous or unnecessary or not germane, which permitted him and Senator Baker to have a fairly orderly management of the Senate during that time.

Senator MCCONNELL a few minutes ago talked about the time Senator BYRD reexamined the Constitution and changed his mind on the first amendment and flag burning. Senator BYRD and Senator Baker during that time both read David McCullough's book and changed their minds on the Panama Canal Treaty, at great political cost to both of them. I bring this up today because I never saw Senator BYRD, after I was elected to the Senate a few years ago, when he did not ask me about his friend and colleague Howard Baker.

We will miss Senator BYRD's fiddling and his love of mountain music. He campaigned in Tennessee a long time ago for Albert Gore, Sr. who was running for the Senate and who also played the fiddle. Senator BYRD played the fiddle at the Grand Ole Opry in Nashville and came back to Nashville in October of 2008 and sang along with a group of fiddlers who were playing songs at his request. I went over there with him. He knew all the songs and all the fiddlers knew him. A few days later I came to him on the Senate floor and talked to him about an old mountain song called "Wreck on the Highway" that Roy Acuff made famous in the 1930s or 1940s, and Senator BYRD began to sing the song—he knew all the words—so loudly that the staff was afraid the galleries would all notice it.

We will miss his love of United States history, not just any United States history, but in his words "traditional American history." He was the sponsor of the Teaching Traditional American History Program, which is part of the Elementary and Secondary Education Act. He has provided nearly \$600 million to 1,000 local school districts to improve the professional development of American history teachers. He and the late Senator Kennedy and I were working on a piece of legislation which we have introduced to consolidate all the Federal programs that support the teaching of U.S. history, hoping that our children can grow up learning what it means to be an American.

Senator BYRD is also responsible for the celebration of September 17 as Constitution Day and Citizenship Day.

Senator BYRD had no time for revisionists who didn't believe America

was exceptional. He believed this is one country, unified by a common language and a few principles. He did not want our country to become a United Nations, but always to be the United States of America. He wanted us to be proud of where we came from, but prouder to be American.

We will especially miss Senator BYRD's love of and understanding of the Senate. One of the most special occasions I ever experienced was the opportunity as a freshman Senator in 2003 to attend an indoctrination, one might say—or orientation would be the proper description—on what it means to be a Senator. Senator BYRD began by saying: "You are presently occupying what I consider to be hallowed ground."

I wish to ask unanimous consent to have printed in the RECORD following my remarks the remarks of Senator BYRD at the orientation of new Senators on December 3, 1996.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Senator BYRD served long enough to know that, as he put it:

As long as the Senate retains the power to amend and the power of unlimited debate, the liberties of the people will remain secure.

He believed that when he was lecturing Republicans in 2005 who were trying to change the rules when there was a controversy about President Bush's appointees to the Federal judiciary, and he said the same thing to young Democrats who grew impatient this year and wanted to change the rules to limit unlimited amendment and unlimited debate.

Perhaps his last Senate appearance was before the Rules Committee on May 19, 2010, where his opening statement on the filibuster and its consequences warned against a rules change.

I ask unanimous consent to have that statement printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. ALEXANDER. Mr. President, I was 12 years old when Senator ROBERT BYRD was elected to the House of Representatives. I was a senior in Maryville, TN, when he was elected to the Senate. When I came here as a Senate aide 42 years ago, he had just been elected to his second term and was working his way up the party leadership.

He was an imposing man. He had a wonderful photographic memory. But, after one got to know him especially, he was a kind man.

All of us can be replaced, but it is fair to say the Senate will never be the same place without ROBERT C. BYRD.

I yield the floor.

## EXHIBIT 1

REMARKS BY U.S. SENATOR ROBERT C. BYRD  
AT THE ORIENTATION OF NEW SENATORS, DE-  
CEMBER 3, 1996

Good afternoon and welcome to the United States Senate Chamber. You are presently occupying what I consider to be 'hallowed ground.'

You will shortly join the ranks of a very select group of individuals who have been honored with the title of United States Senator since 1789 when the Senate first convened. The creator willing, you will be here for at least six years.

Make no mistake about it, the office of United States Senator is the highest political calling in the land. The Senate can remove from office Presidents, members of the Federal judiciary, and other Federal officials but only the Senate itself can expel a Senator.

Let us listen for a moment to the words of James Madison on the role of the Senate.

'These [reasons for establishing the Senate] were first to protect the people against their rulers: secondly to protect the people against the transient impression into which they themselves might be led. [through their representatives in the lower house] A people deliberating in a temperate moment, and with the experience of other nations before them, on the plan of government most likely to secure their happiness, would first be aware, that those charged with the public happiness, might betray their trust. An obvious precaution against this danger would be to divide the trust between different bodies of men, who might watch and check each other. . . . It would next occur to such a people, that they themselves were liable to temporary errors, through want of information as to their true interest, and that men chosen for a short term, [House members], . . . might err from the same cause. This reflection would naturally suggest that the Government be so constituted, as that one of its branches might have an opportunity of acquiring a competent knowledge of the public interests. Another reflection equally becoming a people on such an occasion, would be that they themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and passion. *A necessary fence against this danger would be to select a portion of enlightened citizens, whose limited number, and firmness might seasonably interpose against impetuous councils.* [emphasis added]

Ladies and gentlemen, you are shortly to become part of that all important, 'necessary fence,' which is the United States Senate. Let me give you the words of Vice President Aaron Burr upon his departure from the Senate in 1805. 'This house,' said he, 'is a sanctuary; a citadel of law, of order, and of liberty; and it is here—it is here, in this exalted refuge; here, if anywhere, will resistance be made to the storms of political phrensy and the silent arts of corruption; and if the Constitution be destined ever to perish by the sacrilegious hand of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor.' Gladstone referred to the Senate as 'that remarkable body—the most remarkable of all the inventions of modern politics.'

This is a very large class of new Senators. There are fifteen of you. It has been sixteen years since the Senate welcomed a larger group of new members. Since 1980, the average size class of new members has been approximately ten. Your backgrounds vary. Some of you may have served in the Executive Branch. Some may have been staffers

here on the Hill. Some of you have never held federal office before. Over half of you have had some service in the House of Representatives.

Let us clearly understand one thing. The Constitution's Framers never intended for the Senate to function like the House of Representatives. That fact is immediately apparent when one considers the length of a Senate term and the staggered nature of Senate terms. The Senate was intended to be a continuing body. By subjecting only one-third of the Senate's membership to reelection every two years, the Constitution's framers ensured that two-thirds of the membership would always carry over from one Congress to the next to give the Senate an enduring stability.

The Senate and, therefore, Senators were intended to take the long view and to be able to resist, if need be, the passions of the often intemperate House. Few, if any, upper chambers in the history of the western world have possessed the Senate's absolute right to unlimited debate and to amend or block legislation passed by a lower House.

Looking back over a period of 208 years, it becomes obvious that the Senate was intended to be significantly different from the House in other ways as well. The Constitutional Framers gave the Senate the unique executive powers of providing advice and consent to presidential nominations and to treaties, and the sole power to try and to remove impeached officers of the government. In the case of treaties, the Senate, with its longer terms, and its ability to develop expertise through the device of being a continuing body, has often performed invaluable service.

I have said that as long as the Senate retains the power to amend and the power of unlimited debate, the liberties of the people will remain secure.

The Senate was intended to be a forum for open and free debate and for the protection of political minorities. I have led the majority and I have led the minority, and I can tell you that there is nothing that makes one fully appreciate the Senate's special role as the protector of minority interests like being in the minority. Since the Republican Party was created in 1854, the Senate has changed hands 14 times, so each party has had the opportunity to appreciate firsthand the Senate's role as guardian of minority rights. But, almost from its earliest years the Senate has insisted upon its members' right to virtually unlimited debate.

When the Senate reluctantly adopted a cloture rule in 1917, it made the closing of debate very difficult to achieve by requiring a super majority and by permitting extended post-cloture debate. This deference to minority views sharply distinguishes the Senate from the majoritarian House of Representatives. The Framers recognized that a minority can be right and that a majority can be wrong. They recognized that the Senate should be a true deliberative body—a forum in which to slow the passions of the House, hold them up to the light, examine them, and, thru informed debate, educate the public. The Senate is the proverbial saucer intended to cool the cup of coffee from the House. It is the one place in the whole government where the minority is guaranteed a public airing of its views. Woodrow Wilson observed that the Senate's informing function was as important as its legislating function, and now, with televised Senate debate, its informing function plays an even larger and more critical role in the life of our nation.

Many a mind has been changed by an impassioned plea from the minority side. Important flaws in otherwise good legislation have been detected by discerning minority members engaged in thorough debate, and important compromise which has worked to the great benefit of our nation has been forged by an intransigent member determined to filibuster until his views were accommodated or at least seriously considered.

The Senate is often soundly castigated for its inefficiency, but in fact, it was never intended to be efficient. Its purpose was and is to examine, consider, protect, and to be a totally independent source of wisdom and judgment on the actions of the lower house and on the executive. As such, the Senate is the central pillar of our Constitutional system. I hope that you, as new members will study the Senate in its institutional context because that is the best way to understand your personal role as a United States Senator. Your responsibilities are heavy. Understand them, live up to them, and strive to take the long view as you exercise your duties. This will not always be easy.

The pressures on you will, at times, be enormous. You will have to formulate policies, grapple with issues, serve the constituents in your state, and cope with the media. A Senator's attention today is fractured beyond belief. Committee meetings, breaking news, fundraising, all of these will demand your attention, not to mention personal and family responsibilities. But, somehow, amidst all the noise and confusion, you must find the time to reflect, to study, to read, and, especially, to understand the absolutely critically important institutional role of the Senate.

May I suggest that you start by carefully reading the Constitution and the Federalist papers. In a few weeks, you will stand on the platform behind me and take an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic; to bear true faith and allegiance to the same; and take this obligation freely, without any mental reservation or purpose of evasion; and to well and faithfully discharge the duties of the office on which you are about to enter: So help you God.'

Note especially the first 22 words, 'I do solemnly swear that I will support and defend the Constitution of the United States against all enemies foreign and domestic . . .'

In order to live up to that solemn oath, one must clearly understand the deliberately established inherent tensions between the 3 branches, commonly called the checks and balances, and separation of powers which the framers so carefully crafted. I carry a copy of the Constitution in my shirt pocket. I have studied it carefully, read and reread its articles, marveled at its genius, its beauty, its symmetry, and its meticulous balance, and learned something new each time that I partook of its timeless wisdom. Nothing will help you to fully grasp the Senate's critical role in the balance of powers like a thorough reading of the Constitution and the Federalist papers.

Now I would like to turn for a moment to the human side of the Senate, the relationship among Senators, and the way that even that faced of service here is, to a degree, governed by the constitution and the Senate's rules.

The requirement for super majority votes in approving treaties, involving cloture, removing impeached federal officers, and overriding vetoes, plus the need for unanimous consent before the Senate can even proceed

in many instances, makes bipartisanship and comity necessary if members wish to accomplish much of anything. Realize this. The campaign is over. You are here to be a Senator. Not much happens in this body without cooperation between the two parties.

In this now 208-year-old institution, the positions of majority and minority leaders have existed for less than 80 years. Although the positions have evolved significantly within the past half century, still, the only really substantive prerogative the leaders possess is the right of first recognition before any other member of their respective parties who might wish to speak on the Senate Floor. Those of you who have served in the House will now have to forget about such things as the Committee of the Whole, closed rules, and germaneness, except when cloture has been invoked, and become well acquainted with the workings of unanimous consent agreements. Those of you who took the trouble to learn Deschler's Procedure will now need to set that aside and turn in earnest to *Riddick's Senate Procedure*.

Senators can lose the Floor for transgressing the rules. Personal attacks on other members or other blatantly injudicious comments are unacceptable in the Senate. Again to encourage a cooling of passions, and to promote a calm examination of substance, Senators address each other through the Presiding Officer and in the third person. Civility is essential here for pragmatic reasons as well as for public consumption. It is difficult to project the image of a statesman-like, intelligent, public servant, attempting to inform the public and examine issues, if one is behaving and speaking in a manner more appropriate to a pool room brawl than to United States Senate debate. You will also find that overly zealous attacks on other members or on their states are always extremely counterproductive, and that you will usually be repaid in kind.

Let us strive for dignity. When you rise to speak on this Senate Floor, you will be following in the tradition of such men as Calhoun, Clay, and Webster. You will be standing in the place of such Senators as Edmund Ross (KS) and Peter Van Winkle (WEST VIRGINIA), 1868, who voted against their party to save the institution of the presidency during the Andrew Johnson impeachment trial.

Debate on the Senate Floor demands thought, careful preparation and some familiarity with Senate Rules if we are to engage in thoughtful and informed debate. Additionally, informed debate helps the American people have a better understanding of the complicated problems which besiege them in their own lives. Simply put, the Senate cannot inform American citizens without extensive debate on those very issues.

We were not elected to raise money for our own reelections. We were not elected to see how many press releases or TV appearances we could stack up. We were not elected to set up staff empires by serving on every committee in sight. We need to concentrate, focus, debate, inform, and, I hope, engage the public, and thereby forge consensus and direction. Once we engage each other and the public intellectually, the tough choices will be easier.

I thank each of you for your time and attention and I congratulate each of you on your selection to fill a seat in this August body. Service in this body is a supreme honor. It is also a burden and a serious responsibility. Members' lives become open for inspection and are used as examples for other citizens to emulate. A Senator must really be much more than hardworking,

much more than conscientious, much more than dutiful. A Senator must reach for noble qualities—honor, total dedication, self-discipline, extreme selflessness, exemplary patriotism, sober judgment, and intellectual honesty. The Senate is more important than any one or all of us—more important than I am; more important than the majority and minority leaders; more important than all 100 of us; more important than all of the 1,843 men and women who have served in this body since 1789. Each of us has a solemn responsibility to remember that, and to remember it often.

Let me leave you with the words of the last paragraph of Volume II, of *The Senate: 1789–1989*: 'Originally consisting of only twenty-two members, the Senate had grown to a membership of ninety-eight by the time I was sworn in as a new senator in January 1959. After two hundred years, it is still the anchor of the Republic, the morning and evening star in the American constitutional constellation. It has had its giants and its little men, its Websters and its Bilbos, its Calhouns and its McCarthys. It has been the stage of high drama, of comedy and of tragedy, and its players have been the great and the near-great, those who think they are great, and those who will never be great. It has weathered the storms of adversity withstood the barbs of cynics and the attacks of critics, and provided stability and strength to the nation during periods of civil strife and uncertainty, panics and depressions. In war and in peace, it has been the sure refuge and protector of the rights of the states and of a political minority. And, today, the Senate still stands—the great forum of constitutional American liberty!'

#### EXHIBIT 2

STATEMENT OF SENATOR ROBERT C. BYRD (D-W.VA.), SENATE RULES AND ADMINISTRATION COMMITTEE, MAY 19, 2010

#### THE FILIBUSTER AND ITS CONSEQUENCES

On September 30, 1788, Pennsylvania became the first state to elect its United States senators, one of whom was William Maclay. In his 1789 journal Senator Maclay wrote, "I gave my opinion in plain language that the confidence of the people was departing from us, owing to our unreasonable delays. The design of the Virginians and of the South Carolina gentlemen was to talk away the time, so that we could not get the bill passed."

Our Founding Fathers intended the Senate to be a continuing body that allows for open and unlimited debate and the protection of minority rights. Senators have understood this since the Senate first convened.

In his notes of the Constitutional Convention on June 26, 1787, James Madison recorded that the ends to be served by the Senate were "first, to protect the people against their rulers, secondly, to protect the people against the transient impressions into which they themselves might be led . . . They themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and passion. A necessary fence against this danger would be to select a portion of enlightened citizens, whose limited number, and firmness might seasonably interpose against impetuous councils." That "fence" was the United States Senate.

The right to filibuster anchors this necessary fence. But it is not a right intended to be abused.

During this 111th Congress in particular the minority has threatened to filibuster almost every matter proposed for Senate consideration. I find this tactic contrary to each Senator's duty to act in good faith.

I share the profound frustration of my constituents and colleagues as we confront this situation. The challenges before our nation are far too grave, and too numerous, for the Senate to be rendered impotent to address them, and yet be derided for inaction by those causing the delay.

There are many suggestions as to what we should do. I know what we must not do.

We must never, ever, tear down the only wall—the necessary fence—this nation has against the excesses of the Executive Branch and the resultant haste and tyranny of the majority.

The path to solving our problem lies in our thoroughly understanding it. Does the difficulty reside in the construct of our rules or in the ease of circumventing them?

A true filibuster is a fight, not a threat or a bluff. For most of the Senate's history, Senators motivated to extend debate had to hold the floor as long as they were physically able. The Senate was either persuaded by the strength of their arguments or unconvinced by either their commitment or their stamina. True filibusters were therefore less frequent, and more commonly discouraged, due to every Senator's understanding that such undertakings required grueling personal sacrifice, exhausting preparation, and a willingness to be criticized for disrupting the nation's business.

Now, unbelievably, just the whisper of opposition brings the "world's greatest deliberative body" to a grinding halt. Why?

Because this once highly respected institution has become overwhelmingly consumed by a fixation with money and media.

Gone are the days when Senators Richard Russell and Lyndon Johnson, and Speaker Sam Rayburn gathered routinely for working weekends and couldn't wait to get back to their chambers on Monday morning.

Now every Senator spends hours every day, throughout the year and every year, raising funds for re-election and appearing before cameras and microphones. Now the Senate often works three-day weeks, with frequent and extended recess periods, so Senators can rush home to fundraisers scheduled months in advance.

Forceful confrontation to a threat to filibuster is undoubtedly the antidote to the malady. Most recently, Senate Majority Leader Reid announced that the Senate would stay in session around-the-clock and take all procedural steps necessary to bring financial reform legislation before the Senate. As preparations were made and cots rolled out, a deal was struck within hours and the threat of filibuster was withdrawn.

I heartily commend the Majority Leader for this progress, and I strongly caution my colleagues as some propose to alter the rules to severely limit the ability of a minority to conduct a filibuster. I know what it is to be Majority Leader, and wake up on a Wednesday morning in November, and find yourself a Minority Leader.

I also know that current Senate Rules provide the means to break a filibuster. I employed them in 1977 to end the post-cloture filibuster of natural gas deregulation legislation. This was the roughest filibuster I have experienced during my fifty-plus years in the Senate, and it produced the most-bitter feelings. Yet some important new precedents were established in dealing with post-cloture obstruction. In 1987, I successfully used Rules 7 and 8 to make a non-debatable motion to proceed during the morning hour. No leader has attempted this technique since, but this procedure could be and should be used.

Over the years, I have proposed a variety of improvements to Senate Rules to achieve a more sensible balance allowing the majority to function while still protecting minority rights. For example, I have supported eliminating debate on the motion to proceed to a matter (except for changes to Senate rules), or limiting debate to a reasonable time on such motions, with Senators retaining the right to unlimited debate on the matter once before the Senate. I have authored several other proposals in the past, and I look forward to our committee work ahead as we carefully examine other suggested changes. The Committee must, however, jealously guard against efforts to change or reinterpret the Senate rules by a simple majority, circumventing Rule XXII where a two-thirds majority is required.

As I have said before, the Senate has been the last fortress of minority rights and freedom of speech in this Republic for more than two centuries. I pray that Senators will pause and reflect before ignoring that history and tradition in favor of the political priority of the moment.

**THE PRESIDING OFFICER.** The Senator from Pennsylvania.

**Mr. SPECTER.** Mr. President, since hearing this morning about the passing of Senator BYRD—he died shortly after 5 a.m.—I have been reflecting on the man I knew.

Those who have the great privilege to serve in the Senate have occasion to meet and interact with great people. The expression “giant” is used not too frequently about Senators. It certainly would apply to Senator BYRD, but I believe it is insufficient. Searching my own mind for a more apt term, “colossus” might better fit ROBERT BYRD.

His career in the Congress of the United States was extraordinary, really astounding. To think that he was elected in 1952 and was sworn in while Harry Truman was still President of the United States and has served since that time, with many things that happened, during the administrations of President Eisenhower, President Kennedy, President Johnson, President Nixon, President Carter, President George H.W. Bush, President Ronald Reagan before, President George W. Bush, President Clinton, and now President Obama.

One of the distinctions he made early on was the fact that in the Senate, we serve with Presidents; we do not serve under Presidents. I think that was a calling card by Senator BYRD as a constitutionalist on the separation of powers. He was a fierce fighter for that separation of powers.

When the line-item veto was passed, he took up the battle to have it declared unconstitutional as an encroachment on article I powers in the U.S. Congress on appropriations. The bills which we present to the President have a great many provisions, and Senator BYRD was looking upon the factor of the President perhaps taking some provisions he did not like too well in order to take the whole bill. I am sure on Senator BYRD's mind was the largess which came to the State of West

Virginia. That is part of our Federal system, part of our democracy, part of our Constitution of the advantage of seniority, where Senator BYRD had been elected and reelected on so many occasions.

I recall Senator BYRD and his swift action shortly after the 1986 election. I was on the Intelligence Committee at that time. Senator BYRD stepped into the picture to see to it that the witnesses who testified on what was later known as the Iran Contra controversy were placed under oath. He had a sense that there was a problem that had to be investigated by Congress, again, under the doctrine of separation of powers.

I recollect his position on the impeachment proceeding as he stood at this chair and recited the provisions of the Constitution, about the impeachment for high crimes and misdemeanors, and then started to talk about the action of the respondent in the case, President Clinton, and the charges which were levied. He came to the conclusion that the constitutional standard had been met and then voted not guilty—with a sweep on the conclusion, a judgment of a higher principle involved that President Clinton had not lost the capacity to govern, and he ought to stay in office.

I recall in October of 2002 we debated the resolution authorizing the use of force for President Bush. The resolution did not say force would be used but gave the President the authority to use force as he decided it appropriate.

I was concerned about that. The scholars who had written on the subject for the most part said it would be an inappropriate delegation of constitutional authority for the Congress to say to the President: You may start a war at some future date.

The starting of a war depended on the facts and circumstances at hand when the decision was made. Senator BYRD and I discussed that at some length and finally concluded there ought to be some flexibility. Both of us voted for that resolution on the ground that empowering the President without authority, we might have the realistic chance of avoiding a war.

While serving with Senator BYRD on the Appropriations Committee, I recall 1 year when he chaired the Appropriations Committee—I think in the late 1980s—the allocations made were not in accordance with the budget resolution which had been passed. Some of us on the Appropriations Committee thought we ought to have those allocations in accordance with what Congress had set in the budget resolution. Senator D'Amato, Senator Kasten, and I staged a minor revolution. It did not last too long. The vote was 26 to 3. But we expressed ourselves.

I recall hearing Senator BYRD and participated in a discussion with him on the Senate floor about the right to

retain the floor, whether you could yield to someone or whether you had to have an order of consent before you retained your right to the floor. Discussing or debating Senator BYRD on procedural issues was indeed an education. He was always regarded as the foremost expert on Senate procedure and the rules of this body.

His service—most recently in coming in ill, in a wheelchair for a series of cloture votes at 1 a.m.—historians, I think, will write about the passage of the comprehensive health care bill and the cloture votes and passage in the Senate on Christmas Eve early in the morning—finally, we had a concession we would not vote at 11:59 on Christmas but would vote earlier in the day. Even the objectors wanted to leave town. Senator BYRD came here performing his duty, although he certainly was not well and it was a tremendous strain on him. He came and made the 60th vote.

It is a sad occasion to see a black drape on Senator BYRD's desk and flowers. I am sure in days to come there will be many comments, many eulogies about Senator BYRD. He leaves a great void. But reflecting on the experiences I have had with him, there is much to celebrate in his life. He was a great American, a great Senator. We will all miss him very much.

In the absence of any other Senator on the floor seeking recognition, I suggest the absence of a quorum.

**THE PRESIDING OFFICER.** Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

**Mr. BURRIS.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

**Mr. BURRIS.** Mr. President, I ask unanimous consent to speak as in morning business.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

**Mr. BURRIS.** Mr. President, early this morning, our country lost an icon and a national treasure. Our friend and colleague, Senator ROBERT C. BYRD, became a legend in his own time. And in many ways, he came to embody the institution of the Senate.

As a leader, and as a guardian of Senate procedure and tradition, Senator BYRD was without equal. For more than half a century, he helped shape federal policy, and guided the course of a nation.

But on the day he was born, in 1917, this unique place in history was far from assured.

Raised in the coal country of West Virginia, few could have predicted that this intelligent but unassuming young man would rise to the very highest levels of our democracy. He was an avid fiddle player, and valedictorian of his

high school class. But he could not afford to go to college until many years later. So as a young man, he found work as a meat cutter, a gas station attendant, and a store owner. And the store owner is very dear to me because our family were store owners, and I know how tough that business is. He welded Liberty and Victory ships during the Second World War, and several years later entered politics at the State level.

That is where ROBERT BYRD found his true calling: public service.

He was first elected to the House of Representatives in 1952, and has served the people of West Virginia in this Chamber since 1958. Over the course of his extraordinary career, he worked alongside 11 Presidents. He served in Congress longer than anyone in American history, cast more than 18,000 votes, and was elected to more leadership positions than any other Senator.

Most recently, he assumed the role of President pro tempore of the Senate, ranking him third in the line of Presidential succession. At every turn, he dedicated himself to the sanctity of our Constitution, and fought to uphold its principles and the weight of Senate tradition.

It is difficult to measure the vast impact he has had on the lives of every single American.

No, he was not right on every issue. His past was not without mistakes and errors in judgment. But it is a credit to Senator BYRD that, over the years, he gained the wisdom to recognize the moments when he strayed from the right path. It is the mark of greatness that he worked hard to overcome these errors and set America on course for a more prosperous, more inclusive future.

In recent years, Senator BYRD raised his voice against the unilateral invasion of Iraq.

He fought to preserve the filibuster, ensuring that the voice of the minority will always have a place in this august Chamber. He offered his support to a young Senator from Illinois named Barack Obama, as he fought to become the first African-American President of the United States.

Senator BYRD's historic tenure spanned 11 administrations, thousands of bills, and more than half a century. Thanks to his leadership, and the leadership of others he has inspired and mentored over the years, we live in a very different world today.

The year he launched his first campaign for the House of Representatives, gas cost about 25 cents a gallon, Winston Churchill was Prime Minister of the United Kingdom, and I was only 15 years old.

Senator BYRD has left an indelible mark on this Nation, and for that we will be forever grateful.

But today, as we remember and celebrate the contributions he has made,

we also offer our condolences to his friends and loved ones in this time of mourning. We offer our sympathies to the people of West Virginia, who have lost a staunch advocate. We offer our fervent hope that a new generation of Americans, liberal and conservative; Black and White; from all races and religions and backgrounds.

We hope that a new generation will take up the legacy of patriotism and service that was left to us by Senator BYRD; that today's young people will inherit his fierce loyalty to the Constitution, and recognize their responsibility to confront every challenge we face.

So I ask my colleagues to join with me in honoring the life of our dear friend, Senator ROBERT BYRD.

And I call upon every American to learn from the example set by this son of the West Virginia hills who overcame poverty, lack of education, and the prejudice of his times to become one of the greatest public servants in our history.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed to H.R. 5297 be delayed to occur at 2:15 tomorrow, Tuesday, June 29; further that if cloture is invoked on the motion to proceed, then all postcloture time be considered yielded back, and the Senate then proceed to consideration of H.R. 5297; further, that as if in executive session, I ask unanimous consent the previous order with respect to the vote on confirmation of the nomination occur upon the use of time specified in the order governing consideration of the nomination with any other provision of the previous order remaining in effect, which would mean the vote would be at 5:30 tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. REID. Mr. President, I have a resolution at the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 568) notifying the House of Representatives of the election of a President pro tempore.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 568) was agreed to, as follows:

S. RES. 568

*Resolved*, That the House of Representatives be notified of the election of the Honorable Daniel K. Inouye as President of the Senate pro tempore.

#### NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. REID. I have a resolution at the desk.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 569) notifying the President of the United States of the election of a President pro tempore.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 569) was agreed to, as follows:

S. RES. 569

*Resolved*, That the President of the United States be notified of the election of the Honorable Daniel K. Inouye as President of the Senate pro tempore.

#### EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate continue in morning business until 5 o'clock today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. As I indicated, we will have one vote at 5:30 today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF ELENA KAGAN

Mr. McCONNELL. Madam President, the Judiciary Committee just wrapped

up its hearings on the first day of the nomination of Elena Kagan to be an Associate Justice of the Supreme Court. These hearings will provide Senators on both sides of the aisle an opportunity to examine Ms. Kagan's record, legal experience, and background in light of the awesome responsibility that comes with a lifetime appointment on our Nation's highest Court. These hearings also provide an opportunity for the American people to focus their attention on a woman whom President Obama would like to see deciding cases on many of the most important and consequential issues we face as a people, long after the President's time in office is through.

In the near term, she would be ruling on the actions and policies of an administration of which she is now a member. So it is well worth asking why the President chose Ms. Kagan in the first place. We know the President and Ms. Kagan are former colleagues, and we know from the President himself that they are friends. We know he views her as an important member of his team and that he was especially pleased with her handling of the Citizens United case. The President is no doubt confident that Ms. Kagan shares his view that judges should be judged primarily on their ability to empathize with some over others; in other words, that she embraces the empathy standard he has talked about time and time again. But as I have said before, while empathy may be a very good quality in general, in a court of law it is only good if you are lucky enough to be the guy the judge empathizes with. In those cases, it is the judge, not the law, who determines your fate.

In a nation such as ours, conceived from its very beginning as a nation not of men but of laws, this is a very dangerous road to go down. In the case of President Obama's previous nominee to the Supreme Court, Senators had many years of court cases to study in determining whether Sonia Sotomayor could be expected to treat everyone who came before her equally, just as Americans would expect in a judge and just as the judicial oath requires. In Elena Kagan's case, however, no such record exists. She has no experience as a judge, nor does she have much of a record as a legal practitioner. This is one of the reasons some have raised Ms. Kagan's experience as an issue.

It stands to reason that in order to know what kind of judge John Roberts or Sam Alito or Sonia Sotomayor would be, it was useful for Senators from both parties to look at the kind of judge these nominees had been. Since Ms. Kagan has not had the judicial or private practice experience common to most modern-day nominees, it is all the more important that we look more closely at the kind of experience she has had. A review of that experience reveals a woman who has spent much of

her adult life not steeped in the practice of law but in the art of politics. To be more specific, when we look at Elena Kagan's resume, what we find is a woman who spent much of her adult life working to advance the goals of the Democratic Party.

As a young woman in college, she spent one summer working 14 hours a day for a liberal Democratic candidate for the Senate, and when her candidate lost, Ms. Kagan wrote that she believed the "world had gone mad, that liberalism was dead." If all we had were the comments of an impassioned young student, they would not be worth all that much. Few of us would want everything we wrote as a college student put up on an overhead projector.

Yet the trajectory of Ms. Kagan's career, the testimony of those who know her work well, and the recently released records of her time as a political adviser in the Clinton White House, suggest otherwise. Taken together, they suggest someone, as one news story put it, who long after college and even at the highest peaks of political influence was "driven and opinionated, with a flare for political tactics. . . ."

What else do we find in Ms. Kagan's resume? Well, she volunteered for the Dukakis Presidential campaign, working as an opposition researcher to defend the then-Governor of Massachusetts from attacks, and to look for ways to attack the Republican opposition. As an aide to President Clinton, Ms. Kagan did not serve mostly as an attorney, as she put it, but as a policy advocate, frequently looking for ways to advantage Democrats over Republicans.

If you believe the role of a judge is to be an impartial arbiter, these things cannot be ignored. Indeed, Members of both parties should appreciate the importance of confirming judges who are more interested in what the law says than in how the law can be used to advantage any one individual, party, or group. It is to no one's advantage if judges cannot be expected to rise above politics. As the chairman of the Judiciary Committee once put it:

No one should vote for somebody that's going to be a political apparatchik for either the Democratic Party or the Republican Party.

If there is one thing we can all agree on, it is that politics should end at the courtroom door.

So this is one of the key questions Senators will be looking to answer as these hearings proceed: Is someone who has done the kind of political work Ms. Kagan has done in her career more or less likely to restrain her political views if she were confirmed to a lifetime position on the country's highest Court?

Ms. Kagan has never made a secret of her professional aspirations. She has cultivated all the right friendships along the way, which is all well and

good. No one ever rose to the heights of their profession by ignoring or upsetting the people who could get them there. But the question before us is whether Ms. Kagan's political views would be more or less constrained by the Constitution she swears to uphold once she reaches her goal.

Some of Ms. Kagan's supporters wish us to focus on her personality. They wish to point out she has a knack for making friends and for getting along well with different kinds of people in academia and among the political class. Once again, these are all fine qualities. No one has any doubt that Ms. Kagan is bright and personable and easy to get along with. But the Supreme Court is not a dinner club. If getting along in polite society were enough to put somebody on the Supreme Court, then we would not need confirmation hearings at all.

The goal here is not to determine whether we think someone will get along well with the other eight Justices; it is whether someone can be expected to be a neutral and independent arbiter of the law rather than a rubberstamp for any administration.

These are just some of the questions Senators will be asking and which Ms. Kagan will be expected to answer. No one should have any doubt that Republicans will treat Ms. Kagan with the same respect and professionalism they treated Judge Sotomayor. But questions must be answered and clear judgments must be made.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I listen sometimes on the floor of the Senate and think there should be an Olympic Gold Medal for flexibility. It is interesting. For example, the flexibility would mean you are flexible enough to understand if a Republican President were to send down a nominee for the Supreme Court, and that person had never served as a judge previously, that would be a big advantage, and you would argue that would be something that is very salutary, that this person does not have judicial experience. Such was the case of Chief Justice Rehnquist, who did not have such experience. But because they were nominated by a Republican, it was a big advantage not to have judicial experience. Now a Democrat sends a nominee down and all of a sudden not having judicial experience is a liability. That is some flexibility, as far as I am concerned.

I met with the nominee, Ms. Kagan, and she is a great nominee. I am sure

she is going to be confirmed easily in the Senate. I cannot believe the Judiciary Committee will have any opportunity to find very much wrong with this very credible, very high-qualified, well-qualified nominee. I did not come here to say that. But listening, again, as I do, I keep hearing the sound of sawing on the floor of the Senate, sawing away in a partisan manner. I simply wanted to observe that much of this has very little to do with substance and has everything to do with partisan politics that we hear on the floor of the Senate.

#### REMEMBERING SENATOR ROBERT C. BYRD

Mr. DORGAN. Madam President, today I rise on the floor of the Senate recognizing that we have white roses and a black drape adorning the desk of the late Senator ROBERT C. BYRD.

I had told him personally in the past that when my service is done I will have considered it a great privilege to have served in this body at the time when ROBERT BYRD served in this body. He was a lot of things. He was smart and tough and honest. Because he legislated and because of his career here, this is a better country, I am convinced of that.

All of us know Senator BYRD grew old here and became someone with health problems in recent years and yet even last week would come to this Chamber and cast his vote. In recent weeks I had several visits with him on the floor of the Senate.

All of us know as well that he loved his country. He, most of all, loved the Senate. He wrote a two-volume book of history on this body, and I say to anybody listening, if they enjoy history and enjoy knowing anything about the wonderful history of this body, read what Senator BYRD has written. It is extraordinary.

He loved the Constitution of the United States, and he never appeared on the floor of the Senate without having a copy of that Constitution in his suit pocket. He always had a copy of the Constitution with him.

He was also someone who did not just love the history of the Senate but loved Roman history. I recall sitting on the floor of the Senate many years ago when I first came to the Senate, listening to Senator BYRD talk about Roman history and the lessons in it for us. I recall him 1 day describing Hannibal crossing the Alps, with a conclusion of Hannibal, who had lost an eye—a one-eyed Carthaginian—on the plains, riding the last emaciated elephant before he was cornered, and taking a pill from a secret container in a ring and, rather than being captured, took his life.

I learned a lot listening to Senator BYRD on the floor of the Senate about a lot of things, including Roman history.

I also learned that he had one of the extraordinary memories you have ever known. And I thought today—because we are saddened but also mourning the loss of a friend and someone who served this country so well—I would read something he read on the floor of the Senate a couple of times, but he read the preamble to it and then recited it from memory, this great story. He did it because he was talking about a crime that occurred with respect to a dog, an animal. He talked a lot about his dog Billy, that he loved very much, and then he told us the story about a man named Vest, George G. Vest, who was to become a Senator later.

I will read what Senator BYRD said. He said:

At the turn of the century, George G. Vest delivered a deeply touching summation before the jury in the trial involving the killing of a dog, Old Drum. This occurred, I think, in 1869. There were two brothers-in-law, both of whom had fought in the Union Army. They lived in Johnson County, MO. One was named Leonidas Hornsby. The other was named Charles Burden.

Burden owned a dog, and he was named "Old Drum." He was a great hunting dog. Any time that dog barked one could know for sure that it was on the scent of a raccoon or other animal.

Leonidas Hornsby was a farmer who raised livestock and some of his calves and lambs were being killed by animals. He, therefore, swore to shoot any animal, any dog that appeared on his property.

One day there appeared on his property a hound. Someone said: "There's a dog out there in the yard." Hornsby said: "Shoot him."

The dog was killed. Charles Burden, the owner of the dog, was not the kind of man to take something like this lightly. He went to court.

This was Old Drum that was killed.

He won his case and was awarded \$25. Hornsby appealed, and, if I recall, on the appeal there was a reversal, whereupon the owner of the dog decided to employ the best lawyer that he could find in the area.

He employed a lawyer by the name of George Graham Vest. This lawyer gave a summation to the jury.

Senator BYRD recited the summation to the jury, and he did it without a note. It so reminded me of all the things I heard on the floor from Senator BYRD—yes, "The Ambulance Down in the Valley," a piece of lengthy prose without a note, and this without a note. He recited the summation to the jury by George Vest:

Gentlemen of the jury. The best friend a man has in the world may turn against him and become his enemy. His son or daughter whom he has reared with loving care may prove ungrateful. Those who are nearest and dearest to us, those whom we trust with our happiness and our good name, may become traitors to their faith. The money that a man has he may lose. It flies away from him perhaps when he needs it most. A man's reputation may be sacrificed in a moment of ill-considered action. The people who are prone to fall on their knees to do us honor when success is with us may be the first to throw the stone of malice when failure settles its cloud upon our heads. The one absolutely un-

selfish friend that a man can have in this selfish world, the one that never deserts him, the one that never proves ungrateful or treacherous, is the dog.

Gentlemen of the jury, a man's dog stands by him in prosperity and in poverty, in health and in sickness. He will sleep on the cold ground when the wintry winds blow and the snow drives fiercely, if only he can be near his master's side. He will kiss the hand that has no food to offer, he will lick the wounds and sores that come in encounter with the roughness of the world. He guards the sleep of his pauper master as if he were a prince.

When all other friends desert, he remains. When riches take wings and reputation falls to pieces, he is as constant in his love as the sun in its journey through the heavens. If fortune drives the master forth an outcast into the world, friendless and homeless, the faithful dog asks no higher privilege than that of accompanying him, to guard him against danger, to fight against his enemies. And when the last scene of all comes, and death takes his master in its embrace and his body is laid in the cold ground, no matter if all other friends pursue their way, there by his graveside will the noble dog be found, his head between his paws and his eyes sad but open, in alert watchfulness, faithful and true, even unto death.

Well, I read this summation to the jury in the case of Old Drum. But Senator BYRD recited it, as he did all of these similar circumstances, completely from memory.

Senator BYRD came to the floor, and he had a way with words that does not so much exist in the Senate anymore. I was sitting on the floor one day when another Senator came to the floor and said some very disparaging things about a President of the United States. They referred to the President in a way that was very disparaging. Senator BYRD did not like that, no matter who the President was. He came to the floor, and I am sure the person who was disparaging the President at that point never understood what had happened to him after Senator BYRD was done.

Mr. LEAHY. I remember that.

Mr. DORGAN. But Senator BYRD came to the floor, and he stood up, and he said this: I have served here long enough to see pygmies strut like Colossus. And he said, very like the fly in Aesop's fable, sitting on an axle of a chariot, "My, what dust I do raise."

And it occurred to me he had just told someone what they had done was unbelievably foolish. I am not sure they understood it. But he wrapped it in such elegant language, as he always did.

In addition to serving at a time early on in his career when things were different, when there was perhaps less anger and less partisanship and committee chairmen and ranking members got together and decided what we needed to do for the country and did it together and came to the floor together, he was also, on the floor of the Senate, someone who knew the rules. He studied the rules because he understood that knowing the rules to this Chamber and how this process works was also important to be successful here.

Aside from that, he was a skillful legislator—very skillful. I watched him walk out of this Chamber from that door and very often stop as a bunch of Senate pages—high school kids who serve in the Senate—would gather around and then he would spend 15, 20 minutes telling them a story about the Senate, about the history of this great place. Too many of us walk back and forth around here, walking very briskly because we are late to go here or there and we are working on a lot of things. Senator BYRD always took time to talk to the pages—not just talk to them but tell them stories about what this great Senate has meant to this great country.

He also loved very much his late wife Erma and talked about her a lot to many of us.

He loved to play the fiddle. Early on when I came to the Senate, if you expressed even the least interest in music, he would get you down to his office and put a tape in his recording device to show us that he played the fiddle on the program “Hee Haw.” He was so proud of that. He was someone who loved West Virginia, loved his country, and was a friend to all of us.

Today is a very sad day for those of us who see a desk that was occupied by a great U.S. Senator for so many decades, now occupied with a dozen roses and a black cloth, signifying that we have lost this great man. America has lost a great public servant. As one Member of the Senate, I say it has been a great privilege—my great privilege—to serve while Senator BYRD served in this body.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I appreciate the words of the Senator from North Dakota. I recall sitting here on the floor, I tell my friend from North Dakota, who may well have been here at that time when Senator BYRD spoke of the pygmies strutting like a colossus. We both know who he meant and we both know the effect it had, and I thank him for reminding us of that.

I believe all of us who served with him and knew Senator BYRD were saddened by the news of his passing. No Senator came to care more about the Constitution or was a more effective defender of our constitutional government than the senior Senator from West Virginia. How many times did we see him reach into his jacket pocket and hold up the Constitution? He would say: This is what guides me.

I said in the Judiciary Committee today that many of us carry the Constitution and we can turn to it and read from it. Senator BYRD, if asked, would recite it verbatim from memory from page 1 straight through.

Senator BYRD was a Senator's Senator. During the time before he stopped playing, some of us would be at an

event with him where he would play the fiddle. I recall one of those times when he played the fiddle, and now his successor as President pro tempore, Senator INOUE, played the piano, playing compositions only requiring one hand, and the two of them played in the caucus room now named after our late Senator Ted Kennedy. I heard him play in the happy times and the enjoyable times when he would try to bring Senators of both parties together and act like human beings.

I have also sat here with him when he reminded Senators of what the Constitution stood for, what our role was in the Constitution, when he spoke against going to war in Iraq without reason and without a declaration of war. It was one of the most powerful speeches I have heard him give. In over 36 years of serving with him, I heard many speeches.

Others will speak of his records for time served in the Senate and in Congress and the number of votes he cast. I think of him more as a mentor and a friend. I recall in the fall of 1974 becoming the Senator-elect and coming down here to talk to Senators and meeting with Senator BYRD and Senator Mansfield, Senator Mansfield being the leader, Senator BYRD the deputy leader. I recall one of the things he told me—both of them did: Always keep your word. ROBERT BYRD, ROBERT CARLYLE BYRD, if he gave you his word, you could go to the bank with it, but he would expect the same in return, as he should. That is something all of us should be reminded of and all of us should seek to achieve.

I was honored to sit near him on the Senate floor. Sitting near him in the same room we would engage in many discussions about the Senate and the rules or about the issues of the moment, or about our families. But now I sit here and I look at the flowers on his desk; I look at the drape on that desk. Over the many years I have had the privilege of representing the State of Vermont in this body, I have had to come on the floor of the Senate to see the traditional drapery and the flowers on either side of the aisle when we have lost dear colleagues; more than that, we have lost dear friends. Party is irrelevant. The friendship is what is important. It tugs at your heart and it tugs at your soul to see it. Walking in here and looking down the row where I sit and seeing that, I don't know when I have felt the tug so strong.

Marcelle and I were privileged to know BOB and Erma, his wonderful Erma. We would see them in the grocery store in Northern Virginia. Our wives would drive in together for Senate matters. I recall sitting with him in his office 1 day when we spoke of the death of his grandson and how it tore him apart to have lost him in an accident. He had his portrait in his office with a black drapery. We sat there—

this man who could be so composed—we sat and held hands while he cried about his grandson. At that time I did not have the privilege of being a grandfather yet. Today, I think I can more fully understand what he went through. I remember the emotion and the strength of it. This was not just the person whom we saw often as the leader of the Senate, the chairman of a major committee, ready and in control, but a human being mourning somebody very dear to him.

He was a self-educated man. He learned much throughout his life, but then he had much to teach us all. It has been spoken about how he talked to the pages, but he would talk to anybody about his beloved Senate. He did more than that. He wrote the definitive history of the Senate. We all learned from him. He was a symbol of West Virginia. He was an accomplished legislator. He was an extraordinary American.

As a form of tribute I suspect Senator BYRD himself would appreciate—let me quote from Pericles' funeral oration from Thucydides History of the Peloponnesian War about the inherent strength of democracy. Senator BYRD was well familiar with this passage, and with its relevance to our Constitution and our form of government. I heard him use it before. Pericles is said to have spoken this:

Our form of government does not enter into rivalry with the institutions of others. Our government does not copy our neighbors, but is an example to them. It is true that we are called a democracy, for the administration is in the hands of the many and not of the few. But while there exists equal justice to all and alike in their private disputes, the claim of excellence is also recognized; and when a citizen is in any way distinguished, he is preferred to the public service, not as a matter of privilege, but as a reward of merit. Neither is poverty an obstacle, but a man may benefit his country whatever the obscurity of his condition.

Senator BYRD believed in this country. He believed that a youngster who had been adopted, who lived in a house without running water, who had to work for every single thing he obtained, could also rise to the highest positions in this body, a body he loved more than any other institution in our government, save one: the Constitution. The Constitution was his North Star and his lone star. It was what guided him.

Senator BYRD was such an extraordinary man of merit and grit and determination who loved his family. I recall him speaking of his grandchildren and great-grandchildren and he would proudly tell you about each of them. I remember even after he was a widower walking by and leaning over and saying, How are you? He would say, I am fine. How is Marcelle? And Senators from both sides of the aisle would come just to talk with him.

He drew strength from his deep faith. He took to heart his oath to support

and defend the Constitution of the United States. The arc of his career in public service is an inspiration to us all, and it will inspire Americans of generations to come.

So, ROBERT, I say goodbye to you, my dear friend. I am not going to forget your friendship. I am not going to forget how you mentored me. But, especially, I will not forget, and I will always cherish even after I leave this body, your love of the Senate.

Senator BYRD, you are one of a kind. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, Members of the Senate are coming to the floor today from both sides of the aisle to acknowledge a moment in our history: the passing of ROBERT C. BYRD of West Virginia. Senator BYRD was the longest serving Senator in the history of the United States of America; a man who cast more than 18,000 votes; a man who served as majority leader, as chairman of the Appropriations Committee, as President pro tempore. He was, in fact, the Senate. He embodied the Senate in his life. It was his life.

Each of us, before we can become a Senator, takes a walk down this aisle and goes over to the side here where the Vice President of the United States swears us in. You put your hand on a Bible and you take an oath to uphold and defend the Constitution of the United States. You have to say that or you can't be a Senator. For many people, it is a formality. For ROBERT C. BYRD, it was a commitment, a life commitment to a document, the Constitution of the United States. He used to carry one in his pocket every day of his life. That is the kind of commitment most people will not make because they think: Well, maybe I will change my mind. For ROBERT C. BYRD, there was no changing his mind. He was committed to that Constitution.

For him, it was the North Star, it was the guiding light, it was the document that created this Nation, and he had sworn on his Bible to uphold and defend it, and he meant it. That is why he was so extraordinary.

He understood this Constitution because he understood what our government is about. He made a point of saying whenever a new President would come in, even a President of his own party: I will work with the President but as a Senator; I do not work for the President. We are equal to the President because we are an equal branch of government. I will be glad to work with the President, but I have a responsibility as a Senator.

I remember so well in what I consider to be the finest hour I witnessed when it came to ROBERT C. BYRD. It was in October of 2002. It was a little over a year after 9/11. President George W. Bush was asking this Senate to vote for a resolution to invade Iraq. At the

time, the pressure was building. Public sentiment was strongly in favor. Remember, there was talk about weapons of mass destruction, nuclear weapons, attacks on our allies and friends, even on the United States if we did not move, and move quickly. There was a prevailing growing sentiment to go to war.

But the Senator from West Virginia stood up, took out his Constitution, and said: This is a mistake. We should not be going to war.

He proceeded day after day, week after week, and month after month to stand there at that desk and lead the charge against the invasion of Iraq. It was an amazing display of his talent, which was prodigious, and his commitment to this Constitution as he saw it, and the fact that he was politically fearless.

I agreed with him on that issue. I was inspired by him on that issue. I can recall when my wife and I went to a Mass in Old St. Patrick's Church in Chicago, we were in the pew kneeling after communion. The church was quiet as people were returning from communion. An older fellow, whom I did not know, stood next to me in the aisle and looked down at me and said in a voice that could be heard across the church: Stick with BOB BYRD.

I came back and told him that story, and he just howled with laughter. I said: Senator BYRD, your reach is beyond West Virginia and beyond the Senate. It is in Chicago and across the country. What you are saying is resonating with a lot of people.

In the end, 23 people voted against that war—1 Republican and 22 Democrats. For a while, we were not popular. Over time I think that vote became more respected. ROBERT C. BYRD was our leader, and he used this Constitution as his inspiration.

He had such a sense of history. My favorite story related to about 16 or 18 years ago. I was a Member of the House of Representatives then on the Appropriations Committee, and ROBERT C. BYRD was the chairman of the Senate Appropriations Committee. He was a powerful man. We were supposed to meet downstairs in a conference committee, House and Senate, the conferees from both Appropriations Committees, on a transportation bill.

To no one's surprise and without any apology, Senator BYRD had quite a few West Virginia projects in that bill. Congressman FRANK WOLF of Virginia, a Republican, sat on the committee on the House side. When he looked at the West Virginia projects, he got upset. He said it publicly in the Washington Post and other places that he had thought Senator BYRD had gone too far.

That was a pretty bold move by Congressman WOLF to make those statements in the minority about the chairman of the Senate Appropriations

Committee. I could not wait for that conference committee because the two of them would literally be in the same room. In fact, it turned out to be even better. They were not even in the same room, but Senator BYRD's staff had reserved a chair directly across the table from Congressman WOLF.

The place was packed, waiting for this confrontation. Senator BYRD came in last and sat down very quietly in his chair and waited his turn. Congressman WOLF at some point asked for recognition and went after the Byrd West Virginia projects. FRANK is a passionate man. I served with him and agreed with him on many issues and disagreed on others. I respected him. He was passionate and committed and made it clear he thought this was unfair and unjust.

Senator BYRD, in his three-piece suit, sat across from him with hands on the table showing no emotion until after 15, 20 minutes, Congressman WOLF was exhausted by his protests about these Byrd projects, at which point Senator BYRD leaned over and said to whomever was presiding at that moment: May I speak? And they said: Of course.

Then he said—and I am going to paraphrase this. I think it is pretty close to what he said. There was no video camera there. I wish there had been. He said: In 1830, in January of 1830, January 19, 1830, which, if my memory serves me, was a Thursday, Daniel Webster and Mr. Hayne engaged in one of the most famous debates in American history. And off he went.

For the next 15 minutes, without a note, ROBERT C. BYRD tried to explain a very basic principle, and it was this: The Senate is created to give every State the same number of Senators—two Senators. The House is elected by popular vote. A small State such as West Virginia does not have much of a chance in the House of Representatives. It is small in a body of 435 Members. But in the Senate, every State, large and small—Virginia and West Virginia, Illinois, New York, California—each has two Senators.

The point Senator BYRD was making was: If I do not put the projects in in the Senate, we will never get them in in the House. That is what the Great Compromise, the Constitution, and the Senate and the House are all about.

It was a masterful presentation, which led to a compromise, one might expect, at the end of the day in which Senator BYRD did quite well for his State of West Virginia.

Years passed, and I was elected to this body. I came here and I saw Senator BYRD sitting in that seat one day, and I said: I want to tell you the most famous debate I can ever remember—there was not a camera in the room, and I do not think anyone recorded it—I recalled his debate with FRANK WOLF.

I said: What I remember particularly is when you said: January 19, 1830, which was a Thursday, if I recall.

He said: Yes, I think it was a Thursday.

I said: I don't doubt it was a Thursday, but that little detail was amazing.

He kind of smiled. He did not say anything more. About an hour passed before the next rollcall, and he called me over to that desk. He had brought out a perpetual calendar and found January 19, 1830, and said: Mr. DURBIN, it was a Thursday.

I said: I didn't dispute it, Senator.

It was an example in my mind of a man who understood this Constitution, understood his use of that Constitution for his State—some would say he overused it, but he was fighting for his State every day he was here—his command of history and his command of the moment.

That was ROBERT C. BYRD. They do not make them like that anymore. There just are not many people in our generation who can even claim to be in that position.

I recall it and I remember very well another conversation I had with him. You see, history will show that in his early life, ROBERT C. BYRD was a member of the Ku Klux Klan. Many of his detractors and enemies would bring that up. He would be very open about it, not deny it but say that he had changed, and his votes reflected it.

I once said to him: Of all these thousands and thousands of votes you have cast, are there any you would like to do over?

Oh, yes, he said. Three. There was one for an Eisenhower administration appointee which I voted against, and I wish I voted for him. I think that was a mistake. And, he said, I was wrong on the civil rights legislation. I voted the wrong way in the 1960s. And, he said, I made a mistake and voted for the deregulation of the airline industry which cut off airline service to my State of West Virginia. Those were three.

If you have been in public life or even if you have been on this Earth a while, I think you have learned the value of redemption. ROBERT C. BYRD, in his early life, made a mistake with his membership in the Ku Klux Klan. He was open about it, and he demonstrated in his life that he was wrong and would do better in the future. That is redemption—political redemption—and, in my mind, it was total honesty.

There were so many other facets to this man too. Senator LEAHY talked about him playing the fiddle. That is the first time I ever saw him in person. He came to Springfield, IL, in 1976, when he was aspiring to run for President of the United States. He stood out from the rest of the crowd because he got up and said a few words about why he wanted to be President. Then he reached in and grabbed his fiddle and started playing it.

I tell you, it brought the house down. I don't remember who else was there. I

think Jimmy Carter was there. But I do remember that BOB BYRD was there.

When I came to the Senate, I thought: I cannot wait to see or hear him play that fiddle again. I learned that after his grandson died in an automobile accident, he said: I will never touch it again, in memory of my grandson. That is the kind of family commitment he made as well. He would sing and occasionally have a Christmas party downstairs, and a few of us would be lucky enough to get invited. He would sing. He was a man who had gone through some life experiences and family experiences that were very meaningful to him.

I remember another day when I was on the floor of the Senate and there was a debate about the future of the National Endowment for the Arts. Senator Ashcroft of Missouri wanted to eliminate the National Endowment for the Arts and take away all its money. I stood up to debate him. I was brandnew here, not smart enough to know when to sit down and shut up. I started debating: I thought it was wrong, the arts are important, so forth.

Through the door comes BOB BYRD. He walks in here and asks if he could be recognized. Everything stopped when he had asked for recognition. They said: Of course.

He said: I want to tell you what music meant to me. I was an orphan, and I was raised in a loving family. Early in life, they went out and bought me a fiddle. Music has always been a big, important part of my life. Out of nowhere, this man gives this beautiful speech, and then he quotes poetry during the course of the speech.

As one can tell, all of us who served with him are great fans of ROBERT C. BYRD and what he meant to this Senate and what he meant to this Nation. West Virginia has lost a great servant who was so proud of his home State. Time and again that was always the bottom line for him: Is this going to be good for the future of my little State of West Virginia? He fought for them and put them on the map in some regards and some projects. He was respected by his colleagues because of the commitment to the people who honored him by allowing him to serve in the Senate.

There may be a debate as to whether there is a heaven. If there is a heaven and they have a table for the greats in the Senate, I would ask Daniel Webster to pull up a chair for ROBERT C. BYRD of West Virginia.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

#### NOMINATION OF GARY SCOTT FEINERMAN

Mr. BURRIS. Madam President, very shortly, we are going to be voting on a judicial nomination. I come before this body to bring my thoughts on that action.

As a lawyer, as a former attorney general for the State of Illinois, I consider it a great privilege to evaluate and confirm nominees to the bench. The constitutional power of advise and consent is one this Senate must exercise with discretion. It determines the makeup of our judicial branch and helps preserve the principle of equal justice under law.

That is why I have come to the floor today in support of Gary Scott Feinerman, President Obama's nominee to become a judge for the Northern District Court of Illinois.

Gary is an Illinois native and a graduate of both Yale and Stanford Universities. Over the past two decades, he has worked extensively in private practice—most recently for Sidley Austin, the respected Chicago law firm. He has served in the public sector, as well as a clerk to the U.S. Supreme Court and counsel at the Department of Justice.

From 2003 to 2007, he was Solicitor General of the State of Illinois. That is the person who argues the cases on behalf of the attorney general before the highest court, whether in Illinois or in the Nation. He held that position with distinction, proving his commitment to the highest ideals of fairness and justice.

Time and again over the years, Gary Feinerman has demonstrated his competence in the legal profession. His training is without equal. His experience is second to none. That is why I am proud to support his nomination to the Northern District Court of the State of Illinois.

We must demand the very best of our public officials, especially those who are entrusted with lifetime appointments on the Federal bench.

These fine men and women are charged with interpreting a body of law that is constantly evolving. They must navigate a treacherous landscape, full of gray areas, to arrive at sound legal truth. The answers are seldom easy, but I have confidence in Gary Feinerman's ability to rise to this challenge. At every stage, he has proven his considerable intellect and his passion for the law. I am proud to join the President in calling for his swift confirmation. I ask my colleagues to join me in pledging to afford the nominee with a fair and timely vote to confirm him to the bench.

This body has a crowded legislative calendar in the months ahead, but cases have piled up in the Northern District of Illinois, and every single day more judicial nominees await as vacancies remain unfilled. Even as we consider Mr. Feinerman's confirmation today, another Illinois nominee, Judge Sharon Johnson-Coleman, awaits a similar up-or-down vote. We need to rise to our constitutional duty and vote on these nominees. We must waste no more time in allowing this fine public servant to get to work.

Let's put our judges to work. Let's confirm Mr. Feinerman now.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, first, I wish to thank the Senator from Montana for allowing me to make some brief remarks, and then I will turn to him.

I join my colleague, Senator BURRIS, in asking my colleagues on both sides of the aisle to vote in just a few moments on the nomination of Gary Feinerman to be U.S. district court judge for the Northern District of Illinois.

Gary Feinerman is one of the brightest lights in the Chicago legal community. He is a partner at one of Chicago's oldest and largest law firms, Sidley Austin, where he specializes in litigation and appellate work. Before that, he served as Illinois' solicitor general and represented our State in many very valuable and important appeals. He won five "Best Brief" awards from the National Association of Attorneys General, and he has argued cases before the U.S. Supreme Court and the U.S. Court of Appeals for the Seventh Circuit, as well as the Illinois Supreme Court. Earlier in his career, Mr. Feinerman worked at the Chicago law firm of Mayer Brown and in the Justice Department's Office of Policy Development. He served as law clerk for Supreme Court Justice Anthony Kennedy and for Seventh Circuit Judge Joel Flaum. He is a leader in the Chicago legal community. He is the president of the Appellate Lawyers Association of our State and serves on Chicago's Constitutional Rights Foundation and the Midwest chapter of the Anti-Defamation League. He has also had a very active pro bono practice, which speaks well of his commitment as a professional.

Mr. Feinerman's academic record is also impressive. He graduated from Yale and Stanford Law School, where he finished second in his class. Not surprisingly, he received the highest possible rating of "well-qualified" from the American Bar Association for this commitment.

We currently have six—six—vacancies in the Northern District of Illinois. We need to fill them quickly so that we don't slow down the process of justice. I hope the Senate will confirm Gary Feinerman today and move very quickly to Justice Sharon Coleman, who is also on the calendar. Mr. Feinerman will be an excellent judge, and Judge Coleman will join him, with the blessing of the Senate, to start to fill these important vacancies.

Madam President, I yield the floor and again thank my colleague from Montana.

Mr. TESTER. Madam President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING SENATOR ROBERT C. BYRD

Mr. TESTER. Madam President, I have a short speech to give today about a giant of a man. I rise today out of deep respect for our colleague, Senator ROBERT C. BYRD. Sharla and I extend our condolences to the BYRD family and to all the people of West Virginia. We join you in mourning but also in a celebration of his life and his successes as a public servant.

Senator BYRD liked to call me "the Mountain Man," and when somebody from the Mountain State calls you that, it is an incredible compliment.

Senator BYRD and I had a few things in common: We were both from very small towns, we both married our high school sweethearts, and we both made a living at one time as meat cutters. He must have had an eye for the butchering business because he liked to guess my weight. And wouldn't you know, he always came within 3 pounds. You could say Senator BYRD convinced me to spend a little more time in the gym.

Senator BYRD was elected to Congress 4 years before I was even born, and he always shared his wisdom with those of us who admired it. I am honored to call Senator BYRD a respected teacher and a trusted friend.

I was Presiding Officer on the day the farm bill came before the Senate. Instead of signing the farm bill himself, Senator BYRD let me sign the bill. Although it went unspoken, I know it was because he saw me as the farmer in the Senate. It was truly an honor for me to be able to do that.

Another thing Senator BYRD and I had in common was our upbringing in rural America. He was always proud to fight for folks making a living off the land and in the mountains and in the woods. He was a powerful advocate, and he represented West Virginia with tireless passion. He valued hard work and common sense. Those values are a matter of survival in America. They are values you take with you as you go to Congress, and Senator BYRD showed us that.

Madam President, we will miss Senator BYRD very much. His work over the decades on the Hill has made the entire country a better place for us and for our kids and grandkids.

Before I came to Capitol Hill 3½ years ago, many folks came up to me and said: You are going to have an experience of a lifetime. You will meet some incredible people.

And I will tell you that one of the most incredible men I have met since I have been here was Senator BYRD.

We miss you.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF GARY SCOTT FEINERMAN TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF IL- LINOIS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Gary Scott Feinerman, of Illinois, to be United States District Judge for the Northern District.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be for debate on the nomination, with the time equally divided and controlled between the Senator from Vermont, Mr. LEAHY, and the Senator from Alabama, Mr. SESSIONS.

Mr. TESTER. Madam President, I ask unanimous consent that the time during the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. BOXER are printed in today's RECORD under "Morning Business.")

Mr. LEAHY. Madam President, today the Senate is proceeding on only one of the 23 judicial nominees stalled by Republican obstruction from action by the Senate. The nominee the Senate will confirm tonight has been stalled for more than 10 weeks, even though his nomination was reported without a single objection from the Judiciary Committee on April 15. There are eight other judicial nominees who have been stalled for at least as long, or longer, and nominees who were favorably reported last year, last November, still being obstructed.

This confirmation was needlessly delayed for no good purpose. The services of this judge are sorely needed in the Northern District of Illinois. I congratulate Mr. Feinerman and his family on his confirmation today.

The Senate Republican leadership refuses to enter into time agreements on pending judicial nominations. That stalling and obstruction is unprecedented. They refuse to enter into a time agreement to consider the North Carolina nominees to the Fourth Circuit, who were reported in January, despite the fact that one was reported unanimously and one with only a single negative vote. They refuse to enter into a time agreement to debate and vote on the Sixth Circuit nominee from Tennessee who was reported last November. I have told Senator ALEXANDER that all Democrats are prepared to vote on that nomination, and have agreed to do so since November. It is his own leadership that continues to obstruct the nominee.

The Senate is well behind the pace I set for President Bush's judicial nominees in 2001 and 2002. A useful comparison is that in 2002, the second year of the Bush administration, the Democratic Senate majority's hard work led to the confirmation of 72 Federal circuit and district judges nominated by a President from the other party. In this second year of the Obama administration, we have confirmed just 22 so far—72 to 22.

In the first 2 years of the Bush administration, we confirmed 100 Federal circuit and district court judges. So far in the first 2 years of the Obama administration, the Republican leadership has successfully obstructed all but 34 of his Federal circuit and district court nominees—100 to 34. We confirmed twice that many in just 2002. Meanwhile Federal judicial vacancies around the country hover around 100.

By this date in President Bush's Presidency, the Senate had confirmed 57 of his judicial nominees. Despite the fact that President Obama began sending us judicial nominations two months earlier than did President Bush, the Senate has to date only confirmed 34 of his Federal circuit and district court nominees—57 to 34.

Last year, Senate Republicans refused to move forward on judicial nominees. The Senate confirmed the fewest judges in 50 years. The Senate Republican leadership allowed only 12 Federal circuit and district court nominees to be considered and confirmed despite the availability of many more for final action. They have continued their obstruction throughout this year. By every measure, the Republican obstruction is a disaster for the Federal courts and for the American people.

To put this into historical perspective, consider this: In 1982, the second year of the Reagan administration, the Senate confirmed 47 judges. In 1990, the second year of the George H.W. Bush administration, the Senate confirmed 55 judges. In 1994, the second year of the Clinton administration, the Senate confirmed 99 judges. In 2002, the second

year of the George W. Bush administration, the Senate confirmed 72 judges. The only year comparable to this year's record-setting low total of 16 was 1996, when the Republican Senate majority refused to consider President Clinton's judicial nominees and only 17 were confirmed all session.

Senate Democrats moved forward with judicial nominees whether the President was Democratic, 1994, or Republican, 1982, 1990, 2002, and whether they were in the Senate majority, 1990, 1994, 2002, or in the Senate minority, 1982. Senate Republicans, by contrast, have shown an unwillingness to consider judicial nominees of Democratic Presidents, 1996, 2009, 2010.

Over the last recess, I sent a letter to Senator MCCONNELL and to the majority leader concerning these matters. In that letter, I urged, as I have since last December, the Senate to schedule votes on these nominations without further obstruction or delay. I called on the Republican leadership to work with the majority leader to schedule immediate votes on consensus nominations—many, like that finally being considered today, I expect will be confirmed unanimously—and consent to time agreements on those on which debate is requested. As I said in the letter, if there are judicial nominations that Republicans truly wish to filibuster—after arguing during the Bush administration that such action would be unconstitutional and wrong—then they should so indicate to allow the majority leader to seek cloture to end the filibuster. It is outrageous that the majority leader will be forced to file cloture petitions to get votes on the North Carolina, Tennessee and other nominees.

After this confirmation, there will still be 22 judicial nominees favorably reported by the Judiciary Committee being stalled from Senate consideration by the Republican leadership.

The PRESIDING OFFICER (Mr. KAUFMAN). Under the previous order, the question is, Will the Senate advise and consent to the nomination of Gary Scott Feinerman, of Illinois, to be U.S. District Judge for the Northern District of Illinois?

Mr. LEAHY. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mrs. GILLIBRAND), the Senator from South Dakota (Mr. JOHNSON), the Sen-

ator from Oregon (Mr. MERKLEY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), the Senator from Vermont (Mr. SANDERS), the Senator from Michigan (Ms. STABENOW), and the Senator from Oregon (Mr. WYDEN), are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), the Senator from New Hampshire (Mr. GREGG), the Senator from Florida (Mr. LEMIEUX), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alabama (Mr. SHELBY), the Senator from Louisiana (Mr. VITTER), and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 0, as follows:

[Rollcall Vote No. 201 Ex.]

#### YEAS—80

Akaka	Durbin	Lugar
Alexander	Ensign	McCain
Barrasso	Enzi	McCaskill
Baucus	Feingold	McConnell
Bayh	Feinstein	Menendez
Begich	Franken	Nelson (NE)
Bennet	Graham	Nelson (FL)
Bingaman	Grassley	Pryor
Boxer	Hagan	Reed
Brown (MA)	Harkin	Reid
Brown (OH)	Hatch	Risch
Bunning	Hutchison	Roberts
Burris	Inhofe	Rockefeller
Cardin	Inouye	Schumer
Carper	Isakson	Sessions
Casey	Johanns	Shaheen
Chambliss	Kaufman	Snowe
Coburn	Kerry	Specter
Cochran	Klobuchar	Tester
Collins	Kohl	Thune
Conrad	Kyl	Udall (CO)
Corker	Landrieu	Udall (NM)
Cornyn	Lautenberg	Warner
Crapo	Leahy	Webb
DeMint	Levin	Whitehouse
Dodd	Lieberman	Wicker
Dorgan	Lincoln	

#### NOT VOTING—19

Bennett	Johnson	Shelby
Bond	LeMieux	Stabenow
Brownback	Merkley	Vitter
Burr	Mikulski	Voinovich
Cantwell	Murkowski	Wyden
Gillibrand	Murray	
Gregg	Sanders	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Hawaii.

Mr. AKAKA. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

# REMEMBERING SENATOR ROBERT C. BYRD

Mr. AKAKA. Madam President, I rise to pay tribute to Senator ROBERT C. BYRD, my mentor, supporter, and good friend.

Senator BYRD was the dean of the Senate, our foremost constitutional scholar. No one in the history of our country served longer in Congress.

For more than a half century, ROBERT C. BYRD kept the Senate in line. He always kept a copy of the Constitution in his jacket pocket, close to his heart. He was meticulous, a master of the rules of this historic institution. Through hard work and dedication, Senator BYRD became an institution himself.

When I joined the Senate 20 years ago, to my great fortune, Senator BYRD took me under his wing. He guided me through procedural rules and taught me how to preside over the floor. I still have the notes he gave me when I was a freshman Senator. He was adamant that the Presiding Officer should always be respectful of the speakers, while maintaining strict adherence to the rules of the Senate.

Senator ROBERT C. BYRD was a patriot who cared for and loved this country, the United States of America. He worked hard for the people of West Virginia, who showed their support for him election after election.

Senator ROBERT C. BYRD was a spiritual man. Each week a number of Senators got together for a morning prayer breakfast. Senator BYRD was a regular participant when he was well. His favorite hymn was "Old Rugged Cross." I enjoyed singing it with him many times.

We shared a love for music and the arts. His fiddle playing was legendary.

He loved his family. He loved his children and grandchildren. He loved his dogs. Closest always was his wife Erma who was always by his side until her death in 2006. They spent many wonderful years together, and now they are together again.

My thoughts and prayers are with the Byrd family.

Senator BYRD, we love you and we miss you.

Thank you very much, Madam President.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## USE OF IEDS IN AFGHANISTAN

Mr. CASEY. Madam President, I rise tonight to speak about the war in Afghanistan, but on a particular subject. In particular, I wish to speak about the terribly destructive force of improvised explosive devices. These improvised ex-

plosive devices, known by the acronym IEDs, represent the single greatest threat to the United States and coalition forces in Afghanistan. The impact of this deadly tool of war has been felt in my home State of Pennsylvania, and I know so many of our colleagues have had not only loved ones in some cases but constituents who have lost their lives because of IEDs. In Pennsylvania, we have lost marines, soldiers, and National Guard troops to this insidious threat.

In the first 4 months of 2010, incidents of IEDs in Afghanistan increased 94 percent over a comparable period in the previous year according to the United Nations.

In 2009, more than 6,000 IEDs were discovered, the vast majority of which used ammonium nitrate as their main explosive ingredient. This is the No. 1 killer of United States and coalition forces. In 2009 alone, 275 American troops were killed by IEDs. In addition to the lethality of IEDs, they have a tremendously demoralizing effect on our troops. Just the threat of IEDs forces troops to move at a slower pace and take away their focus from the mission at hand.

Ammonium nitrate bombs, often crude wood and graphite pressure-plate devices buried in dirt lanes or heaps of trash, are very difficult to detect.

Americans remember, unfortunately, the deadly power of ammonium nitrate from its use by Timothy McVeigh in the 1995 Oklahoma City bombing which killed 168 Americans. It can be used, as we know, as a fertilizer as well as an explosive in the mining and construction industry. Its use in the United States is tightly restricted. President Karzai of Afghanistan has rightly recognized the threat and has banned its use as a fertilizer. Afghan troops and police, supported by ISAF forces, have begun a concerted effort to crack down on its proliferation, distribution, and sale. On Wednesday, ISAF reported that 11 tons of ammonium nitrate were seized by Afghan forces supported by NATO troops. These 11 tons would have been enough to build more than 500 IEDs—IEDs that could have been used to kill NATO forces, Afghan troops, and civilians.

The Afghan Government appears committed to this fight and has enacted the appropriate legal measures and enforcement efforts. But ammonium nitrate is still ubiquitous in Afghanistan due to smuggling along supply routes from its neighbors, particularly along Pakistan's tribal belt where smuggling is a way of life. The Los Angeles Times newspaper reported last month that as much as 85 tons of ammonium nitrate is smuggled into Afghanistan from Pakistan in a single night, a shipment that could yield more than 2,500 bombs. Even as we heard recently that 11 tons were intercepted, this published report says that

85 tons can be smuggled in a single night.

Along with seven of my colleagues—Senators LEVIN, REED, SNOWE, WEBB, KYL, McCASKILL, and KAUFMAN—I have submitted a resolution calling for continued support for and increased efforts and focus by the Governments of Pakistan, Afghanistan, and the central Asian countries in that region to effectively monitor and regulate the manufacture, sale, transport, and use of ammonium nitrate fertilizer in order to prevent criminal groups, insurgents, and terrorist organizations from transporting ammonium nitrate into Afghanistan where it is used in these improvised explosive devices.

I am committed to highlighting this threat and supporting United States and international efforts to crack down on the proliferation of precursor chemicals such as ammonium nitrate. The Joint Improvised Explosive Device Defeat Organization—JIEDDO—which includes coalition partners from the United Kingdom, Canada, and Australia, has led an impressive effort to combat IEDs at every step in the process. The U.S. Immigration and Customs Enforcement Agency will soon commence Project Global Shield, which is an unprecedented multilateral law enforcement operation aimed at countering the illicit diversion and trafficking of precursor chemicals, such as ammonium nitrate.

Pakistan has made efforts to contend with ammonium nitrate in large part because the threat has begun to impact the security of its country as well. Recent coordination between Pakistani civilian and military entities on the IED issue has been positive. The Government of Pakistan has formed an interagency national coalition IED forum. We are also beginning to see efforts at the local level, such as small-scale bans and regulations in the community of Malakand. I hope Pakistan expeditiously approves its draft legislation to better control explosive materials in the country and make a concerted effort at enforcement.

We must exercise extraordinary vigilance in stemming the unregulated flow of ammonium nitrate in this region because of its importance to U.S. national security interests, as well as, of course, to the lives of our troops.

The United States, together with our allies, must do everything we can to make it more difficult for our enemies to make IEDs. I am committed to this task for the long term. I also understand terrorists will resort to different strategies and different ingredients after we are better able to restrict the flow of ammonium nitrate. Implementing more robust and interdiction measures is important, but we also must do more to disrupt and dismantle terrorist and criminal organizations in

making IEDs. This will involve multi-lateral engagement, regulatory measures, training, and technological efforts, building border control capacity, and other means as well.

There are a host of other ingredients terrorists can and probably will utilize in IEDs. But ammonium nitrate is what they are using today to kill scores of U.S. troops. We must do all that is in our power to ensure the job of making these bombs is made more difficult. When they shift tactics and use other ingredients, we will go after those too. Restricting the flow of ammonium nitrate is, in fact, a very difficult challenge. But we must do all we can to protect our troops on the ground across the world, but especially our troops in Afghanistan. There is no more important task at hand.

#### REMEMBERING SENATOR ROBERT C. BYRD

Mr. CASEY. Mr. President, I wish to offer a few words in remembrance of Senator BYRD. I will offer a longer statement for the RECORD, but I wish to give a few thoughts now.

We do mourn his passing. We see at his desk today a reminder of his passing. To say that ROBERT BYRD was a towering figure in the history of the Senate does not begin to describe his impact, his influence and, indeed, the memory he leaves behind, the legacy he leaves behind for those of us in the Senate, for his home State of West Virginia, and I know for millions of Americans.

He was a strong advocate for not just his point of view but, more importantly, for the people of West Virginia. He arrived in the Senate in 1958—before I was born. I was pleased to have the opportunity and honor, the chance to serve with him a couple of years.

He was a strong advocate. He was also a remarkable orator. Even in the last couple years of his life when some thought he might have been slowing down a little, when he got the microphone, he could deliver a speech like no other. He was a tremendous orator who believed in what he was saying, believed in the traditions of the Senate but mostly, and most importantly, believed in fighting for the working men and women and the families of West Virginia.

We also knew him as a scholar—a scholar of not just this institution, maybe the leading scholar of all time when it comes to the institution of the Senate, but also as well as a constitutional scholar.

His was a life of commitment, of real fidelity, first and foremost I believe to his family. He spoke often of his wife Erma. In the portrait that is just outside the door, there are three items in his area of control in the picture. He has his hand on the Bible, the Scriptures, he has a copy of the Constitu-

tion, and a picture of his beloved wife Erma, about whom he spoke so often.

He was committed and had a life of commitment to his family and his faith. But he was also committed to the people of West Virginia for so many years, so many battles on their behalf and especially the families of West Virginia.

Of course, he also led a life of commitment and fidelity to the Constitution and knew it better than anyone I have ever met and certainly better than some of our more renowned constitutional scholars.

Of course, we know of his commitment to this institution, to the Senate. He loved this institution and wrote volume after volume about the Senate. We know that the multivolume work he did, the one volume in and of itself—hundreds of pages on the history of the Senate—is a compilation of speeches he gave on the floor of the Senate, some of them written out, but some of them he could give by memory.

We know of his capacity to extemporaneously talk about so many topics, whether it was history or poetry or Scripture or the history of the Senate.

We will miss his scholarship, we will miss his service, and we will miss his fidelity to his country and to his home State. I, along with others here, am honored to have served with him in this body. For me it was 3½ years. To be in his presence, to listen to him, to learn from him is a great gift. We mourn his passing. I do not think any of us will believe there will ever be a Senator quite like him in the 50 years he served in this body, in addition to serving the people of West Virginia in the House of Representatives, as well as in the legislature in West Virginia.

We say farewell and God bless and Godspeed to ROBERT BYRD and his memory. We are praying for and thinking this day and I know many future days about his legacy and his family.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. CASEY. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO JOE FRANK NEIKIRK

Mr. McCONNELL. Madam President, I rise to pay tribute to Joe Frank

Neikirk and the business success he has helped build. Mr. Neikirk is the president and general manager of Paul's Discount in Somerset, KY. Paul's Discount has become a local institution in the region, and this month celebrated its 50th anniversary of operations.

The land that Paul's Discount now sits upon was purchased by Joe's ancestor, Franklin Neikirk, and his spouse for 500 cords of wood in 1856. Joe's parents, Paul E. and Frances R. Neikirk, opened the first discount store in south-central Kentucky on that land 104 years later in the early spring of 1960.

Founder Paul Neikirk passed away in 1974. Today Joe runs the store with his wife Jamie. The original store occupied only about 1,800 square feet and had three employees. Today, Paul's Discount boasts more than 20,000 square feet of selling space, plus three warehouses.

They offer sporting goods, hardware, automotive goods, clothing and crafts. Joe's glad he's still in the same original location, saying, "You can't duplicate the atmosphere of this building." Judging by the crowd that turned out for the 50th anniversary, he must certainly be right.

The Commonwealth Journal recently published an excellent article about Paul's Discount, the Neikirk family's legacy and the 50th anniversary celebration that I would like to share with my colleagues. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Somerset Commonwealth Journal, June 13, 2010]

50 YEARS OF SERVICE—"UNIQUE" PAUL'S DISCOUNT—A PULASKI GEM

(By Tricia Neal, CJ Staff Writer)

Paul's Discount has always had a steady stream of customers, but yesterday, the customers came in droves—packing the parking lot and spilling out onto Ky. 2227 to help president and general manager Joe Frank Neikirk and his employees celebrate 50 years in business. Paul's Discount, opened in 1960 by Joe's parents, Paul and Frances Neikirk, is described by Joe as a "unique" store—offering sporting goods, hardware, automotive goods, clothing, and crafts.

What started as an Army surplus store with three employees has evolved into a sprawling, multi-department retail store with 30 employees, all of whom Joe says help make Paul's what it is. "God has blessed us with good employees at every level, from department managers to cashiers," he said.

Some of Paul's Discount's employees have worked in the store for nearly 30 years. Joe himself worked in his parents' store while he was in high school and college—and even earlier, he recalled, passing out baby chickens to customers at Easter.

"Customer service is the big thing about Paul's," Joe said. "You actually get somebody to ask you if you need help." That kind of friendly service is what brings customers from Pulaski and surrounding counties—and

even, Joe says, from northern Kentucky, southern Ohio, and from other points east and west.

Paul Neikirk opened Paul's Surplus on his ancestors' land north of Somerset in 1960. In the beginning, the shop—the first discount store in south central Kentucky—occupied only about 1,800 square feet of space. Paul passed away in late 1974. At that time, his brother, Lyle Neikirk, took over management of the business. Lyle retired about 14 years later, leaving the shop in the hands of Paul's sons, Joe and Randy Neikirk.

Joe continues to manage the store, which now offers more than 20,000 square feet of selling space plus three warehouses, but he says his job has been made easy by those who surround him. "Today, my wife, Jamie, and I run the store. She does human resources, the employees do most everything else, and I handle whatever is left," he said.

"Our employees are almost self-sufficient." While the merchandise available at Paul's is constantly changing, Joe hopes the store's quality customer service and its atmosphere will keep customers loyal.

"We could never open another Paul's," Joe said. "You can't duplicate the atmosphere of this building." Joe adds that his employees help create the atmosphere there.

While many things have remained the same at Paul's throughout the years, the current management is making sure the business keeps current. Paul Neikirk never would have imagined that his little shop would eventually be accessible to millions on the Internet. Now, the business can be found at [www.paulsdiscount.com](http://www.paulsdiscount.com) and on Facebook. "That's part of it nowadays," Joe said. But he still believes customers appreciate a good, old fashioned brick and mortar shopping experience.

"People still like to come to a store and look at what they're buying," he said. Paul's Discount is located on Ky. 2227, just north of Somers Splash water park. Ky. 2227 is part of the former North U.S. 27, and was once the most highly traveled road in the county. The store is now a little more out-of-the-way than it once was, but Joe says the change in traffic patterns hasn't hurt his business.

"Many local people were lost for a while," Joe recalled. "We were really dead for a couple of weeks. But people find their way. . . . It was an incredible risk (to stay in the same location). I thought it would affect us a lot more than it has." Store hours are 8 a.m. to 8 p.m., Mondays through Saturdays.

#### NOMINATION OF ELENA KAGAN

Mr. LEAHY. Madam President, this morning, the Supreme Court concluded its work for the term and, accordingly, it was Justice John Paul Stevens' last day on the Court. This afternoon, the Senate Judiciary Committee began the hearing on the nomination of Elena Kagan to succeed Justice Stevens on the Supreme Court of the United States.

Solicitor General Kagan appropriately included a tribute to Justice Stevens in her opening remarks. The Nation is indebted to Justice Stevens for his decades of service to this country, from his days as a Navy intelligence officer during World War II for which he was awarded a Bronze Star, to his contributions as a circuit judge, to his 35 years on our highest Court and his leadership there.

When I visited with Justice Stevens earlier this year he shared with me the note President Ford had written a year before his death in which the President said: "I am prepared to allow history's judgment of my term in office to rest (if necessary, exclusively) on my nomination 30 years ago of John Paul Stevens to the U.S. Supreme Court." President Ford was justifiably proud of his nomination. Despite those on the far right who have ranted against Justice Stevens' refusal to be bound by narrow, conservative ideology and who have criticized his good judgment—just as they have Justice Sandra Day O'Connor and Justice David Souter—his was principled jurisprudence founded on adherence to the rule of law and an appreciation for the effects of decisions.

His was the first Supreme Court nomination on which I have been privileged to vote. I have never regretted supporting his confirmation. Just as I reached across the political aisle to vote for Justice Stevens, Justice O'Connor, and Justice Souter, who were nominated by Republican Presidents, I have urged Senate Republicans to fairly consider President Obama's nominations.

Justice Stevens has written important decisions upholding the power of Congress to pass legislation to protect hard-working Americans. He brought to his opinions a keen understanding of the distinct roles set forth in our Constitution for courts and for our democratically elected Congress, and a respect for both. In *Gonzales v. Raich* and in *Tennessee v. Lane*, Justice Stevens authored the Supreme Court's opinions upholding Congress' actions. I suspect these precedents will be even more important as the Supreme Court continues to examine laws passed by Congress to protect Americans from discriminatory health insurance policies and fraudulent Wall Street practices.

A decade ago, the Supreme Court overreached and unnecessarily waded into the political thicket to award the presidency in a close election to George W. Bush. In his dissent, Justice Stevens lamented that the decision would damage the Court's reputation and it did. He noted: "Although we may never know with complete certainty the identity of the winner of this year's Presidential election, the identity of the loser is perfectly clear. It is the Nation's confidence in the judge as an impartial guardian of the rule of law."

While the public's memory of that partisan decision was receding, it came rushing back when the Supreme Court issued another election-related decision in the *Citizens United* case. In *Citizens United*, five conservative, activist Justices overturned a century of law to empower corporations to overwhelm and distort the democratic proc-

ess by using corporate funds to influence elections. Those five Justices substituted their own preferences for the judgment of Congress that had built on decades of legal development to pass bipartisan campaign finance reform legislation. In order to reach its divisive decision granting corporations, banks, and insurance companies new rights to the detriment of the voices of individual Americans, the Court overstepped the proper judicial role, and rejected not just the conclusions of the elected branches, but also its own recent precedent upholding the very law it chose to overturn. In one of his most powerful dissents, Justice Stevens noted that: "[The] Court's ruling threatens to undermine the integrity of elected institutions across the nation. The path it has taken to reach its outcome will, I fear, do damage to this institution." He was right, again.

I share Justice Stevens' concern for the Court's reputation. Two of the three branches of government are involved in campaigns and elections. When the American people see the third branch reaching out to influence those elections—as they did most recently in Arizona—they rightly get suspicious of its impartiality. I hope that Elena Kagan will show the judgment and forthrightness of Justice Stevens and share our concern about the public's confidence in our judicial system. Based on her Oxford thesis almost 20 years ago, before she had even attended law school, I expect that she will. I hope that she will honor Justice Stevens' extraordinary legacy and that of the Justice for whom she clerked, Justice Thurgood Marshall, by so doing.

The country needs and deserves a Supreme Court that bases its decisions on the law and the Constitution, not politics or an ideological agenda. A recent pattern of Supreme Court decisions has emerged by a conservative, activist majority. These opinions have twisted both the Constitution and the law to favor big corporations over the interests of hard-working Americans.

The most recent example of this conservative activism came just last week in a case called *Rent-a-Center v. Jackson* when they distorted their own precedent the clear congressional intent in passing the Federal Arbitration Act, FAA. Congress did not intend the FAA to apply to employment cases and certainly did not intend involuntary and unconscionable provisions requiring binding mandatory arbitration to override civil rights protections against racial discrimination and retaliation, as was allowed in that case. The five Justices distorted the law to forbid almost all court challenges to arbitration. In doing so, the court stripped quintessential civil rights protections that Congress has passed over the last several decades for hundreds of thousands of Americans who work

under mandatory arbitration agreements. It is artifice and activism to the detriment of hard-working Americans who deserve their day in court.

The law is not a game. The law is intended to serve the people—protecting the freedom of individuals from the tyranny of government or the mob, and helping to organize our society for the good of all. No Justice should substitute his or her personal preferences and overrule congressional efforts passed into law to protect hard-working Americans pursuant to our constitutional role. Judges must approach every case with an open mind and a commitment to fairness and the rule of law. I was encouraged to hear Solicitor General Kagan voice similar views in her eloquent opening statement today. I hope Americans took the opportunity to see and hear from the nominee herself. If they did, I suspect that they will be supportive.

Tomorrow each Senator on the Judiciary Committee, whether Republican and Democrat, will have 30 minutes to question her. I urge Senators to listen to Solicitor General Kagan's responses and to approach the hearing with the same openmindedness and impartiality that we expect from Supreme Court Justices.

#### HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS BARRY DANIEL SMITH

Mrs. SHAHEEN. Madam President, today I rise to express my deepest sympathies to the family of Army PFC Barry Daniel Smith, who died on May 7 while stationed at Fort Hood, TX. He enlisted in the Army in October of 2009 and completed basic training and Multiple Launch Rocket System training before joining the 2nd Battalion, 20th Field Artillery, MLRS, 41st Fires Brigade. The American people will forever be grateful to Private First Class Smith for his willingness to serve.

A longtime New Hampshire resident, Barry was a graduate of Littleton High School and Hesser College in Manchester, where he earned a degree in criminal justice. He was a lover of the great outdoors, of hunting and camping with family and friends. With his friendly nature and wonderful laugh, Barry made friends easily and had many.

Private Smith exemplified the best in America's long tradition of service to this country. He was extremely proud to serve in the U.S. Army. Our Nation can never adequately thank Private Smith for his willingness to make the ultimate sacrifice in the defense of the American people, nor can words diminish the pain of losing this young soldier. It is now up to us to honor his memory by supporting our veterans and their families and ensuring America's continued security.

Private Barry Smith is survived by his parents Dan and Shelly Smith of

Auburn, ME, and Linda and Jonathan Larrivee of Littleton, NH. He is also survived by numerous siblings, grandparents, aunts, uncles and cousins. This young patriot will be dearly missed by all.

I ask my colleagues and all Americans to join me in honoring the life of Army PFC Barry Daniel Smith.

#### TAX EXTENDERS BILL

Mr. GRASSLEY. Madam President, I was surprised to see the Senate majority leader on Friday morning, in some of the harshest possible language, make the misleading assertion that Senate Republicans oppose the underlying policy in the tax extenders bill. His statement conveniently ignored the basic reason nearly every Republican for opposing the Democratic leadership's substitute. It was opposed to because it perpetuated the large deficit spending that has become the modus operandi of the Democratic leadership.

The way to a bipartisan agreement is to follow the path set 1 week ago today. Just 1 week ago, the Senate passed a bill that extended the so-called Medicare doc fix for several months.

The bill was fully offset. It was paid for. It did not add to the deficit. Every Republican Senator supported that fiscally responsible approach. I would like to make a couple of points on the process employed by the Democratic leadership. The majority leader's comments this morning are typical of the dysfunctional way that these routine extenders have been unnecessarily delayed by the strategy and tactics of the Democratic leadership.

What I find surprising is that we took up a package, the fourth in the latest series, that, like previous exercises, absolutely belongs to the Senate Democratic leadership. That is to say they continued to refuse to take up a bipartisan package that I put together with Finance Committee Chairman BAUCUS. To be sure, some of the structure reflected the agreement my friend, the chairman and I reached.

I was under the impression that the Senate Democratic leadership was genuine in its desire to work on a bipartisan basis, but clearly I was mistaken. Although the Senate Democratic leadership was highly involved in the development of a bipartisan bill, they arbitrarily decided to replace it with a bill that skews toward their liberal wing.

My second comment goes to the way in which these expiring tax provisions have been described by many on the other side, including those in the Democratic leadership. If you rolled the videotape back a few months or so ago, you would hear a lot of disparaging comments about these routine, bipartisan extenders. From my perspective, those comments were made in an effort to sully the bipartisan agree-

ment reached by Chairman BAUCUS and me.

If you take a look at newspaper accounts of that period, you'd come away with the impression that the tax extenders are partisan pork for Republicans. A representative sample comes from one report, which describes the bipartisan bill as "an extension of soon-to-expire tax breaks that are highly beneficial to major corporations, known as tax extenders, as well as other corporate giveaways that had been designed to win GOP support." The Washington Post included this attribution to the Senate Democratic leadership in an article at that time: "We're pretty close," [the majority leader] said Friday during a television appearance in Nevada, adding that he thought "fat cats" would have benefitted too much from the larger Baucus-Grassley bill."

The portrait that was painted by certain members of the majority in some press reports was inaccurate.

For one thing the tax extenders include provisions such as the deduction for qualified tuition and related expenses and also the deduction for certain expenses of elementary and secondary school teachers. If you are going to school or if you are a grade school teacher, the Senate Democratic leadership apparently viewed you as a fat cat. If your house was destroyed in a recent natural disaster and you still need any of the temporary disaster relief provisions contained in the extenders package, too bad, because helping you would amount to a corporate giveaway in the eyes of some.

The tax extenders have been routinely passed repeatedly because they are bipartisan and very popular. Democrats have consistently voted in favor of extending these tax provisions. House Speaker NANCY PELOSI released a very strong statement upon House passage of tax extenders in December of 2009, saying this was "good for businesses, good for homeowners, and good for our communities." December of 2009 was not very long ago. In 2006, the then-Democratic leader released a blistering statement "after Bush Republicans in the Senate blocked passage of critical tax extenders" because "American families and businesses are paying the price because this Do Nothing Republican Congress refuses to extend important tax breaks."

Recent bipartisan votes in the Senate on extending expiring tax provisions have come in the Emergency Economic Stabilization Act of 2008, the Tax Relief and Health Care Act of 2006, which passed the Senate by unanimous consent and the Working Families Tax Relief Act of 2004, which originally passed the Senate by voice vote, although the conference report only received 92 votes in favor and a whopping 3 against. According to the non-partisan Congressional Research Service, extension of several of these provisions go

back even further, including the Tax Relief Extension Act of 1999, which again passed the Senate by unanimous consent, but lost 1 vote on the conference report.

One Member on the other side said "Our side isn't sure that the Republicans are real interested in developing good policy and to move forward together. Instead, they are more inclined to play rope-a-dope again. My own view is, let's test them." Another Member of this large 59-vote majority exclaimed, "It looks more like a tax bill than a jobs bill to me. What the Democratic Caucus is going to put on the floor is something that's more focused on job creation than on tax breaks."

Reading those comments I found myself scratching my head. The only explanation for this behavior is that certain senators decided last week that it serves a deeply partisan goal to slander what have been for several years bipartisan and popular tax provisions benefiting many different people. The Washington Post article I quoted from earlier includes a statement from a Senate Democratic leadership aide saying that "No decisions have been made, but anyone expecting us immediately to go back to a bill that includes tax extenders will be sorely disappointed."

You can imagine, that today, after considering these comments, I am really scratching my head. We have before us the expiring tax and health provisions that were disparaged just a short time ago. Have they morphed from corporate tax pork? Have they suddenly re-acquired their bipartisan character? Are these time-sensitive items, now expired for more than 2 months, suddenly jobs-related?

Madam President, I also want to correct the record regarding a statement made last Thursday night by the senior Senator from Illinois. He said that the international tax increases that the Democrats have called for in the extenders bill would stop companies from sending jobs overseas. If only these international tax increases would do that, I would be at the front of the line, doing what I could to pass them. But, unfortunately, that is not what they would do. I would like to briefly describe why, if anything, these international tax increases would actually tend to hurt the job market here at home in America.

Quite to the contrary of the complaint by the senior Senator from Illinois, these international tax increases may make American businesses less competitive in the global marketplace. Increased taxes increase the cost of doing business. Those tax increases are targeted only at U.S. companies on their business abroad. They are not aimed at foreign companies with which the U.S. companies are competing side-by-side. Guess what. The cost must be absorbed by the U.S. company. The cost of these tax increases may make it

less likely that American businesses will hire. Instead German, or Indian, or Chinese companies will out-compete and thus be hiring more. If the U.S. taxes the foreign subsidiaries of U.S. parent companies at ever higher rates, the result won't be jobs kept here at home.

No, the result will instead be that the U.S. will become a less and less attractive place to have a parent company, to have a global headquarters. This will result in less, not more, but less jobs here in America.

But that is certainly not my only objection. Not only could these international tax increases result in less American jobs, but these proposed tax increases have not had adequate vetting. In some cases, the proposed tax increases would actually be retroactive. These tax increases would be permanent tax increases, meant to pay for temporary tax reductions—a strange miss-match. If these international tax increases really are loophole closers, then it is squandering them to use them for such temporary provisions, rather than to use them to pay for corporate tax reform.

Finally, the business community—that is, the hiring sector—has reacted quite negatively to this bill, even though the bill also contains the tax extenders that the business community wants.

Those are the reasons that I oppose these tax increases.

#### SAFER AIR ACT

Mr. BENNETT. Madam President, I am pleased to rise today to speak about an important piece of legislation that I introduced last week with my friend Senator KLOBUCHAR. The SAFER AIR Act is going to bring our commercial air travel security checkpoints into the 21st century. Threats to our Nation's air travelers have advanced and magnetometers are simply not enough in this post-9/11 world. Our legislation would support and expand TSA's current efforts to adopt and deploy advanced technologies, like the advanced imaging technology, and explosive trace detection at an accelerated pace to ensure such equipment is the primary screening method in every commercial airport.

The December 25 terror attempt on NW flight 253 was a frightening wake-up call that could have been prevented. It represents a failure in the mechanisms of our national security. This failed plot highlights our need to look at areas that can increase our security in the national airport system immediately. Important security improvements have been made in intelligence handling, but I am convinced more needs to be done. Airport security improvements are a needed and overdue part of the equation.

I have been watching our domestic airport security closely in the past

year. My airport in Salt Lake City, UT, is a testing site for advanced imaging technology. I have seen this machine in use, and been impressed with what represents a true advancement in the technology of safer skies. TSA needs to utilize equipment that is currently available to identify plastic and liquid explosives as well as move forward with the development and testing of new technologies to fight emerging threats.

Our bill will require TSA to install technology with the capability of detecting plastic explosives, liquid explosives and other nonmetallic threats and explosives. These devices have been tested and available since 2007. The delay in deployment has gone on long enough. The SAFER AIR Act will require this technology in all commercial airports by 2013 and will encourage the further development of these technologies as threats continue to advance.

An important provision in our legislation is the privacy protections it will establish for our traveling public. I applaud TSA for the protections it has already put in place. Our language will codify those protections and ensure the new technologies will also be used in a manner that doesn't violate the personal privacy of commercial flyers in the United States.

New and emerging technologies have a great ability to detect nontraditional threats. I am eager to see these capabilities improved through further innovation and testing. I urge my colleagues to join me in supporting the SAFER AIR Act and do all we can to better protect the traveling public from existing and emerging threats.

#### ADDITIONAL STATEMENTS

##### ARKANSAS NEWS-EDITORIAL CONTEST WINNERS

• Mrs. LINCOLN. Madam President, today I congratulate the 2010 winners of the Arkansas Press Association's News-Editorial Contest, who were honored this past weekend during the 2010 Tri-State Convention, cohosted by the press associations of Arkansas, Mississippi and Tennessee. I commend the Arkansas reporters, editors, and staff who were recognized during this prestigious event.

Under the leadership of executive director Tom Larimer, the Arkansas Press Association serves 135 newspapers: 99 weeklies, six semi-weeklies, 28 dailies and 2 free newspapers.

Our Arkansas newspapers inform citizens throughout our State and are an essential part of Arkansas's culture. I appreciate the dedication of all of our Arkansas news media, and I commend them on their commitment to excellence in journalism.

As the oldest professional association in the State, the Arkansas Press Association has a long history of supporting

our local newspapers. All Arkansans should be proud of the hard work put in each day by our Arkansas news media, who work tirelessly to fairly and accurately report the news of the day. Their work educates and inspires each one of us, and I am grateful that we live in a society where reporters are able to perform their jobs freely and openly.

I again congratulate all of the winners of this year's conference.●

#### TRIBUTE TO MARTIN LEONARD SKUTNIK

● Mr. CONRAD. Madam President, I want to take a moment to honor a great civil servant. On June 4, Martin Leonard Skutnik retired after 30 years of working at the Congressional Budget Office. Lenny exemplified the best of our public workforce. In his decades of service, Lenny worked tirelessly to support the work of CBO. He moved from handling mail and supplies, to printing reports, to providing IT support. Lenny's behind-the-scenes efforts helped CBO in its mission to provide Congress and the public with clear, timely, and accurate information. For that alone, he deserves our recognition and deepest thanks.

But Lenny will also be remembered for the heroic deed he performed early in his career at CBO. On a cold January day in 1982, Lenny was returning home from work when he witnessed Air Florida flight 90 crash into the Potomac River. Risking his own life, Lenny jumped into the icy waters and saved one of the passengers from drowning. His selfless and heroic act was widely acclaimed at the time. President Reagan honored Lenny in his State of the Union Address, singling him out in the House gallery. This acknowledgment began the tradition of Presidents, in their State of the Union Addresses, recognizing people who have done extraordinary things. The President's gallery in the House is now often referred to as "the Heroes' Gallery," thanks to Lenny.

Lenny received many awards and honors for his actions on that day. But he never sought out the limelight or asked for special treatment. He remained a humble and hardworking public servant. Lenny insists he "wasn't a hero," and that he "was just someone who helped another human being." But we know a hero when we see one. We can't thank Lenny enough for his long, faithful service to CBO and the American people. I wish him a long, happy, and well-deserved retirement.●

● Mr. GREGG. Madam President, today I would like to recognize and thank a dedicated civil servant, Martin Leonard Skutnik. Lenny, as he is known, recently retired after working for 30 years for the Congressional Budget Office. He started at CBO in 1980 handling the mail and messenger duties—before

the advent of the internet, email, and blackberries—and later worked to help print and produce CBO reports and provide IT support. Lenny worked behind the scenes, tirelessly for three decades, to help provide Congress with the information it needed. Lenny was a model civil servant, and for that he deserves our respect and praise.

Lenny was also a model citizen, and whether he thought so or not, a hero. In January 1982, Lenny witnessed a horrible event when an Air Florida plane crashed into the Potomac River near the 14th Street bridge. Without so much as a thought about his own safety, Lenny jumped into the river, which was full of chunks of floating ice, and saved the life of one of the crash victims. He was honored later that month by President Reagan during his State of the Union Address, and this began the inspirational tradition of Presidents honoring ordinary people who have done extraordinary things.

Through it all, Lenny shied away from the spotlight and continued to report to work, putting 100 percent effort into his work each day. He worked hard, remained humble, and never sought to exploit his fame. His character exemplifies the best of the American spirit, and for that he deserves our admiration. I wish to thank Lenny for his hard work and for his heroism—may he enjoy a healthy and well-deserved retirement.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### CAPS EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

##### ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 2009, the following enrolled bill, previously signed by the Speaker of the House, was signed on today, June 28, 2010, by the President pro tempore (Mr. INOUE):

H.R. 2194. An act to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, an-

nounced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5136. An act to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 5175. An act to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5136. An act to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 5175. An act to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6401. A communication from the Secretary of the Air Force, transmitting, pursuant to law, the RAND report entitled "Retaining F-22A Tooling: Options and Costs"; to the Committee on Armed Services.

EC-6402. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Administrative Process for Seizures and Forfeitures Under the Immigration and Nationality Act and Other Authorities" (RIN1651-AA58) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6403. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation for Marine Events; Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District" ((RIN1625-AA08) (Docket No. USG-2010-0102)) received in the Office of the President of the Senate on June 23, 2010; to the

Committee on Commerce, Science, and Transportation.

EC-6404. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; U.S. Navy Submarines, Hood Canal, WA" ((RIN1625-AA11) (Docket No. USG-2009-1058)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6405. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Patapsco River, Northwest Harbor, Baltimore, MD" ((RIN1625-AA08) (Docket No. USG-2010-0087)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6406. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Portland Rose Festival Fleet Week, Willamette River, Portland, OR" ((RIN1625-AA87) (Docket No. USG-2010-0196)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6407. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Potomac River, Washington Channel, Washington, DC" ((RIN1625-AA87) (Docket No. USG-2010-0405)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6408. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Golden Guardian 2010 Regional Exercise; San Francisco Bay, San Francisco, CA" ((RIN1625-AA87) (Docket No. USG-2010-0221)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6409. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Annual Events Requiring Safety Zones in the Captain of the Port Lake Michigan Zone" ((RIN1625-AA00) (Docket No. USG-2010-0129)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6410. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Tri-City Water Follies Hydroplane Races Practice Sessions, Columbia River, Kennewick, WA" ((RIN1625-AA00) (Docket No. USG-2010-0277)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6411. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Washington State Department of Transportation Ferries Division Marine Rescue Response (M2R) Full-Scale Exercise for a Mass Rescue Incident (MRI)" ((RIN1625-

AA00) (Docket No. USG-2010-0389)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6412. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Marathon Oil Refinery Construction, Rouge River, Detroit, MI" ((RIN1625-AA00) (Docket No. USG-2010-0333)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6413. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; May Fireworks Displays within the Captain of the Port Puget Sound Area of Responsibility (AOR)" ((RIN1625-AA00) (Docket No. USG-2010-0285)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6414. A communication from the Project Council, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone, Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet—Saganashkee Channel, Chicago, IL" ((RIN1625-AA00) (Docket No. USG-2010-0166)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6415. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Gallants Channel, Beaufort, NC" ((RIN1625-AA00) (Docket No. USG-2010-0120)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6416. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Marine Events within the Captain of the Port Sector Northern New England Area of Responsibility" ((RIN1625-AA00) (Docket No. USG-2010-0239)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6417. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; KFOG Kaboom, Fireworks Display, San Francisco, CA" ((RIN1625-AA00) (Docket No. USG-2010-0162)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6418. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Sea World Summer Nights Fireworks, Mission Bay, San Diego, CA" ((RIN1625-AA00) (Docket No. USG-2010-0213)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6419. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; San Clemente 3 NM Safety

Zone, San Clemente Island, CA" ((RIN1625-AA00) (Docket No. USG-2009-0277)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6420. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Under Water Clean Up of Copper Canyon, Lake Havasu, AZ" ((RIN1625-AA00) (Docket No. USG-2010-0168)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6421. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Riser for DEEPWATER HORIZON at Mississippi Canyon 252 Outer Continental Shelf MODU in the Gulf of Mexico" ((RIN1625-AA00) (Docket No. USG-2010-0337)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6422. A communication from the Secretary of Energy, transmitting, pursuant to law, an annual report relative to the Strategic Petroleum Reserve for calendar year 2008; to the Committee on Energy and Natural Resources.

EC-6423. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure: Safe Harbors for Sections 143 and 25" (Rev. Proc. 2010-25) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Finance.

EC-6424. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-435, "Brookland Streetscape Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6425. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-436, "Renewable Energy Incentive Program Fund Balance Rollover Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6426. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-437, "Commission on Uniform State Laws Appointment Authorization Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6427. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-438, "District of Columbia Public Schools Teacher Reinstatement Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6428. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-439, "Solar Thermal Incentive Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6429. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-440, "Senior Housing Modernization Grant Fund Act of 2010"; to the

Committee on Homeland Security and Governmental Affairs.

EC-6430. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-444, "Prohibition Against Human Trafficking Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6431. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, (3) reports relative to vacancies in positions in the Office of Management and Budget; to the Committee on Homeland Security and Governmental Affairs.

EC-6432. A communication from the Secretary of Education, transmitting, pursuant to law, a report on the Department's Semi-annual Report to Congress on Audit Follow-Up for the period of October 1, 2009, through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6433. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including technical data and defense services to Japan and Israel to support the manufacture and assembly of Helmet Mounted Displays for the Fighter Aircraft of the Armed Forces of Japan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6434. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Bermuda, Hong Kong, Cayman Islands, Malaysia and the Philippines for the sale and support of the Asia Broadcast Satellite 2 (ABS 2) Commercial Communications Satellite Program in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6435. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Japan and Israel to support the manufacture and assembly of Helmet Mounted Displays for the Fighter Aircraft of the Armed Forces of Japan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6436. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Turkey and Poland for the manufacture of machined parts, subassemblies and components for all models of the H-60/S-70, H-53, and H-92 families of helicopters in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-6437. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense serv-

ices to support the C3 Commercial Communication Satellite Programs of Brazil in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6438. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to support the 737 Airborne Early Warning and Control Wedgetail System previously delivered to the Commonwealth of Australia in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-6439. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including, technical data, and defense services for the upgrade of Swedish Low Coverage Radars in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6440. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0089-2010-0092); to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with amendments:

S. 2129. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum (Rept. No. 111-216).

H.R. 1700. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum (Rept. No. 111-217).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WHITEHOUSE (for himself and Mr. VITTER):

S. 3540. A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN:

S. 3541. A bill to prohibit royalty incentives for deepwater drilling, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 3542. A bill to create a fair and efficient system to resolve claims of victims for economic injury caused by the Deepwater Horizon incident, to establish a Commission to investigate and report on corrective meas-

ures to prevent similar incidents, to improve the Oil Spill Liability Trust Fund and Federal oil spill research, and for other purposes; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 567. A resolution to elect Daniel K. Inouye, a Senator from the State of Hawaii, to be President pro tempore of the Senate of the United States; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 568. A resolution notifying the House of Representatives of the election of a President pro tempore; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 569. A resolution notifying the President of the United States of the election of a President pro tempore; considered and agreed to.

By Mr. CASEY (for himself, Mr. LEVIN, Mr. KAUFMAN, Mr. WEBB, Mr. REED, Ms. SNOWE, and Mr. KYL):

S. Res. 570. A resolution calling for continued support for and an increased effort by the Governments of Pakistan, Afghanistan, and other Central Asian countries to effectively monitor and regulate the manufacture, sale, transport, and use of ammonium nitrate fertilizer in order to prevent the transport of ammonium nitrate into Afghanistan where the ammonium nitrate is used in improvised explosive devices; considered and agreed to.

By Mrs. GILLIBRAND (for herself, Mr. VOINOVICH, Mr. LIEBERMAN, Mr. SCHUMER, Mr. LEVIN, Mr. CASEY, Mr. KYL, and Mr. VITTER):

S. Res. 571. A resolution calling for the immediate and unconditional release of Israeli soldier Gilad Shalit held captive by Hamas, and for other purposes; considered and agreed to.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. ROCKEFELLER, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNETT, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr.

REED, Mr. RISCH, Mr. ROBERTS, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 572. A resolution relative to the death of the Honorable Robert C. Byrd, a Senator from the State of West Virginia; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 714

At the request of Mr. WEBB, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 1159

At the request of Mrs. BOXER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1159, a bill to promote freedom, human rights, and the rule of law in Vietnam.

S. 1273

At the request of Mr. DORGAN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 1273, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1275

At the request of Mr. WARNER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1275, a bill to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports.

S. 1353

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1353, a bill to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1986 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits.

S. 1382

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S.

1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 2740

At the request of Mrs. MURRAY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2740, a bill to establish a comprehensive literacy program.

S. 3034

At the request of Mr. SCHUMER, the names of the Senator from Ohio (Mr. BROWN), the Senator from Georgia (Mr. ISAKSON) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 3034, a bill to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center.

S. 3183

At the request of Mr. WYDEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3183, a bill to amend the Internal Revenue Code of 1986 to extend the nonbusiness energy property credit to roofs with pigmented coatings which meet Energy Star program requirements.

S. 3320

At the request of Mr. WHITEHOUSE, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3339

At the request of Mr. KERRY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3339, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 3409

At the request of Ms. LANDRIEU, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3409, a bill to make certain adjustments to the price analysis of propane prepared by the Secretary of Commerce.

S. 3424

At the request of Mr. DURBIN, the name of the Senator from New Jersey

(Mr. MENENDEZ) was added as a cosponsor of S. 3424, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 3466

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3466, a bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

S. 3489

At the request of Mr. VITTER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3489, a bill to terminate the moratorium on deepwater drilling issued by the Secretary of the Interior.

S. 3512

At the request of Mrs. HUTCHISON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3512, a bill to provide a statutory waiver of compliance with the Jones Act to foreign flagged vessels assisting in responding to the Deepwater Horizon oil spill.

S. 3519

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3519, a bill to stabilize the matching requirement for participants in the Hollings Manufacturing Partnership Program.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WHITEHOUSE (for himself and Mr. VITTER):

S. 3540. A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes; to the Committee on Environment and Public Works.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3540

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Estuaries Act of 2010".

#### SEC. 2. NATIONAL ESTUARY PROGRAM AMENDMENTS.

(a) PURPOSES OF CONFERENCE.—

(1) DEVELOPMENT OF COMPREHENSIVE CONSERVATION AND MANAGEMENT PLANS.—Section 320(b) of the Federal Water Pollution Control Act (33 U.S.C. 1330(b)) is amended by striking paragraph (4) and inserting the following:

"(4) develop and submit to the Administrator a comprehensive conservation and management plan that—

"(A) identifies the estuary and the associated upstream waters of the estuary to be addressed by the plan, with consideration given to hydrological boundaries;

“(B) recommends priority corrective actions and compliance schedules addressing—  
“(i) point and nonpoint sources of pollution; and

“(ii) protection and conservation actions—  
“(I) to restore and maintain the chemical, physical, and biological integrity of the estuary, including—

“(aa) restoration and maintenance of water quality, wetlands, and natural hydrologic flows;

“(bb) a resilient and diverse indigenous population of shellfish, fish, and wildlife; and

“(cc) recreational activities in the estuary; and

“(II) to ensure that the designated uses of the estuary are protected;

“(C) identifies healthy watershed components for protection and conservation by carrying out integrated assessments, where appropriate, of—

“(i) aquatic habitat and biological integrity;

“(ii) water quality; and

“(iii) natural hydrologic flows;

“(D) considers current and future sustainable commercial activities in the estuary;

“(E) addresses the impacts of climate change on the estuary, including—

“(i) the identification and assessment of vulnerabilities in the estuary;

“(ii) the development and implementation of adaptation strategies; and

“(iii) the impacts of changes in sea level on estuarine water quality, estuarine habitat, and infrastructure located in the estuary;

“(F) increases public education and awareness with respect to—

“(i) the ecological health of the estuary;

“(ii) the water quality conditions of the estuary; and

“(iii) ocean, estuarine, land, and atmospheric connections and interactions;

“(G)(i) identifies and assesses impairments, including upstream impairments, coming from outside of the area addressed by the plan, and the sources of those impairments; and

“(ii) provides the applicable State with any information on such impairments or the sources of such impairments;

“(H) includes performance measures and goals to track implementation of the plan; and

“(I) includes a coordinated monitoring strategy for Federal, State, and local governments and other entities.”

(2) MONITORING AND MAKING RESULTS AVAILABLE.—Section 320(b) of the Federal Water Pollution Control Act (33 U.S.C. 1330(b)) is amended by striking paragraph (6) and inserting the following:

“(6) monitor (and make results available to the public regarding)—

“(A) water quality conditions in the estuary and the associated upstream waters of the estuary identified under paragraph (4)(A);

“(B) healthy watershed and habitat conditions that relate to the ecological health and water quality conditions of the estuary; and

“(C) the effectiveness of actions taken pursuant to the comprehensive conservation and management plan developed for the estuary under this subsection;”

(3) INFORMATION AND EDUCATIONAL ACTIVITIES.—Section 320(b) of the Federal Water Pollution Control Act (33 U.S.C. 1330(b)) is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following:

“(7) provide information and educational activities on the ecological health and water quality conditions of the estuary; and”

(4) CONFORMING AMENDMENT.—The sentence following section 320(b)(8) of the Federal Water Pollution Control Act (as so redesignated) (33 U.S.C. 1330(b)(8)) is amended by striking “paragraph (7)” and inserting “paragraph (8)”.

(b) MEMBERS OF CONFERENCE; COLLABORATIVE PROCESSES.—

(1) MEMBERS OF CONFERENCE.—Section 320(c)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1330(c)(5)) is amended by inserting “not-for-profit organizations,” after “institutions.”

(2) COLLABORATIVE PROCESSES.—Section 320(d) of the Federal Water Pollution Control Act (33 U.S.C. 1330(d)) is amended—

(A) by striking “(d)” and all that follows through “In developing” and inserting the following:

“(d) USE OF EXISTING DATA AND COLLABORATIVE PROCESSES.—

“(1) USE OF EXISTING DATA.—In developing”; and

(B) by adding at the end the following:

“(2) USE OF COLLABORATIVE PROCESSES.—In updating a plan under subsection (f)(4) or developing a new plan under subsection (b), a management conference shall make use of collaborative processes—

“(A) to ensure equitable inclusion of affected interests;

“(B) to engage with members of the management conference, including through—

“(i) the use of consensus-based decision rules; and

“(ii) assistance from impartial facilitators, as appropriate;

“(C) to ensure relevant information, including scientific, technical, and cultural information, is accessible to members;

“(D) to promote accountability and transparency by ensuring members are informed in a timely manner of—

“(i) the purposes and objectives of the management conference; and

“(ii) the results of an evaluation conducted under subsection (f)(3);

“(E) to identify the roles and responsibilities of members—

“(i) in the management conference proceedings; and

“(ii) in the implementation of the plan; and

“(F) to seek resolution of conflicts or disputes as necessary.”

(c) ADMINISTRATION OF PLANS.—Section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) is amended by striking subsection (f) and inserting the following:

“(f) ADMINISTRATION OF PLANS.—

“(1) APPROVAL.—Not later than 120 days after the date on which a management conference submits to the Administrator a comprehensive conservation and management plan under this section, and after providing for public review and comment, the Administrator shall approve the plan, if—

“(A) the Administrator determines that the plan meets the requirements of this section; and

“(B) each affected Governor concurs.

“(2) IMPLEMENTATION.—

“(A) IN GENERAL.—On the approval of a comprehensive conservation and management plan under this section, the plan shall be implemented.

“(B) USE OF AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated under titles II and VI and section 319 may be used in accordance with the applicable requirements of this Act to assist States with

the implementation of a plan approved under paragraph (1).

“(3) EVALUATION.—

“(A) IN GENERAL.—Not later than 5 years after the date of enactment of this paragraph, and every 5 years thereafter, the Administrator shall carry out—

“(i) an evaluation of the implementation of each comprehensive conservation and management plan developed under this section to determine the degree to which the goals of the plan have been met; and

“(ii) a review of the program designed to implement the plan.

“(B) REVIEW AND COMMENT BY MANAGEMENT CONFERENCE.—In completing an evaluation under subparagraph (A), the Administrator shall submit the results of the evaluation to the appropriate management conference for review and comment.

“(C) REPORT.—

“(i) IN GENERAL.—In completing an evaluation under subparagraph (A), and after providing an opportunity for a management conference to submit comments under subparagraph (B), the Administrator shall issue a report on the results of the evaluation, including the findings and recommendations of the Administrator and any comments received from the management conference.

“(ii) AVAILABILITY TO PUBLIC.—The Administrator shall make a report issued under this subparagraph available to the public, including through publication in the Federal Register and on the Internet.

“(D) SPECIAL RULE FOR NEW PLANS.—Notwithstanding subparagraph (A), if a management conference submits a new comprehensive conservation and management plan to the Administrator after the date of enactment of this paragraph, the Administrator shall complete the evaluation of the implementation of the plan required by subparagraph (A) not later than 5 years after the date of such submission and every 5 years thereafter.

“(4) UPDATES.—

“(A) REQUIREMENT.—Not later than 18 months after the date on which the Administrator makes an evaluation of the implementation of a comprehensive conservation and management plan available to the public under paragraph (3)(C), a management conference convened under this section shall submit to the Administrator an update of the plan that reflects, to the maximum extent practicable, the results of the program evaluation.

“(B) APPROVAL OF UPDATES.—Not later than 120 days after the date on which a management conference submits to the Administrator an updated comprehensive conservation and management plan under subparagraph (A), and after providing for public review and comment, the Administrator shall approve the updated plan, if the Administrator determines that the updated plan meets the requirements of this section.

“(5) PROBATIONARY STATUS.—The Administrator may consider a management conference convened under this section to be in probationary status, if the management conference has not received approval for an updated comprehensive conservation and management plan under paragraph (4)(B) on or before the last day of the 3-year period beginning on the date on which the Administrator makes an evaluation of the plan available to the public under paragraph (3)(C).”

(d) FEDERAL AGENCIES.—Section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) is amended—

(1) by redesignating subsections (g), (h), (i), (j), and (k) as subsections (h), (i), (j), (k), and (m), respectively; and

(2) by inserting after subsection (f) the following:

“(g) FEDERAL AGENCIES.—

“(1) ACTIVITIES CONDUCTED WITHIN ESTUARIES WITH APPROVED PLANS.—After approval of a comprehensive conservation and management plan by the Administrator, any Federal action or activity affecting the estuary shall be conducted, to the maximum extent practicable, in a manner consistent with the plan.

“(2) COORDINATION AND COOPERATION.—

“(A) IN GENERAL.—The Secretary of the Army (acting through the Chief of Engineers), the Administrator of the National Oceanic and Atmospheric Administration, the Director of the United States Fish and Wildlife Service, the Secretary of the Department of Agriculture, the Director of the United States Geological Survey, the Secretary of the Department of Transportation, the Secretary of the Department of Housing and Urban Development, and the heads of other appropriate Federal agencies, as determined by the Administrator, shall, to the maximum extent practicable, cooperate and coordinate activities, including monitoring activities, related to the implementation of a comprehensive conservation and management plan approved by the Administrator.

“(B) LEAD COORDINATING AGENCY.—The Environmental Protection Agency shall serve as the lead coordinating agency under this paragraph.

“(3) CONSIDERATION OF PLANS IN AGENCY BUDGET REQUESTS.—In making an annual budget request for a Federal agency referred to in paragraph (2), the head of such agency shall consider the responsibilities of the agency under this section, including under comprehensive conservation and management plans approved by the Administrator.

“(4) MONITORING.—The heads of the Federal agencies referred to in paragraph (2) shall collaborate on the development of tools and methodologies for monitoring the ecological health and water quality conditions of estuaries covered by a management conference convened under this section.”.

(e) GRANTS.—

“(1) IN GENERAL.—Subsection (h) (as redesignated by subsection (d)) of section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) is amended—

(A) in paragraph (1), by striking “other public” and all that follows before the period at the end and inserting “and other public or nonprofit private agencies, institutions, and organizations”; and

(B) by adding at the end the following:

“(4) EFFECTS OF PROBATIONARY STATUS.—

“(A) REDUCTIONS IN GRANT AMOUNTS.—The Administrator shall reduce, by an amount to be determined by the Administrator, grants for the implementation of a comprehensive conservation and management plan developed by a management conference convened under this section, if the Administrator determines that the management conference is in probationary status under subsection (f)(5).

“(B) TERMINATION OF MANAGEMENT CONFERENCES.—The Administrator shall terminate a management conference convened under this section, and cease funding for the implementation of the comprehensive conservation and management plan developed by the management conference, if the Administrator determines that the management conference has been in probationary status for 2 consecutive years.”.

(2) CONFORMING AMENDMENT.—Section 320(i) the Federal Water Pollution Control Act (as redesignated by subsection (d)) is amended

by striking “subsection (g)” and inserting “subsection (h)”.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) (as redesignated by subsection (d)) is amended by striking subsection (j) and inserting the following:

“(j) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to the Administrator \$75,000,000 for each of fiscal years 2011 through 2016 for—

“(A) expenses relating to the administration of management conferences by the Administrator under this section, except that such expenses shall not exceed 10 percent of the amount appropriated under this subsection;

“(B) making grants under subsection (h); and

“(C) monitoring the implementation of a conservation and management plan by the management conference, or by the Administrator in any case in which the conference has been terminated.

“(2) ALLOCATIONS.—Of the sums authorized to be appropriated under this subsection, the Administrator shall provide—

“(A) at least \$1,250,000 per fiscal year, subject to the availability of appropriations, for the development, implementation, and monitoring of each conservation and management plan eligible for grant assistance under subsection (h); and

“(B) up to \$5,000,000 per fiscal year to carry out subsection (k).”.

(g) RESEARCH.—Section 320(k)(1)(A) of the Federal Water Pollution Control Act (as redesignated by subsection (d)) is amended—

(1) by striking “parameters” and inserting “parameters”; and

(2) by inserting “(including monitoring of both pathways and ecosystems to track the introduction and establishment of nonnative species)” before “, to provide the Administrator”.

(h) NATIONAL ESTUARY PROGRAM EVALUATION.—Section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) is amended by inserting after subsection (k) (as redesignated by subsection (d)) the following:

“(1) NATIONAL ESTUARY PROGRAM EVALUATION.—

“(1) IN GENERAL.—Not later than 5 years after the date of enactment of this paragraph, and every 5 years thereafter, the Administrator shall complete an evaluation of the national estuary program established under this section.

“(2) SPECIFIC ASSESSMENTS.—In conducting an evaluation under this subsection, the Administrator shall—

“(A) assess the effectiveness of the national estuary program in improving water quality, natural resources, and sustainable uses of the estuaries covered by management conferences convened under this section;

“(B) identify best practices for improving water quality, natural resources, and sustainable uses of the estuaries covered by management conferences convened under this section, including those practices funded through the use of technical assistance from the Environmental Protection Agency and other Federal agencies;

“(C) assess the reasons why the best practices described in subparagraph (B) resulted in the achievement of program goals;

“(D) identify any redundant requirements for reporting by recipients of a grant under this section; and

“(E) develop and recommend a plan for limiting reporting any redundancies.

“(3) REPORT.—In completing an evaluation under this subsection, the Administrator

shall issue a report on the results of the evaluation, including the findings and recommendations of the Administrator.

“(4) AVAILABILITY.—The Administrator shall make a report issued under this subsection available to management conferences convened under this section and the public, including through publication in the Federal Register and on the Internet.”.

(i) CONVENING OF CONFERENCE.—Section 320(a)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)) is amended—

(1) by striking “(2) CONVENING OF CONFERENCE.—” and all that follows through “In any case” and inserting the following:

“(2) CONVENING OF CONFERENCE.—In any case”; and

(2) by striking subparagraph (B).

(j) GREAT LAKES ESTUARIES.—Section 320(m) of the Federal Water Pollution Control Act (as redesignated by subsection (d)) is amended by striking the subsection designation and all that follows through “and those portions of tributaries” and inserting the following:

“(m) DEFINITIONS.—In this section, the terms ‘estuary’ and ‘estuarine zone’ have the meanings given the terms in section 104(n)(4), except that—

“(1) the term ‘estuary’ also includes near coastal waters and other bodies of water within the Great Lakes that are similar in form and function to the waters described in the definition of ‘estuary’ in section 104(n)(4); and

“(2) the term ‘estuarine zone’ also includes—

“(A) waters within the Great Lakes described in paragraph (1) and transitional areas from such waters that are similar in form and function to the transitional areas described in the definition of ‘estuarine zone’ in section 104(n)(4);

“(B) associated aquatic ecosystems; and

“(C) those portions of tributaries”.

By Mrs. FEINSTEIN:

S. 3541. A bill to prohibit royalty incentives for deepwater drilling, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Deepwater Drilling Royalty Prohibition Act.

The purpose of this bill is to ensure that taxpayer dollars are not used to incentivize the dangerous and often dirty business of offshore drilling in deep waters.

Over the past decades, Congress has established a number of royalty-relief programs to encourage domestic exploration and production in deep waters. This may have made sense in times when oil prices were too low to provide energy companies with an incentive to drill in difficult places, and before we were ready to deploy large-scale renewable energy production.

But that is no longer the case. The events of the last weeks have shown that safety and response technologies are not sufficient in deep waters. I believe taxpayer-funded incentives should go to clean, renewable energy, not deepwater drilling for oil.

The disastrous impacts of the leak from the Deepwater Horizon have shown that offshore drilling has enormous environmental and safety risks—

particularly in deep waters. Eleven people died and 17 others were injured when the Deepwater Horizon caught fire. All these weeks later, we continue to watch in horror as the scope of the disaster keeps expanding:

Oil slicks spread inexorably across the Gulf of Mexico;

Pelicans and other wildlife struggle to free themselves from crude oil; tar balls spoil the pristine white sand beaches of Florida; Wetlands are coated with toxic sludge; More than 1/3 of Federal waters in the Gulf have been closed to fishing; The plumes of oil under water may create zones of toxicity or low oxygen for aquatic life; The oil may spread into the Atlantic Ocean via the Loop Current; The response techniques, such as the use of dispersants, may have their own toxic consequences; and

Upcoming storms may delay or prevent continued containment and response efforts.

The impacts of an oil spill are so dramatic and devastating, it seems clear to me that regulation, oversight and prevention technologies should be rigorous. But that is clearly not the case.

Regulators failed to ensure appropriate safety and response technologies were in place.

MMS gave BP a categorical exclusion from an environmental impact analysis that in my opinion should never have been allowed.

MMS allowed BP to run a drilling operation without the demonstrated ability to shut off the flow of gas and oil in an emergency.

MMS allowed BP to operate without remote shutoff capability in case the drilling rig became disabled.

MMS did not have an inspector on the rig to settle the heated argument between the BP, Transocean, and Halliburton officials on how they would stop drilling and plug the well.

MMS did not have—and did not require the industry to have—emergency equipment stationed in the Gulf of Mexico that could respond immediately to an emergency.

MMS did not have a plan for responding to disasters.

MMS did not, in fact, have a real inspection and compliance program. It relied on the expertise and advice of the industry on how and how much they should be inspected.

This is not how things should be done. We expect more from our government.

Prevention and response technologies show similar unacceptable deficits: they are not good enough.

These have not improved much since the oil spill in 1969 off the California coast near Santa Barbara. That too was caused by a natural gas blowout when pressure in the drill hole fluctuated. It was successfully plugged with mud and cement after 11 and a half days, but oil and gas continued to

seep for months. The Santa Barbara spill was devastating, but it was a tiny fraction of the size of the Deepwater Horizon spill.

The old technology was not good enough, but now it appears that even the newest safety technology fails to prevent wellhead blowouts.

The Deepwater Horizon drill rig was just completed in 2001.

The drill rig that caused the 2009 spill in the Montara oil and gas field in the Timor Sea—one of the worst in Australia's history—was designed and built in 2007. That spill continued unchecked for 74 days.

The New York Times reports that the blind shear rams in the blowout preventers—the last line of defense to prevent wellhead leaks are “surprisingly vulnerable” to failure. One study found that blowout preventers have a failure rate of 45 percent.

These technologies are insufficient, and they are particularly vulnerable in deep waters.

Methane hydrate crystals form when methane gas mixes with pressurized cold ocean waters—and the likelihood of these crystals forming increases dramatically at about 400 meters depth. These crystals interfere with response and containment technologies. They formed in the cofferdam dome that was lowered onto the gushing oil in the Gulf, and prevented it from working. When a remotely operated underwater vehicle bumped the valves in the “top hat” device, the containment cap had to be removed and slowly replaced to prevent formation of these crystals again.

Other risks increase too, as explained by the Wall Street Journal:

Drilling in deeper water doesn't change the fundamental process, but it makes virtually everything harder. Rigs must be bigger so they can hold more drilling pipe to stretch vast distances. The pipes themselves must be stronger to withstand ocean currents. Equipment on the sea floor must be sturdier to face extreme pressures at depth. Drill bits must be tougher so they don't melt in the 400-degree temperatures they encounter deep in the earth. And it is harder for drillers to exert just the right amount of pressure down the well bore, enough to keep oil and gas from spurting upwards—a blowout—but not so much that they crack open the rocks beneath the surface, which could also lead to a blowout.

It is clear that prevention, containment, and clean-up measures are not sufficient to handle oil leaks, particularly in deep waters.

American taxpayers should not forego revenue to incentivize offshore drilling. It is not good environmental policy, and it is not good energy policy either.

We need to move to clearer renewable fuels.

I believe that global warming is the biggest environmental crisis we face—and the biggest culprit of global warming is manmade emissions produced by the combustion of fossil fuels, like oil and coal.

Taxpayer funded incentives should not finance production of fossil fuels—particularly in places where the production itself poses potential devastation, but rather should be used to develop and deploy clean energy technologies like wind and solar. I very much believe this.

That is why I have worked with my colleagues on a number of legislative initiatives designed to reduce greenhouse gas emissions, increase energy efficiency and incentivize the use of renewable energy.

One of our biggest victories was the enactment of the aggressive fuel economy law, called the Ten in Ten Fuel Economy Act, which was passed by Congress and signed into law by then-President Bush in the 110th Congress. This law, which I authored with Senator SNOWE, will improve fuel economy standards for passenger vehicles at the maximum feasible rate. The good news is that the administration has taken the framework of this law and implemented aggressive standards that require raising fleetwide fuel economy to 35.5 mpg in 2016—a 40 percent increase above today's standard.

The other positive development is that the domestic renewable energy industry has grown dramatically over the last few years. Last year, the United States added more new capacity to produce renewable electricity than it did to produce electricity from natural gas, or oil, or coal. A great deal of this growth can be attributed to government renewable energy incentives. That is where public investment in energy development should go.

It is clear that the clean energy sector is the next frontier in jobs creation.

We need to ensure that developers can access financing to launch wind, solar and geothermal projects, so that they can put people to work. Programs like The Recovery Act grant program run by the Treasury Department have been very successful in encouraging private investment in this sector. So far, the program has helped to bring 4,250 megawatts of clean power online and is expected to generate more than 143,000 green jobs by the end of the year, according to the Lawrence Berkeley National Laboratory. The program, however, is set to expire at the end of year if we don't act. So, I'm working on legislation that will extend this successful program for an additional 2 years.

All told, these types of measures are helping to foster the incentives that will push the United States to adopt a cleaner energy future, and to move away from fossil fuels.

Let me make one final point clear, I don't believe the oil companies need taxpayer dollars to help them out. They are already reaping record profits.

Last year, the top 10 U.S. oil companies' combined revenues were almost

\$850 billion. Yet we continue to use money that should come to the U.S. Treasury, to add to their bottom line. This is unacceptable.

Oil reserves are a public resource. When a private company profits from those public resources, American taxpayers should benefit too.

I urge my colleagues to support this legislation and ensure that royalties owed to the taxpayers are not waived to incentivize risky off-shore drilling. In these critical economic times, every cent of the people's money should be spent wisely, on clean, efficient and safe technologies.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3541

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Deepwater Drilling Royalty Prohibition Act".

#### SEC. 2. PROHIBITION ON ROYALTY INCENTIVES FOR DEEPWATER DRILLING.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior shall not issue any oil or gas lease sale under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) with royalty-based incentives in any tract located in water depths of 400 meters or more on the outer Continental Shelf.

(b) ROYALTY RELIEF FOR DEEP WATER PRODUCTION.—Section 345 of the Energy Policy Act of 2005 (42 U.S.C. 15905) is repealed.

(c) ROYALTY RELIEF.—Section 8(a)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)) is amended by adding at the end the following:

"(D) PROHIBITION.—Notwithstanding subparagraphs (A) through (C) or any other provision of law, the Secretary shall not reduce or eliminate any royalty or net profit share for any lease or unit located in water depths of 400 meters or more on the outer Continental Shelf."

(d) APPLICATION.—This section and the amendments made by this section—

(1) apply beginning with the first lease sale held on or after the date of enactment of this Act for which a final notice of sale has not been published as of that date; and

(2) do not apply to a lease in effect on the date of enactment of this Act.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 567—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE OF THE SENATE OF THE UNITED STATES

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 567

*Resolved*, That Daniel K. Inouye, a Senator from the State of Hawaii, be, and he is here-

by, elected President of the Senate pro tempore.

SENATE RESOLUTION 568—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 568

*Resolved*, That the House of Representatives be notified of the election of the Honorable Daniel K. Inouye as President of the Senate pro tempore.

SENATE RESOLUTION 569—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 569

*Resolved*, That the President of the United States be notified of the election of the Honorable Daniel K. Inouye as President of the Senate pro tempore.

SENATE RESOLUTION 570—CALLING FOR CONTINUED SUPPORT FOR AND AN INCREASED EFFORT BY THE GOVERNMENTS OF PAKISTAN, AFGHANISTAN, AND OTHER CENTRAL ASIAN COUNTRIES TO EFFECTIVELY MONITOR AND REGULATE THE MANUFACTURE, SALE, TRANSPORT, AND USE OF AMMONIUM NITRATE FERTILIZER IN ORDER TO PREVENT THE TRANSPORT OF AMMONIUM NITRATE INTO AFGHANISTAN WHERE THE AMMONIUM NITRATE IS USED IN IMPROVISED EXPLOSIVE DEVICES

Mr. CASEY (for himself, Mr. LEVIN, Mr. KAUFMAN, Mr. WEBB, Mr. REED, Ms. SNOWE, and Mr. KYL) submitted the following resolution; which was considered and agreed to:

S. RES. 570

Whereas it is illegal to manufacture, own, or use ammonium nitrate fertilizer in Afghanistan since a ban was instituted by Afghan President Hamid Karzai in January 2010;

Whereas ammonium nitrate fertilizer has historically been and continues to be 1 of the primary explosive ingredients used in improvised explosive devices (referred to in this preamble as "IEDs") by Taliban insurgents in Afghanistan against the United States and coalition forces;

Whereas 275 United States troops were killed by IEDs in Afghanistan in 2009;

Whereas large amounts of ammonium nitrate are shipped into Afghanistan from Pakistan, Iran, and other Central Asian countries;

Whereas the Government of Pakistan has indicated a willingness to work collaboratively with the Governments of the United States and Afghanistan to address the regulation and interdiction of ammonium nitrate fertilizer and other IED precursors; and

Whereas the United States government currently provides assistance to Pakistan for agricultural development and capacity building; Now, therefore, be it

*Resolved*, That the Senate—

(1) urges the Governments of Pakistan, Afghanistan, and other Central Asian countries to fully commit to regulating the sale, transport, and use of ammonium nitrate in the region;

(2) calls on the Secretary of State—

(A) to continue to diplomatically engage with the Governments of Pakistan, Afghanistan, and other Central Asian countries to address the proliferation and transportation of ammonium nitrate and other improvised explosive device ("IED") precursors in the region; and

(B) to work with the World Customs Organization and other international bodies, as the Secretary of State determines to be appropriate, on initiatives to improve controls globally on IED components; and

(3) urges the Secretary of State to work with the Governments of Pakistan, Afghanistan, and other Central Asian countries to encourage and support improvements in infrastructure and procedures at border crossings to prevent the flow of ammonium nitrate and other IED precursors or components into the region.

SENATE RESOLUTION 571—CALLING FOR THE IMMEDIATE AND UNCONDITIONAL RELEASE OF ISRAELI SOLDIER GILAD SHALIT HELD CAPTIVE BY HAMAS, AND FOR OTHER PURPOSES

Mrs. GILLIBRAND (for herself, Mr. VOINOVICH, Mr. LIEBERMAN, Mr. SCHUMER, Mr. LEVIN, Mr. CASEY, Mr. KYL, and Mr. VITTER) submitted the following resolution; which was considered and agreed to:

S. RES. 571

Whereas Congress previously expressed its concern for missing Israeli soldiers in the Act entitled "An Act to locate and secure the return of Zachary Baumel, a United States citizen, and other soldiers missing in action", approved November 8, 1999 (Public Law 106-89; 113 Stat. 1305), which required the Secretary of State to raise the status of missing Israeli soldiers with appropriate government officials of Syria, Lebanon, the Palestinian Authority, and other governments in the region, and to submit to Congress reports on those efforts and any subsequent discovery of relevant information;

Whereas the House of Representatives passed H. Res. 107 on March 13, 2007, regarding Gilad Shalit and other Israeli soldiers illegally attacked and captured by terrorists;

Whereas Israel completed its withdrawal from Gaza on September 12, 2005;

Whereas, on June 25, 2006, Hamas together with allied terrorists crossed into Israel to attack a military post, killing two soldiers and wounding and kidnapping Gilad Shalit in a blatantly illegal and extortionate effort to coerce the Government of Israel;

Whereas Hamas has prevented access to Gilad Shalit by competent medical personnel and representatives of the International Committee of the Red Cross;

Whereas Hamas has refused to provide Gilad Shalit with regular contact with his family or any other party, or to allow his family to know where he is being held;

Whereas Hamas has compelled Gilad Shalit to appear in video and voice recordings intended to illegally and extortionately coerce the Government of Israel; and

Whereas Gilad Shalit has been held in captivity by Hamas for almost four years: Now, therefore, be it

*Resolved*, That the Senate—

(1) demands that—

(A) Hamas immediately and unconditionally release Israeli soldier Gilad Shalit; and

(B) Hamas—

(i) allow prompt access to the Israeli captives by competent medical personnel and representatives of the International Committee of the Red Cross;

(ii) facilitate regular communication by Gilad Shalit with his family and allow his family to know where he is being held; and

(iii) cease compelling Gilad Shalit to appear in video and voice recordings intended to illegally and extortionately coerce the Government of Israel;

(2) expresses—

(A) its vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state within recognized and secure borders;

(B) its strong support and deep interest in achieving a resolution of the Israeli-Palestinian conflict through the creation of a democratic, viable, and independent Palestinian state living in peace alongside of the State of Israel;

(C) its ongoing concern and sympathy for the family of Gilad Shalit; and

(D) its full commitment to continue to seek the immediate and unconditional release of Gilad Shalit and other missing Israeli soldiers;

(3) recalls—

(A) the illegal and barbaric attack on and kidnapping of the bodies of Ehud Goldwasser and Eldad Regev on July 12, 2006, by the Iran-supported terrorist group Hezbollah; and

(B) the missing Israeli soldiers Zecharia Baumel, Zvi Feldman, and Yehuda Katz, missing since June 11, 1982, Ron Arad, who was captured on October 16, 1986, Guy Hever, last seen on August 17, 1997, and Majdi Halabi, last seen on May 24, 2005; and

(4) condemns—

(A) Hamas for the grossly illegal and immoral cross border attack and kidnapping of Gilad Shalit; and

(B) the Governments of Iran and Syria, the primary state sponsors and patrons of Hamas, for their ongoing support for international terrorism.

#### SENATE RESOLUTION 572—RELATIVE TO THE DEATH OF THE HONORABLE ROBERT C. BYRD, A SENATOR FROM THE STATE OF WEST VIRGINIA

Mr. REID (for himself, Mr. McCONNELL, Mr. ROCKEFELLER, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr.

CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

#### S. RES. 572

Whereas, the Honorable Robert C. Byrd served the people of his beloved state of West Virginia for over 63 years, serving in the West Virginia House of Delegates, the West Virginia Senate, the United States House of Representatives, and the United States Senate;

Whereas, the Honorable Robert C. Byrd is the only West Virginian to have served in both Houses of the West Virginia Legislature and in both Houses of the United States Congress;

Whereas, the Honorable Robert C. Byrd has served for fifty-one years in the United States Senate and is the longest serving Senator in history, having been elected to nine full terms;

Whereas, the Honorable Robert C. Byrd has cast more than 18,680 roll call votes—more than any other Senator in American history;

Whereas, the Honorable Robert C. Byrd has served in the Senate leadership as President pro tempore, Majority Leader, Majority Whip, Minority Leader, and Secretary of the Majority Conference;

Whereas, the Honorable Robert C. Byrd has served on a Senate committee, the Committee on Appropriations, which he has chaired during five Congresses, longer than any other Senator; and

Whereas, the Honorable Robert C. Byrd is the first Senator to have authored a comprehensive history of the United States Senate;

Whereas, the Honorable Robert C. Byrd has played an essential role in the development and enactment of an enormous body of national legislative initiatives and policy over many decades;

Whereas his death has deprived his State and Nation of an outstanding lawmaker and public servant: Now therefore, be it

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Robert C. Byrd, Senator from the State of West Virginia.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House

of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4398. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table.

SA 4399. Mr. CASEY (for Mr. LEAHY (for himself and Mr. LEVIN)) proposed an amendment to the concurrent resolution H. Con. Res. 286, recognizing the 235th birthday of the United States Army.

SA 4400. Mr. CASEY (for Mr. LEAHY (for himself and Mr. LEVIN)) proposed an amendment to the concurrent resolution H. Con. Res. 286, *supra*.

#### TEXT OF AMENDMENTS

SA 4398. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . ANNUAL REPORT ON AWARDING OF FEDERAL CONTRACTS TO CONTRACTORS LISTED ON THE EXCLUDED PARTIES LIST SYSTEM.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report describing during the previous year the extent to which suspended or debarred contractors on the Excluded Parties List System, including those suspended or debarred for failing to make full or timely payments to subcontractors—

(1) continued to receive Federal contracts; or

(2) were granted waivers from Federal agencies from suspension or debarment for purposes of entering into Federal contracts.

SA 4399. Mr. CASEY (for Mr. LEAHY (for himself and Mr. LEVIN)) proposed an amendment to the concurrent resolution H. Con. Res. 286, recognizing the 235th birthday of the United States Army; as follows:

Strike all after the resolving clause and insert the following: That Congress—

(1) expresses its appreciation to the members of the United States Army for 235 years of dedicated service; and

(2) honors the valor, commitment, and sacrifice that members of the United States Army, their families, and Army civilians have displayed throughout the history of the Army.

**SA 4400.** Mr. CASEY (for Mr. LEAHY (for himself and Mr. LEVIN)) proposed an amendment to the concurrent resolution H. Con. Res. 286, recognizing the 235th birthday of the United States Army; as follows:

Strike the preamble and insert the following:

Whereas, on June 14, 1775, the Second Continental Congress, representing the citizens of 13 American colonies, authorized the establishment of the Continental Army;

Whereas for the past 235 years, the United States Army's central mission has been to fight and win wars;

Whereas the 183 campaign streamers from Lexington to Iraqi Surge carried on the Army flag are a testament to the valor, commitment, and sacrifice of the brave members of the United States Army;

Whereas members of the United States Army have won extraordinary distinction and respect for the Nation and its Army stemming from engagements around the globe;

Whereas in 2010, the United States will reflect on the contributions of members of the United States Army on the Korean peninsula in commemoration of the 60th anniversary of the Korean War;

Whereas the motto on the United States Army seal, "This We'll Defend", is the creed by which the members of the Army live and serve;

Whereas the United States Army is an all-volunteer force that is trained and ready for any adversary that might threaten our Nation or its national security interests; and

Whereas no matter what the cause, location, or magnitude of future conflicts, the United States can rely on its well-trained, well-led, and highly motivated members of the United States Army to successfully carry out the missions entrusted to them: Now, therefore, be it

#### NOTICE OF HEARING

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a Business Meeting has been scheduled before the Committee on Energy and Natural Resources. The business meeting will be held on Wednesday, June 30, 2010, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the Business Meeting is to consider S. 3516, a bill to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, and for other purposes.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 28, 2010, at 12:30 p.m., in room SH-216 of the Hart Senate Office Building, to conduct a hearing on the nomination of Elena Kagan to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PREDISASTER HAZARD MITIGATION ACT OF 2010

Mr. CASEY. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 440, S. 3249.

The PRESIDING OFFICER. The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (S. 3249) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster hazard mitigation program and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment.

S. 3249

#### SEC. 3. PROHIBITION ON EARMARKS.

Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133) is amended by adding at the end the following:

“(n) PROHIBITION ON EARMARKS.—

“(1) IN GENERAL.—None of the funds appropriated or otherwise made available to carry out this section may be used for congressionally directed spending, as defined under rule XLIV of the Standing Rules of the Senate.

“(2) REPORT TO CONGRESS.—If grants are awarded under this section using procedures other than competitive procedures, the Administrator of the Federal Emergency Management Agency shall submit to Congress a report explaining why competitive procedures were not used.”.

Mr. CASEY. I ask unanimous consent that the committee-reported amendment be agreed to; the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table without intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

The bill (S. 3249), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3249

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Predisaster Hazard Mitigation Act of 2010”.

#### SEC. 2. PREDISASTER HAZARD MITIGATION.

(a) ALLOCATION OF FUNDS.—Section 203(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(f)) is amended to read as follows:

“(f) ALLOCATION OF FUNDS.—

“(1) IN GENERAL.—The President shall award financial assistance under this section on a competitive basis and in accordance with the criteria in subsection (g).

“(2) MINIMUM AND MAXIMUM AMOUNTS.—In providing financial assistance under this section, the President shall ensure that the amount of financial assistance made available to a State (including amounts made available to local governments of the State) for a fiscal year—

“(A) is not less than the lesser of—

“(i) \$575,000; or

“(ii) the amount that is equal to 1 percent of the total funds appropriated to carry out this section for the fiscal year; and

“(B) does not exceed the amount that is equal to 15 percent of the total funds appropriated to carry out this section for the fiscal year.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended to read as follows:

“(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) \$180,000,000 for fiscal year 2011;

“(2) \$190,000,000 for fiscal year 2012;

“(3) \$200,000,000 for fiscal year 2013;

“(4) \$200,000,000 for fiscal year 2014; and

“(5) \$200,000,000 for fiscal year 2015.”.

(c) TECHNICAL CORRECTIONS TO REFERENCES.—The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended—

(1) in section 602(a) (42 U.S.C. 5195a(a)), by striking paragraph (7) and inserting the following:

“(7) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Emergency Management Agency.”; and

(2) by striking “Director” each place it appears and inserting “Administrator”, except—

(A) in section 622 (42 U.S.C. 5197a)—

(i) in the second and fourth places it appears in subsection (c); and

(ii) in subsection (d); and

(B) in section 626(b) (42 U.S.C. 5197e(b)).

#### SEC. 3. PROHIBITION ON EARMARKS.

Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133) is amended by adding at the end the following:

“(n) PROHIBITION ON EARMARKS.—

“(1) IN GENERAL.—None of the funds appropriated or otherwise made available to carry out this section may be used for congressionally directed spending, as defined under rule XLIV of the Standing Rules of the Senate.

“(2) REPORT TO CONGRESS.—If grants are awarded under this section using procedures other than competitive procedures, the Administrator of the Federal Emergency Management Agency shall submit to Congress a report explaining why competitive procedures were not used.”.

#### RECOGNIZING THE 235TH BIRTHDAY OF THE UNITED STATES ARMY

Mr. CASEY. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further

consideration of H. Con. Res. 286 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 286) recognizing the 235th birthday of the United States Army.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. CASEY. I ask unanimous consent that a Leahy-Levin amendment to the resolution, which is at the desk, be agreed to; the concurrent resolution, as amended, be agreed to; that a Leahy-Levin amendment to the preamble, which is at the desk, be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table with no intervening action or debate; and any statements related to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4399) was agreed to, as follows:

#### AMENDMENT NO. 4399

Strike all after the resolving clause and insert the following: That Congress—

(1) expresses its appreciation to the members of the United States Army for 235 years of dedicated service; and

(2) honors the valor, commitment, and sacrifice that members of the United States Army, their families, and Army civilians have displayed throughout the history of the Army.

The resolution, as amended, was agreed to.

The amendment (No. 4400) was agreed to, as follows:

#### AMENDMENT NO. 4400

Strike the preamble and insert the following:

Whereas, on June 14, 1775, the Second Continental Congress, representing the citizens of 13 American colonies, authorized the establishment of the Continental Army;

Whereas for the past 235 years, the United States Army's central mission has been to fight and win wars;

Whereas the 183 campaign streamers from Lexington to Iraqi Surge carried on the Army flag are a testament to the valor, commitment, and sacrifice of the brave members of the United States Army;

Whereas members of the United States Army have won extraordinary distinction and respect for the Nation and its Army stemming from engagements around the globe;

Whereas in 2010, the United States will reflect on the contributions of members of the United States Army on the Korean peninsula in commemoration of the 60th anniversary of the Korean War;

Whereas the motto on the United States Army seal, "This We'll Defend", is the creed by which the members of the Army live and serve;

Whereas the United States Army is an all-volunteer force that is trained and ready for any adversary that might threaten our Nation or its national security interests; and

Whereas no matter what the cause, location, or magnitude of future conflicts, the United States can rely on its well-trained, well-led, and highly motivated members of the United States Army to successfully carry out the missions entrusted to them: Now, therefore, be it

The preamble, as amended, was agreed to.

#### AMMONIUM NITRATE FERTILIZER

Mr. CASEY. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 570, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 570) calling for continued support for and an increased effort by the Governments of Pakistan, Afghanistan, and other Central Asian countries to effectively monitor and regulate the manufacture, sale, transport, and use of ammonium nitrate fertilizer in order to prevent the transport of ammonium nitrate into Afghanistan where the ammonium nitrate is used in improvised explosive devices.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 570) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 570

Whereas it is illegal to manufacture, own, or use ammonium nitrate fertilizer in Afghanistan since a ban was instituted by Afghan President Hamid Karzai in January 2010;

Whereas ammonium nitrate fertilizer has historically been and continues to be 1 of the primary explosive ingredients used in improvised explosive devices (referred to in this preamble as "IEDs") by Taliban insurgents in Afghanistan against the United States and coalition forces;

Whereas 275 United States troops were killed by IEDs in Afghanistan in 2009;

Whereas large amounts of ammonium nitrate are shipped into Afghanistan from Pakistan, Iran, and other Central Asian countries;

Whereas the Government of Pakistan has indicated a willingness to work collaboratively with the Governments of the United States and Afghanistan to address the regulation and interdiction of ammonium nitrate fertilizer and other IED precursors; and

Whereas the United States government currently provides assistance to Pakistan for agricultural development and capacity building: Now, therefore, be it

Resolved, That the Senate—

(1) urges the Governments of Pakistan, Afghanistan, and other Central Asian countries

to fully commit to regulating the sale, transport, and use of ammonium nitrate in the region;

(2) calls on the Secretary of State—

(A) to continue to diplomatically engage with the Governments of Pakistan, Afghanistan, and other Central Asian countries to address the proliferation and transportation of ammonium nitrate and other improvised explosive device ("IED") precursors in the region; and

(B) to work with the World Customs Organization and other international bodies, as the Secretary of State determines to be appropriate, on initiatives to improve controls globally on IED components; and

(3) urges the Secretary of State to work with the Governments of Pakistan, Afghanistan, and other Central Asian countries to encourage and support improvements in infrastructure and procedures at border crossings to prevent the flow of ammonium nitrate and other IED precursors or components into the region.

#### RELEASE OF GILAD SHALIT

Mr. CASEY. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 571, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 571) calling for the immediate and unconditional release of Israeli soldier Gilad Shalit held captive by Hamas, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 571) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 571

Whereas Congress previously expressed its concern for missing Israeli soldiers in the Act entitled "An Act to locate and secure the return of Zachary Baumel, a United States citizen, and other soldiers missing in action", approved November 8, 1999 (Public Law 106-89; 113 Stat. 1305), which required the Secretary of State to raise the status of missing Israeli soldiers with appropriate government officials of Syria, Lebanon, the Palestinian Authority, and other governments in the region, and to submit to Congress reports on those efforts and any subsequent discovery of relevant information;

Whereas the House of Representatives passed H. Res. 107 on March 13, 2007, regarding Gilad Shalit and other Israeli soldiers illegally attacked and captured by terrorists;

Whereas Israel completed its withdrawal from Gaza on September 12, 2005;

Whereas, on June 25, 2006, Hamas together with allied terrorists crossed into Israel to attack a military post, killing two soldiers

and wounding and kidnapping Gilad Shalit in a blatantly illegal and extortionate effort to coerce the Government of Israel;

Whereas Hamas has prevented access to Gilad Shalit by competent medical personnel and representatives of the International Committee of the Red Cross;

Whereas Hamas has refused to provide Gilad Shalit with regular contact with his family or any other party, or to allow his family to know where he is being held;

Whereas Hamas has compelled Gilad Shalit to appear in video and voice recordings intended to illegally and extortionately coerce the Government of Israel; and

Whereas Gilad Shalit has been held in captivity by Hamas for almost four years: Now, therefore, be it

*Resolved*, That the Senate—

(1) demands that—

(A) Hamas immediately and unconditionally release Israeli soldier Gilad Shalit; and

(B) Hamas—

(i) allow prompt access to the Israeli captives by competent medical personnel and representatives of the International Committee of the Red Cross;

(ii) facilitate regular communication by Gilad Shalit with his family and allow his family to know where he is being held; and

(iii) cease compelling Gilad Shalit to appear in video and voice recordings intended to illegally and extortionately coerce the Government of Israel;

(2) expresses—

(A) its vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state within recognized and secure borders;

(B) its strong support and deep interest in achieving a resolution of the Israeli-Palestinian conflict through the creation of a democratic, viable, and independent Palestinian state living in peace alongside of the State of Israel;

(C) its ongoing concern and sympathy for the family of Gilad Shalit; and

(D) its full commitment to continue to seek the immediate and unconditional release of Gilad Shalit and other missing Israeli soldiers;

(3) recalls—

(A) the illegal and barbaric attack on and kidnapping of the bodies of Ehud Goldwasser and Eldad Regev on July 12, 2006, by the Iran-supported terrorist group Hezbollah; and

(B) the missing Israeli soldiers Zecharya Baumei, Zvi Feldman, and Yehuda Katz, missing since June 11, 1982, Ron Arad, who was captured on October 16, 1986, Guy Hever, last seen on August 17, 1997, and Majdy Halabi, last seen on May 24, 2005; and

(4) condemns—

(A) Hamas for the grossly illegal and immoral cross border attack and kidnapping of Gilad Shalit; and

(B) the Governments of Iran and Syria, the primary state sponsors and patrons of Hamas, for their ongoing support for international terrorism.

Mr. CASEY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CHINESE CURRENCY MANIPULATION

Mr. BROWN of Ohio. Madam President, over the last few days, we have watched President Obama's Cabinet Members and leaders of the G20 nations in Toronto for an economic summit. Our trade relationship with China has been one of the most important among many issues the world's leaders have addressed.

We know Ohio's workers and manufacturers can compete with anyone in the world, but China's currency manipulation imposes an enormous and an unfair competitive disadvantage to our workers and our manufacturers.

While last week's announcement that China will allow a gradual appreciation of the value of the yuan is encouraging, we have all too often seen China revert to its old tricks when the spotlight fades. In fact, China made its announcement on a Saturday—a minimalist announcement at that—and the next day backpedaled even on that announcement.

China's systemic intervention in the currency market, where they continue to buy Western currency, has led to the undervaluation of the yuan by up to 40 percent—some economists say even more than that. That means China has a distinct advantage for its exporters and puts our exporters at a distinct disadvantage when they try to get into the Chinese market. That is why we asked the Commerce Department to make the important decision to investigate China's currency manipulation on behalf of paper manufacturers in Ohio and several other States. These companies and their workers in West Carlton, OH, and in Miamisburg, OH, are holding on for their lives, and, like manufacturers and workers around the United States, they understand why our trade law's enforcement and remedies are so vital. They know firsthand why our trade laws must combat currency manipulation.

If we fail to act, China's currency manipulation will continue to contribute to our country's staggering trade deficit with China. Our trade deficit with China in the last 3 years, particularly prior to our terrible financial situation, approached \$1 billion a day. That means we bought from China \$1 billion more than we sold to them, day-in and day-out, 365 days a year.

Senators GRAHAM, SCHUMER, STABENOW, and I are calling for a vote on our legislation that addresses this blatant currency manipulation to ensure that we take action on Chinese imports until the yuan rises to its fair market value.

It is clear that our manufacturers are backed into a corner. It is also clear that it did not have to be this way. Ten years ago this summer, Congress passed permanent normal trade relations with China as our Nation entered the 21st century facing great economic

opportunities and confronting gathering national security threats. You remember 10 years ago we had a balanced budget, until the Bush years with tax cuts for the rich, the giveaway for the drug and insurance companies in the name of Medicare privatization, and two wars, all of which were charged to our grandchildren, none of which were paid for. We had an economic situation where we were beginning to lose manufacturing jobs.

I remember those days, serving in the House, and recall that every Member of Congress—literally probably every single Member of Congress—was told, even those of us who were outspokenly against this PNTR with China—we were told repeatedly in newspaper ads and editorials, told in hundreds of individual visits by CEOs of America's largest companies—they walked into our office and said: We want access to 1.2 billion Chinese consumers. Really, they didn't; they wanted access to 1.2 billion Chinese workers.

Free-trade advocates in Washington and Wall Street and nearly every editorial board lauded the economic opportunities yet to come from U.S. workers and businesses. These pundits, these CEOs, these Ivy League economists, these newspaper editors heralded passage of PNTR with China as the best way to promote reform and stability in China and the region. None hesitated for a minute calling those of us who opposed the PNTR protectionists, saying that we have our heads in the sand, we are backward-looking Luddites and whatever adjective they chose. Today, just 10 years later, those proponents have been shown dreadfully wrong. The problem is that those people who pushed PNTR—the CEOs, the Harvard economist, the newspaper editors—few of them have lost their jobs. It has been workers in Galion, OH, and Zanesville and Toledo and Mansfield and Chillicothe who have paid the price because of that terrible decision to extend those trade preferences to the People's Republic of China.

Since receiving PNTR status and the benefits of membership in the World Trade Organization, the WTO, China has taken money from American consumers and investors without fully opening its markets to American businesses and workers. The results are record trade deficits. The results are millions of jobs lost. Three million manufacturing jobs have been lost in the last several years—not all because of China trade but a significant number.

Chinese workers continue to face low wages and substandard labor conditions. This has not worked particularly well for Chinese workers. It sure has not worked well for American workers. It has worked well for those American companies that outsourced their jobs, hired Chinese workers at very low wages, with very few environmental or

worker safety safeguards, and then exported those goods back into the United States.

Even the most ardent proponents of China PNTR are likely to feel a bit of buyer's remorse, unable to do business in China because of China's aggressive protection of its industries.

We must do more to strengthen a multilateral, rules-based system that holds trading partners accountable. A critical way to hold them accountable and advance our economic interests is strong and aggressive trade enforcement.

President Obama, on two occasions, did something President Bush never did, even though he was presented with recommendations from the International Trading Commission. President Obama twice already showed a willingness to enforce trade rules—the first President to invoke the section 421 safeguards, which he did when he granted relief to the U.S. consumer tire industry. This single action saved at least 100 jobs in Findlay, OH, at Cooper Tire, after President Obama said China is cheating, China is not playing fair, and invoked these sanctions against them.

The Commerce Department then found that steel pipe and tube manufacturers, so-called "oil country tubular goods" manufacturers, are being dramatically undercut by China. As a result, the International Trade Commission granted immediate relief for these oil country tubular goods, which is helping V&M Star expand operations in Youngstown.

I was in Youngstown at V&M Star. I saw what they were doing. We did a groundbreaking today with Governor Strickland, who has played a roll in assembling the package for Star Steel's expansion—some recovery dollars to help with infrastructure leading in and out of the plant, a \$6 million investment in V&M, a very productive workforce for the last several years at V&M Star, and this trade decision President Obama made to simply say the Chinese have not played fair—and the ITC has granted immediate relief. Those factors show that when you enforce trade law, it creates jobs.

There will be 1,000 building trades jobs for the next 18 months in Mahoning Valley because of these direct jobs. Then there will be another 400 or so and maybe more jobs in the future as this company expands.

These are good developments, obviously, but there is more we can do to show America is serious about trade enforcement. There is more we can do to show we are serious about rebalancing our trade relationship with China in defending our national economic interests. And we know there is more we can do in defending a strong national manufacturing base that leads the United States in the global clean energy economy.

Right now, China is working every day to win the race by any cost and any means necessary. Beijing invested \$35 billion in renewable energy last year, more or less double the \$18 billion we invested as a country. Every day we delay investments in clean energy, China spends \$51 million a day to further that unacceptable gap.

China is not only using its abundance of capital to monopolize clean energy manufacturing, it is also elbowing competition out of the way by discriminating against U.S. companies.

China cries foul at our "Buy American" policies but has its own "Buy China" policies, without signing onto the WTO agreement on procurement. They promised in 2000, with the passage of PNTR, they promised they would join the agreement on procurement, which meant fair play on contracts between and among governments. Yet China has not only refused to sign on, they also had a strong "Buy China" arrangement in their economy, what would have violated WTO rules. Yet several major opinion leaders—Ivy League economists, pundits on television, newspaper editors, and too many elected officials—pushed back and said we should not do "Buy American" in this country.

China's so-called "indigenous innovation" policies provide preferences to products containing Chinese-developed intellectual property for government procurement purposes. That is why I encourage the Obama administration to launch a section 301 case against the Chinese package of policies that limit market access to U.S. companies in the clean energy sector.

If China leads the clean energy revolution, we will trade dependence on foreign oil with dependence on Chinese or foreign clean energy technologies. With the right investments and with strong trade enforcement, we can make sure that does not happen.

Consider, as you know in Oregon, what is at stake. Five of the top ten solar panel makers in the world are from China. But the No. 1 is First Solar, a U.S. company which has factories around the world that can produce as much energy as any coal or nuclear plant but, of course, much cleaner and more efficient.

One of First Solar's factories is in Perrysburg, OH, and the entrepreneurs behind the company's success started at the University of Toledo. If we want to keep First Solar at the top in the world, and if we want our entrepreneurs to continue to lead the world in innovation, they should have access to all of the world's markets. That is why we need the President of the United States to lead the crusade for vigorous trade enforcement.

Just the launch of a 301 case by this administration will show China we are serious about competing in this emerging market. We cannot enter the next

decade of the 21st century further behind, facing the same hurdles that faced our Nation just 10 years ago.

As the G20 summit convenes this weekend and beyond, we must take the buyer's remorse of those who supported China PNTR and make sure we begin the next decade with a rules-based trading system that works for American workers and works for American manufacturers.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RELATIVE TO THE DEATH OF ROBERT C. BYRD, A SENATOR FROM THE STATE OF WEST VIRGINIA

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 572, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 572) relative to the death of the Honorable ROBERT C. BYRD, a Senator from the State of West Virginia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. INOUE. Mr. President, my heart is heavy with sadness following the passing of a dear friend, ROBERT C. BYRD, Senator from West Virginia.

We have been friends for nearly 50 years and I am overcome with memories. Nearly 48 years ago Senator BYRD was one of the first to greet me in the Chamber of the U.S. Senate.

Since that first moment of friendship we have worked together on many projects. And since those early days, I have called him, "my leader."

He was my mentor. Over the years he provided me countless opportunities and tasked me with positions of critical national oversight while guiding my actions with the temperance he learned as the longest serving Senator in history.

He was a Senator's Senator. His many accomplishments were historic and he fought tirelessly to improve the lives of working families in West Virginia. We shared the belief that we must provide for the people who trust us to represent their communities in Washington.

I owe much to my leader, Senator BYRD. He will forever have my gratitude and respect and I will miss him dearly. My thoughts and prayers are with the Byrd family during this difficult time.

Mr. President, as America mourns, I ask my colleagues to join me in paying tribute to Senator BYRD.

Mrs. BOXER. Mr. President, I know several colleagues have come to the floor today to note the passing of a giant among us, ROBERT BYRD. I want to take a moment here to speak straight from the heart about ROBERT BYRD and my experience working with him. As we look at his desk with the flowers there, we of course think back to not too long ago when we lost another giant, Ted Kennedy. I think what distinguishes these two from others is their unbelievable, undying commitment to the people they represented and to this country.

I think, when all is said and done, that is what it is about. It is not about how long you serve. Of course, in the case of both Senator Kennedy and Senator BYRD, it was so long. Senator BYRD made history as the longest serving Senator, and that should be duly noted. But it is well beyond that. It is about this fierce sense of "fight for your people" that they both had.

When I came to the Senate, of course ROBERT C. BYRD was a legend for sure. He always met with the incoming Senators, to give them the rules of the road about procedure, about how to conduct yourself when you were in the chair, about the dignity of the Senate, and most of all about reverence for the Constitution. As many know and many saw, the image I will always have of ROBERT C. BYRD is of him reaching inside his suit pocket and bringing out the Constitution—which, along with the Bible, was what he cherished most. He taught us that everything we do here comes from the Founders, and he taught us to love and respect the Constitution and he did it in a way that was truly inspiring.

I can tell you, coming from the largest State in the Union, we have our share of problems. We have floods and fires and droughts, we have pests in our agricultural industry, we have problem after problem—earthquakes, need I say that? Every single time we had one of these disasters, Senator FEINSTEIN and I knew we had to go to our colleagues and say: Please understand, California needs the help of the U.S. Government because the damage is so massive. Of course, we all do that whenever our State has a problem, because we are the United States of America.

However, there are times when you do not have an ear that is listening. Senator BYRD, as the chairman of the Appropriations Committee, opened his doors to us, opened his heart to us, opened his experience to us, and was always there for us. I so remember that, time after time.

I went to see him about our water problems. We have lots of water problems. We have cities and suburbs that need the water. We have fishermen who need the water. We have agriculture that needs the water. All the stakeholders have very difficult debates over water. Senator FEINSTEIN and I again

have teamed up on this and we have always had a willing listener in ROBERT C. BYRD, who understood and helped us get the stakeholders to the table to find ways to preserve, to conserve, and increase the supply in a smart way for all those stakeholders.

These things are very big to the people of California, who probably have not connected ROBERT BYRD to California. But in all of these cases where we were so in need, he was there for us.

I remember so well his leadership in trying to bring the troops home from Iraq. Twenty-three of us stood up and said no to that war because we thought it meant taking our eye off Osama bin Laden and what was happening in Afghanistan and turning around and going into Iraq. We worried very much about what would happen with our troops and that it would be a very long war and there was no exit strategy.

Senator BYRD organized us and he opened his office here in the Capitol and said we need to talk about ways that we can bring this war to the end. We need to organize and we need to talk about what is happening to our troops. He cared so much. For me, to have been in his presence and to watch him work has been an amazing experience. So I rise to pay tribute to him.

He has so many wonderful family members who care so much about him. When he lost his wife, it took a huge toll on ROBERT BYRD, and you saw it in his face. A light went out inside. His grandchildren and children stepped up, but that hole in his heart was there. It was evident to all of us. He stayed here through thick and thin, came in—wheeled in, in a wheelchair, fading, suffering, to be in this place that he loved so much, so much; that he respected so much.

I say, and I know, there is not a Member on either side of the aisle who did not respect ROBERT C. BYRD for his brilliance, for his strength, for his fierce representation of his State and, by the way, for his extraordinary biography, coming up the way he did. Talk about the American dream—a child of dire poverty, close to the mines. He always fought for those miners. What a legacy he leaves.

I don't have any notes in front of me. I am speaking from the heart today. I will have a more complete statement, but I did want to make my views known today and send my condolences to the family. It is a great loss for everyone.

Mr. CARDIN. Mr. President, I rise with a heavy heart to pay tribute to our friend and colleague who died early this morning, Senator ROBERT C. BYRD, the longest serving Member in the illustrious history of the U.S. Congress, the longest serving Senator, and the only Senator in U.S. history elected to nine full terms. Considering that Senator BYRD won his first election, to the West Virginia House of Delegates, in

1946, it may be that he was the longest serving elected official in history. His passing is a profound loss to all Americans, to his beloved constituents in West Virginia, and particularly to the institution of the U.S. Senate and those of us who serve here. The Senate had no greater champion than ROBERT BYRD, no one with his understanding of the Senate's unique character, role, promise, history, and parliamentary procedures.

When ROBERT BYRD was elected to the Senate in 1958, after serving in the House for 6 years, he was part of a large, distinguished class that included such future giants as Hugh Scott, Gene McCarthy, Edmund Muskie, and Philip Hart. He surpassed them all.

According to the Senate Historical Office, ROBERT BYRD was the 1,579th person to become a U.S. Senator. Since he was elected to the Senate, another 335 individuals have become U.S. Senators. All in all, ROBERT BYRD served with over 400 other Senators. And I am certain that each one of them held their colleague, as I do, in the highest esteem.

Senator BYRD's modest beginnings in the hard-scrabble coal fields of Appalachia are well known. After his mother died during the 1918 flu pandemic, Senator BYRD went to live with an aunt and uncle who adopted him and raised him in a house without running water or electricity. He pumped gas and butchered hogs. During World War II, he was a welder and built cargo ships in Baltimore and Tampa Bay. After the war, he successfully ran for the West Virginia House of Delegates and, 4 years later, the State's senate, before entering Congress in 1953. All in all, he ran for and was elected to office 15 times—not counting primaries—without suffering a single defeat. Suffice it to say that his life is the quintessential American success story. I think every young American should learn about Senator BYRD's life as an example of what hard work and persistence and devotion can accomplish in this country. He understood better than most people the importance of being educated, not just for embarking on a successful career, but as an end to itself. He was well-read and could recite from memory long passages from the Bible, and from great poets and authors. He was a fine historian, not just of the Founding Fathers and the U.S. Senate, but of ancient Greece and Rome and England.

Senator BYRD married his high school sweetheart, Erma Ora James, shortly after they both graduated from Mark Twain High School—where he was valedictorian—in 1937. He was too poor to afford college right away and wouldn't receive his degree from Marshall University until 60 years later—when he was 77. In between, he did something no other Member of Congress has ever done: he enrolled in law

school—at American University—and in 10 years of part-time study while serving as a Member of Congress, he completed his law degree, which President John Kennedy presented to him. Senator BYRD was married to his beloved Erma for nearly 69 years, and was blessed with two daughters, six grandchildren, and seven great-grandchildren.

During his Senate tenure, ROBERT BYRD was elected to more leadership positions than any other Senator in history, including majority and minority leader, whip, and President pro tempore. He cast 18,689 rollcall votes. Only 29 other Senators in the history of the Republic have cast more than 10,000 votes; Strom Thurmond is the only other Senator to cast more than 16,000 votes. Senator BYRD's attendance record over five decades—97 percent—is as impressive as the sheer number of votes he cast.

Senator BYRD's legislative accomplishments, from economic development and transportation to education and health care, are legendary. He steered the Panama Canal Treaty through the Senate and waged a lonely battle against the war in Iraq, leading an unsuccessful filibuster against the resolution granting President George W. Bush broad power to wage a preemptive war against Iraq. He claimed that his vote against the Iraq war resolution was the vote of which he was most proud for having cast over the course of his career. When U.S. military strikes on Iraq commenced on March 19, 2003, he stated:

Today I weep for my country. I have watched the events of recent months with a heavy, heavy heart. No more is the image of America one of strong, yet benevolent peacekeeper. The image of America has changed. Around the globe, our friends mistrust us, our word is disputed, our intentions are questioned. Instead of reasoning with those with whom we disagree, we demand obedience or threaten recrimination.

Senator BYRD was unabashedly determined to use his power as a Senator and as the chairman or ranking member of the Appropriations Committee to help lift his State out of grinding poverty. And he delivered for his constituents. It is no surprise, then, that he won 100 percent of the vote of West Virginians in one election—1976—or frequently carried all 55 of West Virginia's counties. And while he fervently supported the coal industry, he recognized the devastating environmental and social impact of mountaintop removal mining techniques and he called for an end to that practice.

In the meantime, he wrote five books, including the definitive history of the U.S. Senate.

Perhaps the highest tribute to Senator BYRD can be found in his biographical section of the Almanac of American Politics, which states: "Robert Byrd . . . may come closest to the kind of senator the Founding Fathers

had in mind than any other." His fealty to the U.S. Senate and to the Constitution has served as an inspiration, a lesson, and a guiding light to all of us who have been privileged to follow him in this Chamber.

In the last 10 months, we have lost two towering figures here in the Senate: Ted Kennedy and ROBERT BYRD—one of the Senate's greatest legislators and without doubt its greatest defender. Former Senator Paul Sarbanes, whose seat I am privileged to hold, remarked that Senator BYRD liked to say that he never served under any President, but was honored to serve with many Presidents. We can honor these twin giants by carrying on their legacies, by fighting to make America a better place for all Americans, and by defending the Senate's role as a co-equal, not subservient, branch of government.

When Senator BYRD became the longest serving Member of Congress last November, I quoted Robert E. Lee in my floor statement. Lee said:

Duty is the most sublime word in our language. Do your duty in all things. You cannot do more. You should never wish to do less.

Senator ROBERT C. BYRD has done his duty in all things—to the Senate, to himself, to his family, to his State, to his Nation, and to God.

I am honored to join his and my colleagues here in the Senate, West Virginians, and all Americans in mourning the death, celebrating the life, and paying tribute to this great Senator and this great man.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 572) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 572

Whereas, the Honorable Robert C. Byrd served the people of his beloved state of West Virginia for over 63 years, serving in the West Virginia House of Delegates, the West Virginia Senate, the United States House of Representatives, and the United States Senate;

Whereas, the Honorable Robert C. Byrd is the only West Virginian to have served in both Houses of the West Virginia Legislature and in both Houses of the United States Congress;

Whereas, the Honorable Robert C. Byrd has served for fifty-one years in the United States Senate and is the longest serving Senator in history, having been elected to nine full terms;

Whereas, the Honorable Robert C. Byrd has cast more than 18,680 rollcall votes—more than any other Senator in American history;

Whereas, the Honorable Robert C. Byrd has served in the Senate leadership as President

pro tempore, Majority Leader, Majority Whip, Minority Leader, and Secretary of the Majority Conference;

Whereas, the Honorable Robert C. Byrd has served on a Senate committee, the Committee on Appropriations, which he has chaired during five Congresses, longer than any other Senator; and

Whereas, the Honorable Robert C. Byrd is the first Senator to have authored a comprehensive history of the United States Senate;

Whereas, the Honorable Robert C. Byrd has played an essential role in the development and enactment of an enormous body of national legislative initiatives and policy over many decades: Whereas his death has deprived his State and Nation of an outstanding lawmaker and public servant: Now, therefore, be it

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Robert C. Byrd, Senator from the State of West Virginia.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

#### MEASURE READ THE FIRST TIME—H.R. 5175

Mr. BROWN of Ohio. I understand that H.R. 5175 has been received from the House and is at the desk. I would ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 5175) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

Mr. BROWN of Ohio. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

#### ORDERS FOR TUESDAY, JUNE 29, 2010

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, June 29; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business for one hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled

between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to H.R. 5297, the small business jobs bill. Finally, I ask that the Senate recess from 12:30 until 2:15 to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PROGRAM

Mr. BROWN of Ohio. Under a previous order, at 2:15, the Senate will proceed to vote on the motion to invoke cloture on the motion to proceed to the small business jobs bill.

### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWN of Ohio. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the provisions of S. Res. 572 as a further mark of respect to the memory of Senator ROBERT C. BYRD.

There being no objection, the Senate, at 7:13 p.m., adjourned until Tuesday, June 29, 2010, at 10 a.m.

### NOMINATIONS

Executive nominations received by the Senate:

#### DEPARTMENT OF AGRICULTURE

RAMONA EMILIA ROMERO, OF PENNSYLVANIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF AGRICULTURE, VICE MARC L. KESSELMAN, RESIGNED.

#### DEPARTMENT OF STATE

ROBERT PORTER JACKSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAMEROON.

JAMES FRANKLIN JEFFREY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ.

ALEJANDRO DANIEL WOLFF, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHILE.

#### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

RICHARD CHRISTMAN, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 6, 2012, VICE TOM OSBORNE, RESIGNED.

JANE D. HARTLEY, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2014, VICE DONNA N. WILLIAMS, RESIGNED.

MARGUERITE W. KONDRACK, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING JUNE 10, 2014, VICE RICHARD ALLAN HILL, TERM EXPIRED.

MATTHEW FRANCIS MCCABE, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2013, VICE LEONA WHITE HAT, TERM EXPIRED.

JOHN D. PODESTA, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2014, VICE ALAN D. SOLOMON, RESIGNED.

LISA M. QUIROZ, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR

NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING FEBRUARY 8, 2014, VICE VINCE J. JUARISTI, TERM EXPIRED.

PHYLLIS NICHAMOFF SEGAL, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2013, VICE JACOB JOSEPH LEW, TERM EXPIRED.

#### LEGAL SERVICES CORPORATION

HARRY JAMES FRANKLYN KORRELL III, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2011, VICE JONANN E. CHILES, TERM EXPIRED.

JOSEPH PIUS PIETRZYK, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2011, VICE THOMAS A. FUENTES, TERM EXPIRED.

#### NATIONAL COUNCIL ON DISABILITY

PAMELA YOUNG-HOLMES, OF WISCONSIN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 17, 2010, VICE CHAD COLLEY, RESIGNED.

PAMELA YOUNG-HOLMES, OF WISCONSIN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2013. (REAPPOINTMENT)

#### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:  
KAREN S. SLITER, OF MICHIGAN

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:  
ELIA P. VANECHANOS, OF NEW HAMPSHIRE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED. FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

#### DEPARTMENT OF COMMERCE

JAMES K. CHAMBERS, OF OKLAHOMA  
ERIC G. CROWLEY, OF COLORADO  
LAURA GIMENEZ, OF CALIFORNIA  
HANNAH KAMENETSKY, OF FLORIDA  
YASUEY PAL, OF NEW YORK  
FRANCIS M. PETERS, OF TEXAS

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

#### DEPARTMENT OF COMMERCE

HEATHER R. BYRNES, OF ALASKA  
KENNETH DUCKWORTH, OF MARYLAND  
ALIZA L. TOTAYO, OF MARYLAND

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

#### DEPARTMENT OF COMMERCE

NICOLE DESILVIS, OF PENNSYLVANIA  
JEFFREY W. HAMILTON, OF HAWAII

#### DEPARTMENT OF STATE

MARTIN AGUILAR, OF VIRGINIA  
JOEL D. ALLEY, OF OREGON  
MATTHEW R. ANDRIS, OF NEW HAMPSHIRE  
TODD ARMER, OF VIRGINIA  
JEFFREY MICHAEL AUSTIN, OF FLORIDA  
SCOTT T. BAERST, OF THE DISTRICT OF COLUMBIA  
BRENDON BAIRD, OF VIRGINIA  
JENNIFER ALAYNE BARR, OF FLORIDA  
TYLER ALLEN BEESLEY, OF VIRGINIA  
JAMES W. BENSON, OF THE DISTRICT OF COLUMBIA  
BENJIMAN BOHMAN, OF ALASKA  
CHRISTOPHER D. BOOTH, OF VIRGINIA  
JON BOWERMASTER, OF CALIFORNIA  
ZSOFIA BUDAL, OF MINNESOTA  
MICHAEL CAVY, OF WISCONSIN  
CHRISTOPHER MICHAEL CHAISSON, OF VIRGINIA  
W. JOSEPH CHILDERS, OF OHIO  
ACACIA ZORANA CLARK, OF CALIFORNIA  
BRIAN M. COMMAROTO-ROVERINI, OF NEW YORK  
TODDISS J. CORA, OF VIRGINIA  
REID MILLER CREEDON, OF MICHIGAN  
HEATHER L. DAIGLE, OF ILLINOIS  
JACKSON C. DART, OF MICHIGAN  
LISA MARIE DEKEUKELAERE, OF THE DISTRICT OF COLUMBIA

AARON DELONG, OF LOUISIANA  
PATRICIA M. DEPALMA, OF CONNECTICUT  
BRANDON J. DOYLE, OF MICHIGAN  
KATHERINE F. DUDLEY, OF VIRGINIA  
EMILY BOND DUVIVANT, OF TENNESSEE  
KARIN MARIE EHLERT, OF MINNESOTA  
LINDSAY MARIE EINSTEIN, OF THE DISTRICT OF COLUMBIA  
JENNIFER SUZANNE EMPIE, OF MARYLAND

MICHAEL A. ERVIN, OF WASHINGTON  
S. ADAM FERGUSON, OF UTAH  
JACLYN M. FICHERA, OF VIRGINIA  
DOUGLAS FOWLER, OF WYOMING  
MAIDA A. FURNIA, OF OREGON  
BRENDA B. GABRIEL, OF VIRGINIA  
MAXIMILIAN ROBERT PEREZ GEBHARDT, OF NEW JERSEY

EVANGELINE A. GESKOS, OF VIRGINIA  
IVNA GIAUQUE, OF VIRGINIA  
DAMON M. GOFORTH, OF CALIFORNIA  
MICHAEL L. GUNZBURGER, OF CALIFORNIA  
PAUL MICHAEL HANNA, OF FLORIDA  
BRIAN HAZELWOOD, OF VIRGINIA  
BENJAMIN D. HESPRICH, OF WISCONSIN  
NOAH J. HEYMANN, OF THE DISTRICT OF COLUMBIA  
KATE E. HIGGINS, OF MARYLAND  
SHEILA-ANNE P. HODGES, OF NEVADA  
KURT HOLMGREN, OF VIRGINIA  
BRIAN HOYT, OF CALIFORNIA  
GRETA L. HROMOVYCH, OF IOWA  
JOSEPH V. JAMES, OF VIRGINIA  
ANNE JENDERSECK, OF VIRGINIA  
SAMANTHA ANN JENKINS, OF WASHINGTON  
JACOB A. JOHNSON, OF NEW YORK  
AARON JAMES KADKHODAI, OF FLORIDA  
IVAN F. KAMARA, OF ARIZONA  
JOSHUA P. KATZ, OF VIRGINIA  
MATTHEW D. KAWECKI, OF MASSACHUSETTS  
DANIELLE F. KELLEHER, OF VIRGINIA  
MATTHEW A. KELLY, OF NEW YORK  
TERESA L. KENDRICK, OF VIRGINIA  
CAROL S. KIM, OF VIRGINIA  
ROBYN A. KIRKHAM, OF UTAH  
JOHN C. KMETZ, OF OKLAHOMA  
JAMES R. KUYKENDALL, OF OKLAHOMA  
MARK ROBERT LAINE, OF VIRGINIA  
BENEY JUHYON LEE, OF VIRGINIA  
JOSEPH KUO LIN, OF NEW YORK  
JACQUELINE K. LOPOUR, OF VIRGINIA  
NATHANIEL M. LYNN, OF THE DISTRICT OF COLUMBIA  
DAVID R. P. MARTINEZ, OF NEW MEXICO  
TODD E. MCCARRICK, OF VIRGINIA  
JOHN ANDERSON MCCARY, OF MARYLAND  
CHARLES ELLIOTT MCCELLAN, OF NEVADA  
ELAINE RENEE MCGUINEY, OF THE DISTRICT OF COLUMBIA

JOSHUA D. MCKEEVER, OF VIRGINIA  
JONATHAN KERNS MCKNIGHT, OF VIRGINIA  
MOLLY S. MCMAUS, OF VIRGINIA  
THEODORE MEINHOVER, OF MINNESOTA  
CATHERINE T. MILLER-LITTLE, OF OHIO  
JENNIFER P. MINOR, OF VIRGINIA  
MICHAEL WALTER MITCHELL, OF CALIFORNIA  
YOON SANG NAM, OF CALIFORNIA  
CHESTER I. NIELSEN IV, OF VIRGINIA  
TANNER NIELSON, OF VIRGINIA  
JENNIFER K. NILSON, OF WISCONSIN  
MARTIN N. OBERMUELLER, OF NEBRASKA  
RICHARD ANDREW O'NEAL, OF GEORGIA  
MELISSA S. O'SHAUGHNESSY, OF PENNSYLVANIA  
MARCIA Y. OUTLAW, OF ARIZONA  
AARON THOMAS PAYNE, OF VIRGINIA  
SCOTT R. PETERSON, OF VIRGINIA  
WESLEY A. PHILBECK, OF MARYLAND  
KIRK S. PORTMANN, OF WASHINGTON  
JONATHAN POSNER, OF CALIFORNIA  
ADRIAN PRATT, OF FLORIDA  
SARAH H. RATKOVICH, OF VIRGINIA  
KATHERINE REEDY, OF NEW YORK  
RITA RICO, OF CALIFORNIA  
SCOTT M. RIDER, OF MARYLAND  
JASON CORCORAN ROBERTS, OF VIRGINIA  
BENJAMIN O. ROGUS, OF CALIFORNIA  
JESSICA ROHN, OF VIRGINIA  
CHRISTOPHER DENTON ROMANS, OF ILLINOIS  
BRIAN L. ROSEN, OF NEW JERSEY  
MICHAEL J. ROSENBERG, OF NEW JERSEY  
MICHELE ROULMET, OF ILLINOIS  
ALAN R. ROYSTON, OF FLORIDA  
MICHAEL A. RUZINSKY, OF KENTUCKY  
DAVID VINCENT SALVO, OF PENNSYLVANIA  
TINA B. SANTOS, OF VIRGINIA  
DEMARK F. SCHULZE, OF OHIO  
SARAH M. SCOTT, OF VIRGINIA  
NILESH KANTILAL SHAH, OF CALIFORNIA  
ALEXANDER DP SHARP, OF KANSAS  
JASON SHOW, OF TEXAS  
BRIAN M. SKLAR, OF MARYLAND  
COOPER J. SMITH, OF VIRGINIA  
HARRY CHARLES SMITH, OF THE DISTRICT OF COLUMBIA  
SAUNDRA M. SNIDER-PUGH, OF VIRGINIA  
BRIAN T. SORENSON, OF VIRGINIA  
CESAR GUILLERMO SORIANO, OF VIRGINIA  
ERIN M. SOWDEN, OF NEW YORK  
EVAN ROBERT STANLEY, OF FLORIDA  
KIM A. STEINPORT, OF VIRGINIA  
ADAM B. STERN, OF VIRGINIA  
DANIEL C. STRIBE, OF TEXAS  
EVERETT E. SUNDERLAND, OF VIRGINIA  
PAUL SWIDER, OF FLORIDA  
RITA S. TAL, OF THE DISTRICT OF COLUMBIA  
NATHANIEL TEK, OF NEW JERSEY  
LAN J. TRUONG, OF THE DISTRICT OF COLUMBIA  
KAITLIN E. TURCK, OF VIRGINIA  
KEVIN A. VALLANCOURT, OF VIRGINIA  
JUSTINE E. VEIT, OF MISSOURI  
ERIN MARIE WILLIAMS, OF THE DISTRICT OF COLUMBIA  
KEVIN WILSON, OF GEORGIA  
ALEXIS SATHRE WOLFF, OF NEW YORK  
ASHLEY WROTEN, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF

STATE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR, EFFECTIVE OCTOBER 12, 2008: CAMERON MUNTER, OF CALIFORNIA

#### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO SERVE AS THE DIRECTOR OF THE COAST GUARD RESERVE PURSUANT TO TITLE 14, U.S.C., SECTION 53 IN THE GRADE INDICATED.

#### *To be rear admiral lower half*

REAR ADM. (LH) SANDRA L. STOSZ

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

MAJ. GEN. STEPHEN P. MUELLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

MAJ. GEN. ROBIN RAND

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

#### *To be major general*

BRIGADIER GENERAL HUGH T. BROOMALL  
BRIGADIER GENERAL PAUL D. BROWN, JR.  
BRIGADIER GENERAL WILLIAM R. BURKS  
BRIGADIER GENERAL JAMES E. DANIEL, JR.  
BRIGADIER GENERAL MICHAEL J. DORNBUHSH  
BRIGADIER GENERAL MATTHEW J. DZIALO  
BRIGADIER GENERAL GREGORY A. FICK

BRIGADIER GENERAL ROBERT H. JOHNSTON  
BRIGADIER GENERAL JOSEPH L. LENGYEL  
BRIGADIER GENERAL WILLIAM N. REDDEL III  
BRIGADIER GENERAL JAMES R. WILSON

#### *To be brigadier general*

COLONEL DONALD A. AHERN  
COLONEL JAMES C. BALSERAK  
COLONEL FRANK W. BARNETT, JR.  
COLONEL MARK E. BARTMAN  
COLONEL ROBERT M. BRANYON  
COLONEL RICHARD J. DENNEE  
COLONEL RICHARD J. EVANS III  
COLONEL LAWRENCE P. GALLOGLY  
COLONEL MICHAEL D. HEPNER  
COLONEL WORTH S. HOLT, JR.  
COLONEL ARTHUR W. HYATT, JR.  
COLONEL BRADLEY S. LINK  
COLONEL DONALD L. MCCORMACK  
COLONEL BRIAN G. NEAL  
COLONEL ROY V. QUALLS  
COLONEL MARC H. SASSEVILLE  
COLONEL MARK L. STEPHENS  
COLONEL ALPHONSE J. STEPHENSON  
COLONEL KENDALL S. SWITZER  
COLONEL DANIEL C. VANWYK

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

#### *To be brigadier general*

COL. DONALD P. DUNBAR

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

LT. GEN. JOSEPH F. FIL, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

MAJ. GEN. WILLIAM J. TROY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be major general*

BRIG. GEN. SANFORD E. HOLMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE DEAN OF THE ACADEMIC BOARD, UNITED STATES MILITARY ACADEMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4335:

#### *To be brigadier general*

COL. TIMOTHY E. TRAINOR

### CONFIRMATION

Executive nomination confirmed by the Senate, Monday, June 28, 2010:

#### THE JUDICIARY

GARY SCOTT FEINERMAN, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.

### WITHDRAWAL

Executive Message transmitted by the President to the Senate on June 28, 2010 withdrawing from further Senate consideration the following nomination:

ARMY NOMINATIONS BEGINNING WITH CARDELL J. HERVEY AND ENDING WITH SCOTT H. SINKULAR, WHICH NOMINATIONS WERE SENT TO THE SENATE ON MARCH 9, 2010.

## EXTENSIONS OF REMARKS

REMEMBERING DIANNE WALLER-  
NYMAN

## HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 2010*

Mrs. HALVORSON. Madam Speaker, today I rise to pay tribute to the life of Dianne Waller-Nyman. Dianne passed away on June 11th after a long bout with cancer. Dianne was a dedicated public servant, a longtime political activist, and a dear friend whom we will miss dearly.

Dianne was a pioneer in many of her endeavors. She was the first woman to serve as a regional manager with the Handy Andy chain of hardware stores. Dianne was also the youngest person ever elected as a Trustee of Park Forest South, Illinois (later known as University Park).

For those of us who knew Dianne, one of her most admirable traits was the passion with which she pursued causes she believed in. For several decades, Dianne was active in local politics and government. She served several terms on the Park Forest South/University Park Board of Trustees and over the years Dianne managed or volunteered for dozens of campaigns at the federal, State, and local levels. She was proud to be a very early supporter of now President Obama when he ran for the U.S. Senate in 2004. Even as Dianne battled cancer towards the end of her life, she continued to play a leadership role in local political organizations.

I can also say that I would not be serving as a Member of Congress today without Dianne's tireless efforts on my behalf. We often referred to Dianne as the "Sergeant Major" because we knew we could count on her to get the job done.

Dianne is survived by her loving husband, Arnie, three children—Ron Waller, Edie Fortner, and Diana Tomsic, and five grandchildren—Nick, Matt, Phillip, Richie, and Kal. My thoughts and prayers are with them in this time of loss. We share their sorrow, but we join them in honoring the remarkable life of Dianne Waller-Nyman.

ODE TO A FALLEN HERO:  
SERGEANT JOSHUA HARDT

## HON. TOM MCCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 2010*

Mr. MCCLINTOCK. Madam Speaker, I rise today to honor the memory of U.S. Army Sergeant Joshua Hardt of Applegate, California. Today, I read a poem, written in Sergeant Hardt's memory, which serves as a testament to both his character and fidelity.

## ODE TO A FALLEN HERO

(By Ting De Guevara)

No one asked you to volunteer  
You did it because you loved your country  
More than pure piney woods,  
More than sparkling, high mountain lakes  
Or the sauntering, Sierra streams  
The possibilities were endless  
A police officer, a federal marshal, a wife and family

Perhaps a fishing guide, for the flatlanders  
Who only dreamed of finding rainbows in the eddies

Instead, you answered the call of duty

Not for money, nor glory, nor fame

But because you wanted to make

A difference in the world

You traded your Carhartts

For Army green, gilded buttons,

Spit and shine

Your boyish smile

The twinkle in your eye

Betrayed who we really knew

Our jovial, jaunting, Joshy

Your country called you

Like a far-away alarm,

In the foggy dream of yesterday

Fighting your way through Iraq

Returning quieter, somber and more patient

Knowing those things that only soldiers know,

The sounds and horrors of war

Still, your passion for fishing and golf

Was unquenchable,

Displaying your catch and taunting:

"Where's your Troutzilla?"

Oh you scoundrel! You rogue!

How we envied your hole-in-one luck, your trout madness

And your contagious laughter

Filled our hearts, refreshing

Like a cold bottle of beer

On a hot summer's day

Then Uncle Sam pinned those stripes on your sleeve

Sending you to a strange and foreign land

Where women and children were forced

To surrender their last vestige of freedom

There, in the frozen mountains

In those smoke filled hours

The tracers flying, rockets exploding

Amid the trees like a firestorm

You fought bravely

My courageous son,

Even as the world collapsed around you

You remained steadfast

To your men and your flag

You may stand down, Sergeant Hardt

Your tour is over,

Your mission completed,

We love you

God bless you

Farewell, our fallen hero.

HONORING THE CONTRIBUTIONS  
OF SANTO SCARPINITO AND  
LINDA SKIDMORE

## HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge Santo Scarpinito and Linda Skidmore, who are retiring from the Northport-East Northport School District this year.

Together, Santo and Linda have contributed more than 65 years of service to the school district and have educated thousands of teachers and students in civic responsibility. They are both founding members of Project PATCH, which is a nationally recognized law and civic education program. Santo and Linda have shown creativity and passion throughout their years as teachers and are an integral force in educating the public about issues in constitutional law and professional development.

As they leave behind their formal roles in the Northport-East Northport School District, they will no doubt continue to educate those within their communities on the values that are so important to Americans.

I am proud to recognize Santo Scarpinito and Linda Skidmore for their invaluable contribution to education.

## RECOGNIZING LYNN AZZOPARDI

## HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 2010*

Ms. SPEIER. Madam Speaker, I rise to honor Lynn Azzopardi for her work with the Millbrae Lions Club. She has been such a tireless volunteer for the past seven and one-half years that some may find it hard to believe that she also works full-time as the administrative assistant in the Kidney Transplant division at Stanford University Medical Clinic in addition to being a busy mother and grandmother.

For the past year Lynn has served as president of the Lions Club where she led the acquisition of a vehicle outfitted to be a mobile kitchen and later used as a "first response" vehicle, not only for Millbrae, but for San Mateo County. Most notably she is the first woman to complete one year of service as president of the Millbrae Lions Club.

The list of projects that Lynn has been involved in is quite impressive. The Opportunity Scholarship Program focuses on students who need an extra boost to meet training and educational goals for future employment or study. The City of Hope Program funds cancer treatment and research. The Family Assistance Program helps families with a need for food,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

clothing and financial aid. She also chaired a pancake breakfast committee that raised money for schools and their students.

Lynn epitomizes the motto of the International Lions Club: We Serve! And therefore, Madam Speaker, I deem that is only fitting for this house to extend its thanks to Lynn Azzopardi as she was honored in Millbrae on June 19, 2010 for completing her term as club president.

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CONGRATULATING CHARLES  
CALLEROS

**HON. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 2010*

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Charles Calleros on being honored by the State Bar of Arizona for his work in mentoring women and minorities. This award, the Committee on Minorities and Women in the Law Award, commends Mr. Calleros for his distinction and efforts on behalf of minorities and women in the legal field.

Mr. Calleros, a professor at the Sandra Day O'Connor College of Law located at Arizona State University, is deeply committed to promoting diversity in the legal field, both nationally and statewide. In 2005, he served as a member of the Minority Affairs Committee of the Law School Admissions Council, which strives to achieve diversity in law school applicants. In 2007, in collaboration with the Hispanic National Bar Association, Mr. Calleros started a mentoring program with the goal of reaching out to students before they graduate high school.

Calleros, who teaches Contracts, International Contracts, and Civil Rights Legislation, has been at ASU since 1981. In addition to his dedication to ASU, Mr. Calleros has been a visiting professor at Stanford Law School and at the University of Santa Clara. Each year, he also teaches a weeklong course in American Contract Law and International Law at the University of Paris.

Through all of these efforts, he strives to be a positive role model for Valley youth and students, and works to help them reach their full educational and leadership potential.

Madam Speaker, please join me in recognizing and congratulating Charles Calleros for his valuable contributions to the Phoenix area.

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TRIBUTE TO THE APPLEWHITE  
FAMILY ON THE OCCASION OF  
THEIR FAMILY REUNION

**HON. G.K. BUTTERFIELD**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 2010*

Mr. BUTTERFIELD. Madam Speaker, I rise to recognize and honor the Applewhite family, which will soon be holding its reunion in my hometown of Wilson, North Carolina from July 2nd through July 4th, 2010.

The family reunion includes the descendants of Mr. and Mrs. Thomas and Dinah

Horne Applewhite, who were born in 1880 and 1884, respectively. They lived in the area of Saratoga and Garner, North Carolina where they raised eight children—Walter, Lonnie, Lossie, Minnie, Almata, Sherman, Mattie and Nettie.

While past reunions have been held individually by the Applewhite descendants, this will be the first reunion to include the entire family. More than 125 family members are expected to come together in Wilson, North Carolina from as far away as Arizona, Utah, California, New York, New Jersey, Virginia, Georgia, and Washington, D.C.

America is truly a nation of families. We take pride in our families and we value family life. Our families teach us the values of loyalty, independence, responsibility and mutual love.

Strong, stable families are our nation's greatest asset. But to remain strong, families must nurture and reinforce their bonds. Family reunions provide a wonderful opportunity to strengthen and preserve those family ties. It is a time to learn, laugh and renew the ties of affection.

Madam Speaker, I ask that my colleagues join me in congratulating the Applewhite family as generations gather for this special occasion. Let their celebration remind us of our own roots, and of the strength and importance of our own families. May their family reunion be a successful event full of happy memories they can pass along to future generations.

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HONORING MARSHA TYSON

**HON. BLAINE LUETKEMEYER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 2010*

Mr. LUETKEMEYER. Madam Speaker, I ask my colleagues to join me in congratulating Marsha Tyson for receiving the Presidential Award for Excellence in Mathematics and Science Teaching (PAEMST) on June 7th.

Ms. Tyson should be commended for her hard work and dedication to the students and community in her school district. The PAEMST is a prestigious award and we are proud that she is representing our great state of Missouri and the 9th District. Advancement in the fields of mathematics and science are integral to the development and competitiveness of America in the future. I am honored to congratulate Ms. Tyson on her outstanding achievement.

It is critical for the future of our country that students have access to a quality education. Without excellent teachers, our schools fail our students and communities. Ms. Tyson exemplifies what it means to be an excellent teacher and her dedication to her students and community is worthy of high praise.

I ask that you join me in recognizing Marsha Tyson for her excellence in the field of science education.

HONORING THE LIFE OF WALTER  
HESSLING

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to recognize Walter Hessling who passed away on November 27, 2009.

Walter was one of those courageous men who chose to serve his community as a firefighter. He was a Captain of the Dix Hills Volunteer Fire Department and served his community valiantly for 32 years.

To all of those who knew and loved him, his untimely death will forever be a reminder of his selflessness. His last heroic moment in the line of duty saved the lives of others who he never met. As time passes, the pain will fade, but the memory of Walter will always remain a shining example of truth and goodness to all of those whose lives he touched.

It is at this time we remember Walter Hessling for his bravery and kindness and for his dedication and service to the Dix Hills Fire Department.

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RECOGNIZING THE HOA HAO BUD-  
DHISM ASSOCIATION'S 71ST AN-  
NIVERSARY

**HON. LORETTA SANCHEZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 2010*

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today, to recognize the Overseas Hoa Hao Buddhism Association's 71st Anniversary of the Founding of Hoa Hao Buddhism. Today, Hoa Hao Buddhism is one of the six most important religions in Vietnam. Through the hardships and trials of Communist Vietnam, Hoa Hao Buddhism still exists with a mass of over four million followers closely united in their faith. In Orange County, the Hoa Hao Buddhist Church is a Member of the Vietnamese Interfaith Council, a body established in order to promote harmony between major religions in Vietnam.

The U.S. Department of State 2009 International Religious Freedom Report indicates that the Vietnamese government continues to persecute and restrict organized activities of religious organizations like Hoa Hao Buddhists. We are continuing to see more and more activists being detained and imprisoned for exercising their freedom of speech, religion and expression. I encourage my colleagues to continue to urge the State Department to redesignate Vietnam as a Country of Particular Concern and fight for those in Vietnam who are putting their lives in danger in the name of freedom.

ON THE PASSING OF FORMER  
GOVERNOR OF TEXAS DOLPH  
BRISCOE, JR.

**HON. CIRO D. RODRIGUEZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 2010*

Mr. RODRIGUEZ. Madam Speaker, Uvalde, TX is a small rural town in my district. Uvalde is known for its plentiful trees and clear springs, but it best known for its two most famous residents: John Nance Garner, also known as Cactus Jack who was Speaker of the House from 1931–1933 and also served as Vice President to Franklin Roosevelt and also Former Governor of Texas and Philanthropist Dolph Briscoe Jr.

Last night, at the age of 87, Governor Briscoe passed away. My thoughts and prayers are with his family and friends and with the people of Uvalde who he loved.

I rise today to honor his legacy. With his passing, Texas lost a legendary figure. He was the first Texas governor from Southwest Texas and one of the great philanthropists of our time.

His generosity has preserved western art and expanded our institutions of higher learning. He served in the Texas Legislature from 1949 to 1957 and then served as Governor from 1973 to 1979. He was truly a champion of the public, signing into law the 1973 Texas Open Records Act guaranteeing the public's right to information about state and local government. He was also responsible for sponsoring legislation that gave Texas its statewide farm-to-market road system. And his role as president of the Texas and Southwestern Cattle Raisers Association in the 1960s improved the agricultural industry immeasurably.

I was proud to name the Uvalde Post Office after Gov. Briscoe in 2007 for his distinguished career in public service. And today, I honor the memory of Gov. Briscoe for his commitment to Texans and a life as a dedicated public servant.

RECOGNIZING DARWIN HINDMAN

**HON. BLAINE LUETKEMEYER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 2010*

Mr. LUETKEMEYER. Madam Speaker, I rise today to recognize Darwin Hindman, the former mayor of Columbia, Missouri, who retired after 15 years of public service, thus becoming the longest-serving mayor in the city's history.

Over the course of his storied career, Mayor Hindman left a significant mark on Columbia's park system by creating Stephens Lake, Flat Branch, and the new South East Regional Park. During his tenure, Columbia grew to over 100,000 residents and saw its downtown greatly improved. Also, as an avid bicyclist, Mayor Hindman transformed Columbia into a more bike-friendly community. It should also be noted that Mayor Hindman has been a great advocate for healthy living and has won numerous awards for his efforts, including the

Leadership for Healthy Communities Award in 2009.

In addition, Mayor Hindman is a past recipient of the Columbia Chamber of Commerce Outstanding Citizen of the Year, University of Missouri Faculty Alumni, Chevron Times Mirror Publications Citizen Conservation, Dr. Martin Luther King, Jr., Memorial Association, and MU College of Arts and Science Distinguished Alumnus awards.

Mayor Darwin Hindman is supported by his wife, Axie, children Skip and Ellen, and four grandchildren. Mayor Hindman served two tours of active duty as a pilot in the U.S. Air Force.

In closing, Madam Speaker, I ask all my colleagues to join me in congratulating former Mayor Darwin Hindman for his service to the city of Columbia.

**TRIBUTE TO CLIFFORD LEE  
CHILDERS**

**HON. HAROLD ROGERS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 2010*

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to pay tribute to the late Clifford Lee Childers, a family man who had a long and distinguished career in Pulaski County Kentucky.

In 1988, Mr. Childers operated the Somerset Financial Center and while there obtained his real estate and insurance licenses. Soon after, Mr. Childers was able to fulfill his lifetime dream of owning a small business when he opened Childers Financial Services. Performing residential and commercial appraisals in 14 counties he managed a very successful company that serves the Lake Cumberland area.

Mr. Childers was a man of faith and served as a deacon for the East Somerset Baptist Church. Always putting God first he strived to be an example to those around him and spread God's Word through his actions. Mr. Childers also proudly served his country. Enlisting in the Kentucky National Guard in 1970, he served until October 1996 and achieved the rank of Colonel.

Family was always Mr. Childers priority. He was married to Charlene Childers for 37 loving years and together they raised 3 children and were blessed with 5 grandchildren. Whether he was with his family at home in Somerset, Kentucky, or at their 'home away from home' in Bluffton, South Carolina, Mr. Childers treasured every moment with his family.

Madam Speaker, I ask my colleagues to join me in memory of Mr. Clifford Lee Childers, a man who tirelessly worked to make the world a better place. His love for life will be truly be missed.

OUR UNCONSCIONABLE NATIONAL  
DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,038,305,786,811.25.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,399,880,040,517.40 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

**RECOGNIZING THOMAS W. LUDLOW  
ASHLEY**

**HON. MICHAEL R. TURNER**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 2010*

Mr. TURNER. Madam Speaker, it is my privilege to join my colleagues to honor the life and work of former Congressman Thomas W. Ludlow Ashley.

Thomas W. Ludlow Ashley served the State of Ohio for 13 terms in the U.S. House of Representatives, from 1955 to 1981. Mr. Ashley served Ohio's 9th District, which includes the city of Toledo and surrounding Lucas County.

He was a graduate of Yale University where one of his classmates was a future President, George H.W. Bush. Ashley graduated from the Ohio State University Law School in Columbus, Ohio in 1951.

Congressman Ashley was the great-grandson of former Congressman James Mitchell Ashley, who also represented Ohio's ninth congressional district, from 1859 to 1869, and co-authored the 13th Amendment that abolished slavery.

Congressman Ashley's work in Congress has proven very important for American cities. He was chairman of a House subcommittee on housing and community development within the Banking Committee.

In this role, Ashley helped write and pass the Housing and Community Development Acts of 1974 and 1977. These important bills paved the way for the Community Development Block Grant program. In recognition of his role as an advocate for affordable housing, Senator Edward Kennedy remarked: "Americans sleep in better homes today because of Lud Ashley."

I join my colleagues in the Ohio delegation in honoring the life of Congressman Thomas W. Ludlow Ashley, and his distinguished service to our State and our Nation.

ON THE OCCASION OF CELEBRATING THE 100TH BIRTHDAY OF MRS. GLADYS HASKINS

**HON. G.K. BUTTERFIELD**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 2010*

Mr. BUTTERFIELD. Madam Speaker, on Saturday, July 17, 2010, friends and family will gather to celebrate the 100th birthday of Mrs. Gladys Haskins in Wilson, North Carolina. Mrs. Haskins is a strong and caring woman who strives to treat everyone well and always tries to do what is right.

The youngest of 12 siblings, Mrs. Haskins was born in Florence, South Carolina on July 3, 1910. Because her family worked as sharecroppers, she had to leave school after the third grade to work. Her family later moved to Wilson, North Carolina where she met and married her husband, Nathan Haskins, Sr.

After living in Washington, DC for a decade, Mrs. Haskins returned to Wilson, North Carolina where she lives to this day. She maintains an interest in gardening, and has been a faithful member of Wilson Chapel Free Will Baptist Church for more than 50 years. And, as the Bible commands in Exodus 20:12, Mrs. Haskins has always sought to honor her father and mother in order to live long in the land the Lord has provided.

Madam Speaker, I ask that my colleagues join me in recognizing Mrs. Gladys Haskins. She is a truly remarkable person deserving of our deepest good wishes as she and her loved ones celebrate her 100th birthday.

HONORING THE LIFE OF FRANK PELLEGRINI

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to recognize Frank Pellegrini, who passed away on March 25, 2010.

Frank touched the lives of people all over Long Island and he will be remembered as a man who showed grace and humility in all aspects of his life. For 40 years, he worked at Farmingdale State College where he served thousands of students and teachers through his roles as an Organic Chemistry teacher and then the Dean of the College of Arts and Sciences.

Frank also served for 35 years as the Chief and Commissioner of the Dix Hills Fire Department where his heroic efforts touched the lives of countless members of the community. Frank possessed extreme bravery and a passion for helping others.

Frank Pellegrini will be remembered by all who were fortunate enough to know him, and his memory will remain a fixture in both institutions where he served for so long.

HOME ENERGY CONSERVATION BONDS

**HON. JIM McDERMOTT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 2010*

Mr. McDERMOTT. Madam Speaker, the main obstacles facing homeowners who want to make their homes more energy efficient are the initial costs and poor access to capital. The legislation I am introducing will give the authority to issue bonds to states and large localities allowing them to issue loans for residential energy efficiency improvements. This legislation will significantly help homeowners who want to renovate their homes for increased energy efficiency. Home Energy Conservation Bonds will help homeowners overcome the upfront capital costs of energy efficiency retrofits, allowing homeowners to drastically reduce their energy and water consumption and pay less each month for their utilities. Only through addressing efficiency and conservation in existing homes will we be able to fully address our nation's addiction to energy. Renovating homes for increased energy efficiency provides a critical economic infusion, helps create new jobs and stimulate local economies. I look forward to working with my colleagues to realize that goal.

HARBOR MAINTENANCE TRUST FUND IMPROVEMENT ACT OF 2010

**HON. LINDA T. SÁNCHEZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 2010*

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise to introduce the Harbor Maintenance Trust Fund Improvement Act of 2010. This bill would strengthen our national economy and international competitiveness.

Our harbors are economic engines for our nation. Because more than 95 percent of overseas trade moves in and out of the United States by ship, harbor infrastructure is vital to the American economy.

Moreover, our harbors create a substantial amount of revenue through the Harbor Maintenance Tax. The tax is imposed on importers and domestic shippers based upon the value of their cargo and is deposited in the Harbor Maintenance Trust Fund.

Fund money is designated for recovering operation and maintenance costs at US coastal and Great Lakes Harbors, particularly for dredging. Yet, our harbors only receive a fraction of the revenue they create. Revenue deposited into the fund far exceeds transfers out of the fund. This led to a balance of almost \$5 billion at the end of fiscal year 2009.

At the same time, the global economic crisis has hit our harbors and many are struggling to make ends meet. It is only fair to give back to our harbors in their times of need. That's why the Harbor Maintenance Trust Fund Improvement Act would expand our harbors' ability to make use of Harbor Maintenance Trust Fund money. The bill would allow them to use the revenue they create not only for maintenance

and dredging needs but also for the costs of Environmental Impact Statements for navigation projects.

Environmental Impact Statements are required whenever the Corps of Engineers is involved in harbor maintenance and development efforts. The Statements serve the federal mission of taking environmental effects of a project into account. Use of Harbor Maintenance Trust Fund resources for this purpose is appropriate and long overdue. Harbors would be relieved of these costs, while the federal mission of assessing the environmental impact of such projects is strengthened.

Please join me in helping our harbors with this sensitive relief. I urge my colleagues on both sides of the aisle to support this important bill.

GEOTHERMAL ENERGY INVESTMENT ACT

**HON. EARL BLUMENAUER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 2010*

Mr. BLUMENAUER. Madam Speaker, I rise today in support of the Geothermal Energy Investment Act. This legislation will extend a 30 percent investment tax credit for geothermal energy through December 31, 2016, providing parity with the solar investment tax credit. This longer-term incentive will support substantial growth in utility scale geothermal power, distributed on-site power generation, and heating for buildings and commercial processes, while using clean and renewable American energy.

Geothermal energy facilities supply environmentally-friendly baseload power while producing very low emissions. Once installed, geothermal power is incredibly reliable, with average availabilities of 90 percent or higher (compared to about 75 percent for coal plants). The United States has more geothermal capacity than any other country. In fact, if we could recover this entire resource base, our domestic resources are equivalent to a 30,000-year energy supply at our current levels of consumption. Geothermal energy resources are present in all 50 U.S. States today, and in California more than 40 geothermal plants provide nearly five percent of the State's electricity.

To access this capacity, however, developers of this power source need assistance ameliorating the risks associated with geothermal energy investment. While the costs for electricity from geothermal facilities are declining, these installations are complex, long-term projects. There are significant costs involved with the exploration and development of these installations, and significant risks that the forecast resources are unavailable. The short-term incentives currently in the tax code limit long-term efforts to develop these resources.

The legislation also seeks to encourage growth of new geothermal technologies, in particular small power production and direct heat uses. New technology allows geothermal power to be generated and used on-site, such as the new power generation equipment installed at Oregon Institute of Technology.

Small, distributed geothermal power generation is being explored in many new areas, from Oregon to Texas and North Dakota. This proposal will encourage the development of those technologies by extending the 30 percent credit to them as well.

I look forward to working with my colleagues to pass this important legislation.

ON THE BIRTH OF PATRICK AND  
BRENDAN RILEY

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 2010*

Mr. WILSON of South Carolina. Madam Speaker, I am happy to congratulate Jeffery Charles Riley and his wife Scarlett Diann Hutson Riley on the birth of their new baby twin boys. Patrick Sean Riley and Brenden Oscar Riley were born on June 22, 2010 weighing 5 pounds, 13 oz. and 5 pounds, 3 oz., respectively at Torrance Memorial Center of Torrance, California. Brendan is a little taller at 19 inches than his brother at 17¾ inches.

I am so excited for this new blessing to the Riley family and wish them all the best as we know they will certainly have their hands full! I want to congratulate Patrick and Brendan's grandparents Charles and Debby Riley of Torrance, California, and Marion and Margaret Hutson of Cayce, South Carolina, on this wonderful new extension of their family.

RECOGNIZING THE ONE-YEAR AN-  
NIVERSARY OF FORMER HON-  
DURAN PRESIDENT MANUEL  
ZELAYA'S REMOVAL FROM  
POWER

**HON. CONNIE MACK**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 2010*

Mr. MACK. Madam Speaker, one year ago today, on June 28, 2009, the Honduran people chose to uphold their Constitution and the rule of law by removing former President Manuel Zelaya from power, a close ally of Venezuelan strongman Hugo Chavez who was taking the Honduran people down the path of less freedom.

But even though the Honduran people were following the rule of law, the international community punished them for instituting what they believed to be a "military coup." Honduras was suspended from the Organization of American States, OAS, and had their vital U.S. assistance temporarily frozen, causing them to permanently lose part of their Millennium Challenge Corporation project.

Even in the face of adversity (as well as a devastating tropical storm and the worst draught in 25 years), Honduras continued its fight for democracy and the rule of law. They withdrew from ALBA, an organization of leftist states in Latin America; they created a new human rights officer to respond to increasing attacks on journalists in their country; and their interim president, Roberto Micheletti, oversaw

a peaceful, free and fair presidential election in November.

Honduras was able to accomplish great things for its democracy, all while dealing with charges and visits from our own government, which was focused not on helping our friend and ally, but shaming and threatening them into rewriting history.

A year after standing up to a ruthless leader who attempted to dismiss the country's constitution in an effort to maintain power, the Honduran people have their sights set on their nation's future.

President Lobo inherited a country that was in the worst shape it had been in over the past 40 years: a dire economic situation, a growing number of attacks on journalists, and a sharp increase in drug trafficking by illegal gangs. In fact, according to a Reuters report, some 1,600 people died in drug violence in Honduras in 2009.

Unfortunately, as a result of the shortsighted interference by the United States, the Lobo Administration has been forced to place its first focus on rebuilding its diplomatic relations with the international community, rather than tackling the many problems within their nation.

As we continue to work with Honduras to overcome the challenges it faces in providing freedom, security and prosperity to the Honduran people, I call on the State Department to provide one clear message: those who look conformity directly in the face, and choose the fight of freedom, are the heroes required to build a free and fair society, and will always have a place as a friend and ally of the United States.

I take this opportunity today, on the one-year anniversary of the removal of former President Manuel Zelaya, to encourage the Honduran people to continue their fight for freedom, security and prosperity, and I pledge my continued support for them in this noble goal.

RECOGNIZING NATIONAL ESIGN  
DAY

**HON. JIM McDERMOTT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 28, 2010*

Mr. McDERMOTT. Madam Speaker, I rise to support the designation of June 30 as National ESIGN Day. National ESIGN Day will commemorate the 10th anniversary of the signing of the Electronic Signatures in Global and National Commerce Act (ESIGN), which has transformed how interstate commerce and business is conducted.

The advent of e-signatures has brought immeasurable benefit to consumers and the business community, providing for increased consumer convenience, and reduced costs. E-signatures have significantly increased transaction speed and closure rates, saving time and money for businesses, and provide secure and predictable outcomes with fewer errors.

Recognizing June 30 as National ESIGN Day acknowledges the previous contribution made by the Congress to adopt modern solutions that keep our nation on the leading tech-

nological edge and reaffirms the Congress's commitment to more efficient and environmentally conscious business practices. I represent the city of Seattle—one of the world's greatest technology hubs—where the Electronic Signatures Act has greatly enhanced the ability of companies to remain competitive and active with companies from around the globe.

The first agreement signed with electronic signatures by sovereign nations happened in 1998 between the United States and Ireland. Since then, electronic signature technology has significantly strengthened global communications. New strides are made every day in this area. Just this past spring, the Federal Housing Administration announced that it will now accept e-signed third party documents which will help expedite real estate transactions. Less than two weeks ago, the Utah Supreme Court ruled to allow electronic signatures on petitions in the election process, becoming the first state in the nation to do so.

I would especially like to acknowledge Seattle-based electronic signature management platform provider DocuSign for being champions in the electronic signatures industry and for spearheading the coalition to mark June 30 as National ESIGN Day.

Dozens of industries and associations have offered their support for this resolution to celebrate the advancements that have been made in the past decade, and more importantly, to encourage even more rapid adoption of electronic signatures in the future.

This resolution enjoys the support of several companies and industry leaders, including DocuSign, Inc., Electronic Signature and Records Association, Consumer Mortgage Coalition, National Association of REALTORS, Insured Retirement Institute, CML America, USAA, Adobe Systems, Sallie Mae, Fidelity National Financial, Fiserv, eOriginal, Silanis Technology, AlphaTrust Corporation, AssureSign, LLC, Amica Mutual Insurance Company, First Marblehead, Flagstar Bank, Quicken Loans, IMM, Stewart Lender Services, Ellie Mae, MERS, MISMO, EverBank, SigniaDocs, Inc., Encomia, Direct Mortgage Corp., Digital Docs, Inc., Relevant Technologies, Magnolia Technologies, Simplifile, eSignSystems (a division of Wave Systems Corp.), Realtime Solutions Group, LLC, Lending Tree, and the Pennsylvania Association of Notaries.

This resolution honors the forethought and vision of those who worked to pass the landmark Electronic Signatures in Global and National Commerce Act ten years ago. The passage of that bill paved the way for American companies to operate globally, and it is truly a victory for every businesses and governmental agency looking to increase productivity and efficiency. Let us recognize June 30 as national ESIGN Day.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference.

This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 29, 2010 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

JUNE 30

Time to be announced

## Judiciary

To continue hearings to examine the nomination of Elena Kagan, of Massachusetts, to be an Associate Justice of the Supreme Court of the United States.

SH-216

9 a.m.

## Environment and Public Works

Business meeting to consider S. 3305, to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, S. 3515, to authorize and enhance the programs of the Department of the Interior relating to the detection of, response to, and mitigation and cleanup of oil spills on Federal land managed by the Department, S. 1311, to amend the Federal Water Pollution Control Act to expand and strengthen cooperative efforts to monitor, restore, and protect the resource productivity, water quality, and marine ecosystems of the Gulf of Mexico, an original bill entitled, "Columbia River Basin Restoration Act of 2010", S. 3073, to amend the Federal Water Pollution Control Act to protect and restore the Great Lakes, S. 3539, to amend the Federal Water Pollution Control Act to establish a grant program to assist in the restoration of San Francisco Bay, H.R. 4715, to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, S. 1816, to amend the Federal Water Pollution Control Act to improve and reauthorize the Chesapeake Bay Program, S. 2739, to amend the Federal Water Pollution Control Act to provide for the establishment of the Puget Sound Program Office, S. 3119, to amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship, S. 3481, to amend the Federal Water Pollution Control Act to clarify Federal responsibility for stormwater pollution, S. 3354, to redesignate the North Mississippi National Wildlife Refuges Complex as the Sam D. Hamilton North Mississippi National Wildlife Refuges Complex, and H.R. 3562, to designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the "James Chaney, Andrew Goodman, and Michael Schwerner Federal Building", and a proposed reso-

lution relating to the General Services Administration.

SD-406

9:30 a.m.

## Agriculture, Nutrition, and Forestry

To hold hearings to examine farm bill reauthorization, focusing on maintaining our domestic food supply through a strong United States farm policy.

SR-328A

## Energy and Natural Resources

Business meeting to consider S. 3516, to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf.

SD-366

## Indian Affairs

Business meeting to consider pending calendar business; to be immediately followed by an oversight hearing to examine diabetes in Indian country and beyond.

SD-628

10 a.m.

## Commerce, Science, and Transportation

To hold hearings to examine the Deepwater Horizon tragedy, focusing on holding industry accountable.

SR-253

## Homeland Security and Governmental Affairs

To hold hearings to examine nuclear terrorism, focusing on strengthening our domestic defenses, part 1.

SD-342

## Banking, Housing, and Urban Affairs

## Housing, Transportation and Community Development Subcommittee

To hold hearings to examine green housing for the 21st century, focusing on retrofitting the past and building an energy-efficient future.

SD-562

2 p.m.

## Aging

To hold hearings to examine drug waste and disposal, focusing on when prescriptions become poison.

SD-106

2:30 p.m.

## Homeland Security and Governmental Affairs

## Contracting Oversight Subcommittee

To hold hearings to examine interagency contracts (part II).

SD-342

JULY 1

Time to be announced

## Judiciary

To continue hearings to examine the nomination of Elena Kagan, of Massachusetts, to be an Associate Justice of the Supreme Court of the United States.

SH-216

9 a.m.

## Judiciary

Business meeting to consider H.R. 1933, to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and H.R. 2765, to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services.

SD-226

9:30 a.m.

## Energy and Natural Resources

To hold hearings to examine S. 3452, to designate the Valles Caldera National Preserve as a unit of the National Park System.

SD-366

## Veterans' Affairs

To hold hearings to examine veterans' claims processing, focusing on if current efforts are working.

SR-418

10 a.m.

## Commerce, Science, and Transportation

## Consumer Protection, Product Safety, and Insurance Subcommittee

To hold hearings to examine protecting youths in an online world.

SR-253

## Health, Education, Labor, and Pensions

## Employment and Workplace Safety Subcommittee

To hold hearings to examine workplace safety and worker protections at BP.

SD-430

## Foreign Relations

To hold hearings to examine navigating the global economy, focusing on implications for the United States.

SD-419

2:30 p.m.

## Homeland Security and Governmental Affairs

## Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine preventing and recovering government payment errors.

SD-342

## Energy and Natural Resources

## Water and Power Subcommittee

To hold an oversight hearing to examine the Federal response to the discovery of the aquatic invasive species Asian carp in Lake Calumet, Illinois.

SD-366

## Intelligence

To hold closed hearings to consider certain intelligence matters.

SH-219

JULY 2

9:30 a.m.

## Joint Economic Committee

To hold hearings to examine the employment situation for June 2010.

SD-106

JULY 21

9:30 a.m.

## Veterans' Affairs

To hold hearings to examine improvements to the post-9/11 Government Issue (GI) Bill.

SR-418

AUGUST 5

9:30 a.m.

## Veterans' Affairs

Business meeting to consider pending calendar business.

SR-418

SEPTEMBER 22		SEPTEMBER 23	
9:30 a.m.	Veterans' Affairs	9:30 a.m.	Veterans' Affairs
	To hold hearings to examine a legislative presentation focusing on the American Legion.		To hold an oversight hearing to examine Veterans' Affairs disability compensa-
	345, Cannon Building		tion, focusing on presumptive disability decision-making.
			SR-418